

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

CASE #

ROW #

C15-2011-0132

10882629

CITY OF AUSTIN

APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP 016203-07-74

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

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

STREET ADDRESS: 5910 Miramonte Dr

LEGAL DESCRIPTION: Subdivision – Sierra Oaks III Section One

Lot(s) 28 Block -- Outlot  Division

I/We John Novak on behalf of myself/ourselves as authorized agent for

John Novak affirm that on Oct 19, 2011,

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

(check appropriate items below)

X ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

Replace portion of existing 6' solid fence with 8' solid fence

in a residential SF-2 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:

The steep grade of the property positions the house and deck floors above the 6' fence

**HARDSHIP:**

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

The grade of the house (as measured from the ground to the top of the foundation) runs from 16' on one back corner to 59' at the other back corner.

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

The house is located at the bottom of a hill with a steep slope across the property. Other properties in the area are generally more level across the lots and the foundation of the houses are level with the bottom of the fences.

**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:

There is no residential property on the border of the proposed 8' fence. The property adjacent to the border is a 60' utility easement. The power lines are located on the far/opposite side of this easement and the extension of the fence from 6' to 8' will not hinder access to the power lines. The proposed fence is at the rear of the property and is not visible from the front.

**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:

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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:

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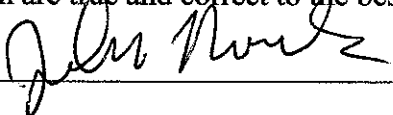
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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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.

Signed  Mail Address 5910 Miramonte Dr

City, State & Zip Austin, Texas 78759

Printed John Navak Phone 512-903-9765 Date 10/19/2011

**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  Mail Address 5910 Miramonte Dr

City, State & Zip Austin, Texas 78759

Printed John Navak Phone 512-903-9765 Date 10/19/2011



SUBJECT TRACT



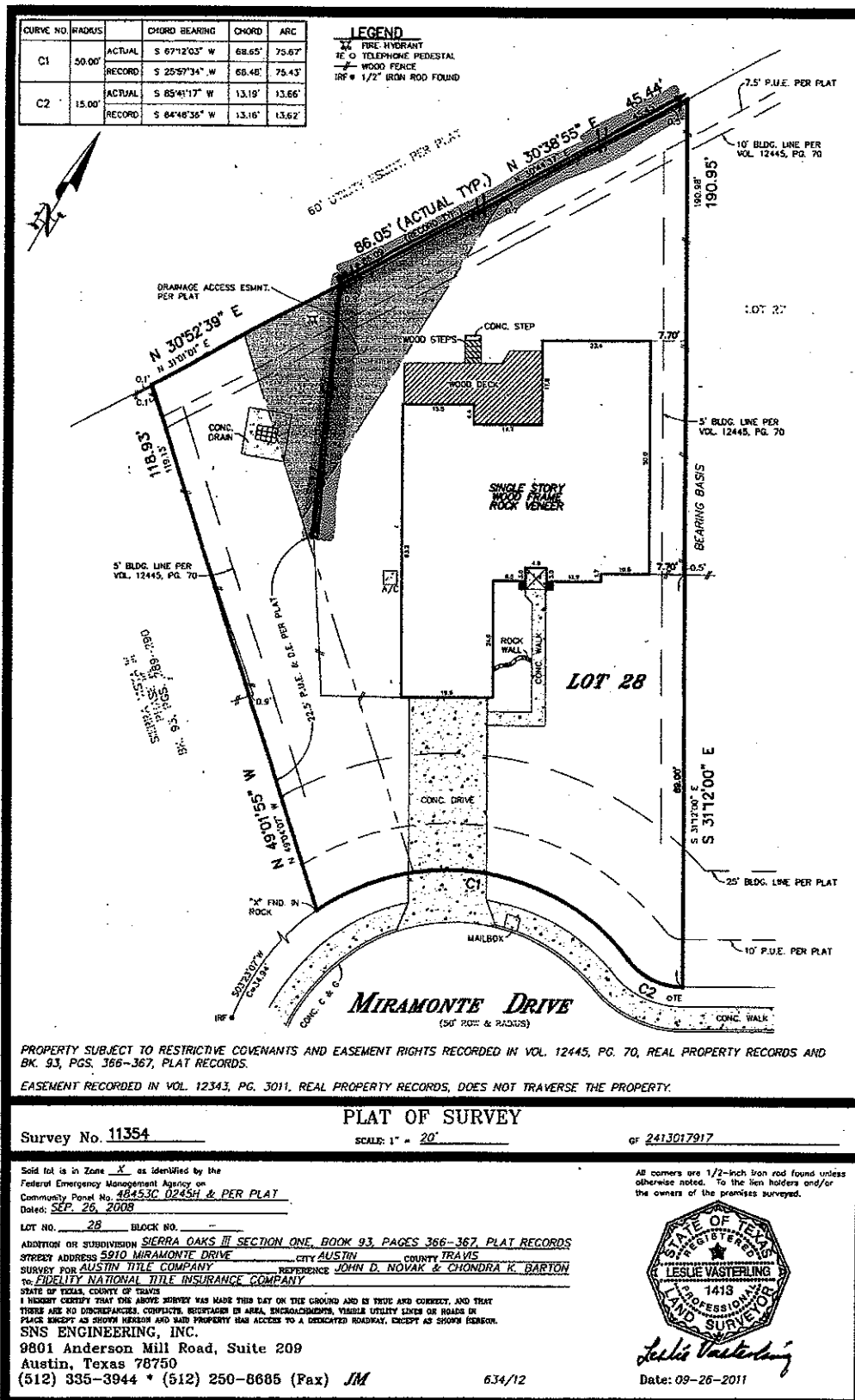
ZONING BOUNDARY

CASE#: C15-2011-0132  
LOCATION: 5910 MIRAMONTE DR



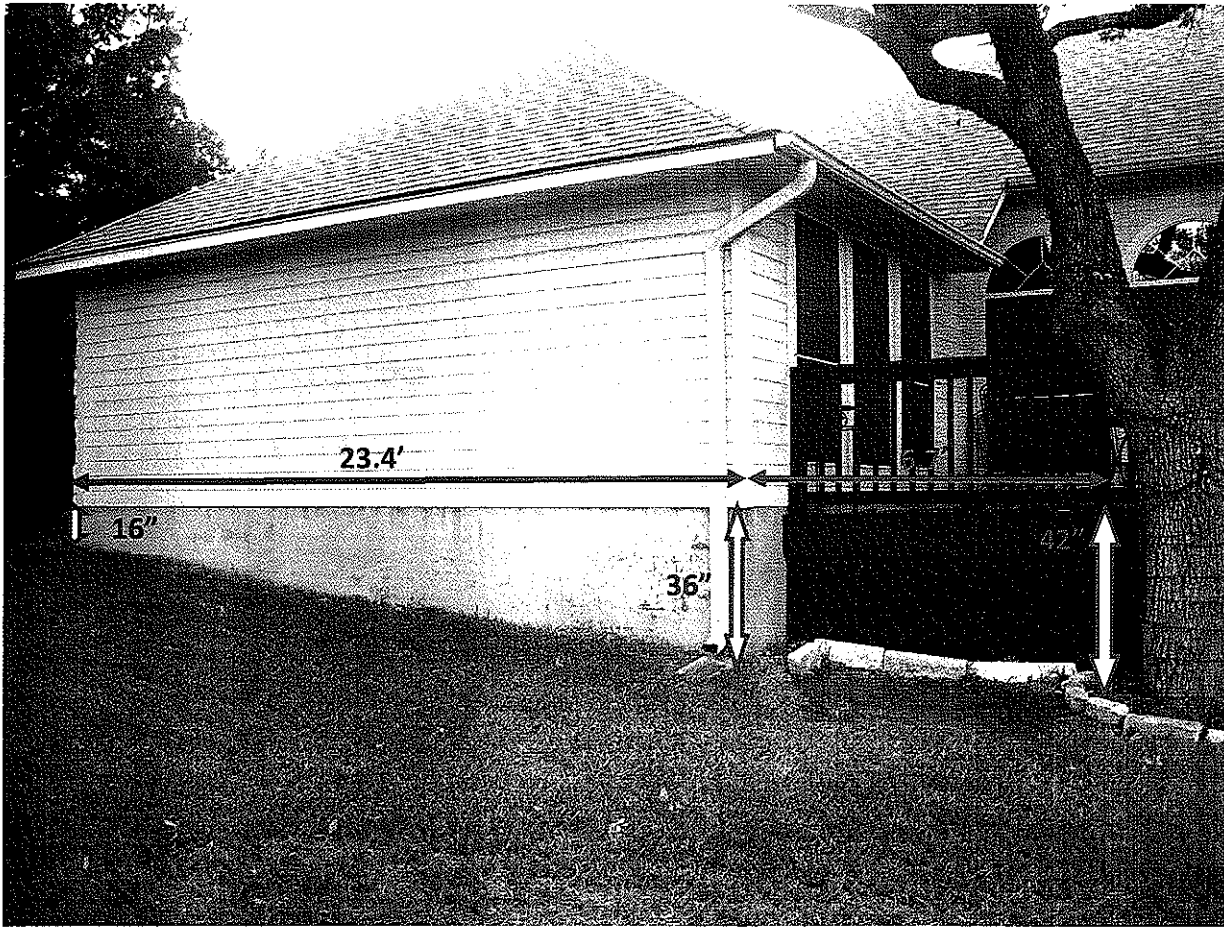
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



• Replace portion of existing 6' Fence with 8' Fence

- Approx 86' section of back Fence
- Approx 45' section of back/left Fence



View to the right looking over fence



View behind the fence, shows hiking path





View behind the fence to the left, shows hiking  
path and power line on opposite side of PUE

Power pole and lines on opposite side of PUE



View from deck looks over the top of the fence





