

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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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 # C15-2010-0143
ROW # 10513119
TP-0121040713
01-2104-0714

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: 2903 and 2907 Tarry Trail

LEGAL DESCRIPTION: Subdivision – Tarry Trail

Lot(s) 5 and 6 Block Outlot Division

I David Herndon on behalf of myself as authorized agent for

David and Dealey Herndon affirm that on November 3, 2010,

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

(check appropriate items below)

X ERECT ATTACH COMPLETE X REMODEL MAINTAIN

Replace an existing six foot (6') high fence with an eight foot (8') high fence

in a SF-3 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.

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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:

This property and its rear property line abuts Exposition, very busy arterial street which carries commercial traffic-commercial use.

HARDSHIP:

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

Other properties along Exposition do not have a 9 foot slope along their Exposition property lines with the house on the highest point.

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

Other properties along Exposition do not have the 9 foot slope along Exposition.

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:

No other houses see our rear fences and across Exposition from our fence is the State School which is not zoned, traffic on Exposition is too busy and too fast to notice the difference between a 6 foot fence and an eight foot fence.

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:

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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:

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:

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

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

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 _____

City, State & Zip _____

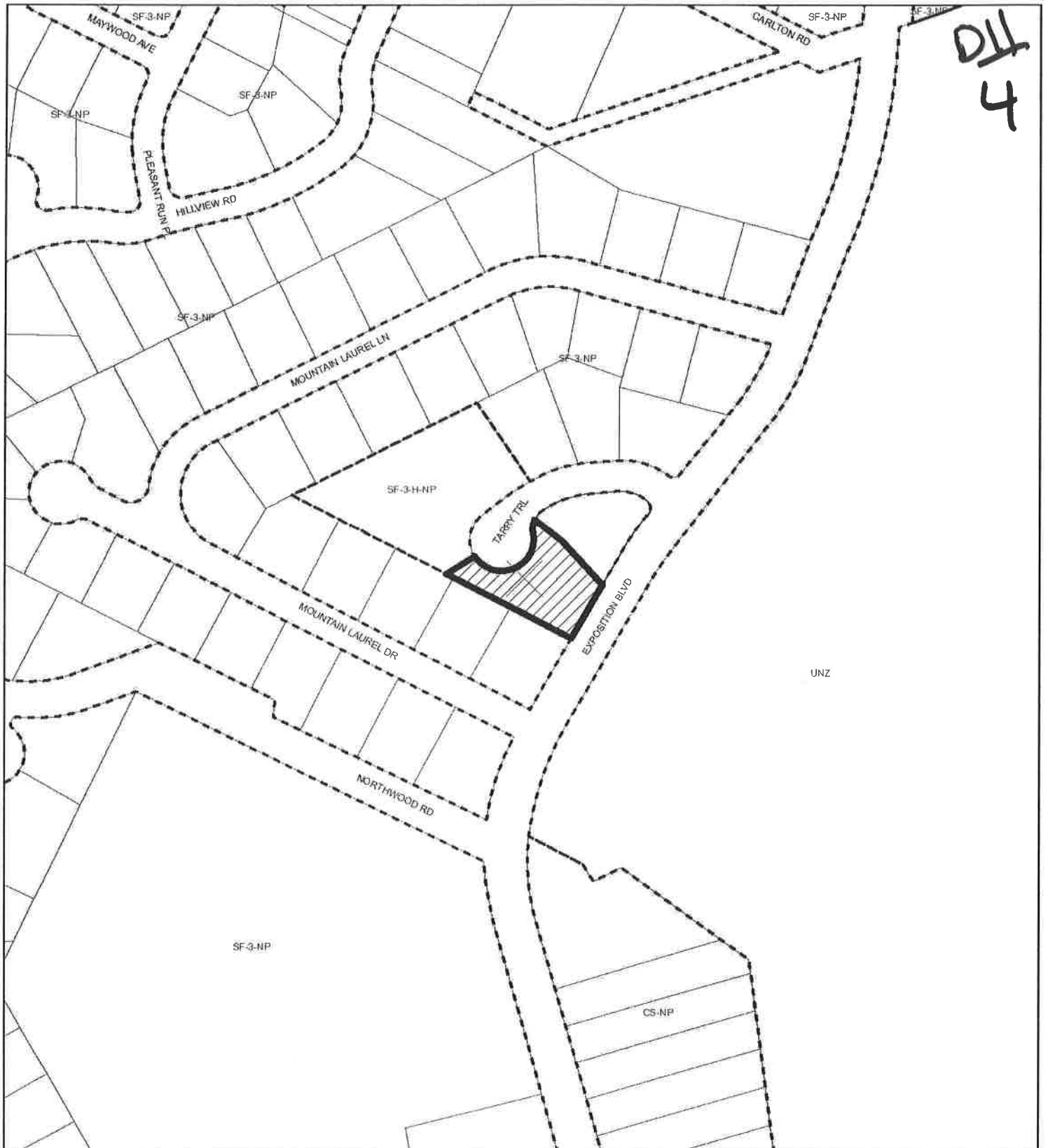
Printed _____ Phone _____ Date _____

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 David Herndon Mail Address 401 Congress Avenue, #2200

City, State & Zip Austin, Texas 78701

Printed David Herndon Phone 512-480-5683 Date 11/3/10



SUBJECT TRACT



ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0143

LOCATION: 2903 & 2907 TARRY TRL

GRID: H25

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.



DATE: 5/6/2009



Austin's Community-Owned Electric Utility

City of Austin

Austin Energy

Town Lake Center • 721 Barton Springs Road • Austin, Texas 78704 - 1145

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November 3, 2010

David Herndon
401 Congress Avenue, Suite 2200
Austin, Texas 78701

Re: 2903 and 2907 Tarry Trail
Lots 5 and 6 Tarry Trail Subdivision

Dear Mr. Herndon:

Austin Energy (AE) has reviewed your application for the above referenced property requesting to replace an existing six foot (6') high fence with an eight foot (8') high fence. 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 322-6112.

Sincerely,

Christine Esparza
Public Involvement & Real Estates Services

Cc: Diana Ramirez and Susan Walker

Austin Energy has reviewed this plan for and approved the variance requested before the Board of Adjustment. Any change to this plan must be approved by Austin Energy.

2903 & 2907 Tarry Trail

DW



AUSTIN ENERGY

Date

11/3/2010

TARRY TRAIL

2907 TARRY TRAIL

LOT 5
TARRY TRAIL
VOL. 74, PG. 1

LOT 6
TARRY TRAIL
VOL. 74, PG. 1

2-STORY ROCK HOUSE
2903 TARRY TRAIL

GARAGE

POOL HOUSE

IV ELECTRIC BASEMENT
VOL. 74, PG. 1

NEW 8' H. WALL

EXPOSITION BOULEVARD

NEW 8' H. WALL

SITE PLAN

1" = 40'-0"
11/2/2010

CYRUS M. JONES - ARCHITECT
1110 TRAVIS HEIGHTS BLVD.
AUSTIN, TEXAS 78704
(512) 447-3375

DRAWING TITLE: NEW 8' HIGH WALL SITE PLAN

PROJECT: 2903 & 2907 TARRY TRAIL

SHEET: 1 OF 1

ADDRESS: 2903 & 2907 TARRY TRAIL

DATE: 5/6/2009

Previous approved
Variance DH
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**CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet**

DATE: Monday, July 13, 2009

CASE NUMBER: C15-2009-0069

☐ Y ☐ Greg Smith (Motion to GRANT)
☐ **Michael Von Ohlen OUT**
☐ Y ☐ Yolanda Arriaga
☐ Y ☐ Bryan King
☐ Y ☐ Leane Heldenfels, Vice-Chairman
☐ Y ☐ Frank Fuentes, Chairman
☐ Y ☐ Nora Salinas
☐ Y ☐ Heidi Goebel

APPLICANT: David Herndon

ADDRESS: 2903 and 2907 TARRY TRL

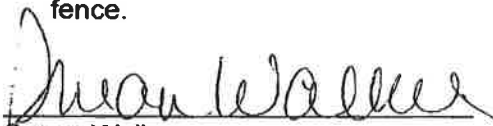
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 feet in order to replace a 6 foot wooden fence with an 8 foot stone fence for a single-family residence in an "SF-3", Family Residence zoning district. The Land Development Code states that a fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet

BOARD'S DECISION: MOTION TO APPROVE BY BOARD MEMBER SMITH, SECONDED BY BOARD MEMBER KING, VOTE 7-0; GRANTED

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this property and it's rear property line abuts Exposition, very busy arterial street which carries commercial traffic-commercial use.
2. (a) The hardship for which the variance is requested is unique to the property in that: other properties along exposition do not have 9 foot slope along their Exposition property lines with the house on the highest point

(b) The hardship is not general to the area in which the property is located because: other properties along Exposition do not have the 9 foot slope along Exposition
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: no other houses see our rear fences and across Exposition from our fence in the State School which is not zoned, traffic on Exposition is too busy and too fast to notice the difference between a 6ft fence and an 8ft fence.


Susan Walker
Executive Liaison


Frank Fuentes
Chairman

011/9

CASE # C15-2009-0069

ROW-10292244

TP-0121040713

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

* 07114

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2903 and 2907 Tarry Trail

LEGAL DESCRIPTION: Subdivision - Tarry Trail

Lot(s) 5&6 Block _____ Outlot _____ Division _____

I David Herndon on behalf of myself

_____ affirm that on 5/20/09, I

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

ERECT - ATTACH - COMPLETE - ☒ **REMODEL** - MAINTAIN

Replace a 6 foot high wooden fence with an 8 foot high stone fence along Lots 5 & 6 rear property line along Exposition Blvd and 20 feet of fence at the southwest corner of Lot 6 between it and the property to the South

in a SF3 district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Lena Lund with Austin Energy at 322-6587 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

6/1/09

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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:

I believe the zoning regulations applicable to the property do allow the fence I want to build, but the City has denied me a building permit, saying I must get a variance.

Section 25-2-899 of Austin LDC provides that an 8 foot fence may be constructed between a residential property and property used for a commercial use. My property is residential and its rear property line abuts Exposition, a very busy "arterial" street which carries commercial traffic (a commercial use). On the other side of Exposition from my property is the Austin State School which is unzoned, but, if zoned, would only be allowed in a commercial or industrial zoning district. My fence would be "between" that commercial use and my residential use even though the street is also in between.

However, if the zoning regulations do not allow an 8 foot fence, they do not allow a reasonable use for the following reasons. My rear property line along Exposition slopes from the middle, where my house is, 9 feet down to the north end and 9 feet down to the south end. Due to this slope, the line of sight from traffic and headlights on Exposition is into the rear of our house and back yard. The amount of traffic on Exposition has increased enormously (it is used as a Mopac bypass), it goes faster and generates much more noise. Our existing 6 foot high fence does not provide reasonable privacy and noise and light screening from Exposition.

Furthermore, across Exposition from my house on the State School property is a electricity substation (my term) which is severely industrial looking. Also across Exposition, the State School is building a water pumping/purification facility, which we will see.

HARDSHIP:

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

Other properties along Exposition do not have the 9 foot slope along their Exposition property lines with the house on the highest point

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

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Other properties along Exposition do not have the 9 foot slope along their Exposition property lines with the house on the highest point

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:

No other houses see our rear fence and across Exposition from our fence is the State School which is not zoned. Traffic on Exposition is too busy and too fast to notice the difference between a 6 ft fence and an 8 ft fence, especially given the 9 foot slope.

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:
-
-

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:
-
-

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

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

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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 _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

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 2903 Tarry Trail

City, State & Zip Austin, Texas

Printed David Herndon Phone 480-5683 Date 5/20/09

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:

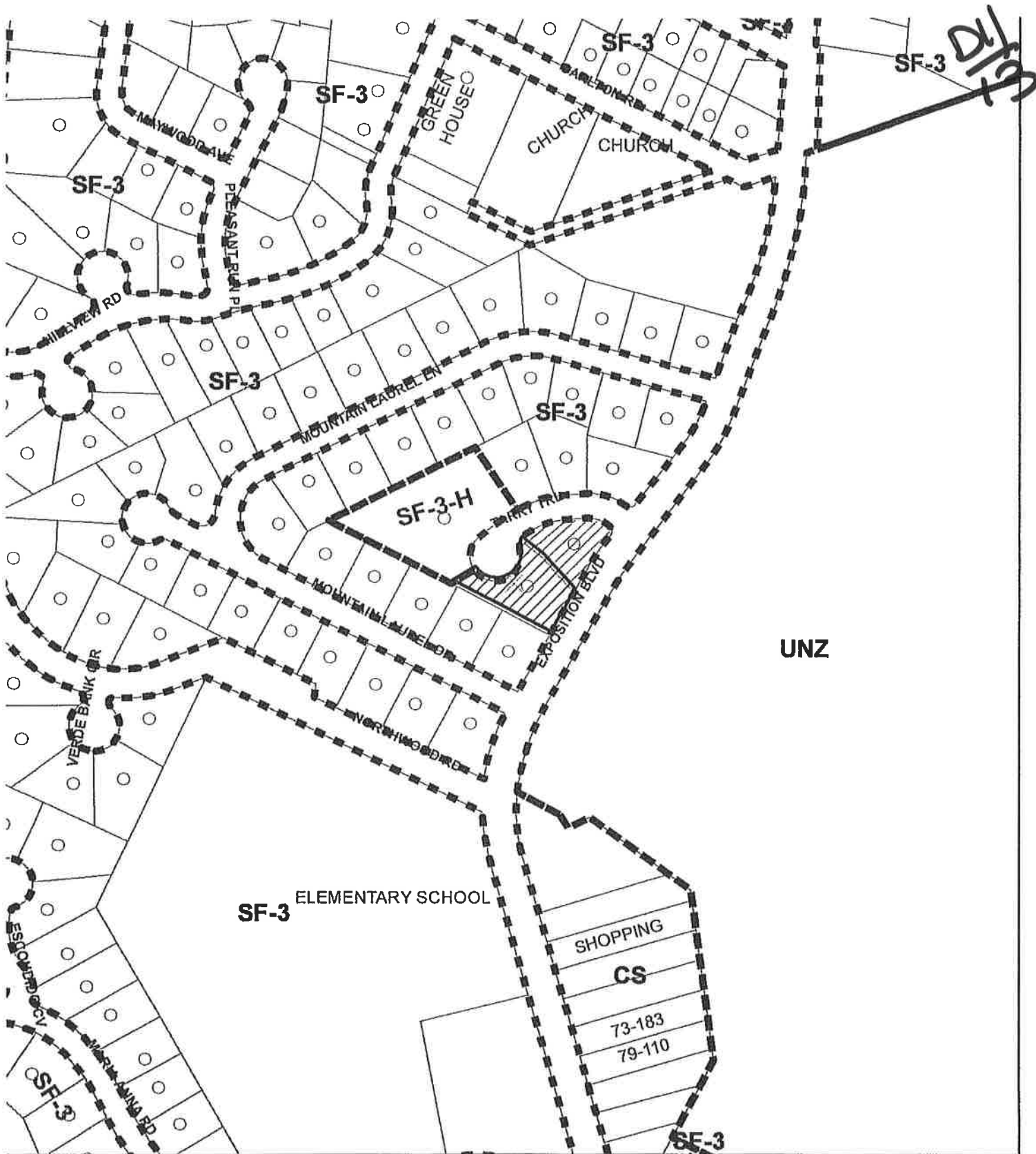
General Requirements:

- 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.

Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

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



BOARD OF ADJUSTMENT



1" = 200'



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2009-0069
 ADDRESS: 2903 & 2907 TARRY TRAIL
 GRID: H25
 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.

OPERATOR: RLPARKER

