

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

CASE # C15-2013-0060  
ROW # 10948582

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

TP- @ WCAID

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

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

STREET ADDRESS: 12510 Oro Valley Trail Austin, Williamson County, Texas 78729

LEGAL DESCRIPTION: Subdivision – Los Indios Phase A

Lot(s) 1 Block D Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Harlan McClain Stanley on behalf of myself/ourselves as authorized agent for

Harlan McClain Stanley affirm that on May 6, 2013,

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

(check appropriate items below)

x ERECT \_\_\_ ATTACH \_\_\_ COMPLETE x REMODEL x MAINTAIN

8 Foot Privacy Fence Containing a Pool

in a SF-2 district.  
(zoning district)

along Buckshot Trail

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:

In ground pool requires a sturdy and tall privacy fence to keep uninvited parties from viewing and access to property. A child could conceivably jump high enough to grasp the edge of a six foot privacy fence and be able to climb over it.

**HARDSHIP:**

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

The property contains an in ground pool which could be hazardous to those who are not permitted to enter said property. Home is on a corner lot where there is pedestrian traffic is high. Privacy is also a concern.

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

Not every home has a pool Nor is every home on a corner lot where exposure is high.

**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:

Neighboring fences are already at or above the six foot level approaching eight feet.

**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:

Not Applicable

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:

Not Applicable

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

Granting the variance will create a safety barrier from an attractive nuisance to the public.

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

So long as there is a pool on the premises, there shall be a privacy fence as required.

**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 Harlan McClain Stanley Mail Address 12510 Oro Valley Trail

City, State & Zip Austin, Texas, 78729

Printed Harlan McClain Stanley Phone 512-944-7611 Date 05/6/2013

**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 Harlan McClain Stanley Mail Address 12510 Oro Valley Trail

City, State & Zip Austin, Texas, 78729

Printed Harlan McClain Stanley Phone 512-944-7611 Date 05/6/2013

# City of Austin Residential Permit Application

Residential Review, 2<sup>nd</sup> floor, One Texas Center  
505 Barton Springs, Austin, TX 78704  
(512) 974-2747

2013-01-16/21	150-001-100
2/20/13	

Project Information	
Project Address: 12510 ORIO VALLEY TRAIL	Tax Parcel ID: WCAP
Legal Description: LOS INDIOS PHASE A Block D Lot 1	Lot Size (square feet): 9020
Neighborhood Plan Area (if applicable):	Historic District (if applicable):
Is this site within the Residential Design and Compatibility Standards Ordinance Boundary Area? Y N	
Note: Boundaries are defined under Title 25-2 Subchapter F of the Land Development Code.	
Does this site currently have water availability? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	wastewater availability? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
If no, contact Austin Water Utility to apply for water/wastewater taps and/or service extension request.	
Does this site have a septic system? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If yes, submit a copy of approved septic permit to construct
Does this site require a cut or fill in excess of four (4) feet? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If yes, contact the Development Assistance Center for a Site Plan Exemption.
Does this site front a paved street? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Is this site adjacent to a paved alley? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Does this site have a Board of Adjustment (BOA) variance? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Case # (if applicable)
Does this site have a Residential Design and Compatibility Commission (RDCC) waiver? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If yes, provide a copy of decision sheet. Note: A permit cannot be approved within 10 days of approval of a variance from BOA.
Does the project impact a tree protected by ordinance? This would include canopy and/or critical root zone. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
Note: If yes, application for a tree permit with the City Arborist may be required.	
Is this site within one hundred-fifty (150) feet of the one hundred (100) year floodplain? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
Note: Proximity to a floodplain may require additional review time.	

Description of Work	
Existing Use: vacant	<input checked="" type="checkbox"/> single-family residential <input type="checkbox"/> duplex residential <input type="checkbox"/> two-family residential <input type="checkbox"/> other
Proposed Use: vacant	<input checked="" type="checkbox"/> single-family residential <input type="checkbox"/> duplex residential <input type="checkbox"/> two-family residential <input type="checkbox"/> other
Project Type: new construction	<input type="checkbox"/> addition <input type="checkbox"/> addition/remodel <input checked="" type="checkbox"/> remodel/repair <input type="checkbox"/> other
# of bedrooms existing: 4	# of bedrooms proposed: 4
# of baths existing: 2.5	# of baths proposed: 2.5
Will all or part of an existing exterior wall be removed as part of the project? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
Note: Removal of all or part of a structure requires a demolition permit.	
Project Description: (Note: Please provide thorough description of project. Attach additional pages as necessary)	
REPLACEMENT OF FENCE HIGHER THAN 6' NOT TO EXCEED 8' ENCLOSED POOL.	
Trades Permits Required: electric plumbing mechanical (HVAC) concrete (right-of-way)	

Job Valuation	
Total Job Valuation: \$ 900	Portion of Total Job Valuation Dedicated to Addition/New Construction: \$
Portion of Total Job Valuation Dedicated to Remodel/Repair: \$ 900	Primary Structure: \$
Accessory Structure: FENCE \$ 900	Bldg: \$ Elec: \$
	Plmbg: \$ Mech: \$

Note: The total job valuation should be the sum total of all valuations noted to the right. Labor and materials only, rounded to nearest dollar. Permit fees are based on adopted fee schedule.

Contact Information			
Owner	HARLAN STANLEY	Applicant or Agent	
Mailing Address	12510 OROUAVILLE TRAIL	Mailing Address	
Phone	512 944 7611	Phone	N/A
Email	HARLAN.STANLEY@CMAA.COM	Email	
Fax		Fax	
General Contractor	HARLAN STANLEY	Design Professional	
Mailing Address	N/A	Mailing Address	N/A
Phone	N/A	Phone	
Email		Email	
Fax		Fax	

Acknowledgments	
Is this site registered as the owner's homestead for the current tax year with the appraisal district?	<input checked="" type="radio"/> N
<p>I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license.</p> <p>I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property.</p> <p>If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.</p> <p>I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC. I understand that nothing may be built upon or over an easement.</p> <p>I further understand that no portion of any roof structure may overhang in any public utility or drainage easement. I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.</p> <p>I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required and compliance with current code may be required.</p> <p>I hereby certify that to the best of my knowledge and ability, the information provided in this application is complete and accurate.</p> <p>I further acknowledge that, should any information contained herein prove incorrect, the building official may suspend or revoke any resulting permit and/or license.</p> <p>I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed. Tree protection is required per Section 25-8-603.</p> <p>Erosion and Sedimentation Controls are required per Section 25-8-181.</p> <p>I acknowledge that a sidewalk will be required on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more.</p> <p>I acknowledge if my plans are subject to a technical review it will not be construed to be a permit for, or an approval of any violation of any of the provisions of the current adopted building codes or another ordinance of the City of Austin.</p>	
Applicant's signature: <u>Harlan Stanley</u>	Date: <u>12-12-2012</u>

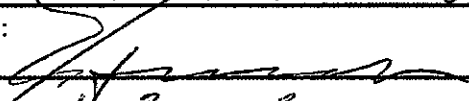
To Whom It May Concern:

My name is EFREN MERCADO and I live as a neighbor to Harlan Stanley 12510 Oro Valley Trail, Austin, Texas 78729.

I approve of Mr. Stanley Building a fence to the same height as my own, and maintaining a level top not to exceed a total of 8 feet in height.

Name: EFREN MERCADO

Address: 12509 BORTARO DR.

Signature: 

Date: 1-3-2013

To Whom It May Concern:

My name is Henry Jacobs and I live as a neighbor to Harlan Stanley 12510 Oro Valley Trail, Austin, Texas 78729.

I approve of Mr. Stanley Building a fence to the same height as my own, and maintaining a level top not to exceed a total of 8 feet in height.

Name: Henry Jacobs

Address: 12507 Cortaro Cove

Signature: Henry W Jacobs

Date: 1/13/2013

To Whom It May Concern:

My name is David Waldrup and I live as a neighbor to Harlan Stanley 12510 Oro Valley Trail, Austin, Texas 78729.

I approve of Mr. Stanley Building a fence to the same height as my own, and maintaining a level top not to exceed a total of 8 feet in height.

Name:

David Waldrup

Address:

12600 ORO VALLEY TRAIL

Signature:

David Waldrup

Date:

1/13/13

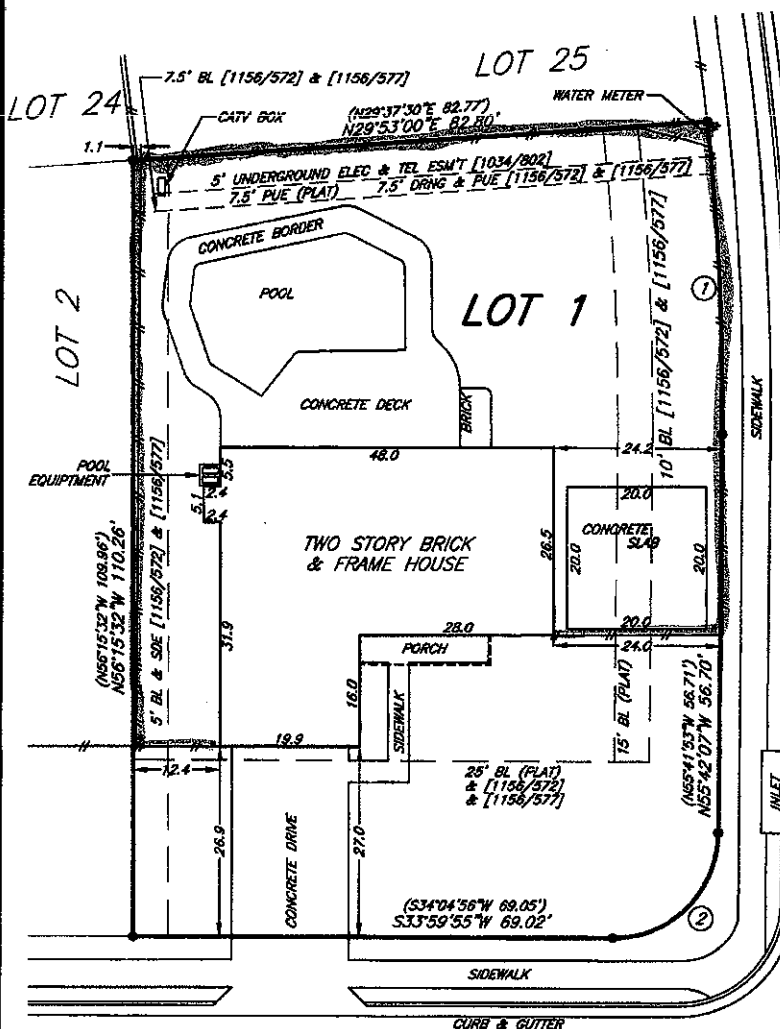
THE FENCE LOOKS FANTASTIC AND IS A GREAT IMPROVEMENT.



SAMFORD & ASSOCIATES  
LAND SURVEYING  
TEL: 441-5601 FAX: 441-5603

# SURVEY PLAT

4360 S. CONGRESS AVENUE  
SUITE 106  
AUSTIN, TEXAS 78745



ORO VALLEY TRAIL  
64' ROW ASPHALT

- ① N58°57'40"W C=44.61' R=390.00'  
(N58°52'25"W C=44.60' R=390.00')  
② S10°45'18"E C=21.24' R=15.00'  
(S10°48'28"E C=21.17' R=15.00')

CP = CONTROL POINT  
● = IRON ROD FOUND  
— = WOOD FENCE  
( ) = FROM PLAT RECORDS  
[ ] = FROM DEED RECORDS  
SDE = SURFACE DRAINAGE ESM'T

ADDRESS: 12510 ORO VALLEY TRAIL, AUSTIN, TEXAS 78729

## LEGAL DESCRIPTION:

LOT 1, BLOCK D, LOS INDIOS PHASE "A", A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN CABINET E, SLIDE 227, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

F.I.R.M. STATEMENT: ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) No. 481079-0325-C, DATED 09/27/91, THIS PROPERTY IS LOCATED IN ZONE X, DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN...".  
DISCLAIMER: THIS STATEMENT AND THE F.I.R.M. FROM WHICH IT WAS DEVELOPED ARE FOR ADMINISTRATION OF THE NATIONAL FLOOD INSURANCE PROGRAM ONLY. THE F.I.R.M. "DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO FLOODING; PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE, OR ALL PLANIMETRIC FEATURES OUTSIDE SPECIAL FLOOD HAZARD AREAS. THE COMMUNITY MAP REPOSITORY SHOULD BE CONSULTED FOR POSSIBLE FLOOD HAZARD INFORMATION PRIOR TO THE USE OF THIS MAP FOR PROPERTY PURCHASE OR CONSTRUCTION PURPOSES".

## CERTIFICATION

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON.

BUYER(S): EDOURD DAMEZ & WIFE, JULIA DAMEZ

LENDER: CYPRESS MORTGAGE

TITLE CO.: FIRST AMERICAN TITLE

G.F.#: 2990129

PLAN No.: 990465J

SURVEY DATE: 5/18/99



MICHAEL SAMFORD, R.P.L.S. 3693

LOT 24  
LOT 25  
LOT 26  
LOT 1  
LOT 2

BUCKSHOT TRAIL  
50' ROW  
CITY OF AUSTIN  
APPROVED FOR PERMIT  
Greg Guernsey  
Planning and Development Review Department  
Date

REVIEWED FOR ZONING ONLY



City of Austin  
BUILDING PERMIT

PERMIT NO: 2013-017120-BP  
12510 ORO VALLEY TRL

Type: RESIDENTIAL Status: Final  
Issue Date: 03/04/2013 EXPIRY DATE: 04/30/2013

LEGAL DESCRIPTION						SITE APPROVAL		ZONING SF2	
PROPOSED OCCUPANCY:		WORK PERMITTED: Repair				ISSUED BY: Gabriel Guerrero Jr			
replacement of fence higher than 6' not to exceed 8' enclosing pool									
TOTAL SQFT		VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
Remodel: 0		Tot Val Rem: \$900.00 Tot Job Val: \$900.00			435		1	0	
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE		# OF BATHROOMS		METER SIZE
							1		n

<b>Contact</b>	<b>Phone</b>	<b>Contact</b>	<b>Phone</b>
Applicant, Harlan Stanley	(512) 944-7611	Owner, Harlan Stanley	(512) 944-7611
General Contractor, Harlan Stanley	(512) 944-7611		

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	51.00	3/4/2013	Development Services Surchar	7.04	3/4/2013	Initial Residential Review Fee	125.00	3/4/2013
<b>Fees Total:</b>	<b>183.04</b>							

**Inspection Requirements**

Building Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

**Comments**

Residential Zoning Review

Date	Reviewer
02/21/2013	Diana Cortinas

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin  
BUILDING PERMIT

PERMIT NO: 2013-017120-BP  
12510 ORO VALLEY TRL

Type: RESIDENTIAL Status: Final  
Issue Date: 03/04/2013 EXPIRY DATE: 04/30/2013

LEGAL DESCRIPTION				SITE APPROVAL		ZONING SF2			
PROPOSED OCCUPANCY:		WORK PERMITTED: Repair			ISSUED BY: Gabriel Guerrero Jr				
replacement of fence higher than 6' not to exceed 8' enclosing pool									
TOTAL SQFT		VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
Remodel: 0		Tot Val Rem: \$900.00 Tot Job Val: \$900.00			435		1	0	
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	
						1		n	

Type	Date	Status	Comments	Inspector
101 Building Layout	3/12/2013	Pass		Douglas Williams
102 Foundation		Open		Douglas Williams
103 Framing		Open		Douglas Williams
104 Insulation		Open		Douglas Williams
105 Wallboard		Open		Douglas Williams
109 TCO Occupancy		Open		Douglas Williams
112 Final Building	4/30/2013	Pass		Douglas Williams
114 Continuance of work		Open		Douglas Williams
Deficiencies		Open		Douglas Williams