

**City of Austin  
Board of Adjustment**

ITEM03/1-PRESENTATION

**Case: C15-2023-0039 / 12501 Ondara Dr**

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**Variance Request: Increase maximum impervious cover for SF-2 from  
45% to 54.9%, (53% existing)**

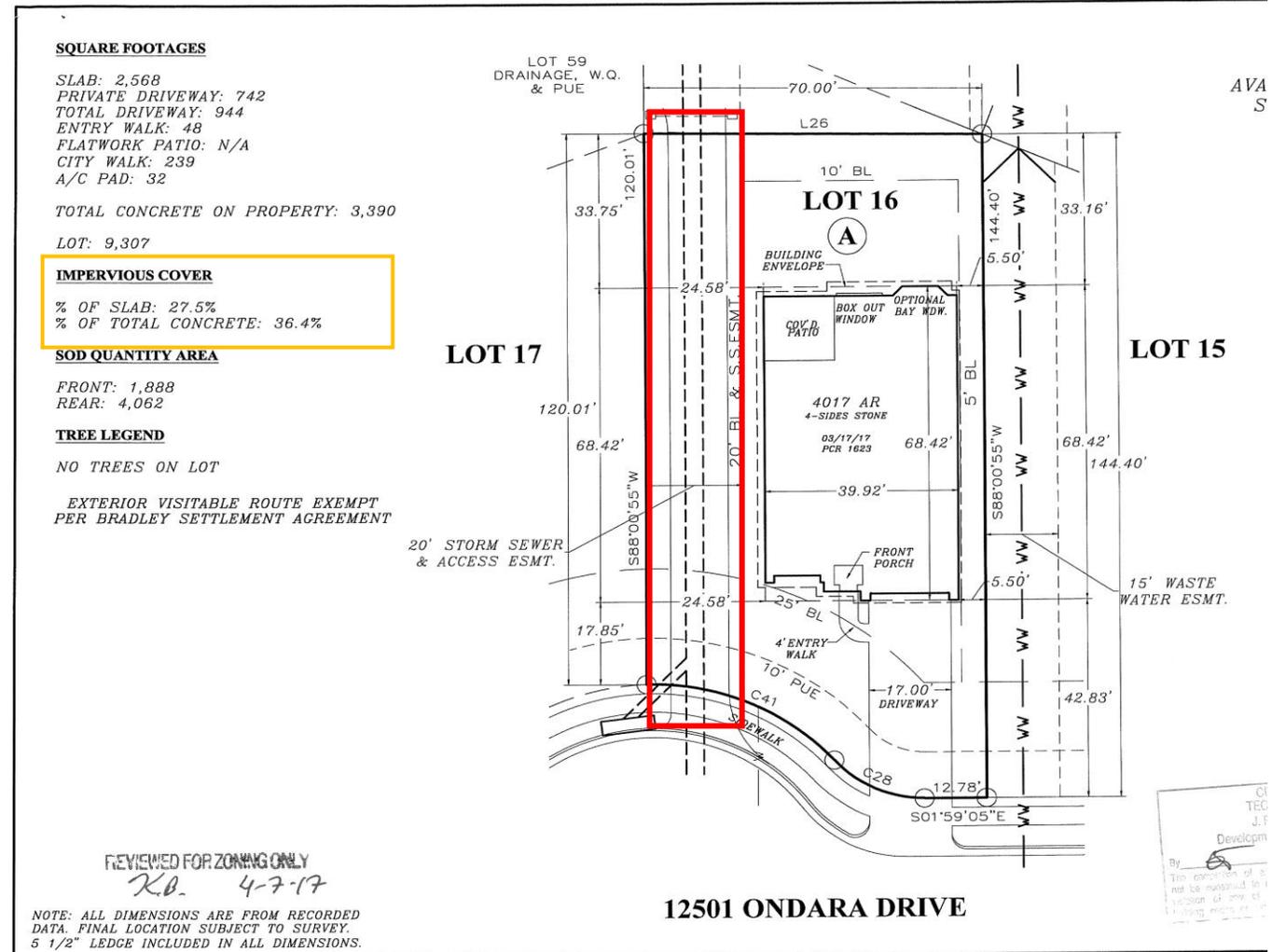
**Applicant/Owner: James McCloskey  
October 9, 2023**



# The zoning regulation does not allow for reasonable use

## ITEM03/3-PRESENTATION

- Easement was not counted towards impervious cover on approved/current survey
- Impervious cover was recorded at 36.4%
  - Using that number, the proposed pool would only increase the total IC to 39.2%



# The zoning regulation does not allow for reasonable use

- *Current impervious cover = ~53% including the concrete easement.*
  - No alternative without a variance
- Pools are an amenity commonly associated with a residence
- Deprives us of property use enjoyed by neighbours and consistent with the community

ITEM03/4-PRESENTATION



# Hardship is unique to the property and not general to the area

- *Unique lot configuration:* the easement allows access to a detention pond behind our property
  - Specific to our property land not general to the area
- No surrounding homes have concrete easements
- We believe this is an extremely rare case – likely a variance case that can't be replicated

ITEM 03/5-PRESENTATION

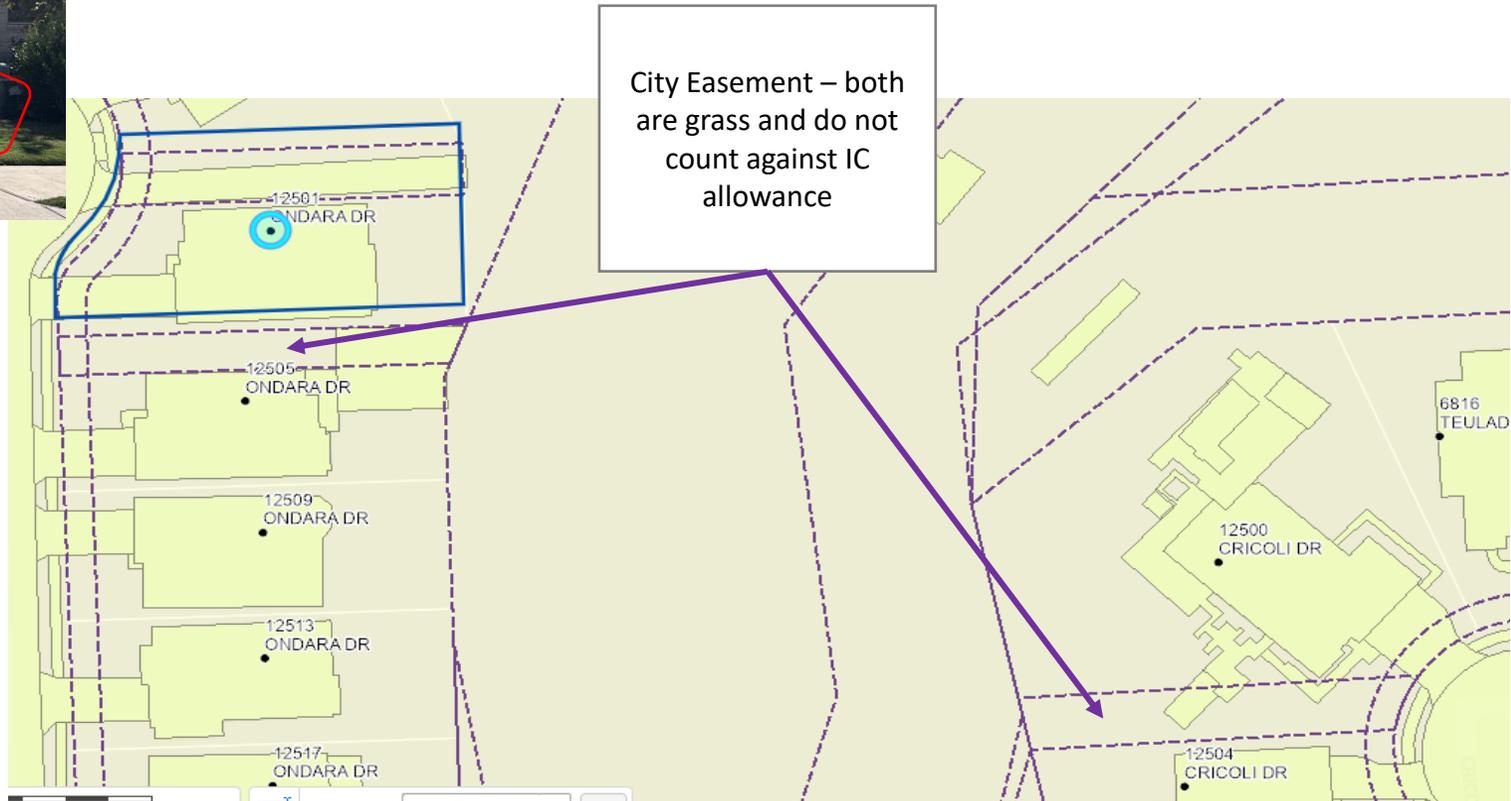


1. Grass easements.  
Not on owner's  
property.  
Not considered IC.

2. Grass easement.  
Not considered IC

# Unique hardship – not common to the area or shared by neighbors.

ITEM03/6-PRESENTATION



# Unique hardship – “not encountered in 18 years of building pools”

ITEM03/7-PRESENTATION



September 14, 2023

Ms. Jessica Cohen, Chair  
City of Austin Board of Adjustment  
301 W. 2<sup>nd</sup> Street  
Austin, Texas 78791

Ms. Cohen,

I'm writing in support of James McCloskey's Board of Adjustment Variance Application regarding impervious cover allowance at 12501 Ondara Drive, Austin TX 78739.

The concrete easement being built on the property and counting against their impervious cover allowance is extremely unique, and something I've not encountered in 18 years of building pools. Given this, I would not anticipate this variance case being duplicated.

The proposed pool and variance application is for an additional impervious cover amount up to 225 square feet.

Most pools that Cody Pools build utilize approximately 450 square feet of additional impervious cover. As such, the proposed pool is only 50% of this - a fraction of the typical pool. This demonstrates the homeowners are building the smallest possible pool/impervious footprint to limit the variance required.

Thank you for your consideration.

Sincerely,

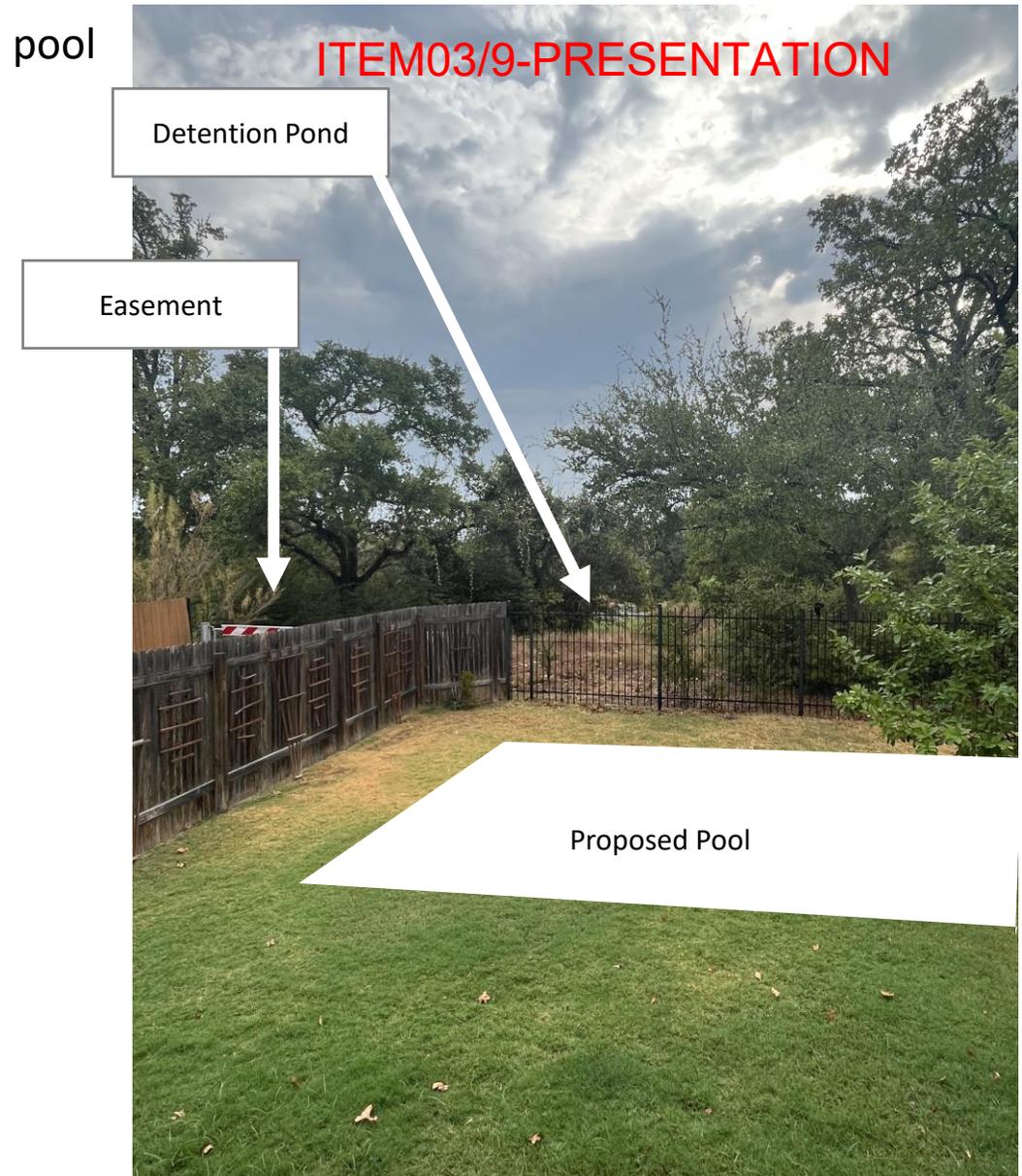
A handwritten signature in black ink, appearing to read "P. Batterton", with a long horizontal flourish extending to the right.

Peter Batterton, CBP (APSP Certified Building Professional), CPI (Certified Pool Inspector)



# Variance will not impair the purpose of the regulation

- Property slopes down to detention pond behind the house/proposed pool



# Variance will not impair the purpose of the regulation

- Land Use Review: “will not create any adverse impact”
- Environmental Engineer assessment:
  - “will not result in adverse impact on the surrounding environment or impair the purpose of the impervious cover limit in this situation”
  - Detention ponds are best practice to mitigate increased IC
  - Gradient of 3 degrees toward detention pond
  - Acts like drainage swale to move water

ITEM03/10-PRESENTATION

Re: 12501 Ondara Drive - no impact from increased impervious cover

Leal Ruiz, Ricardo <[REDACTED]>  
To: James McCloskey  
Cc: "Abdulkader, Moh

Tue, Sep 19, 2023 at 8:05 AM

Good morning, James.

As we discussed last week a small swimming pool addition with no decking area and no changes to be made to the existing grading patterns, will have a minimum increase in runoff, but it will not create any adverse impact on the drainage downstream of your lot. But remember that you will need to comply with the maximum IC allowed per zoning. You can verify the IC limitations with a Zoning reviewer from Residential plan review.

Additionally, I'm copying Mohamad in this email. He is an Environmental reviewer, and he may have comments to share with you since there are some environmental features present in your lot.

At this stage and without a formal layout of the proposed swimming pool all said is based in our discussion. So please provide a preliminary layout of the swimming pool addition so we can review the final amount of new IC and provide you with a final determination.

Thank you for writing.

Respectfully,

**Ricardo Leal, PMP.**

Graduate Engineer A  
Land Use Review  
City of Austin Development Services Department  
6310 Wilhelmina Delco Dr., Austin TX 78752  
Office: 512-978-4670



# Variance will not impair the purpose of the regulation



Mike Daly  
Managing Director  
Elemental Consulting Services  
Master of Engineering Science  
Bachelor of Environmental Science

September 18, 2023

**To: City of Austin, Board of Adjustment**

**RE: Variance Application: C15-2023-0039 / 12501 Ondara Dr**

Dear Board Members and Staff,

I have been engaged by James McCloskey, of 12501 Ondara Drive, Austin TX 78739, to provide my professional opinion regarding the proposed construction of a swimming pool that would increase the impervious cover on the property located at the above address. As a qualified Environmental Engineer and director of an environmental consultancy, I consider my analysis and technical advice relevant in this matter.

I have thoroughly reviewed the details related to the proposed plans and variance request to increase impervious cover by up to 225 square feet to a total impervious cover of 54.9%. It is important to note that approximately 35% of the property's maximum impervious cover allowance is attributed to this city-owned concrete easement that slopes and drains into a large stormwater detention pond behind the property. **It is my opinion that the minor increase will not result in adverse impact on the surrounding environment or impair the purpose of the impervious cover limit in this situation.**



## ITEM03/12-PRESENTATION

- The proposed variance request is for an additional increase up to 225 square feet of impervious cover, 2.4% of the total lot size.
- There is a detention pond located directly behind the property which serves to significantly reduce downstream flooding, reduce sediment and pollutant loads, and provide debris removal associated with flood events.
- Detention ponds are industry best practice to mitigate increased impervious cover.
- The concrete easement slopes from west to east (away from the street and home and towards the greenbelt and detention pond behind the property) at a gradient of approximately 3 degrees. During high rainfall events, stormwater runoff will move down this concrete easement and into the stormwater detention pond.
- Whilst the city-owned concrete easement doesn't absorb rainfall (and is included in the determination of the property's impervious cover area), the design allows it to function as a drainage swale / conveyance that moves excess water away from the housing development and into the stormwater detention basin.
- Drainage swales and conveyances are excluded in the calculation of impervious cover per the Land Development Code § 25-8-63 Impervious Cover Calculations (C) (6) Impervious cover calculations exclude drainage swales and conveyances.

# APPENDIX – ADDITIONAL SUPPORT

# The concrete easement is a unique hardship – not common to the area or shared by neighbors.

ITEM03/14-PRESENTATION

My concrete easement:  
12501 Ondara Dr



Next-door neighbor (grass) easement:  
12505 Ondara Dr



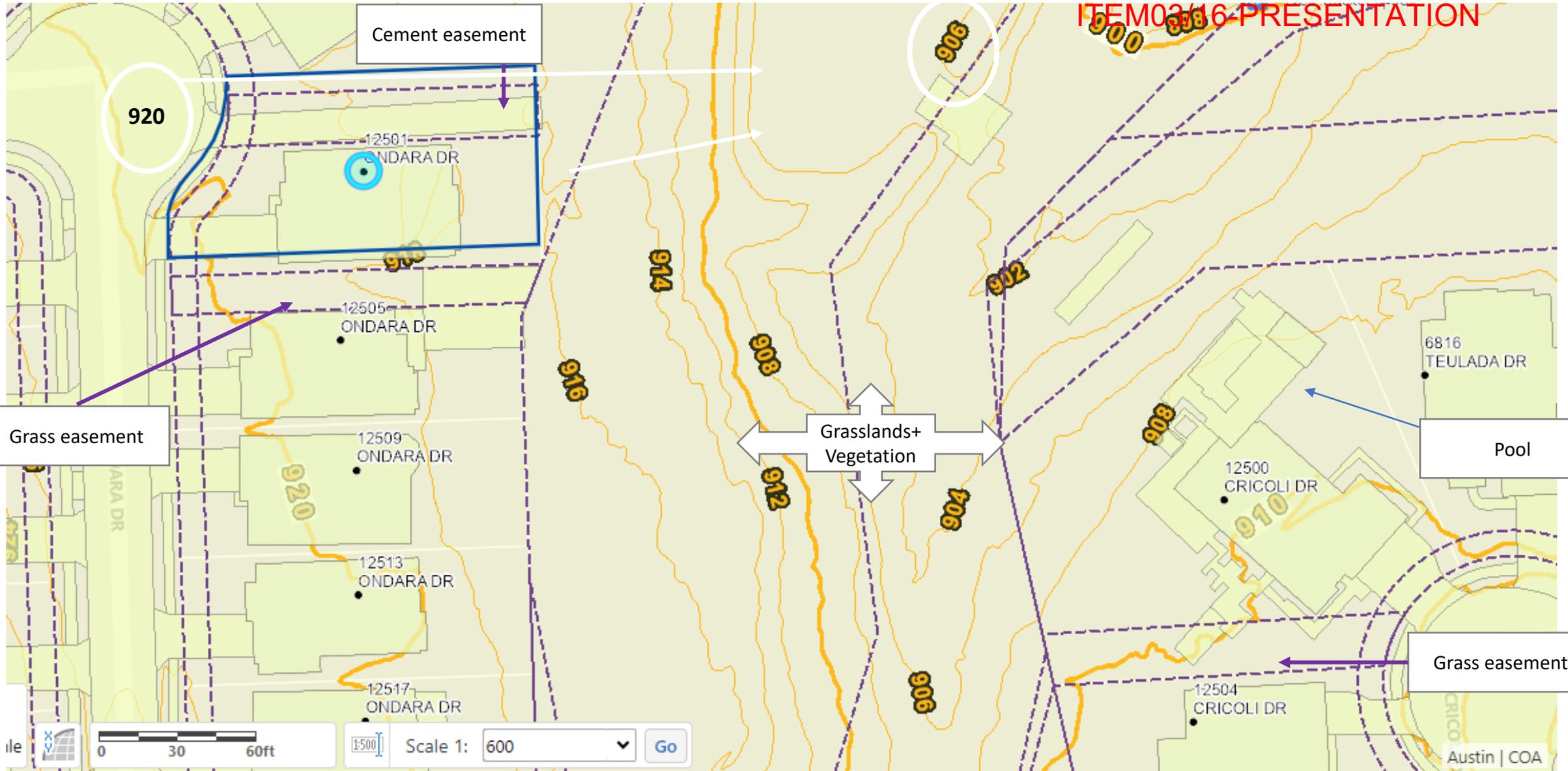
# Detention pond immediately behind property Best practice to mitigate increased impervious cover

ITEM03/15-PRESENTATION



# Land contours slope toward the detention pond behind property

And any slope greater than 0% will ensure water moves in the right direction (same image with IC overlay)



# Circle C Homeowners Association + Neighborhood Letters of Support

## All immediate neighbors (27 received as at 10/2/2023).

ITEM03/17-PRESENTATION

CIRCLE C HOMEOWNERS ASSOCIATION, INC.  
7817 LA CROSSE AVENUE • AUSTIN, TEXAS 78739 • (512) 288-8663

### Statement of Support

To: The Board of Adjustment, City of Austin

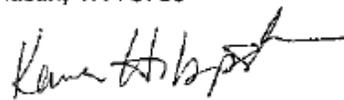
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

Please consider my support of the applicant's variance request at 12501 Ondara Drive, Austin TX 78739 (C15-2023-0039) to increase their impervious cover allowance to build a swimming pool.

The concrete easement on their property is a hardship unique to their property and swimming pools are a reasonable and common amenity in the neighborhood, and it will not alter the character of the area.

Name (print): Circle C Homeowners Association, Inc.

Address: 7817 La Crosse Ave  
Austin, TX 78739

Signature: 

Date: September 20, 2023

Phone Number: 

### Statement of Support

To: The Board of Adjustment, City of Austin

RE: Case Number C15-2023-0039 / 12501 ONDARA DR

Please consider my support of the applicant's variance request at 12501 Ondara Drive, Austin TX 78739 (C15-2023-0039) to increase their impervious cover allowance to build a swimming pool.

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Name (print): Katie + Matthew Belferman

Address: 7000 Calpe Drive Austin, TX 78739

Signature: 

Date: 9/20/2023

Phone Number: 

### Statement of Support

To: The Board of Adjustment, City of Austin

RE: Case Number C15-2023-0039 / 12501 ONDARA DR

Please consider my support of the applicant's variance request at 12501 Ondara Drive, Austin TX 78739 (C15-2023-0039) to increase their impervious cover allowance to build a swimming pool.

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Name (print): Arturo & Amanda Azua

Address: 7004 Calpe Dr. Austin, TX 78739

Signature: 

Date: 9/19/2023

Phone Number: 

### Statement of Support

To: The Board of Adjustment, City of Austin

RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Brigid Treerny

Address: 7012 Calpe Drive

Signature: 

Date: 21 September 2023

Phone Number: 

### Statement of Support

To: The Board of Adjustment, City of Austin

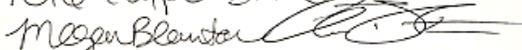
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Name (print): Megan Blanton & Chris Blanton

Address: 7016 Calpe Drive

Signature: 

Date: 9/18/23

Phone Number: 

# Circle C Homeowners Association + Neighborhood Letters of Support All immediate neighbors (27 received as at 10/2/2023).

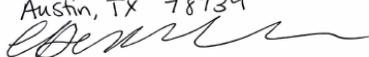
ITEM03/18-PRESENTATION

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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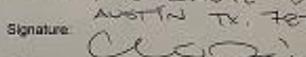
Name (print): Christine Demmelmaier  
Address: 7028 Calpe Drive  
Austin, TX 78739  
Signature:   
Date: 9-20-23  
Phone Number: [REDACTED]

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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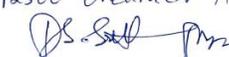
Name (print): CHRIS BOMELY  
Address: 7103 CALPE DR.  
AUSTIN TX 78739  
Signature:   
Date: 9/19/23  
Phone Number: 5 [REDACTED]

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

Please consider my support of the applicant's variance request at 12501 Ondara Drive, Austin TX 78739 (C15-2023-0039) to increase their impervious cover allowance to build a swimming pool.

The concrete easement on their property is a hardship unique to their property and swimming pools are a reasonable and common amenity in the neighborhood, and it will not alter the character of the area.

Name (print): Siddesh Totkacha Sideswarappa  
Address: 12500 Ondara Dr Austin TX 78739  
Signature:   
Date: 09/17/2023  
Phone Number: [REDACTED]

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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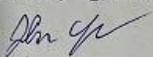
Name (print): VAUGHN D. & KIMBERLY A. MATHIAS  
Address: 12508 CRICOLI DR. AUSTIN TX 78739  
Signature:   
Date: 9/19/2023  
Phone Number: [REDACTED]

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): John Ybarra  
Address: 12512 Cricoli Dr, Austin 78739  
Signature:   
Date: 9/20/23  
Phone Number: [REDACTED]

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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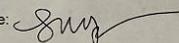
Name (print): Timothy Emr  
Address: 12517 Ondara Dr. Austin, TX 78739  
Signature:   
Date: 9/18/23  
Phone Number: [REDACTED]

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

Please consider my support of the applicant's variance request at 12501 Ondara Drive, Austin TX 78739 (C15-2023-0039) to increase their impervious cover allowance to build a swimming pool.

The concrete easement on their property is a hardship unique to their property and swimming pools are a reasonable and common amenity in the neighborhood, and it will not alter the character of the area.

Name (print): Leah Derton  
Address: 12517 Javea Drive  
Signature:   
Date: 9-18-23  
Phone Number: [REDACTED]

Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Chia-Chen Tsai  
Address: 12601 Javea Dr. Austin, TX 78739  
Signature:   
Date: 09/19/2023  
Phone Number: [REDACTED]

# Circle C Homeowners Association + Neighborhood Letters of Support

## All immediate neighbors (27 received as at 10/2/2023).

ITEM03/19-PRESENTATION

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Caroline Bono

Address: 12605 Ondara Drive, Austin, 78739

Signature: 

Date: 9/19/23

Phone Number: [REDACTED]

### Statement of Support

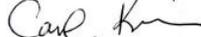
To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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The concrete easement on their property is a hardship unique to their property and swimming pools are a reasonable and common amenity in the neighborhood, and it will not alter the character of the area.

Name (print): Carol King

Address: 12613 Ondara Dr

Signature: 

Date: 9/17/23

Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

Please consider my support of the applicant's variance request at 12501 Ondara Drive, Austin TX 78739 (C15-2023-0039) to increase their impervious cover allowance to build a swimming pool.

The concrete easement on their property is a hardship unique to their property and swimming pools are a reasonable and common amenity in the neighborhood, and it will not alter the character of the area.

Name (print): Lauryn Spence

Address: 7008 Calpe Dr. Austin, TX 78739

Signature: 

Date: 9/17/2023

Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Kyle Andreas

Address: 7020 Calpe Dr. Austin, TX 78739

Signature: 

Date: 9/18/2023

Phone Number: [REDACTED]

### Statement of Support

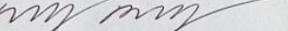
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Name (print): Cliff + Jeannie Priddy

Address: 12505 Ondara Dr.

Signature: 

Date: 9/17/23

Phone Number: [REDACTED]

### Statement of Support

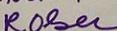
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Name (print): Jonathan + Rebekah Olsen

Address: 12521 Ondara Dr  
Austin, TX 78739

Signature: 

Date: 09/17/23

Phone Number: [REDACTED]

### Statement of Support

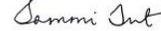
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RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Sammie Tetrico

Address: 12525 Ondara Drive Austin TX 78739

Signature: 

Date: 9/17/23

Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Han Xu

Address: 12601 Ondara Dr. Austin, TX 78739

Signature: 

Date: 09/17/2023

Phone Number: [REDACTED]

# Circle C Homeowners Association + Neighborhood Letters of Support

## All immediate neighbors (27 received as at 10/2/2023).

ITEM03/20-PRESENTATION

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Yuankai Yue  
Address: 12608 Ondara Dr, Austin, TX, 78739  
Signature:   
Date: 09/22/2023  
Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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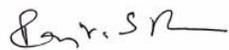
Name (print): Henry Xu  
Address: 7107 Calpe Dr  
Signature:   
Date: 9/24/2023  
Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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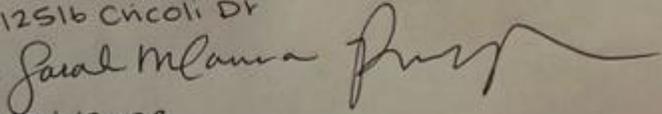
Name (print): RAJESH SINGH  
Address: 12509 Ondara Dr  
Signature:   
Date: 9/17/23  
Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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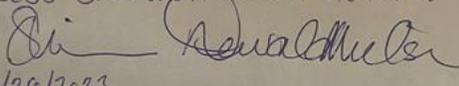
Name (print): Sarah and Phil McCanna  
Address: 12516 Cricoli Dr  
Signature:   
Date: 9/24/2023  
Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

Please consider my support of the applicant's variance request at 12501 Ondara Drive, Austin TX 78739 (C15-2023-0039) to increase their impervious cover allowance to build a swimming pool.

The concrete easement on their property is a hardship unique to their property and swimming pools are a reasonable and common amenity in the neighborhood, and it will not alter the character of the area.

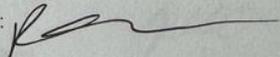
Name (print): Soren & Natasha Nielsen  
Address: 12500 Cricoli Dr, Austin TX 78739  
Signature:   
Date: 09/26/2023  
Phone Number: [REDACTED]

### Statement of Support

To: The Board of Adjustment, City of Austin  
RE: Case Number C15-2023-0039 / 12501 ONDARA DR

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Name (print): Rachel Salontai  
Address: 12612 Ondara Dr, 78739  
Signature:   
Date: 9.21.2023  
Phone Number: [REDACTED]

# Letters of Support Request

ITEM03/21-PRESENTATION

James & Danielle McCloskey  
12501 Ondara Drive, Austin, TX 78739

September 18, 2023

Hi, Neighbors and Friends!

Our family is trying to build a small swimming pool however due to a concrete City of Austin easement on our property, we are required to request a variance from the Land Development Code.

We will still be required to go through all the usual city approvals and permits. An approved variance just allows us to start the standard process.

See the photo below: Because it is concrete and technically on our property, the city easement is being counted against our building allowances. The pool would be inside our fenced backyard so there would be no visible change to the current appearance of the property. More details below for those interested.

Neighborhood approval is taken into consideration by the City, so we would truly appreciate your show of support by completing the simple form on the next page. This is totally voluntary.

You can return a photo/scan via email/text or drop it back to our house by Wednesday September 20. We can continue to submit letters of support up to Oct. 6, 2023.

FYI: You will likely receive a "Notice of Public Hearing" from the City. No need to respond twice.

Thank you!

The McCloskeys

## Overview:

Our neighborhood has an impervious cover allowance of 45%. Impervious cover is any type of human-made surface that does not absorb rainfall.

The city-owned easement on our property is being counted against our allowance, bringing our current coverage to ~53%. Therefore, we require a variance of up to 54.9% to build a pool (just a 2.4% increase). This is a unique situation, almost all easements in the area are grass/sod/dirt and do not impact your allowance.

- Proposed pool will be very small and only add 225 square feet of impervious cover, 2.4% of our lot size.
- We have greenbelt and a detention pond located directly behind the property and our property slopes towards this pond - so if there was any impact, this is what the pond is designed for.
- We are environmentally conscious and obtained an Expert Opinion from a third-party Environmental Engineer who confirmed there will be no environmental impact. The City of Austin Land Use and Environmental teams have confirmed the same.

