

APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

C15-2011-0129  
TP-010109-B-04  
ROW-10682577

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

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

STREET ADDRESS: 2406 Arpdale

LEGAL DESCRIPTION: Subdivision -- Barton Hills

Lot(s) 4 Block K Outlot

Division Barton Hills Section 3A

I/We Lauren and Scott Willis on behalf of myself/ourselves as  
authorized agent for

affirm that on October 10, 2011,

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

(check appropriate items below)

☒ ERECT ☒ ATTACH ☐ COMPLETE ☒ REMODEL ☐ MAINTAIN

We are looking to build an addition on to our home to accommodate our growing family. We would like to build onto the East side of the home and into our side yard. However, due to the configuration of our lot, our side yard is actually considered our rear yard and is thus subject to a 10-foot setback. We need to build within 10 feet of the property line and are requesting a variance that would allow a 5-foot setback like the other houses in our neighborhood. Even though our address is 2406 Arpdale and our front yard faces Arpdale (as does our front door), because the shortest side of our property faces Barton Skyway - that side is considered the front according to the Land Development Code, which means the side we would like to build on is considered the rear yard. However, we have a rear yard in the back of the house. The side where we would like to build is clearly our side yard as it faces our neighbor's house and is on the side of our house and thus should be subject to a 5-foot setback.

in a residential 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

**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 strict application of the Land Development Code regulations deprives us 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.

Our neighbors have 5-foot setbacks on their side yards, but due to our lot configuration, our side yard is subject to a 10-foot setback.

**HARDSHIP:**

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

Due to the configuration of our lot, our side yard is considered our rear yard and is thus subject to a 10-foot setback.

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

Due to the configuration of our lot and the fact that we are on a corner lot, our side yard is considered our rear yard. In contrast, our neighbor's side yards are considered side yards. Our house faces Arpdale (our street address is Arpdale); however, the front yard is considered our side yard. This is not the case for our neighbors. The side that faces Arpdale is considered the front yard for all of our neighbors.

**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 —Land Development Code allows for a 5-foot setback for side yards in our neighborhood and we are requesting the same thing for our home, thus it will not be

different from the rest of the neighborhood.—

**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:

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:

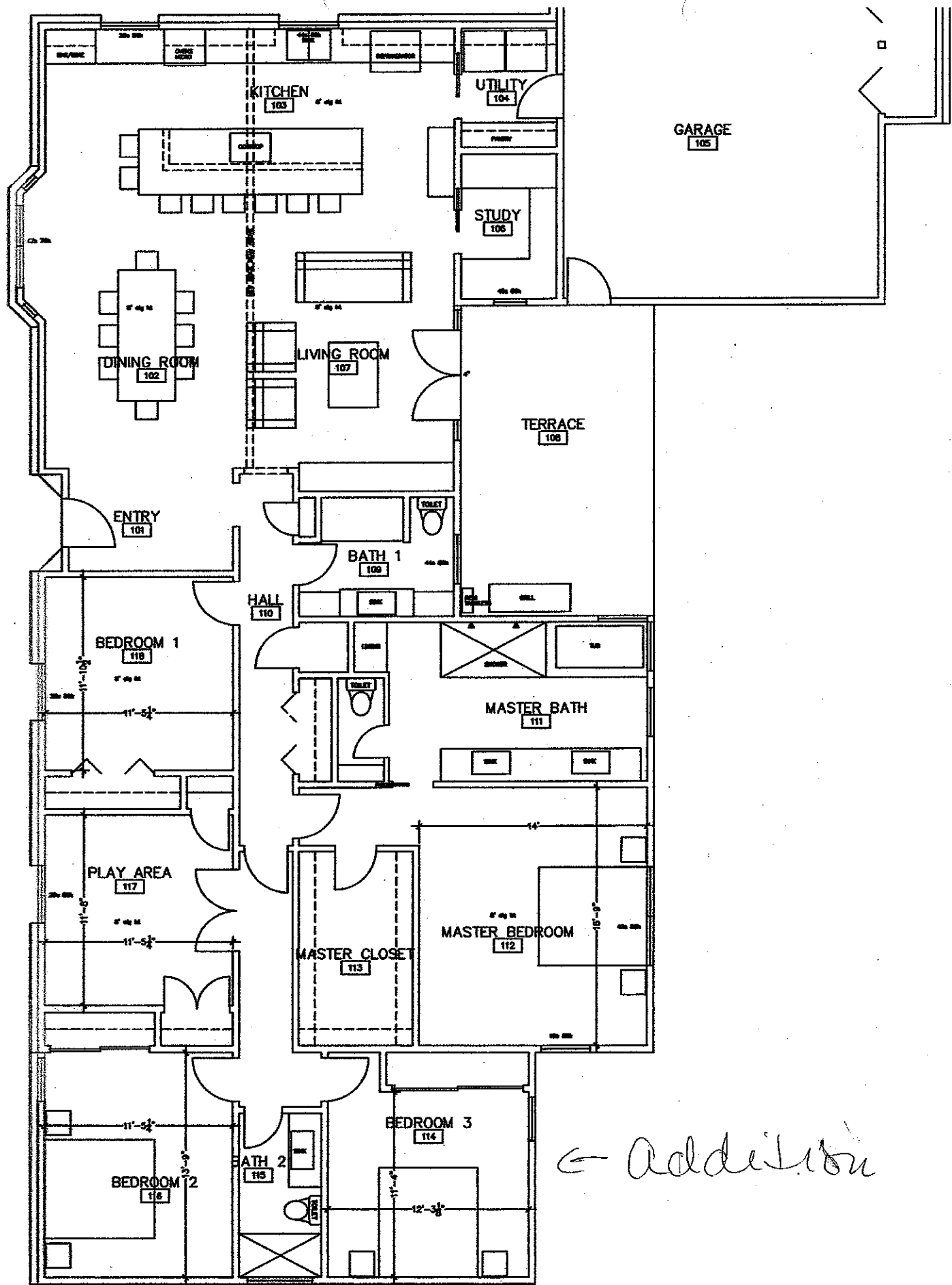
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

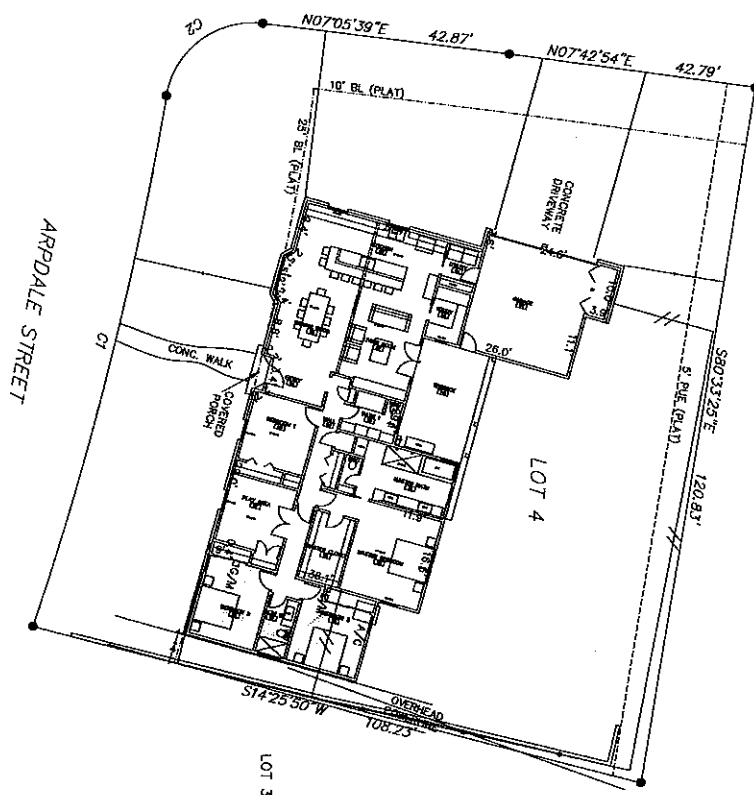
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**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 2406 Arpdale



107





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ROCKINGHAM CIR

UNKNOWN

City of Austin Master Plan 100-Year Flood Plain



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0129  
LOCATION: 2406 ARPDALE 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.

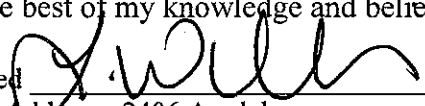
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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: 2406 Arpdale  
City: Austin State: TX & Zip: 78704  
Printed: 10/10/2011 Phone: 202-247-7288  
Date: 10/10/2011

**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: 2406 Arpdale

City, State & Zip: Austin, TX 78704

Printed: 10/10/2011 Phone: 202-247-7288 Date: 10/10/2011

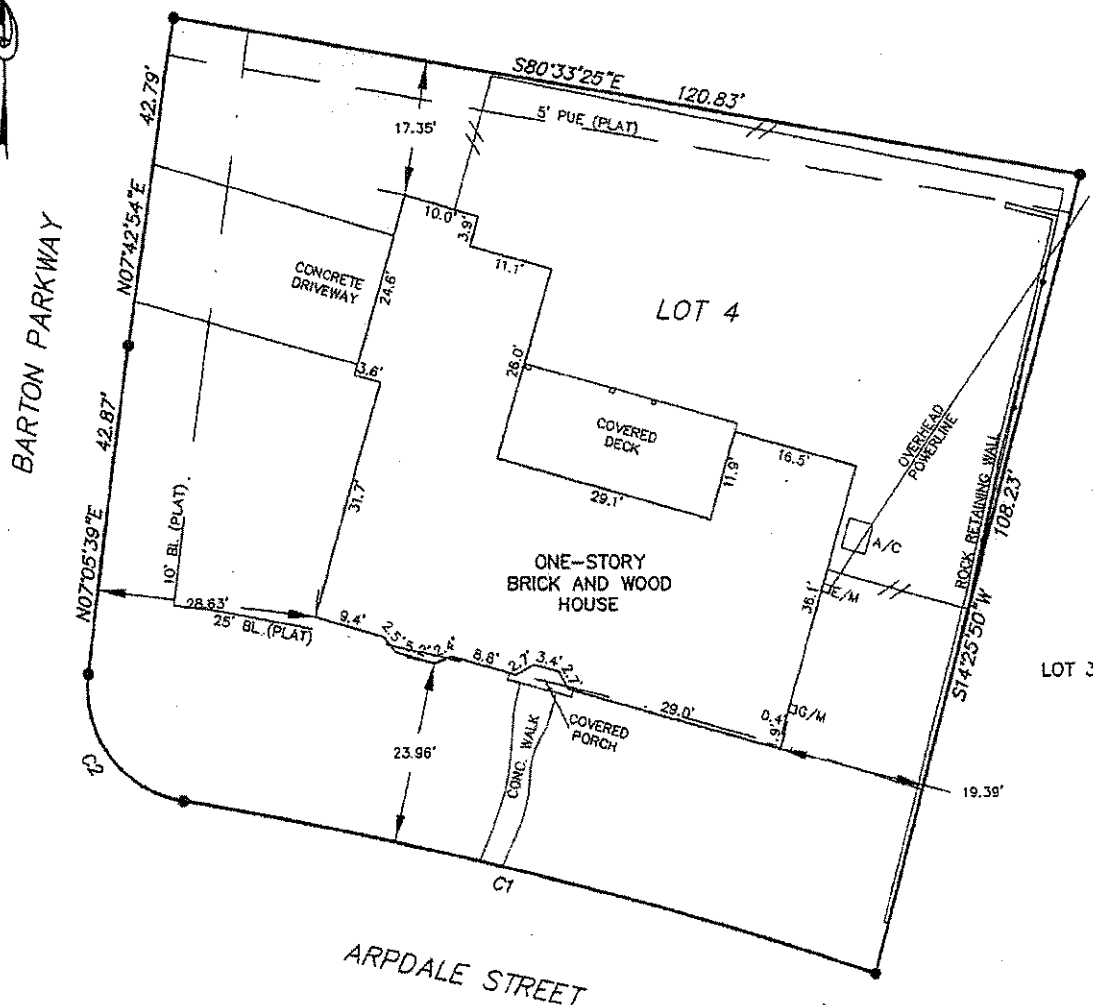


TEL: 830-214-5109  
FAX: 866-571-8323

7 STONECREST PATH  
NEW BRAUNFELS, TEXAS 78180

SCALE  
1" = 20'

LOT 5



AN AERIAL OVERHANG TELEPHONE AND  
ELECTRIC EASEMENT ALONG THE REAR  
PORTION OF ALL LOTS ACCORDING TO  
RECORDED PLAT.  
(DOES AFFECT THIS TRACT)

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	94.02	604.99	93.92	N75°47'00"W
C2	22.76	14.97	20.63	N36°18'13"W

● = IRON ROD FOUND  
 ( ) = RECORD PER PLAT  
 // = WOOD FENCE  
 --- = WIRE FENCE  
 —+— = CHAIN LINK FENCE  
 PUE = PUBLIC UTILITY EASEMENT  
 BL = BUILDING LINE  
 G/M = GAS METER  
 E/M = ELECTRIC METER  
 = POWER POLE

**LEGAL DESCRIPTION:** LOT 4, BLOCK K, OF BARTON HILLS SECTION 3A, AN ADDITION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN BOOK 8, PAGE 117, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

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.

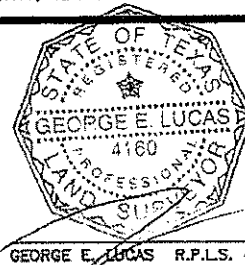
BUYER: SCOTT C. WILLIS AND LAUREN PFEIFLE WILLIS  
TITLE CO: LAWYERS TITLE INSURANCE CORPORATION  
G.F.#: 2443000515 LENDER:

LENDER: FIFTH THIRD MORTGAGE COMPANY

PLAN No.: 10-113

**SURVEY DATE:**

MARCH 3, 2010



GEORGE E. LUCAS R.P.L.S. 4160

**Walker, Susan**

**From:** Lauren Willis [laurenpfwillis@gmail.com]  
**Sent:** Friday, October 28, 2011 2:54 PM  
**To:** Walker, Susan  
**Subject:** Fwd: variance needed for residential building permit  
**Attachments:** addition site.JPG; Barton Prkwy side.JPG; back yard.JPG; Arpdale - front yard.JPG

Hi Susan -

As promised, attached are photos of our house. The first photo, entitled addition site, is where we would like to build the addition. As you can see, it is clearly our side yard; however, it is considered our backyard by the city. The second photo, entitled Barton Prkwy side, is the other side yard (which faces Barton Parkway), which is considered our front yard by the city because it is the shortest distance; yet, our address is not on Barton Parkway, but rather Arpdale, which is where the front of the house faces. The third photo, entiteled backyard, is our back yard, which the city would consider the side yard, but again as you can see from the photo, it is behind our house and clearly serves as the back yard. The final photo, entitled Arpdale - front yard, is the front yard of our house facing Arpdale. It is clearly the front yard, despite the fact that is it not the shortest distance, as it is the front of our house (front door is there) and the address is 2406 Arpdale. Please let me know if you have any questions.

And can you please respond to the question below about the application form? I have sent the question to you twice now: once last Friday (10.21) and also the Thursday before that (10.13). Perhaps it would be easier to set up a time to meet? I can come to your office at your convenience.

At the very least, please respond to my message so I know you are receiving these and putting our packet together for the December meeting.

Thank you,  
 Lauren

----- Forwarded message -----

**From:** Lauren Willis <laurenpfwillis@gmail.com>  
**Date:** Fri, Oct 21, 2011 at 10:48 AM  
**Subject:** Fwd: variance needed for residential building permit  
**To:** "Walker, Susan" <susan.walker@austintexas.gov>

Hi Susan -

Attached are both the new site plan and the design plan for the new addition. Please note the only portion we are requesting the variance for is the section on the left side of the page, which includes bedrooms 2 and 3 and bathroom 2. You will see there are 2 versions of the design plan, but they include different variations of renovations we may do in the future, but are not moving forward with at this time. The addition for which we are requesting the variance is the same in both versions of the plan. Please let me know if you have questions.

Can you please also let me know the answer to my question below about the question I left blank on the application? I want to make sure we get everything right.

I will follow up with photos of the proposed site, as well as photos of the front and back yard. So you can see where our lot configuration is an issue that requires a variance.

Thanks,  
 Lauren Willis  
 202.247.7288

----- Forwarded message -----

**From:** Lauren Willis <laurenpfwillis@gmail.com>

11/15/2011

Date: Thu, Oct 13, 2011 at 4:04 PM  
Subject: Re: variance needed for residential building permit  
To: "Walker, Susan" <[Susan.Walker@austintexas.gov](mailto:Susan.Walker@austintexas.gov)>

Hi Susan -

No problem, thanks for getting back to me. Our architect is currently working on the plans for the addition. He just sent us the first draft and we are meeting on Monday to discuss. I am planning to submit the final plans as soon as they are completed. I will also submit photos and letters of support from our neighbors. I didn't understand the question I left blank...how is it different from the previous question? It asks how the hardship is not general to the area in which the property is located, and the previous question asks how it is unique. How is "not general" different from "unique"

Thanks,  
Lauren

On Thu, Oct 13, 2011 at 3:51 PM, Walker, Susan <[Susan.Walker@austintexas.gov](mailto:Susan.Walker@austintexas.gov)> wrote:

I apologize. Maggie did give me the application. It is incomplete however...I still have you scheduled for the December meeting, but need the survey to indicate where the addition is and one of the hardship findings has been left blank (hardship (2) b)) You still have time to add to the application and it will remain on December.

I'm sorry I didn't realize that you had already submitted. I had to be out of the office a few days and I am definitely playing catch-up.

Thank you,

**Susan Walker**  
**Senior Planner**  
**Planning & Development Review Department**  
**Phone: 512-974-2202**  
**Fax: 512-974-6536**

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**From:** [laurenpfwillis@gmail.com](mailto:laurenpfwillis@gmail.com) [mailto:[laurenpfwillis@gmail.com](mailto:laurenpfwillis@gmail.com)]  
**Sent:** Thursday, October 13, 2011 1:48 PM  
**To:** Walker, Susan  
**Cc:** Heretakis, Maggie  
**Subject:** Re: variance needed for residential building permit

Thanks Susan. I actually turned the application, check and survey into Maggie Heretakis on Tuesday. Can you please let me know if we did everything correctly and have been added to the December agenda? Thanks.

Sent via BlackBerry from T-Mobile

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**From:** "Walker, Susan" <[Susan.Walker@austintexas.gov](mailto:Susan.Walker@austintexas.gov)>  
**Date:** Thu, 13 Oct 2011 13:38:02 -0500  
**To:** Lauren Willis<[laurenpfwillis@gmail.com](mailto:laurenpfwillis@gmail.com)>  
**Subject:** RE: variance needed for residential building permit

Lauren,

I am attaching the application to the Board of Adjustment for your variance request. The next available meeting is December 12, 2011. I would suggest turning in the application soon so you won't run the risk of that agenda being full and being moved to the January 9th meeting.

Thanks!!!

**Susan Walker**  
**Senior Planner**  
**Planning & Development Review Department**  
**Phone: 512-974-2202**  
**Fax: 512-974-6536**

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**From:** Lauren Willis [mailto:[laurenpfwillis@gmail.com](mailto:laurenpfwillis@gmail.com)]  
**Sent:** Tuesday, October 04, 2011 2:54 PM  
**To:** Walker, Susan  
**Cc:** Cain, Darren  
**Subject:** variance needed for residential building permit

Ms. Walker -

We are looking to build an addition to our home at 2406 Arpdale, 78704 (survey attached). It is important to note that we are on a corner lot. We would like to build the addition on the east side of the home (right side of survey - near where it is marked LOT 3). I spoke with Mr. Cain today and he feels as though this side of the house is considered the rear lot since it is across from the shortest side of the house, and would thus require a 10 foot setback. In reality, this is our side yard and faces the side of our neighbor's house. After speaking with an architect, we have determined that we would need to build within 10 feet of the property line and are requesting a variance to work with a 5 foot setback. Mr. Cain said he didn't think this would be a problem due to the unique configuration of the house and the corner lot. Please let me know how to move forward with this process. I would also like to note that we are on a serious timeline as I am pregnant and in need of this space for the new baby. So if there is any way to expedite this process, please let me know.

Many thanks for your consideration.

Sincerely,  
Lauren Willis  
202.247.7288









