

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, August 9, 2010

**CASE NUMBER:** C15-2010-0083

<u>    </u> Y <u>    </u>	Jeff Jack
<u>    </u> Y <u>    </u>	Michael Von Ohlen
<u>    </u> Y <u>    </u>	Nora Salinas
<u>    </u> Y <u>    </u>	Bryan King
<u>    </u> Y <u>    </u>	Leane Heldenfels, Chairman
<u>    </u> Y <u>    </u>	Clarke Hammond, Vice Chairman
<u>    </u> Y <u>    </u>	Heidi Goebel

**APPLICANT:** Peter Anzalone

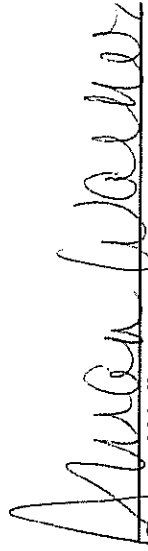
**ADDRESS:** 6117 HARROGATE DR

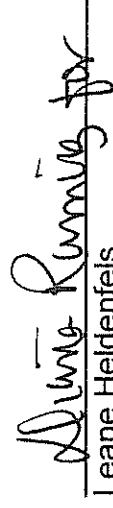
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 9 inches in order to maintain an accessory building for an existing single-family residence in an "SF-2", Single Family Residence zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Leane Heldenfels motion to POSTPONE to September 13, 2010 for additional information/pictures showing trees and reasoning how structure can't be moved, Board Member Michael Von Ohlen second on an 7-0 vote; POSTPONED TO September 13, 2010.

**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:

  
Susan Walker  
Executive Secretary

  
Leane Heldenfels  
Chairman

## PUBLIC HEARING INFORMATION

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- 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
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Case Number: C15-2010-0083 – 6117 Harrogate

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment Aug 9, 2010

DAVID CROOKE

Your Name (please print)

6221 HARROGATE DR

Your address (es) affected by this application

*[Signature]*

Signature

☒ I am in favor  
☐ I object

7/31/10  
Date

Daytime Telephone: 576-8899

Comments: The complaint regarding this variance was filed by a shyster contractor who does not live here in an effort to drum up business. City should amend regulations to prevent such malicious complaints. Only affected landholders should have right of complaint.

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

City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> Floor

C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

**Walker, Susan**

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**From:** Evan Marchman [evan.marchman@gmail.com]  
**Sent:** Monday, August 09, 2010 8:53 AM  
**To:** Walker, Susan  
**Subject:** Case # C15-2010-0083 - 6117 Harrogate Dr

Dear Ms. Walker,

I am writing you to voice my support IN FAVOR of the variance requested by the Anzalones regarding their property at 6117 Harrogate Dr. (case #: C15-2010-0083).

My apologies for the late submission.

Best regards,

Evan Marchman  
6101 Harrogate Dr  
Austin, TX 78759  
512-619-8426  
evan.marchman@gmail.com

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Case Number: C15-2010-0083 – 6117 Harrogate

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment Aug 9, 2010

SCOTT Hendrix

Your Name (please print)

6209 Harrogate Dr Austin, 78759

Your address (es) affected by this application

Signature

☒ I am in favor  
☐ I object

8/6/10  
Date

Daytime Telephone: 512 294-5575

Comments:

I am in favor of Carol  
and Peter Angelone's  
request.

Thanks Scott  
Hendrix

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

City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> Floor

C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

**Walker, Susan**

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**From:** Pamela Burton [tab62@bellsouth.net]  
**Sent:** Thursday, August 05, 2010 1:02 PM  
**To:** Walker, Susan  
**Cc:** tab62@bellsouth.net  
**Subject:** Case #C15-2010-0083

Dear Ms. Walker,

I am contacting you regarding case # C15-2010-0083. As a neighbor directly behind the property in question (6200 Colina Lane), I would like to express my full support for the variance request of Mr. & Mrs. Anzalone. In no way does the structure referenced in the case detract from the view or value of our property.

If you have any questions, please feel free to contact me.

Sincerely,

Tom Burton  
5200 Colina Lane  
Austin, TX 78759

3/9/2010

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Case Number: C15-2010-0083 – 6117 Harrogate

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment Aug 9, 2010

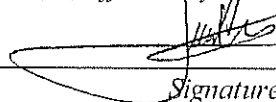
Luis Matamoros

Your Name (please print)

☒ I am in favor  
☐ I object

6113 Harrogate Drive

Your address (es) affected by this application



Signature

08/03/10  
Date

Daytime Telephone: 512-658-9193

Comments: Its Peter and Cord's direct neighbors facing the building under evaluation, my wife and I are in full support of their request and have no problem whatsoever in their keeping the structure.

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

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

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**Case Number: C15-2010-0083 – 6117 Harrogate**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment Aug 9, 2010**

SHUN TONG

Your Name (please print)

☒ I am in favor  
☐ I object

6201 HARROGATE DR., AUSTIN, TX 78759

Your address (es) affected by this application

[Signature]

Signature

8/2/10

Date

Daytime Telephone: (512) 923-0443

Comments: We are the immediate neighbor of  
6117 Harrogate and we have never felt  
that the shed next door bothers us, or  
there is any problem. We don't even notice  
it when we are on the street. We are  
for this variance.

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

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**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment Aug 9, 2010**

WILLIAM POTHOFF

Your Name (please print)

☒ I am in favor  
☐ I object

6206 COLINA LN

Your address (es) affected by this application

[Signature]

Signature

8/5/2010

Date

Daytime Telephone: (512) 250-5652

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Austin, TX 78767-8810



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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment Aug 9, 2010

KAEMARIE NASAMRAN

Your Name (please print)

☐ I am in favor  
☒ I object

11109 GRAPEVINE LN, AUSTIN TX 78759

Your address (es) affected by this application

Kaemarie Nasamran

08-5-10

Signature

Date

Daytime Telephone: 512-905-5643

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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City of Austin-Planning & Development Review Department/ 2<sup>nd</sup> Floor

C/O Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

**Walker, Susan**

**From:** Beth Patterson [bethp524@yahoo.com]  
**Sent:** Thursday, August 05, 2010 8:52 AM  
**To:** Walker, Susan  
**Cc:** John Patterson  
**Subject:** Ref Case# C15-2010-0083

Applicants: Frank Peter and Carol Suzanna Anzalone  
Address: 6117 Harrogate Drive

Ms Walker,  
we support the Anzalone's request for a variance from the Land Development Code.

Sincerely,  
John and Elizabeth Patterson  
212 Harrogate Dr  
Austin, Tx 78759  
Telephone: 512-331-7272

/5/2010

**Walker, Susan**

**From:** Luis Matamoros [lmatamoros@earthlink.net]  
**Sent:** Tuesday, August 03, 2010 9:25 PM  
**To:** Walker, Susan  
**Subject:** Board of Adjustments Case C15-2010-0083 - 6117 Harrogate

Susan Walker  
Senior Planner, Planning & Development Review  
City of Austin

Dear Ms. Walker:

I am writing in reference to Case Number C15-2010-0083 - 6117 Harrogate, in which my neighbors, Peter and Carol Anzalone are requesting a variance on their property. As their direct neighbor facing the building in question I will say that my wife and I are in full support of their request and have no problem whatsoever in their keeping the structure. They have made all efforts to maintain the structure in top condition over the 5 years we have been neighbors and in no way does it represent an issue for us.

Thank you for your attention,

Luis Matamoros  
6113 Harrogate Drive  
(512) 219-6553

8/5/2010

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

CASE #

0152010-0083

ROW #

10468246

CITY OF AUSTIN

TP, 0162030440

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: 6117 Harrogate Drive, Austin, Texas 78759

LEGAL DESCRIPTION: Subdivision - The Enclave At Sierra Vista

Lot(s) 5 Block A Outlot Division

I/We Frank Peter and Carol Suzanne Anzalone on behalf of myself/ourselves as  
authorized agent for Frank Peter and Carol Suzanne Anzalone affirm that on June 18,  
2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

\_\_\_ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL X MAINTAIN

A garden shed located in the side yard on the southeast side of the lot. The 8 foot by 12  
foot shed is located at the south corner of the residence, parallel and equal distance from  
the residence and the southwest lot line. The attached sketch shows the shed location and  
size to scale in a SF-27 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.

received  
12/23/10

**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:  
Our garden shed has been in this location for over ten (10) years. While the northwest side yard is used for AC Compressors, a walkway and gated access to the backyard, the southeast side yard is fenced in without a gate and unusable for other purposes. There is no room within the southeast side yard to provide for the lot line set back.

**HARDSHIP:**

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

We built this shed back in 2000 at considerable cost after checking with the city and were told that it was permissible as long as it was not a poured foundation and did not exist over utility easements. The shed is on cinder blocks and is not over any utility easements as is shown in the attached letter from Austin Energy. We have been out of work for some time now and simply do not have the resources to remove and rebuild this shed. I have contacted all my neighbors and they have no issue with our shed. Many of my neighbors did not even realize that we have a shed as it is barely visible from the street as shown in the attached pictures.

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

As one of the smaller lots in our neighborhood, there is no room to situate the shed out of the usable area within our very limited backyard that is very much used by our two young children. Our shed is the storage location for gardening and yard equipment, bicycles and scooters that will not fit into our small garage. As is the case with many parents on our cul-de-sac, we prefer to keep our cars off the street and driveway to increase visibility and reduce “hiding areas” that small children can run out from. Least this seem an exaggeration, we have 22 elementary age or younger children within the 15 houses on our cul-de-sac portion of Harrogate Drive.

**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:

The shed is over 60 feet from the street and barely visible behind a tree and fencing (see attached pictures). The construction, trim materials and color are contiguous with our house. It has been in this same location for over ten years and has never been an issue. I have contacted my neighbors and they have no issue with our shed. My closest neighbor to the shed at 6113 Harrogate has specifically voiced his support of this variance request. The shed was in place when he purchased this house in 2005.

**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:  
    NA


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:  
    NA

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

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

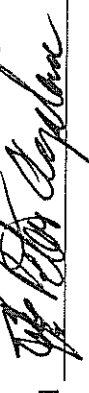
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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

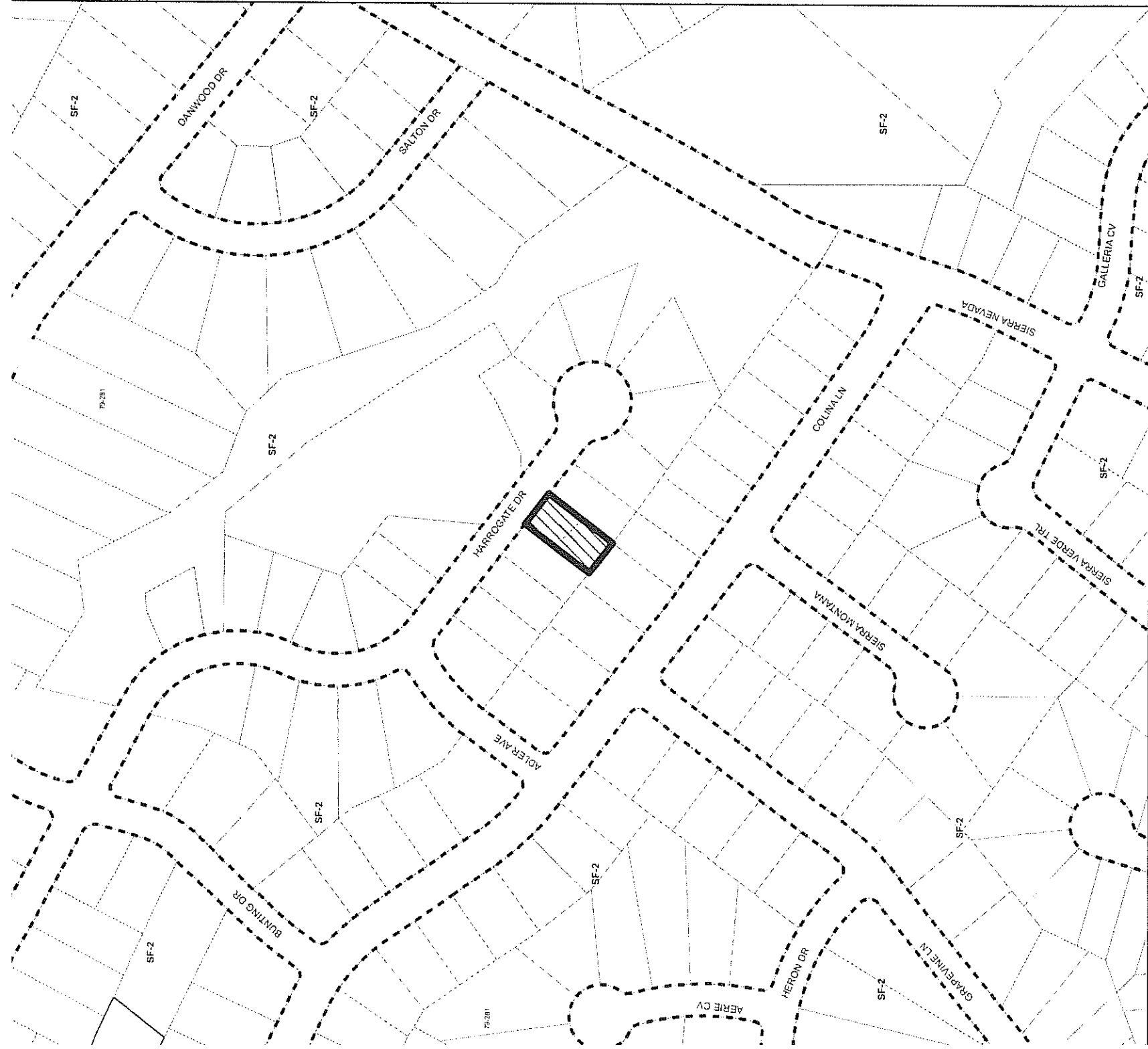
Signed  Mail Address 6117 Harrogate Drive  
City, State & Zip Austin, Texas 78759

Printed Frank Peter Anzalone Phone 512-249-8422 Date June 18, 2010

**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  Mail Address 6117 Harrogate Drive  
City, State & Zip Austin, Texas 78759

Printed Frank Peter Anzalone Phone 512-249-8422 Date June 18, 2010



SUBJECT TRACT



ZONING BOUNDARY

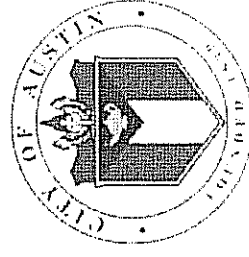
## BOARD OF ADJUSTMENTS

ZONING CASE#: C15-2010-0083

LOCATION: 6117 HARROGATE DR

GRID: H35

MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**Walker, Susan**

**From:** Peter Anzalone (via Gmail) [peter.anzalone@gmail.com]  
**Sent:** Wednesday, July 21, 2010 11:34 AM  
**To:** Walker, Susan  
**Cc:** 'Carol Anzalone'  
**Subject:** Follow-up to your call re distance to the Property Line

Good Morning Susan.

Thanks for your call this morning. The exact distance from the shed to our fence is 9 inches.

I am assuming that the fence is on my side of the property line as it was installed for us by the builder when we purchased the house new in 1996. The lot next to us was empty so it was fully at our request that the fence was built.

I hope this helps. If you need pictures or other measurements, please don't hesitate to call or email.

Many Thanks,  
Peter

Peter Anzalone  
[peter.anzalone@gmail.com](mailto:peter.anzalone@gmail.com)  
117 Harrogate Drive  
Austin, Texas 78759  
12-779-8151  
09-272-0250 Fax

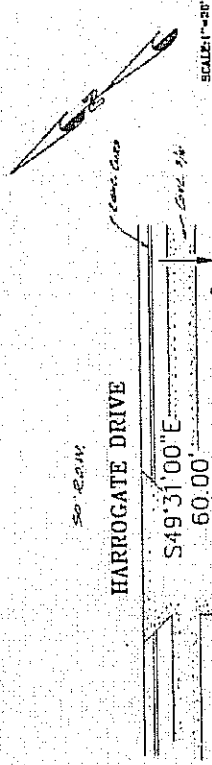
7/21/2010



# Shed Location at 6117 Harrogate Drive

SURVEY PLAT OF: LOCAL ADDRESS 6117 HARROGATE DRIVE REF: ANZALONE GF#95103701  
 LEGAL DESCRIPTION: LOT 5 BLOCK A THE ENCLAVE AT SIERRA VISTA  
 A SUBDIVISION IN TRAVIS COUNTY TEXAS. OF RECORD IN VOL. 93 PGS. 121 OF  
 THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

SIGNED BY Frank P. Rippe  
 DATE 5/16/98



HARROGATE DRIVE

S49°31'00"E 60.00'

SCALE: 1"=20'

CONCRETE DRIVEWAY

CONCRETE DRIVEWAY

CONCRETE DRIVEWAY

CONCRETE DRIVEWAY

LEGEND  
 ● 1/2" STEEL PIN FOUND

Shed Location  
 (drawn to scale)

LOT 4

LOT 6

SIGNED BY Carol S. Anzalone  
 DATE 5/16/98

from p.l.

S40°29'00"W 125.53'

N40°29'00"E 125.54'

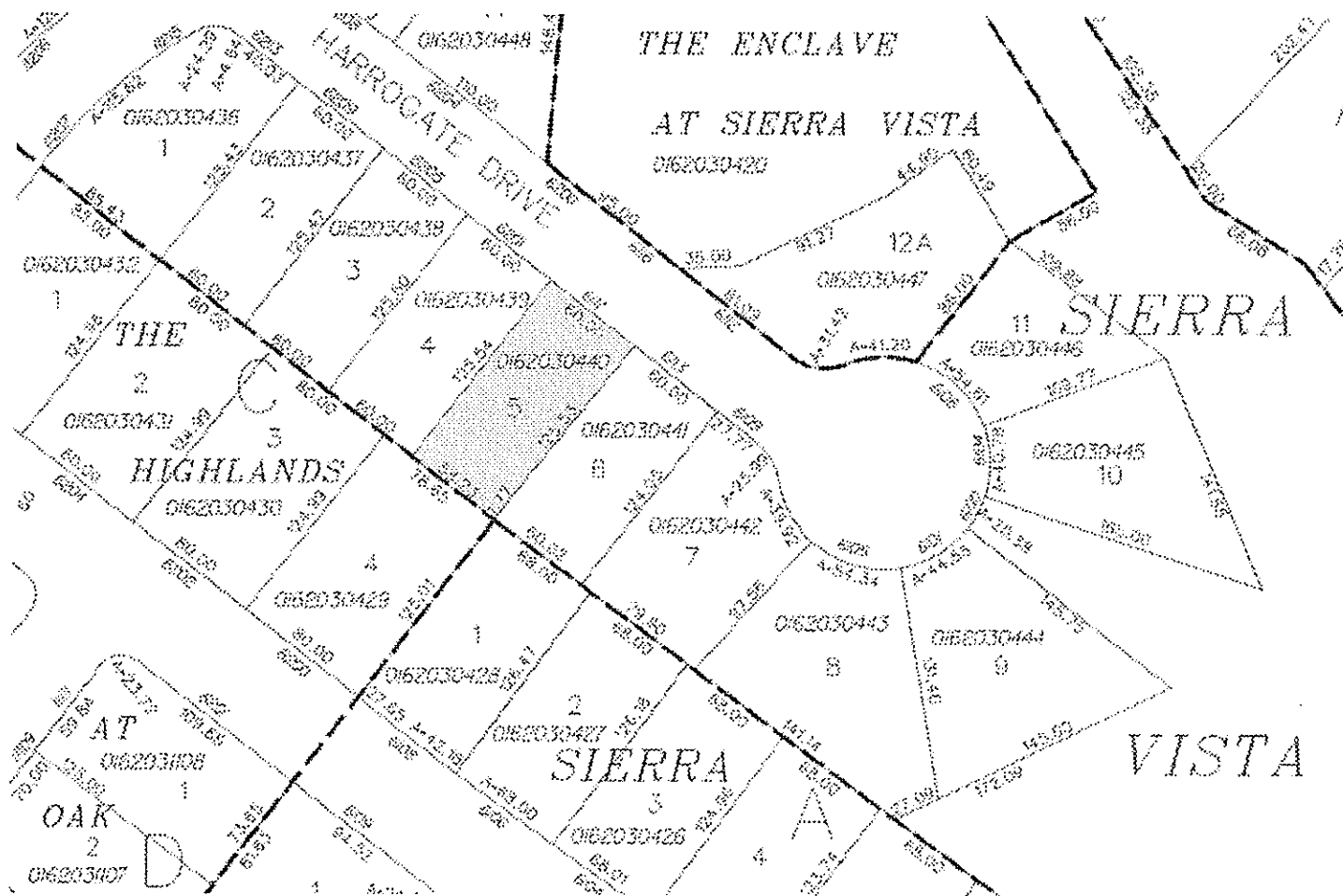
LOT 5 BLOCK "A"

N49°28'58"W 58.23'

N49°28'58"W 1.77'

NOTES: 1. & 3 APPLY:  
 1. ☒ This property is in ZONE X of the F.E.M.A. Flood Insurance Rate Map for TRAVIS COUNTY, Texas.  
 Community Panel No. 48453C-0195E, dated 8-16-93  
 2. ☐ According to the recorded plat of this subdivision, this lot is within the 100 year flood plain.  
 3. ☒ According to the recorded plat of this subdivision, the 100 year flood plain is contained within the drainage easements shown on the plat. There is NO drainage easement on this lot.  
 THE STATE OF TEXAS: TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE PROPERTY OF AUSTIN & ALAMO TITLE INSURANCE OF TEXAS  
 COUNTY OF TRAVIS PREMISES SURVEYED AND TO THE AGENCY  
 The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.  
 USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.  
 Dated this the 10TH day of MAY, 19 98  
 JOB No. 68870 INVOICE No. 33252  
Clinton P. Rippe  
 CLINTON P. RIPPY  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1453

**Lot Location at 6117 Harrogate Drive (shown shaded)**



# TCAD Tax Plat Map (6117 Harrogate highlighted)



**16203**

Revision Date  
12/15/2005

0 100 Feet

1500	1500	1500	1500
1500	1500	1500	1500

NAD\_1983 StatePlane\_Texas\_Central\_FIPS\_4203\_Feet  
Projection: Lambert\_Conformal\_Conic

Red Line = 150 scale map  
Blue = 150 scale map

**Travis Central Appraisal District**  
8314 Cross Park Drive  
Austin, Texas 78754

Internet Address: [www.traviscad.org](http://www.traviscad.org)  
Austin, Texas 78714

Main Telephone Number (512) 434-4317  
100 (512) 098-3228

Appraisal Information (512) 834-8010

# TCAD Tax Plat Map (west of 6117 Harrogate location)



**Travis Central Appraisal District**  
 P.O. Box 149012  
 Austin, Texas 78714  
 8314 Cross Park Drive  
 Austin, Texas 78754  
 Internet Address: [www.traviscad.org](http://www.traviscad.org)  
 Main Telephone Number (512) 434-9317  
 Toll Free (800) 335-3339

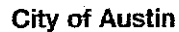
NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet  
 Projection: Lambert\_Conformal\_Conic

0 100 Feet

Revision Date  
 5/31/2005

1 6205

## “No Conflicts” Letter from Austin Energy



[www.austlinenergy.com](http://www.austlinenergy.com)

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

June 9, 2010

Frank Peter and Carol Suzanne Anzalone  
6117 Harrogate Dr.  
Austin, Texas 78759  
peter.anzalone@gmail.com

Re: 6117 Harrogate Dr.  
Lot 5 Blk A Enclave at Sierra Vista

Dear Mr. & Mrs. Anzalone,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to maintain a portable building on the side of the home. 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 322-6522.

Sincerely, -

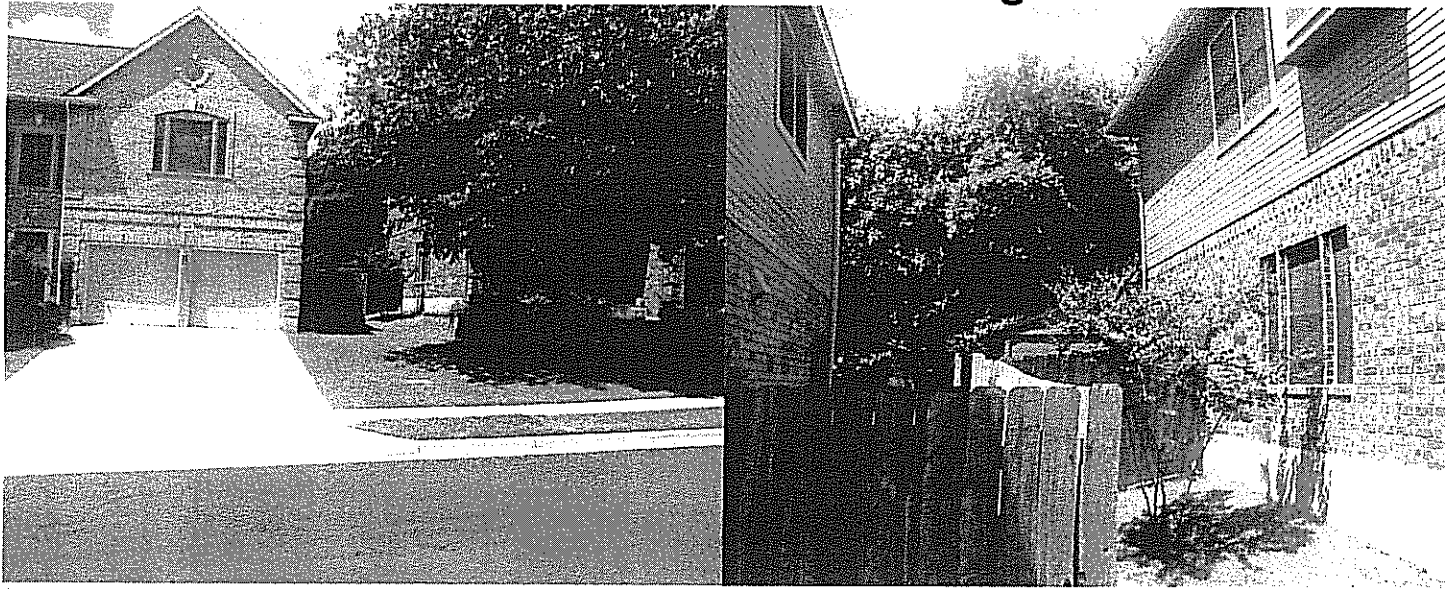
**Robert E. Long, Jr.**

Robert K. Long, Jr.  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

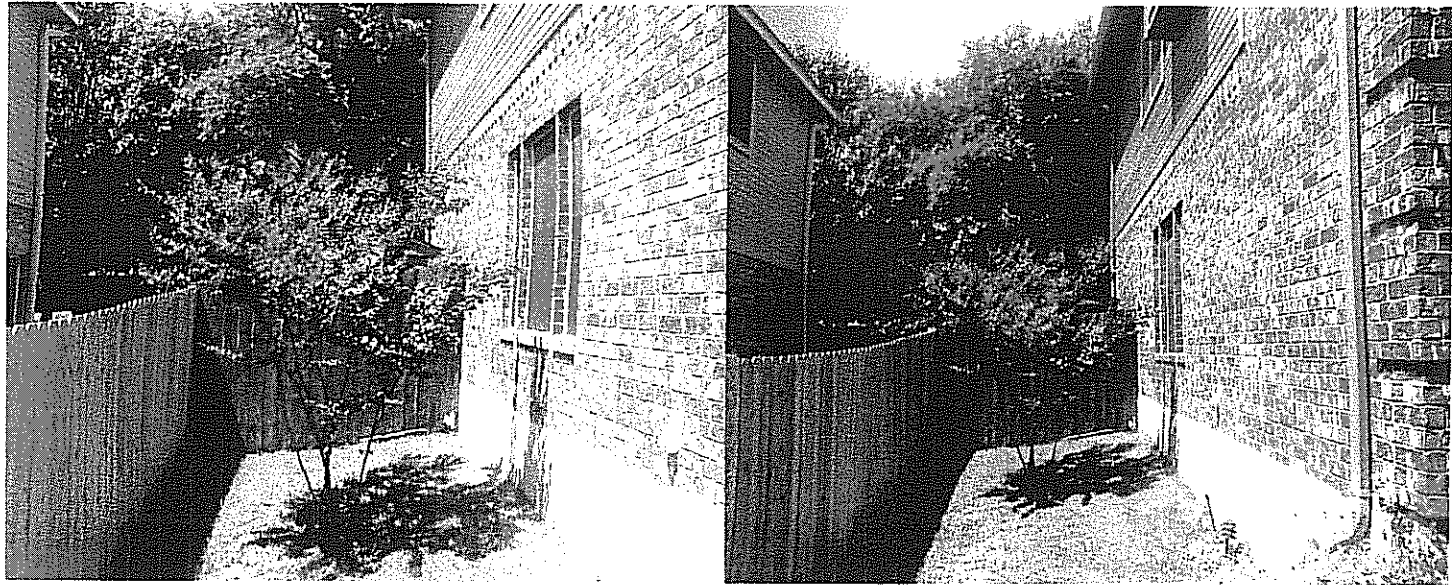
[illegible]

## Pictures of the shed at 6117 Harrogate Drive



It is located between these houses in the back.

It is visible just above the right fence.



The shed is effectively shielded from view by the fence and tree within our side yard.