

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 # C15-2011-0136  
ROW # 10682659

TP-043157-02-19

**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: 6608 Mitra Dr. Austin, TX 78739

LEGAL DESCRIPTION: Subdivision - Meridian

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

I/We Daniel Perez on behalf of myself ourselves as authorized agent for

\_\_\_\_\_ affirm that on October 18 2011

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

a new fence between two properties ( 6608 Mitra and 6612 Mitra Drive ) connecting the preexisting 6 ft fences at front and rear of backyard.  
The new fence would stairstep from 6ft height of existing fence to a maximum height of 10 ft and stairstep back down to 6ft to connect to rear fence.

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:  
please see the attached sheet for explanations
- 
- 

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
please see the attached sheet for explanations
- 
- 

- (b) The hardship is not general to the area in which the property is located because:  
please see the attached sheet for explanations
- 
- 

**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:  
please see the attached sheet for explanations
- 
- 

**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 *Daniel Perez* Mail Address 6608 Mitra Dr.

City, State & Zip Austin, TX 78739

Printed Daniel Perez Phone 512-431-4592 Date October 17, 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 *Daniel Perez* Mail Address 6608 Mitra Dr

City, State & Zip Austin, TX 78739

Printed Daniel Perez Phone 512-431-4592 Date October 17, 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:**

### **REASONABLE USE:**

The zoning regulations applicable to the property do not allow for a reasonable use because:

1. A 6-Foot fence height does not establish any privacy between neighbor's house and my own. The two houses have a 3+ foot slope between them and due to the neighbor's extreme house width ( 50 ft+ ) combined with the slope of the street, their foundation had to be elevated 4'4" on top of the already elevated slope. This creates a significant height difference ( 6'8" ft ) that negates any privacy, sound insulation, or other benefits a 6 or 8 foot fence would provide. Furthermore, because of the floorplan of the neighbor's house, the patios, dining areas, and living areas are direct mirrors of our own further eroding privacy as a significant number of windows as well as the patio face each other and provide unencumbered views and hearing of each others indoor and outdoor living spaces.

### **HARDSHIP:**

The hardship for which the variance is requested is unique to the property in that:

2 (a) The hardship is unique to the properties not only because of the unique topography but also because of the builder's limitation on floorplans. Due to the slope of the street, the neighbor's house floorplan had to be flipped and elevated because of foundation issues (The driveway had to be on the higher end of the street and level across). This created a scenario where the two floorplans became reflections of each other. (i.e. all windows and living areas of one house face the other). Normally a 6ft fence would solve the issue of privacy created by the floorplans, but because of the topography and steep elevation of the neighbor's house, the fence itself does not even reach the bottom of their floor to ceiling windows or patio.

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

2 (b) I have been unable to find any other houses that have a similar scenario in either height differential or floorplan situation. Furthermore, I purchased my home before any foundation was placed on the neighbor's lot and was never consulted about their choice or given any option to approve or deny. Thus, this hardship was not anticipated by me in anyway when purchasing the home. I have tried to find solutions to the issue without having to raise the fence height, but am unable to see any option that will provide the desired privacy and sound insulation. I would also like to note that my neighbors, who themselves chose the floorplan and realized the window situation and created the privacy issue, did not realize at the time how elevated the floorplan would be. It is my belief that if they had they would have made different decisions about the placement and or floorplan of their house. Given these considerations, I believe the hardship that both my neighbor and I face is quite unique as most people would never willingly or knowingly create such an unimpeded destruction of their own privacy. Also the topography of our street in particular is the steepest in the subdivision, and as their house was the last one built, their lot's topography could not be altered as other houses could.

**AREA CHARACTER:** How it affects the area?

3. Our neighbor desires the fence as much as we do, and they believe it will solve the problem just like we ourselves believe it will. It will not alter the character of their property other than to allow for privacy and will not impair the purpose of a privacy fence but will actually allow the privacy fence to provide its primary purpose namely privacy. The fence extension we desire is only between our two properties and it will only affect our neighbor and ourselves. People from the street will not be able to see the extension, and we have open green space behind us. In addition, the fence will be made from cedar and be an improvement upon the current fence. The current fence is made from substandard picket boards ( less than 3 inches in width ) and substandard fence posts ( less than 4" ). The fence builders who have seen my current fence question naming it a fence.



SUBJECT TRACT



ZONING BOUNDARY

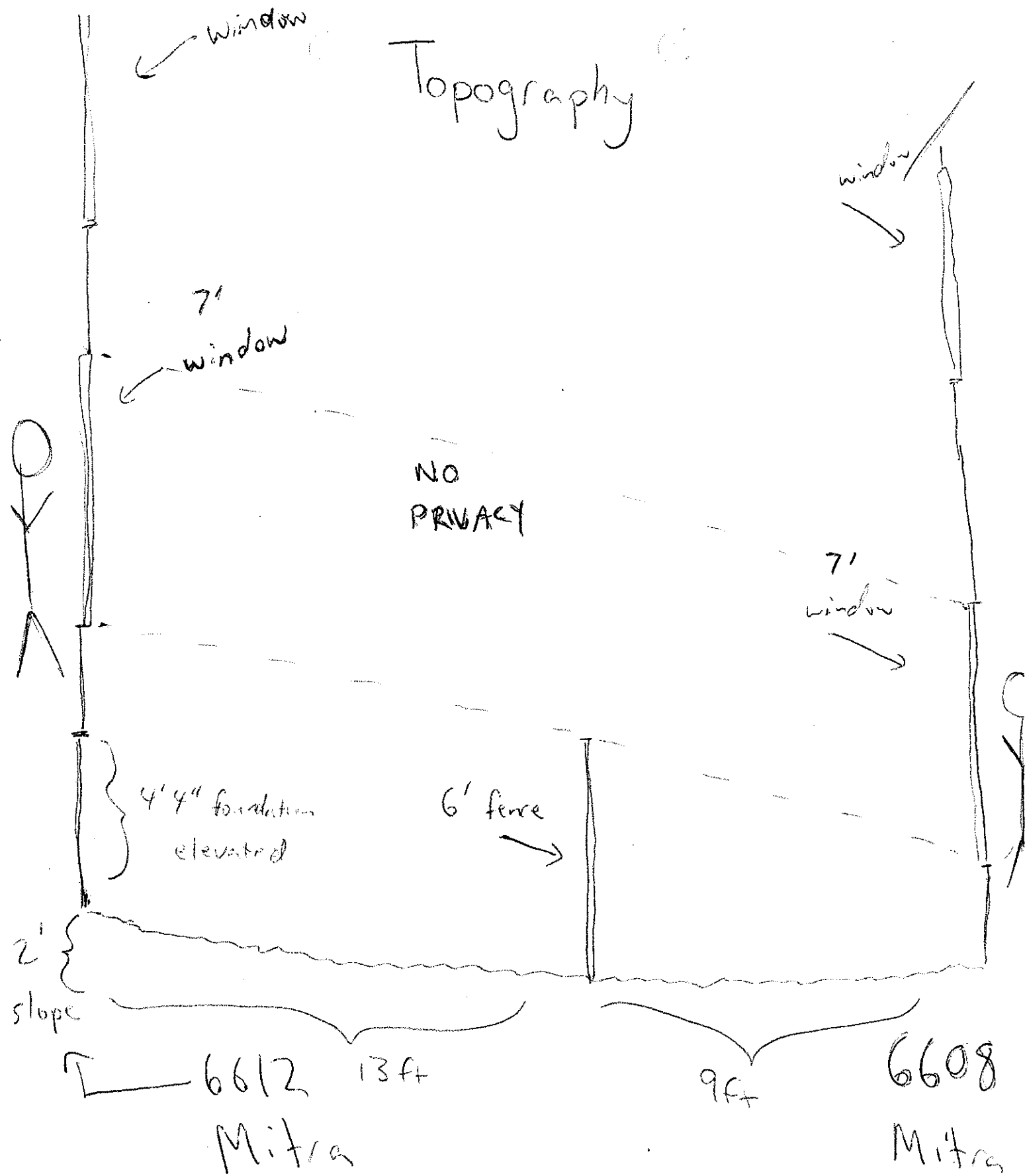
CASE#: C15-2011-0136  
 LOCATION: 6608 MITRA DRIVE



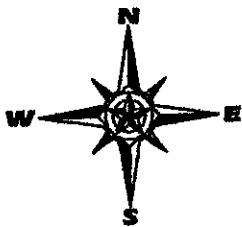
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

# Topography



Scale 1 inch = 3 feet



SCALE: 1" = 30'

BLOCK "A"

LOT 145

N 73°44'49" E 165.00'

**MITRA DRIVE**  
(50' P.O.W.)

SET CAPPED  
1/2" I.R.  
(MINIROSE AUSTIN)

S 16°15'11" E 80.00'

10' P.U.E.  
15' B.L. (GARAGE)  
20' B.L.

SET CAPPED  
1/2" I.R.  
(MINIROSE AUSTIN)

160.00'

SET CAPPED  
1/2" I.R.

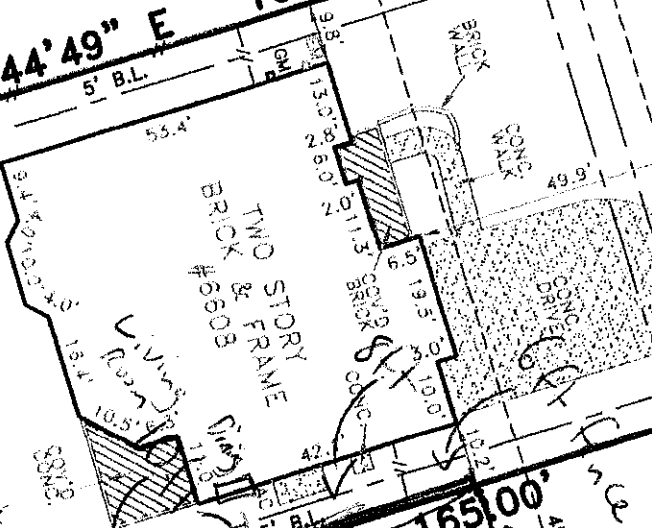
FND CAPPED  
1/2" I.R.  
N 16°15'11" W  
LOT 259 OPEN SPACE  
CALLED 25.292

LOT 144

S 73°44'49" W 165.00'

LOT 143

LOT 142  
LOT 141



*100 ft fence extended height to 10 ft with 6 ft and 8 ft*

*6 ft back yard*

*8 ft*

*Living Room*

*Dining Room*

*Kitchen*

*Bath*

*Garage*

*Living Room*

**LEGEND**

- ELECTRIC BOX
- GAS METER
- ELECTRIC METER
- WATER METER
- WATER VALVE
- WROUGHT IRON FENCE
- WOOD FENCE
- WATER QUALITY EASEMENT
- BUILDING LINE
- PUBLIC UTILITY EASEMENT
- CONTROL MONUMENT

**NOTES:**

1) SUBJECT TO RESTRICTIVE COVENANTS BY DOC. NO. 200800070, DOC. NO. 2002151142, DOC. NO. 2002151193, DOC. NO. 2002151987, DOC. NO. 2002151985, DOC. NO. 2002151984, DOC. NO. 2002151986, DOC. NO. 2004180483, DOC. NO. 2006015521, AND DOC. NO. 2010018807, T.C.O.P.R.

2) BUILDING LINES SHALL CONFORM WITH THE APPROVED ZONING ORDINANCE NO. 020801-22 PER NOTE ON RECORDED PLAT.