

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).

CASE # C15-2013-0010
ROW # 10881861
TP-0114190543

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

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

**WAR
NING**

: 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% Impermeable cover

4070 → 43.9%

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 SF2 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 SF2. Or, it may be possible that either party was aware of the SF2 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 coverage 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

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

SCALE: 1"=40'



R=50.00'
A=70.11' (70.00')
C=64.50' (64.42')
N26°15'57"E
(N26°01'26"E)

PATRICE DRIVE
(CUL-DE-SAC)

Lot 55

Lot 54
Block D

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.

- | | |
|-----------------|---|
| ● | 1/2" IRON ROD FOUND (UNLESS STATED) |
| ○ | 1/2" IRON ROD W/CAP SET (UNLESS STATED) |
| ▲ ^{TR} | TELEPHONE JUNCTION BOX |
| — — | WOOD PRIVACY FENCE |
| —○— | 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.

**D^S 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



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 7-12
Building Permit No. 05016248
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
☒ 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 ☒ 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

**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 \$ 100,000
(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 <u>Scott & Rebecca Van Den Berg</u>	Telephone (h) <u>214-9382</u>
		(w) _____
BUILDER	Company Name <u>Scallan Custom Pools Inc</u>	Telephone <u>288-9909</u>
	Contact/Applicant's Name <u>TJB Scallan</u>	Pager _____
DRIVEWAY /SIDEWALK	Contractor _____	FAX <u>288-9901</u>
		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

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. 1 st floor conditioned area	2921	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			
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.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)

3701

sq.ft.

38.9

% 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	1400	sq.ft.
h. Other (specify) _____		sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

sq.ft.

38.9

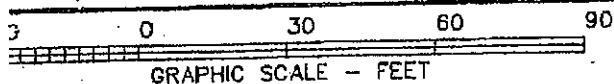
% of lot

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 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.

DATE _____

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

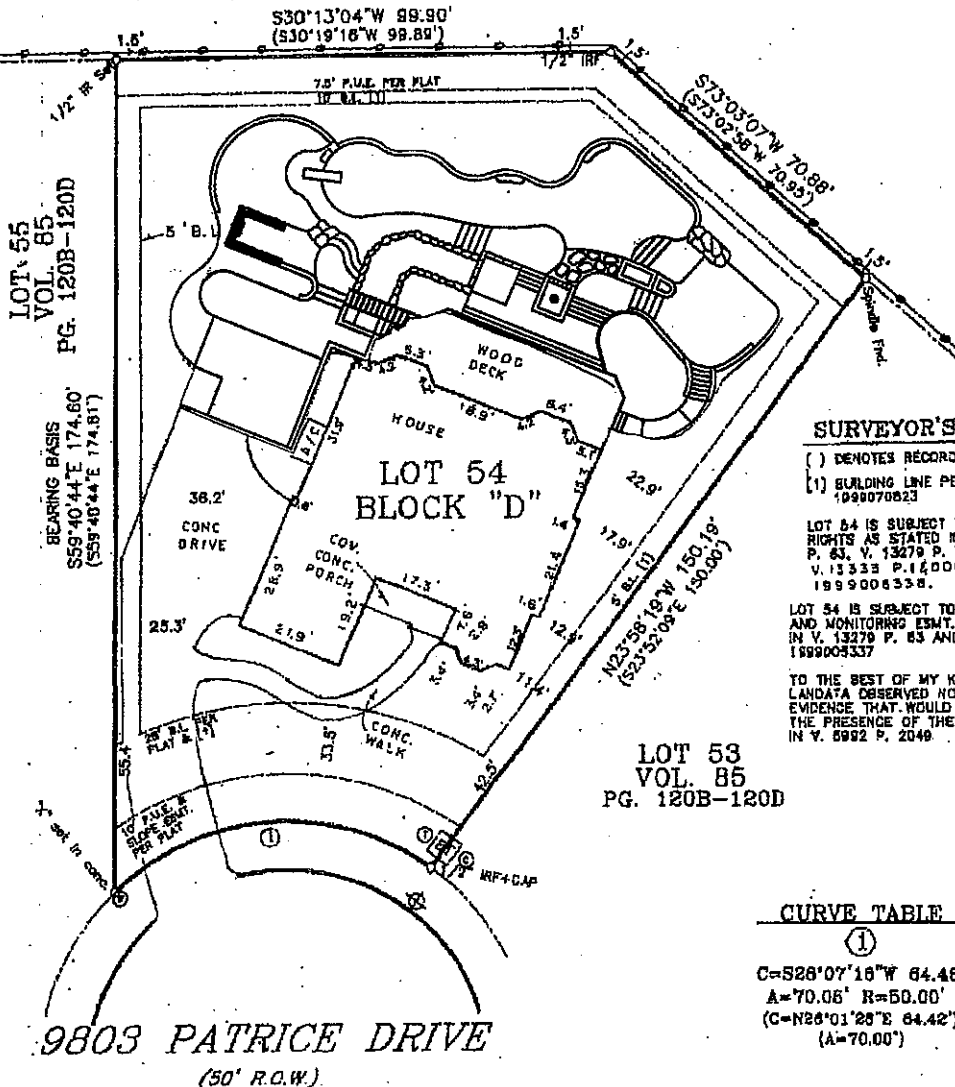


NOTE:
LANDATA DOES NOT MAKE
OR WARRANT ANY FLOOD
ZONE DETERMINATION.

LEGEND

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

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



SURVEYOR'S NOTES

- () DENOTES RECORD INFORMATION
- (1) BUILDING LINE PER DOC. No. 1999070023

LOT 54 IS SUBJECT TO THE ESMY.
RIGHTS AS STATED IN V. 13279
P. 63, V. 13279 P. 78
V. 13333 P. 12 DOC. No.
19990065338.

LOT 54 IS SUBJECT TO A MAPPING
AND MONITORING ESMY. AS STATED
IN V. 13279 P. 63 AND DOC. No.
19990065337

TO THE BEST OF MY KNOWLEDGE
LANDATA OBSERVED NO VISIBLE
EVIDENCE THAT WOULD INDICATE
THE PRESENCE OF THE ESMY.
IN V. 5992 P. 2046

CURVE TABLE

①
C=528'07'16"W 64.48'
A=70.06' R=50.00'
(C=N28°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 9/1/05
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

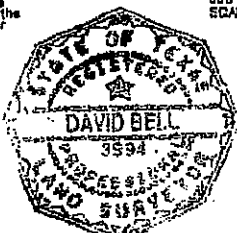
No. 54	BLOCK 70	SUBDIVISION / ADDITION	SPICEWOOD @ BULLCREEK
3	PHASE C	Book	Page(s) 1208-1209
TRAVIS	COUNTY, TEXAS	Volume	85
		Street Address	9803 PATRICE DRIVE
		Reference	SCOTT S. VAN DEN BERG AND REBECCA L. VAN DEN BERG

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

I, the undersigned, certify that this survey was this day made by me or under my supervision on the ground
of the tract property shown on this survey, and after the exercise of professional diligence and reasonable
care and in reliance on records furnished 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, protrusions or overlapping of improvements, except as shown
hereon; and that the property has access to and from a roadway, except as shown hereon.

FIELD WORK	J.S.	08-07-02
DRAWING	J.M.	08-08-02
FINAL CHECK		
CORRECTIONS		
UP DATE	P.D.	2-14-03

DATE 2-14-2003
TITLE CO. STEWART
G.F. No. 02050328
Job No. 2-8-37-03
SCALE: 1"=30'



LANDATA
INC. AUSTIN DIVISION
5121 440-0071 FAX: 440-0199
811 South Congress Avenue

Scott S. Van Den Berg
Rebecca L. Van Den Berg