

8307 Bell Mountain Drive
Austin, TX 78730
August 5, 2014

City of Austin-Planning & Development Review Department/1st Floor
Leane Heldenfels
PO Box 1088
Austin, TX 78767-1008

Re: Case Number - C15-2014-0105, 8601 Bell Mountain Dr., Austin, TX

Dear Ms. Heldenfels:

I am opposed to the granting of a variance to allow a solid fence of up to twelve feet in height at the above address. Many of the lots along the canyon side of Bell Mountain Drive also have a steep grade. A stepped or wracked fence could be used to accommodate grade changes without resorting to a twelve foot structure. Prior to the erection of the concrete retaining wall that underpins the fence I understand there was no grade difference between the lot at 8601 Bell Mountain Drive and 8607 Bell Mountain Drive. My understanding is the fence has replaced natural vegetation that served as a visual buffer between the conservation easement and platted hiking trail and the swimming pool, house and deck at this property, and has altered the character of the development which prides itself on maintaining its original Hill Country character through restrictive covenants and large lot sizes.

Sincerely,

William Machuga

Heldenfels, Leane

From: Dean W. Blaine ~~GO GREEN PARTNERS, L.P.~~
Sent: Tuesday, August 05, 2014 5:16 PM
To: Heldenfels, Leane
Subject: 8601 Bell Mountain-Case Number C15-2014-0105

Austin Board of Adjustment:

With regard to the granting of a variance to the owner of the property located at 8601 Bell Mountain, I oppose the granting of this variance for the following reasons:

1. The owner has, over the past several years constructed improvements that encroached on a neighboring property. Had a boundary survey been conducted or corners marked by a surveyor in advance of work being commenced the neighboring properties would not have had to deal with two years of construction and many trips to the BOA to fight what this owner is doing.
2. The owner of 8601 has built a very nice looking fence when viewing from the subject property, however the structural members of this fence were installed facing the neighbor's property which represents a violation of the communities' ACC Rules and Regulations.
3. My understanding is that in order to obtain a variance for the height of this fence in the City of Austin, a letter of support is required by neighboring property owners. My information on this issue is that the owner has not obtained such a letter from the neighbor most affected by this non-complying fence structure.

While I don't live within 500' of this property, I am concerned about the precedent that allowing this height of fence would create in our community. I do live in the same phase of Long Canyon Subdivision as the property in question.

I will unfortunately be out of state when this hearing takes place, but wanted my position to be on record with the Board of Adjustment.

Thank you for your time and consideration of my position in this matter.

Respectfully,

Dean W. Blaine
Chief Executive Officer
Office: 512.851.8330
Fax: 512.382.7809
Cell: 512.563.0309

 **GO GREEN**
PARTNERS, L.P.

August 7, 2014

City of Austin
Planning & Development Review Dept./ 1st Floor
Leane Heldenfels
P.O. Box 1088
Austin, TX 78767-1008

Sent via email to:
leane.heldenfels@austintexas.gov

Re: Case Number - C15-2014-0105
8601 Bell Mountain Drive, Austin, TX 78730

Dear Ms. Heldenfels:

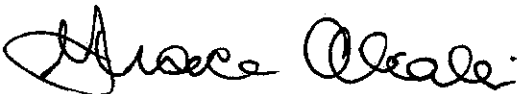
I am opposed to the granting of a variance to allow a solid fence of up to 12 feet in height at the above-referenced address. This fence is too tall and is an eyesore to the neighboring properties.

Many lots on the canyon side of Bell Mountain Drive have a steep grade. A stepped or wracked fence more appropriately accommodates grade changes without resorting to the 12 foot structure that this homeowner is requesting. In addition, prior to the erection of the four to six foot tall concrete retaining wall that underpins the non-compliant fence, there was no grade difference between the lot at 8601 Bell Mountain Drive and the adjacent lot at 8607 Bell Mountain Drive, contrary to any documentation you may have been provided by the homeowner. Moreover, the non-compliant fence replaced natural vegetation that served as a visual barrier or buffer between the above-referenced homeowner's swimming pool, house, and deck and the adjacent property. This non-compliant fence has altered the character of the development which prides itself on maintaining its original Hill Country character through restrictive covenants and large lot sizes. This homeowner has now built two fences that are non-compliant with the City of Austin ("COA") Code: the first fence was built over the property line onto the adjacent lot and the City of Austin cited the homeowner who thereafter removed that non-compliant fence. This second fence is non-compliant because it exceeds "an average height of six feet or a maximum height of seven feet" per COA Code Section 25-2-899 (D).

And finally, as a former member of the Board of Directors of the Long Canyon Homeowner Association, Inc. ("LCHOA") and its Architectural Control Committee ("ACC"), I can factually state that this fence is not in compliance with the LCHOA Declaration of Covenants, Conditions and Restrictions and/or the LCHOA ACC Rules.

In conclusion, the variance should not be granted and the homeowner requesting it should be required to cut the fence down to the "average height of six feet or a maximum height of seven feet" per COA Code Section 25-2-899 (D) regarding fences, where such average and maximum height measurements include both the concrete retaining wall/footer (at the original grade) and the wooden fence on top of the concrete wall/footer.

Best regards,



Grace Alcala
8303 Bell Mountain Dr.
512-484-2523

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.

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 will be sent.

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. All comments received will become part of the public record of the case.

Case Number: C15-2014-0105, 8601 Bell Mountain

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

Public Hearing: Board of Adjustment, August 11th, 2014

Beth A. Miles

Your Name (please print)

☐ I am in favor
☒ I object

8812 Bell Mountain Dr Austin, TX 78730

Your address(es) affected by this application

Beth A. Miles

Signature

Date

Daytime Telephone:

Comments: The fence, which is visible from neighboring properties across the street, is an eyesore, & it is not in keeping with the natural hill country look of long canyon subdivisions. Should this fence be allowed, it could negatively impact neighbors' home values. When a variance is granted, it should have a beneficial impact on the community, or at least be neutral. Please do not allow the variance of our neighborhood to be degraded.

Note: any comments received will become part of the public record of this case

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

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 leaneheldenfels@austintexas.gov

Heldenfels, Leane

C15-2014-0105

From: Leslie or Rick McMaster ~~rickmcm@austin.tx.gov~~
Sent: Friday, August 08, 2014 9:28 AM
To: Heldenfels, Leane
Subject: Re: C15-2014-0105, 8601 Bell Mountain Drive
Attachments: back fill two.jpg; back fill one.jpg

I spoke with Officer Nettle in Code Enforcement and his supervisor this morning. He recommended a few additions to my file. The first two are attached.

Leslie McMaster

On 8/5/2014 9:43 AM, Heldenfels, Leane wrote:

- > Have received your letter and will include it in the Board's packet of information. Thanks for sending it in.
- > Take care,
- > Leane Heldenfels
- > Board of Adjustment Liaison
- > City of Austin

> -----Original Message-----

- > From: Leslie or Rick McMaster ~~rickmcm@austin.tx.gov~~
- > Sent: Tuesday, August 05, 2014 9:27 AM
- > To: Heldenfels, Leane
- > Subject: C15-2014-0105, 8601 Bell Mountain Drive

- > Please include this response in the packet for the above case.

> Leslie McMaster

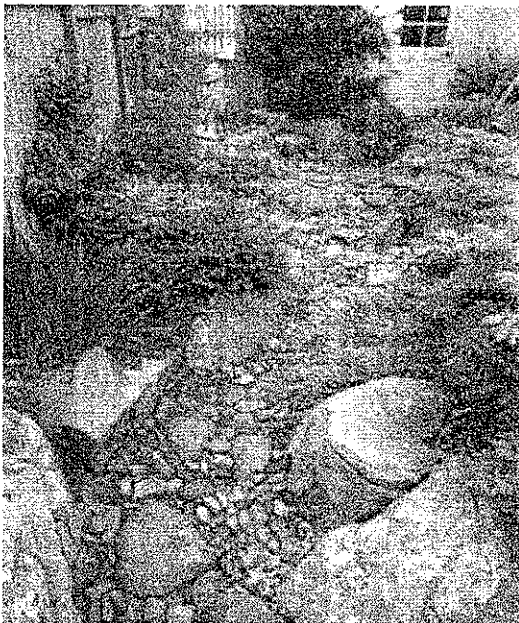
C15-2014-105

From: Richard Stone ~~stone.2014@gmail.com~~
Subject: 8601 Bell Mountain Site Meeting 11/5/13
Date: November 6, 2013 at 4:25 PM
To: Paratore David ~~stone.2014@gmail.com~~
Cc: Randy Meeks-ACC ~~stone.2014@gmail.com~~, Jerry Goodrich-ACC ~~stone.2014@gmail.com~~, Richard Long Stone ~~stone.2014@gmail.com~~

David

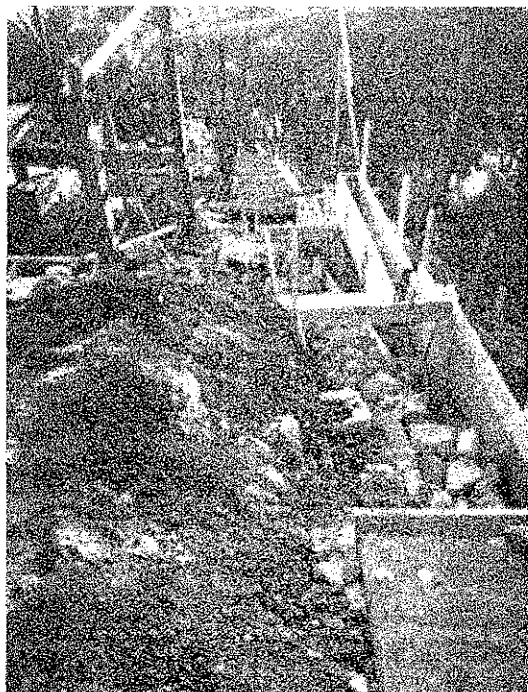
In accordance with your meeting yesterday afternoon with the entire ACC:

1) We discussed the proposed landscaped "creek bed" on the inside of your west side fence that will channel water toward the back of your property (following top photo). The other picture is from your landscaper that gives you and the ACC an idea how the proposed creek bed will look once it is completed. After review, the ACC approves of this part of your project.

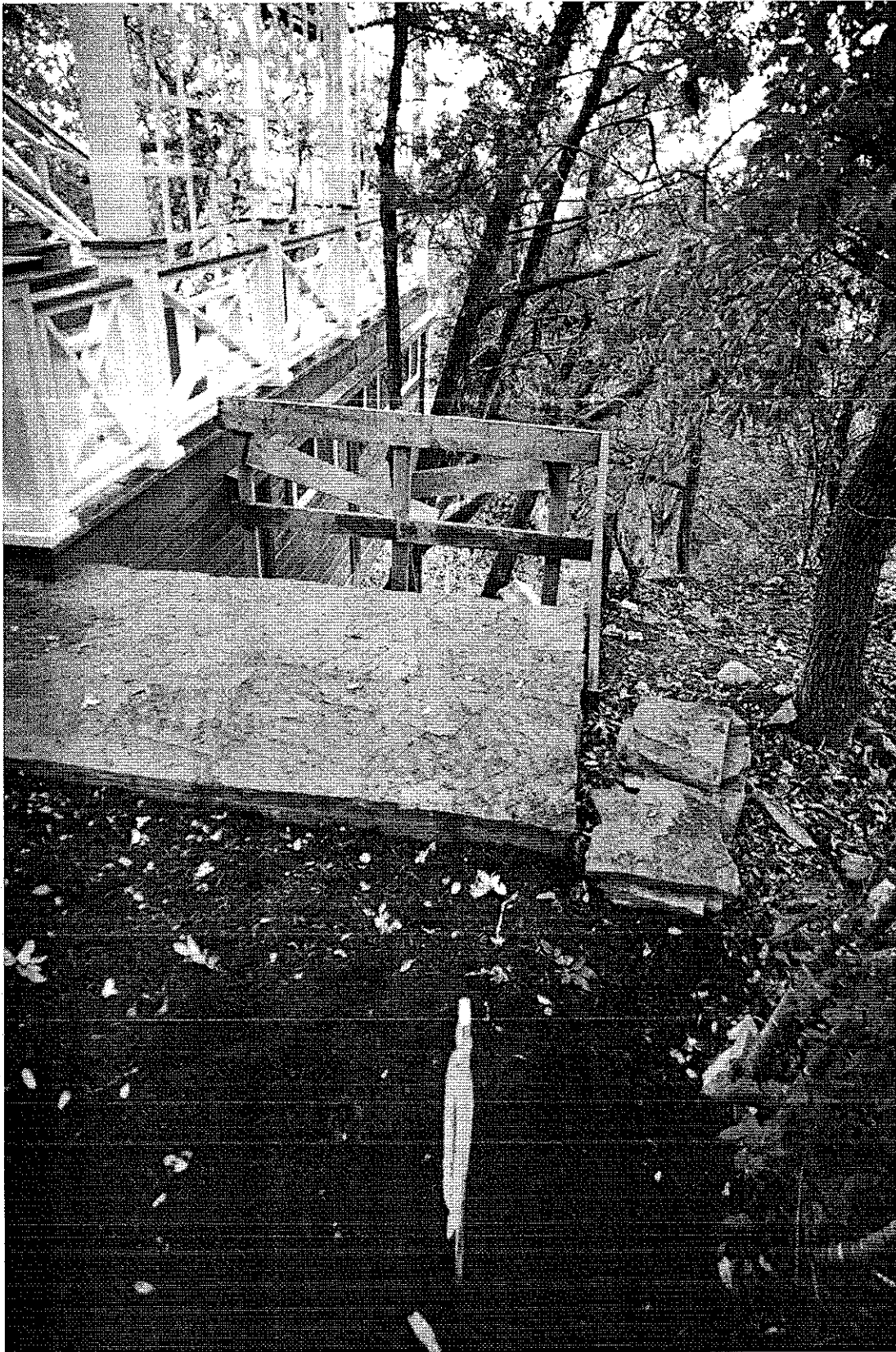


From: Richard Stone ~~stone2030@gmail.com~~
Subject: 8601 Bell Mt. 11/19/13
Date: November 19, 2013 at 6:56 PM
To: ACC ~~acc@ichoa-phase1.org~~, Richard Long Stone ~~stone2030@gmail.com~~
Cc: Jeff Rampy ~~president@ichoa-phase1.org~~

Other photos taken today.



C15-2014-0105



C15-2014-0105



C15-2014-0105



Heldenfels, Leane

From: Flannery, Diana L <dflannery@mailexpress.com>
Sent: Sunday, August 10, 2014 10:49 AM
To: Heldenfels, Leane
Subject: case # c15-2014-0105

To: leane heldenfels
Re: case # c15-2014-0105 8601 Bell Mountain austin, tx 78730

Rod Slack and Diana Flannery own the property at 8705 Bell Mountain Drive. We are opposed to the request of the owners of 8601 Bell Mountain to be granted a variance to section 25-2-899 height restrictions.

We strongly support the deed restrictions of the HOA and believe that granting variances is in detriment to the entire neighborhood.

We live on the same side of Bell Mountain as the applicants, and have the same topography. We do not support request for variance.

Diana Flannery and Rod Slack
phone: 512-345-2192 (cell)
512-471-6206 fax: 512-471-6210