

Revised

BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
COMPLETENESS CHECKLIST

11/30/11

- APPLICATION WILL BE RETURNED TO YOU AND WILL NOT BE ADDED TO NEXT BOARD OF ADJUSTMENT AGENDA AND CHECK WILL NOT BE DEPOSITED UNTIL ALL OF THE FOLLOWING IS SUBMITTED CORRECTLY.
- VARIANCES EXPIRE ONE YEAR AFTER APPROVAL DATE PER SECTION 25-1-217 UNLESS BOARD DEEMS OTHERWISE.

- \_\_\_\_\_ Application must be typed
- \_\_\_\_\_ Application must be signed and dated by owner and agent
- \_\_\_\_\_ Application must have ALL findings (parking portion only required when parking variance is needed) that are applicable fully filled out at time of submittal
- \_\_\_\_\_ Site plan must be submitted drawn to scale showing present and proposed construction along with existing structures on all adjacent lots
- \_\_\_\_\_ Approval from Austin Energy if request is for a variance to *height* or *setback* limitations
- \_\_\_\_\_ Sign Review Board cases must submit site plans showing location, elevations in addition to above requirements
- \_\_\_\_\_ **If property is located in Williamson County, then contact Williamson County Appraisal District for a list of the property owners names and addresses within a 500 foot radius.**
- \_\_\_\_\_ Check for application fee:   \$360.00   Residential zoning  
  \$660.00   All other
- \_\_\_\_\_ Please consider contacting your Neighborhood Assn. about your request.

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. If your request is for a reduction in setbacks or height limits, then you must receive approval from Austin Energy by contacting Lena Lund at 322-6587 or email [lana.lund@austinenergy.com](mailto:lana.lund@austinenergy.com) before filing your application with the Board of Adjustment.

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

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.

Revised 11/30/11

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 # 05-2011-0138  
ROW # \_\_\_\_\_

**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: 7600 Downridge Drive

LEGAL DESCRIPTION: Subdivision - Vista West III

Lot(s) 24 Block J Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Karen Prairie and Andrew Prairie on behalf of myself/ourselves as authorized agent for

\_\_\_\_\_ affirm that on \_\_\_\_\_, \_\_\_\_\_,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

Regarding our existing legal non-complying structure:

- A) We request a variance to decrease the minimum rear yard setback requirement from 10 feet to 6.5 feet in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use.
- B) We request a variance to increase the maximum impervious coverage from 45% to 49% in order to maintain impervious coverage for a single family residence and proposed two-family residential use.
- C) We request a variance to decrease the minimum side yard setback from 5 feet to 4.8 feet in order to maintain the enclosure of an existing covered carport for a garage.

D) We request a variance from the maximum linear feet of gables or dormers protruding from the setback plane; from the maximum development permitted in order to remodel a pool cabana/dressing room and enclose a covered deck area to create a two-family residential use.

in a SF3 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:  
We are making improvements to a legal non-complying pre-existing structure that when originally constructed was only required to be setback 5' from the rear property line. The improvements we are making do not alter the existing roofline. We are not expanding the footprint of the structure.

**HARDSHIP:**

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

The zoning regulations only required a 5' setback when the structure was built in 1980, but the regulation changed and is now 10'. The 10' minimum setback requirements were not in place when the structure was originally built. We are not adding any new square feet. For our legal non-complying pre-existing structure, partial porch enclosure is the necessity for the variance. It would be an undue hardship to have to remove a portion of the structure that was in compliance when constructed in 1980.

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

The structure was originally built in compliance with setback regulations and the structure was originally placed at the rear of the property due to the unique shape of the lot.

**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:

For this legal non-complying pre-existing structure, we are not altering the roofline of the structure. We are not expanding the footprint of the structure. We are actually reducing the footprint of the structure in four areas: 1) by removing a portion of a deck that was a couple feet from the property line and was encroaching into the P.U.E. , 2) by removing a staircase that was a couple feet from the property line and was encroaching into the P.U.E. , 3) by removing a landing that was a couple feet from the property line and was encroaching into the P.U.E., and 4) by removing another portion of the deck that extends into the P.U.E. . By removing the deck, staircase, landing, and the other portion of the deck, we are actually increasing the space between the structure and our rear property line in numerous places. All of the work being proposed is being done in the style of the existing building and other buildings on the property, and we are using matching materials (siding, paint, etc) to what was previously used on the structure. These materials are consistent with the "look and feel" of structures in the neighborhood.

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**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 \_\_7600 Downridge Drive\_\_

City, State & Zip \_\_\_\_Austin, Texas 78731\_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_512-342-8771\_\_\_\_ 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 \_\_7600 Downridge Drive\_

City, State & Zip \_\_\_\_Austin, Texas 78731\_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_512-342-8771\_\_\_\_ 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.

**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) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) 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 Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

**Reasonable Use:**

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

**Hardship:**

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

**Area Character:**

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

**NOTE:** Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

**Board of Adjustment Staff:**

**Susan Walker, Planner**

**974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary**

**974-2241**

**Fax #974-6536**

**Planning and Development Review Department**

**One Texas Center  
505 Barton Springs Road, 2<sup>nd</sup> Floor**

**Mailing Address:  
P. O. Box 1088  
Austin, TX 78767-1088**