

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

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

**PLEASE: PRINT OR TYPE; USE BLACK INK; AND COMPLETE ALL REQUESTED INFORMATION.**

STREET ADDRESS: 2409 Kinney Road, Austin, Travis County, Texas

LEGAL DESCRIPTION: Subdivision – Lots 3 and 8 of the Resubdivision of Lot 10 and a portion of Lot 11 Ravey Addition No. 3, as recorded in the Official Public Records of Travis County, Texas as Document No. 00200300155.

We, Brown McCarroll, L.L.P., on behalf of and as authorized agent for Wellstone Partners, L.P. affirm that on July 23, 2003, we hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A building within the 10-foot minimum interior rearyard setback

in an **SF-3** zoning district.

**NOTE: 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 support documents.**

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

**REASONABLE USE:**

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

the locations of large trees situated on the property do not leave sufficient room  
leave little room for the placement of residential structures for which the property is  
zoned.

---

**HARDSHIP:**

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

the locations of the trees on the Property are unique to the Property.

---

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

the subject Property is one of only a few undeveloped lots in the area and has more  
trees than other undeveloped lots in the area.

---

**AREA CHARACTER:**

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:

The adjacent lots are configured such that the structures proposed for the Property  
will be adjacent to the sideyards of those lots, and the code would normally require  
only a 5-foot interior sideyard setback.

---

**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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

---

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:

N/A

---

---

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

N/A

---

---

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

N/A

---

---

**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.**

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

Signed \_\_\_\_\_ Mail Address: Brown McCarroll, L.L.P.

City, State & Zip: 111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043

Printed: Nikelle S. Meade Phone: 479-1147 Date: July 23, 2003

**OWNER's CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

ADDITIONAL INFORMATION TO BE SUBMITTED WITH COMPLETED APPLICATION:

**(FAILURE TO SUBMIT ALL THE REQUIRED MATERIALS WILL RESULT IN NON-ACCEPTANCE OF THE APPLICATION. LATE BACKUP MATERIAL WILL BE ACCEPTED UNTIL 9:00 A.M. THE TUESDAY PRIOR TO THE MEETING, THERE WILL BE NO EXCEPTIONS.)**

SITE PLAN: Must be drawn to scale, showing present and proposed construction and location of existing structures on adjacent lots.

All Sign Review Board cases must submit location and elevation drawings, drawn to scale, in addition to the site plan required.

TAX PLATS: Must show the subject property (clearly marked) and property within a 300 foot radius. These are available from the Document Sales Division at One Texas Center, 505 Barton Springs Road, First Floor, 974-2297, 974-3347 or 974-2213, or from the Tax Dept. at 8314 Cross Park Drive, 834-9138

APPLICATION FEES:	Residential	\$360.00
	All Other	\$660.00

Please be advised that the Board can only hear so many cases a month, therefore, first come, first served.

Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202 or Clara Hilling, 974-2686, 505 Barton Springs Road, Suite 525 (One Texas Center).

**NOTE: ALL VARIANCES EXPIRE 1 YEAR (12 MONTHS) FROM DATE OF APPROVAL BY BOARD AS STATED IN SECTION 25-1-217 OF THE LAND DEVELOPMENT CODE UNLESS BOARD DEEMS OTHERWISE.**

2003 Schedule  
**Board of Adjustment/Sign Review Board**

<b><u>Date of Meeting</u></b>	<b><u>Filing Deadline</u></b>
January 13, 2003	December 13, 2002
February 10, 2003	January 17, 2003
March 10, 2003	February 14, 2003
April 14, 2003	March 14, 2003
May 12, 2003	April 18, 2003
June 9, 2003	May 16, 2003
July 14, 2003	June 13, 2003
August 11, 2003	July 18, 2003
September 8	August 15, 2003 (Town Lake Center Rm 130)
October 13, 2003	September 12, 2003
November 10, 2003	October 17, 2003
December 8, 2003	November 14, 2003

Note: Notices are mailed and signs posted 10 days prior to meeting date.