

please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2011-0079  
ROW-10606214  
TP. 0410111634

**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:** 4804 Broken Bow Pass, Austin, TX 78745

**LEGAL DESCRIPTION:** Subdivision - Western Trails Estates

Lot(s) 21 Block A Outlot Division

We Nathan Johnson & Kristin Kavanagh  
on behalf of ourselves as authorized agent for

affirm that on

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

   ERECT    ATTACH    COMPLETE    REMODEL   X   MAINTAIN

An accessory structure with a side yard set back of 0-2 feet.

0' from west p.l.  
& east

in a SF-3 district.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Lena Lund with Austin Energy at 322-6587 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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: All of our property is in the flood plain and two thirds of our property is on land lower than the level the house is on and even with Williamson Creek so we're unable to place any structure within this area. There is also a public utility & drainage easement in this area. The house is set well back from the required 25 ft. setback which makes the useable back yard even smaller.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: Our house is situated on the lot with the garage in back and driveway along side of and in back of the house. We also have 4 large trees running along on the top of the hill behind the house planted by the original owner where a storage shed could otherwise be placed.

- a. The hardship is not general to the area in which the property is located because: most homes in the area have the garage in the front or side of the house leaving plenty of room in the back to place a storage shed. All of the homes not located on the creek are on level lots giving them full use of their back yards.

**AREA CHARACTER:**

1. 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 shed is not in close proximity to the neighbors house. Our neighbors have full use of their backyard and enjoy a degree of privacy provided by the storage shed. The location of the shed is in the back side yard and in no way interferes with the character of the street.

**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:

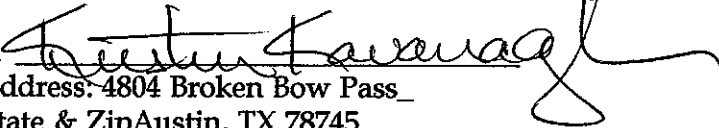
1. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

1. 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: 4804 Broken Bow Pass\_  
City, State & Zip Austin, TX 78745

Printed \_\_\_\_\_ Phone 512.326.4066  
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 \_\_\_\_\_

**GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT**

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

**VARIANCE REQUIREMENTS:**

**General Requirements:**

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**Required Findings:**

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.



**SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)**

1. A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
2. A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
3. A tax plat with subject property clearly marked indicating property within a 300-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
4. Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
5. Other Information - Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the

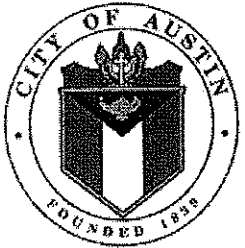


**BOARD OF ADJUSTMENTS**

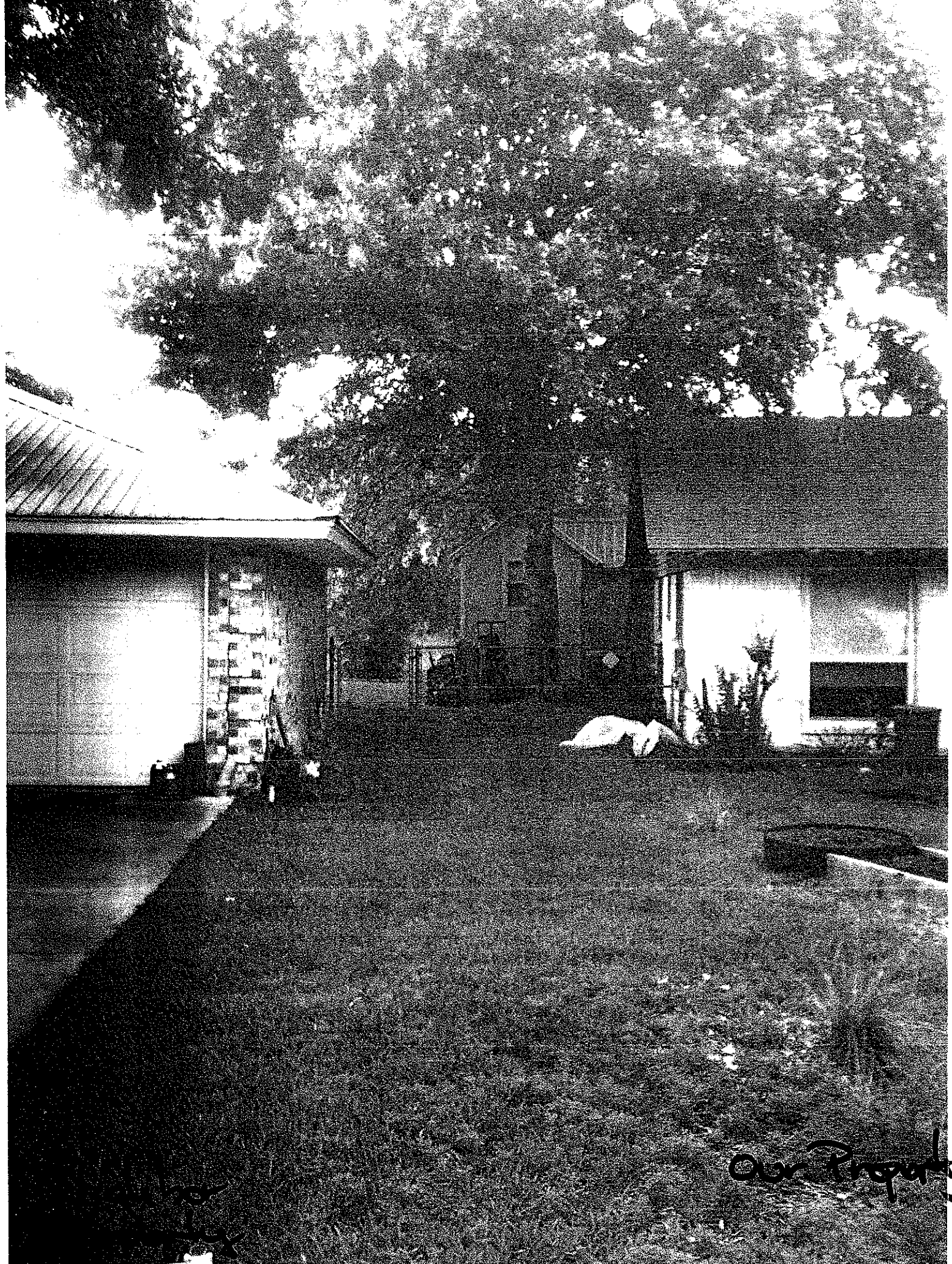


-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0079  
 LOCATION: 4804 BROKEN BOW PASS  
 GRID: F18  
 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.



Our Property

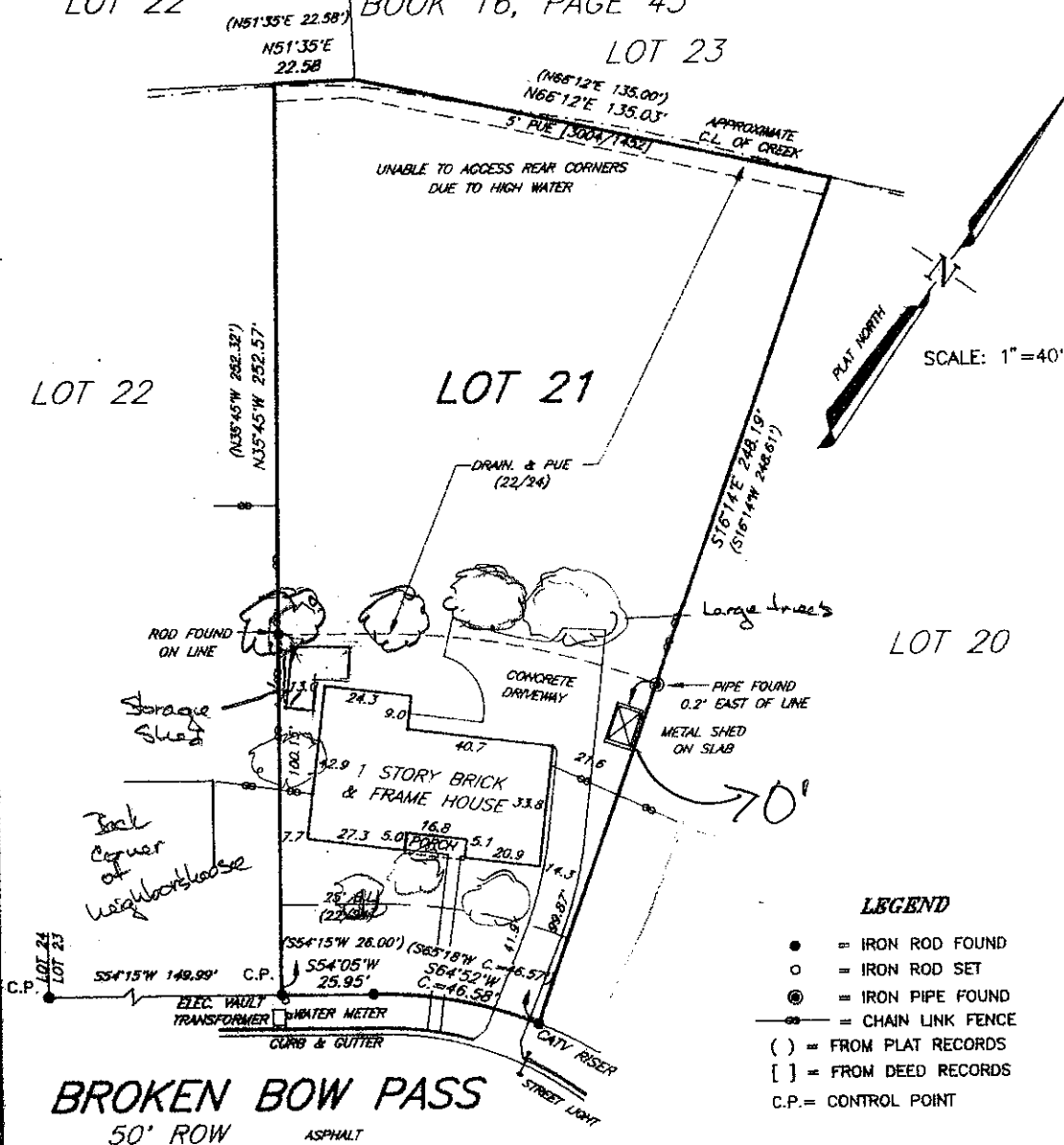
# SURVEY PLAT

WESTERN TRAILS SEC. 7

LOT 22

BOOK 16, PAGE 45

LOT 23



**BROKEN BOW PASS**  
 50' ROW ASPHALT

ADDRESS: 4804 BROKEN BOW PASS, AUSTIN, TEXAS 78745

**LEGAL DESCRIPTION:**

LOT 21, BLOCK A, WESTERN TRAILS ESTATES, AN ADDITION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 22, PAGE 24, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

**F.I.R.M. STATEMENT:** ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) No. 480624-0210-E, DATED 06/16/93, THIS PROPERTY IS LOCATED IN ZONE AE, DEFINED THEREON AS "SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD..."  
**DISCLAIMER:** THIS STATEMENT AND THE F.I.R.M. FROM WHICH IT WAS DEVELOPED ARE FOR ADMINISTRATION OF THE NATIONAL FLOOD INSURANCE PROGRAM ONLY. THE F.I.R.M. "DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO FLOODING; PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE, OR ALL PLANIMETRIC FEATURES OUTSIDE SPECIAL FLOOD HAZARD AREAS. THE COMMUNITY MAP REPOSITORY SHOULD BE CONSULTED FOR POSSIBLE FLOOD HAZARD INFORMATION PRIOR TO THE USE OF THIS MAP FOR PROPERTY PURCHASE OR CONSTRUCTION PURPOSES".

**CERTIFICATION**

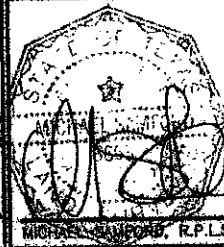
THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON. PUBLIC RECORDS RESEARCH PROVIDED BY TITLE CO. LISTED BELOW.

**BUYER(S):** NATHAN T. JOHNSON AND DRISTIN M. KAVANAGH  
**LENDER:**  
**TITLE CO.:** GRACY TITLE CO.

G.F.#: 97020190

PLAN No.: 970238

SURVEY DATE: 4/29/97





THIS IS NOT A SURVEY OF THE LAND, BUT  
IS COMPILED FOR INFORMATION ONLY  
FROM DATA SHOWN BY OFFICIAL RECORDS

