

June 1, 2026

Board of Adjustment Chair
City of Rollingwood
403 Nixon Drive
Rollingwood, TX 78746

Re: Variance Request for Sec. 107-492 from Sec. 107-76(d)

Rear Yard Setback Reduction from 20 Feet to 10 Feet

2801 Hubbard Circle, Rollingwood, TX 78746

Dear Chair and Members of the Board of Adjustment:

We, David and Brook Fink, are the owners of the property located at 2801 Hubbard Circle in the City of Rollingwood and 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.

While we are newer residents to Rollingwood we have been active in the community for 6 years. Specifically, Brook teaches first grade at Eanes Elementary, and both our children continue to go through the Eanes School system. Now that we are living within the community, we have an even greater appreciation for how special Rollingwood is and absolutely love seeing our kids participating in the community activities with the friend's they've had for years.

Background

Our request focuses on the fact that the subject property is irregular in shape with several unusual encumbrances, including a side yard easement arising from the Hubbard-Hateley-Pickwick Drainage CIP which the City of Rollingwood City Council approved August 21, 2024, a rear yard utility easement, and a constrained buildable depth due to front yard drainage requirements. A recorded 10-foot utility and drainage easement runs through the middle of the northwest side yard, rendering that entire side yard unsuitable for the construction of outdoor amenities. Rollingwood's ordinance permits pools in rear yards or non-street-facing side yards; however, the easement precludes side yard placement, leaving the rear yard as the only usable location. Within that rear yard, strict application of the 20-foot setback leaves a buildable depth of only 7 feet insufficient to accommodate any standard residential pool configuration.

It bears noting that the side yard easement was not simply inherited by the current owners the property contributed this easement to the City of Rollingwood's Drainage CIP (August 21, 2024), a public infrastructure project that improves drainage capacity

for the surrounding neighborhood. In doing so, the property permanently surrendered a substantial portion of its usable area for the benefit of the broader community. It would be inequitable for that same dedication of land to now also preclude the property from achieving the level of residential functionality enjoyed by comparable homes in the area.

We are submitting full landscape design plans, conceptual design sketches of the proposed pool and surrounding improvements, and photographs of the existing property as exhibits to this application.

Findings Under Section 107-492(a) and (c)

1. Special individual reason unnecessary hardship (§107-492(c)(1))

The combination of the recorded side yard easement and the physical configuration of this lot create conditions unique to this property. These are not characteristics common to surrounding homes in the neighborhood; they are specific to the dimensions and legal encumbrances of this parcel. Strict enforcement of the 20-foot setback, when applied to this lot, renders the rear yard functionally unbuildable for a pool of any reasonable residential size.

This request is not a matter of preference or convenience. If any code-compliant location existed on this property capable of accommodating a pool of minimum viable size, this variance would not be necessary. We have identified no such reasonable alternative.

2. Harmony with the chapter's purpose no injury to adjoining properties (§107-492(c)(2))

The purpose of the rear setback is to preserve open space, maintain neighborhood character, and protect adjacent owners' privacy and enjoyment. The proposed pool will be situated 10 feet from the rear property line and screened by a combination of proposed landscaping and fencing, as depicted in the submitted plans. Granting the variance is consistent with the spirit of the setback requirement and will not impose any material burden on adjoining properties.

3. No detriment to public health, safety, or welfare (§107-492(c)(3))

The proposed amenities will be designed and constructed in full compliance with all applicable building codes, drainage requirements, and barrier and fencing ordinances. It will not alter drainage patterns in a way that affects neighboring lots, nor will it create any safety or nuisance condition affecting the public or adjacent property owners.

4. Special circumstances affecting the land (§107-492(c)(4))

The hardship arises directly from the physical configuration of the property specifically, the recorded easement restricting side yard development and the lot's limited buildable depth relative to the required setback. These are objective, pre-existing conditions that exist independent of the current owners' preferences or plans, and they constitute the type of special circumstances contemplated by this provision. Notably, this easement was contributed to the City's Drainage CIP by this property, representing a permanent

dedication of usable land for the public benefit a circumstance that weighs in favor of relief from the resulting hardship.

5. No interference with orderly development of surrounding properties (§107-492(c)(5))

The variance, if granted, pertains solely to the rear setback for a residential pool on this single lot. It will have no effect on the development potential or regulatory compliance of any surrounding parcels.

6. Adequate utilities and fire service (§107-492(c)(6))

The property is fully served by existing water, wastewater, and fire service infrastructure. Pool construction will not create incremental demand on municipal services beyond what is typical for a single-family residential improvement.

7. Hardship is not solely economic (§107-492(c)(7))

The requested variance does not arise from a desire to reduce construction costs or avoid the expense of an alternative design. It arises because no code-compliant alternative location exists on this property. The hardship is physical and legal in nature not financial.

Minimum Variance Requested

The variance requested a reduction in the rear setback from 20 feet to 10 feet is the minimum necessary to allow construction of outdoor amenities including a swimming pool of minimum residential size. The proposed pool is not an oversized or luxury configuration; it represents the smallest footprint that constitutes a functional residential pool. No greater encroachment into the setback is proposed, and no alternative design within the compliant setback is physically feasible given the constraints of this property.

We respectfully request that the Board grant this variance and would welcome the opportunity to address any questions at the scheduled hearing.

Respectfully submitted,

[REDACTED]

David and Sarah Fink

[REDACTED]