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From the office of:

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FILE COPY

February 12, 2018

RE: BOA request for 6705 Pixie Cove

Board of Adjustment Commissioners:

We are seeking a variance to allow 5,450 SF of impervious coverage (50% of the net site area) on this lot platted in 1962 as part of the Rivercrest Subdivision. This is a reduction from the existing impervious coverage of 5,792 SF (53.1%). The majority of the reconstruction is within the same footprint of exiting IC footprint.

The residential project was initiated in 1962 with the platting of the subdivision. The home was built in 1981 pursuant to the AA zoning district standards. The property was rezoned in late 1984 to LA after the adoption of the new zoning code. The subject project was built in compliance with AA *First Height and Residential* zoning which allowed 45% (gross site area) impervious coverage of gross lot area under zoning chapter 13-2. The house is now over 30 years old and in need of replacement. The property owner desires to replace the structure with a superior product that will not exceed the existing impervious coverage on the lot. The property owner is entitled to a reasonable use of the property which was zoned AA then rezoned LA and turned into a non-compliant status by the city of Austin after the house was constructed. The platted lot is less than 1 acre, the lot has less than 100' of lot width at the ROW, and the lot cannot be developed under current LA zoning in a fair and reasonable manner consistent with the market price of the lots in and along Lake Austin.

The applicant has requested administrative approval from Development Services, however, staff is unable to provide relief other than allowing the reconstruction to occur only in the same footprint as the original 1982 construction. While certain LDC provisions do help some projects achieve administrative remedy, unfortunately the LDC is not a one size fits all remedy. The owner simply wants to build a new house on an undersized lot while reducing the impervious cover. This roughly 342 SF reduction in impervious coverage will be achieved by demolishing the existing house and foundation, picking up the existing impervious coverage and moving it around, and redeveloping the site in a manner that will result in a far superior project than what currently exists.

The hardship for the site exists in several facets. As stated, the site was built in accordance with AA zoning in place at the time of construction. The site currently exceeds the 35% impervious coverage allowance outlined in LDC 25-2-551-C-3-A, which limits 0-15% slopes to a maximum of 35% impervious coverage. The current regulations also require net site area be calculated which removes the rear 25' shoreline area from the platted lot area. This reduces the available lot area from 15,805 SF to a net site area of 10,898 SF – over 5,000 SF of non-inundated, county-taxable land area is lost as a result of the application of current code. The lot is an irregular shaped lot taking access from a cul-de-sac. The lot is less than one acre in size and has less than 100' width. All the aforementioned of which are non-compliant with the LA zoning performance standards placed on the lot by the City in 1984 approximately three years after the house was constructed. Throughout the lake Austin area there are many sites that were zoned SF-2 at the time of LA zoning application by the City. Because this site does not meet the basic lot size requirements it should have been zoned SF-2 in 1984. Due to that misapplication of LA zoning, the property owner must now seek remedy via the Board of Adjustments or other available avenues in order to allow the repair and replacement of the existing structure.

To that end, the house was constructed under AA zoning prior to March 1, 1984 the LA zoning was applied after construction, *the site is legal complying and is afforded certain rights with respect to allowing structures built*

prior to March 1984 to be built entirely anew as they existed at the time they were built even if that would not meet today's site development regulations. This is not an insignificant property right since the code significantly limits the extent to which a post-March 1984 structure can be modified. However, the current code as interpreted by existing staff only allows the replacement of the house if it is placed on the exact same footprint and does not allow credit for any impervious cover removed or relocated.

In sum, the proposed replacement structure would reduce the impervious coverage and reflect a contemporary home with better site controls with respect to run off, tree protection, and if this request is approved, ultimately an entire replacement of the non-compliant 90 degree bulkhead with a new, code compliant wall that properly mitigates wave abatement and soil erosion. The replacement house will have no adverse impact on the surrounding properties and will match the architectural style found throughout the neighborhood.

We ask the Commission take into consideration these changes and approve the requested variances.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Terry Irion, Phillip Cameron



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 6705 PIXIE CV, Austin, TX 78746

Subdivision Legal Description:

LOT 57 BLK A RIVERCREST ADDN SEC 2

Lot(s): 58 Block(s): A

Outlot: _____ Division: _____

Zoning District: LA

I/We David Cancialosi on behalf of myself/ourselves as
authorized agent for Phillip Cameron affirm that on
Feb Select, 1 Select, Select, 2018, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ X Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Single Family Residential

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:

SEE ATTACHED

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:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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