






4-1



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2016-0091  
LOCATION: 2005 Matthews Drive



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.

1" = 99'

64  
2

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday, September 28, 2016**

**CASE NUMBER: C15-2016-0091**

☒ Y \_\_\_\_\_ Brooke Bailey  
☒ Y \_\_\_\_\_ Michael Benaglio  
☒ Y \_\_\_\_\_ William Burkhardt  
☒ Y \_\_\_\_\_ Eric Goff  
☒ Y \_\_\_\_\_ Melissa Hawthorne  
☒ Y \_\_\_\_\_ Bryan King  
☐ O \_\_\_\_\_ Don Leighton-Burwell OUT  
☐ L \_\_\_\_\_ Rahm McDaniel LATE  
☐ O \_\_\_\_\_ Melissa Neslund OUT  
☒ Y \_\_\_\_\_ James Valadez  
☒ Y \_\_\_\_\_ Michael Von Ohlen  
☒ Y \_\_\_\_\_ Kelly Blume (Alternate)

**APPLICANT: Miranda Wylie**

**OWNER: Patricia Newman**

**ADDRESS: 2005 MATTHEWS DR**

**VARIANCE REQUESTED:** The applicant has requested a variance(s) from Section 25-2-899 (D) and (E) (*Fences as Accessory Uses*) to increase the fence height permitted from an average of 6 feet or a maximum of seven feet (required/permitted) to 10 feet 10 inches (requested) in order to maintain a recently constructed solid privacy fence along the property line in an "SF-3-NP", Family Residence - Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**Note:** An 8 foot fence is permitted on a lot with a hazardous situation (swimming pool) if there is also a climbable feature on the neighboring property that would permit access to the hazardous situation (swimming pool) if the fence were only 6 feet tall. However, because this is a corner lot, The City of Austin is one of the neighboring property owners a signature could not be obtained. Variance would still be necessary for portions of the fence over 8 feet.

**BOARD'S DECISION:** POSTPONMENT TO NOVEMBER 14, 2016 BY STAFF TO RESOLVE AUSTIN ENERGY ISSUES

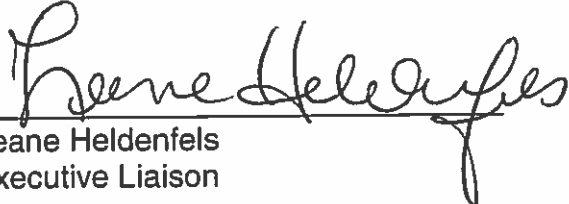
**FINDING:**

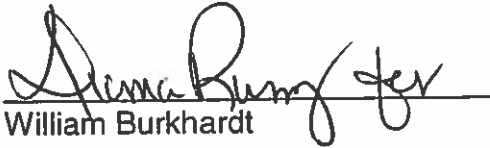
1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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(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

  
William Burkhardt  
Chairman

**Heldenfels, Leane**

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**From:** CleanTag Permits [REDACTED]  
**Sent:** Wednesday, September 21, 2016 9:08 AM  
**To:** Heldenfels, Leane; Kellogg, Eben; CleanTag LLC  
**Subject:** 2005 Matthews Dr. - C15-2016-0091  
[REDACTED]

44  
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Hello Leane,

Eben and I spoke last evening. There are complications with this case of which I, as the agent, was not made aware.

I would like to request a postponement in order to meet with the property owners and the designer in an attempt to get answers to questions I am sure the board will also have.

I will be at the city this morning and will attempt to meet with you to discuss further if necessary.

Thank you,

Linda Sullivan  
CleanTag  
512-826-4209

[www.cleantag.net](http://www.cleantag.net)



**CITY OF AUSTIN**  
**Development Services Department**  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

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## 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 # 015-2016-0091 ROW # 11564237 Tax # 0117090801

### Section 1: Applicant Statement

Street Address: 2005 Matthew<sup>S</sup> Drive

Subdivision Legal Description:

Laurel Heights

Lot(s): 1

Block(s): 6

Outlot: N/A

Division: N/A

Zoning District: SF-3--NP(West Austin Neighborhood Group)

I/We Miranda Wylie for Clean Tag Permits on behalf of myself/ourselves as  
authorized agent for John and Patricia Newman affirm that on  
Month June, Day 16, 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: fence

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

LDC 25-2-899 Fence as accessory use

14  
6

## 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:

due to the size of the lot and orientation of the residence on the lot, the front yard was the only available place to construct a pool. In order to create safety/privacy for the pool/neighborhood a fence was constructed at a height of 6' from grade of the front yard. The front property line is on an incline and although the interior of the fence is no more than 6' in height the exterior of the fence ranges in height from 6' to 10'10".

### Hardship

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

the existing slope of the lot requires a 4'10" retaining wall (2'10" of which is a <sup>previously</sup> erected concrete wall) to prevent the front yard from eroding into the city alley way used for neighborhood garage access. If the fence were to comply with code the interior of the fence would measure 1'2" in height from grade of the front yard creating a safety hazard for those in the yard and neighborhood.

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

the lot is located on a active alleyway used by the neighborhood for garage access. A utility pole with transformer and climbing rung is located 44" from the fence at the corner of the lot/alleyway. It is a reasonable concern that by lowering the fence to the height of 1'2" from grade of the front yard a temptation would be created for children to climb the utility pole or walk up the slope and enter the pool area.

### Area Character

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

the design of the yard is intended to improve the slope of the yard and create a terraced, usable area for the residence. The adjacent property is the city alleyway. The alley has shown improved usability, particularly during/after heavy rains, due to less erosion caused by reinforcing the concrete retaining wall, leveling the yard, and constructing the fence.

### 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:

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

### 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: [Signature] Date: 6/16/16

Applicant Name (typed or printed): Miranda Wylie for Clean Tag LLC

Applicant Mailing Address: 4804 Manchaca Rd

City: Austin State: TX Zip: 78745

Phone (will be public information): (512) 826-4209

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

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### 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: Patricia Newman Date: 6/29/16

Owner Name (typed or printed): Patricia Newman

Owner Mailing Address: 2005 Matthews Drive

City: Austin State: TX Zip: 78703

Phone (will be public information): 501-282-8999

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: Miranda Wylie for Clean Tag LLC

Agent Mailing Address: 4804 Manchaca Rd

City: Austin State: TX Zip: 78745

Phone (will be public information): (512) 826-4209

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

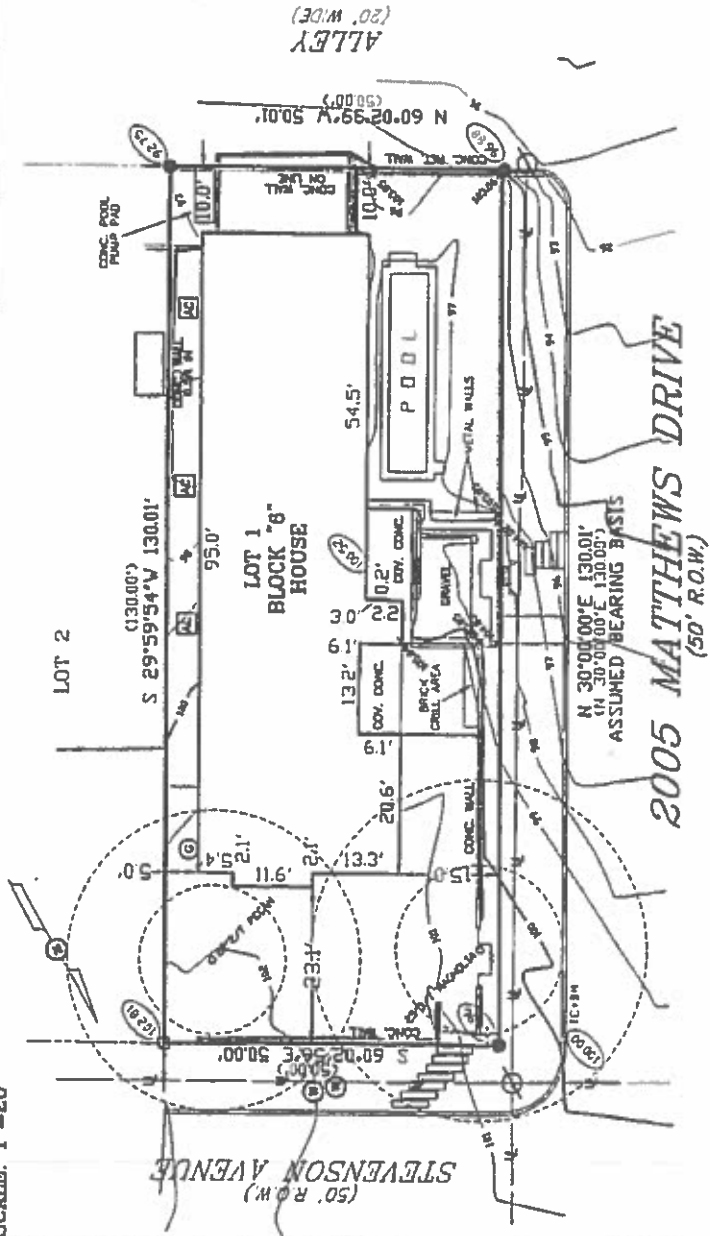
### Section 6: Additional Space (if applicable)

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).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



SCALE: 1"=20'



- LEGEND**
- WOOD FENCE
  - CHAIN LINK
  - UTILITY LINE
  - WATER METER
  - CONCRETE
  - IRON ROD SET
  - UTILITY POLE
  - A/C UNIT

**IMPORTANT NOTICE**

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY ERRORS, OMISSIONS, ADDITIONAL EASEMENTS AND ENCUMBRANCES MAY AFFECT LOT 1.

**SURVEYOR'S NOTES**

(1) DENOTES RECORD INFORMATION

THIS MAP DOES NOT REFLECT BUILDING REQUIREMENTS WHICH MAY BE IMPOSED BY THE LOCAL GOVERNING AUTHORITY OR HOME OWNERS ASSOCIATION.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

**IMPERVIOUS COVERAGE**

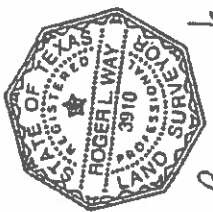
TOTAL LOT AREA: 8001 SQ. FT.

HOUSE/POOL/DOCK: 2513 SQ. FT.

IMPERVIOUS: 2513 SQ. FT.

TOTAL IMP. COV: 2513 SQ. FT.

PERCENT: 31.4%



*Roger T. Edgar*

LOT No. 1

SECTION 1

CITY AUSTIN

BLOCK "B"

PHASE 1

COUNTY, TEXAS

SUBDIVISION / ADDITION LAUREL HEIGHTS

Map No. 481

Page(s) 481

Street Address 2005 MATTHEWS DRIVE

Reference:

PLAT RECORDS



**ALL POINTS SURVEYING**

1714 FORTVIEW ROAD - SUITE 200

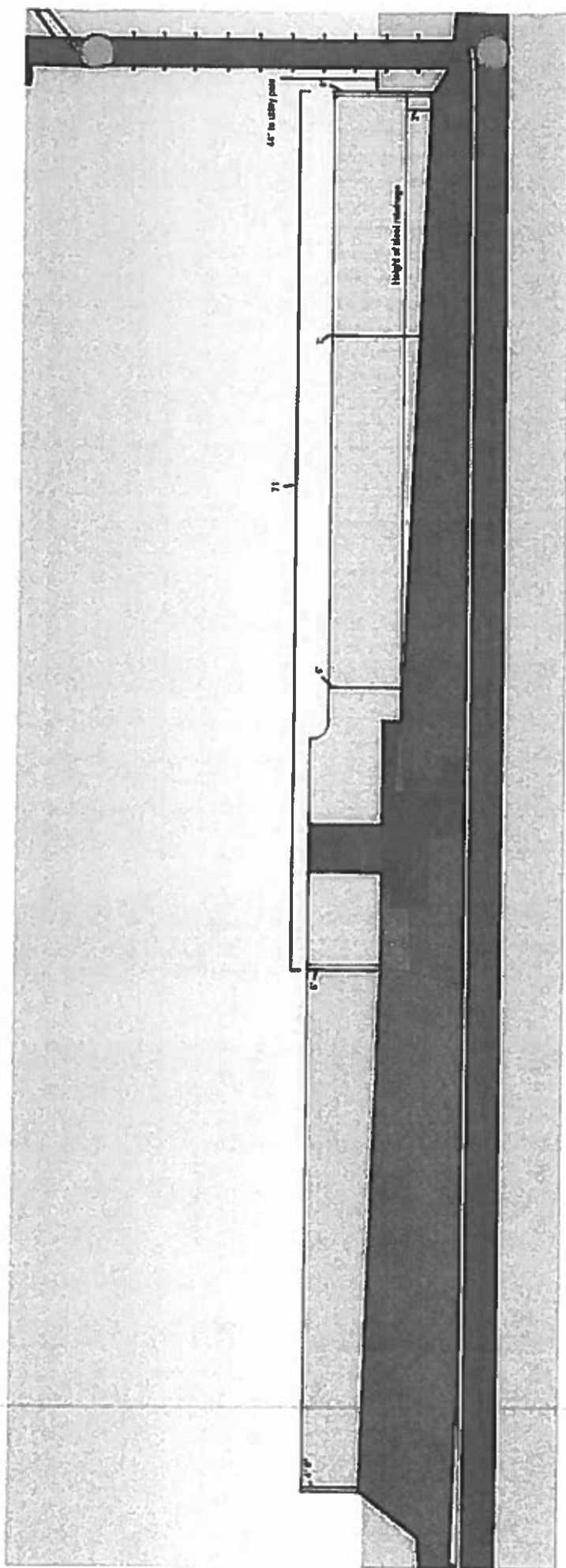
AUSTIN TX. 78704

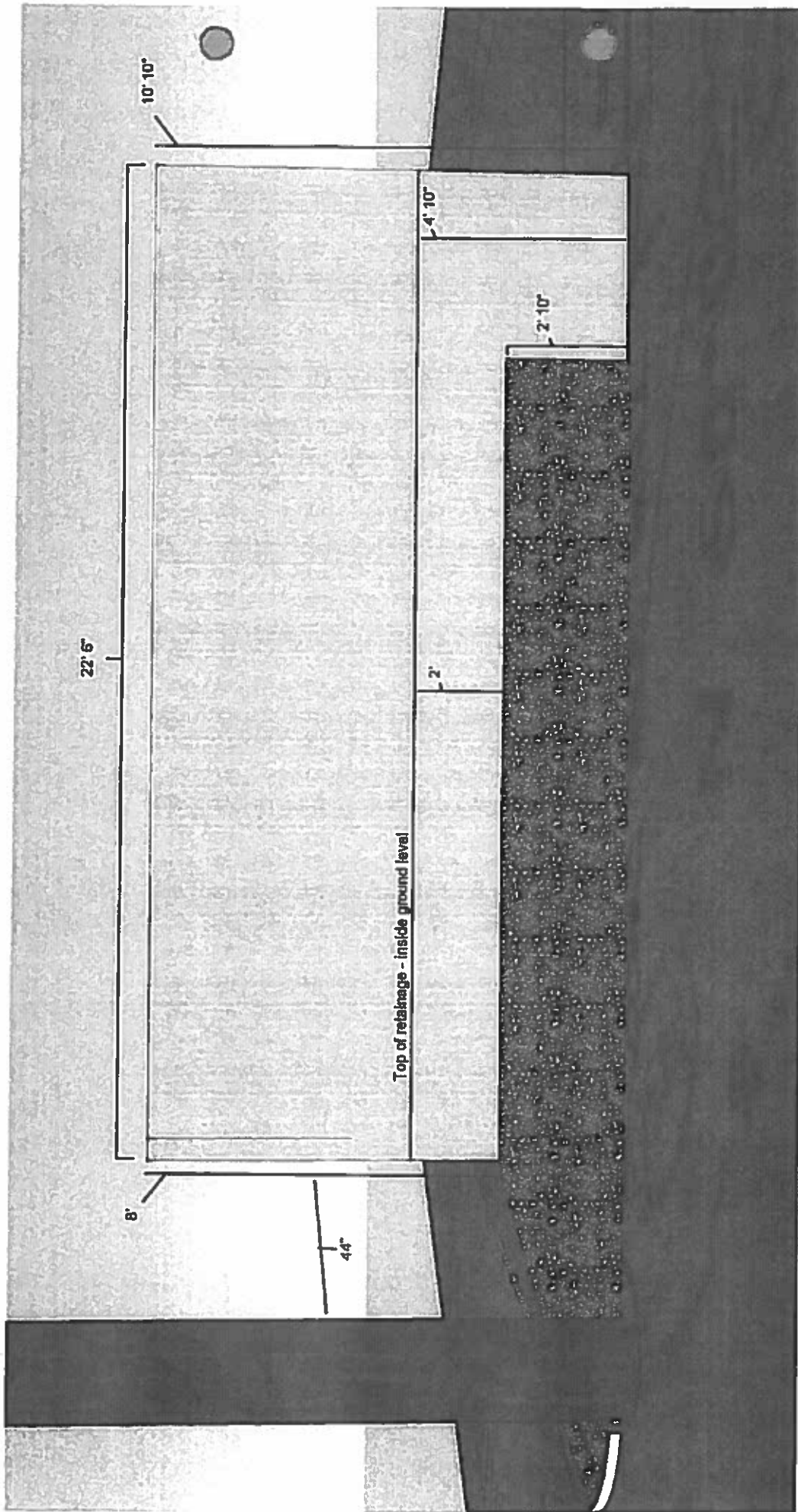
TELE: (512) 440-0071 - FAX: (512) 440-0199

FROM RECONSTRUCTION / 1011111111

945

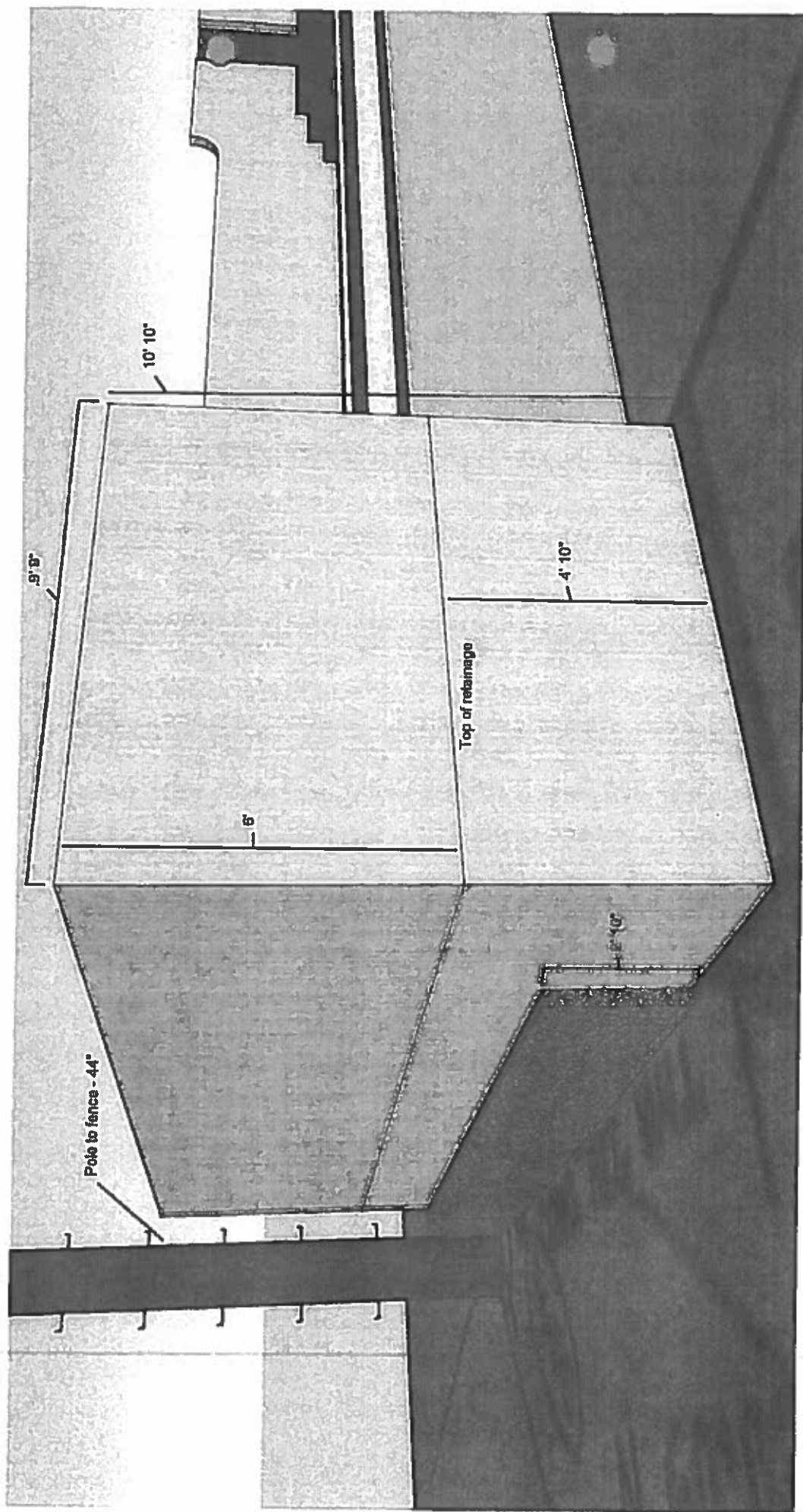
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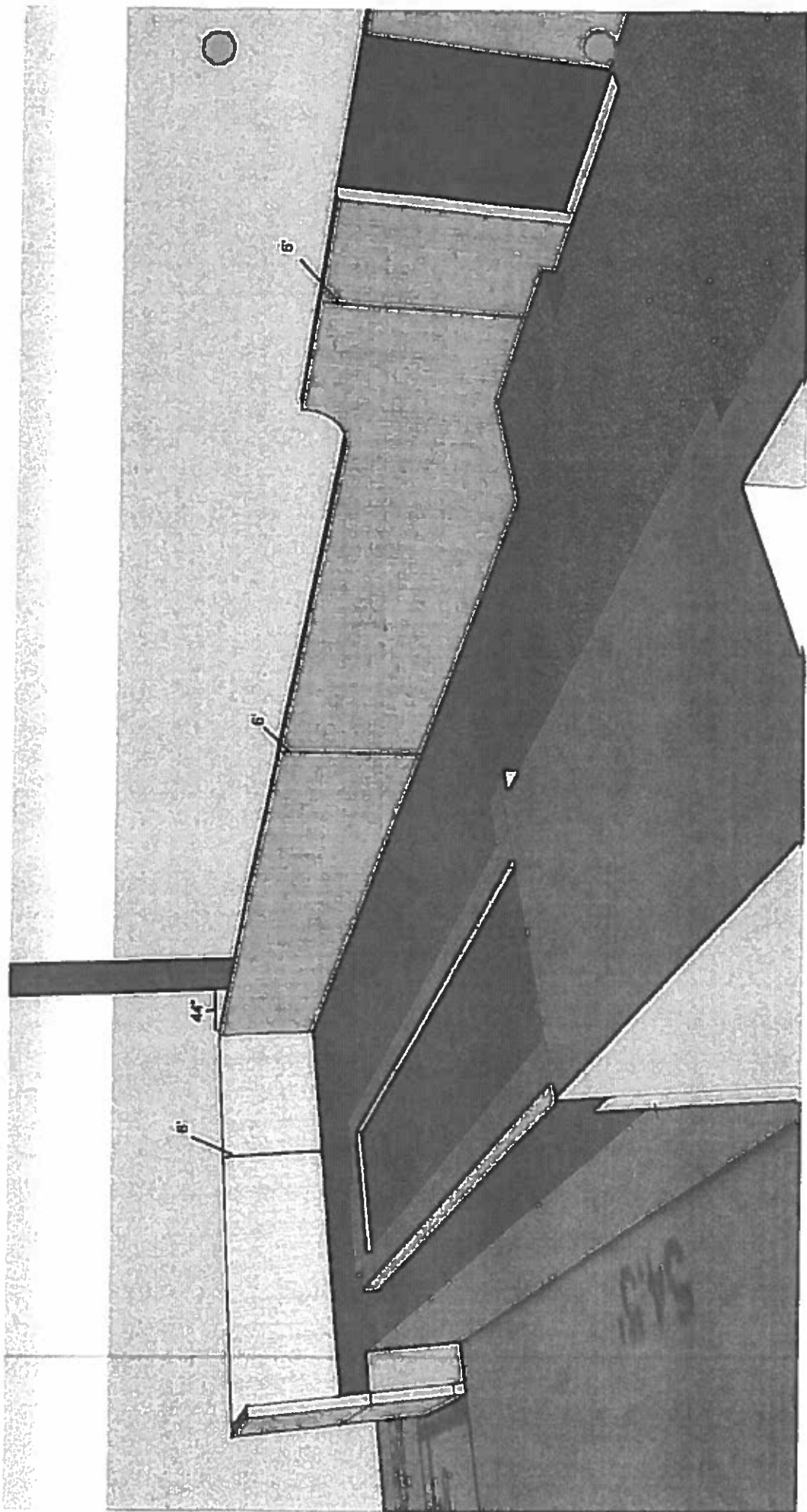


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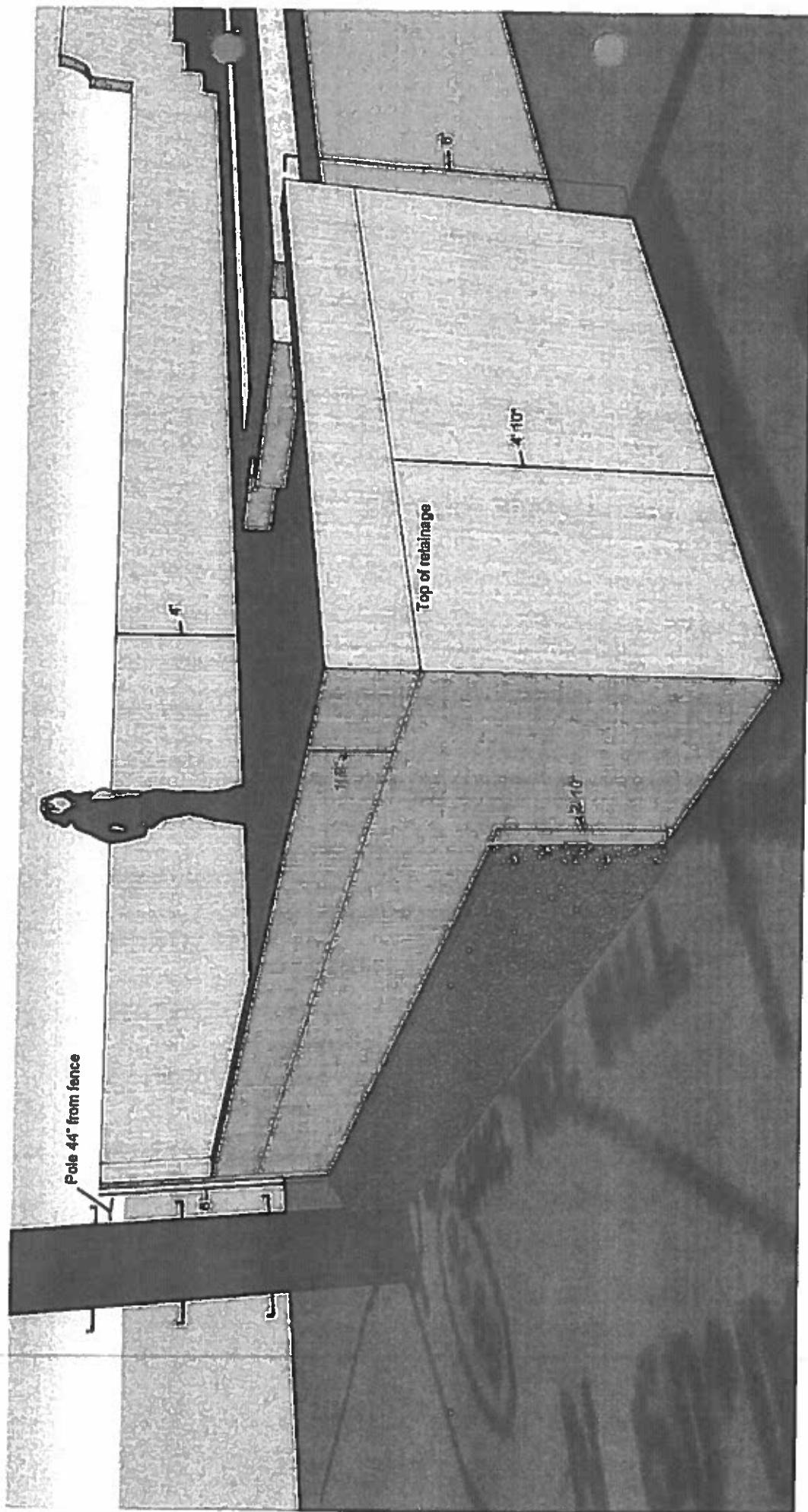
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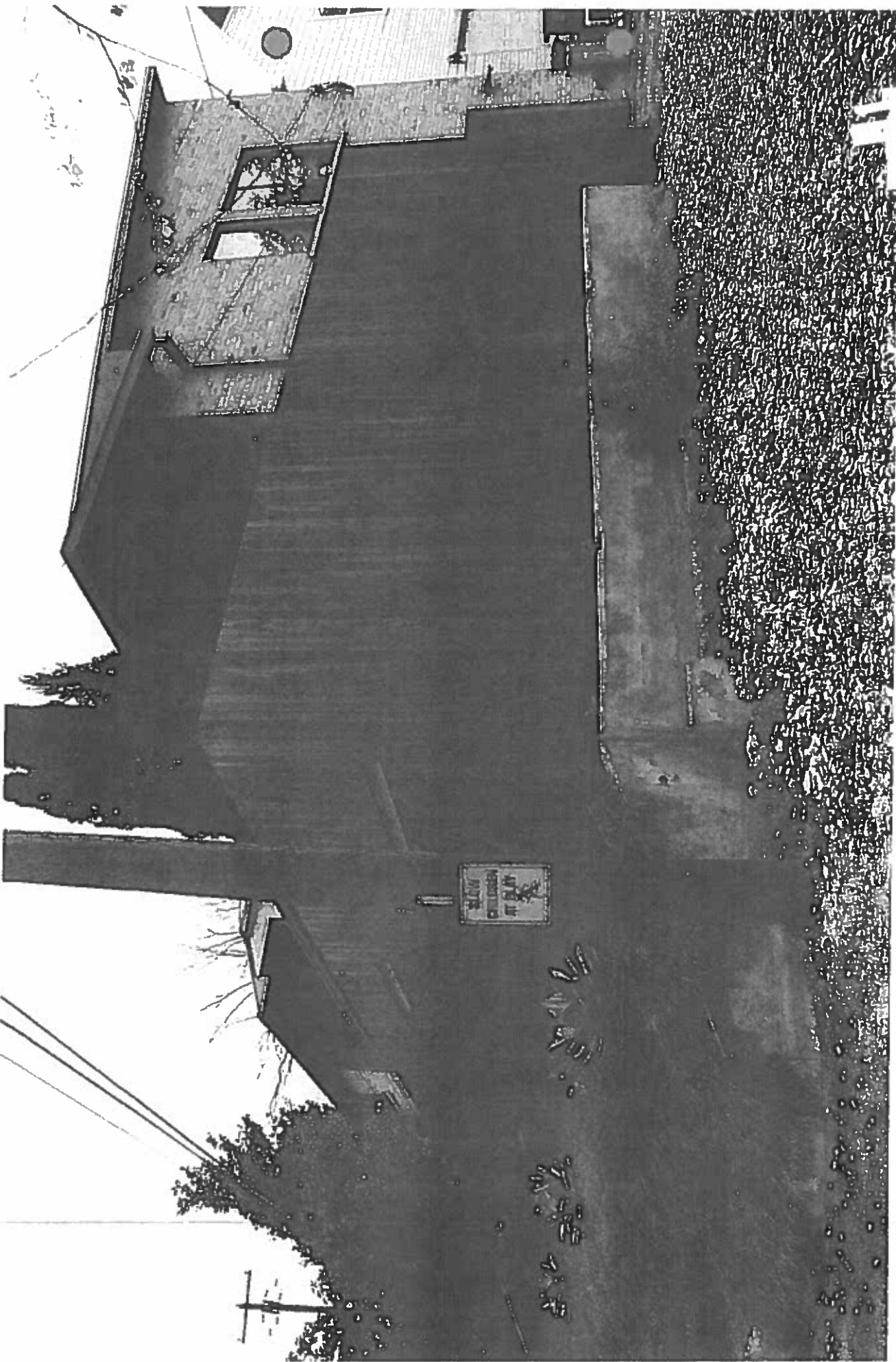




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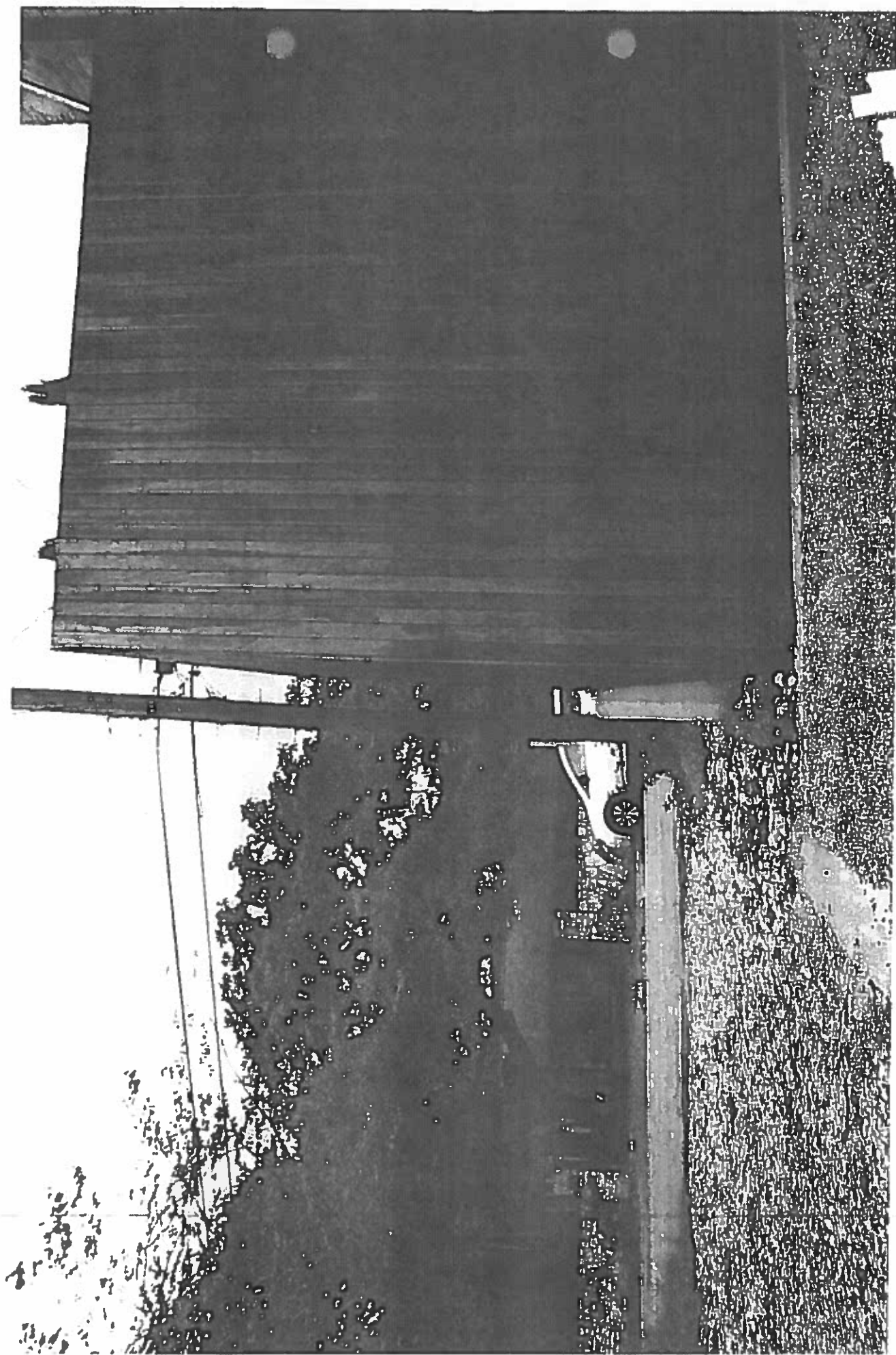
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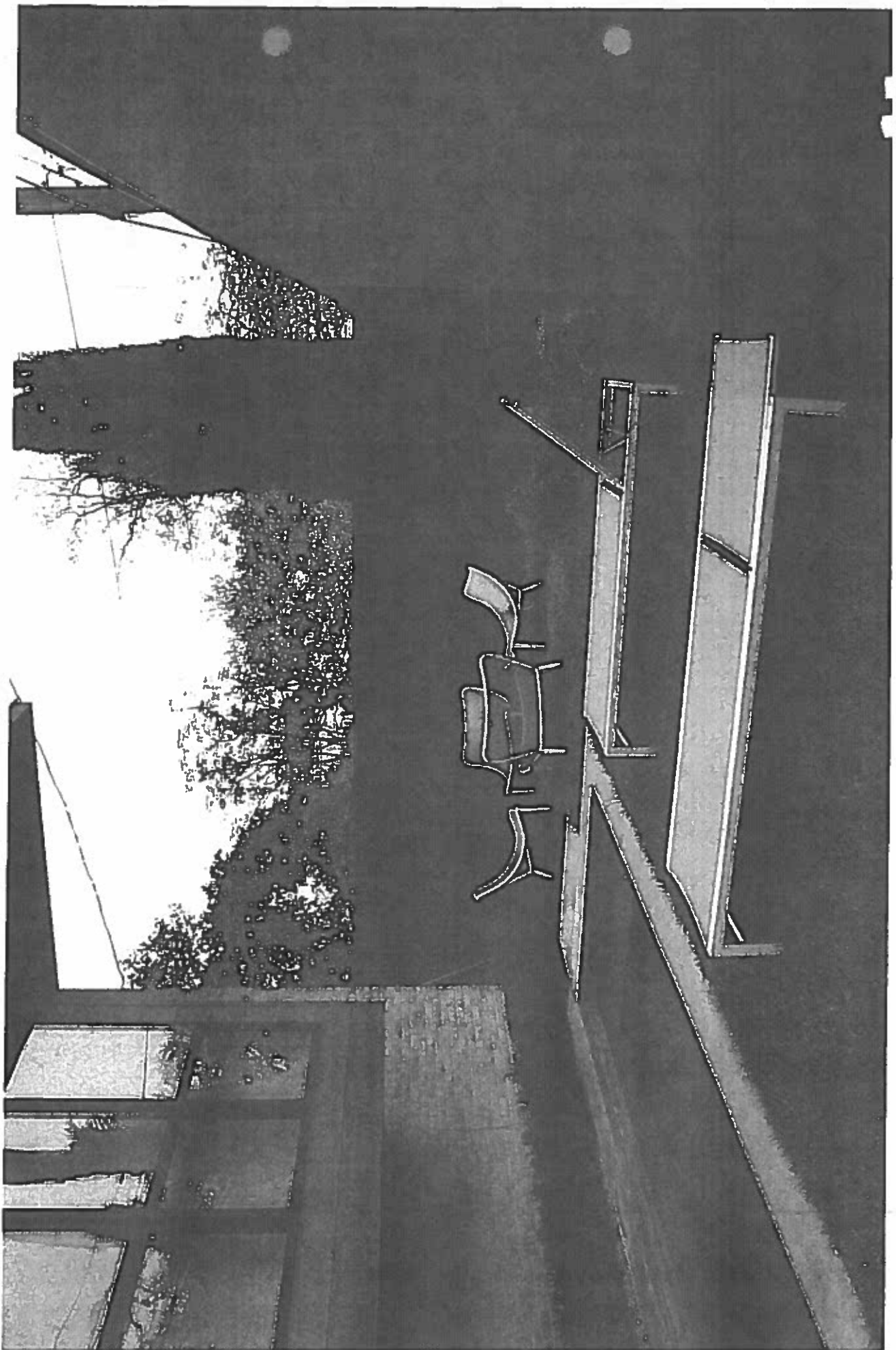


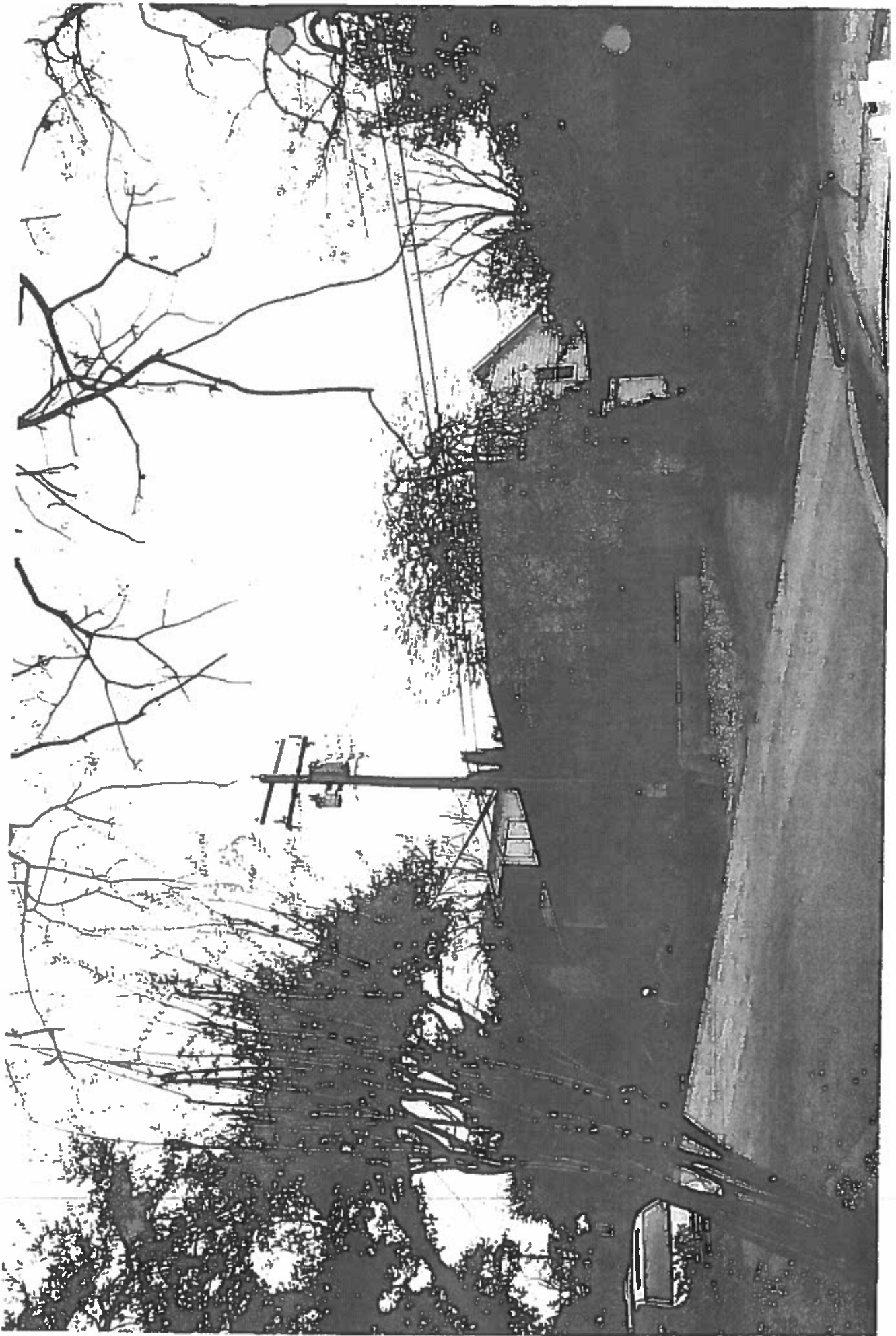
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14



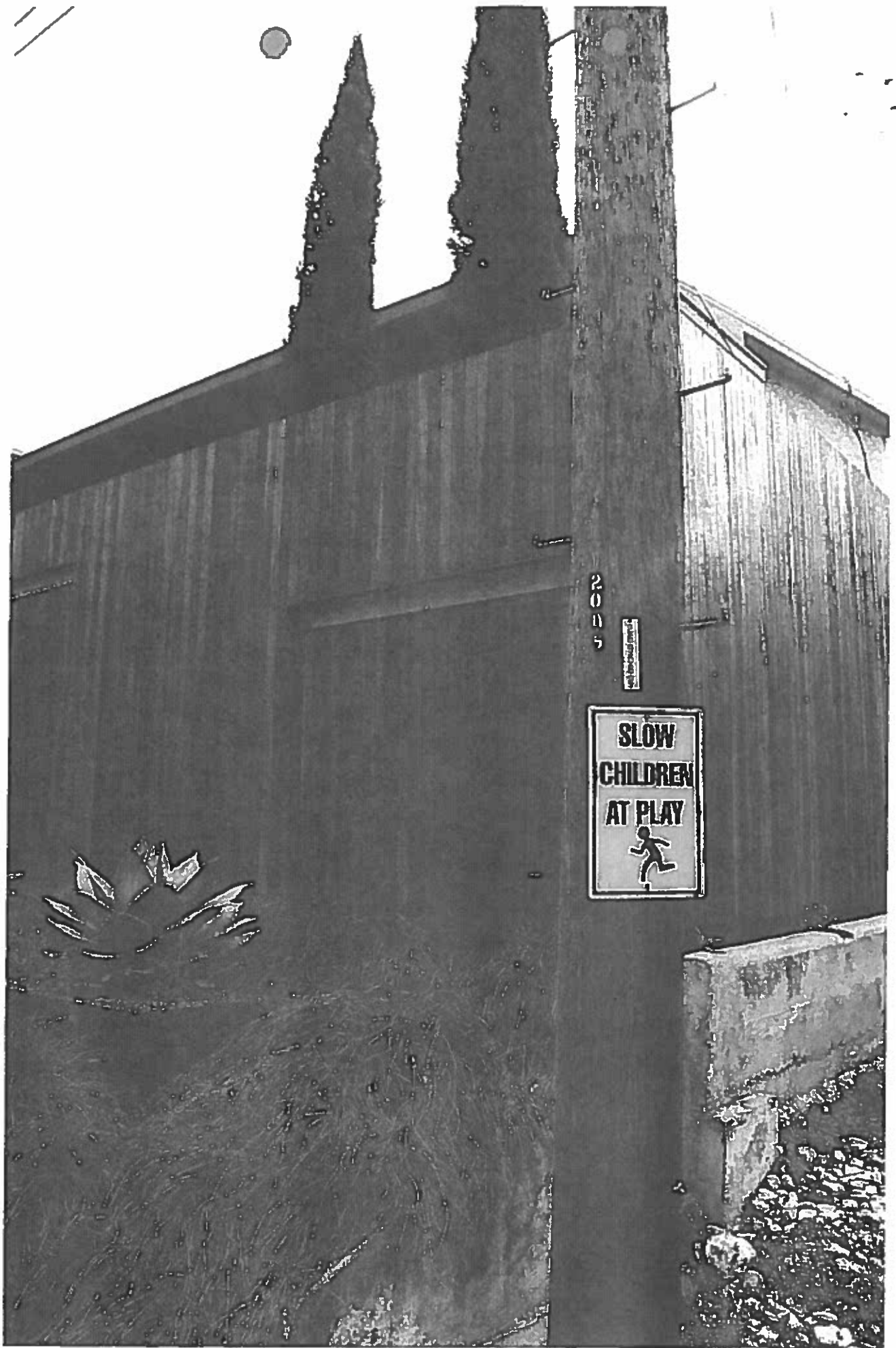


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**Heldenfels, Leane**

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**From:** David A. Baizer <[REDACTED]>  
**Sent:** Monday, September 26, 2016 11:23 AM  
**To:** Heldenfels, Leane  
**Subject:** COA Public Hearing Case C15-2016-0091, 2005 Matthews Response (2016-09-26)  
**Attachments:** COA Public Hearing Case C15-2016-0091, 2005 Matthews Response (2016-09-26).pdf

See attached.

I am not in favor of allowing the fence to be increased in height beyond 6 to 7 feet.

I do not see a safety/hazardous situational need for it and do not want to set a precedent in the neighborhood related to fence heights.

Thanks!



## 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](http://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: C15-2016-0091, 2005 Matthews Drive

Contact: Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

Public Hearing: Board of Adjustment, September 28th, 2016

Linda Sue Craig Amos

Your Name (please print)

☐ I am in favor  
☒ I object

3711 Gilbert Street Austin, TX 78703

Your address(es) affected by this application

Linda Sue Craig Amos 9-21-2016

Signature

Date

Daytime Telephone: 512 478-7071

Comments: I strongly oppose this proposed variance that would permit a 10 foot 10 inch fence! It is not in keeping with a neighborhood look nor is it safe in terms of visibility on a corner lot. Please, NO!

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 must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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