

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 before or at 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/devservices

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: C15-2016-0069, 5905 Tumbling Circle

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

Public Hearing: Board of Adjustment, June 13th, 2016

CHRIS LITTLE
Your Name (please print)

☐ I am in favor
☐ I object

5935 HIGHLAND HILLS DRIVE

Your address(es) affected by this application

6/10/2016

Date

Signature

Daytime Telephone: **512-996-9584**

Comments: **I previously signed a paper stating that I am in favor of the requested variance, when approached by Mrs. Tita. After researching further with the city and the website, I have concluded that I did not have the correct info to make an informed decision. PLEASE retract my previous indication of support. I was led to believe that this action was (the additional comments on back)**

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

my 34

my 34

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/devservices

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: C15-2016-0069, 5905 Tumbling Circle

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

Public Hearing: Board of Adjustment, June 13th, 2016

JOHN D. BAKER

Your Name (please print)

5933 Highland Hills Drive, 78731

Your address(es) affected by this application

Signature: [Signature] Date: 6-10-2016

Daytime Telephone: 512-689-8177

Comments: It is a very bad precedent to decrease both the minimum rear set back & the minimum rear set back to "0". It should never have been with in the first place.

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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: C15-2016-0069, 5905 Tumbling Circle

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

Public Hearing: Board of Adjustment, June 13th, 2016

Dana Newak

Your Name (please print)

5932 Highland Hills Drive 78731

Your address(es) affected by this application

Dana Newak

Signature

Date

Daytime Telephone: 512-633-0902

Comments: *Please find e-mail correspondence for supporting material to objection of variance(s)*

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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:

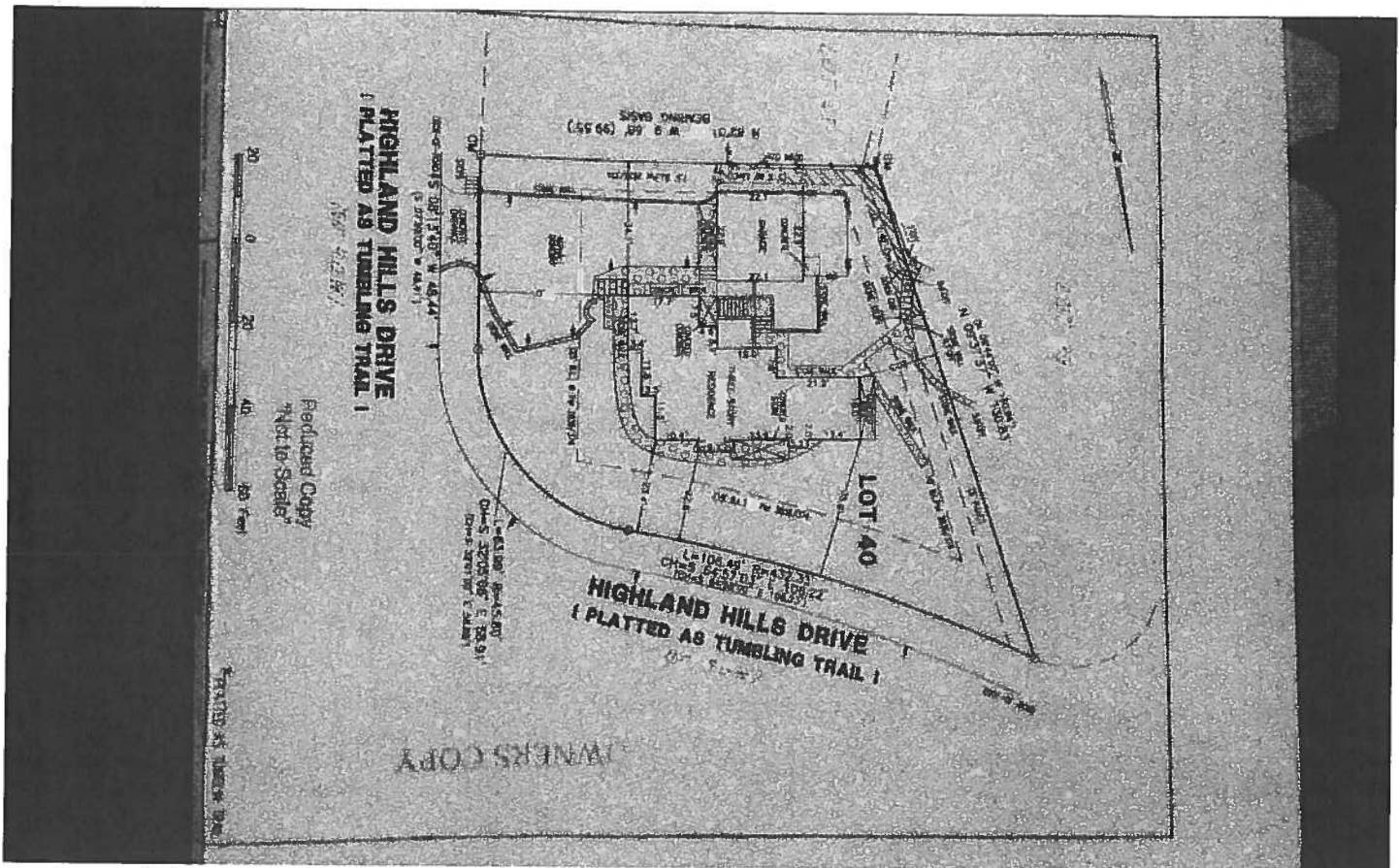
- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence 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/devservices

Heldenfels, Leane

From: Dana Nowak [REDACTED]
Sent: Wednesday, June 08, 2016 8:28 PM
To: Heldenfels, Leane
Cc: Frank Nowak; dananowak
Subject: Case Number C15-2016-0069, 5905 Tumbling Circle, Public Hearing: Board of Adjustments, June 13, 2016



m4/86

Heldenfels, Leane

From: Dana Nowak [REDACTED]
Sent: Wednesday, June 08, 2016 8:06 PM
To: Heldenfels, Leane
Cc: Frank Nowak; Dana Nowak
Subject: Case Number C15-2016-0069, 5905 Tumbling Circle, Public Hearing: Board of Adjustments, June 13, 2016

Hi Ms. Heldenfels,

Please find more supporting information below for our objection to the requested variance(s).

Thank you,
Dana Nowak
512.623.0902

On Saturday, June 6, 2015 5:35 PM, Michael Tita [REDACTED] wrote:

Frank and Dana

Thank you for meeting with Wendy and me on Tues. We had high hopes that we would be able to sit down together and have a constructive conversation about resolving our issues, but you may agree that we fell well short of that goal. In light of our Tuesday meeting, we see it is likely that we are too far apart in our goals to have this type of conversation without some assistance. Wendy and I regret that the level of communication and trust between our families has gotten to such a low level. We value having a good relationship with your family and we are willing to invest our time, effort and money in repairing this relationship. We would like to propose that the Nowaks and the Titas hire and work together with a professional dispute resolution expert who would provide a neutral, fair, and structured environment for resolving our conflict. Alternative Dispute Resolution is a proven approach to solving conflicts between families, neighbors and even large corporations. The dispute resolution expert would not be asked to render an opinion of any sort of the rights or wrongs of our conflict, they would just apply a structured process to help us work through our issues.

If this idea is acceptable to you, we can work together to find the right dispute resolution expert, and have the working session/s before we leave for vacation at the end of June.

Michael and Wendy

Michael Tita

Manager - BigFix and Mobility WW Advanced Technology Group/SWAT



IBM Security

Intelligence. Integration. Expertise.



Mobile: 1-512-415-9586
E-mail: [REDACTED]

11501 Burnet Rd
Austin, TX 78758-3400
United States

m4/99

BYRD DAVIS FURMAN & ALDEN, LLPATTORNEYS AND COUNSELORS
ESTD 1959

707 West 34th Street, Austin, Texas 78705-1294

Don L. Davis*
ddavis@byrddavis.com
James H. Furman*
jfurman@byrddavis.com
Robert C. Alden
ralden@byrddavis.com
Kevin C. Henrichson
khenrichson@byrddavis.com

June 9, 2015

Sent via email: mtita@us.ibm.com

C/ Counsel
Derek L. Davis
ddavis@byrddavis.com

Michael and Wendy Tita
5905 Tumbling Circle
Austin, Texas 78731

Re: survey and encroaching improvements

J. Finnet Byrd†
(1921 - 2007)
Jack C. Hirschberg*†
(1927 - 2011)
David H. Walter*†
(1948 - 2003)

Dear Mr. and Mrs. Tita:

* Board Certified, Personal
Injury Trial Law, Texas Board
of Legal Specialization

† AV Rated by
Martindale-Hubbell

* Licensed in Texas
and Colorado

I have been retained by Frank and Dana Nowak in regard to the encroachment of portions of your deck and landscaping structures onto their property.

Recently, a surveyor was called by the Nowak's to prepare for the construction of a privacy fence along the property line between your respective properties.

A portion of your deck and certain landscaping features are located on, and part of, the Nowak's property. This has been the topic of previous discussions between yourselves and the Nowaks. The string line erected by the surveyor marks the property line.

The Nowak's intend to remove the structures located on their property, but will wait until June 25, 2015 to begin demolition. This delay is to allow you to remove or relocate these structures in a manner that works best for you. If you choose not to do so, the Nowak's will begin the process on or about the 25th of June.

If you have any questions, please contact me directly.

Sincerely,

Byrd Davis Furman & Alden, LLP

Derek L. Davis

PHONE: (512) 454-3751 • (800) 344-3751

FAX: (512) 451-5857

WWW.BYRDDAVIS.COM

(Listed in Martindale-Hubbell Preeminent Law Firms)

mg/40

Subject: The Nowak Fence project**From:** Michael Tita ([REDACTED])**To:** [REDACTED]**Cc:** [REDACTED]**Date:** Sunday, September 13, 2015 4:09 PM

Dana

On Friday I removed the 6" corner of our deck steps that encroached on your property. This is the only installation that occurred since you took ownership of the property. My understanding is that you own all walkways, retaining walls, and landscaping (on your side of the property line) that were in place at the time you purchased the property, and you are free to do what you like with them at your discretion. Wendy also removed our bricks, so at this time nothing owned by the Tita's is on your property.

We understand that you intend to move forward with your fence project. To ensure this project does not result in additional conflict or legal costs I have a couple of requests:

1. Please hire a fencing company that understands and will follow all applicable City of Austin fencing regulations pertaining to: recommended setbacks, maximum height, materials, how to build around existing trees, etc....
2. Please keep 100% of the fence foundation and structure on your property. Any portion of the fence that encroaches on our property will have to be relocated or will be removed. The current test holes clearly encroach on our property and are not acceptable.
3. Please do not disturb our property in any way. You can demo what you want on your property, but the demo cannot impact the structures on our property. I have documented exactly what this looks pre-construction of the fence.
4. Please let the contractor know that: 1) this fence is being built with out our consent, so they are expected to complete all work from your property with out setting foot on ours 2) all work effort and work product will be scrutinized for compliance with the City regulations and our expectations on performance of the work. We have installed a security camera and all work activity will be observed and recorded.

Thanks,
Michael Tita

From: Michael Tita/Austin/IBM
To: Dana Nowak [REDACTED]
Cc: Frank Nowak <[REDACTED]> Wendy Dunnam Tita [REDACTED]
Date: 09/03/2015 11:10 AM
Subject: Re: Response to your Fri voice mail

Hi Dana

In June, Wendy and I, with counsel from our attorney, made no commitments but agreed to revisit the issue at the end of the summer which we are doing now. The hope was that a couple of months away from the conflict would enable us to have a more rational discussion. Apparently that is still not possible.

my
41

We do not plan on making any changes to our property until you have completed what ever it is that you intend to. You are welcome to remove the portions of the walk ways, retaining walls, landscaping, etc that are on your property.

Again, please leave our property undisturbed.

Thanks,
Michael Tita

From: Dana Nowak <[REDACTED]>
To: Michael Tita <[REDACTED]>
Cc: Wendy Dunnam Tita <[REDACTED]>, Frank Nowak <[REDACTED]>
Date: 09/02/2015 07:15 PM
Subject: Re: Response to your Fri voice mail

Michael,

You clearly do not understand or care that a portion of your back deck steps and rock wall are on our property. It is our right as the property owners to have a clear, obvious and legal property line with NO encroachments and your steps and wall interrupt this.

We have waited patiently this summer for you to remove the encroaching structures. First, you stalled with different proposals and then you left town without resolution of the issue. Your last correspondence with us was such that we, our attorney, and most likely your attorney believed that you would be removing the steps once you returned from your vacation. Clearly, you misled us.

Your constant reference to the steps as a "friendship walk" does not change the fact that you are encroaching on our property. Additionally, it has no value or importance to us. This was made abundantly clear when Alexander made the poor decision to attack Heckolt on our property. Our family and friends use the walkway without trespassing on your property. At this point, we insist that all members of your family and your guests refrain from accessing your deck from our property.

Furthermore, we do not care how long you have lived here. It has absolutely no bearing on the issue.....parts of your deck structures are encroaching on our property.

We will be moving forward with a fence and removing the steps that are encroaching on our property. It is unfortunate that your discourteous and self-centered actions have led us to this.

Dana and Frank Nowak

On Wednesday, September 2, 2015 11:13 AM, Michael Tita <[REDACTED]>:

Hi Dana

I got your voice mail. When you asked "what are your plans to remove our stuff off your property" I assume that you mean the pile of bricks since that is the only remaining item we have on your property. Before we left in June I cleared space to move the bricks over along the fence but I did not get a chance to actually move them. You are welcome to move them over along the fence if there is some urgency, or I would be happy to do it when I am back in town in a couple of weeks. After that we have no further plans to make any changes to our property in the near future.

For all of the 16 years we have lived in our house we have allowed unrestricted access to our driveway, walkway and our half of the football field. We do this because it is convenient for the kids and the families in the neighborhood, and it is no burden on us. We do not plan to change this. Unfortunately you do not share this perspective. You have made it clear that your priority is assertion of your property rights above other considerations and precedence.

We are fine with what ever you need to do on your property, please leave our property undisturbed.

m4
42**Titan Fencing & Clearing, LLC****Estimate**

(512)851-6625

ben@titanfenceandclear.com

**ADDRESS**

Dana Nowak
5932 Highland Hills Dr
Austin, Texas 78731

ESTIMATE #

1023

DATE

09/08/2015

ACTIVITY**QTY****RATE****AMOUNT****Wood Privacy - Standard**

1

2,507.00

2,507.00

Installation of 6 foot tall Cap and Trim Wood Privacy Fence
 -4 x 4 Pressure Treated Pine Posts set in concrete 24 inches into dirt
 and 18 inches into concrete.
 -2 of 2 x 4 Pressure Treated Pine Rails
 -1 x 6 Western Red Cedar Pickets 5/8" thick # 2 Grade
 -2 x 4 cedar cap and 1 x 2 Cedar Trim
 -Fastened with Hot Dipped Galvanized Ring Shank Nails
 - Fence to be installed in a stair-stepped fashion.

Fence to be installed from the top of the property on the right side to
 the lower part of the property just before the last tree.

85 feet with No Gate

Sales

1

0.00

0.00

Option 1:

Option to remove the option for cap and trim.

Removing the option for cap and trim will save you \$477 on the total
 estimate.

This will bring your estimate total to \$2030

Accept _____ Decline _____ Initial _____

mu/43

ACTIVITY	QTY	RATE	AMOUNT
Memo Labor, material, tear down, haul off and applicable taxes are all included in the price. Addition costs will be added if customer requests more work to be performed outside of what is described above. No additional work will be done or costs added without customer knowledge and approval.	1	0.00	0.00
Credit Card A signed contract is required to start all projects. On projects totaling more than \$500.00 a 50% deposit is required to start the project and the remaining 50% will be charged at the completion of the project. *Check, Cash, Credit Cards accepted. The credit card information below will be used for the deposit amount and final payment due upon completion of project. I authorize Titan Fencing & Clearing, LLC to charge the credit card below, per the terms above, until the above balance is paid in full. Credit Card # _____ Card Type _____ Expiration date _____ Auth Code _____ Billing Zip code _____ Name on Card _____ Signature: _____	1	0.00	0.00

m4/44

ACTIVITY	QTY	RATE	AMOUNT
Wording Titan Fencing & Clearing, LLC will be responsible for successfully completing the above described project according to specifications, and within the policy guidelines discussed. Titan Fencing & Clearing, LLC agrees to perform what is written on the contract. Titan Fencing & Clearing, LLC will schedule a start day when the deposit is received and contract is signed, and final balance will be due when work is completed. Please note weather may delay the start date on a project. Titan Fencing & Clearing, LLC is not responsible for any property lines or representations of property divisions. Any contract not paid by owner, company, or company representative will be charged at the rate of fifteen percent (15%) interest per annul after three (9) days of invoice. If still not paid by ninety (90) days Titan Fencing & Clearing, LLC will file a contractor's lien on the property. Customer agrees to be responsible for all court costs, attorney or lean fees and costs associated with collection of payment due to Titan Fencing & Clearing, LLC. Titan Fencing & Clearing, LLC is not responsible for any underground construction and or damage to any underground pipelines, electrical lines, phone lines, cable lines, gas lines etc... Titan Fencing & Clearing, LLC will call 811 and schedule a marking or screening of any such pipelines, electrical lines, phone lines, or cable lines. Customer is responsible for obtaining any and all permits and assigned cost from City, County, and HOA if applicable. Warranty: Titan Fencing & Clearing, LLC guarantees all craftsmanship on this job from any defects in workmanship for 2 years. If invoice is not paid in full within 15 days of invoice, warranty will be voided. Titan Fencing & Clearing, LLC is not responsible for warping, cracking, bowing, aging, weathering, storm damage, negligence, or vandalism. By signing this agreement you are agreeing that you know and are informed that wood products warp and crack as a natural behavior and hereby do not hold Titan Fencing & Clearing, LLC responsible for such occurrences.	1	0.00	0.00

TOTAL

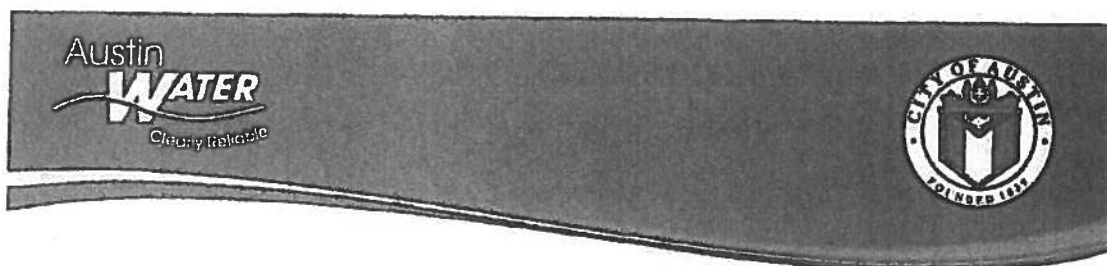
\$2,507.00

pd. \$2030

Accepted By

Accepted Date

my
45



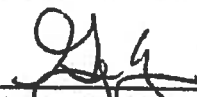
Protocol for Conditions Favorable to Allowing Private Easements

Sections 609.7.1 and 721.2 of the 2012 Uniform Plumbing Code allow the City to approve private easements if "proper cause...has been first established to the satisfaction of the Authority having jurisdiction."

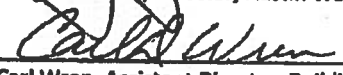
The following conditions have been previously identified as providing "proper cause" to allow the use of a private water or wastewater easement as a means of providing water and/or wastewater services to an existing legal lot (note: these are scenarios with existing lot line configurations and not to be used to facilitate re-subdivisions of property).

1. A legal lot does not have right-of-way access.
2. A legal lot's right-of-way access is a Texas Department of Transportation (TxDoT) right-of-way and Austin Water (Director, an Assistant Director, or a Division Manager) prefers that public infrastructure not be installed in the TxDoT right-of-way.
3. The path of extending the public infrastructure to serve the legal lot would conflict with existing or proposed structural conditions, e.g. railroad tracks.
4. The right-of-way access on a legal lot conflicts with existing public or private easements.
5. Pursuant to the Utilities Criteria Manual, there is not sufficient depth or cover for the public infrastructure to be extended to serve the legal lot.
6. As determined by Austin Water (Director, an Assistant Director, or a Division Manager) the extension of public infrastructure would be cost prohibitive and not in the best interests of Austin Water for ownership, operation, and maintenance purposes.
7. The legal lot cannot be served by an onsite sewage facility (OSSF) due to the lot size, configuration, or soil conditions.

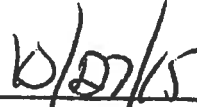
This protocol only addresses those scenarios that are commonly acceptable for the use of a private water or wastewater easement. Austin Water and the Development Services Department will jointly address all other scenarios on a case-by-case basis.



Greg Meszares, Director, Austin Water



Carl Wren, Assistant Director, Building Official
Development Services Department

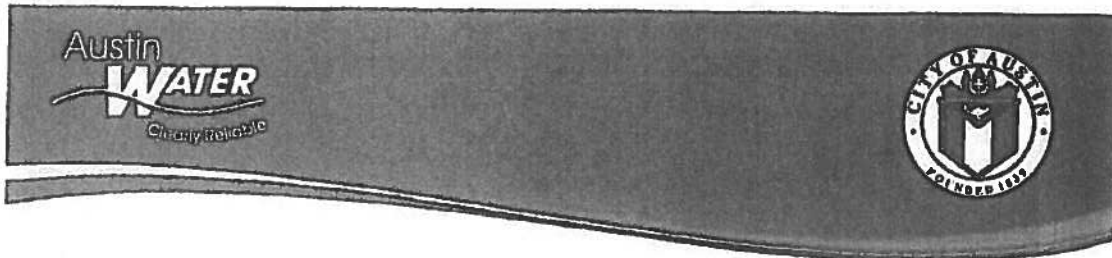


Date



Date

my
46



Protocol for Conditions Favorable to Allowing Private Easements

Sections 609.7.1 and 721.2 of the 2012 Uniform Plumbing Code allow the City to approve private easements if "proper cause...has been first established to the satisfaction of the Authority having jurisdiction."

The following conditions have been previously identified as providing "proper cause" to allow the use of a private water or wastewater easement as a means of providing water and/or wastewater services to an existing legal lot (note: these are scenarios with existing lot line configurations and not to be used to facilitate re-subdivisions of property).

1. A legal lot does not have right-of-way access.
2. A legal lot's right-of-way access is a Texas Department of Transportation (TxDOT) right-of-way and Austin Water (Director, an Assistant Director, or a Division Manager) prefers that public infrastructure not be installed in the TxDOT right-of-way.
3. The path of extending the public infrastructure to serve the legal lot would conflict with existing or proposed structural conditions, e.g. railroad tracks.
4. The right-of-way access on a legal lot conflicts with existing public or private easements.
5. Pursuant to the Utilities Criteria Manual, there is not sufficient depth or cover for the public infrastructure to be extended to serve the legal lot.
6. As determined by Austin Water (Director, an Assistant Director, or a Division Manager) the extension of public infrastructure would be cost prohibitive and not in the best interests of Austin Water for ownership, operation, and maintenance purposes.
7. The legal lot cannot be served by an onsite sewage facility (OSSF) due to the lot size, configuration, or soil conditions.

This protocol only addresses those scenarios that are commonly acceptable for the use of a private water or wastewater easement. Austin Water and the Development Services Department will jointly address all other scenarios on a case-by-case basis.



Greg Meszares, Director, Austin Water



Carl Wren, Assistant Director, Building Official
Development Services Department



Date

10/26/2015

Date

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
P.O. Box 149012
Austin, Texas 78714
Internet Address: www.travisad.org
Main telephone Number (512) 834-9317
Appraisal Information (512) 834-9318
TDD (512) 836-3326



84/11/18

Travis Central Appraisal District
P.O. Box 149012
Austin, Texas 78714
Internet Address: www.traviscentral.org
Main Telephone Number (512) 834-9317
TDD (512) 836-3328

This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate for mapping, surveying or engineering purposes. The TCAD makes no claims, warranties, or representations about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

NAD 1983 StatePlane
Texas Central FIPS 4203 Feet
Projection: Lambert Conformal Conic
Scale: 1 inch = 400 feet
Map: 1 inch = 400 feet
Base: 1 inch = 400 feet

0	400	Feet
0	400	Feet

Revision Date:
12/31/2015

43108





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/devservices

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: C15-2016-0069, 5905 Tumbling Circle

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

Public Hearing: Board of Adjustment, June 13th, 2016

Kerry H. Cook
Your Name (please print)

☐ I am in favor
☒ I object

5931 Highland Hills Drive Austin TX 78731
Your address(es) affected by this application

Kerry H. Cook 6-6-16
Signature Date

Daytime Telephone: 512-557-7273

Comments:

Requesting no setback from the
side and rear property line for
a deck is wholly inappropriate.
These lots are not large, and the
topography is complicated. Zero
setbacks would decrease property
value and appeal. Strongly opposed.

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

34
10



Wendy Dunnam Tita

I, Michael Tita, am applying for a variance from the Board of Adjustment regarding Section 25-2-492D of the Land

Development Code. The variance would allow me the ability to decrease the side yard setback from 5 (required) feet to 0 feet (requested) in order to maintain the existing elevated deck and rear east corner of residence in a "SF-3", Family Residence zoning district.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Dale Angevend	5937 Highland Hills Dr	Dale Angevend
BRADFORD "BOB" HUGHES	5908 HIGHLAND HILLS DR.	BH
Daphne McMurrer	5902 Tumbling Cir	Daphne L. McMurrer
Christopher Little	5935 Highland Hills Dr.	CL
James Rodgers	5904 Tumbling Cir	JR
Lawrence Stedman	5922 Highland Hills Dr	LS
Bridget Patrice Harris	5926 Highland Hills Dr	BPH

mu/51

By signing this form, I understand that I am declaring my support for the variance being requested.

[illegible] $m^4/32$

m4/53

May, 2016

Board of Adjustments
City of Austin – Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas, 78704
512-978-4000

To Whom it May Concern,

We are writing regarding the Board of Adjustments Hearing to be held in the matter of a requested variance for 5905 Tumbling Cir. We understand that there is a request to allow the existing deck on the north side of the home and the rear east corner of the residence to remain located in the 7.5' site setback.

We have no opposition to the existing deck and its current location, or the existing location of the east corner of the home. These areas have been in place as long as we have lived in our home. As they exist, the deck and home are in keeping with the existing houses in the neighborhood and pose no issues to the use or enjoyment of our property.

Sincerely,



Signature

Bradset Fattle Harris

Printed Name

5926 Highland Hills Drive

Address

m4/54

May, 2016

Board of Adjustments
City of Austin – Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas, 78704
512-978-4000

To Whom it May Concern,

We are writing regarding the Board of Adjustments Hearing to be held in the matter of a requested variance for 5905 Tumbling Cir. We understand that there is a request to allow the existing deck on the north side of the home and the rear east corner of the residence to remain located in the 7.5' site setback.

We have no opposition to the existing deck and its current location, or the existing location of the east corner of the home. These areas have been in place as long as we have lived in our home. As they exist, the deck and home are in keeping with the existing houses in the neighborhood and pose no issues to the use or enjoyment of our property.

Sincerely,



Signature

James Rodgers

Printed Name

5904 Tumbling Cir Austin 78731

Address

M4/55

May, 2016

Board of Adjustments
City of Austin – Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas, 78704
512-978-4000

To Whom it May Concern,

We are writing regarding the Board of Adjustments Hearing to be held in the matter of a requested variance for 5905 Tumbling Cir. We understand that there is a request to allow the existing deck on the north side of the home and the rear east corner of the residence to remain located in the 7.5' site setback.

We have no opposition to the existing deck and its current location, or the existing location of the east corner of the home. These areas have been in place as long as we have lived in our home. As they exist, the deck and home are in keeping with the existing houses in the neighborhood and pose no issues to the use or enjoyment of our property.

Sincerely,

Daphne L. McMurren
Signature

Daphne L. McMurren
Printed Name

5902 Tumbling Cir 78731
Address

May, 2016

Board of Adjustments
City of Austin – Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas, 78704
512-978-4000

To Whom it May Concern,

We are writing regarding the Board of Adjustments Hearing to be held in the matter of a requested variance for 5905 Tumbling Cir. We understand that there is a request to allow the existing deck on the north side of the home and the rear east corner of the residence to remain located in the 7.5' site setback.

We have no opposition to the existing deck and its current location, or the existing location of the east corner of the home. These areas have been in place as long as we have lived in our home. As they exist, the deck and home are in keeping with the existing houses in the neighborhood and pose no issues to the use or enjoyment of our property.

Sincerely,


Signature

Dale Angene
Printed Name

5937 Highland Hills Dr.
Address

mu/92

May, 2016

Board of Adjustments
City of Austin - Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas, 78704
512-978-4000

To Whom it May Concern,

We are writing regarding the Board of Adjustments Hearing to be held in the matter of a requested variance for 5905 Tumbling Cir. We understand that there is a request to allow the existing deck on the north side of the home and the rear east corner of the residence to remain located in the 7.5' site setback.

We have no opposition to the existing deck and its current location, or the existing location of the east corner of the home. These areas have been in place as long as we have lived in our home. As they exist, the deck and home are in keeping with the existing houses in the neighborhood and pose no issues to the use or enjoyment of our property.

Sincerely,



Signature

BRADFORD "BRA" HUGHES

Printed Name

5928 HIGHLAND HILLS DRIVE

Address

mu/57

my
58

May, 2016

Board of Adjustments
City of Austin -- Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas, 78704
512-978-4000

To Whom it May Concern,

We are writing regarding the Board of Adjustments Hearing to be held in the matter of a requested variance for 5905 Tumbling Cir. We understand that there is a request to allow the existing deck on the north side of the home and the rear east corner of the residence to remain located in the 7.5' site setback.

We have no opposition to the existing deck and its current location, or the existing location of the east corner of the home. These areas have been in place as long as we have lived in our home. As they exist, the deck and home are in keeping with the existing houses in the neighborhood and pose no issues to the use or enjoyment of our property.

Sincerely,


Signature

Lawrence Stefan

Printed Name

5902 Highland Hills Dr. 78731

Address