



SUBJECT TRACT

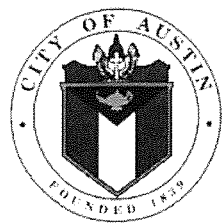


PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0086
Address: 1806 SKI SLOPE



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.

Revised

CASE# _____
ROW# _____
TAX# _____

**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: 1806 ski slope

LEGAL DESCRIPTION: Subdivision – Aqua monte Lot(s) 4 Block A Outlot

I/We David Cancialosi on behalf of myself/ourselves as
authorized agent for Mark Collier affirm that on April 16, 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 _____ REMODEL _____
MAINTAIN

Erect single family residence and parking area in LA zoned lot.

1) Setbacks

Allow 0' front setback for elevated parking pad, concrete steps, and elevated walk way.

Allow 5' side setback for elevated parking pad.

Allow 7' side setback for the primary structure's east side.

Allow 5' side setback for the primary structure's west side.

The above improvements are requesting variance from LDC sec 24-2-492-D Development Regulations

2) Impervious Cover

Allow 56.3% IC in the 0-15% slope

Allow 75.4% IC in the 15-25% slope

Allow 33.3% IC in the 25-35% slope

Allow 24.6% IC in the 35+% slope

The above improvements are requesting variances from 25-2-551

in a LA district.
(zoning district)

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 legally platted lot was approved by Travis County in 1965. The lot is 3,800 SF. The city annexed the lot into limited purpose in 1982 and applied A or AA zoning, creating a non-conforming lot. The city then applied LA zoning to the site and furthered the degree of non-compliance with LA performance standards. The Lake Austin zoning performance standards requires 1 acre lot size, 100' lot width, and imposes substantial impervious cover restrictions - none of which the lot could comply with at that time nor now.

The owner is proposing to build a small ~1,400 SF 2 story single family residence with minimally invasive foundation techniques. The residence will have a ~750 SF footprint. The required off-street parking will be supplied via an elevated parking pad that has elevated walkway attaching it to the residence.

The access to the residence is limited due to the extreme slope of the lot. The parking is proposed at street level via the elevated parking pad structure. Access from the off-street parking will be via the uncovered walkway to the primary residence. The residence will have a lower level deck and stair providing access to the rear portion of the yard and Lake area. Please reference exhibits A-D in your packet for various site plan and elevation information.

If the variances are approved, the owner will install rain water collection system and revegetate the area under the improvements in order to slow and capture any run off created by the development. The net result will be a better capture system than is currently in place on the vacant lot, which has zero drainage controls in place.

The overall residential development plan is in keeping with reasonable expectation for a lot that has been legally recognized by the city and zoned accordingly. Thus the owner requests the board of adjustment approve the requests listed in this application as they are the minimum variances necessary to reasonably use the lot.

HARDSHIP:

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

The lot is a very small lot by any standard. It is also very steep. When the LA zoning setback standards are applied to this lot, it leaves an approximate 900 SF area of improvement space.

Within that 900 SF area, development must further comply with 3 separate slope categories which only allow limited impervious cover within each of the 3 buildable categories (between 0-35% slope). These very limited allowances are further demonstrated on Exhibit D in your packet. Thus the lot is extremely restricted.

The current LA zoning IC requirements allow a total of 136 SF of impervious cover on the entire lot. This is demonstrated on exhibit D. When the additional OSSF requirements are applied, the allowable IC is reduced to 94 SF, or 2.4% of the lot area. Also demonstrated on exhibit D.

In consideration of the existing topography combined with the proposed site aesthetics, the owner is proposing to align the residence with the parking platform. This creates the need for the side yard variances. The location of the supporting infrastructure for the elevated stairs and parking platform is being driven by the septic tank location and existing stone retaining wall. The owner asks that the board allow minimal encroachment into the side setback to allow a longer, wider residence. The net buildable footprint referenced above (900 SF) is sandwiched between the 25' shoreline setback and the OSSF 50' setback OSSF drainage field setback, then between the two 10' side yard setbacks on either side. All on a ~50' wide lot.

The City knowingly created a nonconforming lot when it applied LA zoning to the site in the mid 1980's. In fact the nonconformance is a full 40,000 SF shy of the base lot size requirement of 43,560 Sf.

More recently, the Austin Water Utility has issued an approved OSSF permit for the site by recognizing the legal lot and allowing up to 1,480 SF residence. The OSSF regulations apply separate setback regulations and the current design adheres to those requirements.

The City also recently approved a boat dock permit for this site.

So the City has recognized the site as a useable lot by annexing it, applying 2 forms of zoning, and issuing permits for a boat dock and OSSF design.

The owner has sought and been denied vested rights for this lot. The owner chooses to not appeal the erroneous decision by PDRD, but rather to seek variance as a form of relief in order to avoid a difficult and broken vested rights process. The city has issued over 100 different permits to other sites on Ski Slope between 1981 and 2014 to allow new residences, remodels, boat docks, and other trade related improvements. Failing to approve this request to develop a vacant lot similar to adjacent properties would place undue hardship on the property owner.

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

There are no other know vacant lots with this issue in the immediate area. On the same street, however, there are several homes that have been developed via administrative approval from the city of Austin.

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 project is a small residential project that proposes the least amount of impact on the lot. The owner proposes a complex French drain system to capture run off and limit any further erosion.

There are several similar styled, but larger homes on Ski Slope. The proposed ~1400 SF house has a ~750 SF footprint. Further, only supporting beams will be touching the ground. The pier and beam construction only proposes <300 SF of impervious cover actually touching the ground.

However, because the applicable regulations are interpreted to mean that any roof or other structure is considered impervious cover, the owner needs to request the variances to build what is believed to be the least intrusive structure as possible.

The net result of the proposed development is a 3000 SF lot with approximately 35% IC. That is in keeping with the applicable LA watershed IC limitations and we feel meets the overall intent of both the watershed and zoning ordinances.

Thus, there is no expected impairment of adjacent uses nor the purpose of the zoning regulations.

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 Cancialosi Mail Address 105 w. Riverside #225

City, State & Zip Austin Texas 78704

Printed David Cancialosi Phone 512-799-2401 April 16, 2015

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

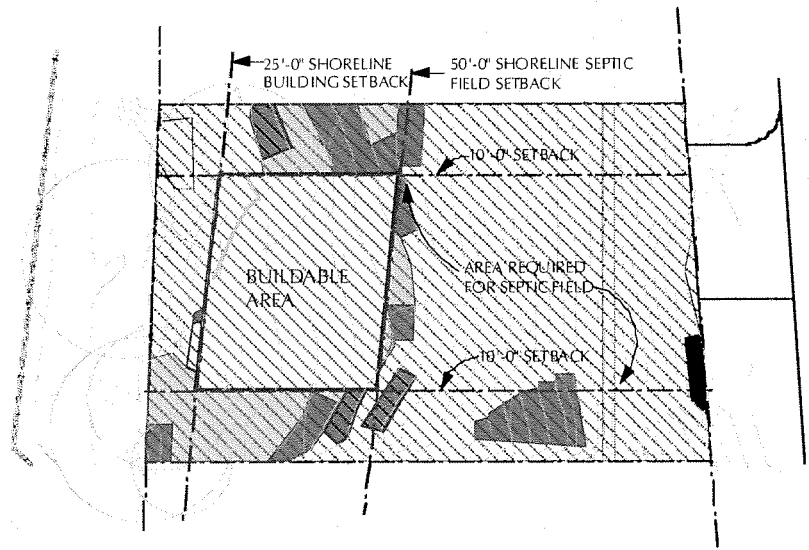
Signed Mark Collier

Printed Mark Collier Date April 16, 2015





Site Plan
SCALE: 1"=20'-0"

CHRIS LEWIS
 ARCHITECTS

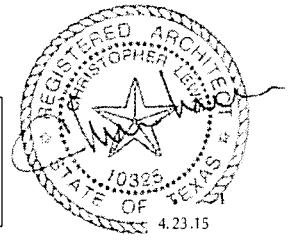
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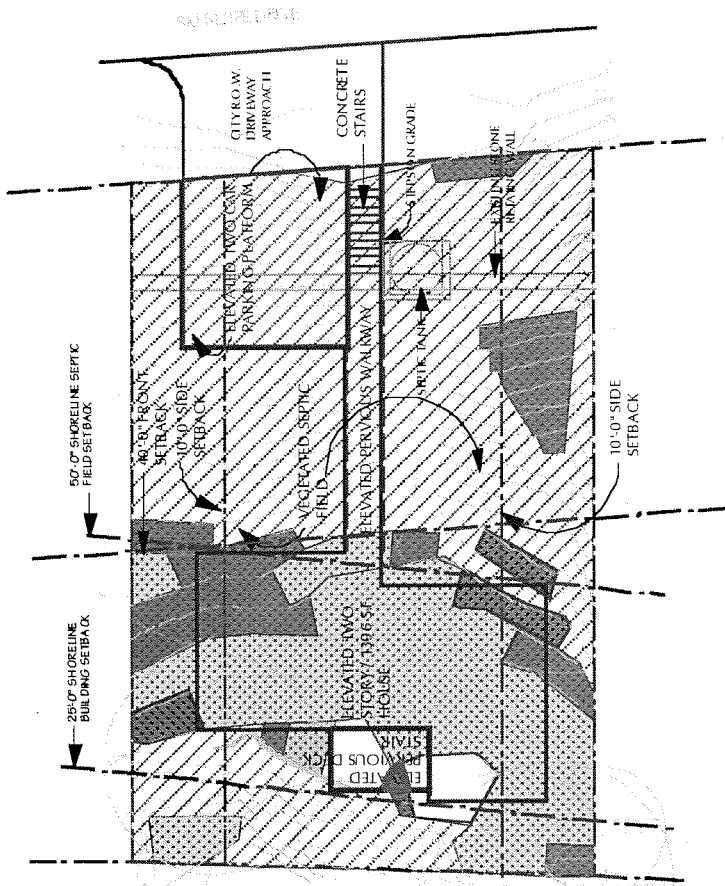
BUILDING AREA IMPERVIOUS COVER ALLOWABLE

	0%-15% 91 S.F. X 35% = 32 S.F.
	15%-25% 569 S.F. X 10% = 57 S.F.
	25%-35% 97 S.F. X 5% = 5 S.F.
	35%+ 0 S.F.

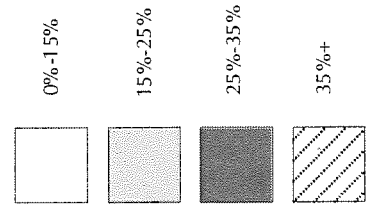
94 S.F. TOTAL ALLOWABLE IMPERVIOUS COVER AFTER SETBACK, SEPTIC, AND SLOPE RESTRICTIONS ARE APPLIED.



1 Site Plan
SCALE: 1"=20'-0"



SLOPE LEGEND



SITE ALLOWABLE IMPERVIOUS COVER (N.I.C. SHORELINE SETBACK)

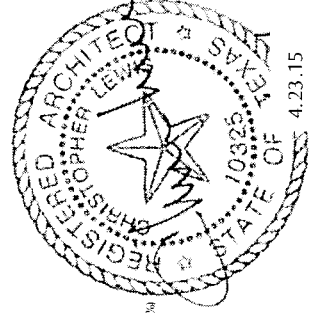
0%-15%	102.3 SF / 35% ALLOWABLE	35.8 SF / 0.97% TOTAL LOT AREA
15%-25%	77.6 SF / 10% ALLOWABLE	77.6 SF / 2.01% TOTAL LOT AREA
25%-35%	45.1 SF / 5% ALLOWABLE	22.6 SF / 0.9% TOTAL LOT AREA
35%+	2097.2 SF / 0% ALLOWABLE	0 SF
TOTAL	3428.5 SF	136.1 SF / 3.56% TOTAL LOT AREA

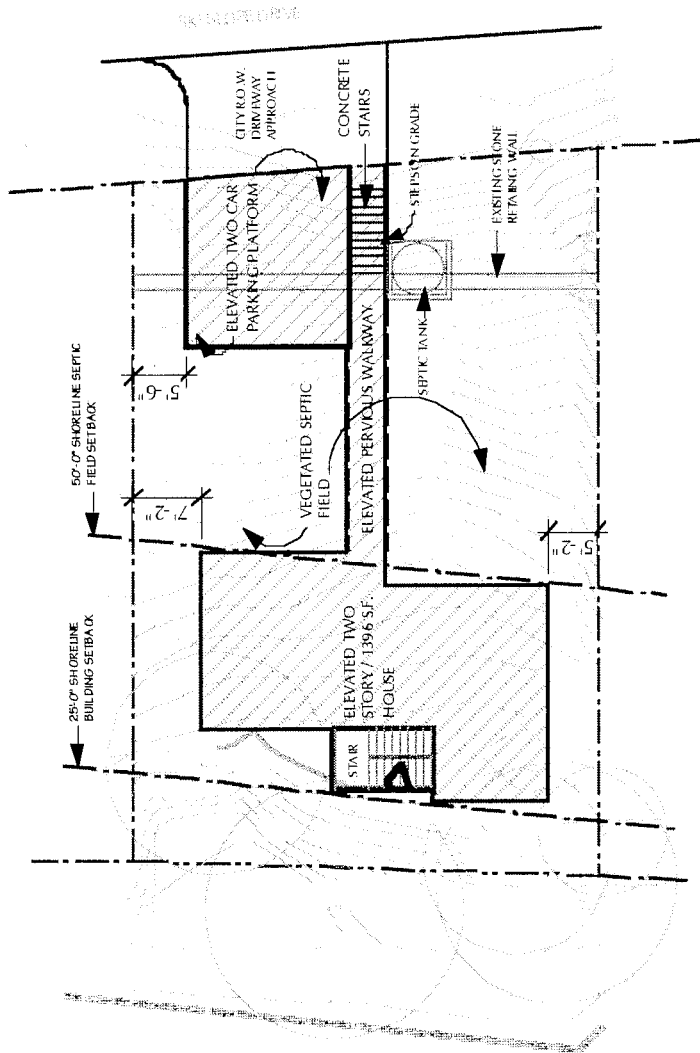
PROPOSED IMPERVIOUS COVER

0%-15%	57.6 SF / 1.51% LOT AREA
15%-25%	506.1 SF / 13.14% LOT AREA
25%-35%	190.1 SF / 4.91% LOT AREA
35%+	516.5 SF / 13.2% LOT AREA
TOTAL	1300.5 SF / 34.3% LOT AREA

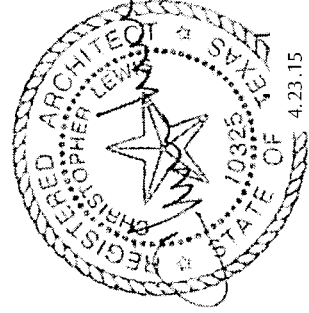
IMPERVIOUS COVER ANALYSIS

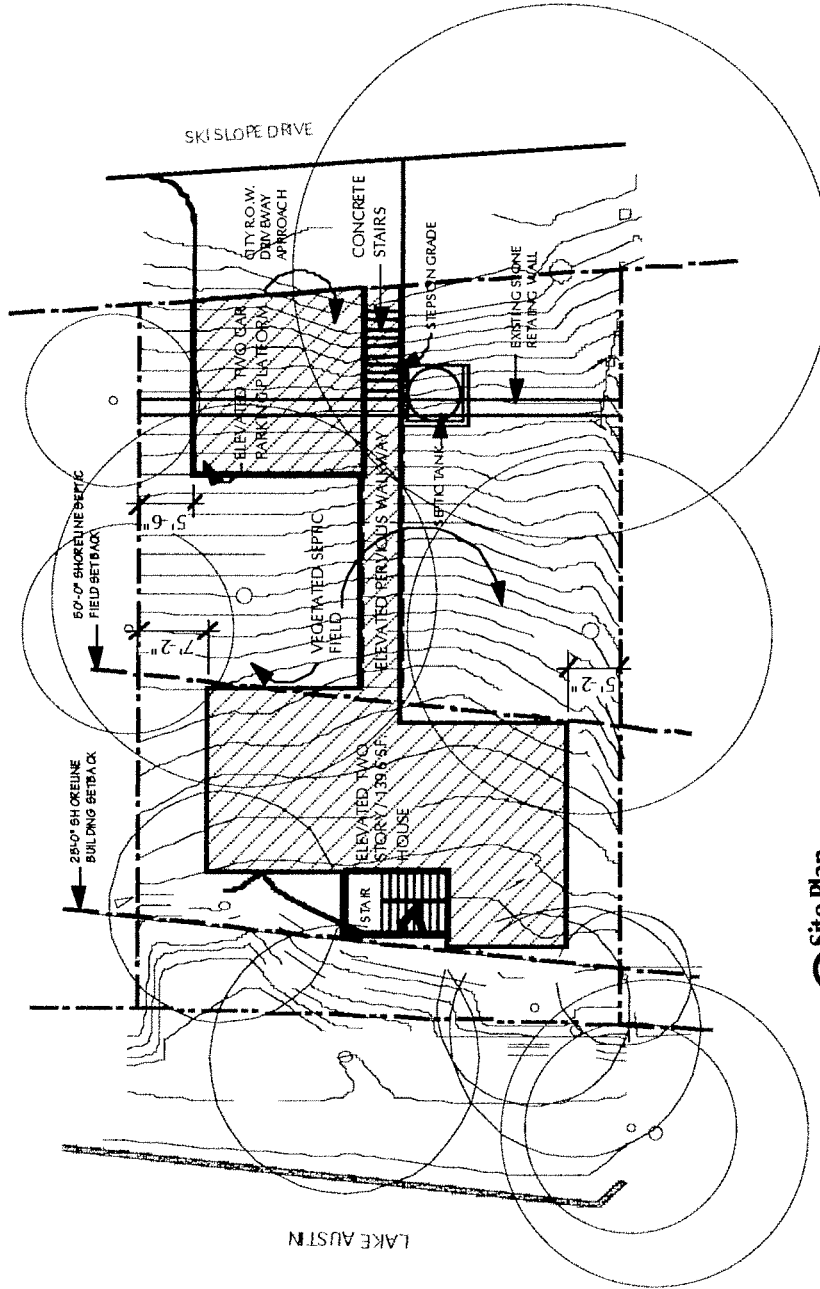
HOUSE FOOTPRINT	747.7 SF
PARKING	336.5 SF
REARWOOD DECKS (14' X 5' + 16.5' X 5')	35.5 SF
STAIRLANDING	9.5 SF
STEPS	34.5 SF
EXISTING RETAINING WALL	53.5 SF
SEPTIC TANK RETAINING WALL	10.5 SF
ELEVATED WOOD WALKWAY (14' X 5' + 73.5' X 5')	73.5 SF
TOTAL	1310.5 SF (34.3%)
TOTAL LOT AREA	1600 SF



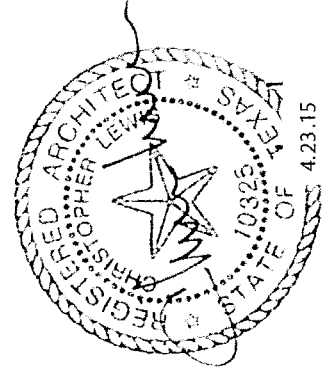


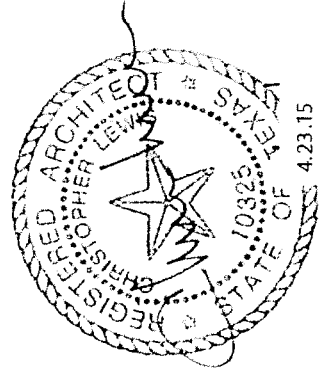
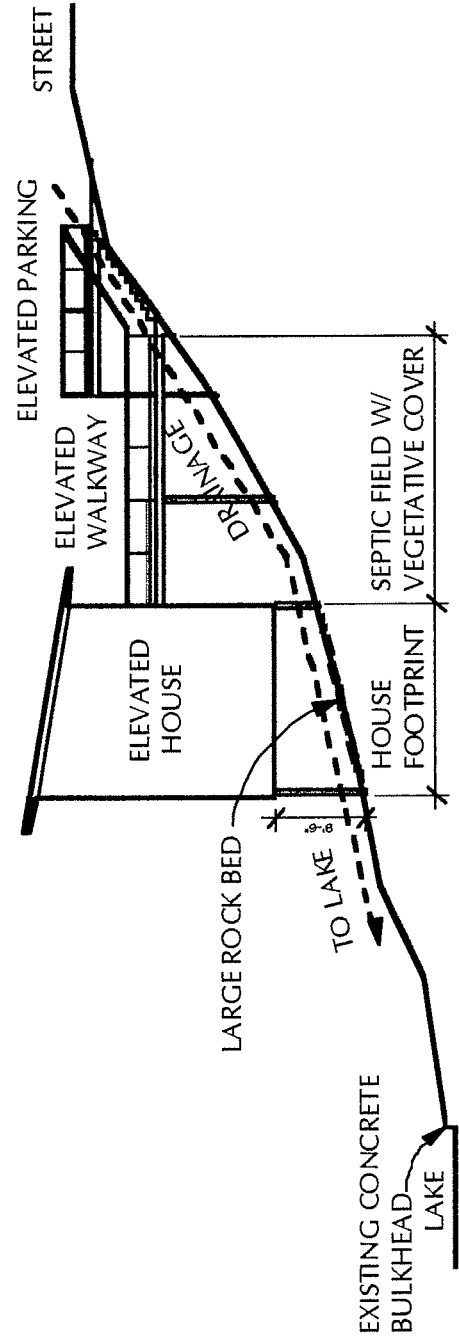
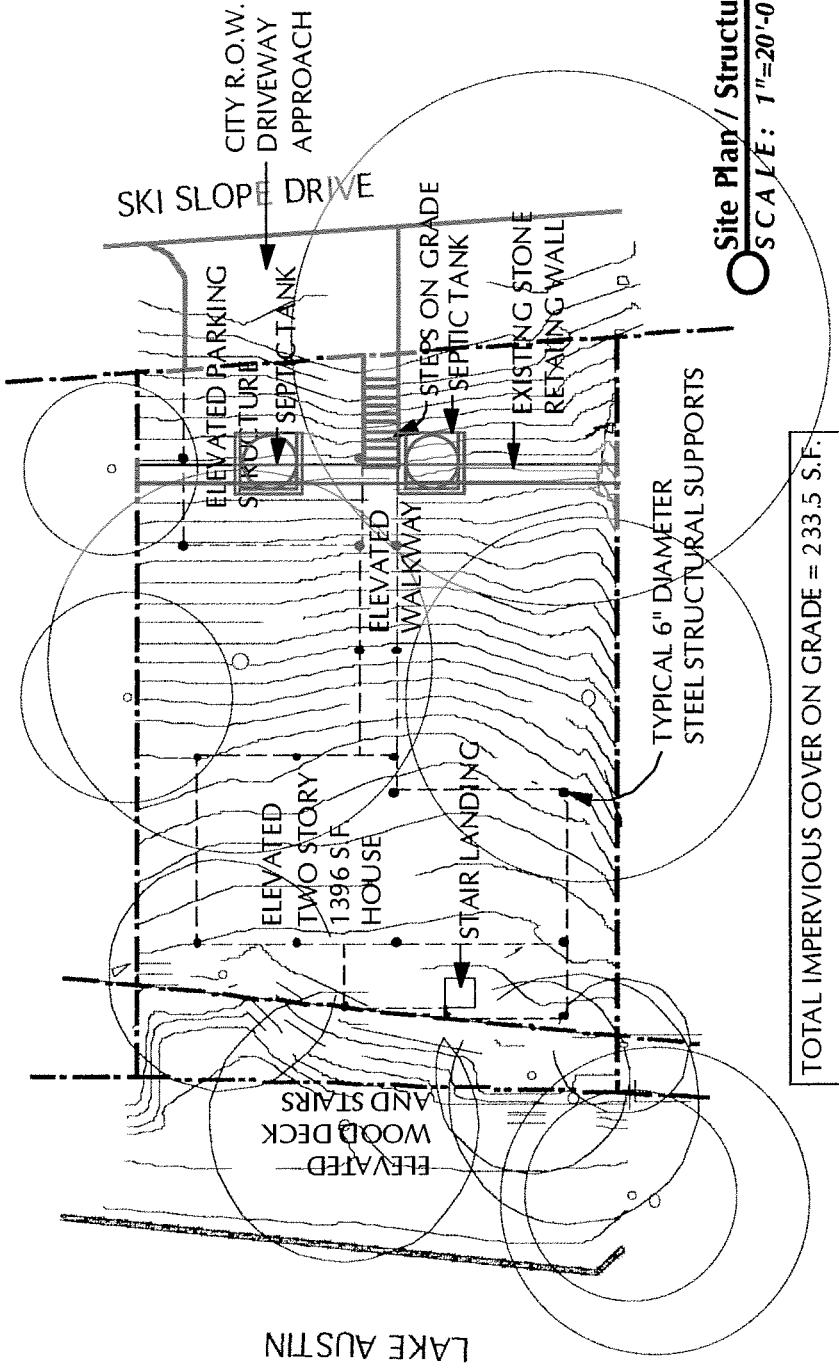
1 Site Plan
SCALE: 1"=20'-0"



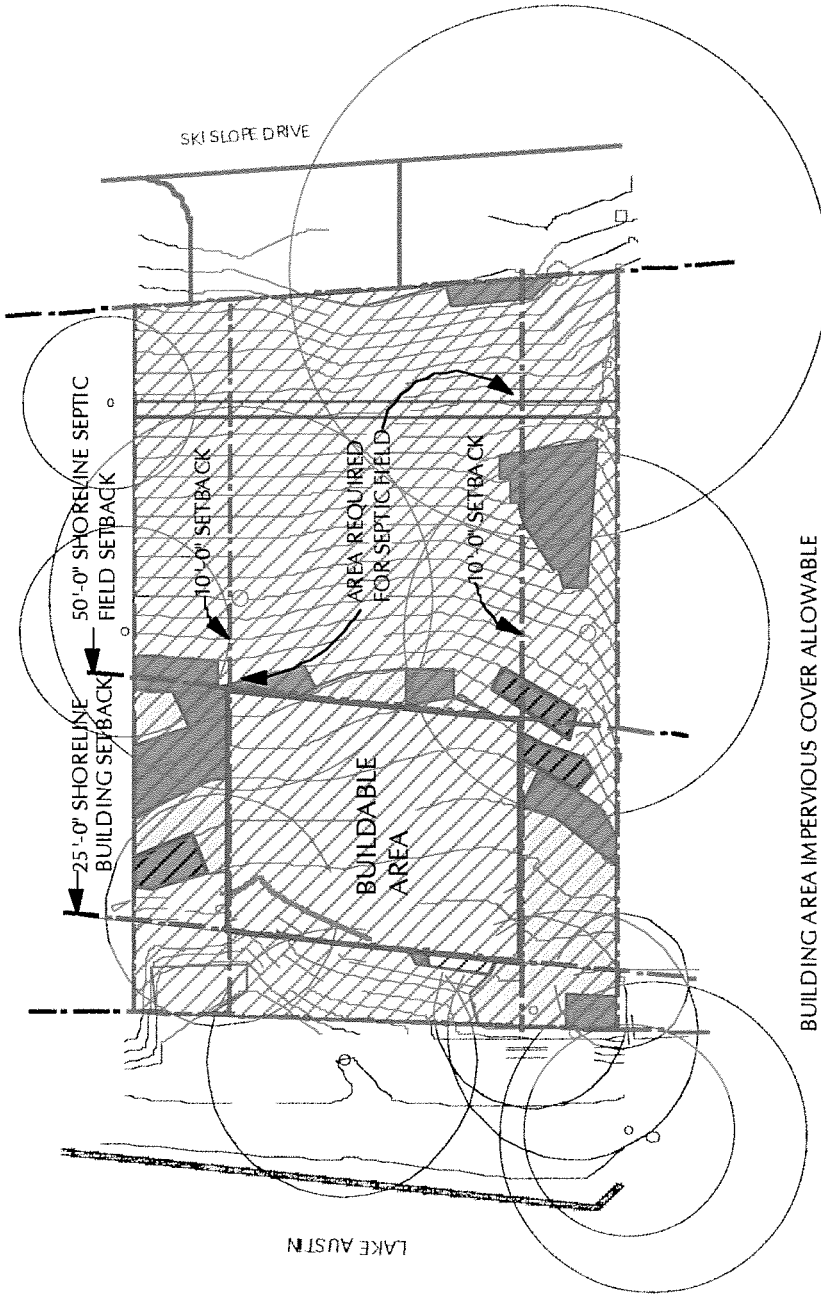


1 Site Plan
SCALE: 1"=20'-0"





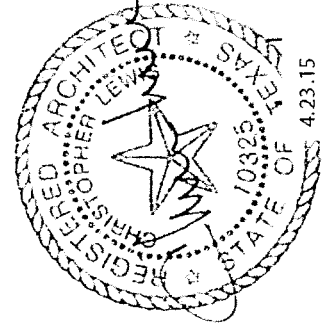
Site Plan
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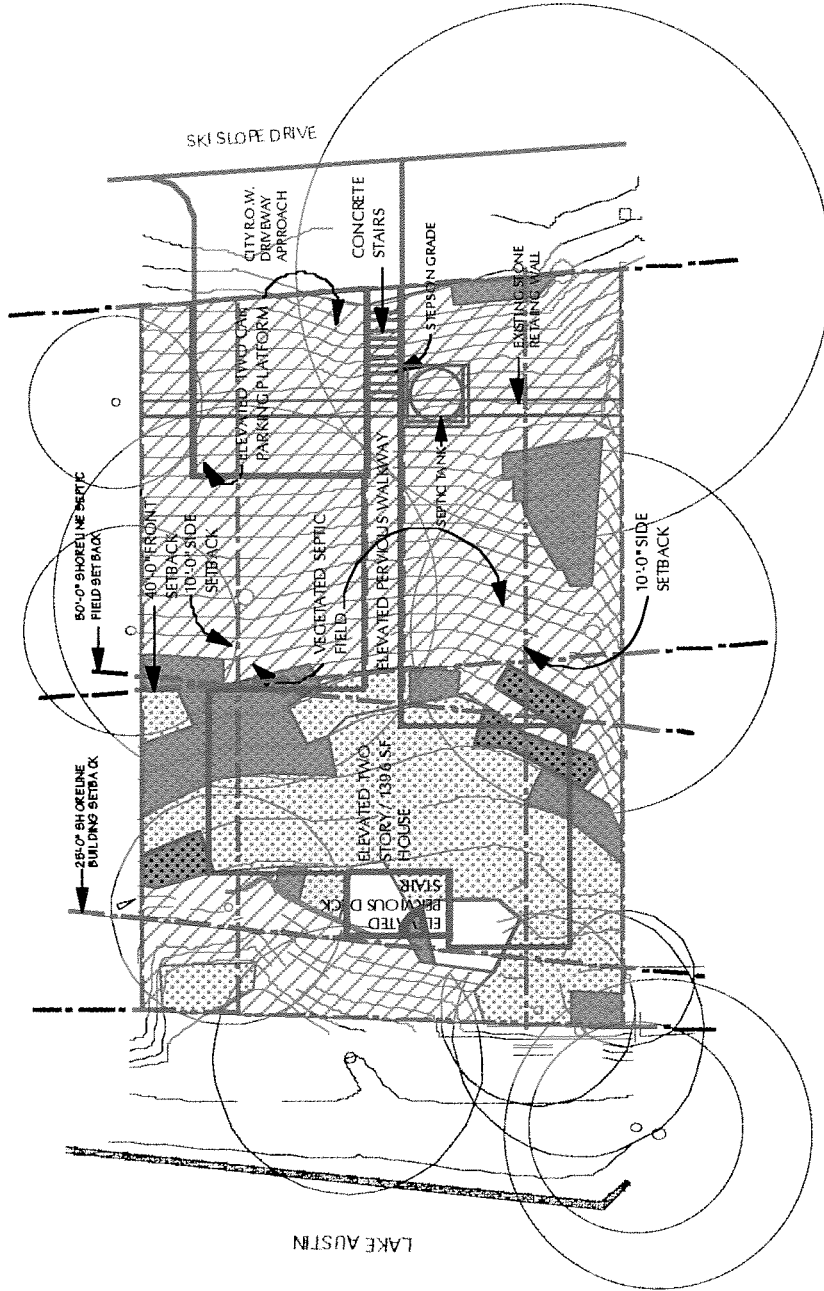
BUILDING AREA IMPERVIOUS COVER ALLOWABLE

	0%-15%	91 S.F. X 35% = 32 S.F.
	15%-25%	569 S.F. X 10% = 57 S.F.
	25%-35%	97 S.F. X 5% = 5 S.F.
	35%+ 0 S.F.	

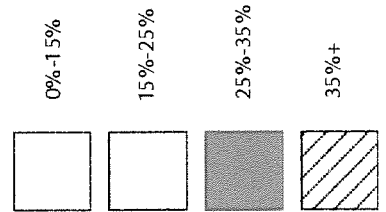
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COVER AFTER SETBACK, SEPTIC, AND
SLOPE RESTRICTIONS ARE APPLIED.



1 Site Plan
SCALE: 1"=20'-0"



SLOPE LEGEND



SITE ALLOWABLE IMPERVIOUS COVER (N.I.C. SHORELINE SETBACK)

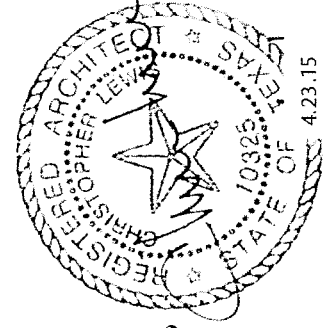
0%-15%	102.3 S.F. X 35% ALLOWABLE=	35.8 S.F.
15%-25%	776.7 S.F. X 10% ALLOWABLE=	77.7 S.F.
25%-35%	451.3 S.F. X 5% ALLOWABLE=	22.6 S.F.
35%+	2097.7 S.F. X 0% ALLOWABLE=	0 S.F.
TOTAL	3428 S.F.	136.1 S.F. / 3.9% LOT AREA

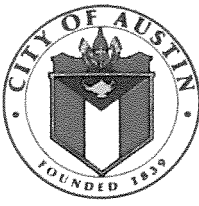
PROPOSED IMPERVIOUS COVER

0%-15%	57.6 S.F. / 56.3% OF TOTAL 0-15% AREA
15%-25%	586.1 S.F. / 75.4% OF TOTAL 15-25% AREA
25%-35%	150.3 S.F. / 33.3% OF TOTAL 25-35% AREA
35%+	516.5 S.F. / 24.6% OF 35%+ AREA
TOTAL	1310.5 S.F.

IMPERVIOUS COVER ANALYSIS

HOUSE FOOTPRINT	747.7 S.F.
PARKING	336 S.F.
REAR WOOD DECK STAR (76 S.F. X .5 = 38.5 S.F.)	35 S.F.
STARLANDING	9 S.F.
STEPS	34 S.F.
EXISTING RETAINING WALL	53 S.F.
SEPTIC TANK RETAINING WALL	10.5 S.F.
ELEVATED WOOD WALKWAY (147 S.F. X .5 = 73.5 S.F.)	73.5 S.F.
TOTAL	1310.5 S.F. (4.3%)
TOTAL LOT AREA	3820 S.F.





AUSTIN WATER UTILITY
Utility Development Services Division
625 East 10th Street
Austin, Texas 78701
(512) 972-0050 fax: (512) 972-0251



PERMIT TO CONSTRUCT AN ON-SITE SEWAGE FACILITY

ISSUED DATE: December 17, 2014

UNIQUE #: 23826859

SITE ADDRESS: 1806 Ski Slope Drive, Austin, Texas 78733

LEGAL DESCRIPTION: Lot 4, Block A, Aqua Monte Subdivision

OWNER'S NAME: Mark Collier

LAKE PROPERTY (YES/NO): YES

WATER SOURCE: Travis County WCID #18

TYPE OF STRUCTURE: Single Family Residence

SIZE: 2 bedrooms/ 1,487 sq. ft. / 180 gpd

FACILITY SPECIFICATIONS

1. One 1,000-gallon double compartment precast concrete Hill Country Concrete Products septic tank with a MicroFAST 0.50 nitrogen reduction treatment unit.
2. One 540-gallon single compartment polyethylene Infiltrator IM-540 pump tank with a Sta-Rite model 10DOM05121 ½ HP effluent pump.
3. One D.I.R. liquid chlorinator model NG300 V200.
4. One 100-micron Netafim SF series disk filter.
5. One ETI model 217 controller.
6. One drip irrigation field with a total of 900 square feet of application area (total 450 linear feet of Netafim Bioline 0.42 GPH drip emitter tubing).

INITIAL TWO-YEAR SERVICE POLICY REQUIRED (YES/NO): YES

DESIGNER: Peter J. Chang, P.E.

AUTHORIZATION IS HEREBY GIVEN TO CONSTRUCT AN ON-SITE SEWAGE FACILITY ON THE ABOVE DESCRIBED PROPERTY IN ACCORDANCE WITH THE ATTACHED DESIGNED PLAN WHICH IS APPROVED BY THE AUSTIN WATER UTILITY ON THIS DATE WITH THE SPECIFICATIONS DESCRIBED ABOVE.

THIS PERMIT MUST BE POSTED ON THE SITE

SPECIAL REQUIREMENTS

1. **Construct per designer's plan and the Austin Water Utility's approval letter. If construction cannot proceed exactly as specified by approved plan and the Austin Water Utility's approval letter, stop construction and have the designer submit a revised plan to the Austin Water Utility for review and approval.**
2. This property may be located within the habitat boundaries of an endangered species. Issuance of this permit to construct an on-site sewage facility does not assure compliance with the Endangered Species Act. For information, please call the Travis County Transportation and Natural Resources Department, (512) 854-9383.
3. The issuance of this permit is not a verification that this tract of land has been subdivided in accordance with the laws and regulations governing subdivision of land. It is also not, therefore, a guarantee of future provision of other utility services to this tract of land.
4. Landscaping and vegetation of drainfield must be complete before a license to operate will be issued.
5. ALL INSTALLATION WORK IN THE STATE OF TEXAS MUST BE PERFORMED BY AN INSTALLER LICENSED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

NOTE: This on-site sewage facility must meet all of the requirements of the City of Austin Ordinance No. 20131003-97, including setback distances. If unforeseen and/or adverse conditions are encountered (including but not limited to excessive rock, seepage, or high water table), stop construction and contact the Austin Water Utility. A revised construction permit may be issued. **THIS PERMIT TO CONSTRUCT SHALL EXPIRE ONE YEAR FROM THE ORIGINAL ISSUED DATE. DO NOT START THE OSSF CONSTRUCTION BEFORE OBTAINING BUILDING PERMIT APPROVAL (IF APPLICABLE). THE AUSTIN WATER UTILITY SHALL NOT PERFORM ANY INSPECTION OF THE OSSF UNTIL BUILDING PERMIT APPROVAL HAS BEEN OBTAINED.**

APPROVED: Katherine Gashinski, P.E., OS0029912

DATE: 12/17/2014



AUSTIN WATER UTILITY
Utility Development Services Division
625 East 10th Street
Austin, Texas 78701
(512) 972-0050 fax: (512) 972-0251



December 17, 2014

Mr. Peter J. Chang, P.E.
Chang's Structural/Civil Engineering, PLLC
P.O. Box 160584
Austin, Texas 78746

Re: **Letter of Approval**
Private On-Site Sewage Facility (OSSF) for 1806 Ski Slope Drive
Lot 4, Block A, Aqua Monte Subdivision

Dear Mr. Chang:

The Austin Water Utility has completed the review of your revised plans for the proposed facility consisting of one 1,000-gallon double compartment precast concrete Hill Country Concrete Products septic tank with a MicroFAST 0.50 nitrogen reduction treatment unit, one 540-gallon single compartment polyethylene Infiltrator IM-540 pump tank with a Sta-Rite model 10DOM05121 ½ HP effluent pump, one D.I.R. liquid chlorinator model NG300 V200, one 100-micron Netafim SF series disk filter, one ETI model 217 controller, one drip irrigation field with a total of 900 square feet of application area (total 450 linear feet of Netafim Bioline 0.42 GPH drip emitter tubing), and related appurtenances to serve a single family residence with a design flow of 180 gallons per day.

The attached plan is approved as submitted to allow construction of the OSSF with the following stipulations:

1. **A copy of the structural engineering plans must be provided to Austin Water for any retaining wall that is installed to eliminate a slope where seeps can occur within five feet of the tanks.**
2. A copy of a deed-recorded instrument must clearly state that a continuous service policy shall be provided for this facility for the first two years. Within thirty (30) days of the expiration of the initial two-year service policy, the owner shall either obtain a new maintenance contract, or maintain the system personally (only homeowners of aerobic treatment systems who have taken a City-approved training and registered with the City may maintain their own system).
3. A copy of the initial two-year service policy ("maintenance contract") for this facility shall be furnished to the Austin Water Utility prior to the issuance of the License to Operate.
4. The Austin Water Utility's approval of this plan will be automatically rescinded if any site grading cuts are constructed within twenty five (25) feet of the proposed drainfield sites.
5. If it is necessary to modify your proposed plan, the Austin Water Utility will require a 30-day review period for the modified plan. All construction on this project will be required to stop until the modified plan is approved by the Austin Water Utility.
6. This property may be located within the habitat boundaries of the Golden-Cheeked Warbler, an endangered species. The Austin Water Utility's approval of your plan and the issuance of a Permit to Construct a private sewage facility does not assure compliance with the Endangered Species Act. For information, please call Travis County Transportation and Natural Resources Department, (512) 854-9383.

7. This Permit to Construct does not authorize the use of the single-family residence as a short-term rental property. Utilizing the single-family residence as a short-term rental property constitutes an alteration of the OSSF permit (30 TAC §285.2(C) & COA §15-5-3), which would require a new permit under 30 TAC §285.3(a) & COA §15-5-3.
8. All private water lines, including non-potable irrigation lines, must maintain a 10-foot separation to all OSSF components.

Our approval of this plan is based upon the data and information submitted with it. The Austin Water Utility reserves the right to revoke this approval if conditions are encountered during construction, which are not reflected by the plan and may affect the proper operation of the proposed system.

The issuance of this Approval Letter is not a verification that this tract of land has been subdivided in accordance with the laws and regulations governing subdivision of land. It is also not, therefore, a guarantee of future provision of other utility services to this tract of land.

The Permit to Construct for this project is enclosed with this letter, and must be posted on the job site before any work is done. The Austin Water Utility expects you to make the contractor of this project aware of all of the above approval stipulations prior to the start of construction. **The Permit to Construct shall expire one year from the issued date. Do not start the OSSF construction before obtaining building permit approval (if applicable). The Austin Water Utility shall not perform any inspection if building permit approval has not been obtained at that time.**

Regular inspections of these facilities by the Austin Water Utility's personnel during construction in accordance with the inspection schedule enclosed with this letter are required. In addition, the Austin Water Utility must receive a written certification from you, upon completion of this project, that this system was installed in accordance with this plan. This certification must be based upon your independent inspections of this system during construction. The Austin Water Utility also must receive a copy of the as-built plan, which has the same format as the approved plan for permit to construct, upon completion of this project. The final inspection will not be performed until we receive your certification, the as-built plan, and the completion of all inspections listed on the enclosed inspection schedule. A License to Operate will be issued after the passing of the final inspection.

I will look forward to receiving your letter of certification upon completion of this project. If I can provide any additional information, please contact me at 972-0296 or Ms. Reyna Holmes, P.E. at 972-0202.

Sincerely,



Katherine Jashinski, P.E., OS0029912
Utility Development Services Division
Austin Water Utility

Attachment: Approved plans.

Subject: Visitability

Date: Thursday, April 16, 2015 at 4:22:50 PM Central Daylight Time

From: Chris Lewis

To: david cancialosi

CC: Mark Collier

See below. We'll have to track the process of this. Chris

We haven't gotten there yet, but I believe we will be allowing administrative waivers.

Emily Layton, AIA

Planner Senior

Planning and Development Review Department, City of Austin

(512) 974-2522

505 Barton Springs Rd, 2nd floor

Austin, TX 78704

Intake: Mon 8-11am, Wed 8-11am & 1-3pm, Fri 8-11am

General Information Walk-ins: Mon 8-11am, Wed 8-11am, Fri 8-11am

For Appointments: Please contact your case manager

CLOSED TUESDAY & THURSDAY (to perform reviews)

P

Please consider the environment before printing this email.

From: Chris Lewis [<mailto:cklewis@chrislewisarchitects.com>]

Sent: Thursday, April 16, 2015 3:18 PM

To: Layton, Emily

Subject: Re: Pinnacle Rd project

Thanks, Emily. I'd like to impose on your good nature to ask an unrelated question. I'm working on a very steep and small LA zoned lot. HC access would be literally impossible. Is a waiver from the Visitability Ordinance done administratively or does it have to be done by the Board of Adjustments?
Thanks, Chris

Chris Lewis

Chris Lewis Architects, LLC

3100 Harris Blvd.

Austin, TX 78703

512.474.8124

Mailing address:

8902 Deer Haven Rd.

Austin, TX 78737