

CITY OF AUSTIN

Board of Adjustment/Sign Review Board Decision Sheet

DATE: Monday, June 10, 2013

CASE NUMBER: C15-2013-0051

_____ Jeff Jack
 _____ Michael Von Ohlen
 _____ Nora Salinas
 _____ Bryan King
 _____ Fred McGhee
 _____ Melissa Hawthorne
 _____ Sallie Burchett
 _____ Cathy French (SRB only)

OWNER/APPLICANT: David Paratore


ADDRESS: 8601 BELL MOUNTAIN DR

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 10 feet to 2 feet in order to maintain stairs and landing along the north property line for a single-family residence in an “RR”, Rural Residence zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Will Schnier second on a 5-2 vote (Board members: Melissa Hawthorne and Sallie Burchett nay; Michael Von Ohlen Recused); **DENIED.**

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
Jeff Jack
Chairman

Walker, Susan

From: David Paratore [REDACTED]
Sent: Monday, June 17, 2013 4:26 PM
To: Walker, Susan
Subject: RE: Reconsideration Request for 8601 Bell Mountain Variance

Susan,

We respectfully request reconsideration for the Variance requested at 8601 Bell Mountain Drive for the following reasons:

1. The Board was told at the original hearing that the variance actually encroached over the property lines. This was incorrect and I would like to provide a new survey that will show this, as the board requested.
2. The variance requested the maximum of 8', but the actual absolute requirement could be as little as 4' in order to save trees that have grown since the house was originally built.

For the above reasons we would like to request the boards reconsideration of this variance.

Respectfully

David Paratore
Home Owner
[REDACTED]

Walker, Susan

From: David Boles [REDACTED]
Sent: Monday, June 10, 2013 2:04 PM
To: Walker, Susan
Subject: Regarding File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

Ms. Walker,

I am writing to express my opposition to the "request for variance" for 8601 Bell Mountain Dr. referenced by C15-2013-0051. While I live a bit more than 500 feet from 8601 (I'm 4 houses down), I walk by there on a regular basis and am well familiar with the layout of the lot and structures, and their relationship to the adjacent properties.

Mr. Paratore has extended his residence by a series of decks that are about half the size of his home. Further, that portion of his lot is about 140 feet wide. It is difficult to grasp how he has experienced any "hardship" in this situation - apart from that of his own making. The property didn't become any more "steep and boulderous" in the time since he purchased it - nor is the 10 foot building restriction something new. In fact, all indications I'm aware of point to Mr. Paratore being aware of the encroachment and proceeding anyway.

As a homeowner in Long Canyon, I am strongly opposed to the City granting a variance in this matter. If the City does not grant the variance, I am hopeful that as neighbors the parties will be able to come to a solution - likely one that prompts partial reconstruction of Mr. Paratore's deck to bring it into compliance with both the plat restrictions and the neighborhood covenants and restrictions.

Sincerely,

David Boles

Walker, Susan

From: Suzy Steele ~~sssteele@bellmountain.com~~
Sent: Monday, June 10, 2013 2:16 PM
To: Walker, Susan
Subject: Case Number C15-2013-0051 - 8601 Bell Mountain Drive

Case Number: C15-2013-0051 – Bell Mountain Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 10th, 2013

Michael Lux and Suzy Steele
8500 Bell Mountain Drive

We Object to the variance

Daytime Telephone: 512-751-1755

Comments: The neighborhood of Long Canyon has relatively large lots. They afford plenty of space for reasonable construction of a home and outdoor amenities. The building lines are well documented and assure privacy and freedom from encroachment by neighboring lots. They represent a right in this respect and any deviation from them must be done with the proper notification and written approval from all affected parties. This did not happen in this circumstance. The case before the board must be denied as this would not only represent a violation of the building line and the right of a neighboring lot, but it would also set a precedent in our neighborhood at least, that this behavior of willful disrespect for building lines and neighbors privacy are to be tolerated. We certainly would not want our neighbors to do this to us and we oppose it for that reason, and in support of the neighbor most directly affected.

Walker, Susan

From: Leslie or Rick McMaster [mailto:leslie.mcmaster@texasattorneys.com]
Sent: Monday, June 10, 2013 1:12 PM
To: Walker, Susan
Subject: Postponement of File # C15-2013-0051, 8601 Bell Mountain Drive, Austin, TX 78730

Susan,

Last Wednesday Mr. Paratore appeared in court and asked for a chance to pay his fines and be done with the matter since he had no opposition to this request. He is trying to play this both ways. He was told by the court on March 20 that he had ten days to apply for a variance but he did not do this until May. A two month postponement will drag this matter out beyond a year from the original code compliance complaint.

This matter has been going on for two and a half years. I strongly object to a two month continuance.

Leslie McMaster

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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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: C15-2013-0051 – 8601 Bell Mountain Drive
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 10th, 2013

TOM R. SMITH
 Your Name (please print)

☐ I am in favor
☒ I object

8504 BELL MOUNTAIN DRIVE

Your address(es) affected by this application

Tom R. Smith
 Signature

6/3/2013
 Date

Daytime Telephone: **720-272-1000**

Comments: **I AM VERY AWARE OF THIS**

SPECIFIC CASE AND AM STRONGLY AGAINST GRANTING A VARIANCE TO THE MINIMUM SIDE YARD SET BACK OF 10 FEET. THE SET BACK REQUIREMENTS PROTECT ALL OF OUR HOME VALUES AND VARIANCES SHOULD ONLY BE GRANTED IN ADVANCE OF ANY BUILDING ON THE SITE, NOT AFTER.

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

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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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: C15-2013-0051 – 8601 Bell Mountain Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, June 10th, 2013

Your Name (please print)

Leavis Partridge

☐ I am in favor
☒ Object

Your address(es) affected by this application

6505 CUESTA TR, 78730

Susan Walker

6-2-13

Signature

Date

Daytime Telephone: 512 346 2528

Comments:

Homeowner Neighbors

Disrespectful of COA Rules and HOA Rules

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

PROPERTY ADDRESS: 8601 BELL MOUNTAIN DRIVE AUSTIN, TEXAS 78730

SURVEY NUMBER: 1303.1536

FIELD WORK DATE: 3/22/2013

REVISION DATE(S): (REV.0 3/25/2013)

1303.1536

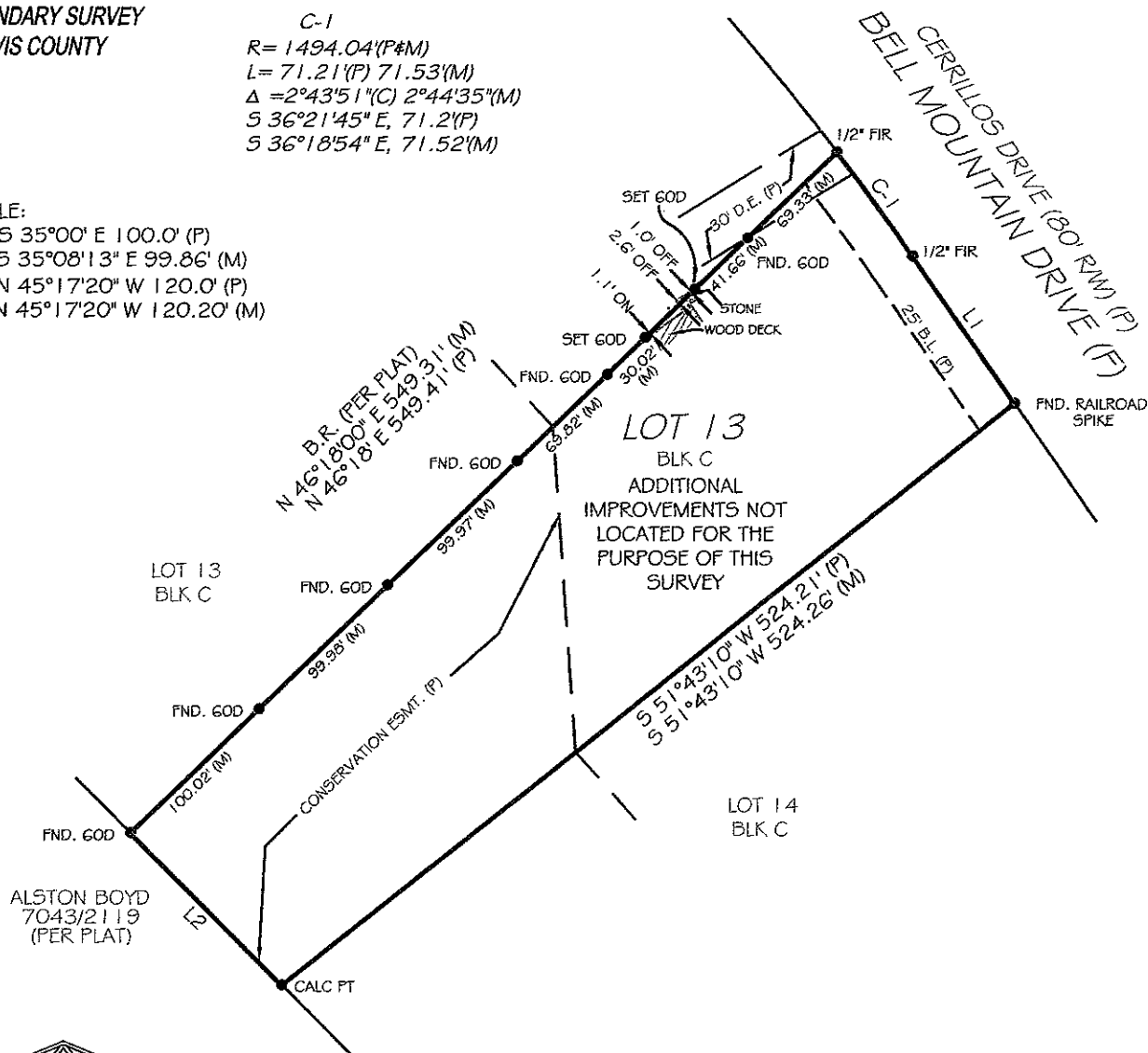
**BOUNDARY SURVEY
TRAVIS COUNTY**

C-1

$R = 1494.04'(P\&M)$
 $L = 71.21'(P) 71.53'(M)$
 $\Delta = 2^\circ 43' 51''(C) 2^\circ 44' 35''(M)$
 $S 36^\circ 21' 45'' E, 71.2'(P)$
 $S 36^\circ 18' 54'' E, 71.52'(M)$

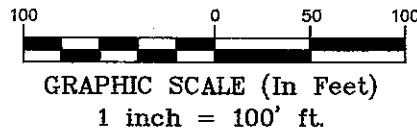
TABLE:

L1 S 35°00' E 100.0' (P)
 S 35°08'13" E 99.86' (M)
 L2 N 45°17'20" W 120.0' (P)
 N 45°17'20" W 120.20' (M)



Rachel Lynn Hansen

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 21ST DAY OF MARCH 2013. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE, THERE MAY BE EASEMENTS OR OTHER RESTRICTIONS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN HEREON.



Use of This Survey for Purposes other than intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN TRAVIS COUNTY, COMMUNITY NUMBER 481026, DATED 09/26/08.

POINTS OF INTEREST
NONE VISIBLE

Your Exact Contact

015-2013-0051

Walker, Susan

From: Leslie or Rick McMaster [REDACTED]
Sent: Sunday, June 02, 2013 1:24 PM
To: Walker, Susan
Subject: File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730
Attachments: City of Austin permit.jpg; Travis County permit.jpg; LCHA permit.jpg

Susan,

I was able to locate copies of the permits that we had posted when our swimming pool was built. *These show we were in compliance* with all permitting requirements. Please include them in the folder.

Leslie McMaster

9504052

8607 BELL MT DRIVE

0

04/01/98

LONG CANYON PHASE I-B

RANEY, C

2453 C 12

RR

NEW IN-GROUND SWIMMING POOL FOR SF RESIDENCE

0000515 00025000.00

M2-1

NEW

LESLIE MCMASTERS
OCEAN QUEST POOLS, INC 346-7629
258-7379

NOTICE OF CLASS "A"

TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

STATE OF TEXAS }
COUNTY OF TRAVIS }

This Permit No. 98-0738 is issued on 3/26/98
and is effective immediately.

This Permit is issued to OCEAN QUEST POOLS
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the
requirements of Travis County Flood Plain Management Regulations on the following
described property: Lot 12 Block C

Long Canyon Sec 1 B

8607 Bell Mountain Drive

Single Family Residence Swimming Pool

(Lot, Block, Subdivision, Street Address)

The permittee applied in Travis County for a basic development permit on the above
described location. The application has been reviewed and it has been determined that the
construction and improvements will not be in the 100 year flood plain and elevation
certificate completion is not required by Travis County.

This permit shall be posted in a location where it is visible to the public, protected from
weather, and secure from vandalism and will remain posted until the work is complete.

This department recommends the finished floor slab be constructed 12 inches
above the highest adjacent natural ground grade.

Mercedes Garcia MG
Transportation and
Natural Resources
Travis County, Texas

**NOTES: ISSUANCE OF THIS PERMIT DOES NOT IMPLY COMPLIANCE WITH PLAT AND/OR
DEED RESTRICTIONS. CONTACT TRAVIS COUNTY PRIOR TO DRIVEWAY CONSTRUCTION.**

SPECIAL PROVISIONS: Compliance with the Endangered Species

Act is the responsibility of the applicant.

LCHA Building Permit

(Name)

has been granted this building permit by the
Long Canyon Homeowners Association to
(Project) _____

on (Date) 4/15/98

Authorized signature

Daniel K. Baird

This notice must be posted along with any other permits
until the construction is completed.

Walker, Susan

From: Lew Porter [REDACTED]
Sent: Wednesday, May 29, 2013 5:28 PM
To: Walker, Susan
Subject: Variance hearing on case C15-2013-0051

This is a request to not grant a variance for the case number C15-2013-0051.

The address of the property is 8601 Bell Mountain Dr., Austin 78730.

I would expect the City to uphold its setback rules and honor the Long Canyon Homeowners Association Phase 1 DCCR's that are clear on setbacks. This homeowner has acted without regard to either of those rules.

Thanks,
Lew Porter
6505 Cuesta Trail
78730

Walker, Susan

From: Flannery, Diana L [REDACTED]
Sent: Sunday, June 02, 2013 10:52 AM
To: Walker, Susan
Cc: Flannery, Diana L
Subject: variance C15-2013-0051 8601 Bell Mountain

Importance: High

subject: variance

My husband, Rod and I received notification from city of Austin about the variance request our neighbor, Mr. Paratore has filed.

We have lived in Long Canyon for almost 21 years. Home buyers are attracted to this neighborhood due to large lots (one acre +) and the feeling of not being "too close" to the house next door. Our house is located 2 houses down from Mr Paratore, on same side of street (canyon side)

We are opposed to the variance request for the following reasons:

1. zoning and set back requirements are established to protect all residents of a community. A variance to these rules establishes a bad precedent for other residents to feel entitled to exceptions also. Pretty soon, the zoning/set back rules are compromised and have no power.
2. The notice we received from city of Austin states that Mr. Paratore's variance request is to go from the required setback of 10 ft down to 2 ft. That is excessive and too close to the property line. A recent lot survey seems to indicate it is actually inches from property line.

Rod Slack
Diana Flannery
8705 Bell Mountain Drive

Walker, Susan

From: Denny Hamill [REDACTED]
Sent: Monday, June 03, 2013 9:53 AM
To: Walker, Susan
Cc: [REDACTED]
Subject: Case Number C15-2013-0051 - 8601 Bell Mountain Drive

Dear Ms. Walker,

I am writing to ask the Board of Adjustment to deny the zoning variance request at 8601 Bell Mountain Drive.

I am President of the Long Canyon Phase II/III Homeowners Association. Although the subject property is in Long Canyon Phase I, not in Phase II/III we have significant interest in this request.

There are two homeowners associations in Long Canyon due to development history but we do operate as one community. We have a single newsletter, we have joint operating committees and our members often do not realize there are two separate associations.

As a community we are interested in protecting the interests and property values of all Long Canyon residents. In fact the associations developed together a common set of Architectural Control Committee documents which are identical in the two associations. It is those rules, our DCCRs and zoning requirements that protect all Long Canyon residents.

The specific requests being considered in case C15-2013-0051 most immediately affect the nearest neighbors notified by your procedures. However, the continued diligence by the two ACCs and Association Boards regarding these issues affect all Long Canyon residents.

It is with these perspectives that I add my request for denial of this variance request.

Thank you,

Denny Hamill, President
Long Canyon Phase II/III Home Owners Association

Walker, Susan

From: [REDACTED]
Sent: Thursday, May 30, 2013 10:47 AM
To: Walker, Susan
Subject: Variance Issue: C15-2013-0051

Dear Ms Walker,

I live at 8511 Bell Mountain Drive, Austin 78730. As a neighbor of the property owners at 8601 Bell Mountain Dr, Austin, 78730, I am writing in opposition to their variance request. As a past member of the Long Canyon HOA, I was privy to the total disregard that Mr Parratore had towards our DCCR's and ACC Rules and Regulations. Also, his flagrant disregard of his immediate neighbors was evidenced by his building a deck extension and windowed enclosure, which made it a storage shed, within the 10 foot set back from their mutual property line and without having obtained a variance or building permit.

Mr. Parratore has approached his exterior home upgrades/remodels without concern of its impact on his neighbors or the greater community. He does not deserve to be given a variance after the fact for work that without concern or regard of his neighbors' property lines or property values.

Thank you for you attention and consideration of this denial request.

Sincerely,

Raezel and Cas Poplawski
8511 Bell Mountain Drive
Austin, TX 78730
[REDACTED]

Walker, Susan

From: Owen Talbott [REDACTED]
Sent: Wednesday, May 29, 2013 11:07 PM
To: Walker, Susan
Cc: Jefferson A Rappy; [REDACTED], Leslie and Rick McMaster
Subject: File # C15-2013-0051, 8601 Bell Mountain Drive, Austin, TX 78730

To: The Board of Adjustment, City of Austin

I live at 8501 Bell Mountain Drive which is three homes away from the above-referenced home where a building variance is being requested. I have lived in the Long Canyon sub-division for 16 years and I am a former member and Vice President of the Homeowner's Association Board and a former Chairman of the HOA's Architectural Control Committee. I know first-hand how important it is that all neighbors in a sub-division respect the rules of the community and the rights of the other neighbors. I am aware that neighborhood rules are NOT the primary concern of your Board and that neighborhood rules will NOT be the criterion you use to rule on this variance request, but I hope that you will consider how IMPORTANT it is to the on-going viability of any neighborhood to be able to maintain architectural continuity and to protect another's right to peacefully enjoy their property, while you are making your final decision.

Additionally, I hope you will allow me to briefly address the three criteria that I believe you ARE directed to consider when making your final decision for granting a variance, which I do from my personal standpoint, as follows:

- 1) I believe that the zoning regulations applicable to the property at 8601 Bell Mountain Drive are not unreasonable as to the use of this property. Since each of the homes in this part of Long Canyon (as mentioned above, I live in this part of the sub-division) are situated on somewhat similar lots that are larger than 1 acre in size, I do not believe that it is unreasonable that an existing home (such as the home at 8601 Bell Mountain Drive) could be remodeled in such a way as to maintain it's former NON ENCROACHING status by keeping it's multiple-thousand square foot deck and stairway OUT OF the recorded property set-back.
- 2) I do not believe that there is anything unique to the property at 8601 Bell Mountain Drive that makes it a hardship for the property owner to have repaired and re-constructed the existing deck and the stair addition so that it remained outside of the recorded property set-back.
- 3) The non-approved and non-permitted deck improvements that have been made to 8601 Bell Mountain Drive are located virtually ADJACENT TO THE PROPERTY LINE, leaving little or no "set-back" and no vegetative screen. The adjoining neighbor's long-established swimming pool is located within feet of THEIR set-back line and they have therefore lost their pool privacy from what could easily be a "high traffic area" for ingress and egress to the deck and pool area behind 8601 Bell Mountain Drive.

I strongly implore you to DENY this variance request and to DENY any request for a retro-active permit to build in the recorded set-back area in question.

THANK YOU for your consideration.

Owen Talbott
8501 Bell Mountain Drive
[REDACTED]

Walker, Susan

From: Richard L Stone [REDACTED]
Sent: Saturday, June 01, 2013 3:47 PM
To: Walker, Susan
Subject: Fwd: C15-2013-0051 8601 Bell Mountain Dr.

Corrected Address!

Begin forwarded messag

From: Richard Stone [REDACTED]
Date: May 30, 2013 11:20:38 AM CDT
To: Austin Board Of Adjustment <susan.walker@austintexas.gov>
Cc: Richard Long Stone [REDACTED]
Subject: C15-2013-0051 8601 Bell Mountain Dr.

1st photo on 5/23/13
2nd photo on 5/30/13

Removal of the sign is indicative of the dismissive attitude and contempt for the City's policies and requirements involved in this matter.

DO NOT APPROVE ANY VARIANCE!!

Walker, Susan

From: Jim Davidson [redacted]
Sent: Tuesday, June 04, 2013 9:44 AM
To: Walker, Susan
Subject: Zoning Variance Request - C15-2013-0051 -8601 Bell Mountain Drive, Austin, TX

Zoning Variance Committee:

I am writing to file our objection to the Zoning Variance Request for 8601 Bell Mountain Drive.

1. The construction was done without a Permit from the City of Austin and approval of Phase I Home Owners ACC .
2. The structure in within the 10 ft. side yard restricted area which is in violation of the Phase I DCCR's that apply to all properties within the sub division.
3. The property is not unique to the Long Canyon sub division. All lots have sloping topography that homeowners have to deal with in building their homes / decks.
4. Approval of this Variance will set a "bad' precedence in the sub division and not follow the DCCR's which all homeowners must and have adhered to in the past.
5. Granting this Variance could affect the values of the existing homes in our community.

I feel that this structure should be removed.

Sincerely,
Jim and Jane Davidson
8201 Bell Mountain Drive
[redacted]

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

C15-2013-0051
ROW-10948219
TR-014227-05-04

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

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

STREET ADDRESS: 8601 Bell Mountain Dr.

LEGAL DESCRIPTION: Subdivision - Long Canyon Phs 1-b

Lot(s) 13 Block C Outlot _____ Division _____

I/We David Paratore on behalf of myself/ourselves as authorized agent for
Myself affirm that on April, 2013,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL x MAINTAIN

Stairs and landing on north side of property which is
within the RR side lot setback of 10'

in a RR 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.

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
of the steep and boulderous terrain
-

HARDSHIP:

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

This area of the property is very steep and there are huge boulders limiting the placement of footings and structural.

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

The front of the property is fairly flat. Its the back and side that get steep and boulderous because of the canyon.

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:

It is so steep and boulderous. There is still access to this area.

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:

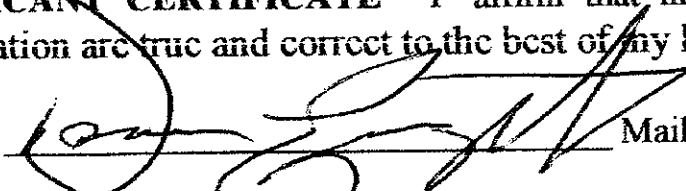
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

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 1509 Earle St.

City, State & Zip San Marcos, Tx. 78666

Printed Damian Englehart Phone 210-273-4825 Date 4-1-13

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 8601 Bell Mountain Dr.

City, State & Zip Austin, Tx. 78730

Printed David Paratore Phone 512-695-9726 Date 4-1-13

8601 Bell Mountain
Top Looking down



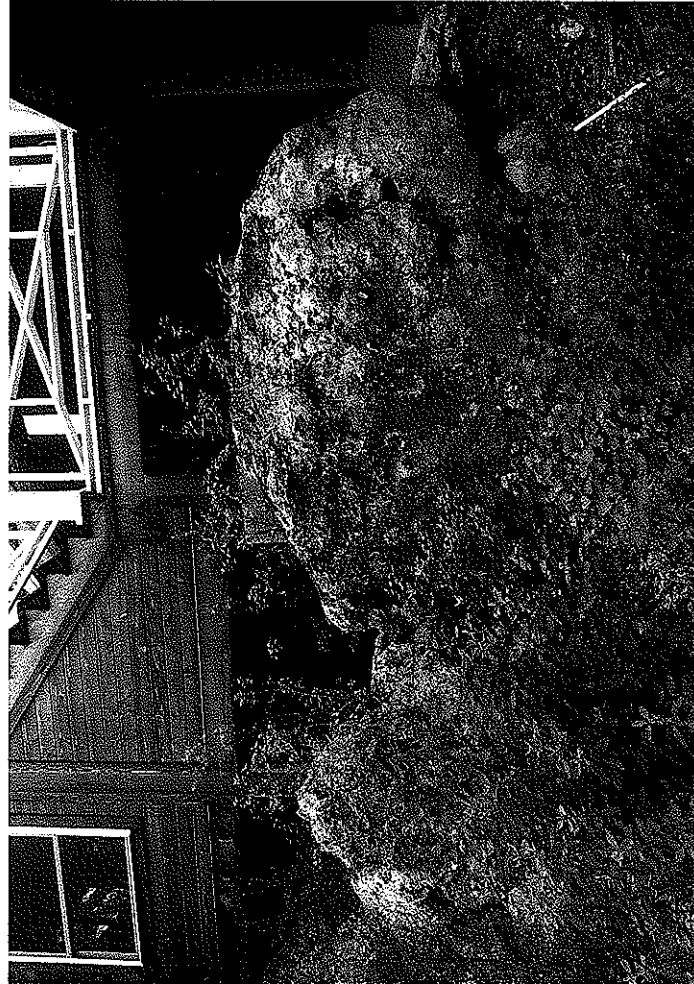


8661 Bell Mountain
Looking off Landing
placed to subdue noise
of neighbors Pool equip

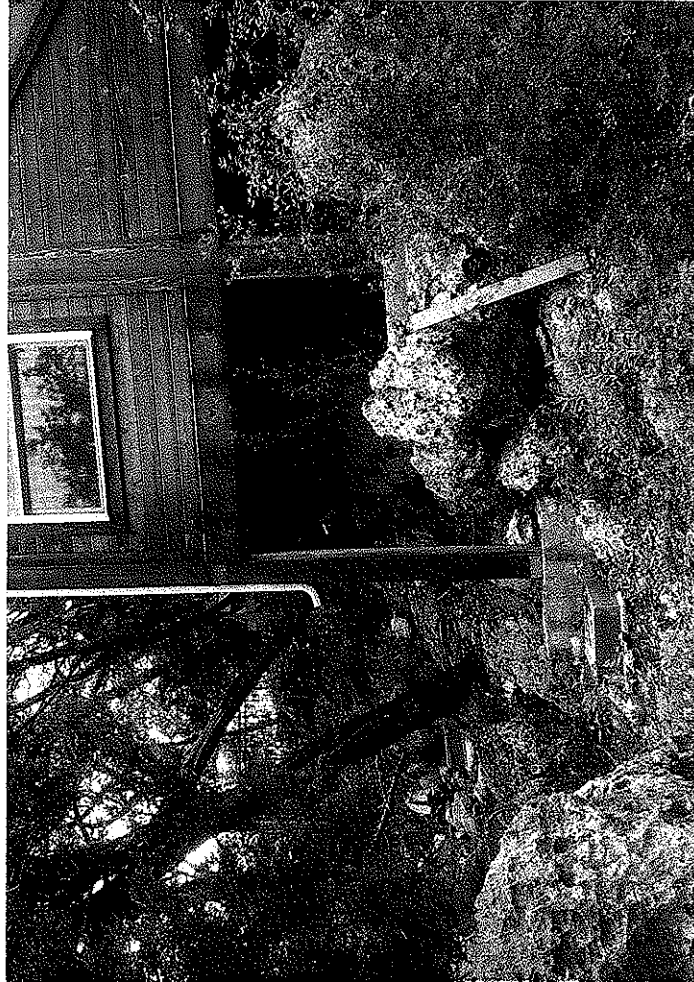
* Note: Neighbors gas
Tank + pool also within
easement

8601 Bell Mountain

steep Boulders terrain
Limiting Placement



8601 Bell Mountain
steep, Boulderous Terrain
Limiting Placement



8601 Bell Mountain
Top Looking down



8601 Bell Mountain

FREE saved By Placement



1/2" ROYAL PAPER
1/2" REBAR PAPER
1/2" REBAR SET
BRASS NUT FINGER
CRANK LINK FINGER
WOOD FITTER
BUILDING LINE
PUBLIC UTILITY EQUIPMENT
RECORD INFORMATION
POWER PAUL
OUTWARD OUTLINES

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development, Energy Department

By _____ Date _____

The granting of a permit for, or approval of, public utility and other facilities shall not be construed to be a license of the current specifications and the violation of any of the provisions of the current specifications shall constitute a violation of the Code of the City of Austin.

_____, the following code or any other ordinance of the City of Austin.

REVIEWED FOR ZONING ONLY

scale 1" = 40'

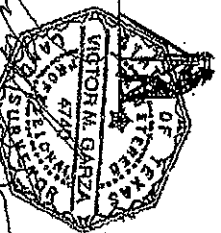
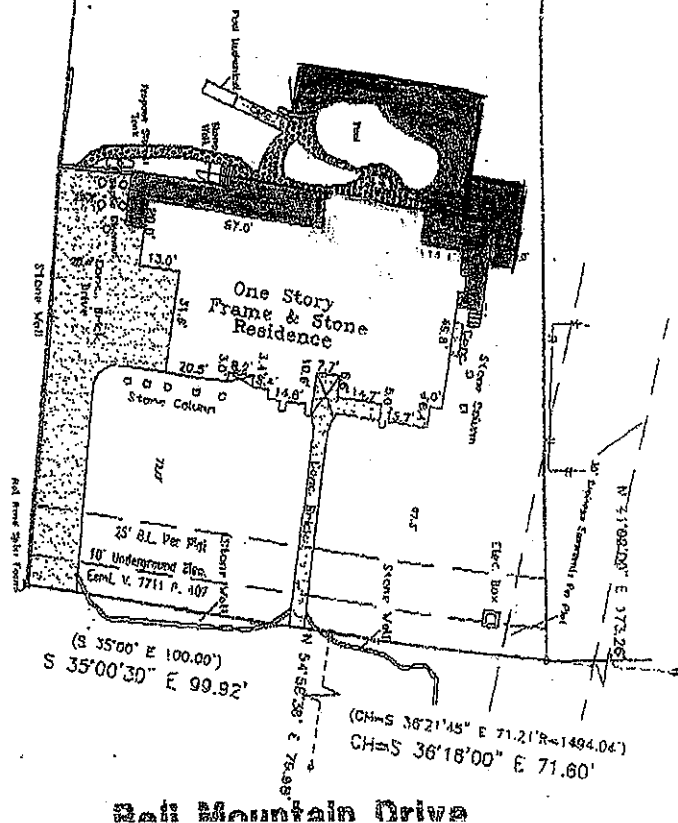
Subject to Restrictions as Stated in V. 7418, P. 285; V. 7948, P. 55; & Per Plat in V. 81, P. 10.

Elec. Esm't. as stated in V. 2179 P. 427. V. 2516 P. 124, V. 2545 P. 22 Do not effect lot 13.

Subject to a Blotket-Type Cable Services Esm't. as Stated in V. 8200, P. 366.

LN: 13 BLOCK C STEWARTSON LONG CANYON PHASE 1-B
SIZR: PISC YOUNG 81 PCT 10 PAY RECORDS
COUNT: TRAVIS STATE OF TEXAS SHEET ADDRESS 6801 BELL MOUNTAIN DRIVE
CITY: ALUSTIN ADDRESS: MAIL CROSS COWMANADEZMOTH & AFSAR EKIAYAN

D&S Surveying, Inc.
Victor M. Garza R.P.L.S.
Office 512-458-8869
Fax 512-458-8845
1404 West North Loop Blvd.
Austin, Texas 78758

[illegible]

Walker, Susan

From: Richard Stone [REDACTED]
Sent: Saturday, May 25, 2013 9:46 AM
To: Walker, Susan
Cc: Long Canyon HOA
Subject: File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

City of Austin
Board of Adjustment

Gentlemen:

I am sending this email in COMPLETE OPPOSITION to any variance or special exception being granted regarding the property referenced above.

This property is located in Long Canyon community, Phase I. I live in Long Canyon and I am on the Architectural Control Committee (ACC). The duties of the ACC are to receive, consider, and act on all proposals, complaints, requests for determination, development plans and all other matters to preserve the natural beauty of the community and to protect property values.

The improvements/modifications pursuant to 8601 Bell Mountain were made without permission, permits or regard to the applicable rules and requirements, both City of Austin (City) and Long Canyon community. Those involved seem to have established a pattern of wanton disregard for the City, their neighbors and community. In reviewing the file on this case, you, the Board, can see how the matter reached this critical point and your decision should be clear.

To approve any variance or special exception for 8601 Bell Mountain would be a complete disgrace and encourage others to take the attitude and position to ask for forgiveness rather than permission. You, the Board, must hold people accountable for their actions and DENY ANY VARIANCE or special exception on this matter before you.

Respectively submitted,

Richard Long Stone
[REDACTED]
[REDACTED]

Sent from my iPad

Walker, Susan

From: Richard Stone [REDACTED]
Sent: Sunday, May 26, 2013 9:22 PM
To: Walker, Susan
Subject: File C15-2013-0051. 8601 Bell Mountain Dr., Austin, TX 78730

City of Austin
Board of Adjustment

To Whom it May Concern:

I am a resident of Long Canyon community, in which the property referenced above is also located.

The property owner has applied for a variance for which I am **STRONGLY OPPOSED**. The construction and modifications were started by the owner without first applying for the required City of Austin (City) and Long Canyon HOA permits. In fact, there is a history of complete disregard for the permitting process at this property.

The Board **SHOULD NOT** grant a variance because of the following:

- (a) The zoning regulations applicable to the property **DO** allow for a reasonable use.
- (b) The hardship for which the variance is requested is **NOT** unique to the property and general to the area in which the property is located.
- (c) The variance **WILL** alter the character of the area adjacent to the property, **WILL** impair the use of adjacent conforming property, and **WILL** impair the purpose of regulations to the zoning district in which the property is located.
- (d) Willful disregard for, or ignorance of the City of Austin ordinances and permitting requirements is **NOT** justification for granting a variance.

Previous homeowners were able to utilize the property within the applicable setbacks. The lot is not significantly different from the others that back into the canyon on the same side of Bell Mountain Dr. Also, the construction has reduced the privacy of the adjoining property and probably lowered its value.

Board, this request for a variance clearly **DOES NOT** meet the minimum standards/requirements **YOU HAVE SET** for its granting.

Respectively,

Richard Long Stone
[REDACTED]
[REDACTED]
713-233-0173

Sent from my iPad

Walker, Susan

From: Jefferson A Rampy [REDACTED]
Sent: Saturday, May 25, 2013 3:17 PM
To: Walker, Susan
Cc: Long Canyon HOA; Long Canyon ACC
Subject: File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

re: File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

To Whom it May Concern -

I am a resident in Long Canyon, the above referenced subdivision. I want to express my **strong opposition** to the variance requested by the owner at the referenced address.

For the last 3 years or more this owner has demonstrated callous disregard for his neighbors and Association's governance. He has been the subject of considerable attention on the part of our Architectural Control Committee, but never complied or even negotiated in good faith.

His encroachment into the buffer area is egregious and a significant burden on the affected neighbor. To allow the variance would be a signal to all homeowners in the Association that our building rules are meaningless. Property values would be negatively affected.

Please deny the application for variance.

Jefferson A. Rampy [REDACTED]

Walker, Susan

From: Jefferson A Rampy <[REDACTED]>
Sent: Tuesday, May 28, 2013 2:09 PM
To: Walker, Susan
Cc: Long Canyon HOA; Long Canyon ACC; Leslie McMaster
Subject: File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

Regarding C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

To the Board of Adjustment -

Speaking on behalf of the Board of Directors of the Long Canyon Homeowner Association Phase 1, we strongly oppose the variance requested by the owner of the property at 8601 Bell Mountain Drive.

As I read the criteria by which requests for variance are evaluated I find the following:

a) ... reasonable use ...

There are 144 lots in our subdivision and, to my knowledge, no other lots have needed such a variance. All have been able to develop their lots within the guidelines in place when they - including the owner of the subject property - purchased their property.

b) ... hardship ...

The subject property is similar in character to dozens of lots nearby and elsewhere in the subdivision. There are no special conditions on that lot other than those created by the development plan undertaken by current owner.

c) ... impair the use of adjacent conforming property ...

A buffer of vegetation is now gone. The height of the structure and its proximity to the property line eliminate the privacy previously enjoyed by the adjacent property owner.

Again, The Board of Directors strongly opposes this request for variance. Please feel free to contact me as needed.

Jefferson A Rampy, President
Long Canyon Homeowners Association, Phase 1
e: [REDACTED] c: 512.554.9692