

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, January 9, 2012

**CASE NUMBER:** C15-2010-0134

<input type="checkbox"/> N	Jeff Jack	
<input type="checkbox"/> Y	Michael Von Ohlen	Motion to Grant
<input type="checkbox"/> Y	Nora Salinas	
<input type="checkbox"/> Y	Bryan King	
<input type="checkbox"/> N	Susan Morrison	
<input type="checkbox"/> Y	Melissa Hawthorne	2 <sup>nd</sup> the Motion
<input type="checkbox"/> Y	Heidi Goebel	
<input type="checkbox"/> -	Cathy French (SRB only)	

**APPLICANT:** Jim Bennett

**OWNER:** Fred Purcell

**ADDRESS:** 12912 PARK DR

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district. Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district. Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second, The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district. Board Member Jeff Jack for discussion only to Deny, Board Member Leane Heldenfels second, The public hearing was closed on Board Member Leane Heldenfels to Deny, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west

property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Bryan King second, The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny Board Member Nora Salinas second, The public hearing was closed on Board Member Bryan King to GRANT for emergency access on east side only, Board Member Jeff Jack second; Board Member Leane Heldenfels to DENY west property line, Board Member Bryan King second on a 7-0 Vote.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0

**BOARD'S DECISION: (West side property line)** The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)

**BOARD'S DECISION** May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor

**BOARD'S DECISION** June 13, 2011 POSTPONED TO SEPTEMBER 12, 2011 BY APPLICANT

**BOARD'S DECISION:** Board member Melissa Hawthorne motion to Postpone to January 9, 2012 for additional graphic information on the grade change from side to side of the existing fence to determine the fence height, Board member Michael Von Ohlen second on 4-3 vote (Board members Bryan King, Susan Morrison, Heidi Goebel nay); POSTPONED TO JANUARY 9, 2012 FOR ADDITIONAL GRAPHIC INFORMATION ON THE GRADE CHANGE FROM SIDE TO SIDE OF THE EXISTING FENCE TO DETERMINE THE FENCE HEIGHT.

Jan 9, 2012 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 5-2 vote (board members Jeff Jack and Susan Morrison nay); DENIED.

**VARIANCE REQUEST:** The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 12 feet along the west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, due to the construction the east side of setback emergency access to the rear lot to pool.  
  
(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, verses the other.
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: due to topography varies on both of the properties and fence on the other side is equally as large

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Susan Walker  
Executive Liaison

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Jeff Jack  
Chairman

1-6-12

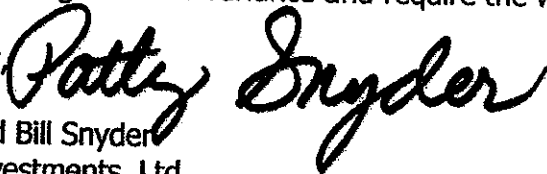
Dear City of Austin Board of Adjustment,

We OPPOSE the variance requested by Mr. Fred Purcell (C15-2010-0134 – 12912 Park Drive) for the following reasons:

1. The request is for a "fence" not a Retaining Wall. This structure is a retaining wall, and as you can see in Photo 1 it retains 6-8 feet of ground on the side shown as well as where it turns the corner and runs along our property line (Lots 74-76).
2. This unsightly retaining wall was not engineered and is well above the 8 foot max which we pointed out to the City in 2004 before the retaining wall was built. See Photo 2.
3. The Retaining wall is on the property line. Based on our understanding of the City Code, a retaining wall cannot be in the setback.
4. The facts have not changed since the City BOA began reviewing this variance request in August 2010. Multiple sessions at the BOA and multiple continuances have been a significant burden and expense for us.
5. There is a gas line above ground attached to the wall. This concern has not been addressed by the owner.

Please vote against this variance and require the wall be removed.

Sincerely,



Patty and Bill Snyder  
RGOI Investments, Ltd  
12914 Park Drive (Lots 74-76)  
Austin, TX 78732  
512-762-8881

E1  
114

1-6-12

RECEIVED

JAN 11 2012

CITY OF AUSTIN

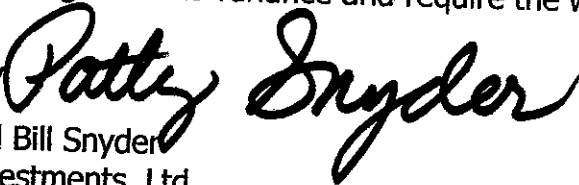
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12914 Park Drive (Lots 74-76)  
Austin, TX 78732  
512-762-8881

## 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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.

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**Case Number:** C15-2010-0134 - 12912 Park Drive

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, January 9, 2012

**Patty and Bill Snyder**

*Your Name (please print)*

☐ I am in favor  
☒ I object

**12914 Park Drive, Austin, TX 78733**

*Your address(es) affected by this application*

**Patty Snyder** **1-6-12**

*Signature*

*Date*

**Daytime Telephone:** 512-762-8881

**Comments:**

**See attached.**

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088



PHOTO 1

Lot 76

Lot 77



PHOTO 2

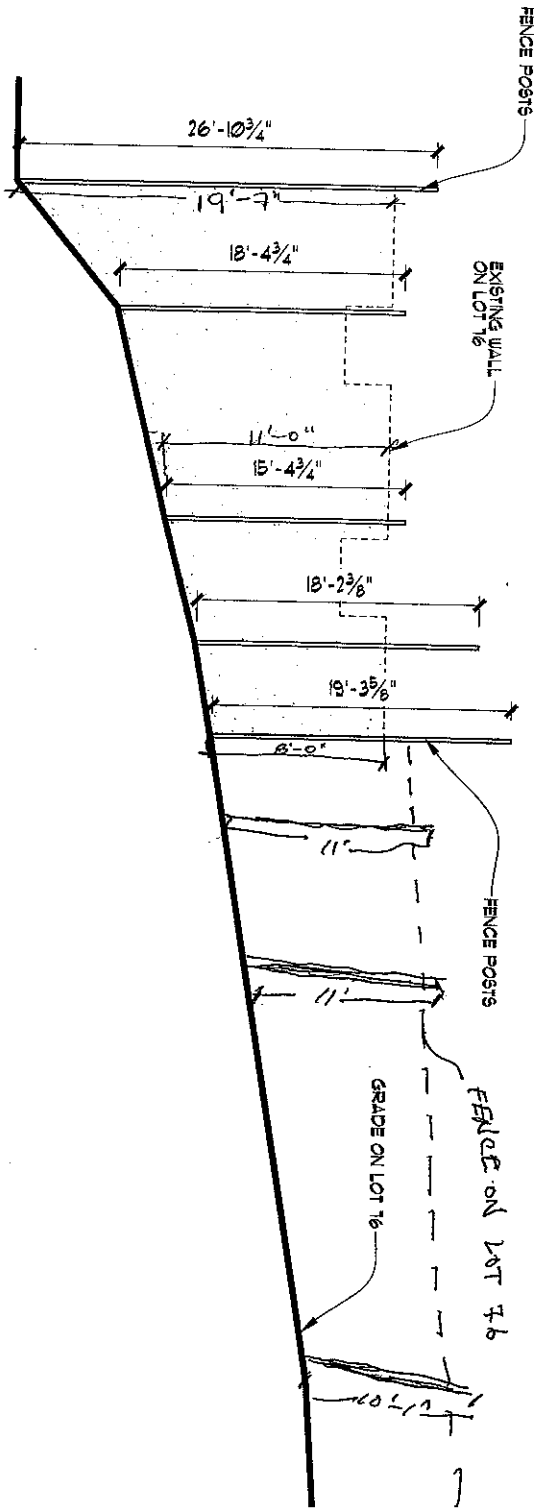
unsightly 11ft wall



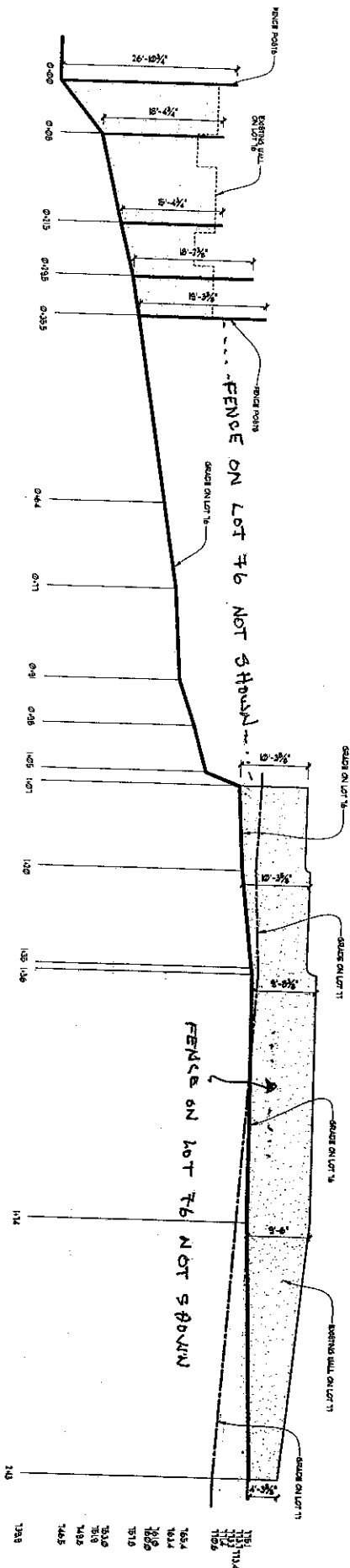
CS-2010-0134

**EXISTING WALL & FENCE POSTS ON LOT 16**  
**VIEW FROM LOT 16**

SCALE: 1/8" = 1'



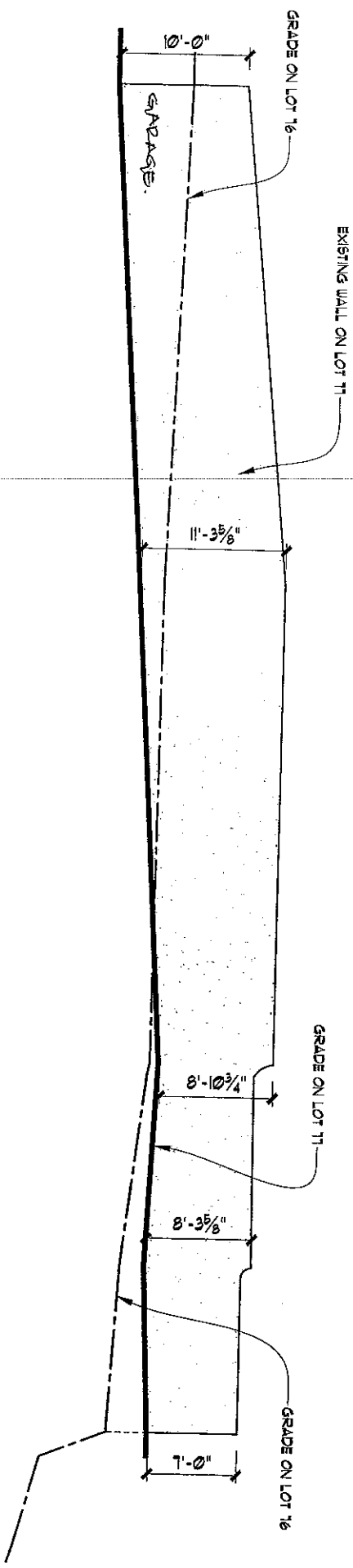
OVERALL VIEW - FROM LOT 76



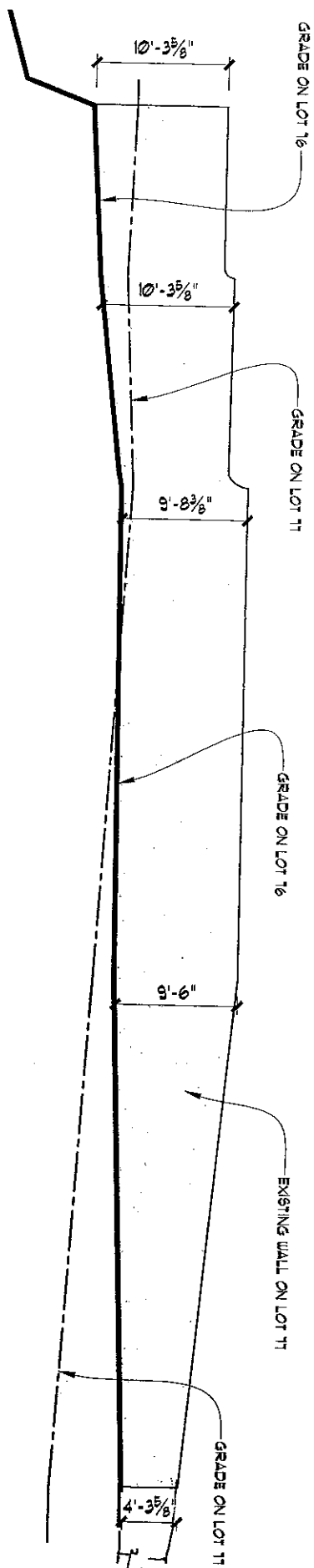
05-200-0134

**EXISTING WALL ON LOT 77**  
**VIEW FROM LOT 77**

SCALE: 1/8" = 1'



US-2010-0134



**EXISTING WALL ON LOT 77**  
**VIEW FROM LOT 76**

SCALE: 1/8" = 1'

**Walker, Susan**

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**From:** Patricia Snyder [snyderp@mac.com]  
**Sent:** Friday, January 06, 2012 4:38 PM  
**To:** Walker, Susan  
**Subject:** For BOA meeting Monday, Jan 9th  
**Attachments:** Board Of Adjustment Variance Opposition - 1-9-12.pdf; ATT1786141.htm

Dear Susan,

I have sent the attached in a fedex with original photos for the BOA on Jan 9th. This is a copy in advance for you since I know you'll be busy - your voicemail is full!  
We are in opposition to a case (C15-2010-0134) for over a year now, and the meeting has had many postponements and hearings. We are unable to attend in person again. Please accept the information and present to the BOA on our behalf.

I would appreciate a quick acknowledgement of receipt.

Sincerely,

Patty and Bill Snyder

1-6-12

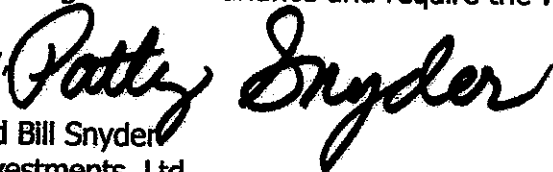
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12914 Park Drive (Lots 74-76)  
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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 9, 2012

**Patty and Bill Snyder**

Your Name (please print)

☐ I am in favor  
☒ I object

**12914 Park Drive, Austin, TX 78733**

Your Address(es) affected by this application

**Susan Walker**

**1-6-12**

Signature

Date

Daytime Telephone: **512-762-8881**

Comments:

**See attached.**

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

PHOTO 1

Lot 77

Lot 76





unsightly 11th wall

PHOTO 2

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 9, 2012

*Ms. William Schaefer*  
Your Name (please print)

☐ I am in favor  
☒ I object

*2013 or before*  
Your address(es) affected by this application

*[Signature]* 12/30/11  
Signature Date

Daytime Telephone: 476-4461

Comments:

*These are the zoning regulations for the property. I am in favor of the property. I am in favor of the property. I am in favor of the property. I am in favor of the property. I am in favor of the property.*

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 9, 2012

Your Name (please print)

Chet Morrison

☒ I am in favor  
☐ I object

Your Address(es) affected by this application

12906 Park Drive

Signature

Date

Daytime Telephone:

512-751-8061

Comments:

This variance will have no negative impact on the neighborhood at all.

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088



**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

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**CASE NUMBER:** C15-2010-0134

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King  
\_\_\_\_ Susan Morrison  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Heidi Goebel  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT:** Jim Bennett

**OWNER:** Fred Purcell

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**property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.**

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**BOARD'S DECISION May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor**

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**BOARD'S DECISION: Board member Melissa Hawthorne motion to Postpone to January 9, 2012 for additional graphic information on the grade change from side to side of the existing fence to determine the fence height, Board member Michael Von Ohlen second on 4-3 vote (Board members Bryan King, Susan Morrison, Heidi Goebel nay); POSTPONED TO JANUARY 9, 2012 FOR ADDITIONAL GRAPHIC INFORMATION ON THE GRADE CHANGE FROM SIDE TO SIDE OF THE EXISTING FENCE TO DETERMINE THE FENCE HEIGHT.**

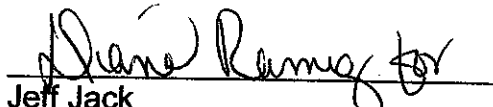
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along the west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.  
  
(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.
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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.

  
Susan Walker  
Executive Liaison

  
Jeff Jack  
Chairman

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, June 13, 2011

**CASE NUMBER:** C15-2010-0134

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas OUT  
\_\_\_\_ Bryan King  
\_\_\_\_ Leane Heldenfels, Chairman  
\_\_\_\_ Clarke Hammond, Vice Chairman  
\_\_\_\_ Heidi Goebel  
\_\_\_\_ Melissa Hawthorne

**APPLICANT:** Jim Bennett

**OWNER:** Fred Purcell

**ADDRESS:** 12912 PARK DR

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second, The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Leane Heldenfels second, The public hearing was closed on Board Member Leane Heldenfels to Deny, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west



property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Bryan King second, The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny Board Member Nora Salinas second, The public hearing was closed on Board Member Bryan King to GRANT for emergency access on east side only, Board Member Jeff Jack second; Board Member Leane Heldenfels to DENY west property line, Board Member Bryan King second on a 7-0 Vote.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0

**BOARD'S DECISION: (West side property line)** The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)

May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor

June 13, 2011 POSTPONED TO SEPTEMBER 12, 2011 BY APPLICANT

**VARIANCE REQUEST:** The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 12 feet along the west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

JUNE 13, 2011 -

#### **FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot

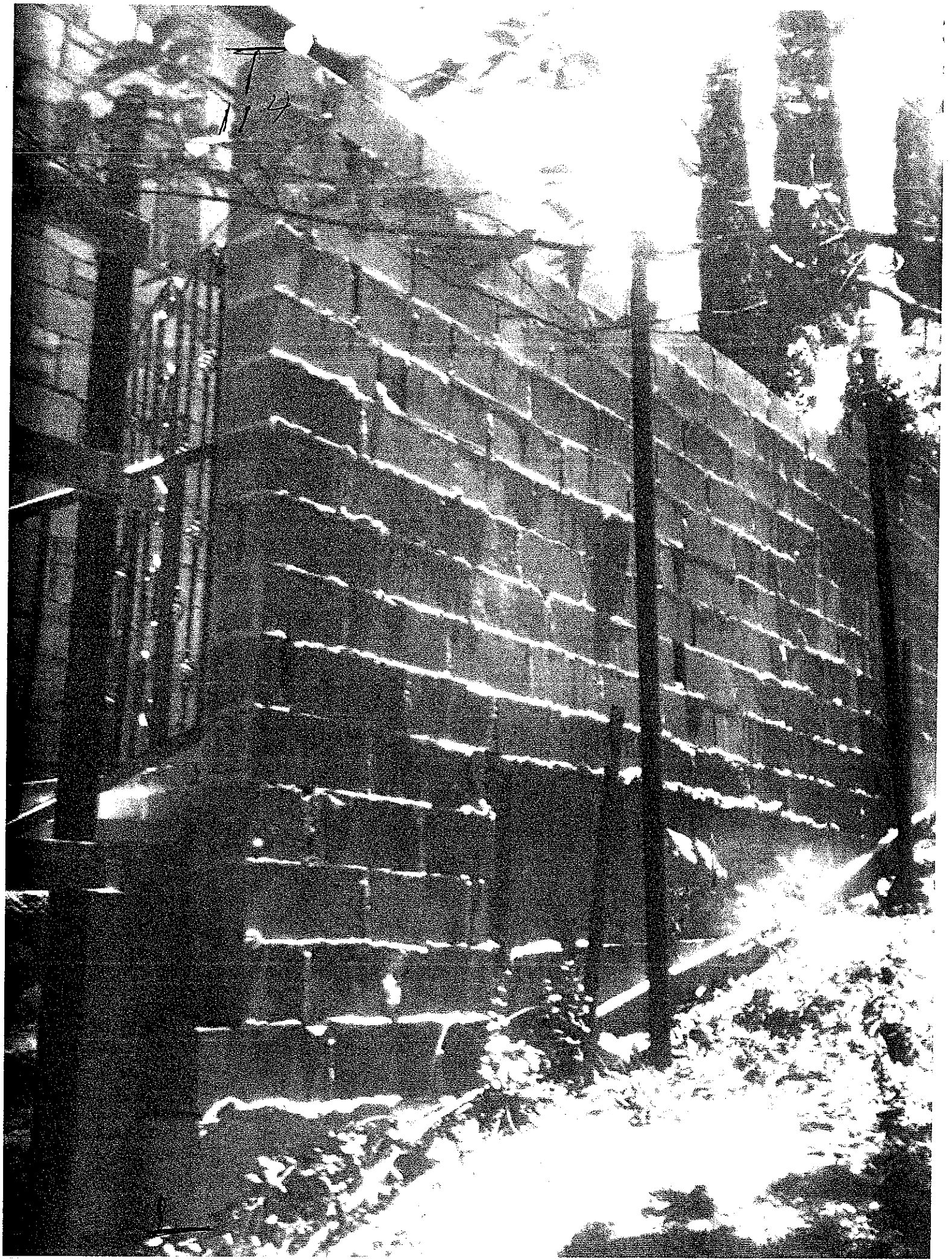
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.  
  
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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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.

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Susan Walker  
Executive Liaison

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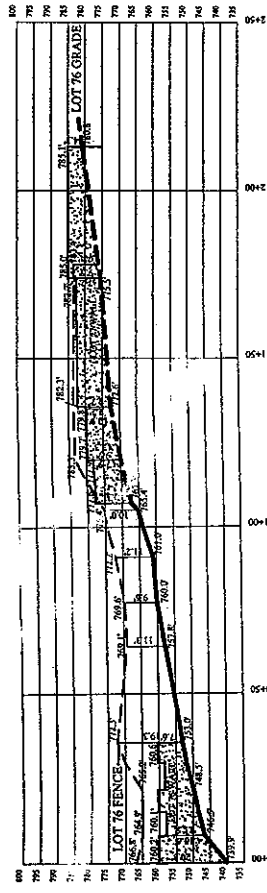
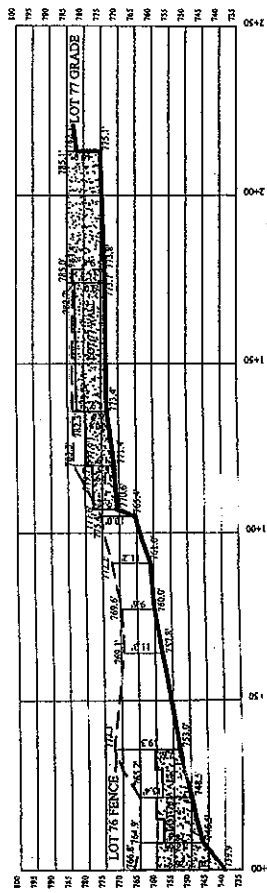
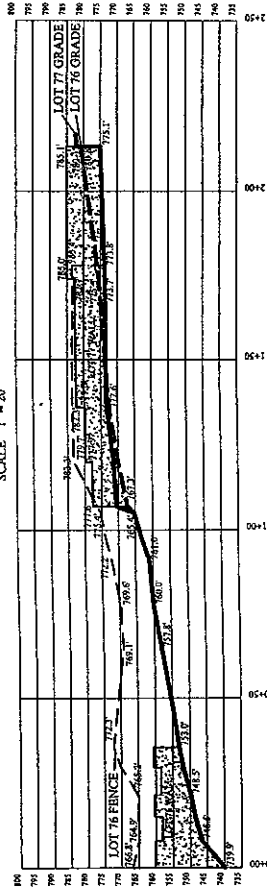
Leane Heldenfels  
Chairman



APRIL 2011

PROFILE EXHIBIT OF FENCES ON  
COMMON LINE OF LOTS 76 & 77,  
HUGHES PARK SUBDIVISION NO.1  
(PERSPECTIVE IS WEST TO EAST)

X.X' = HEIGHT TO TOP OF FENCE  
ALL OTHER HEIGHTS ARE TO TOP OF WALL  
SCALE 1" = 20'



Delta Survey Group Inc.  
813 Bruden Lane, Ste. 102, Aurora, T2C 1P4  
Office (516) 282-2000 Fax (516) 282-5150  
WWW.DELTASURVEYGROUP.COM

QUAD MANFIELD  
PROJECT LOT 77 PARK DRIVE  
DWG. FENCE LINE EXHIBIT

## PUBLIC HEARING INFORMATION

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- 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*
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Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 13th, 2011

REGI Investments

Your Name (please print)

12914 Park Drive Austin TX

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 980 369-8527

Comments:

☐ I am in favor  
☒ I object

Mailing address: 400 E Dove Ave. McAllen TX

78504

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2010-0134 - 12912 Park Drive  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 13th, 2011

William & Patricia Snyder  
Your Name (please print)

☐ I am in favor  
☒ I object

12914 Park Drive Austin TX  
Your address(es) affected by this application

  
Signature  
Date 6/7/11

Daytime Telephone: 956 369 8527

Comments:

Mailing address: 400 E Dove McAllen TX 78504

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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088



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Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 13th, 2011

William & Patricia Snyder  
Your Name (please print) REGOT Investments

12914 Park Drive Austin TX

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 956 369 8527

Comments: ① Are engineered plans required for a retaining wall? The neighbor's (saga) wall has undercut our common boundary property between 2-6 ft. ② Our side of his concrete block wall is unfinished & unsightly. ③ Our side of his wall is 10-12 ft high, plus the 2-6 ft on the other side below our grade. ④ A portion of his wall encroaches as much as 3 inches onto our property.  
Mailing address: 400 E Dove McAllen TX 78504

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

☐ I am in favor  
☒ I object

## PUBLIC HEARING INFORMATION

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Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 13th, 2011

Your Name (please print)

William R. Denis

Your address(es) affected by this application

12896 Park Drive, Austin TX 78732

Signature

Date

Daytime Telephone: 512-266-2613

Comments: Board of Adjustments

Case # C15-2010-0134

A 12ft fence will give the street  
an industrial rather than a  
family appearance

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

☐ I am in favor  
☒ I object



June 10, 2011

Board of Adjustment  
c/o Susan Walker  
P. O. Box 1088  
Austin, TX 78767

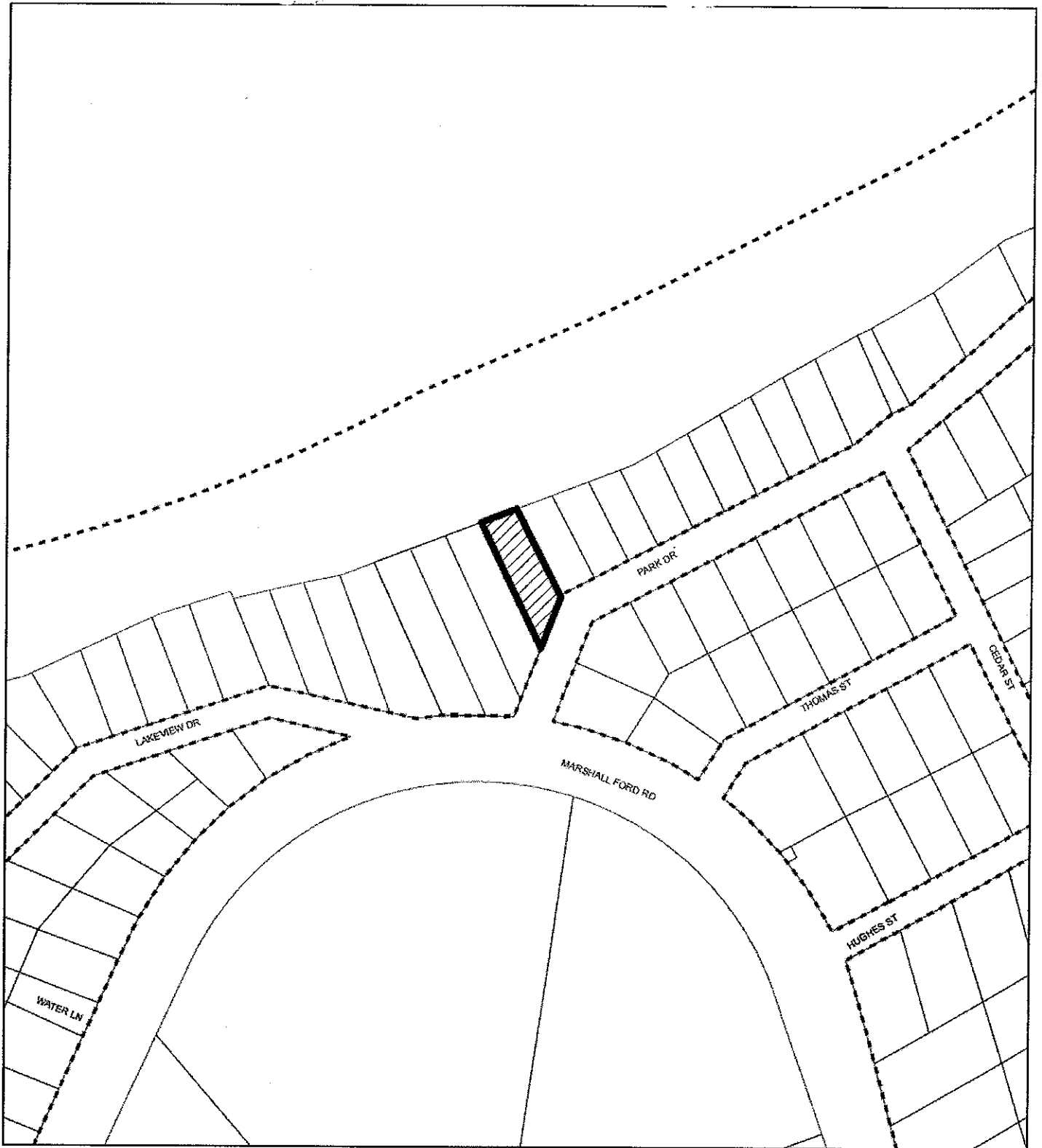
Dear Board Members:

I hereby request an indefinite postponement of case # C15-2010-0134 while the parties work on reaching an agreement.

Sincerely,



Jim Bennett  
512-282-3079



SUBJECT TRACT



ZONING BOUNDARY

## BOARD OF ADJUSTMENTS

CASE#: C15-2010-0134  
LOCATION: 12912 PARK DR  
GRID: B33  
MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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Case Number: C15-2010-0134 – 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 13th, 2011

*Cher Mercedes*  
Your Name (please print)

☒ I am in favor  
☐ I object

*12912 Park Drive*  
Your address(es) affected by this application

*Cher Mercedes*  
Signature

Date

Daytime Telephone: *302.5800 / 751-8061*

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, May 9, 2011

**CASE NUMBER:** C15-2010-0134

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas OUT  
\_\_\_\_ Bryan King  
\_\_\_\_ Leane Heldenfels, Chairman  
\_\_\_\_ Clarke Hammond, Vice Chairman  
\_\_\_\_ Heidi Goebel  
\_\_\_\_ Melissa Hawthorne

**APPLICANT:** Jim Bennett

**OWNER:** Fred Purcell

**ADDRESS:** 12912 PARK DR

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

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The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

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**BOARD'S DECISION: (West side property line)** The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)

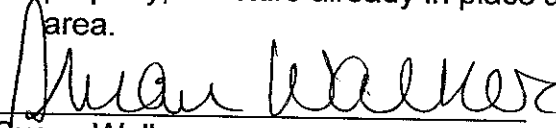
May 9, 2011 Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor


#### **FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.  
  
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\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Leane Heldenfels  
Chairman

FRED PURCELL  
5004 LAKEVIEW DR.  
AUSTIN, TEXAS 78732  
512-266-6393 TEL  
512-266-6369 FAX

March 16, 2004

William Snyder, M.D.  
5520 North "C" Street  
McAllen, Texas 78504

By Facsimile: 956-686-5289

Dear Dr. Snyder,

James Watkins asked me to prepare a letter for your consideration detailing the construction of a wall between our lots in the courtyard area of the home I am currently constructing. My understanding in speaking with James is that you would consider the following:

1. Excavation for a footing extending 1'-2' onto your property.
2. The actual footing shall be within the boundary of my lot, lot 77.
3. The actual wall shall be within the boundary of my lot, lot 77.
4. The footing shall be poured in concrete and reinforced with steel.
5. The wall will be built with CMU (cinder block).
6. The height of the wall shall be approximately 15'.
7. The costs for construction shall be paid by me.
8. You may veneer the side of the wall facing your property as you like.
9. You may tie into the wall at the adjoining corners for use on your lot.

Please let me know if you have any questions regarding any of this. Thanks for your help and consideration.

Sincerely,

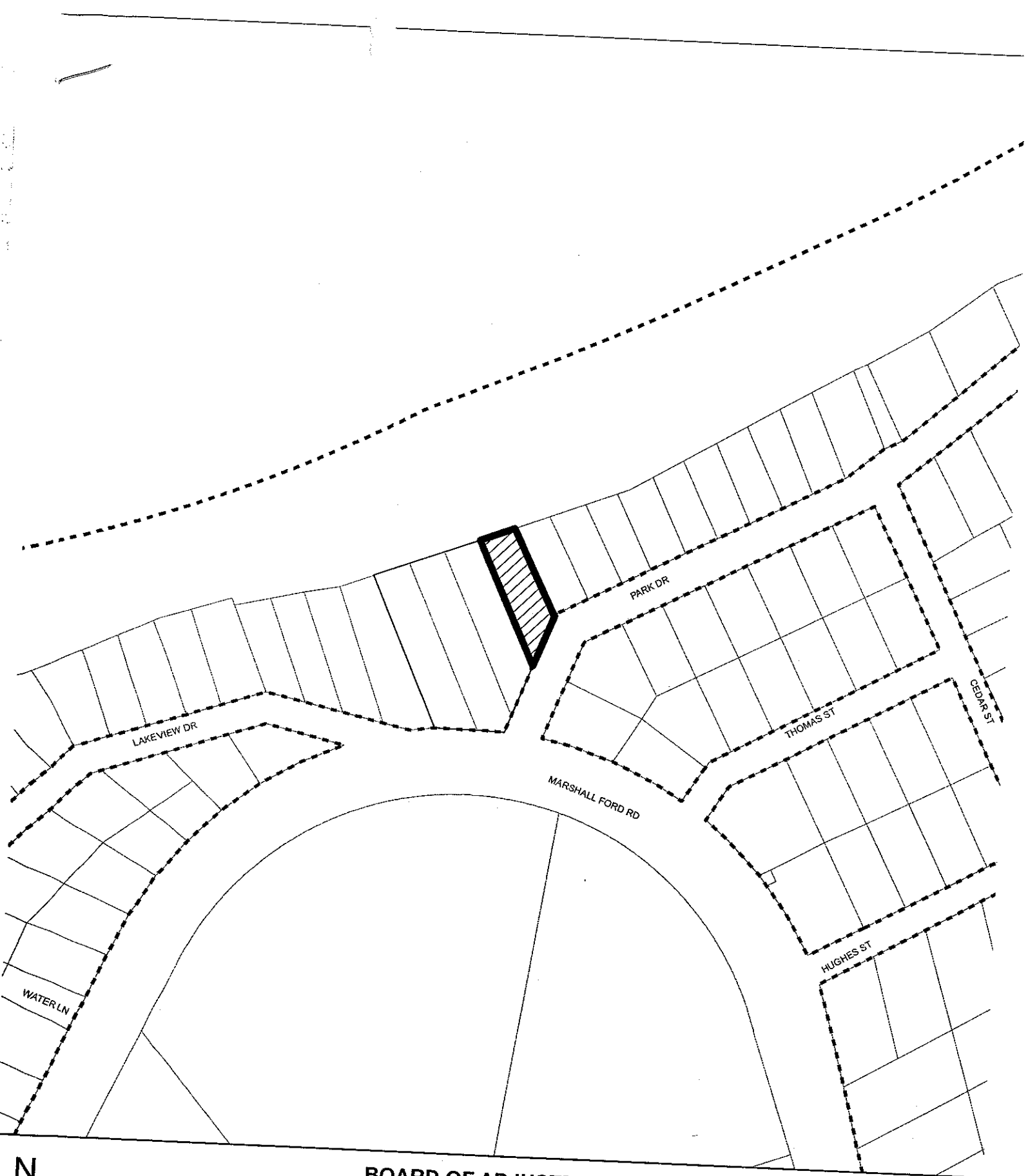
Fred Purcell



This was the memo I wrote to my file concerning the letter after Dr. Snyder wrote me back he didn't want to build the wall together:

Memo

Spoke with James Watkins around noon on April 13, 2004. He was surprised at the letter. He said he faxed the wall agreement letter on March 16 and had often spoken with Snyder about it. The letter was the doctor's idea and incorporated what he wanted. I explained that due to Easter weekend and the bad storm we didn't get the roofing tiles cleaned up by Sunday but would get it done this week. He said Snyder didn't complain to the city about the height of the house or the deck but was interested to know how to get the height we got for the house. Apparently, Artistry Homes told him he couldn't get it.



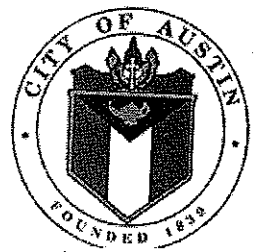


-  SUBJECT TRACT
-  ZONING BOUNDARY

## BOARD OF ADJUSTMENTS

CASE#: C15-2010-0134  
 LOCATION: 12912 PARK DR  
 GRID: B33  
 MANAGER: SUSAN WALKER

*Ira*

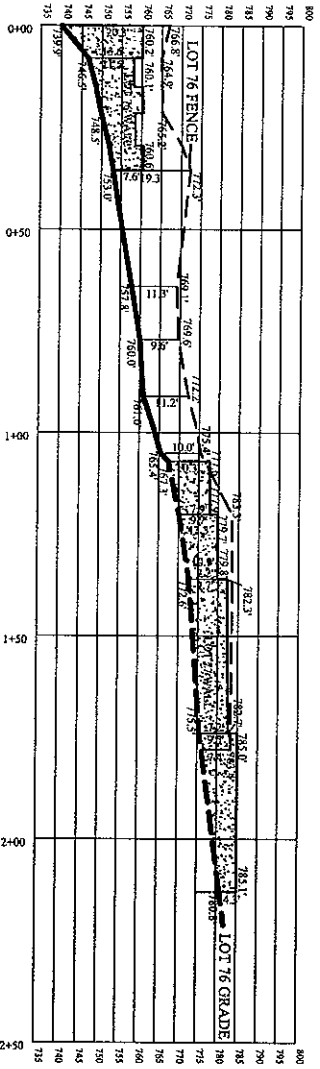
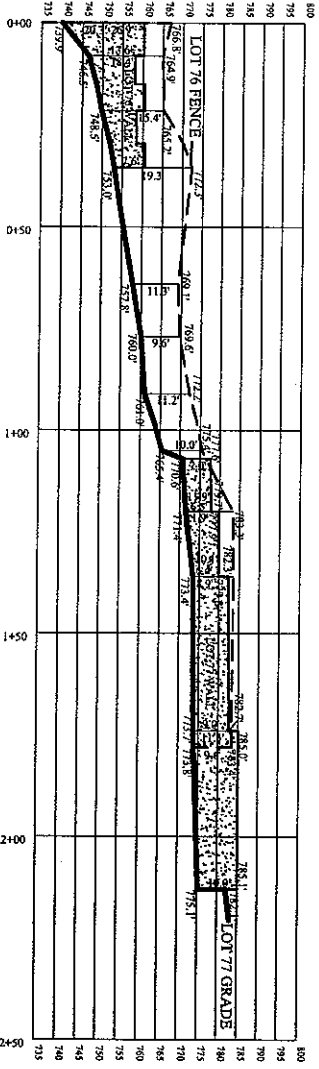
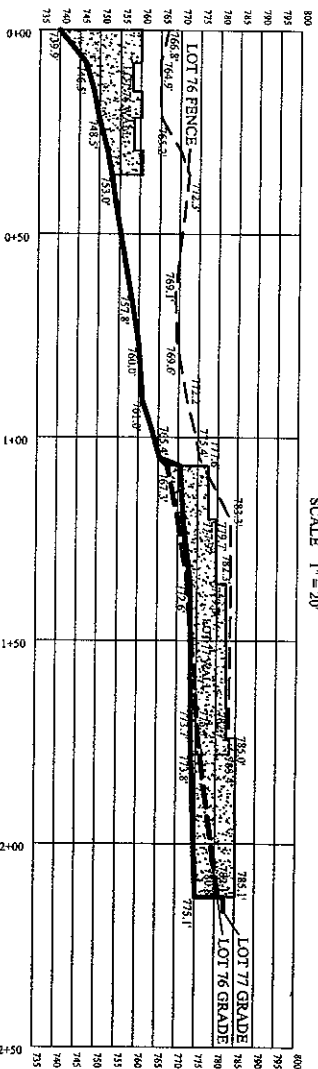


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

PROFILE EXHIBIT OF FENCES ON  
COMMON LINE OF LOTS 76 & 77,  
HUGHES PARK SUBDIVISION NO. 1  
(PERSPECTIVE IS WEST TO EAST)

APRIL 2011

X.X' = HEIGHT TO TOP OF FENCE  
ALL OTHER HEIGHTS ARE TO TOP OF WALL  
SCALE 1" = 20'



**Delta Survey Group Inc.**  
8113 Brookline Lane, Suite 102, Austin, TX 78745  
Office: (512) 252-2200 Fax: (512) 282-5130  
WWW.DELTASURVEYGROUP.COM

CLAYD MANSFIELD  
PROJECT LOT 77 PARK DRIVE  
DWG. FENCE LINE EXHIBIT

# Delta Survey Group






STATION	DESCRIPTION	GROUND ELEVATION	LOT 77 WALL HEIGHT	LOT 76 FENCE HEIGHT
0+00	BEGIN FENCE LOT 76	739.9		26.9
0+08		746.5		18.4
0+21.5		749.8		15.4
0+29.5		751.9		18.2
0+35.5	STEP UP IN FENCE	753.0		11.1
		753.0		19.3
0+64		757.8		8.6
	STEP UP IN FENCE	757.8		11.3
0+77		760.0		6.6
		760.0		9.6
0+91	STEP UP IN FENCE	761.0		10.3
		761.0		11.2
0+98		763.4		8.6
	STEP UP IN FENCE	763.4		10.7
1+05		765.4		10.0
		765.4		
1+07	BEGIN WALL LOT 77	770.6	7.0	
1+20	STEP UP IN WALL	771.4	6.5	
		771.4	8.3	10.3
1+35		773.2		8.4
1+36	STEP UP IN WALL	773.4	6.4	
		773.4	8.9	
1+74		773.7	9.0	
	STEP UP IN WALL	773.7	11.3	
2+13				
		775.1	10.0	
	90 DEG. TURN IN WALL NORTH SIDE	775.1		
	AVERAGE HEIGHT		8.4'	12.6'

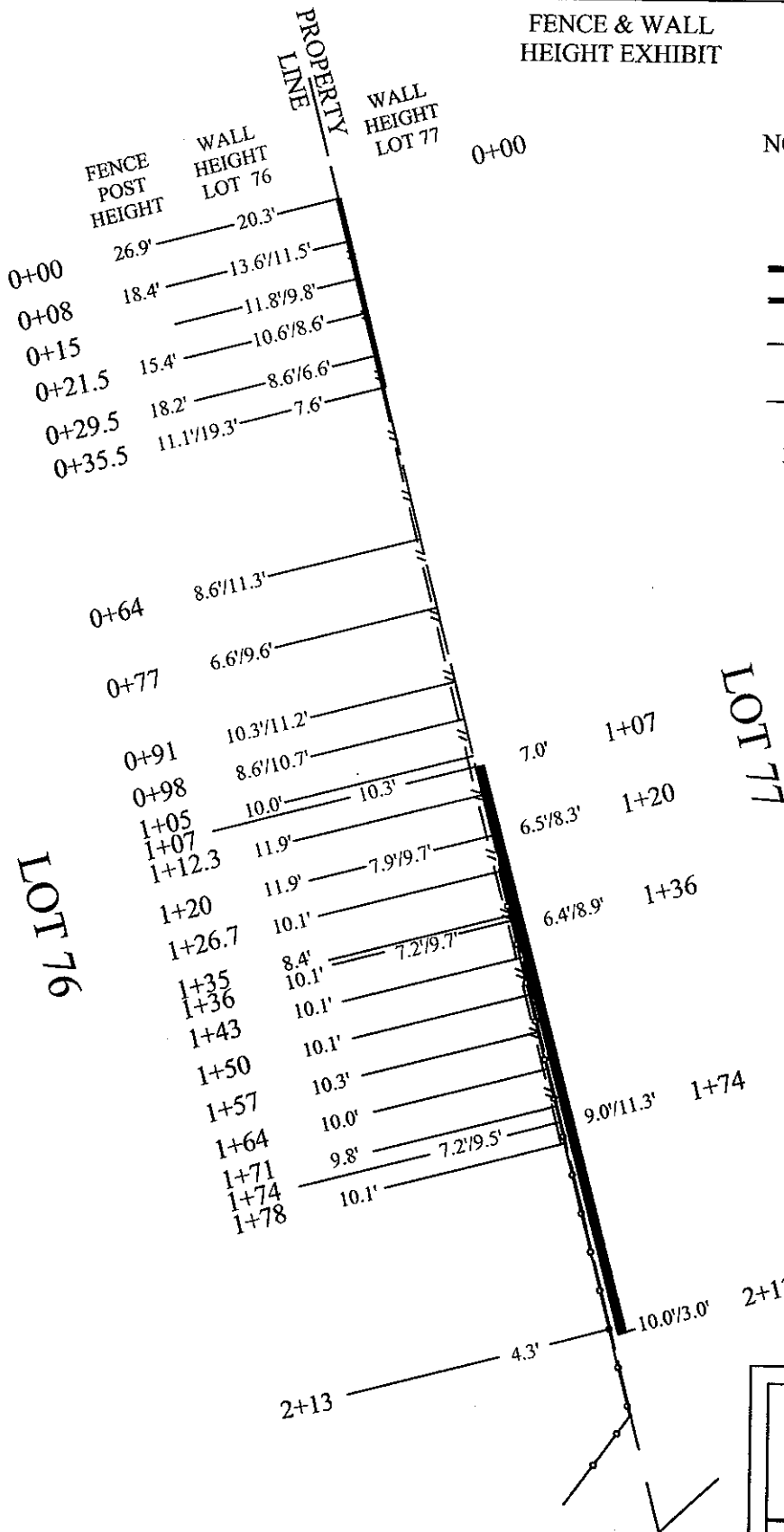
# FENCE & WALL HEIGHT EXHIBIT

1"=30'  
APRIL 2011

NOTE: HEIGHTS ARE BASED ON  
FINISHED GRADE OF LOT 77.

## LEGEND

-  MASONRY WALL LOT 77
-  CONCRETE WALL LOT 76
-  STEEL FENCE POSTS  
WITH STRINGERS
-  6' CHAIN LINK FENCE
-  STEP UP IN WALL OR  
FENCE HEIGHT



## Delta Survey Group Inc.

8213 Brodie Lane Ste. 102 Austin, TX. 78745  
office: (512) 282-5200 fax: (512) 282-5230  
WWW.DELTASURVEYGROUP.COM

QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. FENCE LINE EXHIBIT

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, April 11, 2011

**CASE NUMBER:** C15-2010-0134

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King  
\_\_\_\_ Leane Heldenfels, Chairman  
\_\_\_\_ Clarke Hammond, Vice Chairman  
\_\_\_\_ Heidi Goebel

**APPLICANT:** Jim Bennett

**OWNER:** Fred Purcell

**ADDRESS:** 12912 PARK DR

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Bryan King second, The public hearing was closed on Board Member Leane Heldenfels to DENY, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Deny, Board Member Leane Heldenfels second, The public hearing was closed on Board Member Leane Heldenfels to Deny, Board Member Bryan King second on a 7-0 Vote; DENIED

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

**Board Member Jeff Jack for discussion only to Grant, Board Member Bryan King second, The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED**

**The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.**

**Board Member Jeff Jack for discussion only to Deny Board Member Nora Salinas second, The public hearing was closed on Board Member Bryan King to GRANT for emergency access on east side only, Board Member Jeff Jack second; Board Member Leane Heldenfels to DENY west property line, Board Member Bryan King second on a 7-0 Vote.**

**The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.**

**The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0**

**BOARD'S DECISION: (West side property line) The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)**


#### **FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.  
  
(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.

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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.

---

Susan Walker  
Executive Liaison



---

Leane Heldenfels  
Chairman

UB-201-134

E2  
80

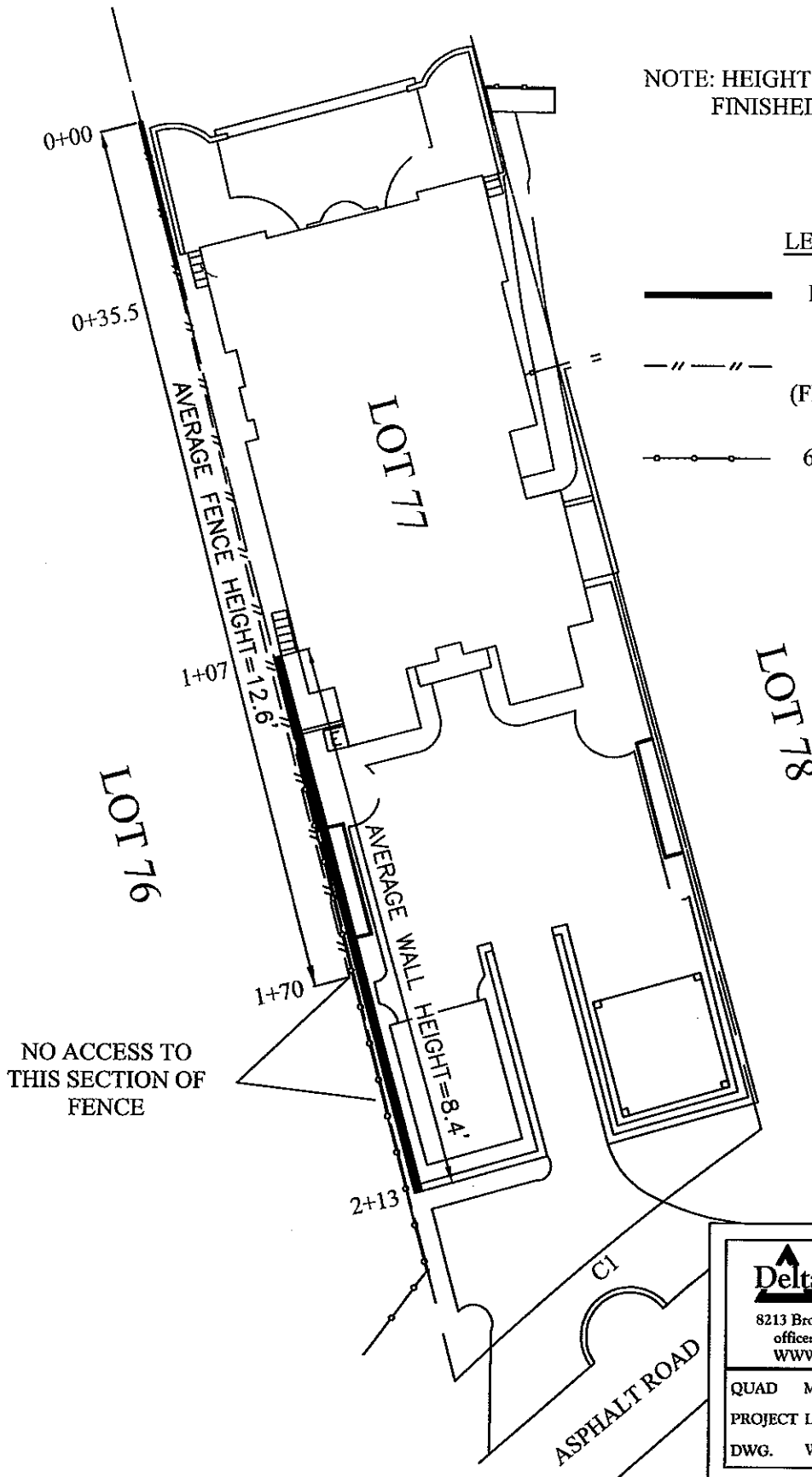
FENCE  
STATION EXHIBIT

1"=30'  
APRIL 2011

NOTE: HEIGHTS ARE BASED ON  
FINISHED GRADE OF LOT 77.

LEGEND

- MASONRY WALL
- - - - STEEL FENCE POSTS  
WITH STRINGERS  
(FENCE NOT COMPLETE)
- - - - 6' CHAIN LINK FENCE



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QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. WALL & FENCE HEIGHTS



**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, March 9, 2011

**CASE NUMBER:** C15-2010-0134

**DENIED**

<input type="checkbox"/> Y	Jeff Jack
<input type="checkbox"/> A	Michael Von Ohlen
<input type="checkbox"/> Y	Nora Salinas
<input type="checkbox"/> Y	Bryan King
<input type="checkbox"/> Y	Leane Heldenfels, Chairman
<input type="checkbox"/> Y	Clarke Hammond, Vice Chairman
<input type="checkbox"/> Y	Heidi Goebel
<input type="checkbox"/> Y	Melissa Hawthorne

**GRANTED**

<input type="checkbox"/> Y	Jeff Jack
<input type="checkbox"/> A	Michael Von Ohlen
<input type="checkbox"/> Y	Nora Salinas
<input type="checkbox"/> Y	Bryan King
<input type="checkbox"/> Y	Leane Heldenfels
<input type="checkbox"/> Y	Clarke Hammond
<input type="checkbox"/> Y	Heidi Goebel
<input type="checkbox"/> Y	Melissa Hawthorne

**APPLICANT:** Jim Bennett

**OWNER:** Fred Purcell

**ADDRESS:** 12912 PARK DR

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

Board Member Jeff Jack for discussion only to Grant, Board Member Leane Heldenfels second. The public hearing was closed on Board Member Bryan King to GRANT, Board Member Jeff Jack second on a 7-0 Vote; GRANTED

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

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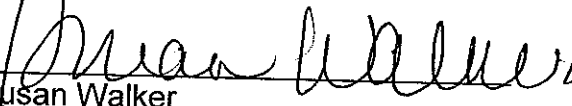
The public hearing was closed on Board Member Bryan King motion to Grant (east side property line only) and Postpone (west side property line) to April 11, 2011, Board Member Jeff Jack second on a 7-0


#### **BOARD'S DECISION:**

#### **FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot
2. (a) The hardship for which the variance is requested is unique to the property in that: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.  
  
(b) The hardship is not general to the area in which the property is located because: the extreme topographic conditions of the one side, hardship on the setback is due to the construction of frame did not allow for rock work and encroaches into setback, east side of setback emergency access to the rear lot to pool.
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: due to topography of the site the roof of the garage is almost non visible from off the property, structure already in place and have little or no affect on the character of the area.

  
Susan Walker  
Executive Liaison

  
Leane Heldenfels  
Chairman

Attention: City of Austin Board of Adjustment

3/9/2011

RE: Opposition to Fred Purcell

Case Number: C15-2010-0134

We oppose the following variances requested by Mr. Purcell because they are detrimental to our property (adjacent) and are not necessary because of any hardship or unusual circumstances. They are due to Mr. Purcell's construction of his home and accessory structures out of disregard for the City of Austin building code. He is asking for forgiveness – after having planned in advance to do the very things for which he seeks variances.

Variance 1 – decrease West side yard from 5 feet to 4.46 feet for a garage

Oppose this because the garage has a roof that further extends into the setback and is within inches from his wall and the property line. The roof is at the same level as the top of the wall so it is very obtrusive.

No hardship exists to require that he build a garage here. He planned this all along and disregarded the City code.

Variance 2 – decrease front street setback from 25 feet to 10.3 feet.

Carport was built without a permit and he had no intention of notifying the city or requesting a variance.

No hardship exists for this carport to be placed in the setbacks. This property is virtually covered with structures. Slope and street are not a factor the City BOA should find to be unusual or difficult.

Variance 3 – decrease East side yard from 5 feet to 3.9.

Oppose this due to major encroachment for an un-necessary, un-permitted carport.

No hardship or unusual terrain exists for the BOA to authorize this variance.

Variance 4 – decrease West side yard setback from 5 ft to 4.9 feet.

No comment.

Variance 5 – decrease East and West side yard setback from 5 feet to 0 feet for a pool, deck and stairs.

Oppose this variance request. A swimming pool and deck and stairs were constructed at a height of approximately 10-12 feet above grade and completely into the setback. It is an intrusive and unsightly structure that was constructed under a permit that showed the design to be in compliance, however he did not build it in accordance with the plan. Thus his need for this variance.

Variance 6 – increase maximum fence height from 6 feet to 8.5 feet along the East and West property line.

Oppose this variance request. The information being provided by the applicant, Mr. Purcell, under-represents this structure – it is as high as 15 feet and retains up to 5 feet of land where it was cut out. From the side on our property, it is at least 9-10 feet high as shown by pictures. Note that Mr. Purcell does not have a permit for this structure and no plans submitted showing the detail of this wall.

In Summary, Bill Snyder and Fred Purcell have talked directly (November and December) and Patty Snyder and Mr. Purcell have talked directly (immediately after the last BOA meeting). Mr. Purcell has made no offer to resolve, and no amount of discussion between us and Mr. Purcell can change the need for him to be seeking the Board's approval - violations would still exist. Even without our opposition, the City BOA would still not be able to validate them to be a hardship case, unusual terrain, or some other rationale required for approval. None of these conditions exist.

C15-2010-0134

Doug Sartoris  
12910 Park Drive  
Austin, Texas 78732  
DSartoris@aol.com

March 4, 2011

City of Austin Board of Adjustment  
P.O. Box 1088  
Austin, Texas 78767-1088

Re: Proposed variances, Fred Purcell, Lot 77. To Whom It May Concern:

My home is next door to Fred's. I am in support of all the variances he is seeking as is the neighborhood and our homeowner's association. Specifically, please consider the adverse affects denying the variances for the deck, fence and carport would have on me.

With regard to the deck: the City does not provide wastewater service to this area even though we are considered to be in the City. Therefore, we must provide our own wastewater package plants for each home; because of the extreme topographical changes in the lots ( the topography changes approximately 110' from the street to the water's edge ) a grinder pump is required for each lot. When our homes were built Fred agreed to place his grinder pump and holding tank under the deck; this landscaping feature shields the wastewater pump and holding tank from view. I don't want him to tear up his deck and reconfigure this equipment. Much of the swimming pool and deck are suspended over the bluff and function together structurally. I am concerned that tearing up the deck may also result in changes to the pool which could adversely affect both his bluff property and mine.

With regard to the fence: this is not so much a fence but a landscape wall enclosing both of our courtyards. His landscape wall and mine are one and the same and were built together. Obviously, I don't want this landscape feature changing.

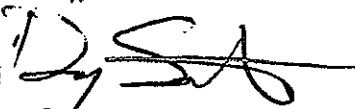
With regard to the gazebo/carport: if Fred is required to tear down this structure, he will likely rebuild it by moving it over to adjoin his one-car garage and in so doing he will need to rebuild his driveway adjacent to our property line. I would have to move and rebuild my mail box and it would put our driveways very close to each other. I much prefer the current design and, therefore, am very much in support of this variance. Though this area is in the City, the streets and right of ways have never been accepted for maintenance by the City; we have major drainage problems from the street on our side. We are required to work together to solve these drainage challenges with no help from the City. We have recently spent a great deal of money on drainage in the street area. If Fred relocates his driveway, much of this will have to be redone.

As I mentioned above, the City has never accepted any of the improvements offered for public dedication in this subdivision. We are provided no City services whatsoever and are annexed for limited purposes only. The Texas Local Government Code in Sec. 211.016 says that City zoning ordinances affecting the exterior appearance of our homes or open space on our lots cannot be applied to this

subdivision as they relate to landscaping, including the type and amount of landscaping materials. This makes it very confusing for homeowners to know what they can do and can't do regarding construction of landscaping features such as decks, patios, landscape walls, fountains etc.

Thank you for your consideration.

Sincerely,



Doug Sartoris

**State of Texas**  
**Local Government Code**

**Sec. 211.016. ZONING REGULATION AFFECTING APPEARANCE OF BUILDINGS OR OPEN SPACE**

- (a) This section applies only to a zoning regulation that affects: (1) the exterior appearance of a single-family house, including the type and amount of building materials; or (2) the landscaping of a single-family residential lot, including the type and amount of plants or landscaping materials;
- (b) A zoning regulation adopted after the approval of a residential subdivision plat does not apply to that subdivision until the second anniversary of the later of: (1) the date the plat was approved; or (2) the date the municipality accepts the subdivision improvements offered for public dedication.

From the City's Motion for Summary Judgment: "Exh. B: the bill file for the enactment of new legislation in 2003, Sec. 211.016, which was added to Subchapter A, Ch. 211, Local Government Code by HB 1207; applicability of the new law is addressed in SECTION 2:

- (a) This act takes effect Sept. 1, 2003.
- (b) The change in law made by the Act applies only to a residential subdivision plat approved by a municipality on or after the effective date of this Act. A residential subdivision plat approved by a municipality before the effective date of this Act is governed by the law in effect when the plat was approved, and the former law is continued in effect for that purpose."



DELTA SURVEY GROUP, INC.  
8213 BRODIE LANE, SUITE 102  
AUSTIN, TEXAS 78745  
PHONE:(512)282-5200 FAX:(512)252-5230

LOT 77, HUGHES PARK LAKE SUBDIVISION No.1 (JULY 2004)					
		ELEVATION	AVERAGED ELEVATION	EXISTING BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
ROOF RIDGE (SOUTHWEST TOWER)		801.7	800.25		
ROOF EVE (SOUTHWEST TOWER)		798.8			
HIGHEST ADJACENT GRADE		773.6	762.35		37.9
LOWEST ADJACENT GRADE		751.1			
PROPOSED HIGHEST GRADE		774.6	765.1		35.15
PROPOSED LOWEST GRADE		755.6			

LOT 77, HUGHES PARK LAKE SUBDIVISION No.1 (FEBRUARY 2011)					
		ELEVATION	AVERAGED ELEVATION	BUILDING HEIGHT LIVING AREA	BUILDING HEIGHT SOUTHWEST TOWER
ROOF RIDGE (LIVING AREA)		800.5	797.65		
ROOF EVE (LIVING AREA)		794.8			
ROOF RIDGE (SOUTHWEST TOWER)		801.7	800.25	34.2	
ROOF EVE (SOUTHWEST TOWER)		798.8			
HIGHEST ADJACENT GRADE		774.5	763.45		36.8
LOWEST ADJACENT GRADE		752.4			

case:

35'

40.25'

**NOTE: HEIGHTS ARE BASED ON CITY OF AUSTIN LAND DEVELOPMENT CODE -  
ARTICLE 2. DEFINITIONS; MEASUREMENTS.  
§ 25-1-21 DEFINITIONS.**

(46) HEIGHT

**NOTE: (§ 25-2-531 HEIGHT LIMIT EXCEPTIONS) MAY ALSO APPLY.**

BUILDING HEIGHT EXHIBIT  
LOT 77, HUGHES PARK  
SUBDIVISION VOLUME 4,  
PAGE 64, P.R.T.C.TX.

(FEBRUARY 2011)



1"=20'

BLUFF LINE

752.4'

MULTI STORY  
STONE HOUSE

RIDGE-800.47

EVE-794.76'

AO

FINISHED  
FLOOR  
774.64'

774.5'

LOT 76

LOT 78

TOWER  
RIDGE-801.7  
TOWER  
EVE-798.8'

LOT 77

773.16'

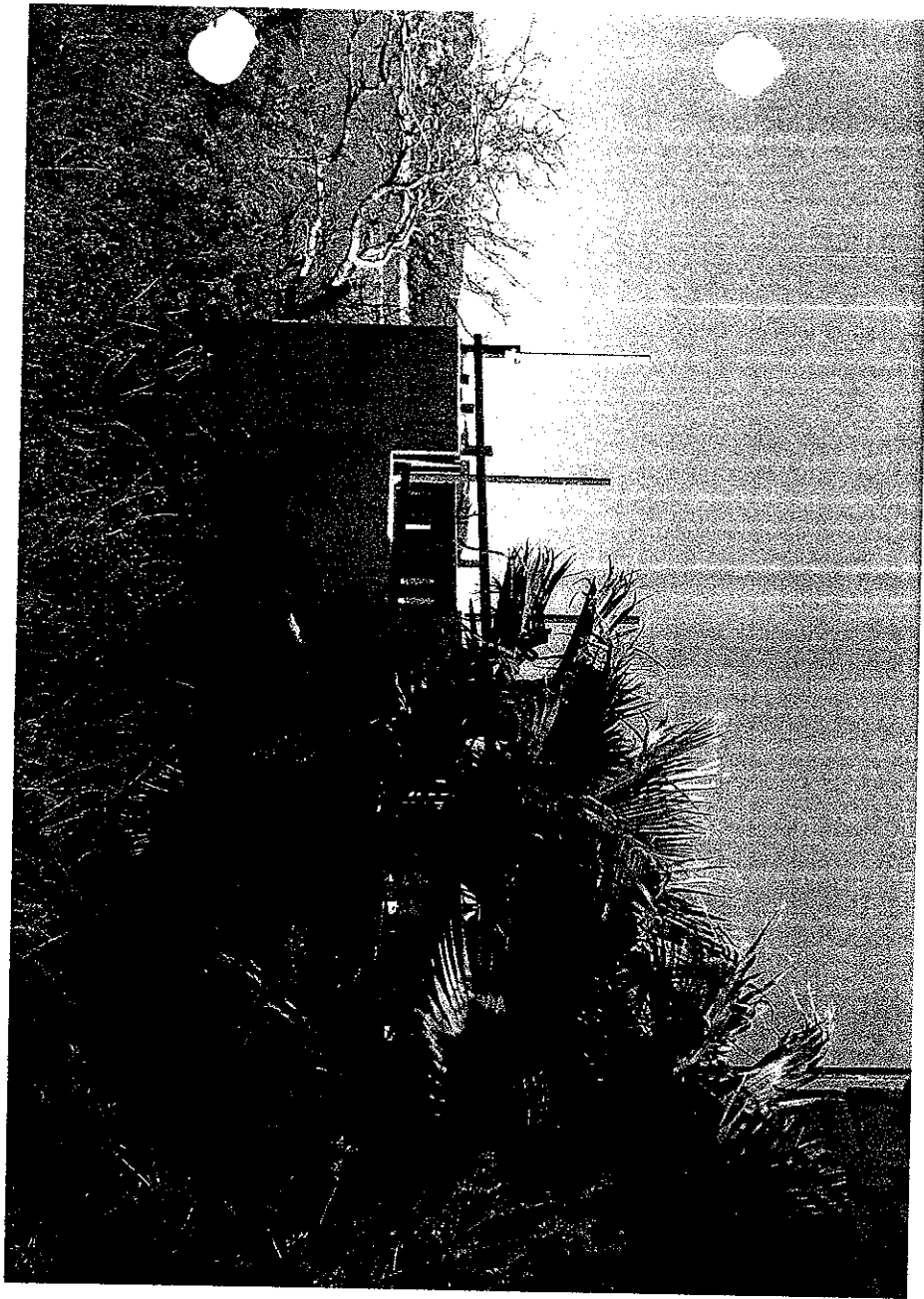
**Delta Survey Group Inc.**

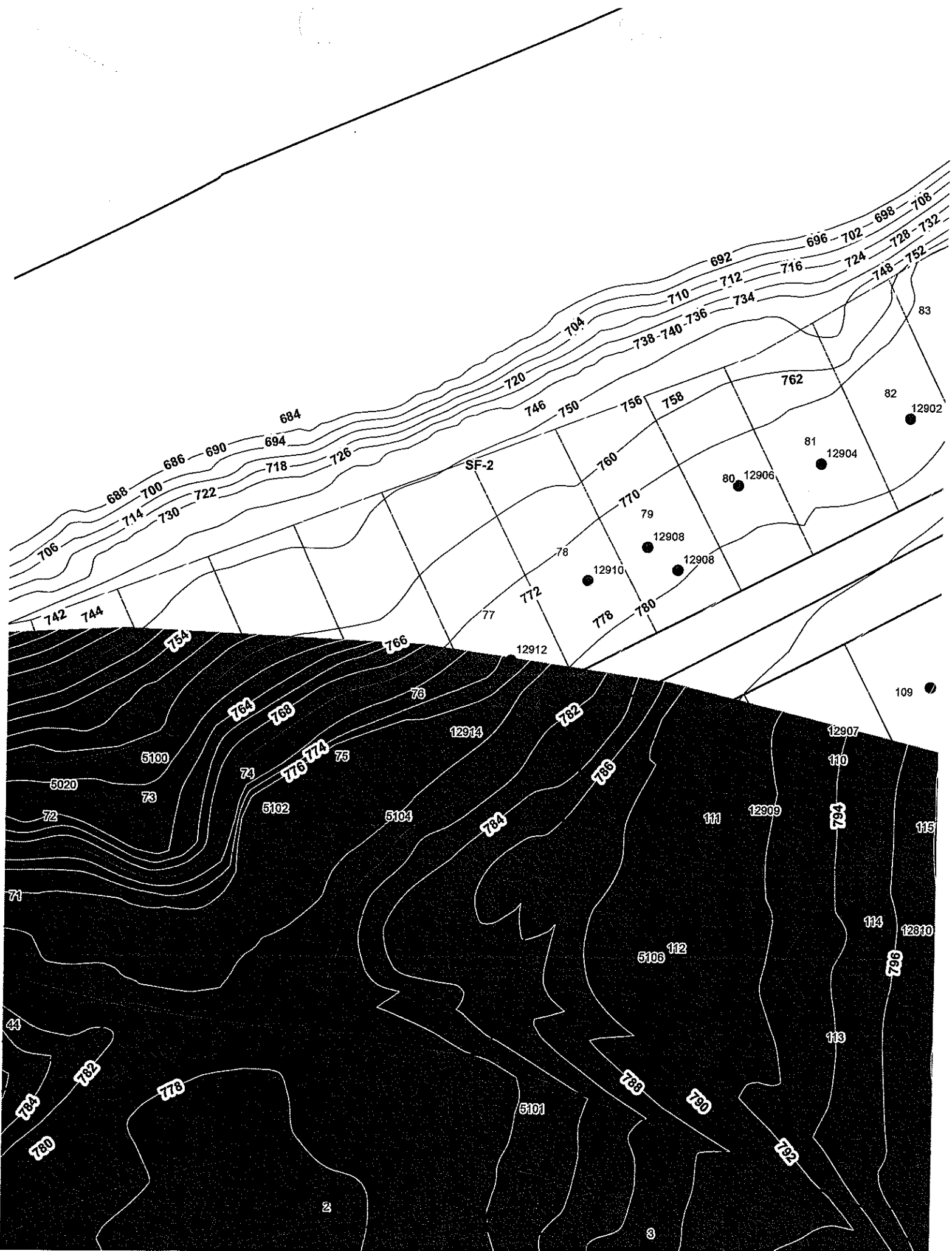
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QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. BUILDING HEIGHT EXHIBIT





CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION "A"

BP Number 2007-119518  
Building Permit No. 07-119518  
Plat No. \_\_\_\_\_ Date 5/7/07  
Reviewer SRB

PRIMARY PROJECT DATA

Service Address 12912 Park Drive Tax Parcel No. \_\_\_\_\_  
Legal Description \_\_\_\_\_  
Lot 77 Block A Subdivision Hughes Park Lake Subd. Section 1 Phase \_\_\_\_\_

If in a Planned Unit Development, provide Name and Case No. \_\_\_\_\_  
(attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work  
☒ New Residence Finish out  
☐ Duplex  
☐ Garage ☐ attached ☐ detached  
☐ Carport ☐ attached ☐ detached  
☐ Pool  
☒ Remodel (specify) FINISH OUT - BPO3-8412R  
Bldg-Mech, PLUMB  
☐ Addition (specify) \_\_\_\_\_  
☒ Other (specify) "Hold" - to comply w/ 2007-118416

Zoning (e.g. SF-1, SF-2...) SF-2

- Height of Principal building \_\_\_\_\_ ft. # of floors 2 Height of Other structure(s) \_\_\_\_\_ ft. # of floors \_\_\_\_\_  
- Does this site currently have water and wastewater availability? ☐ Yes ☒ No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.  
- Does this site have a septic system? ☒ Yes ☐ No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.  
Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentation  
Will this development require a cut and fill in excess of 4 feet? ☒ Yes ☐ No  
Does this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☐ No  
Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☐ Yes ☒ No?

VALUATIONS FOR  
REMODELS ONLY

Building \$ \_\_\_\_\_  
Electrical \$ \_\_\_\_\_  
Mechanical \$ \_\_\_\_\_  
Plumbing \$ \_\_\_\_\_  
Driveway/  
Sidewalk \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_  
(labor and materials)

VALUATIONS FOR NEW CONSTRUCTION  
OR ADDITIONS ONLY

Lot Size 15000 will Determine sq.ft.  
Job Valuation - Principal Building \$ 1500000  
(Labor and materials)  
Job Valuation - Other Structure(s) \$ \_\_\_\_\_  
(Labor and materials)

TOTAL JOB VALUATION  
(sum of remodels and additions)  
\$ \_\_\_\_\_  
(Labor and materials)

PERMIT FEES  
(For office use only)

	NEW/ADDITIONS	REMODEL
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER Name Fred Purcell Telephone (h) 266-6392  
(w) 784-4920  
BUILDER Company Name Sakin Builders Telephone 663-7137  
Contact/Applicant's Name Jeff Sakin Pager \_\_\_\_\_  
FAX \_\_\_\_\_  
DRIVEWAY/  
SIDEWALK Contractor \_\_\_\_\_ Telephone \_\_\_\_\_  
CERTIFICATE OF OCCUPANCY Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_

If you would like to be notified when your application is approved, please select the method:  
\_\_\_\_\_ telephone \_\_\_\_\_ e-mail: \_\_\_\_\_

You may check the status of this application at [www.ci.austin.tx.us/development/pierivr.htm](http://www.ci.austin.tx.us/development/pierivr.htm)

CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE

DATE

5/7/07

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

1- Pool Decking 8-10 11/11
2- Detached garage Encroachment
3- Largest - No Permit
4- Fence 12' High (Returning)
5- Tree Say from on corner
6- Need Permit
7- Documentation on Tract
8- Dimensions for ITC-100
9- Septic Approval (Paperwork)
10- Documents on Right of Way
11- Release - New Setback
12- Final Determination - Appeal
13- 10- yard line running above ground
14- 20- yard line to include 2' to 6'

Refer to: 2007-118416 RPL

Applicant's Signature

Date

5/7/07

**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION "C"**

**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 <sup>st</sup> floor conditioned area	_____ sq.ft.	_____ sq.f
b. 2 <sup>nd</sup> floor conditioned area	_____ sq.ft.	_____ sq.f
c. 3 <sup>rd</sup> floor conditioned area	_____ sq.ft.	_____ sq.f
d. Basement	_____ sq.ft.	_____ sq.f
e. Garage / Carport	_____ sq.ft.	_____ sq.f
_____ attached	_____ sq.ft.	_____ sq.f
_____ detached	_____ sq.ft.	_____ sq.f
f. Wood decks [must be counted at 100%]	_____ sq.ft.	_____ sq.f
g. Breezeways	_____ sq.ft.	_____ sq.f
h. Covered patios	_____ sq.ft.	_____ sq.f
i. Covered porches	_____ sq.ft.	_____ sq.f
j. Balconies	_____ sq.ft.	_____ sq.f
k. Swimming pool(s) [pool surface area(s)]	_____ sq.ft.	_____ sq.f
l. Other building or covered area(s)	_____ sq.ft.	_____ sq.f
Specify _____		

**TOTAL BUILDING AREA** (add a. through l.) \_\_\_\_\_ sq.ft. \_\_\_\_\_ sq.f

**TOTAL BUILDING COVERAGE ON LOT** (subtract, if \_\_\_\_\_ sq.ft.  
applicable, b., c., d., k. and f. if uncovered) \_\_\_\_\_ % of lot

**IMPERVIOUS COVERAGE**

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	_____ sq.ft.
b. Driveway area on private property	_____ sq.ft.
c. Sidewalk / walkways on private property	_____ sq.ft.
d. Uncovered patios	_____ sq.ft.
e. Uncovered wood decks [may be counted at 50%]	_____ sq.ft.
f. Air conditioner pads	_____ sq.ft.
g. Concrete decks	_____ sq.ft.
h. Other (specify) _____	_____ sq.ft.

**TOTAL IMPERVIOUS COVERAGE** (add a. through h.) \_\_\_\_\_ sq.ft.  
\_\_\_\_\_ % of lot

**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION "D"**  
**FLOOR AREA RATIO INFORMATION**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY  
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address

12912 Park Drive

Applicant's Signature

Date

5/7/07

**GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.**

	<u>Existing</u>	<u>New / Addition</u>
<b>I. 1<sup>st</sup> Floor Gross Area</b>		
a. 1 <sup>st</sup> floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	sq.f
b. 1 <sup>st</sup> floor area with ceiling height over 15 feet.	sq.ft.	sq.f
c. TOTAL (add a and b above)	sq.ft.	sq.f
<b>II. 2<sup>nd</sup> Floor Gross Area See note <sup>1</sup> below</b>		
d. 2 <sup>nd</sup> floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	sq.f
e. 2 <sup>nd</sup> floor area with ceiling height > 15 feet.	sq.ft.	sq.f
f. TOTAL (add d and e above)	sq.ft.	sq.f
<b>III. 3<sup>rd</sup> Floor Gross Area See note <sup>1</sup> below</b>		
g. 3 <sup>rd</sup> floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	sq.f
h. 3 <sup>rd</sup> floor area with ceiling height > 15 feet	sq.ft.	sq.f
i. TOTAL (add g and h above)	sq.ft.	sq.f
<b>IV. Basement Gross Area</b>		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	sq.f
<b>V. Garage</b>		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	sq.f
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	sq.f
<b>VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)</b>	sq.ft.	sq.f
<b>VII. TOTAL</b>	sq.ft.	sq.f

**TOTAL GROSS FLOOR AREA (add existing and new from VII above)**

sq. ft.

**GROSS AREA OF LOT**

sq. ft.

**FLOOR AREA RATIO (gross floor area / gross area of lot)**

%

<sup>1</sup> If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater

b. It only has one floor within the roof structure

c. It does not extend beyond the foot print of the floors below

d. It is the highest habitable portion of the building; and

e. Fifty percent or more of the area has a ceiling height of seven feet or less

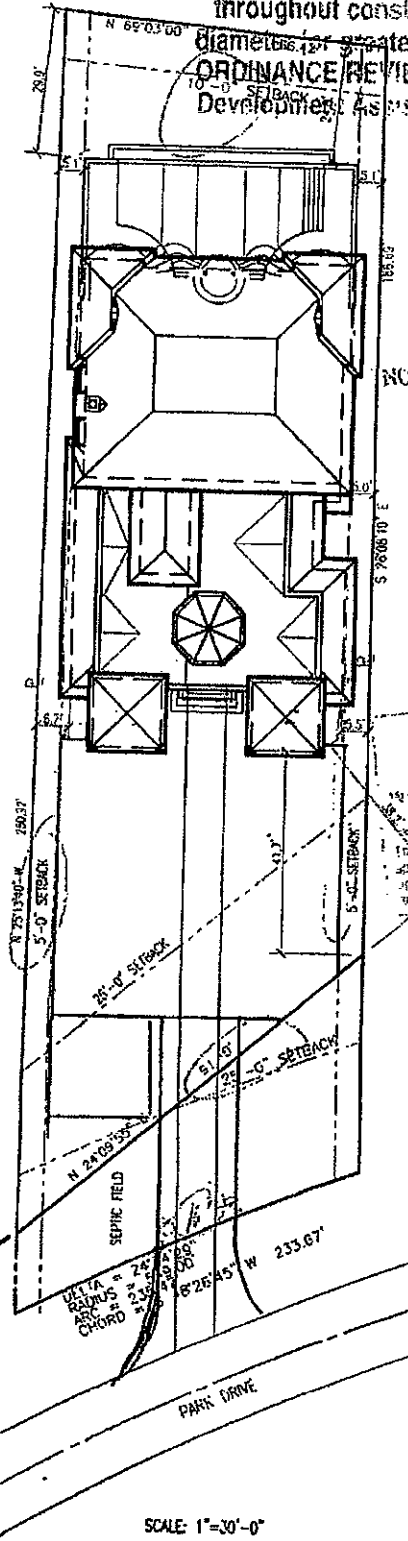


The dripline of protected trees (19" dia. or greater measured at 4.5' above grade), must be enclosed with protective fencing before and throughout construction. No tree measuring 19" in diameter (19" or greater) may be removed without a TREE ORDINANCE REVIEW from the City of Austin. Call the Development Assistance Center for review: 874-6370.

Final  
Elect Pmt -  
Pmt #2003-015465

FINISH OUT ONLY

CITY OF AUSTIN  
APPROVED FOR PERMIT  
Victoria Hsu, P.E.  
Wastewater Protection & Development Review Department  
Date 5/17/07  
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.



REVIEWED FOR ZONING ONLY

NO RECORD OF PERMIT REQUIRED FOR PUBLIC UTILITY OR DRAINAGE DISTRICTS

Must Comply  
w/ 2007-118496R

CITY OF AUSTIN  
APPROVED FOR PERMIT  
Indegon G. Pantalone, P.E.  
Wastewater Protection & Development Review Department  
Date 5/17/07  
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

New Setback  
Row taken by  
Travis County

NOTE: FINAL GRADE ADJACENT TO FOUNDATION SHALL BE NO LESS THAN 8 INCHES BELOW THE SILL PLATE. FINAL GRADE SHALL SLOPE AWAY FROM THE FOUNDATION AT A MINIMUM OF 4 PERCENT FOR 6 FEET. SITE SHALL BE GRADED AT A MINIMUM OF 1 PERCENT IN THE DIRECTION OF FLOW.

NO INLETS LOCATED WITHIN TEN FEET OF THE SIDE PROPERTY LINES NOR WITHIN THE LOT FRONTAGE.

SCALE: 1"=30'-0"

AREA	SQUARE FOOTAGE
LOT AREA	14083 s.f.
SEWER COVER	6147 s.f.
BUILDING COVER	1181 s.f.
PERCENTAGE BUILDING COVER	35 %
PERCENTAGE SEWER COVER	41 %
LIVING AREA OF HOUSE	3022 s.f.

SYMBOLS	DESCRIPTION
—	BOUNDARY LINES
—	SETBACK LINE
—	CONTIGUOUS OF ROW/LOT
—	DISTING. CONTOUR

**N-VIZION**  
ARCHITECTURAL  
VISUALIZATION  
AND DESIGN  
4611 Bee Caves, Suite 202 Austin, TX  
512.327.9955 512.327.7853 www.n-vizion.com  
**Purcell Residence**  
Lot 77, Hughes Park Lake  
Park Drive

**CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION "B"**

**CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION**

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I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE

DATE

5/7/07

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

1- Pool Decking 8-10' High
2- Detached garage Encroachment
3- Larger - No Permit
4- Fence 12' High (Retaining Wall)
5- They say Iron on our lot - Need Permit
6- Documentation on Exact lot Dimensions/Impervious (see Septic Approval (paperwork))
8- Documents on Right of way Release - New Setback
9- 1764 Determination - Appeal
10- gasline running above ground *

Refer to: 2007-118416 RM

Applicant's Signature

Date

5/7/07

Subj: **Letter for permit**  
Date: 5/13/2007 4:48:09 PM Central Daylight Time  
From: Fredapurcell  
To: rileys1223

Jeff Saikin  
12909 Park Drive  
Austin, Texas 78732  
512-663-7137 Tel  
512-266-6369 Fax

May 10, 2007

Sylvia Benavidez  
City of Austin, Watershed Protection and Development Review  
505 Barton Springs Rd.  
Austin, Texas 78704

Re: 12912 Park Drive, Austin, Texas 78732; Hughes Park Lake Subdivision Project.

Dear Ms. Benavidez,

As you know, building permit #BP03-8418R was issued for the construction of the home at the above address in 2003. The lot on which the home was built is part of the Hughes Park Lake Subdivision project, an endeavor which began in 1939 when approval of the final plat became the first in a series of permits required to initiate and continue the project. The on-going construction of improvements for residential purposes continues today. When the project began it was not within any jurisdictional boundary of the City of Austin but was annexed for limited purposes by the City in 1986. No services, including water, wastewater, fire or police protection, libraries, parks etc. are provided by the City and none of the subdivision improvements such as roads etc. have ever been accepted for maintenance by the City.

The house was constructed in compliance with all requirements of the project, including those of the final plat for the subdivision, and was substantially completed in 2004, at which time the owner moved in. In response to a complaint from a lawyer of a nearby lot owner, the City is requiring that we call for a final inspection and obtain a C.O. for the house. We called for the inspection under BP03-8418R but were told the permit was doormat. We asked that it be re-activated and were told that it had expired, could not be re-activated, and would no longer support an inspection necessary for issuance of a C.O.

Therefore, pursuant to the City's suggestion for us to authorize a final inspection to issue a C.O. for the home built in this project, we, respectfully, request that you issue the required permit so that we may comply with the City's request.

Thank you for your help in this matter.

Sincerely,

Jeff Saikin



---

See what's free at [AOL.com](http://AOL.com).



Service Address 12912 Park Rd.

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

## BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 <sup>st</sup> floor conditioned area	_____ sq.ft.	<u>3902</u> sq.ft.
b. 2 <sup>nd</sup> floor conditioned area	_____ sq.ft.	_____ sq.ft.
c. 3 <sup>rd</sup> floor conditioned area	_____ sq.ft.	_____ sq.ft.
d. Basement ( <u>unfinished</u> )	_____ sq.ft.	_____ sq.ft.
e. <u>Garage</u> / Carport	_____ sq.ft.	<u>2744</u> sq.ft.
<u>attached</u>	_____ sq.ft.	_____ sq.ft.
<u>detached</u>	_____ sq.ft.	<u>400</u> sq.ft.
f. Wood decks [must be counted at 100%]	_____ sq.ft.	_____ sq.ft.
g. Breezeways	_____ sq.ft.	_____ sq.ft.
h. Covered patios	_____ sq.ft.	_____ sq.ft.
i. Covered porches	_____ sq.ft.	<u>1400</u> sq.ft.
j. Balconies	_____ sq.ft.	_____ sq.ft.
k. Swimming pool(s) [pool surface area(s)]	_____ sq.ft.	_____ sq.ft.
l. Other building or covered area(s)	_____ sq.ft.	<u>400</u> sq.ft.
Specify _____	_____ sq.ft.	_____ sq.ft.

TOTAL BUILDING AREA (add a. through l.) \_\_\_\_\_ sq.ft. 8,846 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable) 5902 sq.ft.  
38 % of lot

## IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>5902</u> sq.ft.
b. Driveway area on private property	<u>400</u> sq.ft.
c. Sidewalk / walkways on private property	_____ sq.ft.
d. Uncovered patios	_____ sq.ft.
e. Uncovered wood decks [may be counted at 50%]	_____ sq.ft.
f. Air conditioner pads	<u>70</u> sq.ft.
g. Concrete decks	_____ sq.ft.
h. Other (specify) _____	_____ sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.) 6172 sq.ft.  
44 % of lot

**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION**

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I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

APPLICANT'S  
SIGNATURE

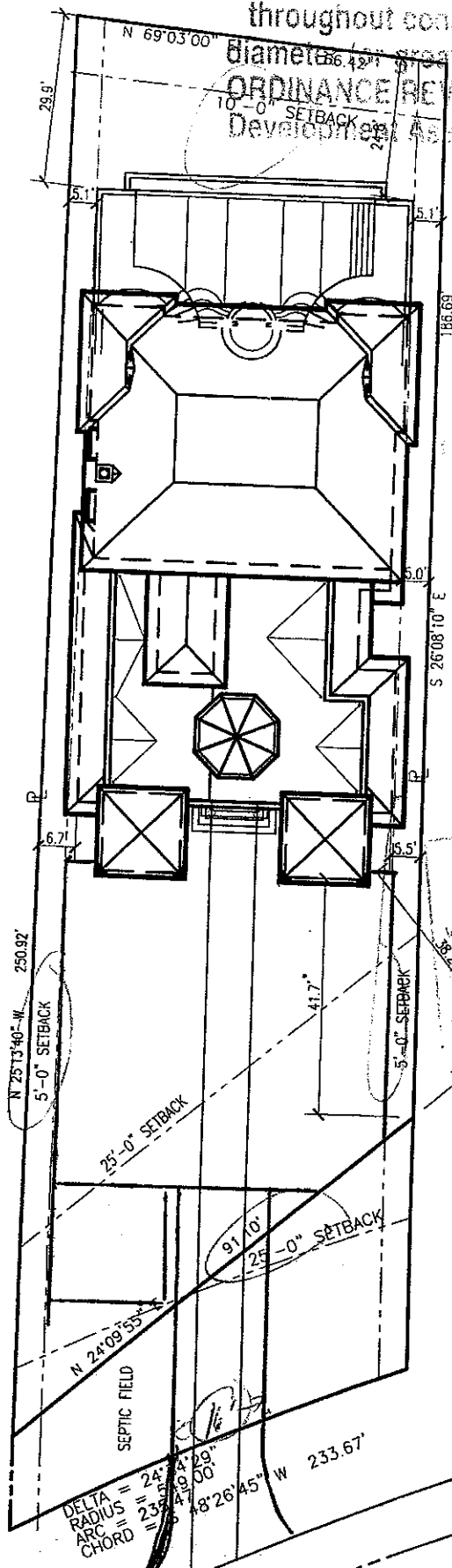
DATE

10/21/05

Rejection Notes/Additional Comments (for office use only):

Need to know location of driveway & where accessing lot  
Need to know parking space location

The dripline of protected trees (19" dia. or greater measured at 4.5' above grade), must be enclosed with protective fencing before and throughout construction. No tree measuring 19" in diameter (or greater) may be removed without a TREE ORDINANCE REVIEW from the City of Austin. Call the Development Assistance Center for review: 974-6370.



REVIEWED FOR PERMIT

CITY OF AUSTIN  
APPROVED FOR PERMIT  
Joseph G. Pantalone, P.E.  
Watermark Protection & Development Review Department  
Date: 11-12-2013  
This granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, December 13, 2010

**CASE NUMBER:** C15-2010-0134

☒ Y **Jeff Jack 2<sup>nd</sup> the Motion**  
☒ Y ~~Michael Von Ohlen~~ *Melissa Hawthorne*  
☒ Y Nora Salinas  
☒ Y Bryan King  
☒ Y Leane Heldenfels, Chairman  
☒ Y Clarke Hammond, Vice Chairman **Motion to PP to Feb 14, 2011**  
☒ Y Heidi Goebel

**APPLICANT:** Jim Bennett

**OWNER:** Fred Purcell

**ADDRESS:** 12912 PARK DR

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet along the west property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and

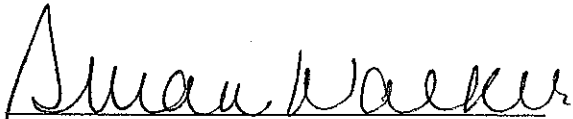


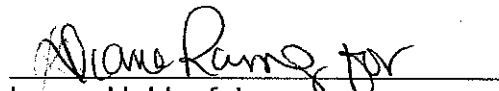
west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

**BOARD'S DECISION: POSTPONED to February 14, 2011 (for additional information, show permit of what was built, topographic map, calculations of impervious coverage); Board member Clarke Hammond motioned, Board member Jeff Jack seconded; Vote 7-0; POSTPONED TO February 14, 2011**

**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:

  
Susan Walker  
Executive Liaison

  
Leane Heldenfels  
Chairman

Subj: **Park Dr.**  
Date: 12/14/2010 12:39:41 P.M. Central Standard Time  
From: [Fredapurcell@aol.com](mailto:Fredapurcell@aol.com)  
To: [snyderp@mac.com](mailto:snyderp@mac.com), [dr.snyder@mac.com](mailto:dr.snyder@mac.com)  
CC: [rsuttle@abaustin.com](mailto:rsuttle@abaustin.com)

Patty, Bill: If you are willing, I would like to sit down with you and listen to your thoughts on how to resolve matters affecting my home and your land. Patty, if you haven't gone back to Scottsdale, yet, I would be happy for you to come to our home or meet somewhere to discuss this. My telephone number is 512-784-4920. Thanks for your consideration. Fred.

Subj: **12912 Park**  
Date: 12/27/2010 12:09:41 P.M. Central Standard Time  
From: [Fredapurcell@aol.com](mailto:Fredapurcell@aol.com)  
To: [snyderp@mac.com](mailto:snyderp@mac.com), [dr.snyder@mac.com](mailto:dr.snyder@mac.com)  
CC: [rsuttle@abaustin.com](mailto:rsuttle@abaustin.com)

Bill, Patty: I hope you had a merry Christmas. I can come to Scottsdale to meet with you concerning the variances on my home later this week or over the weekend if you so desire. Thanks, Fred.

Subj: **Re: 12912 Park**  
Date: 12/27/2010 1:48:34 P.M. Central Standard Time  
From: [dr.snyder@mac.com](mailto:dr.snyder@mac.com)  
To: [Fredapurcell@aol.com](mailto:Fredapurcell@aol.com)  
CC: [snyderp@me.com](mailto:snyderp@me.com)

Usually that would be a fine idea, however I'm at tpc Vegas and patty at sawgrass , then next week Utah, after that not sure.....

Patty was pretty disappointed the way the issues were characterized by your side, so I think that pretty much poisoned the well, but I'll ask her

Happy nu year

Sent from my iPhone

On Dec 27, 2010, at 10:09 AM, [Fredapurcell@aol.com](mailto:Fredapurcell@aol.com) wrote:

Bill, Patty: I hope you had a merry Christmas. I can come to Scottsdale to meet with you concerning the variances on my home later this week or over the weekend if you so desire.  
Thanks, Fred.

Subj: **Re: 12912 Park**  
Date: 12/27/2010 4:23:50 P.M. Central Standard Time  
From: [Fredapurcell@aol.com](mailto:Fredapurcell@aol.com)  
To: [dr.snyder@mac.com](mailto:dr.snyder@mac.com)  
CC: [snyderp@mac.com](mailto:snyderp@mac.com), [rsuttle@abaustin.com](mailto:rsuttle@abaustin.com)

I understand. Yes, there was a question as to whether I had a permit to build my swimming pool; I responded that I did to which she didn't agree. I believe we still have copies of the permits for the pool and garage which I will copy you with. Happy new year to you and if there is a change of mind, please let me know. Fred.

In a message dated 12/27/2010 1:48:34 P.M. Central Standard Time, [dr.snyder@mac.com](mailto:dr.snyder@mac.com) writes:

Usually that would be a fine idea, however I'm at tpc Vegas and patty at sawgrass , then next week Utah, after that not sure.....

Patty was pretty disappointed the way the issues were characterized by your side, so I think that pretty much poisoned the well, but I'll ask her

Happy nu year

Sent from my iPhone

On Dec 27, 2010, at 10:09 AM, [Fredapurcell@aol.com](mailto:Fredapurcell@aol.com) wrote:

Bill, Patty: I hope you had a merry Christmas. I can come to Scottsdale to meet with you concerning the variances on my home later this week or over the weekend if you so desire. Thanks, Fred.

1) CO

2) County permit

3) Home

4) Piers

5) Garage

6) Swimming Pool

7) Watercolor plant

PERMITS



# City of Austin

## BUILDING PERMIT

PERMIT NO: 2008-063194-BP

Type: RESIDENTIAL Status: Active

12912 PARK DR

Issue Date: 08/11/2008

Expiry Date: 02/07/2009

LEGAL DESCRIPTION				SITE APPROVAL		ZONING sf2		GRID NO. MB33	
PROPOSED OCCUPANCY "life safety Certificate of Occupancy for New Three Story Res W/Att Covered Patio (based on original application it is a 1sty with a basement no indication that it was a 3 sty structure!)"				WORK PERMITTED Remodel				ISSUED BY Gabriel Guerrero Jr	
TOTAL SQFT Remodel: 6,473		VALUATION Tot Val Rem: \$100.00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PARKING SPACES
TOTAL BLDG. COVERAGE		% COVERAGE		TOTAL IMPERVIOUS COVERAGE				% COVERAGE	

### Contact

Applicant, Fred Purcell  
Owner, Fred Purcell  
General Contractor, Fred Purcell

### Telephone

0 -  
0 -  
0 -

### Fee Description

Building Permit Fee

### Fee Amount Paid Date

\$23.00 08/11/2008

**Total Fees:** \$23.00

### Inspection Requirements

Building Inspection

Section 25-11-94 EXPIRATION AND EXTENSION OF PERMIT (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection performed.)

See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

### Comments

### Date

### User

last week an agreement was reached in the office of the assistant city manger Sue Edwards for additional information please contact Sue or Terry Irion (letter attached) I Left a message with Marie Sandoval for confirmation of the conversation.

Residential Zoning Review

08/11/2008

Residential Zoning Reviewers

BY ACCEPTING OR PAYING FOR THIS PERMIT YOU ARE DECLARING THAT YOU ARE THE OWNER OR AUTHORIZED BY THE OWNER THAT THE DATA SUBMITTED AT THE TIME OF APPLICATION WAS TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATION SUBMITTED HERewith.



# City of Austin

## BUILDING PERMIT

PERMIT NO: 2008-063194-BP

Type: RESIDENTIAL Status: Active

12912 PARK DR

Issue Date: 08/11/2008

Expiry Date: 02/07/2009

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TOTAL SQFT Remodel: 6,473		VALUATION Tot Val Rem: \$100.00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS 1	UNITS 1	# OF PARKING SPACES
TOTAL BLDG. COVERAGE		% COVERAGE		TOTAL IMPERVIOUS COVERAGE				% COVERAGE	

Type	Date	Status	Comments	Inspector
101 Building Layout		Open		Bob Bulkley
102 Foundation		Open		Bob Bulkley
103 Framing		Open		Bob Bulkley
104 Insulation		Open		Bob Bulkley
105 Wallboard		Open		Bob Bulkley
111 Energy Final		Open		Bob Bulkley
112 Final Building		Open		Bob Bulkley

Pin # 5006699.

5006699

panek, ophelia @  
ci.austin.tx.us





**NOTICE OF CLASS "A"**  
**TRAVIS COUNTY BASIC DEVELOPMENT PERMIT**

This Permit No. 03-2288 is issued on 4/7/2004 and is effective immediately.

This Permit is Issued to JEFF SAIKIN  
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Managements Regulation on the following described property

LOT 77      BLOCK A      HUGHES PARK LAKE SUBD 1  
12912      PARK DRIVE  
Single Family Residence      SFR

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it is has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

This permit shall be posted in a location where it is visable to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

**Notes:**

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Driveway Construction.

**Special Provisions:**

Stacey Scheffel  
**Floodplain Administrator**  
**Travis County**  
**Transportation and Natural**  
**Resources**

The attached driveway permit constitutes only a regulatory approval by the County pursuant to 251.016, Transportation Code, and Ch 64, Travis County Code. This permit grants no property interest in the right of way and does not constitute a determination by the County that the permittee has any property interest entitling the permittee to construct improvements in the right of way.



**NOTICE OF CLASS "A"**  
**TRAVIS COUNTY BASIC DEVELOPMENT PERMIT**

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LOT 77 BLOCK A HUGHES PARK LAKE SUBD 1  
12912 PARK DRIVE

Single Family Residence SFR

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\*  
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Contact Travis County Prior to Driveway Construction.

**Special Provisions:**

**Stacey Scheffel**  
**Floodplain Administrator**  
**Travis County**  
**Transportation and Natural**  
**Resources**

The attached driveway permit constitutes only a regulatory approval by the County pursuant to 251.016, Transportation Code, and Ch 64, Travis County Code. This permit grants no property interest in the right of way and does not constitute a determination by the County that the permittee has any property interest entitling the permittee to construct improvements in the right of way.

TRAVIS COUNTY PERMIT APPLICATION FOR DRIVEWAY IN RIGHT-OF-WAY

DATE: 7-6-03

Permit No.: 03-02288

Application is hereby made for construction within public right-of-way according to the description as follows. Construction shall conform with Chapter 82.302 (h) of the Travis County Standards for Construction of Streets and Drainage in Subdivisions (8/27/97).

1. PROPERTY INFORMATION:

Street Address: 12912 Park Dr., Austin, TX, 78732

Subdivision Name: Hughes Park Lake Subdiv. #1

Phase: 1 Section: 1

Lot: 77 Block: A

Survey: 1.0

-OR-

Acreage: 1.0

Tax Parcel No.: 01524401440000

2. DRIVEWAY INFORMATION:

A. X Type 1 (1 or 2 family residence)

-OR-

Type 2 (Commercial)

B. 2 Culvert-Style

OR

Dip-Style

OR

Curb & Gutter-Style

C. Number of Driveways (max 2 per street): 1-SS Driveway Widths: 12-25' @ ROW-SS

3. ADDITIONAL INFORMATION REQUIRED FOR PROCESSING:

a. Approximate Date of Construction: 7-15-03

b. Site plan showing: property lines, proposed/existing improvements, guardrails, mailboxes, curb inlets, proposed driveways, intersecting nearby streets, and distance of driveway (s) from lot corner

c. When a property does not have adequate street frontage and access is obtained by way of another property, not owned by this applicant, include a copy of the access / roadway easement that allows this access.

It is agreed that the proposed improvements shall be constructed in accordance with Travis County specifications and as shown on approved plans and specifications submitted. Construction authorized shall be subject to inspection by Travis County. The permit holder shall assume full responsibility for notification, coordination and relocation of utility facilities impacted by the proposed access. The Permit holder assumes responsibility for the integrity of any existing storm water drainage facility and will construct or be responsible for the construction of an approved storm water culvert of size and design conforming to the Travis County Standards for Construction of Streets and Drainage in Subdivisions. It is further agreed that any temporary driveway approach approved by this permit shall be replaced by a permanent Type 1 or Type 2 driveway approach under a new permit within thirty (30) days of completion of construction of the abutting street to permanent line and grade. FOR MAINTENANCE PURPOSES, THE MINIMUM PIPE DIAMETER ALLOWED IS 18" OR A DESIGN 2 PIPE (CULVERT STYLE DRIVEWAY).

Applicant's Signature

## CITY OF AUSTIN - PROJECT PERMIT

Printed: 13 November 2003

PERMIT NO.  
03016064STATUS  
ACTIVETYPE  
RADDRESS  
12912 PARK DRDATE  
13-NOV-03

Subdivision: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B

PERMIT CLERK  
DCORTINAS

PLAT	BLOCK A	LOT 77	GRID MB33	
ZONE SF2	HT & AREA	REOD.	PARKING PROVD.	PROPOSED OCCUPANCY NEW THREE STORY RES W/ATT COVERED PATIO
SPECIAL PERMIT NO.	TOTAL SQ.FT. 8046	VALUATION \$415,000	TYPE CONST.	USE. CAT. R3-1
GROUP	FLOORS 2	BLDGS 1	UNITS	
WORK PERMITTED NEW	BASEMENT N	BUILDING DIMENSIONS		MIN. STD. N
				ONR N

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OWNER/CONTR. WALSH TARLTON LTD  
BUILDING SAIKIN BUILDERS  
ELECTRICAL  
MECHANICAL  
PLUMBING  
SIDEWALK/DRIVE  
SIGN

ROOF / SIDE

ELEC SERVICE FEE

PLAN CHECK FEE

PHONE	FEE	PAID DATE
266-6393		
663-7137	\$740	11/13/2003
	\$460	
	\$240	
	\$250	
ETJ FEE	TOTAL FEE \$1,690	TOTAL PAID \$740

REQUIRED  
INSPECTIONS

BUILDING  
MECHANICAL  
ELECTRIC  
PLUMBING  
CONCRETE  
WATER  
SEWER


C.O. MAILING ADDRESS

5004 LAKEVIEW DRIVE

AUSTIN, TX 78732

REMARKS IC-6172' 41% BC-5702' 38%. 16' DR & COA  
SIDEWALKS MAYBE REQUIRED. NOT IN FLOOD  
PLAIN PER TODD PANKEY 11-10-2003. RESID ZON  
REV NBRIONES.

*Attn:*  
*Diana*

TEXAS STATE BOARD OF PLUMBING EXAMINERS AUSTIN, TEXAS BE IT KNOWN THAT	
KELLY SHAWN CRAWFORD MASTER	
LICENSE NO. M-14737	D.O.B. 11/02/60 EXPIRES 11/30/04
IS HEREBY LICENSED IN ACCORDANCE WITH ARTICLE 6243-101 V.T.C.S.	

TO SCHEDULE AN INSPECTION, CALL 480-0623.

*For more info*

PERMIT NO.  
03016064

STATUS  
ACTIVE

TYPE  
R

ADDRESS  
12912 PARK DR

DATE  
13-NOV-03

Subdivision: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B						PERMIT CLERK DCORTINAS											
PLAT		BLOCK A		LOT 77		GRID MB33											
ZONE SF2		HT. & AREA		PARKING PROVD.		PROPOSED OCCUPANCY NEW THREE STORY RES W/ATT COVERED PATIO											
SPECIAL PERMIT NO.		TOTAL SQ. FT. 8046		VALUATION \$415,000		TYPE CONST.		USE CAT. R3-1		GROUP		FLOORS 2		BLDGS 1		UNITS	
WORK PERMITTED NEW				BASEMENT N		BUILDING DIMENSIONS						MIN. STD. N		ONR N			

TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout					101
Plumbing Rough					501
Plumbing Sewer					505
Plumbing Copper					502
Plumbing Gas					504
Foundation					102
Framing					103
Insulation/Energy					601
Plumbing Top Out					503
Mechanical Rough					401
Mechanical Vent					402
Electrical Slab					301
Electric Rough					302
Wallboard					104
Sidewalk Prepour					201
Driveway Prepour					202
* Final Building					706
* Final Electric					701
* Final Mechanical					703
* Final Plumbing					702
* Final Energy					704
F Final Concrete					705
I Final Sign					707
N Landscaping					
A Engineering					
* Water					
* Sewer					
* Fire					
* Health					

Admin Holds: NONE

Review Date

Remarks:

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (j).

FINAL DATE

TO SCHEDULE AN INSPECTION, CALL 480-0623.



City of Austin  
WPDR  
PIER - Building Permit - RECEIPT

Receipt #: 351768

Date: 13 NOV 2003

Company Name: SAIKIN BUILDERS

Contact Name:

Phone: 512-663-7137

Fax: --

Address

City:

ZIP: -

Issued by: DIANA CORTINAS

Payment Method: CHECK

Status: Paid

Check Number: 2677

Check Amount:

FAO-Rev.Code	Description	Quantity	Sub Total
1000-630-9100-4053	BP - Building Permit 12912 PARK DR - 03016064	1	\$740.00
1000-630-9100-4053	BP - Building Permit 12912 PARK DR - 03016065	1	\$33.00
1000-630-9100-4053	BP - Building Permit 12912 PARK DR - 03016066	1	\$33.00
			Total : \$806.00



## CITY OF AUSTIN - PROJECT PERMIT

Printed: 13 November 2003

PERMIT NO. 03016066 STATUS ACTIVE TYPE R ADDRESS 12912 PARK DR DATE 13-NOV-03

SUBDIVISION						PERMIT CLERK												
division: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B						DCORTINAS												
PLAT		BLOCK		LOT		GRID												
		A		77		MB33												
ZONE		HT. & AREA		REOD.		PARKING PROVD.		PROPOSED OCCUPANCY										
SF2								NEW DETACHED GARAGE										
SPECIAL PERMIT NO.			TOTAL SQ. FT.		VALUATION		TYPE CONST.		USE. CAT.		GROUP		FLOORS		BLDG'S		UNITS	
			400		\$10,000				M1-1						1			
WORK PERMITTED				BASEMENT		BUILDING DIMENSIONS								MIN. STD.		ONR		
NEW				N										N		N		

C O N T R A C T O R S	OWNER/CONTR.	WALSH TARLTON LTD	PHONE	FEE	PAID DATE	REQUIRED INSPECTIONS
	BUILDING	SAIKIN BUILDERS	266-6393			
	ELECTRICAL		663-7137	\$33	11/13/2003	
	MECHANICAL			\$34		
	PLUMBING					
	SIDEWALK/DRIVE					
	SIGN					
ROOF / SIDE						
ELEC SERVICE FEE						
PLAN CHECK FEE						
			ETJ FEE	TOTAL FEE	TOTAL PAID	
				\$67	\$33	

## C.O. MAILING ADDRESS

5004 LAKEVIEW DRIVE

AUSTIN, TX 78732

REMARKS IC-6172' 41% BC-5702' 38%. NOT IN FLOOD PLAIN  
PER TODD PANKEY 11-10-2003.RESID ZON REV  
NBRIONES

BY TAKING AND/OR PAYING FOR THIS PERMIT  
APPLICATION, YOU ARE DECLARING YOU ARE THE  
OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER  
OR OWNERS TO SUBMIT THIS APPLICATION, THAT  
THE GIVEN DATA ARE TRUE FACTS AND THAT THE  
WORK WILL CONFORM TO THE PLANS AND  
SPECIFICATIONS SUBMITTED HERewith:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES  
AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.

## CITY OF AUSTIN - PROJECT PERMIT

Printed: 13 November 2003

PERMIT NO.  
03016066STATUS  
ACTIVETYPE  
RADDRESS  
12912 PARK DRDATE  
13-NOV-03

SUBDIVISION Division: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B						PERMIT CLERK DCORTINAS	
PLAT	BLOCK A	LOT 77				GRID MB33	
ZONE SF2	HT. & AREA	REQD.	PARKING PROVD.	NEW DETACHED GARAGE			
SPECIAL PERMIT NO.		TOTAL SQ. FT. 400	VALUATION \$10,000	TYPE CONST.	USE. CAT. M1-1	GROUP	FLOORS 1
WORK PERMITTED NEW		BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N
							ONR N

TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout					101
Plumbing Rough					501
Plumbing Sewer					505
Plumbing Copper					502
Plumbing Gas					504
Foundation					102
Framing					103
Insulation/Energy					601
Plumbing Top Out					503
Mechanical Rough					401
Mechanical Vent					402
Electrical Slab					301
Electric Rough					302
Wallboard					104
Sidewalk Prepour					201
Driveway Prepour					202
Final Building					706
Final Electric					701
Final Mechanical					703
Final Plumbing					702
Final Energy					704
Final Concrete					705
Final Sign					707
Landscaping					
Engineering					
Water					
Sewer					
Fire					
Health					

Admin Holds: NONE Review Date  
  
 Remarks:  
  
 Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (j).

FINAL DATE

TO SCHEDULE AN INSPECTION, CALL 480-0623.



# CITY OF AUSTIN - PROJECT PERMIT

Printed: 13 November 2003

PERMIT NO.  
03016065

STATUS  
ACTIVE

TYPE  
R

ADDRESS  
12912 PARK DR

DATE  
13-NOV-03

SUBDIVISION  
bdivision: HUGHES PARK LAKE SUBDIVISION NO.1; Lot: 77; Block: B

PERMIT CLERK  
DCORTINAS

PLAT	BLOCK A	LOT 77	GRID MB33		
ZONE SF2	HT. & AREA	REQD.	PARKING PROVD.	PROPOSED OCCUPANCY NEW SWIMMING POOL	
SPECIAL PERMIT NO.	TOTAL SQ. FT. 400	VALUATION \$100,000	TYPE CONST.	USE CAT. M2-1	GROUP
WORK PERMITTED NEW	BASEMENT N	BUILDING DIMENSIONS			FLOORS 1
			BLDGS 1		
			UNITS N		
			MIN. STD. N		
			ONR N		

- C OWNER/CONTR.
- N BUILDING
- R ELECTRICAL
- A MECHANICAL
- C PLUMBING
- T SIDEWALK/DRIVE
- O SIGN
- R ROOF / SIDE
- S ELEC SERVICE FEE
- PLAN CHECK FEE

WALSH TARLTON LTD  
SAIKIN BUILDERS

PHONE	FEE	PAID DATE
266-6393		
663-7137	\$33	11/13/2003
	\$34	
	\$34	
ETJ FEE	TOTAL FEE	TOTAL PAID
	\$101	\$33

REQUIRED  
INSPECTIONS  
  
BUILDING  
ELECTRIC  
PLUMBING

C.O. MAILING ADDRESS

5004 LAKEVIEW DR  
  
AUSTIN, TX 78732

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PER TODD PANKEY 11-10-2003. RESID ZON REV  
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APPLICATION, YOU ARE DECLARING YOU ARE THE  
OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER  
OR OWNERS TO SUBMIT THIS APPLICATION, THAT  
THE GIVEN DATA ARE TRUE FACTS AND THAT THE  
WORK WILL CONFORM TO THE PLANS AND  
SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES  
AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.



Lower Colorado River Authority  
Post Office Box 220 Austin, Texas 78767 • (512) 473-3216

---

**AUTHORIZATION TO OPERATE AN ON-SITE SEWAGE FACILITY**  
**Permit #: 3707**

---

Location: 12912 PARK, AUSTIN TX 78732

HUGHES PARK LAKE Block: Lot: 77

Owner: PURCELL, FRED A

Mailing address: 5004 LAKEVIEW DR AUSTIN TX 78732

Permit Date: 9/1/2004  
Phone: (512) 266-6393

This license signifies that final approval is given and that the system is ready for use and meets guidelines adopted by the Lower Colorado River Authority (LCRA) and the Texas Commission on Environmental Quality (TCEQ). Acceptance of this license to operate the system constitutes an agreement to abide by the terms and conditions specified in the most current version of the LCRA and TCEQ regulations for on-site sewage facilities.

The LCRA's program is designed to protect the water quality of the Highland Lakes. Your commitment to meeting the requirements of the license is appreciated by everyone who uses and enjoys the Highland Lakes and the Colorado River. Thank you for your assistance in keeping the water clean.

Should you have questions regarding operation and maintenance of the system, please call me at 1-800-776-5272, extension 3216. The number printed on the license will help us answer your questions expeditiously. For your information, I have also enclosed a booklet which will better enable you to understand and care for your on-site sewage facility.

Thank you again for your concern about water quality. Remember that any time you see or suspect a problem about water quality, you may call 1-800-776-5272, extension 6843.

*James Maynard, ES*  
Agency Official

250007172

1/10/07  
Date

HOUSE

1" encroachment

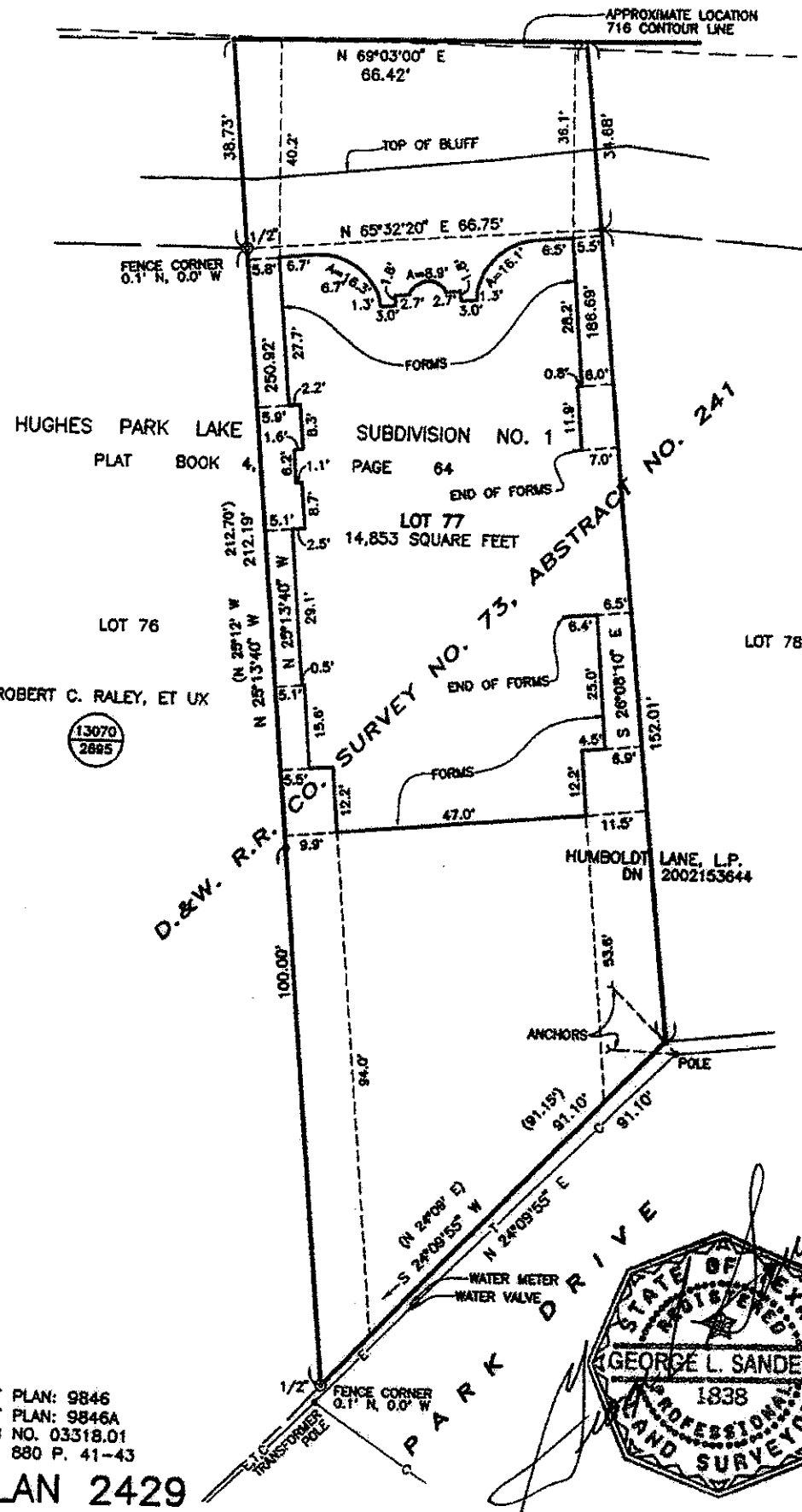
12

LOWER COLORADO RIVER AUTHORITY  
EASEMENT TO INUNDATE TO  
715 CONTOUR LINE

THOMAS B. HUGHES

MAP OF SURVEY SHOWING FORMS  
LOT 77, HUGHES PARK LAKE  
SUBDIVISION NO. 1  
TRAVIS COUNTY, TEXAS  
MADE FOR  
FRED PURCELL

LAKE TRAVIS



LEGEND

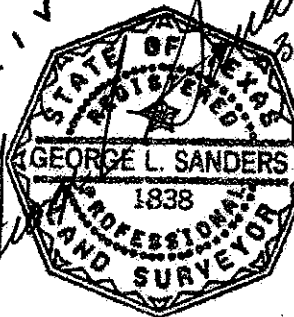
- CALCULATED POINT
- 1/2" STEEL PIN SET WITH CAP
- ⊙ 1/2" STEEL PIN FOUND
- ⊙ IRON PIPE FOUND AS NOTED
- E— CHAIN LINK FENCE
- E— OVERHEAD ELECTRIC LINE
- T— OVERHEAD TELEPHONE LINE
- C— OVERHEAD CABLE TELEVISION LINE
- (0°00'00") DENOTES RECORD BEARING
- (0.00') DENOTES RECORD DISTANCE

DN DOCUMENT NO. — OFFICIAL PUBLIC  
RECORDS OF TRAVIS COUNTY, TEXAS

VOL  
PAGE REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

SCALE 1" = 30'

SURVEY UPDATED NOVEMBER 13, 2003  
SURVEY COMPLETED JUNE 17, 2002  
METCALFE & SANDERS, INC.  
LAND SURVEYORS



BY: *George L. Sanders*  
GEORGE L. SANDERS  
TEXAS REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 1838  
4800 SOUTH CONGRESS AVE.  
AUSTIN, TEXAS 78745

REF PLAN: 9846  
REF PLAN: 9846A  
JOB NO. 03318.01  
F.B. 880 P. 41-43

PLAN 2429

# METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS  
AUSTIN, TEXAS 78745  
(512) 442-5363

SURVEYS & RECORDS SINCE 1904

## SURVEY CERTIFICATE

I, George L. Sanders, Texas Registered Professional Land Surveyor No. 1838 of Metcalfe & Sanders, Inc., Land Surveyors, do hereby certify to: Fred Purcell that on November 13, 2003 an on-the-ground survey of the forms for the slab of the proposed building on Lot 77, Hughes Park Lake Subdivision No. 1, City of Austin, Travis County, Texas, was made under my supervision and that the forms were not found to encroach on the five foot building set back lines.

Certified to this 15th day of December A. D. 2003.

METCALFE & SANDERS, INC.  
Land Surveyors



By:

A handwritten signature in black ink, appearing to read "George L. Sanders". The signature is written in a cursive, flowing style.

George L. Sanders  
Texas Registered Professional  
Land Surveyor No. 1838

STEPS

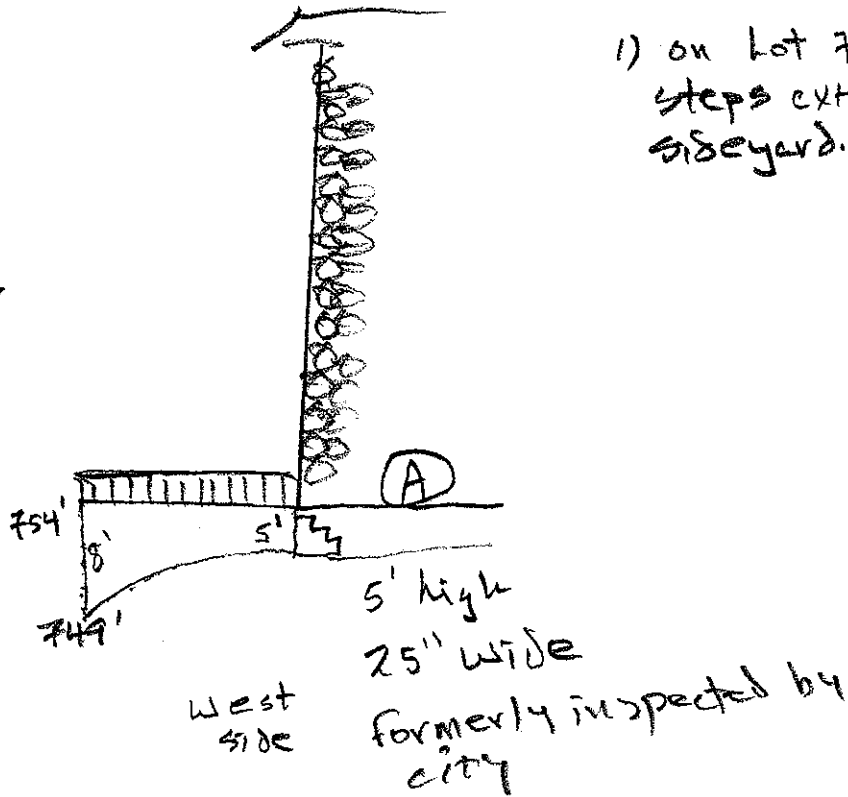
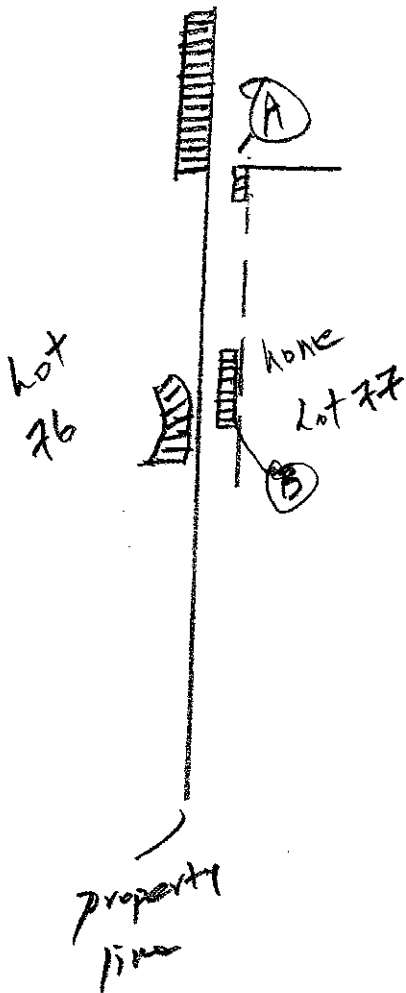
(A) - height exceeds 3'

Steps:

(B) - width exceeds 3'

Steps inspected 9-4-08 +  
passed inspection; 2 hand rails  
were required for completion.

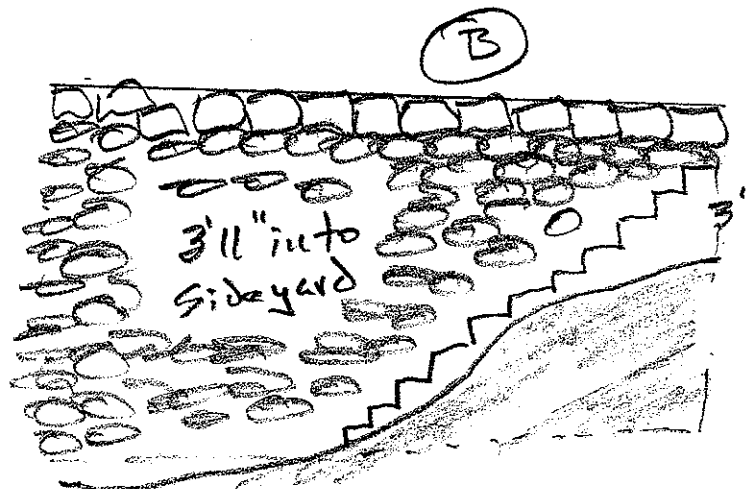
1) on lot 76 concrete  
steps extend 5' into  
sidyard.



(2)

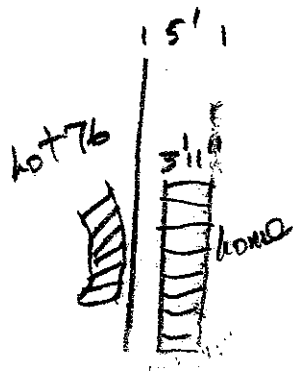
West  
side

(1)

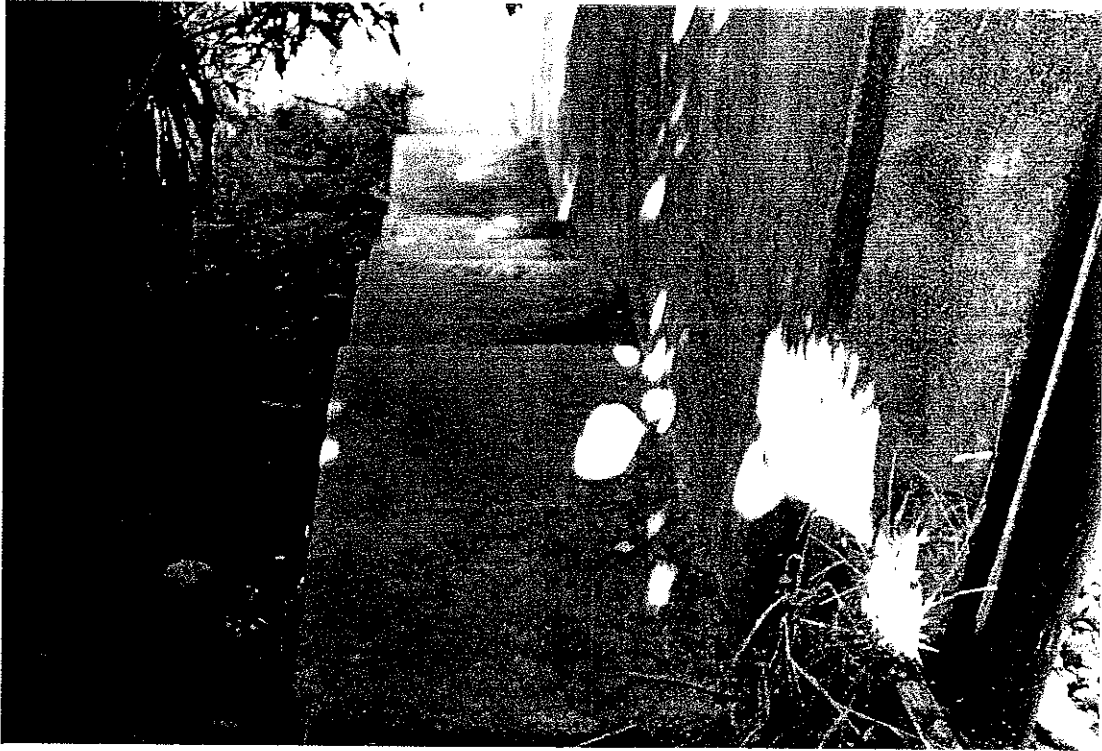


(3)

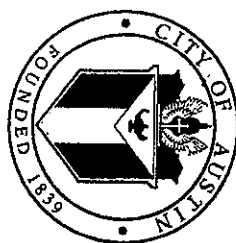
formerly inspected by city



Lot 76 - 10' x 10'  
38' Long  
5' into yard from lot







# CORRECTION NOTICE

ADDRESS 12913 Park Dr  
 DATE 8-4-02 TYPE INSPECTION Final Safety  
 INSPECTOR 1305 PHONE 974-1852

You may check the status of your permit at:

<http://www.ci.austin.tx.us/development/pierivr.htm>

The following orders are hereby issued for their correction 1 T. Martinez Anthonio ex haust  
2 Guard Rails on had Nails at Left Side.  
3 had Nail @ Throat Area  
4 Fine Crack and Fill Place with good Supply

Time of Inspection \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_

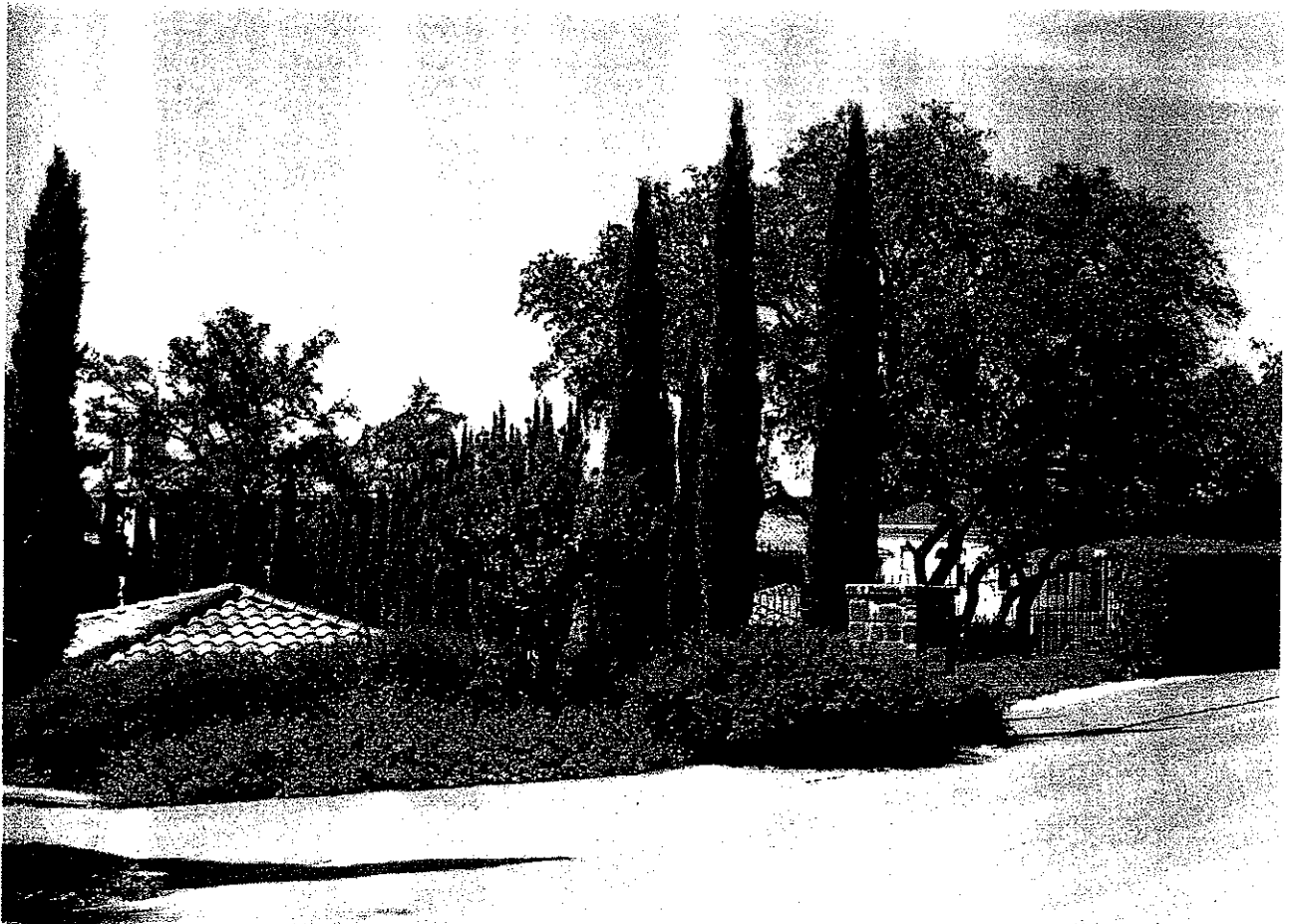
FIELD COPY

GAZERO  
CARPORT

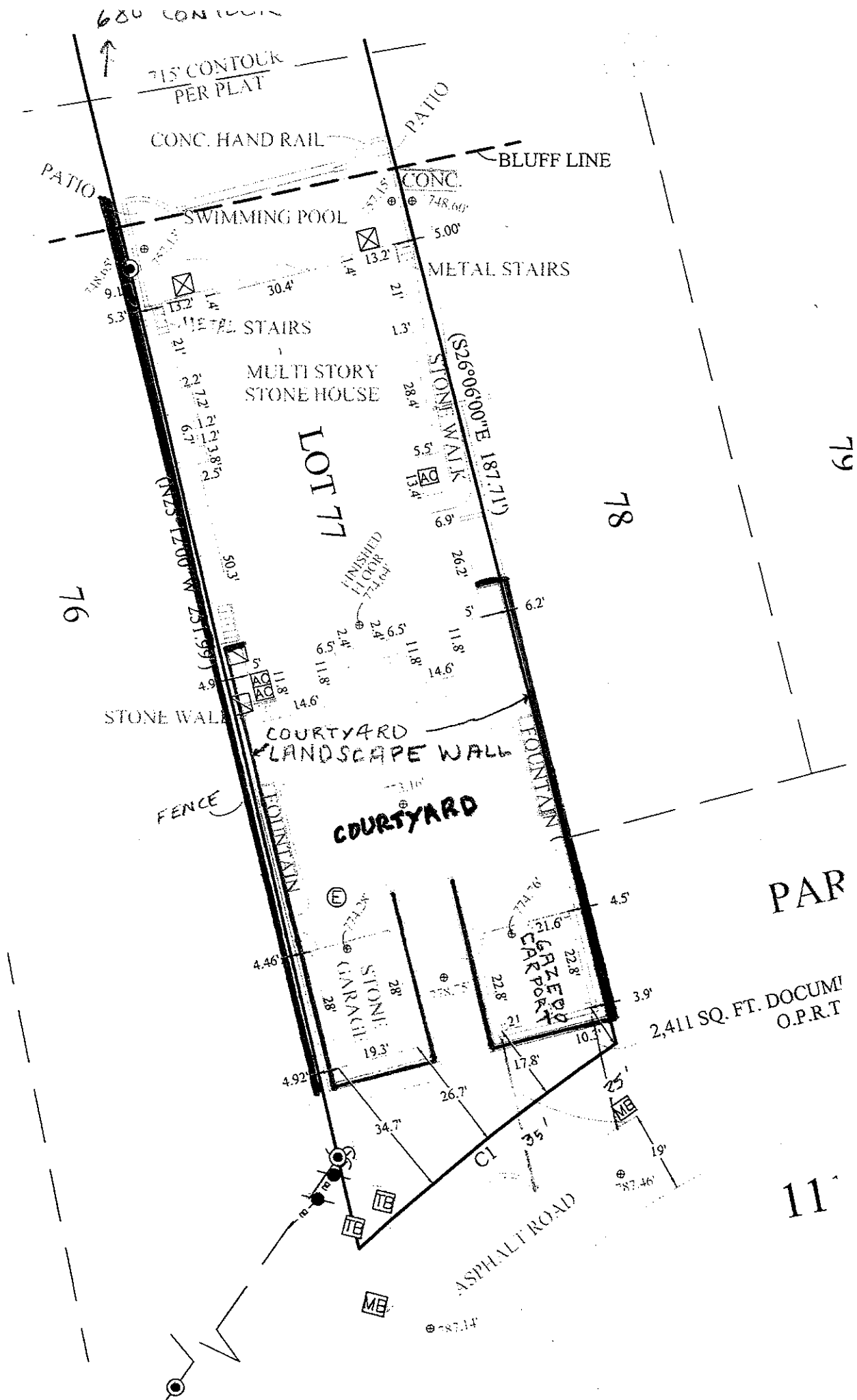
GARAGE



Garden from Street

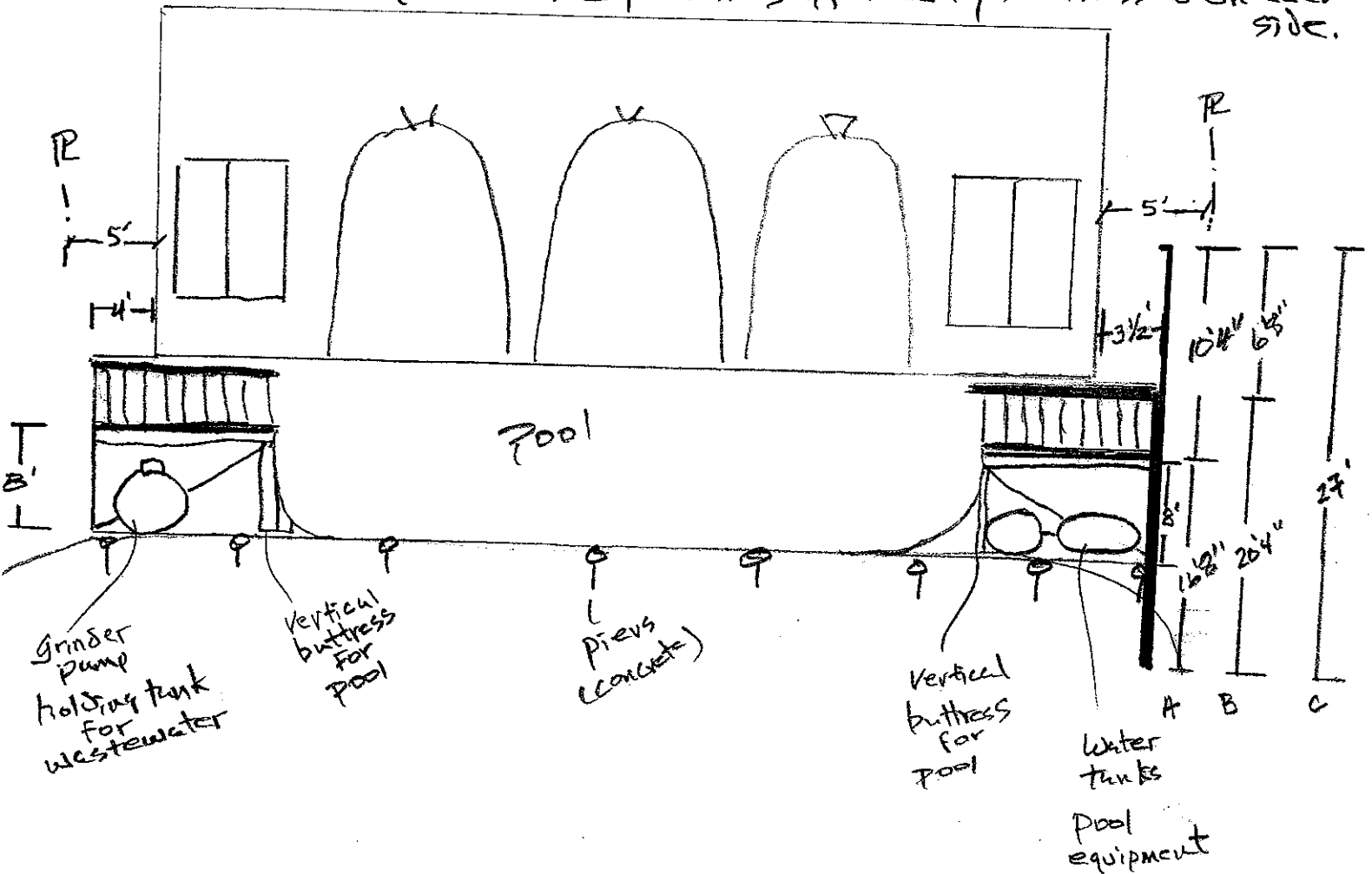


Garden/Courtyard from Street



# DECK

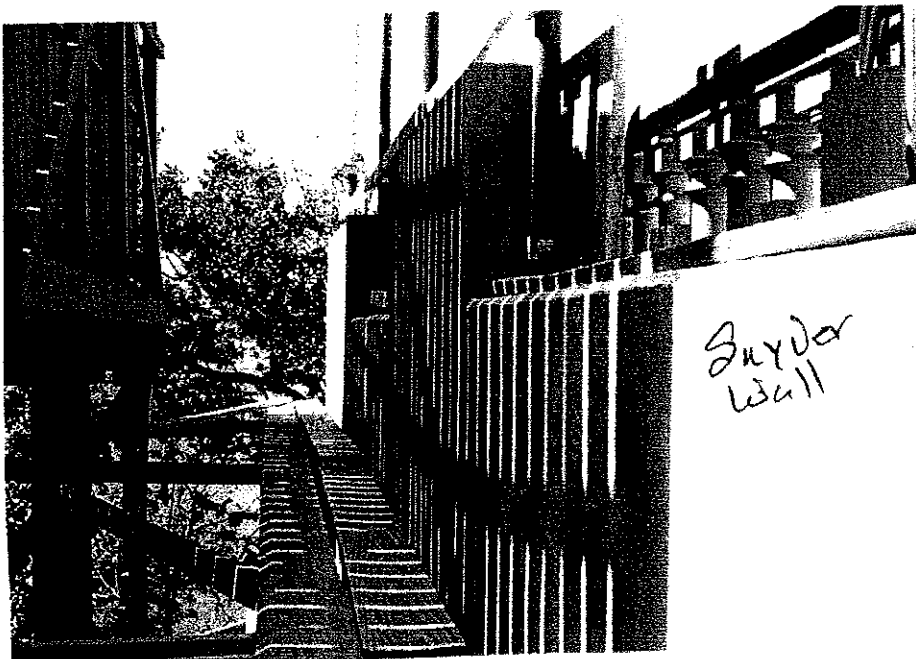
1. The deck extends into sideyard  $3\frac{1}{2}$ -4'.
2. The deck is part of the landscaping/hardscape + covers pool equipment on the west side + wastewater package plant, including a grinder pump and wastewater holding tank on the east side.
3. The deck covers the structural support (vertical buttresses) for the pool, pool equipment + sewage equipment.
4. On the west the lot owner has constructed a 27' concrete, iron, wood + sheet-metal wall + fence. The concrete portion of the wall is 20'4" high, (B below); the fence/wall is 27' tall (C below); the wall and fence are 10'4" above the floor ~~level~~ level of the deck (A below). The deck is 8' above the ground.
5. The deck, pool equipment, + structural support are shielded by the concrete wall.
6. The pool, deck extended out over a bluff are supported by concrete piers. The pool is supported by buttressed on each side.





East  
View  
of  
Deck

Deck from the East

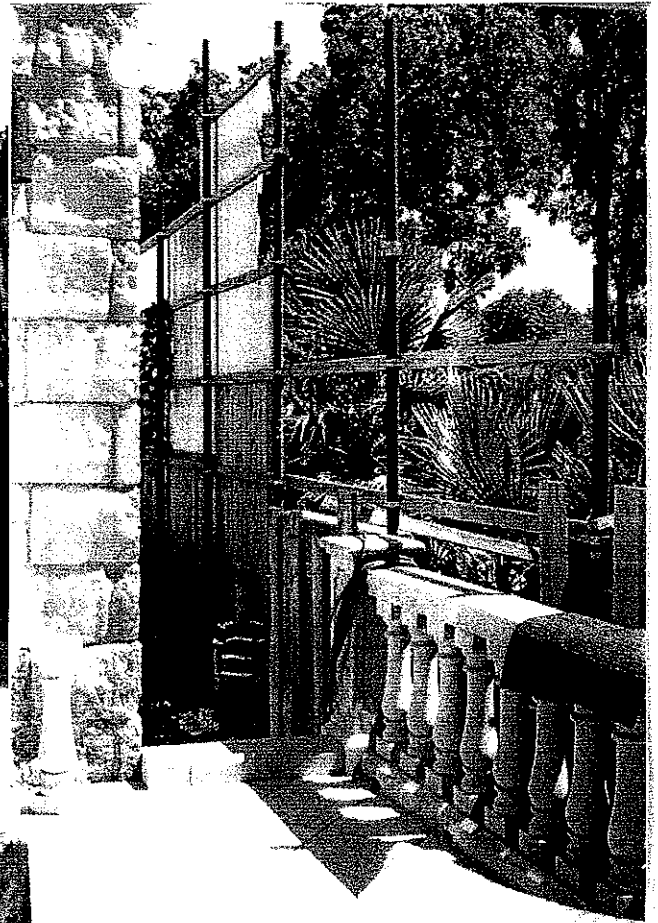
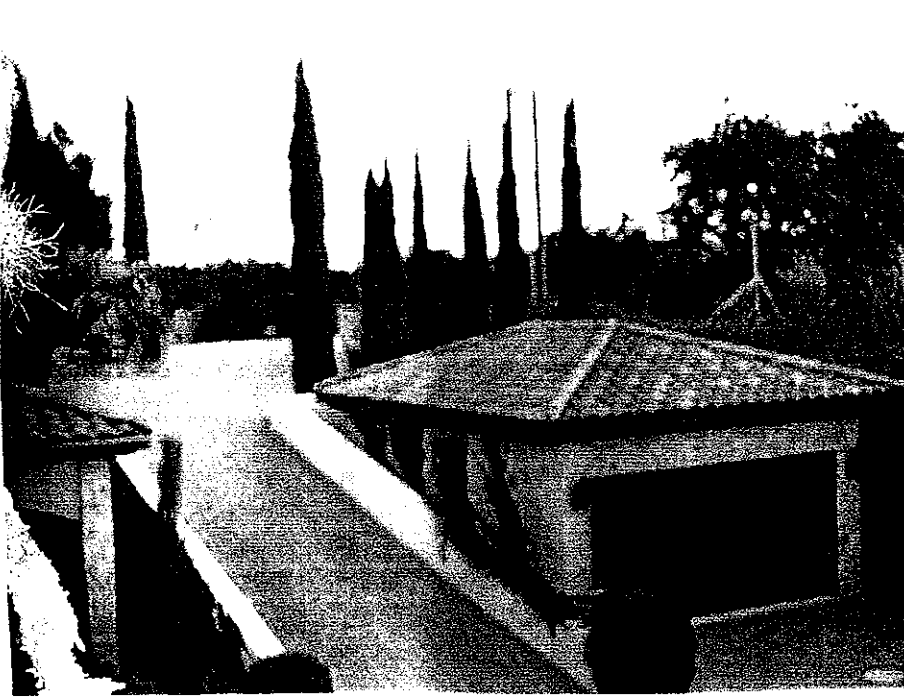


Snyder  
Wall

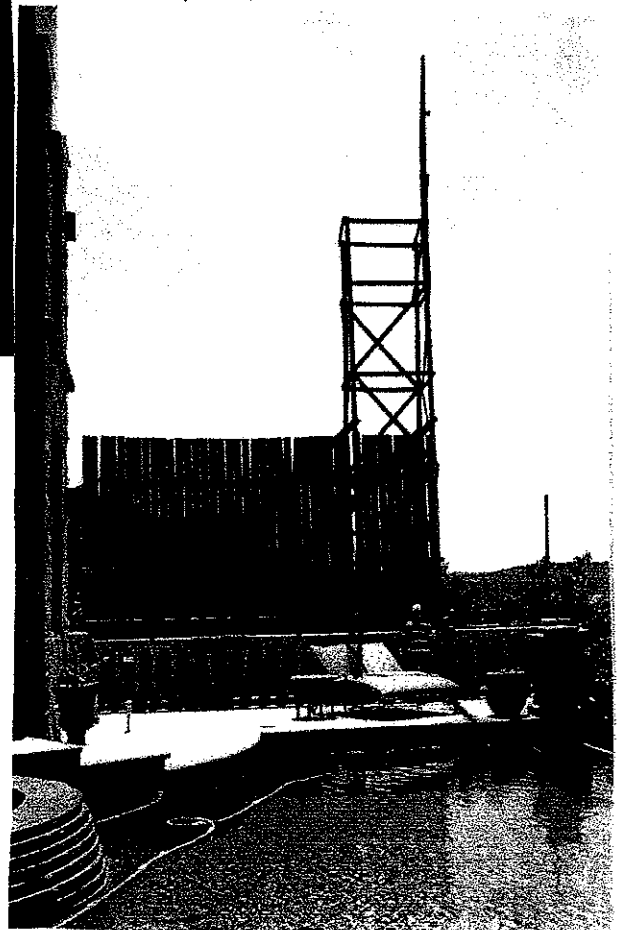
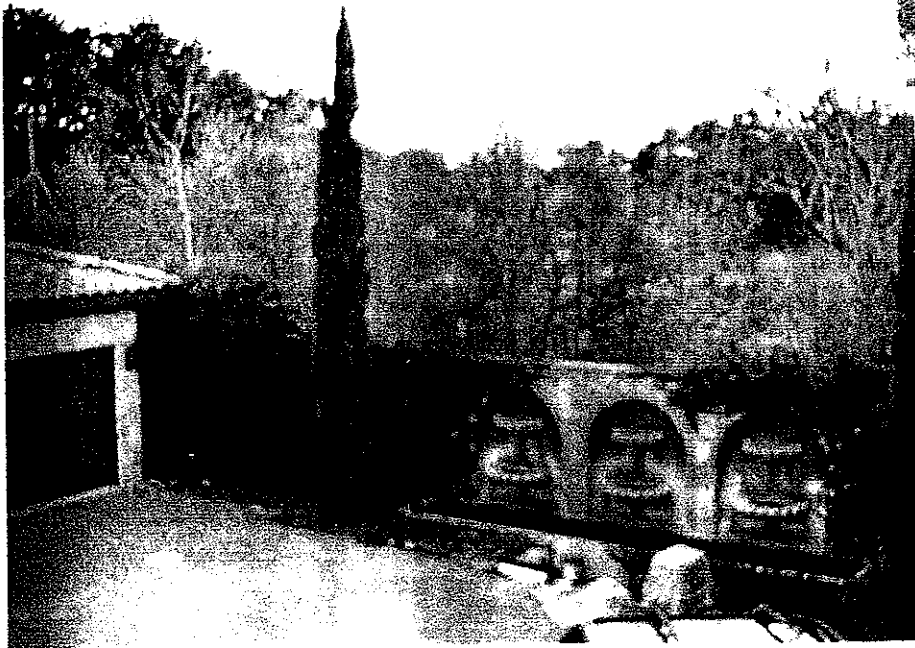


Snyder  
Fence

FENCE



lot 77  
Snyder  
fence



lot 77  
Snyder Fence



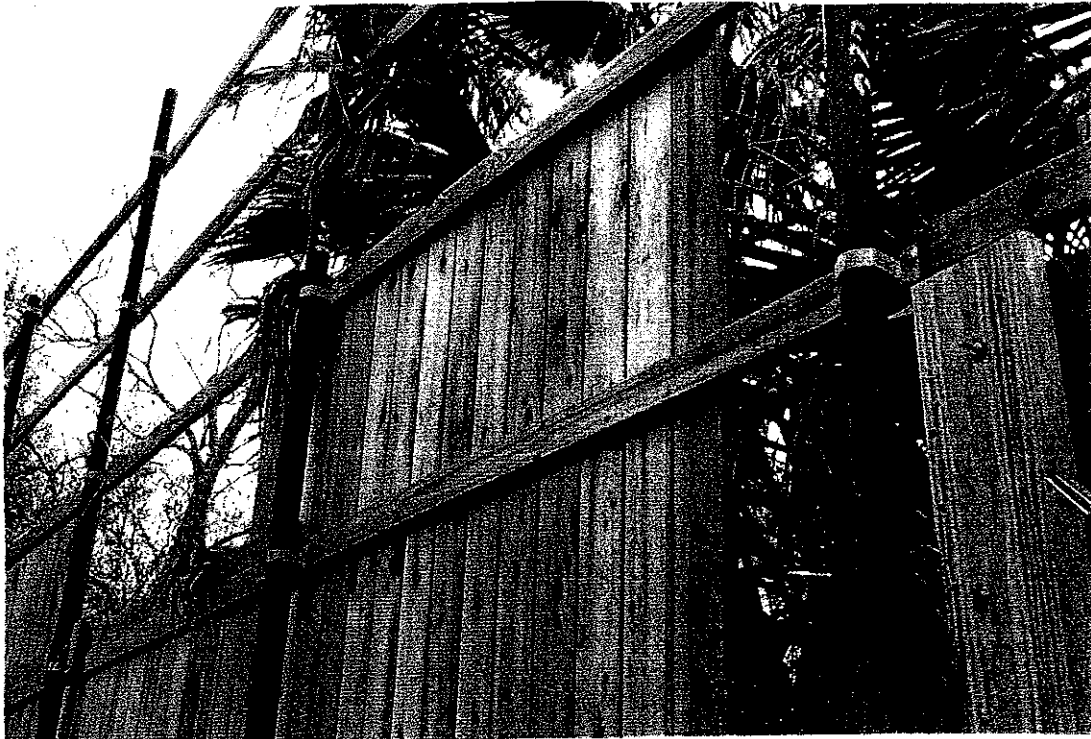


Imperial Wall, Lot 76

27' Tall

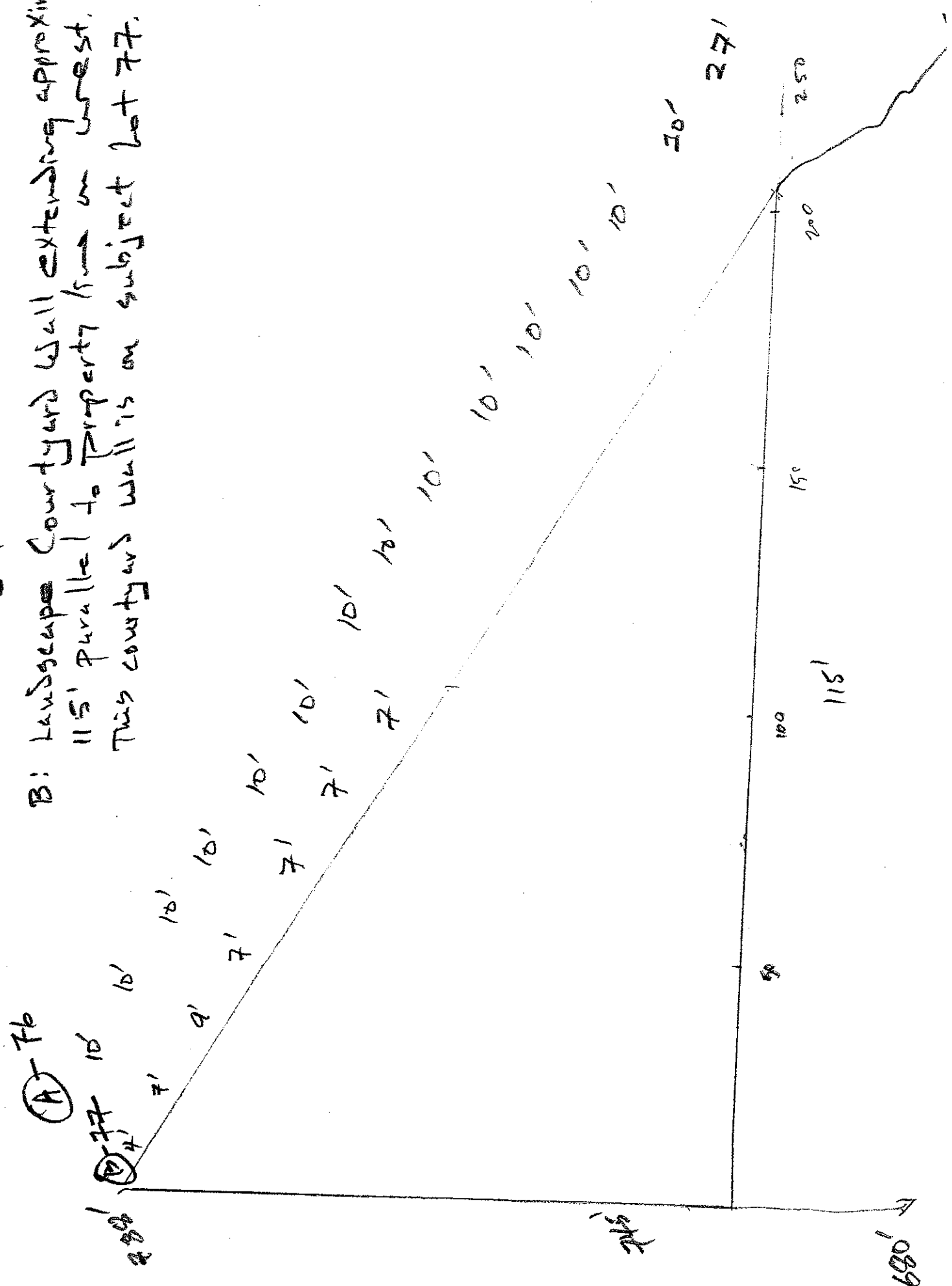


Under fence, 1-1-11



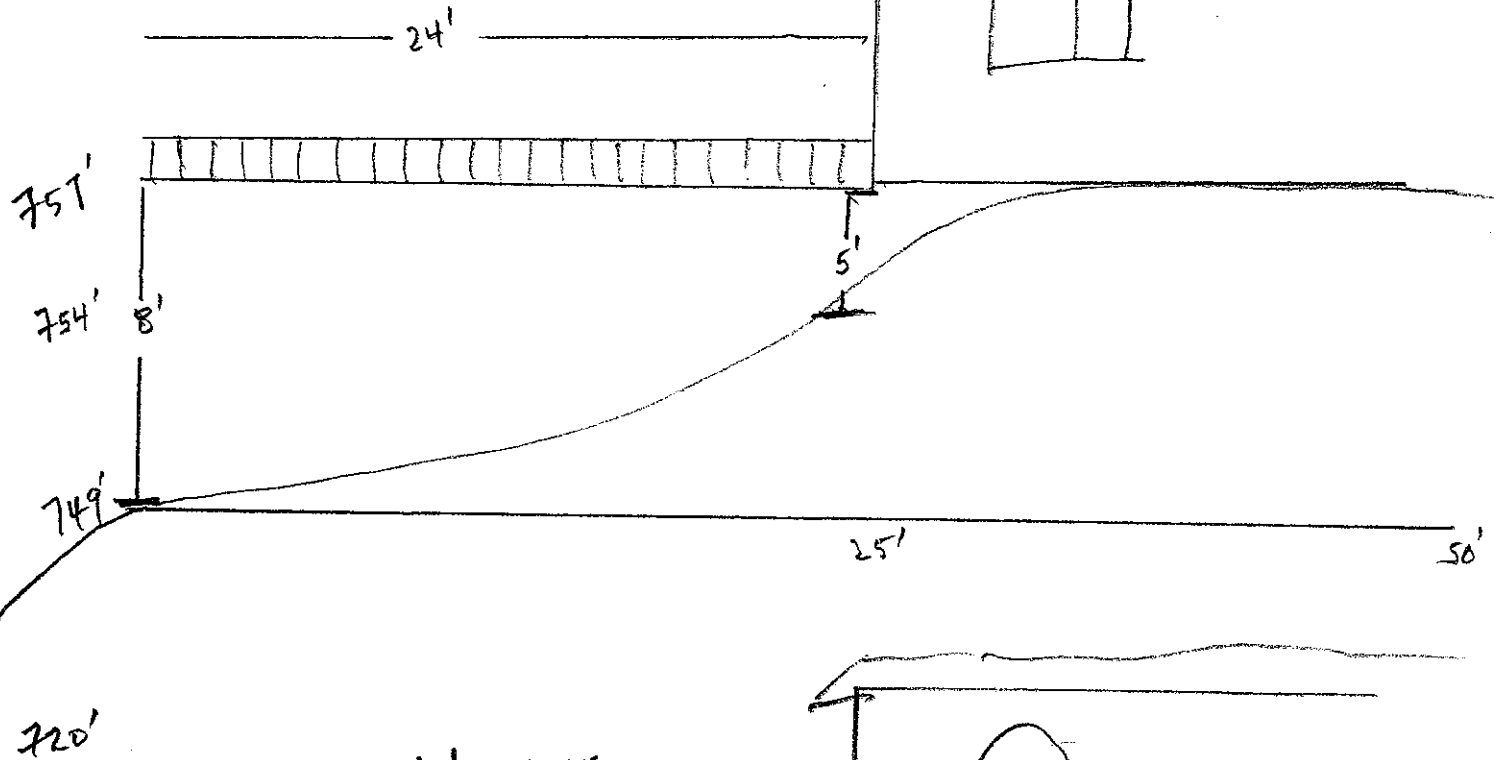
A: Fence/wall on lot 76 extending approximately 250' along property line

B: Landscape Courtyard Wall extending approximately 115' parallel to Property line on west. This courtyard wall is on subject lot 77.



DECK

DECK



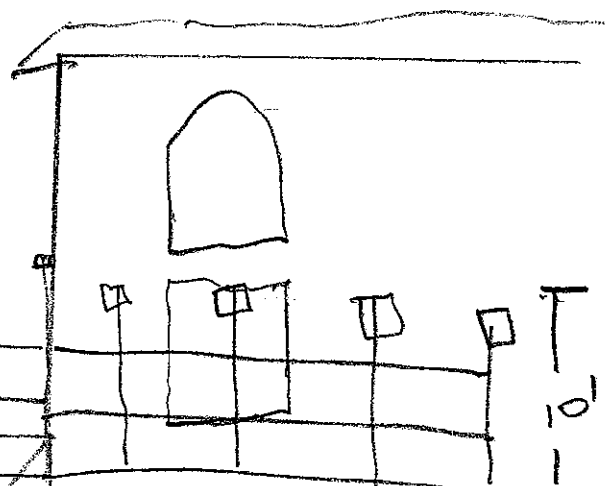
sheet-metal hangers  
fasteners

Sheet-metal

20'

CONCRETE  
WALL

concrete  
steps



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 13th, 2010

JANICE S. ALLEN

Your Name (please print)

☒ I am in favor  
☐ I object

12892 Park Dr., 12899, + 4400 111  
LOT

Your address(es) affected by this application

JANICE S. ALLEN

Signature

Date

Daytime Telephone: 512 266 9911

Comments:

I am in favor.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

- 0134

# Snyder presentation to BOA

Opposed to variances requested by

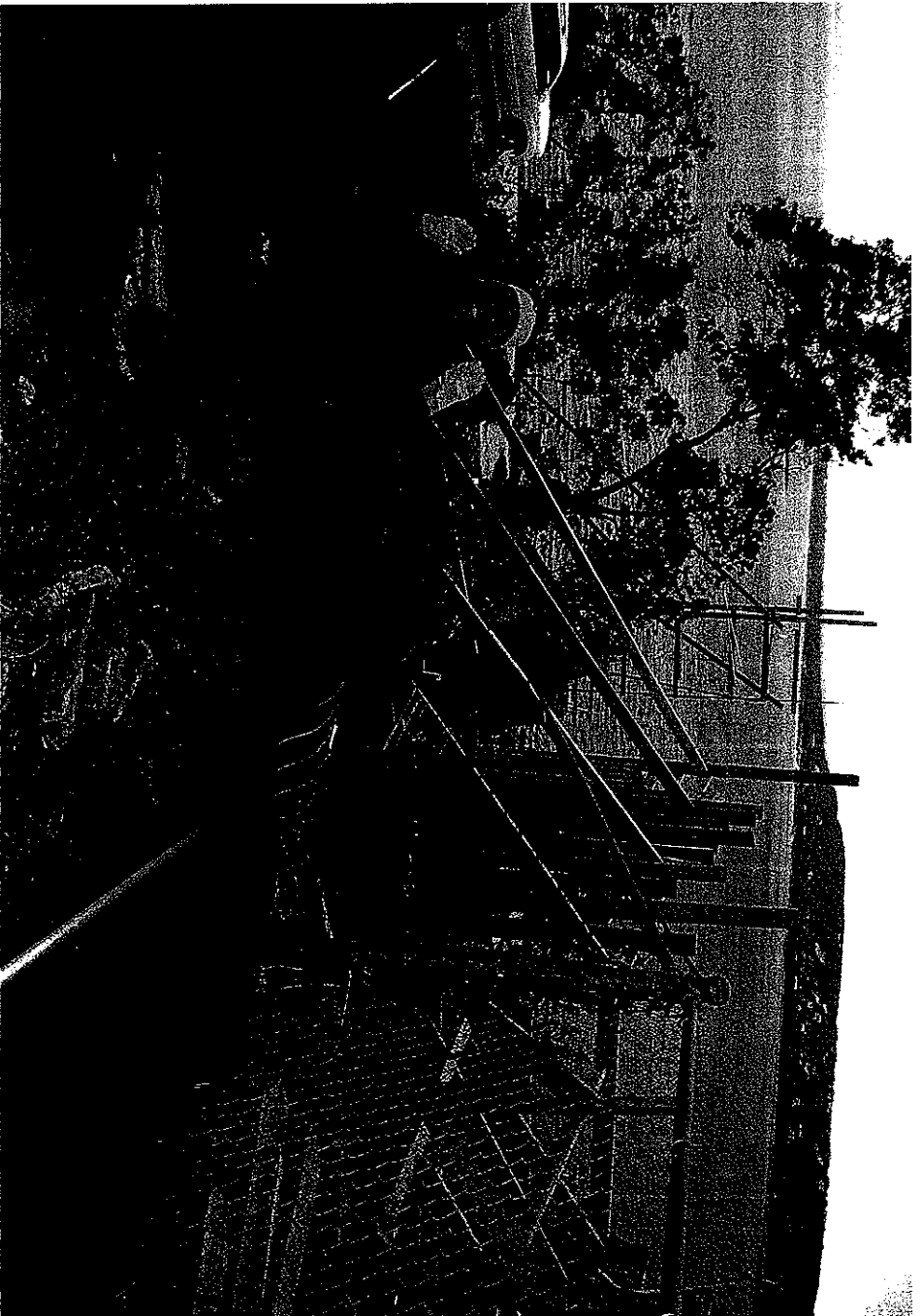
Mr. Fred Purcell

12912 Park Dr.

# Major Problems with Fred's Request

- 5' Setback for a reason – space between residences, access by emergency personnel, value of property with space, etc.
- Elevated Pool deck and equipment below uncovered is unsightly and dangerous
- No security or protection possible – kids can access his pool now, via our property or from his street and driveway
- Garage added in setback – next to an 15' retaining wall – both not allowed per City Code and not necessary nor a hardship for Fred (his choice and his plan all along)
- We now have all these structures right up against our property – degrades our property
- Impervious Coverage is not in compliance anymore and water runoff, erosion is a problem – impacts us directly





## **October 2003 – Fred's destruction of our fence**

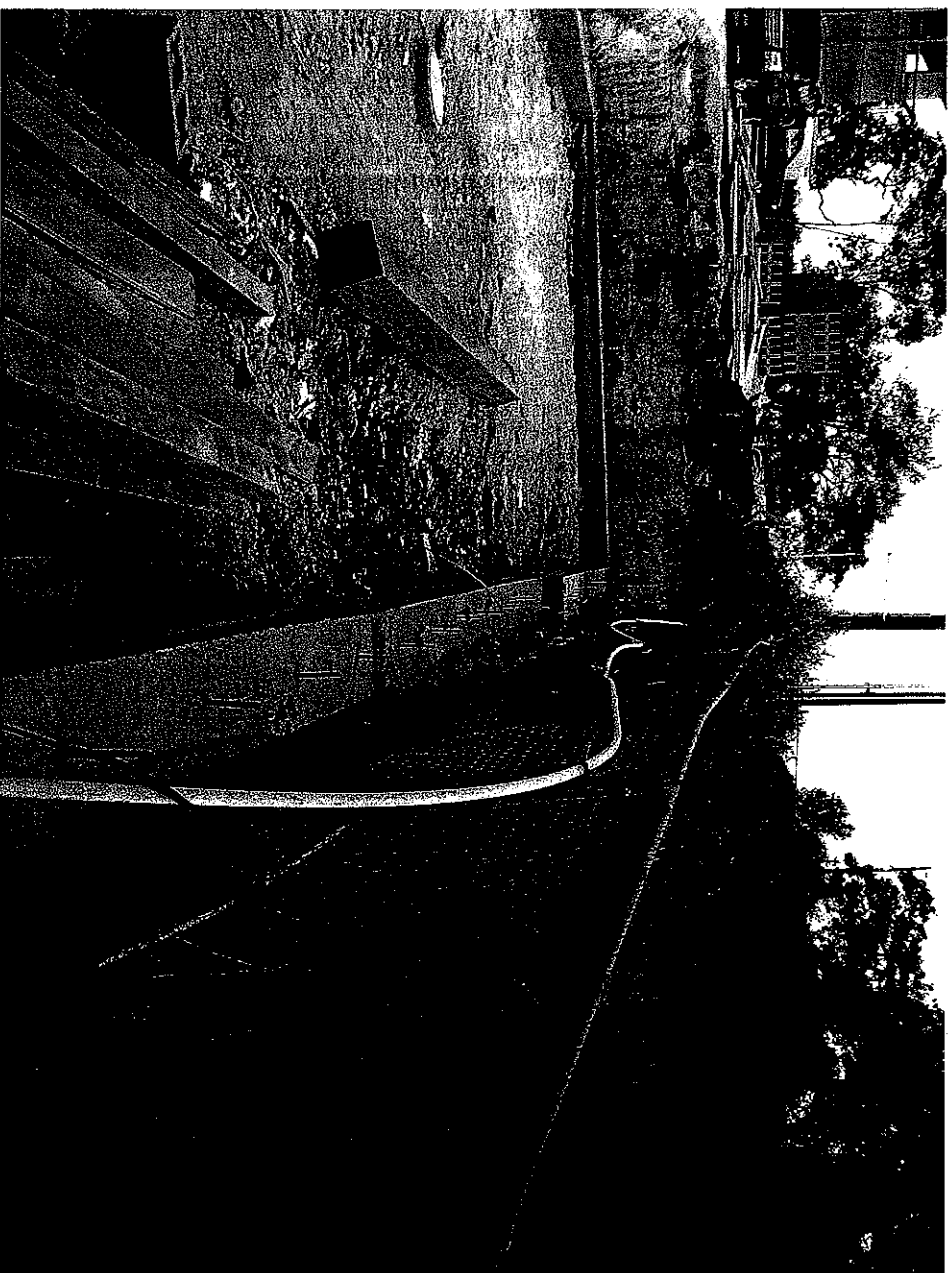
David was 5 – Now is 13. Still having to deal with this problem.



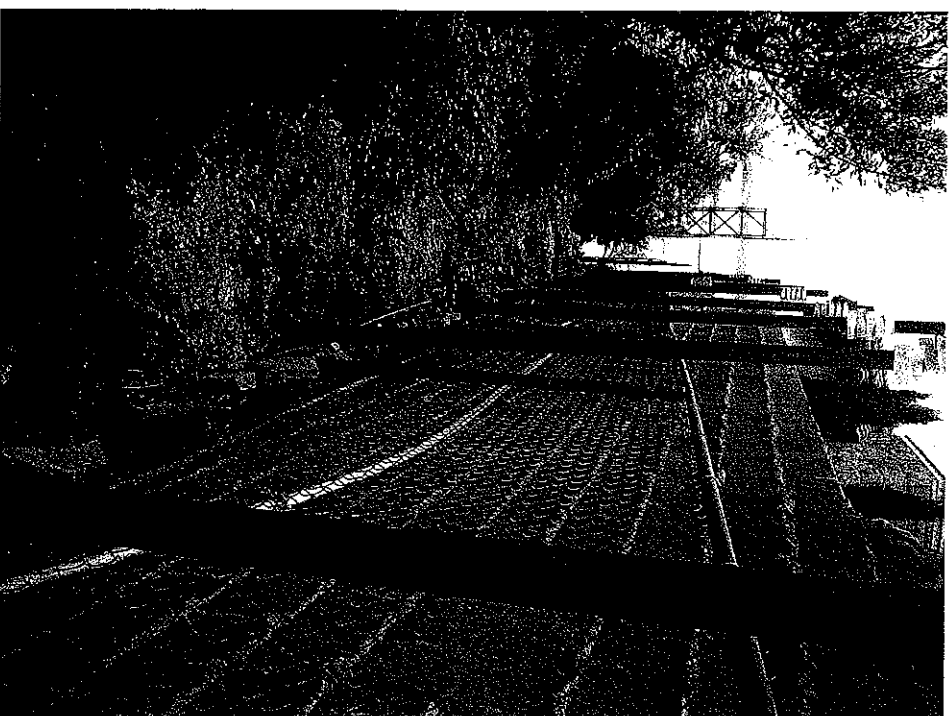
**More Destruction along our property line -- Oct 2003**

No Permit, No permission by us to do this.....

# Fred's Wall getting started - Cut and Built to 15' September 2004 – NO PERMIT



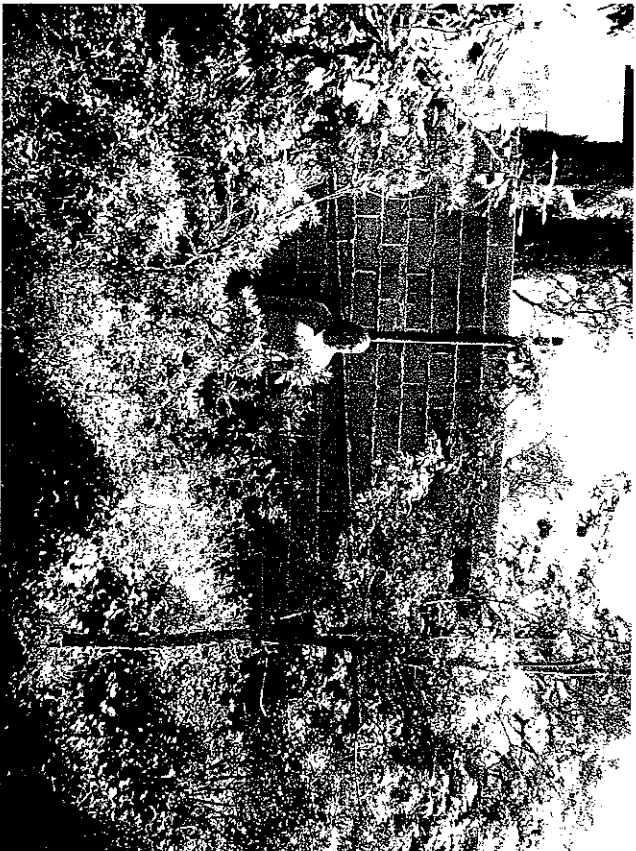
Unfinished on our side ☹️



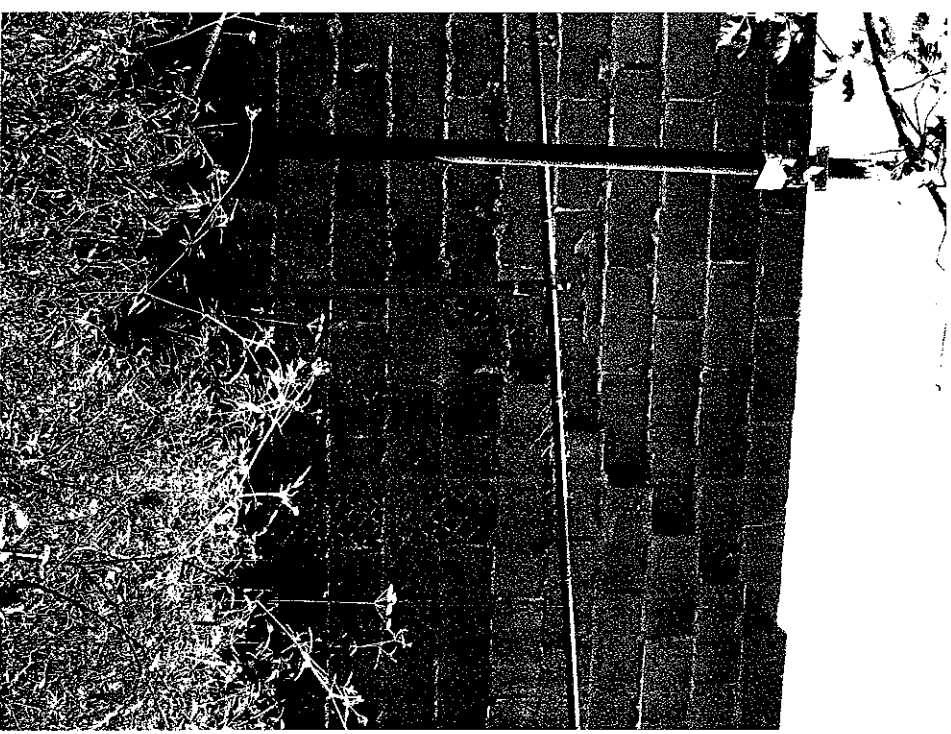
Note gas line  
above ground!!!



# Our side of his wall

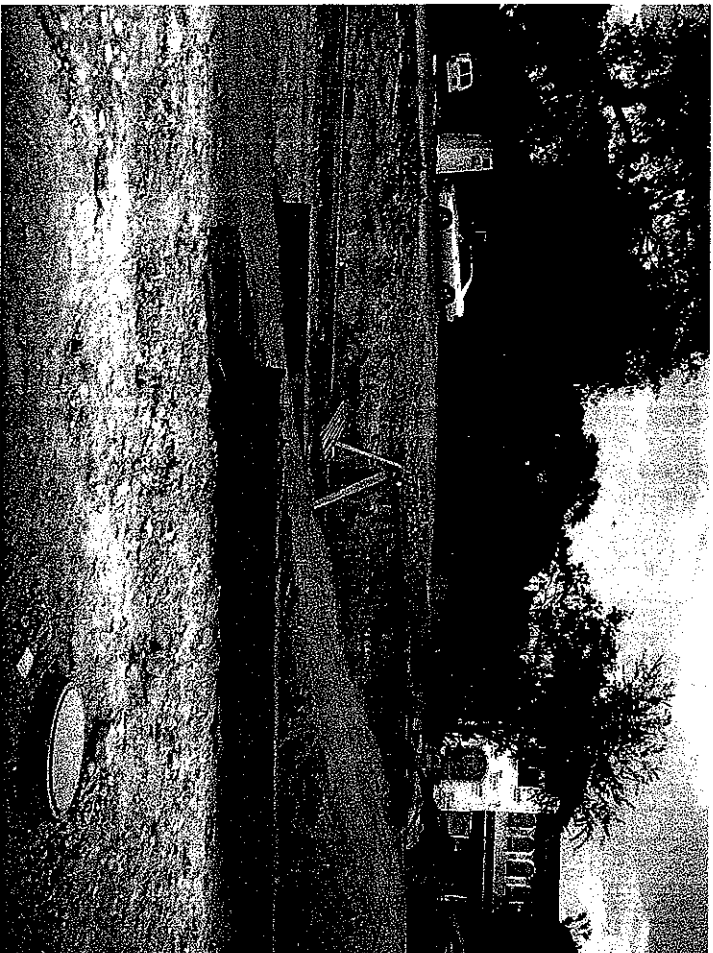


I'm 5'9" tall.



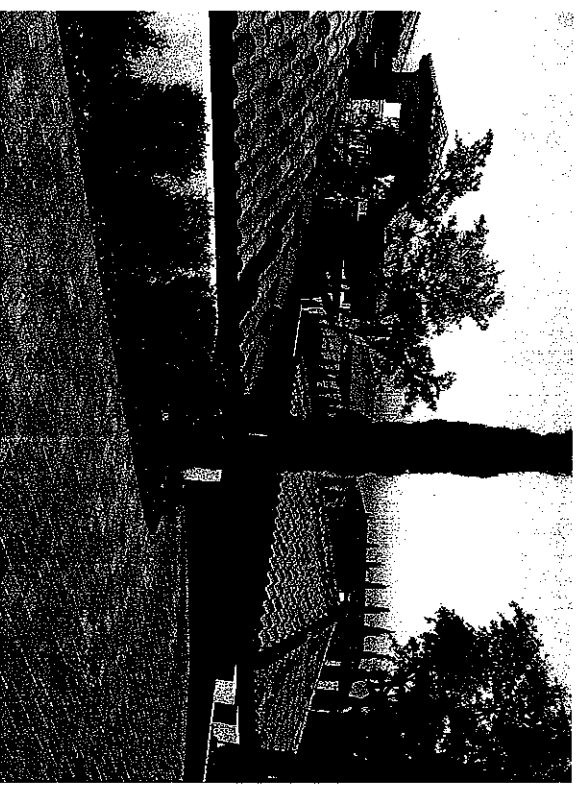
Left unfinished and jagged on purpose

# Fred's two garages – before and after

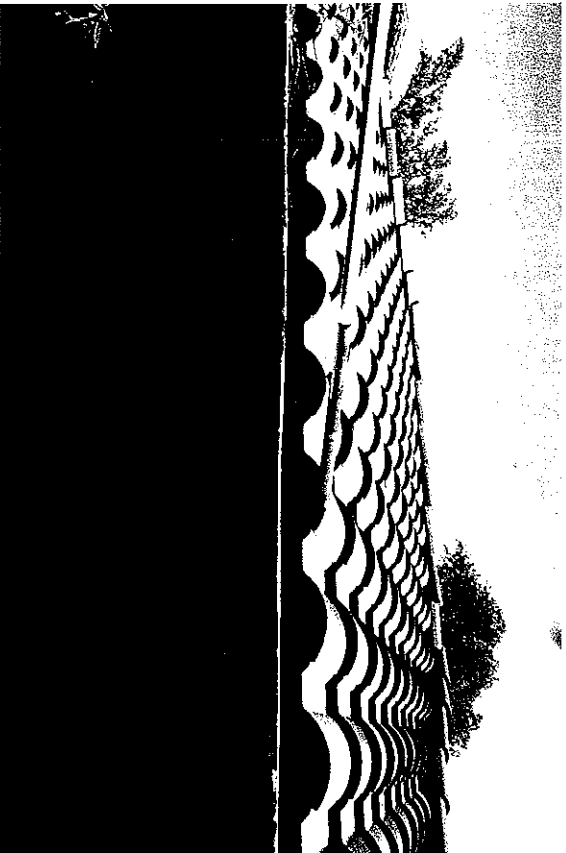


This was at 41%  
impervious cover (max  
45%)

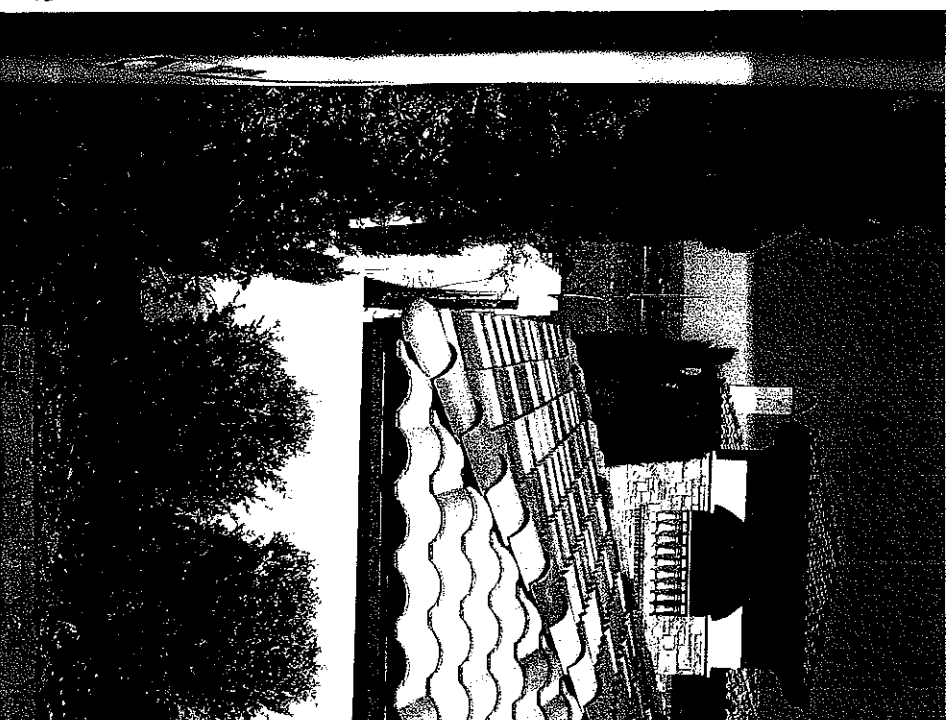
Much more cover  
now!! What %%?



# Roof of his garage



Tiles of garage roof right next to property line



Roof line in setback; view from street

**View from the lake – looks very  
overbuilt (four big houses side by side)**





# 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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 web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 13th, 2010

*Mrs. William Schneider*  
Your Name (please print)

☐ I am in favor  
☒ I object

*512-71-72 Angles Park Sub. 688.1*  
Your address(es) affected by this application

*Debra Walker* 12/8/10  
Signature Date

Daytime Telephone: (512) 476-4461

Comments: *I am against the proposed change due to the fact that it would increase stress to demand changes from the existing neighborhood and the other related parties that will all have to deal with the change. To add from my past experience I am sure*

If you use this form to comment, it may be returned to:  
City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-8810

CASE # C15-2010-0134

ROW-10513041

TP-0152440144

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

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

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

STREET ADDRESS: 12912 Park Drive

LEGAL DESCRIPTION: Subdivision – Hughes Park Lake, Sub. # 1

Lot(s) 77 Block A Outlot \_\_\_\_\_ Division \_\_\_\_\_

I Jim Bennett as authorized agent for Fred Purcell

\_\_\_\_\_ affirm that on 9/27, 2010, hereby apply for a hearing before the

Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

(west)  
✓ A garage providing a side yard setback of 4.46 ft.; a swimming pool deck providing side yard setbacks of 0 ft; a carport providing a front street setback of 10.3ft and a side yard setback of 3.9 ft; a wall (fence) height of 8ft. 6 ; and providing a side yard of 4.9 feet for the residence.  
(east)

in a SF-2 district.

(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**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:

The improvements are complete and in most cases the amount of variances are minimal caused by the topography, terrain and the shape of the frontage of the lot.

**HARDSHIP:**

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

The extreme topographic conditions of the site The site slopes approximately 70 ft. from the front of the lot to the rear. The sharp angle of the front property line. The sever drop at the front property line and the relocation of the street

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

This site is developed and the flat surface portion of this lot is where the house is constructed. The street was not relocated in the front of other lots in the area.

**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:

Due to the topography of the site the roof of the carport structure is almost non-visiable from off the property, as is the garage and other encroachment Due to the courtyard walls and walls on adjoining properties the minimal amount of variances the variances would have little or no affect on the character of the area.

**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:

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:

**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 Jan Bennett Mail Address 11505 Ridge Dr. Austin, TX  
City, State & Zip Austin, TX 78748  
Printed Jan Bennett Phone 282-3079 Date 3/26/09

**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 Fred Purcell Mail Address 12912 Purk Dr.  
City, State & Zip Austin, TX 78732  
Printed Fred Purcell Phone 784-4920 Date 3-23-09

City MSJ

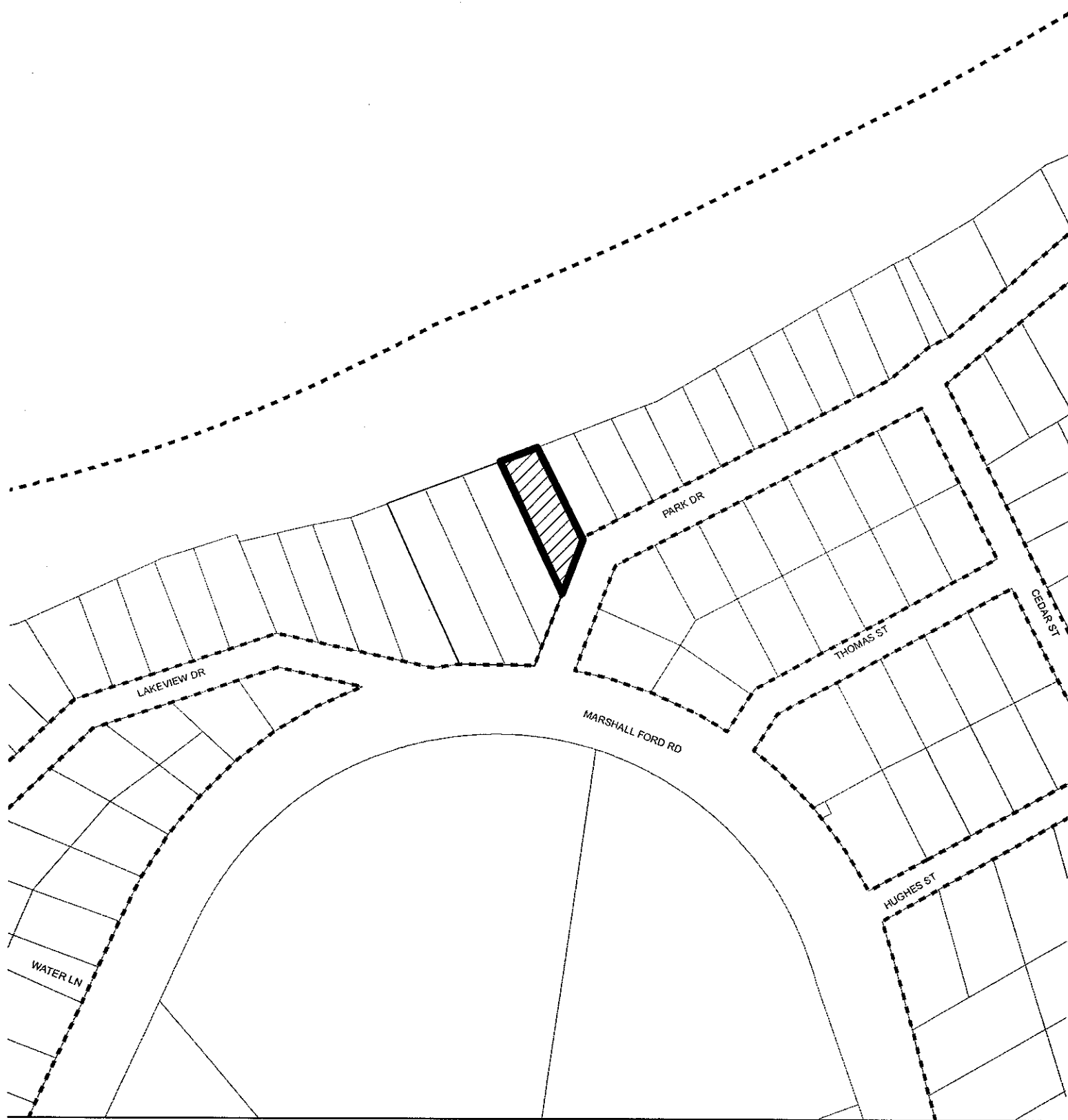
EX B - the bill file for the enactment of new legislation in 2003, Sec 211.016, which was added to Subchapter A, Ch. 211, Local Gov Code by HB 1207; applicability of the new law is addressed in SECTION 2.3:

(a) This act takes effect Sept 1, 2003.

(b) The change in law made by the Act applies only to a resid. subdiv plat approved by a municipality on or after the effective date of this act. A residential subdiv plat approved by a municipality before the effective date of this act is governed by the law in effect when the plat was approved and the former law is continued in effect for that purpose.

Permits expired  
1) Swimming pool  
2) garage  
3) ~~to~~ none for carport

no permit for  
1) deck  
2) carport  
3) well



SUBJECT TRACT



ZONING BOUNDARY

### BOARD OF ADJUSTMENTS

CASE#: C15-2010-0134  
LOCATION: 12912 PARK DR  
GRID: B33  
MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

# EXHIBIT

PURCELL PROPERTY  
LOT 77 HUGHES PARK SUBDIVISION No.1  
VOLUME 4, PAGE 64 P.R.T.C.T.X.  
0.530 ACRE, DOC. No. 2004116623  
2,411 SQ. FT. DOC. No. 2005069091  
O.P.R.T.C.T.X.

DALLAS & WICHITA R.R. Co.  
SURVEY NO. 73, ABSTRACT No. 241  
TRAVIS COUNTY, TEXAS  
SEPTEMBER 2010



GRAPHIC SCALE  
1" = 40'



## LEGEND

- 3/4" IRON PIPE FOUND
- GUY ANCHOR
- CHAIN LINK FENCE
- CORRUGATED METAL FENCE
- IRON FENCE
- POWER POLE
- WASTEWATER MANHOLE
- AIR-CONDITIONER
- ELECTRIC METER
- ELECTRIC MANHOLE
- OVERHEAD UTILITY
- CLEAN OUT
- GAS VALVE
- WATER METER
- MAIL BOX
- TELEPHONE JUNCTION BOX
- ELECTRIC JUNCTION BOX
- CONC. CONCRETE
- RTWL RETAINING WALL
- N.T.S. NOT TO SCALE
- P.O.B. POINT OF BEGINNING
- ( ) RECORD INFORMATION
- P.R.T.C.T.X. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T.X. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

BEARING BASIS: TWO 3/4" IRON PIPES FOUND ON THE COMMON LINE OF LOT 76 AND 77, FIELD CALLED BEARING OF N 25°12' W

I, JOHN C. NIELSEN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED FROM AN ON-THE-GROUND SURVEY OF THE PROPERTY SHOWN HEREON DURING NOVEMBER 2007 AND SEPTEMBER 2010, UNDER MY DIRECTION AND SUPERVISION.



*John C. Nielsen*  
JOHN C. NIELSEN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5541 STATE OF TEXAS

ALL POINTS CALCULATED UNLESS OTHERWISE NOTED

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
G1	555.00'	77.07'	77.01'	N40°02'14"E	06°15'15"

**Delta Survey Group Inc.**

8213 Brodie Lane Ste. 102 Austin, TX. 78745  
office: (512) 282-5200 fax: (512) 282-5230  
WWW.DELTASURVEYGROUP.COM

QUAD MANSFIELD

PROJECT LOT 77 PARK DRIVE

DWG. EXHIBIT

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2010-0134 - 12912 Park Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 13th, 2010

Your Name (please print)

JANICE S. ALLEN

☒ I am in favor  
☐ I object

Your address(es) affected by this application

12842 Park Dr., 12889, #420/117

Signature

Date

Daytime Telephone: 512-236-9911

Comments:

I am in favor.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-8810