

CASE # C15-2012-0061

ROW # 10767831

TP-011804-03-07

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE

STREET ADDRESS: 2401 Westover Road Austin, Texas 78703

LEGAL DESCRIPTION: Subdivision – LOT 7 BLK 2 BROWN HERMAN ADDN

Lot(s): 7 Block: 2 Outlot Division: Herman Brown Addition

I, **Anna R. Lauri**, on behalf of myself as authorized agent for **Andrew and Jean Jones** affirm that on **April 16th, 2012**, hereby apply for a hearing before the Board of Adjustment for consideration to **MAINTAIN- permitted pool and patio in a SF-3-NP zoning district.**

West Austin N.P.

Application Description

This application seeks to obtain a variance to the impervious cover allowed at 2401 Westover, which is located in a SF-3 zone. The City of Austin Land Development Code allows for a maximum impervious cover in a SF-3 zone to be 45%. The variance being requested is for the allowable impervious cover at the subject property to be 46.5%.

History

In June 2011 Cascade Custom Pools submitted an application for pool permit on behalf of the property Owners, Andrew and Jean Jones. This application was approved and a permit 2011-044923 PR was issued. Cascade Custom Pools started the project upon pulling the permit and began construction. The original plan which was submitted to the City of Austin for permit had to be modified substantially to allow for the required 10' horizontal clearance to Austin Energy powered utility lines, as well as, to keep a heritage tree in place. As such, the size of the pool shrunk by about 40 SF, sub sequentially the deck/patio that surrounded the patio also had to be modified and diminished in size, as well.

Further, the property owners relocated and moved the electrical box from the rear of the house to the side of the house at their cost.

Once the project was completed, the inspector noticed that the project exceeded the allowable impervious cover at a property in a SF-3 zone. Upon investigation, it appears that in the Cascade Custom Pools erroneously listed the area of the house much lower than it actually is. Had the pool been built to it's permitted design the impervious cover

would have exceeded 49%. The onsite design changes actually helped bring that impervious cover down to a much more reasonable level.

Request

This application for a variance of the required maximum impervious cover of 45% in an SF-3 zone to a maximum impervious cover of 46.5% at the property at 2401 Westover, 78704 is being requested by the owners of the property and their agents due to the erroneous information listed on the original application for pool permit associated with 2011-044923 PR.

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Due to the configuration and specific site constraints of the backyard of the subject property, any pool addition would have been small. Due to the physical constraints of the backyard, i.e. overhead power lines and a heritage tree, the pool and decking are very small. The pool is approximately 380 SF; the deck that surrounds the pool and allows for the safe use of the pool is approximately 400 SF. It is the wish of the homeowners to have a pool on their property that can be enjoyed by their family and friends in the hot Texas summers.

An error on the part of a pool contractor in the original permit process is requiring the need for variance at this location, and is not something, which the homeowners could have foreseen.

HARDSHIP:

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

The backyard of the property affords many challenges with the physical site constraints and the configuration of the site. The backyard on this lot is and small, with heritage trees on site. Additionally, power lines cross the airspace of the property, further minimizing the size of a pool that could be added. The pool, which was permitted and built, maximizes the size of the pool and patio surrounding it. Consequentially the pool and patio are substantially smaller in size than that which was approved in Permit 2011-044923 PR. An application error made by the original contractor for the previously referenced permit necessitates the need for a minor increase in the maximum allowable impervious cover. The property owners only seek to keep the pool, which has been built in their backyard as it is today, without having to sacrifice patio space or decking.

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

This hardship is relevant to only the property, which it is located due to the unique characteristics of the property such as overhead utility lines and heritage trees on site and the unfortunate circumstances surrounding the application and permit. Other properties in the area, may have the same constraint of the overhead utility lines that require a 10' horizontal clearance, but they may not heritage trees on site. Additionally, the placement of their garages may afford for a much shorter driveway, and therefore less impervious coverage required in the driveway area.

AREA CHARACTER:

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

The approval of this variance to increase the maximum allowed impervious cover from 45% in an SF-3 Zone to a maximum allowed impervious cover 46.5% at the subject property will not alter the character of or impair the use of any adjacent properties. Further, the approval of this variance will not impair the purpose of the regulations – which presumably have more to do with actual buildings creating impervious surface and less to do with decking materials surround a pool.

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 2207 S. 5th St. #108

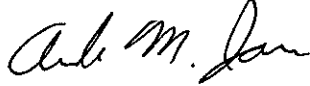
City, State & Zip: Austin, Texas 78704

Printed: Anna R. Lauri

Phone: 949.813.9144 Date 04.16.2012

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 2401 Westover Drive

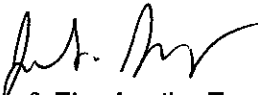
City, State & Zip: Austin, Texas 78703

Printed: Andrew Jones

Phone

Date: 04.16.2012

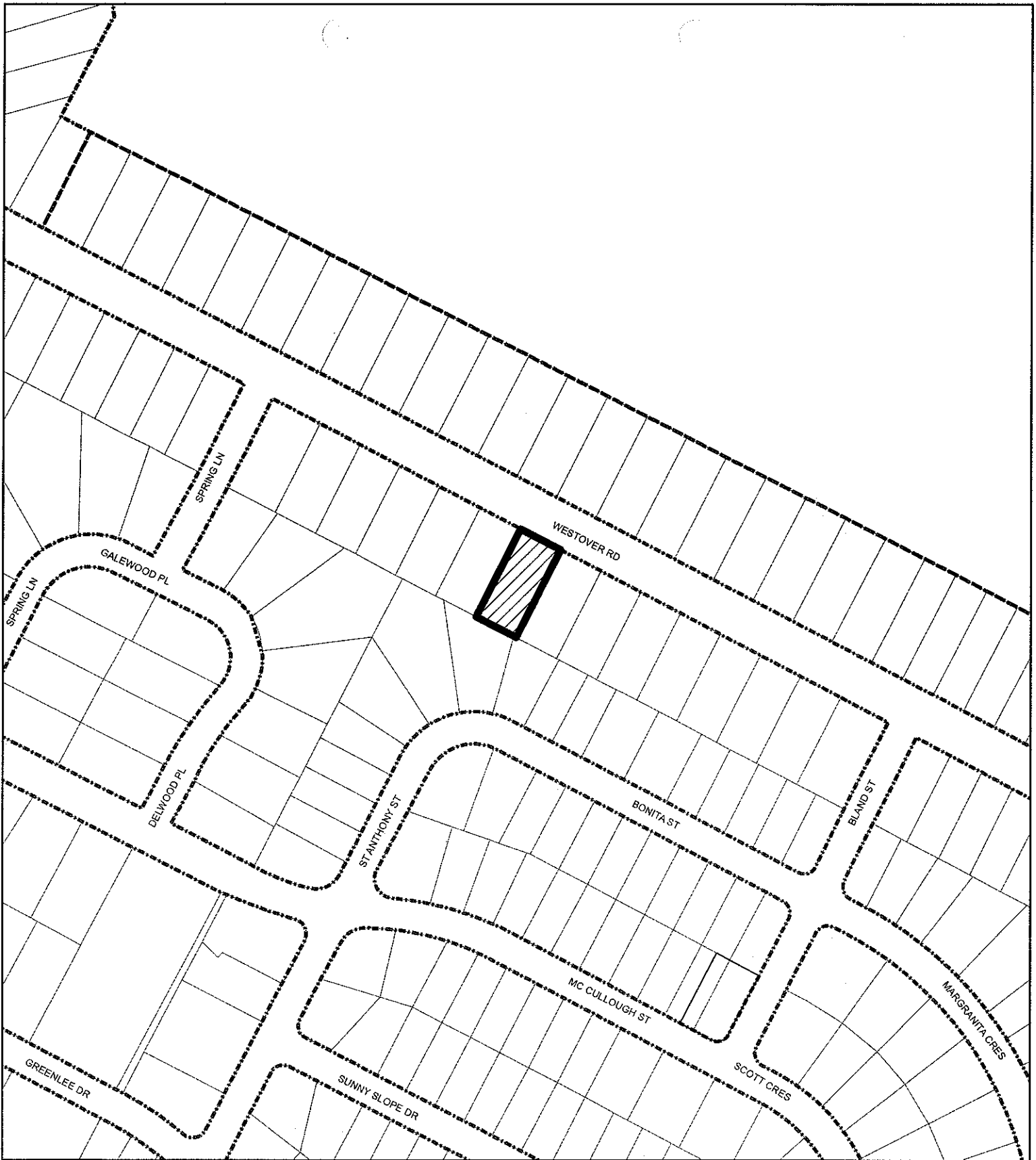
Signed



Mail Address 2401 Westover Drive

City, State & Zip: Austin, Texas 78703

Printed: Jean Jones Phone 205.223.6188 Date: 04.16.2012



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0061
 LOCATION: 2401 WESTOVER ROAD



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SCALE: 1"=20'

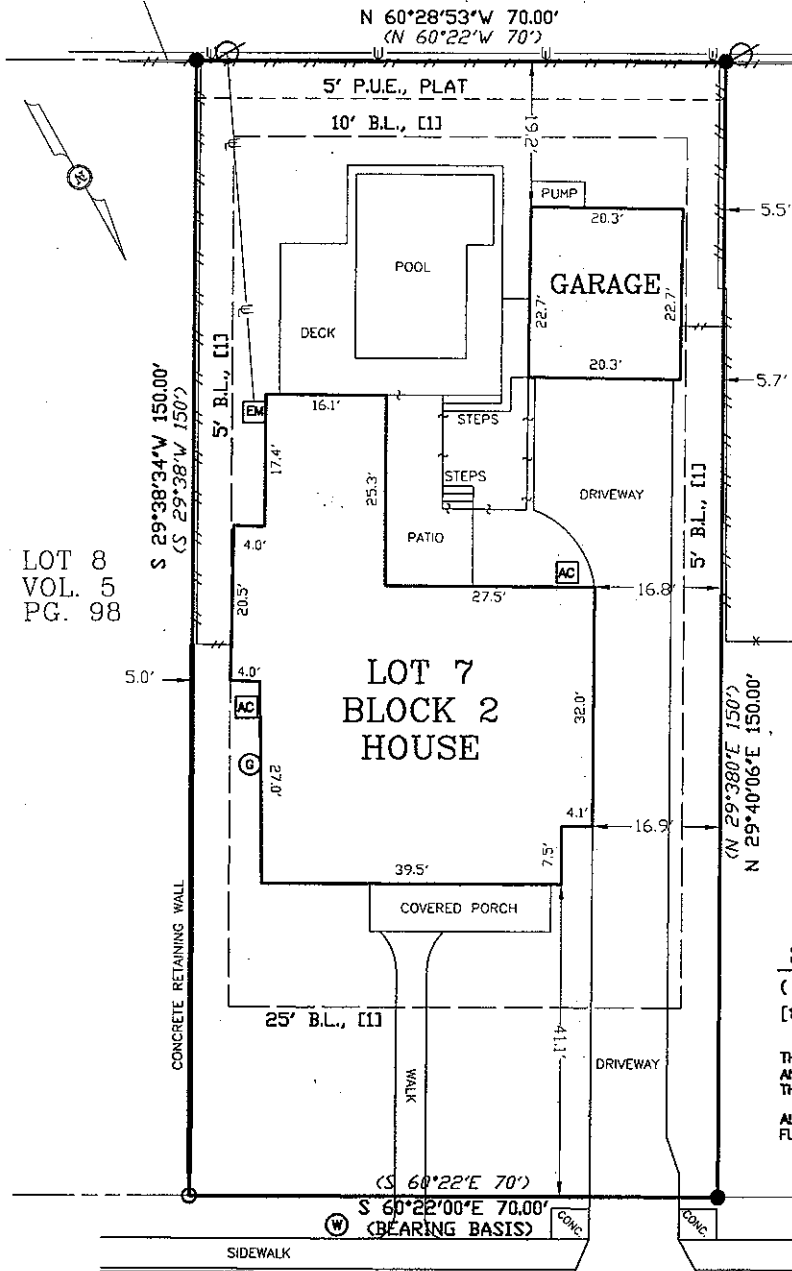
TARRYTOWN OAKS
BK. 4, PG. 147

LOT 174

LOT 173

LEGEND

- // WOOD FENCE
- - - WROUGHT IRON FENCE
- - - UTILITY LINE
- [AC] A/C UNIT
- [EM] ELEC. METER
- (G) GAS METER
- (W) WATER METER
- IRON ROD FND.
- IRON ROD W/ PLASTIC CAP STAMPED
- ALL POINTS SET
- UTILITY POLE



LOT 6
VOL. 5
PG. 98

LOT 8
VOL. 5
PG. 98

IMPERVIOUS COVER

HOUSE	2178 SQ.FT.
GARAGE	450 SQ.FT.
CONC.	2207 SQ.FT.
TOTAL	4835 SQ.FT.
LOT	10,500 SQ.FT.
46% IMPERVIOUS COVER	

SURVEYOR'S NOTES

- () DENOTES RECORD INFORMATION
 - [1] BUILDING LINE PER CITY OF AUSTIN ZONING ORDINANCE
- THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.
- ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

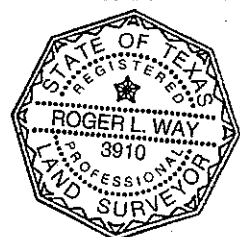
2401 WESTOVER ROAD
(70' R.O.W.)

LOT No. 7 BLOCK 2 SUBDIVISION / ADDITION HERMAN BROWN ADDITION
 SECTION TRAVIS COUNTY, TEXAS PHASE _____ Book 5 Page(s) 98 Cabinet Slide PLAT RECORDS
 CITY AUSTIN Document No. _____ Reference: SAM BAUER AND MELISSA BAUER

By: JS/JA Date: 2/28/12
 FIELD WORK
 DRAFTING MDL
 SURVEY DATE: 2/28/12
 Job No. 02B18512
 SCALE: 1"=20'

* IMPORTANT NOTICE *

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT 7.



ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200
AUSTIN TX. 78704
TELE: (512) 440-0071 - FAX: (512) 440-0199

Roger L. Way

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION "A"

PR Number 201101923

Building Permit No.

Plat No.

Date 6/6/11

Reviewer

PRIMARY PROJECT DATA

Service Address 2401 Westover

Tax Parcel No.

Legal Description

Lot 7 Block 2 Subdivision Herman Brown Add'n

Section Phase

If in a Planned Unit Development, provide Name and Case No.

(attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work

New Residence

Remodel (specify)

Duplex

Addition (specify)

Garage attached detached

Carport attached detached

Pool

Other (specify)

Zoning (e.g. SF-1, SF-2...)

- Height of Principal building ft. # of floors Height of Other structure(s) ft. # of floors

- Does this site currently have water and wastewater availability? Yes No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.

- Does this site have a septic system? Yes No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.

Does this site have a Board of Adjustment ruling? Yes No If yes, attach the B.O.A. documentation

Will this development require a cut and fill in excess of 4 feet? Yes No

Does this site front a paved street? Yes No A paved alley? Yes No

Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? Yes No

VALUATIONS FOR REMODELS ONLY

Building \$ Electrical \$ Mechanical \$ Plumbing \$ Driveway/Sidewalk \$ TOTAL \$ (labor and materials)

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 10,615 sq. ft. Job Valuation - Principal Building \$ (Labor and materials) Job Valuation - Other Structure(s) \$ (Labor and materials)

TOTAL JOB VALUATION (sum of remodels and additions)

\$ 47,200 (Labor and materials)

PERMIT FEES

(For office use only)

NEW/ADDITIONS REMODELS

Building \$ Electrical \$ Mechanical \$ Plumbing \$ Driveway & Sidewalk \$ TOTAL \$

OWNER / BUILDER INFORMATION

OWNER Name Andrew Jones

Telephone (h)

(w)

BUILDER Company Name Cascade Custom Pools

Telephone

512-264-2453

Contact/Applicant's Name HAWK Thompson

Pager cell 751-3610

DRIVEWAY/ SIDEWALK

Contractor Theresa Thompson 657-0725

FAX 264-1180

Telephone

CERTIFICATE OF OCCUPANCY

Name

Telephone

Address

City

ST

ZIP

If you would like to be notified when your application is approved, please select the method:

telephone

e-mail:

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

**AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"**

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION**

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE *Merissa Alonzo* DATE 6-5-11

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) _____

Rejection Notes/Additional Comments (for office use only):

Service Address _____

Applicant's Signature _____ Date _____

Address 2401 Westover

Applicant's Signature Shawn Thompson

Date 5-19-11

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 st floor conditioned area	<u>1687</u>	sq.ft.		sq.ft.
b. 2 nd floor conditioned area		sq.ft.		sq.ft.
c. 3 rd floor conditioned area		sq.ft.		sq.ft.
d. Basement		sq.ft.		sq.ft.
e. Garage / Carport		sq.ft.		sq.ft.
<u>attached</u>		sq.ft.		sq.ft.
<input checked="" type="checkbox"/> <u>detached</u>	<u>460.8</u>	sq.ft.		sq.ft.
f. Wood decks [must be counted at 100%]		sq.ft.		sq.ft.
g. Breezeways		sq.ft.		sq.ft.
h. Covered patios		sq.ft.		sq.ft.
i. Covered porches	<u>150</u>	sq.ft.		sq.ft.
j. Balconies		sq.ft.		sq.ft.
k. Swimming pool(s) [pool surface area(s)]		sq.ft.	<u>425</u>	sq.ft.
l. Other building or covered area(s)		sq.ft.		sq.ft.
Specify _____				

TOTAL BUILDING AREA (add a. through l.) 2297.8 sq.ft. 425 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)	<u>2297.8</u> sq.ft.
	<u>21.6</u> % of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>2297.8</u>	sq.ft.
b. Driveway area on private property	<u>1704</u>	sq.ft.
c. Sidewalk / walkways on private property	<u>140</u>	sq.ft.
d. Uncovered patios	<u>258.4</u>	sq.ft.
e. Uncovered wood decks [may be counted at 50%]		sq.ft.
f. Air conditioner pads	<u>10</u>	sq.ft.
g. Concrete decks <u>Rock - pool deck</u>	<u>364</u>	sq.ft.
h. Other (specify) _____		sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through-h.)	<u>4770.2</u> sq.ft.
	<u>45</u> % of lot

~~45.3~~

310

SCALE: 1"=20'

TARRYTOWN OAKS

BK. 4, PG. 147

LEGEND

- WOOD FENCE
- - - UTILITY LINE
- AC A/C UNIT
- EM ELEC. METER
- G GAS METER
- W WATER METER
- IRON ROD FIN.
- IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
- UTILITY POLE

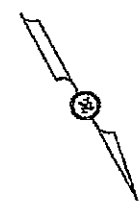
LOT 174

LOT 172

LOT 173

N 60°28'53"W 69.72'
(N 60°22'W 50')

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guentsey
Planning and Development
Date: 6-6-11
The granting of a permit for, or approval of, these plans and provisions of the current ordinance of the City of Austin, shall not be construed as approval of, or any violation of, any adopted building codes or any other ordinance of the City of Austin.



5' P.U.E., PLAT

10' B.L. [1]

water's edge

Pool

Deck

DRIVEWAY

PATIO

LOT 7
BLOCK 2
HOUSE

COVERED PORCH

DRIVEWAY

(S 60°22'E 70')
S 60°22'00"E 69.65'
(BEARING BASIS)

SIDEWALK

2401 WESTOVER ROAD
(70' R.O.W.)

SURVEYOR'S NOTES

- () DENOTES RECORD INFORMATION
- [1] BUILDING LINE PER CITY OF AUSTIN ZONING ORDINANCE
- ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.
- EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY GRACY TITLE, A STEWART COMPANY PER COMMITMENT G.F.# 911806, EFFECTIVE DATE: 10/20/2010, SCHEDULE B, PARAGRAPH 10.
- LOT 7 IS SUBJECT TO THE RESTRICTIVE COVENANTS AS STATED IN:
VOL. 1037, PG. 487
VOL. 1041, PG. 25 DEED RECORDS OF TRAVIS COUNTY, TEXAS.
VOL. 5, PG. 98 (PLAT)

AE APPROVED
JUN 06 2011
157-222-
JGM

All structures/pools/etc.
must maintain a 10'
horizontal clearance from
AE energized power lines.

LOT No.	7	BLOCK	2	SUBDIVISION / ADDITION		HERMAN BROWN ADDITION
SECTION	--	PHASE	--	Book	Page(s)	Cabinet
	TRAVIS	COUNTY, TEXAS		Volume	5	Side
	AUSTIN			Document No.		
				Reference	SAM RAIFER AND MELISSA RAIFER	

By:		Date:
FIELD WORK	JS/JA	11-15-10
DRAFTING	GM	
SURVEY DATE: 11-15-10		