

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 # C15-2012-0146  
ROW # 10856861  
TP-0300010810

**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: 204 Park Lane

LEGAL DESCRIPTION: Subdivision - Resubdivision of Block 10, Fairview Park

Lot(s) 2 Block 10 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Craig M. Adair on behalf of myself/ourselves as authorized agent for \_\_\_\_\_ affirm that on Nov. 9, 2012,

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

(check appropriate items below)

X ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

Grant a variance from the 10 ft. set-back zoning regulation to construct a wooden deck attached to my house in the back yard, extending to 5 ft. from the fence line

in a SF-3 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 small lot size and proximity of heritage oak trees, combined with the 10 ft. set-back from rear property line, restricts access to my vegetable garden and risks damage to heritage oak tree roots.

**HARDSHIP:**

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

The required set-back does not allow for proper protection of the root system of already stressed, nearby heritage oak trees – particularly one exposed root.

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

Except for Lot 3 (which also has a variance from the 10 ft. set-back), Lot 2 is the smallest lot in Block 10.

**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:

Neighbor at 205 The Circle has similar deck with variance from 10 ft. set-back, has been informed of proposed construction, and does not object. The structure will not be visible from nor will affect use of property at 207 The Circle or 206 Park Lane. Neighbor at 200 Park Lane does not object. All adjacent property owners have been advised of planned

construction and do not object.

**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:

N/A \_\_\_\_\_

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:

N/A \_\_\_\_\_

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


N/A \_\_\_\_\_

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

N/A \_\_\_\_\_

**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 204 Park Lane

City, State & Zip Austin, Texas, 78704

Printed Craig M. Adair Phone (512) 297-6611 Date Nov. 9, 2012

**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 (same)

City, State & Zip \_\_\_\_\_

Printed (same) Phone (same) Date (same)

### **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) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).~~
- (4)(3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5)(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.
- ~~(6)(5) Austin Energy approval~~

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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.

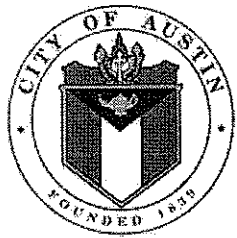


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0146  
 LOCATION: 204 Park Lane

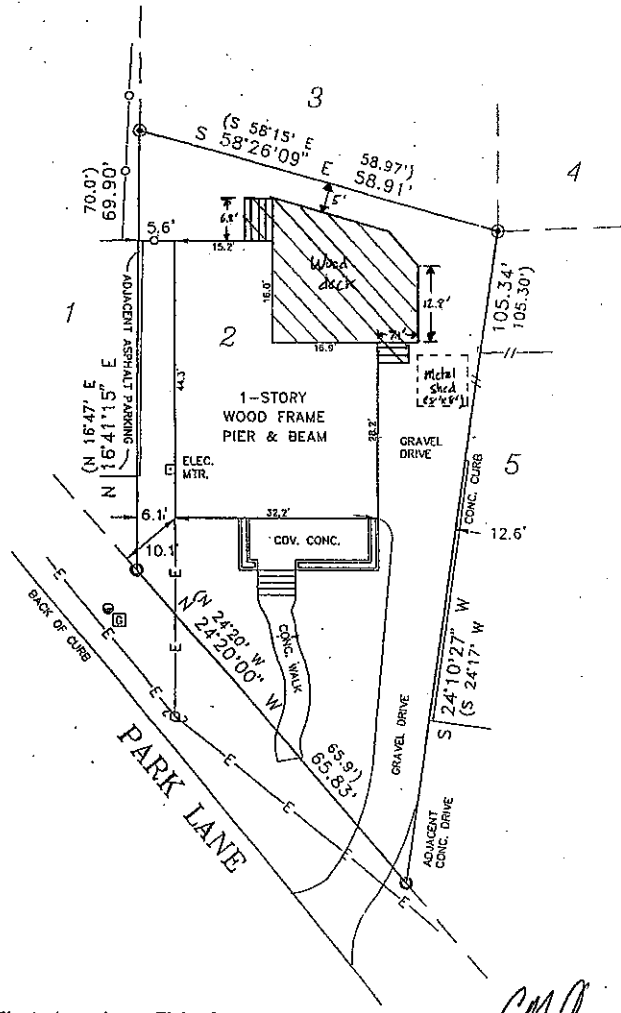


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

Plat of survey of property at 204 Park Lane  
 described as Lot 2, Block       , of RESUBDIVISION OF BLOCK TEN FAIRVIEW PARK  
 a subdivision of record in Map or Plat  
 Volume/Book/Cabinet 4 at Page(s)/Slide(s) 1 of the Travis  
 County, Texas Plat Records. G.F. # TX03-207918-AU10 Dated: 7-02-03  
 Ref: Craig Adair

SCALE: 1" = 20'



To: First American Title Insurance Company *GMA* exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to a dedicated roadway. The property shown hereon is located in Zone "X": areas outside the 500 year floodplain

as shown on Community Panel Number 480624 0170 G of the FLOOD INSURANCE RATE MAP prepared for City of Austin by the Federal Insurance Administration Department, H.U.D. Effective Date: Jan. 19, 2000

**ROEDER SURVEYING**  
 3705 VINELAND DRIVE  
 AUSTIN, TEXAS  
 FAX & PHONE (512) 478-7673

- LEGEND**  
 ⊙ 1/2" IRON PIN FOUND  
 ○ 1/2" IRON PIPE FOUND  
 □ POWER POLE  
 ⊕ GUY WIRE  
 ⊗ GAS METER  
 ⊙ WATER METER  
 - - - CHAIN LINK FENCE  
 - - - CHAIN LINK FENCE  
 - - - OVERHEAD ELECTRIC LINE  
 ( ) RECORD INFORMATION

03-205  
  
 DATE: 6-30-03

*GMA*