




-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2016-0085  
LOCATION: 3959 Westlake Drive



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 concerning accuracy or completeness.

1" = 233'

5/2

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday, August 8, 2016**

**CASE NUMBER: C15-2016-0085**

☒ Y Brooke Bailey 2<sup>nd</sup> the Motion  
☒ Y Michael Benaglio  
☒ Y William Burkhardt  
☒ Y Eric Goff  
☒ Y Melissa Hawthorne  
☒ Y Bryan King Motion to PP Sept 28, 2016  
☒ Y Don Leighton-Burwell  
☐ - Rahm McDaniel  
☒ Y Melissa Neslund  
☒ Y James Valadez  
☒ Y Michael Von Ohlen  
☒ Y Kelly Blume (Alternate)

**APPLICANT: Eric DeYoung**

**OWNER: Stone Park Trust**

**ADDRESS: 3959 WESTLAKE DR**

**VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-551 (C) (3) (Lake Austin District Regulations) for a lot included in a subdivision plat recorded before April 22, 1982 or a tract that is not required to be platted to:**

**A. (a) increase the maximum impervious cover on a slope with a gradient of 15% or less from 35% (required/permitted) to 49.53 (requested/ 62.31% existing); and to**

**B. (c) increase the maximum impervious cover on a slope with a gradient of more than 25% and not more than 35% from 5% (required/permitted) to 10.09% (requested, 12.04% existing); and to**

**C. (E) (2) to permit development on a slope with a gradient of more than 35%, which is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs from 0% (required/permitted) to 26.37% (requested, existing)**

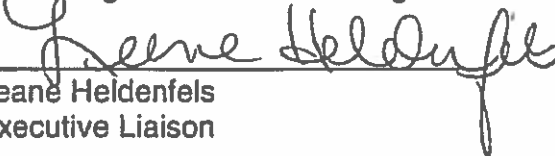
**in order to close/final existing open permits taken out by prior owners of this address after removing 3,870 square feet of existing impervious cover in a "LA", Lake Austin zoning district.**


15/3

**BOARD'S DECISION:** The public hearing was closed on Board Member Bryan King motion to Postpone to September 28, 2016, Board Member Brooke Bailey second on a 11-0 vote; **POSTPONED TO SEPTEMBER 28, 2016.**

**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

---



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

65/4

## Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case # C15-2016-0085 ROW # 11563571 Tax # 0129090629  
TAD ✓

### Section 1: Applicant Statement

Street Address: 3959 Westlake Drive

Subdivision Legal Description:

LOT 108 & PT OF LOT 107 LAKE SHORE ADDN, a subdivision in Travis County, Texas  
according to the map or plat thereof, recorded in Vol. 3, Page 30 of the Plat Records

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: LA

I/We Eric deYoung on behalf of myself/ourselves as  
authorized agent for Stone Park Trust affirm that on  
Month June, Day 15, Year 2016, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: Existing house and related improvements

5/5

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Applicant is seeking special exceptions from Section 25-2-551(C)(3) for the following: (a) 35% impervious cover on a slope with a gradient of 15% or less, (c) 5% impervious cover on a slope with a gradient more than 25% and not more than 35% and 25-2-551 (E)(2) for development on slope with a gradient of more than 35%.

## Section 2: Variance Findings

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 supporting documents.

**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.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

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

The house was originally constructed in 1960 and various additions and renovations have been constructed on the lot thereafter. The current owners purchased the house in August 2014 and sought out to perform an internal renovation. When the general contractor submitted permits for the internal renovation, a number of expired permits were discovered. The owner and general contractor dutifully pursued to "final" a number of the expired permits. The final outstanding permit is for the pool and deck. The pool and deck permit was originally applied for in 2004. It was approved by the City, constructed but never finalized in the City system. The improvements have been in place since 2004 and it is impractical to remove the improvements.

### Hardship

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

The age and location of the improvements have been in place for a long period of time. The owners' variance request includes removing improvements elsewhere on the property in order to reduce the overall impervious cover for the lot. (Please see attached outline).

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

Many homes in this area were constructed prior to the City annexing the shoreline area in 1982; therefore a number of lots in the immediate area may have impervious cover greater than what is permitted under the Code.

15/6

**Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The improvements have been in place for over a decade. The lot is heavily wooded and does not negatively impact the use of the adjacent properties.

**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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably 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

457

### Section 3: Applicant Certificate

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

Applicant Signature: [Signature] Date: 6/21/16

Applicant Name (typed or printed): Eric deYoung

Applicant Mailing Address: Armbrust & Brown 100 Congress

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2332

Email (optional – will be public information): edeyoung@abaustin.com

### Section 4: Owner Certificate

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

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name (typed or printed): Stone Park Trust

Owner Mailing Address: 3959 Westlake Drive

City: Austin State: TX Zip: 78756

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): see attached letter

### Section 5: Agent Information

Agent Name: Eric deYoung

Agent Mailing Address: 100 Congress Avenue, Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

Email (optional – will be public information): edeyoung@abaustin.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

As stated above, the property owners plan to remove 3,870 square feet of impervious cover from the existing 20,800 square feet which would reduce the overall impervious cover on the lot to 38%. Specifically, impervious cover would be: (i) 49.53% on a slope with a gradient of 15% or less, (ii) 2.5% on a slope with a gradient of more than 15% and not more than 25% (within Code requirements), (iii) 10.09% on a slope with a gradient of more than 25% and less than 35%, and (iv)

5/8

**Additional Space (continued)**

26.3% on a slope with a gradient of more than 35%.

Lined area for additional space details.

**SAVE**



LS  
9

June 14, 2016

Board of Adjustment  
c/o Leane Heldenfels  
City of Austin  
505 Barton Springs Road, 1<sup>st</sup> Floor  
Austin, Texas 78704

Re: Authorization letter for Board of Adjustment application regarding 3959 Westlake Drive, also known as TCAD No. 0129090129 (the "Property")

Dear City of Austin:

Please accept this letter appointing Armbrust & Brown, PLLC as authorized agent for the undersigned owner of the Property in connection with the submittal of a Board of Adjustment application for the above-referenced Property. This appointment includes complete authority for Armbrust & Brown, PLLC to handle all aspects of the application for the Property. All correspondence and contact should be directed thereto.

Thank you for your assistance in connection with this matter.

Respectfully,

STONE PARK TRUST

By:   
980A07109107455

Name: Jensen Ackles

Title: Grantor and Trustee

3959 Westlake Drive - Impervious Cover - 6/14/16

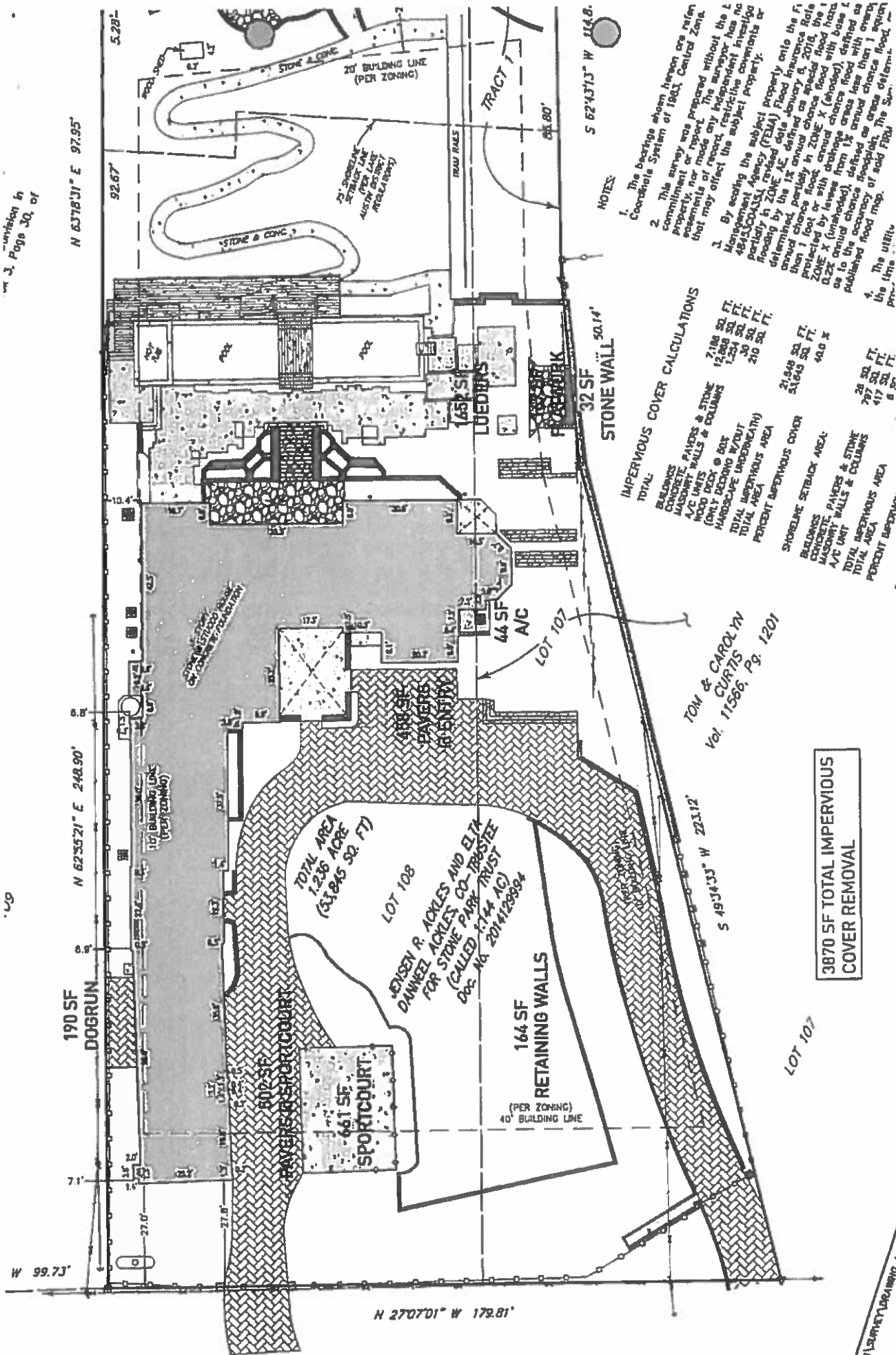
	Gradient Zone Total Area (SF)	Existing Imp. Cover (SF)	Existing Imp. Cover Overage (SF)	Proposed Reduction (SF)
Gradient Zone 1	29,758	18,542	8,127	3,804.2
Gradient Zone 2	6,510	204	0	39
Gradient Zone 3	1,370	165	97	26.8
Gradient Zone 4	7,183	1,889	554	0

Note:

- Existing Impervious cover values taken directly from Jones Carter survey dated 4/19/16
- Existing Imp. Cover Overages for Gradient Zone 4 are for existing pool equip. slab area. Switch back areas are not included in overages as they are exempt per LAO code.

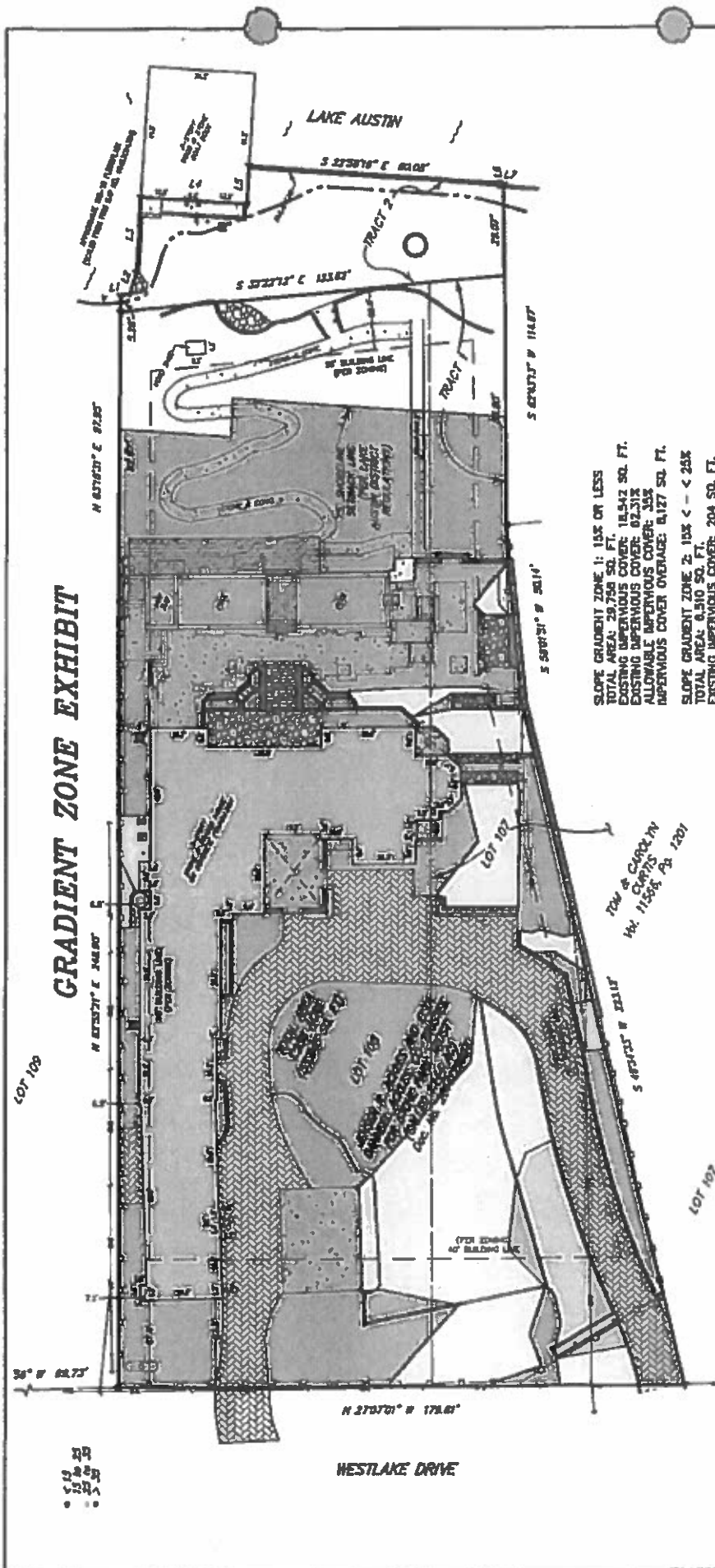
Continuation in  
Vol. 3, Page 30, of

CG



15

# GRADIENT ZONE EXHIBIT



SLOPE GRADIENT ZONE 1: 15% OR LESS  
 TOTAL AREA: 29,750 SQ. FT.  
 EXISTING IMPERVIOUS COVER: 18,542 SQ. FT.  
 ALLOWABLE IMPERVIOUS COVER: 82,312  
 IMPERVIOUS COVER OVERAGE: 63,770 SQ. FT.  
  
 SLOPE GRADIENT ZONE 2: 15% < - < 25%  
 TOTAL AREA: 8,510 SQ. FT.  
 EXISTING IMPERVIOUS COVER: 204 SQ. FT.  
 ALLOWABLE IMPERVIOUS COVER: 3,142  
 IMPERVIOUS COVER OVERAGE: 0 SQ. FT.  
  
 SLOPE GRADIENT ZONE 3: 25% < - < 35%  
 TOTAL AREA: 1,370 SQ. FT.  
 EXISTING IMPERVIOUS COVER: 165 SQ. FT.  
 ALLOWABLE IMPERVIOUS COVER: 12,035  
 IMPERVIOUS COVER OVERAGE: 11,870 SQ. FT.  
  
 SLOPE GRADIENT ZONE 4: 35% OR MORE  
 TOTAL AREA: 7,163 SQ. FT.  
 EXISTING IMPERVIOUS COVER: 1,869 SQ. FT.  
 ALLOWABLE IMPERVIOUS COVER: 28,305  
 IMPERVIOUS COVER OVERAGE: N/A  
  
 TOTAL IMPERVIOUS COVER OVERAGE: 8,778 SQ. FT.  
 (EXCLUDES PORTIONS OF ZONE 4)

**JONES CARTER**  
 Texas Board of Professional Engineers Registration No. 4-239  
 Texas Board of Professional Land Surveyors Registration No. 28864-001  
 1921 Broadway Building, Suite 600 • Austin, Texas 78701-1121 (512) 481-0107

12/5

LS  
13

July 21, 2016

Leane Heldenfels

Planning and Development Review Department

505 Barton Springs Road

Austin, Texas 78703

**Re: 3959 Westlake Drive Variance Request for exception to impervious cover limit**

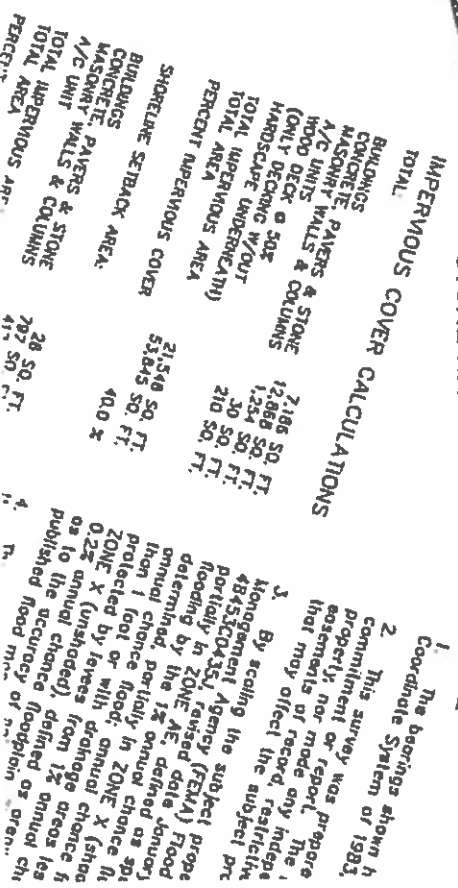
Dear Leane:

I own property located at 3961 Westlake Drive Austin, TX 78746. My neighbors, Jensen and Danneel Ackles, have filed a variance request with the City of Austin for exceptions to impervious cover limits so they may complete interior renovations to their home. They are willingly removing existing impervious cover they did not construct. Those areas of impervious cover have been in place for a number of years before they purchased the house. We support the variances required to finalize their interior remodel.

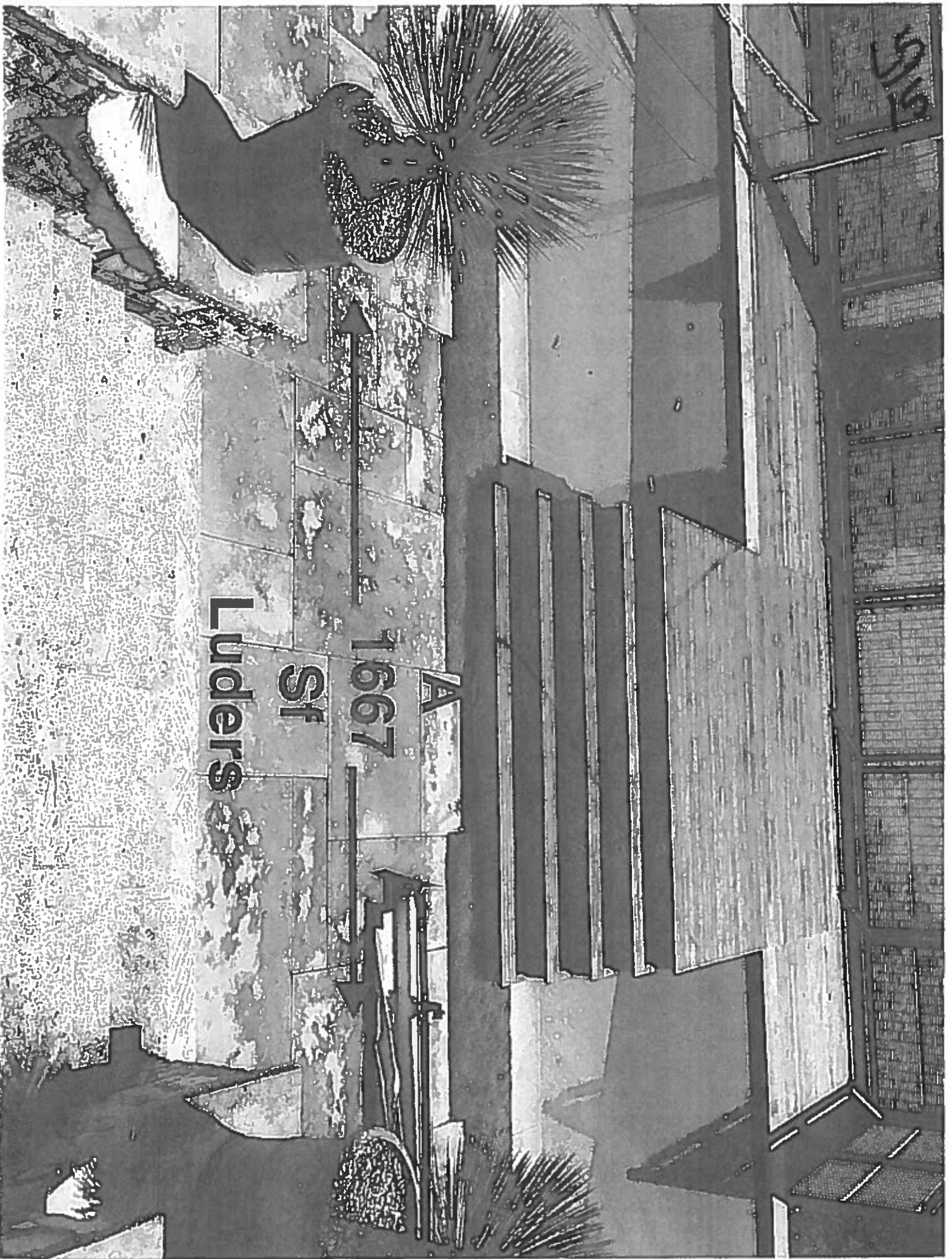
Thank you.

Sincerely,

  
Rod Roberts

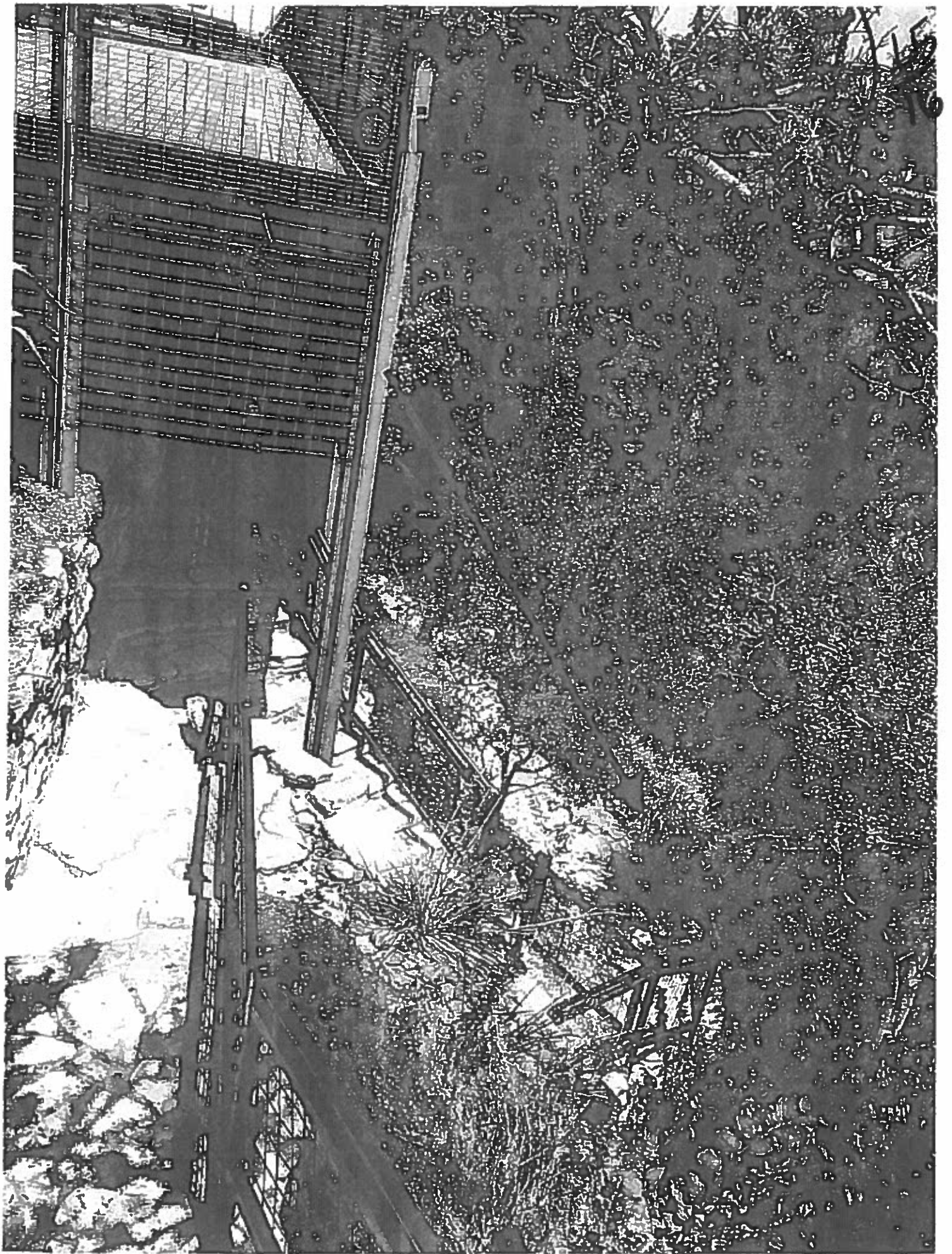






5/15

A  
1667  
St  
Luders





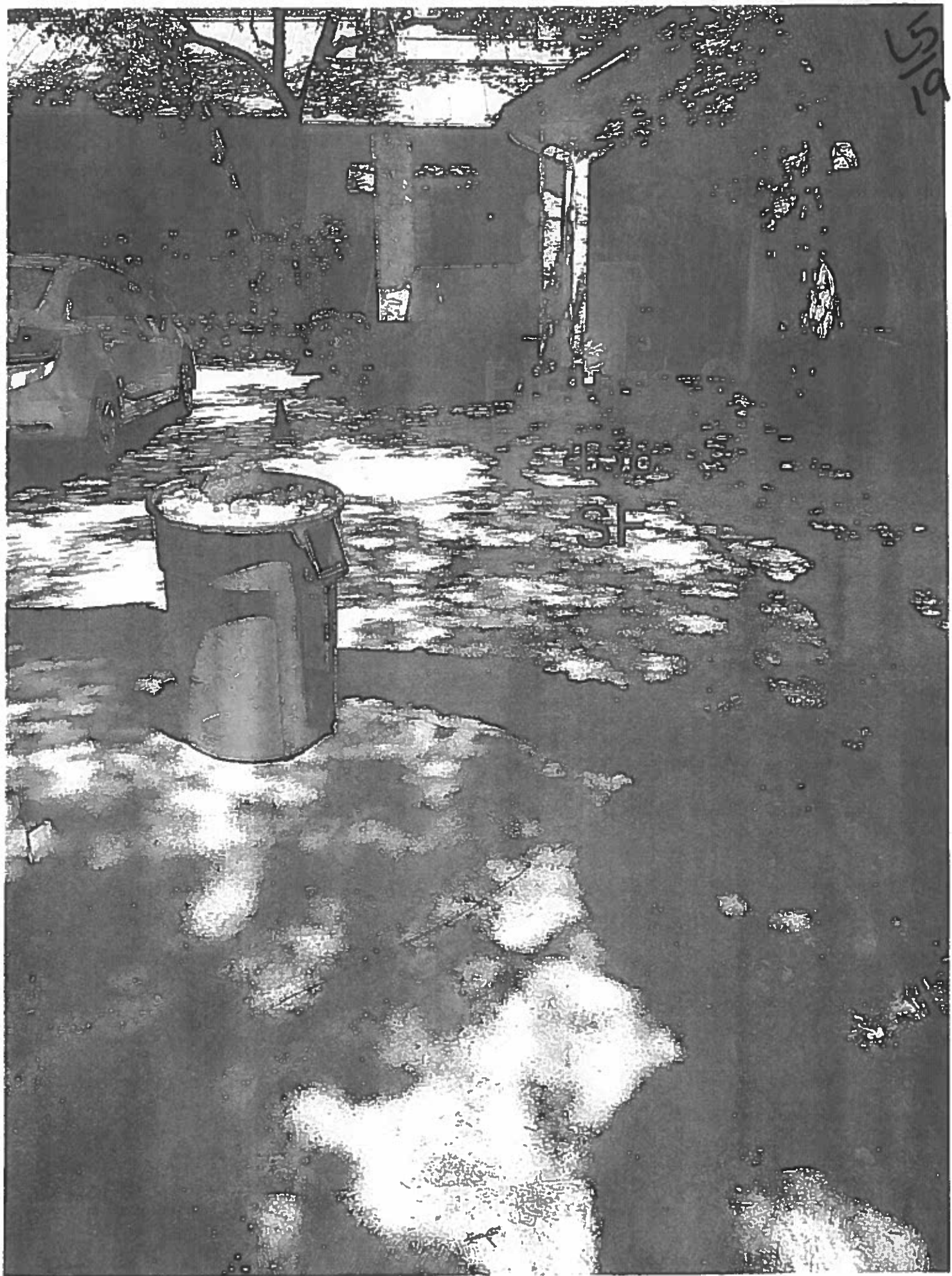


LS  
18

PI

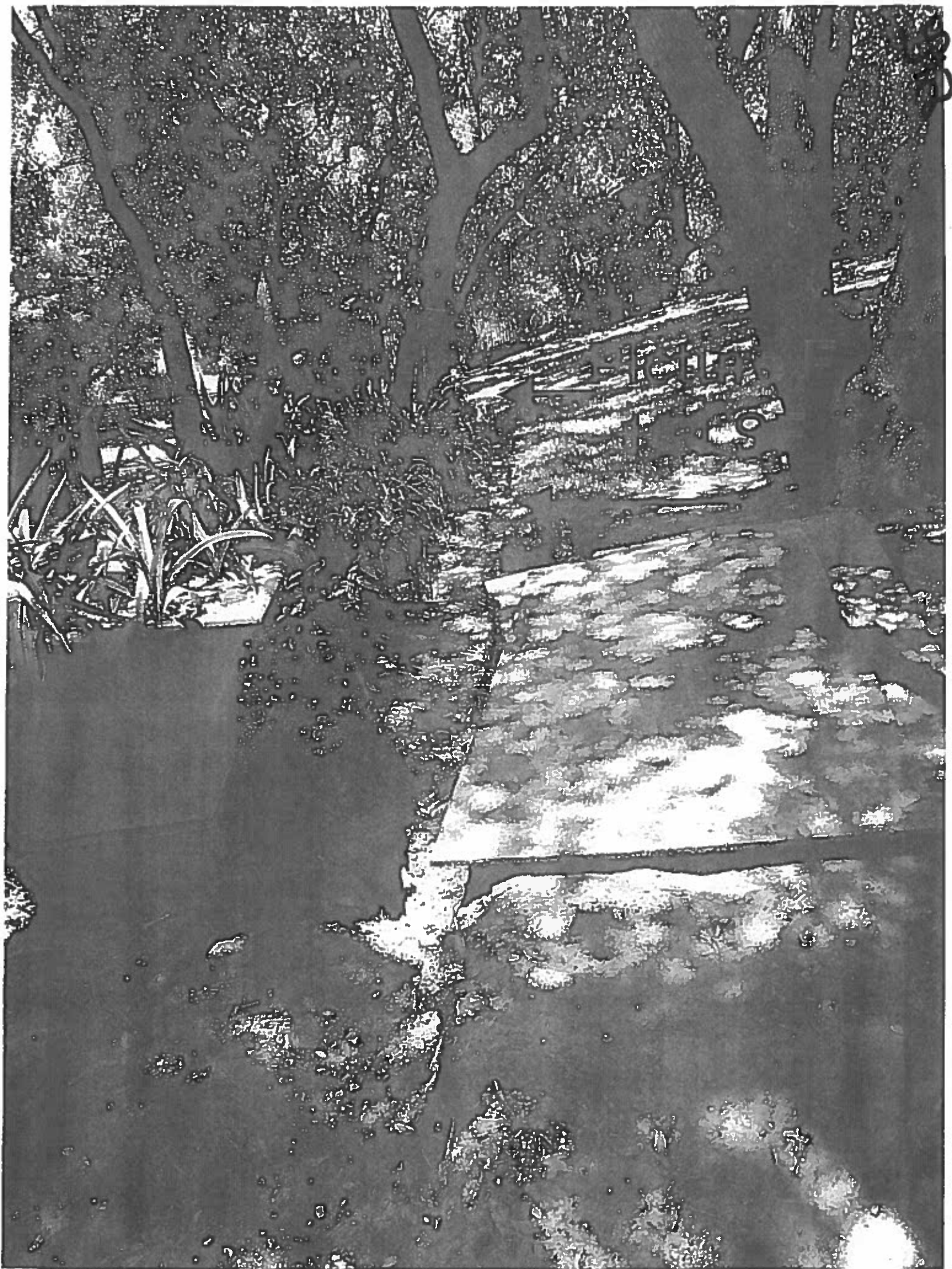








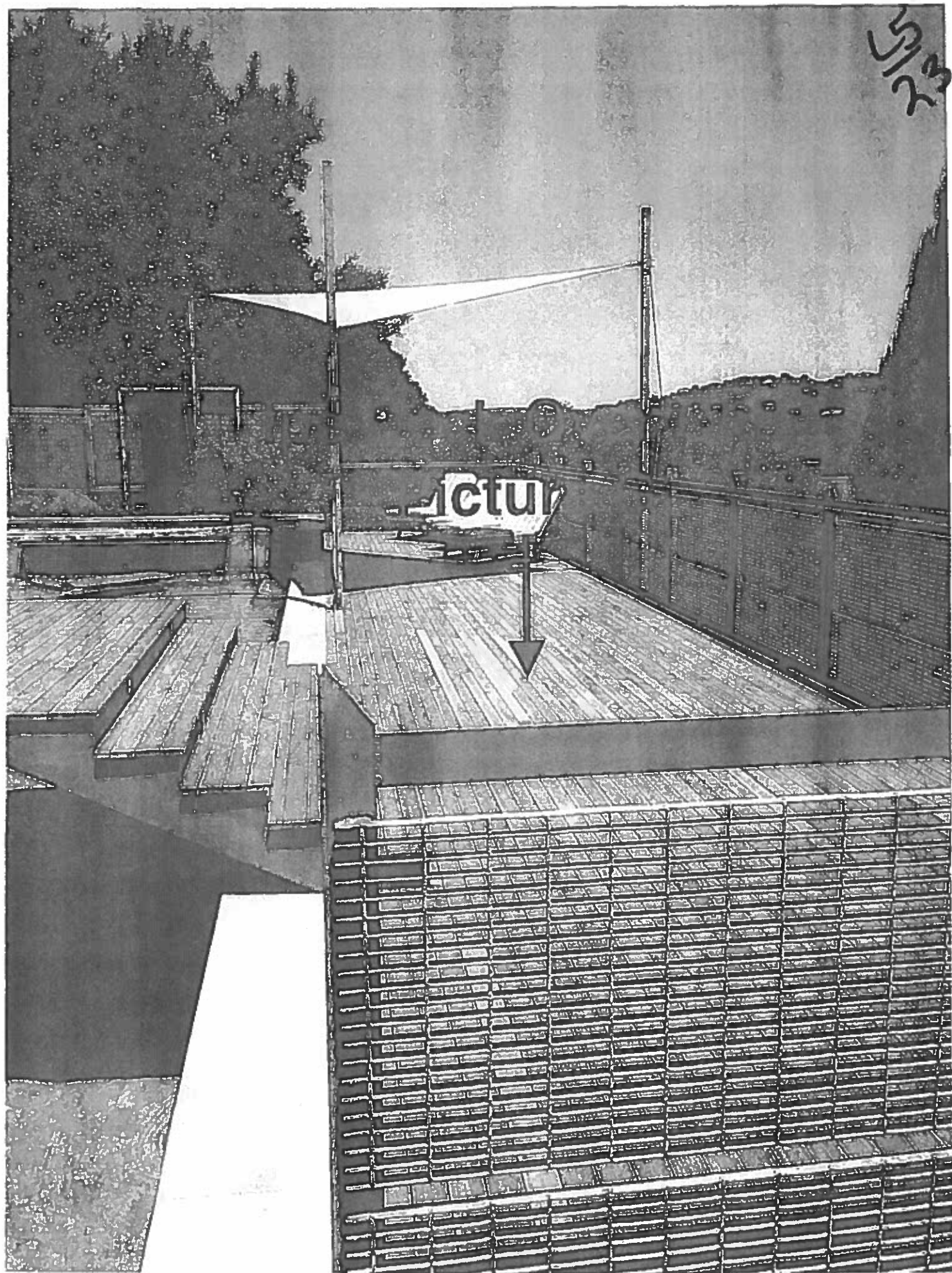








5/23







5/25

Picture A  
Landing  
at end of Tub

