

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 # C15-2014-0041
ROW # 11102240
Williamson County Tax

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: 12505 Cortaro Cove

LEGAL DESCRIPTION: Subdivision – Los Indios, Phase A

Lot(s) 23 Block D Outlot _____ Division _____

I/We James Harig on behalf of myself/ourselves as authorized agent for

James Harig affirm that on 2/10, 2014,

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 up to 8 feet tall on a portion of our property where significant grade changes exist

SF-2
in a residential 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:

Our property on Cortaro Cove is located on a cul-de-sac on an irregularly shaped lot with significant grade changes. We have 4 adjoining lots. Due to the irregularly shaped lot, we get odd angles on which the slope occurs. The neighboring lots (Lot 22 and 24), especially lot 22 being another irregularly shaped lot, have similar issues. Attachment 1 is a plot map with elevation marking and contour lines. The entire fence was replaced after the existing one collapsed. Due to the slope and our future plans to add a small wading pool and Jacuzzi (The collapse was not planned and having recently purchased the home, we wanted to complete some remodeling of the inside before moving on to updating the outside) which are potential hazards to the many kids in the neighborhood (Pond Springs Elementary and VIP Preschool (located on adjoining lot), so accessibility to the back yard is a big concern. There is already precedent in the neighborhood for taller fences (Lot 1 and Lot 25) that we aware. We have received approval from the owners of Lot 3 and Lot 4). Lot 22 is not currently occupied and we were unable to contact the owners. The fence adjoining lot 24 is within code.

HARDSHIP:

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

The slope of the lot meets the change in grade of at least 2 feet within 50 feet of the boundary between adjoining properties. As Lot 22 also is on a high elevation a 2 foot grade also exists between portions of our property (for example points g and h on the plot map). The grade adversely affects the privacy of the property with a standard 6' fence.

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

The variance granted to Lot 24 shows that there are grade issues in our specific block and thus show the need for taller fences. In our case other homes in Los Indios Phase A may not face the same topography issues and have a more normal lot configuration where their home is not places so close to the property lines

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 replaces an already existing fence that collapsed in November. The grade of the property and subsequent drainage to the pow point, under minded the fence foundation causing it to collapse much sooner than required under normal circumstances. The taller portions requested are in the back and left side of the house. The fences at the front (set back at side of house) are 6 feet tall). Character of the neighborhood is not affected.

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:

<p>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.</p>

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 _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

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 _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

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

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$388. All other zonings - \$688.)
- (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.

Attachment 2: Approval letters from adjoining neighbors

Document A: Owner of Lot 3 – Cynthia McCoy

Document b: Owner of lot 4 - Adam Zeeck

DOCUMENT A.

Craig Carlson

From: cynth[REDACTED]com>
Sent: Friday, January 10, 2014 2:42 PM
To: craig@craigcarlson.com
Subject: 8 foot fence

Hi Craig,
Just want you to know that I love the new 8 foot fence. It looks great.
Thanks,
Your neighbor,
Cindy McCoy

Craig Carlson

From: A [REDACTED]
Sent: Tuesday, February 11, 2014 2:42 PM
To: Craig Carlson
Subject: Fence

Hey Craig,

I have no issues with the 8 ft fence and actually prefer it. It looks great. If anyone has any questions for me have them call me at 5127754329.

Sent from my iPhone

Attachment3 - Pictures

Illustrations of the grade present around the house:

Standing in front of house and then at back of house



Notice that the level of the foundation goes from ankle level to elbow level on a 5'9" person. While there is a grade decline over the course of the house, the drops an additional 10 inches from the back of the house (left side) to the fence

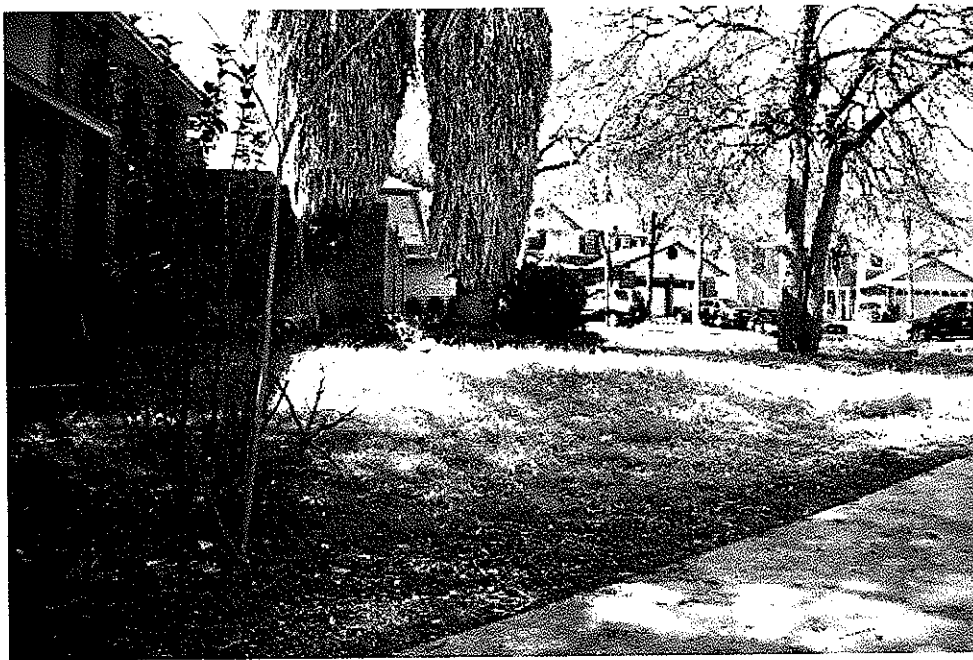


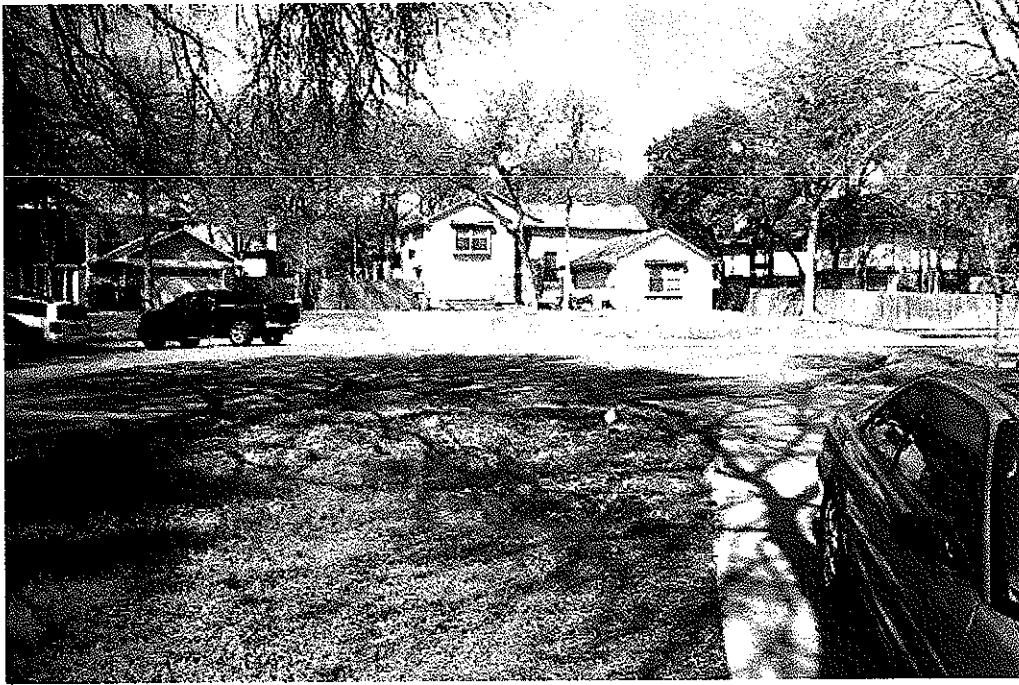
The picture above shows left side of house and neighboring house on lot 22, which sits significantly higher than our house. Even with a higher fence, the kitchen window of that house sits above the fence line:



Direct line of sight into backyard despite taller fence. With 6 ft fence there was no privacy at all.

These next two pictures show that our block has significant changes in grade that are unique to the neighborhood. The first picture shows the height change just between us and our neighbor on lot 22



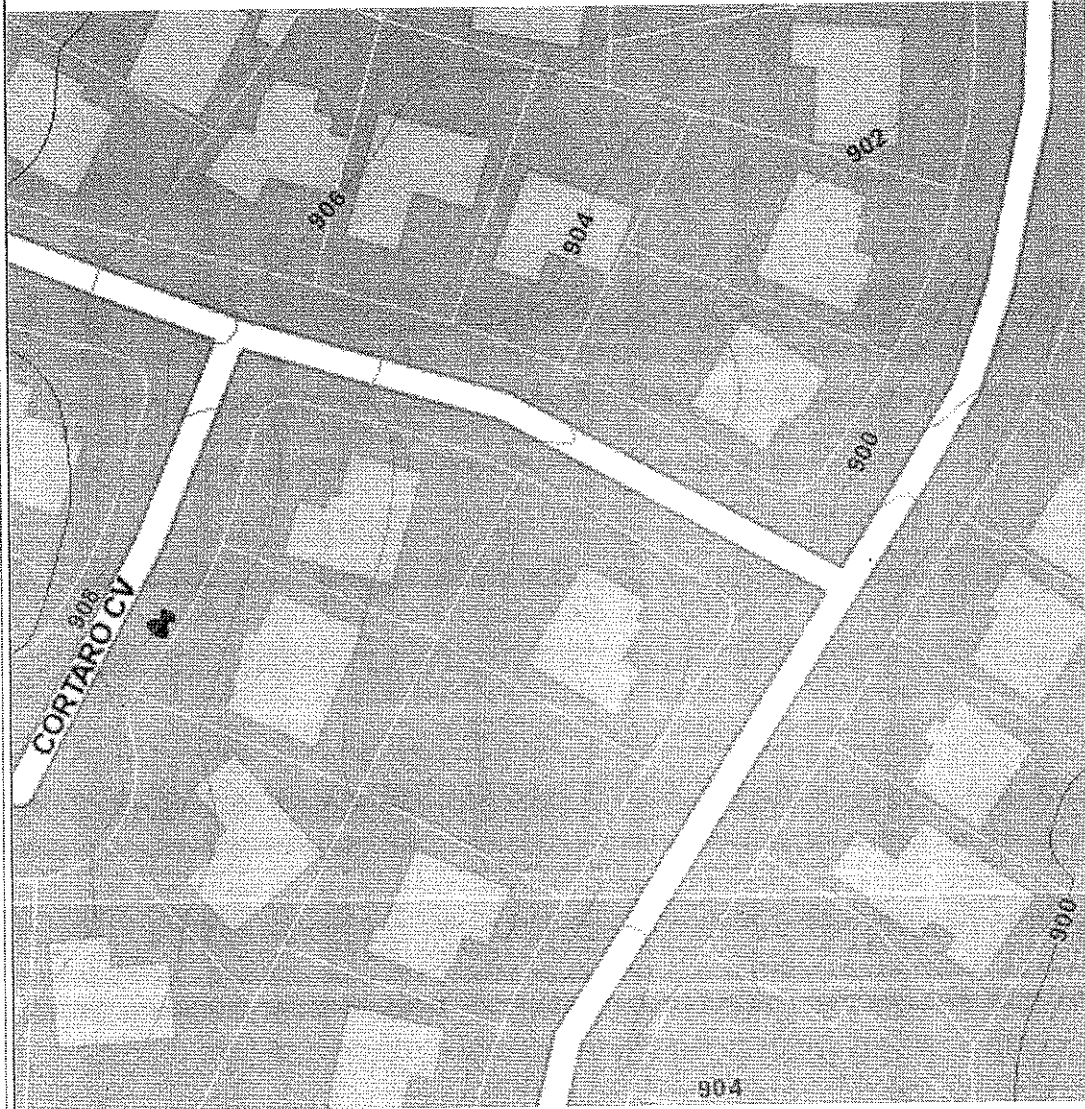


The next picture shows the view into our home at the rear sliding glass door. Without the taller fence and the grade change that is present we are able to look straight in and down into that home and have a pretty full view of everything as at that point due to the placement of our home close to the back property line . Picture is with 8 foot fence which still only provides partial privacy:



CITY OF AUSTIN DEVELOPMENT WEB MAP



1987 Aerial



Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

Contours Year 2003

-  10 Ft Contours
-  2 Ft Contours

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