

CASE # C15-2010-0114
ROW # 10490878
TP- 0152440141

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: 12914 Park Drive

LEGAL DESCRIPTION: Hughes Park Lake Subdivision Section 1 Lots 74 through 76 and 1.377 acres out of Abstract 241, Survey 73 D and W R R Co

I/We Richard T. Suttle, Jr. with Armbrust & Brown, PLLC on behalf of myself/ourselves as authorized agent for RGOI Investments, Ltd., Patricia and William D. Snyder affirm that on August 24, 2010, we, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

The owners would like to maintain the existing solid fence along a portion of the east property line, as shown on Exhibit A. The solid fence is approximately 37 feet long and ranges in height between six and 15 feet, as shown in Exhibit B. The solid fence was engineered and screens the Applicant's property from the underside of the adjacent property's pool and a tank located underneath the pool.

in a SF-2 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.

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:

While zoning regulations allow a solid fence between properties, there are significant topographic changes as this property and the adjacent property slopes towards Lake Travis. The elevation nearest Park Drive is 785 feet while the elevation at Lake Travis is 715 feet. This equates to approximately a 70 foot elevation difference across the property. When properties have significant grade changes, then the heights of fences may not be relative to the improvements which they are screening.

The pool for the neighboring property was constructed in the side setback area, up to the property line, as shown in plan view on Exhibit C and in the photo on Exhibit D. The terrace for the pool on the neighboring property ranges between approximately six and 15 feet above grade. The purpose of the solid fence is to screen the underside of the adjacent property's pool and to shield the tank located underneath the pool, as shown in Exhibit D.

HARDSHIP:

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

The steep topography of the property as it slopes towards Lake Travis and the location of the neighboring pool above grade leave an area underneath the neighboring pool which is exposed, as shown in Exhibit D. The exposed area ranges between approximately six and 15 feet in height, which is the height of the solid fence.

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

The terrace for the adjacent pool was constructed in the side setback area up to the property line, as shown in Exhibit C. Most situations with pools located above grade include shielding from the underside of the pool.

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 solid fence does not extend above the handrail for the adjacent property's terrace, as shown in Exhibit D. Therefore, it does not alter the character of the area nor does it impair the use of the adjacent property. Additionally, it does not impair the purpose of SF-2 zoning regulations, since solid fences are allowed for screening. The zoning regulations applicable to fence heights did not anticipate situations in

which a property has a 70 foot grade change from one end of the property to the other.

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:

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

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 100 Congress Avenue, Suite 1300

City, State & Zip Austin, TX 78701

Printed Richard T. Suttle, Jr. Armbrust & Brown, PLLC

Phone 512-435-2310

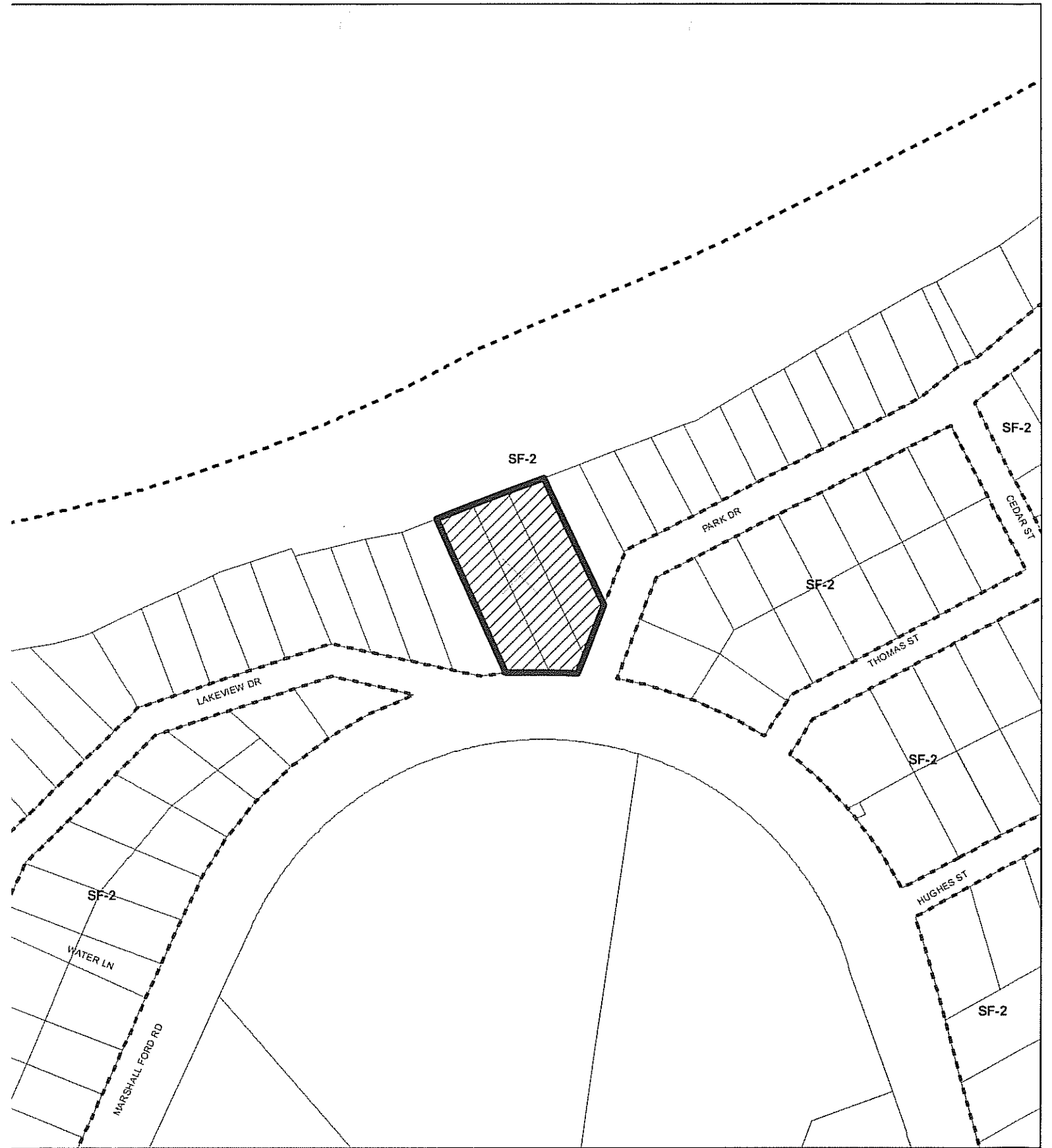
Date August 24, 2010

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 See Attached Authorization Letter Mail Address 400 E Dove Avenue

City, State & Zip McAllen, TX 78504



Printed RGOI Investments, Inc. Phone 408-248-6827 Date August 24, 2010

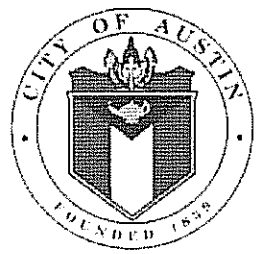


BOARD OF ADJUSTMENTS

CASE#: C15-2010-0114
 LOCATION: 12914 PARK DR
 GRID: B33
 MANAGER: SUSAN WALKER



-  SUBJECT TRACT
-  ZONING BOUNDARY



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.

August 24, 2010

City of Austin
Planning and Development Review Department
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: 12914 Park Drive, also known as Lots 74 -76 of the Hughes Park Lake
Subdivision Section 1, as recorded in the Travis County Plat Records and 1.37
acres out of Abstract 241, Survey 73 D & W R R Co of Travis County, Texas

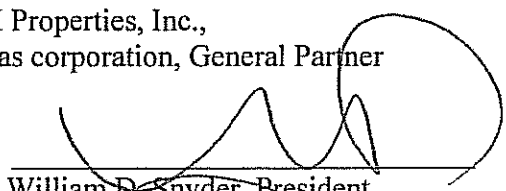
Dear Planning and Development Review:

Please accept this letter appointing Armbrust & Brown, PLLC as authorized agent for the undersigned in connection with the submittal of a board of adjustment variance for the above-referenced property. This appointment includes complete authority for Armbrust & Brown, PLLC to handle all aspects of the board of adjustment variance. All correspondence and contact should be directed thereto. Thank you for your assistance in connection with this matter.

Sincerely,

RGOI INVESTMENTS, LTD.,
a Texas limited partnership

By: RGOI Properties, Inc.,
a Texas corporation, General Partner

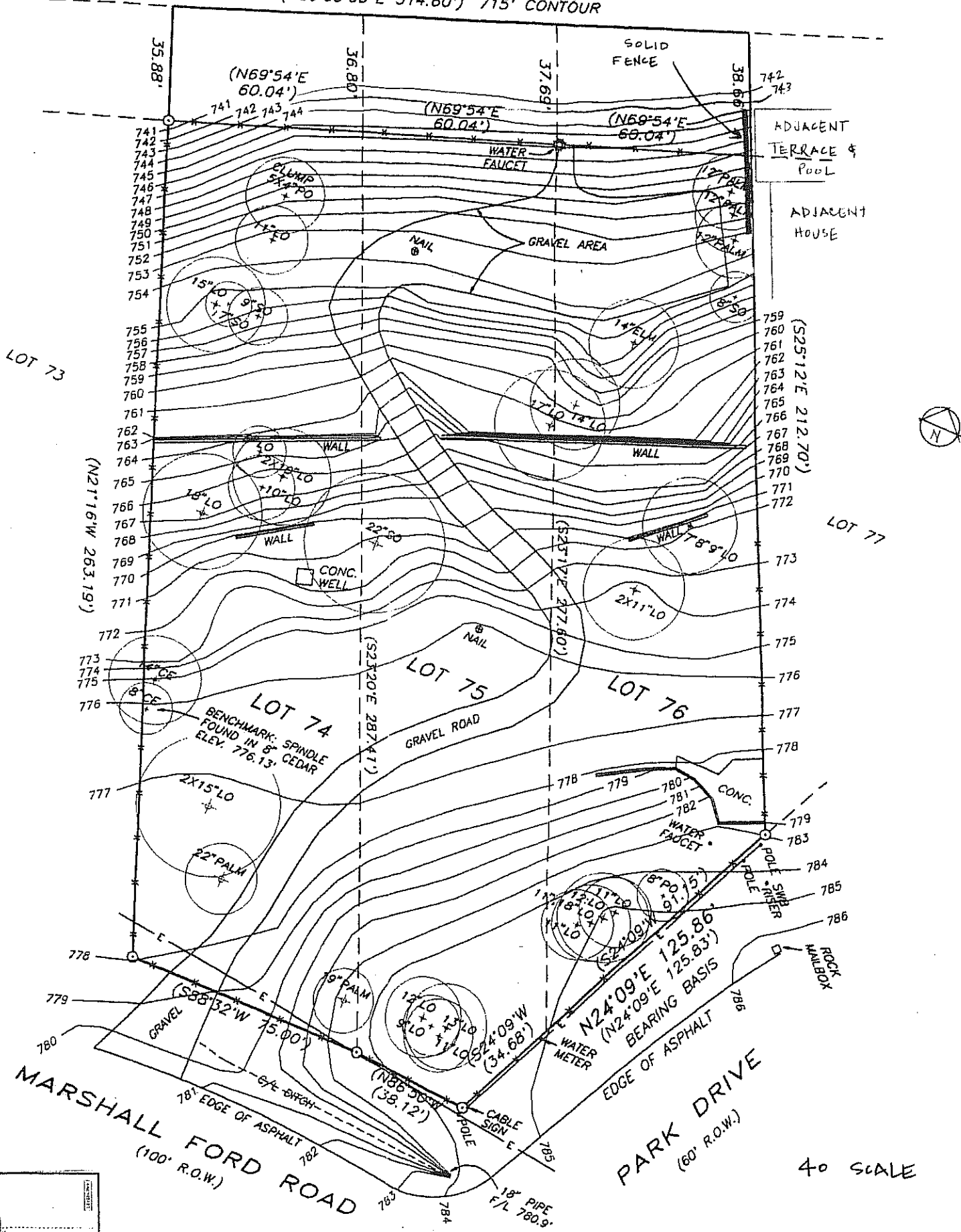
By: 
William D. Snyder, President


WILLIAM D. SNYDER


PATRICIA SNYDER

EXHIBIT A

(N69°03'00"E 514.60') 715' CONTOUR



40 SCALE

EXHIBIT B

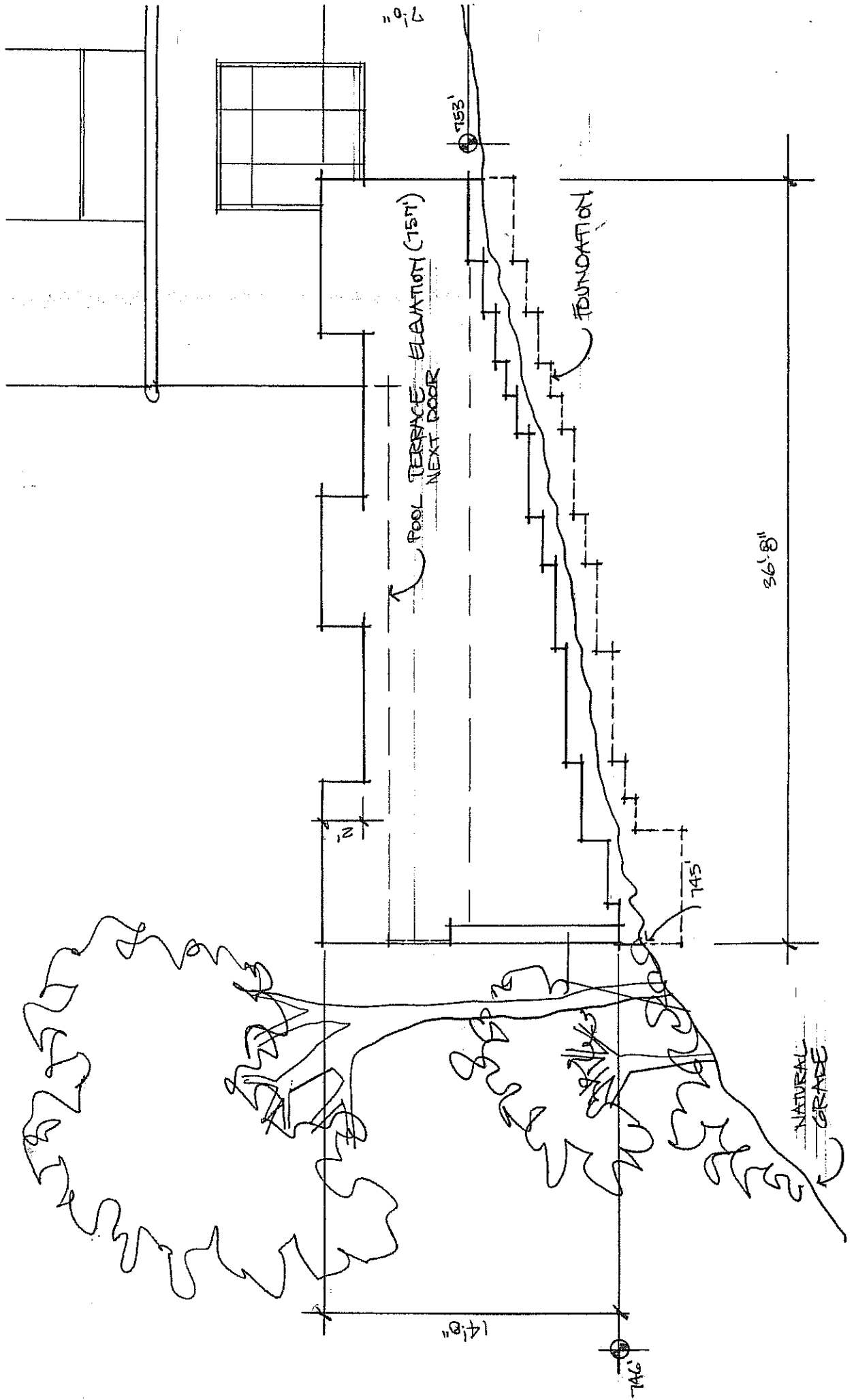


EXHIBIT C

TOP @
763

TOP @
761'

LOW

TERRACE OF
ADJACENT
HOUSE
@ 757'

756 757'

ROOF OF
ADJACENT
HOUSE

→

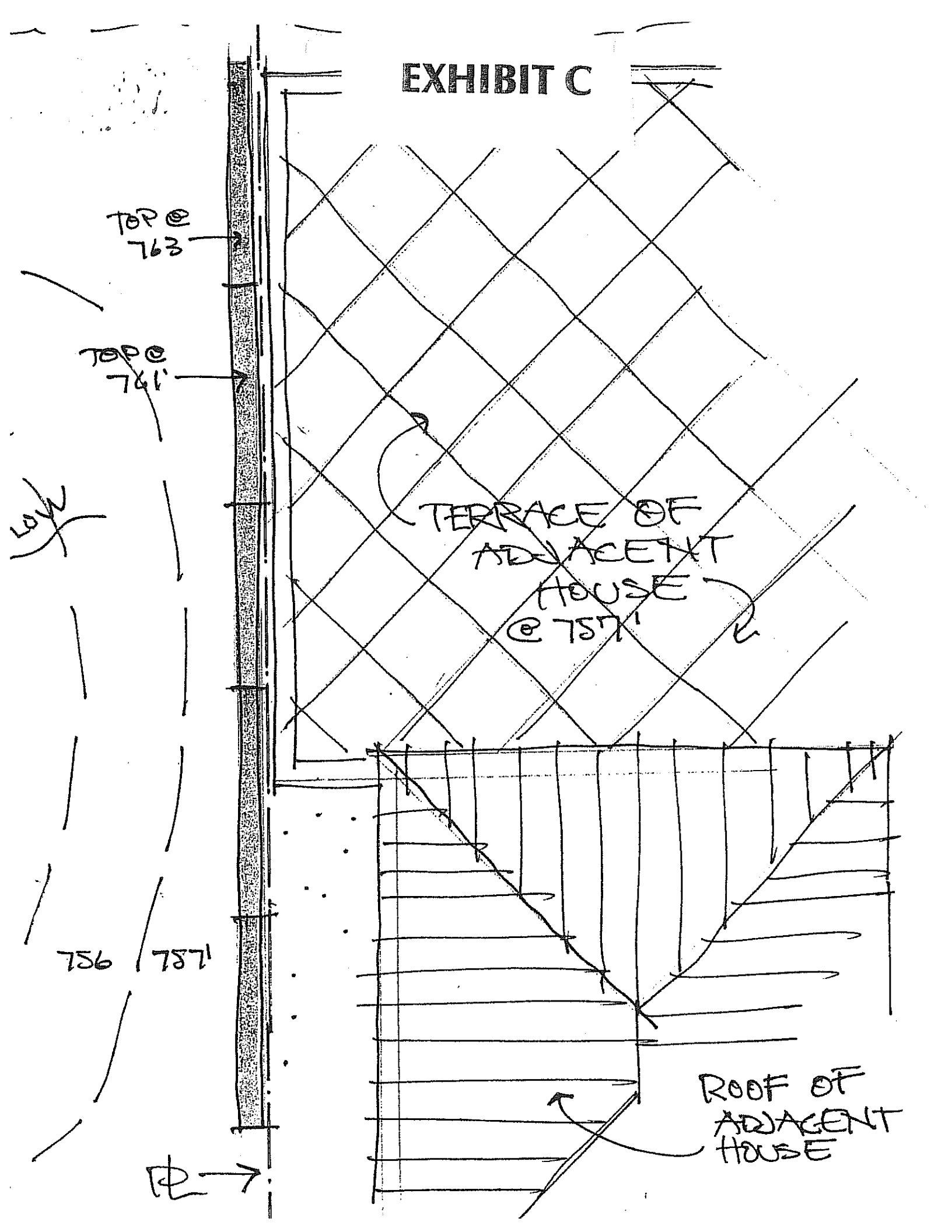


EXHIBIT D



↑
Solid fence on property line

↑
Stone handrail, terrace deck and supports
for adjacent property owner's terrace and pool