

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

DATE: Monday May 14, 2018

CASE NUMBER: C15-2018-0011

☐ - ☐ Brooke Bailey (OUT)
☐ N ☐ William Burkhardt
☐ N ☐ Christopher Covo
☐ - ☐ Eric Goff (OUT)
☐ N ☐ Melissa Hawthorne
☐ Y ☐ Bryan King
☐ N ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ N ☐ Veronica Rivera
☐ N ☐ James Valadez
☐ - ☐ Michael Von Ohlen (OUT)
☐ Y ☐ Kelly Blume (Alternate)
☐ Y ☐ Martha Gonzalez (Alternate)
☐ N ☐ Pim Mayo (Alternate)

OWNER/APPLICANT: Blaine & Stacy Mozisek

ADDRESS: 1706 NORRIS DR

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum rear yard setback from 10 feet (required) to 1.7 feet (requested, previous 1-story storage structure) in order to maintain a recently constructed 237 square foot 2-story (more than 15 feet tall) storage and playhouse structure in a "SF-3", Family Residence zoning district.

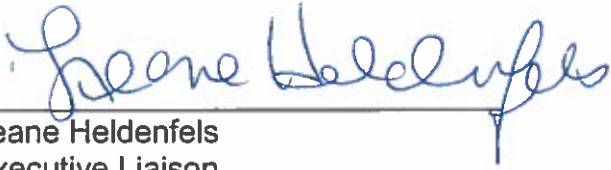
(Note: The Land Development Code permits accessory structures up to 15' in height to be 5 feet from the rear property line in a single family zoning district, however the structure in consideration exceeds that height limitation.)

BOARD'S DECISION: April 9, 2018 POSTPONED TO MAY 14, 2018 BY APPLICANT; May 14, 2018 After discussion on the applicant's request to postpone, Board Member Bryan King motion to hear case, Board Member Martha Gonzalez second on an 4-7 vote (Board members William Burkhardt, Christopher Covo, Melissa Hawthorne, Don Leighton-Burwell, Veronica Rivera, James Valadez, Pim Mayo nay); DENIED TO HEAR CASE DUE TO LACK OF VOTES, POSTPONED TO JULY 9, 2018


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:

- (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

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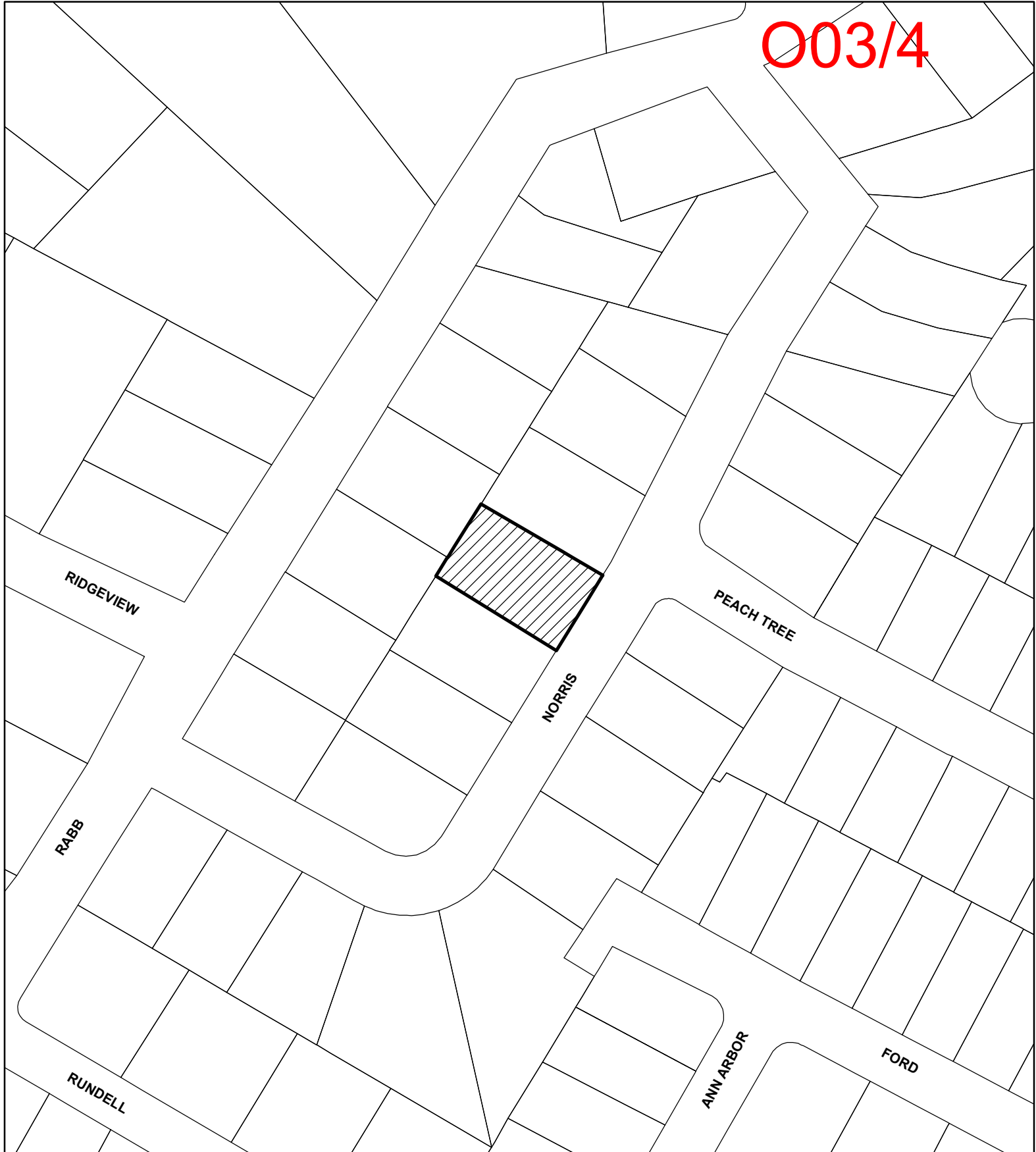
(Note: The Land Development Code permits accessory structures up to 15' in height to be 5 feet from the rear property line in a single family zoning district, however the structure in consideration exceeds that height limitation.)

BOARD'S DECISION: April 9, 2018 POSTPONED TO MAY 14, 2018

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:
(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:

003/4



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2018-0011
LOCATION: 1706 Norris Drive



1" = 109'

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.



003/5

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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

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

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month _____, Day _____, Year _____, 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: _____

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

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:

Hardship

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

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

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:

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:

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: _____ Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): [REDACTED] _____

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: _____ Date: _____

Owner Name (typed or printed): _____

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).

To the Board of Variance:

I would like to describe the series of events that led up to this variance application.

My wife and I purchased 1706 Norris Dr in August of 2013. At that time, the back yard contained a detached greenhouse and tool shed (depicted on the survey from 1993), as well as large raised beds around the trees and perimeter of the retaining wall that encircles the back patio – these structures consumed most of the open space in the backyard. Over the next year, I removed the greenhouse and raised beds to create a more open space so that our three small children could play. The tool shed was left in place, as it was needed to store lawn equipment and other tools. While this tool shed was needed, it was in very poor shape structurally, and the electrical within the building was unsafe. At this time, I was not aware of an encroachment into the setback or easement. Since this building had existed for over 20 years, and no objections were raised with its location during the sale of the property, I wrongly assumed there was no issue with its location. In addition, moving the structure would mean demolishing the slab and excavating for the placement of a new slab. Excavating for this new slab would have negatively impacted the beautiful Live Oaks trees that create a canopy over our entire backyard and make it so enjoyable. My primary objective was to avoid negatively impacting the trees.

In order to improve the safety of the tool shed and have the least impact on the trees, I decided to rebuild it in the same location. I utilized Google Sketchup, a three-dimensional design program, to create a 3D rendering of the new tool shed. During this design phase, I dreamed big and thought of adding a playhouse for our children, Townes (2), Wren (6), and Adelyne (7). I envisioned it as a place where they could escape and enjoy themselves and their toys. So, the Sketchup plan came together, and I shared this with the surrounding neighbors to get their opinion. I utilized my laptop to display the structure in 3D to these neighbors, and there were no objections. Actually, there were very positive comments about the design and the potential for the neighborhood children to enjoy it together.

With neighbor approval, I began to rebuild the tool shed in July of 2014. With the exception of hanging the siding and painting, for which I solicited the help of my father, I singlehandedly built the entire structure. Utilizing my spare time and weekends it took six months to complete the 237 square foot tool shed / playhouse.

Nearly two years later, after beginning an extensive remodel to our home, we were cited for a code violation for encroachment into the setback and not obtaining a permit for the construction. I realize ignorance is no excuse, but after obtaining the necessary permits for our remodel, which included evaluation and approval of the current survey that included the tool shed/playhouse, I wrongly assumed the structure was compliant. So, I come before you asking for a variance to have reasonable use of the rear of our property that will allow for the ability to maintain the playhouse in its current location and prevent unnecessary damage and/or removal of the trees that beautify our backyard.

Respectfully,

A handwritten signature in black ink, appearing to read 'Blayne Mozisek', written in a cursive style.

Blayne Mozisek, DVM

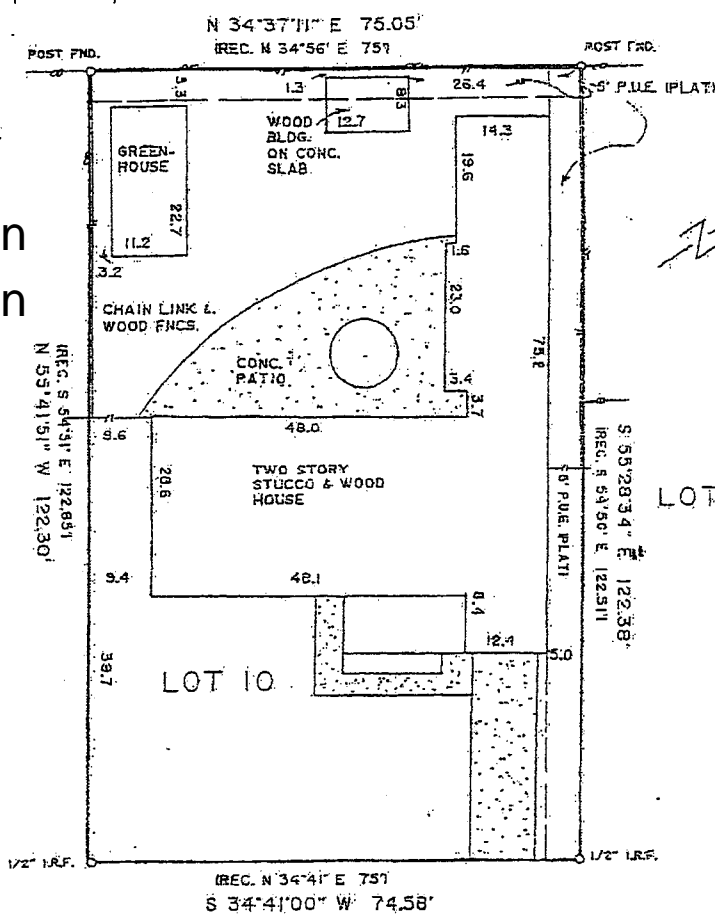
LOT 4

LOT 3

Signed Survey
June 16, 1993
- Earliest known
documentation
of structure

LOT 9

LOT 11



1706 NORRIS DRIVE

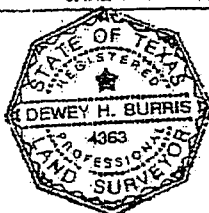
LOT NO. TEN BLOCK NO. 10 SUBDIVISION ADDITION BEVERLY HEIGHTS
SECTION UNIT PHASE 7 PAGE 34 PLAT RECORDS
COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 1706 NORRIS DRIVE
CITY AUSTIN, TX. REFERENCE NAME CRAIG RANDOLF MARKHAM AND WIFE
JANE ANN MARKHAM



Dewey H. Burris & Associates
Land Surveying Services

5321 Burnal Lane
Suite 110
Austin, Texas 78757

(512) 458-6969
FAX (512) 458-9245



Subject property DOES NOT
lie within the 100 Year Flood
prone area and has a Zone 'X'
rating as shown on the Flood
Insurance Rate Maps (F.I.R.M.)
Community No. 480624
Panel 0205 E
dated 06-16-93
This certification is for
insurance purposes only and is
not a guarantee that this
property will or will not flood.

TO THE LIEUTENANT AND/OR OWNERS OF THE PROPERTY SURVEYED AND TO
COMMONWEALTH TITLE

DATE 06-16-93
TITLE CO. COMMONWEALTH
G.F.# 85599
I.O.# R062993
SCALE: 1\"=20'

I do hereby certify that this survey was this day made
on the ground of the property legally described hereon
and that there are no boundary line conflicts, encroach-
ments, overlapping of improvements, or roads in place,
except as shown hereon, and certifies only to the legal
description and easements shown on the referenced
title commitment.

	DATE	BY
FIELD WORK	06-15-93	D&MT
DRAFTING	06-16-93	MIKE
FINAL CHECK	06-16-93	DEW
CORRECTIONS		
UPDATE		

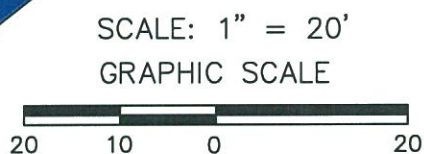
*By & made 8/15/13
Dewey H. Burris 8/15/13*

Waterloo Surveyors Inc.
SURVEY PLAT
DESIGN, TREE AND TOPOGRAPHIC SURVEY

OWNER: J14610
BLAYNE AND STACY MOZISEK

ADDRESS:
1706 NORRIS DRIVE
AUSTIN, TX 78704

LEGAL DESCRIPTION:
0.211 ACRE (APPROX. 9182 SQ. FT.)
BEING ALL OF LOT 10, BEVERLY
HEIGHTS, A SUBDIVISION OF RECORD IN
VOLUME 7, PAGE 34 OF THE PLAT
RECORDS OF TRAVIS COUNTY, TEXAS.



LEGEND

- FIR 1/2" IRON ROD FOUND
○ SIRC 1/2" IRON ROD WITH
"WATERLOO 4324" CAP SET
⊙ FIP 1/2" IRON PIPE FOUND
▲ CALCULATED POINT
⊕ BENCHMARK LOCATION
⊕ WM WATER METER
⊕ WV WATER VALVE
⊕ UP UTILITY POLE
— GUY WIRE
—OU— OVERHEAD UTILITIES
R.O.W. RIGHT-OF-WAY
P.U.E. PUBLIC UTILITY EASEMENT
() RECORD INFORMATION

THE TREE CIRCLES SHOWN HEREON
HAVE 1 FOOT RADIUS DRAWN FOR
EVERY 1 INCH OF MEASURED TRUNK
DIAMETER. MULTI-TRUNK TREES ARE
DISPLAYED USING THE FOLLOWING
FORMULA: SUM OF THE LARGEST
TRUNK + 1/2 OF THE SUM OF
SMALLER TRUNKS.

TREE #	TYPE	TRUNK SIZE(S)
57	LIVE OAK	18
117	SPANISH OAK (P)	21
206	LIVE OAK (P) (H)	20 12
207	LIVE OAK	12
209	LIVE OAK	16
210	LIVE OAK	13

FINISHED FLOOR ELEVATIONS

F.F.E.1 = 106.73'
F.F.E.2 = 105.66'
F.F.E.3 = 105.65'
F.F.E.4 = 105.47'
F.F.E.5 = 105.21'

TOP OF CONCRETE (TC)
SPOT ELEVATIONS

T/C1 = 105.21'
T/C2 = 105.14'
T/C3 = 105.11'

S34°41'00"W 75.16'
(S34°41'W 75')

LOT 9
BEVERLY HEIGHTS
(7/34)

**TWO STORY
WOOD BLDG.
APPROX. 122 SQ. FT.
BUILDING FOOTPRINT

NUM	BEARING	DISTANCE
L1	S34°45'15"W	18.57'
	(S34°56'W)	(18.56')

BUILDING NOTE:

SQUARE FOOTAGE OF BUILDINGS, IF SHOWN, IS BASED ON THE OUTSIDE,
GROUND FLOOR FOOTPRINT. UNLESS NOTED OTHERWISE, THE SURVEYOR HAS
NOT ACCESSED THE INSIDE OF THE BUILDING FOR MEASUREMENT PURPOSES.

TITLE COMMITMENT NOTE:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR
TITLE, AND MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS NOT
SHOWN HEREON. NO ADDITIONAL EASEMENT RESEARCH WAS DONE FOR THE
PURPOSE OF THIS SURVEY.

ELEVATION NOTE:

THE ELEVATIONS SHOWN HEREON ARE ASSUMED, BASED ON
THE ASSUMED ELEVATION OF 100.00' FOR THE BENCHMARK
SHOWN HEREON.

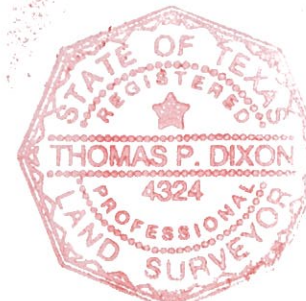
State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the
property legally described hereon and is correct, and this survey substantially
complies with the current Texas Society of Professional Surveyors Standards and
Specifications for a Category 6 Condition II Survey.

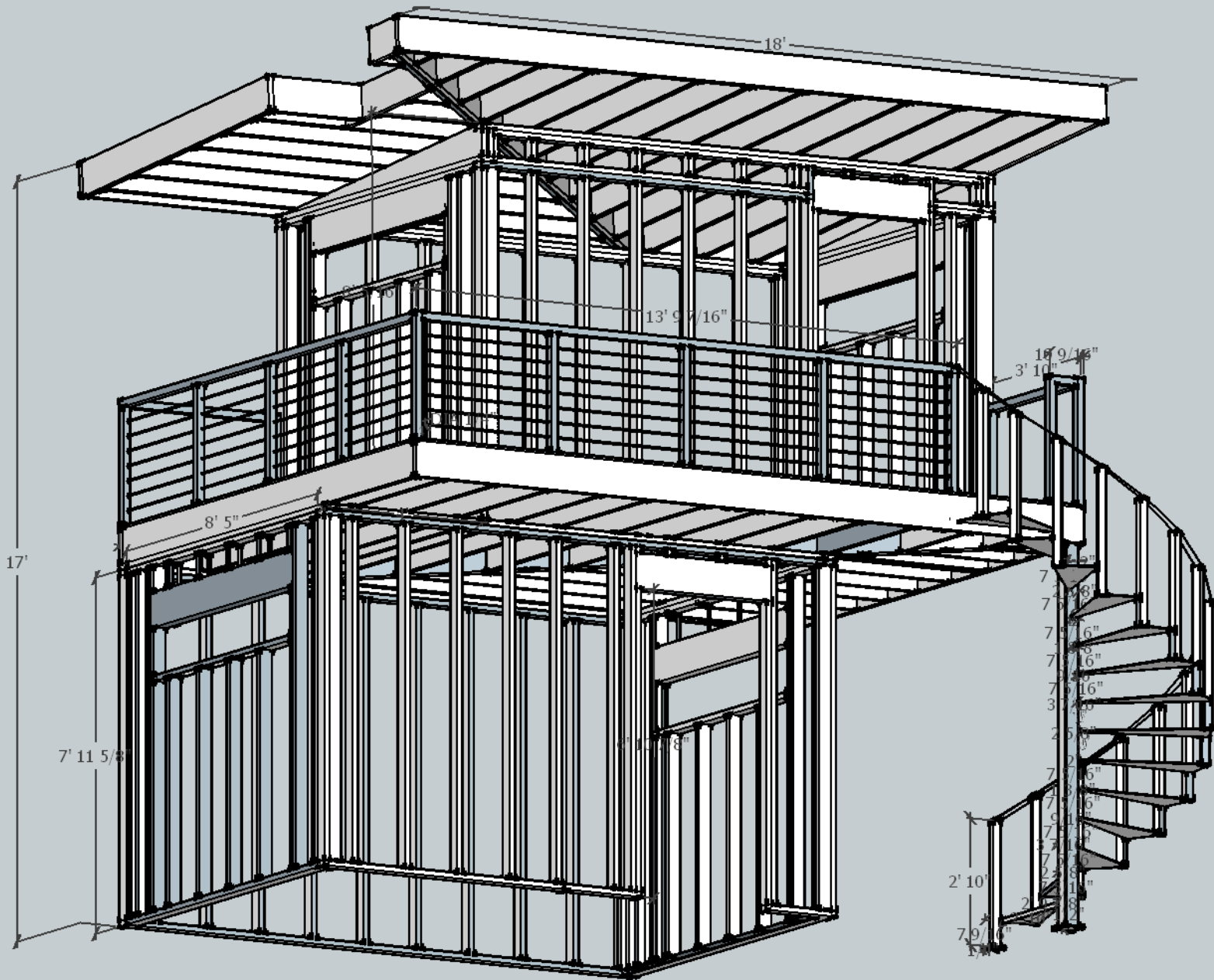
I certify that the property shown hereon IS NOT within a special flood
hazard area as identified by the Federal Insurance Adm. Department of HUD
Flood hazard boundary map revised as per Map Number: 48453C0445H
Zone: X Dated: September 26, 2008

Date of survey, this the 2ND day of November, 2015.








Thomas P. Dixon R.P.L.S. 4324



003/12



Legend




-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

Contours Year 2012

-  Index
-  Intermediate
-  Special




Building Footprints Year 2000

Building Footprints Year 2000

-  <all other values>
-  Building (100-4000 sq ft)
-  Large Building (>4000 sq ft)




Building Footprints Year 1997

Building Footprints Year 1997



-  <all other values>
-  Building (100-4000 sq ft)
-  Large Building (>4000 sq ft)

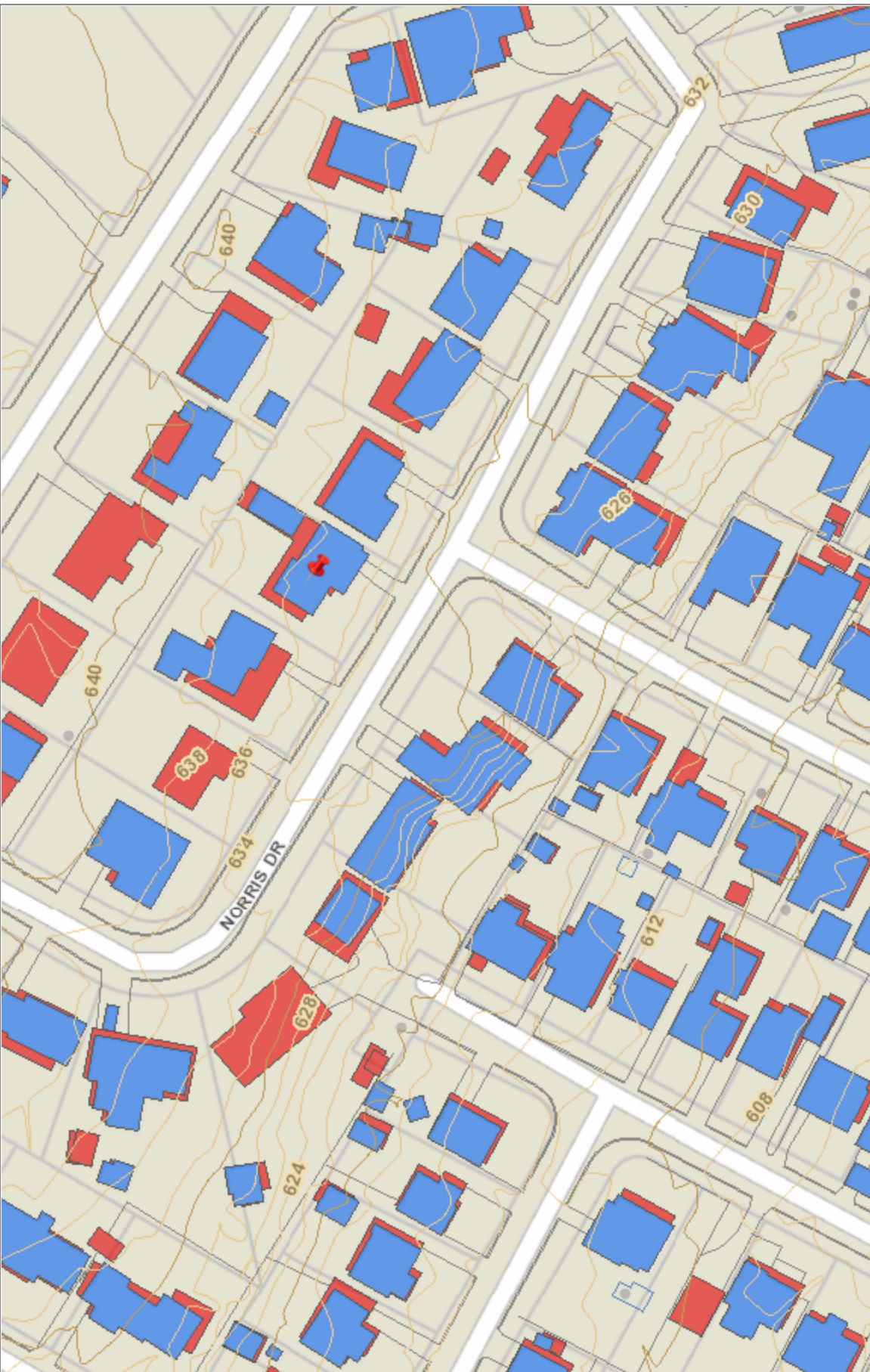
Building Footprints Year 1997

Building Points Year 2003

-  Water Tower
-  Commercial Storage Tank
-  Building

Building Points Year 1997

-  Building
-  Water Tower



003/14



Partial Release of Easement

003/15
ORIGINAL
FILED FOR RECORD

Description of Easement and Recording Data: A 5 foot wide public utility easement ("Easement") dedicated by instrument recorded in Volume 7, Page 34, Plat Records, Travis County, Texas.

Description of portion of Easement to be Released: That approximately 57 square foot portion of the Easement as described in the attached and incorporated **Exhibit A** (description) and **Exhibit B** (sketch) ("Released Property").

Easement Grantee: The City of Austin, Office of Real Estate Services, P.O. Box 1088, Austin, Travis County, Texas 78767-1088 ("Grantee").

Description of Property and Local Address: Lot 10, Beverly Heights, a subdivision the plat of which is recorded in Volume 7, Page 34, Plat Records, Travis County, Texas; locally known as 1706 Norris Drive, Austin, Texas.

Current Owners of Property and Address: Blayne M. Mozisek and Stacy N. Mozisek, 1706 Norris Drive, Austin, Travis County, Texas 78704.

Consideration: TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged.

Grantee has determined that the Released Property is not now needed and will not be required in the future, since the Released Property portion of the Easement is surplus.

Grantee, for the consideration herein recited, acting by and through its duly authorized City Manager or designee releases the Released Property from the Easement.

EXECUTED this the 27 day of February, 2017.

CITY OF AUSTIN

By:

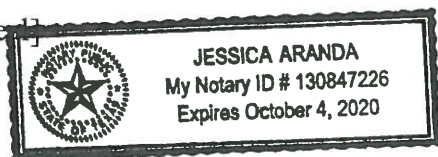
Lauraine Rizer
ms Lauraine Rizer, Officer
Office of Real Estate Services

STATE OF TEXAS
COUNTY OF TRAVIS

§
§

This instrument was acknowledged before me on February 27th, 2017, by Lauraine Rizer, Officer, Office of Real Estate Services, City of Austin, a Texas municipal corporation, on behalf of said corporation.

[Seal]



[Signature]
Notary Public, State of Texas

FEBRUARY 9, 2017

FIELD NOTES

FIFTY SEVEN (57) SQUARE FOOT PORTION OUT OF A FIVE (5) FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE REAR OF LOT 10, BEVERLY HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 34, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 10 HAVING BEEN CONVEYED TO BLAYNE M. MOZISEK AND STACY N. MOZISEK BY WARRANTY DEED WITH VENDORS'S LIEN RECORDED IN DOCUMENT NO. 2013155781, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 1/2" iron pipe found at the SE corner of Lot 3, same being the NE corner of Lot 4, Beverly Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 7, Page 34, Plat Records, same being in the NW line of Lot 10 of said subdivision, from which point, a mag nail found in a fence post at the SW corner of said Lot 10 bears S34°45'15"W at a distance of 18.14 feet;

THENCE N34°45'15"E along said north line of said Lot 10 for a distance of 16.75 feet to a point;

THENCE S55°14'45"E crossing into said Lot 10 for a distance of 1.72 feet to the SW corner and **POINT OF BEGINNING** of this partial easement release;

THENCE the following four (4) courses and distances crossing through said Lot 10:

1. N34°34'34"E for a distance of 17.18 feet to a point, for the NW corner hereof;
2. S54°23'12"E for a distance of 3.34 feet to a point, for the NE corner hereof;
3. S34°45'15"W for a distance of 17.12 feet to a point, for the SE corner hereof;
4. N55°25'26"W for a distance of 3.28 feet to the **POINT OF BEGINNING** of this 57 square foot easement to be released.

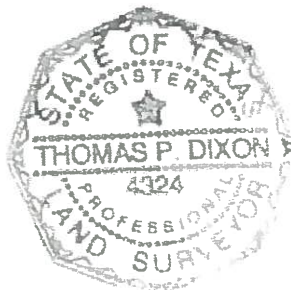
BEARING BASE: BOOK 91, PAGE 355, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

I, Thomas P. Dixon, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds description and the sketch were based on an on-the-ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this 9th day of February, 2017.



Thomas P. Dixon R.P.L.S. 4324
Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Tx 78716
(512) 481-9602
FIRM# 10124400



FIELD NOTES REVIEWED

By: Chad L. Dill Date 02-15-2017

Engineering Support Section
Department of Public Works
and Transportation

REFERENCES

TCAD Parcel No. 102632
AUSTIN GRID 584 MG-21

PAGE 1 OF 1

L#	BEARING	DISTANCE
L1	N34°45'15"E	16.75'
L2	S34°45'15"W	18.14'
L3	S55°14'45"E	1.72'
L4	N34°34'34"E	17.18'
L5	S54°23'12"E	3.34'
L6	S34°45'15"W	17.12'
L7	N55°25'26"W	3.28'

April 18, 2016

CITY OF AUSTIN

Development Services Department

One Texas Center

505 Barton Springs Road

Austin, Texas 78704

To whom it may concern,

We are writing this letter in regards to a variance being requested for a backyard shed/playhouse located at 1706 Norris Drive owned by Stacy & Blayne Mozisek. We recently purchased an adjacent property at 1708 Norris Drive as our main residence. We moved into our home in December 2015 after an extensive remodel.

Located between our two properties is a low steel and wooden fence which gives us a clear view of the Mozisek's back yard. The shed/playhouse structure in very good condition, and furthermore, the design and appeal of the structure is very attractive in our opinion.

One of the characteristics that we considered when we purchased our property were the multiple oak trees located on our property and in the immediate area surrounding our lot. A number of large Live Oak trees are also located in the Mozisek's backyard surrounding the shed/play house. We became very familiar with the importance of critical root zones and tree canopies when we went through our renovation that involved several protected trees. I know that several trees in the Mozisek's backyard appear to be protected and these trees add beauty and value to the neighborhood and specifically our property. We would hate to see this shed/play house relocated at the expense of the trees. We hope the City will consider a variance in this instance for the benefit of the trees and allow the Mozisek's to keep the existing structure in place.

Please feel free to contact us regarding this issue.



Christopher T. Harman



We, Stacy & Blayne Mozisek, are applying for a variance from the Board of Adjustment regarding Section 25-2-492 of the Land Development Code. The variance would prevent the demolition and removal of a rear accessory structure (playhouse), allowing the structure to remain within the rear yard setback.

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


Property Owner Name (Printed)	Address	Signature
JOHN T. OAKS	1704 Norris Dr.	J. Oaks
Dana L. Nicholson	1700 Norris Dr	Dana L. Nicholson
Carrye Chen	1700 Norris Dr.	Carrye Chen
Brooke Courtade	1604 Norris Dr.	Brooke Courtade
ET Reese	1607 Rabb Rd.	ET Reese
Kent Blomstrand	1701 Rabb Rd Norris Dr.	Kent Blomstrand
Kent Blomstrand	1703 Rabb Rd Norris Dr.	Kent Blomstrand



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

Property Owner Name (Printed)	Address	Signature
	1707 Rabb Rd	
<i>Larry Murphy</i>	1709 Rabb Rd	<i>Larry Murphy</i>
<i>Betty Lou Harris</i>	1711 Norris Rd	<i>Betty Lou Harris</i>
<i>Dan Rupp</i>	1712 Norris Dr	<i>DAN RUPP</i>
<i>Donald Harris</i>	1710 Norris Dr	<i>Michael S. Harris</i>
<i>Mrs. Harman</i>	1708 Norris Dr	<i>John</i>
<i>Paul Masters</i>	1705 Norris Dr	<i>Paul</i>
	1703 Norris Dr Rabb Rd	
<i>Matt Maloney</i>	1701 Norris Dr Rabb Rd	<i>Matt Maloney</i>
<i>Britt Sitzer</i>	1609 Norris Dr	<i>Britt Sitzer</i>
<i>Jane Gillman</i>	1605 Rabb Rd	<i>Jane Gillman</i>
	1601 Rabb Rd	
<i>Norman</i>	1700 Rabb Rd	<i>Norman</i>







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

Property Owner Name (Printed)	Address	Signature
Lara G. Beard	1704 Rabb Rd	Lara Beard
BE	1706 Rabb Rd	
	1708 Rabb Rd	
	1710 Rabb Rd	
M. Dorsey Girtwright	1715 Norris Dr.	M. Dorsey Girtwright
Lynn Robbings	1713 Norris Dr	Lynn Robbings
	1711 Norris Dr Rabb	
Hannah Read Robert L. Read	1709 Norris Dr	all Rts support
HUGH C. BRENN	1707 Norris Dr	H C Brenn
Maggie Swisman	2113 Peach Tree St.	Maggie Swisman
ALÉNE JOHNSON	2115 Peach Tree St.	Aelene Johnson
	2114 Peach Tree St.	Randy E. Taylor
AARON GURTA	2102 Ford St.	Aaron Gurta

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Property Owner Name (Printed)	Address	Signature
Lara G. Beard	1704 Rabb Rd	Lara Beard
Ed	1706 Rabb Rd	
	1708 Rabb Rd	
	1710 Rabb Rd	
M. Dorsey Artwright	1715 Norris Dr.	M. Dorsey Artwright
Lynn Robbinc	1713 Norris Dr	Lynn Robbinc
Emell Hunter	1711 Norris Dr	Emell Hunter
Hannah Read Robert L. Read	1709 Norris Dr	All Rids not used
HUGO C. BRENN	1707 Norris Dr	HUGO C. BRENN
Maggie Swismann	2113 Peach Tree St.	Maggie Swismann
ALLEN JOHNSON	2115 Peach Tree St.	CELENE JOHNSON
	2114 Peach Tree St.	Randy Ryder
AARON GUPTA	2102 Ford St.	

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

Property Owner Name & (Printed)	Address	Signature
Douglas A. Johnston	1707 Rabb Rd	
Larry Murphy	1709 Rabb Rd	Larry Murphy
Betty Lou Hoagis	1711 Norris Rd	Betty Lou Hoagis
Dan Rupp	1712 Norris Dr	DAN RUPP
Michael S. Davis	1710 Norris Dr	Michael S. Davis
Mrs. Harman	1708 Norris Dr	
Truc Nguyen	1705 Norris Dr	Truc
	1703 Norris Dr Rabb Rd	
Monty McElwain	1701 Norris Dr Rabb Rd	
Bert Sitzer	1609 Norris Dr	
Jane Gillman	1605 Rabb Rd	
	1601 Rabb Rd	
Arane Amara	1700 Rabb Rd	

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Property Owner Name (Printed)	Address	Signature
Lara G. Beard	1704 Rabb Rd	Lara Beard
H.E. McCaslin	1706 Rabb Rd	H.E. McCaslin
H.E. McCaslin	1708 Rabb Rd	H.E. McCaslin
H.E. McCaslin	1710 Rabb Rd	H.E. McCaslin
M. Dorsey Cartwright	1715 Norris Dr.	M. Dorsey Cartwright
Lynn Robbino	1713 Norris Dr	Lynn Robbino
	1711 Norris Dr Rabb	
Hannah Read ^{Robert L. Read}	1709 Norris Dr	all Rabb ^{Robert L. Read}
HUGO C. BROWN	1707 Norris Dr	H.C. Brown
Maggie Suismann	2113 Peach Tree St.	Maggie Suismann
ALLENE JOHNSON	2115 Peach Tree St.	Alene Johnson
	2114 Peach Tree St.	Randy Syder
AARON GUPTA	2102 Ford St.	Aaron Gupta

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Case Number: C15-2018-0011, 2706 Norris Drive

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

Public Hearing: Board of Adjustment, April 9, 2018

Mary Dora Cartwright
Your Name (please print)

☒ I am in favor
☐ I object

1715 Norris Dr.

Your address (except affected by this application)

Mary Dora Cartwright
Signature

Date

4/6/18
Daytime Telephone: *512-466-3637*

Comments:

*They have been so
careful re: the protected
habitat to prevent
reasonable use.*

Comments must be returned by 10am the day of the hearing 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 seen by the Board at this hearing.)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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and:

- appearing and speaking for the record at the public hearing;
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Case Number: C15-2018-0011, 2706 Norris Drive

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

Public Hearing: Board of Adjustment, April 9, 2018

Chris Elliott
Your Name (please print)

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

1705 Rabb Road Austin 78704

Your address(es) affected by this application

4/04/2018

Date

Signature

Daytime Telephone: *(512) 480-5720*

Comments: *My family's house is not directly affected by the structure in question. It sits less than 3' behind our back fence, which we built high enough to screen previous structures. The structure towers over our back yard. I do not see that the structure meets the BOA's criteria for a variance. With that said, we are selling our house and are concerned that the structure's presence will affect our resale value which is why we are objecting. A reasonable compromise might be to postpone a decision until we find out if our fears are a reality.*
Comments must be returned by 10am the day of the hearing 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 Wednesday prior to the hearing to be seen by the Board at this hearing.)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

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SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 109'

NOTIFICATIONS

CASE#: C15-2018-0011

LOCATION: 1706 Norris 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 by the City of Austin regarding specific accuracy or completeness.



PUBLIC HEARING INFORMATION

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Case Number: C15-2018-0011, 2706 Norris Drive

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

Public Hearing: Board of Adjustment, April 9, 2018

Mary Christine Reed
Your Name (please print)

1709 Warriors Dr.

Your address(es) affected by this application

Mary Christine Reed
Signature

Date

4-1-18

Daytime Telephone: *512-585-8869*

Comments: *I am in favor of Varian 18. The structure they built is a vast improvement over the prior structure and blends in well with the neighborhood.*

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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 seen by the Board at this hearing.

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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PUBLIC HEARING INFORMATION

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Case Number: C15-2018-0011, 2706 Norris Drive

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

Public Hearing: Board of Adjustment, April 9, 2018


Your Name (please print)

Stuart Stein

Your address(es) affected by this application

1706 Nabb Road Austin Tx 78704

Signature

Daytime Telephone: 512-611-6659

☐ I am in favor
☒ I object

Comments: I object to this Variance. I think
this structure sets a bad precedent in
the neighborhood. This structure was
built years ago without a permit. If
we let this one slide others will build
whatever they want. The owners of this
structure should reduce the height
to one story at least, so it does not look

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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Case Number: C15-2018-0011, 2706 Norris Drive 1706

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

Public Hearing: Board of Adjustment, April 9, 2018

Betty Lou Hargis
Your Name (please print)

☒ I am in favor
☐ I object

1711 NORRIS DRIVE
Your address(es) affected by this application

Betty Lou Hargis 04/04/18
Signature Date

Daytime Telephone: 512-442-5041

Comments: BELIEVE THE ADDRESS IS

1706 NORRIS DRIVE NOT

2706 " "

Comments must be returned by 10am the day of the hearing 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 seen by the Board at this hearing.)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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Case Number: C15-2018-0011, 2706 Norris Drive
Contact: Leane Heldenfels, 512-974-2202, lane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, April 9, 2018

Betty Lou Hargis

Your Name (please print)

1711 NORRIS DRIVE

Your address(es) affected by this application

Betty Lou Hargis

Signature

04/04/18

Date

Daytime Telephone: 512-442-5041

Comments:

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Fax: (512) 974-6305
Email: lane.heldenfels@austintexas.gov

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: c15-2018-0011/1706 Norris Dr may late back up
Date: Friday, May 11, 2018 10:00:50 AM

From: [REDACTED]
Sent: Friday, May 11, 2018 9:35 AM
To: Heldenfels, Leane
Subject: RE: A few things for your case

Proprietary

I'd like to request to postpone my hearing a second time.

The property owner who is opposed to the variance (the owner who filed the complaint) has put their home up for sale.

It's my understanding that there were several offers made in the first few days.

I would like an opportunity for the new owner to make their opinion known, as the playhouse provides a privacy barrier between our homes.

If the new owner supports the variance all surrounding property owners would in support of the variance.

Thanks again!
Blayne

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C15-2018-0011/1706 Norris Dr. may late back up
Date: Thursday, May 10, 2018 10:15:52 AM

From: [REDACTED]
Sent: Thursday, May 10, 2018 10:10 AM
To: Heldenfels, Leane
Subject: Case No. C15-2018-0011, 1706 Norris Dr.

Dear Ms. Heldenfels,

I am the homeowner at 1704 Norris Dr., writing to you about the Land Development Code Variance referenced in the case number above.

My wife and I are the neighbors of Blayne and Stacy Mozisek at 1706 Norris Dr., who are seeking the variance for the playhouse structure in their back yard. We would like to go on record that we are **IN FAVOR** of granting the variance and allowing the structure to remain.

We regard it as an asset to the Mozisek children and their friends, giving them a safe place to congregate and play. And, although it is visible from our back yard, we do not regard it as ugly or obtrusive or inappropriate. The structure mimics the style of the main house in a pleasing fashion and does not impact on any heritage trees on the property.

In short, we have no problem with the structure and are happy to see it remain in place.

If you have any questions or need any more information, please don't hesitate to contact me.

Best regards,
John T. Davis

John T. Davis
1704 Norris Dr.
Austin, TX 78704

512-443-0155

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C15-2018-0011/1706 Norris Dr May late back up
Date: Monday, May 14, 2018 9:41:50 AM

From [REDACTED]
Sent: Saturday, May 12, 2018 12:06 PM
To: Heldenfels, Leane
Subject: Comments on C15-2018-0011

Case Number: C15-2018-0011, 1706 Norris Drive
Contact: Leane Heldenfels, 512-974-2202
Public Hearing: Board of Adjustment, May 14, 2018

I object to the variance requested by Blayne and Stacy Mozisek. They very recently constructed their new home from the ground up, so it's quite reasonable to believe that they were in full knowledge of the required rear yard setbacks, given the amount of permitting and contact with code enforcement required to complete such a project. Not only that, but the structure they've built would require a 10 ft setback since it's more than 15 ft tall, and the setback variance they're requesting (1.7 ft) would violate even that of shorter structures (5 ft), making it far too egregious a variance to be permitted, in my opinion.

Charles V. Shannon, Jr.
2017 Peach Tree St.
Austin, TX 78704
720-201-6409

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Case Number: C15-2018-0011, 1706 Norris Drive

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, May 14, 2018

Mary Sitzes

Your Name (please print)

1609 Norris Drive

Your address(es) affected by this application

M. Sitzes

Signature

5-8-18

Date

Daytime Telephone: *512 775-3520*

Comments: *I do not have any problem with this particular variance request however, future setback variance issues/requests should continue to be examined on a "case by case" manner & not attempt to "repeal" current "setback" rules.*

Comments must be returned no later than 10am the day of the hearing for them to be seen by the Board at this hearing. Those comments sent after receiving prior notice do not need to be resent unless they are being amended. Comments 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 for them to be received timely for this hearing)

Fax: (512) 974-6305

Email: leana.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.

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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 website:

www.austintexas.gov/department/development-services

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Case Number: C15-2018-0011, 1706 Norris Drive

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

Public Hearing: Board of Adjustment, May 14, 2018

Sarah Raym OS

Your Name (please print)

☐ I am in favor
☒ I object

1703 Rable Rd. Austin 78704

Your address(es) affected by this application

Leane Heldenfels 5-6-18

Signature

Date

Daytime Telephone: 512-366-2819

Comments: I bear no ill feelings
towards my neighbors but
believe building codes should
be respected and their
requirements applied
uniformly.

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2018-0011, 1706 Norris Drive

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

Public Hearing: Board of Adjustment, May 14, 2018

Clayton Boone

Your Name (please print)

2108 Peach Tree St

Your Address(es) affected by this application

Signature

5/14/18

Date

Daytime Telephone: 214 289 6549

Comments: I am ok w/ the

Variance Request.

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

☒ I am in favor
☐ I object

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Case Number: C15-2018-0011, 1706 Norris Drive

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

Public Hearing: Board of Adjustment, May 14, 2018

Katelyn Boone
Your Name (please print)

2108 Peach Tree St

Your address(es) affected by this application

[Signature] 5/9/18
Signature Date

Daytime Telephone: 401-787-3117

Comments: I support the variance

☒ I am in favor
☐ I object

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 Leane Heldenfels
 P. O. Box 1088
 Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C15-2018-0011/1706 Norris Drive - 7/9 advance packet
Date: Tuesday, May 22, 2018 12:53:07 PM

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, May 22, 2018 12:44 PM
To: Heldenfels, Leane
Subject: Case #C15-2018-0011

Hi there!

I hope it's not too late to comment on this case? It's the end of the school year, so my days are flying by like minutes!

In case it's still relevant, I wanted to voice my support for allowing the storage/playhouse structure at 1706 Norris Dr. to remain. My understanding is that the adjoining property has new owners and they aren't bothered by it. If that's true, this seems like a perfect example of neighbors talking and living side-by-side in (mostly) harmony. It's my opinion that getting the city involved at this point would be like getting a parent involved when the kids are figuring things out fine by themselves. Adding "authority" to the equation will only escalate potential tensions, so I vote we step back and let things settle on their own.

If the new owners change their minds and call for help, go for it. But if everyone is cool (which is the overall understanding in the hood), I vote the City take this one off your plate.

Hope you have a great week!

Best,

Jenn Helms
1806 Ann Arbor Ave
Austin, TX 78704