

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0057

BOA DATE: December 13th, 2021

ADDRESS: 2000 Peach Tree St

COUNCIL DISTRICT: 5

OWNER: Laura Burkhart

AGENT: Stuart Sampley

ZONING: SF-3

LEGAL DESCRIPTION: LOT 16 PECAN ORCHARD

VARIANCE REQUEST: exceed the average height of six (6) feet or a maximum height of seven (7) feet (required) for a solid fence along the property line

SUMMARY: maintain fence

ISSUES: adjoining property is the Right-of-Way, topography, commercial property across Bluebonnet Ln.

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family
<i>North</i>	SF-3	Single-Family
<i>South</i>	SF-3	Single-Family
<i>East</i>	CS; MF-2	General Commercial Services; Multi-Family
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Friends of Zilker
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- Perry Grid 614
- Preservation Austin
- SELTexas
- Save Our Springs Alliance
- Sierra Club, Austin Regional Group
- South Central Coalition
- TNR BCP – Travis County Natural Resources
- Zilker Neighborhood Association



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 # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: 2000 PEACHTREE STREET

Subdivision Legal Description:
LOT 16 PECAN ORCHARD

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

Outlot: _____ Division: _____

Zoning District: SF-3

I/We STUART SAMPLEY, AIA on behalf of myself/ourselves as
 authorized agent for BYRAN & LAURA BURKHART affirm that on

Month October, Day 18, Year 2021, hereby apply for a hearing before the
 Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: FENCE

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
25-2-899(D) 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:

ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT), TOPOGRPAHY OF
PROPERTY RANGES 2FT. COMMERCIAL PROPERTY ACROSS BLUEBONNET. FENCE
DOES NOT EXCEED 7FT AT ANY POINT.

Hardship

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

ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT), TOPOGRPAHY OF
PROPERTY RANGES 2FT. COMMERCIAL PROPERTY ACROSS BLUEBONNET. FENCE
DOES NOT EXCEED 7FT AT ANY POINT.

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

ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT), TOPOGRPAHY OF
PROPERTY RANGES 2FT. COMMERCIAL PROPERTY ACROSS BLUEBONNET. FENCE
DOES NOT EXCEED 7FT AT ANY POINT.

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:

SIMILAR TYPE FENCING EXISTS ON PROPERTIES ALONG BLUEBONNET STREET.
ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT), TOPOGRPAHY OF _____
PROPERTY RANGES 2FT. COMMERICAL PROPERTY ACROSS BLUEBONNET. FENCE _____
DOES NOT EXCEED 7FT AT ANY POINT. _____

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:  Date: 10-18-2021

Applicant Name (typed or printed): STUART SAMPLEY, AIA

Applicant Mailing Address: 3534 BEE CAVE RD #114

City: AUSTIN State: TEXAS Zip: 78746

Phone (will be public information): 512-771-8856

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:  Date: 10-18-2021

Owner Name (typed or printed): BRYAN & LAURA BURKHART

Owner Mailing Address: 2000 PEACHTREE STREET

City: AUSTIN State: TEXAS Zip: 78704

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: SAME AS APPLICANT

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).

