

January 12, 2022

City of Rollingwood
Attn: Carrie Caylor, Director of Development;
Planning and Zoning Commission
403 Nixon Drive
Rollingwood, Texas 78746

Re: Additional information regarding the request for a variance made by Walt and Kendra Roloson for 304 Vale Street.

Dear Ms. Caylor and the Planning and Zoning Commission,

We (Walt and Kendra Roloson) are the owners of the property located at 304 Vale Street (the “**Lot**”). We have submitted building plans for a new single family residence to the City of Rollingwood (the “**City**”) for approval and in conjunction with the City’s review of those building plans, were made aware by Ms. Caylor that we would need to seek a variance if we want to modify the existing 30’ side setback on our property. The existing 30’ side setback was created pursuant to the final plat filed for our property in 1981 prior to construction of the existing home located on the Lot (“**Existing Plat**”).

The Existing Plat shows both a 30’ front setback and a 30’ side setback and the Existing Plat covers both 304 Vale Street, as well as the adjoining lot at 2403 Bettis Boulevard owned by Mike and Courtney Rhodes (the “**Adjoining Lot**”). We are not seeking to modify the 30’ front setback on the Lot, but rather we are requesting a variance to modify the 30’ side setback to be a 20’ side setback based on Section 107-76(c)(3) of the City Code.

City Code

Section 107-76(c)(2) of the City Code provides that a side setback should be 30’ when the lot borders a street other than as described in subsection (c)(3) of Section 107-76 of the City Code. Section 107-76(c)(3) of the City Code provides that a side setback should be 20’ when two lots extend the length of one block and have abutting rear lot lines. The Lot and the Adjoining Lot are depicted below. The two lots together extend the length of one block. Depiction of the Lot and the Adjoining Lot:

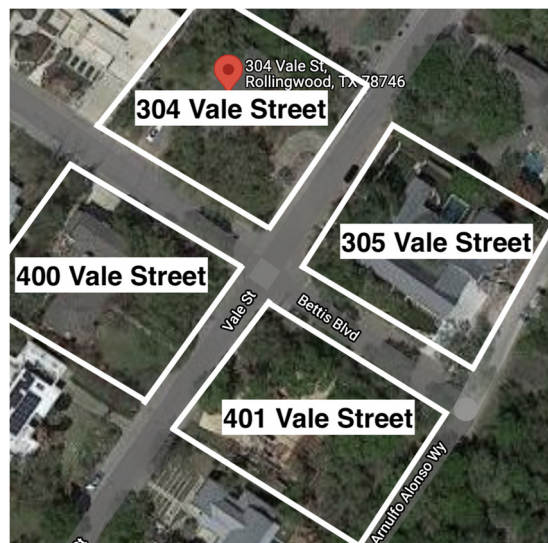


The reason for our request is that the Lot and the Adjoining Lot do not have abutting rear lot lines due to the fact that Mike and Courtney Rhodes chose to orient their home toward Bettis Boulevard. Although the City Code permits the 20' side setback solely if two lots extending the length of a block share a rear lot line, the existence of a rear lot line is an ever-changing standard. If the Rhodes or a subsequent purchaser were to decide to construct a new home or change the configuration of the existing home located on the Adjacent Lot, they could do so and orient the home toward Farley Trail, in which case, a shared rear lot line between the Lot and the Adjacent Lot would be created. The independent decisions of the Adjacent Lot owner would directly impact the permissible side setback on our Lot, which we don't believe could have been the intent of the drafters of the City Code. It's unusual that the decision of one property owner would impact the rights of an adjacent property owner.

In other cities, such as the City of Austin, the side setback for corner lots is applied to whichever boundary line of the lot is longer. So, for example, the boundary line of the Lot along Vale Street is 125' and the boundary line of the Lot along Bettis Boulevard is 139.87'. Therefore, the "side" of the Lot would be the Bettis Boulevard side and the side setback standard would apply. Although the City Code does not establish setbacks in this manner, we think it's helpful in assessing the shortcomings with the existing City Code.

Historical Precedent

Another reason we think the Planning and Zoning Commission should grant our request for a variance is because all of the other lots located at the intersection of Vale Street and Bettis Boulevard have a side setback of 20', although a 20' side setback does not appear to be consistent with what is set forth in the City Code for such lots. Depiction of lots at the intersection of Vale Street and Bettis Boulevard for reference:



By way of example, the lot located at 401 Vale Street owned by Jon and Wendi Hundley was recently platted (and such plat was approved by the Planning and Zoning Commission) with a 20' side setback as to Bettis Boulevard. The Hundley lot does not extend the length of a block with an adjoining lot and does not share a rear lot line with an adjoining lot, but was permitted to have a 20' side setback anyway. Those are the same circumstances for the lot located at 305 Vale Street owned by Nick and Rachel Tys. Their lot also does not extend the length of a block with an adjoining lot and does not share a rear lot line with an adjoining lot.

A situation that is exactly the same as what we're requesting with regard to our Lot is the side setback for the lot located at 400 Vale (see depiction above) owned by David and Shelly Bain. The Bain lot does extend the length of a block with an adjoining lot but does not share a rear lot line due to the fact that the home located at 2402 Bettis adjoining the Bain lot fronts Bettis Boulevard – exactly the same configuration as our Lot and the Adjoining Lot owned by Mike and Courtney Rhodes. The Bain lot does have a 20' side setback as we're requesting for our own Lot.

Due to historical precedent (as recently as last year as related to the Hundley lot), we think the Planning and Zoning Commission should grant our request for variance and apply the City Code fairly and uniformly.

In connection with the submission of our requested variance, we're also including a letter of support from our neighbors, the Tyses, the Bains and the Brightmans (adjoining our property to the North). We didn't see the Hundleys approval to our request because they're currently out of the country. We also reached out to Mike Rhodes, but haven't yet had a chance to connect with him as of the date of this letter.

We thank you for your time and consideration and are available to answer any and all follow-up questions.

Best regards,

Walt and Kendra Roloson
(304 Vale Street)