

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.

OK

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

CASE # C15-2010-0137  
ROW # 10513056  
TR 0424400524

**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: 6008 Roxbury Ln Austin, TX 78739

LEGAL DESCRIPTION: Subdivision – Circle C Ranch

Lot(s) 19 Block 00 Outlot \_\_\_\_\_ Division Circle C Ranch

I/We, Shelby & Nicole Spradling on behalf of  
myself/ourselves as authorized agent for

ourselves affirm that on October  
18, 2010, we

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

We have an existing 5 ft fence with a 2 ft. lattice structure on top. This makes our fence approximately 7 ft high. The trellis/lattice on top of our fence was in fact requested by our HOA (Homeowners Association) in 2007 to better shield our backyard and playscape from our next door neighbor, Mr. George Hanco, who would often complain. When we complied with our HOA and added the requested lattice, we were under the impression that it was completely legal and in accordance with all regulations.

D4/2

in a residential (I-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:

We have a slope running down the back of the yard that allows for an angry, possibly mentally unstable neighbor to peer into our yard and harrass us and our children. We have a playscape and would like to keep privacy in our backyard. Now that we have the lattice, our children feel more safe running and playing in the yard. The neighbor had previously stood and yelled at us and the children over the fence, and on occassion turned on his sprinklers trying to spray us with water. He has apparently resodded his yard a few times so that his yard sits higher than ours does (in addition to the slope that runs down the yard). Lattice on the fence allows for more privacy and gives our children a sense of security.

**HARDSHIP:**

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

We have a slope in the yard so our angry neighbor could stand and peer into our yard. Our neighbor, George Hanko is a Personal Injury lawyer with an apparently horrendous temper and a seemingly harassing personality. Our children sometimes become frightened when he is outside, particularly when Mr. Hanko is yelling at his wife or to someone on the phone. He uses inappropriate language and is very loud. Unfortunately he seems to have slow periods with his work and that appears to be when he gets angry and begins to harass us. He has complained to our HOA that there was not enough foliage around our electrical unit, and they required us to plant more foliage, then he called the City of Austin saying that same foliage was over 2ft tall, so it was too high. He filed a lawsuit against us for the proximity of a playscape and storage shed on our property that existed before we bought the house. He threatened to sue the HOA because he did not like our landscaping calling it "willy nilly". Previous City of Austin employees have called George Hanko "wacko" and apologized to us that they had to keep following up on his many phone calls to the City. The HOA requested us to put trellis/lattice on the fence to shield

D4/3

the playscape from George Hanko's yard, so that he could not see the playscape anymore and continue to complain, so we complied. Now some "anonymous caller" is calling the City of Austin complaining that our adjoining fence is too high and so we are forced to apply for this variance and pay the City of Austin \$360. Before we had the lattice, he could easily (and did) peer over the fence and yell at us and our children. Bushes and/or trees that we have planted along our property to shield us from Mr.Hanko have mysteriously died or been pushed over or dug up. He has apparently resodded his yard a few times and so his yard sits higher than ours does (in addition to the slope that is lower at the back of our yard where the playscape sits). We would like to shield our yard and children from Mr. George Hanko. The existing lattice that we built because it was requested by our HOA provides more privacy for us and our children and gives more of a feeling of security.—

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

Our slope drops down running toward the back of the yard so that the foundation of both houses is approximately 1/2 of the original 5ft fence height. This allowed our angry and possibly mentally unstable neighbor to peer into our yard and harass us and our children He has apparently resodded his yard a few times also, so that his land sits higher than ours and he could previously stand and look over his fence into our yard. He complained about our children's playscape in our backyard and so our HOA requested that we add trellis/lattice on top of our fence. Once we added the lattice, our children felt much more safe and secure in the environment of our backyard.

#### **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:

Our existing lattice on top of our fence will not alter the character of the neighborhood at all, and was in fact it was requested by our HOA. It is barely visible from the side street and one can only see the gate(with the lattice on top) from the front of the house, and we have planted evergreen bushes/trees that will eventually hide that as well. The lattice on top of our fence exists to help shield us from an angry and possibly mentally unstable neighbor. The intent of a fence is to provide security and privacy and that is all that we seek with the lattice on top of our 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:

DL  
4

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

*Shelly Bradley*

Mail Address 6008 Roxbury Ln

City, State & Zip Austin TX  
78739

Printed September 18, 2010- Phone 512-301-1989 Date

DL  
6/5

**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 Shelby Spradling Mail Address 6008 Roxbury Ln  
Austin TX

City, State & Zip Austin TX  
78739

Printed Shelby Spradling Phone 512-301-1989 Date

## 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.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting.



## BOARD OF ADJUSTMENTS

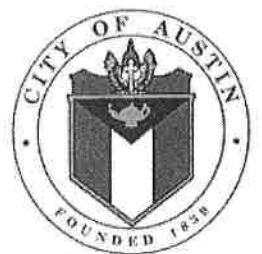
CASE#: C15-2010-0137  
 LOCATION: 6008 ROXBURY LN  
 GRID: B16  
 MANAGER: SUSAN WALKER



SUBJECT TRACT

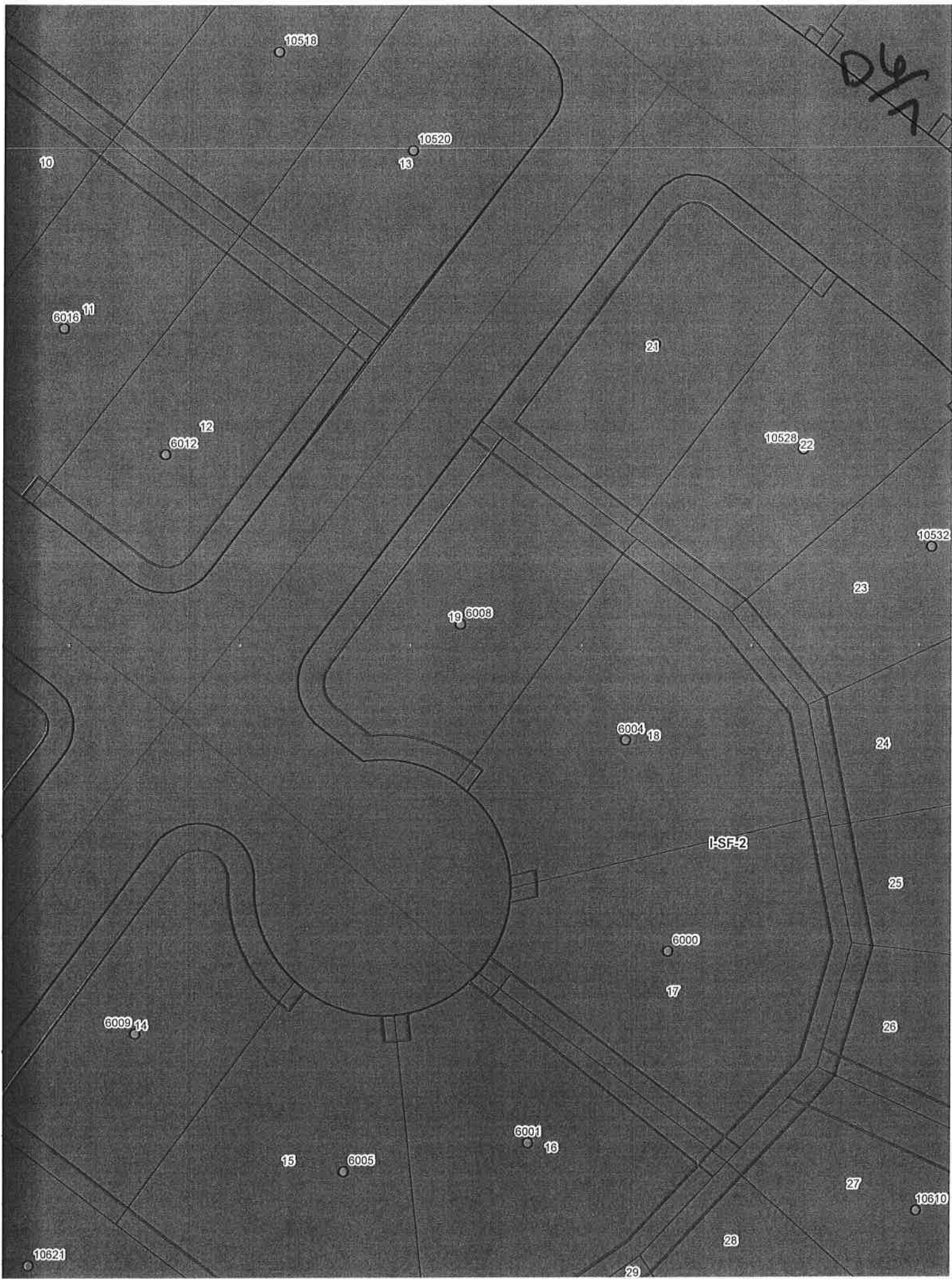


ZONING BOUNDARY



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.







06/8

**6008 Roxbury Ln - Preliminary BOA review request**

Thursday, September 30, 2010 9:18 AM

**From:** "Lund, Lena" <Lena.Lund@austinenergy.com>

**To:** [REDACTED]

**Cc:** "Long, Robert" <Robert.Long@austinenergy.com>, "Esparza, Christine" <Christine.Esparza@austinenergy.com>, "Walker, Susan" <susan.walker@ci.austin.tx.us>, "Ramirez, Diana" <diana.ramirez@ci.austin.tx.us>

Ms. Spradling,

Your request for preliminary board of adjustment review at 6008 Roxbury Lane is outside of Austin Energy's service area and therefore AE has no conflicts with this request.

If you have any questions, please contact Robert Long at 322-6522.

Lena Lund  
Austin Energy  
Public Involvement/Real Estate Services  
721 Barton Springs Road, Suite 102.1  
Austin, TX 78704-1145  
512-322-6587  
512-322-6101 Fax



06  
9

CIRCLE C HOMEOWNERS ASSOCIATION, INC.  
 5919 LaCrosse, Suite 200  
 Austin, Texas 78739  
 Architectural Control Committee  
shoover@onr.com

**CCHOA**  
**Architectural Control Committee**  
**Small Project Approval Form**

Date: 5/01/07

Address: 6008 Roxbury

Project: Playscape additions

Materials Provided:

☒ Drawing showing scope of project/Location  
☒ Materials: playscape additions  
☒ Tree removal--none  
☒ Fee—ok

**CONDITIONS FOR APPROVAL:**

- A. Trash and debris must be removed from the site daily
- B. Access shall be from the owner's lot only, and from the front without written permission from the CCHOA/and/or other owners.

**CONDITIONS SPECIFIC TO THIS PROJECT:**

If access to project involves the property of others, please provide written permission for use to the CCHOA.

The City of Austin has written a letter stating that there is no violation into the side building line space. The owner has agreed to provide trellis screening to shield the monkey bars from the side fence.

Additional Conditions:

**Comment: The CCHOA does not grant approvals regarding drainage. All owners are cautioned to ensure that their projects do not block or alter drainage, which could affect surrounding neighbors. Your project may require a City of Austin building permit.**

☒ Approved

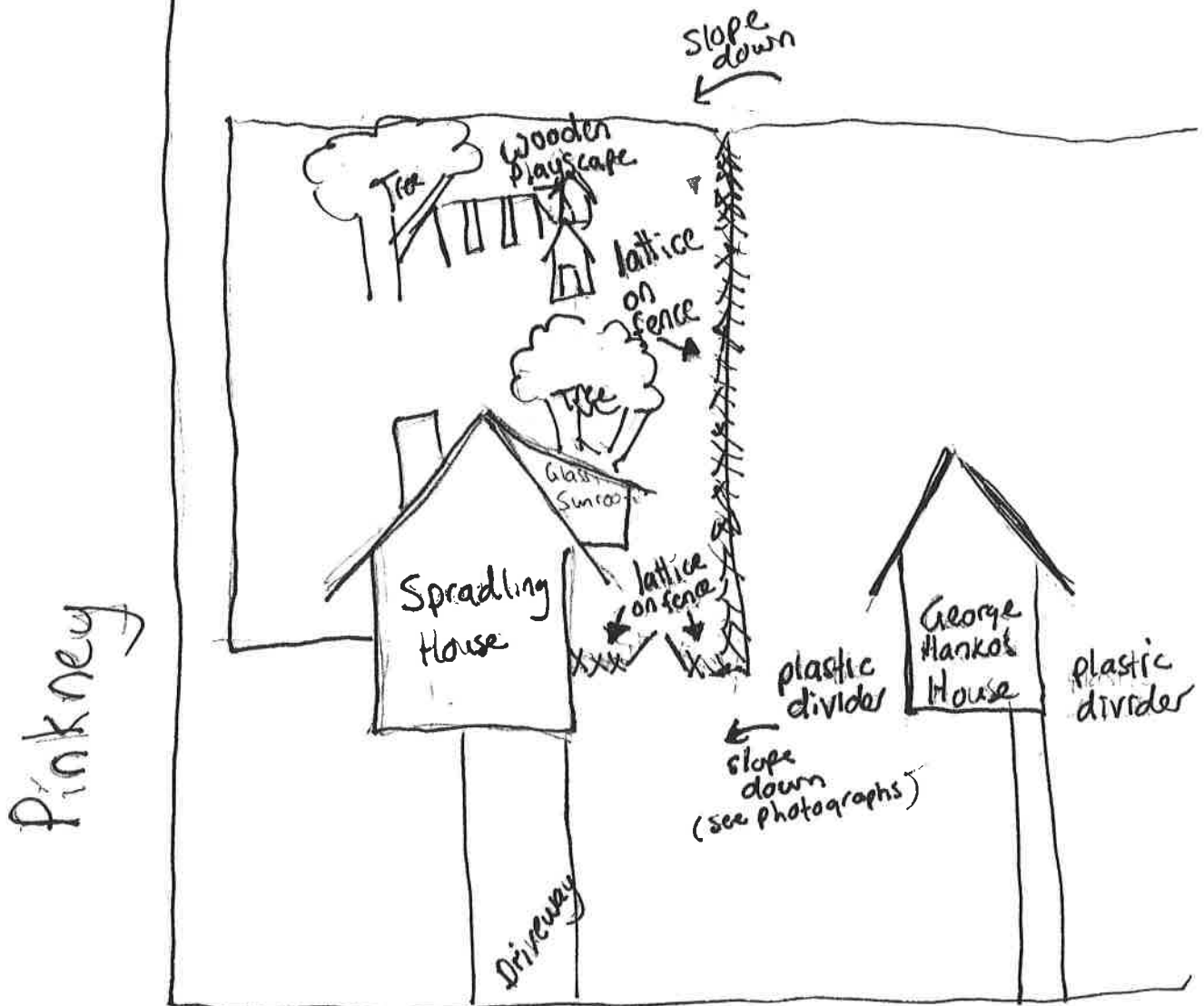
SRH

By Susan R. Hoover, on behalf of  
 the Architectural Control Committee

\*The City of Austin may require a building permit for the construction of your project. The CCHOA does not monitor/review the permitting process of the City of Austin.

D4  
10

\* Because of the location of our playscape structure and because of the slope of our yards and because George Hanks can stand in his yard and harrass our children in our own yard, we would like to keep our existing lattice on the adjoining fence so that our children feel safer and more secure.



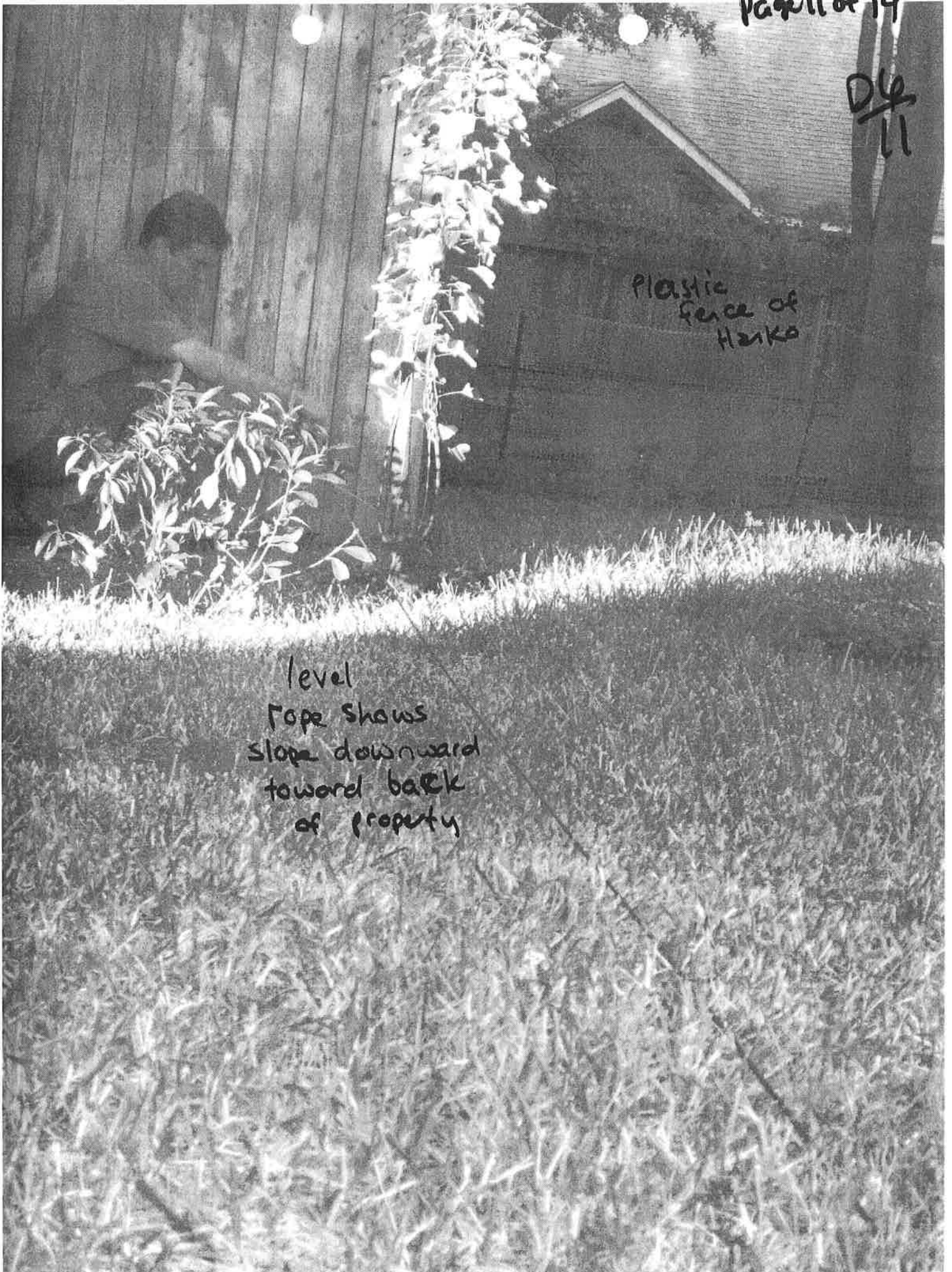
Roxbury Lane

Page 11 of 14

DL  
11

Plastic  
fence of  
Hanks

level  
Rope shows  
slope downward  
toward back  
of property



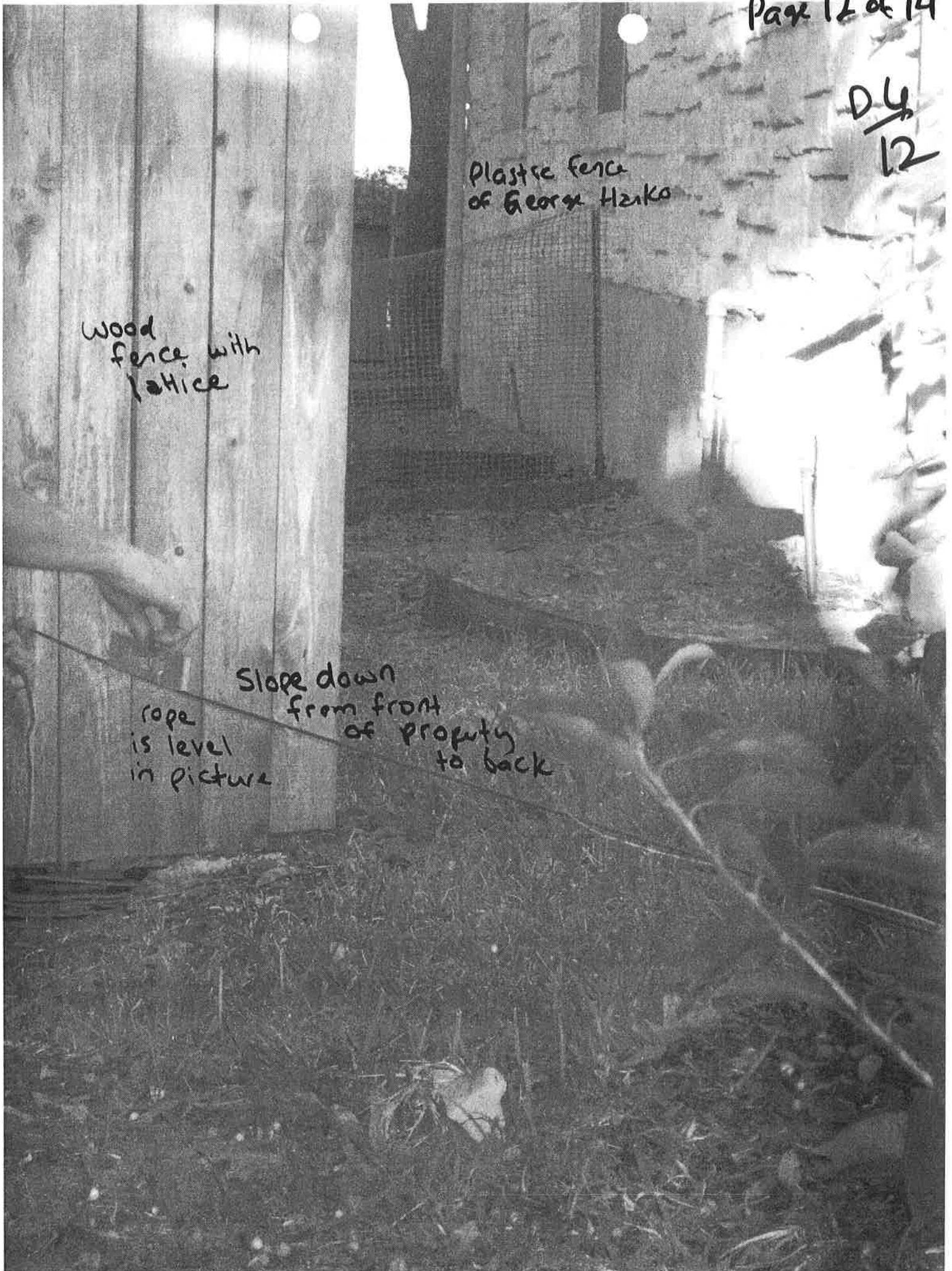


D4  
12

Plastic Fence  
of George Henko

Wood  
fence with  
lattice

Slope down  
from front  
of property  
to back  
rope  
is level  
in picture



Our house

Hanks property

This rope is level

Page 13 of 14

04/13

Slope down to our house (left) from Hanks resodding his lawn multiple times



~~04~~  
14

