



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

CASE # \_\_\_\_\_  
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: 608 Academy

LEGAL DESCRIPTION: Subdivision – LOT 12A WOODLAWN ADDN

I/We David C. Cancialosi on behalf of myself/ourselves as authorized agent for Rip Esselstyn affirm that on May 1, 2013

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

(check appropriate items below)

   x ERECT    ATTACH    COMPLETE    REMODEL    MAINTAIN

Kitchen addition in the 15' street side yard setback to allow 5'2" setback, replacing C15-2009-0133 variance approved in 2009 for deck and enclosed porch addition in same footprint.

in a SF3 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 street is not directly adjacent to the property but over 75' away from the property line, yet the 15' street side setback applies. The addition is desired in the proposed location to fit best with current footprint, layout of existing residence's floorplan, and view of rear yard area. The BOA approved a variance for a similar improvement in 2009, however, the homeowners were unable to complete the project.

**HARDSHIP:**

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

The location and the configuration of the existing house makes the addition to the non-complying portions of the house extremely difficult to comply with the setback requirements. The house is oriented toward the east side of a triangle shaped lot.

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

The shape of the lot and the non-complying portions of the home are an unusual mixture. There are no neighbors to the north/east of the home / adjacent to the setback, creating a large buffer between the property line and the adjacent street.

**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:

There are no neighbors to the north/east side of the house where the variance is requested. The addition will face Riverside Dr. where driver orientation and traffic make the impact of any addition very minimal.

**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 \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ 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.

**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**

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