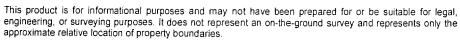


PENDING CASE

ZONING BOUNDARY

## **NOTIFICATIONS**

CASE#: C15-2015-0108 LOCATION: 2301 Saratoga Dr.





This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made

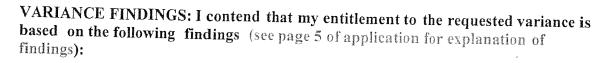


CASE# <u>C19</u> - 2015 - 0108 ROW# 11385378 TAX# 5135360608/ **1** CAD 0136360668/ **2** DJUSTMENT

# CITY OF AUSTIN CAD 012 APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

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

STREET ADDRESS:	2301 SARATOGA DR			
LEGAL DESCRIPTION: Subdivision –				
Lot(s) 6 Block 11 Outlot				
I/We ROY JENSEN on behalf				
PARADISE CONSTRUCTION LLC				
hereby apply for a hearing before the Board of				
(check appropriate items below and state whe Code you are seeking a variance from)	nat portion of the Land	Development		
X ERECT ATTACH COMPLETE	REMODEL MA	AINTAIN		
WE ARE REQUESTING A FRONT SETBACK REDUCTION FRO	M 40' TO 25'. LOT 6 IS SUBJEC	CT TO LA ZONING		
WHEN IT DOES NOT CONFORM WITH MINIMUM LOT SIZIN	NG.			
in a <u>LA</u> district. (zoning district)				
NOTE: The Board must determine the existence supporting the findings described below. Therefore, Findings Statements as part of your application. Fabeing rejected as incomplete. Please attach any additional statements.	you must complete each of	C 4 la m m m 12 m 1 d 1 m		





## REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

2301 SARATOGA IS 11,544SF IN SIZE. LA ZONING LOT SIZING IS FOR LOT SIZES 43,560 PER LDC 25-2-492. THIS

CONFLICT INHIBITS REASONABLE DEVELOPMENT OF SIMILAR ZONING IN LINE WITH THE SF-2 USE

### **HARDSHIP:**

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

THE 40' FRONT SETBACK IN CONJUNCTION WITH PROPOSED BUILDING AND SEPTIC INHIBIT SIMILAR SIZED DEVELOPMENT IN THE NEIGHBORHOOD

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

THIS LOT IS BARELY INSIDE THE LA ZONING BOUNDARY AND THERE ARE FEW HOUSES INSIDE ALONG THIS PORTION OF SARATOGA.

# **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:

PLACING A RESIDENTIAL STRUCTURE ON LOT 6 WITH A 25' FRONT SETBACK WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD. THERE HAS BEEN NO STANDARDIZATION TO THE DEVELOPMENT IN LAKE AUSTIN ESTATES.

**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:

NA NA
-------

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:
NA
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
NA NA
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:  NA
,
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 5701 SLAUGHTER LANE. A130-165
City, State & ZipAUSTIN, TX 78749
Printed ROY JENSEN Phone <u>512.762.8995</u> Date <u>5.28.15</u>
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 PO BOX 161055
City, State & ZipAUSTIN, TX 78716

Printed MONS ANDERSON Phone 512.970.2644 Date 2.28.15

Revised C15-2015-0108

To: City of Austin Board of Adjustment Members:

I wanted to take a moment to explain where we are at in the development of the lot located at 2301 Saratoga Dr (Lot 6 Block 11 Austin Lake Estates). The owner purchased the property in May of 2014 with the intention of building a two story single family residence with an attached garage (Exhibit Z0.2 and Exhibit D). These drawings are preliminary and don't reflect the final design. They are intended to depict the challenges of the lot, as it pertains to slope, setbacks, and impervious cover. Currently, the lot is vacant of any structures. There are two trees on the lot that are protected sizes, in which, we intend to protect (See Exhibit Z0.2). We intend to install a new driveway and approach, as there is none on site. We will mitigate impacts to the tree with the City of Austin Arborists to ensure its health and longevity of the protected trees. The existing driveway is simply a caliche drive without concrete. In addition to the proposed house, we will be installing a septic system (currently in design) to accommodate the new house. There is not an existing septic system on site.

The lot was platted (Exhibit A) March 9th 1959 per Volume 9 Page 82 and is approximately .27 acres (11,620sq.ft.). The original covenants (Exhibit B) had the setbacks as follows 20' front, 10' side, and 10' rear.

The lot is currently zoned LA, and at the time of purchase, the city of Austin plan reviewers would allow properties, such as this, to conform with SF-2 setbacks. This is because the lot does not conform with the LA zoning minimum lot size requirements of 43,560 sq.ft. as required by 25-2-492 (See Exhibit C). Around the 18th of May 2015, we were notified by a City of Austin Plan Reviewer, that the exception was no longer available, and that we must navigate the Board of Adjustments process to request SF-2 setbacks. We were told that the exception was no longer available as of July 2014, and that all lots zoned LA must conform to the LA setbacks regardless of size. We are asking for a variance from the 40' LA setback to the 25' SF-2 setback.

Looking at Exhibit Z0.4, we can see the complexity of the impervious cover as it pertains to 2301 Saratoga. Most of the slopes with grades 0-15% are contained within the 40' setback and even the 25' setback. Slopes of 15-25% make up a significant portion of the lot suitable for a building footprint. Additionally, slopes 25-35% also make up a significant portion of the lot suitable for a building footprint. Currently the Land Development Code allows 35% impervious cover in slopes 0-15%, 10% in slopes 15-25%, 5% in slopes 25-35%, and 0% on slopes >35%. Referencing back to exhibit Z0.2, Tree T7 a 21" Live Oak, and Tree T10 a 19" Live Oak are the trees we intend to keep. Impacts to the tree T7 are minimalized to maintain the City of Austin's Driveway Pavement Criteria. Utilizing a 9' wide Driveway and 17'x17' min. parking pad. The driveway would be moved as close as possible to the property line to avoid the encroachment into the trees root zone. In doing so, we are asking for a 15% increase to impervious cover for slopes with grades 35% of higher. Furthermore, we are asking for an additional 25% for slopes of 25-35%, and an additional 25% increase in impervious cover for slopes 15-25%. This would allow a reasonably sized house on any other lot.

Revised

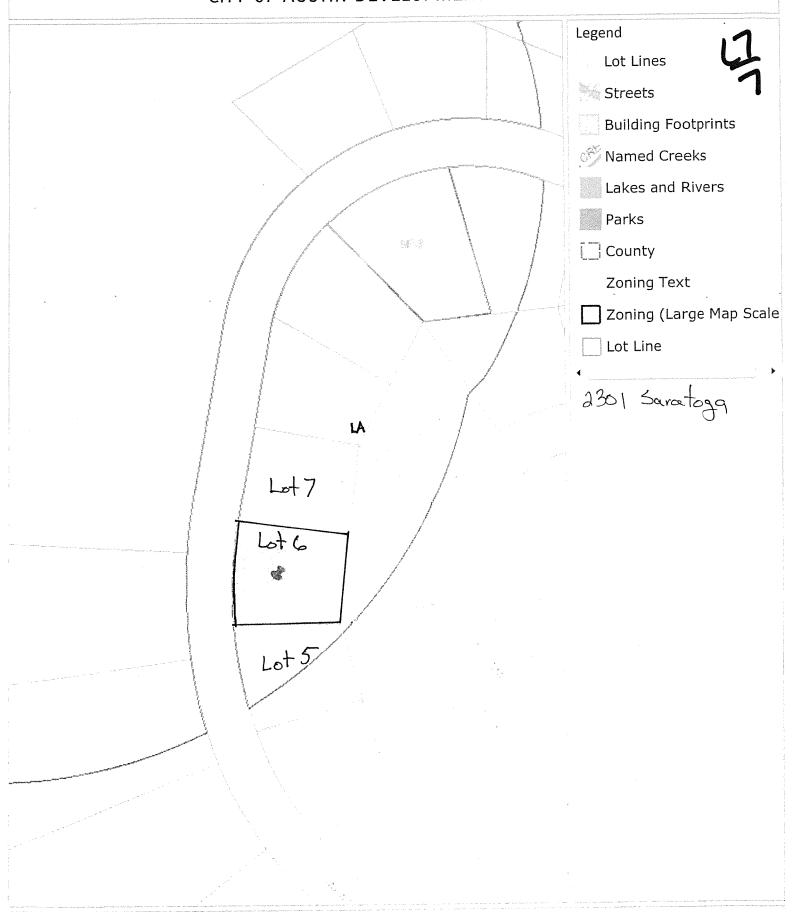
Taking a look at the immediate neighbor on Lot 7 (2303 Saratoga, Exhibit E), the house is approximately 30' from the property line. The lot is also zoned LA. Attached is a picture of the building to depict scale, and a picture to show the similar slopes to the driveway. Additionally Exhibit E shows the site to have similar slopes to 2301 Saratoga.

U

The development of Lake Austin Estates has varied over the years with no standardization to the neighborhood. This can be seen throughout the area. Allowing me the requested variance would not affect the character of the neighborhood. I hope after a thorough review of the documents you will agree and grant me a variance allowing a reduction of the front setback to 25' from 40', as well as, the changes in impervious cover.

# CITY OF AUSTIN DEVELOPMENT WEB MAP

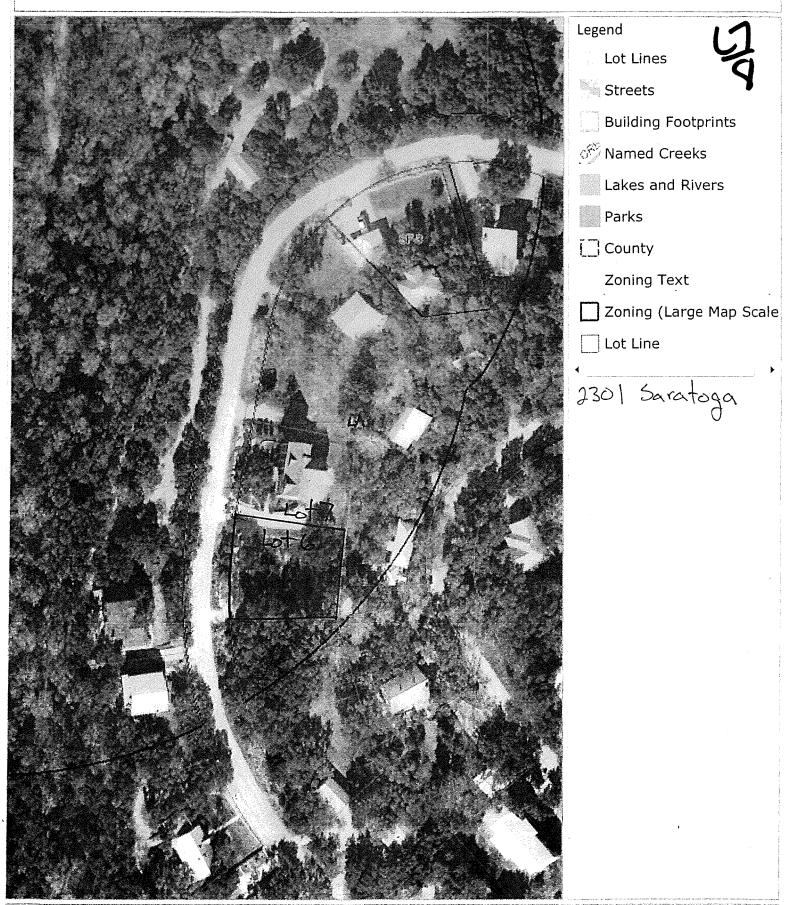
Revised



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.

# CITY OF AUSTIN DEVELOPMENT WEB MAP

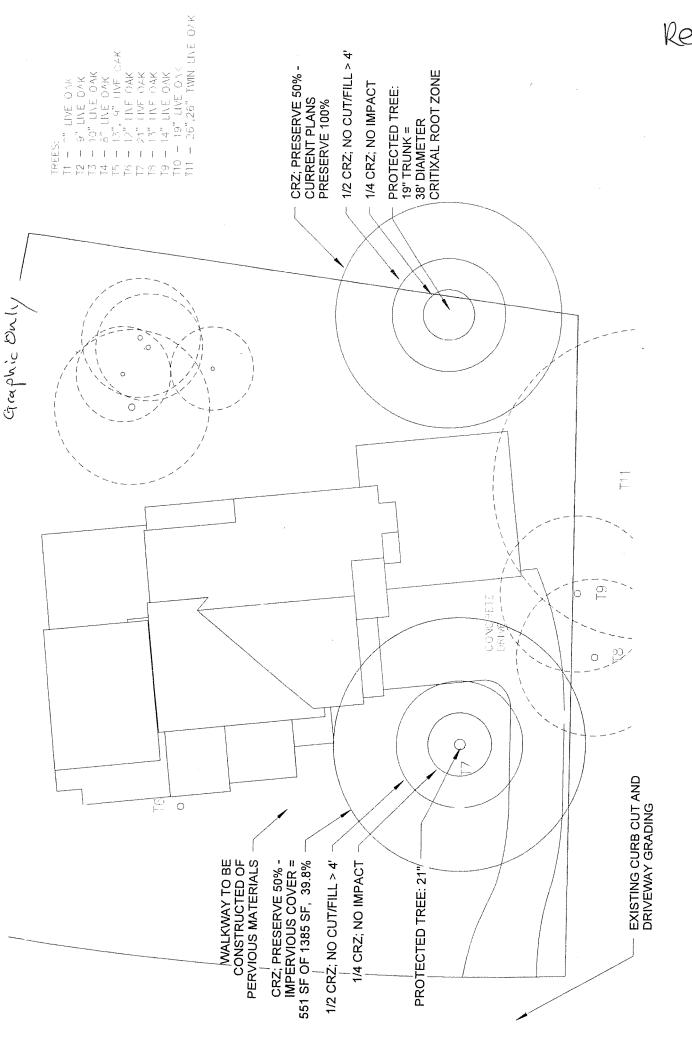
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Revised 13

2301 Saratosa



Revised 17

DATE:

2015 07 27 ZONING COMPLIANCE SET

SARATOGA HOUSE

2301 SARATOGA DRIVE, AUSTIN, TEXAS 78733

TREE SHEET NUMBER

**PROTECTION** 

Z0.2

7/27/2015 1:34:02 PM

© CKIZER

33% (35 gma, 37%) (0 g max 28%) 5 g max 11% (5 g max (35 % rma, Percentage of Category Impervious Cover Impervious Cover Square Footage 1,429 SF 1,344 SF 767 SF 102 SF 3,642 SF GRADE SLOPE OVER 35% GRADE SLOPE 25-35% GRADE SLOPE 15-25% **GRADE SLOPE 0-15%** Percent of Site 100% 37% 31% 23% 8% 4,350 SF 3,596 SF 2,708 SF 966 SF 11,620 SF Slope Category Square Footage Slope Category 0-15% 15-25% 25-35% >35% Total , Oh do, ,52 SZ

Graphic ouly

ARCHIE

222 W. Colorado, Suite 18 Telluride, Colorado 81435 p. 512-656-1745 courtneykizer@gmail.com

DATE:

2015 07 27 ZONING COMPLIANCE SET

SARATOGA HOUSE 1 IMPERVIOUS COVER SLOPE

1" = 20'-0"

IMPERVIOUS COVER SLOPE SHEET NUMBER

2301 SARATOGA DRIVE, AUSTIN. TEXAS 78733

Z0.4

7/27/2015 2:19:29 PM

© CKEER

Exhibit A AUSTIN LAKE ESTATES Revised \*march 9, 1959 (3) <sup>2</sup>3

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WL 2015 HX 244

AUSTIN LAKE ESTATES, INC.

STATE OF TEXAS

TO

THE PUBLIC

COUNTY OF TRAVIS

# KNOW ALL MEN BY THESE PRESENTS:

That Austin Lake Estates, Inc., a Texas corporation, by and through its duly undersigned officer, the owner of Austin Lake Estates, Section Two (2), a Subdivision in Travis County, Texas, as shown by the Plat Records thereof in Book 9, Page 82 of the Plat Records of Travis County, Texas, does hereby impress all of the property included in said Austin Lake Estates, Section Two (2) with the following restrictions:

- 1. All lots in Austin Lake Estates Section Two (2) shall be known and described as residential lots and shall be used for residential purposes only.
- 2. No trade or profession of any character shall be carried on on any residential lot; nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- 3. No house trailer, tent, or shack shall be placed, erected or permitted to remain on any residential plot, nor shall any structure of temporary character be used at any time as a residence. No residential structure shall ever be erected or placed on any building plot with an average width of less than seventy-five (75) feet at the front building set-back line and a ground area of nine thousand (9,000) square feet.
- 4. All residential structures must face the street on which they are located.
- 5. No imp ovements shall be erected, altered, placed or be permitted to remain on any residential plot other than one family or two family dwelling units, and necessary out buildings.

uisel 17

- 6. No building shall be located on any building plot nearer than twenty (20) feet to the front line or street line or nearer than ten (10) feet to any side lot line nor in the case of corner lots nearer than fifteen (15) feet to any side street.
- 7. No dwelling may be erected in said subdivision, the ground area of which is less than eight hundred (800) square feet, exclusive of porches, and garages, except where provided otherwise in the contract of sale, the minimum in such event, however, to be six hundred (600) square feet.
- 8. No animals except household pets shall be kept or maintained on any lot.
- No outside toilet facilities shall be maintained on any lot and all toilet facilities shall be connected to a sewer line or a septic tank.
- as the result of further subdivision; each lot or parcel of land including that portion remaining in the original lot so subdivided shall contain less than an average width of seventy-five (75) feet frontage on the street which it faces and shall have a minimum of nine thousand (9,000) square feet of ground area.
- building has been designed by a licensed architect, or until the external design and location thereof has been approved in writing by the subdivider or by a committee appointed by the owners of a majority of the lots which are subject to the covenants hereinset forth; provided, however, that if the subdivider or such committee, if in existence, fails to approve or disapprove such design and location within three (3) days after such plans have been submitted for approval, or if no suit to enjoin the erection of such building has been commenced prior to the completion thereof, such approval will not be required.

- Existing setbacks per original covenants

covenants running with the land and shall be fully binding upon all persons acquiring preperty in Austin Lake Estates Section Two (2), whether by descent, devise, purchase, or otherwise, and any person by the acceptance of title to any lot or plot of this subdivision shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants. These restrictions and covenants shall be binding until January 1, 1980. On and after January 1, 1980, said restrictions and covenants shall be automatically extended for successive periods of ten (10) years each unless, by a vote of a three-fourths majority of the then owners of the lots in said Austin Lake Estates Section Two (2), it is agreed to change said restrictions in whole or in part.

any of the restrictions and covenants herein, it shall be lawful for any other person or persons owning any real property situated in the said Austin Lake Estates Section Two (2) to prosecute proceedings at law or in equity against the person violating or attempting to violate any such restriction and covenant, and either to prevent him or them from so doing, or to correct such violation, or to recover damages or other dues for such violation. Invalidation of any one or any part of these restrictions by judgment or court order shall in no wise affect any of the other provisions or part of provisions which shall remain in full force and effect.

EXECUTED this the 9th day of March, A.D. 1959.

AUSTIN LAKE ESTATES, INC.

Earl Podolnick, Vice-President

Taris Walts

#### THE STATE OF TEXAS

COUNTY OF TRAVE

appeared Earl Pedelnick, Vices President of AustinLake Estates, Inc., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said Austin Lake Estates, Inc. a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity

GIVEN UNDER MY HAND AND SEAL (F OFFICE, this the 924

MARCH , A. D. 1959

Notary Public in and for Travis County, Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally known to me to be the person(s) whose name(s) subscribed to the foregoing instrument, and acknowledged to me that executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the day of , A. D. 19 .

Notary Public in and for Travis County, Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally known to me to be the person(s) whose name(s) subscribed to the foregoing instrument, and acknowledged to me that executed the same for the purposes and consideration therein expressed, and the said

wife of
having been examined by me privily and part from her husband and having the
same fully explained to her by me, she, he said

acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the day of . A. D. 19

Notary Public in and for Travis County, Texas

Filed Mar. 12 200 9 at 10 5 A M

evised.

revised

## § 25-2-492 - SITE DEVELOPMENT REGULATIONS.

- (A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.
- (B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.
- (C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.
- (D) Site development regulation table.

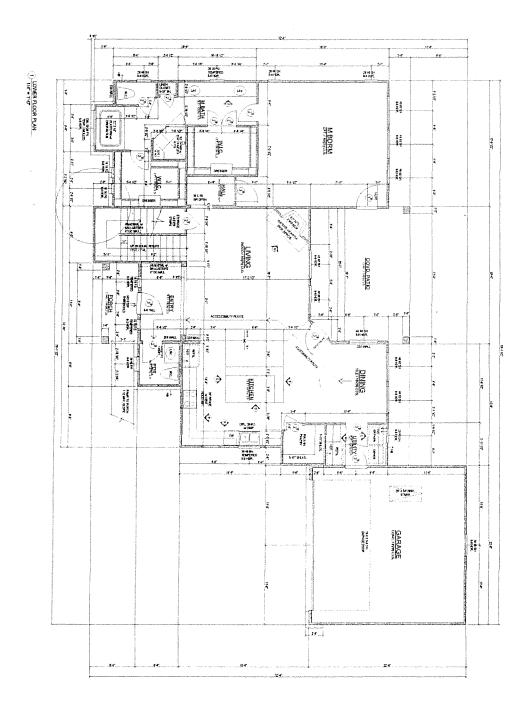
Source: Section 13-2-630; Ord. 990225-70; Ord. 991104-46; Ord. 000511-109; Ord. 030731-53; Ord. 031211-11; Ord. 041118-57; Ord. 20100819-064.

	LA	RR	SF-1***	SF-2	SF-3
MINIMUM LOT SIZE (square feet):	43,560	43,560	10,000	5,750	5,750
MINIMUM LOT WIDTH:	100	100	60	50	50
MAXIMUM DWELLING UNITS PER LOT:	1	1	1	1	**
MAXIMUM HEIGHT:	35	35	35	35	35
MINIMUM SETBACKS:					
FRONT YARD:	40	40	25	25	25
STREET SIDE YARD:	25	25	15	15	15
INTERIOR SIDE YARD:	10	10	5	5	5
REAR YARD:	20	20	10	10	10
MAXIMUM BUILDING COVERAGE:		20%	35%	40%	40%
MAXIMUM IMPERVIOUS COVER:	*	25%	40%	45%	45%

<sup>\*</sup> See <u>Section 25-2-551</u> (Lake Austin District Regulations).

<sup>\*\*</sup> See <u>Section 25-2-556</u> (Family Residence District Regulations).

Exhibit D cevised

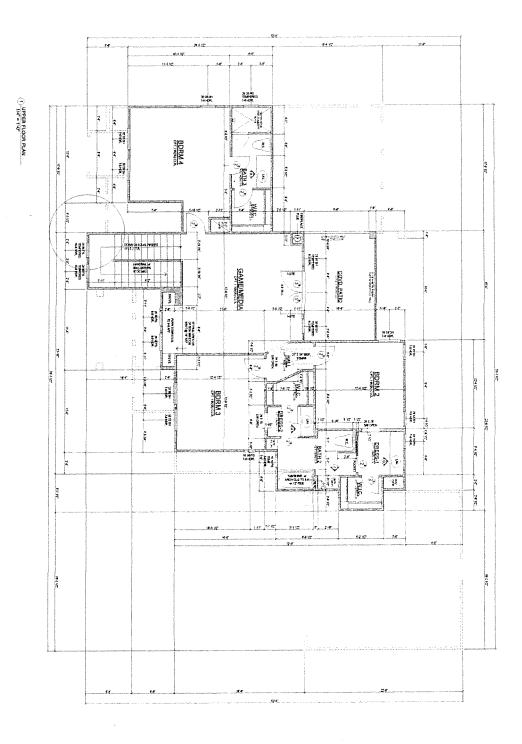


FLOOR PLANS

# **SARATOGA HOUSE**

#### NOT FOR CONSTRUCTION





A2:

FLOOR PLANS

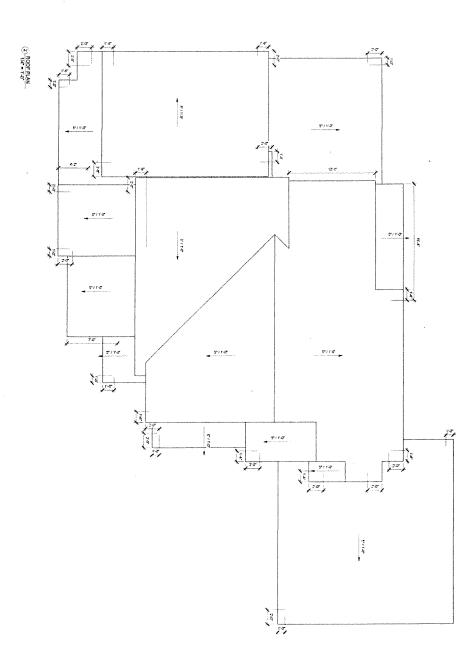
**SARATOGA HOUSE** 

2301 SARATOGA DRIVE, AUSTIN, TEXAS 78733 PRELIMINARY ZONING APPROVAL 272 W. Colorado J.
272 W. Colorado J.
272 W. Colorado Biv.
60 Colorado Biv.
6 512-856-10
pr 512-856-10

# NOT FOR CONSTRUCTION

D revised 170

THE STATE OF THE S



A2.3

ROOF PLAN

**SARATOGA HOUSE** 

2301 SARATOGA DRIVE, AUSTIN, TEXAS 78733 PRELIMINARY ZONING APPROVAL

NOT FOR CONSTRUCTION 1) ELEVATIONS - NORTH & EAST CIPALICA PERMIT ADMES COORS REAR (EAST) ELEVATION 3 SUPPORT A LEFT SIDE (NORTH) ELEVATION STUDEO STUDEO Appear Appear CONTRACTORES CONTRACTOR CONTRACTO HEISTER STREET SECTION OF THE STATE OF AD-SECOND PASSION OF STREET 20000 CHARLE Detail D SUCCO SUCCO Appears of the second ELEVATIONS **SARATOGA HOUSE** 

2301 SARATOGA DRIVE, AUSTIN, TEXAS 78733 PRELIMINARY ZONING APPROVAL

D revised 12 NOT FOR CONSTRUCTION 1) ELEVATIONS - SOUTH & WEST CEDIT + BYTS LY ROWN MENOT Agnetia Surveyo NEDWOLN COOKER LIBER NORMALI vnem 14 4 MANUAL PARTY ABBIGA OCYNE JAT ABBIGA RIGHT SIDE (SOUTH) ELEVATION VENERO DMC NEED COOKING KEN PERSON NAMES FRONT (WEST) ELEVATION ASSESA GOODLE N (b) A23440.000 ETUCCO CODUTE HEREN IN M VENER MINES PRACOUPLY ALTHOUGH ALTHOUGH SUPPLY STATES 7.5 ELEVATIONS **SARATOGA HOUSE** 

2301 SARATOGA DRIVE, AUSTIN, TEXAS 78733 PRELIMINARY ZONING APPROVAL

ARCHITECTURAL2

Exhibit E CITY OF AUSTIN DEVELOPMENT WEB MAP Legend Lot Lines Streets Building Footprin Named Creeks 2303 Saratoga Lot 7 Lakes and Rivers **Parks** County Contours Year 2012 --- Index Intermediate Special Building Footprints Year Address Points 2301 Suratogg H SARATOSA DR

