

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

CASE #

ROW #

C15-2012-0029

10722462

TP-~~8~~ WCAD-

R 076659

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

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

WAR  
NING

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 11710 Tanglebriar Trail

LEGAL DESCRIPTION: Subdivision VILLAGE 20 AT ANDERSON MILL PHASE 2, BLOCK  
Q, LOT 28

I/We Flor Lima on behalf of myself affirm that on 1/22/12

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

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL   X   MAINTAIN

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.

(zoning district) SF-3  
Maintain 8' wood fence  
**25-2-899-D**

**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 home's foundation is built approximately 2' above grade on a flat lot. When constructed in the 1980's, the subject site was not within City of Austin jurisdiction. The home was purchased in 2006 and had been annexed into the City of Austin ~~prior to that time~~ <sup>in 2008</sup>. At the time of annexation, the west (rear) and north (east) side fence sections were 8' tall. These fence sections were installed by the prior owner. A new 8' section was recently added along the north (side) property line, continuing the existing 8' height, in order to provide more privacy and security. A kitchen window along the east side of the home allows a direct line of sight and/or access into the home. Without the new 8' fence section, this window is visible from the street. A 6' fence does not provide reasonable privacy given the foundation's finished floor elevation (which is 2' above grade). The 8' fence provides a reasonable expectation of privacy and security.

### HARDSHIP:

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

I am blind and need to keep the window <sup>all</sup> possible window blinds open during the day in order let as much natural light in as possible. This allows me to navigate the home with minimal assistance. A physician diagnosis from 2005 by Dr. James Dooner is included in your packet documenting a history of *retinitis pigmentosa*, a permanent and non-curable sight condition where only light perception is evident in both eyes. The condition has worsened since 2005, prompting the need for increased natural light and in turn the need for increased protection from would be intruders.

The new 8' fence section serves a dual purpose in that it does not block the incoming light yet provides privacy and security given the height of the 2' foundation.

Normally a 6' fence would provide reasonable privacy; however, anything less than an 8' fence allows a direct line of sight from the street into the home and potentially allows one to gain access over a 6' fence and enter the home via the kitchen window.

There does not appear to be any other workable solution in the development code that would allow me to maintain the new fence section without a variance. Reducing the height of the pre-existing section along the north property line would not meet the allowances in the fence ordinance as this section near the window needs to be 8' tall in order to block the view into the adjacent window. Altering the pre-existing 8' fence sections is an undue hardship as it was installed prior to annexation. Aesthetically, any alteration to the current fence height along the north property line would create an awkward looking fence inconsistent with my property as well as surrounding properties.

I am a single mother with a daughter that lives in the home. Due to my medical condition being combined with the pre-existing height of the home's finished floor,

the 8' fence is needed to provide added security. Thus the variance to maintain an 8' fence is unique to this property.

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

There are no other homes in the area known to have this combination of circumstances.

**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:

The new 8' fence section is in keeping with the pre-existing 8' fence sections installed along the north and west property lines. These fence sections have been in place for many years prior to annexation into the City of Austin and no one has complained. The new section along the north side does not encroach into the front yard area as it stops well behind the garage. There is mature vegetation that provides an element of visual screening between the fence and the sidewalk when viewed from the street. The fence does not constitute a nuisance nor does it obstruct the adjacent property owner's vision, light, or air as there is a pre-existing 6' fence on the adjacent neighbor's property abutting the 8' fence belonging to my property. The 8' fence does not depreciate the adjacent property value. Further, several surrounding neighbors have signed a letter of support of the variance request to maintain the new 8' fence section.

**PARKING:** (Additional criteria for parking variances only.) \*\*N/A\*\*

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**

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

Signed \_\_\_\_\_  
Mail Address  
11710 Tanglebriar Austin Texas 78750

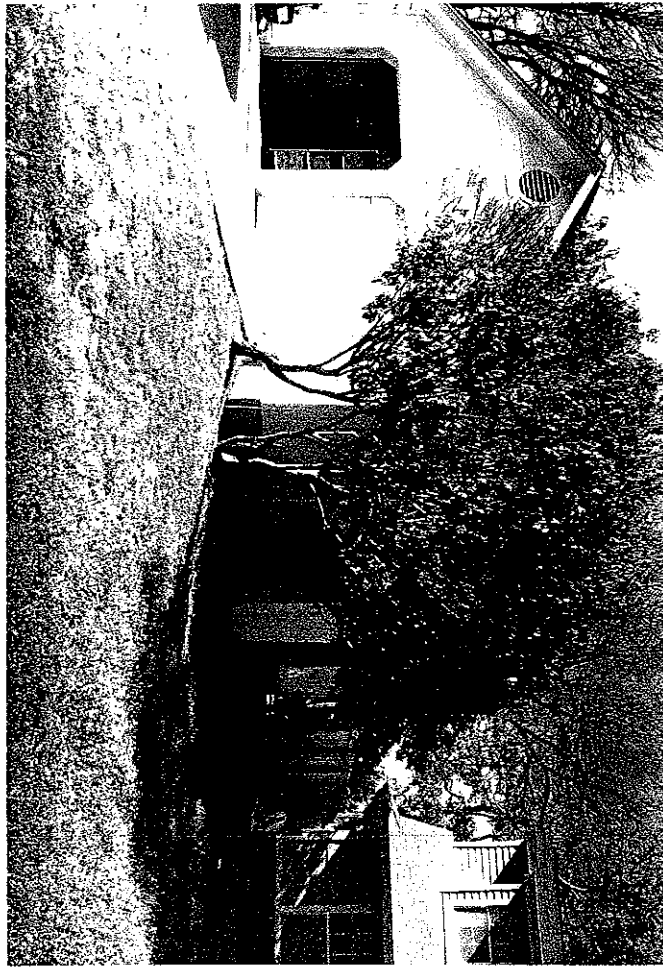
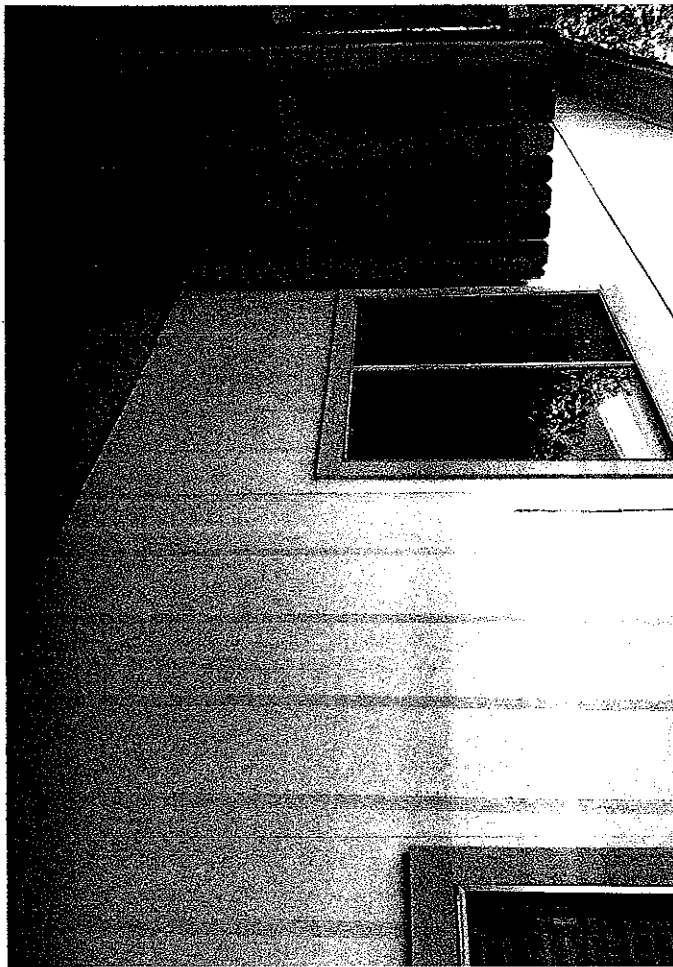
Printed Flor Lima  
Phone 512-219-8509 Date 1/22/12

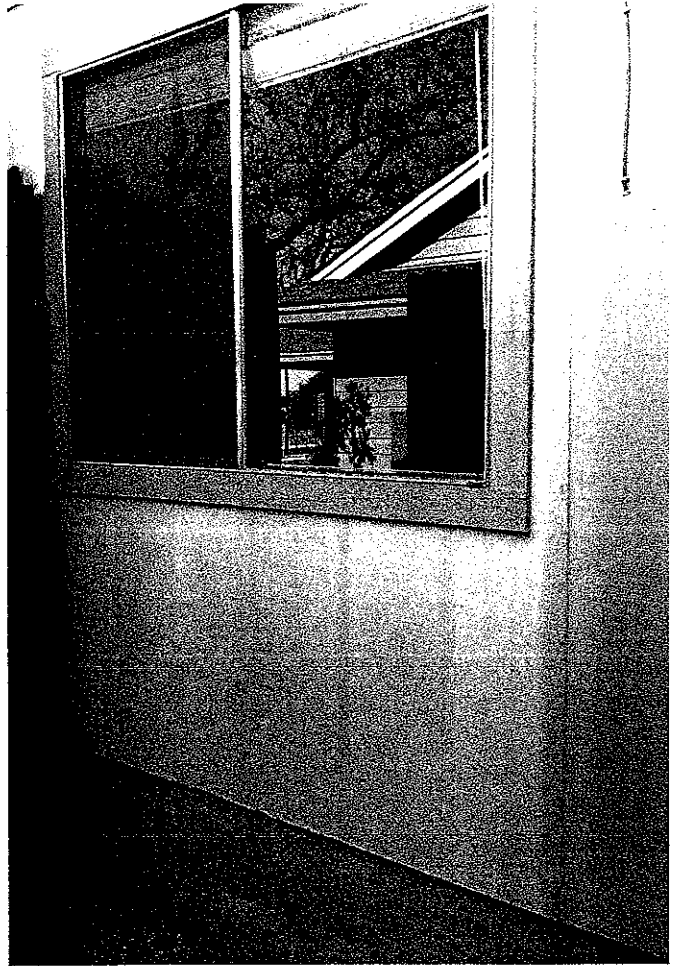
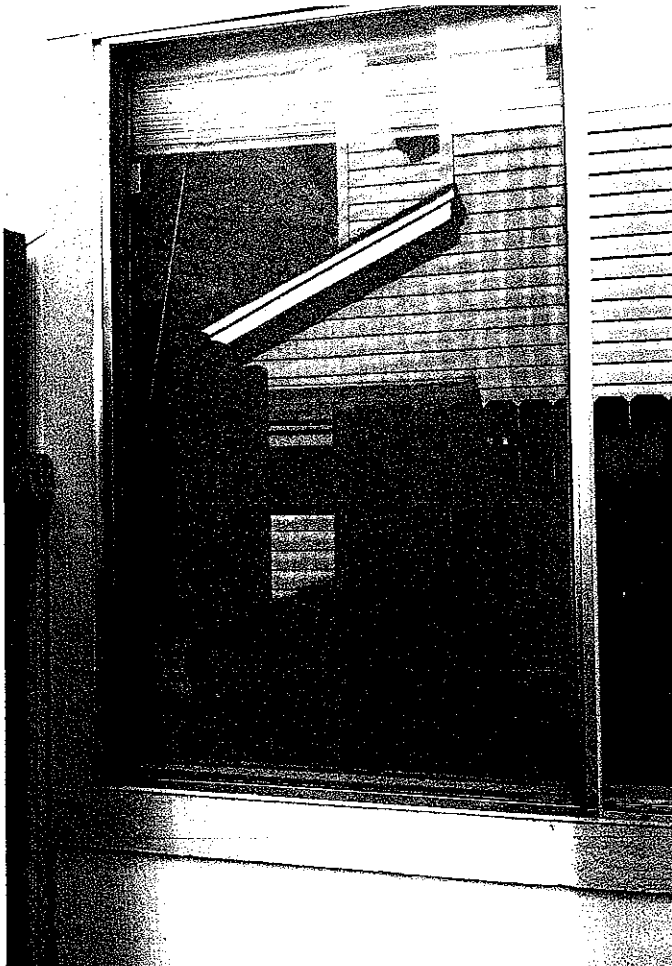
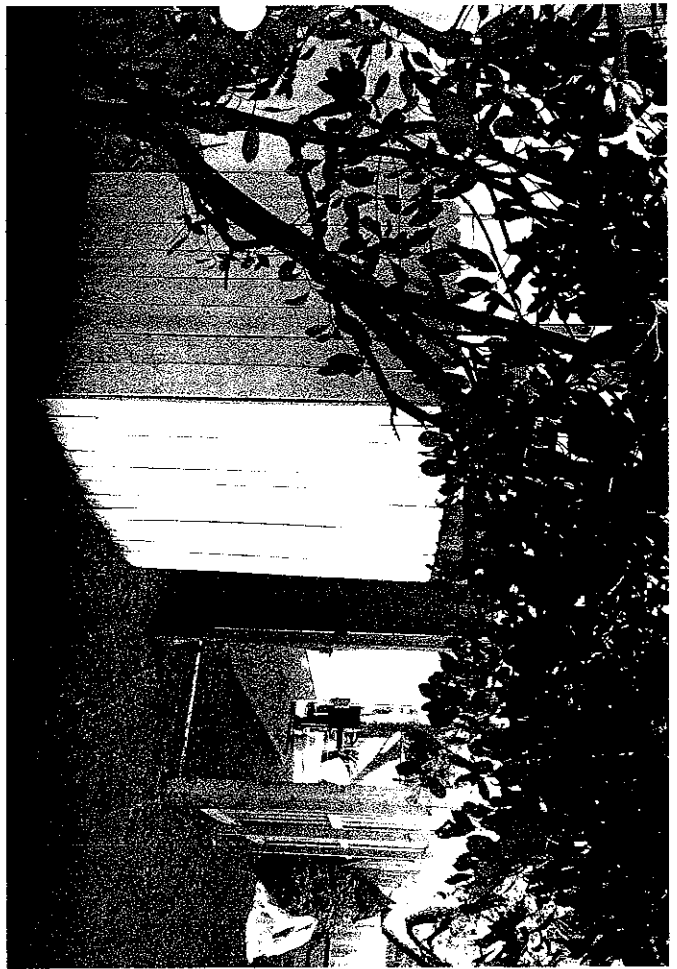
**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

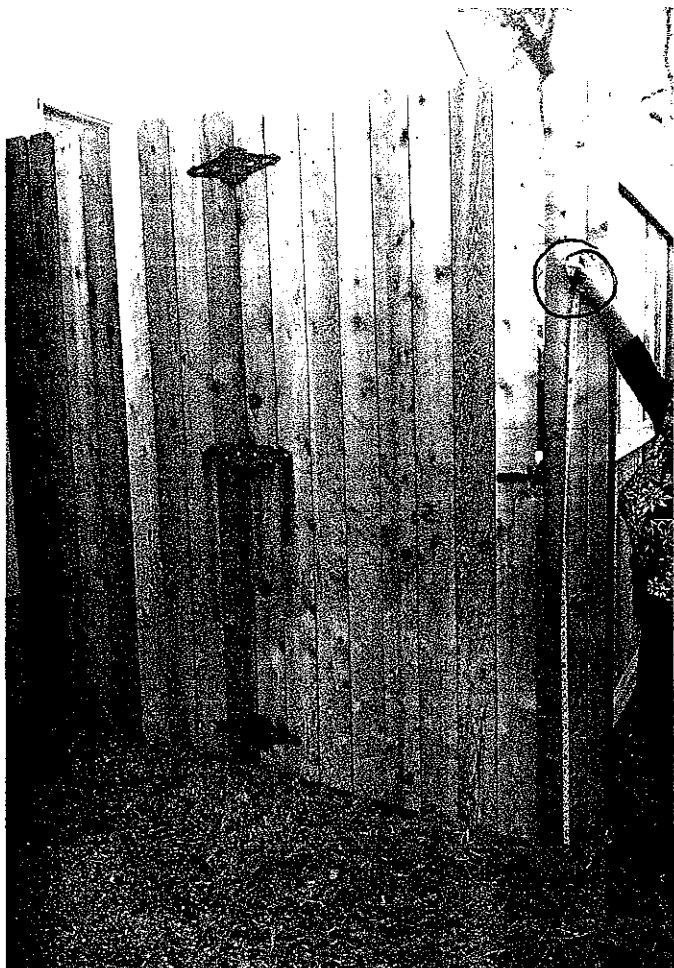
Signed  \_\_\_\_\_  
Mail Address  
11710 Tanglebriar Austin Texas 78750

Printed Flor Lima  
Phone 512-219-8509 Date 1/22/12

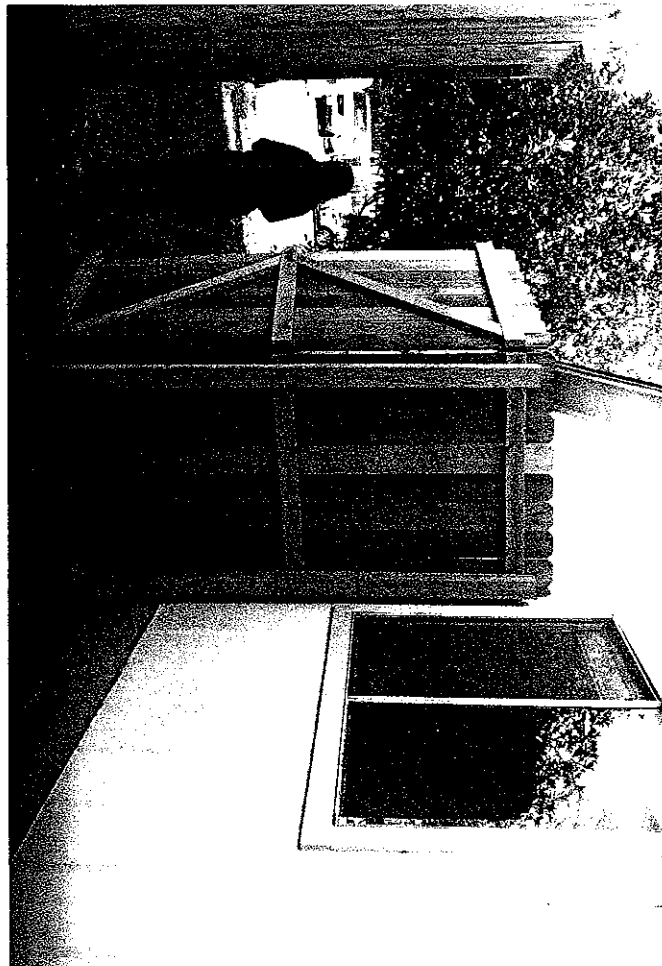
**GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST  
TO THE BOARD OF ADJUSTMENT**







SIX FOOT MEASUREMENT W/TAPE





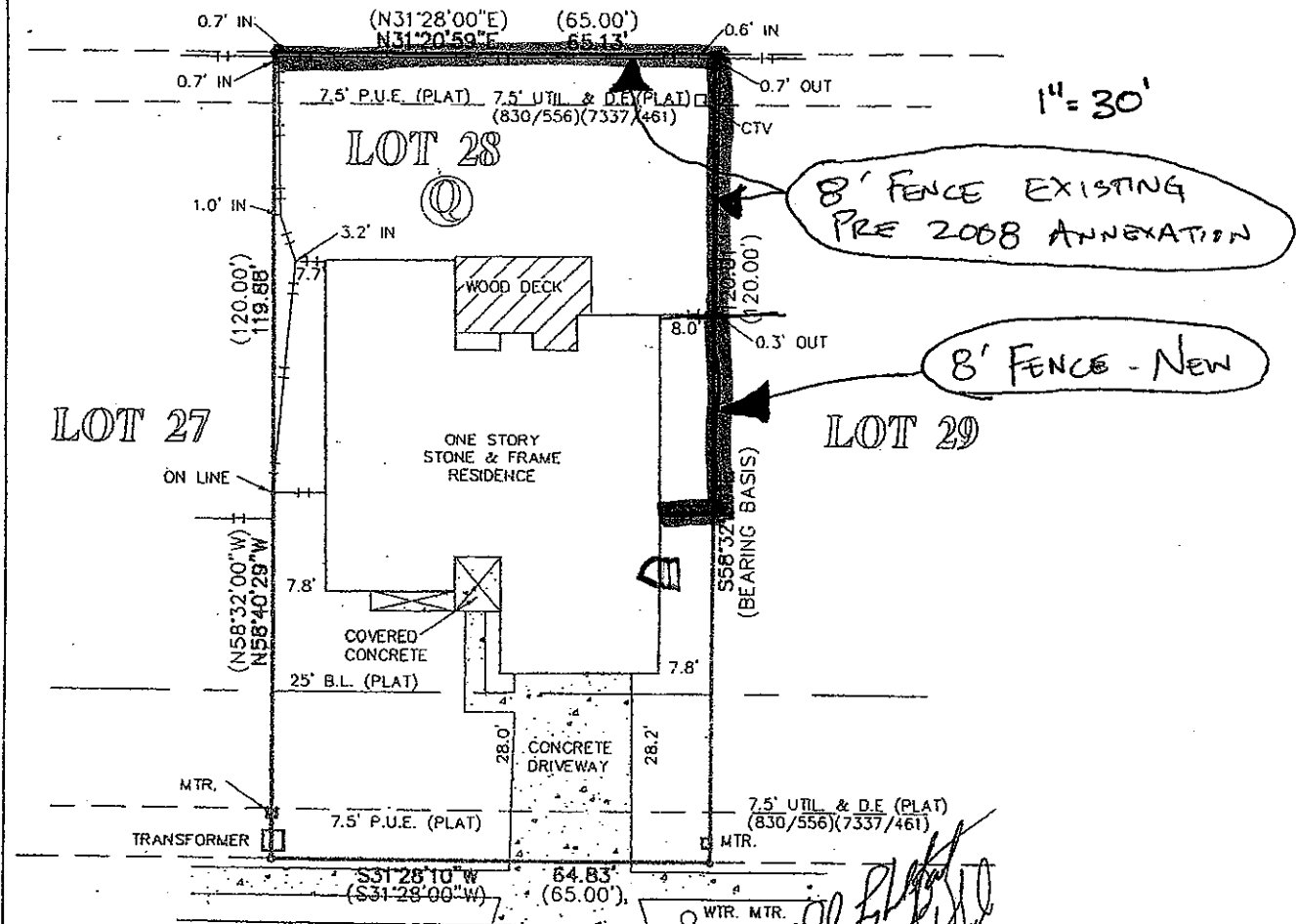








NOT IN 100 YEAR FLOOD PLAIN ACCORDING TO N.F.I.P. MAP NO. 48491 0325 C REV. 9/27/91 ZONE: X  
ANDERSON MILL JOINT VENTURE  
(VOL. 583 PG. 25)



# TANGLEBRIAR TRAIL

NOTE: SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN CABINET E, SLIDES 38-39, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; AND VOL. 83, PG. 556 OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

NOTE: SUBJECT TO AN UNDERGROUND TELECOMMUNICATIONS SYSTEM EASEMENT A SET OUT IN VOL. 676, PG. 694, DEED RECORDS WILLIAMSON COUNTY, TEXAS.

I, Donald M. Cookston, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to  
MORTGAGE NETWORK/CORNERSTONE TITLE/MORTGAGE PORTFOLIO SERVICES, INC./TITLE INSURANCE CO. OF AMERICA

that this survey was made on the ground of the property described hereon (and/or by metes and bounds on attached sheet) and is correct and that there are no visible encroachments, except as shown hereon; and I do certify that, except as noted hereon, there are no overlapping of improvements, there are no discrepancies or conflicts in the boundary lines, there is no visible evidence of utility lines or rights-of-way on the ground, and the subject property has access to and from a dedicated roadway.

Lot(s) 28 Block Q, VILLAGE TWENTY AT ANDERSON MILL PHASE TWO

According to the map or plat recorded in Volume 4 Page 38-39 of the Plat records of WILLIAMSON County, Texas.

Witness my hand and seal this 14TH day of MARCH

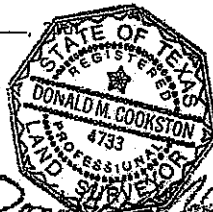
Owner: LIGHTFOOT

Address: 11710 TANGLEBRIAR TRAIL, AUSTIN, TEXAS

GF No. 216051

SCALE: 1" = 20'

LEGEND	
□	CORNER FENCE POST
○	IRON ROD FOUND
●	IRON ROD SET
△	PIPE FOUND
▲	WELL FOUND
△	WELL SET
✕	"X" FOUND IN CONC.
—	WOOD FENCE
—	WIRE FENCE
—	CHAIN LINK FENCE
—	PUBLIC UTILITY EMB.
—	GRANITE CURB
—	BUILDING LINE
—	POWER POLE
—	OVERHEAD ELEC. LINE
—	DOWN GUT
—	(ENCLOSURE) SECOND CALL



Donald M. Cookston  
Registered Professional Land Surveyor, No. 4733

COOKSTON & ASSOC.  
SURVEYING & MAPPING  
15808 Spring Hill Lane, Suite 110-Plumerville, Tx. 78660  
Office: (512) 252-9737 - FAX: (512) 252-9533

FLOR LIMA

Enlarge 350%

January 21, 2012

I am in support of Flor Lima keeping her fence at 8 feet at her house located at 11710 Tanglebriar Trail to ensure privacy and security.

Name: Eleanor & David Howard  
Signature: E. Howard  
Address: 11708 Tanglebriar Trail

Name: Kim Parker  
Signature: 11709 Tanglebriar Tr  
Address: AUSTIN, TEX 78750

Name: Greg Zimmerman  
Signature: 11702 Tanglebriar Trail  
Address:

Name: Ray McKee, Jr.  
Signature:  
Address: 11709 Tanglebriar Trail

Name: MICHAEL ROBERTSON  
Signature: MRO  
Address: 11713 TANGLEBRIAR TR

Name: Ronnie Laws  
Signature: R Laws  
Address: 11708 Tanglebriar

Name: Carolyn Calhoun  
Signature:  
Address: 11706 Tanglebriar Tr.

Name: Diane Sudduth  
Signature: Diane Sudduth  
Address: 11711 Tanglebriar

January 13, 2012

To Whom It May Concern:

I, Flor Lima moved into this house located at 11710 Tanglebriar Trail in April of 2006, at that time there was an existing 8 foot fence throughout the back and the right side of the house.

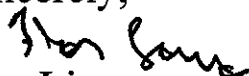
I am severely visually impaired and depend on a lot of light to make my mobility easier around the house. In order to have a lot of light come into my house, I open all of the blinds.

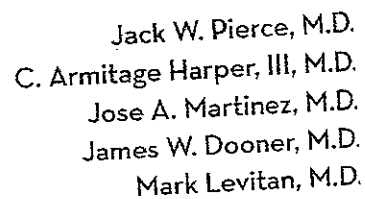
Unfortunately my kitchen window and my big breakfast window were visible from the street. In order to have privacy, and be able to see a little to walk around the house with less difficulty, I extended the 8 foot fence past my kitchen and breakfast window. Ignorance on my part, I did not request any permit or variance. So I would like to request that you consider my situation and grant me a variance in order to come into compliance with the City of Austin.

I am enclosing a copy of my eye doctor report for your information. Thank you for your attention to this matter.

You could contact me at (512) 219-8509 if you have any questions or concerns.

Sincerely,

  
Flor Lima



Diplomates American Board of Ophthalmology

Flor Lima  
10435 Firethorn Lane  
Austin, Texas 78750

Flor Lima is a patient of mine whom I last examined on November 10, 2005. At that time her vision was light perception only in both eyes. Ms. Lima has a history of retinitis pigmentosa, which has no known cure. Her condition is permanent and will not improve.

Sincerely,

Long

James W. Dooner, M.D.