F-2/1-PRESENTATION

PERMIT PARTNERS, LLC 300 E. Highland Mall Blvd Ste. 207 Austin, Texas 78752 David C. Cancialosi

September 1, 2021

City of Austin
301 W. 2nd St.
Austin, Texas 78701
City of Austin Board of Adjustment

RE: Variance request for site at 3401 Rivercrest Dr. to amend impervious cover – Amended cover letter for October meeting

Dear Board of Adjustment Commissioners,

Per your request please find a bullet point list containing reasonable use, hardship, adverse impact and other related information.

- The site is ~37,000 lot built atop a hill as part of the platted Rivercrest Section 2 subdivision approved in mid-1960's. It is comprised of two lots which combined and individually do not meet LA lot size requirements.
- The individual platted lots were legally compliant with "A" zoning in mid-1960's; however, are sub-standard to LA zoning requirements: Individual nor combined, they do not have minimum 1 ac in size and doe not have 100' along a public right-of-way as required by LA zoning performance standards.
- The site was originally zoned "A" when COA asserted control over this area. In 1984, COA changed zoning to LA, which changed "A" zoned, legally compliant lots along the lake to a legal non-compliant lot (re: size) and associated structures (re: IC).
- Owner wishes to exercise reasonable use as intended by both the original plat and zoning change approval asserted by local jurisdictions to allow single-family house and associated accessory improvements.
- Current home is in need of repair and updating. Main concern is structural integrity of retaining walls surrounding hillside. Please see attached drainage letter per your request at August hearing. Rerouting the retaining walls and placement of new walls is necessary.
- This request is to amend impervious coverage calculations to 1) meet the actual LA code requirements and 2) correct erroneous permit issuance and inspection passage occurring in 2006.
- When COA forced LA zoning on this property it made site immediately non-compliant with respect, mostly, to impervious coverage. It was unbuildable by any reasonable standards. The subsequent 2006 permit approval exacerbated this issue.
- In 2006 COA approved extensive plans for new construction via permit #2006-002550, albeit erroneously. This approval was issued accordingly to SF-2 zoning standards. SF-2 zoning allows one to count the gross lot area of the entire ~37,000 SF lot (which approved 16% IC of gross lot area coverage per said application); however, LA zoning requires one to delineate calculations on a per slope basis with no allowance for averaging or "total" sum of all slopes. It's simply "per slope".
- The slope regulations were in place in 2006 for 22 years, yet were not applied despite the entire neighborhood being subject to LA zoning. This was and is not an unsubstantial error.
- One item of major note is that under LA zoning, this site loses almost 60% of it's area to non-buildable area, ie, the 35%+ slope area. This leaves about 15,000 SF to divide among different slopes allowing little IC in each of those categories.
- The request to reduce the degree of non-compliance is as follows:
 - o Reduce from 53% IC in the 0-15% slope to 48% IC
 - o Reduce 54.25% IC in the 15-25% slope to 49% IC
 - o Amend from 4.41% IC in the 25-35% slope to 18% IC (driven by retaining walls)
 - Amend .83% IC in 35% slope to 3%.
 - These changes reflect reduction from 21.51% to 20.89% IC on gross lot calculations, or 8,084 SF to 7,883 SF. Although small, these numbers are in right direction and reflect owner's efforts to reduce non-compliance to best of ability. Moving forward, this site's IC will be correctly accounted for.

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- Roughly 1,500 SF driveway bifurcates the lot adding significant IC which cannot be removed. This easement serves rear lot access to multiple houses along Rivercrest Dr. The parking area is across the easement.
- The variance will rectify the city errors and creation of non-compliance status to the property.
- The finished product will be in architectural keeping with residences found through the Rivercrest neighborhood.
- The site is not general to the area in it's shape, size, errors by others, and matters beyond owner's control. Rivercrest neighborhood is full of non-compliance issues due to application of LA zoning regulations to said lots. The Board has approved many variances needing variances for various issues in the neighborhood.
- The site is very specific in that it's essentially a steep hill with a flat top area to be used for a relatively small building pad (compared to total lot size), yet remains constrained by LA zoning to an excessively small footprint in each of the allowable LA slope categories.
- There are no known properties with these specific mix of issues in this area.
- The overall goal is to rectify past errors while reducing the degree of non-compliance to the extent possible.
- The owner has engaged many design professionals to further that endeavor.
- The request before you is reasonable and in keeping with the hardship requirements.

We respectfully request the Board hear these requests in good faith and approve the requested variance as originally requested at the August 2021 hearing.

Sincerely,

David C. Cancialosi, agent for owner

F-2/3-PRESENTATION

From the office of:

PERMIT PARTNERS, LLC 300 E. Highland Mall Blvd, Ste. 207 Austin, Texas 78752 David C. Cancialosi 512.593.5368

April 1, 2020

City of Austin c/o Elaine Ramirez Board of Adjustment One Texas Center 505 Barton Springs Austin, Texas 78704

RE: Variance request to maintain and reduce impervious cover at 3401 Rivercrest Dr.

Dear Board of Adjustment Commissioners,

My client is seeking a variance to maintain a single-family residence built in 2006 era. The residence is located in the Rivercrest subdivision located along the banks of Lake Austin. The neighborhood was platted in the mid 1960's and a majority of the lots are non-compliant with respect to Lake Austin zoning as a result of the development occurring prior to the City's blanket application of LA zoning to the neighborhood in the mid 1980's.

The house in question is not along the main body of the lake and has zero water frontage. It is on a steep hill with the flat area atop it supporting the existing house and associated improvements. The house spans two lots – lots 4 & 5 Rivercrest Addition Section 2. The combined acreage of lots 4 and 5 is 37,400 SF. Despite both lots being used as one single-family development they remain substandard to LA zoning requirement of 1 acre minimum Each lot 4 and lot 5 being of substandard size independently, the combined lot size is 37,400 SF, yet 21,490, or 57%, of the lot contains slope in excess of 35%.

Regardless the city issued permit #2006-002550 for new construction of a two story house and covered wood decks with associated improvements. That permit issuance was completely erroneous and started a slew of problems passed from one owner to the next as the house continually required maintenance. The city approved a gross area calculation of 16.2% IC vs. the required *per slope* IC calculations which had been the required method of calculation since 1984 and remain as such to this day.

The city compounded its error by again issuing permit approval for an accessory structure in 2007. That approved pool application confirmed 16,000+ SF IC was allowed on-site. Both applications note a 1,300 SF driveway that crosses the lot. The driveway takes access from Rivercrest Dr. and serves a number of houses on located beyond this house and on the same side of the street. Most of these houses only access is from the rear of their homes via this driveway. Some do have front parking along Rivercrest Dr. but not all. The driveway cannot be removed as it is an access easement utilized by multiple parties. Yet, it counts as impervious coverage against this property.

In sum, the multiple retaining walls found throughout the hillside are in need of repair; the driveway easement cannot be removed; the site is substantially encumbered by excessive 35% slopes; and prior issuance of city permits clearly exacerbates the existing impervious coverage numbers. From a gross area IC calculation perspective, the owner proposes less than ½ the impervious coverage than what the city stated was allowed in the 2006 and 2007 permit approvals. The request before you is to reduce the degree of non-compliance while bring significant structural components of the site into compliance so as to avoid a hillside failure or similar damage to the house or those around it. This will be done via light redevelopment of the existing house and parking area into a garage, pool remodel, new hardscape, and other accessory improvements

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Reasonable Use

A single-family residential use with associated accessory uses on a LA zoned lot is reasonable and in keeping with the stated allowances in the land development code. This use was contemplated when the original Rivercrest Section 2 plat was approved.

Hardship

The house was built in 2006 via City-approved permits. Those permits were issued erroneously in terms of the how the impervious cover was calculated. The impervious cover was not calculated in accordance with LDC 25-2-551, *Lake Austin* zoning performance standards. They were, however, calculated using gross lot area and not per slope, i.e., 0-15%, 15-25%, 25-35%, 35%+ slope categories which allow a relative amount of impervious in each slope category. Now, to perform any work on the site my client bears the burden of mistakes not created by her. The remedies are too great to perform without assistance from the BOA and the variances are necessary to utilize the property as originally intended then permitted for by the City.

The current request proposes to reduce the impervious cover from 53% in the 0-15% slope to 48%, from 54.25% in the 15-25% slope to 49%, from 4.41% in the 25-35% slope to 18%, and from .83% in the 35%+ slope to 3%. This change in IC is from 21.51% to a proposed 20.89% impervious coverage, or 8,084 SF IC to 7,883 SF IC when calculated on a gross lot area basis.

The driveway easement is definitive hardship that requires 1,500+ SF of IC. This is out of my client's control.

The septic placement is requiring a significant amount of retaining walls stretching from the build site down to the street due to the topography of the site. This also exacerbates the impervious cover for the steep topography on the lot.

The 37,000+ SF (combined) lot has 57% of unbuildable space. The only flat part is the existing foundation and parking areas. This area is supported by retaining walls, which are failing and need to be replaced and relocated. When the 2006 and 2007 permits were incorrectly issued by the city then said permits were finaled by the field inspectors, the issues we are addressing via this request before you were permanently created for the site.

Permits issued in error, non-compliant building sites, substandard lot size, taxed but unbuildable land, and eroding building integrity of existing on-site structures cumulatively contribute to a handful of substantive, legitimate hardships. The owner requests the Board's assistance by way of granting the requested variances so the site may be properly restored to one of beauty but structural integrity and safety typically found throughout the Rivercrest neighborhood.

Not General to the Area

There are no known lots in the area with this specific issue.

Area of Character

The proposed remodel will be in keeping with the surrounding homes along Rivercrest Dr. No adverse impacts will be imposed on surrounding properties. The overall impervious coverage is being reduced while the structural integrity and infrastructure of the site is being vastly improved.

Please find the remainder of the application packet and findings attached.

Sincerely,

David C. Cancialosi, Agent for Owner

3401 RIVERCREST DRIVE

Case #C15-2021-0062



VARIANCE REQUEST – 3401 RIVERCREST

Portion of the City of Austin Land Development Code applicant is seeking a variance from: -LDC 25-2-551

Propose to amend the impervious cover:

- from 53% in the 0-15% slope to 48%,
- from 54.25% in the 15-25% slope to 49%
- from 4.41% in the 25-35% slope to 18%, and
- from .83% in the35%+ slope to 3%.

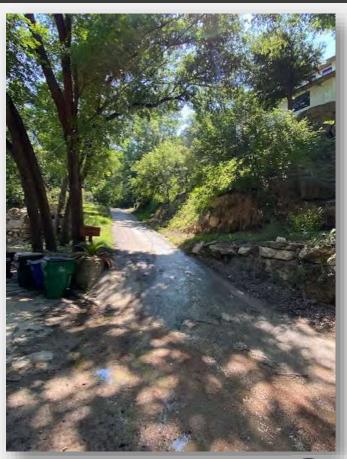
This change in IC is from 21.51% to a proposed 20.89% impervious coverage, or 8,084 SF IC to 7,883 SF IC when calculated on a gross lot area basis.



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3401 RIVERCREST - PRIVATE DRIVEWAY ENTRANCE







F-2/8-PRESENTATION

3401 RIVERCREST - PRIVATE DRIVEWAY ENTRANCE





F-2/9-PRESENTATION

3401 RIVERCREST - DRIVEWAY ENTRANCE / PARKING







F-2/10-PRESENTATION

3401 RIVERCREST - PRIVATE DRIVEWAY AREA / ENTRANCE







F-2/11-PRESENTATION

3401 RIVERCREST - DRIVEWAY / FRONT YARD VIEW







F-2/12-PRESENTATION

3401 RIVERCREST - FRONT YARD VIEW





F-2/13-PRESENTATION

3401 RIVERCREST – ENTRANCE VIEW FROM PARKING AREA

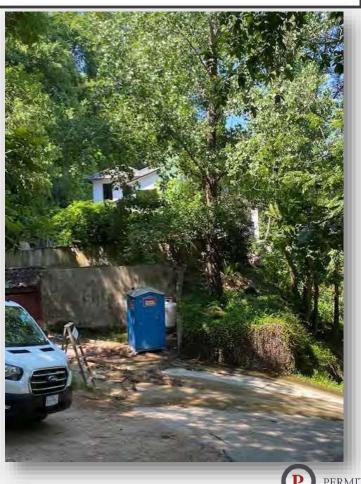




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3401 RIVERCREST - PARKING AREA / RETAINING WALL





F-2/15-PRESENTATION

3401 RIVERCREST - FAILING RETAINING WALL DETAIL







F-2/16-PRESENTATION

3401 RIVERCREST - FAILING RETAINING WALL DETAIL







F-2/17-PRESENTATION

3401 RIVERCREST – RETAINING WALL







F-2/18-PRESENTATION

3401 RIVERCREST - RETAINING WALL







F-2/19-PRESENTATION

3401 RIVERCREST – RETAINING WALL SIDE VIEW







F-2/20-PRESENTATION

3401 RIVERCREST - RETANING WALL SIDE VIEW







F-2/21-PRESENTATION

3401 RIVERCREST - RETAINING WALL AERIAL VIEW







F-2/22-PRESENTATION

3401 RIVERCREST - CONSTRUCTION PATH / PARKING AREA VIEW





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F-2/23-PRESENTATION

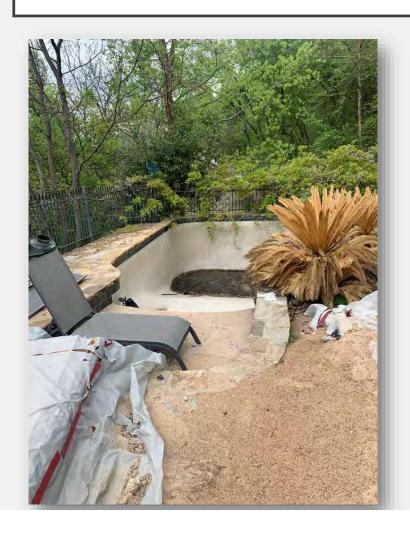
3401 RIVERCREST - BACKYARD / ELEVATED SLOPE





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3401 RIVERCREST - EXISTING POOL



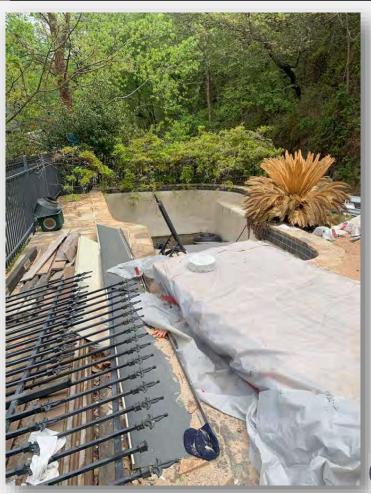




F-2/25-PRESENTATION

3401 RIVERCREST - EXISTING POOL

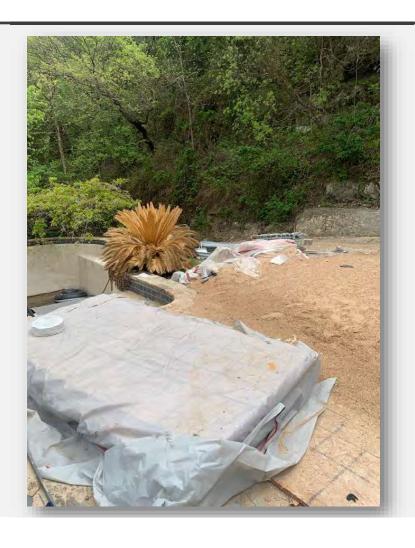


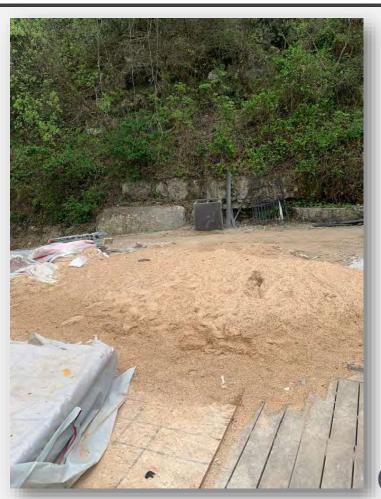




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3401 RIVERCREST - PROPOSED SIDE YARD AREA







F-2/27-PRESENTATION

3401 RIVERCREST - PROPOSED SIDE YARD / NEW SF VIEW







F-2/28-PRESENTATION

3401 RIVERCREST - SIDE YARD AREA / RAILING







F-2/29-PRESENTATION

3401 RIVERCREST - REAR VIEW / GABION RETAINING WALL







F-2/30-PRESENTATION

3401 RIVERCREST - REAR VIEWING DECK

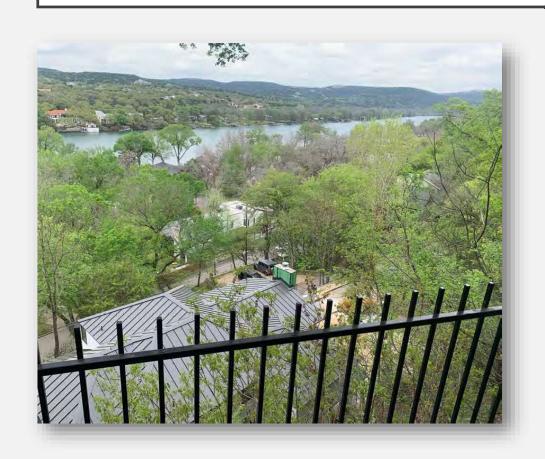


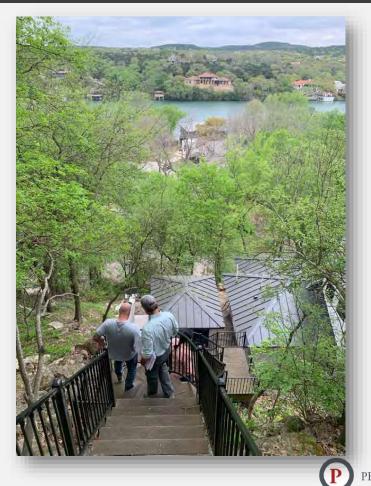




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3401 RIVERCREST – STAIRS TO VIEWING DECK





F-2/32-PRESENTATION

3401 RIVERCREST - FRONT YARD VIEW



F-2/33-PRESENTATION

3401 RIVERCREST - FRONT YARD VIEW





F-2/34-PRESENTATION

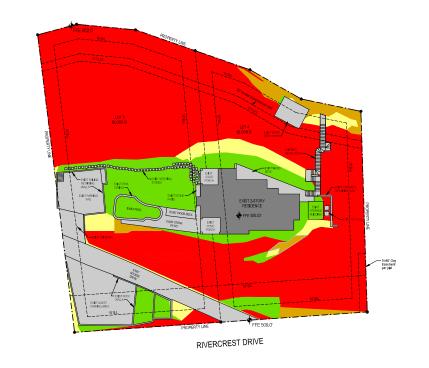
THANK YOU



EXISTING IMPERVIOUS COVERAGE CALCS Notice to construct the construction of the co 2,408 sq t 127 sq t 34 sq t 175 sq t 175 sq t 149 sq t 142 sq t 346 sq t 54 sq t 101 sq t 88 sq t 1,558 sq t 1,558 sq t 1,528 sq t 1,528 sq t 1,528 sq t 1,528 sq t

EXISTING IMPERVIOUS COVERAGE CALCULATIONS PER ZONE						
IMPERVIOUS COVER ZONES BASED ON SLOPE MAP	SYMBOL	LOT SQUARE FOOTAGE PER ZONE	ALLOWABLE PERCENTAGE PER ZONE	MAX ALLOWABLE SQUARE FOOTAGE PER ZONE	EXISTING SQUARE FOOTAGE PER ZONE	EXISTING PERCENTAGE PER ZONE
00% - 15%		10,348 sq ft	35%	3,622 sq ft	5,537 sq ft	53,51%
>15% - 25%		4,209 sq ft	10%	421 sq ft	2,285 sq ft	54.28%
>25% - 35%		1,451 sq ft	05%	73 sq ft	64 sq ft	4.41%
>35%		21,490 sq ft	00%	0 sq ft	178 sq ft	0.83%
TOTALS		37,498 sq ft		4,116 sq ft	8,064 sq ft	21.51%

Total Lot Area	37,498 sf (100%)
Non-Buildable Area	33,382 sf (89% of property)
Allowed Buildable Area (impervious coverage)	4116 sf (11% of property)



EXISTING SLOPE MAP PLAN	

NEW IMPERVIOUS COVERAGE	E CALCS
AREA DESCRIPTION	EXISTING AREA
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Total Impervious Cover	7,833 sq ft

	NEW IMPERVIOUS	COVERA	GE CALCULATION	IS PER ZONE			
REA	IMPERVIOUS COVER ZONES BASED ON SLOPE MAP	SYMBOL	LOT SQUARE FOOTAGE PER ZONE	ALLOWABLE PERCENTAGE PER ZONE	MAX ALLOWABLE SQUARE FOOTAGE PER ZONE	SQUARE FOOTAGE PER ZONE	PERCENTAGE PER ZONE
	00% - 15%		10,348 sq ft	35%	3,622 sq ft	4,931 sq ft	47.65%
	>15% - 25%		4,209 sq ft	10%	421 sq ft	2,037 sq.ft	48.40%
	>25% - 35%	The same of the sa	1,451 sq ft	05%	73 sq ft	258 sq ft	17.78%
	>35%		21,490 sq ft	00%	0 sq ft	607 sq ft	2.82%
	TOTALS		37,496 sq ft		4,116 sq ft	7,833 sq ft	20.89%

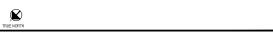
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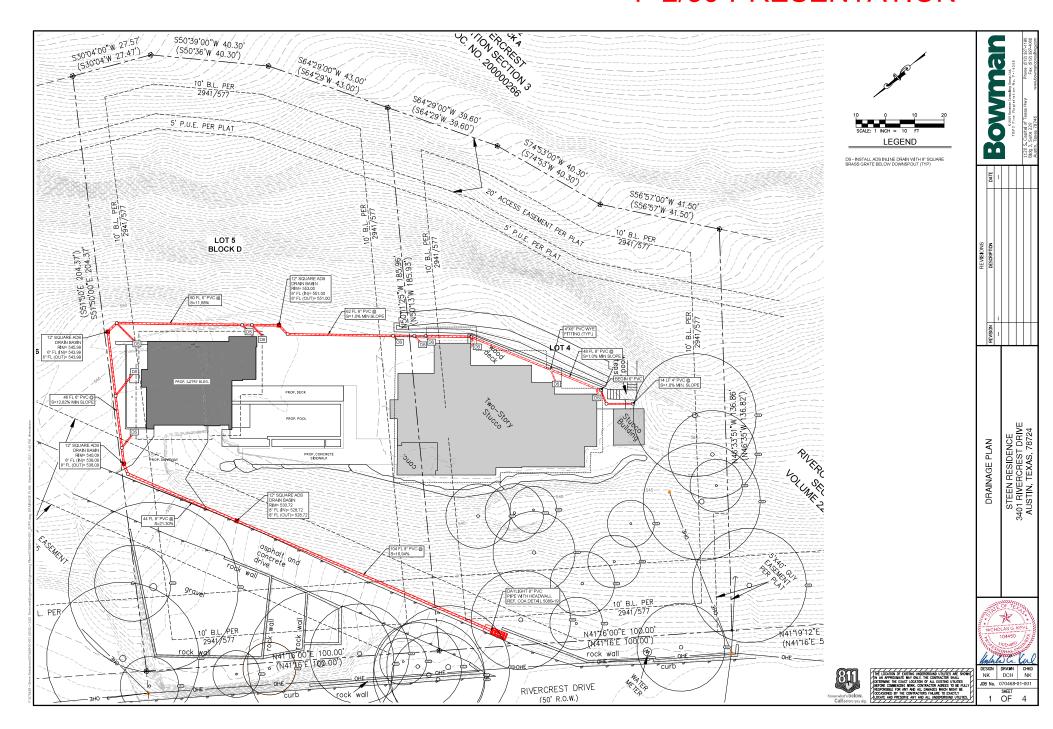




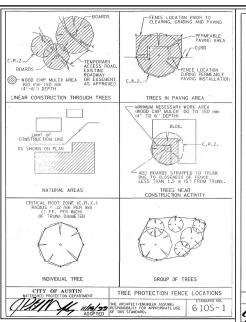
NEW SLOPE MAP PLAN

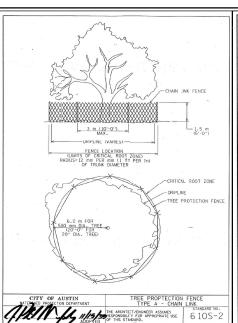
Steen Residenc Garage / Pool Cabana / Guest Suite 3401 Executed Drive Auria, Texa 31246

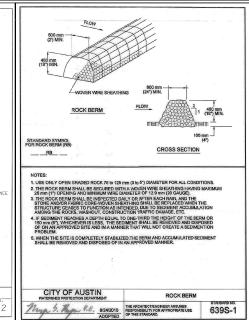
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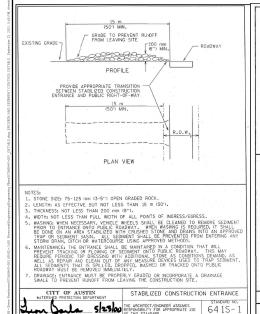


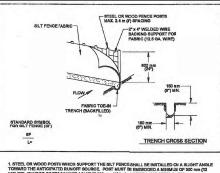
F-2/37-PRESENTATION









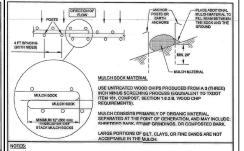


1. STEEL OR WOOD POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SUIGHT ANGLE THAN THE ANTICIPATED RUNGEF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF 300 mm (12 INCHES), IF WOOD POSTS GANNOT ACHIEVE 300 mm (12 INCHES), IF WOOD POSTS GANNOT ACHIEVE 300 mm (12 INCHES), IF WOOD POSTS GANNOT ACHIEVE 300 mm (12 INCHES) SET STEEL POSTS.

5. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL REMADE PROMETY AS MEEDED.

6. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR

ENGINEER ASSUMES FOR APPROPRIATE USE RD.	642S-1
	FOR APPROPRIATE USE RD.



STEEL OR WOOD POSTS WHICH SUPPORT THE MULCH SOCK SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTIDIPATED RUNGF F SOURCE. POST MUST BE EMBEDGED A MINIMUM OF 600mm (24 index). IF WOOD POSTS CANNOT ACHIEVE 600mm (24 index) DEPTH, USE STEEL POSTS, EARTH ANCHORS ARE ALSO ACCEPTABLE.

MULCH MATERIAL MUST BE FREE OF REFUSE, PHYSICAL CONTAMINANTS, AND MATERIAL TOXIC TO PLANT GROWTH; IT IS NOT ACCEPTABLE FOR THE MULCH MATERIAL TO CONTAIN GROUND CONSTRUCTION DEBRIS, BIOSOLIDS, OR MANURE.

MULCH SOCKS SHOULD BE USED AT THE BASE OF SLOPES NO STEEPER THAY 2:1 AND SHOULD NOT EXCEED THE MAXIMUM SPACING SCRITERIA PROVIDED IN CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL TABLE 14.5F.1 FOR A GIVEN SLOPE CATEGORY.

ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 150nm (6 Inches). THE SILT SHALL BE DISPOSED OF ON AN APPROVED SITE AND IN SUCH A MANNER THAT WILL NOT CONTRIBUTE AND IN SUCH A MANNER THAT WILL NOT CONTRIBUTE

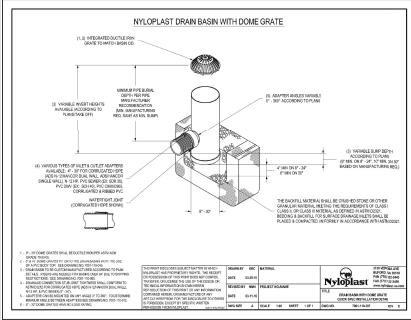
CITY OF AUSTIN			MULCH SOCK		
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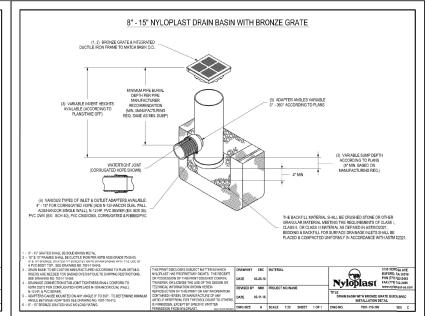


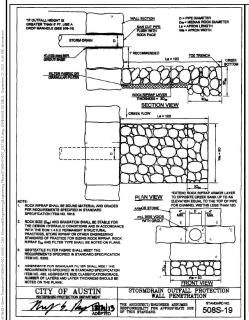


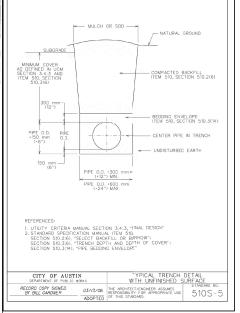
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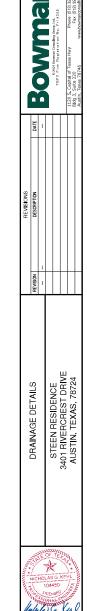












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