

Special Exception

CASE# C15-2014-0116  
ROW# 11198737  
TAX# 0115010401

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: 2428 Jarratt Ave.

LEGAL DESCRIPTION: Subdivision – Pemberton Heights First Sec. 3/136

Lot(s) 15 Block 6 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Sean and Jennalie Lyons on \_\_\_\_\_  
behalf of myself/ourselves as authorized agent for

2428 Jarratt Ave. affirm that on July 15, \_\_\_\_\_

2014, hereby apply for a hearing

before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

\_\_\_ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL x MAINTAIN

Studio in side yard setback (built  
in 1983, permit not finalized)

in a SF-3-NP district. (Windsor Road)  
(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.

**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:**

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

\_\_\_\_\_

Special Exemption \_\_\_\_\_

**HARDSHIP:**

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

Special Exemption \_\_\_\_\_

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

Special Exemption \_\_\_\_\_

**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:

The small utility closet construction is behind a fence and not in view from our neighbors. Moreover it has been there since 1983 and there have been no objections.

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:

Not \_\_\_\_\_

Applicable \_\_\_\_\_

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:

Not Applicable

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

Not Applicable

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

Not Applicable

**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 Jennifer Lyons Mail Address 2428 Jarratt Ave.

City, State & Zip Austin TX 78703

Printed Jennifer Lyons Phone 210-410-4549 Date July 15, 2014

**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 Jennifer Lyons Mail Address 2428 Jarratt Ave.

City, State & Zip Austin TX 78703

Printed Jennifer Lyons Phone 210-410-4549 Date July 15, 2014

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.

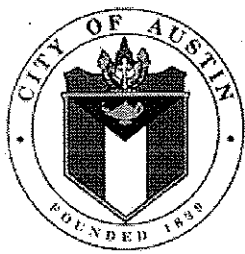
(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0116  
 Address: 2428 JARRATT 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'



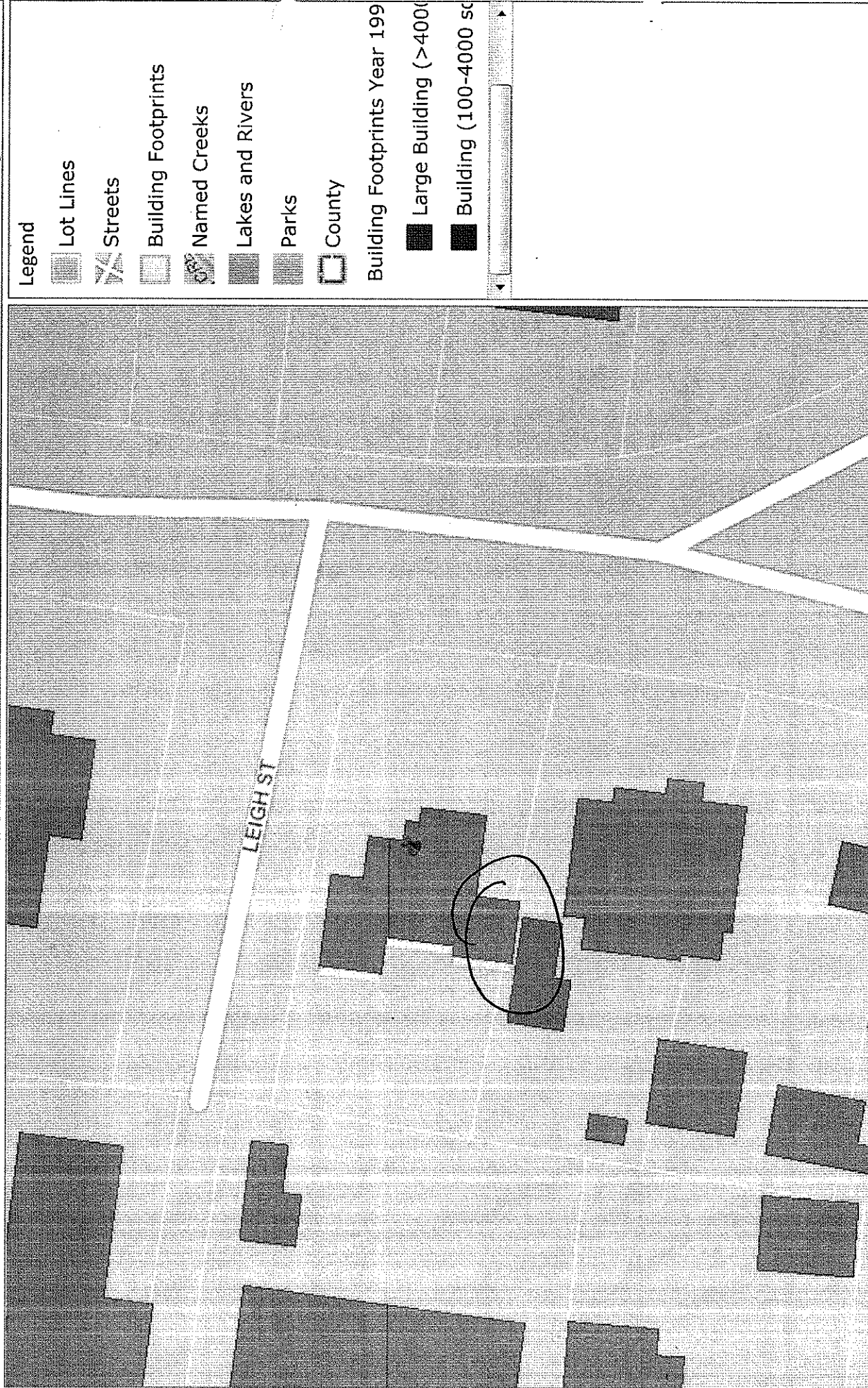


Legend

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

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**To:** Hernandez, Tony [PDRD]  
**Subject:** FW: 2428 Jarratt Avenue

Hi Tony – see below from Emily Layton to customer. Since the customer had a life safety plan review, does that mean she still needs to take a life safety permit and ask for an inspection, or will that be the next step of her review automatically?

Thanks -  
Leane

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**From:** Jennalie Travis [mailto:jennalie@cityofaustin.org]  
**Sent:** Monday, July 14, 2014 8:53 AM  
**To:** Heldenfels, Leane  
**Cc:** Layton, Emily  
**Subject:** Fw: 2428 Jarratt Avenue

Leane,

Emily Layton suggested I contact you about an expired permit on a house my husband I just purchased. Could please contact me when you have a moment?  
I forwarded Emily's email below.

Jennalie

On Friday, July 11, 2014 3:59 PM, "Layton, Emily" <Emily.Layton@austintexas.gov> wrote:

Jennalie,

We have received your life safety plan review request for 2428 Jarratt Avenue. Unfortunately the Studio has been built in the side yard set back.

SF-3 has a five foot side yard setback requirement.

You are eligible to apply for a Special Exceptions Life Safety permit if the structure has been there for at least 10 years. Our records show that you passed a foundation inspection on 11/15/1983 and a building layout inspection on 11/15/1983, but there was no final inspection.

You will need to contact Leane Heldenfels so that your project can go to the Board of Adjustments for Special Exception status. Her contact information is [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov) 512-974-2202. She can give you further information on the requirements for submission.

If you have any additional questions feel free to contact me.

Thanks.

Emily Layton, AIA

Planner Senior  
Planning and Development Review Department, City of Austin  
(512) 974-2522  
505 Barton Springs Rd, 2nd floor  
Austin, TX 78704

**Intake:** Mon 8-11am, Wed 8-11am & 1-3pm, Fri 8-11am

**General Information Walk-ins:** Mon 8-11am, Wed 8-11am, Fri 8-11am

**For Appointments:** Please contact your case manager

**CLOSED TUESDAY & THURSDAY (to perform reviews)**