

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

DATE: Thursday, June 9, 2014

CASE NUMBER: C15-2013-0114

☒ Y _____ Jeff Jack
☒ Y _____ Michael Von Ohlen **2nd the Motion**
☒ Y _____ Ricardo De Camps
☒ Y _____ Bryan King
☒ Y _____ Stuart Hampton
☒ Y _____ Melissa Hawthorne **Motion to PP to July 14, 2014**
☒ Y _____ Will Schnier - Sallie Burchett (absent)

OWNER/APPLICANT: Emilio Surita

ADDRESS: 2920 GARWOOD ST

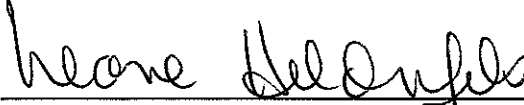
VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed the average height of six feet or a maximum height of seven feet for a solid fence constructed along the property line in order to maintain an 8 foot tall stone fence along 37 feet eight inches of the front/Garwood Street property line and along two feet of the side/Ramos Street property line in an "SF-3-NP", Family Residence, Neighborhood Plan zoning district. (Govalle)

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to July 14, 2014, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO JULY 14, 2014**

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:



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

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

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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.austintexas.gov/development.

Written comments must be submitted to 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. Your comments will become part of the public record.

Case Number: C15-2013-0114, 2920 Garwood Street

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

Deane SHERAS

Your Name (please print)

2818 Gonzales St.

Your address(es) affected by this application



Signature

6, 4, 14

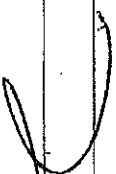
Date

Daytime Telephone: _____

Comments: well looks great owner asked

Built it with great care. It's almost as

and love the neighborhood a great feel,



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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leana.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, June 9th, 2014

DAN MURPHY

Your Name (please print)

☒ I am in favor
☐ I object

3000 GARWOOD ST, AUSTIN, TX 78762

Your address(es) affected by this application

Dan Murphy

Signature

Date

Daytime Telephone: 512 626-5136

5-30-14

Comments: I have no problem with the

stone wall, it looks fine, fits in with the neighborhood fine and I saw the footings before they poured it and I think it will hold up that's all fine.

Dan Murphy

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 P. O. Box 1088

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, June 9th, 2014

MARIA JOSÉ DIAZ DIAZ
 Your Name (please print)

☒ I am in favor
☐ I object

3001 GARWOOD ST. AUSTIN, TX 78702
 Your address(es) affected by this application

[Signature]
 Signature

6/11/2014
 Date

Daytime Telephone: 512-496-0384

Comments:

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 Leane Heldenfels
 P. O. Box 1088

Austin, TX 78767-1088

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 9th, 2014

Evangeline C. Saucedo
Your Name (please print)

☒ I am in favor
☐ I object

2820 Prado St
Your address(es) affected by this application

Leangilana C. Saucedo *6-4-2014*
Signature Date

Daytime Telephone: *512-3855168*

Comments: _____

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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 #

C15-2013-0114
ROW-11026123
TP-020413-04-13

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: 2920 Garwood Street

LEGAL DESCRIPTION: Subdivision – _____

Lot(s) 11 Block 2 Outlot 26-27 Division A Chernosky No

I/We Emilio Surita on behalf of myself/ourselves as authorized agent for
myself affirm that on 9-13, 2013,

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

(check appropriate items below)

 ERECT ATTACH COMPLETE REMODEL x MAINTAIN

An 8 foot high stone fence along the front side of the house on Garwood Street, and
encroaching into Ramos side street setback

in a SF-3-NP district. (Govalle)
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

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

REASONABLE USE:

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

See attached

HARDSHIP:

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

The fence has already been erected as there was a miscommunication with Nancy Smith (plan review) prior to the construction that no permit was required.

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

See attached

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:

Several properties in the area currently have 8' high fences. The fence is constructed of quality, durable materials and craftsmanship and will not affect nearby property values.

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 _____

City, State & Zip _____

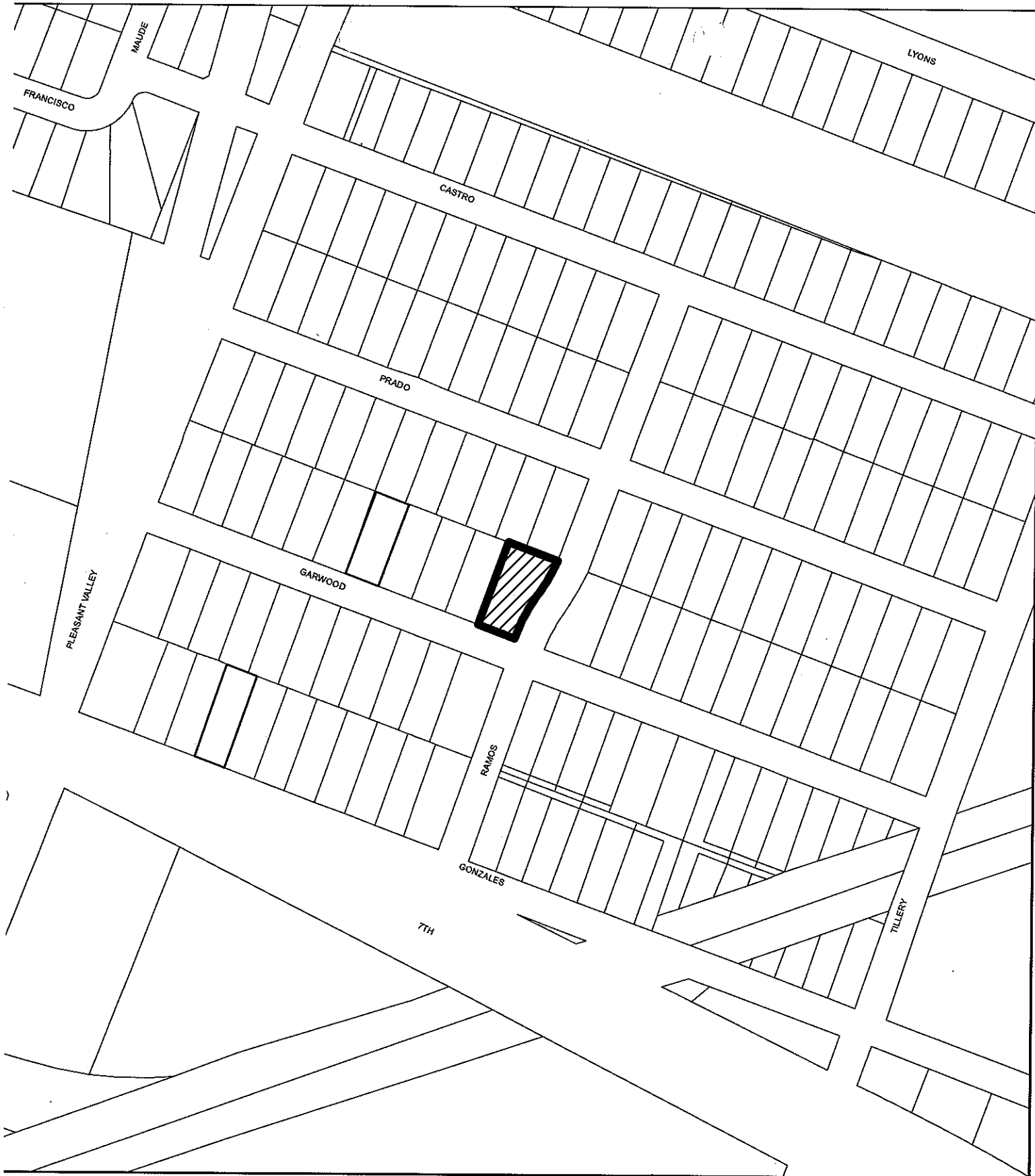
Printed _____ Phone _____ Date _____

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

Signed _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0114
LOCATION: 2920 Garwood Street



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.

To whome it may concern,

I Emilio Surita and Elaine Surita are the property owners of 2920 Garwood Street Austin Texas 78702.

I Emilio Surita have hand built a brick fence 8ft high and 2ft wide in the hot 100°F summer of 2013.

I have several reasons why I have built the brick fence for my home. Not only does it make the community of my neighborhood look more elegant, it keeps the noise of Austins growing city at a minimum. In my neighborhood we are always dealing with multiple factors of noises and fumes.

One example is one of the main traveling streets of East Austin which is East 7th Street and the bridge located south of my home. There are multiple 18 wheelers, busses, and lots of traffic that bring noise with there horns and engines. Second is the fumes from the 18 wheelers and busses and vehicles, especially when the wind blows North. Also keep in mind

that the Capitol Metro company is located South of my home under the East 7th Street bridge.

I have grandchildren that have Asthma and are always playing outside in my yard. They have come to me several times complaining about a gas or oil smell. My final but not least reason is the trains that travel under the East 7th Street bridge. The first route usually runs daily between the hours of 2:00 am - 5:00 am and always blow their horns very loudly awaking myself and scare my grandchildren. The second route is between the hours of 9:00 pm - 11:00 pm also blowing their horns very loudly. In conclusion my grandchildren and family have to be up at 5:00 am for school and work and ~~are~~ where being awoken daily before the wall was built.

I also own the property located at 3004 Garwood Street. In front of that home is also

a fence comparable to my fence at 2920 Garwood Street. Although it is made out of wood and steel. It has made a difference in the noise and fumes entering my home on 3004 Garwood Street where my daughter and newly born grandchild reside.

With that said my fence on 2920 Garwood Street has done magnificent changes to the noise and fumes that come our way. It is built 8ft high 2ft wide and very solid. My family and I are asking to please work something out to help keep our fence up and the noise and fumes out. If you have any questions or concerns please feel free to contact me on my cell phone #512-845-2626. My family and I thank you very much for your time and consideration.

Thank You.

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

X Emilio Surita Mail Address 2920 Garwood St City, State & Zip Austin, TX 78702

Printed Emilio Surita Phone 512-386-6940 Date 9/17/2013 **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 Emilio Surita Mail Address 2910 Garwood ST City,

State & Zip Austin, TX 78702 Printed Emilio Surita Phone

512-386-6940 Date 09-16-2013

5

WOOD 19

7-8 ft
from
front
property
line

RAMOS

50'

2920
61.05'

1.5'

11

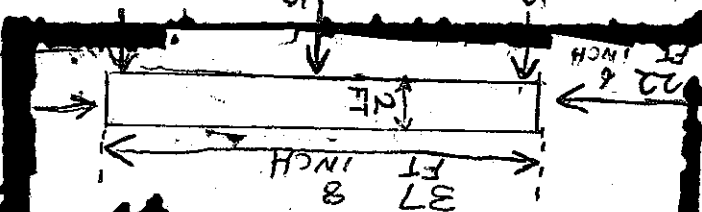
6" H.C.

2' D

1.5

50 ft

24.9



01
DOC. NO.

00116523

2253

FILM CODE

Prepared by the State Bar of Texas for use by lawyers only.

Revised 10-85.

© 1985 by the State Bar of Texas

7.00
0000435173

K-7243

WARRANTY DEED WITH VENDOR'S LIEN

Date: DECEMBER 14, 1988

Grantor: ALVIN HERNANDEZ AND WIFE, JUANITA HERNANDEZ

4:38 PM 3512

7.00 INDX

1 1 12/20/88

Grantor's Mailing Address (including county): P. O. Box 50, Johnson City, Blanco County, Texas, 78636-23-DOC# 20.18-CHK#

Grantee: EMILIO SURITA AND WIFE, ELAINE SURITA

Grantee's Mailing Address (including county): 3304 Garwood, Austin, Travis County, Texas, 78702

PARCEL # 20413-0413

Consideration: Ten and No/100-(\$10.00)-Dollars and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantees of their one certain promissory note of even date herewith in the principal amount of TWELVE THOUSAND AND NO/100-(\$12,000.00)-DOLLARS, payable to the order of Grantor as therein provided and bearing interest at the rate therein specified, and providing for acceleration of maturity in the event of default and for attorney's fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to J. B. Stevenson, Jr., Trustee.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10840 1187

Property (including any improvements):

BEING Lot No. 11, Block "2", of Chernosky Subdivision No. 11, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 4, Page 219, Plat Records of Travis County, Texas.

Reservations from and Exceptions to Conveyance and Warranty:

1. Restrictions and easements of record in Volume 4, Page 219, Plat Records of Travis County, Texas.

RECEIVED 11-20-11-0917

20112253

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10840

1188

CITY OF AUSTIN DEVELOPMENT WEB MAP

Legend

Lot Lines

Streets

Building Footprints

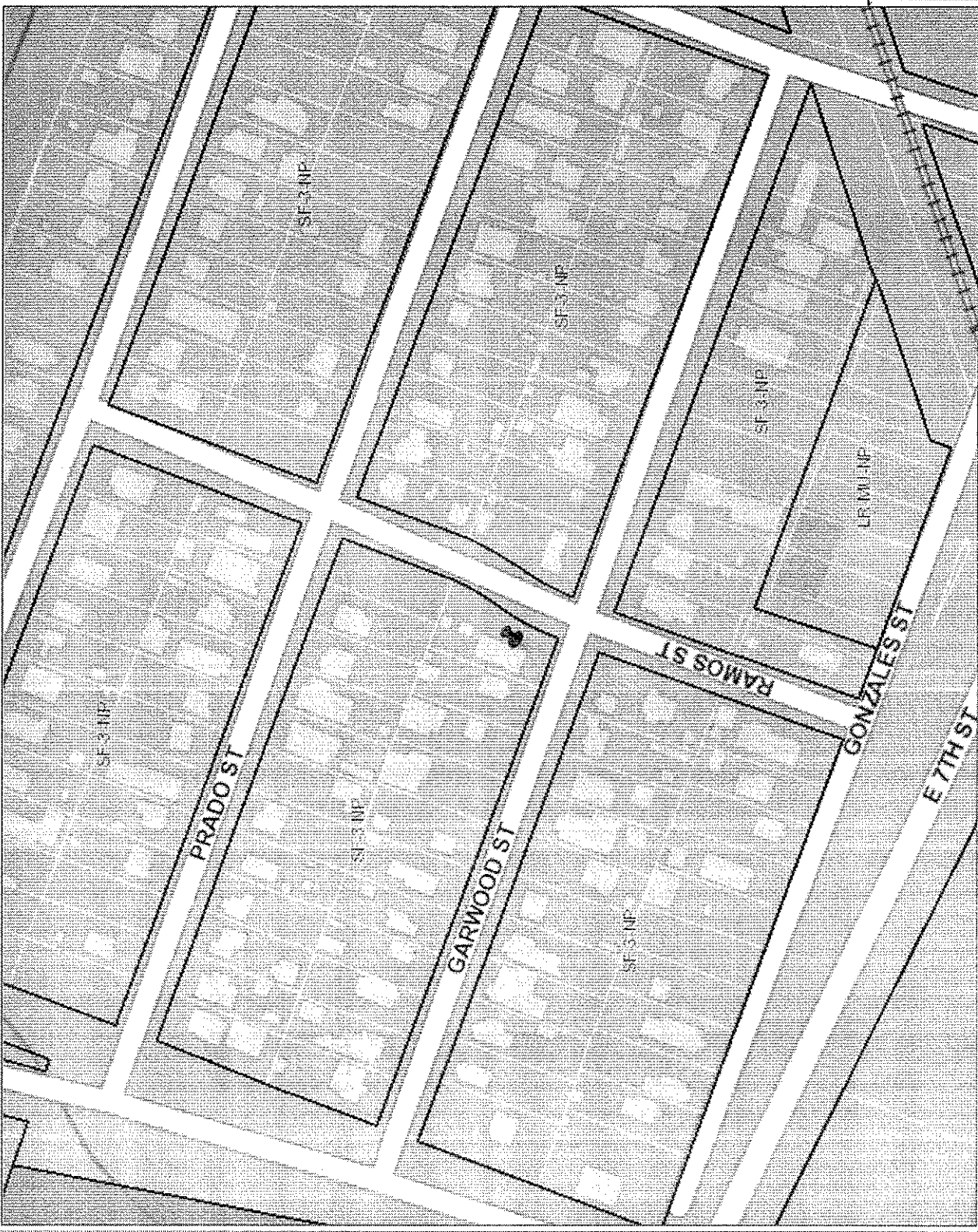
Named Creeks

Lakes and Rivers

Parks

County

Zoning (Large Map Scale)




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CITY OF AUSTIN DEVELOPMENT WEB MAP


2009 Aerial





Legend

 Lot Lines

 Streets

 Building Footprints

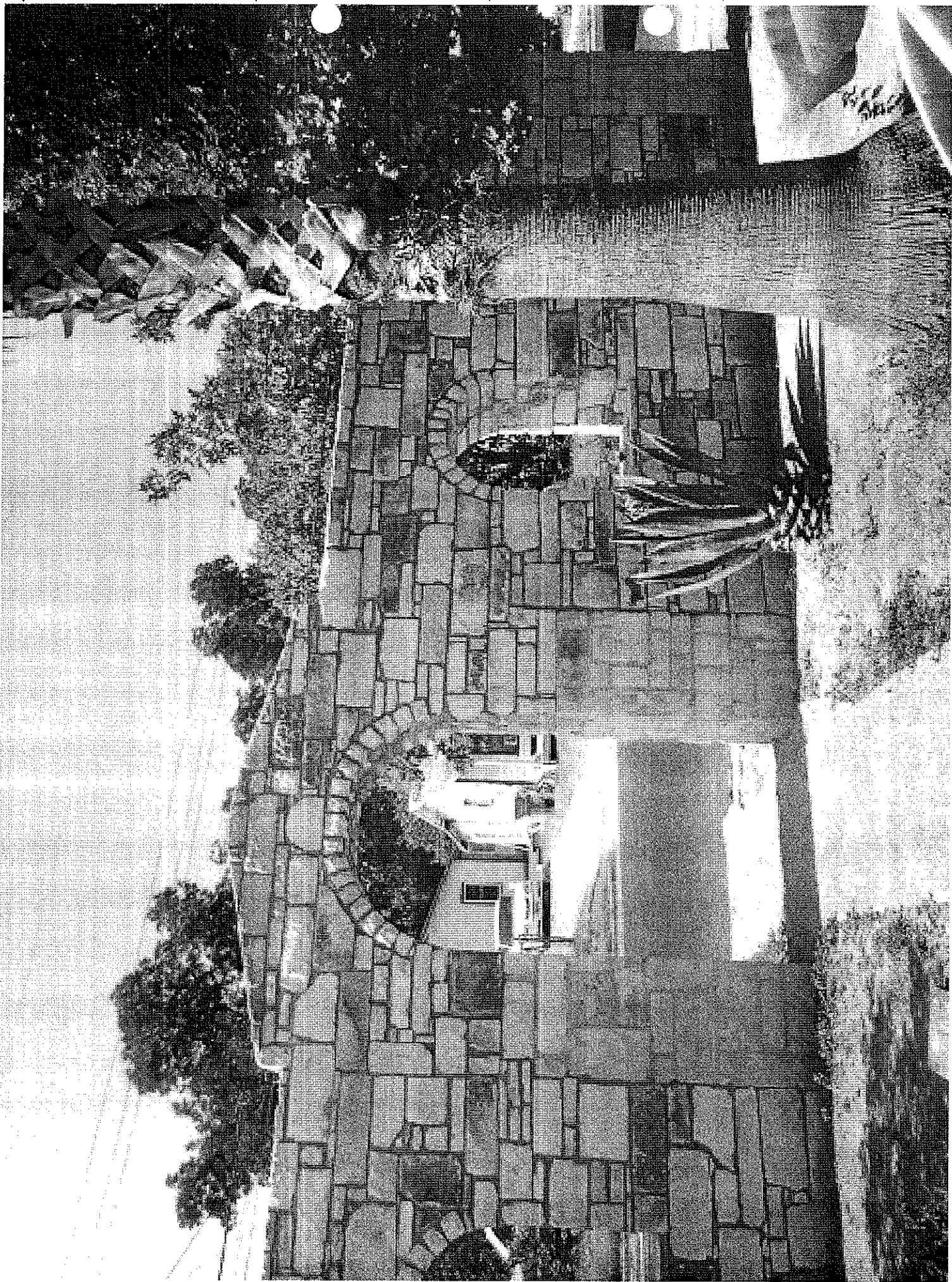
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 Lakes and Rivers

 Parks

 County

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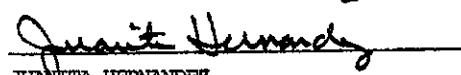


Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grant, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

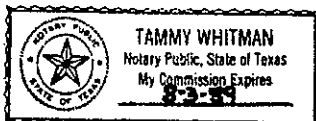
Executed the above mentioned date.



ALVIN HERNANDEZ

JUANITA HERNANDEZ

(Acknowledgment)

STATE OF TEXAS
COUNTY OF Burnet

This instrument was acknowledged before me on the 15th day of December, 1988
by Alvin Hernandez and wife, Juanita Hernandez.




Notary Public, State of Texas
Notary's name (printed): Tammy Whitman
Notary's commission expires: 8-3-89

(Corporate Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the _____ day of _____, 19____
by _____ of _____
a _____ corporation, on behalf of said corporation.

FILED
DEC 1988 20 PM 4:20

DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

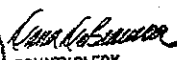
Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me; and
was duly RECORDED, in the Volume and Page of the
proper RECORDS of Travis County, Texas, on

DEC 20 1988




COUNTY CLERK
TRAVIS COUNTY, TEXAS

AFTER RECORDING RETURN TO:
Service Title Company
of Burnet County, Inc.
Box 249
Marble Falls, Tx 78654

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10840 1189

PREPARED IN THE LAW OFFICE OF:
J. B. Stevenson, Jr.
Box 900
Marble Falls, Tx 78654