

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

DATE: Monday, April 13, 2015

CASE NUMBER: C15-2015-0043

☒ Y _____ Jeff Jack - Chair
☒ Y _____ Michael Von Ohlen
☒ Y _____ Melissa Whaley Hawthorne - Vice Chair - 2nd the Motion
☒ Y _____ Sallie Burchett
☒ Y _____ Ricardo De Camps - Motion to PP to May 11, 2015
☐ - _____ Brian King (OUT)
☐ - _____ Vincent Harding (OUT)
☒ Y _____ Will Schnier - Alternate
☒ Y _____ Stuart Hampton - Alternate

APPLICANT: Richard T. Weil

OWNER: Robin Moore

ADDRESS: 4708 COLORADO XING

VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-551(C) (2) (a) (Lake Austin (LA) District Regulations) to:

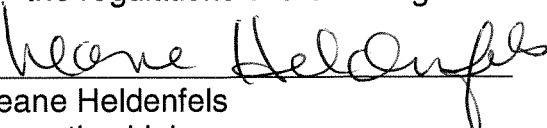
- A. increase the maximum impervious cover from 5% (required) to 15.5% (requested, 9.62% existing) on a 25-35% slope area; and to
B. increase from 10% (required) to 52.74% (requested, 52.45% existing) on a 15-35% slope area

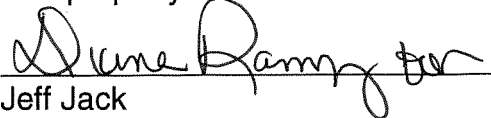
in order to rebuild and expand an elevated deck area including the addition of stairs in an "LA", Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Ricardo De Camps motion to Postpone to May 11, 2015, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO MAY 11, 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

☒ List View ☐ Related View

Set Values

☒ Show no. of rows on tabs

[Forward >](#)

328 Rows Returned

C15-2015-0043

Folder: 93 004443 R 0 PR

| Description | Mand. | Value | Type |
|--------------------------------------|-------------------------------------|---|-----------|
| Limits of Construction [LOC] (Acres) | <input type="checkbox"/> | | Numeric |
| Case Number | <input type="checkbox"/> | BP-93-4443R | Alpha |
| Gross Site Area (Acres) | <input type="checkbox"/> | | Numeric |
| Project Name | <input checked="" type="checkbox"/> | NEW TWO STORY RESIDENCE W/ATT GARAGE | Alpha |
| 1704 Flag? | <input type="checkbox"/> | No | Yes or No |
| Migrated From PIER | | | |
| Comments | <input type="checkbox"/> | Sqft = 00002675; Zone = SF2; Use Cat = R3-1; Work Alpha | |

Heldenfels, Leane

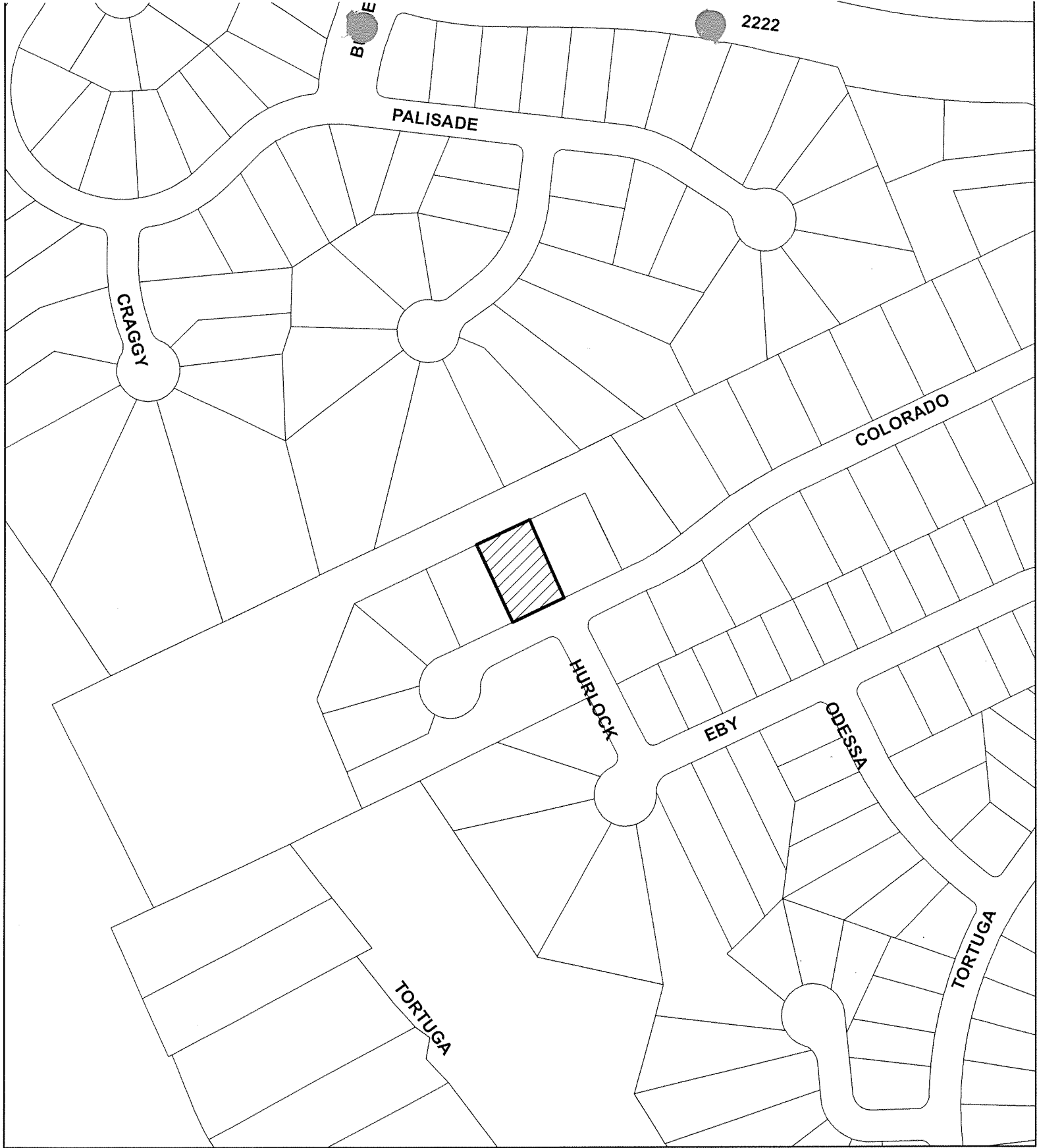
From: David Grimm <~~dgrimm@yahoo.com~~>
Sent: Friday, April 10, 2015 6:23 AM
To: Heldenfels, Leane
Subject: C15-2015-0043, 4708 Colorado Crossing




Dear Ms. Heldenfels:

We live just a few houses away from 4708 Colorado Crossing and are in favor of the variance requested in the above-referenced case.

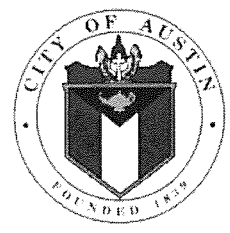
Thank you.

David & Beth Grimm
4703 Colorado Crossing



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0043
Address: 4708 COLORADO CROSSING



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# C15-2015-0043
ROW# 11308 584
TAX# 0133091470

CITY OF AUSTIN TEAD
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: 4708 COLORADO CROSSING

LEGAL DESCRIPTION: Subdivision – COLORADO CROSSING SEC 1

Lot(s) 6 Block A Outlot _____ Division _____

I RICHARD WEIL on behalf of myself as authorized agent for

ROBIN AND LORRAINE MOORE affirm that on

FEBRUARY 8, 2015, 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)**

X ERECT ATTACH COMPLETE X REMODEL MAINTAIN

We are seeking a 5.62% increase in impervious cover from 9.62% existing to 15.5% total in the 25-35% slope

We are seeking a 0.29% increase in impervious cover from 52.45% existing to 52.74% total in the 15-25% slope

Purpose of the increase is to rebuild an existing wood deck and adding a stair case to access the homes backyard

Seeking variance for Land Development Code, section 25-2-551

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 entire property has a slope more than 15 percent and current zoning restricts additional impervious development, therefore preventing the construction of a larger composite deck with stairs to the back yard.

HARDSHIP:

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

The entire house/deck was assigned an Austin building permit in 1993 after current slopes guidelines were in place. It should never have been granted as the improvements exceeded regulations and now limits reasonable use on the part of the current owners, such as building a larger deck with access stairs as surrounding neighbors have done.

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

The home currently has the smallest deck of all surrounding neighbors, preventing the homeowner's family from fully utilizing their outdoor space, or from accessing green space from their back yard. Also, the family has a four-year-old daughter who needs adequate outdoor areas to play in; she currently has little usable space in front or in back of the property.

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:

We intend to install a 500-gallon rain collection system under the new deck and hook it to existing roof gutters so that over time rainfall can be captured and utilized in the backyard area rather than running off into the watershed. This should significantly reduce runoff and return substantially more water to the soil than is the case presently.

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

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 [Signature] Mail Address 5204 MT BONNELL RD

City, State & Zip AUSTIN, TX 78731

Printed RICHARD WEIL Phone 512-745-3499 Date 2/7/15

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 4708 Colorado Crossing

City, State & Zip Austin TX 78731

Printed [Signature] Phone 5123741070 Date 2/7/15

4708 Colorado Crossing - Slopes Table

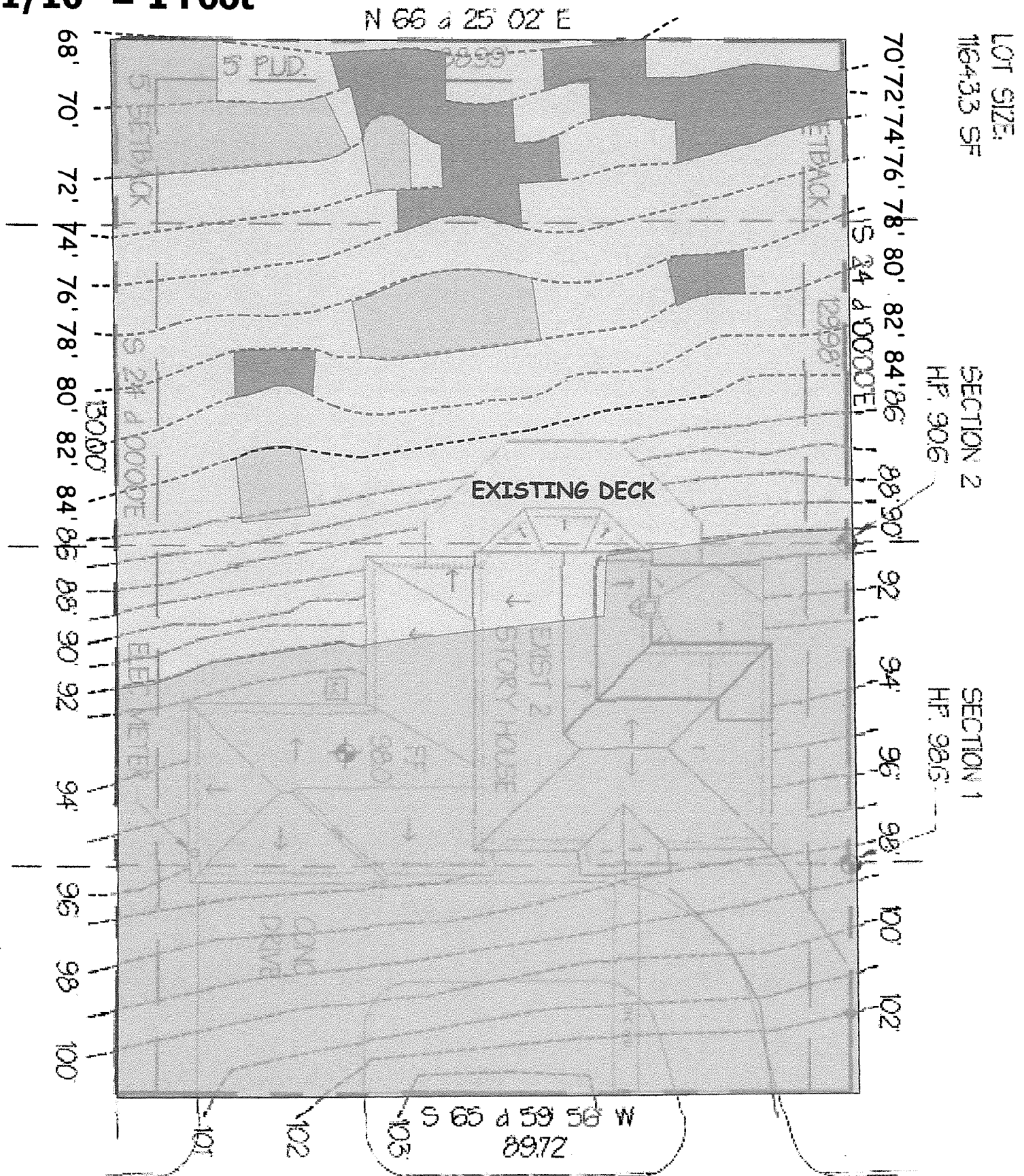
| Square Footage | Slope | Allowed ImperVIOUS Cover (%) | Allowed ImperVIOUS Cover (s.f) | Existing ImperVIOUS Cover (%) | Existing ImperVIOUS Cover (s.f) | Proposed ImperVIOUS Cover (s.f) | Proposed ImperVIOUS Cover (%) | Color Key |
|-----------------------|------------------|------------------------------|--------------------------------|-------------------------------|---------------------------------|---------------------------------|-------------------------------|-----------|
| 0 | 0% - 15% | 35.00% | 0 | 0 | 0 | 0 | 0 | N/A |
| 6,039 | 15% - 25% | 10.00% | 603.87 | 52.45% | 3,167 | 3,185 | 52.74% | |
| 5,018 | 25% - 35% | 5.00% | 250.9 | 9.88% | 496 | 778 | 15.50% | |
| 586 | > 35% | 0.00% | 0 | 0 | 0 | 0 | 0 | |
| Total Lot Size | 11,643.30 | | | 31.4% | 3,663 | 3,963 | 34.0% | |

| | |
|----------------|----------------|
| 328 deck / 2 = | 928 deck / 2 = |
| 164 sf | 464 sf |

4708 Colorado Crossing - Existing Slope Plan

SCALE:

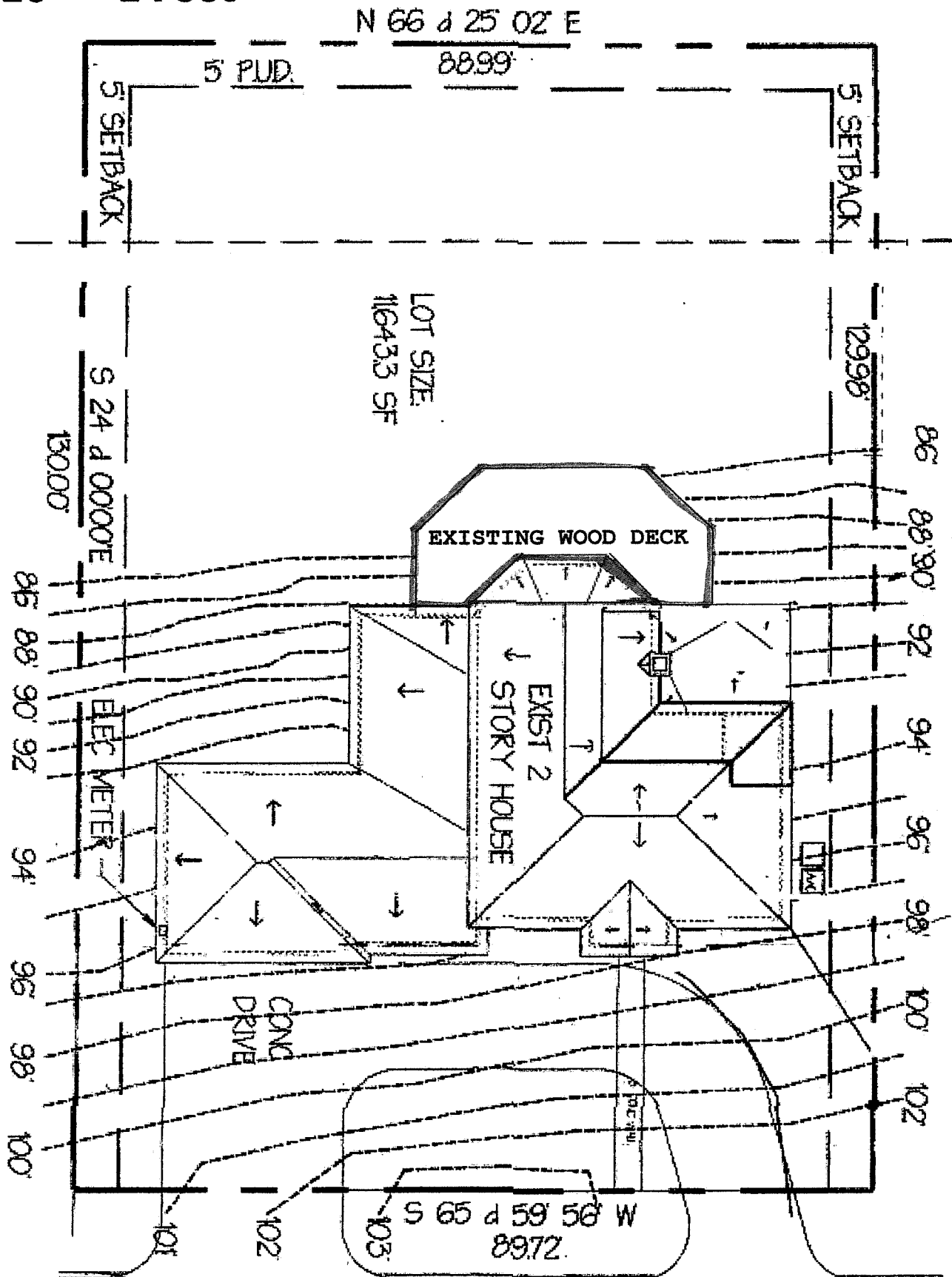
1/16" = 1 Foot



4708 Colorado Crossing - Existing Plot Plan

SCALE:

1/16" = 1 Foot



4708 Colorado Crossing - Proposed Plot Plan

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

SCALE:
1/16" = 1 Foot

AE APPROVE

JAN 26 2015

RLS 26-1

N 66 d 25' 02" E

5' P.U.D.

88.99'

5' SETBACK

5' SETBACK

LOT SIZE:
11643.3 SF

NEW TREX DECK

EXIST 2
STORY HOUSE

CONC
DRIVE

S 65 d 59' 56" W
89.72'

129.98'

86'

88' 90"

92'

94'

96'

98'

100'

102'

S 24 d 00' 00" E

130.00'

ELEC METER

85'

88'

90'

92'

94'

96'

98'

100'

101'

102'

103'

AMANDA 54.4.27.9052310 User Lease Holdmills Signed on to AMANDA at AMANDA.pmd

File Data Search Edit Actions Reports Window Help

NEW TWO STORY RESIDENCE W/ATT GARAGE (PR)

Folder Property (1) People Info (5) Fee/Charge Process (2) Document File Comment Attachment Conditions

| Folder # | Ref | Description | Mon | Value | Type |
|-----------------------|---------|-------------|-----|-------|------|
| 1982 106661 WTS 00 W | 106661 | | | | |
| 1982 G27973 WTS 00 W | G27973 | | | | |
| 1993 129516 STS 00 W | 129516 | | | | |
| 1993 G57417 WTS 00 W | G57417 | | | | |
| 2014 045232 RA 00 PR | 2014-04 | | | | |
| 2014 065795 000 00 BP | 2014-06 | | | | |
| 2014 065795 000 00 EP | 2014-06 | | | | |
| 2014 065795 000 00 MP | 2014-06 | | | | |
| 2015 005793 RA 00 PR | 2015-00 | | | | |

Folder: 93 004443 R 8 PR

| Description | Mon | Value | Type |
|-------------------------------------|--------------------------------------|---|-----------|
| Limit of Construction (LOC) (Acres) | | | Numeric |
| Case Number | BP-93-4443R | | Alpha |
| Gross Site Area (Acres) | | | Numeric |
| Project Name | NEW TWO STORY RESIDENCE W/ATT GARAGE | | Alpha |
| 1704 Flag? | No | | Yes or No |
| Migrated From PIER | | | |
| Comments | | Sqft = 00002675, Zone = SF2, Use Cat = R3-1, Work P Alpha | |

List View Related View Expand/Contract Set Values 6 Rows Returned

Showing 07 rows on tabs 10 Rows Returned

9:32 AM 2/13/2015

[Prev](#)[Next](#)

City Council approves updated dock, shoreline regulations

Following a yearlong task force review with multiple public hearings, Lake Austin homeowners now have new rules designed to modernize old ordinances and preserve the lake and its shoreline.

On June 26, Austin City Council approved the Lake Austin overlay zoning district—which includes land located within 1,000 feet of the lake’s shoreline—as well as changes related to boat dock and shoreline development.

Overlay zoning district

By creating the Lake Austin overlay district, the city addressed the practice of upzoning—lake-area homeowners who rezone their properties from Lake Austin zoning to a less environmentally restrictive category such as single-family zoning, said Chris Herrington, an environmental engineer with the city of Austin’s Watershed Protection Department.

He said the new zoning district was created to protect Lake Austin and the city’s drinking water supply.

A shoreline property setback of 25 feet to 75 feet exists in LA zoning but not in other zoning categories, Herrington said. The setback limits what can be developed close to the shoreline, he said.

“On a case-by-case basis, in the past, folks would [request and] be granted a site-specific zoning [that was less restrictive than LA zoning],” he said. “That created an inconsistency among neighbor[s] and their environmental compliance.”

Herrington said it was possible to have a tract zoned LA, next to one zoned SF and then a parcel zoned LA again—in a row.

“With the Lake Austin overlay district, we’ve at least put a stop to upzoning [used] to get out of environmental protections,” he said.

Herrington said the new overlay district only applies to properties that are currently zoned LA, development reserved or rural residential. If a property is zoned anything other than LA, DR or RR—such as SF—the overlay has no effect, he said. Most of the shoreline properties are zoned LA, he said.

If an existing home is not in compliance with the district, it is allowed until the homeowner wants to expand the residence’s footprint, Herrington said. Then the property must be brought into compliance with the new regulations, he said.

A homeowner may petition the city’s board of adjustment for a variance if a hardship in complying with the new requirements exists, Herrington said.

Dock regulations

The June 26 creation of the overlay district incorporated proposals made by the Lake Austin Task Force, a 17-member commission created in 2012. The group, led by Chairwoman Linda Guerrero, drafted recommendations for boat dock and shoreline development regulations.

The overlay district also focused on curtailing illegal shoreline development, particularly dock construction and modification, said Charles Lesniak, program manager for the Austin Watershed Protection and Development Review Department.

The new rules relieve homeowners of their requirement to produce a permit to show a pre-1984 dock was legally built and has not been modified, he said. However, pre-1984 dock owners must still show proof that their dock existed in its current form before 1984 by using surveys, aerial photographs of the site or some other means, he said. If the pre-1984 dock was modified without a permit and the owner wants to remodel it, he or she must update the dock to comply with the current standards, he said. The dock owner would not lose his or her dock—just the illegal portion of it, he said.

City staff can produce dock permits dating back to 1984 but possibly not before that year, Lesniak said.

Eric Moreland, a member of the LATF, said the grandfathering regulation—requiring a homeowner to prove a pre-1984 dock was not modified in the years since it was built—is arduous. He said a recent buyer must look back 30, 40 or 50 years to see if his or her dock has been modified.

Other changes include prohibiting enclosed structures on a boat dock, Lesniak said.

Lake Austin Zoning Glossary

A zoning district establishes regulations governing the use and development on a tract.

- **DR, Development Reserve:** intended for a temporary or non specific use
- **LA, Lake Austin Residence:** intended to protect benefits of Lake Austin; restricts development
- **RR, Rural Residential:** intended for low density residential use; for lots more than 1 acre
- **SF, Single Family:** intended for residential use

City staff says no trams permitted

Waterfront trams are not permitted in developments along the Lake Austin shoreline, said Charles Lesniak, program manager for the Austin Watershed Protection and Development Review Department, during the June 26 city council meeting.

He said current code only allows pedestrian access along the waterway. Staff interpreted the ordinance to include only non-mechanized access—a staircase or switchbacks that diagonally traverse a hillside shore property, he said.

Compared with a tram, a set of stairs or switchbacks attached to a cliff face would not create erosion, Lesniak said.

Councilman Mike Martinez said he was concerned about the prohibition of trams for shoreline properties.

“I couldn’t envision traversing switchbacks if I’m carrying equipment or trying to get things up or down from the actual water level to the property level,” Martinez said.

He asked Lesniak if the shoreline prohibition against trams would apply to the elderly or mobility-impaired.

Lesniak said hardship applicants would be included in the prohibition but could seek a variance for a tram from the city’s board of adjustment.

Tags

[Lake Travis](#) | [Westlake](#) [August 2014](#)[Lake Austin](#)[zoning](#)[Austin City Council](#)

by [Leslee Bassman](#)

August 13, 2014

Comments (1)

Comment Feed

City of Austin Jacks up Permits

As a follow on to these changes, the CoA decided to increasr the permit fees for the docks by 8X. Our application fee just filed was \$4,200 just for our dock building permit. Last year when we look into this the same fee was ~\$500. CoA is out of control and needs to be investigated

Mad Lake Austin Homeowner 115 days ago | reply

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☐ Poll Header

What type of art are you most interested in?

- ☐ Paintings and drawings
- ☐ Photography
- ☐ Sculpture and design
- ☐ Performance, such as dance and theater
- ☐ None
- ☐ Other:

Vote

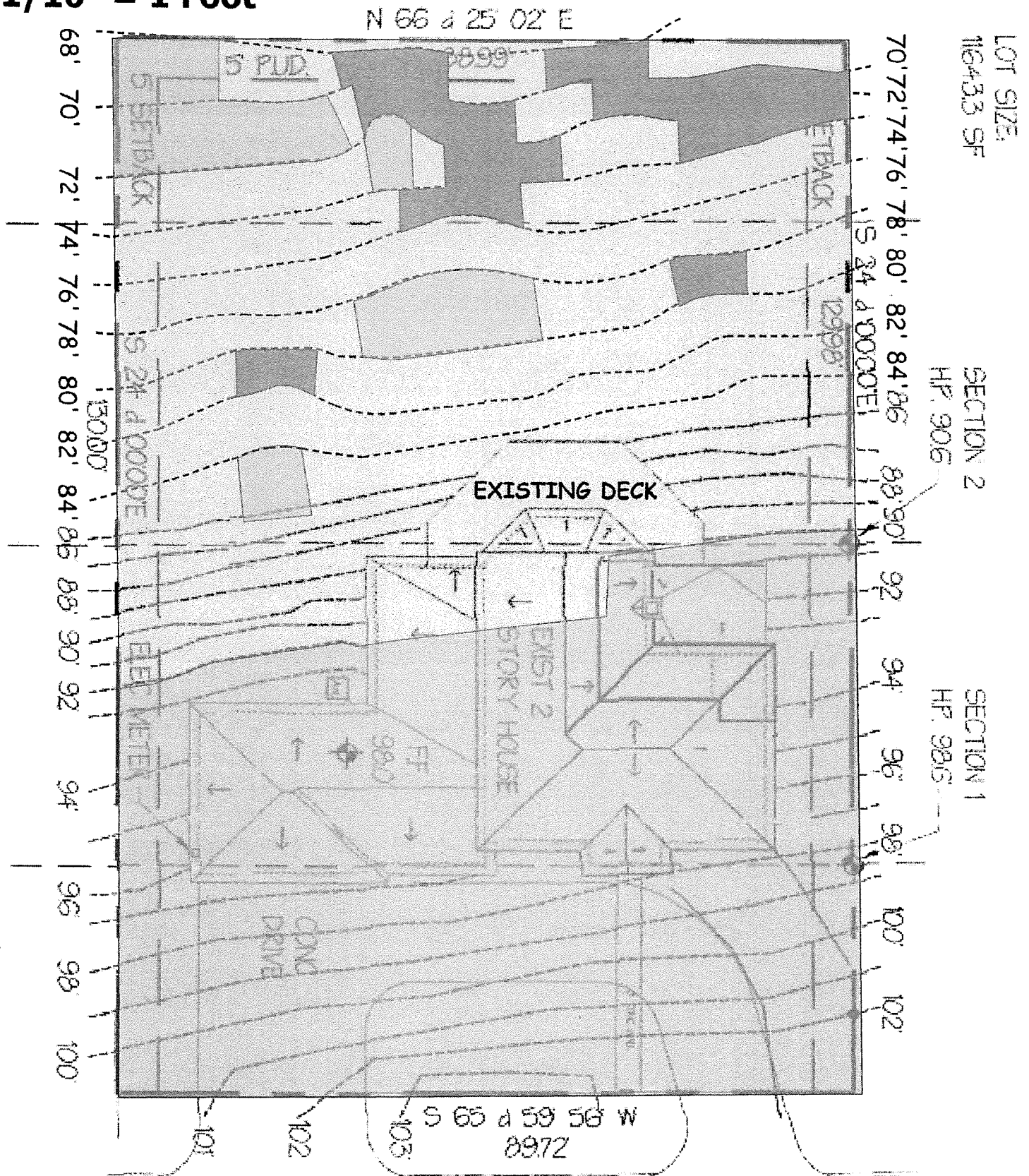
[View Results](#) [Poll daddy.com](#)

☐ 2-impacts-local

4708 Colorado Crossing - Existing Slope Plan

SCALE:

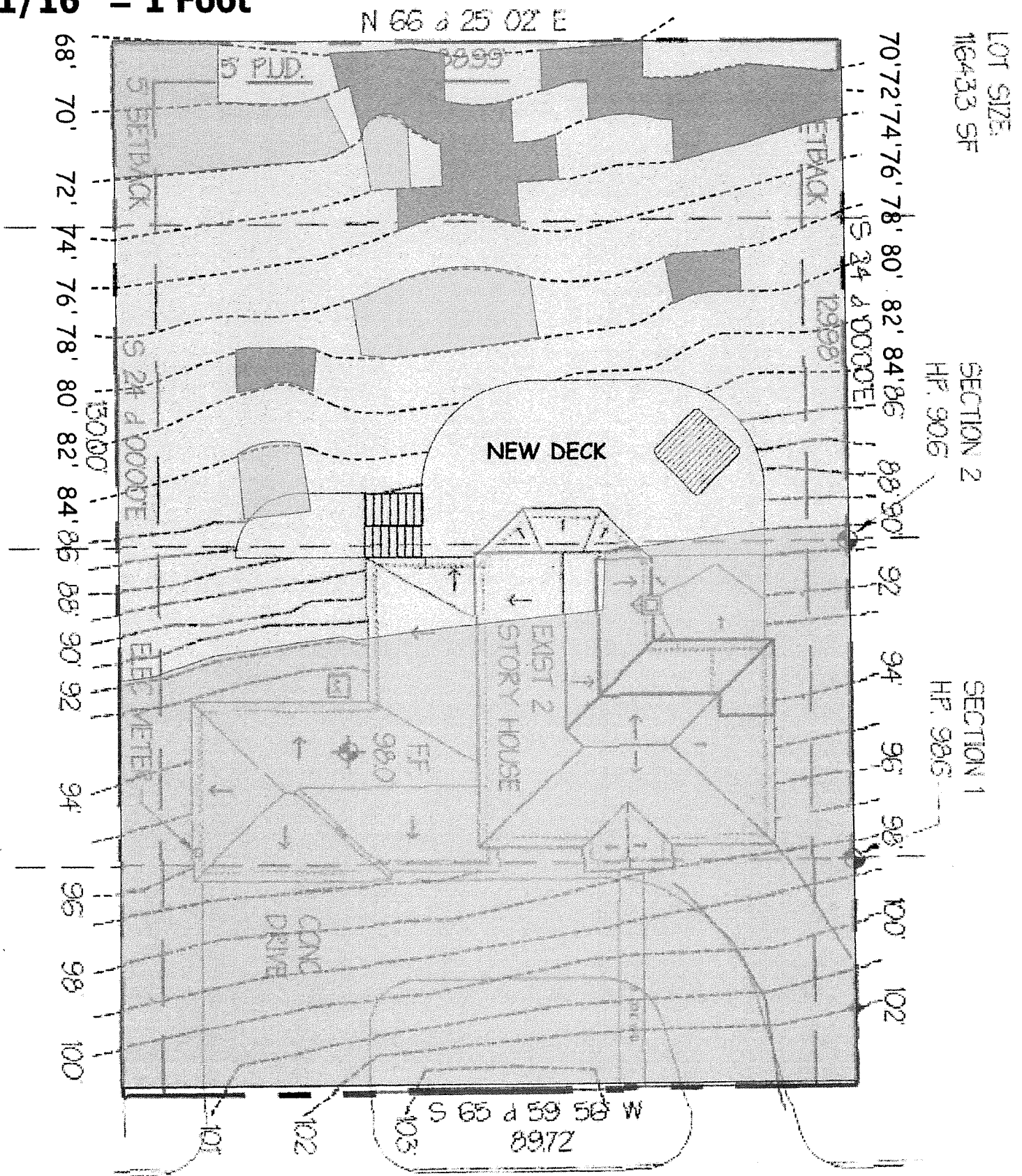
1/16" = 1 Foot



4708 Colorado Crossing -Proposed Slope Plan

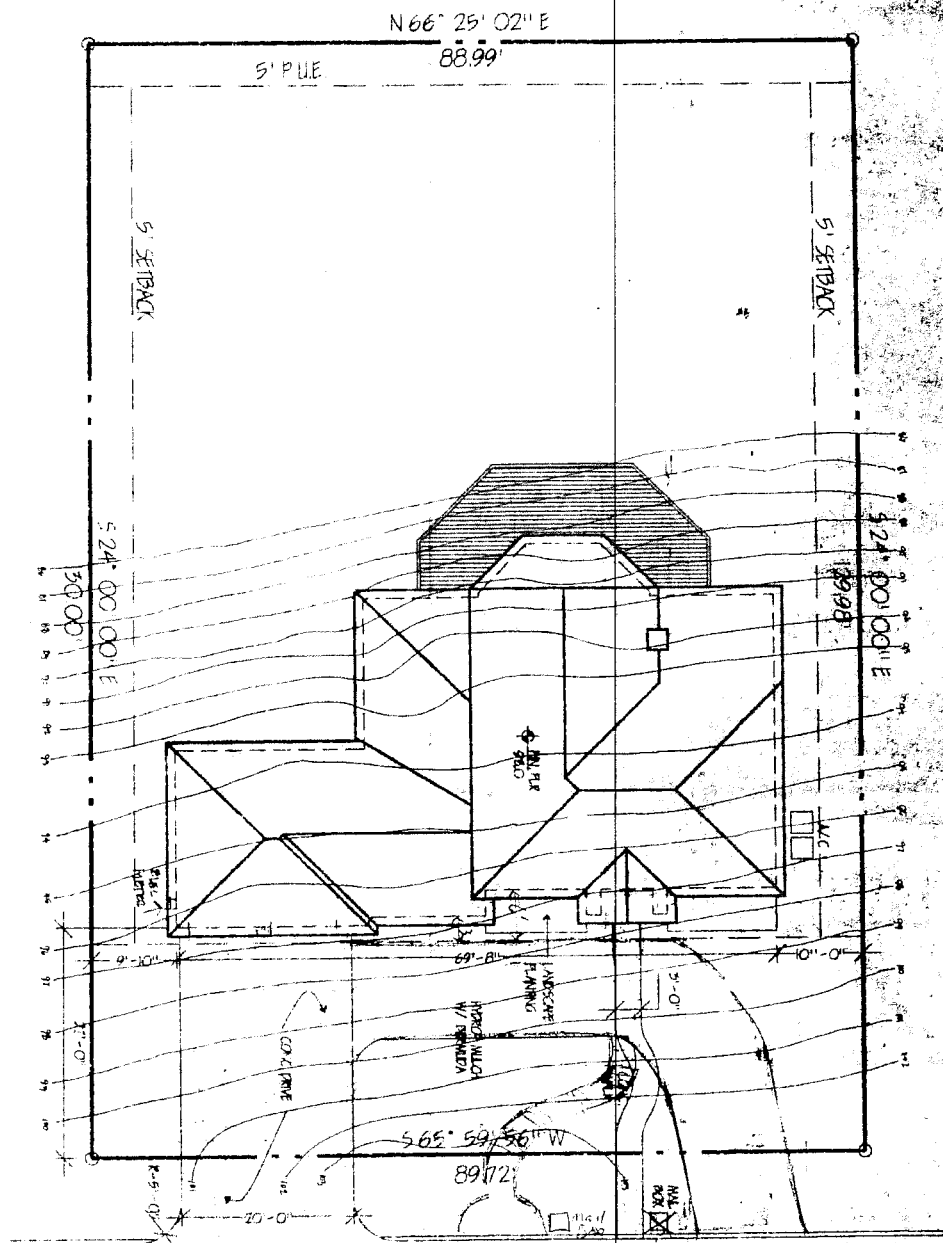
SCALE:

1/16" = 1 Foot



$$\begin{array}{r} 144 \times 10^3 \\ 144 \times 10^3 \\ \hline 288 \times 10^3 \end{array}$$

DATE: 10/10/1910



4703 COLONADO CROZING

10/18/93 REVISED

#506
25

Keith and Bonnie
MC CLENDON RESIDENCE
4708 Colorado Crossing
Austin 78731

THOMAS TRUTNA
ARCHITECT
12 Lone Oak Trail Austin, Texas 78745
(512) 892-6325

CAPITAL  HOMES

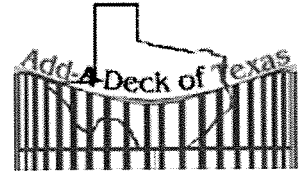
[Handwritten signature]

Cover Letter

4708 Colorado Crossing Variance

PREPARED BY: **Richard Weil**
Richard@AddADeckofTexas.com

DATE: MARCH 31, 2015



5204 Mount Bonnell Road
Austin, TX 78731
512-639-7806

City of Austin Board of Adjustment:

Requesting a variance for LDC section 25-2-551(C)(3):

For a lot included in a subdivision plat recorded before April 22, 1982,
or a tract that is not required to be platted, impervious cover may not exceed:

- (a) 35 percent, on a slope with a gradient of 15 percent or less;
- (b) 10 percent, on a slope with a gradient of more than 15 percent and not more than 35 percent;
- (c) 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent

REASONABLE USE:

1) The current zoning regulations do not allow for reasonable use because:

- We are seeking a variance to construct 600 additional square feet of decking and stairs to allow reasonable access to, enjoyment, and use of the homeowner's backyard and 5-acre Neighborhood Park. All surrounding neighbors currently enjoy the benefit of considerably large outdoor spaces, and stairs allowing access to their backyards and to the community greenspace.
- Current Lake Austin zoning regulations were created with one-acre lots or larger in mind. At ¼ acre, the Moore's property with average slopes of 22% is only allowed to have 854.77 square feet of total impervious coverage according to the LA district designation assigned. The house was permitted for construction in 1993 with SF-2 zoning and had 3,663 square feet of impervious coverage upon completion. Applying LA zoning to a property significantly less than 1 acre does not allow for reasonable use in this situation, preventing the construction of a modest deck addition.

HARDSHIP:

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

- The land is the steepest and smallest lot zoned LA of all surrounding neighbors.

2b) The hardship is not general to the area in which the property is located in that:

- The home currently has the smallest deck of all surrounding neighbors, preventing the homeowner's family from fully utilizing their outdoor space, or from accessing green space from their back yard. The next-door neighbor to the East is zoned SF-2 and has a large pool and outdoor stone patio. The other next-door neighbor to the West is zoned LA with a steep ¼-acre lot and yet they also have a large outdoor deck with stairs. The next neighbor closer to the lake (West) with LA zoning has 1,500 square feet of pool, patio and outdoor deck coverage.

AREA CHARACTER:

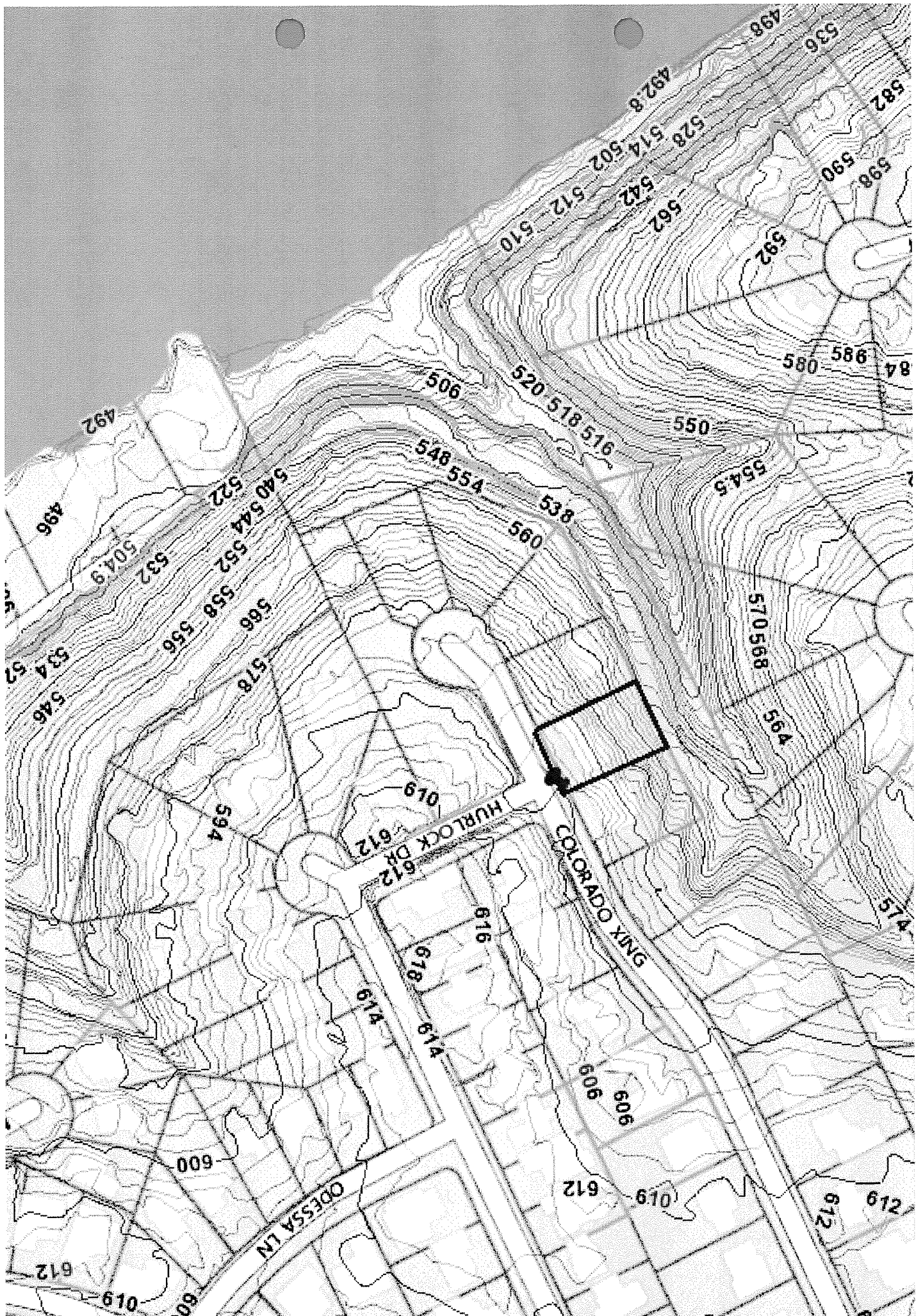
3) The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming, and will not impair the purpose of the regulations in this zoning district because:

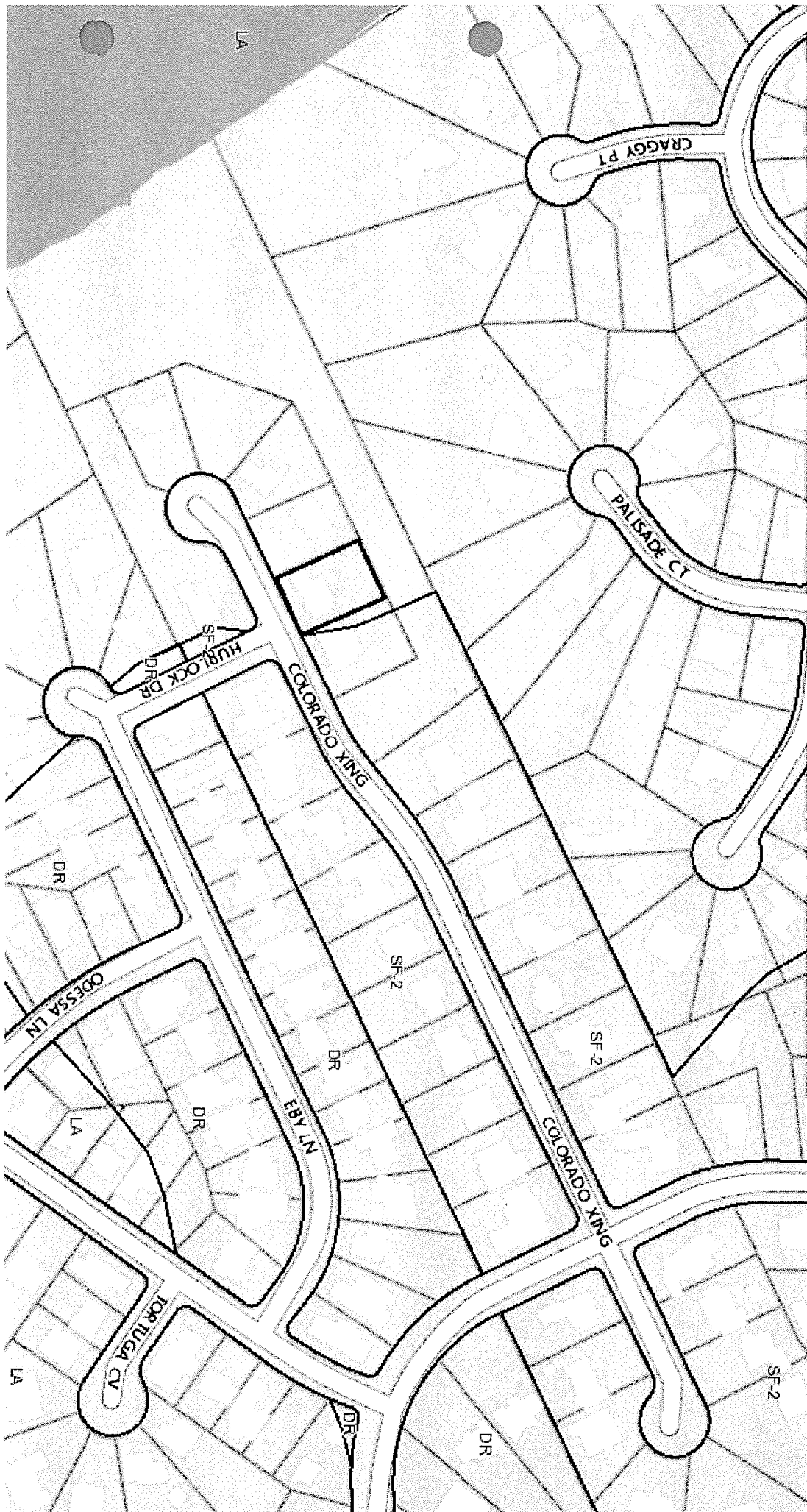
- The proposed deck and existing house will employ a 500-gallon rain collection system to capture water that currently washes downhill, thus preventing further erosion and poor water quality in and around Lake Austin.
- Surrounding properties are in support of the larger deck as well as the neighborhood HOA.

Section 7.09. Use of Common Area. The Common Area shall be used for recreational, social, access, utility easement and other purposes directly related to the private single family residential uses authorized hereunder.

No impervious cover shall be placed or located on Lot 44, Block "E" of MOUNT BONNELL SHORES SECTION TWO, EXCEPT the private road already existing and as shown on the Plat.

On Lot 8, Block "A", COLORADO CROSSING SECTION ONE, there shall be no structures other than private marina facilities for the exclusive use and benefit of the Owners, and, except for the permitted facilities, no impervious cover shall be placed on such Lot. It is the intent of the Declarant that, with the exception of the facilities herein permitted, Lot 8, Block "A" shall be and remain in a natural condition, PROVIDED HOWEVER, that this shall not restrict or prohibit the Declarant or the Association from planting grass, mowing and otherwise maintaining the tract in a park-like manner. Section 7.10. Animals.





TO: CITY OF AUSTIN VARIANCE BOARD
FROM: MT. BONNELL SHORES/COLORADO CROSSING HOA
RE: VARIANCE REQUEST FOR 4708 COLORADO CROSSING
DATE: FEBRUARY 12, 2014

We understand that Robin and Lorraine Moore have requested a variance from the City for the renovation of the existing deck and patio at their home located at 4708 Colorado Crossing. Mr. and Mrs. Moore are members in good-standing of the Mt. Bonnell Shores/Colorado Crossing Homeowners' Association (the "HOA").

In December 2014, Mr. and Mrs. Moore submitted the plans for their deck and patio to the Environmental Control Committee (the "ECC") of the HOA for approval, in accordance with the rules governing improvements to property within the HOA.

The ECC approved their plans without reservation. The HOA Board supports the Moore's request for a variance and encourages the City to approve it.

Sincerely,

John Savage
President
MBSCCHOA


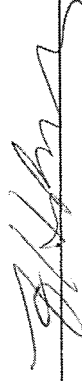


I, Robin Moore, am applying for a variance from the Board of Adjustment regarding Section 25-2-551 of the Land Development Code. The variance would allow me the ability to Rebuild our outdoor deck with stairs into the backyard

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

| Property Owner Name (Printed) | Address | Signature |
|----------------------------------|--------------------|----------------|
| Bess & Clay Carsner | 4705 Colorado Xing | E Carsner |
| Davis & Beth Grimm | 4703 Colorado Xing | B Grimm |
| Pat & Dale Woodman | 4611 Colorado Xing | Pat M. Wood |
| Chris & Katie Ogden | 4711 Colorado Xing | Katie Ogden |
| Donna | 4710 Colorado Xing | Donna |
| Cesare Prosser | 4716 Colorado Xing | Cesare Prosser |
| Aileen & Bill Ceepley | 4706 Colorado Xing | A Ceepley |

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

| Property Owner Name (Printed) | Address | Signature |
|----------------------------------|-------------------|---|
| Heather Munro | 4707 Colorado Ave |  |
| TODD BISHOP | 4712 COLORADO AVE |  |
| | | |
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