

CASE# 015-2014-0105  
ROW# 1180131  
TAX# 0142270504

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: 8601 Bell Mountain

LEGAL DESCRIPTION: Subdivision - Long Canyon PHS I-B

Lot(s) 13 Block C Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Damian Eugehart on behalf of myself/ourselves as authorized agent for

David Paratore affirm that on 6, 24,

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

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

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

Erect a redwood fence higher than  
6' and up to 12' in sections (see drawing)

in a R.R. 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:

Change in grade that occurs does not allow 6' fence height.

**HARDSHIP:**

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

Grade when measured 6' on neighbors side is less than 3' on owners side and one area less than 1'

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

Grade only steep in areas of property.

**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:

Because of grade, fence height does not impede any neighbors views.

**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:

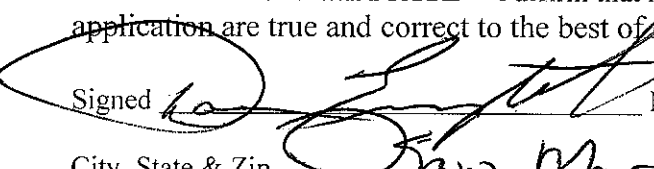
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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.

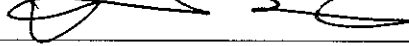
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1509 Earle St.

City, State & Zip San Marcos, TX 78666

Printed Damian Englehart Phone 210-273-4825 Date 6/24/14

**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

City, State & Zip Austin, TX 78730

Printed David Paratore Phone 512-695-9726 Date 6/24/14

**SURVEYOR'S NOTES:**

PROPERTY BOUNDARY HAS BEEN REFERENCED TO RECOVERED MONUMENTS SHOWN ON A PREVIOUS BOUNDARY SURVEY OF LOT 13 PREPARED BY EXACTA TEXAS SURVEYORS DATED 03/25/2014. THE SURVEYOR DID NOT PERFORM A BOUNDARY SURVEY OF THE WHOLE LOT.

ELEVATIONS SHOWN ARE RELATIVE TO THE NAVD-88 VERTICAL DATUM.

ADDRESS:  
8601 BELL MOUNTAIN DRIVE  
AUSTIN, TEXAS 78730

LOT 12

7'-6" Fence Area

12'-6" Fence Area

MEAS. 179.60'  
CALC. 178.92'

REMAINING RESIDENTIAL IMPROVEMENTS NOT SHOWN FOR THIS SURVEY.

LOT 13  
BLOCK C

LONG CANYON PH. 1-B  
VOLUME 81, PAGE 10  
P.R.T.C.T.

N 46°18'00" E 549.31'  
FND. 60D NAIL

SEE DETAIL "A" ON SHEET 2 OF 2

BELL MOUNTAIN DRIVE  
80' PUBLIC RIGHT-OF-WAY

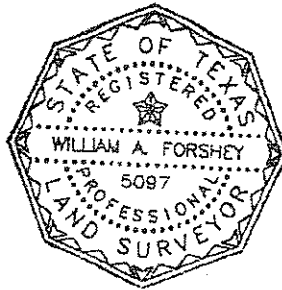
F.I.R.  
BRG=S 36°18'54" E  
R=1494.04'  
ΔL=2°44'35"  
L=71.5335'  
CH=71.5254'

S 35°08'13" E 99.8'

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS SURVEY PLAT IS AN ACCURATE REPRESENTATION OF A PORTION OF THE PROPERTY ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND AND PERFORMED UNDER MY SUPERVISION.

*William A. Forshey*  
06/05/14



TOPOGRAPHIC SURVEY  
OF A PORTION  
LOT 13, BLOCK C  
LONG CANYON PHASE 1-B  
VOLUME 81, PAGE 10  
PLAT RECORDS OF  
TRAVIS COUNTY, TEXAS

Balcones Land Surveying, LLC

P.O. BOX 201803  
AUSTIN, TEXAS 78720  
P: 512-994-8608  
F: 512-996-8608  
TBPLS Reg. No. 10193900  
www.BalconesLS.com

JOB NO.: 14-138-10 SCALE: 1"=30'  
DRAWN: WAF DATE: 06-05-14 REV.: DATE:  
FILENAME: 8601 BELL MOUNTAIN TOPO.DWG SHEET 1 OF 2

## Heldenfels, Leane

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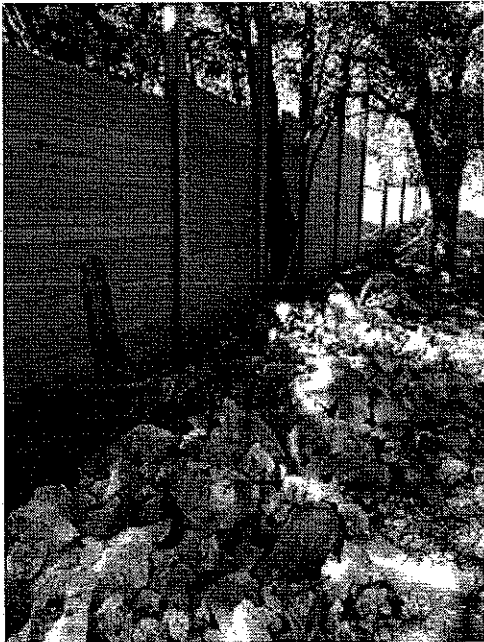
**From:** Richard Stone <rlstone2010@gmail.com>  
**Sent:** Monday, July 21, 2014 5:00 PM  
**To:** Heldenfels, Leane  
**Cc:** Richard Long Stone  
**Subject:** 8601 Bell Mountain-Case Number C15-2014-0105

Austin Board of Adjustment:

Regarding the fence height at 8601 Bell Mountain, please keep in mind that very little of the fence is visible from the street and much of it is constructed on a steep slope that drops to the back of the property and in doing so any obstruction of a grand scenic view that may be claimed by the neighbor is probably overstated. If the fence height is lowered the neighbor will have a good view of the back pool/deck area at 8601 Bell Mountain, which will certainly be objectionable and a violation of both property owner's privacy. I am a property owner in the community and my vote is to allow the variance request in this unique situation brought on by the steep drop off. Many of the lots on the odd numbered side of Bell Mountain in the vicinity of 8601 also have sharp drop offs toward the back of the properties.

Also, the neighbor may complain about the unfinished look of the fence from his/her side. Once the BOA has made its decision, this matter is something the community HOA Architectural Control Committee (ACC) will aggressively address with the 8601 Bell Mt property owner, who has already expressed a desire to resolve. I know this for a fact, because I have seen his statement in writing.

All photos below are looking at the fence from and on the 8601 Bell Mountain property. Ms. Heldenfels, I will place 10 copies in your mailbox for your distribution purposes.





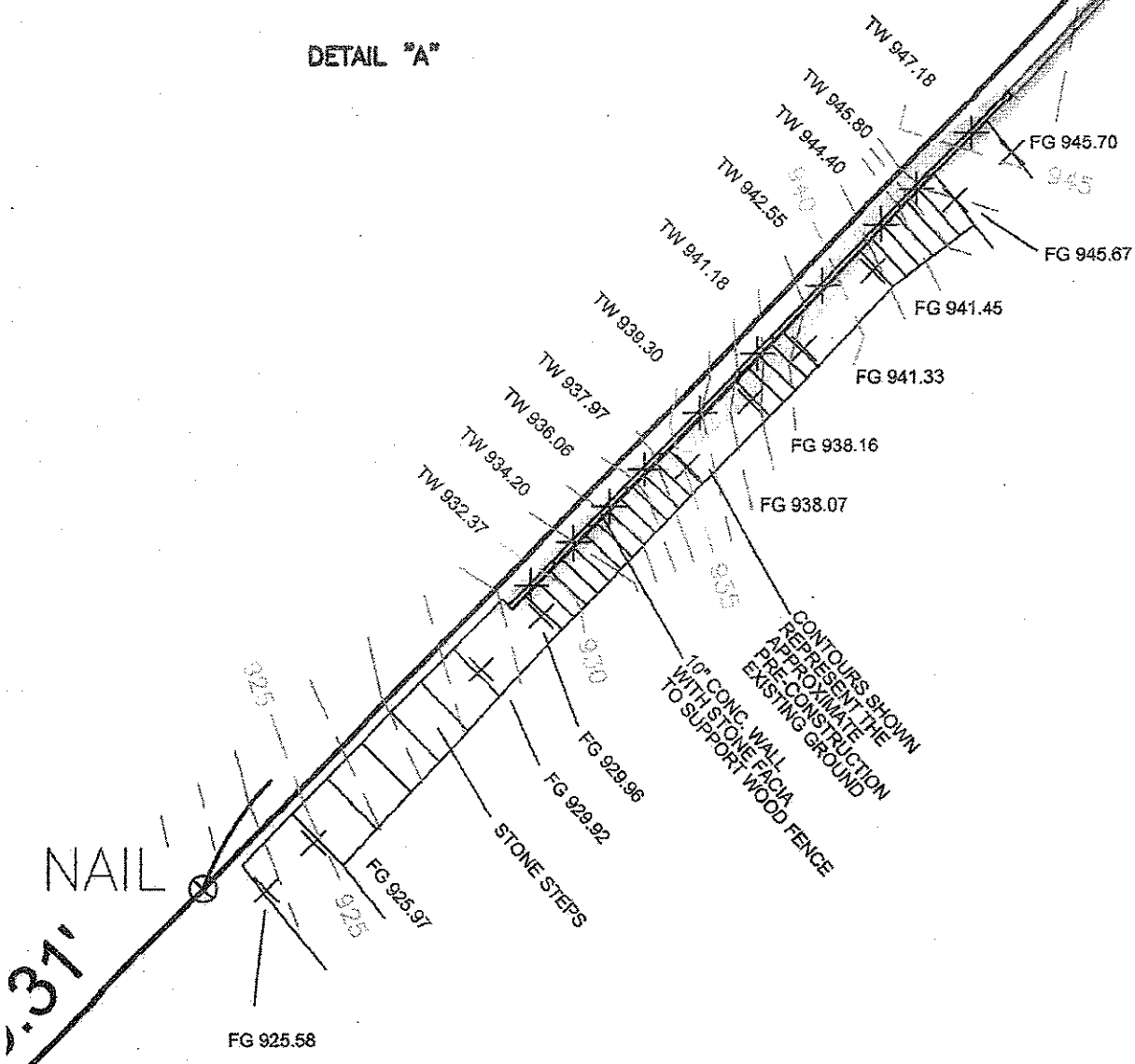
Richard Long Stone  
[rlstone2010@gmail.com](mailto:rlstone2010@gmail.com)  
713-299-8179

Sent from my iPad

4'-6" Fence Area  
 12'-6" Fence Area

MEAS: 179.0  
 CALC: 179.52'

DETAIL "A"



CONTOURS SHOWN  
 REPRESENT THE  
 APPROXIMATE  
 PRE-CONSTRUCTION  
 EXISTING GROUND  
 10" CONC. WALL  
 WITH STONE FACIA  
 TO SUPPORT WOOD FENCE

TOPOGRAPHIC SURVEY  
 OF A PORTION  
 LOT 13, BLOCK C  
 LONG CANYON PHASE 1-B  
 VOLUME 81, PAGE 10  
 PLAT RECORDS OF  
 TRAVIS COUNTY, TEXAS

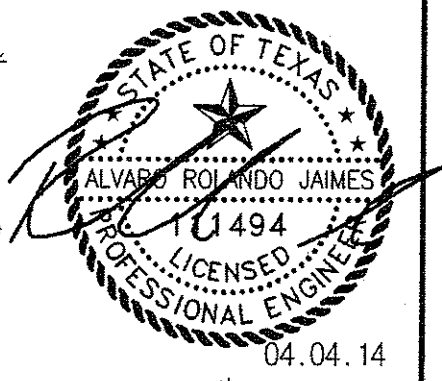
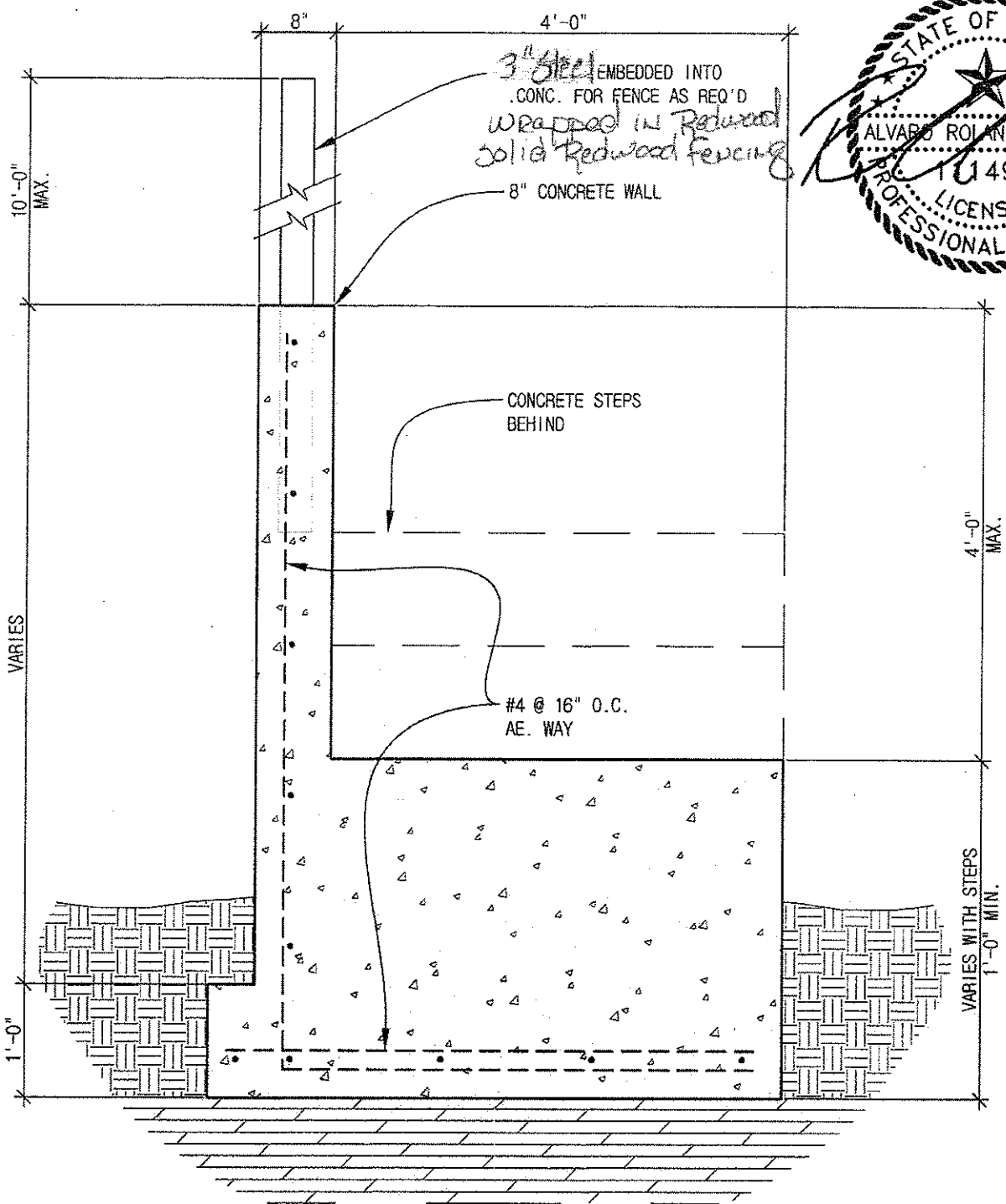
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JOB NO.: 14-138-10 SCALE: 1"=10'  
 DRAWN.: WAF DATE: 06-05-14 REV.: DATE:  
 FILENAME: 8601 BELL MOUNTAIN TOPO.DWG SHEET 2 OF 2



**1 CONCRETE FOOTING**  
 $3/4" = 1'-0"$

CHECKED BY:	RJ	JOB #:	14.021
DRAWN BY:	LJ	CONTACT:	RJ
ISSUE	DESCRIPTION	DATE	
A	CONSTRUCTION SSK-1	04.04.14	

**SSK-1**  
 OF 01 SHEETS

**CONCRETE FOOTING**  
 8601 BELL MOUNTAIN DR.  
 AUSTIN, TEXAS 78730

**PC CONSTRUCTION INC.**  
**CONSTRUCTION & ENGINEERING**  
 10704 S. IH 35 AUSTIN, TX 78748  
 T: (512) 233.6161 F: (512) 233.6162 FIRM No: F-14443  
 WWW.PCINCONSTRUCTIONINC.COM

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