# CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

Decision Shed	eι
DATE: Monday, November 14, 2013	CASE NUMBER: C15-2013-0100
Jeff Jack Michael Von Ohlen Nora Salinas Bryan King Fred McGhee Melissa Hawthorne Sallie Burchett Cathy French (SRB only)	
APPLICANT: Eduardo Nunez	
OWNER: Nathan New	
ADDRESS: 8016 TAHOE PARKE CIR	
VARIANCE REQUESTED: The applicant has requeste maximum building coverage requirement of Section 2 order to erect a covered patio for a single-family residence (Large Lot) zoning district.	25-2-492 (D) from 35% to 37.8% in
The applicant has requested a variance to increase the requirement of Section 25-2-492 (D) from 40% to 43.6% for a single-family residence in an "SF-1", Single-Family district.	% in order to erect a covered patio
BOARD'S DECISION: The public hearing was closed Ohlen motion to Postpone to November 14, 2013, Board 7-0 vote; POSTPONED TO NOVEMBER 14, 2013.	
<b>BOARD'S DECISION:</b> POSTPONED TO DECEMBE NEEDED)	CR 9, 2013 (RE-NOTIFICATION
FINDING:	
<ol> <li>The Zoning regulations applicable to the property because:</li> <li>(a) The hardship for which the variance is request (b) The hardship is not general to the area in which the variance will not alter the character of the area.</li> </ol>	ted is unique to the property in that: th the property is located because:

Susan Walker Executive Liaison

Jeff Jack Chairman

Impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning distinct in which the property is ocated because:

015-2013-0100

# Supplemental Submission to the Board of Advisors:

On October 16, 2013, through my agent, Brian Ritter of PCCI, Inc, I presented to the Board of Advisors a request for variances to Section 25-2-492(D).

The board voted to postpone the decision until November 14 to give us time to submit a revised proposal. In preparation for this November 14<sup>th</sup> meeting, we have done the following:

- A) Personally visited with 29 of the property owners in our immediate neighborhood asking for their approval and support of this board granting this variance and for the construction of our covered patio.
- B) Engaged All Star Land Surveying in order to 1) provide the board with a better copy of the survey as requested by the board, and 2) confirm the exact measurements of the lot size and the existing Building and Impervious coverage amounts.
- C) Redesigned and reduced the size of the planned covered patio: reduced the depth of the concrete patio by six feet (Exhibit 5).
- D) Recalculated the building and impervious coverage (based on the updated survey) with and without the redesigned patio. See Exhibit 1.

# Results and Findings:

- A) 100% of the neighbors with whom we met enthusiastically supported the variance with their encouragement and signatures. See Exhibits 2 and 3.
- B) The updated Survey provided the following facts (Exhibit 4):
  - 1. The Lot size is 10,799 square feet, less than ¼ acre. (Please note that the minimum SF-1 Lot size is 10,000 square feet and the minimum size for the next larger category is approx. 43,000 square feet). Our lot is not only small for the neighborhood, but it is on the lower end of all SF-1 lots.
  - 2. The existing building coverage measured to the outside, including garage, covered front porch total footprint is 3,759.88, or 34.8%. We have made NO alterations to this footprint since moving to the property in 2005.
  - 3. The existing impervious coverage, including the drive way, entry walks, porches AND landscaping rocks to divide the beds from the yard is 4,580 or 42.41%. Again, we have made no change to the impervious coverage since moving into the house in 2005.
- C) After considering the revised patio design and updated survey, the variances being requested are as follows (See Exhibit 1 for detail calculations):
  - 1. Building Coverage, a variance to 37.9%, or 314 square feet.
  - 2. Impervious Coverage, a variance to 44.54%, or 490 square feet, of which 260 square feet is for the existing structure as built in 1999 and purchased by us in 2005. The additional coverage being requested is 230 square feet.

# Reasons to approve the variance requests:

- A) This 10,799 square feet corner lot is smaller than lots in the neighborhood AND is on the lower end for the SF-1 lots in general, the minimum being 10,000 square feet.
- B) No other variances relative to setbacks, easements etc are required.
- C) The governing HOA and its Architectural Review Committee have approved and welcomed the Covered Patio as evidenced by the letter of approval.
- D) The surrounding neighbors overwhelmingly support this board granting a variance as evidenced by the signatures of 29 property owners immediately surrounding our lot. A 100% approval rate of the neighboring property owners that we were able to engage. Please see Exhibits 2 and 3 for the signatures of the supporting property owners and map of their locations relative to the property in question.
- E) If necessary, we are willing to commit to the installation of a substantial rain water collection system to mitigate the runoff effect of the additional building and impervious coverage.
- F) We, Nathan and Brenda New, want to expand our outdoor living in our "Pursuit of Happiness". At the same time, we believe in the responsibility to the community and that our individual pursuits should not cause a hardship or undue burden on that community or other individuals. We believe this particular pursuit does not, when taken as a whole, cause or contribute to any undue burden on the City as a whole, our neighborhood, or any other individual property owner.

Accordingly, we respectfully request the variances described above.

Nathan and Brenda New 8016 Tahoe Parke Circle Austin Texas 78726

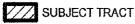
# Exhibit 1

# **Coverage Calculations Amounts in Square Feet**

Lot Size:	10,799	
Building Coverage		
Livable Space	2,976	
Garage / Storage	644	
Front Porch - Covered	140	
Existing Building Coverage	3,760	34.8%
New Patio - Additional Building	331	
Proposed Building Coverage	4,091	37.9%
Building Coverage at 35%	3,780	35.0%
Variance Requested	311	
Impervious Coverage		
Building Coverage	3,760	
Drive Way	520	
Entry Walks	133	
AC Pad (2)	18	
Back Patio	122	
Stone bed dividers - no grout	27	
Existing Impervious Coverage	4,580	42.4%
New Patio - Addional Impervious Cover	230	
Proposed Impervious Cover	4,810	44.5%
Impervious Coverage at 40%	4,320	40.0%
Variance Requested	490	



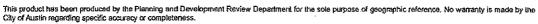






CASE#: C15-2013-0100 LOCATION: 8016 Tahoe Parke Circle

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. If does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





# PETITION TO THE CITY OF AUSTIN BOARD OF ADJUSTMENT

We, the property owners neighboring Nathan and Brenda New of 8016 Tahoe Parke Circle urge the City of Austin Board of Adjustment to approve their variance request submitted for consideration on November 14, 2013. We have seen the drawings and measurements of the covered patio in question and we understand that this patio will result in a variance of approximately 200 square feet. Based on representations from Nathan and Brenda New, we also understand that this patio project will NOT violate any set-back, easement, parking, drainage or other code requirements except for the ratio of building and impervious cover to the overall property size.

Despite the building and impervious cover ratio variance, we support their plans to build the patio. Their plans are consistent with the letter and the spirit of building standards of this community and will enhance their property and accordingly, it will enhance the neighborhood community as a whole. Further, the New's Patio plans have been reviewed and enthusiastically approved by The Parks Neighnorhood Association.

Again, we urge the Board of Adjustment to approve the New's application for variance.

No.	Property Owner Name	Signature	Street Address in Austin
1	7 KEZGNEY BARTUN	after tral	GODD TAHOR PRAJECT
2	Judy I Bartuli	Jodey & Banth	8022 Tahoo Parkeca
3	KIRI ARNHOLD	thelett	
4	Howard Caplin	Haward Jenhin	12201 KLOWERE RUSH FT.
5 ,	Michael Fary		8038 Talve Pake Birde
	Ge Sproal	13 de la companya della companya del	9026 Talin Poplar Ciect
	MARK MUSS	Mall Mining	SURTALICE PANX Cin!
	Alife Hundley	MAL	8042 Tahoe Parke Cir
	Pete Isburgh	LL	gost Tahan Parke Co
10	MARIA GOVICT	muria li julit	8025 Tehne Parke Cir
11	1. Shifel	1 Shine	122 13 Naserdin

(2/3) Cl6-2013-0100

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Despite the building and impervious cover ratio variance, we support their plans to build the patio. Their plans are consistent with the letter and the spirit of building standards of this community and will enhance their property and accordingly, it will enhance the neighborhood community as a whole. Further, the New's Patio plans have been reviewed and enthusiastically approved by The Parks Neighnorhood Association.

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No.	Property Owner Name	Signature	Street Address in Austin
12	2731, INC.	M. sum, Pro	8007 TAHLE PAIRNE CIE.
13	John & Kimberly Boyle	AM	8000 Tuhoe Parke Cir.
	Matt Vaylin	Mahr	8141 Tcher Paule Circle
15	Bot Laurius	Byfai	12208 Linterton Rocke Circle
16	Halfulde PISSONNIER	(4)	12204 waterton parke circle
17	MUSSS MHOL		12300 KC000 W2 Rosa BLUD AUSTWTY
18	Jusen McDonld	JRM1/h1	12302 Klondike Rush
19	Thomas Coyne	TIL	12305 Klimbile Rush Pt Auston Fa
	Rachel loine	Your Com	12304 Klardine SusiAf.
21	Robin SHAW	Robin Show	12301 KLONGIKE RUSH PF
22	Many Mikely	7	12205 Klondke Rese Pt

# PETITION TO THE CITY OF AUSTIN BOARD OF ADJUSTMENT

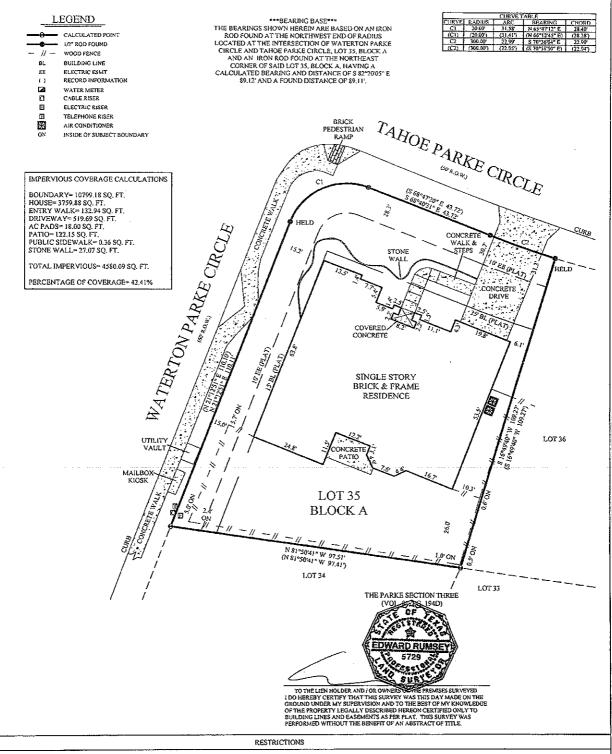
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No.	Property Owner Name	Signature	Street Address in Austin
23	Alan F. Rusk	Man d. Rech	12203 Klondiko Rush Pt. Austin TX 78726
24	Christne Duggan	C. Degan	8008 Taro= Part= austr 7x 78726
25	DAVID NELSON	Javrel 12	BOIZ TAHOE PARKE CON AUSTIN TX 18726
26	JANVICE ILLS	Jana Jeh	8004 Telos Parks Cr
27	Craig Cartes	Truing winter	8001 Tahce Porte Cis.
28	Eres Frans	Land France	12702 Klondike Rosh
29	Sisa Miller	Lisa Mille	8133 Tahoe Parke Circa
30	•		
31			
32			
33			

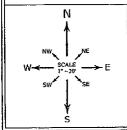
(15-7013-0100 Exhib



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY, NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

### LEGAL DESCRIPTION

LOT 35, BLOCK A, THE PARKE, SECTION 5. A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 92, PAGE 219, PLAT RECORDS, TRAVIS COUNTY, TEXAS.



9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE

(512) 331-5217 FAX

F.I.R.M. MAP INFORMATION
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-

PLAIN, AND HAS A ZONE "X"
RATING AS SHOWN ON THE
FLOOD INSURANCE RATE MAPS
FLEAM MAP NO. 484520240H
PANEL: 2020H
DATED: SEPTEMBER 26, 2008
HIS CENTREATION IS FOR
INSURANCE PURPOSES ONLY AND IS
NOT A GURA AND IS
NOT THE STACT.

THE STACT.

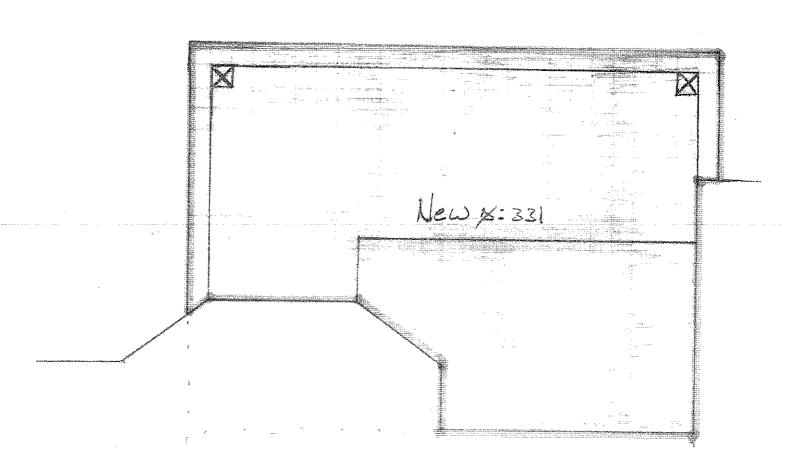
# ADDRESS

# NATHAN NEW AND BRENDA R. NEW 8016 TAHOE PARKE CIRCLE AUSTIN, TRAVIS COUNTY, TEXAS

				1
SURVEY DAT	E: NOVEMBER 08, 2013	FIELDED BY:	BOBBY COOMBS	11/07/2013
TITLE CO.:		CALC, BY:	CHRIS ZOTTER	14/08/2013
G.F. NO.:	[-	DRAWN SY:	SEAN SUTTON	11/08/2013
IOB NO.:	A1101813	RPLS CHECK:	EDWARD RUMSEY	11/08/2013
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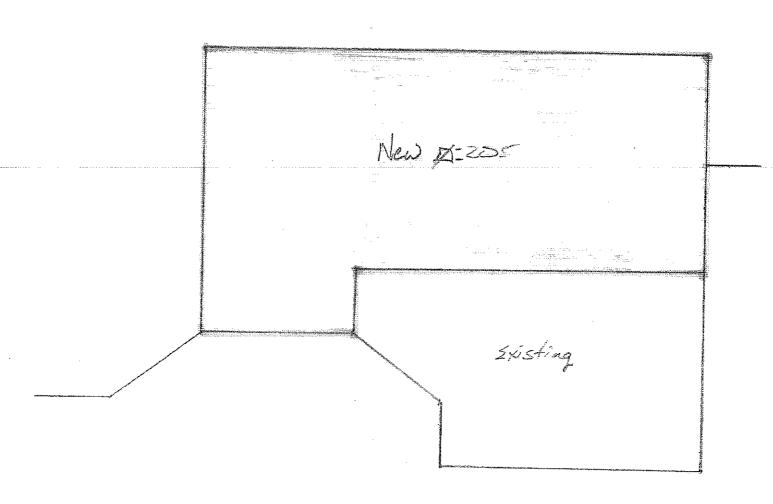
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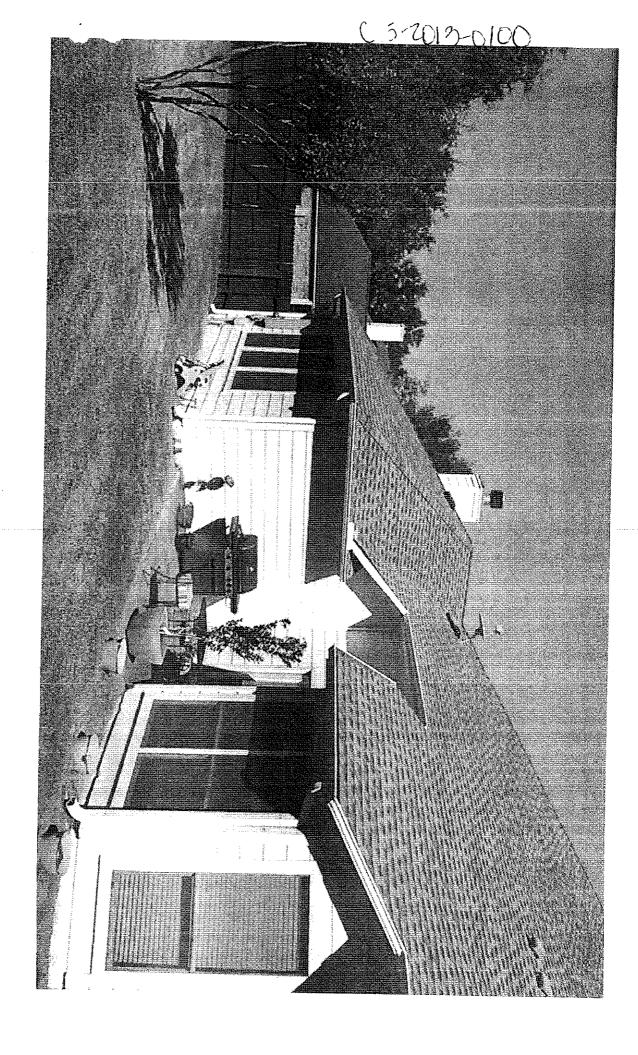
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# CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE: Monday, October 14, 2013	CASE NUMBER: C15-2013-0100
Jeff Jack Michael Von Ohlen Motion to Post Nora Salinas Bryan King 2 <sup>nd</sup> the Motion Fred McGhee Melissa Hawthorne Stuart Hampton - Sallie Burchett(OU Cathy French (SRB only)	
APPLICANT: Eduardo Nunez	
OWNER: Nathan New	
ADDRESS: 8016 TAHOE PARKE CIR	
VARIANCE REQUESTED: The applicant has maximum building coverage requirement of 37.8% in order to erect a covered patio for a Single-Family Residence (Large Lot) zoning	f Section 25-2-492 (D) from 35% to a single-family residence in an "SF-1",
The applicant has requested a variance to incoverage requirement of Section 25-2-492 (la covered patio for a single-family residence Residence (Large Lot) zoning district.	D) from 40% to 43.6% in order to erect
BOARD'S DECISION: The public hearing was Ohlen motion to Postpone to November 14, 2013 7-0 vote; POSTPONED TO NOVEMBER 14, 20	, Board Member Bryan King second on a
FINDING:	
<ol> <li>The Zoning regulations applicable to the probecause:</li> <li>(a) The hardship for which the variance is re (b) The hardship is not general to the area if the variance will not alter the character of the impair the use of adjacent conforming properties regulations of the zoning district in which the character in the regulations of the zoning district in which the character in the regulations of the zoning district in which the character in the character in the regulations of the zoning district in which the zoning d</li></ol>	equested is unique to the property in that: n which the property is located because: he area adjacent to the property, will not erty, and will not impair the purpose of

Chairman

**Executive Liaison** 

# PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change, You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;

  and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;

is the record owner of property within 500 feet of the subject property

- or proposed development; or
  is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.
- A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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	n=-						
P. O. Box 1088 Austin, TX 78767-1088	If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker		Comments:	1	Your Name (please print)  122(3 Waterton Parke  Your address(es) affected by this application	Public Hearing: Board of Adjustment, October 14th, 2013  Cress Cochian  Clamin	Case Number: C15-2013-0100 - 8016 Tahoe Parke Circle Contact: Susan Walker, 512-974-2202
	y <b>be returned to:</b> Review Department/ 1st Floor		2 8/	10/7/13 Date	Circle, Austin, 78726	nt, October 14th, 2013  Zi am in favor	6 Tahoe Parke Circle

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City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker
If you use this form to comment it may be returned to
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Comments: The board of the Market of the Comments of the Comme
Daytime Telephone: 512-219-8197
Signature Spate
ss(es)a
12204 Kloseiko Rush Ot Dustin, T
Your Name (please print) (SI am in favor
Public Hearing: Board of Adjustment, September 16th, 2013
Case Number: C15-2013-0100 - 8016 Tahoe Parke Circle

CASE# not pro	nvided
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# CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

C15-2013-10180 TP-016234-0438 ROW-11002085

WARNING: Filing of this appeal stops all affected construction activity.

STREET ADDRESS: 8016 Tahoe Parke Circle, Austin Texas 78726

Legal Description: Subdivision - <u>The Parke Section 5</u>
Lot(s) <u>35</u> Block <u>A</u> Outlot <u>Division:</u>

Edvardo Nunez

I, James Keough, on behalf of myself/ourselves as authorized agent for Nathan New affirm that on June 26, 2013, hereby apply for a hearing before the Board of Adjustment for consideration to ATTACH a COVERED PATIO to the home at the address above in SF-1 zoning district.

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

## **REASONABLE USE:**

- 1. The zoning regulations applicable to the property do not allow for a reasonable use because:
  - The zoning, SF-1, of this property is not in question

## HARDSHIP:

- 2. (a) The hardship for which the variance is requested is unique to the property because:
  - This is a corner lot and the lot itself is smaller than the neighboring lots in the neighborhood. Due to the lack of property square footage, similar improvements that have been made by neighbors exceed the building coverage and impervious coverage amounts allotted by the City on this property.
  - (b) The hardship is not general to the area in which the property is located because:
  - This corner lot is smaller than other neighboring lots

## **AREA CHARACTER:**

- 3. The variance will not after the character of the area adjacent to the property, will not impair the use of the adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
  - a. The covered patio contemplated will be constructed of material consistent with the existing structure and neighboring homes. Furthermore, the project, as presented to this Board, has been approved by The Parks Home Owners Association as evidenced by the attached notice and congratulations.
  - b. The amount of the variance is relatively minor and the plans allow for ample backyard, grass and landscaping consistent with the neighboring homes. Furthermore, the project does not require other variances from other restrictions such as setbacks or easements.
  - c. This improvement would greatly reduce the heat gain currently experienced in the mostly glass wall area due to the lack of any existing cover/overhang and the exposure to direct sunlight to the area.
  - d. This improvement would not impede drainage on the property nor adjacent lots

# Parking:

4. The proposed project will not alter the parking on the property nor the neighboring property because:

- This improvement is located in the back yard where there is no parking.

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. (Noted)

APPLICANT CERTIFICATE: - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.
Signed: James Freezing Mail address: James Pocciosa con City, State, & ZIP 131 Toukawa Ridge, Hutto. IX 78634
Printed Name: James Keogh Phone: 512-244-7799
OWNER CERTIFICATE: - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.
Signed: Anthony Ceur Mail address: 8016 Tahoe Parke Circle
City, State, & ZIP Austin, Texas 78726
Printed Name: Nathan New Phone: 817 291 3292 (Cell Phone)





/// SUBJECT TRACT

ZONING BOUNDARY

CASE#: C15-2013-0100 LOCATION: 8016 Tahoe Parke Circle

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This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



TPH-Parke HOA
c/o Goodwin Management
11149 Research, Suite 100
Austin TX 78759-5227
Voice (512) 852-7927 fax 512-346-4873
james.browder@goodwintx.com

Date: Jun 14, 2013

Project Ref: [39621428] 8016 Tahoe Parke Cir

Nathan New 8016 Tahoe Parke Cir Austin TX 78726

Dear Nathan New,

I am pleased to inform you that the TPH-Parke HOA Arc Committee has approved your application for the following project item(s):

# Patio Extension & Patio Cover Extension

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it must be obtained before construction.

We feel this improvement will make a fine addition to our community and look forward to its completion. If you have any questions, please feel free to contact our office at (512) 852-7927 or via email james.browder@goodwintx.com.

Sincerely,

**Architectural Control Committee** 

# Walker, Susan

From:

Eduardo Nunez

Sent:

Friday, August 30, 2013 1:10 PM

To: Cc: Walker, Susan Ed Fisher

Subject:

8016 Tahoe Park Circle

Dear Ms. Walker,

Thanks for calling me back today in regard Mr. Nathan New's 19' X 24' patio Cover project on 8016 Tahoe Park Circle.

As per Karen Palacios' Residential Plan Review Report dated 6/17/13 states that to to proceed with the project, we would need to go through your BOA to get approval as per the following:

> Code. Actual

Impervious coverage 40. %. 43.6

**Building coverage** 

35. % 37.8

As you can see, we are just over the limits set by the city by less than 10% and we have requested a variance based on this and also in the fact that we are in a corner lot and other houses in the neighborhood are in the same situation.

I appreciate you looking into this request and please feel free to call me or send me an email with any questions or comments.

Sincerely,

Eduardo Nunez

