

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

DATE: Monday, March 9, 2015

CASE NUMBER: C15-2015-0017

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Michael Von Ohlen **Motion to PP to 4-13-15**
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair **2nd the Motion**
☐ Y ☐ Sallie Burchett
☐ OUT ☐ Ricardo De Camps
☐ OUT ☐ Brian King
☐ Y ☐ Vincent Harding
☐ T ☐ Will Schnier - Alternate
☐ Y ☐ Stuart Hampton - Alternate

OWNER/APPLICANT: Jian Xu

ADDRESS: 7012 QUILL LEAF CV

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum rear yard setback from 10 feet (required) to 4 feet (requested) in order to reconstruct a residence in an "SF-2", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO March 9, 2015 AT THE STAFF'S REQUEST

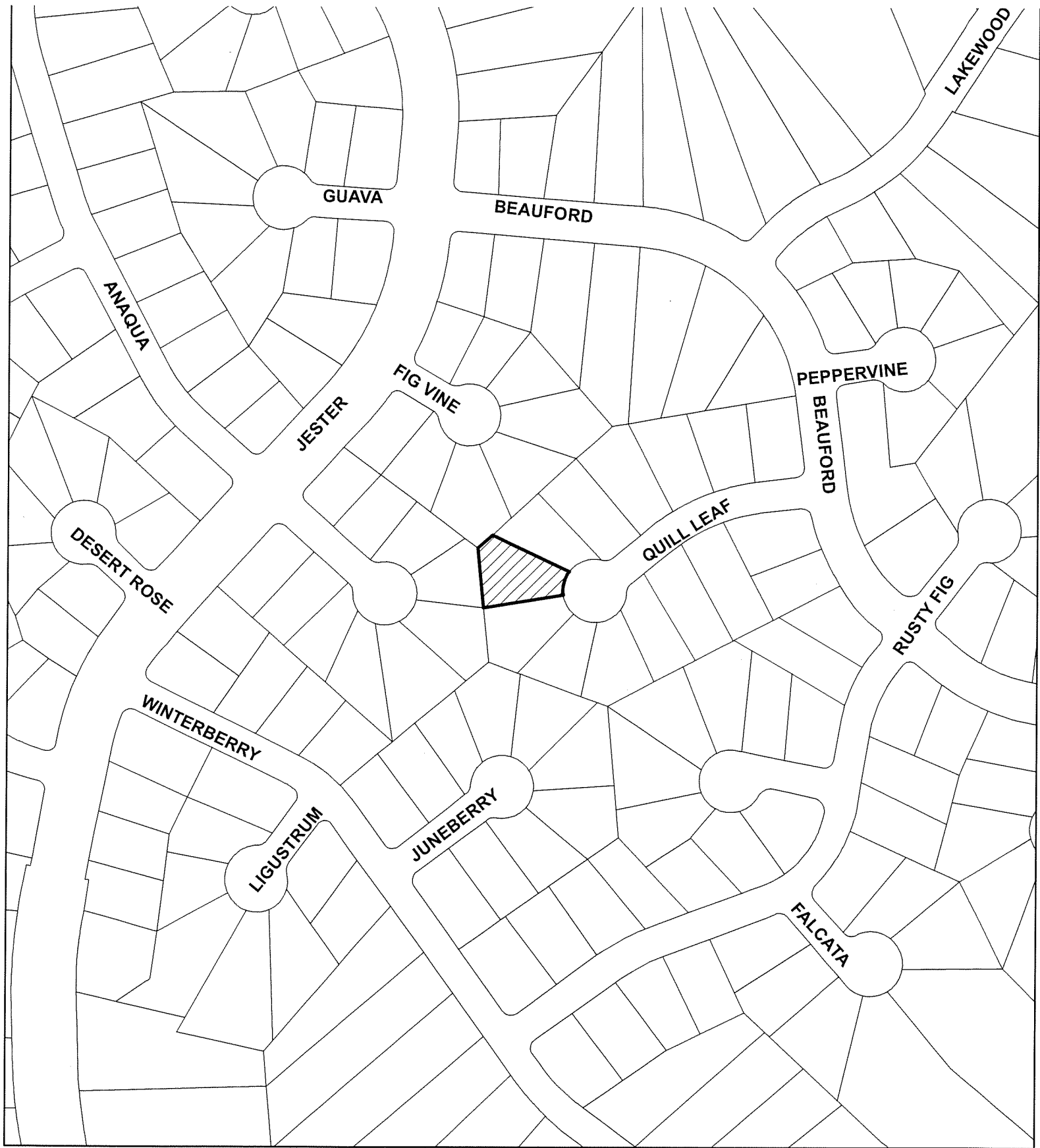
The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum rear yard setback from 10 feet (required) to 3 feet 10 inches (requested) in order to maintain a recently constructed single story accessory structure in a "SF-2", Family Residence zoning district.

Note: the zoning ordinance permits single story accessory structures to encroach 5 feet into a rear yard setback in SF-2 zoning, however this structure is less than 5 feet from the rear property line.

MARCH 9, 2015 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 13, 2015, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO APRIL 13, 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:



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0017
Address: 7012 QUILL LEAF COVE



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

C15-2015-6017

Heldenfels, Leane

From: Hale, John
Sent: Tuesday, January 27, 2015 9:20 AM
To: jian Xu
Cc: Heldenfels, Leane; Yaguo Wang
Subject: RE: FW: Board of Adjustment Application

** need to postpone due
to measurement error*

Excellent. I just wanted to confirm since we had an earlier conflict on distance.

John Hale
Code Investigator – West District
City of Austin, Code Department
P: 512-974-6087 | E: john.hale@austintexas.gov “Preserving Austin’s Quality of Life”

-----Original Message-----

From: jian Xu [mailto:j28060@gmail.com]
Sent: Monday, January 26, 2015 7:45 PM
To: Hale, John
Cc: Heldenfels, Leane; Yaguo Wang
Subject: Re: FW: Board of Adjustment Application

Hi John,

Yes it is almost impossible to move the shed without breaking it at this moment considering how it was built and also the surroundings. I need variance for the 1 foot and 2 inches move request. We really appreciate that you send people again to double check the size and location. We are so satisfy for all your service and help.

Thanks!

Regards,
Jian & Yaguo

On Mon, Jan 26, 2015 at 2:56 PM, Hale, John <John.Hale@austintexas.gov> wrote:

> Hello Leane and Jian,

>

> I just wanted to confirm that everyone was on the same page regarding the variance request. As indicated on the powerpoint and Officer Union's measurements a variance of up to 1 foot and 2 inches is requested?

>

> Thank you,

>

>

> John Hale

> Code Investigator – West District

> City of Austin, Code Department

> P: 512-974-6087 | E: john.hale@austintexas.gov “Preserving Austin’s

Heldenfels, Leane

To: Mary Ann
Subject: RE: Re Case Number C15-2015-0017-7012 Quill Leaf Cove

From: Mary Ann [mailto:~~mailto:maryann.parker@cityofaustin.org~~]
Sent: Tuesday, March 03, 2015 12:41 PM
To: Heldenfels, Leane
Subject: Re Case Number C15-2015-0017-7012 Quill Leaf Cove

To: Leane Heldenfels
City of Austin
Planning and Development Review Department

Leane,

Comments in objection to Case Number C15-2015-0017, Address 7012 Quill Leaf Cove:

Owners were advised to obtain proper approval from City of Austin as they began this project. We oppose granting the requested variance on the basis it would merely conform to their attitude that the property is theirs to do with it as they desire, an attitude which has been adopted by them from the time they acquired the property without regard to city codes or the neighborhood's history of cooperation.

Sincerely,
Luther and Mary Ann Parker

Luther and Mary Ann Parker
7011 Quill Leaf Cove
Austin, Texas 78750
Mary Ann 512-497-1912

- **25-2-554 - SINGLE-FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT REGULATIONS.**

In a single-family residence standard lot (SF-2) district, the rear yard setback is **five feet for an accessory building that is not more than one story or 15 feet in height.**

Source: Section 13-2-634(a); Ord. 990225-70; Ord. 031211-11.

Variance Application
for the wood house in the backyard
Jian Xu & Yaguo Wang, 7012 Quill Leaf Cv, Austin TX 78750

Dear neighbors,

We are writing to ask for your kind help on our variance application of the wood shed house. We built this shed house for gardening tools, without any electricity or water pipes running through it. We designed it, used best materials and built everything by ourselves. We spent over \$1,500 and more than 3 months to construct it. From the pictures, you can see that this shed is beautifully and carefully made, showing our love and devotion to our own house. Everyone who has seen it loves it. It only adds value to our property and to our neighborhood.

The city code requires the shed to be 5 feet away from the side fence. Because of the irregular shape of our lot, one side of the shed is about 5 feet away from the fence, and another side is a little less than 5 feet away. The city compliance officer asks us to move the shed for 1 foot. There are a couple of factors that make it difficult to move the shed.

1. Due to the irregular shape of our lot, there is not really any room to move the shed further away from the fence.
2. Secondly and more importantly, this is a customized shed. To make sure the foundation is stable, we knocked more than 10 long iron bars through the wood lumbers into the lime stones. It is extremely difficult to remove these iron bars. We'd have to tear down the whole shed in order to move it.

Now, we humbly ask for your support so that this variance can be approved, this cute shed can avoid the sad fate of being destructed, and we don't need to face the sadness of seeing all the money, time and efforts were for nothing.

Your kind help of this application is sincerely appreciated.

Yours sincerely,

Jian Xu & Yaguo Wang

I agree that the shed house (7012 quill leaf cove) remains in its current location.

Sharon Spruill

7014 Quill Leaf Cv

Quincy Nelson

7000 Anagaa Drive

Bochka

7103 Fig Vine Cv

Heldenfels, Leane

From: Saf Asghar <~~safasghar@gmail.com~~>
Sent: Sunday, March 08, 2015 4:08 PM
To: Heldenfels, Leane
Subject: Re: Case Number C15-2015-0017-7012 Quill Leaf Cove
Attachments: IMG_0301.JPG; ATT00001.txt

Fyi: seen from our backyard at 7010 Quill Leaf Cove!



C15-2014-0017

Heldenfels, Leane

From: Diana Miller <~~Diana.0757@austintexas.gov~~>
Sent: Friday, March 20, 2015 10:27 AM
To: Heldenfels, Leane
Subject: Re: Case at 7012 Quill Leaf Cove

The Jester Homeowners Board wants to maintain our objection. Believe that the shed has already been built and would like to request an onsite inspection by the city.

Please advise if you believe my physical presence as Jester Board President is necessary.

Thank you,

Diana Miller
512/496-0777

On Friday, March 20, 2015 10:05 AM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Hi Diana – I got your phone call. This case was postponed to the 4/13 Board meeting, asked a re-notification to be sent and asked for the applicants to revised their findings of fact provided. You can resend your objection or send a new or additional objection up until 4/1 for it to be included in the Board's advance meeting packet, or up until noon of the day of the meeting for it to be included in the Board's late back up packet that they receive that night on the dais at the meeting.

Take care,
Leane

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 become part of the public record of the case.

Case Number: C15-2015-0017, 7012 Quill Leaf Cove

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


Public Hearing: Board of Adjustment, March 9th, 2015

Eddy Edmondson

Your Name (please print)

7001 Anaquero Dr.

Your address(es) affected by this application



Signature

Date

3.9.15

Daytime Telephone: 512.343.0701

Comments:

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) 974-6305

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

PUBLIC HEARING INFORMATION

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Case Number: C15-2015-0017, 7012 Quill Leaf Cove

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

Public Hearing: Board of Adjustment, March 9th, 2015

RANDY E. HUMPHREY

Your Name (please print)

7013 QUILL LEAF COVE

Your address(es) affected by this application

Randy E. Humphrey

Signature

Daytime Telephone: 512-345-1622

Comments:

☐ I am in favor
☒ I object

3/5/15
Date

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) 974-6305

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

C15-2015-0017

Variance Application
for the wood house in the backyard
Jian Xu & Yaguo Wang, 7012 Quill Leaf Cv, Austin TX78750

Dear neighbors,

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The city code requires the shed to be 5 feet away from the side fence. Because of the irregular shape of our lot, one side of the shed is about 5 feet away from the fence, and another side is a little less than 5 feet away. The city compliance officer asks us to move the shed for 1 foot. There are a couple of factors that make it difficult to move the shed.

1. Due to the irregular shape of our lot, there is not really any room to move the shed further away from the fence.
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Now, we humbly ask for your support so that this variance can be approved, this cute shed can avoid the sad fate of being destructed, and we don't need to face the sadness of seeing all the money, time and efforts were for nothing.

Your kind help of this application is sincerely appreciated.

Yours sincerely,

Jian Xu & Yaguo Wang

I agree that the shed house (7012 quill leaf cove) remains in its current location:

Theresa Spurr

Janice Nelson

Patricia (Gail) Terce

7014 Quill Leaf Cv

7000 Anagua Drive

7103 Fig Vine Cv

7000 Quill Leaf Cv

Junglynn Newton
7005 Quill Leaf

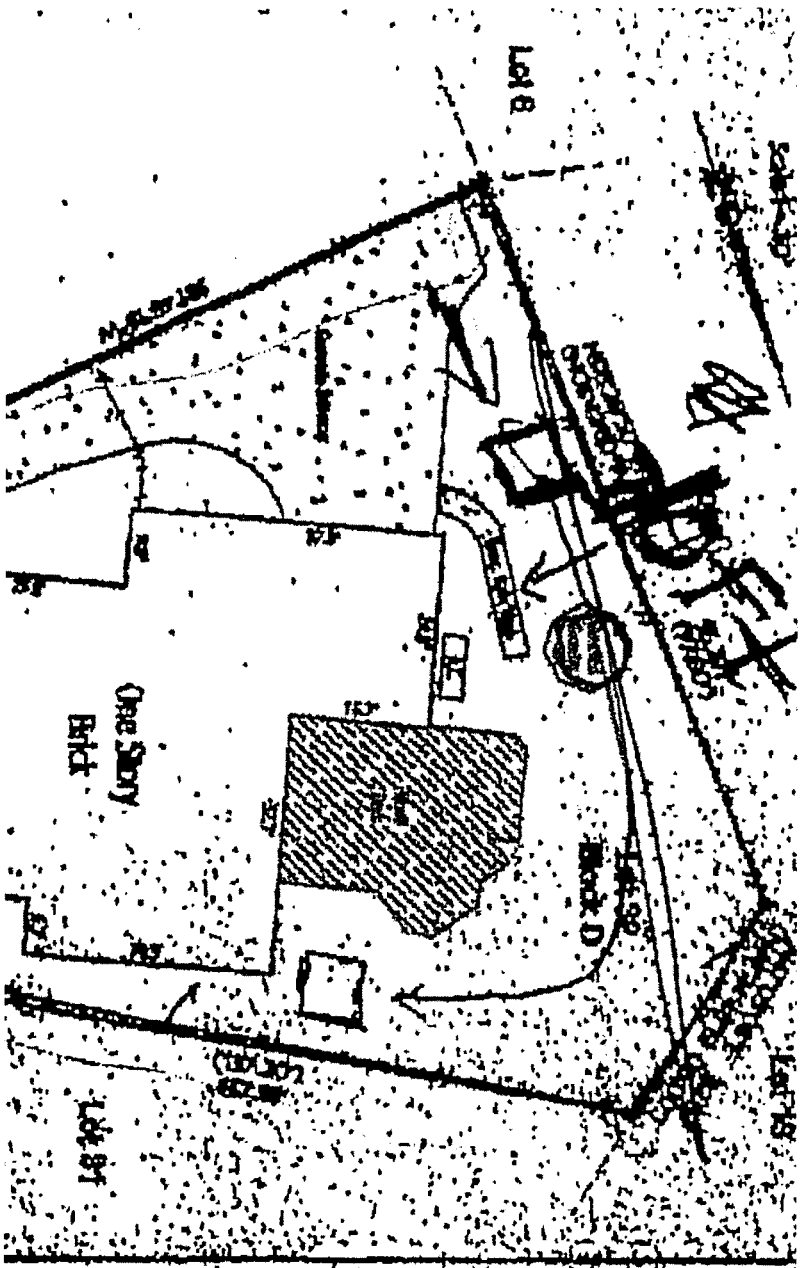
B. O. 7006 Quill Leaf

7000 Quill Leaf Cv

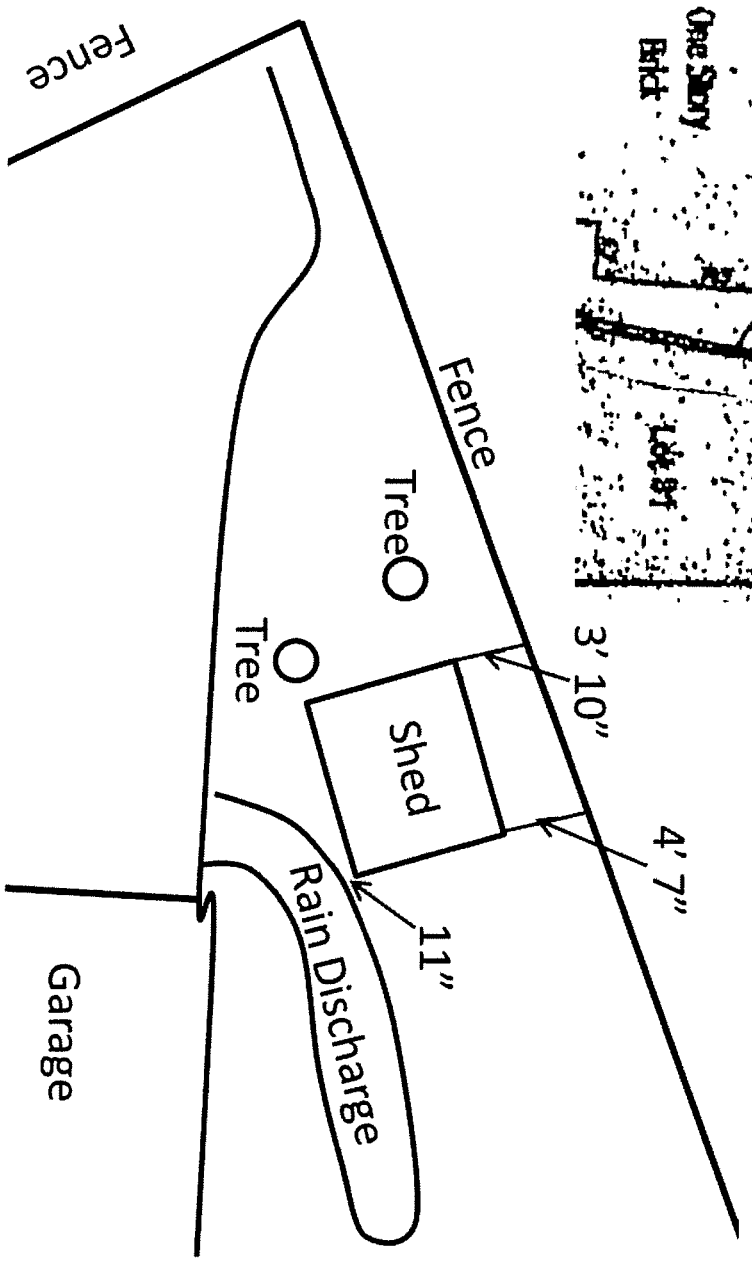
Richard Moss 6905 Beauford Dr
512-343-1930
Nona Good 6905 Beauford
512-343-1930

John Chen 7005 Junberry Cv
7002 Quill Leaf Cove.

Sofia Bowden
7100 Fig Vine
78751



Our Difficulty_1:
Irregular shape of space



Variance Application

keeping a wood shed in its current location

7012 Quill Leaf CV

Austin TX78750

Jian Xu & Yaguo Wang



Hardwood, 8 ft x 8 ft x 10 ft

No water, no electricity

Spend 3 months to build

Cost about \$2000

Will increase our property value

No permit required by City or HOA



The Shed is not visible from our Cul-De-Sac

City Code Compliance
5 feet from the side fence
We are asked to move the shed 1 foot
away from the fence

Difficulty 1:
Irregular shape of space



Difficulty 2: foundation fixed by iron bars



Iron bar breaks a
sprinkler line

[illegible]

the shed can hardly be seen from neighbor 4

Supports From Neighbor 1, 2 & 3

Laurel that the shed house (7012 quill leaf cove) remains in its current location:

7014 Quill Leaf cv

7000 Annapolis Drive

~~7103 Fig Vine Cr~~

Now, we humbly ask for your support so that this variance can be approved, this cute shed can avoid the sad fate of being destructed, and we don't need to face the sadness of seeing all the money, time and efforts were for nothing.

Your kind help of this application is sincerely appreciated.

Yours sincerely,

Jian Xu & Yaguo Wang

Bob & Linda Ward

I agree that the shed house (7012 quill leaf cove) remains in its current location:

Richard Moss 6905 Bearfield Dr
512-343-1930
Mona Ross 6905 Bearfield
512-343-1930

John 7005 Junberry CV

7002 Quill leaf Cove
Sophia Bowden
7100 Fig Vine
78750

Mumukshu

7014 Quill Leaf Cv

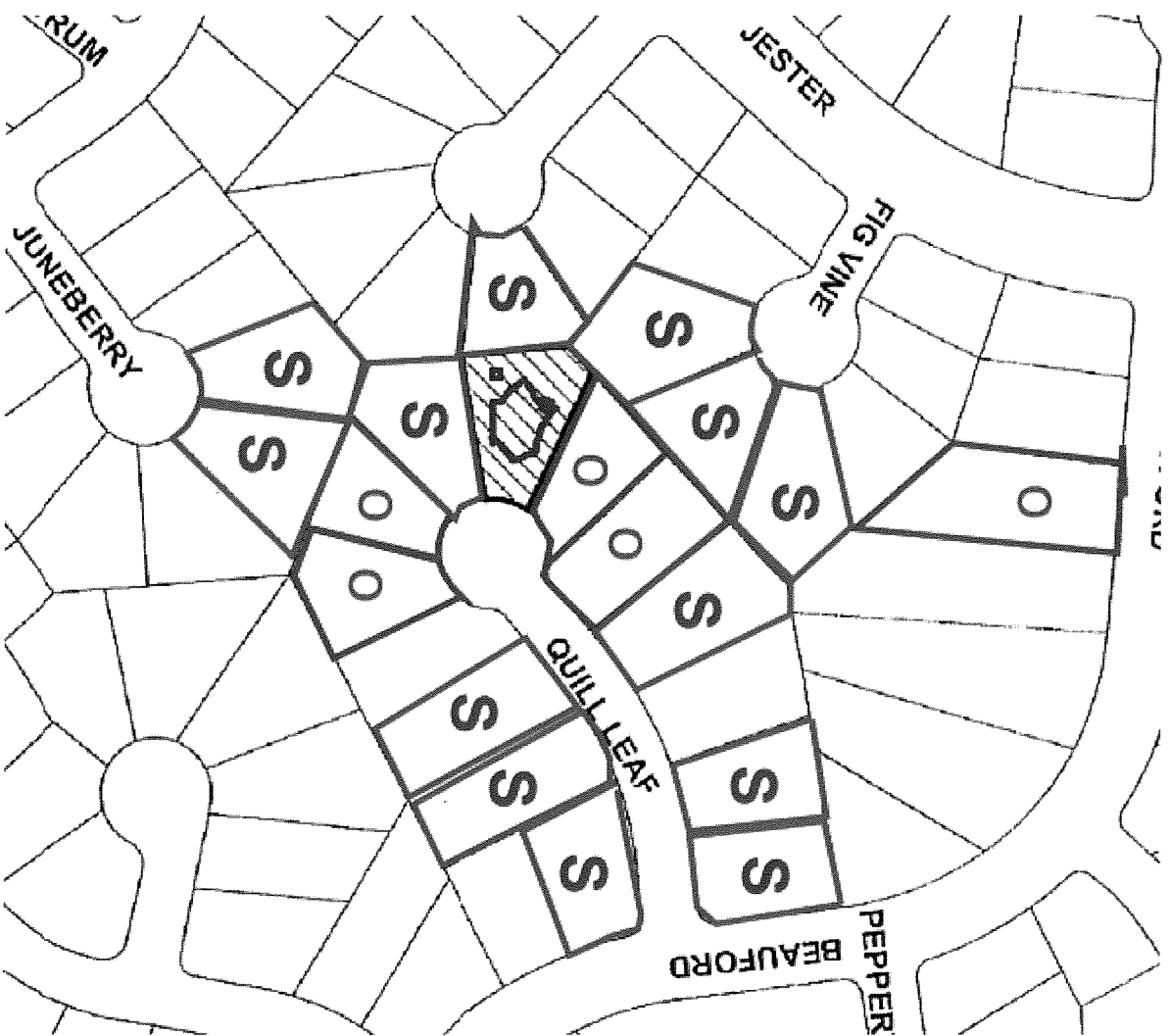
7005 Quill Leaf Cove

Quinn Nelson

7000 Anagaa Drive B, D NW
7006 Quill Leaf Cove

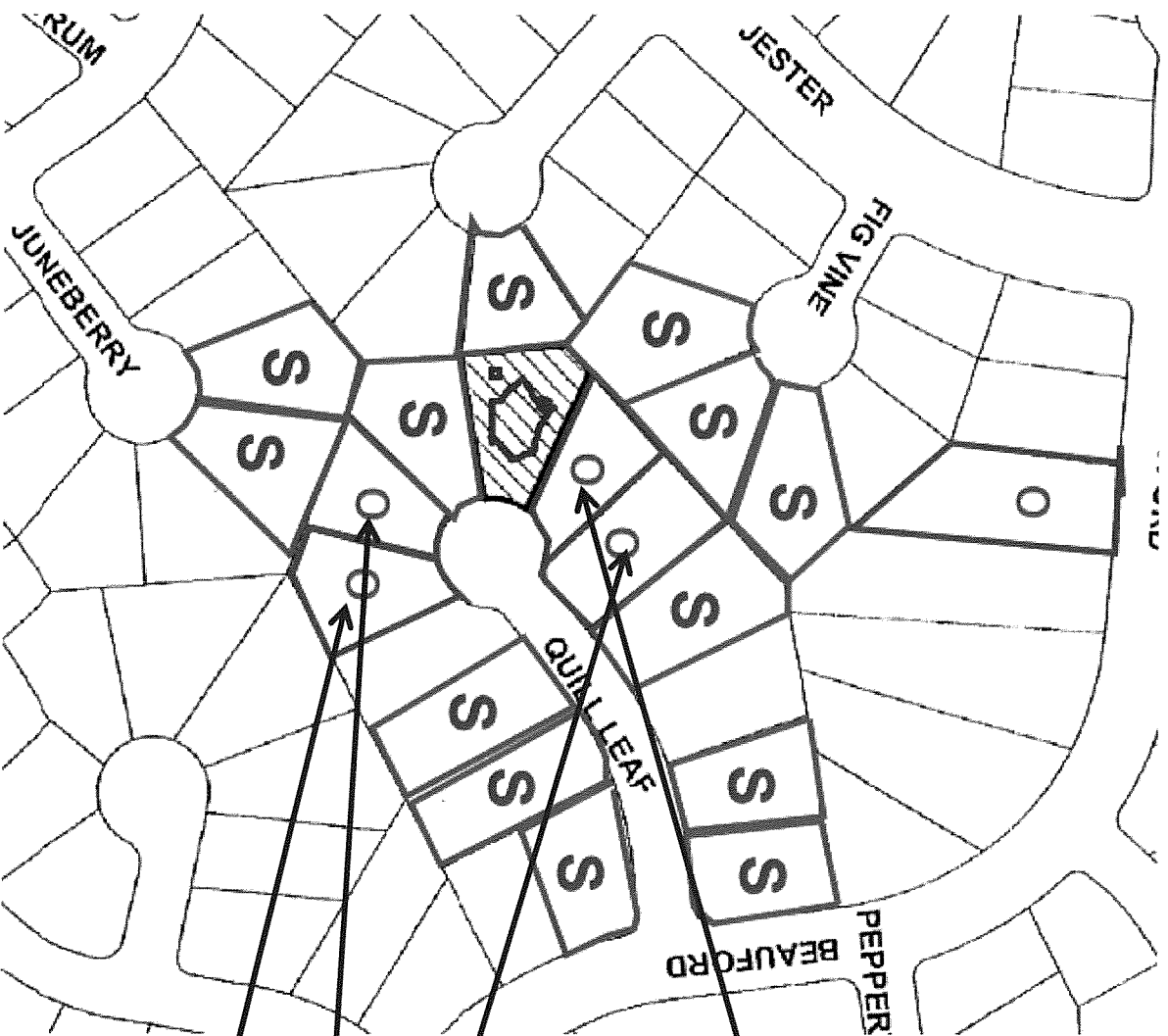
Patricia
7000 Quill Leaf Cove

7103 Fig Vine Cv
9000 Quill Leaf Cove
Green Hill Farm



Supports: 13
Opposes: 5

Supports: 13 Opposes: 5



Neighbor 4
Asgar Family
28 years in Quill Leaf Cove

More than 20 years in Quill Leaf Cove
Close friends with Asgar family

Jester HOA (Page 41)

CORRECTION

SECOND SUPPLEMENTAL RESTRICTIONS, COVENANTS AND CONDITIONS

"EXHIBIT C"

"Additional Consenting Lots"

We are not controlled by Jester HOA

Any lot included in the platted sections listed below may be brought within the jurisdiction of the Association when the owner of such lot has executed a consent on the form attached hereto as Exhibit E.

How does the Jester HOA get involved?

Diana Miller from Jester Estates

2h ago



The Jester Board is serving our community. We have had several emails. calls, and concerns on your case from the neighborhood. We generally do not approve of variances that violate City and or Jester deed restrictions if applicable. You can discuss with me off line to my private email. Thank you.

Thank Flag

Diana Miller

President of the Board

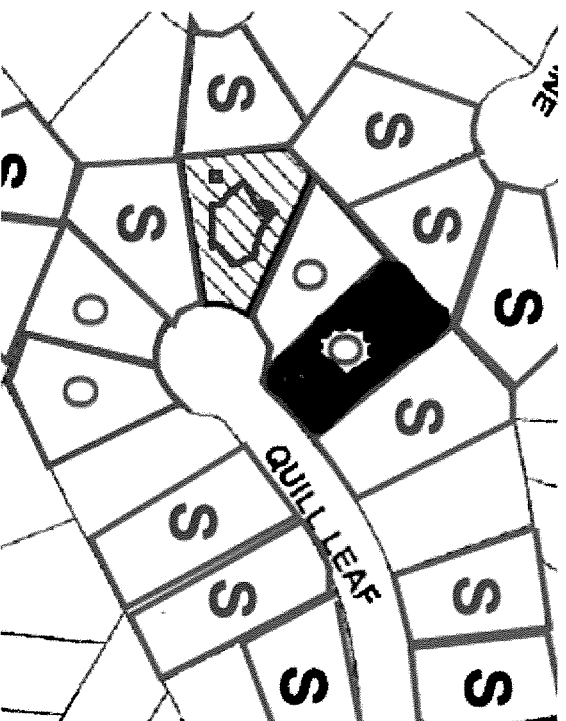
Jester Homeowners Association

Reasons of Opposition

James P Bowman: (Page 42)

harm the value of his property

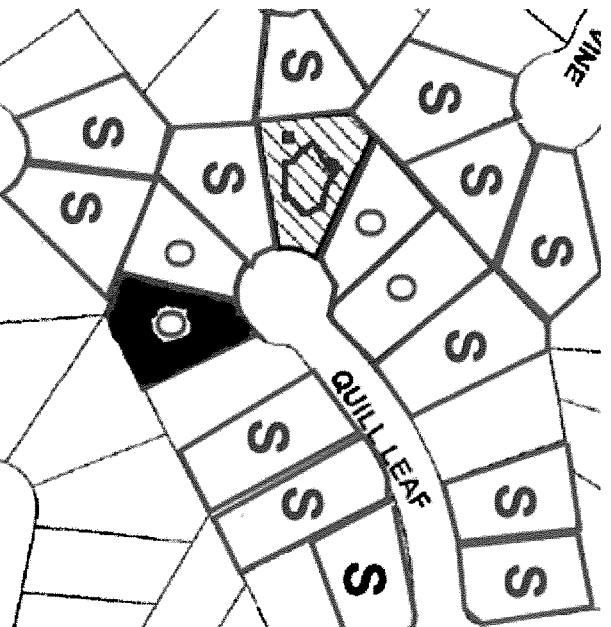
1. Shed will increase the value of our property
2. Shed can not be seen from his property
3. Moving the shed for 1 foot will not change anything regarding to the property value



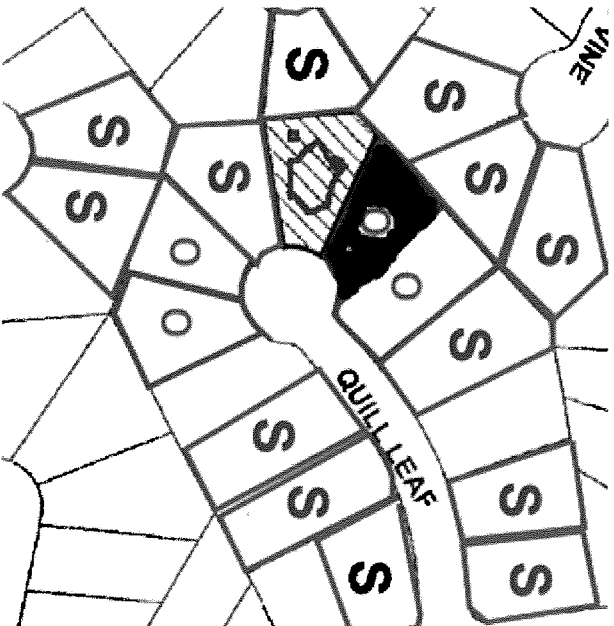
Mary Ann & Luther Parker: (Page 49)

Mary **Our Attitude!**

1. Shed can not be seen from their property
2. Did not mention any bad impacts this variance may bring to them or to the neighborhood
3. They never talk with us since day one
4. This variance is judged based on facts, not attitudes.



Reasons of Opposition



Janet and Saf Asgar: (Page 48, L9)

1. They don't want to see any temporary structure in the neighborhood
2. **We did not follow their advices**
1. Shed can **hardly be seen** from their property
2. Did not mention any bad impacts this variance may bring to them or to the neighborhood
3. They really oppose the existence of this shed, and our attitude,
not much about moving it 1 foot or not

Page 46 & 47, L9,

Mrs. Janet Asgar compiled many emails she sent me over the past 20 months

Summary

1. Beautiful Shed, will increase our property value, is required to move 1 foot away from side fence. Moving the shed is extremely difficult because of several factors.
2. **Three of our adjacent neighbors** support this variance, the fourth neighbor who opposes can hardly see this shed
3. **13 neighbors** within 500ft from our property support this variance, and 5 neighbors oppose
4. The reasons of these oppositions are **NOT directly relevant** to this variance, but mainly because of our disobeying to their advices.

Two neighbors, Mrs. Becky Kirkpatrick and Mrs. Whitney Kral, kindly come to support us, please also listen to their testimonies.

RESTRICTIONS, COVENANTS AND CONDITIONS

2-57-1770

STATE OF TEXAS

1

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

1

B. Architectural Control: For the purpose of insuring the development of the subdivision as a residential area of high standards, the Developer, or in the alternative, an Architectural Committee composed of Doyle Wilson, John Patton and M. J. Houl, reserves the right to regulate and control the building or structures or other improvements placed on each lot. In the event of death or resignation of any member or members of the Architectural Committee, the Developer shall appoint a successor member or members. No building, wall, fence or other structure shall be placed upon such lot until the plan therefor and the lot plan have been approved in writing by the Developer or the Architectural Committee or by an appointee of the Architectural Committee. Two sets of plans and specifications to be approved shall be delivered to the Architectural Committee. One set of such plans and specifications shall remain at the office of the Developer in order that any property owner may check such plans and specifications.

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

DATE: Monday, February 9, 2015

CASE NUMBER: C15-2015-0017

_____ Jeff Jack - Chair
_____ Michael Von Ohlen
_____ Melissa Whaley Hawthorne - Vice Chair
_____ Sallie Burchett
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_____ Brian King
_____ Vincent Harding
_____ Will Schnier - Alternate
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OWNER/APPLICANT: Jian Xu

ADDRESS: 7012 QUILL LEAF CV

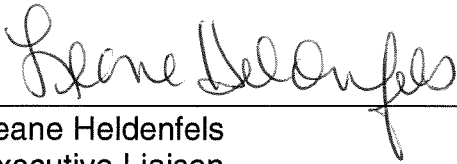
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BOARD'S DECISION: POSTPONED TO March 9, 2015 AT THE STAFF'S REQUEST

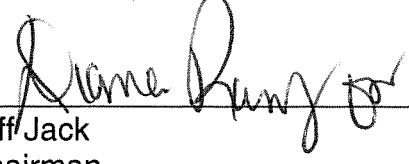
FINDING:

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

Heldenfels, Leane

From: Becky Kirkpatrick <beckykirkpatrick@hugoboss.com>
Sent: Tuesday, February 10, 2015 10:42 AM
To: Heldenfels, Leane
Subject: C15-2015-0017 REQUEST FOR VARIANCE

Dear Leane,

Please send this to the board members and not my first message sent to you.

I live across the street from Jian and Yaguo, a very nice young couple who have been a great addition to our cul-de-sac for just over a year now.

Their attractive shed represents many hours of hard work. It doesn't seem to bother anyone around them, but the Asghars.

It doesn't bother us either and we respectfully request that you grant the Variance to Jian and Yaguo.

Thank you,

Becky Kirkpatrick 512 346-4883

C15-2015-0017

3-54-4514 900
20,500
20,500

88-28-5-123 5746 * 11.00

RESTRICTIONS, COVENANTS AND CONDITIONS OF
THE JESTER ESTATE, SECTION ONE, PHASE TWO

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT WILSON DEVELOPMENT CORPORATION (the "Developer") owner of all of the lots in The Jester Estate, Section 1 Phase 2, a subdivision in Travis County, Texas, as shown by plat thereof of record in Book 82, Pages 335-339 of the Plat Records of Travis County, Texas, does hereby impress all of the property included in said subdivision with the following restrictions, covenants, conditions and uses:

1. Designation of Use: All lots as shown on the plat of said subdivision (the "Plat") recorded in Plat Book 82, Pages 335-339, Plat Records of Travis County, Texas, shall be used for single family residences with not more than one resident on any lot and shall not be used for any trade or profession.

No obnoxious or offensive trade or profession shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood. No cattle, hogs, poultry, horses or other animals may be kept on any part of The Jester Estate, Section 1, Phase 2. This paragraph shall not, however, preclude the keeping of pets such as are ordinarily kept as pets in residential subdivisions, provided they are not kept or bred for any commercial purposes.

2. Platted Easements and Restrictions: The Plat dedicates certain streets and easements and establishes certain limitations, reservations and restrictions applicable to The Jester Estate, Section 1, Phase 2. Said subdivision is also subject to Non-Development/Conservation easements filed of record in Volume 6821, Page 1889 and Volume 6820, Page 1797 of the Deed Records of Travis County, Texas. All such dedications, limitations, restrictions and reservations are incorporated herein by reference and made a part hereof for all purposes as if fully set forth herein, and shall be construed as being adopted in each and every contract, deed or conveyance executed or to be executed by the Developer conveying any part of The Jester Estate, Section 1, Phase 2.

3. Temporary Structures and Garage Apartments: No mobile home, house trailer, tent, shack, garage apartment or out-building shall be placed, erected or permitted to remain on any lot, nor shall any structure of temporary character be used at any time as a residence thereon. Vehicles of the type now commonly referred to as a "camper", "camper bus", "camper home", "trailer home" or other similar structure for temporary residential use and boats and boat trailers may be kept on a lot provided (i) such vehicle is not visible from any street in the subdivision, (ii) that such vehicle is not occupied as a temporary or permanent residence while situated on any lot, (iii) that no more than one such vehicle may be kept on any one lot (iv) that such vehicle remain on wheels so as to be readily mobile, and (v) that such vehicle be for the personal use of the occupant of the lot and not for lease or rent.

4. Separate Garages, Guest Houses, etc.: A separate garage building, servants' quarters of one story, or a one story guest house not to exceed 800 square feet of floor area will be permitted. Such structure must be attached to the main dwelling and the main dwelling must be substantially completed prior to the erecting of such structure. All other restrictions, covenants, conditions and uses herein must be met and satisfied with respect to any such structure.

3-54-4515

5. Minimum Lot Size: No resubdivision of existing lots shall be made which would create an additional lot, but this shall not prevent the modifying or removal of boundaries of original lots provided that each modified lot has at least 60 feet of street frontage except cul-de-sac lots.

6. Size and Construction of Dwellings: All dwellings shall be of recognized standard construction. The main dwelling erected on any lot, if one story, shall cover not less than 2,000 square feet of floor area, of which not less than 1,600 square feet shall be in the house proper, exclusive of garage and porches; if the main dwelling is one and one-half stories, not less than 1,200 square feet shall cover the first floor area in the house proper, exclusive of garage and porches; and if the main dwelling is a full two stories, not less than 1,600 square feet shall be in the first floor area in the house proper, exclusive of garage and porches. Ornamental structures, fences, and walls are permitted, subject to prior approval in writing of the Developer, or in the alternative, by the Architectural Committee designated in Paragraph 8. Each dwelling shall be provided during the construction phase for at least three (3) interior television cable outlets.

7. Set-Back and Antennae: No structure shall, unless first approved by the Architectural Committee, be located or erected on any lot nearer to the front lot line than twenty-five (25) feet; nearer to any side lot line than five (5) feet; or nearer to the rear lot line than an average of twenty (20) feet.

No fence, wall, or hedge more than four (4) feet in height shall be maintained forward of the forwardmost point of the main dwelling, excluding carports and chimneys. No outside antennae, aerial or guide wires of any type shall be erected or maintained on any portion of any lot.

8. Architectural Controls: For the purpose of insuring the development of the subdivision as a residential area of high standards, the Developer, or in the alternative, an Architectural Committee composed of Doyle A. Wilson and John F. Patton, reserves the right to regulate and control the buildings or structures or other improvements placed on each lot. In the event of death or resignation of any member or members of the Architectural Committee, the Developer shall appoint a successor member or members. No building, wall, fence or other structure shall be placed upon such lot until the plan therefore and the lot plan have been approved in writing by the Developer or the Architectural Committee or by an appointee of the Architectural Committee. One set of such plans and specifications shall remain at the office of the Developer in order that any property owner may check such plans and specifications for compliance with these restrictions.

Refusal of approval of the plans and specifications by the Developer or by the Architectural Committee may be based on any ground, including purely aesthetic grounds, which in the sole and uncontrolled discretion of the Developer or Architectural Committee shall seem sufficient. No alterations in the exterior appearance of any building or structure shall be made without prior written approval by the Developer or the Architectural Committee or by an appointee of the Architectural Committee. No dwelling or other structure shall remain unfinished for more than one (1) year after construction of same has been commenced.

The right is reserved for the Developer or the Architectural Committee to change these restrictions in whole or in part in the case of any unusual or irregularly shaped lot or any lot unusual in size, where such change is required for the advantage and best appearance of the immediate community. Neither the Developer, the Architectural Committee nor any member thereof nor any appointee of the Architectural Committee shall ever be liable to any person, firm or entity for any damage, loss or injury suffered or claimed on account of any action taken hereunder.

2-54-4516
9. Maintenance of lot: The owners or occupants of all lots shall at all times keep all weeds and grass thereon cut in a sanitary, healthful and attractive manner and shall in no event use any lot for storage of materials and equipment except for normal residential requirements or incidental to construction of improvements thereon as herein permitted. The owners or occupants shall not permit the accumulation of garbage, trash or rubbish of any kind on their lot.

10. Notice: All notices relating hereto shall be deemed to have been properly sent to any owner or occupant of a lot when mailed, postage prepaid, to the street address of the owner's or occupant's lot.

11. General Provisions: These provisions are hereby declared to be conditions, restrictions, uses and covenants running with the land and shall be fully binding on all persons acquiring property in The Jester Estate, Section 1, Phase 2, whether by descent, devise, purchase or otherwise, and every person by the acceptance of title to any lot of the subdivision shall thereby agree to abide by and fully perform the foregoing conditions, restrictions, uses and covenants, which shall be binding until January 1, 1999. On and after January 1, 1999, said conditions, restrictions, uses and covenants shall be automatically extended for successive periods of ten years unless changed in whole or in part by a vote of three-fourths majority of the then owners of the lots in The Jester Estate, Section 1, Phase 2. The owner or owners of lots in The Jester Estate, Section 1, Phase 2, shall be entitled to one vote per lot.

12. Penalty Provisions: If any person or persons shall violate or attempt to violate any of the above conditions, restrictions, uses and covenants, it shall be lawful for the Developer or any other person or persons owning any of the lots in The Jester Estate, Section 1, Phase 2, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate the terms hereof, to prevent him or them from so doing, or to receive damages for same. Any person or persons bringing suit to enforce these conditions, restrictions, uses and covenants, if such person or persons prevail, shall be reimbursed all attorney's fees and court costs by the person or persons violating or attempting to violate the terms hereof. No act or commission on the part of any of the beneficiaries of the covenants, conditions, restrictions and uses herein contained shall ever operate as a waiver of the operation of or the enforcement of any such covenant, condition, restriction or use.

13. Partial Invalidity: Invalidation of any one or any part of these conditions, restrictions, uses or covenants by judgement of court order shall in no wise affect any of the others, which shall remain in full force and effect.

WITNESS MY HAND THIS 25 DAY OF January, 1984.

NO SEN WILSON DEVELOPMENT CORPORATION

BY [Signature]

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared JOHN T. PATTON, SENIOR VICE PRESIDENT of WILSON DEVELOPMENT CORPORATION, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of said WILSON DEVELOPMENT CORPORATION for the purpose and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 25 DAY OF January, 1984.



NOTARY SEAL

[Signature]

Notary Public, County of Travis, Texas
MY COMMISSION EXPIRES 1985

My commission expires:

8430 . 37

FILED

JAN 26 PM 3 21

Louis H. Apple
COUNTY CLERK
TRAVIS COUNTY, TEXAS

3-54-4517

DOYLE WILSON BUILDERS, INC.
1708 CAPITOL OF TEXAS HWY. #201
AUSTIN, TEXAS 78748

CHARGE AUSTIN TITLE CO.
RETURN TO:

NOTATION MADE
INDEXED

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the
date and at the time stamped herein by me, and was duly
RECORDED, in the Volume and Page of the said RECORDS
of Travis County, Texas, as stated herein by me, on

JAN 26 1954



Louis H. Apple
COUNTY CLERK
TRAVIS COUNTY, TEXAS

8430 . 35

8430 . 38

C15-2015-0017

Heldenfels, Leane

From: Kate D. <ekdriskell@hotmail.com>
Sent: Monday, February 09, 2015 4:18 PM
To: Heldenfels, Leane
Subject: RE: Scan sent to Kate Driskell re: Cooper Lane Variance Request

Dear Ms. Heldenfels,

Thank you for sending the information I requested. I received it just fine.

I have a couple of questions concerning the suggested site plan though. Initially the developer had planned an entry/exit in a different location along Cooper Lane, either further south or north of center. This is a new location to my knowledge and I am not happy to see that the city would allow the entry/exit to be put directly across from the driveways of two property owners. I live at the property at 7408 Cooper Lane and will be the most adversely impacted of all the Cooper Lane residents if this particular site plan is approved. All of the traffic entering and exiting these 65 condominium units (over 500 trips a day on average) will be doing so right in front of my property and my next door neighbor's property (at 7410 Cooper Lane) and right in front of our own entry/exit points which are both situated within 15' of our adjoining lot line. This will put all the southbound entering traffic sitting directly in front of our driveway in the left-hand turn lane, making it impossible for me to make a left hand turn during peak traffic hours of the day. I find this abominable. A move of the development's entry/exit point just 50' north (to the middle of my property) would alleviate this problem for us and our neighbors. So I can't understand why the city would approve this plan. It makes no sense and throws dirt in the face of two longtime Austin property owners.

It also looks as if all the extra width needed for the street improvements will be coming off of our property and not the developers, which is not what we were led to believe either. I would like to know if that is true or not.

Who should I contact to see if anything can be done to change this site plan? This was not the site plan the developer was proposing this past fall at all.

Thank you very much for your time and effort. I truly appreciate it.

Sincerely, Kate Driskell
Resident and partial owner of: 7408 Cooper Lane, Austin, TX, 78745
Cell Phone: 512-751-6110
Email: ekdriskell@hotmail.com

> From: Leane.Heldenfels@austintexas.gov
> To: ekdriskell@hotmail.com
> Subject: FW: Scan from a Xerox WorkCentre OTC01OlmosPark
> Date: Mon, 9 Feb 2015 20:48:49 +0000
>
> This drawing is just showing part of the project w/ one exit to Cooper Lane, but take a look.
> Leane Heldenfels
> Board of Adjustment Liaison

Heldenfels, Leane

From: Becky Kirkpatrick ~~beckykirkpatrick@doghousealm.net~~
Sent: Monday, February 09, 2015 3:53 PM
To: Heldenfels, Leane
Subject: MY CONCERNS RE: C15-2015-0017

Dear Leane,

My name is Becky Kirkpatrick. I live across the street from Jian and Yaguo. I am asking you to give them their Variance for their shed. We support them in every way as they have been such good neighbors.

The only thing Jian and Yaguo did wrong was to move next door to the Asghars. The Asghars have complained about this couple since they moved in. It is my opinion that they hope to make them so miserable that they will move. This shed is just another way they have found to harass this poor couple.

I can't tell you how nice this couple has been to everyone in this cul-de-sac. They do not deserve what the Asghars have been dishing out to them. Please let them have their variance.

Thank you for your time and please give me a call if you have questions.

Becky 512 346-4883

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. All comments received will become part of the public record of this case.

Case Number: C15-2015-0017, 7012 Quill Leaf Cove

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

Public Hearing: Board of Adjustment, February 9th, 2015

Randy E. Humphrey

Your Name (please print)

☐ I am in favor
☒ I object

7013 Quill Leaf Cove

Your address(es) affected by this application

Randy E. Humphrey

Signature

2/4/15

Date

Daytime Telephone: 512-345-1622

Comments:

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 scan and email to leana.heldenfels@austintexas.gov

Or fax to Leane Heldenfels, (512) 974-6305

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.

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- 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
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Case Number: C15-2015-0017, 7012 Quill Leaf Cove

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

Public Hearing: Board of Adjustment, February 9th, 2015

Your Name (please print)

James P. Bowman

☐ I am in favor
☒ I object

Your address(es) affected by this application

7008 Quill Leaf Cove Austin 78750

Signature

James P. Bowman

Date

2/4/15

Daytime Telephone:

(512) 342-2542

Comments:

Next neighbors however, I am concerned about maintaining property value, don't want to set precedent

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 scan and email to leana.heldenfels@austintexas.gov

Or fax to Leane Heldenfels, (512) 974-6305

Heldenfels, Leane

From: Suzanne Brown <~~leane@quillleaf.com~~>
Sent: Monday, February 09, 2015 11:43 AM
To: Heldenfels, Leane
Subject: C15-2015-0017

Hi Ms. Heldenfels,

I received a letter about the request for a variance to the property on Quill Leaf since I live within 500 feet of the property. I do not support the request for variance. Do I just need to write you an email or do I need to show up to the scheduled board meeting to provide my input?

Also, if anyone else would like to provide input, should they email/call you directly?

Please advise when you have a moment. Thanks for your help.

Cheers,
Suzanne Brown

Sent from Windows Mail

Heldenfels, Leane

From: Diana Miller ~~<diana877760@gmail.com>~~
Sent: Friday, February 06, 2015 3:26 PM
To: Heldenfels, Leane
Subject: Case C15-2015-0017

Leane,

I am the President of the Jester Homeowners Association and we object to the Land Development variance being requested by Jian Xu on 7012 Quill Leaf Cove.

Please let me know if you have question or if I should attend the hearing.

Thank you,

Diana Miller
President
Jester HOA
512/496-0777

Heldenfels, Leane

From: jian Xu <jz20000cn@gmail.com>
Sent: Wednesday, January 28, 2015 1:43 PM
To: Heldenfels, Leane
Cc: Yaguo Wang
Subject: Re: FW: Board of Adjustment Application
Attachments: varriance Jian - YW.pptx

Hi Leane,

Just wondering whether you have received my ppt document. It is 28th and I just want to make sure you receive it. I attach it again.



We didn't enroll with HOA. My wife called them before we built the shed and they said we are fine since we are not member of them.

Best regards,
 Jian

On Wed, Jan 21, 2015 at 2:16 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

- > Ok - I'll wait to hear back from John.
- > Thanks for arranging - the Board will want as exact a measurement as possible for the notice and their decision.
- > I will print these sigs out and will await from your neighborhood association.
- > Take care,
- > Leane
- >
- > -----Original Message-----
- > From: jian Xu [mailto:jz20000cn@gmail.com]
- > Sent: Wednesday, January 21, 2015 1:50 PM
- > To: Heldenfels, Leane
- > Cc: Yaguo Wang; Hale, John
- > Subject: Re: FW: Board of Adjustment Application
- >
- > Hi Leane,
- >
- > John is sending a gentleman to confirm measurement of of shed house this Friday.
- >
- > We have 4 neighbors who share fences with us, and 3 of them already signed the attached document to support us. The rest is the one who reported us.
- >
- > I am going to send you more supporting materials in the next few days.
- > We really appreciate your help.
- >
- > Regards,
- >
- > Jian
- >
- > On Wed, Jan 21, 2015 at 1:27 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:
- >> Will be fine for just you to attend.

Variance Application

for a small wood house in the backyard

7012 Quill Leaf CV

Austin TX78750

Jian Xu & Yaguo Wang

Our Shed



Introduction of the project

- It is designed for garden tools storage.
Without any water and electricity supply.
- It is 8 ft x 8 ft x 10 ft size wood house
- 95% of the material is treated solid hardwood
- Estimate cost of the project is about \$2000

pictures



City Code Compliance

- 5 feet from the side fence
- Officer asked us to move the shed 1 feet away from the shed fence

Our Difficulties

- Due to the irregular shape of our lot, there is no space for the house to move. (Show the picture of measurement between the shed and the concrete)
- Over 10 iron rods through the base wood to 2 feet under earth, which is very difficult to cut. (Show several pictures about the iron bar)

Neighbor 1, 2 & 3



7014 Quill. Leaf Cv

7000 Anagua Drive

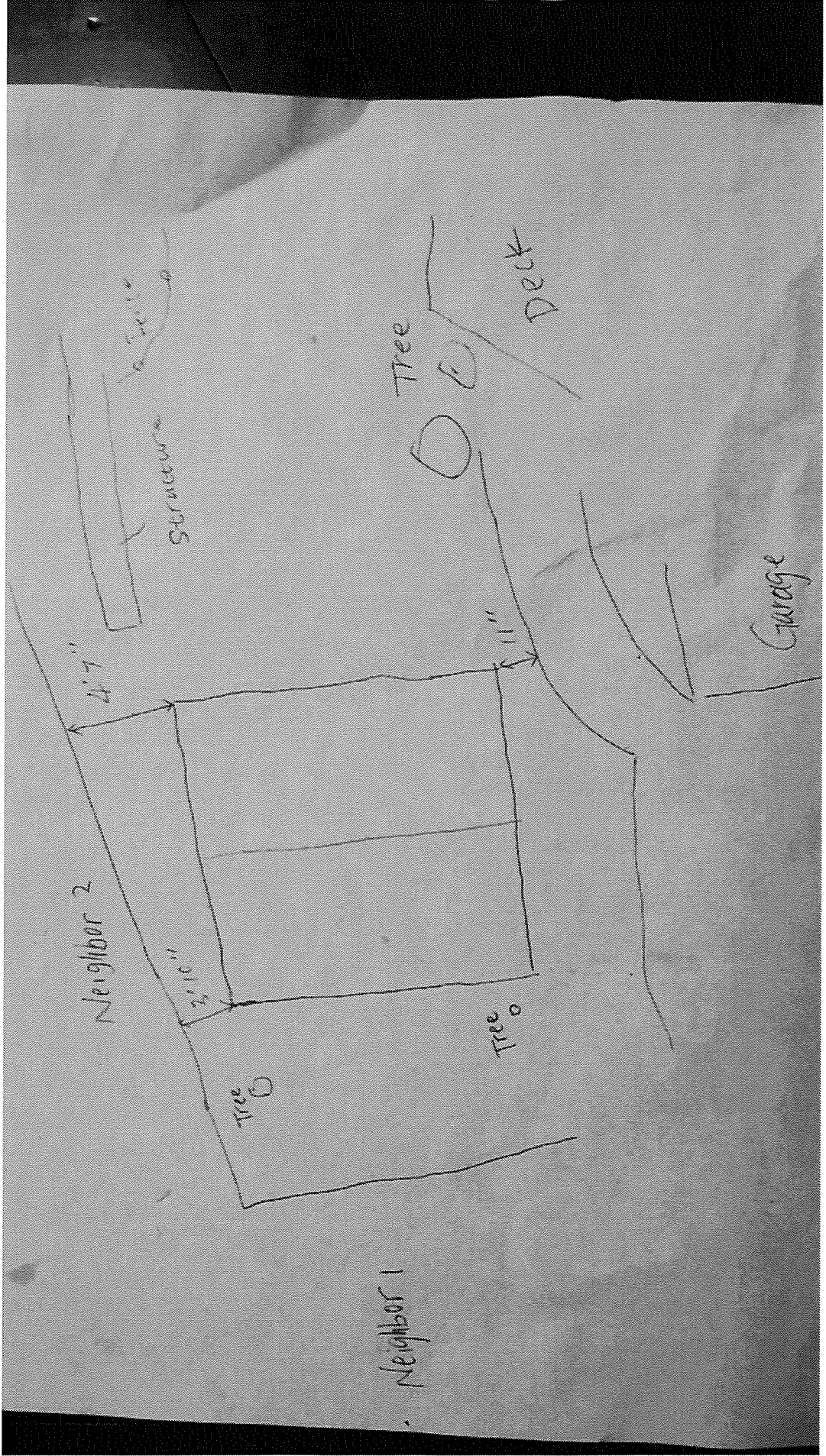
7103 Fig Vine CV

~~James Sprunt~~

~~Quint Velson~~

Putnam

Sketch

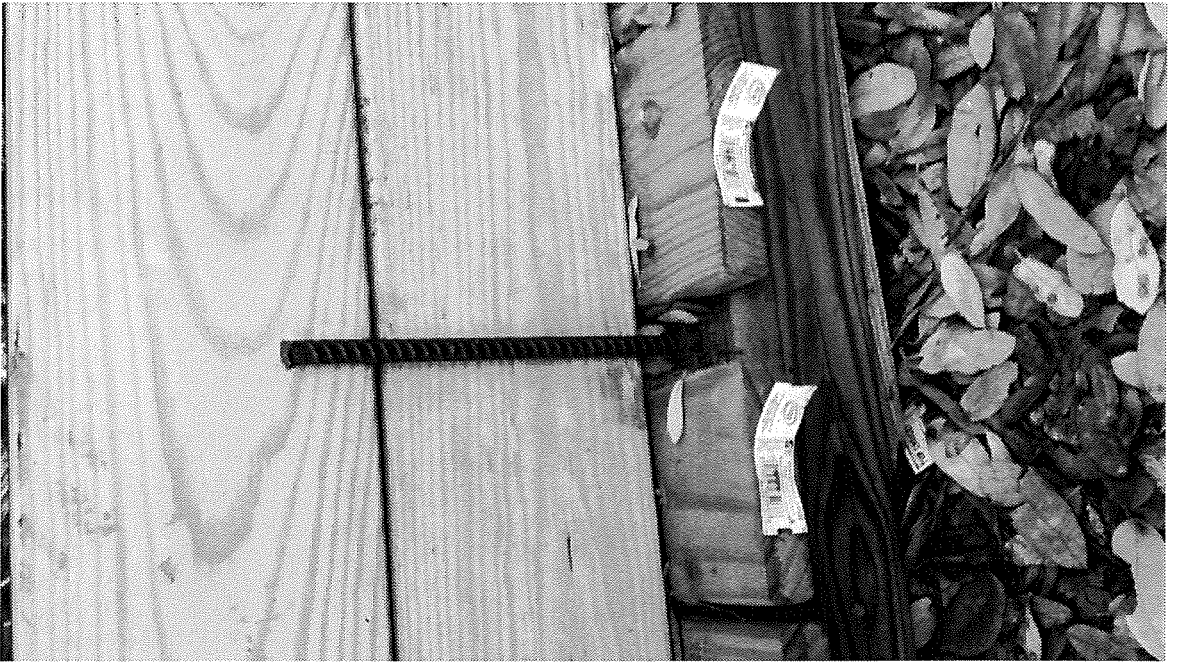


pictures

Many ion bars go through the foundation



Pictures



pictures



11"

pictures



Pictures



3'10"

pictures



Sprinkler System

Ion rod

Pictures



Pictures



Pictures





Heldenfels, Leane

From: jian Xu <jz20000cn@gmail.com>
Sent: Monday, January 26, 2015 7:45 PM
To: Hale, John
Cc: Heldenfels, Leane; Yaguo Wang
Subject: Re: FW: Board of Adjustment Application

Hi John,

Yes it is almost impossible to move the shed without breaking it at this moment considering how it was built and also the surroundings. I need variance for the 1 foot and 2 inches move request. We really appreciate that you send people again to double check the size and location. We are so satisfy for all your service and help.

Thanks!

Regards,
Jian & Yaguo

On Mon, Jan 26, 2015 at 2:56 PM, Hale, John <John.Hale@austintexas.gov> wrote:

> Hello Leane and Jian,

>

> I just wanted to confirm that everyone was on the same page regarding the variance request. As indicated on the powerpoint and Officer Union's measurements a variance of up to 1 foot and 2 inches is requested?

>

> Thank you,

>

>

> John Hale

> Code Investigator – West District

> City of Austin, Code Department

> P: 512-974-6087 | E: john.hale@austintexas.gov "Preserving Austin's

> Quality of Life"

>

>

>

> -----Original Message-----

> From: jian Xu [mailto:jz20000cn@gmail.com]

> Sent: Monday, January 26, 2015 11:13 AM

> To: Heldenfels, Leane

> Cc: Yaguo Wang; Hale, John

> Subject: Re: FW: Board of Adjustment Application

>

> Here is the attachment.

>

> On Mon, Jan 26, 2015 at 11:12 AM, jian Xu <jz20000cn@gmail.com> wrote:

>> Morning Leane,

>>

>> I attached a ppt file including proof and pictures to support our

>> variance application.

C15-2015-0017

Heldenfels, Leane

From: Hale, John
Sent: Tuesday, January 20, 2015 9:45 AM
To: Heldenfels, Leane
Subject: RE: 7012 Quill Leaf Cove
Attachments: 7012 Quill Leaf Cove.pdf

Here is the document I was provided. It states the sidewalk is 10 ft and indicates a 4 for the shed. This was confirmed by the property owner. I can send someone out to measure (Kenneth didn't take a picture of his measurement).



John Hale
Code Investigator – West District
City of Austin, Code Department
P: 512-974-6087 | E: john.hale@austintexas.gov
"Preserving Austin's Quality of Life"

From: Heldenfels, Leane
Sent: Tuesday, January 20, 2015 9:38 AM
To: Hale, John
Subject: RE: 7012 Quill Leaf Cove

Thanks for your reply, John.

Any chance I can get a copy of that survey/drawing – the one he provided me show something a little different, would be good to have what the violation was based on.

Thanks –
Leane

From: Hale, John
Sent: Tuesday, January 20, 2015 8:23 AM
To: Nettle, Kenneth; Heldenfels, Leane
Subject: RE: 7012 Quill Leaf Cove

He is in violation of the side set back. The survey he provided to Kenneth showed the shed 4 feet from the property line, leaving a 1 foot discrepancy.



John Hale
Code Investigator – West District
City of Austin, Code Department
P: 512-974-6087 | E: john.hale@austintexas.gov
"Preserving Austin's Quality of Life"

From: Nettle, Kenneth
Sent: Tuesday, January 20, 2015 8:02 AM

Dear Ms. Heldenfels,

Thank you for your email giving more details about the code enforcement regarding case number C15-2015-0017.

With respect to the form that you have mailed to us, we want to object to the request for a various for the structure at 7012 Quill Leaf Cove that has already been erected.

When we first realized in June 2014 that a structure was being built on their property, we informed them via email (please see attached emails), that at the time of their purchase of their property, they signed a legal and binding document named Deeds and Covenants that mandated that you cannot erect a temporary structure on the property. We wanted them to get permission before they completed it, so that they didn't have to incur unnecessary costs. We attached the required document to that email. They chose to ignore the Deed and Covenants document and proceeded regardless with the construction. In June/ July, we then contacted Mr. Glen Brown, part of Jester Homeowners Association architectural control committee, regarding construction of this structure. However we were told that they were not enjoined to the Association so they were powerless to handle this issue. Attached are the all the emails that I have ever sent to them showing my communication with them.

Over the 28 years that we have been in this neighborhood, there has been one other instance in our neighborhood, to my knowledge, where a temporary structure was constructed and at that time, the architectural control committee of the Homeowners asked them to remove the structure. We do not want to create precedence by being in favor of this structure.

I want to emphasis that they have ignored all the advise that we, along with other neighbors have given them, to follow the rules and regulations from the City of Austin.

Finally, we would like to inform you that we did not file the complaint with the City regarding this issue.

Sincerely

Janet & Saf Asghar
7010 Quill Leaf Cove
Austin TX 78750

All emails to Yaguo

8/20/13

Dear Jian and Yaguo

I concur with my husband's irritation with Rex's barking and in fact it is getting worse. Just to let you know, his barking does not occur when we are outside in the back of our house, Take yesterday as an example, the barking started at 7:23 am which woke me up, paused for about 10 minutes and then continued from 7:53 to 9:15. These are barks that have a minute or two in-between and then start up again. He then started up again around 11:05am for about 10 minutes. Someone came home around 12 noon and I heard him again for a short time at 4:45 and 7:10pm. Today as I am writing this, he woke me up again at 7:18 and has only just stopped at 8:05am

As to the other neighbors, it is the relative position of the place he likes to bark - your back deck - and the position of our bedroom and family room that makes it noticeable to us. In the family room he is only 25ft away from our room.

A dog is a marvelous companion for someone, and can be excitable especially in new surroundings, but it also can be trained to channel its enthusiasm in other directions so as not to disturb those around them.

All is quiet now at 8:18am.

Regards

10/24/13

from about 8:30 am this morning intermittently he is barking in the back yard. There is no response from the neighbors dogs so maybe he see the squirrels in the tree or something else. The time is now 8:55am

I hope you will both be able to make the gathering on 31st in the Bowman's drive way in the evening.

10/24/13

He stopped about 9am

Yes it is the Halloween party in the Bowman's driveway. We gather there rather than on our doorsteps individually. Its just a relaxing time by the burning fire, sitting getting to know one another and handing out candy to those who come up the road. Finishes about 8:30 starts around 6pm -

This year the neighbors are taking on the challenge and will be setting up the chairs tables and food on their driveway so Mrs Bowman can just set and relax.

11/1/13

Oh dear Rex was barking for over 1 hour from 5:15 to 6:15 pm today.

12/9/13

Yaguo

May I congratulate you on your outside lights at the front of your house. I don't know if you know that every year there is a competition between the neighborhood streets to get the most votes from those living in Jester. It is announced in the neighborhood news letter next month. So they can see all the lights clearly, could you move your vehicle off the street and into your drive way until the end of the voting period which I believe is December 20th?

Regards

1/22/14

Yaguo

May I make a suggestion for your car that is parked on the road. On Thursdays when the trash trucks come round first thing in the morning they are very close to the car and I worry that they might hit it. The cove becomes smaller when there is a car parked there and they have to make more turns to get around.

7/2/14

Yaguo,

I have been in contact with Glen Brown who is the treasurer and CONA committee chair for Jester Homeowners association. He will be getting back to me regarding someone coming to visit you.

Regarding Mr Bowman, I have not talked to him about this but used his name as someone you could talk as a neighbor of his asked permission from the JHA to put up a shed in his back yard. That person was not a member of JHA but still had to abide by the procedures of the neighborhood.

Robin Curle (7009) not a member of JHA, sort permission to change her fence about two years ago and all the neighbors were contacted.

There are also rules by the city of Austin - for example - you have to make sure that anything built has to be at least 5 feet from your property line.

I think the woodpecker has fled so I might take you up on using your tree trimmer person. When is he coming to see you?

9/14/14

Yaguo,

Your home is in Jester Estate Section 1 Phase 2 in the City of Austin in the county of Travis.

Here is a copy of the "rules" by which each homeowner abides by. Please note section 3 regarding temporary structures.

This document would have been part of the paperwork that you and all homeowners were given when you took ownership of your home. It is filed with Travis County.

With regards to the architectural control, the Wilson Development Corporation assigned over architectural control of this section of Jester Estates to the Jester Homeowners Association. Therefore if any person does not follow these "rules",

Regards

PUBLIC HEARING INFORMATION

Although applicants and/or their agents 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 applicant'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 petitioner or respondent in a public hearing.

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 public hearing process, visit our website: 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. All comments received will become part of the public record of this case.

Case Number: C-3-2015-0337, 7912 Quill Lane Cove

Case 231 Leona Heldnick, 512-974-2202, leona.heldnick@austintexas.gov

Public Hearing: Board of Adjustment, February 24th, 2015

H.E. KIRKPATRICK

Your Name (please print)

7007 Quill Lane-CV.

Your address(es) affected by this application

HE

2/2/15

Date

Signature

512-658-3129

Phone Number

Comments: I AM IN FAVOR OF THE
VARIANCE.

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

Comments may be submitted to the contact person listed on the notice before or at a public hearing.

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.

All comments received will become part of the public record of this case.

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[illegible]

524-30

1957-58

Lot 8

Est 32
Block D

4049

Lot 38

f.v

J. X

Page: 100
Date: 10/10/74
Time: 10:10 AM
By: J. L. HILL, Jr.
For: J. L. HILL, Jr.

———— 100 Miles
 ———— 100 Miles
 ● = 100 Miles
 □ = 100 Miles
 ○ = 100 Miles
 Chart - Record of 100 Miles

QUILL LEAF COVE

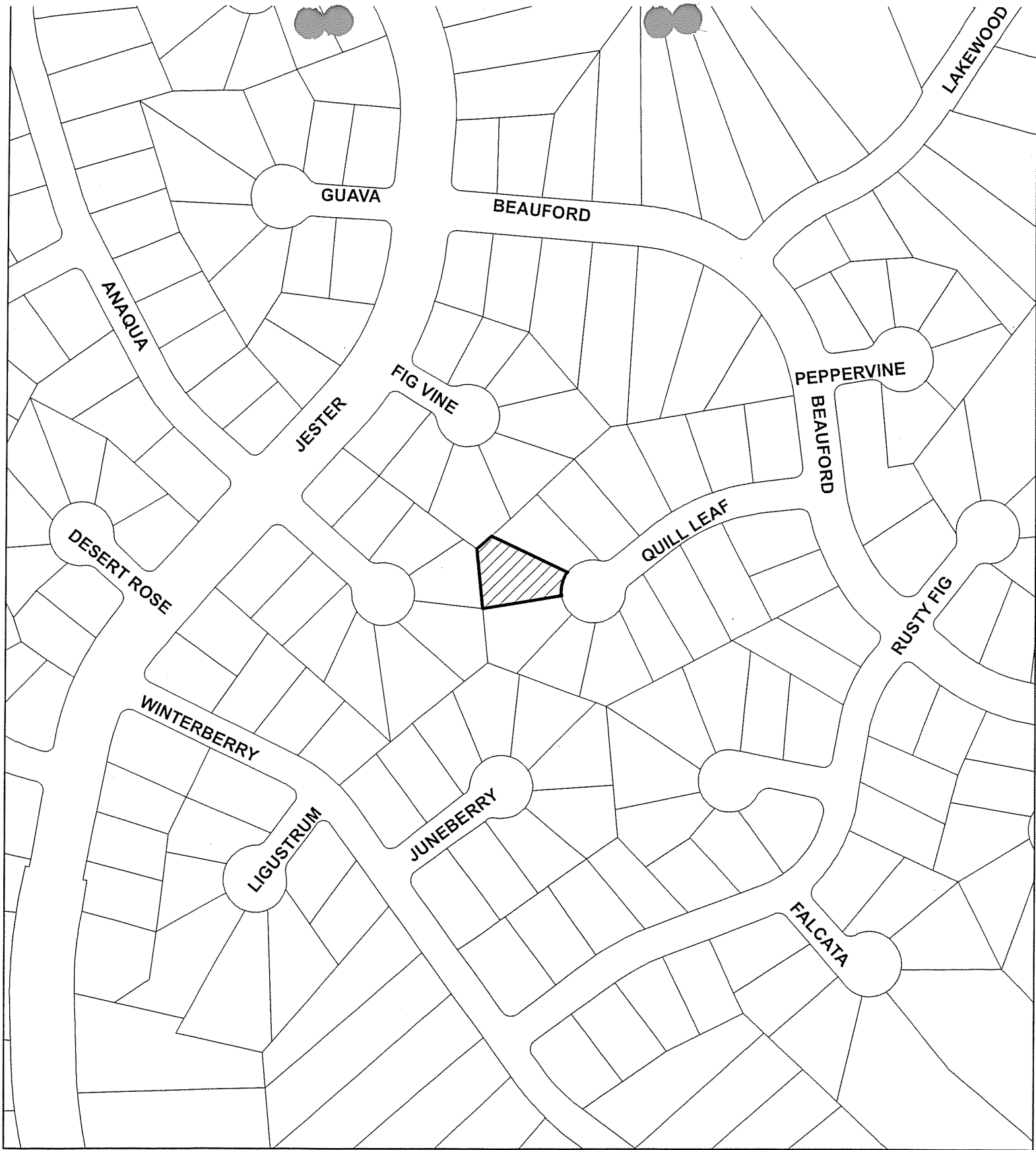
[illegible]

STATE OF TEXAS
COUNTY OF DALLAS

10. Comments or Notes: The information is fairly evenly split between the two sides, but the majority leans towards the right side. The survey was taken from the 1960s and the results of the survey have been adjusted to reflect the current situation. The survey was taken from the 1960s and the results of the survey have been adjusted to reflect the current situation.

丁

has been advised that the above information is being furnished to you for your information only. It is not to be used for any other purpose.



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0017
Address: 7012 QUILL LEAF COVE



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CASE# C15-2015-0017
ROW# 1127 4906
TAX# 0145130462
(TCAD✓)

**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: 7012 Quill Leaf Cv, Austin
TX78750

LEGAL DESCRIPTION: Subdivision – VOLUME 82

PAGE335 OF TRAVIS COUNTY

 Lot(s) 32 Block D Outlot

 Division Jester Estates, Section 1,

Phase 2 I/We Jian Xu & Yaguo Wang

 on behalf of myself/ourselves as authorized agent for

 affirm that on , ,

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)**

 X ERECT ATTACH COMPLETE REMODEL
MAINTAIN

in a SF-2 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:

We built a wood house in our backyard for garden tools storage. The size is not big, which is 8 feetx8feetx10 feet. We don't have electricity or water in the wood house. Before we build it we have checked with all the neighbors close to it. We made it very nice with solid treated hardwood, and we spend over 5 months with over \$1,500 cost.

The only thing we could not satisfy regulation is the distance from the wood house to the side fence, which is few inches closer than that in the city rule. It is our first time to build a wood house, and we just observe where other people put their shed house in their backyards. It requires for 5 feet distance while we are about 4.5 feet from the side fence. Our house was built in 1984 and we have a lot of big trees in the backyard which only provide us few spaces for the wood house. The neighbor who reported us knew we were building the wood house very early, but they reported few months after we finished. They know we were building it very early but report very late. Our house is on the hill which is not flat, and we had over ten iron rods from wood to deep under earth, and plus big trees nearby, and concrete path in front, which altogether made it very difficult to move. We always follow rules and we don't have any bad records in breaking any laws before. We also have good tax record and always try to contribute to the society.

HARDSHIP:

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:

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:

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 [Signature] Mail Address 7012 Quill Leaf Cv

City, State & Zip Austin, TX 78750

Printed Jian Xu & Yaguo Wang Phone 765-430-8168 Date 12/08/2014

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 [Signature] Mail Address 7012 Quill Leaf Cv

City, State & Zip Austin, TX 78750

Printed Jian Xu & Yaguo Wang Phone 765-430-8168 Date 12/08/2014

Variance Application of a Wood Shed

Address: 7012 Quill Leaf Cv, Austin TX 78758

Residence: Yaguo Wang & Jian Xu

Dear Committee:

We are writing to apply for variance of our wood shed house. We came to Austin from Indiana early 2013 and moved into our very first house at Jester in July 2013. We built a shed house for gardening tools, without any electricity or water pipes running through it. For your reference, we've attached a survey of our lot and marked the location of the shed.

We understand that the city code requires the shed to be 5 feet away from the side fence. Because of the irregular shape of our lot, one side of the shed is about 5 feet away from the fence, and another side is about 4 feet away. The city compliance officer asks us to move the shed for 1 foot. There are a couple of factors that make it difficult to move the shed.

1. From the first picture attached to this application, you can see that there is not really any room to move the shed further away from the fence.
2. Secondly and more importantly, this is a customized shed. We designed it, used best materials and built everything by ourselves. We spent over \$1,500 and more than 3 months to construct it. To make sure the foundation is stable, we knocked more than 10 long iron bars through the wood lumbers into the lime stones. It is extremely difficult to remove these iron bars. We'd have to tear down the whole shed in order to move it. The second picture shows some the iron bars we use.

From the pictures, you can see that this shed is beautifully and carefully made, showing our love and devotion to our own house. It only adds value to our property and to our neighborhood. We have 4 neighbors around us (marked in the survey) and we checked with 3 of them and they all like the shed. (We will provide written notes from them during the hearing). The 4th neighbor is far away from the shed house and they can hardly see it from their house. It is the 4th neighbor who filed the complaint against this shed, upon many other unofficial and official complaints against us since the second day we moved in. We understand that they have every right to do so. However, we sincerely hope that this variance can be approved so that this cute shed can avoid the sad fate of being destructed, and we don't need to face the sadness of seeing all the money, time and efforts were for nothing.

Your kind consideration of this application is sincerely appreciated.



Jian & Yaguo

