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

DATE: Monday, October 12, 2015

CASE NUMBER: C15-2015-0146

☐ Y ☐ Brooke Bailey
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt
☐ n/a ☐ Eric Goff
☐ Y ☐ Vincent Harding
☐ Y ☐ Melissa Hawthorne **Motion to PP 11/9/15**
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Melissa Neslund **2nd the Motion**
☐ Y ☐ James Valadez
☐ out ☐ Michael Von Ohlen

APPLICANT: WILLIAM HODGE

OWNER: Daniel Chieng

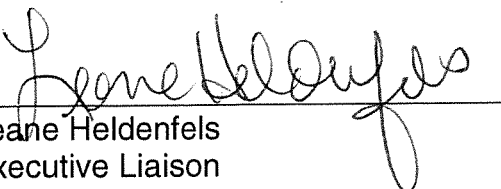
ADDRESS: 2805 RIVERCREST DR

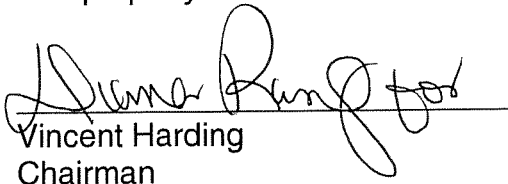
VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 32 feet (requested) in order to construct a single family home in "LA", Lake Austin Residence zoning district.

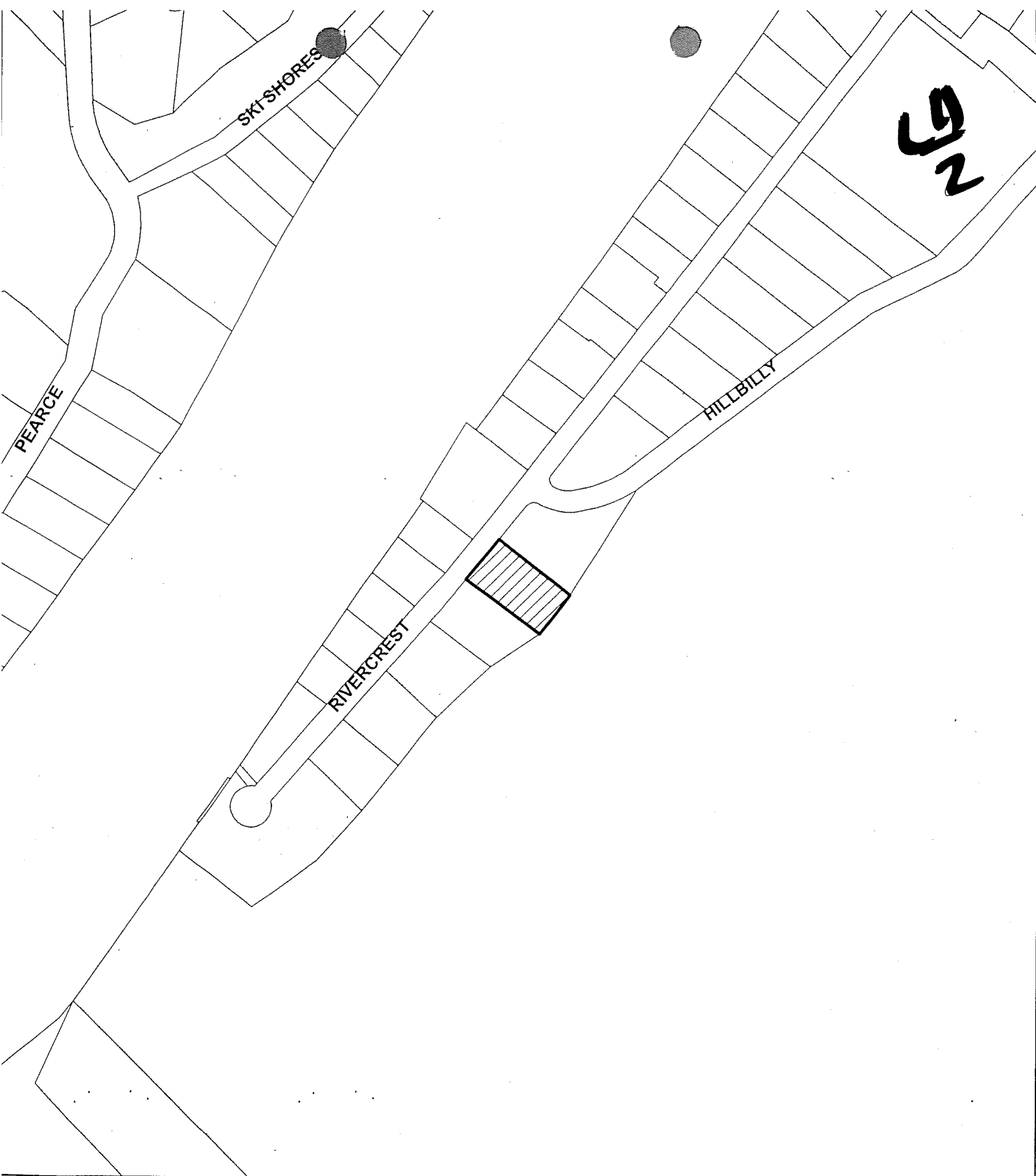
BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 9, 2015, Board Member Melissa Neslund second on a 8-0 vote; **POSTPONED TO NOVEMBER 9, 2015.**


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


Vincent Harding
Chairman







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SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS
CASE#: C15-2015-0146
2805 RIVERCREST DR.



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.

1" = 292'

CASE# C15-2015-046
ROW# 11412754
TAX# 0129210125

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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: 2805 Rivercrest Dr. Austin, TX 78746

LEGAL DESCRIPTION: Subdivision — Rivercrest Addition Sec 1

Lot(s) 22 Block B Outlot _____ Division _____

I/We William L Hodge on behalf of myself/ourselves as authorized agent for

Daniel Chieng affirm that on Aug 17, 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)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

a single family residence with a setback of 32' (rather than 40')

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.

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 William L. Hodge Mail Address 1706 W 6th St

City, State & Zip Austin, TX 78703

Printed William L Hodge Phone 512.710.5140 Date 08/17/2015

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 [Signature] Mail Address 11601 Anatole CT.

City, State & Zip Austin, TX 78748

Printed DANIEL CHIENG Phone 512.799.8910 Date 8/17/2015

Heldenfels, Leane

From: Justin Jensen [REDACTED]
Sent: Monday, October 12, 2015 11:56 AM
To: Heldenfels, Leane
Subject: Building Setback variance for 2805 Rivercrest - Case Number: C15-2015-0146
Attachments: 2805RivercrestFlooding.jpg; IMG_20151012_115118.jpg

Hi Leane,

Nice talking to you on the phone a little while ago :)

I'm writing to object the setback variance request at 2805 Rivercrest due to increased flooding risk to the surrounding lots. Our home flooded in 2013. This is not something we ever want to experience again.

2805 Rivercrest is at the bottom of a steep hill and has serious flooding concerns. Recent excavation appears to have cut open the ground water table, which increased water flow and created an even steeper grade. (see attached photo) Running water over the street increases flood risk to 2806, 2808 & 2900. Running water through the street drain increases flood risk to 2902 and 2900.

A variance to enable more land to be covered with a building would result in more water running through 2805 to the surrounding properties.

I plan to attend the hearing also. Thank you!

Justin Jensen

----- Forwarded message -----

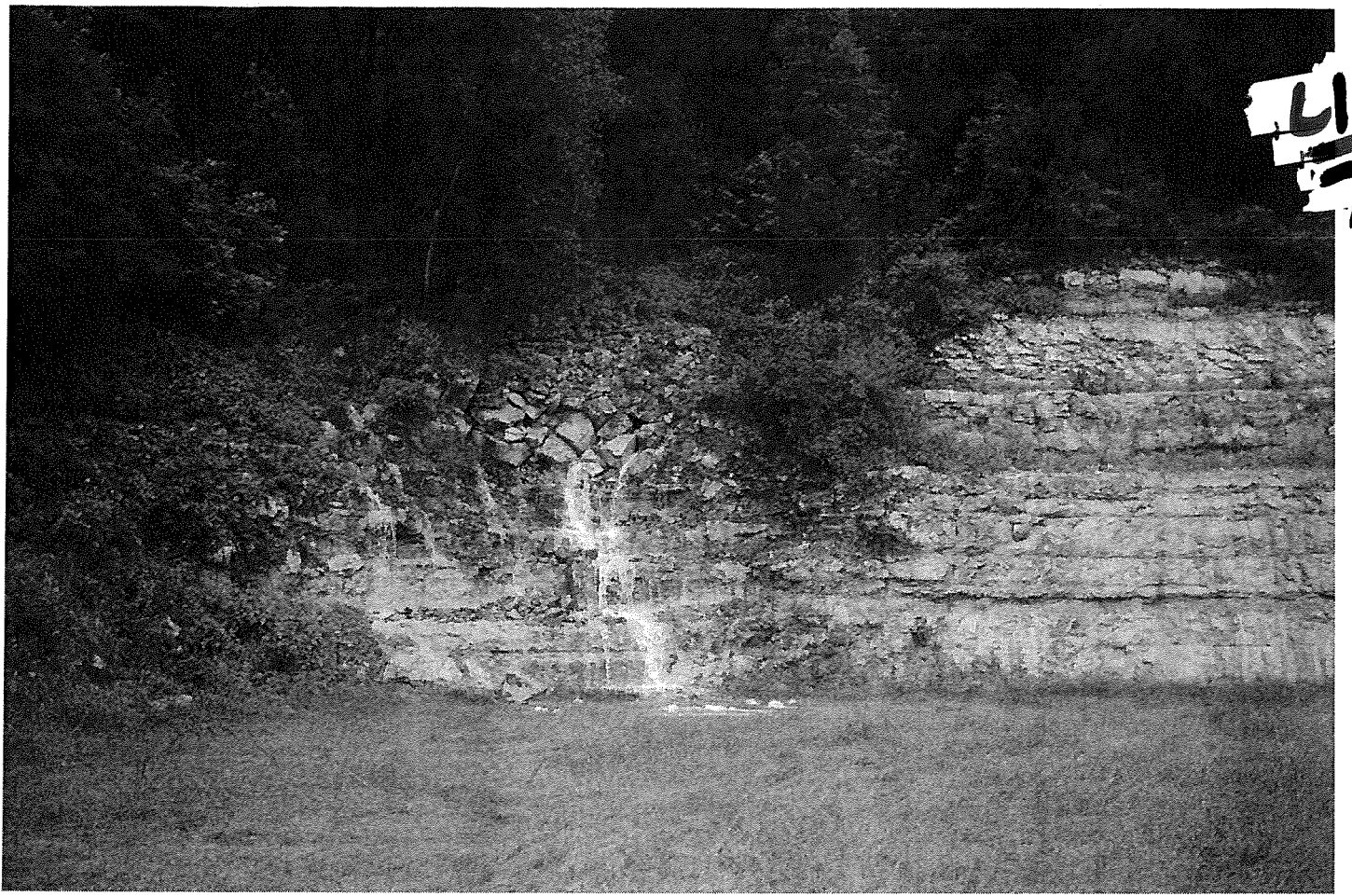
From: Justin Jensen <[REDACTED]>
Date: Mon, Oct 12, 2015 at 11:46 AM
Subject: Building Setback variance for 2805 Rivercrest - Case Number: C15-2015-0146
To: Daniel Chieng and Sherry Wu <[REDACTED]>
Cc: "B. [REDACTED]" <[REDACTED]>, Greenwood Cindy <[REDACTED]>, Greenwood John <[REDACTED]>, James Dean <[REDACTED]>, [REDACTED], Allison M Jensen <[REDACTED]>

Hi all,

I spoke with Leana Heldenfels at the City, who kindly told me this case should be heard between 9:30-11:00 PM and to be there by 9:00. She also said you can email your position before noon (in a few minutes).

Daniel,

I look forward to meeting you tonight, and I hope you can work out the drainage on your lot and are able to build the perfect home for your family there :)



Heldenfels, Leane

From: Ann Roe <[REDACTED]@gmail.com>
Sent: Monday, October 12, 2015 1:08 PM
To: Heldenfels, Leane
Subject: C15-2015-0146 2805 Rivercrest

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Leane,

I am writing about the case C15-2015-0146. We live across the street at 2902 Rivercrest. I wanted the City to be aware that the site has been excavated at least 3 times without a permit. In fact I don't believe that without the repeated illegal excavations that ANY building would have been possible.

I have pictures of two of the events. This one below is from August 2011. We are opposed to the granting of any variances on the setback. This lot floods with every heavy rainfall. The entire hillside drains at 2805 Rivercrest. You can see how flooding and rainfall has arranged the rocks on the hillside of this lot. Changing the setback and building on this lot will cause additional floodwaters to be diverted to the existing homes around this property.

Sincerely,
Ann Roe

Heldenfels, Leane

From: Ann Roe <aroe15@gmail.com>
Sent: Monday, October 12, 2015 1:23 PM
To: Heldenfels, Leane
Subject: C15-2015-0146 2805 Rivercrest

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Leanne,

Here is another photo from October 8, 2014. The owners used heavy equipment to remove a large section of the hillside. When I contacted the county and the city I was told they did not have a permit and the operation was shut down but not until most of the hillside had been removed. The owners also removed a large older pecan from the property using the heavy machinery without a permit.

While I have these photos taken from the street, Google Earth should be able to show the excavation work done from year to year on the property. This property had a much smaller flat section before the excavation was repeatedly done on the hillside.

I am planning on being at the hearing tonight.

Thanks,
Ann Roe



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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice), or
- appearing and speaking for the record at the public hearing;

and

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2015-0146, 2805 Rivercrest Drive

Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 12th, 2015

Justin Jensen

Your Name (please print)

☐ I am in favor
☒ I object

2808 S 2900 Rivercrest Drive

Your address(es) affected by this application



Signature

10/8/2015

Date

Daytime Telephone: 713 416 8282

Comments

please see email

Note: all comments received will become part of the public record of this case. If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor

Leanne Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leanne.heldenfels@austintexas.gov

