CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM06

DATE: Monday September 11, 2023 **CASE NUMBER: C15-2023-0026**

___Y____Thomas Ates (D1)
_____VACANT (D2)
___Y____Jessica Cohen (D3)
___Y____Yung-ju Kim (D4)
___Y____Melissa Hawthorne (D5)
___Y____Jeffrey Bowen (D6)
___Y____Janel Venzant (D7)
___-____Margaret Shahrestani (D8) OUT
___Y____Brian Poteet (D9)
___Y____Michael Von Ohlen (D10)
___Y____Marcel Gutierrez-Garza (M)
___Y____Kelly Blume (Alternate) (M)
_____Suzanne Valentine (Alternate) (M)
_____VACANT (Alternate) (M)

APPLICANT: Perry Hunt

OWNER: Bilal Khan

ADDRESS: 15 MARGRANITA CRESCENT

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 *(Maximum Development Permitted)* to increase the F.A.R from 40% (required) to 42.61% (requested), in order to enclose the tandem carport and create a tandem garage to an existing single-family residence in an "SF-3-NP", Single-Family-Neighborhood Plan zoning district (WANG Neighborhood Plan)

BOARD'S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR; JULY 10, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to deny; Board member Michael Von Ohlen seconds; a substitute motion by Board member Janel Venzant motions to postpone to September 11, 2023, Madam Chair Jessica Cohen seconds on 8-2 votes (Board members Melissa Hawthorne and Michael Von Ohlen nay); POSTPONED TO SEPTEMBER 11, 2023. Sept 11, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to deny; Board member Jeffrey Bowen seconds on 10-0 votes; DENIED.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: N/A

2. (a) The hardship for which the variance is requested is unique to the property in that: N/A

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

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: N/A

Elaine Ramirez
Executive Liaison

Diana Ramirez for
Jessica Cohen
Madam Chair

ITEM04/3

BOA GENERAL REVIEW COVERSHEET
RECONSIDERATION

CASE: C15-2023-0026

BOA DATE: October 9th, 2023

ADDRESS: 15 Margranita Cres

COUNCIL DISTRICT:

OWNER: Bilal Khan

AGENT: N/A

ZONING: SF-3-NP (WANG)

LEGAL DESCRIPTION: LOT 204 LESS E 18.37 FT TARRYTOWN OAKS

VARIANCE REQUEST: increase the F.A.R from 40% to 42.61%

SUMMARY: remodel to convert existing carport into a garage

ISSUES: drainage issues, FAR, & topography

	ZONING	LAND USES
Site	SF-3-NP	Single-Family
North	SF-3-NP	Single-Family
South	SF-3-NP	Single-Family
East	Mopac Expy	Mopac Expy
West	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:
Austin Independent School District
Austin Lots and Found Pets
Austin Neighborhoods Council
Central West Austin Neighborhood Plan Contact Team
Friends of Austin Neighborhoods
Neighborhood Empowerment Foundation
Preservation Austin
SELTexas
Save Barton Creek Assn.
Save Historic Muny District
Sierra Club, Austin Regional Group
TNR BCP – Travis County Natural Resources
Tarrytown Alliance
Tarrytown Neighborhood Association
West Austin Neighborhood Group

ITEM04/4

NOREX
ENGINEERING, INC.
2401 E. 6th Street - Unit 35
Austin, Texas 77802
TEL: [redacted]

September 21, 2023

David Long
Project Manager – David Weekley Homes
9000 Waterford Centre Blvd.
Austin, Texas 78758

Re: 15 Margranita Crescent Austin, Tx.

Mr. Long,

Per your request, I personally visited the referenced structure to evaluate the extent and nature of the ongoing water intrusion and ponding issue, previous repair attempts and suggested options in an effort to recommend a solution to resolve the situation. Based on my evaluation, and attendance at the September 11, 2023 Board of Adjustments meeting, I am presenting this letter relating to the recommended solution presented by the sitting board members for the existing construction deficiency issue at the referenced address.

Since our meeting with the City of Austin the attached diagrams and details have been prepared by the Architect of Record representing what we believe was the proposed solution discussed by the current Board Members during the September 11, 2023 meeting. That being, scarifying the surface of the existing foundation and adding a minimum 2" thick cap of cementitious material adhered to the newly scarified surface with the use of an epoxy-based adhesive. During the meeting, it was suggested by board members to extend the flashing from the wall to the underside of the newly placed 2" cementitious material. In addition, this method will require the use of flashing to transition from the wall to the surface of the newly placed cementitious surface.

This method although potentially useful, does not recognize the ongoing maintenance required to ensure water will not enter into the wall cavity and settle in and around the wall bottom plate creating long term decay of the wood framing members and associated mold growth.

The proposed solution, in our opinion will result in what would be consider substandard construction and a latent defect. The placement of flashing on the surface of the concrete will result in a raised section of flashing, posing a potential safety hazard. When cutting a groove in the cap, a weak point in the cap will then be created. It is likely that weak point will ultimately crack through to the existing slab, allowing water to wick into the space between the slabs, resulting in cap separation. The use of flashing is intended to shed water as opposed to damn water; thus, flashing placed in or under the cap will only result in wicking. In addition, flashing typically is available in lengths of 16' or less. The installation of a counter-sunk flashing with a non-sloping surface is a poor construction method. In regards to scarifying the surface of the existing foundation, an attempt by this method to place a turn-back flashing may result in damage to a post-tension cable.

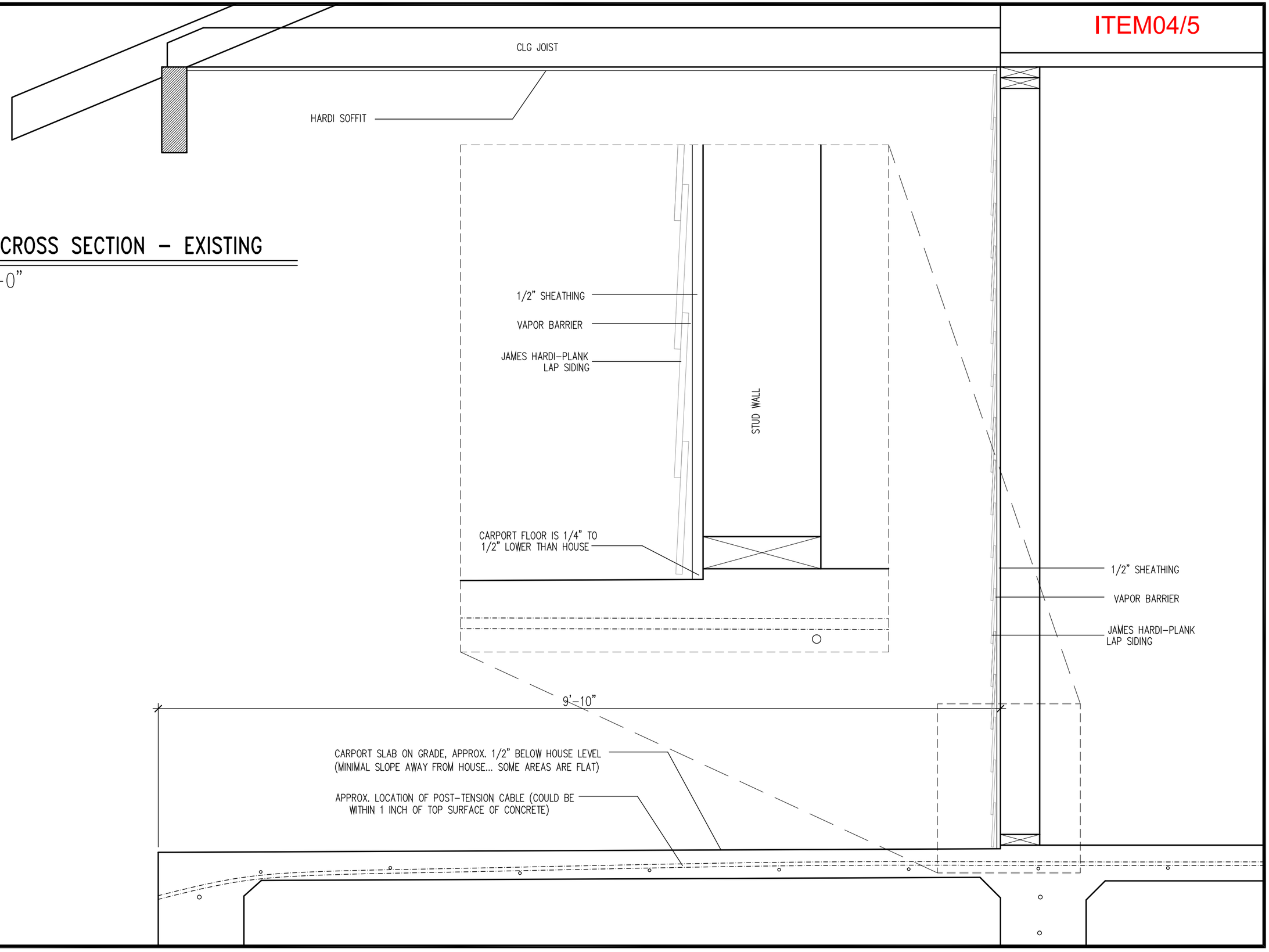
In my opinion, adding perimeter walls and correctly flashing over the existing foundation edge could be reasonably, safely, and structurally accomplished as a truly viable method of completely mitigating any water entering this area.

Therefore, my recommendation to the Board of Adjustment remain the same and that a variance be granted, allowing the FAR to be increased to 42.61%, essentially allowing Mr.Khan to enclose his carport.

Sincerely,

09/21/2023 10:50:36 AM
Michael T. Scanlon, P.E.
President
Norex Engineering, Inc.

ITEM04/5



ZOOMED IN CROSS SECTION - EXISTING

SCALE" 1"=1'-0"

1

ITEM04/6

FLASHING METHOD No. 1–
FLASHING LAID ON TOP OF CONCRETE CAPPED FLOOR

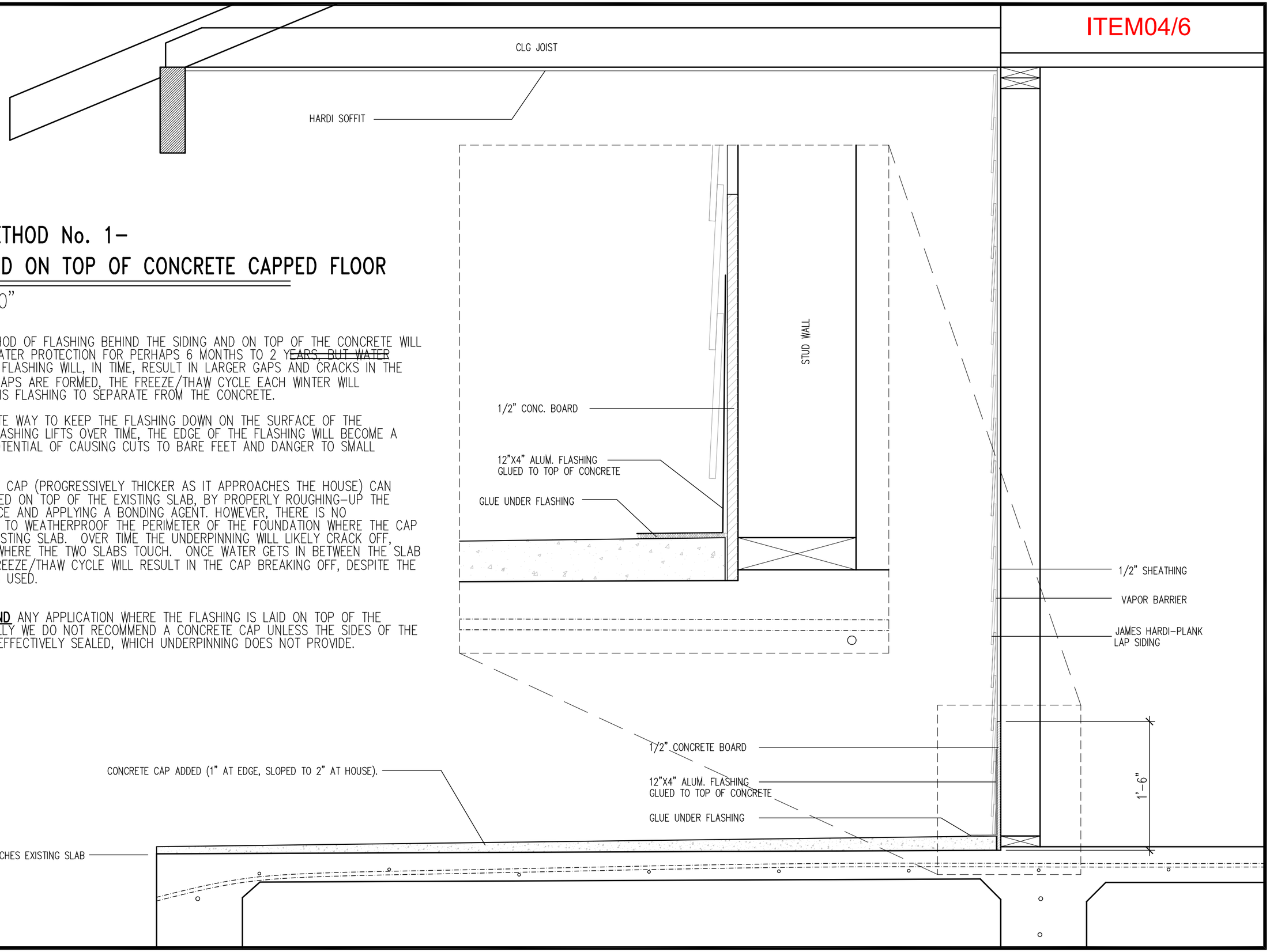
SCALE" 1"=1'–0"

ANALYSIS: THIS METHOD OF FLASHING BEHIND THE SIDING AND ON TOP OF THE CONCRETE WILL PROVIDE ADEQUATE WATER PROTECTION FOR PERHAPS 6 MONTHS TO 2 YEARS, BUT WATER CREEPING UNDER THE FLASHING WILL, IN TIME, RESULT IN LARGER GAPS AND CRACKS IN THE GLUE. ONCE THESE GAPS ARE FORMED, THE FREEZE/THAW CYCLE EACH WINTER WILL GRADUALLY CAUSE THIS FLASHING TO SEPARATE FROM THE CONCRETE.

THERE IS NO ADEQUATE WAY TO KEEP THE FLASHING DOWN ON THE SURFACE OF THE CONCRETE. AS THE FLASHING LIFTS OVER TIME, THE EDGE OF THE FLASHING WILL BECOME A HAZARD, WITH THE POTENTIAL OF CAUSING CUTS TO BARE FEET AND DANGER TO SMALL ANIMALS.

A 1" TO 2" CONCRETE CAP (PROGRESSIVELY THICKER AS IT APPROACHES THE HOUSE) CAN EFFECTIVELY BY POURED ON TOP OF THE EXISTING SLAB, BY PROPERLY ROUGHING–UP THE EXISTING SLAB SURFACE AND APPLYING A BONDING AGENT. HOWEVER, THERE IS NO APPROPRIATE METHOD TO WEATHERPROOF THE PERIMETER OF THE FOUNDATION WHERE THE CAP CONNECTS TO THE EXISTING SLAB. OVER TIME THE UNDERPINNING WILL LIKELY CRACK OFF, EXPOSING THE JOINT WHERE THE TWO SLABS TOUCH. ONCE WATER GETS IN BETWEEN THE SLAB AND THE CAP, THE FREEZE/THAW CYCLE WILL RESULT IN THE CAP BREAKING OFF, DESPITE THE BONDING AGENT BEING USED.

WE **DO NOT RECOMMEND** ANY APPLICATION WHERE THE FLASHING IS LAID ON TOP OF THE CONCRETE. ADDITIONALLY WE DO NOT RECOMMEND A CONCRETE CAP UNLESS THE SIDES OF THE FOUNDATION CAN BE EFFECTIVELY SEALED, WHICH UNDERPINNING DOES NOT PROVIDE.



2

ITEM04/7

FLASHING METHOD No. 2–
FLASHING LAID ON TOP OF CONCRETE CAPPED FLOOR

SCALE" 1"=1'–0"

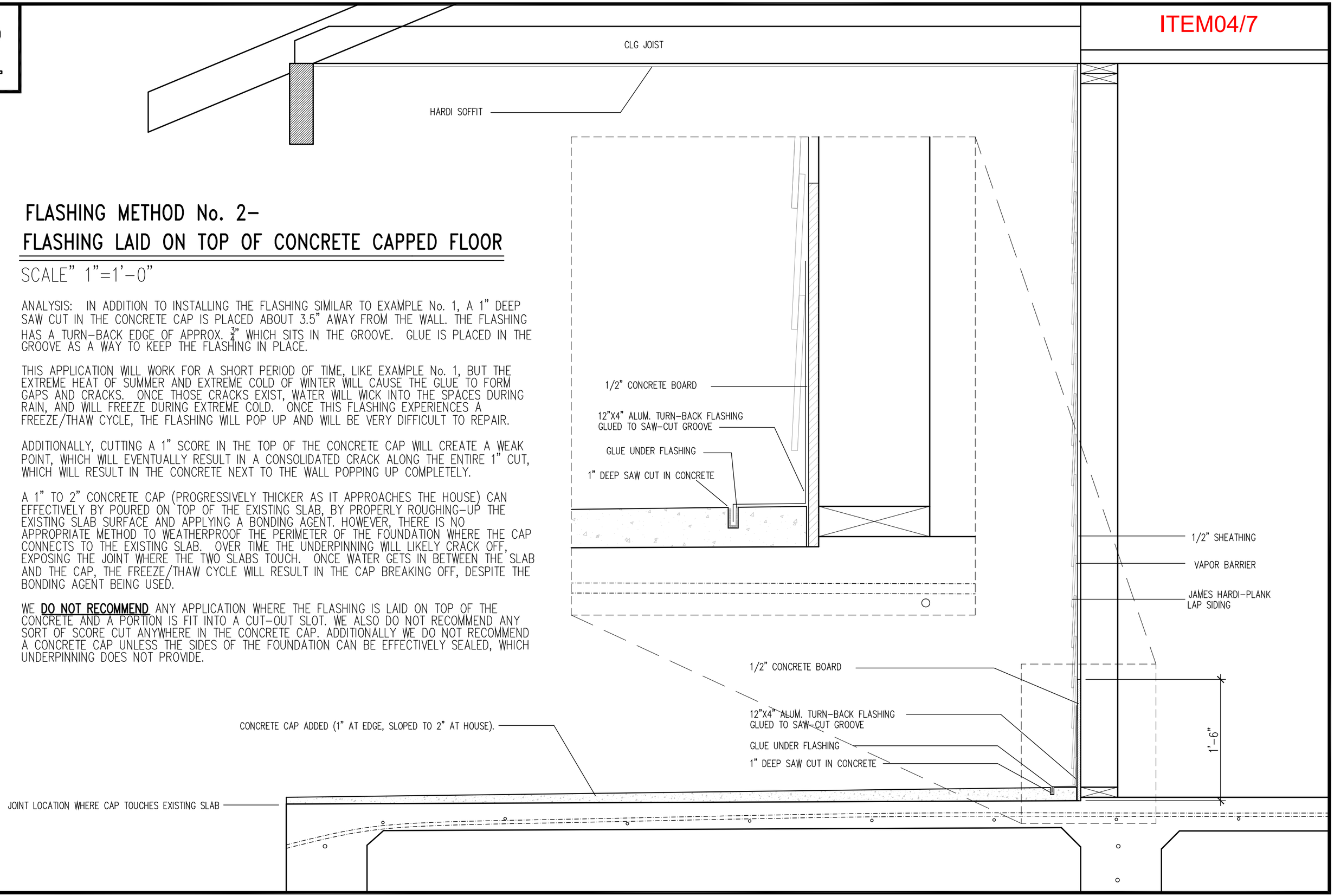
ANALYSIS: IN ADDITION TO INSTALLING THE FLASHING SIMILAR TO EXAMPLE No. 1, A 1" DEEP SAW CUT IN THE CONCRETE CAP IS PLACED ABOUT 3.5" AWAY FROM THE WALL. THE FLASHING HAS A TURN–BACK EDGE OF APPROX. ¾" WHICH SITS IN THE GROOVE. GLUE IS PLACED IN THE GROOVE AS A WAY TO KEEP THE FLASHING IN PLACE.

THIS APPLICATION WILL WORK FOR A SHORT PERIOD OF TIME, LIKE EXAMPLE No. 1, BUT THE EXTREME HEAT OF SUMMER AND EXTREME COLD OF WINTER WILL CAUSE THE GLUE TO FORM GAPS AND CRACKS. ONCE THOSE CRACKS EXIST, WATER WILL WICK INTO THE SPACES DURING RAIN, AND WILL FREEZE DURING EXTREME COLD. ONCE THIS FLASHING EXPERIENCES A FREEZE/THAW CYCLE, THE FLASHING WILL POP UP AND WILL BE VERY DIFFICULT TO REPAIR.

ADDITIONALLY, CUTTING A 1" SCORE IN THE TOP OF THE CONCRETE CAP WILL CREATE A WEAK POINT, WHICH WILL EVENTUALLY RESULT IN A CONSOLIDATED CRACK ALONG THE ENTIRE 1" CUT, WHICH WILL RESULT IN THE CONCRETE NEXT TO THE WALL POPPING UP COMPLETELY.

A 1" TO 2" CONCRETE CAP (PROGRESSIVELY THICKER AS IT APPROACHES THE HOUSE) CAN EFFECTIVELY BY POURED ON TOP OF THE EXISTING SLAB, BY PROPERLY ROUGHING–UP THE EXISTING SLAB SURFACE AND APPLYING A BONDING AGENT. HOWEVER, THERE IS NO APPROPRIATE METHOD TO WEATHERPROOF THE PERIMETER OF THE FOUNDATION WHERE THE CAP CONNECTS TO THE EXISTING SLAB. OVER TIME THE UNDERPINNING WILL LIKELY CRACK OFF, EXPOSING THE JOINT WHERE THE TWO SLABS TOUCH. ONCE WATER GETS IN BETWEEN THE SLAB AND THE CAP, THE FREEZE/THAW CYCLE WILL RESULT IN THE CAP BREAKING OFF, DESPITE THE BONDING AGENT BEING USED.

WE **DO NOT RECOMMEND** ANY APPLICATION WHERE THE FLASHING IS LAID ON TOP OF THE CONCRETE AND A PORTION IS FIT INTO A CUT–OUT SLOT. WE ALSO DO NOT RECOMMEND ANY SORT OF SCORE CUT ANYWHERE IN THE CONCRETE CAP. ADDITIONALLY WE DO NOT RECOMMEND A CONCRETE CAP UNLESS THE SIDES OF THE FOUNDATION CAN BE EFFECTIVELY SEALED, WHICH UNDERPINNING DOES NOT PROVIDE.



3

ITEM04/8

FLASHING METHOD No. 3–
FLASHING LAID UNDER CONCRETE CAP FLOOR

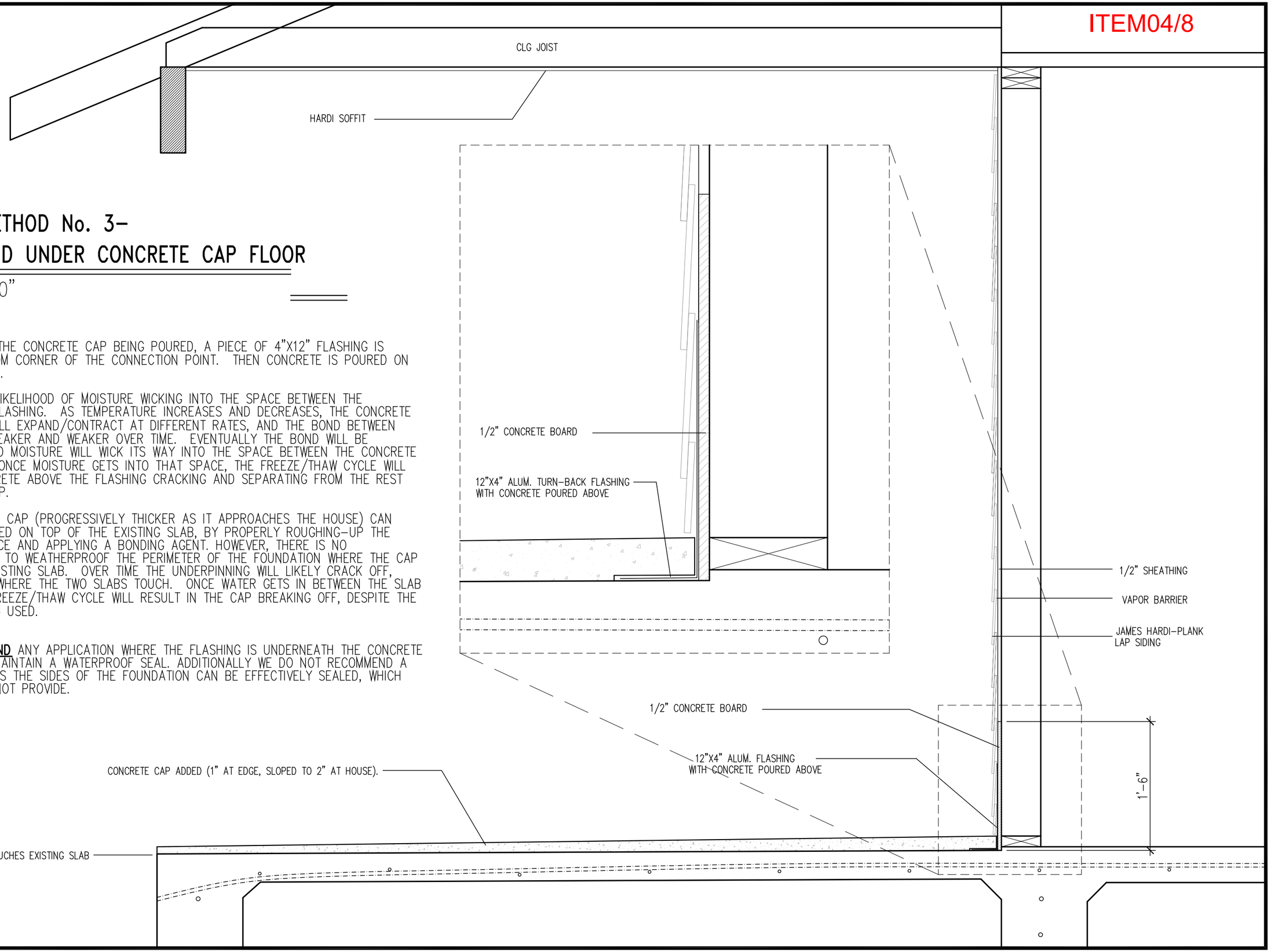
SCALE" 1"=1'–0"

ANALYSIS: PRIOR TO THE CONCRETE CAP BEING POURED, A PIECE OF 4"X12" FLASHING IS PLACED IN THE BOTTOM CORNER OF THE CONNECTION POINT. THEN CONCRETE IS POURED ON TOP OF THE FLASHING.

THERE IS A STRONG LIKELIHOOD OF MOISTURE WICKING INTO THE SPACE BETWEEN THE CONCRETE AND THE FLASHING. AS TEMPERATURE INCREASES AND DECREASES, THE CONCRETE AND THE FLASHING WILL EXPAND/CONTRACT AT DIFFERENT RATES, AND THE BOND BETWEEN THEM WILL BECOME WEAKER AND WEAKER OVER TIME. EVENTUALLY THE BOND WILL BE COMPLETELY FREE AND MOISTURE WILL WICK ITS WAY INTO THE SPACE BETWEEN THE CONCRETE AND THE FLASHING. ONCE MOISTURE GETS INTO THAT SPACE, THE FREEZE/THAW CYCLE WILL RESULT IN THE CONCRETE ABOVE THE FLASHING CRACKING AND SEPARATING FROM THE REST OF THE CONCRETE CAP.

A 1" TO 2" CONCRETE CAP (PROGRESSIVELY THICKER AS IT APPROACHES THE HOUSE) CAN EFFECTIVELY BY POURED ON TOP OF THE EXISTING SLAB, BY PROPERLY ROUGHING–UP THE EXISTING SLAB SURFACE AND APPLYING A BONDING AGENT. HOWEVER, THERE IS NO APPROPRIATE METHOD TO WEATHERPROOF THE PERIMETER OF THE FOUNDATION WHERE THE CAP CONNECTS TO THE EXISTING SLAB. OVER TIME THE UNDERPINNING WILL LIKELY CRACK OFF, EXPOSING THE JOINT WHERE THE TWO SLABS TOUCH. ONCE WATER GETS IN BETWEEN THE SLAB AND THE CAP, THE FREEZE/THAW CYCLE WILL RESULT IN THE CAP BREAKING OFF, DESPITE THE BONDING AGENT BEING USED.

WE **DO NOT RECOMMEND** ANY APPLICATION WHERE THE FLASHING IS UNDERNEATH THE CONCRETE CAP, AS IT CANNOT MAINTAIN A WATERPROOF SEAL. ADDITIONALLY WE DO NOT RECOMMEND A CONCRETE CAP UNLESS THE SIDES OF THE FOUNDATION CAN BE EFFECTIVELY SEALED, WHICH UNDERPINNING DOES NOT PROVIDE.



4

ITEM04/9

FLASHING METHOD No. 4–
TURNBACK FLASHING LAID UNDER CONCRETE CAP FLOOR

SCALE" 1"=1'–0"

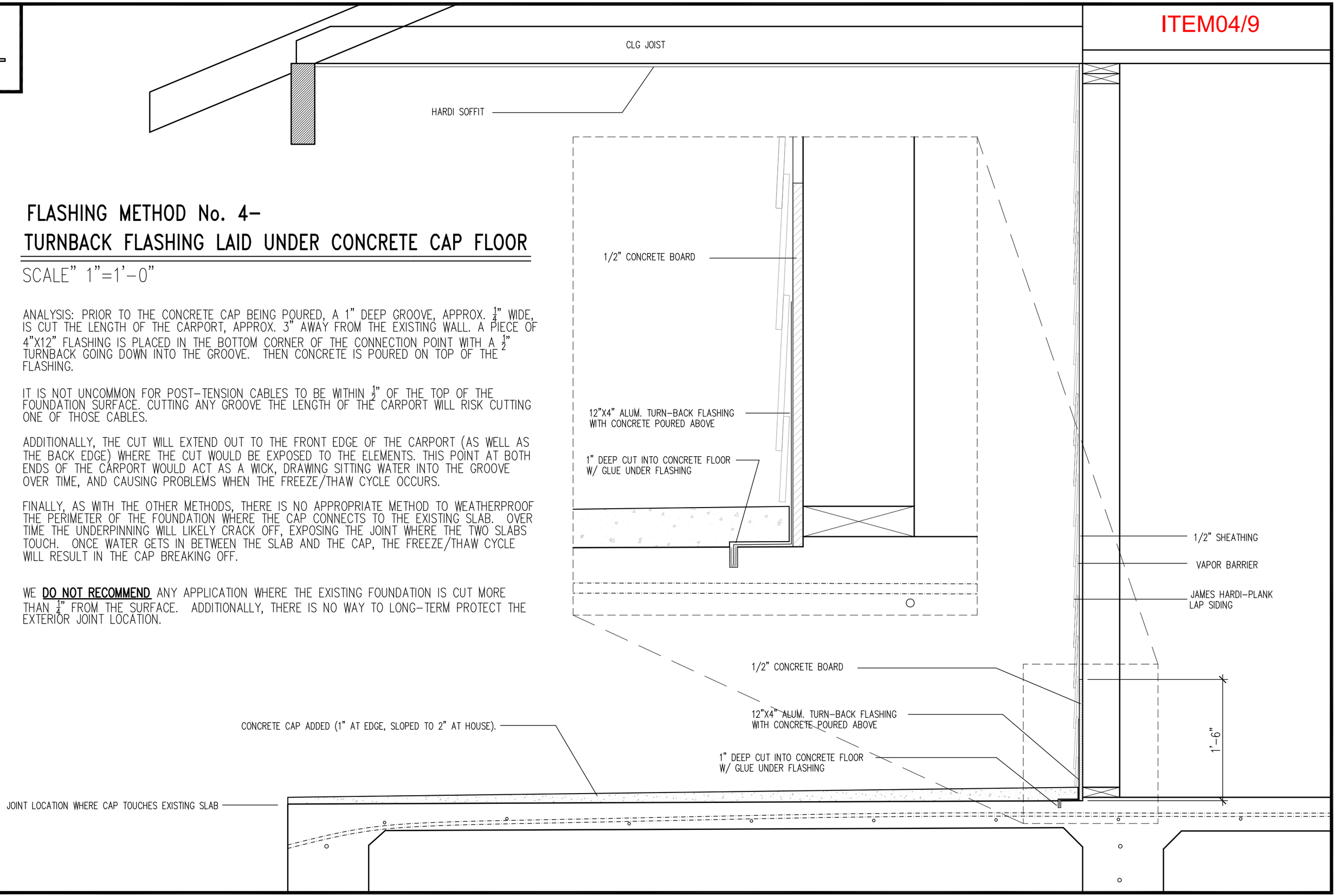
ANALYSIS: PRIOR TO THE CONCRETE CAP BEING POURED, A 1" DEEP GROOVE, APPROX. $\frac{1}{4}$" WIDE, IS CUT THE LENGTH OF THE CARPORT, APPROX. 3" AWAY FROM THE EXISTING WALL. A PIECE OF 4"X12" FLASHING IS PLACED IN THE BOTTOM CORNER OF THE CONNECTION POINT WITH A $\frac{1}{2}$" TURNBACK GOING DOWN INTO THE GROOVE. THEN CONCRETE IS POURED ON TOP OF THE FLASHING.

IT IS NOT UNCOMMON FOR POST–TENSION CABLES TO BE WITHIN $\frac{1}{2}$" OF THE TOP OF THE FOUNDATION SURFACE. CUTTING ANY GROOVE THE LENGTH OF THE CARPORT WILL RISK CUTTING ONE OF THOSE CABLES.

ADDITIONALLY, THE CUT WILL EXTEND OUT TO THE FRONT EDGE OF THE CARPORT (AS WELL AS THE BACK EDGE) WHERE THE CUT WOULD BE EXPOSED TO THE ELEMENTS. THIS POINT AT BOTH ENDS OF THE CARPORT WOULD ACT AS A WICK, DRAWING SITTING WATER INTO THE GROOVE OVER TIME, AND CAUSING PROBLEMS WHEN THE FREEZE/THAW CYCLE OCCURS.

FINALLY, AS WITH THE OTHER METHODS, THERE IS NO APPROPRIATE METHOD TO WEATHERPROOF THE PERIMETER OF THE FOUNDATION WHERE THE CAP CONNECTS TO THE EXISTING SLAB. OVER TIME THE UNDERPINNING WILL LIKELY CRACK OFF, EXPOSING THE JOINT WHERE THE TWO SLABS TOUCH. ONCE WATER GETS IN BETWEEN THE SLAB AND THE CAP, THE FREEZE/THAW CYCLE WILL RESULT IN THE CAP BREAKING OFF.

WE **DO NOT RECOMMEND** ANY APPLICATION WHERE THE EXISTING FOUNDATION IS CUT MORE THAN $\frac{1}{4}$" FROM THE SURFACE. ADDITIONALLY, THERE IS NO WAY TO LONG–TERM PROTECT THE EXTERIOR JOINT LOCATION.



ITEM04/10

From: Blake
To: Ramirez, Elaine
Cc: WANG ExCom
Subject: Fwd: C15-2023-0026; 15 Margranita Crescent
Date: Wednesday, September 13, 2023 3:15:40 PM
Attachments: Kahn Document 09-12-2023.docx
15 Margranita WANG Oppo.rtf

External Email - Exercise Caution

Elaine and Members of the Board of Adjustment:

Attached below is the document I forwarded to Dr. Kahn along with the original email WANG submitted in opposition to the variance request at 15 Margranita Crescent. After consultation with the leadership of WANG, we believe the City should be on notice of the allegations that are contained in the email chain.

My regards,

Blake Tollett
WANG

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook or forward to cybersecurity@austintexas.gov.

Begin forwarded message:

From: Bilal Khan [redacted]
Subject: Re: C15-2023-0026; 15 Margranita Crescent
Date: September 12, 2023 at 7:38:40 PM CDT
To: Blake [redacted]

Mr. Tollett and WANG

I never said anything after your opposition originally. Never did I complain or emailed once.

Once I heard the comment “tear my house down” from you (true or not is another topic), it ignited me to figure out who WANG is.

I look through who WANG is. You hold so much power with the city of Austin

board members. They know who you are before you said anything and the city members had already made up their mind because of you. They welcomed you and held your opinion to a high standard than mine.

This is a BIASED decision by the city based on their personal interactions with you. That is against the law. This is favoring you over me.

I wonder if I take WANG organization though civil lawsuit and subpoena WANG members emails and phone records / texts and other interactions you have with city council members what will I find?

I am very familiar with the court systems and how to appeal through the judge and I may take that route and take the city in the court because of the biased judgement they made because of you and WANG.

It amazes me that you act that you care so much for this community yet not once you offered to come to my house and actually see why we can't do what city is saying. I am not doing anything to gain profit (as you implied) as I will be living here my whole life.

Your judgement is outdated and you are not changeable and the future of my community will change with time even if I lose.

Kind regards,

Bilal Khan

On Sep 12, 2023, at 5:56 PM, Blake[redacted] wrote:

Dr Kahn,

Let's get on the same page here. As far as I can tell, you are not an active member of West Austin Neighborhood Group (WANG). WANG is a non-governmental opt-in organization and is not subject to disclosure requirements.

Out of courtesy to you I have gone back to documented reports that have been published by WANG in our annual newsletter over the last decade or so and have attached the below document for your information. I am not saying the document is complete, but it is complete to my knowledge.

I understand your disappointment in the unanimous decision from the Board of Adjustment to deny you requested variance. Beyond the the builder of your home, David Weekly Homes, I believe your redress to this decision is through the district court, but you will need to have that clarified by the City's Board of Adjustment Liaison. I have again included in this reply a copy of our email to the Board of Adjustment in opposition to your request for variance.

There is nothing else we can do for you. If you need further documentation of WANG interaction with the various city departments you will need to contact the city directly.

Blake Tollett
WANG

On Sep 12, 2023, at 1:21 PM, Bilal Khan
[redacted] wrote:

To WANG group

I need your help to give me information for the last 10 years of variance similar to mine (FAR going about 40%) and carport to car garage conversion that were approved or denied by your group. If it is listed on USA government website at freedom of information Act (FOIA) then please tell me how to find it.

This is my official request.

Thank you
Bilal Khan

On Aug 23, 2023, at 2:44 PM, Holly Reed
[redacted] wrote:

Dr. Khan,

On. July 6, the West Austin Neighborhood Group Board of Directors voted to oppose a variance request to increase the FAR (floor area ratio) from 40% to 42.61% at 15 Margranita Crescent. I have included the email which WANG sent to the Board of Adjustment on July 7th prior to their previously scheduled hearing.

The West Austin Neighborhood Group Board did not see there was a hardship in this case that warranted a variance to the City Code's maximum FAR, but rather an issue caused by faulty construction. However, it is up to the Board of Adjustment whether or not to grant this variance.

We sincerely hope that you and your builder will be able to work out a good solution to the problem moving forward.

Regards,

Holly Reed, President
West Austin Neighborhood Group (WANG)
President@WestAustinNG.com
[redacted]

Begin forwarded message:

From: Blake Tollett
<[redacted]
Subject: C15-2023-0026; 15 Margranita Crescent
Date: July 7, 2023 at 3:59:17 PM CDT
To: Elaine Ramirez
<Elaine.Ramirez@austintexas.gov>

Elaine Ramirez, Liaison
Board of Adjustment
City of Austin

RE: C15-2023-0026; 15 Margranita Crescent

Members of the Board of Adjustment:

The Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) has voted electronically to oppose the above referenced variance request at 15 Margranita Crescent.

Our opposition is primarily focused on the allegations of hardship as presented in the

application. The size and topography of the building lot was known prior to design of the residence, and specific design considerations were made to conform with the known requirements of LDC Subchapter F. Specifically, in order to maximize FAR a tandem carport was chosen over an enclosed tandem garage. Carports by their very nature are open to the elements, but use of a carport rather than an enclosed garage was an informed decision. It is unfortunate that the drive under the carport was constructed to slope water towards the residence rather than away, and it is hoped that the applicant of the variance and the initial builder of the home, David Weekly Homes, will work with the home owner to find a resolution that will ameliorate at least some of the periodic flooding issues. Again, we see these hardships as self-imposed.

We also have concerns that allowing the carport to be enclosed after construction through the variance process, thus increasing the allowable FAR, does set a precedent for like situated residences.

A member of the neighborhood association will be in attendance at the hearing on Monday 10 July 2023.

Respectfully.

Blake Tollett, Land Matters
West Austin Neighborhood Group
PO Box 5722
Austin, Texas 78763

ITEM04/15

From: Blake Tollett [redacted]
Subject: C15-2023-0026; 15 Margranita Crescent
Date: July 7, 2023 at 3:59:17 PM CDT
To: Elaine Ramirez <Elaine.Ramirez@austintexas.gov>
Bcc: WANG ExCom [redacted]

Elaine Ramirez, Liaison
Board of Adjustment
City of Austin

RE: C15-2023-0026; 15 Margranita Crescent

Members of the Board of Adjustment:

The Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) has voted electronically to oppose the above referenced variance request at 15 Margranita Crescent.

Our opposition is primarily focused on the allegations of hardship as presented in the application. The size and topography of the building lot was known prior to design of the residence, and specific design considerations were made to conform with the known requirements of LDC Subchapter F. Specifically, in order to maximize FAR a tandem carport was chosen over an enclosed tandem garage. Carports by their very nature are open to the elements, but use of a carport rather than an enclosed garage was an informed decision. It is unfortunate that the drive under the carport was constructed to slope water towards the residence rather than away, and it is hoped that the applicant of the variance and the initial builder of the home, David Weekly Homes, will work with the home owner to find a resolution that will ameliorate at least some of the periodic flooding issues. Again, we see these hardships as self-imposed.

We also have concerns that allowing the carport to be enclosed after construction through the variance process, thus increasing the allowable FAR, does set a precedent for like situated residences.

A member of the neighborhood association will be in attendance at the hearing on Monday 10 July 2023.

Respectfully.

Blake Tollett, Land Matters
West Austin Neighborhood Group
PO Box 5722
Austin, Texas 78763

C15-2020-0001
809 Norwalk
Applicant/Owner: Todd O'Neill 512-923-5170

The applicant requested a variance from the LDC Subchapter F: Residential Design and Compatibility Standards (McMansion) to allow an attached parking area (carport) that does not meet the minimum parking requirement to be exempted from the gross Floor Area calculation for this site (160 s.f.) in order to complete an addition of a bedroom and carport in a SF-3-NP zoning district.

NOTE-The proposed carport is 12 feet deep and does not meet the definition of a parking space per the Transportation Criteria Manuel (TCM) that references a minimum size space as being 8.5 feet x 17 feet.

The BoA at public hearing on 5 February 2020 granted the variance requested at 809 Norwalk Lane.

C15-2018-0005
2605 W. 8th Street
Applicant/owner: Evan & Kristina Baehr ([redacted]

The applicant has requested a variance from Subchapter F: Residential Design and Compatibility Standards (McMansion), to increase the maximum allowable floor to area ratio from 0.4 to 1.0 (required, permitted) to 0.44 to 1.0 (requested) in order to add a 37 square foot elevated hallway to connect the main portion of the home to an existing detached air condition living space previously built as an art studio located above a garage in an SF-3-NP zoning district.

Upon revisions by the applicants, the WANG BoD voted to not oppose the requested variance with the understanding that the applicants intend to remove the outside staircase to the upper garage habitable space and that they will not, subsequent to the granting of the requested variance, install an internal staircase within the garage to access the upper level. It was also noted by the WANG BoD that there appears to be no close by neighbor opposition to the requested variance.

The variance was granted upon the conditions requested by WANG.

C15-2015-0057
2900 Clearview Drive
Applicant: Jim Bennett [redacted]
Owner: Lamar Clemons 5[redacted]

The applicant had requested a variance from the Residential Design and Compatibility Standards (the McMansion ordinance) in order to increase the square footage from .4 to 1 Floor to Area Ration (FAR)

to .47 to 1 FAR (requested) in order to add 79 square feet to an existing residence with a .45 to 1 FAR in an SF-3-NP zoning district.

In 2006, the following variance was granted for this property:

C15-06-040
2900 Clearview Drive
Owner/Agent: Melissa and Shea Baker 322-2020

The applicant had requested a variance to decrease the minimum side yard setback requirement from 5 feet to 3.5 feet in order to erect a second story addition to an existing single-family residence.

The WANG BoD could not find consensus in this matter and voted to remain neutral on this request. We noticed the substantial 2006 variance request granted at this property, but this request was de minimis in nature and there was no close by neighbor opposition. The BoA granted the variance conditioned on the owner installing some sort of rain water harvesting system and that it be understood that no further variances will be given to the property.

C15-2015-0116
2005 Towers Drive
Applicant: Jim Bennett 5[redacted]
Owner: Marth Atelia Clarkson

In order to construct an addition to an existing single-family home, the applicant has requested variances from the following Land Development code Sections:

25-2-492 (D) to decrease the side setback from 5 feet (required) to 0 feet (existing).

Increase the maximum impervious coverage from 45% (required/permitted) to 56.1% (requested, existing).

Increase the maximum permitted Floor-To-Area Ratio (FAR) from .4 to 1 (required/permitted) to .643 to 1 (requested, .494 to 1 existing).

To allow for a penetration of the side setback plane/building tent of 4 feet 6 inches vertically and 5 feet 6 inches horizontally.

Although this hearing will not go before the Board of Adjustment until 12 October, it is included as illustrative of why the variance process is in place. Originally there were two fairly equal side-by-side lots, one privately owned and one owned by the city and used as a drainage/flooding easement. In 1993 the City sold 1/2 of their lot to the Clarksons, the then owner of the adjacent lot, but the official consolidation of the now privately owned property through resubdivision is not being allowed because the remaining City owned lot would not be a legal lot. There is a duplex built on the original privately owned lot, and the property as it now sits is a legal but nonconforming use (the duplex was built prior to the passage of the McMansion ordinance among other LDC requirements). What has triggered the necessity for the variance requests is the desire by the owner, Lia Clarksons, to add additional habitable

space to the current existing structure. The applicant is now asking that through the variance process that the property should be viewed as a whole. On its face, this makes sense and would seem to be an appropriate use of the variance process to clean up the side setback incursion, the increase in allowable impervious coverage, the increase in maximum FAR, and the side setback plane/building tent incursions. In the application, it is stated that if the lot and a half were consolidated, the house as it exists would not need these variances. After initial discussion with the applicant and their representative, if the previous statement is correct then there will be no opposition from the WANG BoD.

MODIFCATION REQUESTS AT THE RESIDENTIAL DESIGN & COMPATABILITY COMMISSION

Case Number: 2013-09438RA
2404 Sharon Lane
Applicant: Caroline Porter 5[redacted]
Owner: Charles Batey & Breann Bruton 5[redacted]

Modification Requested: The applicant had requested a modification to allow a Floor to Area Ratio (FAR) increase from the maximum development permitted allowable of 40% to 45.45% to convert an existing attic space into an accessory apartment in a SF-3 zoning district.

NOTE: Floor to Area Ratio is the comparison of the gross floor area of a structure to the size of the lot on which the structure is located. For the purpose of the McMansion ordinance, a quick rule of thumb is gross floor area is equal to habitable space within the structure. For example, a 7,000 square foot lot would be limited to a structure of approximately 2,800 square feet.

The neighborhood association BoD voted to oppose this modification request due to its precedential nature. This structure was originally built-in compliance with the McMansion design guidelines and the attic space was not counted for FAR purposes because it was shown on the building plans to be non-habitable. Under these circumstances, when the after the fact conversion of an attic within an existing structure from non-habitable into habitable space requires a modification to the residential design compatibility guidelines, the WANG ExComm looks very closely at whether the intent of the ordinance was followed in the building plans originally submitted to the city for permit.

The RDCC disagreed with WANG's position of opposition and granted the requested modification on a unanimous vote. Although the Commission specifically recognized the neighborhood association's concerns, they cited the proximity of homes far above the currently maximum allowed FAR limit as well as the close by neighbor support as the basis of their decision. They did question the applicant closely about impervious coverage, parking and whether the apartment was necessary.

C15-2012-0124
3801 Stevenson
Applicant: Jim Bennett 5[redacted]
Owner: Jack & Ann Swingler

The applicant requested a variance to decrease the minimum front street setback requirement from 25 feet to 5 feet in order to erect a carport for a single-family residence in an SF-3-NP zoning district.

The applicant requested a variance in order to erect a carport for a single-family residence in an SF-3-NP zoning district. The LDC (under the Central West Austin Neighborhood Plan) states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line the building façade.

[NOTE: The owners of this structure had previously received a variance from LDC requirements from the BoA in 2004 and a modification to LDC requirements from the Residential Design Compatibility Commission (RDCC) in 2009.]

[C15-04-041
3801 Stevenson Avenue
Jack and Ann Swingler, owners, ([redacted]
Tina Contros, agent, 371-3175

The applicant had requested a variance to decrease the minimum front street setback requirement from 25 feet to 12 feet 3 inches in order to erect an addition to a single-family residence in an SF-3 zoning district.

In 2004 the BoA granted an amended variance that contained the language we requested, to wit:

"After discussion with the applicant, and contingent upon the following modifications and conditions of the proposed variance request:

That the proposed incursion into the front yard setback be no greater than 7 feet six inches; that the incursion be specified for the garage only; and that the incursion be a single-story structure, the ExComm of WANG voted 9 to 4 to lift their previously stated opposition to the variance request."]

[Case Number: 08-072080RA
3801 Stevenson Avenue
Applicant: Tina Contros [redacted]
Owner: Ann & Jack Swingler 4[redacted]

The applicant had requested a modification to allow an FAR (Floor To Area Ratio) increase from the maximum development permitted from the allowable 40% (3007.6 square feet) to 45.79% (3443.5 square feet) in order to enclose an existing second story uncovered roof deck to create a study and a closet.

In 2009 the RDCC granted the requested modification and a restrictive covenant was placed on the deed, the relevant language being:

"The part of the Residence configured as a one-story garage on the date of this instrument will continue to be that of a one-story garage unless and until this restrictive covenant is amended, modified or terminated as herein provided."]

Considering these two previous increases in development entitlements the WANG Board asked that the BoA deny this third variance request from or modification to the LDC requirements and the BoA did so deny the requests.

MODIFCATION REQUESTS AT THE RDCC

Case Number: 2012-120342RM
2200 Mountainview Road
Applicant: William Hablinski, AIA 310-600-6940
Owner: Georgia Leonard

The applicant had requested a modification to allow a FAR increase from the maximum development permitted of 40% (3,480.5 s.f.) to 48% (4,199 s.f.) in order to relocate mechanical equipment to an existing attic space in a single-family (SF-3-NP) zoning district.

The WANG BoD voted electronically to oppose this modification request. This was a new construction, and if the modification had been sought prior to construction, the BoD was not convinced that such a large modification to the LDC would have been justified. The lot contains 8,700 s.f. that would allow a more than modest home of 3,480 s.f. at the LDC maximum FAR of 40%. The as built structure does not necessarily speak to compatibility with close by residences, something the RDCC looks to in granting modification requests, and there was substantial close by neighbor opposition to the modification request.

The main foundation of the applicant's request for modification after the structure has been built is that the City erred in releasing the building permit because the City Staff reviewer should have seen from the plans submitted that the applicant, the project's architect, had miscalculated the FAR. The applicant has also stated that the City's inspectors had passed the building layout and other preliminary inspections and that the miscalculation only came to light on framing inspection. The WANG BoD did not feel it was in the position to determine whether the original building permit application was sufficient for a reviewer to have detected the miscalculation of allowable FAR or even whether that would have been the reviewer's responsibility.

The Residential Design Compatibility Commission voted to deny the modification request.

Case Number: 2012-127211R
Applicant: Kari Blatchly 5[redacted]
Owner: Melissa Ann Jones
3210 Stevenson Avenue

The applicant has requested a modification to allow an articulation increase from the maximum development permitted in the LDC; from the allowable sidewall articulation requirement not to

extend in an unbroken plane for more than 36 feet-to extend the exterior wall 39 feet to build a new two-story single-family residence.

The applicant has requested a modification to allow a Floor-To Area (FAR) increase from the maximum development permitted in the LDC; from the allowable maximum of 40% (2,785 s.f.) to 44.8% (3,125 s.f.) in order to build a new two story single-family residence.

After review, the WANG BoD voted electronically to oppose the requested modifications. Our objection was based primarily on the overarching fact that the property in question was a cleared lot and a home could be designed and constructed, albeit on a smaller scale, within the parameters of the Land Development Code. This modification request was denied by the RDCC.

C15-2012-0015
1603 Raleigh Avenue
Applicant: Mike Brown [redacted]

The applicant requested a variance to increase the maximum impervious coverage requirement from 45% (69% existing) to 62% in order to remove portions of driveway and sidewalk and erect a carport for a single-family residence in an SF-3-NP zoning district.

This application reflects a current property owner having to deal with a previous owner's non-permitted construction that has left the property in non-compliance with the Land Development Code. The WANG BoD was sympathetic with the applicant but asked them to continue exploring ways to bring the impervious coverage down. At the BoA hearing, the applicant stated that they were going to use a ribbon rather than a solid driveway and with that change had reduced the impervious cover overage request down to 54%. With that provision and an agreement to keep the carport open on three sides the variance was granted.

C15-2012-0072
Applicant: Amir A. Moazami 5[redacted]
Owner: Moazami Endeavors, LLC
Address: 2100 Elton Lane

The applicant requested a variance to increase the maximum floor-to-area ratio (FAR) of Subchapter F; Article 2; Subsection 2.1 from 0.4 to 1.0 to 0.47 to 1.0 in order maintain a single family residence and detached garage in an "SF-3-NP", Single-Family Residence – Neighborhood Plan zoning district (Central West Austin Neighborhood Plan).

The applicant requested a variance from Section 25-2-1604 (C) (1) in order to maintain a parking structure with an entrance that faces the front yard to be closer to the front lot line than the building façade of the principal structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district (Central West Austin Neighborhood Plan). The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade of the principal structure.

These variance requests came before a specially called meeting of the BoA. There were two City of Austin permitting errors here. The WANG BoD decided that in the interest in fairness the neighborhood plan requirement that street-front loaded garages need to be located along or behind the home's front façade is a fairly new neighborhood specific requirement and the builder's reliance on the permit application reviewer's knowledge should be allowed. The WANG BoD viewed the FAR variance request somewhat differently. The City reviewer should not have allowed the 450 square foot exemption from the FAR calculation because this detached parking structure is not to the rear of the property. On the other hand, this placement requirement for exemption is specifically set out in the McMansion ordinance, the ordinance has been in effect for 6 years now, and this builder is a seasoned developer in neighborhoods subject to the ordinance. The WANG BoD noted very strong and overwhelming opposition to the requests from nearby neighbors and asked the BoA to require that the carport, if allowed, to remain unenclosed and open on two sides thereby not counting towards the FAR calculation. After extended testimony from all parties, a variance was granted to allow the parking structure to be retained in the front yard contra to the adopted neighborhood plan, but the structure must be an all sides open carport rather than a partially or totally enclosed garage thus eliminating the need for a FAR variance.

MODIFCATION REQUESTS AT THE RDCC

Case Number: 2012-017858R
1809 Schulle Avenue
Owner/Applicant: Ryan Vinson 7[redacted]

The applicant requested a modification to allow an increase in Floor to Area Ratio (FAR) from the maximum development allowed of 40% (2730 s.f.) to 46.8% (3188 s.f.) for new construction of a two story single family residence in a SF-3-NP zoning district.

This was a somewhat confusing case in that how the City Planning Review staff interpreted the McMansion ordinance reference to habitable attic space changed two and a half months prior to the applicant's submittal of their building plan for review. Reliance on the previous interpretation might have been a sufficient basis for the modification request if the application had been submitted closer to the interpretation change, but the commission rejected that argument. The WANG BoD voted to oppose the modification request due to the property being undeveloped and there being overwhelming neighbor opposition, and after a hearing before the RDCC the applicant withdrew their request for modification.

Case Number: 2012-036829PR
1807 Stamford Lane
Applicant: Eleanor F. Reshetnikov 5[redacted]
Owner: Richard & Andrea Stovall 4[redacted]

Modification Requested: The applicant has requested a modification to allow a FAR increase from the maximum development permitted by the Land Development Code (LDC) from the allowable 40% (4425.6 s.f.) to 48.2% (5335 s.f.) to build a detached single-story accessory structure (bathroom/storage) in a SF-3 zoning district.

This home was built prior to the McMansion ordinance and has an existing FAR in excess of .47. The applicant wanted to build a 132 s.f. detached unconditioned but enclosed and roofed single story bathroom and storage accessory structure for the convenience of those using the existing pool. The neighbors to the immediate south and north supported the modification request, but there were some nearby neighbors in opposition. WANG's BoD position was to not oppose conditioned on the accessory structure remaining unconditioned and the applicants agreed to this condition. The RDCC was not convinced of the justification for the modification and denied the request. The applicants appealed this denial to the City Council and the modification was granted.

Case Number: 09-127345PR
3311 Clearview
Owner: 8[redacted]
Applicant: Jay Corder 4[redacted]

The applicant had requested a modification to allow a F.A.R. (Floor-To-Area Ratio) increase from the maximum development permitted in the LDC from the allowable 40% (2730 square feet) to 42.8% (2922 square feet) on order to build a new two story single-family residence with attached garage. The additional modification request is 192 square feet.

A previous owner of this tract in 2008 had sought an 8% increase in the F.A.R. (to a F.A.R. of approximately 43 +%), and that request was granted.

The WANG Board opposed the original and also the more recent request of an increase in the F.A.R., as this was a clear lot and the applicant and the property owner both were aware of developmental limitations imposed by the LDC. At this hearing, there was a misunderstanding of the initial vote process between the Commission and City Staff and the request for modification was denied. Subsequently to the hearing, City Staff administratively overturned the RDCC determination without notice to interested parties, specifically the neighbors or the neighborhood association.

Case Number: 10-055014PR
2318 W 8th Street # B (a.k.a. 803 Possum Trot)
Applicant: John Hallock (Dick Clark Architecture) 4[redacted]
Owner: Kristi & Eric Wilkerson [redacted]

The applicant had requested a modification to allow a F.A.R (floor to area ratio) increase from the maximum development permitted in the LDC of 40% (2656.8 square feet) to 46.7% (3107 square feet) to allow an existing detached garage apartment to remain at its current location.

(NOTE: In communicating with Sylvia Benavides, the City liaison to the RDCC, the true figures of the request are 2856.8 square feet allowable and 3107 square feet requested-250 square feet difference)

The WANG Board felt that the applicant and property owner had made decisions after construction permits were issued that resulted in the requested modification to the LDC and therefore opposed the request. The Residential Design Compatibility Commission was persuaded otherwise and the modification requested was granted.

ITEM04/24

Case Number: 2011-052329RM
3508 Clearview Drive
Applicant: Fred Hubnik [redacted]
Owner: Michael McGowan & Lucy Price 6[redacted]

Modification Requested: The applicant had requested a modification to allow a F.A.R. increase from the maximum development permitted by the Land Development Code (LDC) from the allowable 40% (3316 s.f.) to 45.6% (3786 s.f.) to convert an existing detached garage into a pool house/storage area in an SF-3 zoning district.

The WANG Board opposition to this request was based on the fact that the original building permit for this structure, issued under the current design guidelines, placed the maximum allowed habitable space in the main house. This requested modification, if permitted, would have converted the existing non-habitable garage to potential living space. We felt this request was contra to the purpose of the ordinance, the Commission agreed, and the requested modifications were denied.

ITEM04/25

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM05

DATE: Monday July 10, 2023 **CASE NUMBER: C15-2023-0026**

___Y____Thomas Ates
___Y____Jessica Cohen
___N____Melissa Hawthorne
___Y____Brian Poteet
___Y____Marcel Gutierrez-Garza
___Y____Margaret Shahrestani
___Y____Richard Smith
___Y____Janel Venzant
___N____Michael Von Ohlen
___-____Nicholl Wade
___-____Kelly Blume (Alternate)
___-____Carrie Waller (Alternate)
___Y____Suzanne Valentine (Alternate)

APPLICANT: Perry Hunt

OWNER: Bilal Khan

ADDRESS: 15 MARGRANITA CRESCENT

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 *(Maximum Development Permitted)* to increase the F.A.R from 40% (required) to 42.61% (requested), in order to enclose the tandem carport and create a tandem garage to an existing single-family residence in an "SF-3-NP", Single-Family-Neighborhood Plan zoning district (WANG Neighborhood Plan)

BOARD'S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR; JULY 10, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to deny; Board member Michael Von Ohlen seconds; a substitute motion by Board member Janel Venzant motions to postpone to September 11, 2023, Madam Chair Jessica Cohen seconds on 8-2 votes (Board members Melissa Hawthorne and Michael Von Ohlen nay); POSTPONED TO SEPTEMBER 11, 2023.

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

Elaine Ramirez
Executive Liaison

Diana A. Ramirez for

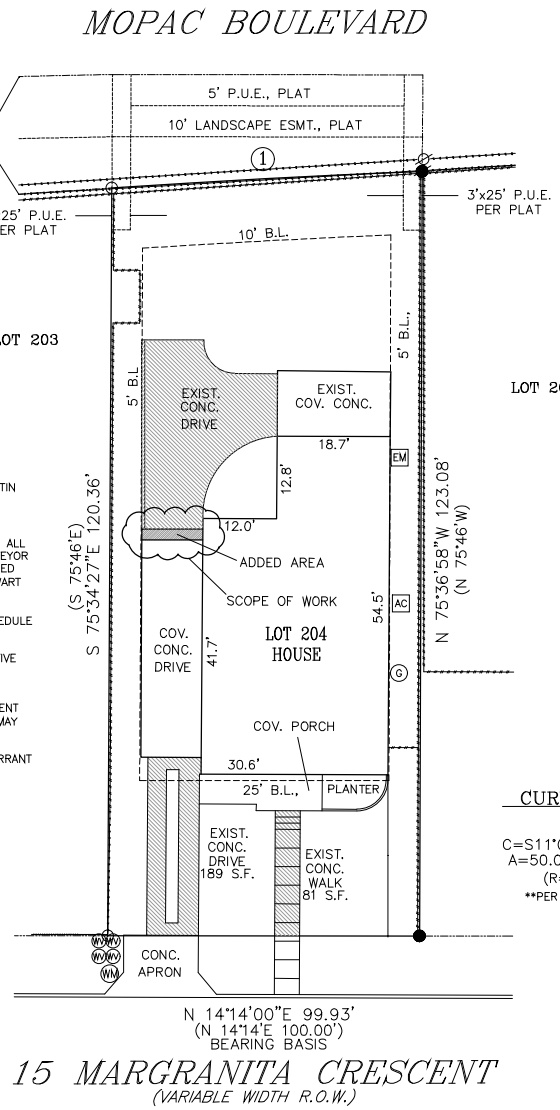
Jessica Cohen
Madam Chair

ITEM04/27

LEGEND

//	WOOD FENCE
OO	CHAIN LINK FENCE
UE	UTILITY LINE
AC	A/C UNIT
EM	ELEC. METER
G	GAS METER
WM	WATER METER
WV	WATER VALVE
●	IRON ROD FND.
○	PIPE FND.
	UTILITY POLE
×	SPOT ELEVATION
B.L.	BUILDING LINE
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT

SCALE: 1"=20'



SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION

[1] BUILDING LINE PER CITY OF AUSTIN CURRENT ZONING ORDINANCE.

[2] PER VOL. 676, PG. 6.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY PER COMMITMENT G.F. #01346-14162, EFFECTIVE FEBRUARY 22, 2019; SCHEDULE B, PARAGRAPH 10.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 676, PG. 6.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

CURVE TABLE

1

C=S11°06'53"W 50.00'
A=50.00' R=1909.86'
(R=1909.86')
**PER V.12443, P.701

*LOT 204, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 4123, PG. 1990, DEED RECORDS, TRAVIS COUNTY, TEXAS

LOT No.	*	BLOCK	"–"	SUBDIVISION / ADDITION	TARRYTOWN OAKS
SECTION	–	PHASE	–	Book – Page(s) 146–147 Cabinet –	PLAT RECORDS
	TRAVIS	COUNTY, TEXAS		Volume 4 Slide –	
CITY	AUSTIN			Document No. – Official Public Records of ----	County, Texas
				Reference: BILAL N. KHAN	

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.

ALL POINTS SURVEYING
1714 FORTVIEW ROAD – SUITE 200
AUSTIN TX. 78704
TELE.: (512) 440-0071 – FAX: (512) 440-0199
FIRM REGISTRATION # 10118900

	By:	Date:
FIELD WORK	WW	01-25-23
DRAFTING	SCN	

SURVEY DATE: 01-26-23
Job No. 01B11423
SCALE: 1"=20'

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may contain renderings, a representation of what the completed structure will look like.

David Weekley Homes
DWC | Scale: 1" = 20'
Date: 03/11/16 | Rev.: 02/07/23

Lot: 204 | Proj. No.: 2121
Blk: | Job No.: 0088
Sect:

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
PLT_PLN
ANTONE
CENTRAL LIVING

ITEM04/28

CITY OF AUSTIN ORIGINAL PERMITTED CALCULATIONS

CITY OF AUSTIN	F.A.R.	IMP. COVERAGE	BLDG COVERAGE	GROSS	MARKETING
MAX ALLOWED	.40	45.0%	40.0%		
FLOOR 1 LIVING	1483	1483	1483	1483	1483
FLOOR 2 LIVING	950			950	842
TOTAL	2433			2433	2325
F. PORCH		110	110	110	
R. PORCHES		202	202	202	
CARPORT	0 *	345	345	345	
SLAB		2140	2140		
STEPS		13			
DRIVEWAY		566			
SIDEWALK		4			
A/C PADS		9			
TOTAL AREA	2433	2732	2140		
LOT AREA	6092.8	6092.8	6092.8	6092.8	
FINAL CALCULATION	.3910	44.84%	35.12%		

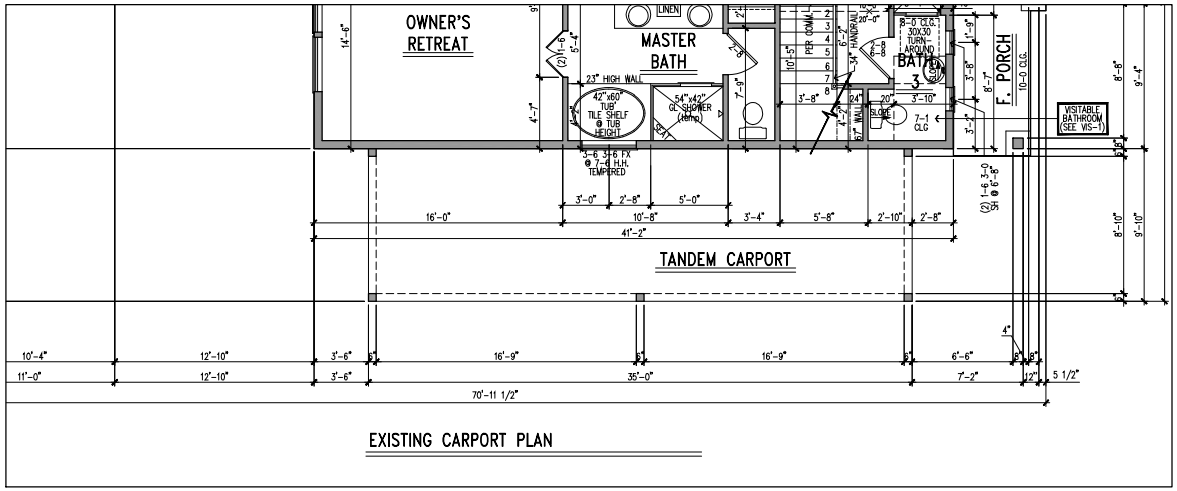
* CARPORT AREA IS REDUCED BY UP TO 450 SF PER SECTION 3.3.2. OF THE COMPATIBILITY STANDARDS.

CITY OF AUSTIN PROPOSED REMODEL CALCULATIONS

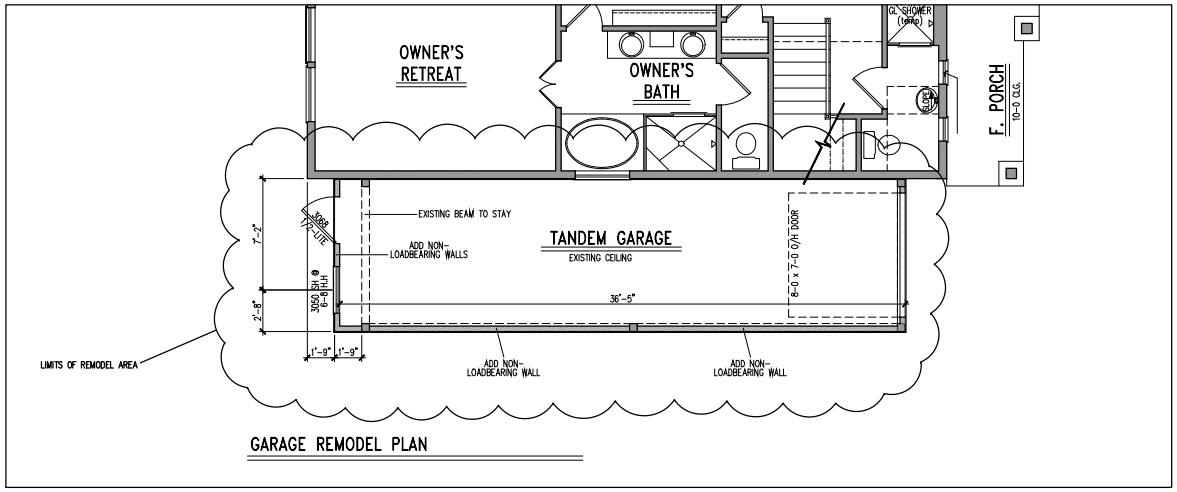
CITY OF AUSTIN	F.A.R.	IMP. COVERAGE	BLDG COVERAGE	GROSS	MARKETING
MAX ALLOWED	.40	45.0%	40.0%		
FLOOR 1 LIVING	1483	1483	1483	1483	1483
FLOOR 2 LIVING	950			950	842
TOTAL	2433			2433	2325
F. PORCH		110	110	110	
R. PORCHES		202	202	202	
GARAGE	163 *	363	363	363	
SLAB		2158	2158		
DRIVEWAY		650			
SIDEWALK		81			
A/C PADS		9			
TOTAL AREA	2596	2898	2158		
LOT AREA	6092.8	6092.8	6092.8	6092.8	
FINAL CALCULATION	.4261	47.56%	35.42%		

* GARAGE AREA IS REDUCED BY UP TO 200 SF PER SECTION 3.3.2.B OF THE COMPATIBILITY STANDARDS.

DESIGNER CERTIFIES THAT ALL CEILINGS OVER 15' ARE COUNTED TWICE (INCLUDING STAIRWELLS) AND THAT MEASUREMENTS ARE TO OUTER FACE OF FINISHED MATERIALS



EXISTING CARPORT PLAN



GARAGE REMODEL PLAN

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied upon as a representation of what the completed structure will look like.

David Weekley Homes

DWC | Scale: 1/8' = 1'-0"
Date: 3/11/16 | Rev.: 02/07/23

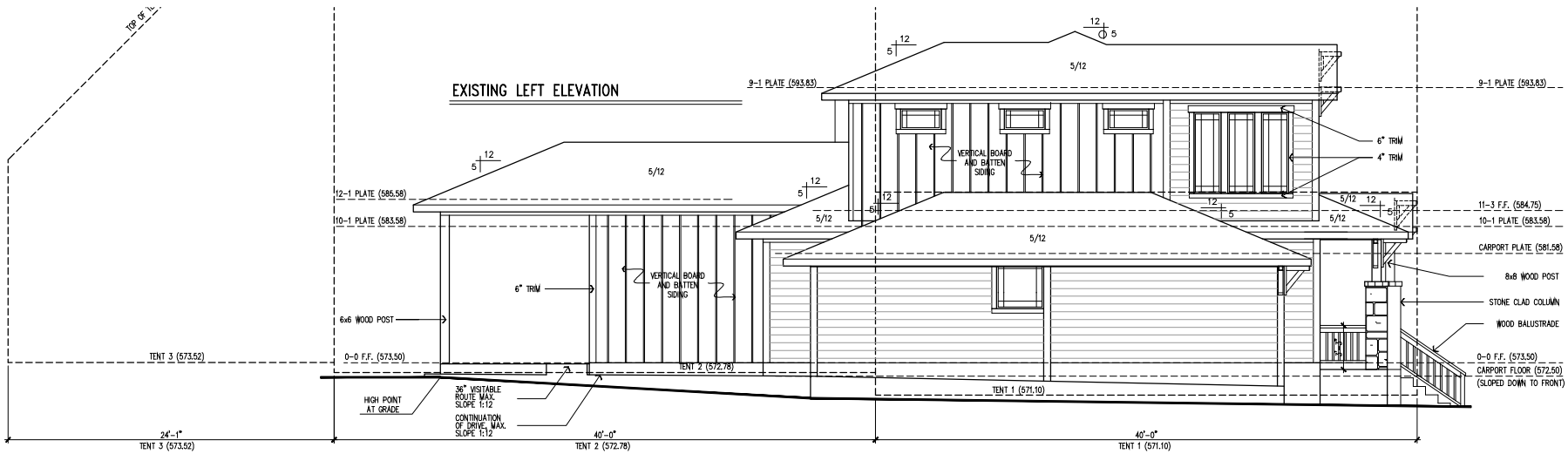
Lot: 204
Blk:
Sect:

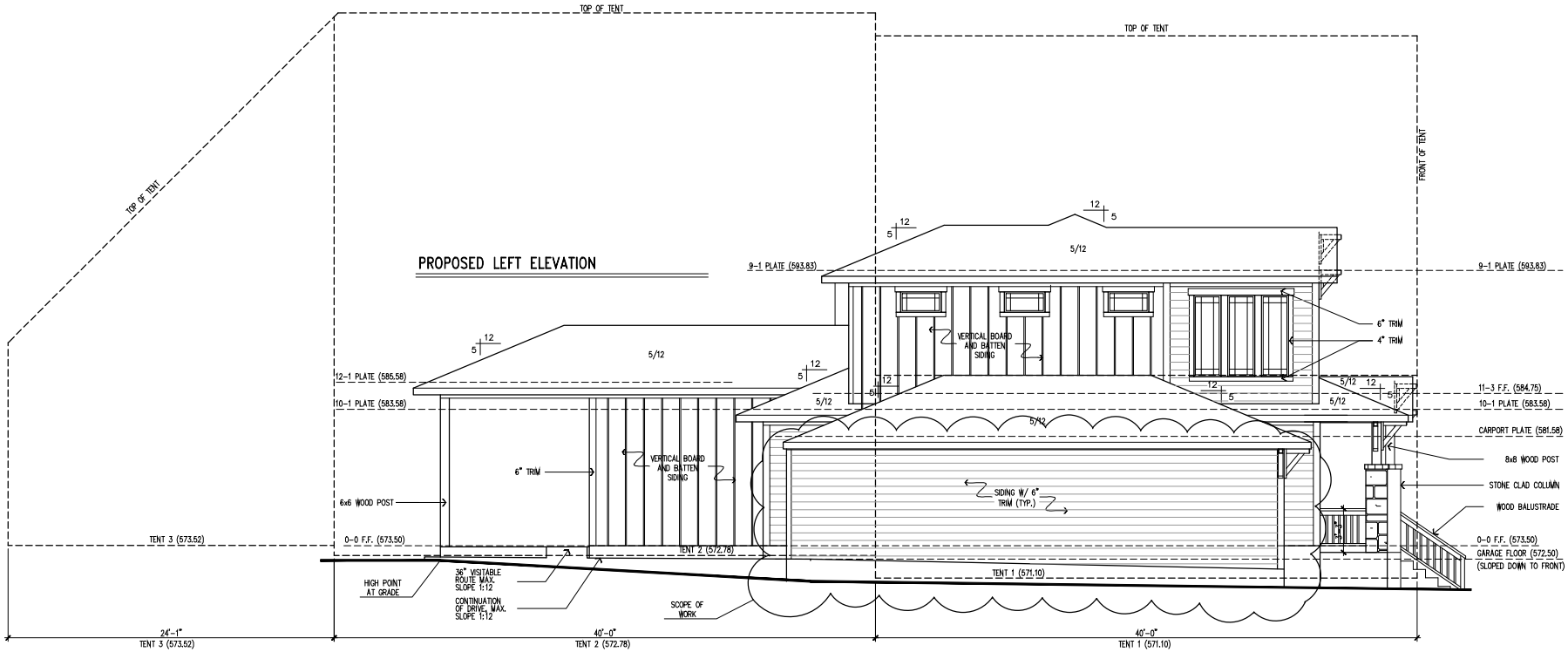
Proj. No.: 2121
Job No.: 0088

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
PLN-1
ANTONE
CENTRAL LIVING

ITEM04/29





© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not show exactly what a prospective buyer will see when the completed structure will look like.

David Weekley Homes

DWC	Scale: 1/8" = 1'-0"
Date: 3/11/16	Rev.: 02/07/23

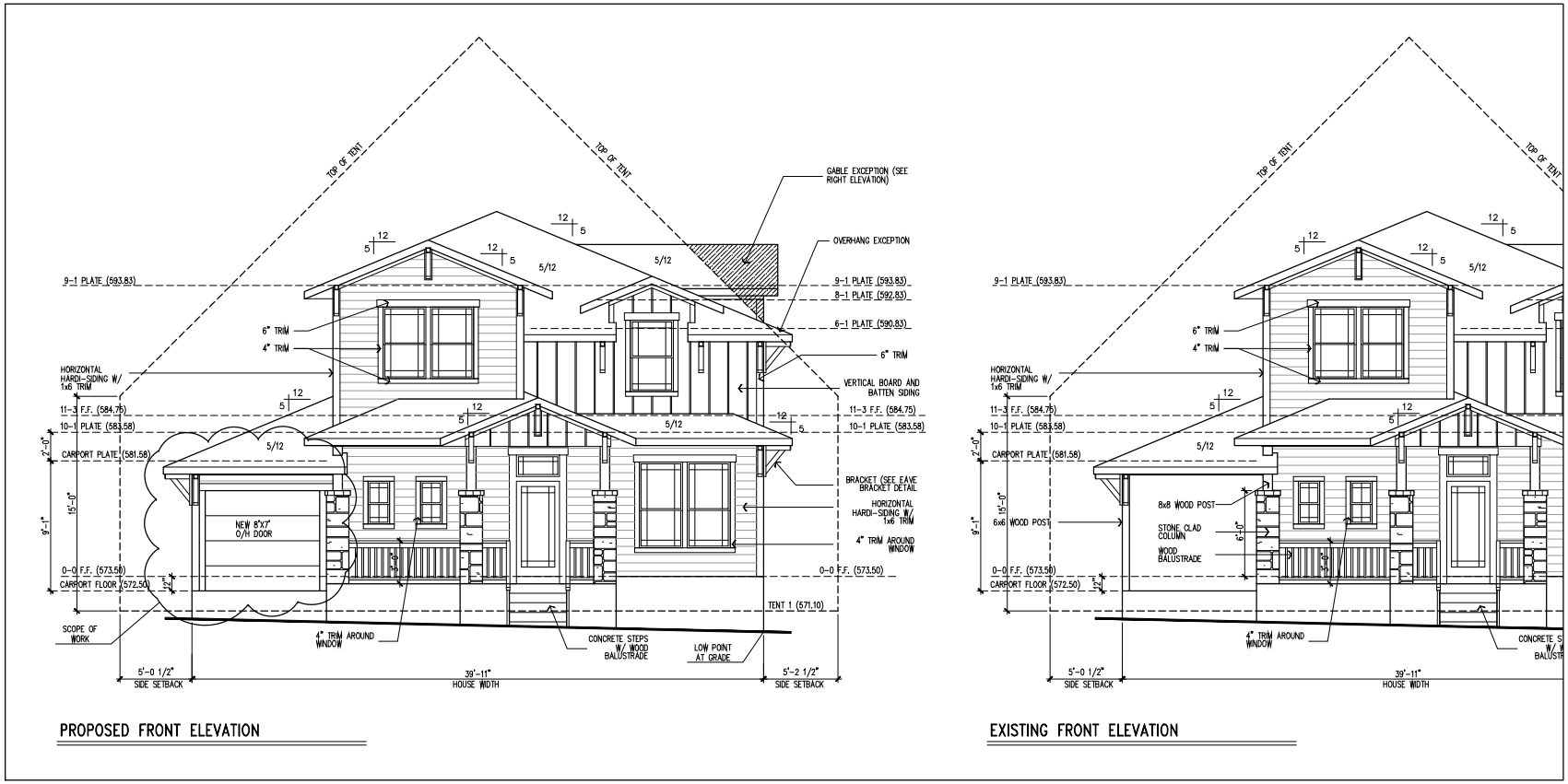
Lot: 204
Blk:
Sect:

Proj. No.: 2121
Job No.: 0088

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
ELV-1
ANTONE
CENTRAL LIVING

ITEM04/30



© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may contain renderings as a representation of what the completed structure will look like.

David Weekley Homes

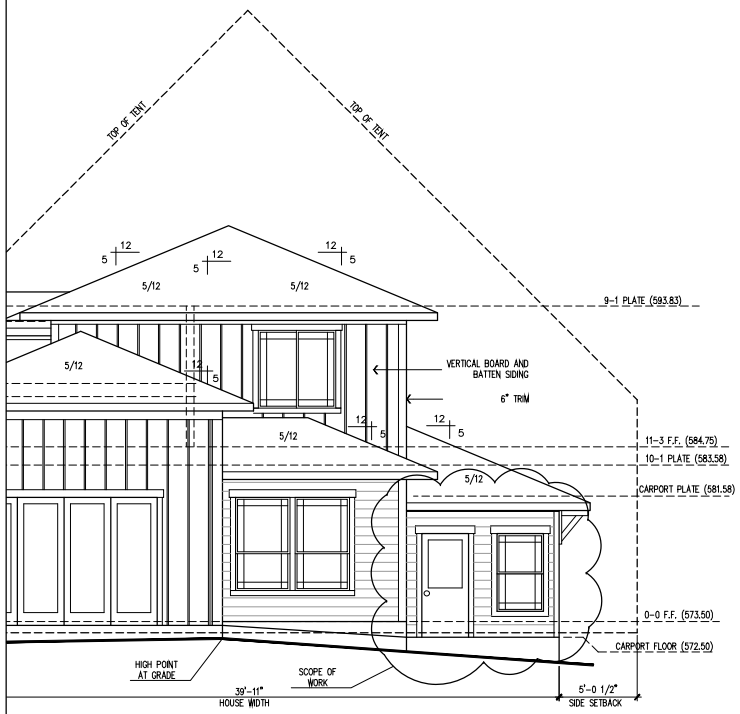
DWC | Scale: 1/8' = 1'-0"
Date: 3/11/16 | Rev.: 02/07/23

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

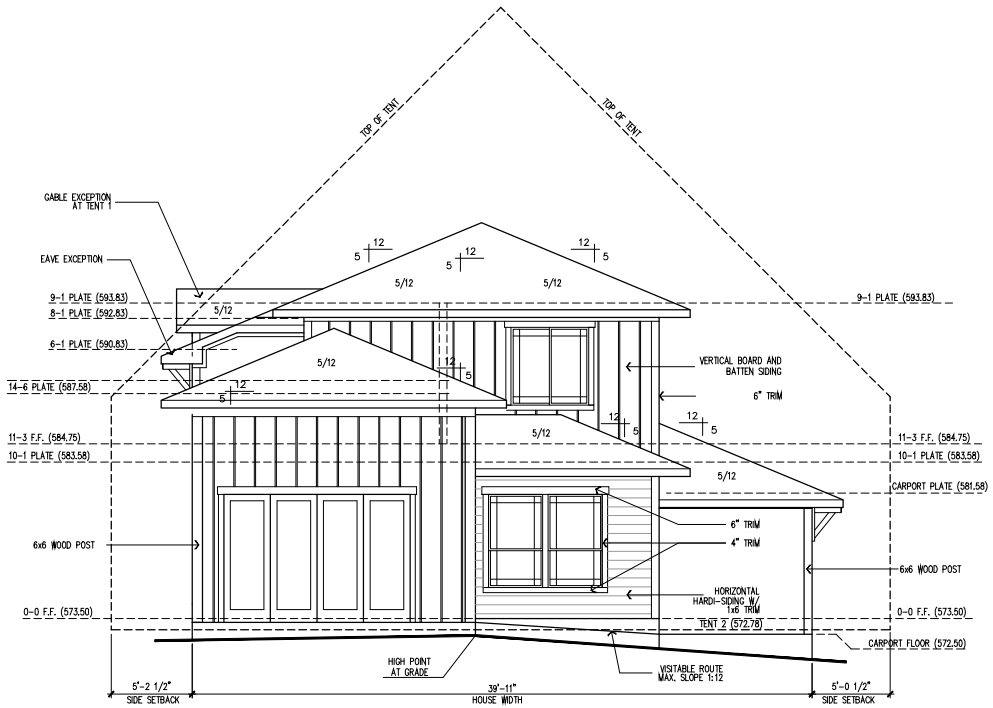
Proj. No.: 2121 | Lot: 204
Job No.: 0088 | Blk:
Sect:

SOUTH
9582-A
ELV-2
ANTONE
CENTRAL LIVING

ITEM04/31



PROPOSED REAR ELEVATION



EXISTING REAR ELEVATION

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may contain elevations, a representation of what the completed structure will look like.

David Weekley Homes

DWC	Scale: 1/8' = 1'-0"
Date: 3/11/16	Rev.: 02/07/23

Lot: 204	Proj. No.: 2121	TARRYTOWN OAKS
Blk:	Job No.: 0088	15 MARGRANITA CRESCENT
Sect:		AUSTIN, TX 78703

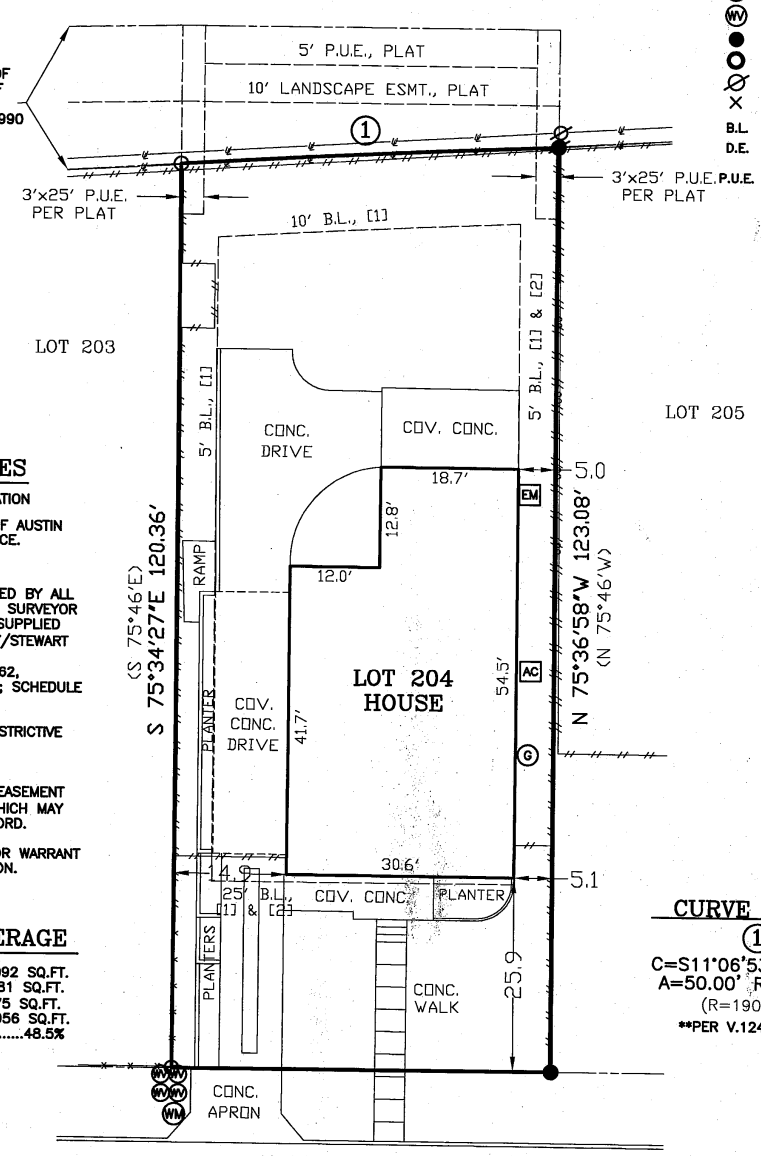
SOUTH
9582-A
ELV-3
ANTONE
CENTRAL LIVING

ITEM04/32

SCALE: 1"=20'

LEGEND

//	WOOD FENCE
CH	CHAIN LINK FENCE
UL	UTILITY LINE
AC	A/C UNIT
EM	ELEC. METER
G	GAS METER
WM	WATER METER
WV	WATER VALVE
●	IRON ROD FND.
○	PIPE FND.
Ø	UTILITY POLE
X	SPOT ELEVATION
B.L.	BUILDING LINE
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT



SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION

[1] BUILDING LINE PER CITY OF AUSTIN CURRENT ZONING ORDINANCE.

[2] PER VOL. 676, PG. 6.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY PER COMMITMENT G.F. #01346-14162, EFFECTIVE FEBRUARY 22, 2019; SCHEDULE B, PARAGRAPH 10.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 676, PG. 6.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

IMPERVIOUS COVERAGE

TOTAL LOT AREA.....6092 SQ.FT.
HOUSE.....1481 SQ.FT.
CONC/COV. CONC.....1475 SQ.FT.
TOTAL IMPERVIOUS COV.....2956 SQ.FT.
.....48.5%

CURVE TABLE

1
C=S11°06'53"W 50.00'
A=50.00' R=1909.86'
(R=1909.86')
**PER V.12443, P.701

15 MARGRANITA CRESCENT

(VARIABLE WIDTH R.O.W.)

*LOT 204, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 4123, PG. 1990, DEED RECORDS, TRAVIS COUNTY, TEXAS

LOT No. * BLOCK "–"
SECTION – PHASE –
CITY TRAVIS COUNTY, TEXAS
AUSTIN

SUBDIVISION / ADDITION TARRYTOWN OAKS
Book – Page(s) 146–147 Cabinet – Slide – PLAT RECORDS
Volume 4
Document No. – Official Public Records of County, Texas
Reference: BILAL N. KHAN

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.

STATE OF TEXAS REGISTERED ROGER L. WAY 3910 PROFESSIONAL LAND SURVEYOR

Roger L. Way

ALL POINTS SURVEYING
1714 FORTVIEW ROAD – SUITE 200
AUSTIN TX. 78704
TELE.: (512) 440-0071 – FAX: (512) 440-0199
FIRM REGISTRATION # 10118900

	By:	Date:
FIELD WORK	WW	01-25-23
DRAFTING	SCN	

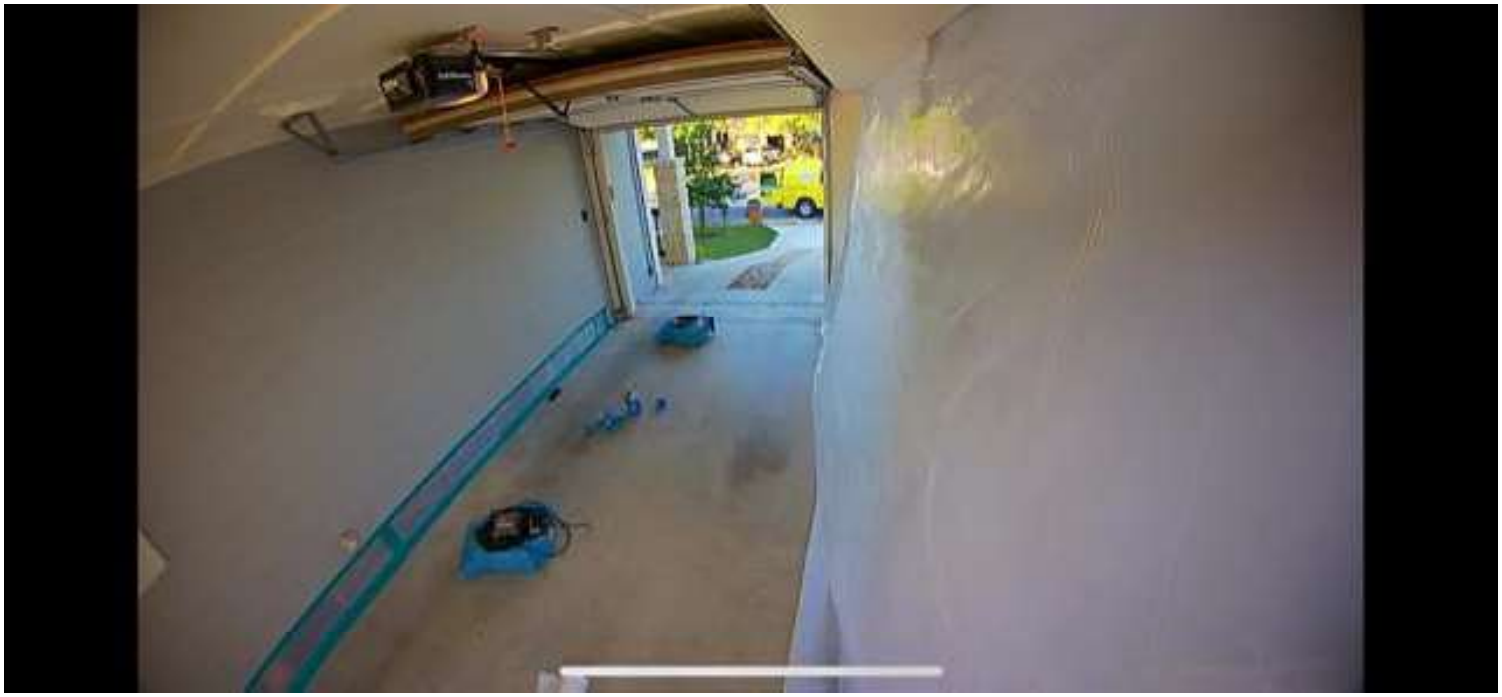
SURVEY DATE: 01-26-23
Job No. 01B11423
SCALE: 1"=20'

ITEM04/33

ITEM04/34

ITEM04/35

ITEM04/36



ITEM04/37

ITEM04/38

ITEM04/39

NOREX
ENGINEERING, INC.
2401 E. 6th Street - Unit 35
Austin, Texas 77802
[redacted]

August 22, 2023

David Long
Project Manager – David Weekley Homes
9000 Waterford Centre Blvd.
Austin, Texas 78758

Re: 15 Margranita Crescent, Austin, Tx - Variance submittal due to foundation.

Mr. Long,

Per your request, I personally visited the referenced structure to evaluate the extent and nature of the ongoing water intrusion and ponding issue, previous repair attempts and suggested options in an effort to recommend a solution to resolve the situation. Based on my evaluation, I am presenting via letter our recommended and currently only reasonable and viable correction for the existing water intrusion and ponding issue at the referenced address.

We have taken the time to watch the last board hearing on July 10th 2023 and will address proposed corrections that were presented via several of the sitting Board Members.

One proposed solution involved chipping the existing slab foundation down to a level where it could be capped with concrete while adding flashing. Although at its face this appears to be reasonable solution for a foundation stiffened with rebar, it is my opinion that this is not a viable long-term structural fix for this foundation type. Based on our evaluation of the existing foundation, we do not believe that this correction option is viable for several reasons, one of which is that this original foundation was designed without a drop of 1.5" at the wall to carport interface, which normally would have mitigated any water intrusion issues.

This in our opinion has created a latent defect in the design which a chip and flash approach would not correct as the flashing would have to be sealed to the slab with a sealer where ongoing maintenance would be required to prevent the water from finding its way under the flashing.

Unfortunately, and more importantly, due to the nature of the post-tensioned foundation, the post tensioned structural cables are placed within 2" below the surface, while capping a foundation requires a minimum of 2" of depth along with the necessary fall to the outside edge of the foundation, of an additional 1" – 1½" for a total of 3 – 3½" of chip depth. Thus, requiring the cables to be lowered in both directions, structurally compromising the foundation design as the depth of concrete removal, at the perimeter would require approximately 6" of concrete removal. As a result, all of the existing foundation cables would need to be de-tensioned to safely chip and this could potentially cause damage to the entire foundation. This chipping and replacement also will create a cold joint in the foundation that while that might be ok for nonstructural areas – it does create issues for a load bearing foundation.

In my opinion, adding perimeter walls and correctly flashing over the existing foundation edge could be reasonably, safely and structurally accomplished as a truly viable method of completely mitigating any water entering this area.

Therefore, it is my recommendation to the Board of Adjustment that a variance is granted, allowing the FAR to be increased to 42.61%, essentially allowing Mr. Khan to enclose his carport.

Sincerely,

08/25/2023 9:56:25 AM

Michael T. Scanlon, P.E.
President
Norex Engineering, Inc.

NOREX ENGINEERING INC.
STATE OF TEXAS
MICHAEL T. SCANLON
72092
LICENSED
PROFESSIONAL ENGINEER
FIRM REGISTRATION #F-4003

ITEM04/41

Hunt, Perry

From: Bilal Khan <bilalnk@hotmail.com>
Sent: Tuesday, August 22, 2023 12:06 PM
To: Long, David; Knape, Carlton; Hunt, Perry; Bilal Khan
Subject: Neighbor letter

Begin forwarded message:

> **From:** David Schmidt <schmidt_dg@hotmail.com>
> **Date:** August 22, 2023 at 11:50:35 AM CDT
> **To:** Bilal Khan <bilalnk@hotmail.com>
> **Subject: Re: Bilal - Neighbor - presentation attached**
>
> Bilal,
> I have reviewed your request for variance with the City of Austin.
> It is perfectly acceptable to me and my wife Fran for you to add walls to your carport on the North and East side to eliminate the rain hazard and damage that you have repetitively experienced.
> Our understanding is that the wall materials, windows and colors will match the existing house at 15 Margranita Crescent.
> David Schmidt
> 17 Margranita Crescent
>
> ---
>
> **From:** Bilal Khan <bilalnk@hotmail.com>
> **Sent:** Friday, August 18, 2023 8:27 PM
> **To:** Schmidt_DG@hotmail.com <Schmidt_DG@hotmail.com>
> **Subject:** Bilal - Neighbor - presentation attached

*****This email originated from a non David Weekley Homes email address*****

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM05

DATE: Monday June 12, 2023 **CASE NUMBER: C15-2023-0026**

_____Thomas Ates
_____Jessica Cohen
_____Melissa Hawthorne
_____Brian Poteet
_____Agustina Rodriguez
_____Margaret Shahrestani
_____Richard Smith
_____Janel Venzant
_____Michael Von Ohlen
_____Nicholl Wade
_____Kelly Blume (Alternate)
_____Carrie Waller (Alternate)
_____Marcel Gutierrez-Garza (Alternate)

APPLICANT: Perry Hunt

OWNER: Bilal Khan

ADDRESS: 15 MARGRANITA CRESCENT

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 *(Maximum Development Permitted)* to increase the F.A.R from 40% (required) to 42.61% (requested), in order to enclose the tandem carport and create a tandem garage to an existing single family residence in an "SF-3-NP", Single-Family-Neighborhood Plan zoning district (WANG Neighborhood Plan)

BOARD'S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR

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

Elaine Ramirez
Executive Liaison

Diana A. Ramirez for

Jessica Cohen
Madam Chair

ITEM04/44

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2023-0026

BOA DATE: June 12th, 2023

ADDRESS: 15 Margranita Cres

COUNCIL DISTRICT:

OWNER: Bilal Khan

AGENT: N/A

ZONING: SF-3-NP (WANG)

LEGAL DESCRIPTION: LOT 204 LESS E 18.37 FT TARRYTOWN OAKS

VARIANCE REQUEST: increase the F.A.R from 40% to 42.61%

SUMMARY: remodel to convert existing carport into a garage

ISSUES: drainage issues, FAR, & topography

	ZONING	LAND USES
Site	SF-3-NP	Single-Family
North	SF-3-NP	Single-Family
South	SF-3-NP	Single-Family
East	Mopac Expy	Mopac Expy
West	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lots and Found Pets
Austin Neighborhoods Council
Central West Austin Neighborhood Plan Contact Team
Friends of Austin Neighborhoods
Neighborhood Empowerment Foundation
Preservation Austin
SELTexas
Save Barton Creek Assn.
Save Historic Muny District
Sierra Club, Austin Regional Group
TNR BCP – Travis County Natural Resources
Tarrytown Alliance
Tarrytown Neighborhood Association
West Austin Neighborhood Group

ITEM04/45

May 16, 2023

David Weekley Homes
9000 Waterford Centre Blvd
Austin, TX 78758

Property Description: LOT 204 LESS E 18.37 FT TARRYTOWN OAKS

Re: C15-2023-0026

Dear Perry,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2, Subchapter F, Section 2.1 at 15 Margranita Crescent.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:
https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Cody Shook, Planner II
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881
Cody.Shook@austinenergy.com

CITY OF AUSTIN Development SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

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 # C15-2023-0026 ROW # 13131075 Tax # 0117020230

Section 1: Applicant Statement

Street Address: 15 Margranita Crescent Austin, TX 78703

Subdivision Legal Description:

LOT 204 LESS E 18.37 FT TARRYTOWN OAKS

Lot(s): Block(s):

Outlot: Division:

Zoning District: SF-3-NP (WANG) **Council District: 10**

I/We David Weekley Homes on behalf of myself/ourselves as authorized agent for Bilal Khan affirm that on Month March, Day 23, Year 2023, 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: Convert a 345 square foot carport into a 363 square foot tandem garage.

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

Land Development Code Section 25-2 - Subchapter F - 2.1 (Maximum Development Permitted) to increase Floor to Area Ratio from 40% (required) to 42.61% (requested) in order to enclose the tandem carport

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 zoning regulations applicable to the property do not allow a reasonable use because due to the size of the lot, Floor to Area restrictions and topography of the lot we were not able to build a garage initially. It is not reasonable to keep it as a carport, as the house keeps flooding and water keeps pooling in the carport and creating a safety issue for my family.

Hardship

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

The hardship of the drainage issues, FAR and topo are creating a safety issue and damaging our home is unique in the fact that our lot is 6092.8 SF, and the home is 2433 SF + a 345 SF carport put us at 39% of FAR - we were able to qualify for the 450 SF exemption for the carport to keep us under 40% FAR. Had we built a garage we would have only qualified for the 200 SF exemption, and it would have put us at 42.31% FAR and over the allowable amount.

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

The hardship is not general to the area because of the unique issues of the lot with regard to water flow and flooding.

Area Character
The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will not alter the character of the area adjacent to the property, as it will look like a common 1-car garage door, set back from the front facade of the house. Additionally, it will not impair any adjacent or nearby properties, not the purpose of the regulations in the zoning district, because the ground impact and impervious cover is not being increased, the roof is staying the same area.

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: _____

Applicant Name (typed or printed): David Weekley Homes

Applicant Mailing Address: 9000 Waterford Centre Blvd

City: Austin State: TX Zip: 78758

Phone (will be public information): (512) 821-8831

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: _____

Owner Name (typed or printed): Bilal Khan

Owner Mailing Address: 15 Margranita Crescent

City: Austin State: TX Zip: 78703

Phone (will be public information): (480) 652-5144

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

Section 5: Agent Information

Agent Name: Perry Hunt

Agent Mailing Address: 9000 Waterford Centre Blvd

City: Austin State: TX Zip: 78758

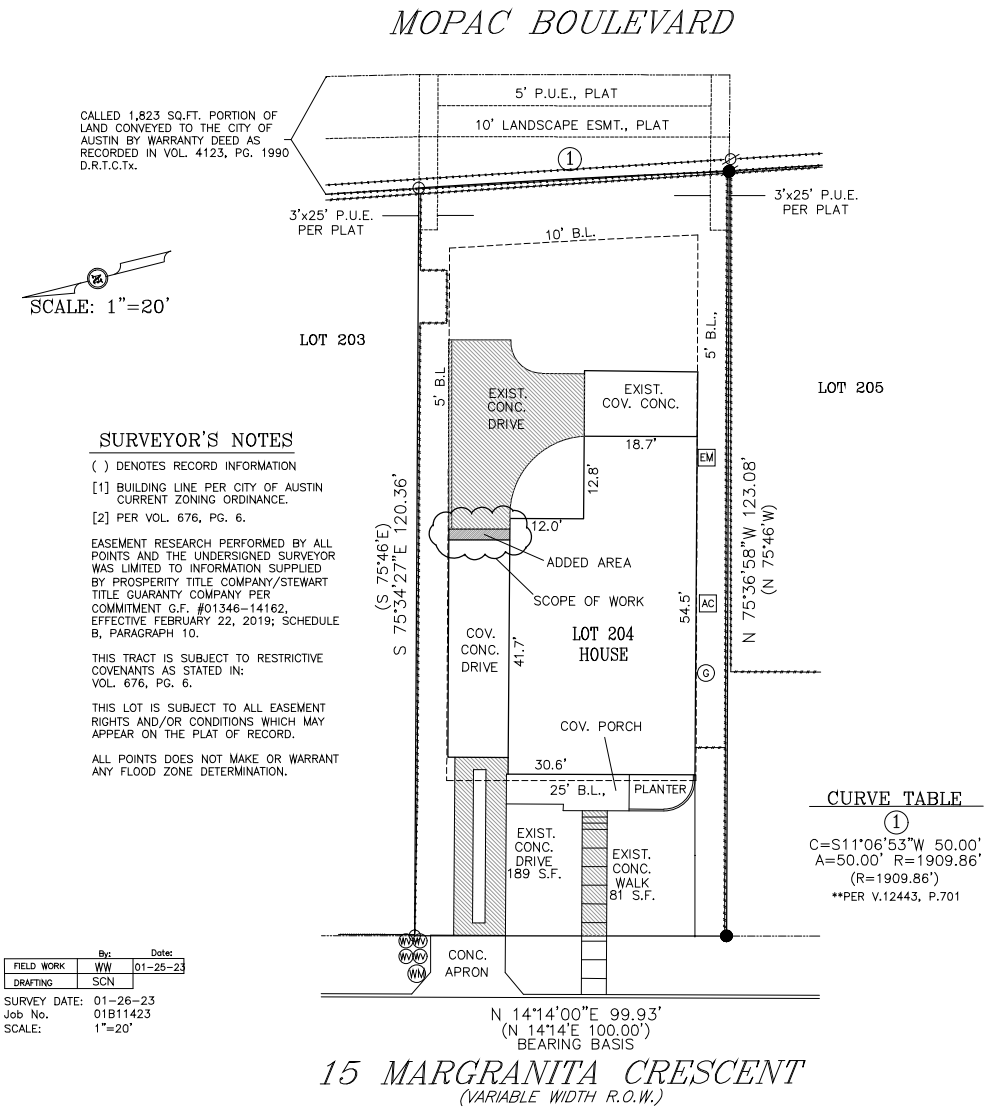
Phone (will be public information): (512) 821-8831

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

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).

ITEM04/50



LEGEND

//	WOOD FENCE
OO	CHAIN LINK FENCE
UE	UTILITY LINE
AC	A/C UNIT
EM	ELEC. METER
G	GAS METER
WM	WATER METER
WV	WATER VALVE
●	IRON ROD FND.
○	PIPE FND.
	UTILITY POLE
×	SPOT ELEVATION
B.L.	BUILDING LINE
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT

SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION

[1] BUILDING LINE PER CITY OF AUSTIN CURRENT ZONING ORDINANCE.

[2] PER VOL. 676, PG. 6.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY PER COMMITMENT G.F. #01346-14162, EFFECTIVE FEBRUARY 22, 2019; SCHEDULE B, PARAGRAPH 10.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 676, PG. 6.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

CURVE TABLE

1

C=S11°06'53"W 50.00'
A=50.00' R=1909.86'
(R=1909.86')
**PER V.12443, P.701

*LOT 204, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 4123, PG. 1990, DEED RECORDS, TRAVIS COUNTY, TEXAS

LOT No.	*	BLOCK	"–"
SECTION	–	PHASE	–
	TRAVIS	COUNTY, TEXAS	
CITY	AUSTIN		

SUBDIVISION / ADDITION TARRYTOWN OAKS
Book – Page(s) 146–147 Cabinet – PLAT RECORDS
Volume 4 Slide –
Document No. – Official Public Records of ---- County, Texas
Reference: BILAL N. KHAN

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.

ALL POINTS SURVEYING
1714 FORTVIEW ROAD – SUITE 200
AUSTIN TX. 78704
TELE.: (512) 440-0071 – FAX: (512) 440-0199
FIRM REGISTRATION # 10118900

	By:	Date:
FIELD WORK	WW	01-25-23
DRAFTING	SCN	

SURVEY DATE: 01-26-23
Job No. 01B11423
SCALE: 1"=20'

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be used as a representation of what the completed structure will look like.

David Weekley Homes
DWC | Scale: 1" = 20'
Date: 03/11/16 | Rev.: 02/07/23

Lot: 204 | Blk: | Proj. No.: 2121 | Job No.: 0088 | Sect:

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
PLT_PLN
ANTONE
CENTRAL LIVING

ITEM04/51

CITY OF AUSTIN ORIGINAL PERMITTED CALCULATIONS

	F.A.R.	IMP. COVERAGE	BLDG COVERAGE	GROSS	MARKETING
CITY OF AUSTIN MAX ALLOWED	.40	45.0%	40.0%		
FLOOR 1 LIVING	1483	1483	1483	1483	1483
FLOOR 2 LIVING	950			950	842
TOTAL	2433			2433	2325
F. PORCH		110	110	110	
R. PORCHES		202	202	202	
CARPORT	0 *	345	345	345	
SLAB		2140	2140		
STEPS		13			
DRIVEWAY		566			
SIDEWALK		4			
A/C PADS		9			
TOTAL AREA	2433	2732	2140		
LOT AREA	6092.8	6092.8	6092.8	6092.8	
FINAL CALCULATION	.3910	44.84%	35.12%		

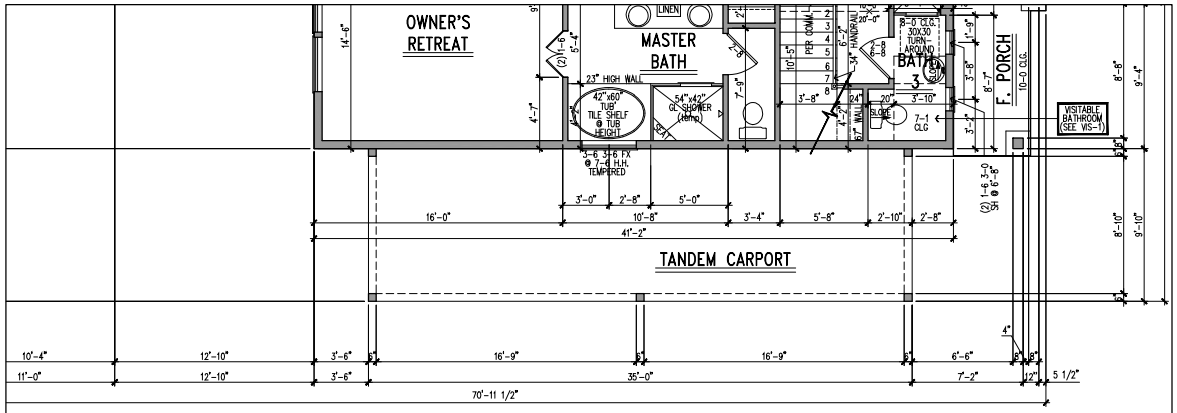
* CARPORT AREA IS REDUCED BY UP TO 450 SF PER SECTION 3.3.2. OF THE COMPATIBILITY STANDARDS.

CITY OF AUSTIN PROPOSED REMODEL CALCULATIONS

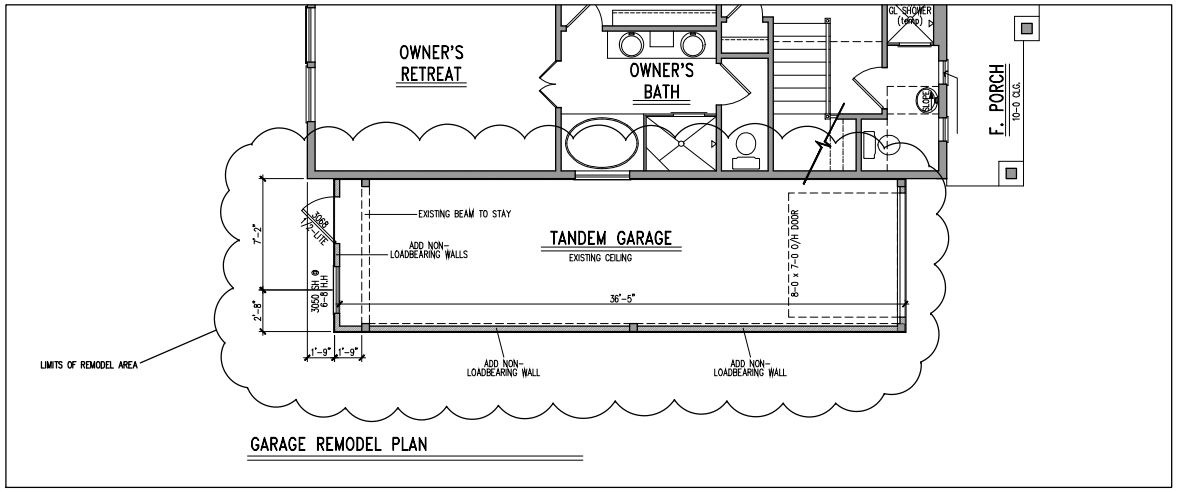
	F.A.R.	IMP. COVERAGE	BLDG COVERAGE	GROSS	MARKETING
CITY OF AUSTIN MAX ALLOWED	.40	45.0%	40.0%		
FLOOR 1 LIVING	1483	1483	1483	1483	1483
FLOOR 2 LIVING	950			950	842
TOTAL	2433			2433	2325
F. PORCH		110	110	110	
R. PORCHES		202	202	202	
GARAGE	163 *	363	363	363	
SLAB		2158	2158		
DRIVEWAY		650			
SIDEWALK		81			
A/C PADS		9			
TOTAL AREA	2596	2898	2158		
LOT AREA	6092.8	6092.8	6092.8	6092.8	
FINAL CALCULATION	.4261	47.56%	35.42%		

* GARAGE AREA IS REDUCED BY UP TO 200 SF PER SECTION 3.3.2.B OF THE COMPATIBILITY STANDARDS.

DESIGNER CERTIFIES THAT ALL CEILINGS OVER 15' ARE COUNTED TWICE (INCLUDING STAIRWELLS) AND THAT MEASUREMENTS ARE TO OUTER FACE OF FINISHED MATERIALS



EXISTING CARPORT PLAN



GARAGE REMODEL PLAN

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be used as a representation of what the completed structure will look like.

David Weekley Homes
DWC | Scale: 1/8' = 1'-0"
Date: 3/11/16 | Rev.: 02/07/23

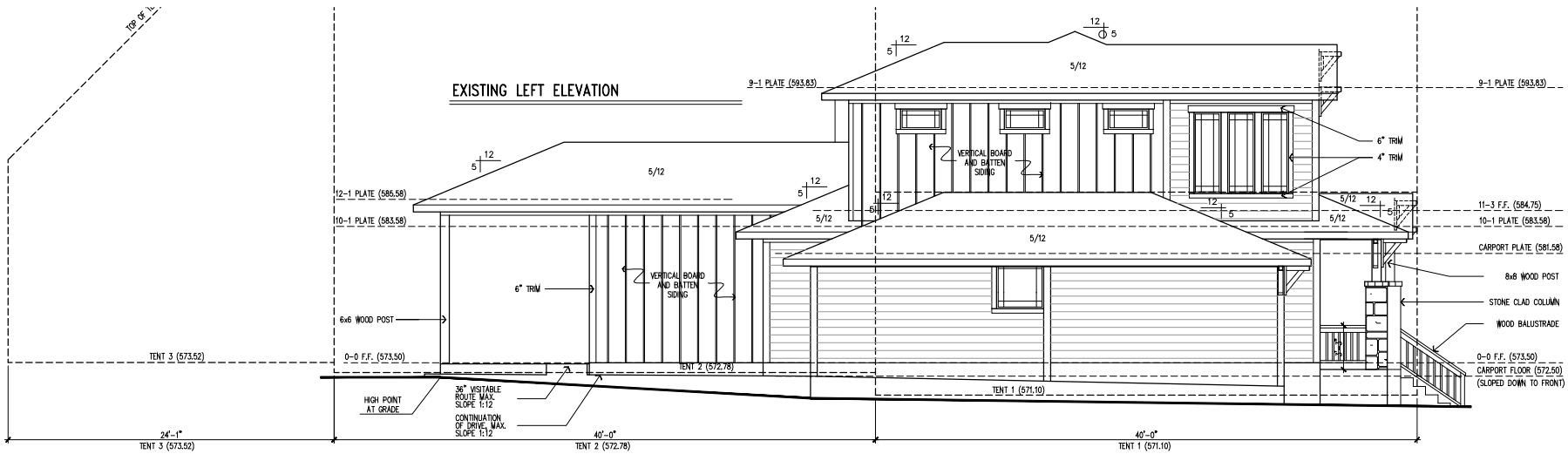
Lot: 204
Blk:
Sect:

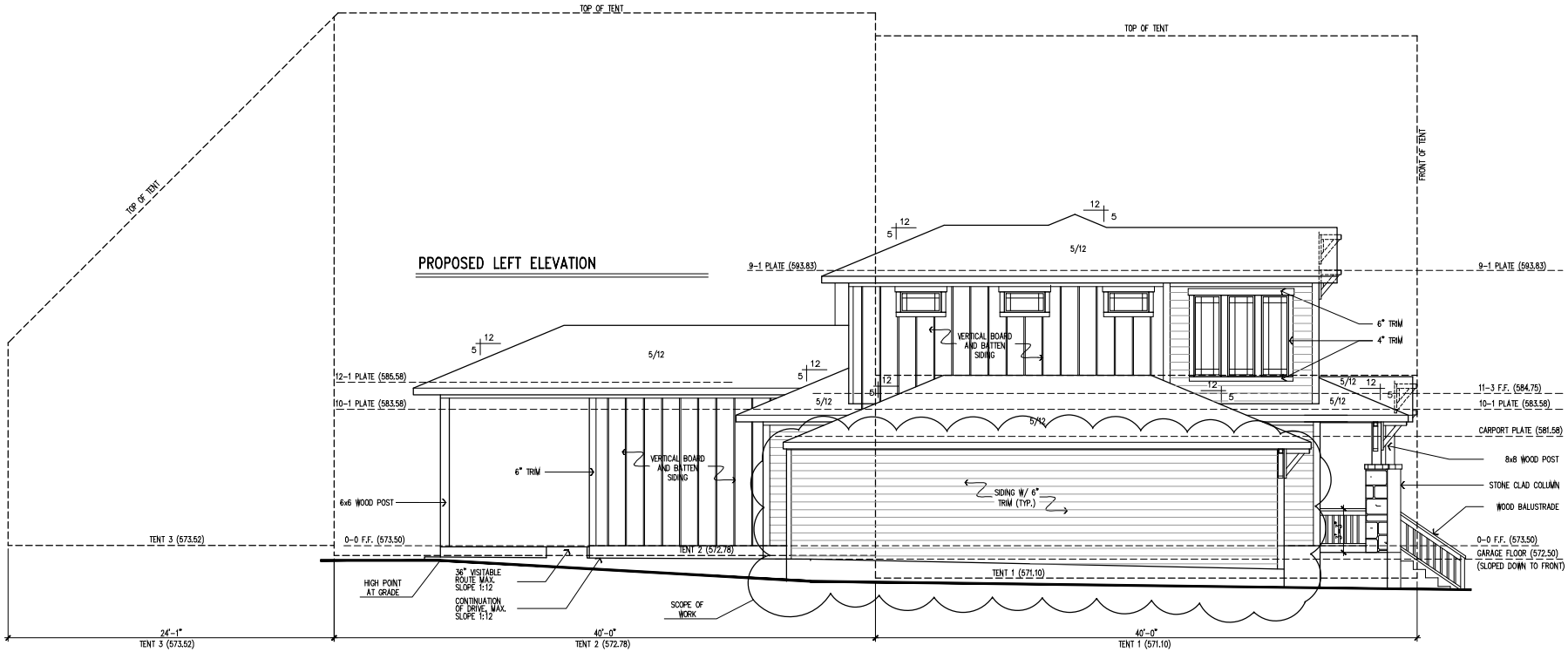
Proj. No.: 2121
Job No.: 0088

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
PLN-1
ANTONE
CENTRAL LIVING

ITEM04/52





© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not show exactly what a prospective buyer will see when the completed structure will look like.

David Weekley Homes

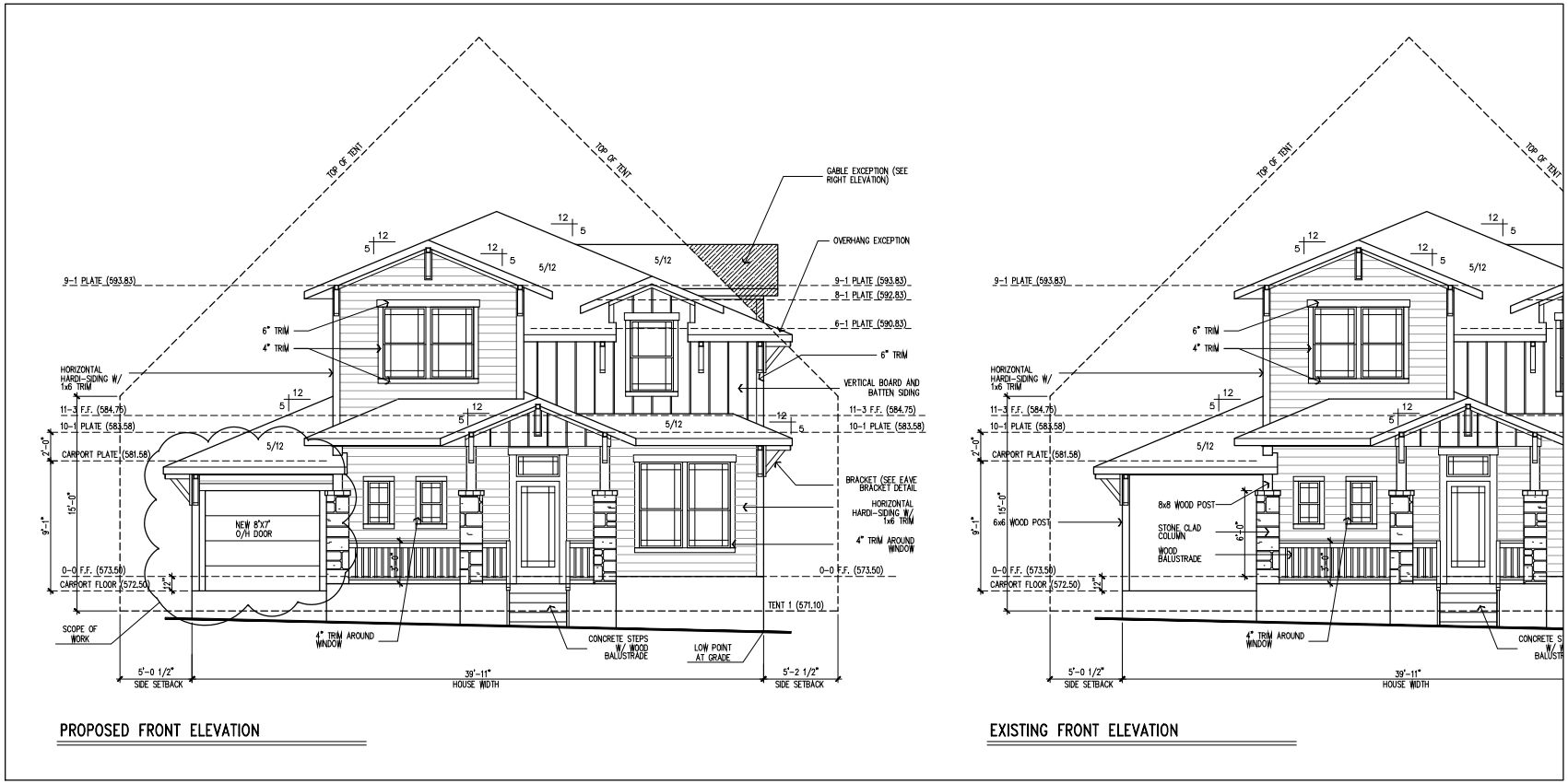
DWC	Scale: 1/8" = 1'-0"
Date: 3/11/16	Rev.: 02/07/23

Lot: 204	Proj. No.: 2121
Blk:	Job No.: 0088
Sect:	

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

SOUTH
9582-A
ELV-1
ANTONE
CENTRAL LIVING

ITEM04/53



© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may contain renderings as a representation of what the completed structure will look like.

David Weekley Homes

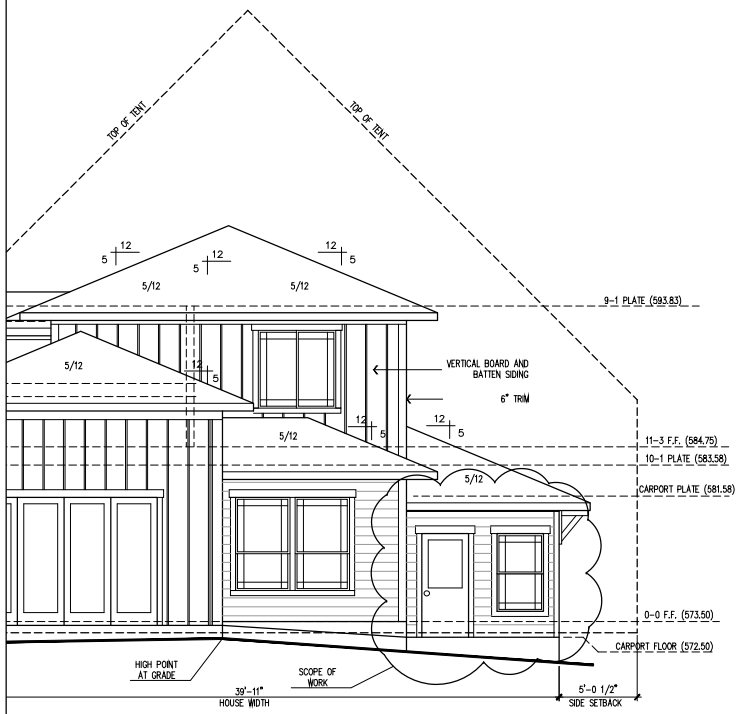
DWC | Scale: 1/8' = 1'-0"
Date: 3/11/16 | Rev.: 02/07/23

TARRYTOWN OAKS
15 MARGRANITA CRESCENT
AUSTIN, TX 78703

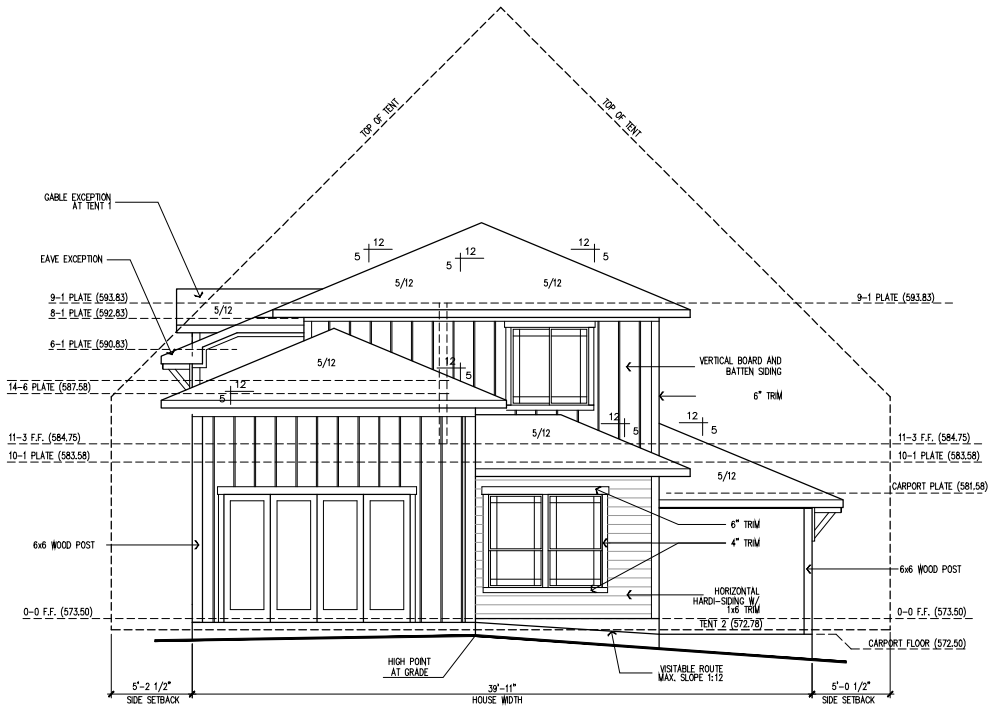
Proj. No.: 2121 | Lot: 204
Job No.: 0088 | Blk:
Sect:

SOUTH
9582-A
ELV-2
ANTONE
CENTRAL LIVING

ITEM04/54



PROPOSED REAR ELEVATION



EXISTING REAR ELEVATION

© Weekley Homes L.P. 2007
The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may contain elevations, a representation of what the completed structure will look like.

David Weekley Homes

DWC	Scale: 1/8' = 1'-0"
Date: 3/11/16	Rev.: 02/07/23

Lot: 204	Proj. No.: 2121	TARRYTOWN OAKS
Blk:	Job No.: 0088	15 MARGRANITA CRESCENT
Sect:		AUSTIN, TX 78703

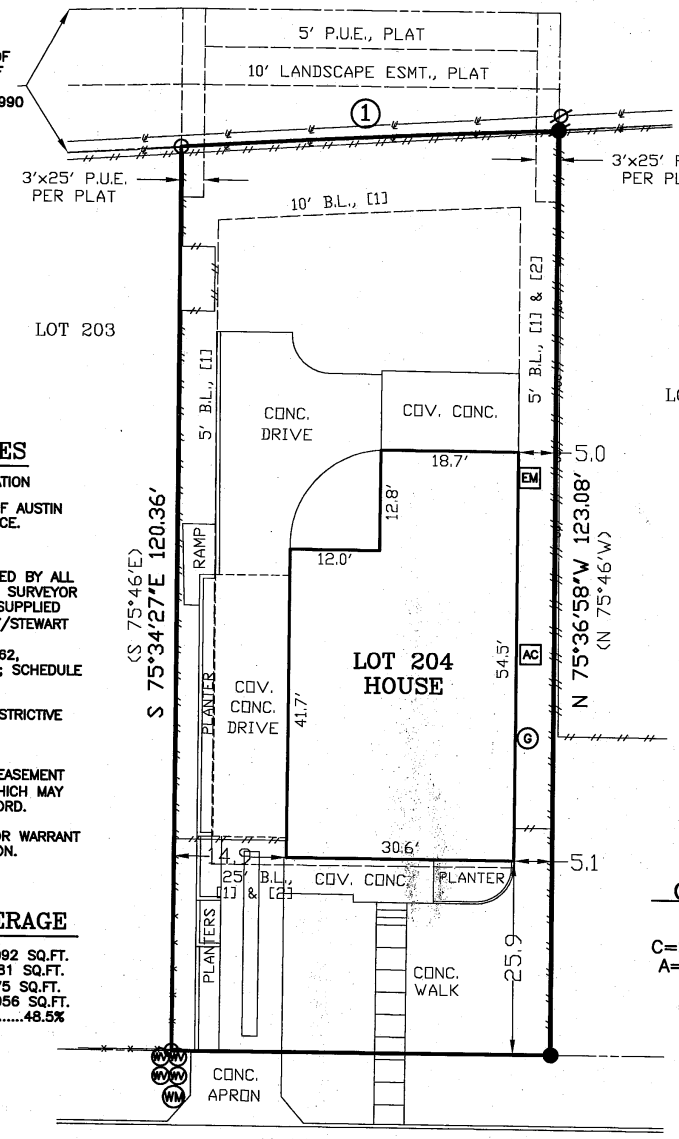
SOUTH
9582-A
ELV-3
ANTONE
CENTRAL LIVING

ITEM04/55

SCALE: 1"=20'

LEGEND

//	WOOD FENCE
CG	CHAIN LINK FENCE
UE	UTILITY LINE
AC	A/C UNIT
EM	ELEC. METER
G	GAS METER
WM	WATER METER
WV	WATER VALVE
●	IRON ROD FND.
○	PIPE FND.
Ø	UTILITY POLE
X	SPOT ELEVATION
B.L.	BUILDING LINE
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT



SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION

[1] BUILDING LINE PER CITY OF AUSTIN CURRENT ZONING ORDINANCE.

[2] PER VOL. 676, PG. 6.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY PER COMMITMENT G.F. #01346-14162, EFFECTIVE FEBRUARY 22, 2019; SCHEDULE B, PARAGRAPH 10.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 676, PG. 6.

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

IMPERVIOUS COVERAGE

TOTAL LOT AREA.....6092 SQ.FT.
HOUSE.....1481 SQ.FT.
CONC/COV. CONC.....1475 SQ.FT.
TOTAL IMPERVIOUS COV.....2956 SQ.FT.
.....48.5%

CURVE TABLE

1
C=S11°06'53"W 50.00'
A=50.00' R=1909.86'
(R=1909.86')
**PER V.12443, P.701

*LOT 204, SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 4123, PG. 1990, DEED RECORDS, TRAVIS COUNTY, TEXAS

LOT No. * BLOCK "–"
SECTION – PHASE –
CITY TRAVIS COUNTY, TEXAS
AUSTIN

SUBDIVISION / ADDITION TARRYTOWN OAKS
Book – Page(s) 146–147 Cabinet – Slide – PLAT RECORDS
Volume 4
Document No. – Official Public Records of ---- County, Texas
Reference: BILAL N. KHAN

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR PROSPERITY TITLE COMPANY/STEWART TITLE GUARANTY COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.

STATE OF TEXAS REGISTERED ROGER L. WAY 3910 PROFESSIONAL LAND SURVEYOR

Roger L. Way

ALL POINTS SURVEYING
1714 FORTVIEW ROAD – SUITE 200
AUSTIN TX. 78704
TELE.: (512) 440-0071 – FAX: (512) 440-0199
FIRM REGISTRATION # 10118900

	By:	Date:
FIELD WORK	WW	01-25-23
DRAFTING	SCN	

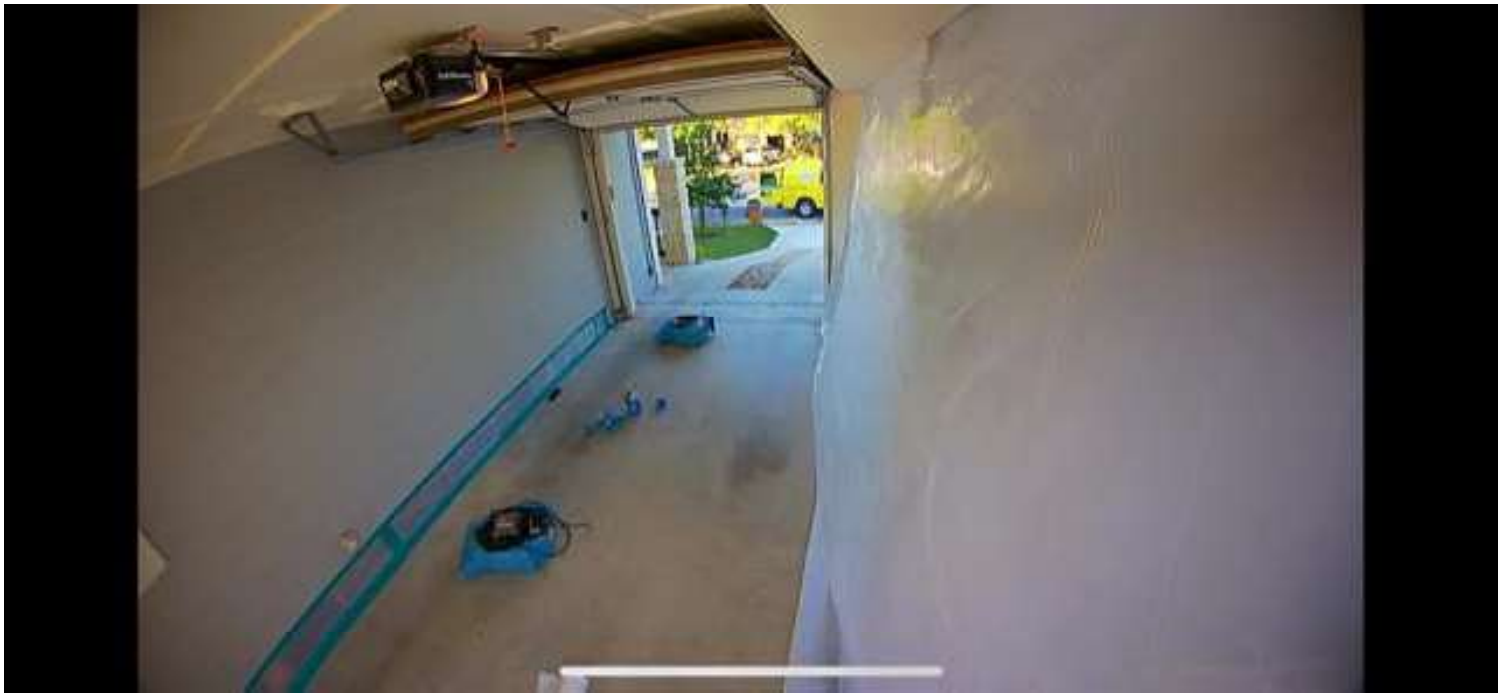
SURVEY DATE: 01-26-23
Job No. 01B11423
SCALE: 1"=20'

ITEM04/56

ITEM04/57

ITEM04/58

ITEM04/59

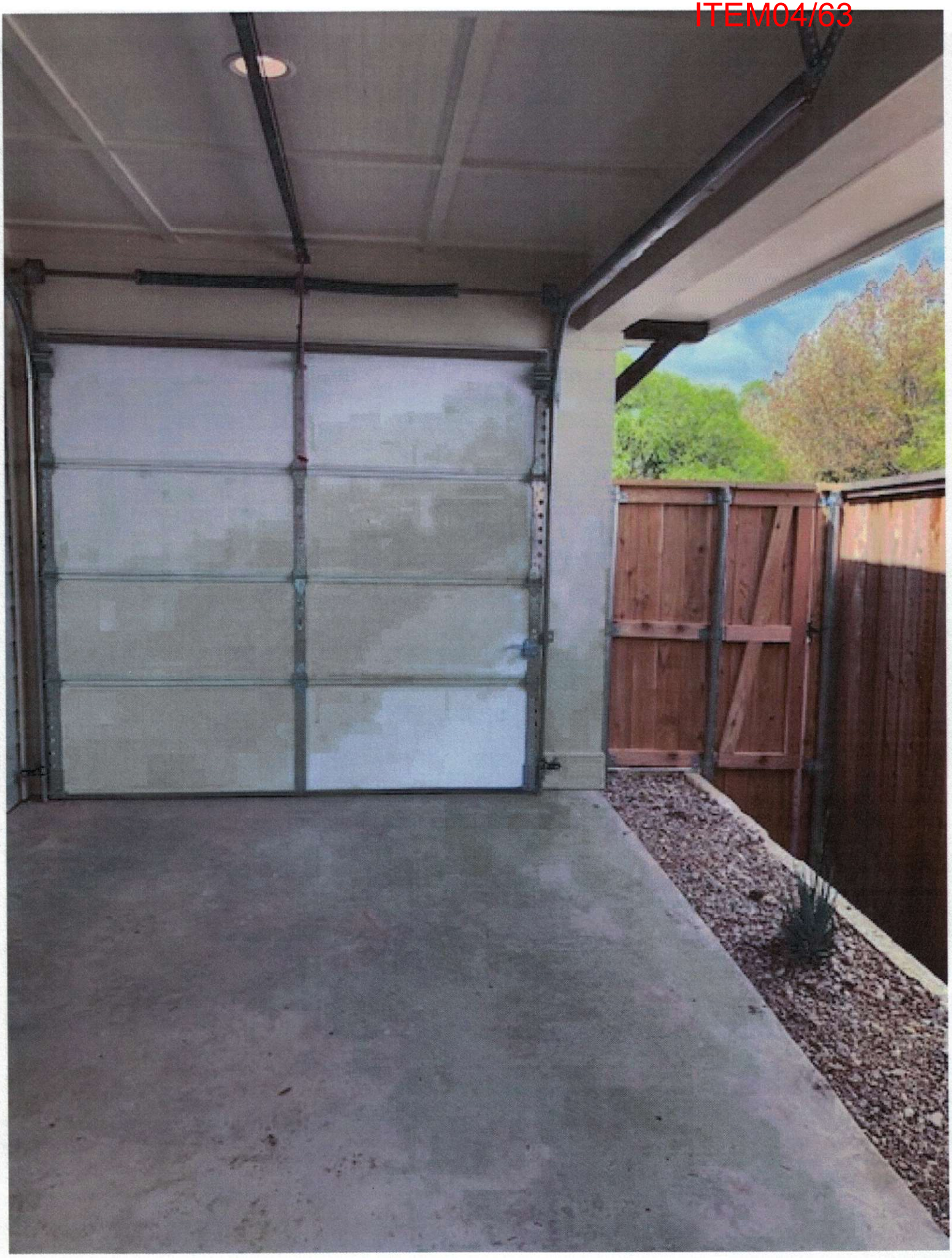


ITEM04/60

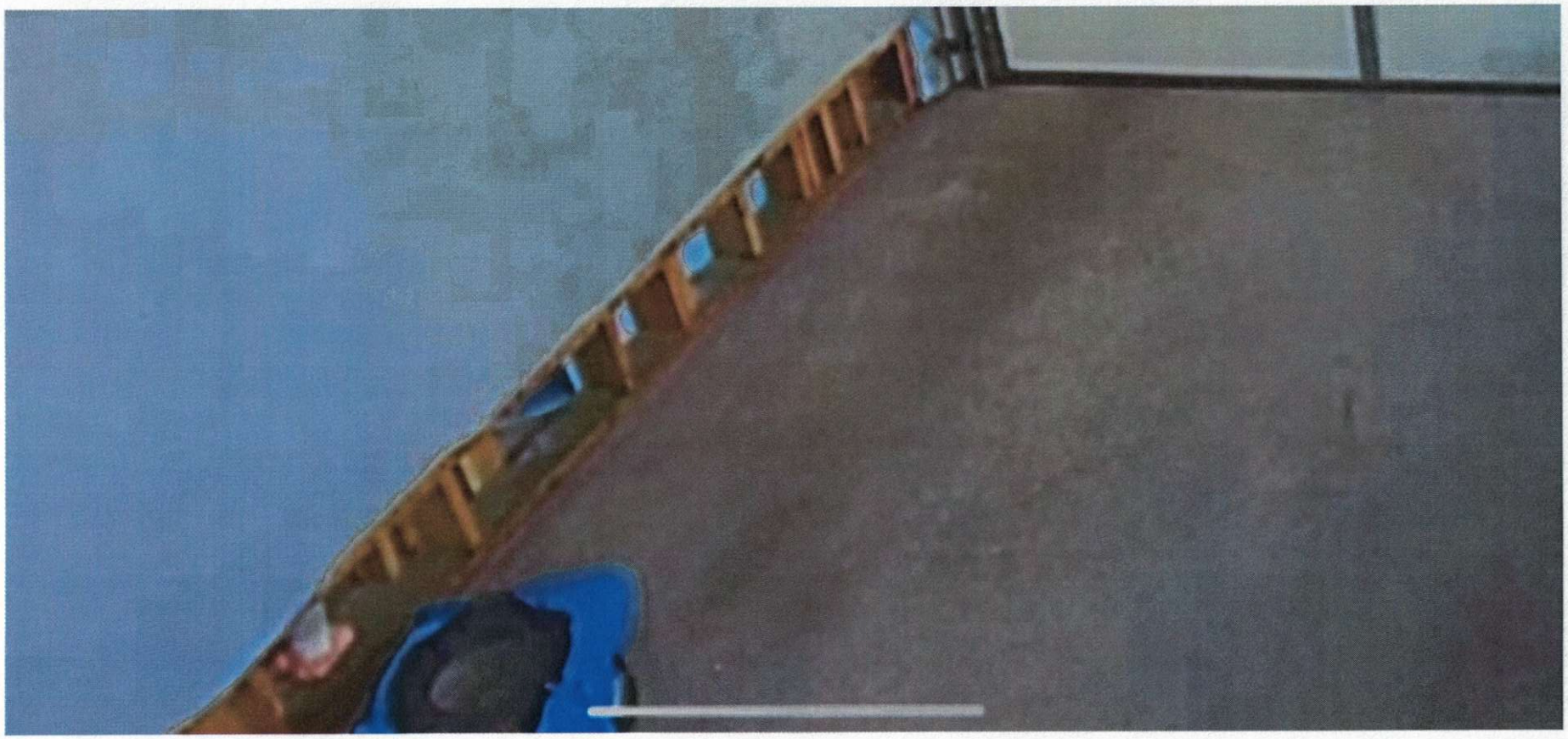
ITEM04/61

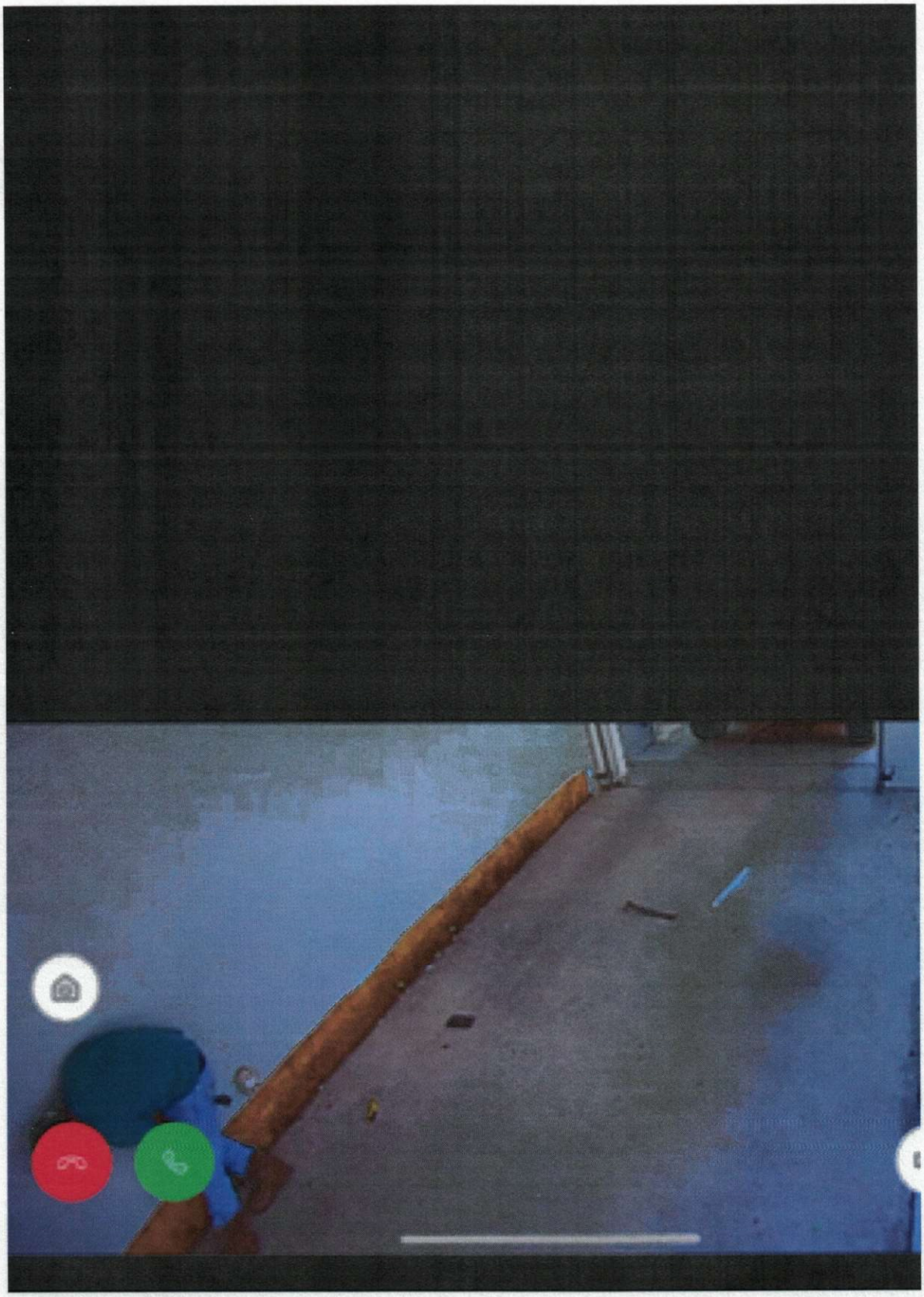
ITEM04/62

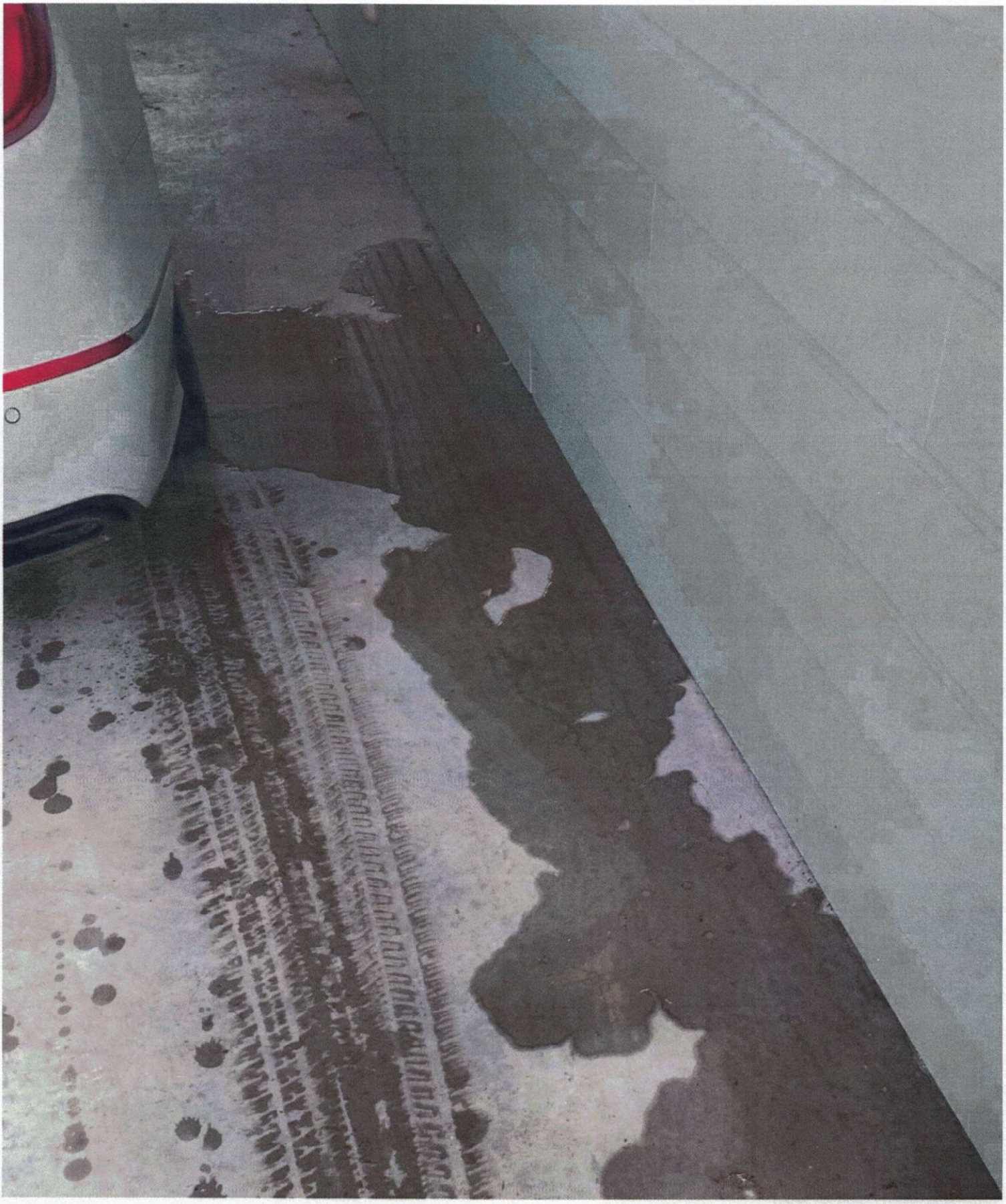
ITEM04/63

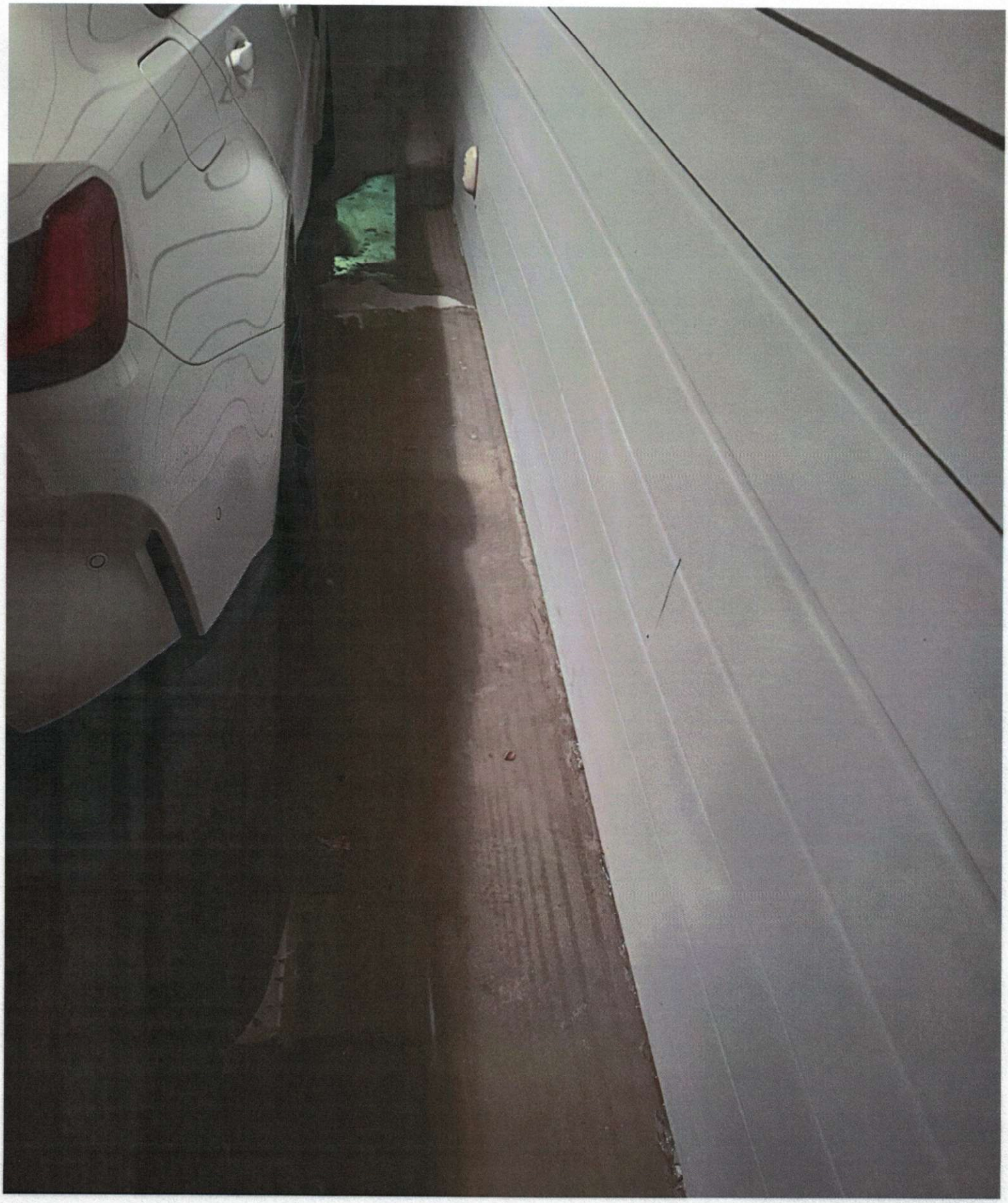


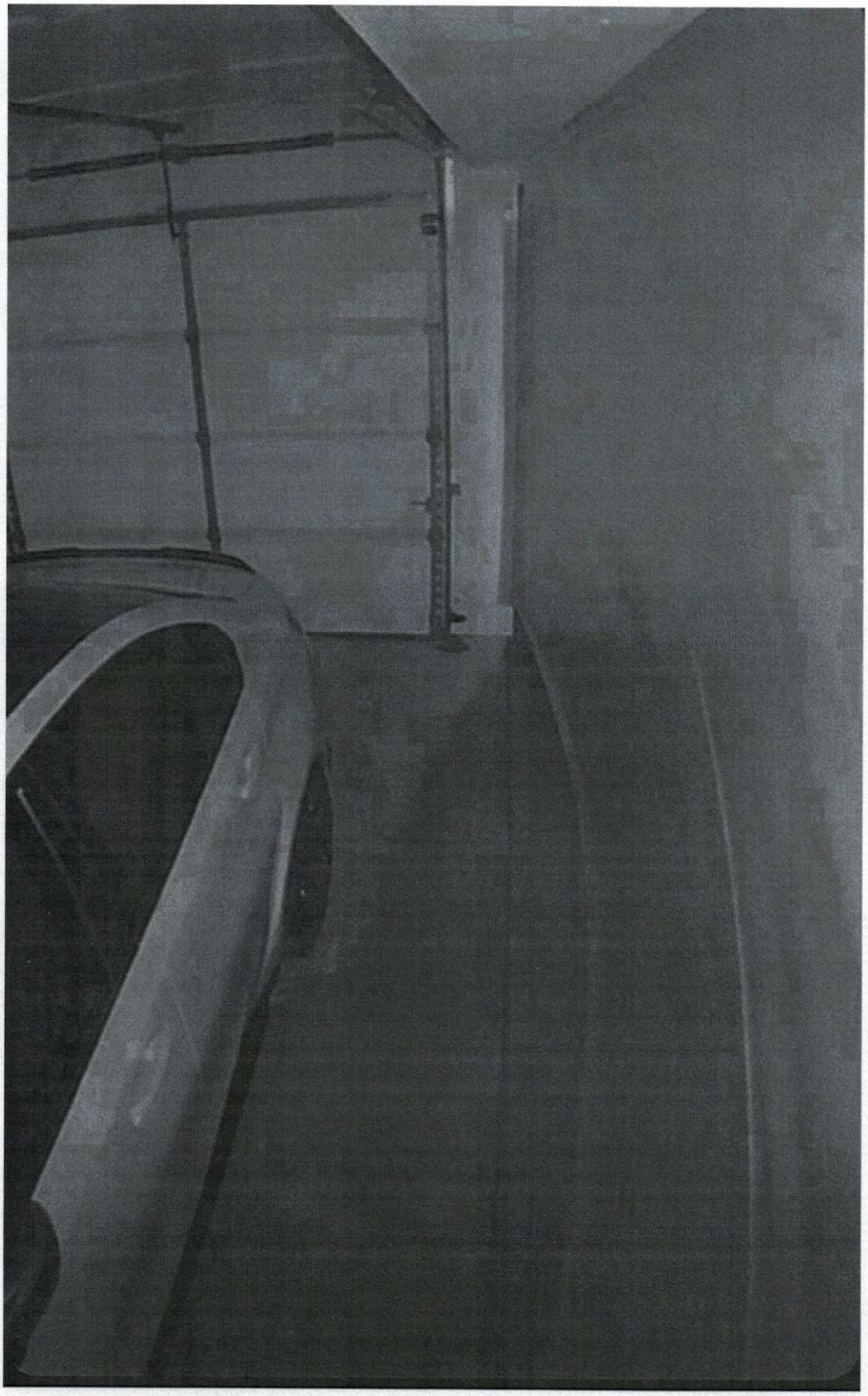
ITEM04/64

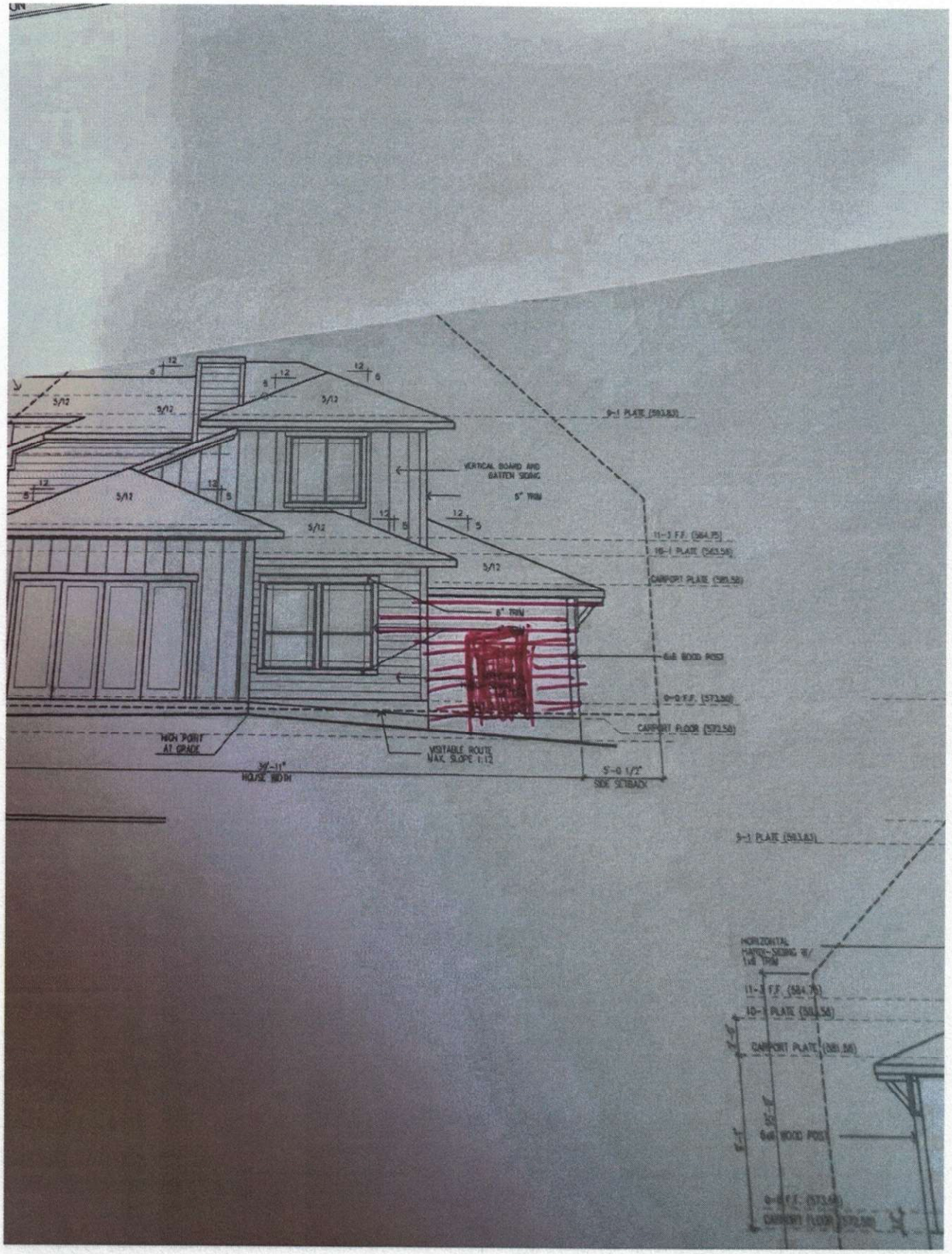


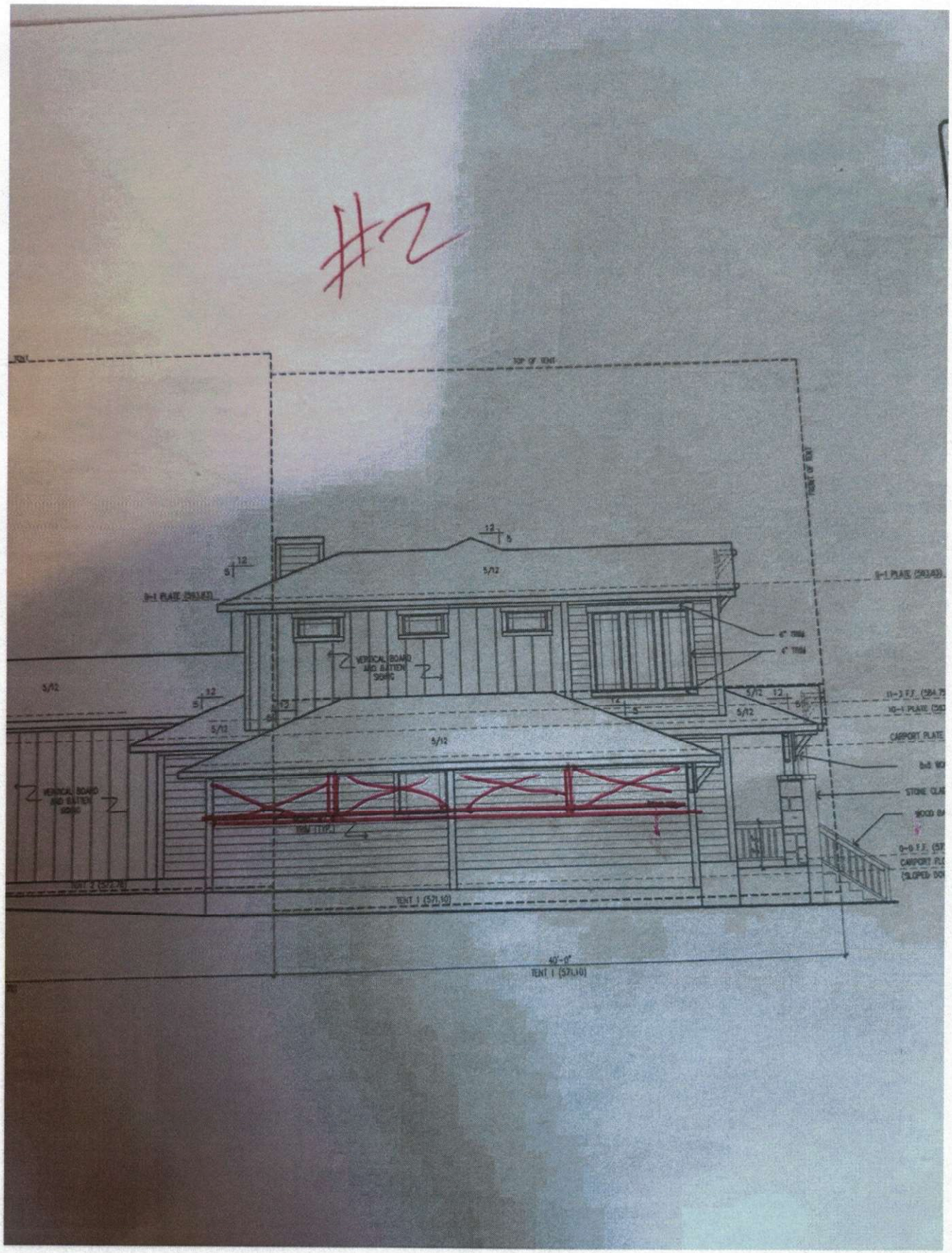









9-1 PLATE (593.83)
VERTICAL BOARD AND BATTEN SIDING
5" TRIM
11-1 F.F. (584.75)
10-1 PLATE (583.58)
CARPORT PLATE (581.58)
8" TRIM
6x6 WOOD POST
0-0 F.F. (573.58)
CARPORT FLOOR (572.58)
HIGH POINT AT GRADE
VISITABLE ROUTE MAX. SLOPE 1:12
HOUSE WIDTH
5'-0 1/2" SIDE SETBACK
9-1 PLATE (593.83)
HORIZONTAL HARDI-SIDING W/ 1x6 TRIM
11-1 F.F. (584.75)
10-1 PLATE (583.58)
CARPORT PLATE (581.58)
6x6 WOOD POST
0-0 F.F. (573.58)
CARPORT FLOOR (572.58)


#2
TOP OF TENT
5/12
VERTICAL BOARD AND BATTEN SIDING
CARPORT PLATE
STONE CLAD
TENT 1 (571.10)
40'-0"
TENT 1 (571.10)

Bravo Concrete Design Payment Paid Comments Refloat of carport due to slop toward home.	**25-Structural** Invoice #3542 Created Date: 11/15/2021	$1,471.50
Brite Cleaning Service Payment Paid Comments clean, dust after bathroom demo	**25-Structural** Invoice #13234 Created Date: 11/04/2021	$250.00
Brite Cleaning Service Payment Paid Comments final clean after repairs	**25-Structural** Invoice #13295 Created Date: 11/04/2021	$155.00
ServiceMaster Restoration by AllPro Payment Paid	**25-Structural** Invoice #3481 Created Date: 11/02/2021	$2,514.55
Westerman, Frank B Payment Paid	**25-Structural** Invoice #757 Created Date: 11/01/2021	$240.00
Westerman, Frank B Payment Paid	**25-Structural** Invoice #758 Created Date: 11/01/2021	$120.00
Westerman, Frank B Payment Paid	**25-Structural** Invoice #752 Created Date: 10/26/2021	$98.00
Westerman, Frank B Payment Paid	**25-Structural** Invoice #754 Created Date: 10/26/2021	$240.00
Westerman, Frank B Payment Paid	**25-Structural** Invoice #751 Created Date: 10/15/2021	$120.00

From: Blake Tollett <[redacted]
Subject: C15-2023-0026; 15 Margranita Crescent
Date: July 7, 2023 at 3:59:17 PM CDT
To: Elaine Ramirez <Elaine.Ramirez@austintexas.gov>
Bcc: WANG ExCom [redacted]

Elaine Ramirez, Liaison
Board of Adjustment
City of Austin

RE: C15-2023-0026; 15 Margranita Crescent

Members of the Board of Adjustment:

The Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) has voted electronically to oppose the above referenced variance request at 15 Margranita Crescent.

Our opposition is primarily focused on the allegations of hardship as presented in the application. The size and topography of the building lot was known prior to design of the residence, and specific design considerations were made to conform with the known requirements of LDC Subchapter F. Specifically, in order to maximize FAR a tandem carport was chosen over an enclosed tandem garage. Carports by their very nature are open to the elements, but use of a carport rather than an enclosed garage was an informed decision. It is unfortunate that the drive under the carport was constructed to slope water towards the residence rather than away, and it is hoped that the applicant of the variance and the initial builder of the home, David Weekly Homes, will work with the home owner to find a resolution that will ameliorate at least some of the periodic flooding issues. Again, we see these hardships as self-imposed.

We also have concerns that allowing the carport to be enclosed after construction through the variance process, thus increasing the allowable FAR, does set a precedent for like situated residences.

A member of the neighborhood association will be in attendance at the hearing on Monday 10 July 2023.

Respectfully.

Blake Tollett, Land Matters
West Austin Neighborhood Group
PO Box 5722
Austin, Texas 78763

From: [redacted]
To: Ramirez, Elaine
Subject: Fwd: C15-2023-0026; 15 Margranita Crescent
Date: Monday, September 4, 2023 6:06:45 PM

External Email - Exercise Caution

Elaine,

Please add this email chain and a following email chain to the public record on this matter.

My regards,

Blake Tollett, WANG

Begin forwarded message:

From: Bilal Khan [redacted]
Subject: Re: C15-2023-0026; 15 Margranita Crescent
Date: August 24, 2023 at 12:36:14 PM CDT
To: Blake [redacted]
Cc: David Long [redacted] WANG ExCom [redacted]

Mr. Tollett

David Long is not my friend, acquaintance or in any sort I know him personally. I only know him professionally.

One thing I can tell you about him is that he is a very sincere and a honest man.

I will let this go after reading your email but please be careful with words - they are very powerful.

Thank you
Bilal Khan

On Aug 24, 2023, at 10:22 AM, Blake Tollett
<[redacted]:

Dr. Kahn-

I have personally hesitated to respond to your email complaint regarding an alleged statement by me concerning the destruction of your home because I am currently in an area with very limited

cellular service. However in light of your below email I will for the record make the following declarations:

At the initial public hearing on the variance request at 15 Margranita Crescent, and under oath, I did not state, infer or suggest that your home should be taken down.

When I had a conversation with David Long, project manager for David Weekly Homes, the applicant for the variance request, on Tuesday 22 August, I did not state, infer or suggest that your home should be taken down. To state otherwise is a gross misrepresentation of my comments during our brief discussion.

I ask that you take notice of my declarations above going forward.

My regards to you and your family.

Blake Tollett
3701 Bonnie Road 78703

Sent from my iPhone

Begin forwarded message:

From: Bilal Khan[redacted]
Date: August 23, 2023 at 3:02:42 PM CDT
To: Holly Reed <h[redacted]**; 15 Margranita Crescent**

I am not at all upset on your group's decision. Hence I never said a single word. Your organization have the right to oppose it if you feel that way.

I am upset at Blake Tollett comment to "tear my house down".

I consider that comment to be aggressive and makes me uncomfortable about your

organization. If WANG doesn't care about me or tearing my house down then what is the purpose of your organization? What do you offer to the community?

I am disappointed that a person in your organization does not care about our community and does not realize that a community begins with each family.

I want an apology from Mr. Tollett and your organization. I feel compelled to let entire neighborhood know what the true nature of your staff entails however I will let you handle this first and see what resolution you come up with.

Regards,
Bilal Khan

On Aug 23, 2023, at 2:44 PM,
Holly Reed
[redacted]>
wrote:

Dr. Khan,

On. July 6, the West Austin Neighborhood Group Board of Directors voted to oppose a variance request to increase the FAR (floor area ratio) from 40% to 42.61% at 15 Margranita Crescent. I have included the email which WANG sent to the Board of Adjustment on July 7th prior to their previously scheduled hearing.

The West Austin Neighborhood Group Board did not see there was a hardship in this case that warranted a variance to the City Code's maximum FAR, but

rather an issue caused by faulty construction. However, it is up to the Board of Adjustment whether or not to grant this variance.

We sincerely hope that you and your builder will be able to work out a good solution to the problem moving forward.

Regards,

Holly Reed, President
West Austin Neighborhood Group (WANG)
[redacted]

Begin forwarded message:

From: Blake Tollett
[redacted]
Margranita Crescent
Date: July 7, 2023 at 3:59:17 PM CDT
To: Elaine Ramirez <Elaine.Ramirez@austintexas.gov>

Elaine Ramirez, Liaison
Board of Adjustment
City of Austin

RE: C15-2023-0026; 15 Margranita Crescent

Members of the Board of Adjustment:

The Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) has voted electronically to oppose the above referenced

variance request at 15 Margranita Crescent.

Our opposition is primarily focused on the allegations of hardship as presented in the application. The size and topography of the building lot was known prior to design of the residence, and specific design considerations were made to conform with the known requirements of LDC Subchapter F. Specifically, in order to maximize FAR a tandem carport was chosen over an enclosed tandem garage. Carports by their very nature are open to the elements, but use of a carport rather than an enclosed garage was an informed decision. It is unfortunate that the drive under the carport was constructed to slope water towards the residence rather than away, and it is hoped that the applicant of the variance and the initial builder of the home, David Weekly Homes, will work with the home owner to find a resolution that will ameliorate at least some of the periodic flooding issues. Again, we see these hardships as self-imposed.

We also have concerns that allowing the carport to be enclosed after construction through the variance process, thus increasing the allowable FAR, does set a precedent for like situated residences.

A member of the neighborhood association will be in attendance at the hearing on Monday 10 July 2023.

Respectfully.

ITEM04/82

Blake Tollett, Land Matters
West Austin Neighborhood
Group
PO Box 5722
Austin, Texas 78763

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook or forward to cybersecurity@austintexas.gov.

ITEM04/83

From: [redacted] , Elaine
Subject: Fwd: C15-2023-0026; 15 Margranita Crescent
Date: Monday, September 4, 2023 6:10:03 PM

External Email - Exercise Caution

Elaine,

Please also include this email chain in the public record on this matter.

My regard,

Blake Tollett, WANG

Begin forwarded message:

From: Bilal Khan <[redacted]
Subject: Re: C15-2023-0026; 15 Margranita Crescent
Date: August 24, 2023 at 1:23:10 PM CDT
To: [redacted]

Ms. Reed

Mr. Tollett made a comment to "tear my house down" to Mr. David Long. Mr. Long is a professional and even when him and I don't agree I have never witnessed him not to be truthful.

I do not know Mr. Tollett but I heard him speak at the city council regarding FAR. My first impression of him was that he was an angry person who was burnet out and doesn't seem to care about each person and their issues. If he truly cared then he would have contacted me to figure out what's the issue in his neighborhood and perhaps try to help me find a solution or give me ideas. Not to run to the city with letters.

That's what a person with highest integrity and respect does.

So I disagree with your statement about his character from what I saw. His length of service or who appointed him does not mean much.

Regards,
Bilal Khan

On Aug 24, 2023, at 11:06 AM, Holly Reed
<[redacted]

Dr. Kahn,

Having served on the West Austin Neighborhood Group with Mr. Blake Tollett for the past seven years, including four years as President, I have the utmost respect and regard for his professionalism, knowledge and experience. Mr. Tollett has tirelessly volunteered on behalf of this community for over 30 years. He was the Mayor's appointee to the Historic Landmark Commission for the past 8 years.
I find your statements very difficult to believe as what you have described is completely out of character for Mr. Tollett. He handles all matters with the highest degree of integrity and respect for members of our community. Are you making a statement that Mr. Tollett personally spoke with you and said the things you have written in this email?

If you would like to learn more about the West Austin Neighborhood Group, serving the neighborhood since 1973, you can visit our website at www.westaustinng.com

Sincerely,

Holly Reed, President
West Austin Neighborhood Group
[redacted]

On Aug 23, 2023, at 3:02 PM, Bilal Khan
[redacted]> wrote:

I am not at all upset on your group's decision. Hence I never said a single word. Your organization have the right to oppose it if you feel that way.

I am upset at Blake Tollett comment to "tear my house down".

I consider that comment to be aggressive and makes me uncomfortable about your organization. If WANG doesn't care about me or tearing my house down then what is the purpose of your organization? What do you offer to the community?

I am disappointed that a person in your organization does not care about our community and does not realize that a

community begins with each family.

I want an apology from Mr. Tollett and your organization. I feel compelled to let entire neighborhood know what the true nature of your staff entails however I will let you handle this first and see what resolution you come up with.

Regards,
Bilal Khan

On Aug 23, 2023, at 2:44 PM, Holly Reed [redacted] wrote:

Dr. Khan,

On. July 6, the West Austin Neighborhood Group Board of Directors voted to oppose a variance request to increase the FAR (floor area ratio) from 40% to 42.61% at 15 Margranita Crescent. I have included the email which WANG sent to the Board of Adjustment on July 7th prior to their previously scheduled hearing.

The West Austin Neighborhood Group Board did not see there was a hardship in this case that warranted a variance to the City Code's maximum FAR, but rather an issue caused by faulty construction. However, it is up to the Board of Adjustment whether or not to grant this variance.

We sincerely hope that you and your builder will be able to work out a good solution to the problem moving forward.

Regards,

Holly Reed, President
West Austin Neighborhood Group
(WANG)
[redacted]

Begin forwarded message:

From: Blake Tollett
[redacted]
Subject: C15-2023-0026; 15 Margranita Crescent
Date: July 7, 2023 at 3:59:17 PM CDT
To: Elaine Ramirez
<Elaine.Ramirez@austintexas.gov>

Elaine Ramirez, Liaison
Board of Adjustment
City of Austin

RE: C15-2023-0026; 15 Margranita Crescent

Members of the Board of Adjustment:

The Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) has voted electronically to oppose the above referenced variance request at 15 Margranita Crescent.

Our opposition is primarily focused on the allegations of hardship as presented in the application. The size and topography of the building lot was known prior to design of the residence, and specific design considerations were made to conform with the known requirements of LDC Subchapter F. Specifically, in order to maximize FAR a tandem carport was chosen over an enclosed tandem garage. Carports by their very nature are open to the elements, but use of a carport rather than an enclosed garage was an informed decision. It is unfortunate that the drive under the carport was constructed to slope water towards the residence rather than away, and it is hoped that the applicant of the variance and the initial builder of the home, David Weekly Homes, will work with the home owner to find a resolution that will ameliorate at least some of the periodic flooding issues. Again, we see these hardships as self-imposed.

ITEM04/87

We also have concerns that allowing the carport to be enclosed after construction through the variance process, thus increasing the allowable FAR, does set a precedent for like situated residences.

A member of the neighborhood association will be in attendance at the hearing on Monday 10 July 2023.

Respectfully.

Blake Tollett, Land Matters
West Austin Neighborhood Group
PO Box 5722
Austin, Texas 78763

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook or forward to cybersecurity@austintexas.gov.