

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2019-0059

**BOA DATE:** January 13<sup>th</sup>, 2020

**ADDRESS:** 101 & 102 Lago Verde Dr.

**COUNCIL DISTRICT:** 6

**OWNER:** Janice Srivathanakul

**AGENT:** N/A

**ZONING:** LA

**LEGAL DESCRIPTION:** ABS 368 SUR 474 HARRISON W ACR .400 and ABS 368 SUR 474 HARRISON W ACR 1.0010

**VARIANCE REQUEST:** decrease lot width and decrease interior side yard setback

**SUMMARY:** remodel existing SF residence and add accessory structure

**ISSUES:** the two lots were defined prior to LA zoning overlay & these lots are not part of a subdivision

	ZONING	LAND USES
<i>Site</i>	LA	Single-Family
<i>North</i>	LA Overlay	Single-Family
<i>South</i>	LA	Single-Family
<i>East</i>	LA	Single-Family
<i>West</i>	LA	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Lost and Found Pets
- Bike Austin
- Friends of Austin Neighborhoods
- Lake Travis ISD Population and Survey Analysts
- Sierra Club, Austin Regional Group
- TNR BCP – Travis County Natural Resources

# AE REPORT



January 2, 2020

Janice Srivathanakul  
101 Lago Verde Dr  
Austin TX, 78734

Property Description: ABS 368 SUR 474 HARRISON W ACR .400

**Re: C15-2019-0059**

Dear Janice,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider variance(s) from the following section of the land development code. LDC Section 25-2-492 (D) (Site Development Regulations) in order to:

- a) Decrease the minimum lot width requirement from 100 feet to 50 feet, and
- b) Decrease the minimum interior side yard setback requirement from 10 feet to 5 feet;

In order to, remodel a single-family residence and add an accessory apartment in a "LA", zoning district.

Austin Energy does not oppose request provided any proposed and existing improvements are following 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.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>  
see - Page 92 - 1.10.0 Clearance and Safety Requirements.

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-1/2






**NOTIFICATIONS**

CASE#: C15-2019-0059

LOCATION: 101 & 102 LAGO VERDE 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

**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: 101 Lago Verde Dr, Austin, TX 78734 & 102 Lago Verde Dr, Austin TX 78734

Subdivision Legal Description:

These 2 lots are not in an existing subdivision. Legal description per tax records are: ABS 368 SUR 474 HARRISON W ACR 1/0010 and ABS 368 SUR 474 HARRISON W ACR 400

Lot(s): N/A Block(s): N/A

Outlot: N/A Division: N/A

Zoning District: Lake Austin Overlay

I/We Sunti and Janice Srivathanakul on behalf of myself/ourselves as authorized agent for Revocable Srivathanakul Family Trust affirm that on Month October, Day 4, 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: Subdivision

Type of Structure: Remodel existing single family residential unit and add accessory structure

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

Section 25-2-492 - Site Development Regulations for Lake Austin zoning requires 100 ft minimum lot width and 10 ft interior side yard setback. Given the lot lines and configuration, we are requesting for 50 ft minimum lot width and 5 ft interior side yard setback.

**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:

The lots as defined cannot be redrawn to meet the minimum lot width requirements because the lots were defined before Lake Austin zoning was imposed. Additionally, because the width of the lots are 50-ft, imposing 10-ft side yard set-back results in 40% of unusable area when the intended setbacks as defined (10-ft setback on minimum 100 ft width) would have been only 20%. There are also several protected trees on the lots which will further restrict our ability to leverage the land.

**Hardship**

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

Our lots with 50-ft widths were defined before Lake Austin zoning overlay and these 2 lots are not part of a subdivision. Not granting this variance will hinder the process to gain legal status (i.e. subdivision process).

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

These 2 lots which have not been legally platted are adjacent to an existing subdivision which includes lots of various sizes. But, because the subdivision already exists when the Lake Austin zoning requirements were imposed, those exceptions were grandfathered.

## 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 adjacent subdivision includes non-conforming structures which are built within the 10-ft side yard setbacks. Approving these variances for our 2 lots will not alter the character of the area.

## 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:

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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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

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**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: 10/07/2019

Applicant Name (typed or printed): Janice Srivathanakul

Applicant Mailing Address: 904 Lahinch Circle

City: Richardson State: TX Zip: 75081

Phone (will be public information): \_\_\_\_\_

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: 10/07/2019

Owner Name (typed or printed): Revocable Srivathanakul Family Trust

Owner Mailing Address: 904 Lahinch Circle

City: Richardson State: TX Zip: 75081

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: N/A

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).

Our intent is to legally plat these 2 lots as 1 lot totaling 1.4 acres which will meet the minimum lot size (1 acre) requirement. However because the lots are defined with 50-ft widths, we request a variance for the minimum 100-ft lot width requirement. These 2 lots were defined before Lake Austin zoning was imposed and were never platted or included in a subdivision. If these 2 lots were

**Additional Space (continued)**

legally platted when Lake Austin zoning was imposed, the variance for minimum lot width would have been grandfathered. Additionally, because of the existing 50 ft lot widths, meeting the 10 ft interior side yard setback will limit our ability to use 40% of the land.

We acquired these two lots between 2008 and 2011, and were not aware that there have not been legally platted.

Multiple horizontal blue lines for text entry.







**City of Austin**  
**911 ADDRESSING**  
**CITY SERVICE ADDRESS VALIDATION**

**Email:** [addressing@austintexas.gov](mailto:addressing@austintexas.gov) **Phone:** (512) 974-2797 **Fax:** (512) 974-3337  
**911 Addressing Website:** <http://austintexas.gov/911addressing>

**Date:** *October 31, 2019*

**The Following Is A Valid Address:**

Address : 102 LAGO VERDE DR

**\*Please contact the United States Postal Service or go to [www.usps.com](http://www.usps.com) for the correct zip code for this address.**

**Legal Description:**

Subdivision :  
Block ID :  
Lot ID :  
Geographic ID: 0135550104  
Property ID : 132370

**Jurisdiction:** AUSTIN 2 MILE ETJ


Verify your jurisdiction with our new Jurisdictions Web Map:  
<http://www.austintexas.gov/gis/JurisdictionsWebMap/>

**County:** TRAVIS

**Parent Address Place Id:** 5764755

**Comments:**

*Note: It is essential for delivery of 911 Emergency Services that a pedestrian access to the front door of an ADU be provided from the street, which the ADU address has been assigned.*

**Signed:** 

**Disclaimer:** The assignment and/or verification of this address does not authorize a change in land use or constitute the City of Austin's approval of any division of real property. The assignment and/or verification of this address does not supersede any requirements of the City of Austin's Land Development Code, the Texas Local Government Code, or any other state or municipal regulations.





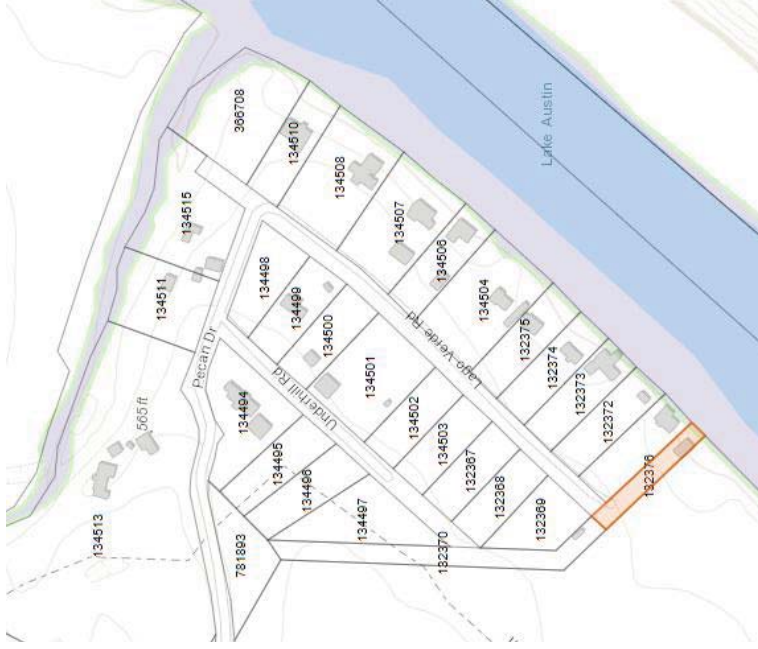
**City of Austin  
Board of Adjustments  
Variance Application  
Nov 7 2019**

**Applicants: Janice & Sunti Srivathanakul, Trustees for Revocable Srivathanakul Family Trust  
Address: 101 Lago Verde Drive, Austin TX 78734 and 102 Lago Verde Drive, Austin, TX 78734**

Variations requested for Lake Austin zoning to enable subdivision application:

- A. 100 ft minimum lot width**
- B. 10-ft interior side yard setback**

**We own two lots – tax ID 132376 and 132370 that are not legally platted**



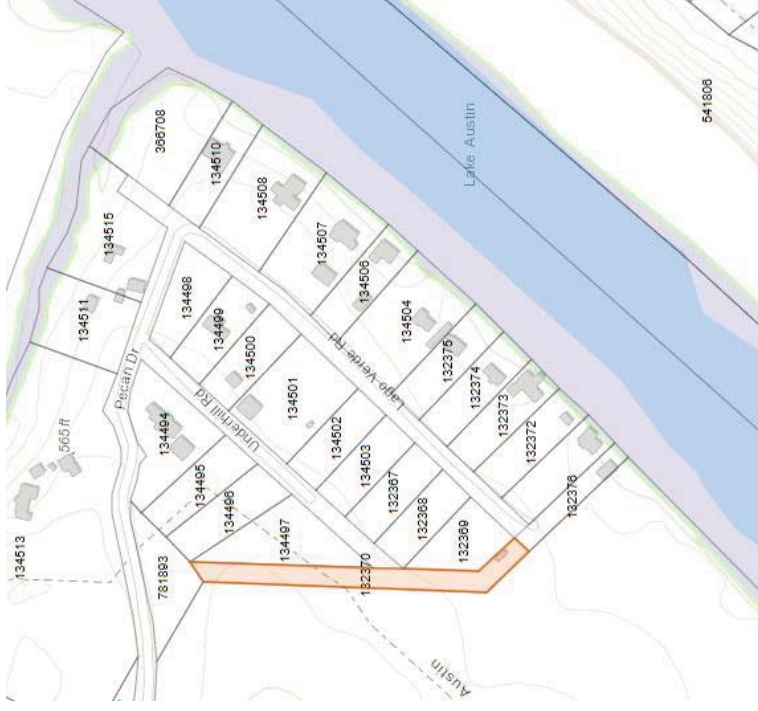
**101 Lago Verde Drive**

**Legal Description:**

ABS 368 SUR 474 HARRISON W ACR .400

**Size:** 0.4 acres

**Acquired:** Aug 2008



**102 Lago Verde Drive**

**Legal Description:**

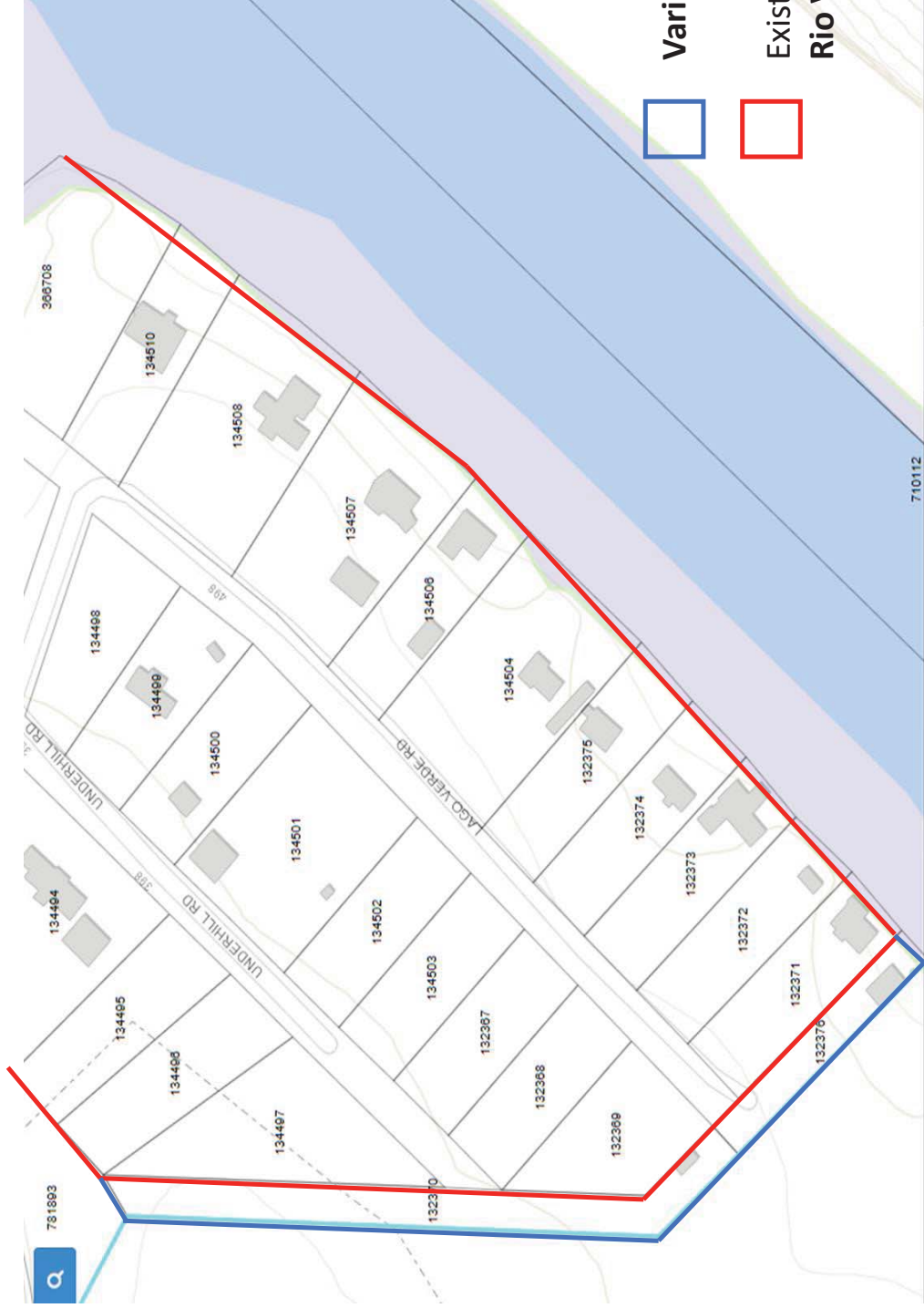
ABS 368 SUR 474 HARRISON W ACR 1.0010

**Size:** 1.0 acres

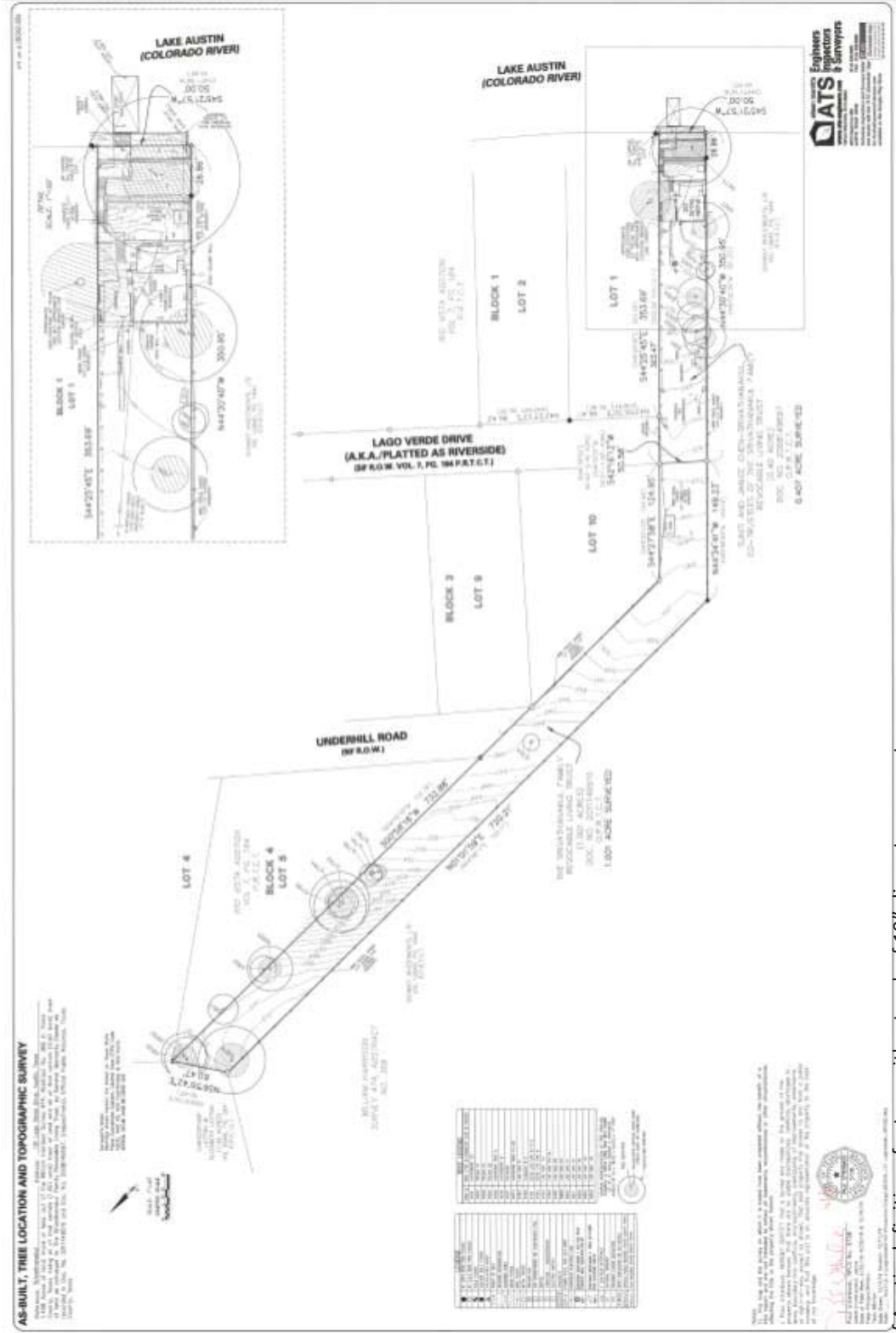
**Acquired:** Oct 2011



These two lots are adjacent to an existing subdivision



These two lots have widths of 50 ft – see full size hard-copy survey provided



\* Protected per City of Austin definitions for tree with a trunk of 19" diameter or greater



Existing  
Nonconforming  
Structure

Narrow lots – 50 ft wide





Facing Away from Lake Austin



Additionally, there are several heritage/protected trees on the lot

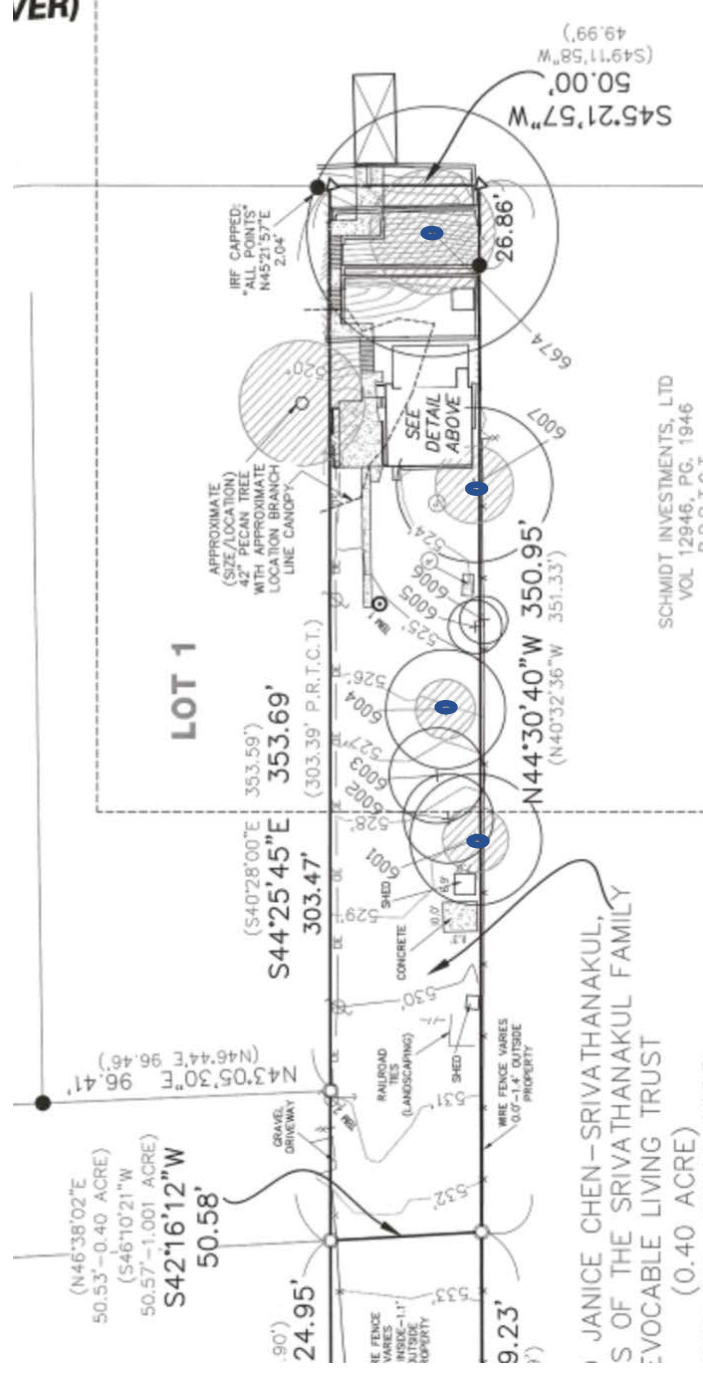
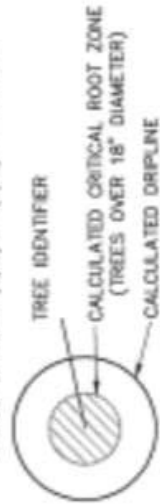


Heritage  
Protected  
Trees

Four of these protected trees are in the waterfront lot

TREE LEGEND	
TREE #	TREE TYPE & DIAMETER SIZE IN INCHES
6001	HACKBERRY 22
6002	PECAN 15
6003	PECAN 16
6004	PECAN 20
6005	UNKNOWN TREE 9
6006	HACKBERRY 8
6007	PECAN 26
6674	UNKNOWN TREE 31-22
6764	LIVE OAK 9
6790	mesquite 8 5
6791	DEAD LIVE OAK 6-4-3
6792	DEAD LIVE OAK 8
6793	LIVE OAK 16
6794	LIVE OAK 25-14
6795	LIVE OAK 28
6809	LIVE OAK 24
6810	LIVE OAK 14
6817	LIVE OAK 16
6829	LIVE OAK 36
6832	LIVE OAK 24
6833	LIVE OAK 23

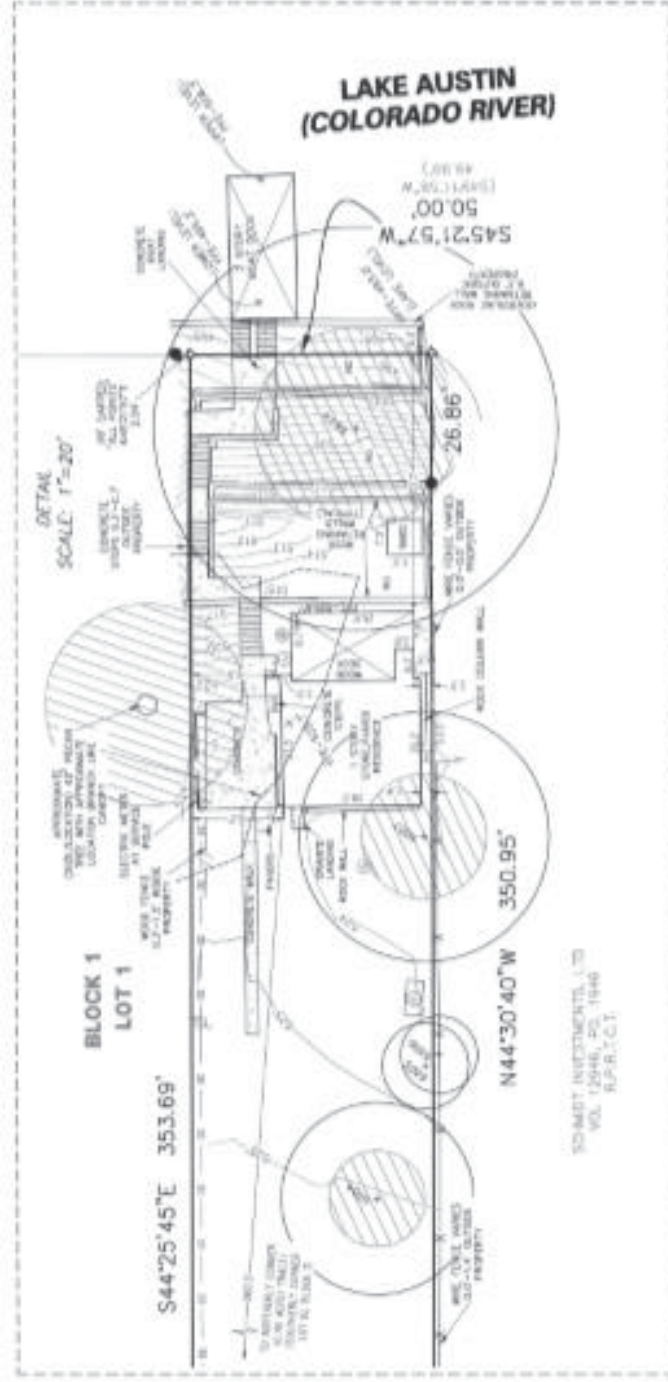
GRAPHIC REPRESENTATION OF TREE DRIFLINE:  
 EXAMPLE: A TRIPLE STEM TREE WITH STEMS  
 10", 8", 6" SHALL RENDER A GRAPHICAL  
 RADIUS OF  $10 + (8/2) + (6/2) = 17$  FEET



SCHMIDT INVESTMENTS, LTD  
 VOL 12946, PG. 1946  
 DDDDTCT



Nonconforming structure on the waterfront lot was constructed prior to Lake Austin zoning overlay



**City of Austin Development Code Section 25-2-492 Site Development Regulations for Lake Austin zoning district**

	LA
MINIMUM LOT SIZE (square feet):	43,560
MINIMUM CORNER LOT AREA (square feet):	
MINIMUM LOT WIDTH:	100
MINIMUM CORNER LOT WIDTH:	
MAXIMUM DWELLING UNITS PER LOT:	1
MAXIMUM HEIGHT:	35
MINIMUM SETBACKS:	
FRONT YARD:	40
STREET SIDE YARD:	25
INTERIOR SIDE YARD:	10
REAR YARD:	20
MAXIMUM BUILDING COVERAGE:	—
MAXIMUM IMPERVIOUS COVER:	1
MAXIMUM FLOOR AREA RATIO	

Seeking Variances to these zoning requirements

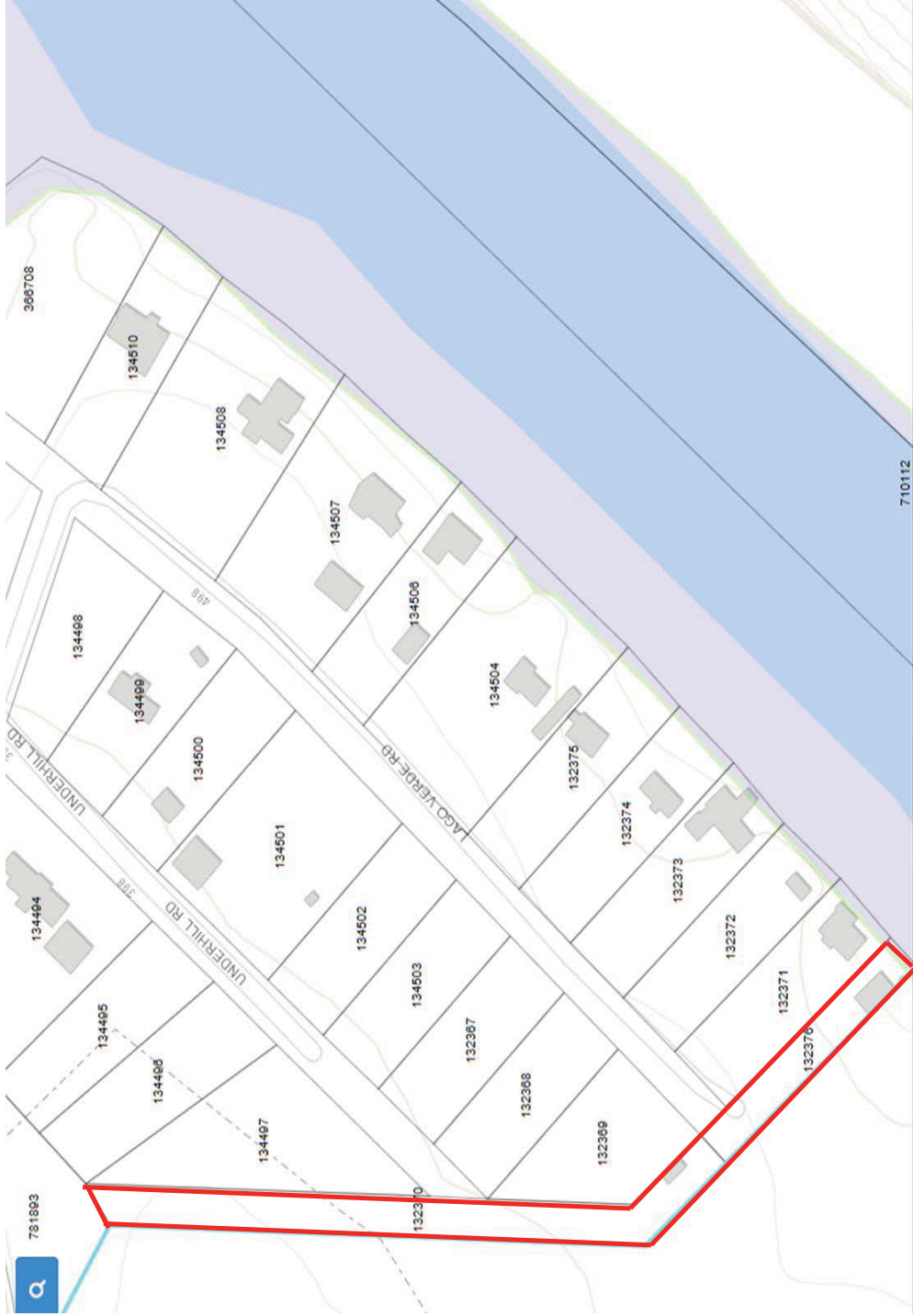
## Lots within the existing adjacent subdivision do not meet all Lake Austin zoning requirements



Tax ID	Lot Size (acres)	Lot Width (ft)	Address	Building within side yard setback	Waterfront
132376	0.4017	50	101 Lago Verde Dr	Yes	Yes
132370	1.0010	50	102 Lago Verde Dr	Yes	No
132371	0.6862	98	103 Lago Verde Dr	No	Yes
132372	0.6884	98	105 Lago Verde Dr	No	Yes
132373	0.6907	98	107 Lago Verde Dr	Yes	Yes
132374	0.6997	98	201 Lago Verde Dr	No	Yes
132375	0.7064	98	203 Lago Verde Dr	Yes	Yes
134504	1.4371	200	205 Lago Verde Dr	Yes	Yes
134506	0.7904	100	301 Lago Verde Dr	Yes	Yes
134507	1.4401	205	305 Lago Verde Dr	No	Yes
134508	1.4154	200.97	307 Lago Verde Dr	No	Yes
134510	0.7139	101.06	403 Lago Verde Dr	Yes	Yes
132369	0.6369	Not known	Lago Verde Dr	No	No
132368	0.5881	Not known	Lago Verde Dr	No	No
132367	0.5964	Not known	Lago Verde Dr	No	No
134503	0.5976	100	Underhill Rd	No	No
132502	0.6042	100	Underhill Rd	No	No
134501	1.2277	200	300 Lago Verde Dr	Yes	No
134500	0.6513	Not known	302 Lago Verde Dr	No	No
134499	0.6899	Not known	304 Lago Verde Dr	No	No
134498	0.6801	Not known	400 Lago Verde Dr	No	No
134497	0.9664	Not known	Underhill Rd	No	No
134496	0.6959	Not known	204 Underhill Rd	No	No
134495	0.6691	Not known	300 Underhill Rd	No	No

Our lots

Our intent is to plat these 2 lots as 1 lot of 1.4 acres in the subdivision process



**We seek variance to the 100 ft minimum width and the 10 ft interior side yard setback so we can apply for subdivision**

**1. 100 ft minimum lot width**

- The two lots are configured with 50 ft widths and cannot be changed to meet the 100 ft minimum lot width requirement
- The lots were defined prior to Lake Austin zoning was imposed
- Because these 2 lots are not currently platted, not granting this variance will hinder the process to gain legal status – i.e. subdivision process

**2. 10 ft interior side yard setback**

- The 10-ft side yard setback was developed in conjunction with the 100 ft minimum lot width which equates to 20% of the land. However, because our lots have only 50 ft widths, imposing this setback requirement will render 40% of our land unusable, which is 50% more than the intent of the zoning requirements.
- These two lots have several heritage trees which we will have to accommodate in future site development which will further impose the ability to leverage the land
- Several existing houses in the adjacent subdivision do not meet this set-back requirement, thus approving this variance will not alter the character of the area