

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

CASE # C15-2011-0023  
ROW # 10561820

TP-0200120103

**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: 3107 E Cesar Chavez

LEGAL DESCRIPTION: Subdivision – 2.953 Acres DOC # 2009049029

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Outlot 65 Division 0

I/We Phil Moncada on behalf of myself/ourselves as authorized agent for

\_\_\_\_\_ affirm that on February 10th, 2011,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A SOLID CORRUGATED PANEL FENCE WITH A HEIGHT OF 12 FT

in a GR-MU-CO-NP \_\_\_\_\_ 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:

Owner believes the height restriction is unreasonable as it relates to the surrounding areas. He wants the fence for a sound barrier, security and to be able to use the fence for an art project mural.

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**HARDSHIP:**

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

Mr. Kleinman purchased the property in 2009 and has cleaned up a lot of trash and debris from the site. He want to be able to protect his residence and did not realize the amount of traffic and noise that exists along E Cesar Chavez at this location.

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

No other residential properties in area that have this amount of frontage on a collector street. The fence will provide some privacy and security as well.

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**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:

Other businesses in area have fences that exceed 8 ft in height, including Brooke Elementary School that has a fence that is over 10 ft in height with barbwire on top

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**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

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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

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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

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

N/A

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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.

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 Phil Moncada Mail Address 1301 S. IH 35 Ste. 204  
City, State & Zip Austin, TX 78741  
Printed Phil Moncada Phone 512-621-8815 Date 2/9/11

**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 Michael Kleinman Mail Address Box 13549 Au  
City, State & Zip Austin TX 78711  
Printed MICHAEL KLEINMAN Phone 512-837-5337 Date 2/9/11



↗  
owner: Auspro Enterprises, LP  
same address



**BOARD OF ADJUSTMENTS**

CASE#: C15-2011-0023  
 LOCATION: 3107 E CESAR CHAVEZ ST  
 GRID: K21  
 MANAGER: SUSAN WALKER



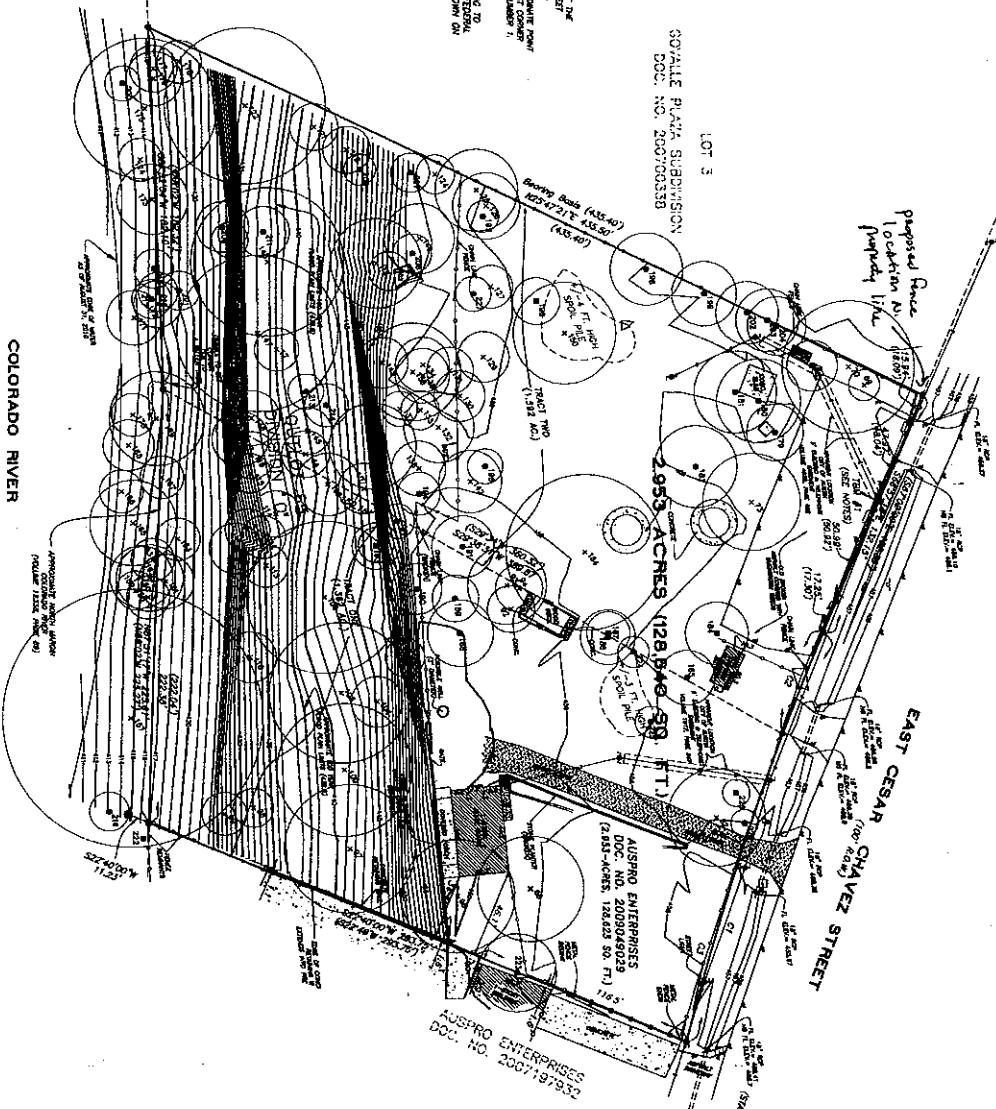
 SUBJECT TRACT  
 ZONING BOUNDARY



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.

TOPOGRAPHIC SURVEY OF A PORTION OF  
 OUTLOT 65, DIVISION "O",  
 CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

30' SCALE  
 1" = 30'



ALUSPRO ENTERPRISES  
 DOC. NO. 2009049029  
 (2,953 ACRES 128,846 SQ. FT.)

ALUSPRO ENTERPRISES  
 DOC. NO. 2007197932

ALUSPRO ENTERPRISES  
 DOC. NO. 2009049029  
 (2,953 ACRES 128,846 SQ. FT.)

ALUSPRO ENTERPRISES  
 DOC. NO. 2007197932

AS SURVEYED BY  
 LANDMARK SURVEYING, LP  
 PAUL J. FLUKE  
 LICENSED PROFESSIONAL SURVEYOR, NO. 5988  
 THIS SURVEY PLAN IS VALID ONLY IF IT BEARS THE ORIGINAL  
 SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.



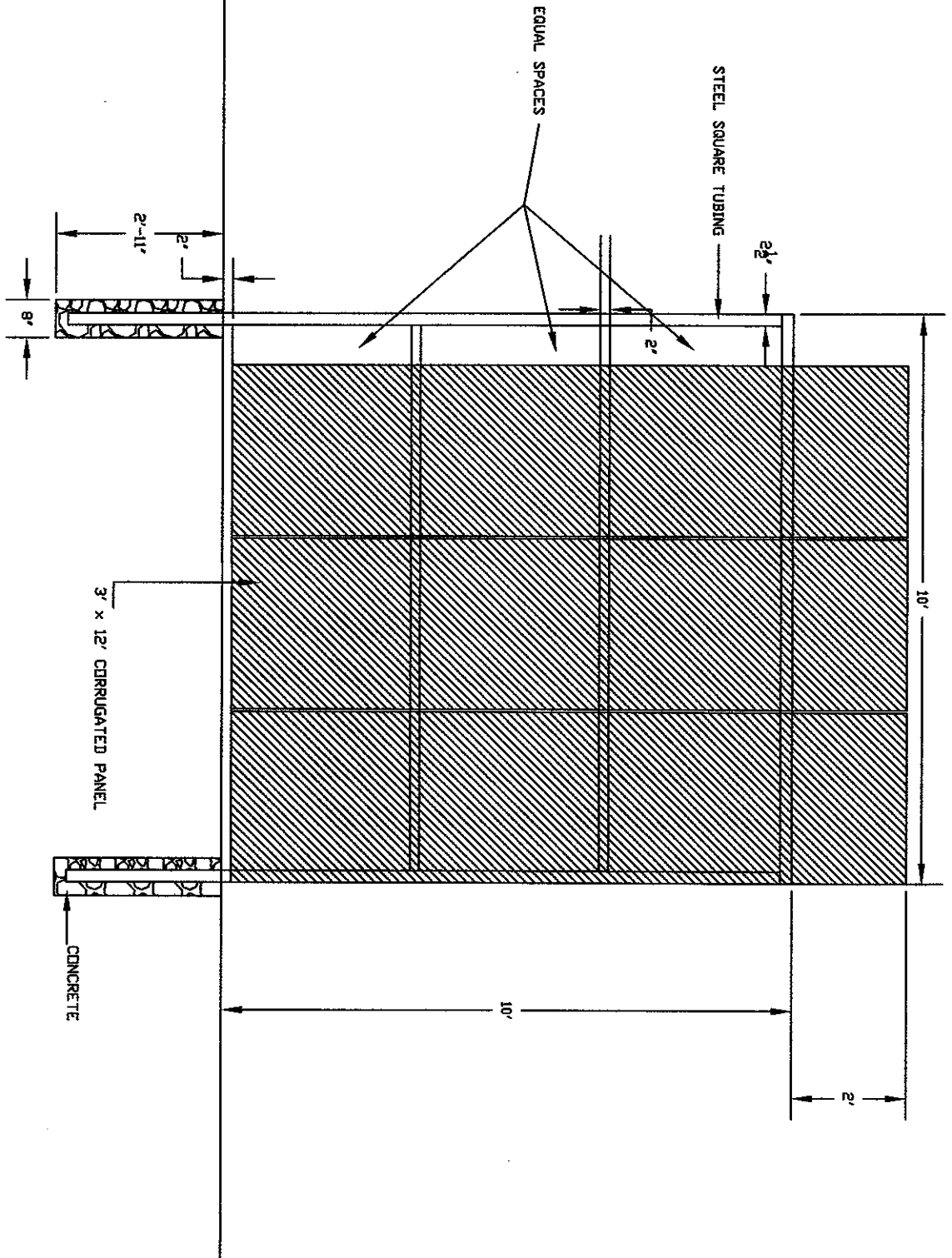
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CURVE TABLE

NUMBER	BEGINNING	ANGLE	DIRECTION	CHORD	LENGTH	ARC	LENGTH	BEARINGS
01	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
02	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
03	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
04	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
05	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
06	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
07	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
08	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
09	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	
10	08°53'17"	S	72°59'29"	E	21.79	21.79	148°21.24'	

015-2011-0025 3107 E. Cesar Chavez

**Landmark**  
 SURVEYING, LP  
 1301 S. CAPITAL OF TEXAS HWY.  
 AUSTIN, TEXAS 78748  
 PH: (512) 222-7411 FAX: (512) 222-7415



AUTO GATE AUSTIN INC.

PAINT COLOR:

DRAWING #:

JOB NAME: PLANET K FENCE

AMOUNT:

DATE: 1-5-10