



Board of Adjustment General/Parking Variance Application

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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 # _____

Section 1: Applicant Statement

Street Address: 2806 Brinwood Avenue. Austin, Texas 78704

Subdivision Legal Description:

Lot 16 Block 10 of Brinwood section 3- Dawson Neighborhood Planning Area

Lot(s): 16 Block(s): 10

Outlot: _____ Division: Brinwood section 3- Dawson Neighborhood Planning Area

Zoning District: SF-3

I/We Will Sheddan of NWS Construction LLC on behalf of myself/ourselves as authorized agent for James Rothfelder & Kuehler Investments LLC affirm that on Month June, Day 1, 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: Single Family Residence

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

LDC 25-2-943(B). The Lot area was platted originally, after March 14, 1946, as a substandard lot at a size under the minimum lot size for single family construction. The current structure is non compliant and below living standards.

The code states that the lot is substandard in size and does not meet the minimum requirement of 5750 ft.² feet. We would like to invoke similar subdivisions having a small lot amnesty attribute to its profile.

The current lot size is 4,986 and would would like to proceed with the current plans

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:

The zoning regulation does not allow the development of a single family residence based on a zoning requirement generated in 1946. This restricts the improvement to the property while other lots on the same street are allowed to be developed with similar new construction homes to the one we are planning to build. The existing structure is encroaching into side setback lies and non compliant. As well the existing structure has below standard foundation conditions as not recommended for habitation.

Hardship

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

It was platted under the minimum size required for single family, however there was a home built on the property. Other lots in the same neighborhood are of proper size and new single family homes have been allowed to be built. A small lot amnesty guideline should be put in place in order to relieve substandard lots.

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

The majority of lots within the neighborhood meet the required lot size and have been approved for new construction. The existing home is non-compliant as it encroaches into setbacks, and has substandard foundation conditions.

The lot is unusually small for the area as most laws in the immediate area meet the standard minimum

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:

The new family home to be constructed will be consistent with the new family homes built on the same street with consideration to design, materials, and level of construction. It will allow the use of substandard lots to be improved and will improve adjacent lots value and neighborhood appearance.

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:

The new family home constructed will have the same driveway entrance size and location as the existing structure. The design meets the parking requirements with an attached enclosed garage and driveway

- 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:

The design allows for parking from an attached garage and driveway depth to meet the parking requirements. The location of the new driveway is consistent with the current driveway in place.

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

The new family home to be built is consistent with new family construction that is currently ongoing and finished homes on the same street and surrounding streets. There will be no safety hazard generated from development of this new single family home.

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

The variance will allow the lot to be used as it was intended as a single family residence within its designated zoning profile.

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: Will Sheddan Date: 6-1-21

Applicant Name (typed or printed): Will Sheddan

Applicant Mailing Address: PO Box 650087

City: Austin State: Texas Zip: 78765

Phone (will be public information): 512-919-6155

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: James Rothfelder Date: 6-1-21

Owner Name (typed or printed): James Rothfelder

Owner Mailing Address: 1731 Kuehler Ave

City: New Braunfels State: Texas Zip: 78130

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Will Sheddan

Agent Mailing Address: PO Box 850087

City: Austin State: Texas Zip: 788765

Phone (will be public information): 512-919-6155

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

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).

We have met with many neighbors to the property and have engage the neighborhood planning group and have had positive feedback from our proposed building plans.

Additional Space (continued)

We plan to be adaptive to what the neighborhood and the board deem reasonable for the new home site. We look forward to improving the condition of the neighborhood by building a beautiful home the city will be proud of