

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
F-5**

**DATE:** Monday March 08, 2021

**CASE NUMBER:** C15-2021-0019

Y  Brooke Bailey  
 Y  Jessica Cohen  
 -  Ada Corral OUT  
 Y  Melissa Hawthorne  
 -  VACANT  
 N  Don Leighton-Burwell  
 Y  Rahm McDaniel  
 N  Darryl Pruett  
 Y  Veronica Rivera  
 -  Yasmine Smith NO SHOW  
 Y  Michael Von Ohlen  
 Y  Kelly Blume (Alternate)  
 -  VACANT (Alternate)  
 N  Donny Hamilton (Alternate)

**OWNER/APPLICANT:** Lawrence Graham

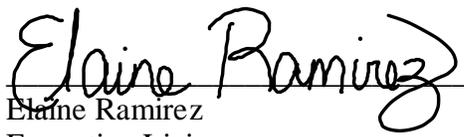
**ADDRESS:** 5909 BULL CREEK RD

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 6 feet 7 inches (requested) in order to erect a Guest House in a SF-2", Single-Family Residence zoning district.

**BOARD'S DECISION:** BOA Meeting Feb 8, 2021 **POSTPONED TO MARCH 8, 2021; March 8, 2021 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 7-3 vote (Board members Don Leighton-Burwell, Darryl Pruett and Donny Hamilton nay); POSTPONED TO APRIL 12, 2021.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
  - (b) The hardship is not general to the area in which the property is located because:
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:

  
Elaine Ramirez  
Executive Liaison

\_\_\_\_\_  
Diana Ramirez for  
Don Leighton-Burwell  
Chairman

**From:** [REDACTED]  
**To:** [Ramirez, Elaine](#)  
**Cc:** [REDACTED]  
**Subject:** variance request: 5909 Bull Creek Road  
**Date:** Wednesday, March 10, 2021 8:36:35 AM

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\*\*\* External Email - Exercise Caution \*\*\*

Elaine- we have decided to withdraw our application for a variance from the setback requirements for the guest house. We will not be requesting this variance at the April meeting. Thanks for your help and assistance during the process.

Larry Graham

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
F-4**

**DATE:** Monday February 08, 2021

**CASE NUMBER:** C15-2021-0019

- \_\_\_\_\_ Brooke Bailey
- \_\_\_\_\_ Jessica Cohen
- \_\_\_\_\_ Ada Corral
- \_\_\_\_\_ Melissa Hawthorne
- \_\_\_\_\_ VACANT
- \_\_\_\_\_ Don Leighton-Burwell
- \_\_\_\_\_ Rahm McDaniel
- \_\_\_\_\_ Darryl Pruett
- \_\_\_\_\_ Veronica Rivera
- \_\_\_\_\_ Yasmine Smith
- \_\_\_\_\_ Michael Von Ohlen
- \_\_\_\_\_ Kelly Blume (Alternate)
- \_\_\_\_\_ Vacant (Alternate)
- \_\_\_\_\_ Donny Hamilton (Alternate)

**OWNER/APPLICANT:** Lawrence Graham

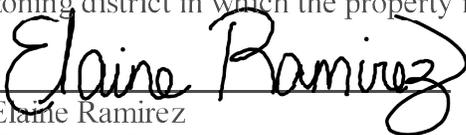
**ADDRESS:** 5909 BULL CREEK RD

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 6 feet 7 inches (requested) in order to erect a Guest House in a SF-2", Single-Family Residence zoning district.

**BOARD’S DECISION:** BOA Meeting Feb 8, 2021 POSTPONED TO MARCH 8, 2021

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
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:

  
 \_\_\_\_\_  
 Elaine Ramirez  
 Executive Liaison

\_\_\_\_\_ Diana Ramirez for  
 \_\_\_\_\_ Don Leighton-Burwell  
 Chairman



February 4, 2021

Lawrence Graham  
5909 Bull Creek Rd  
Austin TX, 78757

Property Description: LOT 22 ALLANDALE SEC 3

**Re: C15-2021-0019**

Dear Lawrence,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following sections of the Land Development Code;

Section 25-2-492 (*Site Development Regulations*) rear setback requirements;  
to decrease the minimum rear yard setback from 10 feet (required) to 6 feet 7 inches (requested) in order to erect a Guest House in a SF-2", Single-Family Residence zoning district.

The proposed guest house was not shown or dimensioned within the application. **DENIED BY AUSTIN ENERGY (AE)**, due to the proposal having written conflict with Austin Energy's clearance requirements. The Customer's existing facilities/installations shall maintain a minimum horizontal clearance of 7 feet-6 inches from primary and neutral overhead AE distribution conductors, which reside in the rear portion of the property above, requesting a variance from rear lot line setback requirements.

Owner/applicant must obtain written approval of conflict resolution from AE prior to BOA approval. Please contact Eben Kellogg with AE Public Involvement and Real Estate Services at 322-6050.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Eben Kellogg, Property Agent**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6050

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0019

**BOA DATE:** February 8<sup>th</sup>, 2021

**ADDRESS:** 5909 Bull Creek Rd

**COUNCIL DISTRICT:** 7

**OWNER:** Lawrence Graham

**AGENT:** N/A

**ZONING:** SF-2

**LEGAL DESCRIPTION:** LOT 22 ALLANDALE SEC 3

**VARIANCE REQUEST:** decrease the minimum rear yard setback from 10 feet (required) to 6 feet 7 inches (requested)

**SUMMARY:** construct a guest house

**ISSUES:** lot size

	ZONING	LAND USES
<i>Site</i>	SF-2	Single-Family
<i>North</i>	SF-2	Single-Family
<i>South</i>	SF-2	Single-Family
<i>East</i>	SF-2	Single-Family
<i>West</i>	SF-2	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Allandale Neighborhood Association  
 Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Central Austin Urbanists  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Lower District 7 Green  
 NW Austin Neighbors  
 Neighborhood Empowerment Foundation  
 North Austin Neighborhood Alliance  
 SELTexas  
 Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group



**CITY OF AUSTIN**  
Development Services Department  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # _____	ROW # _____	Tax # _____
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### Section 1: Applicant Statement

Street Address: 5909 Bull Creek Road

Subdivision Legal Description:  
Lot 22 Allandale SEC 3

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: \_\_\_\_\_

I/We Lawrence Graham/Andrea Griswold on behalf of myself/ourselves as authorized agent for \_\_\_\_\_ affirm that on

Month January, Day 8, Year 2021, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect  Attach  Complete  Remodel  Maintain  Other: \_\_\_\_\_

Type of Structure: guest house

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

, is a reduction of the rear setback requirement from 10' to 6'-7 1/4". The reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 2: Variance Findings**

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 supporting documents.

**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.**

I contend that my entitlement to the requested variance is based on the following findings:

**Reasonable Use**

The zoning regulations applicable to the property do not allow for a reasonable use because:

Rear-setback regulations preclude reasonable use—the construction of a guest house on this property—because the construction of the guest house as proposed would result in roof eaves that are less than 10' apart and would thus tie both the guest house and main house together in one fire area. This would require extensive modifications of the rear exterior wall and roof of the existing house. Locating the guest house as proposed would allow for an eave separation greater than 10'  
\_\_\_\_\_  
\_\_\_\_\_

**Hardship**

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

The size of our lot does not allow for a 10' setback and adequate separation between the existing house and the proposed guest house. What we are requesting would still provide for an adequate set back of 6' 7 1/4" that will mantain privacy and access to electrical lines. As noted above, the hardship is that the lot size would not allow adequate separation and we require us to make extensive modifications to our existing house to provide for proper fire safety  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Area Character**

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:

Granting this variance and allowing the construction of a guest house with a setback of 6'-7 1/4" instead of 10' will not alter the character of the area adjacent to the property. This would allow for only 3' 4 3/4" of addition feet of separation between the existing house and the guest house. The rear yard, and that of the immediate neighbors, contain large trees and dense foliage. There will continue to be more than adequate separation between guest house and neighbors to the south and the east.

**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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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- 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:

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

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

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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: \_\_\_\_\_ Date: 01/08/2021

Applicant Name (typed or printed): Lawrence Graham

Applicant Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name (typed or printed): \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

My wife Andrea Griswold and I have owned and lived in this house at 5909 Bull Creek since 1995. We are constructing a guest house in our back yard for my in-laws to stay when they visit us. My father-in law is in his 80s and is a person with Parkinson's disease. My wife, a nurse with a RN, will be able to help provide care for her father when he stays with us in the guest house.

Additional Space (continued)

We have added on to the original 1950 structure twice and our home is now approximately 2080 square feet per TCAD and is a single story. The proposed guest house will be a single story structure in our backyard and not visible from the street. The neighborhood is changing and the housing is turning over. Two homes on our block have recently been demolished and entirely new homes are being constructed. The home to our north was built approximately 10 years ago and is a handsome two story. We presume that the two homes on our block under construction will be two story. The home across the street from us will soon become the third home on our block to be demolished and a new one built in its place. We don't feel that the guest house, and the variance, will affect the character of the neighborhood.



SCALE: 1"=20'

land area: 13,391 sq. ft.

house footprint: 2,560 sq. ft.  
 carport: 350 sq. ft.  
 covered concrete: 200 sq. ft.  
 front porch: 110 sq. ft.  
 concrete walk: 180 sq. ft.  
 concrete drive: 250 sq. ft.  
 A/C pads: 24 sq. ft.  
 frame shed: 60 sq. ft.  
 uncovered wood deck: 520 sq. ft.  
 (260 sq. ft. calculated at 50%)

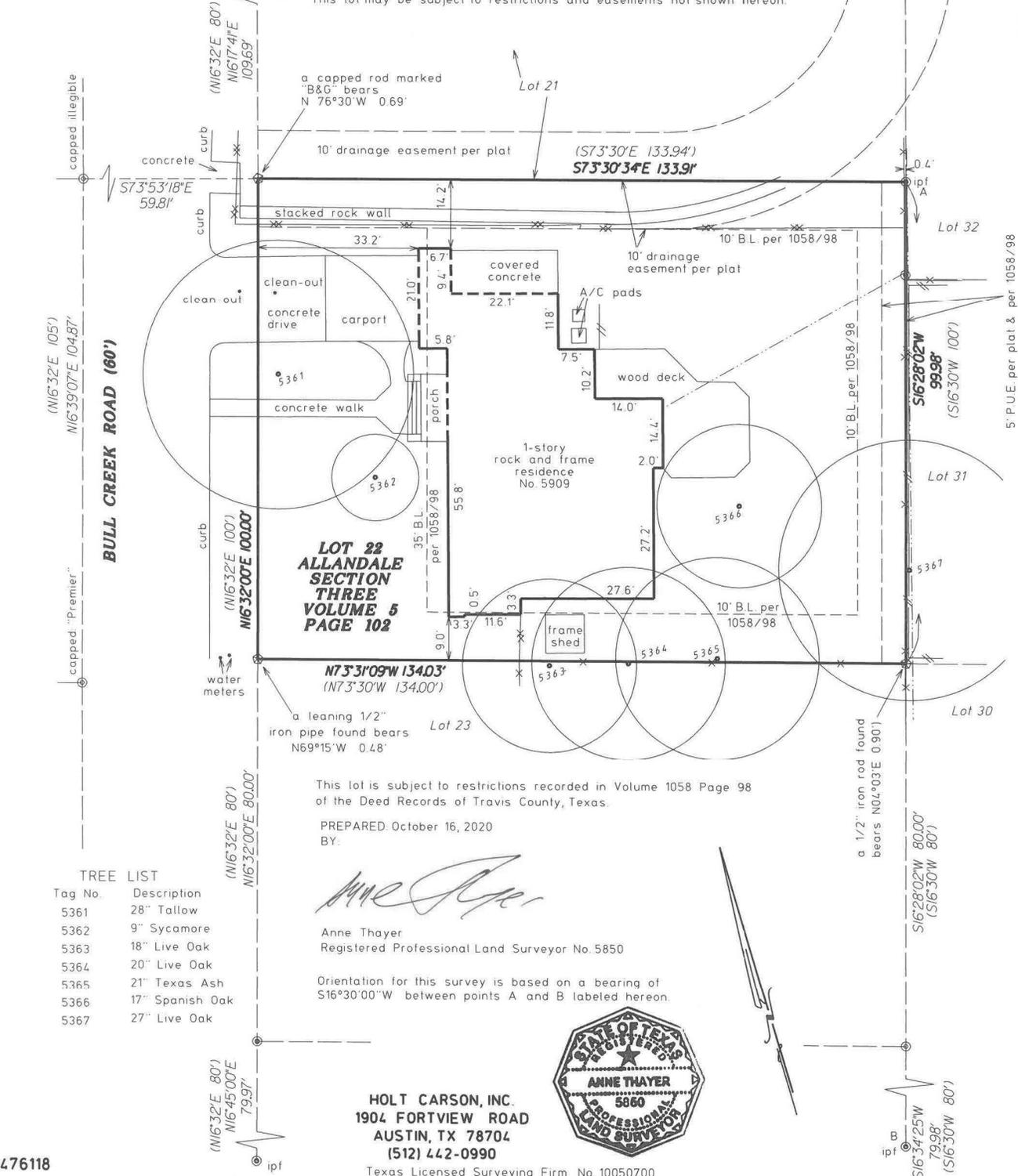
The above improvements comprise 3,994 sq. ft. or 29.8% of the land area (wood deck included at 50% and dry-stacked drainage improvements not included in the above calculation)

**SURVEY MAP OF  
 LOT 22, ALLANDALE, SECTION THREE,  
 A SUBDIVISION IN TRAVIS COUNTY, TEXAS,  
 ACCORDING TO THE MAP OR PLAT THEREOF  
 RECORDED IN VOLUME 5 PAGE 102 OF THE  
 PLAT RECORDS OF TRAVIS COUNTY, TEXAS.  
 LOCATED AT 5909 BULL CREEK ROAD.**

- LEGEND**
- ⊙ 1/2" Iron Rod Found
  - ipf 1/2" Iron Pipe Found
  - ⊕ Calculated Point
  - Wood Fence
  - Metal Fence
  - Chain Link Fence
  - Overhead Utility Line (Record Bearing and Distance)

Tree "crowns" shown hereon are drawn as a function of trunk diameter. One inch of trunk diameter equals one foot of crown radius. Multi-trunk trees are drawn calculated on the full diameter of the largest stem plus one half of the diameter of each additional stem. Due to natural variations in tree growth, these generalized depictions may not correlate to actual tree crowns or root zones.

This survey was completed without the benefit of a current title commitment. This lot may be subject to restrictions and easements not shown hereon.



a capped rod marked "B&G" bears N 76°30'W 0.69'

10' drainage easement per plat (S73°30'E 133.94')  
 S73°30'4E 133.91'

N73°31'09"W 134.03'  
 (N73°30'W 134.00')

This lot is subject to restrictions recorded in Volume 1058 Page 98 of the Deed Records of Travis County, Texas.

PREPARED October 16, 2020  
 BY:

*Handwritten signature of Anne Thayer*

Anne Thayer  
 Registered Professional Land Surveyor No. 5850

Orientation for this survey is based on a bearing of S16°30'00"W between points A and B labeled hereon.



**HOLT CARSON, INC.**  
 1904 FORTVIEW ROAD  
 AUSTIN, TX 78704  
 (512) 442-0990

Texas Licensed Surveying Firm No. 10050700

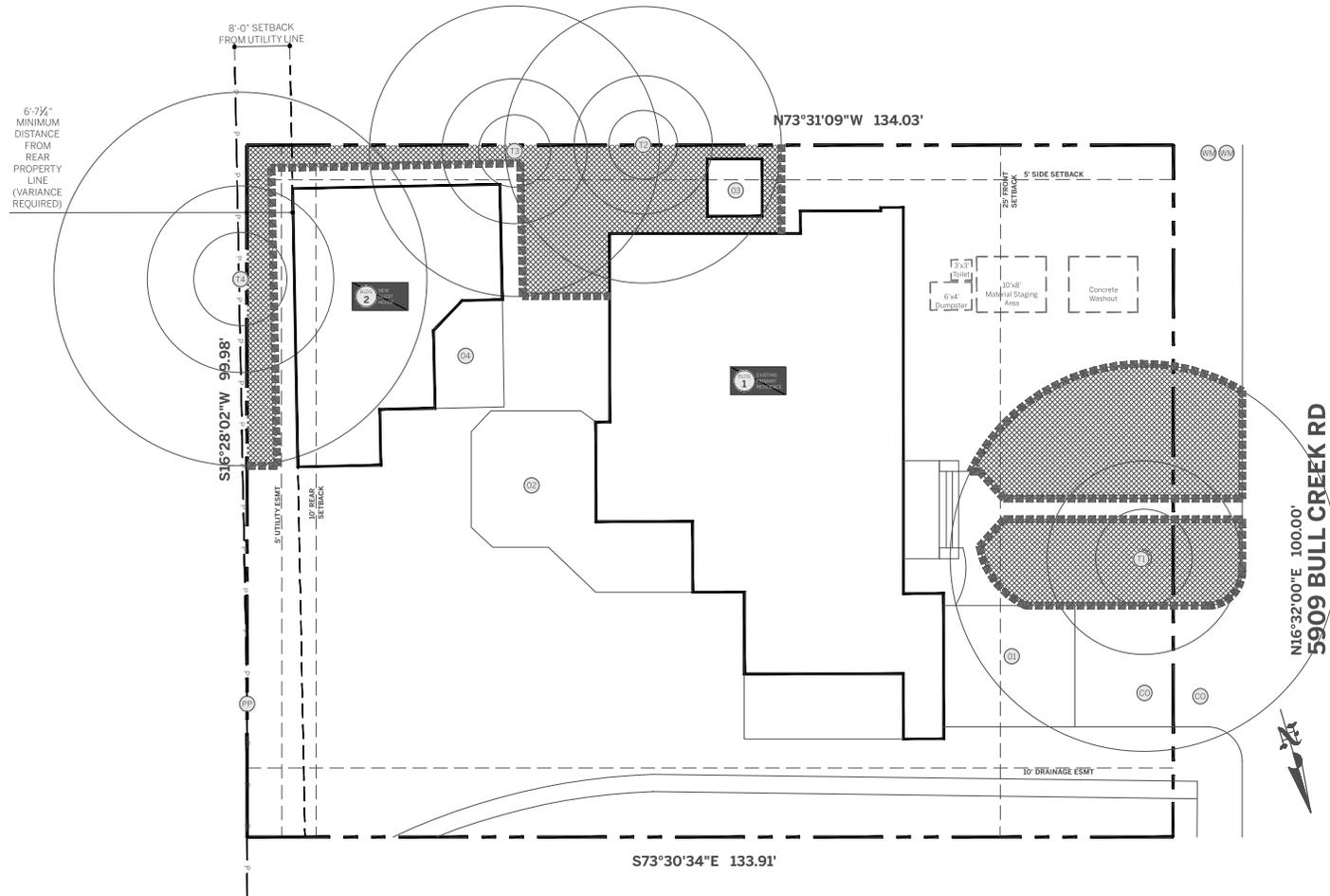
**TREE LIST**

Tag No.	Description
5361	28" Tallow
5362	9" Sycamore
5363	18" Live Oak
5364	20" Live Oak
5365	21" Texas Ash
5366	17" Spanish Oak
5367	27" Live Oak

### TREE PROTECTION NOTES

- Trees depicted on this sheet have been located, sized, and given species identifications per survey provided to Architect by Owner. Regardless of species—and regardless of whether they have been depicted on this sheet or not—all trees 19" in trunk diameter and greater at a height of 4'-6" above adjacent grade are protected by municipal ordinance. No protected tree shall be removed without a permit. No impacts of any kind are permitted in the 1/4 CRZ of any protected tree.
- Tree protection measures per the details on sheet G006 are required for all protected trees (on subject property and adjacent properties) whose CRZs fall within the subject property, even if said CRZs will not be directly impacted by construction.
- Extents of tree protection fencing are shown on this sheet. Tree protection fencing shall be installed prior to the commencement of construction.
- 2x4 or greater size planks @ 6' minimum length shall be strapped securely around protected trees' trunks and root flares when protective fencing does not incorporate entire 1/2 CRZ.
- All pruning shall be conducted under the strict oversight of a licensed professional arborist. PRUNING FOR SUBJECT TREES SHALL NOT EXCEED 25% OF TREE CANOPY.
- Trenching for all utilities in CRZs (indicated by notes L3, L4, L5, and L6) shall be minimized to the least extent feasible and shall occur by means of air-spading by a licensed professional arborist.
- Care shall be taken during construction that activities requiring vertical movement (eg, drilling rigs) shall not disturb existing tree canopies.
- The placement and storage of materials and/or heavy equipment on CRZs is strictly prohibited without exception.

**Applicable to all projects where CRZs of ANY protected trees (on subject property and/or on adjacent properties) fall within boundaries of subject property REGARDLESS OF PROJECT SCALE, SCOPE, OR TYPE**

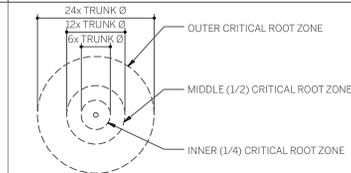


**1 Site Plan**  
Scale 1/16" = 1'-0" @ 11x17  
Scale 1/8" = 1'-0" @ 24x36

### KEYED NOTES (NOT ALL NOTES MAY PERTAIN TO THIS SPECIFIC PROJECT)

- Existing carport attached to primary residence.
- Existing uncovered wood deck.
- Existing shed.
- New covered porch.
- Existing overhead electric line, indicated thus:

### CRITICAL ROOT ZONES AT PROTECTED TREES



### TREE PROTECTION LEGEND

- Mulch (3" layer of mulch inside tree protection fence, 8" layer outside).
- Tree protection fencing (ref: G006 and notes on this sheet).

### LIST OF PROTECTED TREES

#	TRUNK Ø	SPECIES
T1	28"	TALLOW
T2	20"	LIVE OAK
T3	21"	TEXAS ASH
T4	27"	LIVE OAK

### DISCLAIMERS

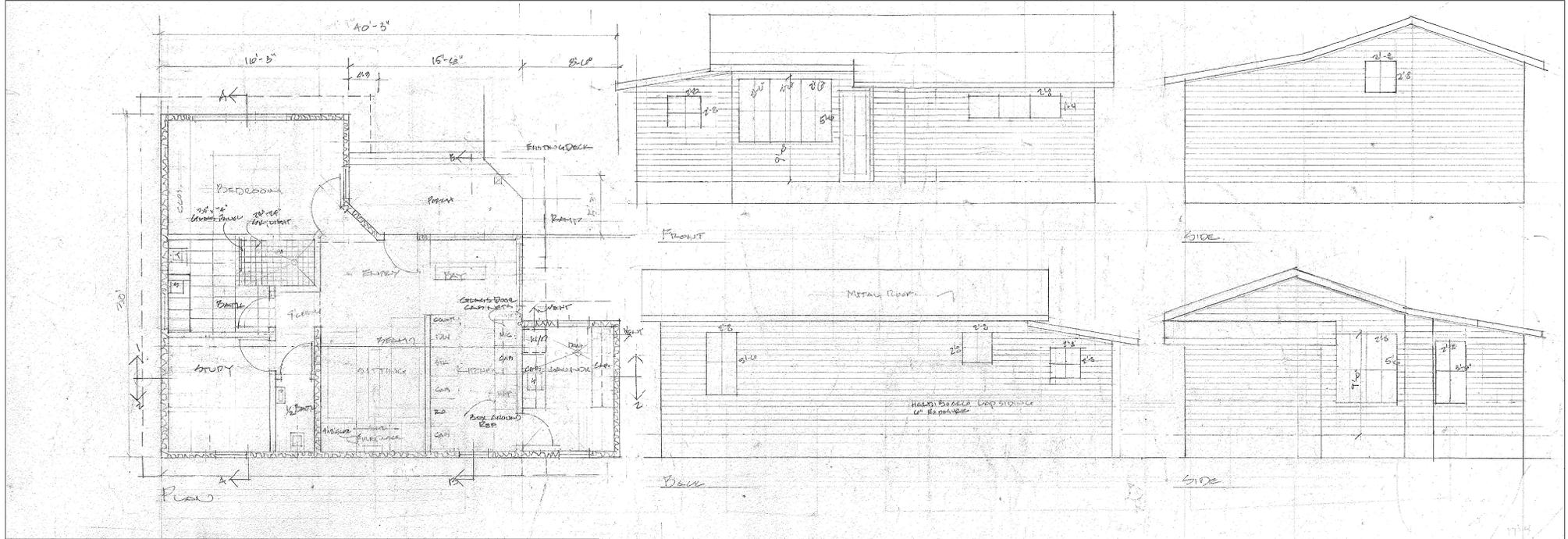
This document is issued under the seal of WILLIAM LAWRENCE HODGE, Texas architect #2004. This document is not for permitting, regulatory approval, pricing or construction unless the seal and signature of the Architect are visible. This document is not approved for construction unless a seal of municipal approval is visible. No set of construction documents can contain all information required to construct a project. Interpretation by a contractor is required. That which is shown in one sheet applies to all sheets in this set by reference. The information in G001 through G008 (inclusive) apply to every sheet in this set and to every contractor and/or subcontractor that may perform work on this project. Unless this set contains the cover sheet and all sheets listed thereon, this set is incomplete and INVALID FOR CONSTRUCTION.

### SEAL OF ARCHITECT

**THIS DOCUMENT IS NOT FOR PERMITTING, REGULATORY APPROVAL, PRICING, OR CONSTRUCTION UNLESS THE SEAL AND SIGNATURE OF THE ARCHITECT IS VISIBLE.**

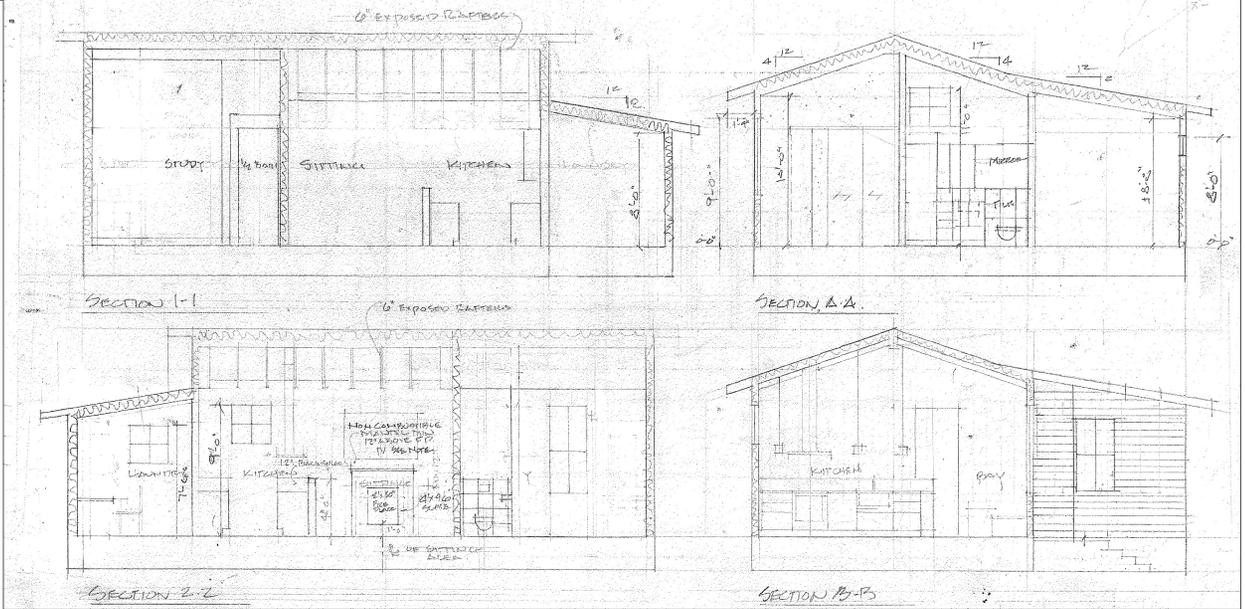
ISSUE DATE: **31 December 2020.**  
DESIGNER: **Tom Thomson.**

### SEAL OF MUNICIPAL APPROVAL



## 1 Schematic Design

Scale 1/8" = 1'-0" @ 11x17  
Scale 1/4" = 1'-0" @ 24x36



**DISCLAIMERS.**  
This document is issued under the seal of WILLIAM LAWRENCE HODGE, Texas architect #2004. This document is not for permitting, regulatory approval, pricing or construction unless the seal and signature of the Architect are visible. This document is not approved for construction unless a seal of municipal approval is visible. No set of construction documents can contain all information required to construct a project. Interpretation by a contractor is required. That which is shown in one sheet applies to all sheets in this set by reference. The information in G001 through G008 (inclusive) apply to every sheet in this set and to every contractor and/or subcontractor that may perform work on this project. Unless this set contains the cover sheet and all sheets listed thereon, this set is incomplete and INVALID FOR CONSTRUCTION.

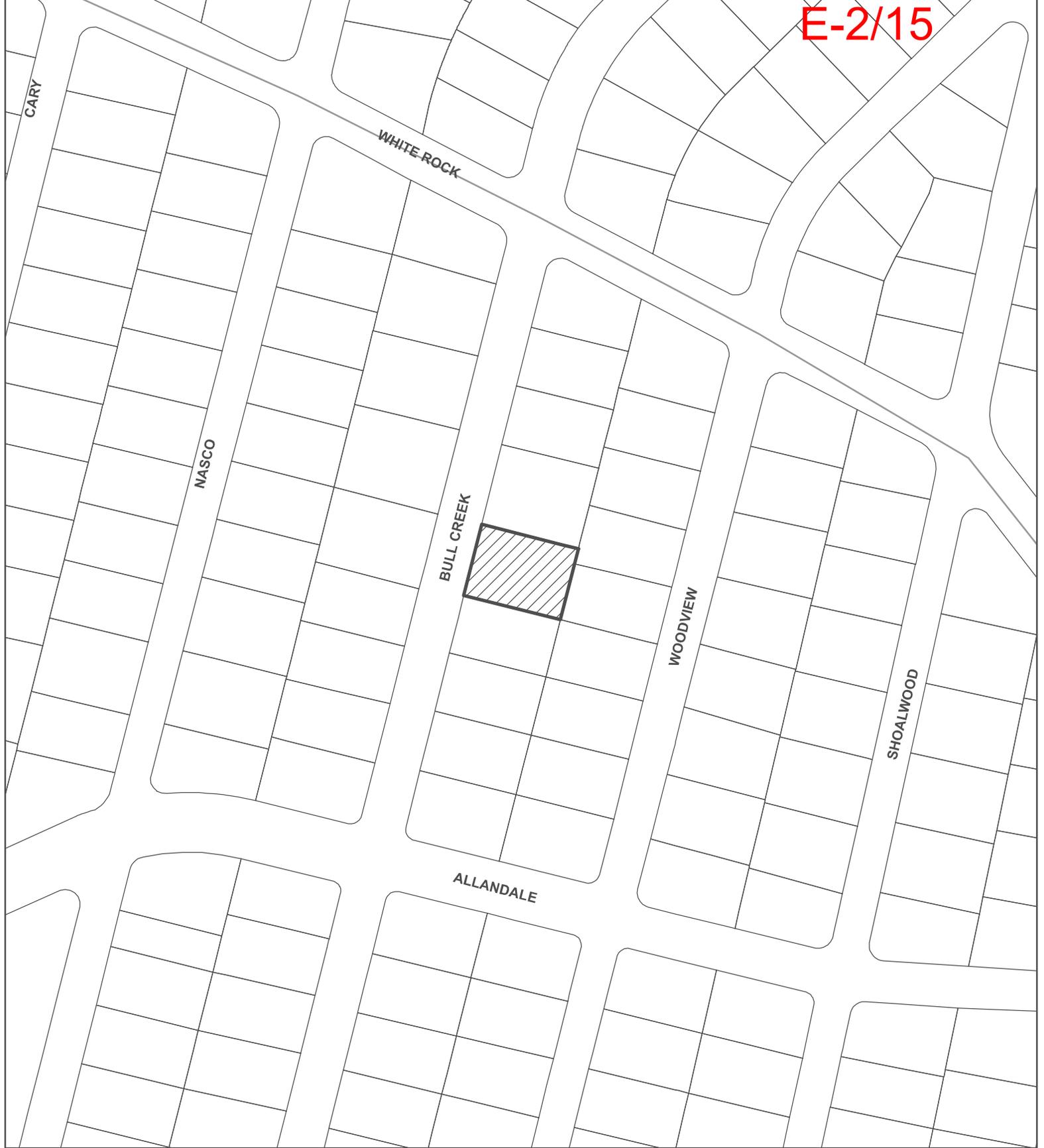
**SEAL OF ARCHITECT.**  
**THIS DOCUMENT IS NOT FOR PERMITTING, REGULATORY APPROVAL, PRICING, OR CONSTRUCTION UNLESS THE SEAL AND SIGNATURE OF THE ARCHITECT IS VISIBLE.**  
**ISSUE DATE** 31 December 2020.  
**DESIGNER** Tom Thomson.

**SEAL OF MUNICIPAL APPROVAL.**

**WILLIAM HODGE AIA ARCHITECT**  
AIA #2004  
1101 S. COMMERCE ST. SUITE 100  
AUSTIN, TX 78701  
512.476.1111  
WWW.WHARCHITECT.COM

**ISSUE DATE** 31 December 2020.  
**SHEET TYPE** Schematic Design.

**A001**



**NOTIFICATIONS**

CASE#: C15-2021-0019  
LOCATION: 5909 BULL CREEK ROAD



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 169'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Development Services Department  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

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The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # _____	ROW # _____	Tax # _____
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### Section 1: Applicant Statement

Street Address: 5909 Bull Creek Road

Subdivision Legal Description:  
Lot 22 Allandale Sec 3

Lot(s): 22 Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF 2

I/We Lawrence Graham/Andrea Griswold on behalf of myself/ourselves as authorized agent for \_\_\_\_\_ affirm that on

Month January, Day 8, Year 2021, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

Erect    Attach    Complete    Remodel    Maintain    Other: \_\_\_\_\_

Type of Structure: guest house

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

I am requesting a variance from Section 25-2-492 Site Development Regulations.  
We are requesting a reduction of the rear setback requirement from 10' to 6'-7 1/4" for the construction of a guest house in the back yard.

**Section 2: Variance Findings**

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 supporting documents.

**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.**

I contend that my entitlement to the requested variance is based on the following findings:

**Reasonable Use**

The zoning regulations applicable to the property do not allow for a reasonable use because:

Rear-setback regulations preclude reasonable use—the construction of a guest house on this property. The construction of the guest house as proposed is allowed but the 10' setback requirement would result in roof eaves that are less than 10' apart and would thus tie both the guest house and main house together in one fire area. This would require extensive modifications of the rear exterior wall and roof of the existing house. Locating the guest house as proposed would allow for an eave separation greater than 10'

**Hardship**

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

The size of our lot does not allow for a 10' setback and adequate separation between the existing house and the proposed guest house. What we are requesting would still provide for an adequate set back of 6' 7 1/4" that will maintain privacy and access to electrical lines.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Area Character**

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:

Granting this variance and allowing the construction of a guest house with a setback of 6'-7 1/4" instead of 10' will not alter the character of the area adjacent to the property. This would allow for only 3' 4 3/4" of addition feet of separation between the existing house and the guest house. The rear yard, and that of the immediate neighbors, contain large trees and dense foliage. There will continue to be more than adequate separation between guest house and neighbors to the south and the east.

**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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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- 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:

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

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

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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: \_\_\_\_\_ Date: 01/08/2021

Applicant Name (typed or printed): Lawrence Graham

Applicant Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: \_\_\_\_\_ Date: 01/08/2021

Owner Name (typed or printed): Lawrence Graham

Owner Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

**Section 5: Agent Information**

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

My wife Andrea Griswold and I have owned and lived in this house at 5909 Bull Creek since 1995. We are constructing a guest house in our back yard for my in-laws to live in, full time. My father-in-law is in his 80s and is a person with Parkinson's disease. My wife, a nurse with a RN, will be able to help provide care for her father when he moves to the guest house.

**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Lawrence Graham Date: 01/08/2021

Applicant Name (typed or printed): Lawrence Graham

Applicant Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Lawrence R Graham Date: 01/08/2021

Owner Name (typed or printed): Lawrence Graham

Owner Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

**Section 5: Agent Information**

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 6: Additional Space (if applicable)**

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