

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

**DATE: Monday, September 17, 2012**

**CASE NUMBER: C15-2012-0105**

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Heidi Goebel  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Jim Bennett**

**OWNER: Albert M. Garcia**

**ADDRESS: 11615 BUTTONWOOD DR**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 9 feet 4 inches in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

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

**BOARD'S DECISION: POSTPONED TO October 8, 2012 BY APPLICANT**

**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

## PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  - is the record owner of property within 500 feet of the subject property or proposed development; or
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**Case Number:** C15-2012-0105 - 11615 Buttonwood Drive  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, September 17th, 2012

MARSHA RAMBO  
 Your Name (please print)

☐ I am in favor  
☒ I object

6304 LEATHERWOOD COVE  
 Your address(es) affected by this application

MARSHA RAMBO 9/10/12  
 Signature Date

Daytime Telephone: (512) 413-2948

Comments: that home is already  
being built for the  
neighborhood

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

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

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, September 17th, 2012

DIANE D. BOTTOMS

Your Name (please print)

☐ I am in favor  
☒ I object

11609 Buttonwood Dr.

Your address(es) affected by this application

Diane Bottoms

Signature

Date

Daytime Telephone: (512) 331-1881

Comments:

The fence we have, the carport & the garage. The carport comes nearly to the fence. The garage has encroached a stone wall that runs along side of the carport that also extends nearly to the street. This blocks the vision of anyone coming down the street from anywhere trying to cross. It is a safety hazard. Also there are trucks and trailers parked in front and out the side of the street that also block the view. If you use this form to comment, it may be returned to:

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Susan Walker

P. O. Box 1088

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For me coming traffic at the corner, the fence is critical for his property primarily but it can provide the problem. D. Bottoms

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**Public Hearing:** Board of Adjustment, September 17th, 2012

Your Name (please print)

JEAN STOVALL

Your address(es) affected by this application

11611 BUTTONWOOD DR.

Signature

Date

Daytime Telephone: 335-1980

Comments:

*I strongly object to his lack of compliance on these issues and others.*

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

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Steve Sands

Your Name (please print)

11509 Shade Tree Cv 78759

Your address(es) affected by this application

SW

Signature

Daytime Telephone: 512-657-4676

9/10/12

Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**Public Hearing: Board of Adjustment, September 17th, 2012**

*Mary Ellen Schmitt*

Your Name (please print)

11605 Buttonwood 78754

Your address(es) affected by this application

*[Signature]*

9-11-12

Daytime Telephone:

*Signature*  
512.918.9819

Date

Comments:

*My objection is to the lack of respect for the Deer Creek area. The concept was built tastefully and I would not have objected if an appeal was asked for originally. I do not object to the height of the Woodcreek side fence.*

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PAMELA MITCHELL

Your Name (please print)

☐ I am in favor  
☒ I object

6401 WOODCREST DRIVE

Your address(es) affected by this application

Terrell Mitchell

9-8-2012

Signature

Date

Daytime Telephone: 512-672-9416

Comments: This would affect the appearance of the street and affect the value of my home and Council difficulty in seeing cars

Chimney the Street

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Mary & David Gardiff  
Your Name (please print)

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

11603 Buttonwood Dr., Austin, 78755  
Your address(es) affected by this application

[Signature] 9/9/12  
Signature Date

Daytime Telephone: 512 913 1794

Comments: Had I realized I could object when the report went in, I would have done so at that time. It was built almost overnight & I find the blatant disregard for the deed restrictions very disturbing. I am less concerned with the fence on Bladmont; don't think the stone fence between houses is appropriate.  
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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088



September 17, 2012

Board of Adjustment

Attention: Susan Walker

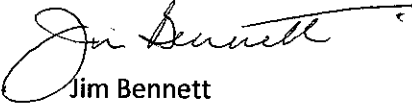
P. O. Box 1088

Austin, Texas 78767

Dear Board Members:

Please accept this as my formal request to postpone case #C15-2012-0105 at 11615 Buttonwood Drive to the October 8 2012 meeting. We are meeting with the neighborhood to discuss concerns.

Thank you,

A handwritten signature in cursive script, appearing to read "Jim Bennett", with a long horizontal flourish extending to the right.

Jim Bennett

CASE # C15-2012-0105

ROW-10815876  
TP-0164030808

**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: 11615 Buttonwood drive

LEGAL DESCRIPTION: Subdivision – Woodcrest A

Lot(s) 40 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Jim Bennett on behalf of myself/ourselves as authorized agent for

Albert Garcia affirm that on 7/30, 2012, hereby apply for a hearing  
before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A carport providing a front street setback of 9'4", and providing a fence height of 6ft.  
6 inches..

in a SF-2 district.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

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

**REASONABLE USE:**

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

The most reasonable place to locate a carport is over the existing drive way, thereby maintaining the existing impervious cover, and use of the property. Relative to the fence height the amount of departure from the code is very minimum of 6 inches.

**HARDSHIP:**

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

It would be an undue hardship to have to remove the existing carport, and change the existing structure which appears to be original construction, and to re-erect a new carport which would be destroying the existing highly maintain landscaping, and increasing the impervious cover as well as giving a tacked on appearance of a new carport. The property across the street is developed with a post office use with mail truck traffic and the fence variance of 6 inches will provide additional privacy and conform with standard fence height.

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

This site is a corner lot and the amount of setback is well compensated by the side street setback. There are only two properties on this side of Woodcrest Dr. that are across from the post office.

**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:

The character of the neighborhood will not change because this is an existing well maintained carport which matches the original construction of the residence, and has a greater appeal than trying to construct a new carport from the Woodcrest Drive side of the lot.

**PARKING:** (Additional criteria for parking variances only.)

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

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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

Signed Jim Bennett Mail Address 11505 Ridge Dr.  
City, State & Zip Austin TX 78748 512-282-3079 8/1/12  
Printed Jim Bennett Phone \_\_\_\_\_ 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.

Signed Alfredo Garcia Mail Address \_\_\_\_\_  
City, State & Zip Austin, TX 78759  
Printed Alfredo Garcia Phone (512) 554-6304 Date \_\_\_\_\_

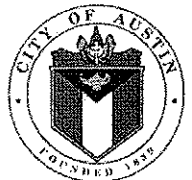


SUBJECT TRACT



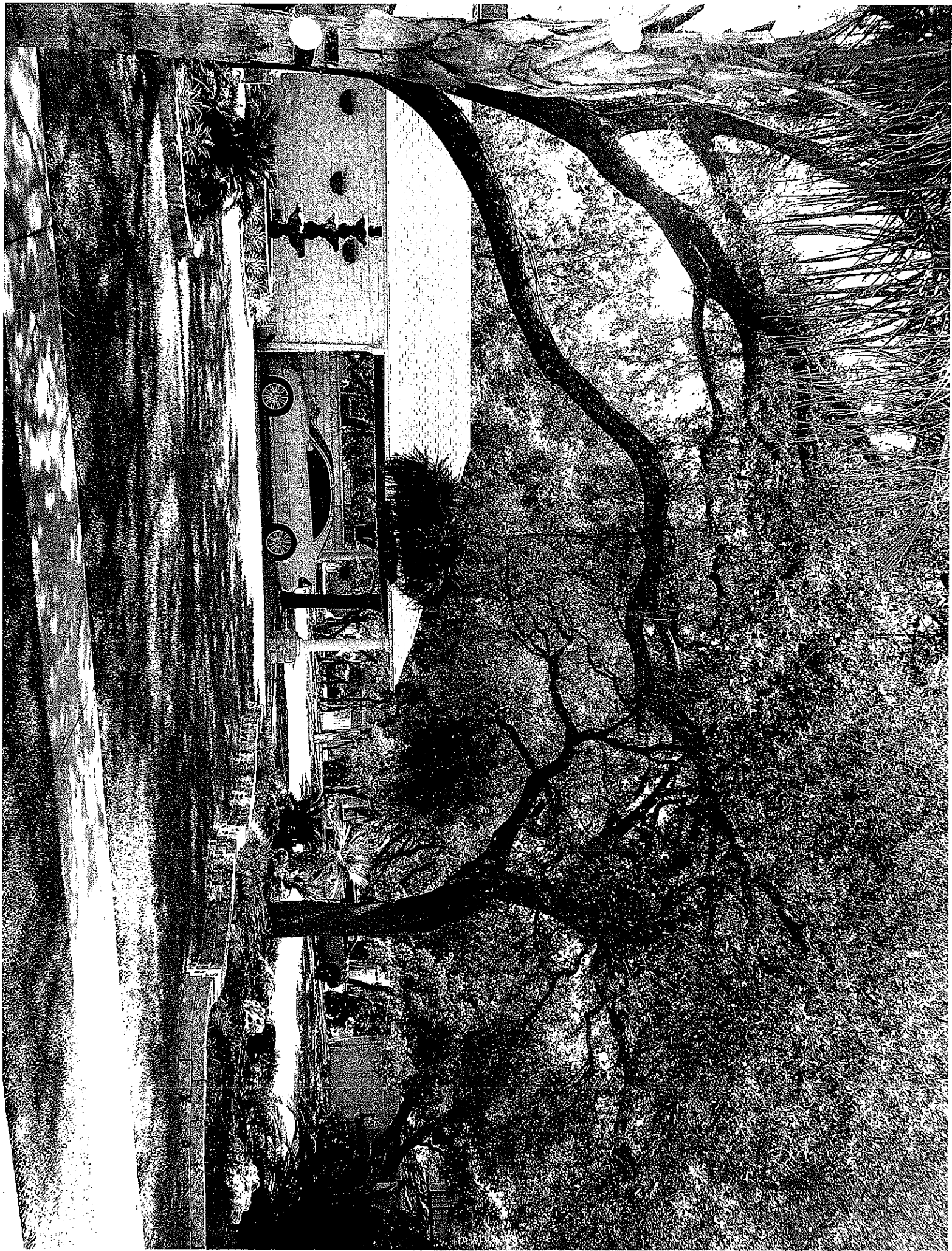
ZONING BOUNDARY

CASE#: C15-2012-0105  
LOCATION: 11615 BUTTOWOOD DR

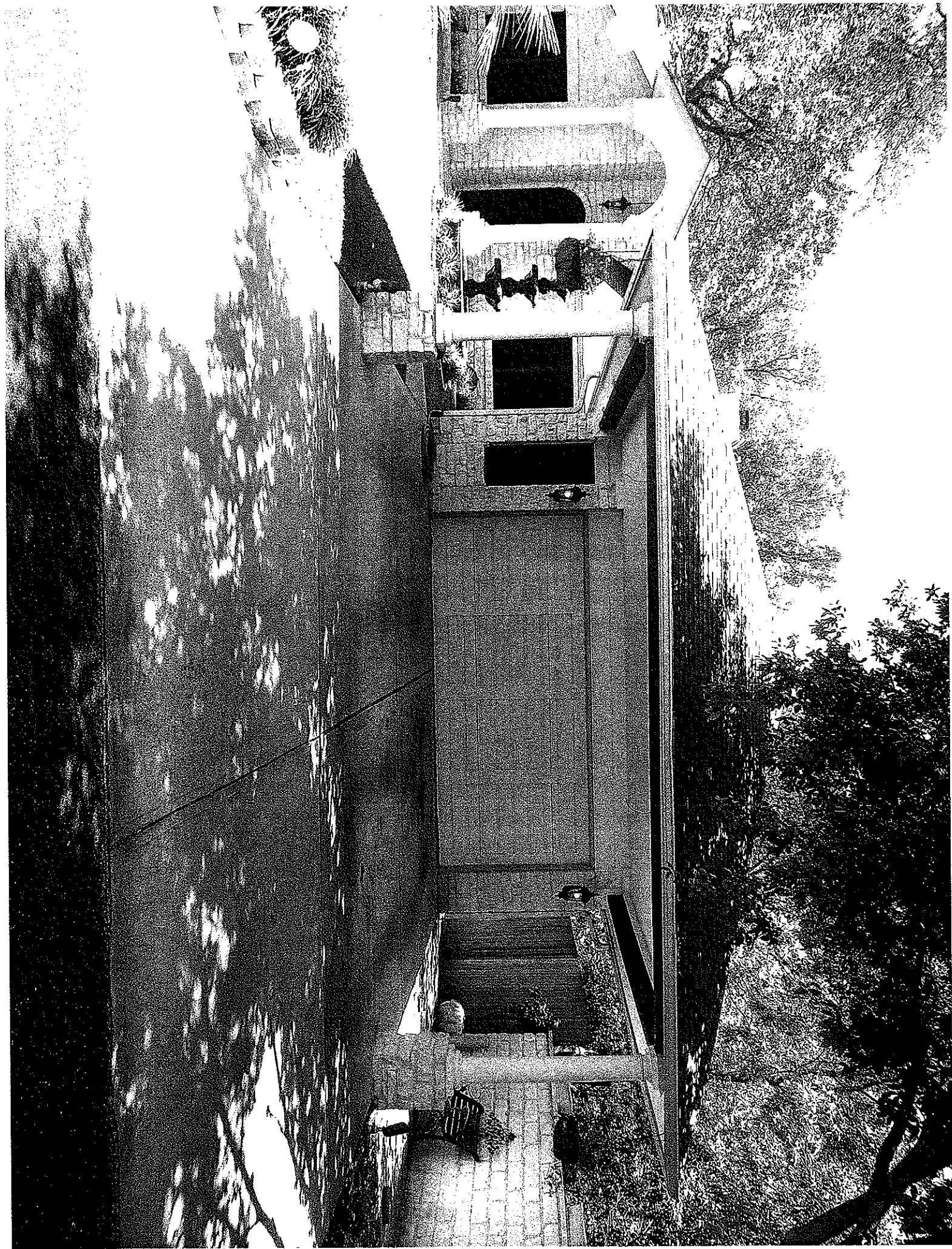


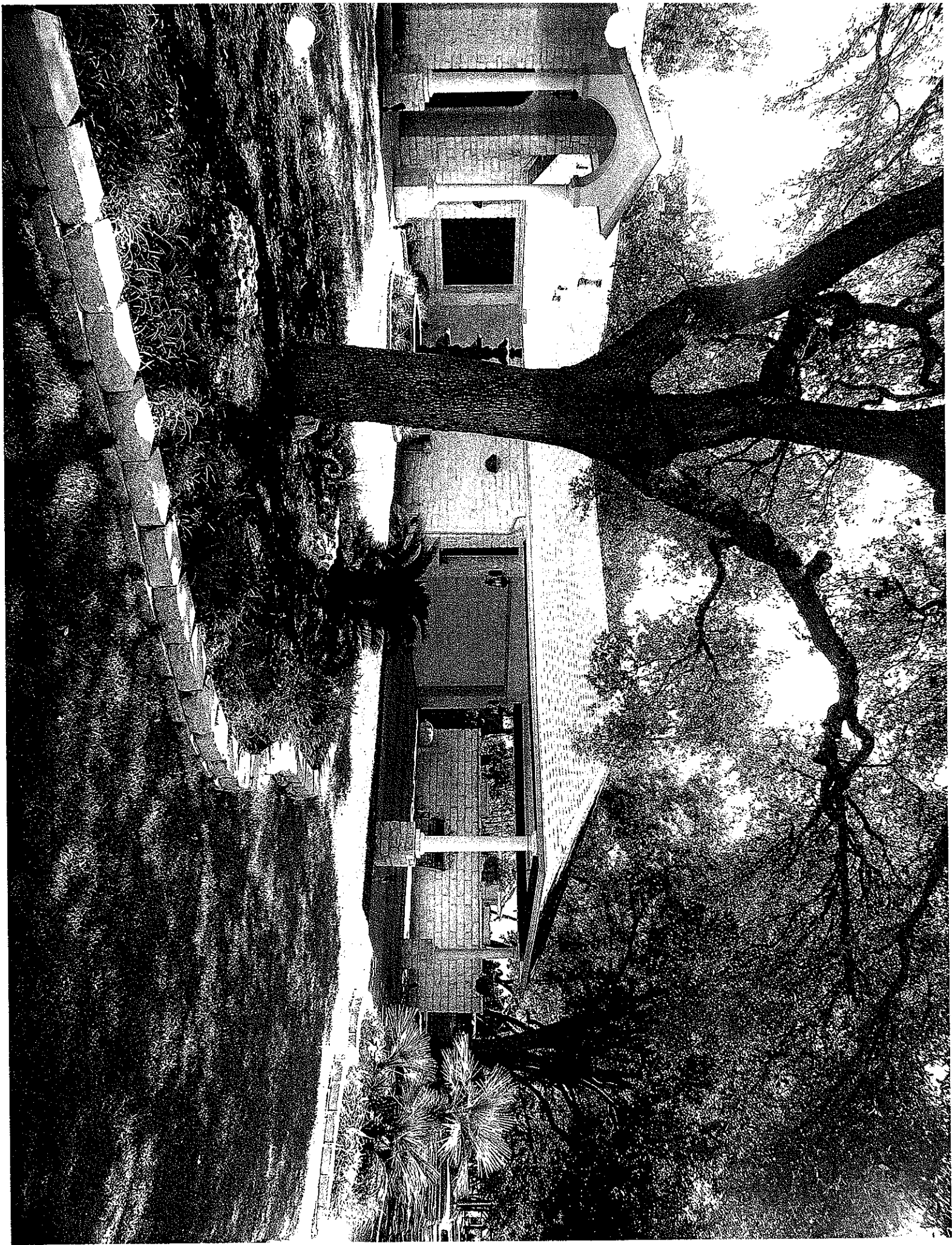
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

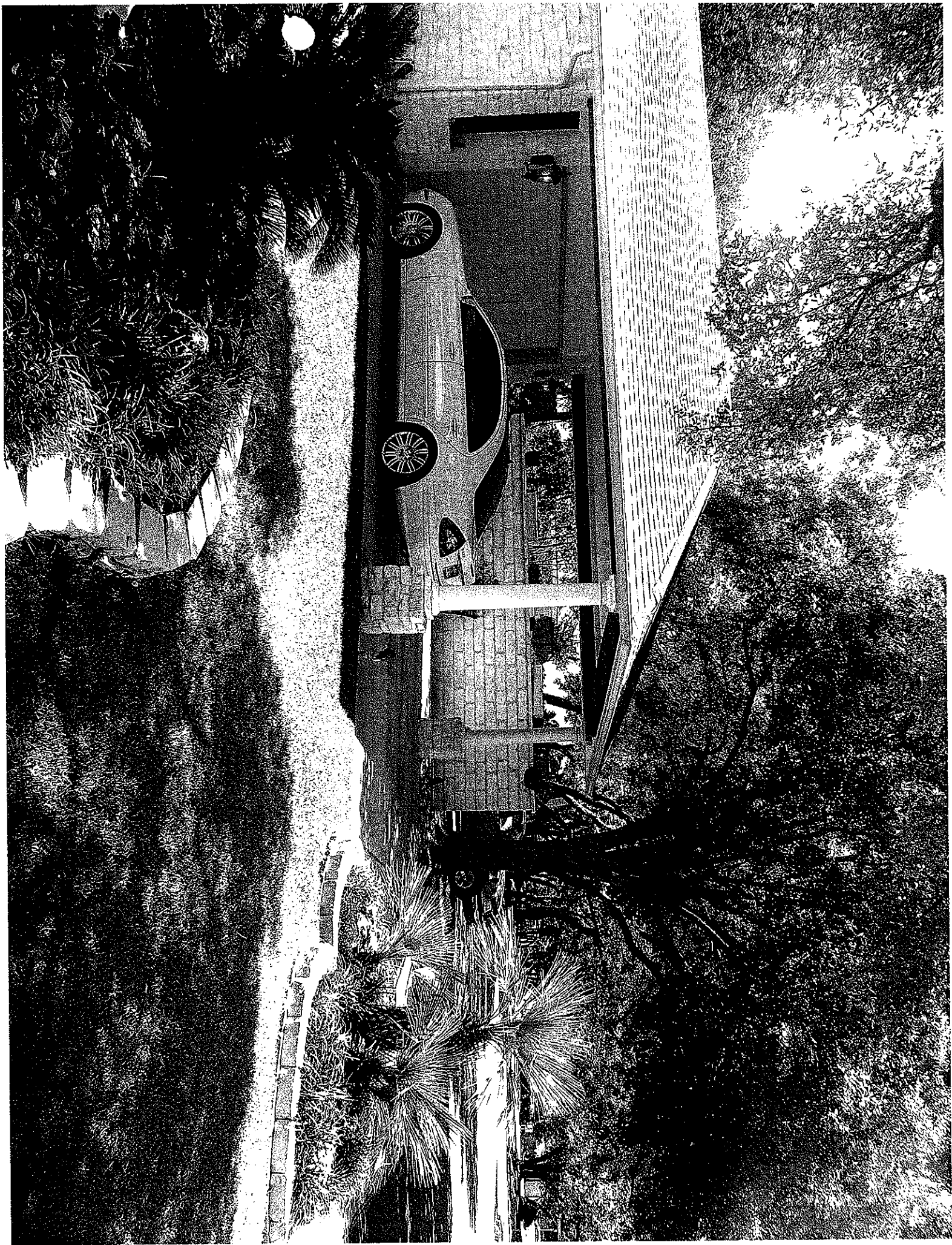












SCALE: 1"=20'

E. MORITZ  
BK. 2225, PG. 1

**LEGEND**

- WOOD FENCE
- (W) WATER METER
- IRON ROD FND.
- ▲ NAIL FND.
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT

WOODCREST DRIVE (50' R.O.W.)

LOT 39  
VOL. 83  
PG. 45

**SURVEYOR'S NOTES**

( ) DENOTES RECORD INFORMATION

NO LOCAL JURISDICTION BUILDING LINES ARE DEPICTED ON THIS MAP. INTERESTED PARTIES SHOULD CONTACT THE GOVERNING BODY FOR BUILDING LINE INFORMATION.

LOT 40 SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 7486, PG. 392

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

Attached  
CARPORT  
Addition

**CURVE TABLE**

①

C=N 74°23'19" E 21.30'  
A=23.69' R=15.00'  
(C=N 74°33' E 21.25')  
(A=23.62')

11615 BUTTONWOOD DRIVE  
(50' R.O.W.)

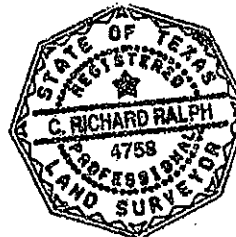
LOT No. 40 BLOCK -- SUBDIVISION / ADDITION WOODCREST-A  
SECTION -- PHASE -- Book -- Page(s) 45 Cabinet -- PLAT RECORDS  
TRAVERS COUNTY, TEXAS Volume 83  
CITY -- Reference: ALBERT GARCIA

FIELD WORK JJA/AA 08-28-08  
DRAFTING GM

SURVEY DATE: 08-28-08  
Job No. 09B20209  
SCALE: 1"=20'

**\* IMPORTANT NOTICE \***

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT 40.



**ALL POINTS SURVEYING**  
611 SOUTH CONGRESS AVENUE - SUITE 100  
AUSTIN TX. 78704  
TELE.: (512) 440-0071 - FAX: (512) 440-0199

*Handwritten signature and date: 10/1/09*



Kramer Service Center  
2412 Kramer Lane, Bldg. "C"  
Austin, Texas 78758  
(512) 505-7206

**Austin Energy**  
**Electric Service Planning Application (ESPA)**  
(Please Print or Type)

St. Elmo Service Center  
4411-B Meinardus Drive  
Austin, Texas 78744  
(512) 505-7500

**For Residential or Small Commercial "SERVICE ONLY" under 350 amps 1Ø or 225 amps 3Ø**

Customer Name	_____	Phone	_____
Address	11615 Buttonwood Drive		
Legal Description	Woodcrest-A		
Lot	40	Block	_____
		Commercial/Residential?	<u>Residential</u>

Service Main Size	_____ (amps)	Service Conductor	_____ (type & size)
Service Length	_____ (ft.)	Number of Meters?	_____ Multi-Fuel Y N
Overhead/Underground?	_____	Voltage	_____ <input type="checkbox"/> Single-phase (1Ø) <input type="checkbox"/> Three-phase (3Ø)
Total Square Footage	_____	Total A/C Load	_____ (# of units) _____ (Tons)
Largest A/C unit	_____ (Tons)	LRA of Largest A/C Unit	_____ (amps)
Electric Heating	_____ (kW)	Other	_____ (kW)

Comments: Covered Porch

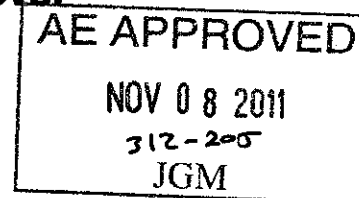
ESPA Completed by (Signature & Print name) \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_

AE Representative \_\_\_\_\_ Date \_\_\_\_\_

Approved: ☐ Yes ☐ No (Remarks on back) Phone \_\_\_\_\_

**Application expires 180 days after date of Approval**

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



August 4, 2012

We the undersign below support the carport as it exist today at: 11615  
Buttonwood Drive , Austin, TX 78759

Name:

Address:

Shirley J. Jato	12908 620 #22208
Shannon McLean	1282 Candlelight
Pamela Lee	
Gina Pitts	11500 Jollyville Rd
Shirley	9801 Stonelake #2026
Vandana Agarwal	10710 Oak View Dr 78759
Kristi Weldon	6000 Colina Lane
Patrick Hayes	10926 JOLLYVILLE RD, 78759
BEN R. KING	11603 QUEENS Way 78759
Keith Venable	1808 Candlelight dr 78759
Dena Spide	12716 Jantara Dr. 78729
Donna Black	6602 Branching Oak Ct 78759
Molly Jacobi	7302 Heath Cove 78759
Ruby Bruffini	11913 Charing Cross Tr 78759
Charlotte Hahn	11100 Grapevine Lane 78759
Brenda Wiggill	11619 Argonne Forest Tr 78759

JENNY REYNOLDS  
11612 BUTTONWOOD DR.  
AUSTIN, TX 78759

October 13, 2009

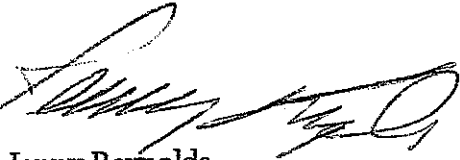
To Whom It May Concern:

I live at 11612 Buttonwood Dr, across from Albert Garcia and Dawn McKim. They have been my neighbors for more than three years.

Their carport is beautiful, and poses no problem to me. I have never been inconvenienced or annoyed by it. It does not bother me in any way. Albert and Dawn keep their property well, and are a pleasure to have as neighbors.

Thank you.

Sincerely,



Jenny Reynolds