

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-3

DATE: Monday June 14, 2021

CASE NUMBER: C15-2021-0027

Y Thomas Ates
 Y Brooke Bailey
 Y Jessica Cohen
 Y Melissa Hawthorne
 N Don Leighton-Burwell
 Y Rahm McDaniel
 Y Darryl Pruet
 Y Agustina Rodriguez
 - Michael Von Ohlen
 Y Nicholl Wade
 - Vacant
 - Kelly Blume (Alternate)
 Y Carrie Waller (Alternate)
 - Vacant (Alternate)

OWNER/APPLICANT: Charles Shapiro

ADDRESS: 12905 VERONESE DR

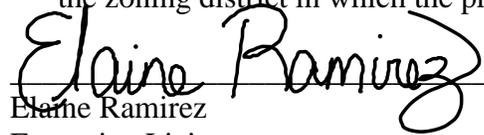
VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an "SF-2", Single-Family Residence zoning district.

BOARD'S DECISION: BOA meeting April 12, 2021 cancelled; May 10, 2021; POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; JUNE 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay); POSTPONED TO JULY 12, 2021. July 12, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay); POSTPONED TO JULY 12, 2021.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
 - (b) The hardship is not general to the area in which the property is located because:

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:


Elaine Ramirez
Executive Liaison

Diana Ramirez for
Jessica Cohen
Chairman

Ramirez, Elaine

From: Charles Shapiro [REDACTED]
Sent: Thursday, June 17, 2021 8:47 AM
To: Ramirez, Elaine
Subject: Requesting BOA postponement for C15-2021-0027

*** External Email - Exercise Caution ***

Hi Elaine,
My family had a long planned trip for Rocky Mountain National Forest, which conflicts with the July 12th meeting.

Wifi/cell service is questionable in that region.

Based on this, can I request a postponement to the following month?

Thanks much,
Charles

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-1**

DATE: Monday May 10, 2021

CASE NUMBER: C15-2021-0027

- Thomas Ates
- Y Brooke Bailey
- Y Jessica Cohen
- Y Melissa Hawthorne
- Y Don Leighton-Burwell
- Y Rahm McDaniel
- Y Darryl Pruet
- Agustina Rodriguez
- Y Michael Von Ohlen
- Y Nicholl Wade
- Vacant
- Kelly Blume (Alternate)
- Carrie Waller (Alternate)
- Vacant (Alternate)

OWNER/APPLICANT: Charles Shapiro

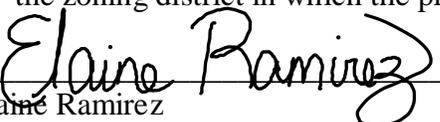
ADDRESS: 12905 VERONESE DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an "SF-2", Single-Family Residence zoning district.

BOARD'S DECISION: BOA meeting **APRIL 12, 2021 cancelled due to technical problems with notification database; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
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:


 Elaine Ramirez
 Executive Liaison

 Diana Ramirez for
 Don Leighton-Burwell
 Chairman

BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2021-0027**BOA DATE:** April 12th, 2021**ADDRESS:** 12905 Veronese Dr**COUNCIL DISTRICT:** 8**OWNER:** Charles Shapiro**AGENT:** N/A**ZONING:** I-SF-2**LEGAL DESCRIPTION:** AVANA PH TWO SEC TWO, BLOCK E, Lot 14, ACRES 0.2292**VARIANCE REQUEST:** increase impervious cover requirements from 45% to 50%**SUMMARY:** erect a swimming pool**ISSUES:** slope of backyard

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

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin

Circle C Homeowners Assn.

Circle C Neighborhood Assn.

Friends of Austin Neighborhoods

Neighborhood Empowerment Foundation

Save Our Springs Alliance

Sierra Club, Austin Regional Group



March 30, 2021

Charles Shapiro
12905 Veronese Dr
Austin TX, 78652

Property Description:

Re: C15-2021-0027

Dear Charles,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following sections of the Land Development Code;

Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an "SF-2", Single-Family Residence zoning district.

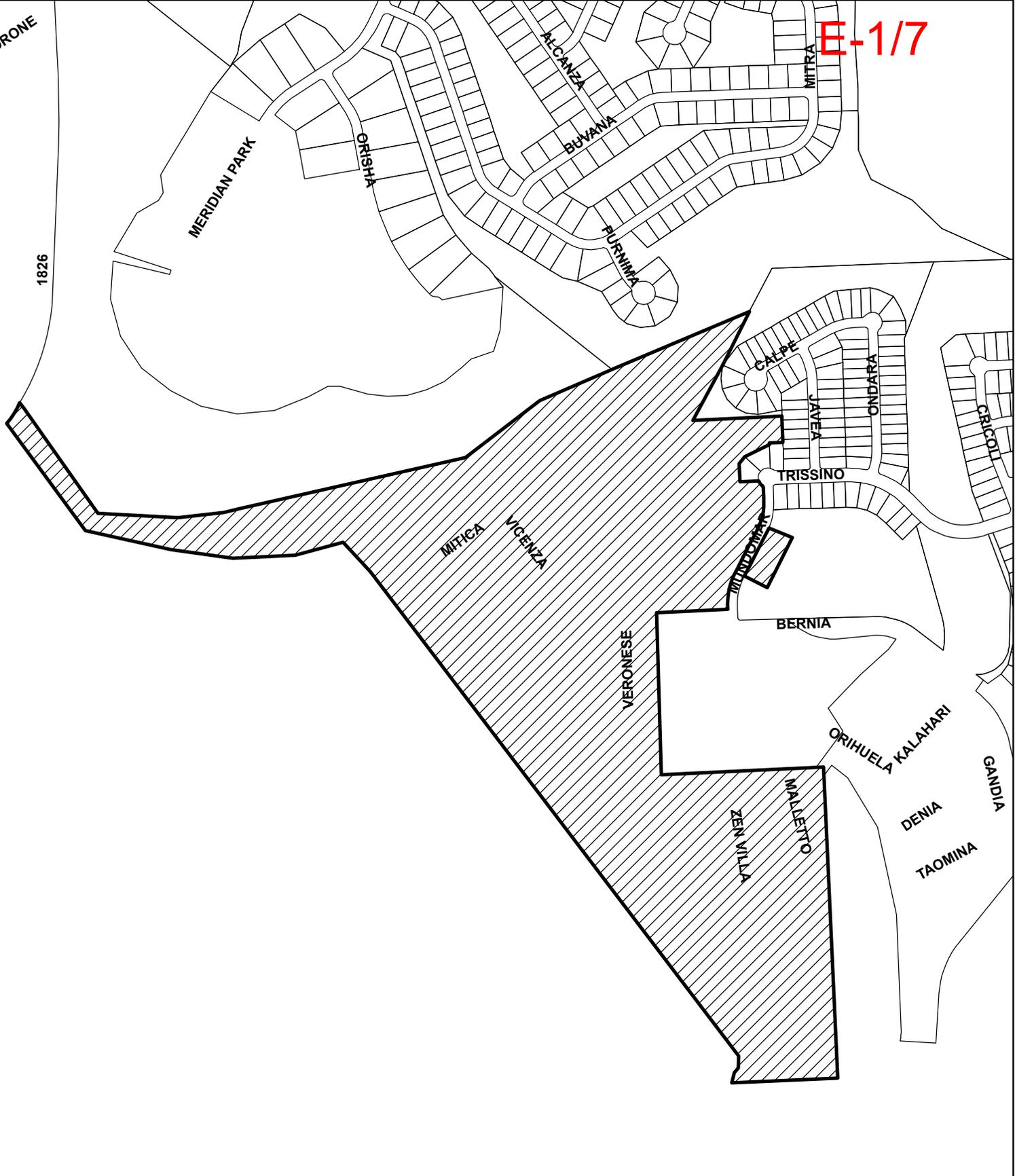
Austin Energy does not have any comments for the above variance request. The address above is outside our service boundary and is served by Pedernales Electric Cooperative. I would encourage contacting your provider, to ensure that your proposed pool will meet the required electric clearances from your existing service.

Thank you,

Eben Kellogg, Property Agent
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

MADRONE

E-1/7



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0027
 LOCATION: 12905 VERONESE DRIVE



1" = 667'

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: 12905 Veronese Dr, Austin TX, 78739

Subdivision Legal Description:

AVANA PH TWO SEC TWO, BLOCK E, Lot 14, ACRES 0.2292

Lot(s): 14 Block(s): E

Outlot: 2 Division: Phase 2, Avana

Zoning District: I-SF-2

I/We Charles Shapiro on behalf of myself/ourselves as authorized agent for Charles & Jennifer Shapiro affirm that on Month February, Day 8, Year 2021, 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: Pool w/ surrounding wood decking and limestone terracing

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

I am requesting a variance from the Land Development Code section 25-2-492 Site Development Regulations for a I-SF-2 residential property for a Maximum Impervious Cover increase from 45% (required) to 50% (requested) for 2 years.

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 majority of the backyard and side yard is on a steep 18% slope, presenting a safety hazard in traversal (especially on the rock sections done by the builder) and limiting any type of general play/usage in the space.

Hardship

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

18% backyard and side yard slopes

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

Using required steps to first-floor as a proxy for measuring slope, there are no other properties in the entire neighborhood that have a 21 stair ascent going up 12 feet. Again, using steps as a proxy for measuring rough slope, the closest properties are approximately half (11-12 steps) and even then, these properties are fairly rare in the neighborhood.

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:

Terracing with white limestone retaining walls and pools with decking are common in the neighborhood. This is also how the builder completed the front yard of the property. The downslope neighbor benefits with less water runoff (improved capture from terracing) and increased privacy (since the current slope allows unobstructed views to their property).

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:  Date: 02/08/2021

Applicant Name (typed or printed): Charles Shapiro

Applicant Mailing Address: 12905 Veronese Dr

City: Austin State: TX Zip: 78739

Phone (will be public information): (210) 865-7721

Email (optional – will be public information): 

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: 02/08/2021

Owner Name (typed or printed): Charles Shapiro

Owner Mailing Address: 12905 Veronese Dr

City: Austin State: TX Zip: 78739

Phone (will be public information): (210) 865-7721

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

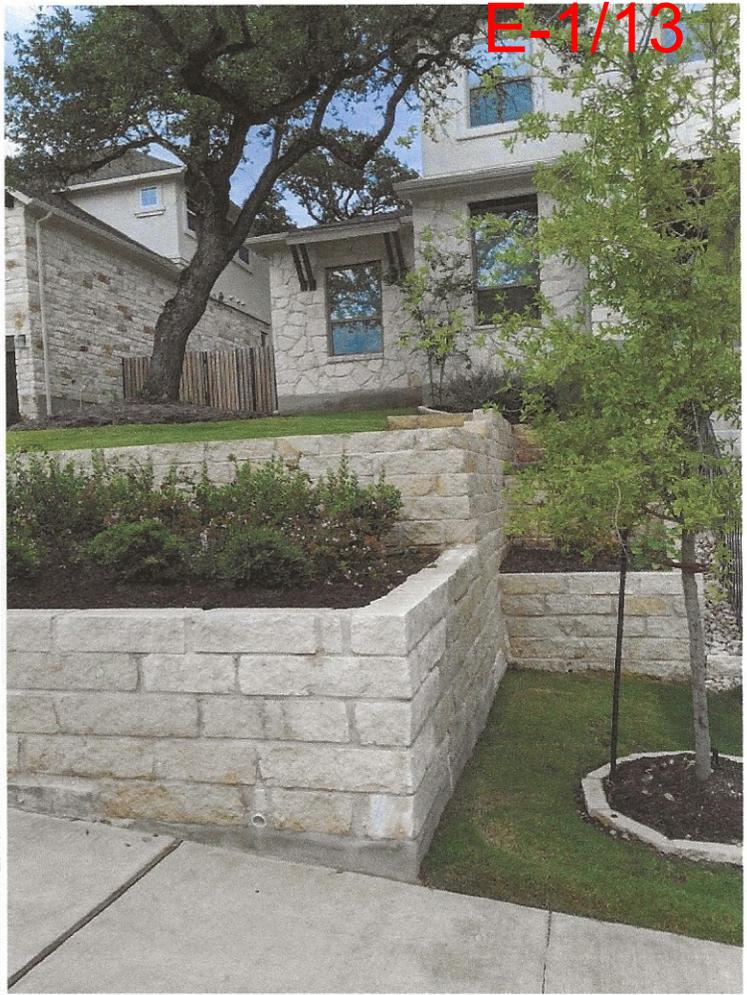
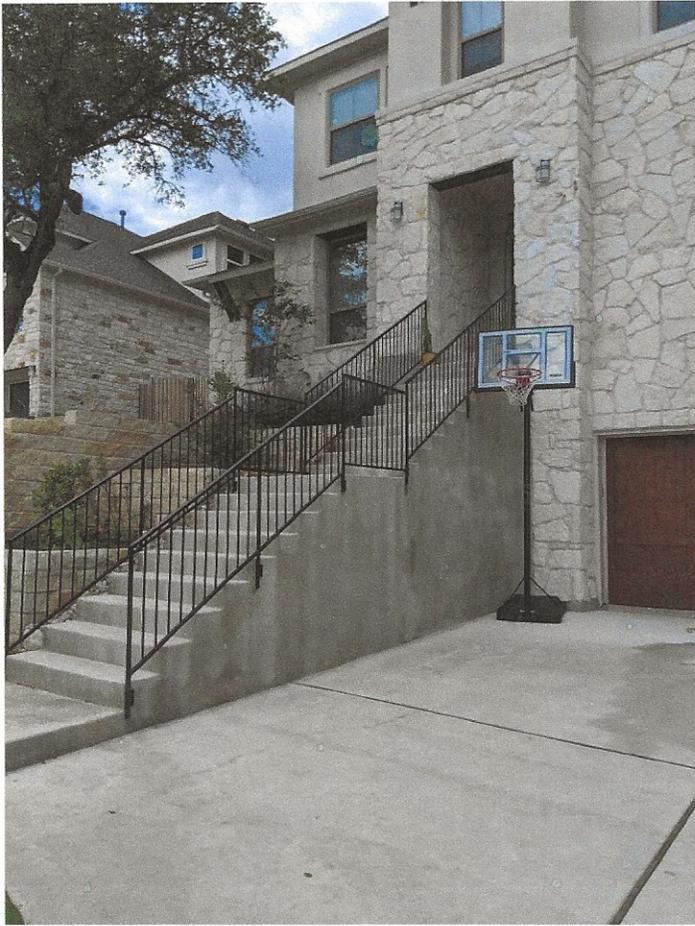
City: _____ State: _____ Zip: _____

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).



Left - 12' (21 steps) from bottom of garage floor to house level grade (10' basketball for scale).
Closest house we can find with the same elevation change in the neighborhood is 12 steps, so roughly half and there are only 2 of those houses in the entire neighborhood.

Right - Example of terracing with limestone retaining walls (plans will match this general style).



Backyard slope from back porch down (no terracing, so straight downhill with strong runoff during any rain).



Backyard slope from fence line.

FND CAPPED
1/2" I.R.

FND CAPPED
1/2" I.R.

85.81'

120.00'

120.00'

LOT 14

10' B.L.

SPA

POOL

Deck with
terracing added
underneath

PLANTER
BED

high
LOWER
PLANTER BED (3')

6.0'

88'18'08" E

89'18'25" W

LOT 15

LOT 13

TWO STORY
STONE, STUCCO
& FRAME
#12905

A=16.51'

COV'D
CONC.

31.7'

50.0'

11.8'

12.6'
10.0'

37.4'

PATH

5' B.L.

5.9'

N

COV'D
CONC.

CONC.
WALK
W/STEPS

STONE
RET.
WALLS

CONC.
DRIVE

Limestone
retaining wall

Replace
rocks with sod
on flattened slope

25' B.L.

10' P.U.E.

70.00'

SET CAPPED
1/2" I.R. WLSA

FND CAPPED
1/2" I.R.

CURB &
GUTTER

67.24'

SET CUT "X" C1

Improve
water
capture

LOWER PLANTER BED
FLATTENED

PLANTER BED
FLATTENED
WITH DENSE BUSH/SHRUBS

CRUSHED
GRANITE
PATH
TO
GATE

BACK FENCE

450 COPING TO OFFSET
IMPERVIOUS COVER

101

POOL

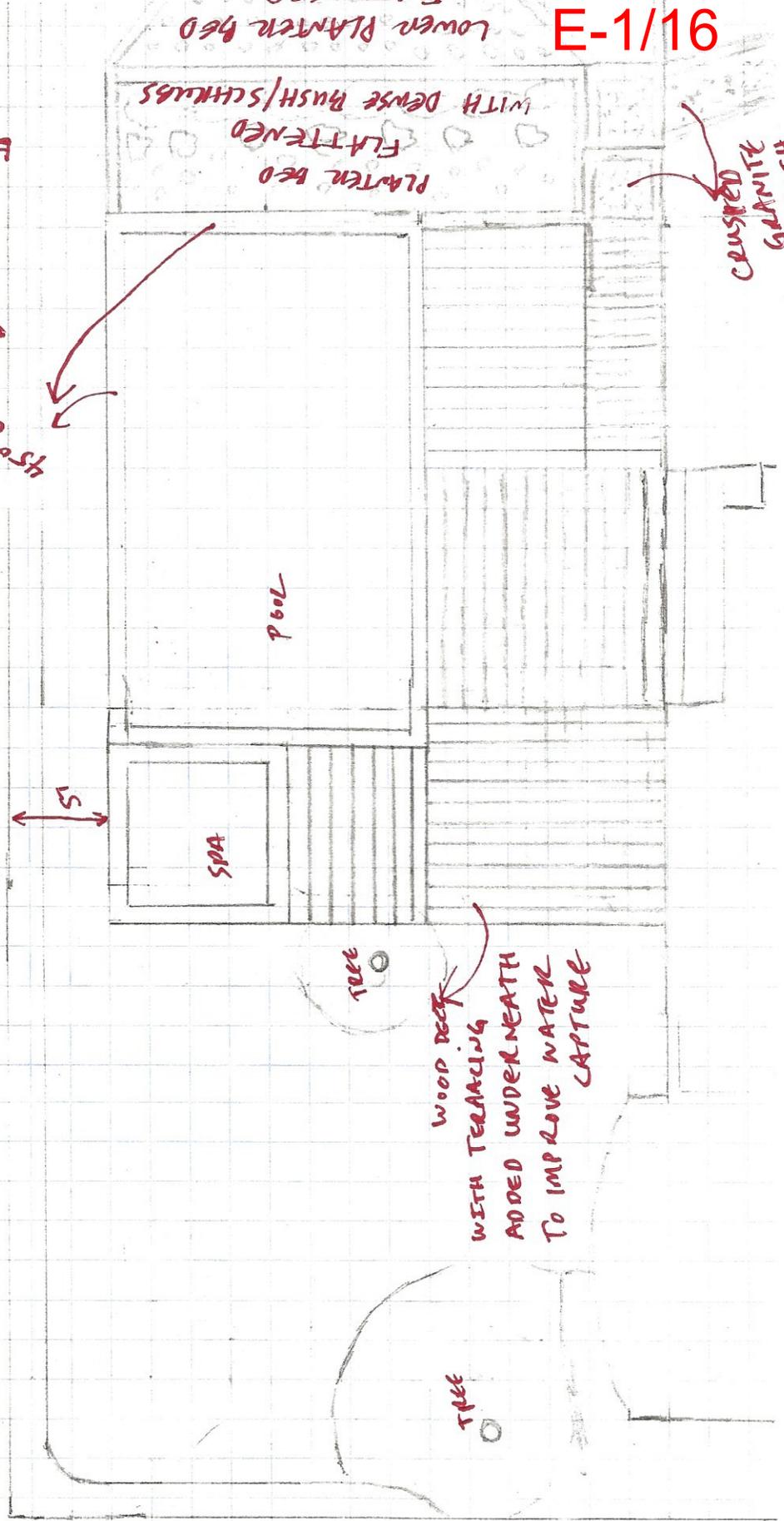
SPA

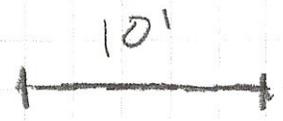
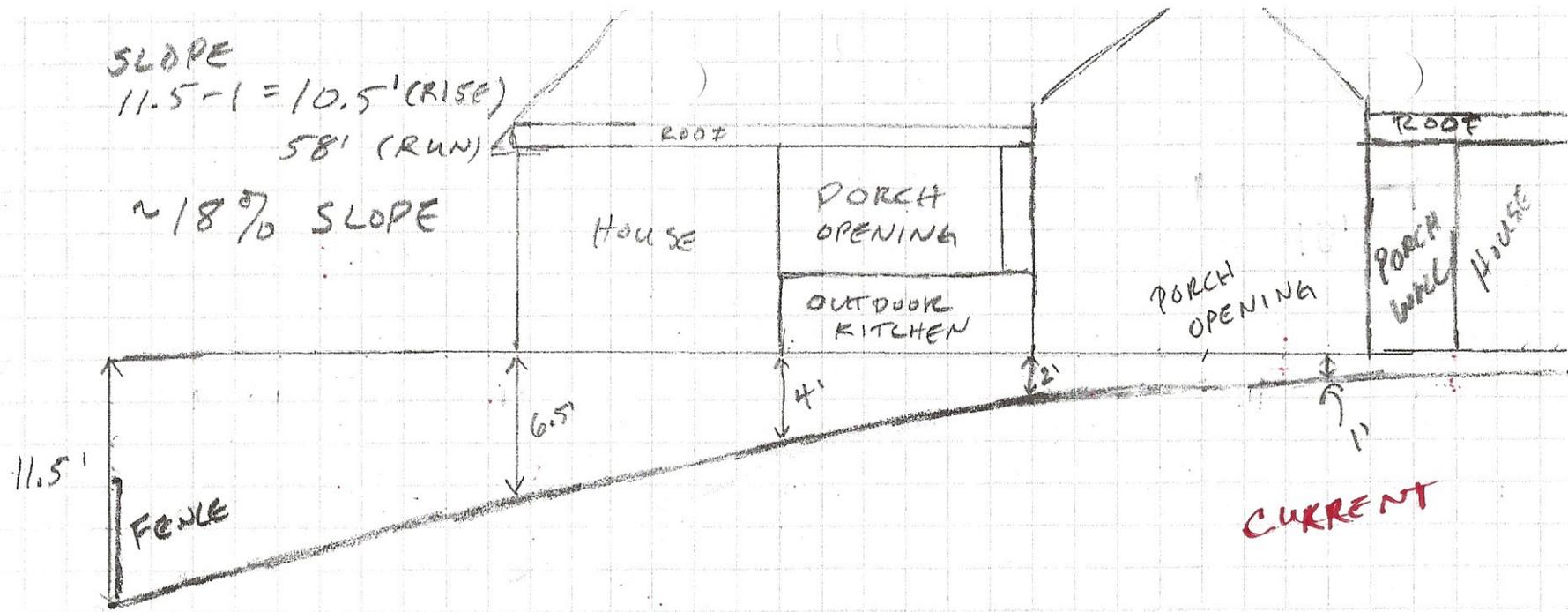
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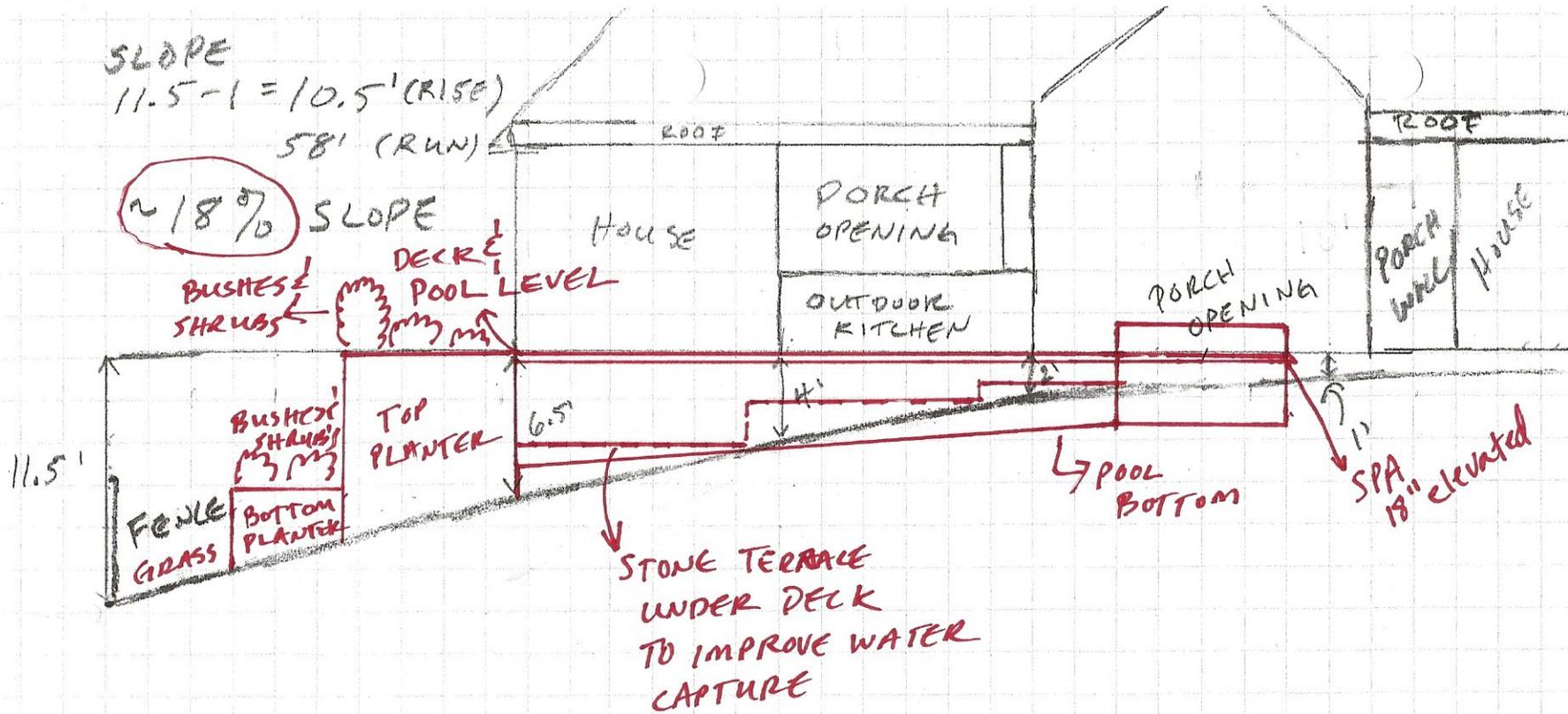
WOOD DECK
WITH TERRACING
ADDED UNDERNEATH
TO IMPROVE WATER
CAPTURE

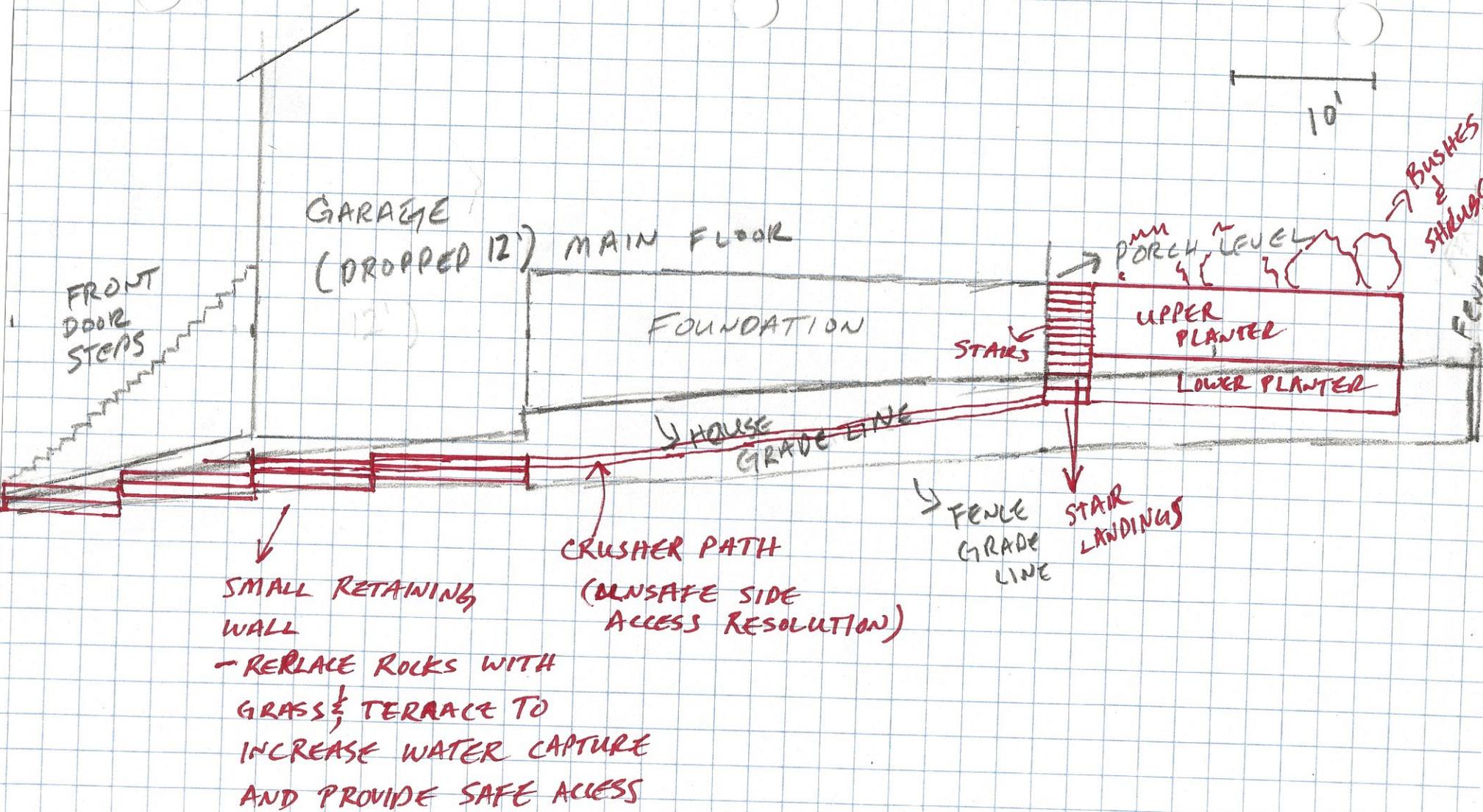
TREE

TREE









SMALL RETAINING WALL
- REPLACE ROCKS WITH GRASS & TERRACE TO INCREASE WATER CAPTURE AND PROVIDE SAFE ACCESS

CRUSHER PATH
(OLNSAFE SIDE ACCESS RESOLUTION)

PENCIL = CURRENT
RED = CHANGES

$\frac{1}{4}'' = \sim 11.33'$

→ 12905 Veronese Dr.



- upper bed 5.5' high
- lower bed 3' high
- 5' from lower bed to fence

filled with dense shrubs for better neighbor privacy
 - current slope provides no privacy for neighbor



I, Charles Shapiro, am applying for a variance from the Board of Adjustment regarding Section 25-8-63 of the Land Development Code. The variance would allow me the ability to build a pool with surrounding deck and terrace backyard with limestone retaining walls.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name <small>(Printed)</small>	Address	Signature
Peter ACEGL & Jessica Klein	12901 VERONESE DR. 78739 AUSTIN, TX	
MAHESH SUBRAMONY AND MEGHANA MALUR	12909 VERONESE DR. 78739 AUSTIN TX	