

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

DATE: Monday, June 9, 2014

CASE NUMBER: C15-2014-0083

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Ricardo De Camps
☐ Y ☐ Bryan King **2nd the Motion**
☐ Y ☐ Stuart Hampton
☐ Y ☐ Melissa Hawthorne **Motion to PP to July 14, 2014**
☐ Y ☐ Will Schnier - Sallie Burchett(absent)

OWNER/APPLICANT: Scott, Weatherford

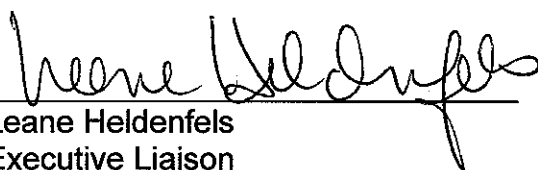
ADDRESS: 2005 KAREN AVE

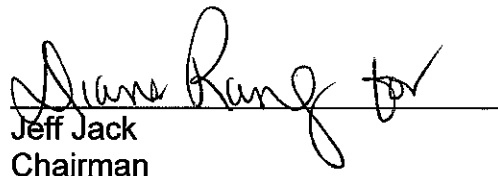
VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 in order to maintain an existing carport in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Brentwood)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to July 14, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO JULY 14, 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



SPECIAL EXCEPTION INSPECTION



Address:	2005 Karen Ave.
Permit Number:	2014-052480
Property Owner Requesting Special Exception:	Scott Weatherford

Special Exception Requested:

Carport front yard encroachment

Date Structure was originally constructed: 1984 expired permit

Date of Inspection:	05-22-2014
Building Official or designated representative	Tony Hernandez
X	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
	<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.

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 application. 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 will be sent.

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. Your comments will become part of the public record.

Case Number: C15-2014-0083, 2005 Karen Ave.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

DIANE E. JAMONE R

Your Name (please print)

☒ I am in favor
☐ I object

2010 KAREEN AVENUE, AUSTIN TX 78757

Your address(es) affected by this application

Diane E. Jamone

Signature

Date

Daytime Telephone: (512) 453-8507

Comments:

Note: Any responses received will become part of the public record of this case

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

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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 application. 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 will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that 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 300 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. Your comments will become part of the public record.

Case Number: C15-2014-0083, 2005 Karen Ave.

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

Olga Mae McClure

Your Name (please print)

☒ I am in favor
☐ I object

2003 Karen Ave Austin TX 78757

Your address(es) affected by this application

OM McClure

Signature

May 31 2014

Date

Daytime Telephone: *(512) 423-5378*

Comments:

Carports are very necessary with Texas sun + heat during summer months; I was able to contact my carport builder at construction in 1955 to a garage which I use 24/7.

I live in the original "Garden Home" (Garden House) original owners.

Note: Any responses received will become part of the public record of this case

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

Or fax to (512) 974-2934

Or scan and email to leaneheldenfels@austintexas.gov

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. Your comments will become part of the public record.

Case Number: C15-2014-0083, 2005 Karen Ave.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

Karl H Schlessinger

Your Name (please print)

☒ I am in favor
☐ I object

2004 Karen Ave.

Your address(es) affected by this application

Karl H Heldenfels

Signature

5-31-2014

Date

Daytime Telephone: 512-452-1132

Comments:

Note: Any responses received will become part of the public record of this case

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

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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 application. 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 will be sent.

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. Your comments will become part of the public record.

Case Number: C15-2014-0083, 2005 Karen Ave.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, June 9th, 2014

MARY B. ADAMS

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

2007 Karen Ave
Signature: Mary B. Adams
Date: 6/2/14

Daytime Telephone: 512-468-2050

Comments: We have no issues with the capat.

Note: Any responses received will become part of the public record of this case

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

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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

SPECIAL EXCEPTION

CASE # C15-204-2083
ROW # 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 X 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

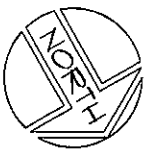
CASE#: C15-2014-0083
Address: 2005 KAREN AVE



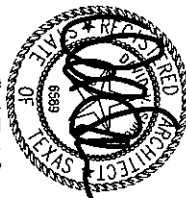
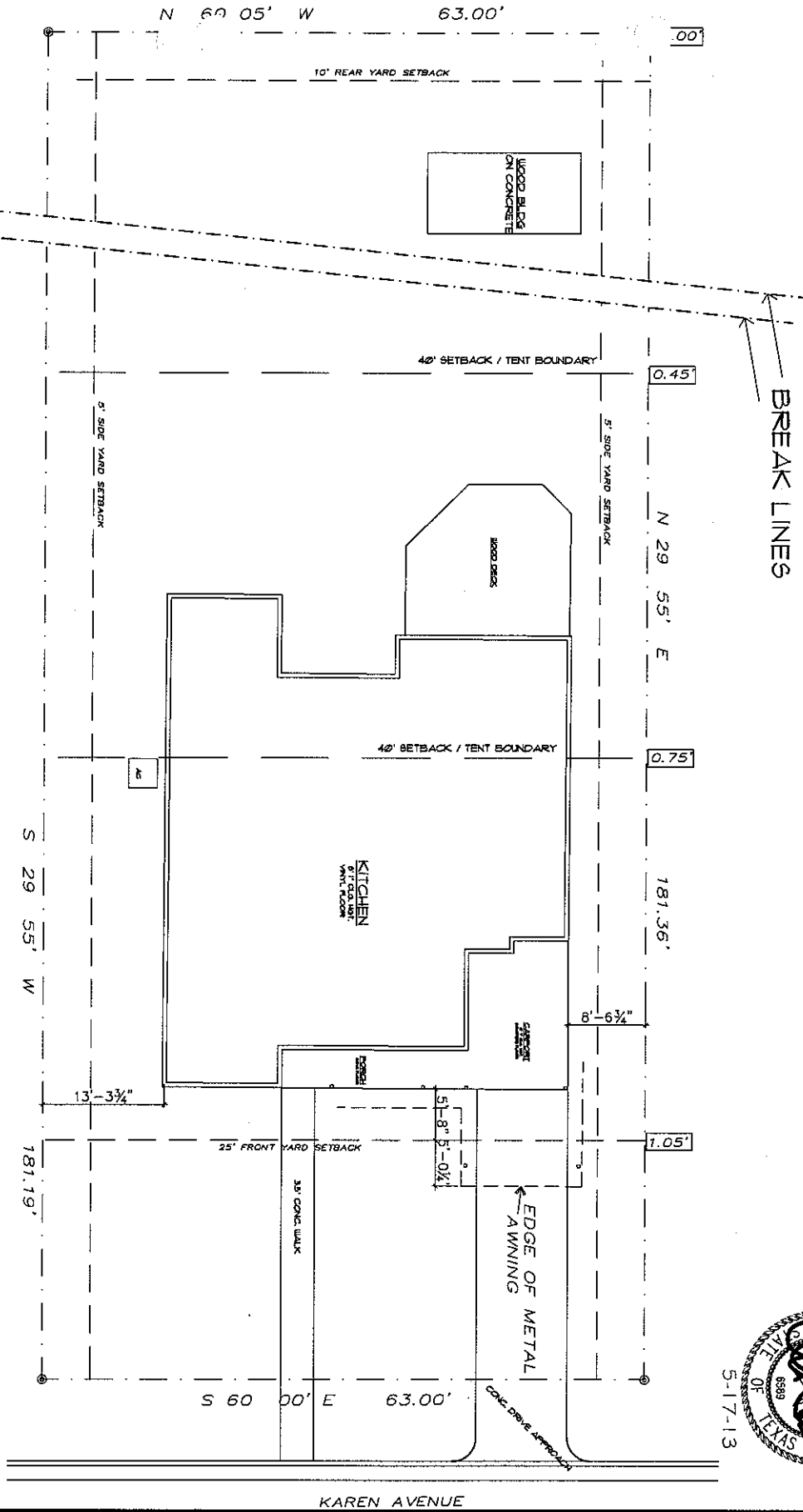
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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" = 200'



EXISTING SITE PLAN



KAREN AVENUE

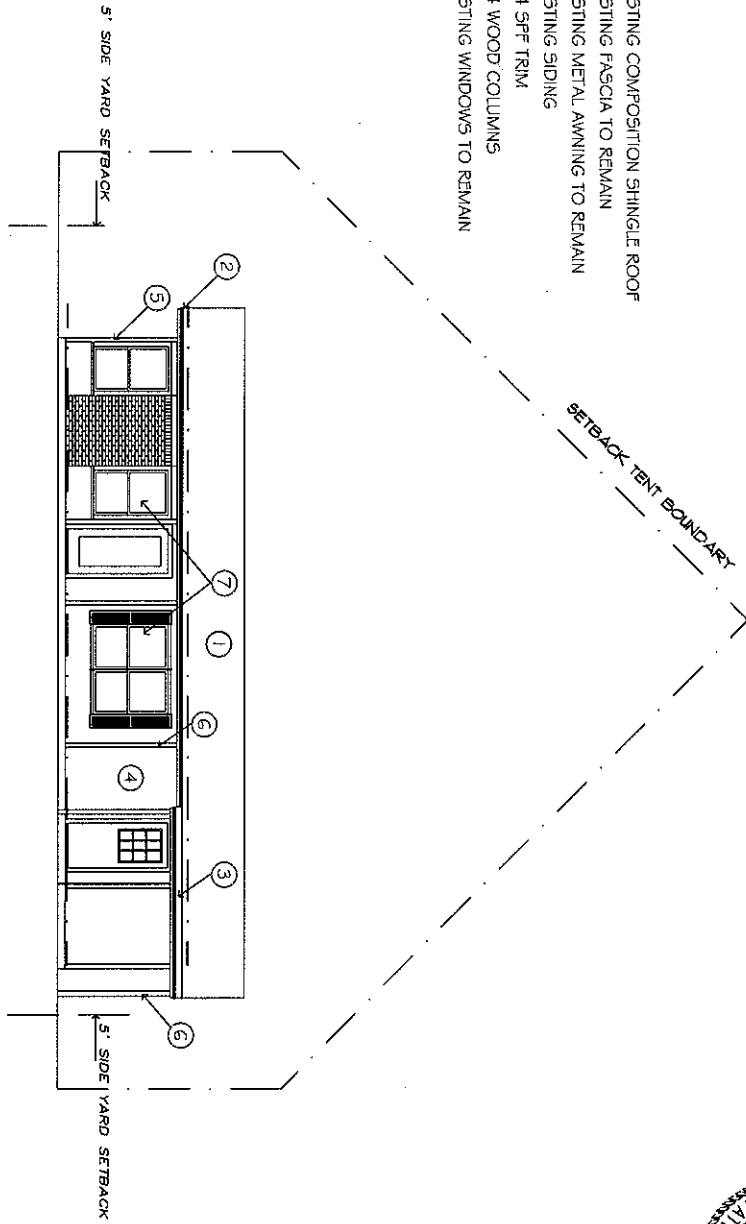
Sheet No.
RA-1
OF 4
Drawn by DVS
Date: 5-17-13

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

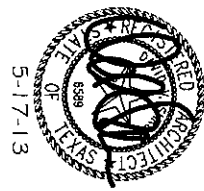
David V. Shrum, Architect
Architecture Construction Management (612) 496 - 6806
1016 West 34th Street Austin, Texas 78705
Former Member of American Institute of Architects & Texas Society of Architects

Special Exception

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



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

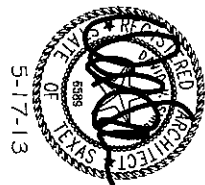
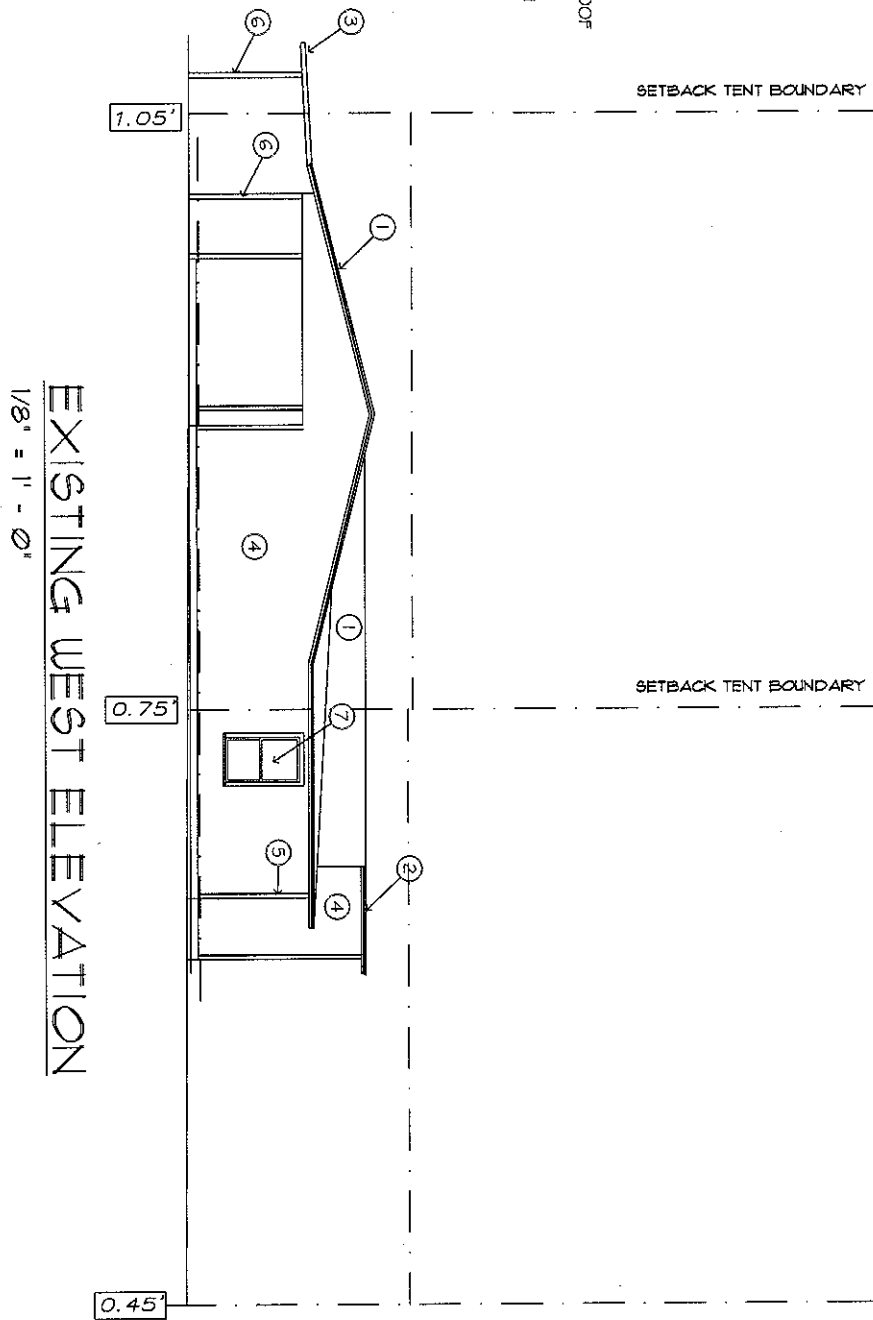


Sheet No.
RA-2
Of 4
Drawn by DVS
Date: 5-17-13

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

David V. Shrum, Architect
Architecture Construction Management (512) 408 - 6808
1015 West 34th Street Austin, Texas 78705
Former Member of American Institute of Architects & Texas Society of Architects

- 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



Sheet No.
RA-3
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

CITY OF AUSTIN DEVELOPMENT WEB MAP

1997



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.