

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

CASE #

ROW #

C15-2012-0051

10747298

TP-022125-09-25

CITY OF AUSTIN

APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

Amended

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

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

STREET ADDRESS: 3400 Lakeside Drive, Austin, TX 78723

LEGAL DESCRIPTION: Subdivision – University Hills

Lot(s) 7 Block C Outlot _____ Division The Lakeside of University Hills

We Xiaomei Zhou and Andrew Seelye on behalf of ourselves as authorized agent for

ourselves affirm that on March 30th, 2012,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

Seeking approval to place a new eight foot (8') fence along west side of a back yard with pool. Also, original deck rebuild plans will place a structure over 30" above grade, in some locations, within five feet of lot line along east and west lot lines.

in a SF-2 - NP district.
(zoning district)

University Hills N.P.

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:

Owner/applicant's house is adjacent to a neighborhood creek and to the west is non-residential City land, mostly untended, that has a high volume of foot traffic. Owner/applicant has a backyard pool. Owner/applicant's existing fence along west border of backyard is six feet tall. City placed a chain link fence next to owner/applicant's existing fence creating barrier that is often and easily scaled by children and others, including opportunistic trespassers. Owner/applicant is requesting a variance that will allow the erection of an eight foot tall fence along the west backyard to more readily discourage children, the curious or criminal from climbing into the yard.

Existing, as original deck grade is level with pool coping and east edge of pool and deck as built in 1972 placed these elements more than 30'' above grade along and within five feet of east lot line (first permitted in 1971). Current zoning regulations would render renewal of existing deck structure impossible. Additionally, at the northeast corner of planned deck and the east lot line a rainwater storage system is planned that would place storage tanks under the deck where difference between height of deck and grade allows placement of tanks. Along west lot line, at deck level, owner/applicant requests a variance to allow deck structure along City land lot line in order to blend planned 8' fence with planned deck, in order to maintain owner/applicant yard area for use and safety function of the fence.

HARDSHIP:

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

The combination of a nearby creekbed, no adjacent homes on the west side or any residential yard to the west, a neighbor to the west in the form of undeveloped City land that is not tended (broken fence, overgrown, etc.) and an easily-climbed, 50'' tall chain link fence installed directly against owner/applicant's existing six foot fence make the pool and backyard of the owner/applicant readily accessible by children and the curious or criminal.

The original pool and its deck was placed inside the setback area, as originally permitted (1971) and built (1972). Deck requires renovation at this time and the adjacent neighbor readily agrees to a renovation of existing structures as built, including planned 8' fence.

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

Owner/applicant's house has a pool and is directly adjacent to a creekbed and to City land. The City removed previously existing adjacent houses and yards. The result is that there is foot traffic between the street and the creek via the City land that is easily accessed along the owner/applicant's west yard. No other houses in the area have this combination of features and circumstances (pool, City fence/land, foot traffic and creekbed).

Owner/applicant's lot is adjacent to creek and has sloped terrain, featuring an original pool and deck. Code regulations make fitting a renovated deck to the pool impossible without receiving a variance. A planned 12,500 gallon rainwater storage system would utilize the difference between existing pool/deck grade and soil grade, including where the difference is greatest at the north edge of the deck along the east lot line, to fit the system.

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:

An eight foot fence will provide a clearer boundary between the owner/applicant's yard and the City's untended land adjacent to the creekbed. An eight foot fence will not in any way prohibit the City from maintaining or otherwise using the land as it intends, nor will it inhibit visibility of the untended City land for the owner/applicant's neighbors or others who pass by.

A deck variance will allow the renovation of an as original-built deck and pool for future usage and retain adequate space for rainwater storage and will in no way impair the use of adjacent conforming property as full access to the area and its use will remain as it is now. No impairment of the purpose of the regulations of the zoning district will be introduced; it has not impaired them to date and the future use and purpose will not change because of planned deck renewal or planned rainwater storage system.

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:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

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

N/A

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

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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

Signed _____ & _____

Mail Address 3400 Lakeside Drive City, State & Zip Austin, TX 78723

Printed Xiaomei Zhou & Andrew Seelye Phone 512-619-9956 Date 3-30-2012

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

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

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0051
LOCATION: 3400 LAKESIDE DRIVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Walker, Susan

From: Andrew Seelye [rewseel@yahoo.com]
Sent: Monday, April 30, 2012 12:31 PM
To: Walker, Susan
Subject: Updated BOA application, with additional photo and neighbor's approval letter
Attachments: Statement of Approval of Deck Rebuild.docx; Setback and pool with deck along east lot boundary.jpg; Zhou-Seelye 3400 Lakeside Drive Fence&Deck BOA Application 7-31-08 Version.doc

Hello Susan:

Here is our updated version of the BOA application, including a photo showing the approximate location of the setback line and how the original built deck and pool were placed in this area. This was permitted in 1971 and built in 1972. Also attached is a letter from our neighbor Virginia stating her approval of the deck renovation in the existing location.

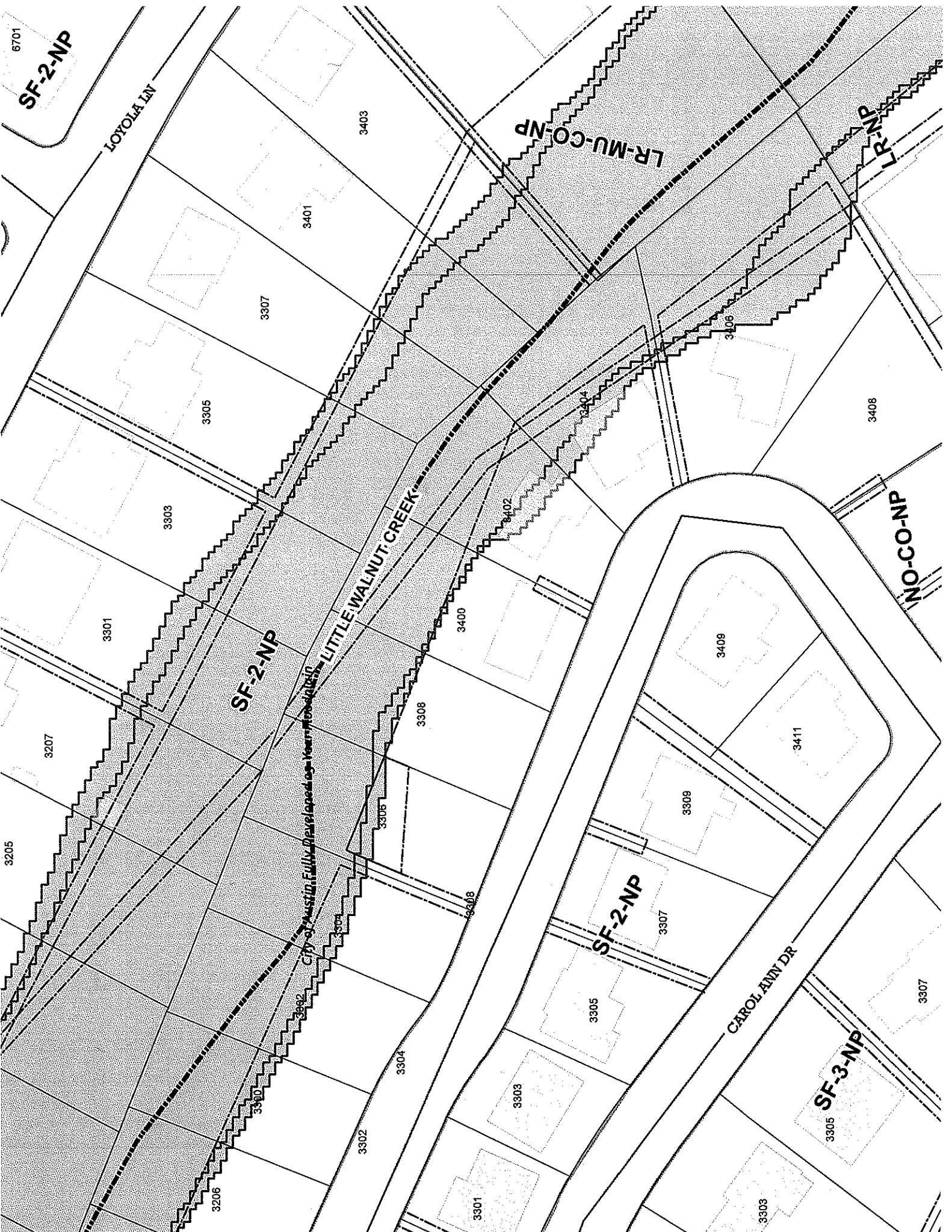
I'm hoping you can use the signature page I submitted prior. Let me know what other things are needed, or if this satisfies the requirements for the application.

Thanks again,

Andrew Seelye
512-619-9956

4/30/2012





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☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

Seeking approval to place a new eight foot (8') fence along west side of a back yard with pool.

in a SF-2 district.
(zoning district)

and to rebuild & add
to existing deck providing
a — sk from east & a —
from west

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:

Owner/applicant's house is adjacent to a neighborhood creek and to the west is non-residential City land, mostly untended, that has a high volume of difficult to control foot traffic. Owner/applicant has a backyard pool. Owner/applicant's existing fence along west border of backyard is six feet tall. City placed a chain link fence next to owner/applicant's existing fence creating barrier that is often and easily scaled by children and others, including opportunistic trespassers. Owner/applicant is requesting a variance that will allow the erection of an eight foot tall fence along the west backyard to more readily discourage children, the curious or criminal from climbing into the yard.

HARDSHIP:

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

The combination of a nearby creekbed, no adjacent homes on the west side or any residential yard to the west, a neighbor to the west in the form of undeveloped City land that is not tended (broken fence, overgrown, etc.) and an easily-climbed, low chain link fence installed directly against owner/applicant's existing six foot fence make the pool and backyard of the owner/applicant readily accessible by children and the curious or criminal.

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

Owner/applicant's house has a pool and is directly adjacent to a creekbed and to City land. The City removed previously existing adjacent houses and yards. The result is that there is foot traffic between the street and the creek via the City land that is easily accessed along the owner/applicant's west yard. No other houses in the area have this combination of features and circumstances (pool, City fence/land, foot traffic and creekbed).

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:

An eight foot fence will merely provide a clearer boundary between the owner/applicant's yard and the City's untended land adjacent to the creekbed. An eight foot fence will not in any way prohibit the City from maintaining or otherwise using the land as it intends, nor will it inhibit visibility of the untended City land for the owner/applicant's neighbors or others who pass by.

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:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

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

N/A

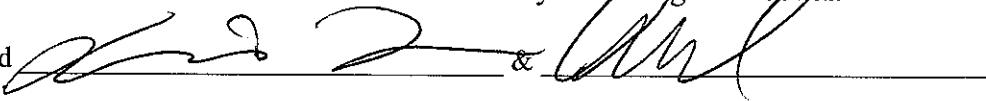
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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

Signed

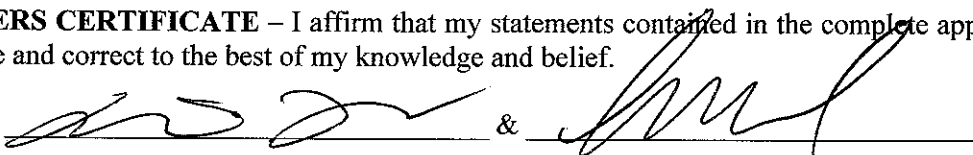
 & _____

Mail Address 3400 Lakeside Drive City, State & Zip Austin, TX 78723

Printed Xiaomei Zhou & Andrew Seelye Phone 512-619-9956 Date 3-30-2012

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Mail Address 3400 Lakeside Drive City, State & Zip Austin, TX 78723

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City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

March 23, 2012

Andrew Seelye

Via email to rewseel@yahoo.com

Re: 3400 Lakeside Drive
Lot 7 Blk C Lakeside of University Hills

Dear Andrew,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to increase fence height from 8ft to 6ft. Austin Energy does not oppose this application as requested.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lena Lund".

Lena Lund

Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

Statement of Acceptance of 8 Foot Fence

This letter serves to provide my acceptance of my neighbors, Andrew Seelye and Xiaomei Zhou, installing an 8 Foot tall fence around the deck and pool of their back yard. We share a front fence and we agree that this will help to discourage unwelcome guests from entering their back yard.

Signed: Virginia Ennis on March, 16, 2012

Virginia Ennis

3402 Lakeside Drive, Austin TX 78723

79723



Figure 1

2000

Figure 1


100

1997

Two Story Rock & Frame



100

Survey showing
proposed fence
location in 

Zhou & Seelye 3400 Lakeside Drive 872.3



View of City fence next to west yard fence (6').