



Building a Better and Safer Austin Together

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 # _____
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Section 1: Applicant Statement

Street Address: 1411 Gaston Avenue

Subdivision Legal Description:

PEMBERTON HEIGHTS SEC 8

Lot(s): 5 & W 10 FT of Lot 6 Block(s): 28

Outlot: _____ Division: _____

Zoning District: SF-3-NP

I/We BJ Cornelius/Site Specifics on behalf of myself/ourselves as

authorized agent for Berry Shawn Cox affirm that on

Month , Day , Year , 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 Residential

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

Section 25-2-F-1, to exceed allowable FAR, _____
From allowed 46.07% per ordinance 20060727-084 to 52.79%, for an additional 753 square feet of conditioned space within the existing envelope of the residence

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 requested square footage exists in the home but restricts the functional use. It was originally submitted and approved as a two story residence. New bedrooms upstairs will require egress windows, which will be located in dormers on the rear elevation. This is the only change to the massing of the building.

Hardship

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

As the owner's home based art studio work and business has grown significantly in scope and complexity, He has diversified both this work product and size of works available to accommodate gallery and collector demand. Without additional space requested, he will be forced to find and lease alternative space to create his works... CONTINUE ON PAGE 7 - ADDITIONAL SPACE

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

The space exists within the envelope of the existing home. Few, if any, were built as two stories and then constructed as a single story residence. The living and working arrangement of the family is likewise unique. The nature of the homeowner's art business requires more space than a typical home office would provide.

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:

There is no impact on the adjacent properties. The proposed construction is confined to the existing building envelope of the existing structure.

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:

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:

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

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

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: Bobbie Cornelius Date: 5/25/2021

Applicant Name (typed or printed): Bobbie Jo Cornelius

Applicant Mailing Address: 700 N. Lamar Blvd 200A

City: Austin State: TX Zip: 78748

Phone (will be public information): (512) 472-5252

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: Berry Shawn Cox Date: 6/3/2021
DocuSigned by: F2FF92C04C41473...

Owner Name (typed or printed): Berry Shawn Cox

Owner Mailing Address: 1411 Gaston Avenue

City: Austin State: TX Zip: 78703

Phone (will be public information): 281-801-3882

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

Section 5: Agent Information

Agent Name: Bobbie Cornelius

Agent Mailing Address: 700 N. Lamar Blvd. 200A

City: Austin State: TX Zip: 78703

Phone (will be public information): 512-472-5252

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).

Hardship a. (continued):

Creative flexible working space is at a premium in Austin and this situation affords this family the ability to maintain its current living and working arrangements. A variance already exists to permit the majority of the new conditioned area being requested. - continue next page

Additional Space (continued)

Hardship a. (continued)

History: The original permit with variance (#20060727) allowed 3,990 square feet. 642 square feet of the this permit was never built out. The proposed addition of 1.395 square feet for an in home art studio will include the previously approved 642 sf and requested 753 additional square footage for a total FAR of 52.79% (5,921 sf)