

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

DATE: Monday October 14, 2019

CASE NUMBER: C15-2019-0053

☐ - ☐ Brooke Bailey OUT
☒ Y ☐ Jessica Cohen
☒ Y ☐ Ada Corral
☒ Y ☐ Melissa Hawthorne
☒ Y ☐ William Hodge
☒ N ☐ Don Leighton-Burwell
☒ Y ☐ Rahm McDaniel
☒ N ☐ Darryl Pruett
☒ Y ☐ Veronica Rivera
☒ Y ☐ Yasmine Smith
☒ Y ☐ Michael Von Ohlen
☒ Y ☐ Kelly Blume (Alternate)
☐ - ☐ Martha Gonzalez (Alternate)
☐ - ☐ Denisse Hudock (Alternate)

OWNER/APPLICANT: Corey Keller

ADDRESS: 2205 REMUDA TRL

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-899 (D) (*Fences as Accessory Uses*) to increase the height permitted from an average of 6 feet, maximum of 7 feet (required, up to 8 feet permitted with adjacent signatures) to 8 feet (requested) in order to maintain a recently constructed fence along a Thru-Lot in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Westgate)

Note: The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of 6 feet or a maximum height of 7 feet.

There is a telephone pole that abuts the property along Jones Road.

BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to November 7, 2019, Board Member Jessica Cohen seconds on a 9-2 vote (Board member Don Leighton-Burwell and Darryl Pruett nay); POSTPONED TO November 7, 2019.

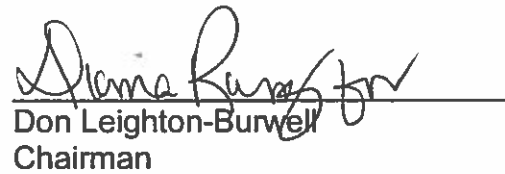
EXPIRATION DATE:

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:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

From: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: Re: Applicants from 10/14 Board of Adjustment mtg.
Date: Tuesday, October 22, 2019 9:46:38 AM

Yes

Corey
Sent from my iPhone

On Oct 22, 2019, at 9:38 AM, Ramirez, Elaine
<Elaine.Ramirez@austintexas.gov> wrote:

Hi Corey,
So you are Withdrawing your variance request?

Respectfully,
Elaine Ramirez
Board of Adjustment Liaison
Planner Senior
[City of Austin Development Services Department](#)
One Texas Center, 1st Floor
505 Barton Springs Rd
Office: 512-974-2202
<image001.png>

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Scheduled Meeting Disclosure Information:

In accordance with City of Austin Ordinance 20160922-005, responsibility of written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question as defined within City Code 4-8-2 for compensation on behalf of another person. Development Services Department has elected to implement an electronic survey as the methodology to provide the opportunity to record information as required of the department under Section 4-8-8 (E) of the City Code. Individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions included in the department survey available at the following link: [DSD Survey](#). Please note that all information provided is subject to public disclosure via DSD's open data portal.

For more information please visit: [City Clerk's website](#)

From: [REDACTED]
Sent: Tuesday, October 22, 2019 9:31 AM
To: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>
Subject: Re: Applicants from 10/14 Board of Adjustment mtg.

*** External Email - Exercise Caution ***

Good Morning Elaine,

I finally had a chance to talk everything over with my wife Jessica and we've decided to retract our application for the variance. Please let me know if there's anything else I need to do.

Thank you so much for helping with the whole process,

Corey Keller.

Sent from my iPhone

On Oct 15, 2019, at 9:58 AM, Ramirez, Elaine
<Elaine.Ramirez@austintexas.gov> wrote:

Greetings Board applicants on the Monday 10/14 Agenda –

If you need to refresh or recap comments from Monday's meeting the edited video of the hearing is now posted on the ATXN archive under Planning meetings, here's a link:
<http://austintx.swagit.com/play/10142019-741>

If your case was **postponed** last night, take a look at the packet info posted to the Board's website agenda page
https://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm

and we can add any requested new evidence up until noon **Wed 10/23 for the Thurs 11/7 advance packet**. Providing me this updated/new/additional evidence will help you avoid having to bring 14 copies of it to the next hearing.

If your case was **denied** last night, you have until end of day **TH 10/24 to request a reconsideration** of their decision by sending me an email memo/letter advising why you feel the Board erred in its decision and provide new or clarified evidence that supports that assertion. The re-

notification fee will also need to be paid before 12p.m., Thurs. 10/24. You will need to stop by during walk-in hours (9a.m. – 12p.m.) to pay the re-notification fee of **\$324.⁴⁸**, check made out to the City of Austin.

If your case was **approved** we'll be posting decision sheets at the Public Search page of the Development Services webpage no later than **Mon 10/28**. Here's a link to that public search page: <https://abc.austintexas.gov/web/permit/public-search-other> You can submit that decision sheet with your other pending permit applications or future Development Services applications for that property.

Please reply to just me, not to all if you have questions more specific to your case.

Respectfully,

Elaine Ramirez

Board of Adjustment Liaison

Planner Senior

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor

505 Barton Springs Rd

Office: 512-974-2202

<image001.png>

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CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2019-0053**BOA DATE:** October 14, 2019**ADDRESS:** 2205 Remuda Trl**COUNCIL DISTRICT:** 5**OWNER:** Corey Keller**AGENT:** N/A**ZONING:** SF-3-NP**LEGAL DESCRIPTION:** LOT 4 BLK B WESTERN TRAILS ESTATES**VARIANCE REQUEST:** increase height of fence from 6 ft. to 8 ft.**SUMMARY:** 8 ft. fence in rear (thru lot)**ISSUES:** telephone pole along fence line

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Go Austin Vamos Austin 78745

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Onion Creek Homeowners Assoc.

Preservation Austin

SEL Texas

Save Our Springs Alliance

Sierra Club, Austin Regional Group

South Austin Neighborhood Alliance (SANA)

TNR BCP – Travis County Natural Resources

Western Trails Neighborhood Association



October 1, 2019

Corey Keller
2205 Remuda Trl
Austin TX, 78745

Property Description: LOT 4 BLK B WESTERN TRAILS ESTATES

Re: C15-2019-0053

Dear Corey,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section of the Land Development Code:

Section 25-2-899 (D) (*Fences as Accessory Uses*) - to increase the height permitted from an average of 6 feet, maximum of 7 feet (required, up to 8 feet permitted with adjacent signatures) to 8 feet (requested)

In order to maintain a recently constructed fence along a Thru-Lot in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Westgate)

Austin Energy does not oppose request for height variance of existing fence, provided any proposed and existing improvements are following AE clearance criteria requirements, The National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0053
LOCATION: 2205 Remuda Trail



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" = 141'



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 # _____
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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).

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: Corey Keller Date: 08/20/2019

Applicant Name (typed or printed): Corey Keller

Applicant Mailing Address: 2205 Remuda Trl

City: Austin State: TX Zip: 78745

Phone (will be public information): (512) 947-5923

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: Corey Keller Date: 08/20/2019

Owner Name (typed or printed): Corey Keller

Owner Mailing Address: 2205 Remuda Trl

City: Austin State: TX Zip: 78745

Phone (will be public information): 512-947-5923

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

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

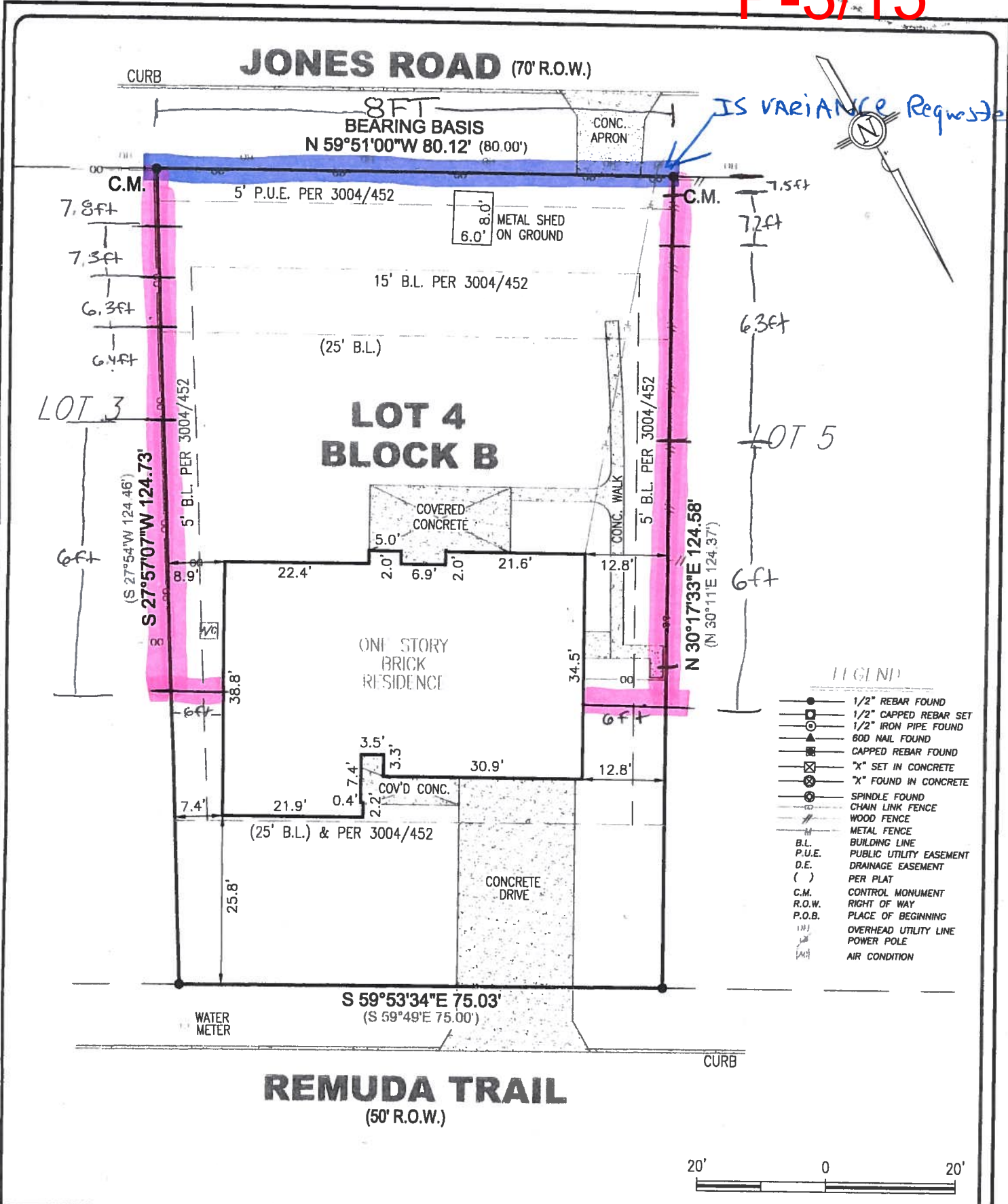
Email (optional – will be public information): _____

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).

2203

2207



Notes:

1) Subject to restrictions and easement rights as stated in Vol. 3004 Pg. 1452, Deed Records and in Vol. 22, Pg. 24, Plat Records.

TO THE LIENHOLDER AND FOR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO

GRACY TITLE COMPANY
STEWART TITLE GUARANTY COMPANY

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS PREPARED IN ACCORDANCE WITH THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS OVERLAPPING OF IMPROVEMENTS, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON.

STATE OF TEXAS
VICTOR M. GARZA
REGISTERED PROFESSIONAL SURVEYOR
4740

THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 48453003H5H, DATED 09/26/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED BY THIS FIRM AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED ON SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: 2205 REMUDA TRAIL CITY AUSTIN COUNTY TRAVIS STATE OF TEXAS

LOT 4 BLOCK B SUBDIVISION WESTERN TRAILS ESTATES VOL./CAT 22 PG./SD 24 PLAT RECORD

REFERENCE NAME: COREY KELLER and JESSICA JOHNSON

G.F. # 01247-38061

B & G SURVEYING, LLC
FIRM REGISTRATION NO. 100363-00

WWW.BANDGSURVEY.COM
1404 West North Loop Blvd.
Austin, Texas 78756
Office 512*458-6969

JOB # B0320915_TA
DATE 03/27/15
SCALE 1" = 20'

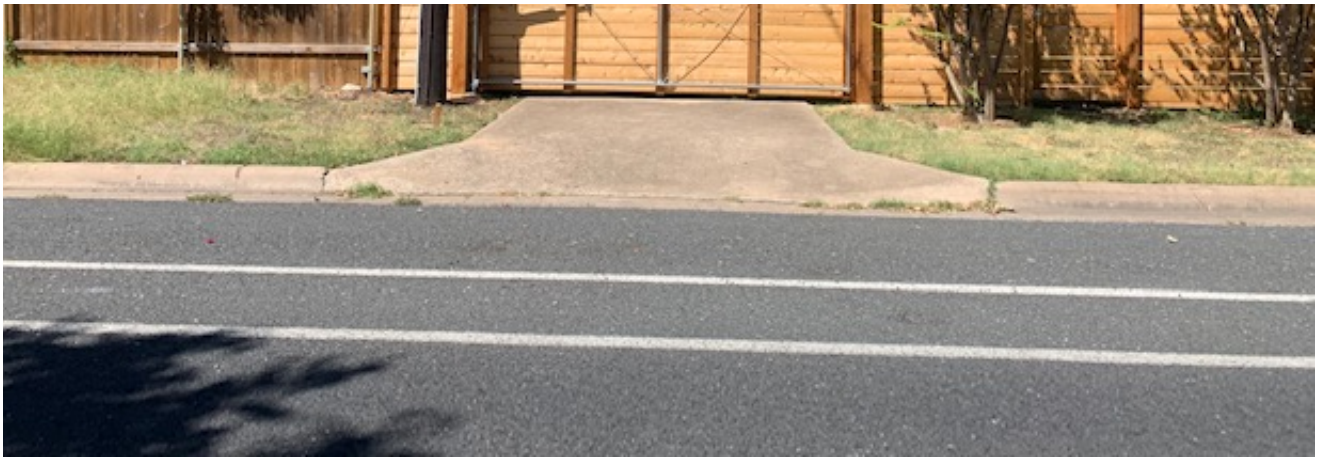
FIELD WORK BY	CHRIS	03/27/15
CALCD BY	VG	03/27/15
DRAFTED BY	GF	03/27/15
CHECKED BY	VG	03/27/15

From: corey dean keller coreydkeller@gmail.com 
Subject: Fence pics
Date: August 19, 2019 at 5:16 PM
To: printandgo@fedex.com

CD

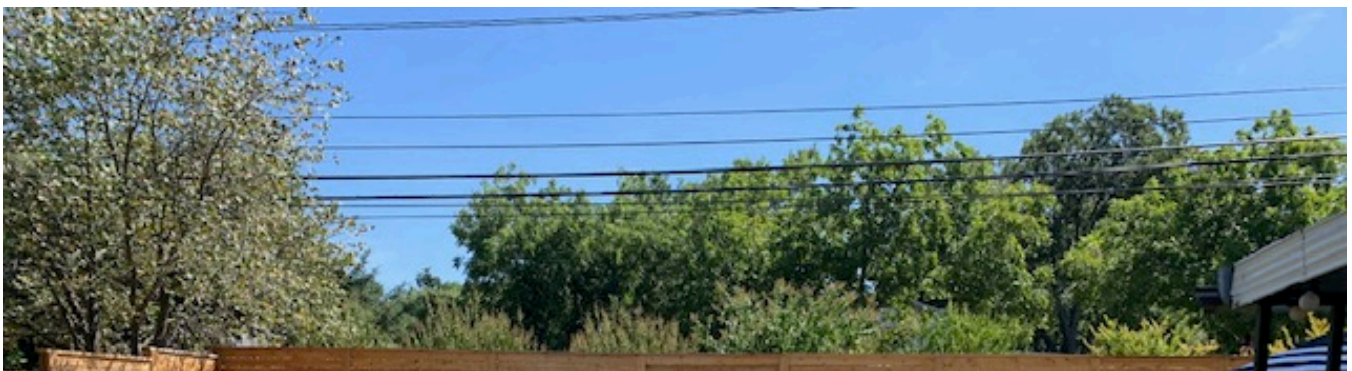


P-3/17










P-3/21



From: corey dean keller [REDACTED] 
Subject: Fence pics 2019
Date: August 12, 2019 at 7:40 AM
To: [REDACTED]

CD



