

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0102

BOA DATE: December 13th, 2021

ADDRESS: 3201 Westlake Dr

COUNCIL DISTRICT: 10

OWNER: Same Team Properties LLC

AGENT: Pamela Madere

ZONING: LA

LEGAL DESCRIPTION: LOT 80&81 LAKE SHORE ADDN ABS 772 SUR 1 THOMAS D ACR 1.967

VARIANCE REQUEST: reduce the shoreline setback from 75 feet (required) to 25 feet (requested)

SUMMARY: remodel existing residence + associated improvements

ISSUES: re-plat from 1998 changed the area entirely, drainage easement, 25 ft setback for septic drain field

	ZONING	LAND USES
<i>Site</i>	LA	Lake Austin (Single-Family)
<i>North</i>	LA	Lake Austin (Single-Family)
<i>South</i>	LA	Lake Austin (Single-Family)
<i>East</i>	LA	Lake Austin (Single-Family)
<i>West</i>	LA	Lake Austin (Single-Family)

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
 Austin Neighborhoods Council
 City of Rollingwood
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Our Spring Alliance
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources
 The Island on Westlake Owners Association



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0102

LOCATION: 3201 WESTLAKE DRIVE

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.



1" = 292'



CITY OF AUSTIN

Development Services Department

Permitting & Development Center

Phone: 512.978.4000

6310 Wilhelmina Delco Dr, Austin, Texas 78752

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: 3201 Westlake Drive

Subdivision Legal Description:

Lot 80 & 81 Lake Shore Addition, ABS 722, SUR 1 Thomas D. ACR 1.967

Lot(s): 80A Block(s): _____

Outlot: _____ Division: _____

Zoning District: LA (Lake Austin)

I/We Pamela Madere on behalf of myself/ourselves as
authorized agent for Same Team Properties LLC, owner affirm that on
Month October, Day 22, 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: Reduce 75' LA Shoreline Setback to 25' around on site man-made slough.

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

LDC 25-551(B)(1)(a) to reduce the 75' LA shoreline setback to 25'

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 existing improvements encroach into the 75' LA setback which was established after the residence was built in 1999-2002; previously man-made sloughs were not subject to this setback. The shoreline setback constitutes approximately 27% of the lot. Considering the 20% impervious cover limits, the shoreline 75' setback and the 75' setback from the slough, only 4.9% of the lot is buildable area or 6,127 square feet. The owner would like to make improvements to the property but cannot without a variance. This request is to extend the existing B.O.A. variance which will expire on Dec. 31, 2021.

Hardship

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

The original 1915 Lakeshore Addition lots 80 & 81 were replatted in 1998 to create Lot 80A and remainder lot 81. As a result, 1/2 acre of slough is now on Lot 80A, or the subject property. The septic drainfield also triggers a 25' setback which is located in the middle of the lot. In addition, a drainage easement is between 80'-100' in width and overlays into 75' setback, further restricting use of the property as no development is allowed in the easement.

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

Man-made sloughs are unique in this area and where they exist they create significant constraints on the property due to the interpretation by the City that the 75' setback applies to the slough as well as the natural shoreline.

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:

There will be no adverse impact on surrounding properties. Any proposed improvements will be in character with the neighborhood. Improvements will comply with all Land Development Code requirements for preservation and revegetation of the slough area as required.

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:

Not applicable.

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:

Not applicable.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Not applicable.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Not applicable.

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: 10/22/2021

Applicant Name (typed or printed): Pamela Madere

Applicant Mailing Address: 100 Congress Avenue, Suite 1100

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 236-2048

Email (optional – will be public information): [REDACTED]

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: 10/22/2021

Owner Name (typed or printed): Pam Madere on behalf of owner - Same Team Properties LLC

Owner Mailing Address: 10960 Wilshire Blvd. 5th Floor

City: Los Angeles State: CA Zip: 90024

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: same as applicant

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).

This request is to extend the previous B.O.A. variance under Case C15-2018-0047 which was extended to Dec. 31, 2021 due to COVID. The information provided with this request is identical with the previous submittal with the exception that instead of the a 5' setback, the request is for a 25' setback which was granted by the B.O.A. on Dec. 10, 2019.

Additional Space (continued)

The current owner has been unable to make the desired improvements to the property due to COVID issues, personal work issues, labor and construction supply issues. There has been no alteration of the existing improvements or conditions on the property since the prior B.O.A. variance was granted.


SAVE

WRITTEN CONSENT OF SAME TEAM PROPERTIES, LLC

On this 25day of October, 2021, the undersigned David Bolno, being the Manager of Same Team Properties, LLC, a Texas limited liability company (**Company**) acting by written consent does hereby approve, consent to, and adopts the following resolutions:

The manager of the Company, shall have full power and authority to authorize and enter into any and all transactions and to execute and deliver any and all instruments, documents, contracts, and agreements of every kind and nature on behalf of the Company, to bind the Company related to variances and waivers from the City of Austin **related to the property located at 3201 Westlake Drive, Austin, Texas 78746.**

Same Team Properties, LLC
a Texas limited partnership

By: 
David Bolno, Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

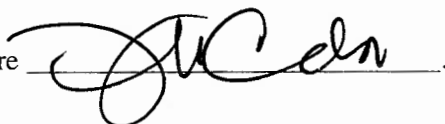
THE STATE OF CALIFORNIA
COUNTY OF Los Angeles

On October 25, 2021, before me, Virginia Marie Childress, personally appeared David Bolno, Manager of Same Team Properties, LLC, a Texas limited liability company, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

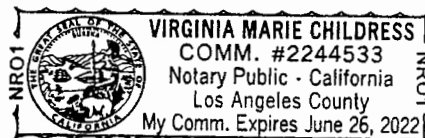
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



Pamela Madere
(512) 236-2048 (Direct Dial)
(512) 236-2002 (Direct Fax)
[REDACTED]

October 25, 2021

Via Electronic Submittal

Elaine Ramirez, Board of Adjustment Liaison
City of Austin Board of Adjustment
Development Services Department
6310 Wilhemina Delco Drive
Austin, Texas 78752

Re: Board of Adjustment (B.O.A.) Variance Extension for 3201 Westlake Drive, Austin, TX. (the "Property") to reduce the Lake Austin ("LA") Shoreline Setback according to LDC Section 25-2-551(B)(1)(a), from 75' to 25' around an on-site, man-made slough previously granted under Case No. C15-2018-0047

Dear Board of Adjustment:

On behalf of the Property owner, Same Team Properties LLC, I am submitting this request for an extension of the previously approved B.O.A. variance on the property which was initially granted on December 10, 2019. COVID has impacted labor, construction, supply and market issues. The owner has been unable to proceed with obtaining the necessary building permit(s) to keep the variance alive and, as a result, the variance will expire on December 31, 2021.

This application includes the same information as was previously submitted, with the exception of a more current Property survey. Granting the extension of the variance will allow the owner to remodel the existing structure which was built prior to the 75' LA setback requirement along the slough and currently encroaches into the setback, as well as construction of associated accessory structures on the Property.

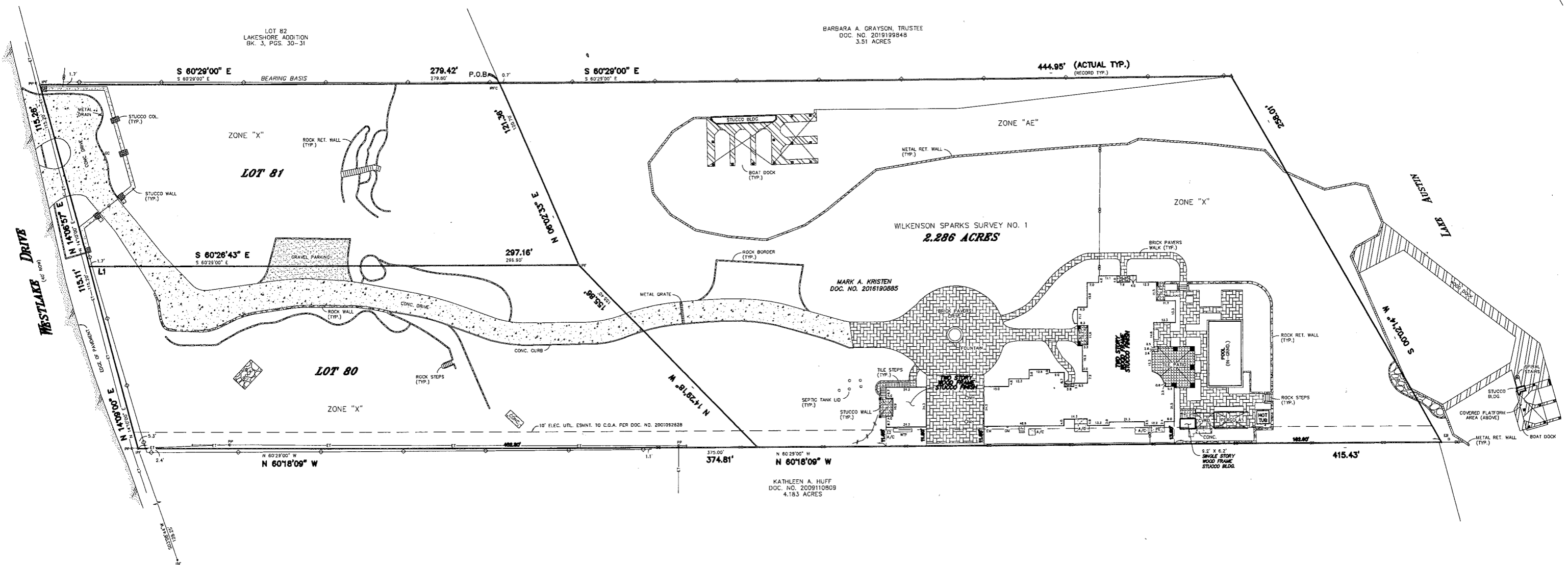
The hardship is due to the application of the 75' shoreline setback not only along the shoreline, but along the man-made slough which together prevent construction on approximately 43% of the Property. This does not include area within a drainage easement and septic drainfield area which are also undevelopable.

Thank you for your consideration.

Sincerely,



Pamela Madere



- LEGEND**
- PP= POWER POLE
 - GUY WIRE
 - OVERHEAD ELEC./TELE. LINE
 - CHAIN LINK FENCE
 - IRON FENCE
 - WOOD FENCE
 - METAL GATE
 - CC = GATE CONTROL/MAILBOX
 - Q = GAS METER
 - EM = ELECTRIC METER
 - WNO = SANITARY SEWER MANHOLE
 - EB = ELECTRIC JUNCTION BOX
 - WTF = WATER TANK / WATER FILTRATION
 - PE = POOL EQUIPMENT
 - IRF = 1/2" IRON ROD FOUND
 - IRP = 1/2" IRON PIPE FOUND
 - IRFC = 1/2" IRON ROD FOUND W/CAP
 - STAMPED FOREST
 - ▲ CALCULATED POINT (POINT FALLS UNDER WATER)

PROPERTY SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN VOL. 3, PG. 30, PLAT RECORDS.

PROPERTY SUBJECT TO INUNDATION ESMNT. GRANTED TO THE CITY OF AUSTIN RECORDED IN VOL. 106, PG. 534, DEED RECORDS.

PROPERTY SUBJECT TO BLANKET ELEC./TELE. TRANS. & DISTR. LINE ESMNT. GRANTED TO THE CITY OF AUSTIN RECORDED IN VOL. 659, PG. 561, DEED RECORDS.

** AND/OR ASSIGNS

* TOGETHER WITH 2.286 ACRES OF LAND, MORE OR LESS, OUT OF THE WILKINSON SPARKS SURVEY NO. 1, BEING THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 81 AND THE SOUTHERLY LINE OF LOT 80 TO THE WESTERLY EDGE OF WATERS OF LAKE AUSTIN (FIELD NOTES ATTACHED)

PLAT OF SURVEY

Survey No. **2139** SCALE: 1" = 30' OF 1082801

Sold lot is in Zone **X & AE** as identified by the Federal Emergency Management Agency on Community Panel No. **08453C 0439K** Other: **JAN 22, 2020**

LOT NOS. **80 & 81** BLOCK NO. _____

ADDITION OR SUBDIVISION **LAKE SHORE ADDITION, VOLUME 3, PAGES 30-31, PLAT RECORDS.**

STREET ADDRESS **3201 WESTLAKE DRIVE** CITY **AUSTIN** COUNTY **TRAVIS**

SURVEY FOR **STEWART TITLE AUSTIN, LLC** REFERENCE **SAME TRAM PROPERTIES LLC**

BY **STEWART TITLE GUARANTY COMPANY**

STATE OF TEXAS, COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, TRIBLES, UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

SNS ENGINEERING, INC.
12885 US Highway 183 North, Suite 101-B
Austin, Texas 78750
(512) 335-3944 * (512) 250-8685 (Fax) **JM** 704/20, DC Date: 02-24-2021

All corners are 1/2-inch iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed.

EDWARD W. BRADFIELD
16617
REGISTERED SURVEYOR

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, December 10, 2018

CASE NUMBER: C15-2018-0047

<u> </u> Y <u> </u>	Brooke Bailey
<u> </u> Y <u> </u>	William Burkhardt
<u> </u> Y <u> </u>	Christopher Covo
<u> </u> Y <u> </u>	Eric Golf
<u> </u> Y <u> </u>	Melissa Hawthorne
<u> </u> Y <u> </u>	Bryan King
<u> </u> Y <u> </u>	Don Leighton-Burwell
<u> </u> - <u> </u>	Rahm McDaniel OUT
<u> </u> Y <u> </u>	Martha Gonzalez (Alternate)
<u> </u> Y <u> </u>	Veronica Rivera
<u> </u> Y <u> </u>	James Valdez
<u> </u> Y <u> </u>	Michael Von Ohlen
<u> </u> - <u> </u>	Kelly Blume (Alternate) OUT
<u> </u> - <u> </u>	Ada Corral (Alternate)

APPLICANT: DAVID CANCIOLOSI

OWNER: Mark Kristen

ADDRESS: 3201 WESTLAKE DR

VARIANCE REQUESTED: The applicant is requesting a variance from Section 25-2-551 to reduce the Lake Austin Shoreline Setback from 75-feet (required) to 5-feet (proposed) shoreline setback around an existing slough to accommodate a remodel and repair by replacement of the existing single-family residence and accessory structures in the LA – Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 10, 2018, Board Member Brooke Bailey second on a 10-0 vote; POSTPONED TO December 10, 2018. Dec 10, 2018 The public hearing was closed on Board Member Don Leighton-Burwell motion to Grant with conditions as per exhibit provided at meeting, Board Member Veronica Rivera second on a 11-0 vote; GRANTED WITH CONDITIONS AS PER EXHIBIT (MODIFIED LA SETBACK 25-AND 75-FEET SETBACK) PROVIDED AT MEETING.

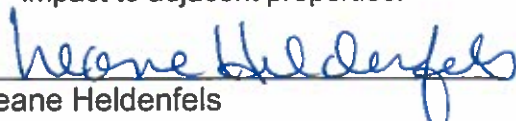
FINDING

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the applicant is requesting a reduced setback along the slough to accommodate a remodel and repair by replacement of the existing single-family project and associated accessory structure.
2. (a) The hardship for which the variance is requested is unique to the property in that: the original 1915 Lakeshore Addition lots 80 and 81 were re-platted in 1998 to create lot 80A and a remainder lot 81, the 1998 plat reoriented the lot lines to include the approximate ½

acre man made slough entirely on lot 80A, this caused the 75' shoreline setback to substantially encroach into lot 80A in all directions.

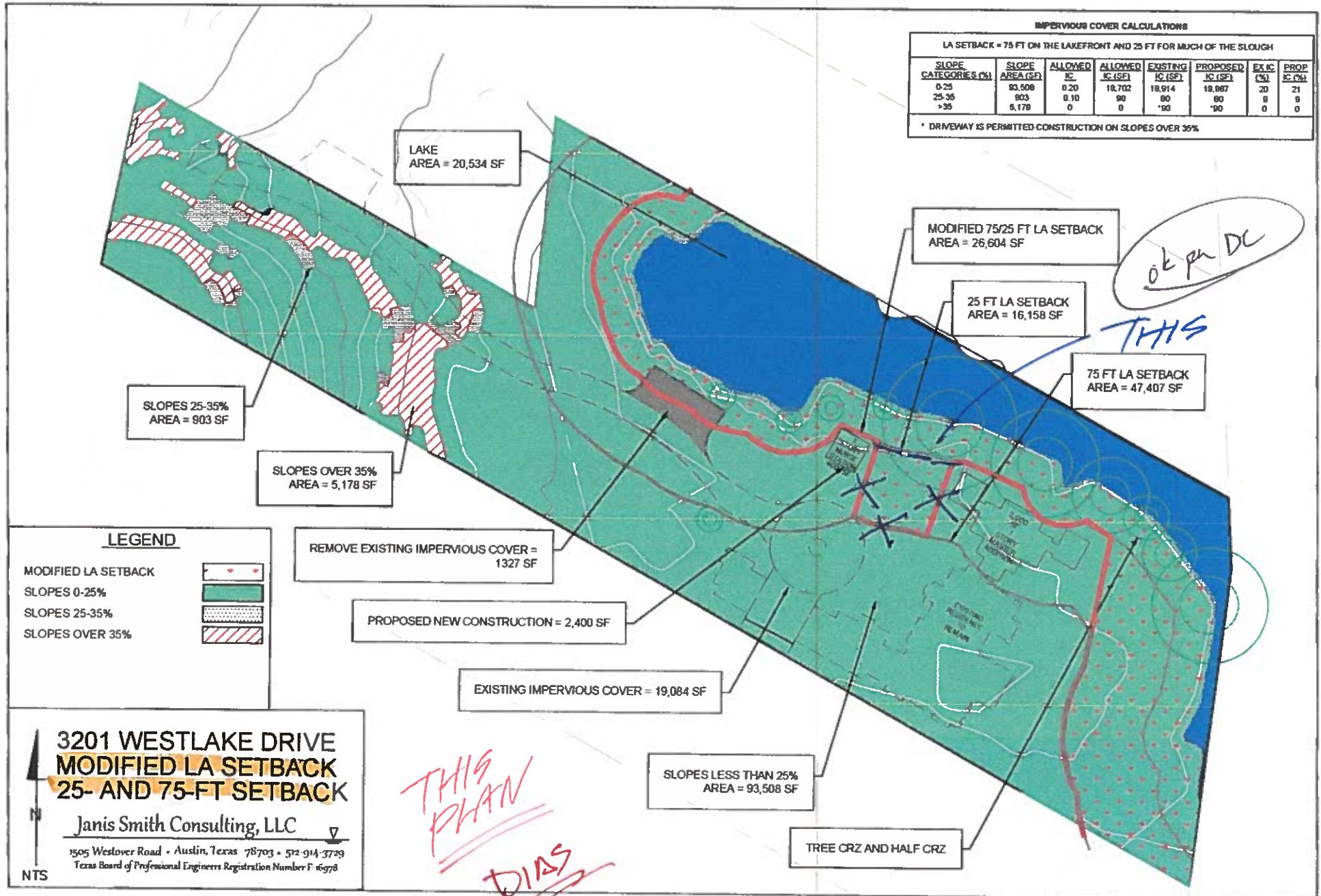
(b) The hardship is not general to the area in which the property is located because: the 1998 re-plat changed that entirely, in lot 81A's current configuration the 75' shoreline setback extends not only from the main body of Lake Austin, but also from the on-site slough on the northern side of the subject site. This causes substantial loss of buildable area when calculating net site area in accordance with LA zoning performance

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: man made sloughs are fairly rare along Lake Austin, they do exist and when they do they create significant development constraints. Any remodel or repair by replacement of the existing structures will be in keeping with varied construction styles found along Lake Austin, there will be no adverse impact to adjacent properties.





Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

0047





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2018-0047
LOCATION: 3201 Westlake Dr.

1" = 306'

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From the office of:

PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.593.5368 c.
512.494.4561 f.

October 26, 2018

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

RE: BOA request for 3201 Westlake Drive to reduce 75' Shoreline Setback regulated per LDC 25-551(B)(1)(a) to 5' around an on-site slough

Dear Board of Adjustment Commissioners,

My client is seeking a variance to reduce the shoreline setback along a man made slough that enters the property directly from the main body of Lake Austin. The applicable Lake Austin shoreline setback is 75'. My client is seeking a 5' Lake Austin shoreline setback around the slough.

Reasonable Use

The original 1915-era Lakeshore Addition lots 80 and 81 were replatted in 1998 via case #C8-97-0082.0A. The configuration of a new lot 80A (subject site) and the remainder lot 81 was performed in an unusual manner in that the man made slough was incorporated in the newly platted lot lines of lot 80A, thereby applying the 75' LA shoreline setback to a substantial portion of the new lot 80A. The remainder lot 81 is not part of this application; it is a separate legal lot. Lot 80A is a 2.7 acre lot with a 20, 543 square foot man made slough on it.

The applicant is requesting a reduced setback along the slough to accommodate a remodel and repair by replacement of the existing single-family project and associated accessory structures. Portions of the existing residence and driveways encroach into the 75' setback; as such, the existing residence and garage are essentially "wedged" into the southeast corner of the 2.7 acre lot between the SE property line and the 75' shoreline extending from the slough. The owner desires to remodel the property and requests reasonable flexibility to relocate the improvements to a more centered location on the flat portion of the lot adjacent to the slough.

We believe this is a fair and reasonable use in the Lake Austin zoning category as that category specifically prescribes development of a residential nature. However, a literal application of the LA zoning performance standards inhibits a reasonable use. Any use is substantially limited by a number of factors specific to this lot to include zoning setbacks, drainage easements, lot shape and topography, two sides of lake frontage, and reduced net site building area.

Hardship

The original 1915 Lakeshore Addition lots 80 and 81 were replatted in 1998 to create lot 80A and a remainder lot 81. Lot 80A is the subject site at 3201 Westlake Drive. The 1998 plat reoriented the lot lines to include the approximate ½ acre man made slough entirely on lot 80A. This caused the 75' shoreline setback to substantially encroach into lot 80A in all directions. This is a drastic change from the prior, original lot shape since the original 1915 Lakeshore Addition plat configuration contained the slough entirely on (the original) lot 81, making only lot 81 subject to the 75' shoreline setback.

The 1998 replat changed that entirely. In lot 81A's current configuration the 75' shoreline setback extends not only from the main body of Lake Austin, but also from the on-site slough on the northern side of the subject site. This causes substantial loss of buildable area when calculating net site area in accordance with LA zoning performance

standards. The replat overwhelmed the newly created lot 80A with 34,783 SF of 75' shoreline setback and added a 20,534 SF slough to the lot. This calculates to 55,317 SF of unbuildable land, or roughly 43% of the total lot area.

Suffice to say, the site has several encumbrances that affect the physical condition of the property by way of the following hardships. In summary:

1. The slough stretches roughly 333' into a 445' section of the property. The remainder section (between 333' - 445' is 100% inundated by the 75' shoreline setback and zoning setbacks.
2. The 75' shoreline setback accounts for roughly 34,783 square feet, or about 27% of total land area.
3. The 75' shoreline setback prohibits any development to the west of the slough between it and lot 81. (when looking at the exhibit this is the land area to the left of the slough)
4. The slough itself accounts for 20,534 square feet, or roughly 16% of total land area.
5. Approximately 75'-80' to the south of the slough, and in the middle of the lot, there is a 25' septic tank and drainfield setback. It is located in the middle and throughout the entire stretch of the 0-25% slope area of lot 80A from the main body of Lake Austin toward Westlake Dr. This setback accounts for 10,391 square feet. Essentially, it prohibits any septic or drainfields closer than 100' to the water, forcing OSSF improvements to the south and west of each of the 2 shorelines on lot 80A.
6. The existing house and driveway built after the plat via legally issued building permits issued 1999-2002 encroach into the 75' shoreline. The owner desires to correct this via a reduced setback and also allow a more reasonable amount of IC. See point #9 below. The building permit for the home on Lot 80A could not have been issued, nor could the house have received a certificate of occupancy if the City enforced shoreline setbacks from man-made sloughs. In the late 1990's the City did not interpret the Code to require the shoreline setback from the man-made sloughs. If they had, the building permit never would have been issued. The hardship to the applicant is that the City's administrative interpretation of the Shoreline Setback provision and the way it should be enforced have changed; not any change in the way the applicant has sought to use his property.
7. The septic field accounts for 10,228 square feet
8. The bottom portion of lot 80A has a drainage easement in which no improvements may be installed. This easement ranges between 80'-100' in width and overlays and supersedes the 75' LA shoreline setback from the main body. It accounts for 13,992 square feet of lot area.
9. The lot slope categories and buildable areas are as follows:
 - a. 0-25% slope excluding combined setbacks = 30,184 SF = 6,037 SF allowable IC
 - b. 25-35% slope = 903 SF = 93 SF allowable IC
 - c. 35%+ slope = 5,178 SF = 0 SF allowable IC
 - d. 75' shoreline setback SF = 34,783 SF
 - e. **Total land area 126,193 SF allows 20% IC, or 6,127 SF buildable area, or 4.9% of total taxable lot area**
10. There exists 120,066 SF of unbuildable area on a 126,193 SF lot due to:
 - a. LA zoning IC calculations per LDC 25-2-551
 - b. The 75' setback
 - c. The 25' wide septic and drainfield setback
 - d. The septic field
 - e. The drainage easement
 - f. The front and side zoning setbacks

11. When applying the 20% IC limit per plat and LA zoning, plus the aforementioned encumbrances, only 6,127 SF of a 126,193 SF (2.7 acres) is available to fit a single-family residence and associated improvements.

Not General to the Area

Man made sloughs are fairly rare along Lake Austin. They do exist; and when they do, they create significant development constraints. The Board has recognized this on similar properties. Sloughs are not general to the area, but rather the exception.

Area of Character

Any remodel or repair by replacement of the existing structures will be in keeping the varied construction styles found along Lake Austin. There will be no adverse impact to adjacent properties. All development shall comply with all other applicable codes. Active measures will be taken to ensure the protection of Lake Austin via best management practices.

In sum, the proposed 5' setback along the slough would allow a reasonable use of the property, would not be dissimilar to other shoreline setbacks the Board has approved for sites with man made sloughs, and will have no adverse impact on adjacent properties. Best management practices would be employed as part of any remodel to ensure protection of on-site environmental features where applicable, Lake Austin itself, and neighboring properties,

I respectfully ask the Commission to take into consideration the aforementioned statements and approve the requested variance for the stated reasons. Please see attached exhibits for your reference and I look forward to any questions you may have on this matter.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Mark Kristen

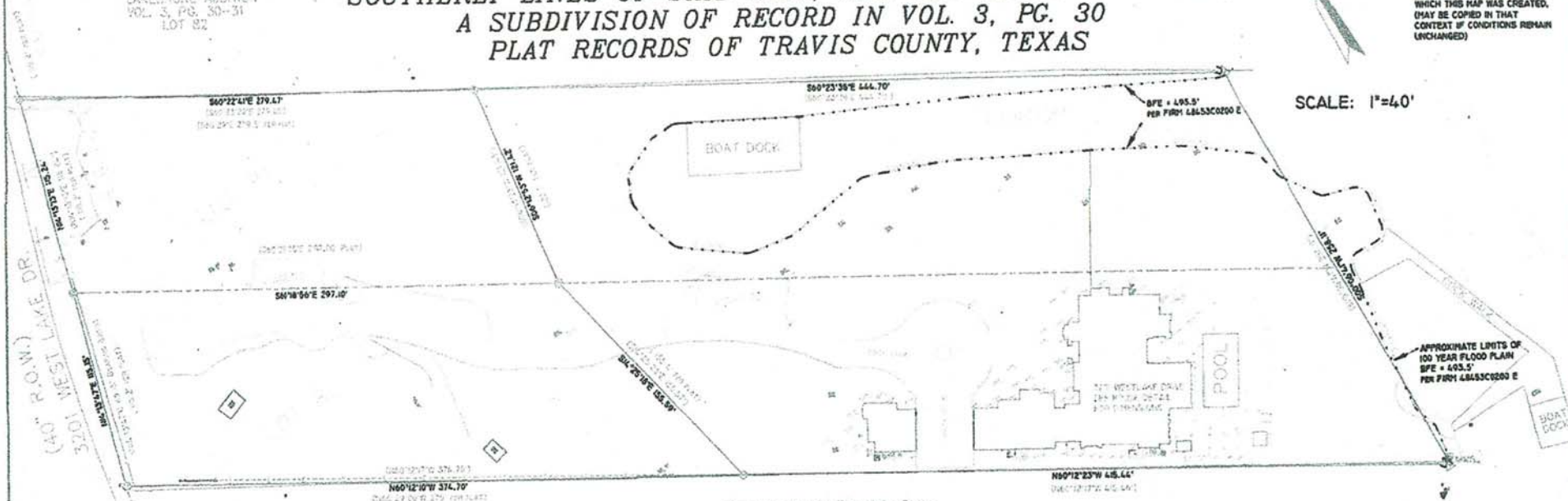
Survey of Existing Conditions

SURVEY PLAT FOR FRED AND SYLVIA RIZK
3.88 AC., LOTS 80 & 81 OF THE LAKESHORE ADDITION
AND THE PROLONGATION OF THE NORTHERLY AND
SOUTHERLY LINES OF SAID LOTS, AND THE WATERS OF LAKE,
A SUBDIVISION OF RECORD IN VOL. 3, PG. 30
PLAT RECORDS OF TRAVIS COUNTY, TEXAS

LAKESHORE ADDITION
 VOL. 3, PG. 30-31
 LOT 82

NOTICE: THIS MAP COPYRIGHT
 2008 BY FOREST SURVEYING &
 MAPPING CO. THIS MAP IS BEING
 PROVIDED SOLELY FOR THE USE
 OF THE CURRENT PARTIES. NO
 LICENSE HAS BEEN CREATED
 (EXPRESS OR IMPLIED) TO COPY
 THIS MAP EXCEPT IN
 CONJUNCTION WITH THE
 ORIGINAL TRANSACTION FOR
 WHICH THIS MAP WAS CREATED.
 (MAY BE COPIED IN THAT
 CONTEXT IF CONDITIONS REMAIN
 UNCHANGED)

SCALE: 1"=40'



Congregation Of The Holy Cross
 (4.14 Acres) 928/626

LEGEND

ELEVATION BENCHMARK

STEEL COTTON SPRING

IRON PIN FOUND

CORNER NOT FOUND, REPLACED

WITH 1/2" IRON PIN

IRON PIN SET

IRON PFE FOUND

FENCE POST

NAIL FOUND

NAIL SET

CONCRETE MONUMENT FOUND

EXISTING WIRE FENCE

CHAINLINK FENCE

BOARD FENCE

DRAINAGE MANHOLE

GAS LINE VALVE

WELL

FIRE HYDRANT

POWER POLE

WATER VALVE

TELEPHONE CABLE

WATERLINE EXISTING

OVERHEAD POWER LINE

CENTER LINE OF CHANNEL

RECORD CALLS (BEARING / DISTANCE)

DATA THIS SURVEY

BEARING / DISTANCE

SPECIAL FLOOD HAZARD AREA PER F.E.M.A.

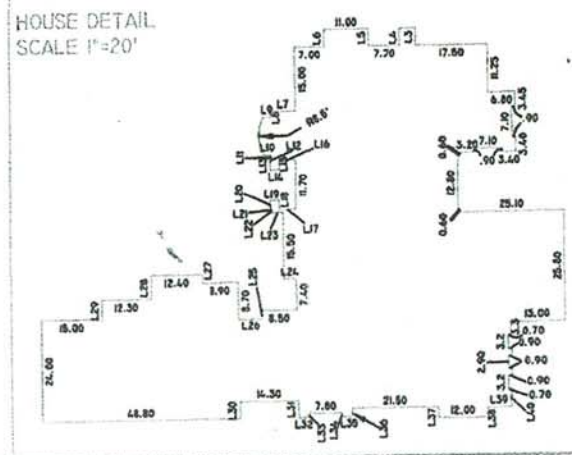
(APPROXIMATE LIMIT WILL VARY WITH CONDITIONS)

TRAIL LINES

LAND GRANT LINES

ALL DOCUMENT REFERENCES ARE IN TRAVIS COUNTY

LINE	LENGTH	LINE	LENGTH
L1	0.47	L31	0.30
L2	0.70	L32	0.70
L3	4.00	L33	2.90
L4	4.00	L34	3.00
L5	4.00	L35	2.80
L6	4.00	L36	2.80
L7	6.00	L37	2.00
L8	1.30	L38	8.40
L9	1.90	L39	4.30
L10	1.90	L40	4.00
L11	1.30	L41	4.00
L12	0.30	L42	2.60
L13	2.30	L43	1.00
L14	2.30	L44	1.00
L15	2.30	L45	2.60
L16	3.90	L46	2.00
L17	3.90	L47	2.60
L18	2.30	L48	2.30
L19	2.30	L49	0.00
L20	2.30	L50	4.20

HOUSE DETAIL
SCALE 1"=20'

RECORD INFORMATION FOR RESTRICTIVE COVENANTS AND RECORD EASEMENT DETAIL
 HAS NOT BEEN PROVIDED AND RECORD INFORMATION HAS NOT BEEN RESEARCHED AS
 A PART OF THIS SURVEY, EXCEPT AS SHOWN.

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS PARTIALLY WITHIN A SPECIAL
 FLOOD HAZARD AREA (ZONE AE) AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT
 AGENCY, FLOOD HAZARD BOUNDARY MAP REVISED AS PER MAP NUMBER 48-53C0200 E,
 EFFECTIVE DATE 06/16/1993. A FLOOD HAZARD STUDY TO IDENTIFY ADDITIONAL AREAS OF
 FLOOD HAZARD IS NOT INCLUDED IN THIS SURVEY.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, UNDER MY
 SUPERVISION. THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY
 KNOWLEDGE AND BELIEF AND IDENTIFIES ANY EVIDENCE OF BOUNDARY
 LINE CONFLICTS, SHORTAGES IN AREA, PROTRUSIONS, INTRUSIONS, AND
 OVERLAPPING OF IMPROVEMENTS. THIS PROPERTY ADJUTS A PUBLIC ROADWAY,
 EXCEPT AS SHOWN HEREON.

SURVEY DATE JULY 11, 2008.

William F. Forest, Jr.
 WILLIAM F. FOREST, JR. R.P.L.S. 1847

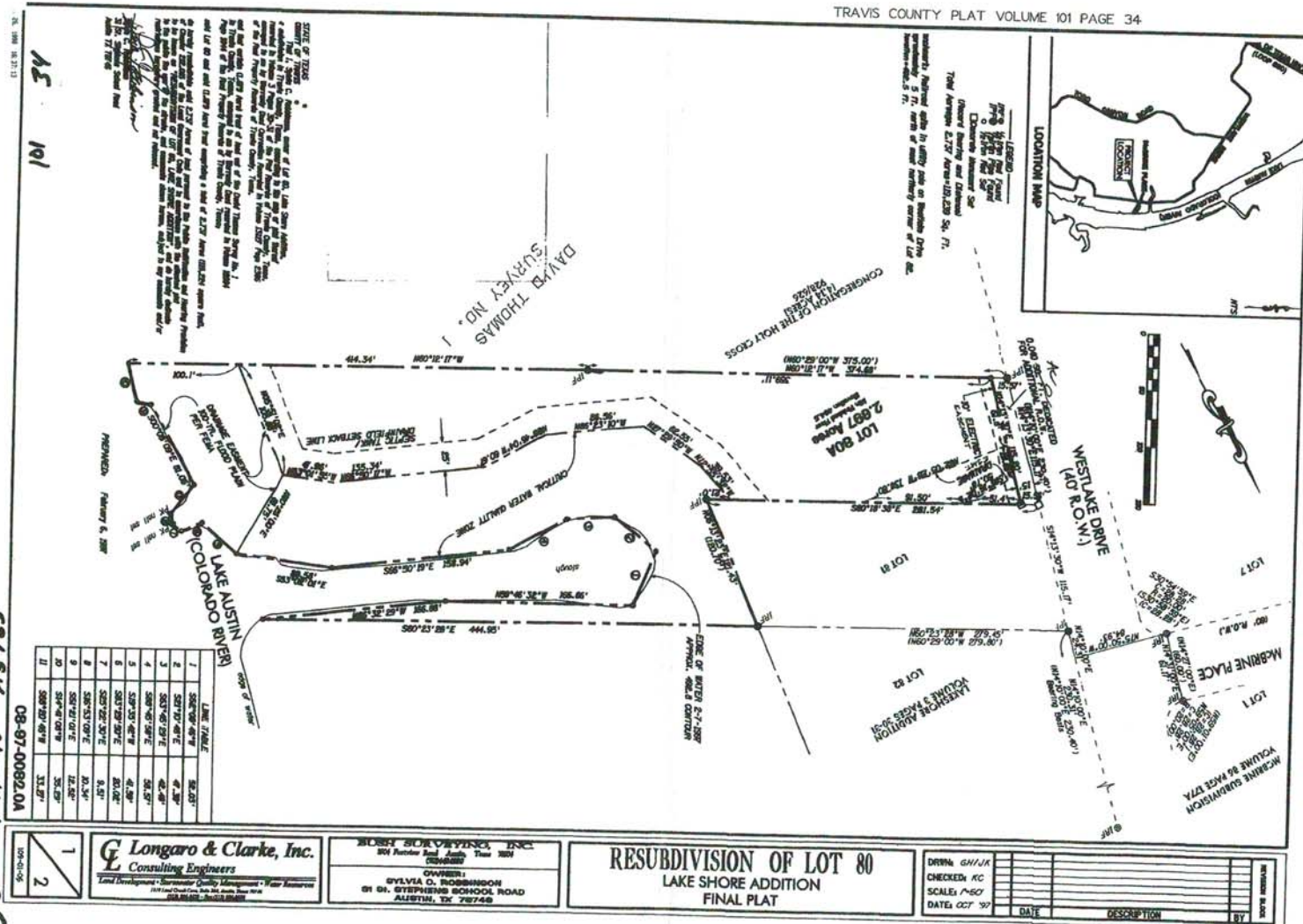


FOREST SURVEYING
 AND MAPPING COMPANY
 1002 ASH STREET
 GUNWATOWN, TEXAS
 817-620-5827

SURVEYED FOR FRED AND SYLVIA RIZK BOUNDARY SURV
 FD JAGS/MS







55600 4-14-98 AS465
NO-21-0082.0A
50-10424

NOTES:

- THIS SUBDIVISION IS RESTRICTED TO ONE SINGLE FAMILY UNIT.
2. THIS SUBDIVISION IS LOCATED IN THE LAKE SHIRAZ WATERSHED, WHICH IS CLASSIFIED AS "BUTEN" BY THE TOWN OF AUSTIN AND SHALL BE DEVELOPED ACCORDING TO THE ZONING AND DEVELOPMENT CODES OF THE TOWN OF AUSTIN AND THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
3. ALL DRAINAGE IMPROVEMENTS ARE REQUIRED TO BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN/TOWN OF AUSTIN STANDARDS.
4. ALL NECESSARY EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE OWNER AND THE OWNER ASSUMES.
5. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, SIGNAGE, FENCES, OR LANDSCAPING SHALL BE PLACED IN A DRAINAGE SWATH EXCEPT AS APPROVED BY THE CITY OF AUSTIN AND TOWN OF AUSTIN.
6. TOWNSHED DEVELOPMENT PERMIT REQUIRED PRIOR TO ANY SITE DEVELOPMENT.
7. WASTEWATER DISPOSAL WILL BE PROVIDED BY ONSITE SEPTIC.
8. INSTALLATION OF SIDEWALKS WILL NOT BE REQUIRED.
9. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY, OF ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT AND SUBDIVISION AUTHORIZATION SHALL BE OBTAINED FROM THE CITY OF AUSTIN.
10. THE OWNER OF THIS SUBDIVISION AND ALL OTHER SUBDIVISIONS AND PROPERTIES WHICH COMPLY WITH THE CITY OF AUSTIN AND TOWN OF AUSTIN STANDARDS AND REQUIREMENTS SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DRAINAGE IMPROVEMENTS. THE CITY OF AUSTIN AND TOWN OF AUSTIN SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS OR FOR THE MAINTENANCE OF THE DRAINAGE IMPROVEMENTS.
11. ALL FINISHED FLOOR ELEVATIONS IN THIS SUBDIVISION SHALL BE ONE FOOT HIGHER ABOVE THE FINISHED FLOOR ELEVATION OF THE CITY OF AUSTIN. THE FOLLOWING MINIMUM FINISHED FLOOR ELEVATIONS ARE REQUIRED TO BE SET FOR THE SELECTED ZONE:
12. NO FILL SHALL BE PLACED OR ALLOWED TO REMAIN ON THESE LOTS EXCEPT BY SEPARATE PERMIT.
13. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY.
14. THE CITY OF AUSTIN SHALL PROVIDE ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY.
15. THE ELECTRIC UTILITY HAS THE RIGHT TO RUN ABOVE GROUND POWER LINES, CABLES AND PIPES TO THE EXTENT NECESSARY TO SERVE THE EASEMENTS. THE UTILITY WILL MAINTAIN ALL THESE WORKS WITHIN THE CITY OF AUSTIN AND TOWN OF AUSTIN STANDARDS AND REQUIREMENTS.
16. THE OWNER OF THIS SUBDIVISION SHALL PROVIDE THE CITY OF AUSTIN AND TOWN OF AUSTIN WITH A CURRENT ADDRESS FOR THE CITY OF AUSTIN AND TOWN OF AUSTIN TO THE CITY OF AUSTIN AND TOWN OF AUSTIN STANDARDS AND REQUIREMENTS. THE CITY OF AUSTIN AND TOWN OF AUSTIN SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS OR FOR THE MAINTENANCE OF THE DRAINAGE IMPROVEMENTS.
17. THE CITY OF AUSTIN AND TOWN OF AUSTIN SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS OR FOR THE MAINTENANCE OF THE DRAINAGE IMPROVEMENTS.
18. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, BARRIERS AND SLOTTED DRAINAGE SYSTEMS TO PREVENT EROSION DURING CONSTRUCTION TO THE CITY OF AUSTIN AND TOWN OF AUSTIN STANDARDS AND REQUIREMENTS.
19. ALL OTHER EROSION CONTROL, BARRIERS, SLOTTED DRAINAGE SYSTEMS AND SLOTTED DRAINAGE SYSTEMS SHALL BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN STANDARDS AND REQUIREMENTS.
20. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
21. THIS SUBDIVISION IS EXEMPT FROM SUBDIVISION DETENTION REQUIREMENTS FOR SECTION 1.2.2.2 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND ENVIRONMENTAL OUTFALL, DRAINAGE.
22. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON THIS LOT PURSUANT TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND ENVIRONMENTAL OUTFALL, DRAINAGE.
23. THIS SUBDIVISION PLAN WAS APPROVED AND RECORDED BEFORE THE CONSTRUCTION AND TERMS OF A SUBDIVISION IMPROVEMENTS AGREEMENT, PURSUANT TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE, DATED 1/1/2011. THE SUBDIVISION IS RESPONSIBLE FOR THE CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DRAINAGE IMPROVEMENTS. THE CITY OF AUSTIN AND TOWN OF AUSTIN SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS OR FOR THE MAINTENANCE OF THE DRAINAGE IMPROVEMENTS.

FOR THE SUBDIVISION IMPROVEMENTS AGREEMENT PERTAINING TO THIS SUBDIVISION, SEE
SEPARATE INSTRUMENT RECORDED IN VOL. _____ PG. _____

21. ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS EXISTING SUBDIVISION LARE SHOWN ADDITION SHALL APPLY TO THIS REZONING PLAN.
22. AN ADMINISTRATIVE MAPPER HAS BEEN OBTAINED FROM THE SCALE REZONING OF 1"=80' FOR ALL FOUR PLATS.
23. AN ADMINISTRATIVE MAPPER HAS BEEN OBTAINED TO UTILIZE A SEPTIC TANK IN A URBAN AREA.
24. A WARNING TO SECTION 16-6-BANNED OF THE LAND DEVELOPMENT CODE WAS OBTAINED BY THE CHAIRMAN ON MAY 19TH OF OCT. 25, 2007.
25. FOR THE CITY OF COLUMBIA WITH CITY OF WESTERN DEVELOPMENT CO. THE CITY OF COLUMBIA IS IN THE PROCESS OF REVIEWING THE CITY OF COLUMBIA'S WATER QUALITY CONTROL.

AUSTIN - TRAVIS COUNTY HEALTH DEPARTMENT NOTES

4. IN STRUCTURE IN THE DISBURSEMENT SHALL BE COOPERED WITH, CONNECTED TO A PUBLIC SEWER SYSTEM OR A PRIVATE ON-SITE SEWER SYSTEM, AND SHALL BE IN ACCORDANCE WITH THE APPROVED BY THE AUSTIN - TOWNS COMMUNITY HEALTH AND HUMAN SERVICES DEPARTMENT.
5. IN STRUCTURE IN THIS DISBURSEMENT SHALL BE COOPERED WITH, CONNECTED TO A PUBLIC SEWER SYSTEM OR A PRIVATE ON-SITE SEWER SYSTEM, AND SHALL BE IN ACCORDANCE WITH THE APPROVED PUBLIC OR PRIVATE ON-SITE SEWER SYSTEM THROUGH THE APPROVED BY THE AUSTIN - TOWNS COMMUNITY HEALTH AND HUMAN SERVICES DEPARTMENT.
6. IN WATER WELL BE INSTALLED WITHIN TEN FEET OF AN ON-SITE BATHHOUSE DISBURSEMENT, SHALL BE INSTALLED WITHIN TEN FEET OF A BATHHOUSE WELL.
7. IN CONSTRUCTION ANY ROOM OR ANY LAIR IN THIS DISBURSEMENT SHALL, PLANS FOR THE PROPOSED ON-SITE SEWER SYSTEM SHALL BE SUBMITTED TO AND BE APPROVED BY THE AUSTIN - TOWNS COMMUNITY HEALTH AND HUMAN SERVICES DEPARTMENT.
8. ALL DEVELOPMENT ON ALL LOTS IN THIS DISBURSEMENT SHALL BE IN ACCORDANCE WITH THE AMBROSIO ORDINANCES OF CHAPTER 24-1 OF THE CODE OF THE CITY OF AUSTIN.
9. THOSE RESTRICTIONS ARE APPLICABLE IN THE AUSTIN - TOWNS COMMUNITY HEALTH AND HUMAN SERVICES DEPARTMENT AGAINST THE LAIR DEVELOPMENT.

Ervin L. Conrad, R.S.
ERVIN L. CONRAD, R.S.

I, J. LEON BROWN, AN AUTHORIZED AGENT UNDER THE LAWS OF THE STATE OF TEXAS TO PROMOTE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLEES WITH TITLE 13 OF THE AUSTIN CITY CODE OF 1981. AS AFORESAID, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY UNDER ORDER OF SUPERVISION ON THE GROUND.

2-6-98
DATE

Berry Bunch
2-1000 BUNCH, A.P.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1000
BUNCH SURVEYING, INC.
1004 FORTYFOUR ROAD
AUSTIN, TEXAS 78704



BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED STYLIA C. PRINCEBORN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 27 DAY OF January, 1980 A.D.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 27 DAY OF
Thirteenth M. Bryles
NOTARY PUBLIC IN AND FOR STATE OF TEXAS
Michelle M. Bryles
(PRINT OR TYPE NOTARY'S NAME)



THE 300-YEAR FLOODPLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENT AS SHOWN HEREON. A PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL FLOOD INSURANCE RATE MAP NUMBER 48355C, TARRANT COUNTY, TEXAS, DATED JUNE 11, 1993.

1/26/98



ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN,
THIS THE 24th DAY OF MARCH, 1988 A.D.

WEST BROWN
WEST BROWN, CHAIRPERSON
W BROWN

Betty Baker
BETTY BAKER, SECRETARY

APPROVED FOR ACCEPTANCE THIS THE 24th DAY OF March, 2008 A.D.

Don E. Penney For
ALICE GLASS, DIRECTOR
DEVELOPMENT REVIEW AND INSPECTION DEPARTMENT

STATE OF TEXAS
COUNTY OF TARRANT

I, DAWA DEBENHARR, CLERK OF THAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WARRANT AND ITS CORRESPONDING AUTHENTICITY, WAS FILED FOR RECORDING IN MY OFFICE ON THE 01 DAY OF APRIL, 2000 A.D. AT 12:00 O'CLOCK P.M., AND THAT IT WAS RECORDED ON THE 01 DAY OF APRIL, 2000 A.D. AT 12:00 O'CLOCK P.M., IN PLAT BOOK 10 OF COUNTY AND STATE IN PLAT BOOK 10 PAGE(S) 10

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 01 DAY OF APRIL, 2000 A.D.

DANA DEBEAUGH, COUNTY CLERK
TARRANT COUNTY, TEXAS

BY: [Signature]
DEPUTY

IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF THIRVES COUNTY, TEXAS, IT IS HEREBY CERTIFIED THAT THE BUILDING OF ALL STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES OF ANY KIND OR KINDS OF CALVEYS NECESSARY TO BE PLACED ON SUCH ROADS, STREETS OR OTHER PUBLIC THOROUGHFARES SHALL BE THE RESPONSIBILITY OF THE OWNER OR DEVELOPER OF THE TRACT OF LAND SHOWN ON THIS PLAT AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF THIRVES COUNTY, TEXAS, AND SAID COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRANCHES OF CALVEYS THEREON.

THE ACCEPTANCE FOR MAINTAINING OF TOWNS COUNTY, TEXAS, OF THE ROADS OR STREETS IN REAL ESTATE SURVEYING LIES NOT BEARING THE BURDEN TO INSTALL STREET IMPROVEMENTS, AS THIS IS CONSIDERED TO BE PART OF THE PROPERTY'S OBLIGATION, BUT THAT ERECTING SIGNS FOR TRAFFIC CONTROL SUCH AS STOP SIGNS AND STOP AND YIELD SIGNS SHALL REMAIN THE RESPONSIBILITY OF THE OWNER.

COMMISSIONERS COURT CERTIFICATE
THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DHIA DEVENAR, CLERK OF THE COUNTY COURT, OF TARRANT COUNTY, TEXAS, DO HEREBY
CERTIFY THAT _____
ON THE _____ DAY OF _____, 1906, A.D., THE COMMISSIONER'S
COURT OF TARRANT COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORDS
OF SAID ORDER WAS DAILY ENTERED IN THE MINUTES OF SAID COURT, IN BOOK
PAGES _____
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID CO.
DAY OF _____, 1906, A.D.

SAGA DEBEAUMVOIR, COUNTY CLERK, TARRANT COUNTY, TEXAS

12/11/11

FILED FOR RECORD AT _____ O'CLOCK _____ M. THIS _____ DAY OF _____
1990 . A.D.

DANA DEVEAULT, COUNTY CLERK, TARRANT COUNTY, TEXAS
BY: [Signature]
DEPUTY

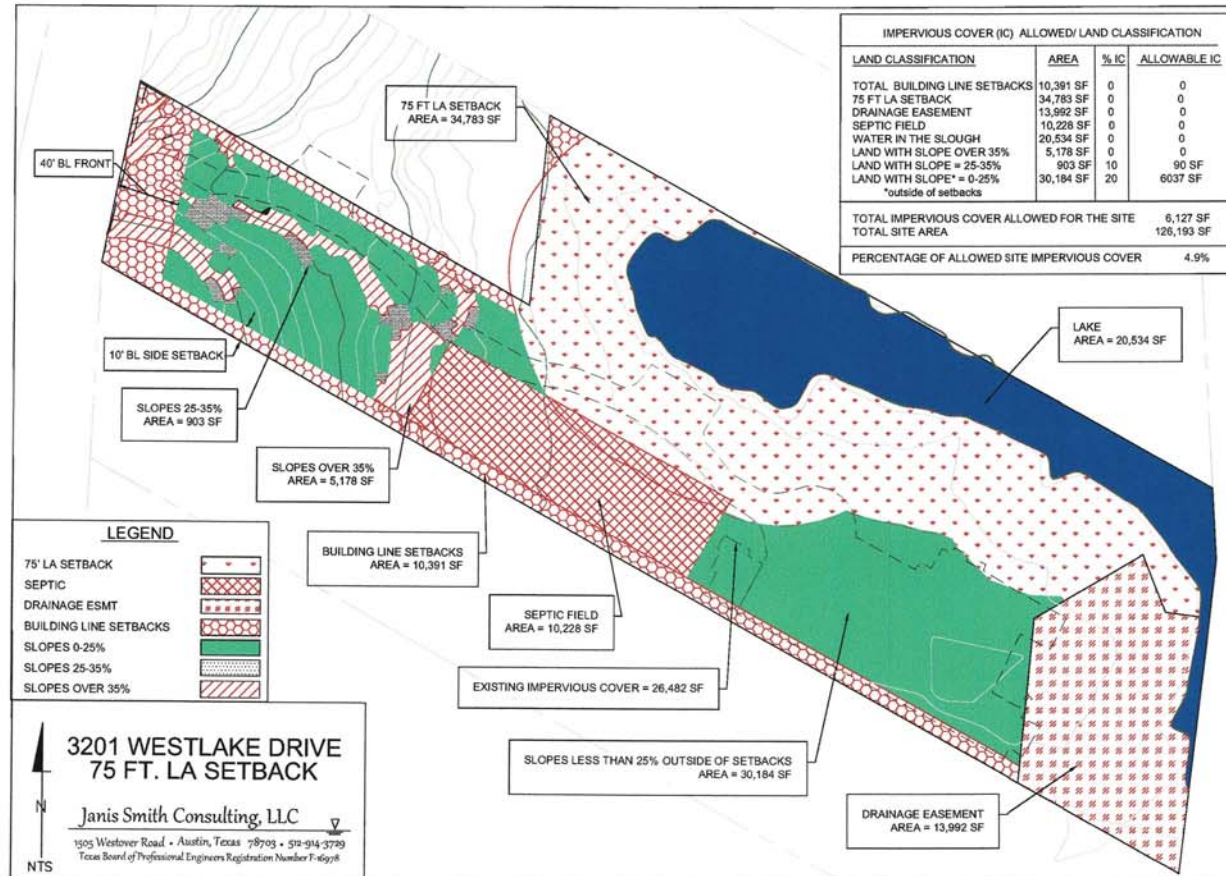
C8-97-0082.0A

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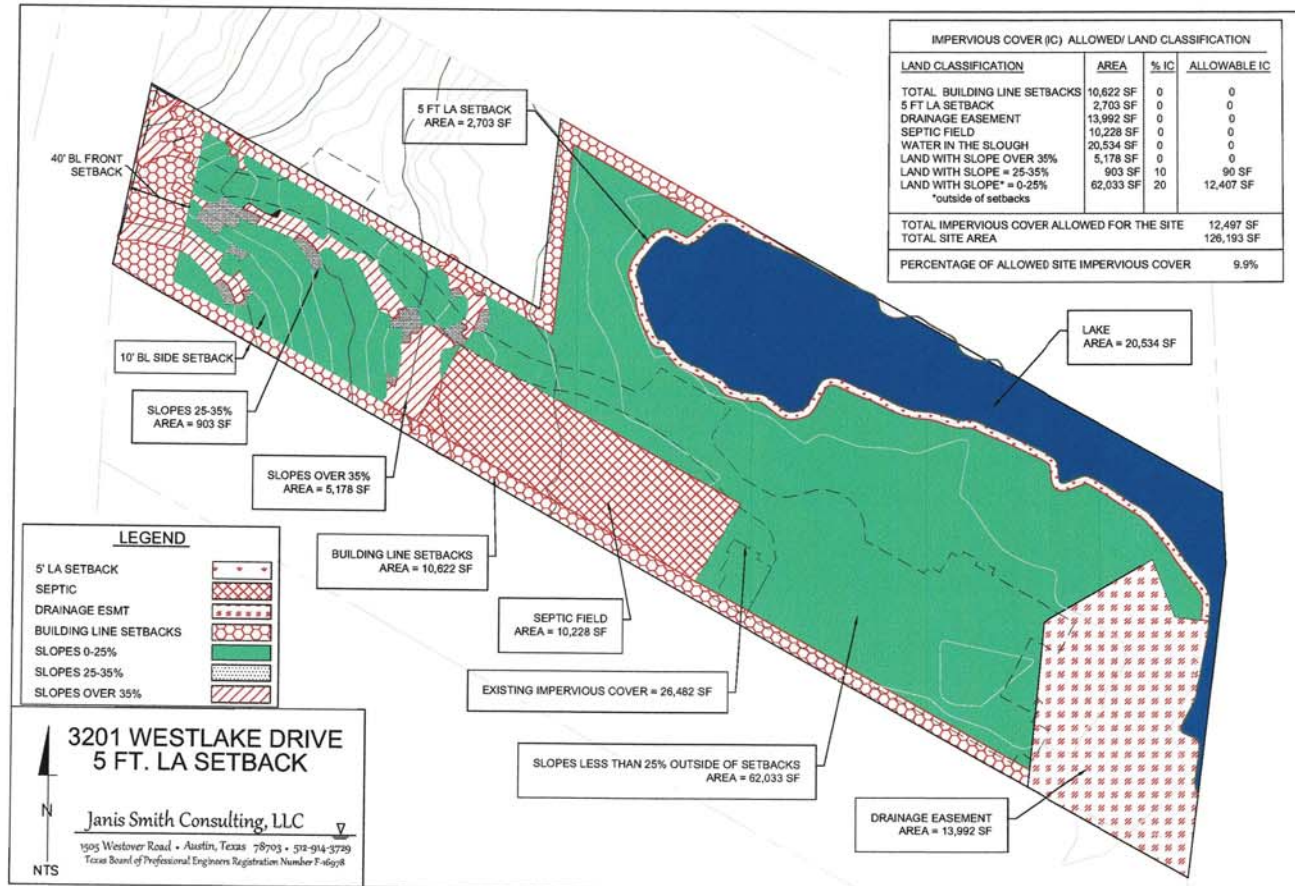
RESUBDIVISION OF LOT 80
LAKE SHORE ADDITION
FINAL PLAT

OWNER:
EVELYN C. ROBINSON
351 G. STEPHENS BOHOL ROAD
AUSTIN, TX 78746

CL Longaro & Clarke, Inc.
Consulting Engineers
Land Development • Environmental Quality Management • Water Resources
201 Laurel Road, Suite 200, Annapolis, MD 21404







November 6, 2018

RE: 3201 Westlake Dr.

Dear Board of Adjustment Commissioners,

I am writing this letter to express my support of Mr. Kristen's variance to reduce the 75' shoreline setback to a 5' shoreline setback along the man-made slough on his property at 3201 Westlake Dr. I understand that reducing the setback will allow him to relocate the house and associated improvements towards the center of the lot as well as allow a more reasonable buildable area. Approving the variance will allow him to remove the existing buildings from the corner of the lot and would provide both properties with more privacy.

Thank you in advance for considering his request.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Huff". The signature is written in a cursive, flowing style. Below the signature, the word "show" is printed in a small, lowercase font.

Kathleen Huff
3117 Westlake Dr.
Austin, TX 78746