

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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 # CIS-2012-0034
ROW # 10735515

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-0423570316

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

04-2053-0532

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

STREET ADDRESS: 8208 Via Verde Dr. Austin, TX 78739

LEGAL DESCRIPTION: Subdivision - Circle C Ranch

Lot(s) 72 Block a Outlot Division alta mira sec 2 at circle c ranch

I/We Justin Bailey on behalf of myself/ourselves as authorized agent for

David and Shannon Peris affirm that on January 2, 2012,

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

We would like to attach 2' of lattice to the top of our existing 6' privacy fence. The view from our back porch is that of a large barbed wire topped chain link fence. This fencing surrounds a water tower which is directly behind our property. Due to the elevation change in our yard the barbed wire fence has a towering presence over our own privacy fence.

in a SF-2 district.
(zoning district)

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

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

REASONABLE USE:

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

The fencing around the city's water tower can be seen over the top of the home owners' privacy fencing.

HARDSHIP:

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

The elevation change and the situation of the house on the property allow for larger than normal visibility of the city's fencing.

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

There are only a few houses the back up to the city's property and the elevations of the backyards and house orientations differ on each 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:

Adding 2' of lattice will not alter character or impair use because the fence is already constructed, we are just adding to it. There are no other uses for the property behind the residence other than security of the water tower.

The security fencing around the tower is 8' barbed wire topped, we are asking for the same height. We will not be impairing any other home owners in any way.

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:

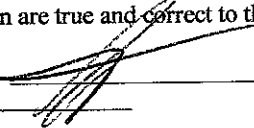
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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 4106 or 309

City, State & Zip
Lexington TX 78947

Printed Justin Bailey Phone (512)573-5776
Date 1/17/12

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

Signed  Mail Address 8208 Via Verde
Dr.

City, State & Zip Austin TX 78739

Printed Shannon Peris Phone 917-903-6596 Date 1/11/12

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.



-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2012-0034
 LOCATION: 8208 VIA VERDE DRIVE



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

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

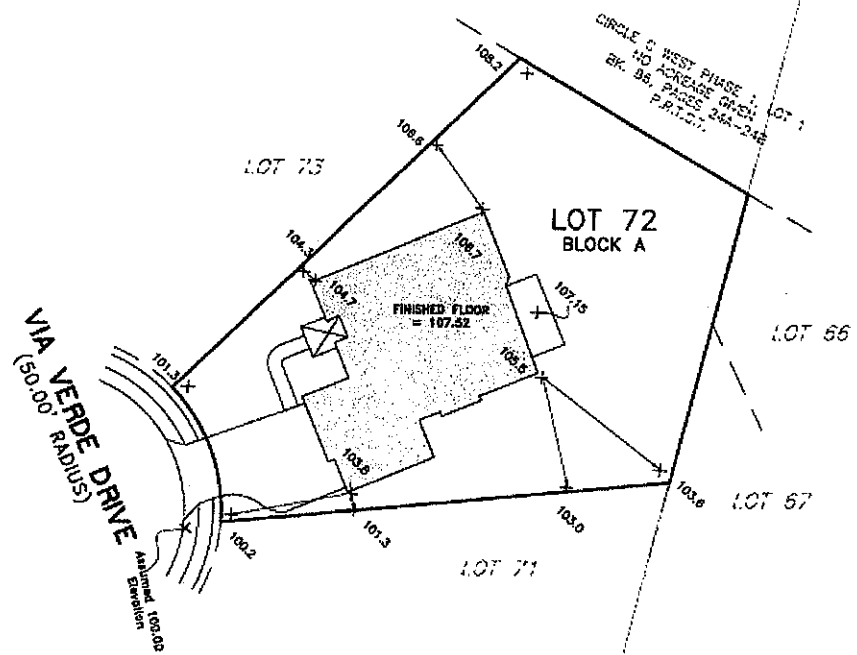
DRAINAGE & ELEVATION PATTERN

Address 8208 VIA VERDE DRIVE, Reference PERIS
 Lot 72, Block A, ALTA MIRA, SECTION 2, AT CIRCLE "C" RANCH
 a Subdivision in TRAVIS County, Texas of record in document # 200700098
 of the Plat Records of TRAVIS County, Texas



SCALE 1"=40'

ALTA MIRA, SECTION 2,
 AT CIRCLE "C" RANCH



LEGEND
 ———— Drainage Flow
THIS IS NOT A BOUNDARY SURVEY
THE ELEVATIONS SHOWN HEREON
ARE BASED ON AN ASSUMED DATUM

The elevations and drainage pattern shown above are the Registered Professional Land Surveyor's certified findings of the finished ground grades around your residence on the date shown above. You, the homeowner, must maintain those elevations and grades to properly drain the water away from your house. The builder of your home will not cover damage to you home caused as a result of changes made in the finished grades.

In addition, the HDW Protection on your residence provided by your builder will not cover structural damage caused as a result of changes made in the finished drainage grades. Therefore, it is your responsibility to maintain the grades as set by the builder and as certified by the surveyor.

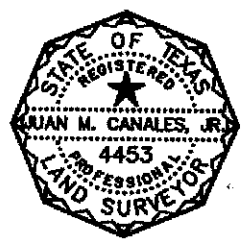
I hereby certify that the elevations and drainage pattern shown hereon were developed from a survey of the above described property, performed on the date shown, and accurately and truly depict the elevations as they existed on the date of said survey. The relative elevations as depicted hereon may change subsequent to the date thereof, due to the subsidence or upheaval of the soil addition or removal of soil by act of persons, erosion by wind or water or other factors. Therefore, this survey may not accurately depict the elevations and drainage pattern of the above property after the date of the survey.

AS SURVEYED BY:
 LANDMARK SURVEYING, LP
 FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr. 5-12-11
 JUAN M. CANALES, JR.
 Registered Professional Land Surveyor No. 4453
 SURVEYED: MAY 10, 2011

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR.

Client: D.R. HORTON, AMERICA'S BUILDER
 Date: MAY 12, 2011
 Office: F. MALDONADO
 Crew: BONDS, DUMN
 F.B.: 1272/37
 Disk: T:\DR HORTON\DR HORTON SURVEYS\ALTA MIRA @ CIRCLE C, SECTION 2\TITLES\BLOCK A\ALTA2-72A.DWG



REPRODUCTION OF THIS SURVEY IS EXPRESSLY FORBIDDEN. COPIES WITHOUT ORIGINAL SIGNATURES ARE VOID.

Landmark
 SURVEYING, LP
 1301 S. CAPITAL OF TEXAS HWY.
 BUILDING B, SUITE 315
 AUSTIN, TEXAS 78746
 PH: (512)328-7411 FAX: (512)328-7415

SURVEY PLAT

Address 8208 VIA VERDE DRIVE Reference PERIS
 Lot 72, Block A, ALTA MIRA, SECTION 2, AT CIRCLE "C" RANCH
 a Subdivision in TRAVIS County, Texas of record in document # 200709098
 of the Plat Records of TRAVIS County, Texas

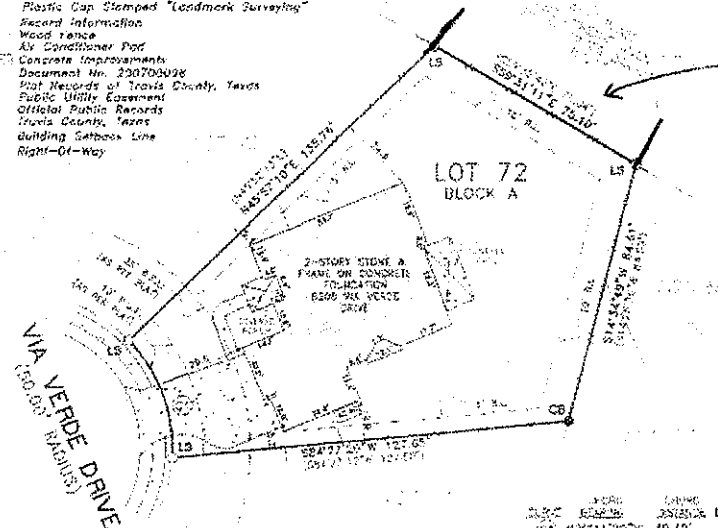


SCALE 1"=40'

ALTA MIRA, SECTION 2,
AT CIRCLE "C" RANCH

LEGEND

- CB 5/8" Iron Rod Found With Plastic Cap Stamped "LANDMARK SURVEYING"
- LS 1/2" Iron Rod Found With Plastic Cap Stamped "Landmark Surveying"
- Record Information
- Wood Fence
- Air Conditioner Pad
- Concrete Improvements
- AS PER PLAT Document No. 200709098 Plat Records of Travis County, Texas
- P.U.E. Public Utility Easement
- O.P.M.C.G.P. Official Public Records Travis County, Texas
- R.S.L. Building Setback Line
- R.O.W. Right-Of-Way



BEARING	DISTANCE	ANGLE	AREA
S 82° 11' 29" W	40.43'	47° 59'	50.00'
S 82° 11' 29" W	40.43'	47° 59'	50.00'

BEARING BASIS NOTE

The bearings shown on this plat were determined from the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983.

NOTES

1. ALL RIGHTS AND EASEMENTS ARE SUBJECT TO THE RECORDS OF THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
 2. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY.
 3. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY.

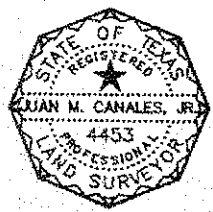
RESPECTIVE COVENANTS AND EASEMENTS

1. The covenants and easements are subject to the records of the Public Records of Travis County, Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983.

2. The covenants and easements are subject to the records of the Public Records of Travis County, Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983.

3. The covenants and easements are subject to the records of the Public Records of Travis County, Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983, and the magnetic declination of the State of Texas, as published in the Surveyors Handbook, 1983.

Juan M. Canales, Jr. 5-12-11
 Surveyor
 State of Texas
 License No. 4433
 Commission Expires 05/12/12



APPROVAL OF THIS SURVEY
 BY THE BOARD OF SURVEYING AND MAPPING
 OFFICE WITHOUT OBJECTION
 DATE 05/12/11

Landmark
 SURVEYING, L.P.
 1401 S. CAPITAL OF TEXAS HWY.
 BUILDING B, SUITE 215
 AUSTIN, TEXAS 78745
 PH: (512) 374-7413 FAX: (512) 374-7415

SURVEY PLAT

Address 820B VIA VERDE DRIVE, Reference PERIS



Lot 72, Block A, ALTA MIRA, SECTION 2, AT CIRCLE "C" RANCH

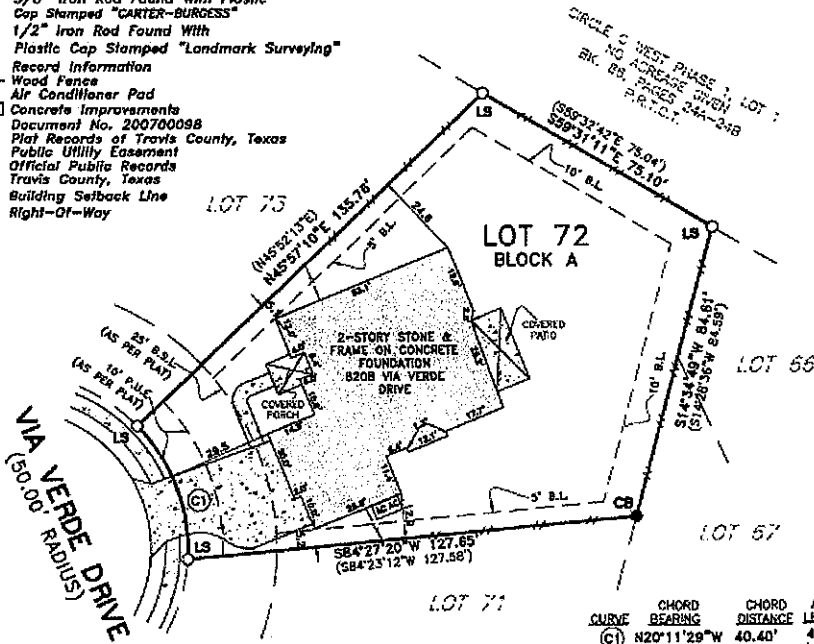
a Subdivision in TRAVIS County, Texas of record in document # 200700098
of the Plat Records of TRAVIS County, Texas

SCALE 1"=40'

ALTA MIRA, SECTION 2, AT CIRCLE "C" RANCH

LEGEND

- CB 5/8" Iron Rod Found With Plastic Cap Stamped "CARTER-BURGESS"
- LS 1/2" Iron Rod Found With Plastic Cap Stamped "Landmark Surveying"
- () Record Information
- Wood Fence
- AC Air Conditioner Pad
- Concrete Improvements
- (AS PER PLAT) Document No. 200700098
- Plat Records of Travis County, Texas
- P.U.E. Public Utility Easement
- O.P.R.T.C.T. Official Public Records Travis County, Texas
- B.S.L. Building Setback Line
- R.O.W. Right-Of-Way



BEARING BASIS NOTE

The Bearing Basis is based on a 5/8" iron rod found stamped Carter Burgess located at the North property corner of lot 80, block A, holding a bearing of N30°27'52"E to a 5/8" iron rod found stamped Carter Burgess located at the Southwest property corner of lot 52, block A, of ALTA MIRA, SECTION 1, AT CIRCLE "C" RANCH.

NOTES:

1. BUILDING LINES AND EASEMENTS MAY AFFECT THIS LOT THAT ARE NOT SHOWN HEREON.
2. BUILDING SETBACK LINES MAY ALSO BE AFFECTED BY LOCAL ZONING ORDINANCE REQUIREMENTS.

RESTRICTIVE COVENANTS AND EASEMENTS

1. Restrictive covenants and easements, as recorded in Document No. 200700098 of the Plat Records of Travis County, Texas, DO AFFECT the subject lot.
2. Restrictive covenants and easements as recorded in Document No. 200006909, Document No. 2001119945, Document No. 2000069010, Document No. 2000069011, Documents Nos. 2004185981, 2004185982, 2004188388, 2000062856, 2000062857, 2000062858, 2000062859, 2002182177, 2002183448, 2005104553, 2000068905, 2007060698 and in Document No. 2005233005 of the Official Public Records of Travis County, Texas, DO AFFECT the subject lot.
3. Restrictive covenants and easements as recorded in Vol. 10588, Pg. 130; Vol. 12515, Pg. 287; Vol. 10961, Pg. 851; Vol. 1031, Pg. 115; Vol. 10683, Pg. 640; Vol. 12526, Pg. 304; Vol. 13131, Pg. 289; Vol. 10621, Pg. 771; Vol. 10716, Pg. 605; Vol. 10729, Pg. 1123; Vol. 10261, Pg. 651; Vol. 11003, Pg. 1060; Vol. 11134, Pg. 1045; Vol. 12142, Pg. 3148; Vol. 12159, Pg. 3169; Vol. 12150, Pg. 3177; Vol. 12180, Pg. 118; Vol. 12219, Pg. 642; Vol. 12244, Pg. 1835; Vol. 12515, Pg. 236; Vol. 12315, Pg. 241; Vol. 11120, Pg. 215; Vol. 11605, Pg. 298; and in Vol. 12515, Pg. 236, et al of the Real Property Records of Travis County, Texas, DO AFFECT the subject lot.
4. Temporary electric utility easement in favor of Permian Electric Cooperative, Inc. a Texas corporation, recorded in Volume 10538, Page 262 of the Real Property Records of Travis County, Texas Does Not Affect the subject lot.
5. 20' water line easement, together with all rights granted therein, conveyed to the City of Austin as described in document recorded in Volume 12776, Page 264 of the Real Property Records of Travis County, Texas Does Not Affect the subject lot.

The property described hereon is contained within Flood Zone "X" as identified on F.I.R.M. Community Panel No. 48453C0560H, dated September 26, 2008 as published by the Federal Emergency Management Agency the purpose of which is for flood insurance only. A title commitment was not available at the time of this survey. All easements of which I have knowledge are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon. No additional research of easements was performed by Landmark Surveying, LP for this survey.

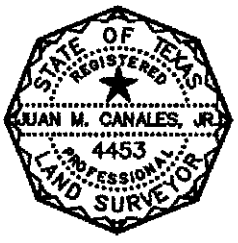
I HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

AS SURVEYED BY:
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr. 5-12-11
JUAN M. CANALES, JR.
Registered Professional Land Surveyor No. 4453
SURVEYED: MAY 10, 2011

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR.

Client: D.R. HORTON, AMERICA'S BUILDER
Date: MAY 12, 2011
Office: F. MALDONADO
Crew: BONDS, DUNN
F.B.: 127/137
Disk: T:\DR HORTON\DR HORTON SURVEYS\ALTA MIRA @ CIRCLE C, SECTION 2\TILES\BLOCK A\ALTA2-72A.DWG



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Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)388-7411 FAX: (512)388-7413

TaxNetUSA: Travis County Property Information

Property ID Number: 751517 Ref ID2 Number: 04205305320000

Owner's Name **PERIS DAVID & SHANNON**

Property Details

Mailing Address 8208 VIA VERDE DR
AUSTIN, TX 78739-1984

Location 8208 VIA VERDE DR 78739

Legal LOT 72 BLK A ALTA MIRA SEC 2 AT CIRCLE C RANCH

Deed Date 05272011

Deed Volume

Deed Page

Exemptions

Freeze Exempt F

ARB Protest F

Agent Code 0

Land Acres 0.3066

Block A

Tract or Lot 72

Docket No. 2011078049TR

Abstract Code S16891

Neighborhood Code O1450

Value Information

2011 Certified

Land Value	44,650.00
Improvement Value	0.00
AG Value	0.00
AG Productivity Value	0.00
Timber Value	0.00
Timber Productivity Value	0.00
Assessed Value	44,650.00
10% Cap Value	0.00
Total Value	44,650.00

Data up to date as of 2012-03-15

- AGRICULTURAL (1-D-1)
- APPOINTMENT OF AGENT FORM
- FREEPORT EXEMPTION
- HOMESTEAD EXEMPTION FORM
- PRINTER FRIENDLY REPORT
- PROTEST FORM
- RELIGIOUS EXEMPTION FORM
- PLAT MAP

Value By Jurisdiction

Entity Code	Entity Name	2011 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		44,650.00	44,650.00	44,650.00	44,650.00
01	AUSTIN ISD	1.242000	44,650.00	44,650.00	44,650.00	44,650.00
02	CITY OF AUSTIN	0.481100	44,650.00	44,650.00	44,650.00	44,650.00
03	TRAVIS COUNTY	0.485500	44,650.00	44,650.00	44,650.00	44,650.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.078900	44,650.00	44,650.00	44,650.00	44,650.00
68	AUSTIN COMM COLL DIST	0.094800	44,650.00	44,650.00	44,650.00	44,650.00

Improvement Information

Improvement ID State Category Description

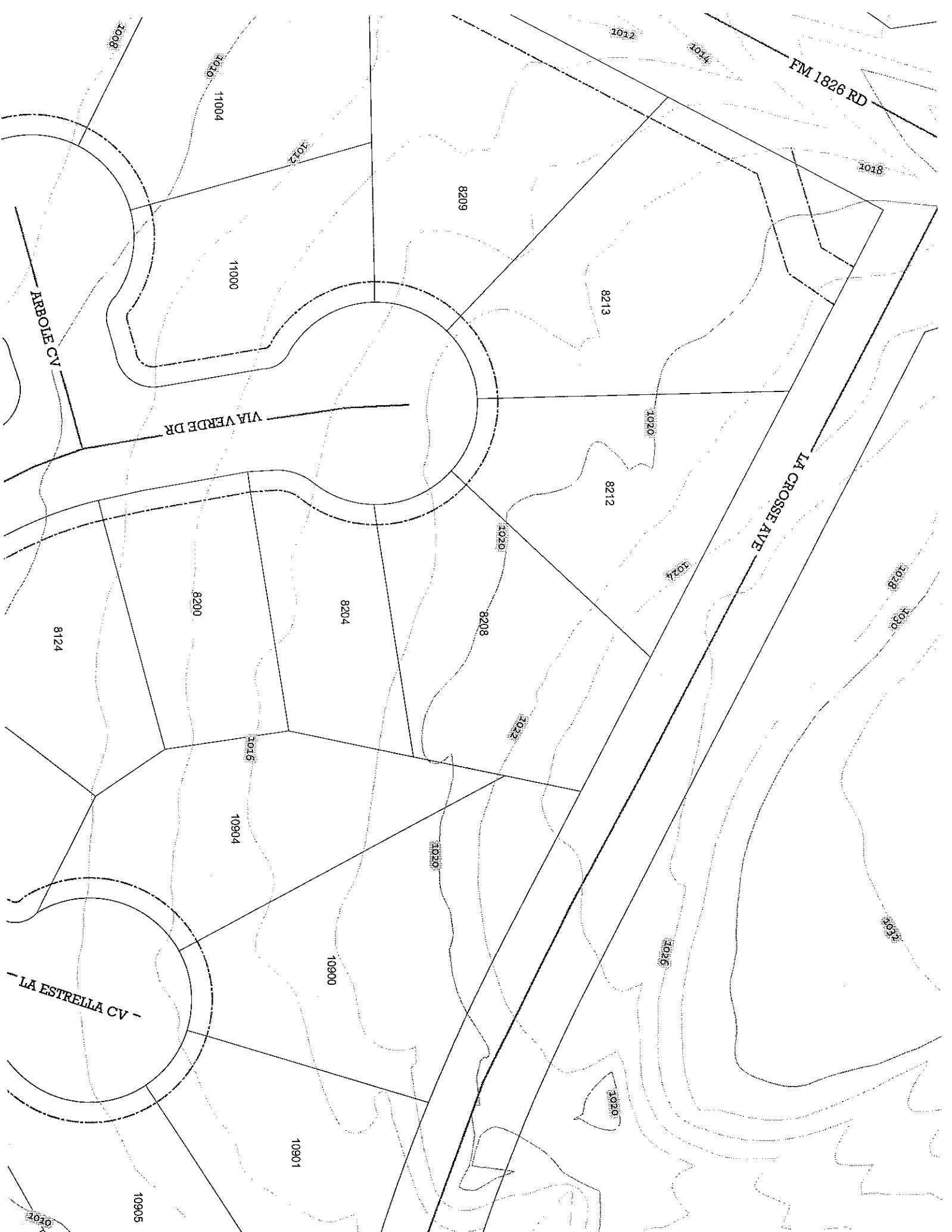
Segment Information

Imp ID Seg ID Type Code Description Class Effective Year Built Area
Total Living Area 0

Land Information

Land ID Type Code SPTB Code Homesite Size-Acres Front Depth Size-Sqft
784587 LAND O1 T 0.307 0 0 13,356

[show history](#)



Subject: BOA Preliminary Review Request – 8208 Via Verde Dr
From: Lund, Lena (Lena.Lund@austinenergy.com)
To: justinshanebailey@yahoo.com;
Cc: Susan.Walker@austintexas.gov; Diana.Ramirez@austintexas.gov;
Date: Wednesday, January 4, 2012 8:39 AM

Mr. Bailey,

I have reviewed the above referenced request and found that the property is located outside Austin Energy's service area and therefore Austin Energy has no opposition to this request.

Thank you for checking with us in advance.

Lena Lund

Austin Energy

Public Involvement/Real Estate Services

721 Barton Springs Road, Suite 102.4

Austin, TX 78704-1145

512-322-6587

512-322-6101 Fax

FM 1826

