

3707 RIVERCREST DRIVE
AUSTIN, TX 78746

Case # 2020-000022 BA

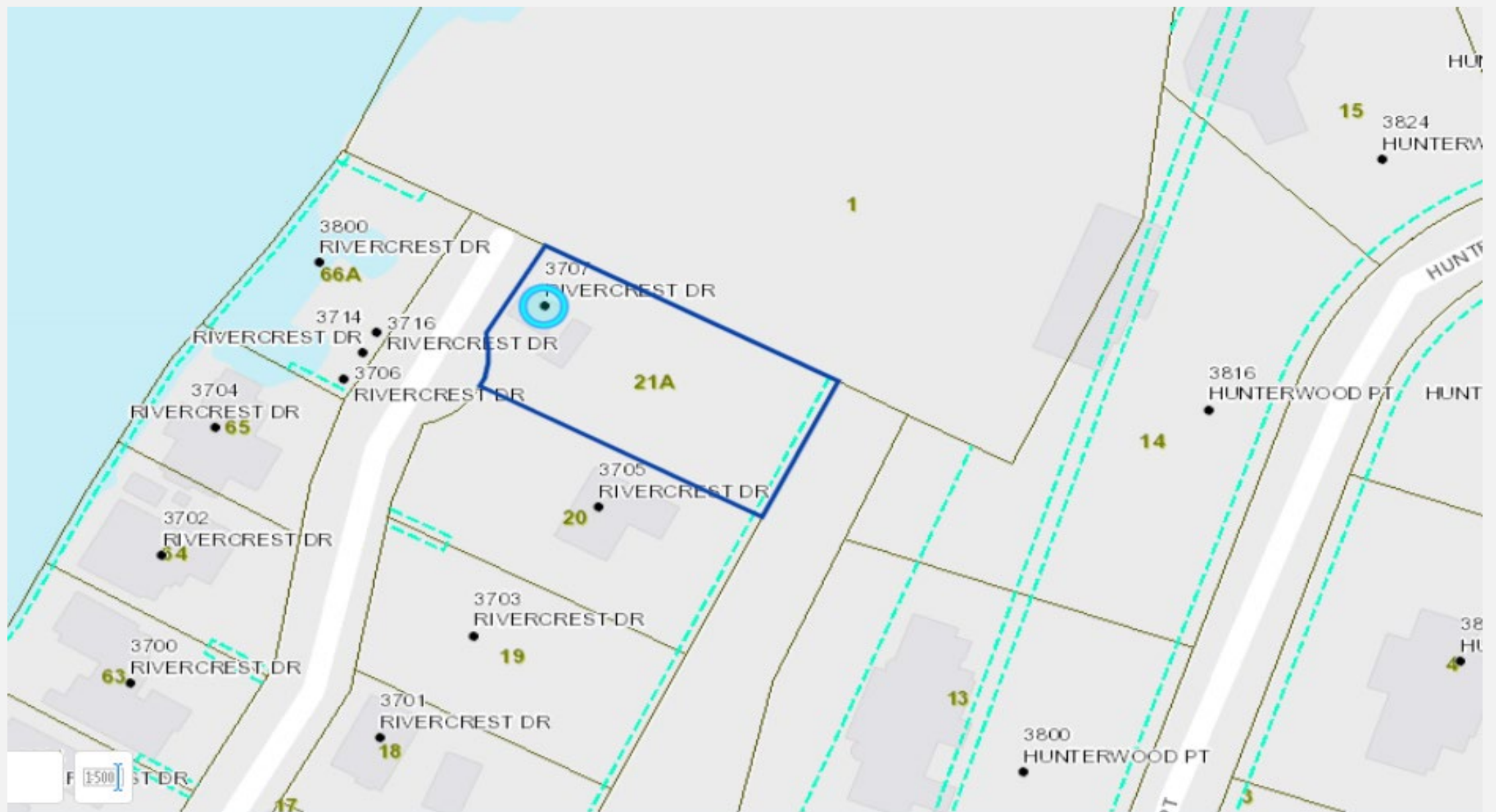
VARIANCE REQUEST

- I. **Seeking BoA Variance for a single-family structure and associated improvements including pool and decking from:**
 - 1) LDC 25-2-551-E-2 requiring prohibiting certain development on a slope category greater than 35% in order to erect a single family residence and associated improvements to allow 11.5% impervious coverage in the 35%+ slope.
 - 2) LDC 25/-2-492-D requiring a 40' front setback in a Lake Austin zoning category to allow a 10'5" front setback for a portion of proposed home's front façade (stairs). Remainder of front façade proposed at 20' setback for new garage and 40' front setback for remainder of proposed façade. Existing structure's current front setback is 0' and building is located within the electrical easement.

AERIAL



MAP AERIAL



STREET VIEW





Represents
property line
in relation to
the deck and
house.









MARINA ACROSS STREET







CUL DE SAC ADJACENT TO VACANT LOT













ADJACENT HOUSE LOCATED ON SLOPE



NEIGHBORHOOD HOMES WITH REDUCED FRONT SETBACKS BUILT ON SLOPES



NEIGHBORHOOD HOMES WITH REDUCED FRONT SETBACKS BUILT ON SLOPES



NEIGHBORHOOD HOMES WITH REDUCED FRONT SETBACKS BUILT ON SLOPES



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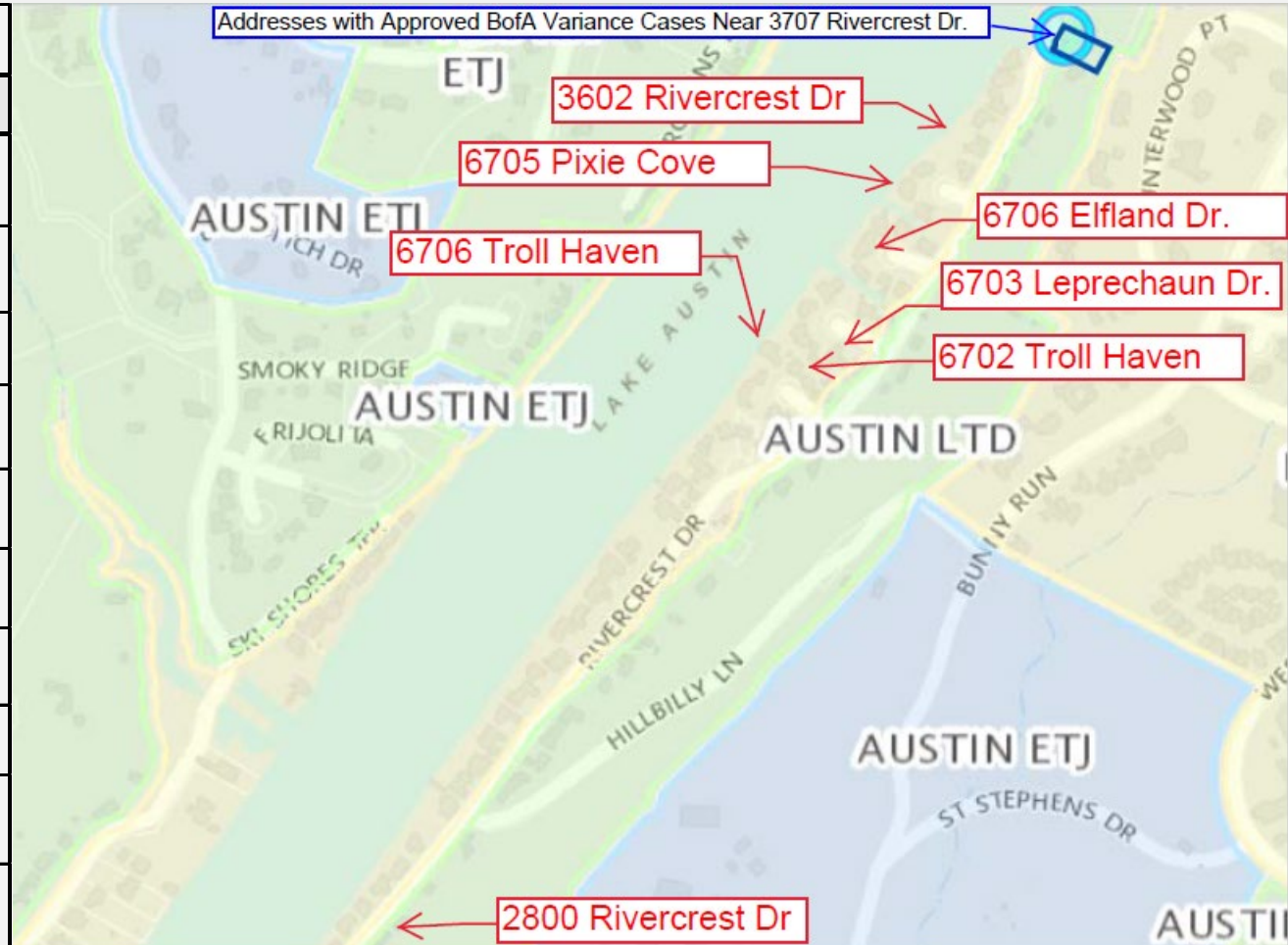
PROPOSED IN KEEPING WITH HOMES IN NEIGHBORHOOD



APPROVED BOARD OF ADJUSTMENT VARIANCE CASES NEARBY

G-1/PRESENTATION-27

Approved BoA Cases Nearby					
	Permit/Case No	Address	Requested Variance	Granted	Date of Approval
1	2019-000023 BA	2800 Rivercrest Dr	25-2-551(C)(3)(a)	Yes	5/13/2019
2	2017-000047 BA	3602 Rivercrest Dr	25-2-1176(a)(1)	Yes	5/13/2019
3	2015-069435 BA	6706 Elfland Dr Bldg BD	25-2-1176(a)((A)(5)	Yes	11/9/2015
4			25-2-893(G)(4)	Yes	11/9/2015
5	2018-000006 BA	6705 Pixie Cove	25-2-551(C)(3)(a)	Yes	7/9/2018
6			25-2-551 (B)(1)(b)	Yes	7/9/2018
7	2010-000118 BA	6706 Troll Haven	25-2-551(D)(1)(B)	Yes	11/8/2010
8	2008-000074 BA	6702 Troll Haven	25-2-551(D)(3)(a)	Yes	6/9/2008
9			25-2-551(2)	Yes	6/9/2008
10	2013-000027 BA	6703 Leprechaun Dr	25-2-551(D)(3)(a)	Yes	5/13/2013



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

- The LA zoning category was created via ordinance No. 840913-S and effectively amended zoning Chapter 13-2 by capturing all land 500' landward of the 504.9' contour line. The Ordinance either newly zoned or rezoned most parcels to Lake Austin (LA) zoning category. This Ordinance was signed into effect 9/13/1984. The regulations were passed in 1984, then written into code using language that backdated the regulations several years prior to arbitrarily capture parcels along the lake and separate them into two development categories – mainly these being pre- and post-1982 standards. The LA zoning category was assigned to properties regardless of their compliance with LA zoning site requirements such as 100' of lot width being present or not, or whether a lot or tract was a minimum of one acre in size as also required by the LA zoning site performance standards. Some of those lots that could not comply were zoned SF-2 and remain as such today; thus, the vast majority of lake front (and non lake front) properties were zoned from “A” *First Height and Residential District* under zoning code Chapter 13-1 to the currently applicable 25-2-551, *Lake Austin Zoning*. The ordinance has been in effect almost 40 years as of now.
- The current site has a small, dilapidated residence which needs to be demolished. It is not occupied. The power had to be disconnected due to a structure fire. And the original, permitted septic system is actually underneath the structure. The house sits within the 10' easement underneath the overhead powerlines. And the current front setback is 0.0'

REASONABLE USE (CONT'D)

- The site is not compliant with LA zoning standards (in terms of current lot width being ~90', which is less than the required 100' width) or lot size (current being 19,831 SF / .46 acres, which is less than the required 43,560 SF / 1 acre size requirement), the owner desires to replace the existing structure with a new, safe structure which is built to current code with the exception of the aforementioned IC and setback variances. Notwithstanding, over 80% of the lot has slope in excess of 35%. This renders the lot unbuildable without a variance. And any structure which could be built in the current footprint is not a reasonable use of the property as intended when the original plat and subsequent zoning were approved and applied to the site by the City.
- The remainder site slope is a mix of 0-35% slope. No impervious cover variances are being sought in 0-35% slope. Because the slope is so extreme and the house was constructed under zoning chapter 13-2 when slope category was not contemplated, and because Section 2 of Rivercrest Subdivision was platted in the 1960's under City zoning Chapter 44, it is completely reasonable to allow the site a replacement residence with typical single-family accessory uses such as pool, deck, garage, and so forth. The applicant requests the Board consider this application and approve it as a reasonable request necessary to redevelop the site.

HARDSHIP

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 via slope, safety concerns, and non-compliance to this degree.
- The site was platted under Rivercrest Section 2 in the mid 1960's. No slope category or site regulations existed in the manner in which they do today under The Land Development Code, specifically section 25-2-551 Lake Austin zoning category. This zoning change from "A" to "LA" by the city is a hardship in that the site was automatically undevelopable without a variance from certain regulations.
- The current residence was constructed in 1980 prior to adoption of LA zoning. It has not been occupied for more than five years. It has been deemed an unsafe and non-compliant structure. Please note the attached 3rd party inspection report stating as much.

HARDSHIP (CONT'D)

- Over 81% of the .45 acre site is in excess of 35% slope, which the code expressly prohibits construction on certain kinds. The current structure has a 0' setback within the 40' required setback. The new home proposes to reduce the non-compliance to a 10'5" front setback. The remainder of the front façade will maintain a compliant 20' front setback for the garage and 40' front setback for the primary façade of the house. The house cannot move further up the hill due to steepness of it and without compromising the environmental controls and safety of the site as a whole. Retaining walls and a pool are planned behind the house in order to stabilize the hill more so than it currently is.
- The remainder slope categories propose very minimal impervious coverage. The 0-15% slope proposes 4.21%. There is 0% proposed in 15-25% and less than 1% proposed in 25-35% slope category. The variance request is to allow 11.5% impervious cover in the 35%+ slope category. Overall, the site proposes 4,737 SF @ 23.89% IC when calculated on a gross lot area for the half acre site.
- This gross lot area calculation is how the impervious coverage was contemplated as part of the intended single-family development when the mid-1960's Rivercrest subdivision was approved by Travis county and / or city of Austin.

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 proposed replacement structure will reduce the degree of non-compliance which has existed for forty years. A substantial portion of the lots and residences on them within the Rivercrest neighborhood are non-compliant or have received variance approval to allow redevelopment of a substandard lot or non-compliant footprint and, as such, most neighbors can appreciate the unfortunate situation they all share with regard to non-compliance with the applicable zoning regulations. A vast number of neighbors support this request. Please see attached letters of support.
- A new, replacement residence will ensure a proper septic system, safe and updated building materials compliant with current International Residential Code (IRC), removal from the electrical easement, will stabilize the hill - which towers over the cul-de-sac with zero controls nearly 200' below, and ultimately contribute to reducing the neighborhood's high degree of zoning non-compliance by substantially reducing this site's degree of non-compliance in accordance with the applicable jurisdictional zoning and building code requirements.

ON-SITE SEWAGE FACILITY PERMIT G-1/PRESENTATION-33



City of Austin | Austin Water
P.O. Box 1088 Austin, TX 78767
www.austintexas.gov/ossf

PERMIT TO CONSTRUCT AN ON-SITE SEWAGE FACILITY

ISSUED DATE: December 29th, 2020

UNIQUE #: 880804

SITE ADDRESS: 3707 Rivercrest Dr. Austin, TX 78746

LEGAL DESCRIPTION: LOT 21A BLK D RESUB OF LT 66 BLK A & LT21 BLK D RIVERCREST ADDN SEC2

OWNER'S NAME: John Riley

LAKE PROPERTY (YES/NO): NO

WATER SOURCE: Austin Water

TYPE OF STRUCTURE: Single Family Residence

SIZE: 4 bedrooms / 3,103 sq. ft. / 300 gpd

FACILITY SPECIFICATIONS

1. One 1,500-gallon three compartments Buchanan pre-cast concrete septic tank with 1st compartment 600-gallon septic tank, 2nd compartment 400-gallon septic tank, 3rd compartment 500-gallon pump tank.
2. The 500-gallon single pump tank compartment is with Barnes EH5121 0.5HP 120V Effluent pump.
3. One low-pressure dosed field with Leaching Chamber with a total of 1,134 square feet of absorption area (total 81 Infiltrator Quick4 Equalizer 24 HD chamber sections with 324 L.F. LPD pipe).

INITIAL TWO-YEAR SERVICE POLICY REQUIRED (YES/NO): NO

DESIGNER: Peter Chang, P.E.

AUTHORIZATION IS HEREBY GIVEN TO CONSTRUCT AN ON-SITE SEWAGE FACILITY ON THE ABOVE DESCRIBED PROPERTY IN ACCORDANCE WITH THE ATTACHED DESIGNED PLAN WHICH IS APPROVED BY THE AUSTIN WATER ON THIS DATE WITH THE SPECIFICATIONS DESCRIBED ABOVE.

THIS PERMIT MUST BE POSTED ON THE SITE

SPECIAL REQUIREMENTS

1. Construct per designer's plan and the Austin Water's approval letter. If construction cannot proceed exactly as specified by approved plan and the Austin Water's approval letter, stop construction and have the designer submit a revised plan to the Austin Water for review and approval.
2. This property may be located within the habitat boundaries of an endangered species. Issuance of this permit to construct an on-site sewage facility does not assure compliance with the Endangered Species Act. For information, please call the Travis County Transportation and Natural Resources Department, (512) 854-9383.
3. The issuance of this Permit is not a verification that this tract of land has been subdivided in accordance with the laws and regulations governing subdivision of land. It is also not, therefore, a guarantee of future provision of other utility services to this tract of land.
4. Landscaping and vegetation of drainfield must be complete before a license to operate will be issued.
5. ALL INSTALLATION WORK IN THE STATE OF TEXAS MUST BE PERFORMED BY AN INSTALLER LICENSED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

NOTE: This on-site sewage facility must meet all of the requirements of the City of Austin Ordinance No. 20190131-002, including setback distances. If unforeseen and/or adverse conditions are encountered (including but not limited to excessive rock, seepage, or high water table), stop construction and contact the Austin Water. A revised construction permit may be issued. **THIS PERMIT TO CONSTRUCT SHALL EXPIRE ONE YEAR FROM THE ORIGINAL ISSUED DATE. DO NOT START THE OSSF CONSTRUCTION BEFORE OBTAINING BUILDING PERMIT APPROVAL (IF APPLICABLE). THE AUSTIN WATER SHALL NOT PERFORM ANY INSPECTION OF THE OSSF UNTIL BUILDING PERMIT APPROVAL HAS BEEN OBTAINED.**

APPROVED:  P.E., OS0031817

DATE: December 29, 2020



City of Austin | Austin Water
P.O. Box 1088 Austin, TX 78767
www.austintexas.gov/ossf

December 29, 2020

Mr. Peter Chang, P.E.
P.O. Box 160584
Austin, TX 78716

Re: Approval Letter
Private On-Site Sewage Facility for 3707 Rivercrest Dr. Austin, TX 78746
LOT 21A BLK D RESUB OF LT 66 BLK A & LT21 BLK D RIVERCREST ADDN SEC2

Dear Mr. Chang:

The Austin Water Utility has completed the review of your revised submittal for the proposed facility consisting of one 1,500-gallon three compartments Buchanan pre-cast concrete septic tank with 1st compartment 600-gallon septic tank, 2nd compartment 400-gallon septic tank, 3rd compartment 500-gallon pump tank; the 500-gallon single pump tank compartment is with Barnes EH5121 0.5HP 120V Effluent pump; one low-pressure dosed field with Leaching Chamber with a total of 1,134 square feet of absorption area (total 81 Infiltrator Quick4 Equalizer 24 HD chamber sections with 324 L.F. LPD pipe); and related appurtenances to serve a single family residence with a design flow of 300 gallons per day.

The attached plan is approved as submitted to allow construction of the OSSF with the following stipulations:

1. The Austin Water's approval of this plan will be automatically rescinded if any site grading cuts are constructed within twenty-five (25) feet of the proposed drain field sites.
2. If it is necessary to modify your proposed plan, the Austin Water will require a 30-day review period for the modified plan. All construction on this project will be required to stop until the Austin Water approves the modified plan.
3. This property may be located within the habitat boundaries of the Golden-Cheeked Warbler, an endangered species. The Austin Water's approval of your plan and the issuance of a Permit to Construct a private sewage facility do not assure compliance with the Endangered Species Act. For information, please call Travis County Transportation and Natural Resources Department, (512) 854-9383.
4. This Permit to Construct does not authorize the use of the single-family residence as a short-term rental property. Utilizing the single-family residence as a short-term rental property constitutes an alteration of the OSSF permit (30 TAC §285.2(C) & COA §15-5-3), which would require a new permit under 30 TAC §285.3(a) & COA §15-5-3.
5. All private water lines, including non-potable irrigation lines, must maintain a 10-foot separation to all OSSF components.

Mr. Peter Chang, P.E.
December 29, 2020
Page 2 of 2

Our approval of this plan is based upon the data and information submitted with it. The Austin Water reserves the right to revoke this approval if conditions are encountered during construction, which are not reflected by the plan and may affect the proper operation of the proposed system.

The issuance of this Approval Letter is not a verification that this tract of land has been subdivided in accordance with the laws and regulations governing subdivision of land. It is also not, therefore, a guarantee of future provision of other utility services to this tract of land.

The Permit to Construct for this project is enclosed with this letter, and must be posted on the job site before any work is done. The Austin Water expects you to make the contractor of this project aware of all of the above approval stipulations prior to the start of construction. The Permit to Construct shall expire one year from the issued date. Do not start the OSSF construction before obtaining building permit approval (if applicable). The Austin Water shall not perform any inspection if building permit approval has not been obtained at that time.

Regular inspections of these facilities by the Austin Water's personnel during construction in accordance with the inspection schedule enclosed with this letter are required. In addition, the Austin Water must receive a written certification from you, upon completion of this project, that this system was installed in accordance with this plan. This certification must be based upon your independent inspections of this system during construction. The Austin Water also must receive a copy of the as-built plan, which has the same format as the approved plan for permit to construct, upon completion of this project. The final inspection will not be performed until we receive your certification, the as-built plan, and the completion of all inspections listed on the enclosed inspection schedule. A License to Operate will be issued after the passing of the final inspection.

I will look forward to receiving your letter of certification upon completion of this project. If I can provide any additional information, please contact me at 512-972-0119.

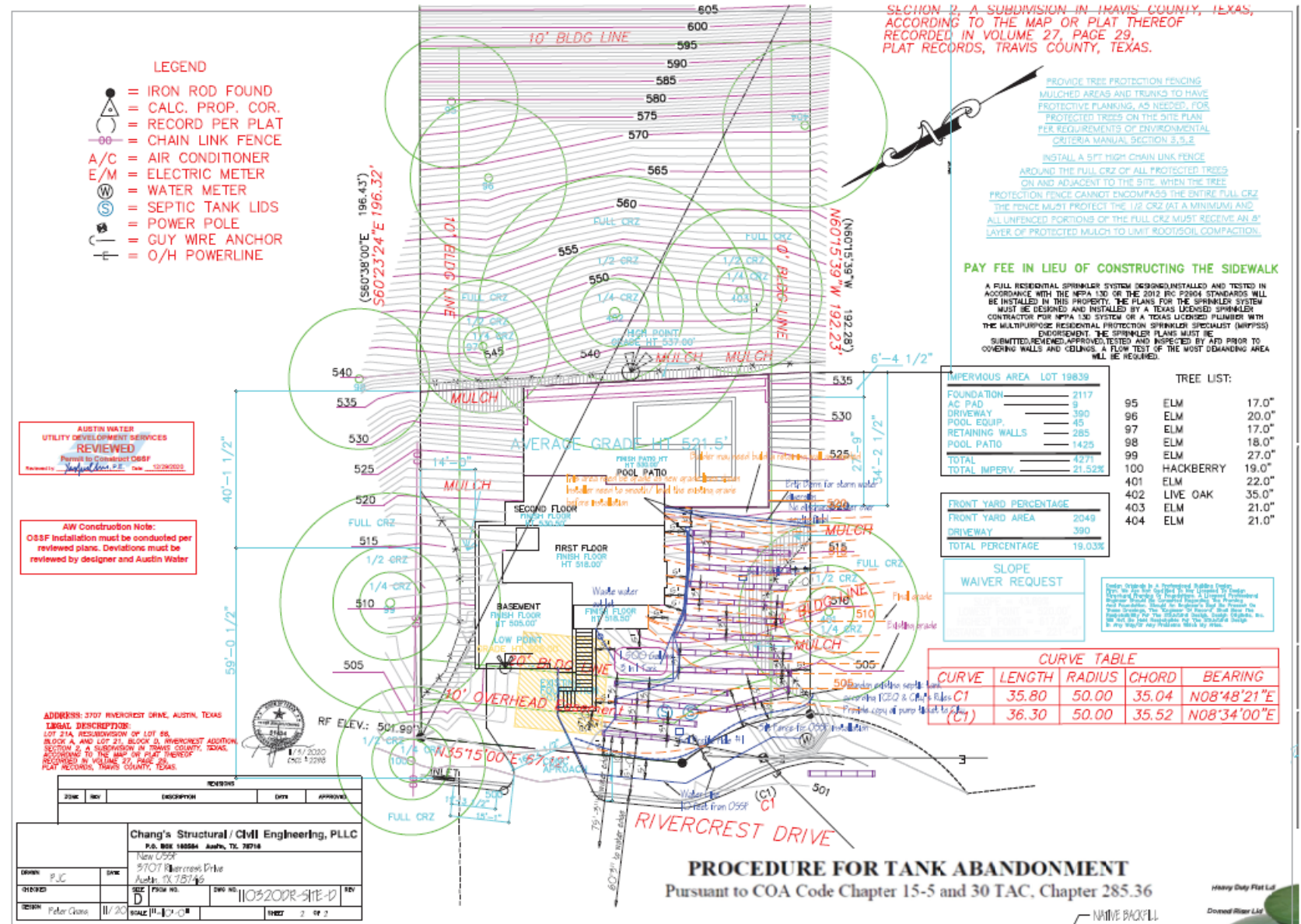
Sincerely,



Yanjun Chu, P.E., OS0031817
Utility Development Services Division
Austin Water

Attachment: Approved plans.

APPROVED ON-SITE SEWAGE PLAN



THANK YOU