

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE#

ROW#

C15-2013-0006

10819827

TP-0160070606

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: 10406 Charette Cv.

LEGAL DESCRIPTION: Subdivision- Great Hills Phase II Section 1

Lot(s) 48A Block        Outlot        Division       

I/We Barton Bonner on behalf of myself/ourselves as authorized agent for

Barton and Marcela Bonner affirm that on 12/10/12

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

(check appropriate items below)

ERECT    ATTACH    COMPLETE    REMODEL    MAINTAIN

Home owner requests variance to maintain impervious cover exceeded by previous home owner by 510'.

Variance will allow current home owner to gain approval on building/plumbing permits needed to perform

pool inspection needed to close expired permits caused by previous home owner for a pool built in 1992.

m a SF2 district.  
(zoning district)

45% → 51%

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.

2

**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:

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They prohibit current home owner from "curing" 20 year old expired permits from previous property owner.

**HARDSHIP:**

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

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Impervious cover has been in place for the past 10 or so years. Removal of impervious cover to meet code would unnecessarily disturb the peace and tranquility of the neighborhood.

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

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It is not known whether excessive impervious cover is an issue for other properties in the area, or whether

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other home owners have expired permits that need remediating.

**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:

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The property has conformed well to the character of the adjacent property in appearance, style, and type

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of impervious cover. The property directly behind it has a pool installed.

**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:

N/A

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

N/A

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

N/A

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 Barton Bonner Mail Address 10406 Charette Cv.

City, State & Zip Austin, Texas 78759

Printed Barton Bonner Phone 512-797-3783 Date 12/8/12

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

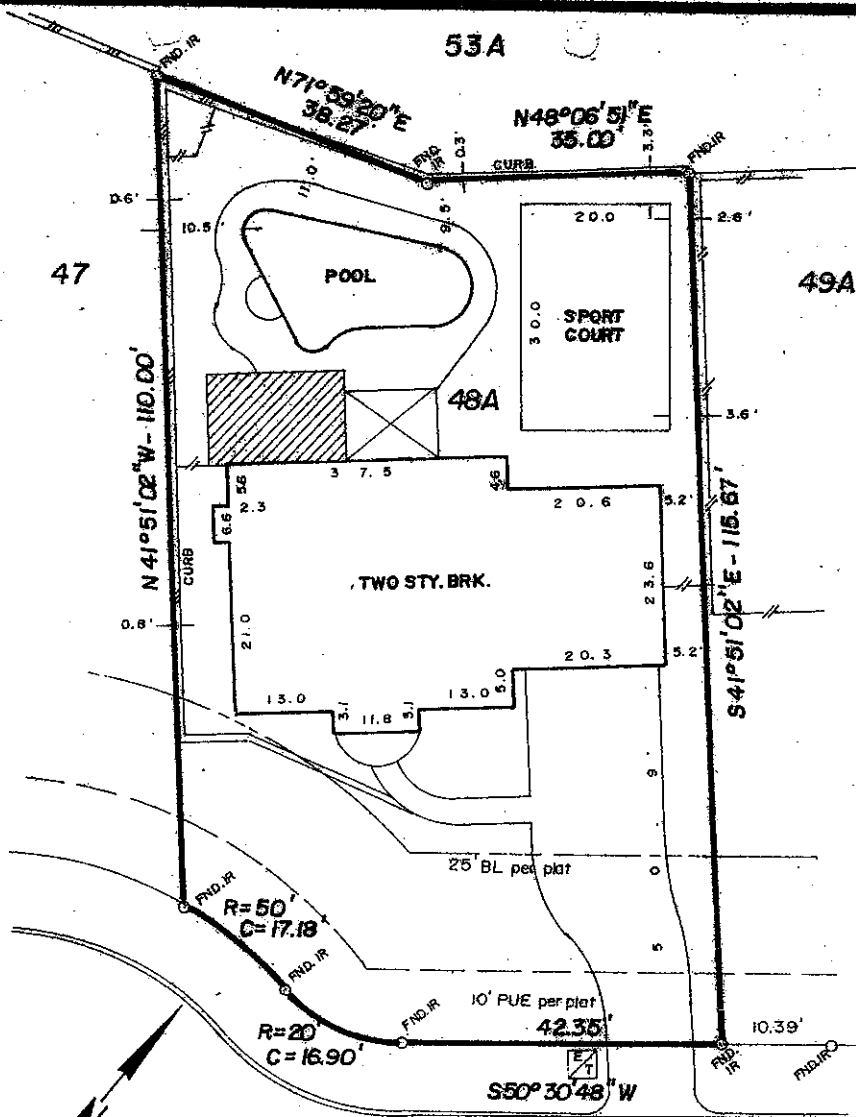
Signed Barton Bonner Mail Address 10406 Charette Cv.

City, State & Zip Austin, Texas 78759

Printed Barton Bonner Phone 512-797-3783

Date 12/8/12

\*NOTE: (1) Lot is subject to Restrictive Covenants, including General Easement Rights and Building Setback Requirements, as recorded in Vol. 9288, Pg. 11; Vol. 10690, Pg. 697; Vol. 10692, Pg. 939; Vol. 11493, Pg. 1517; Vol. 11493, Pg. 1522; Vol. 11495, Pg. 1119; Vol. 11657, Pg. 526, TCRPR, and in Vol. 85, Pgs. 187A-187C, TCRPR.  
 (2) Subject Property DOES NOT lie within the limits of a special flood hazard zone, as determined from F.E.M.A. Flood Insurance Rate Map 48453C0185-E, dated June 16, 1993 (Zone "X").



**CHARETTE COVE**  
 (50' R.O.W.)

All structures/pools/etc.  
 must maintain a 10'  
 horizontal clearance from  
 AE energized power lines.

**AE APPROVED**

DEC 04 2012

RLS 339-11

JUL 09 2012

RLS 191-10

**LEGAL DESCRIPTION:**

Lot 48A, AMENDED PLAT OF LOTS 35-37 AND 48-55, GREAT HILLS PHASE II, SECTION ONE, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 89, Page 166, Travis County Plat Records.

**PURCHASER:**

BONNER

**TITLE CO.:**

GRACY

**ADDRESS:**

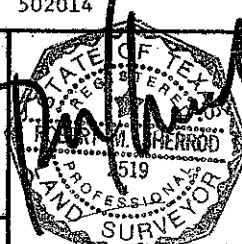
10406 CHARETTE COVE

**G. F. NO.:**

502014

I hereby certify that this plat represents a correct survey made upon the ground under my supervision on May 19 2009, and that there are no encroachments upon subject property, except as shown hereon, and that all improvements and all visible and apparent easements are shown hereon, and that subject property has access to and from a dedicated roadway and that said survey conforms to current Texas Board of Land Surveying Standards.

Robert M. Sherrod, R.P.L.S., State of Texas No. 2519



**NOTE**

**G · E · O**  
 A GEOGRAPHICAL  
 LAND SERVICES CO.

4412 SPICEWOOD SPRINGS ROAD  
 SPICEWOOD BUSINESS CENTER  
 SUITE 1002  
 AUSTIN, TEXAS 78759  
 (512) 343-9GEO

**DATE**

4-14-05

**FIELD**

HA

**CHK'D**

TJH

**SCALE**

1"=20'

**JOB**

NO.

0511175

**Walker, Susan**

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**From:** [REDACTED]  
**Sent:** Wednesday, January 16, 2013 12:02 AM  
**To:** Walker, Susan  
**Cc:** Ramirez, Diana  
**Subject:** RE: 10406 Charette Cove

Hi Susan. We spoke on the phone today.

The building and impervious coverage figures are shown below in your email to Theresa Canchola. The totals amount to 51%.

Supposedly the allowable is 40% building max and 45% Building + Impervious Coverage.

With a lot size of 8,063 that would give me 3,628 ft. sq. allowed, and I am 4,138. Overage of 510 ft. sq.

As noted in my letter to the board (mailed to you Saturday along with other supporting documents), my only opportunity to get to 3,628 would be to rip up the Sport Court (600 ft. sq.), which has been in place for 10 years.

The gist of my case is that it is disruptive to the neighborhood to ask me to jackhammer up my sport court, possibly causing other property damage in the process, so I can close 20 year old permits. My next door neighbor is the writer Louis Sachar (he wrote the book "Holes" which Disney made a movie of). He signed my letter of support for the variance. I hope the City of Austin will support me on this so we can avoid disturbing his creative endeavors, as well as allow me to move forward on closing those old permits.

Thanks for your help,  
Bart Bonner

## Signatures of Neighbor Support

For Impervious Cover Variance Request

Submitted to the City of Austin Board of Adjustment

By Bart Bonner

10406 Charette Cv.

For Review On February 11, 2013

### Situation Summary

- A swimming pool was built in 1992 by the previous owners of the house on 10406 Charette Cv. The pool contractors who built the pool did not close their permits (building/plumbing).
- The expired permits must be closed before the City of Austin will issue any new permits for the premises (for example, to install new HVAC systems).
- In order to close the 20 year old permits, a new Building Permit application must be submitted by the current home owners (Bonners), in order that the City Of Austin can inspect the pool. If the pool passes inspection, the old permits as well as the newly created ones will be closed.
- For the new Building Permit application to be approved the City of Austin, a variance request must first be approved by the City of Austin Board of Adjustment. This variance is needed because the property exceeds the impervious cover limitation of 45% of lot size by 6% (510 sq. ft.).
- IF THE VARIANCE IS APPROVED, NO CHANGES TO THE BONNER'S PROPERTY WILL BE REQUIRED and the owners can proceed with the next steps in clearing up the expired pool permits.

By signing below, I support Bart Bonner's request for a variance for excessive impervious coverage on his property, so that 1) the peace and tranquility of the neighborhood is not disturbed by the removal of concrete, 2) he does not potentially risk damaging his pool from hammering vibrations caused by concrete removal, e.g., from the removal of the Sport Court adjacent to the pool, and 3) so that he may expedite the closing of expired permits on his property without further delay in order to maintain both his property and the health and safety of his family.

NAME: Gabriel Rupertus

ADDRESS: 10404 Charette Cv Austin, Tx 78759

DATE: 12/21/12

SIGNATURE: Gabriel Rupertus

NAME: Louis & Carla Sachar

ADDRESS: 10408 Charette Cove Austin 78759

DATE: 12/21/2012

SIGNATURE: Carla Sachar, Louis Sachar

NAME: Lynn R. WEBER

ADDRESS: 10413 CHARETTIC COVE

DATE: 12/21/2012

SIGNATURE: Lynn R. Weber

NAME: Eric Daub and Dale Koike

ADDRESS: 10410 Charette Cove

DATE: 12/21/2012

SIGNATURE: Eric Daub

NAME: ANDRZEJ CICHOCKI

ADDRESS: 10407 CHARETTE CV, AUSTIN TX

DATE: 12/21/12

SIGNATURE: Andrzej Cichocki

NAME: Christine & Pete Hausmann

ADDRESS: 10401 Charette Cove

DATE: 12/21/12

SIGNATURE: Christ Hausmann

NAME: Steve & Kathleen Jennings  
ADDRESS: 10400 Charette Cove  
DATE: 12-21-12  
SIGNATURE: [Signature]

NAME: Joseph T & Martha O'Connell  
ADDRESS: 10402 Charette Cove  
DATE: 12/21/12  
SIGNATURE: [Signature]

NAME: Hanan Potash  
ADDRESS: 10403 Charette Cove  
DATE: 12/21/2012  
SIGNATURE: [Signature]

NAME: Lisa Dublin  
ADDRESS: 6703 Rain Creek Pkwy  
DATE: 12/21/12  
SIGNATURE: Lisa A. Dublin

NAME: Arthur L. & Patricia B. Mix  
ADDRESS: 10411 Charette Cove  
DATE: 12-28-12  
SIGNATURE: Patricia Mix



## Letter To The Board of Adjustments (2/11/13)

I respectfully request the Board of Adjustment's approval for a variance for exceeding the impervious cover limit on my residence at 10406 Charette Cv. in Northwest Austin. According to the permit department, the amount of the excess is 510 sq. ft.

The reason for this request is not that I'm building anything new on my property. I purchased the home in 2005 and have not made any changes to the impervious cover. In researching this situation I've come to learn that the excess occurred when the previous home owner built a Sport Court in the backyard about ten years ago. Please refer to the survey plat dated 2005, and a recent photo of the backyard.

The need for the variance arises because contractors are currently unable to take out permits to make needed repairs and upgrades to my house. The reason for the permit denials by the City of Austin is that my property has expired permits on record.

When I inquired about the expired permits with the permit department on July 9th, I was told that they were for the swimming pool that was built in 1992, and that the process to close expired permits involves applying for new permits as if building a new swimming pool. After much searching and calling of pool builders and plumbers, I was finally able to locate a plumber willing to assist to pull a plumbing permit required for the pool inspection. I then applied for the required building permit in October, but my application was denied due to the excess impervious cover issue. To date, I've been working unsuccessfully to resolve this issue for the past 6 months.

I've included with the variance application a signed letter of support from 11 neighbors on my block who support this variance request. As I spoke with each of them and explained to them this complex situation, highlighting that my end goal is to "cure" the expired pool permits, all of them without exception strongly expressed their support for keeping my property unchanged, and were dismayed by the intractability of the issue. This strong support includes that of my next door neighbor, a National Book Award winning author of 21 educational and fiction books for children.

In summary, your approval will allow me to:

1. Maintain the existing integrity of my property, which has remained unchanged for the past 10 years.
2. Preserve the peace and quiet of the neighborhood by avoiding loud construction noises caused by concrete removal.
3. Avoid the potential risk of damaging my pool from ground vibrations caused by jackhammering of the Sport Court, which sits only 7 feet away from the pool.
4. Take the next step in closing the expired permits without further delay
5. Allow contractors to take out permits so that I may upgrade my heating and air conditioning system, which is approaching its End of Life.

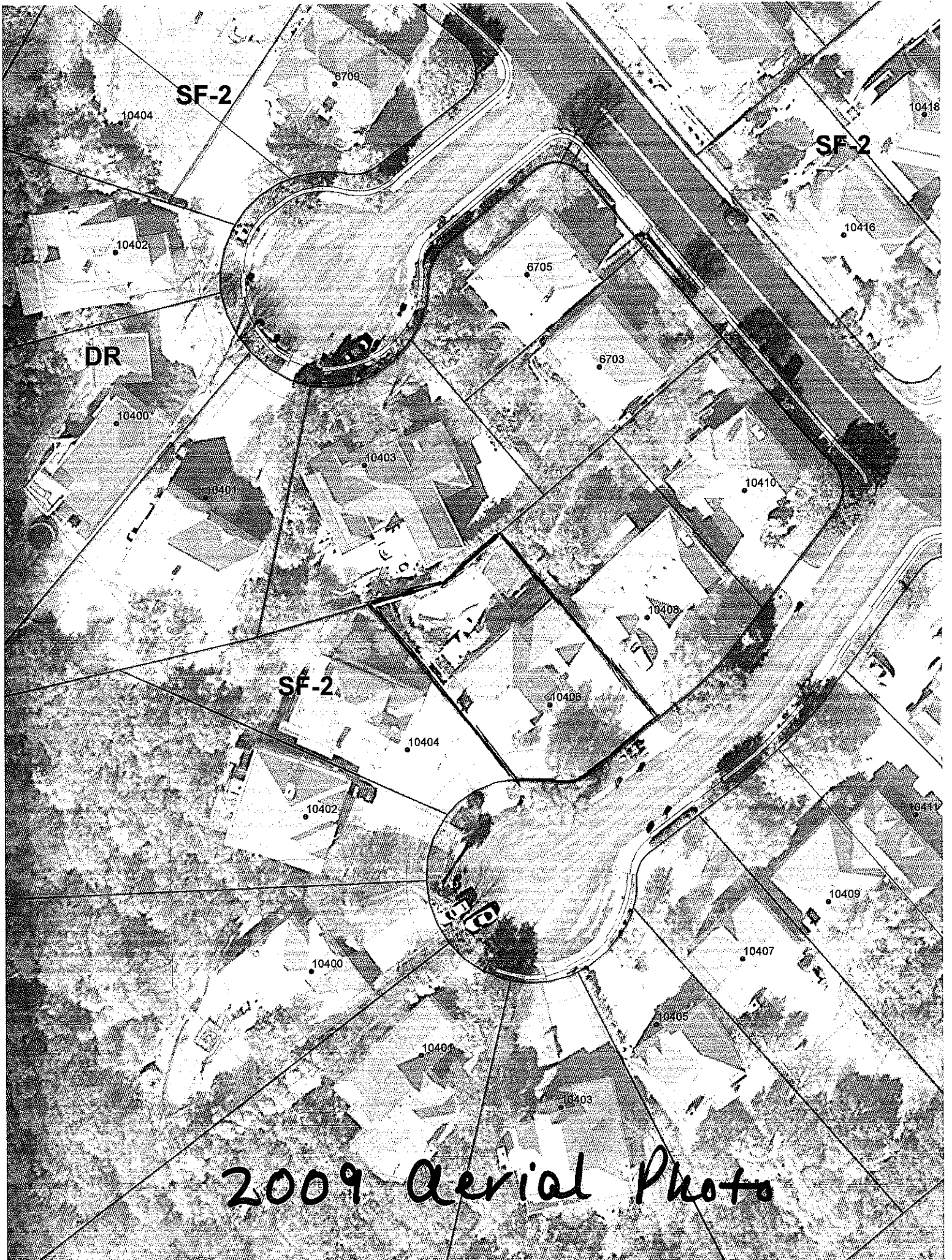
Sincerely,  
Bart Bonner











SF-2

SF-2

DR

SF-2

2009 Aerial Photo



# City of Austin BUILDING PERMIT

**PERMIT NO:** 1992-010779-BP  
10406 CHARETTE CV

**Type:** COMMERCIAL  
**Issue Date:**

**Status:** Expired  
**EXPIRY DATE:** 12/21/1992

LEGAL DESCRIPTION				SITE APPROVAL		ZONING		
PROPOSED OCCUPANCY: New Swimming Pool Residence		WORK PERMITTED: New		ISSUED BY:				
TOTAL SQFT New/Addn: 380	VALUATION Tot Val Rem: \$.00 Tot Job Val: \$20,000.00		TYPE CONST.	USE CAT. 329	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE					

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	31.00	3/19/1992	Plumbing Permit Fee	31.00	6/18/1992			
<b>Fees Total:</b>	<b>62.00</b>							

### Inspection Requirements

Building Inspection

Mechanical Inspection

Plumbing Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

### Comments

Fence 4' In Height Max 4" Opening, Gates Must Be Self- Closing And Self-Latching Device\* \*\*

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin  
BUILDING PERMIT

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10406 CHARETTE CV

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TOTAL SQFT New/Addn: 380		VALUATION Tot Val Rem: \$0.00 Tot Job Val: \$20,000.00		TYPE CONST.	USE CAT. 329	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE				

Type	Date	Status	Comments	Inspector
100 Pre-Construction		Open		Michael Davis
* 101 Building Layout	3/20/1992	Pass	MIGRATED FROM PIER.	Blue Delgado
102 Foundation		Open		Michael Davis
103 Framing		Open		Michael Davis
104 Insulation		Open		Michael Davis
105 Wallboard		Open		Michael Davis
108 TCO Stocking		Open		Michael Davis
109 TCO Occupancy		Open		Michael Davis
111 Energy Final		Open		Michael Davis
* 112 Final Building	6/24/1992	Fail	MIGRATED FROM PIER.	Blue Delgado