

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

**DATE:** Monday, January 12, 2015

**CASE NUMBER:** C15-2015-0003

☐ Y ☐ Jeff Jack - Chair  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair  
☐ Y ☐ Sallie Burchett  
☐ Y ☐ Ricardo De Camps - Motion to PP to Feb 9, 2015  
☐ Y ☐ Brian King - 2<sup>nd</sup> the Motion  
☐ Y ☐ Vincent Harding

**APPLICANT:** Michael Baez

**OWNER:** Jay Walker

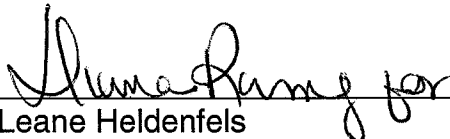
**ADDRESS:** 3405 MOUNTAIN TOP CIR

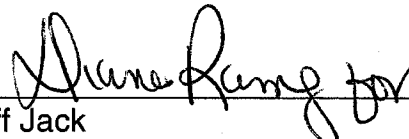
**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum impervious cover from 45% (required) to 53.9% (requested, 60.44% existing) in order to remodel an existing residence in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION:** Jan 12, 2015 The public hearing was closed on Board Member Ricardo De Camps motion to Postpone to February 9, 2015, Board Member Bryan King second on a 7-0 vote; **POSTPONED TO FEBRUARY 9, 2015.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
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 application. 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 will be sent.

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.austintexas.gov/development](http://www.austintexas.gov/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. All comments received will become part of the public record of the case.

**Case Number: C15-2015-0003, 3405 Mountain Top Circle**

**Contact: Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)**

**Public Hearing: Board of Adjustment, January 12th, 2015**

REMIE BARBER

Your Name (please print)

☒ I am in favor  
☐ I object

3405 MT. BARBER DR., AUSTIN

Your address(es) affected by this application

Signature

1/5/15  
Date

Daytime Telephone: \_\_\_\_\_

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

In favor of granting the variance!

Note: All comments received will become part of the public record of this case

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

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

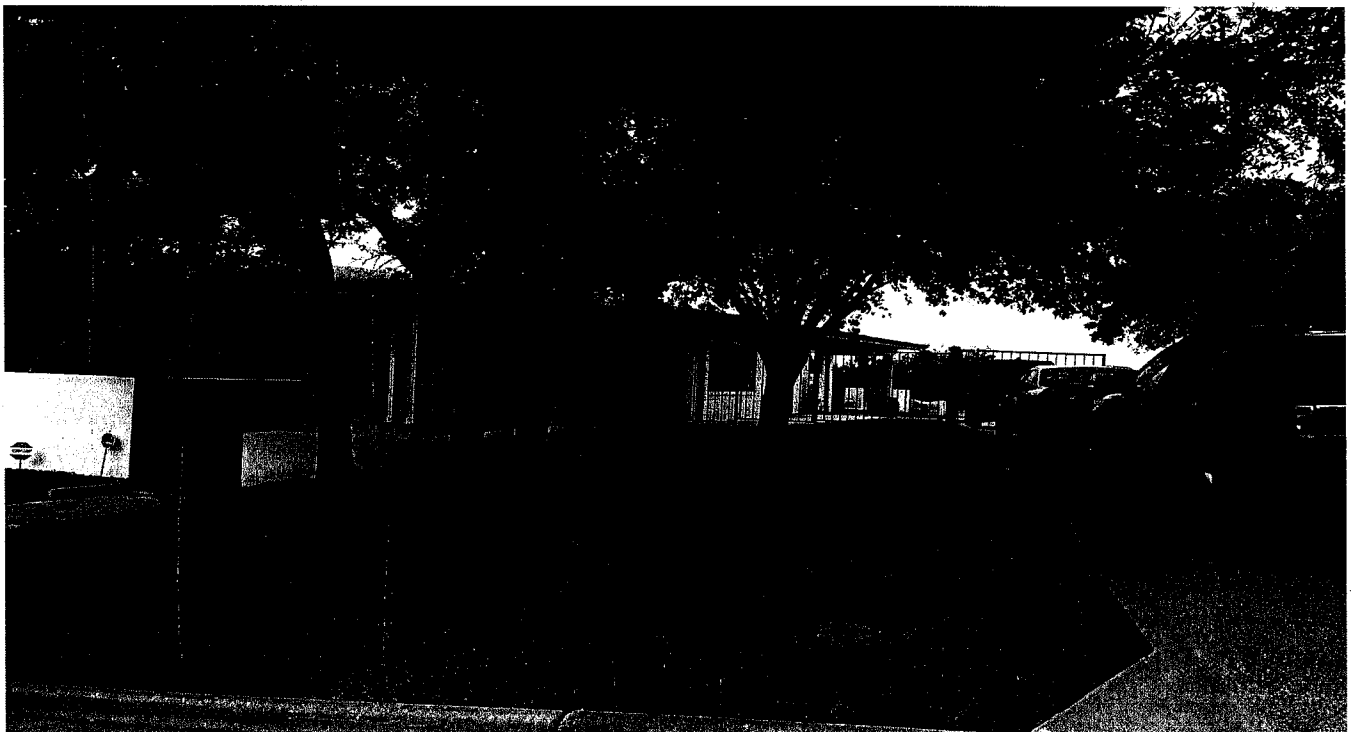
Austin, TX 78767-1088

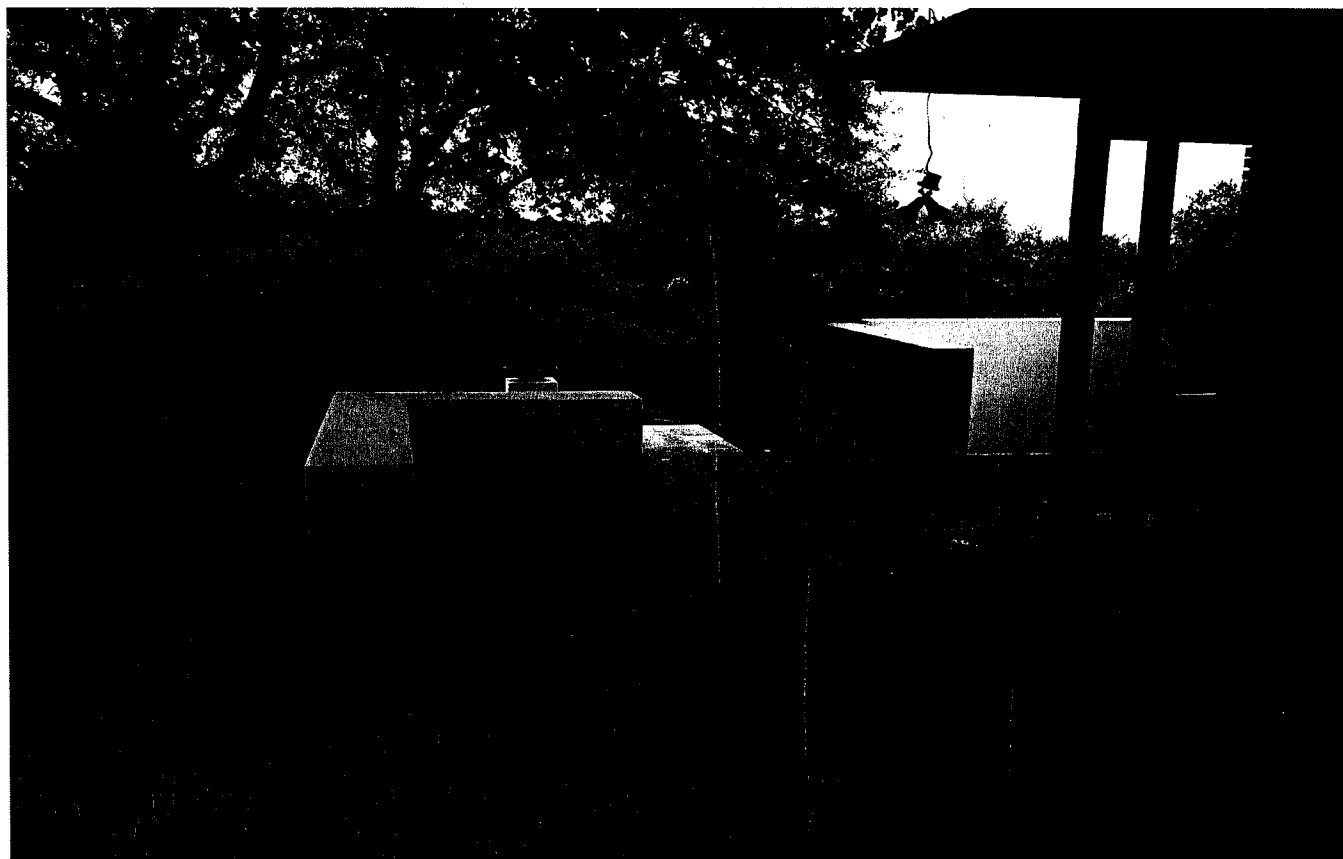
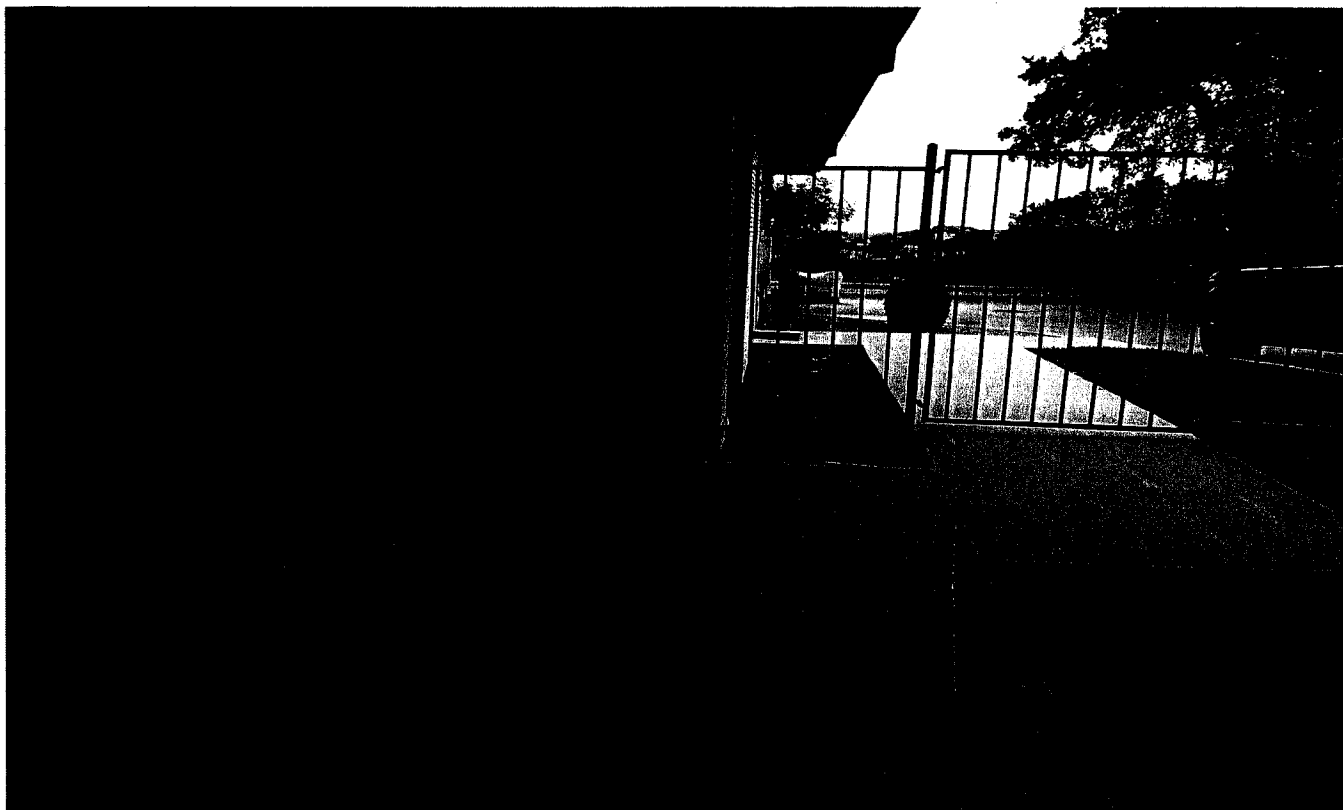
Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

Name: Walker Residence  
Project address: 3405 Mountain top Circle



Before Pictures:

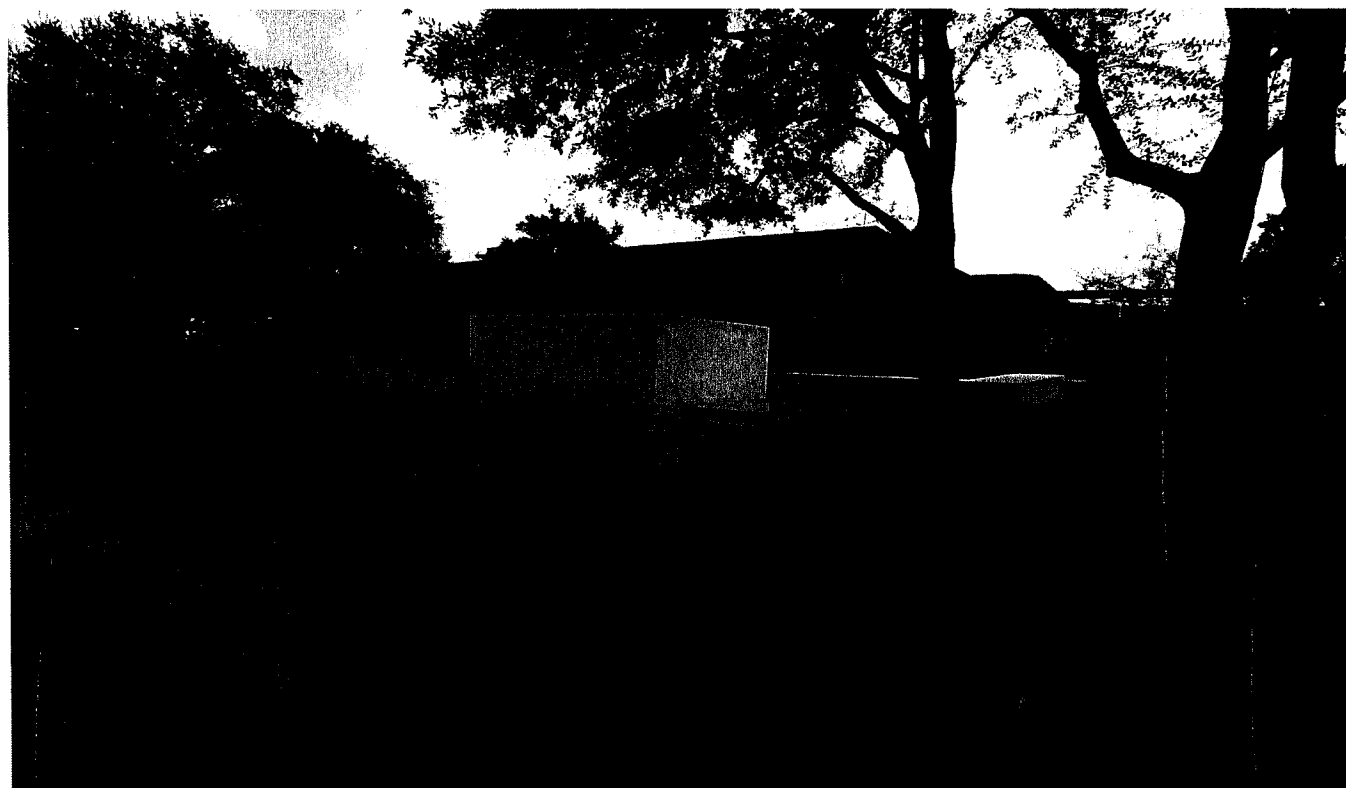
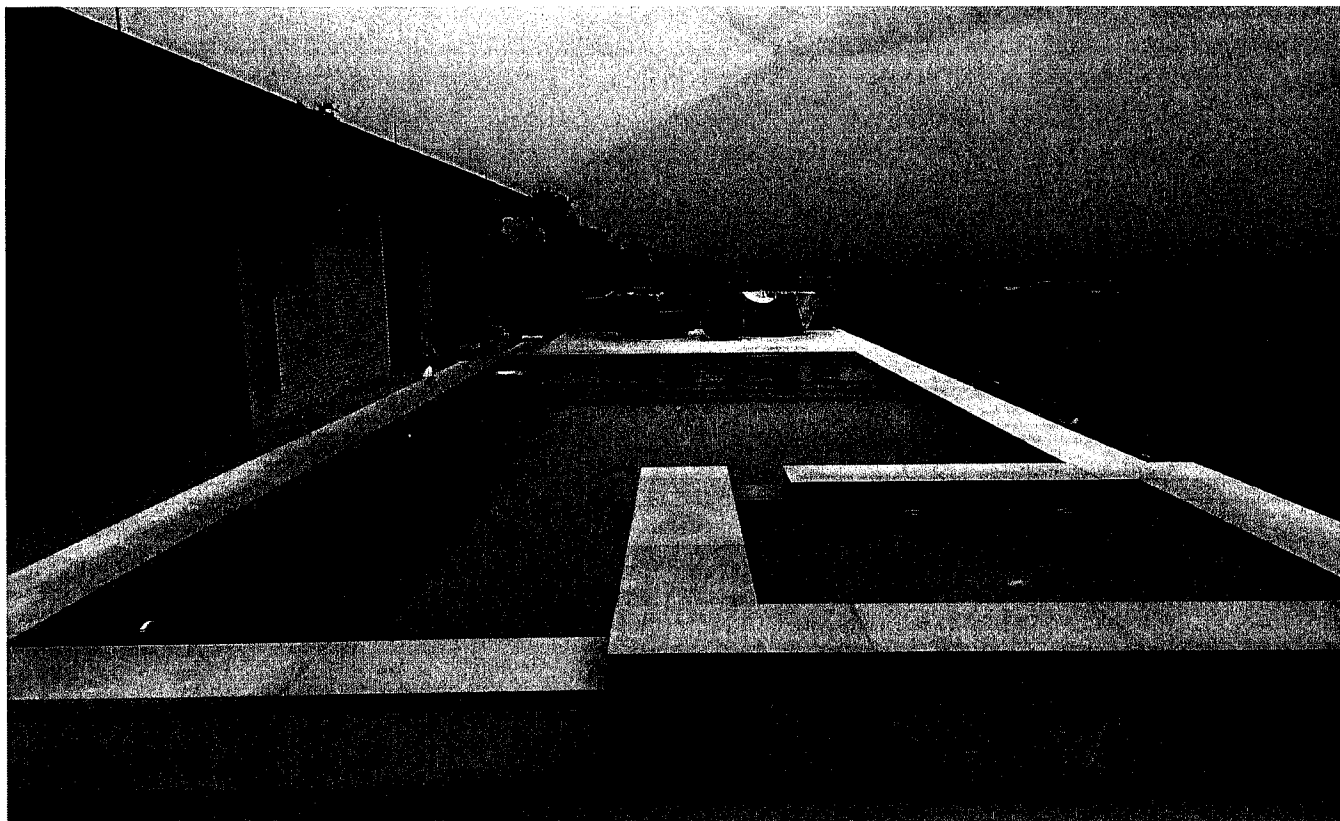


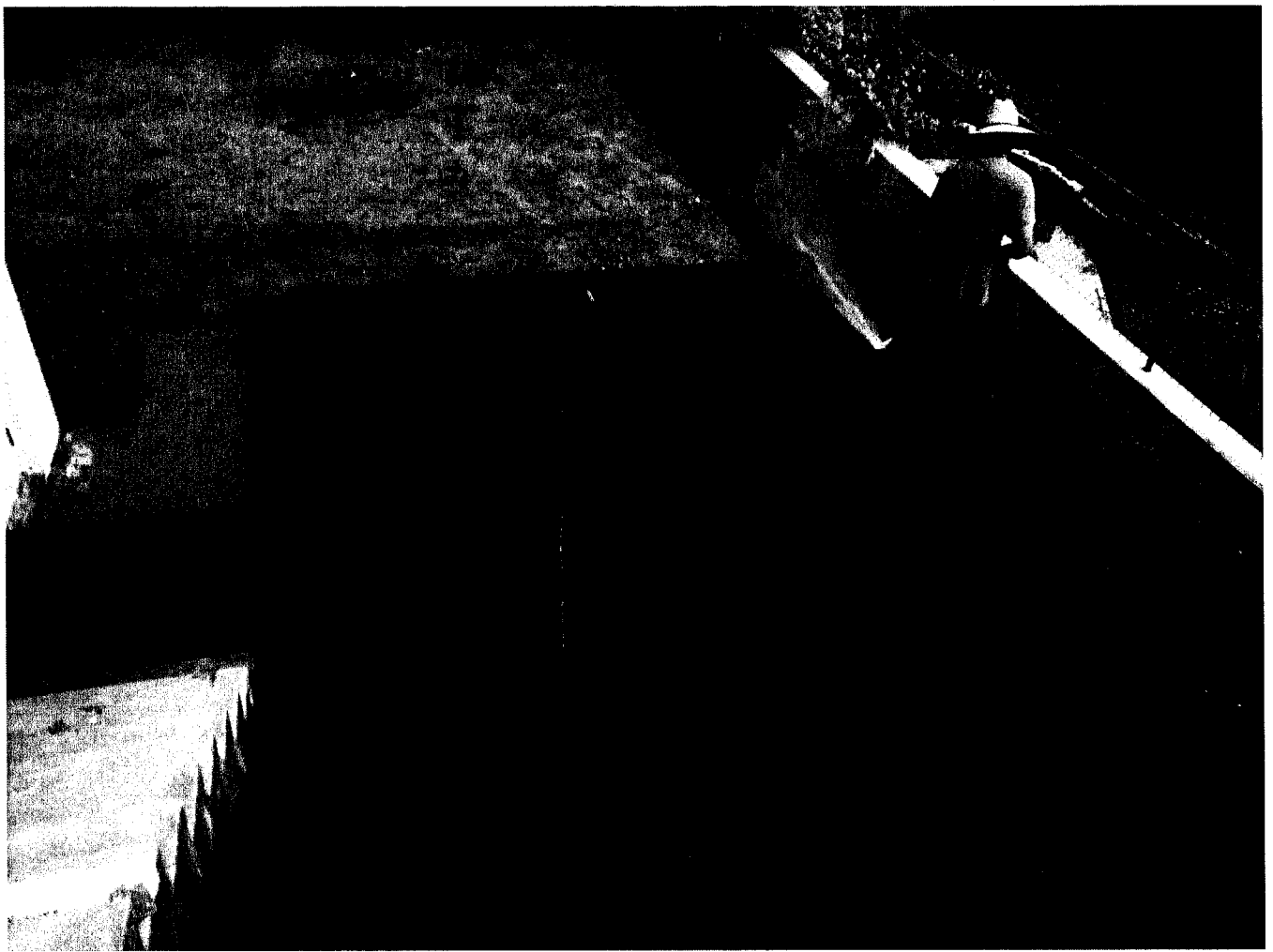






After:







CASE# C15-2014-0003  
ROW# 11260524  
TAX# 0126060819

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: 3405 Mountain Top Circle

LEGAL DESCRIPTION: Subdivision – Balcones Park

Lot(s) 5&6      Block 6      Outlot      Division

I Jay Walker, on behalf of myself as authorized agent for Michael Baez affirm that on  
10.20.14; 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 x COMPLETE \_\_\_\_\_ REMODEL \_\_\_\_\_ MAINTAIN

Requesting variance from section 25-2-492 (D) of the Site Development Regulations to increase the maximum impervious cover limit from 45% to 53.29% (60.44% existing) in a SF-3 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 site was developed under prior ordinances, before the impervious cover requirements. To meet code a significant amount of impervious coverage would need to be removed which would provide functional problems.

**HARDSHIP:**

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

A considerable amount of impervious coverage would need to be removed in order to meet code. The property was built in 1959 and was under a different ordinance thus making it impossible to meet the required 45% max.

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

This application is to reduce the impervious coverage on the property from the current Percentage

**AREA CHARACTER:**

2. 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 action is to remove part of the drive way and some concrete sidewalk on the back side of the house and will not change the existing façade of the structure. The adjoining property owners support the variance request. The proposed reduction in impervious coverage will help the property get as close to code as possible but also providing function to the owners.

**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:

N/A

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

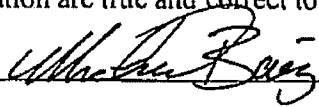
N/A

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

N/A

**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.

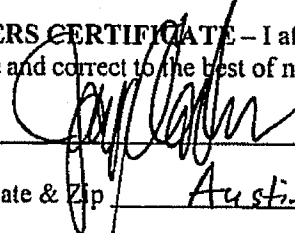
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1706 S. LAMAR BLVD SUITE A.

City, State & Zip AUSTIN, TX 78704

Printed MICHAEL BAEZ Phone (512) 605-7424 Date 11.07.14

**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  Mail Address 3405 Mountain Top Cir

City, State & Zip Austin, TX 78731

Printed JAY WALKER Phone 512-619-3587 Date 11/11/14



I, JAY & BETH WALKER, am applying for a variance from the Board of Adjustment regarding Section 25.2.492 of the Land Development Code. The variance would allow me the ability to INCREASE MY PREVIOUS COVERAGE PERCENTAGE WITHOUT HAVING TO DO MAJOR MODIFICATIONS TO THE SITE.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name	Address	Signature
Jill & David	3408 Mountain Top Circle	Jill & David
Cherelle C. Corison	3409 ✓	Cherelle C. Corison
JAMES A. & CATHERINE HENK	3403 MOUNTAIN TOP	JAMES A. & CATHERINE HENK



November 10, 2014

Property: 3405 Mountain Top Circle  
Austin, Texas 78738

Board Members,

We are requesting a variance from Section 25-2-492 (D) of the Site Development Regulations to increase the maximum impervious cover limit from 45% to 53.29% (60.44% existing) in a SF-3 district. We have included all the required material that shows existing and past impervious coverage percentages. We were granted a Pool and Deck permit under the guidelines that we would reduce the impervious coverage. Prior to construction impervious coverage on the site was over the maximum 45% before any changes were made. The site was developed under prior ordinances, before impervious cover requirements. Our initial calculations from multiple sources concluded that we could reduce the impervious coverage down to 44.9% meeting the max impervious coverage allowed but due to conflicting outside plans our calculations were off which would make 44.9% impervious coverage unattainable. By reducing the driveway and some existing concrete on the site we are able to bring the impervious coverage down 7% at 53.29%. Any additional impervious coverage removed would not provide functionality to the property and would create problems. We are requesting a variance for the property to increase the maximum impervious cover to 53.29%.

Thank you

Michael Baez

Design Ecology  
Associate Landscape Designer  
512.605.7626

















Michael@designecologyaustin.com

<http://www.designecologyaustin.com>

IMP. COVERAGE: 60.64%

	SIZE	QUAN.
Cordia alliodora	3" caliper	(3)
Teas Olive		
Quercus muhlenbergii	3" caliper	(2)
Chilopsis Oak		
Sophora secundiflora	3" caliper	(8)
Texas Mountain Laurel		
Standard		

SHRUBS / GROUNDCOVERS	SIZE	QUAN
-----------------------	------	------

	Tall grass, Oat, Yew	5 gallon	(15)
	Mushrooms, dried Bamboo Mulch	5 gallon	(28)
	Mushrooms sp., Weeping Mulch	2 gallon	(28)
	Begonia, carnation, Cressatine	5 gallon	(4)
	Hydrocotyle parviflora, Bromeliads, Red Vicks	5 gallon	(5)
	Aspidistra, anthur, Cacti, Iron Plant	5 gallon	(10)
	Basic, alcohols, var., Whitewash, Browned	5 gallon	(3)
	Cycas revoluta Sugar 1 pint	10 gallon	(4)
	Trachospermum, sedatum Asian perfume	1 gallon	(3)
	Ficus punctata Fig Ivy	1 gallon	(23)
	Essential Mashed elemental granules Supplement soaking and apply as necessary	1 gallon 420 sq.ft. 42-44 sq. (4)	
	Guania Guania	1 gallon	(25)
	Stable tolerant turf Zoyzia	2, 250 sq.ft.	
	Mashed evergreen groundcover to be determined	1 gallon	350 sq.ft.
	Mashed evergreen groundcover to be determined	1 gallon	120 sq.ft.
	Mashed, Nettle grasses to be determined	1 gallon	600 sq.ft.

## INORGANIC MATERIALS

Twice ground Native hardwood mulch,  
3" depth all planter areas except turf, or decomposed granite

## GENERAL LANDSCAPE NOTES

1. THE HEIGHT AND CLIMBERS TO COME, WITH THE AMEN IN MISERY ASSOCIATION STANDARDS
2. ALL LANDSCAPE DESIGN SHALL RESERVE A MINIMUM OF 3" BERTH ABOVE THE GROUND SURFACE TO ALLOW FOR THE GROWTH OF PLANTS OR TREES.
3. LANDSCAPE DESIGN TO BE A MINIMUM OF 3" BERTH ABOVE THE GROUND SURFACE TO ALLOW FOR THE GROWTH OF PLANTS OR TREES.
4. ALL LANDSCAPE DESIGN SHALL BE APPROVED BY THE LANDSCAPE DESIGNER, AND ALL LANDSCAPE DESIGN SHALL BE APPROVED BY THE LANDSCAPE DESIGNER, AND ALL LANDSCAPE DESIGN SHALL BE APPROVED BY THE LANDSCAPE DESIGNER.
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7. PLANT TREES AND SHRUBS SHALL BE PLANTED TO GIVE THE BEST APPEARANCE OR RELATIONSHIP TO ADJACENT PLANTS, STRUCTURES, AND VIEWS.

Landscape Plan  
1 of 3  
LA-1

PRELIMINARY  
NOT FOR  
CONSTRUCTION

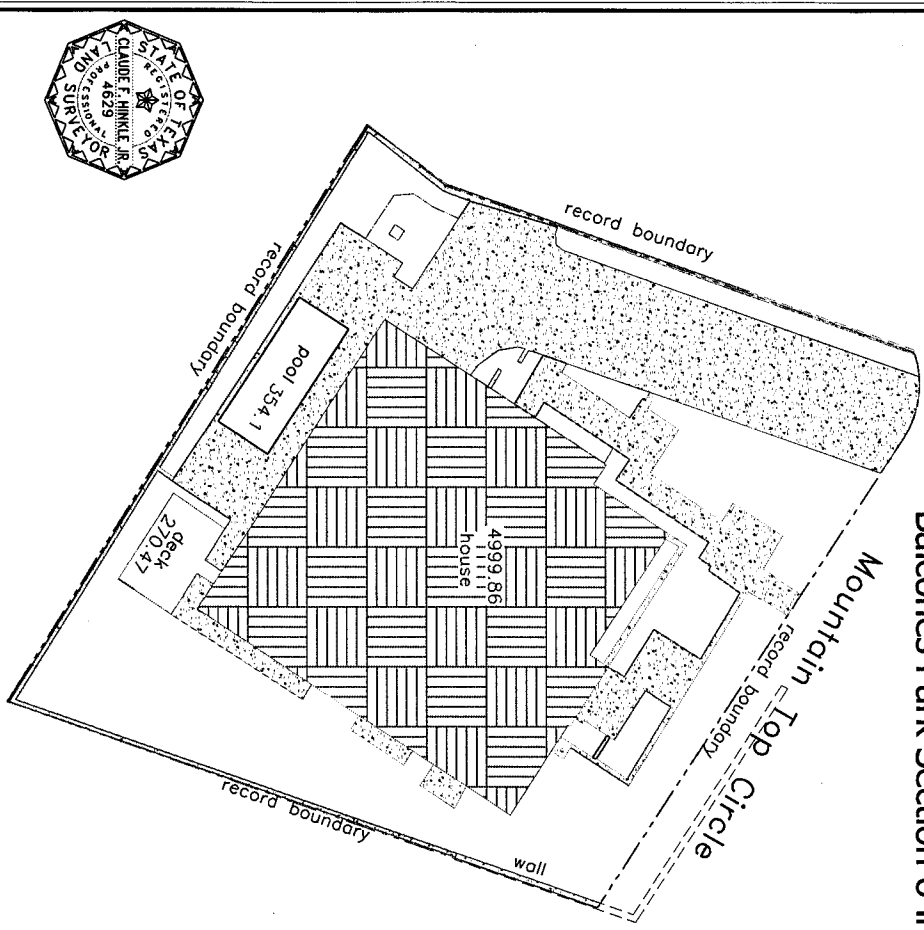
Walker Residence  
3405 Mountaintop Circle  
AUSTIN, TX 78731

**JOHN DAVIS**  
GARDEN · DESIGN · BUILD

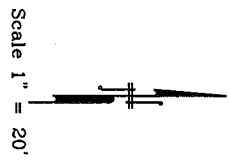
1



Impervious cover survey on Lot 6 Block X of the Resubdivision of Lots 5 and 6, Block X,  
Balcones Park Section 8 in the City of Austin, Travis County, Texas



- 16097 total lot
- 4314.50 concrete
- 279.76 Wall
- 135.23 1/2 Wood deck
- 4999.86 house
- 9729.35 total impervious cover
- 60.44% impervious cover
- 354.10 pool




concrete

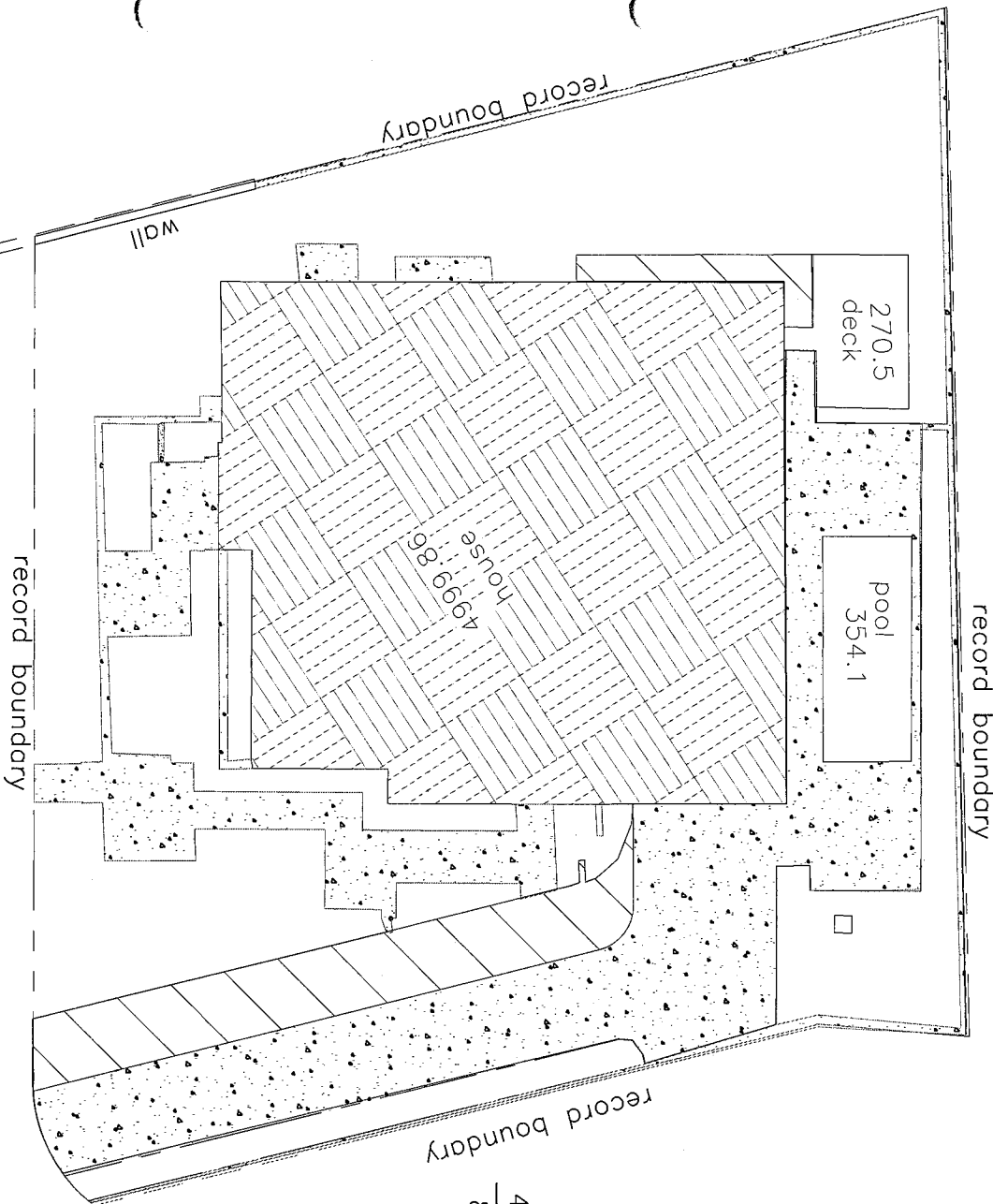


© Austin Surveyors 2014

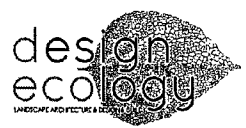
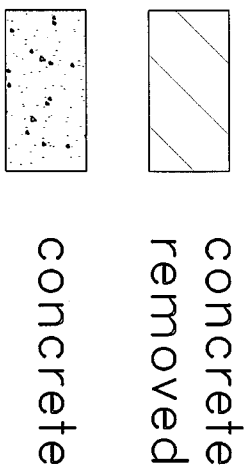
Map No. 1508-imperv	Designed By: ahb
Job No. 1508-426	Drawn By: ahb
Date: October 2013	Checked By:
Scale: 1" = 20'	Revised:

 **AUSTIN SURVEYORS**  
2105 Austin Lane #103  
Austin, Texas 78757  
512-454-6605  
TFirm#1017400

# Mountain Top Circle



16097 total lot  
 3412.89 concrete  
 135.25 1/2 deck  
 31.67 wall  
 4999.86 house  
 8579.67 total impervious cover  
 53.29% impervious cover



1705 SOUTH LAMAR SUITE A  
 AUSTIN TEXAS 78704  
 512.564.0288

## IMPERVIOUS COVERAGE PLAN

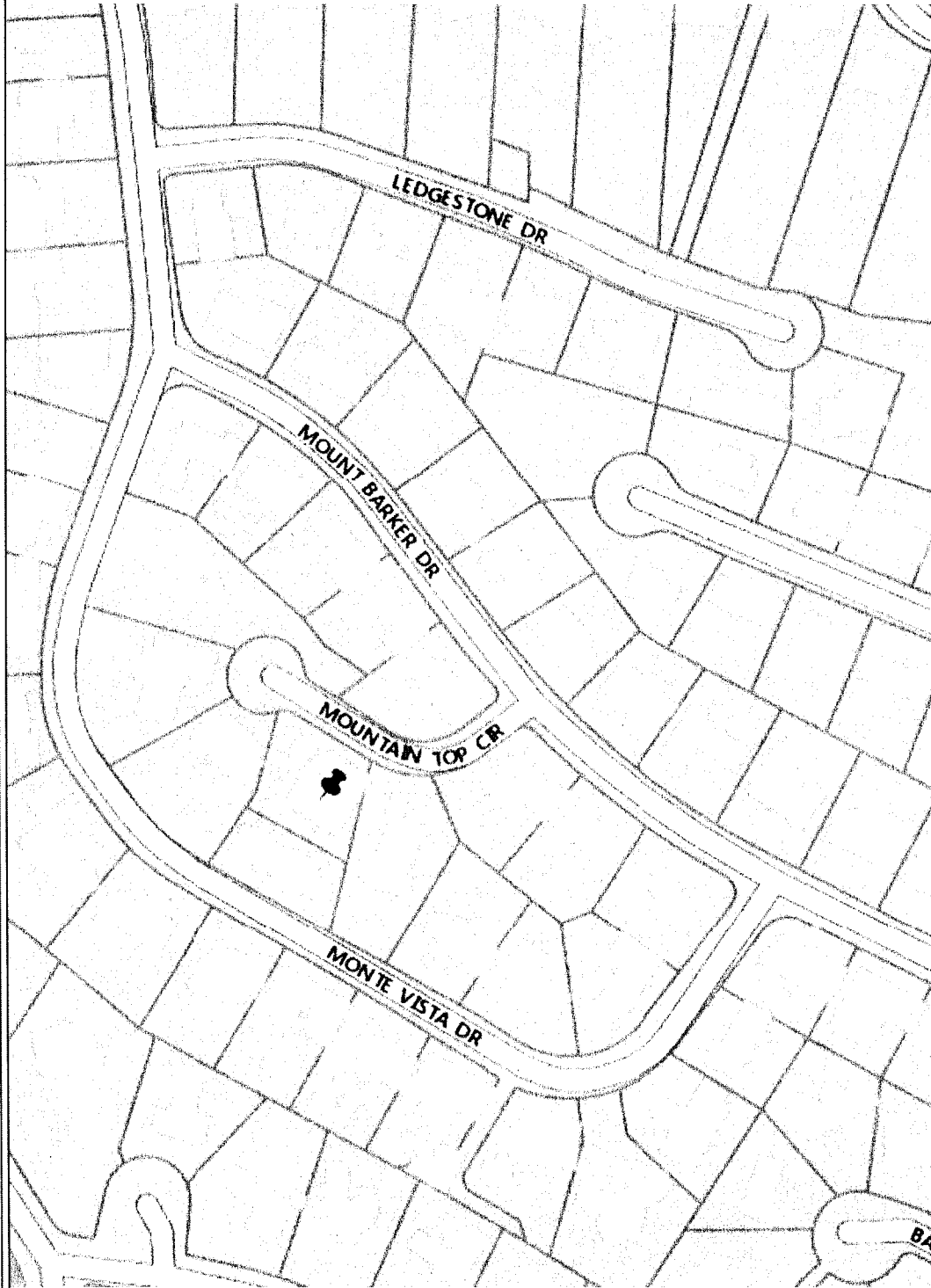
**Client:**  
 Jay and Beth Walker  
 3405 Mountaintop Circle  
 AUSTIN TEXAS 78738

Drawings and specifications are prepared by the designer and may not be reproduced or used for any other project without the written consent of the designer. The contractor is responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The designer is not responsible for the construction of the project.



DESIGNED: MB  
 DRAWN: MB  
 REVIEWED: KSC  
 DATE ISSUED: 11/09/14  
 REVISIONS:

# CITY OF AUSTIN DEVELOPMENT WEB MAP

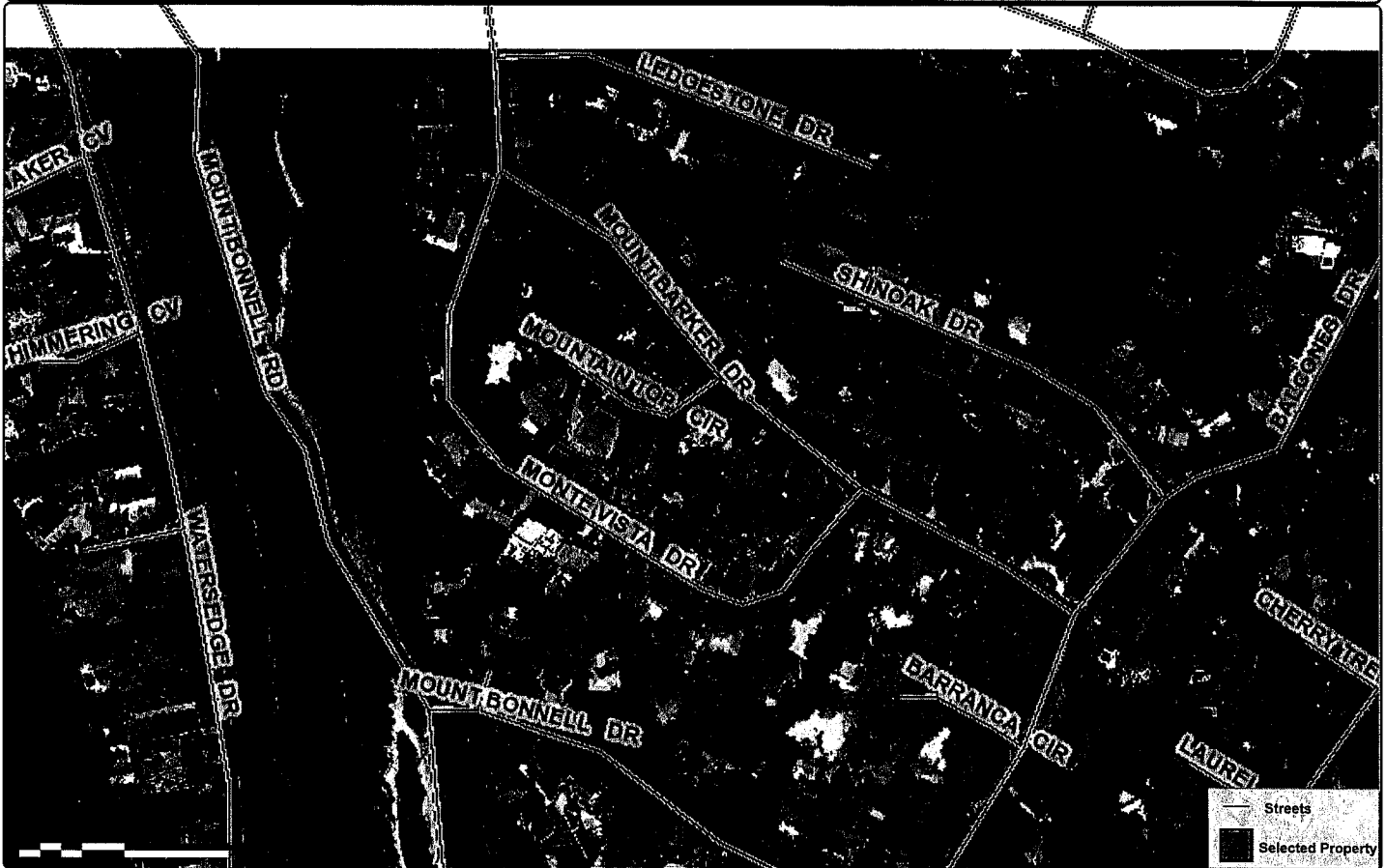


## Legend

-  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.

# Travis CAD - Map of Property ID 123096 for Year 2014



### Property Details

**Account** Property ID: 123096

Geo ID: 0126060819

description: LOT

on

Situs Address: 3405 MOUNTAIN TOP CIR TX 78731  
Neighborhood: HIGH AND PARK (SOUTH)

Neighborhood: HIGHLAND PARK (SOUTH)

sdictions: 68, 0

Owner Name: WALKER JAY & ELIZABETH  
Mailing Address: 3405 MOUNTAIN TOP CIR. AUSTIN, TX 78731-5738

Mailing Address: , 3405 MOUNTAIN TOP CIR, , AUSTIN, TX 78731-5738

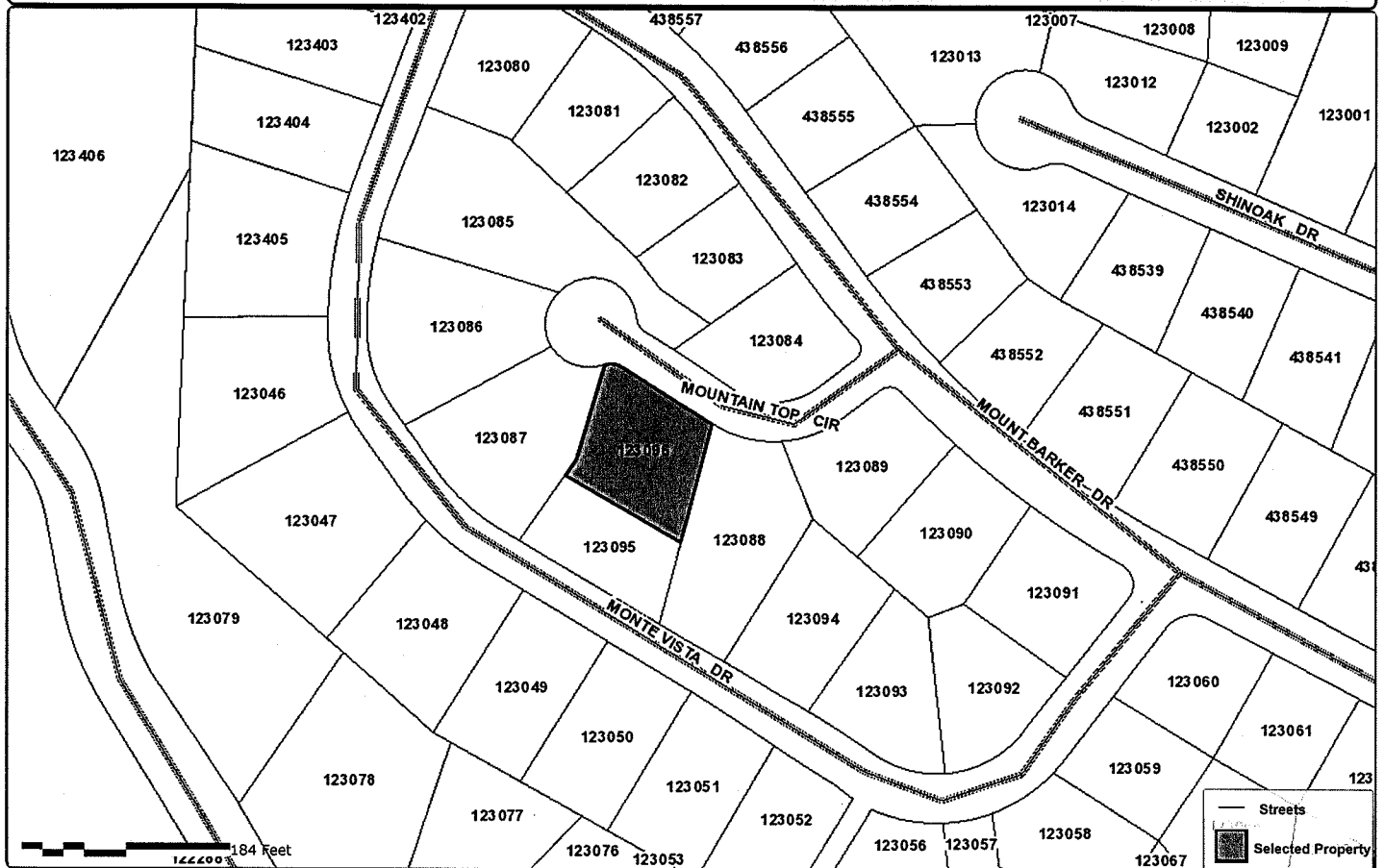
Appraised Value: \$1,181,613.00

[illegible]

Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products

engineering standards. Conclusions drawn from

## Travis CAD - Map of Property ID 123096 for Year 2014



### Property Details

#### Account

Property ID: 123096  
Geo ID: 0126060819  
Type: Real  
Legal Description: LOT 6 BLK X RESUB LOT 5-6 BALCONES PARK SEC 8

#### Location

Situs Address: 3405 MOUNTAIN TOP CIR TX 78731  
Neighborhood: HIGHLAND PARK (SOUTH)  
Mapsco: 554F  
Jurisdictions: 01, 02, 2J, 0A, 03, 68

#### Owner

Owner Name: WALKER JAY & ELIZABETH  
Mailing Address: , 3405 MOUNTAIN TOP CIR, , AUSTIN, TX 78731-5738

#### Property

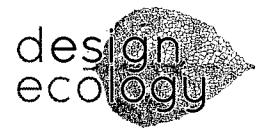
Appraised Value: \$1,181,613.00

<http://propaccess.traviscad.org/Map/View/Map/1/123096/2014>

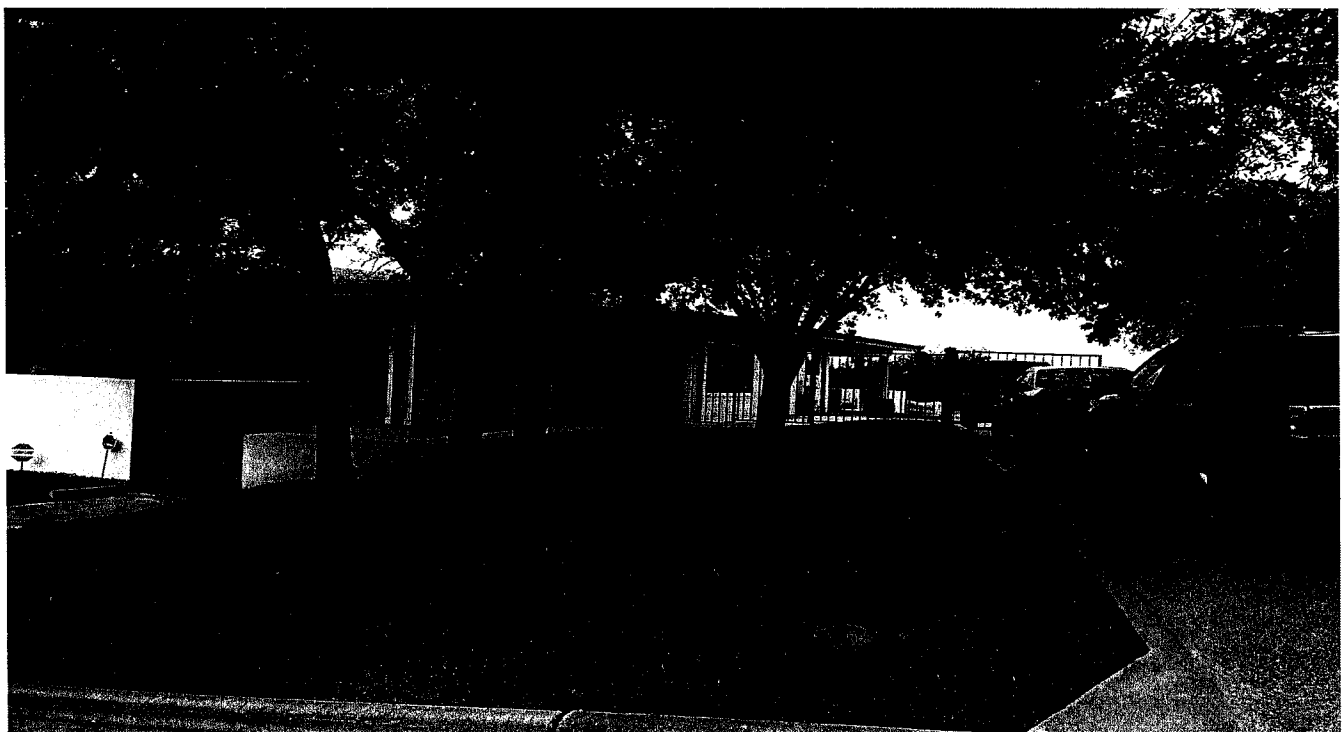
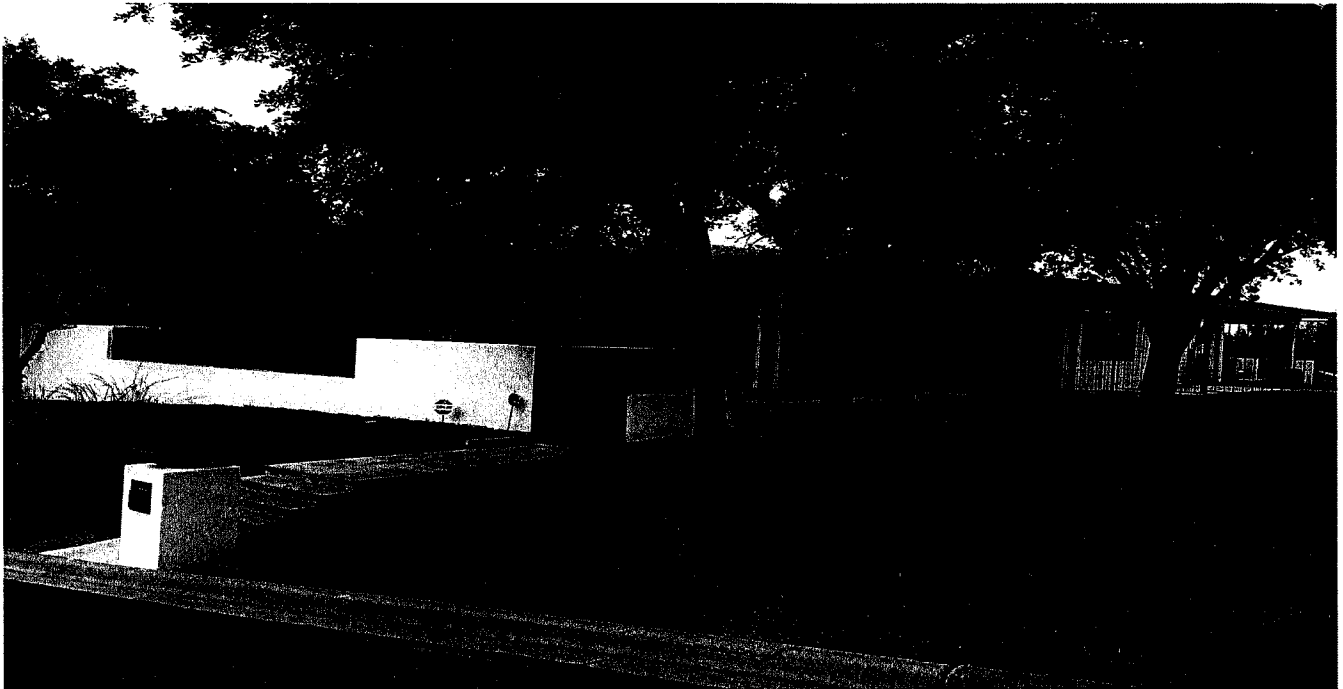
powered by:  
**PropertyACCESS**  
www.trueautomation.com

Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

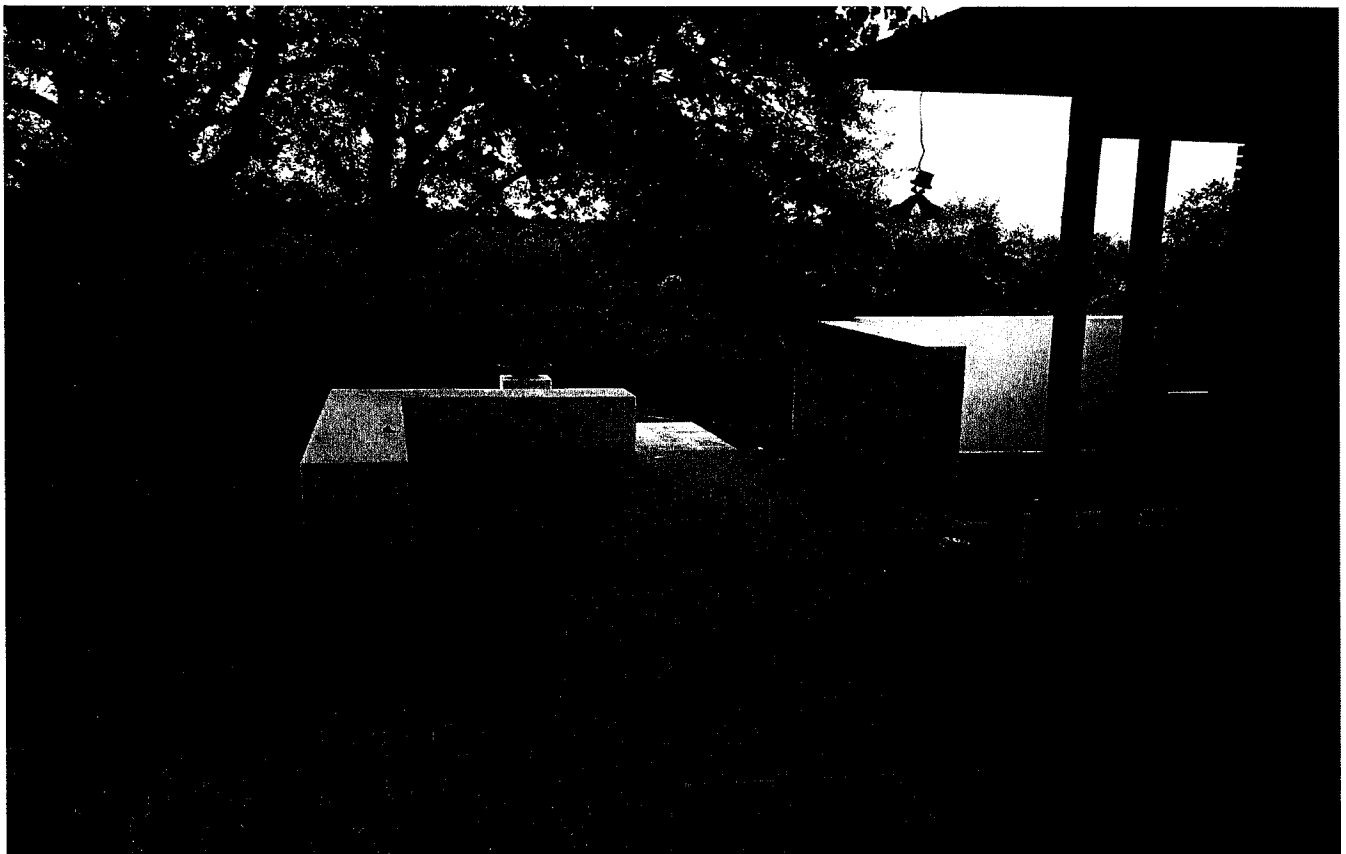
Name: Walker Residence  
Project address: 3405 Mountain top Circle



Before Pictures:



















After:

