

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2023-0051

BOA DATE: January 8th, 2024

ADDRESS: 4400 Waterford Pl

COUNCIL DISTRICT: 10

OWNER: Lotus Management Trust

AGENT: Clean Tag Permits -Linda Sullivan

ZONING: LA, DR

LEGAL DESCRIPTION: LOT 17 BLK A WATERFORD PLACE SEC 2 AMENDED

VARIANCE REQUEST: a) increase the maximum impervious cover on a slope with a gradient of 25 percent or less from 20 percent to 47.4 percent AND

b) increase the maximum impervious cover on a slope with a gradient of 25 percent and not more than 35 percent from 10 percent to 17.8 percent

SUMMARY: remodel an uncovered wood deck

ISSUES: were compliant with code at time of permitting, no longer complying with current code

	ZONING	LAND USES
<i>Site</i>	LA, DR	Lake Austin, Development Reserve
<i>North</i>	LA, DR	Lake Austin, Development Reserve
<i>South</i>	LA, DR	Lake Austin, Development Reserve
<i>East</i>	DR	Development Reserve
<i>West</i>	LA	Lake Austin

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Highland Park West Balcones Area Neighborhood Assn.

Neighborhood Empowerment Foundation

Preservation Austin

SELTexas

TNR BCP – Travis County Natural Resources



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 # **C15-2023-0051** ROW # **13238816** Tax # **0131070229**

Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____ **Council District: 10**

I/We _____ on behalf of myself/ourselves as

authorized agent for _____ affirm that on

Month , Day , Year , 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: _____

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

LDC, Section 25-2-551 - Lake Austin (LA) District Regulations(C)(2)(a)(b)

(a) increase the maximum impervious cover on a slope with a gradient of 25 percent or less from 20 percent to 47.4 percent

(b) increase the maximum impervious cover on a slope with a gradient of 25 percent and not more than 35 percent from 10 percent to 17.8 percent

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:

an existing two-story uncovered wooden deck was approved for construction and issued building permit 1997-004630 BP was purchased, the deck was constructed, and the project reached final inspection on December 2, 1997. The deck, now 26 years in age, needs extensive reconstruction beyond basic repair and maintenance. The deck serves exterior doors and in order to remove and reconstruct the deck new building permits would be required, but can not be approved under current code.

Hardship

a) The hardship for which the variance is requested is unique to the property in that: the existing structures on the property were permitted and constructed prior to current impervious coverage restrictions and can not be maintained or altered under current code. The structures, once legal, are now non-compliant, and the deck, original to the residence, provides safe egress from the rear of the structure.

b) The hardship is not general to the area in which the property is located because: the deck on the rear of the residence can not be reduced in size or maintained in a safe condition without permits.

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:

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): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): 

Email (optional – will be public information): 

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): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): 

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

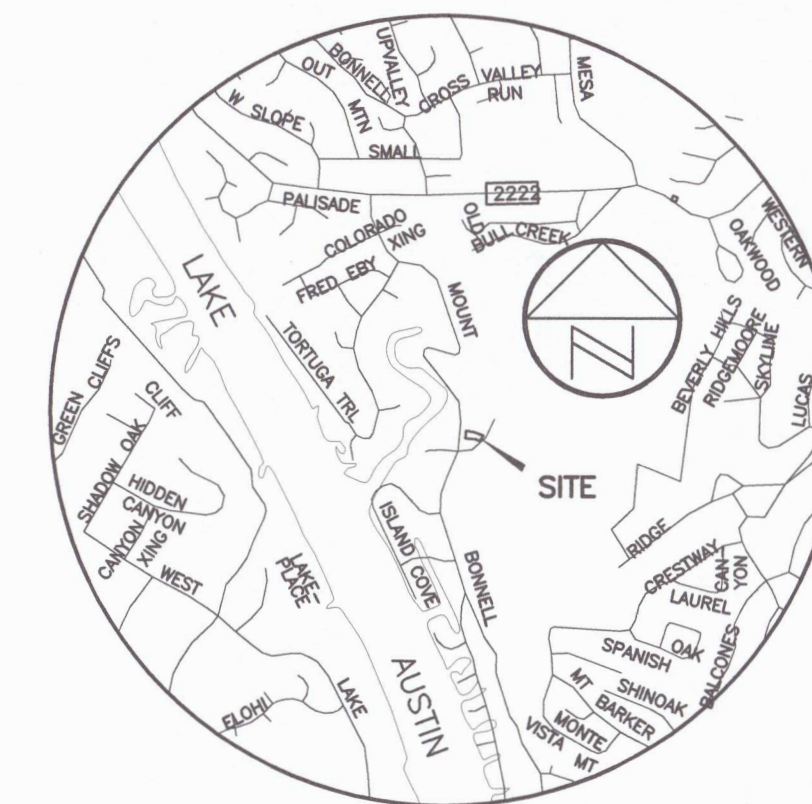
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Space (continued)

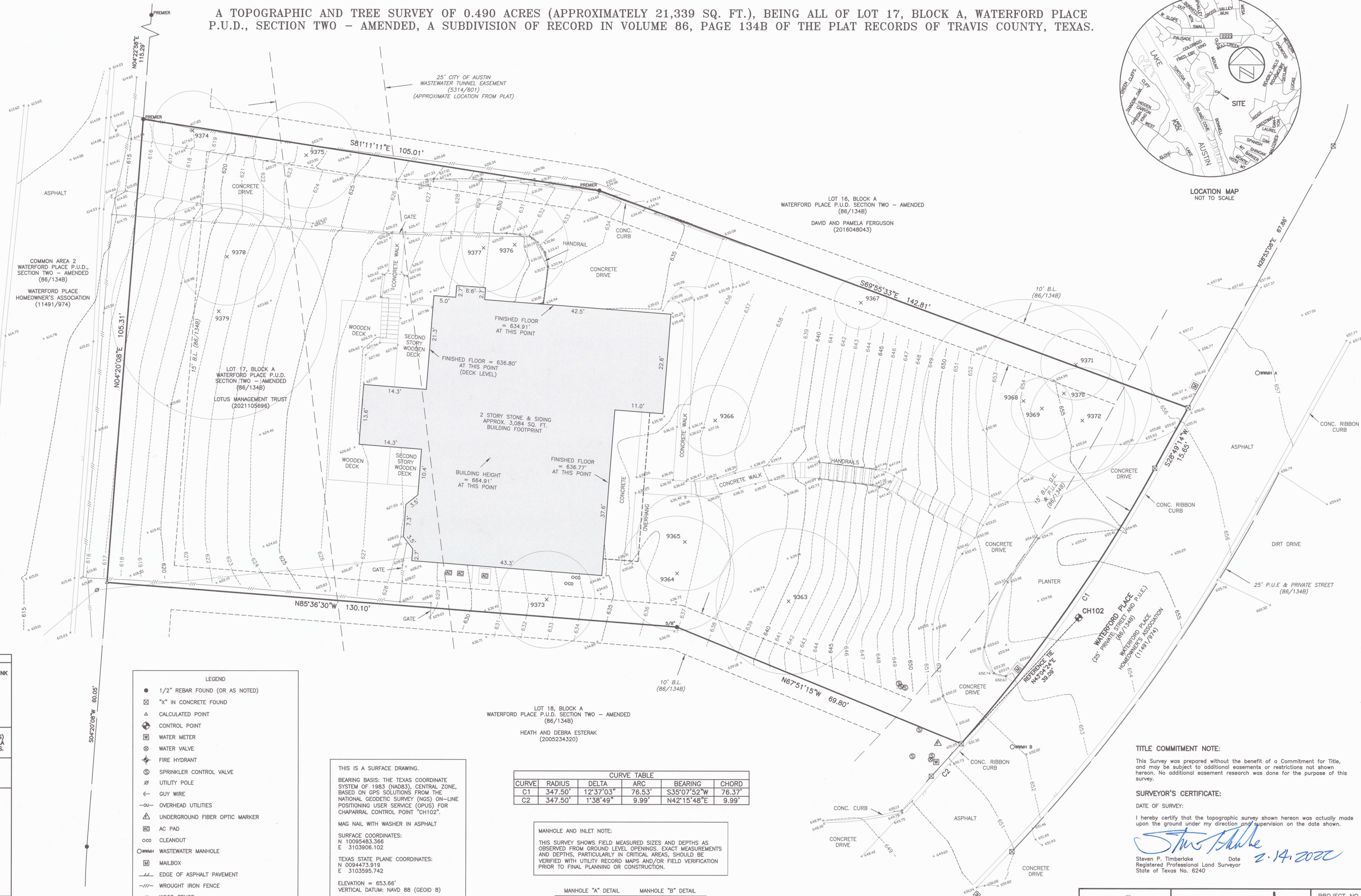
This image shows a full page of blank, lined paper. It features approximately 28 horizontal blue lines spaced evenly across the page, typical of standard notebook paper. The lines are thin and light blue, set against a plain white background. There are no margins, text, or other markings on the page.

A TOPOGRAPHIC AND TREE SURVEY OF 0.490 ACRES (APPROXIMATELY 21,339 SQ. FT.), BEING ALL OF LOT 17, BLOCK A, WATERFORD PLACE P.U.D., SECTION TWO - AMENDED, A SUBDIVISION OF RECORD IN VOLUME 86, PAGE 134B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

SCALE: 1" = 10'
GRAPHIC SCALE



LOCATION MAP
NOT TO SCALE



TREE INDEX			
TAG NO.	TYPE	INDICATES MULTI TRUNK	
514	LO	17 14 11	
INDIVIDUAL TRUNK DIA. (IN INCHES)			

CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

ASH = ASH
CHTW = CHINESE TALLOW
LO = LIVE OAK
SO = SPANISH OAK

9363	SO	12	9
9364	LO	13	
9365	LO	11	
9366	LO	8	
9367	CHTW	6	
9368	SO	13	11 9
9369	SO	7	
9370	SO	11	10 8
9371	SO	8	
9372	SO	12	
9373	SO	11	
9374	ASH	9	6
9375	LO	9	
9376	LO	12	
9377	LO	10	
9378	LO	11	
9379	SO	13	12 11

THE SPECIES OF TREES SHOWN WERE DETERMINED TO THE BEST OF OUR ABILITIES BY ON THE GROUND SURVEY CREW. NOT A CERTIFIED ARBORIST. CONSULT A CERTIFIED ARBORIST FOR FINAL DETERMINATION OF SPECIES.

NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD; HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.

LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
✕	"X" IN CONCRETE FOUND
△	CALCULATED POINT
⊕	CONTROL POINT
⊞	WATER METER
⊞	WATER VALVE
⊞	FIRE HYDRANT
⊞	SPRINKLER CONTROL VALVE
⊞	UTILITY POLE
—	GUY WIRE
—	OVERHEAD UTILITIES
△	UNDERGROUND FIBER OPTIC MARKER
⊞	AC PAD
⊞	CLEANOUT
⊞	WASTEWATER MANHOLE
⊞	MAILBOX
—	EDGE OF ASPHALT PAVEMENT
—	WOOD FENCE
—	B.L. BUILDING SETBACK LINE
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
()	RECORD INFORMATION

THIS IS A SURFACE DRAWING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS) FOR CHAPARRAL CONTROL POINT "CH102".

MAG NAIL WITH WASHER IN ASPHALT

SURFACE COORDINATES:
N 10095483.366
E 3103906.102

TEXAS STATE PLANE COORDINATES:
N 0994473.919
E 3103595.742

ELEVATION = 653.66'
VERTICAL DATUM: NAVD 88 (GEOID 8)

COMBINED SCALE FACTOR = 0.999900010
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.000100
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
THETA ANGLE: 1°19'04"

LOT 18, BLOCK A
WATERFORD PLACE P.U.D. SECTION TWO - AMENDED
(86/134B)

HEATH AND DEBRA ESTERAK
(2005234320)

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD
C1	347.50'	12°37'03"	76.53'	S35°07'52"W 76.37'
C2	347.50'	1°38'49"	9.99'	N42°15'48"E 9.99'

MANHOLE AND INLET NOTE:

THIS SURVEY SHOWS FIELD MEASURED SIZES AND DEPTHS AS OBSERVED FROM GROUND LEVEL OPENINGS. EXACT MEASUREMENTS AND DEPTHS, PARTICULARLY IN CRITICAL AREAS, SHOULD BE VERIFIED WITH UTILITY RECORD MAPS AND/OR FIELD VERIFICATION PRIOR TO FINAL PLANNING OR CONSTRUCTION.

MANHOLE "A" DETAIL		MANHOLE "B" DETAIL	
8" PVC FL=651.43'	8" PVC FL=651.43'	8" PVC FL=651.91'	8" PVC FL=651.91'
8" PVC FL=651.41'	8" PVC FL=651.41'	8" PVC FL=651.91'	8" PVC FL=651.91'

TITLE COMMITMENT NOTE:

This Survey was prepared without the benefit of a Commitment for Title, and may be subject to additional easements or restrictions not shown hereon. No additional easement research was done for the purpose of this survey.

SURVEYOR'S CERTIFICATE:

DATE OF SURVEY:

I hereby certify that the topographic survey shown hereon was actually made upon the ground under my direction and supervision on the date shown.

Steven P. Timberlake Date 2.14.2022
Registered Professional Land Surveyor
State of Texas No. 6240



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
T.B.P.E.L.S. Firm No. 10124500

PROJECT NO.:
1889-001
WORK ORDER:
21045
DRAWING NO.:
1889-001-BASE
PLOT DATE:
02/14/2022
PLOT SCALE:
1"=10'
DRAWN BY:
JLB
SHEET
01 OF 01