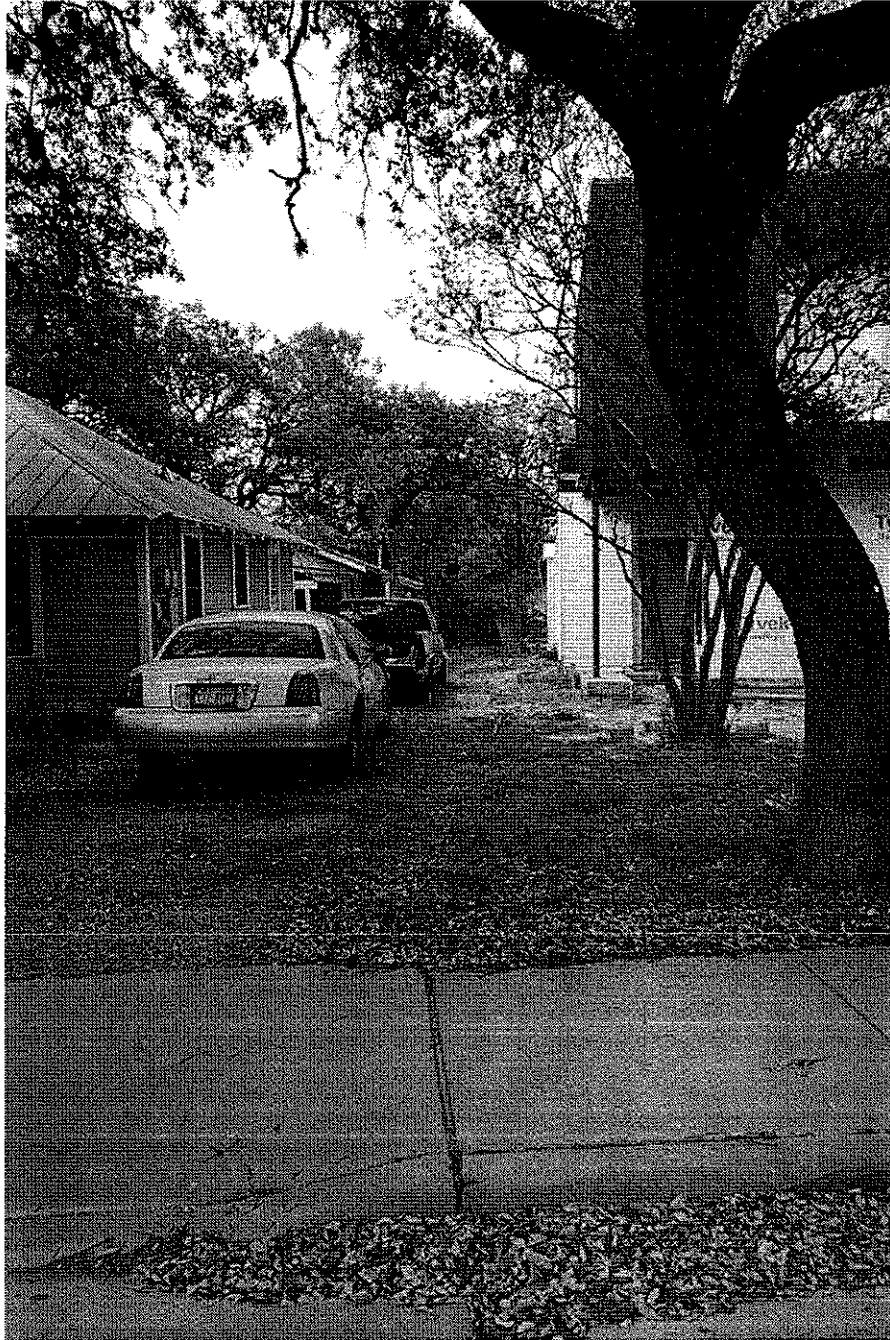
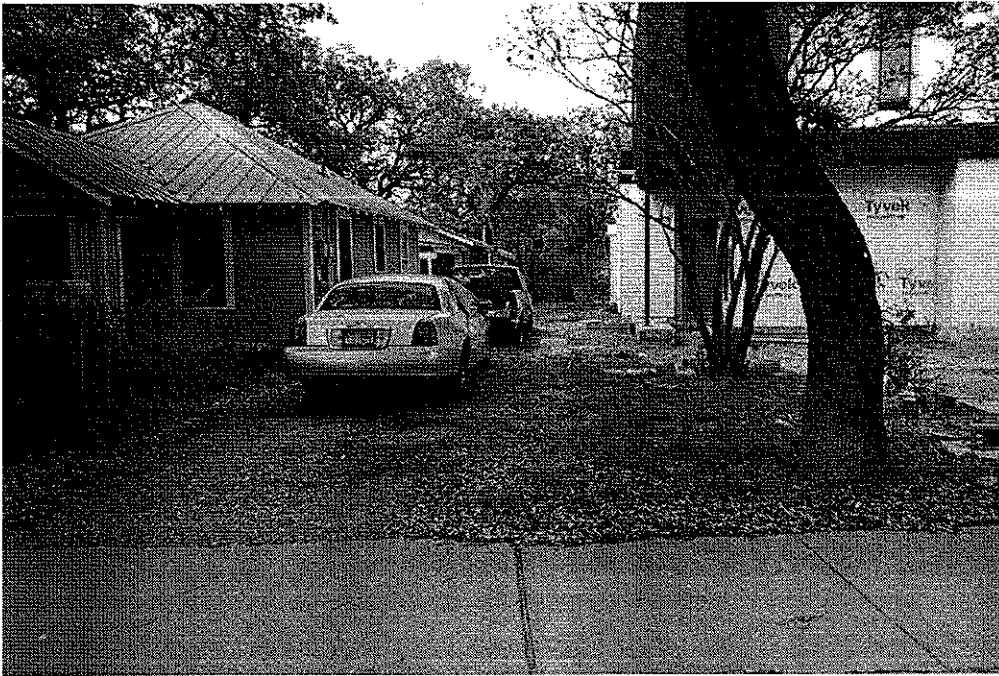


902 LIVEOAK ST. – CURRENT CONDITIONS

**LOOKING NORTH – AREA BETWEEN 904 (ON LEFT)
AND 902 (APPLICANT - ON RIGHT)**



902 LIVEOAK ST. – CURRENT CONDITIONS



LOOKING NORTH – CLOSER VIEW



LOOKING NORTH – SETBACKS BETWEEN 900 AND 902; DIRECTLY TO THE EAST

March 27, 2014

To Whom It May Concern at the City of Austin,

As a neighbor in close proximity to the newly constructed home at 902 W. Live Oak,

I **SUPPORT** or **Do not Oppose** the request by the owner for variances to the setback and other requirements to allow the completion of construction of the home on this property to within 8 feet from the existing platted lot line on the west side of the property.

Thank you for your time.

Mathew murphy
Name

915 W Live Oak St
Address

+1 512 522 9746
Phone number

Mathew

March 27, 2014

To Whom It May Concern at the City of Austin,

As a neighbor in close proximity to the newly constructed home at 902 W. Live Oak,

I **SUPPORT** or **Do not Oppose** the request by the owner for variances to the setback and other requirements to allow the completion of construction of the home on this property to within 8 feet from the existing platted lot line on the west side of the property.

Thank you for your time.

CHRISTINE TREVINO
Name

909 W. LIVE OAK
Address

AUSTIN, TEXAS 78704

512. 447. 3748
Phone number

**SUPPLEMENT TO APPLICATION
TO BOARD OF ADJUSTMENT FOR VARIANCES**

This Supplement to Application supplements the Application submitted by Bouldin Green, LLC for a variance for completion of construction of a single family residence at 902 West Live Oak, Austin, Tx 78704 (the "**Application**").

The Application requests a variance from the side setback requirement to allow completion of construction of a single family residence. A building permit was issued for such construction and the construction commenced before the owner of an adjacent lot filed suit asserting a claim of adverse possession of an approximate five foot strip of land on one side of Applicant's lot, and asserting an additional claim to enforce an alleged resulting new setback to be measured from the interior of the strip of land claimed by adverse possession. Such a new setback would encroach on the foundation of the partially completed home. **No part of the partially constructed home lies within an area claimed by the adjoining owner by adverse possession.**

Applicant is a recent purchaser of the subject lot unfamiliar with the historical basis of the adjoining owner's claim. An unimproved area with dilapidated fencing was used as a driveway by the adjacent lot owner. This was discovered to encroach on Applicant's lot in the course of surveying the lot - this area comprises a portion of the five foot strip now claimed by the adjacent owner.

Applicant has been advised that in the event that the adjoining lot owner establishes adverse possession of the five foot strip of Applicant's lot, the lot would be out of compliance with the following additional zoning regulations (measurements and percentages are approximate as a result of the imprecision of the adjoining owner's claim):

1. Impervious cover of the home that is the subject of the issued building permit would increase from 44.9% to 49.7%
2. The lot size would be reduced from 5750 sf to 5179 sf
3. The lot width would be reduced below the minimum required
4. Building coverage would be increased from 40% to 41%

Variances from the impervious cover and building coverage limitations, and the lot width and size requirements are sought on the same basis as the variance from the side setback requirement.

All requested variances are for completion of the partially constructed home in a size that that does not exceed the size approved in the building permit issued for the construction, and in a location on Applicant's platted lot that is not closer to any side, front, or back of such lot than permitted pursuant to the issued building permit. No change in size or location is proposed or

requested - Applicant's request for variances is premised on the contingent movement of one side by approximately five feet, as a result of the adjacent owner's claim of adverse possession.

The basis of this supplemental request is as follows:

REASONABLE USE:

1. Without the requested variances, Applicant would not be allowed a reasonable use of its lot because it would either have to: (i) destroy partially constructed improvements and rebuild on the reduced lot, if possible, in order to attain certainty; or (ii) be delayed an unreasonable amount of time awaiting completion of pre-trial proceedings, trial, and any appeals of the claims asserted by the adjoining lot owner.

HARDSHIP:

2. (a) The hardship resulting from the adjacent lot owner's claim and contingent affect on Applicant's lot is unique to Applicant's property. The right to not only a five foot strip of Applicant's lot, but to enforce a new setback claimed by the adjacent lot owner would result in the only known deviation in the area from long-platted lot lines, with the only potential exception being similar minor encroachments of fencing.

(b) Applicant's hardship is not general to the area - Applicant knows of no other lot owners either claiming a part of an adjoining lot by adverse possession or claiming a right to establish and enforce a new setback on an adjoining lot.

AREA CHARACTER:


3. The variances will not alter the character of the area adjacent to Applicant's lot or impair the use of adjacent conforming property or impair the purpose of the regulations in the zoning district. The area was platted many decades ago. All improvements in the area are believed to have been constructed in conformance with the boundaries as shown on the long-standing plats of lots, so that setbacks and utility easements conform to plat lines. The only possible exception is that fencing in the area may deviate from platted lot lines - it is believed that the owner of the adjacent lot who claims a portion of Applicant's lot may base his claim of adverse possession on the location of fencing. Nevertheless, the variances requested will not result in crowding of existing homes and related structures.

No variances from parking regulations is requested.

Applicant Certificate - I affirm that my statement contained in the foregoing Supplement to Application are true and correct to the best of my knowledge and belief.

OWNER-APPLICANT

Bouldin Green, LLC

By 

Richard Kooris

Its: Manager

501 IH-35
Austin, Texas 78702
(512) 478-3000

Date : 4.5.14

C15 - 2014 - 0095

March 28, 2014

To Whom It May Concern at the City of Austin,

As a neighbor in close proximity to the newly constructed home at 902 W. Live Oak, I **SUPPORT**
or **Do not Oppose** the request by the owner for variances to the setback and other requirements to
allow the completion of construction of the home on this property to within 8 feet from the existing platted
lot line on the west side of the property.

Thank you for your time.



Adam Mosier
803 W. Live Oak
Austin, TX 78704
512-309-5110

C-15-2014-0055

March 25, 2014

To Whom It May Concern at the City of Austin,

As a neighbor in close proximity to the newly constructed home at 902 W. Live Oak,

I **SUPPORT** or **Do not Oppose** the request by the owner for variances to the setback and other requirements to allow the completion of construction of the home on this property to within 8 feet from the existing platted lot line on the west side of the property.

Thank you for your time.

Guadalupe B. Garcia
Name

906 W. Live Oak Austin TX 78704
Address

512 520 9478
Phone number

C15-2014-0055

March 26th, 2014

To Whom It May Concern at the City of Austin,

As a neighbor in close proximity to the newly constructed home at 902 W. Live Oak,

I SUPPORT or Do not Oppose the request by the owner for variances to the setback and other requirements to allow the completion of construction of the home on this property to within 8 feet from the existing platted lot line on the west side of the property.

Thank you for your time

Victor Limon / [Signature]
Name

910 West Live Oak St.
Address

512 826 0574
Phone number

C15-2014-0055

March 26, 2014

To Whom It May Concern at the City of Austin,

As a neighbor in close proximity to the newly constructed home at 902 W. Live Oak,

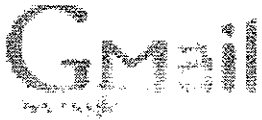
I **SUPPORT** or **Do not Oppose** the request by the owner for variances to the setback and other requirements to allow the completion of construction of the home on this property to within 8 feet from the existing platted lot line on the west side of the property.

Thank you for your time.

Agapita Limon / Mercedes Limon
Name

906 W. Live Oak, Austin, Tx 78704
Address

512-444-9724
Phone number



C15-2014-0055

Request for Variance

Paul Kern [REDACTED]

Mon, Mar 31, 2014 at 10:00 PM

To: [REDACTED]

I live at 917 W Live Oak and received a copy of your letter requesting support to complete the home at 902 W Live oak. I am fine with what you are requesting and you can use this email to show the city as proof of my support as a neighbor. I support your request for variances to the setback and other requirements to finish the home.

Paul Kern
917 W Live Oak
Austin, TX 78704