

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 # C15-2011-0116  
ROW # 10661038  
TP-0217060809

**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: 3508 Duval

LEGAL DESCRIPTION: Subdivision – Harper W A Subdivision

Lot(s) 4 Block 1 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Lauren Garcia on behalf of myself/ourselves as authorized agent for

Dolores Garcia affirm that on Sept, 28,

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

(check appropriate items below)

   ERECT    ATTACH    COMPLETE    REMODEL   X   MAINTAIN

Privacy fence from 7' - 7 1/2' in height.

in a SF3-NCCD-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:

At 6ft. the fence is a security risk. The constant traffic and homeless camp make our back yard unsafe and un-enjoyable. A higher fence reduces the sound of dumpster-emptying trucks at 5am from the apartments next door. The property backs to 2 City-owned alleys which are poorly lit and tend to be thoroughfares for constant apartment traffic and there is a homeless camp centered around the apartment dumpsters.

**HARDSHIP:**

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

We have 200 people living in the apartment complex as our next-door neighbors. Their parking access is via the alley. They often park on our property in the alley when they can't be bothered to pull into the underground parking garage or when that lot is full. All the residents are students in the apartments. There are people in the alley 24 hours a day especially during the weekend.

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

Our home is a corner lot and the only one that abuts the apartment complex, side and rear alleys.

**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 is well built and maintained. It is generally 6 foot in height with a 1 foot decorative lattice at the top. There are various styles of fence throughout the neighborhood and we have had several compliments on the general appearance.

**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:

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:

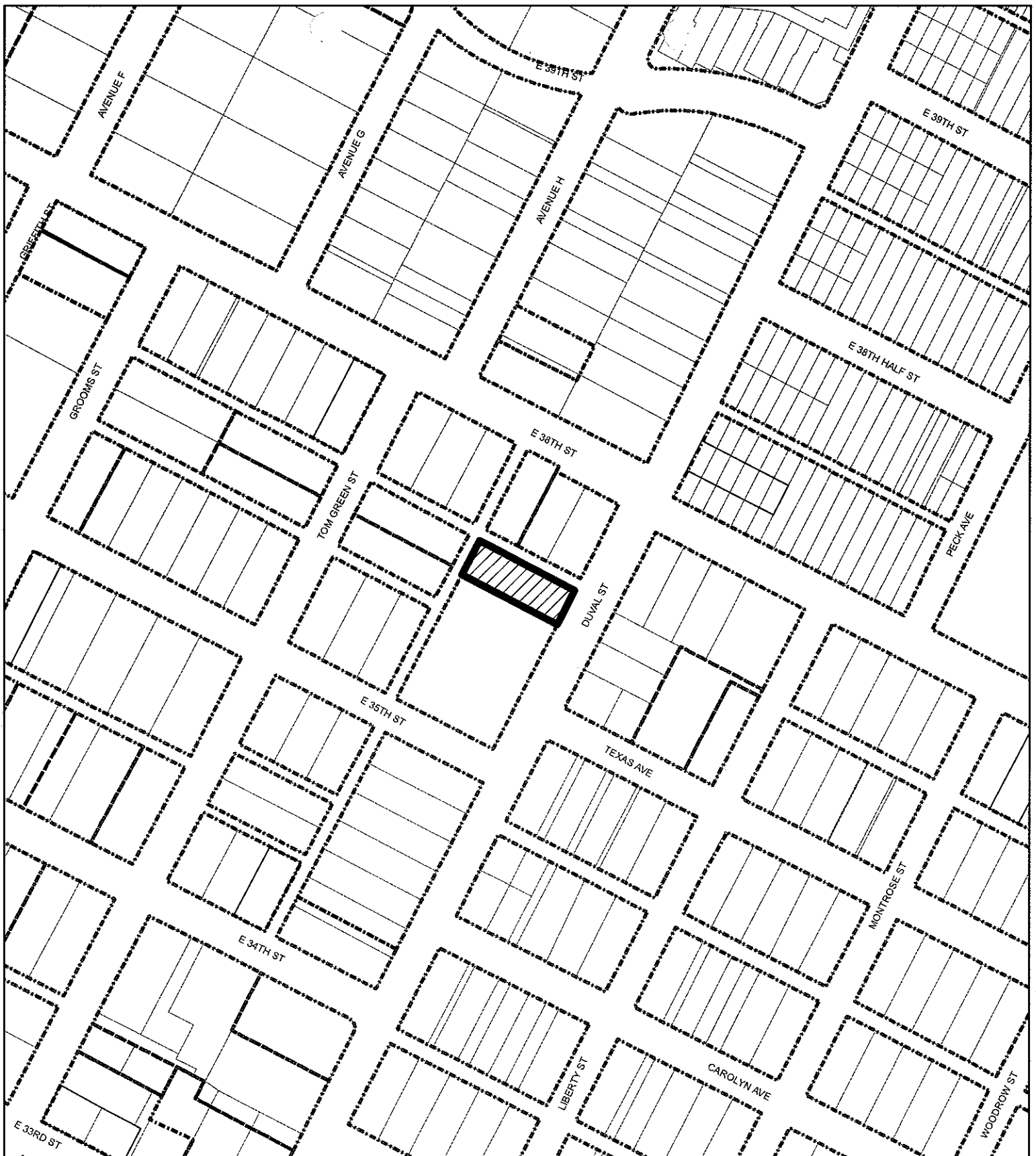
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**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 N. Buddo Mail Address 2903 DOVER PL  
City, State & Zip AUSTIN TX 78757  
Printed Nicholas Buddo Phone 512 297 3945 Date SEPT. 28. 2011

**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 Dolores Garcia Mail Address 3508 Dural 78705  
City, State & Zip Austin Texas 78705  
Printed Dolores Garcia Phone 512 3271213 Date 9/28/11



SUBJECT TRACT



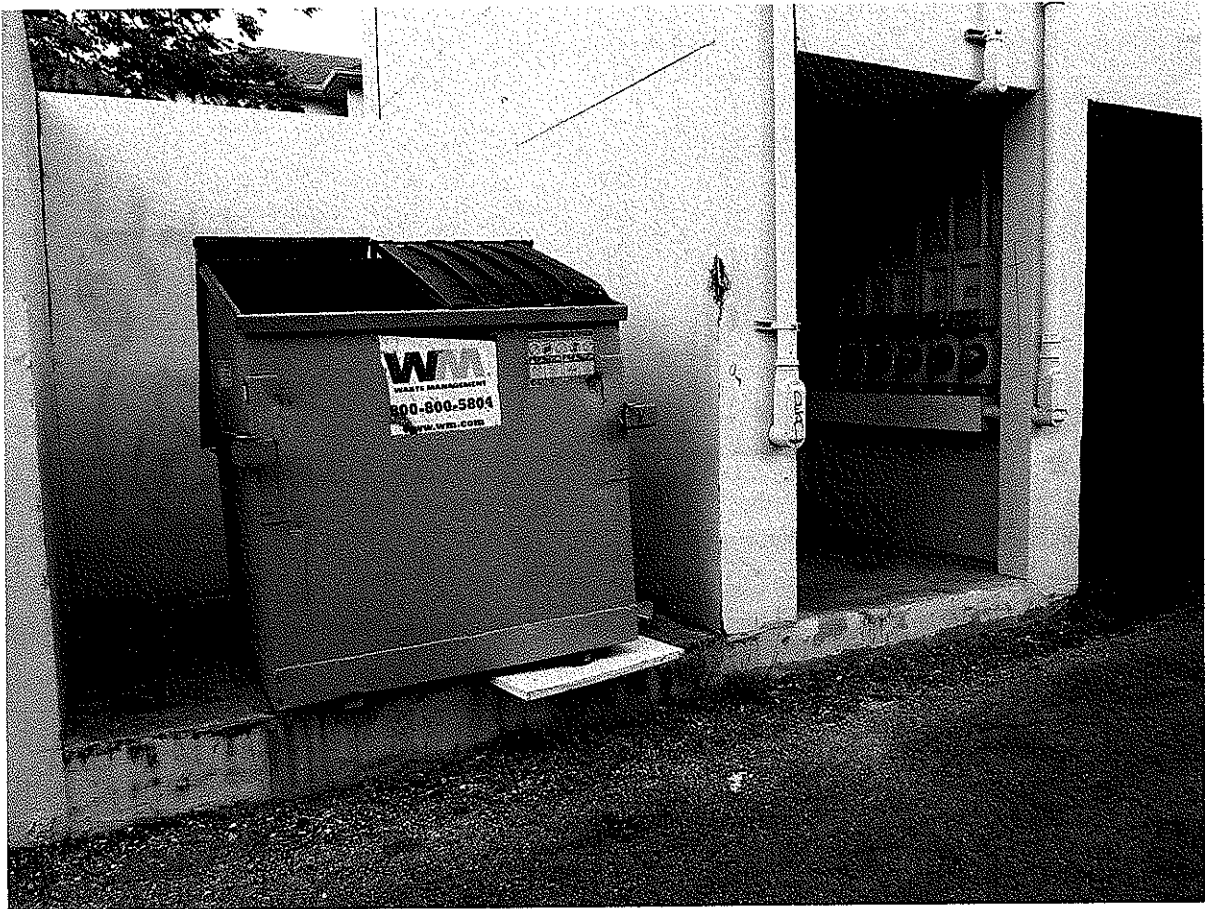
ZONING BOUNDARY

CASE#: C15-2011-0116  
LOCATION: 3508 Duval



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





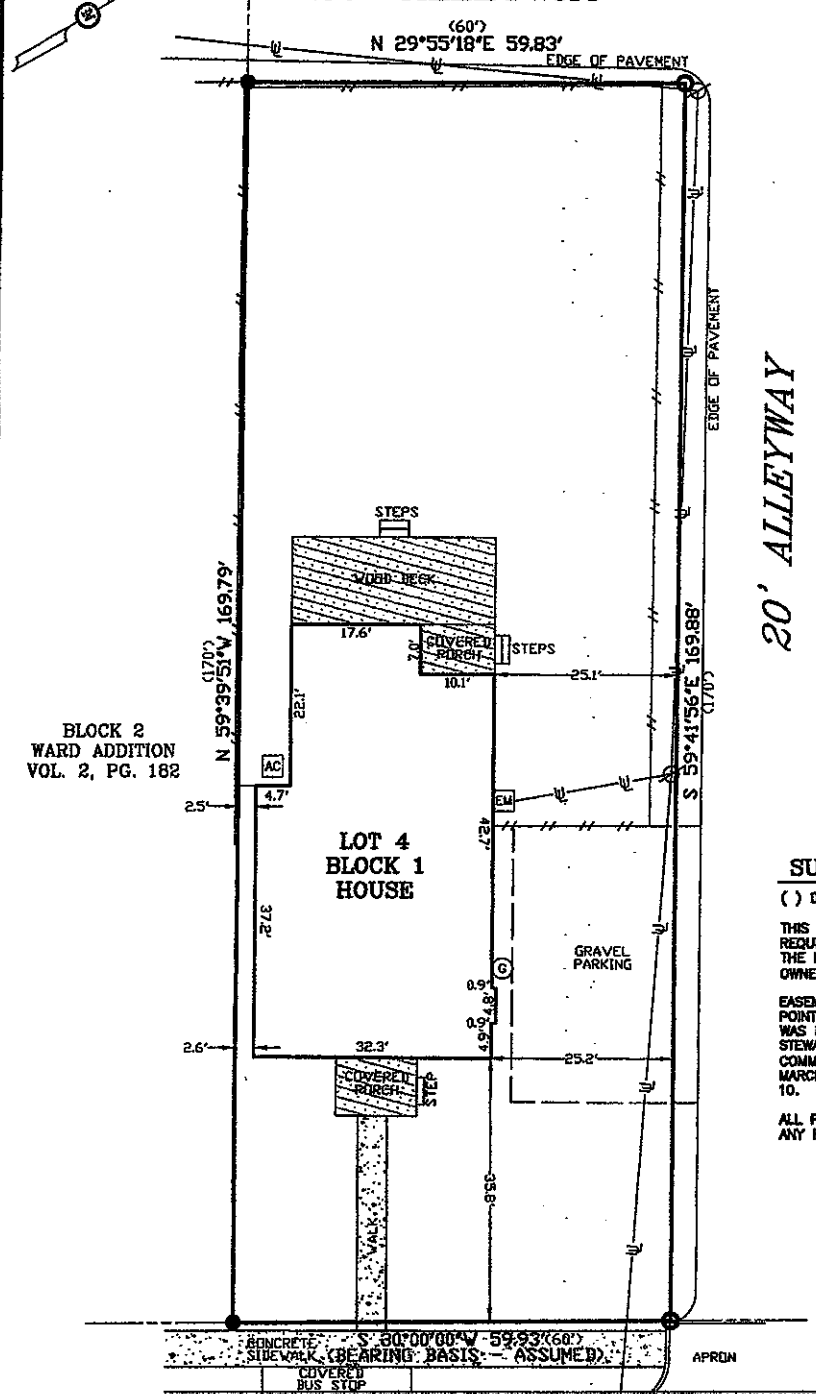






SCALE: 1"=20'

# 20' ALLEYWAY



## LEGEND

- WOOD FENCE
- UTILITY LINE
- AC A/C UNIT
- EM ELEC. METER
- G GAS METER
- U UTILITY POLE
- IRON ROD FND.
- PIPE FND.

BLOCK 2  
WARD ADDITION  
VOL. 2, PG. 182

LOT 4  
BLOCK 1  
HOUSE

## SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION

THIS MAP DOES NOT REFLECT BUILDING REQUIREMENTS WHICH MAY BE IMPOSED BY THE LOCAL GOVERNING AUTHORITY OR HOME OWNER'S ASSOCIATION.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY STEWART TITLE GUARANTY COMPANY PER COMMITMENT G.F. #1102387, EFFECTIVE MARCH 9, 2011; SCHEDULE B, PARAGRAPH 10.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

3508 DUVAL STREET  
(60' R.O.W.)

LOT No. 4 BLOCK SUBDIVISION / ADDITION OF WARD ADDITION TO THE CITY OF AUSTIN  
SECTION PHASE Book 381 Page(s) 288 Cabinet Slide PLAT RECORDS  
CITY AUSTIN Reference: DOLORES GARCIA AND OR ASSIGNS

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR STEWART TITLE GUARANTY COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.

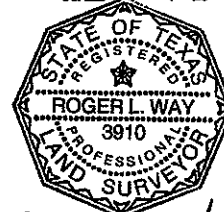


ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200  
AUSTIN TX. 78704

TELE.: (512) 440-0071 - FAX: (512) 440-0189

FIELD WORK JS/MB 3/15/11  
DRAWING MDL  
SURVEY DATE: 3/15/11  
Job No. 03R04911  
SCALE: 1"=20'



Roger L. Way



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
COMPLETENESS CHECKLIST**

- APPLICATION WILL BE RETURNED TO YOU AND WILL NOT BE ADDED TO NEXT BOARD OF ADJUSTMENT AGENDA AND CHECK WILL NOT BE DEPOSITED UNTIL ALL OF THE FOLLOWING IS SUBMITTED CORRECTLY.
- VARIANCES EXPIRE ONE YEAR AFTER APPROVAL DATE PER SECTION 25-1-217 UNLESS BOARD DEEMS OTHERWISE.

- \_\_\_\_\_ Application must be typed
- \_\_\_\_\_ Application must be signed and dated by owner and agent
- \_\_\_\_\_ Application must have ALL findings (parking portion only required when parking variance is needed) that are applicable fully filled out at time of submittal
- \_\_\_\_\_ Site plan must be submitted drawn to scale showing present and proposed construction along with existing structures on all adjacent lots
- \_\_\_\_\_ Approval from Austin Energy if request is for a variance to *height* or *setback* limitations
- \_\_\_\_\_ Sign Review Board cases must submit site plans showing location, elevations in addition to above requirements
- \_\_\_\_\_ **If property is located in Williamson County, then contact Williamson County Appraisal District for a list of the property owners names and addresses within a 500 foot radius.**
- \_\_\_\_\_ Check for application fee:   \$360.00   Residential zoning  
   \$660.00   All other
- \_\_\_\_\_ Please consider contacting your Neighborhood Assn. about your request.

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. If your request is for a reduction in setbacks or height limits, then you must receive approval from Austin Energy by contacting Lena Lund at 322-6587, or email lena.lund@austinenenergy.com, before filing your application with the Board of Adjustment.

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

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.

WalkerS 1/22/10 11:18 AM

**Deleted:** Tax plats (original size 1"=100') must be submitted showing subject property and property within a 500 foot radius. (Available from the Travis Central Appraisal District, 8314 Cross park Drive, 834-9138).

WalkerS 10/7/10 11:36 AM

**Deleted:**

WalkerS 10/7/10 11:34 AM

**Deleted:** Robert Long at 322-6522 b

September 17, 2011

To Whom it May Concern,

Our family purchased the house at 3508 Duval St. in Austin in April, 2011.

There was a fence approximately 7-8' in height which was falling down in places when we took possession of the property.

Our daughter, who is a first year graduate student at UT, aged 23, is living the house with her two female roommates. The house backs to an alley on the West side and abuts a multi-story apartment complex unit on the North side. The East side is Duval and there is only one neighboring house.

We constructed a 6 foot fence with a 1 foot lattice top to provide extra security and privacy for the single girls.

While we were in negotiations for the property a patio table and chairs was stolen from the back yard and we felt we needed a secure fenced area for the back yard. The alley to the North side has dumpsters which are frequently emptied in the early hours of the morning which involves large noisy trucks.

There is an alcove next to the dumpster which frequently has a mattress and/or couch placed in it, and it is a haven for homeless people.

Sometimes at the weekend several people congregate in this area, and we feel that a high fence is the safest option for our daughter. The lighting is poor, and, although there is a No Parking sign, there are regularly 5-10 cars that park that in the easement on our property. We have called City of Austin about this several times but as it happens late at night at weekends nothing ever seems to get done.

We have a letter from our neighbor on the South side, and she is happy that the fence is the height that it is as she also feels threatened by the comings and goings of various people in the alley-ways.

We were told by our contractor that the 1 foot lattice section was decorative and was not considered part of the fence for height requirements.

We feel that the fence improves the look and security of our property and we ask that you grant this variance.

Our contractor is not returning our calls and it would be expensive to remove and repair the fence.

Thank you,

Dolores Garcia

Al & Mary Nofi

[anofi@aol.com](mailto:anofi@aol.com)

[msnofi@aol.com](mailto:msnofi@aol.com)

3506 Duval St.  
Austin, Tx., 78705  
512-472-2976

732 Westminister Rd  
Brooklyn, N.Y., 11230  
718-859-0405

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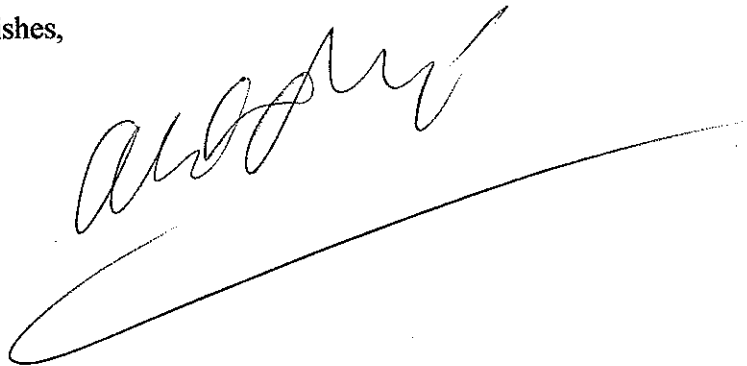
September 15, 2011

To Whom it May Concern,

My wife and I have no objection to the height of the fence between our property at 3506 Duval Street, in Austin, and the house to our north at 3508 Duval Street.

Please feel free to call if any further information is needed.

Best wishes,

A handwritten signature in black ink, appearing to read 'Al Nofi', is written over a long, sweeping horizontal line that extends across the width of the signature.