

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: APPLICANT'S STATEMENT
(Please type)

STREET ADDRESS: 4921 Bull Creek Road, Austin, Texas 78731

LEGAL DESCRIPTION: Subdivision – William Schoenert Annex, Lot(s) A

ZONING DISTRICT: SF-1

I, Benjamin T. White, on behalf of myself, affirm that on July 9, 2010, I hereby apply for an interpretation hearing before the Board of Adjustment.

Planning and Development Review Department interpretation is:

On June 24, 2010, Greg Guernsey, Director of the Planning and Development Review Department, issued a Notice of Intent to Suspend Building Permit No. 2008-051644-BP stating that the existing 8 foot fence is not in compliance with City Code Section 25-2-899(E). The Building Permit in question was issued on July 2, 2008.

I feel the correct interpretation is that the eight foot fence in question is in compliance with City Code Section 25-2-899(E) as the elements thereof are met by the conditions existing both on my property and properties adjacent to the fence in question.

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.

UIS-2010-0088
TP-0227000116
ROW-10465655

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:

On December 3, 2009, City of Austin Building Official Leon Barba with the Planning Development and Review Department, issued a letter ruling that the fence built on my property under Building Permit No. 2008-051644 BP was built in compliance with Chapter 25-2-899. Specifically, in his letter, Mr. Barba unequivocally states that “The 8 ft. fence is in compliance with Chapter 25-2-899 Fences as Accessory Uses, specifically Section (E) and Section (E)(2)”. This ruling was the result of several meetings with Mr. Barba and a variety of other City of Austin staff members including Kathy Haight, John McDonald and Darren Cain, which culminated in a November 2009 meeting with Mr. Barba, Brent Lloyd, and at least three other participants.

This meeting and subsequent letter ruling occurred more than a year after the permits were applied for, issued, and the subject fence was constructed. Following the December 3, 2009 letter, I have since applied for a variance for the portion of my fenced ruled not to be in compliance with the building permit under which it was issued. My variance application is set for hearing on July 12, 2010. Prior to such hearing, I was contacted by Greg Guernsey to schedule a time for him to inspect the portion of my fence for which my variance application was pending. I was never under the impression that the 8 foot portion of my fence built under a permit that was later validated by Mr. Barba was in question. Subsequent to Mr. Guernsey’s inspection of my yard, I received Mr. Guernsey’s June 24, 2010 Notice of Intent to Suspend the permit for the 8 foot portion of my fence. The June 24 letter does not specify how the 8 foot fence fails to satisfy the conditions of 25-2-899(E)(2). Given the prior permit issuance, numerous meetings with City staff, review and scrutiny of the fence by City staff, and prior approval by Mr. Barba, I am unclear as to why now, nearly two years after the issuance of and half a year after the review and approval of the 8’ portion of my fence, Mr. Guernsey has now spontaneously decided to provide me with notice of his intent to suspend this permit after the issue had seemingly been resolved some time ago.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because:

The 8’ fence in question (i) does not change the use of the property, (ii) does not change the character of the property or surrounding properties, (iii) is consistent with the height of other fences in my neighborhood, (iv) was consented to in writing by neighbors directly adjacent to the 8’ portions of my fence, (v) satisfies the conditions of 25-2-899(E)(2), (vi) was built in accordance with a permit issued by the City of Austin nearly two years ago, (vii) serves a valid purpose in that it prevents children from using adjacent structures to climb over my fence and access hazardous situations on my property.

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:

There are numerous other properties in my neighborhood on which 8’ privacy fences have been constructed and such properties are not out of step with the character of the neighborhood.

APPLICANT/AGGRIEVED PARTY 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 F. White Printed Benjamin F. White

Mailing Address 4921 Bull Creek Rd

City, State & Zip Austin TX 78731 Phone 512 413 3992

OWNER'S 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 F. White Printed Benjamin F. White

Mailing Address 4921 Bull Creek Rd

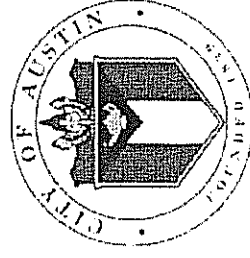
City, State & Zip Austin TX 78731 Phone 512 413 3992



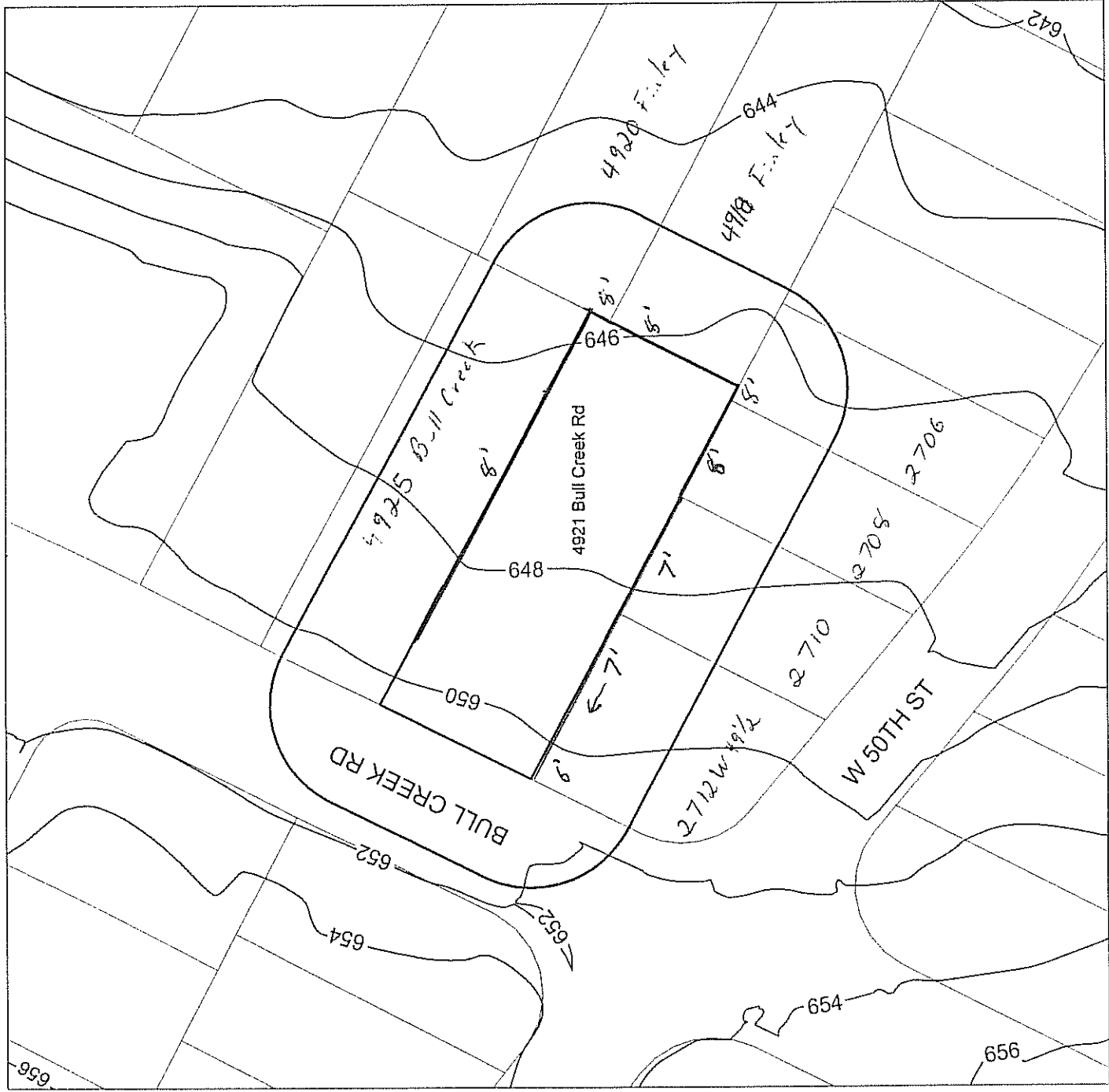
-  SUBJECT TRACT
-  ZONING BOUNDARY

BOARD OF ADJUSTMENTS

ZONING CASE#: C15-2010-0088
 LOCATION: 4921 BULL CREEK RD
 GRID: J27
 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.



4921 Bull Creek Rd



Date Plotted: July 21, 2009



- ~ 2' Contours
- 50' Buffer
- - - Parcel Lines

The 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 the accuracy, completeness, or usefulness of the information shown on this map.

City of Austin - CTM - Regional Mapping

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:

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

Deeb Ramzi
4925 Bull Creek Dr.
Austin, TX

Tony Gregg
2712 49 ½ St.
Austin, TX

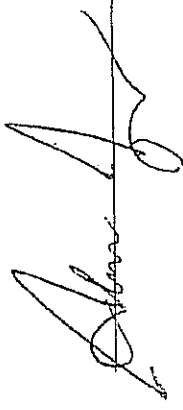
Wade Williams
2708 49 ½ St.
Austin, TX

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

Signature:



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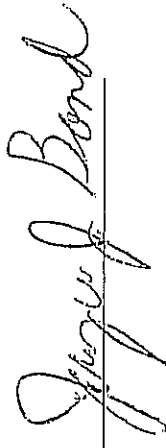
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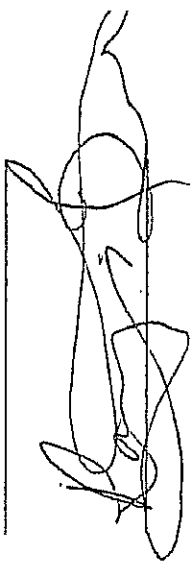
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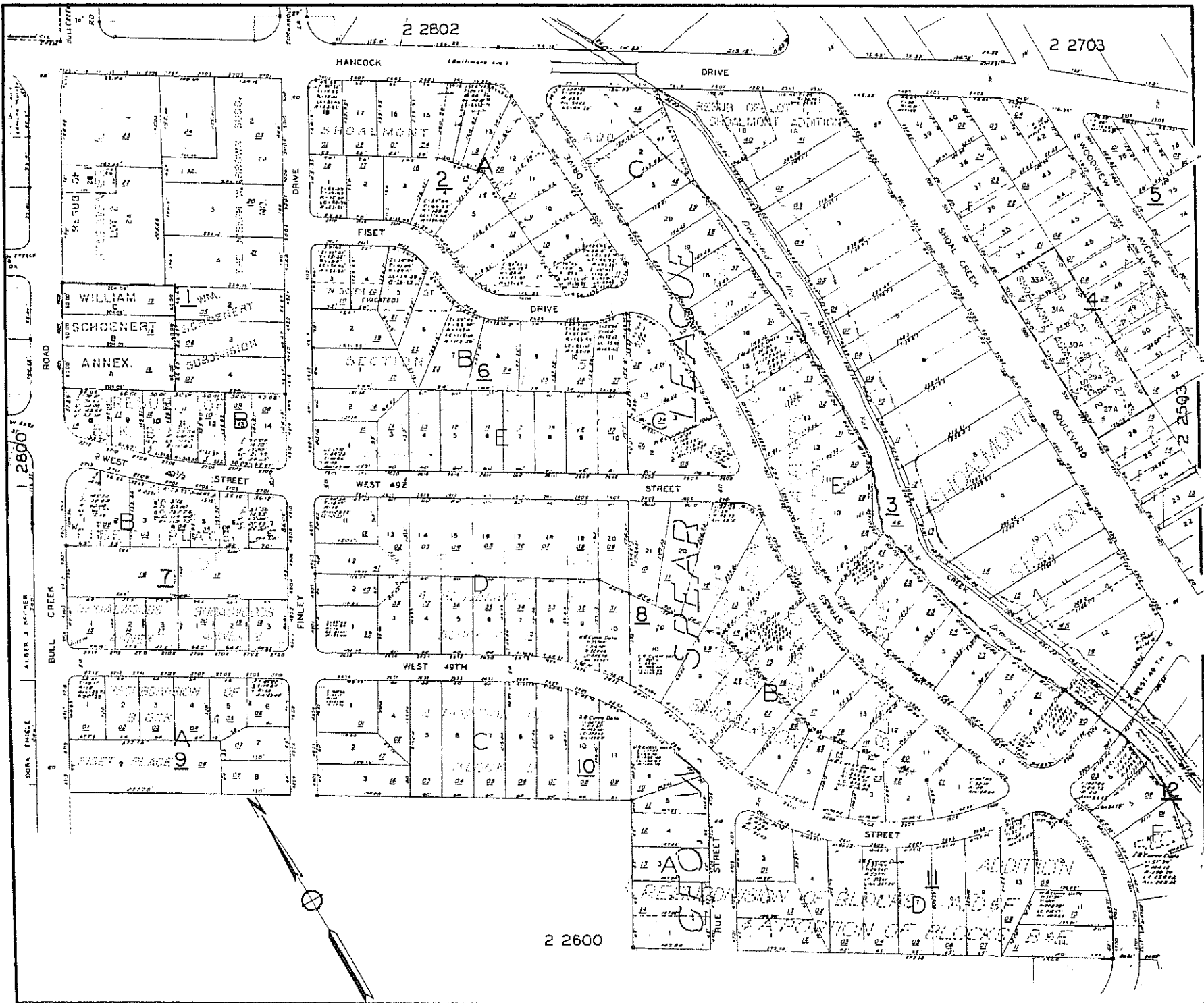
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Signature:





REVISIONS

12/01/89

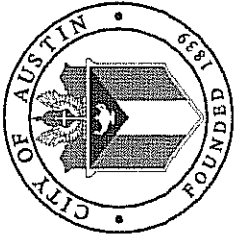
JURISDICTIONS
CITY OF AUSTIN
AUSTIN I.S.D.
A.C.C.

TRAVIS CENTRAL APPRAISAL DISTRICT
8314 Grass Park Drive
Austin, Tx 78754
Internet Address WWW.TRAVISCAD.ORG
Main Telephone Number (512)834-9317 Appraisal Information (512)834-9318
Fax Number (512)836-5371 TDD (512)836-3328

0' 100'
SCALE

MAP NO.
2700

1" = 400' MAP
REFERENCE
12608
2700



Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767
One Texas Center, 505 Barton Springs Road
Telephone: (512) 974-6370 Fax: (512) 974-2423

Determination of a Exemption Request

Date: 9/2/2010

Number of pages including cover: 1

From: Sallie Montemurro @ (512) 974-9747 or Andria Burt @ (512) 974-2774

To: Gordon Kohutek Telephone: 930-5832

FAX: E-Mail: gkohutek@aol.com; ray@kohutekengineering.com

Exemption #: DA-2010-0961

Project Name: Reyes Ski Park

Address: 10910 N. FM 620

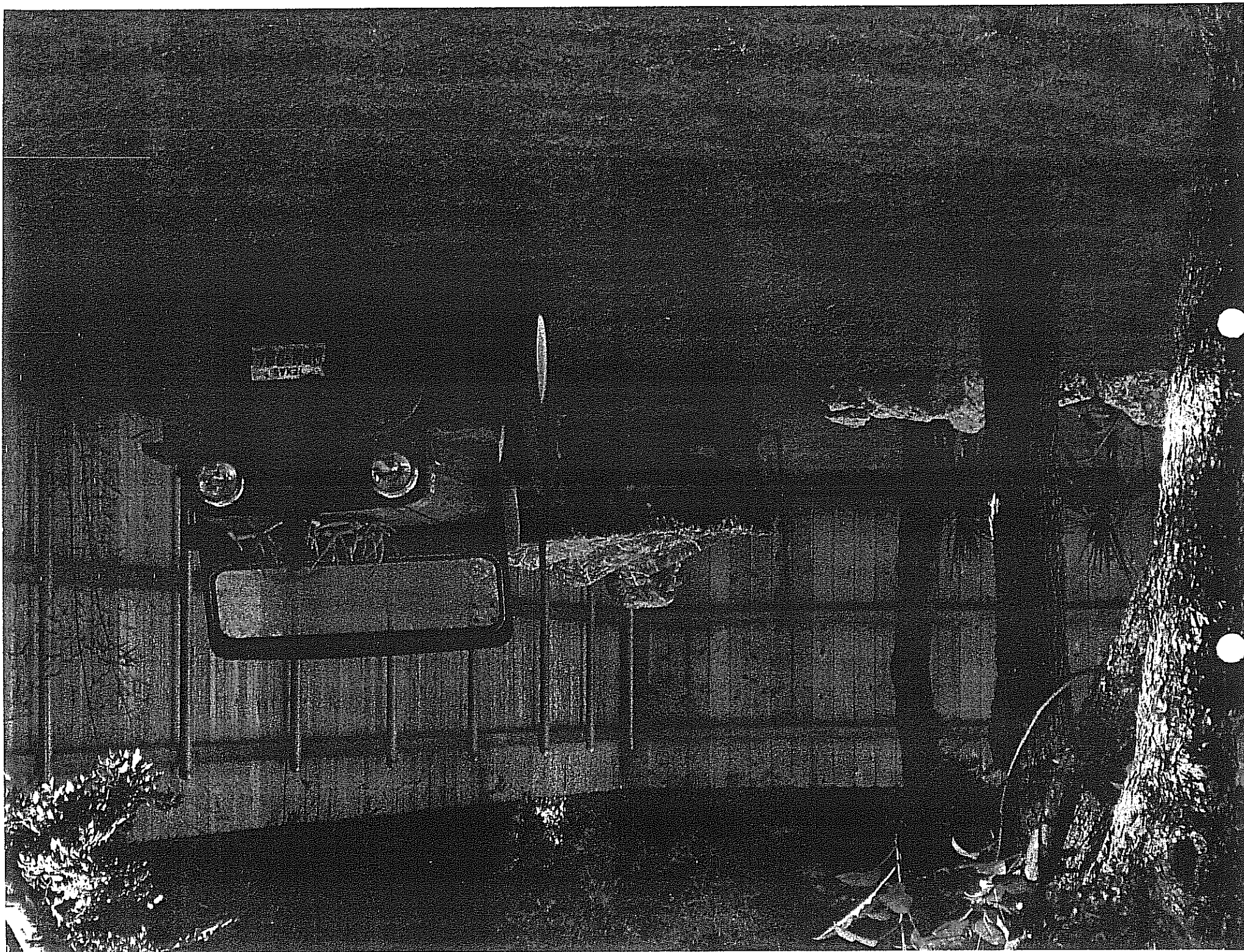
Review Staff Contact/Telephone: _____

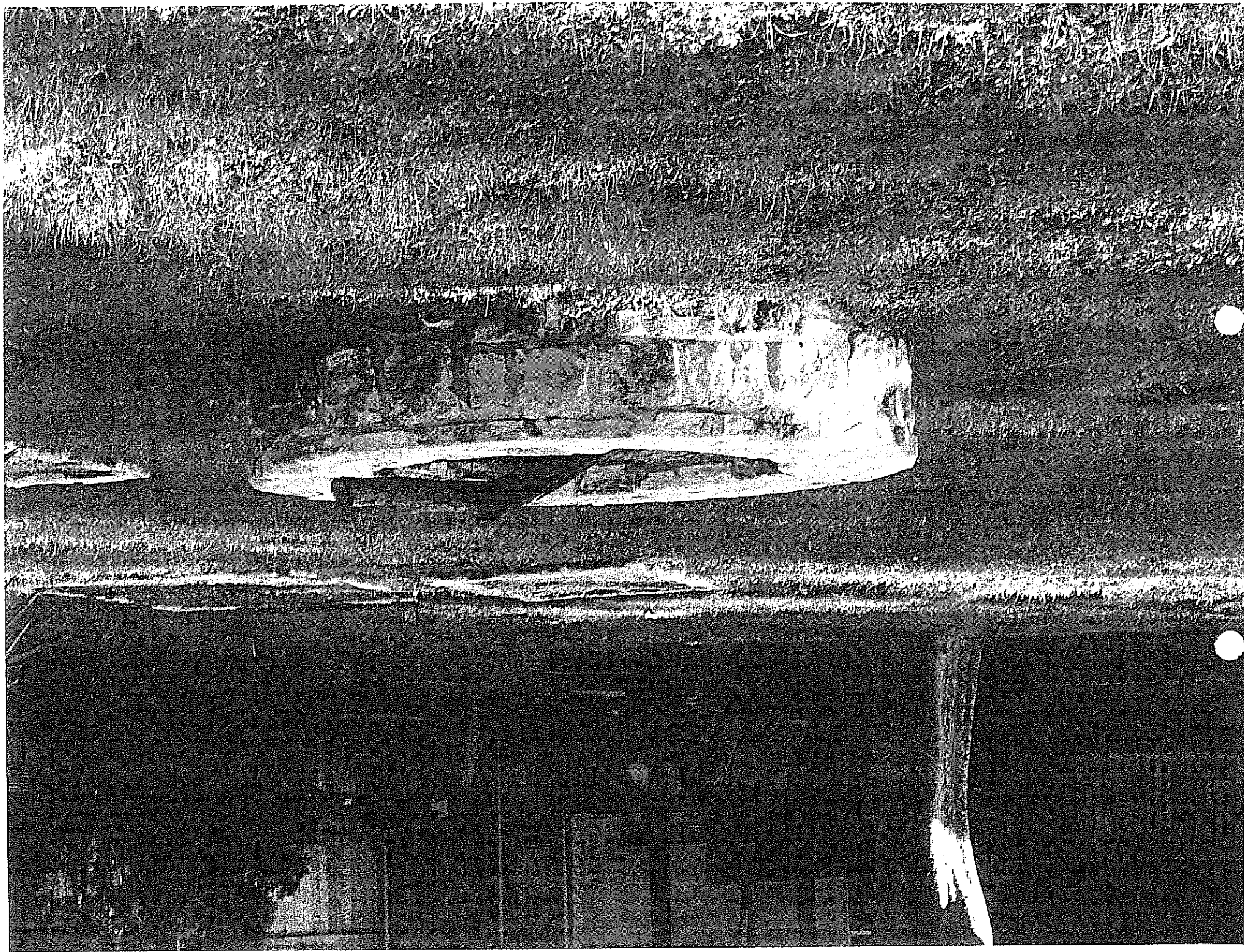
Review Results		
Your request has been <u>Approved</u>.		
See NOTES for additional information and/or conditions.		
Fees Due		Cost
Site Plan Correction Review		
Landscape Inspection:		
Shared Parking Review		
Phasing Review:		
Change of Use Review		
x Commercial Exemption Review		\$75.00
TOTAL COST:		\$75.00

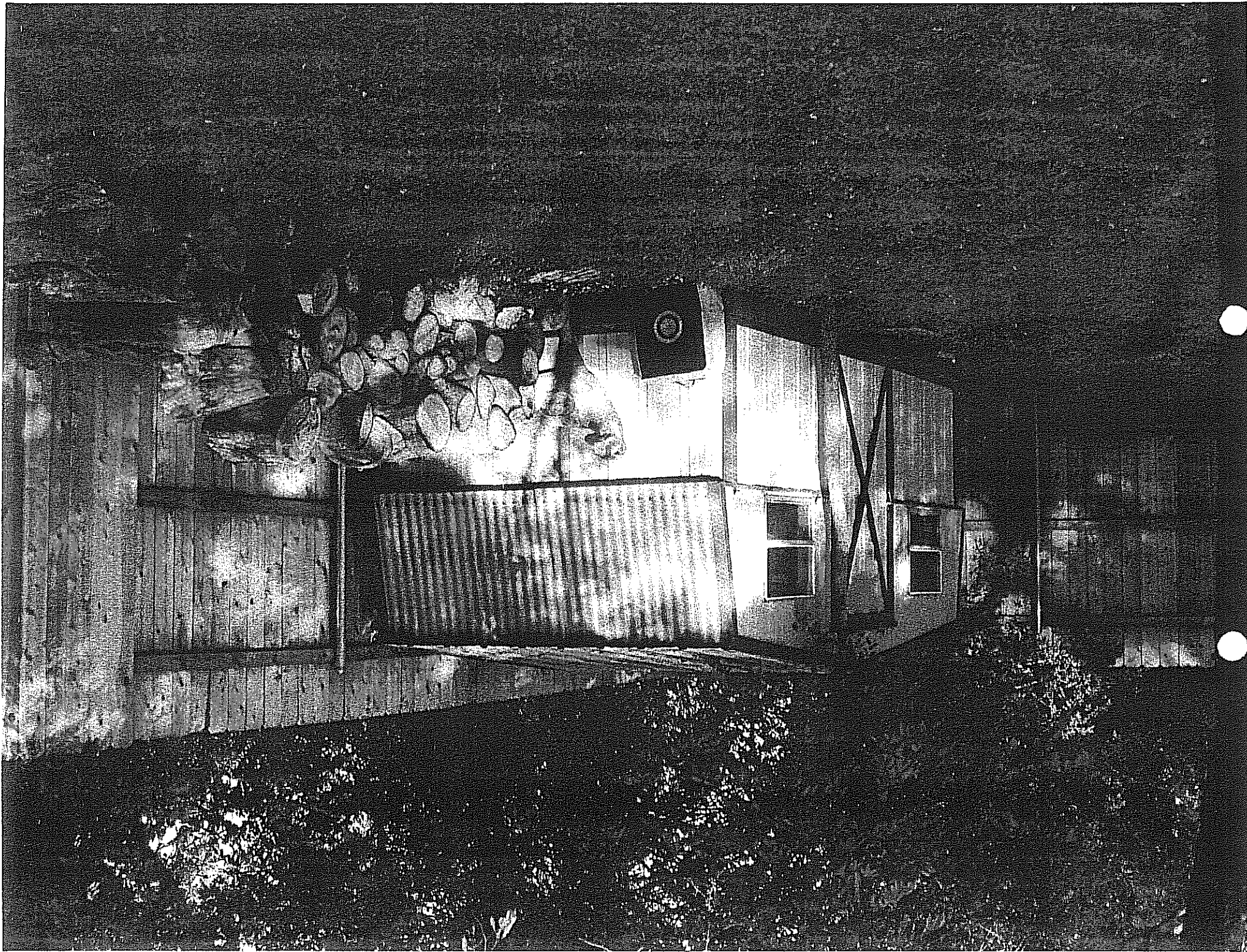
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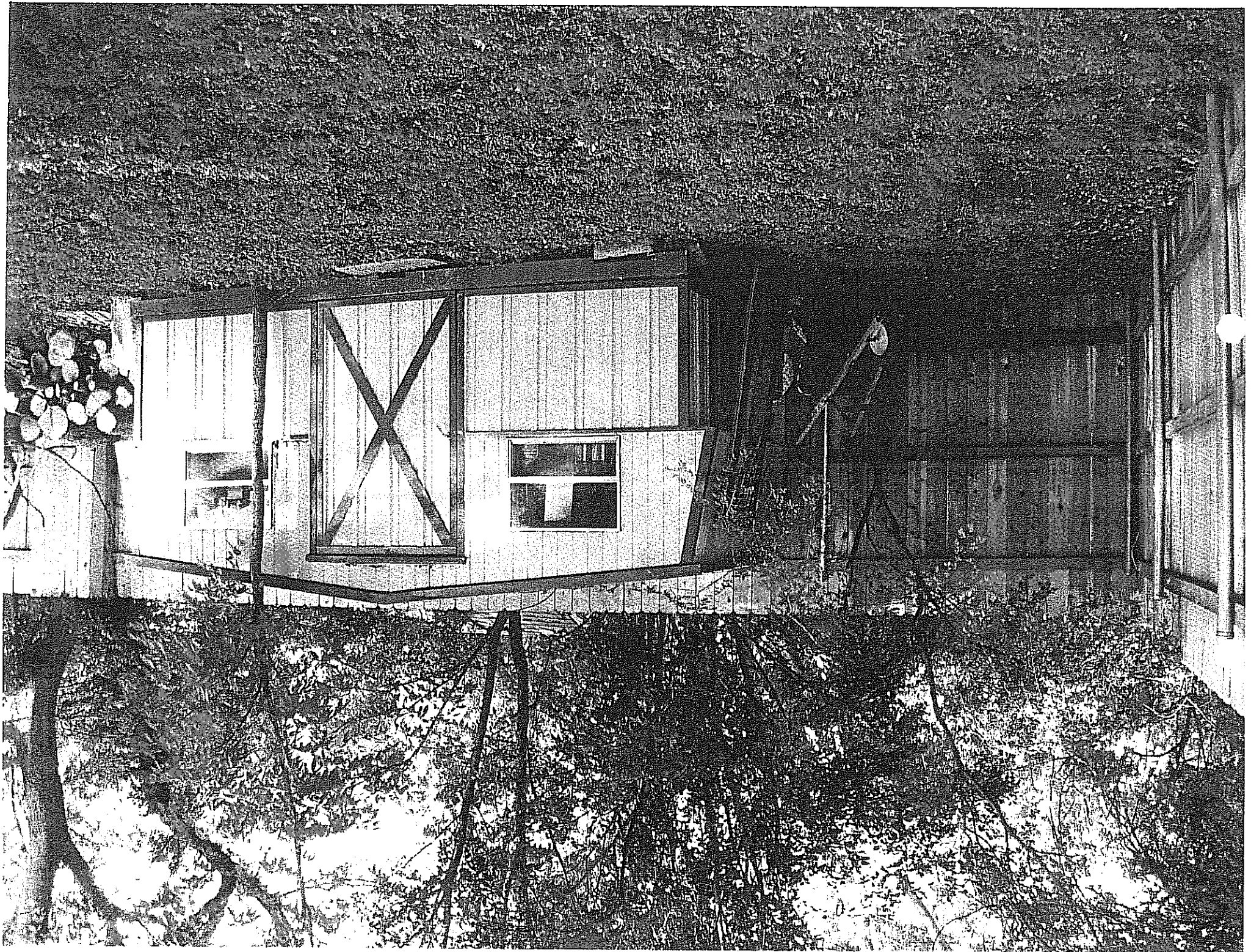
Approved Exemptions may be picked up **9/3/2010** on the first floor of OTC, between the hours of **10:00 a.m. and 2:00 p.m.**

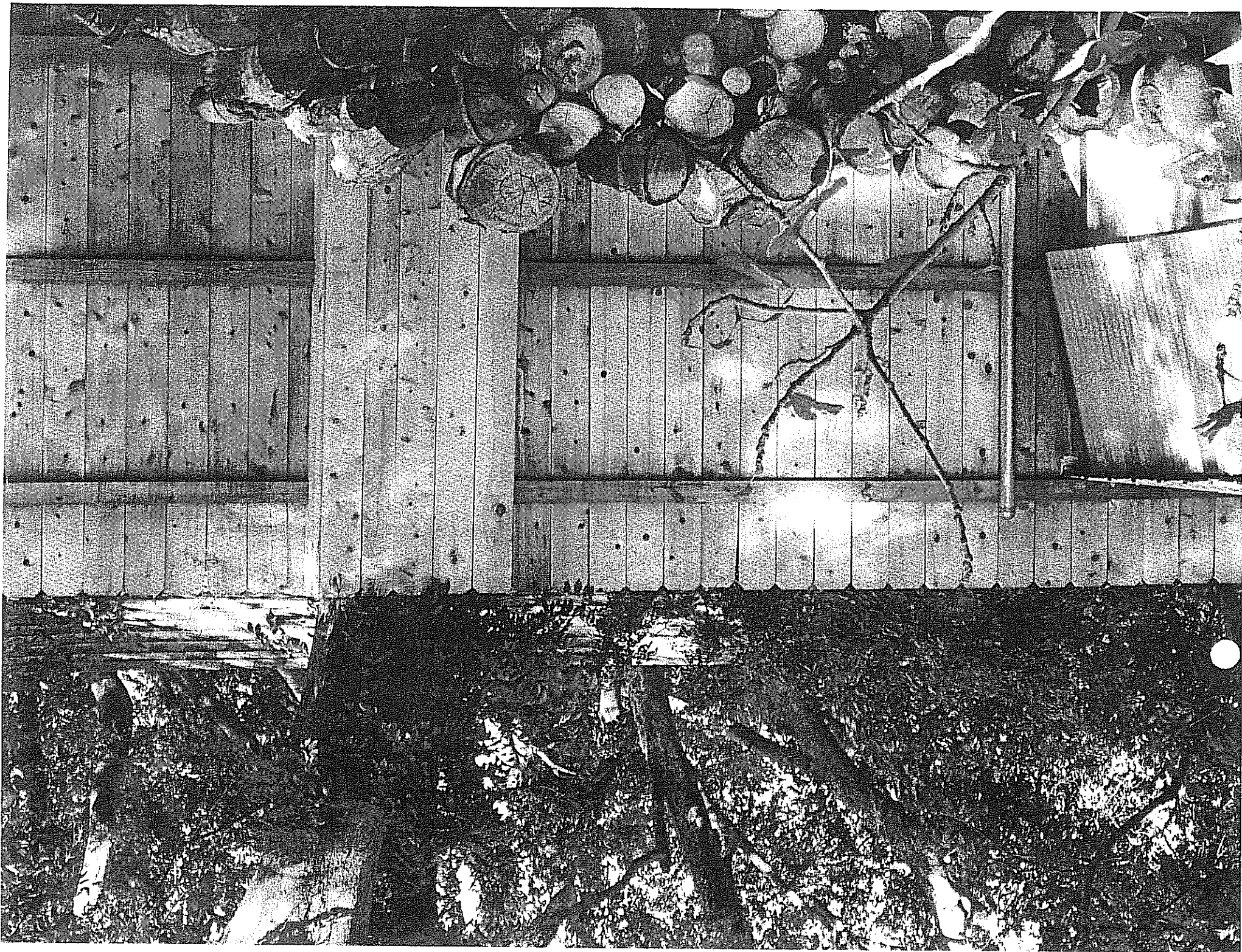
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BURLESON CROSSING

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