

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

DATE: Monday, April 8, 2013

CASE NUMBER: C15-2013-0026

☒ Y ___ Jeff Jack
☒ Y ___ Michael Von Ohlen **Motion to PP to May 13, 2013**
☒ Y ___ Nora Salinas
☒ Y ___ Bryan King **2nd the Motion**
☒ Y ___ Fred McGhee
☒ Y ___ Melissa Hawthorne
☒ Y ___ Sallie Burchett
☐ - ___ Cathy French (SRB only)

APPLICANT: Bryan Ennenga

OWNER: Allison Sallee

ADDRESS: 6703 LEPRECHAUN DR

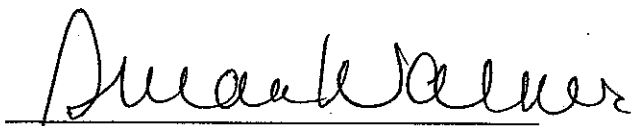
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (a) from 35% (36.98% existing) to 40.2% in order to erect a swimming pool for a single-family residence in an "LA", Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 13, 2013, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO MAY 13, 2013.**


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:

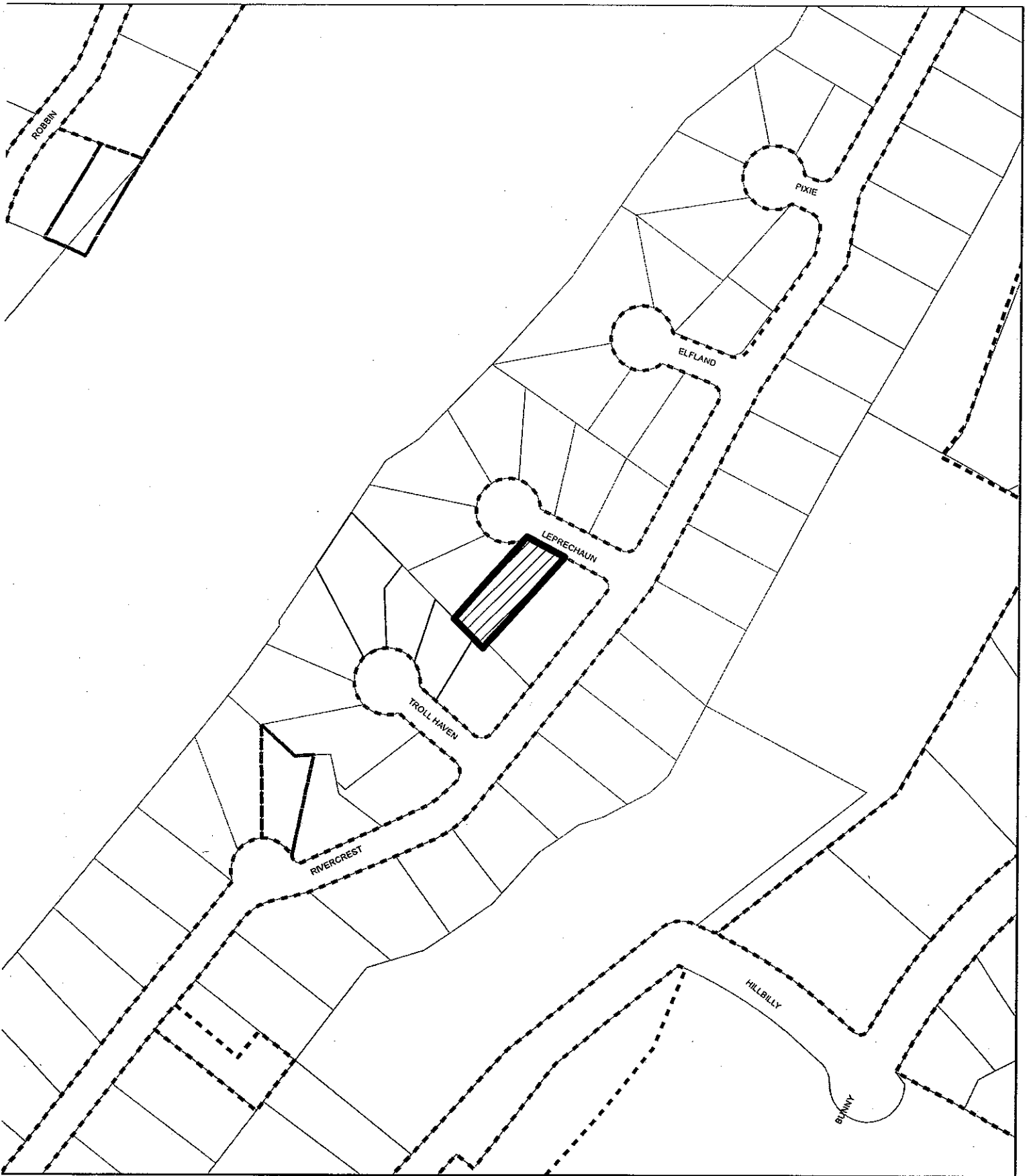
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Susan Walker
Executive Liaison



Jeff Jack
Chairman



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0026
LOCATION: 6703 LEPRECHAUN DR



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.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0026 – 6703 Leprechaun Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, April 8th, 2013

Adrian James

Your Name (please print)

6702 Troll Haven

Your address(es) affected by this application

☒ I am in favor
☐ I object

[Signature]

4/2/2013

Daytime Telephone: 512-358-0691

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2013-0026 – 6703 Leprechaun Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, April 8th, 2013

Kieran Purcell

Your Name (please print)

6703 Leprechaun Dr.

Your address(es) affected by this application

Susan Walker

Signature

4/11/13

Date

Daytime Telephone:

512 468 2040

Comments:

☒ I am in favor
☐ I object

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P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2013-0026 – 6703 Leprechaun Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, April 8th, 2013

Steven Davis

Your Name (please print)

☒ I am in favor
☐ I object

3401 Rivercrest Drive

Your address(es) affected by this application

[Signature]

Signature

3-31-13

Date

Daytime Telephone: 512 263 1698

Comments: This is a very reasonable use of the property. I live across the street and have more than enough previous land to offset this slight increase.

If you use this form to comment, it may be returned to:

Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2013-0026 – 6703 Leprechaun Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, April 8th, 2013

Alexa Salte
Your Name (please print)

☒ I am in favor
☐ I object

6703 LEPRECHAUN DR.
Your address(es) affected by this application

Alexa Salte *AS* 4/21/13
Signature Date

Daytime Telephone: 512.468.2040

Comments:

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2013-0026 – 6703 Leprechaun Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, April 8th, 2013

Jared Lynn Holland

Your Name (please print)

3404 Rucrest Drive 78746

Your address(es) affected by this application

Jared Lynn Holland

Signature

4/4/13

Date

Daytime Telephone: 512 944 2526

Comments: *No issue on my end.*

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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 # C15-2013-0026
ROW # 10911831

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

TP-0131190123

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

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

STREET ADDRESS: 6703 Leprechawn Dr.

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Bryan Enneking on behalf of myself/ourselves as authorized agent for
Allison L. Sallee affirm that on _____, _____,

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

(check appropriate items below)

☒ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

a pool with an i.c. % of 40.2%

in a LA district.
(zoning district)

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.

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:

WHEN THE CURRENT RESIDENTS MOVED INTO THE PROPERTY

THERE WAS AN EXISTING (UNCOVERED) WOOD DECK THAT WAS NOT PERMITTED. THIS WOOD DECK CURRENTLY PUTS THE PROPERTY

HARDSHIP: SLIGHTLY OVER THE IMPERVIOUS COVER ALLOWANCE OF 35%.

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

THERE IS A SIGNIFICANT DROP OFF FROM THE REAR (SLIDING DOOR)

EXIT TO ZERO GRADE OF PROPERTY. WITHOUT THE EXISTING WOOD DECK, ACCESS TO BACKYARD WOULD BE LIMITED. (SEE PHOTOS)

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

MOST PROPERTIES LOCATED IN THIS AREA HAVE EXITS TO BACKYARD FOR

MORE LEVEL WITH THE GROUND. IF THIS WOOD DECK IN QUESTION WAS NOT ABSOLUTELY NECESSARY, IT WOULD BE REMOVED AND THEREFORE

AREA CHARACTER: ALLOWING THE PROPOSED SWIMMING POOL TO FALL WITHIN THE IMPERVIOUS COVERAGE ALLOWANCE.

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 SWIMMING POOL COPING IS 80" (NO CONCRETE DECKING). THIS

ONLY TAKES UP .006% OF THE LOT COVERAGE. WITHOUT THE EXISTING WOOD DECK, THE SWIMMING POOL WOULD BE WELL WITHIN

PARKING: (Additional criteria for parking variances only.) THE IMPERVIOUS COVERAGE

ALLOWANCE.

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.

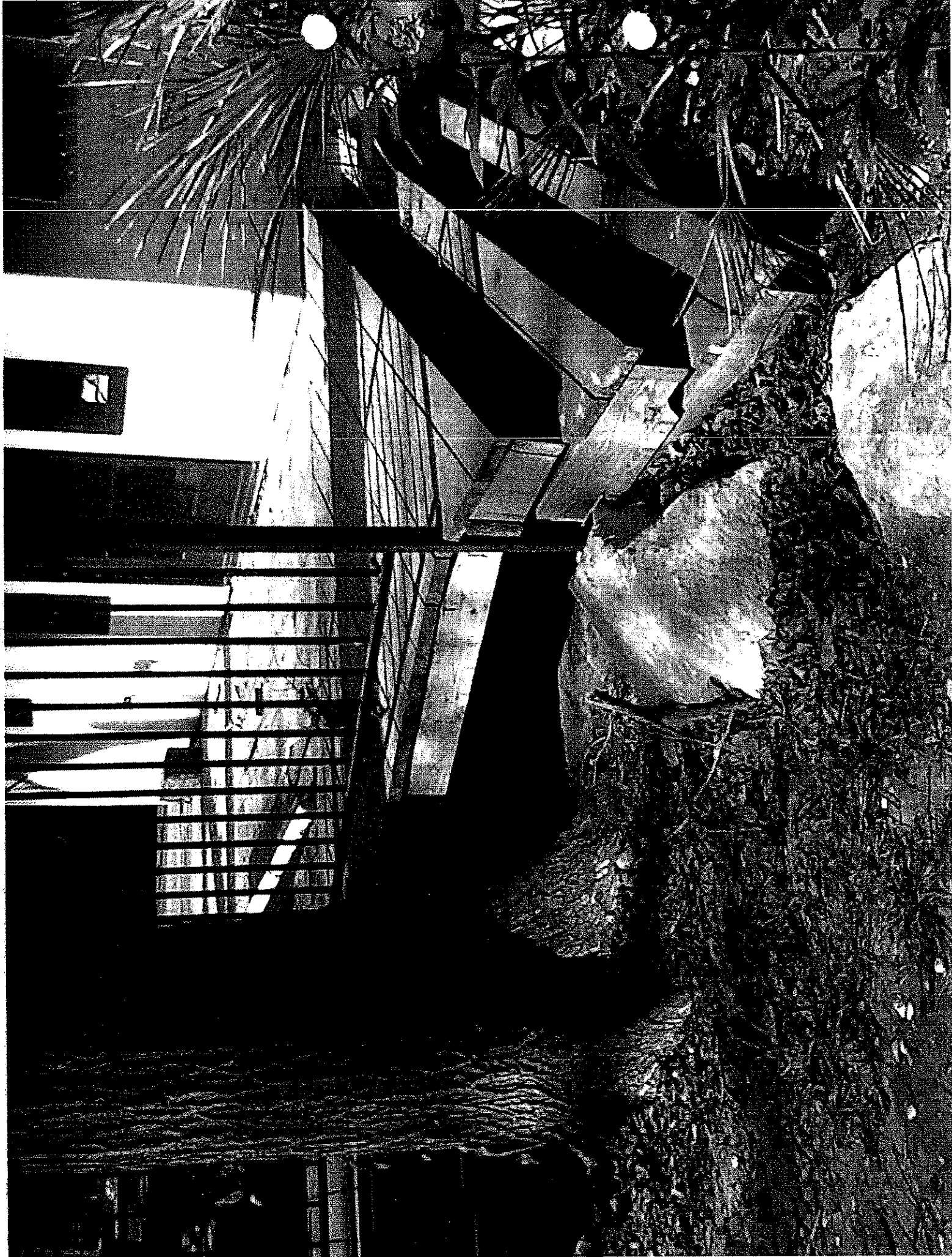
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

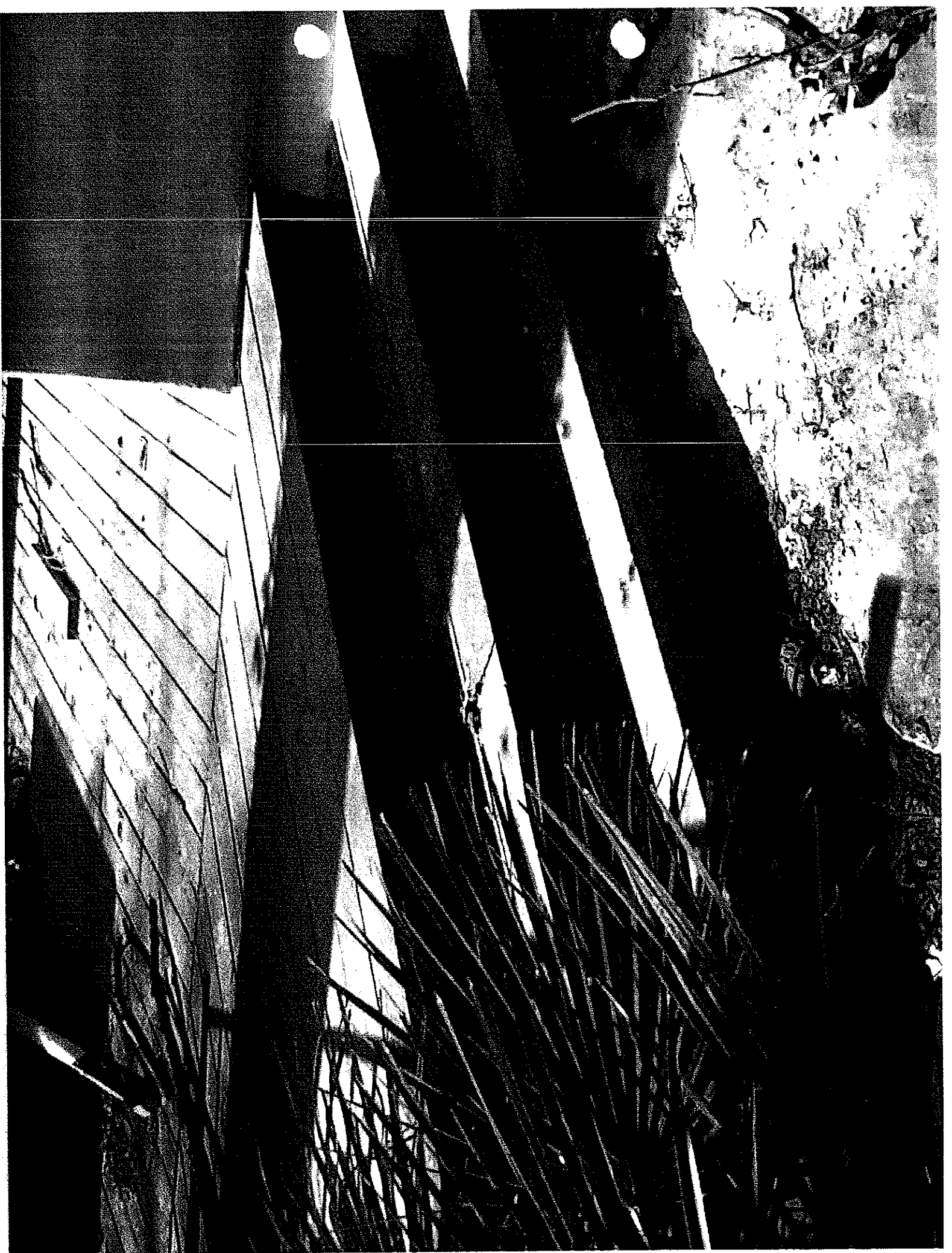
CONTRACTOR Signed [Signature] Mail Address 12343 Hymedow Dr. #3E
City, State & Zip Austin, TX 78750
Printed BRYAN ENNENGA Phone 512-508-8955 Date 2-28-13

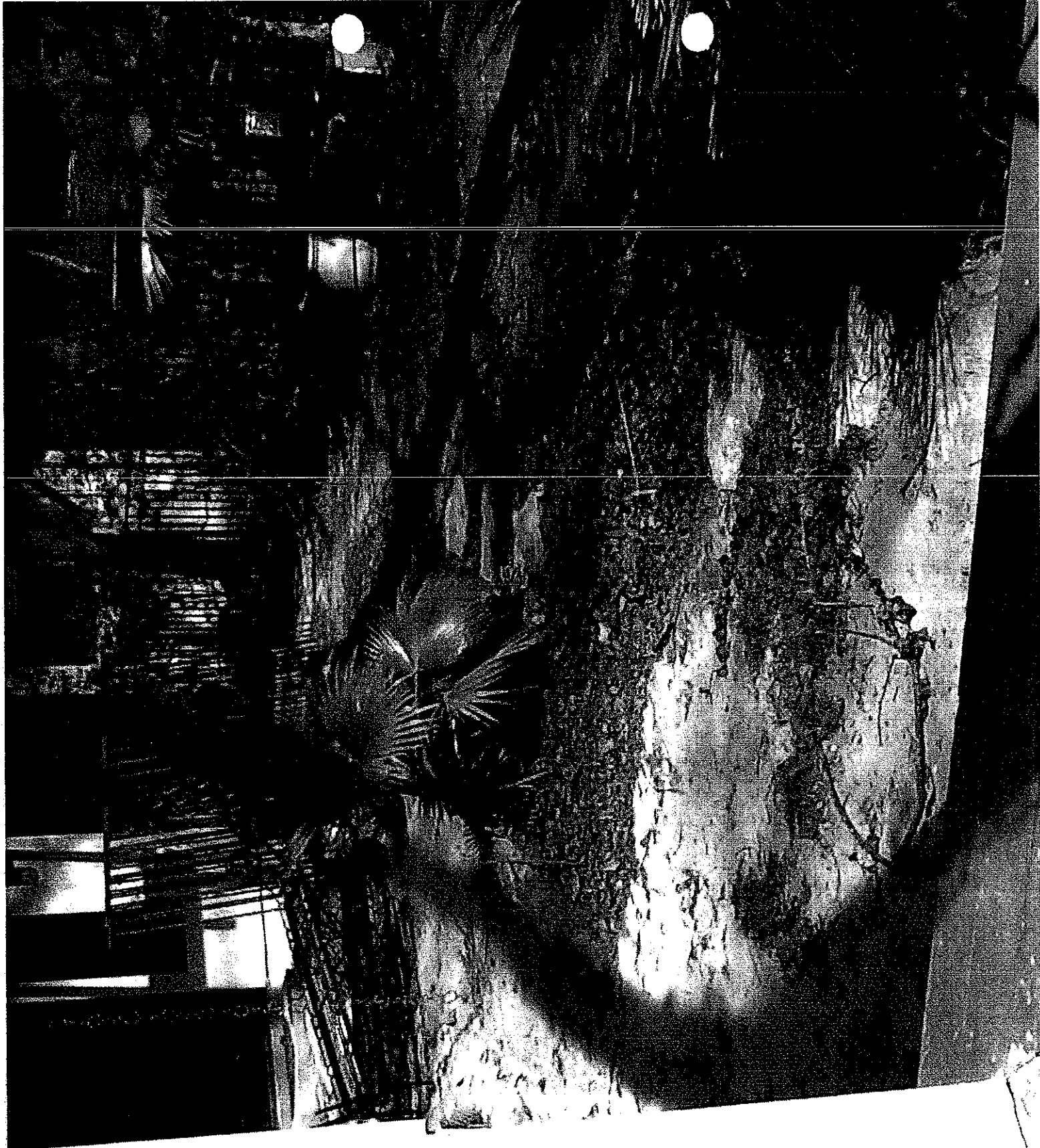
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed ALISON L. SALLIE Mail Address 6703 Leprechaun Dr.
City, State & Zip Austin, TX. 78750
Printed ALISON L. SALLIE Phone 512-468-2042 Date 2-28-13









Location
of proposed
Pool





City of Austin BUILDING PERMIT

PERMIT NO: 2012-011179-BP
6703 LEPRECHAUN DR

Type: RESIDENTIAL **Status:** Final
Issue Date: 02/06/2012 **EXPIRY DATE:** 01/16/2013

LEGAL DESCRIPTION						SITE APPROVAL		ZONING LA	
PROPOSED OCCUPANCY:		WORK PERMITTED: Addition and Remodel				ISSUED BY: Diana Cortinas			
<p>**Partial demolition of exterior walls and roof structure to accomodate new 2nd stroy addition of game room and unconditioned attic space; condition existing covered patio; no new impervious coverage being added; remodel of existing to upgrade entire residence; new plumbing, electrical and HVAC throughout; new windows and doors; repair foundation as needed; interior demolition as needed; new framing interior; total demolition of unpermitted wood decks around perimeter of residence (Demo permit to serve both partial and total demos)</p>									
TOTAL SQFT New/Addn: 1,238		VALUATION Tot Val Rem: \$300,000.00 Tot Job Val: \$300,000.00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS 2	UNITS 1	# OF PKG SPACES 2
TOTAL BLDG. COVERAGE 3498		% COVERAGE 28.3	TOTAL IMPERVIOUS COVERAGE 4569		% COVERAGE 36.98	# OF BATHROOMS 3.5		METER SIZE 3/4	

Contact

Applicant, Dusty Waldrop, Aspen Creek Homes, LLC

Phone

(512) 342-9500

Contact

General Contractor, Dusty Waldrop, Aspen Creek Homes, LLC

Phone

(512) 342-9500

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	1,835.00	2/6/2012	Demolition Permit Fee	44.00	2/6/2012	Electrical Permit Fee	134.00	2/24/2012
Initial Residential Review Fee	100.00	2/6/2012	Mechanical Permit Fee	114.00	5/11/2012	Plumbing Permit Fee	86.00	5/31/2012
Re-Inspection Fee	65.00	1/3/2013	Re-Inspection Fee	65.00	1/3/2013	Re-Inspection Fee	65.00	1/3/2013
Re-Inspection Fee	65.00	1/15/2013	Re-Inspection Fee	65.00	1/15/2013			
Fees Total:		2,638.00						

Inspection Requirements

Building Inspection
Plumbing Inspection

Electric Inspection
Tree Inspection

Mechanical Inspection

On Site Sewage Facility 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

- **Applicant proposes adding zero net new IC to site. All improvementst are being done over existing concrete
- **Existing legal non-compliant structure (Over allowable IC); Subdivision platted prior to 4-22-1982 allows 35% IC allowed, SF-2 setbacks in place
- **Unpermitted wood decks must be demolished in order to keep legal non-compliant status - wood decks were added after original constuction date
- **Applicant assures, and architect notes on plans that no more than 50% of exterior walls to be demolished; if so, then new construction permit will be needed
- **Withdrawl permit #2011-106382 PR (New Construction)

Residential Zoning Review

Date 02/03/2012
Reviewer Darren Cain

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.

Walker, Susan

From: Bryan Ennenga [REDACTED]
Sent: Friday, March 01, 2013 1:25 PM
To: Walker, Susan
Subject: 6703 Leperchaun Way
Attachments: engineer scaled survey with pool.pdf

Hello Susan,

The impervious cover % that we need to apply for is 40.2%. That includes 50% of a 650 SF wood deck that is not covered. I was a little confused as to why the home alone is 2% over the 35% and why at some point the City of Austin ok'd it. If you are able to share with me any info on this circumstance, it would be appreciated. Attached is the survey of the residence. Thank you for help today Susan, let me know if there is anything else you need.

BRYAN ENNENGA

DESIGNER
POOLS & OUTDOOR LIVING
SALES MANAGER
512-568-8955
Bryan@DesignerPoolsTX.com

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AND
RETRIEVAL SYSTEM
www.surveystars.com

PROPERTY ADDRESS: 6703 LEPRECHAUN DRIVE AUSTIN, TEXAS 78746

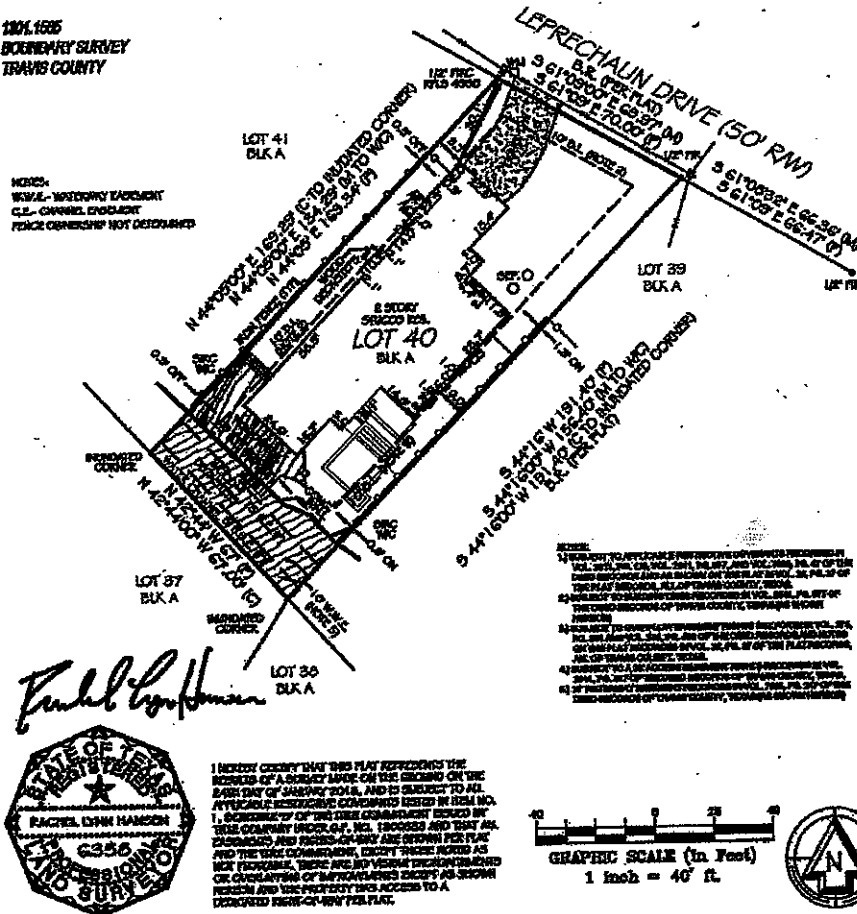
SURVEY NUMBER: 1301.1365

FIELD WORK DATE: 12/2/2013

REVISION DATES: NONE 12/2/2013

1301.1365
BOREHOLE SURVEY
TRAVIS COUNTY

NOTES:
NONE - MONITORING EVIDENCE
C.E. CHANNEL EVIDENCE
PEACE OWNERSHIP NOT DETERMINED



NOTES:
1) THIS PLAN IS A REPRODUCTION OF THE ORIGINAL SURVEY PLAN AND IS NOT A REPRODUCTION OF THE ORIGINAL SURVEY PLAN.
2) THIS PLAN IS A REPRODUCTION OF THE ORIGINAL SURVEY PLAN AND IS NOT A REPRODUCTION OF THE ORIGINAL SURVEY PLAN.
3) THIS PLAN IS A REPRODUCTION OF THE ORIGINAL SURVEY PLAN AND IS NOT A REPRODUCTION OF THE ORIGINAL SURVEY PLAN.
4) THIS PLAN IS A REPRODUCTION OF THE ORIGINAL SURVEY PLAN AND IS NOT A REPRODUCTION OF THE ORIGINAL SURVEY PLAN.
5) THIS PLAN IS A REPRODUCTION OF THE ORIGINAL SURVEY PLAN AND IS NOT A REPRODUCTION OF THE ORIGINAL SURVEY PLAN.

Use of this Survey for purposes other than intended without written verification, approval of the Surveyor and Release of Liability to the Surveyor. No warranty shall be given to the user of this Survey for purposes other than those intended.

FLOOD INFORMATION:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X SHAD. THIS PROPERTY WAS FOUND IN THE CITY OF AUSTIN, COMMUNITY NUMBER 40024, DATED 08/26/08.

POINTS OF INTEREST
NONE VISIBLE

CLIENT NUMBER: 130033

DATE: 1/24/2013

BUYER: KERRAN J PURCELL AND ALLISON L SALLIE

SELLER: KERRAN J PURCELL AND ALLISON L SALLIE

CERTIFIED TO: KERRAN J PURCELL AND ALLISON L SALLIE - STEWART TITLE GUARANTY COMPANY; HOMEVEST MORTGAGE COMPANY

This is page 1 of 2 and is not valid without all pages.

STEVE BULTA - 681.521.1809
681-490-1237
WWW.STEVEBULTA.COM
STEVE@STEVEBULTA.COM

EXACTA
Texas Surveyors, Inc.
www.exacta.com
P (512) 266-7994 • F (512) 266-9499
200 West Oak Leaf Drive, Suite 200

Gracy Title
— a Stewart company
partnerships built on trust

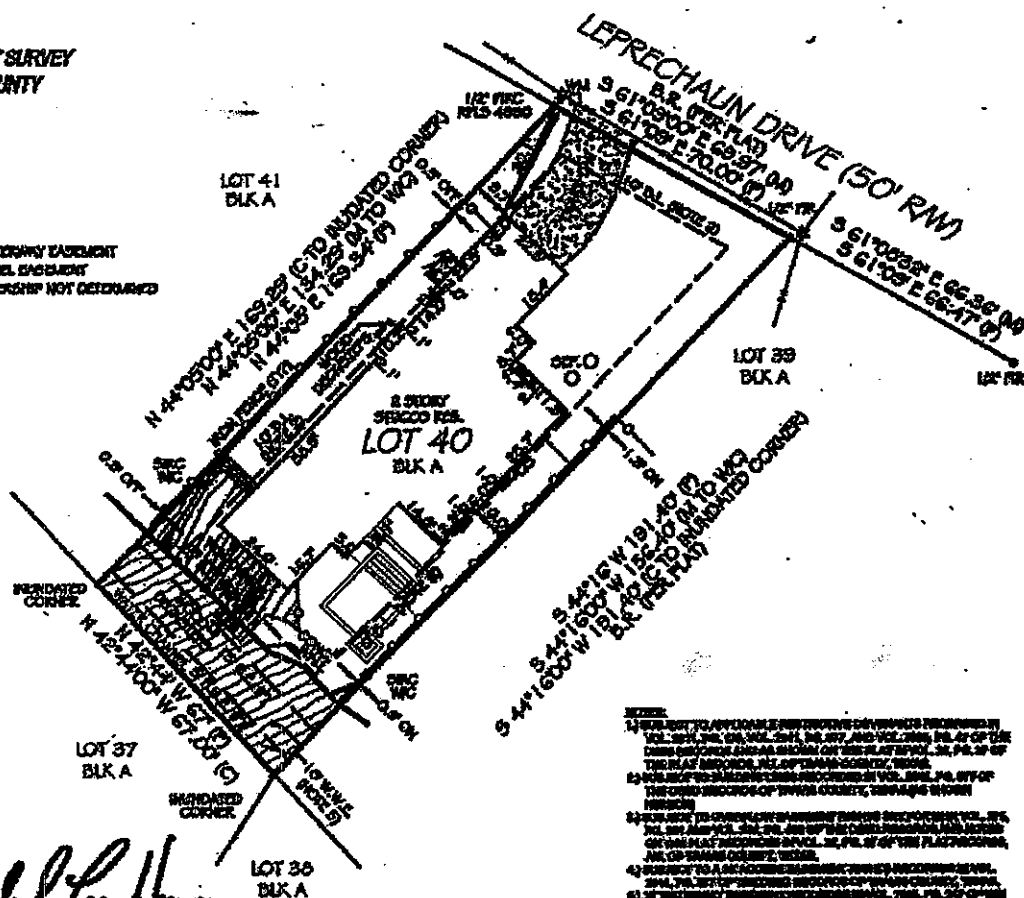
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STARS
SURVEY TRACKING
AND
RETRIEVAL SYSTEM
www.surveystars.com

SURVEY NUMBER: 1301.1565

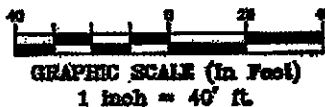
REVISION DATES: none

1301.1685
BOUNDARY SURVEY
TARRANT COUNTY

NOTES:
WALK- WALKWAY EASEMENT
C/L- CHANNEL EASEMENT
FENCE OWNERSHIP NOT DETERMINED

[illegible]

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DATE: 1/24/2013

SELLER: KEMN J PURCELL AND ALISON L SALLIE

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