

CASE# 015-2014-011
ROW# 11143180
TAX# 0119090301

**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: _____

LEGAL DESCRIPTION: 3801 Island Way Subdivision – Island Way

Lot(s) 1 Block: NA Outlot: NA Division NA I/We Brian and

Phyllis Patek on behalf of ourselves as authorized agent for

the aforementioned property affirm that on July 15, 2014, hereby apply for a

hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

in a LA – Lake Austin
Residence district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

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

The current zoning rules created after construction have left this site an existing violation limiting the ability of the homeowner to convert the site to a single family residence. The current development on the site is a duplex with greater than 45% impervious cover. The proposed plan will attempt to mimic the existing impervious cover but will still exceed the maximum impervious cover limitation allowed by zoning. Furthermore, this site can be no less than 2 acres in net site area. This site is currently 0.4379 acres according to the tax records.

HARDSHIP:

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

This property was originally developed as a duplex residential project. This site was since incorporated into the LA residential zoning category which made the site an existing violation due to its impervious cover and construction on slopes.

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

The homes in the area are all large lots that have been developed as single family residential homes. This home site cannot be converted to a single family residence as it has existing violations due to the City's incorporation of the LA zoning category for this site.

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:

This variance will allow this site to be in character with the area adjacent to the property and will be more closely in conformance with the adjacent property owners which are large lot single family residential sites. There are no other duplexes in this area. The variance request is supported by the adjacent neighbors. Letters of support have been provided with this request.

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:

This site is currently being used as a single family residence instead of a duplex. With this less dense land use there is less traffic than anticipated from the constructed land use.

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:

The existing land use of single family residential will be less dense than the constructed use of a duplex. Therefore traffic and loading will be unchanged with the granting of this variance.

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

The intent of the zoning ordinance was to establish a large lot residential development sensitive to Lake Austin. This site is currently being used a single family residence and granting of this variance will allow the development to be remodeled to a single family residential home from a duplex residential property. This reduction in site density can only bring the site closer to compliance with the Ordinance.

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

The desired land use is single family residential as is dictated by the site's zoning. This variance will allow the development to be remodeled to a single family residential home from a duplex residential property. This reduction in site density can only bring the site closer to compliance with the Ordinance.

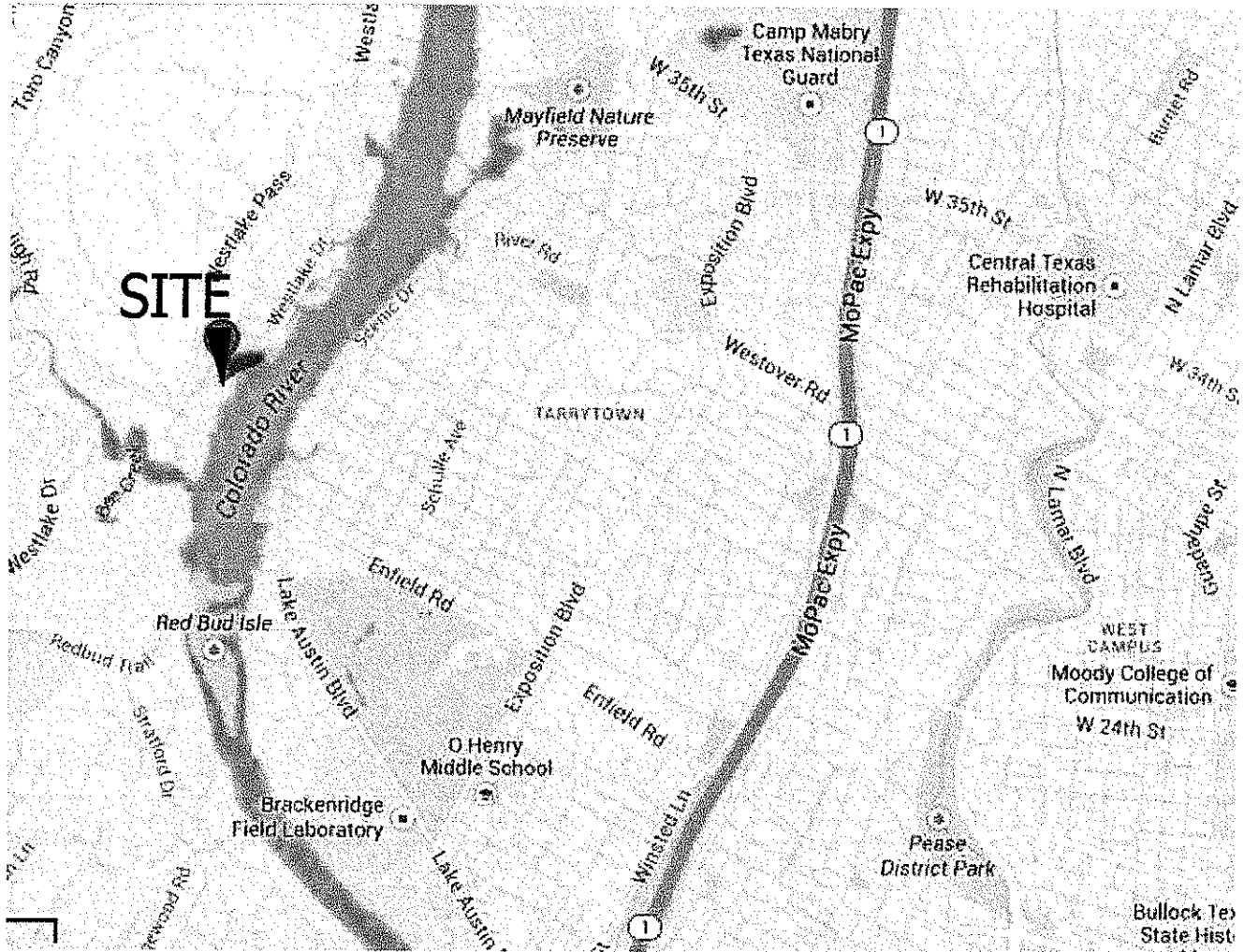
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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 Phyllis Patek Mail Address 3801 Island Way
City, State & Zip Austin, TX 78746
Printed Phyllis Patek Phone 512-799-8500 Date 7/15/14

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 Phyllis Patek Mail Address 3801 Island Way
City, State & Zip Austin, TX 78746
Printed Phyllis Patek Phone 512-799-8500 Date 7/15/14



VICINITY MAP

NTS

PERALES ENGINEERING, L.L.C.
Land Development and
Environmental Consulting Services
T.S.P.E. # F-12013

3801 ISLAND WAY
AUSTIN TEXAS



July 15, 2014

Mr. Greg Guernsey
Director
Planning and Development Review
505 Barton Springs Rd.
Austin TX, 78703

RE: Engineer's Summary Letter – 3801 Island Way

Dear Mr. Guernsey:

Please except this letter and application materials as our formal submittal for a Board of Adjustment Variance. The project site is to be located at 3801 Island Way. We have included a vicinity map for your convenience. This site is zoned Lake Austin Residential (LA). The zoning category for this site was previously SF-3 and was developed as a duplex lot. The lot was then rezoned with the adopted LA zoning category. This lot was never in compliance with the LA zoning category with minimum lot size or development on slopes. Furthermore the existing impervious cover for the site exceeds the limits imposed by the LA zoning ordinance.

We are proposing to convert the duplex to a single family residence. To accomplish this remodel of the existing violating structure, a variance is required. We have provided exhibits depicting both the existing and proposed conditions of the site. The exhibits show the existing and proposed impervious cover in tabular form as well as graphically.

This site has been previously platted as Island Way (A Resubdivision of the Ostrov Addition), COA Case Number C8S-72-112. This site is located within the City of Austin Grid No. G25. The Travis County Appraisal District parcel number associated with this site is 0209060816.

The site is located over the Edward's Aquifer Recharge Zone according to the City of Austin and the TCEQ. There is no FEMA delineated floodplain within the site. The project site is situated in Bee Creek Watershed which is classified as a water supply rural watershed. The drainage from this site flows directly to the ROW and on to Lake Austin.

Sincerely,

Jerry Perales, PE
President

| BUILDING AREA | | | | |
|--------------------------------------|----------------|----------------|--------------|----------------|
| Area Description | Existing (SF) | New/Added (SF) | Removed (SF) | Total (SF) |
| Total Building Coverage | 2,712.0 | 241.0 | - | 2,953.0 |
| Driveways | 2,784.0 | - | - | 2,784.0 |
| Sidewalks | - | - | - | - |
| Uncovered Wood Deck (50%) | 231.5 | 300.5 | - | 532.0 |
| A/C Pads | - | - | - | - |
| Other (Pool Coping, Retaining Walls) | - | 353.0 | - | 353.0 |
| Total Site Coverage | 5,727.5 | 894.5 | - | 6,622.0 |
| Pool | - | 217.0 | - | 217.0 |
| Spa | - | - | - | - |

| LOT SLOPES | | |
|-----------------|-----------|-----------------|
| Slope Range (%) | Area (SF) | % Total of Area |
| 0 - 15 | 6642.0 | 35% |
| 15 - 25 | 2676.0 | 14% |
| 25 - 35 | 3660.0 | 19% |
| 35 - Vertical | 6097.0 | 32% |

19075.0

| LA ZONING IMPERVIOUS COVER CALCULATIONS | | | | | |
|-----------------------------------------|---------------------|-----------------|-----------------------|--------------------------------|-------------------------------|
| Slope Range (%) | Max. Imp. Cover (%) | Area (SF) | Max Imp. Allowed (SF) | Total Proposed Imp. Cover (SF) | Total Proposed Imp. Cover (%) |
| 0 - 15 | 35% | 6,642.0 | 2,324.7 | 6,425.0 | 97% |
| 15 - 25 | 10% | 2,676.0 | 267.6 | 197.0 | 7% |
| 25 - 35 | 5% | 3,660.0 | 183.0 | - | - |
| 35 - Vertical | 0% | 6,097.0 | - | - | - |
| TOTALS (SF) | | 19,075.0 | 2,775.3 | 6,622.0 | |

Heldenfels, Leane

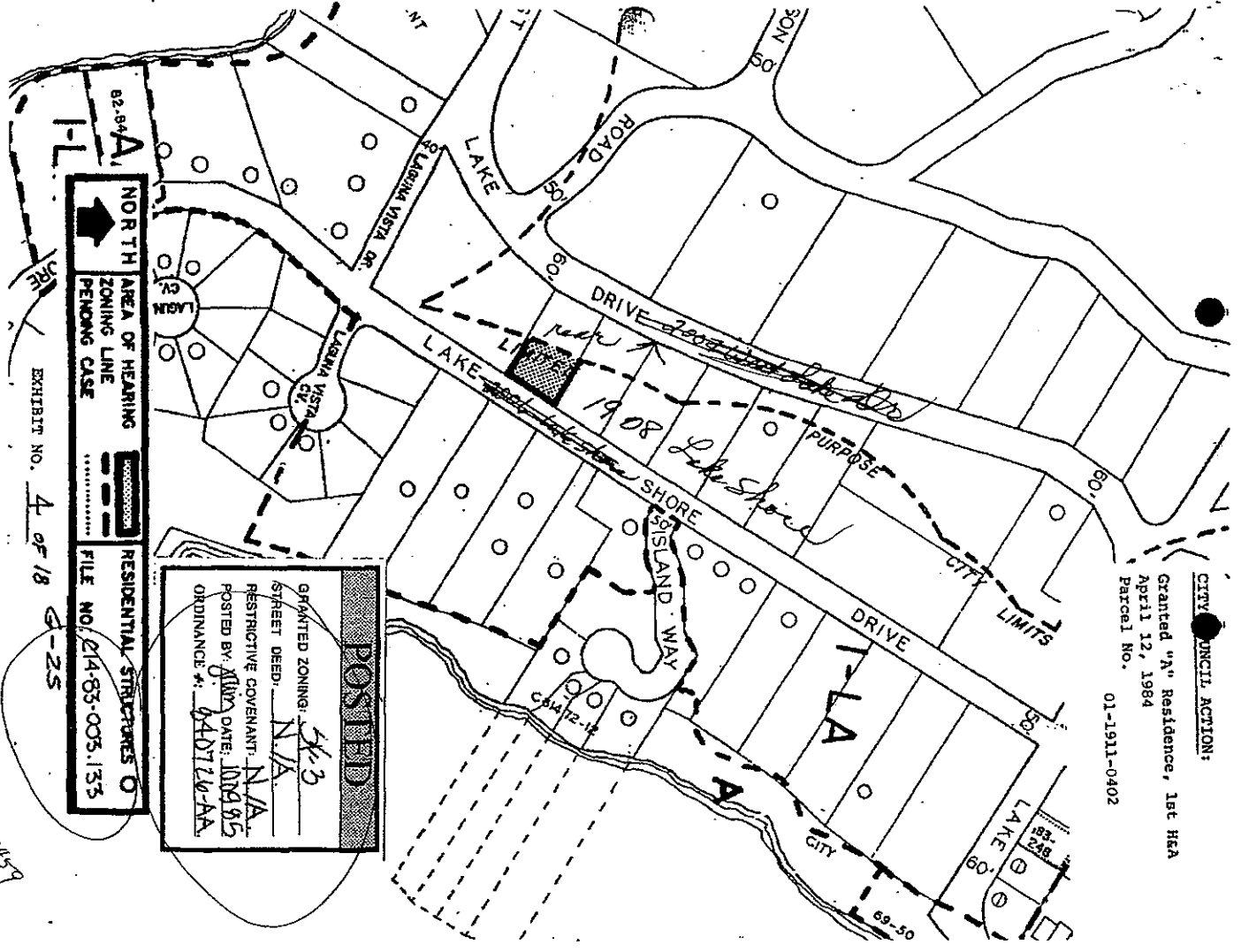
From: Camou, Juan
Sent: Wednesday, July 23, 2014 8:14 AM
To: Heldenfels, Leane; Phyllis Patek
Cc: P.E. Jerry Perales; Brian Patek
Subject: FW: Attached Image
Attachments: 1528_001.pdf

Leane,

I met with the owner a couple of times in regards to this property. It is hard to give you answer without doing a thorough review on how much impervious cover they would need. But, from what I can remember this property was permitted under zone A plus first height and area district in the early 70's. The property was then rezoned to SF-3 and shortly after that rezoned to LA. Because the property had a zoning that allowed for an impervious cover based on the lot size and not per slope interval, today it will not meet our current regulations. Also, please be aware that once a noncomplying structure or coverage is removed it would lose its status. Therefore the owner was advice to seek a variance.

Please see the attached information.

Respectfully,
Juan P Camou



CITY COUNCIL ACTION:
 Granted "R" Residence, 1st H&A
 April 12, 1984
 Parcel No. 01-1911-0402

82-94A
NORTH AREA OF HEARING ZONING LINE
PENDING CASE
RESIDENTIAL STRUCTURES
FILE NO. 214-85-005.135

POSTED
 GRANTED ZONING: R-3
 STREET DEED: N/A
 RESTRICTIVE COVENANT: N/A
 POSTED BY: AWD DATE: 10/2/85
 ORDINANCE #: 640726-AA

EXHIBIT NO. 4 of 18 8-25

220459

ADDRESS:
3801 ISLAND WAY
AUSTIN, TEXAS 78746

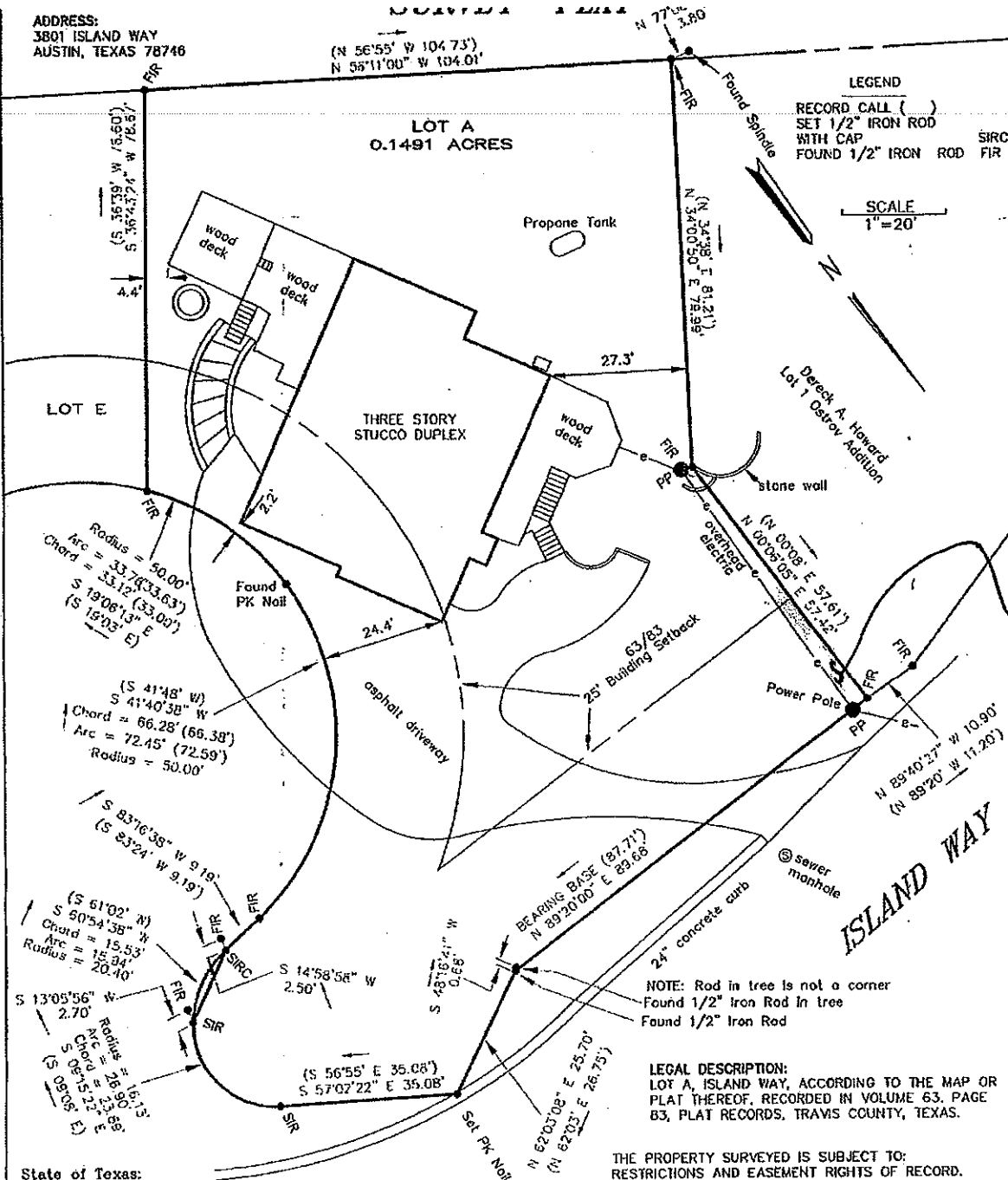
(N 56°55' W 104.73')
N 58°11'00" W 104.01'

LOT A
0.1491 ACRES

LEGEND

RECORD CALL ()
SET 1/2" IRON ROD
WITH CAP
FOUND 1/2" IRON ROD
SIRC
FIR

SCALE
1" = 20'



(E-218-1974)
F.Y.I
I ATTACHED A
EMENDMENT THAT
I FOUND TO BE
A PART OF YOUR
LOT, AS IT IS
DESCRIBED ON
FOLLOWING OR
FURNISHES

NOTE: Rod in tree is not a corner
Found 1/2" Iron Rod in tree
Found 1/2" Iron Rod

LEGAL DESCRIPTION:
LOT A, ISLAND WAY, ACCORDING TO THE MAP OR
PLAT THEREOF, RECORDED IN VOLUME 63, PAGE
83, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

THE PROPERTY SURVEYED IS SUBJECT TO:
RESTRICTIONS AND EASEMENT RIGHTS OF RECORD.

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category IB Condition II Survey.

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0445H
Zone: X Dated: 09/28/08

Dated this the 5TH day of JUNE, 2013.

Thomas P. Dixon R.P.L.S. 4324

© Copyright 2013

P.O. Box 160176, Austin, Texas, 78716 Phone: (512)-481-9602

APPROVED BY
AUSTIN ENERGY
FOR BOA



DATE: FEBRUARY 11, 2014
Tom Talley

THE STATE OF TEXAS
COUNTY OF TRAVIS

I
I
I

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned Coleman and Associates, a private corporation duly chartered and existing under the laws of the State of Texas, with its principal place of business in Travis County, Texas, acting herein by and through its President W. R. Coleman, hereunto duly authorized,

for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant to the City of Austin, a municipal corporation situated in Travis County, Texas, the right to enter and place, construct, operate, repair, maintain and replace electric lines and systems, and to allow telephone lines to be constructed and maintained when placed on the same pole facilities, and to cut and trim trees and shrubbery and remove obstructions to the extent necessary to keep them clear of said electric lines and systems, upon, along and across the following described tract of land situated in Travis County, Texas:

That certain tract of land situated in the Survey, and described in a deed from Island Way, Ltd. to Coleman and Associates dated November 30, 1970 and appearing of record in Volume 3971 at Page 2147 of the Deed Records of Travis County, Texas,

A strip of land five (5) feet in width, same being out of and a part of Lot A of Island Way, a subdivision in Travis County, Texas, as appears of record in Book 63, Page 83, Plat Records of Travis County, Texas, the centerline of said strip of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of the above said Lot A, of the above said subdivision, said north line also being the south right-of-way line of Island Way, and from which point of beginning the northwest corner of said lot bears S. 89°20' W., 2.5 feet;

THENCE following a line 2.5 feet from and parallel with the west line of said lot, S. 00°08' W., a distance of 58 feet to point of termination.

To have and to hold the same perpetually unto the City of Austin and to its successors and assigns, together with the right and privilege at any and all times to enter said premises for the purposes hereinabove stated and for the further purposes of inspecting said lines and systems whenever necessary, and of relocating and removing the same.

The undersigned _____ covenants that he is the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following:

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that the words used in the masculine gender shall be construed to read in the feminine.

WITNESS my hand this the 28 day of June, 1974.

COLEMAN AND ASSOCIATES

BY: [Signature]
W. R. Coleman, President

3801 Island Way

W.O.# 1279

THE STATE OF TEXAS,

County of _____

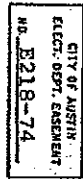
BEFORE ME, _____, a Notary Public in and for

_____ County, Texas, on this day personally appeared _____

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____ A. D. 19 _____

Notary Public _____ County, Texas.



THE STATE OF TEXAS

TRAVIS

County,

Easement and
Right of Way

FROM

COLEMAN AND ASSOCIATES

TO

THE CITY OF AUSTIN

THE STATE OF TEXAS, }
County _____

Notary Public _____ County, Texas. I, _____, Clerk in and for said County, hereby certify that the within Conveyance was filed in my office for record on the _____ day of _____, 19 _____ at _____ o'clock _____ M., and duly recorded by me on the _____ day of _____, 19 _____ in Book _____ Records of Deeds of said County, at page _____ Given under my hand and seal of office the day and year last above written.

County Clerk _____ County, Texas
By _____ Deputy.

THE STATE OF TEXAS,

County of _____

BEFORE ME, _____, a Notary Public in and for

_____ County, Texas, on this day personally appeared _____

wife of _____ known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____ A. D. 19 _____

Notary Public _____ County, Texas.

THE STATE OF TEXAS,

Travis

County of _____

BEFORE ME, _____, a Notary Public in and for

Travis County, Texas, on this day personally appeared W. R. Coleman,

President of COLEMAN AND ASSOCIATES of the County and State aforesaid, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of COLEMAN AND ASSOCIATES

and as the President thereof, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____ A. D. 19 74

Notary Public _____ County, Texas.

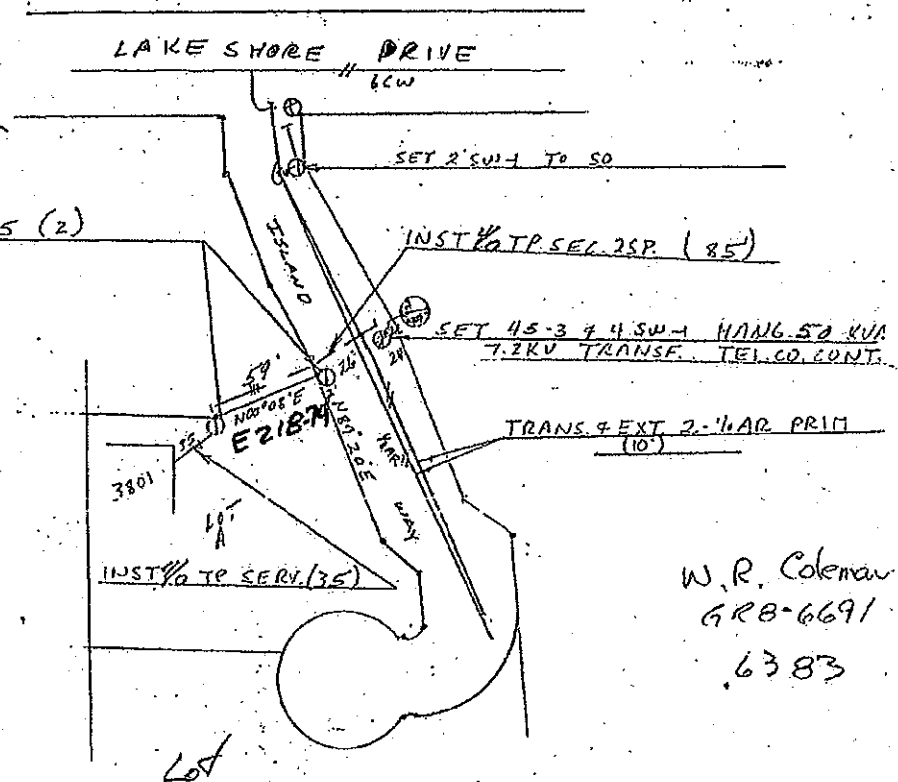
3801
15-5
10-30

F Island Way, Ltd.
T. Coleman & Assoc.
D. Nov 30, 1970
V3971 P247

L.A.A.
Island Way
63 P83

11711

E218-7



W. R. Coleman
GRB-6691
6383

Inst 50 KVA 7.2KV TRANSF

Henry Wetzel
327-0137

| | | | |
|------------------------------------|----------------------------------------|--------------------|--|
| CITY OF AUSTIN ELECTRIC DEPARTMENT | | | |
| TEL. CO. - E | ADDRESS 3801 ISLAND WAY | | |
| T.V. CO. - C | PROPERTY OWNER | PHONE | |
| UTILITIES | REASON A) 10 C | B) C | |
| EASEMENT YES NO | SUBD. RESUB LT. 2 OSTROV ADDITION | | |
| CONST. ARM ARMLESS | LOT NO. A | BLK. NO. | |
| SURVEYOR REC'D 6-7-74 | CUSTOMER LEON CARPENTER PHONE 444-4132 | | |
| LOAD 10 30 | ELECTRICIAN | PHONE | |
| SURVEYED BY C.S. | DATE 6-7-74 | SPOT LOCATION R.F. | |
| ENGINEER APV'D TAC | DATE 6-10-74 | FOREMAN | |
| DATE COMPLETED | DATE REQUIRED | | |
| KNOWN CORNER | BEARINGS | TIE DOWN | |
| DISTANCES | TIE ST. INTERSECTION | | |

ADDRESS: 3801 Islands Way

PERMIT 136591

PLAT FILE

LOT: A

BLOCK ---

SUB. Islands Way

| | | | | | |
|----------------|------------------|---------------------------|-----------------------|---------------|---------------|
| FIRE ZONE 3 | USE DIST. A-4 | OUTLOT | OCCUPANCY F | FINAL | ROOF OVERHANG |
| 8-23-74 | 8-23-74 | PRINC. BLDG. | PRINC. BLDG. | PRINC. BLDG. | PRINC. BLDG. |
| 5 | 5 | ACC. BLDG. | ACC. BLDG. | ACC. BLDG. | ACC. BLDG. |
| 25 | 25 | FLOOR JOIST SIZE & O.C. | ROOM VENTILATION | PAVED PARKING | |
| 60 | 60 | CEILING JOIST SIZE & O.C. | STAIRS REQ. | | |
| 30 | 30 | STUD SIZE & O.C. | ATTIC FIRE STOPS REQ. | | |
| | | MASONRY WALL | | | |

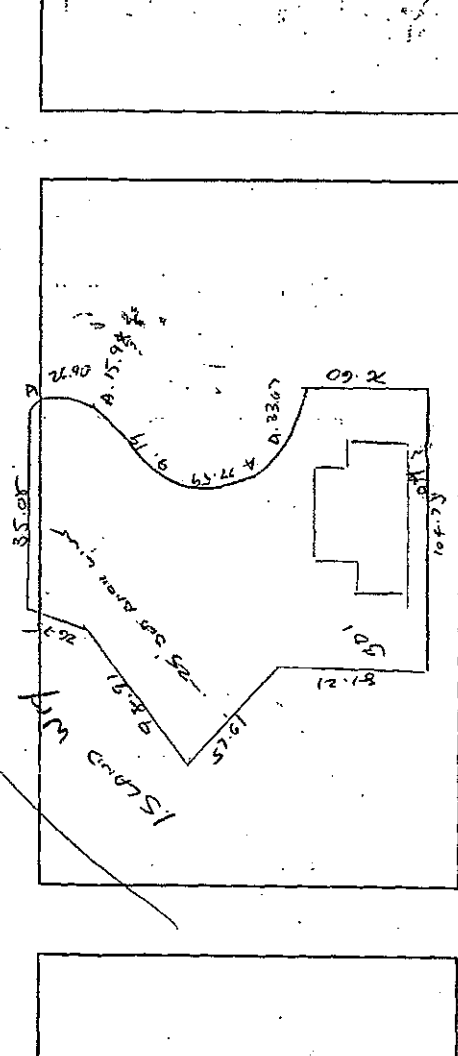
OWNER: W.R. Coleman

CONTRACTOR: Travis Homes

68'4" x 44' LOTS 544B 246107

deadbolt required

D.H. 6-3-73

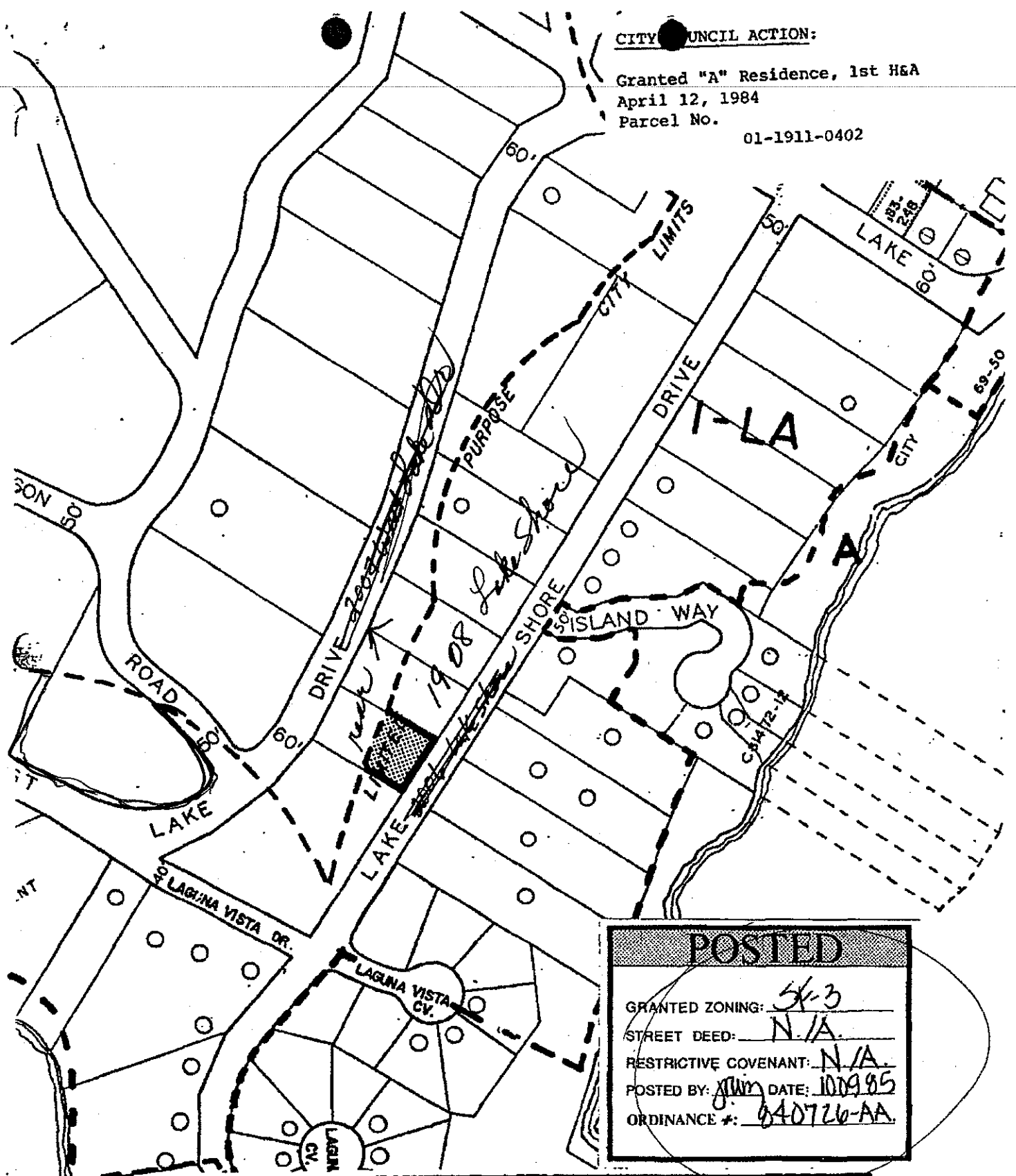


INSPECTOR

W.R. N

OK

CITY COUNCIL ACTION:
 Granted "A" Residence, 1st H&A
 April 12, 1984
 Parcel No. 01-1911-0402



POSTED

GRANTED ZONING: SR-3
 STREET DEED: N/A
 RESTRICTIVE COVENANT: N/A
 POSTED BY: AWM DATE: 10/9/85
 ORDINANCE #: 040726-AA

82-84 **A**

NORTH

AREA OF HEARING ZONING LINE PENDING CASE

RESIDENTIAL STRUCTURES

FILE NO. 214-83-003.133

EXHIBIT NO. 4 OF 18 G-25

220459

DATE: 7/14/14
DRAWN BY: JH
CHECKED BY: JH
PROJECT NO: 022001

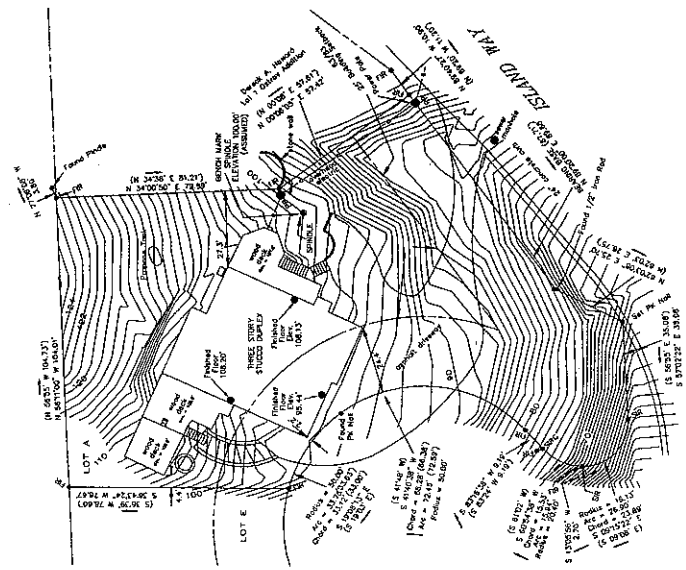
EXISTING CONDITIONS
3801 ISLAND WAY
AUSTIN TEXAS

PERALES ENGINEERING, L.L.C.
Land Development and
Environmental Consulting Services
T.S.P.E. # F-12013

LEGEND

- BOUNDARY / RIGHT OF WAY
- EXISTING
- PROPOSED
- EXISTING CONTOUR
- PROPOSED CONTOUR

SCALE: 1" = 20'

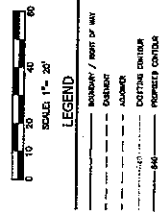


DATE: 8/13/14
 DRAWN BY: JH
 CHECKED BY: JH
 PROJECT NO: 022001

3801 ISLAND WAY
 AUSTIN TEXAS
 SLOPE MAP
 (LA ZONING)

PERALES ENGINEERING, L.L.C.
 Environmental Consulting Services
 T.S.P.E. # F-12013

| NO. | DATE | REVISION |
|-----|------|----------|
| | | |
| | | |
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| | | |
| | | |
| | | |



| Slopes Table | | | | |
|--------------|---------------|---------------|-------|-----------|
| Number | Minimum Slope | Maximum Slope | Color | Area |
| 1 | 0.0% | 15.00% | | 6,443 SF |
| 2 | 15.00% | 25.00% | | 2,874 SF |
| 3 | 25.00% | 35.00% | | 3,642 SF |
| 4 | 35.00% | VERTICAL | | 4,097 SF |
| TOTAL | | | | 19,075 SF |

| Building Slopes Table | | | | |
|-----------------------|---------------|---------------|-------|----------|
| Number | Minimum Slope | Maximum Slope | Color | Area |
| 1 | 0.0% | 15.00% | | 2,712 SF |
| 2 | 15.00% | 25.00% | | 0 SF |
| 3 | 25.00% | 35.00% | | 0 SF |
| 4 | 35.00% | VERTICAL | | 0 SF |

| Pavement Slopes Table | | | | |
|-----------------------|---------------|---------------|-------|----------|
| Number | Minimum Slope | Maximum Slope | Color | Area |
| 1 | 0.0% | 15.00% | | 2,397 SF |
| 2 | 15.00% | 25.00% | | 197 SF |
| 3 | 25.00% | 35.00% | | 0 SF |
| 4 | 35.00% | VERTICAL | | 0 SF |

| Deck Slopes Table | | | | |
|-------------------|---------------|---------------|-------|--------|
| Number | Minimum Slope | Maximum Slope | Color | Area |
| 1 | 0.0% | 15.00% | | 623 SF |
| 2 | 15.00% | 25.00% | | 0 SF |
| 3 | 25.00% | 35.00% | | 0 SF |
| 4 | 35.00% | VERTICAL | | 0 SF |

