

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

## SPECIAL EXCEPTION

CASE #

ROW

015-204-0083  
# 11147450  
02-3204-0232

### 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: 2005 Karen Ave.

LEGAL DESCRIPTION: Subdivision - Brentwood Terrace

Lot(s) 8 Block D Outlot \_\_\_\_\_ Division \_\_\_\_\_

We, Scott and Samantha Weatherford, on behalf of ourselves as owner of the  
above-described property, affirm that on May 9, 2014, hereby apply for a  
hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

An existing carport extension with the following requested special exception or variance:

- (1) existing front yard setback from 25' to 19' for approximately 20 feet along the North  
property line as allowed in a SF-3-NP 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.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE: SPECIAL EXCEPTION**

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

The site is developed with a single-family residence constructed in 1955. In 1984, the previous owners applied for and obtained a building permit to construct an extension to the carport. The building permit was never closed and has now expired. The existing carport extension (which covers an existing concrete driveway) extends 5' 0¼" into the 25' front yard setback as set forth in Section 25-2-492(D).

The Owners are proposing reasonable use of the existing carport over the exiting concrete through the proposed variance or special exception.

**HARDSHIP: SPECIAL EXCEPTION**

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

The existing carport extension was established at this site in 1984, over 25 years ago. The Owners purchased the site in June 2013. Because the building permit for the carport extension was not closed out (and cannot be closed out due to the zoning violation), the Owners cannot acquire any other building permits, including those necessary to ensure the safety and wellbeing of the Owners such as electric permits for an upgrade to the main electrical service.

The Owners should be allowed to continue as a legal non-conforming use considering the length of time at this site without any prior zoning violations or building code issues. There was no change in parking or any other existing site development characteristic.

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

The Owners are unaware of any other pre-existing carport extensions that extend into the front yard or side yard setbacks.

**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:*

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.


The use has existed for approximately thirty (30) years at this location and has not had a negative impact on adjoining residential uses and has not impaired the purpose of the regulations, will not alter the character of the area, and will not impair the use of adjacent property. There have been no complaints.

The Owners contend that the carport extension qualifies as a Special Exception under § 25-2-476 for the following reasons:

1. The residential use of the carport extension is allowed in SF-3-NP;
2. A building official has performed an inspection and determined that the violation does not pose a hazard to life, health, or public safety;
3. The carport extension has existed for at least ten years (*See Exhibit A*).
4. The carport extension is a permitted use or a nonconforming use;
5. The carport extension does not share a lot with more than one other primary residence;
6. Granting a special exception would not alter the character of the area, impair the use of adjacent property, or grant a special privilege inconsistent with other properties in the area.

**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:  Mail Address 2005 Karen Ave.

City, State & Zip Austin, Texas 78757

Printed Scott Weatherford Phone (512) 236-2073 Date \_\_\_\_\_




**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:  Mail Address 2005 Karen Ave.

City, State & Zip Austin, Texas 78757

Printed Scott Weatherford Phone (512) 236-2073 Date \_\_\_\_\_



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0083  
Address: 2005 KAREN AVE



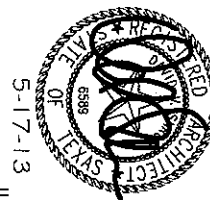
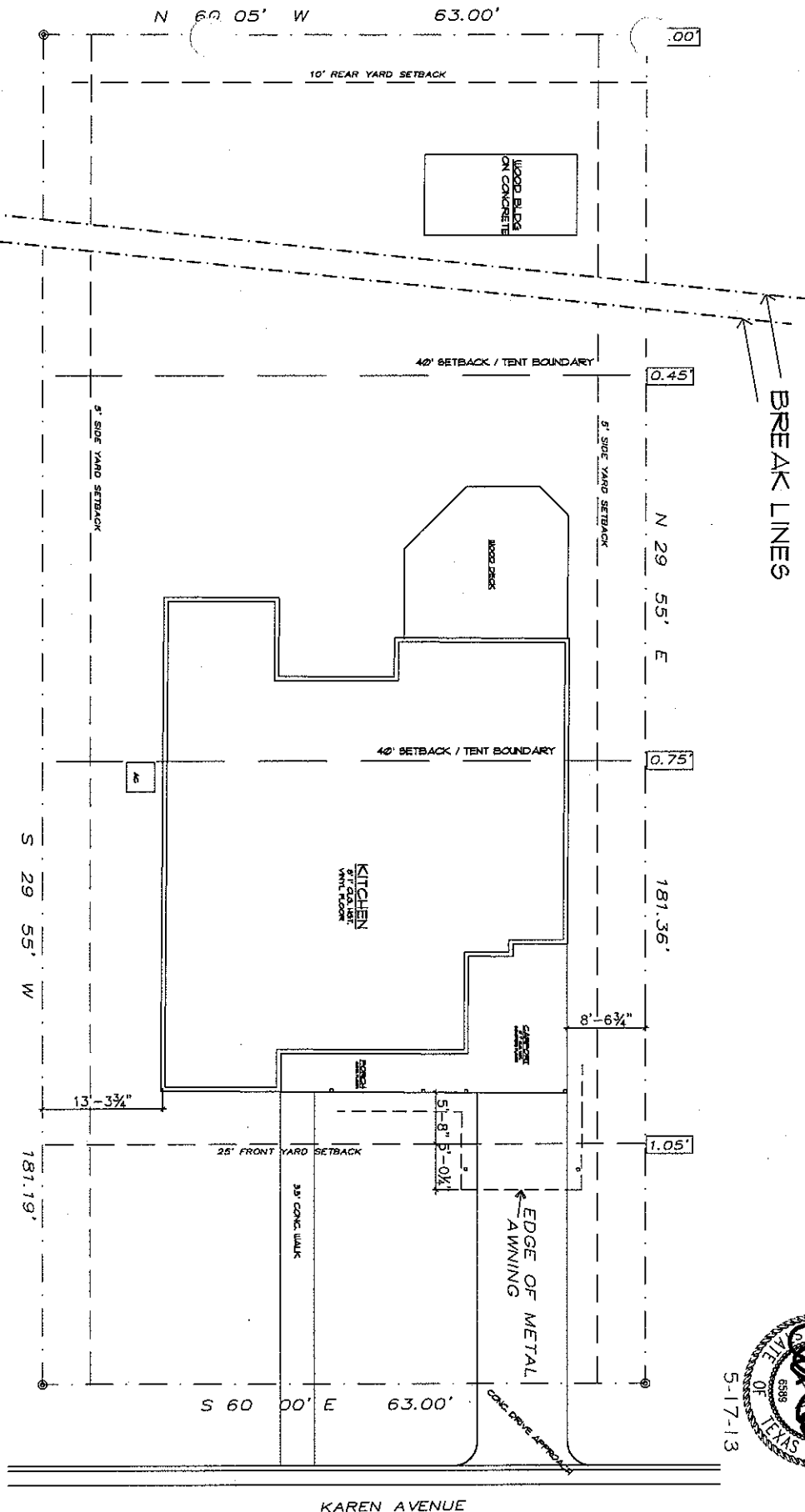
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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1" = 200'



EXISTING SITE PLAN  
1" = 10' - 0"  
GRAPHIC SCALE



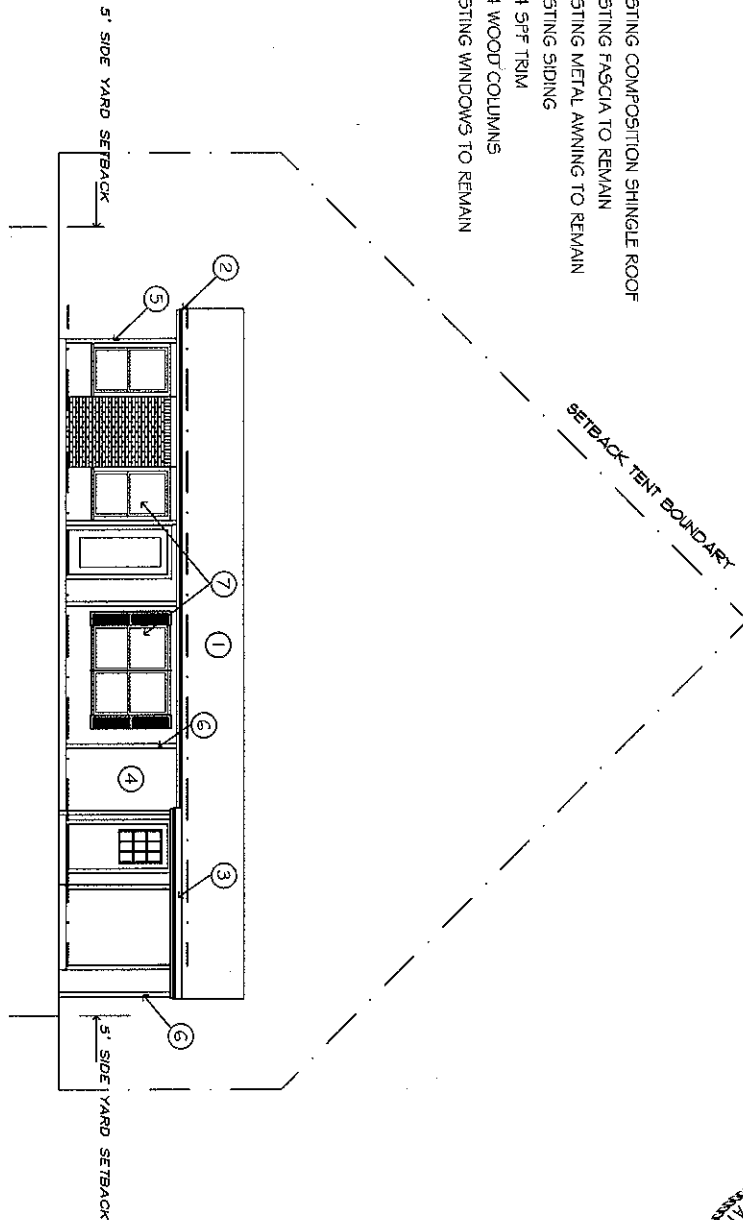
Sheet No.  
RA-1  
OF 4  
Drawn by DVS  
Date: 5-17-13

Existing Residence for  
**ANTHONY & AMANDA GRIFFIN**  
2005 Karen Avenue Austin, Texas 78757

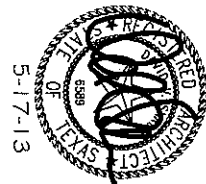
**David V. Shrum, Architect**  
Architecture Construction Management (512) 498 - 8808  
1015 West 34th Street Austin, Texas 78705  
Former Member of American Institute of Architects & Texas Society of Architects

Special Exception

- ① - EXISTING COMPOSITION SHINGLE ROOF
- ② - EXISTING FASCIA TO REMAIN
- ③ - EXISTING METAL AWNING TO REMAIN
- ④ - EXISTING SIDING
- ⑤ - 1x4 SPF TRIM
- ⑥ - 4x4 WOOD COLUMNS
- ⑦ - EXISTING WINDOWS TO REMAIN



EXISTING NORTH ELEVATION  
1/8" = 1' - 0"

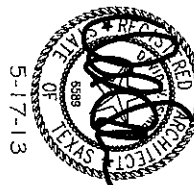
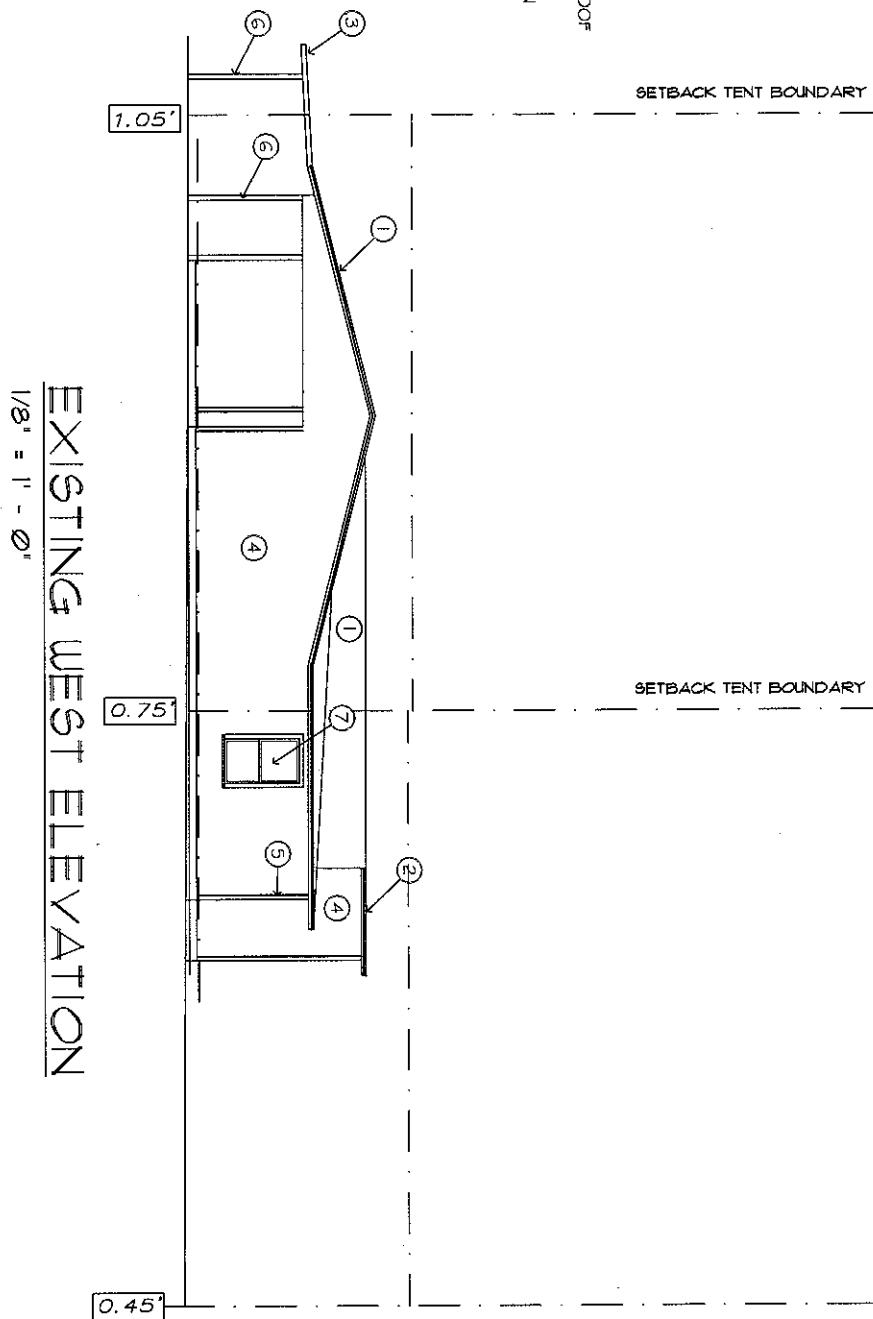


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- ② - EXISTING FASCIA TO REMAIN
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Sheet No.  
RA-3  
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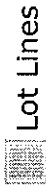


CITY OF AUSTIN DEVELOPMENT WEB MAP

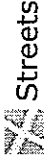
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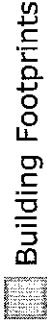
Legend



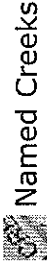
Lot Lines



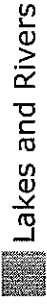
Streets



Building Footprints



Named Creeks



Lakes and Rivers



Parks



County

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