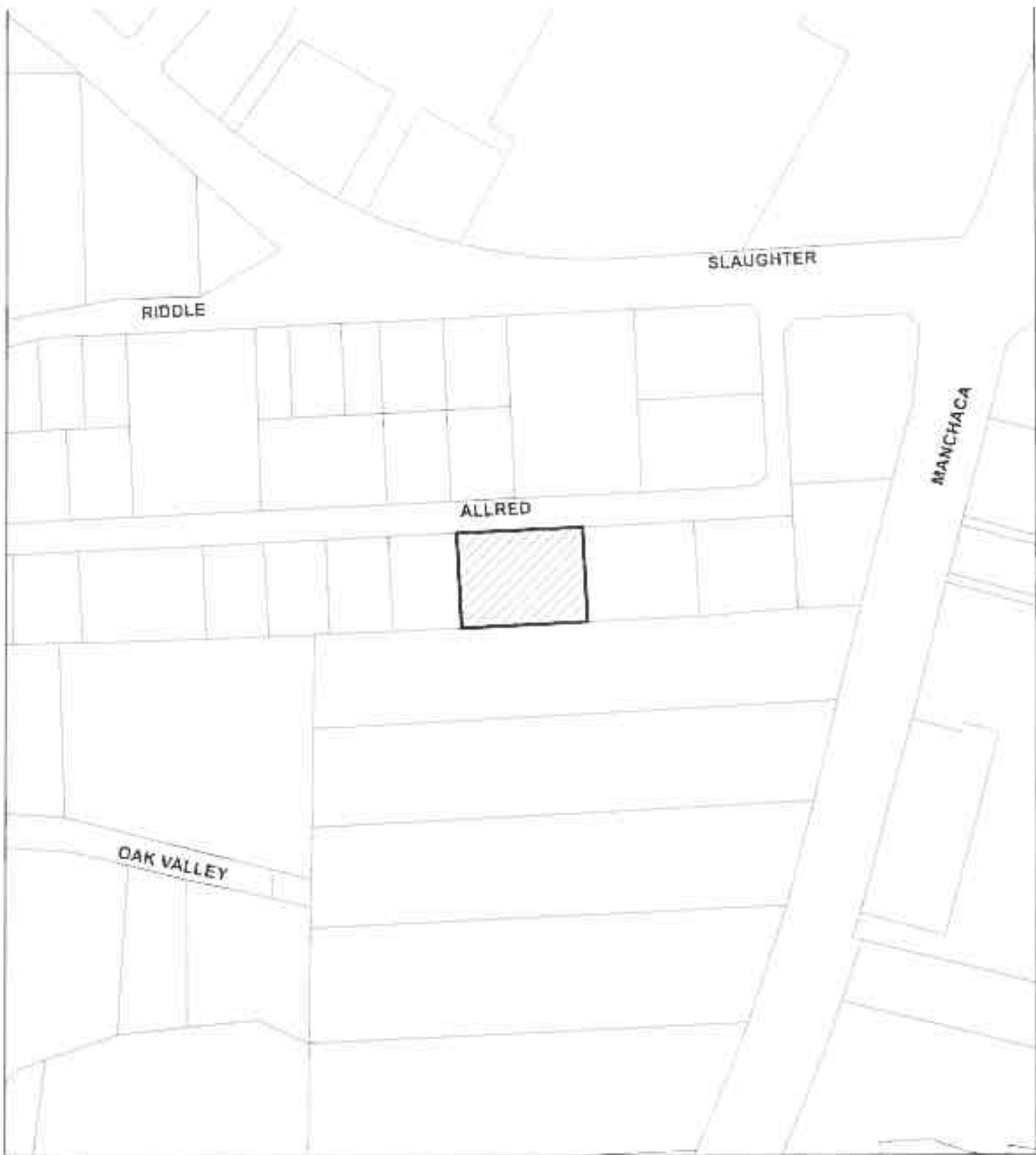




SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY

CASE#: C15-2015-0063
Address: 2105 ALLRED



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# C15-2012-0043
ROW# 11327713
TAX# 043022306
TCHDV

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

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

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

STREET ADDRESS: 2105 Alfred Drive

LEGAL DESCRIPTION: Subdivision Ford Oaks

Lot(s) 11 Block B Quarter Division

I We Jennifer Pace on behalf of myself ourselves as authorized agent for

2105 Alfred Drive affirm that on April 7, 2015,

herely 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

Land Development Code 25-2-899 Fences as Accessory Uses (F) A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent in the construction of the fence with the building official in a residential district.

(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Adjoining property on the east side is commercial. Owner is operating a bar with outdoor seating areas and parking. The fence helps to block the view of bar patrons. Adjoining property on the north side (separated by the right of way) is commercial. Owner is operating a day care/learning center and a food vending truck. Fence helps to block the view of day care and food truck patrons. Slaughter road and HLB is visible from the property. Fence helps to block view and noise of traffic.

HARDSHIP:

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

Property owner is caring for elderly parent with cancer. Due to chemotherapy treatments, the occurrence of pneumonia, and a weakened immune system, owner's mother has had to make several trips to the hospital, two of which required ambulance transport and/or emergency medical technician care. The fence will provide an element of privacy for medical treatment, emergency care, and emergency transportation.

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

The hardship is related to a health condition of a resident on the property (owner's mother).

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The character of the adjacent property will not be altered, because the adjacent property owners built a fence of equal height along their property line on the south and east side of my property. The fence will not impair the use of adjacent conforming property, because it will not interfere with other land development codes or zoning regulations. It will not prohibit access to adjoining commercial properties or residential properties. The fence will not prohibit use of the right of way. There are similar fences along the right of way on Allied Drive.

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:

N/A

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:

N/A

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

N/A

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

N/A

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 Jennifer Pace Mail Address: 2105 Alfred Dr

City, State & Zip: Austin, TX 78748

Printed Jennifer Pace Phone: 512-810-0633
Date: 4/9/15

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 Jennifer Pace Mail Address: 2105 Alfred Dr

City, State & Zip: Austin, TX 78748

Printed Jennifer Pace Phone: 512-810-0633
Date: 4/9/15

April 7, 2015

Dear Homeowner,

I, Jennifer Pace, property owner at 2105 Allred Drive, am applying for a variance from the Board of Adjustment regarding section 25-2-899 of the land development code, referenced below. The variance would allow me the ability to maintain my fence that is 7' to 7 ½' in height.

I am requesting your support for the variance being requested. Please complete the information below to show your support. Thank you for your support!

Sincerely,



Jennifer Pace

Property Owner Name (Printed)

Property Address

BRENNA ROBERTSON MARIE
SKOLL DEN RE LLC

LOT 12 BLK B FORD OAKS
ALLRED DRIVE, AUSTIN, TX 78748

Signature



(Your signature indicates your support of this variance.)

25-2-899 FENCES AS ACCESSORY USES.

(A) Except as otherwise provided in this chapter, a fence:

- (1) is permitted as an accessory use in any zoning district; and
- (2) must comply with the requirements of this section.

(B) In this section:

- (1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and
- (2) a solid fence is a fence other than an ornamental fence.

(C) The height restrictions of this section do not apply to an ornamental fence.

(D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.

(E) A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:

- (1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or
- (2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.

(F) A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.

(G) A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and property:

- (1) zoned as a commercial or industrial base district; or
- (2) used for a commercial or industrial use.

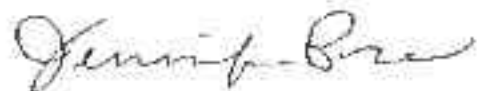
April 7, 2015

Dear Homeowner,

I, Jennifer Pace, property owner at 2105 Allred Drive, am applying for a variance from the Board of Adjustment regarding section 25-2-099 of the land development code, referenced below. The variance would allow me the ability to maintain my fence that is 7' to 7 1/2' in height.

I am requesting your support for the variance being requested. Please complete the information below to show your support. Thank you for your support!

Sincerely,



Jennifer Pace

Property Owner Name (Printed)

SHOKROLLAH DELARAM

Property Address

2103 W SLAUGHTER LN
ALLRED DRIVE, AUSTIN, TX 78748

Signature

(Your signature indicates your support of this variance.)

25-2-099 FENCES AS ACCESSORY USES.

(A) Except as otherwise provided in this chapter, a fence:

(1) is permitted as an accessory use in any zoning district; and

(2) must comply with the requirements of this section.

(B) In this section:

(1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than two to four; and

(2) a solid fence is a fence other than an ornamental fence.

(C) The height restrictions of this section do not apply to an ornamental fence.

(D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.

(E) A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:

(1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or

(2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six-foot fence and gain access to a hazardous situation, including a swimming pool.

(F) A solid fence may be constructed to a maximum of eight feet in height if the fence is located in or within the building setback lines.

(G) A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and property:

(1) zoned as a commercial or industrial use district; or

(2) used for a commercial or industrial use.

To the Board of Variance:

I purchased my home in September of 2013.

In August of 2013, the property owner on the southern border of my home began clearing trees to make a parking lot. This property owner, Brenna Robertson (Skoll Den Re LLC and Urban Coyote LLC) also owns the lot to the east of my property.

In late 2013 the Ms. Robertson began putting a fence up along my southern property line and a portion of my eastern property line.

In early 2014 Ms. Robertson opened a bar, Indian Roller, on the lot south of my property line.

Also in early 2014, the property owner north of my lot, Shokrallah Delram, opened a day care/learning center.

In view from my front yard is the day care/learning center, HEB, and the bustling intersection of Slaughter and Manchaca Road.

Two lots west of mine is a bar on Allred Drive, Sams Town Point, which is frequented by bikers or motor cyclists.

Also living on my property is my 66 year old mother who has terminal cancer and requires frequent medical treatment, including medical visits, medical equipment delivery and return, and occasional ambulatory care and emergency medical technician treatment.

To maintain privacy from bar patrons and traffic to the south and west of me and day care and grocery store traffic to the north of me, and to maintain privacy for medical care I decided in August 2014 to extend the fence that was started by Ms. Robertson, property owner to the south and east of my lot. I matched the fence height of the existing fence built by Ms. Robertson. I continued the fence to the northeast corner of property and extended it to cover a portion of my northern property line, and south to my house.

I honestly had no idea that the fence built by Ms. Robertson exceeded fence height regulations and that a permit and/or variance needed to be obtained for the fence I had constructed. In December 2014 I found a posted notice by the city that my fence height was in violation of city code. Through this posting I discovered that my mailing address with Travis County Appraisal District was entered incorrectly.

Since then I have been working to follow the proper channels to ensure that my property is in compliance with the City of Austin residential building and permitting codes. I am an employee of the Austin Independent School District and am making a

April 14, 2015

Dear Slaughter Lane Neighborhood Association,

I, Jennifer Pace, property owner at 2105 Alford Drive, am applying for a variance from the Board of Adjustment regarding section 25-2 B99 of the land development code, referenced below. The variance would allow me the ability to maintain my fence that is 7' to 7 1/2' in height.

I am requesting your support for the variance being requested. Please complete the information below to show your support. Thank you for your support!

Sincerely,



Jennifer Pace

Association Name (Printed):	SLAUGHTER LANE NEIGHBORHOOD ASSOCIATION
Contact Name:	MR. RICK BURR
Property Address:	1201 W. SLAUGHTER LANE, AUSTIN, TX 78749

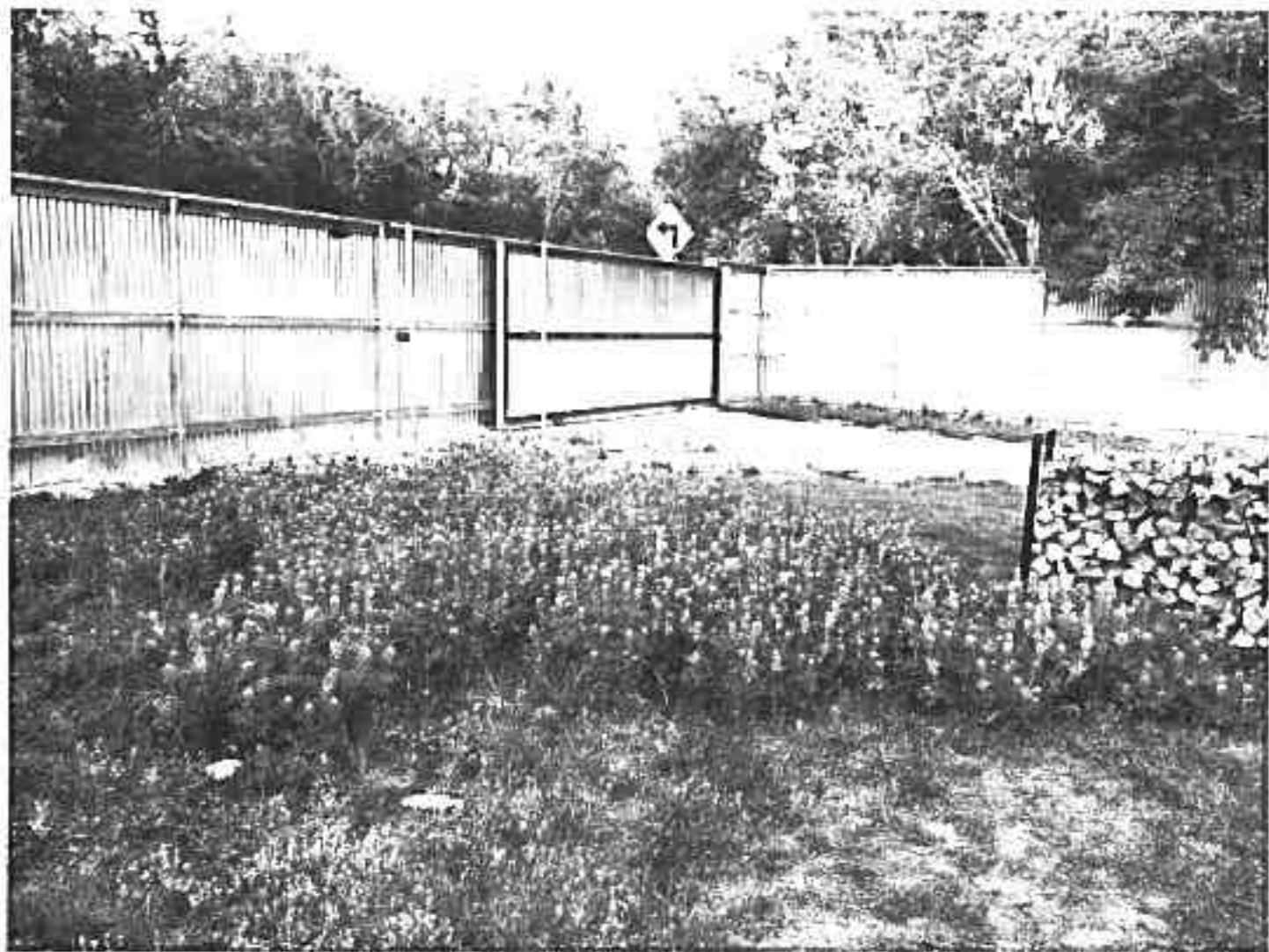
Signature



(Your signature indicates your support of this variance.)

25-2 B99 FENCES AS ACCESSORY USES.

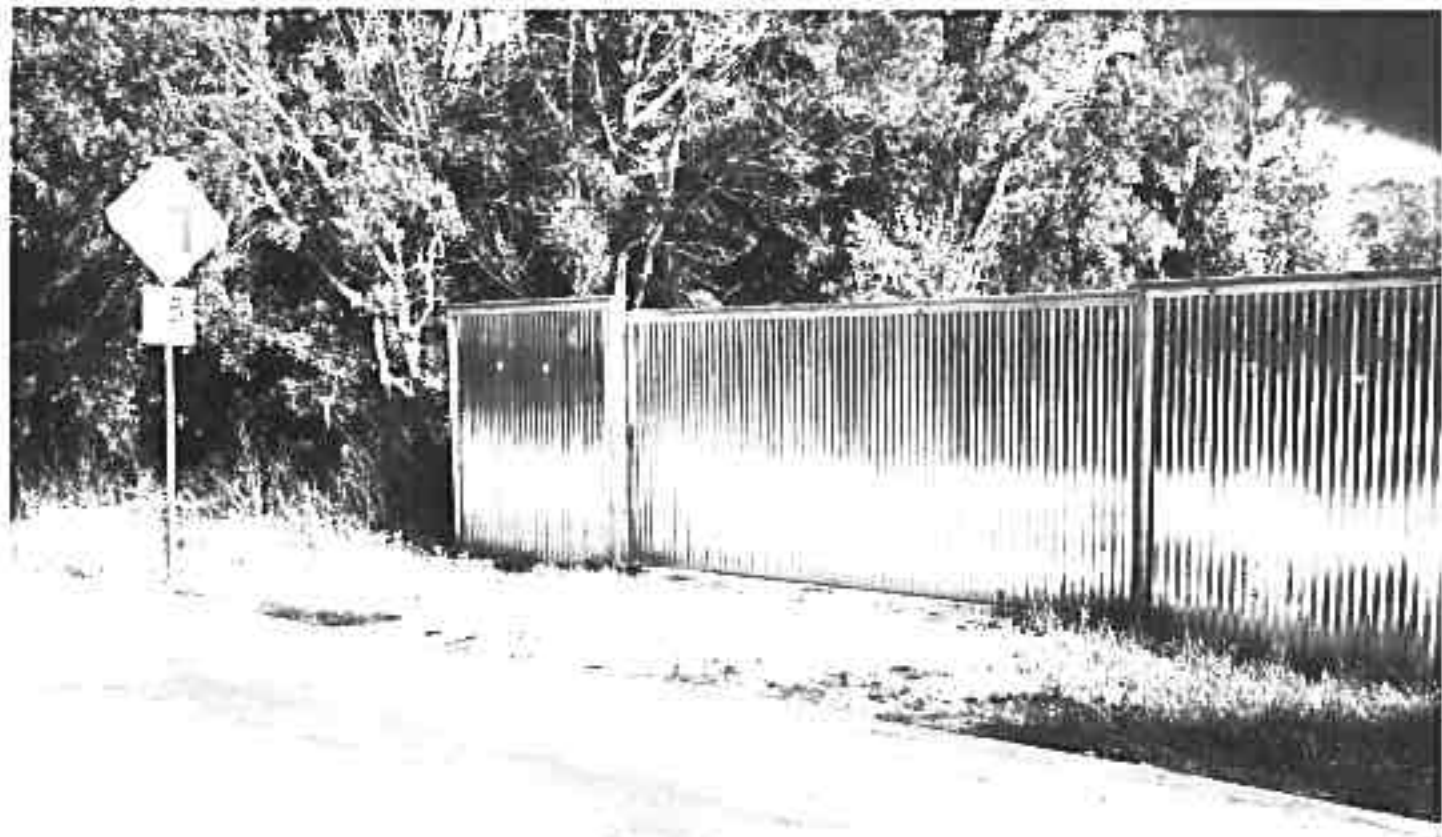
- (A) Except as otherwise provided in this chapter, a fence:
 - (1) is permitted as an accessory use in any zoning district; and
 - (2) must comply with the requirements of this section.
- (B) In this section:
 - (1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and
 - (2) a solid fence is a fence other than an ornamental fence.
- (C) The height restrictions of this section do not apply to an ornamental fence.
- (D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.
- (E) A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:
 - (1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or
 - (2) a structure, including a telephone junction box, exists that is immediately likely to enable a child to climb over a six-foot fence and gain access to a hazardous situation, including a swimming pool.
- (F) A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.
- (G) A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and property:
 - (1) zoned as a commercial or industrial use district; or
 - (2) used for a commercial or industrial use.



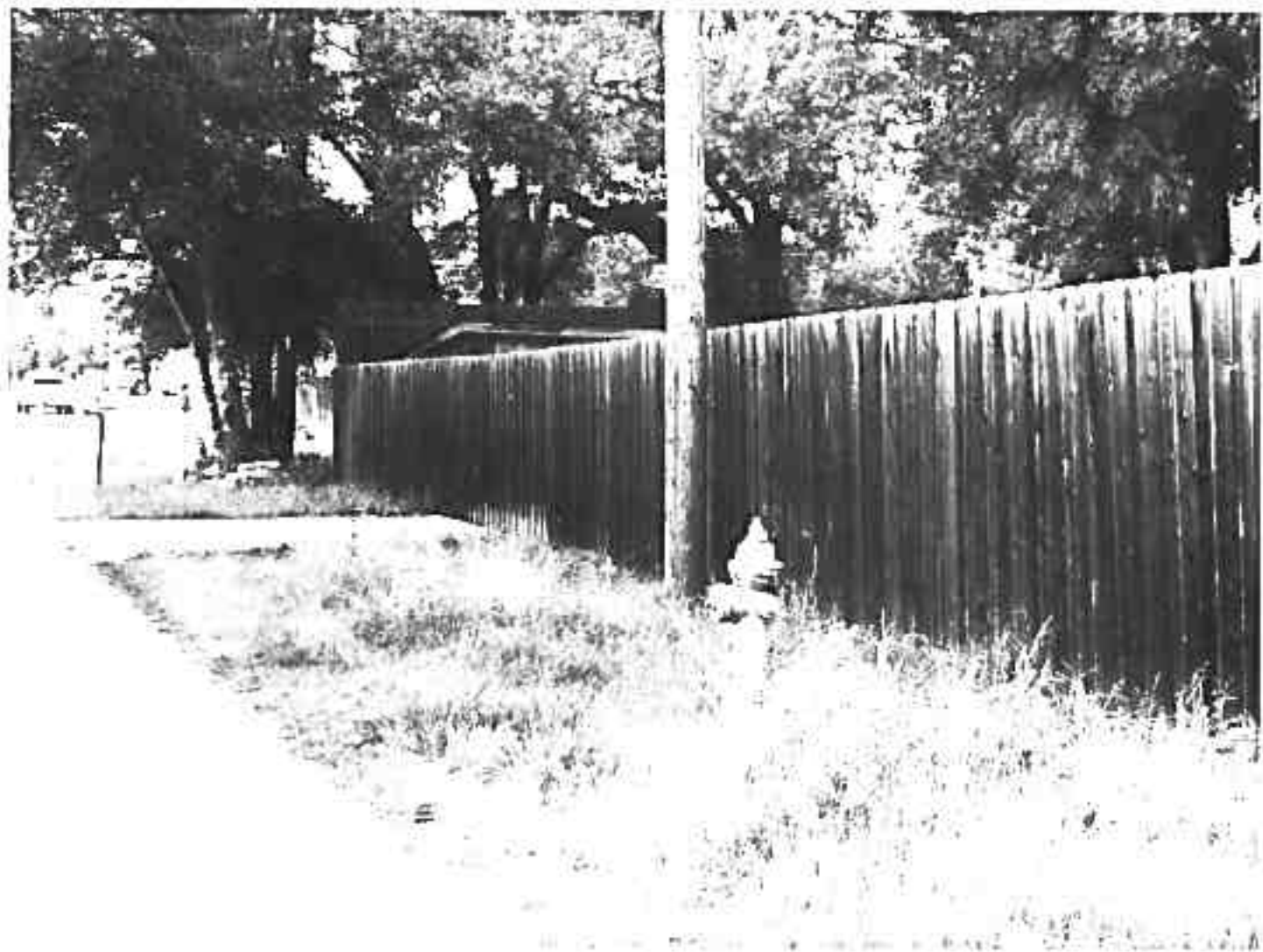










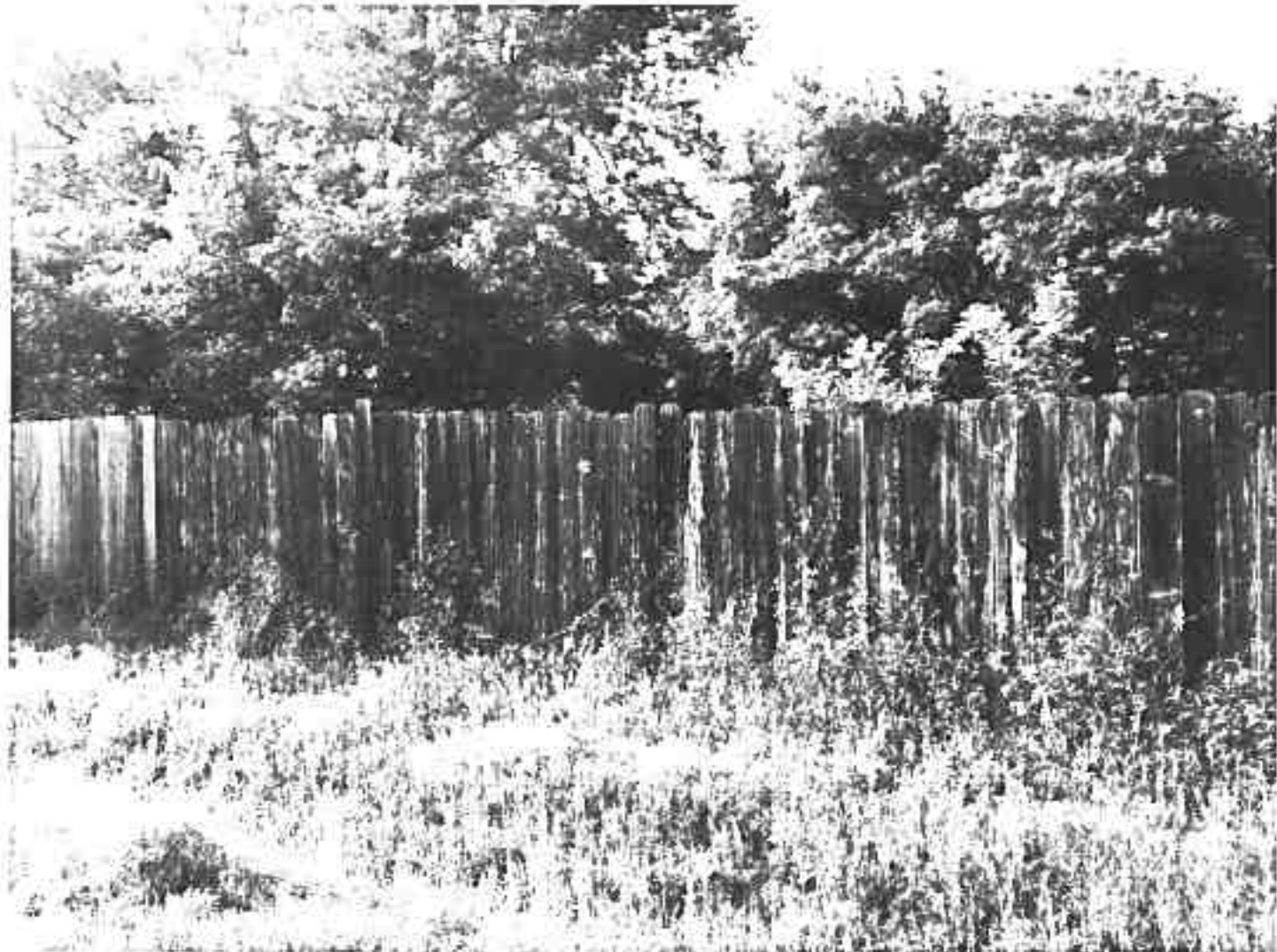








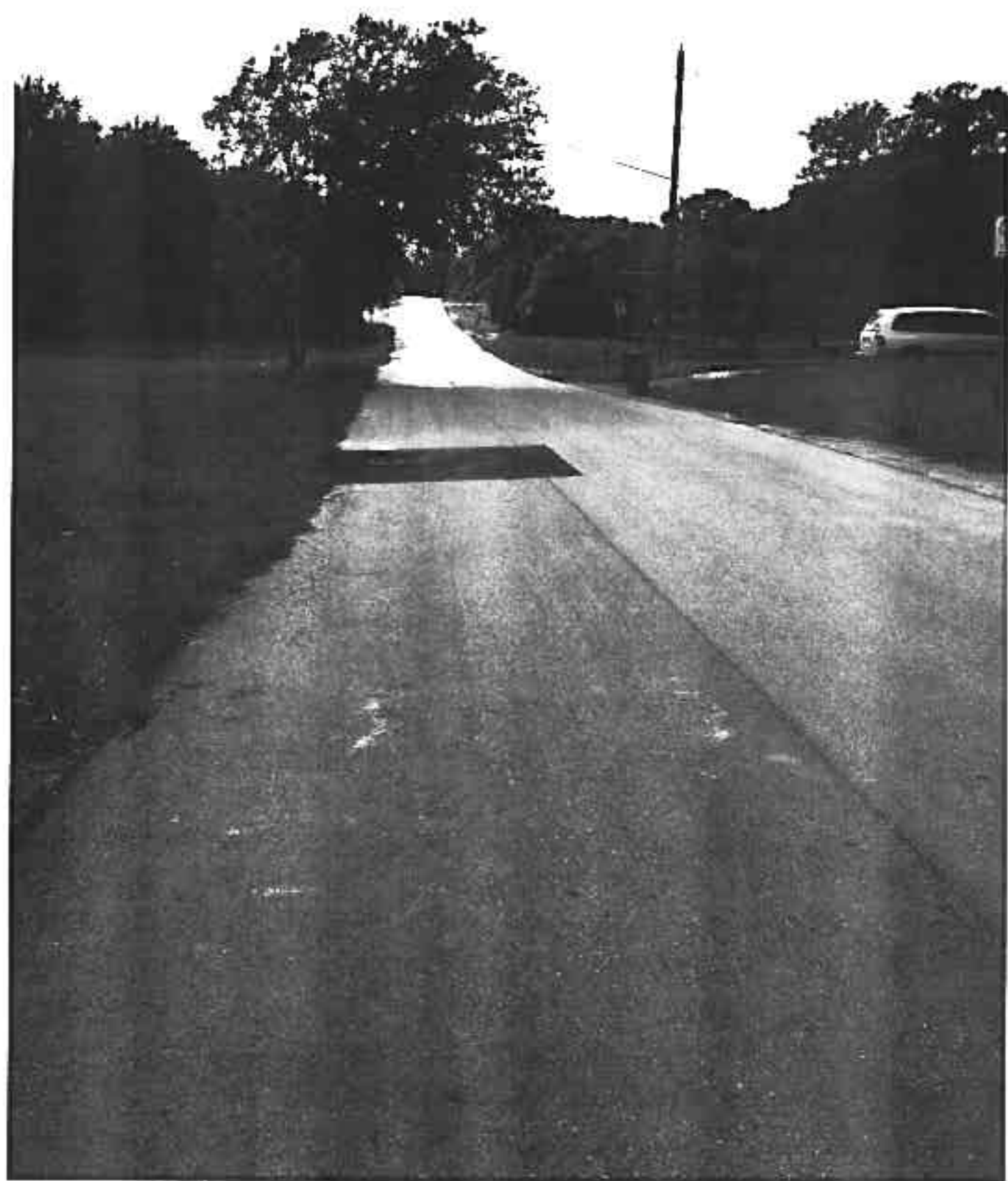




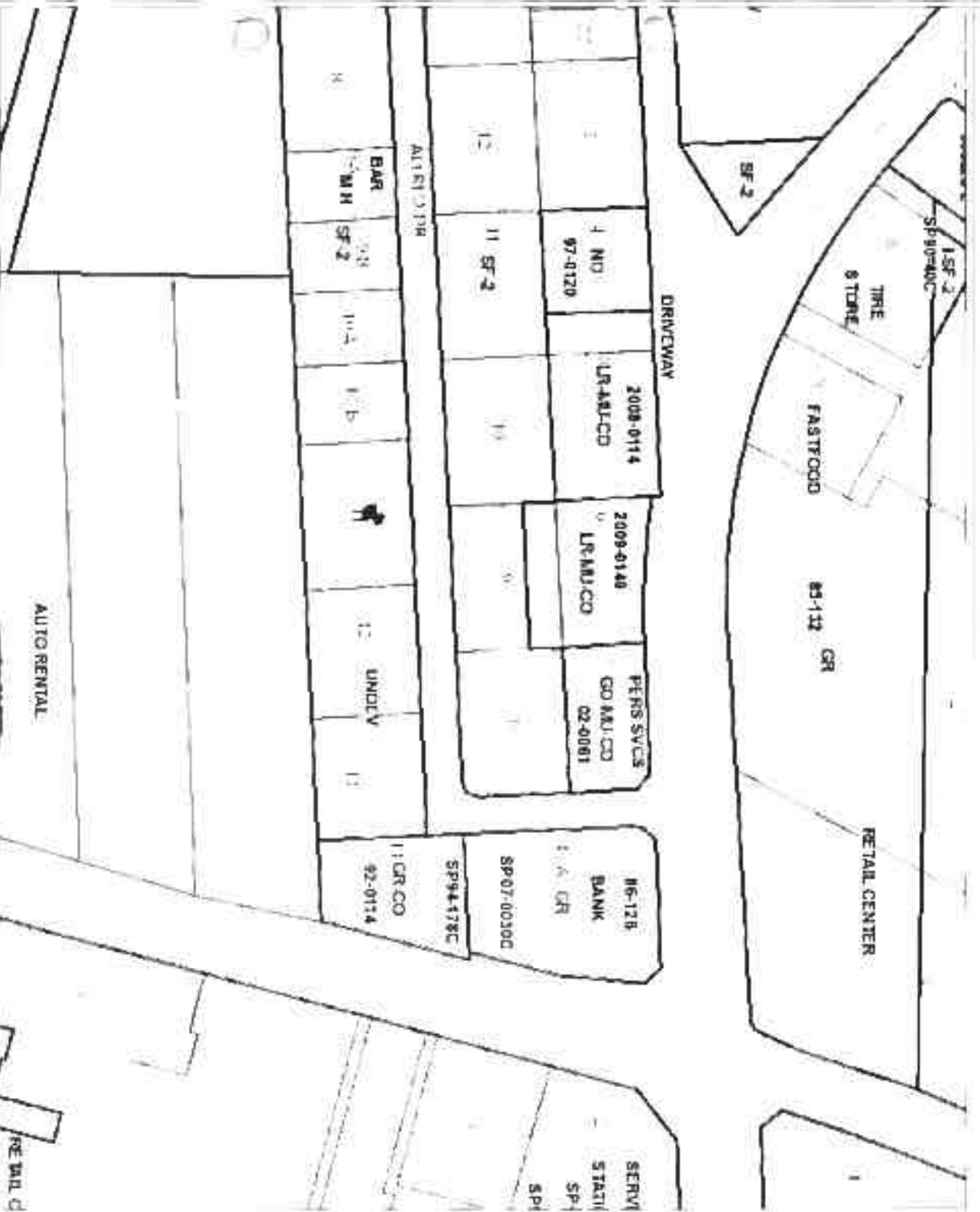








CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

Lot ID

Block ID

Lot Line

Zoning Text

Zoning (Large Map Scale)

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☐ Zooming (Large Map Scale)

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