



VARIANCE & SPECIAL EXCEPTION REQUEST APPLICATION

Request Type (please check one)



Variance



Special Exception

Property Address 2801 Hubbard Cir Zoning _____

Legal Description: Lot 12 Block _____ Subdivision Slack Eddie

OWNER OF STRUCTURE: David and Sarah Fink Trust

Address: 2801 Hubbard Cir City/State/Zip: Austin, TX 78746

Telephone: Email:

PROPERTY OWNER (if different from above): _____

Address: _____ City/State/Zip: _____

Telephone: _____ Email: _____

AUTHORIZED AGENT (IF APPLICABLE): Duke Garwood

Address: 5 Rockway Cv. City/State/Zip: Austin, TX 78746

Telephone: Email:

EXPLAIN REQUEST OF WHY VARIANCE / SPECIAL EXCEPTION IS NEEDED:

2801 Hubbard Circle is uniquely constrained by a combination of physical and legal conditions that make strict enforcement of the 20-foot rear yard setback an unnecessary hardship. This property contributed a 10-foot-wide easement which runs the entire length of the northwest side yard for the city's CIP drainage project. While this benefits the greater Rollingwood community it renders the entire side yard unusable for standard outdoor recreation leaving the rear yard as the only permissible location for outdoor amenities such as a pool and outdoor kitchen. The lot's uniquely shallow depth leaves only 6-7 feet of buildable area after the 20-foot setback is applied, which is insufficient to accommodate standard residential use.



CITE ORDINANCE APPLICABLE TO REQUEST:

We respectfully request a variance under Section 107-492 of the City's Code of Ordinances from the 20-foot rear yard setback requirement of Section 107-76(d) to permit construction of outdoor amenities with a reduced rear setback of 10 feet.

**** A letter addressed to the Board of Adjustment Chair, signed by the property owner and explaining the variance or special exception request and addressing all criteria contained in the City's ordinance ([Sec. 107-491](#) or [Sec. 107-492](#)) is required (see Application Checklist)****

OWNER CERTIFICATION

Application is hereby made to the City of Rollingwood Board of Adjustment to request a variance or special exception as outlined above, and as contained in attachments to this application, and to request public hearing on this variance request at 403 Nixon Drive in Rollingwood, TX, on the date as set by the Board.

I agree to attend such hearing to represent this variance or special exception request and respond to the Board's questions or requests for additional information and documentation. If I am not able to attend the hearing, I will appoint an agent to represent me at the hearing and will submit to the City prior to the hearing written authorization for that agent.

I certify that this requested variance or special exception is in full conformity with and not contrary to any deed restrictions associated with my property listed herein. I DO SOLEMNLY SWEAR that to the best of my knowledge the above statements concerning this application are true and correct, and the undersigned has reviewed, understands and approves the request as stated.


(OWNER SIGNATURE)

David and Sarah Fink
(OWNER PRINTED NAME)

Date: June 1, 2026 Telephone:  Email: 



APPLICATION CHECKLIST

- ☒ Completed, signed application
- ☒ Proof of Ownership of property
- ☒ **Variances:** A letter addressed to the Board of Adjustment Chair, signed by the property owner and requesting the desired variance in the City's Ordinances and addressing all criteria contained in the attached ordinance, specifically [Sec. 107-492.-Variances](#).
- ☐ **Special Exceptions:** A letter addressed to the Board of Adjustment Chair, signed by the property owner and requesting the desired special exception in the City's Ordinances and addressing all criteria contained in the attached ordinance, specifically [Sec.107-491.-Special Exceptions](#).
- ☒ Survey with Metes & Bounds Description if property is not platted
- ☒ Proposed Site Plan drawn to scale showing existing and proposed improvements
- ☒ Photos to show existing conditions **Additional photos to be submitted prior to hearing**
- ☒ Deed and deed restrictions
- ☒ Agent authorization letter if applicable
- ☒ Other relevant information **Additional materials to be submitted prior to hearing**

APPLICATION FILING INSTRUCTIONS

Submit the application, supporting documents detailed in the checklist and filing fee. The City of Rollingwood will invoice the applicant upon receipt of the application. Filings are not considered administratively complete until payment has been received. The City shall accept checks or payments by credit card.

Application/ Filing Fee	Notice Fee	Sign Fee
\$ 300.00	\$ 5.00 per notice mailed	\$ 5.00
Paid at Application Submission	Staff will mail notices to property owners within 250 feet of the requesting property at least 30 days before the hearing.	The applicant shall post the sign(s), supplied by Staff, at least 15 days before the hearing and maintain said sign(s) in good condition and in place until final action. If the sign(s) is not posted 15 days prior to the ZBA meeting, the applicant's case shall be withdrawn and rescheduled.

Digital Invoice #: _____ Paid by: _____ Date: _____



Sec. 107-492. Variances.

- (a) The board may authorize upon appeal, in specific cases, such variances from the terms of this chapter, where the board finds that the variance 1) will not be contrary to the public interest, 2) where, owing to special conditions, literal enforcement of the provisions of this chapter will result in unnecessary hardship, and 3) the spirit of this chapter will be observed and substantial justice done.
- (b) Prior to granting a variance in a zoning district other than a residential district, the board must find, in concert with the findings required in subsection (a), that:
 - (1) The variance is the minimum variance necessary to alleviate the unnecessary hardship;
 - (2) Granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to adjoining properties or the neighborhood, or be otherwise detrimental to the public welfare;
 - (3) The special conditions with respect to which a variance is sought are not the result of an action of the applicant;
 - (4) If applicable, there is sufficient water and wastewater capacity and fire service available to serve the applicant's land as developed under the variance without detriment to the other property within the city; and
 - (5) Granting the variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unnecessary hardship which is created by the literal enforcement of the provisions of this chapter.
- (c) Prior to granting a variance in a residential district, in concert with the findings required in subsection (a), the board must find that:
 - (1) A special individual reason makes the literal enforcement of this chapter result in an unnecessary hardship;
 - (2) Granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to adjoining properties or the neighborhood, or be otherwise detrimental to the public welfare;
 - (3) The granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to the property in the area;
 - (4) There are special circumstances or conditions such as topography, natural obstructions, aesthetic or environmental considerations affecting the land involved such that the strict application of the provisions of this chapter would impose an unnecessary hardship which is created by the literal enforcement of the provisions of this chapter;
 - (5) The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter;
 - (6) If applicable, there is sufficient water and wastewater capacity and fire service available to serve the applicant's land as developed under the variance without detriment to the other property within the city; and
 - (7) The circumstances or conditions from which relief is sought are not solely of an economic nature.
- (d) In granting a variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter.
- (e) In considering a variance as applied to a structure, the board may, in addition to other relevant considerations, consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
 - (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under V.T.C.A., Tax Code, § 26.01;
 - (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - (3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (5) The municipality considers the structure to be a nonconforming structure.



Sec. 107-491. Special exceptions.

- (a) The board may, in a specific case, where the board makes the findings required under subsection (c) herein, grant the following special exceptions from the requirements of this division:
 - (1) Permit the reconstruction of a nonconforming building or structure that has been damaged by fire or other cause;
 - (2) Permit the enlargement or extension of a nonconforming use or nonconforming building upon the lot occupied by such use or building at the time of the passage of this division;
 - (3) In undeveloped sections of the city, grant temporary and conditional permits for not more than two years, provided that the grant of a temporary or conditional permit shall not be reason or cause for extension of such permit;
 - (4) Permit such modifications of yard, open space, lot area, or lot width regulations as may be necessary to improve a parcel of land, if the parcel is of such restricted size that it cannot be appropriately improved without such modification; or
 - (5) Permit a public utility or public service building of a ground area or height at variance with those provided for the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.
- (b) The board may grant such other special exceptions as may be provided for elsewhere in this division, subject to the terms and conditions therein set out.
- (c) Prior to granting a special exception, the board shall make a finding that it is empowered under this chapter to grant the special exception, that the public convenience and welfare will not be substantially or permanently injured in the granting of the special exception, and that the grant of the special exception will not adversely affect the public health, convenience, safety or general welfare.
- (d) In granting a special exception, the board may prescribe appropriate conditions and safeguards in conformity with this division.
- (e) The board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to comply with the time limits set by the board shall void the special exception.