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).

Revised

CASE # C15-2013-0010
ROW # 10881861
TP# 0164190543

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

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

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

STREET ADDRESS: 9803 Patrice

LEGAL DESCRIPTION: LOT 54 BLK D SPICEWOOD AT BULLCREEK SEC 3 PHS C
Lot(s)__Block_____Division_____

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

Scott Van Den Berg affirm that on August January 1, 2013

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

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ 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) SF-1
Maintain 43.9% Impervious Cover

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 owner is seeking a variance to maintain 43.9% impervious cover in a SF1 zoning district that allows 40% impervious cover. The overage is attributed to an error in the prior processing of a 2005 era permit for a pool whereby a covered deck was not included as part of the scope of work. The pool was permitted and inspected via the 2005 permit, but since expired due to lack of a final inspection (for unknown reasons). The pool and covered deck are currently constructed. The pool and, presumably, the covered deck, passed a city layout inspection. Both items were built at the same time. The owner had no knowledge of the omission of the covered deck on the permit application, etc. All processing was managed by the contractor. At this time there is no recourse with the contractor. The covered deck has a separate engineer stamped letter certifying its compliance with minimum design standards and foundation requirements. The covered deck is an integral part of the rear yard design and poses zero adverse impact to surrounding neighbors.

HARDSHIP:

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

We believe the original permit for the residence and subsequent structures such as the deck and pool were processed by the contractor and the city as SF3 zoning, not being aware that this area is zoned SF1. Or, it may be possible that either party was aware of the SF1 zoning, but not aware of the difference in allowable maximum impervious coverage allowances. Thus, the site was unknowingly built to SF3 standards from the beginning.

At this time, it would be a substantial hardship to remove the covered deck. It is a sizeable structure constructed of 3 steel beam footings professionally installed 36" into the ground and engineered to support an existing 12'x36' cantilevered cover. The covered deck is structurally part of the same foundation as the pool and related deck improvements. The rear yard is substantially lower than the front yard (~15'), thus the rear pool walls are protruding from the ground ~10'. This pool foundation and deck cover foundation were engineered and built at the same time to withstand required building code loads and covered deck footings.

The additional ground cover noted on the survey shown as concrete steps or rock cannot be remedied as pervious cover given the slope of the rear yard from the rear of the home to the pool deck/covered deck area. There does not seem to be a safe way to insert safe, permanent steps to the lower pool area while lowering the site's total impervious cover. Further, the neighborhood does not appear to support the aesthetic of ribbon driveways, dirt walkways, etc.

The current overage is ~735 SF. Reducing the front walkways or other impervious areas does not appear to be a viable solution as the site would still exceed 40% IC.

The owner requests the board consider his non-participation in the aforementioned permitting component of the project and had he known of the errors and omissions would have certainly corrected them at the time of permitting and/or construction.

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

There are no known issues similar to this site with respect to the amount of impervious cover and expired permit.

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 site improvements are in keeping with many surrounding homes found in this upscale neighborhood. The site sits on a cul de sac and is not visible from the street. The site backs up to a nature preserve. There are no rear neighbors. Further, there is no known adverse impact as it relates to drainage or sheet flow from this site to adjacent residential sites. There does not appear to be any evidence of abnormal site erosion on the neighboring preserve.

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

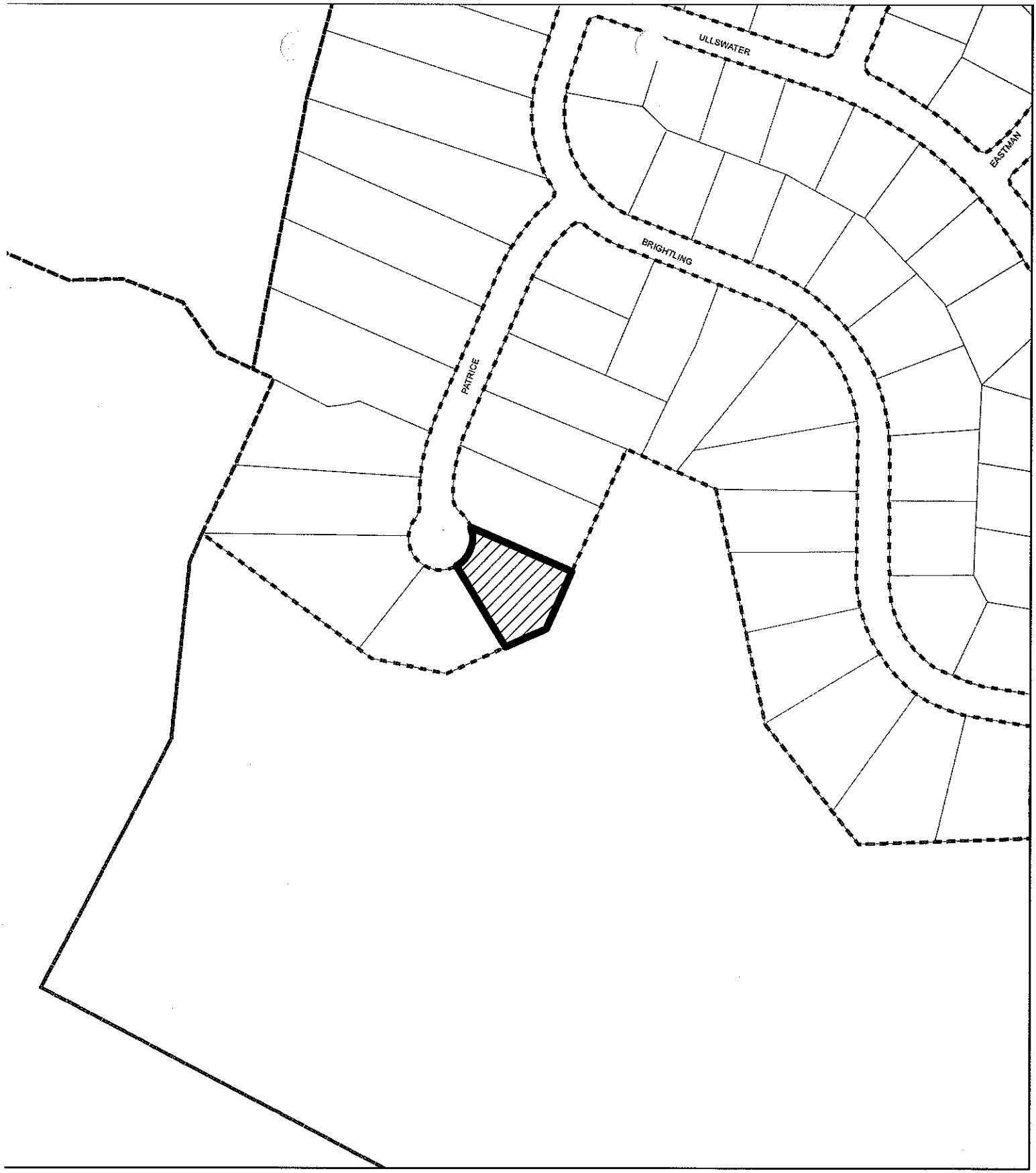
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional 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:

NA

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:

NA



N

SUBJECT TRACT

ZONING BOUNDARY

CASE#: C15-2013-0010
LOCATION: 9803 PATRICE

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.

	LA	RR	SF-1***	SF-2	SF-3
MINIMUM LOT SIZE (square feet):	43,560	43,560	10,000	5,750	5,750
MINIMUM LOT WIDTH:	100	100	60	50	50
MAXIMUM DWELLING UNITS PER LOT:	1	1	1	1	**
MAXIMUM HEIGHT:	35	35	35	35	35
MINIMUM SETBACKS:					
FRONT YARD:	40	40	25	25	25
STREET SIDE YARD:	25	25	15	15	15
INTERIOR SIDE YARD:	10	10	5	5	5
REAR YARD:	20	20	10	10	10
MAXIMUM BUILDING COVERAGE:	—	20%	35%	40%	40%
MAXIMUM IMPERVIOUS COVER:	*	25%	40%	45%	45%

§ 25-2-492 SITE DEVELOPMENT REGULATIONS.

(A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.

(B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.

(C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.

(D) Site development regulation table

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

NA

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

NA

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 Barnsdale Way Austin Texas 78745

Printed David C. Cancialosi, c/o Permit Partners LLC
Phone 512-799-2401 Date January 1, 2013

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

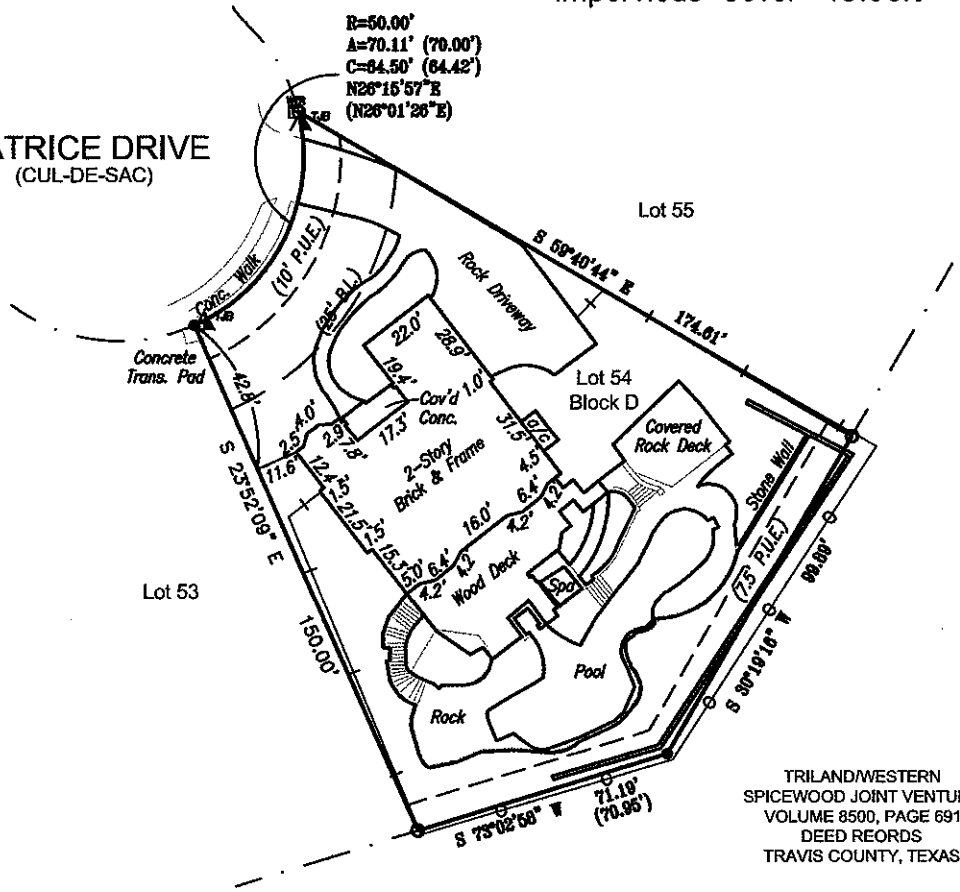
Signed _____
Mail Address

Printed Scott Van Den Berg

IMPERVIOUS COVER SURVEY
(NOT FOR RECORDATION)

SCALE:1"=40'

Lot Area=18,894.59 Sq. Ft.
Total Cover=8,293.14 Sq. Ft.
Impervious Cover=43.90%



TRILAND/WESTERN
SPICEWOOD JOINT VENTURE
VOLUME 8500, PAGE 691
DEED REORDS
TRAVIS COUNTY, TEXAS

Survey done without the benefit of a current Title Report. There may be easements, building lines, or other matters of record not shown hereon.

FLOOD PLAIN NOTE:

This lot is NOT shown to be within the 100 year flood plain as per FEMA FIRM No. 48453C0240H, Dated September 26, 2008. This does NOT imply that this lot will not flood, nor does it create a liability on the part of this Surveyor or company in any such event.

LEGEND

●	½" IRON ROD FOUND (UNLESS STATED)
○	½" IRON ROD W/CAP SET (UNLESS STATED)
TJB	TELEPHONE JUNCTION BOX
—|—	WOOD PRIVACY FENCE
—o—	CHAIN LINK FENCE
B.L.	BUILDING LINE
P.U.E.	PUBLIC UTILITY EASEMENT

SKETCH SHOWING A SURVEY OF LOT 54, BLOCK D, SPICEWOOD AT BULL CREEK SECTION THREE, PHASE "C", ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 85, PAGE 120B, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

DODD SURVEYING
Professional Land Surveyors
503 Parkview Drive
Pflugerville, Texas 78660
(512) 843-3633 DoddSurveying@gmail.com

DRAWN BY : FLD DATE: 8/16/12
JOB NO.: TC12090

STATE OF TEXAS REGISTERED DAVID R. STRICKLAND 5124 PROFESSIONAL LAND SURVEYOR

I, DAVID R. STRICKLAND, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION, AND THAT ALL CORNERS ARE MARKED AS DESCRIBED.

DAVID R. STRICKLAND R.P.L.S. NO. 5124

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

BP Number BP-05-9383RA 9-12
Building Permit No. 5016248 1 3
Plat No. _____ Date 7/19/05
Reviewer M. Volpe

PRIMARY PROJECT DATA

Service Address 9803 Patrice Drive Tax Parcel No. 78750
Legal Description
Lot 54 Block D Subdivision Spicewood @ Bull Creek Section 3 Phase C
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
___Duplex
___Garage ___attached ___detached
___Carport ___attached ___detached
X Pool

___Remodel *(specify)* _____
___Addition *(specify)* _____
___Other *(specify)* _____

Zoning (e.g. SF-1, SF-2...) SF-1 Height of building _____ ft. # of floors _____

On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval. {LDC 25-2-551(B)(6)}

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

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

Does this site front a paved street? X Yes ___No A paved alley? ___Yes ___No

VALUATIONS FOR REMODELS ONLY

Building $_____
Electrical $_____
Mechanical $_____
Plumbing $_____
Driveway & Sidewalk $_____
TOTAL $_____
(labor and materials)

DATA FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 19537. sq.ft.
Job Valuation $ 100,800
(Labor and materials)

Total Job Valuation (remodels and additions)
$_____
(Labor and materials)

PERMIT FEES
(For office use only)

	NEW/ADDITIONS	REMODELS
Building	$_____	$_____
Electrical	$_____	$_____
Mechanical	$_____	$_____
Plumbing	$_____	$_____
Driveway & Sidewalk	$_____	$_____
TOTAL	$_____	$_____

OWNER / BUILDER INFORMATION

OWNER	Name Scott & Rebecca Van Den Berg	Telephone (h) 219-9382 (w) _____
BUILDER	Company Name Scallan Custom Pools Inc	Telephone 288-9909
	Contact/Applicant's Name TIB Scallan.	Pager _____ FAX 288-9901
DRIVEWAY /SIDEWALK	Contractor _____	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

Service Address 9863 Palace Dr.

Applicant's Signature _____ Date _____

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.	1st floor conditioned area	2921 sq.ft.	____ sq.ft.
b.	2nd floor conditioned area	____ sq.ft.	____ sq.ft.
c.	3rd floor conditioned area	____ sq.ft.	____ sq.ft.
d.	Basement	____ sq.ft.	____ sq.ft.
e.	Garage / Carport		
	X attached	in "A" above sq.ft.	____ sq.ft.
	___ detached	____ sq.ft.	____ sq.ft.
f.	Wood decks *[must be counted at 100%]*	650 sq.ft.	____ sq.ft.
g.	Breezeways	____ sq.ft.	____ sq.ft.
h.	Covered patios	____ sq.ft.	____ sq.ft.
i.	Covered porches	130 sq.ft.	____ sq.ft.
j.	Balconies	____ sq.ft.	____ sq.ft.
k.	Swimming pool(s) *[pool surface area(s)]*	____ sq.ft.	1282 sq.ft.
l.	Other building or covered area(s)	____ sq.ft.	____ sq.ft.
	Specify ____		
	TOTAL BUILDING AREA *(add a. through l.)*	____ sq.ft.	____ sq.ft.

TOTAL BUILDING COVERAGE ON LOT *(subtract b., c., d., and k. if applicable)* 3701 sq.ft.
18.9 % 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)*	3701 sq.ft.
b.	Driveway area on private property	1983 sq.ft.
c.	Sidewalk / walkways on private property	in "B" above sq.ft.
d.	Uncovered patios	____ sq.ft.
e.	Uncovered wood decks *[may be counted at 50%]*	135 sq.ft.
f.	Air conditioner pads	24 sq.ft.
g.	Concrete decks	1440 sq.ft.
h.	Other (specify) ____	____ sq.ft.

TOTAL IMPERVIOUS COVERAGE *(add a. through h.)* 7303 sq.ft.
38 % of lot

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 also understand that if there are any trees greater that 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.

APPLICANT'S SIGNATURE _____

DATE 9/19/2005

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

3 0 30 60 90
GRAPHIC SCALE – FEET

NOTE:
LANDATA DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

LEGEND
- WOOD FENCE
- CHAIN LINK
- UTILITY LINE
- A/C UNIT
- ELEC. TRANS.
- GAS METER
- WATER METER
- TELE. PED.
- C.A.T.V. PED.
- UTILITY POLE

TRILAND/WESTERN
SPICEWOOD JOINT VENTURE
VOL. 8500, PG. 691

S30°13'04"W 99.90'
(S30°19'16"W 99.89')

S73°03'07"W 70.88'
(S73°02'58"W 70.95')

LOT 55
VOL. 85
PG. 120B–120D

BEARING BASIS
S59°40'44"E 174.60'
(S59°40'44"E 174.61')

LOT 54
BLOCK "D"

HOUSE

WOOD DECK

CONC DRIVE

COV. CONC. PORCH

CONC. WALK

N23°58'19"W 150.19'
(S23°52'09"E 150.00')

LOT 53
VOL. 85
PG. 120B–120D

9803 PATRICE DRIVE
(50' R.O.W.)

SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION

[1] BUILDING LINE PER DOC. No. 1999070623

LOT 54 IS SUBJECT TO THE ESMT. RIGHTS AS STATED IN V. 13279 P. 83, V. 13279 P. 79, V. 13333 P. 1 & DOC. NO. 1999005338.

LOT 54 IS SUBJECT TO A MAPPING AND MONITORING ESMT. AS STATED IN V. 13279 P. 83 AND DOC. No. 1999005337

TO THE BEST OF MY KNOWLEDGE LANDATA OBSERVED NO VISIBLE EVIDENCE THAT WOULD INDICATE THE PRESENCE OF THE ESMT. IN V. 8992 P. 2049.

CURVE TABLE

(1)
C=S26°07'16"W 64.46'
A=70.08' R=50.00'
(C=N26°01'28"E 64.42')
(A=70.00')

CITY OF AUSTIN
APPROVED FOR PERMIT
Joseph G. Pantalion, P.E.
Watershed Protection & Development Review Depa
By M. Volpe Date 9/19/
The granting of a permit for, or approval of, these pla specifications shall not be construed to be a permit for approval of, any violation of any of the provisions of the adopted building code or any other ordinance of the City of

No.	54	BLOCK	"D"
TION	3	PHASE	C
	TRAVIS	COUNTY, TEXAS	

SUBDIVISION / ADDITION SPICEWOOD @ BULLCREEK
Book ___ Page(s) 120B–120D Cabinet ___ Slide ___ PLAT RECORDS
Volume 85
Street Address: 9803 PATRICE DRIVE
Reference: SCOTT S. VAN DEN BERG AND REBECCA L. VAN DEN BERG

	By	Date
FIELD WORK	J.S.	08-07-03
DRAFTING	J.M.	08-08-03
FINAL CHECK		
CORRECTIONS		
UP DATE	P.D.	2-14-03

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR STEWART TITLE AUSTIN, INC.

DATE 2-14-2003
TITLE CO. STEWART
G.F. No. 0205032B
Job No. 2-8-07-03
SCALE: 1"=30'

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on this survey, and, after the exercise of professional diligence and reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief that there are no visible discrepancies, conflicts, shortages in area, or boundary conflicts or visible encroachments, projections or overlapping of improvements, except as shown hereon; and that the property has access to and from a roadway, except as shown hereon.

STATE OF TEXAS REGISTERED DAVID BELL 3994 PROFESSIONAL LAND SURVEYOR

LANDATA
INC. AUSTIN DIVISION
(512) 440-0071 FAX: 440-0190
611 South Congress Avenue