

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

DATE: Monday, April 8, 2013

CASE NUMBER: C15-2013-0011

<input type="checkbox"/> Y	Jeff Jack	
<input type="checkbox"/> Y	Michael Von Ohlen	Motion to Grant
<input type="checkbox"/> Y	Nora Salinas	
<input type="checkbox"/> Y	Bryan King	
<input type="checkbox"/> Y	Fred McGhee	2nd the Motion
<input type="checkbox"/> Y	Melissa Hawthorne	
<input type="checkbox"/> Y	Sallie Burchett	
<input type="checkbox"/> -	Cathy French (SRB only)	

APPLICANT: David Cancialosi

OWNER: John Gordon Muir

ADDRESS: 1404 ROCKCLIFF RD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (a) from 75 feet to 10 feet in order to remodel and erect an addition to a single family residence in an "LA", Lake Austin zoning district. **GRANTED 15 FT**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-551 (D) (2) from 5 feet to 3.5 feet in order to remodel and erect an addition to a single family residence in an "LA", Lake Austin zoning district. **WITHDRAWN**

BOARD'S DECISION:

The public hearing was closed on Board Member Melissa Hawthorne motion to Postponed to March 11, 2013, Board Member Fred McGhee second on a 7-0 vote; **POSTPONED TO MARCH 11, 2013.**

March 11, 2013 POSTPONED TO APRIL 8, 2013

April 8 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant 15 feet shoreline setback, Board Member Fred McGhee second on a 7-0 vote; **GRANTED 15 FEET SHORELINE SETBACK**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the original 1972 1,000 sf structure currently has a 0' rear setback and a 3.5' side yard setback, owner proposes to remodel the existing structure to create 1858 sf, but slide it 10' further from the current shoreline

2. (a) The hardship for which the variance is requested is unique to the property in that: the structure was originally built prior to City of Austin annexation and thus was not governed by relative LA zoning development regulations, the main structure's proximity to several heritage sized trees, in discussion with several arborist it has been advised that a complete demolition of the existing structure may impact the root system, one Austin Energy transmission line crosses the lot, it divides the site, coming from across the lake and continuing past the front lot line, the second PUE crosses the front lot line and inhibits the front 1/3 of the lot, it is bordered to the north by a 31" willow tree further restricting a net buildable area
- (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 heritage and protected sized trees, the transmission line and easement issues
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: compared to the few remaining original structures found in this area, the proposed structure location is aesthetically in keeping with many non-complying scenarios


Susan Walker
Executive Liaison


Jeff Jack
Chairman

Ramirez, Diana

From: ~~David C. Cancialosi <dccancialosi@gmail.com> on behalf of David C. Cancialosi <david@permitpartners.com>~~
Sent: Friday, March 29, 2013 2:23 PM
To: Walker, Susan; Ramirez, Diana
Subject: Fwd: muir site plans zip 2
Attachments: muir_3-29-13_2.zip

Please add these to 1404 Rock Cliff Rd Variance packet for April 8.

Also sending 2 other emails.

----- Forwarded message -----

From: Forrestt Wilson <~~forrestt@pfdesign.com~~>
Date: Fri, Mar 29, 2013 at 1:59 PM
Subject: muir site plans zip 2
To: DC <~~dccancialosi@gmail.com~~>

P F Wilson Design
Forrestt Wilson
512-291-2795
~~forrestt@pfdesign.com~~

--
Sincerely,
David C. Cancialosi
Permit Partners, LLC
512-799-2401 c
512-373-8846 f
~~www.permitpartners.com~~

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PROPOSED NEW STRUCTURE

FULL CRZ

1/4 CRZ -

1/2 CRZ -

FULL CRZ

39'-3 1/2'

22'-7"

~~EXISTING DRIVE 3, 117, ST~~

— 2 —

2017-18

10/10/10

11-10-10
Voltage

1000

29' 52"
PRE
NT

ver

Proposed septic 3,485 S.F.

Proposed septic
drainfield

S31° 10' 27" W 538.70'
(S31° 05' W 538.7')

5-SETRACH

front area b.w. tree 951 and -
front PL unbuildable 2263 sf

Barry Waite and wife.

(1.135 Acres)

DOC: 2001024257

CONTRACTOR SHALL NOTIFY THE MAINTENANCE DEPARTMENT OF ANY DISCREPANCIES IN THE CONSTRUCTION DRAWINGS OR CHANGES THAT WOULD DEPART FROM THE CONSTRUCTION DRAWINGS.

NEW CONSTRUCTION SITE PLAN

Austin
2do River

DESIGN FIRM
TONY MARTIN INC.
DESIGNED BY TONY MARTIN
12521 Ruck Road, #101
FREDERICKSBURG, VA 22404
TEL: 541-1111 FAX: 541-1112

OWNER:
MUIR RESIDENCE
AUSTIN, TEXAS

S1.121B

SITE PLAN

[illegible]

PREPARED JULY 28, 2011
 BY
 Neil Carson
 Registered Professional Land Surveyor No. 5166
 1904 Fortview Road Austin, Texas 78704
 CID-44-0590
 © Copyright 2011

Elkhorn South Trust
 11/7/2007
 Warranty Deed
 Doc. E00138976

Michael L. Klein and wife,
 (1583 Acres)
 General Warranty Deed
 Doc. E00329865

W.M. BROWN SURVEY
 Abstract No. 72

PROPOSED BUILDINGS
 Total lot square footage 44,596
 Existing building coverage 2446 sf = 5.4% of lot
 Existing hardscape coverage 7188 sf = 16.1% of lot
 Proposed building coverage 1147 sf = 2.57% of lot
 Proposed hardscape coverage 687 sf = 1.54% of lot

SQUARE FOOTAGE

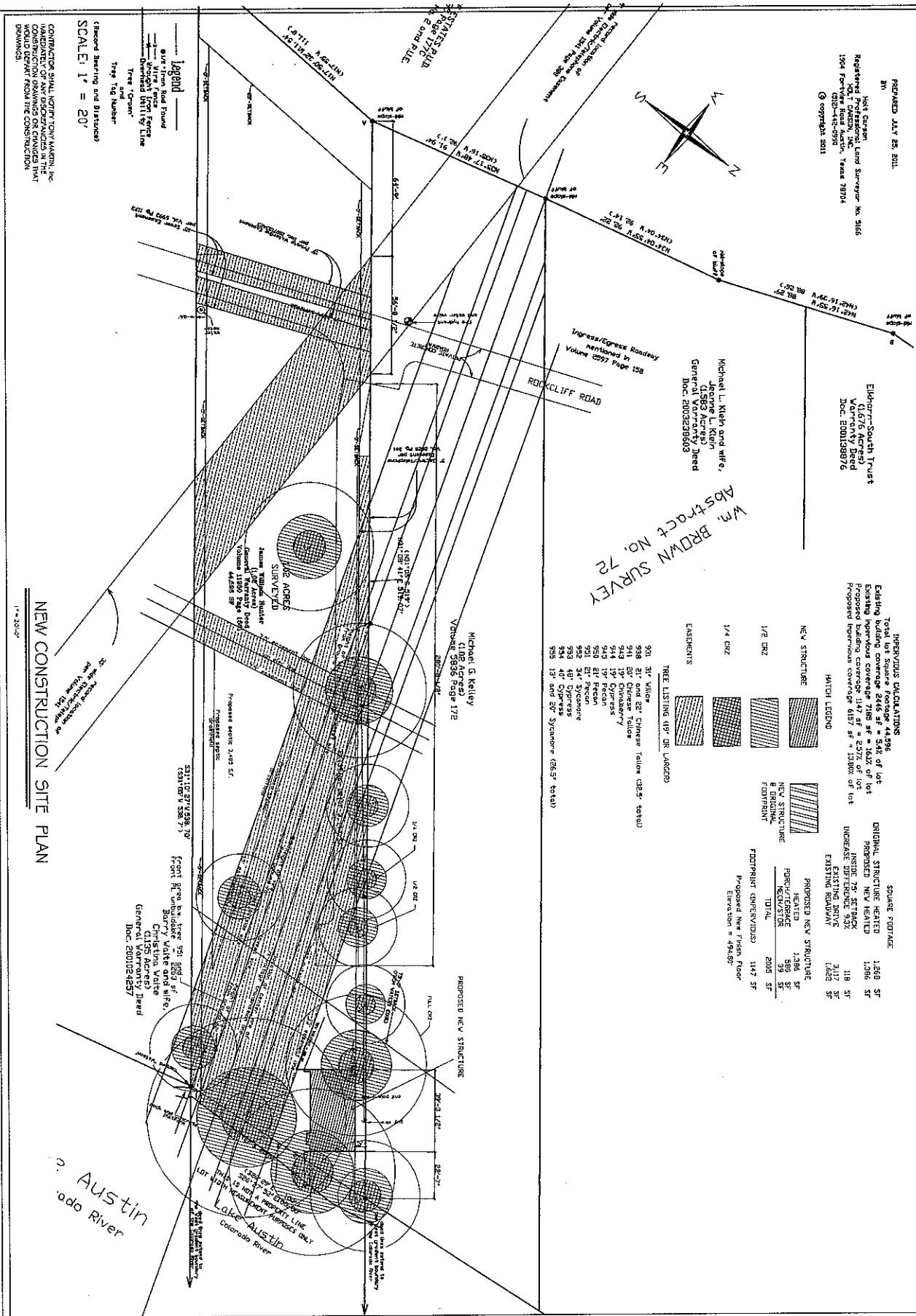
ORIGINAL STRUCTURE HEATED
 PROPOSED NEW HEATED
 INSIDE 75' SETBACK
 INCREASE DIFFERENCE 932
 EXISTING DRIVE
 EXISTING FORDMAN
 118 SF
 2112 SF
 1462 SF

PROPOSED NEW STRUCTURE
 HEATED
 PERCH/TERACE
 1286 SF
 589 SF
 1875 SF
 1014 SF
 2005 SF
 1147 SF
 PROPOSED NEW FISH FLOOR
 Elevation = 494.87'

NEW STRUCTURE
 1/2 CRZ
 1/4 CRZ
 EASEMENTS
 MATCH LEGEND

TREE LISTING (19" DBL LAGGED)

- 931 31' Willow
- 932 31' Willow
- 933 31' Willow
- 934 31' Willow
- 935 31' Willow
- 936 31' Willow
- 937 31' Willow
- 938 31' Willow
- 939 31' Willow
- 940 31' Willow
- 941 31' Willow
- 942 31' Willow
- 943 31' Willow
- 944 31' Willow
- 945 31' Willow
- 946 31' Willow
- 947 31' Willow
- 948 31' Willow
- 949 31' Willow
- 950 31' Willow
- 951 31' Willow
- 952 31' Willow
- 953 31' Willow
- 954 31' Willow
- 955 31' Willow



OWNER
MUIR RESIDENCE
 AUSTIN, TEXAS

DESIGN FIRM
TONY MARTIN INC.
 DESIGNED BY: TONY MARTIN
 11222 Knott Road 1001
 FREDERICKSBURG, TEXAS 77834
 STUDIO: 832.777.2000 - FAX: 832.777.2000

PROPOSED
 SITE PLAN
 S1.121

PROPOSED NEW STRUCTURE

NEW CONSTRUCTION SITE PLAN

PREPARED
SITE PLAN

§1.122B

[illegible]

AUSTIN, TEXAS

DESIGN FIRM
TONY MARTIN INC.
DESIGNED BY: TONY MARTIN
12521 Koush Road 1000
FREDRICKSBURG TEXAS 77643
STUDIO: 832.297.0486 FAX: 832.497.2489

[illegible]

Ramirez, Diana

From: ~~David C. Cancialosi on behalf of David C. Cancialosi <david@cpermit-partners.com>~~
Sent: Friday, March 29, 2013 2:25 PM
To: Walker, Susan; Ramirez, Diana
Subject: Fwd: MUIR TOPO WITH FOOTPRINT
Attachments: S1.111-topo.pdf

Please add these to 1404 Rock Cliff BOA packet for April 8.

----- Forwarded message -----

From: ~~Forrestt Wilson <PFWilson@pfas.com>~~
Date: Fri, Mar 29, 2013 at 2:21 PM
Subject: MUIR TOPO WITH FOOTPRINT
To: DC ~~<david@cancialosi.com>~~

P F Wilson Design
Forrestt Wilson
512-291-2795

~~pfwilsondesign@earthlink.net~~

--
Sincerely,
David C. Cancialosi
Permit Partners, LLC
512-799-2401 c
512-373-8846 f
~~www.permit-partners.com~~

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WM. BROWN SURVEY
Abstract No. 72

Michael L. Klein and wife,
Jeanne L. Klein
(1.583 Acres)
General Warranty Deed
Doc. 2003238603

Ingress/Egress Roadway
Mentored in
Volume 2597 Page 158

Michael G. Kelley
41.02 Acres
Volume 5836 Page 172

Barry Walte and wife,
Christina Walte
(1.135 Acres)
General Warranty Deed
Doc. 2001024257

1.02 ACRES
SURVEYED
William Hunter
(1.02 Acres)
General Warranty Deed
dated 1/18/80 Page 1504

Legend

- 1/2" Iron Rod Found
- x- Wire Fence
- W- Wrought Iron Fence
- D- Overhead Utility Line
- Tree 'Crown'
- Tree Top Number

(Record Bearing and Distance)

SCALE: 1" = 20'

TOPOGRAPHICAL SITE PLAN

1.17 - 1.32.84

CONTRACTOR SHALL NOTIFY TONY MARTIN, INC. IMMEDIATELY OF ANY DISCREPANCIES IN THE CONSTRUCTION DRAWINGS OR CHANGES THAT WOULD DEPART FROM THE CONSTRUCTION DRAWINGS.

Ramirez, Diana

From: ~~David C. Cancialosi on behalf of David C. Cancialosi <dccancialosi@permitpartners.com>~~
Sent: Friday, March 29, 2013 2:24 PM
To: Walker, Susan; Ramirez, Diana
Subject: Fwd: muir site plans zip 1
Attachments: muir_3-29-13_1.zip

Please add these to 1404 Rock Cliff BOA packet for April 8.

----- Forwarded message -----

From: Forrestt Wilson <~~forrestt.wilson@att.net~~>
Date: Fri, Mar 29, 2013 at 1:59 PM
Subject: muir site plans zip 1
To: DC ~~dccancialosi@gmail.com~~

P F Wilson Design

Forrestt Wilson

512-291-2795

~~pfwilsondesign@att.net~~

--

Sincerely,

David C. Cancialosi

Permit Partners, LLC

512-799-2401 c

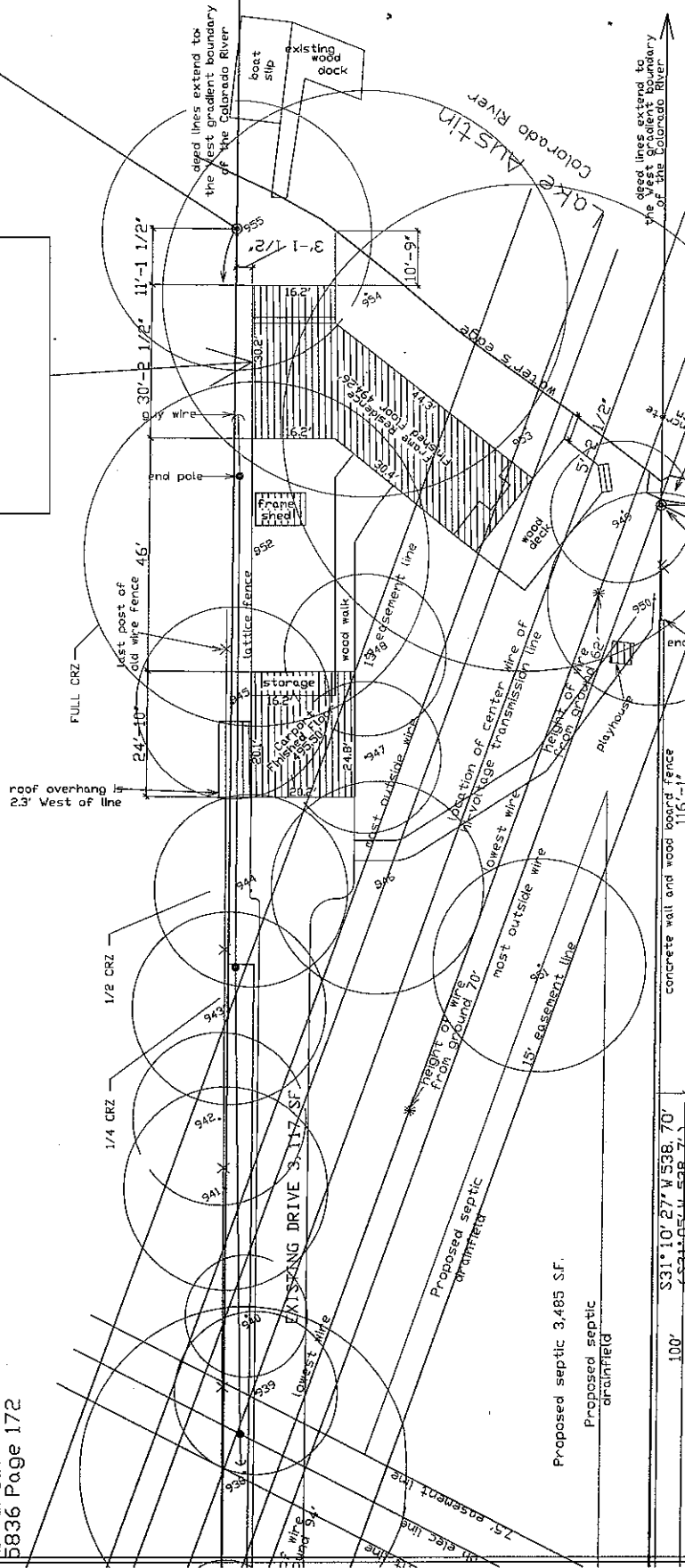
512-373-8846 f

~~www.permitpartners.com~~

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EXISTING
ONE STORY
FRAME RESIDENCE
1404 Rockcliff Road
Austin, Texas 78746
Existing Finish Floor
Elevation = 494.26'
MAX HEIGHT - 22'-0"
HEATED 1268 SF

Del G. Kelley
0.2 Acres
5836 Page 172



MAP OF TOPOGRAPHIC SURVEY OF A PORTION OF
1.02 ACRES OF LAND OUT OF THE Wm. BROWN SURVEY
ABSTRACT No. 72 IN TRAVIS COUNTY, TEXAS,
BEING ALL OF THAT CERTAIN (1.02 ACRE) TRACT OF
LAND AS CONVEYED TO JAMES WILLIAM HUNTER BY
GENERAL WARRANTY DEED RECORDED IN VOLUME 11980
PAGE 1561 OF THE REAL PROPERTY RECORDS OF

Barry Waite and wife,
Christina Waite
(1.135 Acres)
General Warranty Deed
Doc. 2001024257

CONTRACTOR SHALL NOTIFY TONY MARTIN, INC.
OF ANY CHANGES TO THE EXISTING
CONSTRUCTION DRAWINGS OR CHANGES THAT
WOULD DEPART FROM THE CONSTRUCTION
DRAWINGS.

EXISTING SITE PLAN - TREES SHOWN
1"=10'-0"

S1.100B

EXISTING CONDITION
SITE PLAN



Scale:	1"=10'-0"
North:	True
Drawn By:	TJM
Check:	05/27/13
Printed:	05/27/13
File:	01135B
Sheet:	1

DESIGNED BY TONY MARTIN, INC.
T.M. MARTIN, INC.
1404 ROCKCLIFF ROAD
AUSTIN, TEXAS 78746

MUJIR RESIDENCE

OWNER

AUSTIN, TEXAS

PREPARED JULY 25, 2011

BY:

1645 Curran
Registered Land Surveyor No. 5566
BRETT CARSON, INC.
1904 Fort Worth Avenue, Suite 707A
Dallas, Texas 75204
© copyright 2011

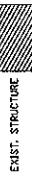
Elkhorn-South Trust
(1.676 Acres)
Varranty Deed
Doc. 200119876

Michael L. Klein and wife,
Jeanne L. Klein
(1.676 Acres)
General Warranty Deed
Doc. 2003238603

Wm. BROWN SURVEY
Abstract No. 72

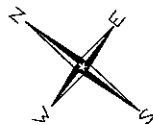
IMPERVIOUS CALCULATIONS
Total lot Square Footage 44,596
Existing building coverage 2446 sq ft = 5.4% of lot
Existing impervious coverage 7185 sq ft = 16.2% of lot

MATCH LEGEND



TREE LISTING

934	12"	Hickberry	937	10"	Ash
935	14"	Hickberry	939	10"	Pecan
936	10"	Ash	940	10"	Pecan
938	10"	Ash	941	20"	Chesnut
939	10"	Ash	942	10"	Ash
940	10"	Ash	943	10"	Chesnut
941	10"	Ash	944	10"	Pecan
942	10"	Ash	945	10"	Pecan
943	10"	Ash	946	10"	Pecan
944	10"	Ash	947	10"	Pecan
945	10"	Ash	948	10"	Pecan
946	10"	Ash	949	10"	Pecan
947	10"	Ash	950	10"	Pecan
948	10"	Ash	951	10"	Pecan
949	10"	Ash	952	10"	Pecan
950	10"	Ash	953	10"	Pecan
951	10"	Ash	954	10"	Pecan
952	10"	Ash	955	10"	Pecan
953	10"	Ash	956	10"	Pecan
954	10"	Ash	957	10"	Pecan
955	10"	Ash	958	10"	Pecan
956	10"	Ash	959	10"	Pecan
957	10"	Ash	960	10"	Pecan
958	10"	Ash	961	10"	Pecan
959	10"	Ash	962	10"	Pecan
960	10"	Ash	963	10"	Pecan
961	10"	Ash	964	10"	Pecan
962	10"	Ash	965	10"	Pecan
963	10"	Ash	966	10"	Pecan
964	10"	Ash	967	10"	Pecan
965	10"	Ash	968	10"	Pecan
966	10"	Ash	969	10"	Pecan
967	10"	Ash	970	10"	Pecan
968	10"	Ash	971	10"	Pecan
969	10"	Ash	972	10"	Pecan
970	10"	Ash	973	10"	Pecan
971	10"	Ash	974	10"	Pecan
972	10"	Ash	975	10"	Pecan
973	10"	Ash	976	10"	Pecan
974	10"	Ash	977	10"	Pecan
975	10"	Ash	978	10"	Pecan
976	10"	Ash	979	10"	Pecan
977	10"	Ash	980	10"	Pecan
978	10"	Ash	981	10"	Pecan
979	10"	Ash	982	10"	Pecan
980	10"	Ash	983	10"	Pecan
981	10"	Ash	984	10"	Pecan
982	10"	Ash	985	10"	Pecan
983	10"	Ash	986	10"	Pecan
984	10"	Ash	987	10"	Pecan
985	10"	Ash	988	10"	Pecan
986	10"	Ash	989	10"	Pecan
987	10"	Ash	990	10"	Pecan
988	10"	Ash	991	10"	Pecan
989	10"	Ash	992	10"	Pecan
990	10"	Ash	993	10"	Pecan
991	10"	Ash	994	10"	Pecan
992	10"	Ash	995	10"	Pecan
993	10"	Ash	996	10"	Pecan
994	10"	Ash	997	10"	Pecan
995	10"	Ash	998	10"	Pecan
996	10"	Ash	999	10"	Pecan
997	10"	Ash	1000	10"	Pecan



30' wide easement of
the 100' wide easement

100' wide easement of
the 100' wide easement

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the 100' wide easement

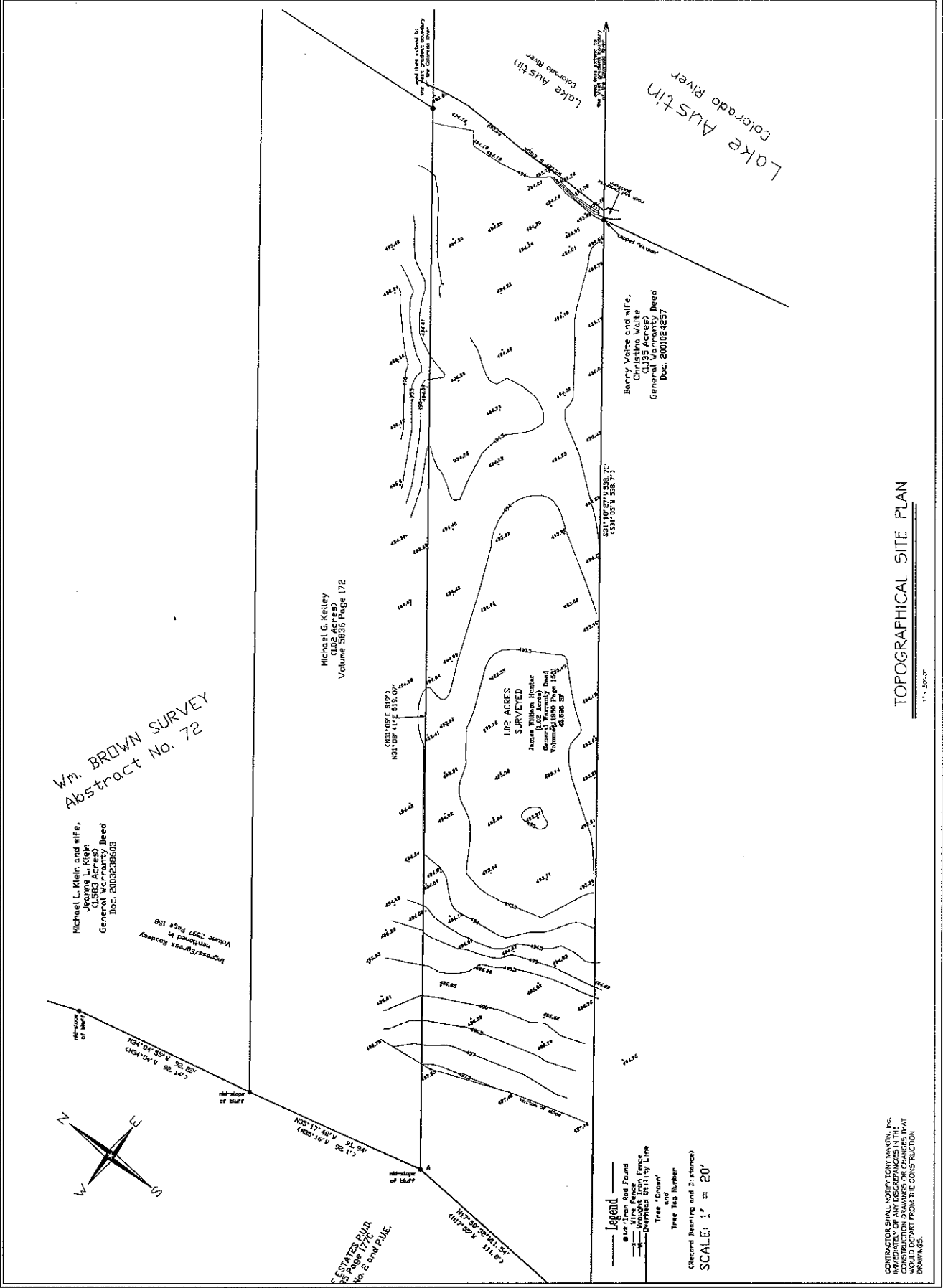
100' wide easement of
the 100' wide easement

100' wide easement of
the 100' wide easement

100' wide easement of
the 100' wide easement

CONTRACTOR SHALL NOTIFY TONY MARTIN, INC. IMMEDIATELY OF ANY DISCREPANCIES IN THE CONSTRUCTION DRAWINGS OR CHANGES THAT WOULD DEPART FROM THE CONSTRUCTION DRAWINGS.

TONY MARTIN INC.
DESIGNED BY TONY MARTIN
1225 RAYBROOK RD.
ST. PETERSBURG, FL 33705
TEL 813-967-0000 FAX 813-967-0001



TOPOGRAPHICAL SITE PLAN

CONTRACTOR SHALL NOTIFY TONY MARTIN, INC. OF ANY DISCREPANCIES IN THE CONSTRUCTION OF DRAWINGS OR THAT WOULD DEPART FROM THE CONSTRUCTION DRAWINGS.

Shael G. Kelley
 1.02 Acres
 5836 Page 172

PROPOSED NEW STRUCTURE

280'-8 1/2"

39'-3 1/2"

22'-7"

75'-0" SETBACK
 (FROM WATERS EDGE)

guy wire
 end pole

EXISTING DRIVE 8'-11 1/2" S

lowest wire

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

height of wire from ground 70'

Proposed septic 3,485 S.F.

Proposed septic drainfield

S31°10'27"W 538.70'
 (S31°05'W 538.7')

front area b.w. tree 951 and front PL unbuildable 2263 sf
 Barry Waite and wife,
 Christina Waite
 (1.135 Acres)
 General Warranty Deed
 Doc. 2001024257

35' wide Electric record loc per Volt

CONTRACTOR SHALL NOTIFY TONY MARTIN, INC. OF ANY CHANGES TO THE CONSTRUCTION DRAWINGS OR CHANGES THAT WOULD DEPART FROM THE CONSTRUCTION DRAWINGS.

MUJR RESIDENCE

OWNER

DESIGNED BY TONY MARTIN INC.
 TONY MARTIN INC.
 12345 KICKAPOO, TEXAS 76125
 (817) 555-1234 FAX (817) 555-1235



Project No.	00123
Sheet No.	172
Date	01/23/25
Drawn By	JM
Check By	JM
Scale	AS SHOWN
Notes	

\$1.120B

PRELIMINARY SITE PLAN

NEW CONSTRUCTION SITE PLAN

1"=10'-0"

Austin
 to River

LOT WIDTH MEASUREMENT PURPOSES ONLY
 THIS IS NOT A PROPERTY LINE
 (S26°29'E 100')
 Lake Austin
 Colorado River

dead lines extend to the west gradient boundary of the Colorado River

dead lines extend to the west gradient boundary of the Colorado River

Ramirez, Diana

From: ~~David Canclalosi@gmail.com~~ on behalf of David Canclalosi <~~David@permit-partners.com~~>
Sent: Friday, March 29, 2013 2:25 PM
To: Walker, Susan; Ramirez, Diana
Subject: Fwd: 1404 Rockcliff Drive Floodplain elevations
Attachments: 1404 Rockcliff Road BFE.PDF

Please add these to 1404 Rock Cliff BOA packet for April 8.

Thanks!

----- Forwarded message -----

From: Autry, Kevin <~~Kevin.Autry@cityofaustin.gov~~>
Date: Tue, Mar 12, 2013 at 2:25 PM
Subject: 1404 Rockcliff Drive Floodplain elevations
To: "D" <~~DavidCanclalosi@gmail.com~~> <~~DavidCanclalosi@gmail.com~~>

David,

Please find the base flood elevations for the property in question attached.

I hope this information is helpful.

Kevin Autry

City of Austin, Watershed Protection Department, Watershed Engineering Division

Floodplain Management

505 Barton Springs Road, 12th Floor

PO Box 1088, Austin, Texas 78767

(512) 974-2726

~~Kevin.Autry@cityofaustin.gov~~

From: ~~David C. Cancialosi (mailto:dc@permitpartners.com)~~ **On Behalf Of** David Cancialosi
Sent: Wednesday, March 06, 2013 9:04 AM
To: FloodPro; ~~floodinfo@quintint.com~~
Cc: David Cancialosi
Subject: FP elevation request for 1404 Rockcliff Dr

Please see attached. Please return via email when complete or call with questions. Thank you!

Sincerely,

David C. Cancialosi, President
Permit Partners, LLC

DC Development & Construction, Inc.

512-799-2401 c
512-373-8846 f

www.permitpartners.com

Sincerely,
David C. Cancialosi
Permit Partners, LLC
512-799-2401 c
512-373-8846 f
www.permitpartners.com

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FLOODPLAIN INFORMATION REQUEST FORM

Tax Parcel ID: 0131090107	Date Processed: 3/12/2013
Property Address: 1404 ROCKCLIFF RD	
FEMA Flood Insurance Information:	City of Austin Regulatory Information:
Flood Zone*: AE	25-Year Flood Elevation**: 493.24
Community Number: 480624	100-Year Flood Elevation**: 494.16
Panel Number: 48453C0435H	
Effective Date: 9/26/2008	
Base Flood Elevation*: 494.16	
All elevations are in feet above mean sea level; Datum for all elevations is NAVD88	

Additional Questions? Please contact the Floodplain Office

Phone Hotline: 512-974-2843

Fax: 512-974-3584

E-mail: floodpro@austintexas.gov

Mailing Address: Attention: Floodplain Office, Watershed Protection Department-12th Floor, PO BOX 1088
Austin, TX 78767-1088

- * The flood zone determination is based solely on a graphical interpretation of the FEMA Flood Insurance Rate Map (FIRM). Parcels with flood zones **A**, **AE**, **AO**, or **AH** are located or partially located within the FEMA Special Flood Hazard Area designated 1% annual chance flood hazard (100-year floodplain). Parcels with flood zone **0.2% annual chance flood hazard** (500-year floodplain) are located or partially located within the shaded zone X portion of the FIRM. Parcels with flood zone **X Protected by Levee** are located within in an area protected by a levee from the 1% annual chance flood hazard. Parcels with flood zone **X** are located outside the 0.2% annual chance flood hazard. The 1% annual chance flood hazard is the base flood and is used to determine the base flood elevation (BFE) for flood insurance purposes. BFEs must be determined using the flood profiles contained in the effective Flood Insurance Study (FIS). The FEMA 1% annual chance floodplains *may differ* from the City of Austin regulatory floodplains.
- * * The City of Austin uses the fully developed 25-year and 100-year floodplains to regulate development within the full purpose and extra territorial jurisdiction (ETJ) as established in the Land Development Code. The City of Austin regulatory floodplains *may differ* from the FEMA 1% annual chance floodplains.

The City provides the information on this form using the best available engineering and topographic data. Floodplain elevations to be used for development applications must be determined by a Texas Registered Professional Engineer. The official determination of a parcel's floodplain status may necessitate a comparison of the floodplain elevations to an on-the-ground topographic survey by a registered design professional.

DISCLAIMER: The City of Austin provides this information on request as a courtesy to our citizens. Any use of this information is at the sole discretion of the user. The City of Austin makes no warranty, expressed or implied, for the accuracy, completeness, or applicability of the information provided in this form.

THIS FORM IS NOT A PERMIT FOR DEVELOPMENT. For information about development permitting, call the City of Austin Development Assistance Center at 512-974-6370. THIS FORM IS NOT A SUBSTITUTE FOR FEMA FORM 81-93, STANDARD FLOOD HAZARD DETERMINATION. Private flood hazard determination companies may provide Form 81-93. For more information on the National Flood Insurance Program and how to find a flood insurance agent, please visit <http://www.floodsmart.gov/floodsmart/>

CITY OF AUSTIN

Board of Adjustment/Sign Review Board

Decision Sheet

DATE: Monday, March 11, 2013

CASE NUMBER: C15-2013-0011

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Fred McGhee
_____ Melissa Hawthorne
_____ Sallie Burchett
_____ Cathy French (SRB only)

APPLICANT: David Cancialosi

OWNER: John Gordon Muir

ADDRESS: 1404 ROCKCLIFF RD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (a) from 75 feet to 10 feet in order to remodel and erect an addition to a single family residence in an "LA", Lake Austin zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-551 (D) (2) from 5 feet to 3.5 feet in order to remodel and erect an addition to 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 Postponed to March 11, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO MARCH 11, 2013.

March 11, 2013 POSTPONED TO APRIL 8, 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

ITEM #1 35- wide Electric/Telephone Easement – Volume 1541, Page 388

- a. This 1955 easement does not correctly describe the location of the Austin Energy (AE) electric transmission and distribution facilities that cross the property.
- b. AE has offered to replace this easement with a corrected easement showing the location of the existing transmission and distribution facilities as shown as Item #2.
- c. AE has offered, at its expense, to furnish the correct easement field note description and to prepare the easement document for the facilities described in Item #2.
- d. The width of the area claimed as an easement is identified on the survey. The width shown meets AE's clearance requirements for the existing facilities.

ITEM #2 Location of AE's existing transmission and distribution facilities

- a. AE's facilities have been in existence at this location in excess of 40 years. AE does not have a recorded easement indicating the correct location of these facilities (see notes under ITEM #1 above). Due to the length of time the facilities have been on the property, AE claims prescriptive easements rights for these facilities.

ITEM #3 Location of AE's existing distribution lines crossing through the lot (serves this property and adjoining neighbors)

- a. AE is unable to locate a recorded easement for these distribution lines crossing the property.
- b. AE's facilities have been in existence at this location in excess of 40 years. AE does not have a recorded easement. AE claims prescriptive easements rights for these facilities.
- c. Austin Energy has communicated to the property owner that these distribution lines can be relocated to a new location along the property line at the owner's expense should the owner so desire. Owner will be required to execute a distribution easement and furnish the easement description showing the relocated location of the distribution facilities.

Additional information: Austin Energy requires all new construction on the property to maintain clearances from the existing electric facilities based on AE's Criteria Manual requirements: 7'6" horizontal and 12'6" vertical.

Ramirez, Diana

From: [REDACTED]
Sent: Monday, March 04, 2013 9:30 AM
To: Ramirez, Diana; Walker, Susan
Cc: David Cancialosi
Subject: 1404 Rockcliff BOA postponement request

Susan, Diana:

I am formally requesting a postponement of this case to the April BOA hearing.

We are currently working with various departments to get answers on floodplain, LA zoning interpretations, and other development related information.

Thank you.

--

Sincerely,
David C. Cancialosi, President
Permit Partners, LLC
DC Development & Construction, Inc.
512-799-2401 c
512-373-8846 f

www.permit-partners.com

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

DATE: Monday, February 11, 2013

CASE NUMBER: C15-2013-0011

____ Jeff Jack
____ Michael Von Ohlen **2nd the Motion**
____ Nora Salinas
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne **Motion to PP 3-11-13**
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: David Cancialosi

OWNER: John Gordon Muir

ADDRESS: 1404 ROCKCLIFF RD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (a) from 75 feet to 10 feet in order to remodel and erect an addition to a single family residence in an "LA", Lake Austin zoning district.

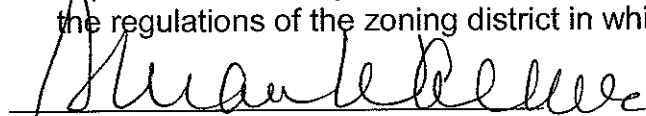
The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-551 (D) (2) from 5 feet to 3.5 feet in order to remodel and erect an addition to a single family residence in an "LA", Lake Austin zoning district.

BOARD'S DECISION:

The public hearing was closed on Board Member Melissa Hawthorne motion to Postponed to March 11, 2013, Board Member Fred McGhee second on a 7-0 vote; **POSTPONED TO MARCH 11, 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

TOPOGRAPHICAL SITE PLAN



CONTRACTOR SHALL NOTIFY TONY MARTIN, INC. IMMEDIATELY OF ANY DISCREPANCIES IN THE CONSTRUCTION DRAWINGS OR CHANGES THAT WOULD DEPART FROM THE CONSTRUCTION DRAWINGS.

Lake Austin
Colorado River

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 inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2013-0011
ROW # 10881879
TP-0131090107

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: 1404 Rockcliff Road

LEGAL DESCRIPTION: ABS 72 SUR 1 BROWN W ACR 1.0200

Lot(s) Block Division

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

John Gordon Muir 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 X REMODEL 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) LA

10' rear yard setback

Maintain 3.5' side yard setback

25-2-5510575 → 10' rear
-25-2-5510575(2) 5 → 3.5'

in order to remodel & add
to 415 + Spr.

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 original 1972 1,000 SF structure currently has a 0' rear setback and a 3.5' side yard setback. There is a carport in front of the structure that will remain in place. The owner proposes to remodel the existing structure to create ~1858 SF, but "slide" it ~10' further from the current shoreline (and heritage sized trees located along the shoreline). The existing wood deck will also be removed and replaced further from the trees and shoreline. Maintaining the structure in the same general proximity near the water is in keeping with the nature of lake properties. Many surrounding properties have structures near the water in order to enjoy the natural lake environment. The request is reasonable in that the owner has a reasonable expectation to enjoy similar improvements consistently found throughout the lake community.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
 - 1) The structure(s) was originally built prior to City of Austin annexation and thus was not governed by relative LA zoning development regulations.
 - 2) The main structure's proximity to several heritage sized trees result in delicate and thoughtful construction practices. The structure is surrounded by a 40" cypress, and 48" cypress, a combination 26.5" sycamore, and a 36" cottonwood in addition to several other mature trees on the lot. In discussions with several arborists it has been advised that a complete demolition of the existing structure may impact the root system. The owner proposes to move the structure closer to the existing carport, with minimal impact to the existing tree root systems.
 - 3) One Austin Energy transmission lines crosses the lot. It divides the site, coming from across the lake and continuing past the front lot line. This line requires a 7.5' setback on either side, creating a 15' wide section approximately 200' in length underneath the center line that is not developable. The second PUE crosses the front lot line and inhibits the front ~1/3 of the lot. It is 35' wide for a distance of 140' in length, prohibiting development in what would otherwise be a suitable build site. It is bordered to the north by a 31" willow tree, further restricting a net buildable area.
 - 4) There is one entrance to the lot that is located as far to one side of the property as possible. Any other driveway location options are complicated due to on the ground easements, overhead transmission lines, and protected tree root zones.

5) The remaining portion of the lot not encumbered by easements, trees, or powerlines is in the middle of the lot and is not a desirable build site for this specific lot. It is bordered by 3 protected trees, the 35' easement, and the transmission easement. It is best suited for compliance with current OSSF tank and discharge locations.

6) Given the age and condition of the structure, the highest and best use of the property as described and shown on the accompanying exhibits is a minor remodel to the existing footprint to allow a small increase in impervious coverage from 16.1% to 17.6%. This total impervious cover is allowable in the 0-15% slope category per LDC section 25-2-551(D)(3)(A). Maximum allowed is 35% impervious cover.

(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 heritage and protected sized trees, the transmission line and easement issues, and otherwise narrow shape of the lot itself.

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:

Compared to the few remaining original structures found in this area, the proposed structure location is aesthetically in keeping with many non-complying scenarios. Further, several newer homesites appear to maintain a large front yard area in order to accommodate OSSF requirements while maintaining similar land use patterns in terms of structure location in proximity to the shoreline.

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:

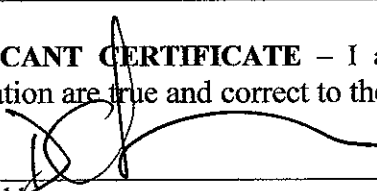
NA

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 _____
Phone _____ Date _____


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:

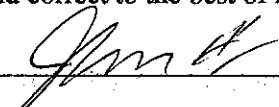
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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 1404 Rockcreek
City, State & Zip AUSTIN TX 78746
Printed J Gordon Murd Phone 512-969-4682 Date 1/7/13

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  Mail Address _____
City, State & Zip _____
Printed _____ Phone _____ Date _____



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0011
LOCATION: 1404 ROCKCLIFF ROAD

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.

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