

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, May 12, 2014

CASE NUMBER: C15-2014-0049

Jeff Jack
Michael Von Ohlen
Ricardo De Camps
Bryan King
Fred McGhee
Melissa Hawthorne
Sallie Burchett

OWNER/APPLICANT: James R Ferguson

ADDRESS: 2327 SANTA RITA ST

VARIANCE REQUESTED: The applicant has requested a **Special Exception** from Section 25-2-476 of the General Provisions Regulations in order to maintain an existing carport 0 feet from the east side property line (5 feet required) and 12 feet from the front property line (25 feet required) in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

BOARD'S DECISION: The public hearing was closed on Board Member Fred McGhee motion to Postpone to May 12, 2014, Board Member Fred McGhee second on a 7-0 vote; **POSTPONED TO MAY 12, 2014.**

MAY 12, 2014 POSTPONED TO JUNE 9, 2014

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, April 14, 2014

CASE NUMBER: C15-2014-0049

☐ Y ☐ Jeff Jack
☐ Y ☐ Stuart Hampton
☐ Y ☐ Ricardo De Camps
☐ Y ☐ Bryan King
☐ Y ☐ Fred McGhee **2nd the Motion**
☐ Y ☐ Melissa Hawthorne **Motion to PP to May 12, 2014**
☐ Y ☐ Sallie Burchett

APPLICANT: James R, Ferguson

OWNER: James R, Ferguson

ADDRESS: 2327 SANTA RITA ST

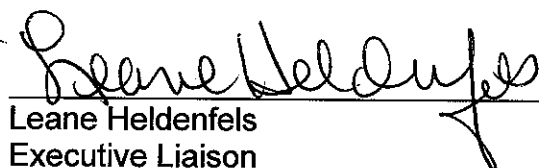
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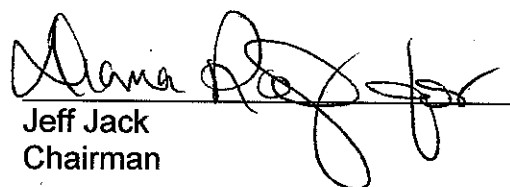
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Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman



N



SUBJECT TRACT



ZONING BOUNDARY

C15-2014-0049
CASE#: 2327 SANTA RITA
LOCATION:



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 Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2014-0049, 2327 Santa Rita

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, April 14th, 2014

Maria C Ramirez ETHL

Your Name (please print)

☐ I am in favor
☒ I object

2607 E. 3rd St / 2407 E. 2nd St.

Your address(es) affected by this application

Mona E Ramsey

Signature

4/7/14

Date

Daytime Telephone: (512) 477-2619

Comments: It will be too close to other property, could also reduce parking which is really bad in East Austin, etc.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2014-0049, 2327 Santa Rita

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, April 14th, 2014

Francisco Rodriguez

Your Name (please print)

☐ I am in favor
☒ I object

2409 E 2nd st AUSTIN, TX 78702

Your address(es) affected by this application

Francisco Rodriguez

Signature

4/4/2014

Date

Daytime Telephone: 512-478-0629

Comments: if the application is passed, there
would expect the City of Austin to
grant me a Special Exception when I
rebuild my garage / can put less than
5 feet from

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2014-0049
ROW # 11103998
TAXROLL # 0202100322

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

Special Exception

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

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

STREET ADDRESS: 2327 Santa Rita St. Austin, TX 78702

LEGAL DESCRIPTION: Subdivision - Industrial Add

Lot(s) 6 Block 1 Outlot 10 Division O

I/We James Ferguson on behalf of myself/ourselves as authorized agent for
James Ferguson affirm that on February 14th, 2014

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL X MAINTAIN

A carport that currently sits within 5 feet of my property line, but not over the property
line, that has been standing since at least 1997.

*Also, has front
setback encroachment*

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

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.



SPECIAL EXCEPTION INSPECTION



Address:	2327 Santa Rita
Permit Number:	2014-024798
Property Owner Requesting Special Exception:	Chip Ferguson

Special Exception Requested:

Front and side yard carport encroachment

Date Structure was originally constructed: dated with GIS to 1997

Date of Inspection:	03-19-2014
Building Official or designated representative	Tony Hernandez
	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property
X	<p>The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection:</p> <ol style="list-style-type: none">1. Substandard construction, complete roof structure removed and replaced without permits or inspections

§ 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:

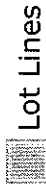
- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
- (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
- (3) the Board finds that:
 - (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.

Legend



Lot Lines



Streets



Building Footprints



Named Creeks



Lakes and Rivers



Parks



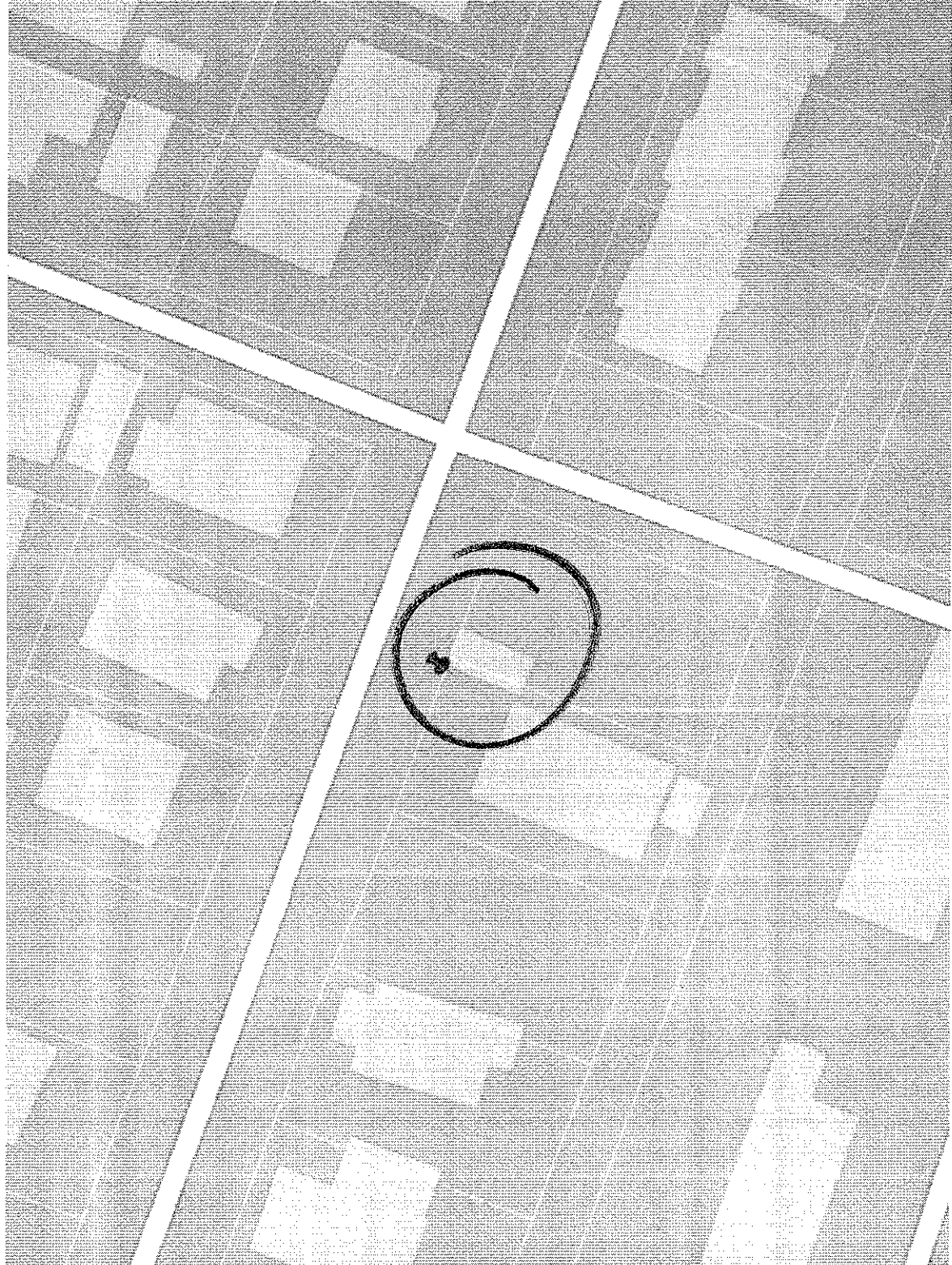
County



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Legend

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



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