

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

DATE: Monday, December 12, 2011

CASE NUMBER: C15-2011-0138

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

OWNER/APPLICANT: Karen and Drew Prairie

ADDRESS: 7600 DOWNRIDGE DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.5 feet in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 49% in order to maintain impervious coverage for a single family residence and proposed two-family residential use in an "SF-3", Family Residence zoning district.

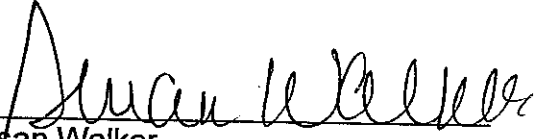
The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.8 feet in order maintain the enclosure of an existing covered carport for a garage in an "SF-3", Family Residence zoning district.

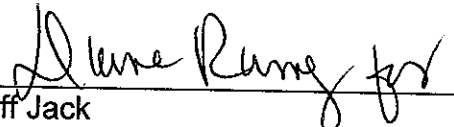
The applicant has requested a variance from the maximum linear feet of gables or dormers protruding from the setback plane; from the maximum development permitted in Chapter 25-2; Section 2.8.1 A (2) of the Land Development Code in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO JAN 9, 2012
January 9, 2012 POSTPONED TO MARCH 12, 2012 BY APPICANT

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Susan Walker
Executive Liaison


Jeff Jack
Chairman

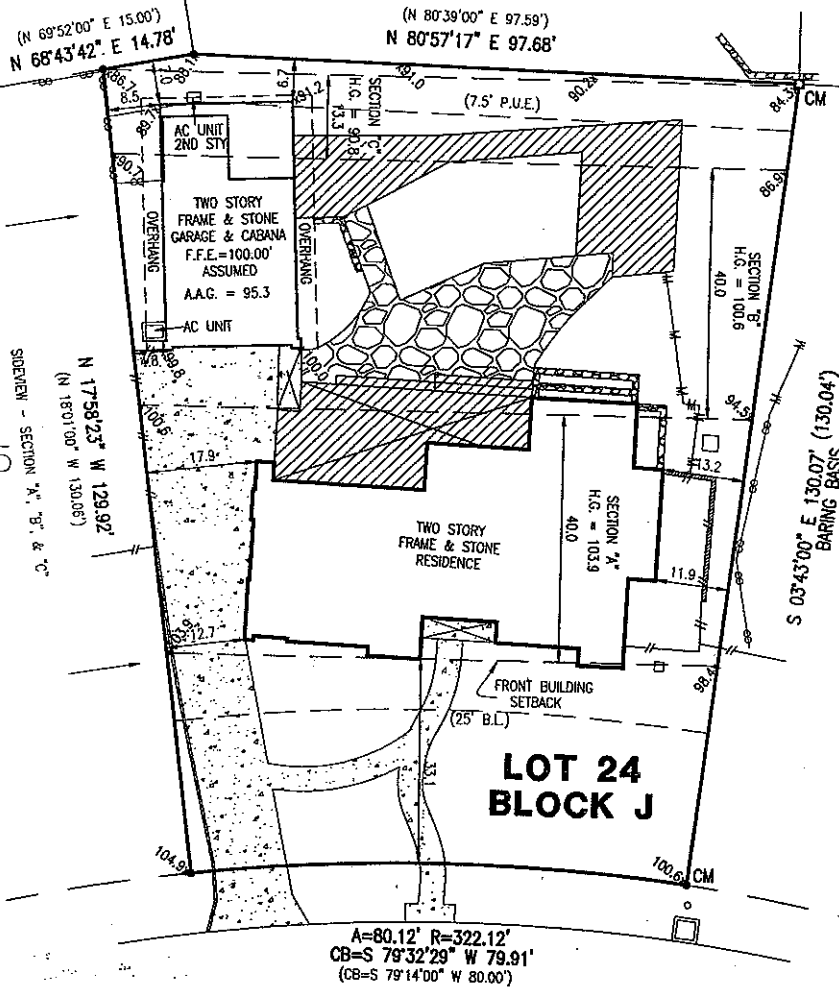
LOT 16

LOT 17

LOT 18

LOT 25

LOT 23



DOWNRIDGE DRIVE

(50' R.O.W.)

LEGEND

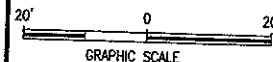
- 1/2" REBAR FOUND
- 1/2" CHIPPED REBAR FOUND
- 1/2" IRON PIPE FOUND
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- () PER PLAN
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- P.O.L. POINT ON LINE
- P.L. PROPERTY LINE
- F.F.E. FINISHED FLOOR ELEVATION
- H.G. HIGHEST GROUND ELEVATION OF SECTION NOTED
- A.A.G. AVERAGE ADJACENT GRADE OF EXISTING GROUND
- CONDITIONS ON X AT BUILDING CORNERS
- EXISTING GROUND ELEVATION SHOT ON 11/21/11

REVISED:



[Signature]
TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

BUILDING HEIGHT REPORT

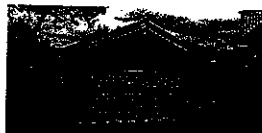


SHEET
1 OF 2

IMPORTANT NOTICE
THIS IS NOT AN AS-BUILT OR TITLE/MORTGAGE SURVEY. ALL IMPROVEMENTS MAY NOT BE REFLECTED HEREON.

NOTE: FRONT AND SIDE BUILDING VIEWS HEREON INTEND TO REPORT HEIGHT DATA ONLY AND DO NOT PURPORT TO BE DETAILED AS-BUILT SKETCHES.

STREET ADDRESS: **7600 DOWNRIDGE DRIVE** CITY: **AUSTIN** TRAVIS
LOT: **24** BLOCK: **J** SUBDIVISION: **VISTA WEST III** 59 70
REFERENCE NAME: **KAREN PRAIRIE**

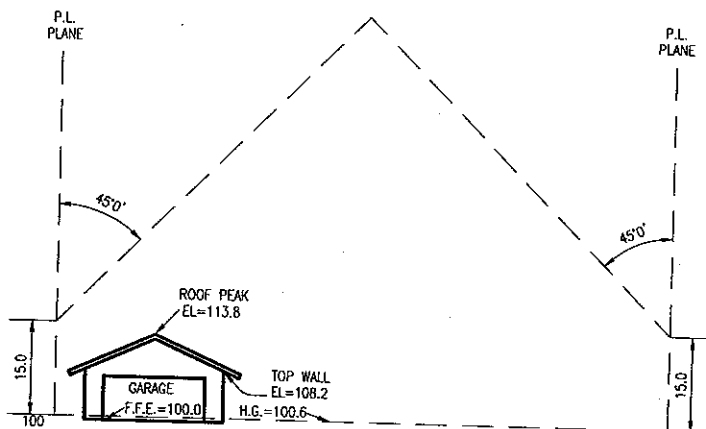


B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: **B & G Surveying, Inc.**
WWW.BANDGSURVEY.COM
1404 West North Loop Blvd. Austin, Texas 78756
Office 512-458-6969, Fax 512-458-9845

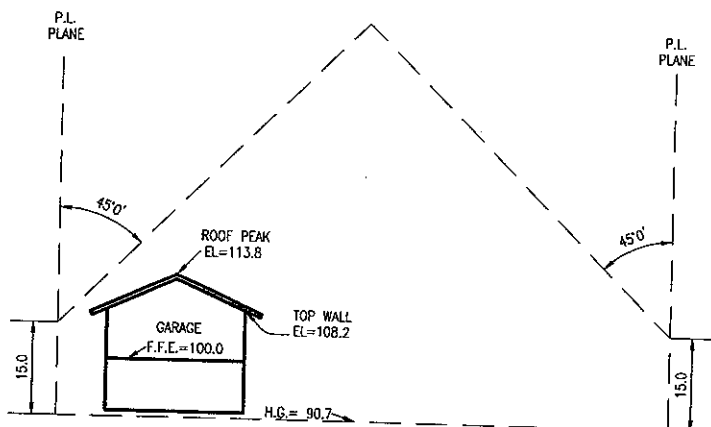
JOB #: B1105811_TA
 DATE: 11-2-11
 SCALE: 1"= 20'

| | | |
|---------------|-------|----------|
| FIELD WORK BY | CHRIS | 11/21/11 |
| CALCD BY | TONI | 11/28/11 |
| DRAFTED BY | TONI | 11/28/11 |
| CHECKED BY | ML | 11/30/11 |

FRONT VIEW - SECTION 'B' & 'C'

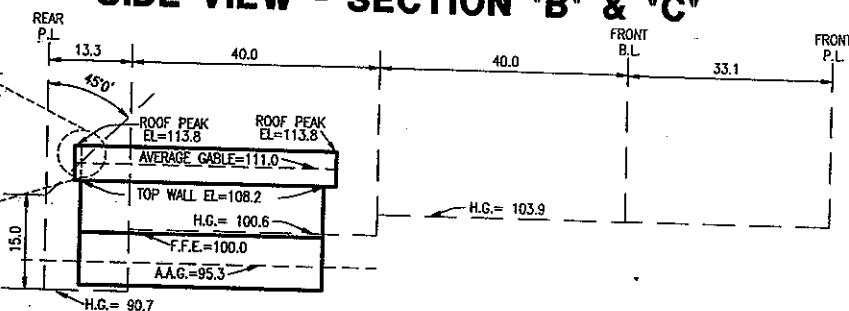
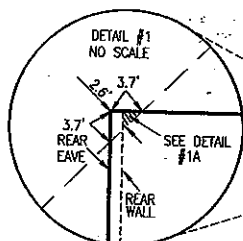
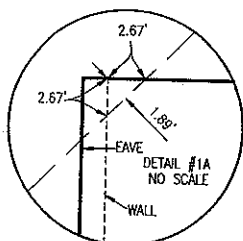


SECTION 'B'



SECTION 'C'

SIDE VIEW - SECTION 'B' & 'C'



LEGEND

- 1/2" REAR FOUND
- 1/2" CAPPED REAR FOUND
- 1/2" IRON PIPE FOUND
- EL. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- () PER PLAT
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- P.O.L. POINT ON LINE
- P.L. PROPERTY LINE
- F.F.E. FINISHED FLOOR ELEVATION
- H.G. HIGHEST GROUND ELEVATION OF SECTION NOTED
- A.A.G. AVERAGE ADJACENT GRADE OF EXISTING GROUND
- CONDITIONS ON X AT BUILDING CORNERS
- EXISTING GROUND ELEVATION SHOT ON 11/21/11.

[Signature]
TO THE TIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

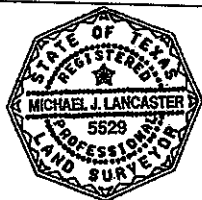
BUILDING HEIGHT REPORT

IMPORTANT NOTICE

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NOTE: FRONT AND SIDE BUILDING VIEWS HEREON INTEND TO REPORT HEIGHT DATA ONLY AND DO NOT PURPORT TO BE DETAILED AS-BUILT SKETCHES.

REVISED:



STREET ADDRESS: 7600 DOWNRIDGE DRIVE

LOT: 24

BLOCK: J

SUBDIVISION: VISTA WEST III

CITY: AUSTIN

TRAVERS

REFERENCE NAME:

KAREN PRAIRIE

59

70



B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: B & G Surveying, Inc.

WWW.BANDGSURVEY.COM
1404 West North Loop Blvd, Austin, Texas 78756
Office 512*458-6969; Fax 512*458-9845

JOB #: B1105811_TENT
DATE: 11/30/11
SCALE: 1" = 20'

| | | |
|---------------|-------|----------|
| FIELD BOOK BY | CHRIS | 11/21/11 |
| CALCD BY | TON | 11/28/11 |
| DRAFTED BY | TON | 11/29/11 |
| CHECKED BY | ML | 11/30/11 |

SHEET
2 OF 2

Ramirez, Diana

From: betty_e@msn.com
Sent: Wednesday, January 04, 2012 9:11 PM
To: Walker, Susan
Cc: Ramirez, Diana; Guernsey, Greg; Johnson, Christopher [PDRD]; Gibbs, Carol
Subject: Case#C15-2011-0138- 7600 Downridge Please Forward to BOA members with packet sent in advance of hearing
Attachments: Comments for BOA-.2) 1-9-12 Case#C15-2011-0138- 7600 Downridge.pdf

Ms. Walker-

Please add the attached 1-pg. cover and Realtor letter (2-pgs) to the BOA members advance packet for this hearing on January 9, 2011 agenda. (postponed from 12-11-11)

Also, could you please acknowledge receipt of this message and attachments as well inclusion in the BOA package.

Thank you,

Betty Epstein

The message is ready to be sent with the following file or link attachments:
Comments for BOA-.2) 1-9-12 Case#C15-2011-0138- 7600 Downridge

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

1/5/2012

January 4, 2012

**Case # CI5-2011-0138-7600 Downridge Drive
City of Austin- Susan Walker
Board of Adjustment, January 9th, 2012**

Dear Ms. Walker,

Please see attached Realtor opinion letter speaking to the adverse financial, privacy and other impacts that will result to my adjacent property if these variances are approved.

Please include this cover and the Realtor's opinion letter and credentials (2-pgs) in the advance packet going to the Board before the hearing of this case on January 9. (postponed from 12/12/11)

Thanks,

Betty Epstein

Jody S. Lockshin, CRS, GRI

503 W. 30th Street, Austin, TX 78705

Cell: 512.587.5825, Office: 512.482.8651, jody@habitathunters.com

| | | |
|--|---|--------------|
| Education | The University of Texas at Austin | 1983 |
| | Bachelor of Business Administration, Major: Marketing | |
| | Certified Residential Specialist (CRS) Designation | 2006 |
| | New Home Sales Certification | 2006 |
| | Graduate REALTORS Institute (GRI) Designation | 1989 |
| | Texas Real Estate Broker's License | 1983 |
| Experience | Texas Real Estate Agent's License | 1979 |
| | Habitat Hunters, Inc., Austin, TX | 1983-Present |
| | <i>President</i> | |
| | • Principal of one of Austin's oldest & largest, privately owned, Real Estate Companies, specializing in Residential & Commercial, Sales & Rentals. | |
| | • Supervisor of Company & 22 licensed Texas Real Estate agents, plus staff and interns. | |
| | • Owned Real Estate Company longer than almost any other Broker in Austin. | |
| Real Estate Affiliations & Honors | • Perform all duties professionally, ethically and efficiently to serve clients. | |
| | • National Association of Realtors (NAR) | 1985-Present |
| | • Texas Association of Realtors (TAR) | 1985-Present |
| | • Austin Board of Realtors (ABoR) | |
| | Multi-Billion Dollar Producer | 1985-Present |
| | Advertising Review Committee | |
| | Market Research Committee | |
| | Computer Committee | |
| | Rules and Enforcement Committee | |
| | Forms Committee | |
| | Membership Committee | |
| | • Leasing Management Division/ABoR | 1985-1995 |
| | Chairperson | 1990 |
| | Member of the Year | 1988 |
| | • Austin Association of Professional Leasing Services (AAPLS) | 1982-1992 |
| Skills | President | 1988 |
| | Treasurer | 1983-1988 |
| | Programming Chairperson | 1989 |
| | • Expert Testimony in Real Estate Related Cases | |
| | • Resource for Print & News Media | |
| | • Effective Negotiator & Marketer | |
| Interests & Community Service | • Dedicated Professional with 28 Years Experience | |
| | • Easily Reachable & Very Responsive | |
| | • Resourceful & Creative | |
| | • Volunteer of the Year, Jewish Community Association of Austin | 2009 |
| | • National and Texas Organ Sharing Alliances, Speaker and Activist | 2002-Present |
| | • Coordinate Networking Group of 500+ Members | 1988-Present |
| | • Lupus Foundation of America | |
| | • American Kidney Foundation | |
| | • Make A Wish Foundation | |
| | • Humane Society | |
| | • Red Cross | |

Habitat Hunters, REALTORS

503 West 30th St., Austin, TX 78705

habitat@habithunters.com jody@habithunters.com

512.482.8651 800.482.8651 Fax.512.482.8656

December 20 2011

Betty Epstein
7620 Parkview Circle
Austin, TX 78731

Dear Betty,

Re:7620 Parkview Circle, Austin, TX 78731

I've been an Austin Real Estate Broker and owner of my own firm, for over 28 years, a Certified Residential Specialist (CRS), Graduate Realtor's Institute (GRI) and a Certified Negotiation Expert (CNE). Attached is my resume outlining my credentials.

One of the main reasons people purchase property in the Vista West area of Austin is for the privacy, views and trees it affords. Also this is a restricted area of single-family homes only, with secondary units, duplexes, garage apartments, etc. prohibited, to maintain and preserve the natural beauty and character of the area.

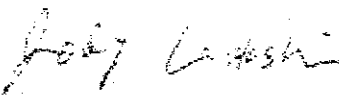
After viewing the ominous structure recently erected by your back neighbors, I feel your property will suffer from devaluation. Several reasons are:

1. The significant lack of privacy you now have, particularly in your kitchen, master bathroom, and upstairs bedroom & office with their towering structure, and with their walls of windows looking straight down into your house.
2. The extremely close proximity to your house.
3. The drainage and debris pushed into your yard area from the runoff.
4. The exposed tree roots and erosion.

When the time comes for you to sell, I feel that in addition to a decrease in value, many purchasers will be eliminated and/or deterred, and the property will take longer to sell, as it is now less desirable.

Please let me know if there are any questions.

Sincerely,



Jody Lockshin, CRS, GRI, REALTOR® President

Ramirez, Diana

From: betty_e@msn.com
Sent: Wednesday, January 04, 2012 8:51 PM
To: Walker, Susan
Cc: Ramirez, Diana; Guernsey, Greg; Johnson, Christopher [PDRD]; Gibbs, Carol
Subject: Case#C15-2011-0138- 7600 Downridge Please Forward to BOA members with packet sent in advance of hearing
Attachments: Comments for BOA- 1-9-12 Case#C15-2011-0138- 7600 Downridge.pdf

Ms. Walker-

Please add the attached 2-pg signatures and 1-pg signature cover letter to the BOA members advance packet for this hearing on January 9, 2011 agenda. (postponed from 12-11-11)

Also, could you please acknowledge receipt of this message and attachments as well inclusion in the BOA package.

Thank you,

Betty Epstein

The message is ready to be sent with the following file or link attachments:
Comments for BOA- 1-9-12 Case#C15-2011-0138- 7600 Downridge

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

January 4, 2012

Case # CI5-2011-0138-7600 Downridge Drive
City of Austin- Susan Walker
Board of Adjustment, January 9th, 2012

Dear Ms. Walker.

Attached are 16 signatures in opposition to these variance requests.
Please note that # 1,2,5,9, 12, 13, & 14 had previously signed a petition in support,
but have now rescinded their support and are now in opposition to the variances.

Please include this cover and these signatures (2 pgs) in the advance packet going to
the Board before the hearing of this case on January 9. (postponed from 12/12/11)

Thanks,

Betty Epstein

Re: 7600 Downridge Dr., 78731 (case # C15-2100-0138) for Requested Variances going before Board of Adjustment 12/12/2011

Prepared to
JAN 9th

I oppose the construction of a 2-family residential structure in our neighborhood that does not comply with code regulations. We do not want something that requires at least 4 variances from code requirements in accordance to build. This re-development was done without obtaining permits and with apparently a number of compliance issues.

Additionally this 2-family structure violates our Vista West III neighborhood deed restrictions, which allow only one single-family dwelling on any lot. Allowing garage apartments, duplexes and the like would promote improper use and alter the character of the neighborhood. We want to preserve the natural beauty of the area, maintain adequate free space and prevent inharmonious improvement.

None of us would want another dwelling in such extreme close proximity that it impaired use of our own home. None of us would want anything built on a neighboring property impeding on top of us. We all deserve and have a right to maintain a sense of privacy in our own homes. This accessory building is not allowed per our neighborhood covenants, imposes on that right and sets a terrible precedent.

I haven't seen anything in their request that justifies the variances they are seeking. I oppose the requests.

| Name / SIGNATURE | Address | Date | Comments |
|--|--------------------|---------|---|
| 1. <i>[Signature]</i> JOHN PARK | 7622 Parkview Cir | 12/5/11 | 1 record per view |
| 2. <i>[Signature]</i> NAME: KARL WIMMER SIGNATURE: Karl Wimmer | 11 | 12/4/11 | 12/5/11 approval of variances Disputed my former signature of signature C15-2011-0138 opposes two-family residential use in Vista West III |
| 3. <i>[Signature]</i> NAME: Sabine Wimmer SIGNATURE: Sabine Wimmer | 7618 Parkview Cir | 12/4/11 | Subject to 2 family |
| 4. <i>[Signature]</i> NAME: M. Miller SIGNATURE: M. Miller | 7618 Parkview Cir | 12/4/11 | Subject to 2 family |
| 5. <i>[Signature]</i> NAME: Robert W. Wilson SIGNATURE: Robert W. Wilson | 7619 Parkview Cir. | 12/7/11 | I resound, previous approval |
| 6. <i>[Signature]</i> NAME: Robert W. Wilson SIGNATURE: Robert W. Wilson | 7627 Parkview Cir. | 12/7/11 | |

7. *[Signature]*
NAME: Robert W. Wilson
SIGNATURE: Robert W. Wilson

8. (See next page.)

Re: 7600 Downridge Dr., 78731 (case # C15-2100-0138) for Requested Variances going before Board of Adjustment 12/12/2011 (cont.)

I haven't seen anything in their request that justifies the variances they are seeking. I oppose the requests. Reported to JAW, 9/4/11

| Name / SIGNATURE | | Address | Date | Comments |
|------------------|--|----------------------|---------|---|
| 7 | <i>Pam Glass</i> | 7625 Parkview Cir. | 12/7/11 | |
| 8 | <i>Thomas R. Glass</i> | 7625 Parkview Cir. | 12/7/11 | |
| 9 | <i>James P. Bonifelli (SALES P. BARNETT)</i> | 7615 Parkview Cir. | 12/5/11 | Ground my previous approval |
| 10 | <i>Mike Dallas</i> | 7613 Parkview Circle | 12/29 | Against 2 family as per deed restrictions. |
| 11 | <i>Lilobie Dallas</i> | 7613 Parkview Circle | 12/29 | |
| 12 | <i>Amy Hart</i> | 7623 Parkview Cir | 12/30 | I withdraw my previous approval |
| 13 | <i>Kim MacInnes</i> | 7617 Parkview | 1/3 | I withdraw my previous approval due to false information provided |
| 14 | <i>Robert MacInnes</i> | 7617 Parkview | 1/4 | I withdraw my previous approval. |
| 15 | <i>James P. Bonifelli</i> | 7621 Parkview Cir | 1/4 | |
| 16 | <i>Betty Epstein</i> | 7620 Parkview Cir | 1/4 | IN OPPOSITION to the privacy, resale, etc |
| 17 | | | | |

Ramirez, Diana

From: betty_e@msn.com
Sent: Thursday, January 05, 2012 4:52 AM
To: Walker, Susan
Cc: Ramirez, Diana; Guernsey, Greg
Subject: Case#C15-2011-0138- 7600 Downridge Please Forward to BOA members with packet sent in advance of hearing
Attachments: For BOA (.3) 1-9-12 Case#C15-2011-0138- 7600 Downridge Drive.pdf; IMG_0048.JPG; IMG_0235.JPG; IMG_0180.JPG; IMG_0296.JPG; IMG_0103.JPG

Ms. Walker-

Please add the attached 5-pg PDF: (3-pg opposition comments plus 2-pg. deed restrictions attachment), and the 5 photo JPG's to the BOA member's advance packet for this hearing on January 9, 2012 agenda.

I sent 2 messages earlier with other information to also be included in the BOA advance packets (sent at 8:44PM and 9:11PM on 1/4/12) and realized I mistakenly noted the date for the hearing as 1/9/11 in my request when I obviously meant it for the upcoming hearing 1/1/12.

Just wanted to make that note and clarify my intention and to be certain all 3 messages and their attachments get sent in advance with Thursday's packet to the board for the upcoming hearing this **Monday, 1/9/12.**

Also, could you please acknowledge receipt of this message (and each of the earlier messages) and attachments as well inclusion in the BOA package?

Thank you,

Betty Epstein

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

1/5/2012

January 4, 2012

Case #C15-2011-0138- 7600 Downridge Drive

c/o Susan Walker, City of Austin

Board of Adjustment, January 9, 2012

3pgs

Dear Board of Adjustment members:

As the adjacent property owner who will be most impacted if these variances are approved, I want to summarize my objections.

I own the property right behind this addition. The applicant's property is located upslope from my home. They are proposing to retain a structure that was constructed without a permit, which is located approximately 6.5 feet from their rear property line. Due to topography on my lot, my home was constructed very near to my rear property line. In fact, a portion of the exterior wall for my home where a portion of my kitchen and master bedroom are located is approximately 11.5 ft from my rear property line. This creates a horizontal spacing between my residence and the applicant's proposed residential unit of approximately 18 ft. When you factor in the impact of the severe slope between our properties, the impact of their illegal structure is magnified. Because of the slope the finished floor elevation for their proposed 2-family residential unit is approximately 856 feet msl. The finished floor elevation for my residence is 836 ft. msl, which means that the floor of their structure towers over my kitchen bedroom and master bathroom windows by 20 feet. Because of their higher elevation, the impact of this building is equivalent to a 3-story residence located 18 ft beyond my back door.

The visual impact of their structure towering over me is not apparent when you look at an aerial photo or site plan. Please see the attached photograph, which was taken from my kitchen window, to get a sense of how this structure impacts me.

Their proposed residential 2-family unit is located much closer to my home than their own and it towers down over me. If this structure is allowed to remain it will create significant privacy issues, quality of life issues, and adverse resale impact to my property. It was not only built into a setback but was also built in an easement. I understand they have applied for a partial easement release after the fact. I have lived in my home for 13 years. When I originally moved in, this existing rear structure was a storage room and open-area deck landing. Because it was an uninhabited storage room, the impact was much less significant to my privacy.

As you can see on the applicant's 1997 survey, their property was originally developed as a single-family home with a detached carport. This carport has been converted to a garage without a permit. TCAD records still show this structure as a carport. The previous owner had constructed a storage unit at the back of this carport, and later a 1/2 bath was added adjacent to the rear of the storage area. Adjacent to the 1/2 bath a covered deck area (cabana) was built off the pool and a workshop/storage was added off this. None of these uses were inter-connected.

In recent months, I have watched in horror as they have knocked out walls of the unconnected rooms, plus taken in the adjacent covered deck and landing, creating a full apartment, full kitchen, full bath, and living/bedroom behind their (non-permitted) detached garage. The 2 small storage room windows that faced my property were replaced with a wall of 6 windows approximately 5x3 each all staring down into my kitchen, master bath, and home office, which are the 3 rooms that I use the most. In addition, the eastern wall of their structure, which was constructed as an unpermitted addition, now has 2 full lite 7-ft. tall glass patio doors and full-lite 7 ft. glass panels on either side. The amount of windows and glass doors that stare down onto my property has caused me to lose all sense of privacy in my own home.

It's as if they designed the front of their residential unit to be facing the rear of my property. They have also added unsightly double-stacked sonatube stilt piers with no foundation review. The cumulative impact of their unpermitted improvements has impaired the use of my adjacent property in terms of privacy, drainage, erosion, resale value, exterior lighting glare, air conditioning systems placement and noise.

The building permit application that they will be required to file states that they will be required to abide by any deed restrictions. I do not know how they will be able to comply with that requirement, since this second residential structure will violate the Vista West 3 deed restrictions, which state: "No building will be erected, altered, placed or permitted to remain on any lot other than one single-family dwelling." A copy of this deed restriction is attached."

This structure has become something that it was not when I bought my home 13 years ago. It is now intended to become a residence, which will significantly impose on my privacy and quality of life. Due to unpermitted additions and alterations to this structure, it can no longer be considered a legal noncomplying use.

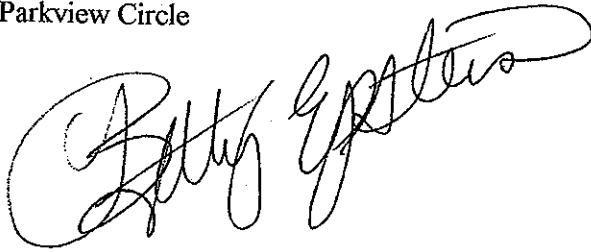
Regarding their request for an impervious cover variance, I want to note that due to the steep slope and ongoing erosion and drainage problems along the rear of my property, any increase in the allowed impervious cover will greatly exacerbate the adverse impact to my property. According to their survey they have 12,408 square feet of lot area, which would allow them 5,584 square feet of impervious cover. They are proposing to exceed the allowable impervious cover by 4% or 452 square feet. It has been alluded that they may be considering replacing front sidewalks with crushed granite to reduce this number. I want to make the point that crushed granite sidewalks in their front yard will in no way alleviate the drainage impact onto my property, and I would request the board to add conditions requiring gutters and downspouts diverted away from my property if any of the requested variances are granted.

I oppose anything involving occupancy or additional mass in the location of this addition behind the applicant's detached garage, which sits back from their primary home to the rear of their property. It is simply too close to my home.

The impact of these variance requests cannot be seen from the adjacent street. It is behind the garage all the way to the rear. I invite you to view the property from my driveway at 7620 Parkview Circle. Please come around to the rear of my home. Photos alone cannot convey the impact of this structure as seeing it in person. Please come see for yourself.

Thank you for allowing me to register my concerns.

Betty Epstein
7620 Parkview Circle

A handwritten signature in cursive script, reading "Betty Epstein". The signature is written in dark ink and is positioned below the typed name and address.

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS:

81-3018

750

This declaration of restrictions, made this 5th day of July, 1973, by Fawn Ridge Development Corporation, a Texas corporation acting by and through its duly authorized officer, hereinafter called "developer":

W I T N E S S E T H :

WHEREAS, developer is the sole owner of all lots in Vista West - 3, a subdivision out of 27.033 acres of the T. J. Chambers Survey, in Travis County, Texas, according to the plat thereof of record in Book 59, Page 70, Plat Records of Travis County, Texas, to which plat and its record reference is here made for all purposes, and desires to encumber said lots with the covenants, conditions, restrictions, reservations, and charges hereinafter set forth, which shall inure to the benefit and pass with said property, each and every parcel thereof, and shall apply to and bind the successors in interest and any other owner thereof:

NOW, THEREFORE, Fawn Ridge Development Corporation, the sole owner in fee simple of Vista West - 3, hereby declares that all lots in said subdivision shall be held, transferred, sold, and conveyed, subject to the following covenants, conditions, restrictions, reservations, and charges, hereby specifying and agreeing that this declaration and the provisions hereof shall be and do constitute covenants to run with the land and shall be binding on developer, its successors and assigns, and all subsequent owners of each lot, and the owners by acceptance of their deeds for themselves, their heirs, executors, administrators, successors, and assigns, covenant and agree to abide by the terms and conditions of this declaration:

I.

PROPERTY SUBJECT TO THE DECLARATION

The property which is and shall be held, transferred, sold, and conveyed, subject to the covenants, conditions, restrictions,

reservations, and charges hereinafter set forth is described as follows:

All of the lots in Vista West - 3, a subdivision in the City of Austin, Travis County, Texas, according to the plat thereof of record in Book 59, Page 70, Plat Records of Travis County, Texas, to which plat and its record reference is here made.

81-3019

II.

COVENANTS, CONDITIONS, RESTRICTIONS,
RESERVATIONS, AND CHARGES

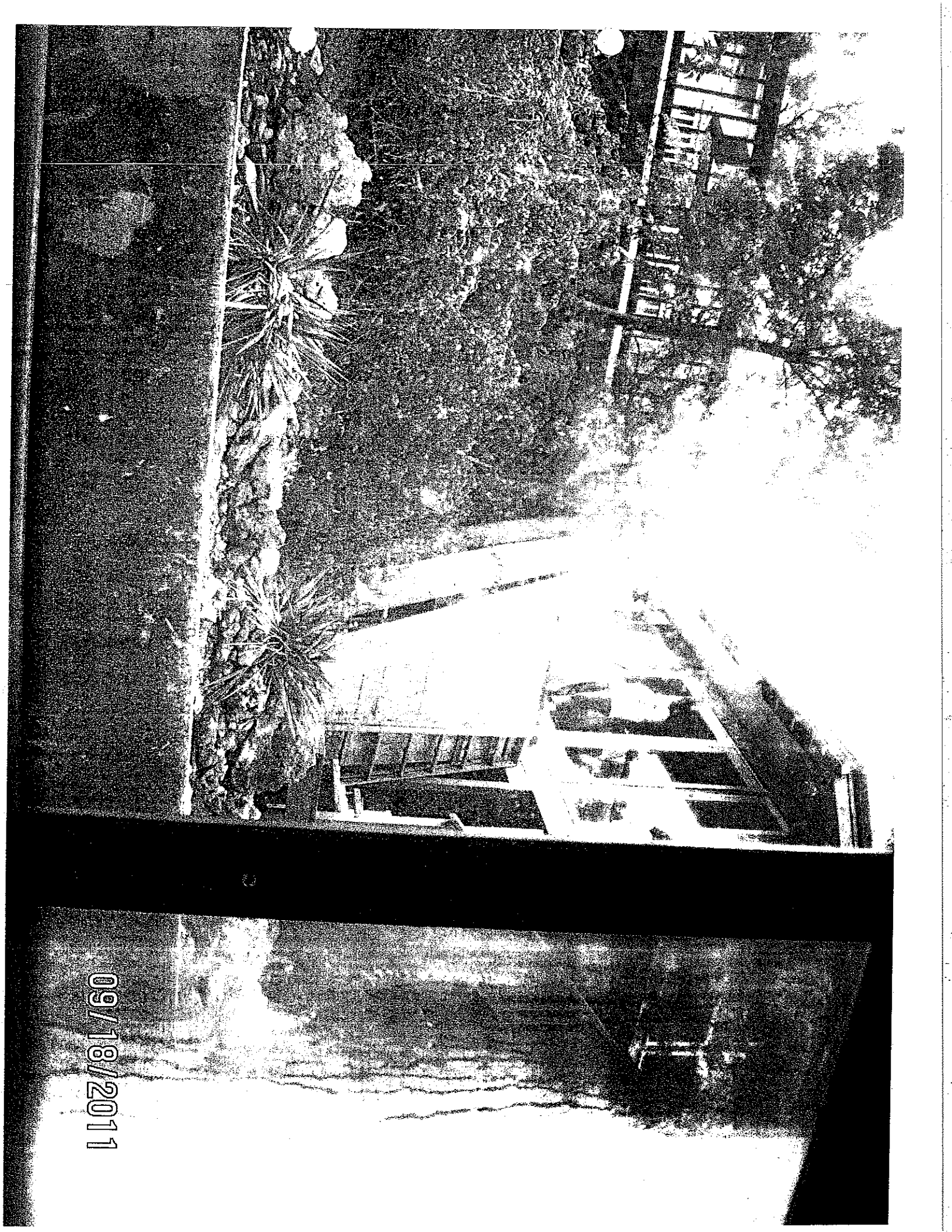
The property described in Section I hereof is encumbered by the covenants, conditions, restrictions, reservations, and charges hereinafter set forth to insure the best and highest use and the most appropriate development and improvement of each lot for residential purposes within said subdivision; to protect owners of lots against improper use of surrounding lots; to preserve so far as practicable, the natural beauty of said property; to guard against the erection of poorly designed or proportioned structures of improper or unsuitable materials; to encourage and secure the erection of attractive improvements on each lot with appropriate locations; to prevent haphazard and inharmonious improvement of lots; to secure and maintain proper setbacks from streets and adequate free space; and in general to provide for development of the highest quality to enhance the value of investments made by owners.

A. Land Use and Building Types. No lot shall be used except for residential purposes.

to exceed two and one-half stories in height with attached garage for not less than two nor more than four cars. No building shall remain uncompleted for more than one year after construction has been commenced.

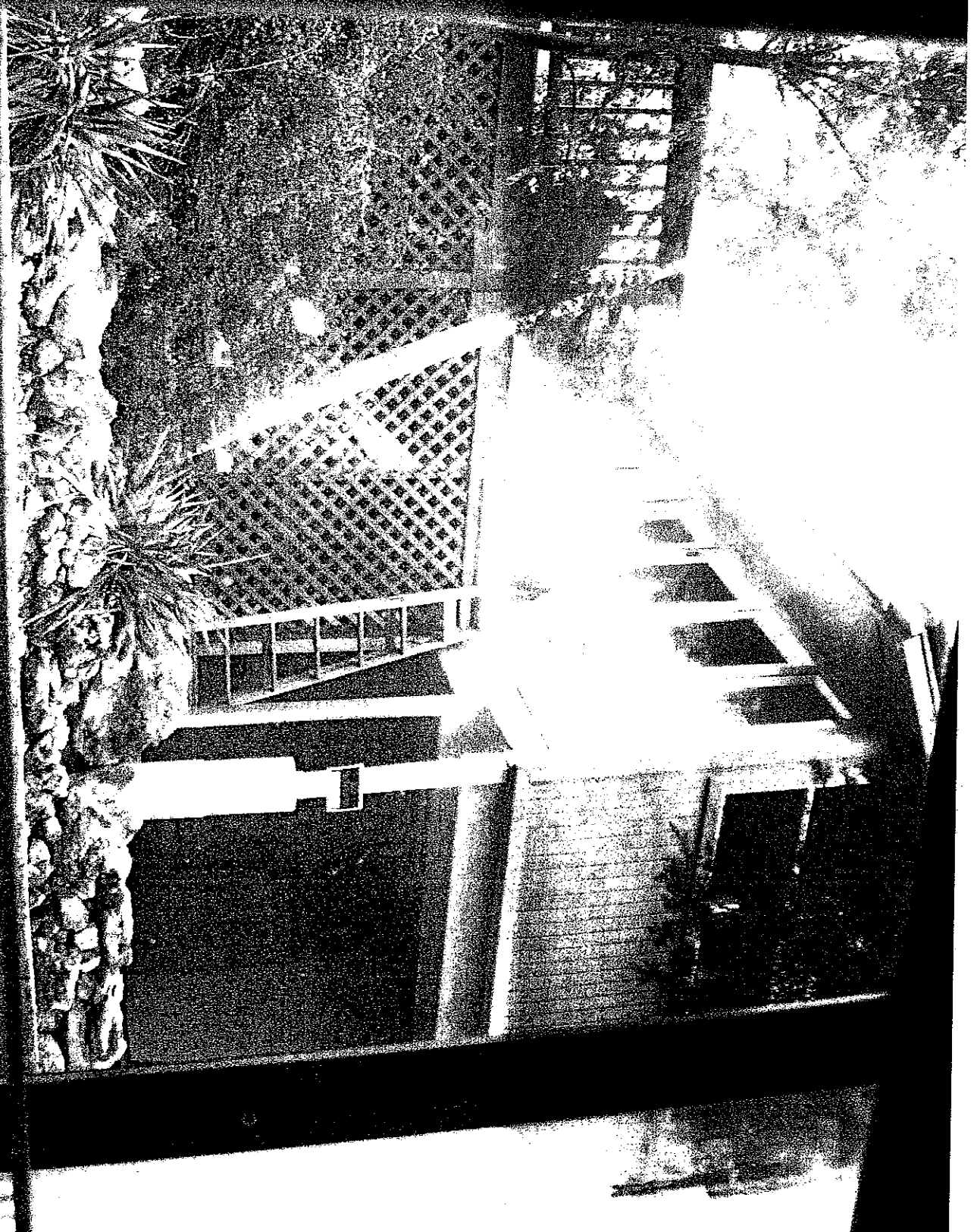
B. Dwelling Size.

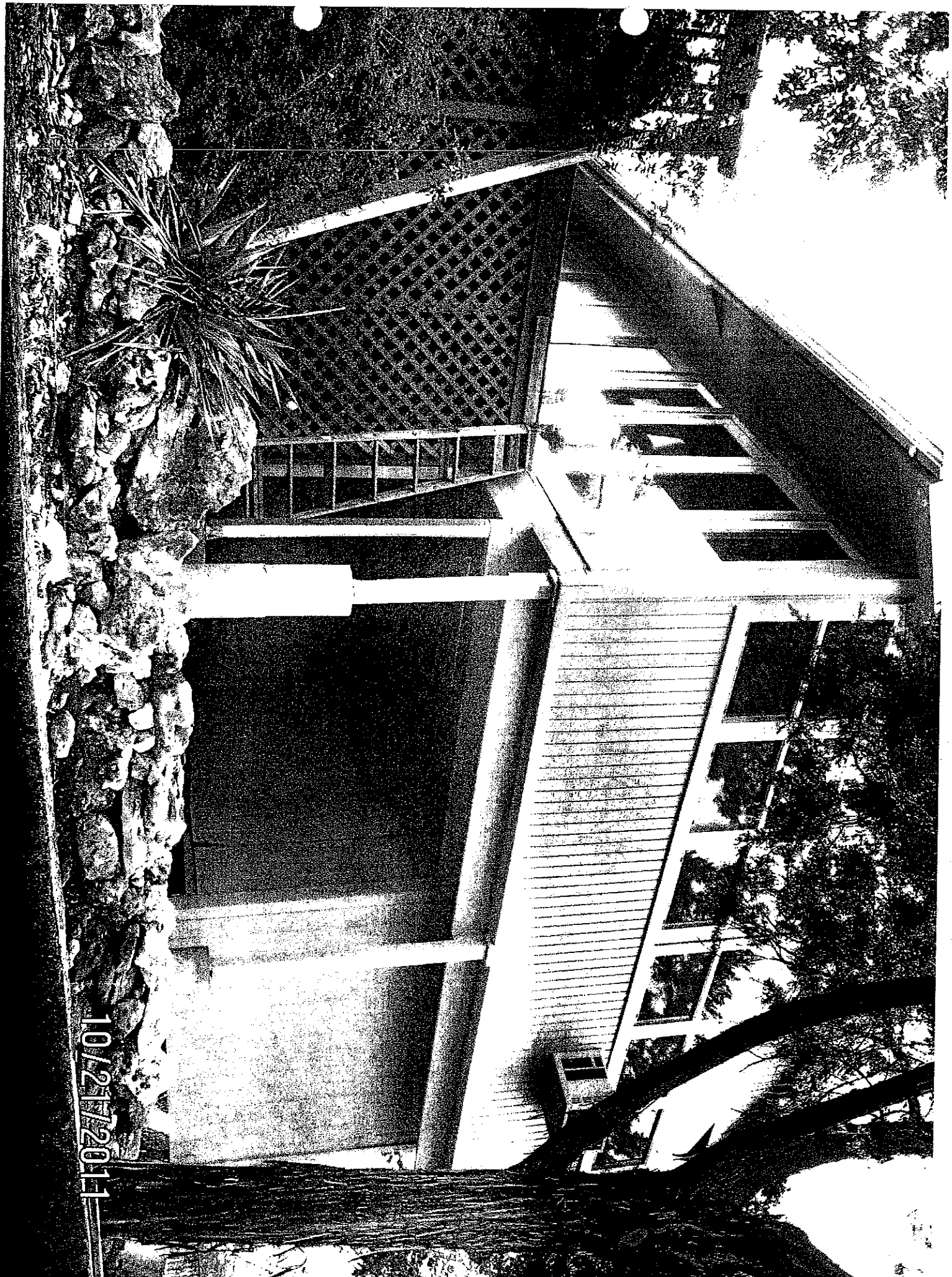
1. Lots 17 through 20, Block "A," -



09/18/2011

11/02/2011





10/21/2011



12/01/2011



10/09/2011

Ramirez, Diana

C15-2011-0138

From: Guernsey, Greg
Sent: Monday, January 09, 2012 9:56 AM
To: 'betty_e@msn.com'
Cc: Walker, Susan; Ramirez, Diana; Johnson, Christopher [PDRD]; McDonald, John; Gibbs, Carol
Subject: FW: 7600 Downridge Drive

Hi Betty:

We just received this postponement request from Ms. Prairie. I believe this is her first request, since City staff requested the last one in December.

Greg

From: Karen Prairie
Sent: Monday, January 09, 2012 9:54 AM
To: Walker, Susan
Cc: Guernsey, Greg
Subject: 7600 Downridge Drive

We are requesting a 60 day postponement on our Board of Adjustment variances to complete our architectural plans.

Address:
7600 Downridge Drive
Austin, TX 78731

Thank you,
Karen Prairie

1/9/2012

Ramirez, Diana

C15-2011-0138

From: Guernsey, Greg
Sent: Monday, January 09, 2012 9:56 AM
To: 'betty_e@msn.com'
Cc: Walker, Susan; Ramirez, Diana; Johnson, Christopher [PDRD]; McDonald, John; Gibbs, Carol
Subject: FW: 7600 Downridge Drive

Hi Betty:

We just received this postponement request from Ms. Prairie. I believe this is her first request, since City staff requested the last one in December.

Greg

From: Karen Prairie
Sent: Monday, January 09, 2012 9:54 AM
To: Walker, Susan
Cc: Guernsey, Greg
Subject: 7600 Downridge Drive

We are requesting a 60 day postponement on our Board of Adjustment variances to complete our architectural plans.

Address:
7600 Downridge Drive
Austin, TX 78731

Thank you,
Karen Prairie

1/9/2012

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

DATE: Monday, December 12, 2011

CASE NUMBER: C15-2011-0138

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

OWNER/APPLICANT: Karen and Drew Prairie

ADDRESS: 7600 DOWNRIDGE DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.5 feet in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 49% in order to maintain impervious coverage for a single family residence and proposed two-family residential use in an "SF-3", 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 4.8 feet in order maintain the enclosure of an existing covered carport for a garage in an "SF-3", Family Residence zoning district.

The applicant has requested a variance from the maximum linear feet of gables or dormers protruding from the setback plane; from the maximum development permitted in Chapter 25-2; Section 2.8.1 A (2) of the Land Development Code in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO JAN 9, 2012

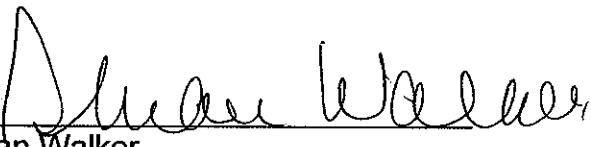
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:

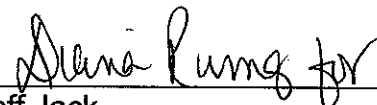
2. (a) The hardship for which the variance is requested is unique to the property in that:

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

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Susan Walker
Executive Liaison



Jeff Jack
Chairman



NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Mailing Date: December 1, 2011

Case Number: C15-2011-0138

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

| | |
|------------|------------------------------------|
| Applicant: | Karen & Drew Prairie; 512-342-8771 |
| Owner: | Same |
| Address: | 7600 DOWNRIDGE DR |

Variance Request(s): The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.5 feet in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

② The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 49% in order to maintain impervious coverage for a single family residence and proposed two-family residential use in an "SF-3", Family Residence zoning district.

③ The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.8 feet in order maintain the enclosure of an existing covered carport for a garage in an "SF-3", Family Residence zoning district.

④ The applicant has requested a variance from the maximum linear feet of gables or dormers protruding from the setback plane; from the maximum development permitted in Chapter 25-2; Section 2.8.1 A (2) of the Land Development Code in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

This application is scheduled to be heard by the Board of Adjustment on December 12th, 2011. The meeting will be held at City Council Chambers, 301 West 2nd Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact **Susan Walker of the Planning and Development Review Department at 512-974-2202** and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/devreview/index.jsp.

For additional information on the City of Austin's land development process, please visit our web site www.ci.austin.tx.us/development.

Walker, Susan

From: McDonald, John
Sent: Tuesday, December 06, 2011 10:47 AM
To: Walker, Susan
Subject: FW: Notice for C15-2011-0138 (7600 Downridge Drive)
Importance: High
Attachments: doc20111205142359.pdf

This is what I sent Chris.

JMM

From: McDonald, John
Sent: Monday, December 05, 2011 3:42 PM
To: Johnson, Christopher [PDRD]
Subject: Notice for C15-2011-0138 (7600 Downridge Drive)
Importance: High

Chris,
See the .pdf. I numbered the variances so you would know which one I was talking about.

I had a meeting with Greg and Sylvia Benavidez on this property this morning. They do not have an active plan review application yet since their submittal package is incomplete. All they have is a placeholder PR folder created by Sylvia. They are proceeding to BOA without gone through a formal plan review (which we have historically allowed - bad idea/process in my opinion).

Greg brought up three areas for me to look at in the notification. The first is number one where it states this is a remodel to a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use. The enclosure is an addition of living area (habitable space), which constitutes an addition and not a remodel.

The second area is variance number four. The variance should be from Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards) Section 2.6(E). This section goes into detail about what is allowed to extend beyond a setback plane; in which, the applicant meets none of the allowable exceptions.

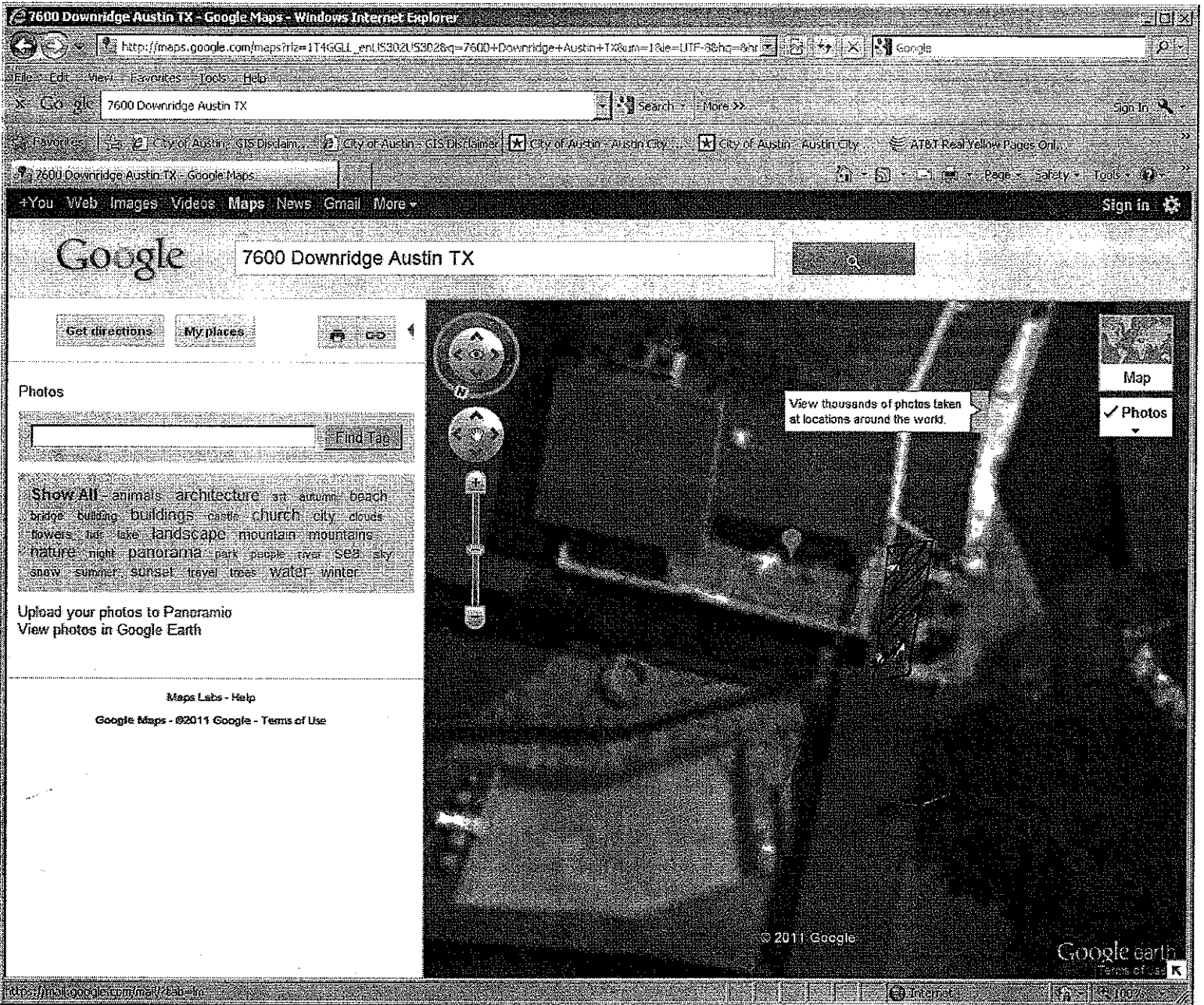
The third area was whether or not a variance would be needed to meet 15' of separation between the principal structure and the secondary dwelling unit. The structure meets the requirements as long as the first floor patio and second floor deck are open (not screened or half enclosed). Sylvia is contacting the Code Compliance Inspector to verify this and I will let you know as soon as I have that information.

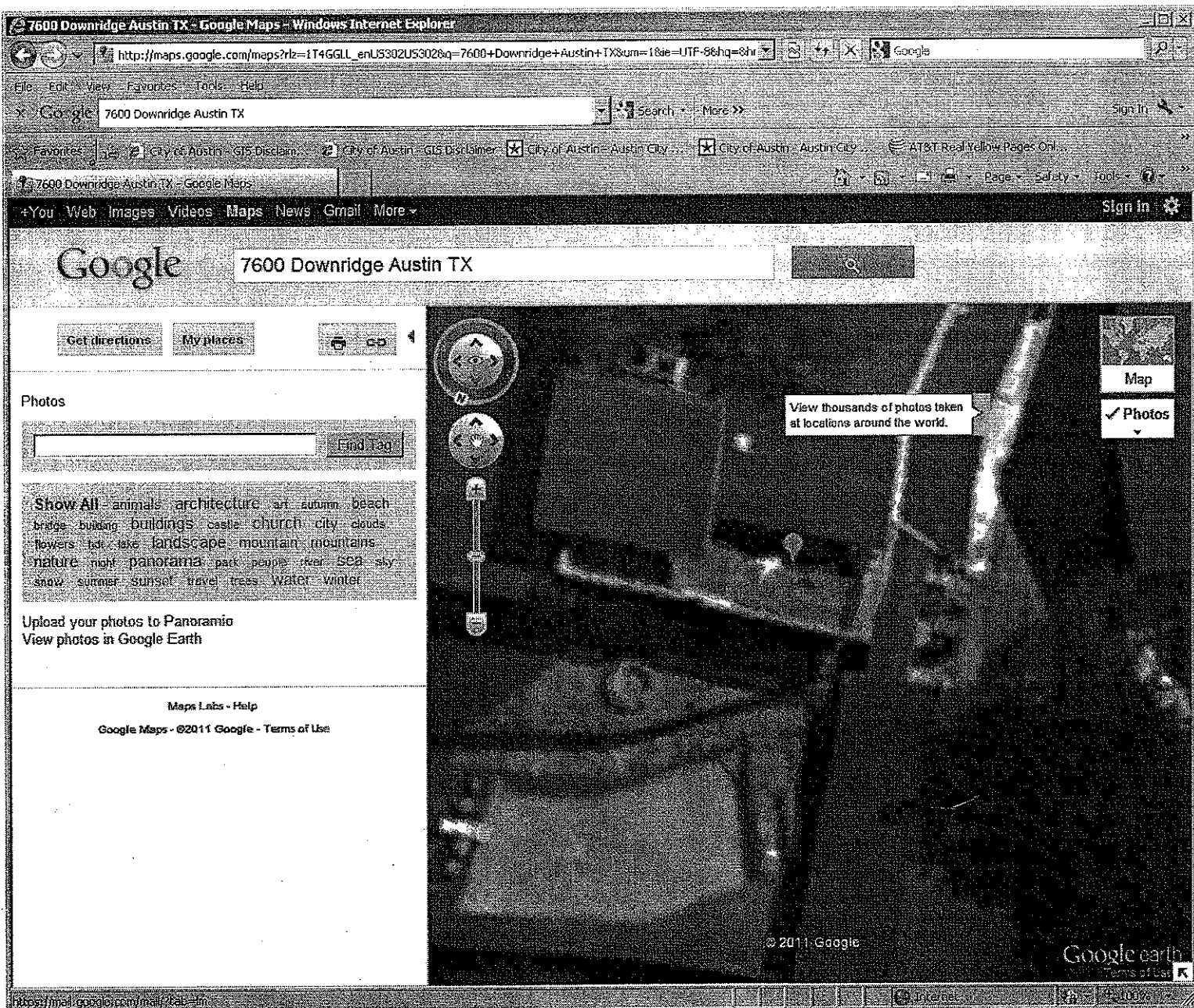
Greg thought based on all of this the case should be postponed on December 12th. Let me know if you have any questions.

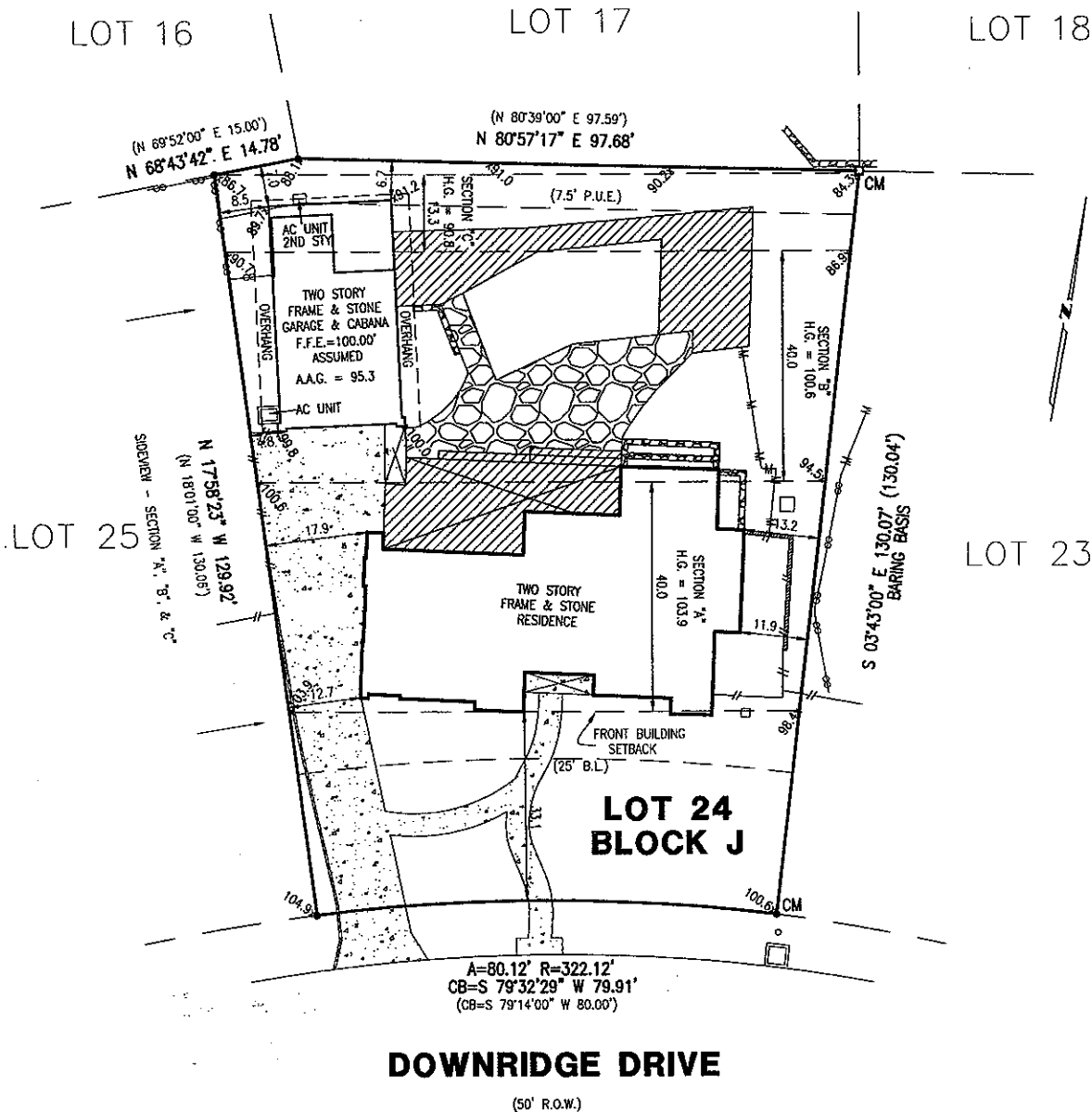
P.S. Sorry the scan is upside down. Use "View - Rotate Clockwise." :<)

John M. McDonald
Planner Principal
Residential Review/PDRD
974-2728 - Office
john.mcdonald@ci.austin.tx.us

12/6/2011

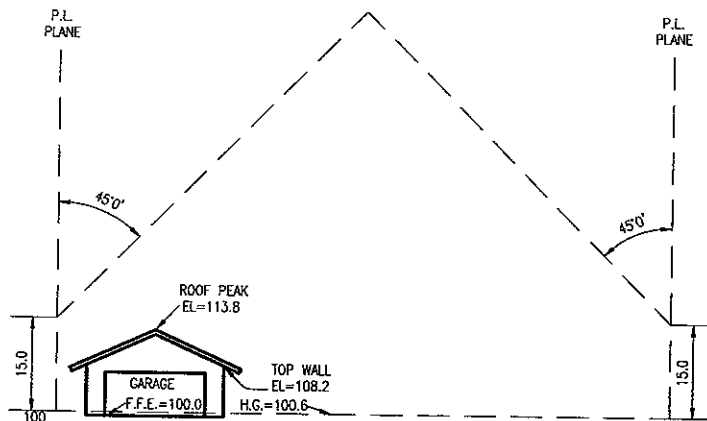




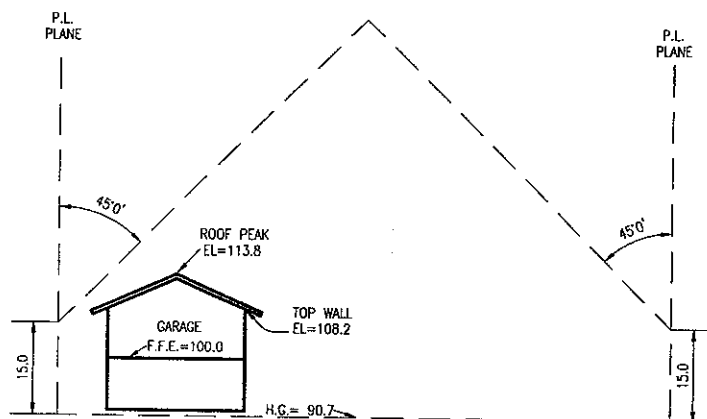


| | | | | | | | | | | | | | |
|---|--|--|------|----------|----------|------|----------|----------|------|----------|------------|----|----------|
| LEGEND 1/2" REBAR FOUND 1/2" CAPPED REBAR FOUND 1/2" IRON PIPE FOUND B.L. BUILDING LINE P.U.E. PUBLIC UTILITY EASEMENT () PER PLAN C.M. CONTROL MONUMENT R.O.W. RIGHT OF WAY P.O.B. PLACE OF BEGINNING P.O.L. POINT ON LINE P.L. PROPERTY LINE F.F.E. FINISHED FLOOR ELEVATION H.G. HIGHEST GROUND ELEVATION OF SECTION NOTED A.A.G. AVERAGE ADJACENT GRADE OF EXISTING GROUND CONDITIONS ON X AT BUILDING CORNERS X101.5 EXISTING GROUND ELEVATION SHOT ON 11/21/11. | TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED BUILDING HEIGHT REPORT | 20' 0 20' GRAPHIC SCALE SHEET 1 OF 2 IMPORTANT NOTICE THIS IS NOT AN AS-BUILT OR TITLE/MORTGAGE SURVEY. ALL IMPROVEMENTS MAY NOT BE REFLECTED HEREON. NOTE: FRONT AND SIDE BUILDING VIEWS HEREON INTEND TO REPORT HEIGHT DATA ONLY AND DO NOT PURPORT TO BE DETAILED AS-BUILT SKETCHES. | | | | | | | | | | | |
| REVISED: | STREET ADDRESS: 7600 DOWNRIDGE DRIVE CITY: AUSTIN TRAVIS LOT: 24 BLOCK: J SUBDIVISION: VISTA WEST III 59 70 REFERENCE NAME: KAREN PRAIRIE B & G SURVEYING, INC. DEWEY H. BURRIS & ASSOCIATES, INC. Surveyed by: B & G Surveying, Inc. WWW.BANDGSURVEY.COM 1404 West North Loop Blvd. Austin, Texas 78758 Office 512-458-6969, Fax 512-458-9845 JOB #: B1105811_TA DATE: 11-2-11 SCALE: 1" = 20' <table border="1"> <tr> <td>FIELD WORK BY</td> <td>CHRS</td> <td>11/21/11</td> </tr> <tr> <td>CALCD BY</td> <td>TONI</td> <td>11/28/11</td> </tr> <tr> <td>DRAWN BY</td> <td>TONI</td> <td>11/29/11</td> </tr> <tr> <td>CHECKED BY</td> <td>ML</td> <td>11/30/11</td> </tr> </table> | FIELD WORK BY | CHRS | 11/21/11 | CALCD BY | TONI | 11/28/11 | DRAWN BY | TONI | 11/29/11 | CHECKED BY | ML | 11/30/11 |
| FIELD WORK BY | CHRS | 11/21/11 | | | | | | | | | | | |
| CALCD BY | TONI | 11/28/11 | | | | | | | | | | | |
| DRAWN BY | TONI | 11/29/11 | | | | | | | | | | | |
| CHECKED BY | ML | 11/30/11 | | | | | | | | | | | |

FRONT VIEW - SECTION 'B' & 'C'

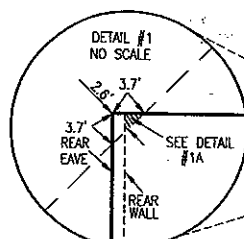
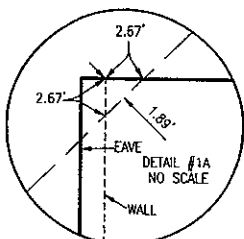
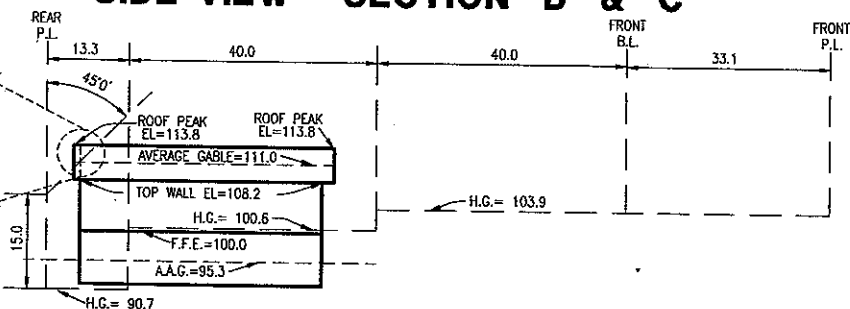


SECTION 'B'



SECTION 'C'

SIDE VIEW - SECTION 'B' & 'C'



LEGEND

- 1/2" REBAR FOUND
- 1/2" CURVED REBAR FOUND
- 1/2" IRON PIPE FOUND
- EL. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- () POT HOLE
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- P.O.L. POINT ON LINE
- P.L. PROPERTY LINE
- F.F.E. FINISHED FLOOR ELEVATION
- H.G. HIGHEST GROUND ELEVATION OF SECTION NOTED
- A.A.G. AVERAGE ADJACENT GROUNDS OF EXISTING GROUND CONDITIONS ON X AT BUILDING CORNERS
- x101.5 EXISTING GROUND ELEVATION SHOT ON 11/21/11

TO THE DEEDHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

BUILDING HEIGHT REPORT

IMPORTANT NOTICE

THIS IS NOT AN AS-BUILT OR TITLE/MORTGAGE SURVEY. ALL IMPROVEMENTS MAY NOT BE REFLECTED HEREON.

NOTE: FRONT AND SIDE BUILDING VIEWS HEREON INTEND TO REPORT HEIGHT DATA ONLY AND DO NOT PURPORT TO BE DETAILED AS-BUILT SKETCHES.

SHEET

2 OF 2

REVISED:



STREET ADDRESS: 7600 DOWNRIDGE DRIVE

CITY: AUSTIN

TRAVERS

LOT: 24 BLOCK: J SUBDIVISION: VISTA WEST III

59 70

REFERENCE NAME: KAREN PRAIRIE



B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: B & G Surveying, Inc.

WWW.BANDGSURVEY.COM
1404 West North Loop Blvd. Austin, Texas 78756
Office 512*458-6969, Fax 512*458-9845

JOB #: B1105811_TENT
DATE: 11/30/11
SCALE: 1"= 20'

| | | |
|---------------|------|----------|
| FIELD WORK BY | CHES | 11/21/11 |
| CALCD BY | TON | 11/28/11 |
| DRAFTED BY | TON | 11/28/11 |
| CHECKED BY | ML | 11/30/11 |

Walker, Susan

From: Gibbs, Carol
Sent: Tuesday, December 06, 2011 5:52 PM
To: Betty_E@msn.com
Cc: Guernsey, Greg; Walker, Susan; McDonald, John; Benavidez, Sylvia; Ramirez, Diana; Johnson, Christopher [PDRD]
Subject: C15-2011-0138 - 7600 Downridge

Betty,

In response to your phone call at 5:25pm today, I am documenting what I just told you:

Per my in-person conversation with Greg Guernsey earlier this afternoon, I can assure you that this case cannot be heard at the Dec 12 Board of Adjustments hearing because there was an error in the notice that was mailed out. Apparently that notice referred to the wrong Section # when citing what section the requested variance(s) applies to in the Land Development Code. That type of mistake constitutes a notification error, which means the case cannot be heard as scheduled, another notice will have to be mailed out, and you can expect the case to be scheduled for the next BOA meeting. I do not know the specific # that was mis-cited, nor what that section # should be – only that it constitutes a postponement.

I understand you had requested this information earlier today, but since I was the only one you were able to reach by phone at this hour, I felt compelled to at least give you this much in writing. I have no additional knowledge about the details of the variance(s) to discuss with you, but hopefully you can rest somewhat, now that the case will not be heard on Monday.

If I have mis-represented anything in this email, I trust one of the others CC'd here will advise us both.

Thank you for your patience.

Carol

Carol Gibbs, Neighborhood Advisor
City of Austin Planning & Development Review Dept.
505 Barton Springs Rd.
512-974-7219
www.ci.austin.tx.us/neighborhood

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act

12/13/2011

Walker, Susan

From: Walker, Susan
Sent: Wednesday, December 07, 2011 4:07 PM
To: Guernsey, Greg; betty_e@msn.com
Cc: Johnson, Christopher [PDRD]; Gibbs, Carol; McDonald, John
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

The applicant will meet both of those requirements for the door within 10 feet of the rear property line and meets the 15' separation requirement and will bring the 4th variance into compliance, so that will not be a notification error. To my knowledge, no additional variances are needed and all are correctly posted.

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Guernsey, Greg
Sent: Wednesday, December 07, 2011 3:39 PM
To: 'betty_e@msn.com'; Walker, Susan
Cc: Johnson, Christopher [PDRD]; Gibbs, Carol; McDonald, John
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Also, as stated to me on 12/5 by both Mr. Guernsey and John McDonald, there are additional required variances and other revisions that will need to still be added to the case going before the board that are not addressed in this notification.

Hi Betty:

FYI: I would like to clarify the above statement. We did not say additional variances were required. We said additional variances may be required and I referenced the door within 10 feet of the rear property line and 15 separation requirements between the front and rear buildings. John did state the posting language for the 4th variance on the notice needed to be revised.

Greg

From: betty_e@msn.com [mailto:betty_e@msn.com]
Sent: Wednesday, December 07, 2011 2:56 PM
To: Walker, Susan
Cc: Guernsey, Greg; Johnson, Christopher [PDRD]; Gibbs, Carol
Subject: Re: C15-2011-0138 - 7600 Downridge Drive

Susan-

Thanks for your reply. This sentence confused me: The Board of Adjustment will confirm the postponement (**if necessary**) on December 12th. Can you clarify this?

You were CC'd on a message last night from Carol Gibbs at 5:51 PM stating "**Per my in-person conversation with Greg Guernsey earlier this afternoon, I can assure you that this case cannot be heard at the Dec 12 Board of Adjustments hearing because there was an error in the notice that was mailed out.** Apparently that notice referred to the wrong Section # when citing what section the requested variance(s) applies to in the Land Development Code. That type of mistake constitutes a notification error, which means the case cannot be heard as scheduled, another notice will have to be mailed out, and you can

12/13/2011

expect the case to be scheduled for the next BOA meeting. I do not know the specific # that was mis-cited, nor what that section # should be – only that it constitutes a postponement.

Also, as stated to me on 12/5 by both Mr. Guernsey and John McDonald, there are additional required variances and other revisions that will need to still be added to the case going before the board that are not addressed in this notification. It appears to be an incomplete case as filed. As I understand the this too dictated with certainty the case must be postponed. In addition the application was incomplete and notices not timely issued. My understanding was there is no question about this postponement and that it is a given. Is that not correct?

I also understood that if applicant elects or in certain situations the case effectively gets postponed in advance vs.- at the meeting. None of us want to show up or prepare for a meeting that will inevitably not be heard. Is that unavoidable?

With information still coming in in pieces and last minute revisions, it is simply impossible to be able to prepare any reasonable response at this midnight hour. There is too much still in flux. The true case in full is still not yet represented. With the way this has gone I was left with hardly moments to prepare but do want to at least get some comment included in the advance package to the board. It may be much later today as I will be tied up with some meetings. Per Mr. Guernsey as long as I get that to you by tomorrow morning it will be included.

I understand that can be delivered by fax or email to you.

Is there any additional information or updates you can provide?

thanks

----- Original Message -----

From: Walker, Susan

To: betty_e@msn.com

Cc: Guernsey, Greg ; Johnson, Christopher [PDRD]

Sent: Wednesday, December 07, 2011 1:38 PM

Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Betty,

If the case is postponed, we will include any information received in the packet for the month that it is postponed to...which I presume would be January 9th. You can also submit new information for that hearing also, but the previously submitted material does not need to be submitted twice.

You will get new notification of the postponed hearing if the variance is postponed and the requested variances change.

The Board of Adjustment will confirm the postponement (if necessary) on December 12th and I am sure it will heard at the January 9th hearing.

I do not have any knowledge at this time that the application is being withdrawn and/or refiled. If the applicant withdraws the case, then the case will remain on the agenda and I will state that the applicant has withdrawn at the hearing. The applicant has not given me any indication that she is withdrawing however.

I have been told that staff is requesting that this case be postponed. If so, you will have additional time to prepare responses for the Board of Adjustment.

If you should have any further questions, please let me know.

Thank you,

Susan Walker

Senior Planner

Planning & Development Review Department

Phone: 512-974-2202

Fax: 512-974-6536

From: betty_e@msn.com [mailto:betty_e@msn.com]
Sent: Tuesday, December 06, 2011 10:07 AM
To: Walker, Susan
Cc: Guernsey, Greg; Johnson, Christopher [PDRD]
Subject: C15-2011-0138 - 7600 Downridge Drive

Hi Susan-

Apparently this case is not ready, will require additional variances and revisions, and thus is set to be postponed from the December 12 agenda.

Can you please explain a couple of things to me regarding how this will work:

Are we (neighboring property owners) still to include our response to the notice dated 12/1 regarding this hearing to be included in the packets going out to the board late this week?

Will there be another notice and another opportunity to do so when the case gets re-filed?

When would it be re-scheduled and when can that re-scheduled hearing date be confirmed?

Is this latest application (11/30-revision) being withdrawn then re-filed? if it is withdrawn then is it then confirmed off the docket immediately?

Could you provide any updates?

I am trying to understand if those of us who would have wanted to include comments in advance and/or attend need to go ahead and act now, and prepare to attend this December 12 hearing or not.

If you could explain where we are and how this works, I would appreciate it.

With little time remaining, especially if we do want to include anything ahead, I would appreciate a prompt reply.

Thank you,

Betty Epstein

Walker, Susan

From: betty_e@msn.com
Sent: Wednesday, December 07, 2011 2:56 PM
To: Walker, Susan
Cc: Guernsey, Greg; Johnson, Christopher [PDRD]; Gibbs, Carol
Subject: Re: C15-2011-0138 - 7600 Downridge Drive

Susan-

Thanks for your reply. This sentence confused me: The Board of Adjustment will confirm the postponement (**if necessary**) on December 12th. Can you clarify this?

You were CC'd on a message last night from Carol Gibbs at 5:51 PM stating ***"Per my in-person conversation with Greg Guernsey earlier this afternoon, I can assure you that this case cannot be heard at the Dec 12 Board of Adjustments hearing because there was an error in the notice that was mailed out. Apparently that notice referred to the wrong Section # when citing what section the requested variance(s) applies to in the Land Development Code. That type of mistake constitutes a notification error, which means the case cannot be heard as scheduled, another notice will have to be mailed out, and you can expect the case to be scheduled for the next BOA meeting. I do not know the specific # that was mis-cited, nor what that section # should be – only that it constitutes a postponement."***

Also, as stated to me on 12/5 by both Mr. Guernsey and John McDonald, there are additional required variances and other revisions that will need to still be added to the case going before the board that are not addressed in this notification. It appears to be an incomplete case as filed. As I understand the this too dictated with certainty the case must be postponed. In addition the application was incomplete and notices not timely issued. My understanding was there is no question about this postponement and that it is a given. Is that not correct?

I also understood that if applicant elects or in certain situations the case effectively gets postponed in advance vs.- at the meeting. None of us want to show up or prepare for a meeting that will inevitably not be heard. Is that unavoidable?

With information still coming in in pieces and last minute revisions, it is simply impossible to be able to prepare any reasonable response at this midnight hour. There is too much still in flux. The true case in full is still not yet represented. With the way this has gone I was left with hardly moments to prepare but do want to at least get some comment included in the advance package to the board. It may be much later today as I will be tied up with some meetings. Per Mr. Guernsey as long as I get that to you by tomorrow morning it will be included.

I understand that can be delivered by fax or email to you.

Is there any additional information or updates you can provide?

thanks

----- Original Message -----

From: Walker, Susan
To: betty_e@msn.com
Cc: Guernsey, Greg ; Johnson, Christopher [PDRD]
Sent: Wednesday, December 07, 2011 1:38 PM
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Betty,

If the case is postponed, we will include any information received in the packet for the month that it is postponed to...which I presume would be January 9th. You can also submit new information for that hearing also, but the previously submitted material does not need to be submitted twice.

You will get new notification of the postponed hearing if the variance is postponed and the requested variances change.

12/13/2011

The Board of Adjustment will confirm the postponement (if necessary) on December 12th and I am sure it will heard at the January 9th hearing.

I do not have any knowledge at this time that the application is being withdrawn and/or refiled. If the applicant withdraws the case, then the case will remain on the agenda and I will state that the applicant has withdrawn at the hearing. The applicant has not given me any indication that she is withdrawing however.

I have been told that staff is requesting that this case be postponed. If so, you will have additional time to prepare responses for the Board of Adjustment.

If you should have any further questions, please let me know.

Thank you,

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: betty_e@msn.com [mailto:betty_e@msn.com]
Sent: Tuesday, December 06, 2011 10:07 AM
To: Walker, Susan
Cc: Guernsey, Greg; Johnson, Christopher [PDRD]
Subject: C15-2011-0138 - 7600 Downridge Drive

Hi Susan-

Apparently this case is not ready, will require additional variances and revisions, and thus is set to be postponed from the December 12 agenda.

Can you please explain a couple of things to me regarding how this will work:

Are we (neighboring property owners) still to include our response to the notice dated 12/1 regarding this hearing to be included in the packets going out to the board late this week?

Will there be another notice and another opportunity to do so when the case gets re-filed?

When would it be re-scheduled and when can that re-scheduled hearing date be confirmed?

Is this latest application (11/30-revision) being withdrawn then re-filed? if it is withdrawn then is it then confirmed off the docket immediately?

Could you provide any updates?

I am trying to understand if those of us who would have wanted to include comments in advance and/or attend need to go ahead and act now, and prepare to attend this December 12 hearing or not.

If you could explain where we are and how this works, I would appreciate it.

With little time remaining, especially if we do want to include anything ahead, I would appreciate a prompt reply.

Thank you,

Betty Epstein

December 7, 2011

Case # C15-2011-0138- 7600 Downridge Drive
City of Austin- Susan Walker
Board of Adjustment, December 12, 2011

Ms. Walker-

As an adjacent property owner to the property referenced above, please have my objection to the requested variance(s) presented to the members of the Board of Adjustment in advance of their actions on December 12, 2011

I oppose the requested variances for the following reasons:

- 1) These proposed variance requests, if approved would impair the use of my adjacent property in terms of privacy, drainage, property value, noise, etc.
- 2) This property and my property are both part of the Vista West - 3 subdivision, which is a deed restricted community. These variance requests, if approved, would violate those deed restrictions and restrictive covenants which prohibit this 2-family use. Covenant IIA states 'No building shall be erected, altered, placed or permitted to remain on any lot other than one single-family dwelling. In their City of Austin residential permit application which they had to sign, it is stated that "I understand 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."
- 3) This 2-family residential change of use is not in line with the neighborhood character that does not allow duplexes, garage apartments or other 2-family dwellings and it does in fact alter the character of the area adjacent to the property.
- 3) The application represents that this is a legal non-complying structure. However, this structure did not comply with applicable regulations at the time this addition was constructed. I will provide ample evidence to support this.
- 4) The applicant's own survey data submitted with their application showed their intent to expand the square footage of their rear structure. (which has already been increased)
- 5) This is not a request to construct a 2-family residence in a setback. This is a request for approval to retain buildings and improvements that were already constructed without city permits. None of these BOA variances were sought proactively by the homeowner but only done because the property owner was cited by code compliance for developing illegally without a permit.

6) This imposing accessory structure apartment was constructed in extreme close proximity just over 6 feet from my property line, towering over and stares right down into my home.

I want what we all do, to maintain a sense of privacy in my own home. This apartment impedes significantly on that privacy.

I respectfully ask the commission to deny the variance(s) being requested.

Please come look at the property for yourself. You will not be able to see this apartment from the street as it is behind their garage. Please feel free to come up my driveway and to the back of the lot at 7620 Parkview Circle to view the property from the rear.

Thank You,

A handwritten signature in cursive script that reads "Betty Epstein". The signature is written in dark ink and is positioned to the right of the typed name "Betty Epstein".

Betty Epstein
7620 Parkview Circle

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.

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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.

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Case Number: C15-2011-0138 - 7600 Downridge Drive
Contact: Susan Walker, 512-974-2202

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

BETTY EPSTEIN

Your Name (please print)

7620 PARKVIEW CR.

Your address(es) affected by this application

Susan Epstein

Signature

Date

Daytime Telephone: 512-413-8803

Comments:

Please see Attached

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

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Case Number: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

HAL WELNER

Your Name (please print)

7602 Downridge Dr.

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: *422-5664*

Comments:

I am the next door neighbor to the east & see absolutely no problem with this variance.

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: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

SHELLEY BROUSSARD

Your Name (please print)

4701 DOWNRIDGE DRIVE

Your address(es) affected by this application

Susan Walker

Signature

Daytime Telephone: *431-2669*

Comments: *fine with me*

Date

12/5/11

☒ I am in favor
☐ I object

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: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

TOM LANGE

Your Name (please print)

4701 DOWNRIDGE COVE

Your address(es) affected by this application

Signature

415-4275

Daytime Telephone:

Comments: He came by to discuss

Date

12/5/11

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

Ramirez, Diana

From: betty_e@msn.com
Sent: Wednesday, December 07, 2011 11:45 PM
To: Walker, Susan
Cc: Ramirez, Diana; Guernsey, Greg; Gibbs, Carol
Subject: Case # C15-2011-0138 - 7600 Downridge- Postponement Request - please forward to BOA members with packet sent in advance of hearing
Attachments: C15-2011-0138 - 7600 Downridge; RE: C15-2011-0138 - 7600 Downridge Drive

Dear Ms. Walker-

Per the email below sent by Greg Guernsey at 5:32 PM on December 7, 2011, I understand that city staff will request a postponement of this case.

----- Original Message -----

From: Guernsey, Greg
To: betty_e@msn.com
Cc: Johnson, Christopher [PDRD] ; Gibbs, Carol ; McDonald, John ; Walker, Susan
Sent: Wednesday, December 07, 2011 5:32 PM
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Hi Betty:

Staff will still be requesting a postponement, since information regarding the variances was not relayed to you in a timely manner. I understand the property owner is not seeking a variance from the 10 setback which means she will relocate the door and the 15 separation was not necessary since the first floor porch and breezeway are open and not enclosed. Did you drop off or fax the information you wanted to give the BOA today?

Greg

In the event that staff does not request a postponement, please accept this letter as my postponement request based on the following:

As an adjacent property owner who will be deeply impacted by the outcome of these variance requests, I am requesting a one-month postponement of case number C15-2001-0138 at 7600 Downridge Drive.

My justification for this postponement request is as follows:

- 1) Your attached email to me late today December 7th states that the applicant will bring the 4th variance into compliance. I am unclear what "bringing the 4th variance into compliance means". The fact that the variance request is not in compliance less than 5 days before the scheduled hearing date makes it impossible for me to understand and adequately address this variance.
* (Please see attached email #1)

12/12/2011

- 2) Per the attached email from Carol Gibbs dated December 6th and per my meeting with Greg Guernsey and John McDonald late on December 5th, I was told unequivocally that this variance application had a notification error and would have to be postponed, that staff would in fact be requesting that postponement and the case would not be heard on December 12th. I used this information to notify other interested parties that the case would not be heard on the December agenda this Monday. As a result, people who are interested parties will not be in attendance on December 12th.

** (Please see attached email #2)*

- 3) Section 25-1-212 of the City Code states that the building official shall prepare and file a report with the BOA on or before December 1st (the 11th day before the public hearing), and that the building official shall make the report available to the public. We have requested a copy of the report on December 5th and to date have not received a response to this request.

Please add this postponement request and attachments to the board's advance packet for this case.

Thank you,

Betty Epstein
7620 Parkview Circle

Ramirez, Diana

From: Gibbs, Carol
Sent: Tuesday, December 06, 2011 5:52 PM
To: Betty_E@msn.com
Cc: Guernsey, Greg; Walker, Susan; McDonald, John; Benavidez, Sylvia; Ramirez, Diana; Johnson, Christopher [PDRD]
Subject: C15-2011-0138 - 7600 Downridge

Betty,

In response to your phone call at 5:25pm today, I am documenting what I just told you:

Per my in-person conversation with Greg Guernsey earlier this afternoon, I can assure you that this case cannot be heard at the Dec 12 Board of Adjustments hearing because there was an error in the notice that was mailed out. Apparently that notice referred to the wrong Section # when citing what section the requested variance(s) applies to in the Land Development Code. That type of mistake constitutes a notification error, which means the case cannot be heard as scheduled, another notice will have to be mailed out, and you can expect the case to be scheduled for the next BOA meeting. I do not know the specific # that was mis-cited, nor what that section # should be – only that it constitutes a postponement.

I understand you had requested this information earlier today, but since I was the only one you were able to reach by phone at this hour, I felt compelled to at least give you this much in writing. I have no additional knowledge about the details of the variance(s) to discuss with you, but hopefully you can rest somewhat, now that the case will not be heard on Monday.

If I have mis-represented anything in this email, I trust one of the others CC'd here will advise us both.

Thank you for your patience.

Carol

Carol Gibbs, Neighborhood Advisor
City of Austin Planning & Development Review Dept.
505 Barton Springs Rd.
512-974-7219
www.ci.austin.tx.us/neighborhood

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act

12/12/2011

Ramirez, Diana

From: Walker, Susan
Sent: Wednesday, December 07, 2011 4:07 PM
To: Guernsey, Greg; betty_e@msn.com
Cc: Johnson, Christopher [PDRD]; Gibbs, Carol; McDonald, John
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

The applicant will meet both of those requirements for the door within 10 feet of the rear property line and meets the 15' separation requirement and will bring the 4th variance into compliance, so that will not be a notification error. To my knowledge, no additional variances are needed and all are correctly posted.

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Guernsey, Greg
Sent: Wednesday, December 07, 2011 3:39 PM
To: 'betty_e@msn.com'; Walker, Susan
Cc: Johnson, Christopher [PDRD]; Gibbs, Carol; McDonald, John
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Also, as stated to me on 12/5 by both Mr. Guernsey and John McDonald, there are additional required variances and other revisions that will need to still be added to the case going before the board that are not addressed in this notification.

Hi Betty:

FYI: I would like to clarify the above statement. We did not say additional variances were required. We said additional variances may be required and I referenced the door within 10 feet of the rear property line and 15 separation requirements between the front and rear buildings. John did state the posting language for the 4th variance on the notice needed to be revised.

Greg

From: betty_e@msn.com [mailto:betty_e@msn.com]
Sent: Wednesday, December 07, 2011 2:56 PM
To: Walker, Susan
Cc: Guernsey, Greg; Johnson, Christopher [PDRD]; Gibbs, Carol
Subject: Re: C15-2011-0138 - 7600 Downridge Drive

Susan-

Thanks for your reply. This sentence confused me: The Board of Adjustment will confirm the postponement (if necessary) on December 12th. Can you clarify this?

You were CC'd on a message last night from Carol Gibbs at 5:51 PM stating "*Per my in-person conversation with Greg Guernsey earlier this afternoon, I can assure you that this case cannot be heard at the Dec 12 Board of Adjustments hearing because there was an error in the notice that was mailed out. Apparently*

12/12/2011

*that notice referred to the wrong Section # when citing what section the requested variance(s) applies to in the Land Development Code. That type of mistake constitutes a notification error, which means the case cannot be heard as scheduled, another notice will have to be mailed out, and you can expect the case to be scheduled for the next BOA meeting. I do not know the specific # that was mis-cited, nor what that section # should be – **only that it constitutes a postponement.***

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With information still coming in in pieces and last minute revisions, it is simply impossible to be able to prepare any reasonable response at this midnight hour. There is too much still in flux. The true case in full is still not yet represented. With the way this has gone I was left with hardly moments to prepare but do want to at least get some comment included in the advance package to the board. It may be much later today as I will be tied up with some meetings. Per Mr. Guernsey as long as I get that to you by tomorrow morning it will be included. I understand that can be delivered by fax or email to you.

Is there any additional information or updates you can provide?

thanks

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From: Walker, Susan

To: betty_e@msn.com

Cc: Guernsey, Greg ; Johnson, Christopher [PDRD]

Sent: Wednesday, December 07, 2011 1:38 PM

Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Betty,

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You will get new notification of the postponed hearing if the variance is postponed and the requested variances change.

The Board of Adjustment will confirm the postponement (if necessary) on December 12th and I am sure it will heard at the January 9th hearing.

I do not have any knowledge at this time that the application is being withdrawn and/or refiled. If the applicant withdraws the case, then the case will remain on the agenda and I will state that the applicant has withdrawn at the hearing. The applicant has not given me any indication that she is withdrawing however.

I have been told that staff is requesting that this case be postponed. If so, you will have additional time to prepare responses for the Board of Adjustment.

If you should have any further questions, please let me know.

Thank you,

Susan Walker

Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

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Sent: Tuesday, December 06, 2011 10:07 AM
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Cc: Guernsey, Greg; Johnson, Christopher [PDRD]
Subject: C15-2011-0138 - 7600 Downridge Drive

Hi Susan-

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Can you please explain a couple of things to me regarding how this will work:

Are we (neighboring property owners) still to include our response to the notice dated 12/1 regarding this hearing to be included in the packets going out to the board late this week?

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If you could explain where we are and how this works, I would appreciate it.

With little time remaining, especially if we do want to include anything ahead, I would appreciate a prompt reply.

Thank you,

Betty Epstein

12/12/2011

Ramirez, Diana

From: Walker, Susan
Sent: Thursday, December 08, 2011 10:34 AM
To: betty_e@msn.com
Cc: Ramirez, Diana; Guernsey, Greg; Gibbs, Carol
Subject: RE: Case # C15-2011-0138 - 7600 Downridge- Postponement Request - please forward to BOA members with packet sent in advance of hearing

Betty,

The case will be announced as a postponement Monday evening. I have received your attachments and will include the information in the file.

Thank you,

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: betty_e@msn.com [mailto:betty_e@msn.com]
Sent: Wednesday, December 07, 2011 11:45 PM
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Cc: Ramirez, Diana; Guernsey, Greg; Gibbs, Carol
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Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Hi Betty:

Staff will still be requesting a postponement, since information regarding the variances was not relayed to you in a timely manner. I understand the property owner is not seeking a variance from the 10 setback which means she will relocate the door and the 15 separation was not necessary since the first floor porch and breezeway are open and not enclosed. Did you drop off or fax the information you wanted to give the BOA today?

Greg

12/12/2011

In the event that staff does not request a postponement, please accept this letter as my postponement request based on the following:

As an adjacent property owner who will be deeply impacted by the outcome of these variance requests, I am requesting a one-month postponement of case number C15-2001-0138 at 7600 Downridge Drive.

My justification for this postponement request is as follows:

- 1) Your attached email to me late today December 7th states that the applicant will bring the 4th variance into compliance. I am unclear what "bringing the 4th variance into compliance means". The fact that the variance request is not in compliance less than 5 days before the scheduled hearing date makes it impossible for me to understand and adequately address this variance.
* *(Please see attached email #1)*
- 2) Per the attached email from Carol Gibbs dated December 6th and per my meeting with Greg Guernsey and John McDonald late on December 5th, I was told unequivocally that this variance application had a notification error and would have to be postponed, that staff would in fact be requesting that postponement and the case would not be heard on December 12th. I used this information to notify other interested parties that the case would not be heard on the December agenda this Monday. As a result, people who are interested parties will not be in attendance on December 12th.
* *(Please see attached email #2)*
- 3) Section 25-1-212 of the City Code states that the building official shall prepare and file a report with the BOA on or before December 1st (the 11th day before the public hearing), and that the building official shall make the report available to the public. We have requested a copy of the report on December 5th and to date have not received a response to this request.

Please add this postponement request and attachments to the board's advance packet for this case.

Thank you,

Betty Epstein
7620 Parkview Circle

Name: Pam Glass
Address: 7625 Parkview Circle
Austin, TX 78731
Telephone: 512-418-9687
Date: 12/7/11
Case #: C15-2011-0138
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, December 12th, 2011
Total pages: 2

**PLEASE INCLUDE THIS OBJECTION IN ITS ENTIRETY IN THE
ADVANCE PACKET FOR THE BOARD OF ADJUSTMENT
MEMBERS**

I wish to go on record as objecting to the various variances requested by Karen and Drew Prairie, 7600 Downridge Drive, Austin, TX 78731.

Comments:

The Prairies have converted a building from pool house to second dwelling. (This is in direct violation of the Deed Restrictions in this neighborhood.) The building is much closer to the interested party's house than to their own. It is closer already than the law allows, and they are making it closer. The interested party's house is being crowded far more by the variance than the petitioner's house would be if they respected the setback.

In other words, the requested variances being granted would hurt the interested party more than they would help the Prairies.

Regarding the signatures that the Prairies procured from the neighbors, (in favor of the variances being granted):

My guess is that probably few to none of the neighbors object to the Prairies having the benefit they want. NOR, I believe, are there any neighbors, (if they were party to both sides of the story), who would be in favor of the variances **at the expense of** the interested party.

Just because various neighbors signed the Prairie's 'petition' doesn't mean they are in favor of the interested party being disadvantaged. When I was approached by Mr. Prairie for a signature of assent, his request was presented as, 'this is what we want/need-will you sign in support of it?' He had a site plan and mentioned a roofline/ceiling height issue and a discrepancy of a few feet in the setback area. As I recall, nothing was said about any direct impact on the affected neighbor.

Allow me to describe what I see as the direct impact to the interested party: I have been in the interested party's home on various occasions. I have heard and seen active construction on numerous occasions, both before and after the Prairie's were found in violation for not having a permit. I have seen erosion. I have seen a damaged rock wall. I have seen No Trespassing signs posted by the Prairies, facing the interested party's house. I believe that this construction would have a definite affect on the resale value of the interested party's house. In fact, if I were looking to buy a home--that would be the main reason I wouldn't buy it. There is absolutely **no privacy**--whether the interested party is at the kitchen sink window, in the bedroom, taking a bath, or going up the stairs. In my opinion, the interested party's only solution at this moment would be privacy curtains/blinds on all affected windows. I know that if I had construction staring into every part of my house that I use on a daily basis; I would be fighting it tooth and nail. Anybody would. And if the roles were reversed, with the Prairies living where the interested party lives and vice versa, I believe they would be doing the same.

Ordinances, Regulations, Codes, Deed Restrictions, Restrictive Covenants, etc. are in place to protect neighbors; and this interested party needs the protection that these laws were crafted to provide. To do any less is a travesty, in my opinion. It's just not right. I urge you to investigate this case fully, uphold all the law(s) applicable to this matter, and see that this interested party gets justice.

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.

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.

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Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0138 - 7600 Downridge Drive
Contact: Susan Walker, 512-974-2202

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

☐ I am in favor
☒ I object

Your Name (please print) BETTY EPSTEIN

7620 PARKVIEW CR.

Your address(es) affected by this application

Susan Walker 12/17/11
Signature Date

Daytime Telephone: 512-413-8803

Comments: Please see Attached

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

(5)

December 7, 2011

Case # C15-2011-0138- 7600 Downridge Drive
City of Austin- Susan Walker
Board of Adjustment, December 12, 2011

Ms. Walker-

As an adjacent property owner to the property referenced above, please have my objection to the requested variance(s) presented to the members of the Board of Adjustment in advance of their actions on December 12, 2011

I oppose the requested variances for the following reasons:

- 1) These proposed variance requests, if approved would impair the use of my adjacent property in terms of privacy, drainage, property value, noise, etc.
- 2) This property and my property are both part of the Vista West - 3 subdivision, which is a deed restricted community. These variance requests, if approved, would violate those deed restrictions and restrictive covenants which prohibit this 2-family use. Covenant IIA states 'No building shall be erected, altered, placed or permitted to remain on any lot other than one single-family dwelling.
In their City of Austin residential permit application which they had to sign, it is stated that "I understand 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."
- 3) This 2-family residential change of use is not in line with the neighborhood character that does not allow duplexes, garage apartments or other 2-family dwellings and it does in fact alter the character of the area adjacent to the property.
- 3) The application represents that this is a legal non-complying structure. However, this structure did not comply with applicable regulations at the time this addition was constructed. I will provide ample evidence to support this.
- 4) The applicant's own survey data submitted with their application showed their intent to expand the square footage of their rear structure. (which has already been increased)
- 5) This is not a request to construct a 2-family residence in a setback. This is a request for approval to retain buildings and improvements that were already constructed without city permits. None of these BOA variances were sought proactively by the homeowner but only done because the property owner was cited by code compliance for developing illegally without a permit.

6) This imposing accessory structure apartment was constructed in extreme close proximity just over 6 feet from my property line, towering over and stares right down into my home.

I want what we all do, to maintain a sense of privacy in my own home. This apartment impedes significantly on that privacy.

I respectfully ask the commission to deny the variance(s) being requested.

Please come look at the property for yourself. You will not be able to see this apartment from the street as it is behind their garage. Please feel free to come up my driveway and to the back of the lot at 7620 Parkview Circle to view the property from the rear.

Thank You,

A handwritten signature in cursive script that reads "Betty Epstein". The signature is written in dark ink and is positioned to the right of the typed name.

Betty Epstein
7620 Parkview Circle

k

Ramirez, Diana

From: Gibbs, Carol
Sent: Tuesday, December 06, 2011 5:52 PM
To: Betty_E@msn.com
Cc: Guernsey, Greg; Walker, Susan; McDonald, John; Benavidez, Sylvia; Ramirez, Diana; Johnson, Christopher [PDRD]
Subject: C15-2011-0138 - 7600 Downridge

Betty,

In response to your phone call at 5:25pm today, I am documenting what I just told you:

Per my in-person conversation with Greg Guernsey earlier this afternoon, I can assure you that this case cannot be heard at the Dec 12 Board of Adjustments hearing because there was an error in the notice that was mailed out. Apparently that notice referred to the wrong Section # when citing what section the requested variance(s) applies to in the Land Development Code. That type of mistake constitutes a notification error, which means the case cannot be heard as scheduled, another notice will have to be mailed out, and you can expect the case to be scheduled for the next BOA meeting. I do not know the specific # that was mis-cited, nor what that section # should be – only that it constitutes a postponement.

I understand you had requested this information earlier today, but since I was the only one you were able to reach by phone at this hour, I felt compelled to at least give you this much in writing. I have no additional knowledge about the details of the variance(s) to discuss with you, but hopefully you can rest somewhat, now that the case will not be heard on Monday.

If I have mis-represented anything in this email, I trust one of the others CC'd here will advise us both.

Thank you for your patience.

Carol

Carol Gibbs, Neighborhood Advisor
City of Austin Planning & Development Review Dept.
505 Barton Springs Rd.
512-974-7219
www.ci.austin.tx.us/neighborhood

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act

12/8/2011

X

Ramirez, Diana

From: Walker, Susan
Sent: Wednesday, December 07, 2011 4:07 PM
To: Guernsey, Greg; betty_e@msn.com
Cc: Johnson, Christopher [PDRD]; Gibbs, Carol; McDonald, John
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

The applicant will meet both of those requirements for the door within 10 feet of the rear property line and meets the 15' separation requirement and will bring the 4th variance into compliance, so that will not be a notification error. To my knowledge, no additional variances are needed and all are correctly posted.

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Guernsey, Greg
Sent: Wednesday, December 07, 2011 3:39 PM
To: 'betty_e@msn.com'; Walker, Susan
Cc: Johnson, Christopher [PDRD]; Gibbs, Carol; McDonald, John
Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Also, as stated to me on 12/5 by both Mr. Guernsey and John McDonald, there are additional required variances and other revisions that will need to still be added to the case going before the board that are not addressed in this notification.

Hi Betty:

FYI: I would like to clarify the above statement. We did not say additional variances were required. We said additional variances may be required and I referenced the door within 10 feet of the rear property line and 15 separation requirements between the front and rear buildings. John did state the posting language for the 4th variance on the notice needed to be revised.

Greg

From: betty_e@msn.com [mailto:betty_e@msn.com]
Sent: Wednesday, December 07, 2011 2:56 PM
To: Walker, Susan
Cc: Guernsey, Greg; Johnson, Christopher [PDRD]; Gibbs, Carol
Subject: Re: C15-2011-0138 - 7600 Downridge Drive

Susan-

Thanks for your reply. This sentence confused me: The Board of Adjustment will confirm the postponement (**if necessary**) on December 12th. Can you clarify this?

You were CC'd on a message last night from Carol Gibbs at 5:51 PM stating "**Per my in-person conversation with Greg Guernsey earlier this afternoon, I can assure you that this case cannot be heard at the Dec 12 Board of Adjustments hearing because there was an error in the notice that was mailed out.** Apparently

12/8/2011

X

*that notice referred to the wrong Section # when citing what section the requested variance(s) applies to in the Land Development Code. That type of mistake constitutes a notification error, which means the case cannot be heard as scheduled, another notice will have to be mailed out, and you can expect the case to be scheduled for the next BOA meeting. I do not know the specific # that was mis-cited, nor what that section # should be – **only that it constitutes a postponement.***

Also, as stated to me on 12/5 by both Mr. Guernsey and John McDonald, there are additional required variances and other revisions that will need to still be added to the case going before the board that are not addressed in this notification. It appears to be an incomplete case as filed. As I understand the this too dictated with certainty the case must be postponed. In additon the application was incomplete and notices not timely issued. My understanding was there is no question about this postponement and that it is a given. Is that not correct?

I also understood that if applicant elects or in certain situations the case effectively gets postponed in advance vs.- at the meeting. None of us want to show up or prepare for a meeting that will inevitably not be heard. Is that unavoidable?

With information still coming in in pieces and last minute revisions, it is simply impossible to be able to prepare any reasonable response at this midnight hour. There is too much still in flux. The true case in full is still not yet represented. With the way this has gone I was left with hardly moments to prepare but do want to at least get some comment included in the advance package to the board. It may be much later today as I will be tied up with some meetings. Per Mr. Guernsey as long as I get that to you by tomorrow morning it will be included. I understand that can be delivered by fax or email to you.

Is there any additional information or updates you can provide?

thanks

----- Original Message -----

From: Walker, Susan

To: betty_e@msn.com

Cc: Guernsey, Greg ; Johnson, Christopher [PDRD]

Sent: Wednesday, December 07, 2011 1:38 PM

Subject: RE: C15-2011-0138 - 7600 Downridge Drive

Betty,

If the case is postponed, we will include any information received in the packet for the month that it is postponed to...which I presume would be January 9th. You can also submit new information for that hearing also, but the previously submitted material does not need to be submitted twice.

You will get new notification of the postponed hearing if the variance is postponed and the requested variances change.

The Board of Adjustment will confirm the postponement (if necessary) on December 12th and I am sure it will heard at the January 9th hearing.

I do not have any knowledge at this time that the application is being withdrawn and/or refiled. If the applicant withdraws the case, then the case will remain on the agenda and I will state that the applicant has withdrawn at the hearing. The applicant has not given me any indication that she is withdrawing however.

I have been told that staff is requesting that this case be postponed. If so, you will have additional time to prepare responses for the Board of Adjustment.

If you should have any further questions, please let me know.

Thank you,

Susan Walker

12/8/2011

X

Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: betty_e@msn.com [mailto:betty_e@msn.com]
Sent: Tuesday, December 06, 2011 10:07 AM
To: Walker, Susan
Cc: Guernsey, Greg; Johnson, Christopher [PDRD]
Subject: C15-2011-0138 - 7600 Downridge Drive

Hi Susan-

Apparently this case is not ready, will require additional variances and revisions, and thus is set to be postponed from the December 12 agenda.

Can you please explain a couple of things to me regarding how this will work:

Are we (neighboring property owners) still to include our response to the notice dated 12/1 regarding this hearing to be included in the packets going out to the board late this week?

Will there be another notice and another opportunity to do so when the case gets re-filed?

When would it be re-scheduled and when can that re-scheduled hearing date be confirmed?

Is this latest application (11/30-revision) being withdrawn then re-filed? if it is withdrawn then is it then confirmed off the docket immediately?

Could you provide any updates?

I am trying to understand if those of us who would have wanted to include comments in advance and/or attend need to go ahead and act now, and prepare to attend this December 12 hearing or not.

If you could explain where we are and how this works, I would appreciate it.

With little time remaining, especially if we do want to include anything ahead, I would appreciate a prompt reply.

Thank you,

Betty Epstein

12/8/2011

PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing; and:
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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

Lothar A. Olman

Your Name (please print)

7602 Parkview Circle Austin, TX

78731

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 5 December 2011

Comments: 512-345-9157

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: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

Frances & Ben Woolsey
Your Name (please print)

☒ I am in favor
☐ I object

4700 Downridge CV 78731

Your address(es) affected by this application

James Woolsey

12-4-2011

Signature

Date

Daytime Telephone: 524-4233

Comments: I am FOR the proposed

change.

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: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

Shevi Hudspeth
Your Name (please print)

☐ I am in favor
☒ I object

7602 Rim Cove

Your address(es) affected by this application

12/3/11

Date

[Signature]

Signature

Daytime Telephone: 512 502-0100

Comments: Oppose granting variances to
allow owner to go from a single-
family residence to a two-family
residence

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: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

JAMES BARNETT

Your Name (please print)

☐ I am in favor
☐ I object

7603 PARKVIEW CIRCLE

Your address(es) affected by this application

[Signature]

Signature

12/4/2011

Date

Daytime Telephone:

Comments: IN FAVOR OF VARIANCES

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

Revised 11/30/11

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

CASE # 015-2011-0138
ROW # _____

**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: 7600 Downridge Drive

LEGAL DESCRIPTION: Subdivision - Vista West III

Lot(s) 24 Block J Outlot _____ Division _____

I/We Karen Prairie and Andrew Prairie on behalf of
myself/ourselves as authorized agent for

_____ affirm that on _____, _____,

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

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☒ REMODEL ☒ MAINTAIN

Regarding our existing legal non-complying structure:

- A) We request a variance to decrease the minimum rear yard setback requirement from 10 feet to 6.5 feet in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use.
- B) We request a variance to increase the maximum impervious coverage from 45% to 49% in order to maintain impervious coverage for a single family residence and proposed two-family residential use.
- C) We request a variance to decrease the minimum side yard setback from 5 feet to 4.8 feet in order to maintain the enclosure of an existing covered carport for a garage.

D) We request a variance from the maximum linear feet of gables or dormers protruding from the setback plane; from the maximum development permitted in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use.

in a SF3 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

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

We are making improvements to a legal non-complying pre-existing structure that when originally constructed was only required to be setback 5' from the rear property line. The improvements we are making do not alter the existing roofline. We are not expanding the footprint of the structure.

HARDSHIP:

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

The zoning regulations only required a 5' setback when the structure was built in 1980, but the regulation changed and is now 10'. The 10' minimum setback requirements were not in place when the structure was originally built. We are not adding any new square feet. For our legal non-complying pre-existing structure, partial porch enclosure is the necessity for the variance. It would be an undue hardship to have to remove a portion of the structure that was in compliance when constructed in 1980.

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

The structure was originally built in compliance with setback regulations and the structure was originally placed at the rear of the property due to the unique shape of the lot.

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:

For this legal non-complying pre-existing structure, we are not altering the roofline of the structure. We are not expanding the footprint of the structure. We are actually reducing the footprint of the structure in four areas: 1) by removing a portion of a deck that was a couple feet from the property line and was encroaching into the P.U.E., 2) by removing a staircase that was a couple feet from the property line and was encroaching into the P.U.E., 3) by removing a landing that was a couple feet from the property line and was encroaching into the P.U.E., and 4) by removing another portion of the deck that extends into the P.U.E.. By removing the deck, staircase, landing, and the other portion of the deck, we are actually increasing the space between the structure and our rear property line in numerous places. All of the work being proposed is being done in the style of the existing building and other buildings on the property, and we are using matching materials (siding, paint, etc) to what was previously used on the structure. These materials are consistent with the "look and feel" of structures in the neighborhood.

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 _____ Mail Address 7600 Downridge Drive _____

City, State & Zip Austin, Texas 78731 _____

Printed _____ Phone 512-342-8771 _____ Date _____

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

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City, State & Zip Austin, Texas 78731 _____

Printed _____ Phone 512-342-8771 _____ Date _____

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.



NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Mailing Date: December 1, 2011

Case Number: C15-2011-0138

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

| | |
|-------------------|------------------------------------|
| Applicant: | Karen & Drew Prairie; 512-342-8771 |
| Owner: | Same |
| Address: | 7600 DOWNRIDGE DR |

Variance Request(s): The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.5 feet in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 49% in order to maintain impervious coverage for a single family residence and proposed two-family residential use in an "SF-3", Family Residence zoning district.

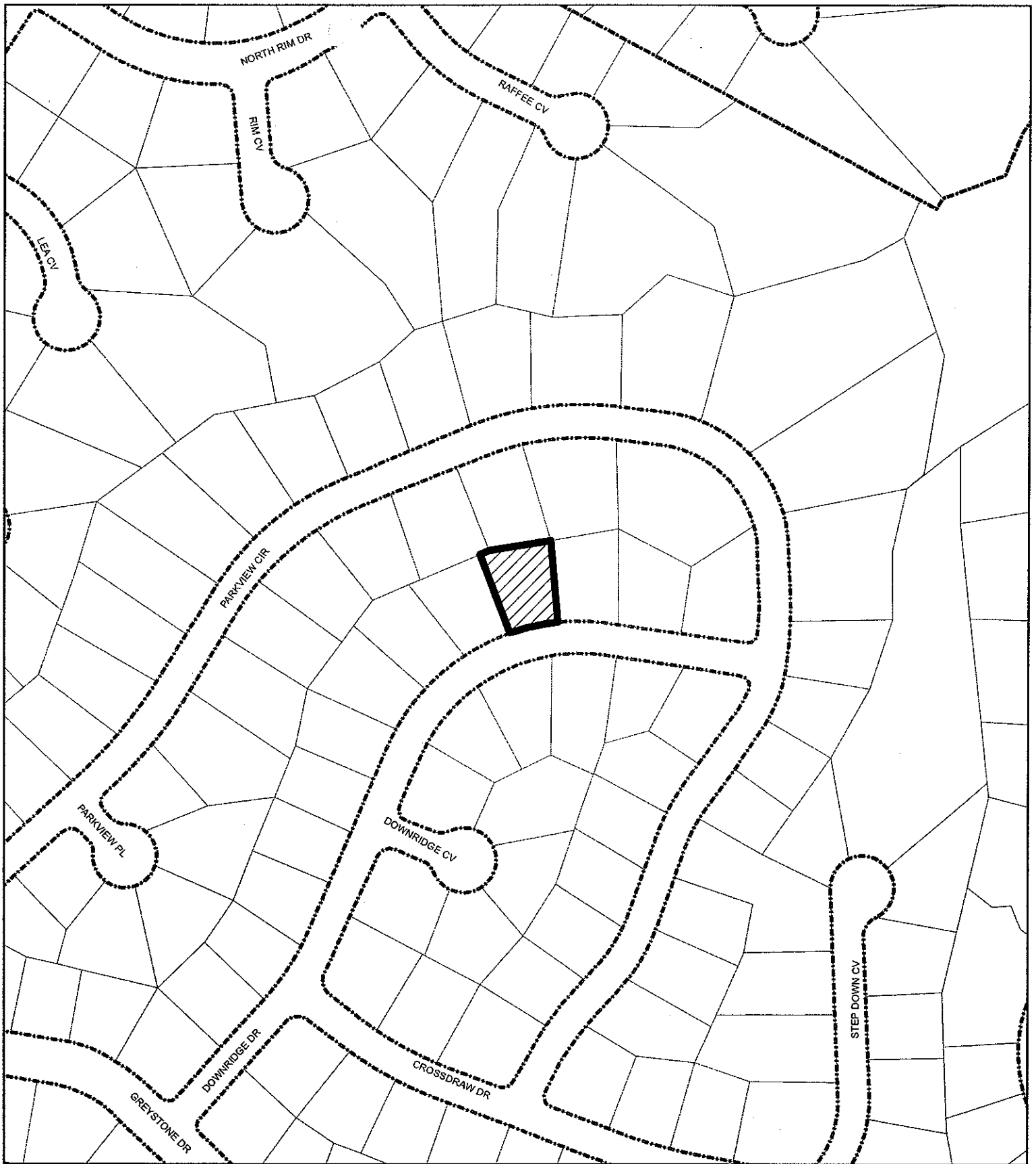
The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.8 feet in order maintain the enclosure of an existing covered carport for a garage in an "SF-3", Family Residence zoning district.

The applicant has requested a variance from the maximum linear feet of gables or dormers protruding from the setback plane; from the maximum development permitted in Chapter 25-2; Section 2.8.1 A (2) of the Land Development Code in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

This application is scheduled to be heard by the Board of Adjustment on December 12th, 2011. The meeting will be held at City Council Chambers, 301 West 2nd Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact **Susan Walker of the Planning and Development Review Department at 512-974-2202** and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/devreview/index.jsp.

For additional information on the City of Austin's land development process, please visit our web site www.ci.austin.tx.us/development.



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0138
LOCATION: 7600 DOWNRIDGE DRIVE



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

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 contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0138 - 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

David & Amy Host
Your Name (please print)

☒ I am in favor
☐ I object

7623 Packview Circle

Your address(es) affected by this application

[Signature]
Signature

12/6/11
Date

Daytime Telephone: 512-415-5600

Comments: We are in favor of allowing Karen and Drew to make the remodel on their house. They are great neighbors and do a great job taking care of their house. Keeping houses maintained and up to date helps keep the entire neighborhood current and safe. The variance they are asking for is very small and this neighborhood has so many trees, nobody would even notice a difference.

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

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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

CASE #

ROW #

C15-2011-0138

10682672

CITY OF AUSTIN

APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-014408-02-25

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

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

STREET ADDRESS: 7600 Downridge Drive

LEGAL DESCRIPTION: Subdivision - Vista West III

Lot(s) 24 Block J Outlot Division

I/We Karen Prairie and Andrew Prairie on behalf of
myself/ourselves as authorized agent for

affirm that on 10/24/11

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ X REMODEL ___ X MAINTAIN

A) An existing legal non-complying guesthouse a.k.a. a pool cabana to enclose end deck for living area providing a rear setback of 6.5 feet.

B) A side setback of 4.7 feet

in a SF-3 district.
(zoning district)

Setback plane
Sec. 2.8.1 A(2)

Impervious Cover

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:

We are making improvements to a legal non-complying pre-existing structure that when originally constructed was only required to be setback 5' from the rear property line. The improvements we are making do not alter the existing roofline. We are not expanding the footprint of the structure.

HARDSHIP:

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

The zoning regulations only required a 5' setback when the structure was built in 1980, but the regulation changed and is now 10'. The 10' minimum setback requirements were not in place when the structure was originally built. We are not adding any new square feet. For our legal non-complying pre-existing structure, partial porch enclosure is the necessity for the variance. It would be an undue hardship to have to remove a portion of the structure that was in compliance when constructed in 1980.

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

The structure was originally built in compliance with setback regulations and the structure was originally placed at the rear of the property due to the unique shape of the lot.

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:

For this legal non-complying pre-existing structure, we are not altering the roofline of the structure. We are not expanding the footprint of the structure. We are actually reducing the footprint of the structure in four areas: 1) by removing a portion of a deck

that was a couple feet from the property line and was encroaching into the P.U.E. , 2) by removing a staircase that was a couple feet from the property line and was encroaching into the P.U.E. , 3) by removing a landing that was a couple feet from the property line and was encroaching into the P.U.E., and 4) by removing another portion of the deck that extends into the P.U.E. . By removing the deck, staircase, landing, and the other portion of the deck, we are actually increasing the space between the structure and our rear property line in numerous places. All of the work being proposed is being done in the style of the existing building and other buildings on the property, and we are using matching materials (siding, paint, etc) to what was previously used on the structure. These materials are consistent with the "look and feel" of structures in the neighborhood.

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:
-
-

ONE STOP SHOP
505 Barton Springs
Austin, Texas 78701
(512) 974-2632 phone
(512) 974-9112 phone
(512) 974-9779 fax
(512) 974-9109 fax



Austin Energy
Electric Service Planning Application (ESPA)
For Residential and Commercial "SERVICE ONLY"
Under 350 amps 1 ϕ or 225 amps 3 ϕ

☒ Check this box if
this is for a
building permit
only.

(Please print or type. Fields left blank will be considered Not Applicable.)

Responsible Person for Service Request Kaven Prairie Phone 512-342-8771
Email Kprairie@Austin.org Fax _____
Project Name Repurpose use of AE ☐ New Construction ☒ Remodeling
Project Address 7602 Downridge Dr **OR**
Legal Description _____ Lot _____ Block _____
Requested Service Duration: ☒ Permanent Service ☐ Construction Power/Temp Service
(Usually less than 24 months)
Who is your electrical service provider? ☒ AE ☐ Other _____

☐ Overhead or ☒ Underground Voltage RFTF 220 ☒ Single-phase (1 ϕ) or ☐ Three-phase (3 ϕ)
Service Main Size(s) 200 Amp (amps) Number of Meters? 1
AE Service Length _____ (ft.) Conductor _____ (type & size)
SqFt Per Unit _____ #Units _____ ☐ All Electric ☒ Gas & Electric ☐ Other _____
Total AC Load 6.5 (Tons) Largest AC unit 3.5 (Tons) ☒
LRA (Locked Rotor Amps) of Largest AC Unit 28.6 (Amps) ☒
Electric Heating 30? (kW) Other _____ (kW)

Comments: Enclose a room on detached pool house

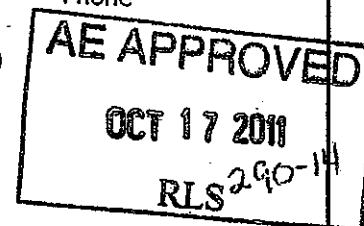
X Mark Buttington
ESPA Completed by (Signature & Print name) 10- Date 512-342-8771 Phone

AE Representative _____ Approved: ☒ Yes ☐ No (Remarks on back) _____ Date _____ Phone _____

Application expires 180 days after date of Approval
(Any change to the above information requires a new ESPA)

Version 1.1.0.0

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.



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 KP Mail Address 7600 Downridge Drive

City, State & Zip Austin, Texas 78731

Printed Karen Prairie Phone 512-342-8771 Date 10/24/11

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 KP Mail Address 7600 Downridge Drive

City, State & Zip Austin, Texas 78731

Printed Karen Prairie Phone 512-342-8771 Date 10/24/11

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s)



OWNER Turner & Holmes ADDRESS 7600 Downridge Dr.

PLAT 886 LOT 24 BLK. J

SUBDIVISION Vista West III

OCCUPANCY Res.

BLDG. PERMIT 68862 DATE 1-17-77 OWNERS ESTIMATE 87,354.00

CONTRACTOR Owner NO. OF FIXTURES 15

WATER TAP REC# E 96512 SEWER TAP REC# 82838

2 stry frm res w. stn ven & detached garage

| | | | | | | |
|--------------------------|--------------------------|------|---------|-----------------|-------------------|--|
| OWNER | Dan Ross | | ADDRESS | | 600 Downridge Dr. | |
| PLAT | 886 | LOT | 24 | BLK. | J | |
| SUBDIVISION | Vista West 3 | | | | | |
| OCCUPANCY | Added to Deck | | | | | |
| BLDG. PERMIT # | 195205 | DATE | 4-28-80 | OWNERS ESTIMATE | 1500.00 | |
| CONTRACTOR | Joe Higgs Bldgrs | | | NO. OF FIXTURES | | |
| WATER TAP REC# | | | | SEWER TAP REC# | | |
| Added to Deck | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Lot 24

Block J

Subdv. Visita West 3

Certificate Of Occupancy

No. **82118**

DEPARTMENT OF BUILDING INSPECTION
City of Austin, Texas

Permit # 168862

Zoning A

Plat 886

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW HAS BEEN
INSPECTED AND THE FOLLOWING OCCUPANCY THEREOF IS HEREBY AUTHORIZED.

Address 7600 Downridge Drive

Use Two story frm res w/stone ven

Owner of Land Turner and Turner

Owner of Improvements _____ Address _____

Contractor _____ Address _____

Plumber Custom No. of Gas Meters 1

Remarks _____

Date April 25, 1978 By _____

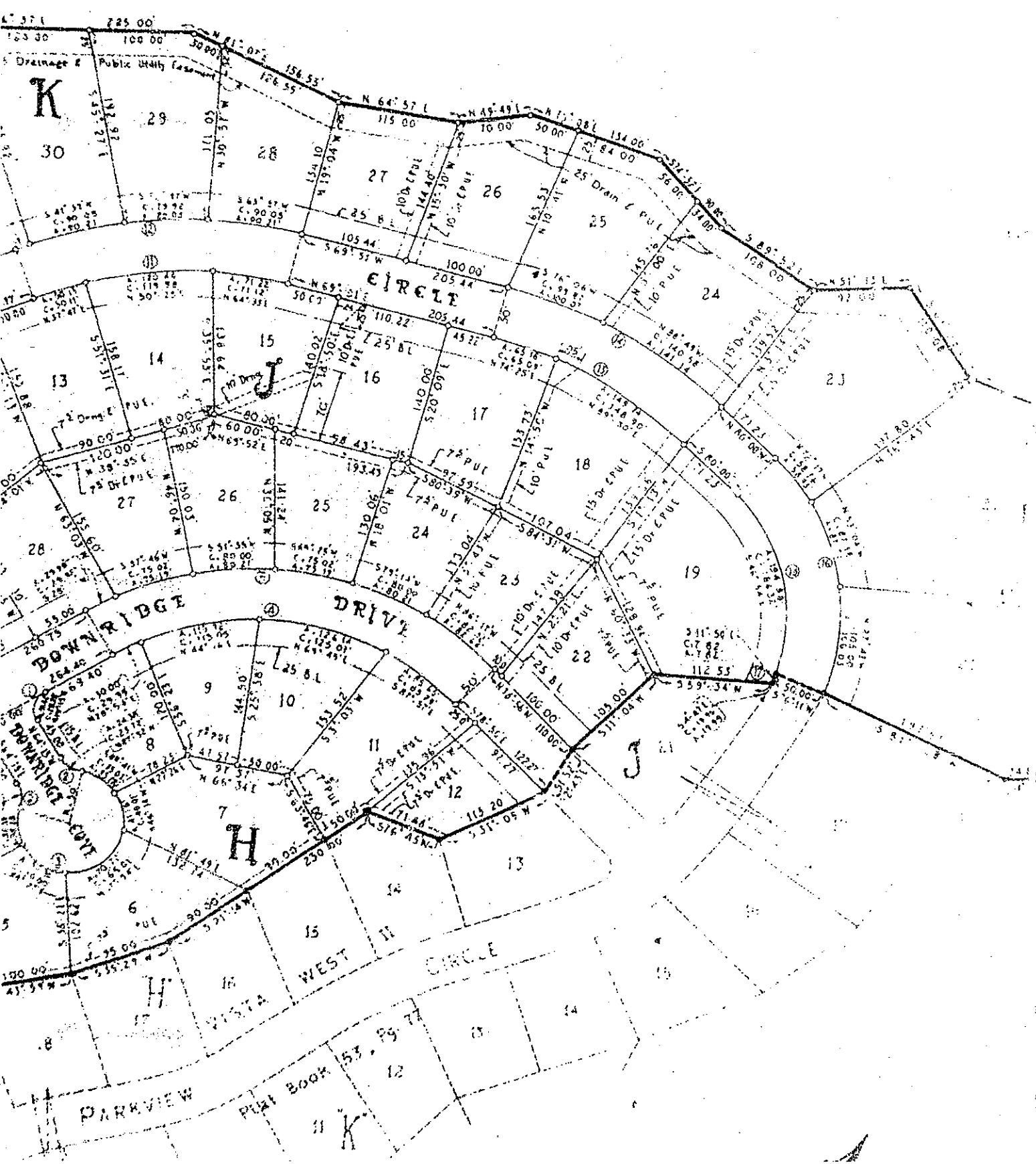
BUILDING OFFICIAL

BID #2008

OFFICE COPY

SEE REVERSE SIDE

Lot 16
B/L 1/2
PARKVIEW

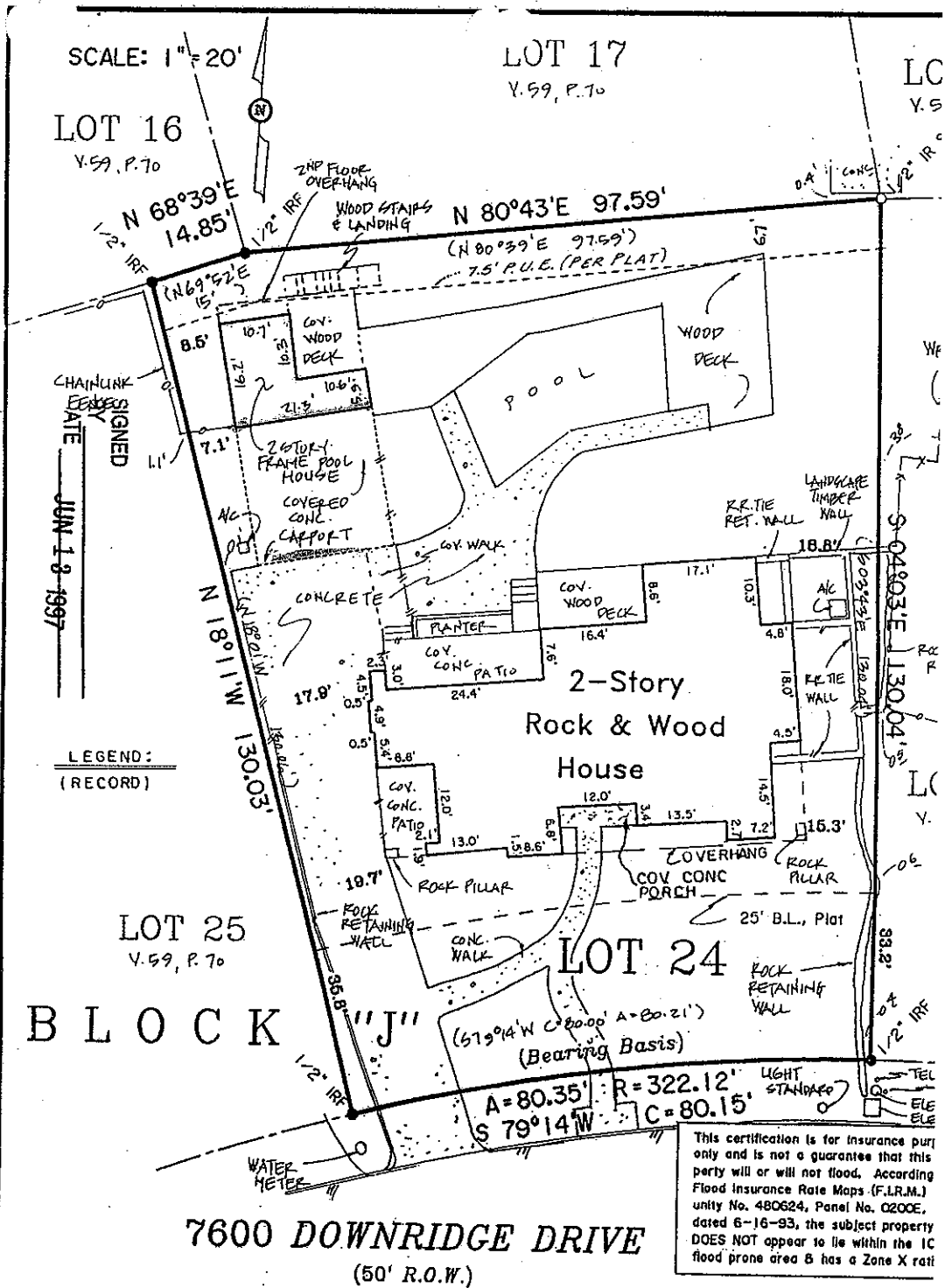


Walker, Susan

From: Benavidez, Sylvia
Sent: Monday, November 21, 2011 12:07 PM
To: Walker, Susan
Subject: 7600 Downridge - Variance

In case she needs the tent variance.

Maximum linear feet of gables or dormers protruding from the setback plane; from the maximum development permitted in Chapter 25-2
of the Land Development Code, Section 2.8.1 A (2)



| | | | | |
|---------|--------|---------------|------------------------|----------------------|
| LOT No. | 24 | BLOCK "J" | SUBDIVISION / ADDITION | VISTA WEST-III |
| SECTION | | PHASE | Book | Page(s) 70 |
| UNIT | | | Volume 59 | Cabinet Slide |
| | TRAVIS | COUNTY, TEXAS | Street Address: | 7600 DOWNRIDGE DRIVE |
| CITY | AUSTIN | | Reference: | KAREN G. RODGERS |

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR
ALAMO TITLE CO.
ALAMO TITLE INSURANCE OF TEXAS

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

JUNE 1997

[Signature]

LANDATA FIELD SERVICES INC.



DATE 6-12-97
TITLE CO. ALAMO
G.F. No. 97016214
Job No. 6 R-24-97
SCALE: 1"=20'

611 South Congress Avenue
Austin, Texas 78704

INC. AUSTIN DIVISION
(512) 440-0071
Fax 440-0199

| | |
|-------------|------|
| By: | |
| FIELD WORK | WW |
| DRAFTING | OK |
| FINAL CHECK | |
| CORRECTIONS | |
| UP DATE | P.D. |



NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Mailing Date: December 1, 2011

Case Number: C15-2011-0138

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| | |
|-------------------|------------------------------------|
| Applicant: | Karen & Drew Prairie; 512-342-8771 |
| Owner: | Same as Applicant |
| Address: | 7600 Downridge Drive |

Variance Request(s): The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.5 feet in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use in an "SF-3", Family Residence zoning district.

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SUBJECT TRACT

ZONING BOUNDARY

CASE#: C15-2011-0138
LOCATION: 7600 DOWNRIDGE DRIVE



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- 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 contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0138 – 7600 Downridge Drive

Contact: Susan Walker, 512-974-2202

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

☐ I am in favor
☐ I object

Your Name (please print)

Your address(es) affected by this application

Signature

Date

Daytime Telephone: _____

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



SCALE: 1"=20'

LOT 17

V.59, P.70

LC

V.5

LOT 16

V.59, P.70

N 68°39'E 14.85'

2ND FLOOR
OVERHANGWOOD STAIRS
& LANDING

N 80°43'E 97.59'

(N 80°39'E 97.59')

7.5' P.U.C. (PER PLAT)

CHAINLINK
FENCE
DATE
JUN 18 1997LEGEND:
(RECORD)

LOT 25

V.59, P.70

BLOCK "J"

2-Story
Rock & Wood
House

LOT 24

(579°14'W C=80.00' A=80.21')
(Bearing Basis)A=80.35' R=322.12'
S 79°14'W C=80.15'7600 DOWNRIDGE DRIVE
(50' R.O.W.)

This certification is for insurance purposes only and is not a guarantee that this party will or will not flood. According to Flood Insurance Rate Maps (F.I.R.M.) unit No. 480624, Panel No. 0200E, dated 6-16-93, the subject property DOES NOT appear to be within the 10 flood prone area & has a Zone X rating.

| | | | | |
|---------|--------|---------------|--------------------------------------|----------------|
| LOT No. | 24 | BLOCK "J" | SUBDIVISION / ADDITION | VISTA WEST-III |
| SECTION | | PHASE | Book | Page(s) 70 |
| UNIT | | | Volume 59 | Cabinet Slide |
| | TRAVIS | COUNTY, TEXAS | Street Address: 7600 DOWNRIDGE DRIVE | |
| CITY | AUSTIN | Reference: | KAREN G. RODGERS | |

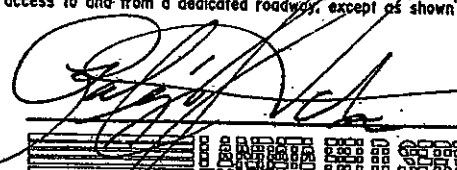
TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR

ALAMO TITLE CO.

ALAMO TITLE INSURANCE OF TEXAS

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

JUNE 1997




DATE 6-12-97
TITLE CO. ALAMO
G.F. No. 97016214
Job No. 6 R-24-97
SCALE: 1"=20'

811 South Congress Avenue
Austin, Texas 78704

INC. AUSTIN DIVISION
(512) 440-0071
Fax 440-0199

| | |
|-------------|------|
| FIELD WORK | WW |
| DRAFTING | SK |
| FINAL CHECK | |
| CORRECTIONS | |
| UP DATE | P.D. |