

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 # C15-2013-0023
ROW # 10911802

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

MCAD-Owner's

list

attached

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

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

STREET ADDRESS: 12509 Cortaro Cv, Austin, TX 78729

LEGAL DESCRIPTION: Subdivision – LOS INDIOS

Lot(s) 25 Block D Outlot _____ Division PHASE A

I/We Efren Mercado on behalf of myself/ourselves as authorized agent for

Efren Mercado affirm that on February 11, 2013,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL x MAINTAIN

Privacy Fence & Side Street Setback
5'7"4" at max height 8'3"8"

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:

FENCE: Our property on Cortaro Cv is a corner lot with active foot traffic along Buckshot Trail. The property has a swimming pool, hot tub and electrical box which are potential hazards. There are many kids in the neighborhood with Pond Springs Elementary and VIP Preschool (located on adjoining lot), so accessibility to the back yard is a big concern.

ADDITIONAL STRUCTURE: The gazebo/cabana was built by Southern Outdoor Appeal (referred hereon as SOA). SOA spoke with the City of Austin regarding the permitting of the structure before construction and because the structure is 80 sq ft, well under the 200 sq ft guideline in R105.2, no permit was required. The City of Austin residential planning review board did not mention anything about setback or other details during that time.

HARDSHIP:

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

FENCE: The yard on Cortaro Cv (running along Buckshot Trail), slopes to the back of the yard dropping approximately 16 inches the last 20 feet. The sidewalk along Buckshot Trail, has a raised portion (pushed up by tree root) by 12 inches. This adversely affects the privacy of the property with a standard 6' fence.

ADDITIONAL STRUCTURE: The current position of the gazebo/cabana was determined due to various factors that prohibited building on alternative locations in the backyard. Various factors such as the grade of the property (15" drop off from house to back fence), existing trees, existing shed, electrical box and plumbing for the pool made its current position the only possible choice.

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

FENCE: Other lots in Los Indios Phase A do not have the same property grade issues that our house exhibits. In addition, many of the homes in the area have pools that are not as highly accessible as our home.

ADDITIONAL STRUCTURE: Our backyard slopes down from house to back of the property by as much as 15" in some areas. Also the yard has extensive underground plumbing, electrical box and existing storage shed on the right hand side of the yard (opposite the gazebo/cabana).

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 fence stays at a constant height at the top and the length variance is due to matching the grade of our yard as described above.

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.
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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 12509 Cortaro Cove _____

City, State & Zip Austin, TX 78729

Printed Efren Mercado Phone 512-567-0822 Date 02/11/2013

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 12509 Cortaro Cove

City, State & Zip Austin, TX 78729

Printed Efren Mercado Phone 512-567-0822 Date 02/11/2013

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) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.



VANESSA WOODSON	12502 CORTARO COVE	<i>Vanessa Woodson</i>
Lori Wiese	12501 Cortaro Cove	<i>L. Wiese</i>
Todd Wiese	12501 Cortaro Cove	<i>Todd Wiese</i>

Bruce Kimball
Efren Mercado
12509 Cortaro Cove
Austin Texas 78729

To Board of Adjustments

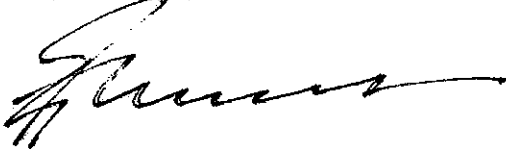
Attached please find a copy of a letter that we personally took to all the neighbors in our neighborhood.

We, personally spoke to each of them and explained the situation. Many of them have been to our house previously and have been pleased with the work we have done to improve our home and property.

All these good folks agreed that the fence and additional structure add to our neighborhood. As many of these are also good friends and attend our parties here, they are happy with the structure and see no problems with its placement.

They, and we, the owners of the property in question ask that you grant the variance for both the fence and additional structure.

Thank you,

A handwritten signature in black ink, appearing to read 'Efren Mercado', with a long horizontal flourish extending to the right.

Efren Mercado

A handwritten signature in black ink, appearing to read 'Bruce Kimball', with a stylized, cursive script.

Bruce Kimball


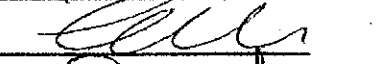

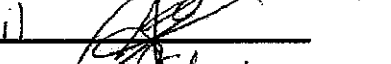
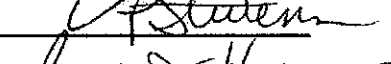


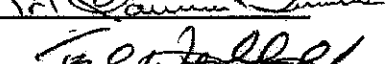


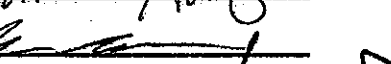

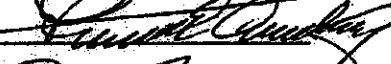

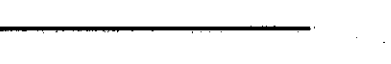
Regarding Property at 12509 Cortaro Cove Austin Texas 78729

We, the undersigned are neighbors of Efren Mercado and Bruce Kimball who are owners of property at 12509 Cortaro Cove.

We are aware of their request for a variance for both their fence (height) and other structure/gazebo (distance from property line). We would like it known that we do not oppose this request and ask the city of Austin to grant their request

Property Owner and Address

Signature

Tanner Sandlin 8006 Buckshot Trail	
Neddy Sandlin 8006 Buckshot Trail	
Nicholas Nakon 8004 Buckshot Trail	
Adriana Russell 8002 Buckshot Trail	
Patti Stewens 8000 Buckshot Tr.	
Brenda J. Holman 8005 Buckshot Tr.	
Adrian Brown 8008 Buckshot Tr.	
Lawrence E. Courtney 8003 Buckshot Tr.	
Ted & Beverly Wendlandt 7903 Buckshot Tr.	
Mike & Emma Wilson 8007 Buckshot Tr.	
James Harris 12505 Cortaro Cv	
BRIAN MACCLERY 7802 BUCKSHOT TR	
DUC V TRAN MD 79600 BUCKSHOT TR.	
Lawrence E. COURTNEY 8003 BUCKSHOT TR.	
JAMES BURKE 7902 BUCKSHOT TRAIL	

Beverly Miller-Krohn	8008 Petaca Cv.	Beverly Miller-Krohn
Matthew Krohn	8008 Petaca Cv	Matthew Krohn
Joseph Willhite	8010 Petaca Cv.	Joseph Willhite
Christy Willhite	8010 Petaca Cove	Christy Willhite
Kim Nielsen	8013 Petaca Cove	Kim Nielsen
Mitch Nielsen	8013 Petaca Cove	Mitch Nielsen
Scott Nannen	8014 Petaca Cove	Scott Nannen
Robert Eklund	8012 Petaca Cove	Robert Eklund
Rodney Moeller	8005 Petaca Tr.	Rodney Moeller
MIKE HAMMFC	8003 " "	MIKE HAMMFC
Chip Rhea	8000 Petaca Tr.	Chip Rhea
DEBBIE RHEA	8000 Petaca Tr.	DEBBIE RHEA
Michael Cysz	8002 Petaca Tr	Michael Cysz
Clea Cysz	8002 Petaca Tr	Clea Cysz
Aaron Webb	8004 Petaca Tr	Aaron Webb
JANIS ZELINSKY	12604 000 Valley Tr	JANIS ZELINSKY
Jennifer Langa	7910 Petaca Cv	Jennifer Langa
Donna Benner	7908 Petaca Trail	Donna Benner
Mark Wohlgenuth	7915 Petaca Tr	Mark Wohlgenuth
Peggy Wohlgenuth	7915 Petaca Tr	Peggy Wohlgenuth
ROBERT G. HUSE	7902 PETACA TR	ROBERT G. HUSE
Betty Houser	8000 Fierro Cove	Betty Houser
Charlotte Carter	7911 Petaca Tr	CHARLOTTE J CARTER

April Walker 12600 Oro Valley Trl April Walker
Luisiana Tule 12510 Oro Valley Trl
Hamas 12510 8Poum 12510 FREL ATX
Tom Sjogdson 12500 Cortaro Cove Tom Sjogdson
Juanita Jacobs VIP Preschool Juanita Jacobs
Henry Jacobs 12507 Cortaro Cv Henry Jacobs
Chris Mancano 12504 Cortaro Cv

VANESSA WOODSON	12502 CORTARO COVE	<i>Vanessa Woodson</i>
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Signed  Mail Address 12509 Cortaro Cove

City, State & Zip Austin, TX 78729

Printed Efren Mercado Phone 512-567-0822 Date 02/11/2013

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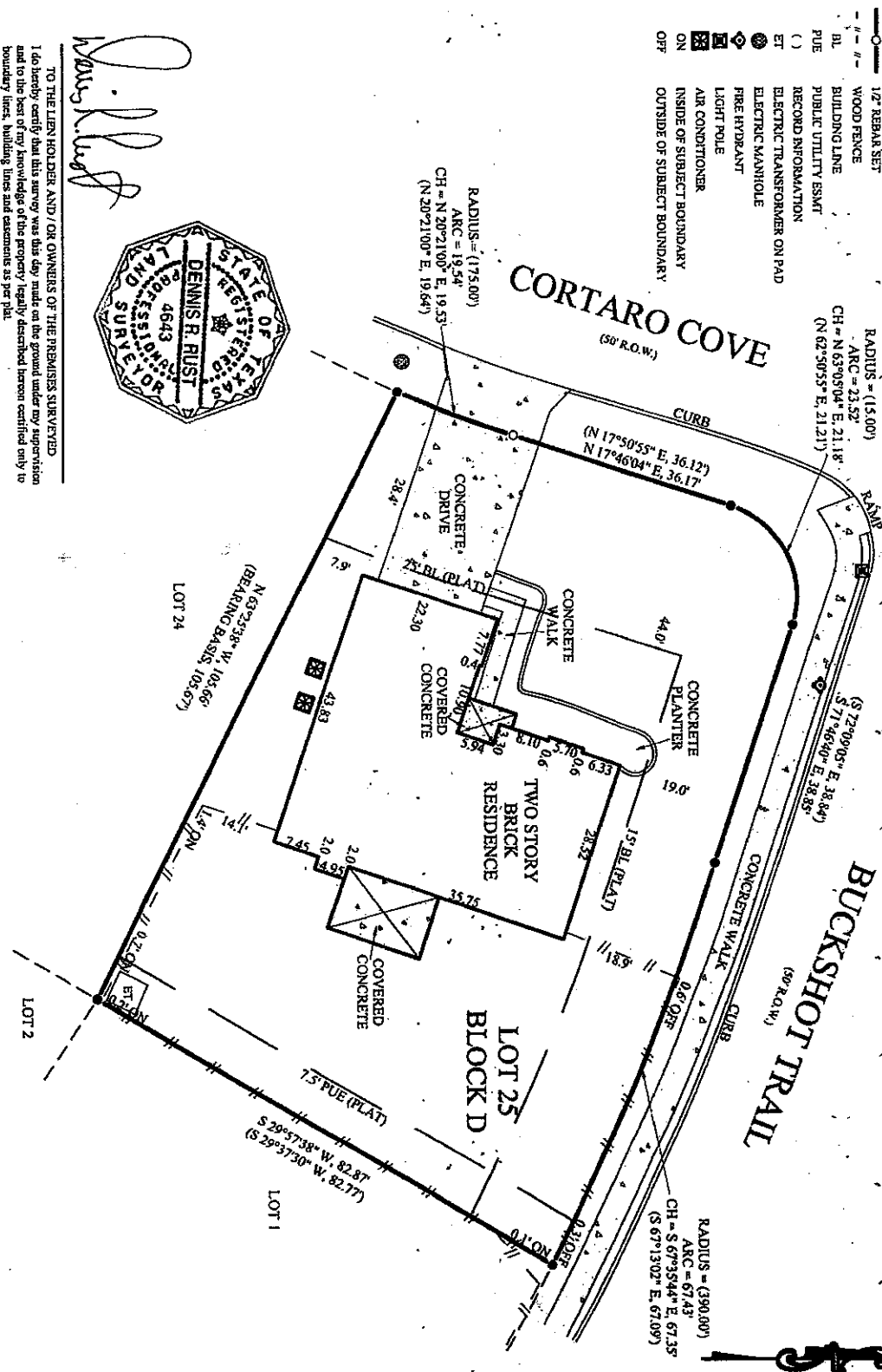
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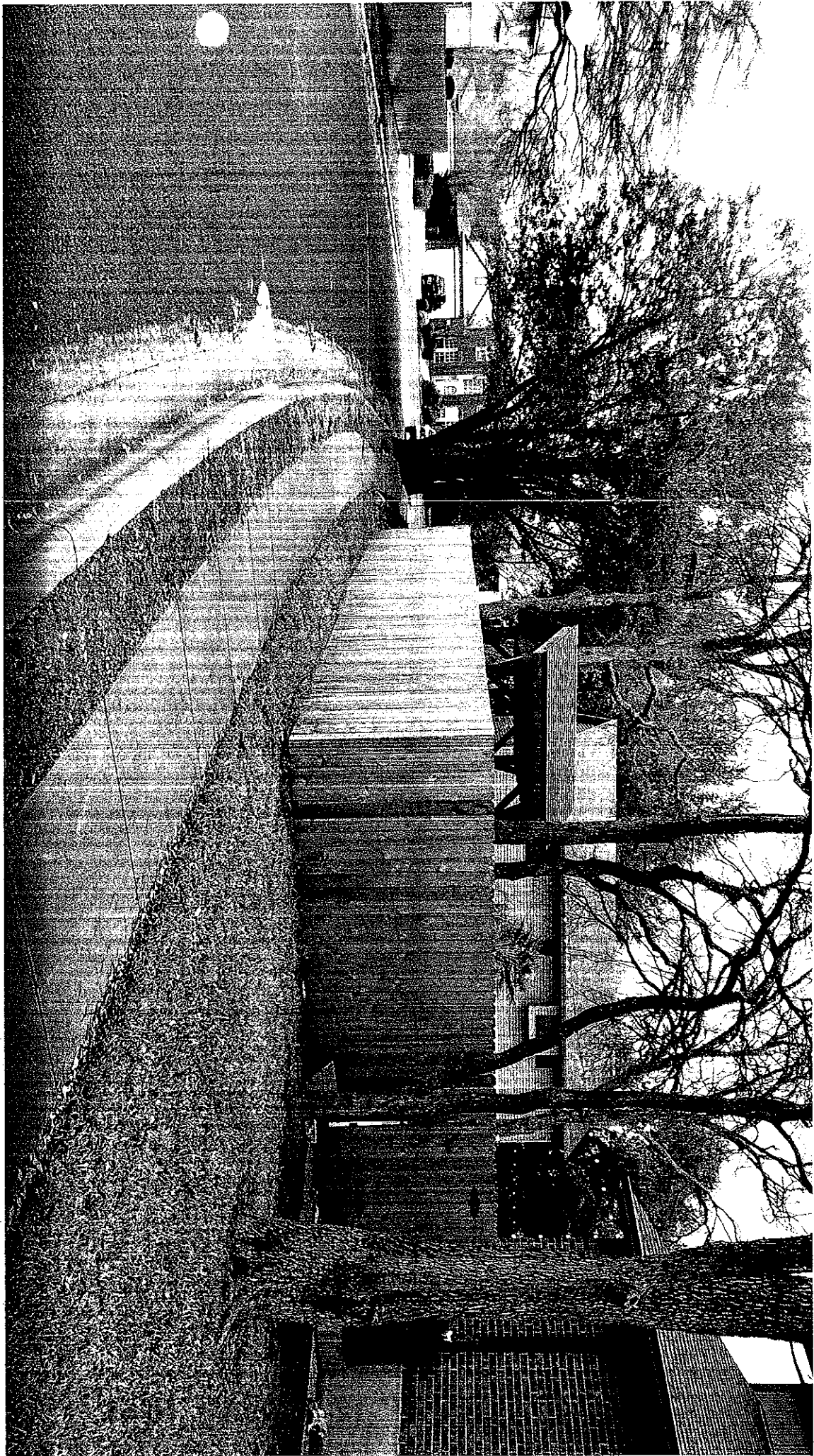
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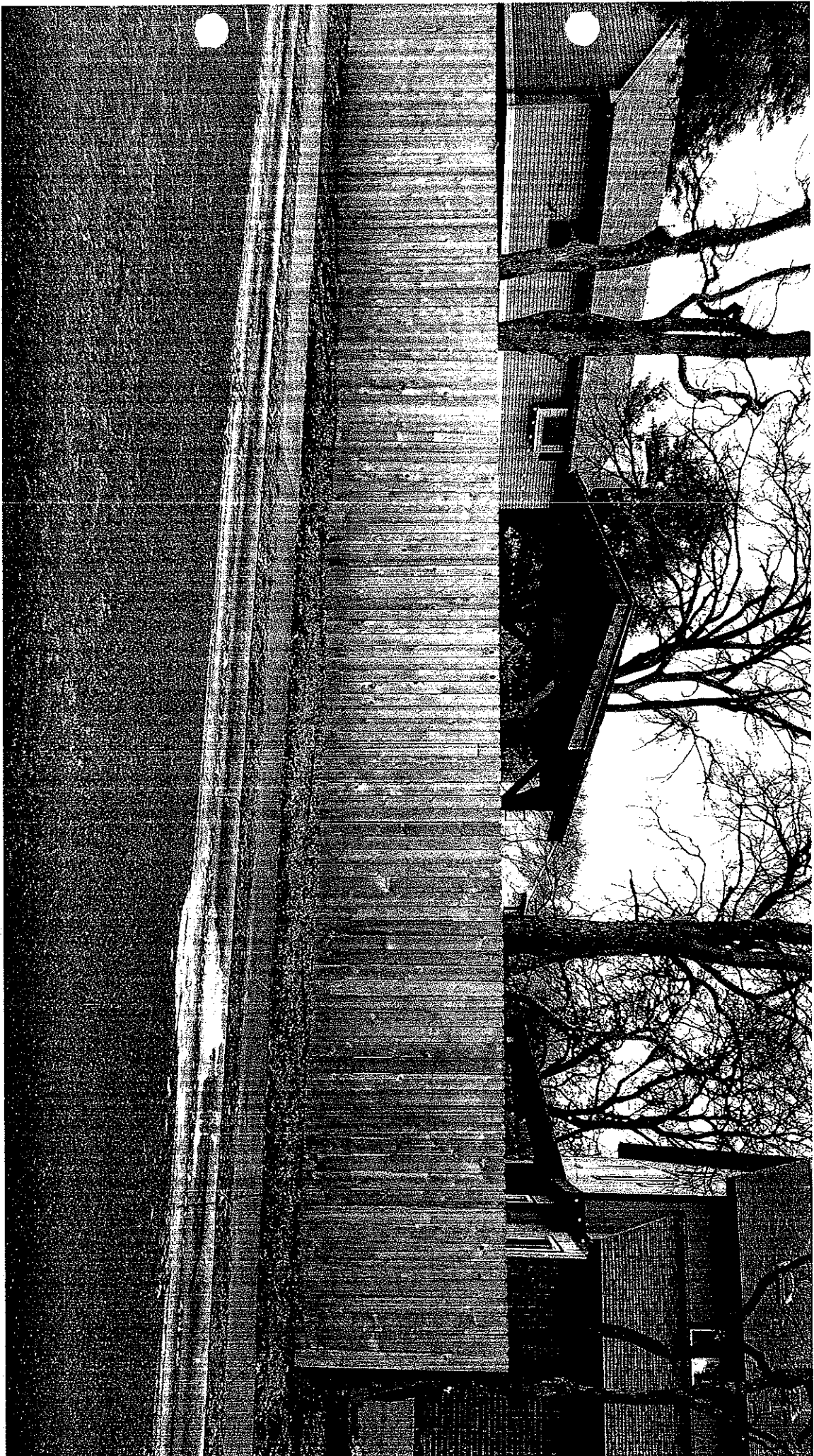
MILLSTAR
Landscape Services
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
WWW.ALLSTARLANDSERVICES.COM

LEGEND

- | | |
|-----------------------------|-----------------------------|
| 1/2" REBAR FOUND | 1/2" REBAR SET |
| WOOD FENCE | WOOD FENCE |
| BUILDING LINE | BUILDING LINE |
| PUBLIC UTILITY ESMT | PUBLIC UTILITY ESMT |
| RECORD INFORMATION | RECORD INFORMATION |
| ELECTRIC TRANSFORMER ON PAD | ELECTRIC TRANSFORMER ON PAD |
| ELECTRIC MANHOLE | ELECTRIC MANHOLE |
| FIRE HYDRANT | FIRE HYDRANT |
| LIGHT POLE | LIGHT POLE |
| AIR CONDITIONER | AIR CONDITIONER |
| INSIDE OF SUBJECT BOUNDARY | INSIDE OF SUBJECT BOUNDARY |
| OUTSIDE OF SUBJECT BOUNDARY | OUTSIDE OF SUBJECT BOUNDARY |

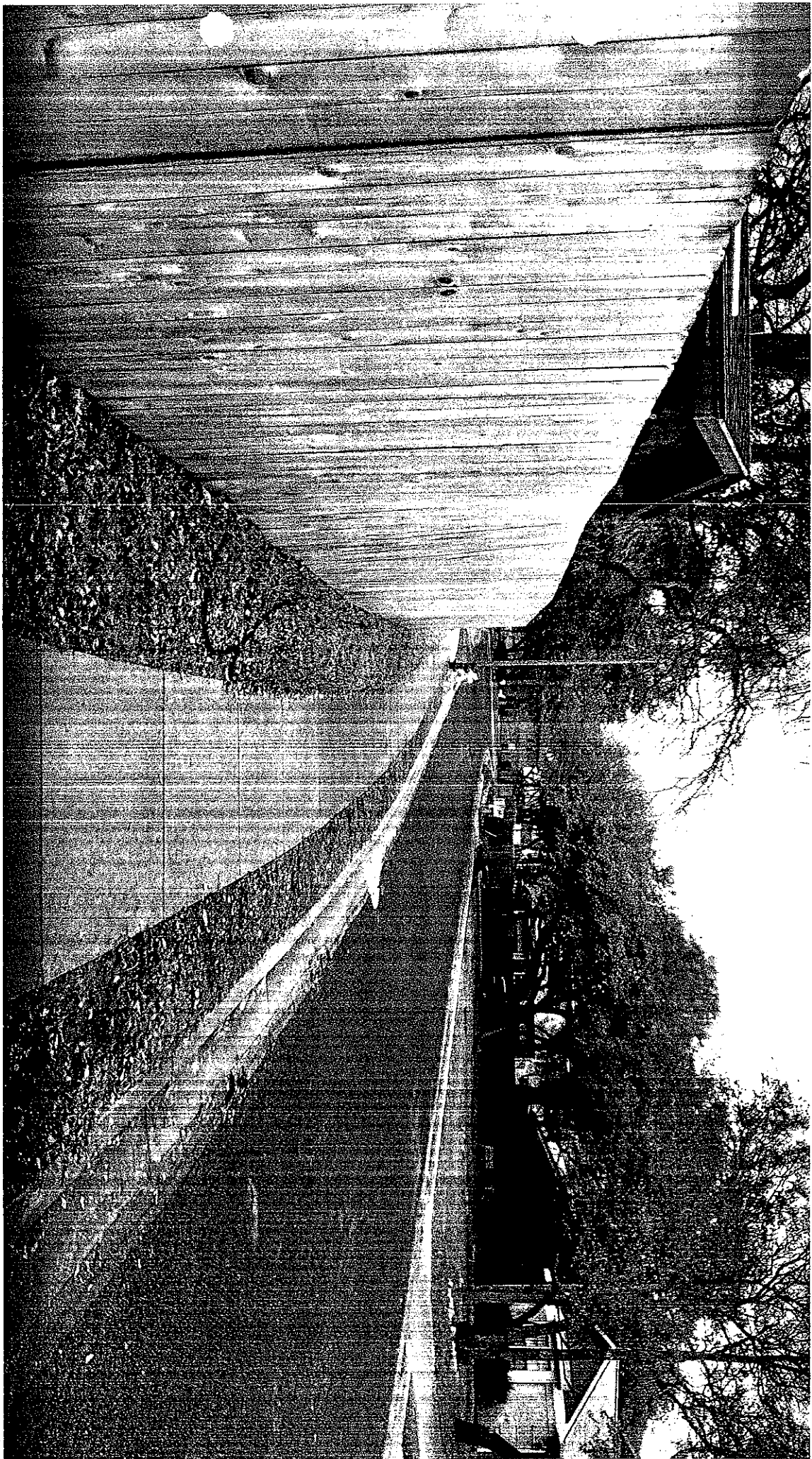
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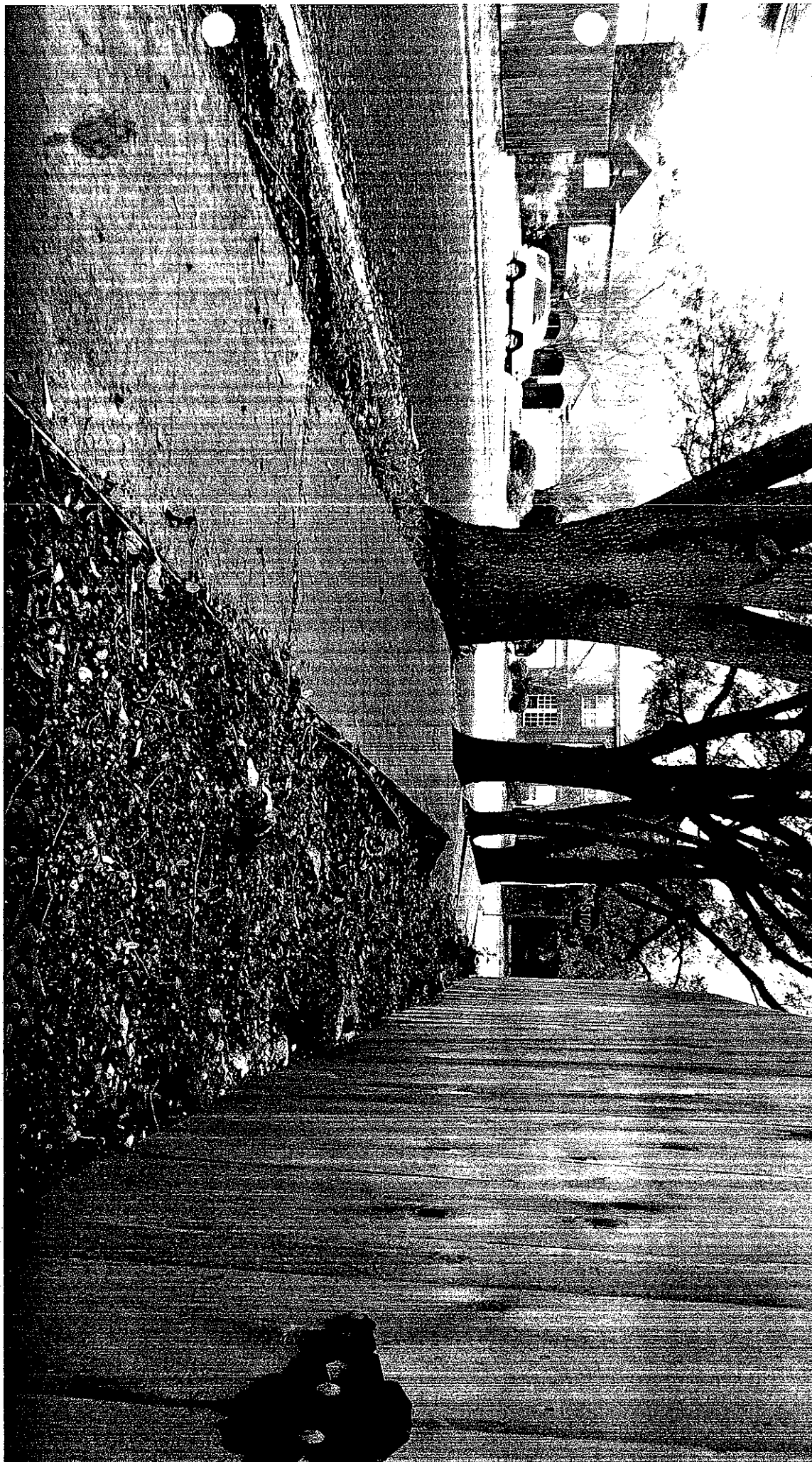


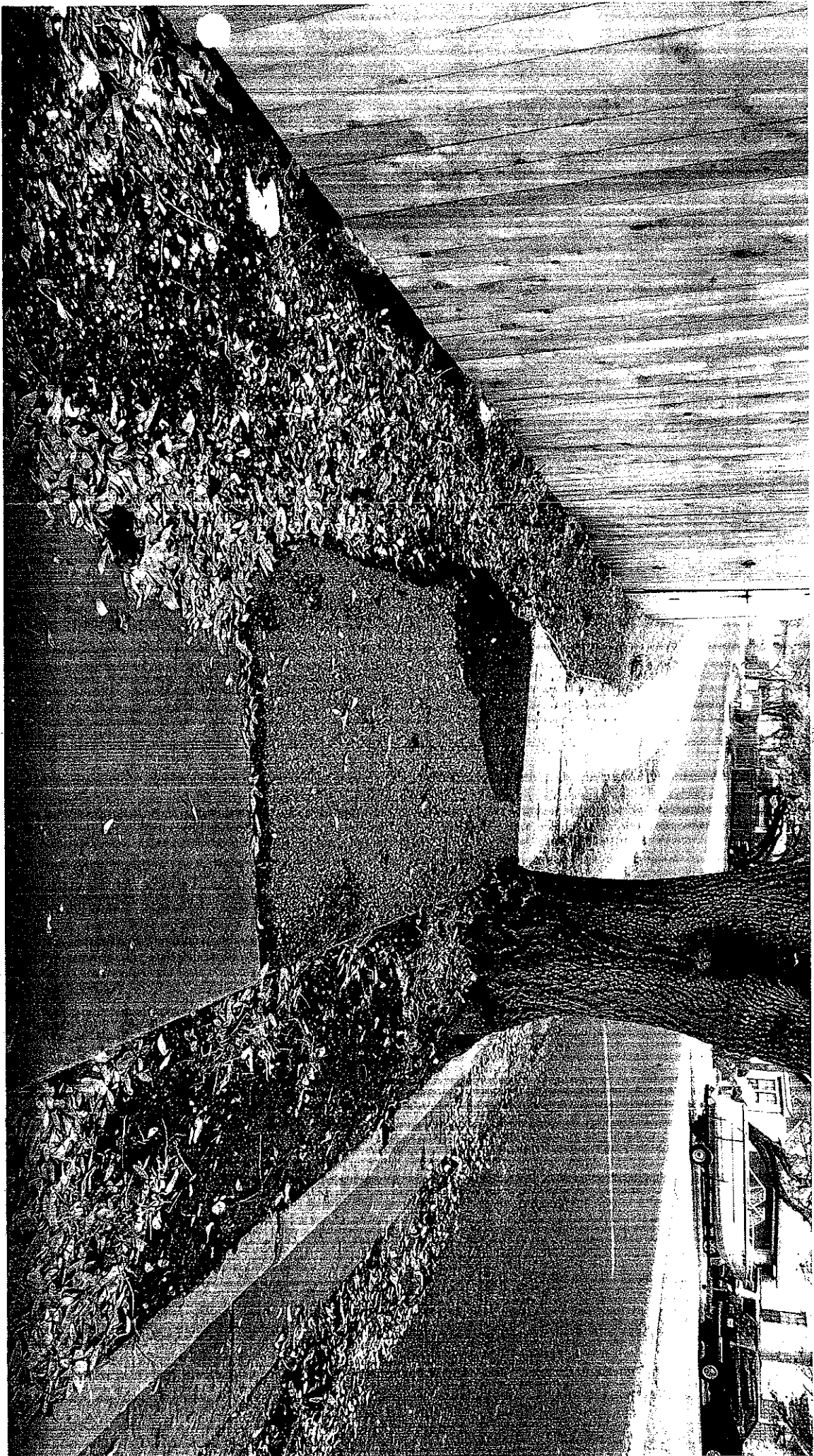


















CITY OF AUSTIN
APPROVED FOR PERMIT
Victoria Hsu, P.E.

Watershed Protection & Development Review Department

By N. Butcher Date 4-20-07

The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

SURVEY PLAT

12509 CORTARO COVE - 50' R/W

N20°00'24"E

N17°10'11"E

35.15'

19.54'

N63°10'42"E

21.19'

75'

AS Bldg Cont
700 S. 10th St
Apt 1010 Austin, TX 78704
Tel 512.476.5777

2-STORY BRICK / FRAME

BUCKSHOT TRAIL - 50' R/W

714
1096
1816

38.93'

67.25'

57°55'11"E

38.93'

N63°25'36"W

105.67'

1.01

S29°34'20"W

87'

AS Bldg Cont
700 S. 10th St
Apt 1010 Austin, TX 78704
Tel 512.476.5777

82.12'

AEAP
APR
F