

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 # C15-2011-0031
ROW # 10562786

CITY OF AUSTIN TP-0219060407
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: 4013 Avenue D Austin, TX 78751

LEGAL DESCRIPTION: Subdivision - Hyde Park

Lot(s) 3/4 Block 33 Outlot _____ Division Hyde Park Addition

I/We Ashley and Alexander Blunt on _____ behalf of
myself/ourselves as authorized agent for

_____ affirm that on March 4th,
2011,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

8 foot fence. along South & East pl.

in a Residential 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 feel a six foot fence does not provide adequate security or privacy. 8 foot fences are highly common throughout Hyde Park as some properties back up to multi-story commercial apartments and other types of student housing——

HARDSHIP:

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

Our lot backs up to a city alley, providing minimal separation between our house and a two story, 8 plex apartment unit. The complex is very old and remains in disrepair. Trash constantly litters the alley. Those living in the second floor have a direct view into our backyard. There have been known acts of vandalism, theft, and loitering in this specific section of the alley due to the presence of these apartments.

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

Not every house in Hyde Park backs up to a multi story commercial building therefore not every homeowner feels they need an 8 foot fence for additional safety and privacy

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 fence will improve the area and has full endorsement from surrounding neighbors.

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:

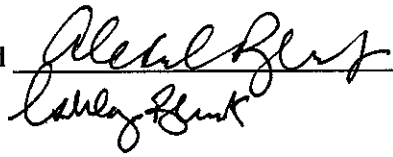
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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:

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 4013 Ave D
AUSTIN, TX
78751

City, State & Zip Austin, TX 78751
Printed ALEXANDER BLUNT
ASHLEY BLUNT Phone 512 965 3126 Date 3/4/11

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 Alexander Blunt
Ashley Blunt Mail Address 4013 Ave D

City, State & Zip Austin, TX 78751
Printed ALEXANDER BLUNT
ASHLEY BLUNT Phone 512 965 3126 Date 3/4/11

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.)

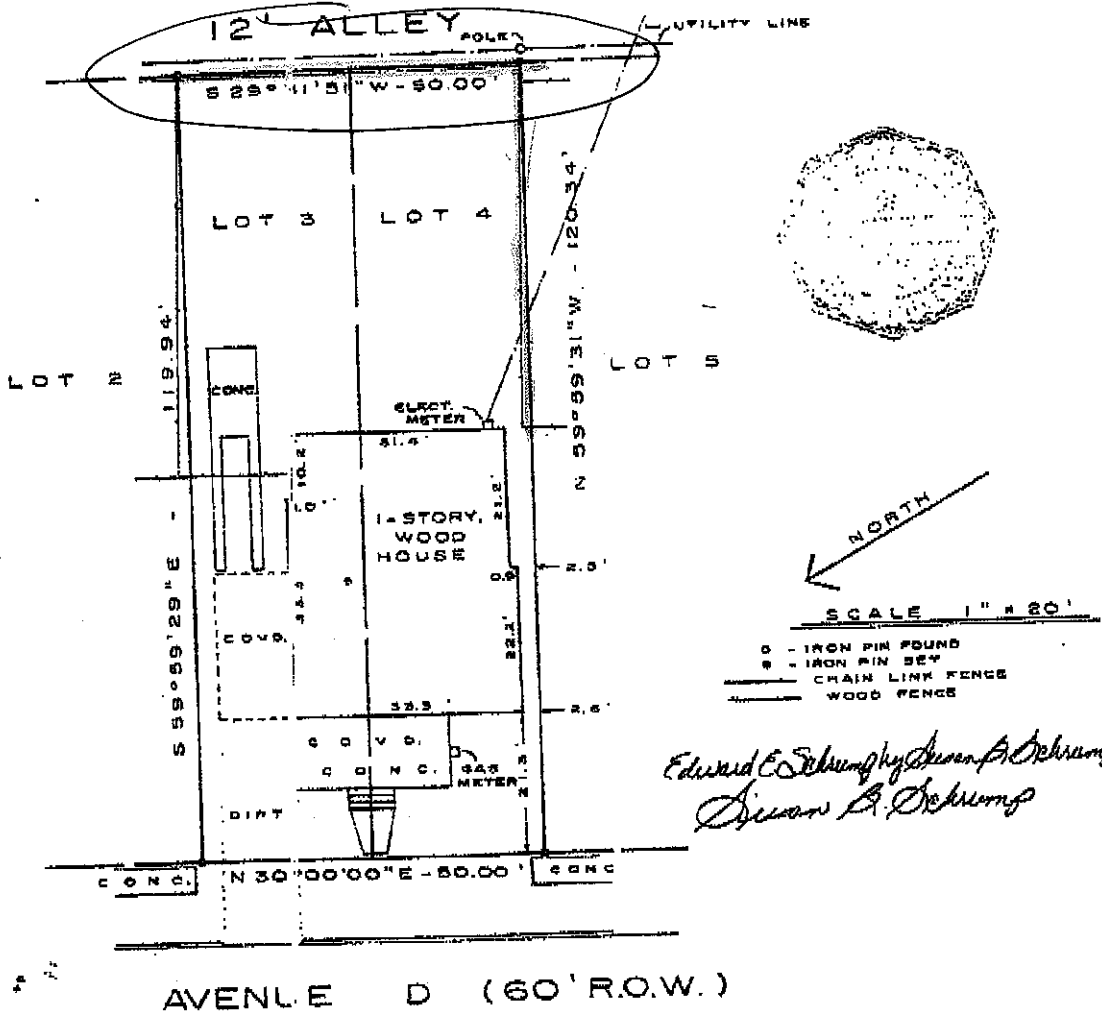
- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location 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. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6) Austin Energy approval

Attn: Zander Blunt

STEAKING AND SURVEYING
11902 TROFORD STREET / AUSTIN, TEXAS
ZIP : 78753 / PHONE NO. (512) 266-0533

LOCAL ADDRESS : VENUE D, 4013
REFERENCE NAME : SUSAN BUNNER SHRUMP AND EDWARD E. SHRUMP
LEGAL DESCRIPTION : LOTS 3 AND 4, BLOCK 33 OF "HYDE PARK ADDITION", A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK 1 AT PAGE 67 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

NOTE : THE RESTRICTIVE COVENANTS FOR SUBJECT TRACT RECORDED IN VOLUME 180 AT PAGE 299 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.



STATE OF TEXAS TO THE LIEN HOLDERS AND/OR OWNERS OF THE PREMISES SURVEYED
COUNTY OF TRAVIS: AND TO TITLE INSURANCE COMPANY OF AMERICA & GREAT WESTERN MORTGAGE.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND OF THE TRACT LEGALLY DESCRIBED HEREIN AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREIN AND THAT SAID TRACT HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREIN.
NOTE: THIS SURVEY WAS PERFORMED ON SUBJECT TRACT THE 29TH DAY OF AUGUST 1994.

FLOOD NOTE: THE PROPERTY DESCRIBED HEREIN IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
FLOOD MAP NO. 48423C0165 E EFFECTIVE DATE 06/16/93 ZONE X

Leo Gordon Stearns Jr.
LEO GORDON STEARNS JR. / REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649
FIELD BOOK 191 / PAGE(S) 73 / JOB NUMBER: 13041
PLAT: HYDE-PK.000 / DTSC: C

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.

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: C15-2011-0031 - 4013 Avenue D
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, April 11th, 2011

MERLE + VIRGINIA FRANKS
 Your Name (please print)

I am in favor
 I object

4102 AVE. D
 Your address(es) affected by this application

Merle + Virginia Frank
 Signature 3/31/11
 Date

Daytime Telephone: 512-452-0414

Comments: *An 8 foot fence would be a terrible eye-sore in this neighborhood. We can see no logical reason for having an 8-foot solid fence in a residential area.*

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 78767-1088