

L2
T

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

DATE: Monday, December 14, 2015

CASE NUMBER: C15-2015-0143

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Rahm McDaniel (Alternate)

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

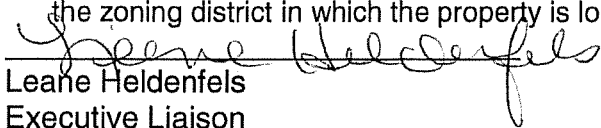
D. decrease the front setback from 25 feet (required) to 2 feet (requested)

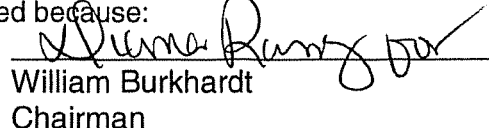
in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

BOARD'S DECISION: October 12, 2015 POSTPONED TO NOVEMBER 9, 2015 BY APPLICANT; November 9, 2015 The public hearing was closed on Board Member Eric Goff motion to Postpone to December 14, 2015, Board Member Michael Von Ohlen second on a 9-0 vote; POSTPONED TO DECEMBER 14, 2015; Dec 14, 2015 POSTPONED TO JANUARY 11, 2016 BY APPLICANT AND INTERESTED PARTY

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


William Burkhardt
Chairman

12/2

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 -2nd 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

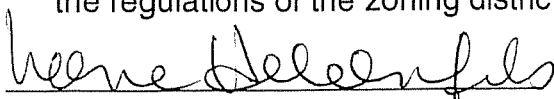
D. decrease the front setback from 25 feet (required) to 2 feet (requested)

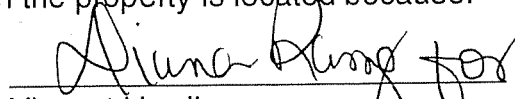
in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

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

L2
3

C15-2015-0143

Warren Street



2/4



L2
5





2/6

2/7

**PHOTOS SUPPORTING LEE ANN CONCIENNE
IN 78703 ZIP CODE**

**2546 Scenic Dr
Austin, TX 78703**

****this property was given variance for front setback
and covered pergola**

**2607 Velasquez
Austin, TX 78703**

****this property was given variance for front setback
and covered pergola**

**2518 Matthews Dr
Austin, TX 78703**

****this property was given variance for front setback &
their wall is higher than 8 ft and it surrounds the entire
property**

**3611 Windsor Rd
Austin, TX 78703**

****this property has a fence over 8 ft tall solid concrete
surrounding the property**

**3301 Greenlee
Austin, TX 78703**

****this property was given variance for over 8 ft tall
rock wall surrounding the property as well as front and
side setback**



L2
9



42
10



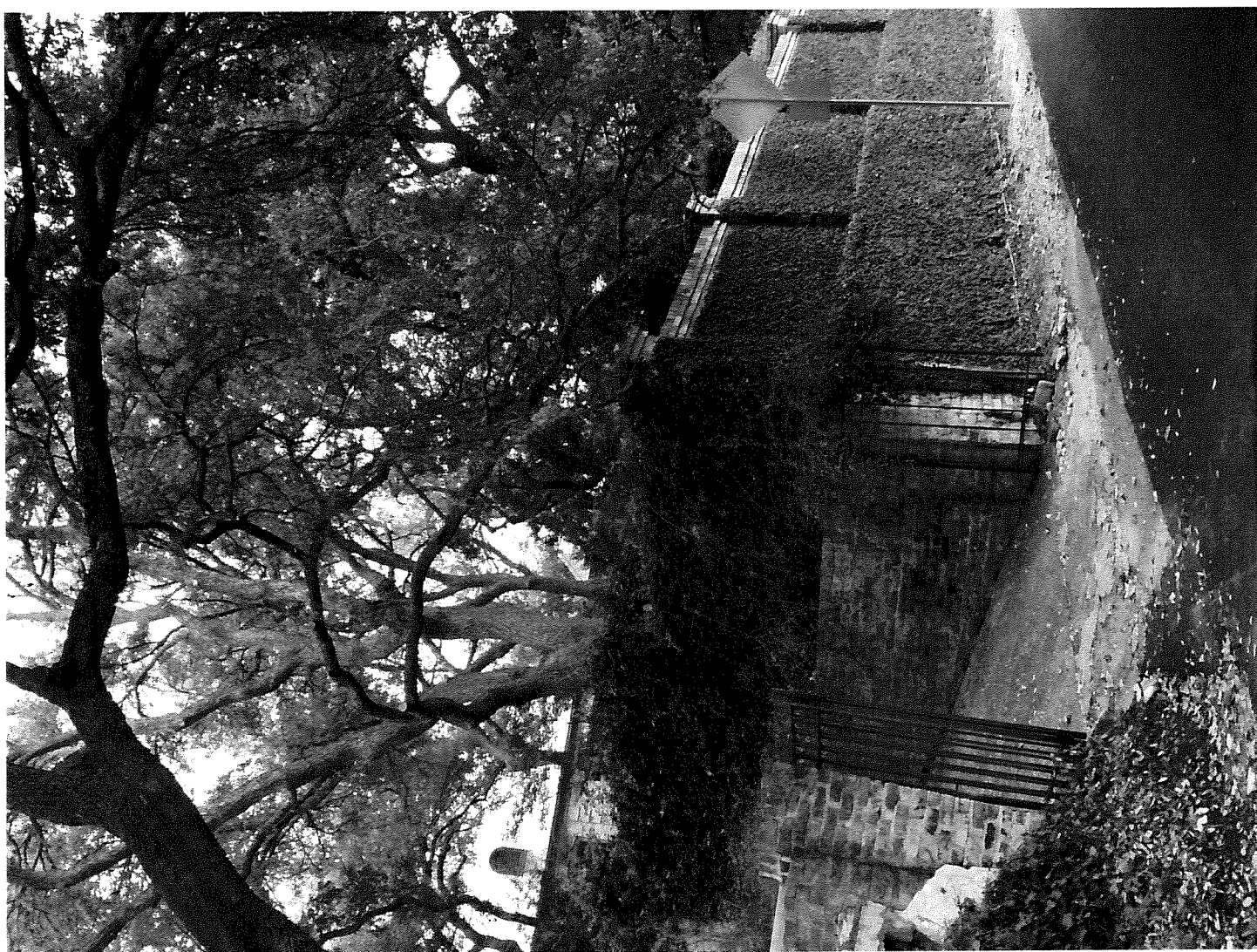
L2
11



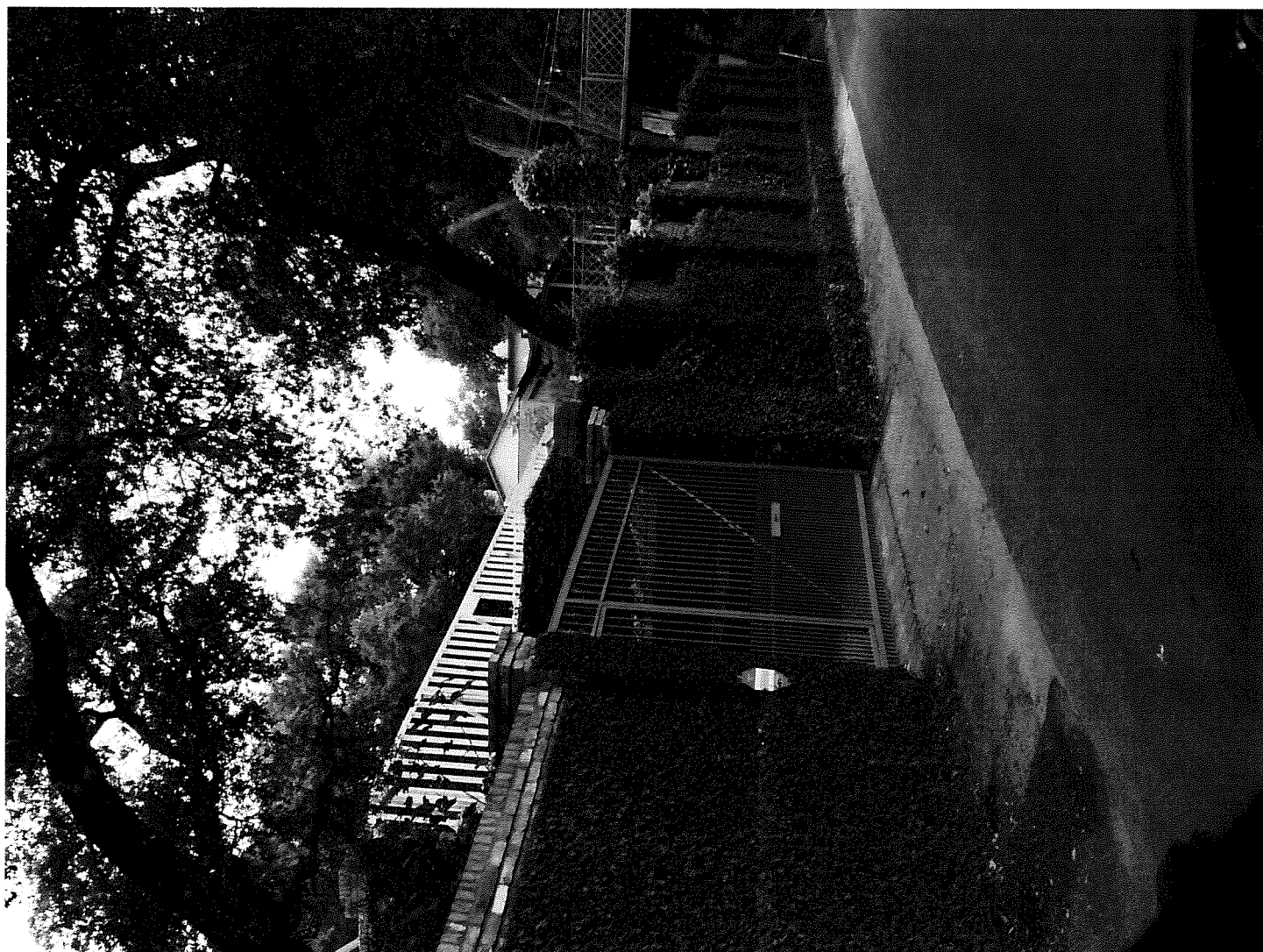
L2
12



L2
13



L2
14



62
15



62
16

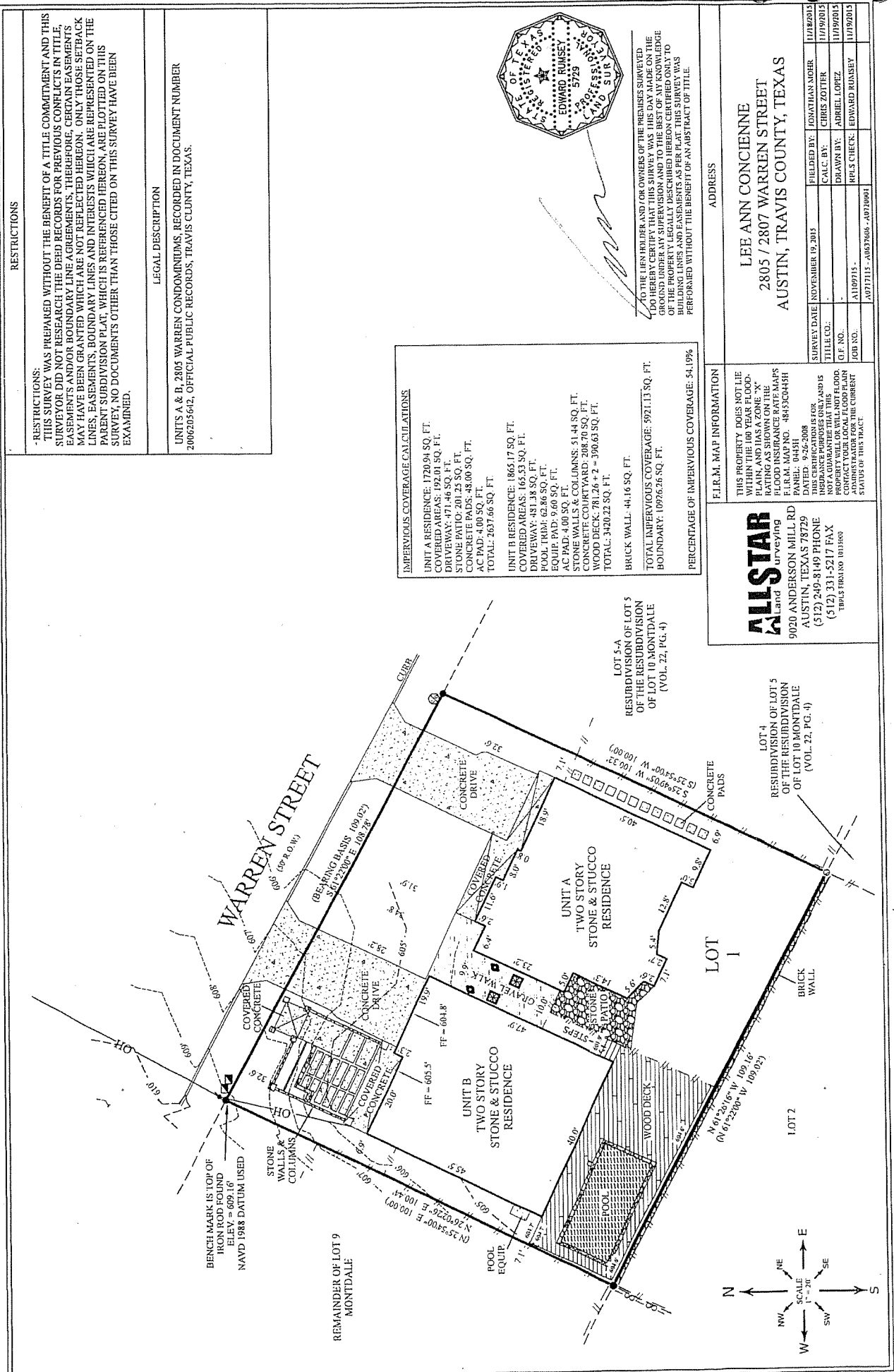


L2
17

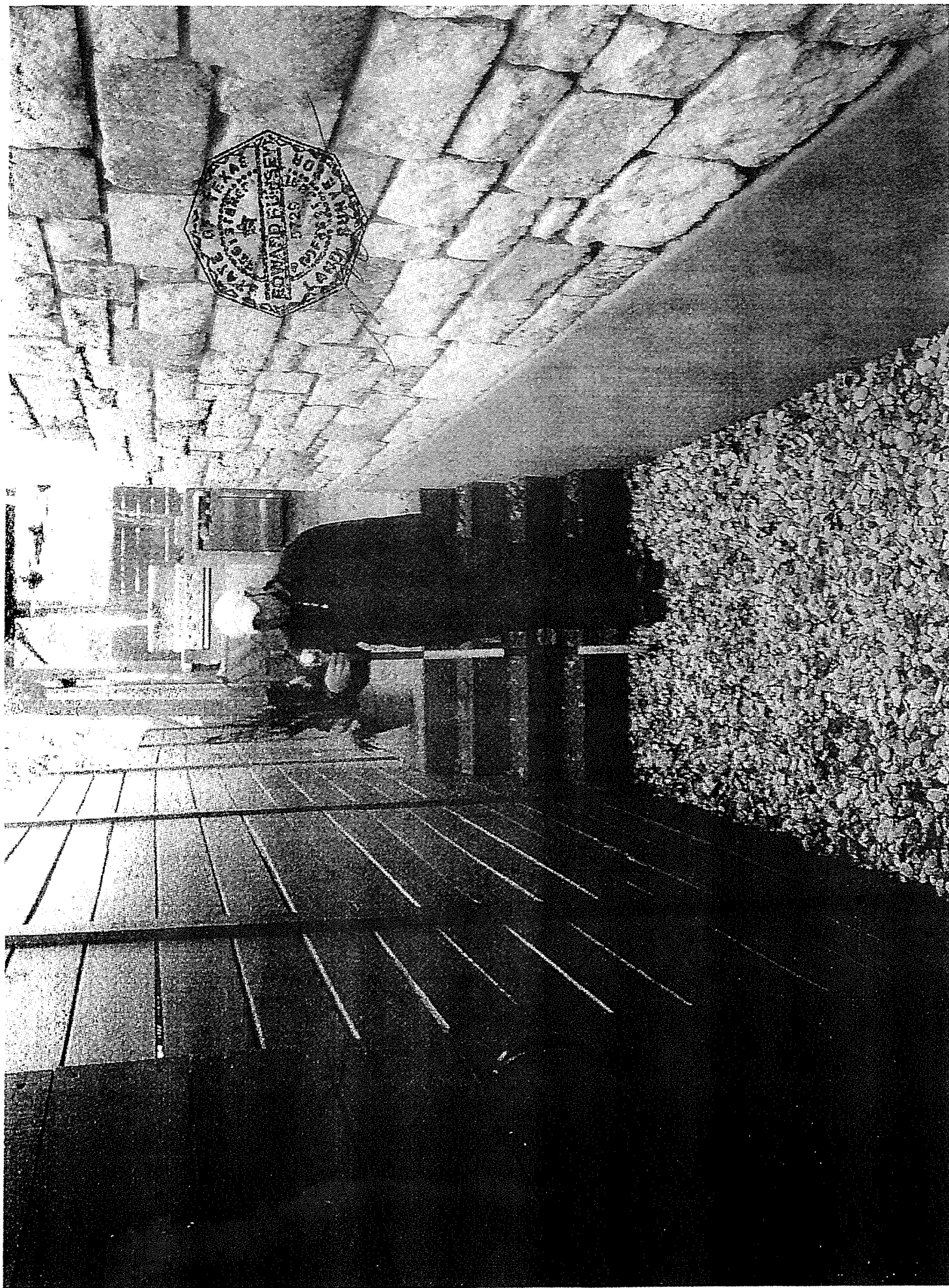


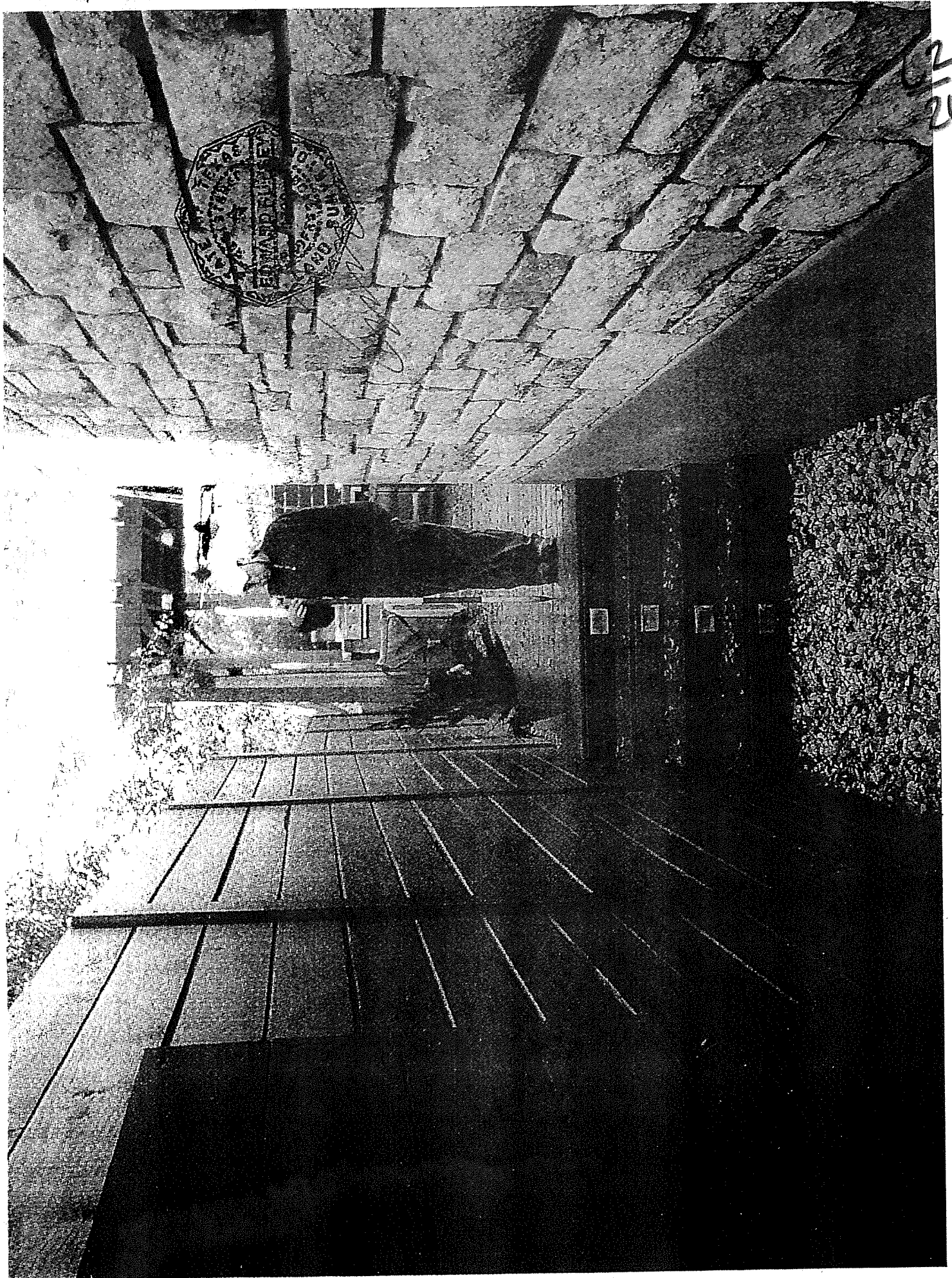
C15-205-0143

12/18



7/19





62
20

2
21



Address

Description

2805 WARREN ST
AUSTIN FULL PURPOSE

Council District 10
County: TRAVIS
Map Grid: MH26
[Property Website](#)

Hyperlinks

[Zoning Profile](#)

Details

Address
2805 WARREN ST

Annexations - Click Below

12/19/1985 - FULL

03/14/1946 - FULL

Property Profile - Click Below

0121040801

[Buildings and Units - Click Below](#)



Address

Description

2805 WARREN ST
AUSTIN FULL PURPOSE

Council District 10

County: TRAVIS
Map Grid: MH26
[Property Website](#)

Hyperlinks

[Zoning Profile](#)

Details

Address
2805 WARREN ST

Annexations - Click Below

12/19/1985 - FULL

03/14/1946 - FULL

Property Profile - Click Below

0121040801

[Buildings and Units - Click Below](#)



StreetMap

0 0.15 0.3mi

WINDSOR RD

WINDSOR RD

1

W 35TH ST

AUSTIN FULL PURPOSE

WINDSOR RD

WINDSOR RD

23

11/24/2015

Print

L2
24

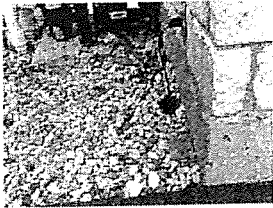
Subject: Pump

From: LEEANN CONCIENNE (mailto:leeann.concienne@sbcglobal.net)

To: moncadataz@sbcglobal.net;

Date: Tuesday, November 24, 2015 9:35 AM

LEEANN CONCIENNE has shared OneDrive files with you. To view them, click the link or image below.



 AUTOMATIC PUMP.PNG

RE: PUMP





We installed an automatic pump on the side of the house, plugged in as seen in picture, it is buried, beside the pool pump, as seen in picture...this was installed to redirect the run off of the water from either rain or sprinkler, so as not to cause the yard to be soggy under the deck...the pump holds the water like the barrel from the city would do, however, it does even better by pumping it into the front yard when full to irrigate. It is a 20 gallon tank. Attached is a picture of how it looked before it was buried and how it currently looks.



L2
25

L2
26



-  N
-  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

L2
27

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.

L2
28

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

42/29

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 Lee Ann Concienne Mail Address 2807 WARREN ST

City, State & Zip AUSTIN TEXAS 78703

Printed LEE ANN CONCIENNE Phone 512-940-2100 Date _____

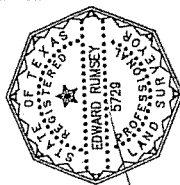
RESTRICTIONS

-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 SECTIONS OF THE SURVEY, BOUNDARY LINES AND INTERESTS WHICH ARE REFERRED TO ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE REFERRED TO 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 20060205642, 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 LIENHOLDER AND/OR OWNERS OF THE PREMISES SURVEYED I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE BASIS OF THE BEST AVAILABLE INFORMATION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO THE BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

INTERVIOUS 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: 145.35 SQ. FT.
POOL DECK: 481.34 SQ. FT.
POOL TRAIL: 62.86 SQ. FT.
EQUIP PAD: 9.60 SQ. FT.
AC PAD: 4.00 SQ. FT.
STONE WALLS & COLUMNS: 31.44 SQ. FT.
CONCRETE COURT YARD: 208.70 SQ. FT.
WOOD DECK: 781.26 ÷ 2 = 390.63 SQ. FT.
TOTAL: 3470.22 SQ. FT.

BRICK WALL: 44.16 SQ. FT.

TOTAL INTERVIOUS COVERAGE: 3921.13 SQ. FT.
BOUNDARY: 10926.26 SQ. FT.

PERCENTAGE OF INTERVIOUS COVERAGE: 54.19%

F.I.R.M. MAP INFORMATION

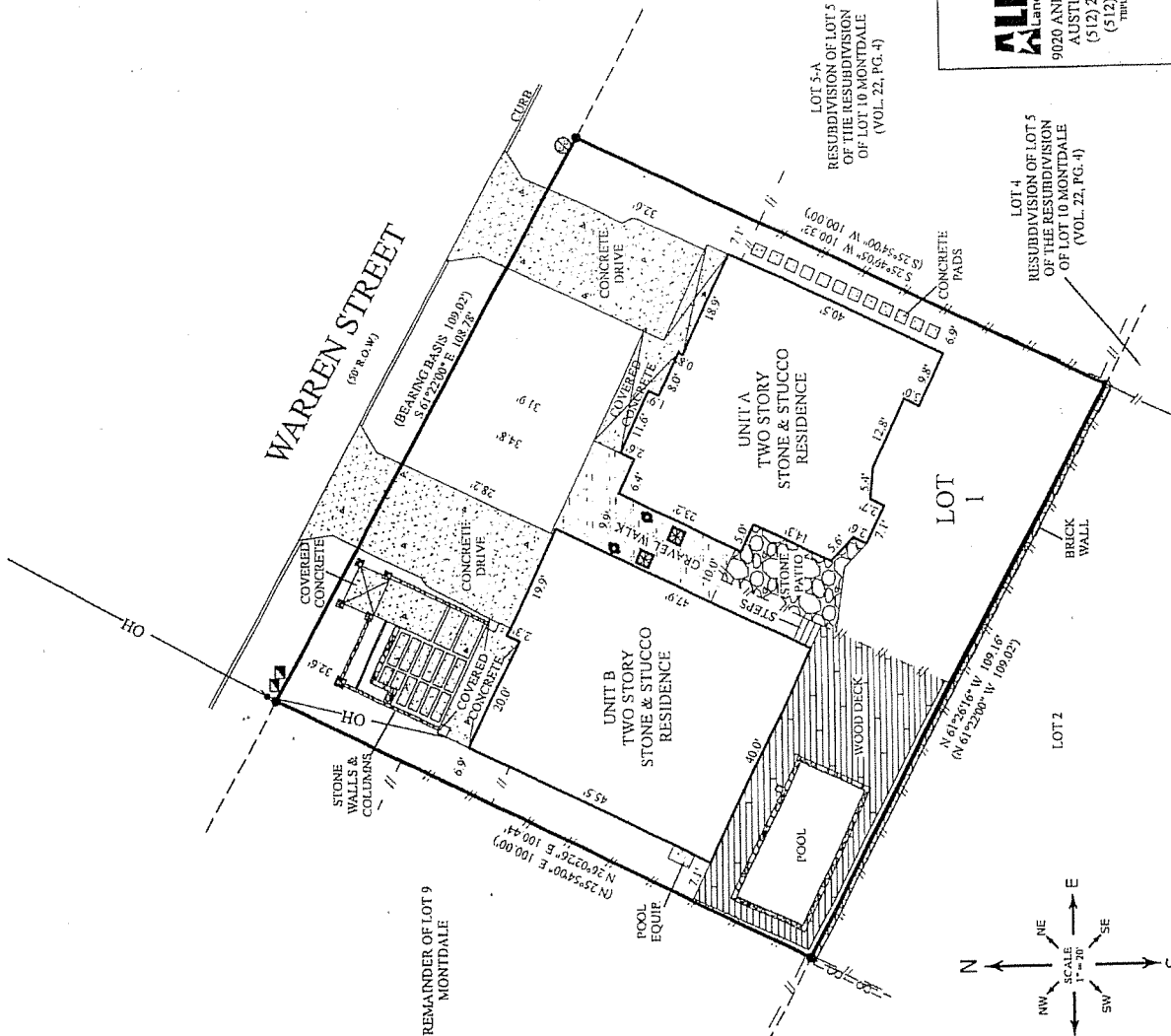
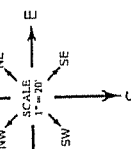
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN, AND HAS A ZONE "X" FLOOD INSURANCE RATE MAP RATING AS SHOWN ON THE F.I.R.M. MAP NO. 4803040401 DATED: 9-26-2008 THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE OF THE PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR AGENT 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
THOMAS PHILLIPS, LICENSED

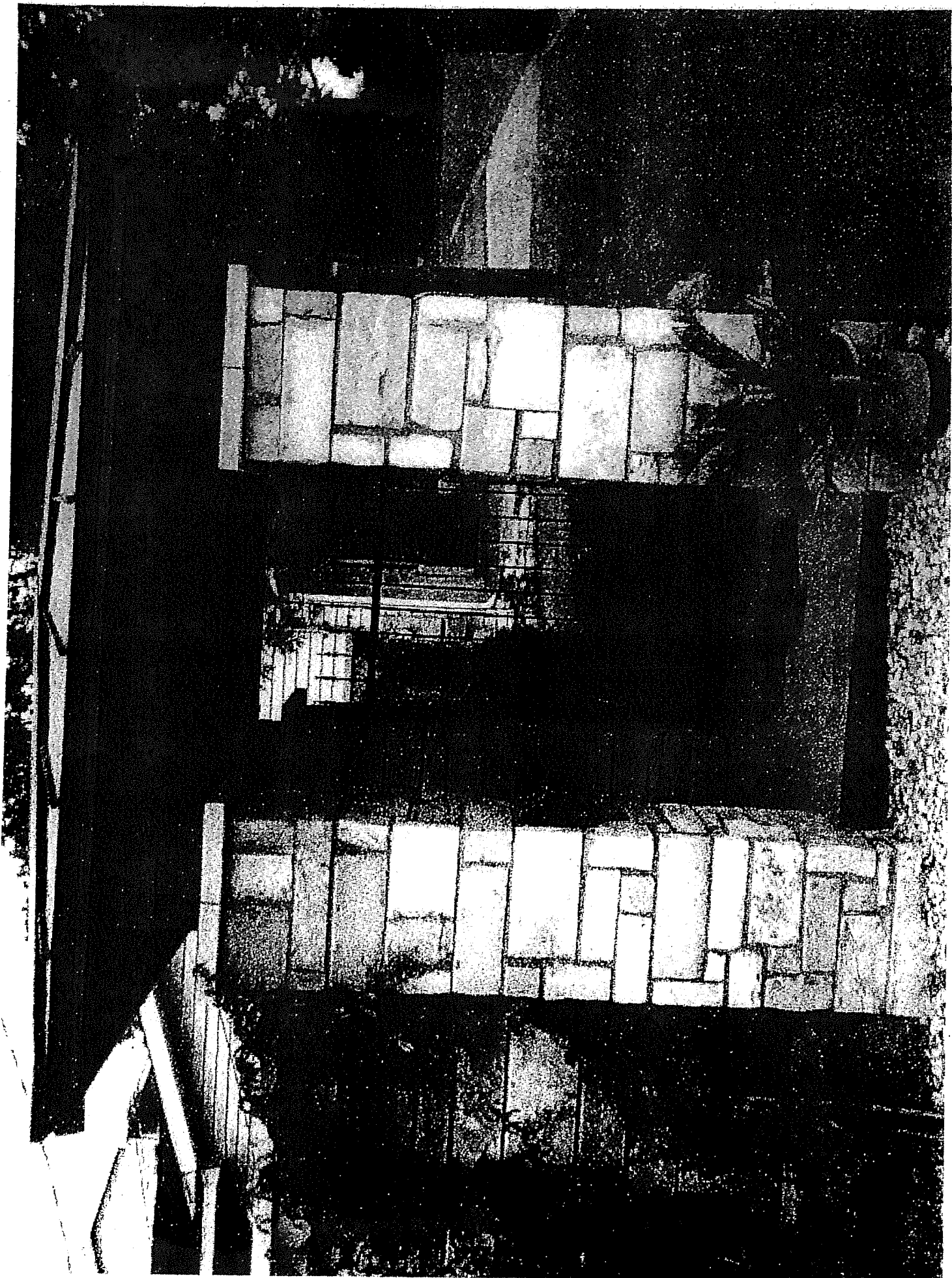
LOT 1
RESUBDIVISION OF LOT 5
OF LOT 10 MONTDALE
(VOL. 22, PG. 4)

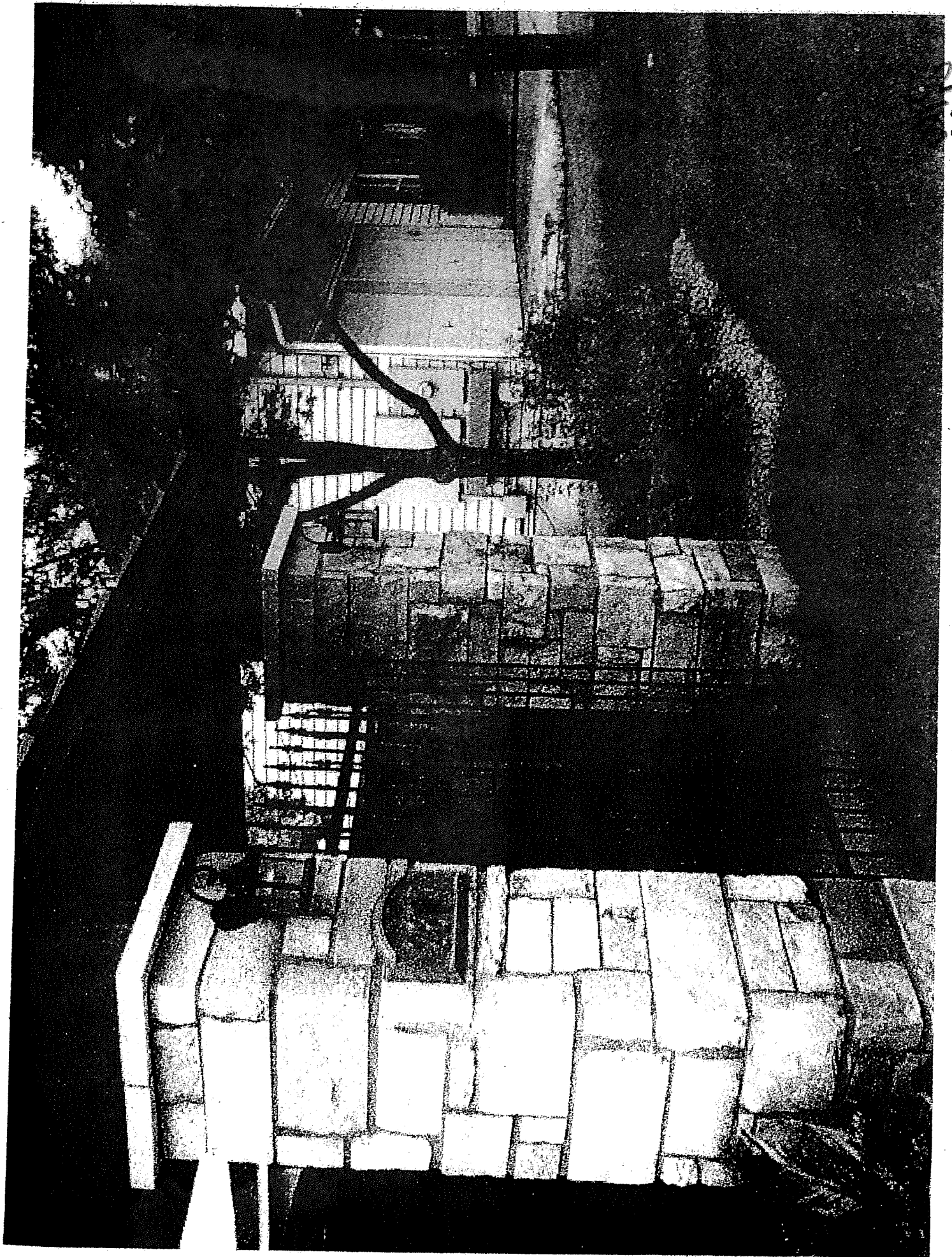
LOT 2
RESUBDIVISION OF LOT 5
OF LOT 10 MONTDALE
(VOL. 22, PG. 4)



30/12

2
31








●●●●○ AT&T LTE

3:30 PM

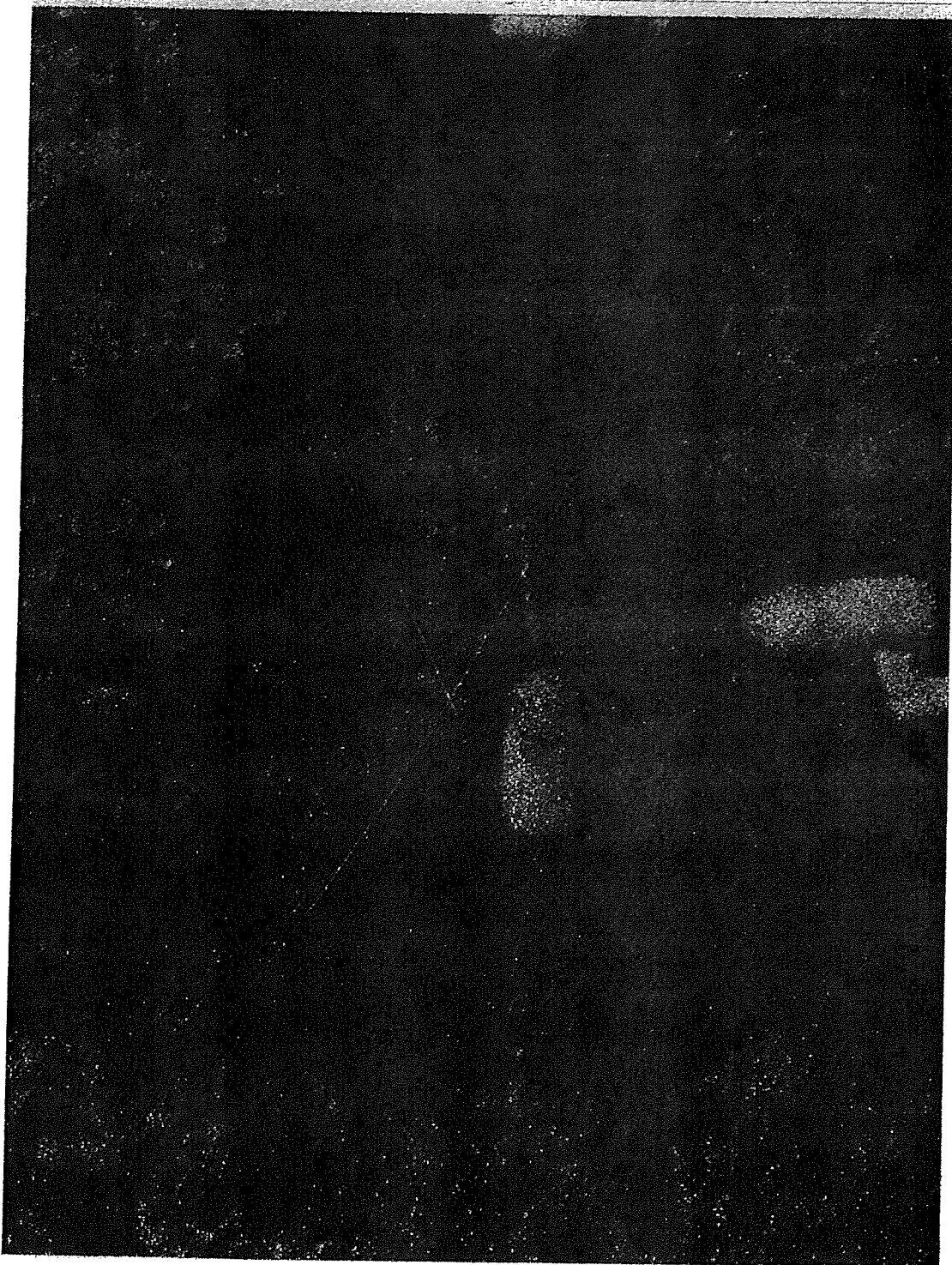
⌘ 45% 



Today
3:30 PM

Edit

L2
34





1. Section Conveyance

Development Code. The variance would allow me the ability to perpetuate my existing pool + deck

25-2-44-10

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

Property Owner Name	Address	Signature
Adam / Chantia Costa	3355 Hillview Rd	<i>Adam Costa</i>
Adam / Chantia	2404 Warren St	<i>Adam Costa</i>
Michael / Patricia / Michael	1101 Warren St	<i>Michael</i>
Patricia / Michael / Patricia	2300 Warren St	<i>Patricia</i>
Robert / K. H. H.	2302A Warren St	<i>Robert</i>
Kristen / Kristin Taylor	2801 Warren St	<i>Kristen</i>
Harvey / Robert	5373 Hillview Rd	<i>Harvey</i>

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

Property Owner Name (Printed)	Address	Signature
LISA MIXVS	2804 Caroline Rd	[Signature]
James Mikes	2804 Caroline Rd	[Signature]
Christine Yung	3304 Hillview Dr	[Signature]
George Bolin	3415 Bridge Path	[Signature]
Johnny L. Carlin	3211 Warren St	[Signature]
CHERYL HART	2707 Hillview Green	[Signature]
Cody Desoto	3600 Eastfield	[Signature]
John Whitst	2805 Wayne	[Signature]
Mary Mills Temple	2802 Mountain Laurel Drive	[Signature]
OWEN TEMPLE	2802 Mountain Laurel Drive	[Signature]
Peter Mikes	2715 Mountain Laurel Ln	[Signature]

L2
36

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

L2
37

October 8, 2015

City of Austin – Development Services Department, 1st 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 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,

Alice Hatfield & John Wheat

Revised

CASE# C15-205-0143
ROW# _____
TAX# _____

L2
38

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.

L2
39

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

See revised

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

L2
40

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 AMMENDED

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.

C2
41

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.

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:

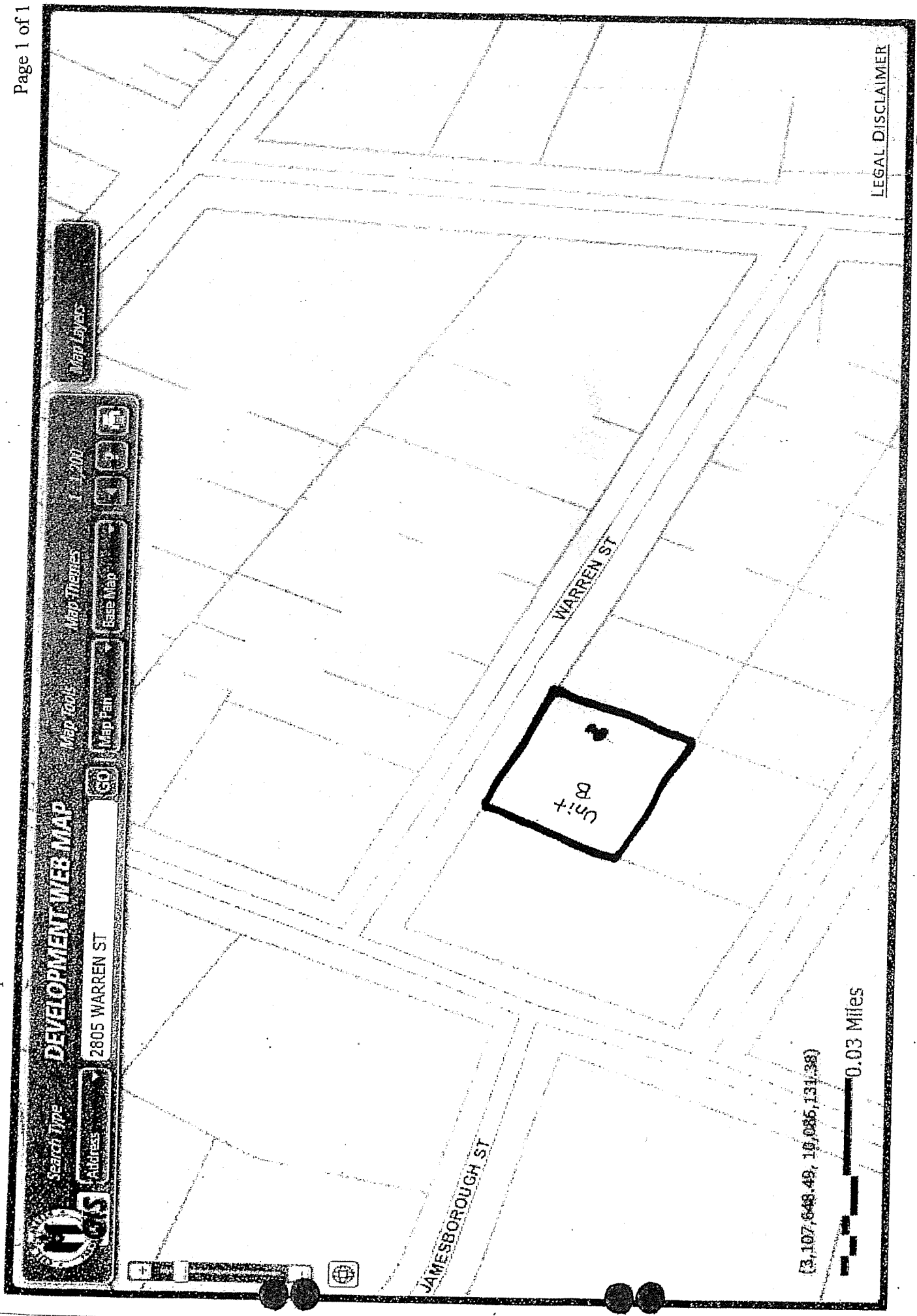
POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT NEIGHBORS.

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



62/92
8/24/2015

Heldenfels, Leane

L2
43

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

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

L2
44

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

October 8, 2015

City of Austin – Development Services Department, 1st 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 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,

Original signed by: Alice Hatfield and John Wheat

L2
45

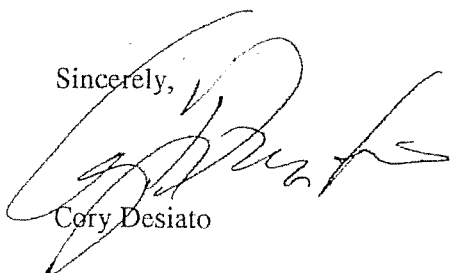
October 7, 2015

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,

A handwritten signature in black ink, appearing to read 'Cory Desiato', written over the printed name.

Cory Desiato

Heldenfels, Leane

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

L2
46

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

L2
47

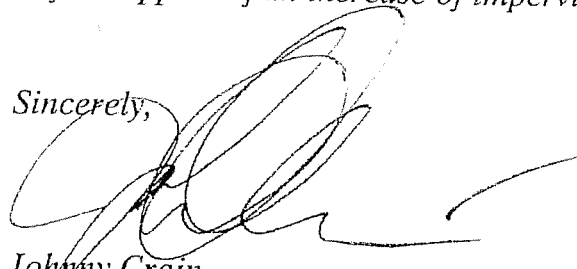
October 5, 2015

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

To Whom It May Concern:

I'm writing in support of my neighbor, Lee Ann Concienne. 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 stroke extending to the right.

Johnny Crain
3211 Warren St
Austin, TX 78703

JAMES A. RODMAN
Attorney at Law

L2
48

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

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

September 24, 2015

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

RE: Case No.: 2015-074749

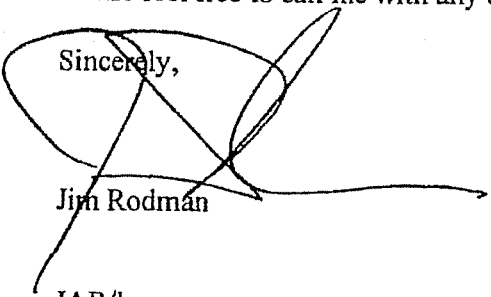
Dear Board of Adjustment:

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

