

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

**DATE: Thursday, November 7, 2019**

**CASE NUMBER: C15-2019-0054**

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

**APPLICANT: David Cancialosi**

**OWNER: Emerald Laguna Corporation (Paris Schindler)**

**ADDRESS: 1901 WESTLAKE DR**

**VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)**

1. **(B) (1) to reduce the Shoreline Setback requirement from 75 feet (required) to 25 feet (requested)**
2. **(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)**
3. **(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)**
4. **(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)**
5. **(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.**

**NOTE: (for item (E) (2) The Land Development Code states 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.**

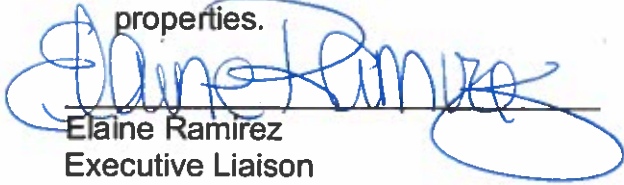
**BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to November 7, 2019, Board Member Ada Corral seconds on an 11-0 vote; POSTPONED TO November 7, 2019. Nov 7, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant with conditions as per drawing P-4/7, 25 feet setback along shoreline for purpose of impervious calculations, 25 feet building line setback on the west shoreline, 75 feet building line setback from southern end (tip of peninsula) of property where nothing will be built, tennis court will be removed and driveway modifications will be made per drawing P-4/7, Board Member Veronica Rivera seconds on a 10-0 vote; GRANT WITH CONDITIONS AS PER DRAWING P-4/7, 25 FEET SETBACK ALONG SHORELINE FOR PURPOSE OF IMPERVIOUS CALCULATIONS, 25 FEET BUILDING LINE SETBACK ON THE WEST SHORELINE, 75 FEET BUILDING LINE SETBACK FROM SOUTHERN END (TIP OF PENINSULA) OF PROPERTY WHERE NOTHING WILL BE BUILT, TENNIS COURT WILL BE REMOVED AND DRIVEWAY MODIFICATIONS WILL BE MADE PER DRAWING P-4/7.**

**EXPIRATION DATE: November 7, 2020**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the property owner would like to erect a primary residence with associated improvements, to do so in a reasonable manner, the aforementioned impervious coverage percentage are requested in tandem with the shoreline reduction
2. (a) The hardship for which the variance is requested is unique to the property in that: 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, irregular shape and lot did not have the required 100' of street frontage per COA LDC 25-2-492(d) at the time of City rezoned the property from A first Height and Residential to LA Lake Austin in the early 1980s, rendered the lot substantially less buildable, thus this request to utilize the property for the continuance of a single family project, numerous heritage trees, and critical root zone also impair the property as well as topography.  
(b) The hardship is not general to the area in which the property is located because: 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 the reasonable manner.
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: any construction will be in keeping the varied construction styles found along Lake Austin and this stretch on Westlake Dr, there will be no adverse impact to adjacent properties.

  
Elaine Ramirez  
Executive Liaison

  
Don Leighton-Burwell  
Chairman

SHEET 1.0  
25FT SHORELINE SETBACK  
ALONG ENTIRE SHORELINE  
OPTION 1

