



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: July 18, 2012

NAME & NUMBER OF PROJECT: Humboldt Residence (SP-2012-0157D)

NAME OF APPLICANT OR ORGANIZATION: Crocker Consultants
(Sarah Crocker, 512-529-2511)

LOCATION: 4 Humboldt Lane

PROJECT FILING DATE: May 8, 2012

PDR/ENVIRONMENTAL STAFF: Brad Jackson, 974-3410
brad.jackson@ci.austin.tx.us

PDR/CASE MANAGER: Jennifer Back, 974-6361
Jennifer.back@austintexas.gov

WATERSHEDS: Lake Austin Watershed, Water Supply Rural
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance requests are as follows:
1. To allow construction on slopes for driveway construction. (LDC Section 25-8-301).
2. To allow fill up to a maximum of 14 feet for driveway construction. (LDC Section 25-8-342).

STAFF RECOMMENDATION: Recommended

REASONS FOR RECOMMENDATION: Findings-of-fact have not been met.
HOWEVER DUE TO SPECIAL CIRCUMSTANCE, (SEE MEMORANDUM) STAFF RECOMMENDS APPROVAL.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Brad Jackson, Senior Environmental Reviewer
Planning and Development Review Department

DATE: July 18, 2012

SUBJECT: Humboldt Residence (SP-2012-0157D)
4 Humboldt Lane

Variance Request: Variance from LDC 25-8-301 – To allow construction of a driveway on slopes over 15% in grade.
Variance from LDC 25-8-342 – To allow fill up to a maximum of 14 feet.

The applicant is proposing a variance for the previously constructed driveway to provide an alternative access to the garage on his existing single-family home. The applicant proposed and permitted these renovations with a Residential Application Permit "A" (Building Permit) through the City of Austin, identifying the fill over 4 feet in the application, and was allowed to proceed with the construction. The fill over 4 feet should have triggered the requirement for a site plan and associated variance request at the time of application for the building permit, but the building permit was processed by city staff with no fill over 4 feet denoted on the released building permit.

The fill was not discovered until the applicant attempted to process the permit for the retaining wall, at which time he was told he had to get a variance for the fill over 4 feet. The fill is requested to allow renovations to the existing layout of the house and reroute the driveway access from the front of the house to the side of the house. The fill between 8 and 14 feet will cover only about 394 square feet in area.

Description of Project Area

The majority of the 8.17 acre property is within the City of Austin ETJ and does not require a permit for construction that complies with all city codes. The rear of the property has a 500-ft Lake Austin Limited Purpose zoning designation. All of the improvements done to the residence are outside of this zoning area and within the ETJ. There is a 29.7 foot grade separation between the finished floor elevation of the house (888.70) and the driveway entrance on Humboldt Lane (859). The residence is a unique, one-story, V-shaped structure that was built around an interior courtyard/motor court that served as the primary entrance to the residence and provided the only vehicular access to the garage(s). The new owner (applicant) of the house sought to restore this area with vegetation to create a more

pleasant courtyard entrance to the house and reroute the vehicular access away from this courtyard. This site does not have any impervious cover limitations due to its use as a single-family home on a lot that meets the density requirement of at least 2 acres.

Vegetation

According to the Soil Survey of Travis County, the site contains Brackett soils, rolling (BLD) and Brackett soils and rock outcrop (BoF). Brackett soils are described as shallow and well drained soils that develop under a prairie of mid to tall grasses and some trees. The geology at this site is characterized by thin clay soils covering weathered limestone. The site lies within the Glen Rose formation that consists primarily of limestone, dolomite and marl. The site vegetation has been significantly altered due to the site's use as a single-family residence. The remaining native vegetation consists of scrubby hill country species like Ashe juniper, live oak, cedar elm, and Texas red oak.

Critical Environmental Features

There are no Critical Environmental Features on or within 150 feet of this site.

Water/Wastewater

The project will receive water service from Travis County WCID #10. Wastewater is handled through an on-site septic tank.

Variance Requests

The variance being requested by this project is as follows:

1. **Variance from LDC 25-8-301 – To allow construction of a driveway on slopes over 15% in grade.**
2. **Variance from LDC 25-8-342 – To allow fill up to a maximum of 14 feet.**

On May 7, 2012, the applicant requested the above variances.

Recommendations

Although the variance does not meet the findings of fact, staff recommends granting the variance request because the applicant made a good faith effort to comply with City code and processes. In addition, the structure is nearly complete. Please see pages 5-8 for findings of fact from staff.

Recommended Conditions of Variance Approval

The applicant has constructed the driveway and met many of our typical fill variance mitigation measures, including:

- Terracing
- Retaining walls
- Revegetation with native and adaptive, drought tolerant plants
- Minimize footprint, depth, IC

- Meet landscape ordinance (although this is a single-family home, landscape plan for retaining wall demonstrates compliance beyond city standards for landscaping of commercial streetyards)

The following conditions are recommended for approval of this variance:

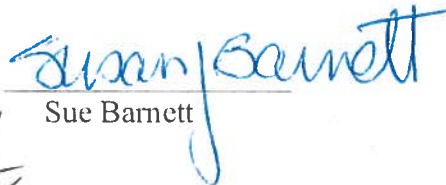
1. The retaining wall will be decoratively faced to match the aesthetic integrity of the existing SF home.
2. The retaining wall will be screened with drought-tolerant landscaping.

If you have any questions or need additional information, please feel free to contact me at 974-3410.



Brad Jackson, Senior Environmental Reviewer
Planning and Development Review

Environmental Program Coordinator:



Sue Barnett

Watershed Protection:



Chuck Lesniak

Similar Cases

Judge's Overlook– SP-2011-0051D requested a variance from LDC 25-8-341/342 to allow cut up to 8 feet and fill up to 8 feet for the construction of an office building. The EV Board recommended approval on July 20, 2011 by a vote of 6-0-1-2, with the following conditions:

Conditions

1. Areas of cut and fill will be revegetated with no greater than a 3:1 slope or be structurally contained.
2. Landscaping will be provided to ensure all parking areas are buffered from Bee Caves Road and Canon Wren Drive.
3. At least one tree will be planted within 50 feet of each uncovered parking space.
4. Implementation of an Integrated Pest Management (IPM) plan.
5. A water quality biofiltration pond will be constructed to capture and treat all new impervious cover proposed in this site plan.

The Zoning and Platting Commission approved this variance on August 16, 2011.

Bulldog Storage– SP-2007-0673D requested a variance from LDC 25-8-341 to allow fill up to 12 feet for the construction of storage buildings. The EV Board recommended approval on September 17, 2008 by a vote of 4-0-0-2, with the following conditions:

Conditions

1. Only clean fill of soil, dirt, rock, sand or other natural man-made materials are to be used as fill on the site.
2. Submittal and City approval of a Pollution Attenuation Plan for the site must be obtained prior to site plan approval.
3. All trees over 8 caliper inches will be mitigated for and replaced with Class 1 native trees.
4. All fill over four feet will be structurally contained.

The Zoning and Platting Commission approved this variance on August 30, 2008.

The Estates at Commanders Point - C8J-2008-0231.0A requested a variance from the LDC 30-5-454(B)(2) to allow a residence on a lot with less than 2 acres net site area and a variance from the LDC 30-5-301 for construction of driveways on slopes over 15% in grade.

The Zoning and Platting Commission approved this variance on July 7, 2009.



Planning & Development Review Department
Staff Recommendations Concerning Required Findings
Of Fact

Application Name:	Humboldt Residence
Application Case No:	SP-2012-0157D
Code Reference:	Land Development Code Section 25-8-301
Variance Request:	To allow construction on slopes with a gradient exceeding 15%.

- A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:
1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.
YES. *Other properties similarly situated, like Commander's Point, have requested variances to allow construction on slopes for driveway access to single family home sites.*
 2. The variance:
 - a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;
NO. *The development is based on a condition caused by the method chosen by the applicant to develop the property. The house, garage and driveway were already existing and the house had access before the redevelopment of the new driveway.*
 - b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;
NO. *The new driveway configuration was not necessary to provide access to the home.*
 - c) Does not create a significant probability of harmful environmental consequences; and
YES. *This variance does not directly create a significant probability of harmful environmental consequences. The slopes are stabilized with a terraced retaining wall and the construction is virtually complete, except landscape and decorative wall facing installation.*
 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. *The proposed project will result in water quality that is at least equal to the water quality achievable without the variance because the site has completed the fill activity behind the retaining wall without erosion problems and the site has maintained roughly the same amount of impervious cover after the renovations. The site has also removed impervious cover within the homes courtyard entrance and replaced with landscaping.*

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;
N/A
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
N/A
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.
N/A

Reviewer Name: Brad Jackson

Reviewer Signature:



Date: July 11, 2012

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



Planning & Development Review Department
Staff Recommendations Concerning Required Findings
Of Fact

Application Name:	Humboldt Residence
Application Case No:	SP-2012-0157D
Code Reference:	Land Development Code Section 25-8-342
Variance Request:	To allow fill up to 14 feet for the construction of a driveway.

- A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:
1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.
YES. *Other properties similarly situated, like Bulldog Storage have requested variances to allow fill required to access their site on areas of slopes.*
 2. The variance:
 - a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;
 - b) **NO.** *The development is based on a condition caused by the method chosen by the applicant to develop the property. The house, garage and driveway were already existing and the house had access before the redevelopment of the new driveway.*
 - c) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;
NO. *The new driveway configuration was not necessary to provide access to the home.*
 - d) Does not create a significant probability of harmful environmental consequences; and
YES. *This variance does not directly create a significant probability of harmful environmental consequences. The areas of fill are stabilized with a retaining wall and the construction is virtually complete except landscape and decorative facing installation.*
 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The proposed project will result in water quality that is at least equal to the water quality achievable without the variance because the site has completed the fill activity behind the retaining wall without erosion problems and the site has maintained roughly the same amount of impervious cover after the renovations. The site has also removed impervious cover within the homes courtyard entrance and replaced with landscaping.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

Reviewer Name: Brad Jackson

Reviewer Signature:



Date: June 8, 2012

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4934 W. HWY 290

Austin Texas 78735

May 2, 2012

Planning & Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Smith Residence
4 Humboldt
Lot 52 Block E Rob Roy Phase Two
SP-2011-0200D
Request for Variance 25-8-342 Fill in excess of 4 feet

To Whom It May Concern:

On behalf of the applicant I am requesting a variance for fill in excess of four (4) feet for an existing two-tiered retaining wall system on a single family lot. The retaining wall system was built in conjunction with the realignment of the driveway.

Attached you will find the justification and findings of fact to support this variance request. The City of Austin issued 2011-019801BP on March 20, 2011 for this scope of work. The architectural firm correctly noted that cut and fill would exceed four feet on the residential building permit application. Additionally, the applicant listed the zoning as SF-3.

A portion of this lot is zoned LA. However, all of the improvements on this lot are located in the 2-mile ETJ, not within the LA zoning boundaries; therefore a City of Austin building permit isn't required. Unfortunately, it wasn't until the new garage, driveway and retaining walls were complete that these errors were discovered.

While the variance from Section 35-8-342 would have been required regardless I want to be clear that the timing of this variance request is not the result of my client, or his authorized agent, failing to notify staff of their intent to fill a portion of this site in excess of four feet.

This tract is not located in the Edwards Aquifer Recharge zone. It is located in the Lake Austin Watershed which is classified as Water Supply Rural.

Should you have any questions or need anything further, please don't hesitate to contact me.

Sincerely,

Sarah Crocker
Authorized Agent

SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4934 W. HWY 290

Austin Texas 78735

Findings of Fact

Project: Smith Residence
4 Humboldt Lane
Lot 52 Block E
Rob Roy Phase Two
SP-2012-0157D

Ordinance Standard: **25-8-301(A) 7637.01 sf construction on slope in excess of 15%**

0-15%	3816.35 sf 50%
15-25%	2106.84 sf 27.6%
25-35%	964.69 sf 12.6%
35%+	749.13 sf 9.8%

Justification:

1. ***Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES***

There are only four (4) residences on Humboldt Lane, a 700' private street that terminates in a cul-de-sac. The building site for the residence at 4 Humboldt (built in 1984) is one of the highest elevations in this section of Rob Roy and although the 8.67 acre lot has 513.55 linear feet of frontage on Humboldt, the driveway location was limited because of site distance and the cliff-like slopes along the western property boundary. There is 37.7 feet of vertical separation between the FF elevation of the house (888.70) and the road at the western boundary and 27.7 feet where the driveway ties into Humboldt (861).

The only similarly situated property is the adjacent lot to the east which is at or near the roadway grade. Access for the residence and guest parking is provided via a circular drive off Humboldt.

2. ***Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES***

Due to the topography of the lot the original access for the residence and garage (s) was provided via a paved interior courtyard/motor court. A turnaround and overflow parking were located at the mid-point of the driveway. Humboldt Lane does not have curb and gutter or sidewalks. Off street parking is not available.

When my clients purchased the property they retained the services of Miro/Rivera Architect's to redesign the vehicular access in such a way that the interior motor court could be converted into green space and reorient garage access .

Due to topography and the need to create a walkway to the residence the new garage was added to the western side of the house. The 4580 sf of the existing driveway configuration was built on slope in excess of 15%. Due to the fact that the site is basically a steep hill it is virtually impossible to provide access without building on slope in excess of 15%. Additionally, the original plat was approved in 1979 prior to the adoption of this section of the Code.

3. ***The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES***

The surrounding lots are 100% built out and have existing driveways. There are a number of lots that have topography issues with regard to access but they are existing.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **N/A**

SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4934 W. HWY 290

Austin Texas 78735

Findings of Fact

Project: Smith Residence
4 Humboldt Lane
Lot 52 Block E
Rob Roy Phase Two
SP-2012-00xxD

Ordinance Standard: **25-8-342 1373.68 sf of Fill in excess of 8 feet**
4-8" 979.20 sf
8-12' 360.83 sf
12-14' 33.65 sf

Justification:

1. ***Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES***

There are only four (4) residences on Humboldt Lane, a 700' private street that terminates in a cul-de-sac. The building site for the residence at 4 Humboldt (built in 1984) is one of the highest elevations in this section of Rob Roy and although the 8.67 acre lot has 513.55 linear feet of frontage on Humboldt, the driveway location was limited because of site distance and the cliff-like slopes along the western property boundary. There is 37.7 feet of vertical separation between the FF elevation of the house (888.70) and the road at the western boundary and 27.7 feet where the driveway ties into Humboldt (861).

The only similarly situated property is the adjacent lot to the east which is at or near the roadway grade. Access for the residence and guest parking is provided via a circular drive off Humboldt.

2. ***Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES***

Due to the topography of the lot the original access for the residence and garage (s) was provided via a paved interior courtyard/motor court. A turnaround and overflow parking were located at the mid-point of the driveway. Humboldt Lane does not have curb and gutter or sidewalks. Off street parking is not available.

When my clients purchased the property they retained the services of Miro/Rivera Architect's to redesign the vehicular access in such a way that the interior motor court could be converted into green space and reorient garage access .

Due to topography and the need to create a walkway to the residence the new garage was added to the western side of the house. The retaining walls, which created the need for this variance, serve a two-fold purpose: they provide structural support for the driveway approach to the garage and the two-tiered system not only reduces overall mass but provides additional opportunities for landscaping. This scope of work (including the landscaping) was required to meet the Rob Roy Architectural Design Standards and has been approved by the Architectural Design Committee.

It is important to note that the amount of fill (in excess of four feet) that was required to build the garage addition is exempt from the limitations set forth in Section 25-8-342. But the fill required for the retaining walls to support the approach to the garage is not, even though the additional fill, in both circumstances, serves the same purpose. Finally, there is no increased run-off or harmful environmental consequence posed as result of this scope of work.

3. ***The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES***

The variance request was triggered by the need to build a structural retaining wall for the realignment of the driveway and .is not a result of the subdivision process.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **N/A**

4 Humboldt Lane



Driving Directions to 4 Humboldt Lane (Humboldt Residence)

From One Texas Center, take Barton Springs Road west towards Mopac (Loop One). Barton Springs Road will curve left under Mopac and join the Mopac access road. From the Mopac access road, take Bee Caves Road (2244) west towards Loop 360 (Capital of Texas Highway), turn right onto 360 heading north. Turn left onto Pascal Lane, Humboldt Lane is the 4th left turn about ½ a mile down Pascal Lane.



Lake Austin

Humboldt

AREA
OF FILL

