



SUBJECT TRACT

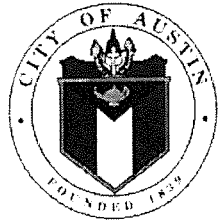


PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0077
Address: 5003 MARTIN 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.

1" = 200'

Map is not to be used for any purpose of geographic reference. No warranty is made.

Special Exception

CASE# C15-2015-0077
ROW# 11345824
TAX# 0222110202

K1
2

CITY OF AUSTIN TCAD
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: 5003 MARTIN AVE

LEGAL DESCRIPTION: Subdivision - THE HIGHLANDS

Lot(s) NORTH 21' OF LOT 3 AND ALL OF LOT 4

Block 7 Outlot Division

I/We DWAYNE W. BARNES, on behalf of myself/ourselves as authorized agent for

PROPERTY OWNER (SELF) affirm that on APRIL 13, 2015, 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

~~GARAGE APARTMENT LOCATED 5' FROM REAR PROPERTY LINE~~ OK, needs fuel
8X10 STORAGE BUILDING ENCROACHING SIDEYARD SETBACK variance
for use/lot

in a NCCD - SF3 - NP (Hyde Park) district.
(zoning district)

size
at this
site -
see
compliance
case

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):

K1
3

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

- (b) 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:

N/A

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:

N/A

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

N/A

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

N/A

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 [Signature] Mail Address 5003 MARTIN AVE

City, State & Zip AUSTIN, TX 78751

Printed Dwayne Barnes Phone 512-789-4684 Date APRIL 13, 2015

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 [Signature] Mail Address 5003 MARTIN AVE

City, State & Zip AUSTIN, TX 78751

Printed Dwayne Barnes Phone 512-789-4684 Date APRIL 13, 2015

K/4

12/5

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.



SPECIAL EXCEPTION INSPECTION



15-2015-006

Address:	5003 Martin Avenue
Permit Number:	2015-113387
Property Owner Requesting Special Exception:	Dwayne Barnes

Special Exception Requested:

80 Sq. Ft. wood storage building in the side yard setback

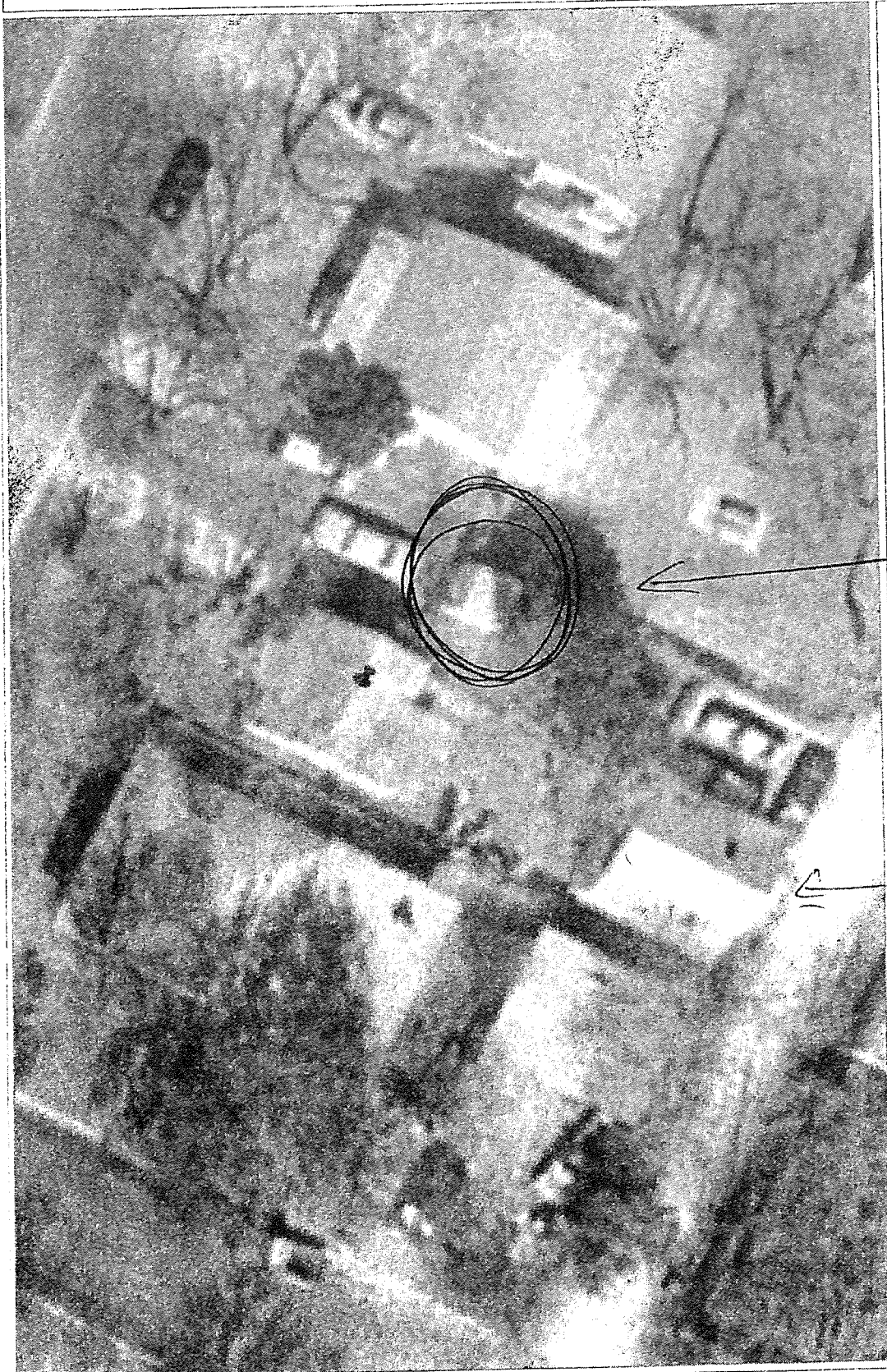
Date Structure was originally constructed: COA GIS verified to exist in 1997

Date of Inspection:	10-12-2015
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
	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: 1.

5003 Martin CITY OF AUSTIN DEVELOPMENT WEB MAP

(1997)

41



Legend

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

8x10
shed

(G.H.) Selfboeck

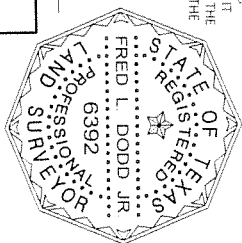
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5118

LEGEND

- 3/4" IRON ROD FOUND (UNLESS STATED)
- IRON PIPE FOUND
- POWER POLE
- DOWN GUY
- ELECTRICAL METER BOX
- CLEAN OUT
- CONCRETE
- OVERHEAD UTILITY
- WOOD PRIVACY FENCE
- BARBED WIRE FENCE
- CHAIN LINK FENCE
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- () RECORD INFORMATION
- CM CONTROL MONUMENT

AN AS-BUILT SURVEY OF THE NORTH 21' OF LOT 3 AND ALL OF LOT 4, BLOCK 7, THE HIGHLANDS,
A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT OF
RECORD IN VOLUME 3, PAGE 55, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



ROBERT H. TRUAX, JR.
AND WIFE, GAYLE N. TRUAX
DOCUMENT NO. 2001138004
O.P.R.T.C.

03-24-2014

QUESTIONS, COMMENTS OR TO
ORDER A SURVEY EMAIL US AT:
INFO@DODDSURVEYING.COM

WWW.DODDSURVEYING.COM

112 W. PECAN STREET
PFLUGERVILLE, TX 78660
(512) 843-3633



I, FRED L. DODD, JR., HEREBY CERTIFY THAT THIS SURVEY WAS
MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT
CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE
SURVEY THERE WERE NO ENCROACHMENTS APPARENT ON THE
GROUND EXCEPT AS SHOWN HEREON.

Fred L. Dodd, Jr.
FRED L. DODD, JR.
P.L.S. NO. 6392

