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REQUEST FOR VARIANCE/EXEMPTION FROM  
SUBDIVISION REGULATIONS

DATE: August 20, 2022

OWNER'S NAME: Kevin Patrick Winn

MAILING ADDRESS: 13308 East FM 1431

Marble Falls, Texas 78654

OWNER'S PHONE #: 512-755-3377

PROPERTY ID FROM C.A.D: 60334

(Central Appraisal District)

LEGAL DESCRIPTION: 14.95 acres out of the Henry Lewis Svy #665, Abs #550

and the G.W.Lewis Svy#108 Abs#1704

REASON FOR DIVIDING PROPERTY selling 5.6 acres (at closing the 5.6 acres shall be  
restricted from any commercial use including RV, tiny home & other multi-family use)

A copy of my Deed with full metes and bounds description, attached along with a survey or sketch of the property showing the boundaries of the lots, adjacent roads, and adjacent property owners are attached hereto. A variance request requires Commissioner Court approval.

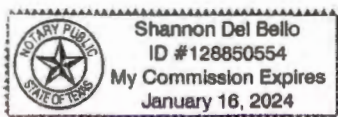
I hereby acknowledge that all lots will remain subject to the on-site wastewater rules and development permit requirements of the County. I am also aware that other entities may have restrictions to the division of property that may limit the use of that property. Those entities include but are not limited to the Central Texas Groundwater Conservation District and the Lower Colorado River Authority.

[Signature]  
Signature (Notarized)

Kevin Patrick Winn  
Printed Name

STATE OF TEXAS  
COUNTY OF BURNET

This instrument was sworn to before me on the 22<sup>nd</sup> day of August, 2022.



[Signature]  
Notary Public, State of Texas

Exemption Approval: [Signature] Date: \_\_\_\_\_

Variance Approval: [Signature] Date: 9/13/22





# Permit to Construct Access Driveway Facilities on Highway Right of Way

Form 1058  
(Rev. 8/20)  
Page 1 of 2

|                                             |                                                                                      |
|---------------------------------------------|--------------------------------------------------------------------------------------|
| PERMIT NUMBER: 22-43170                     |                                                                                      |
| REQUESTOR                                   | GPS*<br>LATITUDE, LONGITUDE<br>30.57139, -98.12202                                   |
| NAME<br>Kevin Winn                          | ROADWAY<br>HWY NAME<br>RM1431<br>FOR TxDOT'S USE<br>CONTROL<br>1378<br>SECTION<br>03 |
| MAILING ADDRESS<br>13308 FM 1478            |                                                                                      |
| CITY, STATE, ZIP<br>Marble Falls, TX, 78654 |                                                                                      |
| PHONE NUMBER<br>5127553377                  |                                                                                      |

\*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY

Is this parcel in current litigation with the State of Texas? ☐ YES ☒ NO

The Texas Department of Transportation, hereinafter called the State, hereby authorizes Kevin Winn, hereinafter called the Permittee, to ☒ construct / ☐ reconstruct a Residential (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number RM1431 in BURNET County, located TRM 0526 +0.533

USE ADDITIONAL SHEETS AS NEEDED

This permit is subject to the Access Driveway Policy described on page 2 and the following:

1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
2. The Permittee represents that the design of the facilities, as shown in the attached sketch, is in accordance with the Roadway Design Manual, Hydraulic Design Manual and the access management standards set forth in the Access Management Manual (except as otherwise permitted by an approved variance).
3. Construction of the driveway shall be in accordance with the attached design sketch, and is subject to inspection and approval by the State.
4. Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with prior written approval of the State.
5. The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage related to the driveway permitted hereunder.
6. Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way. The Permittee shall ensure that any vehicle service fixtures such as fuel pumps, vendor stands, or tanks shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
7. The State reserves the right to require a new access driveway permit in the event of: (i) a material change in land use, driveway traffic volume or vehicle types using the driveway, or (ii) reconstruction or other modification of the highway facility by the State.
8. The State may revoke this permit upon violation of any provision of this permit by the Permittee.
9. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
10. The Permittee will contact the State's representative Bradley Neely telephone, (512 ) 7155720, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
11. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date:

8/20/22

(Property owner or owner's representative)

August 19, 2022

Date of Issuance

District Engineer, or designee Approval

Date of Issuance as per Variance to AMM

District Engineer, or designee Approval

Date of Denial

District Engineer Denial (No Delegation)

## Access Driveway Policy

Title 43 Texas Administrative Code (Transportation), Chapter 11 (Design), Subchapter C (Access Connections To State Highways) and the "Access Management Manual" establish policy for the granting of access and the design, materials, and construction of driveways connecting to state highways. All driveway facilities must follow this policy. To the extent there is any conflict between this permit and the policy, the policy shall control. If a proposed driveway does not comply with the access management standards, the owner may seek a variance to a requirement contained in the access management standards by contacting the local TxDOT office.

### TxDOT Driveway Permit Request Contact

For a local contact for your TxDOT Driveway Permit Request or variance request, visit: <http://www.txdot.gov/inside-txdot/district.html>. You can click on the section of the map closest to your location to find the local TxDOT office. You can also click on the drop down box below the map to find the district for your county.

### Other Conditions

In addition to Items 1 thru 11 on page 1 of this permit, the facility shall also be in accordance with the attached sketch and subject to the following additional conditions stated below:

Owner to construct a 20' driveway using 26' of DES 2 CMP with 10' radii, maintaining a slope of 10% or less while crossing state ROW and all side slopes or less. Driveway shall have a minimum of 6" of cover over pipe. 2-6:1 SETs are required with concrete riprap. Safety spacing is non-compliant to increase sight distance & decrease potential erosion in ROW.

TxDOT reserves the right to re-evaluate all access points (driveways) if the property it serves is further developed beyond that discussed or approved at the time of this permit or when any changes in land use occurs on the property.

### Variance Documentation Justification

For a Variance request, please indicate which of the below are applicable, as required by TAC §11.52(e):

- ☐ a significant negative impact to the owner's real property or its use will likely result from the denial of its request for the variance, including the loss of reasonable access to the property or undue hardship on a business located on the property.
- ☐ an unusual condition affecting the property exists that was not caused by the property owner and justifies the request for the variance.

For the conditions selected above, provide written justification below. (Attach additional sheets, if needed)

For TXDOT use below:

For Variance denials, please indicate which of the below conditions, as provided in TAC §11.52(e), were determined:

- ☐ adversely affect the safety, design, construction, mobility, efficient operation, or maintenance of the highway; or
- ☐ likely impair the ability of the state or the department to receive funds for highway construction or maintenance from the federal government.

### Attachments:

Sketch of Installation

All Variance Documentation

**From:** [Kevin Winn](#)  
**To:** [Jane Marie Hurst](#)  
**Subject:** Fwd: Your driveway permit application 22-43170 (RM1431/Kevin Winn) has been approved  
**Date:** Saturday, August 20, 2022 9:26:34 AM  
**Attachments:** [22-43170\\_signed.pdf](#)

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----- Forwarded message -----

From: **Justin Luna** <[Justin.Luna@txdot.gov](mailto:Justin.Luna@txdot.gov)>  
Date: Fri, Aug 19, 2022, 1:34 PM  
Subject: Your driveway permit application 22-43170 (RM1431/Kevin Winn) has been approved  
To: [kpwin05@gmail.com](mailto:kpwin05@gmail.com) <[kpwin05@gmail.com](mailto:kpwin05@gmail.com)>  
Cc: BTAO\_Driveway\_Permits <[BTAO\\_Driveway\\_Permits@txdot.gov](mailto:BTAO_Driveway_Permits@txdot.gov)>, Justin Luna <[Justin.Luna@txdot.gov](mailto:Justin.Luna@txdot.gov)>, AUS\_Driveway\_Permits <[AUS\\_Driveway\\_Permits@txdot.gov](mailto:AUS_Driveway_Permits@txdot.gov)>, Bradley Neely <[Bradley.Neely@txdot.gov](mailto:Bradley.Neely@txdot.gov)>

PERMIT 22-43170  
EXPIRES 2/19/2023  
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Dear Applicant,

Your requested driveway access permit has been accepted and approved. Attached is the signed permit. Please keep this for your record.

Also, please make sure to SIGN/DATE and RETURN for TxDOT records.

If the land usage for your property ever changes, you may need to reapply for a new permit for any modification needed to the driveway to accommodate the land use change.

If you have any questions, please feel free to contact the Burnet Area Office at (512) 756-2316

Burnet Area Office  
Justin Luna

