

M03/1



NOTIFICATIONS

CASE#: C15-2017-0052
LOCATION: 709 W Gibson St



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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" = 167'



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

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 # C15-2017-0052 ROW # 0101011002 Tax # 11790832

Section 1: Applicant Statement

Street Address: 709 West Gibson Street, Austin TX, 78704

Subdivision Legal Description:

Lot 1 Block 3

Lot(s): 1 Block(s): 3

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as authorized agent for _____ affirm that on

Month Select _____, Day Select _____, Year Select _____, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: Variance

Type of Structure: Fence around pool on our property

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

Seeking a variance on the heighth of our fence around our pool.

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:

The only portion of our fence that is 3 ft higher then allowed is the part of our fence partaining to surround our pool. Our pool sits up 3 ft above grade, It is actually 6 ft of fencing from the decking that starts at 3ft...We used regular dog eared fencing with about a 13 inch decorative 4x4 wire as a decorative element, and to be able to see out but also serve as a handrail when getting on top of our slide. The safety is to not allow a fall from that heighth. We planted evergreen butterfly bush so it stays all year round, and we have allowed it to cover most of the fencing to create a green wall on the outside .

Hardship

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

Well established greenspace and habitat as well as serves as a safety fence for our pool area and shields the pool from any street views. The Fence is 18 years old and is still in good condition, with no threat to fires or ems by now allowing access to our property.

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

The land is a little higher on this corner as our yard slopes generally down from West to East. This is an above ground pool and our insurance company at the time had asked us to make sure to erect a privacy fence from the lip line of the pool which is elevated, for safety reasons to have our slide ass well as not having it be viewed from the street. The Original 194 ft of 4 ft wire fence is still exists and this sets ontop of a raised deck that is on about half of the pool.

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:

This blends in with the character of the neighborhood to have green space allocated in their yards. It serves as a living wall.

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:

Does not impede parking along the street

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:

We have existing 194 ft of 4'tall wire fence, as well as a gate at each front, back and side of the yard for easy access as well as a 15 ft rolling driveway gate, also only at 4 ft. Fire and Ems have no issues with getting into our property.

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

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: John Schexnayder Digitally signed by John Schexnayder
DN: cn=John Schexnayder, o, ou, email=flatfork@austin.tx.com,
c=US
Date: 2017.09.08.15:49:08-0500 Date: 09/08/2017

Applicant Name (typed or printed): John and Faith Schexnayder

Applicant Mailing Address: 709 West Gibson Street

City: Austin texas 78704 State: Texas Zip: 78704

Phone (will be public information): (512) 293-4178

Email (optional – will be public information): flatfork709@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: John Schexnayder Digitally signed by John Schexnayder
DN: cn=John Schexnayder, o, ou, email=flatfork@austin.tx.com, c=US
Date: 2017.09.08.15:50:00-0500 Date: 09/09/2017

Owner Name (typed or printed): same as above

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

Please see attached for pictures and description of property

Appeal for Violation Report /notice of compliance.

Faith and John Schexnayder

Code officer: Michael Reeves

Case number: CV-2016-063422

Property address:

709 West Gibson Street

Austin texas 78704 zoned as SF-3-NP

We are here before you to appeal for a Variance for Fence that extends past the height requirement. The Fence currently stands at 11 feet tall, and sits on an above ground raised pool Deck that takes up 3 ft of that space....of which 6 feet of the fence is regular wood pickets topped with 18 inches of decorative wire trellis.

We received 4 violations from Code Enforcement on June 3rd 2016. Please read below as I have described each and provided pictures to hopefully settle these concerns.....3 of these have been cleared up,

and all that remains is the issue of our Fence around our Pool. We are asking for your consideration for a variance on the Height of the fence in question.

We have lived in the Bouldin Creek Neighborhood since February of 1991. First as renters.

Right around the birth of our daughter in 1995 we purchased what was then a very small wood home in a sketchy neighborhood that sits on the corner of 3rd and Gibson Street. We have lived continuously in this home and raised 2 children here, and have worked tirelessly one project at a time to completely renovate this shell of a property into a safe place to raise our children.

We purchased an above ground pool in 1999, and set about to create a fence and deck around the pool to make it safer for our family to enjoy. Our reasoning for doing an above ground was to not destroy the integrity of the land but be able to reclaim it some years from now when we no longer feel the need for that kind of upkeep. And it cost considerably less than an in-ground pool. The Deck only spans half the pool which borders the street and is nestled very neatly with our borders of a transparent panel Garage, an alley, 3rd street, and my very visible

fishbowl of a yard. We were required by our insurance company to enclose the pool by a safety fence above the line of access into the pool, meaning the lip.

The pool is about 4 ft from grade and we built a raised deck on about half of the pool that borders the street. It is here we placed a slide, and the fence was built the height it is now to accommodate a safety element for our children when they climbed the slide to not fall. We added a trellis above the fence so there would be an extra safety barrier and also allow for greenery to cover the fence to create a green space also.

Please see the diagrams and pictures below to better show you what we did and why we are asking for a variance.



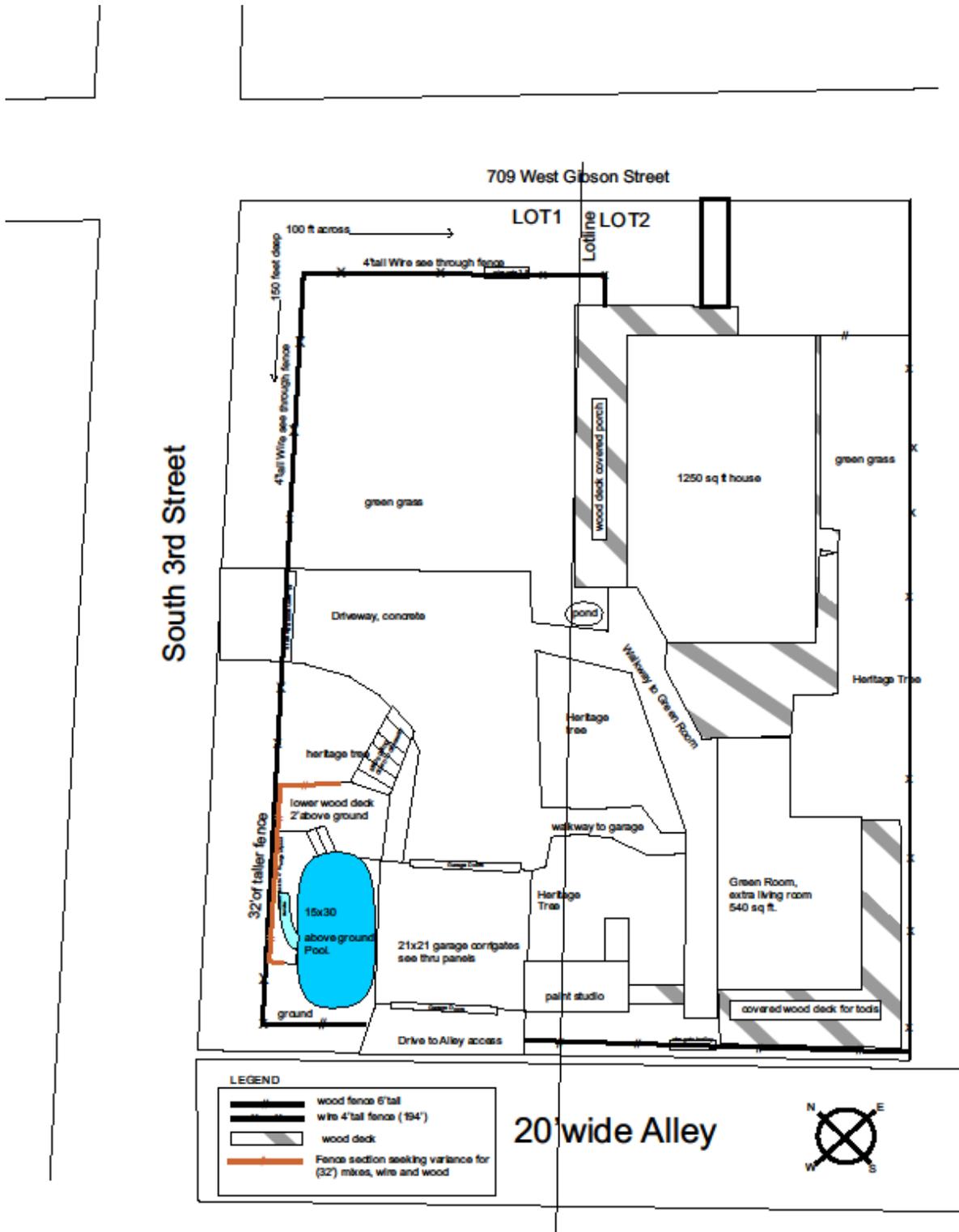
Front of home 709 West Gibson Street



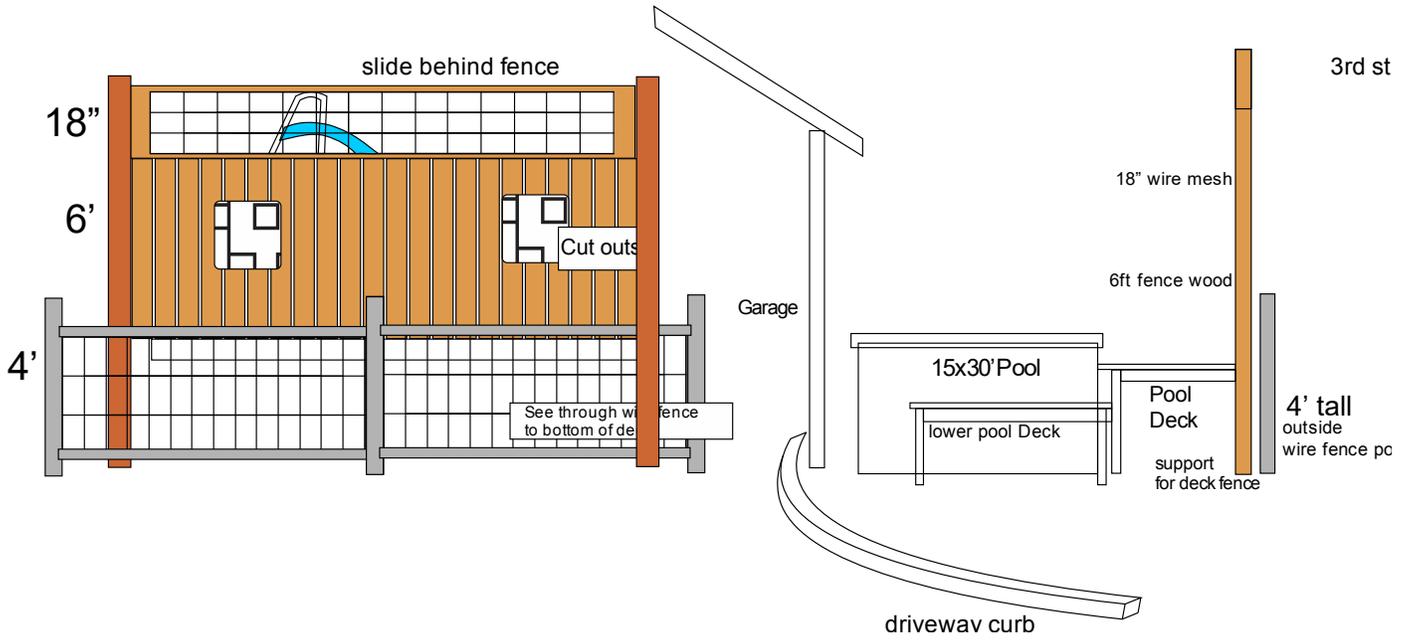
Side of home overview street view from 3rd street of 709 West Gibson Street

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Drawing of site plan



total of 194' of wire fence and 32' of taller fence



Elevation drawing of fence and pool



View of Fence from 3rd Street



Pool Deck View from inside to show what that barrier is sectioning off.

I built this fence about 18 years ago, for our pool.

I am seeking a variance on the basis of several things.

1. The insurance company had asked me to make sure that the fence was this high from the deck especially if it was near a street so that no one from the street could see my pool for safety reasons.
2. We have created a Green Space Habitat, our plants are well established, and to disrupt this would disrupt the green space habitat that has taken now 18 years to establish.
3. Out of 194 ft of 4ft wire fencing around our property only 1 section of about 30ft is in contention. We have plenty of fire department access, through gates on every side as well as a 14 ft wide rolling driveway gate.

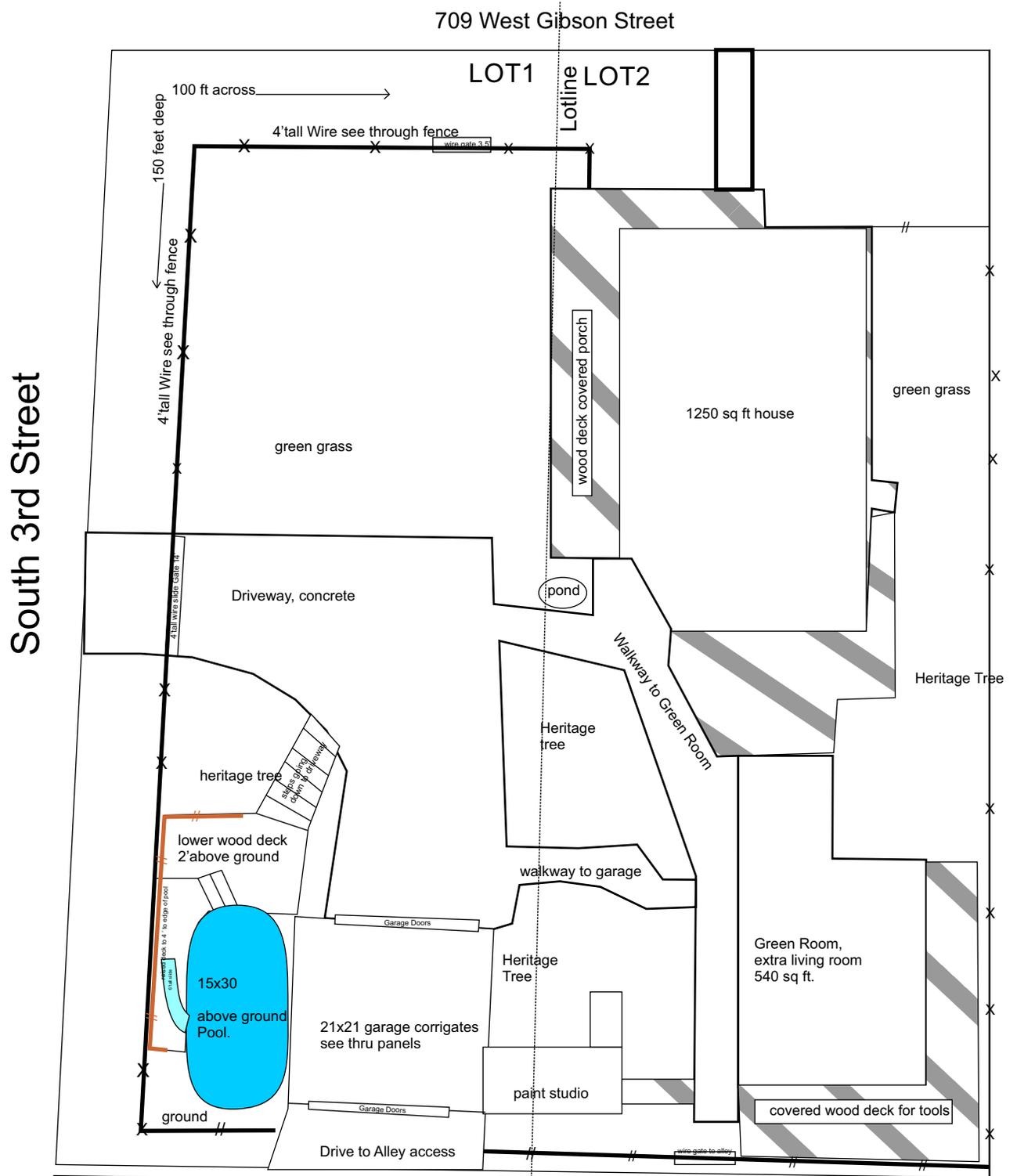
We were not aware a permit was needed to build this some 18 years ago now....The fence is still in good condition, no rotten wood, to cut this fence down now would destroy years of building a landscape rich in wildlife and plants that create a Green space.

The fence obstructs no visions of any street crossing, nor interferes with anyone's property, and provides security both for us as well as does not create an eye sore but a really nice green wall with evergreen vines and flowers for honeybees and butterflies.

We hope that you will please consider our Variance.

Sincerely

John and Faith Schexnayder



LEGEND

-  wood fence 6'tall
-  wire 4'tall fence
-  wood deck
-  Fence section seeking variace for

20' wide Alley





709 W. Gibson St

Faith + John Schexnayder, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to _____

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

Property Owner Name (Printed)	Address	Signature	
Lacey + Taylor Jike	707 West Gibson Street		✓
Ashley + Nic Whittaker	708 West Gibson Street		✓
George and Ingrid Dolis	708B West Gibson Street		✓
John and Faith Schexnayder	709 West Gibson Street		✓
George Matt Caldwell	710 West Gibson Street		✓
Alyce Guyon McCullough	800 West Gibson Street		✓
Joseph KENNAN	801 West Gibson Street		X
Antony FORSAGE	802 West Gibson Street		✓
	803 W. Gibson ST		X
Lindsay Wasserman	804 West Gibson Street		X
Wilson Natalie Wiggins	805 West Gibson Street		-
ARK COFFEY C	806 West Gibson Street		-
EVANS	807 West Gibson Street		-
EVANS	808 West Gibson Street		-
Illegas	El Mercado Restaurant 1302 S. First		-
e Wright	613 W. Gibson ST		✓
XXXXXXXXXXXXXXXXXXXX	803 W. Gibson ST		



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709 W. Gibson St

I, Faith John Schexnayder, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to _____

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

Property Owner Name (Printed)	Address	Signature	
Valerie San Sing	606 West Elizabeth Street	<i>[Signature]</i>	-
William Sitio Liu Alison Burton	608 W. Elizabeth Street	<i>[Signature]</i> Not in my range	-
Richard Chorder	610 W. Elizabeth Street	<i>Richard Chorder</i>	-
Ashley Kimbell	611 West Elizabeth Street	<i>Ashley Kimbell</i>	-
John Horvath	612 West Elizabeth street	<i>[Signature]</i>	✓
Oscar D. Cazares	700 West Elizabeth street	<i>[Signature]</i>	✓
DAN GRANDE	701 West Elizabeth Street	<i>[Signature]</i>	-
Angelina Garcia	702 West Elizabeth Street	<i>Angelina Garcia</i>	✓
Margaret Naterra	703 West Elizabeth Street	<i>Margaret Naterra</i>	-
Margarete Magness	704 West Elizabeth Streetr	<i>Margarete Magness</i>	✓
Beatrice Hloingo	705 West Elizabeth Street		-
Kimberly Smith	706 West Elizabeth Street		X
Juanita Cazares	707 West Elizabeth Street	<i>Juanita Cazares</i>	-
EMAD ZACCAK	708 West Elizabeth Street	<i>[Signature]</i>	✓
LANA EL HASSAN	709 West Elizabeth Street	<i>Lana Elhassan</i>	-

512
970
8310



M03/15

709 W. Gibson St.

Faith + John
I, Scheynyder, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land
Development Code. The variance would allow me the ability to _____

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

Property Owner Name (Printed)	Address	Signature	
JOSEFA ROSADO DOMINGUEZ George Lindner Robert Doyle	710 West Elizabeth Street	<i>[Signature]</i>	✓
Tom RESENDEZ LIFE ESTATE	711 W. Elizabeth Street 848-4547	<i>[Signature]</i>	-
PAT + Deborah Deary	800 W. Elizabeth Street	<i>[Signature]</i>	✓
ELIZABETH DARIW	801 West Elizabeth Street	<i>[Signature]</i>	-
ELIZABETH FOX PAULS	802 West Elizabeth street		✓
George Burton Lindsay Karen Larson	803 West Elizabeth street "Renter"		-
Rick Warren	804 West Elizabeth Street	<i>[Signature]</i>	✓
	805 West Elizabeth Street	<i>[Signature]</i>	-
Rosanna - William ELIZABETH Dooley rrrr@sanna@yahoo.com	806 W. ELIZABETH	281-460-2529	OUT OF TOWN owner -
Timmie Cortinez	808 W. ELIZABETH	<i>[Signature]</i>	-
Rick Warren	1401 Bouldin Ave	<i>[Signature]</i>	-

Total: ~~60~~ 60 properties!
properties and signatures 48
total signatures received: x 80% - ~~48~~ signatures



709 W Gibson St.

Faith + John
I, Schexnayder, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to _____

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

Property Owner Name (Printed)	Address	Signature	
MARK CORREY	806 W. GIBSON	[Signature]	-
Carole + Kerry Price	1200 s. 3rd street	[Signature]	-
Julia Magness ^{TIM MCCABE}	1304 3rd street	[Signature]	✓
KRISTOF IRWIN	1203 3rd street	[Signature]	✓
Carole + Kerry Price	1204 3rd street	[Signature]	-
George Matt Caldwell MYERS CALDWELL	1205 3rd street	[Signature]	✓
Diana Diana Kennedy	1206 3rd street	[Signature]	✓
Diane Irwin	1206B 3rd street	[Signature]	-
Carole + Kerry Price	1202 S. 3rd Street	[Signature]	-
Thomas and Kerry Parker	615 West Gibson street	[Signature]	✓
Jennifer + Paul Wuamett + Reidy	701 West Gibson Street	[Signature]	✓
George and Ingrid Dolis	702 West Gibson Street	[Signature]	✓
Craig + Mary Cantrell	703 West Gibson Street	[Signature]	X
George and Ingrid Dolis / Weigand	704 Gibspon Street	[Signature]	✓
Liam Carmondy	705 West Gibson Street	[Signature]	✓
William Moran ^{Wm}	809 West Gibson Street	[Signature]	-
NATALIE WILSON WILSON	805 W. Gibson 700 W. Gibson ST	[Signature]	✓