

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # 015-2010-0068  
ROW # 10441917

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

0215060503  
0215060502

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2914 Beanna St. & 809 E. 30<sup>th</sup> St., Austin, Tx. 78705

LEGAL DESCRIPTION: Subdivision – University Park

Lot(s) 16 & 17 Block Outlot 5 Division C

I/We Rick Luisi & Erik Wilson on behalf of myself/ourselves as authorized agent for  
Luisi/Wilson Trust affirm that on May 20, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL X MAINTAIN

8 foot fence

in a SF3-NP district.  
(zoning district)

**NOTE: 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 support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Pool access. Properties (both in Luisi-Wilson trust) are joint owned. There is no fence between the 2 properties. An 8 foot fence along the perimeter is required for neighborhood safety because of access to pool.

**HARDSHIP:**

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

8 foot fence is permissible with adjacent neighbor's written permission. We have 3 adjacent neighbors. We have received written permission for 8 foot fence from 2 of the 3 adjacent neighbors (lot 14 & 15). We do not have written permission from 1 adjacent neighbor (lot 18). There is also a section of fence that is adjacent to right of way.

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

A tree and junction box adjacent to the property line make it possible for anyone to gain access if this were only a 6 foot fence. 8 foot fence was necessary for neighborhood safety. Additionally, the 8 foot fence was to prevent access to pool. Lot 18 had a wooden staircase that ran up to a second floor entrance to their garage that they had converted to a 4<sup>th</sup> unit. This staircase was 1 foot off our property line and allowed for college students to easily jump a 6 foot fence. See photos.

**AREA CHARACTER:**

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:

Adjacent property has existing structure same height, same distance from right of way. Length of fence in along right of way is 21 feet.

**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 Section 479 of Chapter 25-6 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 reasonable 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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

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**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.

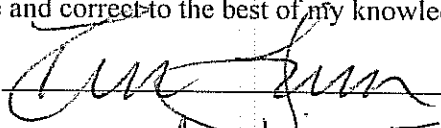
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2914 Beanna St.

City, State & Zip Austin, Tx, 78705

Printed RICK LUISI Phone 512-627-7260 Date 5/20/10

June 16, 2010

To whom it may concern at City of Austin

I support the 8 foot fence around the perimeter of 809 E. 30th St. and 2914 Beanna St. As a neighbor and also as the President of the Neighborhood Association, I feel the fence is professionally made and beautifully constructed, and it protects the property and swimming pool from unwanted guests (last year that included 6 neighborhood college boys). Additionally, the 8 foot fence protects younger neighborhood children who may be tempted to use the pool. The fence helps with neighborhood safety and security.

All the neighbors except the owner of 807 E. 30th St. have supported this fence. The owner at 807 E. 30th St. is angry that many of us tried to stop him from building a 5-plex on his duplex lot. My understanding is that when the fence was first put up over 8 years ago, the complaining neighbor supported the fence.

Please let me know how I could show additional support for this fence.

A handwritten signature in black ink, appearing to read "Russ Jones", with a stylized, flowing script.

Your truly,  
Russ Jones

President Eastwood Neighborhood Association.  
512-466-1850

To whom it may concern,

I have no objections to an 8 ft fence bordering the north side of my house at 808 Leonard St Austin TX 78705. I actually fully endorse the 8 ft fence for increased neighborhood safety. Also as a parent, for safety preventing children from entering the pool.

Kelly H Alagna Kelly H. Alagna

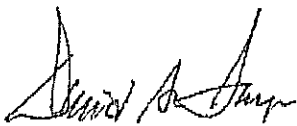
808 Leonard St.  
Austin, Tx 78705

12 March 2010

To whom it may concern:

I have no objections to the 8 foot fence bordering the north side of my property at 2908 Beanna St.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "David A. Garza". The signature is stylized with a large initial "D" and a long, sweeping underline.

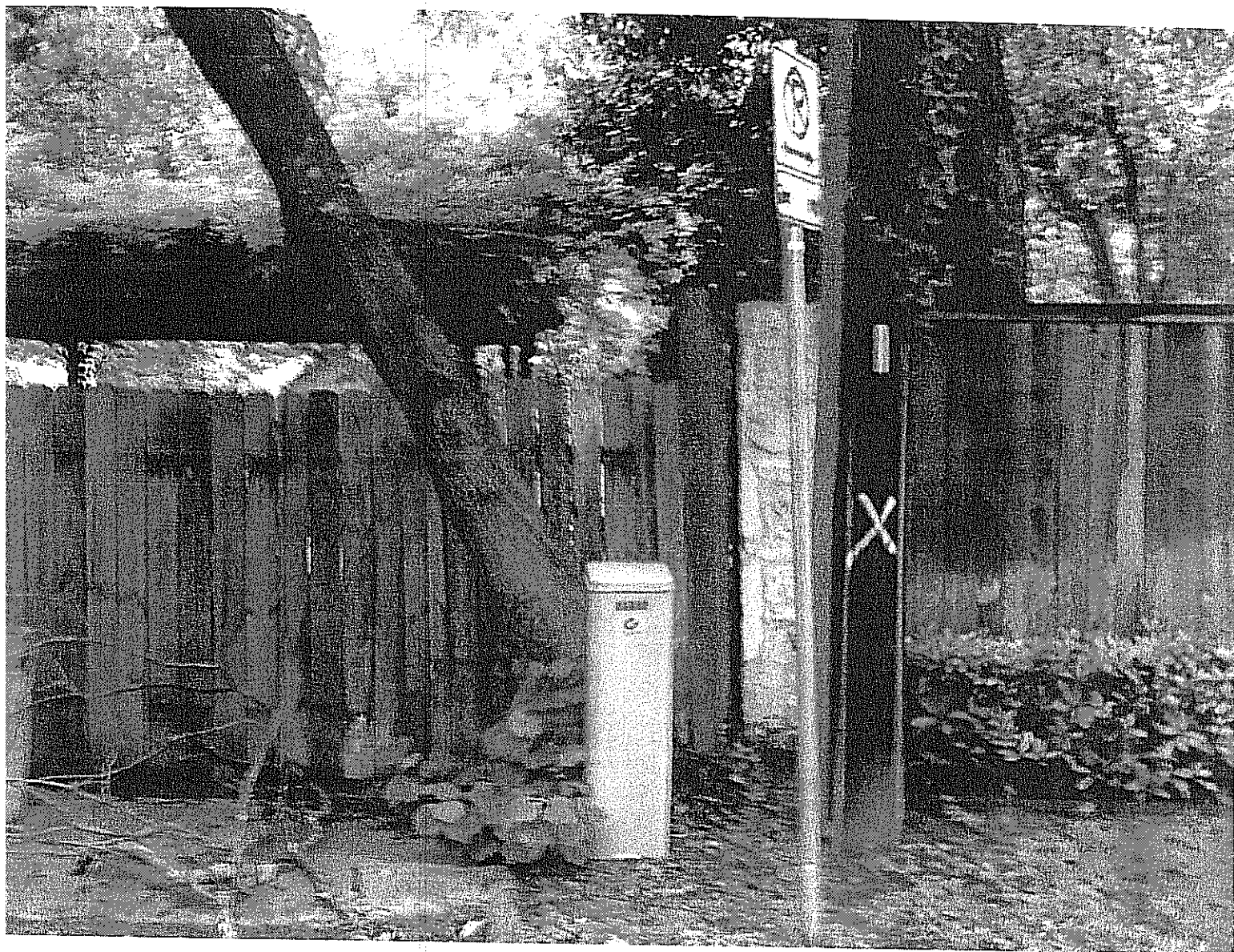
David A. Garza

**Walker, Susan**

**From:** Rick\_Luisi@Dell.com  
**Sent:** Thursday, May 20, 2010 12:55 PM  
**To:** Walker, Susan  
**Subject:** RE: BOA Application 7-31-08 Version.doc  
**Attachments:** Fax-May-20-2010-12-51-50-32053.tif

an,  
 ive filled out the application and signed and scanned it and it is attached.  
 n also attaching a couple more photos (taken from my phone) that better shows the adjacent structure (for area characteristic section) and tree  
 I junction box (for hardship section). If you would like, you can print these off and include with my application. Did you say you were going to  
 ail me back with the case number once you received the application back from me?  
 at are my next steps? I know the BOA hearing is set for July 12<sup>th</sup>. Do I need to do anything before then or simply wait for my official letter  
 ing me where and when to show up for the hearing?





**Rick Luisi**  
Procurement Sr. Manager  
Bell | Global Service Parts & Reverse Logistics  
Office +1 512 728 1369, mobile +1 512 289 1127 fax +1 512 283 9721

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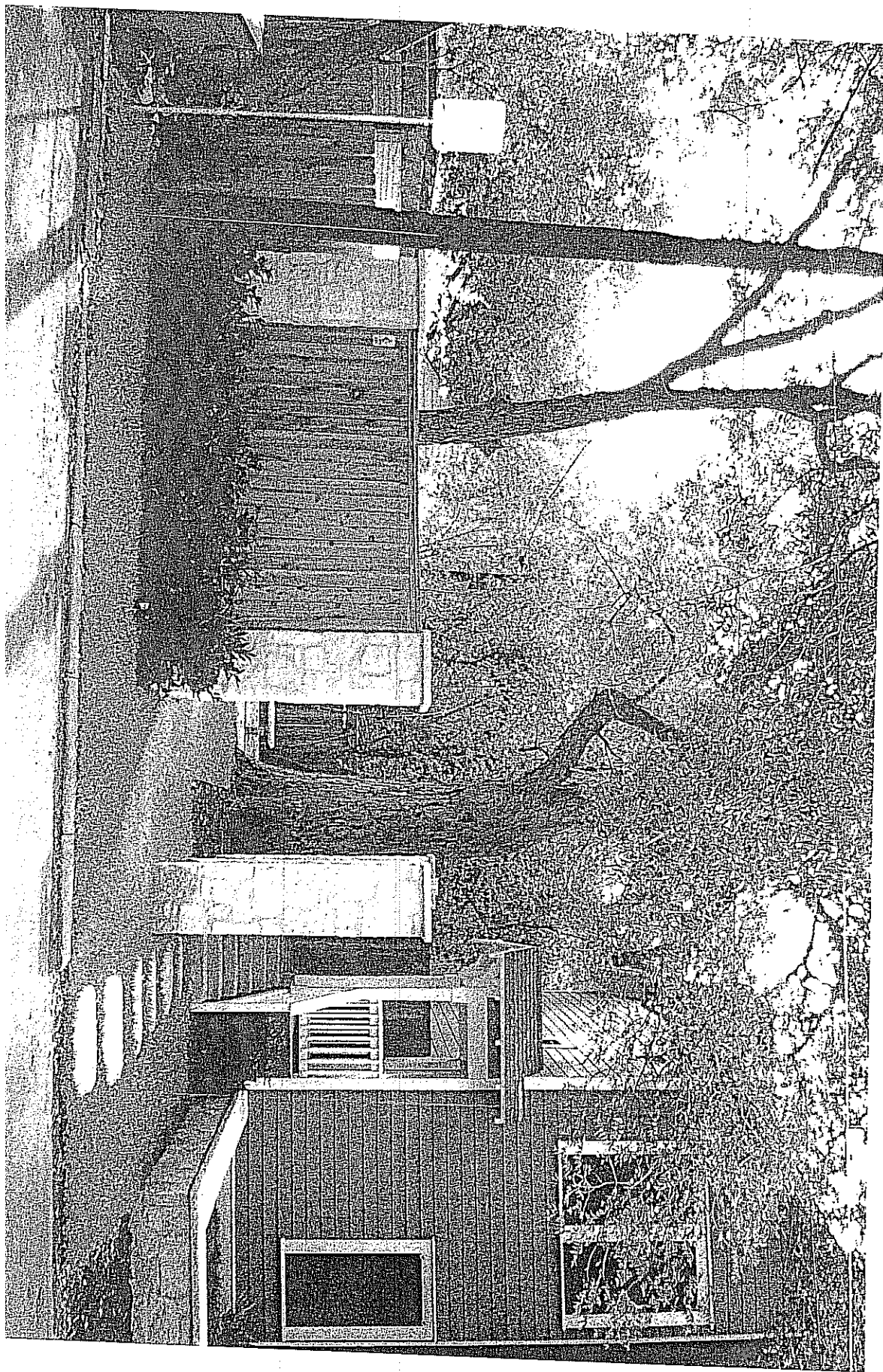
**From:** Walker, Susan [<mailto:susan.walker@ci.austin.tx.us>]  
**Sent:** Thursday, May 20, 2010 11:02 AM  
**To:** Luisi, Rick  
**Subject:** BOA Application 7-31-08 Version.doc

< File: BOA Application 7-31-08 Version.doc >>

5/20/2010









## GeoProfile Search Results

### Zoning Review Cases

Rec	SDE.amanda_zoning_cases.CASENUM	SDE.amanda_zoning_cases.NAME	SDE.amanda_zoning_cases.ZTYPE	SDE.amanda_zoning_cases.ADDRESS
1				

### Subdivision Review Cases

Rec	SDE.amanda_subd_cases.CASENUM
1	CS-UPA

### Zoning

Rec	SDE.ZONING.ZTYPE	SDE.ZONING.OBJECTID
1	SF-3-CO-NP	3270199

### Watersheds

Rec	SDE.WATERSHED.DCM_NAME	SDE.WATERSHED.OBJECTID_1
1	Waller Creek	1327

### Neighborhood Association

Rec	SDE.NEIGHASSOC.NUM	SDE.NEIGHASSOC.NAME	SDE.NEIGHASSOC.OBJECTID_12
1	1089	Hancock Neighborhood - City of Austin Staff Contact	37665
2	766	Home Builders Association of Greater Austin	37677
3	511	Austin Neighborhoods Council	37690
4	742	Austin Independent School District	37718
5	1037	Homeless Neighborhood Organization	37791
6	1029	Non-Profit Student Housing Preservation Group	37815
7	25	Eastwoods Association	37877
8	603	Mueller Neighborhoods Coalition	37890
9	1113	Austin Parks Foundation	37979
10	1228	Sierra Club, Austin Regional Group	38135
11	1075	League of Bicycling Voters	38149
12	1224	Austin Monorail Project	38152
13	1169	Email Notification Test Group	38204
14	1236	The Real Estate Council of Austin, Inc.	38309
15	754	Central Austin Neighborhoods Planning Area Committee	38320
16	1209	Super Duper Neighborhood Objectors and Appeals Organization	38323

### Annexation

Rec	SDE.ANNEXATION_HISTORY.CASENUM	SDE.ANNEXATION_HISTORY.ORDNUM	SDE.ANNEXATION_HISTORY.ACRES	SDE.ANNEXATION_HISTORY.DEScriptIO	SDE.ANNEXATION_HISTORY.TYPE	SDE.ANNEXATION_HISTO
1			27974.052	AUSTIN CITY LIMITS	FULL	19651219
2			18591.426	FULL PURPOSE ON OR BEFORE 03/14/1946	FULL	19460314

### Overlays

Rec	SDE.OVERLAYS.O_NAME	SDE.OVERLAYS.SUB_NAME	SDE.OVERLAYS.OBJECTID
1	NEIGHBORHOOD PLANNING AREAS	HANCOCK	7159
2	RESIDENTIAL DESIGN STANDARDS	NONE	7275

### FEMA Floodplains

Rec	WPDR_ADMIN.GREATER_AUSTIN_FEMA_FP.FLD_ZONE	SHAPE.LEN	SHAPE.AREA	WPDR_ADMIN.GREATER_AUSTIN_FEMA_FP.OBJECTID
1	X	490094.497535292	377551291.221869	419

### Watershed Classification

Rec	SDE.WATERREG.WATERNAME	SDE.WATERREG.OBJECTID
1	URBAN	6

### Jurisdiction

Rec	SDE.JURIS.CITY_NAME	SDE.JURIS.JURIS_TYPE
1	CITY OF AUSTIN	FULL PURPOSE

LOT 15

LOT 13

LOT 14

LOT 16

LOT 17

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