

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, June 12, 2017

CASE NUMBER: C15-2017-0029

_____ Brooke Bailey
 _____ William Burkhardt
 _____ Christopher Covo
 _____ Eric Goff
 _____ Melissa Hawthorne
 _____ Bryan King
 _____ Don Leighton-Burwell
 _____ Rahm McDaniel
 _____ Veronica Rivera
 _____ James Valadez
 _____ Michael Von Ohlen
 _____ Kelly Blume (Alternate)
 _____ Martha Gonzalez (Alternate)
 _____ Pim Mayo (Alternate)

OWNER/APPLICANT: Paloma Efron

ADDRESS: 4412 BARROW AVE

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 the side yard setback from 5 feet (required) to 4.7 feet (requested, existing); and to

B. decrease the rear yard setback from 10 feet (required) to 9.7 feet (requested, existing)

in order to maintain an accessory structure that has been at this location for at least 10 years in a "SF-3-CO-NP", Family Residence - Neighborhood Plan zoning district. (Hancock)

BOARD'S DECISION: June 12, 2017 POSTPONED TO JULY 10, 2017 BY APPLICANT

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, 2017;

- (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.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman



Special Exception

B02/3

CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

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 # 15-2017-0029 ROW # 11721302 Tax # 0220080817
EADV

Section 1: Applicant Statement

Street Address: 4412 Barrow, Austin 78751

Subdivision Legal Description:

Sparks and Moore

Lot(s): 8

Block(s): 1

Outlot: 15

Division: C

Zoning District: SF-3-CO-NP (Hancock)

I/We Paloma Efron on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month May, Day 8, Year 2017, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☒ Remodel ☒ Maintain ☐ Other: side 3 rear

Type of Structure: special exception

setback
for dwelling
unit, living space

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

accessory dwelling unit code

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:

special exception

Hardship

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

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 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:

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

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: Paloma Efron Digitally signed by Paloma Efron
Date: 2017.05.08 20:52:26 -05'00' Date: 05/08/2017

Applicant Name (typed or printed): Paloma Efron

Applicant Mailing Address: 4412 Barrow Avenue

City: Austin State: TX Zip: 78751

Phone (will be public information): (512) 371-0645

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: Paloma Efron Digitally signed by Paloma Efron
Date: 2017.05.08 20:54:23 -05'00' Date: 05/08/2017

Owner Name (typed or printed): Paloma Efron

Owner Mailing Address: 4412 Barrow

City: Austin State: TX Zip: 78751

Phone (will be public information): (512) 371-0645

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Debbie Trominski

Agent Mailing Address: 2007 W.Koenig

City: Austin State: TX Zip: 78756

Phone (will be public information): (512) 293-5380

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).

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- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
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- (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; 2017
 - (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.

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

SCALE 1"=20'

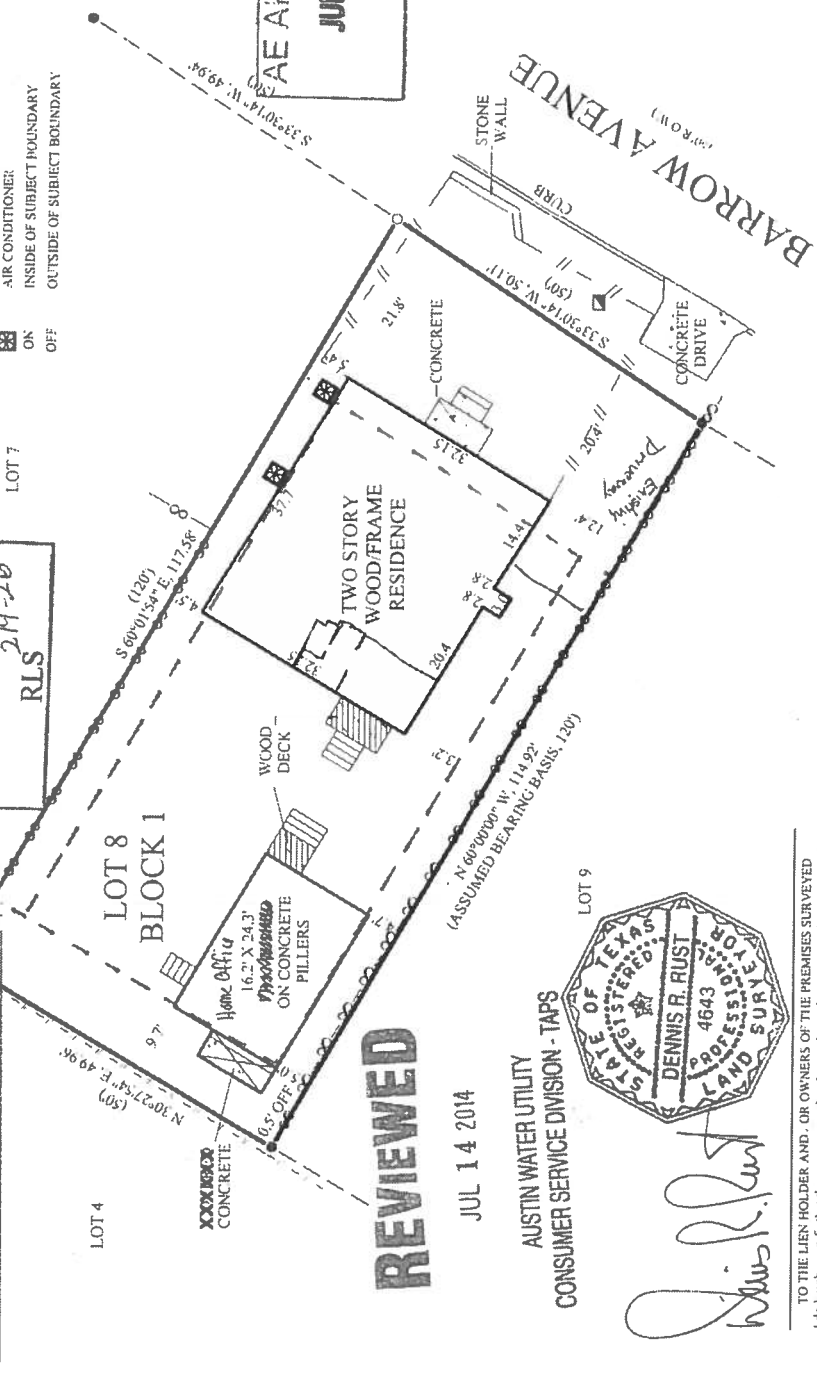
LEGEND

- 1.2" REBAR FOUND
- 1.2" REBAR SET
- CHAIN LINK FENCE
- WOOD FENCE
- RECORD INFORMATION
- WATER METER
- AIR CONDITIONER
- INSIDE OF SUBJECT BOUNDARY
- OUTSIDE OF SUBJECT BOUNDARY

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
AUG 07/2013
219-26
RLS

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
By: [Signature] Date: 5/11/2014
The granting of a permit for, or approval of these plans and specifications shall not be construed to be a permit for, or approval of, any violation of any of the provisions of the code, or applied building code or any other ordinance of the City of Austin, TX.



EFRON PALOMA & DAVID W. SHAEVEL
4412 BARROW AVENUE
AUSTIN, TRAVIS COUNTY, TEXAS
LOT 8, BLOCK 1 OUTLOT 15 DIVISION C
SPARKS & MOORE SUBDIVISION

RESTRICTIONS:
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A "ZONE X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS
FIRM MAP NO. 48457-C 0165-E
PANEL 0165-E
DATED JUNE 16, 1993
THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD PLAN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT

SURVEY DATE	JANUARY 29, 2007
TITLE CO.	
G.F. NO.	
JOB NO.	A0124507
FIELD BY	PETE LOPEZ 01/26/2007
CALC BY	ALLEN MOORE 01/29/2007
DRAWN BY	JEREMY WARREN 01/29/2007
CHECKED BY	JEREMY WARREN 01/29/2007
RPLS CHECK	01/29/2007

ALLSTAR
Land surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
WWW.ALLSTARLANDSURVEYING.COM

TO THE LIEN HOLDER AND/OR OWNERS OF THE PREMISES SURVEYED
I do hereby certify that this survey was this day made on the ground under my supervision and to the best of my knowledge of the property legally described hereon certified only to boundary lines, building lines and extensions as per plan



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 website:

www.austintexas.gov/department/development-services

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. **All comments received will become part of the public record of this case.**

Case Number: C15-2017-0029, 4412 Barrow

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

Public Hearing: Board of Adjustment, June 12th, 2017

Leanne Heldenfels

Your Name (please print)

☒ I am in favor
☐ I object

703 Park Blvd or 411 E. 45th

Your address(es) affected by this application

Regina Hudson

Signature

Date

Daytime Telephone: *512 924-4456*

Comments:

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov