

Please be advised that the Board only takes 16 new cases a month, therefore, first come, first served. Please be advised that a request for reconsideration must be filed within 7 days from the Board meeting.

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

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

CASE # C15-2010-0119

ROW # 10502058

TP# 0131210102

01-3121-0102

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

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

**WAR
NING**

: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 6706 Troll Haven

LEGAL DESCRIPTION: Subdivision – LOT 35A BLK A SHEPHERD RESUB OF LOT 37 RIVERCREST
ADDN SEC 2

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

David and Jan Schimsk _____ affirm that on October 10, 2010,

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___X___ REMODEL ___X___ MAINTAIN

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.

(zoning district) LA

Requested variances:

25-2-551(D)(1)(B) – shoreline setback requirements

25-2-551(D)(3)(A) – impervious coverage

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:

The lot is oddly shaped with the existing structure being located toward the rear and side of the lot. The lot is surrounded to the rear and side by water, requiring a 25' side and rear shoreline setback measured from the existing bulkhead, not the property line that extends into the water. Given the existing structure's orientation within the lot, a permit to remodel the non-complying structure, install a ground level spa, and relocate existing stairs cannot be approved without encroaching into existing side and rear setbacks as well as exceeding the allowable impervious cover requirements.

In June 2008, the board approved a similar request at 6702 Troll Haven. Case #C15-2008-0074 requested and was approved by unanimous vote to increase the existing impervious coverage from 35% to 48% in order to erect a new deck and also was approved an encroachment into the 25' shoreline setback of 25' to 0'.

Additionally, three (3) other building permits in the surrounding area have been approved by the city of Austin without requiring a variance despite permanent structures being approved within the shoreline setback when measured from the bulkhead as this site is required to do (vs. measuring from the 492.8 contour line). These permits are BP-03-62771RA and BP-043343RA for 6707 Leprechaun and PR-10-020951 for 6703 Troll Haven. We request to the similar reasonable uses awarded to each of these development applications approved by the City of Austin.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The lot abuts Lake Austin to the rear and side. The existing 1977 structure requires a complete remodel in order to be a habitable structure and cannot receive permit without side and rear setback and impervious cover variances. The current impervious cover will be reduced from 79% to 54% as per the proposed site plan. The property has an approved septic permit. A portion of the lot is required to be maintained as a leech field as per AWU approval. Thus, no new structures can encroach into that area.

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

This uniquely shaped lot is bordered by Lake Austin on two sides. The majority of LA properties abut the lake only to the rear, requiring a single 25' or 75' LA setback. This property requires two 25' setbacks – a single line abutting the rear property line and a zig-zag line abutting the side (channel) property line. Additionally, the structure is

constructed with steel framing. Given the steel framing it is impractical to remove 50% of each wall in order to rebuild as per the recently passed "remodel ordinance". Thus each wall of the structure must be 100% removed then replaced in the same footprint. The owners wish to only maintain the existing footprint. Further, the house was built prior to LDC adoption. Since LDC adoption applicable development regulations have become more restrictive, thus any remodel is impossible without approval of requested variances.

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:

The existing structure will undergo a remodel only, maintaining the existing footprint. The proposed changes include moving the existing stairs to the side of the property and installing a ground level spa in place of the stairs. Moving the stairs from the rear to the side of the property enhances the area character by not blocking the adjacent neighbor's lake view and also tucks existing stairs to the side of the subject site, providing a much cleaner uncluttered aesthetic.

PARKING: (Additional criteria for parking variances only.) **N/A**

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:

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:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance 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 _____

Mail Address _____

7105 Burnside Way Austin 78745

Printed _____

Phone _____

Date 799 2401 10/10/10

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 _____

Mail Address _____

Printed _____

Phone _____

Date _____

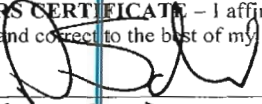
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly

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 _____
Mail Address _____

Printed _____
Phone Date _____

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 
Mail Address 80 Pascal Lane Austin TX 78746

Printed David Schimske
Phone Date Oct. 11, 2010

80 Pascal Ln.
78746

SF-3

LA

LEPRECHAUN DR

83-003.65

TROLL HAVEN

RIVERCREST DR

SF-2

LA



SUBJECT TRACT



ZONING BOUNDARY

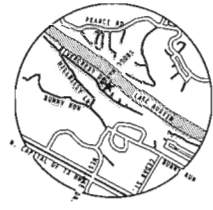
BOARD OF ADJUSTMENTS

CASE#: C15-2010-0119
LOCATION: 6706 TROLL HAVEN
GRID: E28
MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

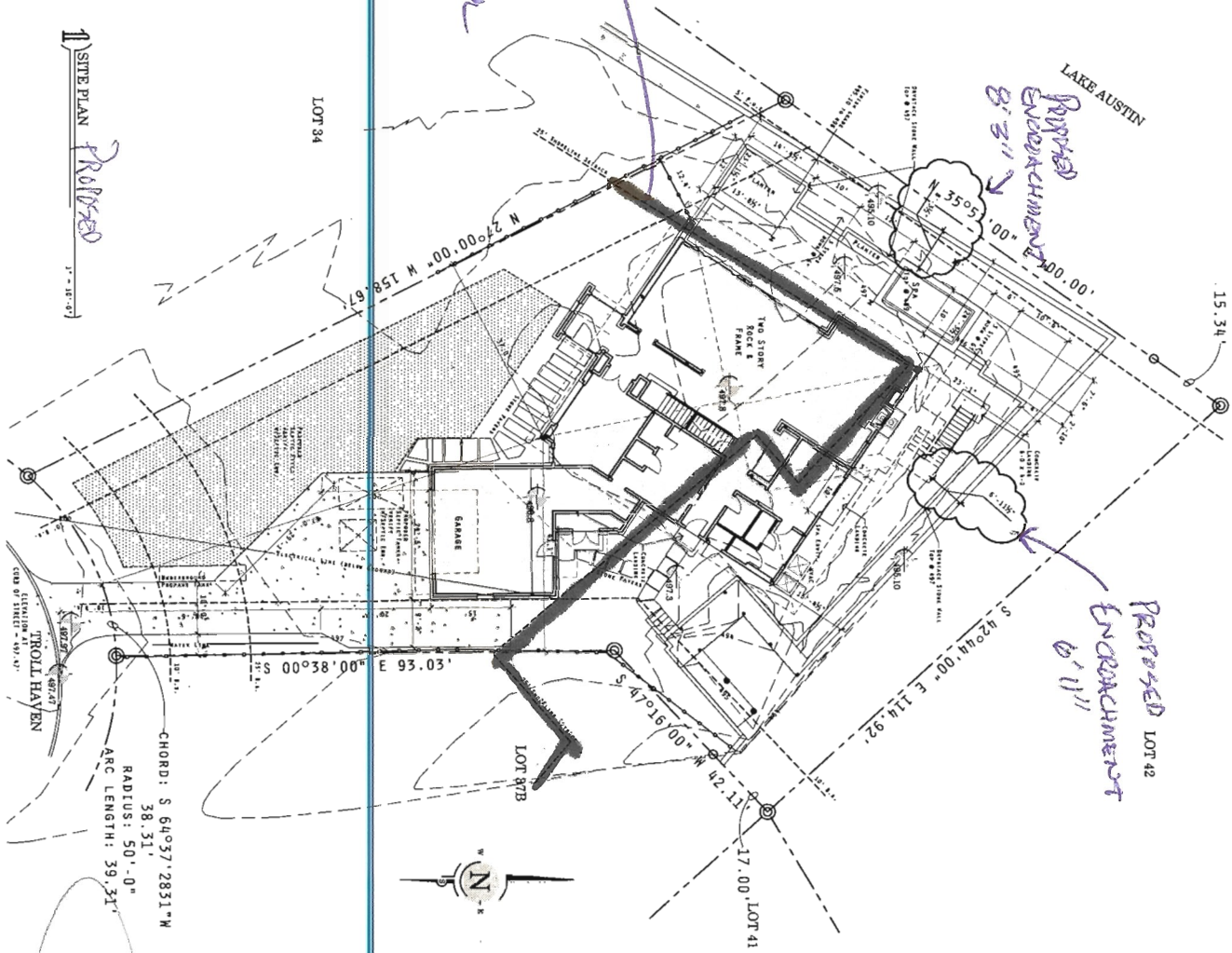




LOCATION MAP

25' SHEPARD STREET

SITE PLAN PROPOSED



PROPOSED LOT 42 ENCROACHMENT 6' 11"

PROPOSED ENCROACHMENT 8' 3 1/2"

CHORD: S 64°37'28.31"W
RADIUS: 50'-0"
ARC LENGTH: 39.31'



BUILDING COVERAGE CHART (NEW)	
AREAS	COVERAGE
2ND FLOOR COVERAGE AREA	2865
1ST FLOOR COVERAGE AREA	2865
ROOF COVERAGE AREA	348
DRIVEWAY COVERAGE AREA	348
COVERED PATIO	557
COVERED PORCHES	688
SEPARATE POOLS	45
DRIVE - MECHANICAL	38
TOTAL BUILDING AREA	7302

TOTAL BUILDING COVERAGE ON LOT	9637
BUILDING AREA	12,595.8
PERCENT OF COVERAGE	37.42

SCHEDULE OF DRAWINGS	
SP-1 SITE PLAN - NEW	
SP-2 SITE PLAN - EXISTING & DIMENSION	
A-1.1 FIRST FLOOR DIMENSION PLAN	
A-1.2 SECOND FLOOR DIMENSION PLAN	
A-1.3 ROOF DIMENSION PLAN	
A-3.1 ROOF PLAN	

LEGAL DESCRIPTION	
LOT 35A, SHEPARD RESUBDIVISION-BLOCK A, RIVERCREST ADDITION, SECTION 2	

SURVEYOR	
VIVIAN L. LANE SURVEYOR, LLC	
10000 N. 100TH STREET, SUITE 100	
IRVING, TEXAS 75039-1000	

IMPERVIOUS COVERAGE CHART	
AREAS	COVERAGE
TOTAL BUILDING COVERAGE	4222
DRIVEWAY & DRIVEWAYS	353
COVERED PATIO	557
COVERED PORCHES	688
SEPARATE POOLS	45
DRIVE - MECHANICAL	38
TOTAL COVERED	5603
PERCENTAGE OF LOT COVERED	34.2

LAKEVIEW RESIDENCE - 6706 TROLL HAVEN AUSTIN, TEXAS SITE PLAN

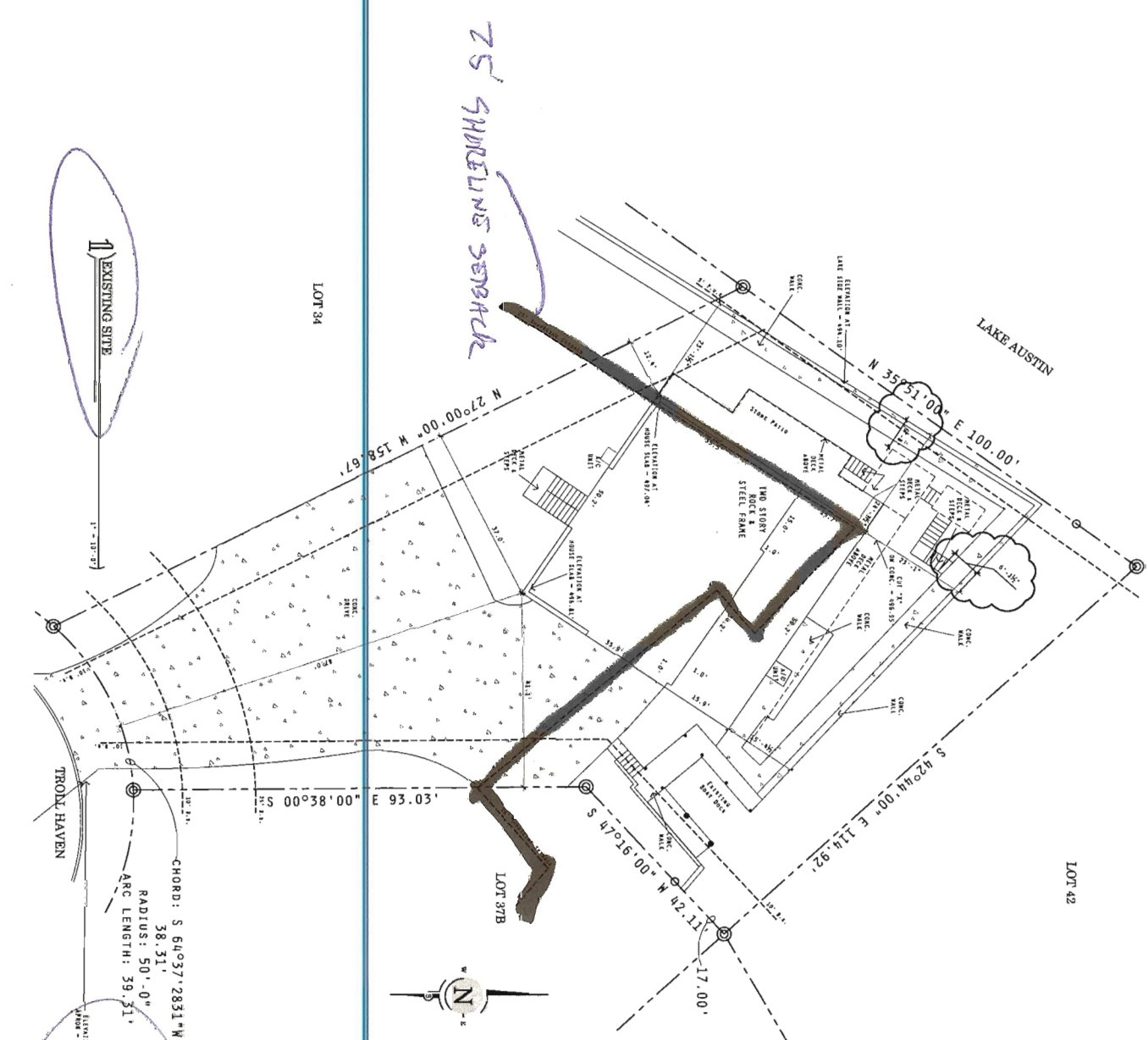
SP1

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903 LAFAYETTE AVE • AUSTIN, TEXAS 78722 • 512.657.4705 • randall@shelterdesignstudio.com www.shelterdesignstudio.com

shelter • design studio + workshop

DATE: NOVEMBER 1, 2010
JOB NUMBER: 10000
DRAWN BY: [initials]
CHECKED BY: [initials]
INITIALS



BUILDING COVERAGE CHART (EXIST)	
AREA	COVERAGE
1st FLOOR COVERAGE AREA	7100
2nd FLOOR COVERAGE AREA	2285
BASEMENT	1278
ROOF / CANOPY	1278
BASEMENT	1278
COVERED PATIO	465
COVERED PORCHES	655
SCREENED PATIO	655
Other	...
TOTAL BUILDING AREA	6285

LEGAL DESCRIPTION	
LOT 35A, SHEPPARD RESUBDIVISION, BLOCK A, RIVERCREST ADDITION, SECTION 2	
BUILDER	
SURVEYOR	
RANDALL O. WARE, SUT, 1514 PINE ST. AUSTIN, TEXAS 78702-1000 PHONE (512) 312-3000 FAX (512) 312-3099	
INTERVIOUS COVERAGE CHART	
AREA	COVERAGE
AREA OF BUILD	2100
AREA OF ROOF & PATIOS	1465
AREA OF BASE, WALLS, ETC.	9800
TOTAL COVERED	13,285
AREA OF LOT	13,285.2
PERCENTAGE COVERED	79.12



City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

October 13, 2010

David Cancialosi
7105 Barnsdale Way
Austin, Texas 78745

Re: 6706 Troll Haven
Lot 35A Block A Shepherd Resubdivision of Lot 37 Rivercrest Addition Sec 2

Dear Mr. Cancialosi:

Austin Energy (AE) has reviewed your request to maintain and remodel on the above referenced property. This request is approved by Austin Energy as requested.

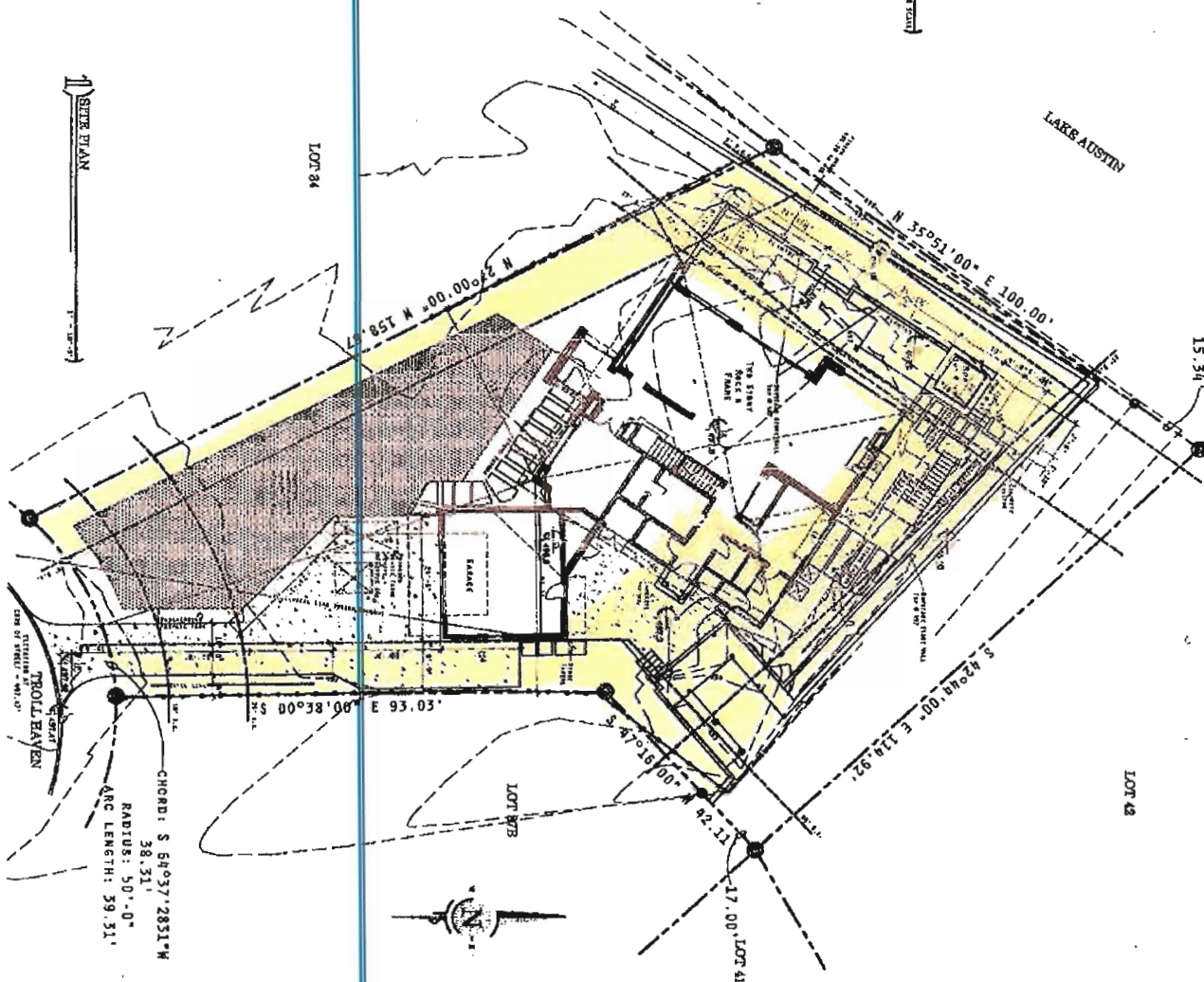
Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christine Esparza".

Christine Esparza
Public Involvement/Real Estate Services

Cc: Diana Ramirez
Susan Walker



BUILDINGS OCCUPANCY SUMMARY		COVERAGE
AREAS		
1st Floor (Exterior) Area	7885	
2nd Floor (Exterior) Area	2462	
Roof Area (Exterior) Area	..	
Basement / Garage	..	
Water Wells	..	
Underground	..	
Covered Areas	967	
Overhead Structures	425	
Roofs (Exterior)	28	
Field - Structures	..	
TOTAL BUILDING AREA	7182	

TOTAL GOLDMINE COVERAGE VALUE	
DIVIDEND AREA	4517
AREA FOR LAY	15,072.3
PERCENT OF COVERAGE	29.25

SCHEDULE OF DRAWINGS	
SP-1	SITE PLAN - RCD
SP-2	SITE PLAN - EXISTING & DEMOLITION
4-1	4-1-10 FINISH FLOOR FINISH PLAN

COLLECT TO VERIFY METES AND BOUNDS,
BUILDING LINES AND EASEMENTS PRIOR
TO PERFORMING ANY LOT IMPROVEMENTS.

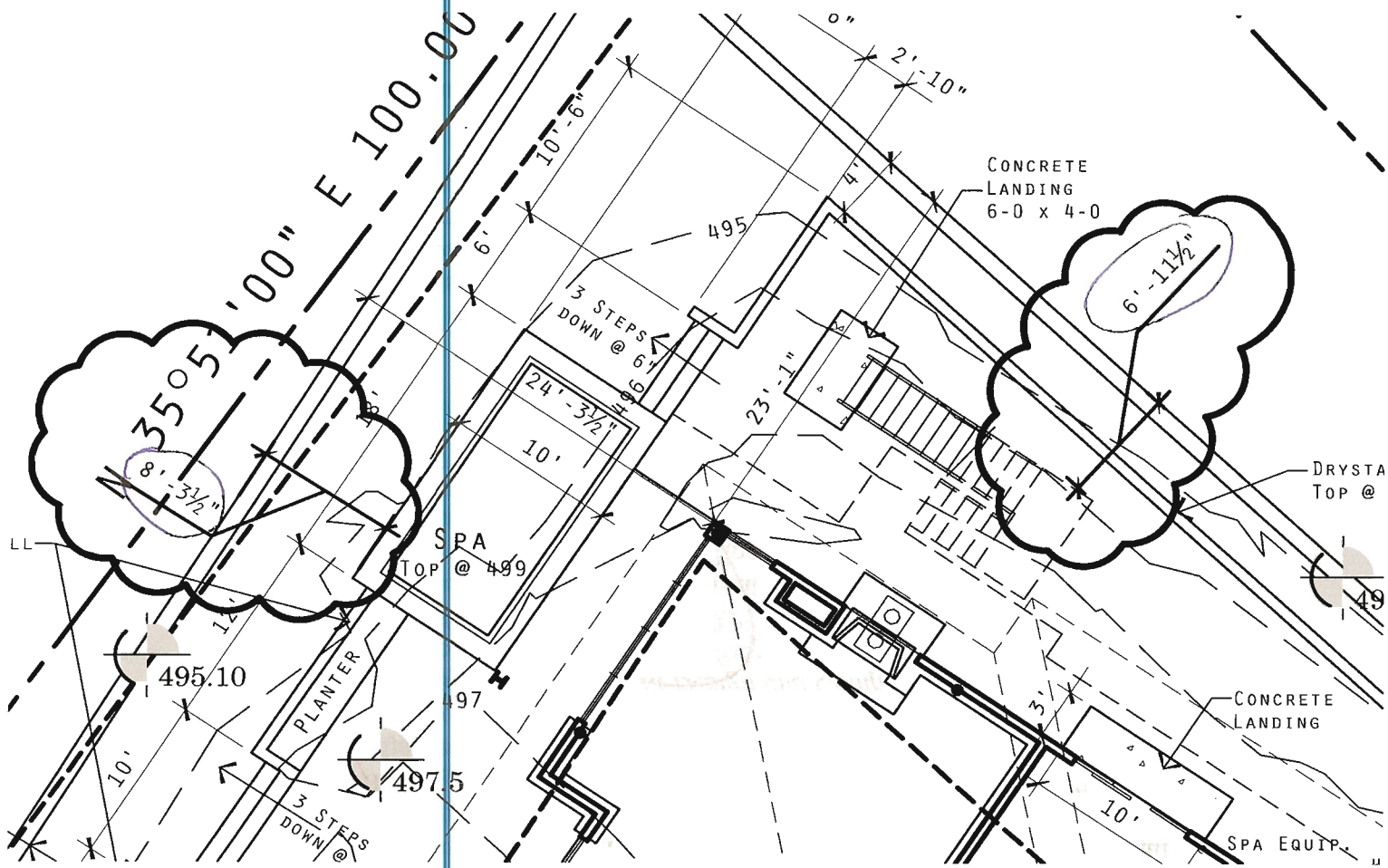
LEGAL DESCRIPTION	ACRES	OWNER
LOT 35A, WESTPARK RESUBDIVISION, BLOCK A, RIVERCREST ADDITION, SECTION 2	0.10	WILLIAM J. HARRIS

205

WILLIAM ALLEN LAMP BROTHERS, INC.
P.O. BOX 1306 NEWTON, IL 62450
909-923-3771 914-271-5270

[illegible]





Proposed

Existing

LAKE AUSTIN

ELEVATION AT
LAKE SIDE WALL = 494.10'

N 35° 51' 00" E 100.00'

