Item C-03 1 of 30

### SUBDIVISION REVIEW SHEET

<u>CASE NO.</u>: C8-2018-0032.0A <u>Z.A.P. DATE</u>: March 19, 2019

**SUBDIVISION NAME:** West Courtyard Subdivision

**AREA:** 3.267 acres **LOT(S)**: 2

**OWNER/APPLICANT:** Richard A. Engel **AGENT:** Perales Engineering, LLC

(Jerry Perales)

ADDRESS OF SUBDIVISION: 6910 West Courtyard Drive

**GRIDS**: MF - 30 **COUNTY**: Travis

<u>WATERSHED</u>: Bull Creek <u>JURISDICTION</u>: Full Purpose

**EXISTING ZONING:** I-RR **DISTRICT:** 10

**PROPOSED LAND USE:** Residential

**SIDEWALKS:** Sidewalks will be provided along West Courtyard Drive and Finklea Cove.

<u>VARIANCE REQUEST</u>: From LDC 25-8-301(A) prohibiting construction of a driveway on slopes greater than 15 percent, unless to provide primary access to an area of at least 2 contiguous acres with a slope of less than 15 percent, or at least five residential units. (SEE ATTACHED EXHIBT A)

**<u>DEPARTMENT COMMENTS</u>**: The request is for approval of the variance from LDC 25-8-301(A) listed above and a subdivision, namely, West Courtyard Subdivision. The proposed plat is composed of 2 lots on 3.267 acres.

The variance request was presented to the Environmental Commission on February 6, 2019 by the Environmental Reviewer. Staff did not recommend approval of the variance. After hearing the merits of the request – the Environmental Commission voted to approve the variance with conditions. The Environment Commission recommendation is included with the other items in the attached Exhibit A.

**STAFF RECOMMENDATION:** The staff does not recommend approval of the variance, therefore staff does not recommend approval of the subdivision. This plat will not meet all applicable City of Austin and State Local Government code requirements without approval of the variance.

### **ZONING AND PLATTING COMMISSION ACTION:**

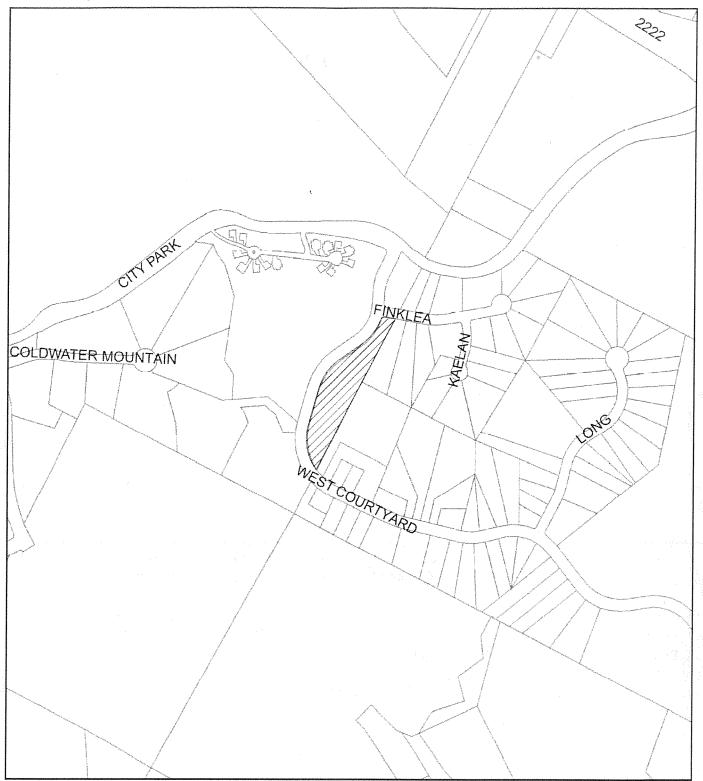
CASE MANAGER: Sylvia Limon PHONE: 512-974-2767

E-mail: Sylvia.limon@austintexas.gov

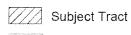
Environmental Reviewer: Pamela Abee-Taulli PHONE: 512-974-1879

E-mail: Pamela. Abee-Taulli@austintexas.gov

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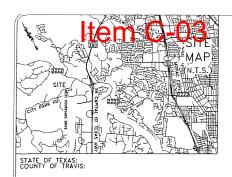
Base Map

CASE: C8-2018-0032.0A LOCATION: 6910 WEST COURTYARD DR

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 the Development Services Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





### KNOW ALL MEN BY THESE PRESENTS:

KNOW ALL MEN BY THESE TRESENTS:
HAT WE, RICHARD ENGEL & DURSTYNE ENGEL.
BEING THE OWNERS OF THAT CERTAIN 3.257 ACRE TRACT
BEING THE OWNERS OF THAT CERTAIN 3.257 ACRE TRACT
BEING THE OWNERS OF THAT CERTAIN 3.257 ACRE TRACT
STUATED IN TRAVIS COUNTY TEXAS, AS CONVEYED BY
DEED AS RECORDED IN DOCUMENT NO 201602497 OF
THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.
TEXAS, DOES HEREBY SUBDIVIDE 3.267 ACRES OF LAND
IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT
SHOWN HERON, PURSUANT TO CHAPTER 212 OF THE
TEXAS LOCAL GOVERNMENT CODE, TO BE KNOWN AS:

## FINAL PLAT OF THE WEST COURTYARD SUBDIVISION

AND DO HEREBY DEDICATE TO THE PUBLIC. THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

RICHARD ENGEL DAYE

DURSTYNE ENGEL

### STATE OF TEXAS: COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICHARD ENGEL & DURSTYNE ENGEL KNOWN TO ME TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEGGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY THEREN STATED FOR THE PURPOSES AND CONSIDERATION THEREN EXPRESSED. OFFICE, THIS THE OFFICE OF THE PURPOSES AND CONSIDERATION THEREN EXPRESSED.

NOTARY PUBLIC FOR THE STATE OF TEXAS

(NAME:

MY COMMISSION EXPIRES:

### SURVEYOR'S CERTIFICATE

I. DONALD "MATT" COOKSTON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPULES BOTH THE SURVEYING RELATED PORTIONS OF CHAPTER 25 OF THE AUSTIN CITY CODE OF 1988 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR MADE UNDER MY IN JANUARY OF 2015

Donald Mide Colombia DONALD "MATT" COOKSTON, R.P.L.S. 4733

DATE: 9-25-18

SURVEYING BY: COOKSTON AND ASSOCIATES SURVEYING AND MAPPING 3305 CAPTAIN LADD COURT ROUND ROCK, TEXAS 78665

ENGINEER'S CERTIFICATE

I, JERRY PERALES, P.E. AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND HEREBY CERTIFYTHAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE CITY-OF AUSTIN LAND DEVELOPMENT CODE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

LINE TARLE L1= S 7910'31"E 20.85"

LOT SUMMARY TABLE LOT 1, RESIDENTIAL: 1.61 ACRES LOT 2, RESIDENTIAL: 1.657 ACRES TOTAL ACREAGE: 3.267 ACRES

74712'06 69.92

84'23'48" W 167.21 15' EE & TE 64'23'48" W 163.94.57

704 FEST.

N 1013'32" W N 1013'32" W A=278.40 C=268.83 R=305.0

(VOL 3945, PC 444)

JEROME PERALES PE NO 94676

ENGINEERING BY: PERALES ENGINEERING 3102 BEE RD SUITE 201 AUSTIN, TEXAS 78746 (512) 297-5019

**FINAL PLAT** OF THE **WEST COURTYARD SUBDIVISION** 

GRAPHIC SCALE

( IN FEET ) 1 inch = 100 ft.

107 2 1.65,2 40RE

LOT 40

GENERAL NOTES:

THIS TRACT LIES WITHIN ZONE "X", AREAS OUTSIDE THE SOO-YEAR FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TRAVIS COUNTY, ON PANEL NO. 48453C 0435 H, EFFECTIVE SEPTEMBER 26, 2008.

2) THE WATER AND WASTEWATER UTILITY SYSTEM SERVING THIS SUBDIVISION MUST BE IN ACCORDANCE WITH THE CITY OF AUSTIM DESIGN CRITERIA. THE WATER AND WASTEWATER UTILITY PLAN MUST BE REVIEWED AND APPROVED BY THE AUSTIM WATER UTILITY. ALL WATER WASTEWATER UTILITY CONSTRUCTION MUST BE INSPECTED BY THE CITY OF AUSTIM, THE LABOOWARE MUST PAKE THE CITY MOSCILION FEW THIN THE UTILITY CONSTRUCTION.

3) WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT PURSUANT TO THE LAND DEVELOPMENT CODE.

.

3) BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE OF AUSTIN ZONING ORDINANCE REQUIREMENTS.

S) THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIONS, ASSUMES RESPONSEMENT FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COUPLY OR AND ACCORDING TO THE PLANS FOR A CONTROL OF THE PLANS FOR A CONTROL OF THE PLAN FLACTION OR REFURITION LAW 25 ECOURTS AT HER OWNERS.

SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIRED.

6) PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.

7) STREETS, DRAINAGE, SIDEWALKS, EROSION CONTROLS, AND WATER AND WASTEWATER LINES ARE REQUIRED TO BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN STANDARDS.

8) AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER DBSTRUCTIONS TO THE EXTENT RECESSARY TO KEEP THE EASEMENTS CLEAR, AUSTIN EMERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25, OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

9) THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED. IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND OMEDIAM MAINTENANCE OF OVERHEAD AND UNDERROROUND ELECTRIC SERVICE THAT SHALLSTON AND OWNER COLORS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE THE BUILDING, AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPULANCE WITH CHAPTER 258 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

10) THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL. REVECUTATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR MOTHER PROJECT FOR THE PROPERSON OVERHEAD ELECTRICAL FACILITIES DESIGNED TO REVOLVE ELECTRICA SHALL BE RESPONSIBLE FOR THE PROJECT FOR THE

11) BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE CEVELOPER AMO/OR OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDED MAY BE JUST CAUSE FOR THE CITY TO DOBY APPLICATIONS FOR CERTIFICATE OF OCCUPANCY.

12) EROSION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON INDIVIDUAL LOTS, IN ACCORDANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND THE ENVIRONMENTAL CRITERIA MANUAL.

13) PUBLIC SIDEWALKS, BUILT TO CITY OF AUSTIM STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS. AND AS SHOWN BY A DOTTO LUBE ON THE FACE OF THE PLAT, WEST COURTYARD DRIVE AND FINLED COVE. THESE SIDEWALKS SHALL BE IN PLACE FRIDE TO THE LOT BEING DECEMBER, FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BOOT OR UTILITY COMPANY.

14) ANY ELECTRIC UTILITY ACTIVITY INSIDE THE SUBDIVISION SHALL BE INCLUDED UNDER THE DEVELOPMENT PERMIT.

15) THIS SUBDIVISION SHALL BE DEVELOPED, CONSTRUCTED, AND MAINTAINED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF TITLE 25 AND TITLE 30, AUSTIN CITY CODE, AS ADOPTED ON THE DATE THIS SUBDIVISION APPLICATION WAS FILED WITH THE CITY OF AUSTIN.

18) THE DWINER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL RE-WICELTATION AND THEE PROTECTION. IN ADDITION, THE DWINER SHALL BE RESPONSIBLE FOR THE PROPEOSED OFFERDE ELECTRICAL FACILITIES DESIGNED TO PROPUDE LECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.

17) THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFETY COCK, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (CSHA) PROLUNTIONS, CITY OF AUSTIN RULES AND REQUIATIONS AND TEXAS STATE LIMBS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROGRAMTY TO OVERHEAD POWER LIMES AND COLUMNAL AUSTIN ENERGY WILL NOT RANGE ELECTRIC SETTICE UNLESS ACCURATE CLEARANCES ARE MAINTAINED. ALL COSTS INCURRED RECAUSE OF TAILURE TO COMPLY WITH THE REQUIRED CLEARANCES ARE MAINTAINED.

18) NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN.

19) FROR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR PERVEY ARMHALL RIN-FOT SHALL BE VILLO TO THE ANDINE EXISTING AT UNEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS. ALL PROPOSED CONSTRUCTION OR SITE ALTERATION ON LOT(5) BLOCK(5) REQUIRES APPROVAL OF A SEPARATE DEVELOPMENT FERMIN.

20) SLOPES IN EXCESS OF 15% EXIST ON LOTS 1 AND 2. CONSTRUCTION ON SLOPES IS LIMITED PER THE LAND DEVELOPMENT CODE.

21) ALL ELECTRIC EASEMENTS MUST BE SHOWN ON ALL PLAN SHEETS, LETT CLEAR FOR ELECTRIC USE AND MAINTENANCE ON A 2477 BASSI IN PERFETUITY AND MAINTAIN NECESSARY CLEARANCES FROM ANY PROPOSES TRECURES, VECTATION ELE AT ALL TIMES. NECESSARY CLEARANCE MECHANICAL NECES AND AND ANY OF THE FORM IN A STATE METERS OF SHEETS AND ANY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE MAINTENANCE OF A CASHIN ELECTRY SHEETS HOUSE CONTRACTORS Y LILETTRE SERVICE DESIGN & PLANNING, BELL ON A CHAIN ELECTRY SHEETS HOUSE OF THE PROPERTY O

22) LOT 1 AND 2 OF THIS SUBDIVISION SHALL HAVE SEPARATE SEWER TAPS, SEPARATE WATER METERS AND THEIR RESPECTIVE WATER AND SEWER LINES SHALL BE POSITIONED OR LOCATED IN A MANNER THAT WILL NOT CROSS THE LINES.

3 LIGEND

ENGINEER: PERALES ENGINEERING, LLC 3102 BEE CAVE RD # 201 AUSTIN, TEXAS 78746

\_OF THE CITY

LOT 63

1 (VOL 06) RES 15:

LOT 44

SHEPHERD MOUNTAIN
PHASE TWO
(VOL. 86, PGS. 155D-156C)
BLOCK B

J. RODNEY GONZALES, DIRECTOR DEVELOPMENT SERVICES DEPARTMENT

STATE OF TEXAS: COUNTY OF TRAVIS:

DEPUTY

VARIABLE WIDTH DRAINAGE & PUBLIC UTILITY ESMT / (VOL. 86, PC. 155D)

LOT 45

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE OF AUSTIN ON THIS THE DAY OF 20.

JOLENE KIOBASSA, CHAIR ANNA AGUIRRE, SECRETARY

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

LOT 62

SHEPHERD MOUNTAIN
(VOL. 86 | PCS 155D-156C)

23) STENCIL THE WORDS "FIRE ZONE/TOW-AWAY ZONE" IN WHITE LETTERS AT LEAST 3" HIGH AT 35/FOOT INTERVALS ALONG THE CURB. SIGNS STATING "FIRE ZONE/TOW-AWAY ZONE" SMALL BE POSTED AT BOTH ENDS OF A THE ZONE AND AT EACH ENTRY AND EATH POINT WHICH CONSTITUTES A POSTEON OF THE TIRE ZONE OR FIRE LANE. SIGNS SHALL COMPLY WITH STANDARD CITY OF AUSTIN DEVIALS 9015-6.

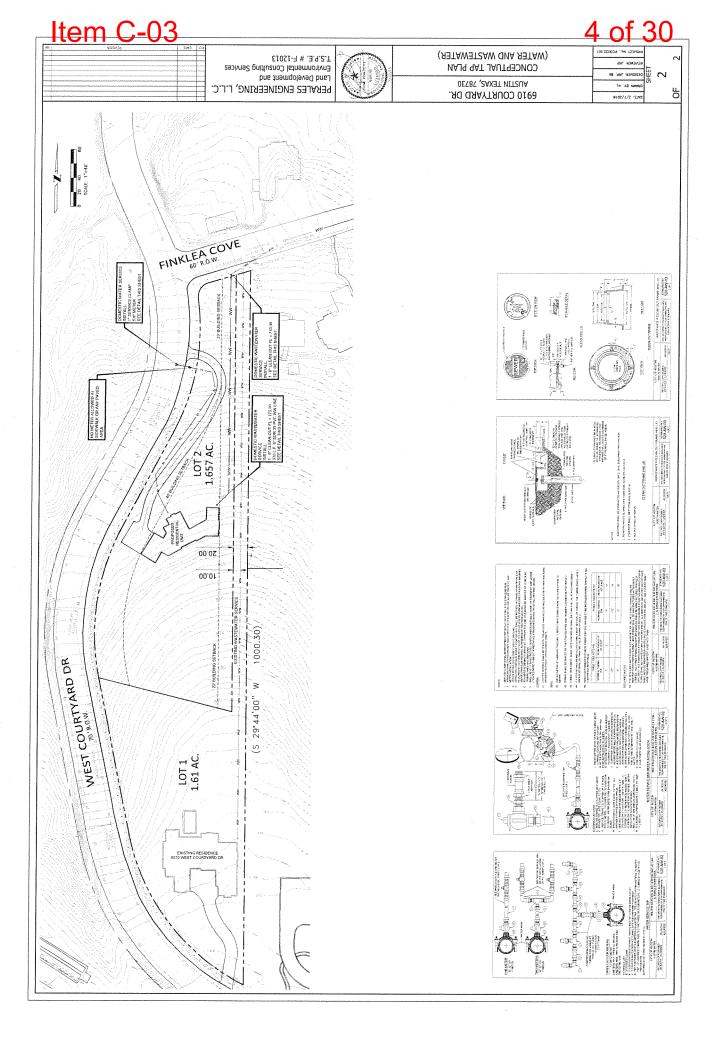
24) A LAND USE COMMISSION ENVIRONMENTAL VARIANCE TO LDC 25-8-FOR HAS BEEN APPROVED FOR THIS SITE BY THE ZONING AND PLATTING COMMISSION ON

25) AN INCREASE IN EMERGENCY VEHICLE ACCESS DISTANCE HAS BEEN APPROVED FOR LOT 2, AS REQUESTED BY THE OWNER, PER EXCEPTION 3 TO SECTION 503.1.1 OF THE CITY OF AUSTIN FINE CODE IN FEFTECT ON SEPTEMBER 1, 2018. THIS EXCEPTION IS UNITED TO CONSTRUCTION OF NO LOWER THAN TWO SINGLE FAMILY RESIDENCES IMPACTED BY THE INCREASED EMERGENCY VEHICLE ACCESS DISTANCE.

26) A FEE-IN-LIEU OF PARKLAND DEDICATION AND PARK DEVELOPMENT HAS BEEN PAID FOR 1 RESIDENCE. NO FEE WAS CHARGED FOR THE EXISTING RESIDENCE.

PG. 1 OF 1

SUBMITTED: 3-10-17 REV. DATE: 09/25/2018 DATE: MARCH 10, 2017 SCALE 1" = 100' JOB NO. 15-148 CASE NO. C8-2018-0032.0A



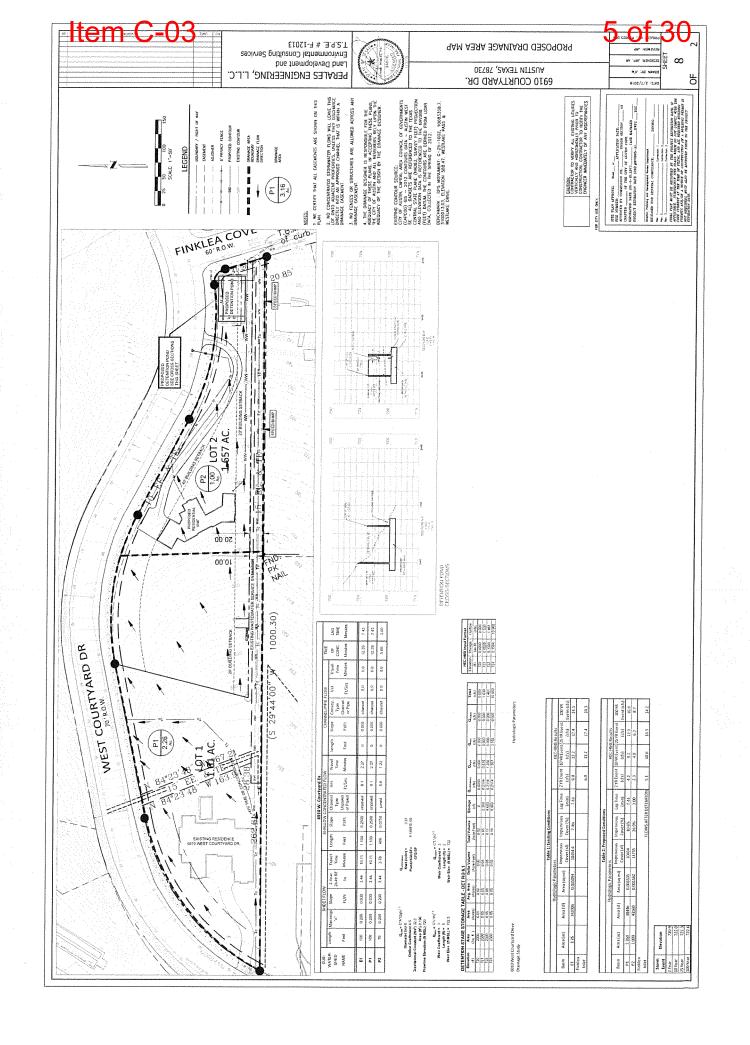




EXHIBIT A

### **ENVIRONMENTAL COMMISSION MOTION 20190206 008b**

Date: February 6, 2019

Subject: Courtyard Final Plat and Subdivision (W/R C8-2017-0016.0A) C8-2018-0032.0A

Motion by: Wendy Gordon

Seconded by: Hank Smith

**RATIONALE:** 

WHEREAS, staff has determined that the findings of fact have not been met; and

WHEREAS, subdividing will result in two 1.6 acre lots that are larger than many surrounding lots; and

WHEREAS, driveway variances in West Austin have been common historically; and

WHEREAS, there are no critical environmental features; and

WHEREAS, a detention pond will ameliorate runoff.

**THEREFORE**, the Environmental Commission recommends support of the variance for constructing a driveway on slopes greater than 15 percent with the following conditions:

- increase the sedimentation and erosion controls during construction in consultation with staff
- include features such as vegetation to screen the driveway from the road via a restrictive covenant.

### **VOTE 6-4**

For: Creel, C. Smith, Thompson, H. Smith, Gordon, and B. Smith

Against: Guerrero, Neely, Coyne, and Maceo

Abstain: None Recuse: None Absent: None

Approved By:

Linda Guerrero, Environmental Commission Chair

hinde to querrero

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### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

COMMISSION MEETING DATE REQUESTED:

February 6, 2019

NAME & NUMBER OF PROJECT:

Courtyard Final Plat and Subdivision (W/R C8-2017-0016.0A)

C8-2018-0032.0A

NAME OF APPLICANT OR

Jerry Perales, Perales Engineering

ORGANIZATION:

512-297-5019

LOCATION:

6910 WEST COURTYARD DRIVE, AUSTIN, Texas, 78730

COUNCIL DISTRICT:

Council District #10

PROJECT FILING DATE:

March 23, 2018

DSD/ENVIRONMENTAL STAFF:

Pamela Abee-Taulli

512-974-1879, pamela.abee-taulli@austintexas.gov.

WATERSHED:

Bull Creek, Water Supply Suburban

ORDINANCE:

Watershed Protection Ordinance

REQUEST:

Variance request is as follows:

1. To vary from LDC 25-8-301(A), prohibiting construction of a driveway on slopes greater than 15 percent, unless to provide primary access to an area of at least 2 contiguous acres with a slope of less than 15 percent, or at least five residential units.

STAFF

Staff determination is that the findings of fact have not been met.

**DETERMINATION:** 

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### Development Services Department Staff Recommendations Concerning Required Findings

Project:

Courtyard Final Plat and Subdivision

Ordinance Standard:

Watershed Protection Ordinance

Variance Request:

To vary from LDC 25-8-301, prohibiting construction of a

driveway on slopes greater than 15 percent, unless to provide primary access to an area of at least 2 contiguous acres with a slope of less than 15 percent, or at least five residential units.

Include an explanation with each applicable finding of fact.

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

No The property, as it currently exists, is a buildable lot and has an existing, legally constructed residence. The privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements, to build a residence on such a property, has already been conferred.

### 2. The variance:

 Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

No The variance is necessitated by the applicant's proposal to subdivide the existing lot in a manner that would create a lot for which a driveway could not be constructed in compliance with LDC 25-8-301. That is, a driveway would have to cross slopes greater than 15 percent, to provide primary access to an area of less than 2 acres with a slope of less than 15 percent, to reach a single residential unit.

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b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

No No deviation from the code is necessary to allow a reasonable use of the property. Reasonable use of the property is development of a single residential unit, which has already been done.

c) Does not create a significant probability of harmful environmental consequences.

No The construction on steep slopes that would be necessary to develop a driveway access to a residence would create a significant probability of harmful environmental consequences.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes It is possible to develop with the variance in a way that would result in water quality that is at least equal to the water quality achievable without the variance.

- B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 ( Water Quality Transition Zone ), Section 25-8-452 ( Water Quality Transition Zone ), Section 25-8-482 ( Water Quality Transition Zone ), Section 25-8-652 ( Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long ), or Article 7, Division 1 ( Critical Water Quality Zone Restrictions ), after determining that::
  - 1. The criteria for granting a variance in Subsection (A) are met;

NA

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

NA

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

NA

Staff determination is that the findings of fact have not been met.

Item C-03 10 of 30

Environmental Reviewer (DSD)

Environmental Review (Pamela Abee-Taulli)

Environmental Review (Michael McDougal)

Environmental Officer (WPD)

(Chris Herrington)

Date 1/17/19

1/17/19

Date 1-17-2019

January 14, 2019



## **ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM**

David to be written apparent to print the contract of the cont	
SECTION FOR A SECTION AND A SECTION ASSESSMENT AND A SECTION ASSESSMENT ASSES	
	THE RESERVE OF THE PROPERTY OF
PROJECT DESCRIPTION Applicant Contact Info	
Name of Applicant	Jerry Perales. PE
Street Address	3102 Bee Cave Rd, Suite 201
City State ZIP Code	Austin, TX 78746
Work Phone	512.297.5019
E-Mail Address	jperales@peraleseng.com
Variance Case Information	
Case Name	Courtyard Final Plat and Subdivision
Case Number	C8-2018-0032.0A
Address or Location	6910 WEST COURTYARD DR
Environmental Reviewer Name	Pamela Abee-Taulli
Applicable Ordinance	LDC 25-8-301
Watershed Name	West Bull Creek
Watershed Classification	<ul><li>□ Urban</li></ul>
Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Northern Edwards Segment  X Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	□ Yes X No

City of Austin | Environmental Board Variance Application Guide

### January 14, 2019

	n/a
Distance to Nearest Classified Waterway	146 ft. to tributary of West Bull Creek
Water and Waste Water service to be provided by	AWU
Request	Variance from LDC 25-8-301 to allow construction of a driveway on a slope with a gradient of more than 15 percent.

Impervious cover	Existing	Proposed Lot 1	– Post-subdivision Lot 2
square footage:	<u>10,454</u>	10,214	<u>10,786</u>
acreage:	0.24	0.24	0.247
percentage:	<u>12%</u>	<u>14.9%</u>	14.9%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	There are no CEFs, CWQZ, or WQTZs of slope map have been provided with the tables including the proposed impervi	his application. Also p	rovided is the Q-

Clearly indicate in what way the proposed project does not comply with current Code (include

LDC 25-8-301 to allow construction of a driveway on a slope with a gradient of more than 15 percent. We are proposing construction of a driveway on land with slopes greater than 15%.

January 29, 2019

maps and exhibits)	

### **FINDINGS OF FACT**

As required in LDC Section 25-8-41, in order to grant a variance, the Land Use Commission must make the following findings of fact.

Project: Courtyard Final Plat and Subdivision

Ordinance: LDC § 25-8-301, prohibiting construction of a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15 percent or less; or (2) building sites for at least five residential units.

- A. Land Use Commission variance determinations from Chapter 25-8-41(A) of the City Code:
  - 1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements.
    - Yes The requirement of Section 25-8-301 will deprive the owner of access to this large single family lot since there is no driveway access to the site that does not cross a 15% slope. This deprives the owner of a privilege given to owners of other similarly situated properties with approximately contemporaneous development because there are at least 27 single family homes in the vicinity that have driveways crossing 15% slopes, the locations of which relative to this property are shown on the map attached as Exhibit A. Without this variance, the owner will be completely deprived of the right to develop this lot that other neighboring properties have enjoyed.

### 2. The variance:

 a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

**Yes** The request for a variance is not based on a condition caused by a method chosen by the applicant to develop the property. Due to the steep topography of the site, there is no possible configuration of a driveway on the property connecting the street to the home that

January 29, 2019

does not cross a 15% slope. This particular configuration of the driveway was selected to reduce the length of the driveway and, thereby, reduce the amount of overall impervious cover; any alternative configuration would lead to a longer driveway and would still cross a 15% slope.

b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes Most of the homes in the neighborhood were constructed on lots between one and two acres, with some on lots even smaller than that. The lots in the proposed subdivision would be approximately 1.6 acres, and are consistent with the neighborhood density. The original subdivision planned for this lot would have divided this tract into four lots. This subdivision has been reduced to two lots to match or exceed the largely prevailing neighborhood residential density. This density is the first consideration to protect land from development in virgin territory in the hill country. The proposed subdivision into 1.6-acre single-family lots is a reasonable use of the property.

The variance should be approved for two lots in the proposed configuration as the driveway is in the safest location for the street and matches the current neighborhood density. The variance will allow for construction of the driveway in a location that has the least amount of environmental impact due to the reduction in the length and depth of cut of the driveway. There is no alternative driveway access to this site that does not cross a 15% slope. Without this variance, the owner will not be able to develop this large proposed lot as a single family home, depriving the owner of a right or privilege enjoyed by neighboring properties have enjoyed, and depriving the owner of all economic value of the property.

c) Does not create a significant probability of harmful environmental consequences; and

Yes The location selected for the driveway allows for close proximity to the proposed single family residence which results in a shorter driveway length and a reduction in the impervious cover. As a result, this location will not create a significant probability of harmful environmental consequences. Also, this location provides for safe stopping sight distances from Finklea Cove. All methods of erosion and sedimentation controls will be employed during the construction of the driveway.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

January 29, 2019

Yes Water quality measures have been provided for the construction of the driveway that will result in water quality that is at least equal to the water quality achievable without the variance. All methods of erosion and sedimentation controls will be employed during the construction of the driveway.

January 14, 2019

## **Exhibits for Board Backup and/or Presentation**

- Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- O Topographic Map A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant's variance request letter (backup only)



Christopher B. Bradford (512) 236-2320 (Direct Dial) (512) 391-2170 (Direct Fax) cbradford@jw.com

November 12, 2018

Via Email
Pamela Abee-Taulli
Environmental Review Specialist Senior
City of Austin Development Services Department
One Texas Center
505 Barton Springs Road, Suite C402
Austin, TX 78704

Re: 6910 W. Courtyard Dr.; C8-2018-0032.0A

Dear Ms. Abee-Taulli:

On behalf of the owner and applicant, enclosed are the following:

- 1. an application for a variance from Section 25-8-301 of the LDC to permit a driveway to cross a slope in excess of 15% to serve a single-family home;
- 2. a Google Earth view and location map of the property showing its relation to other properties in the vicinity;
- 3. a slope map showing the proposed layout of the home and the driveway for which the variance is being sought;
  - 4. the proposed subdivision plat;
- 5. a memorandum and diagram from the project engineer, Bruce Aupperle, showing an alternate configuration and layout of the home and parking area, which would result in the parking area being separated from the home by a stepped walkway; and
- 6. a map showing other homes in the vicinity (yellow) that have driveways crossing a slope in excess of 15%.

The variance is sought in conjunction with the subdivision application bearing Case No. C8-2018-0032.0A. This proposed subdivision would plat Lots 1 and 2 of the West Courtyard Subdivision in Travis County, Texas. Lot 1 is approximately 1.61 acres and Lot 2, approximately 1.657. There is an existing single-family home located on Lot 1. Lot 2 is currently undeveloped.

Although the proposed Lot 2 has a number of steep slopes, as shown on the slope map, it has sites suitable for development with a single-family home. The slope map shows the proposed location of a single-family home and driveway off of West Courtyard. The single-family home

November 12, 2018 Page 2

structure can be built without any variances from Chapter 25-8 of the Land Development Code. The proposed driveway, however, would cross slopes in excess of 15% and accordingly would require a variance from Section 25-8-301 of the LDC.

The site can be developed with a single-family home and the required parking without an environmental variance, although such a configuration would be highly undesirable. The attached diagram shows an illustrative layout of one allowable alternative. This layout would allow construction of the home in the same location proposed by the owner, but would locate the parking at the base of a slope away from the house. The proposed alternative parking area would be connected to the house by a walkway traversing 40 vertical feet by 280 horizontal feet, requiring around 80 steps. Such a configuration—while permitted by the Code—would impose a patent hardship on the property owner. The proposed findings of fact set forth the justification for the variance in more detail.

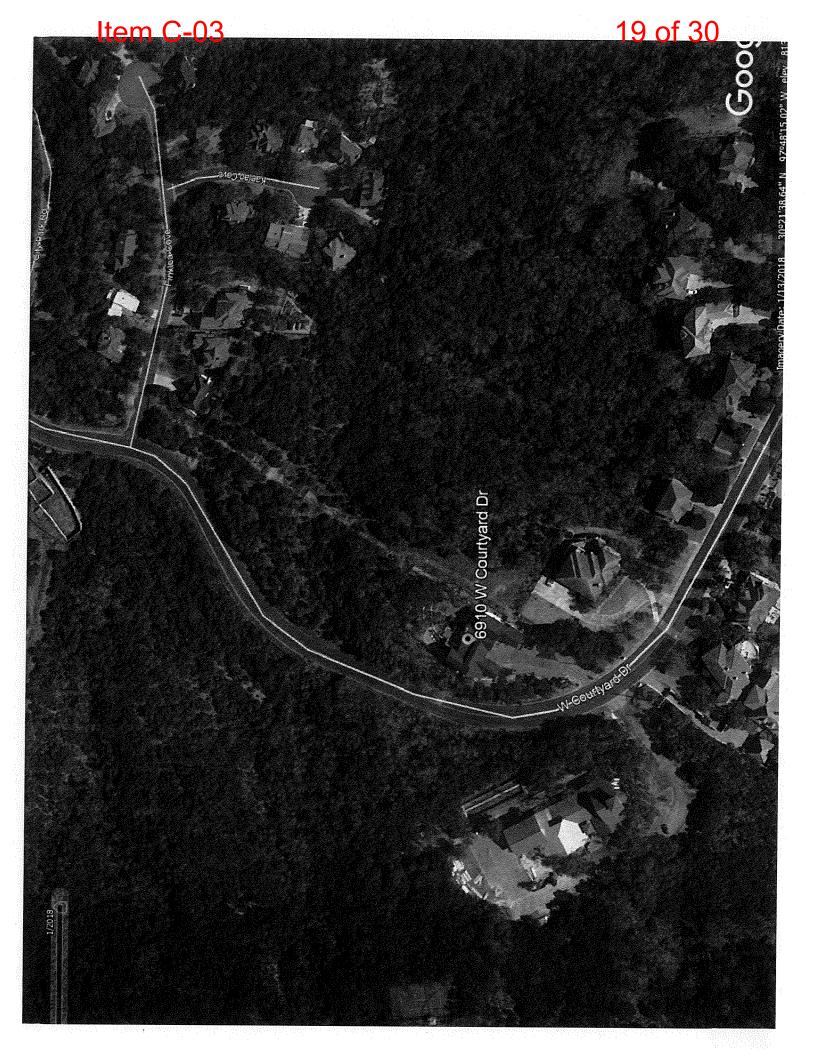
Many of the existing single-family homes in the area have driveways crossing slopes greater than 15%. Attached is a map showing other such homes marked in yellow. As this map demonstrates, steep driveways are a common feature of homes in the area. We believe this evidence further supports a finding that denial of the variance would cause an undue hardship to the owner.

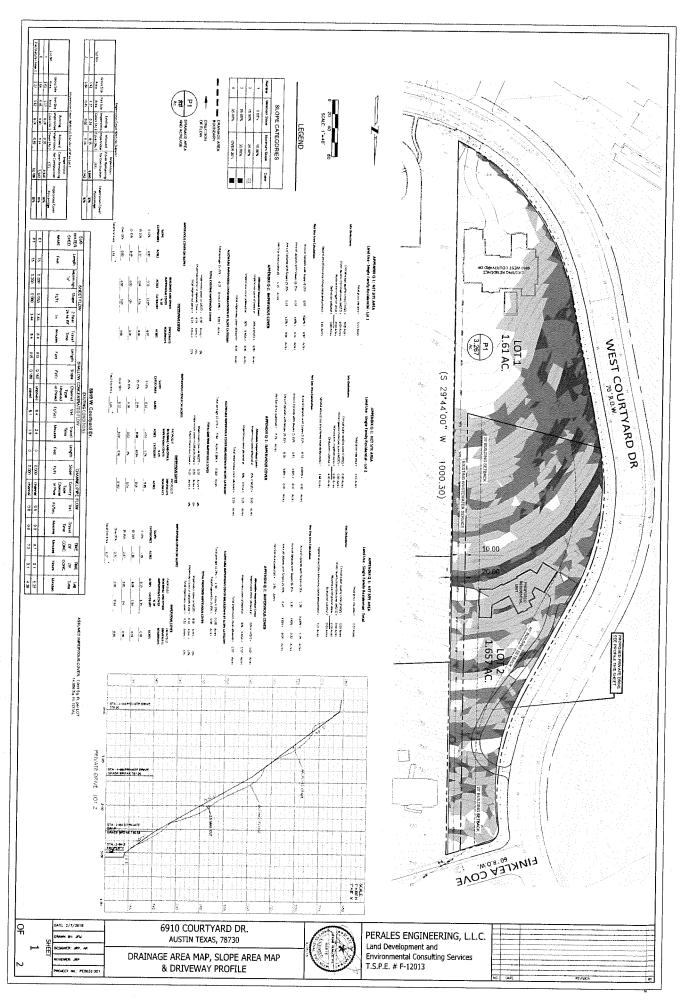
Thank you in advance for your consideration.

Sincerely,

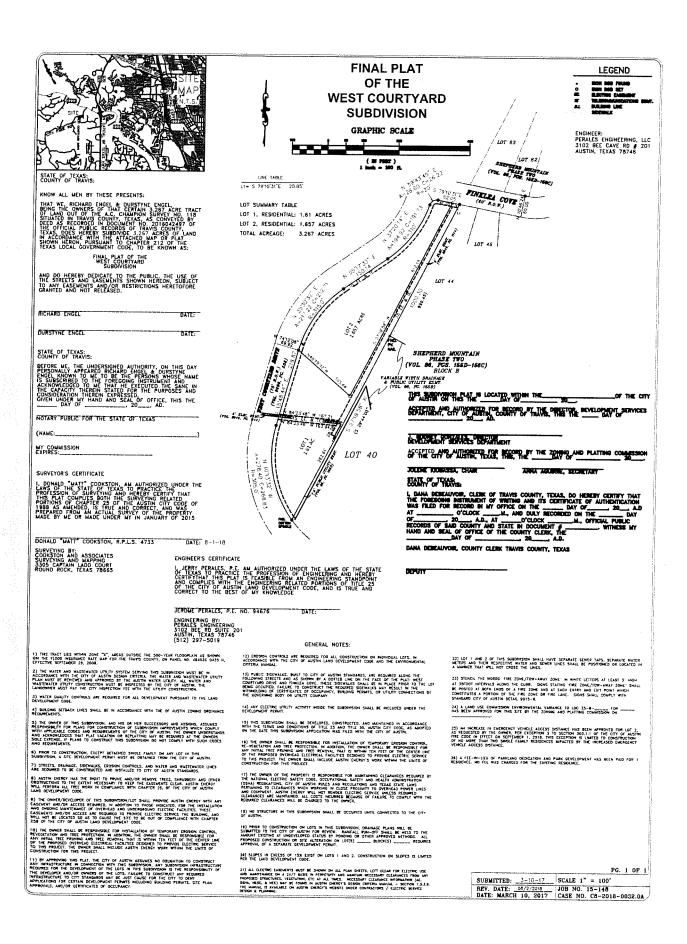
Christopher B. Bradford

**Enclosures** 





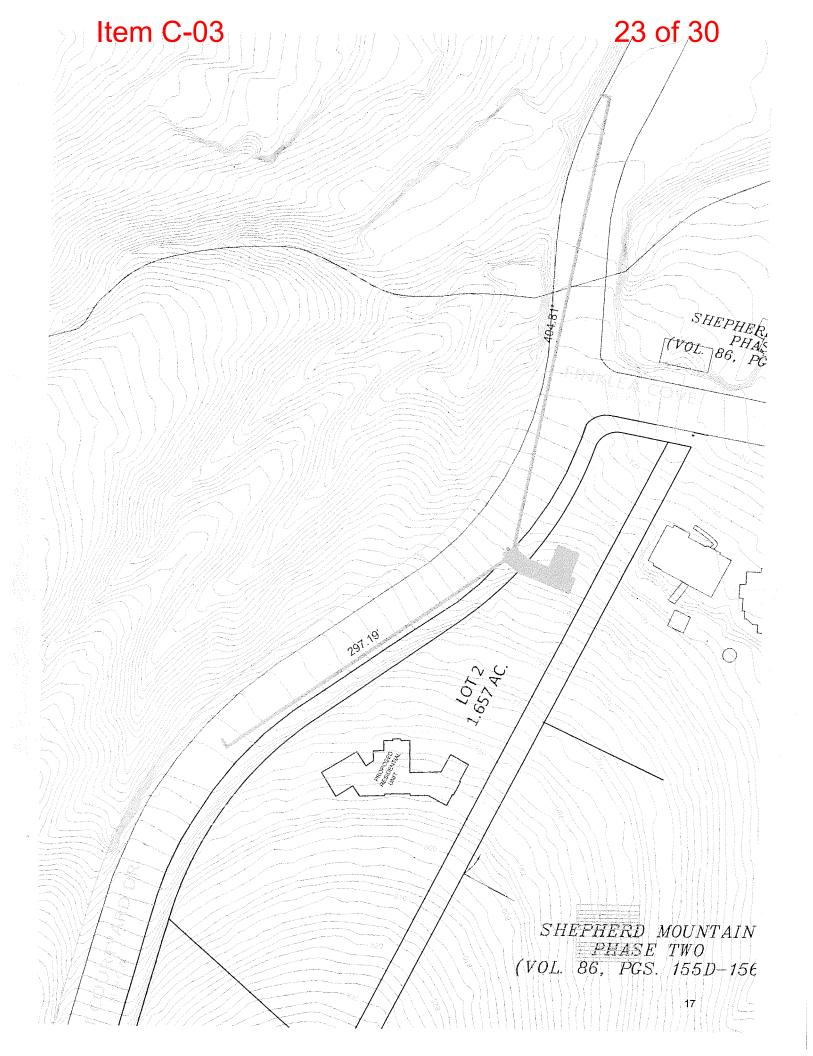
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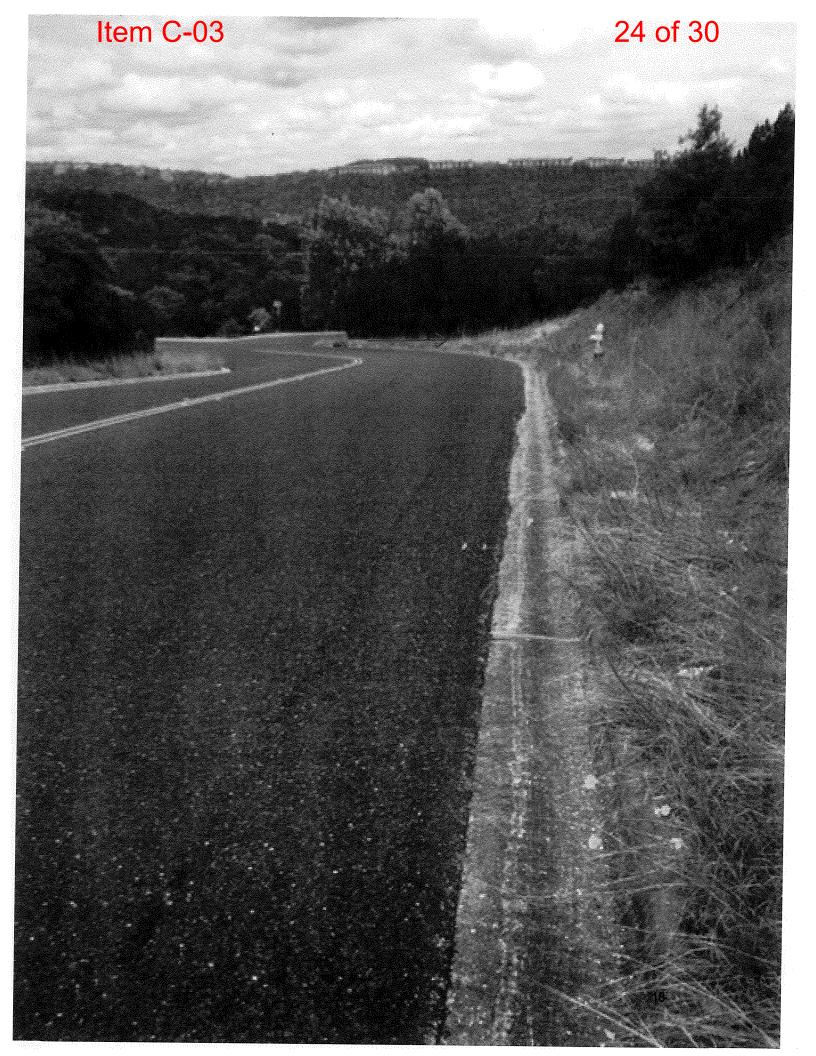


Project Memorandum	☐ Urgent  As Requested
21 oject Memorandani	☐ For Review and Comment
	☐ New Project
From: Bruce Aupperle, P.E.	<b>Date</b> : 11.7.18
Chris Bradford	
To:	<b>Via:</b> Email
<b>Re:</b> 6910 Courtyard – Final Plat and Subdivision	Pages: 1

The attached exhibit that indicates the site distances from the proposed 12' residential driveway on Lot 2 servicing the surface parking area thereon. West Courtyard Drive, is a residential collector and has a speed limit of 35 mph. The recommended site distance per the table provided is therefore 250'. The site distances available to the proposed driveway are approximately 300' to the southwest and 400; to the northeast. Thus the proposed driveway intersection meets the minimum site distance for a residential driveway intersectioning a neighborhood collector.

Please note that a walk from the surface parking area to the proposed house traverse an area 40 vertical feet by 280 horizontal feet. The path way to the house would have an average slope of 14%. That's about 80 steps in the walk from parking area to house or about 4 flights of stairs.





MINIMU DISTANC	E* peed for Major	3					25 of 30
Case	Condition	30	35	40	45	50	55
and a second	А	200	250	325	400	475	550
	B**	350	410	470	530	590	650
	C**	400	460	520	580	640	700
11	A	400	470	540	. 610	680	750
	B**	475	550	625	700	775	850
	C**	510	590	670	750	830	900
44.	A	400	500	650	800	1000	1200
	B**	475	550	650	800	1000	1200
	C**	510	590	670	800	1000	1200

Where,

CASE I is the Absolute minimum from driveways (other than industrial driveways).

CASE II is the Absolute minimum from all streets and industrial driveways.

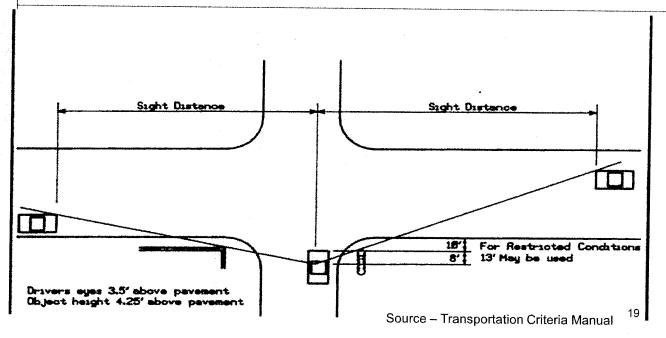
CASE III is the Desirable minimum from all driveways and all streets.

Condition A - Entering onto or crossing a 2 or 3 lane street.\*\*

Condition B - Entering onto or crossing a 4 or 5 lane street.\*\*\*

Condition C - Entering onto or crossing a street with more than 5 lanes.\*\*\*

\* This Table is for flat grades only. AASHTO should be referenced in obtaining minimum sight distances whenever grades are not flat.



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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 development or change. 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 required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance 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;
- 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 14 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 web site:

http://www.austintexas.gov/development.

Written comments must be submitted to the board or commission (or 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.

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Sylvia Limon

P. O. Box 1088

Austin, TX 78767-8810

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If you use this form to comment, it may be returned to:
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pplicat
Your Name (please print)  Your Name (please print)  Your Name (please print)
G. Canada College Coll
Contact: Sylvia Limon, 512-974-2767 or Cindy Edmond, 512-974-3437 Public Hearing: March 19, 2019, Zoning & Platting Commission
Case Number: C8-2018-0032.0A

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City of Austin - Development Services Department, 4th Floor

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