

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

DATE: Monday, Feb 13, 2012

CASE NUMBER: C15-2010-0134

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

APPLICANT: Jim Bennett

OWNER: Fred Purcell

ADDRESS: 12912 PARK DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second, The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Leane Heldenfels second, The public hearing was closed on Board Member Leane Heldenfels to Deny, Board Member Bryan King second on a 7-0 Vote; DENIED

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The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny Board Member Nora Salinas second, The public hearing was closed on Board Member Bryan King to GRANT for emergency access on east side only, Board Member Jeff Jack second; Board Member Leane Heldenfels to DENY west property line, Board Member Bryan King second on a 7-0 Vote.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0

BOARD'S DECISION: (West side property line) The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)

BOARD'S DECISION May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor

BOARD'S DECISION June 13, 2011 POSTPONED TO SEPTEMBER 12, 2011 BY APPLICANT

BOARD'S DECISION: Board member Melissa Hawthorne motion to Postpone to January 9, 2012 for additional graphic information on the grade change from side to side of the existing fence to determine the fence height, Board member Michael Von Ohlen second on 4-3 vote (Board members Bryan King, Susan Morrison, Heidi Goebel nay); POSTPONED TO JANUARY 9, 2012 FOR ADDITIONAL GRAPHIC INFORMATION ON THE GRADE CHANGE FROM SIDE TO SIDE OF THE EXISTING FENCE TO DETERMINE THE FENCE HEIGHT.

Jan 9, 2012 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 5-2 vote (board members Jeff Jack and Susan Morrison nay); DENIED.

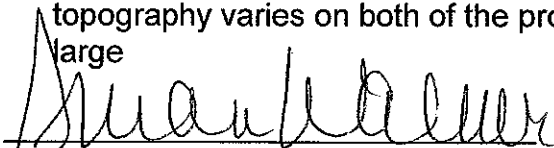
FEB 13, 2012 RECONSIDERATION REQUEST Board Member Michael Von Ohlen motion to Reconsider, Board Member Melissa Hawthorne second on a 4-2 vote (Board Members Jeff Jack and Bryan King nay); GRANTED TO RECONSIDER; the public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 12, 2012, Board Member Michael Von Ohlen second on a 6-0 vote; POSTPONED TO MARCH 12, 2012.

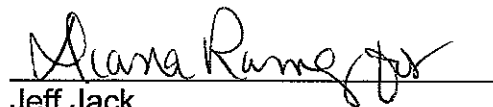
VARIANCE REQUEST: The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 12 feet along the west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, due to the construction the east side of setback emergency access to the rear lot to pool.

(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, verses the other.
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: due to topography varies on both of the properties and fence on the other side is equally as

large

Susan Walker
Executive Liaison


Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

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- 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.

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Case Number: C15-2010-0134 - 12912 Park Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13, 2012

ALLIDA P - JAMARCK
 Your Name (please print)

☐ I am in favor
☒ I object

12896 PARK DRIVE AUSTIN TX 78732
 Your address(es) affected by this application

Alicia Berlepe Toward 2/12/12
 Signature Date

Daytime Telephone: _____

Comments: REQUESTED HEIGHT IS EXCESSIVE
AND UNSIGHTLY RESTRICTIONS SHOULD
BE OBSERVED AND MAINTAINED.

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

February 9, 2012

City of Austin
Board of Adjustment

RE: C15-2010-0134

Mr. Purcell has pursued this variance far beyond a reasonable time for this Board. As adjacent property owners in opposition to these requests, we have spent enormous amounts of personal time and money in preparation for meetings, payments to surveyors/engineers/architects to response to these unreasonable requests.

It may be important here to remind the Board that Mr. Purcell's variance request is for a fence, but it is built as a retaining wall on the line – holding back up to 6 feet of dirt – with a block wall above. It was not engineered, not permitted, has a gas line attached to it, and we are concerned.

The Board has ruled, and it needs to sustain that ruling.

In addition, the City needs to properly enforce the Board's multiple rulings that require the variances - which have been denied over these past 15 months - be corrected. This includes the proper permitting process. To date, Mr. Purcell does not have a Certificate of Occupancy on his home. If he had come to the Board with legitimate variances that were not problems of his own creation, then the Board may have some room to work with him. Instead, he has disregarded the City code and selfishly developed a McMansion with accessory structures that cover much too much of the property, too high, and is un-engineered and un-permitted!! A property owner and developer/builder should not be granted variances when he does not come to the process with clean hands or honorable intentions.



Patty and Bill Snyder
RGOI Investments, Ltd

Lots 74-76 (adjacent to Lot 77 on the West side)

January 19, 2012

City of Austin
Board of Adjustment

RECEIVED

JAN 19 2012

CITY OF AUSTIN

Re: Reconsideration of Case C15-2010-0134
12912 Park Drive

Dear Board Members,

Pursuant to the Board's rules I am hereby requesting a reconsideration of case C15-2010-0134. This request is based on new evidence that was not submitted at the original hearing. The new evidence is a DVD showing this property and the adjacent property.

Thank you for your consideration.

Sincerely,



Jim Bennett

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

DATE: Monday, January 9, 2012

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<input type="checkbox"/> N	Jeff Jack	
<input type="checkbox"/> Y	Michael Von Ohlen	Motion to Grant
<input type="checkbox"/> Y	Nora Salinas	
<input type="checkbox"/> Y	Bryan King	
<input type="checkbox"/> N	Susan Morrison	
<input type="checkbox"/> Y	Melissa Hawthorne	2nd the Motion
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<input type="checkbox"/> -	Cathy French (SRB only)	

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Susan Walker
Executive Liaison

Jeff Jack
Chairman

1-6-12

Dear City of Austin Board of Adjustment,

We OPPOSE the variance requested by Mr. Fred Purcell (C15-2010-0134 – 12912 Park Drive) for the following reasons:

1. The request is for a "fence" not a Retaining Wall. This structure is a retaining wall, and as you can see in Photo 1 it retains 6-8 feet of ground on the side shown as well as where it turns the corner and runs along our property line (Lots 74-76).
2. This unsightly retaining wall was not engineered and is well above the 8 foot max which we pointed out to the City in 2004 before the retaining wall was built. See Photo 2.
3. The Retaining wall is on the property line. Based on our understanding of the City Code, a retaining wall cannot be in the setback.
4. The facts have not changed since the City BOA began reviewing this variance request in August 2010. Multiple sessions at the BOA and multiple continuances have been a significant burden and expense for us.
5. There is a gas line above ground attached to the wall. This concern has not been addressed by the owner.

Please vote against this variance and require the wall be removed.

Sincerely,

Patty Snyder

Patty and Bill Snyder
RGOI Investments, Ltd
12914 Park Drive (Lots 74-76)
Austin, TX 78732
512-762-8881

E1
114

1-6-12

RECEIVED

JAN 11 2012

CITY OF AUSTIN

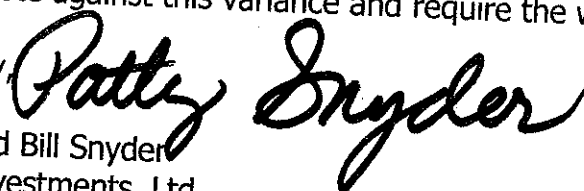
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12914 Park Drive (Lots 74-76)
Austin, TX 78732
512-762-8881

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Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 9, 2012

Patty and Bill Snyder

Your Name (please print)

☐ I am in favor
☒ I object

12914 Park Drive, Austin, TX 78733

Your Address(es) affected by this application

Patty Snyder **1-6-12**

Signature

Date

Daytime Telephone: **512-762-8881**

Comments:

See attached.

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

PHOTO 1

Lot 77

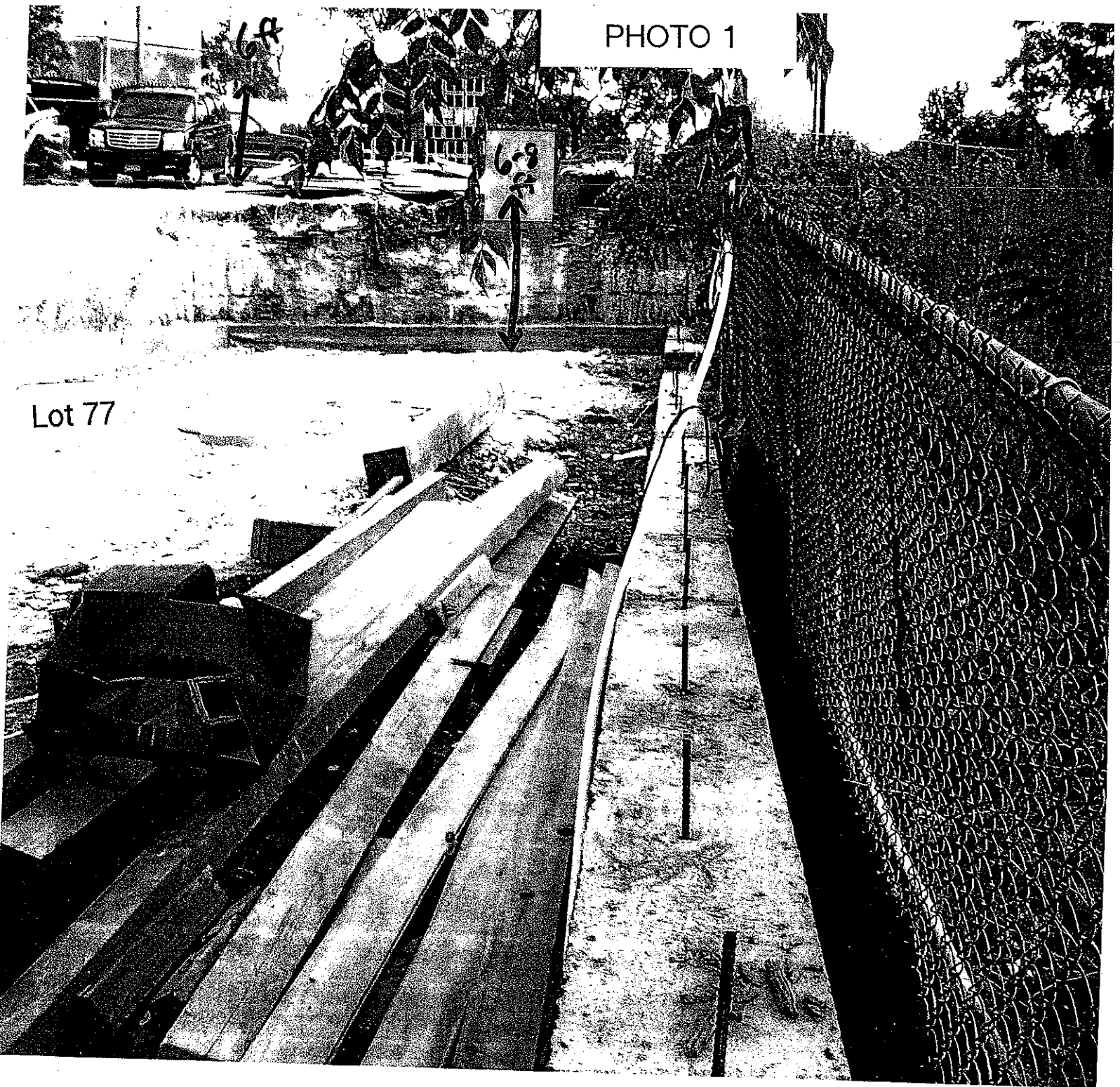
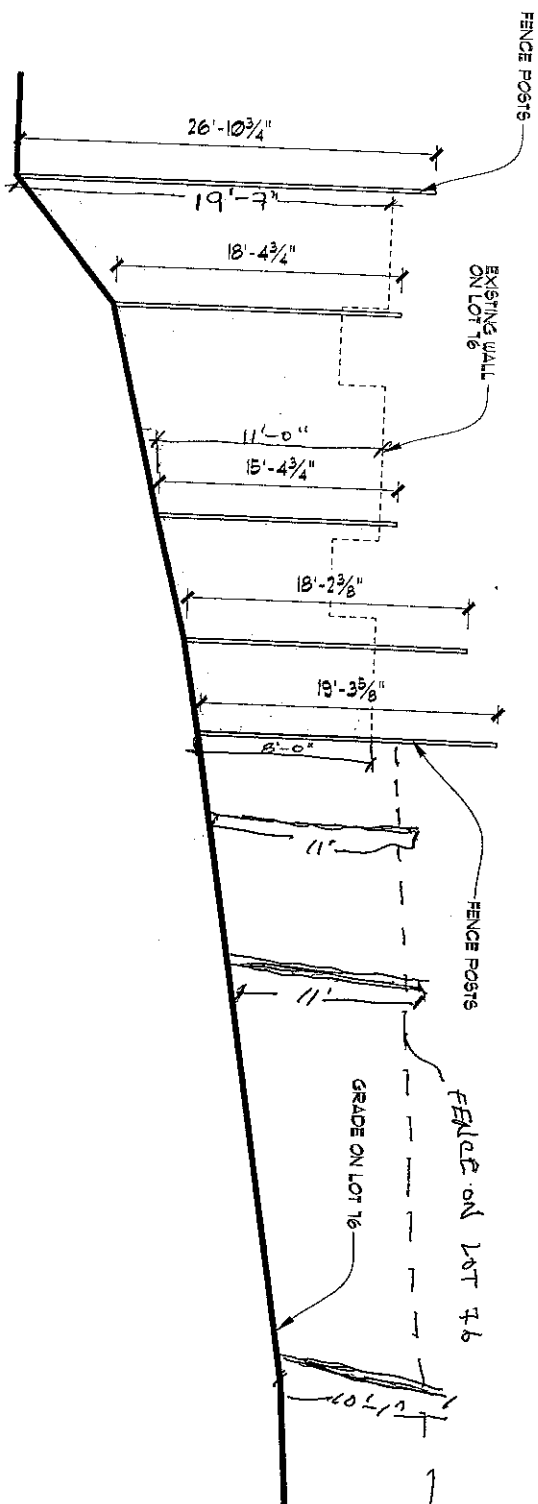


PHOTO 2



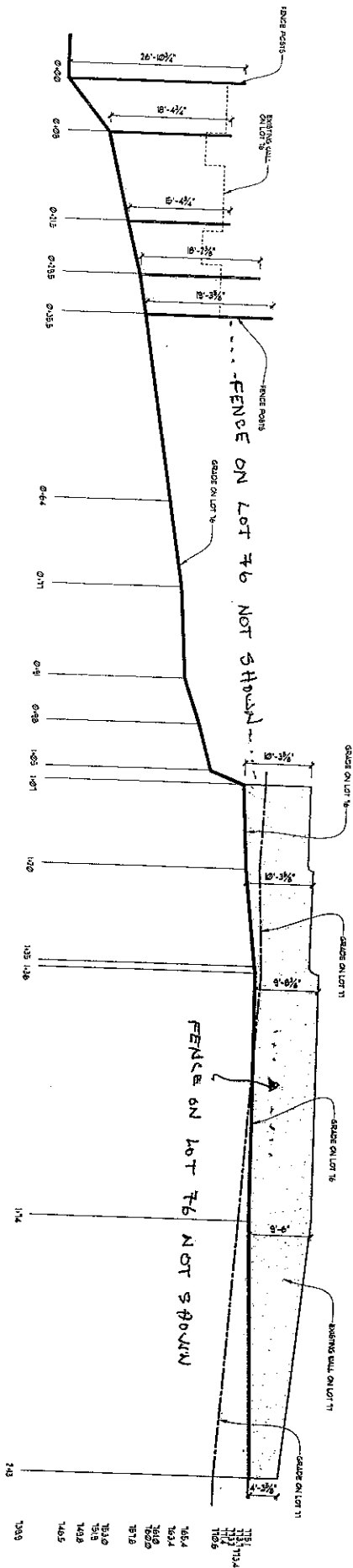
05-2010-0134



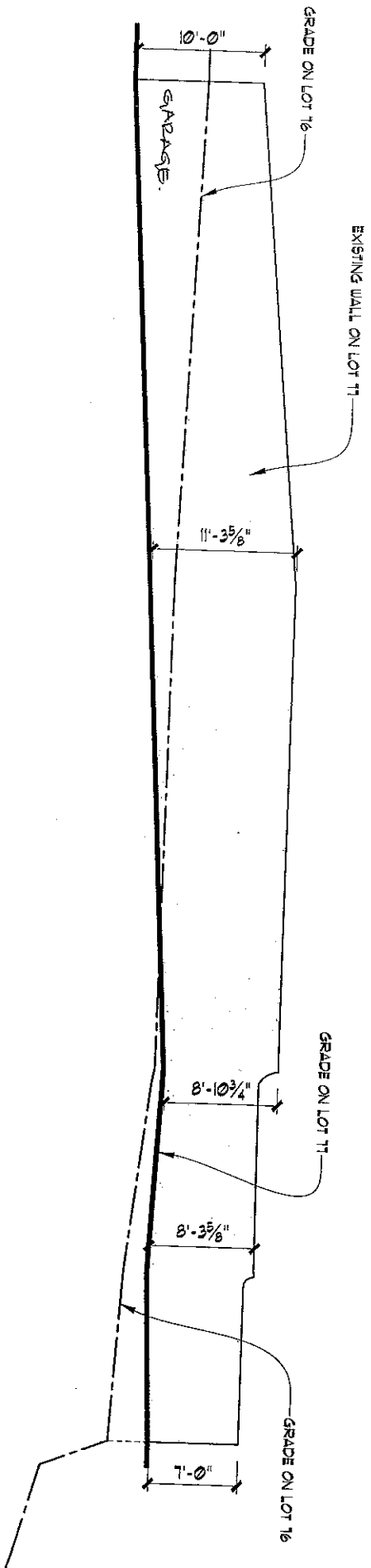
EXISTING WALL & FENCE POSTS ON LOT 76
VIEW FROM LOT 76

SCALE: 1/8" = 1'

OVERALL VIEW - FROM LOT 76



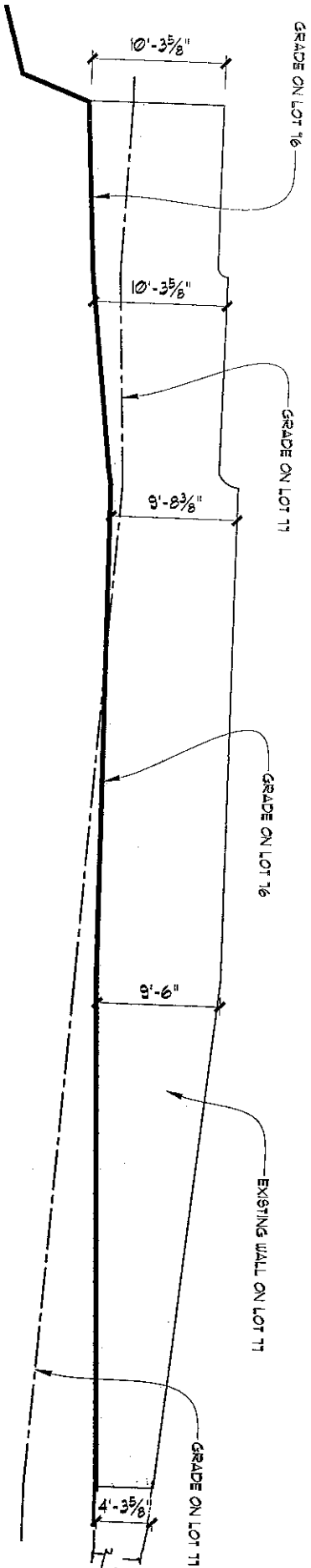
06-2010-0124



EXISTING WALL ON LOT 11
VIEW FROM LOT 11

SCALE 1/8" = 1'

U5-2016-0134



EXISTING WALL ON LOT 77
VIEW FROM LOT 76

SCALE 1/8" = 1'

Walker, Susan

From: Patricia Snyder [snyderp@mac.com]
Sent: Friday, January 06, 2012 4:38 PM
To: Walker, Susan
Subject: For BOA meeting Monday, Jan 9th
Attachments: Board Of Adjustment Variance Opposition - 1-9-12.pdf; ATT1786141.htm

Dear Susan,

I have sent the attached in a fedex with original photos for the BOA on Jan 9th. This is a copy in advance for you since I know you'll be busy - your voicemail is full!
We are in opposition to a case (C15-2010-0134) for over a year now, and the meeting has had many postponements and hearings. We are unable to attend in person again. Please accept the information and present to the BOA on our behalf.

I would appreciate a quick acknowledgement of receipt.

Sincerely,

Patty and Bill Snyder

1-6-12

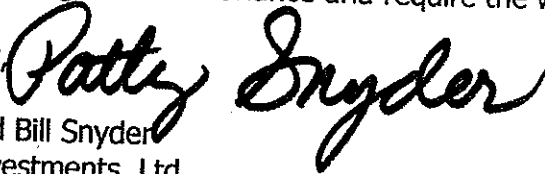
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Patty and Bill Snyder

Your Name (please print)

12914 Park Drive, Austin, TX 78733

Your Address(es) affected by this application

Susan Walker

Signature

Date

Daytime Telephone: 512-762-8881

Comments:

See attached.

☐ I am in favor
☒ I object

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Lot 77

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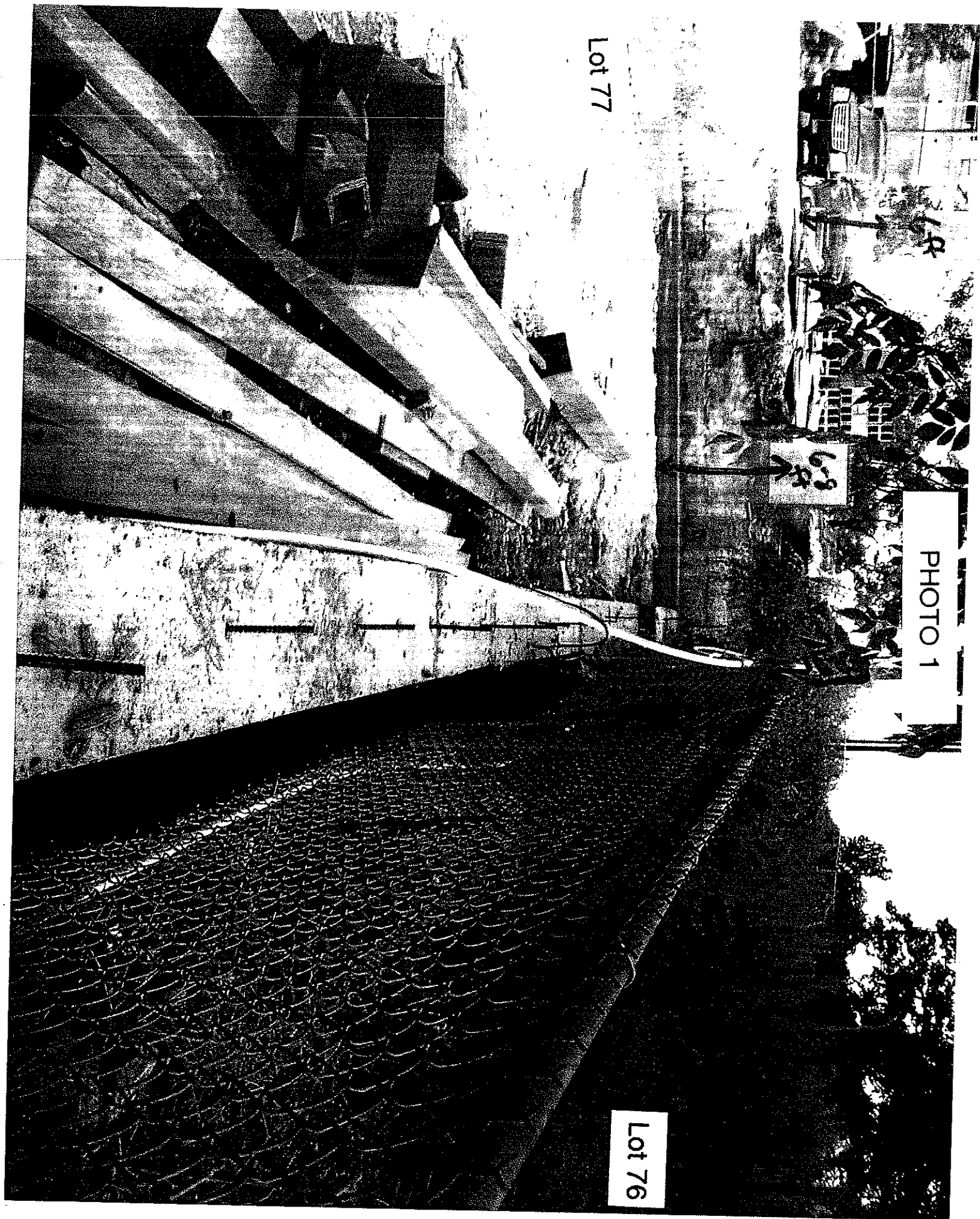
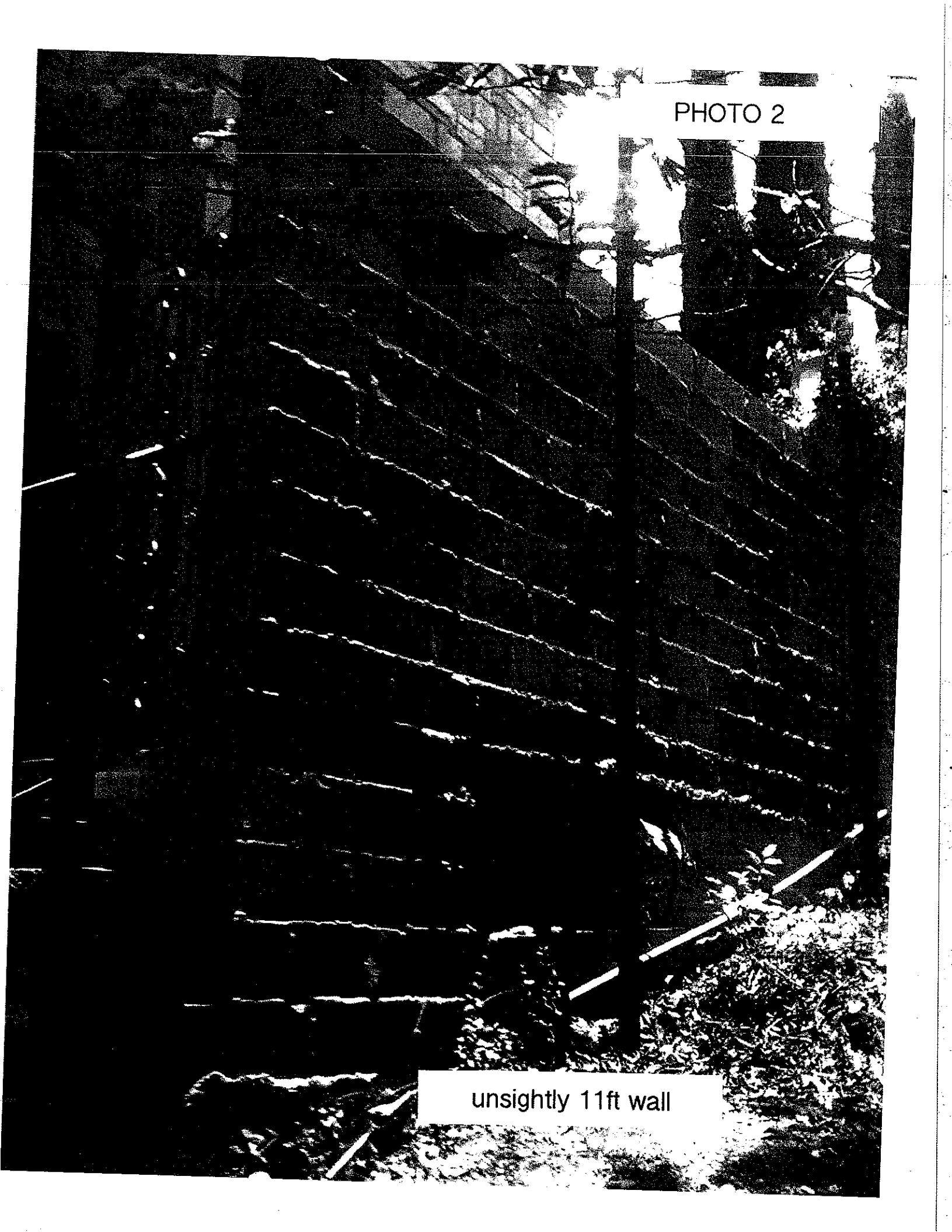


PHOTO 2



unsightly 11ft wall

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 - 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
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Case Number: C15-2010-0134 – 12912 Park Drive
Contact: Susan Walker, 512-974-2202

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 9, 2012

Your Name (please print)

☐ I am in favor
☒ I object

your address(es) affected by this application

Signature

12/30/11
Date

Daytime Telephone:

5/5/0

Comments: *After the success
of the first year in learning
the first year was a
great success. I was in
charge of the first year
and the second year.*

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

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Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 9, 2012

Your Name (please print)

12902 Park Drive

Your Address(es) affected by this application

Signature

Date

Daytime Telephone:

512-751-8061

Comments:

This variance will have no negative impact on the neighborhood at all.

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

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

DATE: Monday, September 12, 2011

CASE NUMBER: C15-2010-0134

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

APPLICANT: Jim Bennett

OWNER: Fred Purcell

ADDRESS: 12912 PARK DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second. The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Leane Heldenfels second, The public hearing was closed on Board Member Leane Heldenfels to Deny, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west

property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Bryan King second, The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny Board Member Nora Salinas second, The public hearing was closed on Board Member Bryan King to GRANT for emergency access on east side only, Board Member Jeff Jack second; Board Member Leane Heldenfels to DENY west property line, Board Member Bryan King second on a 7-0 Vote.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0

BOARD'S DECISION: (West side property line) The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)

BOARD'S DECISION May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor

BOARD'S DECISION June 13, 2011 POSTPONED TO SEPTEMBER 12, 2011 BY APPLICANT

BOARD'S DECISION: Board member Melissa Hawthorne motion to Postpone to January 9, 2012 for additional graphic information on the grade change from side to side of the existing fence to determine the fence height, Board member Michael Von Ohlen second on 4-3 vote (Board members Bryan King, Susan Morrison, Heidi Goebel nay); POSTPONED TO JANUARY 9, 2012 FOR ADDITIONAL GRAPHIC INFORMATION ON THE GRADE CHANGE FROM SIDE TO SIDE OF THE EXISTING FENCE TO DETERMINE THE FENCE HEIGHT.

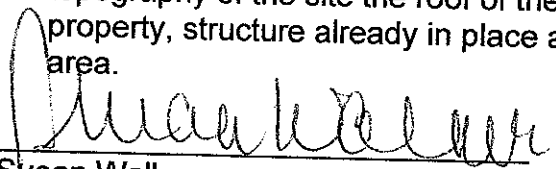
VARIANCE REQUEST: The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 12 feet

along the west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.

(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.
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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.


Susan Walker
Executive Liaison


Jeff Jack
Chairman

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

DATE: Monday, June 13, 2011

CASE NUMBER: C15-2010-0134

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas OUT
____ Bryan King
____ Leane Heldenfels, Chairman
____ Clarke Hammond, Vice Chairman
____ Heidi Goebel
____ Melissa Hawthorne

APPLICANT: Jim Bennett

OWNER: Fred Purcell

ADDRESS: 12912 PARK DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

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The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

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The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

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May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor

June 13, 2011 POSTPONED TO SEPTEMBER 12, 2011 BY APPLICANT

VARIANCE REQUEST: The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 12 feet along the west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

JUNE 13, 2011 -

FINDING:

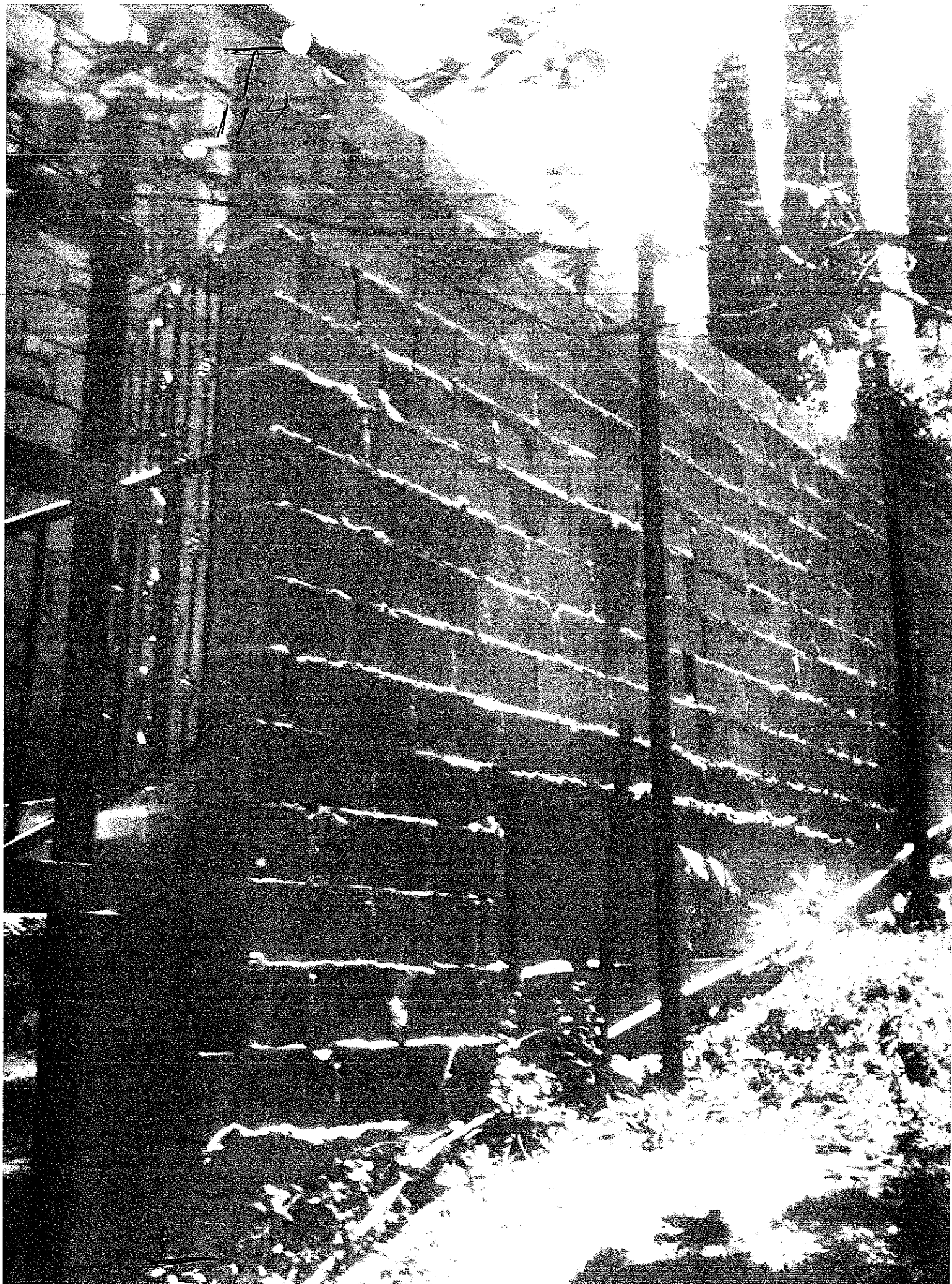
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot

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Susan Walker
Executive Liaison

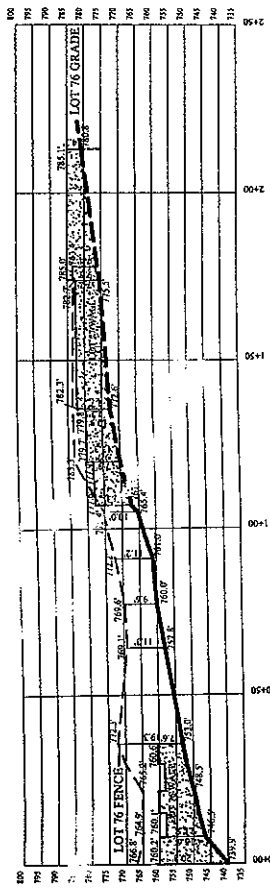
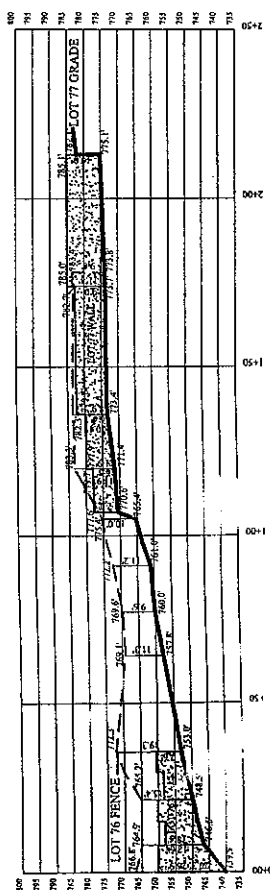
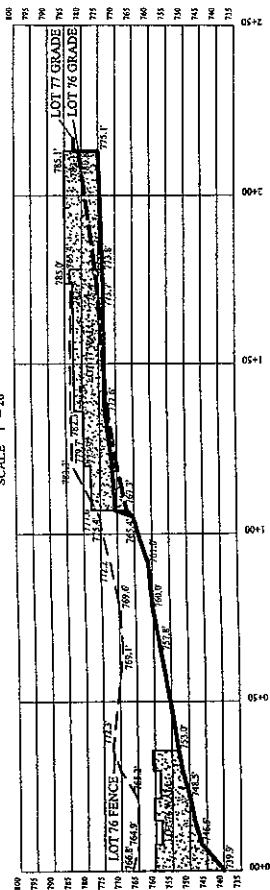
Leane Heldenfels
Chairman



APRIL 2011

PROFILE EXHIBIT OF FENCES ON
COMMON LINE OF LOTS 76 & 77,
HUGHES PARK SUBDIVISION NO.1
(PERSPECTIVE IS WEST TO EAST)

X-X' = HEIGHT TO TOP OF FENCE
ALL OTHER HEIGHTS ARE TO TOP OF WALL
SCALE 1" = 20'



Delta Survey Group Inc.
4111 Bunker Hill Road, Suite 102, Austin, TX 78745
(512) 331-2820 or (512) 331-2820
WWW.DELTASURVEYGROUP.COM

QUAD: MANSFIELD
PROJECT: LOT 77 PARK DRIVE
DWG: FENCE LINE EXHIBIT

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Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 13th, 2011

REGI Investments

Your Name (please print)

☐ I am in favor
☒ I object

12914 Park Drive Austin TX

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 956 369-8527

Comments:

mailing address: 400 E Dove Ave. McAllen TX

78504

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

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 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, June 13th, 2011

William & Patricia Snyder
 Your Name (please print)

☐ I am in favor
☒ of object

18914 Park Drive Austin TX
 Your address(es) affected by this application

Signature

Date

Daytime Telephone: 956 369 8527

Comments:

Mailing address: 400 E Dove McAllen TX 78504

If you use this form to comment, it may be returned to:

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

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 13th, 2011

William & Patricia Snyder
Your Name (please print) RGOT Investments

☐ I am in favor
☒ I object

18914 Park Drive Austin TX

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 956 364 8527

Comments: ① Fire engineered plans required for a retaining wall? The neighbors (laser) wall has undercut our common boundary property between 2-6 ft. ② Our side of his concrete block wall is unfinished & unsightly. ③ Our side of his wall is 10-12 ft high, plus the 2-6 ft on the other side below our grade. ④ A portion of his wall encroaches as much as 3 inches onto our property.

Mailing address: 400 E Dove McAllen TX 78504

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

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Case Number: C15-2010-0134 – 12912 Park Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 13th, 2011

Your Name (please print) _____

☐ I am in favor
☒ I object

Your address(es) affected by this application _____

William R Denis
12912 Park Drive Austin TX 78732
 Signature 6/8/11
 Date

Daytime Telephone: 512-266-2613

Comments: Board of Adjustments

Case # C15-2010-0134

A 12ft fence will give the street
an industrial rather than a
family appearance

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


June 10, 2011

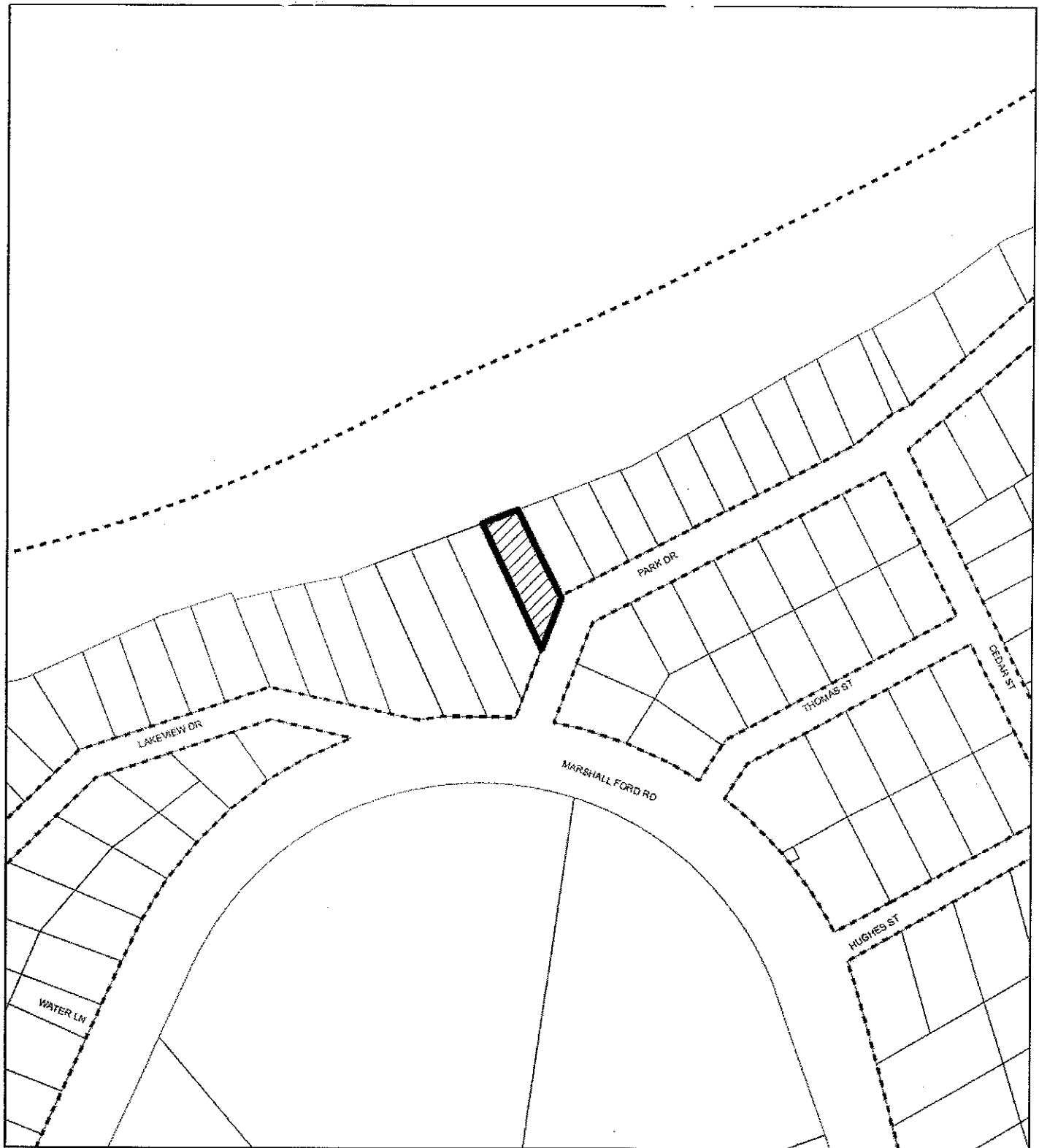
Board of Adjustment
c/o Susan Walker
P. O. Box 1088
Austin, TX 78767

Dear Board Members:

I hereby request an indefinite postponement of case # C15-2010-0134 while the parties work on reaching an agreement.

Sincerely,


Jim Bennett
512-282-3079



SUBJECT TRACT



ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0134
 LOCATION: 12912 PARK DR
 GRID: B33
 MANAGER: SUSAN WALKER



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.

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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.

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: C15-2010-0134 – 12912 Park Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 13th, 2011

Cheryl McEneaney
 Your Name (please print)

☒ I am in favor
☐ I object

12912 Park Drive
 Your address(es) affected by this application

[Signature] *6/4/2011*
 Signature Date

Daytime Telephone: *302-5800 / 751-8061*

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

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

DATE: Monday, May 9, 2011

CASE NUMBER: C15-2010-0134

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas OUT
____ Bryan King
____ Leane Heldenfels, Chairman
____ Clarke Hammond, Vice Chairman
____ Heidi Goebel
____ Melissa Hawthorne

APPLICANT: Jim Bennett

OWNER: Fred Purcell

ADDRESS: 12912 PARK DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second, The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Leane Heldenfels second, The public hearing was closed on Board Member Leane Heldenfels to Deny, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west

property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Bryan King second, The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny Board Member Nora Salinas second, The public hearing was closed on Board Member Bryan King to GRANT for emergency access on east side only, Board Member Jeff Jack second; Board Member Leane Heldenfels to DENY west property line, Board Member Bryan King second on a 7-0 Vote.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0

BOARD'S DECISION: (West side property line) The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)

May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor

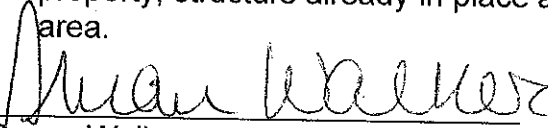
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.


(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, hardship on the setback is due

to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.

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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.



Susan Walker
Executive Liaison



Leane Heldenfels
Chairman

FRED PURCELL
5004 LAKEVIEW DR.
AUSTIN, TEXAS 78732
512-266-6393 TEL
512-266-6369 FAX

March 16, 2004

William Snyder, M.D.
5520 North "C" Street
McAllen, Texas 78504

By Facsimile: 956-686-5289

Dear Dr. Snyder,

James Watkins asked me to prepare a letter for your consideration detailing the construction of a wall between our lots in the courtyard area of the home I am currently constructing. My understanding in speaking with James is that you would consider the following:

1. Excavation for a footing extending 1'-2' onto your property.
2. The actual footing shall be within the boundary of my lot, lot 77.
3. The actual wall shall be within the boundary of my lot, lot 77.
4. The footing shall be poured in concrete and reinforced with steel.
5. The wall will be built with CMU (cinder block).
6. The height of the wall shall be approximately 15'.
7. The costs for construction shall be paid by me.
8. You may veneer the side of the wall facing your property as you like.
9. You may tie into the wall at the adjoining corners for use on your lot.

Please let me know if you have any questions regarding any of this. Thanks for your help and consideration.

Sincerely,

Fred Purcell

This was the memo I wrote to my file concerning the letter after Dr. Snyder wrote me back he didn't want to build the wall together:

Memo

Spoke with James Watkins around noon on April 13, 2004. He was surprised at the letter. He said he faxed the wall agreement letter on March 16 and had often spoken with Snyder about it. The letter was the doctor's idea and incorporated what he wanted. I explained that due to Easter weekend and the bad storm we didn't get the roofing tiles cleaned up by Sunday but would get it done this week. He said Snyder didn't complain to the city about the height of the house or the deck but was interested to know how to get the height we got for the house. Apparently, Artistry Homes told him he couldn't get it.

APRIL 2011

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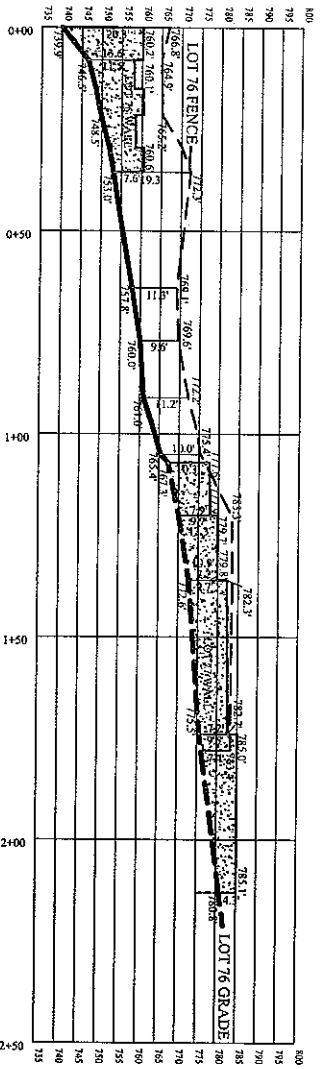
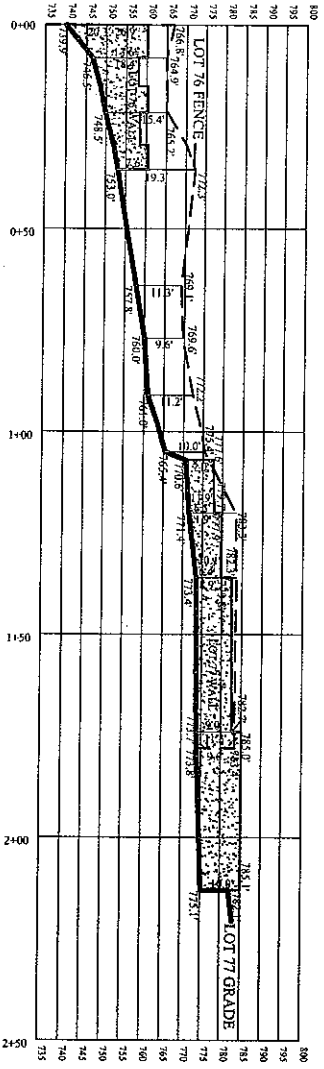
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SCALE 1" = 20'

LOT 76 FENCE

LOT 77 GRADE

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Delta Survey Group Inc.
8211 Jodie Lane Ste. 102 Austin, TX 78745
office (512) 282-5200 fax (512) 282-5230
WWW.DELTASURVEYGROUP.COM

QUAD MANFIELD
PROJECT LOT 77 PARK DRIVE
DWG. FENCE LINE EXHIBIT

Delta Survey Group



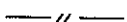
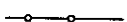
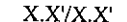
STATION	DESCRIPTION	GROUND ELEVATION	LOT 77 WALL HEIGHT	LOT 76 FENCE HEIGHT
0+00	BEGIN FENCE LOT 76	739.9		26.9
0+08		746.5		18.4
0+21.5		749.8		15.4
0+29.5		751.9		18.2
0+35.5	STEP UP IN FENCE	753.0		11.1
		753.0		19.3
0+64	STEP UP IN FENCE	757.8		8.6
		757.8		11.3
0+77	STEP UP IN FENCE	760.0		6.6
		760.0		9.6
0+91	STEP UP IN FENCE	761.0		10.3
		761.0		11.2
0+98	STEP UP IN FENCE	763.4		8.6
		763.4		10.7
1+05		765.4		10.0
		765.4		
1+07	BEGIN WALL LOT 77	770.6	7.0	
1+20	STEP UP IN WALL	771.4	6.5	
		771.4	8.3	10.3
1+35		773.2		8.4
1+36	STEP UP IN WALL	773.4	6.4	
		773.4	8.9	
1+74	STEP UP IN WALL	773.7	9.0	
		773.7	11.3	
2+13	90 DEG. TURN IN WALL NORTH SIDE			
		775.1	10.0	
		775.1		
	AVERAGE HEIGHT		8.4'	12.6'

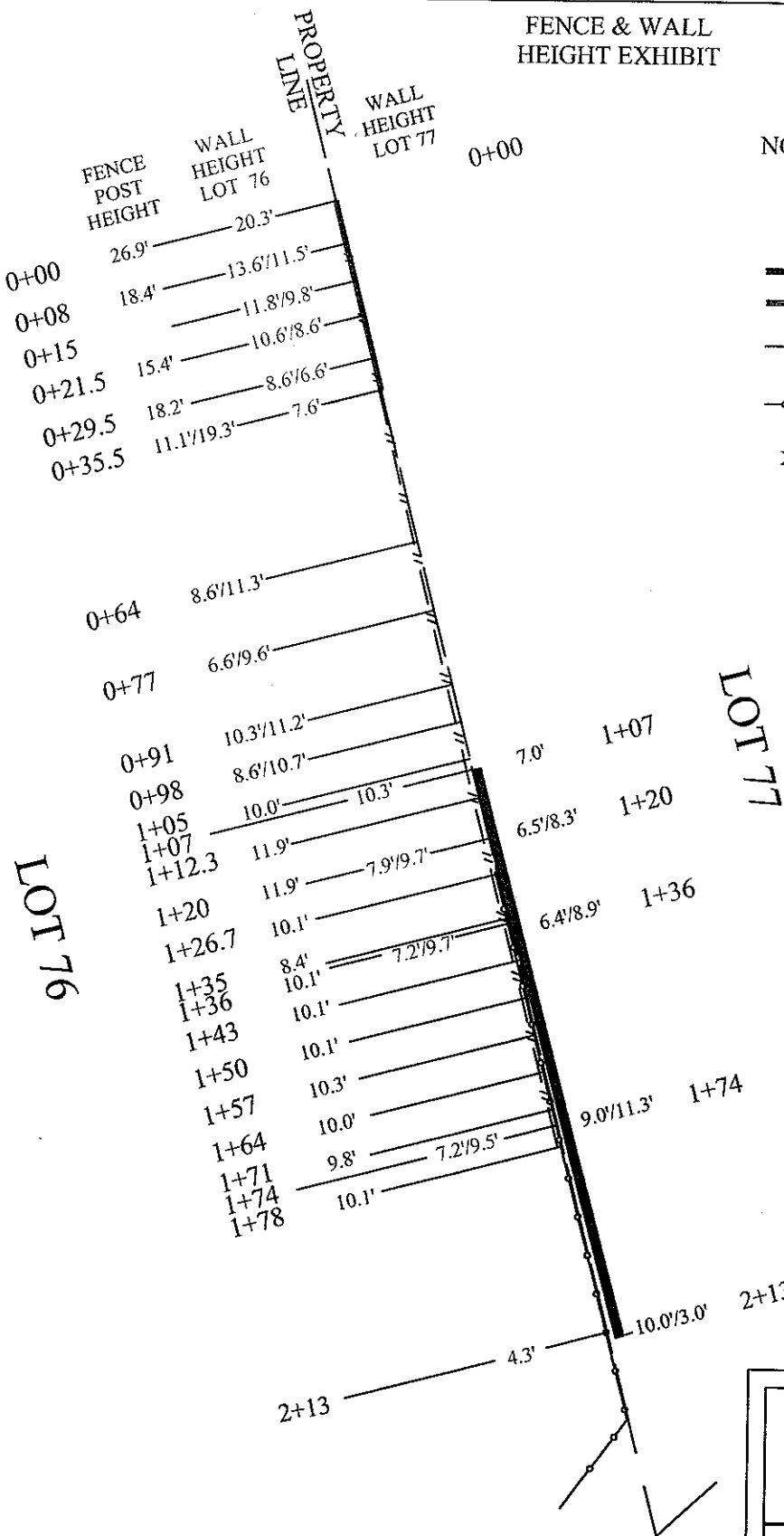
FENCE & WALL HEIGHT EXHIBIT

1"=30'
APRIL 2011

NOTE: HEIGHTS ARE BASED ON
FINISHED GRADE OF LOT 77.

LEGEND

-  MASONRY WALL LOT 77
-  CONCRETE WALL LOT 76
-  STEEL FENCE POSTS
WITH STRINGERS
-  6' CHAIN LINK FENCE
-  STEP UP IN WALL OR
FENCE HEIGHT



Delta Survey Group Inc.

8213 Brodie Lane Ste. 102 Austin, TX. 78745
office: (512) 282-5200 fax: (512) 282-5230
WWW.DELTASURVEYGROUP.COM

QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. FENCE LINE EXHIBIT

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

DATE: Monday, April 11, 2011

CASE NUMBER: C15-2010-0134

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Leane Heldenfels, Chairman
____ Clarke Hammond, Vice Chairman
____ Heidi Goebel

APPLICANT: Jim Bennett

OWNER: Fred Purcell

ADDRESS: 12912 PARK DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second, The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

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The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0

BOARD'S DECISION: (West side property line) The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; **POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.

(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.

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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.

Susan Walker
Executive Liaison

Leane Heldenfels
Chairman

CIS-201-134

E2
980

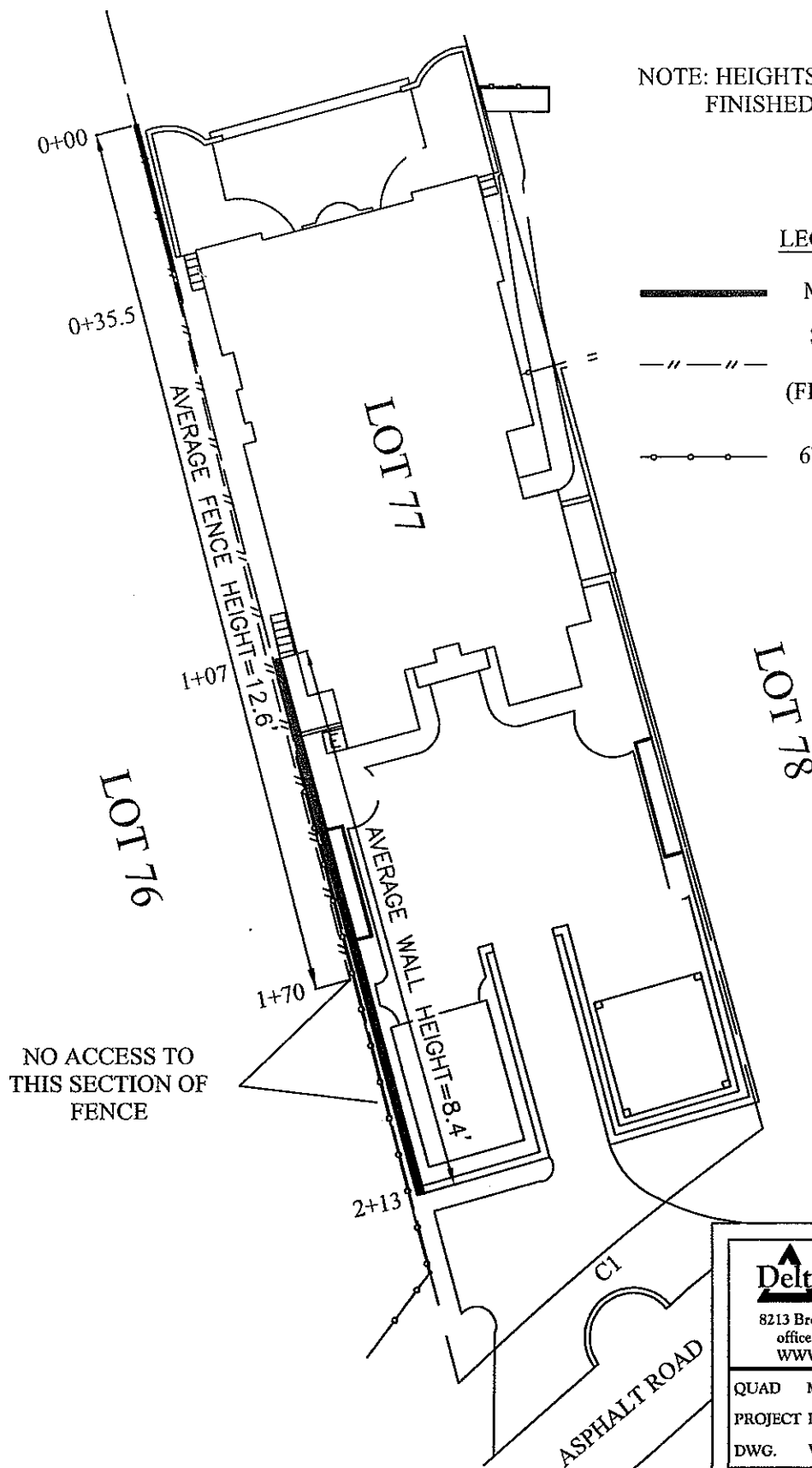
FENCE
STATION EXHIBIT

1"=30'
APRIL 2011

NOTE: HEIGHTS ARE BASED ON
FINISHED GRADE OF LOT 77.

LEGEND

- MASONRY WALL
- - - - STEEL FENCE POSTS
WITH STRINGERS
(FENCE NOT COMPLETE)
- 6' CHAIN LINK FENCE



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QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. WALL & FENCE HEIGHTS

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

DATE: Monday, March 9, 2011

CASE NUMBER: C15-2010-0134

DENIED

☐ Y ☐ Jeff Jack
☐ A ☐ Michael Von Ohlen
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King
☐ Y ☐ Leane Heldenfels, Chairman
☐ Y ☐ Clarke Hammond, Vice Chairman
☐ Y ☐ Heidi Goebel
☐ Y ☐ Melissa Hawthorne

GRANTED

☐ Y ☐ Jeff Jack
☐ A ☐ Michael Von Ohlen
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King
☐ Y ☐ Leane Heldenfels
☐ Y ☐ Clarke Hammond
☐ Y ☐ Heidi Goebel
☐ Y ☐ Melissa Hawthorne

APPLICANT: Jim Bennett

OWNER: Fred Purcell

ADDRESS: 12912 PARK DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; **GRANTED**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second, The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; **DENIED**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Leane Heldenfels second, The public hearing was closed on Board Member Leane Heldenfels to Deny, Board Member Bryan King second on a 7-0 Vote; **DENIED**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Bryan King second, The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny Board Member Nora Salinas second, The public hearing was closed on Board Member Bryan King to GRANT for emergency access on east side only, Board Member Jeff Jack second; Board Member Leane Heldenfels to DENY west property line, Board Member Bryan King second on a 7-0 Vote.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0

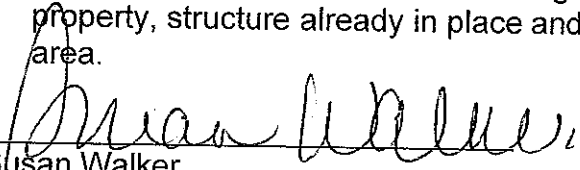
BOARD'S DECISION:

FINDING:


1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.

(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.
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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.



Susan Walker
Executive Liaison



Leane Heldenfels
Chairman

Attention: City of Austin Board of Adjustment

3/9/2011

RE: Opposition to Fred Purcell

Case Number: C15-2010-0134

We oppose the following variances requested by Mr. Purcell because they are detrimental to our property (adjacent) and are not necessary because of any hardship or unusual circumstances. They are due to Mr. Purcell's construction of his home and accessory structures out of disregard for the City of Austin building code. He is asking for forgiveness – after having planned in advance to do the very things for which he seeks variances.

Variance 1 – decrease West side yard from 5 feet to 4.46 feet for a garage

Oppose this because the garage has a roof that further extends into the setback and is within inches from his wall and the property line. The roof is at the same level as the top of the wall so it is very obtrusive.

No hardship exists to require that he build a garage here. He planned this all along and disregarded the City code.

Variance 2 – decrease front street setback from 25 feet to 10.3 feet.

Carport was built without a permit and he had no intention of notifying the city or requesting a variance.

No hardship exists for this carport to be placed in the setbacks. This property is virtually covered with structures. Slope and street are not a factor the City BOA should find to be unusual or difficult.

Variance 3 – decrease East side yard from 5 feet to 3.9.

Oppose this due to major encroachment for an un-necessary, un-permitted carport.

No hardship or unusual terrain exists for the BOA to authorize this variance.

Variance 4 – decrease West side yard setback from 5 ft to 4.9 feet.

No comment.

Variance 5 – decrease East and West side yard setback from 5 feet to 0 feet for a pool, deck and stairs.

Oppose this variance request. A swimming pool and deck and stairs were constructed at a height of approximately 10-12 feet above grade and completely into the setback. It is an intrusive and unsightly structure that was constructed under a permit that showed the design to be in compliance, however he did not build it in accordance with the plan. Thus his need for this variance.

Variance 6 – increase maximum fence height from 6 feet to 8.5 feet along the East and West property line.

Oppose this variance request. The information being provided by the applicant, Mr. Purcell, under-represents this structure – it is as high as 15 feet and retains up to 5 feet of land where it was cut out. From the side on our property, it is at least 9-10 feet high as shown by pictures. Note that Mr. Purcell does not have a permit for this structure and no plans submitted showing the detail of this wall.

In Summary, Bill Snyder and Fred Purcell have talked directly (November and December) and Patty Snyder and Mr. Purcell have talked directly (immediately after the last BOA meeting). Mr. Purcell has made no offer to resolve, and no amount of discussion between us and Mr. Purcell can change the need for him to be seeking the Board's approval - violations would still exist. Even without our opposition, the City BOA would still not be able to validate them to be a hardship case, unusual terrain, or some other rationale required for approval. None of these conditions exist.

C15-2010-0134

Doug Sartoris
12910 Park Drive
Austin, Texas 78732
DSartoris@aol.com

March 4, 2011

City of Austin Board of Adjustment
P.O. Box 1088
Austin, Texas 78767-1088

Re: Proposed variances, Fred Purcell, Lot 77. To Whom It May Concern:

My home is next door to Fred's. I am in support of all the variances he is seeking as is the neighborhood and our homeowner's association. Specifically, please consider the adverse affects denying the variances for the deck, fence and carport would have on me.

With regard to the deck: the City does not provide wastewater service to this area even though we are considered to be in the City. Therefore, we must provide our own wastewater package plants for each home; because of the extreme topographical changes in the lots (the topography changes approximately 110' from the street to the water's edge) a grinder pump is required for each lot. When our homes were built Fred agreed to place his grinder pump and holding tank under the deck; this landscaping feature shields the wastewater pump and holding tank from view. I don't want him to tear up his deck and reconfigure this equipment. Much of the swimming pool and deck are suspended over the bluff and function together structurally. I am concerned that tearing up the deck may also result in changes to the pool which could adversely affect both his bluff property and mine.

With regard to the fence: this is not so much a fence but a landscape wall enclosing both of our courtyards. His landscape wall and mine are one and the same and were built together. Obviously, I don't want this landscape feature changing.

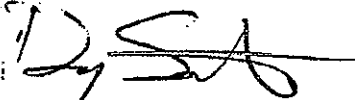
With regard to the gazebo/carport: If Fred is required to tear down this structure, he will likely rebuild it by moving it over to adjoin his one-car garage and in so doing he will need to rebuild his driveway adjacent to our property line. I would have to move and rebuild my mail box and it would put our driveways very close to each other. I much prefer the current design and, therefore, am very much in support of this variance. Though this area is in the City, the streets and right of ways have never been accepted for maintenance by the City; we have major drainage problems from the street on our side. We are required to work together to solve these drainage challenges with no help from the City. We have recently spent a great deal of money on drainage in the street area. If Fred relocates his driveway, much of this will have to be redone.

As I mentioned above, the City has never accepted any of the improvements offered for public dedication in this subdivision. We are provided no City services whatsoever and are annexed for limited purposes only. The Texas Local Government Code in Sec. 211.016 says that City zoning ordinances affecting the exterior appearance of our homes or open space on our lots cannot be applied to this

subdivision as they relate to landscaping, including the type and amount of landscaping materials. This makes it very confusing for homeowners to know what they can do and can't do regarding construction of landscaping features such as decks, patios, landscape walls, fountains etc.

Thank you for your consideration.

Sincerely,



Doug Sartoris

State of Texas
Local Government Code

Sec. 211.016. ZONING REGULATION AFFECTING APPEARANCE OF BUILDINGS OR OPEN SPACE

- (a) This section applies only to a zoning regulation that affects: (1) the exterior appearance of a single-family house, including the type and amount of building materials; or (2) the landscaping of a single-family residential lot, including the type and amount of plants or landscaping materials;
- (b) A zoning regulation adopted after the approval of a residential subdivision plat does not apply to that subdivision until the second anniversary of the later of: (1) the date the plat was approved; or (2) the date the municipality accepts the subdivision improvements offered for public dedication.

From the City's Motion for Summary Judgment: "Exh. B: the bill file for the enactment of new legislation in 2003, Sec. 211.016, which was added to Subchapter A, Ch. 211, Local Government Code by HB 1207; applicability of the new law is addressed in SECTION 2:

- (a) This act takes effect Sept. 1, 2003.
- (b) The change in law made by the Act applies only to a residential subdivision plat approved by a municipality on or after the effective date of this Act. A residential subdivision plat approved by a municipality before the effective date of this Act is governed by the law in effect when the plat was approved, and the former law is continued in effect for that purpose."

DELTA SURVEY GROUP, INC.
8213 BRODIE LANE, SUITE 102
AUSTIN, TEXAS 78745
PHONE:(512)282-5200 FAX:(512)252-5230

LOT 77, HUGHES PARK LAKE SUBDIVISION No.1 (JULY 2004)				
	ELEVATION	AVERAGED ELEVATION	EXISTING BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
ROOF RIDGE (SOUTHWEST TOWER)	801.7	800.25	37.9	
ROOF EVE (SOUTHWEST TOWER)	798.8			
HIGHEST ADJACENT GRADE	773.6	762.35		35.15
LOWEST ADJACENT GRADE	751.1			
PROPOSED HIGHEST GRADE	774.6	765.1		
PROPOSED LOWEST GRADE	755.6			

LOT 77, HUGHES PARK LAKE SUBDIVISION No.1 (FEBRUARY 2011)				
	ELEVATION	AVERAGED ELEVATION	BUILDING HEIGHT LIVING AREA	BUILDING HEIGHT SOUTHWEST TOWER
ROOF RIDGE (LIVING AREA)	800.5	797.65	34.2	
ROOF EVE (LIVING AREA)	794.8			
ROOF RIDGE (SOUTHWEST TOWER)	801.7	800.25		36.8
ROOF EVE (SOUTHWEST TOWER)	798.8			
HIGHEST ADJACENT GRADE	774.5	763.45		
LOWEST ADJACENT GRADE	752.4			

case:
35'
40.25'

**NOTE: HEIGHTS ARE BASED ON CITY OF AUSTIN LAND DEVELOPMENT CODE -
ARTICLE 2. DEFINITIONS; MEASUREMENTS.
§ 25-1-21 DEFINITIONS.
(46) HEIGHT**

NOTE: (§ 25-2-531 HEIGHT LIMIT EXCEPTIONS) MAY ALSO APPLY.

BUILDING HEIGHT EXHIBIT
LOT 77, HUGHES PARK
SUBDIVISION VOLUME 4,
PAGE 64, P.R.T.C.TX.

(FEBRUARY 2011)



1"=20'

BLUFF LINE

752.4'

MULTI STORY
STONE HOUSE

RIDGE-800.47

EVE-794.76'

AC

FINISHED
FLOOR
774.64'

TOWER
RIDGE-801.7

774.5'

TOWER
EVE-798.8'

LOT 77

773.16'

LOT 78

LOT 76

Delta Survey Group Inc.

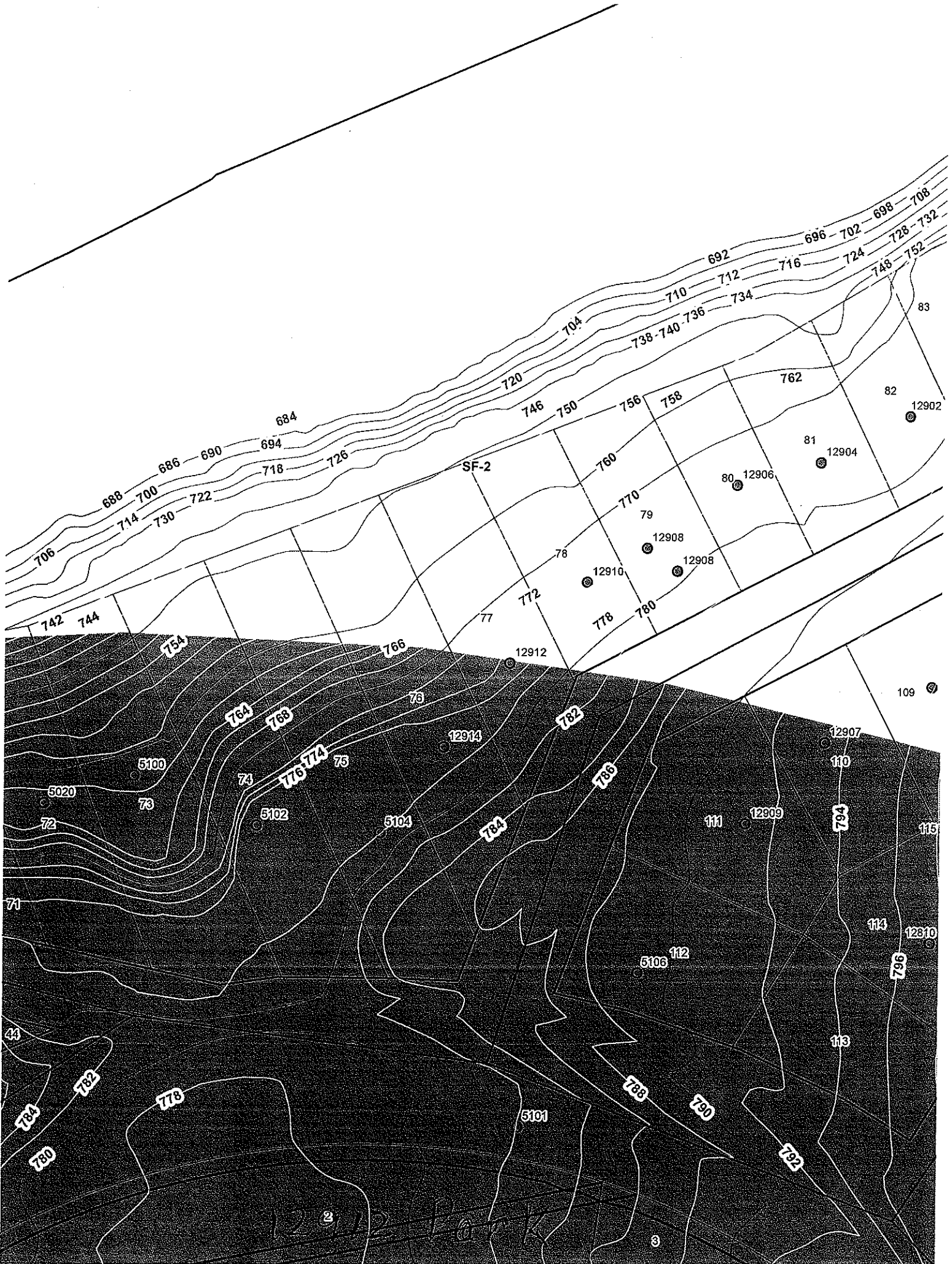
8213 Brodie Lane Ste. 102 Austin, TX. 78745
office: (512) 282-5200 fax: (512) 282-5230
WWW.DELTASURVEYGROUP.COM

QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. BUILDING HEIGHT EXHIBIT





CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "A"

BP Number 2007-119518
Building Permit No. 07-119518
Plat No. _____ Date 5/7/07
Reviewer SRB

PRIMARY PROJECT DATA

Service Address 12912 Park Drive Tax Parcel No. _____
Legal Description _____
Lot 77 Block A Subdivision Hughes Park Lake Subd Section 1 Phase _____

If in a Planned Unit Development, provide Name and Case No. _____
(attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work
☒ New Residence Finish out
☐ Duplex
☐ Garage ☐ attached ☐ detached
☐ Carport ☐ attached ☐ detached
☐ Pool
☒ Remodel (specify) FINISH OUT - BR03-8418R
Bldg-Mech, Plumb
☐ Addition (specify) _____
☒ Other (specify) "Hold" - to comply w/ 2007-118416

Zoning (e.g. SF-1, SF-2...) SF-2

- Height of Principal building _____ ft. # of floors 2 Height of Other structure(s) _____ ft. # of floors _____

- Does this site currently have water and wastewater availability? ☐ Yes ☒ No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.

- Does this site have a septic system? ☒ Yes ☐ No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.

Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentation

Will this development require a cut and fill in excess of 4 feet? ☒ Yes ☐ No

Does this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☐ No

Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☐ Yes ☒ No?

VALUATIONS FOR REMODELS ONLY

Building \$ _____
Electrical \$ _____
Mechanical \$ _____
Plumbing \$ _____
Driveway/Sidewalk \$ _____
TOTAL \$ _____
(labor and materials)

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 15000 will Determine sq.ft.
Job Valuation - Principal Building \$ 1500000
(Labor and materials)
Job Valuation - Other Structure(s) \$ _____
(Labor and materials)

TOTAL JOB VALUATION
(sum of remodels and additions)
\$ _____
(Labor and materials)

PERMIT FEES
(For office use only)

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Fred Purcell</u>	Telephone (h) <u>266-6392</u> (w) <u>284-4920</u>
BUILDER	Company Name <u>Sakin Builders</u>	Telephone <u>663-7137</u>
	Contact/Applicant's Name <u>Jeff Sakin</u>	Pager _____ FAX _____
DRIVEWAY/ SIDEWALK	Contractor _____	Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____ Address _____ City _____ ST _____ ZIP _____	Telephone _____

If you would like to be notified when your application is approved, please select the method:
☐ telephone ☐ e-mail: _____

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE

DATE

5/7/07

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

1- Pool Decking 8-10' High
2- Detached garage Encroachment
3- Lot - No Permit
4- Fence 12' High (Return)
5- They say from on down
6- Need Permit
7- Documentation on tract
8- Septic Approval (Separate)
9- Documents on Right of Way
10- Release - New Set back
11- 1784 Determination - Appeal
12- 10' grade running above ground
13- 3000 process to include 24' to

Refer to: 2007-118416 RAK

Applicant's Signature

Date

5/7/07

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION "C"

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 st floor conditioned area	_____ sq.ft.	_____ sq.f
b. 2 nd floor conditioned area	_____ sq.ft.	_____ sq.f
c. 3 rd floor conditioned area	_____ sq.ft.	_____ sq.f
d. Basement	_____ sq.ft.	_____ sq.f
e. Garage / Carport	_____ sq.ft.	_____ sq.f
_____ attached	_____ sq.ft.	_____ sq.f
_____ detached	_____ sq.ft.	_____ sq.f
f. Wood decks [must be counted at 100%]	_____ sq.ft.	_____ sq.f
g. Breezeways	_____ sq.ft.	_____ sq.f
h. Covered patios	_____ sq.ft.	_____ sq.f
i. Covered porches	_____ sq.ft.	_____ sq.f
j. Balconies	_____ sq.ft.	_____ sq.f
k. Swimming pool(s) [pool surface area(s)]	_____ sq.ft.	_____ sq.f
l. Other building or covered area(s)	_____ sq.ft.	_____ sq.f
Specify _____		

TOTAL BUILDING AREA (add a. through l.) _____ sq.ft. _____ sq.f

TOTAL BUILDING COVERAGE ON LOT (subtract, if _____ sq.ft.
applicable, b., c., d., k. and f. if uncovered) _____ % of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	_____ sq.ft.
b. Driveway area on private property	_____ sq.ft.
c. Sidewalk / walkways on private property	_____ sq.ft.
d. Uncovered patios	_____ sq.ft.
e. Uncovered wood decks [may be counted at 50%]	_____ sq.ft.
f. Air conditioner pads	_____ sq.ft.
g. Concrete decks	_____ sq.ft.
h. Other (specify) _____	_____ sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.) _____ sq.ft.
_____ % of lot

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 12912 Park Drive

Applicant's Signature [Signature]

Date 5/7/07

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	_____ sq.f
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	_____ sq.f
c. TOTAL (add a and b above)	_____ sq.ft.	_____ sq.f
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	_____ sq.f
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	_____ sq.f
f. TOTAL (add d and e above)	_____ sq.ft.	_____ sq.f
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	_____ sq.f
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.f
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.f
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	_____ sq.f
V. Garage		
k. _____ attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	_____ sq.f
l. _____ detached (subtract 450 square feet if more than 10 feet from principal structure)	_____ sq.ft.	_____ sq.f
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq.ft.	_____ sq.f
VII. TOTAL	_____ sq.ft.	_____ sq.f

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	
	_____ sq. ft.
GROSS AREA OF LOT	
	_____ sq. ft.
FLOOR AREA RATIO (gross floor area /gross area of lot)	
	_____ %

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

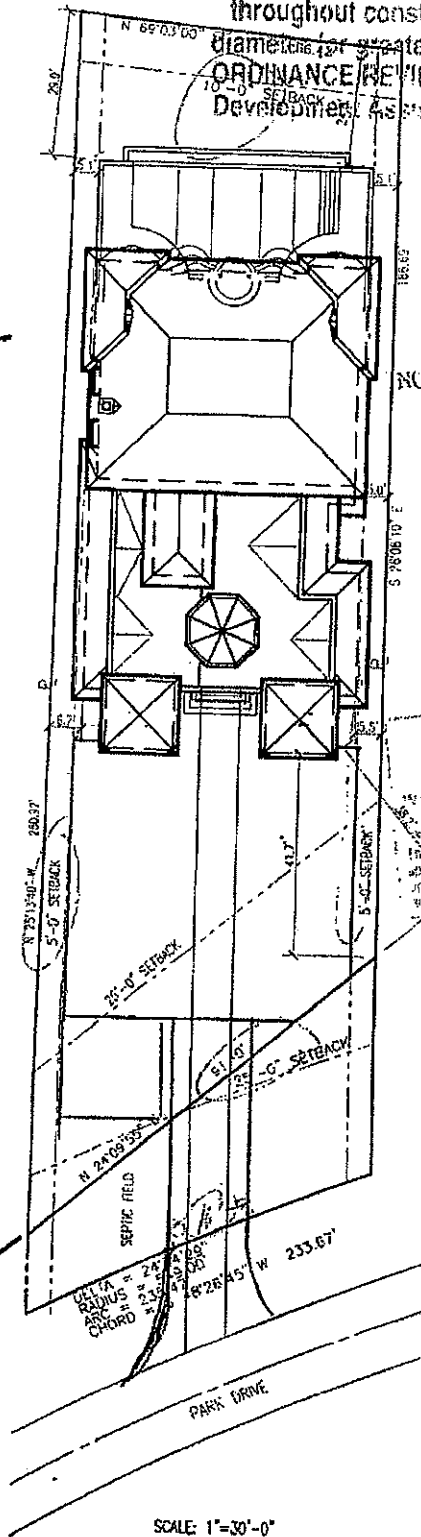
- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

The dripline of protected trees (19" dia. or greater measured at 4.5' above grade), must be enclosed with protective fencing before and throughout construction. No tree measuring 19" in diameter (or greater) may be removed without a TREE ORDINANCE REVIEW from the City of Austin. Call the Development Assistance Center for review: 974-6370.

Final
Elect Pmt -
Pmt #2003-015465

"Finish Out ONLY"

CITY OF AUSTIN
APPROVED FOR PERMIT
Victoria Hsu, P.E.
Wastewater Protection & Development Review Department
BY: [Signature] Date: 5/7/07
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.



REVIEWED FOR ZONING ONLY

NO RECORD OF PERMIT FOR PUBLIC UTILITY WORK OR DRACAGE-MAINTENANCE

Must Comply
w/ 2007-118496R

CITY OF AUSTIN
APPROVED FOR PERMIT
Indeen G. Pantalone, P.E.
Wastewater Protection & Development Review Department
BY: [Signature] Date: 5/7/07
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

New Setback
Row taken by
Travis County

NOTE: FINAL GRADE ADJACENT TO FOUNDATION SHALL BE NO LESS THAN 8 INCHES BELOW THE SILL PLATE. FINAL GRADE SHALL SLOPE AWAY FROM THE FOUNDATION AT A MINIMUM OF 4 PERCENT FOR 8 FEET. SITE SHALL BE GRADED AT A MINIMUM OF 1 PERCENT IN THE DIRECTION OF FLOW.

NO INLETS LOCATED WITHIN TEN FEET OF THE SIDE PROPERTY LINES NOR WITHIN THE LOT FRONTAGE.

SCALE: 1"=30'-0"

AREA CALC.		LEGEND	
AREA	SQUARE FOOTAGE	SYMBOLS	DESCRIPTION
LOT AREA	14253 s.f.	---	BOUNDARY LINES
IMPERVIOUS COVER	8847 s.f.	---	SEWER LINE
BUILDING COVER	5181 s.f.	---	FOOTING OF BOUNDARY
PERCENTAGE BUILDING COVER	36 %	---	EXISTING CONTOUR
PERCENTAGE IMPERVIOUS COVER	61 %		
LIVING AREA OF HOUSE	3002 s.f.		

N-VIZION
ARCHITECTURAL
VISUALIZATION
AND DESIGN
4811 Bee Caves, Suite 202 Austin, TX
512.227.5585 512.227.2859 www.n-vizion.net
Purcell Residence
Lot 77, Hughes Park Lake
Park Drive

***CITY OF AUSTIN**

RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE

DATE

5/7/07

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

Refer to: 2007-118416 PM	
1- Pool Decking 8-10' High +	
2- Detached garage Encroachment	
3- larger - No Permit	
4- Fence 12' High (Retaining)	
5- They say I can on our lot - Need Permit	
6- Documentation on Exact lot Dimensions/Impervious cover	
7- Septic Approval (Report)	
8- Documents on Right of way Release - New Setback	
9- 1764 Determination - Appeal!	
10- guideline running above ground	

Applicant's Signature

Date

5/7/07

Subj: **Letter for permit**
Date: 5/13/2007 4:48:09 PM Central Daylight Time
From: Fredapurcell
To: rileys1223

Jeff Saikin
12909 Park Drive
Austin, Texas 78732
512-663-7137 Tel
512-266-6369 Fax

May 10, 2007

Sylvia Benavidez
City of Austin, Watershed Protection and Development Review
505 Barton Springs Rd.
Austin, Texas 78704

Re: 12912 Park Drive, Austin, Texas 78732; Hughes Park Lake Subdivision Project.

Dear Ms. Benavidez,

As you know, building permit #BP03-8418R was issued for the construction of the home at the above address in 2003. The lot on which the home was built is part of the Hughes Park Lake Subdivision project, an endeavor which began in 1939 when approval of the final plat became the first in a series of permits required to initiate and continue the project. The on-going construction of improvements for residential purposes continues today. When the project began it was not within any jurisdictional boundary of the City of Austin but was annexed for limited purposes by the City in 1986. No services, including water, wastewater, fire or police protection, libraries, parks etc. are provided by the City and none of the subdivision improvements such as roads etc. have ever been accepted for maintenance by the City.

The house was constructed in compliance with all requirements of the project, including those of the final plat for the subdivision, and was substantially completed in 2004, at which time the owner moved in. In response to a complaint from a lawyer of a nearby lot owner, the City is requiring that we call for a final inspection and obtain a C.O. for the house. We called for the inspection under BP03-8418R but were told the permit was doormat. We asked that it be re-activated and were told that it had expired, could not be re-activated, and would no longer support an inspection necessary for issuance of a C.O.

Therefore, pursuant to the City's suggestion for us to authorize a final inspection to issue a C.O. for the home built in this project, we, respectfully, request that you issue the required permit so that we may comply with the City's request.

Thank you for your help in this matter.

Sincerely,

Jeff Saikin



See what's free at AOL.com.

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

Original

Service Address 12912 Park Rd.

Applicant's Signature _____

Date _____

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 st floor conditioned area	_____ sq.ft.		<u>3902</u>	sq.ft.
b. 2 nd floor conditioned area	_____ sq.ft.		_____	sq.ft.
c. 3 rd floor conditioned area	_____ sq.ft.		_____	sq.ft.
d. Basement (<u>unfinished</u>)	_____ sq.ft.		<u>2744</u>	sq.ft.
e. <u>Garage</u> / Carport	_____ sq.ft.		_____	sq.ft.
<u>attached</u>	_____ sq.ft.		_____	sq.ft.
<u>detached</u>	_____ sq.ft.		<u>400</u>	sq.ft.
f. Wood decks [must be counted at 100%]	_____ sq.ft.		_____	sq.ft.
g. Breezeways	_____ sq.ft.		_____	sq.ft.
h. Covered patios	_____ sq.ft.		<u>1400</u>	sq.ft.
i. Covered porches	_____ sq.ft.		_____	sq.ft.
j. Balconies	_____ sq.ft.		_____	sq.ft.
k. Swimming pool(s) [pool surface area(s)]	_____ sq.ft.		<u>400</u>	sq.ft.
l. Other building or covered area(s)	_____ sq.ft.		_____	sq.ft.
Specify _____				

TOTAL BUILDING AREA (add a. through l.) _____ sq.ft. 8,846 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable) 5702 sq.ft.
38 % of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>5702</u>	sq.ft.
b. Driveway area on private property	<u>400</u>	sq.ft.
c. Sidewalk / walkways on private property	_____	sq.ft.
d. Uncovered patios	_____	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	_____	sq.ft.
f. Air conditioner pads	<u>70</u>	sq.ft.
g. Concrete decks	_____	sq.ft.
h. Other (specify) _____	_____	sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.) 6172 sq.ft.
44 % of lot

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

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I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

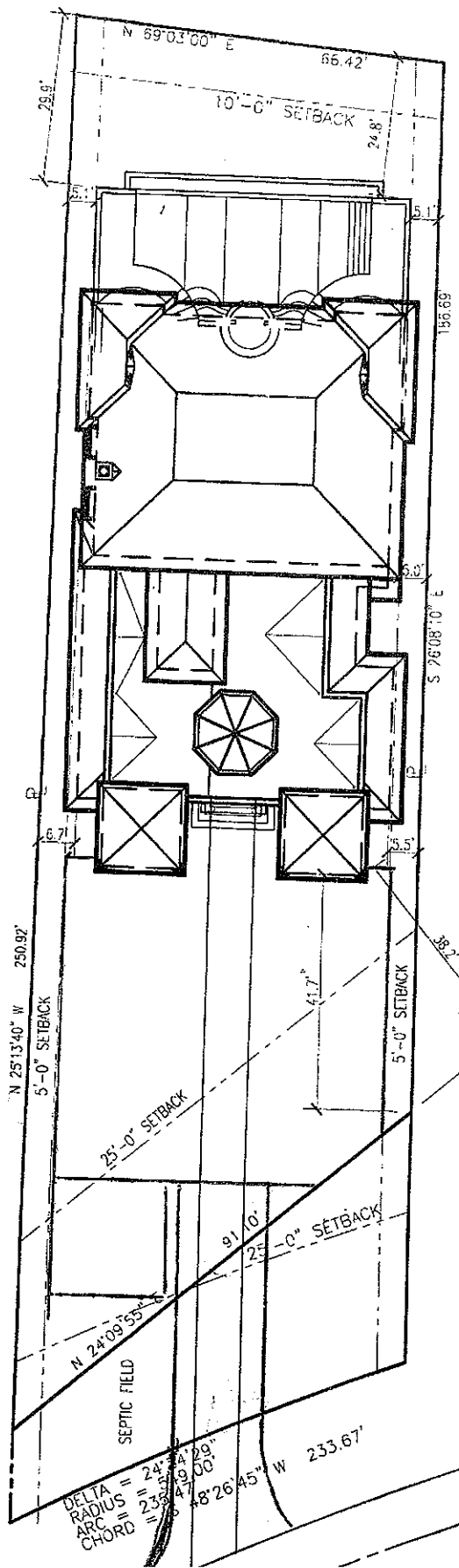
I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

APPLICANT'S
SIGNATURE _____

DATE 10/21/09

Rejection Notes/Additional Comments (for office use only):

① need to know location of driveway & where accessing lot
② need to know parking space location



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

DATE: Monday, December 13, 2010

CASE NUMBER: C15-2010-0134

☒ Y **Jeff Jack 2nd the Motion**
☒ Y ~~Michael Von Ohlen~~ *Melissa Hawthorne*
☒ Y Nora Salinas
☒ Y Bryan King
☒ Y Leane Heldenfels, Chairman
☒ Y Clarke Hammond, Vice Chairman **Motion to PP to Feb 14, 2011**
☒ Y Heidi Goebel

APPLICANT: Jim Bennett

OWNER: Fred Purcell

ADDRESS: 12912 PARK DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and

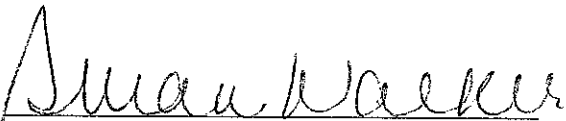
west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

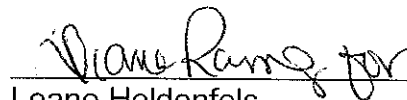
BOARD'S DECISION: POSTPONED to February 14, 2011 (for additional information, show permit of what was built, topographic map, calculations of impervious coverage); Board member Clarke Hammond motioned, Board member Jeff Jack seconded; Vote 7-0; POSTPONED TO February 14, 2011

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


Leane Heldenfels
Chairman

Subj: **Park Dr.**
Date: 12/14/2010 12:39:41 P.M. Central Standard Time
From: Fredapurcell@aol.com
To: snyderp@mac.com, dr.snyder@mac.com
CC: rsuttle@abaustin.com

Patty, Bill: If you are willing, I would like to sit down with you and listen to your thoughts on how to resolve matters affecting my home and your land. Patty, if you haven't gone back to Scottsdale, yet, I would be happy for you to come to our home or meet somewhere to discuss this. My telephone number is 512-784-4920. Thanks for your consideration. Fred.

Subj: **12912 Park**
Date: 12/27/2010 12:09:41 P.M. Central Standard Time
From: Fredapurcell@aol.com
To: snyderp@mac.com, dr.snyder@mac.com
CC: rsuttie@abaustin.com

Bill, Patty: I hope you had a merry Christmas. I can come to Scottsdale to meet with you concerning the variances on my home later this week or over the weekend if you so desire. Thanks, Fred.

Subj: **Re: 12912 Park**
Date: 12/27/2010 1:48:34 P.M. Central Standard Time
From: dr.snyder@mac.com
To: Fredapurcell@aol.com
CC: snyderp@me.com

Usually that would be a fine idea, however I'm at tpc Vegas and patty at sawgrass , then next week Utah, after that not sure.....

Patty was pretty disappointed the way the issues were characterized by your side, so I think that pretty much poisoned the well, but I'll ask her

Happy nu year

Sent from my iPhone

On Dec 27, 2010, at 10:09 AM, Fredapurcell@aol.com wrote:

Bill, Patty: I hope you had a merry Christmas. I can come to Scottsdale to meet with you concerning the variances on my home later this week or over the weekend if you so desire.
Thanks, Fred.

Subj: **Re: 12912 Park**
Date: 12/27/2010 4:23:50 P.M. Central Standard Time
From: Fredapurcell@aol.com
To: dr.snyder@mac.com
CC: snyderp@mac.com, rsuttle@abaustin.com

I understand. Yes, there was a question as to whether I had a permit to build my swimming pool; I responded that I did to which she didn't agree. I believe we still have copies of the permits for the pool and garage which I will copy you with. Happy new year to you and if there is a change of mind, please let me know. Fred.

In a message dated 12/27/2010 1:48:34 P.M. Central Standard Time, dr.snyder@mac.com writes:

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1. In
2. per...

3. ...

4. ...

5. ...
6) ...
7. ...

PERMITS



City of Austin

BUILDING PERMIT

PERMIT NO: 2008-063194-BP

Type: RESIDENTIAL Status: Active

12912 PARK DR

Issue Date: 08/11/2008

Expiry Date: 02/07/2009

LEGAL DESCRIPTION		SITE APPROVAL		ZONING		GRID NO.	
				sf2		MB33	
PROPOSED OCCUPANCY "life safety Certificate of Occupancy for New Three Story Res W/Att Covered Patio (based on original application it is a 1sty with a basement no indication that it was a 3 sty structure!)"				WORK PERMITTED Remodel		ISSUED BY Gabriel Guerrero Jr	
TOTAL SQFT	VALUATION	TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PARKING SPACES
Remodel: 6,473	Tot Val Rem: \$100.00		435		1	1	
TOTAL BLDG. COVERAGE		% COVERAGE		TOTAL IMPERVIOUS COVERAGE		% COVERAGE	

Contact

Applicant, Fred Purcell
Owner, Fred Purcell
General Contractor, Fred Purcell

Telephone

() -
() -
() -

Fee Description

Building Permit Fee

Fee Amount

\$23.00

Paid Date

08/11/2008

Total Fees:

\$23.00

Inspection Requirements

Building Inspection

Section 25-11-94 EXPIRATION AND EXTENSION OF PERMIT (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection performed.)

See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

Date

User

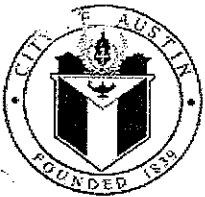
last week an agreement was reached in the office of the assistant city manger Sue Edwards for additional information please contact Sue or Terry Irion (letter attached) I Left a message with Marie Sandoval for confirmation of the conversation.

Residential Zoning Review

08/11/2008

Residential Zoning Reviewers

BY ACCEPTING OR PAYING FOR THIS PERMIT YOU ARE DECLARING THAT YOU ARE THE OWNER OR AUTHORIZED BY THE OWNER THAT THE DATA SUBMITTED AT THE TIME OF APPLICATION WAS TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATION SUBMITTED HERewith.



City of Austin

BUILDING PERMIT

PERMIT NO: 2008-063194-BP

Type: RESIDENTIAL Status: Active

12912 PARK DR

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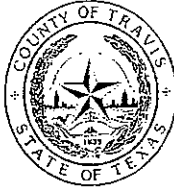
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TOTAL SQFT Remodel: 6,473		VALUATION Tot Val Rem: \$100.00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PARKING SPACES
TOTAL BLDG. COVERAGE		% COVERAGE		TOTAL IMPERVIOUS COVERAGE				% COVERAGE	

Type	Date	Status	Comments	Inspector
101 Building Layout		Open		Bob Bulkley
102 Foundation		Open		Bob Bulkley
103 Framing		Open		Bob Bulkley
104 Insulation		Open		Bob Bulkley
105 Wallboard		Open		Bob Bulkley
111 Energy Final		Open		Bob Bulkley
112 Final Building		Open		Bob Bulkley

Pin # 5006699.

5006699

panek.oglesby@
city.aust.tx.us



NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No. 03-2288 is issued on 4/7/2004 and is effective immediately.

This Permit is Issued to JEFF SAIKIN
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Managements Regulation on the following described property

LOT 77 BLOCK A HUGHES PARK LAKE SUBD 1

12912 PARK DRIVE

Single Family Residence SFR

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it is has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

This permit shall be posted in a location where it is visable to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Driveway Construction.

Special Provisions:

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural
Resources

The attached driveway permit constitutes only a regulatory approval by the County pursuant to 251.016, Transportation Code, and Ch 64, Travis County Code. This permit grants no property interest in the right of way and does not constitute a determination by the County that the permittee has any property interest entitling the permittee to construct improvements in the right of way.



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TRAVIS COUNTY PERMIT APPLICATION FOR DRIVEWAY IN RIGHT-OF-WAY

DATE: 9-6-03

Permit No.: 03 - 22 88

Application is hereby made for construction within public right-of-way according to the description as follows. Construction shall conform with Chapter 82.302 (h) of the Travis County Standards for Construction of Streets and Drainage in Subdivisions (8/27/97).

1. PROPERTY INFORMATION:

Street Address: 12912 Park Dr., Austin, TX, 78732

Subdivision Name: Hughes Park Lake Subdiv. #1

Lot: 77 Block: A

Phase: 1 Section: 1

-OR-

Survey: 11.6 Acreage: Tax Parcel No.: 01524401440000

2. DRIVEWAY INFORMATION:

A. X Type 1 (1 or 2 family residence) **OR**

Type 2 (Commercial)

B. _____ Culvert-Style OR 2 1/2 Dip-Style OR _____

Curb & Gutter-Style

C. Number of Driveways (max 2 per street): 4-SS Driveway Widths: 12-25' @ Row-SS

3. **ADDITIONAL INFORMATION REQUIRED FOR PROCESSING:**

a. Approximate Date of Construction: 9-15-03

b. **Site plan** showing : property lines, proposed/existing improvements, guardrails, mailboxes, curb inlets, proposed driveways, intersecting nearby streets, and distance of driveway (s) from lot corner.

c. When a property does not have adequate street frontage and access is obtained by way of another property, not owned by this applicant, include a copy of the access / roadway easement that allows this access.

It is agreed that the proposed improvements shall be constructed in accordance with Travis County specifications and as shown on approved plans and specifications submitted. Construction authorized shall be subject to inspection by Travis County. The permit holder shall assume full responsibility for notification, coordination and relocation of utility facilities impacted by the proposed access. The Permit holder assumes responsibility for the integrity of any existing storm water drainage facility and will construct or be responsible for the construction of an approved storm water culvert of size and design conforming to the Travis County Standards for Construction of Streets and Drainage in Subdivisions. It is further agreed that any temporary driveway approach approved by this permit shall be replaced by a permanent Type 1 or Type 2 driveway approach under a new permit within thirty (30) days of completion of construction of the abutting street to permanent line and grade. **FOR MAINTENANCE PURPOSES, THE MINIMUM PIPE DIAMETER ALLOWED IS 18" OR A DESIGN 2 PIPE (CULVERT STYLE DRIVEWAY).**

Applicant's Signature

CITY OF AUSTIN - PROJECT PERMIT

Printed: 13 November 2003

PERMIT NO.
03016064STATUS
ACTIVETYPE
RADDRESS
12912 PARK DRDATE
13-NOV-03

Subdivision: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B

PERMIT CLERK
DCORTINAS

PLAT	BLOCK	LOT	GRID
	A	77	MB33
ZONE	HT & AREA	REQD	PARKING PROVD.
SF2			
PROPOSED OCCUPANCY NEW THREE STORY RES W/ATT COVERED PATIO			
SPECIAL PERMIT NO.	TOTAL SQ-FT.	VALUATION	TYPE CONST.
	8046	\$415,000	
		USE CAT.	GROUP
		R3-1	
		FLOORS	BLDG'S
		2	1
WORK PERMITTED	BASEMENT	BUILDING DIMENSIONS	MIN. STD.
NEW	N		N

C O N T R A C T O R S
OWNER/CONTR. WALSH TARLTON LTD
BUILDING SAIKIN BUILDERS
ELECTRICAL
MECHANICAL
PLUMBING
SIDEWALK/DRIVE
SIGN
ROOF / SIDE
ELEC SERVICE FEE
PLAN CHECK FEE

PHONE	FEE	PAID DATE
266-6393		11/13/2003
663-7137	\$740	
	\$460	
	\$240	
	\$250	
ETJ FEE	TOTAL FEE	TOTAL PAID
	\$1,690	\$740

REQUIRED INSPECTIONS
BUILDING
MECHANICAL
ELECTRIC
PLUMBING
CONCRETE
WATER
SEWER

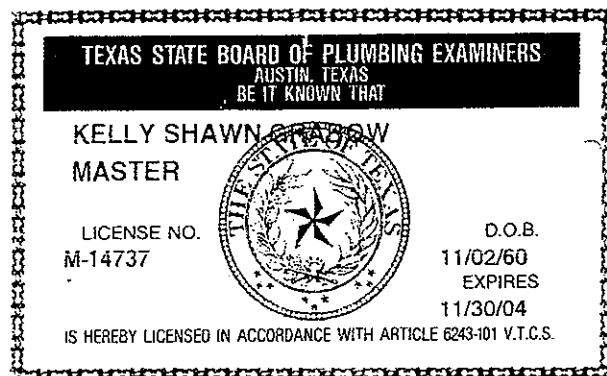
C.O. MAILING ADDRESS

5004 LAKEVIEW DRIVE

AUSTIN, TX 78732

REMARKS IC-6172' 41% BC-5702' 38%. 16' DR & COA
SIDEWALKS MAYBE REQUIRED. NOT IN FLOOD
PLAIN PER TODD PANKEY 11-10-2003. RESID ZON
REV NBRIONES.

Attn:
Diana



TO SCHEDULE AN INSPECTION, CALL 480-0623.

PERMIT NO.
03016064

STATUS
ACTIVE

TYPE
R

ADDRESS
12912 PARK DR

DATE
13-NOV-03

Subdivision: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B						PERMIT CLERK DCORTINAS	
PLAT		BLOCK A		LOT 77		GRID MB33	
ZONE SF2		HT. & AREA		PARKING PROVD.		PROPOSED OCCUPANCY NEW THREE STORY RES W/ATT COVERED PATIO	
SPECIAL PERMIT NO.		TOTAL SQ. FT. 8046		VALUATION \$415,000		TYPE CONST.	
				USE CAT. R3-1		GROUP	
						FLOORS 2	
						BLDGS 1	
						UNITS	
WORK PERMITTED NEW		BASEMENT N		BUILDING DIMENSIONS		MIN. STD. N	
						ONR N	

TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout					101
Plumbing Rough					501
Plumbing Sewer					505
Plumbing Copper					502
Plumbing Gas					504
Foundation					102
Framing					103
Insulation/Energy					601
Plumbing Top Out					503
Mechanical Rough					401
Mechanical Vent					402
Electrical Slab					301
Electric Rough					302
Wallboard					104
Sidewalk Prepour					201
Driveway Prepour					202
* Final Building					706
* Final Electric					701
* Final Mechanical					703
* Final Plumbing					702
* Final Energy					704
F Final Concrete					705
i Final Sign					707
N					
A					
L					
* Landscaping					
* Engineering					
* Water					
* Sewer					
* Fire					
* Health					

Admin Holds: NONE

Review Date

Remarks:

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (j).

FINAL DATE

TO SCHEDULE AN INSPECTION, CALL 480-0623.



City of Austin
WPDR
PIER - Building Permit - RECEIPT

Receipt #: 351768

Date: 13 NOV 2003

Company Name: SAIKIN BUILDERS

Contact Name:

Phone: 512-663-7137

Fax: --

Address

City:

ZIP: -

Issued by: DIANA CORTINAS

Payment Method: CHECK

Status: Paid

Check Number: 2677

Check Amount:

FAO-Rev.Code	Description	Quantity	Sub Total
1000-630-9100-4053	BP - Building Permit 12912 PARK DR - 03016064	1	\$740.00
1000-630-9100-4053	BP - Building Permit 12912 PARK DR - 03016065	1	\$33.00
1000-630-9100-4053	BP - Building Permit 12912 PARK DR - 03016066	1	\$33.00
Total :			\$806.00



CITY OF AUSTIN - PROJECT PERMIT

Printed: 13 November 2003

PERMIT NO.
03016066STATUS
ACTIVETYPE
RADDRESS
12912 PARK DRDATE
13-NOV-03

SUBDIVISION division: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B						PERMIT CLERK DCORTINAS			
PLAT	BLOCK A	LOT 77				GRID MB33			
ZONE SF2	HT. & AREA	REQD.	PARKING PROVD.	PROPOSED OCCUPANCY NEW DETACHED GARAGE					
SPECIAL PERMIT NO.		TOTAL SQ. FT. 400	VALUATION \$10,000	TYPE CONST.	USE CAT. M1-1	GROUP	FLOORS	BLDGS 1	UNITS
WORK PERMITTED NEW			BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N	ONR N

C O N T R A C T O R S	OWNER/CONTR.	WALSH TARLTON LTD	PHONE 266-6393	FEE	PAID DATE	REQUIRED INSPECTIONS BUILDING ELECTRIC
	BUILDING	SAIKIN BUILDERS	663-7137	\$33	11/13/2003	
	ELECTRICAL			\$34		
	MECHANICAL					
	PLUMBING					
	SIDEWALK/DRIVE					
	SIGN					
	ROOF / SIDE					
	ELEC SERVICE FEE					
	PLAN CHECK FEE					
			ETJ FEE	TOTAL FEE \$67	TOTAL PAID \$33	

C.O. MAILING ADDRESS

5004 LAKEVIEW DRIVE

AUSTIN, TX 78732

REMARKS IC-6172' 41% BC-5702' 38%. NOT IN FLOOD PLAIN
PER TODD PANKEY 11-10-2003.RESID ZON REV
NBRIONESBY TAKING AND/OR PAYING FOR THIS PERMIT
APPLICATION, YOU ARE DECLARING YOU ARE THE
OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER
OR OWNERS TO SUBMIT THIS APPLICATION, THAT
THE GIVEN DATA ARE TRUE FACTS AND THAT THE
WORK WILL CONFORM TO THE PLANS AND
SPECIFICATIONS SUBMITTED HEREWITH:THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES
AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.

CITY OF AUSTIN - PROJECT PERMIT

Printed: 13 November 2003

PERMIT NO.
03016066STATUS
ACTIVETYPE
RADDRESS
12912 PARK DRDATE
13-NOV-03

SUBDIVISION Division: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B						PERMIT CLERK DCORTINAS	
PLAT		BLOCK A		LOT 77		GRID MB33	
ZONE SF2	HT. & AREA	REQD.	PARKING PROVD.	PROPOSED OCCUPANCY NEW DETACHED GARAGE			
SPECIAL PERMIT NO.		TOTAL SQ. FT. 400	VALUATION \$10,000	TYPE CONST.	USE CAT. M1-1	GROUP	FLOORS 1
WORK PERMITTED NEW		BASEMENT N	BUILDING DIMENSIONS			MIN. STD. N	ONR N

TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout					101
Plumbing Rough					501
Plumbing Sewer					505
Plumbing Copper					502
Plumbing Gas					504
Foundation					102
Framing					103
Insulation/Energy					601
Plumbing Top Out					503
Mechanical Rough					401
Mechanical Vent					402
Electrical Slab					301
Electric Rough					302
Wallboard					104
Sidewalk Prepour					201
Driveway Prepour					202
Final Building					706
Final Electric					701
Final Mechanical					703
Final Plumbing					702
Final Energy					704
Final Concrete					705
Final Sign					707
Landscaping					
Engineering					
Water					
Sewer					
Fire					
Health					

Admin Holds: NONE
 Review Date
 Remarks:
 Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (j).

FINAL DATE

TO SCHEDULE AN INSPECTION, CALL 480-0623.

CITY OF AUSTIN - PROJECT PE

Printed: 13 November 2003

PERMIT NO.
03016065STATUS
ACTIVETYPE
RADDRESS
12912 PARK DRDATE
13-NOV-03SUBDIVISION
bdivision: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: BPERMIT CLERK
DCORTINASPLAT
BLOCK
A

77

LOT

GRID

MB33

ZONE
SF2

HT. & AREA

REQD.

PARKING
PROVD.

NEW SWIMMING POOL

PROPOSED OCCUPANCY

SPECIAL PERMIT NO.

TOTAL SQ. FT.

400

VALUATION
\$100,000

TYPE CONST.

USE CAT.

M2-1

GROUP

FLOORS

BLDGS

UNITS

1

WORK PERMITTED

NEW

BASEMENT

N

BUILDING DIMENSIONS

MIN. STD.

ONR

N

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C
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S

OWNER/CONTR. WALSH TARLTON LTD
BUILDING SAIKIN BUILDERS
ELECTRICAL
MECHANICAL
PLUMBING
SIDEWALK/DRIVE
SIGN
ROOF / SIDE
ELEC SERVICE FEE
PLAN CHECK FEE

PHONE

266-6393

663-7137

FEE

\$33

\$34

\$34

PAID DATE

11/13/2003

REQUIRED
INSPECTIONSBUILDING
ELECTRIC
PLUMBING

ETJ FEE

TOTAL FEE

\$101

TOTAL PAID

\$33

C.O. MAILING ADDRESS

5004 LAKEVIEW DR

AUSTIN, TX 78732

REMARKS: IC-6172' 41% BC-5702' 38%. NOT IN FLOOD PLAIN
PER TODD PANKEY 11-10-2003. RESID ZON REV
NBRIONES.

BY TAKING AND/OR PAYING FOR THIS PERMIT
APPLICATION, YOU ARE DECLARING YOU ARE THE
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SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES
AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.



Lower Colorado River Authority
Post Office Box 220 Austin, Texas 78767 • (512) 473-3216

AUTHORIZATION TO OPERATE AN ON-SITE SEWAGE FACILITY
Permit #: 3707

Location: 12912 PARK, AUSTIN TX 78732

HUGHES PARK LAKE Block: Lot: 77

Owner: PURCELL, FRED A

Mailing address: 5004 LAKEVIEW DR AUSTIN TX 78732

Permit Date: 9/1/2004
Phone: (512) 266-6393

This license signifies that final approval is given and that the system is ready for use and meets guidelines adopted by the Lower Colorado River Authority (LCRA) and the Texas Commission on Environmental Quality (TCEQ). Acceptance of this license to operate the system constitutes an agreement to abide by the terms and conditions specified in the most current version of the LCRA and TCEQ regulations for on-site sewage facilities.

The LCRA's program is designed to protect the water quality of the Highland Lakes. Your commitment to meeting the requirements of the license is appreciated by everyone who uses and enjoys the Highland Lakes and the Colorado River. Thank you for your assistance in keeping the water clean.

Should you have questions regarding operation and maintenance of the system, please call me at 1-800-776-5272, extension 3216. The number printed on the license will help us answer your questions expeditiously. For your information, I have also enclosed a booklet which will better enable you to understand and care for your on-site sewage facility.

Thank you again for your concern about water quality. Remember that any time you see or suspect a problem about water quality, you may call 1-800-776-5272, extension 6843.

James Maynard, RS
Agency Official

250007172

1/10/07
Date

4-5-58

1-2-58

LOWER COLORADO RIVER AUTHORITY
EASEMENT TO INUNDATE TO
715 CONTOUR LINE

THOMAS B. HUGHES

MAP OF SURVEY SHOWING FORMS
LOT 77, HUGHES PARK LAKE
SUBDIVISION NO. 1
TRAVIS COUNTY, TEXAS
MADE FOR
FRED PURCELL

LAKE TRAVIS

APPROXIMATE LOCATION
716 CONTOUR LINE

FENCE CORNER
0.1' N, 0.0' W

HUGHES PARK LAKE
PLAT BOOK 4,

SUBDIVISION NO. 1

PAGE 64

LOT 77
14,853 SQUARE FEET

LOT 76

LOT 78

ROBERT C. RALEY, ET UX

13070
2895

D.&W. R.R. CO.

SURVEY NO. 73. ABSTRACT NO. 241

HUMBOLDT LANE, L.P.
DN 2002153644

ANCHORS

POLE

LEGEND

- CALCULATED POINT
- 1/2" STEEL PIN SET WITH CAP
- ⊙ 1/2" STEEL PIN FOUND
- ⊙ IRON PIPE FOUND AS NOTED
- CHAIN LINK FENCE
- OVERHEAD ELECTRIC LINE
- OVERHEAD TELEPHONE LINE
- OVERHEAD CABLE TELEVISION LINE
- (0°00'00") DENOTES RECORD BEARING
- (0.00') DENOTES RECORD DISTANCE

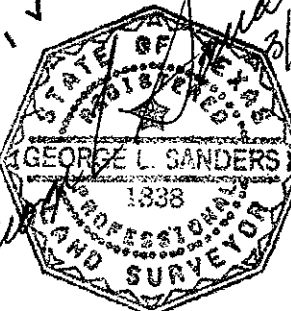
DN DOCUMENT NO. - OFFICIAL PUBLIC
RECORDS OF TRAVIS COUNTY, TEXAS

VOL
PAGE REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

SCALE 1" = 30'

SURVEY UPDATED NOVEMBER 13, 2003
SURVEY COMPLETED JUNE 17, 2002
METCALFE & SANDERS, INC.
LAND SURVEYORS

BY:



GEORGE L. SANDERS
TEXAS REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 1838
4800 SOUTH CONGRESS AVE.
AUSTIN, TEXAS 78745

REF PLAN: 9846
REF PLAN: 9846A
JOB NO. 03318.01
F.B. 880 P. 41-43

PLAN 2429

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442-5363

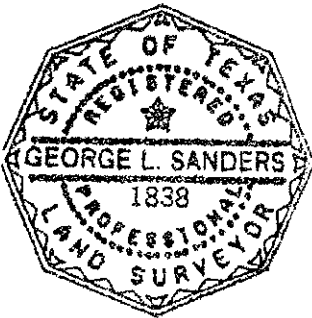
SURVEYS & RECORDS SINCE 1904

SURVEY CERTIFICATE

I, George L. Sanders, Texas Registered Professional Land Surveyor No. 1838 of Metcalfe & Sanders, Inc., Land Surveyors, do hereby certify to: Fred Purcell that on November 13, 2003 an on-the-ground survey of the forms for the slab of the proposed building on Lot 77, Hughes Park Lake Subdivision No. 1, City of Austin, Travis County, Texas, was made under my supervision and that the forms were not found to encroach on the five foot building set back lines.

Certified to this 15th day of December A. D. 2003.

METCALFE & SANDERS, INC.
Land Surveyors



By:

A handwritten signature in black ink, appearing to read "George L. Sanders". The signature is fluid and cursive, written over a horizontal line.

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

725

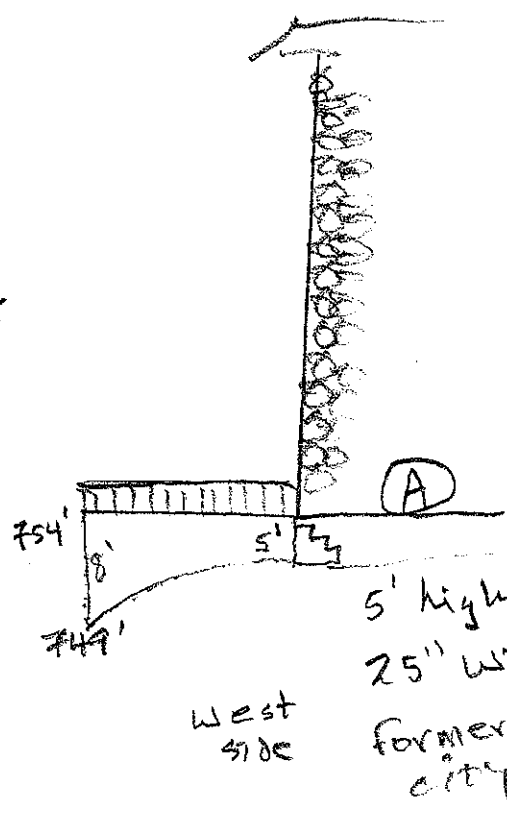
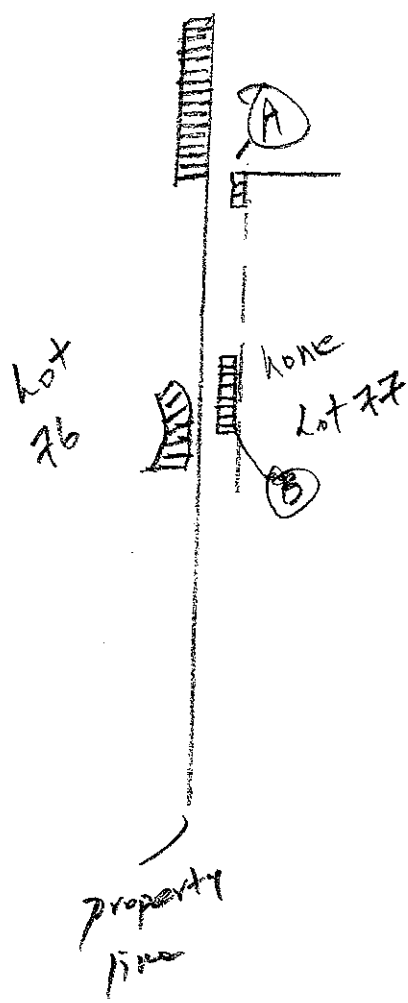
(A) - height exceeds 3'

Steps:

(B) - width exceeds 3'

Steps inspected 9-4-02 & passed inspection; 2 hand rails were required for completion.

1) on lot 76 concrete steps extend 5' into sideyard.



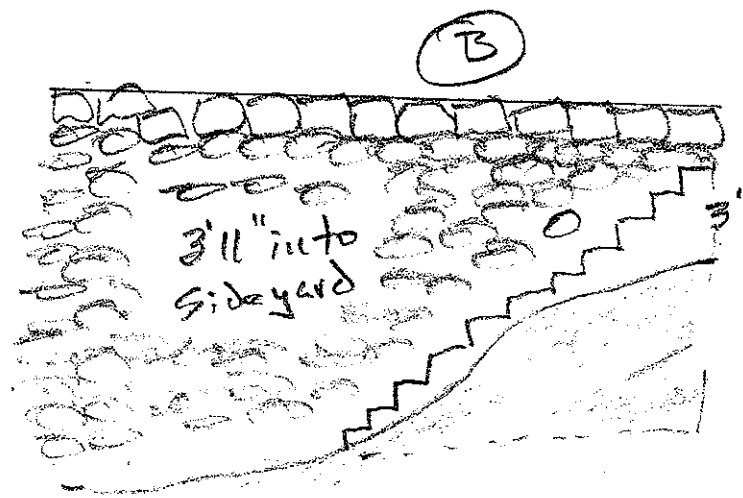
West side

5' high
25" wide
formerly inspected by city

(2)

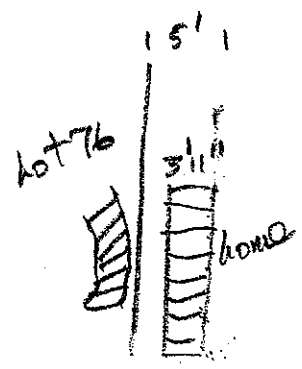
West side

(1)

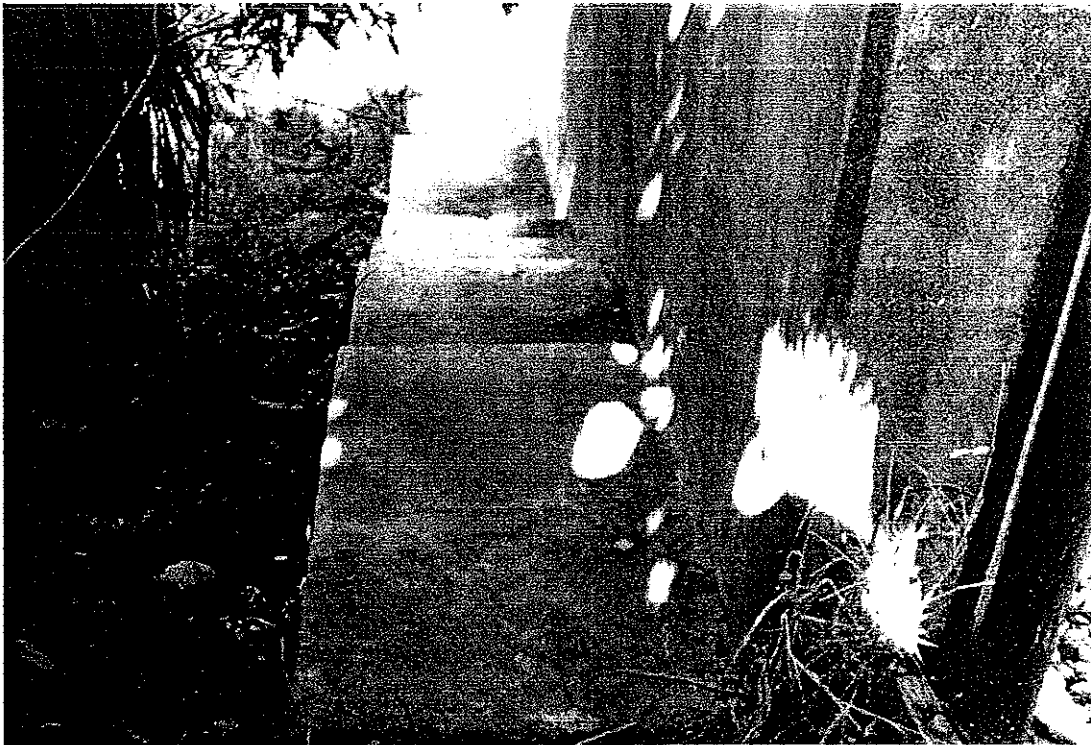


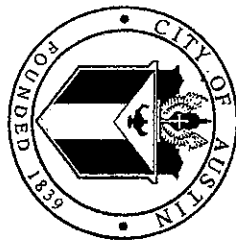
(3)

formerly inspected by City



LA 36-111-1000
2-1-1997
1-1-1997





CORRECTION NOTICE

ADDRESS 12913 Park Dr

DATE 8-4-08 TYPE INSPECTION Life Safety

INSPECTOR V. J. J. J. PHONE 974-1852

You may check the status of your permit at:

<http://www.ci.austin.tx.us/development/pierivv.htm>

The following orders are hereby issued for their correction

1. Remove Airtight ex haust
2. guard rails on had rails at left side.
3. had rails @ Thermo door
4. Fire Cauter and Fire Place with gas Supply

Time of Inspection _____ PAGE _____ OF _____

FIELD COPY

LA 2020
CARTER

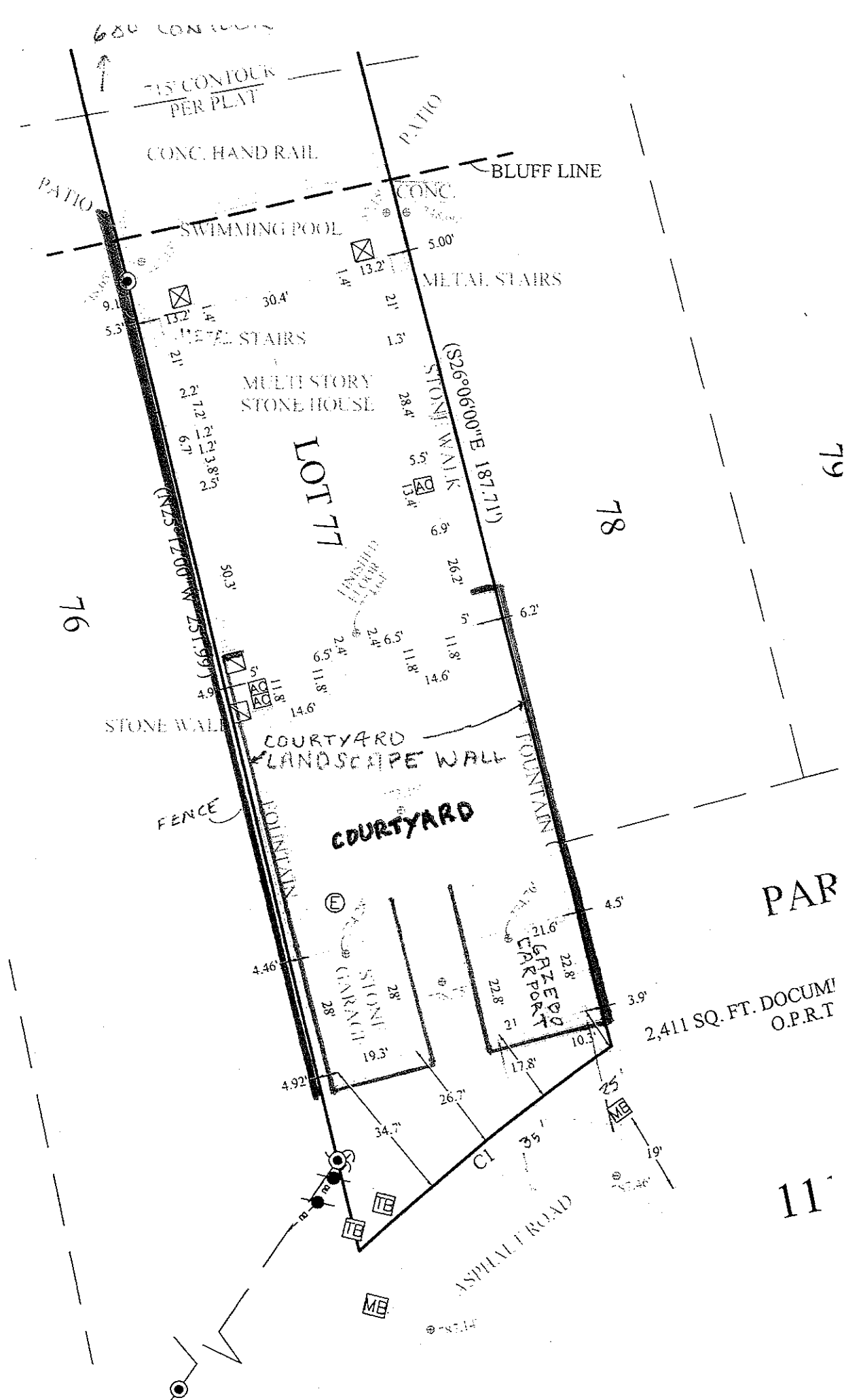
GARAGE



Garden from Street

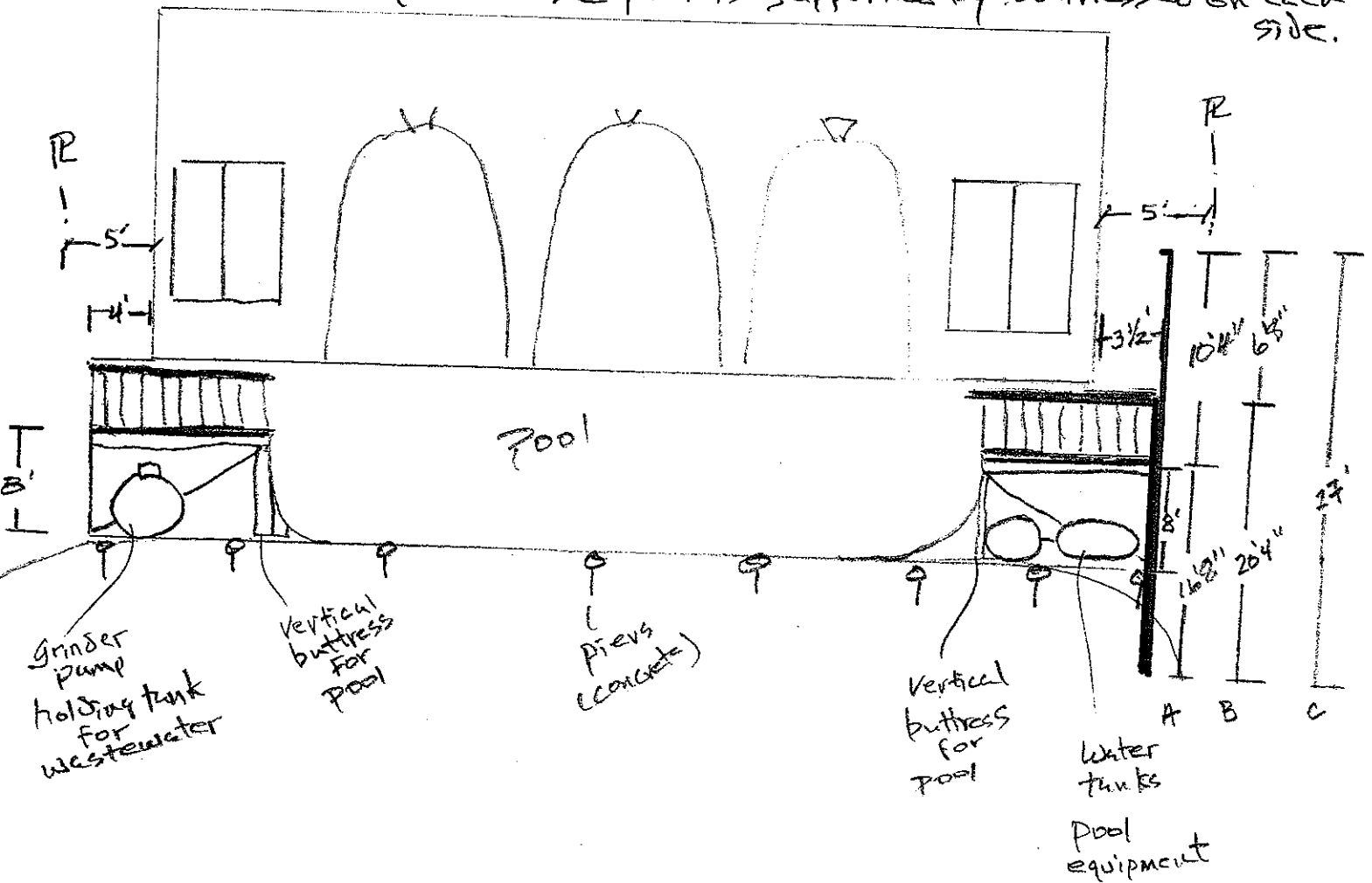


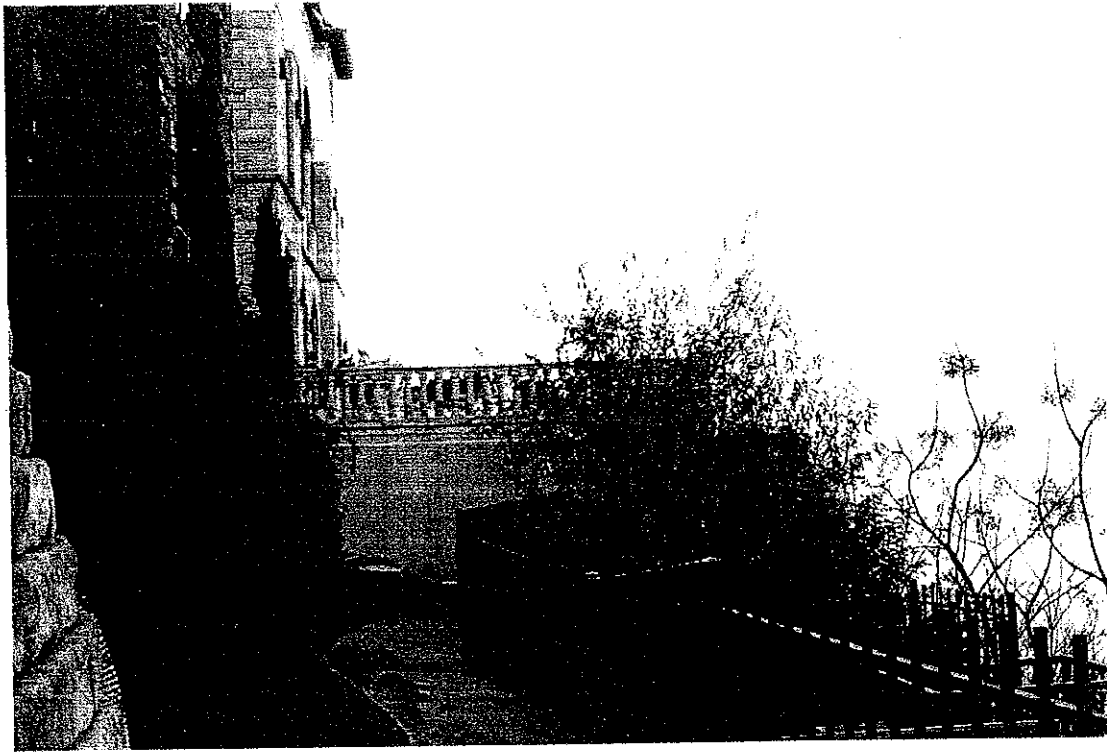
Garden from Street



DECK

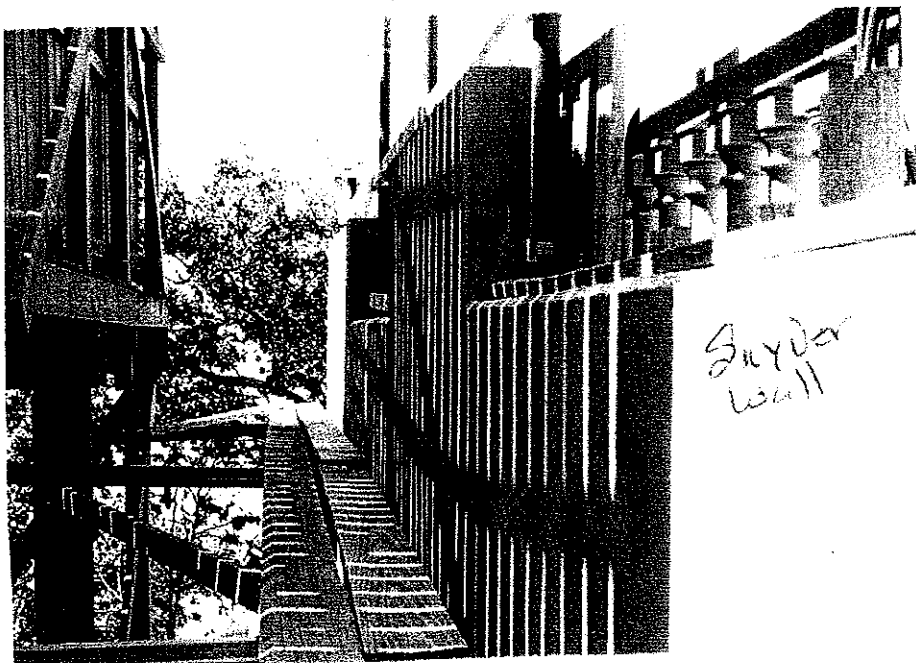
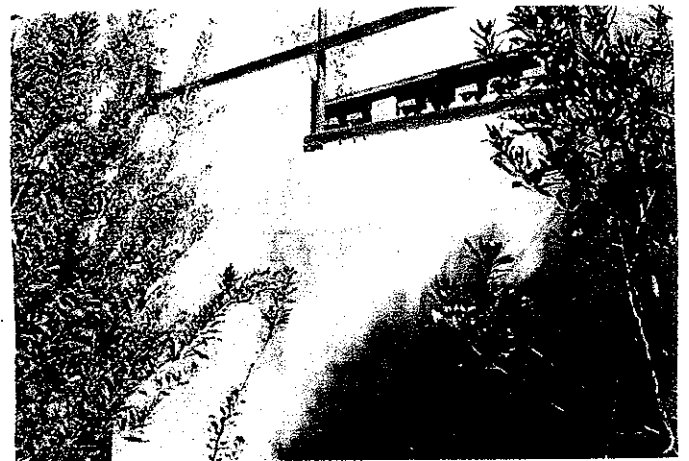
1. The deck extends into sideyard $3\frac{1}{2}$ -4'.
2. The deck is part of the landscaping/hardscape + covers pool equipment on the west side + wastewater package plant, including a grinder pump and wastewater holding tank on the east side.
3. The deck covers the structural support (vertical buttresses) for the pool, pool equipment + sewage equipment.
4. On the west the lot owner has constructed a 27' concrete, iron, wood + sheet-metal wall + fence. The concrete portion of the wall is 20'4" high, (B below); the fence/wall is 27' tall (C below); the wall and fence are 10'4" above the floor ~~level~~ level of the deck (A below). The deck is 8' above the ground.
5. The deck, pool equipment, + structural support are shielded by the concrete wall.
6. The pool, deck extended out over a bluff are supported by concrete piers. The pool is supported by buttressed on each side.



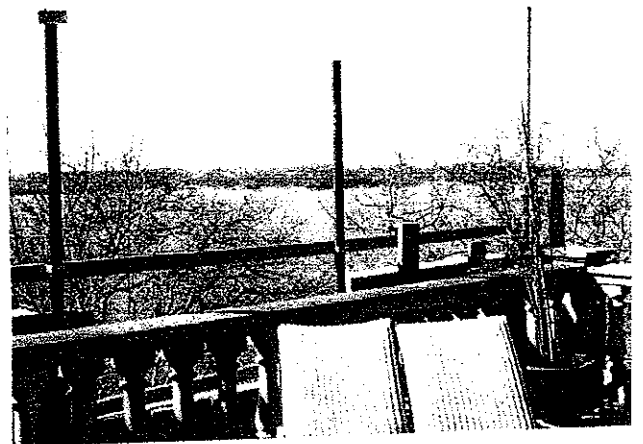


Test
View
Deck

Deck from the East

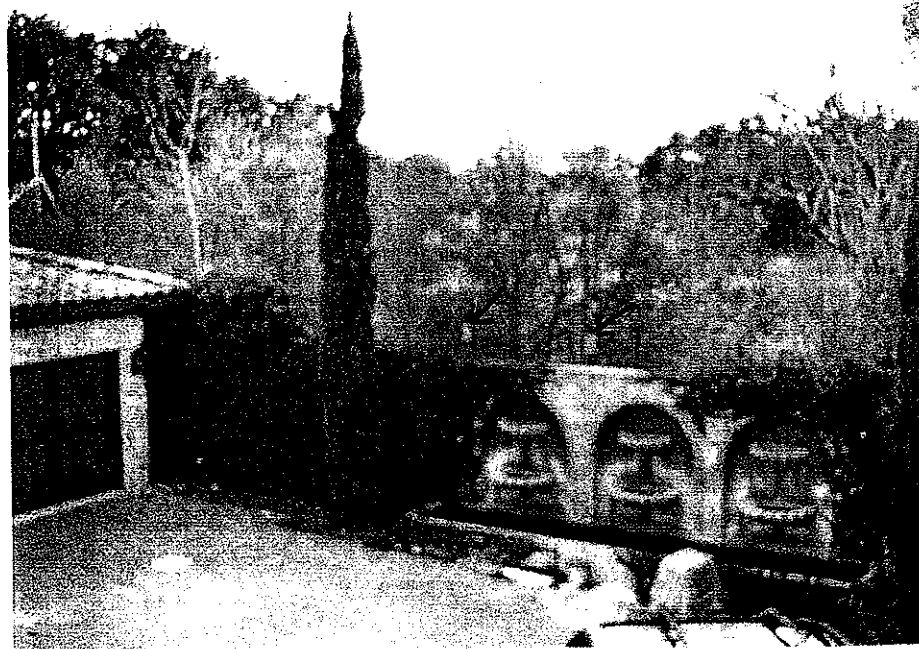
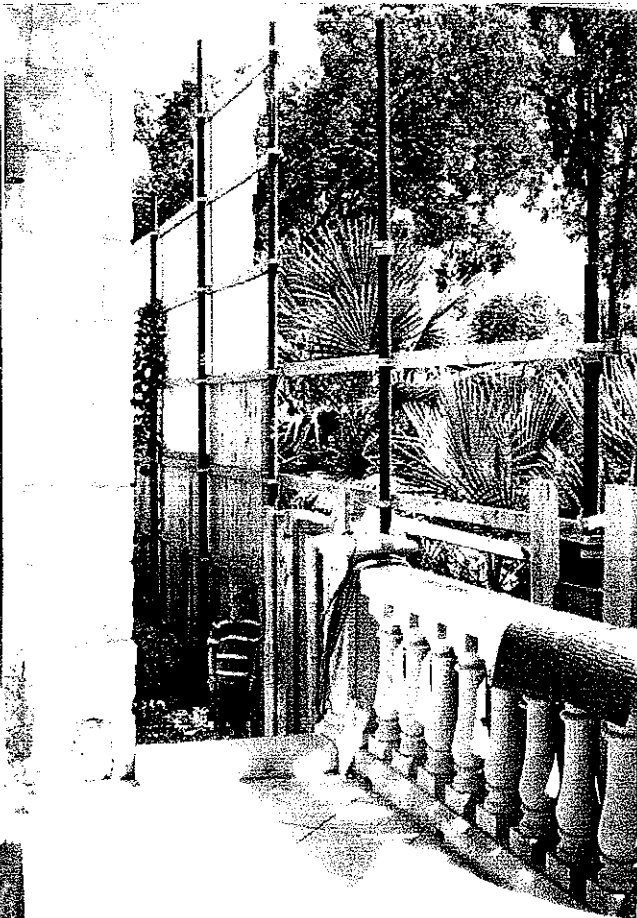
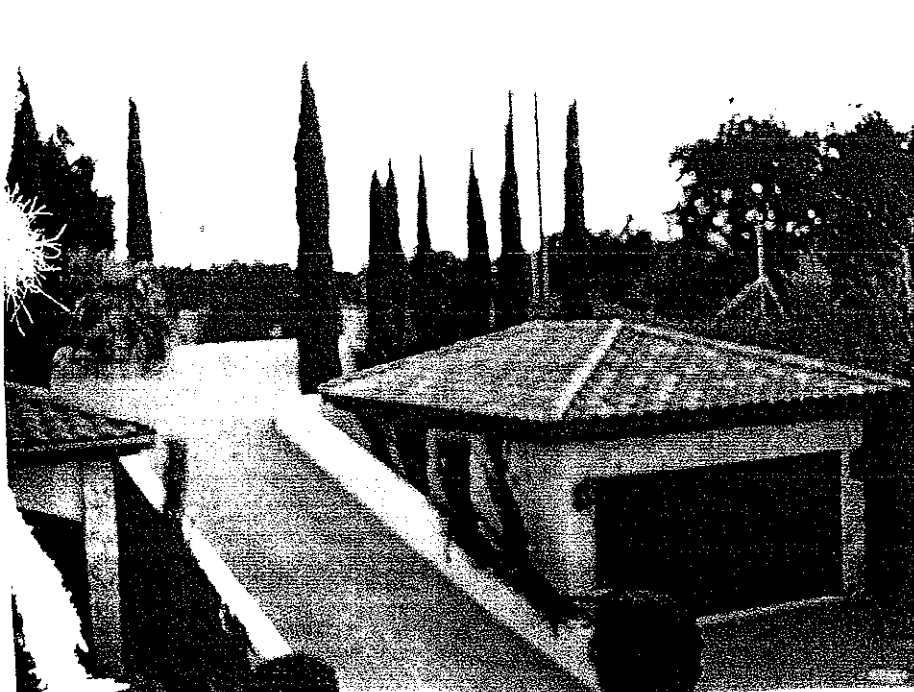


Snyder
Wall



Snyder
Fence

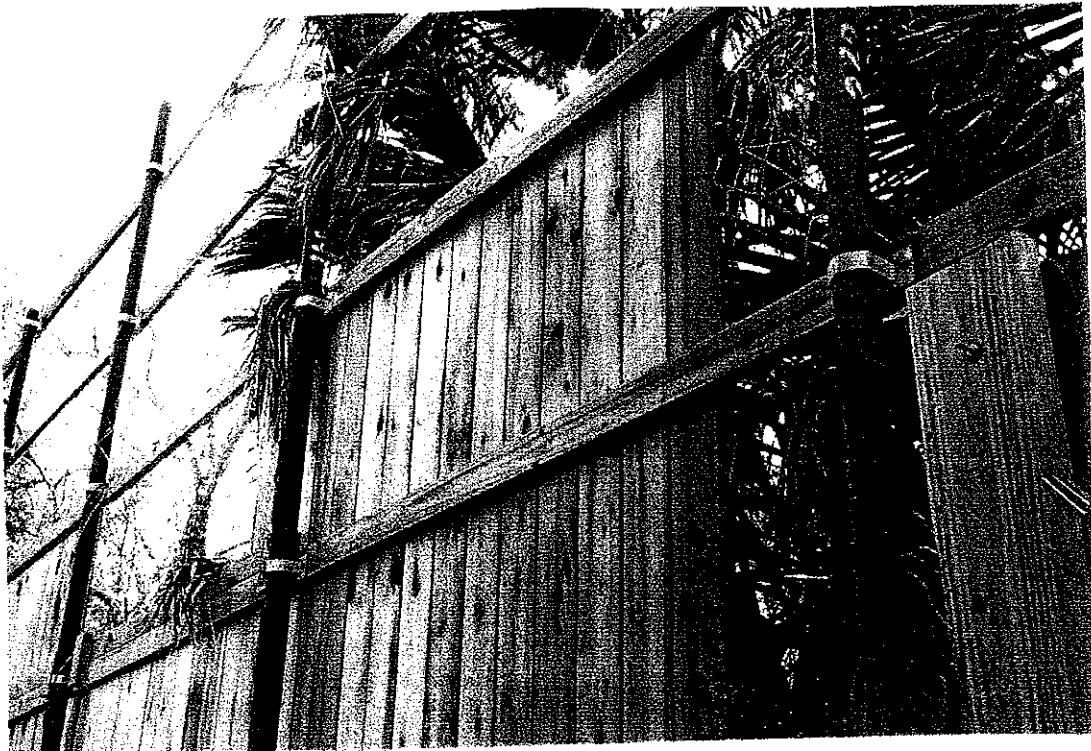
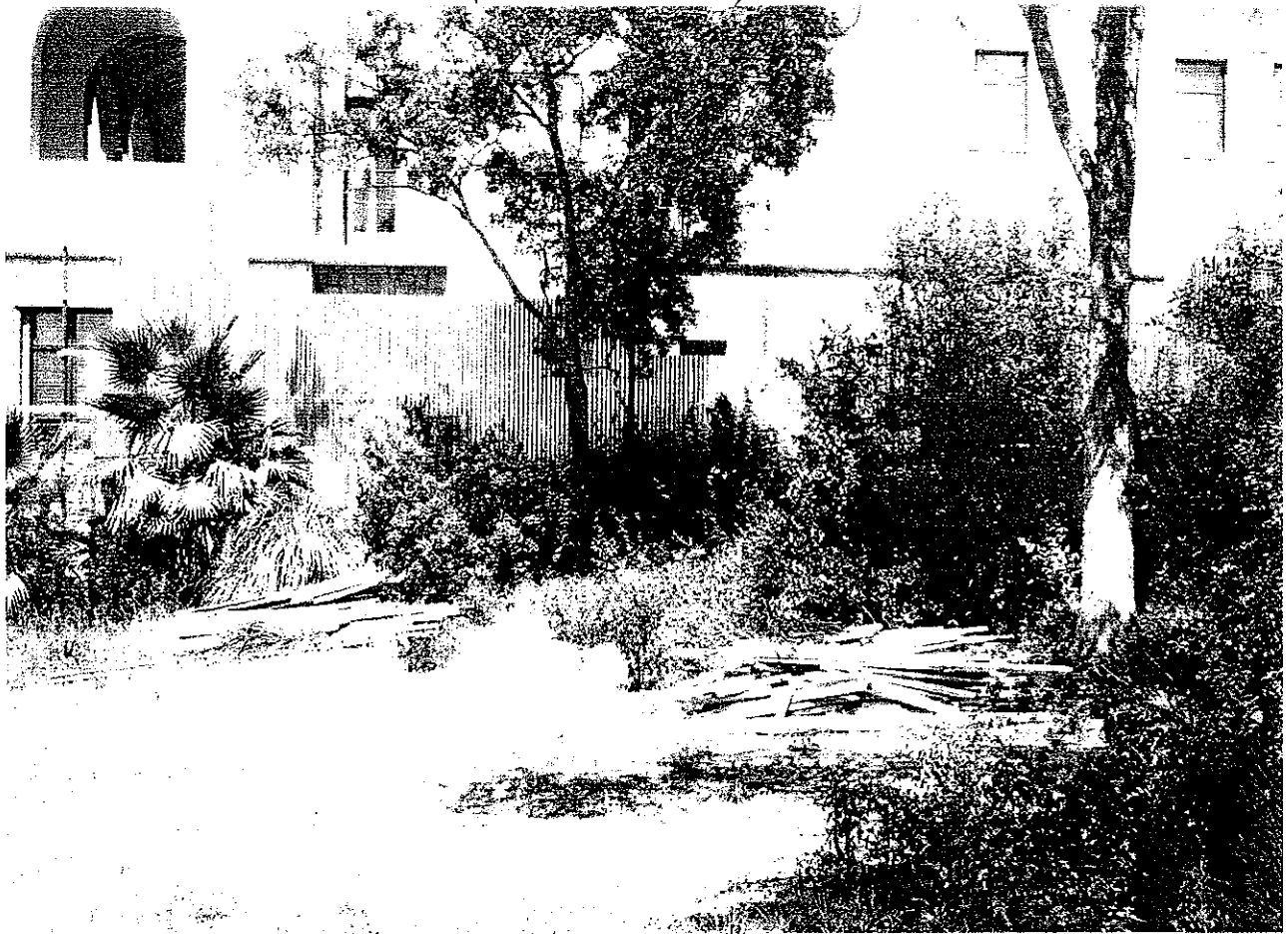
FENCE



Angkor Wall, lot 16
27' tall

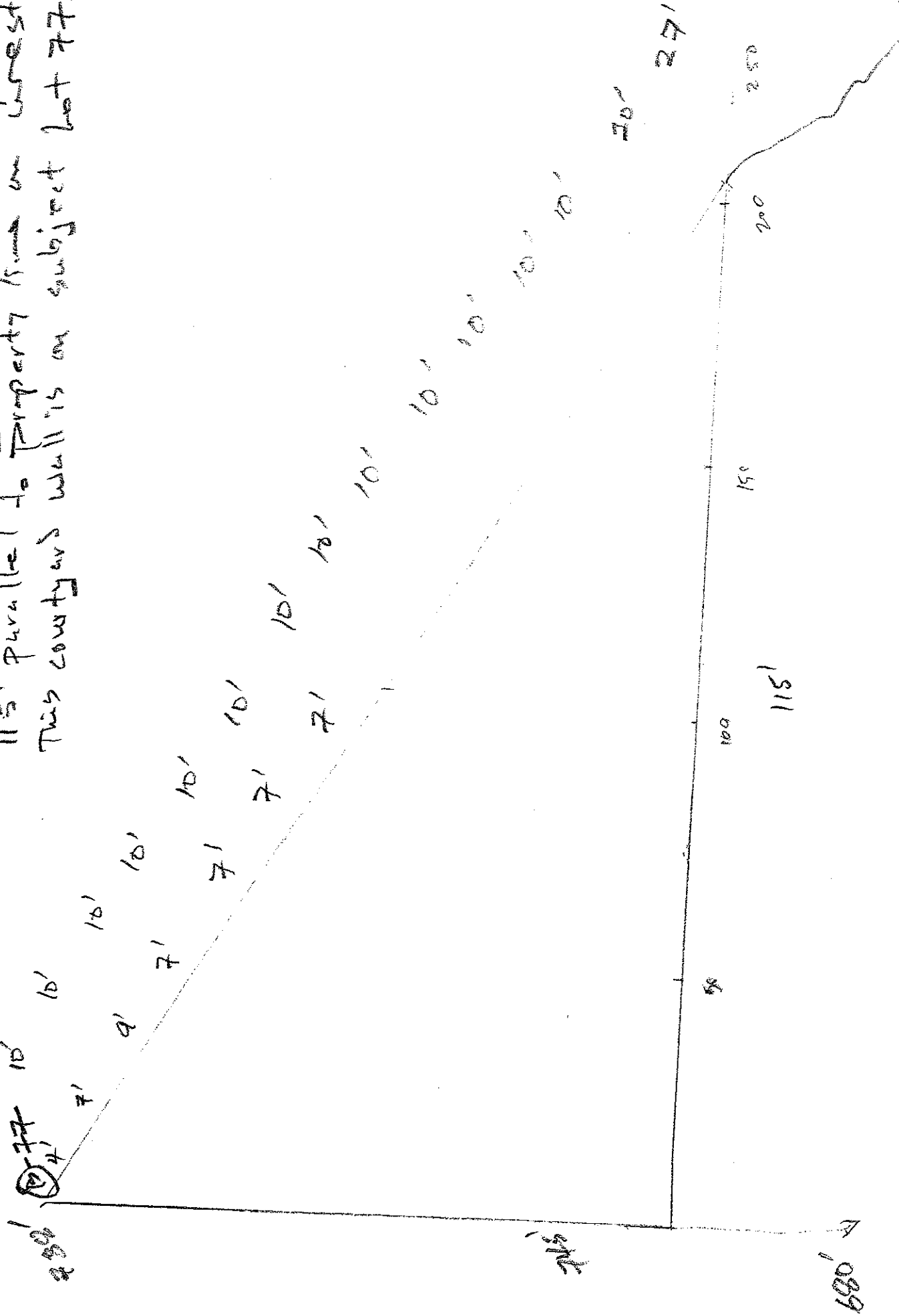


Under fence, lot 11



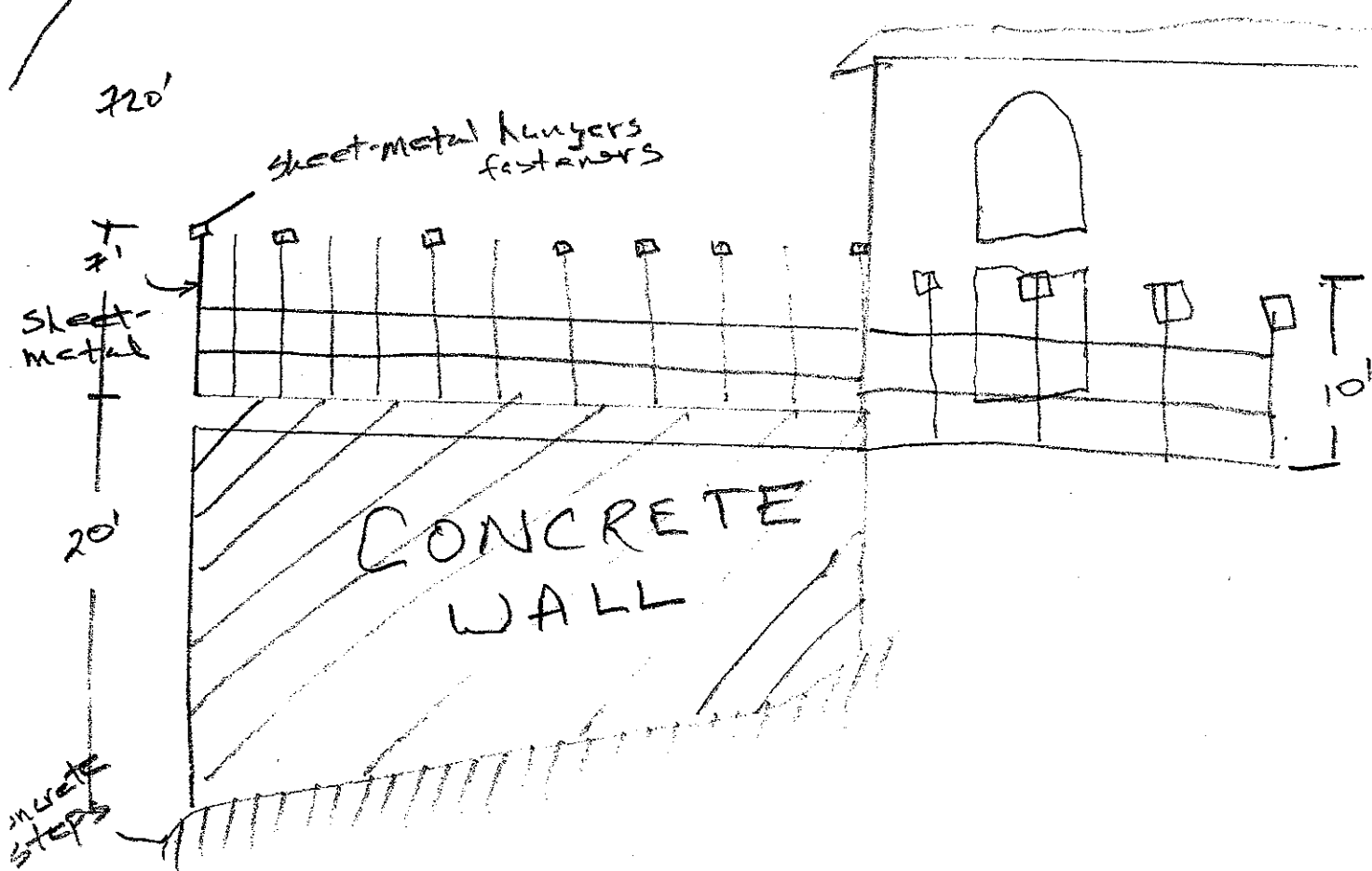
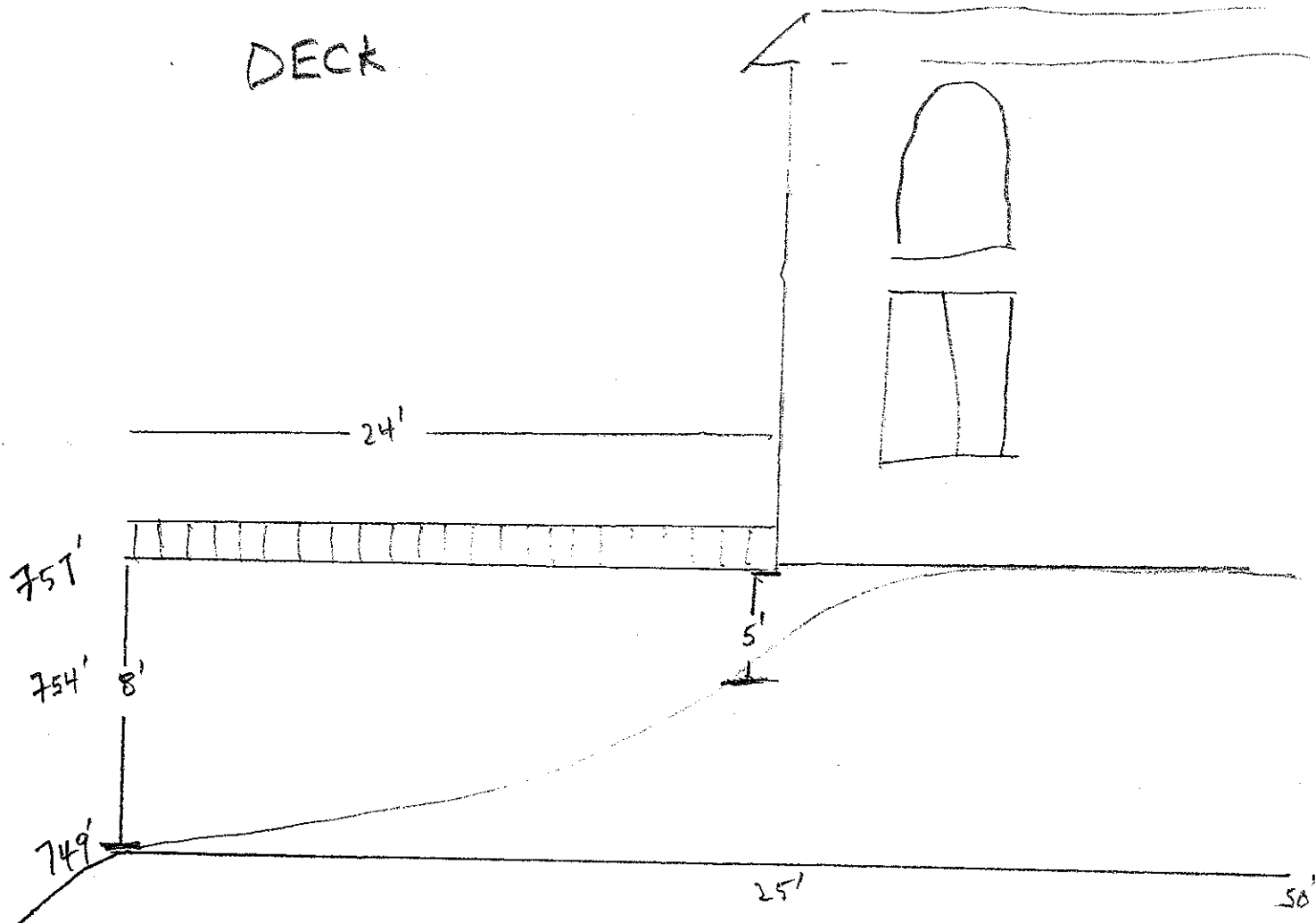
Q
L
①

77-10



DECK

DECK



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: C15-2010-0134 - 12912 Park Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, December 13th, 2010

JANICE S. ALLEN
Your Name (please print)

☒ I am in favor
☐ I object

12842 Park Dr., 12839, + #1111
Your address(es) affected by this application

[Signature]
Signature

Date

Daytime Telephone: 512 266 9911

Comments:

I am in favor.

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 78767-8810

- 0134

Snyder presentation to BOA

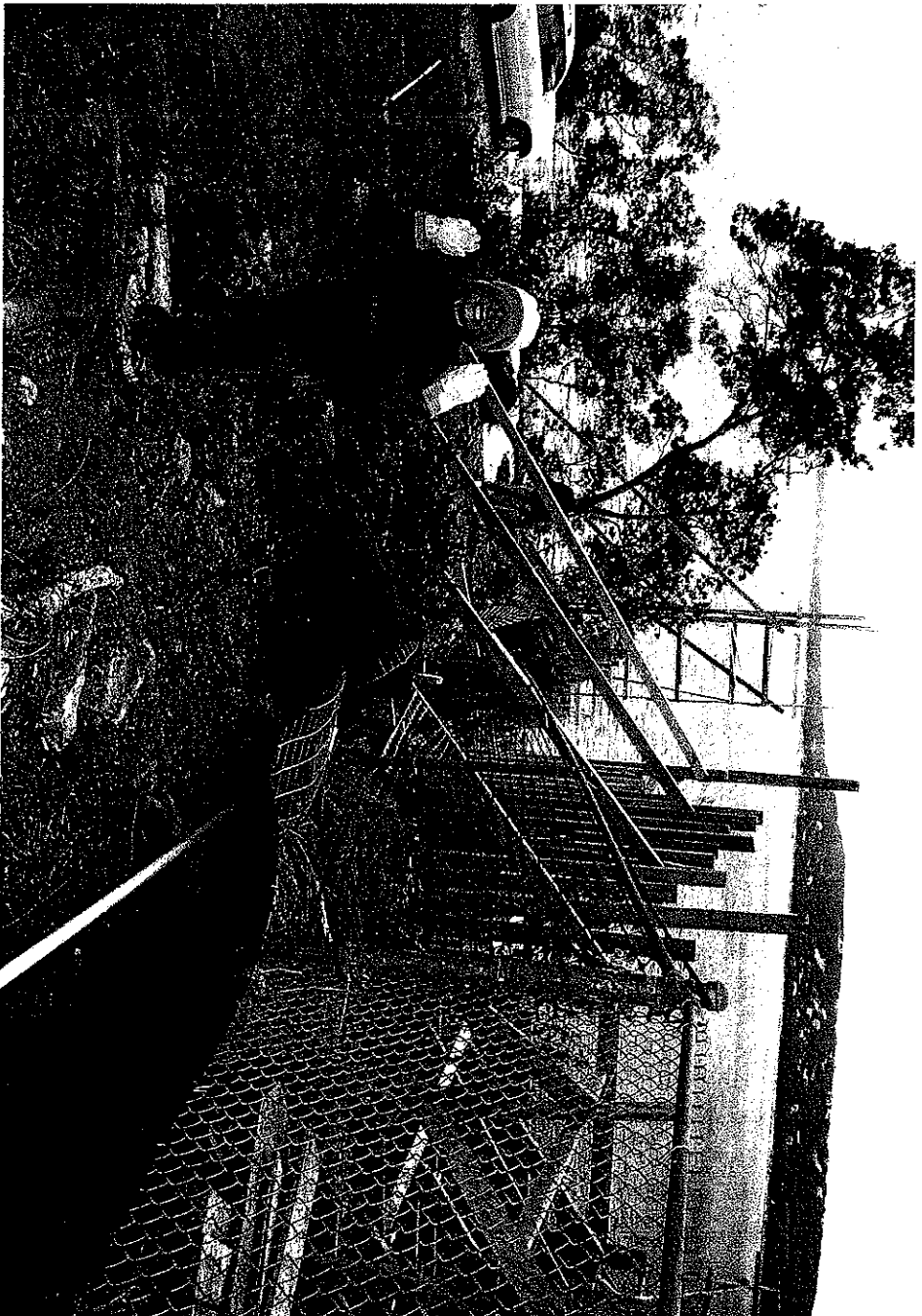
Opposed to variances requested by

Mr. Fred Purcell

12912 Park Dr.

Major Problems with Fred's Request

- 5' Setback for a reason – space between residences, access by emergency personnel, value of property with space, etc.
- Elevated Pool deck and equipment below uncovered is unsightly and dangerous
- No security or protection possible – kids can access his pool now, via our property or from his street and driveway
- Garage added in setback – next to an 15' retaining wall – both not allowed per City Code and not necessary nor a hardship for Fred (his choice and his plan all along)
- We now have all these structures right up against our property – degrades our property
- Impervious Coverage is not in compliance anymore and water runoff, erosion is a problem – impacts us directly



October 2003 – Fred's destruction of our fence

David was 5 – Now is 13. Still having to deal with this problem.



More Destruction along our property line – Oct 2003

No Permit, No permission by us to do this.....

Fred's Wall getting started - Cut and Built to 15' September 2004 – NO PERMIT



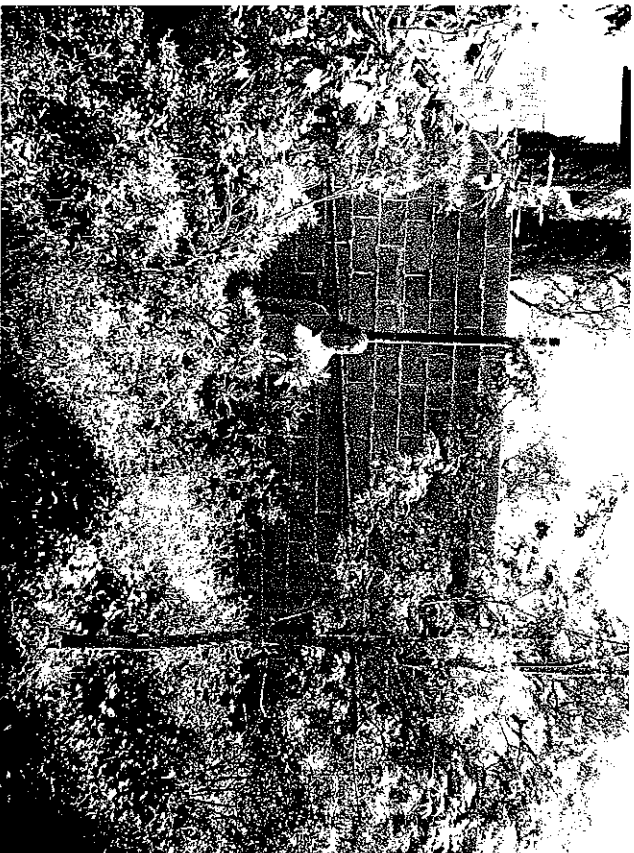
Unfinished on our side ☹️



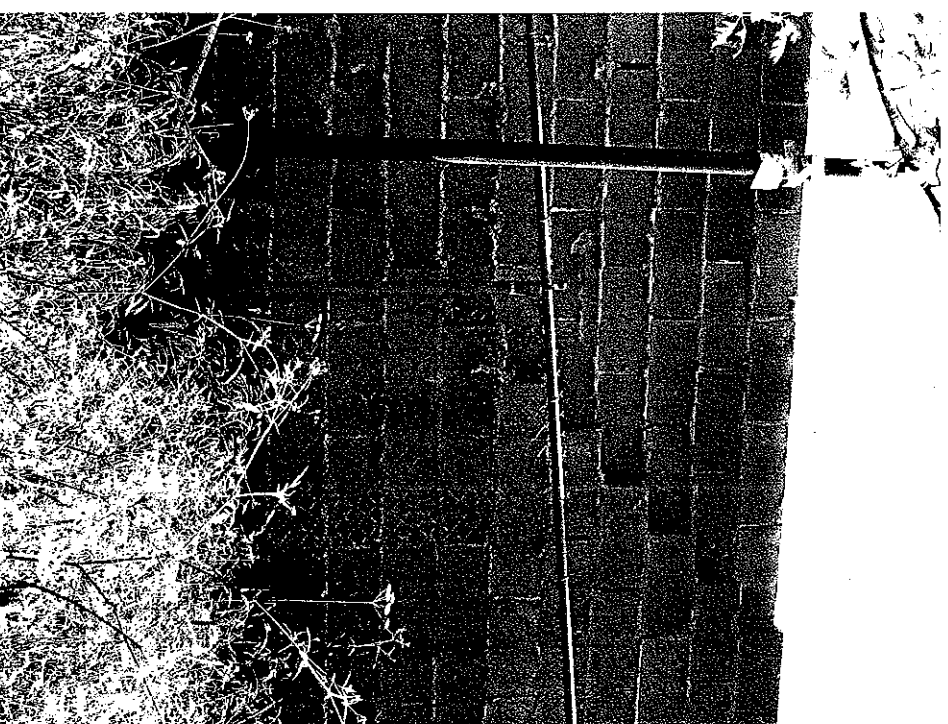
Note gas line
above ground!!!



Our side of his wall



I'm 5'9" tall.



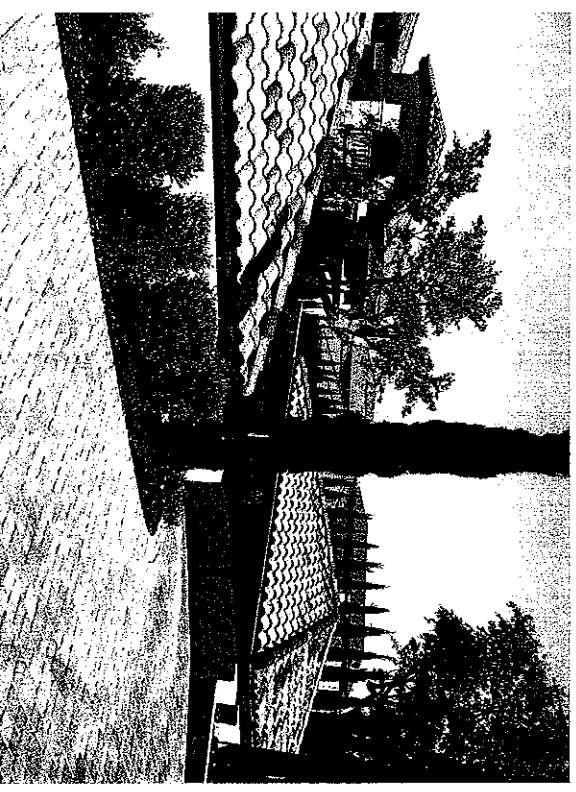
Left unfinished and jagged on purpose

Fred's two garages – before and after

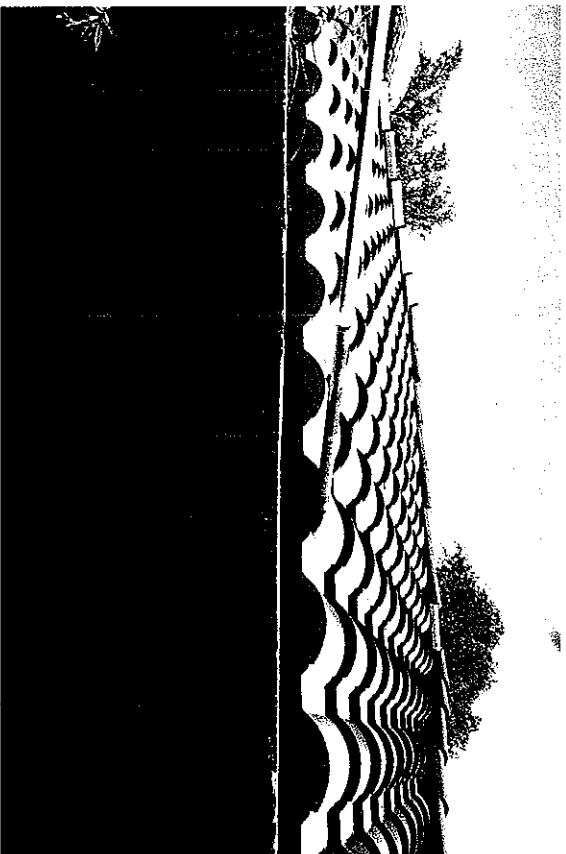


This was at 41%
impervious cover (max
45%)

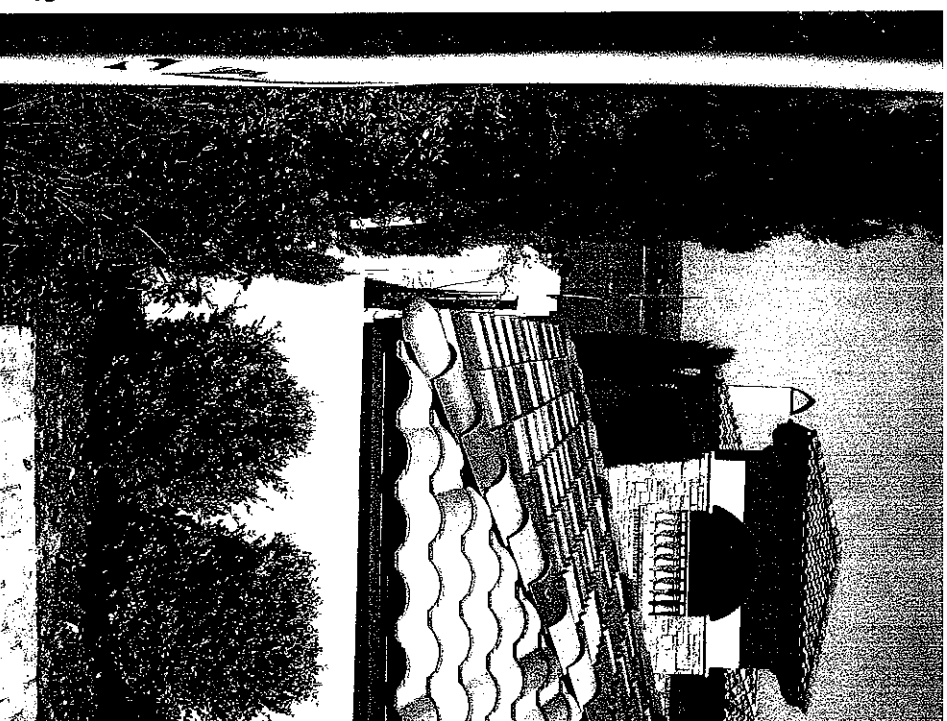
Much more cover
now!! What %?



Roof of his garage



Tiles of garage roof right next to property line



Roof line in setback; view from street

View from the lake – looks very
overbuilt (four big houses side by side)



Fred's house
here

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.

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: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 13th, 2010

Mrs. William Schworer
Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

5000 S. Lamar Blvd. 78746-1101

Signature Date 12/8/10

Daytime Telephone: (512) 476-4461

Comments:

I am against the proposed changes to the City of Austin's zoning code. I believe the changes will be detrimental to the city's future and the surrounding community. I am a resident of the city and I am concerned about the impact of these changes on the city's future and the surrounding community. I am a resident of the city and I am concerned about the impact of these changes on the city's future and the surrounding community.

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 78767-8810

CASE # C15-2010-0134

ROW-10513041
TP-015244.0144

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: 12912 Park Drive

LEGAL DESCRIPTION: Subdivision – Hughes Park Lake, Sub. # 1

Lot(s) 77 Block A Outlot _____ Division _____

I Jim Bennett as authorized agent for Fred Purcell

_____ affirm that on 9/27, 2010, hereby apply for a hearing before the

Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

(west)
(east) A garage providing a side yard setback of 4.46 ft.; a swimming pool deck providing side yard setbacks of 0 ft; a carport providing a front street setback of 10.3ft and a side yard setback of 3.9 ft; a wall (fence) height of 8ft. 6 ; and providing a side yard of 4.9 feet for the residence.
in a SF-2 district. (east & west) (west)
(zoning district)

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. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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 improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot.

HARDSHIP:

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

The extreme topographic conditions of the site The site slopes approximately 70 ft. from the front of the lot to the rear. The sharp angle of the front property line. The sever drop at the front property line and the relocation of the street

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

This site is developed and the flat surface portion of this lot is where the house is constructed. The street was not relocated in the front of other lots in the area.

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:

Due to the topography of the site the roof of the carport structure is almost non-visiable from off the property, as is the garage and other encroachment Due to the courtyard walls and walls on adjoining properties the minimal amount of variances the variances would have little or no affect on the character of the area.

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 Jim Bennett Mail Address 16505 Ridge Dr. Austin, TX

City, State & Zip Austin, TX 78748

Printed Jim Bennett Phone 282-3029 Date 3/26/09

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 Frank Puyell Mail Address 12912 Pink Dr.

City, State & Zip Austin, TX 78732

Printed Frank Puyell Phone 784-4920 Date 3-23-09

City MSJ

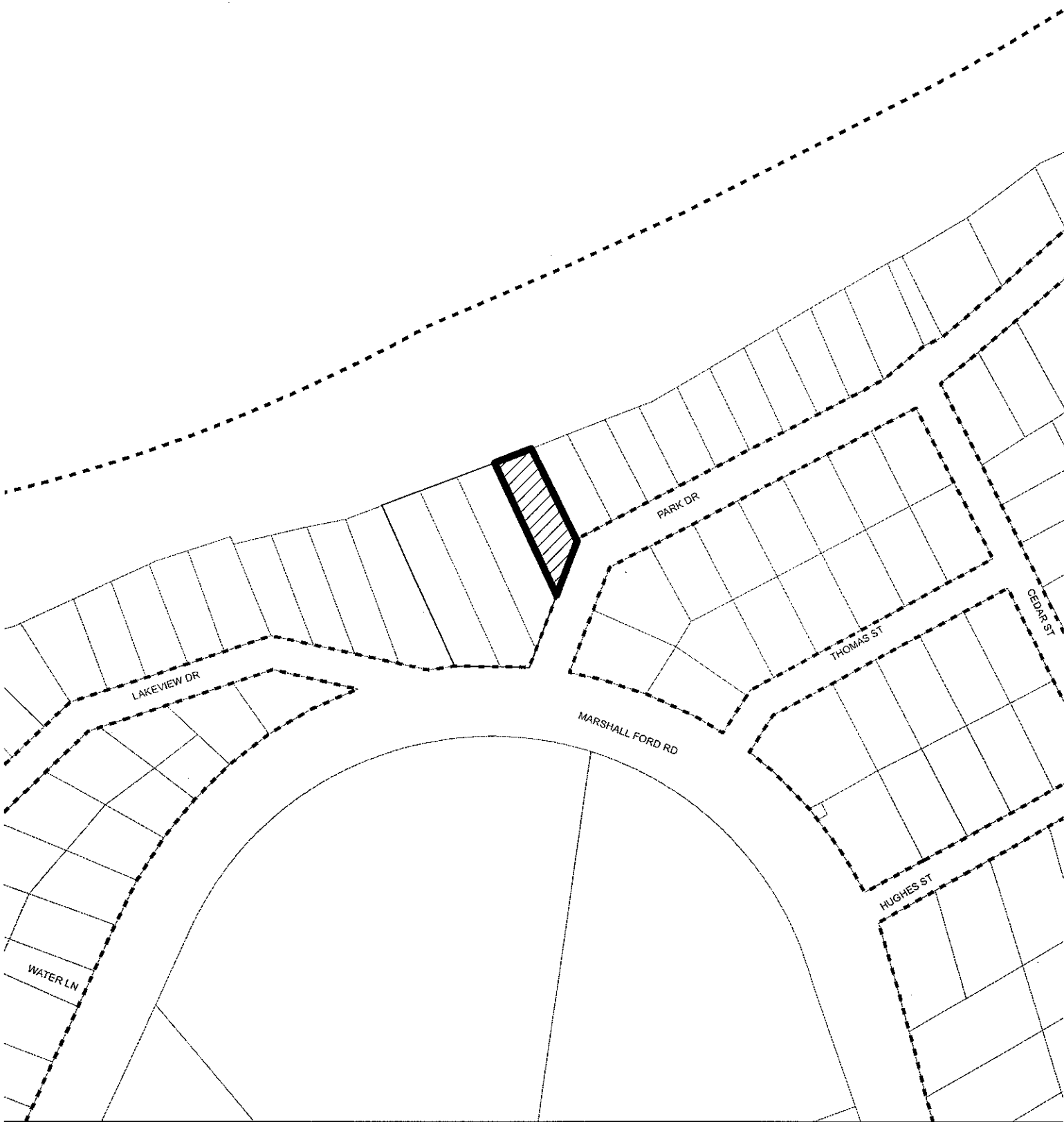
EX B - the bill file for the enactment of new legislation in 2003, Sec 211.016, which was added to Subchapter A, Ch. 21, Local Gov Code by HB 1207; applicability of the new law is addressed in SECTION 2.3:

(a) This act takes effect Sept 1, 2003.

(b) The change in law made by the Act applies only to a resid. subdiv plat approved by a municipality on or after the effective date of this act. A residential subdiv plat approved by a municipality before the effective date of this act is governed by the law in effect when the plat was approved, and the former law is continued in effect for that purpose.

Permits expired
1) Swimming pool
2) garage
3) ~~to~~ none for carport

no permit for
1) deck
2) carport
3) well



SUBJECT TRACT



ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0134
LOCATION: 12912 PARK DR
GRID: B33
MANAGER: SUSAN WALKER

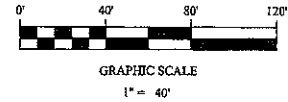


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

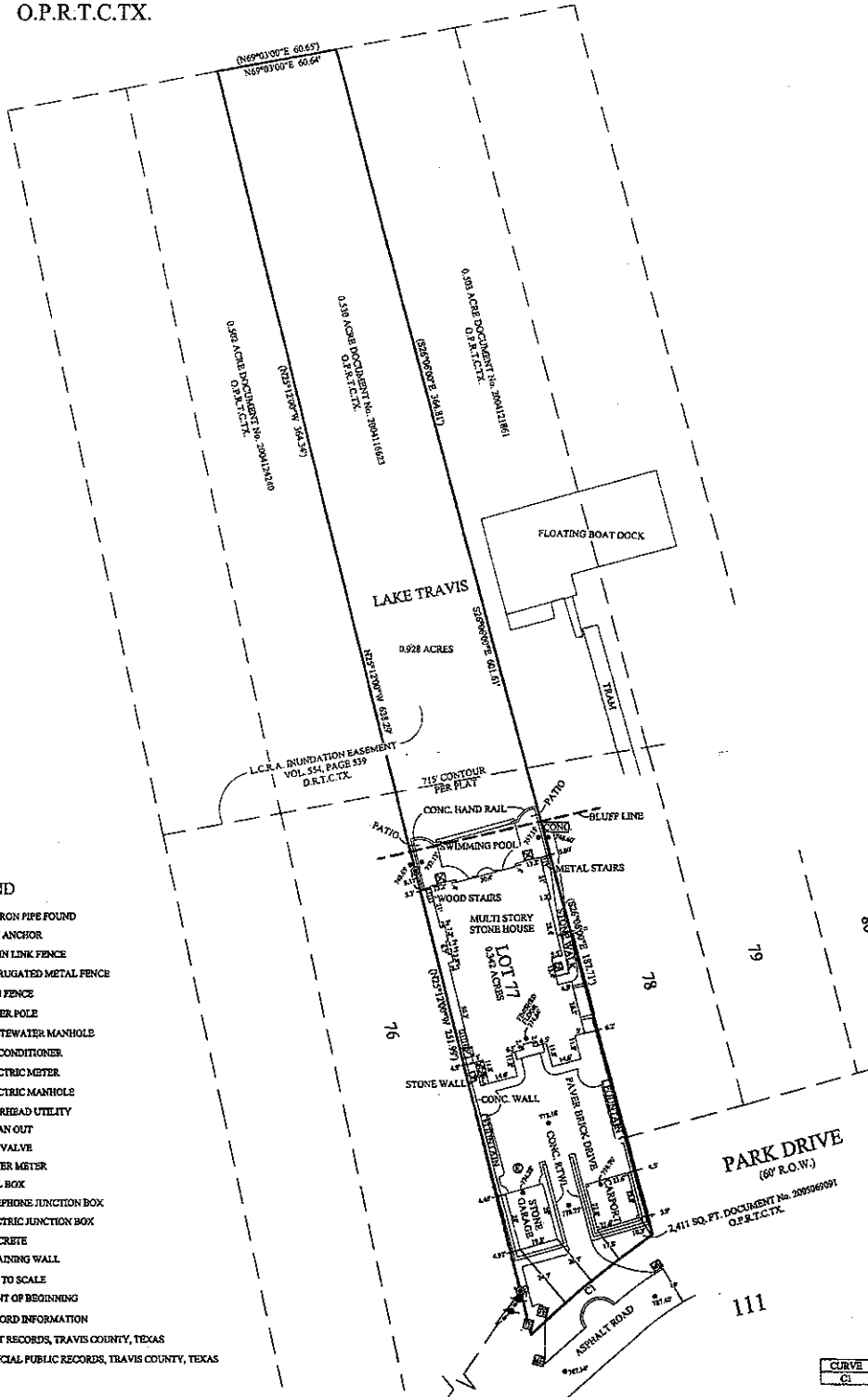
EXHIBIT

PURCELL PROPERTY
LOT 77 HUGHES PARK SUBDIVISION No.1
VOLUME 4, PAGE 64 P.R.T.C.T.X.
0.530 ACRE, DOC. No. 2004116623
2,411 SQ. FT. DOC. No. 2005069091
O.P.R.T.C.T.X.

DALLAS & WICHITA R.R. Co.
SURVEY NO. 73, ABSTRACT No. 241
TRAVIS COUNTY, TEXAS
SEPTEMBER 2010



- LEGEND**
- 34" IRON PIPE FOUND
 - GUY ANCHOR
 - CHAIN LINK FENCE
 - CORRUGATED METAL FENCE
 - IRON FENCE
 - POWER POLE
 - WASTEWATER MANHOLE
 - AIR-CONDITIONER
 - ELECTRIC METER
 - ELECTRIC MANHOLE
 - OVERHEAD UTILITY
 - CLEAN OUT
 - GAS VALVE
 - WATER METER
 - MAIL BOX
 - TELEPHONE JUNCTION BOX
 - ELECTRIC JUNCTION BOX
 - CONC. CONCRETE
 - RTWL. RETAINING WALL
 - N.T.S. NOT TO SCALE
 - P.O.B. POINT OF BEGINNING
 - () RECORD INFORMATION
 - P.R.T.C.T.X. PLAT RECORDS, TRAVIS COUNTY, TEXAS
 - O.P.R.T.C.T.X. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS



LINE	BEARING	DISTANCE
L1	S24°30'00"W	61.15'

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C1	535.00'	77.07'	77.01'	N40°02'14"E	88°15'15"

BEARING BASIS: TWO 3/4" IRON PIPES FOUND ON THE COMMON LINE OF LOT 76 AND 77, HELD CALLED BEARING OF N 25° 12' W

I, JOHN C. NIELSEN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED FROM AN ON THE GROUND SURVEY OF THE PROPERTY SHOWN HEREON DURING NOVEMBER 2007 AND SEPTEMBER 2010, UNDER MY DIRECTION AND SUPERVISION.



John C. Nielsen
JOHN C. NIELSEN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5541 STATE OF TEXAS

Delta Survey Group Inc.

8213 Brodie Lane Ste. 102 Austin, TX. 78745
office: (512) 282-5200 fax: (512) 282-5230
WWW.DELTASURVEYGROUP.COM

QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. EXHIBIT

ALL POINTS CALCULATED UNLESS OTHERWISE NOTED

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: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 13th, 2010

Your Name (please print)

JACIE S. ALLEN

☒ I am in favor
☐ I object

Your address(es) affected by this application

12842 Park Dr., 12854, #420117

Signature

Date

Daytime Telephone: 512 266 9911

Comments:

I am in favor.

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 78767-8810