



## 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: 5607 Highland Crest Drive, 78731

Subdivision Legal Description:  
LOT 2 HIGHLAND CREST DRIVE SUBD

Lot(s): 2 Block(s): \_\_\_\_\_

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

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

I/We Sean O'Brien on behalf of myself/ourselves as authorized agent for Whats Up Texas LP affirm that on Month May, Day 17, 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: Duplex

Portion of the City of Austin Land Development Code applicant is seeking a variance from:  
Section 25-2-773 Item B 5 b states that a duplex cannot be more than 2 stories.

~~We are requesting that the duplex project be allowed to achieve three stories. Note that neither unit of the duplex will be more than two stories, simply that the grade of the lot and the existing slab from the previous duplex are stair stepped. Also, note that we are not asking to build outside of the tent, that code is followed.~~

## 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:

~~Due to the side slope grade change of this particular lot, the foundation is stair stepped. Therefore each unit of a duplex would start at dramatically different defined elevations, roughly 12 feet of difference. (See picture of existing slab from previous duplex that burned down in 2019) Because the city interprets section 25-2-773 to mean that the entire structure must be only two stories, the site slope means that two, two-story units cannot be built on this lot. We think it is reasonable to be able to build within the envelope of the lot regardless of if the use is duplex or single family. The need for more housing options like duplexes in the city is dire. Finally, the previous use was duplex and the neighboring use is duplex.~~

### Hardship

a) The hardship for which the variance is requested is unique to the property in that:  
This property has a side slope grade change from one property line to another of 16 feet.  
~~When you put a duplex next to another duplex on this kind of a site, the total structure becomes 3 stories. This hardship is unique to this site grade. Additionally, a 3-story duplex was previously on this site before it burned down. It is worth noting that neither unit will be more than 2 stories individually.~~

b) The hardship is not general to the area in which the property is located because:  
A majority of sites in the city have gentle or no grade change, this site has severe grade change.

**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 previous structure was similar in size and was there for 40 plus years. The proposed structure fits under the tent requirement of the code.

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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 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:

n/a

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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: May 17, 2021

Applicant Name (typed or printed): Sean O'Brien

Applicant Mailing Address: 804 Congress Ave, Suite 300

City: Austin State: TX Zip: 78731

Phone (will be public information): 512-565-4477

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

### 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: May 17, 2021

Owner Name (typed or printed): Sean O'Brien

Owner Mailing Address: same as above

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

Phone (will be public information): same

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).

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