

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2019-0054

BOA DATE: October 14, 2019

ADDRESS: 1901 Westlake Dr

COUNCIL DISTRICT: 10

OWNER: Paris R. Schindler

AGENT: David Cancialosi

ZONING: LA

LEGAL DESCRIPTION: LOT 5 EMERALD BAY

VARIANCE REQUEST: reduce shoreline setback, increase impervious cover

SUMMARY: erect a Single-Family residential use

ISSUES: irregular shaped lot; zoning change by adopted City of Austin ordinance in Sept. 1984 from SF-2 to LA

	ZONING	LAND USES
<i>Site</i>	LA	Lake Austin
<i>North</i>	LA	Lake Austin
<i>South</i>	LA	Lake Austin
<i>East</i>	2 mi ETJ	2 mi ETJ
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 City of Rollingwood
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SEL Texas
 Save Barton Creek Assn.
 Save Our Springs Alliance
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources



September 19, 2019

David Cancialosi
1901 Westlake Dr
Austin TX, 78746

Property Description: LOT 5 EMERALD BAY

Re: C15-2019-0054

Dear David,

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 (Lake Austin (LA) District Regulations)

(B) (1) to reduce the Shoreline Setback requirement from 75 feet (required) to 25 feet (requested)

(C) (3) (a) increase Impervious Cover from 35 percent, on a slope with a gradient of 15 percent or less (required) to 62% (requested); 75% (existing)

(C) (3) (b) increase Impervious Cover from 10 percent, on a slope with a gradient of 15 percent or less (required) to 67% (requested); 65% (existing)

(C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 35% (requested); 39% (existing)

(E) (2) to increase Impervious Cover to 8% for a driveway;

In order to erect a Single-Family Residential use in an "LA" zoning district.

DENIED BY AUSTIN ENERGY (AE) Show requested variances in relation to the existing electric overhead facilities * poles and wires and existing electric easements, as they relate to your proposed grade change and structure to be built.

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

I-2/3



NOTIFICATIONS

CASE#: C15--2019-0054

LOCATION: 1901 WESTLAKE DRIVE



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

I-2/4

SUBMITTED
9/6/2019

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: 1901 Westlake Drive, Austin TX 78746

Subdivision Legal Description:

LOT 5 EMERALD BAY

Lot(s): 5 Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We Permit Partners, LLC on behalf of myself/ourselves as
authorized agent for Paris Schindler affirm that on
Month September, Day 6, 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: House

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

SEE ATTACHED COVER LETTER

LDC 25-55I(B)(1)(a) from 75' to 25' Lake Austin shoreline setback

LDC 25-2-55I(c)(3)(a) from 75% IC existing to 62% IC proposed in the 0-15% slope category, which allows 35% IC

LDC 25-2-55I(c)(3)(b) from 65% IC existing to 67% IC proposed in the 15-25 % slope category, which allows 10% IC

LDC 25-2-55I(c)(3)(c) from 39% IC existing to 35% IC proposed in the 25-35% slope category, which allows 5% IC

LDC 25-2-55I(e)(2) from 8% IC existing to 8% IC proposed in the 35% slope category, which allows 0% IC

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

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

SEE ATTACHED COVER LETTER

Hardship

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

SEE ATTACHED COVER LETTER

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

SEE ATTACHED COVER LETTER

Area Character

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

SEE ATTACHED COVER LETTER

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:

N/A

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:

N/A

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/A

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

N/A

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: 9/6/2019

Applicant Name (typed or printed): Permit Partners, LLC (David Cancialosi)

Applicant Mailing Address: 105 W. Riverside Dr. Suite #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512 393-5361

Email (optional – will be public information): 

Section 4: Owner Certificate

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

Owner Signature: _____ Date: _____

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: David Cancialosi (Permit Partners, LLC)

Agent Mailing Address: 105 W. Riverside Dr., Suite #225

City: Austin State: TX Zip: 78604

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

Email (optional – will be public information): 

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

N/A SEE COVER LETTER

Section 3: Applicant Certificate

I-2/8

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): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

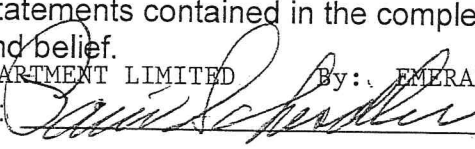
Email (optional – will be public information): _____

Section 4: Owner Certificate

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

EMERALD APARTMENT LIMITED

By: EMERALD LAGUNA CORPORATION

Owner Signature:  _____ Date: 1-17-19

Owner Name (typed or printed): BY: PARIS R. SCHINDLER, PRESIDENT

Owner Mailing Address: 1616 S. Voss #885

City: HOUSTON State: TEXAS Zip: 77057

Phone (will be public information): 713/871-0995

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

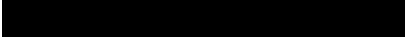
Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.593.5368 c.
512.494.4561 f.



September 6, 2019

City of Austin c/o Elaine Ramirez
City of Austin Board of Adjustment
One Texas Center
505 Barton Springs
Austin, Texas 78704

RE: 1901 Westlake Drive BOA request to:

1. Reduce shoreline setback regulated per LDC 25-551(B)(1)(a) from 75' to 25'
2. Request to reduce impervious cover per LDC 25-2-551(c)(3)(a) from 75% to 62% in the 0- 15% slope category
3. Request to increase impervious cover per LDC 25-2-551(c)(3)(b) from 65% to 67% in the 15- 25 % slope category
4. Request to reduce / maintain impervious cover per LDC 25-2-551(c)(3)(c) from 39% to 35% in the 25- 35% slope category
5. Request to maintain impervious cover per LDC 25-2-551(e)(2) from 8% to 8% in the 35% slope category

Dear Board of Adjustment Commissioners:

My client is requesting a variance to reduce the Lake Austin shoreline setback and exceed the allowable impervious coverage on an approximately 2.26 acre property. The reasons for these requests are listed below in bullet format to expedite the discussion.

The 75' shoreline setback abuts approximately 600' of lake frontage on two sides of this irregular shaped lot. We are seeking 25' shoreline setback around the entire lot in order to gain more net-site area. The impervious coverage numbers seem high due to the required calculation methodology per 25-2-551 (d); however, the proposed *gross lot area's* impervious coverage is 35% IC of 2.26 platted acres. The property owner requests the Board review the requests and keep in mind the lot's steep topography, existing impervious coverage created by a long driveway, and irregular shaped frontage on the lake among other hardships unique to this property.

Reasonable Use

- The property owner is requesting a reduced setback from the 75' shoreline setback as well as increased impervious cover to accommodate a proposed single-family structure and associated accessory structures. This combination of variances is customary when calculating the city-required LA zoning slope map in accordance with LDC 25-2-551. The property owner would like to erect a primary residence with associated improvements. To do so in a reasonable manner, the aforementioned impervious coverage percentages are requested in tandem with the shoreline reduction to 25' setback around the irregular shaped lot.
- This is a fair and reasonable use in Lake Austin zoning category as that zoning category specifically prescribes development of a residential nature.
- The area proposed for the new residence is the flattest area of the entire lot with the exception of an existing tennis court and small portions of the internal driveway area, which provide access from Westlake Drive. Most of the driveway is very steep and fairly unsafe in it's current form. The property owner would repave the existing drive should the Board approve this request.

Hardship

- The original 1915 Lakeshore Addition plat was created prior to the adoption and application of Lake Austin zoning. This lot was created with that subdivision then it's current boundaries were finalized in 1944 then again in 1959. The lot is legally known as Lot 5 Emerald Bay subdivision. It is a legally platted lot with an irregular shape.
- The city changed the zoning from "A" *First Height and Residential* to *Lake Austin* zoning. "A" zoning was essentially the same as today's SF-2 zoning which calculates impervious cover at 45% of gross lot area.
- The lot did not have the required 100' of street frontage per COA LDC 25-2-492(d) at the time the City rezoned the property from "A" First Height and Residential to "LA" Lake Austin in the early 1980's per Ordinance No. 84-0930 adopted in September 1984.
- Changing the zoning from "A" to "LA" rendered the lot substantially less valuable as well as substantially less useable, thus this request to utilize the property for the continuance of a single-family project.
- The 2.26 acre lot is reduced to approximately 1.25 acres when applying the net site area calculations per LA zoning. Approximately 1 acre of taxable land area is not useable under stated statute. Taxes have been paid on this land for decades. That begs the question of what is equitable and fair when the LA zoning standards are applied to the physically platted lot area.
- The site has not been fully developed. There exists a tennis court and a boat dock. It is still an ongoing single-family project.

- The lot is an irregular shaped lot with 600'+ of lake frontage on two sides.
- The lot also has substantially steep terrain, which precludes any practical use of the property under the current LA zoning regulations.
- Of the gross lot area (98,500 SF), approximately 44,000 SF are within the 75' shoreline setback. This area is taxed but rendered useless by LDC 250-2-551 regulations.
- Within the net lot area of 54,500 SF about 29,000 SF are located in the 35%+ slope category.
- This 35%+ slope area comprises approximately 50% of *the 54,500 SF net site area*.
- The 35%+ category prohibits any impervious coverage per the LDC; however, the owner proposes to maintain the same 8% IC.
- The remainder slope categories have impervious coverage as a result of existing driveways and retaining walls. These are in place due to the extensive lot topography as you travel from Westlake Drive down to the lake. The MSL contour at Westlake Drive is ~630'. The MSL contour at the lake is 492'. This constitutes a 130'+ drop in elevation. The required driveway retaining walls are counted as part of the IC in each slope. Thus the existing IC percentages far exceed what is allowed by code. This is not abnormal for LA zoned lots saddled with extreme topography.

Not General to the Area

- There are no known lots in the immediate area with the combined hardships of topography and dual frontage on Lake Austin which prohibit a significant amount of land from being utilized in a reasonable manner.

Area of Character

- Any construction will be in keeping the varied construction styles found along Lake Austin and this stretch of Westlake Dr. There will be no adverse impact to adjacent properties.
- There are substantial trees within the 25' shoreline setback area. These will not be impacted. They prevent any practical use of the land within the 25' shoreline setback.

In sum, the proposed setback reduction and impervious cover variances would allow a reasonable use of the property, would not be dissimilar to other shoreline setbacks the Board has approved for sites with similar issues, and will have no adverse impact on adjacent properties. This application proposes a 25' shoreline setback around the entire lake frontage as well as the accompanying impervious coverage for each slope. In your packet this is itemized as Sheet 3.0. You will find an existing conditions plan on Sheet 1.0. We've also included some design options for the Board's consideration. These exhibits are labeled as:

1. *Sheet 2.0 with a 75' shoreline and partial reduction to 25' setback*
2. *Sheet 2.1 shoreline with a 75' setback and partial reduction to 25' setback with ribbon driveway*
3. *Sheet 3.0 reducing the 75' shoreline to 25' along the entire perimeter* (this is the requested variance with the associated IC proposals), and
4. *Sheet 3.1 showing 25' shoreline setback with ribbon driveway.*

We felt it imperative to give the Board a few options for approving this request via the accompanying exhibits, but also to illustrate the degree of complexity of the exercise when calculating setback reduction vs. net-site area vs. impervious coverage percentages per category. Please see the attached exhibits.

We acknowledge the Board's authority to amend this request and require the applicant to return to a subsequent Commission hearing should the City posting be amended to reflect a desired compromise if the current request is untenable to the Board.

I ask the Commission take into consideration the aforementioned statements and approve the requested variance for 25' shoreline setback and the related, proposed impervious coverage percentages for each slope category.

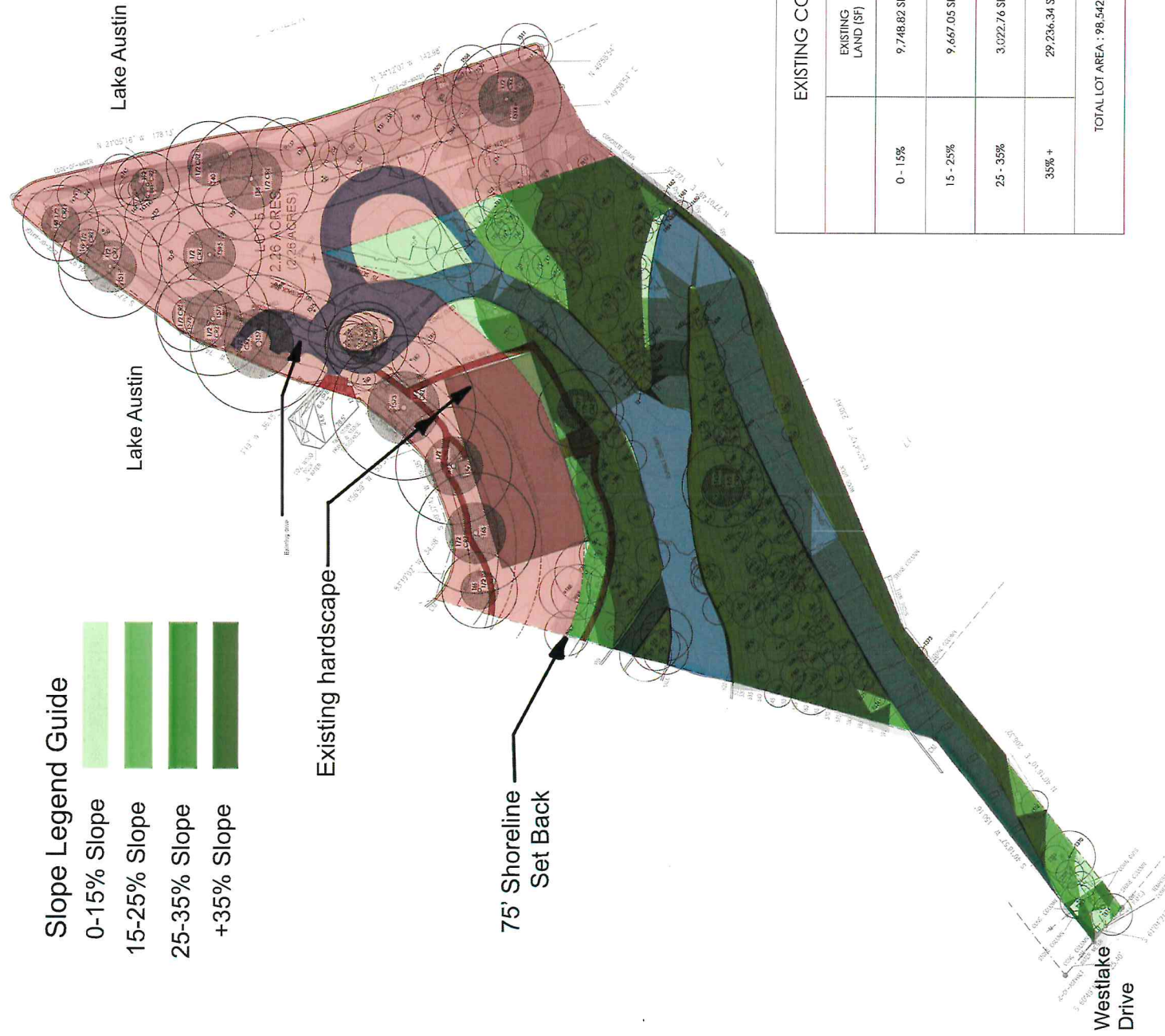
Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Paris Schindler, Cole Schindler, Bob Wetmore, Stephen Tarver

SHEET 1.0 EXISTING CONDITIONS WITH 75' SHORELINE SETBACK



LOT SIZE = 98,542.24 S.F.

GROSS IMPERVIOUS COVERAGE = 17.5%

75 FT SHORELINE SETBACK = 46,867.27 S.F.

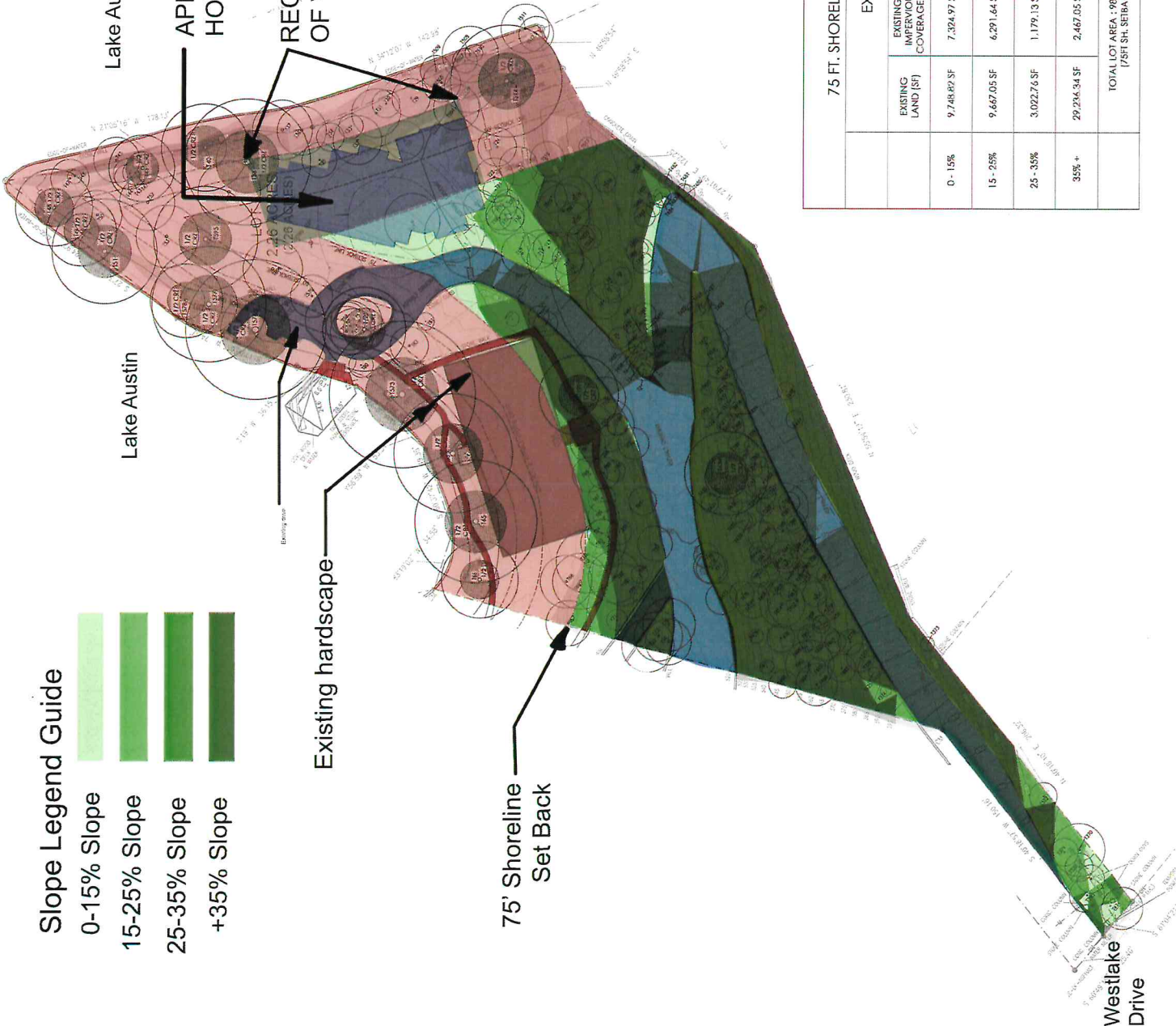
N.S.A. = 51,674.97 S.F.

EXISTING DRIVEWAY = 23,432.74 S.F.

EXISTING CONDITIONS 75 FT. SHORELINE SETBACK				
	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)
0 - 15%	9,748.82 SF	7,324.97 SF	75%	35%
15 - 25%	9,667.05 SF	6,291.64 SF	65%	10%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%
35% +	29,236.34 SF	2,467.05 SF	8%	0%
TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,867.27 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)				

SHEET 2.0

75FT AND PARTIAL 25FT SHORELINE SETBACK VARIANCE



Slope Legend Guide

- 0-15% Slope
- 15-25% Slope
- 25-35% Slope
- +35% Slope

Lake Austin

Lake Austin

APPROXIMATE PROPOSED HOUSE LOCATION

REQUESTED AREA OF VARIANCE

50' DEEP X 130' WIDE (6,500 SF)
NOT TO EXTEND CLOSER THAN THE 25' SHORELINE SETBACK

Existing hardscape

75' Shoreline Set Back

REMAINDER OF 75' SHORELINE SETBACK TO REMAIN IN PLACE
LOTSIZE = 98,542 S.F.

EXIST. GROSS I.C. = 17.5%

PROPOSED GROSS I.C. = 26.9%

75 FT SHORELINE = 32,450.15 S.F.

PARTIAL 25 FT SHORELINE = 3,150.76 S.F.

EXISTING DRIVEWAY = 18,274.01 S.F.

PROPOSED DESIGN								
75 FT. SHORELINE SETBACK WITH PARTIAL 25FT SHORELINE SETBACK								
EXISTING					PROPOSED			
	EXISTING LAND [SF]	EXISTING IMPERVIOUS COVERAGE [SF]	EXISTING IMPERVIOUS COVERAGE [%]	ALLOWED IMPERVIOUS COVERAGE [%]	PROPOSED LAND [SF]	PROPOSED IMPERVIOUS COVERAGE [SF]	PROPOSED IMPERVIOUS COVERAGE [%]	ALLOWED IMPERVIOUS COVERAGE [%]
0 - 15%	9,748.87 SF	7,324.97 SF	75%	35%	16,527.13 SF	12,737.91 SF	77%	35%
15 - 25%	9,687.05 SF	6,291.64 SF	65%	10%	14,052.34 SF	10,098.59 SF	72%	10%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%	3,125.52 SF	1,204.09 SF	39%	5%
35% +	29,234.34 SF	2,467.05 SF	8%	0%	29,234.34 SF	2,467.05 SF	8%	0%
	TOTAL LOT AREA - 98,542.24 SF (LOT) - 46,867.27 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)				TOTAL LOT AREA - 98,542.24 SF (LOT) - 35,600.91 SF (7.5FT & PARTIAL 25FT SHORELINE SETBACK) = 62,941.33 SF (NSA)			

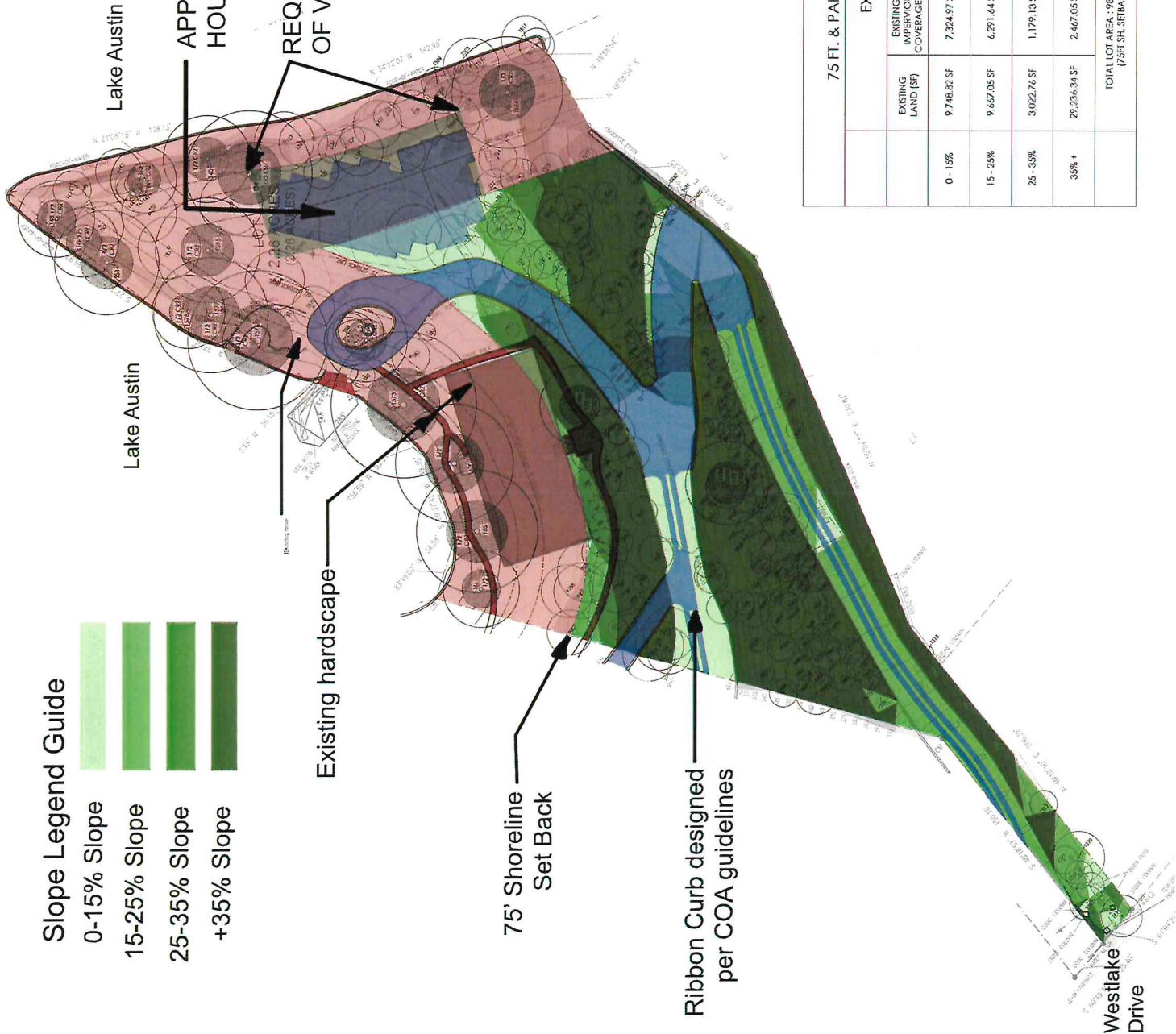
(NOTE: PARTIAL 25FT SHORELINE SETBACK IS TO ACCOMMODATE PROPOSED HOUSE)

SHEET 2.1

75FT AND PARTIAL 25FT
SHORELINE SETBACK VARIANCE
WITH RIBBON DRIVEWAY

Slope Legend Guide

- 0-15% Slope
- 15-25% Slope
- 25-35% Slope
- +35% Slope



50' DEEP X 130' WIDE (6,500 SF)
NOT TO EXTEND CLOSER
THAN THE 25' SHORELINE
SETBACK

REMAINDER OF 75FT SHORELINE
SETBACK TO REMAIN IN PLACE
LOT SIZE = 98,542 S.F.

EXIST. GROSS I.C. = 17.5%

PROPOSED GROSS I.C. = 19.6%

75 FT SHORELINE = 32,450.15 S.F.

PARTIAL 25 FT SHORELINE = 3,150.76 S.F.

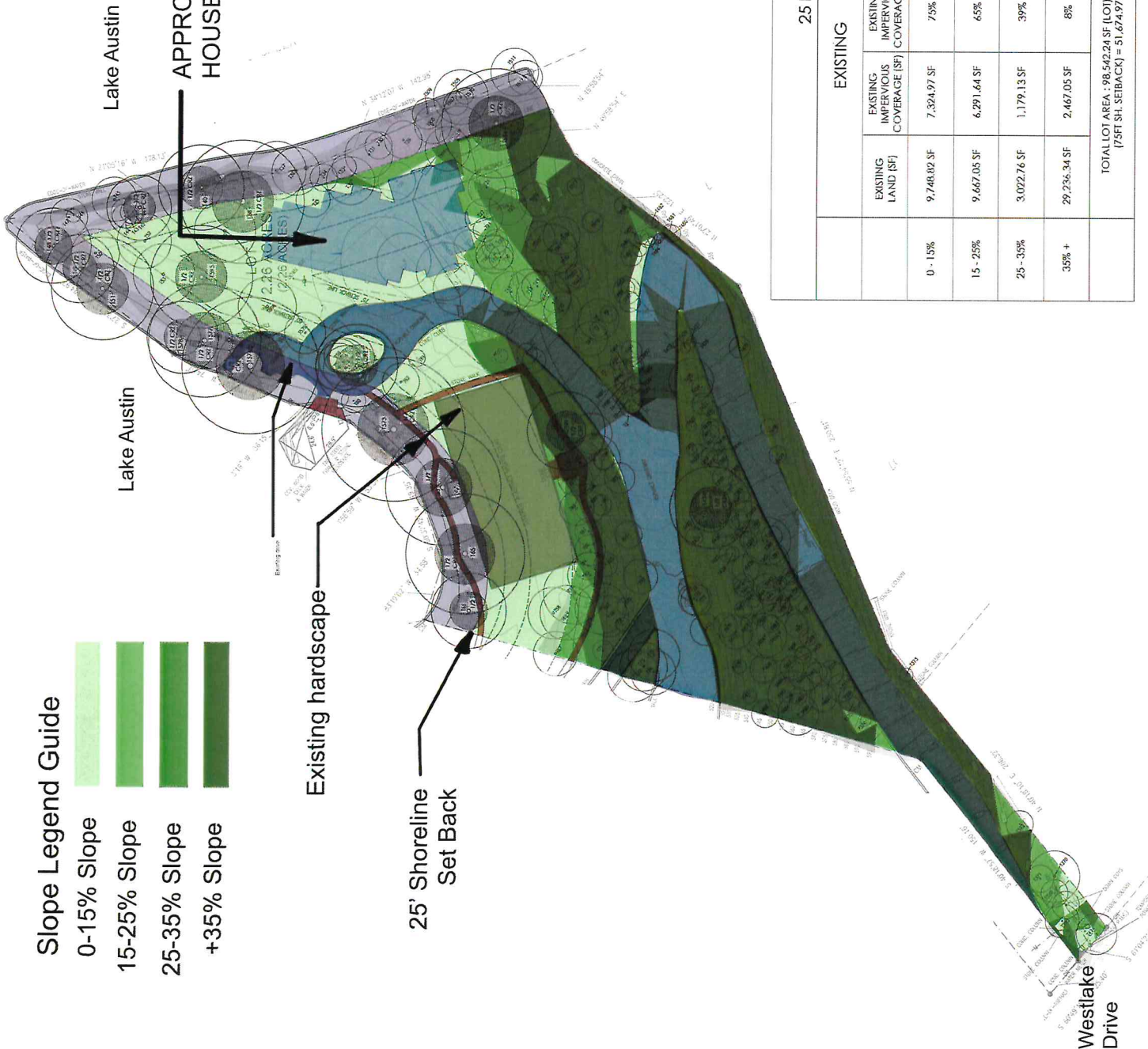
EXISTING DRIVEWAY = 23,432.74

RIBBON DRIVEWAY = 11,417.55 S.F.

PROPOSED DESIGN									
75 FT. & PARTIAL SHORELINE SETBACK WITH RIBBON DRIVEWAY									
EXISTING					PROPOSED				
EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)	PROPOSED LAND (SF)	PROPOSED IMPERVIOUS COVERAGE (SF)	PROPOSED IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)		
0 - 15%	9,746.82 SF	7.324,97 SF	35%	16,527.13 SF	10,524.54 SF	64%	35%		
15 - 25%	9,667.05 SF	6,291.64 SF	65%	14,052.34 SF	5,990 SF	42%	10%		
25 - 35%	3,022.76 SF	1,179.13 SF	39%	3,125.52 SF	1,129.54 SF	36%	5%		
35% +	29,236.34 SF	2,467.05 SF	8%	29,236.34 SF	1,734.91 SF	6%	0%		
TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,602.22 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)					TOTAL LOT AREA : 98,542.24 SF (LOT) - 35,600.91 SF (75FT & PARTIAL 25FT SHORELINE SETBACK) = 62,941.33 SF (NSA)				

SHEET 3.0

25FT SHORELINE SETBACK
ALONG ENTIRE SHORELINE



Slope Legend Guide

- 0-15% Slope
- 15-25% Slope
- 25-35% Slope
- +35% Slope

LOT SIZE = 98,542.24 S.F.
EXIST. GROSS I.C. = 17.5%
PROPOSED GROSS I.C. = 34.8%
25 FT SHORELINE = 16,341.10 S.F.
N.S.A. = 82,201.14 S.F.
EXISTING DRIVEWAY = 20,482.62 S.F.

PROPOSED DESIGN 25 FT. SHORELINE SETBACK							
	EXISTING			PROPOSED			
	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)	PROPOSED LAND (SF)	PROPOSED IMPERVIOUS COVERAGE (SF)	PROPOSED IMPERVIOUS COVERAGE (%)
0 - 15%	9,748.02 SF	7,304.97 SF	75%	35%	32,855.34 SF	20,475.57 SF	62%
15 - 25%	9,667.05 SF	6,291.64 SF	65%	10%	15,021.61 SF	10,098.98 SF	67%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%	3,419.30 SF	1,204.09 SF	35%
35% +	29,236.34 SF	2,467.05 SF	8%	0%	30,904.89 SF	2,467.05 SF	8%
TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,867.27 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)				TOTAL LOT AREA : 98,542.24 SF (LOT) - 16,341.10 SF (25FT SH. SETBACK) = 82,201.14 SF			

SHEET 3.1

25FT SHORLINE SETBACK
ALONG ENTIRE SHORELINE
WITH RIBBON DRIVEWAY



LOT SIZE = 98,542.24 S.F.
EXIST. GROSS I.C. = 17.5%
PROPOSED GROSS I.C. = 27.4%
25 FT SHORELINE SET BACK = 16,341.10 S.F.
N.S.A. = 82,201 S.F.
EXISTING DRIVEWAY = 20,482.62 S.F.
RIBBON DRIVEWAY = 13,325.14 S.F.

PROPOSED DESIGN							
25 FT. SHORELINE SETBACK W/RIBBON DRIVEWAY				PROPOSED			
EXISTING		EXISTING		PROPOSED		PROPOSED	
EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (%)	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (%)	PROPOSED LAND (SF)	PROPOSED IMPERVIOUS COVERAGE (%)	PROPOSED LAND (SF)	PROPOSED IMPERVIOUS COVERAGE (%)
0 - 15%	9,748.82 SF	7,324.97 SF	75%	32,855.34 SF	18,262.20 SF	56%	35%
15 - 25%	9,667.05 SF	6,291.64 SF	65%	15,021.61 SF	5,920 SF	39%	10%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	3,419.30 SF	1,129.54 SF	33%	5%
35% +	29,236.34 SF	2,467.05 SF	8%	30,904.89 SF	1,734.94 SF	6%	0%
TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,867.27 SF (25FT SH. SETBACK) = 51,674.97 SF (NSA)				TOTAL LOT AREA : 98,542.24 SF (LOT) - 16,341.10 SF (25FT SH. SETBACK) = 82,201.14 SF			

From: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: Re: C15-2019-0054 / 2803 Edgewater Dr.
Date: Friday, September 13, 2019 9:37:07 AM
Attachments: [image001.png](#)

Elaine, as far as I recall, the proposed plans for both Edgewater and Westlake Drive propose only driveway/access in the 35% slope category in accordance with 25-2-551-E.

Walk with courage.
DC

Sent from a mobile device. There will be typos.

Communications sent via this device are CONFIDENTIAL and shall not be shared unless authorized by sender.

On Sep 13, 2019, at 09:11, Ramirez, Elaine <Elaine.Ramirez@austintexas.gov> wrote:

Morning David,
Can you please call me in speaking with Chris there is an issue with a portion of the variance request that cannot be taken to BOA

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

<image001.png>

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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](#)

From: david cancelosi [REDACTED]
Sent: Thursday, September 12, 2019 10:39 PM
To: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>
Subject: Re: C15-2019-0054 / 2803 Edgewater Dr.

Thank you for working w / me today.

Great to catch up!

Walk with courage.
DC

Sent from a mobile device. There will be typos.

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On Sep 12, 2019, at 10:52, Ramirez, Elaine <Elaine.Ramirez@austintexas.gov> wrote:

Hi David,
In looking at your variance request on page 5 of the application under **"Portion of the City of Austin Land Development Code applicant is seeking a variance from:** you are not calling out the section of the code correctly for each slope category. Please fix this and e-mail me a PDF version of the updated application A.S.A.P as I need to work on the verbiage for the notices and have ready to send to Notification Dept. by Tuesday morning before 10a.m.

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

<image001.png>


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

From: Claudia Sanchez [m 
Sent: Friday, September 06, 2019 1:38 PM
To: Kellogg, Eben <Eben.Kellogg@austinenergy.com>
Cc: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>
Subject: 2803 Edgewater Dr.

*** External Email - Exercise Caution ***

Mr. Kellogg,

Per BoA submittal requirements, I want to inform you that the attached Board of Adjustment packet was submitted to Elaine Ramirez today. This project will be on the agenda for the BoA meeting scheduled 10/14/2019. No case number has been assigned yet.

Regards,

Claudia Sanchez, *Project Manager*

PERMIT PARTNERS, LLC
105 W Riverside Drive, Suite 225
Austin, TX 78704
(O) 512-213-6386
(F) 512-213-0261
www.permit-partners.com
<[image002.png](#)><[image003.png](#)><[image004.png](#)>

TEXAS EXCAVATION SOLUTIONS, LLC
105 W Riverside Drive, Suite 225
Austin, TX 78704
(O) 512-593-5361
(F) 512-213-0261

www.texasexcavationsolutions.com

<image005.png><image003.png><image004.png>

TRICO FUNDING, LLC
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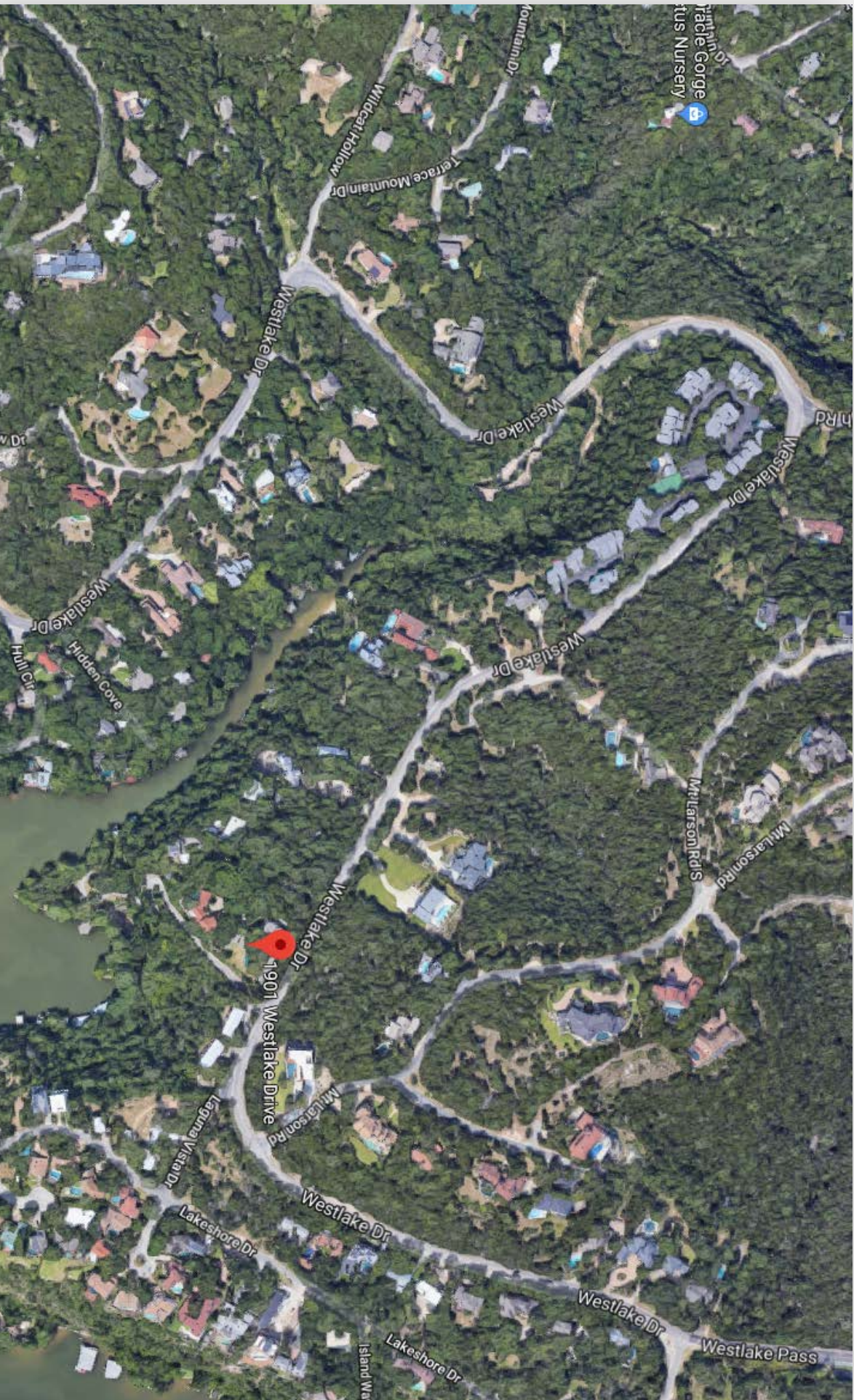
1901 WESTLAKE DR.
AUSTIN, TX 78746

Case# C15-2019-0054

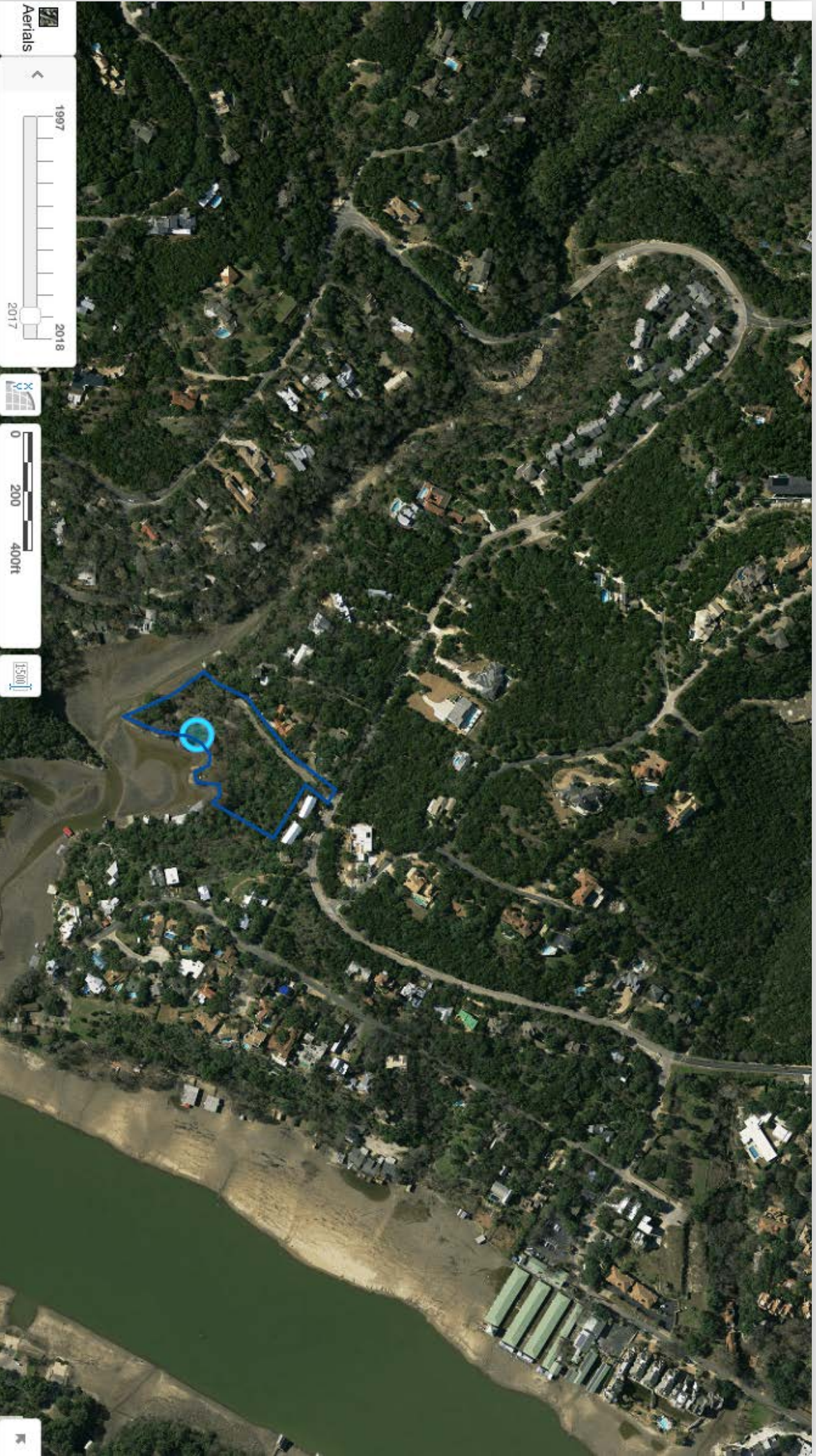
FIVE VARIANCE REQUESTS

1. Reduce shoreline setback regulated per LDC 25-551(B)(1)(a) from 75' to 25'
2. Reduce impervious cover per LDC 25-2-551(c)(3)(a) from 75% to 62% in the 0-15% slope category
3. Increase impervious cover per LDC 25-2-551(c)(3)(b) from 65% to 67% in the 15-25% slope category
4. Reduce impervious cover per LDC 25-2-551(c)(3)(c) from 39% to 35% in the 25-35% slope category
5. Maintain impervious cover per LDC 25-2-551(e)(2) from 8% to 8% in the 35% slope category

AERIAL VIEW



AERIAL VIEW



VARIANCE REQUEST CONT.

- Reduce Lake Austin shoreline setback
- Exceed allowable impervious coverage on an approximately 2.26 acre property.
- The 75' shoreline setback abuts approximately 600' of lake frontage on two sides of this irregular shaped lot. We are seeking 25' shoreline setback around the entire lot in order to gain more net-site area. The impervious coverage numbers seem high due to the required calculation methodology per LDC 25- 2-551.
- Based on gross calculations, the lot's impervious coverage is 35% IC of 2.26 platted acres.
- The property owner requests the Board review the requests and consider:
 - the lot's steep topography
 - existing impervious coverage created by a long driveway, and
 - irregular shaped frontage on the lake

REASONABLE USE

- The property owner would like to erect a primary residence with associated improvements. To do so in a reasonable manner, the aforementioned impervious coverage percentages are requested in tandem with the shoreline reduction to 25' setback around the irregular shaped lot.
- The area proposed for the new residence is the flattest area of the entire lot with the exception of an existing tennis court and small portions of the internal driveway area, which provide access from Westlake Drive.
- Most of the driveway is very steep and fairly unsafe in its current form. The property owner would repave the existing drive should the Board approve this request.
- The 1950's era lot cannot be reasonably developed in accordance with the applicable LA zoning regulations placed on the lot by the city in the early 1980's.
- The variances allow a fair and reasonable use in Lake Austin zoning category as that zoning category specifically prescribes development of a residential nature.

HARDSHIPS

1. The original 1915 Lakeshore Addition plat was created prior to the adoption and application of Lake Austin zoning. This lot was created with that subdivision then it's current boundaries were finalized in 1944 then again in 1959. The lot is legally known as Lot 5 Emerald Bay subdivision. It is a legally platted lot with an irregular shape.
2. The city changed the zoning from "A" First Height and Residential to Lake Austin zoning. "A" zoning was essentially the same as today's SF-2 zoning which calculates impervious cover at 45% of gross lot area.
3. The lot did not have the required 100' of street frontage per COA LDC 25-2-492 at the time the City rezoned the property from "A" First Height and Residential to "LA" Lake Austin in the early 1980's per Ordinance No. 84-0930 adopted in September 1984.
4. Changing the zoning from "A" to "LA" rendered the lot substantially less valuable as well as substantially less useable, thus this request to utilize the property for the continuance of a single-family project.
5. The 2.26 acre lot is reduced to approximately 1.25 acres when applying the net site area calculations per LA zoning. Approximately 1 acre of taxable land area is not useable under stated statute. Taxes have been paid on this land for decades. That begs the question of what is equitable and fair when the LA zoning standards are applied to the physically platted lot area.
6. The site has not been fully developed. There exists a tennis court and a boat dock. It is still an ongoing single-family project.

HARDSHIPS CONTINUED

7. The lot is an irregular shaped lot with 600'+ of lake frontage on two sides .
8. The lot also has substantially steep terrain, which precludes any practical use of the property under the current LA zoning regulations.
9. Of the gross lot area (98,500 SF), approximately 44,000 SF are within the 75' shoreline setback. This area is taxed but rendered useless by LDC 250-2-551 regulations.
10. Within the net lot area of 54,500 SF about 29,000 SF are located in the 35%+ slope category.
11. This 35%+ slope area comprises approximately 50% of the 54,500 SF net site area.
12. The 35%+ category prohibits any impervious coverage per the LDC; however, the owner proposes to maintain the same 8% IC.
13. The remainder slope categories have impervious coverage as a result of existing driveways and retaining walls. These are in place due to the extensive lot topography as you travel from Westlake Drive down to the lake. The MSL contour at Westlake Drive is ~630'. The MSL contour at the lake is 492'. This constitutes a 130'+ drop in elevation. The required driveway retaining walls are counted as part of the IC in each slope. Thus the existing IC percentages far exceed what is allowed by code. This is not abnormal for LA zoned lots saddled with extreme topography.

NOT GENERAL TO THE AREA

- There are no known lots in the immediate area with the combined hardships of topography, irregular lot shape, existing impervious coverage, and dual frontage on Lake Austin which prohibit a significant amount of land from being utilized in a reasonable manner.

AREA OF CHARACTER

- Any construction will be in keeping the varied construction styles found along Lake Austin and this stretch of Westlake Dr.
- There will be no adverse impact to adjacent properties.
- There are substantial trees within the 25' shoreline setback area. These will not be impacted. They prevent any practical use of the land within the 25' shoreline setback.

SUMMARY

- In sum, the proposed setback reduction and impervious cover variances would allow a reasonable use of the property, would not be dissimilar to other shoreline setbacks the Board has approved for sites with similar issues, and will have no adverse impact on adjacent properties.
- This application proposes a 25' shoreline setback around the entire lake frontage as well as the accompanying impervious coverage for each slope.
- In your packet this is itemized as Sheet 3.0.
- You will find an existing conditions plan on Sheet 1.0.
- We've also included some design options for the Board's consideration.

EXISTING CONDITIONS WITH 75' SHORELINE SETBACK



EXHIBIT: SHEET 2.0
WITH A 75' SHORELINE AND PARTIAL REDUCTION TO 25'
SETBACK

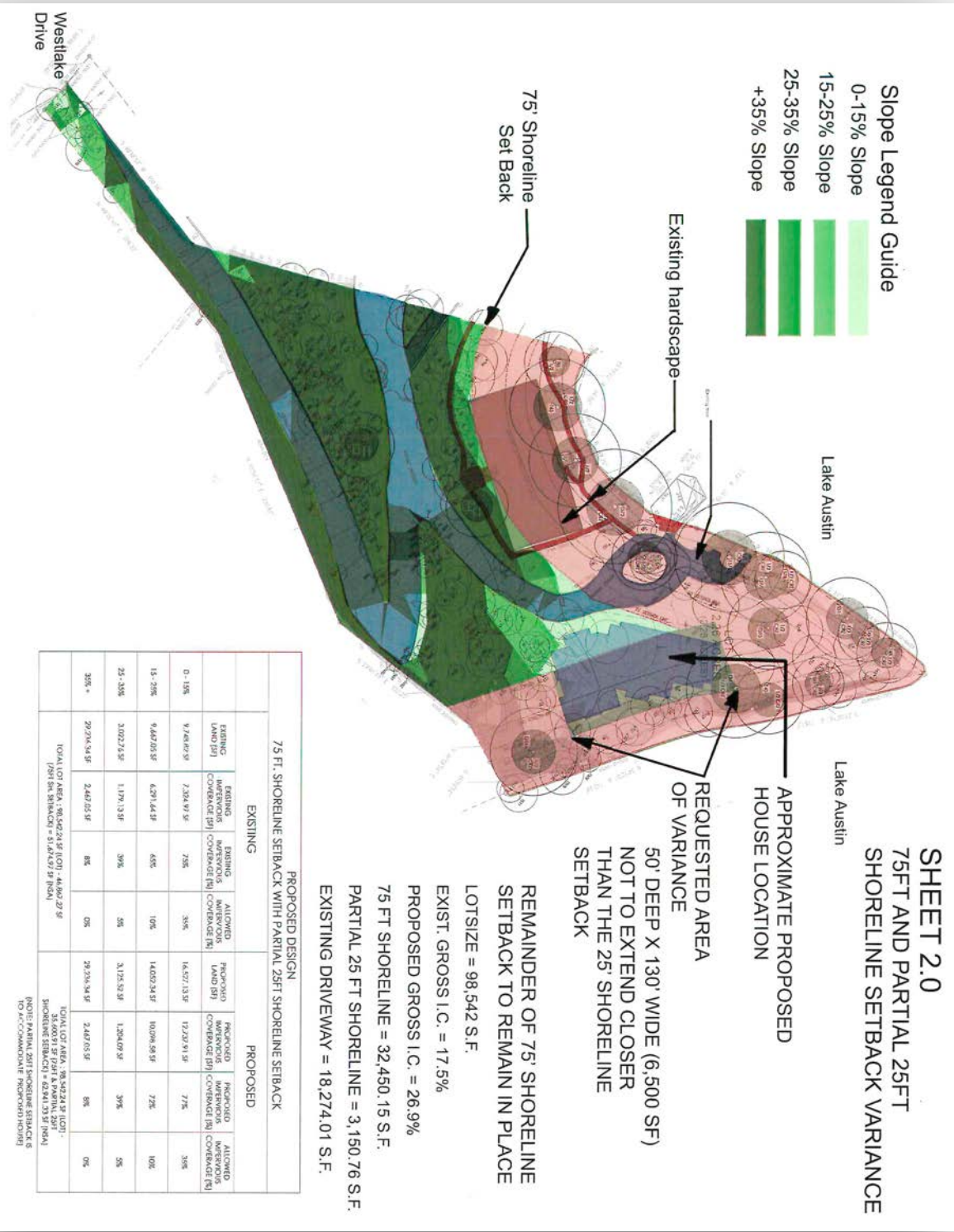


EXHIBIT: SHEET 2.1

SHORELINE WITH A 75' SETBACK AND PARTIAL REDUCTION TO 25' SETBACK WITH RIBBON DRIVEWAY

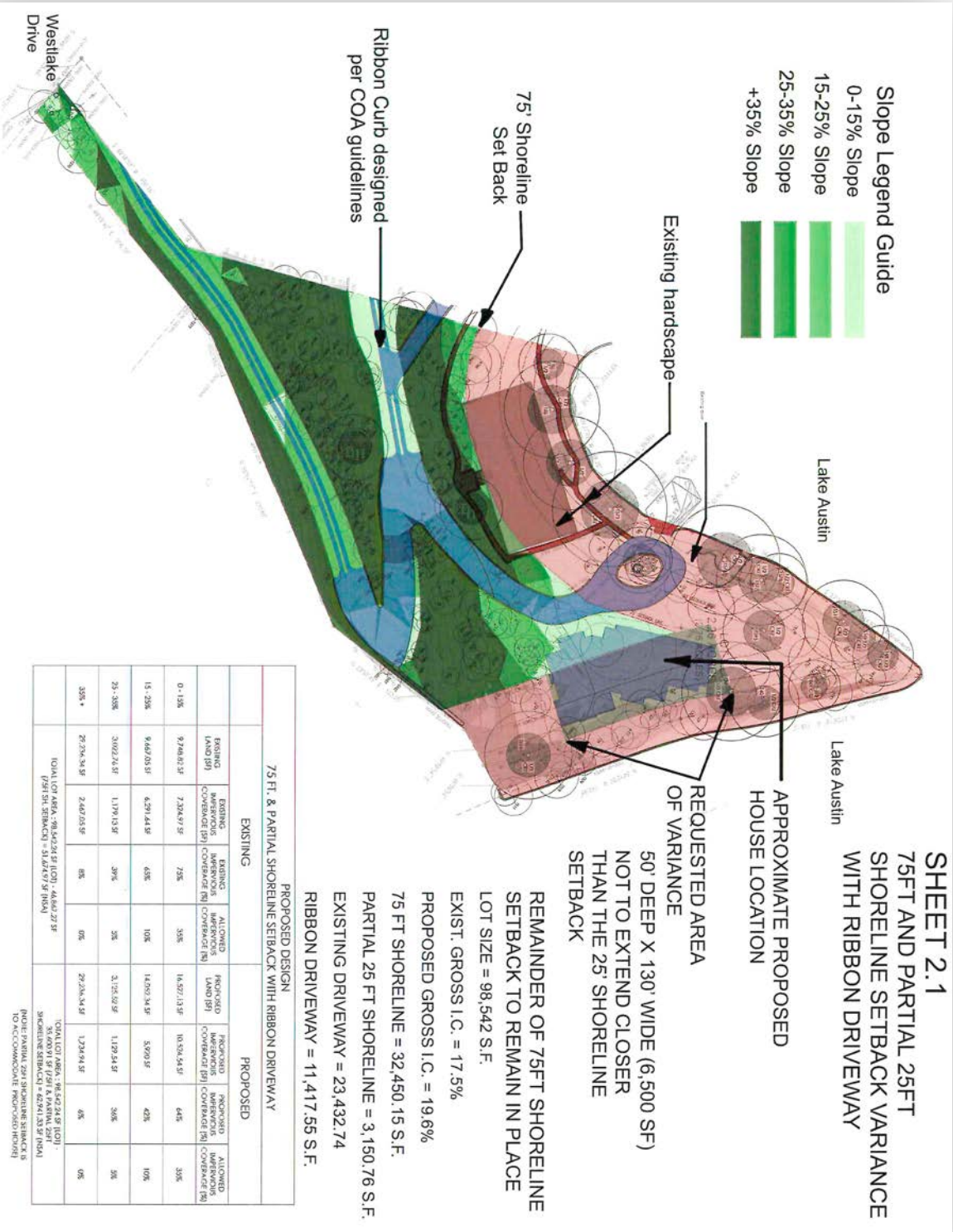


EXHIBIT: SHEET 3.0

REDUCING THE 75' SHORELINE TO 25' ALONG THE ENTIRE PERIMETER (THIS IS THE REQUESTED VARIANCE WITH THE ASSOCIATED IC PROPOSALS)

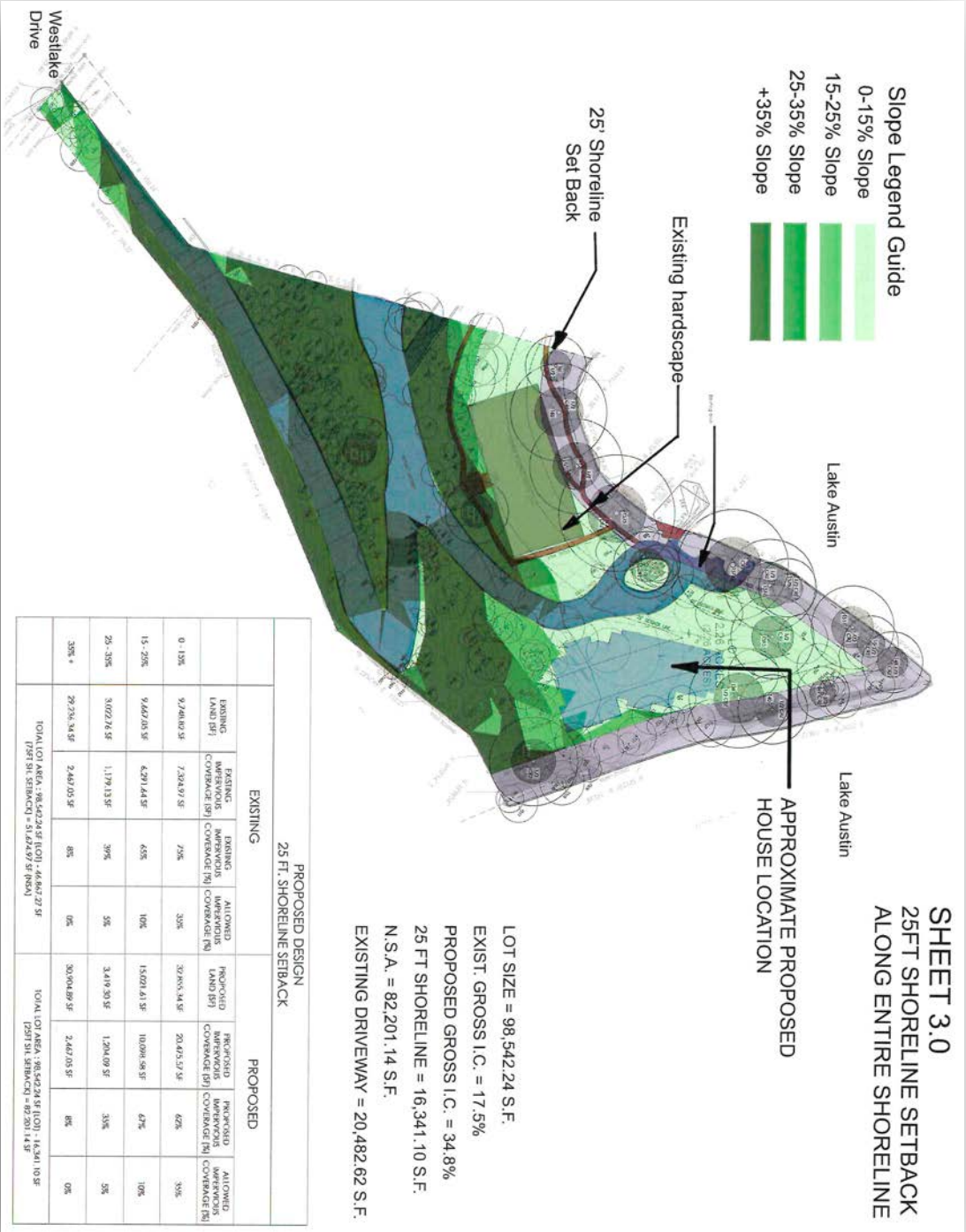
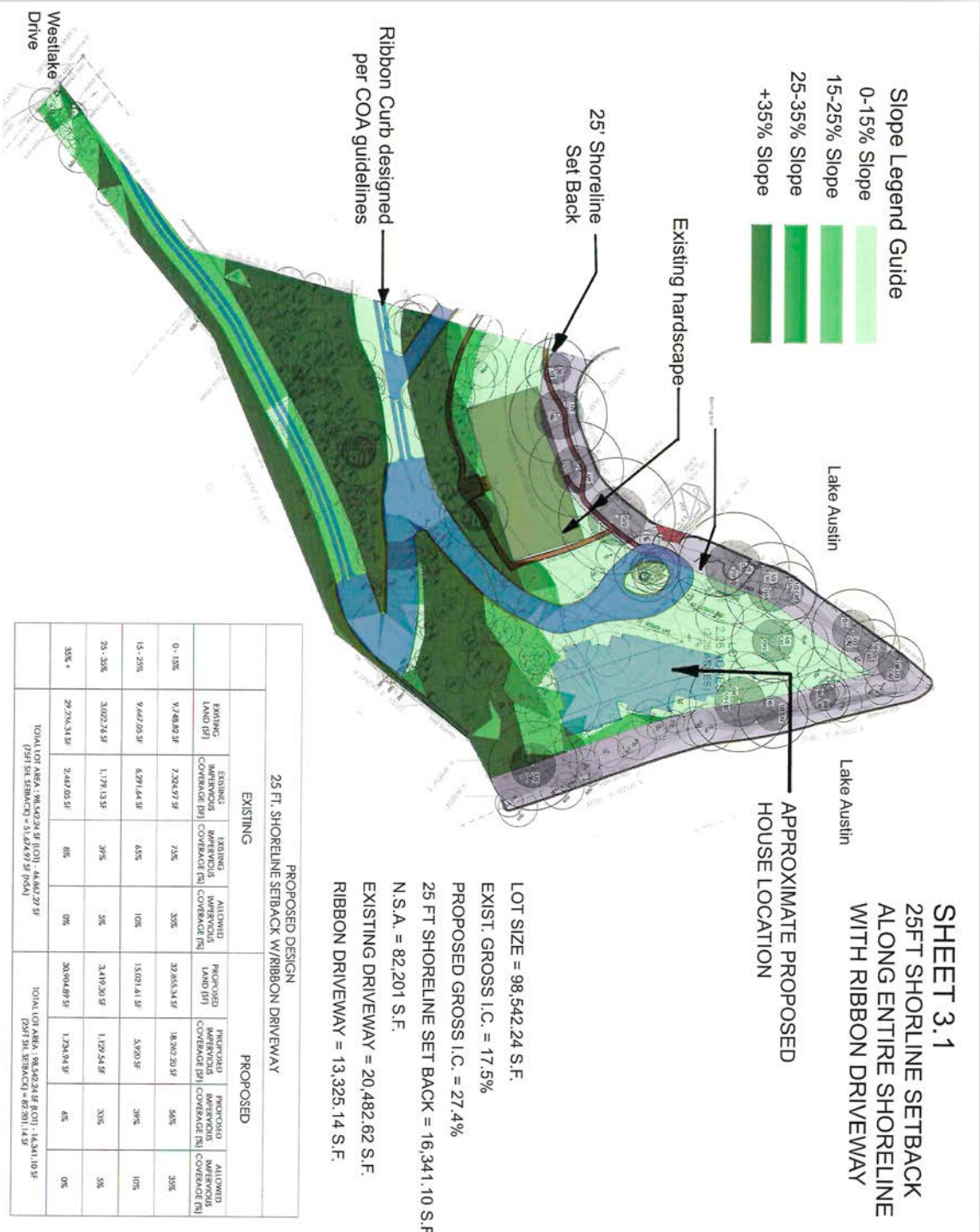


EXHIBIT: SHEET 3.1

SHOWING 25' SHORELINE SETBACK WITH RIBBON DRIVEWAY.



ENTRANCE FROM WESTLAKE DR. / DRIVEWAY BEND #1
TOWARD LAKE



DRIVEWAY AROUND THE BEND



DRIVEWAY AFTER BEND #1 & TOWARDS BEND #2



DRIVEWAY HEADING TOWARD CIRCULAR AREA / TENNIS
COURT VIEW



GRASSY AREA WITH CIRCULAR DRIVE / APPROX. HOUSE
LOCATION



GRASSY AREA BETWEEN CIRCULAR DRIVE AND LAKE



OTHER SIDE OF LOT

