

# Special Exception

## SPECIAL EXCEPTION

CASE # C15-2014-0070

ROW # 1123518

TAX # 0118010239

### CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 1610 Northwood Road

LEGAL DESCRIPTION: Subdivision – Edgemont

Lot(s) 27&E. 25' of 28 Block        Outlot        Division       

I Jim Bennett as authorized agent for Tim Smith

       affirm that on 4/16/14 hereby apply for a hearing before the Board of

Adjustment for consideration for a **special exception** to

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A carport providing a rear yard setback of 1.8 ft.

       in a SF-3NP district.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of**

your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because: \_\_\_\_\_

**SPECIAL EXCEPTION**

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

**SPECIAL EXCEPTION**

The hardship is not general to the area in which the property is located because:

**SPECIAL EXCEPTION**

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

**SPECIAL EXCEPTION**

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:  
\_\_\_\_\_

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:  
\_\_\_\_\_

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jim Bennett Mail Address 11505 Ridge Dr.

City, State & Zip Austin, TX 78748

Printed Jim Bennett Phone 512-282-3079 Date 2/4/14

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Tim Smith Mail Address 1610 Northwood Rd.

City, State & Zip Austin, TX 78703

Printed Tim Smith Phone (512) 476-1245 Date 2/4/14



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2014-0070  
Address: 1610 NORTHWOOD ROAD



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 167'

SUMMIT PLACE  
BK. 3 PG. 23

SCALE: 1" = 30'

## LEGEND

- IRON ROD FOUND
- IRON ROD SET
- PIPE FOUND
- ▲ NAIL FOUND
- WOOD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- P.U.E. PUBLIC UTILITY ESMT.
- D.E. DRAINAGE ESMT.
- B.L. BUILDING LINE
- POWER POLE
- OVERHEAD ELEC. LINE
- DOWN GUY
- (BRG.-DIST.) RECORD CALL

LOT  
28COVERED  
CONCRETE

BRICK

POOL

DECK

ONE STORY  
WOOD FRAME  
RESIDENCE

DECK

BRICK WALL

BRICK WALL

LOT  
27

(25.0')

(50.0')

N 60°00'00"W 75.00'  
(N 60°00'W 75.00')

SURVEY REVIEWED

EXAMINER

DATE

APPROVED FOR SURVEY DELETION

SURVEY NOT ACCEPTABLE

SURVEY REVIEWED

EXAMINER

DATE

APPROVED FOR SURVEY DELETION

SURVEY NOT ACCEPTABLE

## NORTHWOOD (60' R.O.W.) ROAD

## Notes:

1. This lot is subject to restrictive covenants and esmts. recorded in Vol. 472, Pg. 359, Deed Records of Travis County, Texas.
2. This lot is subject to a tel. line esmt. recorded in Vol. 445, Pg. 522, Deed Records of Travis County, Texas.

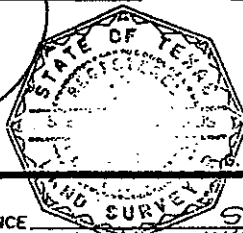
HERITAGE TITLE CO. &  
SECURITY UNION TITLE INSURANCE CO.

TO THE OWNERS, LIENHOLDERS AND

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE C AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, PANEL NO. 480624 00 75 B EFFECTIVE 9-2-1981.

DATE



S.F. No. 213186

## McANGUS SURVEY COMPANY

1101 CAPITOL OF TEXAS HIGHWAY, SOUTH

SUITE E-230

AUSTIN, TEXAS 78746

(512) 320 - 9302

## REFERENCE

ADDRESS 1610 NORTHWOOD ROAD

LEGAL DESCRIPTION LOTS 27 &amp; THE EAST 25' OF LOT 28, BLOCK 6, EDMONT VOL. 3, PG. 131, TRAVIS COUNTY PLAT RECORDS.

JOB NO. 92-224-004 FIELD BOOK 157A/61

§ 25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2016;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code; or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).








*Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.*

CITY OF AUSTIN DEVELOPMENT WEB MAP

2003 Aerial



Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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