

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

DATE: Monday, May 13, 2013

CASE NUMBER: C15-2013-0038

____ Jeff Jack
____ Michael Von Ohlen **2nd the Motion**
____ Nora Salinas
____ Bryan King **Motion to PP**
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

OWNER/APPLICANT: Damon Faigle

ADDRESS: 8800 AMPEZO TRL

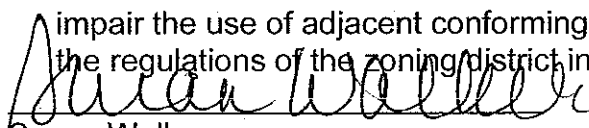
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum height of a solid fence requirement of Section 25-2-899 (D) from 6 feet above grade to 8 feet above grade (at the highest point) in order to erect a fence (along Cortina Drive) for a single-family residence in an "SF-2", Single-Family Residence zoning district. The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.

BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Postpone to June 10, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO JUNE 10, 2013 (APPLICANT NO SHOW).**

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

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- 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
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0038 – 8800 Ampezo Trail
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, May 13th, 2013

Lauren Leon
 Your Name (please print) ☒ I am in favor ☐ I object

8800 Ampezo Trail Austin, TX 78749
 Your address(es) affected by this application

[Signature] 5/8/2013
 Signature Date

Daytime Telephone: 512.500.9954

Comments: _____

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, May 13th, 2013

Damen Faidle
 Your Name (please print)

☒ I am in favor
☐ I object

8800 Ampezo Trail Austin, TX 78749
 Your address(es) affected by this application

Damen Faidle 5/8/2013
 Signature Date

Daytime Telephone: 512-806-9954

Comments: _____

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, May 13th, 2013

Your Name (please print)

Jocelyne S. Skiffis

☒ I am in favor
☐ I object

Your address(es) affected by this application

8906 Ampezo TR

78749

Signature

Daytime Telephone:

Date

5/5/2013

Comments:

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, May 13th, 2013

Craig Boffa
 Your Name (please print)

☒ I am in favor
☐ I object

8906 Ampezo Trl, Dri. Tx 78749
 Your address(es) affected by this application

[Signature]
 Signature

5/6/2013
 Date

Daytime Telephone: _____

Comments: _____

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: C15-2013-0038 - 8800 Ampezo Trail

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, May 13th, 2013

Your Name (please print)

Henry Domo A

Your address(es) affected by this application

8903 Keweenaw Ave

☒ I am in favor
☐ I object

Signature

Date

Daytime Telephone:

Comments:

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

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

CASE #

ROW #

C15-2013-0038

10926820

TP-0420300421

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: 8800 Amparo Trl Austin, TX 78749

LEGAL DESCRIPTION: Subdivision - Maple Run

Lot(s) 11 Block D Outlot _____ Division _____

I/We Damon Faigle on behalf of myself/ourselves as authorized agent for

_____ affirm that on _____,

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

(check appropriate items below)

☒ ERECT ☒ ATTACH ☐ COMPLETE ☒ REMODEL ☐ MAINTAIN

a solid fence at 8' at
the highest point along
Cortina Drive

in a _____ 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:

HARDSHIP:

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:

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:

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 8800 Ampezo Trail

City, State & Zip Austin, Tx 78749

Printed Daman Faigle Phone 512-506-9954 Date 3/20/2013

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 8800 Ampezo Trail

City, State & Zip Austin, Tx 78749

Printed Daman Faigle Phone 512-506-9954 Date 3/20/2013

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
The current fence height is too low based on the topography of the land. The home sits on an elevated foundation that is 28.5 inches higher than the ground. This elevation has the house sitting above the 6 foot fence line and giving the homeowner no privacy in the backyard. The elevated foundation plot is not consistent with the neighborhood because our home sits in the middle of the hill between the lower and upper parts of the topography causing the builders to build the elevated foundation to make the land level for the home to be built.

HARDSHIP:

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

The hardship is the fact that the home sits on the elevated foundation plot which is 28.5 inches higher than the ground level. When the home was built, an elevation plot had to be constructed in order for the home builders to have a flat surface to build. The problem is when you walk out of the house and stand on the deck you're then higher than the height of the fence causing our privacy to be non-existent.

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

The home sits in the middle of the hill so in order to make the foundation level, the builders needed to construct an elevated foundation block in order to have a flat surface. There is currently no other home in the neighborhood that sits on a foundation plot which reached 28.5 inches in height. All other homes in the surrounding area are built at ground level.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of the adjacent conforming property and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will add value to the property and will not alter the character. The original 6 foot fence was damaged during a wind storm and is currently being held up by rope.

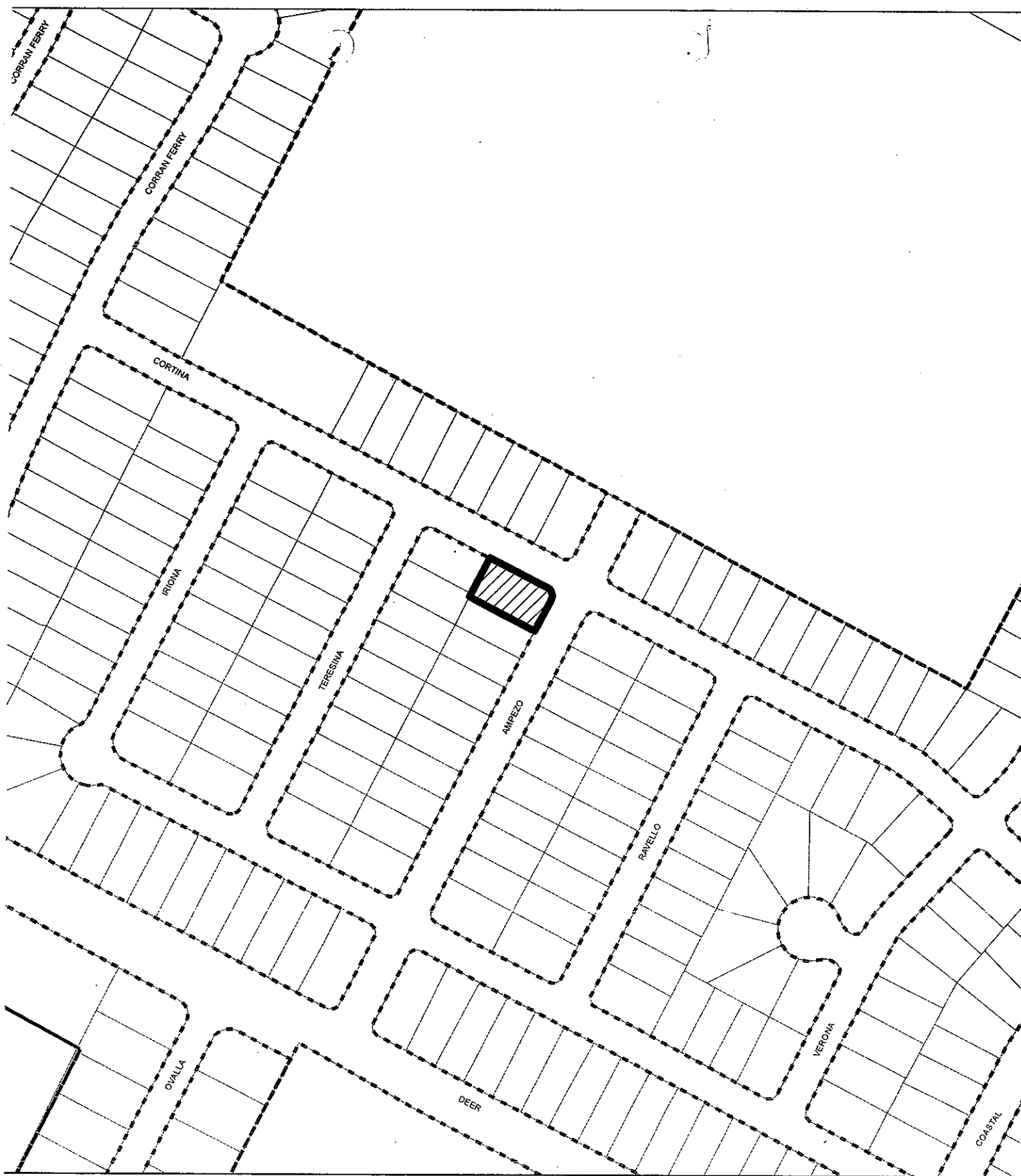
The adjacent property is considered to be owned by the City of Austin because the home is located on a corner lot and the fence is backed up to the street. I have taken pictures of the surrounding area to show the property in its current state.

Thank you for your consideration.

Sincerely,


Damon Faigle

March 27, 2013

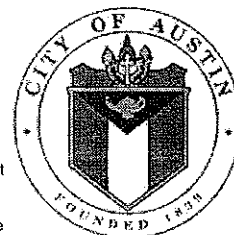


SUBJECT TRACT



ZONING BOUNDARY

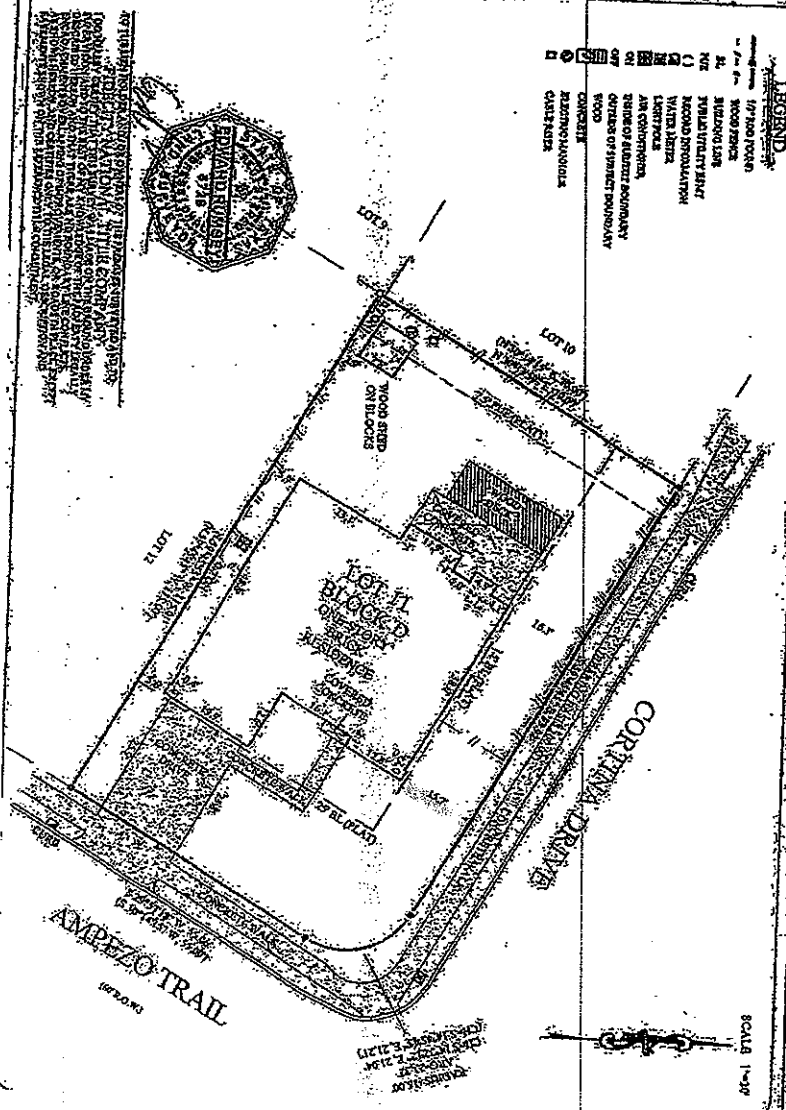
CASE#: C15-2013-0038
LOCATION: 8800 AMPEZO TRL



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.

LUBBOCK COUNTY, TEXAS
 1800 AMADOR TRAIL
 AUSTIN, TEXAS COUNTY, TEXAS
 LOT 11, BLOCK 2, AMENDED
 PLAT OF LOTS 22 AND 23, BLOCK
 2, LOTS 2-14, BLOCK 2, LOTS 11
 AND 12, BLOCK 2, MARLBOROUGH
 SECTION 4, SUBDIVISION IN
 TRAVIS COUNTY, TEXAS
 ACCORDING TO THE MAP OR
 PLAT RECORDED IN VOLUME 14,
 PAGE 148, OF THE PLAT RECORDS
 OF TRAVIS COUNTY, TEXAS.

[illegible]

James F. Dor