

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

ROW

CASE # C15-2013-0001  
ROW # 10870177

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

TP-0231050206

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

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

STREET ADDRESS: 1703 Payne Ave., Austin, TX 78757

LEGAL DESCRIPTION: Subdivision - Brentwood

Lot(s) 6 Block F Outlot / Division Bellaire

I/We Ashley & James Fairleigh on behalf of myself/ourselves as authorized agent for

Ashley & James Fairleigh affirm that on November 28, 2012

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

addition to single family residence - front  
street set back of ~6 feet.

in a SF3-NP district.  
(zoning district)

(19' from property line)  
(Brentwood N.P.)

**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:

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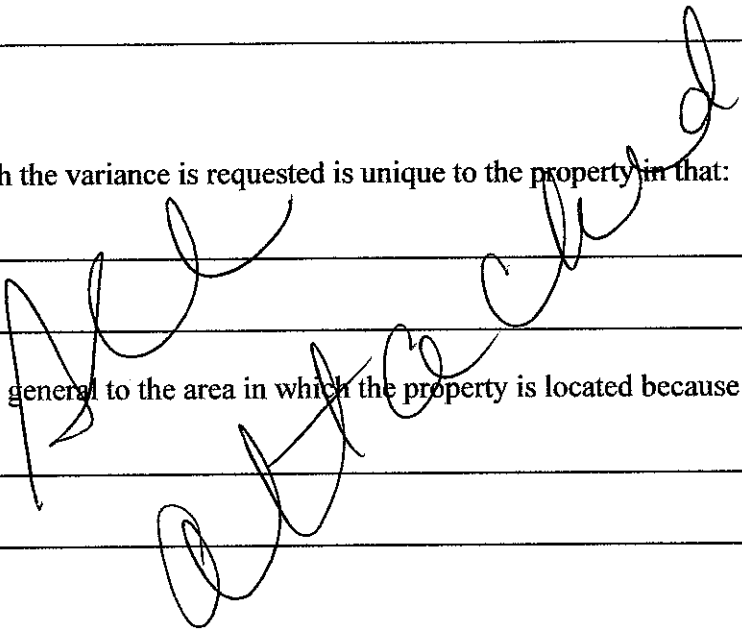
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**HARDSHIP:**

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

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

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**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:

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**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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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**Please see attached application  
Board of Adjustment/Sign Review Board Variance Application  
Ashley and James Fairleigh Residence  
1703 Payne Avenue; Austin, TX 78757**

**Reasonable Use:**

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

Erect additional enclosed space: The property line is at an angle to the house and doesn't allow for even distribution of additions to the front of the house. The house is not built at an angle (it's not parallel to the property). The East corner of the house is ~33 feet from the property line and the middle of the house is ~28 feet to the property line. While we have 8 feet to add on the East side of the house without violating the code, we only have 3 feet in the middle; therefore, we are asking for a variance of 5 feet in the middle of the addition. The addition is not encroaching on the neighbor's house. See attached sheet of front of houses: 1703 Payne in relation to 1701 Payne Ave.

Erect porch: Since the addition of the front porch will not have 3 open sides, we are asking for 8 feet of additional space to erect a porch. We will never enclose the front porch; we will keep it open. Please see attached report from The Davey Tree Expert Co.

**Hardship:**

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

The property line is not perpendicular to the front of the house and there is a beautiful pecan tree in the immediate back of the house (see picture of back of house with image of pecan tree.) Adding the addition to the back of the house impedes in the root zone of the tree. Please see attached report from The Davey Tree Expert Co.

(b.) The hardship is not general to the area in which the property is located: The houses next door at 1701 & 1705 Payne Ave do not have a large tree in the back; therefore, therefore, hardship is not general to the area.

**Area Character:**

3. The variance will not alter the character 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:

With the proposed addition, 1703 Payne Ave would be ~1 foot 5 inches behind the house 1701 Payne Ave (the house due East. See attached image with yellow line border representing the new construction for 1703 Payne Ave in relation to 1701 Payne Ave.)

**Parking:**

Not applicable to variance requested. Request is to add approximately 100 square feet to existing home; 10% of additional living space. 1703 Payne Ave currently is a total of 1100 square feet.

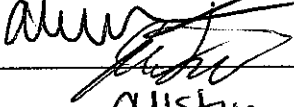
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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 1703 payne Ave  
City, State & Zip Austin, Texas 78757  
Printed Ashley Fairleigh James Fairleigh Phone 512 983 4620 Date 11/27/12

**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 1703 payne ave  
City, State & Zip Austin, TX 78757  
Printed Ashley Fairleigh James Fairleigh Phone 512 983 4620 Date 11/27/12



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0001  
LOCATION: 1703 Payne Avenue



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.



1704

6309

1713

1711

1709

1707

1705

1703

1701

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1700

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1702

1700

City of Austin Fully Developed 25-Year Floodplain

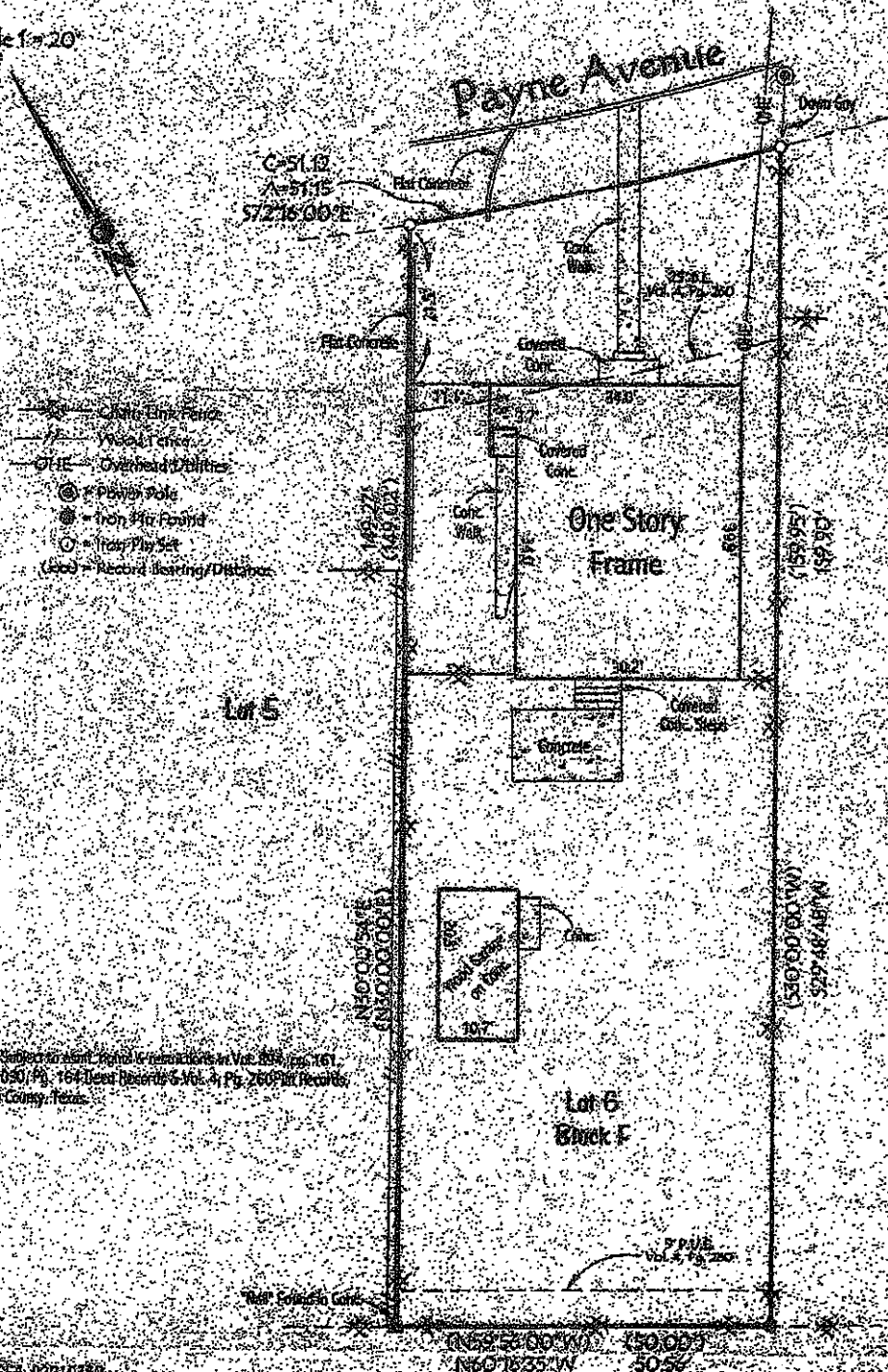
City of Austin Fully Developed 100-Year Floodplain

HANCOCK BRANCH

SURVEY PLAT NO.

Local Address: 1705 Payne Avenue Re: Taylor  
 Legal Description: Lot 6, Block F, Bellaire  
 or Subdivision of record in Volume 4 Page 260 of the Travis County, Texas  
 Plot Records, situated in Travis County Texas.

Scale 1-20



Note: Subject to court order & restrictions in Vol. 854, Pg. 161,  
Vol. 1050, Pg. 164 Deed Records & Vol. 4, Pg. 260 in Records  
Travis County, Texas

REF ID: A6280380

TO: Nicholas Williams, P.C., Mortgage Director  
Linda Lynn Taylor

STATE OF TEXAS  
COUNTY OF TRAVIS

1. The undersigned, on behalf of myself and the undersigned, do hereby certify that this survey was this day made on the ground of the property legally described herein and is correct and that there are no boundary line conflicts, encroachments, easements, or other matters of record, visible or otherwise, which may be of any legal description and contents shown, and we have signed the same.

Dated 15<sup>th</sup> day of May 1972

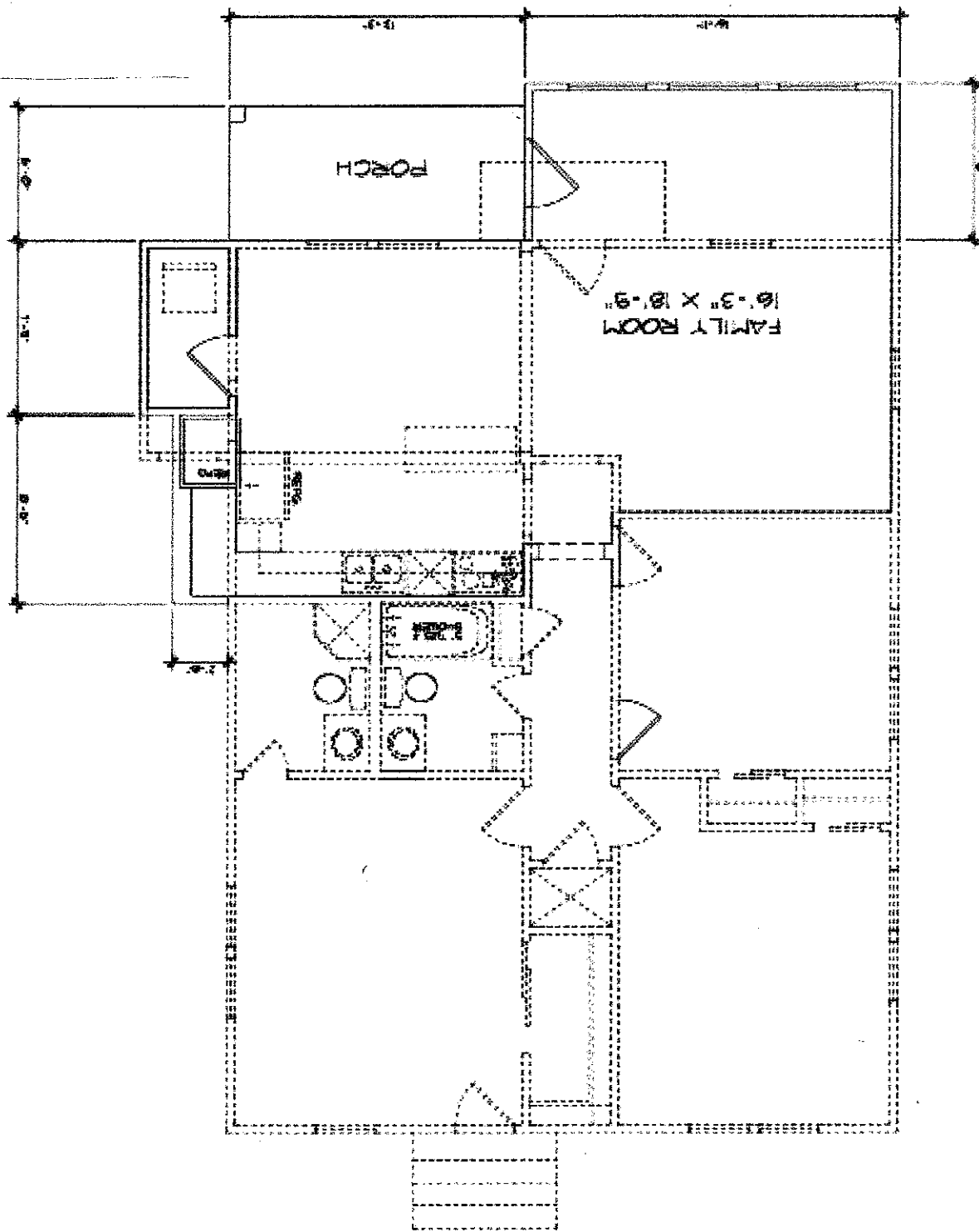
STEVE H. BRAYSON, REELS, NO. 1240  
STEVE H. BRAYSON SURVEYING CO.  
1715 Central of Texas Hwy., S. Ste. 205  
Austin, Texas 78741 191



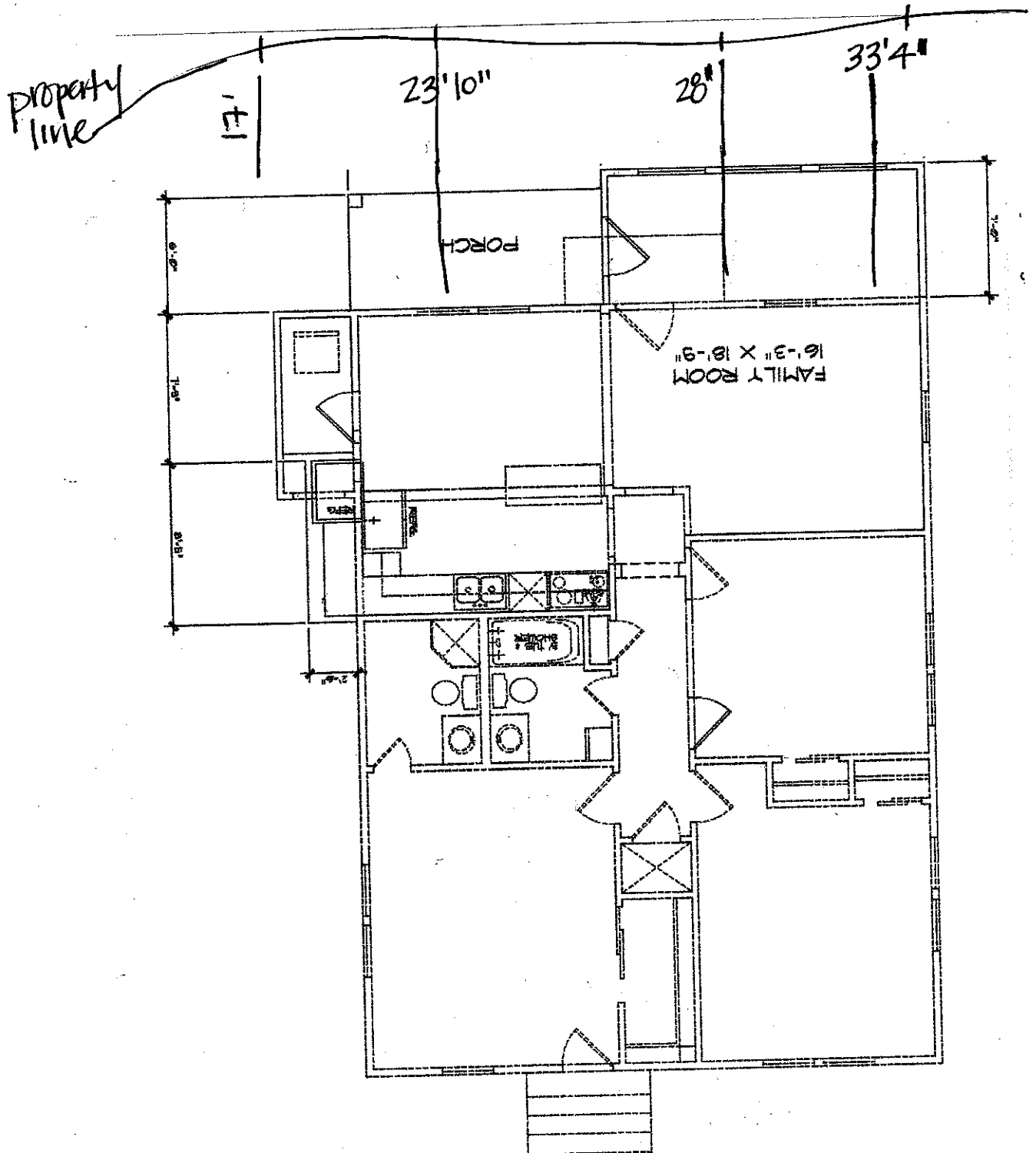
The Texas Department of Criminal Justice, in no other special case, has ever had an employee in the Department of Justice and the Department of Justice, including the Department of Justice, who has been in the Department of Justice for more than 10 years, and who has been in the Department of Justice for more than 10 years.

附錄 2-8

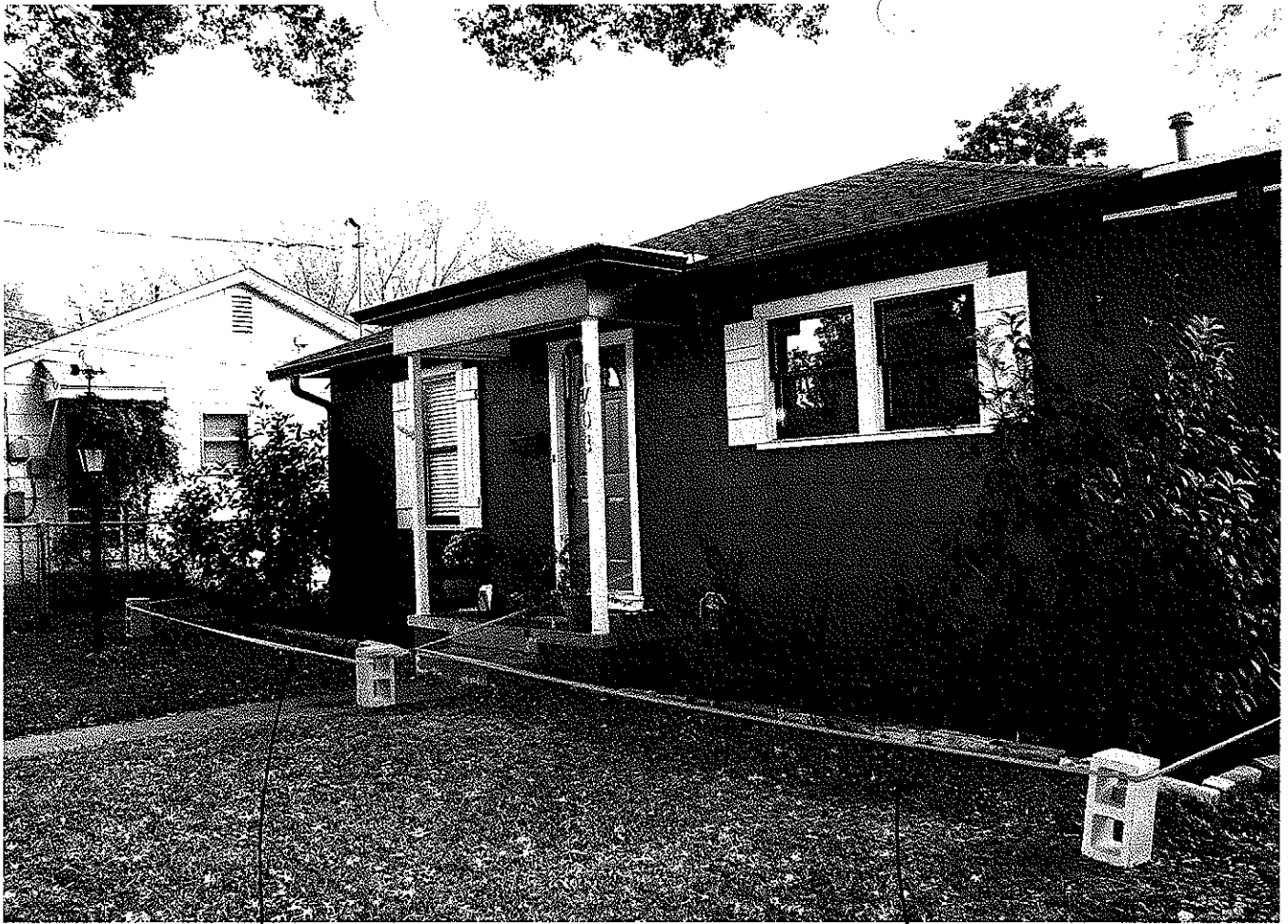




Ashley & James Fairleigh

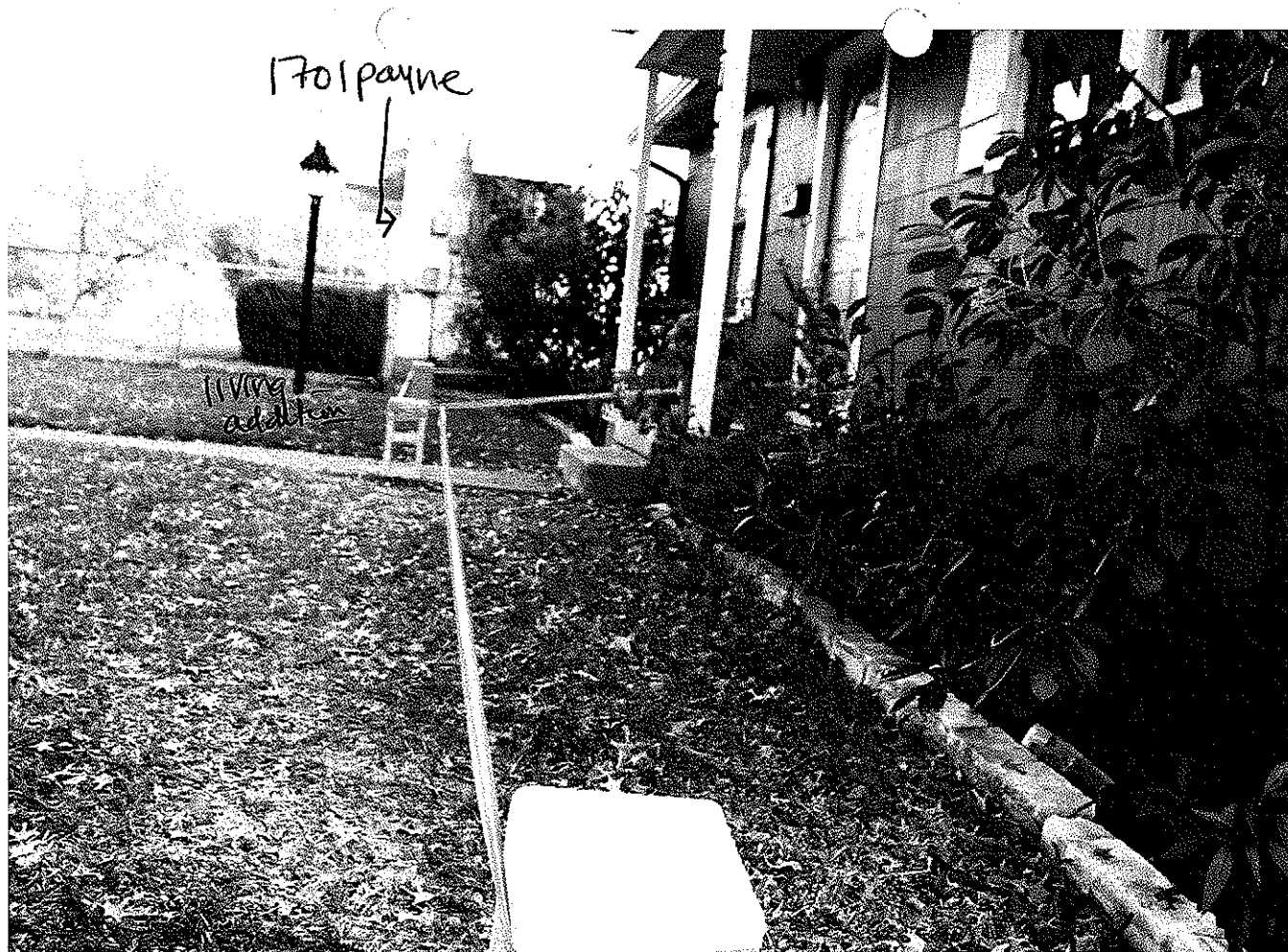






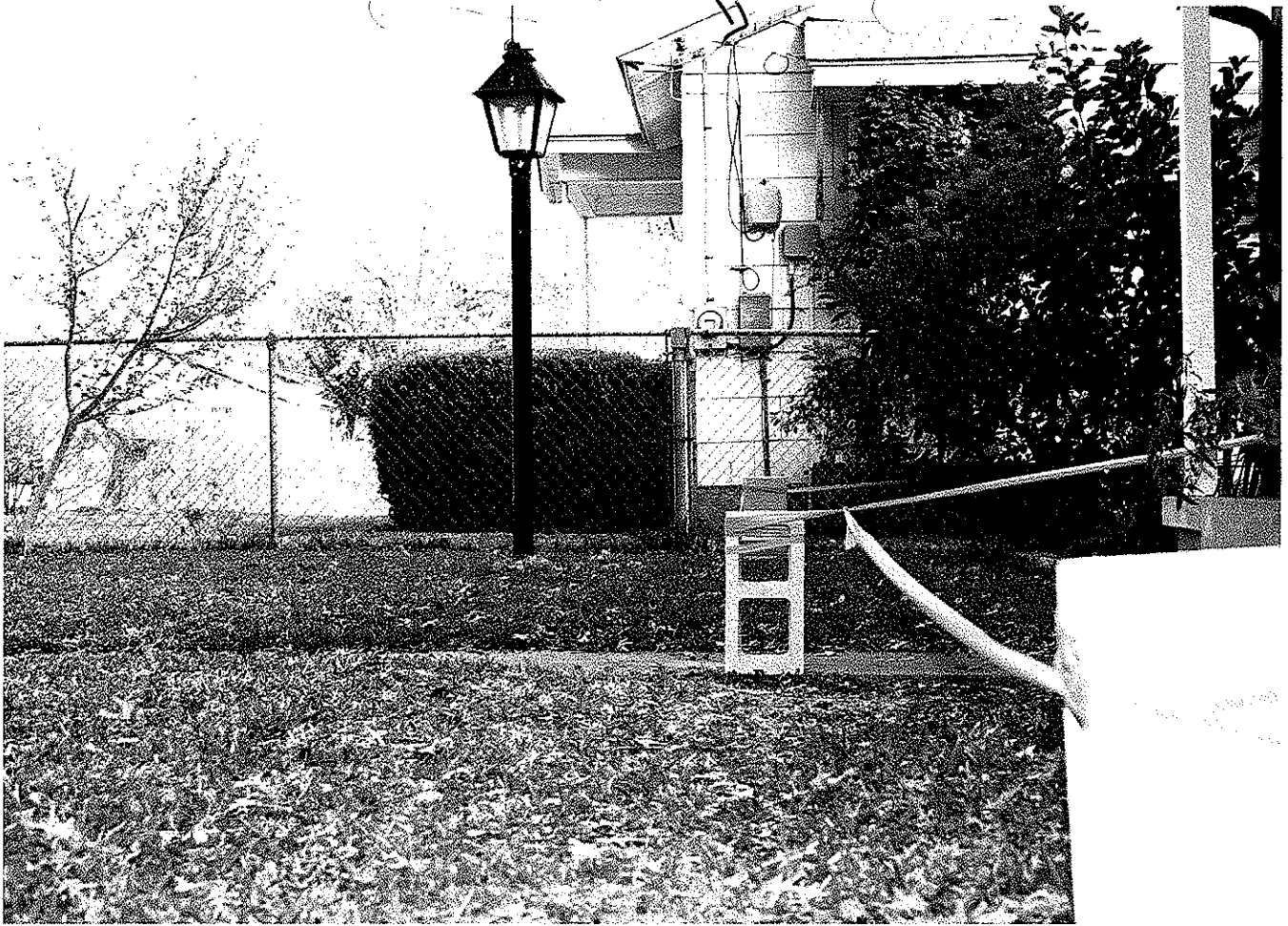
living addition

porch



porch

1701 Payne ave







November 12, 2012

To whom it may concern,

I visited the Fairleigh residence (1703 Payne Ave) today in regards to some questions they had about building an addition to their residence. They would like to have the addition put in at the front of the house to avoid possible damage and stress to a pecan tree (*Carya illinoensis*) in the backyard. The pecan in the back is 31" at diameter at breast height and stands about 35'; it is 15' from the back of the house. The addition would extend 8' from the current wall of the house leaving about 7' of room to the trunk of the tree. Additionally there is a large stem which extends toward the house which would need to be severely pruned in order to allow adequate room for the addition the limb has already been broken in the past and from where the new sprouts are coming from it would be best aesthetically to remove this large limb to the trunk of the tree. The construction would take place within the critical root zone of the tree and could place additional stress on the tree. The best option in my professional opinion would be to have the addition placed in the front of the house on the opposite side of the Texas red oak (*Quercus texana*). This would allow a minimal affect to the trees on the property because the red oak gives plenty of room and clearance. If you have any further questions please feel free to contact me.

**Derrick López**

The Davey Tree Expert Co

Sales and Service Coordinator

Plant Health Care Technician

Office: (512) 451-4986

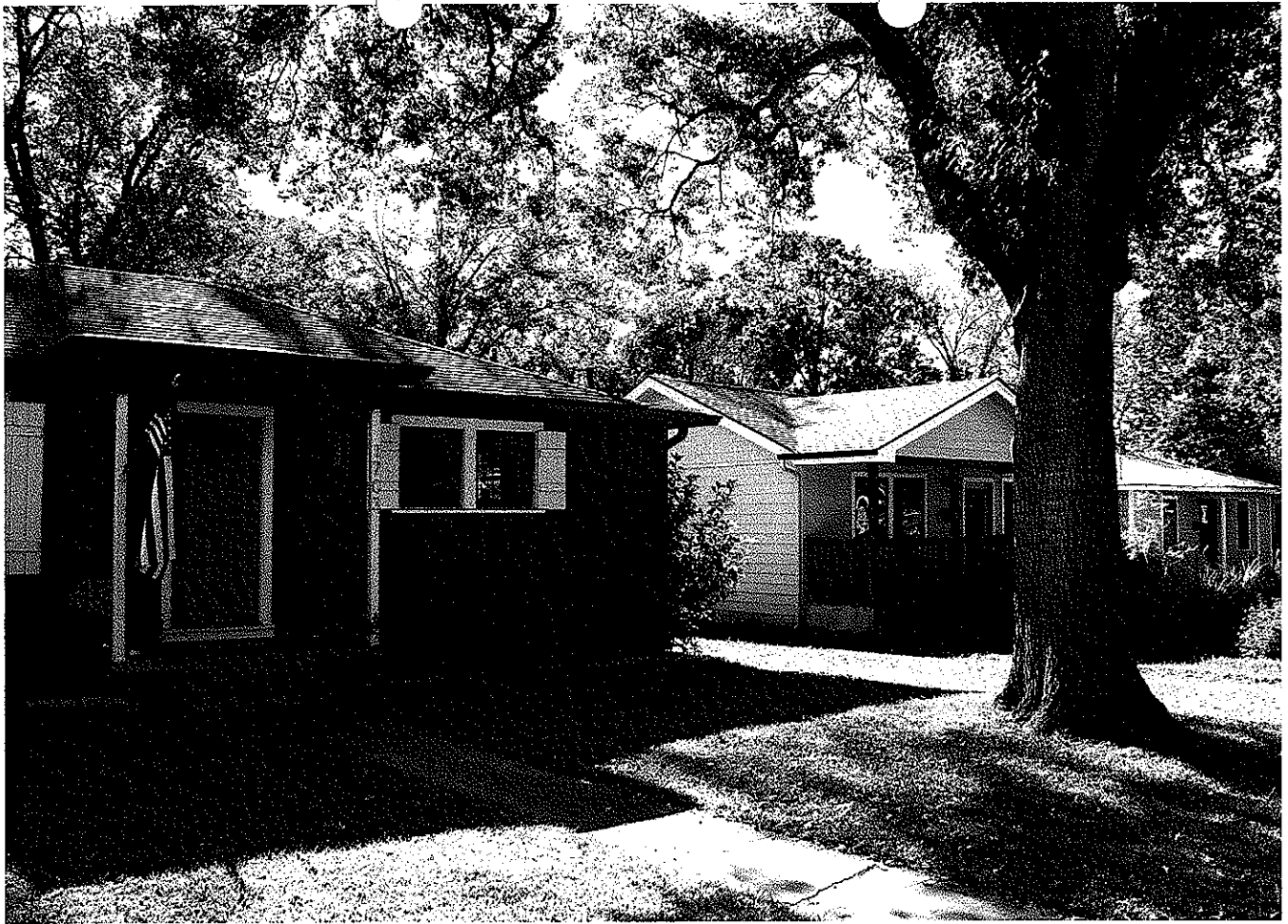
Mobile: (832) 788-2926

ISA Certified Arborist TX 3711A

Texas Oak Wilt Certified 0171

Bachelors of Science in Forestry SFASU '08





1703 payne ave. with tree image



heritage tree in back of  
1703 payne ave.

## PUBLIC HEARING INFORMATION

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**Case Number: C15-2013-0001 - 1703 Payne Avenue**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, January 14th, 2013**

LATEL CARR

Your Name (please print)

1700 GOODMILLER LN

Your address(es) affected by this application

☒ I am in favor  
☐ I object

[Signature] Signature

1/11/2013 Date

Daytime Telephone: (512) 569-3887

Comments: The request appears reasonable, especially for a small house on an awkward shaped lot.

The proposed layout gives consideration to visibility of adjacent neighbors and critical root zone of the front yard tree with an elevated front porch (vs. concrete).

Additionally this variance is to keep a family in the neighborhood versus flipping a house.

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: C15-2013-0001 - 1703 Payne Avenue  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, January 14th, 2013

Veronica Fuentes  
Your Name (please print)

☒ I am in favor  
☐ I object

1712 Kappel Ave. Unit B, Austin, TX 78757  
Your address(es) affected by this application

Veronica Fuentes  
Signature  
Date Jan. 8, 2012

Daytime Telephone: (512) 646-1446

Comments: Please allow Ashley & James  
Fuentes to reverse the minimum  
front street setback from 25ft. to  
19ft. Every family should have the  
opportunity to edit on addition to  
a single-family home.  
Thank You!

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

**Walker, Susan**

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**From:** Buster Roye [REDACTED]  
**Sent:** Sunday, January 06, 2013 2:25 PM  
**To:** Walker, Susan  
**Subject:** Case: C15-2013-0001

Ms. Walker,

I received notice of the requested land development code variance for the subject case. While COA's website offers no additional information of why there is a necessity for the request from 25 foot front yard setback to 19 front yard setback I note that the lot is deeper than probably 95% of the lots in the neighborhood and thus must wonder why additional building depth is needed.

As an engineer in subdivision development I have argued for a 20 foot setback which is sufficient to provide one car depth of parking without the vehicle sticking out into right-of-way or sidewalk area. I would not support nor argue for anything less than 20 feet, thus I am against the applicant's request for 19 feet.

Please not my address below, I do live with 500 feet of the applicant.

Thank you

--

Henry D. Roye, P.E.  
HD Engineering  
TBPE #10593  
6306 Hall St.  
Austin, TX 78757  
(512) 524-5424 office  
(512) 633-3293 cell

C15-293-0001

Petition for 1703 Payne Ave.

We (Ashley and James Fairleigh) would like to add 8 feet to the front left half of our house. This expansion would make the new portion of our house even with the front of the house at 1701 Payne (The Langford's). In order to build this expansion we need a variance from the city for the build line which runs diagonally through our lot. We have a variance hearing set for the 14th of January. As part of that hearing we would like to present this list of our immediate neighbors that approve of our construction plans.

Name	Address	Signature
1) Clyde von Rosenberg	1707 Payne Ave.	<i>Clyde von Rosenberg</i>
2) Catherine von Rosenberg	1707 Payne Avenue	<i>Catherine von Rosenberg</i>
3) MAC SAULS	1709 PAYNE AV.	<i>Mac Sauls</i>
4) ASHLEY SAULS	1709 PAYNE AV.	<i>Ashley Sauls</i>
5) Jack Graves	1714 Payne	<i>Jack Graves</i>
6) Gillian Wade	1702 PAYNE AVE.	<i>Gillian Wade</i>
7) Don Clark	1704 Payne Ave	<i>Don Clark</i>
8) Hank Wade	1702 Payne Ave.	<i>Hank Wade</i>
9) Ethel Ray Spein	1708 Payne Ave	<i>Ethel Ray Spein</i>
10) Lindsay Kalb	1711 Payne Ave	<i>Lindsay Kalb</i>
11) GREGORY KALB	1711 PAYNE AVE	<i>Gregory Kalb</i>

1712 payne ave - owner Renald Ferrivechio deceased due to gas explosion - January 2012

1710 payne ave - owners Ed & Claire moved due to gas explosion - Jan 2012

C15-2013-0001

**Walker, Susan**

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**From:** Ashley Fairleigh [REDACTED]  
**Sent:** Sunday, January 06, 2013 7:50 PM  
**To:** Walker, Susan; Ramirez, Diana  
**Cc:** Ashley Fairleigh  
**Subject:** 1703 Payne Ave Neighbor Support for Variance Request for January 14th hearing  
**Attachments:** 1703 Variance Neighbor Support.JPG

Susan and Diana,

I hope you all had a good weekend. We are on the roster for the Board of Adjustment Hearing next Monday, January 14th. If our application hasn't yet been copied and distributed to the Board members, can you please add this to the application? This is documentation from neighbors on the 1700 block of Payne who have signed in support of our request. The remaining homes who aren't on here weren't home to get support, but we'll work on getting the remaining signatures hopefully in time for the hearing. Thanks in advance; let me know if you have questions.

--

Ashley Fairleigh  
512-983-4620

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**Case Number: C15-2013-0001 – 1703 Payne Avenue**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, January 14th, 2013**

*Scheduled & Freezing Blair*  
 Your Name (please print) \_\_\_\_\_

☐ I am in favor  
☒ I object

1703 Payne  
 Your address(es) affected by this application \_\_\_\_\_

*Susan Walker Blair* 1/5/13  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

Daytime Telephone: 512-291-2101

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

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**Case Number:** C15-2013-0001 - 1703 Payne Avenue

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, January 14th, 2013

Kathryn Ann Kohn  
Your Name (please print)

☒ I am in favor  
☐ I object

1700 Payne Ave Austin TX 78757  
Your address(es) affected by this application

Kathryn A. Kohn 1/7/13  
Signature Date

Daytime Telephone: 512-825-5268

Comments: The Faeleghs live across the street from me. They are wonderful neighbors & intend to raise there 2 kids in one neighborhood. This addition will allow them the extra space they need & deserve. This can only improve our community.

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

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**Case Number:** C15-2013-0001 – 1703 Payne Avenue  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, January 14th, 2013

*Veronica Fuentes*

Your Name (please print)

☒ I am in favor  
☐ I object

1712 KAPLAN AVE. UNIT B. AUSTIN, TX 78757

Your address(es) affected by this application

*Veronica Fuentes*

Signature

Date

Daytime Telephone: (512) 616-1448

Jan. 8, 2012

Comments: Please allow Ashley & James  
 Fuenleber to increase the minimum  
 front street setback from 25 ft. to  
 19 ft. Every family should have the  
 opportunity to erect an addition to  
 a single-family home. Thank You!

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