



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0104

LOCATION: 2117 Gaston Place Dr.



1" = 124'

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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**CITY OF AUSTIN
Board of Adjustment/(Special Exception)
Decision Sheet**

DATE: Monday, October 10, 2016

CASE NUMBER: C15-2016-0104

☒ Y _____ Brooke Bailey
☒ Y _____ Michael Benaglio
☒ Y _____ William Burkhardt
☒ Y _____ Eric Goff
☐ O _____ Melissa Hawthorne OUT
☒ Y _____ Bryan King
☒ Y _____ Don Leighton-Burwell 2ND the motion
☒ Y _____ Rahm McDaniel
☐ O _____ Melissa Neslund
☒ Y _____ James Valadez
☒ Y _____ Michael Von Ohlen Motion to grant ppmts/wd cases
☒ Y _____ Kelly Blume (Alternate)

OWNER/APPLICANT: Andres and Melinda Trevino

ADDRESS: 2117 GASTON PLACE DR

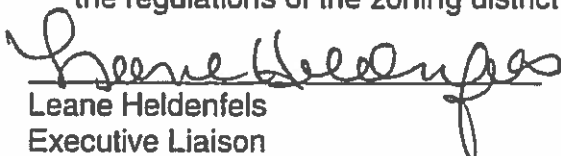
VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to:

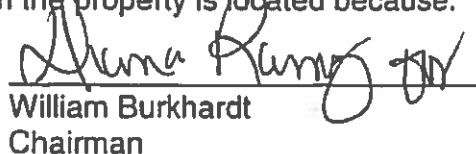
- A. decrease front yard setback from 25 feet (required) to 0 feet (requested, existing); and to
B. decrease the side yard setback from 5 feet (required) to 2 feet (requested, existing)
in order to maintain a carport and greenhouse erected at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Windsor Park)

BOARD'S DECISION: REQUESTING POSTPONEMENT TO Nov. 14, 2016

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


William Burkhardt
Chairman



CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Special Exception

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Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # C15-2016-0104 ROW # 0221191033 Tax # 000-11602084
TCAD

Section 1: Applicant Statement

Street Address: 2117 Gaston Place Drive

Subdivision Legal Description:

Royal Oak Estates Subdivision, Section 7

Lot(s): 21 Block(s): A

Outlot: _____ Division: _____

Zoning District: SF-3-NP (Windsor Park)

I/We Andres J. Trevino on behalf of myself/ourselves as
authorized agent for Andres J. & Melinda F. Trevino affirm that on
Month September, Day 15, Year 2016, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: _____

Type of Structure: Carport & Greenhouse

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Site Development Regulations for Zoning Districts : 25-2-492

Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

Requesting a Special Exception per 25-2-476, in order to bring property into compliance with
City Codes. The carport is an existing structure that has been in place since February 2005 (11
+ years). The Greenhouse has been in place prior to the purchase of the property by my Uncle
in August 1985 (31+years).

Hardship

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:

Area Character

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:

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably 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:

There is adequate parking on the concrete drive.

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

The carport has been in place for over 11 years without any safety issues to date.

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

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Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: [Signature] Date: 09/15/2016

Applicant Name (typed or printed): Andres J. Trevino

Applicant Mailing Address: 2117 Gaston Place Drive

City: Austin State: Texas Zip: 78723

Phone (will be public information): (512) 439-9193

Email (optional – will be public information): _____

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: [Signature] Date: 09/15/2016

Owner Name (typed or printed): Andres J. & Melinda F. Trevino

Owner Mailing Address: 2117 Gaston Place Drive

City: Austin State: Texas Zip: 78723

Phone (will be public information): (512) 439-9193

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: N/A

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

I'm requesting the Special Exception for the carport and the greenhouse to bring into compliance my property after a Notice of Violation CV-2016-099418 was recieved. One of the recommended resolutions wa to request a variance. I would like to bring my property into compliance with City Codes.

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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.

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Taxes w/o Exemptions: \$6,307.79

Improvement / Building

Improvement #1:	1 FAM DWELLING	State Code:	A1	Living Area:	1890 0 sqft	Value:	\$151,790
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
1ST	1st Floor	WW - 4+		1984	1890.0		
011	PORCH OPEN 1ST F	" - 4+		1984	112.0		
041	GARAGE ATT 1ST F	WW - 4+		1984	482.0		
085	HVAC RESIDENTIAL	" - "		1984	1890.0		
251	BATHROOM	" - "		1984	2.2		
322	FIREPLACE	" - 4+		1984	1.0		
581	STORAGE ATT	WW - 3+		1984	132.0		
612	TERRACE UNCOVERD	" - 4+		1984	352.0		
051	CARPORT DET 1ST	" - 4+		2005	330.0		

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1955	8558.44	0.00	0.00	\$175,000	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2017	N/A	N/A	N/A	N/A	N/A	N/A
2016	\$151,790	\$175,000	0	336,790	\$62,070	\$274,720
2015	\$209,085	\$100,000	0	309,085	\$59,340	\$249,745
2014	\$199,141	\$83,129	0	292,270	\$85,229	\$227,041
2013	\$151,401	\$55,000	0	208,401	\$0	\$206,401
2012	\$179,123	\$55,000	0	234,123	\$0	\$234,123

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	4/14/2003	WD	WARRANTY DEED	MASCARENAS ABIEL H	TREVINO ANDRES J & MELINDA F	00000	00000	2003087902TR
2	8/15/1985	WD	WARRANTY DEED	NIEDZIALEK MARION J	MASCARENAS ABIEL H	09312	00295	
3	8/1/1974	WD	WARRANTY DEED		NIEDZIALEK MARION J	04993	00178	

Questions Please Call (512) 834-8317

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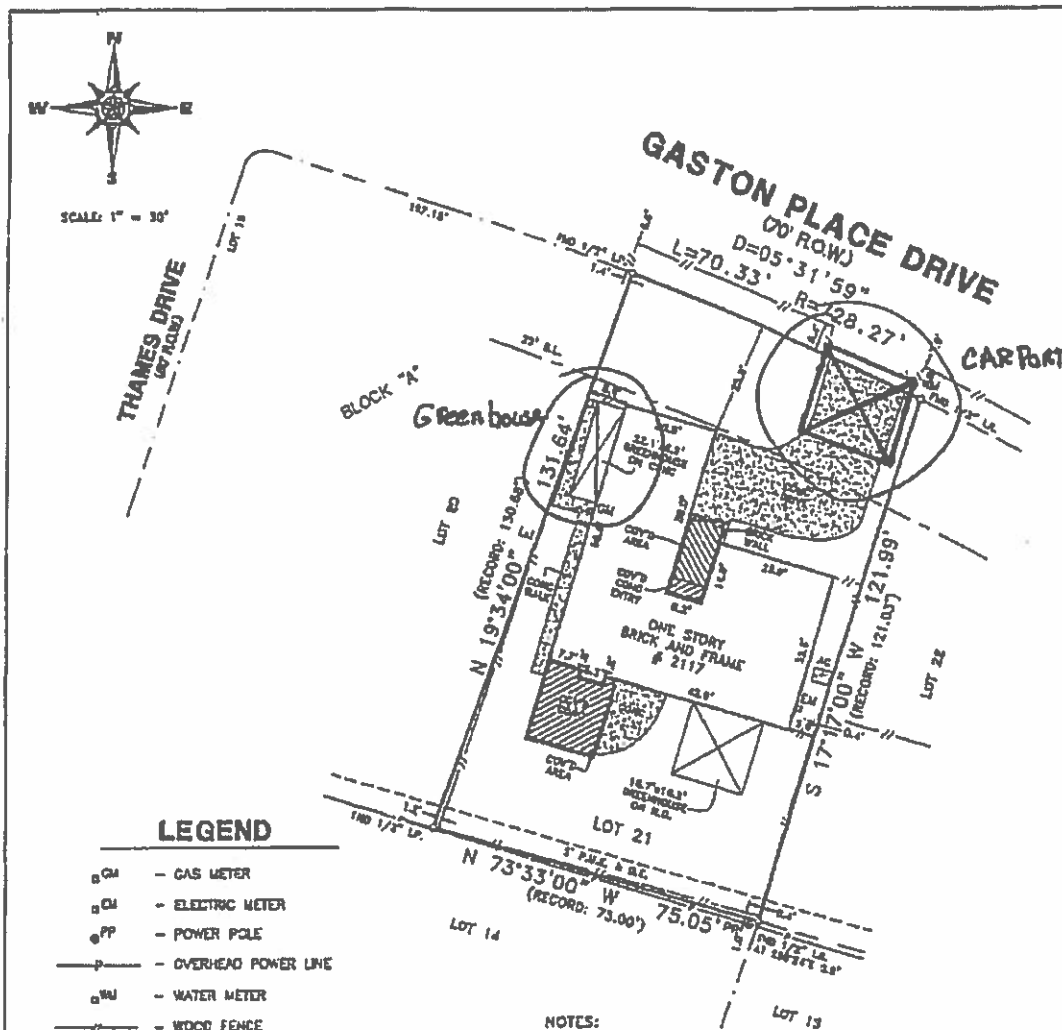
Website version: 1.2.2.3

Database last updated on: 8/29/2018 1:30 AM

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LEGEND

- GM - GAS METER
- EM - ELECTRIC METER
- PP - POWER POLE
- OL - OVERHEAD POWER LINE
- WM - WATER METER
- WF - WOOD FENCE
- BL - BUILDING LINE
- DE - DRAINAGE EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT

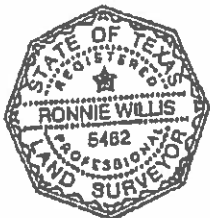
NOTES:

- 1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 2723, PG. 28, T.C.D.R. AND VOL. 18, PG. 75, T.C.P.R.
- 2) SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
- 3) 5' PUBLIC UTILITY AND DRAINAGE EASEMENT (REAR) BY VOL. 2723, PG. 28, T.C.D.R.

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.
 ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
 THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN CT NO. 141692MP

LOT 21	BLOCK "A"	SECTION SEVEN	SUBDIVISION ROYAL OAK ESTATES	THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X" (UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0125 C. REVISED JUNE 18, 1993.
RECORDATION VOLUME 18, PAGE 75, T.C.P.R.	COUNTY TARRANT	STATE TEXAS	SURVEY -	
LENDER CO. WELLS FARGO HOME MORTGAGE COMPANY		TITLE CO. COMMONWEALTH LAND TITLE INSURANCE COMPANY		
PURCHASER ANDY TREVINO ADDRESS 2117 GASTON PLACE DRIVE				JOB NO. 3784 W

W. Andrew Land Services, Austin		
FIELD WORK	04-10-03	MP
DRAFTED BY	04-11-03	MP
CHECKED BY	04-11-03	MP
MAPSCO NO.	556 Q	
REVISION		



I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described herein (or on an attached sheet), and the facts found at the time of this survey were true to the best of my knowledge and belief, and that there are no encroachments apparent on the ground, except as shown.

W. Andrew Land Services, Austin
 3913 Todd Lane, Suite 512
 Austin, Texas 78744
 TEL (512) 326-2100 FAX (512) 325-2770
 COPYRIGHT 2003 W. ANDREW LAND SERVICES, AUSTIN, ALL RIGHTS RESERVED



Legend

☐ Lot Lines

☐ Streets

☐ Building Footprints

☐ Named Creeks

☐ Lakes and Rivers

☐ Parks

☐ County

☐ Lot ID

☐ Block ID

☐ Lot Line

☐ Zoning Text

☐ Zoning (Large Map Scale)

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City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTINCODE
DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2016-099418

via Certified Mail #7014 2120 0003 4986 8810

August 17, 2016

Trevino Andres J & Melinda F
2117 Gaston Place Dr
Austin, TX 78723 2004

RE: 2117 GASTON PLACE DR AUSTIN TX 78723
Locally known as 2117 GASTON PLACE DR AUSTIN TX 78723
Legally described as LOT 21 BLK A ROYAL OAK ESTATES SEC 7
Zoned as SF-3-NP
Parcel Number 0221191033

Dear Trevino Andres J & Melinda F:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at 512-974-1329 or Anthony.Rainey@austintexas.gov. Please reference case number CV-2016-099418. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m.

Para obtener más información, llame al 512-974-1329 o envíe un correo electrónico a Anthony.Rainey@austintexas.gov. Por favor, consulte caso número CV-2016-099418. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Rainey".

Anthony Rainey, Austin Code Officer
City of Austin Code Department

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VIOLATION REPORT

Date of Notice: August 17, 2016
Code Officer: Anthony Rainey
Case Number: CV-2016-099418
Property Address: 2117 GASTON PLACE DR AUSTIN TX 78723
Locally known as 2117 GASTON PLACE DR AUSTIN TX 78723
Zoned as SF-3-NP

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: **LAND USE**

Austin City Code Section: Site Development Regulations for Zoning Districts (§25-2-492)

Description of Violation: I did observe a carport built within the 25 foot front yard setback

Date Observed: 08/12/2016

Timeframe to Comply: 10 Day(s)

Recommended Resolution: Obtain a variance from the Board of Adjustments, and building permit, or remove the structure

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 512-978-4000. You can also visit <http://www.austintexas.gov/department/development-services> for more information.

505 BARTON
SPRINGS

