

APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

C15-2010-0133  
ROW-10513031  
TP-0416141612

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

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

STREET ADDRESS: 6100 Amber Pass Austin, TX  
78745

LEGAL DESCRIPTION: Subdivision -- Southwest Park  
Amended Section 2 \_\_\_\_\_

Lot(s) 12 Block E Outlot \_\_\_\_\_  
Division \_\_\_\_\_

I/We Erin Haggerty and Collin DeLamar on behalf of  
myself/ourselves as authorized agent for

ourselves affirm that on October 27, 2010,

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

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL   X   MAINTAIN  
8 ft. 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

**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:

The grade of the slope that exists along the street-side of the house does not allow reasonable use - that the backyard fence provide adequate privacy from the street.

**HARDSHIP:**

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

1. The variance which we're requesting wouldn't be necessary if our fence-side neighbor were a homeowner. It is only required because the neighbor is the City of Austin.
2. The hardship is not general to the area because the severe grade of the slope is unique to our property in this area and doesn't allow for reasonable use.

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

We have a corner lot, our fence lies on the street side where there is an excessive slope from the yard down to the street.

**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:

Because of the slope that exists along the street side, the 6ft. fence that existed previously looked more like a 4ft. fence and provided little privacy. Similarly, the 8ft. fence does not appear overly large for the property because of the slope that it is built on.

**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:

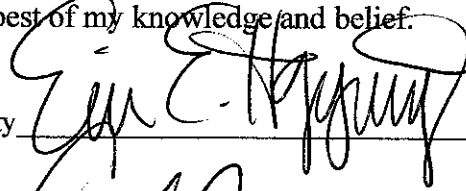
N/A

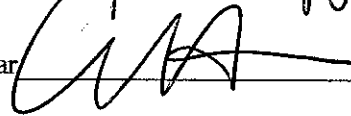
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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:  Erin Haggerty

Signed:  Collin DeLamar

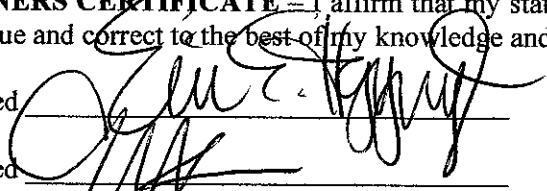
Mail Address: 6100 Amber Pass

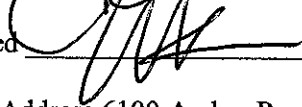
City, State & Zip Austin, TX 78745

Printed Erin Haggerty Phone 512.431.0833 Date 11.3.2010

Printed Collin DeLamar Phone 512.461.9343 Date 11.3.2010

**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: 

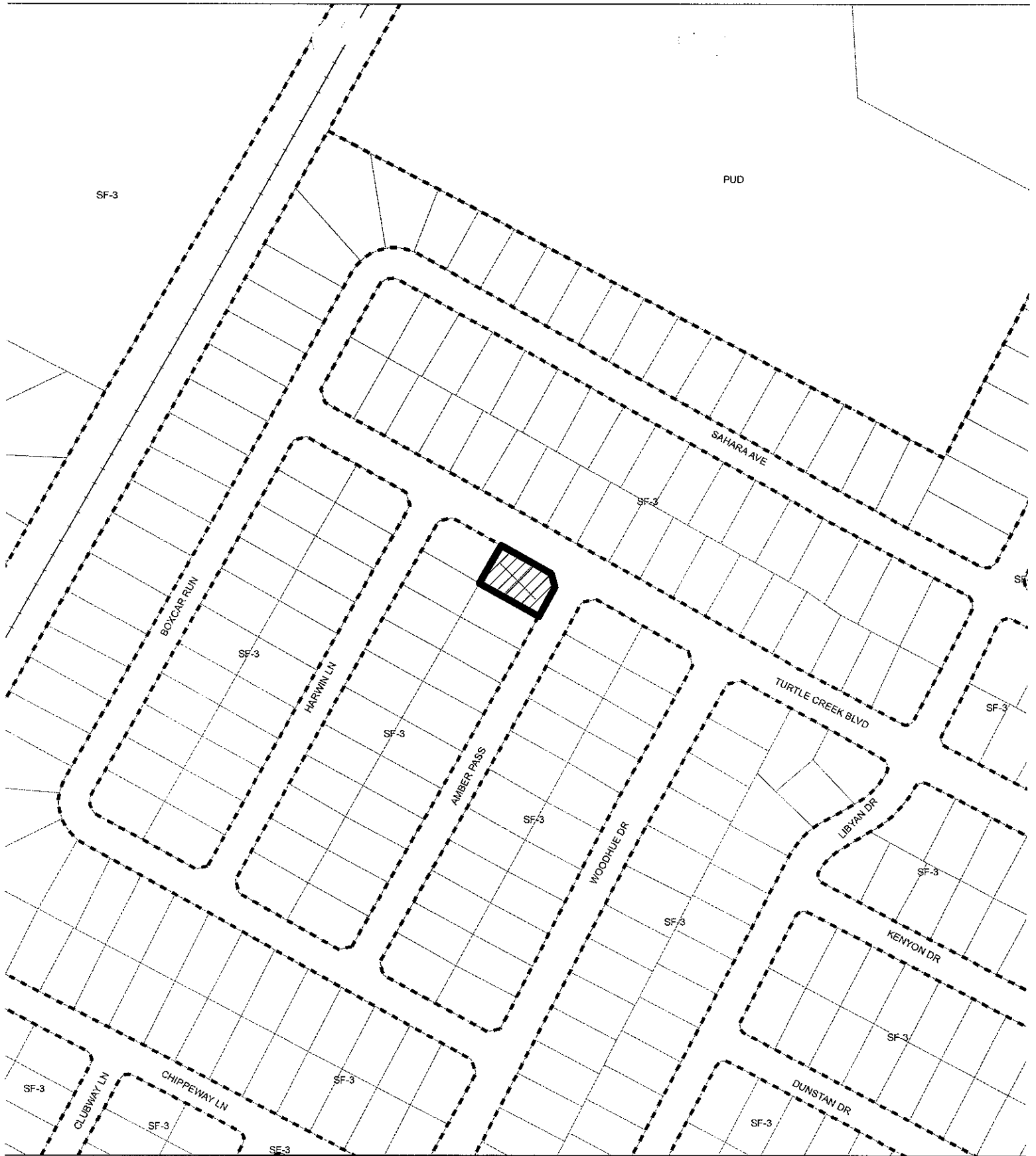
Signed: 

Mail Address 6100 Amber Pass

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
Printed Collin DeLamar Phone 512.461.9343 Date 11.3.2010

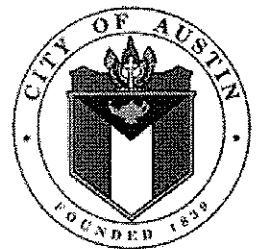


**BOARD OF ADJUSTMENTS**

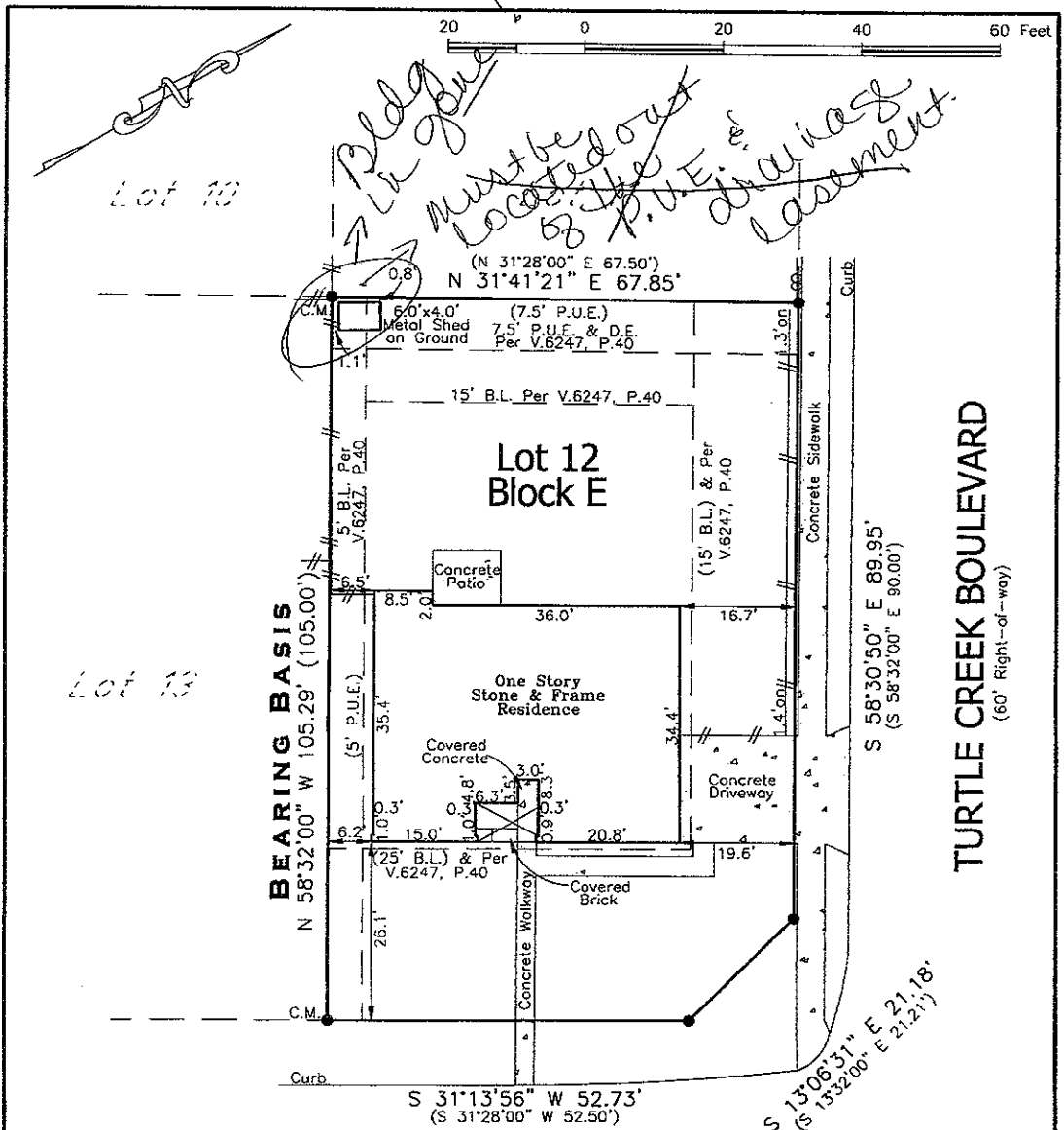
CASE#: C15-2010-0133  
 LOCATION: 6100 AMBER PASS  
 GRID: F17  
 MANAGER: SUSAN WALKER



-  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.



Note:  
 1.) Subject to restrictions and easement rights as stated in: V.6247, P.40; and per plat in Book 77, Pgs. 112-113.

**AMBER PASS**  
 (50' Right-of-way)

**LEGEND**

●	1/2" REBAR FOUND
○	CHAIN LINK FENCE
▬	WOOD FENCE
▬	BUILDING LINE
B.L.	PUBLIC UTILITY EASEMENT
O.E.	DRAINAGE EASEMENT
( )	PER PLAT
C.M.	CONTROL MONUMENT

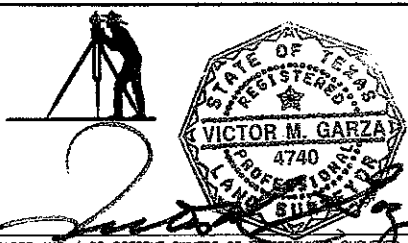
SUBDIVISION SOUTHWEST PARK SECTION TWO AMENDED

LOT: 12 BLOCK: E BOOK 77 PAGES 112-113 PLAT RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 6100 AMBER PASS

CITY: AUSTIN REFERENCE NAME JOE MEDEARIS

**B&G Surveying, Inc.**  
 Victor M. Garza R.P.L.S.  
 Office 512\*458-6969  
 Fax 512\*458-9845  
 1404 West North Loop Blvd.  
 Austin, Texas 78756



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0585 H DATED 9-26-08. IT IS REPRESENTED AS IN ZONE X. HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

DATE 04/14/09  
 TITLE CO PROMINENT  
 G.F. # 092175KK  
 JOB # B0404909\_TA  
 SCALE 1" = 20'

TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO PROMINENT TITLE, LLC  
 LAWYERS TITLE INSURANCE CORPORATION  
 I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON.

CHERYL\_TBLK

CALCULATIONS	JEO	04/14/09
FIELD WORK	WILLIAM	04/13/09
DRAFTING	JACK	04/14/09
FINAL CHECK	VICTOR	04/14/09
CORRECTIONS	JACK	04/14/09
UP DATE		

RESIDENTIAL REAL PROPERTY AFFIDAVIT T-47

Date: 12-8-09 GF No. \_\_\_\_\_

Name of Affiant(s): Joe Medearis

Address of Affiant: 6100 Amber Pass Austin, TX 78745-3709

Description of Property: Lot 12 Blk E Southwest Park Sec 2  
County: Travis, Texas

Name of Title Company: Gracy Title Company

Before me, the undersigned notary for the State of Texas, personally appeared Affiant(s) who after by me being duly sworn, stated:

(1) We are the owners of the Property. (If not owners, state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.):

(2) We are familiar with the Property and with the improvements located on the Property.

(3) We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We understand that the proposed insured owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.

(4) To the best of our actual knowledge and belief, since 4-14-09 (date of existing survey) there have been no:

- (a) construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
- (b) changes in the location of boundary fences or boundary walls;
- (c) construction projects on immediately adjoining property(ies) which encroach on the Property; or
- (d) conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

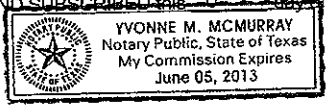
EXCEPT for the following (If none, insert "none" below):  
10' x 16' Wood Deck over concrete pad  
Back Property Fence (cedar)

(5) We understand that the Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This affidavit is not made for the benefit of any other parties and this affidavit does not constitute a warranty or guarantee of the location of the improvements.

(6) We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

Joe Medearis Affiant Joe Medearis Affiant

SWORN AND SUBSCRIBED this 8th day of December, 2009



Yvonne M. McMurray Notary Public

**PUBLIC HEARING INFORMATION**

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- 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
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2010-0133 - 6100 Amber Pass  
 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, December 13th, 2010

ElleD Hippard  
 Your Name (please print)  I am in favor  
 I object

6210 Humble Pass Austin TX 78745  
 Your address(es) affected by this application

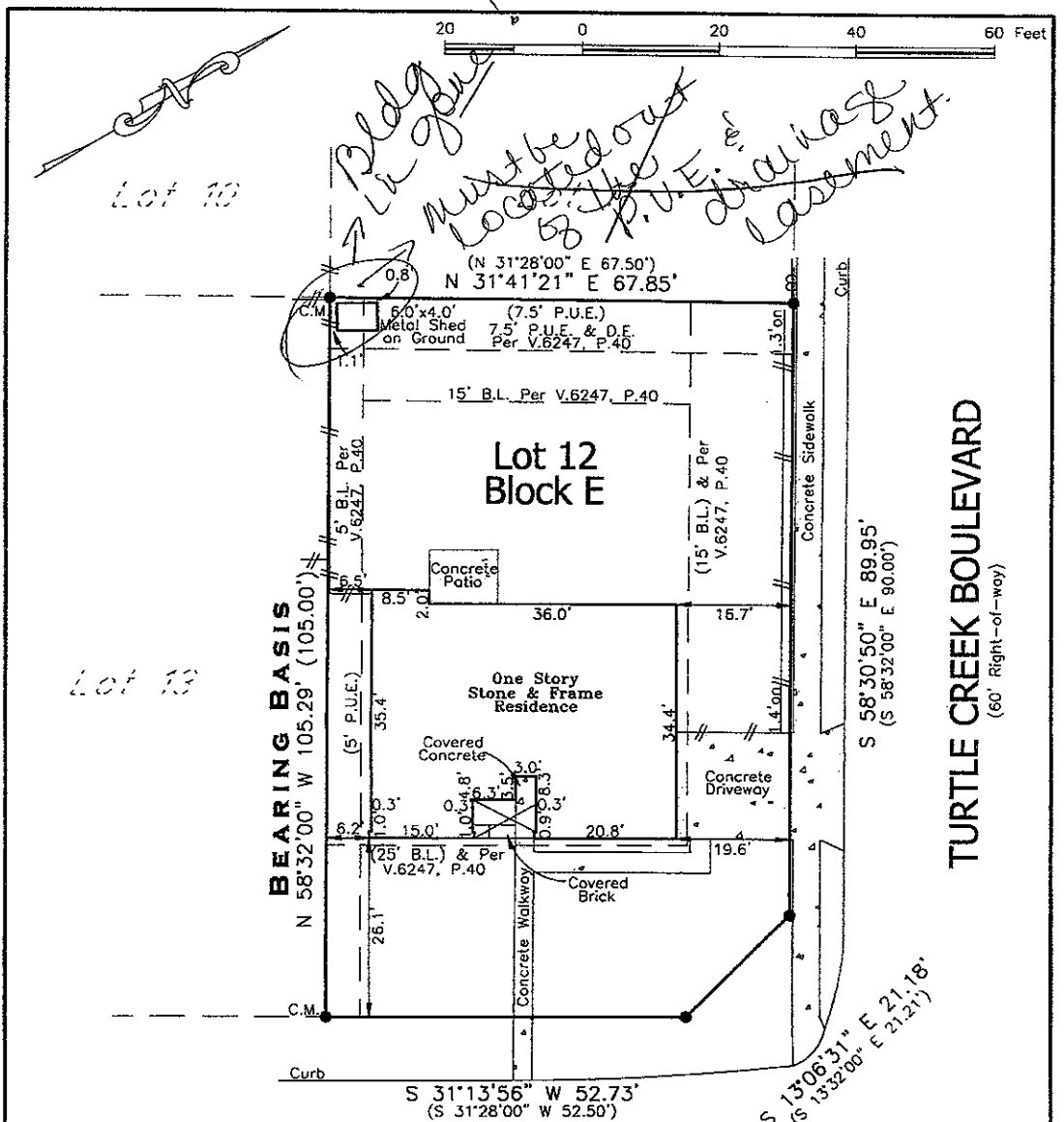
ElleD Hippard, RW  
 Signature Date 12-5-10

Daytime Telephone: 512-627-7546

Comments: let em have their fence

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

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-8810



Note:

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**AMBER PASS**  
(50' Right-of-way)

**LEGEND**

- 1/2" REBAR FOUND
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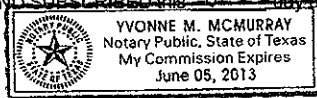
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Joe Medearis Affiant Joe Medearis Affiant

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