BOA CASE REVIEW SHEET

CASE: C15-2019-0026 **BOA DATE:** May 13, 2019

ADDRESS: 2800 Rivercrest Drive COUNCIL DISTRICT: 10

OWNER: Melissa Wise AGENT: Jay Dupont

ZONING: LA

AREA: Lot 2A Amended Plat of Lots 2 and 3, Sweetbrush

VARIANCE REQUEST: Impervious cover 35% to 41%

SUMMARY: Single family residence remodel

ISSUES: Prior variance for 42%, only 39% used in prior permit

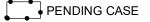
	ZONING	LAND USES
Site	LA	Single Family Residential
North	LA	Single Family Residential
South	LA	Single Family Residential
East	LA	Single Family Residential
West	LA	Lake Austin

<u>NEIGHBORHOOD ORGANIZATIONS:</u> Austin Independent School District; BRNA Association, Inc.; Bike Austin; City of Rollingwood; Friends of Austin Neighborhoods; Glenlake Neighborhood Association; Neighborhood Empowerment Foundation; SEL Texas; Save Our Springs Alliance; Sierra Club, Austin Regional Group; TNR BCP – Travis County natural Resources;







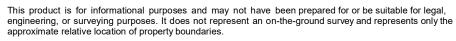


ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0026

LOCATION: 2800 RIVERCREST DRIVE





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, <u>click here to Save</u> 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 #	<u> </u>	
Section 1: Appl	icant Statemer	nt			
Street Address: 2800	Rivercrest Drive			2	
Subdivision Legal Des					
RIVERCREST AD	DITION, SECTION	I			
Lot(s): 22		Bloc			
Outlot:					
Zoning District: <u>LA</u>					
I/We Jay Dupont			on be	ehalf of myself/ours	selves as
authorized agent fo					
Month April Board of Adjustmer				1004 1011	efore the
○ Erect ○ Attac	h OComplete	Remodel	Maintain	Other:	-
Type of Structure:	single family reside	nce			

I-3/4

Portion of the City of Austin Land Development Code applicant is seeking a variance from: 25-2-551(C)(3)(a) From base zoning impervious cover of 35% to 41%.
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.
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 supplement #1
Hardship a) The hardship for which the variance is requested is unique to the property in that:
see attached supplement #1.
b) The hardship is not general to the area in which the property is located because:
see attached supplement #1.

Area Character

see attached supplement #1.

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:

-	
Reque a varia Appen	ng (additional criteria for parking variances only) est for a parking variance requires the Board to make additional findings. The Board may grant ance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, dix A with respect to the number of off-street parking spaces or loading facilities required if it is 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
N.	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:
N	
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
<u>N</u>	A

Section 3: Applicant Certificate

I affirm that my statements contained in the complete my knowledge and belief.	application are true	e and correct to the best of
Applicant Signature:		Deta: 04/00/004
Applicant Name (typed or printed): Jay Dupont		Date: <u>04/08/2019</u>
Applicant Mailing Address: 818 Morrow Street		
City: Austin	State: TV	7'
Phone (will be public information): (512) 879-4150	Otate. 1X	Zip: <u>78757</u>
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the complete a my knowledge and belief.	pplication are true	and correct to the best of
Owner Signature: Thelissa A Wise		Date: <u>04/09/2019</u>
Owner Name (typed or printed): Melissa H. Wise		Bate. <u>04/03/2019</u>
Owner Mailing Address: 19722 Emerald Ridge Lane		
City: Houston	State: TX	Zip: 77094
Phone (will be public information): (713) 492-5995		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: See applicant section		
Agent Mailing Address:		:
City:	State:	7in:
Phone (will be public information):		Ζιμ.
Email (optional – will be public information):		
Section 6: Additional Space (if applicable	e)	
Please use the space below to provide additional inform referenced to the proper item, include the Section and F	ation as needed. T ïeld names as well	o ensure the information is (continued on next page).
See attached supplemnt #2		

I, the undersigned, hereby swear or affirm that the information provided in this application is true and correct to the best of my knowledge and is an accurate reflection of my intentions for the above structure and/or property. I understand that any omission or incorrect information bearing will method to the above structure and/or property. I understand
that any omission or incorrect information herein will render this application and any permit obtained invalid.
As owner(s) of the property described in this application, I/we hereby authorize the Applicant listed on this application to act on my/our behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application.
Signature of Applicant (if different than owner):
Signature of Owner:
Sworn and subscribed before me this the day of Apptember, 20 18
Signature of Public Notary: Vicke L. Jessey Notary Public in and for the State of Texas Vicki L. HESSEMER Contrary State in State in State of Texas ID # 282655-2 My Commission Expires 09-01-2021

J Square Architecture Wednesday, April 17, 2019

2800 Rivercrest Austin, TX 78746

BOA Variance application supplement #1

Reasonable Use

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

This tract is zoned LA and can be developed under section 25-2-551. This is an irregular shaped, small lot and does not meet the minimum lot size for LA zoning. This property was platted long before the LA regulations were adopted and thus qualifies for legal lot status. The total gross site area is 11,154 sq.ft. of which 1,738 sq.ft. (15%) is within the 25' shoreline setback (not allowed to be calculated in impervious cover calculations) leaving a net site area of 9,416 sq.ft. The proposed remodel and additions are located entirely on slopes of 0-15%. Additionally, critical root zone setbacks, and septic leach field area further reduce potential areas of the site where structures can be built. By not allowing the area of the shoreline setback to be calculated in site area calculations and establishing what functions as an additional building setback line, the ordinance and subsequent Code sections put this property in a situation where it cannot meet the original intent of the Ordinance for an addition or remodel without creating a variance situation. If this area could be used in the calculation of impervious cover, the proposed alterations would be in compliance with the base zoning limit of 35%. The location of the existing home, and proposed alterations, meet the intent of the Ordinance, but strict adherence to the impervious cover regulations net 3,295 sq.ft. of total impervious cover due to the shoreline setback. The land area within the shoreline setback cannot be included in net site area impervious cover calculations (25-2-551 (B)(2)) further reducing the size of the lot that can be calculated for impervious cover. The variance granted in 2004 for 42% impervious cover was granted under the same assumption of reasonable use. The granting of this variance, and following build puts this house in a "legal non-complying" status, based on impervious cover. (the resulting impervious cover from the build is 41%) and is now regulated by the "remodel ordinance". This ordinance language requires a variance to alter the building footprint, decks, driveway, etc. even though the proposed impervious cover will not exceed the amount previously developed.

In 2010 the board unanimously approved a similar request at 6706 Troll Haven. Case #C15-2010-0119 was granted impervious cover increase to 54% in order to remodel, add-on, and build a pool. In 2008 In the board unanimously approved a similar request at 6702 Troll Haven. Case #c15-2008-0074 was granted impervious cover increase to 48% to erect a new deck. In 2013 the board unanimously approved a similar request at 6703 Leprechaun Drive. Case #C15-2013Ad-0026 was granted impervious cover increase to 37% to erect a pool. In 2005 the board approved a similar request at 6702 Elfland Drive. Case #C15-05-130 was granted impervious cover increase to 40.8% to construct an addition to the home. Additionally, two (2) other building permits in the surrounding area; BP-2017-141660 was issued to a "legal non-complying" property to add a new pool, by removing impervious cover and re-assigning it to the addition. In 2016, BP-2016-018821 was issued to a "legal non-complying" property to add a new pool increasing the impervious cover from 33.8% to 43.3%. We are requesting the similar reasonable uses awarded to each of these development applications approved by the City of Austin.

Hardship

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

The slightly irregular shape of the lot is one of the smallest lots in this subdivision. It cannot meet the LA site development regulations due to its size. Minimum lot size for LA zoning is 1 acre, (43,560 sq.ft) this lot is .26 acres, approximately 75% smaller than current zoning regulations.

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

The majority of the lots in this subdivision are larger and allow for more site area to be calculated in the impervious cover calculations. Being a small lot that was platted prior to the regulations, and the 2004 construction (under a 2004 variance) the existing development has "legal non-complying" status, and thus regulated by 25-2-963, "remodel ordinance" if additions to the property are desired. The interpretation of the code regarding variances previously granted, and strict adherence to 25-2-963, do not grant, or allow for modifications that would alter the existing impervious cover regardless of maintaining the amount granted in the 2004 variance for this property, nor any other amount about 35%. This makes these types of alterations and additions impossible without approval of the requested variance.

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:

All other adjacent properties are developed as single family. The remodel/additions will be consistent with what is already developed and conform to all other sections of the ordinances that govern this property. By allowing small alterations to the building footprint that are well within the side yard setbacks, the remodeled program can remain as a 2 story structure by avoiding a 3rd story addition that would most likely block Lake views from the adjacent, Eastern properties that currently enjoy views over this house.

J Square Architecture Monday, April 08, 2019

2800 Rivercrest Austin, TX 78746

BOA Variance application supplement #1

Reasonable Use

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

This tract is zoned LA and can be developed under section 25-2-551. This is an irregular shaped, small lot and does not meet the minimum lot size for LA zoning. The total gross site area is 11,154 sq.ft. of which 1,738 sq.ft. (15%) is within the 25' shoreline setback (not allowed to be calculated in impervious cover calculations) leaving a net site area of 9,416 sq.ft. The proposed remodel and additions are located entirely on slopes of 0-15%. By not allowing the area of the shoreline setback to be calculated in site area calculations and establishing what functions as an additional building setback line, the ordinance and subsequent Code sections put many of these properties in a situation where they cannot meet the original intent of the Ordinance without creating a variance situation. Almost all of the properties along Lake Austin were platted or qualify for legal lot status long before the LA regulations were adopted. The location of the existing home, and proposed improvements on the lot, meet the intent of the Ordinance, but strict adherence to the impervious cover regulations net 3,295 sq.ft. of total impervious cover due to the shoreline setback. The land area within the shoreline setback cannot be included in net site area impervious cover calculations (25-2-551 (B)(2)) further reducing the size of the lot that can be calculated for impervious cover. The variance granted in 2004 for 42% impervious cover was granted under the same assumption of reasonable use.

Hardship

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

The slightly irregular shape of the lot is one of the smallest lots in this subdivision. It cannot meet the LA site development regulations due to its size. Minimum lot size for LA zoning is 1 acre, (43,560 sq.ft) this lot is .26 of an acre, approximately 75% smaller than current zoning regulations. The site was previously granted a variance in 2004 for the same hardship.

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

The balance of the subdivision is built out, and the other residences in this subdivision were constructed prior to the adoption of the current code and do not meet current standards.

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:

All other adjacent properties are developed as single family. This remodel/addition will be consistent with what is already developed.



EASTERLY MARGIN OF LAKE AUSTIN THE I THE WESTERLY LINE OF THE LOT, NORTHERLY AND SOUTHERLY LOT L SURVEY ((PLAT TOGETHER WITH ALL LAND LYING BETWEEN AND THE WESTERLY RROJECTION OF THE N

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Ş Sald let is in Zonc <u>AE</u> as identified Federal Emergency Management Agency Community Panel No. 48453C 0430. Survey No. 0950-REV Community Panal No. 484 Dated: <u>SEP, 26, 2005</u>

BLOCK NO.

REFERENCE RONNIE ADDITION, ADDITION

AUSTIN, INC.

TRAVIS
ADOVE SURVEY WAR MADR THIS DAY ON THE CROUND AND IS TRUE AND CORRECT, AND THAT ADOVE SURVEY WAS MADR. SUCCESSION AND SAID PROPRETY, HAS ACCESS TO A DEDUCATED ROADWAY, EXCEPT AS SHOWN HEREON CEPT AS SHOWN HERED!

250-8685 (Fax) Will Road, Suite 209 (512)78750 335-3944 Austin (512)980

iron rad found unless lien holders and/or All corners are 1/2-inch otherwise noted. To the the owners of the pregals

J Square Architecture Wednesday, April 17, 2019

2800 Rivercrest Austin, TX 78746

BOA Variance application cover letter

Dear commissioners,

The application before you is seeking a variance from section 25-2-551 (C)(3)(a) of the Land Development Code that regulates impervious cover in LA zoning, Although there are other sections of the code that could be requested to achieve the same goal, this section seems to be the most straight forward.

The applicant is requesting this variance to make modifications, alterations and additions to the existing home and property. The Owners are retiring and are preparing the home so that they may age in place. Bedrooms, bathrooms and public spaces are being altered to allow for ease of accessibility and an elevator is being added.

The current status of the home, "legal noncomplying" is specific to impervious cover, and lot size only. The status is due to development constructed under a variance that was granted in 2004, because the variance expires after 1 year or the project is completed. This variance was to increase the impervious cover to 42% to allow for construction of a new 2 story home after a 1 story home had been demolished. The home was completed in 2005, and a calculation based on the as-built survey shows that the resulting impervious cover from the development is 41%. This status limits what alterations and improvements can be done per section 25-2-963. The governing section of the code allows for certain modifications, alterations and additions, but does not address a situation like this one where we are affectively, re-arranging impervious cover at the as built percentage under the previous variance. The house and proposed additions comply with all other base zoning requirements. The proposed alterations will not make the home or property more noncomplying than what was allowed under this variance.

With the rules governing this type of proposed remodel under 25-2-963, the hardships stated in the application, previous granting of a variance to construct at 42%, and neighbors who have received similar entitlements, the applicant feels this request is reasonable. The end result will maintain the percentage of the original impervious cover built and allowed under the 2004 variance, and still be 1% less than the previous impervious cover granted in the 2004 variance.

Yours in service,

Jay Dupont, Architect Principal www.jsquarearch.com 512.879.4150 o 512.879.4151 f 512.796.6879 m J Square Architecture Tuesday, April 16, 2019

2800 Rivercrest Austin, TX 78746

BOA Variance application cover letter

Dear commissioners,

The application before you is seeking a variance from section 25-2-551 (C)(3)(a) of the Land Development Code that regulates impervious cover in LA zoning, Although there are other sections of the code that could be requested to achieve the same goal, this section seems to be the most straight forward.

The applicant is requesting this variance to make modifications, alterations and additions to the existing home and property. The house has legal noncomplying status due to development constructed under a variance that was granted in 2004. This variance was to increase the impervious cover to 42% to allow for construction of a new 2 story home after a 1 story home had been demolished. The home was completed in 2005, and the permit application shows an impervious cover of 39%. A final survey is not recorded in the City database, but a calculation based on the current survey shows that the resulting impervious cover from the development was 41%. The current status of the home, "legal noncomplying" limits what alterations and improvements can be done per section 25-2-963. The status is specific to impervious cover, and lot size only. The house and proposed additions comply with all other base zoning requirements. The governing section of the code allows for certain modifications, alterations and additions, but does not address a situation like this one where we are affectively, re-arranging impervious cover at the as built percentage under the previous variance. The proposed alterations will not make the home or property more noncomplying than what was allowed under this variance. With the rules governing this type of proposed remodel under 25-2-963, the hardships stated in the application, and the previous granting of a variance to construct at 42%, the applicant feels this request is reasonable. The end result will maintain the percentage of the original impervious cover built and allowed under the 2004 variance, and still be 1% less than the previous impervious cover granted in the 2004 variance.

Jay Dupont, Architect Principal

www.jsquarearch.com 512.879.4150 o 512.879.4151 f 512.796.6879 m J Square Architecture Tuesday, April 09, 2019

2800 Rivercrest Austin, TX 78746

BOA Variance application cover letter

Dear commissioners,

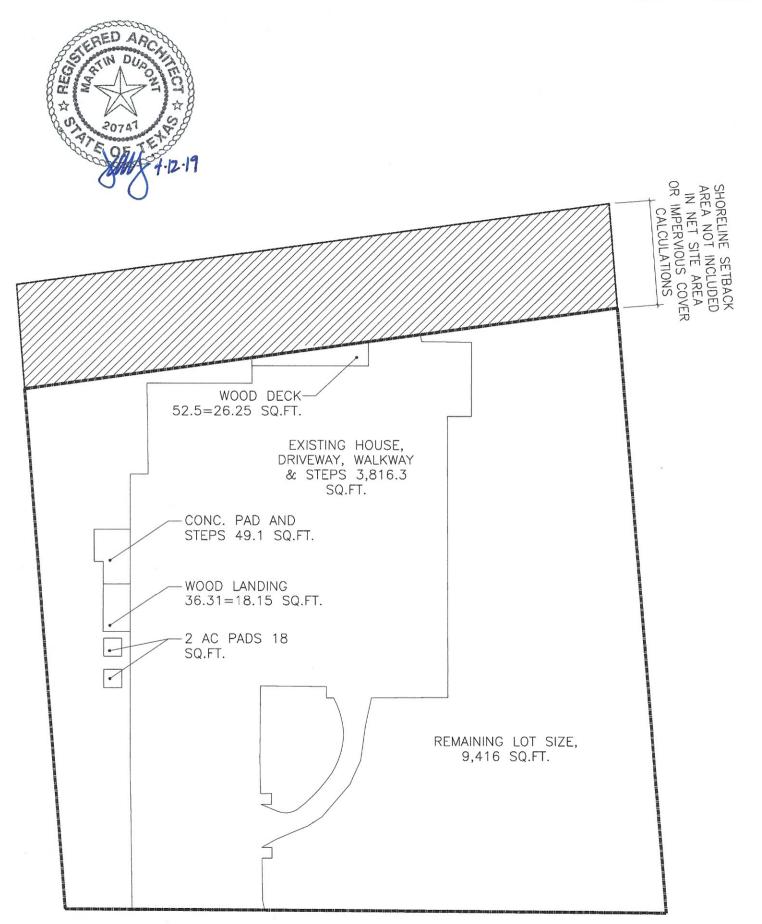
The application before you is seeking a variance from section 25-2-551 (C)(3)(a) of the Land Development Code that regulates impervious cover in LA zoning.

The applicant is requesting this variance to construct 2 small additions to each side of the house, add a small pool and deck, reduce the existing impervious cover and remodel the existing driveway. The current status of the home, "Legal Non-complying" limits what alterations and improvements can be done per section 25-2-963. The house has Legal Non Complying status due to development constructed under a variance that was granted in 2004. This variance was to construct a new 2 story home after a 1 story house had been removed by increasing the impervious cover limit to 42%. The home was completed in 2005, and the permit application shows an impervious cover of 39%. A final survey is not recorded in the City database, but a new calculation based on the current survey shows that the resulting impervious cover from the development was 41%. Over the years as the property has changed hands, newer surveys show the existing impervious cover to be 52%. To avoid a request for a variance and still remodel the home, the applicant would have to remove a portion of the existing house so that the resulting impervious cover did not exceed 35%, thus removing the structure from a legal non-complying status. This is not a feasible option. With the limitations imposed on this structure per 25-2-963, the hardships stated in the application, and the previous granting of a variance to construct at 42%, the applicant feels this request is reasonable. The end result will reduce the existing impervious cover by +/-10%, and bring the development back into compliance below the original impervious cover built and allowed under the 2004 variance.

Yours in service,

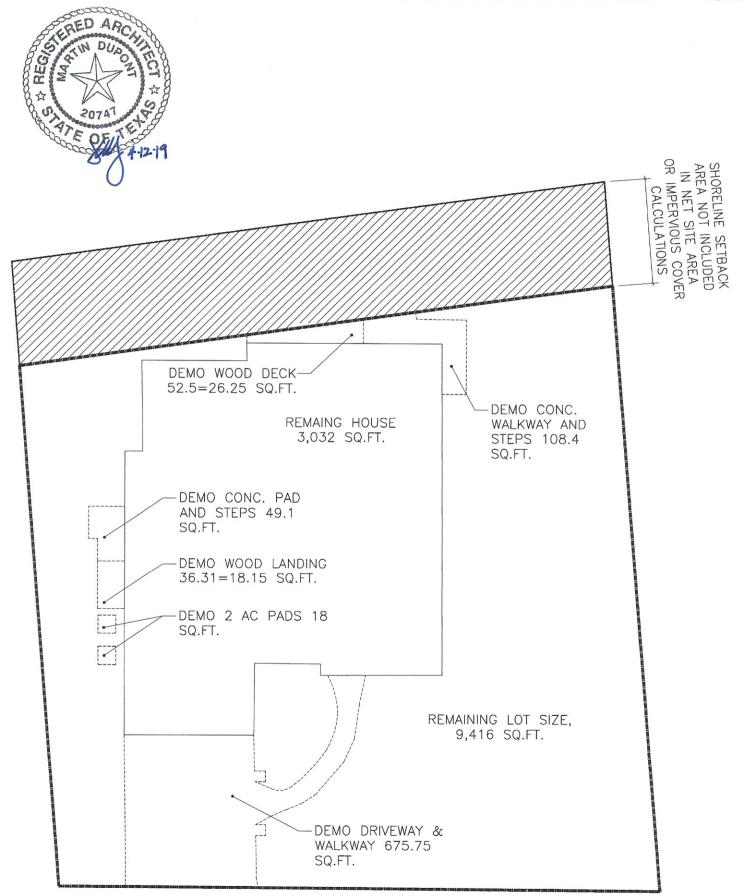
Jay Dupont, Architect Principal

512.879.4150 o 512.879.4151 f 512.796.6879 m

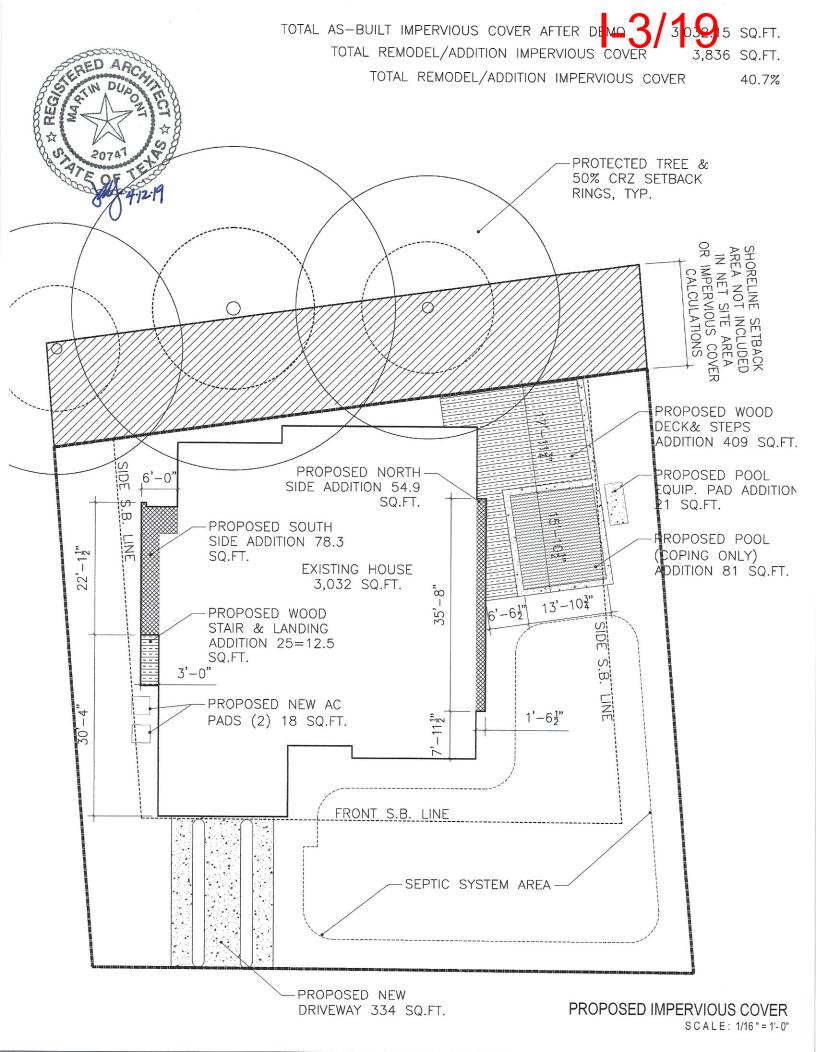


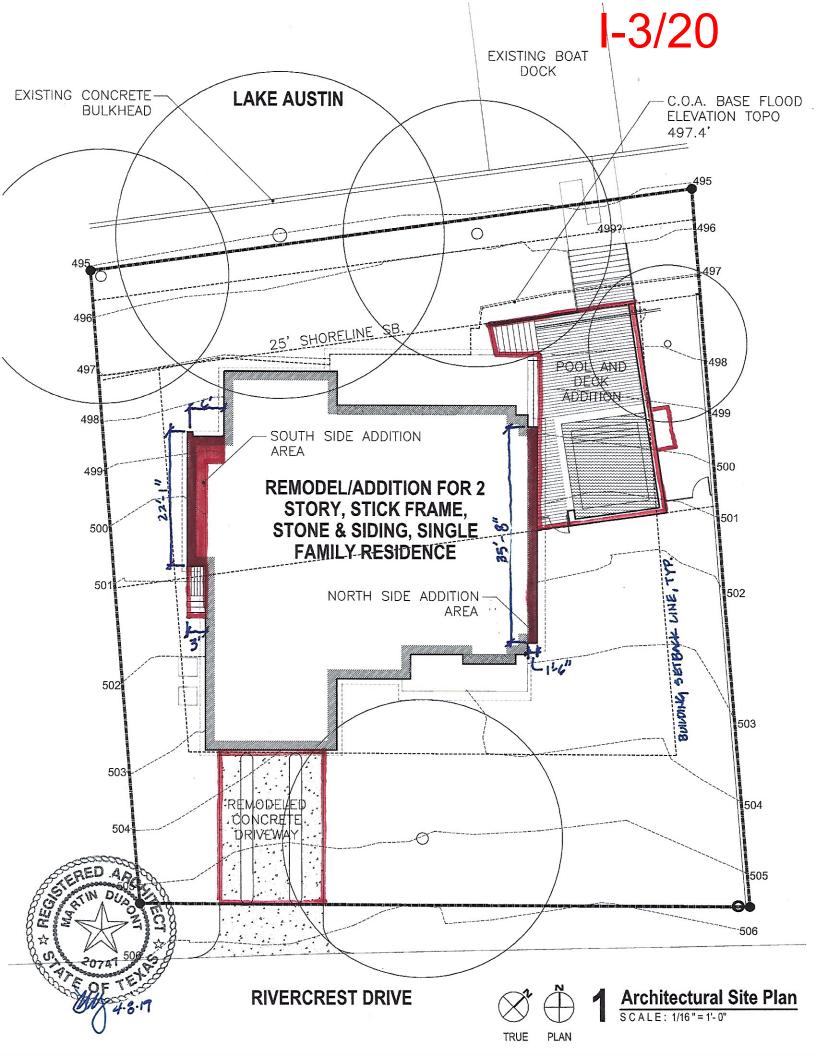
TOTAL AS-BUILT IMPERVIOUS COVER AFTER DEMO%



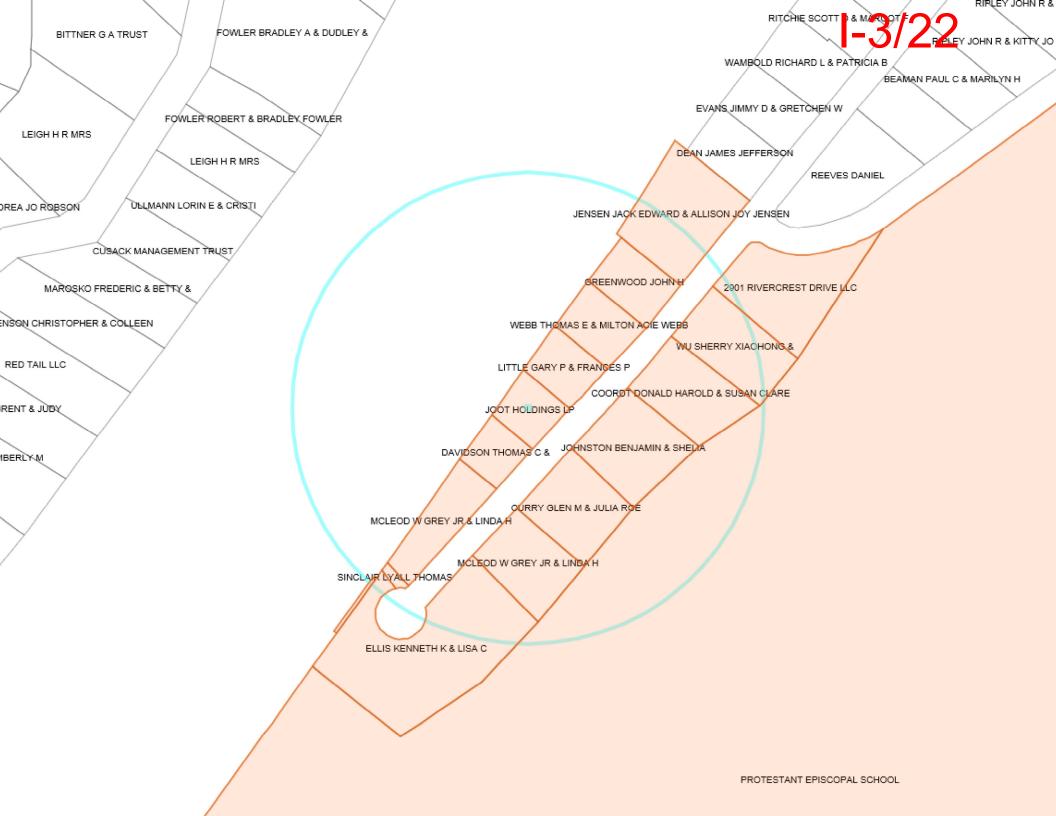


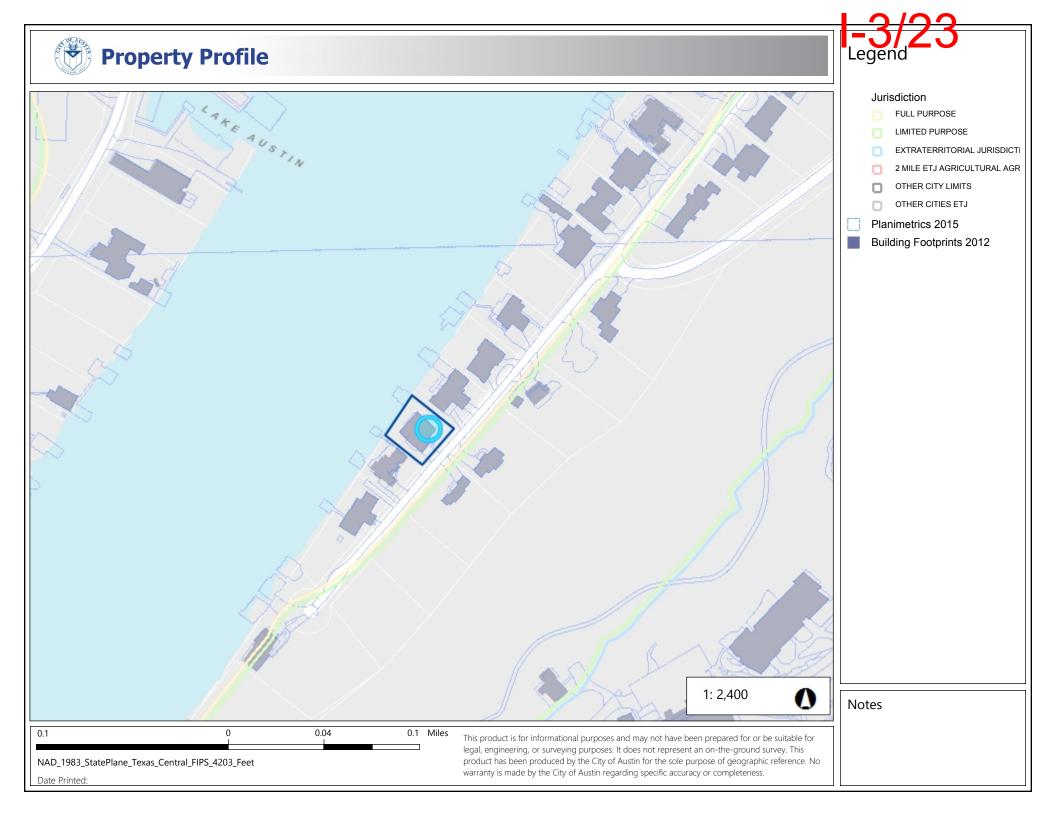
SCALE: 1/16 " = 1'-0"

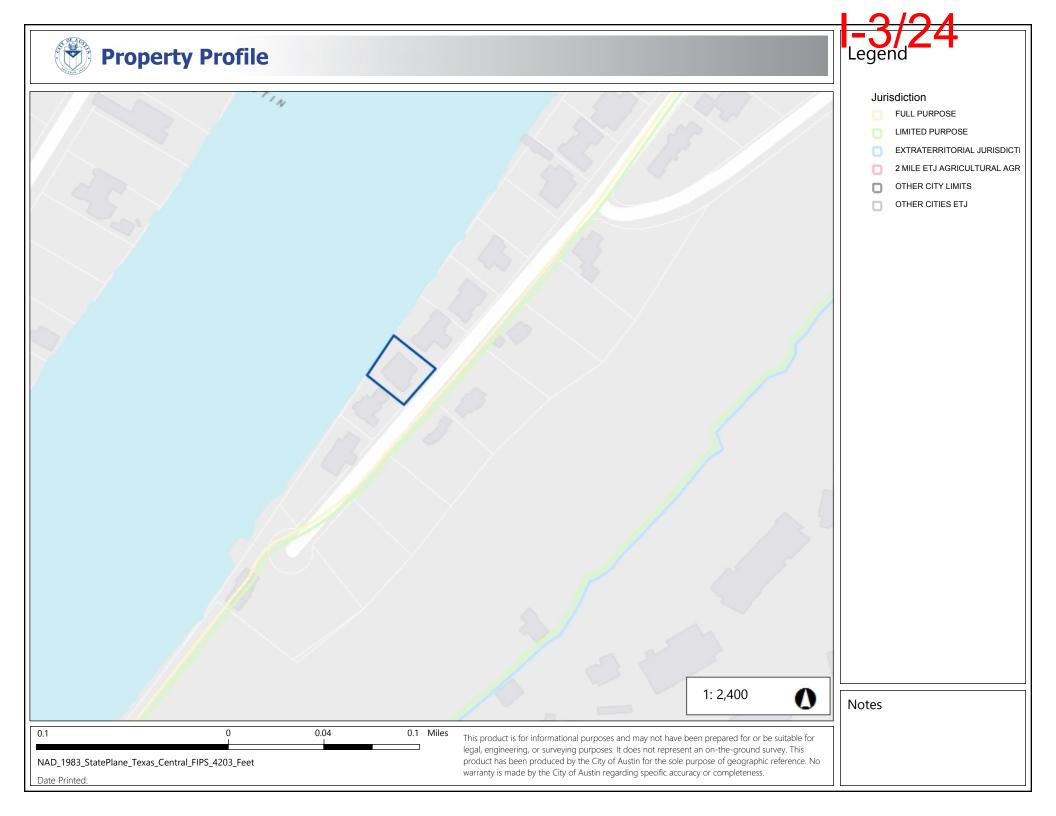


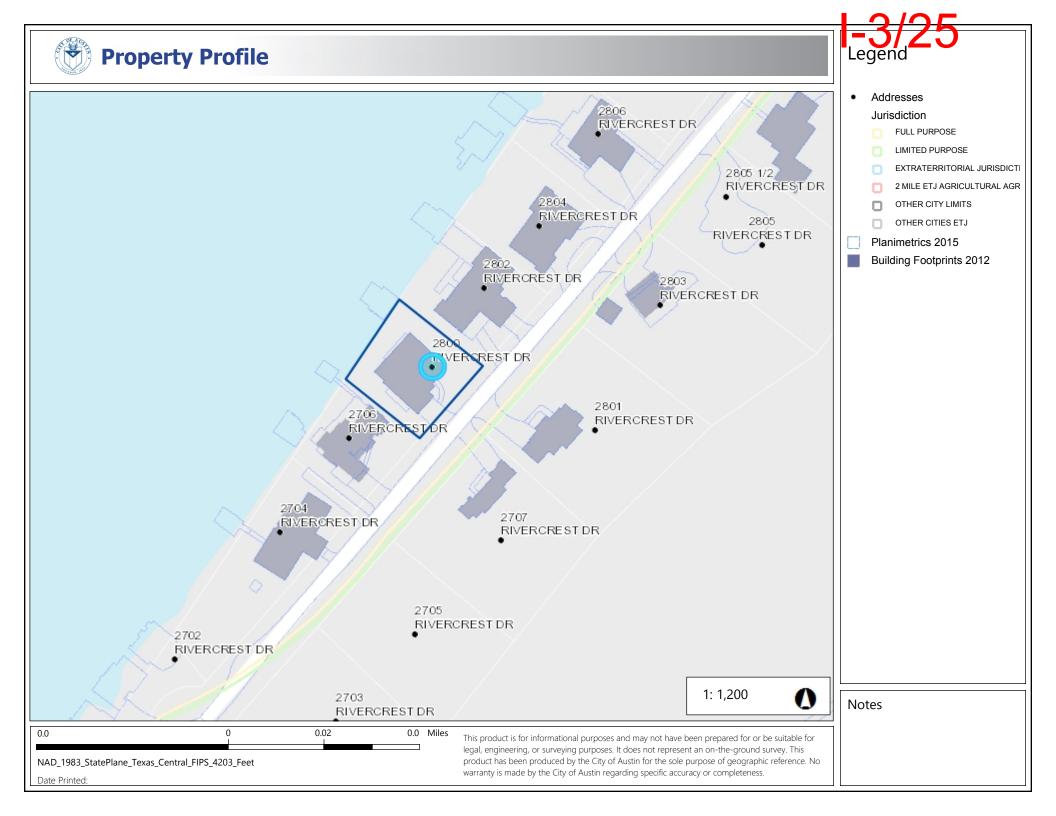












FILED
In the Office of the
Secretary of State of Texas

1'0V 26 2008

CERTIFICATE OF FORMATION OF JOOT HOLDINGS MANAGEMENT, LLC

Corporations Section

The undersigned natural person of the age of eighteen years or more, acting as an organizer under the Texas Business Organizations Code, does hereby submit the following Certificate of Formation:

- 1. The name of the entity to be formed by the filing hereof is Joot Holdings Management, LLC.
- 2. The type of entity to be formed by the filing hereof is a Texas limited liability company.
- The purpose for which the entity to be formed by the filing hereof is organized is
 to transact any or all lawful business for which limited liability companies may be
 organized under the Texas Business Organizations Code.
- 4. The street address of its initial registered office of the entity in Texas is 19722 Emerald Ridge Lane, Houston, Texas 77094, and the name of its initial registered agent at such address is Melissa H. Wise.
- 5. The limited liability company is to be managed by its manager. The name and address of the initial manager is:

Melissa H. Wise 19722 Emerald Ridge Lane Houston, Texas 77094

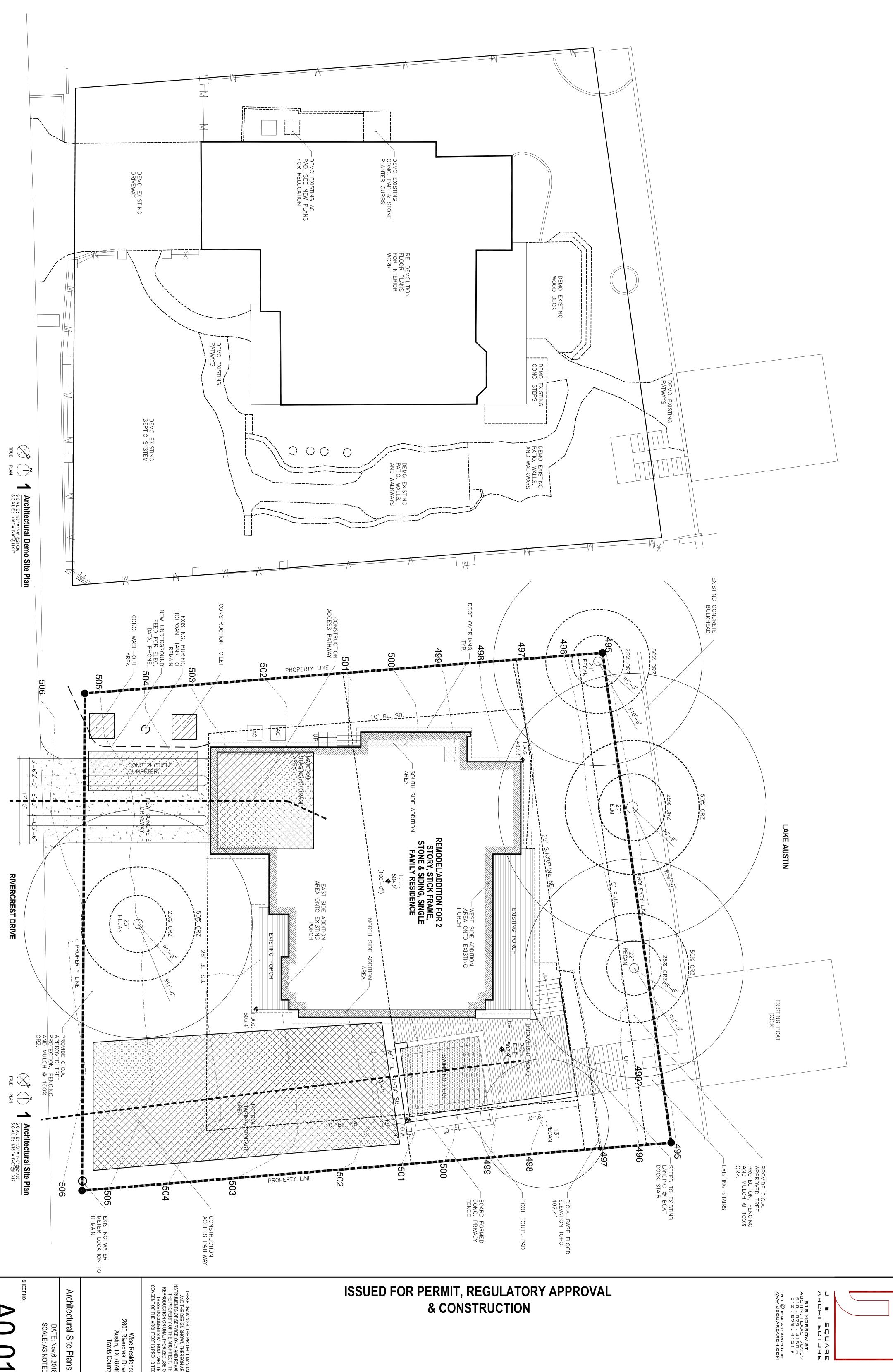
6. The name and address of the organizer is as follows:

Melissa H. Wise 19722 Emerald Ridge Lane Houston, Texas 77094

7. This document becomes effective when the document is filed by the Secretary of State.

The undersigned signs this document subject to the penalties imposed by the law for the submission of a materially false or fraudulent instrument.

Date: _	11.24.	, 2008		
			Julisart Wese	
			Melissa H. Wise, Organizer	



DATE: Nov.6, 2018 SCALE: AS NOTED

Wise Residence 2800 Rivercrest Drive Austin, TX 78746 Travis County

& CONSTRUCTION