



Board of Adjustment General/Parking Variance Application

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For submittal and fee information, see austintexas.gov/digitaldevelopment

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: 6506 Hergotz Ln, Austin, TX 78742

Subdivision Legal Description:
ABS 24 DELVALLE S ACR .0959

Lot(s): - _____ Block(s): - _____

Outlot: - _____ Division: - _____

Zoning District: SF-3

I/We Daniel Dunigan on behalf of myself/ourselves as authorized agent for Paul Le affirm that on

Month March, Day 30, Year 2023, 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 Dwelling

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

Paul Le is requesting a lot size variance from the LDC, Section 25.2.943(B)(2)(a) for a substandard lot recorded in the real county property records after March 14, 1946 must have an area not less than 5,750 square feet (required) to 4,177 square feet (requested). Paul Le is also requesting a lot size variance from Section 25.2.943(B)(2)(b) for a substandard lot recorded in the real county property records after March 14, 1946 must be not less than 50 feet (required) at the street or at the building line to 44 feet (requested).

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 City reviewers deemed this lot substandard due to lot size and because there isn't record of this lot being platted prior to 1946. The city divided the original lot with a street ROW, and the resulting lot does not meet the criteria for a substandard lot outlined in 25-2-943(B). However, the size of the lot DOES meet the criteria for an approvable substandard lot (area is greater than 4,000 sf and is wider than 33 feet at the street).

Hardship

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

The original larger property was divided by the city ROW but the documentation of the lot platting does not show record of this replat. This resulted in a lot that has a current land determination status of a 'Legal Tract', meets lot size requirements to be a substandard lot (pre-1946), but does not meet criteria of 25-2-943(B) because it does not have documentation showing a plat date before 1946. The lot did have a previous dwelling that had water and electrical service but it was demolished prior to the current owner purchasing the lot.

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

The land status and platting of nearby properties in the general area varies and there are homes built on other properties but we don't know the provenance of these lots or building permits.

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 adjacent property is undeveloped to the west side and a home has been demolished on the adjacent property to 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:

The proposed development is a single-family dwelling; the construction and habitation of such will not adversely affect current or future traffic volumes.

- 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 proposed development is a single-family dwelling; the construction and habitation of such will not adversely affect current or future traffic volumes.

- 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 proposed dwelling conforms to all land use regulations with the exception of the minimum lot size and therefore creates conditions consistent with the residential dwellings in the area.

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

The proposed dwelling conforms to all land use regulations with the exception of the minimum lot size.

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: 3/29/23

Applicant Name (typed or printed): Daniel Dunigan

Applicant Mailing Address: 500 Irma Drive

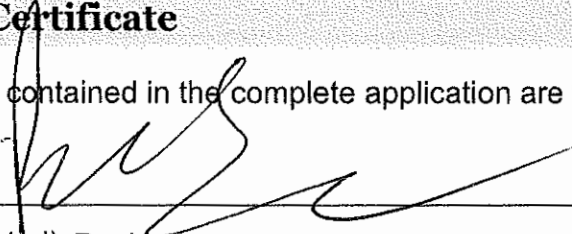
City: Austin State: Texas Zip: 78752

Phone (will be public information): _____

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: 3-29-23

Owner Name (typed or printed): Paul Le

Owner Mailing Address: 502 Wilmes Drive

City: Austin State: Texas Zip: 78752

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).

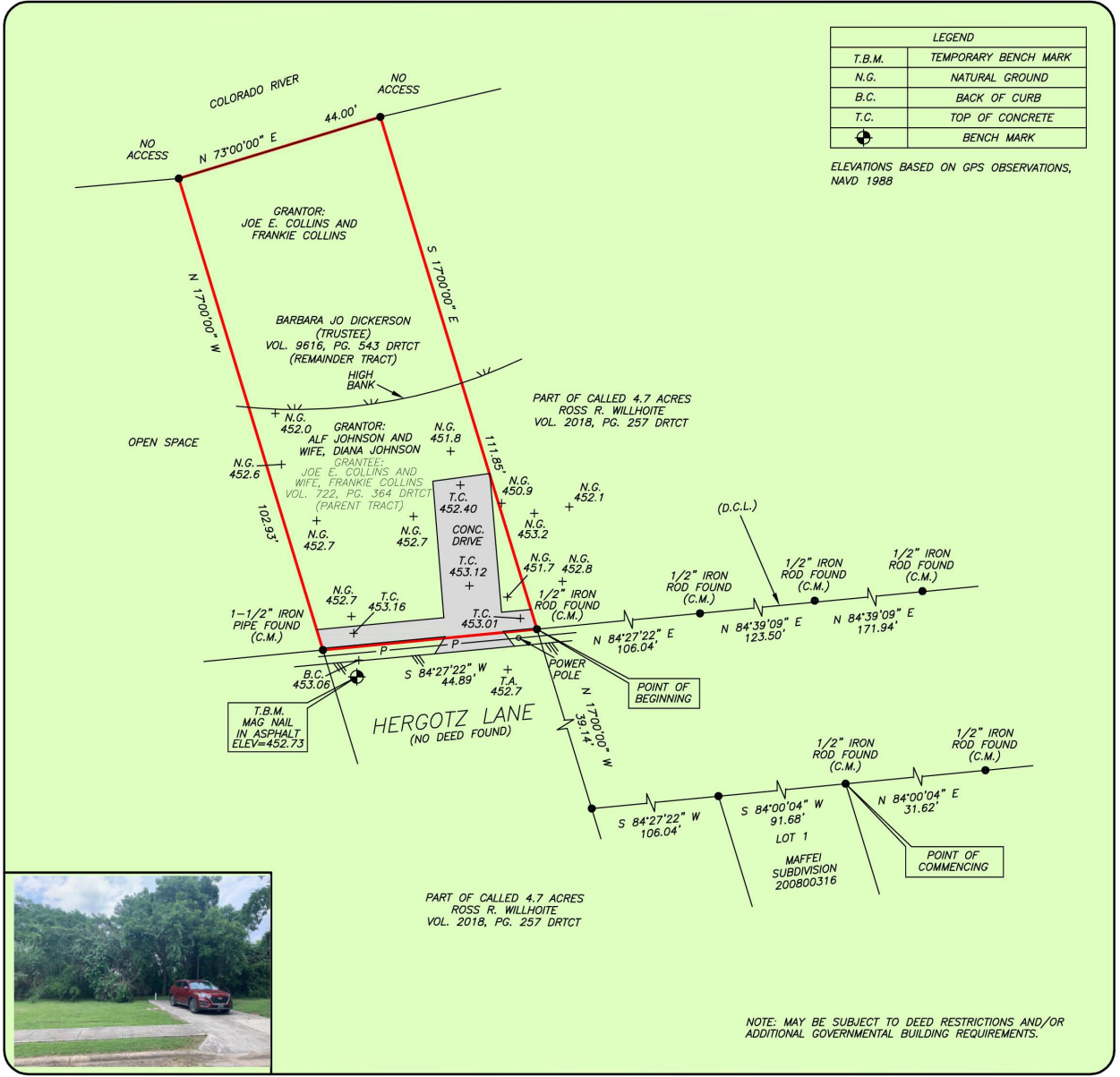
GF. NO. 20200664 STEWART TITLE
 ADDRESS: 6506 HERGOTZ LANE
 AUSTIN, TEXAS 78742
 BORROWER: PAUL LE

TOPOGRAPHIC SURVEY 0.1085 ACRE OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS (SEE ATTACHED METES AND BOUNDS DESCRIPTION)

SCALE: 1" = 30'

LEGEND	
T.B.M.	TEMPORARY BENCH MARK
N.G.	NATURAL GROUND
B.C.	BACK OF CURB
T.C.	TOP OF CONCRETE
	BENCH MARK

ELEVATIONS BASED ON GPS OBSERVATIONS, NAVD 1988



THIS PROPERTY IS AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM PANEL NO. 48453C 0610 L MAP REVISION: 01/22/2020 ZONE AE BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

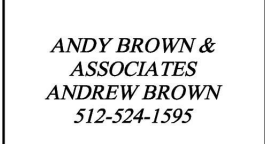
D.C.L. = DIRECTIONAL CONTROL LINE
 RECORD BEARING: VOL. 722, PG. 364, D.R.T.C.T.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

TERRANCE MISH
 PROFESSIONAL LAND SURVEYOR
 NO. 4981
 JOB NO. SA2020-01727
 JUNE 8, 2020
 REVISED: JULY 6, 2020 (TOPO)



ANDY BROWN & ASSOCIATES
 ANDREW BROWN
 512-524-1595



PRECISION
 surveyors

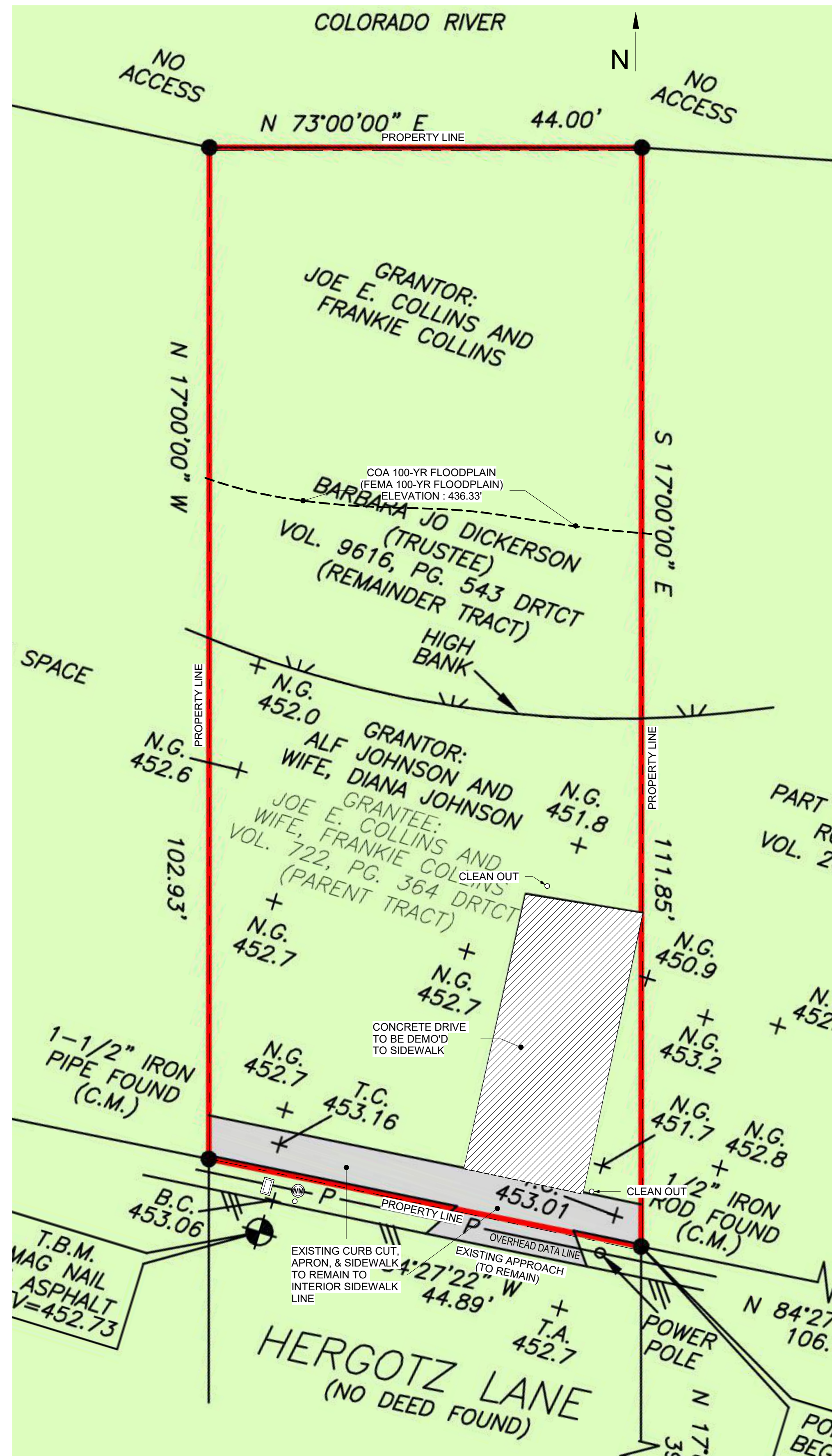
1-800-LANDSURVEY
 www.precisionlandsurveyors.com
 281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 FIRM NO. 10063700

McMANSION ORDINANCE NOTES

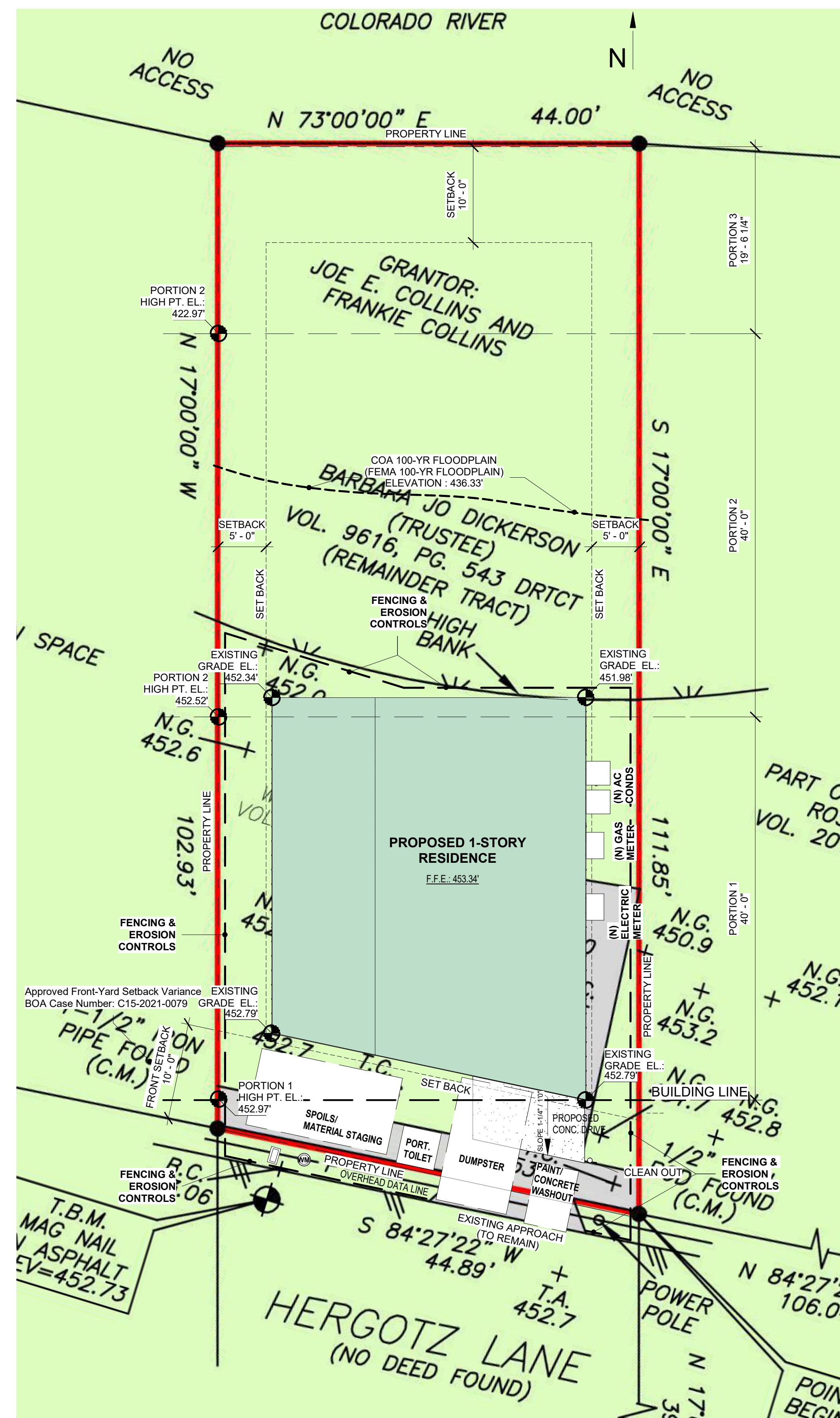
Tent Portions indicated on site plan.
Tent drawn on Site and Building Elevations to show compliance.

CRITICAL ROOT ZONE COVERAGE

- 1) At least 50% of the CRZ must be preserved at natural grade, with natural ground cover.
- 2) Within the 50% CRZ there can be no cut or fill greater than 4 inches. Any work done within this zone shall be air spaded. Any deck piers within this zone need to sit directly on undisturbed ground. Any other structural piers within this zone must be hand-dug, no scarification.
- 3) Within the 25% CRZ, no coverage or disturbance of the ground is permitted.



2 SITE PLAN EXISTING
1/8" = 1'-0"



1 SITE PLAN PROPOSED
1/8" = 1'-0"

DEVELOPER
Paul Lee
502 Wilmes Dr.
Austin, TX

DESIGNER
Eric Fisher
512.797.8412
ericfisher.design@gmail.com

STRUCTURAL
Tim Zhang
GreenEarth Engineering, Inc.

CIVIL

MEP

LANDSCAPING

6506 Hergotz Lane
6506 Hergotz Lane, Austin,
TX 78742

ISSUE DATE	COMMENT

EXISTING/PROP SITE PLAN

A0.02

4/6/2023 4:33:56 PM



Property Profile

Surrounding Structures of 6506 Hergotz Ln



Legend

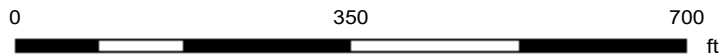
Property

Jurisdictions (No Fill)



Jurisdictions Fill

Jurisdiction



4/12/2023

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Notes