



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0058
LOCATION: 2801 Down Cove

1" = 160'

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.

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CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

H01/2

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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2801 Down Cove

Subdivision Legal Description:
Horseshoe Bend, Section Two

Lot(s): 13 Block(s): J

Outlot: _____ Division: _____

Zoning District: Barton Springs

I/We Bruce and Robbie Moseley on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month September, Day 27, Year 2017, 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: 6' Fence with 3' Ornamental Top (109" total)

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
25-2-899 Fences as Accessory Uses

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 code allows for an 8' tall fence on three quarters of the property line. However, the regulations state that if you neighbor with the city of Austin, you cannot exceed 6' unless you receive a variance.

Hardship

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

This property is unique in that the slope from not only our house to our neighbors seems extreme at an 8' difference, we lie at the bottom of a continual slope from Barton Hills Drive with a straight shot view of our property, with over a 25' grade change. With the exception of the pool, this is the busiest and most popular spot for the Greenbelt.

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

Most houses within this area either have neighbors on all sides and will just need a neighbors persission for the extra fence height, OR they do not have the grade changes that our property has. Most houses within this area also do not deal with the heavy traffic that results from the Greenbelt entrance- of all my cul de sac neighbors, only 1 out of 5 will deal with the traffic near their property on a normal basis as most people choose to park on Barton Hills Drive.

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:

The extra fence height will not impair the use of the adjacent conforming property and it will not impair the purpose of the regulations of the zoning district. It does not impede visibility. I believe the request of the city to remove the extra height on only one side of the property will alter the character of the area in a negative way. I have discussed this possibility with several of my neighbors and none thought that would be a good solution. There is another house just a few blocks away that is a corner house and has a fence that measures 109". Behind the 109" fence, is a pergola that exceeds the fence height, although it looks like it is apart of the fence itself.

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: Robbie Moseley Date: 9.27.17

Applicant Name (typed or printed): Robbie Moseley

Applicant Mailing Address: 2801 Down Cove

City: Austin State: Tx Zip: 78704

Phone (will be public information):

Email (optional – will be public information):

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: Robbie Moseley Date: 9.27.17

Owner Name (typed or printed): Robbie Moseley

Owner Mailing Address: 2801 Down Cove

City: Austin State: Tx Zip: 78704

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).

Additional Space (continued)

SECTION 2:

Hardship

(a) within this neighborhood. This means there is a lot of heavy traffic and parking for the entrance will usually go even further from our property

We have had several instances where our dogs have jumped/ climbed our 6' tall fence. Both times, they jumped over into the street side (our city neighbor) and were found near the Greenbelt. I understand that junction boxes are seen as a possible access to a hazardous situation. I believe that the ability of a child (or dog) to climb over a fence and gain access to the Barton Creek Greenbelt is an incredibly hazardous situation. It seems that every year there are multiple deaths very near to this property (drowning, falling off the cliffs, amongst others). With the fence at it's current state, someone would have to climb an 8' tall fence to gain access to our neighbors yards (a much safer option than Barton Hills Drive or Down Cove). I have permission to secure this portion of my fenceline with the 8' tall fence. The most dangerous side of my fence, with the easiest access to the main road leading to the Greenbelt, I do not have permission (yet) unless I can gain a variance from y'all today. I have a desire to keep what belongs in our backyard there, as well as to keep any unwanted 'visitors' from having easy access to our backyard. (As a side note, and not that this will completely deter unwanted visitors, but we had a cat, about a month before the new fence went up, that jumped over the fence at top speed and somehow knocked our water faucet on in the backyard- which ran for hours upon hours before someone returned home and saw what had happened- horrible occurance for the water waste and the bill.)

Our property, at one point, had a hot tub. The area is now set up for the hot tub again and is something that we are planning for once our list of property upgrades is finished.

SAVE

Earlier in the year, our neighbor whom we share a fence with, put in a 6' solid fence with a 2' lattice top. Our fence was in rough shape and I really admired this new fence- I also thought that matching the newly constructed area of fence would look much nicer because it did not look good to have an 8' tall fence right next to a 6' tall fence. That explains the beginning of the fence, it's concept and only the beginning of all the reasons why we would like to keep the fence in it's current state.



I have met more of my neighbors as a result of the fence and in the effort to maintain it than I ever have before. I have received more unsolicited support from my neighbors than I was expecting. I had three separate neighbors, whom I have never spoken to before, contact me to let me know that they loved the fence or later, that they were in full support of the fence staying the way it is. I spoke to over 22 different neighbors and only had one woman that said she was indifferent about the fence. Everyone else was very happy with the change and hope that the variance is granted because they would like to see it remain the way it is. Nobody was in favor of having just the Barton Hills Drive side be at 6' with the rest of the fence at 8' or 9',



Google Maps photos of the old fence at 2801 Down Cove.