

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2012-0070  
ROW # 10768160

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

TP-021213-01-18

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL  
REQUESTED INFORMATION COMPLETED.

STR  
EET

ADDRESS: 2102 Rountree Drive, Austin, TX 78722

LEGAL DESCRIPTION: Subdivision Pannell PL

Lot(s) 17 — Block F — Outlot 49-50 — Division B

I/We Robert Tillotson — on behalf of myself/ourselves as authorized agent for

Robert Tillotson — affirm that on May 15, 2012 — ,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL X — MAINTAIN

Applying for setback var, for secondary apt use for back cottage located at 2102 Rountree Dr. (Per the City of Austin Permit to expand to "livable space" granted in 1987) —

The agreed "next steps" were decided on in a meeting with myself, Susan Walker, Sylvia Benevidez, Jay Baker and other employees with Austin Electric. (May 10, 2012 meeting)

in a SF-3-NP — district.  
(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 (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

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

After the permit to expand was issued in 1987, the permitting office did not close out permit, either by fault of pervious owner (Kirk Smith) or City of Austin Permitting Office (there is no name given for the inspector, his/her boss) See the attached Permit which was granted to the prior owner. I had no idea that this issue existed prior to purchasing the home in 2004.-

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: The Permitting Office granted a permit to expand this building in 1987, the property was approved for expansion of "livable space" but the easement was crossed over and I can not contiune to correct the problem unless the city allows and honors the original permit and construction. I rent the back cottage as part of my business and depend on the revenue to pay city property taxes, property insurance, flood insurance (required by FEMA and pays for any damages to property, lives, etc), and income. The property was flooded prior to purchase and I repaired it after purchasing. It was used as a rental prior to my purchase. I have rented the property on and off since 2007 and it has been used for storage on and off. I need to city's OK to move forward and keep the place usable. I currently have a renter and a lease and would like to correct problem.

3-2.

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

it's location in a Flood zone and the fact that contruction crossed over a set back.-

**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:

This building has been here, in part, since the 1980s, 1960's and 1940s when when construction started.

There will be effect to any neighbors as a result of this move. Other than reinforcing existing exterior wood walls that were partially damaged due to flooding in the past, there has been no square footage added since I bought the property in 2004. Rosewood adopted a Small Lot Amnesty Sec APT years back, plus, 2104 Rountree was allowed by the city to add a compete top story in the 80s. Also, The Meredith Learning Center off MLK is in the flood zone and was allowed for construction a couple of years back (on same flood zone and lots down. Finally, the M Station APTS were recently completed in 2011 (200 + units) less than 200 ft from cottage. —

Proposition 2, which passed in 2008, allowed for the cleaning and widening of Boggy Creek and was approved in a bond issue by the City of Austin and public at large. The actual work on the creek, other than pre-planning by engineers has not started. This work has been delayed for years.

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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 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:  

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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:

**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

**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 Robert Tillotson Mail Address 1700 Cloverleaf Drive

City, State & Zip Austin, Texas 78723

Printed Robert Tillotson Phone 512-296-4976 Date 5/15/2012

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

Signed [Signature] Mail Address tillotson@tillotson.com

City, State & Zip AUSTIN, TX

Printed ROBERT TILLOTSON Phone 512-296-4976 Date 5/15/12

## GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

### VARIANCE REQUIREMENTS:

#### General Requirements:



- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)



CASE#: C15-2012-0070  
LOCATION: 2102 ROUNDTREE DRIVE



 SUBJECT TRACT  
 ZONING BOUNDARY

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 and represents only the approximate relative location of property boundaries.

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

File: 615-49-236

Address: ROUANET DRIVE, 2102

Applicant: Hamilton, Arthur H.

Request: relocate garage in an "A" Res., 1st  
HMA Dis. providing side yd. of 3'  
instead of required 5'.

Form No. 105-16

Variance from 1949  
to relocate garage  
with a 3 foot  
setback

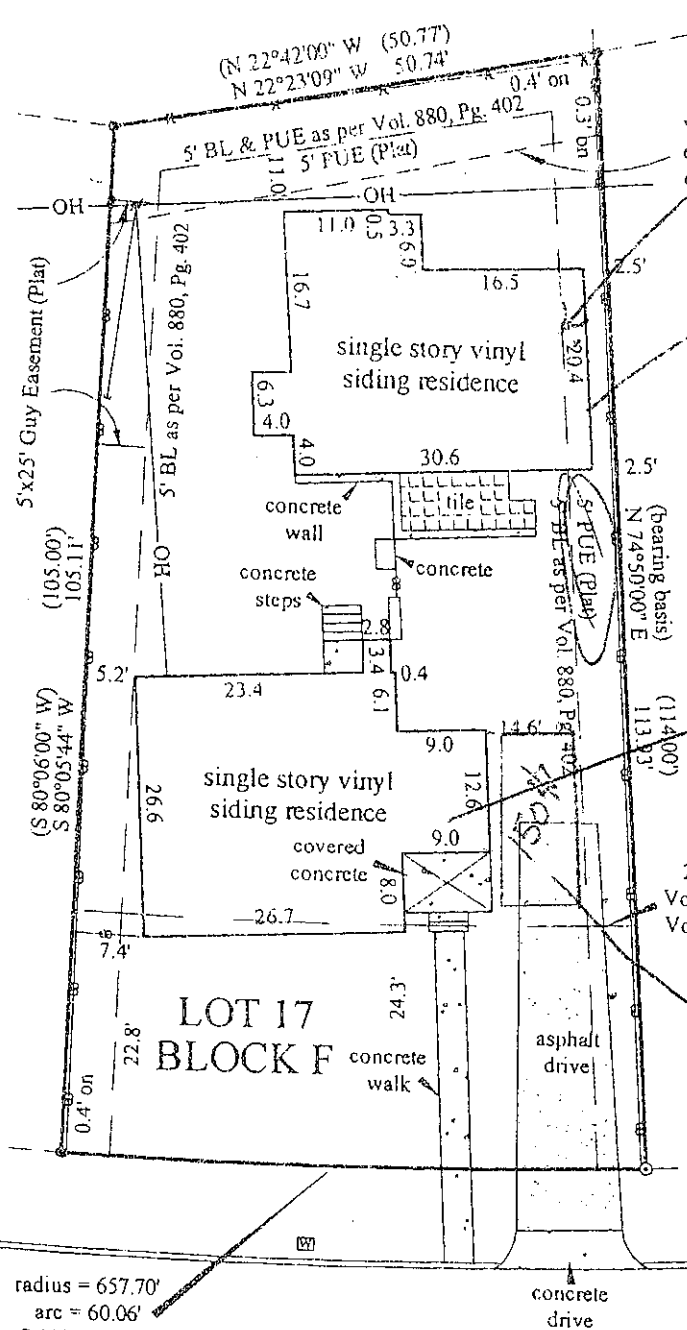
830/  
693  
9535

J. Bascom Giles  
Vol. 831, Pg. 169  
(per plat)

Scale 1"=20'

Approx  
Lot size  
8012

K  
Sylvia  
Bentley  
Mention  
9/26/11



variable width  
electric & telephone  
easement scaled per (Plat)

#89447  
9-23-1963  
CARPORT  
Storage

#36356  
1-19-1948  
from Res.  
Garage

Detached  
Access structure  
CARPORT  
not required

radius = 657.70'  
arc = 60.06'  
CH = S 12°24'36" E, 60.04'  
(S 12°37'00" E, 60.00')

ROUNTREE DRIVE  
(50' public R.O.W.)

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- × BARB WIRE FENCE
- CHAIN LINK FENCE
- BL BUILDING LINE
- PUE PUBLIC UTILITY ESMT
- DE DRAINAGE ESMT
- ( ) RECORD INFORMATION
- ★ POWER POLE
- OH OVERHEAD UTILITIES
- W WATER METER

Subject to Restrictions in Vol. 845, Pg. 387, Vol. 880, Pg. 402 and as per plat Vol. 4, Pg. 320.  
Subject to Electric and telephone easement of varying and undetermined width along the rear  
property line as shown per plat Vol. 4, Pg. 320.  
Subject to BL as per Vol. 845, Pg. 387, Vol. 880, Pg. 402 & as per plat Vol. 4, Pg. 320.

SUBDIVISION PANNELL PLACE

LOT: 17 BLOCK: F VOLUME 4 PAGE 320 PLAT RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 2102 ROUNTREE DRIVE

CITY: AUSTIN REFERENCE NAME ROBERT TILLOTSON



# City of Austin BUILDING PERMIT

PERMIT NO: 1987-017482-BP  
2102 ROUNTREE DR

Type: RESIDENTIAL Status: Expired  
Issue Date: 01/15/1987 EXPIRY DATE: 07/20/1987

LEGAL DESCRIPTION Lot: 17 Block: F Subdivision: PANNELL PLACE					SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:		WORK PERMITTED: Remodel			ISSUED BY:			
Enclose Exist. Gar. To Create Living Area								
TOTAL SQFT	VALUATION Tot Val Rem: \$ .00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS		METER SIZE		

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	21.00	1/15/1987						
<b>Fees Total:</b>	<b>21.00</b>							

## Inspection Requirements

Building Inspection      Mechanical Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.  
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

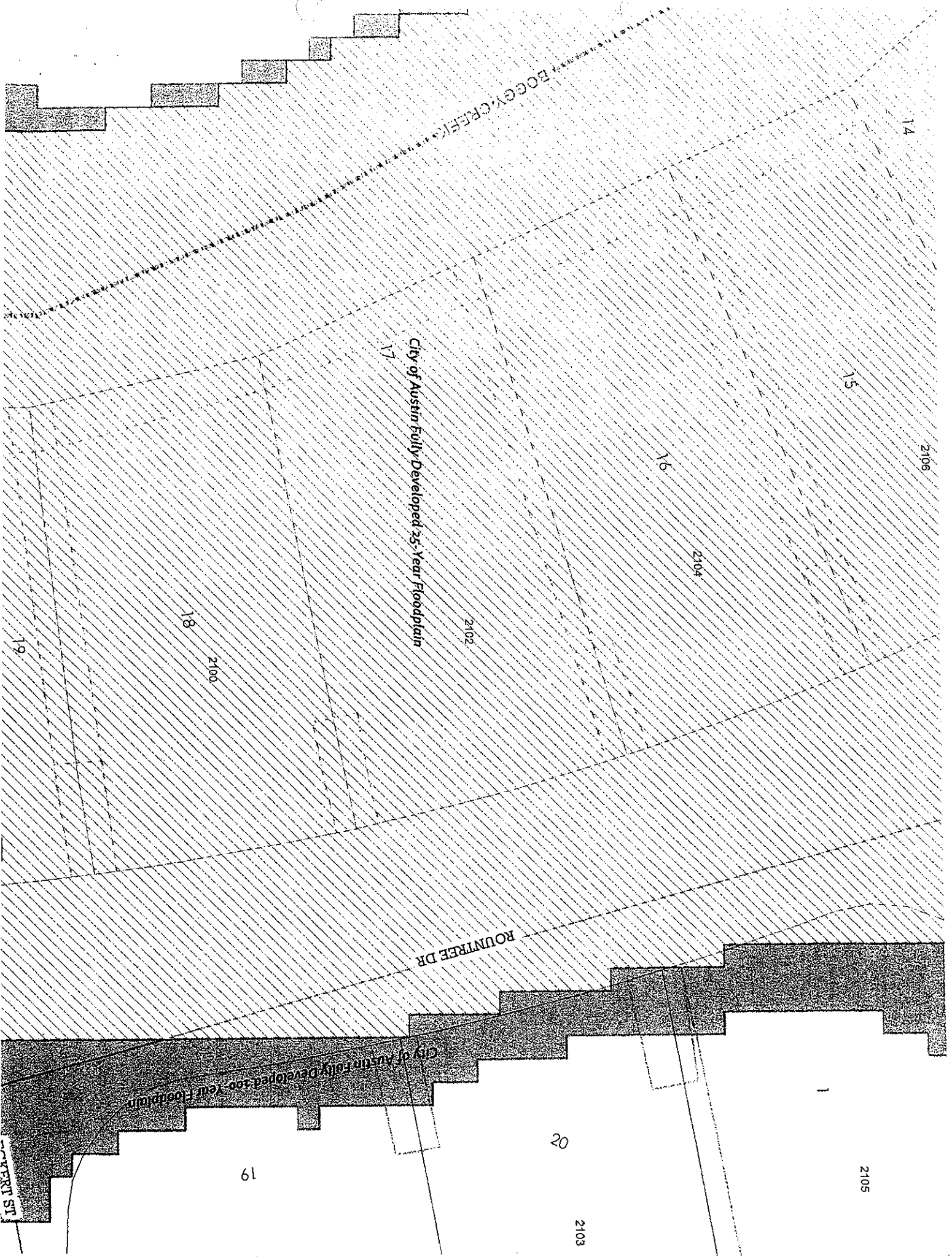
The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

## Comments

Smoke Detector Required In Residence. Invest Fee Bldg 1/8/87 Vm. Dormant Per 832 10/24/88.\*\*\*

*KIRK Smith*  
*Prior owner WAS NOT AWARE OF need to "close out" permit*





14

2105

15

2104

16

2102

City of Austin Fully Developed 25-Year Floodplain

17

18

2100

19

ROUNTREE DR

City of Austin Fully Developed 100-Year Floodplain

20

2105

2103

19

ROBERT ST



