

PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing; and:
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Case Number: C15-2010-0039 – 4921 Bull Creek Rd
 Contact: Susan Walker, (512) 974-2202
 Public Hearing:
 Board of Adjustment, May 10, 2010

Lauren R. & Betty A. House
 Your Name (please print)

2911 W. 49th St

Your address(es) affected by this application

Betty A. House
 Signature

05-01-10
 Date

Daytime Telephone: (512) 459-7852

Comments: _____

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 2nd Floor
 C/O Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810

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Contact: Susan Walker, (512) 974-2202
Public Hearing:
Board of Adjustment, May 10, 2010

Lorain Glawe

Your Name (please print)

2705 West 49 1/2 St Austin TX 78731

Your address(es) affected by this application

Lorain Glawe

Signature

5/3/10

Date

Daytime Telephone: 512-454-7981

Comments: a high fence is inconsistent

with our section. Most fences in our
neighborhood are 4' chain link fences
or 6' privacy fences

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Case Number: C15-2010-0039 – 4921 Bull Creek Rd
Contact: Susan Walker, (512) 974-2202
Public Hearing:
Board of Adjustment, May 10, 2010

Your Name (please print) _____

2800 W. 50th Austin, TX 78731

Your address(es) affected by this application _____

[Signature]

Signature

Date

Daytime Telephone: 512 835 6319

Comments:

I am in favor. Please
Add value. I am a resident
appraiser and like the place.

☒ I am in favor
☐ I object

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Contact: Susan Walker, (512) 974-2202

Public Hearing:

Board of Adjustment, May 10, 2010

SARA SPEIGHTS

Your Name (please print)

2701 W. 49 1/2 St.

Your address(es) affected by this application

Susan Walker

Signature

Date

Daytime Telephone:

424-6842

Comments:

He did not follow the city rules. He seems to think he can manipulate city officials and do whatever he pleases.

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C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C15-2010-0039 – 4921 Bull Creek Rd

Contact: Susan Walker, (512) 974-2202

Public Hearing:

Board of Adjustment, May 10, 2010

Rosemary Black
Your Name (please print)

2113 W. 49th St

Your address(es) affected by this application

Rosemary Black
Signature

5-6-10
Date

Daytime Telephone: *459-5193*

Comments:

☒ I am in favor
☐ I object

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C/O Susan Walker

P. O. Box 1038

Austin, TX 78767-8810

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Case Number: C15-2010-0039 – 4921 Bull Creek Rd
Contact: Susan Walker, (512) 974-2202
Public Hearing:
Board of Adjustment, May 10, 2010

Mesley & Henderson
 Your Name (please print) 2806 Winston Ct
Austin, TX 78731

| |
|--|
| <input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object |
|--|

Your address(es) affected by this application

Susan Walker

Signature

Date

Daytime Telephone: (512) 453-5743

Comments:

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Contact: Susan Walker, (512) 974-2202

Public Hearing:

Board of Adjustment, May 10, 2010

JOHN K. VAN DYCK

Your Name (please print)

4915 FINELEY DRIVE

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 501-244-5377

Comments:

We have no interest in this case
My wife and Mary Ann Van Dyck sold
her property on Fineley Drive last year.
Please remove her name from your
mailing list. Thank you.
John K. Van Dyck

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C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☐ I object

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Case Number: C15-2010-0039 -- 4921 Bull Creek Rd
 Contact: Susan Walker, (512) 974-2202
 Public Hearing:
 Board of Adjustment, May 10, 2010

Tony Greeg & Yolanda Rejo
 Your Name (please print)

☒ I am in favor
☐ I object

2712 W 49 1/2 St Austin 78731

Your address(es) affected by this application 5/10/2010

Tony Greeg Signature Yolanda Rejo Date 5/10/2010

Daytime Telephone: 512 547-8216

Comments: The fence Bea White constructed
greatly enhanced the aesthetic quality
of the area.

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 C/O Susan Walker
 P. O. Box 1088
 Austin, TX 78767-8810

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

CASE # C15-2010-0039
ROW # 10419656
TP-0227000116

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: 4921 Bull Creek Road, Austin, Texas 78731

LEGAL DESCRIPTION: Subdivision – William Schoenert Annex

Lot(s) A Block _____ Outlot _____ Division _____

I Benjamin T. White on behalf of myself affirm that on March 12, 2010, I

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

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL X MAINTAIN

the fence along the Southern boundary of my property line as presently constructed in accordance with Building Permit Nos. 2008-051644BP and 2009-029382 BP, or alternatively, to allow me to maintain the present height of those sections of fence along the Southern boundary of my property adjacent to the lots commonly known as 2706, 2708 and 2712 W. 49 ½ St., and lower the height of the section of fence adjacent to 2710 W. 49 ½ St. to 6' in accordance with the terms of § 25-2-899(E). The subject property and each of the adjacent affected properties are located in an SF-1 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:

The use of the Property for single family residential use is not at issue. The issue is the City of Austin's (the "City") interpretation and application of § 25-2-899 (D) & (E). The City's interpretation and enforcement of the code provision does not allow for a reasonable use because, the City's interpretation of §§25-2-899(D)&(E) together nullify a property owner's ability to act under one of these sections by itself. The result of the City's interpretation of these sections per Leon Barba's letter dated December 3, 2009 (enclosed), is that § 25-2-899(E) cannot be read by itself, without reference to §25-2-899(D). This is a patently incorrect application of ordinances and does not allow for a property owner to construct improvements to their property in accordance with a simple reading of the applicable provisions of the subject ordinance.

One purpose of erecting a solid perimeter fence is to maintain some level of privacy between neighbors. The purposes for which my fence was constructed was to (i) maintain the privacy of my backyard, (ii) shield my boat and other items from view of my neighbors and the general public in an effort to maintain the neighborhood's character and not create an eyesore, and (iii) to keep neighborhood children from accessing potentially hazardous situations in my backyard. Specifically, the City requested the construction of a privacy fence around my property back in 2008 in order to shield the view of my boat that I keep in my yard. The fence was built, in part, as a response to the City's request.

Three of my four adjacent neighbors located along the Southern boundary of my property have consented to the construction of solid fencing along our adjacent property lines in excess of 7' in accordance with the provisions of §25-2-899(E)(2). All signatures and consents have previously been provided to the city. However, the City has effectively ruled that §25-2-899(D) overrules and/or should be applied over and in addition to §25-2-899(E). This is an incorrect and unreasonable application of the code by the City. At a minimum, I should be permitted to maintain my fence in a manner that satisfies 25-2-899(E) without reference to 25-2-899(D) by lowering the height of the portion of fence adjacent to 2710 W. 49 ½ St. to 6' and leaving the portions of the fence adjacent to the remaining three neighboring properties at their present height.

Further, I am requesting a variance to allow the portion of the fence adjacent to 2710 W. 49 ½ St. to remain at its present height of 7'. By keeping this portion of my fence at its

present height (i) the privacy of my backyard is maintained, (ii) items kept in my backyard are shielded from public view (as requested by the City), and (iii) children are better kept from accessing potentially hazardous situations in my yard.

A plain reading of §25-2-899(D) would allow me to keep this portion of my fence at 7' by lowering the other portions of the fence along this boundary line to bring the average height of the fence to 6'. However, this would simply punish my neighbors who wish and have agreed to have the portions of the fence adjacent to their properties reach 7' and 8'. I am simply asking the board to allow me to do what I could otherwise do with this section of fence while still allowing me to achieve the desired goal with the other more agreeable neighbors.

HARDSHIP:

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

The fence was permitted under 2 permits, both of which were approved by the City's field inspector, and constructed in accordance with the permits at the shared expense of myself and several adjacent neighbors. The variance is unique in that six of my seven directly adjacent neighbors consented to the construction of the fence as built and now I have been told that one entire side of my fence does not comply with code. I do not want to rebuild the entire fence, the cost of which was shared with my neighbors, and the majority of which was agreed to by my neighbors.

Additionally, regardless of the topography map provided by the city, it is apparent from standing in my yard, that a 6' fence along the southern boundary of my property does not afford the privacy that a typical 6' fence should afford and certainly does not shield the view of my boat. A person of average height, standing flat-footed in my yard, can see directly into the rear windows of the house at 2710 W. 49 ½ St., and vice versa. The fence along this section is 7' because there is no valid reason to want to be able to look directly into your neighbors rear windows.

Finally, the section of fence along the boundary shared with 2710 W. 49 ½ St. is 7' in order to obstruct, or at least obscure my view of the non-permitted tower structure which the owners of that property have erected in their backyard. Pictures of this structure are enclosed with this application. "Clean hands" should be required in order for a party to lodge a complaint against another. My neighbor should not be enabled to construct unsightly, dangerous-looking, un-permitted structures on their property and then tell me that I should be forced to look at them. Such behavior creates a valid hardship.

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

No other properties in the area other than mine share the view of the rear yard of the property at 2710 W. 49 ½.

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:

Several fences in the area are 7 feet and 8 feet in height. All 8 foot fence is along rear and side lot lines, and six of my seven adjacent neighbors have consented to the construction of the fence at its present height. All adjacent properties are residential. The purpose of the regulation is to allow privacy, shield unsightly items from public view, and also to protect against a hazardous situation. The fence along the Southern boundary of my property, as presently constructed, achieves each of these items. It is clear from the enclosed pictures that the fence is of quality construction and adds value to the property and the neighborhood.

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:

To the contrary, the fence has been permitted and constructed in its present form to protect against potential safety hazards and to conform to the objections of the ordinance.

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

No change in use is requested. The fence, as built, enhances the residential use of the property and all adjacent properties.

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 Benjamin T. White Mail Address 4921 Bull Creek Rd
City, State & Zip Austin TX 78731

Printed Benjamin White Phone 5124133992 Date 3-12-10

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 Benjamin T. White Mail Address 4921 Bull Creek Rd
City, State & Zip Austin TX 78731

Printed Benjamin White Phone 5124133992 Date 3-12-10

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)



Board of Adjustments



SUBJECT TRACT



ZONING BOUNDARY

1" = 100'

OPERATOR: R. PARKER

CASE#: C15-2010-0039
ADDRESS: 4921 BULL CREEK RD
GRID: J27
MANAGER: SUSAN WALKER



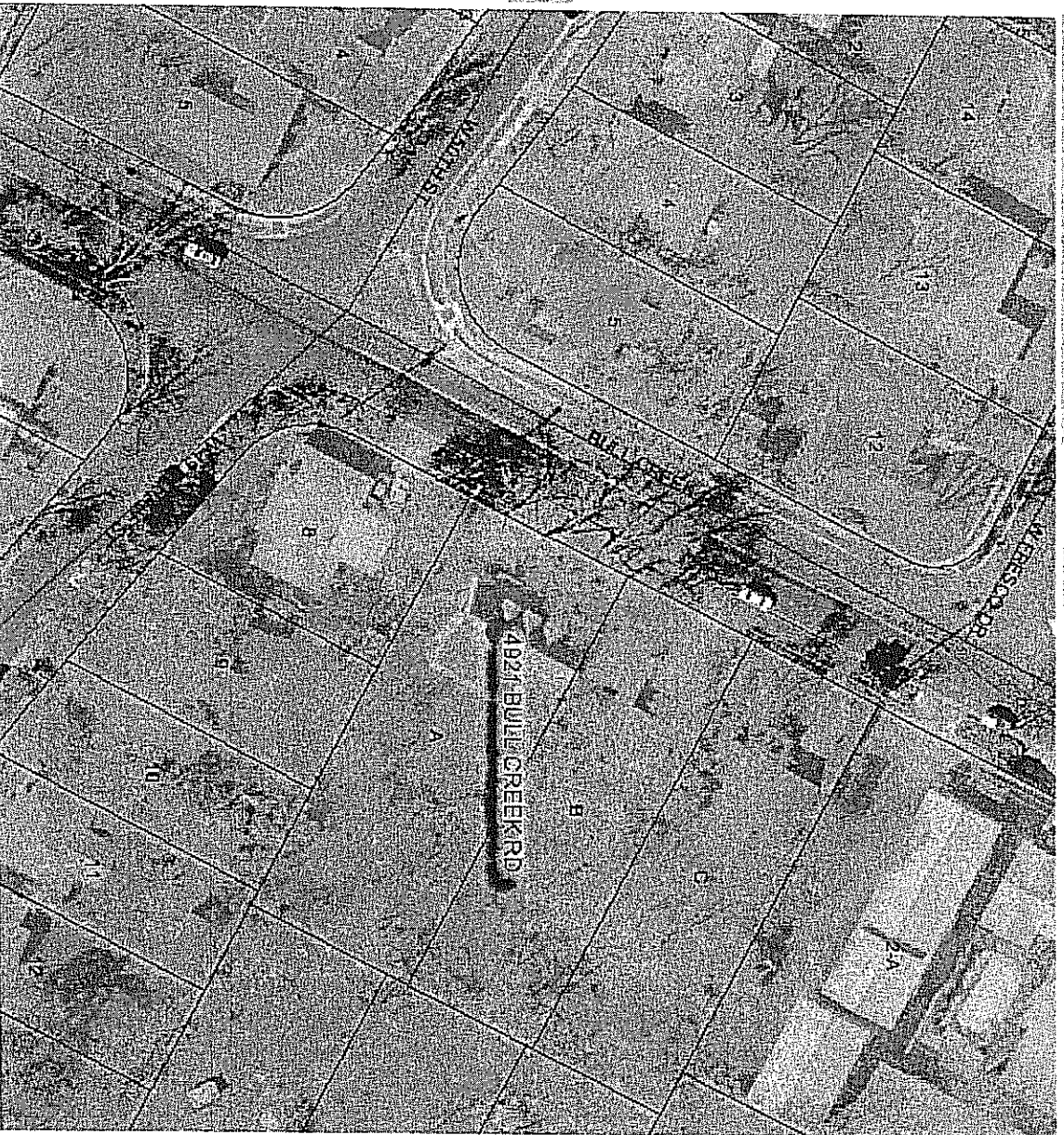
This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

Watershed Protection Development Review

Viewer HELP ?

- DEVELOPMENT TOOLS
- Review Cases
- Zoning Profile
- Geo Profile
- Neighborhood
- COA Controls
- Base Map
- Zoning Map
- City Grid
- TCAD Search
- TCAD Profile
- XY Converter
- VIEWER TOOLS
- Address
- Zoom In
- Zoom Out
- Citywide View
- Previous View
- Pen
- Identify
- Measure
- Clear Graphics
- Print

Watershed Protection/Development Review Development GIS



Refresh Map

1" = 78'

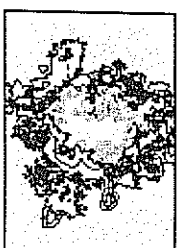
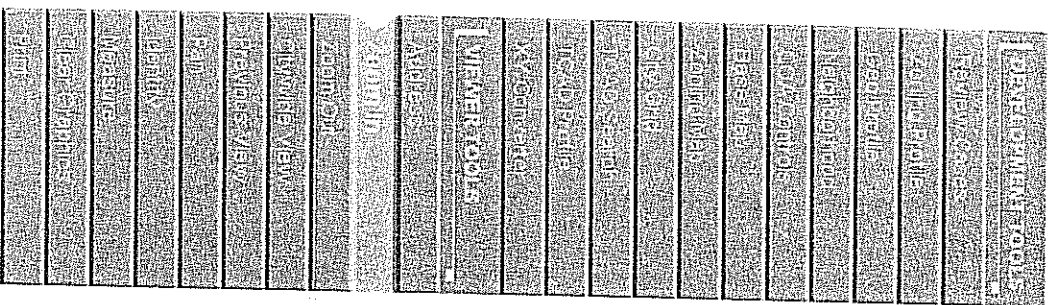
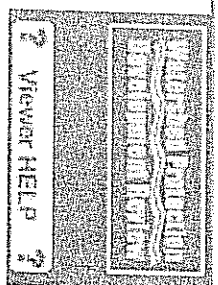
LAYERS LEGEND

Visible Active Description

- ☐ Address
- ☐ Points
- ☐ COA Survey
- ☐ Controls
- ☒ Street Center
- ☐ Line
- ☐ Core Transit
- ☐ Corridors
- ☒ Lot ID
- ☐ Lot Line
- ☒ Creeks
- ☐ Proposed
- ☐ Annexation
- ☐ SB1204
- ☐ AMATP2025
- ☒ Lakes and
- ☐ Rivers
- ☐ Zoning
- ☐ Review
- ☐ Cases
- ☐ Subdivision

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Austin City Connection - The Official Web
Site of the City of Austin | Development
Process | Watershed Protection | Zoning
Requirements
Case Number Guide | Contact Us: GIS



Refresh Map

$1^{st} = 78$

THE
JOURNAL
OF
THE
ROYAL
ANTHROPOLOGICAL
INSTITUTE

Visible Active Description

- ☐ Address
☐ Points
☐ COA Survey
☐ Controls
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☒ Core Transit
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☐ Creeks
☒ Proposed
☐ Annexation
☐ SB1204
☐ AMATP2025

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Case Number Guide | Contact Us: GIS

Cases

Cibidinin

6-2-08

City of Austin
Residential Permitting Department

Re: 4921 Bull Creek Rd-Fence Permit

The undersigned neighboring properties of 4921 Bull Creek Rd approve the fence, built on 5-25-08, that is 8ft tall. This letter is meant for the City of Austin to grant Ben White permit for the 8ft tall fence.

Name/Current Owner:

Signature:

Nash, Lorin
2706 W 49th St
Austin, TX 78731-5547

Deeb Ramzi
4925 Bull Creek Dr.
Austin, TX

Tony Gregg
2712 49 1/2 St.
Austin, TX

Tony Gregg 6-5-08 ✓

Wade Williams
2708 49 1/2 St.
Austin, TX

Blomquist, Gilbert Victor
4922 Finley Dr
Austin, TX 78731-5639

Bond, J J
4920 Finley Dr
Austin, TX 78731-5639

Nyer, Aaron
4918 Finley Dr
Austin, TX 78731-5639

6-2-08

City of Austin
Residential Permitting Department

Re: 4921 Bull Creek Rd-Fence Permit

The undersigned neighboring properties of 4921 Bull Creek Rd approve the fence, built on 5-25-08, that is 8ft tall. This letter is meant for the City of Austin to grant Ben White permit for the 8ft tall fence.

Name/Current Owner:

Signature:

Donald Coffee
2706 W 49th St
Austin, TX 78731

Deeb Ramzi
4925 Bull Creek Dr.
Austin, TX

Tony Gregg
2712 49 ½ St.
Austin, TX

Ernesto and Marin Blanco
2708 49 ½ St.
Austin, TX

Ben White 10/13

Bond, J J
4920 Finley Dr
Austin, TX 78731-5639

Nyer, Aaron
4918 Finley Dr
Austin, TX 78731-5639

Oct 19, 2009 10:23AM Donald & Susan Realty Group

Hr. 4215 2/2

6-2-08

City of Austin
Residential Permitting Department

Re: 4921 Bull Creek Rd-Fence Permit

The undersigned neighboring properties of 4921 Bull Creek Rd approve the fence, built on 5-25-08, that is 8ft tall. This letter is meant for the City of Austin to grant Ben White's permit for the 8ft tall fence.

Name/Current Owner

Signature:

Donald Coffey
2706 W 49th St
Austin, TX 78733

10/19/09



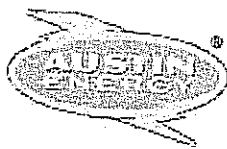
Reeb Ramez
4925 Bull Creek Dr.
Austin, TX

Tony Greig
2712 49th St
Austin, TX

Linesto and Marin Blanco
2708 49th St.
Austin, TX

Donal J J
4020 Finley Dr
Austin, TX 78731-8639

Nyer, Aaron
4918 Finley Dr
Austin, TX 78731-5619



City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

03_09_10

Benjamin T. White
4921 Bull Creek Road
Austin, Texas 78731

Re: 4921 Bull Creek Road
Lot A, William Schoenert Annex

Dear Mr. White

Austin Energy (AE) has reviewed your application for the above referenced property requesting for a variance for a fence at various heights of 6' to 8'. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6015.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ricky Jackson".

Ricky Jackson
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

APPROVED X DENIED _____ Agent's initials R.I

NORTH X SOUTH _____ MAPSCO PAGE # 554 R

Existing Clearance VIOLATION: Yes _____ No _____ N/A X

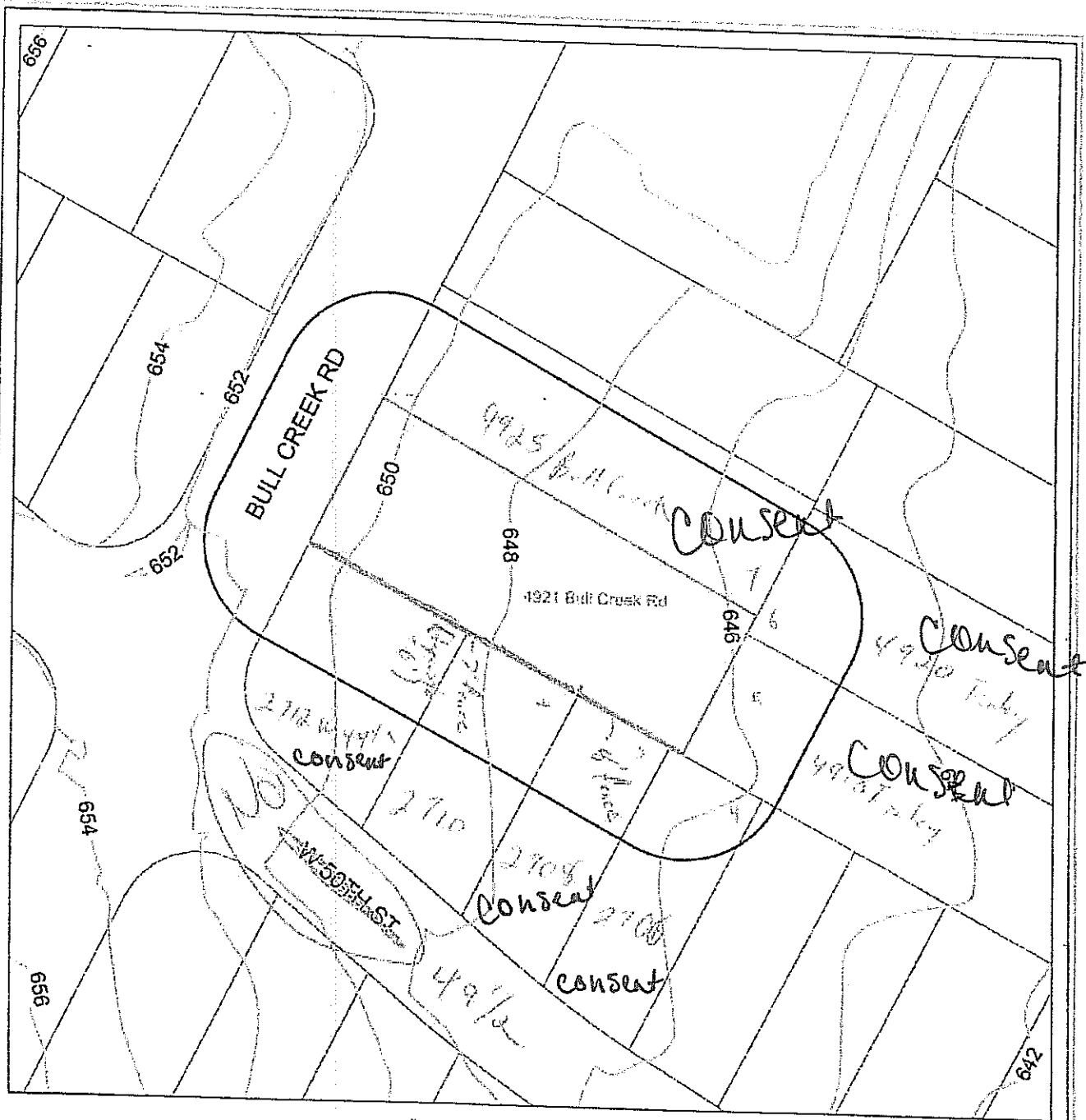
NESC comment required: Yes _____ No _____ N/A X

OSHA comment required: Yes _____ No _____ N/A X

GIS Map reviewed: Yes X No _____ N/A _____

Easements reviewed: Yes _____ No _____ N/A X

COMMENTS None



4921 Bull Creek Rd



4921 Bull Creek Rd
2' Contours
50' Buffer

Austin Energy has reviewed this plan for and approved/disapproved the variance presented before the Board of Adjustment. Any changes to Date: 3/10/10, approved by Austin Energy.

This map has been produced by the City of Austin as a general study map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. No permission is granted to reproduce or distribute this map without the written permission of the City of Austin. City of Austin - GIS - Regional Mapping

AUSTIN ENERGY

Ricky Jackson

Date

3-10-10

~~554 A~~
~~555 A~~
554 B



City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
P.O. Box 1088, Austin, Texas 78767

December 3, 2009

Certified Mail: 7009 1680 0000 8642 1789

Mr. Michael Cihock
McLean & Howard, LLP
1004 Mopac Circle, Suite 100
Austin, Texas 78746

Re: Building Permit Nos. 2008- 051644 BP and 2009-029382 BP

Dear Mr. Cihock:

Thank you for the information you provided at our November 16, 2009 meeting.

Following is our decision on the referenced permits:

- The requirements of the City Code for the issuance of Permit No. 2008-051644 BP have been met. The 8 ft. fence is in compliance with Chapter 25-2-899 Fences as Accessory Uses, specifically Section (E) and Section (E) (2).
- The fence permitted under Permit No. 2009- 029382 BP is not in compliance with Section 25-2-899 (D). Without the adjacent property owner's approval, the fence along the property line along the south side of Mr. Ben White's property may not exceed an average height of six feet or a maximum height of seven feet. The property line is determined from the beginning of the lot (most westerly corner of the lot) to the end of the lot (most southerly corner).

However, this also means that the section of 8 ft fence on the south property line that was approved under the previous permit cannot be over 7 ft.

You have two options available:

1. Request a variance from the Board of Adjustment at the earliest available meeting or
2. Rebuild the fence in order to achieve an average height of six feet with a maximum height of seven ft.

Please provide a written response of your decision no later than December 11, 2009. If you choose option 2, please provide a time frame for completing the work.

Sincerely,


Leon Barba, P.E., Building Official

CC: Greg Guernsey, Director, PDR
Don Birkner, Assistant Director, PDR
Brent Lloyd, Assistant City Attorney, Law Department
Dan McNabb, Building Inspection Division Manager, PDR
Benjamin T. White

*The City of Austin is committed to compliance with the Americans with Disabilities Act.
Reasonable modifications and equal access to communications will be provided upon request.*

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

CASE # _____
ROW # _____

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: 4921 Bull Creek Road, Austin, Texas 78731

LEGAL DESCRIPTION: Subdivision – William Schoenert Annex

Lot(s) A Block _____ Outlot _____ Division _____

I/We Benjamin T. White on behalf of myself/ourselves as authorized agent for
Benjamin T. White affirm that on _____, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to;

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL X MAINTAIN

the fence along the Southern boundary of my property line as presently constructed in
accordance with Building Permit Nos. 2008-051644BP and 2009-029382 BP.

in a SF-1 district.
(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.

Jackson, Ricky

From: Long, Robert
Sent: Tuesday, March 09, 2010 2:16 PM
To: Jackson, Ricky
Subject: FW: Application for Variance at 4921 Bull Creek Rd. Austin 78731
Attachments: COA Ruling Letter.pdf; First Page of Variance App (Tentative).pdf; Subject Fence Location.pdf

Here's another one.

Robert

From: Mike Cihock [mailto:mcihock@mcleanhowardlaw.com]
Sent: Tuesday, March 09, 2010 2:14 PM
To: Long, Robert
Subject: Application for Variance at 4921 Bull Creek Rd. Austin 78731

Robert:

Pursuant to our conversation, attached, please find the first page of my client's (Benjamin T. White) proposed application for variance with respect to the height of the perimeter fence on the Southern boundary of 4921 Bull Creek Rd., Austin, Texas 78731. I have also included a letter from the City of Austin with respect to the fence height to provide you with some background. Mr. White is hoping for a variance that would allow the fence to be left as presently constructed. As it stands, the fence is 8' tall along the boundaries of the two easternmost lots and approximately 7' tall along the two westernmost lots. In no event would any portion of the Southern fence line be more than 8 feet in height.

I have also attached pictures of the fence taken in late '09. As you can see, the 8' fence starts in the back, then abruptly changes to 7' for the remainder of the fence along the Southern boundary. The fence remains as it is shown in the pictures. Finally, I have attached a map/plan showing the location of the subject fence to give you a better idea as to location.

Please do not hesitate to call me with any questions you may have or with requests for any further materials you may need. My client is trying to submit his application to the Board of Adjustment by this Friday. Thanks.

(The pictures will follow as they would not go through together.)

Michael

Michael J. Cihock
McLean & Howard, LLP
1004 Mopac Circle, Suite 100
Austin, Texas 78746
Telephone (512) 328-2008
Facsimile (512) 328-2409

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3/9/2010