

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

CASE # C15-2011-0008  
ROW # 10536036

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-0406150409

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

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

STREET ADDRESS: 3203 NANCY GALE DR., AUSTIN, TX 78735

LEGAL DESCRIPTION: Subdivision - BARTON VIEW

Lot(s) 9 Block D Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We STEPHEN W. LABORDE / SARAH G. LABORDE  
on behalf of myself/ourselves as authorized agent for

OWNERS affirm that on 12-29  
2010

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

a covered carport  
6" from wall on  
west side

in a SF-2 district.  
(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:

The existing zoning regulations do allow for reasonable use, but we are hoping to be granted a minimal variance for the addition of our carport roof as to help with accessibility, rain water drainage and bad weather. We have a unique situation with our needs for a variance. If we aren't granted the variance, the rain will pour into my carport and I will not be able to enter or exit my vehicle without getting soaked. The rain could also wash all of the dirt from behind my retaining wall and create a sink hole between the retaining wall & my neighbors property.

---

**HARDSHIP:**

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

On June 18, 2001 I suffered a severe spinal cord injury while at work just outside Austin which has left me paralyzed. At the time there became an immediate need to make my home accessible for all situations and to provide the reasonable space necessary for me to be able to enter and be removed from any vehicle with all of the large equipment needed and be protected from the elements. In addition, it allowed me to enter my home from the rear which is also covered and to utilize our double French doors. All of this remodeling was accomplished by numerous volunteers, friends, coworkers and out of town family.

At the time the remodeling was started, it was also at a time when my life was in chaos and I had no ability to do anything on my own much less than be aware of exactly how the construction was progressing. During the remodeling process a carport was added to give enough room necessary to get a vehicle in with enough clearance on either side to enable me to get out of the van and allow sufficient weather protection. The roof was constructed without realizing it was exceeding the required setback. The right side of my carport there is a rock retaining wall with a French drain which keeps water and rain to a minimum in the carport. If required to cut back even that small amount of overhang, it would have a major impact on the drainage and protection of the whole area and would not allow for me to park the vehicle with room on either side of the car without being exposed to the elements.

---

---

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

This was an addition we added to our home in 2001. We were led to believe by our contractor at the time that this was a City of Austin approved project. We did not find out until November 2010 when we went to pull a permit for another project, that we still had an open permit. We hope you approve the variance as this would allow me more coverage for weather protection while entering and exiting my vehicle and would allow for more weather coverage and help with drainage of rain water on that side of our house.

---

**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:

The variance if granted, will not alter the character of the adjacent property in any way nor will it impair the use of that property or the purpose of the zoning regulations because it is restricted to the small area of overhang. In fact it has enhanced the overall looks of the adjacent property. As you will note from the attached pictures, my property is extremely well maintained and provides the entire neighborhood a very positive and pleasing place to live and raise a family. Next to the carport & on my property, there is an approximate 3' tall retaining wall which is in place due to the elevation change between my house and my adjacent neighbor which is there, due to us being on a hill. The retaining wall/elevation change provides an aesthetically pleasing transition from my neighbor's yard to mine & in fact some of my property is on my neighbor's side of the retaining wall at their elevation to which they receive the exclusive benefit of and gives the appearance of their property being larger. We also added a wooden fence above the retaining wall which further shields the neighbor's property. My overhang does not encroach beyond the fence. My neighbor's house is set back approximately 15' which allows for the spacing between neighbors consistent with the intension of the regulations of the zoning district.

Your granting of this minimal variance would be greatly appreciated and allow me to continue to be able to access my home safely and with the convenience everyone else has and takes for granted.

In addition, Austin Energy replaced a very large power pole in my back yard on the same side a month ago with no complications or access issues.

---

**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

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:

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

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

**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 3203 NANCY GALE DR., AUSTIN, TX  
78735

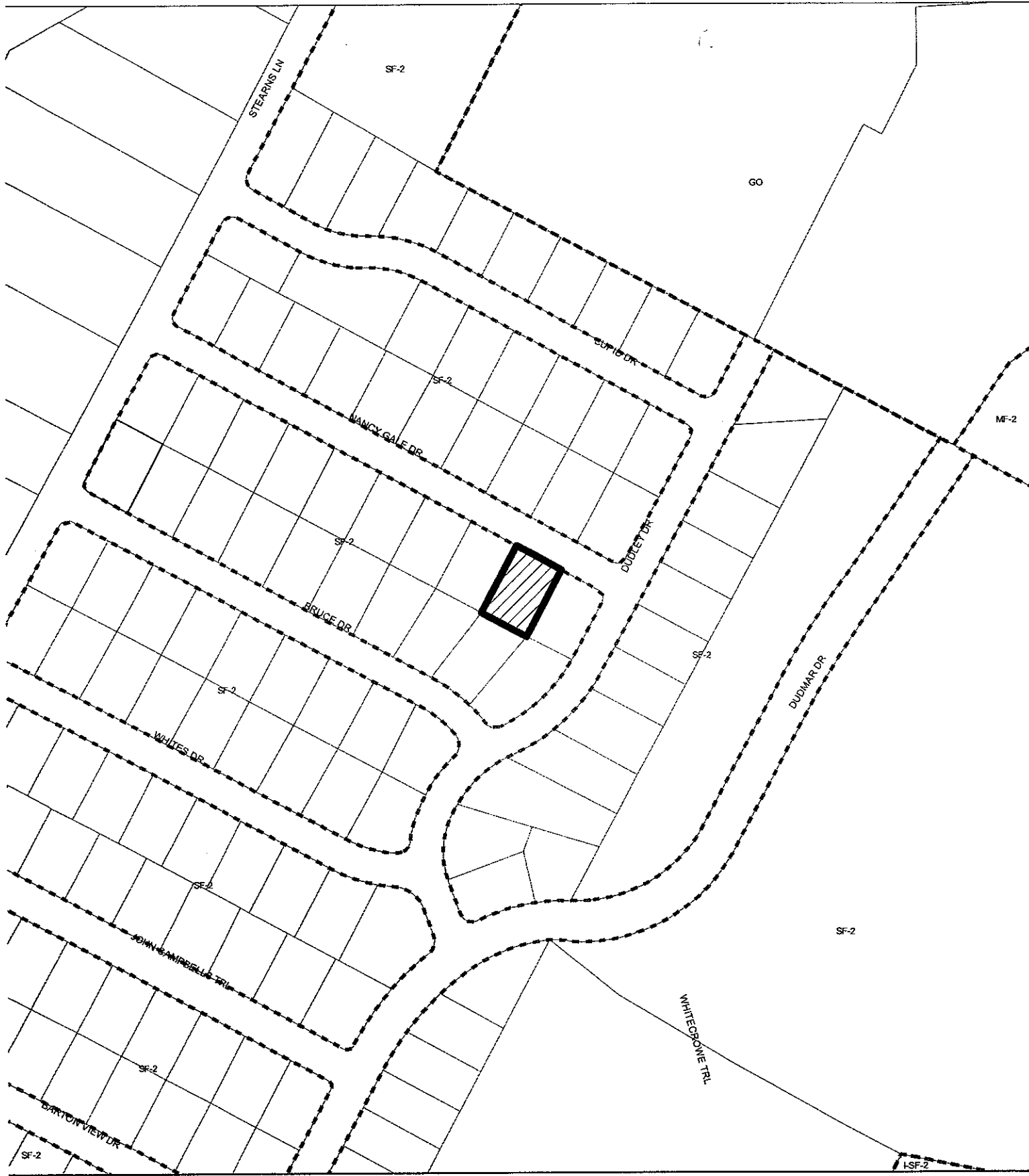
Printed Stephen W LaBorde Phone (512)695-  
8338 Date 12-29-10

**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 3203 NANCY GALE

City, State & Zip AUSTIN, TX 78735

Printed STEPHEN W. LABORDE Phone (512)695-8338 Date 12-29-10



**BOARD OF ADJUSTMENTS**



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0008  
 LOCATION: 3203 NANCY GALE DRIVE  
 GRID: F19  
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

STEPHEN LABORDE

3203 NANCY GALE DRIVE

(REC. S60°14'E 80.00')  
S60°14'00"E 80.11'

Sarah Laborde  
SARAH LABORDE

25' B.L. (PLAT)

(REC. N29°46'E 120.00')  
N29°41'09"E 120.42'

S79°38'47"W 120.16'  
(REC. N29°46'E 120.00')

LOT 10

LOT 9  
BLOCK "D"

ONE STORY  
ROCK & WOOD  
HOUSE

5' X 45' ANCHOR  
ESMT. (PLAT)  
10' UTILITY ESMT. (PLAT)

N60°24'54"W 80.79'  
(REC. S60°14'E 80.00')

LOT 19

- IRON ROD FOUND
- UTILITY POLE

LOT NO. 9 BLOCK NO. D SUBDIVISION BARTON VIEW  
 SECTION 4 PHASE \_\_\_\_\_ ROOK 13 PAGE 98 PLAT RECORD  
 COUNTY TRAVIS STATE OF TEXAS VOLUM. 239/415 STREET ADDRESS 3203 NANCY GALE DRIVE  
 CITY AUSTIN REFERENCE NAME STEPHEN LaBORDE AND SARA LaBORDE

Dewey H. Burris & Associates

Subject property DOES NOT  
lie within the 100 Year flood prone area  
and has a Zone X rating as  
shown on the Flood Insurance Rate Map  
for Travis County, Texas No. 480624

3203 Nancy Gale Dr  
11/1/2010  
Austin Energy

Austin Energy  
11/1/2010



