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

DATE	: Monday, April 8, 2013	CASE NUMBER: C15-2013-002		
Y_	Jeff Jack			
Y_	Michael Von Ohlen	Motion to Grant the fence variance and PP Gazebo		
Y_	Nora Salinas			
Y	Bryan King			
Y	Fred McGhee			
Y	Melissa Hawthorne			
Y	Sallie Burchett			
	Cathy French (SRB o	only)		

OWNER/APPLICANT: EFREN E. MERCADO JR.

ADDRESS: 12509 CORTARO CV

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 3 feet 8 inches in order to maintain an accessory structure (gazebo/cabana) for a single-family residence in an "SF-2", Single-Family Residence zoning district. Postpone to May 13, 2013

The applicant has requested a variance to increase the maximum height of a solid fence requirement of Section 25-2-899 (D) from 6 feet to 7 feet 4 inches at the highest point in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district. Granted

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant height of fence and Postpone to May 13, 2013 for side street setback for gazebo, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED HEIGHT OF FENCE AND POSTPONED TO MAY 13, 2013 FOR SIDE STREET SETBACK FOR GAZEBO.

FINDING:

- The Zoning regulations applicable to the property do not allow for a reasonable use because: property on Cortaro Cove is a corner lot with active foot traffic along Buckshot Trail, property has a swimming pool, hot tub and electrical box which are potential hazards
- 2. (a) The hardship for which the variance is requested is unique to the property in that: the yard on Cortaro Cove slopes to the back of the yard dropping approximately 16 inches the last 20 feet, property has a swimming pool, hot tub and electrical box which are potential hazards

- (b) The hardship is not general to the area in which the property is located because: other lots in Los Indios Phase A do not have the same property grade issues that our house exhibits
- 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 the constant height at the top and the length variance is due to matching the grade of our yard as it slopes

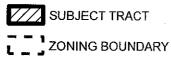
Susan Walker

Executive Liaison

Jeff Jack

Chairman





CASE#: C15-2013-0023 LOCATION: 12509 CORTARO COVE

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.



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

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P. O. Box 1088

Susan Walker

Austin, TX 78767-1088

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Your Name (please print) Your Name (please print)
Case Number: C15-2013-0023 - 12509 Cortaro Cove Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, April 8th, 2013

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P. O. Box 1088 Austin, TX 78767-1088
Susan Walker
City of Austin-Planning & Development Review Department/ 1st Floor
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Comments: I have been the hands
Daytime Telephone: 15/2-250-3686
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Public Hearing: Board of Adjustment, April 8th, 2013
Contact: Susan Walker, 512-974-2202
Case Number: C15-2013-0023 - 12509 Cortaro Cove

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Bluela Holman 4.06.13
Your address(es) affected by this application
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Public Hearing: Board of Adjustment, April 8th, 2013
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Comments: I like the new Fence and cobana, and I feel that it adds character to our neighborhood.
The Signature 4/6/2613 Daytime Telephone: 785-653-1733 4/6/2613
Your address(es) affected by this application
Herian Brown Your Name (please print)
Public Hearing: Board of Adjustment, April 8th, 2013

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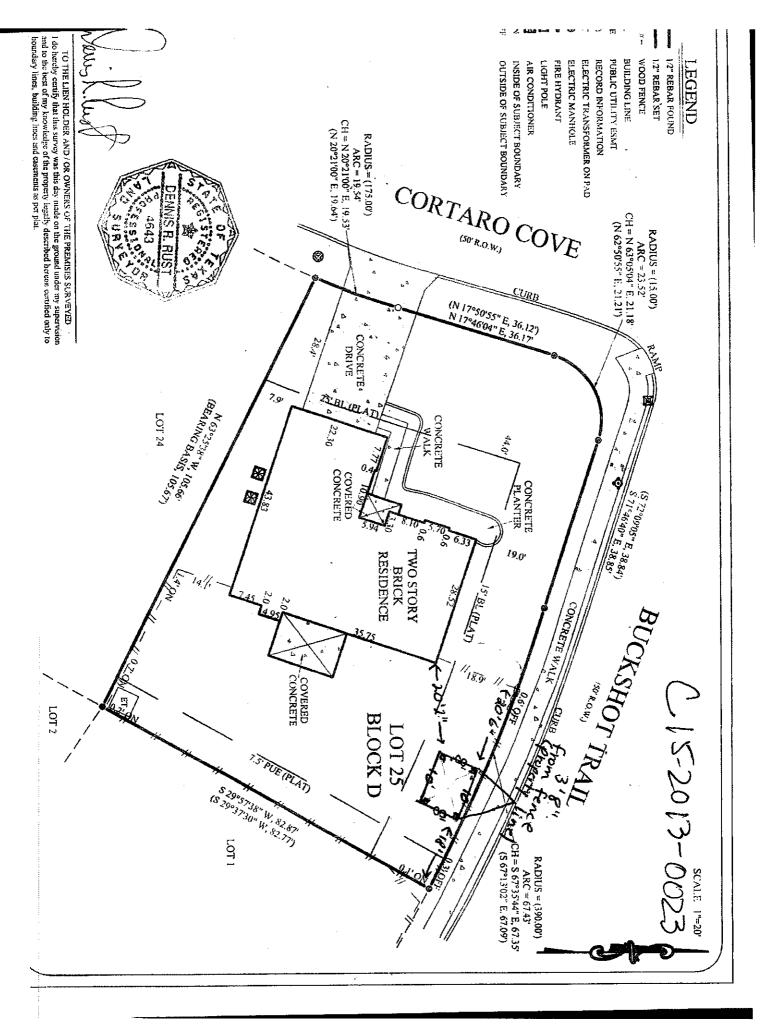
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If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # (15-2013-0023) ROW # 10911802	
CITY OF AUSTIN WCAP COUNTS APPLICATION TO BOARD OF ADJUSTMENT GENERAL YARIANCE/PARKING VARIANCE 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 & Decle Street Dellack	_
57.4" g 3'8"	
in a <u>SF-2</u> 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. They 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 gabezo/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:
 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.

_____Mail Address_12509 Cortaro Cove_

Signed ___

City, State & ZipAustili, 1	. X 10129			
Printed _Efren Mercado	Phone _	512-567-0822Date	_02/11/2013	·····
OWNERS CERTIFICATE are true and correct to the best			ned in the com	plete application
Signed		Mail Address_12	509 Cortaro Co	ove
City, State & Zip _Austin, T	X 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:

City State & Tin

Austin TV 79720

- 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.

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

- 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.



		-A. A.
VANESSA WOODSON	12502 CORTAMO COUE	Massa Llacks
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Todd Wiese	12501 Cardan Cour	Twella (i
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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,

Efren Mercado

Bruce Kimball

Brune Kinhall

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 A	ddress		Signature	
Tanner Sandlin	8006 Bu	cleshot Tre	1 0/0	Su
Maddy Sardlar	8006 Br	ukshit tra	u E	
Nicholas Wakon	8004	suckshif Z	ent Do	100 ton
Adriana Russell	8007]	Buck shot	Trail /	
Patti Stureus	8000 P	sucishert	D1, 04	Staten
Brenda', Home	ng 18005	Buckshot'	N. Bank	: X ble
Adrian Brown			1	Tactor
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BRIAN MACCLESTY	·		In the	7100
DUE V TRAN M	D 79600	BUCKSHOTT	TRI.	andre (m)
LAWRENCE E. COUR	THEY 800	3 Bucksind	e Tue	M Quelas
James Burke 7º	102 BUCKSU	OT TRAIL -	100	Ze)

LI COPE CU BOLLMIN
Beverly Miller-Krohn 8008 Petara Cv. Bev M-K
Matthew Krohn 8008 Petaca CV Marine ROVINON
Soeph Willife Golo Peterco. Mallity
Christy Willhite 8010 Petaco Cace (last My
Kim Nielsen 8013 Petacolove Kyph A Melan
Mitch Nielsen 8013 letaca Cove Mutility
Scott Namen 8014 Petaca Cove Agriffic
ROBERT EKLUND 8012 PETACA-COUE FOR THE
Rodae Moeller 805 Petaca TRL / May
MIKE HAMME BODS
This Rhea 8000 Petaca Ir.
DEABYERHEA 8000 Petace Tr.
Michael Czysz 8002 Petaca Tr fly Ca
Cha Crysz 8002 Petara Ir
April Webb 9004 Petera To - Hambell
Christien 12604 or Valley to only
Junnife/ Lama/ 7910 Petaca ev Jam
Donna Benner 7908 Petaca Tral Donna Benner
MARK DOUGEMUN 7915 PERACE TON MARK DOULLEMEN
Pegg Wohlgemush 7915 Petace Tr Peggy Wondernon
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April Waldrop Dago Oro Valley Tol Worl Willow
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Happy Don 12510 Spounier > FRAEL ATT
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Juanta Jacobs VIP Preschool Juanita Jacobs
Henry Jacobs 12507 Cortaro (V Henry Jacobs
CHOUS Mexicano 12504 Costavo Co. Alle

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EFREN E, MERCADO
1259 CORTARO COVE
107 25, BLOCK D,
LOS INDIOS, PHASE A,
CABINET E', SLIDES 227-233,
AUSŢIN, TRAVIS COUNTY, TEXAS

THIS PROPERTY DOES NOT LIE WITHIN THE 00 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" VATING AS SHOWN ON THE FLOOD IR.M. MAP NO.: \(48491C0325 C

0

CONCRETE:

ZS BL CL

CONCRETE

RESIDENCE

BLOCK D LOT 25

BRICK

12230

PLS CHECK | DENNIS RUST

100 mg

(6.5%) (8.4%) (8

Train Market

, <u>H</u>

LOT 2

CONCRETE

25 PUE PLAT

\$ 29°57'38" W \$2.87' (\$ 29°57'30" W \$2.87' \$ 82,77')

LOT !

8

9020 ANDERSON MILL RD (512) 249-8149 PHONE (512) 331-5217 FAX **AUSTIN, TEXAS 78729** VW ALLSTARLANDSURVEYING.COM

RESTRICTIONS:
THIS SURVEY WAS PREPARED
THIS SURVEY WAS PREPARED
WITHOUT THE BENEFIT OF A TITLE
COMMITMENT AND THIS SURVEYOR
DID NOT RESEARCH THE DEED
RECORDS FOR PREVIOUS CONFLICTS IN
TITLE, EASEMENTS AND/OR
JOUNDARY LINE AGREEMENTS,
THEREFORE, CERTAIN EASEMENTS,
THEREFORE, CERTAIN EASEMENTS
WHICH ARE NOT REFLECTED HEREON, ONLY
THOSE SETBACK LINES, EASEMENTS,
BOUNDRY LINES AND INTERESTS
WHICH ARE REPRESENTED ON THE
PARENT SUBDIVISION PLAT, WHICH IS
REFERENCED HEREON, DOCUMENTS
OTHER THAN THOSE CITED ON THIS
SURVEY, NO DOCUMENTS
OTHER THAN THOSE CITED ON THIS
SURVEY HAVE BEEN EXAMINED. PANEL: 0325 C
DATED: SEPTEMBER 27, 1991
THIS CRETTEL/CATION US FOR INSURANCE
PURPOSES ONLY AND IS NOT A GUARANTEE
THAT THIS PROPERTY WILL OR WILL NOT
FLOOD. CONTACT YOUR LICCAL.
FLOOD-PLAIN ADMINISTRATOR FOR THE
CURRENT STATUS OF THIS TRACT. ALC: BY GILBERT MARTINEZ 05/09/200
PAUL RUST 05/11/200
DAMIAN SMITH 05/11/200 WOOD FENCE BUILDING LINE 1/2" REBAR SET 1/2" REBAR FOUND AIR CONDITIONER LIGHT POLE FIRE HYDRANT RADIUS=(175.00) ARC = 19.54' CH = N 20°21'00" E, 19.53'--(N 20°21'00" E, 19.64')

4643 484 SURVEYOR

TO THE LIEN HOLDER, AND LOR OWNERS OF THE PREMISES SUR VEYED I do breeby cerify that this survey was this day made on the ground under my supervision and to the best of my knowledge of the property legally described heron certified only to boundary lines, building lines and easements as per plat.

CUTSIDE OF SUBJECT BOUNDARY INSIDE OF SUBJECT BOUNDARY ELECTRIC MANHOLE ELECTRIC TRANSFORMER ON PAD RECORD INFORMATION PUBLIC UTILITY ESMI LEGEND CORTARO COVE RADIUS = (15.00') - ARC = 23.52' CH = N 63°05'04" E, 21.18' (N 62°50'55" E, 21.21') (N 17°50'55" E, 36.12') N 17°46'04" E, 36.12') CONCRETE 9 (\$ 72°0908" E 38.84") \$ 71°4640" E 38.84") PLANTER 800 TWO STORY 19.0 LIVIAN TASSI BUCKSHOT TRAIL CONCRETE WALK 1/18.3

> RADIUS = (390.00°) I ARC = 67.43° - CH = S 67°35′44″ E, 67.35′ (S 67°13'02" E, 67.09')

SCALE 1"=20"

