

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

DATE: Monday, February 9, 2015

CASE NUMBER: C15-2015-0018

___Y___ Jeff Jack - Chair
___Y___ Michael Von Ohlen **2nd the Motion**
___Y___ Melissa Whaley Hawthorne - Vice Chair **Motion to Grant**
___-___ Sallie Burchett
___-___ Ricardo De Camps
___Y___ Brian King
___Y___ Vincent Harding
___-___ Will Schnier - Alternate
___Y___ Stuart Hampton - Alternate

APPLICANT: Jim Bennett

OWNER: Bob Herd

ADDRESS: 7909 BIG VIEW DR

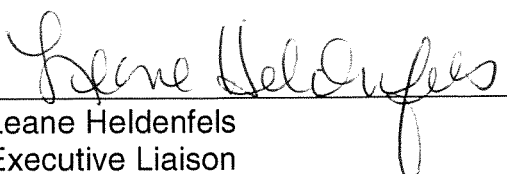
VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-551(C) (2) (a) (*Lake Austin (LA) District Regulations*) to increase the maximum impervious cover from 20% (required) to 35.2% (requested) in order to construct a single family home in an "LA", Lake Austin zoning district.

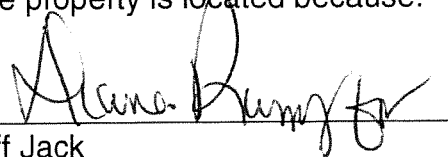
BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 9, 2015, Board Member Michael Von Ohlen second on a 6-0 vote; **POSTPONED TO MARCH 9, 2015.**

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



Heldenfels, Leane

From: Randy Lawson <~~randylawson@riverplacehoa.com~~>
Sent: Friday, February 06, 2015 10:09 AM
To: Heldenfels, Leane
Subject: Case #C15-2015-0018 - 7909 Big View Dr. (Request for Variance)

Ms. Heldenfels:

Thank you for returning my phone call earlier this week on this subject project. The River Place HOA, which is officially registered in the City of Austin "Community Registry", has voted to oppose the subject case involving a requested variance to the impervious cover requirement (Sect 25-2-551(C) (2) (a) - Lake Austin (LA) District Regulations).

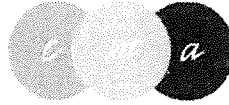
You will be receiving an email from Certified Management Associates (CMA), who is the management company that represents the River Place HOA (legally known as River Place Residential Community Association).

CMA will formally register our opposition to this requested variance on our behalf by email no later than noon on Monday, February 09, 2015.

Thanks in advance for registering our opposition. Please confirm that you have received this email. We look forward to working with you and others with the City of Austin on this project. Let me know if you have any questions or comments.

Sincerely,

Randy Lawson - River Place HOA board member



CERTIFIED MANAGEMENT OF AUSTIN, LLC

February 6, 2015

City of Austin Planning and Development Review Department
505 Barton Springs
Austin, Texas 78704

Attention: Ms. Leane Heldenfels

Re: **Case # C15-2015-0018 (7909 Big View Dr. Austin, Texas 78730) Variance Request**

Dear Ms. Heldenfels:

As the managing agent for River Place Residential Community Association, Certified Management of Austin, LLC is responsible for the administration of the Association's governing documents, rules, and regulations.

The purpose of this letter is to bring to your attention that the board of directors of the River Place Residential Community Association (a.k.a. River Place HOA) opposes the requested variance to impervious cover regulations for the project at 7909 Big View Drive, Austin, Texas 78730.

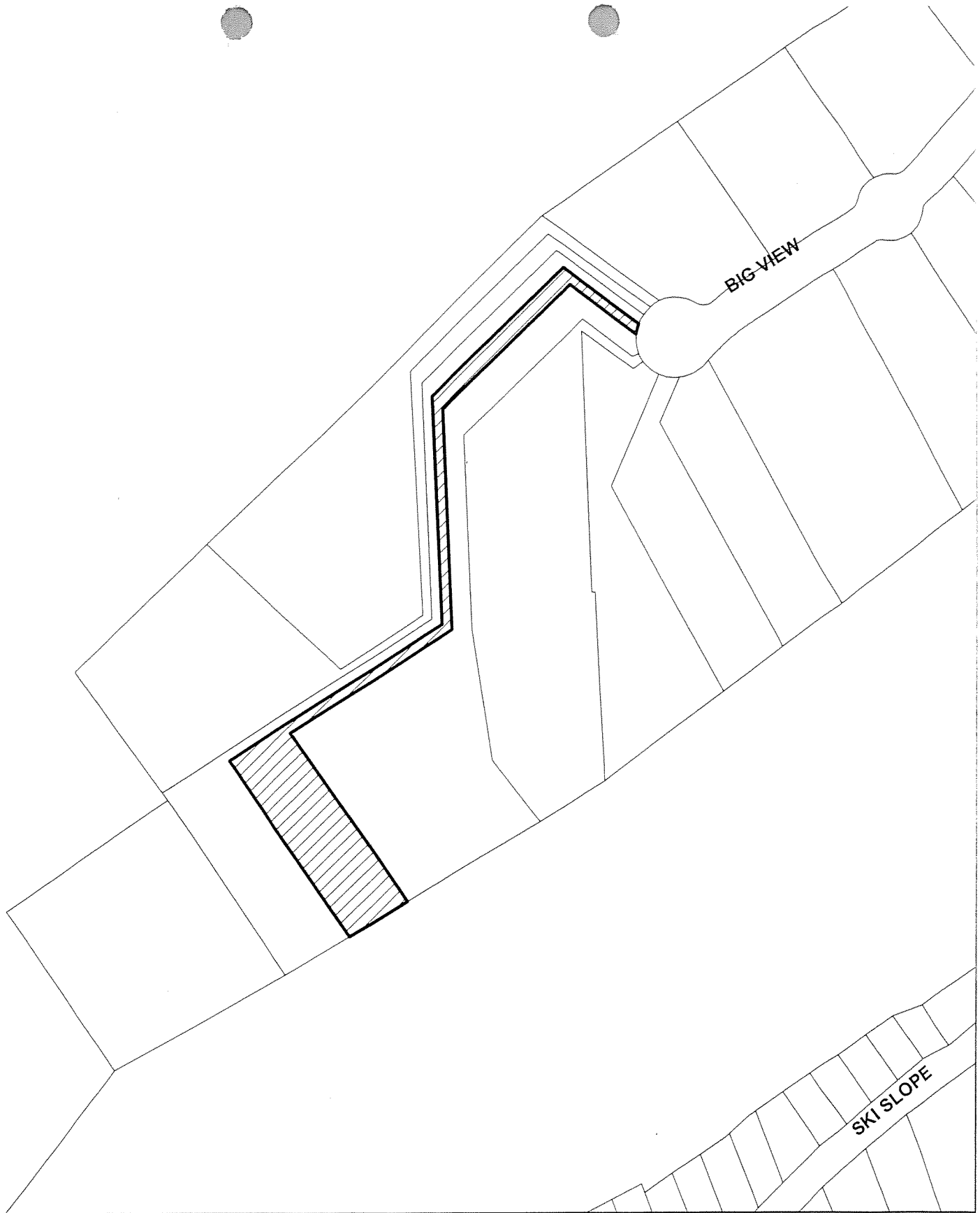
Thank you in advance for your help in preserving the integrity of River Place Residential Community Association, Inc and our neighborhood. If you have any questions concerning this notice please contact Vangie Bocanegra at 512-339-6962, or via email at frontdesk@cmaaaustin.com.

Sincerely,

Vangie Bocanegra, CMCA

CERTIFIED MANAGEMENT OF AUSTIN

Managing Agent for River Place Residential Community Association, Inc.



SUBJECT TRACT

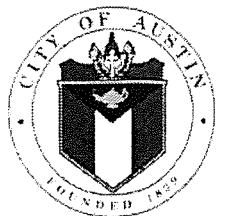


PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0018
Address: 7909 BIG VIEW DRIVE



1" = 200'

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.

CASE # C15-2015-0018

ROW 11274933

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

ROLL 0135380220

(TCAD 0135380
234)

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 7909 Big View Drive

LEGAL DESCRIPTION: Subdivision – River Place Section 16

Lot(s) 51A Block M Outlot _____ Division _____

I Jim Bennett as authorized agent for Bob Hard

_____ affirm that on 12/10/14 hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A single family residence providing a total impervious cover of 35.2% on slopes with a gradient of 0-25%.

_____ 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

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because: the impervious for this lot is comparable to other homes in this area. Other homes in the area were allowed to construct under the limits prescribed on the subdivision plat.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: This property shares impervious cover thru the access easement. Many lots in this subdivision were approved and permitted to use the 35% impervious cover shown on the subdivision plat.

(b) The hardship is not general to the area in which the property is located because: The configuration of this lot and the application of the reduced impervious cover distinguishes this lot and is not general to the area.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

this proposed structure is compatible with the size and type of other homes in the area and is located to the rear of the lot and has intervening structures which limits visibility from the street.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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

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

Signed Jim Bennett Mail Address 11505 Ridge Dr
City, State & Zip Austin, TX 78748
Printed Jim Bennett Phone 512-282-3079 Date 12/10/14

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 [Signature] Mail Address PO Box 9340
City, State & Zip Tyler TX 75711
Printed Bob L Herd Phone 903-509-3456 Date 12.4.14