

GAYLORD T. HUGHEY, JR.

BOARD CERTIFIED
OIL, GAS & MINERAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

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March 26, 2015

*Via FedEx US Airbill No. 8735 1303 8910
and Email to leane.heldenfels@austintexas.gov*

Ms. Leane Heldenfels
Board of Adjustment
City of Austin
1st Floor, Development Assistance Center
505 Barton Springs Road
Austin, TX 78704

Re: C15-2015-0018; 7909 Big View Drive; Lot 51A River Place Section 16

Dear Board Member:

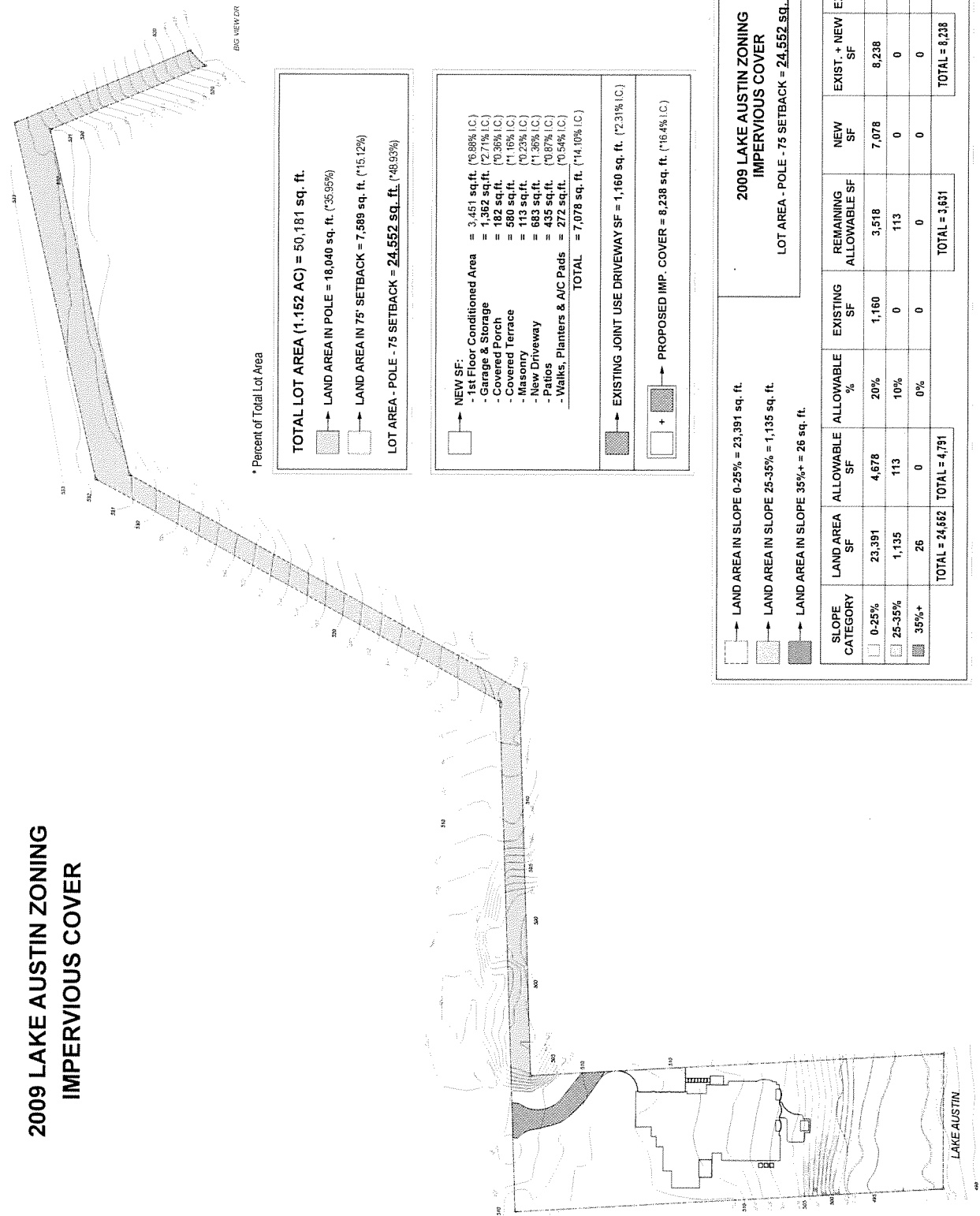
Thank you for your guidance during our March 9 presentation. My clients, Bob and Michael Herd, have done all they know how to do to make a concise case to justify a variance to allow 35.2% impervious cover in the 0-25% slope category in the LA zoning district. The Herds want to construct a single family residence for Bob Herd that has 5,829 square feet. Mr. Herd needs the principal living areas on the ground floor. The proposed house requires 7,078 square feet of impervious cover.

As you will recall, the extraordinary length of Lot 51A's flag pole was the topic of discussion at the end of your March 9 hearing. Lot 51A contains 50,181 square feet, of which 18,040 square feet are within the flagpole, leaving a "lot area" of 32,141 square feet. There is an existing driveway that provides access to an adjacent lot. This driveway contains 1,160 feet of impervious cover. This driveway is not in the flag pole portion of the lot and, therefore, counts against the allowable impervious cover on Lot 51A.

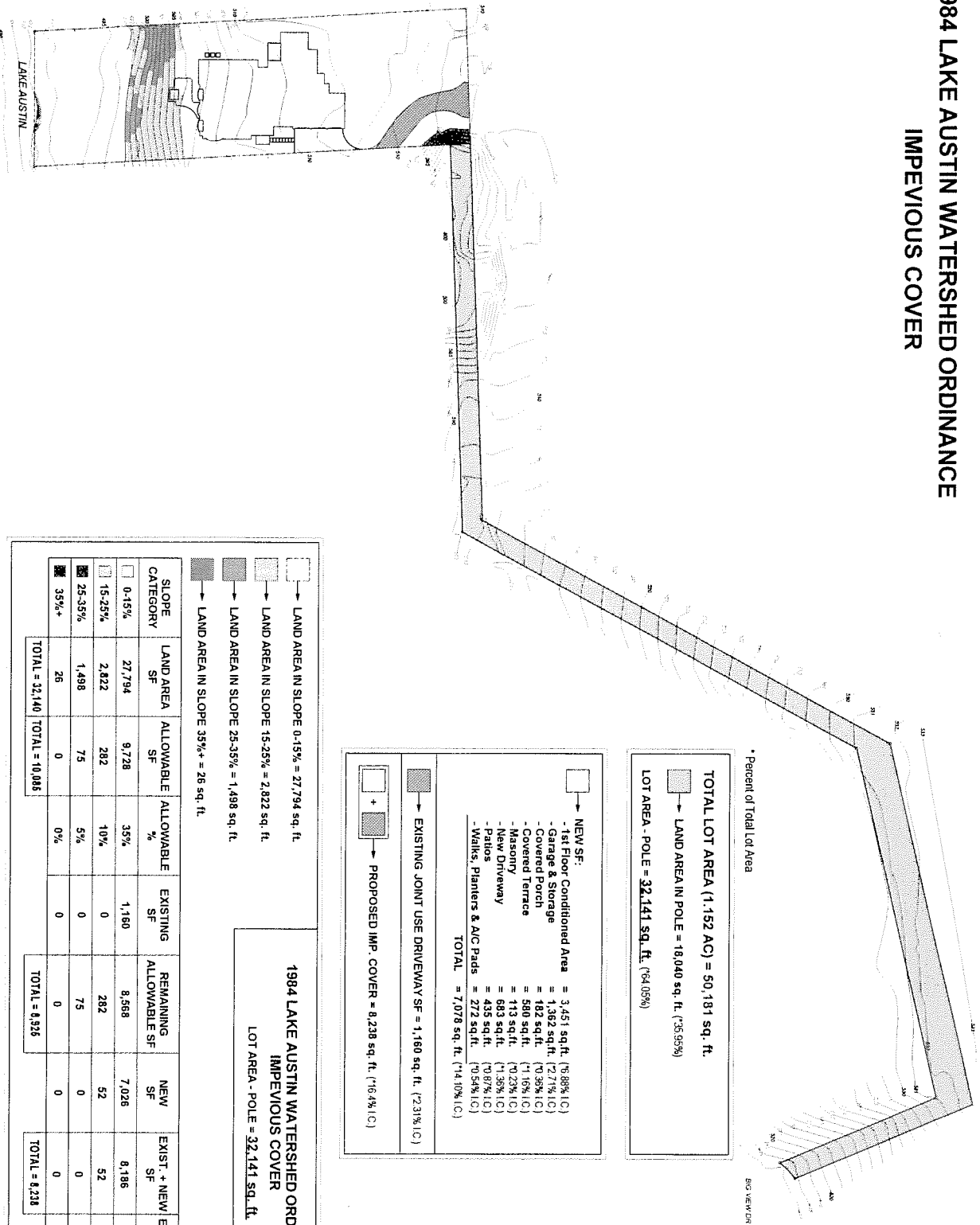
As my clients and I understand it, since the City annexed River Place in 2009, there are at least three ways the City has calculated impervious cover for nearby new homes and additions:

1. What we see on the City's Website for building permits for houses on Big View Drive—no deductions for flag poles and no deductions for the 75 foot lake front setback. If this approach is applied, the proposed house and the existing driveway yields impervious cover of 16.9%. The Herds present this calculation only to inform the Board of Adjustment regarding what a person finds when researching residential building permits issued in River Place 16 & 17 since annexation in 2009.
2. If the plat note regarding the 1984 Lake Austin Watershed Ordinance is applied to the proposed house and existing driveway, the impervious cover would be 29.45% under this ordinance. The flag pole is deducted from the lot area before calculating impervious cover. There is not a lake front setback deduction when calculating impervious cover under the 1984 ordinance. Since the 2009 annexation, houses built and expanded along

2009 LAKE AUSTIN ZONING
IMPERVIOUS COVER



1984 LAKE AUSTIN WATERSHED ORDINANCE IMPEVIOUS COVER



Percent of Total Lot Area

TOTAL LOT AREA (1.152 AC) = 50,181 sq. ft.

LAND AREA IN POLE = 18,040 sq. ft. (35.95%)

LOT AREA - POLE = 32,141 sq. ft. (64.05%)

NEW SF:

- 1st Floor Conditioned Area = 3,451 sq. ft. (15.88% IC)
- Garage & Storage = 1,392 sq. ft. (7.27% IC)
- Covered Porch = 182 sq. ft. (0.59% IC)
- Covered Terrace = 580 sq. ft. (1.16% IC)
- Masonry = 113 sq. ft. (0.29% IC)
- New Driveway = 683 sq. ft. (1.58% IC)
- Patios = 438 sq. ft. (0.97% IC)
- Walks, Planters & A/C Pads = 272 sq. ft. (0.54% IC)

TOTAL = 7,078 sq. ft. (14.10% IC)

EXISTING JOINT USE DRIVEWAY SF = 1,160 sq. ft. (2.31% IC)

PROPOSED IMP. COVER = 8,238 sq. ft. (16.4% IC)

1984 LAKE AUSTIN WATERSHED ORDINANCE
IMPEVIOUS COVER
LOT AREA - POLE = 32,141 sq. ft.

LAND AREA IN SLOPE 0-15% = 27,794 sq. ft.

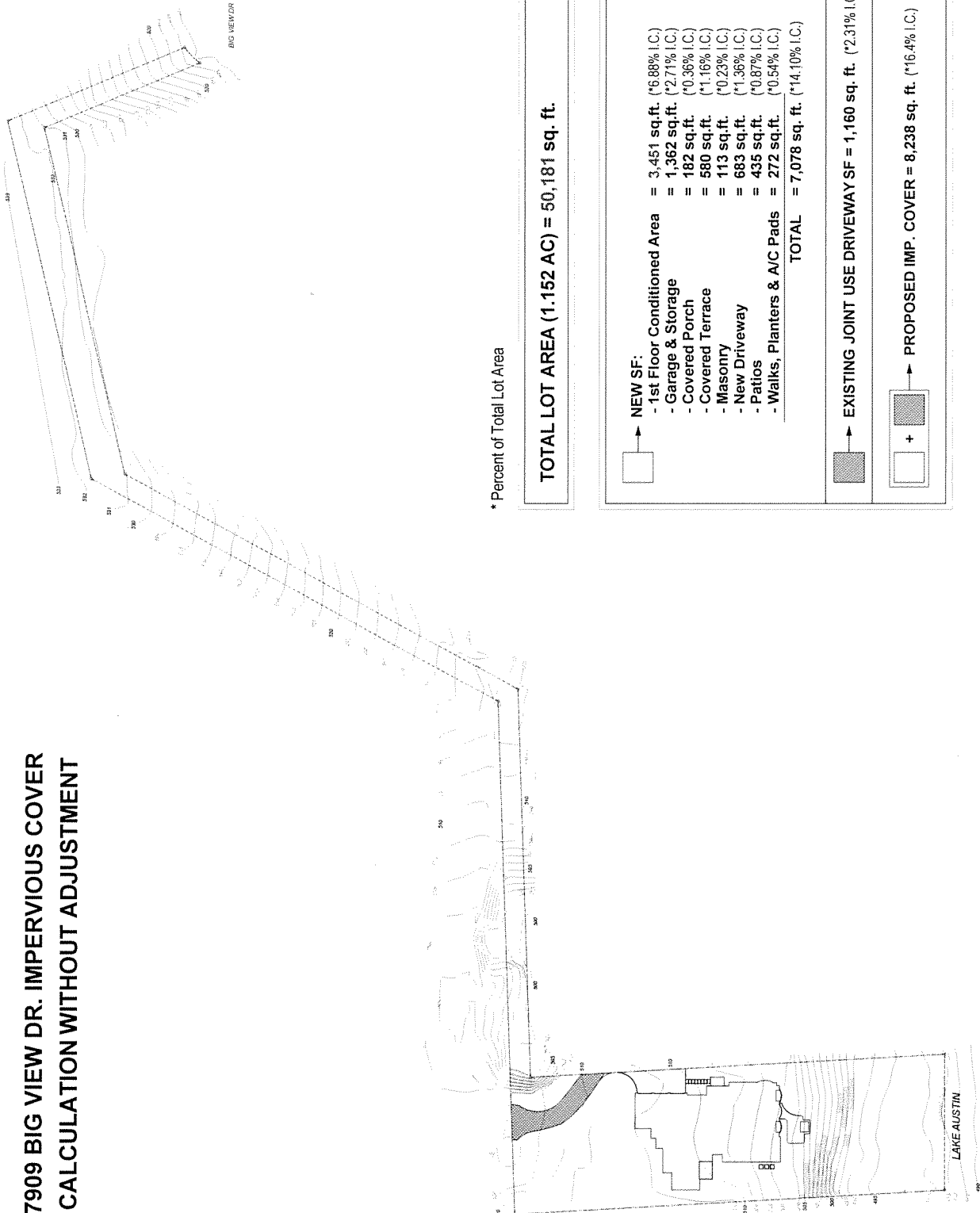
LAND AREA IN SLOPE 15-25% = 2,822 sq. ft.

LAND AREA IN SLOPE 25-35% = 1,498 sq. ft.

LAND AREA IN SLOPE 35%+ = 26 sq. ft.

SLOPE CATEGORY	LAND AREA SF	ALLOWABLE SF	ALLOWABLE %	EXISTING SF	REMAINING ALLOWABLE SF	NEW SF	EXIST. + NEW SF	%
0-15%	27,794	9,728	35%	1,160	8,568	7,026	8,186	29.45%
15-25%	2,822	282	10%	0	282	52	52	1.83%
25-35%	1,498	75	5%	0	75	0	0	0
35%+	26	0	0%	0	0	0	0	0
	TOTAL = 32,140	TOTAL = 10,085			TOTAL = 8,925		TOTAL = 8,238	

7909 BIG VIEW DR. IMPERVIOUS COVER
CALCULATION WITHOUT ADJUSTMENT



* Percent of Total Lot Area

TOTAL LOT AREA (1.152 AC) = 50,181 sq. ft.

NEW SF:

- 1st Floor Conditioned Area = 3,451 sq.ft. (*6.88% I.C.)
- Garage & Storage = 1,362 sq.ft. (*2.71% I.C.)
- Covered Porch = 182 sq.ft. (*0.36% I.C.)
- Covered Terrace = 580 sq.ft. (*1.16% I.C.)
- Masonry = 113 sq.ft. (*0.23% I.C.)
- New Driveway = 683 sq.ft. (*1.36% I.C.)
- Patios = 435 sq.ft. (*0.87% I.C.)
- Walks, Planters & A/C Pads = 272 sq.ft. (*0.54% I.C.)

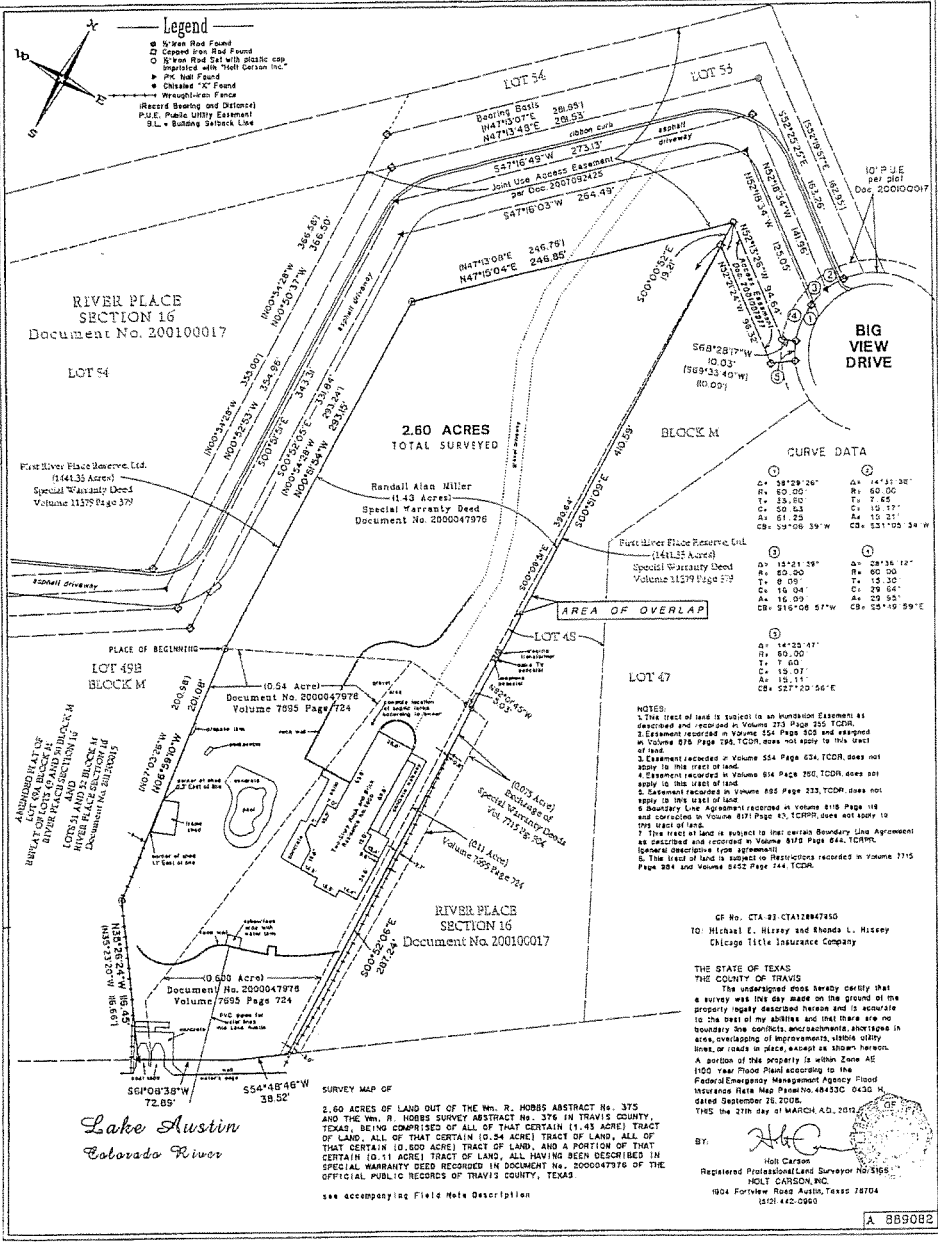
TOTAL = 7,078 sq. ft. (*14.10% I.C.)



EXISTING JOINT USE DRIVEWAY SF = 1,160 sq. ft. (*2.31% I.C.)



PROPOSED IMP. COVER = 8,238 sq. ft. (*16.4% I.C.)



Legend

- Wagon Road Found
- Capped Iron Rod Found
- PK Nail Found
- Chained 'X' Found
- Wrought-Iron Fence
- Record Boundary and Distance
- P.U.E. Public Utility Easement
- S.L. - Building Setback Line

RIVER PLACE SECTION 16
Document No. 200100017

LOT 54

First River Place Reserve, Ltd.
(144.33 Acres)
Special Warranty Deed
Volume 11579 Page 379

2.60 ACRES
TOTAL SURVEYED

Randall Alan Miller
(1.43 Acres)
Special Warranty Deed
Document No. 2000047975

BLOCK M

BIG VIEW DRIVE

CURVE DATA

1	2
Δ = 38°29'26"	Δ = 14°31'30"
R = 60.00	R = 60.00
T = 33.60	T = 7.65
C = 50.53	C = 29.64
A = 61.23	A = 13.17
CB = 59°06'39"W	CB = 53°10'53"W

3	4
Δ = 15°21'38"	Δ = 28°35'12"
R = 60.00	R = 60.00
T = 0.00	T = 13.30
C = 16.04	C = 29.64
A = 16.03	A = 23.52
CB = 516°08'57"W	CB = 55°19'59"E

LOT 49B
BLOCK M

Document No. 2000047976
Volume 7955 Page 724

LOT 47

NOTES:
1. The tract of land is subject to an Undeveloped Easement as described and recorded in Volume 273 Page 355 TCDR.
2. Easement recorded in Volume 154 Page 603 and assigned in Volume 876 Page 285 TCDR, does not apply to this tract of land.
3. Easement recorded in Volume 554 Page 624 TCDR, does not apply to this tract of land.
4. Easement recorded in Volume 854 Page 285 TCDR, does not apply to this tract of land.
5. Easement recorded in Volume 855 Page 233 TCDR, does not apply to this tract of land.
6. Boundary Line Agreement recorded in Volume 818 Page 118 and corrected in Volume 817 Page 67, TCDR, does not apply to this tract of land.
7. The tract of land is subject to the certain Boundary Line Agreement as described and recorded in Volume 818 Page 614, TCDR, (general descriptive type agreement).
8. The tract of land is subject to the restrictions recorded in Volume 7715 Page 384 and Volume 8452 Page 744 TCDR.

RIVER PLACE SECTION 16
Document No. 200100017

Lake Austin
Colorado River

SURVEY MAP OF
2.60 ACRES OF LAND OUT OF THE No. R. HOBBS ABSTRACT No. 375 AND THE No. R. HOBBS SURVEY ABSTRACT No. 376 IN TRAVIS COUNTY, TEXAS, BEING COMPRISED OF ALL OF THAT CERTAIN (1.43 ACRE) TRACT OF LAND, ALL OF THAT CERTAIN (0.24 ACRE) TRACT OF LAND, ALL OF THAT CERTAIN (0.600 ACRE) TRACT OF LAND, AND A PORTION OF THAT CERTAIN (0.11 ACRE) TRACT OF LAND, ALL HAVING BEEN DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2000047976 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
see accompanying Field Note Description

OF No. CTA 23 CTA12847950
TO: Michael E. Hickey and Rhonda L. Hickey
Chicago Title Insurance Company

THE STATE OF TEXAS
THE COUNTY OF TRAVIS
The undersigned does hereby certify that a survey was run day made on the ground of the property legally described hereon and is accurate to the best of my ability and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, within county lines, or roads in place, except as shown hereon. A portion of this property is within Zone AE 100 year Flood Plain according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48433C 0430 H, dated September 25, 2006.
THIS was 27th day of MARCH A.D. 2010

By: *[Signature]*
Holt Carson
Registered Professional Land Surveyor No. 5165
HOLT CARSON, INC.
1904 Fortview Road Austin, Texas 78704
(512) 442-0860

A 889082