

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

**DATE: Monday, October 8, 2012**

**CASE NUMBER: C15-2012-0114**

Y \_\_\_\_\_ Jeff Jack  
 Y \_\_\_\_\_ Michael Von Ohlen **2<sup>nd</sup> the Motion**  
 Y \_\_\_\_\_ Nora Salinas  
 Y \_\_\_\_\_ Bryan King  
 Y \_\_\_\_\_ Fred McGhee  
 Y \_\_\_\_\_ Melissa Hawthorne **Motion to PP to Nov 13**  
 Y \_\_\_\_\_ Sallie Burchett  
 - \_\_\_\_\_ Cathy French (SRB only)

**APPLICANT: David Cancialosi**

**OWNER: Frank Stabile**

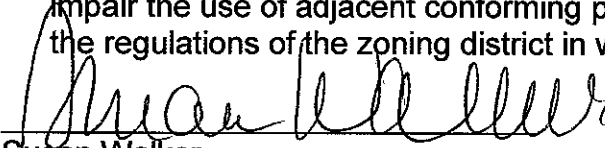
**ADDRESS: 84 PASCAL LN**

**VARIANCE REQUESTED:** The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (a, b & c) from 35% to 48% on a slope with a gradient of 15 percent or less; from 10% to 37% on a slope with a gradient of more than 15 percent and not more than 25 percent; and from 5% to 62% on a slope with a gradient of more than 25 percent and not more than 35 percent in order to erect a single-family residence in an "LA", Lake Austin zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2012, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO NOVEMBER 13, 2012.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
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:

  
\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
COMPLETENESS CHECKLIST**

- APPLICATION WILL BE RETURNED TO YOU AND WILL NOT BE ADDED TO NEXT BOARD OF ADJUSTMENT AGENDA AND CHECK WILL NOT BE DEPOSITED UNTIL ALL OF THE FOLLOWING IS SUBMITTED CORRECTLY.
- VARIANCES EXPIRE ONE YEAR AFTER APPROVAL DATE PER SECTION 25-1-217 UNLESS BOARD DEEMS OTHERWISE.

- Application must be typed
- Application must be signed and dated by owner and agent
- Application must have ALL findings (parking portion only required when parking variance is needed) that are applicable fully filled out at time of filing
- Site plan must be submitted along with existing structures
- Approval must be obtained from all adjacent property owners
- Sign Review must be completed in accordance with above requirements
- Tax plat must be submitted for property within a 500 foot radius. (See Section 25-1-217 for more information. If property is located adjacent to a street, please provide a list of the adjacent property owners and their addresses)
- Check for zoning compliance
- Please complete all required forms

PLEASE REMOVE FROM OCT BOA  
 PACKET W/ THIS PACKET FOR NOV  
 AGENDA PLEASE CONFIRM RECEIPT  
 THANKS - DC 799 2401  
 PLEASE PLEASE PLEASE  
 WITHIN 5 DAYS

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. If your request is for a reduction in setbacks or height limits, then you must receive approval from Austin Energy by contacting Robert Long at 322-6522 before filing your application with the Board of Adjustment.

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, 2<sup>nd</sup> Floor (One Texas Center).

CASE # \_\_\_\_\_  
ROW # \_\_\_\_\_

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

C 15-2012-0114  
ROW-10826992  
TP-0127230303

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

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

STREET ADDRESS 84 Pascal Lane

LEGAL DESCRIPTION: Subdivision -- LOT 66 BLK E ROB ROY PHS 2

Lot(s) \_\_\_ Block \_\_\_ Outlot \_\_\_ Division \_\_\_

I/We, David Cancialosi on behalf of myself/ourselves as authorized agent for Frank and Beth Stabile

affirm that on August 5, 2012,

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

(check appropriate items below)

X  ERECT \_\_\_ ATTACH \_\_\_ COMPLETE REMODEL MAINTAIN

Exceed impervious cover in LA Zoning District LDC section 25-2-551(d)(3)(a,b,&c) for slope categories:

To allow 48% IC in 0-15% slope

To allow 37% IC in 15-25% slope

To allow 62% IC in 25-35% slope

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
  - a) The owners were forced to demolish the original residence due to irreparable mold damage in 2010. The prior house received a COA Certificate of Occupancy in 1990. However, upon further examination of LA zoning regulations it is necessary to request a variance to related LA zoning impervious cover regulations in order to erect a substantially, albeit smaller residence.
  - b) The lot has a limited buildable area due to a substantial slope toward the rear of the lot, leaving only the front ~1/3 of the lot available for the proposed improvements. The proposed residence is located between the 25' front setback and the rear 35+% slope area. Additionally, the existing pool further limits how far to the rear the proposed improvements can be placed. The original pool is being moved closer to the front of the lot. This relocates it away from the 35+% slope area. The pool and surrounding

improvements act as retaining walls. The lot has a substantial slope between the pool and the lake below.

**The original impervious cover amounts are as follows:**

Slope	Area (sq. ft.)	Allowable IC %	IC Allowed (sq. ft.)	Original House IC(sq. ft.)	Original Hardscape IC (sq. ft.)	Original (sq. ft.)	Original Imp. Cov. %
0-15%	16,165	35%	5,658	1,157	4,721	5,878	36%
15-25%	1,208	10%	121	359	237	596	49%
25-35%	8,582	5%	429	6,791	526	7,317	85%
>35%	58,987	0%	0	0	433	433	0.7%
<b>Total</b>			6,208	8,307	5,917	14,224	

**The proposed impervious cover amounts are as follows:**

Slope	Area (sq. ft.)	Allowable IC %	IC Allowed (sq. ft.)	House IC(sq. ft.)	Hardscape IC (sq. ft.)	Proposed (sq. ft.)	Proposed IC %
0-15%	16,165	35%	5,658	3,513	4,184	7,697	48%
15-25%	1,208	10%	121	262	185	447	37%
25-35%	8,582	5%	429	4,484	833	5,317	62%
>35%	58,987	0%	0	0	0	0	0
<b>Total</b>			6,208	8,259	5,202	13,461	

- c) COA LDC section 25-2-551 requires LA zoned properties to comply with categorical maximum impervious cover limits. Thus, the owners must ask for specific coverage overages vs. an average of the combined overages despite proposing a net decrease in impervious cover totals.
- d) The mold damage was no fault of the current owner, who did not build nor own the house in 1990. For a new owner to replace a substantially similar residence on this lot while complying with LA zoning impervious cover regulations would prohibit a reasonable use of the site as enjoyed by the prior owners, the current owners of the previous structure, and presents a contrast to reasonable uses enjoyed by surrounding property owners with similar improvements.

**HARDSHIP:**

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

- 1. The City of Austin approved a building permit for construction of the house in November 1990 and passed a final inspection by COA Building Inspector Carl Meuth in March 1993. During that time the City inspected the site no less than 19 times between the building permit and associated trade permits. The LA zoning requirements regarding impervious cover for single family homes were adopted no later than mid-1980s, thus the current impervious cover regulations were in place at the time of 1990 application, inspection, and issuance of the CO. However, due to multiple city errors made between 1990-1993, the prior home and related improvements were allowed to be constructed. Without the

requested impervious cover variances in place, the owners will be forced to either sell the lot or build improvements that are not in keeping with the prior COA-approved residence. Such as residence would not be in keeping with the surrounding residences found throughout the neighborhood.

2. The proposed improvements are intended to be built atop a substantial portion of the original foundation approved with the 1990 residence. That foundation follows the natural grade of the land. It is neither practical nor feasible to remove the foundation and re-grade the net buildable area to create a buildable lot area between the existing frontage (Pascal Lane) and the existing pool and retaining walls to the rear of the foundation.

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

1. There are no other known sites in Rob Roy neighborhood with erroneously approved permits similar to this site. There are no other known structures that have been demolished due to mold. It should be noted that not all residences within the Rob Roy neighborhood are required to file building permits with the City of Austin. Land and structures further than 500' from the 504.9' topographic line are exempt from COA permitting requirements per annexation ordinance #820506-D. Thus, compliance with COA regulations is only applicable to specific lots.

**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:
  - a) Approval of said impervious cover variances will allow the neighborhood to maintain a similar area of character. The proposed improvements are substantially similar to the previous residence as well as surrounding properties. The proposed improvements will result in a net decrease in impervious cover when compared to the prior improvements. There were no known drainage or runoff issues associated with the prior design, nor are there any identifiable drainage issues associated with the proposed improvements. The proposed landscape plan demonstrates sensitivity to potential drainage issues and acts to capture, or direct, drainage runoff associated with site improvements.

**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 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:

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

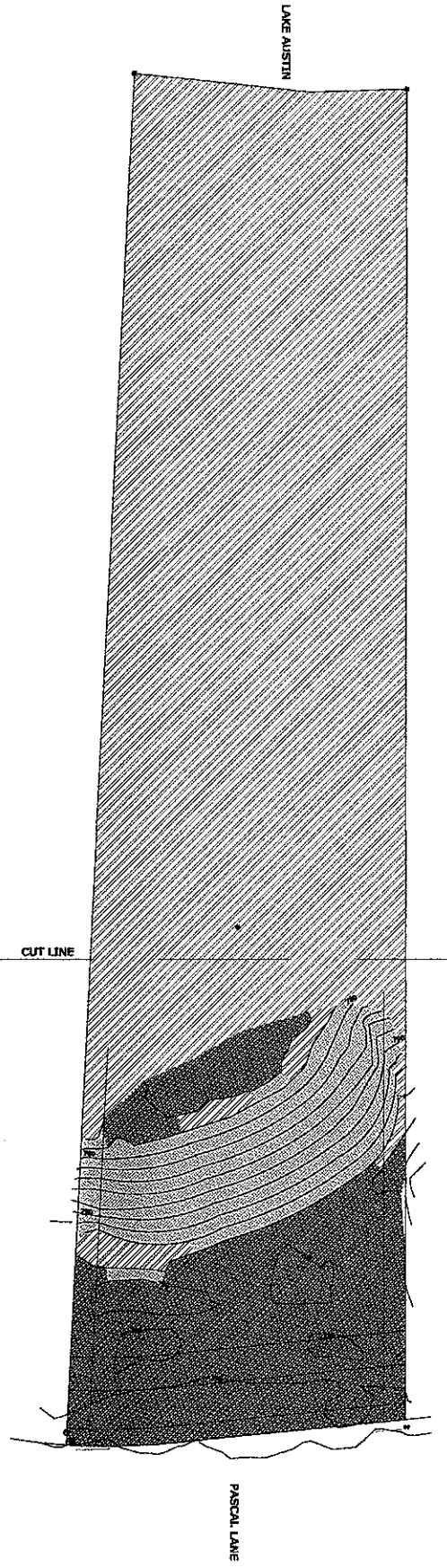
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**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  Mail Address 7105 Burnside Way  
City, State & Zip Austin TX 78745  
Printed David Canales Phone 7992401 Date 11/1/12

**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 \_\_\_\_\_  
City, State & Zip \_\_\_\_\_  
Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_



Slope	Area (sq. ft.)	Allowable Impervious Cover %	Impervious Cover Allowed (sq. ft.)
0-15%	16,165	35%	5,658
15-25%	1,208	10%	121
25-35%	8,582	5%	429
> 35%	58,987	0%	
<b>Total</b>	<b>84,942</b>		<b>6,208</b>

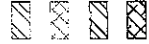
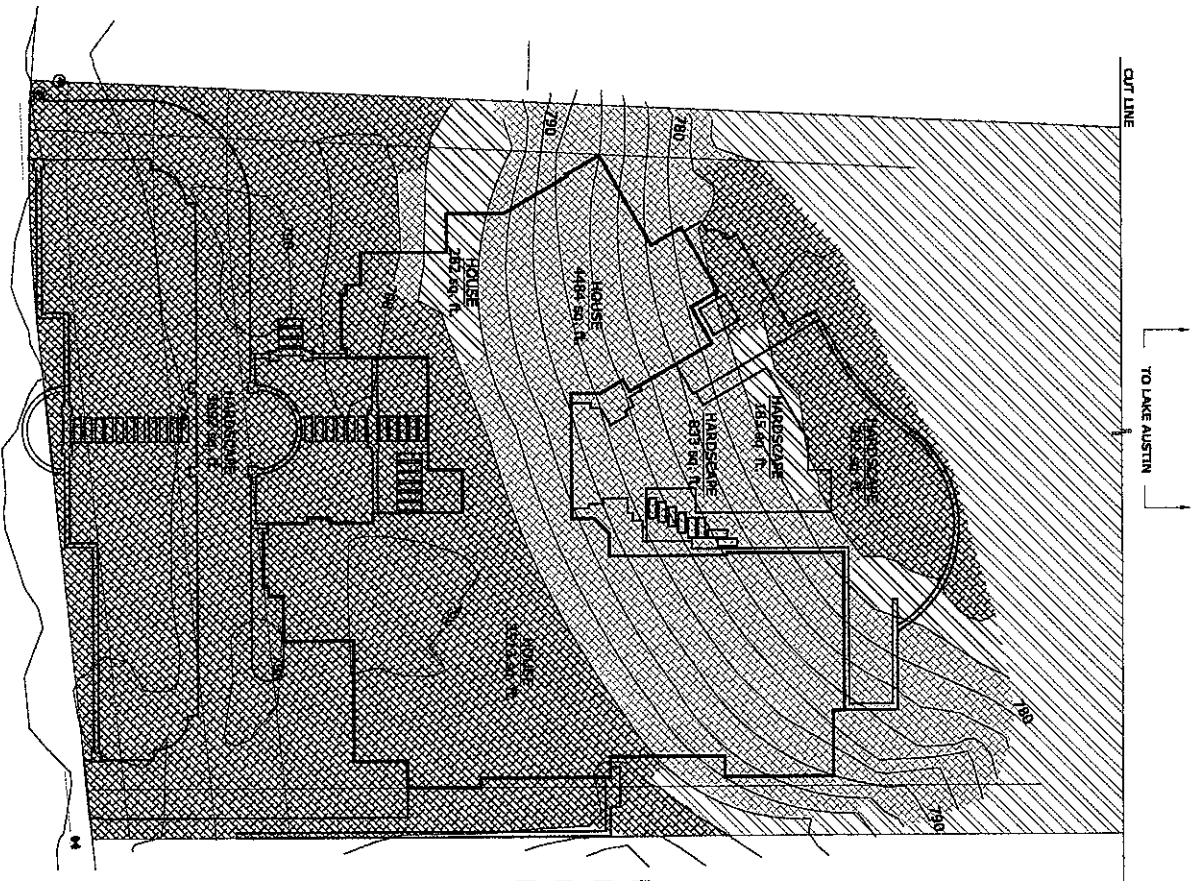


PROPERTY ADDRESS:  
84 PASCAL LANE  
AUSTIN, TX 78746

LEGAL DESCRIPTION:  
LIFT 66 BLOCK 6 NON-RDP PHASE 3



Slope Map  
1"=50'



Slope	Area (sq. ft.)	Allowable Impervious Cover %	Impervious Cover Allowed (sq. ft.)	Actual House Impervious Cover (sq. ft.)	Actual Handscaped Impervious Cover (sq. ft.)	Proposed (sq. ft.)	Proposed Imp. Cov. %
0-15%	16,165	35%	5,658	3,513	4,184	7,697	48%
15-25%	1,208	10%	121	262	185	447	37%
25-35%	8,582	5%	429	4,484	833	5,317	62%
>35%	58,987	0%					
Total	84,942		6,208	8,259	5,202	13,461	

**PROPOSED RESIDENCE**  
 CONDITIONED 8102 SQ. FT.  
 GARAGE 1253 SQ. FT.  
 COVERED 1304 SQ. FT.  
 TOTAL 10659 SQ. FT.

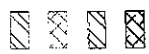
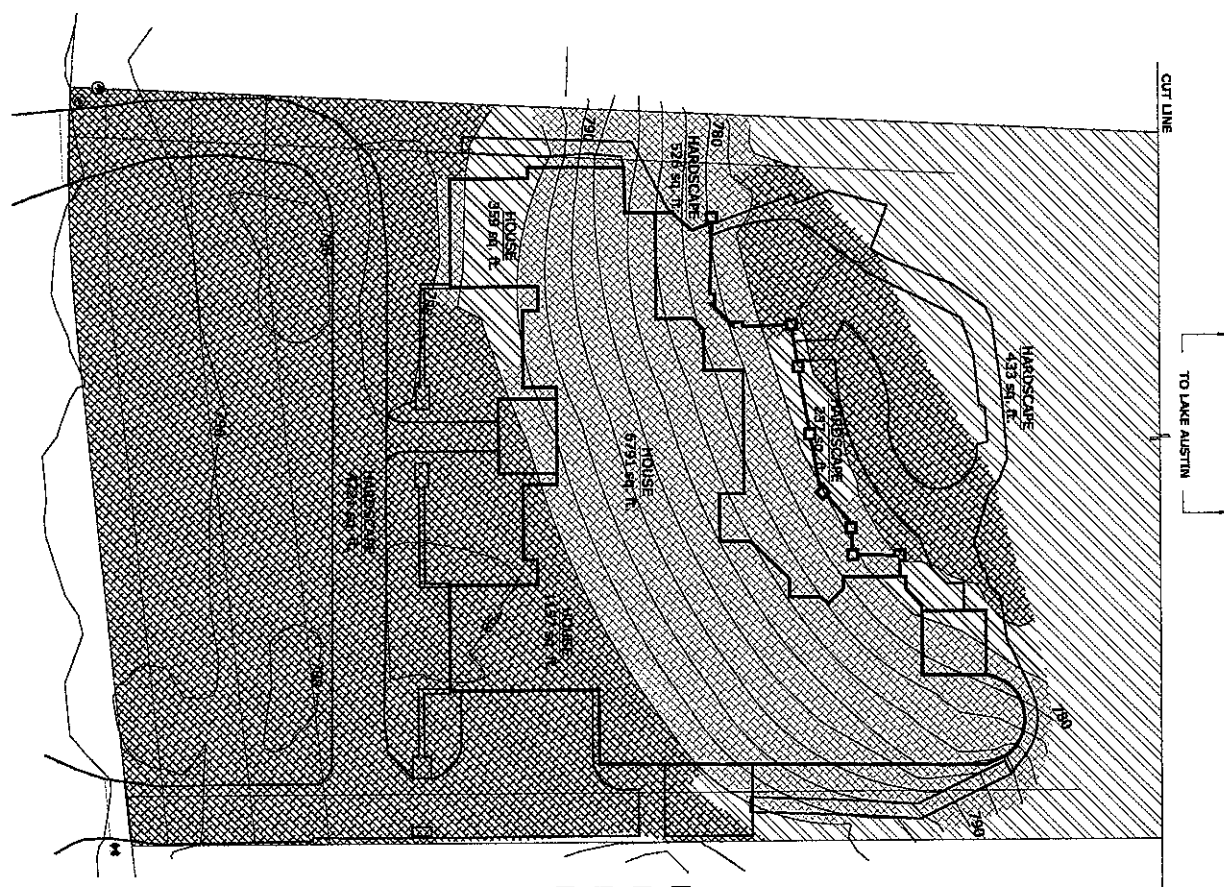
**PROPERTY ADDRESS:**  
 84 PASCAL LANE  
 AUSTIN, TX 78746

**LEGAL DESCRIPTION:**  
 LOT 26 BLOCK 2 DWS 507 PHASE 2



Slope Map/Proposed Plan  
 1"=10'





Slope	Area (sq. ft.)	Allowable Impervious Cover %	Impervious Cover Allowed (sq. ft.)	Original House Impervious Cover (sq. ft.)	Original Hardscape Impervious Cover (sq. ft.)	Original Imp. Cov. (sq. ft.)	Original Imp. Cov. %
0-15%	16,165	35%	5,658	1,157	4,721	5,878	36%
15-25%	1,208	10%	121	359	237	596	49%
25-35%	8,582	5%	429	6,791	526	7,317	85%
>35%	58,987	0%		0	433	433	0.7%
Total	84,942		6,208	8,307	5,917	14,224	

**ORIGINAL RESIDENCE**  
 CONDITIONED 9051 SQ. FT.  
 GARAGE 808 SQ. FT.  
 COVERED 2588 SQ. FT.  
 TOTAL 12447 SQ. FT.

**PROPERTY ADDRESS:**  
 84 FASCAL LANE  
 AUSTIN, TX 78746

**LEGAL DESCRIPTION:**  
 LOT 18 BLOCK 7 SUB 507 PHASE 2



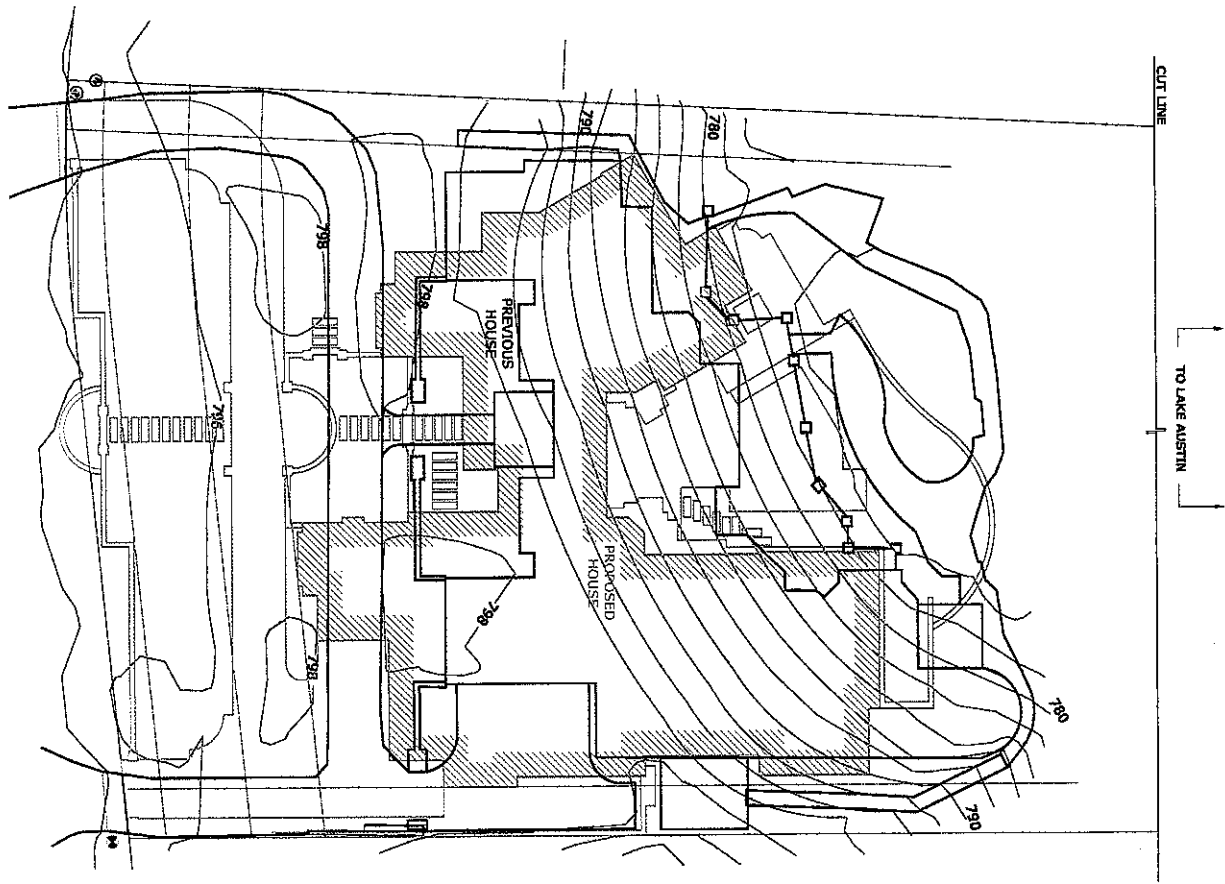
Slope Map/Original Plan  
 1"=10'

**Stabile Residence**  
 84 FASCAL LANE  
 AUSTIN, TX 78746

**CHAS ARCHITECTS**  
 315 WEST 14TH ST. AUSTIN, TX 78701  
 TEL: 512.476.1107  
 WWW.CHASARCHITECTS.COM

DATE: 10/30/13  
 DRAWING NO: A1.3


PROJECT: STABILE RESIDENCE  
 SHEET: A1.3 OF 11  
 SCALE: AS SHOWN  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]



Comparison Site Plan  
1"=10'

PROPERTY ADDRESS:  
84 PASCAL LANE  
AUSTIN, TX 78746

LEGAL DESCRIPTION:  
LOT 68 BLOCK 6 FROM LOT 7800 2



<p>DATE: A1.4</p> <p>PROJECT NO: 1107</p> <p>ISSUE DATE: 10/30/12</p> <p>SCALE: 1"=10'</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>DATE: 10/30/12</p>	<p><b>NOT FOR CONSTRUCTION</b></p>	<p><b>Stable Residence</b></p> <p>84 PASCAL LANE AUSTIN, TX 78746</p>		<p><b>CHAS</b> architects</p> <p>10000 Burnet Rd. Austin, TX 78758 512.836.1007 chasaustin.com</p>
		<p>FOR THE ARCHITECT:</p>		
		<p>FOR THE ARCHITECT:</p>		

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:

\_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

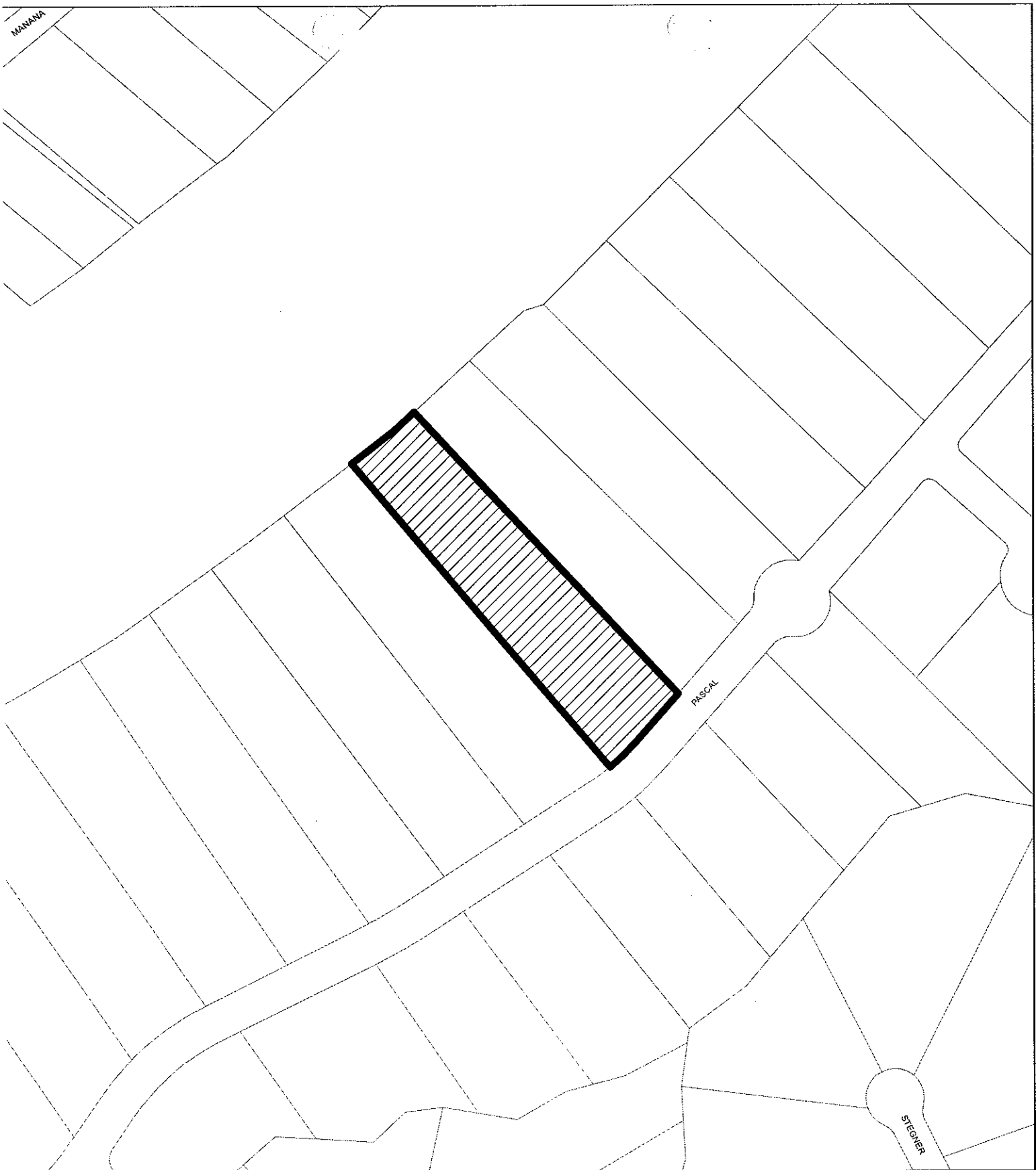
Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

**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 Frank Stabile Mail Address 8500 NAVARRO DR.

City, State & Zip Austin TX 78735

Printed FRANK Stabile Phone 512-328-7452 Date Aug, 02, 2012



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0114  
LOCATION: 84 PASCAL LANE



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.