

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.

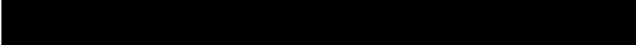
Applicant Signature:  Date: 02/12/18

Applicant Name (typed or printed): David Cancialosi

Applicant Mailing Address: 105 W Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): _____

Email (optional – will be public information): 

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: February 9, 2018

Owner Name (typed or printed): Philip Cameron

Owner Mailing Address: 2445 Westlake Dr.

City: Austin State: TX Zip: 78746

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: David Cancialosi, Permit Partners

Agent Mailing Address: 105 W Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 593-5361

Email (optional – will be public information): 

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).

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

LDC 25-2-551-C-3-A to allow 50.0% IC on a slope 0-15% within LA Zoning. Reducing existing IC from 53.1% to 50%, or 5,792 SF to 5,450 SF.

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:
SEE ATTACHED

Hardship

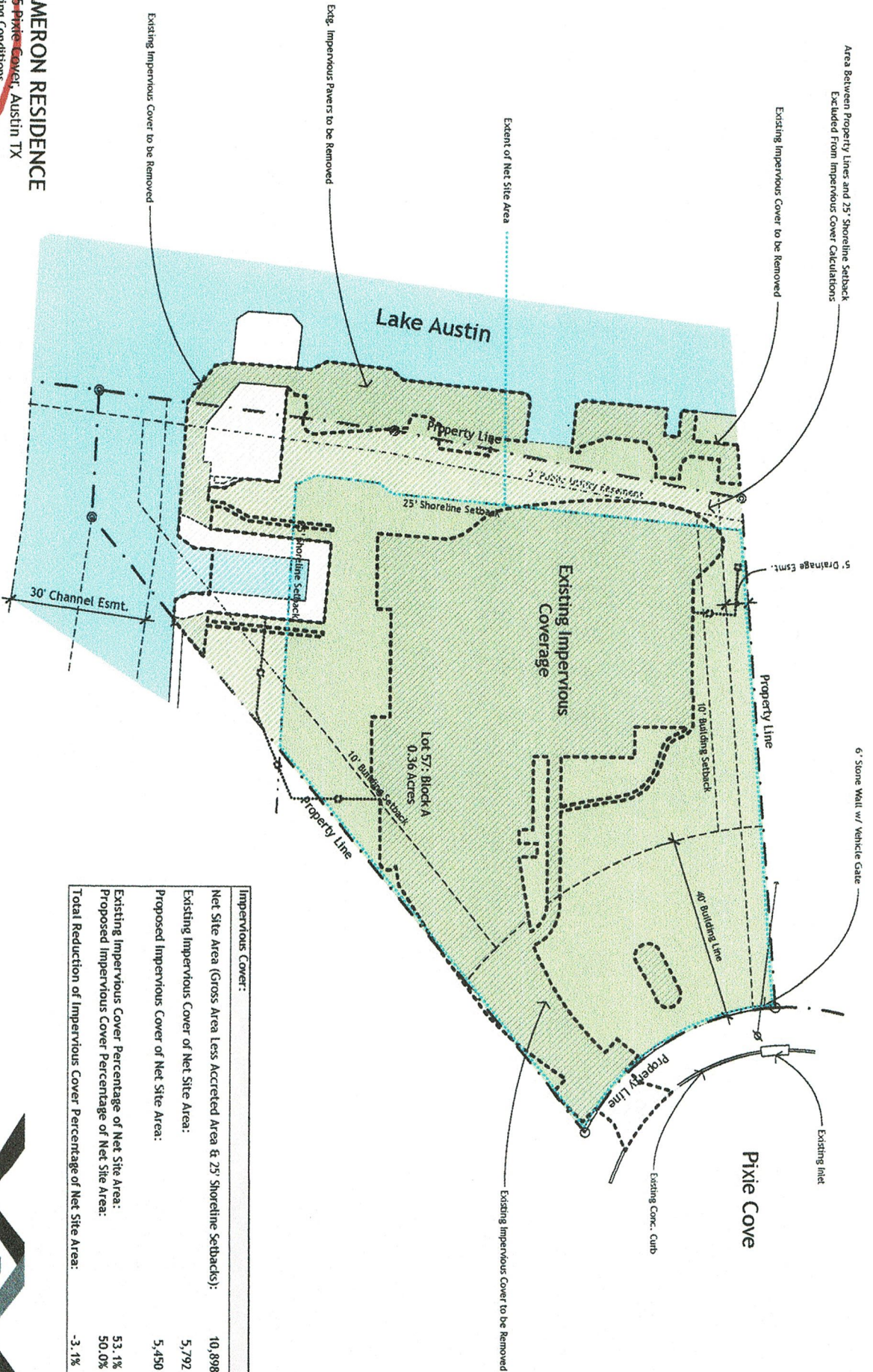
a) The hardship for which the variance is requested is unique to the property in that:

SEE ATTACHED

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

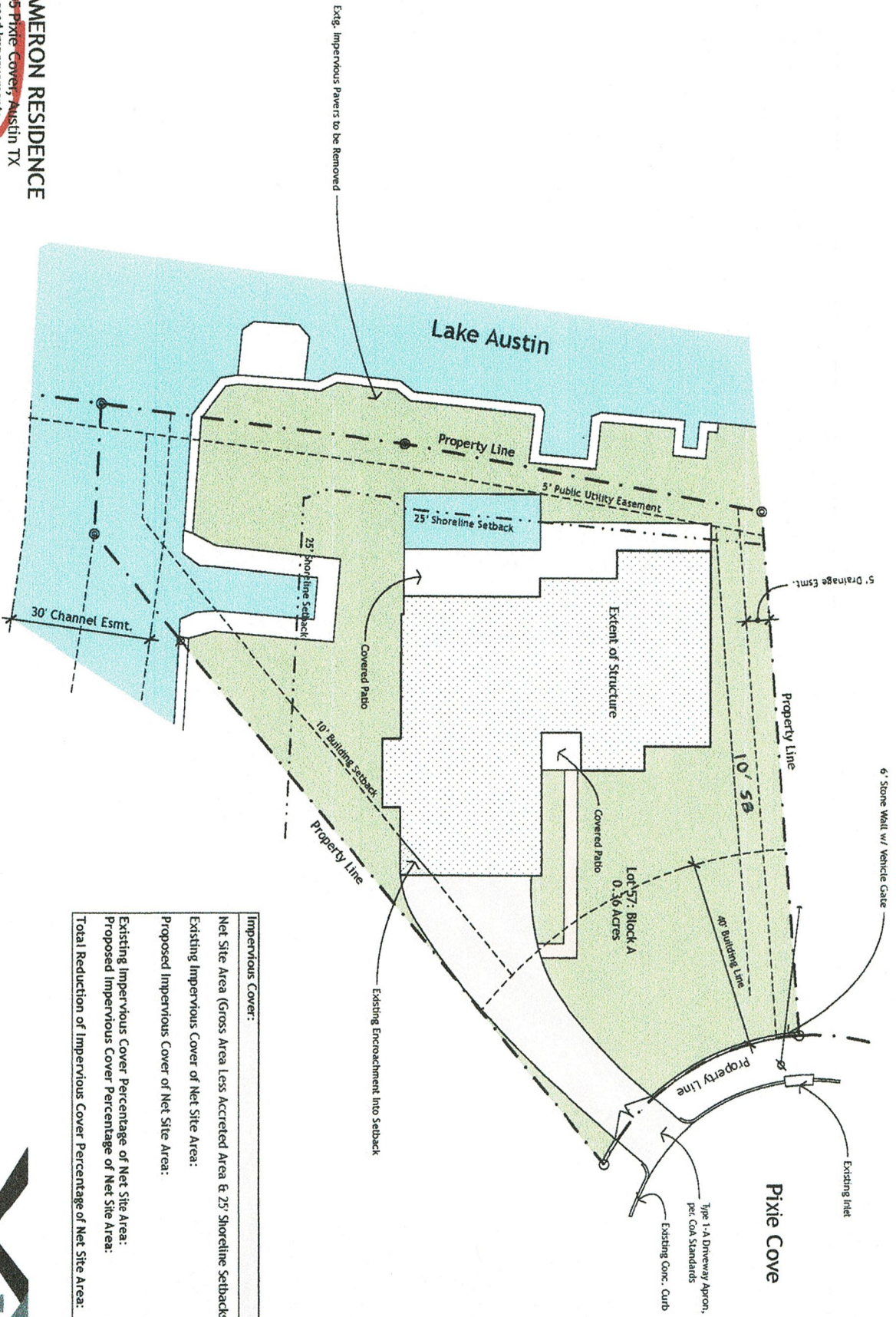
SEE ATTACHED

CAMERON RESIDENCE
 6705 Pixie Cove, Austin TX
 Existing Conditions
 1" = 20' 0"
 02.12.18



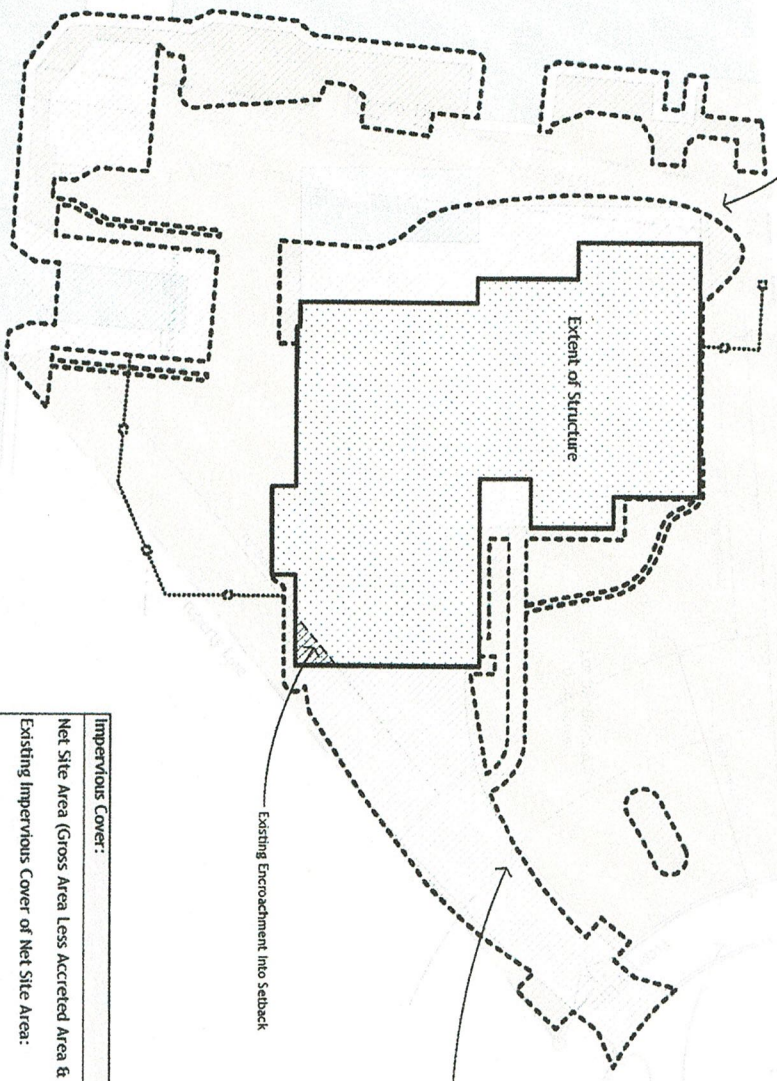
Impervious Cover:	
Net Site Area (Gross Area less Accreted Area & 25' Shoreline Setbacks):	10,898 sf
Existing Impervious Cover of Net Site Area:	5,792 sf
Proposed Impervious Cover of Net Site Area:	5,450 sf
Existing Impervious Cover Percentage of Net Site Area:	53.1%
Proposed Impervious Cover Percentage of Net Site Area:	50.0%
Total Reduction of Impervious Cover Percentage of Net Site Area:	-3.1%

CAMERON RESIDENCE
 6705 Pixie Cove, Austin TX
 Proposed Improvements
 1" = 20' 0"
 02.12.18



Impervious Cover:	
Net Site Area (Gross Area Less Accreted Area & 25' Shoreline Setbacks):	10,898 sf
Existing Impervious Cover of Net Site Area:	5,792 sf
Proposed Impervious Cover of Net Site Area:	5,450 sf
Existing Impervious Cover Percentage of Net Site Area:	53.1%
Proposed Impervious Cover Percentage of Net Site Area:	50.0%
Total Reduction of Impervious Cover Percentage of Net Site Area:	-3.1%

Area Between Property Lines and 25' Shoreline Setback
Excluded From Impervious Cover Calculations



Impervious Cover:	
Net Site Area (Gross Area Less Accreted Area & 25' Shoreline Setbacks):	10,898 sf
Existing Impervious Cover of Net Site Area:	5,792 sf
Proposed Impervious Cover of Net Site Area:	5,450 sf
Existing Impervious Cover Percentage of Net Site Area:	53.1%
Proposed Impervious Cover Percentage of Net Site Area:	50.0%
Total Reduction of Impervious Cover Percentage of Net Site Area:	-3.1%

CAMERON RESIDENCE
6705 Pixie Cove, Austin, TX
Existing vs. Proposed
1" = 20' 0"
02-12-18

From: [REDACTED]
To: [Heldenfels, Leane](#)
Cc: [REDACTED]
Subject: Re: Orig pdf of 6705 Pixie Cove case info
Date: Thursday, March 01, 2018 12:28:04 PM

Leanne,

There are some last minute amendments that are needed to this application. I need to postpone the case one time to the April 9 agenda.

Please confirm.

Kind Regards,
DC

Sent from a mobile device. There will be typos.

On Feb 27, 2018, at 4:47 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Sounds good – thanks

Leane

From: [REDACTED]
Sent: Tuesday, February 27, 2018 4:40 PM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: Re: Orig pdf of 6705 Pixie Cove case info

Leanne,

Kasey can scan PDF's to you tomorrow morning if that's ok?

Kind Regards,
DC

Sent from a mobile device. There will be typos.

On Feb 27, 2018, at 4:05 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Hi David – I just have a paper copy of the application, can you reply and attach your pdf version of everything. The electronic packet board members prefer original pdfs to the ones I can make via our copies – say the origs have better resolution, etc.

Thanks –

PUBLIC HEARING INFORMATION

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

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

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

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

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern *(it may be delivered to the contact person listed on a notice)*; or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/department/development-services

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

Case Number: C15-2018-0009, 6705 Pixie Cove

Contact: Leane Heldenfels, 512-974-2202, lane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, April 9, 2018

WANDA THOMPSON

Your Name (please print)

6705 PIXIE COVE, AUSTIN, TX 78746

Your address(es) affected by this application

Wanda Thompson

Signature

Date

Daytime Telephone: 512-775-3923

Comments: PLEASE SEE ATTACHED LETTER.

THANK YOU.

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P.O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wednesday prior to the hearing to be received in time for this hearing)

Fax: (512) 974-6305

Email: lane.heldenfels@austintexas.gov

WANDA THOMPSON

6703 PIXIE COVE
AUSTIN, TEXAS 78746
512-775-3923

April 6, 2018

Via: Facsimile No. 512-974-6305

City of Austin-Development Services Department
Leane Heldenfels
P. O. Box 1088
Austin, Texas 78767

**Re: Public Hearing: Board of Adjustment, April 9, 2018;
Agenda Item No. C15-2018-0009, 6705 Pixie Cove**

Dear Ms. Heldenfels:

I am writing to the Board of Adjustments to object to the Impervious Cover Variance being requested for the property located at 6705 Pixie Cove. I own and occupy as my residence the property next door to this property, at 6703 Pixie Cove. I feel that this variance should be denied for the following reasons:

(1) This is waterfront property, with direct runoff into Lake Austin, and I believe that it is especially important for property within a close proximity to the lake to have adequate porous space for absorption for water runoff, so that harmful pollutants do not end up in the lake. Restrictions for impervious cover are designed to prevent this from happening. Granting a variance to allow more impervious cover immediately adjacent to the lake will actually accelerate the runoff of harmful pollutants found in neighborhoods like this, including motor oils that are washed off of the streets at the beginning of each rain event and lawn treatment chemicals used to fertilize and kill weeds in almost every lawn nearby.

(2) The additional size (height and mass) of the proposed new home will unreasonably block my existing view of the lake, which will substantially and unfairly decrease the value of my home.

(3) The applicant has not satisfied the applicable provisions of Code Section 25-8-41 (where the variance application must satisfy all of the subsection A requirements), because the proposed new home will be larger than other recently-built homes in the neighborhood that were forced to comply with the ordinance-mandated impervious coverage cap, and, notwithstanding the applicant's denials, the variance is necessitated by the scale, layout construction method or other design decisions made by the applicant.

Your thoughtful consideration of my objections to granting this variance request will be appreciated.

Sincerely,



Wanda Thompson

W. RANDOLPH DAVIS

Attorney-Mediator
SWBC Tower
9311 San Pedro Avenue, Suite 707
San Antonio, Texas 78216

Telephone: (210) 342-2707
Facsimile: (210) 342-2107
[REDACTED]

April 5, 2018

City of Austin
Development Services Department, 1st Floor
Leane Heldenfels
P.O. Box 1088
Austin, TX 78767-1088

VIA Email: lane.heldenfels@austintexas.gov

Re: Case Number: C15-2018-0009

Dear Ms. Heldenfels,

Our office represents Mr. and Mrs. Lennard Lewis and DeSeay, LLC, the owner of 6702 Elfland lot, immediately across the canal from the Applicant's property at 6705 Pixie Cove, in the above captioned case number.

The Lewis' have owned their property for a number of years. The Applicant's request for variance will seriously impact the Lewis' property in a number of respects. The request to reduce this side yard setback from Ten (10) feet to Four (4) feet Ten (10) inches is problematic in that the new structure to be built will not only obstruct but will reduce the flow of air between the Applicant's new structure and the Lewis' existing home. The new structure will allow both houses to look directly into each others homes.

The decrease of the shoreline set back from Twenty-Five (25) feet to Fourteen (14) feet, six (6) inches will allow any new construction to obstruct the Lewis' existing view of the lake. The request under C. is hard to evaluate without drawings to show the impact the reduction will have on adjoining properties.

The original subdivision Plat was developed to provide the most efficient use for each lot in the subdivision, so as to not impose or impact other property owners.

Our request is to postpone the hearing from April 9, 2018 to a later date and have the Applicant provide drawings and specifications to each of the property owners affected by his requests. It is difficult, if not impossible, to evaluate the total impact of Applicant's requests without some visual aids to review in advance of the hearing. This request for postponement and submission of visual drawings and aide could help eliminate objections to what is actually being proposed by the Applicant. In the alternative, if the postponement is not granted, then let this notice serve as strong objection to the granting of any of the requested variances in the Application for Variance of Mr. Phillip Cameron.

We feel the Lewis' lot is the one most effected by the proposed changes.

Sincerely,



W. Randolph Davis
Agent to Deseay, LLC
Owner of 6702 Elfland

WRD/th

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: c15-2018-0009/6705 Pixie Cove may late back up
Date: Monday, May 14, 2018 9:28:54 AM

From: [REDACTED]
Sent: Monday, May 14, 2018 9:07 AM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: Re: 5/14 Board of Adjustment agenda, advance packet and late back up

Leane,

I am in possession of the letter you reference below. I want to go on the record adamantly opposing any postponement tonight. We wish to speak to the Commission about this before they vote to postpone this case. The case needs to be heard tonight.

Have a positive day!
DC

Sent from a mobile device. There will be typos. Communications sent via this device are confidential and shall not be shared unless authorized.

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: c15-2017-0009/6705 Pixie Cove June 11 advance packet
Date: Monday, May 14, 2018 2:17:59 PM

From: [REDACTED]
Date: May 14, 2018 at 13:57:36 CDT

To: [REDACTED]
[REDACTED]

Subject: Bruce Ezell Support letter for 6705 Pixie Cove Building Permit Approval

To whom it may concern,

I am a neighbor of Philip and Missy Cameron, owners of 6705 Pixie Cove, and have lived in the Rivercrest neighborhood since 1991.

I enthusiastically support the approval of the Cameron's remodel and building plans, including the variances as requested.

Please feel free to contact me with any questions.

Best regards,

Bruce Ezell
3704 Rivercrest Drive
Austin, Texas 78746
512-426-4666
[REDACTED]



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION, ATTORNEY
[REDACTED]
(512) 615-6653

May 14, 2018

W. Randolph Davis
SWBC Tower
9311 San Pedro Avenue, Suite 707
San Antonio, Texas 78216

RE: Case Number: C15-2018-0009

Dear Mr. Davis,

As agent to DeSeay, LLC, owners of 6702 Elfland, I want to thank you for your phone call today regarding the above referenced case number. I agree with you that the variance Applicant, Phillip Cameron, and your client and its' principals, Mr. and Mrs. Lewis, should be able to assure each other of their intentions with respect to the requested variances.

After having discussed the matter on site with Mrs. Lewis, Mr. Cameron agreed he would not build a solid or opaque fence or wall along the slough or on the main channel of his property which would have the effect of blocking an existing view of the Lake across the Cameron property currently being enjoyed by your clients. Whether it is an open wrought iron style metal fence or some other style has not yet been determined, if built at all, but Mr. Cameron will commit that any fence or wall will not be of a type which would block views of the Lake.

Furthermore, it is the Cameron's intention to seek a permit to rebuild the boat dock in the cut-in boat slip in the slough, and, if permitted by the City, to replace the peaked roof of the boat dock with a flat roof. However, Mr. Cameron is not willing to bind himself to any one future boat dock plan, as he does not know what all its regulatory constraints will be.

Mr. Cameron has authorized me to send this letter to you and has pledged to honor the fence commitments if your client will withdraw her objections to the variances and the request for postponement of the case this evening.

W. Randolph Davis
May 14, 2018
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence L. Irion", written over a faint, illegible stamp.

Terrence L. Irion
Attorney for Phillip Cameron

TLI/kc

cc: David Cancialosi
Leanne Heldenfels
Phillip Cameron