

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-4

DATE: Monday December 14, 2020

CASE NUMBER: C15-2020-0081

Y Brooke Bailey
 N Jessica Cohen
 Y Ada Corral
 Y Melissa Hawthorne
 - VACANT
 Y Don Leighton-Burwell
 - Rahm McDaniel -OUT
 Y Darryl Pruett
 Y Veronica Rivera
 Y Yasmine Smith
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate)
 - Martha Gonzalez (Alternate)
 - Donny Hamilton (Alternate)

APPLICANT: David Cancialosi

OWNER: Jim Goodwin

ADDRESS: 1209 N WESTON LANE

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin (LA) District Regulations)

- a) (B) (1) (a) from shoreline setback requirements to reduce the shoreline setback from 75 feet (required*) to 21 feet (requested)
- b) (C) (2) (a) increase the maximum impervious cover on a slope with a gradient of 25 percent or less from 20 percent (allowed) to 38 percent (requested) in order to maintain a Single-Family residence and associated improvements in an "LA", Lake Austin zoning district.

Note: This section of the Land Development Code 25-2-551(C) applies to lots that are included in a subdivision plat recorded after April 22, 1982.

***Per variance granted in 1990, the shoreline setback was changed from 75 feet to 33 feet. The shoreline reduction from 75' to 21' is for a width of only 23' (footprint of the existing 1980s garage). The remainder of the shoreline beyond the 23' width will remain 33' as per 1990 variance #C15-90-046.**

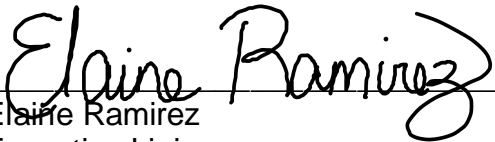
BOARD'S DECISION: BOA meeting Dec 14, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to

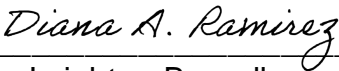
Grant twenty-one (21) feet only for existing garage structure, no additional permits or work and with rain garden or collection system (to account for all Impervious Cover above the permitted amount) as per the Rain Harvesting worksheet, and Board Member Melissa Hawthorne seconds on a 9-1 vote (Board member Jessica Cohen nay); GRANTED TWENTY-ONE (21) FEET ONLY FOR EXISTING GARAGE STRUCTURE, NO ADDITIONAL PERMITS OR WORK AND WITH RAIN GARDEN OR COLLECTION SYSTEM (TO ACCOUNT FOR ALL IMPERVIOUS COVER ABOVE THE PERMITTED AMOUNT) AS PER THE RAIN HARVESTING WORKSHEET.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: a single family use and its associated accessory uses are reasonable uses in a LA zoning district
2. (a) The hardship for which the variance is requested is unique to the property in that: The Rob Roy HOA guidelines from that timeframe speak nothing of city permits, only county, residents in the neighborhood are concerned about this case, its unique to this property in that the city issued a series of building permits over a 35 year period which either established a legal non-compliant IC scenario the day the house was issued permits are constructed (since the site was over the allowed 20% immediately upon initial construction of the single family residence and associated improvements) or the city perhaps unknowingly exacerbated the IC issue by continuing to issue a series of variances and permits for a series on site.

(b) The hardship is not general to the area in which the property is located because: there is no other lot in the area which has been encumbered in this 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: in turn the homeowner is willing to install a substantial rain garden system in order to broach the gap between allowed IC and existing IC, rain gardens have been recognized by the board as an acceptable manner in which to address potential IC issues on a residential site


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

Rainwater Harvesting Compensation for excess impervious cover (IC)

Required:

1. Rain tank 2.6 times greater in gallons than number of square feet in excess of IC limit

This formula calculates the number of gallons required to provide flood mitigation plus a factor of safety

Example: 5,000 sq.ft. lot with 45% IC limit permitted by Code is granted a variance to build 46% IC

Therefore: $5,000 \times 0.45 = 2,250$ sq.ft. (Code) vs. $5,000 \times 46\% = 2,300$ sq.ft. (allowed by variance)

Therefore: $2,300 - 2,250 = 50$ sq.ft. over Code limit

Therefore: 50 sq.ft. over limit $\times 2.6 = 130$ gallon rain tank required (minimum)

Result: Applicant installs a 150-gallon rain tank or two 75-gallon rain barrels

2. Guttering installed on an area of roof in square feet at least as large as the number of gallons of the rain tank

Example: Applicant ensures that roof area draining at least 150 sq.ft. drains via gutters to the 150-gallon tank

Or two separate areas draining at least 75 sq.ft. each drain to rain gutters to the two rain barrels.

3. Outflow from tank directed to a safe drainage conveyance where won't adversely impact neighboring properties

Calculation Table

| Impervious Cover sq.ft. overage | Minimum Gallons of Rain Tank Volume Required |
|---------------------------------|--|
| 50 | 130 |
| 100 | 260 |
| 200 | 520 |
| 300 | 780 |
| 400 | 1,040 |
| 500 | 1,300 |
| 600 | 1,560 |
| 700 | 1,820 |
| 800 | 2,080 |
| 900 | 2,340 |
| 1,000 | 2,600 |
| 2,000 | 5,200 |
| 3,000 | 7,800 |
| 4,000 | 10,400 |
| 5,000 | 13,000 |