# E-2/1-PRESENTATION <br> PERMIT PARTNERS, LLC <br> 300 E. Highland Mall Blvd Ste. 207 <br> Austin, Texas 78752 <br> David C. Cancialosi 

September 1, 2021
City of Austin
301 W. $2^{\text {nd }}$ 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 $\sim 37,000$ lot built atop a hill as part of the platted Rivercrest Section 2 subdivision approved in mid1960 '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 $\sim 37,000 \mathrm{SF}$ 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 $15,000 \mathrm{SF}$ 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:

○ Reduce from $\mathbf{5 3 \%}$ IC in the $\mathbf{0 - 1 5 \%}$ slope to $\mathbf{4 8 \%}$ IC
○ Reduce $\mathbf{5 4 . 2 5 \%}$ IC in the $\mathbf{1 5 - 2 5 \%}$ slope to $\mathbf{4 9 \%}$ IC
$\bigcirc$ Amend from 4.41\% IC in the 25-35\% slope to $\mathbf{1 8 \%}$ IC (driven by retaining walls)
○ Amend $\mathbf{. 8 3 \%}$ IC in $\mathbf{3 5 \%}$ slope to $\mathbf{3 \%}$.

- These changes reflect reduction from $21.51 \%$ to $20.89 \%$ IC on gross lot calculations, or 8,084 SF to $7,883 \mathrm{SF}$. 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 $1,500 \mathrm{SF}$ 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

# E-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

October 26, 2021
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 $37,400 \mathrm{SF}$, 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 $1,300 \mathrm{SF}$ 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 $1 / 2$ 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 $\mathbf{0 - 1 5 \%}$ slope to $\mathbf{4 8 \%}$, 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

## 340I RIVERCREST DRIVE

## Case \#C15-2021-0062

## VARIANCE REQUEST - 340I RIVERCREST

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
-LDC 25-2-55।

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 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.

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## 340 I RIVERCREST - PRIVATE DRIVEWAY ENTRANCE


(B)


## 340I RIVERCREST - DRIVEWAY ENTRANCE / PARKING


(B)

## 340I RIVERCREST - PRIVATE DRIVEWAY AREA / ENTRANCE



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## 3401 RIVERCREST - DRIVEWAY / FRONT YARD VIEW


(B)


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## 340I RIVERCREST - ENTRANCE VIEW FROM PARKING AREA



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## 340I RIVERCREST - PARKING AREA / RETAINING WALL


(1)

340I RIVERCREST - FAILING RETAINING WALL DETAIL

(1)

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340I RIVERCREST - FAILING RETAINING WALL DETAIL


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## 340 I RIVERCREST - RETAINING WALL


(P)

## 340 I RIVERCREST - RETAINING WALL


(B)

## 340 I RIVERCREST - RETAINING WALL SIDE VIEW


(D)

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## 340 I RIVERCREST - RETANING WALL SIDE VIEW


(1)

## 340 I RIVERCREST - RETAINING WALL AERIAL VIEW



①

(B)

## 340I RIVERCREST - BACKYARD / ELEVATED SLOPE


(B)

## 340 I RIVERCREST - EXISTING POOL


(1)

## 340I RIVERCREST - EXISTING POOL


(ㄷ)

## 340 I RIVERCREST - PROPOSED SIDE YARD AREA


(1)

(1)

340 I RIVERCREST - SIDE YARD AREA / RAILING

(1)

340I RIVERCREST - REAR VIEW / GABION RETAINING WALL

(1)

## 340I RIVERCREST - REAR VIEWING DECK


(1)

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340 I RIVERCREST - STAIRS TO VIEWING DECK

(1)

## 340 I RIVERCREST - FRONT YARD VIEW



(D)

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## THANK YOU



RIVERCREST DRIVE





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