

CASE # C15-2014-0075

ROW# 11146938

TAX ROLL# 0131240101

CITY OF AUSTIN

APPLICATION TO BOARD OF ADJUSTMENT

GENERAL VARIANCE/PARKING VARIANCE

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

--

STREET ADDRESS: **6702 Troll Haven**

LEGAL DESCRIPTION: Subdivision – Rivercrest Addition Section 2 Lot(s) 37C

Block A Outlot Division

I/We Adrian & Catia James on behalf of
myself/ourselves authorized agent for

_____ affirm that on April 24, 2014,

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

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

We proposed to have a 226 SF room built on an existing 2nd level concrete deck. The existing deck was built in 2008 before we purchased the property. A 2008 waiver (variance) to the zoning ordinance requirements was granted for impervious cover and for the 25' shoreline setback in order to built the deck. No additional impervious cover shall be added to the property with the construction of the proposed addition.

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
):

REASONABLE USE:

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

The lot is on a canal that connects to Lake Austin. The lot is one the smallest lots in Rivercrest Subdivision. The small lot size makes it impossible to utilize the small back yard without encroaching on the shoreline setback and/or exceeding the maximum impervious cover requirement. The valuable (for shade) large mature pecan trees on the property also limit expansion potential.

In 2008 the BOA approved variances to the LA zoning ordinance to allow 48% impervious cover on this lot and to decrease the shoreline setback from 25' to 0'. The proposed addition does not increase the impervious cover; it is to be built on the concrete deck that was built in 2008 after the BOA granted the shoreline setback variance.

HARDSHIP:

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

When the property was purchased in 2008, an existing deck and patio encroached on the shoreline setback and the lot exceeded the maximum impervious cover as allowed by the zoning ordinance. Although variances for shoreline setback and impervious cover were granted then, these do not apparently allow for the proposed expansion. The proposed project does not increase impervious cover. The hardship unique to this property is its small size

(b) The hardship is not general to the area in which the property is located because: Lot 37C is one of the smallest of the 70 (+ or -) lots in the Rivercrest Subdivision.

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 proposed addition would be consistent with all adjacent properties relative to the shoreline setback. The adjacent houses on the west and east sides of 6702 Troll Haven are actually not built with structures that are not consistent with the LA shoreline setback. (see photos). Also the houses across the canal are similarly not setback 25' from the shoreline. The proposed addition will be compatible with the structures on the adjacent properties. The existing 2nd level concrete deck is 16' above the waterline. Flooding should not be an issue.

Note: The existing concrete deck encroaches in the shoreline setback (the existing concrete deck was granted a waiver from the LA shoreline setback in 2008), but proposed construction now requires a shoreline setback waiver. The proposed addition will have no adverse aesthetic or environmental impact on adjacent properties. In fact, the proposed addition is consistent with the adjacent structures and their setback from the canal (see photographs attached).

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:

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 lot is on a canal that connects to Lake Austin. The lot is one the smallest lots in Rivercrest Subdivision. The small lot size makes it impossible to utilize the small back yard without encroaching on the shoreline setback and/or exceeding the maximum impervious cover requirement. The are valuable (for shade) large mature pecan trees on the property that also limit expansion potential.

In 2008 the BOA approved variances to the LA zoning ordinance to allow 48% impervious cover on this lot and to decrease the shoreline setback from 25' to 0'. The proposed addition does not increase the impervious cover; it is to be built on the concrete deck that was built in 2008 after the BOA granted the shoreline setback variance.

HARDSHIP:

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

When the property was purchased in 2008, an existing deck and patio encroached on the shoreline setback and the lot exceeded the maximum impervious cover as allowed by the zoning ordinance. The proposed project does not increase impervious cover. The lot is small relative to other lots in the Rivercrest Subdivision.

(b) The hardship is not general to the area in which the property is located because: This lot is one of the smallest lots in the Rivercrest Subdivision.

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 proposed addition would be consistent with all adjacent properties relative to the shoreline setback. The adjacent houses on the west and east sides of 6702 Troll Haven are actually not built with structures that are not consistent with the LA shoreline setback. (see photos). Also the houses across the canal are similarly not setback 25' from the shoreline. The proposed addition will be compatible with the structures on the adjacent properties.

Note: The existing concrete deck encroaches in the shoreline setback (the existing concrete deck was granted a waiver from the LA shoreline setback in 2008). The proposed addition will have no adverse aesthetic or environmental impact on adjacent property. In fact, the proposed addition is consistent with the adjacent structures and their setback from the canal (see photographs attached).

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 [Signature] Mail Address 6702 Troll Haven

City, State & Zip Austin, TX 78746

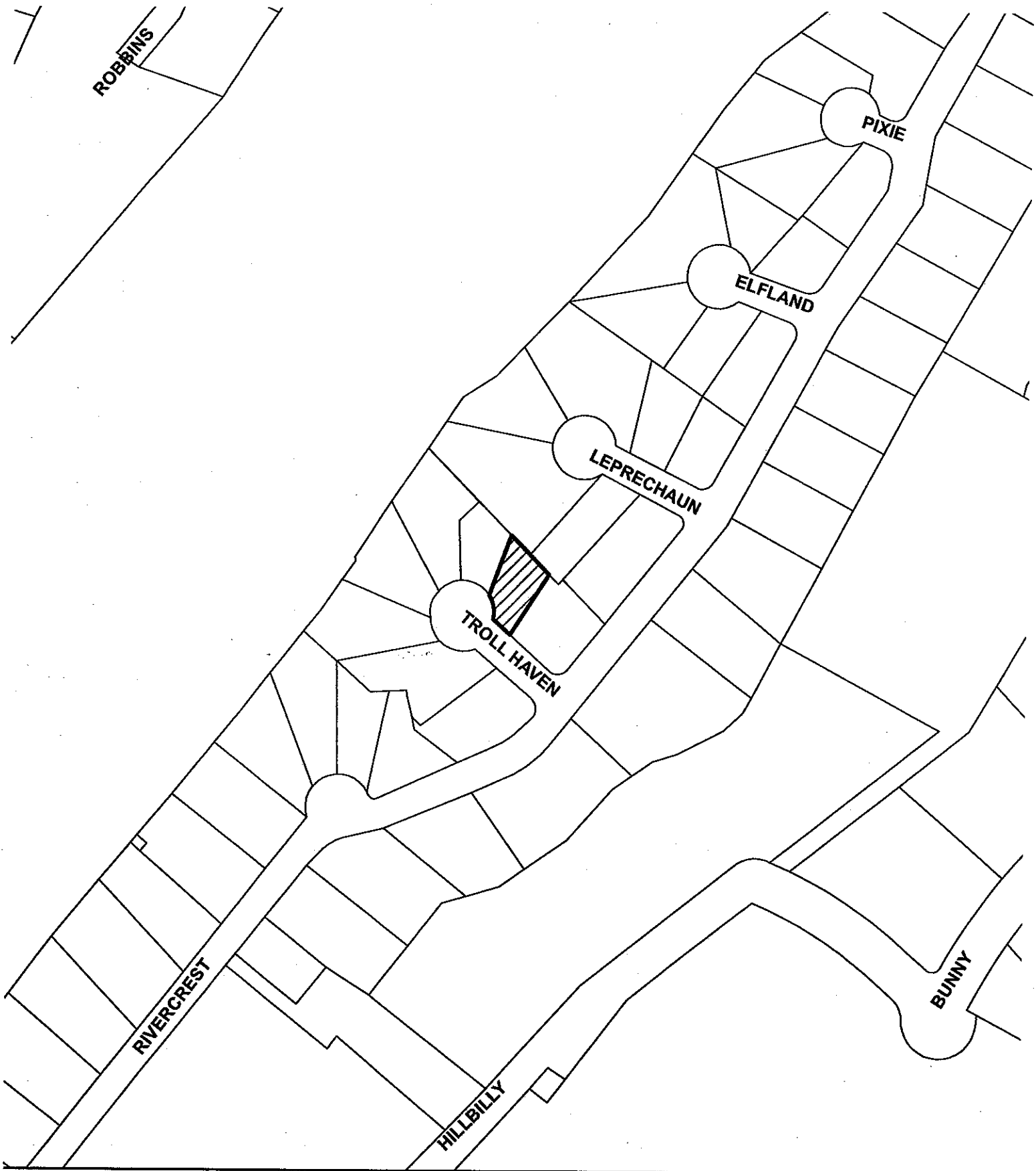
Printed Adrian & Cotia James Phone (305) 962-2851 Date 4/24/2014




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 [Signature] Mail Address 6702 Troll Haven

City, State & Zip Austin, TX 78746

Printed Adrian & Cotia James Phone (305) 962-2851 Date 4/24/2014



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0075
Address: 6702 TROLL HAVEN



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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 200'

CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County

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 CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

RIVERCREST ADDITION SECTION 2

NOTE: Lot 66 of this subdivision is hereby restricted from use as a residential lot no residence shall be built on this lot for human occupancy.

SCALE: 1"=100'

SURVEYED: Sept. 1964
BY: CLAUDE F. BUSH, JR.
Reg. Public Surveyor #202
Sept. 5, 1964

FB.122 Pg. 4-51 LDC 5-27-64
FB.130 Pg. 61
FB.131 Pg. 67
FB.135 Pg. 97
FB.153 Pg. 43

LEGEND
O Iron Pipe Found
+ Iron Pipe Set
CURVE DATA

1	2	3	4	5
I: 39.20° T: 29.59° R: 32.78° LC: 55.73° A: 55.63°	I: 100.38° T: 12.75° R: 12.45° LC: 100.05° A: 157.05°	I: 31.25° T: 12.75° R: 12.45° LC: 17.01° A: 157.05°	I: 27.11° T: 31.50° R: 13.65° LC: 63.28° A: 63.59°	I: 27.11° T: 24.65° R: 15.40° LC: 25.79° A: 87.61°
6	7	8	9	10
I: 69.10° T: 20.00° R: 20.35° LC: 28.45° A: 31.55°	I: 50.50° T: 20.00° R: 19.71° LC: 28.37° A: 31.55°	I: 102.75° T: 20.00° R: 15.07° LC: 28.05° A: 28.52°	I: 65.35° T: 20.00° R: 15.07° LC: 28.05° A: 28.52°	I: 37.13° T: 20.00° R: 15.07° LC: 28.05° A: 28.52°
11	12	13	14	15
I: 75.39° T: 20.00° R: 25.42° LC: 31.43° A: 31.89°	I: 75.39° T: 20.00° R: 25.42° LC: 29.61° A: 31.89°	I: 64.35° T: 20.00° R: 22.01° LC: 29.61° A: 31.89°	I: 120.00° T: 50.00° R: 50.00° LC: 50.00° A: 104.72°	I: 300.00° T: 00° R: 50.00° LC: 50° A: 251.70°

EASEMENTS: In addition to the easements shown, an easement of five (5) feet is hereby dedicated off the rear of all lots in this subdivision for public utilities.

SEPTIC TANK NOTE:

Each house constructed in this subdivision shall be connected to a septic tank with a capacity of not less than 500 gallons and with a drain field of not less than 150 feet² and shall be installed in accordance with the regulations of the City/County health officer and shall be inspected and approved by such officer. This restriction is enforceable by the City of Austin, Travis County Health Unit and/or the developer.

WATER AND SEPTIC TANK RESTRICTIONS: All lots in this subdivision are restricted to non-occupancy until water satisfactory to human consumption is available from a source on the land, a community source or a public utility source, in adequate and sufficient supply for domestic and irrigation use and approved by the City/County Health Dept.

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS: That I, Walter Bohn, owner of the herein designated tract out of the Antonio Rodriguez Survey, Travis County, Texas, a part of those certain tracts conveyed to me by deeds recorded in Vol. 428, Pg. 445, Vol. 510, Pg. 410 and Vol. 521, Pg. 578 of the Deed Records of Travis County, Texas, being also a part of Lots 1-15, incl. of Barrow subdivision as recorded in Book 3, Pg. 28 of the Plat Records of Travis County, Texas, do hereby subdivide 22.45 acres of said land in accordance with the foregoing plat and joined herein by me with, as for me, Frieda R. Bohn, do hereby adopt this plat as our subdivision to be known as RIVERCREST ADDITION, SECTION 2, and do hereby dedicate to the public use all streets and easements shown.

WITNESS OUR HANDS this 14th day of September, A.D. 1964

Walter Bohn
Walter Bohn
Frieda R. Bohn
Frieda R. Bohn

THE STATE OF TEXAS

COUNTY OF TRAVIS

Before me the undersigned authority on this day personally appeared Walter Bohn and wife Frieda R. Bohn, known to me to be the persons whose names are subscribed to the foregoing instrument and they acknowledged to me that they executed the same for the purposes and consideration therein expressed and the said Frieda R. Bohn, wife of the said Walter Bohn, having been examined by me privily and apart from her husband and having the same fully explained to her she the said Frieda R. Bohn declared that she willingly signed the same and that she did not wish to retract it.

WITNESS MY HAND AND SEAL OF OFFICE this 14th day of September, A.D. 1964.

Claude F. Bush, Jr.
Notary Public in and for Travis County, Texas.

APPROVED FOR ACCEPTANCE on the 20th day of October, A.D. 1964.

By: Walter Bohn
President, Boarding Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN on the 20th day of October, A.D. 1964.

Secretary: W. Sule Lewis Daniel B. Baum
Chairman

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads and other public thoroughfares or any of the bridges or culverts necessary to be placed in such streets, roads and other public thoroughfares shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas and said court assumes no obligation to build any of the streets, roads or other public thoroughfares or any of the bridges or culverts in connection therewith.

THE STATE OF TEXAS

COUNTY OF TRAVIS

I, Miss Emily Limberg, County Clerk of Travis County, Texas, do hereby certify that on the 26th day of October, A.D. 1964, the Commissioners Court of Travis County passed an order authorizing the filing for record of this plat and that said order has been duly entered in the Minutes of said Court in Book 3, Page 357.

WITNESS MY HAND AND SEAL OF OFFICE this 26th day of October, A.D. 1964.
Miss Emily Limberg, County Clerk, Travis County, Tex.
By: E. Limberg Deputy

THE STATE OF TEXAS

COUNTY OF TRAVIS

I, Miss Emily Limberg, Clerk of the County Court, within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 2nd day of January, A.D. 1965 at 4 o'clock P.M. and duly recorded on the 5th day of January, A.D. 1965 at 4 o'clock P.M. in the Plat Records of said County in Book 22, Page 37.

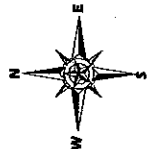
WITNESS MY HAND AND SEAL OF OFFICE the date last written above.
Miss Emily Limberg, County Clerk, Travis County, Texas.
By: Emily Limberg Deputy

NOTE: Overflow easements affecting lots in this subdivision are recorded in Vol. 275 P. 531 and Vol. 274, Pg. 496.

7-10 Rivercrest Addition is Vol. 274, Page 496. 7-11 Rivercrest Addition is Vol. 275, Page 531. See Volume 27, Page 57 for easement affecting lots 1-15, incl. of Barrow subdivision, as recorded in Book 3, Page 28 of the Plat Records of Travis County, Texas. See Volume 27, Page 57 for easement affecting lots 1-15, incl. of Barrow subdivision, as recorded in Book 3, Page 28 of the Plat Records of Travis County, Texas.

7-10 Rivercrest Addition is Vol. 274, Page 496. 7-11 Rivercrest Addition is Vol. 275, Page 531. See Volume 27, Page 57 for easement affecting lots 1-15, incl. of Barrow subdivision, as recorded in Book 3, Page 28 of the Plat Records of Travis County, Texas. See Volume 27, Page 57 for easement affecting lots 1-15, incl. of Barrow subdivision, as recorded in Book 3, Page 28 of the Plat Records of Travis County, Texas.

SHEET:
A-1



PROPERTY SURVEY
1"=30'

NOTES:

[illegible]

This is a letter of support for Adrian and Catia James in their effort to obtain a variance for constructing an exercise room addition on the existing rear 2nd level concrete deck.

A variance is required to the 25' shoreline setback in the Lake Austin Watershed.

I support Adrian and Catia's variance request:

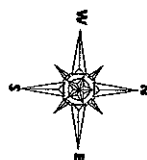
Catherine Butler	-6707 Troll Haven	78746
JW Butler		
Jeff Butler	3306 Rivercrest Drive	78746
Dale Haysie	6700 Troll Haven	
Ki Haysie	6700 Troll Haven	
Lorena Moura	3004 Rivercrest Dr.	78746
for all	6703 Troll Hvn	78746
OSU	6706 Troll Hvn	78746
Don Schmitt	6706 Troll Hvn	78746
Chad Shinnatis	3303 Rivercrest	78746
Kenneth Johnson	3301 Rivercrest DR	78746
JC Johnson	2100 RIVERCREST DR	78746
Donna Root	3204 Rivercrest Dr	78746
Don Root	3304 Rivercrest	78746
Chen L. Jones	6707 Leprechaun Dr	78746
DT Jones	6708 Leprechaun Dr	78746
Jalley Krick	6706 Leprechaun Dr	78746
Anna Krick	6703 Leprechaun Dr	78746
Kristi Ray	3308 Rivercrest	78746
George H. H.	6704 Troll Hvn	78746

Name: 6702 TROLL HAVEN

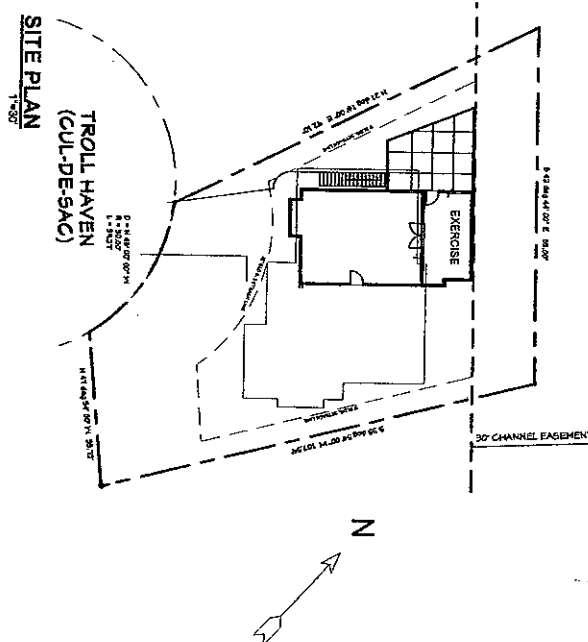
al:
e Number: 2013-121863 PR

Residential Zoning Review - Daniel Word - 512-974-3341

- No new I.C.*
Existing I.C. does do not any
should have this
? X
- Existing impervious cover % exceeds maximum granted by Board of Adjustment variance (C15-2008-0074). Reduce to comply or seek additional variance through BOA. Contact Susan Walker, 512-974-2202, susan.walker@austintexas.gov for BOA information. Provide BOA decision sheet w/ update or provide modified site plan/application w/ update. Case file is viewable at the following link: <http://www.austintexas.gov/page/interactive-development-review-permitting-and-inspection>.
 - Septic approval required prior to release of building permit application. Contact Katherine Jashinski w/ Austin Water OSSF Division, 512-972-0296, Katherine.jashinski@austintexas.gov. Provide approved septic permit w/ update. *OK*
 - Application proposes additional improvements in shoreline setback as defined in 25-5-551 (LA site development regulations). BOA variance required for additional improvements in shoreline setback area. Contact Susan Walker, 512-974-2202, susan.walker@austintexas.gov for BOA information. *IT does not see site plan*
 - Existing improvements located in "channel easement". Provide approval for encroachment into easement or seek license agreement through Real Estate Division. Contact Mashell Smith, 512-974-7149, mashell.smith@austintexas.gov. *?*
 - Application incorrectly identifies property as zoned "~~SF-2~~". Property is zoned "LA".
 - FYI Submit an "update" that completely addresses all comments, including comments from other review disciplines shown on the master comment report. "Piecemeal" updates will not be accepted and may create additional review fees.
 - FYI Please contact me via email if you would like an appointment to discuss these comments. I do not accept walk-in appointments.
 - FYI Please submit all updates at intake during the hours of M/W/F 8am-11am and W 1-3pm. Updates will not be accepted at any other time.
 - FYI All zoning plan updates are to be submitted in triplicate, with 1 set being a small set on 11x17" paper or smaller and 2 sets on 11x17" or larger. All sets are to be to scale, legible and exact copies.
 - FYI Plans will remain in my possession and will only be accessible through appointment.



SCALE: 1" = 30'



INDEX TO DRAWINGS:

- A-1 TITLE SHEET, SITE PLAN & PROPERTY SURVEY
- A-2 FLOOR PLAN & ELEVATIONS
- A-3 ELECTRICAL PLAN, ELECTRICAL SCHEDULE, DETAILS, DOOR & WINDOW SCHEDULES
- S-1.0 STRUCTURAL PLANS, NOTES & SPECIFICATIONS

GENERAL NOTES:

1. This addition is designed to conform with the 2012 IRC.
2. Refer to Sheet S-1.0 for lumber sizes, grade, species and spacing of wood elements including framed walls, roof framing, headers, etc.

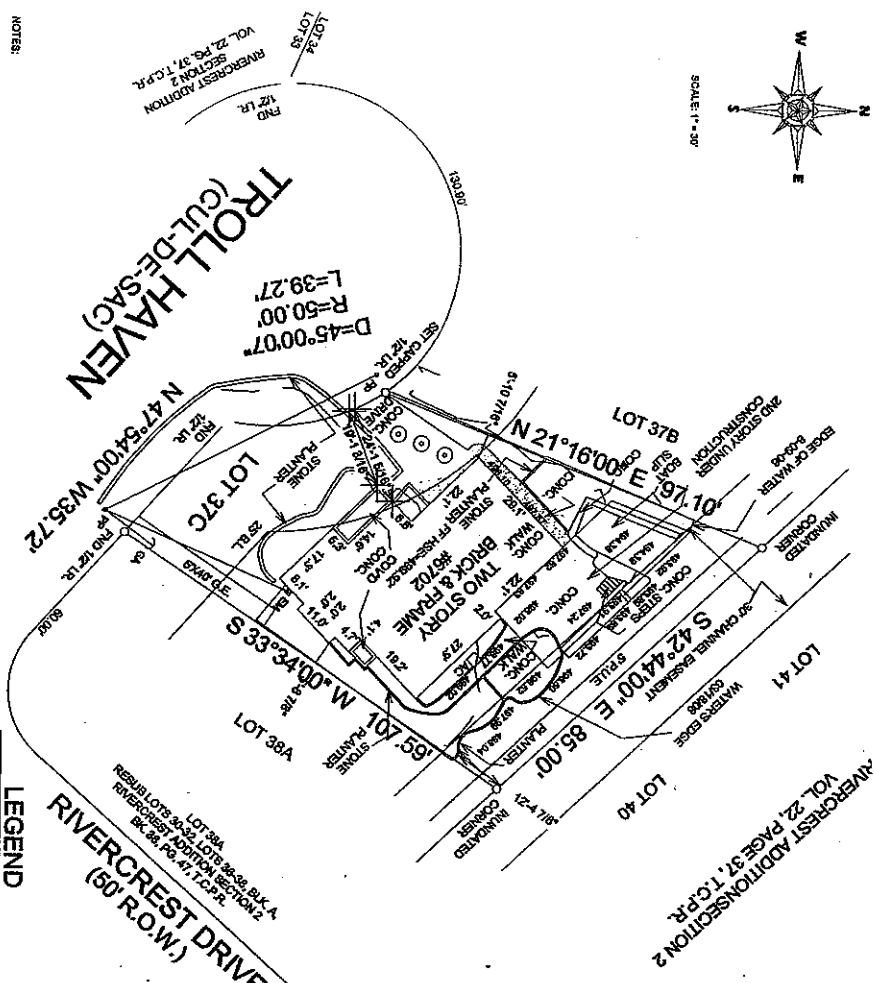
PROJECT DESCRIPTION:

THE PROJECT IS THE ADDITION OF AN EXERCISE ROOM ON AN EXISTING 2ND LEVEL CONCRETE DECK.

NO IMPERVIOUS COVER IS ADDED ON THIS PROPERTY WITH THIS ADDITION.

The property is Lot 37 C, Block A, Shepherd Resubdivision of Lot 37, Rivercrest Addition, Section 2.

The property is zoned L.A.



LEGEND

- BL - ELECTRIC METER
- PP - SANITARY SEWER MANHOLE
- P - POWER POLE
- BL - OVERHEAD POWER LINE
- BL - BUILDING LINE
- BL - GUY BASEMENT
- BL - PUBLIC UTILITY EASEMENT
- BL - SPOT ELEVATION
- BL - CONTROL MONUMENT

PROPERTY SURVEY

1-307

- NOTES:
- 1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 22, PG. 37, AND VOL. 12, PG. 36, T.C.P.R., VOL. 2311, PG. 178, VOL. 2441, PG. 877, T.C.P.R.
 - 2) PUBLIC UTILITY EASEMENT (REAR) BY VOL. 22, PG. 37, T.C.P.R.
 - 3) PUBLIC UTILITY EASEMENT (FRONT) BY VOL. 22, PG. 37, T.C.P.R.
 - 4) SUBJECT TO OPEN SPACE AND MINIMUM EASEMENTS TO THE CITY OF AUSTIN BY VOL. 22, PG. 37, T.C.P.R., VOL. 2441, PG. 877, T.C.P.R.
 - 5) T.C.P.R. AS NOTED ON THE RECORDED PLAT RECORDED IN VOL. 22, PG. 37, T.C.P.R.
 - 6) TWO STORY BRICK AND FRAME EXTENDS ACROSS 25' BUILDING LINE AS SHOWN.
 - 7) TWO STORY BRICK AND FRAME EXTENDS ACROSS 25' BUILDING LINE AS SHOWN.
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 - 99) TWO STORY BRICK AND FRAME EXTENDS ACROSS 25' BUILDING LINE AS SHOWN.
 - 100) TWO STORY BRICK AND FRAME EXTENDS ACROSS 25' BUILDING LINE AS SHOWN.

DRAWINGS PROVIDED BY: Don Hurst, Architect 3309 Oakmont Blvd. Austin, Texas 78701 512-394-1234	PROJECT DESCRIPTION: RESIDENTIAL ADDITION ADRIAN JAMES RESIDENCE 6702 TROLL HAVEN AUSTIN, TEXAS 78746	SHEET TITLE: TITLE SHEET	NO. DESCRIPTION BY DATE	DATE: 11/26/2014	SCALE: 1"=30'	SHEET: A-1



6070084

A-1

Abstract

2008 Variance

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

DATE: Monday, June 9, 2008

CASE NUMBER: C15-2008-0074

___Y___ Greg Smith (2ND)
___Y___ Michael Von Ohlen (Motion to GRANT)
___Y___ Dorothy Richter
___Y___ Bryan King
___Y___ Leane Heldenfels, Vice-Chairman
___Y___ Frank Fuentes, Chairman
___Y___ Yolanda Arriaga

APPLICANT: JIM BENNETT

OWNER: WALTER T THIRION

ADDRESS: 6702 TROLL HAVEN

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% to 48% (existing) in order to erect a deck for an existing single-family residence in an "LA", Lake Austin zoning district.

The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (2) from 25 feet to 0 feet in order to erect a deck for an existing single-family residence in an "LA", Lake Austin zoning district.

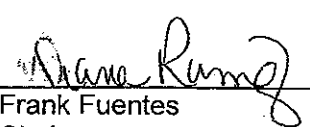
BOARD'S DECISION: GRANTED 7-0

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: lot is very small and impossible to utilize the back yard without encroaching on the shoreline setback and exceeding the maximum impervious cover requirement.
2. (a) The hardship for which the variance is requested is unique to the property in that: when property was bought in August 2006, an existing deck and patio encroached on the shoreline setback and exceeded the maximum impervious cover requirement.

(b) The hardship is not general to the area in which the property is located because: this lot is one of the smallest lots with a much smaller house than surrounding properties; this is not a new construction but repair and replace of an unsafe deck.
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: deck will replace existing deck and actually encroach less in the easement


Bobby Ray
Executive Secretary


Frank Fuentes
Chairman

CASE # C15-2008-0074

**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: 6702 Troll Hvn, Austin, TX 78746

LEGAL DESCRIPTION: Subdivision – Sheppard Resubdivision

Lot(s) 37C Block A Outlot Division Rivercrest Addition, Section 2

I/We Walter T. Thirion on behalf of myself/ourselves as authorized agent for

Walter T. Thirion affirm that on April 10, 2008,

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

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Repair and remodel deck to replace rotten wood with structural steel and new deck material

in a LA district.
(zoning district)

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 (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 lot is very small and it is impossible to utilize the back yard without encroaching on the shoreline setback and exceeding the maximum impervious cover requirement.

HARDSHIP:

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

As shown in the attached pictures and survey, when I bought this property in August 2006, there was an existing deck and patio that encroached on the shoreline setback and exceeded the maximum impervious cover requirement. As detailed in the attached engineers report, the existing deck was rotten, unusable and unsafe. Based on that, I had CHAS Architects and the engineer draw up plans for a new deck to be constructed over the existing patio. This new deck would be constructed of steel posts and beams and comply with current building codes and modern construction techniques.

After the plans had been finished and signed off by the engineer, CHAS Architects hired a consultant to get the necessary building permit from the City of Austin. I, as the owner, am acting as the general contractor on this project. After approximately a month and a half, I was told the building permit had been approved and I started the project by having a demolition subcontractor remove the existing deck and the steel fabricator started erecting the new steel structure. Unfortunately, I subsequently found out there had been a miscommunication between the architect and the consultant and the building permit had actually not been issued. Construction was halted at that time.

I believe this variance is necessary because the lot is so small that it would be impossible to utilize the back yard without the variance. Furthermore, the deck would not actually increase the impervious cover as it will be built over the existing concrete patio and, lastly, would simply restore the property to the state existing when I purchased the property but increase the safety. The new deck will also replace the cover over the existing boat slip which was removed as part of the deck demolition.

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

This lot is one of the smallest lots with a much smaller house than surrounding properties. So other properties have more room for improvements. With the exception of the mistaken demolition, this is not new construction but repair and replace of an unsafe deck.

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:

Deck will replace existing deck and actually encroach less in the easement

Rainwater collection from deck will be returned to lake

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 _____ Mail Address 3501 Robbins Road

City, State & Zip Austin, TX 78730

Printed Walter T. Thirion Phone (512) 306-1521 Date March 31, 2008

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 3501 Robbins Road

City, State & Zip Austin, TX 78730

Printed Walter T. Thirion Phone (512) 306-1521 Date March 31, 2008

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

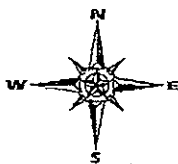
Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

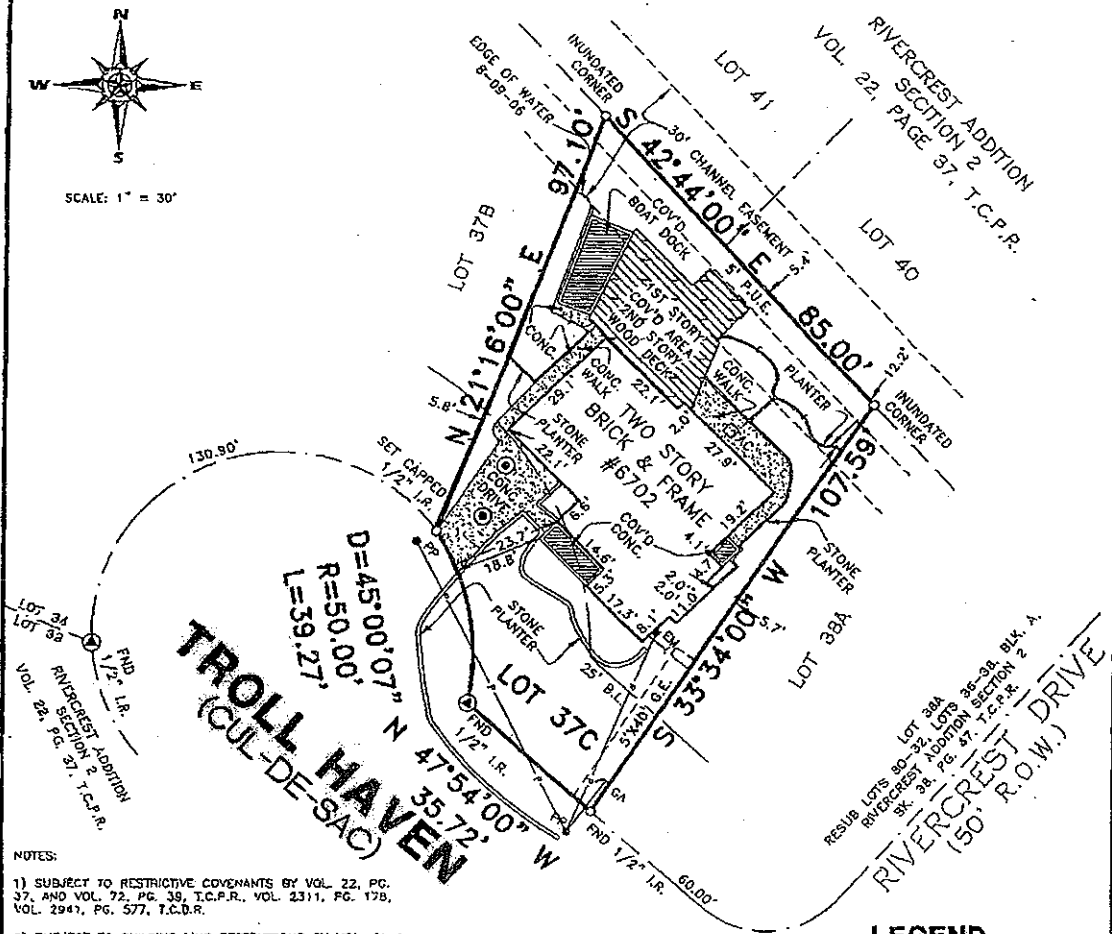
SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 300-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.



SCALE: 1" = 30'



NOTES:

1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 22, PG. 37, AND VOL. 72, PG. 39, T.C.P.R. VOL. 2311, PG. 178, VOL. 2941, PG. 577, T.C.D.R.

2) SUBJECT TO BUILDING LINE RESTRICTIONS BY VOL. 2311, PG. 178, VOL. 2941, PG. 577, T.C.D.R.

3) 5' PUBLIC UTILITY EASEMENT (REAR) BY VOL. 22, PG. 37, T.C.P.R.

4) SUBJECT TO OVERFLOW AND INUNDATION EASEMENTS TO THE CITY OF AUSTIN BY VOL. 274, PG. 498, VOL. 275, PG. 581, T.C.D.R. AS NOTED ON THE RECORDED PLAT RECORDED IN VOL. 22, PG. 37, T.C.P.R.

5) TWO STORY BRICK AND FRAME EXTENDS ACROSS 25' BUILDING LINE AS SHOWN.

6) 2ND STORY WOOD DECK, COVERED BOAT DOCK, STONE PLANTER AND CONCRETE ARE WITHIN 30' CHANNEL EASEMENT AS SHOWN.

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.

ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. 6070084

LEGEND

- EM - ELECTRIC METER
- PP - SANITARY SEWER MANHOLE
- PP - POWER POLE
- P - OVERHEAD POWER LINE
- W - WROUGHT IRON FENCE
- W - WOOD FENCE
- B.L. - BUILDING LINE
- G.E. - GUY EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- ⊙ - CONTROL MONUMENT

LOT	37C	BLOCK	-	SECTION	-	SUBDIVISION	SHEPPARD RESUBDIVISION BLOCK "A", RIVERCREST ADDITION, SECTION 2	THIS TRACT IS LOCATED WITHIN FLOOD ZONE "A" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480524 0243 E, REVISED JUNE 16, 1993.	
RECORDATION	VOLUME 72, PAGE 39, T.C.P.R.		COUNTY	TRAVIS	STATE	TEXAS	SURVEY		-
LENDER CO.			TITLE CO. STEWART TITLE GUARANTY COMPANY						
PURCHASER								JOB NO.	
ADDRESS								18047	
8702 TROLL HAVEN, AUSTIN, TEXAS 78746									



FIELD WORK	08/09/08	CR
DRAFTED BY	08/09/08	JL
CHECKED BY	08/09/08	RW
MAPSCO NO.	523 X	

REVISION	



I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described herein (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

[Signature]

08/09/08

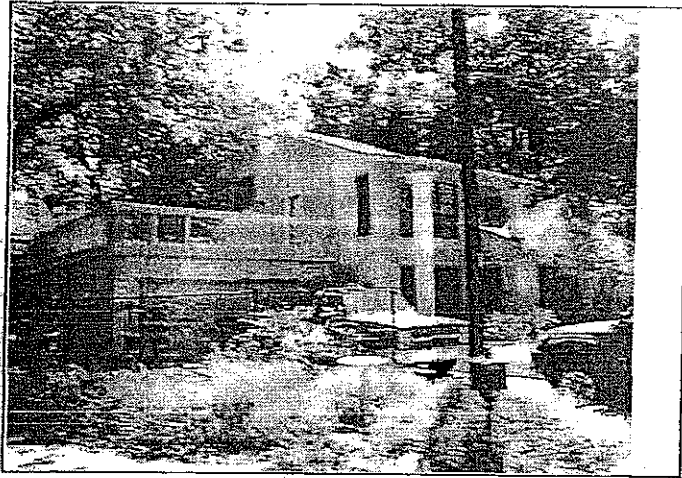
Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744
TEL (512) 326-2100 FAX (512) 326-2770
COPYRIGHT 2008 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED

2008 Variance

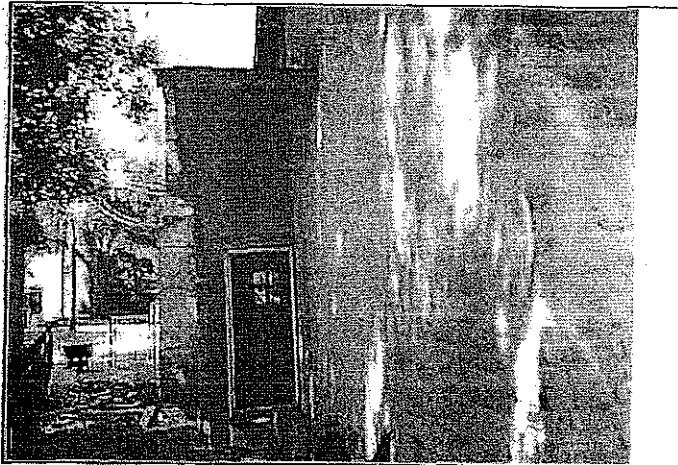
SUBJECT PHOTOGRAPH ADDENDUM

File No. 608147

Borrower/Client	Thron, Walter						
Property Address	6702 Troll Hvn						
City	San	County	Travis	State	TX	Zip Code	78745
Lender	Bank of America/HomeFocus Services	Bank of America/HomeFocus Services					



FRONT OF
SUBJECT PROPERTY



REAR OF
SUBJECT PROPERTY

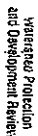


STREET SCENE

[illegible]

6702-Troll Haven

A1.1P



523-1333

Q15-2008-0074
6708 Tolt, Howard

DATE: 6/25/1966 BY: JWA/ML

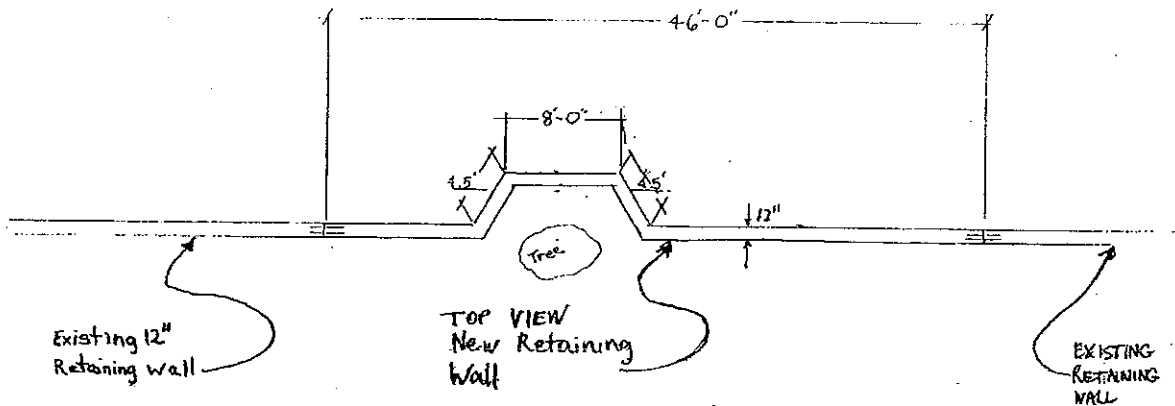
SP-93-2006-05-1141

1800JEL1

DAVID GOLDMAN
6702 Trollhaven
Austin Texas 78746

SP-91-0045DS

CUS-0080074
6702 Troll Haven



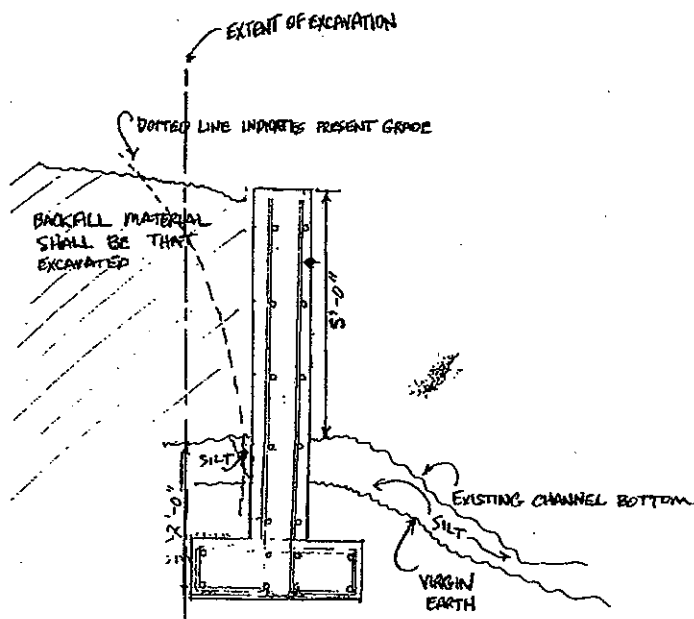
Notes:

1. New concrete retaining wall 10" thick
2. Steel Reinforcement #4 rebar 16" O.C. double mats.
3. Concrete, 7 Sack gunite mix.

* 4. ALL EXCAVATION TO BE ACCOMPLISHED BY HAND.

SCALE: 1/8" = 1'

DRAWN BY D. BARNES
INNOVATIVE CONSTRUCTION SRCS
12403 WISTERWOOD AUSTIN TX 78727
512-331 6132



LAKE AUSTIN WATERSHED
EXEMPT FROM WATERSHED PROTECTION REGS.
LOCATED WITHIN 100 YR FLOOD PLAIN

APPROVAL BLOCKS:
APPROVED BY: *[Signature]*
DIRECTOR OF PLANNING AND DEVELOPMENT
SP-91-0045DS
SITE PLAN / DEVELOPMENT PERMIT NUMBER

Reviewed By: *[Signature]* 2-6-91
JAN 27 1991

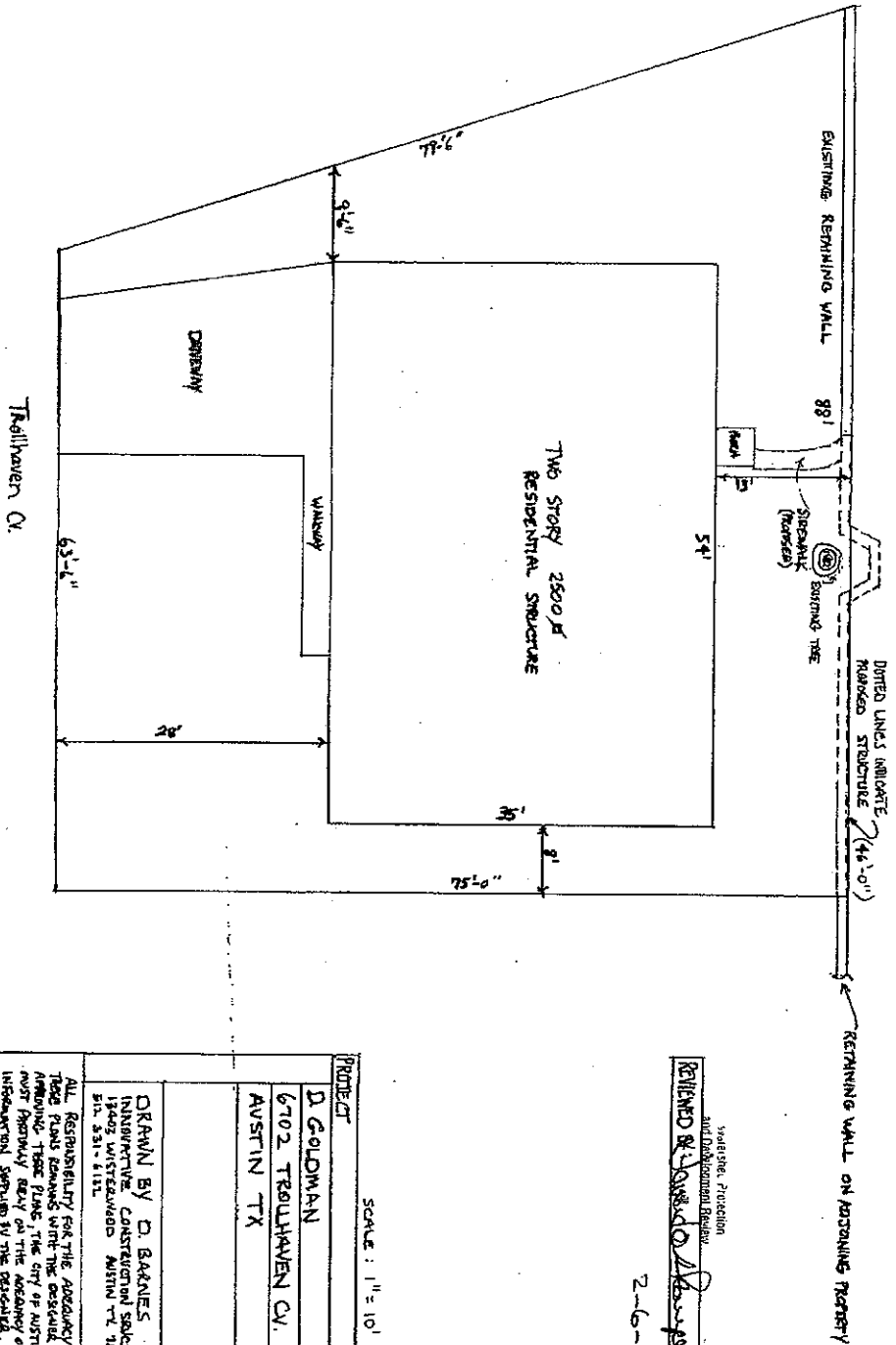
SITE PLAN

City of Austin

91-00450

GOLDMAN RETAINING WALL
6702 TROLLHAVEN CV

BOAT CHANNEL CENTERLINE



SEAL, PREPARED
AND REVISIONS REVIEW
REVIEWED BY: [Signature]
2-6-91

SCALE: 1" = 10'

PROJECT
D. GOLDMAN
6702 TROLLHAVEN CV.
AUSTIN TX
DRAWN BY: D. BARKES
INDEPENDENT CONSTRUCTION SOLCS.
19402 WESTERWOOD AUSTIN TX 78714
PH. 551-1111
ALL RESPONSIBILITY FOR THE ACCURACY OF THIS PLAN AND THE CONSTRUCTION THEREOF, THE CITY OF AUSTIN, MUST APPROVE ONLY ON THE BASIS OF THE INFORMATION SUPPLIED BY THE DESIGNER.

CS-2008-0074
6702 Troll Haven



NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Mailing Date: May 29, 2008

Case Number: C15-2008-0074

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

Applicant : WALTER T THIRION

Telephone : (512)306-1521

Address 6702 TROLL HAVEN

Variance Request(s): The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (a) from 35% to 58% (existing) in order to erect a deck for an existing single-family residence in an "LA", Lake Austin zoning district.

The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (2) from 25 feet to 0 feet in order to erect a deck for an existing single-family residence in an "LA", Lake Austin zoning district.

This application is scheduled to be heard by the Board of Adjustment on June 09, 2008. The meeting will be held at City Council Chambers, 301 West 2nd Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners within 300 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact Susan Walker of the Watershed Protection & Development Review Department at 974-2202 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/devreview/index.jsp.

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



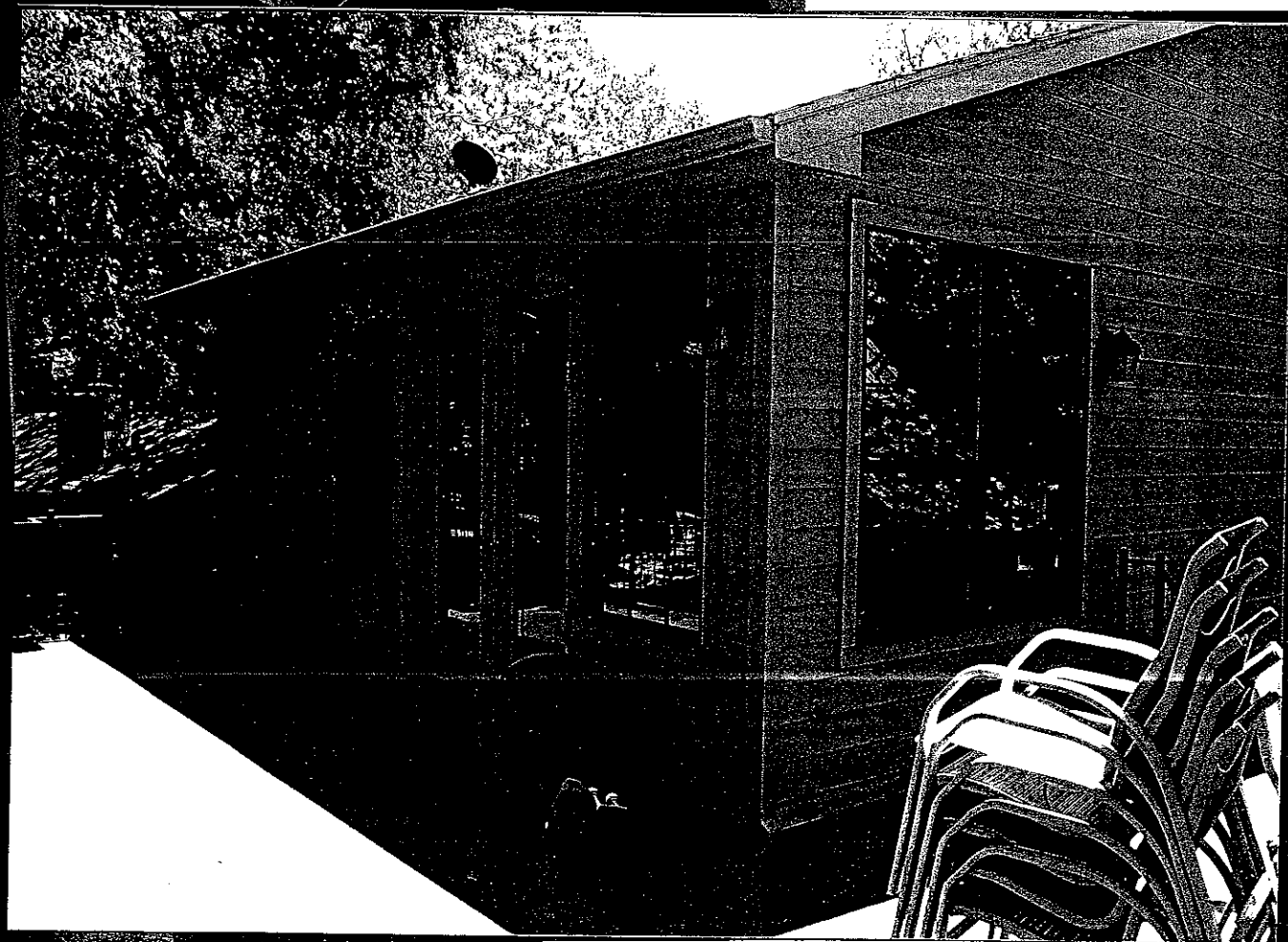
Neighbor's garage workshop across the canal



West side adjacent neighbor's house & view of the canal



Lower level deck / outdoor living area



2nd level concrete deck; the proposed addition to be here



Front of House
The septic system drain field is in the front yard





Neighbor's house across the canal