

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 # C15-2011-0115
ROW # 10661034
TP-01332103-04

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

WARNING: Filing of this appeal stops all affected construction activity.

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

STREET ADDRESS: 3605 Robbin Road, Austin TX 78730

LEGAL DESCRIPTION: Subdivision – abs 437 Sur 1 Jett J Acr. 0.411 Oak Shores

Lot(s) D Block _____ Outlot _____ Division _____

I/We Richard T. Swisher on behalf of myself/ourselves as authorized agent for

My wife and myself affirm that on May 18, 2012,

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

(check appropriate items below)

___ ERECT ___ ATTACH XX COMPLETE ___ REMODEL ___ MAINTAIN

(1) Requesting front yard setback reduced to 12 ft.

(2) Modification to pervious cover to add garage and allow 34% impervious cover

(3) Explicitly allow new construction of residence on top of existing foundation slab to remain

in a LA district.
(zoning district)

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.

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: There was an original cut into the hillside for existing driveway. Existing driveway does not allow for proper movement of the physically challenged or safe access into the existing garage. No street parking because of a narrow street. We propose adding offstreet parking on top of the new garage, a lift elevator for the movement of the physically challenged, and a way to improve safety by not having to back out of existing steep driveway on to the street. This will require new construction & new foundation slab built over the existing foundation slab, which is to remain.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
We wish to incorporate a Universal Design to allow for the proper movement of the physically challenged, including the installation of a lift or elevator. Lot is small and was originally cut to install a steep driveway. Front yard is primarily a steep hill of non-pervious rock. Our lot is not similar to the neighbors as we do not have a front yard or proper driveway similar to neighbors that allows us safe and adequate ingress and egress onto the street. Many neighbors have already built in their front setback, do not have to back on to the street, and can turn around on their lots. Our existing home uses near 28% of impervious area of the lot and our variance is to allow 34.8% overall impervious cover. Most of the increase in impervious cover needed will be over the existing rock area near the driveway and does not affect the backyard or flat areas that currently exist. The proposals will also reduce any water run off by contouring the driveway and hill to stop the current runoff that occurs into the backyard and eventually the lake.

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

The requested variances allow for a subterranean type garage which will give guest and owner parking off street. The impervious cover variance does not significantly alter the existing impervious cover percentages. Most of the impervious area needed consists of a rock hill that has very little pervious properties.

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:

Neighboring properties have a driveway and carport/garage that allows for parking on the property rather than on street that can safely be used without having to back up on to the street. Many neighbors have structures closer to the property line than the current 25 foot requirement. Our proposed 12 foot setback will conform to the existing building already constructed and if fact will be farther back than my immediate next door neighbor.

PARKING: (Additional criteria for parking variances only.)

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 public streets in such a manner as to interfere with the free flow of traffic of streets because:

Granting of this variance will serve to reduce street parking by allowing a new garage with parking atop the garage street level and large enough for two cars to be parked off the street for guests or owners.

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

No safety hazards will be created and will eliminate the need for a car to back up a hill and into a street blind.

4. The variance will run with the use or uses to which it pertains and shall not run with the site 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 situated.

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 [Signature] Mail Address 1210 Bruton Springs Rd

City, State & Zip Austin, TX 78733

Printed Richard T. Swisher Phone 512 402-0822 Date May 18th, 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 [Signature] Mail Address 1210 Bruton Springs Rd

City, State & Zip Austin, TX 78733

Printed Richard T. Swisher Phone 512 402-0822 Date May 18th, 2012

SUMMARY LETTER

To whom it may concern:

Please note that this application is to request an amendment or adjustment to the previously approved variance Case Number C15-2011-0115, to specifically allow new construction of a single-family residence. The scope as described on the original variance request was listed as "remodel". No substantive changes between the original request and the current request relative to the setback and impervious cover percentages are sought, only to revise the terminology from "remodel" to "new construction".

The submittal elements shown in this packet are the same as what was originally included, save and except for the graphic showing the proposed section thru the lot which has been updated based on a more thorough design analysis and also shows the existing foundation slab to remain in relation to the new construction above it.

Terminology on the application that has been revised from the original is printed in red and clouded for ease of identification.

Thank you,

Rick Swisher

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, November 14, 2011

CASE NUMBER: C15-2011-0115

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen **Motion to Grant**
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King
☐ Y ☐ Susan Morrison
☐ Y ☐ Melissa Hawthorne **2nd the Motion**
☐ - ☐ Heidi Goebel (ABSENT)
☐ - ☐ Cathy French (SRB only)
☐ Y ☐ Will Schnier

OWNER/APPLICANT: Richard, Swisher

ADDRESS: 3605 ROBBIN RD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the front street setback requirement of Section 25-2-492 (D) from 25 feet to 12 feet in order to erect an addition of a garage and elevator tower to an existing single family residence in an "LA", Lake Austin zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (a) from 35% (57.3% existing) to 55.2% in order to erect an addition of a garage and elevator tower and remodel an existing single family residence in an "LA", Lake Austin zoning district. The Land Development Code states that impervious cover may not exceed 35 percent on a slope with a gradient of 15 percent or less.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (b) from 10% (14.3% existing) to 25.2% in order to erect an addition of a garage and elevator tower and remodel an existing single family residence in an "LA", Lake Austin zoning district. The Land Development Code states that impervious cover may not exceed 10 percent on a slope with a gradient of more than 15% and not more than 25%.

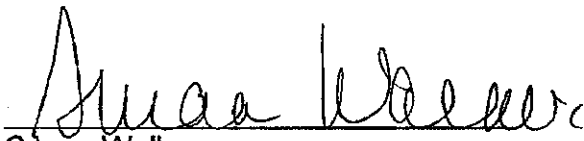
The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (B) (5) from 0% (16.8% existing) to 33.7% in order to erect an addition of a garage and elevator tower and remodel an existing single family residence in an "LA", Lake Austin zoning district. The Land Development Code states that development is prohibited on land with a gradient that exceeds 35%. This prohibition does not apply to a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a pedestrian facility.

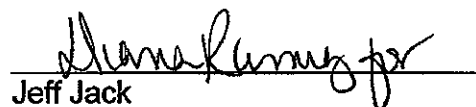
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions to control the 2 year rain event and that the post development flows running off down the property, don't increase for the 2 years rain event, Board Member Melissa Hawthorne second on a 7-0 vote; **GRANTED WITH CONDITIONS TO CONTROL THE 2 YEAR RAIN EVENT AND THAT THE POST DEVELOPMENT FLOWS RUNNING OFF DOWN THE PROPERTY, DON'T INCREASE FOR THE 2 YEARS EVENT.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: there was an original cut into the hillside for existing driveway, existing driveway does not allow for proper movement of the physically challenged of safe access into existing garage, no street parking because of a narrow street
2. (a) The hardship for which the variance is requested is unique to the property in that: wish to incorporated a Universal Design to allow for the proper movement of the physically challenged, including the installation of a lift or elevator, lot is small and was originally cut to install a steep driveway, front yard is primarily a steep hill of non-pervious rock, our lot is not similar to the neighbors, do not have a front yard or proper driveway similar to neighbors that allows us safe and adequate ingress and egress onto the street

(b) The hardship is not general to the area in which the property is located because: the requested variances allow for a subterranean type garage which will give guest and owner parking off street, the impervious cover variance does not significantly alter the existing impervious cover percentages, most of the impervious area needed consists of a rock hill that has very little pervious properties
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: neighboring properties have a driveway and carport/garage that allows for parking on property rather than on street that can safely be used without having to back up on to the street


Susan Walker
Executive Liaison


Jeff Jack
Chairman



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

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

September 14, 2011

Rick Swisher
3605 Robbins Rd
Austin, Texas 78730

Re: 3605 Robbins Road
0.411 acre, Jett Sur 1, or Lot D, Oak Shores Unrecorded

Dear Mr. Swisher,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to reduce the front setback from 25 ft to 12 ft in order to construct a garage. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

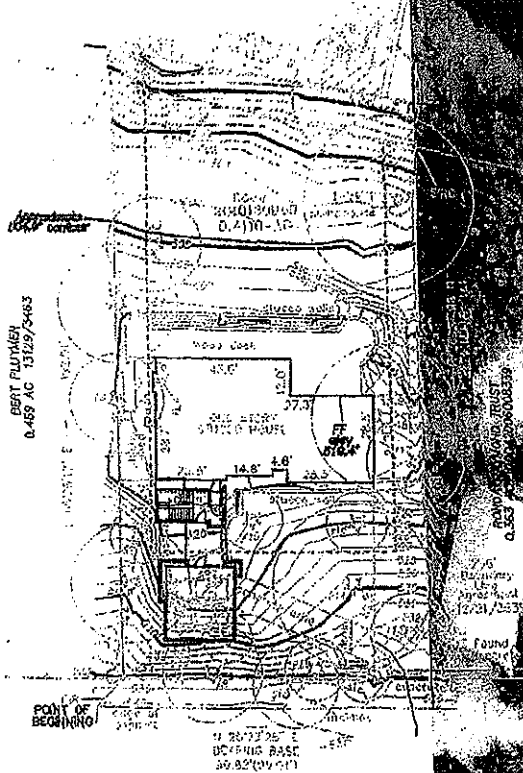
Sincerely,

A handwritten signature in black ink, appearing to read "Lena Lund". The signature is fluid and cursive, with the first and last names being the most prominent parts.

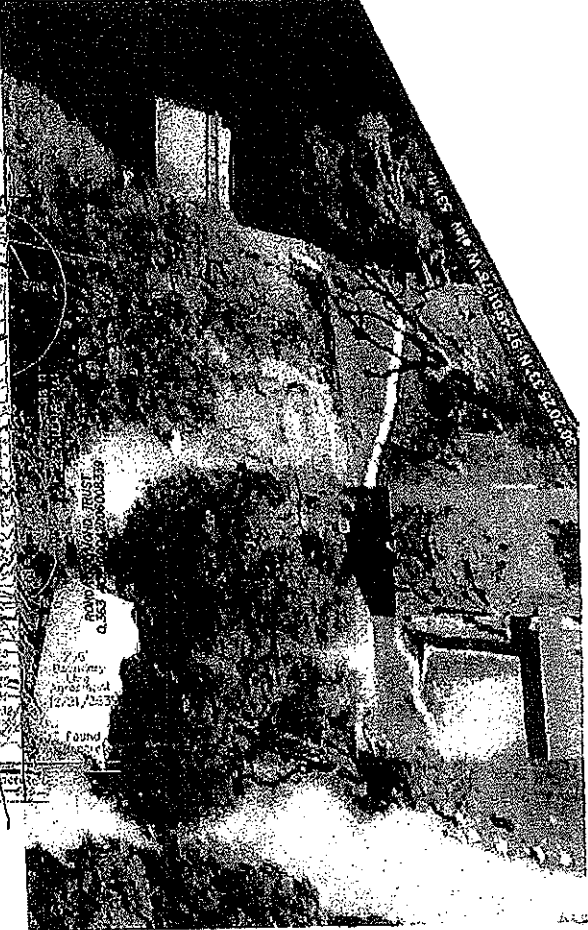
Lena Lund
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

Lake Austin



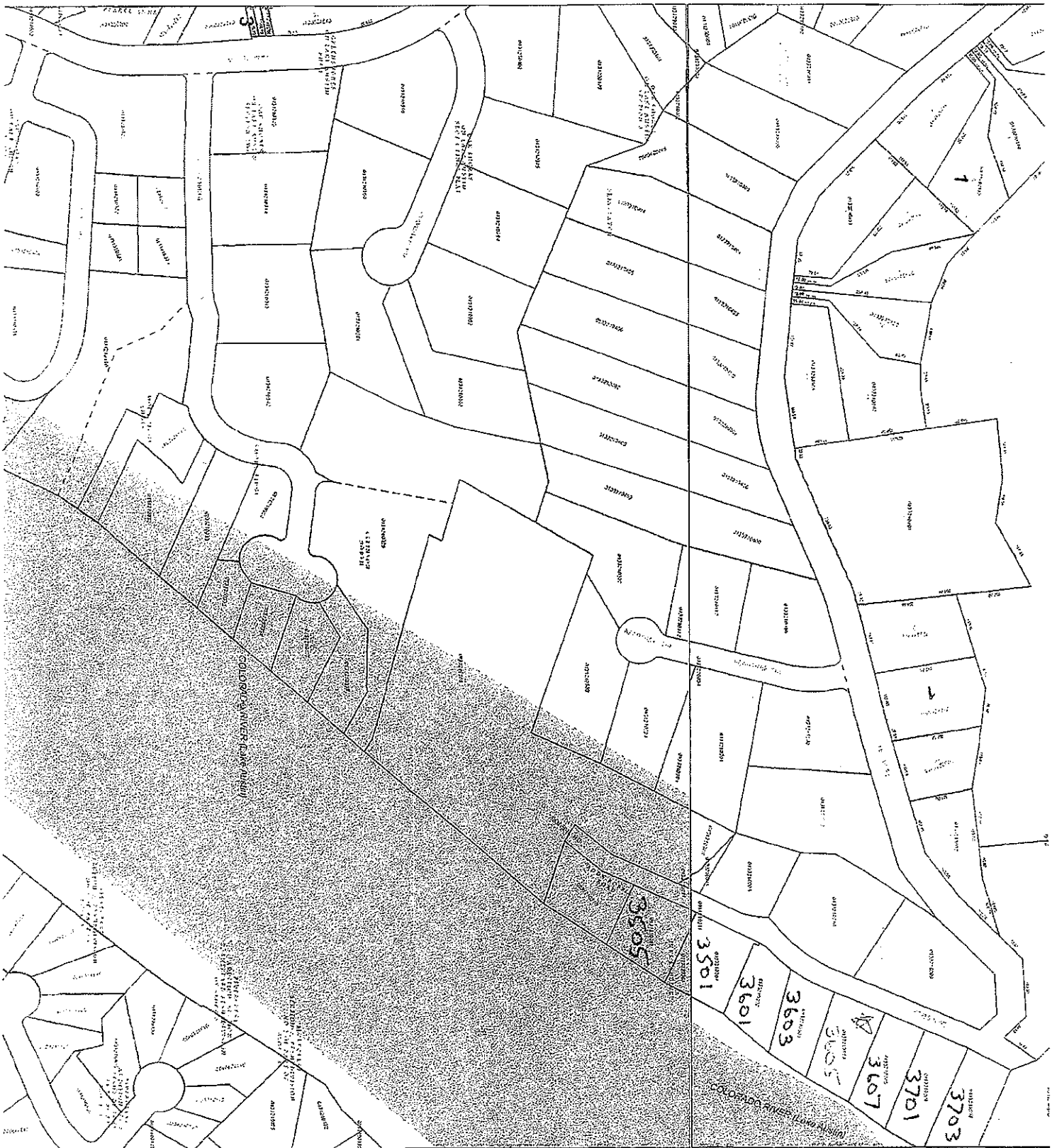
Robbins Road
1" = 40'-0"



...man reviewed this plan for 3605 Robbins Rd
...approves the variance requested before the Board of Adjustment. Any change to
...the property by Austin Energy.

Jim Ford
By: _____

Date: 9/14/2011



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
Projection: Lambert_Conformal_Conic

Travis County Appraisal District
8314 Cross Park Drive P.O. Box 149012
Austin, Texas 78754 Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number (512) 834-9317 Appraisal Information (512) 834-9316
TDD (512) 836-3328

4321

Revision Date
1/24/2006

0 100
~~1000~~ Fee

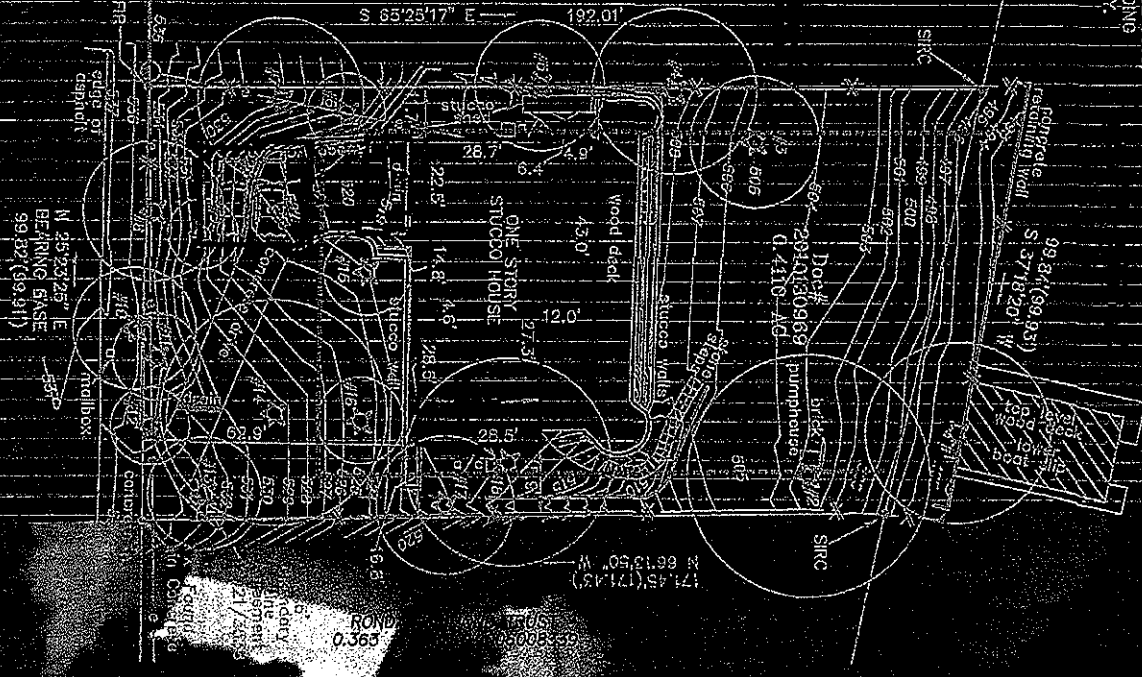
12627

10-11-1968

NAD_1983_StateP
Projection

721, PAGE 355G
A BUILDING
S SURVEY.

Robbins Road



30°20'25.33" N 97°49'01.78" W elev 531 ft

Waterloo Surveyors Inc.
SURVEY PLAT
Topographic & Tree

J12903

LEGAL DESCRIPTION:

BEING 0.4110 ACRE OF LAND, MORE OR LESS, OUT OF THE JAMES JETT SURVEY NO. 1, ABSTRACT NO. 437, IN TRAVIS COUNTY, TEXAS, ALSO BEING LOT D, OAK SHORES, AN UNRECORDED SUBDIVISION, FURTHER BEING THAT CERTAIN TRACT CONVEYED TO BANK OF AMERICA, NA, BY DEED RECORDED IN DOCUMENT NO 2010130969, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

AS PER TITLE COMMITMENT NO. 10-0029845

THE TRACT SHOWN HEREON IS SUBJECT TO EASEMENT RIGHTS AND RESTRICTIVE COVENANTS IN VOLUME 1818, PAGE 95, DEED RECORDS, AND VOLUME 12360, PAGE 708, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

INUNDATION RIGHTS, FILED IN 1893, AS RECORDED IN VOLUME 106, PAGE 392, DEED RECORDS, TRAVIS COUNTY, TEXAS, ARE NOT LEGIBLE ENOUGH TO MAKE A DETERMINATION.

BLANKET TYPE ELECTRIC AND TELEPHONE EASEMENT AS RECORDED IN VOLUME 2179, PAGE 408, DEED RECORDS, DOES AFFECT THE SUBJECT PROPERTY.

THE PROPERTY SHOWN HEREON IS SUBJECT TO INUNDATION RIGHTS, RECORDED IN VOLUME 276, PAGE 65, DEED RECORDS, AS DESCRIBED IN VOLUME 12360, PAGE 708, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

NOTE:

THE BOUNDARY LINE AGREEMENT AS RECORDED IN VOLUME 12721, PAGE 3538, REAL PROPERTY RECORDS NOTED A LEGAL ENCROACHMENT OF A BUILDING ON THE S.W. LINE THAT DOES NOT EXIST AT THE TIME OF THIS SURVEY.

OWNER:
RICHARD T. SWISHER
GAIL M. SWISHER

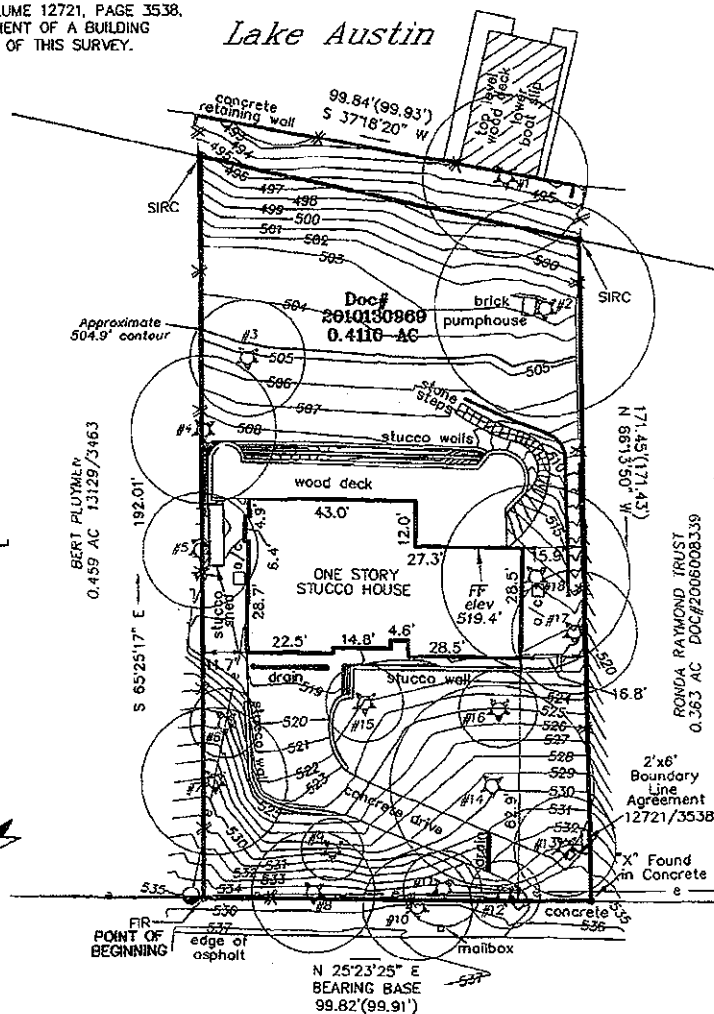
ADDRESS:
3605 ROBBINS ROAD

"THIS SURVEY WAS PERFORMED FOR AND CERTIFIED TO RICHARD T. AND GAIL M. SWISHER AND TO NATIONAL TITLE INSURANCE COMPANY OF NEW YORK AS PER GF NO. ORDERDESK-10-0029845."

TREE LIST	
#	SIZE/TYPE
#1	21" cypress
#2	28" chinaberry
#3	15" live oak
#4	19" elm
#5	15" hackberry
#6	9" juniper
#7	19" live juniper
#8	16" juniper
#9	8" juniper
#10	14" juniper cluster
#11	10" chinaberry
#12	9" juniper
#13	13" juniper
#14	26" live oak
#15	10" elm
#16	10" live oak
#17	16" elm
#18	24" chinaberry

SCALE
1"=30'

LEGEND	
FOUND 1/2" IRON ROD	FIR
SET 1/2" IRON ROD W/CAP	SIRC
LABELLED "WATERLOO RPLS 4324"	
WROUGHT IRON FENCE	X
UTILITY POLE & ELECTRIC LINE (RECORD CALL)	e
TREE SYMBOL	(#)
W/DRIP LINE	(*)
FINISHED FLOOR	FF



State of Texas:
County of Travis:

Robbins Road

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A & 5 Condition II Survey.

Dated this the 21ST day of JUNE, 2011

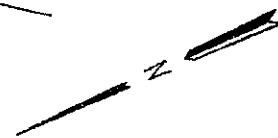
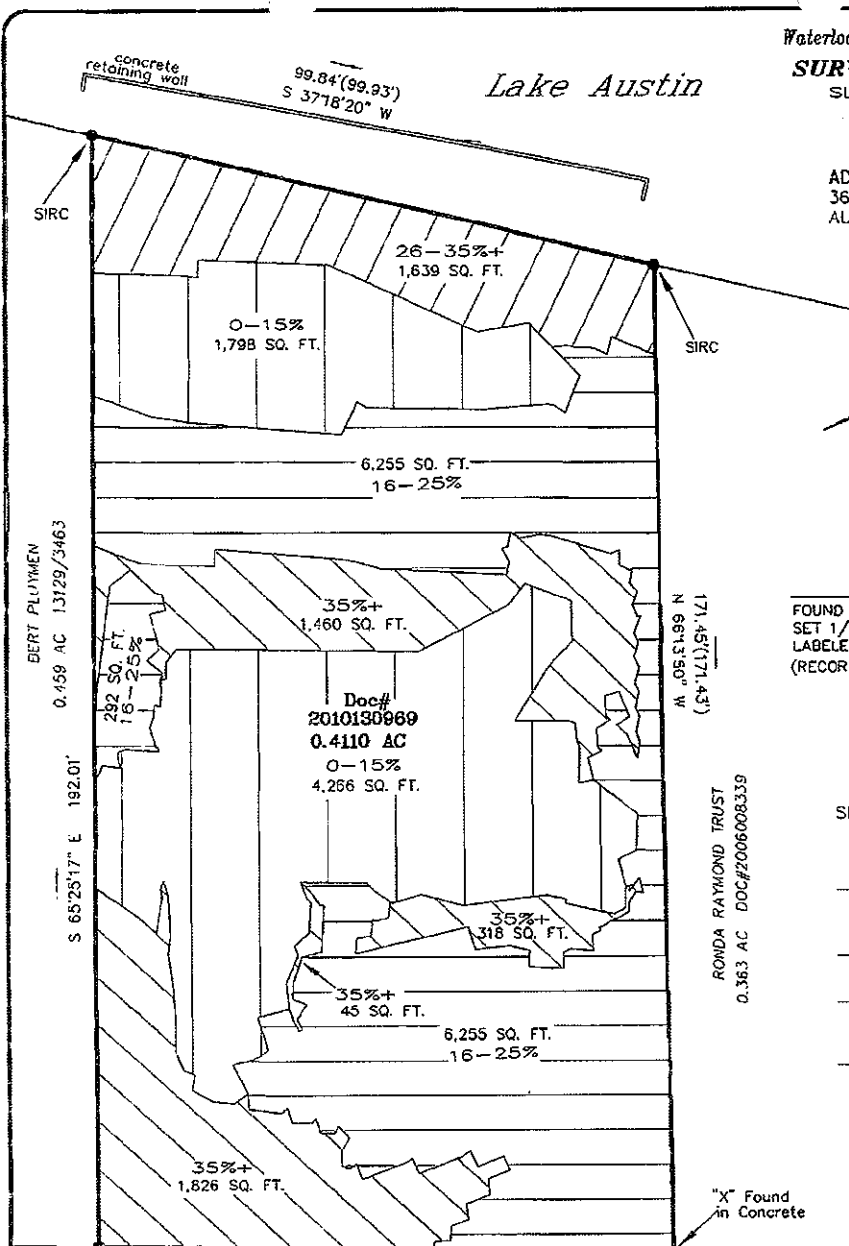
And I certify that the property shown hereon is PARTIALLY within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per Map Number: 4845300430H

Zone: AE Dated: SEPTEMBER 26, 2008

SURVEY PLAT
SLOPE MAP

Lake Austin

ADDRESS:
3605 ROBBINS ROAD
AUSTIN, TEXAS 78730



SCALE
1"=20'

LEGEND
FOUND 1/2" IRON ROD FIR
SET 1/2" IRON ROD W/CAP SIRC
LABELED "WATERLOO RPLS 4324"
(RECORD CALL)

LOT AREA	
SLOPE CALCULATIONS ()	
0-15%	
1,798 + 4266	
= 6,064 SQ. FT.	(33.9%)
16-25%	
292 + 6255	
= 6,547 SQ. FT.	(36.6%)
26-35%	
= 1,639 SQ. FT.	(9.2%)
35% +	
1,826 + 45 + 318 + 1460	
= 3,649 SQ. FT.	(20.3%)

edge of asphalt
FIR
POINT OF
BEGINNING

N 25°23'25" E
BEARING BASE
99.82°(99.91')

Robbins Road

LEGAL DESCRIPTION:
BEING 0.4110 ACRE OF LAND, MORE OR LESS, OUT OF THE JAMES JETT SURVEY NO. 1,
ABSTRACT NO. 437, IN TRAVIS COUNTY, TEXAS, ALSO BEING LOT D, OAK SHORES, AN
UNRECORDED SUBDIVISION, FURTHER BEING THAT CERTAIN 0.411 ACRE TRACT CONVEYED
TO BANK OF AMERICA, NA, BY DEED RECORDED IN DOCUMENT NO 2010130969, OFFICIAL
PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

State of Texas:
County of Travis:

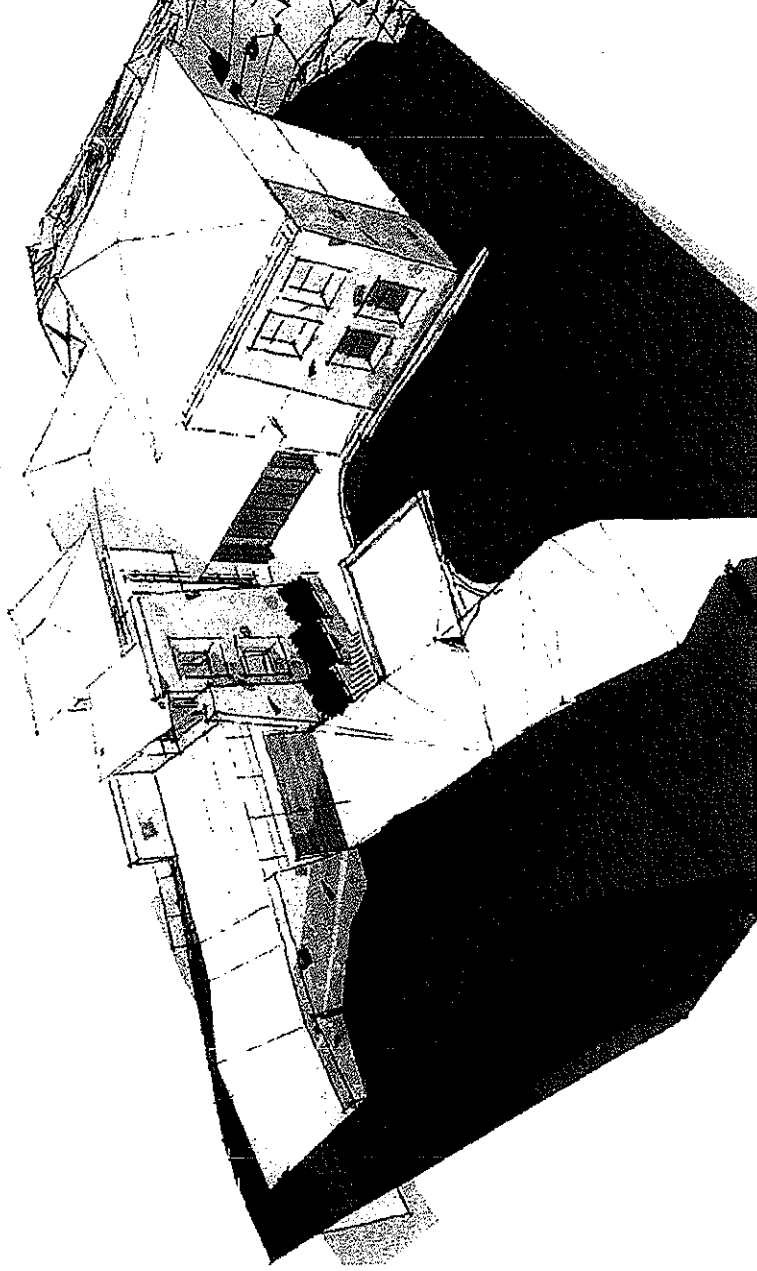
The undersigned hereby certify that this survey was this day made on the
property legally described hereon and is correct, and this survey substantially
complies with the current Texas Society of Professional Surveyors Standards and
Specifications for a Category 3 Survey.

Dated this the 20TH day of SEPTEMBER, 2011.

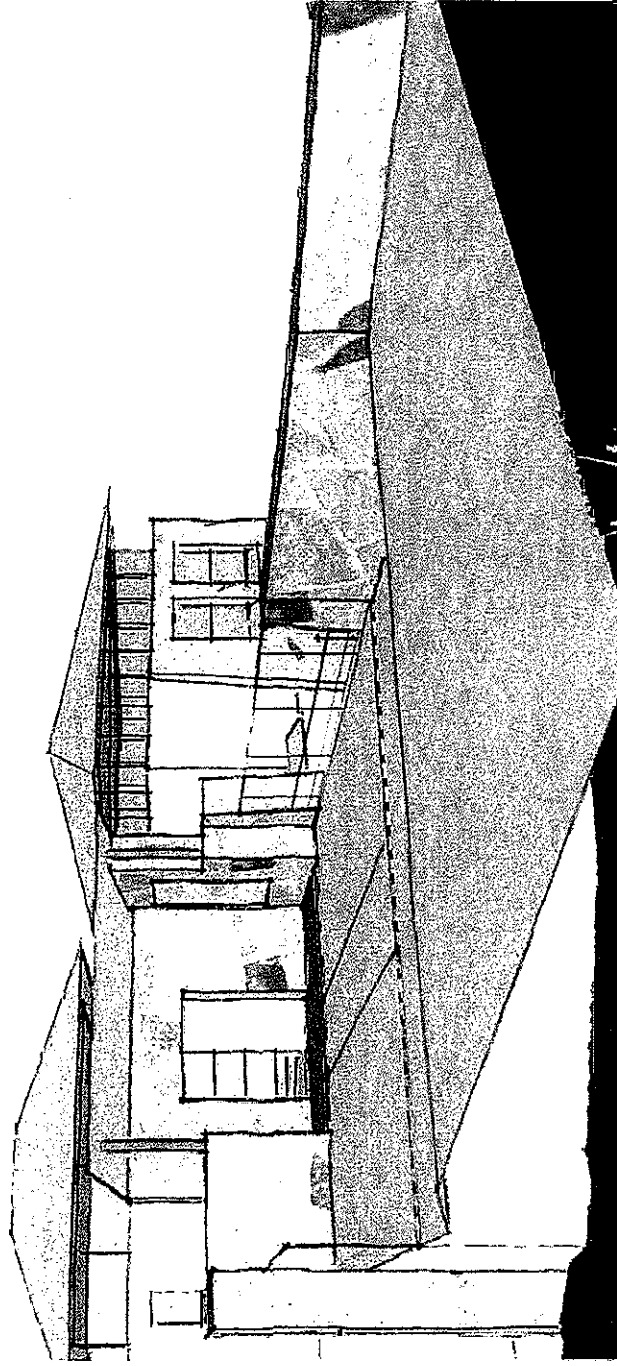
And the property described hereon appears to IS PARTIALLY within a special flood
hazard area as identified by the Federal Insurance Adm. Department of HUD Flood
hazard boundary map revised as per Map Number: 48453C0430H
Zone: AE Dated: SEPTEMBER 26, 2008



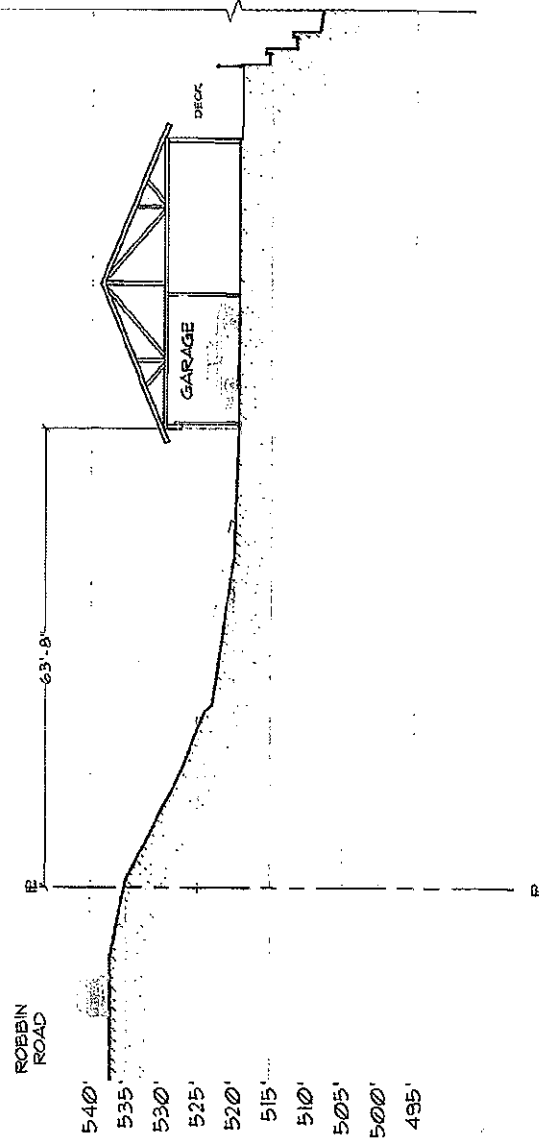
Top view Rendering



Street View Rendering



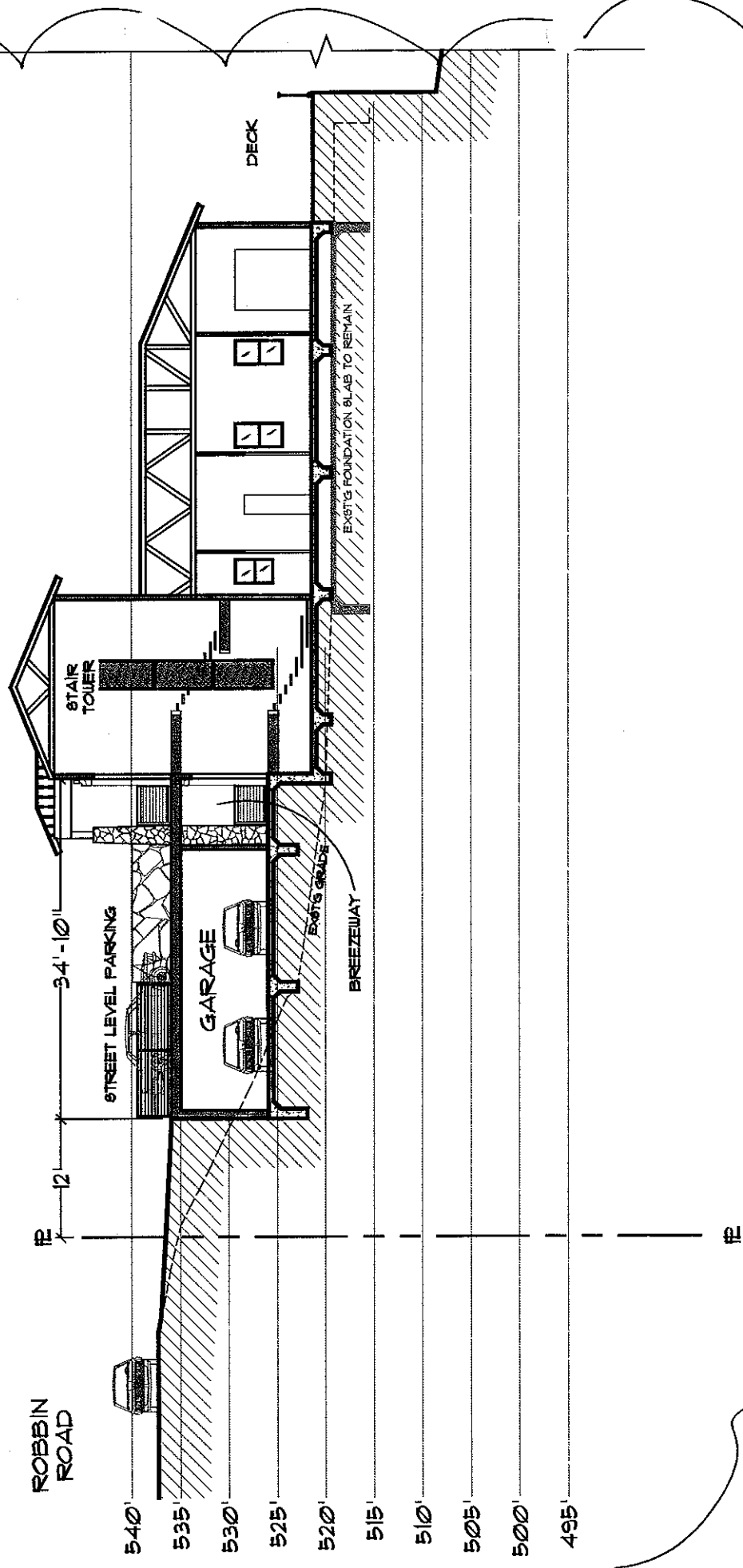
Existing Section



EXISTING SECTION THRU LOT

HOOVER & ASSOCIATES, INC.
 ARCHITECTS & PLANNERS
 1407 W. 45TH STREET
 AUSTIN, TEXAS 78751
 512/461-1625 FAX 512/461-2635

Robbin Rd. Residence
 3606 Robbin Rd.
 Austin, TX
 8206 N12
 9-19-11



PROPOSED SECTION THRU LOT

Robbin Rd. Residence
 3625 Robbin Rd.
 Austin, TX
 Scale: N.T.S.
 5-18-12

HOOVER & ASSOCIATES, INC.
 ARCHITECTS & PLANNERS
 1401 W. 46TH STREET
 AUSTIN, TEXAS 78756
 512/467-2626 FAX 512/467-2655



Impervious Calculations

3605 Robbin Road

Lot Total Square Footage - Possible Designation	Proposed Slope	Allowed Imp. Cover (%)	Existing Imp. Cover (%)	Existing Imp. Cover (s.f.)	Proposed Imp. Cover (%)	Proposed Imp. Cover (s.f.)	Difference between Existing and Proposed
6,064	0% - 15%	35%	57.3%	3,476	55.2%	3,350	-2.1%
6,547	16% - 25%	10%	14.3%	934	25.2%	1,652	11.0%
1,639	26% - 35%	5%	0.0%	0	0.0%	0	0.0%
3,649	35%+	NA	16.8%	613	33.7%	1,229	16.9%

17,899 s.f. Total Lot Size

* - per LDC 25-2-551 (D) (3) - Lake Austin Zoning

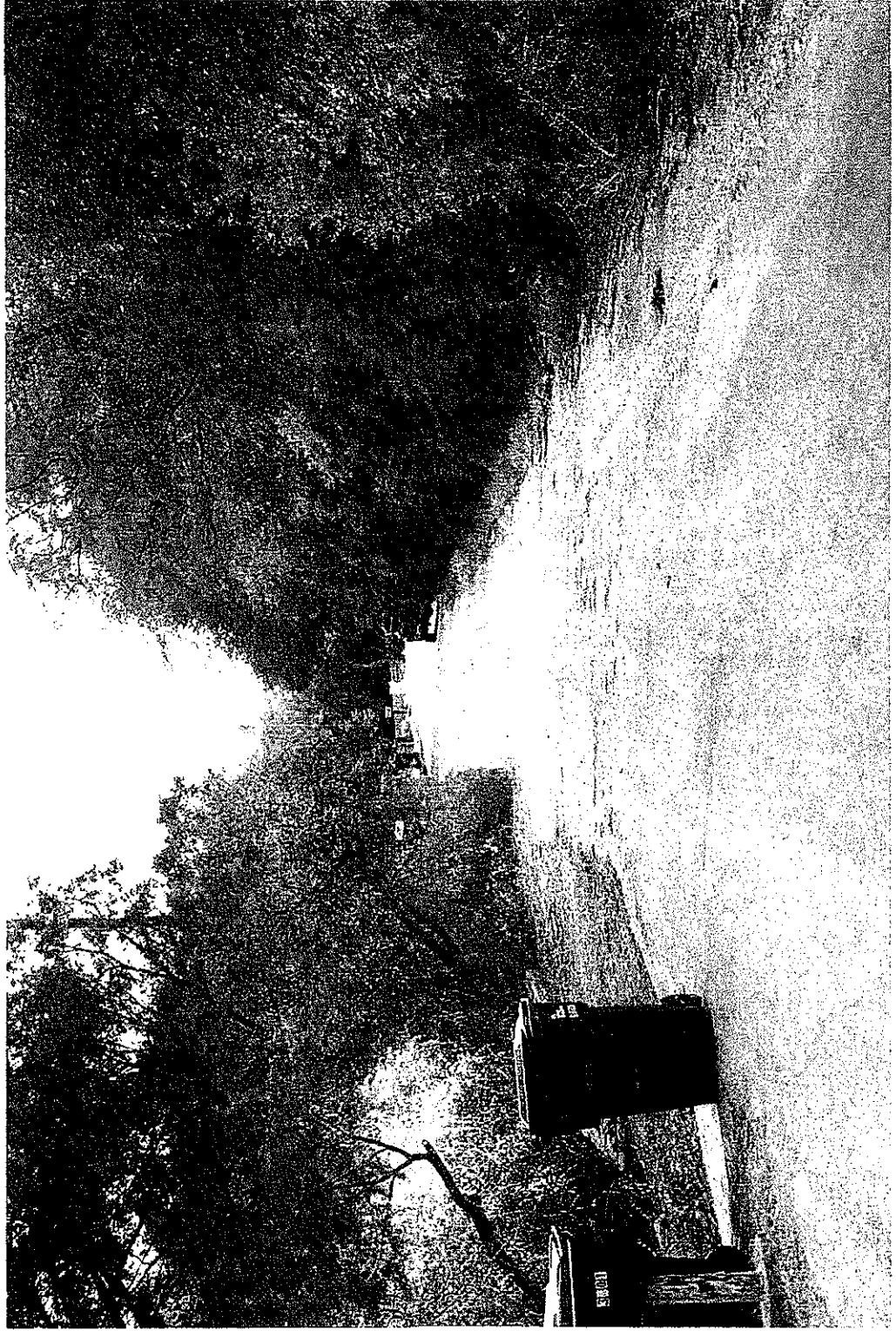
NA = Not Allowed

28.1%	Existing Impervious Cover Total (%)
5,023	Existing Impervious Cover Total (s.f.)
34.8%	Proposed Impervious Cover Total (%)
6,231	Proposed Impervious Cover Total (s.f.)

Google Earth View



Street Parking



Street Parking



3605 Robbin Road



Driveway



Driveway



Existing Rock Hill

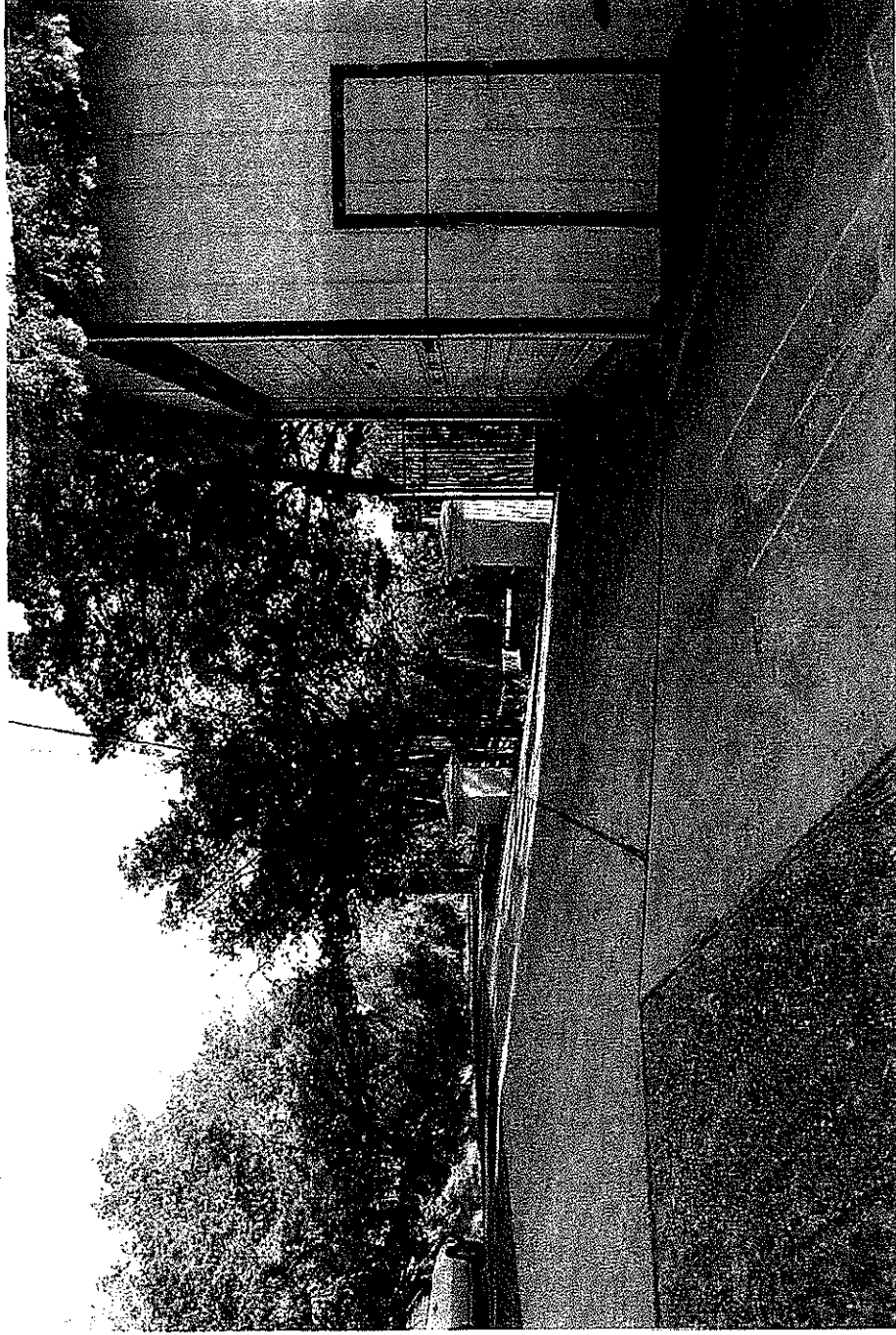


Existing Rock Hill



3603 Robbin RD

One Lot South, Next Door Neighbor
10'6" front setback



3603 Robbin Road

One Lot South, 6" side setback

