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

**DATE: Monday, October 12, 2015**

**CASE NUMBER: C15-2015-0143**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio  
☐ Y ☐ William Burkhardt -2<sup>nd</sup> the Motion  
☐ N/A ☐ Eric Goff  
☐ Y ☐ Vincent Harding  
☐ Y ☐ Melissa Hawthorne - Motion to PP to 11/9/15  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Melissa Neslund  
☐ Y ☐ James Valadez  
☐ OUT ☐ Michael Von Ohlen

**APPLICANT: Phil Moncada**

**OWNER: Lee Ann Concienne**

**ADDRESS: 2805 WARREN ST Unit B**

**VARIANCE REQUESTED:** The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

A. increase the maximum impervious cover from 45% (required/permitted) to 55.85% (requested); and to

B. decrease the side setback from 5 feet (required) to 0 feet (requested); and to

C. decrease the rear setback from 10 feet (required) to 0 feet (requested); and to

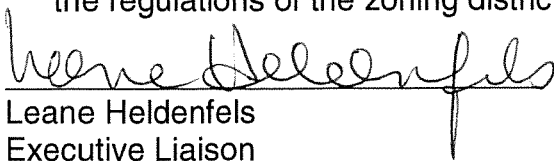
D. decrease the front setback from 25 feet (required) to 2 feet (requested)

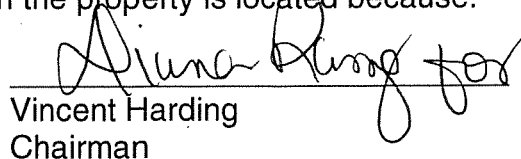
in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**BOARD'S DECISION: POSTPONED TO NOVEMBER 9, 2015 BY APPLICANT**

**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

2/12



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**  
CASE#: C15-2015-0143  
2805 WARREN ST. UNIT B



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" = 208'

Revised 2

C15-2015-0143

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3

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: 2805 WARREN ST. UNIT B

LEGAL DESCRIPTION: Subdivision - WARREN CONDOMINIUMS AMENDED

S. 78.84 FT OF Lot(s) 8 Block      Outlot      Division MONT-DALE

I/We PHIL MONCADA on behalf of myself/ourselves as  
authorized agent for

LEE ANN CONCIENNE affirm that on AUGUST, 19,

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 X MAINTAIN

EXISTING POOL AND WOOD DECK AT REAR PORTION OF LOT. LDC 25-8-63 TO EXCEED IMPERVIOUS  
COVER ALLOWED 45% TO 54.19%. WOOD DECK CONSTRUCTED OVER 10FT REAR SETBACK AND 5FT

SIDEYARD SETBACK PER PLAN REVIEW COMMENTS.

in a SF-3-NP 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.**

40/4

**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:**

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

ZONING DOES NOT TAKE EXISTING SITE TOPOGRAPHY INTO ACCOUNT THAT WOULD ALLOW REASONABLE USE OF BACKYARD. DECK SPANS SLOPING BACKYARD AND CREATES OUTDOOR SPACE.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: ADJACENT LOTS HAVE FLATTER TERRAIN THAT ALLOW GREATER USABLE SPACE AT REAR PORTION OF LOT.

(b) The hardship is not general to the area in which the property is located because: MOST OF THE LOTS IN SUBDIVISION HAVE SINGLE FAMILY HOME AND NOT DUPLEX.

**AREA CHARACTER:**

2. 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:

POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT NEIGHBORS.

**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:

N/A

40/5

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:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

**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 Phil Moncada Mail Address 1301 S. IH 35 STE 204

City, State & Zip AUSTIN TEXAS 78741

Printed PHIL MONCADA Phone 512-627-8815 Date 8-19-15

**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 2807 WARREN ST

City, State & Zip AUSTIN TEXAS 78703

Printed LEE ANN CONCIENNE Phone 512-940-2100 Date \_\_\_\_\_

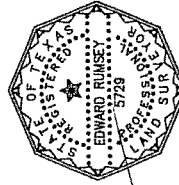
# RESTRICTIONS

-RESTRICTIONS:  
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

# LEGAL DESCRIPTION

UNITS A & B, 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2006205642, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

\*\*\*NOTICE\*\*\*  
BEFORE DESIGN BEGINS ON THE SUBJECT PROPERTY THE OWNER SHOULD CHECK THE LOCAL GOVERNING AUTHORITIES ABOUT BUILDING SETBACKS AND OTHER BUILDING REQUIREMENTS.



TO THE LEXISNEXIS AND/OR OWNERS OF THE PREMISES SURVEYED I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS AS PER PLAT THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

## IMPERVIOUS COVERAGE CALCULATIONS

UNIT A RESIDENCE: 1720.94 SQ. FT.  
COVERED AREAS: 192.01 SQ. FT.  
DRIVEWAY: 471.46 SQ. FT.  
STONE PATIO: 201.23 SQ. FT.  
CONCRETE PADS: 48.00 SQ. FT.  
AC PAD: 4.00 SQ. FT.  
TOTAL: 2637.66 SQ. FT.

UNIT B RESIDENCE: 1865.17 SQ. FT.  
COVERED AREAS: 165.33 SQ. FT.  
POOL DECK: 83.33 SQ. FT.  
POOL TRAY: 63.84 SQ. FT.  
EQUIP PAD: 9.60 SQ. FT.  
AC PAD: 4.00 SQ. FT.  
STONE WALLS & COLUMNS: 51.44 SQ. FT.  
CONCRETE COURTYARD: 208.70 SQ. FT.  
WOOD DECK: 781.26 ÷ 2 = 390.63 SQ. FT.  
TOTAL: 3420.22 SQ. FT.

BRICK WALL: 44.16 SQ. FT.

TOTAL IMPERVIOUS COVERAGE: 5921.13 SQ. FT.  
BOUNDARY: 10926.26 SQ. FT.

PERCENTAGE OF IMPERVIOUS COVERAGE: 54.19%

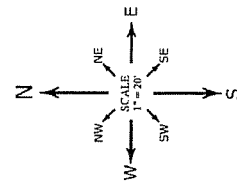
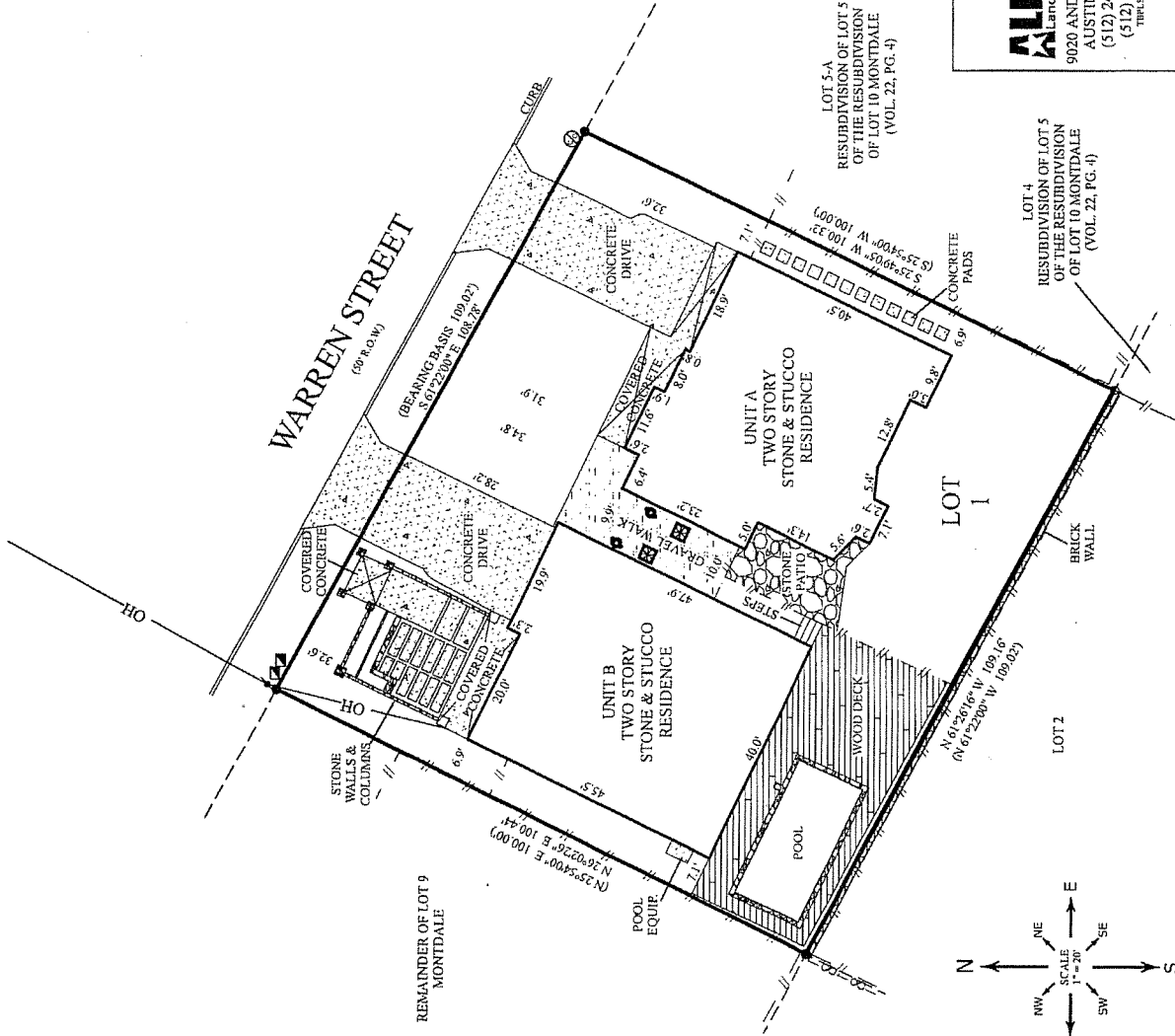
## F.I.R.M. MAP INFORMATION

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS. F.I.R.M. MAP NO. 48433C04H1 PANEL: 0445H DATE OF REVISION: 08/01/2008 INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS FLOOD INFORMATION IS CURRENT. CONTACT YOUR LOCAL FLOOD PLAN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

**ALLSTAR**  
Land Surveying  
9020 ANDERSON MILL RD  
AUSTIN, TEXAS 78729  
(312) 249-8149 PHONE  
(512) 331-5217 FAX  
TITLE'S FINAL NO. 1013900

LEE ANN CONCENNE  
2805 / 2807 WARREN STREET  
AUSTIN, TRAVIS COUNTY, TEXAS

SURVEY DATE:	OCTOBER 07, 2015	FILED BY:	EDWARD RUNSEY	08/10/2015
TITLE CO.:	-	CALC. BY:	EDWARD RUNSEY	07/20/2004
G.E. NO.:	-	DRAWN BY:	SEAN SUTTON	08/10/2015
JOB NO.:	A017115-A057686-A072004	RPLS CHECK:	EDWARD RUNSEY	10/07/2015

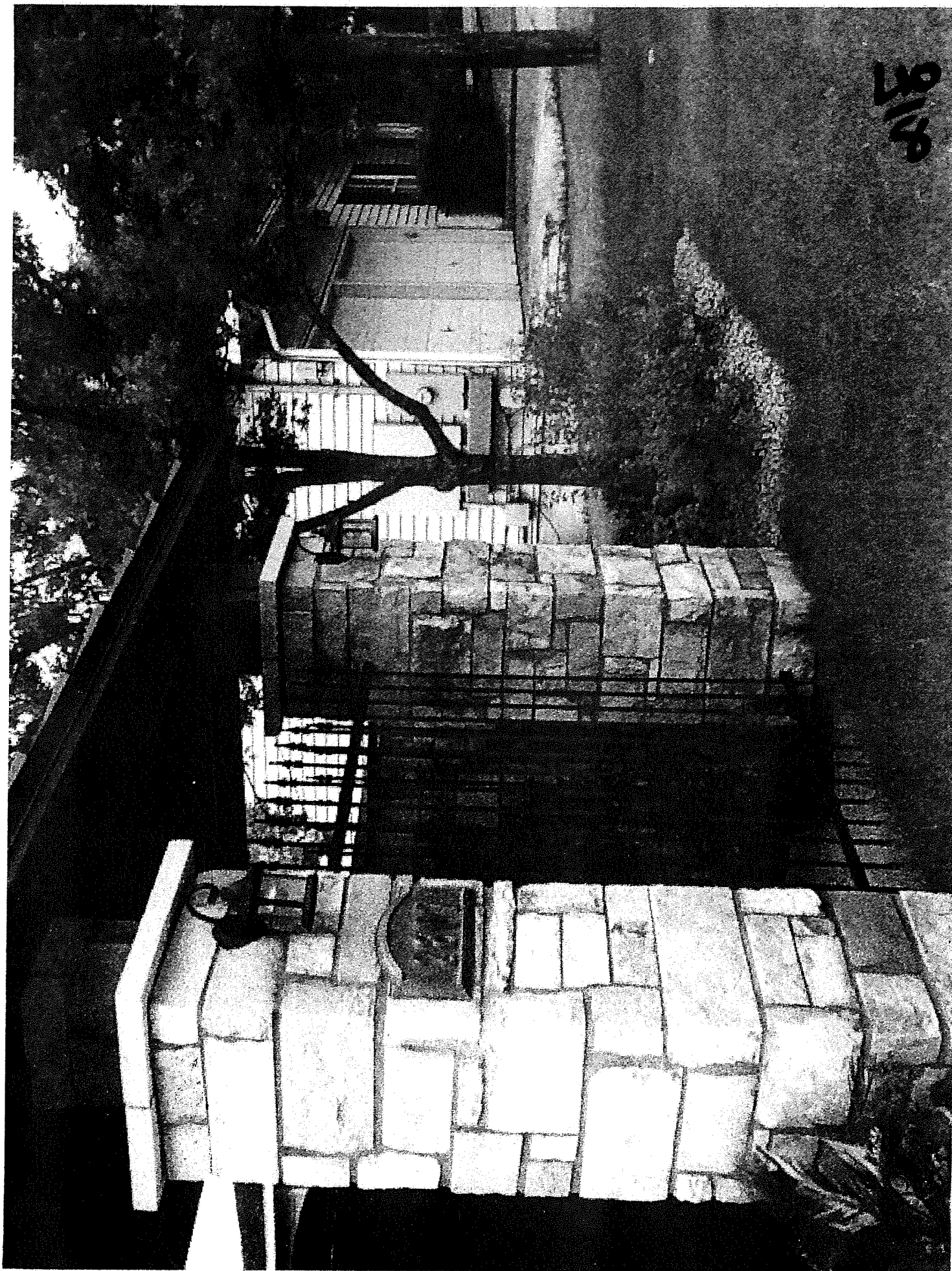


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8118








●●●●○ AT&T LTE

3:30 PM

✱ 45% 



Today  
3:30 PM

Edit

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1. LeeAnna Conner

and applying for a variance from the Board of Adjustment regarding Section 25-2-402(b) of the Land Development Code. The variance would allow me the ability to permit my existing pool + deck.

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

Property Owner Name	Address	Signature
Adam / Christina Costa	3355 Hillview Rd	Adam Costa
Andrea / Connor	2404 Warren St	Andrea
Michal / Brian / Mel / Brian	1101 Warren St	Mel / Brian
<del>Patricia</del> / Thomas / Patricia	2300 Warren St	Thomas
Lawrence / K. / Kisha	2302A Warren St	Lawrence
Christina / Justin Taylor	2801 Warren St	Christina
Amy Ramon	3303 Hillview Rd	Amy Ramon

2/5

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

Property Owner Name (Printed)	Address	Signature
LISA MIXUS	2804 Carleton Rd	<i>Lisa Mixus</i>
James Mixus	2804 Carleton Rd	<i>James Mixus</i>
Christine Yonge	3204 Hillview Rd	<i>Christine Yonge</i>
George Bohm	3415 Bridle Path	<i>George Bohm</i>
Johnny L. Corbin	3211 Warren St	<i>Johnny L. Corbin</i>
CHERYL HART	2707 Hillview Green	<i>Cheryl Hart</i>
Colby Desha	3604 Enfield	<i>Colby Desha</i>
John Whist	2805 Warren	<i>John Whist</i>
Mary Ellen Temple	2802 Mountain Laurel Drive	<i>Mary Ellen Temple</i>
OWEN TEMPLE	2802 MOUNTAIN LAUREL DRIVE	<i>Owen Temple</i>
Peter McKee	2715 Mountain Laurel Ln	<i>Peter McKee</i>

410  
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Alice Hatfield & John Wheat  
2805 A Warren Street  
Austin, Texas 78703

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October 8, 2015

City of Austin – Development Services Department, 1<sup>st</sup> Floor  
Attn: Board of Adjustment / Leane Heldenfels  
P.O. Box 1088  
Austin, TX 78767-1088

RE: Case No.: 2015-074749

Board of Adjustment:

We are writing to express our support for your approval of the variance requested by Lee Ann Crain Concienne to allow the existing impervious cover as stated in the variance request.

We believe that we are the neighbors who are the most directly impacted by this request because:

- 1) our property is the only other unit of the 2805 Street Warren Condominiums and our portion of the lot was, therefore, included in the survey and the impervious cover calculations;
- 2) our property lies downhill from Lee Ann's and is therefore subject to much of the drainage that runs off of it – even under natural, undeveloped circumstances.

In support, we wish to say that we are aware that the hardship statement in the variance request is valid and correct. We have observed that the natural topography of the backyard for Lee Ann's unit (B) makes it very difficult and inhospitable for normal use and enjoyment.

Secondly, Lee Ann has implemented numerous measures to properly control and manage runoff water from her property. Furthermore, she has committed to work with us to continue to make adjustments, as needed, to ensure that runoff is controlled to reasonable levels.

Finally, Lee Ann's pool and back deck do not disturb us in our use and enjoyment of our own property.

Please feel free to contact us with any questions.

Regards,

Alice Hatfield & John Wheat

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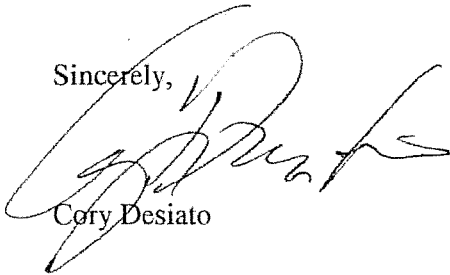
October 7, 2015

RE: Lee Ann Concienne  
2807 Warren St  
Austin, TX 78703

To Whom It May Concern:

Please let this serve as support for our neighbor in her request to obtain a variance to increase her impervious coverage. She has been our neighbor for 10 years plus and seems to be an upstanding neighbor and citizen.

Sincerely,



Cory Desiato



**JAMES A. RODMAN**  
**Attorney at Law**

JAMES A. RODMAN  
*Board Certified - Personal Injury Trial Law*  
*Texas Board of Legal Specialization*  
*JimRodman@Rodmanlawoffice.com*

1515 W 35<sup>th</sup> Street, Building C  
Austin, Texas 78703  
Telephone: (512) 481-0400  
Facsimile: (512) 481-0500

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September 24, 2015

City of Austin  
**Attn: Board of Adjustment**  
P.O. Box 1088  
Austin, Texas 78767

RE: Case No.: 2015-074749

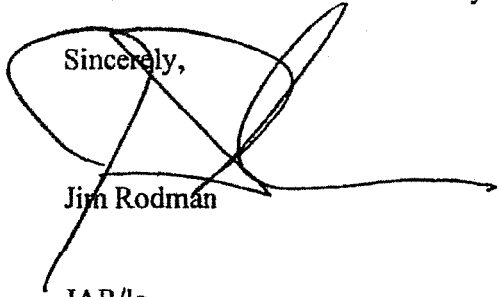
Dear Board of Adjustment:

I am writing this letter to express my support for granting the variance requested by Lee Ann Crain Concienne. I own and live at 3303 Hillview Road and have resided there continuously since 2003. Lee Anne has been my neighbor for about 10 years.

Her backyard pool and decking in no way disturbs me, or my use and enjoyment of my property. In fact the property adjoining both my property and Lee Anne's property also has a pool and deck. From my observations, Lee Anne's backyard is well maintained and presents no issues for me as an adjoining owner.

Please feel free to call me with any questions.

Sincerely,



Jim Rodman

JAR/lc

10/5/15

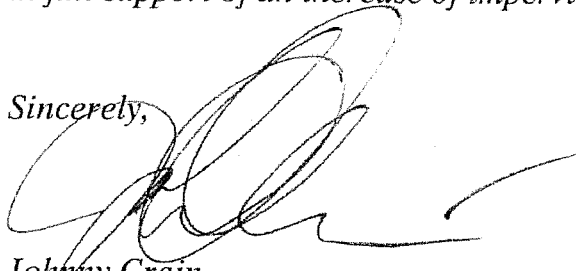
October 5, 2015

RE: Lee Ann Conciennie  
2807 Warren St  
Austin, TX 78703

To Whom It May Concern:

*I'm writing in support of my neighbor, Lee Ann Conciennie. She has been my neighbor for going on 10 years. She seems like a very hard working, single mother, who always is friendly. She has made many improvements to her property, all very tasteful and appealing to the eye. She has certainly made the most out of what seemed to be a terrible situation in the backyard. I am in full support of an increase of impervious cover.*

Sincerely,

A handwritten signature in black ink, appearing to read 'Johnny Crain', with a long horizontal flourish extending to the right.

Johnny Crain  
3211 Warren St  
Austin, TX 78703

Revised

CASE# C5-205-0143  
ROW# \_\_\_\_\_  
TAX# \_\_\_\_\_

5/17

**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 WARREN ST. UNIT B

LEGAL DESCRIPTION: Subdivision - WARREN CONDOMINIUMS AMENDED

S. 78.84 FT OF Lot(s) 8 Block Outlot Division MONT-DALE

I/We PHIL MONCADA on behalf of myself/ourselves as  
authorized agent for

LEE ANN CONCIENNE affirm that on AUGUST, 19,

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 X MAINTAIN

EXISTING POOL AND WOOD DECK AT REAR PORTION OF LOT. LDC 25-8-63 TO EXCEED IMPERVIOUS

COVER ALLOWED 45% TO 55.85%. WOOD DECK CONSTRUCTED OVER 10FT REAR SETBACK AND 5FT

SIDEYARD SETBACK PER PLAN REVIEW COMMENTS.

in a SF-3-NP 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):

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18

**REASONABLE USE:**

2. The zoning regulations applicable to the property do not allow for a reasonable use because:  
ZONING DOES NOT TAKE EXISTING SITE TOPOGRAPHY INTO ACCOUNT THAT WOULD ALLOW REASONABLE  
USE OF BACKYARD. DECK SPANS SLOPING BACKYARD AND CREATES OUTDOOR SPACE.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
ADJACENT LOTS HAVE FLATTER TERRAIN THAT ALLOW GREATER USABLE SPACE AT REAR PORTION OF  
LOT.

(b) The hardship is not general to the area in which the property is located because:  
MOST OF THE LOTS IN SUBDIVISION HAVE SINGLE FAMILY HOME AND NOT DUPLEX.

**AREA CHARACTER:**

2. 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:  
POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT NEIGHBORS.

**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:

N/A

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:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

**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 Phil Moncada Mail Address 1301 S. IH 35 STE 204

City, State & Zip AUSTIN TEXAS 78741

Printed PHIL MONCADA Phone 512-627-8815 Date 8-19-15

**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 2807 WARREN ST

City, State & Zip AUSTIN TEXAS 78703

Printed LEE ANN CONCIENNE Phone 512-940-2100 Date \_\_\_\_\_

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# RESTRICTIONS

- RESTRICTIONS:  
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

## LEGAL DESCRIPTION

UNITS A & B, 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2006205642, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

\*\*\*NOTICE\*\*\*  
BEFORE DESIGN BEGINS ON THE SUBJECT PROPERTY THE OWNER SHOULD CHECK THE LOCAL GOVERNMENT'S REQUIREMENTS ABOUT BUILDING SETBACKS AND OTHER BUILDING REQUIREMENTS.

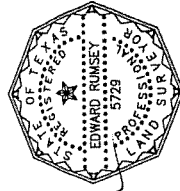
### IMPERVIOUS COVERAGE CALCULATIONS

UNIT A RESIDENCE: 1720.94 SQ. FT.  
COVERED AREAS: 192.01 SQ. FT.  
DRIVEWAY: 471.46 SQ. FT.  
STONE WALLS & COLUMNS: 51.44 SQ. FT.  
STONE PATIO: 123.50 SQ. FT.  
WOOD DECK: 1143.08 SQ. FT.  
AC PAD: 4.00 SQ. FT.  
EQUIP PAD: 9.60 SQ. FT.  
TOTAL: 2637.66 SQ. FT.

UNIT B RESIDENCE: 1863.17 SQ. FT.  
COVERED AREAS: 165.53 SQ. FT.  
DRIVEWAY: 481.38 SQ. FT.  
POOL TRIM: 62.86 SQ. FT.  
EQUIP PAD: 9.60 SQ. FT.  
AC PAD: 4.00 SQ. FT.  
STONE WALLS & COLUMNS: 51.44 SQ. FT.  
STONE PATIO: 123.50 SQ. FT.  
WOOD DECK: 1143.08 SQ. FT.  
TOTAL: 3430.22 SQ. FT.

BRICK WALL: 44.16 SQ. FT.  
TOTAL IMPERVIOUS COVERAGE: 6102.04 SQ. FT.  
BOUNDARY: 10926.26 SQ. FT.

PERCENTAGE OF IMPERVIOUS COVERAGE: 55.85%



TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED  
I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE BASIS OF THE FIELD NOTES AND MEASUREMENTS OF THE SURVEYOR AND THAT THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

### FLRM, MAP INFORMATION

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FIRM MAP NO. 4453C044H DATED: 9-26-2008

THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEYOR WILL NOT FLOOD CONTACT WITH LOCAL FLOOD PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

**ALLSTAR**  
Land Surveying

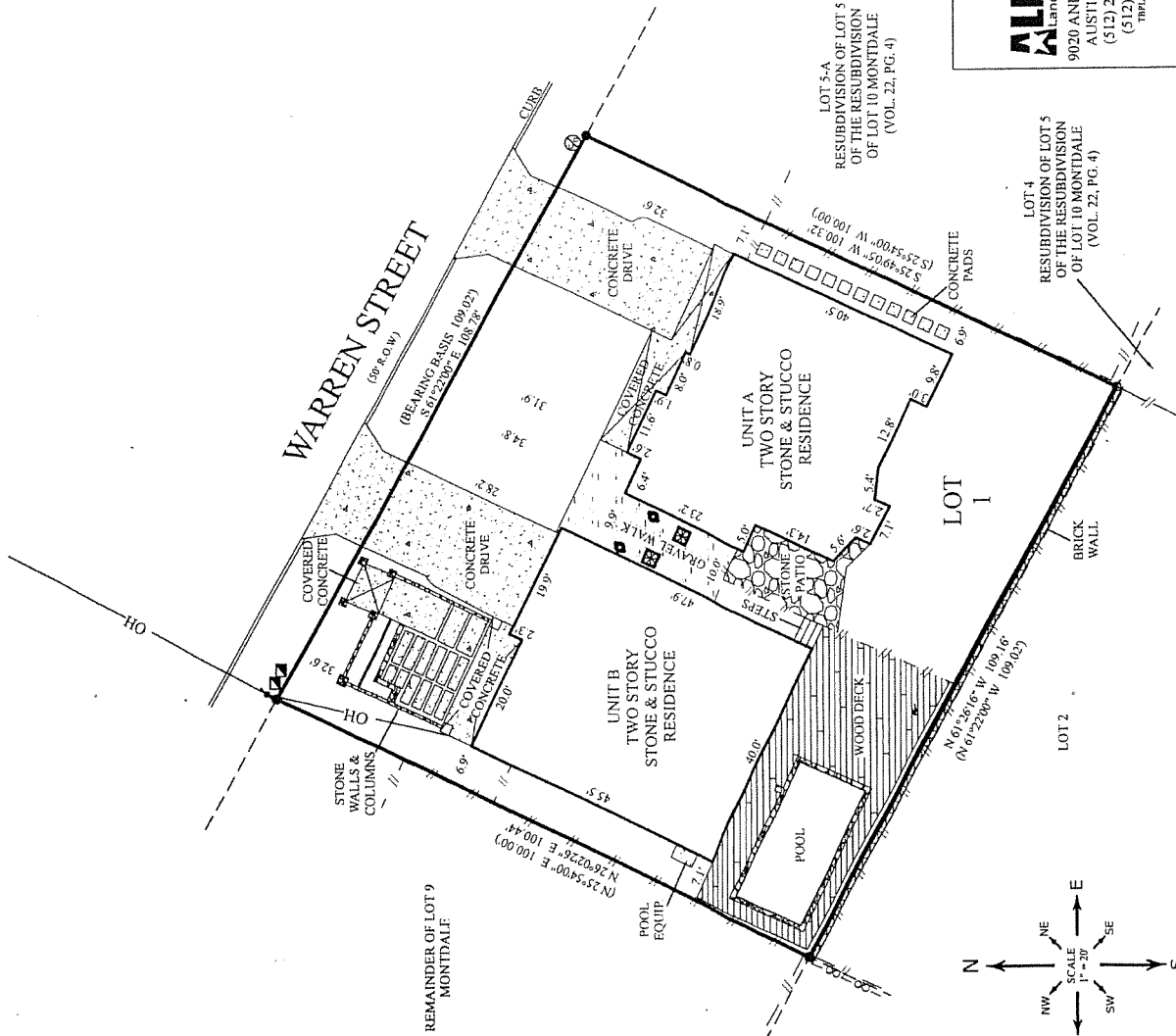
9020 ANDERSON MILL RD  
AUSTIN, TEXAS 78729  
(512) 249-8149 PHONE  
(512) 331-5217 FAX  
TXLS TRM NO. 103366

### ADDRESS

LEE ANN CONCINNE  
2805 / 2807 WARREN STREET  
AUSTIN, TRAVIS COUNTY, TEXAS

SURVEY DATE	AUGUST 10, 2015	FILED BY	EDWARD RUNSEY	08/10/2015
TITLE CO.		CALC. BY	EDWARD RUNSEY	07/30/2014
G.F. NO.		DRAWN BY	SEAN SUTTON	08/10/2015
JOB NO.		REPLS CHECK	EDWARD RUNSEY	08/10/2015

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See revised

CASE# C15-2015-043  
ROW# 11412732  
TAX# 0121040801  
TEAD?

4/10/20

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 WARREN ST. UNIT B

LEGAL DESCRIPTION: Subdivision - WARREN CONDOMINIUMS AMENDED

S. 78.84 FT OF Lot(s) 8 Block      Outlot      Division MONT-DALE

I/We PHIL MONCADA on behalf of myself/ourselves as  
authorized agent for

LEE ANN CONCIENNE affirm that on AUGUST, 19,

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 X MAINTAIN

EXISTING POOL AND WOOD DECK AT REAR PORTION OF LOT. LDC 25-8-63 TO EXCEED IMPERVIOUS  
COVER ALLOWED 45% TO 51.71%.

in a SF-3-NP district. (West Austin Neighborhood Group)  
(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):

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**REASONABLE USE:**

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

ZONING DOES NOT TAKE EXISTING SITE TOPOGRAPHY INTO ACCOUNT THAT WOULD ALLOW REASONABLE USE OF BACKYARD.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: ADJACENT LOTS HAVE FLATTER TERRAIN THAT ALLOW GREATER USABLE SPACE AT REAR PORTION OF LOT.

(b) The hardship is not general to the area in which the property is located because: MOST OF THE LOTS IN SUBDIVISION HAVE SINGLE FAMILY HOME AND NOT DUPLEX.

**AREA CHARACTER:**

2. 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:

POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT NEIGHBORS.

**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:

N/A

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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:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

**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 Phil Moncada Mail Address 1301 S. IH 35 STE 204

City, State & Zip AUSTIN TEXAS 78741

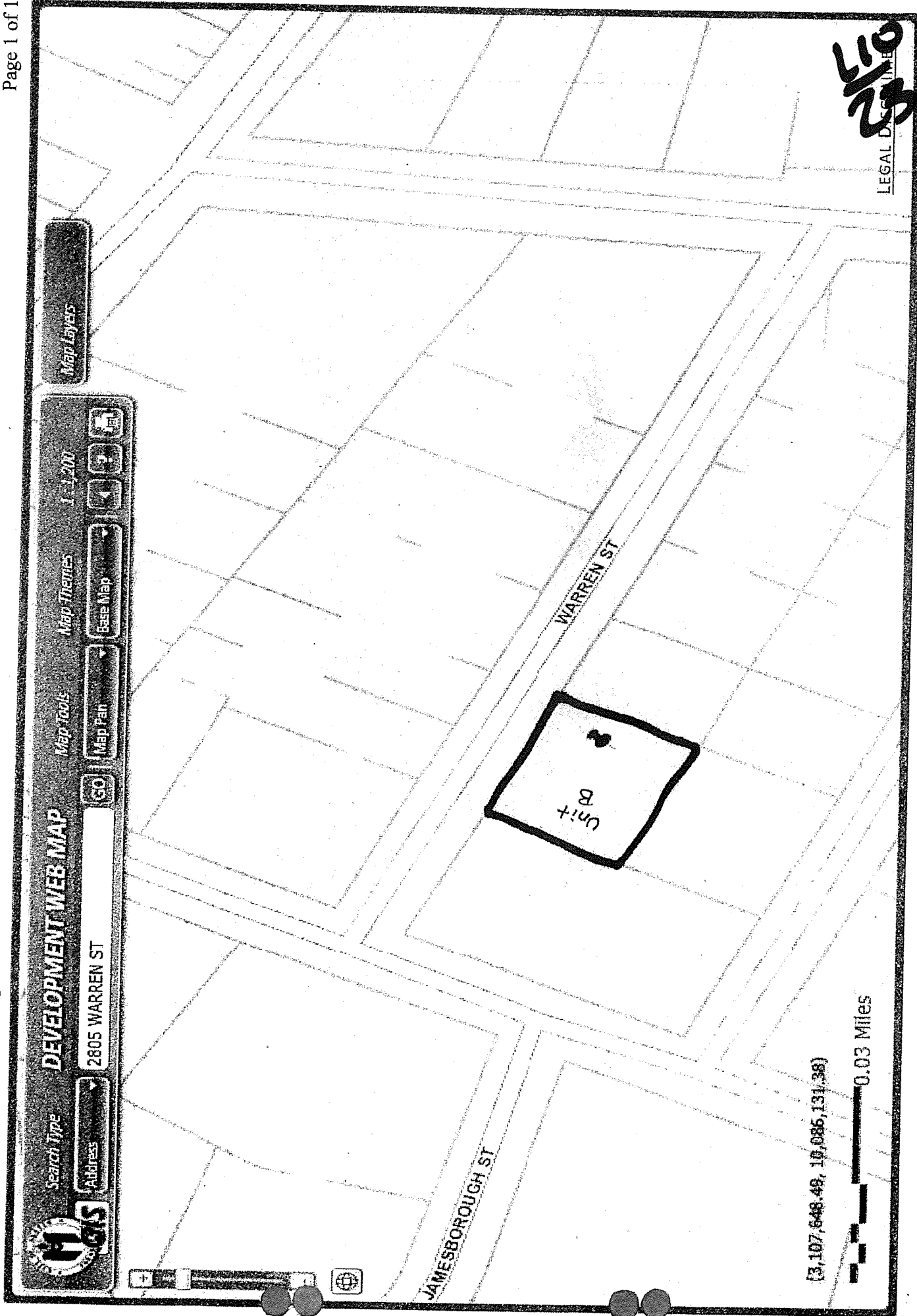
Printed PHIL MONCADA Phone 512-627-8815 Date 8-19-15

**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 2807 WARREN ST

City, State & Zip AUSTIN TEXAS 78703

Printed LEE ANN CONCIENNE Phone 512-940-2100 Date \_\_\_\_\_



*See Revised*

CASE# \_\_\_\_\_  
ROW# \_\_\_\_\_  
TAX# \_\_\_\_\_

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City, State & Zip AUSTIN TEXAS 78741

Printed PHIL MONCADA Phone 512-627-8815 Date 8-19-15

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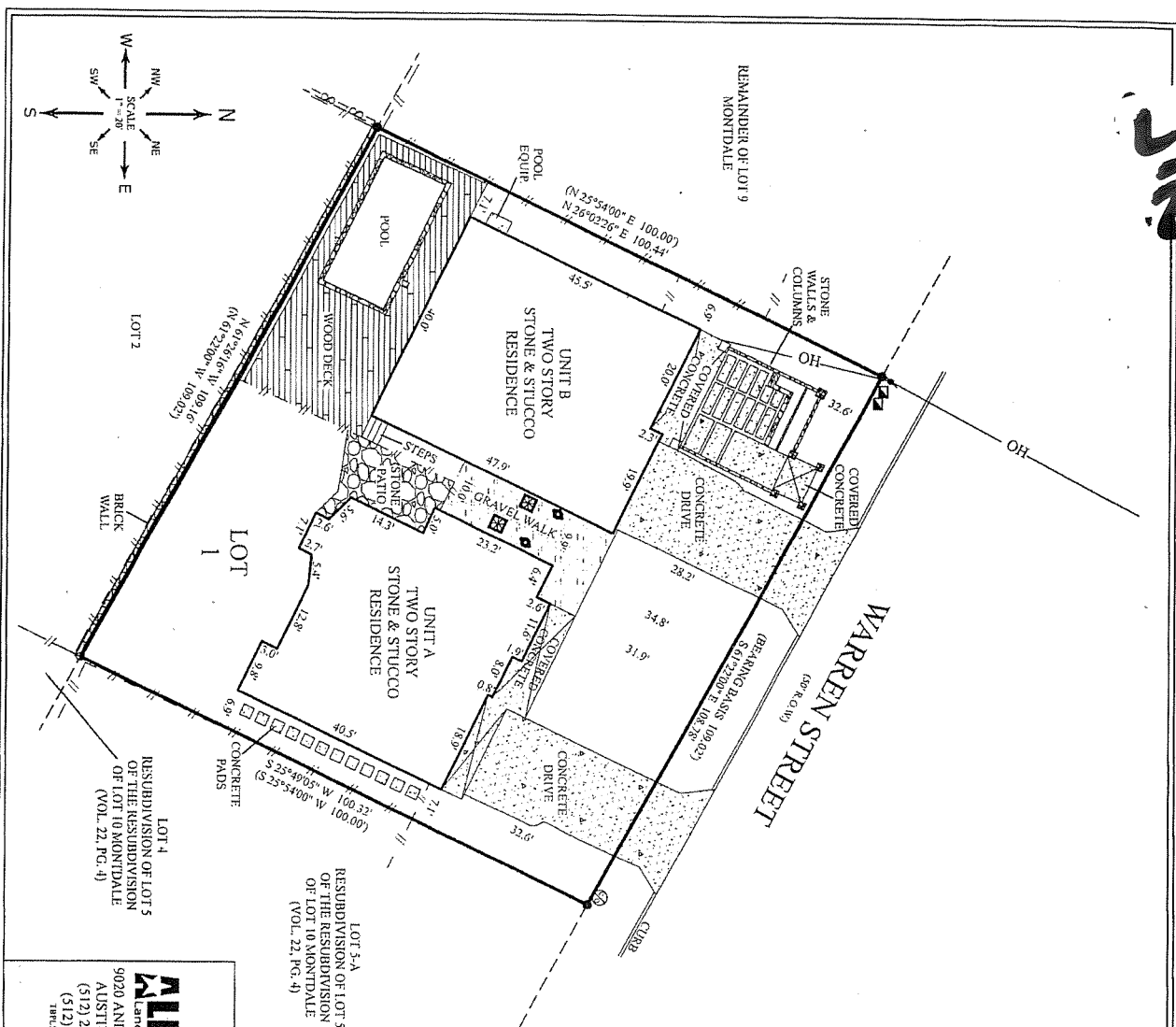
City, State & Zip AUSTIN TEXAS 78703

Printed LEE ANN CONCIENNE Phone 512-940-2100 Date \_\_\_\_\_



410/26

C16-2015-0143



RESTRICTIONS	
<p>- RESTRICTIONS:</p> <p>THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.</p>	
LEGAL DESCRIPTION	
UNITS A & B, 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2006205642, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.	
IMPERVIOUS COVERAGE CALCULATIONS	
<p>UNIT A RESIDENCE: 1720.94 SQ. FT. COVERED AREAS: 192.01 SQ. FT. DRIVEWAY: 471.46 SQ. FT. STONE PATIO: 201.75 SQ. FT. CONCRETE PATIO: 48.00 SQ. FT. AC PAD: 4.00 SQ. FT. TOTAL: 2637.66 SQ. FT.</p> <p>UNIT B RESIDENCE: 1865.17 SQ. FT. COVERED AREAS: 165.51 SQ. FT. DRIVEWAY: 481.38 SQ. FT. POOL: 781.26 SQ. FT. EQUIP. PAD: 9.60 SQ. FT. AC PAD: 4.00 SQ. FT. STONE WALLS &amp; COLUMNS: 31.44 SQ. FT. STONE COURTYARD: 203.70 SQ. FT. WOOD DECK: 781.26 SQ. FT. * 2 = 390.63 SQ. FT. TOTAL: 3420.22 SQ. FT.</p> <p>BRICK WALL: 44.16 SQ. FT.</p> <p>TOTAL IMPERVIOUS COVERAGE: 5921.13 SQ. FT. BOUNDARY: 10926.26 SQ. FT.</p> <p>PERCENTAGE OF IMPERVIOUS COVERAGE: 54.19%</p>	
F.I.R.M. MAP INFORMATION	
<p>THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAPS (FIRM MAP NO. 4853C044H) DATED: 9-26-2008</p> <p>DATE: 9-26-2008</p> <p>THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.</p>	
ADDRESS	
LEE ANN CONCINNIE 2805 / 2807 WARREN STREET AUSTIN, TRAVIS COUNTY, TEXAS	
SURVEY INFORMATION	
<p>SURVEY DATE: OCTOBER 01, 2014</p> <p>TITLE CO.: [blank]</p> <p>FILED BY: EDWARD RANNEY</p> <p>CALC. BY: EDWARD RANNEY</p> <p>DRAWN BY: SEAN SUTTON</p> <p>Q.E. NO.: 18071711-4853706-4873801</p> <p>Q.E. CHECK: EDWARD RANNEY</p> <p>Q.E. NO.: 18072015</p>	

## Heldenfels, Leane

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**From:** Heldenfels, Leane  
**Sent:** Thursday, October 08, 2015 9:57 AM  
**To:** 'Matthew L. Bray'  
**Subject:** RE: Comments - Case Number: C15- 2015-0143, 2805 Warren St, Unit B

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Thanks for sending in your comments, I will include them in the Board's late back up packet that they receive on the dais at Monday's hearing –

Leane Heldenfels  
Board of Adjustment Liaison  
City of Austin

**From:** Matthew L. Bray [REDACTED]  
**Sent:** Wednesday, October 07, 2015 4:34 PM  
**To:** Heldenfels, Leane  
**Subject:** Comments - Case Number: C15- 2015-0143, 2805 Warren St, Unit B

Name: Matthew & Misty Bray  
Address: 2707 Warren St Austin, 78703  
Daytime Phone: (512) 627-6693  
Today's date: October 7, 2015

Comments: We are in favor of approving all of the variance requests associated with this case. We feel that increasing the impervious cover to 55%, decreasing the side setback to 0 feet, decreasing the rear setback to 0 feet and decreasing the front setback to 2 feet causes no harm, damage or disruption to any of the neighboring homes. In fact, it probably helps neighboring homes by increasing their property values due to the improvements made to the property. Not allowing the variance request would be noisy and disruptive due to adjustments that would need to be made to the property.

Lee Ann is a great neighbor who cares a lot about the community. We are in strong favor of approving all of the variance requests.

Best regards,

Misty & Matt Bray

Alice Hatfield & John Wheat  
2805 A Warren Street  
Austin, Texas 78703

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October 8, 2015

City of Austin – Development Services Department, 1<sup>st</sup> Floor  
Attn: Board of Adjustment / Leane Heldenfels  
P.O. Box 1088  
Austin, TX 78767-1088

RE: Case No.: C15-2015-0143

Board of Adjustment:

We are writing to express our support for your approval of the variance requested by Lee Ann Crain Conciencie to allow the existing impervious cover as stated in the variance request.

We believe that we are the neighbors who are the most directly impacted by this request because:

- 1) our property is the only other unit of the 2805 Street Warren Condominiums and our portion of the lot was, therefore, included in the survey and the impervious cover calculations;
- 2) our property lies downhill from Lee Ann's and is therefore subject to much of the drainage that runs off of it – even under natural, undeveloped circumstances.

In support, we wish to say that we are aware that the hardship statement in the variance request is valid and correct. We have observed that the natural topography of the backyard for Lee Ann's unit (B) makes it very difficult and inhospitable for normal use and enjoyment.

Secondly, Lee Ann has implemented numerous measures to properly control and manage runoff water from her property. Furthermore, she has committed to work with us to continue to make adjustments, as needed, to ensure that runoff is controlled to reasonable levels.

Finally, Lee Ann's pool and back deck do not disturb us in our use and enjoyment of our own property.

Please feel free to contact us with any questions.

Regards,

Original signed by: Alice Hatfield and John Wheat

## Heldenfels, Leane

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**From:** Blake <[REDACTED]>  
**Sent:** Tuesday, October 06, 2015 12:19 PM  
**To:** Heldenfels, Leane  
**Cc:** WANG ExCom  
**Subject:** C15-2015-0143; 2805B Warren Street

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6 October 2015

Leane Heldenfels, Liaison  
Board of Adjustment  
City of Austin

Members of the BoA:

The Board of Directors (BoD) of West Austin Neighborhood Group (WANG) met with the applicant to discuss the above referenced variance requests. After extended discussion, the BoD voted to oppose all of the requested variances and would respectfully ask that the BoA deny the requests.

This property, now a two unit condominium use, was developed in 2005 as a duplex with a calculated impervious coverage of just under 45% of the lot. It is documented that the owner of 2505B Warren bypassed the normal City permitting requirements to add to the lot's total impervious coverage through the addition of the wooden deck enlargement associated with the swimming pool in the rear of 2505B as well as the addition of the covered concrete area in the front of 2505B.

To the WANG BoD, at this point, it would appear that the owner of the property deliberately placed themselves and their fellow condominium owner in this impervious coverage jeopardy. It is understood that the rear portion of this property, due to topographical variations, is subject to water retention but at a certain point excess water does leave the property. The applicant spoke to us of the owner of 2505B having currently on site some sort of water harvesting system, and that if the variances were granted some possible mitigation drains would be looked at. What is not addressed is how the existing addition of approximately 1,200 square feet of impervious cover to the property is accounted for or can be accounted for going forward. Water not absorbed on site seeks its own level. Just to the south of Warren Street is the North Taylors Creek Slough, which is documented to be subject to flooding, and which empties into Lake Austin, the City's source of drinking water.

As for the requested variance to the front setback requirement, the only justification or hardship apparent to the neighborhood association is that it is built.

There does appear to be close by neighbor support for the applicant's requests, and this was considered by the WANG BoD in reaching our decision, but the weight of the support did not counter balance how this existing situation arose. To the neighborhood association, it is very difficult to justify unpermitted work done outside the LDC requirements especially in regards to impervious coverage.

We again respectfully ask the Board of Adjustment to deny the variance requests. Thank you for your service to the City. A member of the WANG will be in attendance at the hearing.

Blake Tollett-WANG

