

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

DATE: Monday July 08, 2019

CASE NUMBER: C15-2019-0043

- N William Burkhardt
- Y Jessica Cohen
- Y Ada Corral
- Y Melissa Hawthorne
- Y William Hodge
- Y Don Leighton-Burwell
- Rahm McDaniel
- N Darryl Pruet
- Veronica Rivera
- Y Yasmine Smith
- Y Michael Von Ohlen
- Y Kelly Blume (Alternate)
- Martha Gonzalez (Alternate)
- Denisse Hudock (Alternate)

APPLICANT: Bruce Aupperle

OWNER: Skylark Partners II, LP, John Porter

ADDRESS: 1704 AND 1706 CHANNEL RD

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (C)(3)(a) to increase the maximum impervious coverage requirement from 35% to 38.5% in order to erect a single-family residence in "LA", Lake Austin zoning district. The Land Development Code states that the impervious coverage may not exceed 35%, on a slope with a gradient of 15 percent or less.

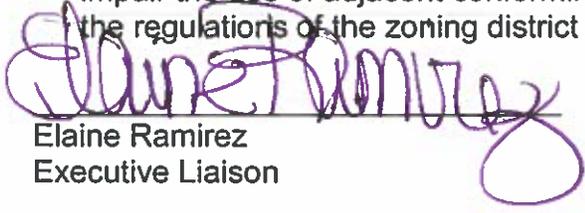
Note: Note: 1704 Channel Rd is zoned "LA" and 1706 Channel Rd is zoned "SF-2"

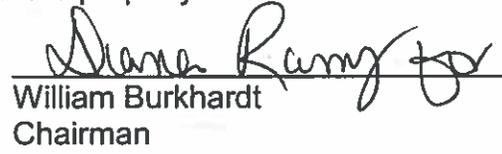
BOARD'S DECISION: July 8, 2019 The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Postpone to August 12, 2019, Board Member Melissa Hawthorne second on an 8-2 vote (Board members William Burkhardt and Darryl Pruet nay); POSTPONED TO AUGUST 12, 2019.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:

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


Elaine Ramirez
Executive Liaison


William Burkhardt
Chairman

From: [REDACTED]
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: RE: PP case to Aug. 12 BOA mtg. C15-2019-0043 / 1704 & 1706 Channel Rd.
Date: Thursday, July 25, 2019 9:50:07 AM
Attachments: [image001.png](#)

Elaine:

We have found a suitable house site plan for which we no longer need said BOA variance. Therefore, we respectfully and officially withdraw said BOA application from Board consideration. If you need anything else from us regarding this application, please let us know.

Thanks,

Bruce S. Aupperle, P.E.
512-422-7838

Sent from [Mail](#) for Windows 10

From: [Ramirez, Elaine](#)
Sent: Tuesday, July 16, 2019 8:45 AM
To: [REDACTED]
Subject: PP case to Aug. 12 BOA mtg. C15-2019-0043 / 1704 & 1706 Channel Rd.

Hi Bruce,

This is a friendly reminder: You have until Friday, July 26th before 3p.m. to submit any maps, surveys, drawings, photos and any additional documentation you want included as part of your Advanced Packet for your BOA variance case. This will need to be submitted to me via e-mail in PDF format.

Please note: Any late support that will be accepted after this deadline date of July 26th, 2019 will **only** be for Opposition and Support letters for this case.

Respectfully,
Elaine Ramirez
Board of Adjustment Liaison
Planner Senior
[City of Austin Development Services Department](#)
One Texas Center, 1st Floor
505 Barton Springs Rd

Office: 512-974-2202

Logo_DSD Email Signature wTag



Follow us on [Facebook](#), [Twitter](#) & [Instagram](#) @DevelopmentATX

Scheduled Meeting Disclosure Information:

In accordance with City of Austin Ordinance 20160922-005, responsibility of written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question as defined within City Code 4-8-2 for compensation on behalf of another person.

Development Services Department has elected to implement an electronic survey as the methodology to provide the opportunity to record information as required of the department under Section 4-8-8 (E) of the City Code. Individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions included in the department survey available at the following link: [DSD Survey](#). Please note that all information provided is subject to public disclosure via DSD's open data portal.

For more information please visit: [City Clerk's website](#)



June 27, 2019

Bruce Aupperle
1704 Channel Rd
Austin TX, 78746

Property Description: ABS 329 SUR 2 GRAY T ACR .650

Re: C15-2019-0043

Dear Bruce,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from Section 25-2-551 (C)(3)(a) to increase the maximum impervious coverage requirement from 35% to 38.5% in order to erect a single-family residence in "LA", Lake Austin zoning district.

Austin Energy does not oppose request provided any proposed and existing improvements are in compliance with AE clearance criteria requirements, The National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Note to applicant. Austin Energy does have existing facilities, which will need to be removed and relocated, as well as existing electric easements associated, which all will need to be released, at the owners/applicant expense, before the proposed structure is built at the above address(s).

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSA
[RE](#)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

BOA REVIEW COVERSHEET

CASE: C15-2019-0043

BOA DATE: July 8, 2019

ADDRESS: 1704 & 1706 Channel Rd

COUNCIL DISTRICT: 10

OWNER: Skylark Partners II

AGENT: Bruce Aupperle

ZONING: LA; SF-2 (1706 Channel Rd)

LEGAL DESCRIPTION: ABS 329 SUR 2 GRAY T ACR .650; ABS 329 SUR 2 GRAY T ACR 0.3463

VARIANCE REQUEST: increase maximum impervious cover requirement

SUMMARY: erect Single-Family use

ISSUES: trees

	ZONING	LAND USES
<i>Site</i>	LA & SF-2	Lake Austin; Single-Family
<i>North</i>	SF-2	Single-Family
<i>South</i>	MF-2; LA	Multi-Family; Lake Austin
<i>East</i>	LA; SF-2	Lake Austin; Single-Family
<i>West</i>	SF-2; LA	Single-Family; Lake Austin

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District; Austin Neighborhoods Council; Bike Austin; City of Rollingwood; Friends of Austin Neighborhoods; Hill Country Conservancy; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Save Our Springs Alliance; Sierra Club, Austin Regional Group; TNR BCP – Travis Cnty Natural Resources



NOTIFICATIONS

CASE#: C15-2019-0043
LOCATION: 1704 & 1706 CHANNEL RD



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





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: 1704 and 1706 Channel Road

Subdivision Legal Description:
ABS 329 SUR 2 GRAY T ACR .650 and ABS 329 SUR 2 GRAY T ACR 0.3463

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF2 and LA

I/We Bruce S. Aupperle, P.E. on behalf of myself/ourselves as authorized agent for SKYLARK PARTNERS II LP, JOHN AND AMY PORTER affirm that on Month June, Day 10, Year 2019, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

- Erect Attach Complete Remodel Maintain Other:

Type of Structure: Single Family Home

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

Impervious Cover within LA zoning district, Section 25-2-551C)(3)

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:

Existing homes at 1704 and 1706 Channel Road are to be demolished and replaced with a single family home located on both lots. A Unified Development Agreement has be executed in order to utilized both tracts as a single site. A copy of the Unified Development Agreement is attached. The overall project proposes a unified impervious cover of 37.5%. Individually 1704 Channel Rd.is zoned LA and is allowed an imperious cover of 35% and proposes 38.5% at said address, whereas 1706 Channel Rd. is zoned SF2 and is allowed an impervious cover of 45% and proposes 36.1% at said address.

Hardship

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

Many of the existing trees located at 1706 Channel Rd. would need to be removed to accomodate an exact percent of Impervious cover allowed by address as listed above. We wish to use a unified % impervious cover of 37.5%, which is less than that envisioned under the unified development agreement.

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

The unified single-family home site is unique because its dual zoning; it's location adjacent to a man-made channel from Lake Austin, which provides lake access and potable water to nearby homes inland from the lake; and the density of existing trees located on the site. The LA zoning setbacks from the man-made channel reduced the the net site area thus reducing the allowed impervious cover. The proposed unified IC is approximately 540 s.t. short of the max. allowed.

Area Character

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

The existing trees will be maintained to our best ability. The use will be maintained as a single family home. The proposed development will remain consistent with the surrounding neighborhood.

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:

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: _____

Applicant Name (typed or printed): Bruce S. Aupperle, P.E. _____

Applicant Mailing Address: 10088 Circleview Drive _____

City: Austin _____ State: TX _____ Zip: 78733 _____

Phone (will be public information): (512) 422-7838 _____

Email (optional – will be public information) [REDACTED] _____

Section 4: Owner Certificate

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

Owner Signature: _____ Date: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Bruce S. Aupperle, P.E. _____

Agent Mailing Address: 10088 Circleview Drive _____

City: Austin _____ State: TX _____ Zip: 78733 _____

Phone (will be public information): (512) 422-7838 _____

Email (optional – will be public information) [REDACTED] _____

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).

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: *B. S. Aupperle* Date: 6/11/19

Applicant Name (typed or printed): Bruce S. Aupperle, P.E.

Applicant Mailing Address: 10088 Circlevue Drive

City: Austin State: TX Zip: 78733

Phone (will be public information): (512) 422-7838

Email (optional – will be public information): [REDACTED]

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: *B. S. Aupperle* Date: 6/11/19

Owner Name (typed or printed): See attached signature

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Bruce S. Aupperle, P.E.

Agent Mailing Address: 10088 Circlevue Drive

City: Austin State: TX Zip: 78733

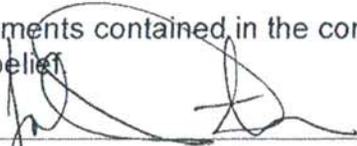
Phone (will be public information): (512) 422-7838

Email (optional – will be public information): [REDACTED]

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).

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: 7/10/2018

Owner Name (typed or printed): John Poerr

Owner Mailing Address: 4697 Rockcliff Rd

City: AUSTIN State: TX Zip: 78746

Phone (will be public information): 512.473.0025

Email (optional – will be public information): _____



One Texas Center | 505 Barton Springs Road, Austin, TX 78704 | 512.978-4000

Property Profile Report

General Information

Location: **1704 CHANNEL RD**
Parcel ID: **0133110115**
Grid: **MG28**

Planning & Zoning

Future Land Use (FLUM): **No Future Land Use**
Regulating Plan: **No Regulating Plan**
Zoning: **LA**
Zoning Cases: **No Zoning Cases**
Zoning Ordinances: **840913-S**
(May not include all ordinances)
Zoning Overlays: Lake Austin Overlay

Infill Options: --

Neighborhood Restricted Parking Areas: --
Mobile Food Vendors: --
Historic Landmark: --

Environmental

Fully Developed Floodplain: No
FEMA Floodplain: Yes
Austin Watershed Regulation Areas: WATER SUPPLY RURAL
Watershed Boundaries: Lake Austin
Creek Buffers: CWQZ
Edwards Aquifer Recharge Zone: No
Edwards Aquifer Recharge Verification Zone: No
Erosion Hazard Zone Review Buffer: No

Political Boundaries

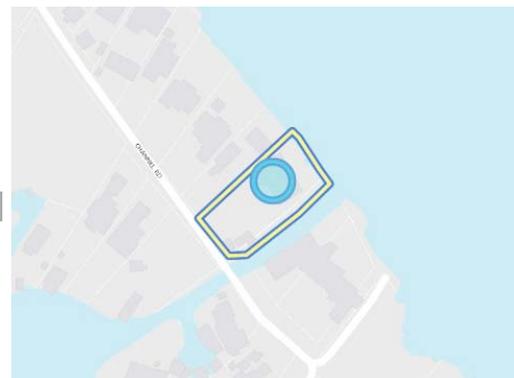
Jurisdiction: AUSTIN FULL PURPOSE
Council District: 10
County: TRAVIS
School District: Eanes ISD
Community Registry: See Community Registry Report



Zoning Map



2018 Aerial View



Vicinity Map

The Information on this website has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

Date created: 06/11/19



One Texas Center | 505 Barton Springs Road, Austin, TX 78704 | 512.978-4000

Property Profile Report

General Information

Location: 1706 CHANNEL RD
 Parcel ID: 0133110116
 Grid: MG28

Planning & Zoning

Future Land Use (FLUM): No Future Land Use
 Regulating Plan: No Regulating Plan
 Zoning: SF-2
 Zoning Cases: No Zoning Cases
 Zoning Ordinances: No Zoning Ordinances
 (May not include all ordinances)
 Zoning Overlays: Lake Austin Overlay



Zoning Map

Infill Options: --

Neighborhood Restricted Parking Areas: --
 Mobile Food Vendors: --
 Historic Landmark: --

Environmental

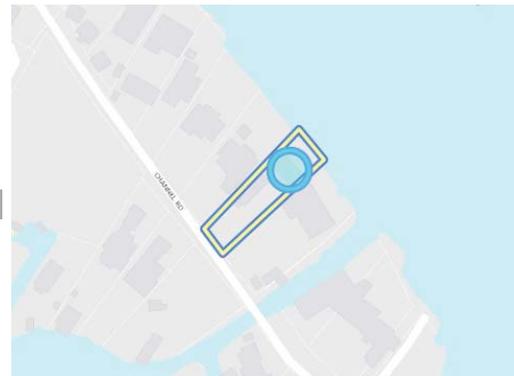
Fully Developed Floodplain: No
 FEMA Floodplain: Yes
 Austin Watershed Regulation Areas: WATER SUPPLY RURAL
 Watershed Boundaries: Lake Austin
 Creek Buffers: CWQZ
 Edwards Aquifer Recharge Zone: No
 Edwards Aquifer Recharge Verification Zone: No
 Erosion Hazard Zone Review Buffer: No



2018 Aerial View

Political Boundaries

Jurisdiction: AUSTIN FULL PURPOSE
 Council District: 10
 County: TRAVIS
 School District: Eanes ISD
 Community Registry: See Community Registry Report



Vicinity Map

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Date created: 06/11/19

SF-2

Single Family Residence—Standard Lot

Single Family Residence Standard Lot district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. An SF-2 district designation may be applied to a use in an existing single-family neighborhood that has moderate sized lots or to new development of single-family housing on lots that are 5,750 square feet or more.

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	35 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Units Per Lot	1	Front yard	25 ft
Maximum Building Coverage	40%	Street side yard	15 ft
Maximum Impervious Cover	45%	Interior side yard	5 ft
		Rear yard	10 ft

Permitted and Conditional Uses:

Residential

Single-Family Residential *	Bed and Breakfast Residential (Group 1) *
	Short-Term Rental

Civic

Club or Lodge (c) *	Family Home *
College and University Facilities (c) *	Group Home Class I—General (c) *
Community Events *	Group Home Class I—Limited *
Communication Service Facilities *	Local Utility Services (c)
Community Recreation—Public (c) *	Private Primary Educational Services (c) *
Community Recreation—Private (c) *	Private Secondary Educational Services (c) *
Cultural Services (c)	Public Primary Educational Services *
Day Care Services—Commercial (c)	Public Secondary Educational Services *
Day Care Services—General (c)	Religious Assembly
Day Care Services—Limited	Safety Services (c)
	Telecommunication Tower (PC) *

Commercial

Special Use—Historic (c) *

Agricultural

Community Garden
Urban Farm *

§ 25-2-551 - LAKE AUSTIN (LA) DISTRICT REGULATIONS.

- (A) In this section:
- (1) SHORELINE means the 492.8 topographic contour line along the shores of Lake Austin.
 - (2) SHORELINE SETBACK means a line parallel to the shoreline and at a distance from the shoreline that is prescribed in this section.
 - (3) SHORELINE SETBACK AREA means an area between the shoreline and the shoreline setback.
- (B) This subsection specifies shoreline setbacks in a Lake Austin (LA) district.
- (1) The shoreline setback is:
 - (a) 75 feet; or
 - (b) 25 feet, if:
 - (i) the lot is located in a subdivision plat recorded before April 22, 1982, or is a legal tract exempt from the requirement to plat; and
 - (ii) the distance between the shoreline and the front lot line, or the property line of a legal tract, is 200 feet or less.
 - (2) A shoreline setback area is excluded from impervious cover calculations.
 - (3) No structures are allowed in a shoreline setback area, except that:
 - (a) a bulkhead, retaining wall, dock, non-mechanized pedestrian access facility, or marina may be constructed and maintained in accordance with applicable regulations of this title; and
 - (b) an on-site sewage facility may be constructed and maintained in accordance with the applicable regulations of Chapter 15-5 (Private Sewage Facilities).
- (C) This subsection specifies lot width and impervious cover restrictions in a Lake Austin (LA) district.
- (1) If a lot fronts on a cul-de-sac and is included in a subdivision plat recorded after April 22, 1982 or is exempt from the requirement to plat it must have:
 - (a) a chord width of not less than 33 feet at the front lot line;
 - (b) a width of not less than 60 feet at the front yard setback line; and
 - (c) a width of not less than 100 feet at all points 100 feet or more behind the front lot line.
 - (2) For a lot included in a subdivision plat recorded after April 22, 1982, impervious cover may not exceed:
 - (a) 20 percent, on a slope with a gradient of 25 percent or less;
 - (b) 10 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent;
or
 - (c) if impervious cover is transferred under Subsection (D), 30 percent.
 - (3) For a lot included in a subdivision plat recorded before April 22, 1982, or a tract that is not required to be platted, impervious cover may not exceed:
 - (a) 35 percent, on a slope with a gradient of 15 percent or less;
 - (b) 10 percent, on a slope with a gradient of more than 15 percent and not more than 35 percent;
 - (c) 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent;
or
 - (d) 40 percent, if impervious cover is transferred under Subsection (D).
- (D) This subsection authorizes the transfer of impervious cover in a Lake Austin (LA) district.

- (1) Impervious cover may be transferred only:
 - (a) between tracts within an LA district; and
 - (b) from land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.
 - (2) Land from which impervious cover is transferred must remain undisturbed, if the land exists in a natural condition, or be restored to a natural condition as prescribed by the Environmental Criteria Manual.
 - (3) A transfer of impervious cover must be documented in a manner approved by the director and documented in the county deed records.
- (E) This subsection specifies additional development standards based on slope gradient in a Lake Austin (LA) district.
- (1) On a slope with a gradient of more than 15 percent:
 - (a) vegetation must be restored with native vegetation, as prescribed by the Environmental Criteria Manual, if it is disturbed or removed as a result of construction; and
 - (b) construction uphill or downhill from the slope must comply with the Environmental Criteria Manual.
 - (2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.
- (E) In an LA district, a person may transfer impervious cover in accordance with this subsection.
- (1) Impervious cover may be transferred only:
 - (a) between tracts within an LA district; and
 - (b) from land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.
 - (2) Land from which impervious cover is transferred may not be developed. The land must either remain undisturbed or be restored to a natural state.
 - (3) A transfer of impervious cover must be described in a restrictive covenant that runs with the land, is approved by the city attorney, and is recorded in the county deed records.

Source: Section 13-2-631; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20140626-113, Pt. 2, 7-7-14](#).



RESTRICTIVE COVENANT REGARDING UNIFIED DEVELOPMENT

This Restrictive Covenant regarding Unified Development for 1704 and 1706 Channel Road, Austin, Texas 78746, (the "Restrictive Covenant"), is executed this 18th day of February, 2019, by John and Amy Porter ("Declarant") and is as follows:

RECITALS

A. The Property.

1. Declarant is the owner of land, more particularly described as 0.65 acre of land out of the Thomas Gray Survey No. 2, recorded in Volume 10397, Page 856 of the Travis County Real Property Records, and more particularly described as by metes and bounds on Exhibit "A" attached hereto and made a part hereof ("Tract One"), and which received legal lot status in City of Austin Case No. C8I-2017-0030, attached and incorporated herein as "A-1"
2. Declarant is the owner of land, more particular described as 0.346 acre tract of land situated within the Thomas B. Gray Survey Number 2, Abstract Number 329, Travis County, Texas and recorded in Document Number 2010168557 of the Official Public Records of Travis County, Texas and more particularly described as by metes and bounds on Exhibit "B" attached hereto and made a part hereof ("Tract Two"), and which received legal lot status in City of Austin Case No. C8I-2010-0255, attached and incorporated herein as "B-1"
3. Tract One and Tract Two are herein referenced collectively as the "Property."

B. Definitions:

1. Owners. The term "Owner" and "Owners" include Declarant and all subsequent owners of the fee interest or any other interest in the Property, and their heirs, executors, administrators, successors, and assigns.
2. Parking. In this Restrictive Covenant, "Reciprocal Parking" is defined as parking within Building Permit No. PR # 2018-214997, serving both Tract One and Tract Two.

C. Restrictive Covenants. Declarant has agreed to impose covenants, restrictions, and conditions upon the Property for the benefit of the Property and Owners.

NOW, THEREFORE, it is now declared that the Property be subject to the following covenants, conditions and restrictions which shall run with the land, and will be binding upon all parties having right, title, or interest in the Property or any part of the Property, their heirs, executors, successors, administrators, and assigns and shall inure to the benefit of each Owner. Each contract, deed or conveyance of any kind conveying all or a portion of such Property shall conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions and restrictions, regardless of whether or not the same are set out in full or by reference in said contract, deed or conveyance.

SPECIFIC AGREEMENTS AND RESTRICTIONS:

1. Recitals Incorporated. The above Recitals and all defined terms are incorporated into this Restrictive Covenant for all purposes.
2. Unified Development. For purposes of site plan review, modification, or approval by the City of Austin a home-rule municipal corporation located in Travis, Hays, and Williamson Counties, State of Texas (the "City"), the Property shall be constructed as a unified development/single site ("Unified Development"). Any proposed modifications to the Property or any portion of the Property shall be construed as a modification of the Unified Development, in accordance with the provisions of the Land Development Code of the City of Austin. This section includes, but is not limited to, the extent of impervious coverage, parking, landscaping, and use restrictions applicable to the Unified Development Property. As of the Effective Date, the Property is a single site in perpetuity, and, is not and will not be subject to subdividing by Owner under any circumstances.
3. Breach Shall Not Permit Termination. Notwithstanding anything to the contrary contained herein, no breach of these Restrictive Covenants shall entitle the Owners to cancel, rescind or otherwise terminate these Restrictive Covenants but this limitation will not restrict or bar any other rights or remedies which the Owners may have under this Restrictive Covenant by reason of any breach or violation of this Restrictive Covenant.
4. Excusable Delays. Whenever performance is required of the Owners, the Owners shall use all due diligence to perform and take all reasonable and necessary measures in good faith to perform within a reasonable time. However, if completion of performance is delayed at any time by reasons of force majeure, war, civil commotion, riots, strikes, picketing, or other labor disputes, unavailability of labor or material, damage to work in progress by reason of fire or other casualty, or any other cause beyond the reasonable control of the Owner (financial inability, imprudent management or negligence excepted), then the time for performance will be extended by the amount of delay actually so caused. Excusable Delay will not include delays that may be cured by payment of money by an Owner.

5. Conveyance. This Restrictive Covenant does not convey interest in real property to the City, the public or any governmental body.

6. General Provisions.

- A. Inurement. This Restrictive Covenant will inure to the benefit of and be binding upon the Owners, and their heirs, administrators, executors, successors, and assigns.
- B. Duration. This Restrictive Covenant shall run with the land and remain in effect in perpetuity.
- C. Non-Merger. This Restrictive Covenant will not be subject to the doctrine of merger, even though the underlying fee ownership of the Property, or any parts thereof, is or may be vested in one party or entity.
- D. Severability. The provisions of this Restrictive Covenant shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion hereof shall not affect the validity or enforceability of any other provision.
- E. Entire Agreement. This Restrictive Covenant and the attached exhibits contain all the representations and the entire agreement between the parties. Any prior correspondence, memoranda or agreements are superseded in total by this Restrictive Covenant and the attached exhibits. The provisions of this Restrictive Covenant shall be construed as a whole according to their common meaning and not strictly for or against any Owner.
- F. Captions. The captions preceding the text of each section and subsection are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Restrictive Covenant.
- G. Governing Law; Place of Performance. This Restrictive Covenant and all rights and obligations created shall be governed by the laws of the State of Texas. This Restrictive Covenant is performable only in Travis County, Texas.
- H. Notices. Any Notice to the Owners or the City shall be in writing and given by delivering the same to such party in person, by expedited, private carrier services (such as Federal Express) or by sending the same by registered or certified mail, return receipt requested, with postage prepaid to the intended recipient's last known mailing address. All notices under this Restrictive Covenant shall be deemed given, received, made or communicated on the date personal delivery is effected or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

I. Negation of Partnership. None of the terms or provisions of this Restrictive Covenant shall be deemed to create a partnership between or among any Owner, or the City of Austin in their respective businesses or otherwise; nor shall it cause them to be considered joint ventures or members of any joint enterprise.

J. Enforcement. If any person, persons, corporation, or entity of any other character shall violate or attempt to violate this Restrictive Covenant, the City of Austin, its successors and assigns, may proceed at law, or in equity, against said person, or entity violating or attempting to violate such covenant or covenants. The failure at any time to enforce this Restrictive Covenant by the City of Austin, its successors and assigns, whether any violations are known or not, shall not constitute a waiver or estoppel of the right to do so at any time.

K. Modification and Amendment. This Restrictive Covenant may only be modified, amended or terminated upon the filing of such modification, amendment or termination in the Official Public Records of Travis County, Texas, executed, acknowledged and approved by (a) the Director of the Planning and Development Review Department, City of Austin; and (b) all of the Owners of the Property at the time of the modification, amendment, or termination.

Executed to be effective this 10 day of February, 2019.

DECLARANT:

By: _____

John Porter

By: _____

Amy Porter

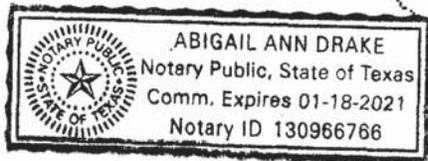
Executed effective the Date first above stated.

By: [Signature]
Name: John Porter

By: [Signature]
Name: Amy Porter

THE STATE OF TEXAS
COUNTY OF TRAVIS

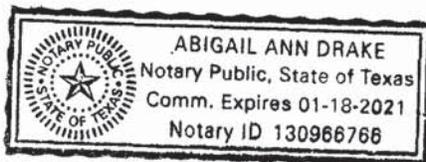
This instrument was acknowledged before me on the 18th day of February, 2019,
by John Porter.



[Signature]
Notary Public in and for the State of Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 18th day of February, 2019,
by Amy Porter.



[Signature]
Notary Public in and for the State of Texas

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

[Signature]

Mar 19, 2019 02:35 PM

2019038122

ALONZOM: \$74.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

EXHIBIT "A"

0.65 of an acre of land out of the Thomas B. Gray Survey No. 2 in Travis County, Texas, a part of that certain 1.62 acre tract described as Tract One in a partition deed from Jimmie Evans Wendlandt et al to Roger H. Fitzgerald, dated February 16, 1955, recorded in Vol. 1544, Page 374, of the Travis County Deed Records, and more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of that certain 1.62 acre tract described as Tract One in a partition deed from Jimmie Evans Wendlandt et al to Roger H. Fitzgerald, dated February 16, 1955, recorded in Vol. 1544, Page 374, of the Travis County Deed Records, for the southwest corner of this tract;

THENCE with the west line of said 1.62 acre tract N. 43° 43' E 256.72 feet to a point in the south line of a pasture road;

THENCE with the south line of said pasture road S. 36° 39' E. 55 feet to angle in same;

THENCE continuing with the south line of said road S. 32° 56' E. 96.96 feet to the center of a small slough for the most easterly corner of this tract;

THENCE with the center of said slough S. 57° 41' W. 205 feet to a point for the southeast corner of this tract and the southeast corner of said 1.62 acre tract;

THENCE with the south line of said 1.62 acre tract N. 61° 05' W. 102.5 feet to the place of beginning.

EXHIBIT "A-1"



**City of Austin
Development Services Department
Land Status Determination
1995 Rule Platting Exception**

February 22, 2017

File Number: **C81-2017-0030**

Address: **1704 CHANNEL RD**

Tax Parcel I.D. # **0133110115**

Tax Map Date: **05/09/2014**

The Development Services Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **all of that certain tract or parcel of land containing .68 acre of land, more or less, situated in the Thomas B Gray Survey No. 2** in the current deed, recorded on **May 04, 2016, in Document #2016068736, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Sep 01, 1987, in Volume 10397, Page 856, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **electric service on May 11, 1983**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

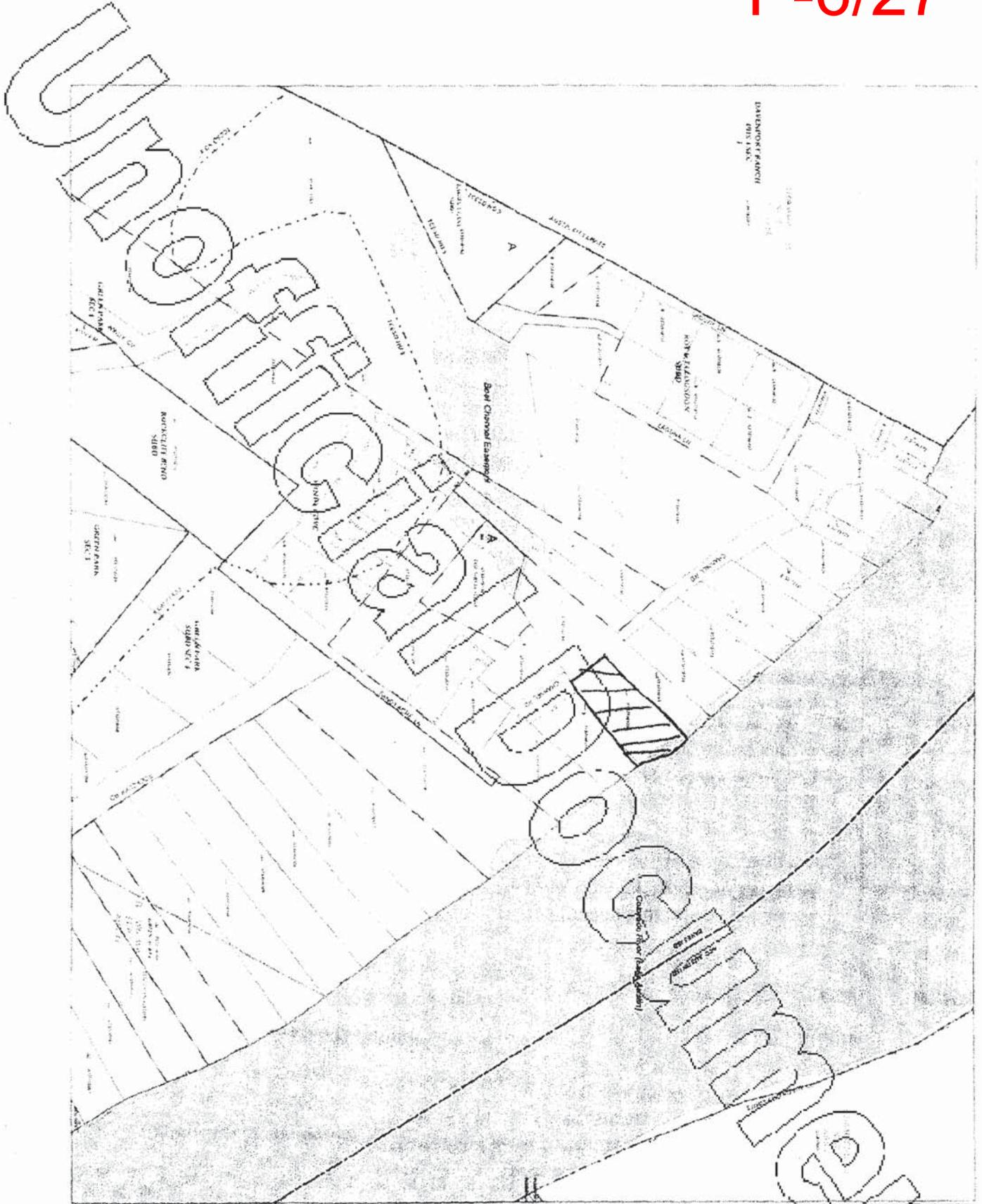
Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Development Services Department**



13311

Revision Date: 5/9/2014

0 100 Feet

NAD_1983_StatePlane
Texas_Central_FIPS_4203_Feet
Projection Lambert_Conformal_Conic

13410

North Arrow

This map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximations and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of the information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
 1314 Cross Park Drive
 Austin, Texas 78754
 P.O. Box 179012
 Austin, Texas 78714
 Internet Address: www.traviscaad.org
 Main Telephone Number: (512) 496-4217
 Appraisal Information: (512) 496-0518
 TDD: (512) 536-3328

EXHIBIT "B"

A tract of land situated within the Thomas B. Gray Survey Number 2, Abstract Number 329, Travis County, Texas and being the same tract of land as conveyed to B.W. & E.C. Burke Family Trust by a deed filed for record at Document Number 2010168557 of the Official Public Records of Travis County, Texas. Said tract of land, being more particularly described by metes and bounds as follows:

Commencing, for a be, at a 1" pinched iron pipe found for the common corner of a tract of land conveyed to Felix Erbring by a deed filed for record at Document Number 2006164399 of the Official Public Records of Travis County, Texas and a tract of land conveyed to Luke and Charl Ann Ledbetter, trustees of The Bevo Trust as filed for record at Document Number 20140128017 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found for the Northeast corner of Lot 2, Windy Cove, a subdivision filed in Volume 28 at Page 41 of the Plat Records of Travis County, Texas, bears S 43°11'00" W., 25.49 feet;

Thence N. 43°43'00" E, along the Easterly boundary line of the aforementioned Erbring tract, 9.96 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for the Southwest corner and Point of Beginning of the tract of land herein described;

Thence N. 43°43'00" E, continuing along the common boundary line of the tract of land herein described and the aforementioned Erbring tract, passing at 27.46 feet an 80d nail found for a reference, passing at 190.06 feet a 1/2" rebar with a cap marked "Ref Cor RPLS 4967" set for a reference corner and continuing for a total distance of 242.88 feet to a point for their common North corner on the record South margin of Lake Austin;

Thence S 39°20'18" E, along the aforementioned record South margin of Lake Austin, 69.87 feet to a point for the Northeast corner of the tract of land herein described;

Thence S 47°18'00" W, passing at 15.25 feet a 1/2" rebar with a cap marked "Ref Cor RPLS 4967" set for a reference corner and continuing for a total distance of 244.09 feet to a 1/2" rebar found for the Southeast corner of the tract of land herein described;

Thence N. 36°99'00" W, 54.88 feet to the Point of Beginning.

Said tract of land containing 15,083 square feet or 0.346 acre, more or less.



City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception

October 01, 2010

File Number: ~~C81-2010-0255~~

Address: ~~1706 CHANNEL RD~~

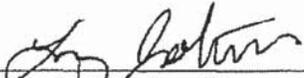
Tax Parcel ID, # ~~01331101160000~~ Tax Map Date: ~~03/16/2004~~

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **ABS 329 SUR 2 GRAY T-ACR .320** in the current deed, recorded on **Aug 12, 1996**, in **Volume 12748, Page 1592**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jul 12, 1977**, in **Volume 5848, Page 496**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by electric service on **Apr 08, 1988**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: 
Liz Johnston, Representative of the Director
Planning and Development Review

Unofficial Comment

21

AFFIDAVIT AS TO DEBTS, LIENS, AND OCCUPANCIES
[OWNERSHIP TYPE - INDIVIDUAL]

Date: February 9th, 2019

Affiants: John Porter and Amy Porter

Grant Document: That certain Unified Development Restrictive Covenant, being that certain document to which this Affidavit as to Debts, Liens, and Occupancies is attached and referred to.

Property: The property identified in the Unified Development Restrictive Covenant, being 1704 and 1706 Channel Road, Austin, Travis County, Texas 78746.

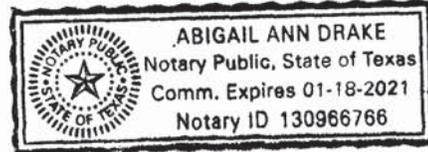
Affiants on oath swear or affirm that the following statements are true and are within the personal knowledge of Affiants:

Our name is set forth above as Affiants. We are making this affidavit on our behalf. We are above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, are of sound mind and are fully qualified to make this affidavit. We have personal knowledge of the facts contained in this affidavit as holder of title to the Property, we have recently reviewed the records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, we attest that:

1. we hold title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at our instance and request, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;
5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against me that would affect the Property; and
6. we are not debtors in bankruptcy.

STATE OF TEXAS

§



COUNTY OF TRAVIS

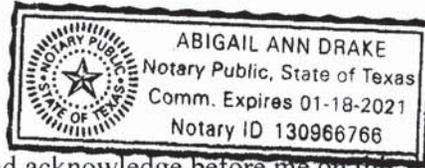
§

This instrument was sworn to, subscribed and acknowledge before me on this the 18 day of February, 2019, by JOHN PORTER.

Abigail Drake
Notary Public - State of Texas

STATE OF TEXAS

§



COUNTY OF TRAVIS

§

This instrument was sworn to, subscribed and acknowledge before me on this the 18 day of February, 2019, by AMY PORTER.

Abigail Drake
Notary Public - State of Texas

ACCEPTED: CITY OF AUSTIN

By: [Signature]
Name: John Richards
Title: Senior Planner

APPROVED AS TO FORM:

By: [Signature]

AFTER RECORDING, RETURN TO:

City of Austin
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767
Project Name: Porter Residence
Attn: John Richards
Building Permit No. PR # 2018-214997

UNOFFICIAL DOCUMENT

From: Bruce Aupperle
Sent: Tuesday, June 18, 2019 9:51 AM
To: John Porter
Cc: Edward Frierson
Subject: RE: draft public hearing notice for 1704 Channel Road C15-2019-0043

From the Draft public notice you'll notice no mention of a UDA. The commission will only consider a variance for 1704 from 35% to 37.5%. Ignoring the existence of a UDA, which is what the 37.5% was based on. Without acknowledging the UDA we'll need 38.5% , if 1704 is computed separately.

Staff ignored our specific variance request. The prior email requests changing the variance request and becomes official evidence to the case and should be sent to all Board members. Thus providing us a springboard for discussion of the UDA, etc.

Thanks,

Bruce S. Aupperle, P.E.
512-422-7838

Sent from [Mail](#) for Windows 10

From: [REDACTED]
Sent: Tuesday, June 18, 2019 9:25 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: draft public hearing notice for 1704 Channel Road C15-2019-0043

Is this in response to some comments back from the COA? Can you send

Sent from my iPhone

On Jun 18, 2019, at 10:15 AM, Bruce Aupperle <[REDACTED]> wrote:

Elaine:

Assuming the BOA does not recognize the existence or functionality of a unified development agreement we would like to change the variance to state an impervious cover increase from 35% to 38.5%.

Without recognition of the unified development agreement we'll need 38.5% impervious cover at 1704 Channel Road.

Impervious cover at 1706 Channel Road will be well below its allowed impervious cover of 45%.

The unified impervious cover as envisioned by the unified development agreement is proposed to be 37.5% for the whole site of 1704 and 1706 Channel Road.

Please call if you have any questions.

Thanks,

Bruce S. Aupperle, P.E.
512-422-7838

Sent from [Mail](#) for Windows 10

ELECTRONICALLY RECORDED

2019022090

TRV

5

PGS

RELEASE OF LIEN

EFFECTIVE DATE: February 15, 2019

HOLDER OF NOTE AND LIEN: SKYLARK PARTNERS II MANAGEMENT, LLC

HOLDER'S MAILING ADDRESS: 4697 Rockcliff Road, Austin, Texas 78746

NOTE:

Effective Date: April 10, 2017

Original Principal Amount: \$250,000.00

Borrower: Skylark Partners II, LP

Lender: Skylark Partners II Management, LLC

Maturity Date: April 10, 2018

NOTE AND LIEN ARE DESCRIBED IN THE FOLLOWING DOCUMENTS: That certain Deed of Trust executed April 12, 2017, to be effective as of April 10, 2017 executed by Borrower to John S. Orton, Trustee, in favor of Lender, recorded at Document No. 2017069891 of the Official Public Records of Travis County, Texas.

PROPERTY: 1704 Channel Road, Austin, Travis County, Texas, more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

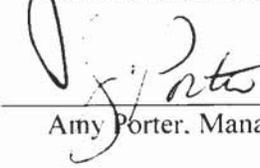
Holder of the Note and Lien is the owner and holder of the Note and Lien described above.

Holder of Note and Lien acknowledges satisfaction of the Note by forgiveness and hereby releases the Property from the Lien and from all liens held by Holder of Note and Lien, without regard to how they were created or evidenced.

When the context requires, singular nouns and pronouns include the plural.

SKYLARK PARTNERS II MANAGEMENT, LLC

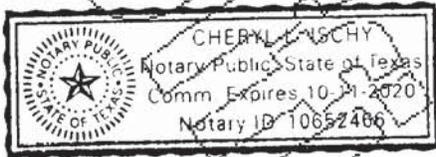
By: 
John Porter, Manager

By: 
Amy Porter, Manager

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 18 day of February, 2019, by John Porter, Manager on behalf of Skylark Partners II Management, LLC, a Texas limited liability company.



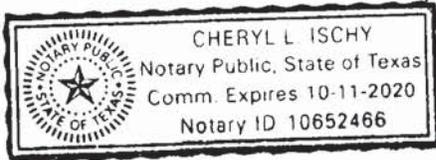
[Signature]

Notary Public in and for the State of Texas

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 18 day of February, 2019, by Amy Porter, Manager on behalf of Skylark Partners II Management, LLC, a Texas limited liability company.



[Signature]

Notary Public in and for the State of Texas

After Recording Return To:
Sprouse Shrader Smith PLLC
Attn: Courtney Mogonye-McWhorter
1250 S Capital of Texas Hwy., Bldg. 3 #601
Austin, Texas 78746

DUPLICATE DOCUMENT

EXHIBIT "A"

PROPERTY DESCRIPTION

TRACT 1: Being all of that certain tract or parcel of land containing .68 acre of land, more or less, situated in the Thomas B. Gray Survey No. 2, Travis County, Texas, being the same tract as conveyed in Deed recorded in Volume 10397, Page 856 of the Real Property Records of Travis County, Texas, said tract being more particularly described by metes and bounds in Exhibit "A-1" attached hereto and made a part hereof.

TRACT 2: Easement for ingress and egress across that certain tract or parcel of land described by metes and bounds in instrument(s) recorded in Volume 2146, Page 227, Volume 2146, Page 417 and Volume 2257, Page 507 of the Deed Records of Travis County, Texas.

TRACT 3: Easement for access created by instrument recorded in Volume 1544, Page 374 of the Deed Records of Travis County, Texas, over and across a 20 foot wide strip of land out of the Thomas Gray Survey #2 as described therein.

524420 000002 19189860.4

EXHIBIT "A-1"

HOLT CARSON, INC.
 1004 FORTVIEW ROAD
 AUSTIN, TX 78704
 TELEPHONE: (512) 442-0990
 Licensed Survey Firm No. 10050700

February 5, 2016

FIELD NOTE DESCRIPTION OF 0.68 ACRE OF LAND OUT OF THE THOMAS GRAY SURVEY NO. 2, AND BEING THAT REMNANT PORTION OF "FIRST TRACT" CONVEYED TO ROGER H. FITZGERALD BY DEED RECORDED IN VOLUME 1544 PAGE 374 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, WHICH WAS DESCRIBED IN DEED TO MICKEY JEAN RILEY INKS RECORDED IN VOLUME 10397 PAGE 856 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron pipe found at the southeast corner of that certain "Second Tract" conveyed to Roger H. Fitzgerald by deed recorded in Volume 1544 Page 374 of the Deed Records of Travis County, Texas, and from which a ½ inch iron rod found at the southwest corner of said Fitzgerald "Second Tract", being the southeast corner of Lot 4, Windy Cove, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 28 Page 41 of the Travis County Plat Records bears N 40 deg. 48' 45" W 142.00 ft., and also from which a ½ inch iron rod found at the southeast corner of that certain tract conveyed to E. C. Nickless et Ux. by deed recorded in Volume 2089 Page 85 of the Travis County Deed Records bears S 39 deg. 32' 42" W 77.56 ft.;

THENCE with the east line of said Fitzgerald "Second Tract," N 40 deg. 12' 23" E 134.57 ft. to a ½ inch iron rod found in the south line of a 20 ft. wide roadway easement described in Volume 2148 Page 227 and Volume 2146 Page 417 of the Travis County Deed Records as depicted on said plat for Windy Cove, and from which a ½ inch iron rod found bears N 39 deg. 54' 27" E 40.32 ft.;

THENCE crossing the interior of said Fitzgerald "Second Tract," with the south line of said access easement, N 58 deg. 06' 40" W 136.37 ft. to a ½ inch iron rod found in the west line of said Fitzgerald "Second Tract" and being in the east line of that certain "Second Tract" conveyed to Jimmie Evans Wendlandt et al. by said deed recorded in Volume 1544 Page 374 of the Travis County Deed Records, and from which a ½ inch iron rod found at the southeast corner of Lot 3 of said Windy Cove bears N 43 deg. 30' 33" E 51.96 ft.

THENCE crossing the interior of said Wendlandt "Second Tract" with the south line of said access easement, N 30 deg. 22' 46" W 136.98 ft. to a calculated point in the common line of said Wendlandt "Second Tract" and that certain "First Tract" conveyed to Roger H. Fitzgerald by said deed recorded in Volume 1544 Page 374 of the Travis County Deed Records, and being in the east line of that certain tract conveyed to Jeanna Inks Smith by deed recorded in Volume 10289 Page 805 of the Real Property Records of Travis County, Texas;

THENCE with the common line of said Fitzgerald "First Tract" and said Wendlandt "Second Tract," N 58 deg. 16' 25" E 4.83 ft. to a chiseled "X" set on concrete bridge in the centerline of the original (undeveloped) centerline of a slough, and being in the south line of that "pasture road" depicted on that 1853 survey map of the partition tracts described in said Volume 1544 Page 374 prepared by Claude F. Bush, RPLS 282, and being at the northeast corner of said Smith tract, and being at the southeast corner of that certain tract conveyed to Mickey Jean Riley Inks by deed recorded in Volume 10397 Page 856 of the Real Property Records of Travis County, Texas, and being at the southeast corner and PLACE OF BEGINNING of the herein described tract of land;

page 2 of 2
0.68 Acre surveyed

THENCE with the south line of said "pasture road", being the north line of said Jeanna Inks Smith tract, N 34 deg. 04' 03" W 101.12 ft. to a 60 D nail set in the projection of the east line of that certain tract conveyed to Floyd B. Inks and Mickey Riley Inks by deed recorded in Volume 5848 Page 496 of the Travis County Deed Records, and being at the southeast corner of said Mickey Jean Riley Inks tract, and being at the southeast corner of this tract.

THENCE N 47 deg. 33' 39" E, at 10.57 ft. passing the north line of said "pasture road" and being at the southeast corner of said Floyd and Mickey Riley Inks tract (and from which point a 1/2 inch iron pipe found at the southwest corner of said Floyd and Mickey Riley Inks tract bears N 37 deg. 42' 27" W 65.00 ft.), and with the east line of said Floyd and Mickey Riley Inks tract at 225.00 ft. more passing a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." and continuing on 20.00 ft. more, for a total distance on this course of 285.57 ft. to a calculated point on the south margin of Lake Austin, and being in the north line of said Fitzgerald "First Tract" and being at the northeast corner

UNRECORDED DEED DOCUMENT

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana Debeauvoir



DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

February 19 2019 09:31 AM

FEE: \$ 42.00 2019022090

SPECIAL WARRANTY DEED

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: December 13, 2018

Grantor: Skylark Partners II, LP

Grantee: Amy Porter and John Porter

Grantee's Mailing Address: 4697 Rockcliff Road, Austin, Texas 78746

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

Tract One: 0.65 acre of land out of the Thomas Gray Survey No. 2, and being that remnant portion of "First Tract" conveyed to Roget H. Fitzgerald by deed recorded in Volume 1544, Page 374 of the Deed Records of Travis County, Texas, which was described in Deed to Mickey Jean Riley Inks recorded in Volume 10397, Page 856 of the Travis County Real Property Records, and being more particularly described by metes and bounds on Exhibit "A-1" attached hereto and made a part hereof; and

Tract Two: A tract of land situated within the Thomas B. Gray Survey Number 2, Abstract Number 329, Travis County, Texas and being the same tract of land as conveyed to B.W. & E.C. Burke Family Trust by a deed filed for record at Document Number 2010168557 of the Official Public Records of Travis County, Texas; said tract of land being more particularly described by metes and bounds on Exhibit "A-2" attached hereto and made a part hereof.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: Validly existing easements, rights-of-way, and prescriptive rights, of record; and all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property.

Ad Valorem Taxes: Ad valorem taxes for the Property for the current year having been prorated between Grantor and Grantee, payment thereof is assumed by Grantee.

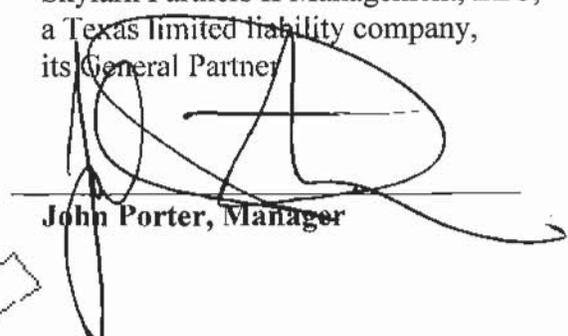
Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee all of its right, title and interest in and to the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee and Grantee's heirs, successors and assigns

forever. Grantor hereby binds Grantor and Grantor's heirs, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, when the claim is by, through or under Grantor but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

SKYLARK PARTNERS II, LP,
a Texas limited partnership

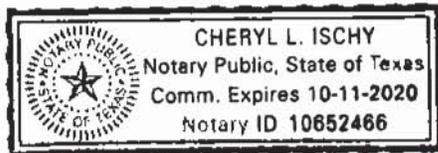
By: Skylark Partners II Management, LLC,
a Texas limited liability company,
its General Partner

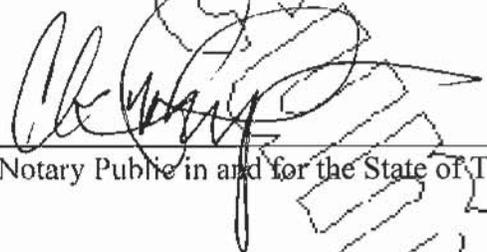
By: 
John Porter, Manager

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 13th day of December, 2018, by John Porter, Manager on behalf of Skylark Partners II Management, LLC, a Texas limited liability company General Partner of Skylark Partners II, LP, a Texas limited partnership.





Notary Public in and for the State of Texas

EXHIBIT "A-1"

0.65 of an acre of land out of the Thomas B. Gray Survey No. 2 in Travis County, Texas, a part of that certain 1.62 acre tract described as Tract One in a partition deed from Jimmie Evans Wendlandt et al to Roger H. Fitzgerald, dated February 16, 1955, recorded in Vol. 1544, Page 374, of the Travis County Deed Records, and more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of that certain 1.62 acre tract described as Tract One in a partition deed from Jimmie Evans Wendlandt et al to Roger H. Fitzgerald, dated February 16, 1955, recorded in Vol. 1544, Page 374, of the Travis County Deed Records, for the southwest corner of this tract;

THENCE with the west line of said 1.62 acre tract N. 43° 43' E 256.72 feet to a point in the south line of a pasture road;

THENCE with the south line of said pasture road S. 36° 39' E. 55 feet to angle in same;

THENCE continuing with the south line of said road S. 32° 56' E. 96.96 feet to the center of a small slough for the most easterly corner of this tract;

THENCE with the center of said slough S. 57° 41' W. 205 feet to a point for the southeast corner of this tract and the southeast corner of said 1.62 acre tract;

THENCE with the south line of said 1.62 acre tract N. 61° 05' W. 102.5 feet to the place of beginning.

EXHIBIT "A-2"

A tract of land situated within the Thomas B. Gray Survey Number 2, Abstract Number 329, Travis County, Texas and being the same tract of land as conveyed to B.W. & E.C. Burke Family Trust by a deed filed for record at Document Number 2010168557 of the Official Public Records of Travis County, Texas, Said tract of land being more particularly described by metes and bounds as follows:

Commencing, for a tie, at a 1" pinched iron pipe found for the common corner of a tract of land conveyed to Felix Erbring by a deed filed for record at Document Number 2006164399 of the Official Public Records of Travis County, Texas and a tract of land conveyed to Luke and Sharl Ann Ledbetter, trustees of The Bevo Trust as filed for record at Document Number 20140128017 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found for the Northeast corner of Lot 2, Windy Cove, a subdivision filed in Volume 28 at Page 41 of the Plat Records of Travis County, Texas, bears S 43°11'00" W., 25.49 feet;

Thence N. 43°43'00" E, along the Easterly boundary line of the aforementioned Erbring tract, 9.96 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for the Southwest corner and Point of Beginning of the tract of land herein described;

Thence N. 43°43'00" E, continuing along the common boundary line of the tract of land herein described and the aforementioned Erbring tract, passing at 27.46 feet an 80d nail found for a reference, passing at 190.06 feet a 1/2" rebar with a cap marked "Ref Cor RPLS 4967" set for a reference corner and continuing for a total distance of 242.88 feet to a point for their common North corner on the record South margin of Lake Austin;

Thence S 39°20'18" E, along the aforementioned record South margin of Lake Austin, 69.87 feet to a point for the Northeast corner of the tract of land herein described;

Thence S 47°18'00" W, passing at 15.25 feet a 1/2" rebar with a cap marked "Ref Cor RPLS 4967" set for a reference corner and continuing for a total distance of 244.09 feet to a 1/2" rebar found for the Southeast corner of the tract of land herein described;

Thence N. 36°99'00" W, 54.88 feet to the Point of Beginning.

Said tract of land containing 15,083 square feet or 0.346 acre, more or less.



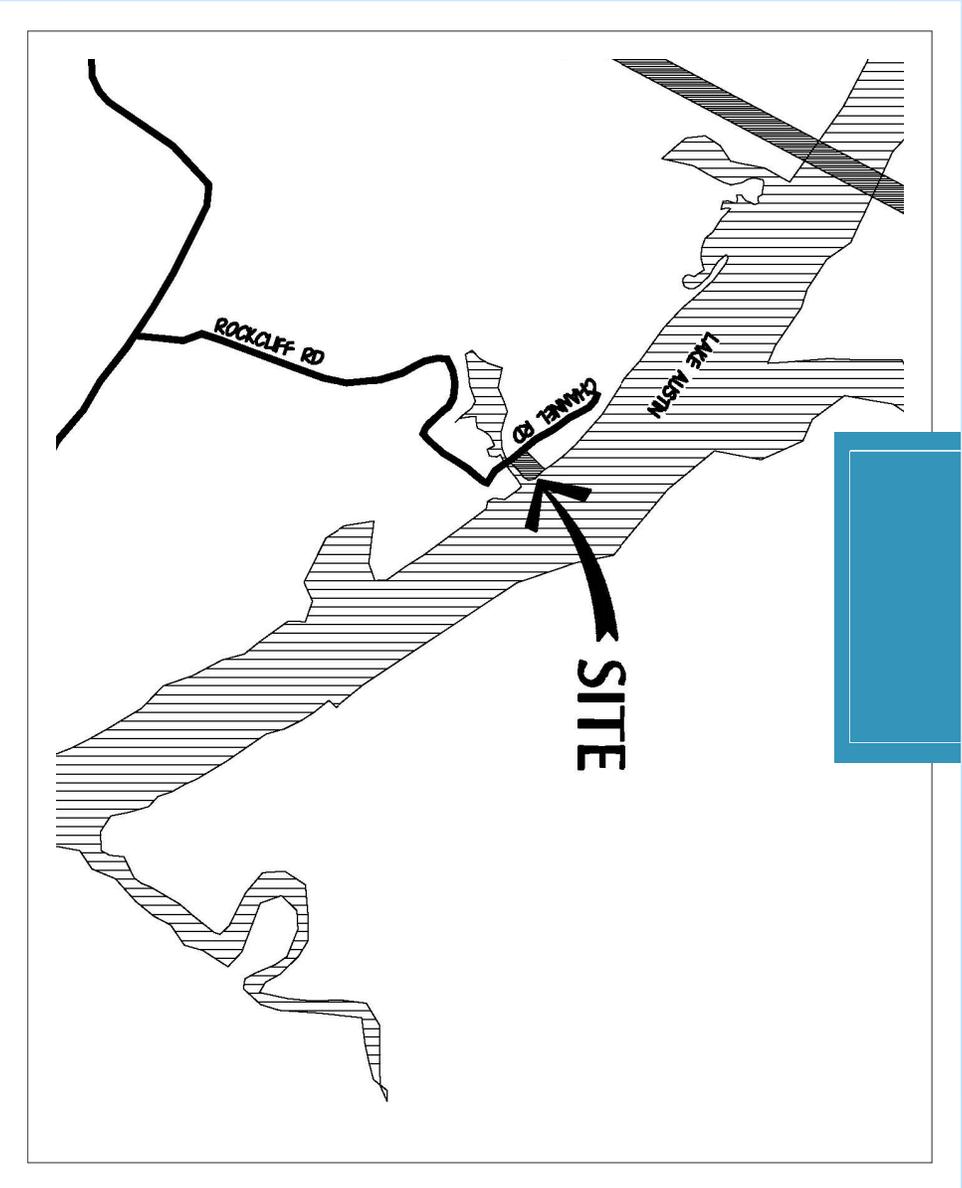
FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana Debeauvoir

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

December 13 2018 12:43 PM

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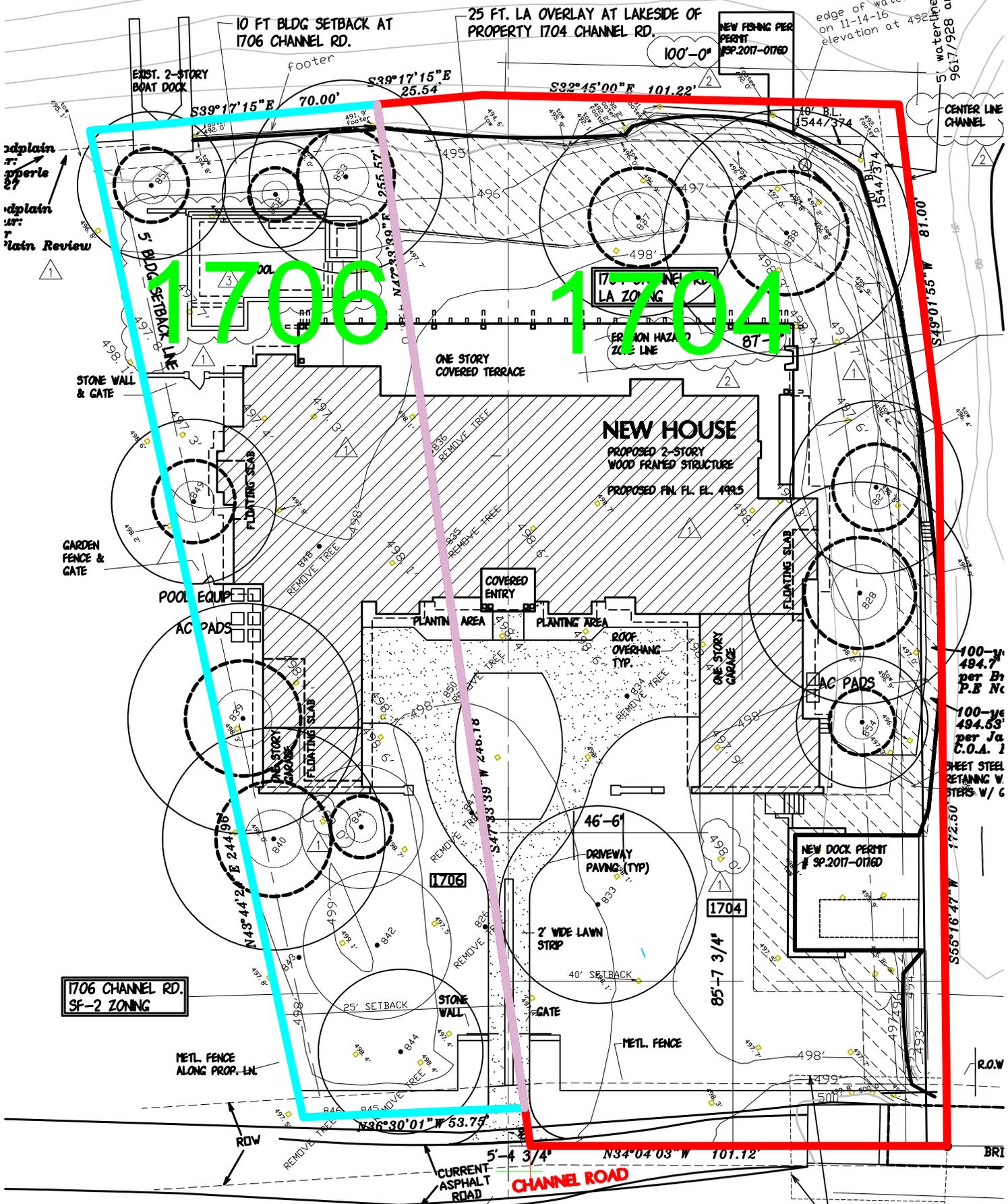


1704 CHANNEL ROAD

BOA Case # C15-2019-00.43
July 8, 2019
Item 1-8

LAKE AUSTIN

5' waterline easement per 9617/928 and Doc. 2014120344



1706

1704

100-yr 494.7' per Br P.E. No
100-yr 494.53' per Ja C.O.A. 1
SHEET STEEL RETAINING WALL STEPS W/ C

R.O.W

BRI

explain to: 1706
explain to: 1704
Main Review

1706 CHANNEL RD. SF-2 ZONING

10 FT BLDG SETBACK AT 1706 CHANNEL RD.

25 FT. LA OVERLAY AT LAKESIDE OF PROPERTY 1704 CHANNEL RD.

NEW FISHING PERMIT # SP.2017-01760

edge of water on 11-14-16 elevation at 492

CENTER LINE CHANNEL

NEW HOUSE
PROPOSED 2-STORY WOOD FRAMED STRUCTURE
PROPOSED FIN. FL. EL. 499.5

NEW DOCK PERMIT # SP.2017-01760

CHANNEL ROAD

CURRENT ASPHALT ROAD

GARDEN FENCE & GATE

STONE WALL & GATE

STONE WALL

GATE

DRIVEWAY PAVING (TYP)

2' WIDE LAWN STRIP

40' SETBACK

46'-6"

ROOF OVERHANG TYP.

PLANTING AREA

PLANTING AREA

COVERED ENTRY

REMOVE TREE



RESTRICTIVE COVENANT REGARDING UNIFIED DEVELOPMENT

This Restrictive Covenant regarding Unified Development for 1704 and 1706 Channel Road, Austin, Texas 78746, (the "Restrictive Covenant"), is executed this 18th day of February, 2019, by John and Amy Porter ("Declarant") and is as follows:

RECITALS

A. The Property.

1. Declarant is the owner of land, more particularly described as 0.65 acre of land out of the Thomas Gray Survey No. 2, recorded in Volume 10397, Page 856 of the Travis County Real Property Records, and more particularly described as by metes and bounds on Exhibit "A" attached hereto and made a part hereof ("Tract One"), and which received legal lot status in City of Austin Case No. C8I-2017-0030, attached and incorporated herein as "A-1".
2. Declarant is the owner of land, more particular described as 0.346 acre tract of land situated within the Thomas B. Gray Survey Number 2, Abstract Number 329, Travis County, Texas and recorded in Document Number 2010168557 of the Official Public Records of Travis County, Texas and more particularly described as by metes and bounds on Exhibit "B" attached hereto and made a part hereof ("Tract Two"), and which received legal lot status in City of Austin Case No. C8I-2010-0255, attached and incorporated herein as "B-1".
3. Tract One and Tract Two are herein referenced collectively as the "Property."

B. Definitions:

1. Owners. The term "Owner" and "Owners" include Declarant and all subsequent owners of the fee interest or any other interest in the Property, and their heirs, executors, administrators, successors, and assigns.
2. Parking. In this Restrictive Covenant, "Reciprocal Parking" is defined as parking within Building Permit No. PR # 2018-214997, serving both Tract One and Tract Two.

C. Restrictive Covenants. Declarant has agreed to impose covenants, restrictions, and conditions upon the Property for the benefit of the Property and Owners.

NOW, THEREFORE, it is now declared that the Property be subject to the following covenants, conditions and restrictions which shall run with the land, and will be binding upon all parties having right, title, or interest in the Property or any part of the Property, their heirs, executors, successors, administrators, and assigns and shall inure to the benefit of each Owner. Each contract, deed or conveyance of any kind conveying all or a portion of such Property shall conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions and restrictions, regardless of whether or not the same are set out in full or by reference in said contract, deed or conveyance.

SPECIFIC AGREEMENTS AND RESTRICTIONS:

1. Recitals Incorporated. The above Recitals and all defined terms are incorporated into this Restrictive Covenant for all purposes.
2. Unified Development. For purposes of site plan review, modification, or approval by the City of Austin a home-rule municipal corporation located in Travis, Hays, and Williamson Counties, State of Texas (the "City"), the Property shall be constructed as a unified development/single site ("Unified Development"). Any proposed modifications to the Property or any portion of the Property shall be construed as a modification of the Unified Development, in accordance with the provisions of the Land Development Code of the City of Austin. This section includes, but is not limited to, the extent of impervious coverage, parking, landscaping, and use restrictions applicable to the Unified Development Property. As of the Effective Date, the Property is a single site in perpetuity, and, is not and will not be subject to subdividing by Owner under any circumstances.
3. Breach Shall Not Permit Termination. Notwithstanding anything to the contrary contained herein, no breach of these Restrictive Covenants shall entitle the Owners to cancel, rescind or otherwise terminate these Restrictive Covenants but this limitation will not restrict or bar any other rights or remedies which the Owners may have under this Restrictive Covenant by reason of any breach or violation of this Restrictive Covenant.
4. Excusable Delays. Whenever performance is required of the Owners, the Owners shall use all due diligence to perform and take all reasonable and necessary measures in good faith to perform within a reasonable time. However, if completion of performance is delayed at any time by reasons of force majeure, war, civil commotion, riots, strikes, picketing, or other labor disputes, unavailability of labor or material, damage to work in progress by reason of fire or other casualty, or any other cause beyond the reasonable control of the Owner (financial inability, imprudent management or negligence excepted), then the time for performance will be extended by the amount of delay actually so caused. Excusable Delay will not include delays that may be cured by payment of money by an Owner.

§ 25-2-551 - LAKE AUSTIN (LA) DISTRICT REGULATIONS.

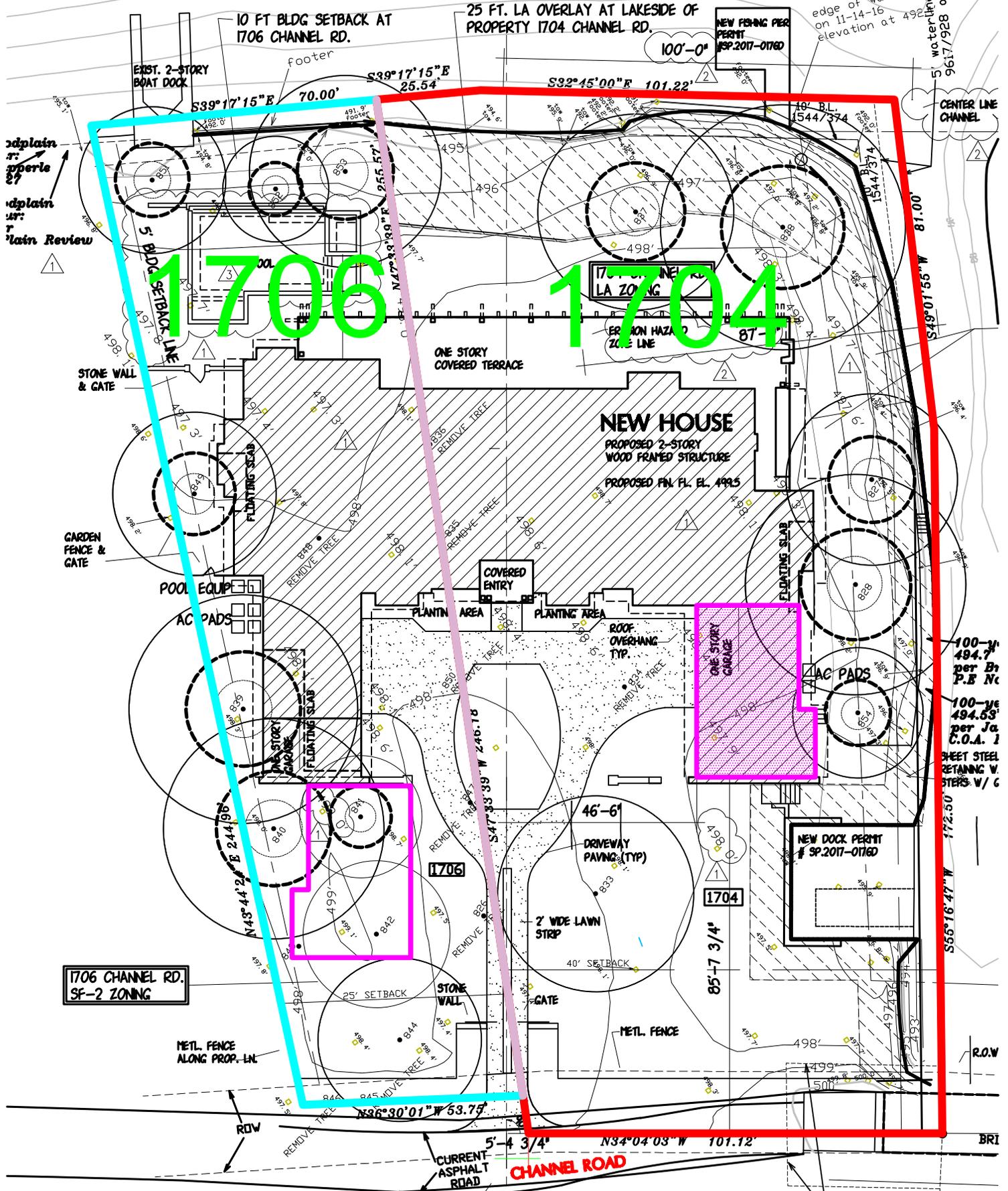
- (A) In this section:
- (1) SHORELINE means the 492.8 topographic contour line along the shores of Lake Austin.
 - (2) SHORELINE SETBACK means a line parallel to the shoreline and at a distance from the shoreline that is prescribed in this section.
 - (3) SHORELINE SETBACK AREA means an area between the shoreline and the shoreline setback.
- (B) This subsection specifies shoreline setbacks in a Lake Austin (LA) district.
- (1) The shoreline setback is:
 - (a) 75 feet; or
 - (b) 25 feet, if:
 - (i) the lot is located in a subdivision plat recorded before April 22, 1982, or is a legal tract exempt from the requirement to plat; and
 - (ii) the distance between the shoreline and the front lot line, or the property line of a legal tract, is 200 feet or less.
 - (2) A shoreline setback area is excluded from impervious cover calculations.
 - (3) No structures are allowed in a shoreline setback area, except that:
 - (a) a bulkhead, retaining wall, dock, non-mechanized pedestrian access facility, or marina may be constructed and maintained in accordance with applicable regulations of this title; and
 - (b) an on-site sewage facility may be constructed and maintained in accordance with the applicable regulations of Chapter 15-5 (Private Sewage Facilities).
- (C) This subsection specifies lot width and impervious cover restrictions in a Lake Austin (LA) district.
- (1) If a lot fronts on a cul-de-sac and is included in a subdivision plat recorded after April 22, 1982 or is exempt from the requirement to plat it must have:
 - (a) a chord width of not less than 33 feet at the front lot line;
 - (b) a width of not less than 60 feet at the front yard setback line; and
 - (c) a width of not less than 100 feet at all points 100 feet or more behind the front lot line.
 - (2) For a lot included in a subdivision plat recorded after April 22, 1982, impervious cover may not exceed:
 - (a) 20 percent, on a slope with a gradient of 25 percent or less;
 - (b) 10 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or
 - (c) if impervious cover is transferred under Subsection (D), 30 percent.
 - (3) For a lot included in a subdivision plat recorded before April 22, 1982, or a tract that is not required to be platted, impervious cover may not exceed:
 - (a) 35 percent, on a slope with a gradient of 15 percent or less;
 - (b) 10 percent, on a slope with a gradient of more than 15 percent and not more than 35 percent;
 - (c) 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or
 - (d) 40 percent, if impervious cover is transferred under Subsection (D).
- (D) This subsection authorizes the transfer of impervious cover in a Lake Austin (LA) district.

1704/1706 Channel Road Impervious Cover Calculations

Allowable Impervious Cover Calculations	1704 Channel	1706 Channel	UDA Composite
Zoning	LA	SF-2	
Gross Size in sq.ft.	29,700.58	15,105.22	
Less: Shoreline Setback in sq. ft. per LDC 25-2-551 (B)(2)	5,671.00	-	
Net Area in sq. ft.	24,029.58	15,105.22	39,134.80
Allowable Impervious Cover in Percentage	35%	45%	
Allowable Impervious Cover Area in sq. ft.	8,410.35	6,797.35	15,207.70
Proposed Impervious Cover in sq. ft.	1704 Channel	1706 Channel	UDA Composite
Building Coverage	7,420.57	4,224.90	11,645.47
Sidewalks and Flatwork	70.50	36.00	106.50
Driveways, Uncover Patios	1,695.00	1,019.00	2,714.00
Uncovered Wood Deck			-
Walls, Pool Coping, etc	33.38	168.41	201.79
Other			-
Total Proposed Impervious Cover	9,219.45	5,448.31	14,667.76
Allowable Impervious Cover Area in sq. ft.	8,410.35	6,797.35	15,207.70
Percent Impervious Cover - Net Area	38.37%	36.07%	37.48%
Under or (Over) Impervious Cover sq.ft.	(809.10)	1,349.04	539.94

LAKE AUSTIN

5' waterline easement per 9617/928 and Doc. 2014120344



1706

1704

100-yr 494.7' per Br P.E. No
100-yr 494.53' per Ja C.O.A. 1
SHEET STEEL RETAINING WALL STEPS W/ C

R.O.W
BRI

explain to: 1706
explain to: 1704
Main Review

1706 CHANNEL RD.
SF-2 ZONING

NEW HOUSE
PROPOSED 2-STORY WOOD FRAMED STRUCTURE
PROPOSED FIN. FL. EL. 499.5

NEW DOCK PERMIT
SP.2017-0176

NEW FISHING PERMIT
SP.2017-0176

25 FT. LA OVERLAY AT LAKESIDE OF PROPERTY 1704 CHANNEL RD.

10 FT BLDG SETBACK AT 1706 CHANNEL RD.

edge of water on 11-14-16 elevation at 492

STONE WALL & GATE

GARDEN FENCE & GATE

ONE STORY COVERED TERRACE

COVERED ENTRY

ROOF OVERHANG TYP.

DRIVEWAY PAVING (TYP)

2' WIDE LAWN STRIP

STONE WALL

METL. FENCE

METL. FENCE ALONG PROP. LN.

CURRENT ASPHALT ROAD

CHANNEL ROAD

CENTER LINE CHANNEL

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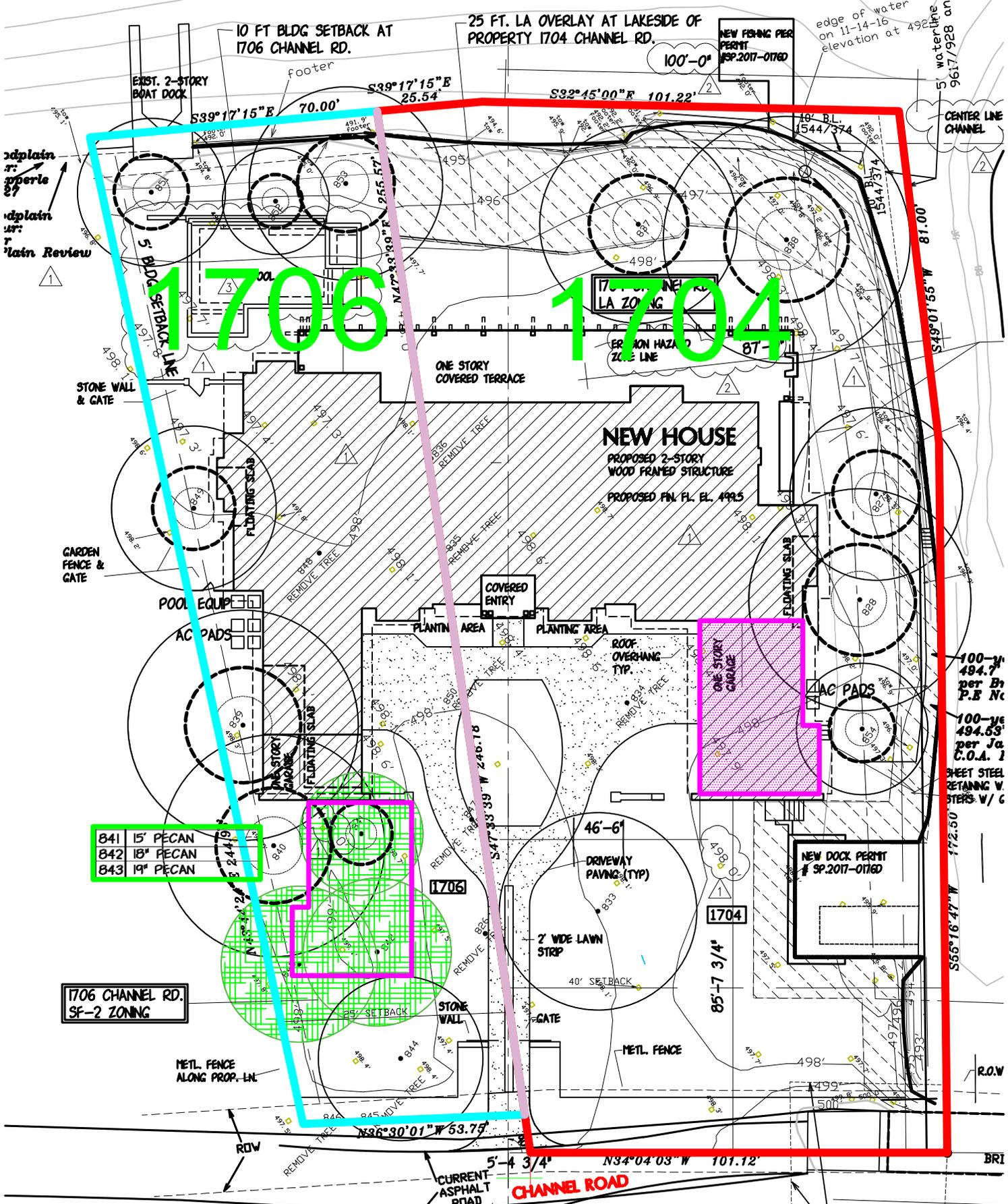
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LAKE AUSTIN

5' waterline easement per 9617/928 and Doc. 2014120344



1706

1704

- 841 15" PECAN
- 842 18" PECAN
- 843 19" PECAN

1706 CHANNEL RD. SF-2 ZONING

NEW HOUSE
PROPOSED 2-STORY WOOD FRAMED STRUCTURE
PROPOSED FIN. FL. EL. 499.5

ONE STORY GARAGE

NEW DOCK PERMIT # SP.2017-0176D

CHANNEL ROAD

100-yr 494.7' per Br P.E. No
100-yr 494.53' per Ja C.O.A. 1
SHEET STEEL RETAINING WALL STEPS W/ C

explain to: 1706
explain to: 1704
Main Review

R.O.W
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