

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, September 12, 2011

**CASE NUMBER:** C15-2011-0094

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Nora Salinas  
\_\_\_\_\_ Bryan King  
\_\_\_\_\_ Susan Morrison  
\_\_\_\_\_ Melissa Hawthorne  
\_\_\_\_\_ Heidi Goebel  
\_\_\_\_\_ Cathy French (SRB only)

**OWNER/APPLICANT:** Pat Murphy

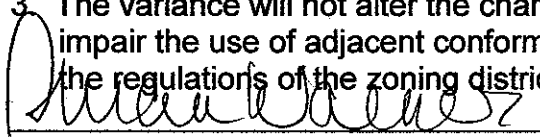
**ADDRESS:** 4201 YUCATAN LN

**VARIANCE REQUESTED:** The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet in height to 8 feet in height in order to maintain a fence for a single-family residence in an "SF-2", Single Family Residence zoning district. The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet. (Case C15-2008-0102 was approved on July 31, 2008 with the condition that the top two feet be changed to 90% open fence, but the variance has since expired.)

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Postpone to October 10, 2011 need topography information, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO October 10, 2011 NEED TOPOGRAPHY INFORMATION.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
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:

  
\_\_\_\_\_  
Susan Walker  
Executive (Liaison)

  
\_\_\_\_\_  
Jeff Jack  
Chairman

## 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: C15-2011-0094 – 4201 Yucatan Lane**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, September 12th, 2011**

G.T. Whitehead

Your Name (please print)

12110 SAXONY LANE

Your address(es) affected by this application

G.T. Whitehead

Signature

Date

Daytime Telephone: 512 836 4640

Comments:

**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

## 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: C15-2011-0094 – 4201 Yucatan Lane**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, September 12th, 2011**

**Joel & Marte Reed  
12023 Carmel Park Lane  
Austin, TX 78727-5918**

I am in favor  
 I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-833-9087

Comments: It was ok before - its still ok -

**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

**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: C15-2011-0094 – 4201 Yucatan Lane**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, September 12th, 2011**

I am in favor  
 I object

TAIZEN LU & KEY GUY LU  
Your Name (please print)

4201 EVEREST LANE, AUSTIN, TEXAS 78727  
Your address(es) affected by this application

*Susan Walker*  
Signature

9/3/2011  
Date

Daytime Telephone: 202-633-8739

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

## 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: C15-2011-0094 – 4201 Yucatan Lane

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 12th, 2011

Son Nguyen

Your Name (please print)

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

4203 Harcourt Dr. Austin TX 78727

Your address(es) affected by this application

Son T. Nguyen

Signature

4 Sept '11

Date

Daytime Telephone: 512 232-2370

Comments: Please approve applicant  
Request for variance to increase fence  
height.

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

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: C15-2011-0094 - 4201 Yucatan Lane  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, September 12th, 2011

JEFF PITTS

Your Name (please print)

12005 SAXONY LN.

Your address(es) affected by this application

*Jeff Pitts*

Signature

Daytime Telephone: 512 423-1693

9-7-11

Date

Comments:

Please Lower the 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 78767-1088

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 # C15-2011-0094  
ROW # 1D 10634145  
TD# 02-6206 2427

**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: 4201 Yucatan Lane, Austin, TX 78727

LEGAL DESCRIPTION: Subdivision - Milwood

Lot(s) 16 Block E Outlot \_\_\_\_\_ Division Sec 1 Phase 2

I/We Pat Murphy on behalf of myself/ourselves as authorized agent for

\_\_\_\_\_ affirm that on July 8, 2011

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

A 6-8 foot fence surrounding the backyard of above residence.

→ maximum

Pat Murphy 7/8/11 9:57 AM  
Deleted: \_\_\_\_\_  
Pat Murphy 7/8/11 9:57 AM  
Deleted: \_\_\_\_\_

in a SF-2 district.  
(zoning district)

7/8/11

**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:

The variations of elevation within the lot have the fence facing Saxony at different heights, mostly 6' but the gate's height is 7' from ground to top within the backyard. The fence is considerably higher on the street side. Since I moved in the fence was brought down one foot to its current height. We did bring it down an additional board (6 inches) but replaced it because of the fact anyone of average height can see directly into the yard from the street & sidewalk. I hang my laundry out to dry & have plans for an above ground pool.

Pat Murphy 7/8/11 10:05 AM  
Deleted: -

**HARDSHIP:**

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

There is a 2' variation from the street to the yard on the Saxony St. side of the lot, ~~requiring a 6' fence.~~

Pat Murphy 7/8/11 10:13 AM  
Deleted: -

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

This lot is a corner lot & one of the largest in the neighborhood. It is not at street level. There are major variations in the elevation of the property.

Pat Murphy 7/8/11 10:20 AM  
Deleted: -

**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 does not impede the view of traffic or traffic signs. It does not alter visibility, and the adjacent property owners have expressed their permission and are okay with the fence. (letters on file)

**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:

Not Applicable

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:

Not Applicable

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

Not Applicable

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

Not applicable

Pat Murphy 7/8/11 10:45 AM  
Deleted: \_  
Pat Murphy 7/8/11 10:45 AM  
Formatted: Indent Left: 0.25"

**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 4201 Yucatan Lane

City, State & Zip Austin, TX  
78727

Printed Pat Murphy Phone 512-750-2200 Date 7/8/2011

Pat Murphy 7/8/11 10:45 AM  
Deleted: Zip

**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 4201 Yucatan Lane

City, State & Zip Austin, TX  
78727

Printed Pat Murphy Phone 512-750-2200 Date 7/8/2011

**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.)



**BOARD OF ADJUSTMENTS**

CASE#: 4201 YUCATAN LN  
 LOCATION: C15-2011-0094  
 GRID: K35  
 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.





**BOARD OF ADJUSTMENT**



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2008-0102  
 ADDRESS: 4201 YUCATAN LANE  
 GRID: K35  
 MANAGER: S. WALKER



OPERATOR: S. MEEKS

1" = 200'

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.

September 8, 2011

Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

Re: Case Number: C15-2011-0094-4201 Yucatan Lane

Dear Ms. Walker:

The enclosed photos show the extreme negative impact Mr. Webber's fence has on our neighborhood. It has the look of a prison. In my view this fence, if allowed to remain, will reduce future property values where we live. Furthermore, I do not believe Mr. Webber lives in the house. The property has either been sold sometime in the past or is rented to a third party.

My wife and I strongly object to this eyesore.

Sincerely,



Charles S. High II  
12021 Carmel Park Lane  
Austin, TX 78727

Enclosures: 6 photos

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: C15-2011-0094 - 4201 Yucatan Lane  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, September 12th, 2011

Your Name (please print) Charles S. High

I am in favor  
 I object

Your address(es) affected by this application  
18021 Carnnel Bank Lane Austin 78727

Signature Charles S. High Date Sept 8 2011

Daytime Telephone: (512) 339-3063

Comments: See attached comments  
Thank you.

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







