

SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0083

LOCATION: 7504 Creston Lane




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.



1" = 176'



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1" = 117'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

ml/3

Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # C15-2016-0083 ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 7504 Creston Lane Austin, TX 78752

Subdivision Legal Description:

LOT 13 BLK A NORTHWAY CREST SEC 3

Lot(s): _____ Block(s): _____

Outlot: _____ Division: Highland

Zoning District: _____

I/We Bridgette Berkes on behalf of myself/ourselves as
authorized agent for Bridgette Berkes, myself affirm that on
Month September, Day 6, Year 2016, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: _____

Type of Structure: 8 foot privacy fence

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 25-2-899

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Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

We would like to have consistent height across the perimeter of our fence line / yard, but 6' height would make it possible for someone (one of our children) to climb into our neighbor's yard with the pool. We have young children and were fearful for their safety. Any one of them could easily climb over the preexisting 4' chain link fence or a 6' fence, so we felt an 8' fence was much safer in this regard. We have a lot of safety and crime issues in our neighborhood. We have an enormous and growing homeless population and have been the victim of multiple petty thefts, a home squatter, and homeless folks using the abutting church backyard as a toilet, to touch on a few items.

Hardship

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

The hardship is unique to the property in that it is not usual to back up to a church while also being adjacent to a pool on another side of the fence.

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

The hardship is not general to the area in which the property is located because not all properties in our neighborhood have an unsecured pool next door and shared property line / fence abutting a busy church.

3/5

Area Character

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:

We have collected 100% of the required 80% signatures from all of our neighbors within 300 linear feet of our property line and all agree to our 8' fence, allowing us to request this variance. While we did not realize we needed a permit to build the fence, we did talk to our neighbors before we began to get their opinions / input because that is the neighborly thing to do.

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably 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:

Additional Space (continued)

ml
6

Our decision to build an 8' fence wasn't just about privacy for our family. We were concerned about security issues because of our proximity to 183 and I35 with the large and growing homeless population at our backdoor, literally. In addition, and equally worrisome, was that one of our immediate neighbors has an unsecured pool. The pool created a lot of anxiety for me because we have young, agile children able to easily climb fences - but they are not seasoned swimmers (ages: 2, 7, 9). The new fence has not only decreased the constant hum of the I35 and 183, but lessens the noise our pet rooster, to the benefit of our neighbors. Safety, privacy, and noise reduction have improved the quality of our family life!

The preexisting 4' chain link fence was ugly, easy to climb over, and afforded absolutely no privacy. While we have sympathy for our homeless, especially our homeless veterans, we have been robbed on multiple occasions and we have three daughters and a young son to protect. We didn't ask any of our neighbors for money, but we did ask them for their permission and we are submitting 100% of the 80% signatures required. We aren't hurting anyone and the fence is beautiful. No one that can or will see the fence on a regular basis has a problem with it (we spoke with our neighbors well in advance and asked for their input / permission and signatures. We spent a lot of money and we didn't proceed without the advise and permission of those that would be affected; it would really be a shame to compromise the security we now have for our family. For the first time in a long time, we feel safe on our property. While our cars may get broken into, our backyard is secure. It's unfortunate that property taxes are forcing families to leave town, but our city is becoming more unsafe and our homeless population is growing. Please have empathy and imagine being in our situation, with a young family, in an increasingly dangerous neighborhood. I love this old house and my neighborhood!

As the mother of four children, with a full time job outside the home, this process has been difficult to manage and very stressful.

Updated crime reports can be viewed here: www.austintexas.gov/service/crime-viewer

Thank you for your time and consideration.

Bridgette Berkes
7504 Creston Lane
Austin, TX 78752

SAVE

m/1

Section 3: Applicant Certificate

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

Applicant Signature: Bridgette D. Berkes Date: 07-13-2016

Applicant Name (typed or printed): Bridgette D. Berkes

Applicant Mailing Address: 7504 Crestone Lane

City: Austin State: TX Zip: 78752

Phone (will be public information): 512-909-7437

Email (optional – will be public information): bberkesbrown@gmail.com

Section 4: Owner Certificate

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

Owner Signature: Bridgette D. Berkes Date: 07-13-2016

Owner Name (typed or printed): Bridgette D. Berkes

Owner Mailing Address: 7504 Creston Lane

City: Austin State: TX Zip: 78752

Phone (will be public information): 512-909-7437

Email (optional – will be public information): bberkesbrown@gmail.com

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Our decision to build an 8 foot fence wasn't just about privacy for our family. We were concerned about security issues because of our proximity to 183 and I35 with the large homeless population at our backdoor. In addition, one of our immediate neighbors has a pool which creates a great deal of anxiety because we have young, agile children able to easily climb fences but not swim. The fence has not only decreased the constant hum of the interstate and 183 but mitigates the noise our rooster makes to the benefit of our neighbors.



4/3

m/a





12/3



21



12/12

3/13





13

3/15



m/
16

June 6, 2016

RE: Collection of Signatures for waiver of variance application fee
TO: Leane Heldenfels (fax: 512-974-6305), 7 pages (including this one)

Ms. Leane Heldenfels,

Good afternoon! I hope this correspondence finds you happy and well.

Guess what? We have signatures of ALL of the homeowners within a 300 foot radius of our property line (per the map you graciously provided), except for the townhomes at Summerwind. I emailed the Board at Summerwind at the end of last week, but as yet have not heard back (though I expect I might as the property manager was very positive and seemed to think I would hear something soon).

If the home address had two homeowners listed, I obtained both signatures. There was only one rental home but I was able to find the owner and get her signature.

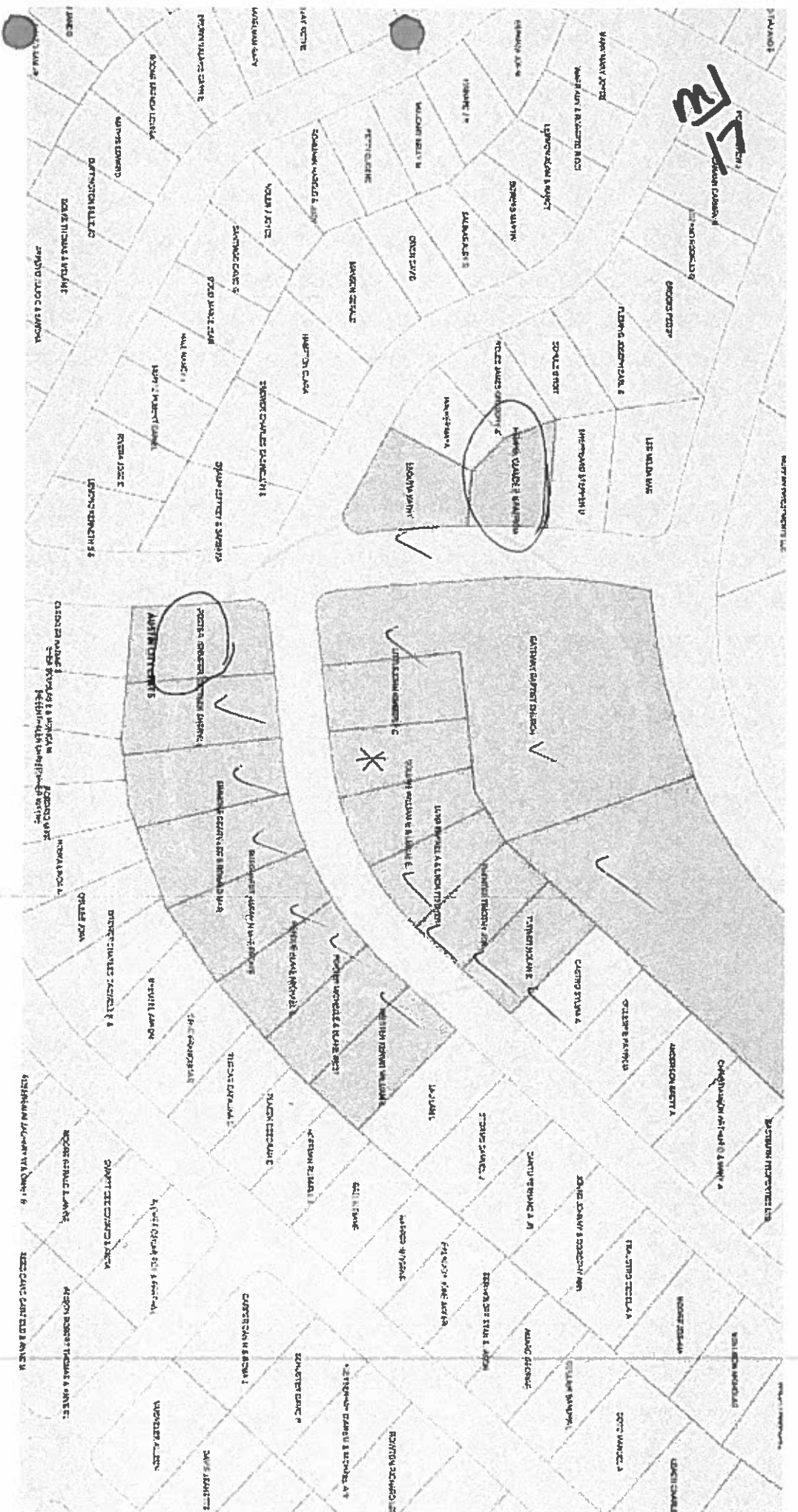
We are eager and anxious to move forward with your guidance.

The inspector mentioned that we needed a variance for the back of the proper which abuts the church and you said we did not. Who has the final say? I want to be sure I am requesting exactly what I need, because the funds are not available to make changes once the request is submitted.

I do appreciate your help and your patience while we gathered the signatures.

Sincerely,

Bridgette Berkes
7504 Creston Lane
Austin, TX 78752
512-909-7437
bberkesbrown@gmail.com



12/8/1



I, Bridgette Berkes, am applying for a variance from the Board of Adjustment regarding Section 25-2-899 of the Land Development Code.
The variance would allow me the ability to maintain the current height of our fence (8 feet).

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

Property Owner Name (Printed)	Address	Signature
Foster, Jennifer	7501 Creston Lane Austin, TX 78752	Jennifer Foster
Zettner, Sheryl	7503 Creston Lane Austin, TX 78752	Sheryl Zettner
Arnador, Michael A.	7505 Creston Lane Austin, TX 78752	Michael A. Arnador
Simmons, Geary	7507 Creston Lane Austin, TX 78752	Geary Simmons
Mar, Ronald	7507 Creston Lane Austin, TX 78752	Ronald Mar
Burghart, Harry H. Life Estate	7509 Creston Lane Austin, TX 78752	Harry H. Burghart
Reddy, Derek Michael	7511 Creston Lane Austin, TX 78752	Derek Reddy

proper

2/5

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

Property Owner Name (Printed)	Address	Signature
Porter, Michelle	7601 Creston Lane Austin, TX 78752	Michelle Porter
West, Blake	7601 Creston Lane Austin, TX 78752	Blake West
Meister, Kenneth William	7603 Creston Lane Austin, TX 78752	Kenneth Meister
Luna, Rafael A.	7508 Creston Lane Austin, TX 78752	Rafael Luna
Fischer, Linda	7508 Creston Lane Austin, TX 78752	Linda Fischer - Home
Fuentes, Timothy	7600 Creston Lane Austin, TX 78752	Timothy Fuentes
Turner, Nolan	7602 Creston Lane Austin, TX 78752	Nolan Turner
Escutia, Kathy	600 Bissonet Lane Austin, TX 78752	Kathy Escutia

Same Property

Same Property

13/20

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

		Signature
Porter, Michelle	7601 Creston Lane Austin, TX 78752	
West, Blake	7601 Creston Lane Austin, TX 78752	
Meister, Kenneth William	7603 Creston Lane Austin, TX 78752	
Luna, Rafael A.	7508 Creston Lane Austin, TX 78752	
Fischer, Linda	7508 Creston Lane Austin, TX 78752	
Fuentes, Timothy	7600 Creston Lane Austin, TX 78752	
Turner, Nolan	7602 Creston Lane Austin, TX 78752	
Escutia, Kathy	600 Bissonet Lane Austin, TX 78752	
Summerwind Townhomes Board of Directors	7653 Guadalupe Austin, TX 78752	1.
		2.
		3.

other sheet

20

Kathy Escutia 6/5/2016 ✓

12/2




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

Property Owner Name (Printed)	Address	Signature
Porter, Michelle	7601 Creston Lane Austin, TX 78752	
West, Blake	7601 Creston Lane Austin, TX 78752	
Meister, Kermi William	7603 Creston Lane Austin, TX 78752	
Luna, Rafael A.	7508 Creston Lane Austin, TX 78752	
Fischer, Linda	7508 Creston Lane Austin, TX 78752	
Lienantes, Timothy	7600 Creston Lane Austin, TX 78752	
Turner, Nolan	7602 Creston Lane Austin, TX 78752	
Escuina, Kathy	600 Bissonnet Lane Austin, TX 78752	
Summerwind Townhomes Board of Directors	7653 Guadalupe Austin, TX 78752	
Rodriguez Flores	35	1. <i>Rodriguez Flores</i>
		2.
		3.

See other sheet

7/22

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

Porter, Michelle	7601 Creston Lane Austin, TX 78752	
West, Blake	7601 Creston Lane Austin, TX 78752	
Meister, Kenneth William	7603 Creston Lane Austin, TX 78752	
Luna, Rafael A.	7508 Creston Lane Austin, TX 78752	
Fischer, Linda	7508 Creston Lane Austin, TX 78752	
Fuentes, Timothy	7600 Creston Lane Austin, TX 78752	
Turner, Nolan	7602 Creston Lane Austin, TX 78752	
Escutia, Kathy	600 Bissonet Lane Austin, TX 78752	
Summerwind Townhomes Board of Directors : Justin Weaver	7605 Guadalupe Austin, TX 78752	1. 
Jes Torben		2. 
		3. 

See other sheet

12/13

April 9, 2016

We wanted to let you know that we've been thinking of installing a fence between our properties. Because this will change the way both our properties look, we wanted to let you know we have been considering it. What we have in mind is a solid, 8 foot, horizontal cedar fence (that will be stained on both sides for protection). While there's no reason we can't go ahead and get started on the fence, we wanted to see if you had any input. After all, you'll have to look at the fence, too. If there's something particular you'd like done with the fence, like a gate or return onto your property, we'd be more than happy to discuss that with you and the fence company. We have three written estimates and did reference checks. If you intend to pitch in financially, per previous discussions with Josh, it would be preferable that you make arrangements with the fence company directly.

With your permission, we'll have the fence installed directly down the property line. If you object to the fence, however, we'll make sure that the contractor builds the fence on our side of the property line only.

This isn't just about privacy for our family. We are concerned about security issues being so close to 163 and 135, and one of the property owners has a pool which concerns us because of our young children. A fence will also help decrease the noise level.

We would like permission to remove all chain link fencing in an effort to prevent the ability of someone using the chain link fence to climb over the new fence. We have had our fair share of strangers in the backyard going through our storage in the middle of the night!

If you have no objections to the installation of the fence as described above, please sign and date below. This is not a financial agreement, however. Your signature below just indicates you agree to a solid, 8 foot cedar fence.

Please let us know your thoughts on this. We look forward to hearing from you Sincerely,

Josh and Bridgette
7504 Creston Lane
Austin, TX 78752

Homeowner(s) Address please print 7504 Creston Ln

Austin TX 78752

Homeowner Signature(s)

Joshua (Bridgette)

Date 4/9/16

Date

Homeowner(s) Address please print

Homeowner Signature(s)

Date

Date

Gateway Baptist Representative(s)

Address please print

Signature(s)

Date

Date

1/1/26

April 9, 2016

We wanted to let you know that we've been thinking of installing a fence between our properties. Because this will change the way both our properties look, we wanted to let you know we have been considering it. What we have in mind is a solid, 8 foot, horizontal cedar fence that will be stained on both sides (for protection). While there's no reason we can't go ahead and get started on the fence, too. If there's something particular you'd like done with the fence, like a gate or return onto your property, we'd be more than happy to discuss that with you and the fence company. We have three written estimates and did reference checks. If you intend to pitch in financially, per previous discussions with Josh, it would be preferable that you make arrangements with the fence company directly.

With your permission, we'll have the fence installed directly down the property line. If you object to the fence, however, we'll make sure that the contractor builds the fence on our side of the property line only.

This isn't just about privacy for our family. We are concerned about security issues being so close to 183 and 135, and one of the property owners has a pool which concerns us because of our young children. A fence will also help decrease the noise level.

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Please let us know your thoughts on this. We look forward to hearing from you


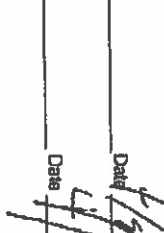
Sincerely,

Josh and Bridgette
7504 Creston Lane
Austin, TX 78752

Homeowner(s) Address please print

1504 Creston Ln
Austin 78752

Homeowner Signature(s)

 
Date 4/9/16

Homeowner(s) Address please print

Homeowner Signature(s)

Date _____
Date _____

Gateway Baptist Representative(s)

Address please print

Signature(s)

Date _____
Date _____

12/5
April 9, 2016

We wanted to let you know that we've been thinking of installing a fence between our properties. Because this will change the way both our properties look, we wanted to let you know we have been considering it. What we have in mind is a solid, 8 foot, horizontal cedar fence (that will be stained on both sides for protection). While there's no reason we can't go ahead and get started on the fence, we wanted to see if you had any input. After all, you'll have to look at the fence, too. If there's something particular you'd like done with the fence, like a gate or return onto your property, we'd be more than happy to discuss that with you and the fence company. We have three written estimates and old reference checks. If you intend to pitch in financially, per previous discussions with Josh, it would be preferable that you make arrangements with the fence company directly.

With your permission, we'll have the fence installed directly down the property line. If you object to the fence, however, we'll make sure that the contractor builds the fence on our side of the property line only.

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Please let us know your thoughts on this. We look forward to hearing from you

Sincerely,

Josh and Bridgette
7504 Creston Lane
Austin, TX 78752

Homeowner(s) Address please print

Creston Church

Homeowner Signature(s)

Date

Date

Homeowner(s) Address please print

Homeowner Signature(s)

Date

Date

Gateway Baptist Representative(s)

Address please print

Signature(s)

Date

Date

Josh & Bridgette
Truster

4-10-16

