

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

**DATE: Thursday, Jan 13, 2014**

**CASE NUMBER: C15-2013-0120**

☐ Y ☐ Jeff Jack  
☐ Y ☐ Michael Von Ohlen **Motion to PP to 2-10-2014**  
☐ Y ☐ Will Schnier  
☐ Y ☐ Bryan King **2<sup>nd</sup> the Motion**  
☐ Y ☐ Fred McGhee  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Sallie Burchett  
☐ - ☐ Cathy French (SRB only)

**APPLICANT: Jim Bennett**

**OWNER: Ricardo Vega**

**ADDRESS: 3015 WESTLAKE DR**

**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 5 feet in order to erect a single-family residence in an "LA", Lake Austin zoning district. **GRANTED**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (b) from 10 percent to 16.7 percent in order to erect a single-family residence in an "LA", Lake Austin zoning district. The Land Development Code states that impervious coverage may not exceed 10 percent on a slope with a gradient of more than 15 percent and not more than 25 percent. **POSTPONED TO DEC 9, 2013**

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Grant the variance to decrease the minimum shoreline setback and Postpone the variance to increase the maximum impervious coverage to December 9, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; **GRANTED THE VARIANCE TO DECREASE THE MINIMUM SHORELINE SETBACK AND TO POSTPONED THE VARIANCE TO INCREASE THE MAXIMUM IMPERVIOUS COVERAGE TO DECEMBER 9, 2013.**

**Dec-9, 2013 - POSTPONED TO JANUARY 13, 2014 BY APPLICANT**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the man-made inlet is triggering the increase shoreline setback
2. (a) The hardship for which the variance is requested is unique to the property in that: there is an existing man-made inlet that serves only this and the adjacent lot, long

narrow lot with a width of 99 ft, if the 75' shoreline setback is applied from the inlet and along with the 5' setback from the interior side leaves a building width of only 19ft.

(b) The hardship is not general to the area in which the property is located because: this lot configuration and the adjacent man-made inlet are not general to the area

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 surrounding neighbors support the variance and due to the lot size, topography and the placement of the structure the variances will not change the character of the area

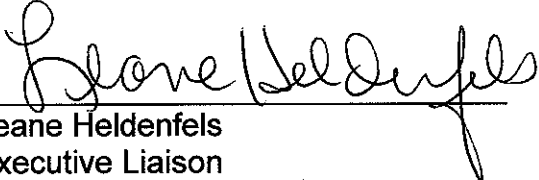
**VARIANCE REQUEST: (MODIFIED) for Jan 13, 2014**

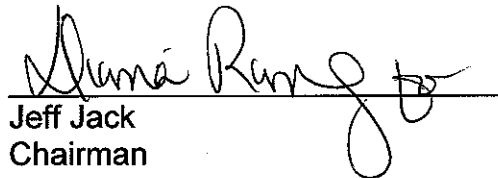
The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (b) from 10% to 18.03% on a slope with a gradient of more than 15% and not more than 25% in order to erect a single-family residence in an "LA", Lake Austin zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (c) from 5% to 8.88% on a slope with a gradient of more than 25% and not more than 35% in order to erect a single-family residence in an "LA", Lake Austin zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (B) (5) from 0% to 10.19% on a slope with a gradient that exceeds 35% in order to erect a single-family residence in an "LA", Lake Austin zoning district.

Jan 13, 2014 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to February 10, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO February 10, 2014.

  
Leane Heldenfels  
Executive Liaison

  
Jeff Jack  
Chairman

## 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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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](http://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: C15-2013-0120 – 3015 Westlake Drive**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, January 13th, 2014**

John + Phyllis Biggar  
Your Name (please print)

☒ I am in favor  
☐ I object

3007 Westlake Dr, Austin, TX 78746  
Your address(es) affected by this application

Phyllis Biggar 1-2-14  
Signature Date

Daytime Telephone: 512-328-1277

Comments: \_\_\_\_\_

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**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

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

**DATE: Thursday, December 9, 2013**

**CASE NUMBER: C15-2013-0120**

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

**APPLICANT: Jim Bennett**

**OWNER: Ricardo Vega**

**ADDRESS: 3015 WESTLAKE DR**

**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 5 feet in order to erect a single-family residence in an "LA", Lake Austin zoning district. **GRANTED**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (b) from 10 percent to 16.7 percent in order to erect a single-family residence in an "LA", Lake Austin zoning district. The Land Development Code states that impervious coverage may not exceed 10 percent on a slope with a gradient of more than 15 percent and not more than 25 percent. **POSTPONED TO DEC 9, 2013**

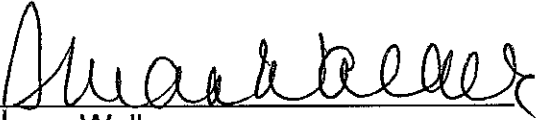
**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Grant the variance to decrease the minimum shoreline setback and Postpone the variance to increase the maximum impervious coverage to December 9, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; **GRANTED THE VARIANCE TO DECREASE THE MINIMUM SHORELINE SETBACK AND TO POSTPONED THE VARIANCE TO INCREASE THE MAXIMUM IMPERVIOUS COVERAGE TO DECEMBER 9, 2013.**

**Dec 9, 2013 - POSTPONED TO JANUARY 13, 2014 BY APPLICANT**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the man-made inlet is triggering the increase shoreline setback

2. (a) The hardship for which the variance is requested is unique to the property in that: there is an existing man-made inlet that serves only this and the adjacent lot, long narrow lot with a width of 99 ft, if the 75' shoreline setback is applied from the inlet and along with the 5' setback from the interior side leaves a building width of only 19ft.
- (b) The hardship is not general to the area in which the property is located because: this lot configuration and the adjacent man-made inlet are not general to the area
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 surrounding neighbors support the variance and due to the lot size, topography and the placement of the structure the variances will not change the character of the area



Susan Walker  
Executive Liaison

---

Jeff Jack  
Chairman

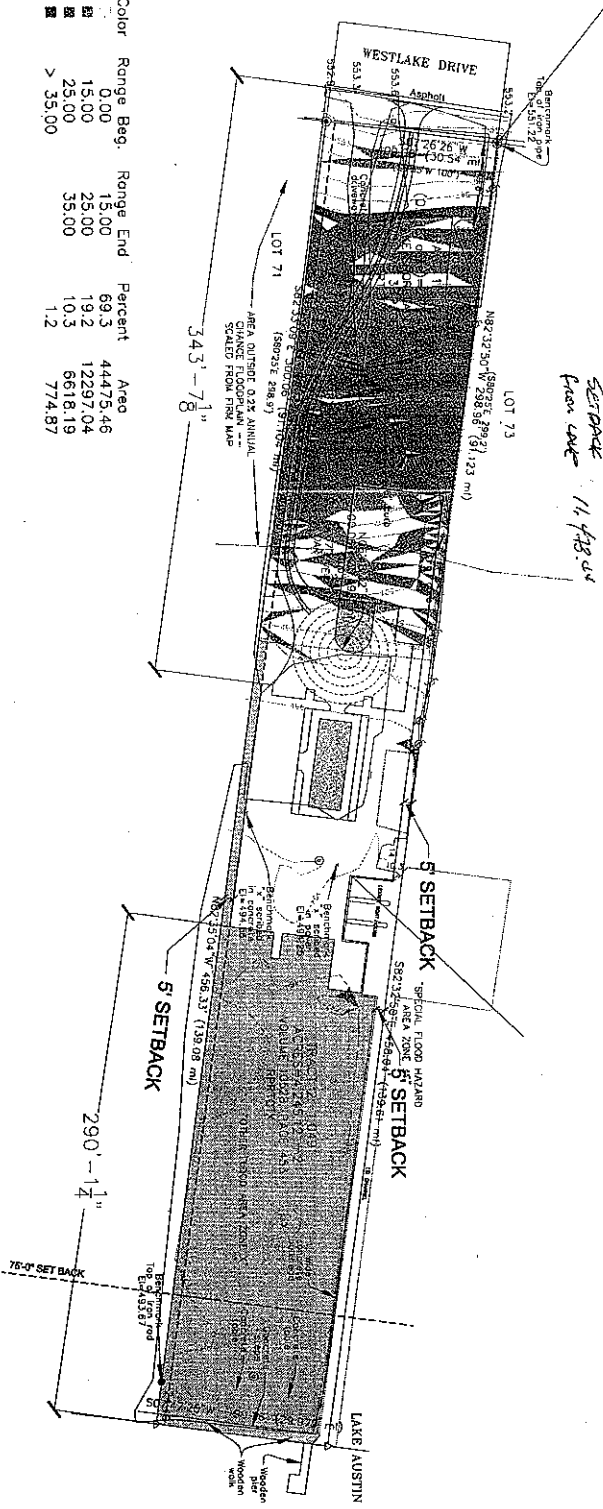
NOTICE: THIS SET OF DRAWINGS FOR A CUSTOM PROJECT IS THE PROPERTY OF CARO CONSTRUCTORS, INC. THE DRAWINGS ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT WRITTEN CONSENT OF CARO CONSTRUCTORS, INC. DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FIELD VERIFICATION. A

HOME IS THE COPYRIGHTED PROPERTY OF CARO CONSTRUCTORS, INC. THE DRAWINGS ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT WRITTEN CONSENT OF CARO CONSTRUCTORS, INC. DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FIELD VERIFICATION. A

ONE BY ANY METHOD, INCLUDING BLUEPRINTING, XEROXING, TRACING, PHOTOGRAPHY, REPRODUCING OR OTHER MEANS. CARO CONSTRUCTORS, INC. WILL REMAIN IN CARO CONSTRUCTORS, INC. OFFICE OWNER AGREES THIS SET OF PLANS. LAYOUTING LAYOUTS ARE SUBJECT TO FIELD VERIFICATION. ELEVATIONS MAY VARY FROM PLANS.

Color	Range Beg.	Range End	Percent	Area
1	0.00	15.00	69.3	44475.46
2	15.00	25.00	19.2	12297.04
3	25.00	35.00	10.3	6618.19
4	> 35.00		1.2	774.87

64165.56



3015 WESTLAKE DRIVE LAKE AUSTIN ORDINANCE IMPERVIOUS COVER			
SLOPE CATEGORY	SQ. FT.	PERCENTAGE ALLOWABLE IMPERVIOUS	SQ. FT. ALLOWABLE IMPERVIOUS
0-15%	44,475.46	35%	15,566
15-25%	12,297.04	10%	1,230
25-35%	6,618.19	5%	331
>35%	774.87	0%	-
TOTAL	64,165.56	26.69%	17,127

PROJECT IMPERVIOUS COVER		
SLOPE CATEGORY	SQ. FT.	PERCENTAGE ALLOWABLE IMPERVIOUS
0-15%	13,436	20.21%
15-25%	2,217	18.03%
25-35%	588	8.88%
>35%	79	10.19%
TOTAL	16,320	25.29%

IF + 50' BACK  
24.01  
25.29%  
21.14%

SITE PLAN  
SCALE: 1/32" = 1'-0"

A CUSTOM PROJECT FOR:

**VEGA RESIDENCE**

3015 WESTLAKE DR. AUSTIN, TEXAS 78746

**CARO CONSTRUCTORS, INC.**

8111 Ash Lane Way  
Suite 205 & 215  
The Woodlands TX, 77382  
832.248.1525

NO. DATE REVISION

1 06/01/2013

DRAWN BY: K.T.

DATE: JUNE, 2013

JOB NO.

SHEET **A0.0**

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

**DATE:** Thursday, November 14, 2013

**CASE NUMBER:** C15-2013-0120

☒ Y Jeff Jack  
☒ Y Michael Von Ohlen 2<sup>nd</sup> the Motion  
☒ Y Stuart Hampton  
☒ Y Bryan King Motion to Grant  
☒ Y Fred McGhee  
☒ Y Melissa Hawthorne  
☒ Y Sallie Burchett  
☐ - Cathy French (SRB only)

**APPLICANT:** Jim Bennett

**OWNER:** Ricardo Vega

**ADDRESS:** 3015 WESTLAKE DR

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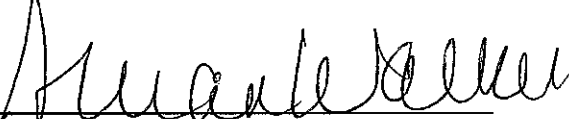
**FINDING:**

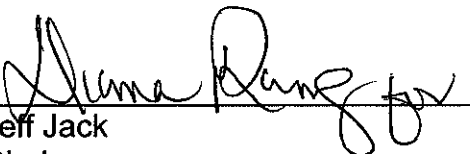
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the man-made inlet is triggering the increase shoreline setback
2. (a) The hardship for which the variance is requested is unique to the property in that: there is an existing man-made inlet that serves only this and the adjacent lot, long narrow lot with a width of 99 ft, if the 75' shoreline setback is applied from the inlet

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\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman



## PUBLIC HEARING INFORMATION

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- and:
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Case Number: C15-2013-0120 - 3015 Westlake Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 14th, 2013

Carol Lee

Your Name (please print)

☐ I am in favor  
☒ I object

Lake Austin Collective boundary of interest

Your address(es) affected by this application

Carol Lee

Signature

11/13/2013

Date

Daytime Telephone: 512-794-8250

Comments: As an officer of the Lake Austin Collective I am opposed to granting variances that negatively affect the quality of our drinking water supply. The requests are extreme!

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

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

CASE # C15-20B-0120  
TP-012309-02-17  
ROW-11026199

**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: 3015 Westlake Drive

LEGAL DESCRIPTION: Subdivision –

Lot(s) 72 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I Jim Bennett as authorized agent for Ricardo Vega

\_\_\_\_\_ affirm that on 9/27/13 \_\_\_\_\_ hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

a single family dwelling providing a shoreline side yard setback of 5 ft.

\_\_\_\_\_ in a LA district.  
(zoning district)

§ 10.00

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**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

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The man made inlet is triggering the increase shoreline setback.

**HARDSHIP:**

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

There is an existing man made inlet that serves only this and the adjacent lot. This lot is a long narrow lot with a width of 99 ft. If the 75' shoreline setback is applied from the inlet and along with the 5' setback from the interior side leaves a building width of only 19 ft. The impervious cover is less than allowed on slopes with a gradient of < 15% (21%) 35% is allowed, and the impervious cover on slopes with a gradient of >15% (16%) 10% is allowed. The overall impervious cover spread out over the 75,221 sq. ft. equals 37%. This is because of the long length of the site

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

This lot configuration, and the adjacent man made inlet are not general to the area.

**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 surrounding neighbors support the variance and due to the lot size, topography and the placement of the structure the variances will not change the character of the area.

**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:

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 Jim Bennett Mail Address 11505 Ridge Dr  
City, State & Zip Austin, TX. 78748  
Printed JIM BENNETT Phone 512-282-3079 Date 9/30/13

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

Y Signed [Signature] Mail Address 3204 Aztec Fall -  
City, State & Zip Austin, TX. 78746  
Printed Ricardo Vega Phone \_\_\_\_\_ Date 9/30/13



SUBJECT TRACT

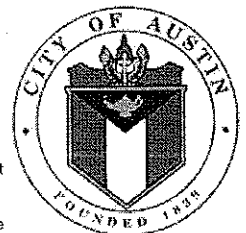


ZONING BOUNDARY

CASE#: C15-2013-0120  
LOCATION: 3015 Westlake Drive

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.



Austin Tx, September 2013

After being informed of the nature of the ordinance and the variance needed as per drawing attached;

We, the undersigned find no objection and therefore support the variance request by Mr. Ricardo Vega for the property located at 3015 Westlake Dr., Austin, TX 78746

Exhibit A. Site Plan Dated  
September 21, 2013

Name

Signature

Address

L.B. GRIFFITH L.B. Griffith 3101 Westlake Dr.

Michael A. Schroeder Michael A. Schroeder 3107 #3 Westlake Dr.

TAYLOR C. KEL Taylor C. Kel 3003 WESTLAKE DR

SEAN M. KELLEY Sean M. Kelley 2947 WESTLAKE CIRCLE

John or Phyllis Biggar John Biggar 3007 Westlake Dr 78746

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SF-1

LA

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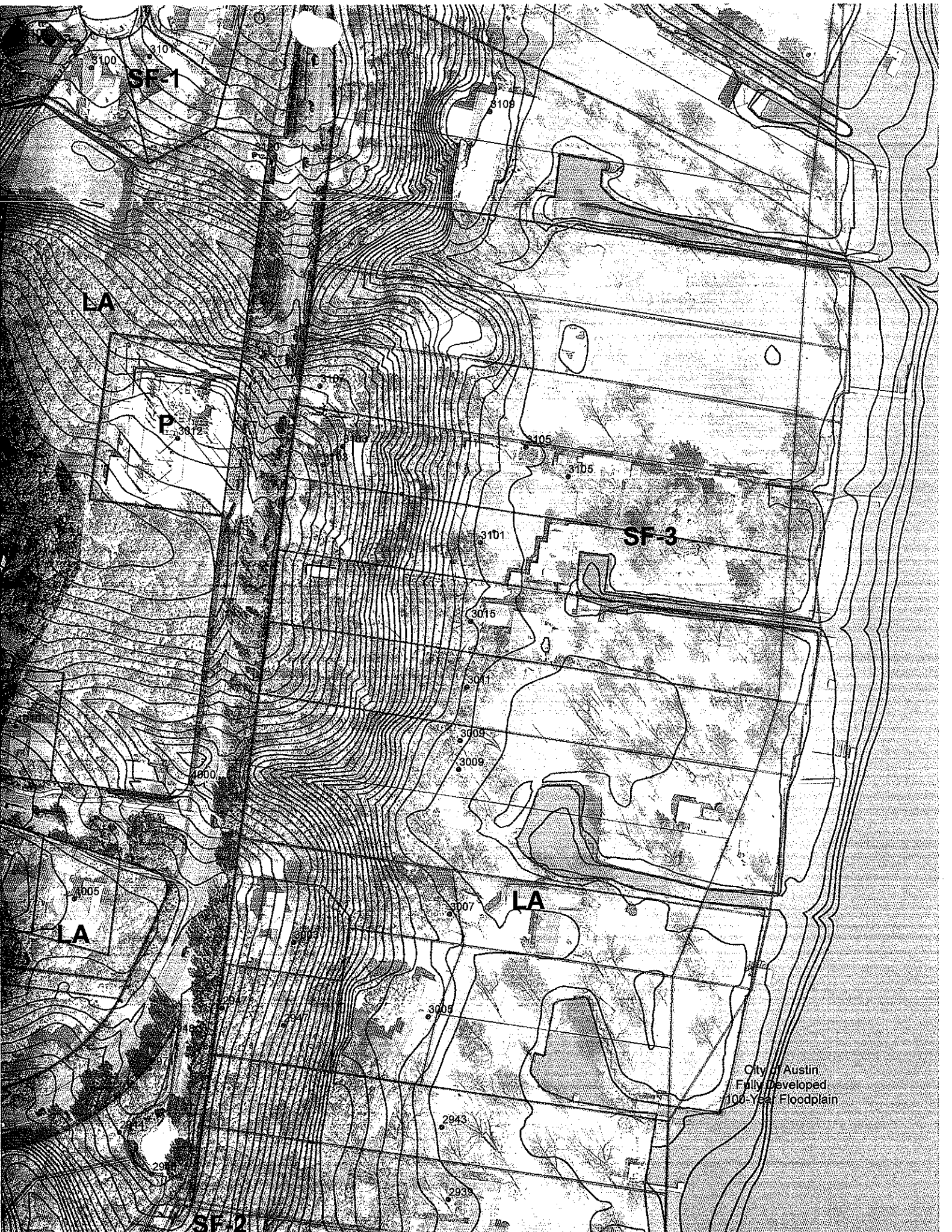
SF-3

LA

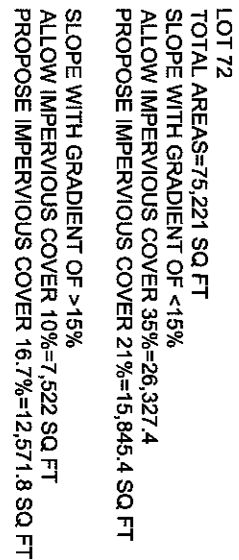
LA

SF-2

City of Austin  
Fully Developed  
100 Year Floodplain



NOTE: SEE IN SECTION ELEVATIONS FOR MORE DETAILED FRAMING DIMENSIONS





**SITE PLAN**

0 20' 40' 100'

SCALE 1/64" = 1'-0"

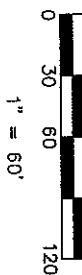
The site plan shows a building layout with a main rectangular structure and several smaller rectangular extensions. A north arrow is located in the upper right corner. A scale bar is located in the lower right corner, indicating a scale of 1/64" = 1'-0". The plan is oriented with the main building structure facing the street labeled 'ST. 100' on the left. The building is surrounded by a parking area and a sidewalk. The street 'ST. 100' is shown on the left side of the plan. The building is shown in a simplified, schematic manner, with rectangular shapes representing walls and openings representing windows and doors. The parking area is shown as a series of rectangular spaces. The sidewalk is shown as a narrow strip along the street. The north arrow is a simple cross with an 'N' at the top. The scale bar is a horizontal line with markings at 0, 20, 40, and 100 feet.

SHEET <b>A0.0</b>	JOB NO:	DATE: JUNE 2013	DRAWN BY: K.T	NO. DATE REVISION	A CUSTOM PROJECT FOR: <b>VEGA RESIDENCE</b> 3015 WESTLAKE DR. AUSTIN, TEXAS 78746			8111 Ash Lane Way Suite 205 & 215 The Woodlands TX, 77382 832.248.1525
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3

3015 WESTLAKE DRIVE, AUSTIN, TEXAS 78746



IMPERVIOUS COVER TOTAL SQ. FT.	16330
IMPERVIOUS COVER TOTAL %	25.43%
IMPERVIOUS COVER TOTAL OVERALL %	21.56%

45-2013-0120

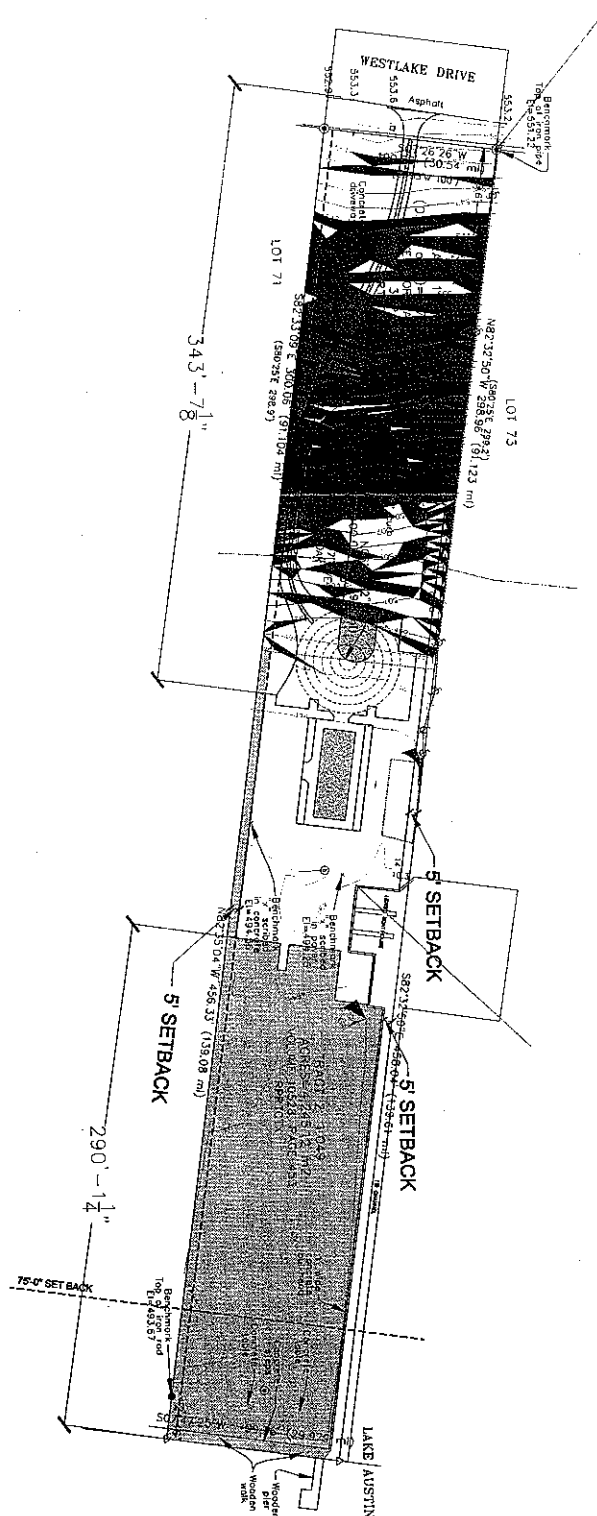
**ENGINEERING, SURVEYING & PLANNING**  
1000 CUERNAVACA  
AUSTIN, TEXAS 78733  
PH. (512) 442-0377  
FAX (512) 442-7807

**THE MOORE GROUP**  
Firm Reg. #249

Firm Reg. #249

**ENGINEERING, SURVEYING & PLANNING**  
1000 CUERNAVACA  
AUSTIN, TEXAS 78733  
PH. (512) 442-0377  
FAX (512) 442-7807

NOTE: SEE ATTACHED EVALUATIONS FOR MORE DETAILED FINDING DISCUSSIONS



**SITE PLAN**

SCALE: 1/32" = 1'-0"

## SET BACK COMPLIANCE

REVISIONS	
NO.	DATE REVISION

DRAWN BY: K.T

DATE: DEC. 2013

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A CUSTOM PROJECT FOR:

**VEGA RESIDENCE**

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