

185 Augusta Drive

**Application for Variance Documents provided by Barbara Rae
Widenor - fence**

November 1, 2021

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NOV 02 2021

3rd Addendum to City of Woodcreek Application for Variance

CITY OF WOODCREEK

Petitioner: Barbara Rae Widenor

Sec. 6-C, Lot 70

185 Augusta Drive

In response to your letter of October 21, 2021 I am not requesting a variance to #156.030 (C) and intend to comply once the other variance is decided.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Rae Widenor".

Barbara Rae Widenor

City Secretary

From: City Secretary
Sent: Thursday, October 21, 2021 3:07 PM
To: Barbara Widenor
Cc: Manager; City Inspector
Subject: 185 Augusta Drive - fence

Hello,

The photos submitted 10/18/2021 for your 8/3/2021 Application for Variance demonstrate the need for 2 variance requests in order to approve the new fence as built:

- 156.03(C) "The finished side of all fences built to comply with these regulations shall face away from the screened object."
- 156.057(A) includes "No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high."

Each variance requires a separate fee of \$500. The city has received one fee, but will need the second fee of \$500 in order to proceed with scheduling the Board of Adjustment meeting for the 2 variances.

Linda Land
City Secretary

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390
www.woodcreektx.gov



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AUG 03 2021

CITY OF WOODCREEK

City of Woodcreek Application for Variance

Please provide the following items with the completed Application for Variance for a variance request:

- One paper copy and one digital copy of the survey or site plan with the requested area for the variance clouded to indicate the location.
- A filing fee of \$500.00 (Applicant will also be charged the cost of postage and publication).
- If requesting a variance of an existing structure, please include 2-3 photographs that will show the structure placement in relation to your property and adjacent structures.
- If requesting a variance in impervious cover limits, please include calculations showing current impervious cover (as of date of application) and proposed impervious cover.

Following receipt of the completed Application for Variance, along with the required items and filing fee, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date.

Woodcreek will prepare and send notices via the USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment scheduled meeting date. The notice will also be published in the newspaper of record.

Application Information

Date of Application Submission: August 3, 2021

Petitioner's Name: Barbara Rae Widenor

Mailing Address: P.O. Box 2376, Wimberley, TX 78676

Email Address(s): [REDACTED]

Telephone Number(s): [REDACTED]

Description and Location of Property for which Variance is Requested.

Property Owner's Name: Barbara Rae Widenor

Property Owner's Mailing Address: P.O. Box 2376, Wimberley, TX 78676

Section Location, Lot Number, & Zoning Designation: Sec. 6-C, Lot 70

Property Address: 185 Augusta Drive



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CITY OF WOODCREEK

As per § 30.57 of the Woodcreek Code of Ordinances, a Variance is defined as “An adjustment or deviation in the application of specific regulations of Ch. 50, 154 and 156 of this code of ordinances or other applicable ordinances under the purview of the city and applicable to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owner from being deprived rights and privileges, enjoyed by other owners of similarly situated parcels in the same vicinity and district.”

No variance shall be granted unless the Board finds that each of the following provisions are met.

State how your request meets each provision:

1. There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of Ch. 50 or Ch. 154 or Ch. 156 would deprive the applicant of the reasonable use of the involved land.
YES. My building permit detailed the proposed placement of an existing fence with a new fence with the same footprint but correcting the lotline crossing on the East side.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
YES. Granting the variance will allow applicant to enjoy the replacement of an old weathered 6'-8' fence with a new 8' fence as approved by City of Woodcreek.*
3. The granting of the variance will neither be detrimental to the public health, safety or welfare, nor injurious to other property in the area.
YES. Granting of variance will not be detrimental to public health, safety or welfare, nor injurious to other property in the area.
4. The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter.
YES. This will have no impact on orderly development of land as there are already numerous 8' fences in the City of Woodcreek.

*On 3/25/21 and approved again by extension of building permit dated 5/20/21.



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AUG 03 2021

CITY OF WOODCREEK

Variance Requested – Please be specific. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.

Applicant requests that the Board of Adjustment approve the fence as built. Applicant followed all steps required for the Building Permit which was approved 3/25/21 and 5/20/21. Contractor's Plan detailed 163 linear feet of an 8' board on board fence.

Applicant Signature: Barbara Rae Wideman

Date: August 3, 2021

Add. info. rcvd. 9/1/2021, 9/8/2021, 10/18/2021

For City Use Only:
 Application, ^{partial} required information, and fee received:
 Date: 8/3/2021 Check # 1523 Initials: ffj
 Referred to Board of Adjustment:
 Date: _____ Initials: _____
 Publication of Public Hearing by Board of Adjustment:
 Date: _____ Initials: _____
 Action by Board of Adjustment:
 Approved: _____ Denied: _____
 Date: _____ Initials: _____
 Notes:

COPY



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AUG 03 2021
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MAR 22 2021

Residential Structure Permit Application
Fence, Patio (w/o cover), Deck (lower than 30 in. high)

Work begun without permit(s) shall be double the normal permit fee amount
(see Woodcreek Master Rate & Fee Schedule).
Applications cannot be considered without all required information.

Name of Owner(s): Barbara Rae Widenor
Telephone #: [REDACTED]
Cell #: [REDACTED]
Mailing Address: P.O. Box 2376
Email: [REDACTED]@gmail.com
Site Address: 185 Augusta Drive
Legal Description: Section: 6-C Lot: 70 Zoning District:
Name of Builder: Todd Lee
Telephone # of Builder: 512.627.4872

Structure (s) to be built:

Fence - replacing existing fence - same footprint except remaining within lot line on east side as noted on revised survey
 Patio (w/o cover)
 Deck (lower than 30 inches)

Required Information:

Site plan with setbacks - appraisal attached
 Impervious Cover Calculation (Except Fences) - (maximum 30%)
 Specifications (materials) - attached
 Elevations (drawing of structure)
 Other:

Application fee (\$75.00) *

* Application fee does not include any required plan review and/or inspection fees.

Review/inspection process may take up to 30 working days. Permit will not be issued until all fees are paid.

The purpose of the building permit is to ensure compliance with the City's Zoning, Building, Water Quality and Flood Control provisions of its Code of Ordinances. If you have any questions concerning these ordinances, please contact the City of Woodcreek at (512) 847-9390.

* Applicant will notify City Hall once project is complete.

BRW (Initials)

1/12/2021

Estimate 0000060 from RGH Improvements

ESTIMATE

RGH Improvements
Todd Lee
500 Cave Springs
Wimberley, Tx 78676
512-627-4872



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AUG 03 2021
CITY OF WOODCREEK

Rae Widenor
185 Augusta Dr.
Wimberley, TX 78676

Estimate # 0000060
Estimate Date 01/12/2021

Item	Description	Unit Price	Quantity	Amount
Service	Tear down existing fence and haul off	3.00	163.00	489.00
Service	Build new 8' "board on board" cedar fence with top rail using 3 rails attached to metal posts set in concrete and a walk gate to match	51.50	163.00	8,394.50
Service	Form and pour concrete footer for bottom of fence.	6.50	163.00	1,059.50
NOTES: 50% downpmt, 50% due upon completion				
Subtotal				9,943.00
Total				9,943.00
Amount Paid				0.00
Estimate				\$9,943.00

JACOBS WELL ROAD Proposed fence in red
(R.O.W. varies)

IMPROVEMENT SURVEY

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COPY

CITY OF WOODCREEK

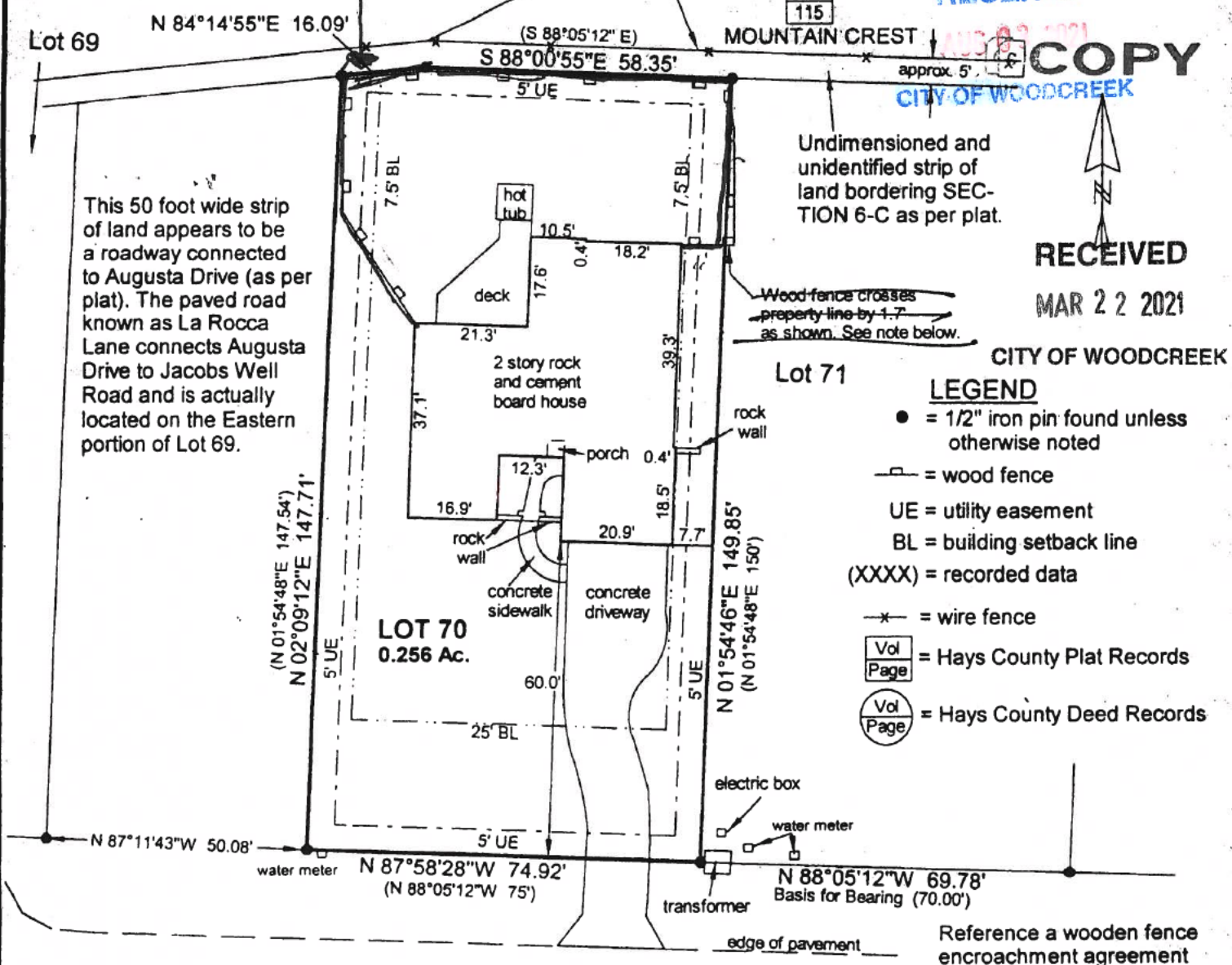
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MAR 22 2021

CITY OF WOODCREEK

LEGEND

- = 1/2" iron pin found unless otherwise noted
- = wood fence
- UE = utility easement
- BL = building setback line
- (XXXX) = recorded data
- *— = wire fence
- Vol Page = Hays County Plat Records
- Vol Page = Hays County Deed Records



AUGUSTA DRIVE (50' ROW)

Reference a wooden fence encroachment agreement along the boundary between Lots 70 and 71, as recorded in Volume 1890, Page 243, Official Public Records of Hays County, Texas.

This property lies within the corporate limits of the City of Woodcreek. Reference a 5' wide utility easement along all lot lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas. Reference building setback lines of 25' along the front line and 7.5' along the side lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas.

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Subject property does not lie within a 100 year flood hazard zone as determined from FIRM Hazard Map, Community Panel No. 480321 0093 E, dated February 18, 1998.

LEGAL DESCRIPTION: Lot 70, WOODCREEK Section 6 - C, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 301, Plat Records of Hays County, Texas.

ADDRESS: 185 Augusta Drive, Wimberley, Texas 78676

CLIENT: Bill Brendler	TITLE COMPANY: Leslie M. Howe PC - (Austin) G.F. No.: 1213556
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I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 7, 2003, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso

Clyde Barroso, R.P.L.S. #5404, State of Texas.



70WDC6C ZAK

<p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676</p>	Scale: 1" = 30'	Job No. 30278 fj
	Date: July 11, 2003	

Photo # 1

RECEI 

SEP 08

CITY OF WOOD 



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SEP 08 2021

CITY OF WOODCREEK

Photo # 2



Photo # 3

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SEP 08 2021

CITY OF WOODCREEK



8/23/2021

Gmail - 185 Augusta Drive - App for Variance

August 30, 2021

RECEIVED

Attached are missing items



SEP 08 2021

Barbara Widenor

Barbara Widenor <brwide@gmail.com>

CITY OF WOODCREEK

185 Augusta Drive - App for Variance

1 message

City Secretary <city.secretary@woodcreektx.gov>

Tue, Aug 17, 2021 at 2:22 PM

To: Barbara Widenor

Cc: City of Woodcreek <Woodcreek@woodcreektx.gov>, City Inspector <city.inspector@woodcreektx.gov>

Hello,

The city received an application for a variance, along with payment, for a fence at 185 Augusta Drive, but the application is incomplete.

The following required items are missing:

One paper copy and (one digital copy) of the survey or site plan with the requested area for the variance clouded to indicate the location *previously copied at City Hall by Maurice*

Two - three photographs that will show the structure placement in relation to your property and adjacent structures

Specific variance requested - ex. "Chapter 156.(B) (a) requires a Front Set Back of 25 feet, but applicant requests a 24 foot setback to avoid removing a large tree."

Attached is a copy of the fence ordinances which you may find helpful in describing exactly which ordinance(s) you are requesting a variance from.

If you are requesting 2 variances, then 2 complete applications will be required.

Following receipt of the completed Application for Variance, with supporting documents, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date.

Woodcreek will prepare and send notices via USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment scheduled meeting date. The notice will also be published in the newspaper of record.

Linda Land
City Secretary

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390

August 30, 2021

Addendum to City of Woodcreek Application for Variance

Petitioner: Barbara Rae Widenor

Sec. 6-C, Lot 70

185 Augusta Drive

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SEP 08 2021
CITY OF WOODCREEK

Specific variance requested: Chapter 156.057 FENCES

- A. ...No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high.

Applicant requests the Board of Adjustment grant the variance for an 8' fence with finished side facing as originally built and constructed per the Contractor's Estimate and approved by City Manager on March 25, 2021 and May 20, 2021

Attachments: Paper copy of survey

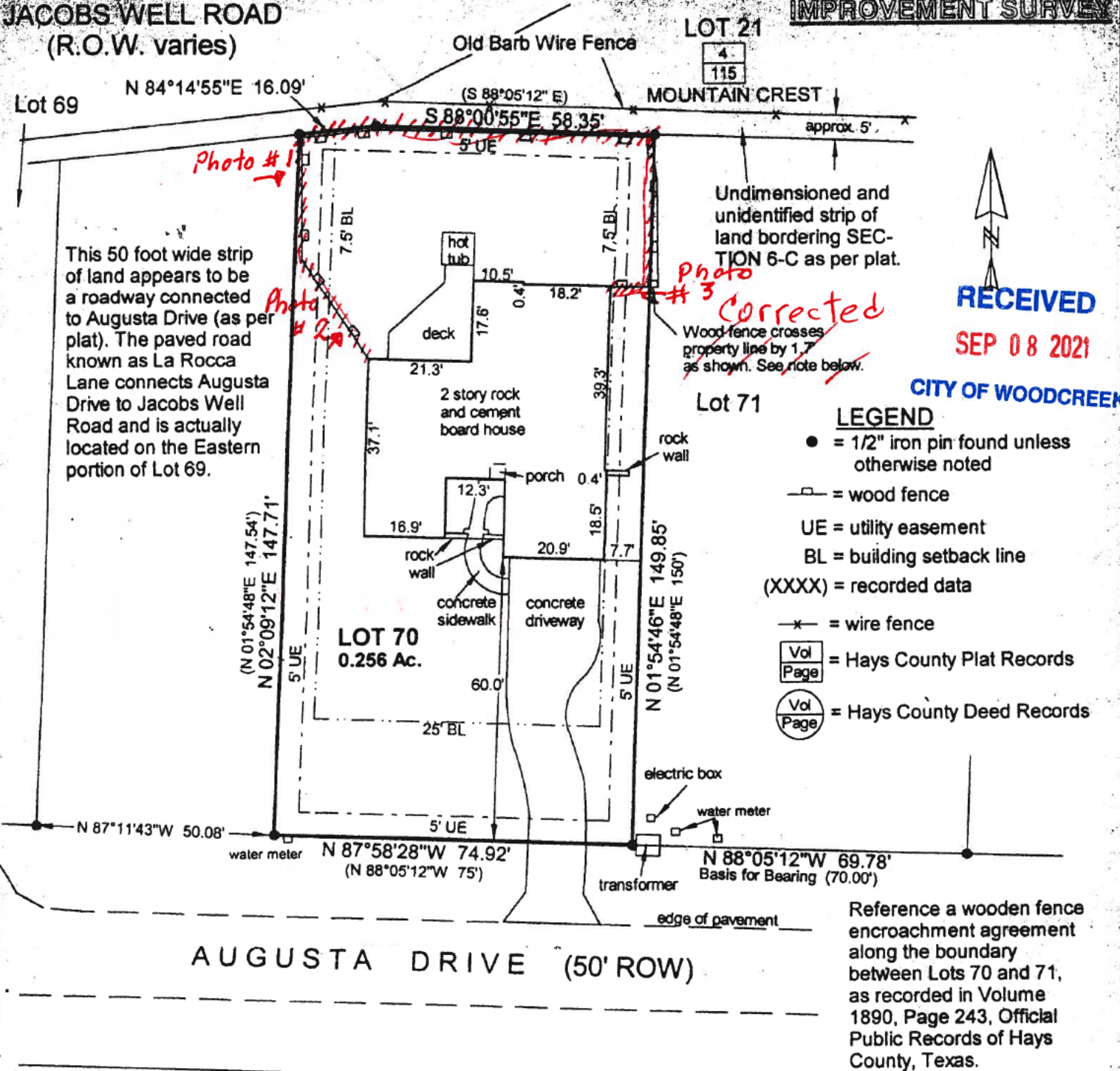
Contractor's site plan (Estimate # 0000060) provided with building permit application

3 photographs

Barbara Rae Widenor

JACOBS WELL ROAD
(R.O.W. varies)

IMPROVEMENT SURVEY



This 50 foot wide strip of land appears to be a roadway connected to Augusta Drive (as per plat). The paved road known as La Rocca Lane connects Augusta Drive to Jacobs Well Road and is actually located on the Eastern portion of Lot 69.

Undimensioned and unidentified strip of land bordering SECTION 6-C as per plat.

- LEGEND**
- = 1/2" iron pin found unless otherwise noted
 - = wood fence
 - UE = utility easement
 - BL = building setback line
 - (XXXX) = recorded data
 - *— = wire fence
 - Vol / Page = Hays County Plat Records
 - Vol / Page = Hays County Deed Records

Reference a wooden fence encroachment agreement along the boundary between Lots 70 and 71, as recorded in Volume 1890, Page 243, Official Public Records of Hays County, Texas.

This property lies within the corporate limits of the City of Woodcreek.

Reference a 5' wide utility easement along all lot lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas.

Reference building setback lines of 25' along the front line and 7.5' along the side lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas.

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Subject property does not lie within a 100 year flood hazard zone as determined from FIRM Hazard Map, Community Panel No. 480321 0093 E, dated February 18, 1998.

LEGAL DESCRIPTION: Lot 70, WOODCREEK Section 6 - C, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 301, Plat Records of Hays County, Texas.

ADDRESS: 185 Augusta Drive, Wimberley, Texas 78676

CLIENT: Bill Brendler	TITLE COMPANY: Leslie M. Howe PC - (Austin) G.F. No.: 1213556
-------------------------------------	--

I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 7, 2003, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso

Clyde Barroso, R.P.L.S. #5404, State of Texas.



TOWNECO ZAK

<p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676</p>	<p>Scale: 1" = 30'</p>	<p>Job No. 30278 fj</p>
	<p>Date: July 11, 2003</p>	

1/12/2021

Estimate 0000060 from RGH Improvements

RGH Improvements
Todd Lee
500 Cave Springs
Wimberley, Tx 78676
512-627-4872



ESTIMATE

RECEIVED

SEP 08 2021

CITY OF WOODCREEK

Estimate # 0000060

Estimate Date 01/12/2021

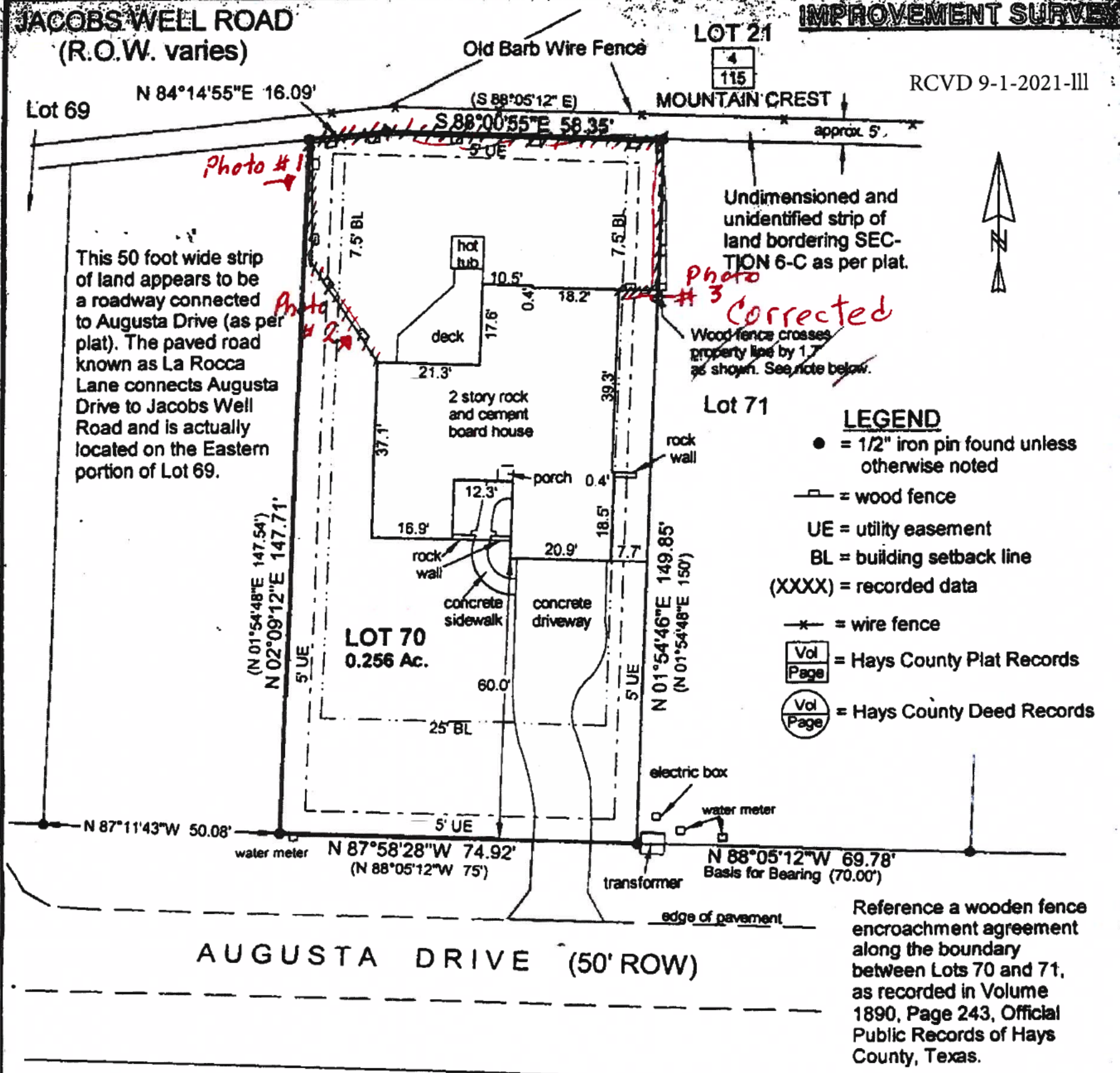
Rae Widenor
185 Augusta Dr.
Wimberley, TX 78676

Item	Description	Unit Price	Quantity	Amount
Service	Tear down existing fence and haul off	3.00	163.00	489.00
Service	Build new 8' "board on board" cedar fence with top rail using 3 rails attached to metal posts set in concrete and a walk gate to match	51.50	163.00	8,394.50
Service	Form and pour concrete footer for bottom of fence.	6.50	163.00	1,059.50
NOTES: 50% downpmt, 50% due upon completion				
Subtotal				9,943.00
Total				9,943.00
Amount Paid				0.00
Estimate				\$9,943.00

JACOBS WELL ROAD
(R.O.W. varies)

IMPROVEMENT SURVEY

RCVD 9-1-2021-III



This property lies within the corporate limits of the City of Woodcreek.

Reference a 5' wide utility easement along all lot lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas.

Reference building setback lines of 25' along the front line and 7.5' along the side lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas.

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ADDRESS: 185 Augusta Drive, Wimberley, Texas 78676

<p>CLIENT: Bill Brendler</p>	<p>TITLE COMPANY: Leslie M. Howe PC - (Austin) G.F. No.: 1213556</p>
---------------------------------------	--

I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 7, 2003, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso
Clyde Barroso, R.P.L.S. #5404, State of Texas.



<p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX 78676</p>	<p>Scale: 1" = 30'</p> <p>Date: July 11, 2003</p>	<p>Job No. 30278 fj</p>
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TOMBOREZAK

September 24, 2021



2nd Addendum to City of Woodcreek Application for Variance

Petitioner: Barbara Rae Widenor

Sec. 6-C, Lot 70

185 Augusta Drive

In response to your letter of September 16, 2021 I am not requesting a second variance. Compliance with the *Woodcreek Code of Ordinances #156.030 (C)* as cited in your letter will be addressed upon approval of the variance requested on August 27, 2021.

Sincerely,

Barbara Rae Widenor

Barbara Rae Widenor

October 18, 2021



Barbara Widenor <brwide@gmail.com>

185 Augusta Drive

1 message

City Secretary <city.secretary@woodcreektx.gov>

Fri, Oct 1, 2021 at 4:12 PM

To: Barbara Widenor [REDACTED]

Cc: City of Woodcreek <Woodcreek@woodcreektx.gov>, City Inspector <city.inspector@woodcreektx.gov>

Hello,

*Attached are 7 more photos.
Barbara Rae Widenor*

The photos submitted for the Application for Variance for 185 Augusta Drive are insufficient to show the new fence construction or its relationship with existing structures.

Once the city has received photos clearly showing all sides of the new fence and nearby structures, the Board of Adjustment meeting can be scheduled.

Please let us know if you have any questions,

Linda Land

City Secretary



City of Woodcreek

41 Champions Circle

Woodcreek, TX 78676

(512) 847-9390

www.woodcreektx.gov

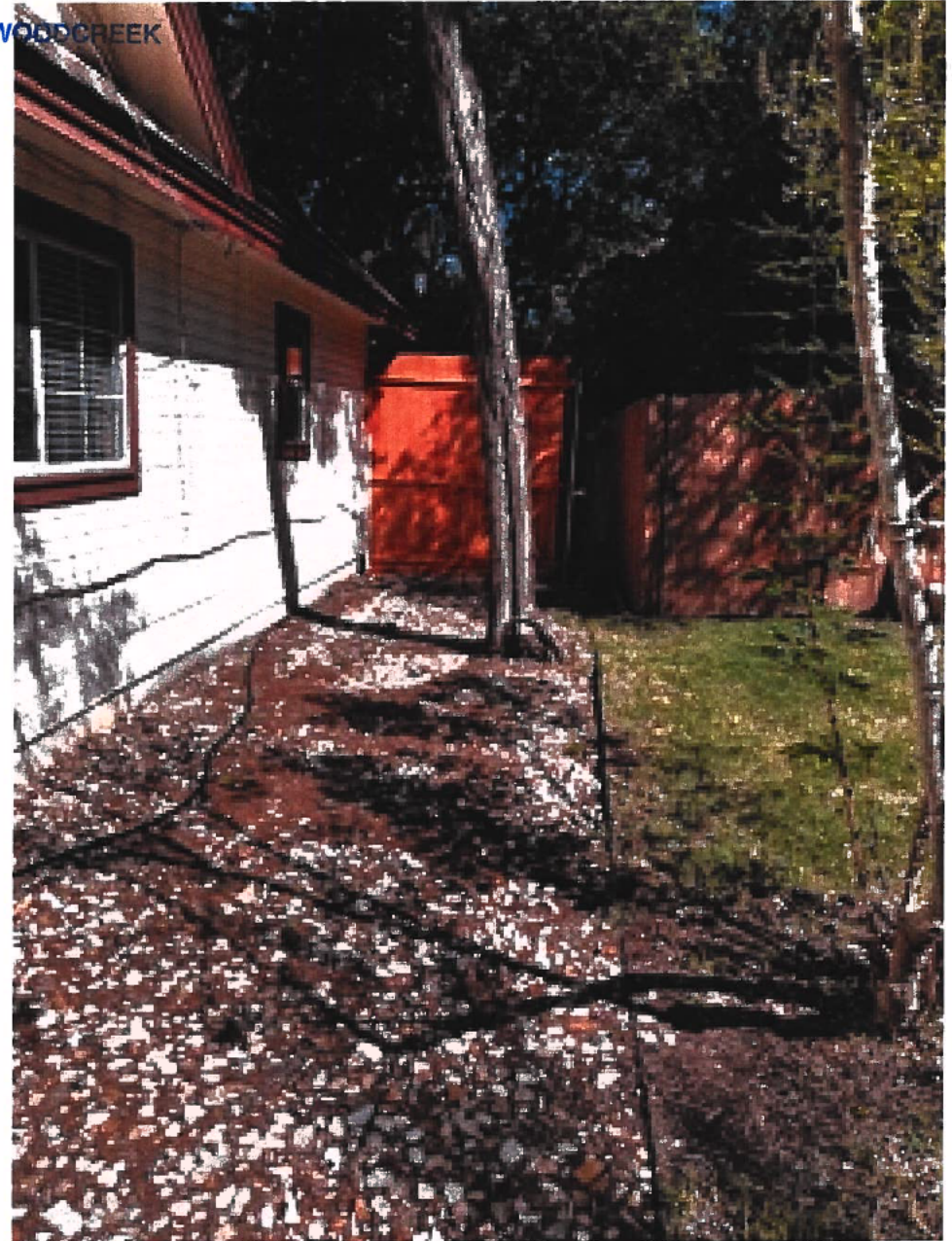
185 Augusta Drive
Inside

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OCT 18 2021

10/18/21

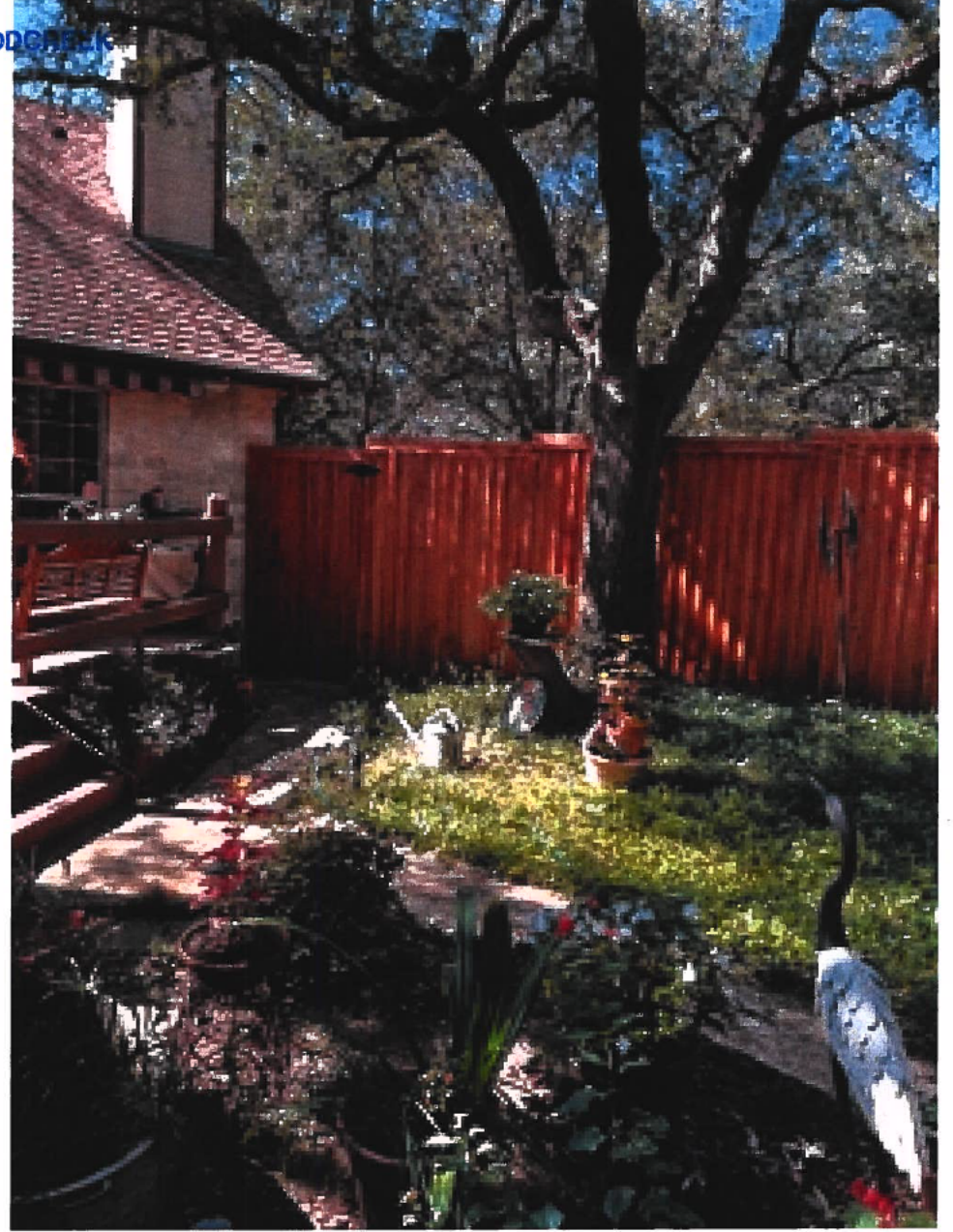
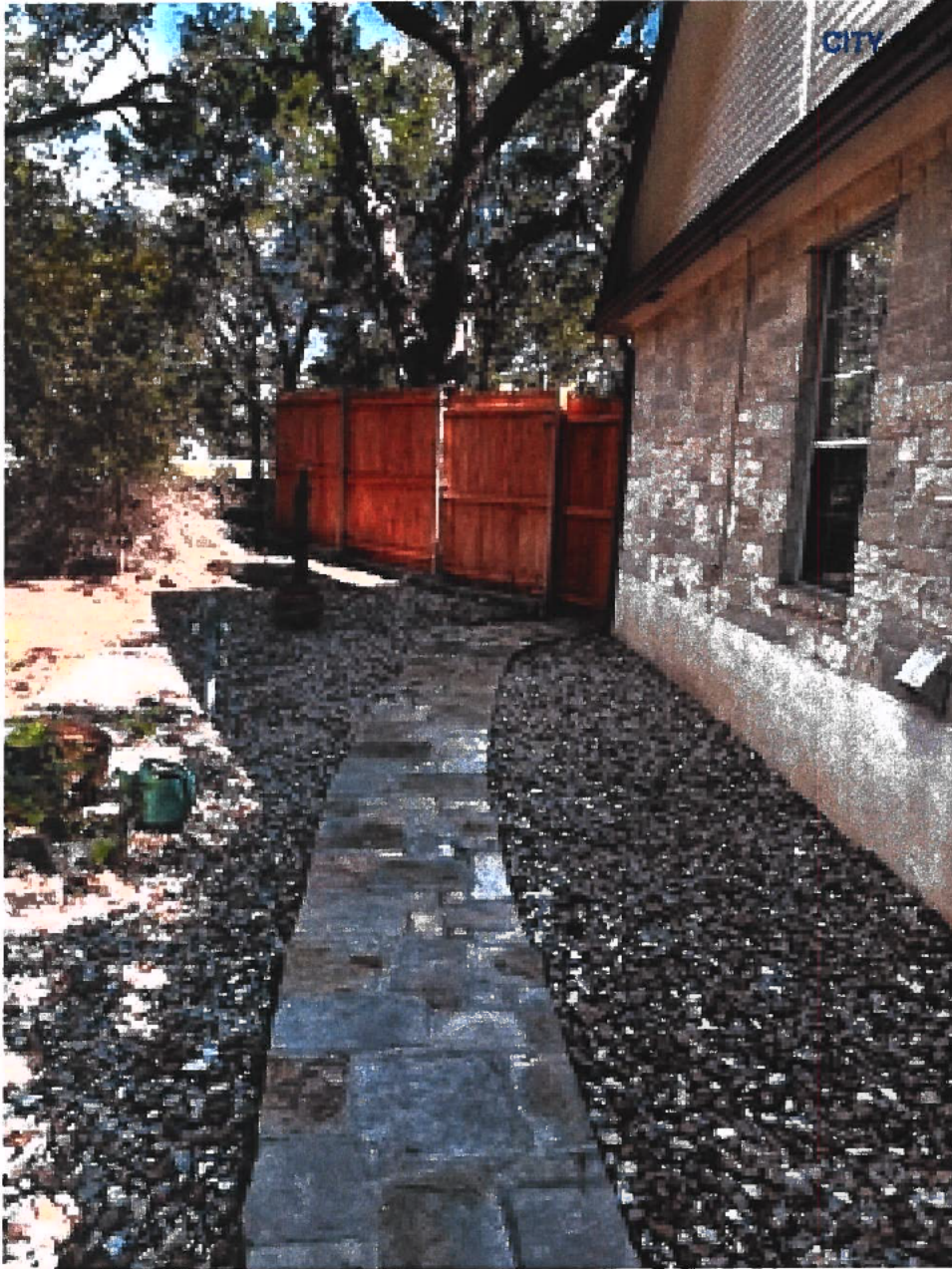
East side



185 Augusta Dr.
West side

RECEIVED
OCT 18 2021

10/18/21
Inside



185 AUGUSTA DR.

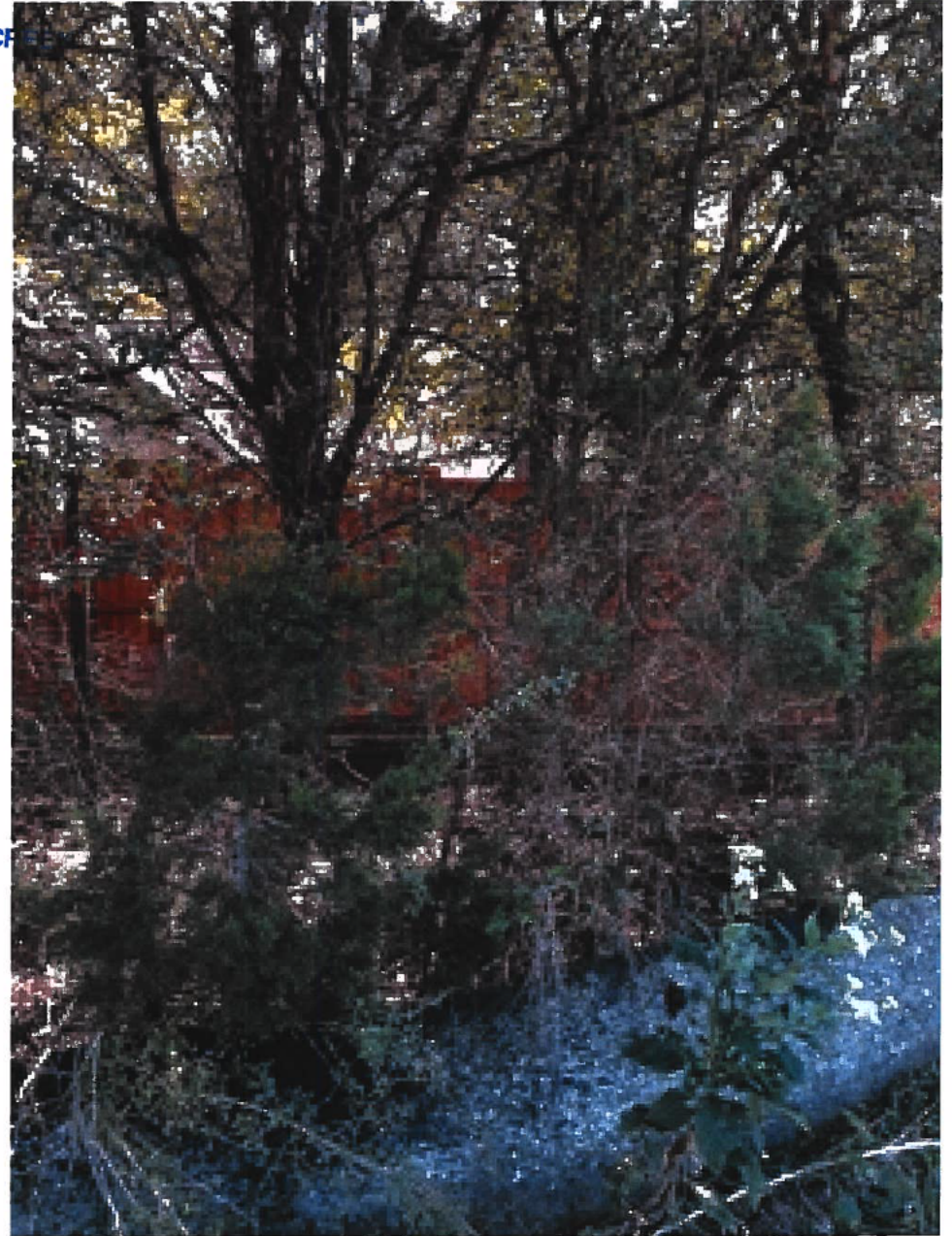
RECEIVED

OCT 18 2021

10/18/21

Back side

Back side / photo taken from
Jacobs Well Rd.



185 Augusta Dr.
West side

10/18/21



RECEIVED
OCT 18 2021
CITY OF WOODCREST

185 Augusta Drive

Building Permit 21-RS-31 (fence)

City of Woodcreek Residential Structure and Accessory Building Permit

 COPY

Name of Owner(s): Barbara Rae Widenor

Builder: Todd Lee

Address: 185 Augusta Drive

Date Issued: March 25, 2021

Date of Expiration: May 24, 2021

Permit #: 21-RS-31 (Fence)

Signed: 

*30 day extends by
from this date
May 20
June 19th
2021
13132*

Note: Owner is advised and acknowledges that in the event utilities need to use easements as platted on the property, it is the owner's responsibility for repairs to walls or fences that are disturbed. Permit is subject to

City of Woodcreek Code of Ordinances § 151.10 Construction Hours.

This permit must be visible from the street. Post when construction starts and remove when construction is completed. A fine may be assessed if not visible.

City Secretary

From: City Secretary
Sent: Friday, May 21, 2021 10:59 AM
To: Barbara Widenor
Cc: City of Woodcreek
Subject: 185 Augusta Drive
Attachments: 185 Augusta Dr fence permit extension.pdf

Good morning,

Attached is documentation for extending the expiration date for Permit # 21-RS-31 (fence). The permit will now expire on June 19, 2021.

Please post the attached permit during construction.

Thank you,

Linda Land
City Secretary

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390
www.woodcreektx.gov

City Secretary

From: Barbara Widenor [REDACTED]
Sent: Wednesday, May 19, 2021 3:48 PM
To: City of Woodcreek
Subject: Request to extend Residential Structure and Accessory Building Permit # 21-RS-31 (Fence)

Dear Linda Land,
City Secretary:

This permit will expire May 24, 2021 but the work has not been completed due to weather constraints. The contractor projects that construction will be completed within the next 30 days. Therefore I am requesting a 30-day extension be issued, bringing the completion date to June 23, 2021.

Please advise if you have any questions. Thank you for your consideration.

Sincerely,
Barbara Rae Widenor
[REDACTED]
185 Augusta Drive

Total Control Panel

[Login](#)

To: woodcreek@woodcreektx.gov
From: brwide@gmail.com

Message Score: 1
My Spam Blocking Level: Low

High (60): [Pass](#)
Medium (75): [Pass](#)
Low (90): [Pass](#)

[Block this sender](#)
[Block gmail.com](#)

This message was delivered because the content filter score did not exceed your filter level.



21-PS-31

RECEIVED
MAR 17 16 2021

CITY OF WOODCREEK

Residential Structure Permit Application Fence, Patio (w/o cover), Deck (lower than 30 in. high)

**Work begun without permit(s) shall be double the normal permit fee amount
(see Woodcreek Master Rate & Fee Schedule).
Applications cannot be considered without all required information.**

Name of Owner(s): Barbara Rae Widenor
Telephone #: [REDACTED]
Cell #: [REDACTED]
Mailing Address: P.O. Box 2376
Email: [REDACTED]
Site Address: 185 Augusta Drive
Legal Description: Section: 6-C Lot: 70 Zoning District: SF-1
Name of Builder: Todd Lee
Telephone # of Builder: 512.627.4872

Structure (s) to be built:

- Fence - replacing existing fence - same footprint
- Patio (w/o cover)
- Deck (lower than 30 inches)

*see
P.I. resubmitted
3/22/2021*

Required Information:

- Site plan with setbacks - appraisal attached
- Impervious Cover Calculation (Except Fences) - (maximum 30%)
- Specifications (materials) - attached
- Elevations (drawing of structure)
- Other: _____

Application fee (\$75.00) * # 1488

*** Application fee does not include any required plan review and/or inspection fees.**

Review/inspection process may take up to 30 working days. Permit will not be issued until all fees are paid.

The purpose of the building permit is to ensure compliance with the City's Zoning, Building, Water Quality and Flood Control provisions of its Code of Ordinances. If you have any questions concerning these ordinances, please contact the City of Woodcreek at (512) 847-9390.

*** Applicant will notify City Hall once project is complete.**

BRW (Initials)



All construction, landscaping, and construction-related activities are limited to Monday through Saturday from 7:00 a.m. to 6:00 p.m. Construction work on Sundays and City holidays is not allowed without prior approval from the City. Upon written application, submitted at least seventy-two (72) hours prior to the start of the proposed exempted construction, landscaping or construction-related activities, the City Administrator may issue a temporary waiver of these regulations for a period of up to seventy-two (72) hours to allow for time sensitive construction, landscaping, or construction-related activities. (§ 151.10)

BRW (Initials)

The City's Water Quality Protection Ordinance provides a maximum limitation of 30% impervious cover. (§50.37)

BRW (Initials)

Residential structure construction shall begin within 30 days of permit. Construction must be completed within 2 months of the issuance of the permit. (§ 151.10)

BRW (Initials)

Property owners agree to notify Texas 811 at least 48 hours (2 working days) before starting any excavation work.

BRW (Initials)

Deed Restrictions/Restrictive Covenants Acknowledgment: By the signature of the Applicant below, the applicant acknowledges that the City of Woodcreek is not responsible for the enforcement, investigation, or analysis of existing deed restrictions or restrictive covenants that may impose more restrictive land use regulations upon the property. Questions about existing deed restrictions should be directed to the Hays County Clerk's Office – Records Division.

Barbara Rae Widenor
Signature of Property Owner

Updated site plan need 3/22/2021

For City use only:	
Date application, required information and fee received:	3/16/2021
Approved or Denied (circle one) by <u>BRS</u>	Date <u>3/25/21</u>
Approved or Denied (circle one) by _____	Date _____
Date inspection fees paid	NA
Date permit issued to property owner:	3/25/2021
Permit #	21-RS-31
Date applicant notified of denial	Reason for denial
Date of final project review	6/25/2021
Result	Fence not built to city code - letter mailed to homeowner 7/14/2021.

7/28/2021 - Meeting with Ms. Widenor, Atty Mr. Cline, Atty Bud Wymore, City Manager Lewis, City Inspector Tijerina - homeowner informed of Board of Adjustment process BRS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

(Estate of Robert Douglas Widenor, Deceased to Barbara Rae Widenor)

Date: November, 2019

Grantor: CAROL WIDENOR VOIGT, Independent Executor of the Estate of ROBERT DOUGLAS WIDENOR, Deceased

Grantor's Mailing Address:

CAROL WIDENOR VOIGT
85 Main Street, Kingston, MA 02364

Grantee: BARBARA RAE WIDENOR, a single person

Grantee's Mailing Address:

BARBARA RAE WIDENOR
P.O. Box 2376
Wimberley, TX 78676

Consideration:

Cash paid to and received by Grantor in the net sum provided by the Settlement Statement (HUD-1) of even date herewith and Grantee's assumption of and agreement to pay, according to the note's terms, the current unpaid principal and earned interest on the note in the original principal sum of ONE HUNDRED SEVENTY-FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$174,500.00) dated November 9, 2012, executed by ROBERT DOUGLAS WIDENOR and BARBARA RAE WIDENOR, and payable to the order of Wells Fargo Bank, recorded in Volume 4482, Page 433, Instrument No. 12032511, Official Public Records of Hays County, Texas.

As further consideration Grantee promises to keep and perform all the covenants and obligations of the grantor named in that deed of trust and to indemnify, defend, and hold Grantor harmless from any loss, attorney's fees, expenses, or claims attributable to a breach or default of any provision of this assumption by Grantee.

As further consideration, Grantee assumes the responsibility for and agrees to timely pay all outstanding ad valorem taxes, assessments, charges and liens, including any contractor's liens, whether or not the same appear of record at the time of this conveyance, relating to the Property; it being the intention of the parties that the Grantor shall not be obligated for any sums of money to any person or entity related to the Property now or in the future.

Property (including any improvements - homestead at 185 August Drive):

Decedent's one-half (½) undivided interest in Lot 70, WOODCREEK, Section 6-C, a subdivision in the City of Woodcreek, Hays County, Texas

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2019, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

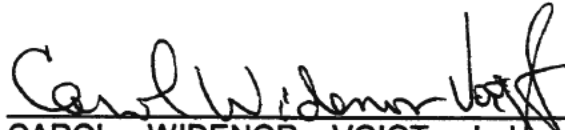
The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE

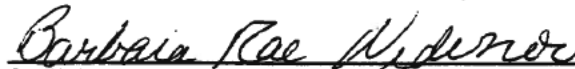
AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

The first and superior vendor's lien against and superior title to the Property are retained in this deed to secure Grantee's assumption of the note. Grantee's assumption of the note is also secured by a deed of trust to secure assumption of even date, from Grantee to Roland Brown, trustee. If default occurs in payment of the assumed note or in observance of any covenant or condition of any instrument securing the assumed note, Grantor and the holder of the assumed note each have the independent right to foreclose the vendor's lien. However, as between the two holders of the vendor's lien, Grantor's rights, title, and interest are subordinate to the rights, title, and interest of the holder of the assumed note. Cancellation of the assumed note and release of the liens securing it will release the liens securing the assumption, including the vendor's lien and deed of trust to secure assumption, without specific reference to them or the joinder of Grantor.

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



CAROL WIDENOR VOIGT, Independent executor of the estate of ROBERT DOUGLAS WIDENOR, deceased



BARBARA RAE WIDENOR

STATE OF MASSACHUSETTS)

COUNTY OF PLYMOUTH)

This instrument was acknowledged before me on November 5, 2019, by CAROL WIDENOR VOIGT, as independent executor of the estate of ROBERT DOUGLAS WIDENOR, deceased.




Notary Public, State of Massachusetts

My commission expires: 8-31-2023

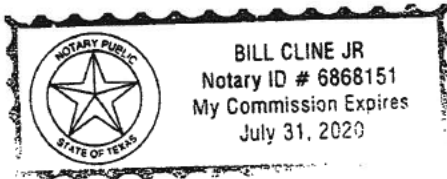
STATE OF TEXAS)

COUNTY OF HAYS)

This instrument was acknowledged before me on November 19,
2019, by BARBARA RAE WIDENOR.



Notary Public, State of Texas
My commission expires: _____



AFTER RECORDING RETURN TO:

BILL CLINE LAW OFFICE, P.C.
P.O. BOX 2502
WIMBERLEY, TX 78676
512.842.1260 - PHONE/FAX

THE STATE OF TEXAS

COUNTY OF HAYS

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Hays County, Texas.

19042289 DEED
11/19/2019 11:14:12 AM Total Fees: \$38.00

 Elaine H. Cardenas

Elaine H. Cardenas, MBA, PhD, County Clerk
Hays County, Texas

1/12/2021

Estimate 0000060 from RGH Improvements

ESTIMATE

~~RGH~~ Improvements
Todd Lee
500 Cave Springs
Wimberley, Tx 78676
512-627-4872

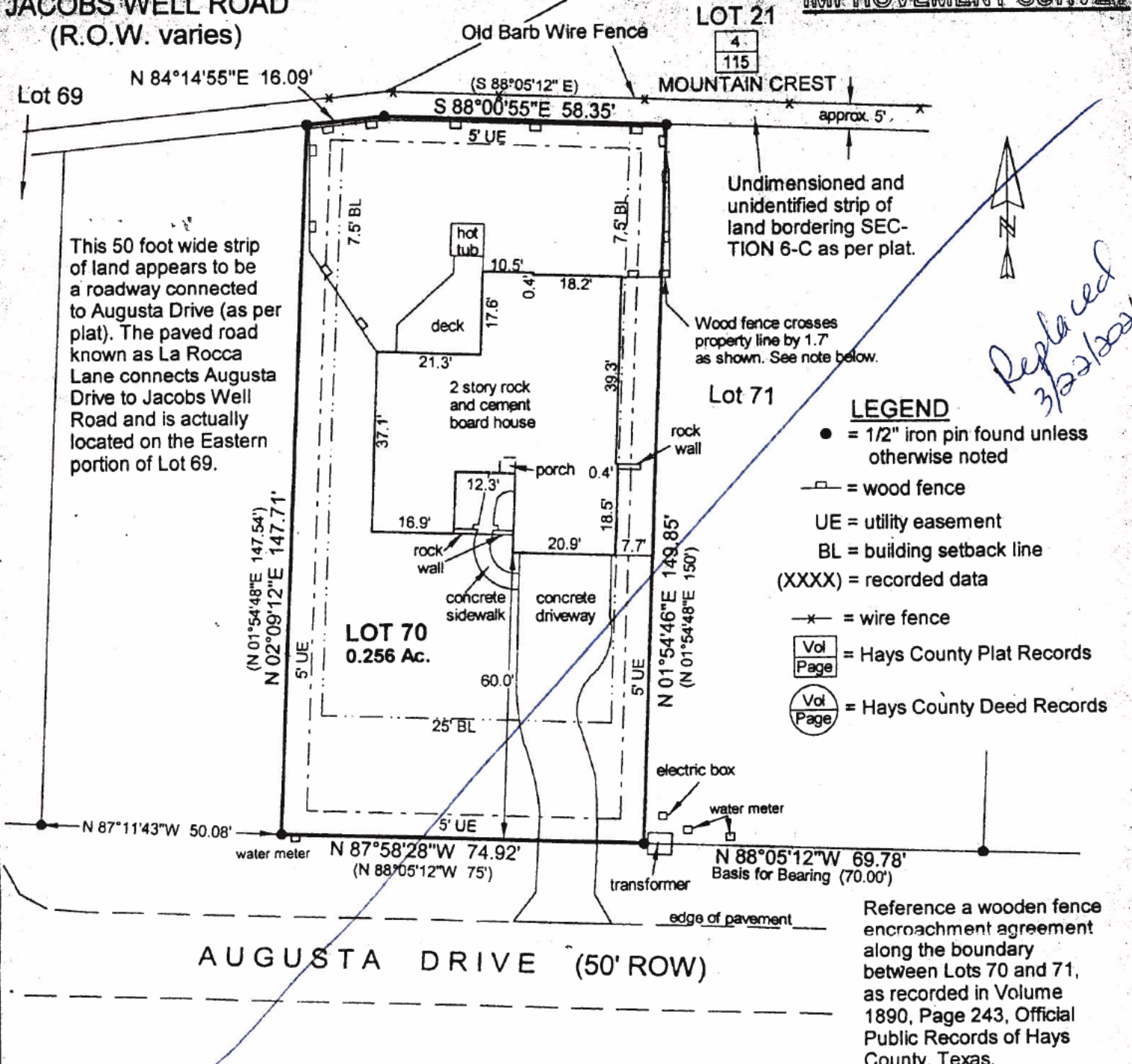
Rae Widenor
185 Augusta Dr.
Wimberley, TX 78676

Estimate # 0000060
Estimate Date 01/12/2021

Item	Description	Unit Price	Quantity	Amount
Service	Tear down existing fence and haul off	3.00	163.00	489.00
Service	Build new 8' "board on board" cedar fence with top rail using 3 rails attached to metal posts set in concrete and a walk gate to match	51.50	163.00	8,394.50
Service	Form and pour concrete footer for bottom of fence.	6.50	163.00	1,059.50
NOTES: 50% downpmt, 50% due upon completion				
Subtotal				9,943.00
Total				9,943.00
Amount Paid				0.00
Estimate				\$9,943.00

JACOBS WELL ROAD
(R.O.W. varies)

IMPROVEMENT SURVEY



This 50 foot wide strip of land appears to be a roadway connected to Augusta Drive (as per plat). The paved road known as La Rocca Lane connects Augusta Drive to Jacobs Well Road and is actually located on the Eastern portion of Lot 69.

Undimensioned and unidentified strip of land bordering SECTION 6-C as per plat.

*Replaced
3/22/2001*

LEGEND

- = 1/2" iron pin found unless otherwise noted
- = wood fence
- UE = utility easement
- BL = building setback line
- (XXXX) = recorded data
- x— = wire fence
- Vol Page = Hays County Plat Records
- Vol Page = Hays County Deed Records

AUGUSTA DRIVE (50' ROW)

Reference a wooden fence encroachment agreement along the boundary between Lots 70 and 71, as recorded in Volume 1890, Page 243, Official Public Records of Hays County, Texas.

This property lies within the corporate limits of the City of Woodcreek.

Reference a 5' wide utility easement along all lot lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas.

Reference building setback lines of 25' along the front line and 7.5' along the side lines as recorded in Volume 259, Page 718, Deed Records of Hays County, Texas.

Copyright © 2003 Eagle Land Surveying. All rights reserved.

Subject property does not lie within a 100 year flood hazard zone as determined from FIRM Hazard Map, Community Panel No. 480321 0093 E, dated February 18, 1998.

LEGAL DESCRIPTION: Lot 70, WOODCREEK Section 6 - C, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 301, Plat Records of Hays County, Texas.

ADDRESS: 185 Augusta Drive, Wimberley, Texas 78676

CLIENT: Bill Brendler	TITLE COMPANY: Leslie M. Howe PC - (Austin) G.F. No.: 1213556
---------------------------------	--

I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 7, 2003, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso

Clyde Barroso, R.P.L.S. #5404, State of Texas.



70MD06C ZAK

<p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676</p>	<p>Scale: 1" = 30'</p>	<p>Job No. 30278 fj</p>
	<p>Date: July 11, 2003</p>	

City Secretary

From: City Secretary
Sent: Friday, March 19, 2021 2:42 PM
To: [REDACTED]
Cc: City of Woodcreek
Subject: 185 Augusta Drive - fence application

Good afternoon,

While reviewing your fence application, we noticed that the site plan shows the proposed fence crossing lot lines. Structures crossing lot lines cannot be approved.

Would you like to submit a new site plan showing the proposed fence staying on Lot 70?

Please let me know if you have any questions,

Linda Land
City Secretary

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390
www.woodcreektx.gov

5/20/21



As requested, attached is revised proposed fence.
Barbara Widenor <brwide@gmail.com>
BRW

185 Augusta Drive - fence application

1 message

City Secretary <city.secretary@woodcreektx.gov>

Fri, Mar 19, 2021 at 2:42 PM

To: [Redacted]
Cc: City of Woodcreek <Woodcreek@woodcreektx.gov>

Good afternoon,

While reviewing your fence application, we noticed that the site plan shows the proposed fence crossing lot lines.

Structures crossing lot lines cannot be approved.

Would you like to submit a new site plan showing the proposed fence staying on Lot 70?

Please let me know if you have any questions,

Linda Land
City Secretary

RECEIVED
MAR 22 2021
CITY OF WOODCREEK

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390
www.woodcreektx.gov



RECEIVED

MAR 22 2021

Residential Structure Permit Application
Fence, Patio (w/o cover), Deck (lower than 30 in. high) CITY OF WOODCREEK

Work begun without permit(s) shall be double the normal permit fee amount
(see Woodcreek Master Rate & Fee Schedule).
Applications cannot be considered without all required information.

Name of Owner(s): Barbara Rae Widenor
Telephone #: 51 [REDACTED]
Cell #: 51 [REDACTED] 65 [REDACTED]
Mailing Address: P.O. Box 2376
Email: [REDACTED]
Site Address: 185 Augusta Drive
Legal Description: Section: 6-C Lot: 70 Zoning District:
Name of Builder: Todd Lee
Telephone # of Builder: 512.627.4872

Structure (s) to be built:

Fence - replacing existing fence - same footprint
 Patio (w/o cover)
 Deck (lower than 30 inches)
except remaining within lot line on east side as noted on revised survey

Required Information:

Site plan with setbacks - appraisal attached
 Impervious Cover Calculation (Except Fences) - (maximum 30%)
 Specifications (materials) - attached
 Elevations (drawing of structure)
 Other:

Application fee (\$75.00) *

*** Application fee does not include any required plan review and/or inspection fees.**

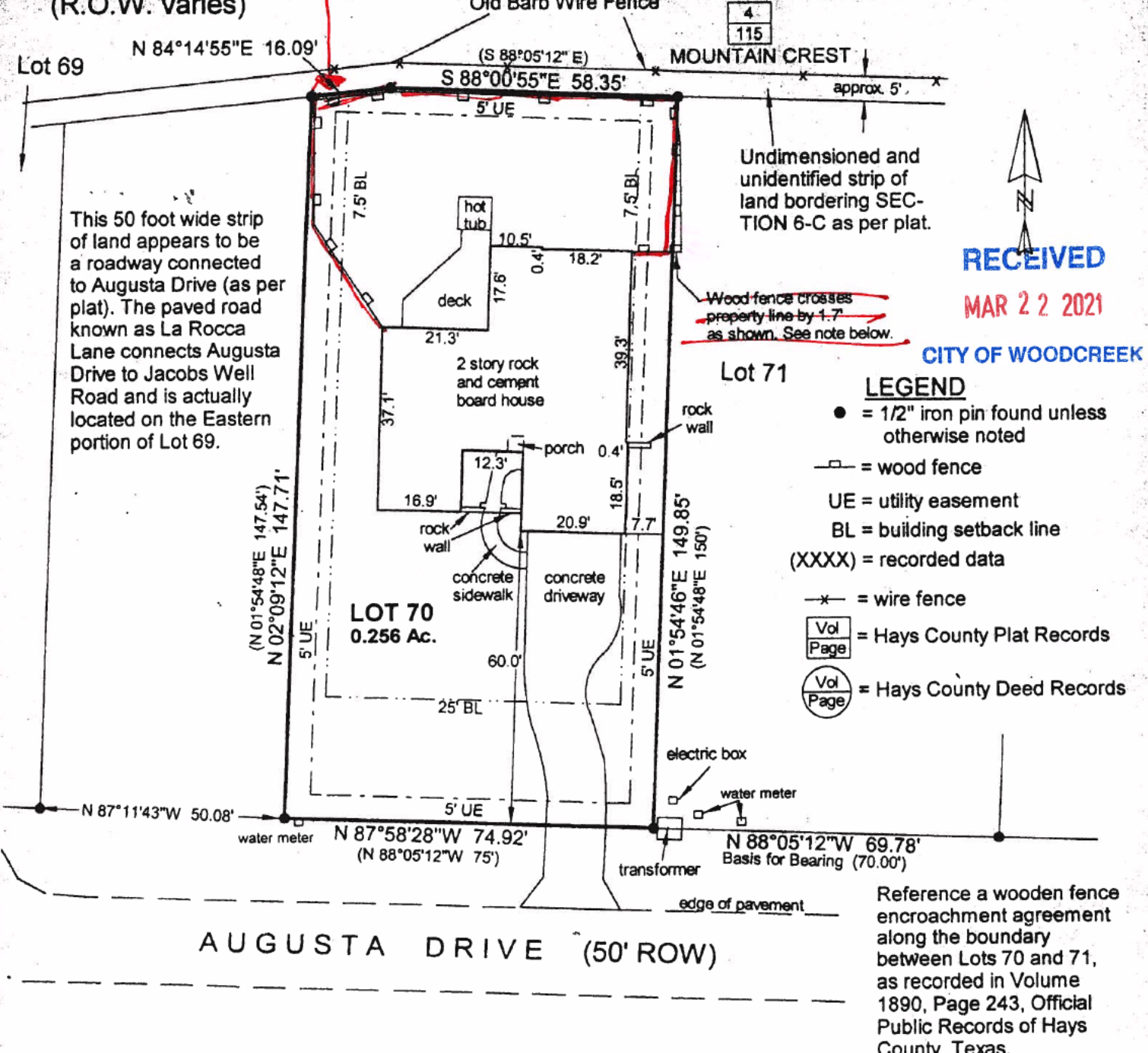
Review/inspection process may take up to 30 working days. Permit will not be issued until all fees are paid.

The purpose of the building permit is to ensure compliance with the City's Zoning, Building, Water Quality and Flood Control provisions of its Code of Ordinances. If you have any questions concerning these ordinances, please contact the City of Woodcreek at (512) 847-9390.

*** Applicant will notify City Hall once project is complete.**

BRW (Initials)

JACOBS WELL ROAD *Proposed fence in red* IMPROVEMENT SURVEY



RECEIVED
MAR 22 2021
CITY OF WOODCREEK

- LEGEND**
- = 1/2" iron pin found unless otherwise noted
 - = wood fence
 - UE = utility easement
 - BL = building setback line
 - (XXXX) = recorded data
 - x— = wire fence
 - Vol Page = Hays County Plat Records
 - Vol Page = Hays County Deed Records

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Subject property does not lie within a 100 year flood hazard zone as determined from FIRM Hazard Map, Community Panel No. 480321 0093 E, dated February 18, 1998.

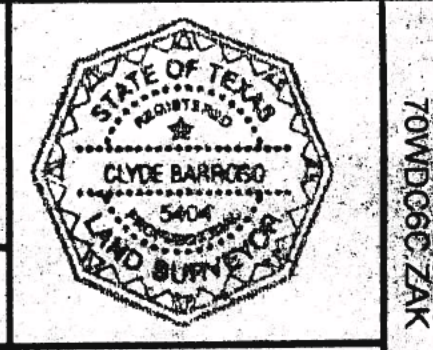
LEGAL DESCRIPTION: Lot 70, WOODCREEK Section 6 - C, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 301, Plat Records of Hays County, Texas.

ADDRESS: 185 Augusta Drive, Wimberley, Texas 78676

CLIENT: Bill Brendler	TITLE COMPANY: Leslie M. Howe PC - (Austin) G.F. No.: 1213556
---------------------------------	--

I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 7, 2003, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso
Clyde Barroso, R.P.L.S. #5404, State of Texas.



<p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676</p>	<p>Scale: 1" = 30'</p>	<p>Job No. 30278 fj</p>
	<p>Date: July 11, 2003</p>	

185 Augusta Drive

Code of Ordinances – Zoning – Fences

Photos and Correspondence from the City of Woodcreek

156.030 FENCES.

(A) All fences shall be constructed and maintained to ensure structural integrity against natural forces such as wind, rain and temperature variations.

(B) All fences shall be maintained in safe and good workmanship condition.

* (C) The finished side of all fences built to comply with these regulations shall face away from the screened object.

(Ord. 00-65N, passed 6-1-2005; Ord. 19-255, passed 3-13-2019) Penalty, see § 156.999

156.057 FENCES.

* (A) No wall, fence, planter or hedge in excess of two feet high shall be erected or maintained nearer to the front lot line than the front building setback line, nor on corner lots nearer to the street side lot line than the building setback line parallel to the side street. No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high. For multifamily districts (MF-1 and MF-2) adjacent and contiguous to single-family districts (SF-1 through SF-6), perimeter fences along shared district boundaries may not exceed eight feet height from grade.

(B) No object or thing which obstructs sight lines at elevations between two and six feet above the roadways and within the triangular area formed by intersecting street property lines and a line connecting them at points 25 feet from the intersection of the street lines (or extensions thereof) shall be placed, planted or permitted to remain on corner lots. Wood fences are prohibited on lot lines contiguous or abutting a golf course where the wood fence would be visible from the golf course. All fences contiguous or abutting a golf course shall not obstruct sight lines of the golf course and shall be constructed of panels of a metal product manufactured for the purpose of residential fencing and shall be a minimum of four feet and a maximum of six feet in height.

(C) Fencing materials not allowed are chain link, hog wire, barbed wire, vinyl, rebar, rolled wire, cable, mesh netting, rolled picket or similar materials; except that, Small-Animal Fencing, as that term is defined herein, may be used if its principal fencing support structure consists of metal. ***SMALL-ANIMAL FENCING*** means metal fencing with opening spacing between the wires no more than two inches by three inches that matches the color and architecture of the principal fencing to which it is attached. Approved small-animal fencing may not exceed 50% of the height of the approved or existing principal fencing.

* (D) Should a non-conforming fence or non-conforming portion of a fence be damaged by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this chapter.

(E) A fence permit will be issued by the city upon completion of a Type II Residential Permit Application and submittal of required fees in accordance with the Master Rate Schedule as adopted by resolution of the City of Woodcreek. A copy of an approved Type II Residential Fence Permit must be visibly displayed during active construction and until completion of any fence permitted by the city. This permit will expire 60 days from date of issuance.

(F) *Penalty.* Any person violating any provision of this section shall be subject to the penalties and provisions set forth in § 10.99 of this Code of Ordinances.

(Ord. 00-65N, passed 6-1-2005; Ord. 16-218, passed 1-13-2016; Ord. 16-227, passed 9-22-2016; Ord. 19-252, passed 2-13-2019; Ord. 19-255, passed 3-13-2019)

You are currently running an experimental version of Earth.

[Learn more](#)

[Send feedback](#)



← 500 Jacobs Well Rd Wimberley, Texas



185 Augusta Dr
Wimberley, TX 78676
30.03°N, 98.12°W



Google Earth

[Report a problem](#)

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Camera: 298 m

You are currently running an experimental version of Earth.

[Learn more](#)

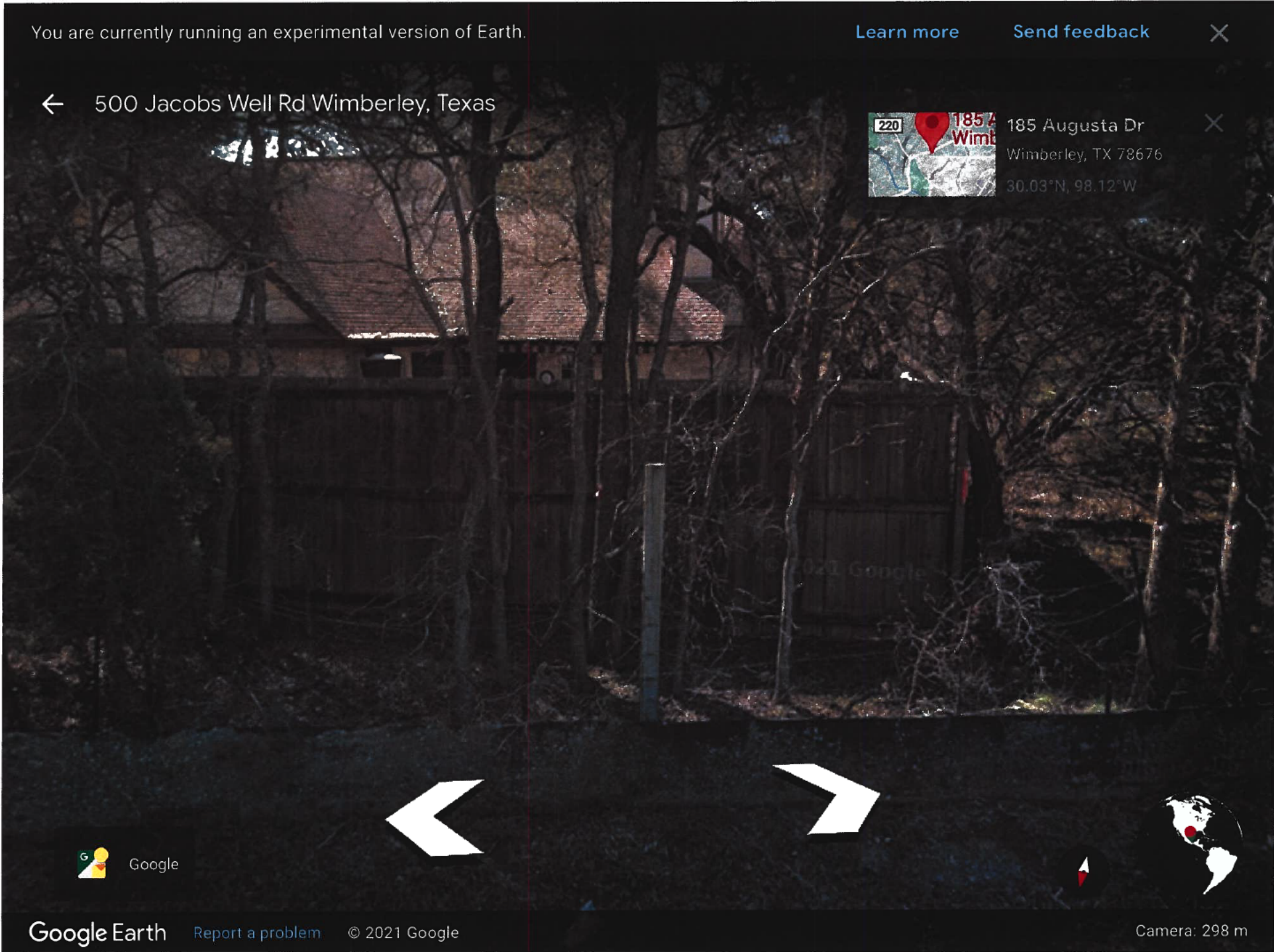
[Send feedback](#)



← 500 Jacobs Well Rd Wimberley, Texas



185 Augusta Dr
Wimberley, TX 78676
30.03°N, 98.12°W



Google Earth

[Report a problem](#)

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Camera: 298 m



06/25/2021 1





July 14, 2021

Barbara Widenor
PO Box 2376
Wimberley, TX 78676

RE: Illegal Fence

Dear Mrs. Widenor,

A building permit was obtained for a new fence from the City of Woodcreek for your property at 185 Augusta Drive, Woodcreek, Texas but is not installed in compliance with the *Woodcreek Code of Ordinances §156.030 (C)* making it illegal. "The finished side of all fences built to comply with these regulations shall face away from the screened object."

If the fence is not immediately brought up to code, the property owner is subject to penalties noted in *§156.999 of the Woodcreek Code of Ordinances*. Note that the fine is up to \$2,000 per day.

Please contact the city if you have any questions.

Sincerely,
City of Woodcreek





08/12/2021 1

City Secretary

From: City Secretary
Sent: Tuesday, August 17, 2021 2:22 PM
To: Barbara Widenor
Cc: City of Woodcreek; City Inspector
Subject: 185 Augusta Drive - App for Variance
Attachments: One page version of fence ordinances - 6-3-2020.pdf

Hello,

The city received an application for a variance, along with payment, for a fence at 185 Augusta Drive, but the application is incomplete.

The following required items are missing:

One paper copy and one digital copy of the survey or site plan with the requested area for the variance clouded to indicate the location

Two – three photographs that will show the structure placement in relation to your property and adjacent structures

Specific variance requested – ex. “Chapter 156.(B) (a) requires a Front Set Back of 25 feet, but applicant requests a 24 foot setback to avoid removing a large tree.”

Attached is a copy of the fence ordinances which you may find helpful in describing exactly which ordinance(s) you are requesting a variance from.

If you are requesting 2 variances, then 2 complete applications will be required.

Following receipt of the completed Application for Variance, with supporting documents, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date.

Woodcreek will prepare and send notices via USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment scheduled meeting date. The notice will also be published in the newspaper of record.

Linda Land
City Secretary

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390
www.woodcreektx.gov

City Secretary

From: City Secretary
Sent: Thursday, September 16, 2021 1:56 PM
To: Barbara Widenor
Cc: City of Woodcreek; City Inspector
Subject: 185 Augusta Drive - incomplete application

Hello,

On September 8th, the city received additional documents for the Application for Variance submitted August 3, 2021 for 185 Augusta Drive.

The application is incomplete and is missing the following required items:

- Each variance requested requires an application and fee. For example, an applicant might request a variance from Sec. 156.030 Fences (C) The finished side of all fences built to comply with these regulations shall face away from the screened object. Another example would be to request a variance from Sec. 156.057 Fences (A) No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high.
- The photos submitted for each variance are required to show the information requested in the variance. For example, the photos might show closeups of how the fence is constructed on each side in each location and/or the height of the fence in each location.

Following receipt of the completed Application(s) for Variance, with supporting documents, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date. Woodcreek will prepare and send notices via USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment 's scheduled meeting date. The notice will also be published in the newspaper of record.

Linda Land
City Secretary

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390
www.woodcreektx.gov

City Secretary

From: City Secretary
Sent: Friday, October 1, 2021 4:12 PM
To: Barbara Widenor
Cc: City of Woodcreek; City Inspector
Subject: 185 Augusta Drive

Hello,

The photos submitted for the Application for Variance for 185 Augusta Drive are insufficient to show the new fence construction or its relationship with existing structures.

Once the city has received photos clearly showing all sides of the new fence and nearby structures, the Board of Adjustment meeting can be scheduled.

Please let us know if you have any questions,

Linda Land
City Secretary

City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676
(512) 847-9390
www.woodcreektx.gov

185 Augusta Dr.

