

CASE# C15-2014-0171
ROW# 11249077
TAX# 0121580630

**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: 1604 West Lane, Austin, Texas 78732

LEGAL DESCRIPTION: Subdivision – Lot 8 Lake Austin Village

Lot(s) 8 Block _____ Outlot _____ Division _____

I/We Gregory Millard on behalf of myself/ourselves as authorized agent for
Gregory Millard affirm that on Nov 10, 2014,

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**

I am requesting a front setback reduction from 25' to 15', side setback from 10' to 5,

and a front lot width reduction from 50' to 40'. Lot 8 is subject to LA zoning and has energized

overhead powerlines that make the small lot difficult to use the required LA setbacks.

in a LA 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:

Lot 8 was platted in 1964 with a 15' front setback, 5' side, 5' rear and a front lot width of 40'. Lot 8 is now zoned LA - 25' front setback, 10' side, 20' rear; additionally, the City of Austin requires a and a 50' minimum lot width. The lot also has overhead powerlines crossing the lot.

HARDSHIP:

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

The overhead powerlines combined with the LA setbacks and 50' min front lot width severely limit what structure can be erected on the property. See survey (attachment A) for location of powerlines. Allowing a 15' front setback, 5' side setback and 40' front lot width would make the lot more useable.

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

Lot 8 is the only lot in the subdivision that has the overhaed powerlines running through the middle of the property. I have granted AE an easement for the powerlines. Additionally, I paid AE \$1600 to narrow the profile of the existing powerlines to gain 2' of building space.

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:

Placing a residential structure on Lot 8 with a 15' front setback and 5' side setback will not alter the Character of the neighborhood. There has been no standardization to the development in Lake Austin Village.

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:

NA

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:

NA

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

NA

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

NA

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 Greg Millard Mail Address 12104 Palisades Pkwy

City, State & Zip Austin, Texas 78732

Printed Gregory Millard Phone 512-848-8231 Date 11-10-2014

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 Greg Millard Mail Address 12104 Palisades Pkwy

City, State & Zip Austin, Texas 78732

Printed Gregory Millard Phone 512-848-8231 Date 11-10-2014

ATTACHMENT "A" 1604 WEST LANE

LOT 9

Waterloo Surveyors Inc. J14187
SURVEY PLAT

LEGAL DESCRIPTION:
LOT 8, LAKE AUSTIN VILLAGE,
A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING
TO THE MAP OR PLAT OF
RECORD IN VOLUME 19,
PAGE 88 OF THE PLAT
RECORDS OF TEXAS
COUNTY, TEXAS

State of Texas:
County of Travis:

The undersigned does hereby
certify that this survey was
this day made on the property
legally described hereon and is
correct, and this survey complies
with the current Texas Society
of Professional Surveyors
Standards and Specifications for
a Category 1B & 5 Condition II survey.

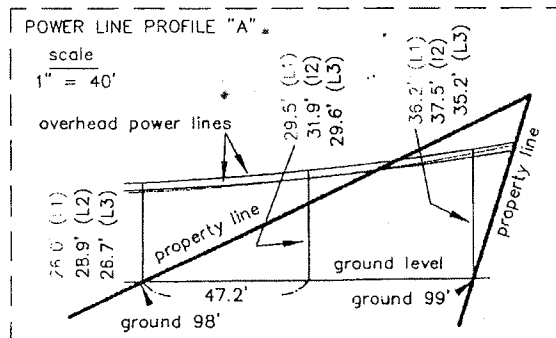
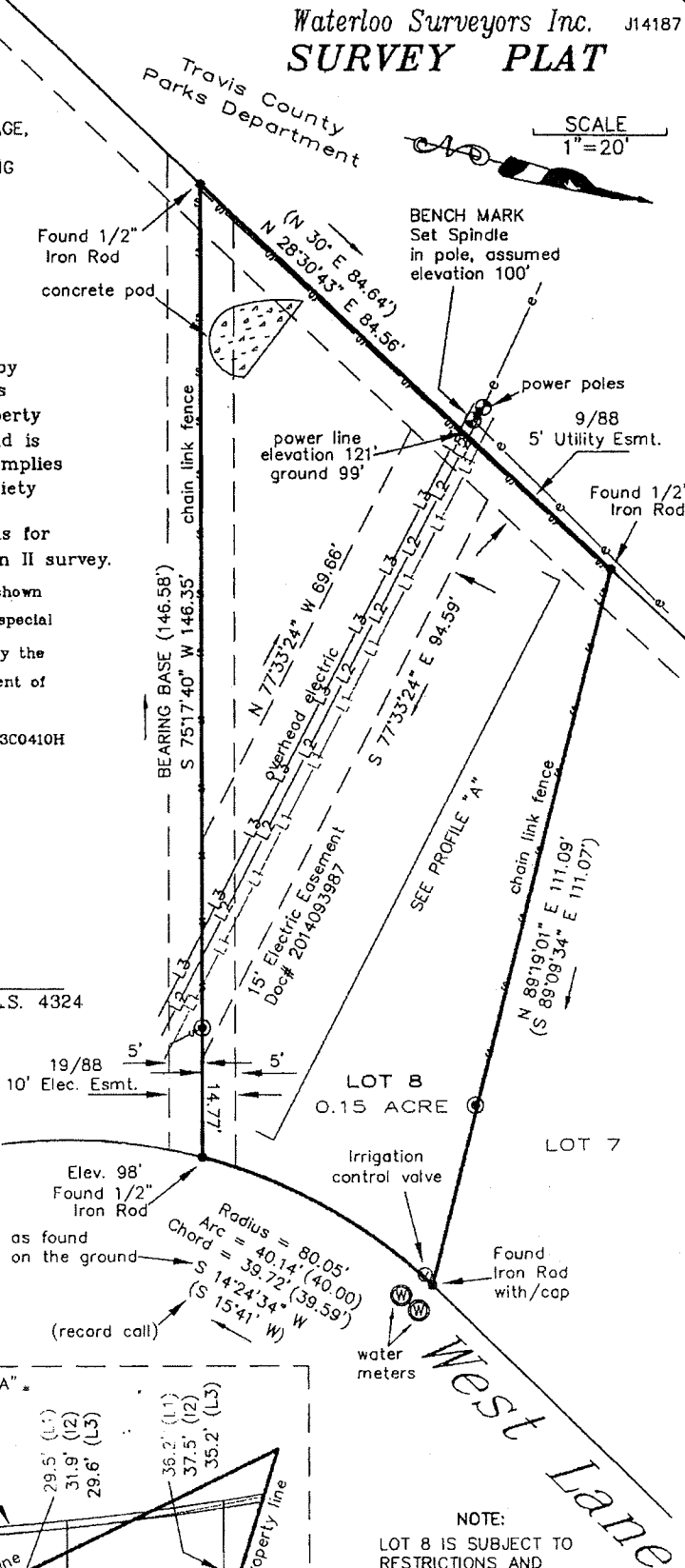
And I certify that the property shown
hereon IS NOT within a special
flood hazard area as identified by the
Federal Insurance Adm. Department of
HUD Flood hazard boundary map
revised as per Map Number: 48453C0410H
Zone: X Dated: 09/26/08

Survey Dated: August 8, 2014

[Signature]

Thomas P. Dixon R.P.L.S. 4324

LOT 8 IS SUBJECT TO:
RESTRICTIONS AND EASEMENT
RIGHTS OF RECORD



NOTE:
LOT 8 IS SUBJECT TO
RESTRICTIONS AND
EASEMENT RIGHTS OF
RECORD.

© Copyright 2014

ATTACHMENT "G" 1604 WEST

LOT 9

Waterloo Surveyors Inc. J14187
SURVEY PLAT

LEGAL DESCRIPTION:
LOT 8, LAKE AUSTIN VILLAGE,
A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING
TO THE MAP OR PLAT OF
RECORD IN VOLUME 19,
PAGE 88 OF THE PLAT
RECORDS OF TRAVIS
COUNTY, TEXAS

State of Texas:
County of Travis:

The undersigned does hereby
certify that this survey was
this day made on the property
legally described hereon and is
correct, and this survey complies
with the current Texas Society
of Professional Surveyors
Standards and Specifications for
a Category 1B & 5 Condition II survey.

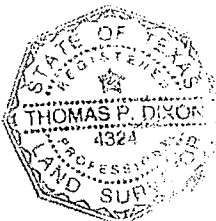
And I certify that the property shown
hereon IS NOT within a special
flood hazard area as identified by the
Federal Insurance Adm. Department of
HUD Flood hazard boundary map
revised as per Map Number: 48453C0410H
Zone: X Dated: 09/26/08

Survey Dated: August 8, 2014

[Signature]

Thomas P. Dixon R.P.L.S. 4324

LOT 8 IS SUBJECT TO:
RESTRICTIONS AND EASEMENT
RIGHTS OF RECORD



Found 1/2"
Iron Rod
concrete pad

Travis County
Parks Department

SCALE
1"=20'

BENCH MARK
Set Spindle
in pole, assumed
elevation 100'

10' OFF OUTERMOST
LINE

BEARING BASE (146.58')
S 75°17'40" W 146.35'

power line
elevation 121'
ground 99'

power poles
9/88
5' Utility Esmt.

Found 1/2"
Iron Rod

overhead electric
N 77°33'24" W 69.86'

N 89°19'01" E 111.09'
(S 89°09'34" E 111.07')

19/88
10' Elec. Esmt.

Elev. 98'
Found 1/2"
Iron Rod

as found
on the ground

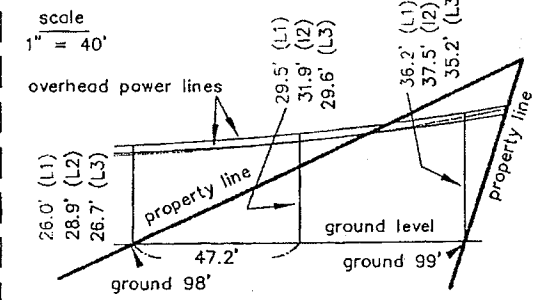
Radius = 80.05'
Arc = 40.14' (40.00)
Chord = 39.72' (39.59')
S 14°24'34" W
(S 15°41' W)

Found
Iron Rod
with/cap

water
meters

West Lane

POWER LINE PROFILE "A"



NOTE:
LOT 8 IS SUBJECT TO
RESTRICTIONS AND
EASEMENT RIGHTS OF
RECORD.

Copyright 2014

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

DATE: Monday, December 8, 2014

CASE NUMBER: C15-2014-0171

☒ Y _____ Jeff Jack - Chair
☐ - _____ Michael Von Ohlen
☒ Y _____ Melissa Whaley Hawthorne - Vice Chair **Motion to PP to Jan 12, 2015**
☒ Y _____ Sallie Burchett **2nd the Motion**
☒ Y _____ Ricardo De Camps
☐ - _____ Brian King
☒ Y _____ Vincent Harding
☒ Y _____ Will Schnier - Alternate
☒ Y _____ Stuart Hampton - Alternate

OWNER/APPLICANT: Gregory Millard

ADDRESS: 1604 WEST LN

VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

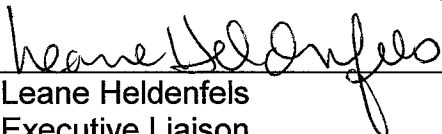
- A. decrease the front yard setback from 40 feet (required) to 15 feet (requested) and;
B. decrease minimum lot width from 100 feet (required) to 40 feet (requested) in order to construct a single family home in a "LA", Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to January 12, 2015, Board Member Sallie Burchett second on a 7-0 vote; **POSTPONED TO January 12, 2015.**

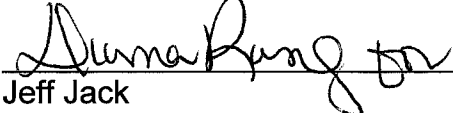
FINDING:

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:



Leane Heldenfels
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 application. 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 will be sent.

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.austintexas.gov/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. Any comments received will be included in the public record of this case.

Case Number: C15-2014-0171, 1604 West Lane

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, December 8th, 2014

Robert Anderson

Your Name (please print)

1504 1/2 150th East LN

Your address(es) affected by this application

[Signature]

Signature

12-5-2014

Date

Daytime Telephone: (512) 507 5926

Comments: I Fully support the variance requested

Note: any comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leaneheldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, December 8th, 2014

GARY ATTA
Your Name (please print)

☒ I am in favor
☐ I object

Cots 3133/1601 West Ln, + lot 34 west Ln.
Your address(es) affected by this application

Can Attal
Signature

Date

Daytime Telephone: *512 452 3322*

Comments:

We are in full support of granting the requested variance.

Note: any comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leana.heldenfels@austintexas.gov

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Case Number: C15-2014-0171, 1604 West Lane

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, December 8th, 2014

Cary Attal

Your Name (please print)

Lot 3333/1604 West Ln. + Lot 34 West Ln.

Your address(es) affected by this application

Cary Attal

Signature

Date

Daytime Telephone: *512 452 3322*

Comments:

We are in full support of granting the requested variances.

Note: any comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leana.heldenfels@austintexas.gov

1604 West Lane, Austin, Texas 78732

To: City of Austin Board of Adjustment Members:

I just wanted to take a moment to explain where I am at in the development of the lot located at 1604 West Lane (Lot 8 Lake Austin Village Estates). I purchased the lot in the summer of 2013 with the intention of building a structure with a garage on the first floor and a small residence located above (attachment K is a representation of the type of structure, however is not intended to be an exact rendering). When I purchased the lot there was a small wooden building on the property that was approximately 400 sq. ft. The structure had previously been used as a primary residence; however, the structure had not been maintained and succumbed to termite and water damage.

The structure has since been removed. The lot was originally platted (attachment B) in 1964 and is approximately .15 acres (7812 sq. ft.) with a front lot width of 40' (arc = 40.14', chord = 39.72'). The original deed (attachment H) from 1964 specified a 15' front setback.

The lot is currently zoned LA, however I had been previously told by City of Austin Personnel on several occasions that I would be subject to SF-2 setbacks because the lot does not meet the LA minimum size requirement of 43,560 sq. ft. as required by 25-2-492 (attachment L). On November 21, 2014, I was notified by Ms. Heldenfels that the LA section of the Zoning ordinance was changed effective July 2014 and the exemption for lot design was taken out - so now all LA lots must meet LA requirements regardless of the size. Based on the small size and unique shape of the lot in addition to the overhead power lines running above the lot I am requesting a variance to allow a reduction from a 40' front setback to a 15' front setback and the reduction of the minimum front lot width from 50' to 40' (arc = 40.14', chord = 39.72').

At the time I purchased the lot there were Austin Energy (AE) power lines running over the residence. After a significant amount of legal research and conversations with AE, it was determined that AE had no recorded utility easement for the power lines. AE advised that if challenged in court they would assert a prescriptive easement based on the length of time power lines had been in place. I briefly explored the option of relocating or burying the power lines, however, the expense was prohibitive. I then worked with AE to have the overhead lines narrowed. AE developed a plan that switched the cross member supporting the power lines from a large wood timber (attachment C) to a narrow profile arm (attachment D). Although this change seems minor I gained approximately two feet of building width. As a prerequisite of this project I granted AE a recorded utility easement that crosses the lot (attachment E). In addition I paid for the cost of the utility construction (attachment F).

Based on the trajectory of the existing overhead power lines a reduction of the front setback from 40' to 15' would allow me a significant amount of building area (width) to place the proposed structure (attachment I & J). The proposed structure will have an approximate footprint of 24' (width) x 36' (depth) (attachment G). In addition to the extra building area allowing the

1064 West Lane, Austin, Texas 78732

structure to be built with a 15' setback would leave enough room (900 sq. ft.) for the septic drain field to be placed behind the residence and stay out of the AE utility easement. AE has advised that they would most likely grant me a license to place a portion of the drain field in the newly granted utility easement. I was hoping to avoid this and have the drain field positioned entirely outside the AE easement. I have consulted with an environmental engineering firm to discuss drain field options.

The lot currently has no neighbors on any side. The rear of the lot adjoins the property that makes up Quinlan Park owned by Travis County, all lots to the south and east (lots 9-18) were bought by the Lake Austin Spa and fenced off, the lot across the street (lot 32) is a septic drain field for the duplex located on lot 33, and lots 6 & 7 to the north are currently vacant.

I have spoken personally to the two property owners whose lots are in the immediate vicinity of my lot. Both Gary Attal (lots 31-34) and David Keymer (lots 6&7) gave me their verbal approval for the requested variance.

The development of Lake Austin Village has varied over the years with no standardization to the neighborhood. Allowing me the requested variance would not affect the character of the neighborhood. I hope after a thorough review of the documents you will agree and grant a me a variance allowing a reduction of the front setback to 15' as well as reduction in the width of the front building line to 40' (arc = 40.14', chord = 39.72'). Thank you for your consideration.

CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

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

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 CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

1604 WEST LANE

CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

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

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ATTACHMENT "B" 1604 WEST LANE

May 4-1964 R.C.H.A. 607 P. 4-50

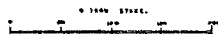
LOTS Nos. 37, 38 AND 39 ARE DESIGNATED AS COMMERCIAL LOTS.

ALL LAND IN JOHN JACKSON SURVEY No. 90
TOTAL AREA 7.25 ACRES
AREA IN TRACT 1.28
NET AREA 0.07 ACRES



LAKE AUSTIN
VILLAGE

SCALE 1" = 50'



CURVE DATA

	1	2	3	4
1	105' 30"	100' 30"	94' 00"	94' 00"
2	38.05	80.56	35.00	85.00
3	40.00	146.55	75.00	85.00
4	48.50	128.00	45.50	120.21
5	50.48	148.32	57.97	135.51

STATE OF TEXAS:

COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS:

That I, CHARLES E. HARRIS, owner of certain interests in land out of the JOHN JACKSON SURVEY No. 90, in Travis County, Texas, conveyed to me by deed recorded in Vol. 2800, Page 490, and Vol. 2719, Page 271, of the Public Records of Travis County, Texas, joined by the First Federal Survey and Loan Act of Austin, LEO HARRIS, a corporation organized under the laws of the United States of America, acting through its first president, CLAUDE A. HARRIS, do hereby certify that this is the subdivision of a part of said tract to be known as

LAKE AUSTIN VILLAGE

AND WE DO HEREBY DEDICATE TO THE PUBLIC ALL STREETS AND EASEMENTS SHOWN HEREON.

WITNESS OUR HANDS ON THIS 30th DAY OF April

Charles E. Harris
CHARLES E. HARRIS

FIRST FEDERAL SURVEY AND LOAN ACT OF AUSTIN
BY *Leo Harris*
LEO HARRIS, PRESIDENT

STATE OF TEXAS:

COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED CHARLES E. HARRIS, known to me to be the person whose name is signed to the foregoing and he acknowledged that he signed it for the purpose and consideration therein expressed; and also appeared CLAUDE A. HARRIS, Vice-President of the First Federal Survey and Loan Act of Austin, known to me to be the person and officer of said corporation, and he acknowledged to me that he had signed it as the act and deed of the said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS 30th DAY OF April A. D. 1964.

John M. White
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

FILED FOR RECORD AT 10:30 A. D. 1964

BY *May* A. D. 1964

EMILIE LINGERS, Clerk of the County Court, Travis

County, Texas, By *Robert J. Smith* Deputy.

April 26, 1964.

I HEREBY CERTIFY THAT I HAVE SUBMITTED THE PROPOSED TO JOHN HARRIS AND SUBMITTED BY HIM TO THE UNDERSIGNED TO BE RECORDED IN THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

John M. White
JOHN M. WHITE, Notary Public, A. D. & P. L.

NO INTEREST IN THIS SUBDIVISION MAY BE USED FOR HUMAN HABITATION UNTIL IT IS CONVEYED TO A SUITABLE RESIDENTIAL UNIT APPROVED BY THE HEALTH DEPARTMENT.

THE APPROVAL OF THIS PLAT BY THE COMMISSIONER'S COURT OF TRAVIS COUNTY, TEXAS, IS NOT NECESSARY TO VALIDATE THE SAID SUBDIVISION OR THE BOUNDARY TO BUILD ANY STREET, ROAD, DRIVEWAY, BRIDGE OR ANY OTHER STRUCTURE. ALL CONSTRUCTION OF PUBLIC UTILITIES, DRAINAGE, SEWERAGE, OR ANY OTHER STRUCTURE, BE SUBMITTED BY THE OWNER OF THE SUBDIVISION TO THE COMMISSIONER'S COURT OF TRAVIS COUNTY, TEXAS, OR BY THE SUBDIVISION UNIT HAVING JURISDICTION. ALL FINISHED SUBDIVISION UNIT OF APPROVED BY THE SUBDIVISION UNIT HAVING JURISDICTION.

STATE OF TEXAS:

COUNTY OF TRAVIS:

I, EMILIE LINGERS, Clerk of the County Court of said County, do hereby certify that the Commissioner's Court of Travis County, Texas

passed an order authorizing the filing of record of this plat in the 4th day of May A. D. 1964, and that the said order is recorded in

the minutes of said court in Book 3, Page 358.

WITNESS MY HAND AND THE SEAL OF THE COUNTY COURT ON THIS 4th day of May A. D. 1964.

EMILIE LINGERS, Clerk of the County Court, Travis County, Texas.

By *P. Hayden* Deputy.

STATE OF TEXAS:

COUNTY OF TRAVIS:

I, EMILIE LINGERS, Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing, with the certificate of authentication, was filed for record in my office on the 4th day of May A. D. 1964, at 10:30 A. D. 1964

and duly recorded on the 4th day of May A. D. 1964

at 10:30 A. D. 1964, in the Plat Record of said County, in Book 3, Page 358.

WITNESS MY HAND AND THE SEAL OF THE COUNTY COURT THE DAY LAST WRITTEN

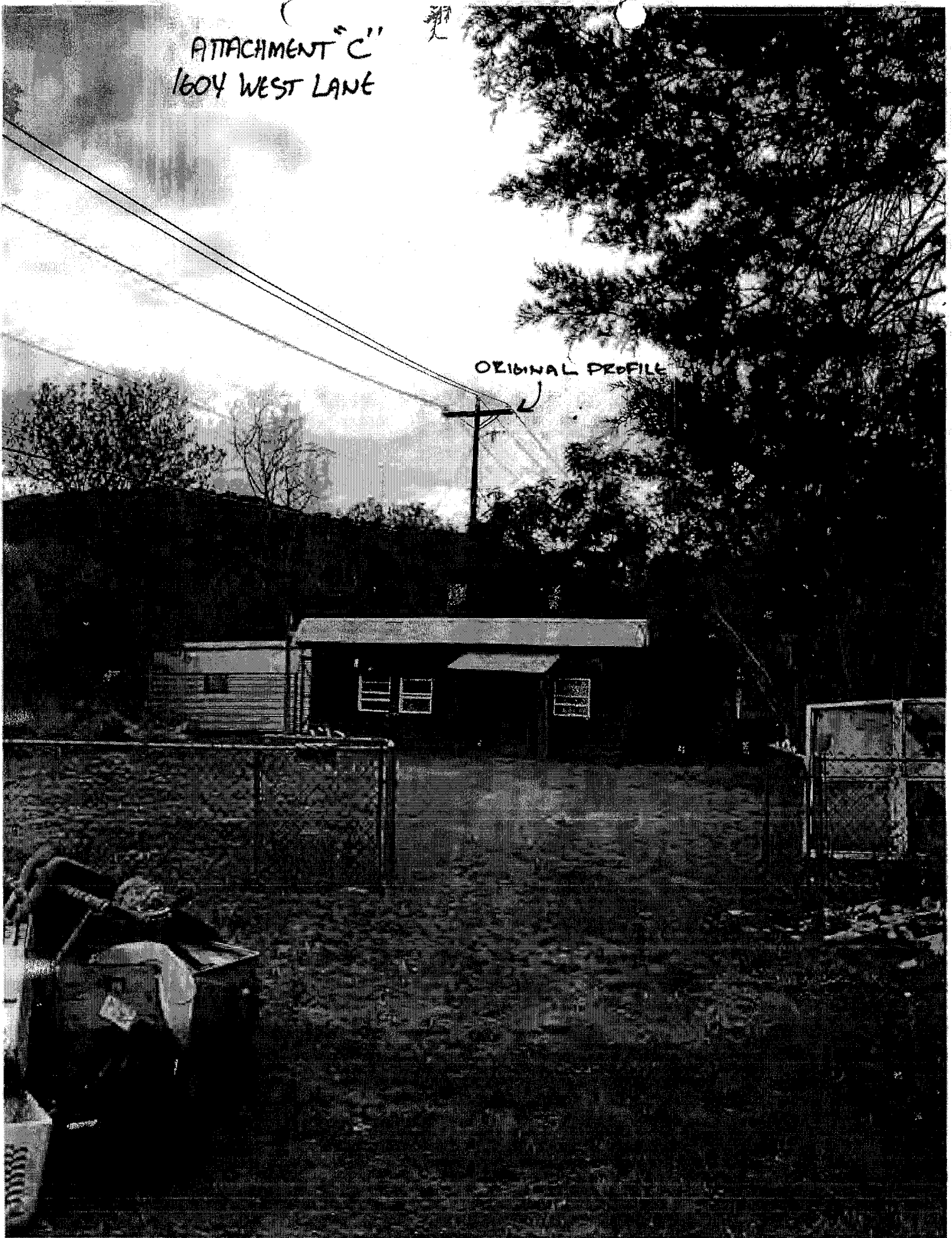
ABOVE: EMILIE LINGERS, Clerk of the County Court, Travis County, Texas.

By *Robert J. Smith* Deputy.



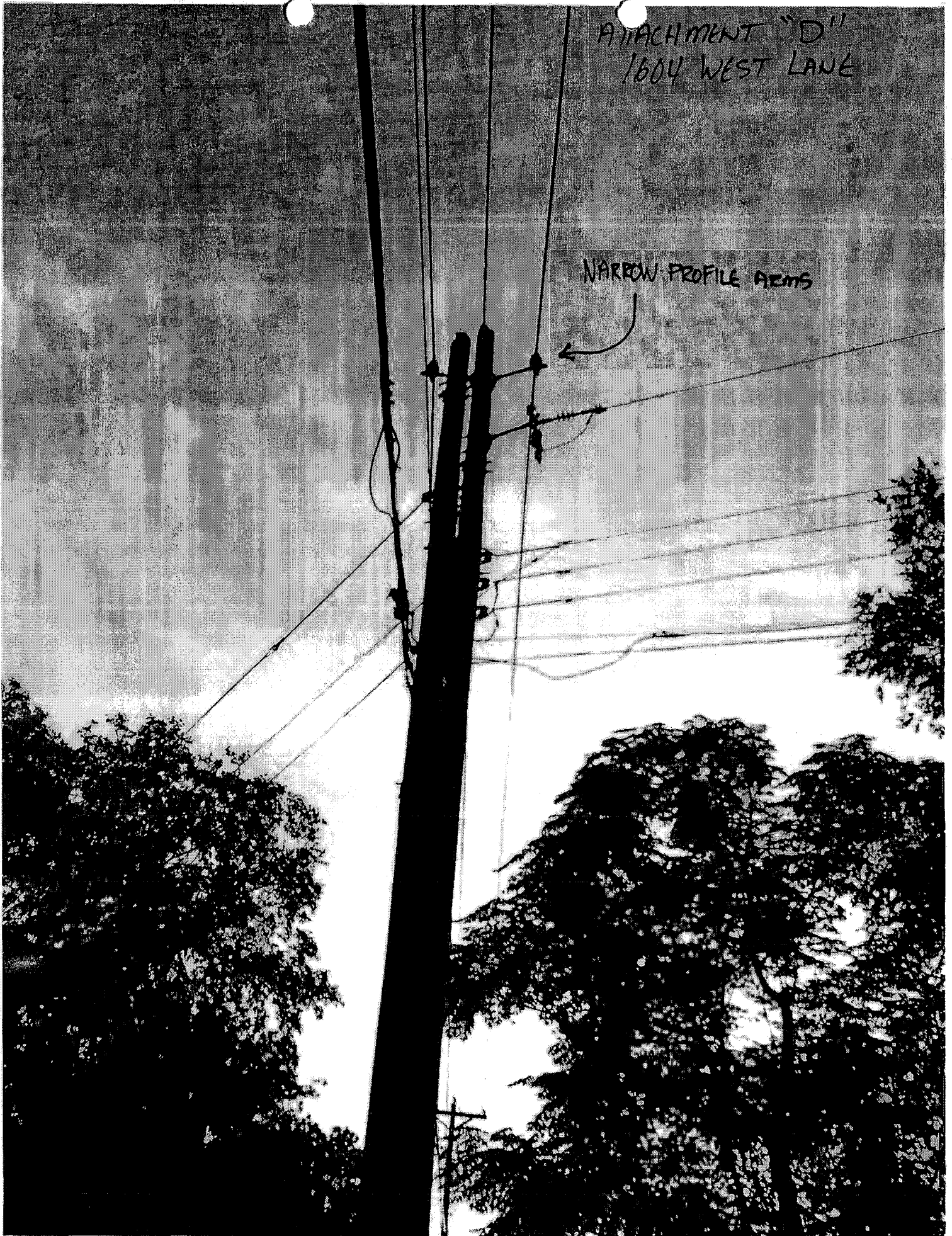
ATTACHMENT "C"
1604 WEST LANE

ORIGINAL PROFILE



ATTACHMENT "D"
1604 WEST LANE

NARROW PROFILE ARMS



ATTACHMENT "E" 1604 WEST LANE



City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

March 6, 2014

Mr. Gregory Millard
12104 Palisades Parkway
Austin, Texas 78732

[REDACTED]

Subject: Electric Utility Easement – 1604 West Lane

Dear Mr. Millard:

Attached is the Electric Utility Easement for the above-described Project. Please sign and notarize the document and return it to me at the above address, along with a check in the amount of \$50.00, payable to the Travis County Clerk for the recording fee. **If submitting a personal check, please put your Driver's License number and a telephone number on the check.**

Should you have any questions regarding the Easement, please contact me at (512)322-6237.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wendi Broden".

Wendi Broden
Public Involvement/Real Estate Services

Attachment

Easement No. _____
File No. _____
Address: 1604 West Lane _____
Initials: WEB _____

ELECTRIC DISTRIBUTION UTILITY EASEMENT

STATE OF TEXAS
COUNTY OF TRAVIS

DATE: _____

GRANTOR: GREGORY MILLARD

GRANTOR'S ADDRESS: 12104 Palisades Parkway
Austin, Texas 78732

GRANTEE: THE CITY OF AUSTIN

GRANTEE'S ADDRESS: P. O. Box 1088
Austin, Travis County, Texas

PROPERTY: Lot 8, of LAKE AUSTIN VILLAGE, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 19, Page 88, of the Plat Records of Travis County, Texas. Being the same property conveyed to GRANTOR by General Warranty Deed, recorded under Document Number 2013139706, Official Public Records, Travis County, Texas.

GRANTOR, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, does hereby grant, sell and convey to GRANTEE an easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric distribution and telecommunications lines and systems and all necessary or desirable appurtenances and structures (the "Facilities"), and to permit telephone and cable television lines and systems to be placed, constructed, reconstructed, installed, operated, repaired, maintained, inspected, replaced, upgraded or removed (in whole or in part), and maintained in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit GRANTEE unimpeded access to the Facilities.

GRANTOR may not place, erect or maintain in the Easement (a) any permanent structures, including, but not limited to habitable structures such as homes or offices, (b) any structure of any kind in such proximity to the Facilities as would constitute a violation of the National Electric Safety Code in effect at the time the structure is erected, nor, (c) without Grantee's prior written consent, any structure, including, but not limited to drainage, filtration or detention ponds, or make changes in grade, elevation, or contour of the land which would impair Grantee's access to its Facilities in the Easement for the purposes stated above.

Upon completion of initial construction or any subsequent work in the Easement, GRANTEE shall repair any material damage to the Property so as to restore same to substantially the same condition it was in prior to commencement of the work, but GRANTEE shall not be required to replace any trees, shrubbery or obstructions which GRANTEE removed due to interference with its use of the Easement.

TO HAVE AND HOLD the same perpetually unto GRANTEE and to its successors and assigns, together with the right and privilege at any reasonable time or times to enter upon and cross the Property to the extent necessary for the foregoing purposes.

GRANTOR, does hereby covenant and bind itself, and its heirs, successors, assigns and legal representatives to warrant and forever defend all and singular the Easement unto GRANTEE, and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Such rights and Easement shall be covenants running with the land and shall be binding upon the GRANTOR, its personal representatives, heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the date first above stated.

GRANTOR:

GREGORY MILLARD

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on this _____ day of _____,
2014, by GREGORY MILLARD.

Notary Public, State of Texas

Notary's Printed or Typed Name

Notary's Commission Expires

AFTER RECORDING RETURN TO:
City of Austin – Austin Energy
721 Barton Springs Road
Austin, Texas 78704
Attn: Melody Giambruno
Electric Distribution Utility Easement
Legal Review 06/15/07



EXHIBIT "A"

SURVEY PLAT OF A 0.028 ACRE (1232 SQUARE FEET) TRACT OF LAND, BEING A 15 FOOT WIDE STRIP OF LAND AND EASEMENT OUT OF AND A PART OF LOT 8, LAKE AUSTIN VILLAGE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 9, PAGE 88, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.028 ACRE TRACT OF LAND BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at a point for the north corner of the herein described 0.028 acre tract of land (Texas State Plane Grid Coordinates, Texas Central Zone 4203 N(Y) 10091322.268, E(X) 3055902.817 NAD83) same being a point on the southeast line of that certain five foot utility easement as show on said plat of Lake Austin Village and point within the bounds of said Lot 8, from this point a one-half inch iron rod found for the northwest corner of the said Lot 8, same being the southwest corner of Lot 7, of the said Lake Austin Village and a point on the east line of that called 5.8 acres of land described to Travis County, Texas (Mary Quinlan Park) in that certain Warranty Deed as recorded in Volume 608, Page 271, of the Deed Records of Travis County, Texas bears: North 14°52'28" East, a distance of 21.21 feet crossing over the said Lot 8;

THENCE South 77°33'24" East, crossing over the said Lot 8 a distance of 94.59 feet to a point for the east corner of the herein described 0.028 acre tract of land, same being point on the common dividing line of the said Lot 8 and Lot 9, of the said Lake Austin Village and from this point a one-half inch iron rod found for the southeast corner of the said Lot 8, same being the northeast corner of the said Lot 9 and a point on the curving west right of way line of West Lane, a public road in Travis County, Texas, bears: North 75°17'40" East, a distance of 14.62 feet;

THENCE South 75°17'40" West, along the common dividing line of the said Lot 8 and the said Lot 9 a distance of 32.87 feet to a point for the south corner of the herein described 0.028 acre tract of land, same being a point on the common dividing line of the said Lot 8 and the said Lot 9 and from this point a one-half inch iron rod found for the common west corner of the said Lot 8, and the said Lot 9, bears: South 75°17'40" West, a distance of 98.70 feet;

THENCE North 77°33'24" West, crossing over the said Lot 8 a distance of 69.66 feet to a calculated point for the west corner of the herein described 0.028 acre tract of land, same being a point on the southeast line of the said five foot utility easement as show on said plat of Lake Austin Village and point within the bounds of said Lot 8, from this point the last said one-half inch iron rod found for the common west corner of the said Lot 8, and the said Lot 9, bears: South 34°25'06" West, a distance of 48.57 feet crossing over the said Lot 8, same being a point on the southeast line of the said 5.8 acres of land;

THENCE North 28°30'34" East, coincident with the southeast line of the said five foot utility easement as show on said plat of Lake Austin Village and crossing over the said Lot 8, 15.61 feet

to the **POINT OF BEGINNING** and containing 0.028 acres or 1232 square feet of land more or less.

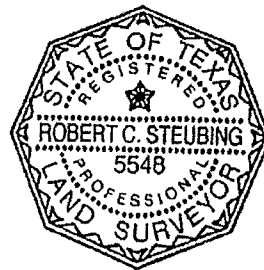
BASIS OF BEARINGS: GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.

Reference the attached sketch marked **EXHIBIT "B"**.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in February 2014.

Prepared By: **AUSTIN ENERGY**

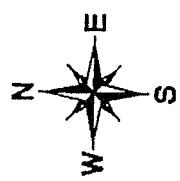
Robert C. Steubing 02/28/2014
Robert C. Steubing
Registered Professional Land Surveyor No. 5548



LEGEND:

- CAPPED IRON ROD FOUND
- 1/2" IRON ROD FOUND
- POB POINT OF BEGINNING
- PRCT PLAT RECORDS TRAVIS COUNTY
- OE- EXISTING OVER HEAD ELECTRIC
- EXISTING POLE

SURVEY PLAT OF A 0.028 ACRE (1232 SQ. FT) 15 FOOT WIDE TRACT OF LAND BEING A PROPOSED CITY OF AUSTIN EASEMENT AND BEING OUT OF LOT 8, LAKE AUSTIN VILLAGE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 19, PAGE 88, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



NUM	BEARING	DISTANCE
L1	N75°17'40"E	14.62'

Travis County, Texas
 Mary Quintan Park
 Warranty Deed
 608/271 DRTCT
 5.8 Acres

POB GRID COORDINATES
 TEXAS CENTRAL ZONE 4203
 NORTH AMERICAN DATUM 83
 N(Y) 10091322.268
 E(X) 3055902.817

LOT 7

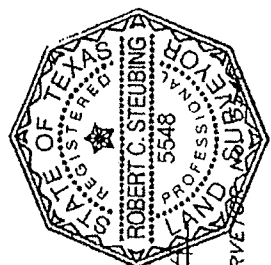
LOT 8

LOT 9

WEST LANE

LAKE AUSTIN VILLAGE
 VOL 19 PG 88 PRCT

0.028 Acres
 1232 Sq. ft



AS SURVEYED BY:
 AUSTIN ENERGY

Robert C. Steubing
 ROBERT C. STEUBING
 REGISTERED PROFESSIONAL LAND SURVEYOR
 SURVEYED ON THE GROUND IN FEBRUARY 2014

EXHIBIT "B"

Millard, Gregory M.

From: Lambert, David <David.Lambert@AustinEnergy.com>
Sent: Thursday, June 26, 2014 3:04 PM
To: Millard, Gregory M.
Subject: Recorded Electric Easement
Attachments: 1604 West Lane Easement Receipt.pdf

Mr. Millard,

Attached is a copy of the recorded document for your records.
I've also attached a copy of the receipt from the County Clerk for the recording fees.

Thank you for your assistance,

Dave Lambert
Planner Senior
Austin Energy
2500 Montopolis Dr, Ste. 1007.10
ph. 512.322.6109

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act.

9
A
1
10

TRAVIS COUNTY CLERK
P.O. BOX 149325
AUSTIN, TX 78714-9325
(512) 354-7188

2
ISSUED TO:
GREGORY WILLARD

RECEIPT # 73304
DATE 06/26/2014 01:20:07 PM

DOCUMENT #	PGS	FEE
2014063987	0	
EASEMENT		46.00
		=====
Total Amount Due		46.00

CHECK 1096	50.00
=====	
Total Payment	50.00

Overage Amount: 4.00

UNLESS REQUESTED: ALL AMOUNTS
FOR OVERPAYMENTS IN THE AMOUNT
OF \$5 OR MORE WILL BE ISSUED
AT THE END OF THE MONTH

A
7

HAVE A NICE DAY
INDEXED AVAILABLE
JMM TRAVISCOUNTYCLERK.D-5
DANA DEBEAUMONT
COUNTY CLERK
Deputy: RODRIGULZA

(ATTACHMENT "F" 1604 WEST LAKE

Work Request Charges Quotation
Austin Energy

To: GREGORY MILLARD
GREGORY MILLARD
1604 WEST LN
Relocate OH lines

Quote Number: NO1250902
Designer Name: BOXTON, JAMES
Description: COST TO REPLACE OVERHEAD 8 FEET WOOD
ARM CONSTRUCTION WITH NARROW
PROFILE CONSTRUCTION ON TWO POLES.

Quote Date: 3/11/2014
Preferred Option: Yes
No. Payments: 1
Project:

Quotation Details

Description	Refundable?	Unit Cost	Quantity	Total	Due Before Work	Paid
Time & Materials	No	1,414.52	1.15	1,626.70	Y	

Charges Due Before Work Starts:

1,626.70

Tax:

0.00

Subtotal:

1,626.70

Charges Due On Completion:

0.00

Tax:

0.00

Subtotal:

0.00

Total Charges:

1,626.70

Total Tax:

0.00

Total Including Tax:

1,626.70

CITY OF AUSTIN, TEXAS
RECEIPT FOR PAYMENT OF FUNDS

NO. 23975644

DATE RECEIVED:

4-28-14

RECEIVED FROM:

Gregory + Christina Millard

\$ 1,626.70

IN PAYMENT FOR:

Change Overhead arm construction to Narrow Prof

*AMOUNT VERIFIED BY:

125090

CITY OF AUSTIN, TEXAS

XXXXXX	FUND	AGENCY	ORG	SUB ORG	ACTV	REV/ OBJT	WORKORDER	REPT CATG	B/S ACCT	AMOUNT
HOW PAID:	XXX	XXX	XXXX	XX	XXXX	XXXX	XXXXXXXX	XXXX	XXXX	XXXXXX
CASH <input type="checkbox"/>	3250	1107	9900		4524	4525	125090	2700		1,626.70
CHECK <input checked="" type="checkbox"/>										
MONEY ORDER <input type="checkbox"/>										

Austinenergy

Cynthia Kadka

ATTACHMENT "H" 1604 WEST LANE

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, that we, Charles G. Hard and wife, Loretta L. Hard, of the County of Travis, State of Texas, hereinafter referred to as GRANTORS, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by A. C. Brodnax of Harris County, Texas, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged and for the payment of which no lien, either express or implied, is retained, have SOLD, GRANTED, and CONVEYED, and by these presents do SELL, GRANT, and CONVEY unto A. C. Brodnax, all of the following described property being situated in Travis County, Texas, to-wit:

Lot Number Twenty-Three (23) of Lake Austin Village Subdivision, in Travis County, Texas, according to the map or plat thereof of record in Book 19, Page 38, of the Plat Records of Travis County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said Grantee, his heirs and assigns forever. And we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said GRANTEE, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance, however, is made subject to all valid easements affecting the use of said property as this date reflected by the records of Travis County, Texas, and is subject to the following restrictions affecting the use of the property herein conveyed, to-wit:

1. No building shall be erected or maintained on any lot in said sub-division other than a private residence and a private garage for the sole use of the owner or occupant.
2. No old, used, existing building or structure of any kind nor any part of an old, used, existing building or structure shall be moved on, placed on, or permitted to remain on any lot. All construction shall be of new material.
3. No house trailers shall be placed on any lot, either temporarily or permanently. No temporary shacks or structures will be placed on any lot.

DEED RECORDS
Travis County, Texas

v. 2603 p. 5

4. Any residence placed on lots 1 through 7; lots 33 through 36; lots 25 through 28, and lots 18 through 24, shall have a minimum of 650 sq.ft. of floor area exclusive of porches, stoops, balconies, open or closed carports, patios or garages. Any residence placed on lots 8 through 17; and lots 29 through 32 shall have a minimum of 800 sq.ft. of floor area exclusive of porches, stoops, balconies, open or closed carports, patios, or garages.
5. No building shall be erected, placed, or altered on any lot until the construction plans and specifications are approved by the Architectural Control Committee. This approval will be in writing and one copy of the plans and specifications will remain on file.
6. The Architectural Control Committee is composed of 3 members appointed by Charles G. Hard.
7. Minimum setback lines shall be as follows: No residential structure shall be located nearer the front line than 15 ft., or nearer the side street line than 10 ft., nor nearer the side or rear lot line than 5 ft. Detached garages, carports, and storage buildings may be located within 3 ft. of side lot line and within 5 ft. of rear lot line. The exception being lot 36, on which there is an existing structure. Construction must be completed within one year after starting.
8. No fence shall be permitted to extend nearer to any street than the setback lines indicated above.
9. No animals or birds, other than household pets shall be kept on any lot.
10. No noxious or offensive trade or any other activity shall be permitted on any lot that may be or become an annoyance to the neighborhood.
11. No structures, wires, poles, or other obstructions shall be located in violation of any such easements indicated on the plat.
12. No sign of any kind shall be displayed to the public view on any lot other than one sign of not more than 5 sq. ft. Advertising the property for sale or rent, or sign used by the builder to advertise the property during construction and sales periods.
13. No outside toilet or privy shall be erected or maintained in the subdivision. All sanitary plumbing shall conform with the minimum requirements of the Health Department of Travis County and the State of Texas.
14. No lot in this subdivision shall be sold to, or resided upon, other than members of the Caucasian race.

Said restrictions are to run with the land and are to be binding upon and observed by GRANTEE, his heirs and assigns, and may be enforced by any person owning an interest in any of the property situated in Lake Austin Village Subdivision. If any person or persons shall violate or attempt to violate these restrictions, it shall be lawful for any person owning any interest in Lake Austin Village Subdivision

to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate said restrictions, or any of them, either to prevent him or them from so doing or to correct such violations and to recover damages or other relief for such violation or violations.

Witness our hands at Austin, Texas, this 31st day of August, 1964.

8/1/64

LS. MY. MY. STAMP CANCELLED

Charles G. Hard
Charles G. Hard

Loretta L. Hard
Loretta L. Hard

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Charles G. Hard and Loretta L. Hard, his wife, both known to me to be the person whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Loretta L. Hard, wife of the said Charles G. Hard, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Loretta L. Hard, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS the 31st day of August, 1964.

(NOTARY SEAL)

Frederick H. House
Frederick H. House
Notary Public in and for
Travis County, Texas

FILED
F. H. House
COUNTY CLERK
TRAVIS COUNTY, TEXAS

SEP 1 10 43 AM 1964

DEED RECORDS
Travis County, Texas

100-2833 REC 7 (SUM)

ATTACHMENT "I" 1604 WEST LANE

LOT 9

Waterloo Surveyors Inc. J14187
SURVEY PLAT

LEGAL DESCRIPTION:
LOT 8, LAKE AUSTIN VILLAGE,
A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING
TO THE MAP OR PLAT OF
RECORD IN VOLUME 19,
PAGE 88 OF THE PLAT
RECORDS OF TRAVIS
COUNTY, TEXAS

State of Texas:
County of Travis:

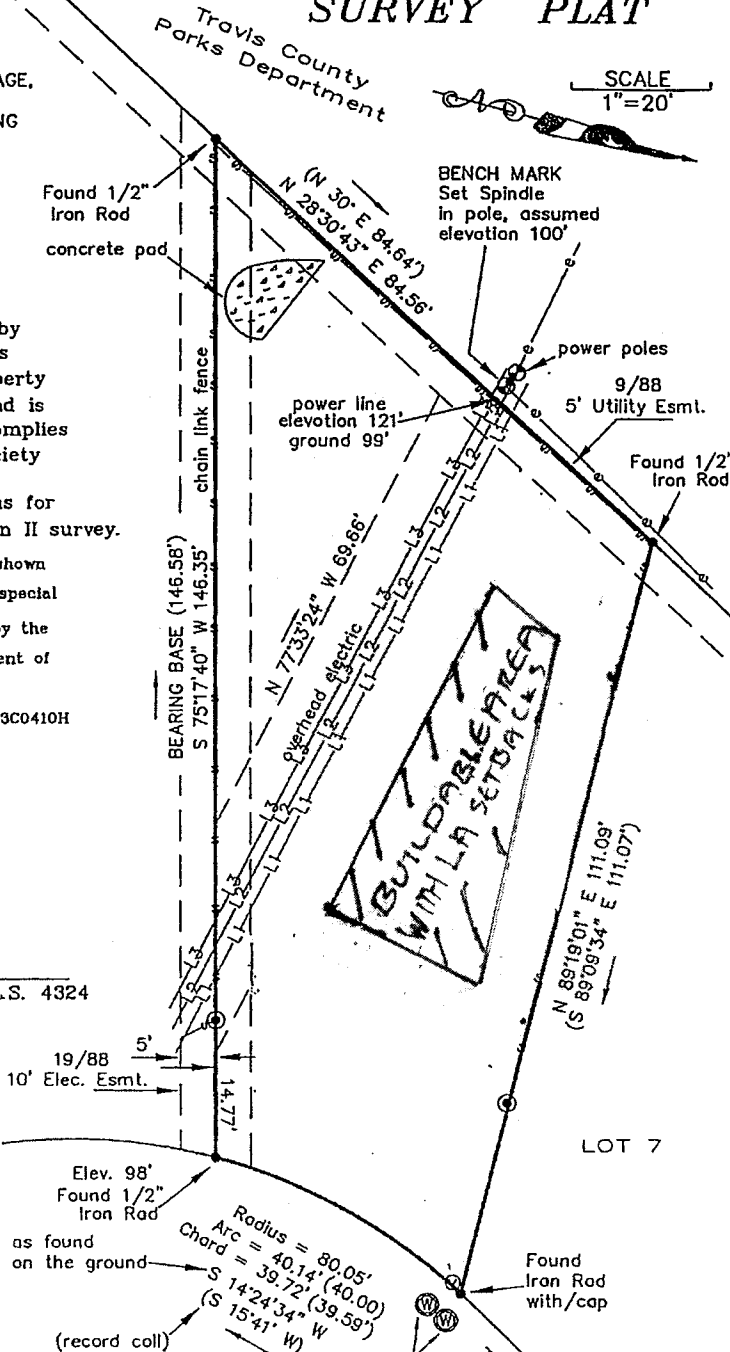
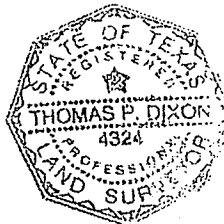
The undersigned does hereby
certify that this survey was
this day made on the property
legally described hereon and is
correct, and this survey complies
with the current Texas Society
of Professional Surveyors
Standards and Specifications for
a Category 1B & 5 Condition II survey.

And I certify that the property shown
hereon IS NOT within a special
flood hazard area as identified by the
Federal Insurance Adm. Department of
HUD Flood hazard boundary map
revised as per Map Number: 48453C0410H
Zone: X Dated: 09/26/08

Survey Dated: August 8, 2014

Thomas P. Dixon R.P.L.S. 4324

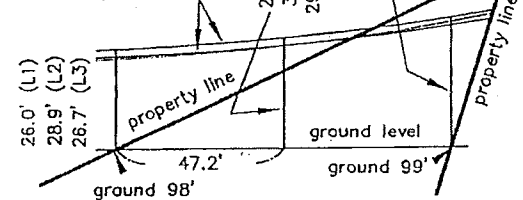
LOT 8 IS SUBJECT TO:
RESTRICTIONS AND EASEMENT
RIGHTS OF RECORD



POWER LINE PROFILE "A"

scale
1" = 40'

overhead power lines



NOTE:
LOT 8 IS SUBJECT TO
RESTRICTIONS AND
EASEMENT RIGHTS OF
RECORD.

© Copyright 2014

(TACAMINT "J" 1604 WEST) ANE

LOT 9

Waterloo Surveyors Inc. J14187
SURVEY PLAT

LEGAL DESCRIPTION:
LOT 8, LAKE AUSTIN VILLAGE,
A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING
TO THE MAP OR PLAT OF
RECORD IN VOLUME 19,
PAGE 88 OF THE PLAT
RECORDS OF TRAVIS
COUNTY, TEXAS

State of Texas:
County of Travis:

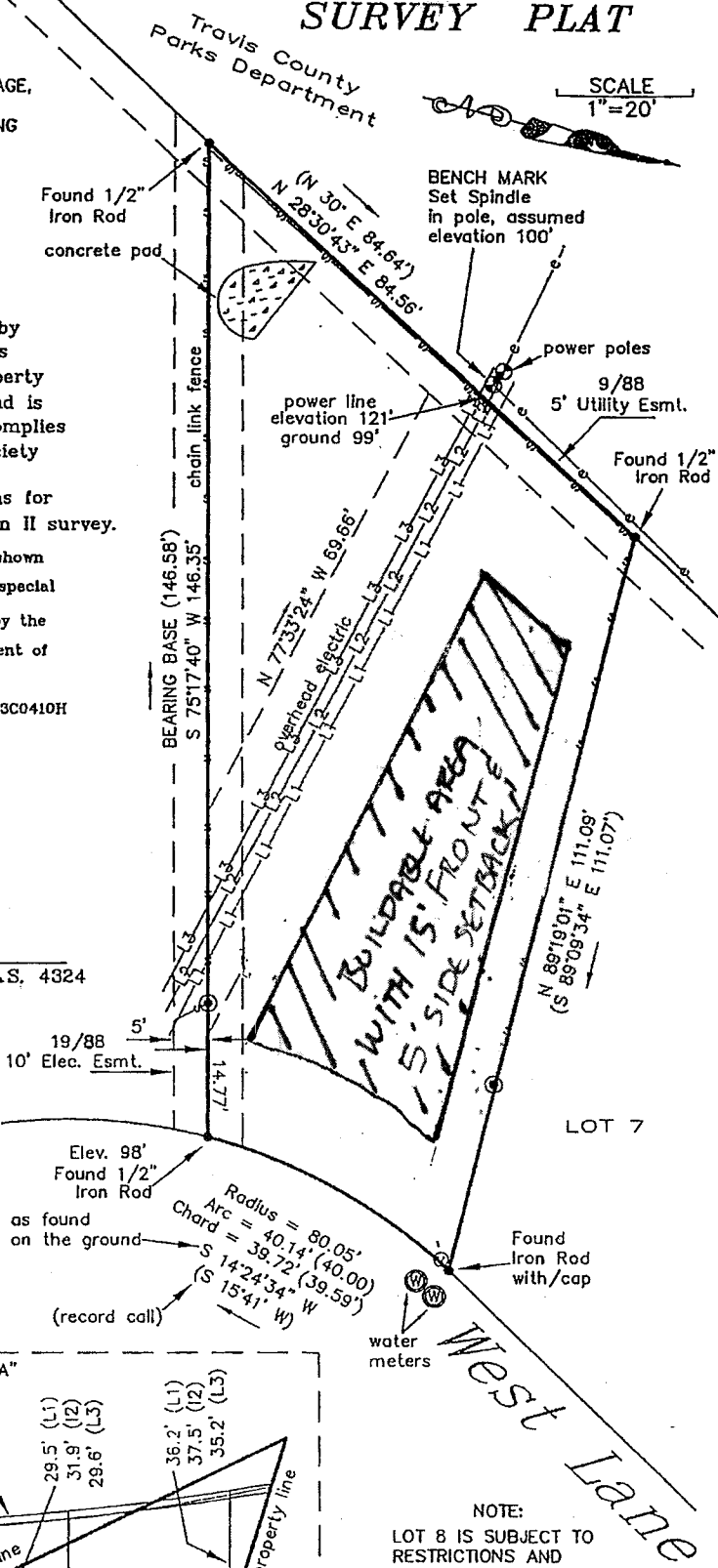
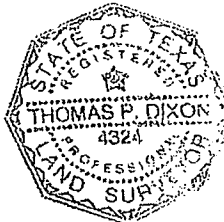
The undersigned does hereby
certify that this survey was
this day made on the property
legally described hereon and is
correct, and this survey complies
with the current Texas Society
of Professional Surveyors
Standards and Specifications for
a Category 1B & 5 Condition II survey.

And I certify that the property shown
hereon IS NOT within a special
flood hazard area as identified by the
Federal Insurance Adm. Department of
HUD Flood hazard boundary map
revised as per Map Number: 48453C0410H
Zone: X Dated: 09/26/08

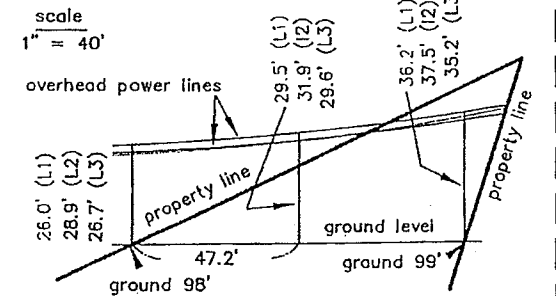
Survey Dated: August 8, 2014

Thomas P. Dixon R.P.L.S. 4324

LOT 8 IS SUBJECT TO:
RESTRICTIONS AND EASEMENT
RIGHTS OF RECORD



POWER LINE PROFILE "A"



NOTE:
LOT 8 IS SUBJECT TO
RESTRICTIONS AND
EASEMENT RIGHTS OF
RECORD.

Copyright 2014

ATTACHMENT L 1604 WEST LAKE

§ 25-2-492 - SITE DEVELOPMENT REGULATIONS.

- (A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.
- (B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.
- (C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.
- (D) Site development regulation table.

Source: Section 13-2-630; Ord. 990225-70; Ord. 991104-46; Ord. 000511-109; Ord. 030731-53; Ord. 031211-11; Ord. 041118-57; Ord. 20100819-064.

	LA	RR	SF-1***	SF-2	SF-3
MINIMUM LOT SIZE (square feet):	43,560	43,560	10,000	5,750	5,750
MINIMUM LOT WIDTH:	100	100	60	50	50
MAXIMUM DWELLING UNITS PER LOT:	1	1	1	1	**
MAXIMUM HEIGHT:	35	35	35	35	35
MINIMUM SETBACKS:					
FRONT YARD:	40	40	25	25	25
STREET SIDE YARD:	25	25	15	15	15
INTERIOR SIDE YARD:	10	10	5	5	5
REAR YARD:	20	20	10	10	10
MAXIMUM BUILDING COVERAGE:	—	20%	35%	40%	40%
MAXIMUM IMPERVIOUS COVER:	*	25%	40%	45%	45%

* See Section 25-2-551 (*Lake Austin District Regulations*).

** See Section 25-2-556 (*Family Residence District Regulations*).

*** See Section 25-2-780 (*Conservation Single Family Residential Use*).

SF-1***

SF-2

SF-3

MINIMUM LOT SIZE (square feet):

43,560

43,560

10,000

5,750

5,750

MINIMUM LOT WIDTH:

100

100

60

50

50

MAXIMUM DWELLING UNITS PER LOT:

1

1

1

1

**

MAXIMUM HEIGHT:

35

35

35

35