

CASE# C15-2014-0152
ROW# 12345678
TAX# 0132091420

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: 5600 and 5602 Craggy Point

LEGAL DESCRIPTION: Subdivision - Cliff Over Lake Austin

Lot(s) 41-42 Block B Outlot _____ Division _____

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

Mr Bryan Follet affirm that on Oct 1, 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

Demolish two non-complying single family residences. Erect one single family residence to establish 23% IC in the 15-25% slope and 29% IC in the 25-35% slope.

Please see attached cover letter.

in a LA district.
(zoning district)

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

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

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
The majority of the combined lot size is over the 35% slope. The applicable regulations do not reasonable use of the property because the regulations allow ~7,300 SF IC on a 100K SF lot.
Please see attached cover letter.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
~50% of the 100k SF combined lot size is >35% slope. The individual homes are non-complying w/ respect to IC and could not be built today. One home has no COA C.O. and cannot be remodeled. The other is in need of repair. Please see attached cover letter.
(b) The hardship is not general to the area in which the property is located because:
There are no known homes in this area that do not have a COA C.O. and are non-compliant w/LA zoning standards. Please see attached cover letter.

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 requested variance proposes a net reduction in IC, the home will be in keeping with surrounding homes, and implement drainage BMPs. Please see attached cover letter.

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:

N/A

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 David C Cacialosi Mail Address 105 W Riverside Dr #225

City, State & Zip Austin Texas 78704

Printed David Cacialosi Phone 512-593-5368 Date Oct 1, 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 Bryan Follett Mail Address 5600 Craggy Point

City, State & Zip Austin Texas

Printed Bryan Follett Phone n/a Date Oct 1, 2014

From the office of
PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
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David C. Cancialosi
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October 10, 2014

City of Austin Board of Adjustment Commissioners
City of Austin
301 W. 2nd St.
Austin, Texas 78701

RE: 5600 Craggy Point request for Impervious Cover allowance in LA zoning

Dear Commissioners,

Please find this cover letter as an addendum to the city BOA packet filed for the aforementioned address. The owner is proposing to amend the existing impervious coverage in order to erect a new single family residence over two legally platted lots. This cover letter is intended to provide further detail than provided on the City BOA application.

The plat associated with the property is the Cliff Over Lake Austin II, block B lot 41 and 42. It was recorded in Travis county records September 1980. The LA zoning performance standards were not in place at the time of legal lot approval.

The existing home at 5600 was built in 1995 with approximately 3,800 SF HVAC; however, no COA building permits are on file with the city. It is not known how this house was built without any permits. It is not feasible to seek an amnesty Certificate of Occupancy for this site as there's evidence a permit was required in 1995 due to full purpose jurisdictional limits applying as of March 1980. The current house could not be built in today's regulatory environment.

The existing home at 5602 was permitted via BP 1986-023435 with approximately 3,480 SF HVAC. The city has further recognized the 5600 property as single family residential by issuing a boat dock permit in 1994, a driveway permit in 2004, a trade permit in 2009, and currently a shoreline modification application is in review as of 2013. It, too, could not be built in today's regulatory environment despite receiving a permit and final inspection in 1987. All property taxes have been paid for all improvements since the date of construction.

Neither of the single-family residences were not built in compliance with the LA base performance standards in terms of impervious cover allowances. It is presumed this is evident due to the slope of the lot, which severely limits the amount of allowable impervious coverage. In order to substantially remodel the improvements the owner is unable to employ the regulations allowing modification of non-compliant structures because neither site complies with the LA impervious cover standards. Moreover, the 5600 residence is deemed totally illegal and cannot utilize code sections allowing modification of non-complying structures. Thus the owner is proposing to demolish the existing residences and erect one residence across the two legal lots which result in a net reduction of impervious coverage from current improvements.

Specific to hardship, approximately 50% of the combined lot area is over the 35% slope category. Approximately 29,600 SF is lost to the required 75' shoreline setback. This reduces the net buildable land area to 52,614. When applying the LA performance standards, the net allowance is approximately 7,300 SF IC on a gross area of 104,000 SF or a net area of 52,000 SF.

In terms of total IC allowances, the combined total lot area of 5600 and 5602 Craggy Point is 104,501 SF. The existing IC for both lots is 13,418 SF. This is only 12.8% IC for the total combined lot area. The total proposed is 12,500 SF IC for the combined lots. This would equal a reduction to 11.9% IC for the combined lot area.

Put into context of the LA zoning performance standards, the allowable IC per slope category is as follows:

The net buildable area on a 52,614 SF area is only 7,323 SF. The LA IC performance standards pose a substantial hardship in that only 14% of the total area can be developed.

Area per slope category 52,614 SF	Land SF	Allowable %	IC SF
0-15%	9,973	35%	3,491
15-25%	33,991	10%	3,399
25-35%	8,650	5%	433
Allowable impervious per LA zoning	52,614		7,323
Existing impervious = 13,418 SF for combined lots	Land SF	Proposed IC	IC SF
0-15%	9,973	25.3%	2,528
15-25%	33,391	23.8%	8,089
25-35%	8,650	32.4%	2,801
Allowable impervious per LA zoning			13,418
Proposed impervious = 12,500 SF for combined lots	Land SF	Proposed IC	IC SF
0-15%	9,973	20%	2,000
15-25%	33,391	23%	8,000
25-35%	8,650	29%	2,500
Allowable impervious per LA zoning			12,500

As the above table demonstrates, the applicant is proposing a net decrease in each of the slope categories as well as a net decrease in overall coverage. Given the circumstances leading to the existing non-compliant impervious coverage amounts on each lot, the owner is proposing to tie the lots together under a Unified Development Agreement and erect one single family residence. This new residence will have better erosion control methods, be constructed to current IRC standards, will have a single curb cut entry, and will resolve the issue of one house not having a certificate of occupancy which ensures minimum life safety standards have been mitigated via the permit and inspection process.

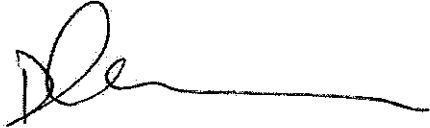
There are no known adverse impacts associated with the proposed development and the proposed ~8,200 SF residence is in keeping with the size of the existing houses which are ~7,500 SF combined. The house

will be in keeping with the surrounding neighborhood and there is no known objection to the request at this time.

The applicant respectfully request the Commission consider the site constraints imposed on the property owner as hardship beyond his control.

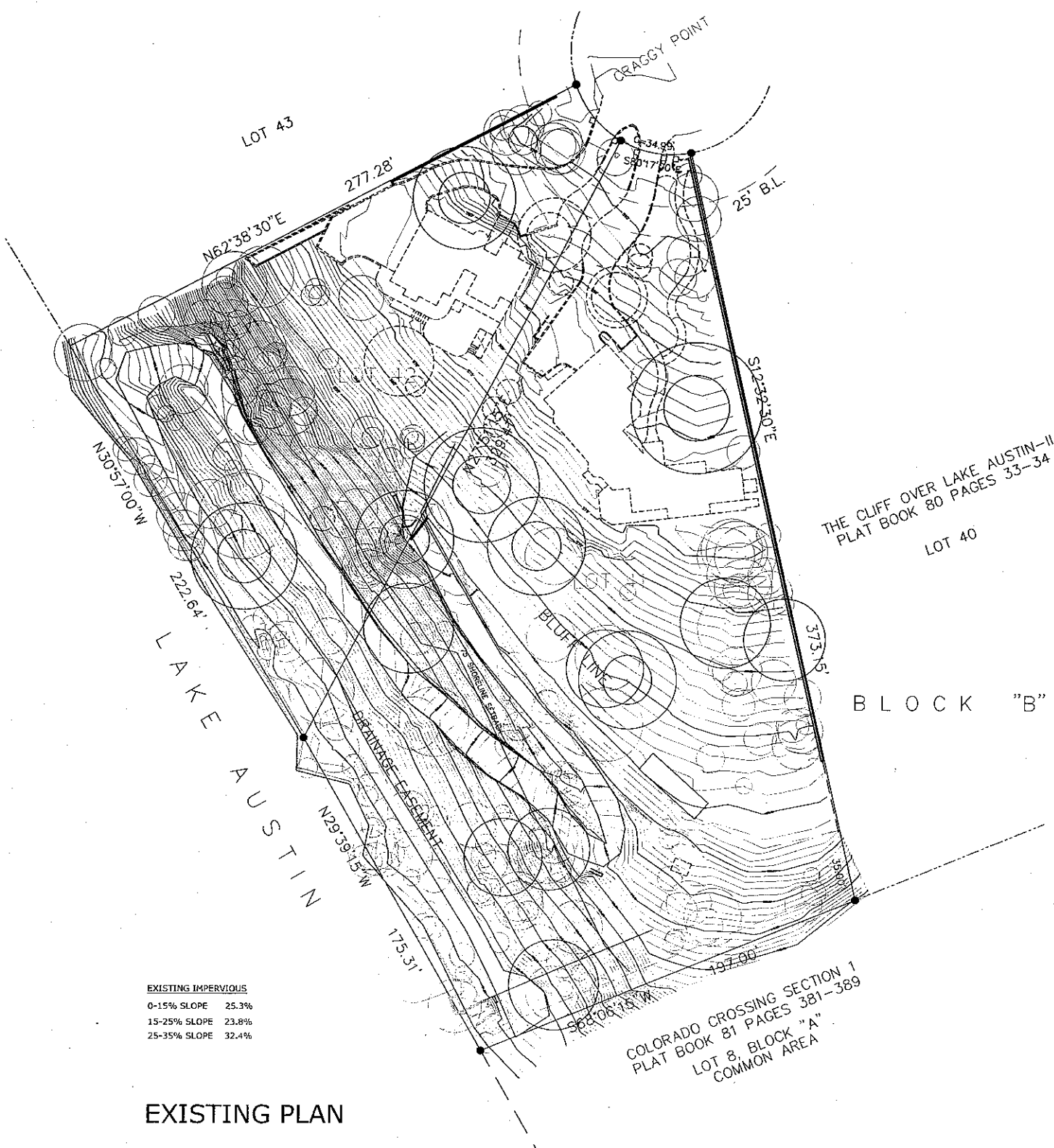
Thank you very much in advance for your consideration and time.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.C. Cancialosi', with a long horizontal flourish extending to the right.

David C. Cancialosi, agent for owner

Cc: Bryan Jobe, Chas Architects
Bryan Follett, property owner 5600-5602 Craggy Point



EXISTING IMPERVIOUS

0-15% SLOPE	25.3%
15-25% SLOPE	23.8%
25-35% SLOPE	32.4%

EXISTING PLAN

COLORADO CROSSING SECTION 1
 PLAT BOOK 81 PAGES 381-389
 LOT 8, BLOCK "A"
 COMMON AREA

THE CLIFF OVER LAKE AUSTIN-II
 PLAT BOOK 80 PAGES 33-34
 LOT 40



PROPOSED IMPERVIOUS

0-15% SLOPE	20.0%
15-25% SLOPE	23.5%
25-35% SLOPE	28.9%

PROPOSED PLAN

COLORADO CROSSING SECTION 1
 PLAT BOOK 81 PAGES 381-389
 LOT 8, BLOCK "A"
 COMMON AREA

THE CLIFF OVER LAKE AUSTIN-II
 PLAT BOOK 80 PAGES 33-34
 LOT 40

BLOCK "B"

SLOPE MAP

