

C15-2010-0071
Row-10451805

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

TP-0217060407

**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: 313 E. 38th Street, Austin Texas 78705

LEGAL DESCRIPTION: Subdivision HARPERS

Lot(s): 18 Block 5-8 Outlot Division

**I/We Joyce Hellstern on behalf of myself/ourselves as
authorized agent for**

**affirm that on June
1, 2010**

herby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ATTACH X COMPLETE REMODEL MAINTAIN

Finish erecting a privacy wall/fence not exceeding an average of 8 feet (approximately six feet board-on-board construction with a 2 foot lattice border) inside the property line along Tom Green and 38th Street.

Section 25-2-899, section D

**In a SF-3 district
(zoning district)**

The building plans that we submitted to the City for approval reflected a 8' fence and were approved. We were not told that we needed to obtain a variance until our contractor had already begun constructing the 8' fence. The new metal poles which have been set in concrete are 8' feet tall to accommodate a 2' lattice on top of the already constructed 6' board-on-board construction. When the inspector told us we needed a variance, we stopped construction. However, as can be seen by the photograph, the metal poles are positioned for an 8' fence. The fence is currently out of compliance because the 6' board-on-board construction is 6'3" in some places because the ground is unlevel. We need a variance to bring the fence into compliance and complete its construction.

Persons can see over the existing 6' fence into the bedroom windows on the South and East sides of the property because the house has the unique feature of being built on higher piers and having bedroom windows that are low to the ground across the entire South and East walls. The higher than normal elevation for the back door allows persons outside the fence to observe us entering and leaving our house. As a result, there is an increased risk of theft. My son has had two expensive bicycles stolen from the fenced back yard only minutes after he entered the house. Security concerns are increased because we are on a corner lot on a busy street. Persons who not live in the neighborhood regularly park their cars along Tom Green outside our fence to car pool to campus which increases the security risk for my individual property.

A fence height variance is necessary to block out the car lights and road noise from automobiles traveling down 38th Street and Tom Green which interfere with our ability to get a restful sleep at night. The front of the property where we seek a fence height variance borders 38th Street. The South East side of the property where we seek a fence height variance borders Tom Green Street.

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

Most of the surrounding houses are built with standard height piers and do not have higher doors and walls of windows that create a privacy and security concern for the occupants. Whereas persons can see over our existing 6" privacy fence into our home and backyard.

Most of the surrounding houses do not have bedroom windows facing two busy streets (38th Street and Tom Green) which allow car lights and road noise to disrupt a person's sleep. The front of the property where we seek a fence height variance borders 38th Street. The South



Print

Subject: police report link

From: Robert Nowicki <robertnowicki2@gmail.com>

Sent: Jun 2, 2010 10:53:42 AM

To: robertnowicki@verizon.net

Here is the link for the 2009 report. The 2008 report would not come up which makes me think you either have the wrong number or I wrote it down wrong. 08 504 5531?

By the way, my symptoms now include vomiting and sweating. I haven't checked my temp yet but I probly have a fever. Have a good day for me.

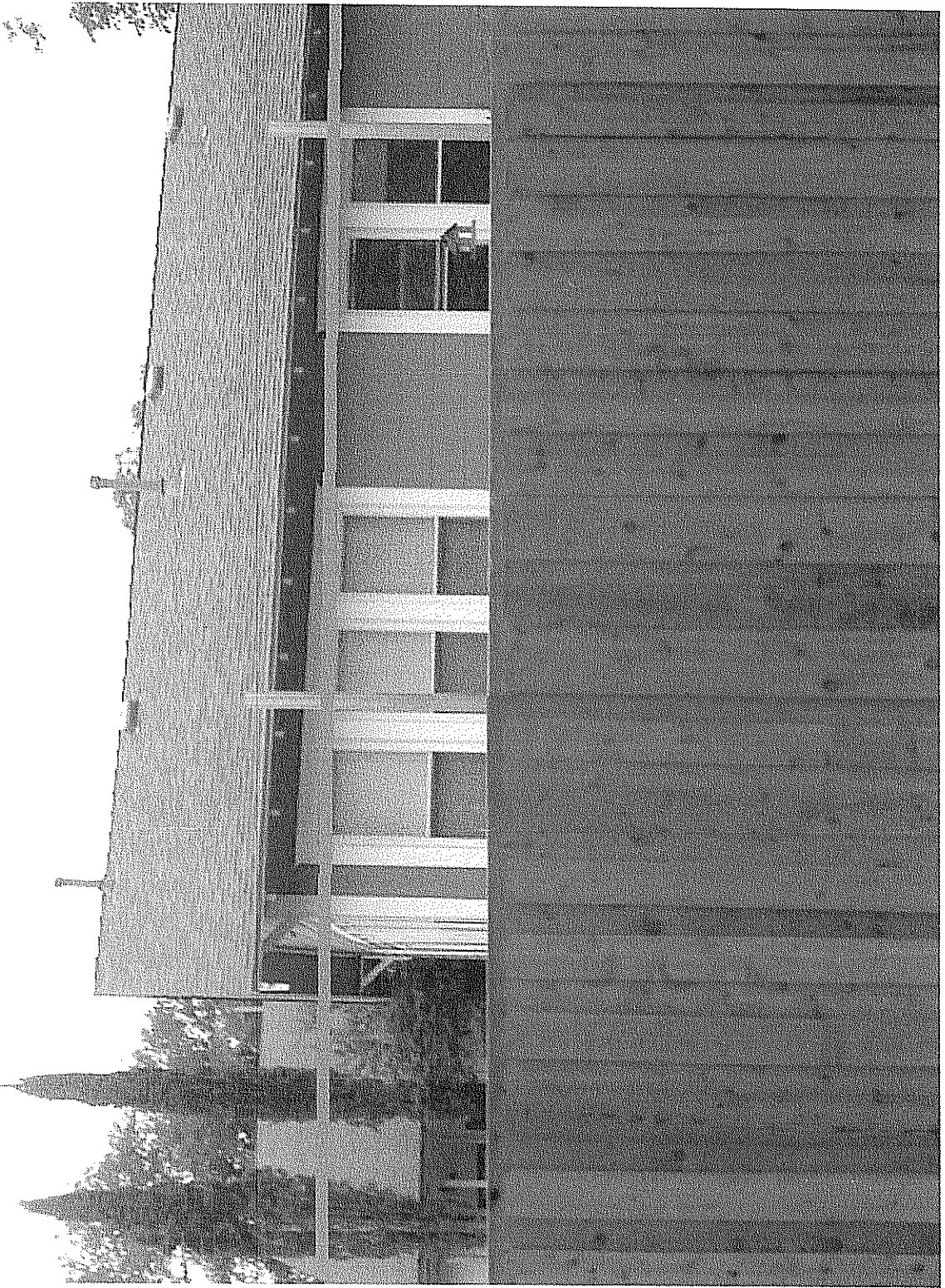
<https://www.ci.austin.tx.us/police/reports/search2.cfm>



Austin Police Department Incident Reports Search Public Portion

Report Number:	2009-5022992	Report Date/Time	Thu, Apr-23-2009 19:25
Offense Date/Time	Wed, Apr-22-2009 20:00		
Offense(s)	THEFT OF BICYCLE		
Offense Location	313 E 38TH ST, AUSTIN 78705 Census Tract: 500 District: 1 Area Command: CENTRAL WEST		
Investigator Assigned	AP1281 - MATHERS, ROBIN		
Victim(s)	Name: NOWICKI, ROBERT	Male	White
	Address: AUSTIN, TX		
Property	STOLEN	BICYCLES	
Case Summary	311 TOOK REPORT.		















End Of Offense

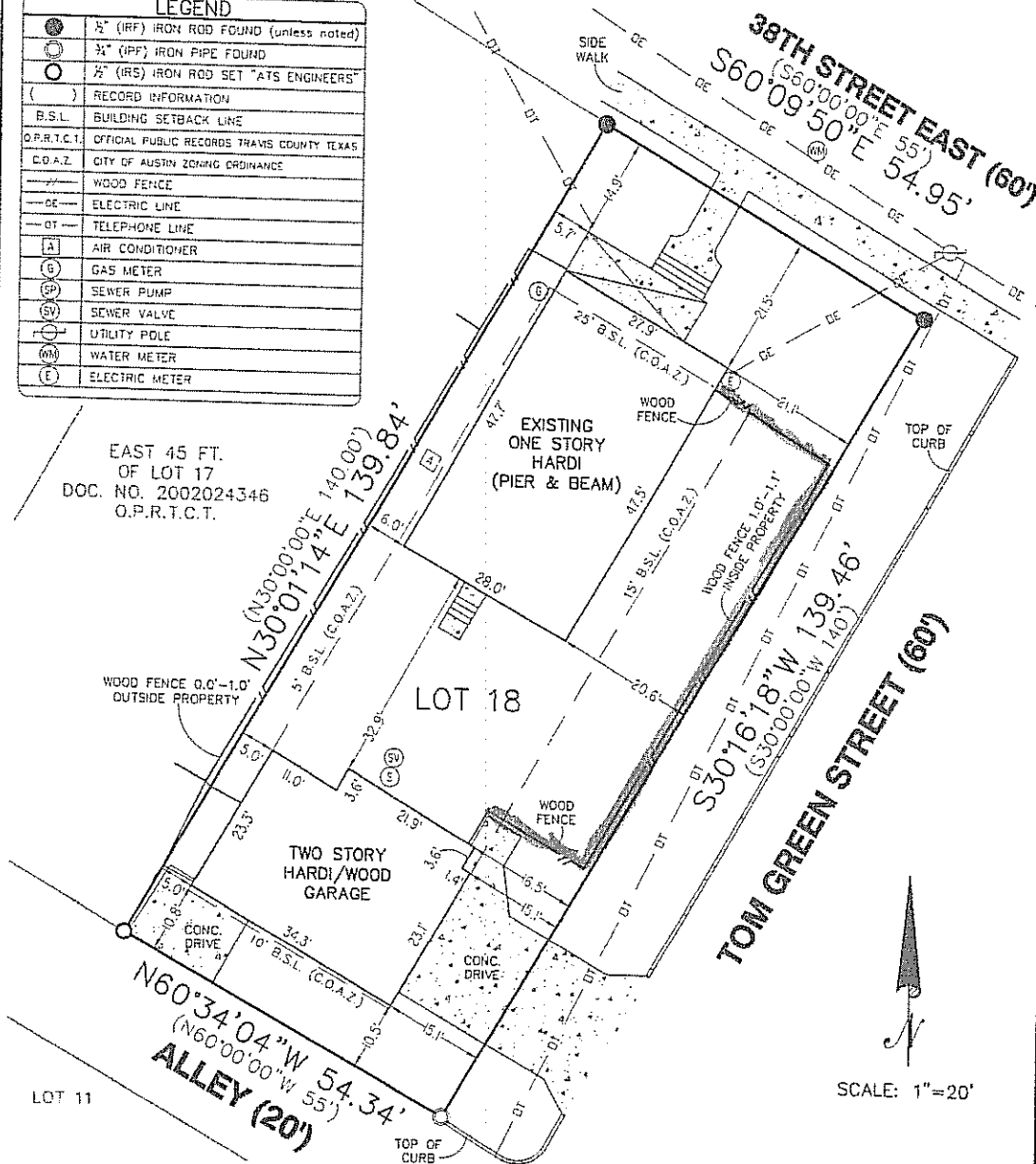




ATS Job # 10042314S

Reference: Hellstern Address: 313 East 38th Street, Austin, TX
 Lot 18, W.A. HARPER'S RESUBDIVISION OF BLOCKS 5, 6, 7 AND 8, WARD ADDITION, Book 3,
 Page 47, Plat Records, Travis County, Texas.

LEGEND	
	1/2" (IRF) IRON ROD FOUND (unless noted)
	1/2" (IPF) IRON PIPE FOUND
	1/2" (IRS) IRON ROD SET "ATS ENGINEERS"
B.S.L RECORD INFORMATION	
	BUILDING SETBACK LINE
O.P.R.T.C.I. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS	
C.O.A.Z. CITY OF AUSTIN ZONING ORDINANCE	
	WOOD FENCE
	ELECTRIC LINE
	TELEPHONE LINE
	AIR CONDITIONER
	GAS METER
	SEWER PUMP
	SEWER VALVE
	UTILITY POLE
	WATER METER
	ELECTRIC METER



- 1) All easements, of which I have knowledge and those recorded easements furnished by Austin Title and Lawyers Title Insurance Corporation according to Title Commitment GF No. 2413015634, DO AFFECT the subject property. Other than visible easements, no unrecorded or unwritten easements are shown hereon.
- 2) Building setback lines are per the current City of Austin Zoning Ordinance.
- 3) Bearings shown hereon are based on the recorded plat.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

Paul Utterback, RPLS No. 5738

Client: Austin Title-Spicewood

Date of Field Work: 05/01/2010

Field: MPutman

Tech: CRomirez

Date Drawn: 05/17/2010

Path: Projects/___BULK/38thStE313/Production/Dwgs/38thStE-313-100504_TITLE.dwg



ellean meritt's

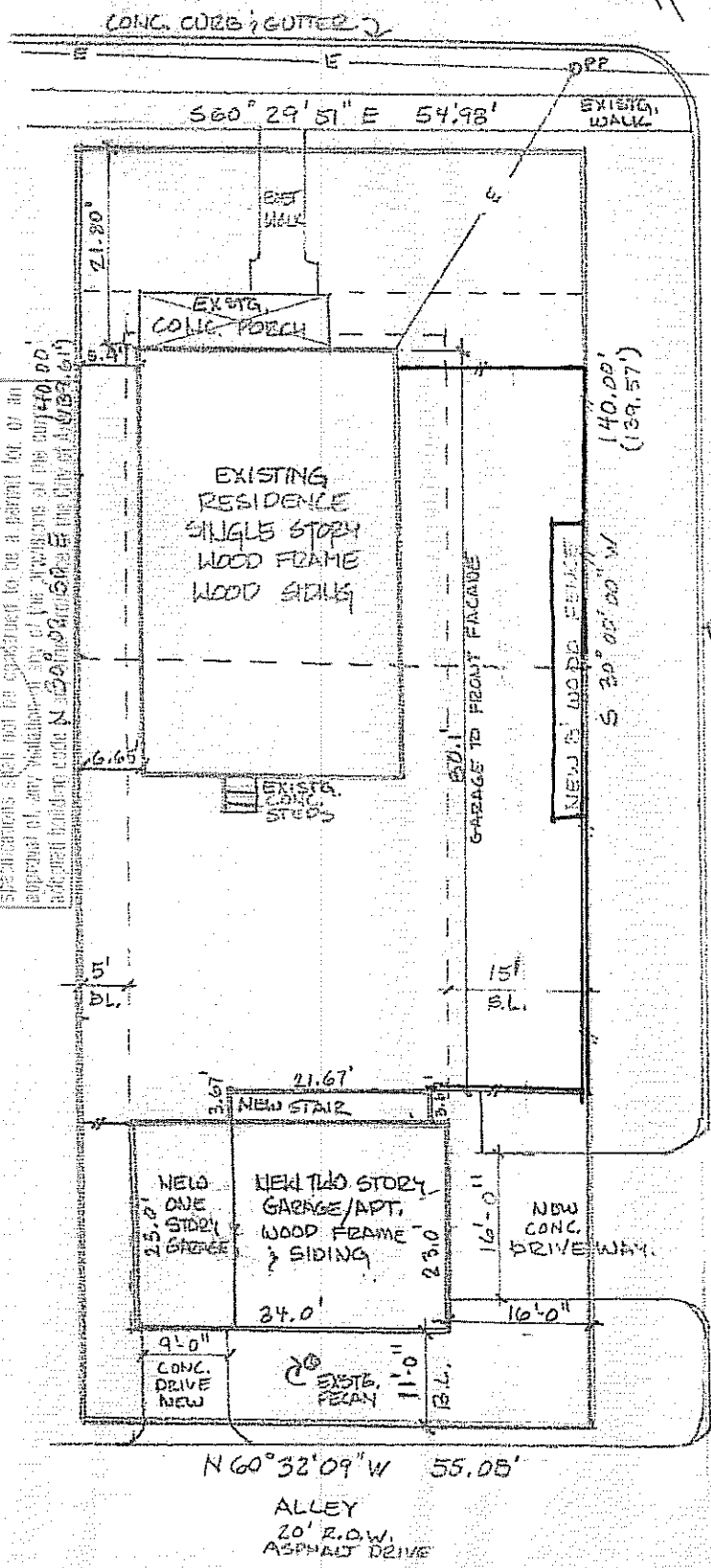
LEAFATS

www.atz-engineers.com

912 S CAPITAL OF TX HWY, STE 46
AUSTIN, TEXAS 78748

Engineers Inspectors & Surveyors

(B12) 32B-0005



IMPERVIOUS COVER CALC.

EXISTG. ONE STORY HOUSE	1,323 SF.
EXISTG. COV'D PORCH	120 SF.
EXISTG. FRONT WALK	100 SF.
NEW GARAGE	861.5 SF.
NEW DRIVEWAYS	357 SF.
<hr/>	
TOTAL IMPERV. COVER	2,761.5 SF.
AREA OF LOT	7,700 SF.
% OF LOT	35.5%
TOTAL ALLOW. IMPERV. COVER	3465.5

AREA CALCULATION

EXISTING RESIDENCE 1,323 SF
NEW SECOND FLOOR STAIRLANDING
2 1/2 APARTMENT 542.5 SF.
NEW 3 CAR GARAGE, STAIR
861.5 SF.
DETACHED GARAGE - 450 SF.

TOTAL AREA 2,277 SF.

F.A.R. 30
ALLOWABLE FAR, 140
ALLOWABLE GARAGE APT. 550 S.F.

LEGAL DESCRIPTION
W.A. HARPER'S RESUBDIVISION
OF BLOCK 5, 6, 7, AND 8
LOT 18, AUSTIN, TRAVIS CO.

ZONING: SF-3

SITE PLAN- NEW FENCE

GARAGE / APARTMENT
313 EAST 38TH STREET
AUSTIN TX

ALLI PATTERSON, ARCHITECT
2401 YOSEMITE DRIVE
AUSTIN, TX 78733
512.971.0341