

BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2020-0043**BOA DATE:** September 14th, 2020**ADDRESS:** 4708 Colorado Xing**COUNCIL DISTRICT:** 10**OWNER:** Robin Moore**AGENT:** Katherine Loayza**ZONING:** LA**LEGAL DESCRIPTION:** LOT 6 BLK A COLORADO CROSSING SEC 1**VARIANCE REQUEST:** increase impervious cover for each slope category**SUMMARY:** erect a swimming pool**ISSUES:** heavily sloped lot

	ZONING	LAND USES
<i>Site</i>	LA	Single-Family
<i>North</i>	LA	Single-Family
<i>South</i>	LA	Single-Family
<i>East</i>	SF-2	Single-Family
<i>West</i>	LA	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

2222 Coalition of Neighborhoods Associations, Inc.

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Long Canyon Phase II & III Homeowners Assn Inc.

Neighborhood Empowerment Foundation

Preservation Austin

SELTexas

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 333'

NOTIFICATIONS

CASE#:C15-2020-0043

LOCATION: 4708 Colorado Xing

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

C-3/3

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: 4708 Colorado Crossing, Austin TX 78731

Subdivision Legal Description:

COLORADO CROSSING SEC 1, PROPERTY ID 128898, Geographic ID 0133091470

Lot(s): LOT 6

Block(s): BLK A

Outlot: _____

Division: _____

Zoning District: Lake Austin (LA)

I/We Katherine Loayza on behalf of myself/ourselves as
authorized agent for Robin and Lorraine Moore affirm that on
Month August, Day 6, Year 2020, 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: a 25' x 14' pool.

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

Section 25-2-551 (c) LA regulations: to (A) increase the imp on 0-15% slope category by 37 sq. ft. or 1.2% to 57.3% (56.1% existing); (B) increase imp on 15-25% slope by 31. 6 sq.ft. or 1% to 74.4% (73.4% existing); (C) increase imp on 25-35% slope by 27.5 sq ft. or 1.5% to 18.6% (17.1% existing) and (D) add imp on >35% slope by 127. 5 ft. or 3.6% to 13% (9.4% existing).

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:

Aside from the front flower beds and driveway area, virtually all the property has a slope of more than 15%.The lot was platted in 1982 and was zoned single-family, as is the case currently with a majority of the subdivision. In 1984 the Lake Austin Overlay was adopted and changed the zoning to LA, making the lot legal non-conforming and significantly restricting the use of the property due to the steep slopes. The existing residence was permitted in 1993 for compliance with SF-2 zoning standards, not LA, automatically requiring any additional improvements to involve a B.O.A. variance, regardless of how minor they may be.

Hardship

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

The home currently sits on a heavily sloped lot that prevents the owners from fully utilizing the outdoor space. The LA overlay should never have applied to this property to begin with because the intent of LA was to only apply to existing properties or to lots that met the minimum one-acre size. This property does not face the lake and does not have any shoreline frontage, but is subject to the LA standards despite the small lot size.

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

Other nearby homes do not have the extreme slopes immediately outside their back doors, nor do they have the LA zoning overlay restrictions. This lot is located at the edge of the 1,000 foot distance from the lake, therefore the majority of the subdivision is zoned SF-2. It would be impossible to build a typical size home on this lot without variances as the LA overlay only allows a 413 sq. ft. impervious cover total on slopes >15%.

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:

Many houses in the neighborhood have their own pool, therefore a pool on this property will not change the area character (see aerial photo). The proposed construction is to be located at the rear of the house and will not adversely impact any adjacent property. Everything possible has been done to design the pool so as to minimize additional impervious coverage (only 81 sq. ft. is to be added) and to address Lake Austin zoning environmental concerns through the use of an extensive water runoff catchment system.

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: Katherine Loayza Digitally signed by Katherine Loayza
Date: 2020.08.06 15:04:11 -05'00' Date: 08/06/2020

Applicant Name (typed or printed): Katherine Loayza

Applicant Mailing Address: 100 Congress, Suite 1100

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 236-2259

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: 08/06/2020

Owner Name (typed or printed): Robin and Lorraine Moore

Owner Mailing Address: 4708 Colorado Crossing

City: Austin State: TX Zip: 78731

Phone (will be public information): (512) 374-1070

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

Section 5: Agent Information

Agent Name: Katherine Loayza

Agent Mailing Address: 100 Congress Avenue, Suite 1100

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 236-2259

Email (optional – will be public information): k [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).

As mentioned, the proposal involves a permit for approximately 81 sq. ft. of additional impervious cover on our back slope to allow for the construction of a pool. It is to be built adjacent to the existing stone patio with no decking, so only the pool walls would add impervious coverage. We have consulted with our HOA regarding the build and they have approved our plans (see memo).

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: 08/07/2020

Applicant Name (typed or printed): Katherine Loayza

Applicant Mailing Address: 100 Congress Avenue, Suite 1100

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 236-2259

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: [Signature] Date: 08/07/2020

Owner Name (typed or printed): Robin and Lorraine Moore

Owner Mailing Address: 4708 Colorado Crossing

City: Austin State: TX Zip: 78731

Phone (will be public information): (512) 374-1070

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

Section 5: Agent Information

Agent Name: Katherine Loayza

Agent Mailing Address: 100 Congress Avenue, Suite 1100

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 236-2259

Email (optional – will be public information): k [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).

As mentioned, the proposal involves a permit for approximately 81 sq. ft. of additional impervious cover on our back slope to allow for the construction of a pool. It is to be built adjacent to the existing stone patio with no decking, so only the pool walls would add impervious coverage. We have consulted with our HOA regarding the build and they have approved our plans (see memo).

Additional Space (continued)

We have also consulted with all nearby neighbors, and most are very supportive (see attached signatures). Only the neighbors adjacent to the west (the Bairds at 4710 Colorado Crossing) describe themselves as "neutral", apparently concerned about noise and disruptions during the build, which we will of course do our best to minimize. No large trees are growing in the area of the proposed pool, so none would need to be cut.

In 2015, we installed an extensive water catchment system as part of a deck rebuild in order to address City of Austin concerns about possible runoff. The catchment system currently takes in approximately 80% of roof runoff from our house. And we plan to add to that amount by capturing all runoff from the stone patio as well under the upper deck (the lower deck has pervious gravel underneath it) by means of a strip drain between the patio and pool connected to the rain tank. Thus, we believe we have designed a project that takes into account City of Austin concerns regarding runoff and minimizes it. We will of course pay an independent surveyor to verify that our build plan has been followed in the aftermath, keeping additional impervious coverage to the small amount mentioned. Access to the build site would be down the east side of our property; the neighbors on that side (the Fairbairns, 4706 Colorado Crossing) are in full support of the project.

In addition to the proposed new impervious cover request associated with the pool, we also include in the variance request additional minor impervious cover created by a child's playhouse and playscape, built in 2017. They did not require building permits, and therefore we did not think we needed B.O.A. variance approval in order to erect such temporary constructions for our daughter.

SAVE

Cover Letter

4708 Colorado Crossing - Variance Request

Robin and Lorraine Moore

City of Austin Board of Adjustment, July 2020:

This variance request involves permission to add 80.6 sq. ft. of impervious coverage to a sloped homestead property zoned LA (Colorado Crossing Sec 1, Lot 6 Blk A) in order to build a 25' x 14' swimming pool. The lot size is 11,643.3 square feet, roughly a quarter-acre. When the property was originally subdivided in 1982 the neighborhood was zoned single-family residential; that continues to be the zoning of our neighbors immediately to the east (4706 Colorado Crossing) and most others nearby on lots of similar size. Two years later, in 1984, the Lake Austin Overlay ordinance was adopted which regulates construction on lots of an acre or more near the lakeshore. Our property could have been automatically exempted from such zoning because of the lot size and because we use the city wastewater system, but owners at the time chose not to request an exemption.

The main hardship we face, therefore, is that we now live on a legal non-conforming property with LA zoning which was originally developed in 1993, not subject to the LA zoning district but to SF-2 zoning. This is why the current impervious cover is not in compliance with LA standards. It would be impossible to build a home typical of the neighborhood now due to the slope impervious cover restrictions which allow only 413 square feet of impervious cover on 74% of the lot. Furthermore, the zoning 25' front yard setback, which is where the 0-15% slope is located, would prohibit construction of a building closer to the street without a variance; the HOA would most likely not approve this either. Currently, the 0-15% slope area is where the front driveway and garage access is located.

Due to the significant slopes on our property which are more severe than that of nearby homes, and the LA zoning, we cannot reasonably utilize our property without seeking another variance. Lots to the south and east are markedly flatter, and even those to the west have flatter back yards, as they were built further down the canyon ridge.

When we purchased our home on Colorado Crossing in 2014, it had been neglected for many years and needed extensive repair. The wooden deck on the back of the property, for instance, was rotting and dangerous, and it provided no access to the ground (approximately 8-10 ft. below house level) in case of emergency. In 2015, we requested and received a variance to rebuild and extend the back deck and to add a staircase for access. The variance which was granted in 2015 allowed a 5.88% increase in impervious cover for the deck remodel in the 25-35% slope category and a .29% increase to the impervious cover in the 15-35% impervious cover slope category.

As part of our variance approval process at that time, we agreed to install a 1000-gallon rain collection tank. The tank is buried on the back slope of the lot and ties into most of the house's gutter downspouts, catching at least 75% of all roof runoff. In our proposed new construction plans, we would extend rain collection to the area associated with the upper deck as well, which currently drains onto a grass slope. We believe this plan should significantly mitigate any concerns that our proposed pool will contribute to additional runoff or slope degradation.

In 2017, we had a carpenter build a wooden playscape for our daughter on the grassy area behind the garage, and a 7' x 10' playhouse on our back slope to the west of the patio. Neither required a permit, and it didn't occur to us at the time that they would require a variance as well, so we did not request one. But now as we contemplate the pool project and have conducted

a new impervious coverage survey, we realize that both add slightly to our existing impervious coverage as well. Thus, we include them in our request.

We are now seeking an increase of 1.2% to the existing 56.1% in the 0-15% category (or 37.32 sq. ft.), a 1% increase to the current 73.4% impervious cover in the 15-25% slope category (or 36.1 sq. ft.), a 1.5% increase to the 25-25% slope category (or 27.51 sq. ft.), and a 3.6% increase to the 35% or greater slope category (or 127.53 sq. ft.). The playscape impervious cover (51.17 sq. ft. total) corresponds largely to the 0-15% slope category, while most of the pool coping (80.6 sq. ft.) and playhouse impervious cover (93.78 sq. ft.) correspond to the 25-35% or 35% and above slope categories. We request the additional variance in order to utilize our property in a manner that is similar to our adjacent neighbors.

Unfortunately, there isn't much toward the back of our property we can remove that isn't needed structurally, other than the playscape or playhouse. Our stone patio, for instance, supports the deck itself, it can't be compromised. The steeper sections of our lot below the patio, where we propose to build the pool, have no construction on them.

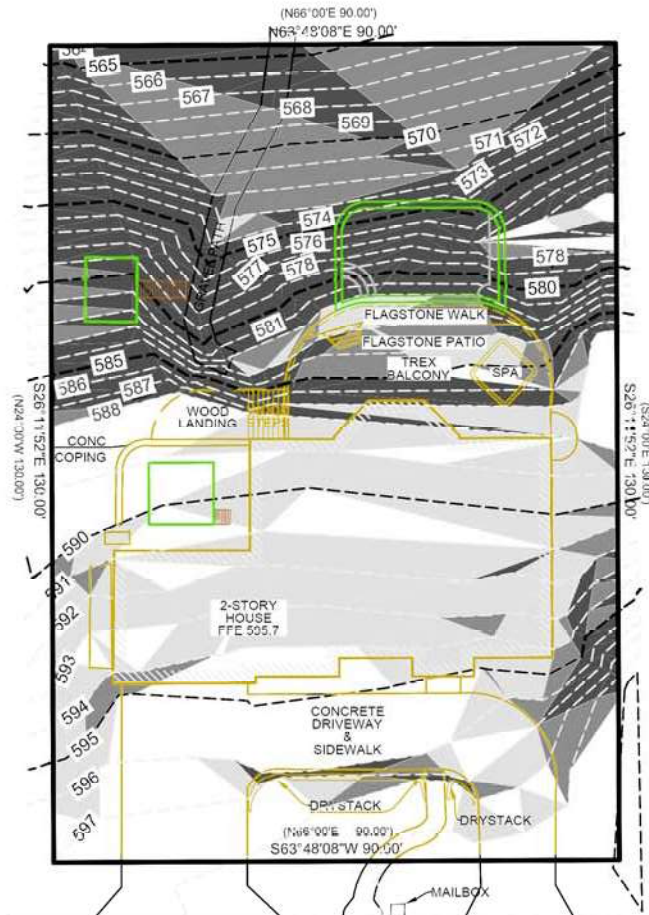
The main reason we're interested in having a pool is for our ten-year-old daughter. Swimming is one of the few physical activities she enjoys, and getting her to swim regularly would be much easier with a pool at home. Also, for the next decade or so we'd like the pool to be a focus of socialization for her and her friends, so that they will spend more time with us instead of in far-off locations we can't supervise. With this in mind, we would be very grateful if you would agree to grant us an additional variance. We have neighborhood support for the project which is included in the backup material.

EXHIBIT DETAILING IMPERVIOUS COVER BY SLOPE CATEGORY

ADDRESS: 4708 COLORADO CROSSING, AUSTIN, TX 78731



— PROPERTY BOUNDARY
 --- MINOR CONTOUR
 - - - MAJOR CONTOUR



4708 COLORADO X-ING

PRE-DEVELOPMENT SLOPES TABLE			
MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR
0.00%	15.00%	3068.91	
15.00%	25.00%	3162.76	
25.00%	35.00%	1929.44	
35.00%	>35.00%	3534.49	

THE MOORE GROUP

Engr. Firm Reg. #249
 TLSF #10058800

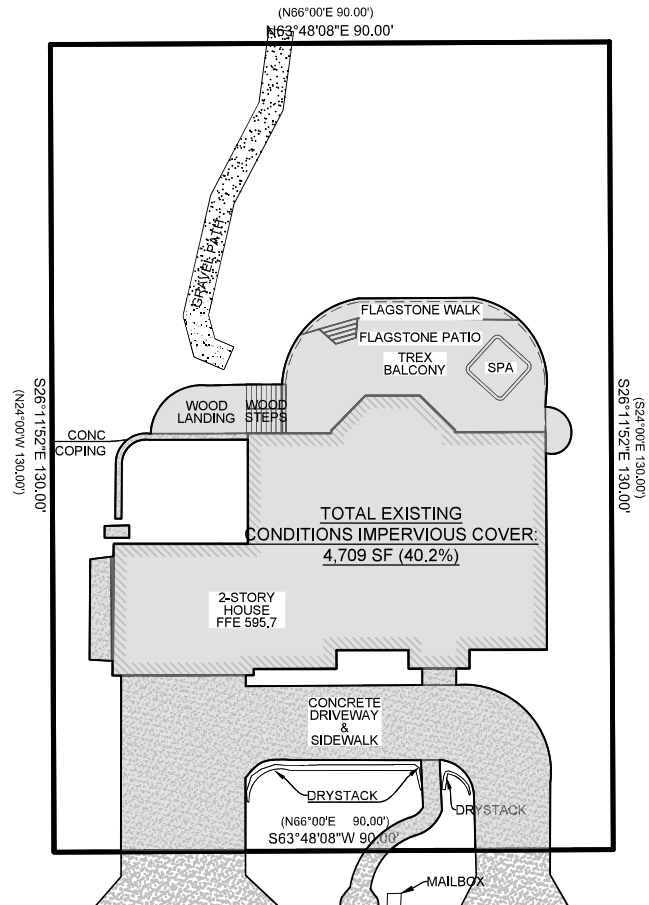


ENGINEERING, SURVEYING & PLANNING
 1000 CUERNAVACA PH. (512) 442-0377
 AUSTIN, TEXAS 78733 FAX (512) 442-7807

DRAWING COMPLETED: 7/30/2020
 PAGE 1 OF 2

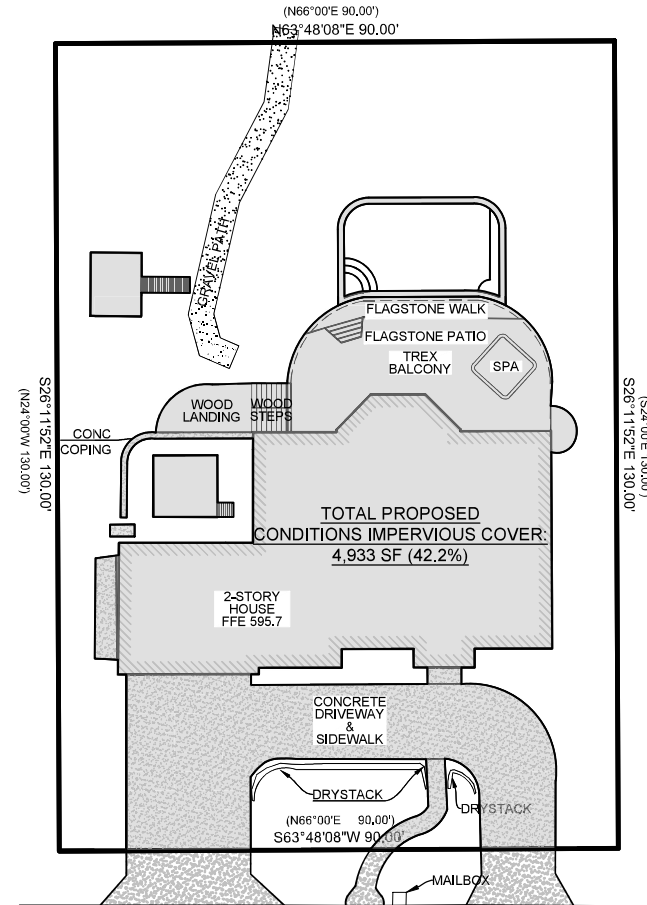
EXHIBIT DETAILING TOTAL EXISTING & PROPOSED IMPERVIOUS COVER

ADDRESS: 4708 COLORADO CROSSING, AUSTIN, TX 78731



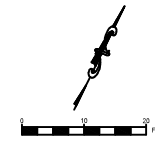
4708 COLORADO X-ING

EXISTING CONDITIONS



4708 COLORADO X-ING

PROPOSED CONDITIONS



- PROPERTY BOUNDARY
- - - MINOR CONTOUR
- - - MAJOR CONTOUR
- ▨ GRAVEL
- ▨ CONCRETE
- ▨ IMPERVIOUS COVER

NOTE: THE COPING OF THE PROPOSED SWIMMING POOL IS INCLUDED AS IMPERVIOUS COVER.

THE MOORE GROUP

Engr. Firm Reg. #249
TLSF #10058800

ENGINEERING, SURVEYING & PLANNING

1000 CUERNAVACA PH. (512) 442-0377
AUSTIN, TEXAS 78733 FAX (512) 442-7807

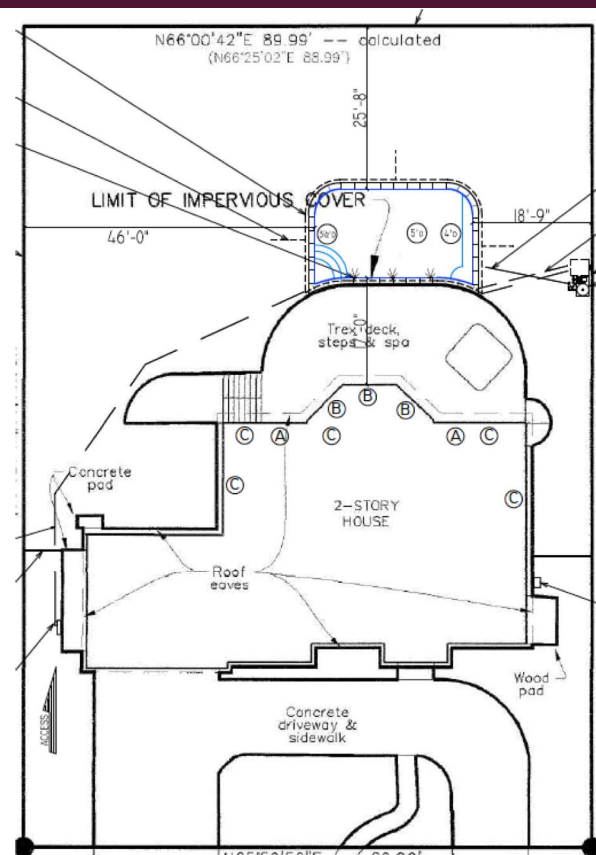
Slope	Sq. Footage	Allowed imc (%)	Allowed imc (sq. ft.)	Existing imc (%)	Existing imc (sq. ft.)	Proposed imc (%)	Proposed imc (sq. ft.)	Difference in imc
0-15%	3069.88	35%	1074.46	56.1%	1722.20	57.3%	1759.52	37.32 sq. ft. or 1.2%
15-25%	3164.17	10%	316.42	73.4%	2322.50	74.4%	2354.10	31.6 sq. ft. or 1%
25-35%	1934.27	5%	96.71	17.1%	330.76	18.6%	358.27	27.51 sq. ft. or 1.5%
>35%	3549.89	0%	0	9.4%	333.69	13.0%	461.22	127.53 sq. ft. or 3.6%
<u>Total lot size:</u> 11,643.30				<u>Total existing</u> 40.2%	<u>Total Existing</u> 4709	<u>Total proposed</u> 42.2%	<u>Total Proposed</u> 4933	<u>Total difference</u> 225 sq. ft. or 2%

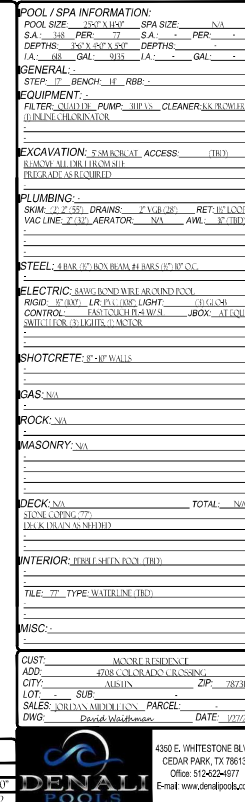
Total additional imc of pool coping proposed: 80.6 sq. ft.

Total additional imc of proposed playhouse: 93.78 sq. ft.

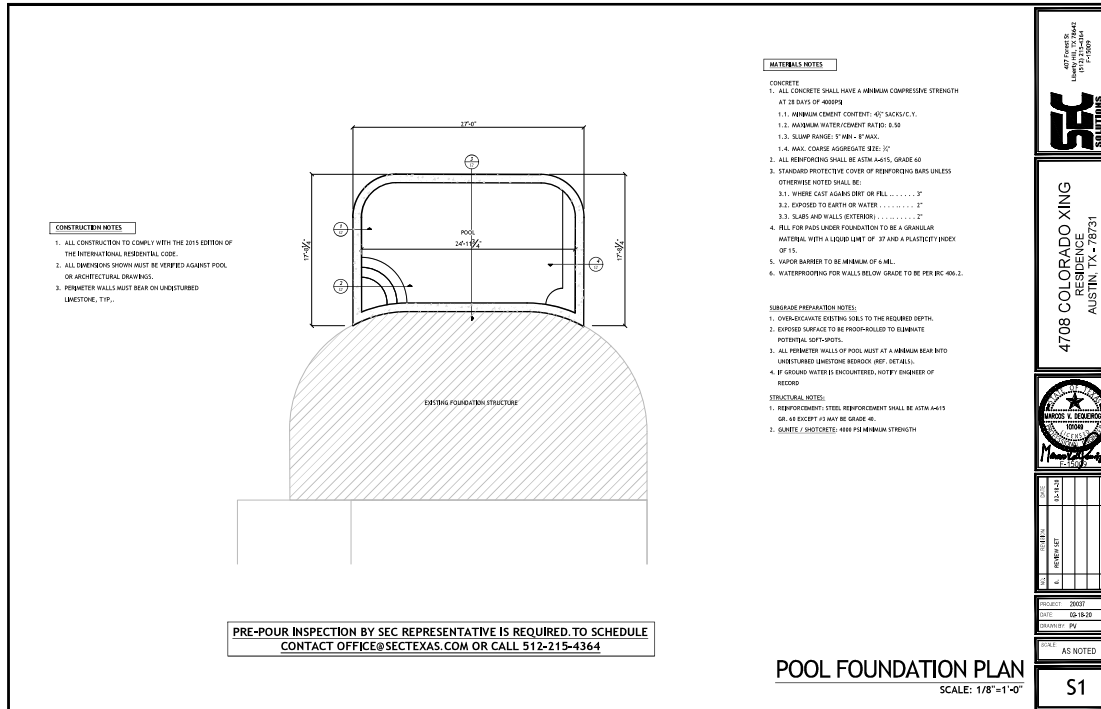
Total additional imc of proposed playscape: 51.17 sq. ft.

DETAIL OF OVERALL PROPERTY LAYOUT, WITH PROPOSED POOL

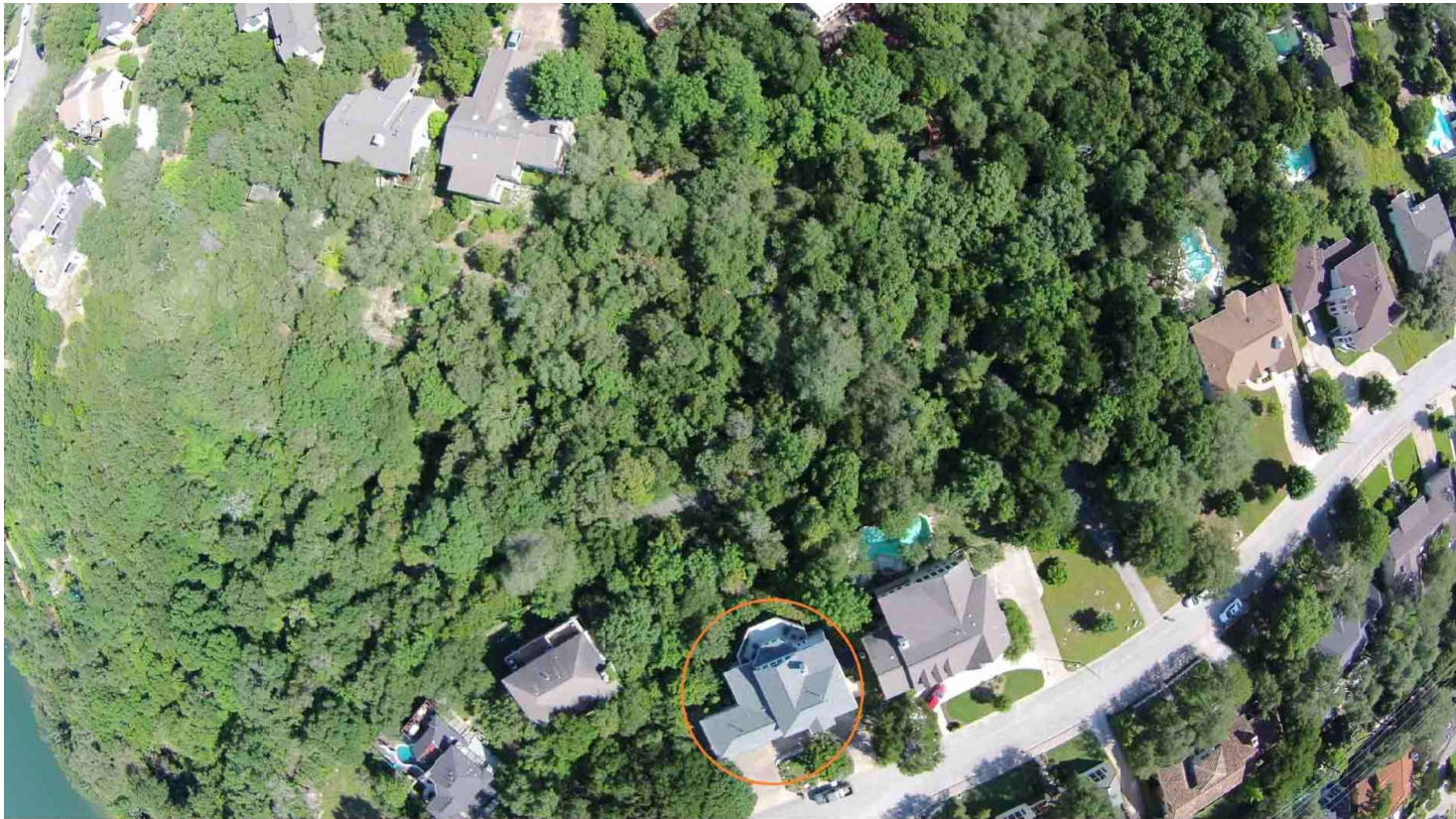




A SECOND SCHEMATIC OF THE PROPOSED POOL



AERIAL VIEW, ZOOMED OUT



FRONT OF HOUSE FROM STREET

