

# CITY OF AUSTIN

**DATE: Monday, January 13, 2014**

**CASE NUMBER: C15-2014-0007**

\_\_\_\_\_ Jeff Jack  
\_\_\_\_\_ Michael Von Ohlen  
\_\_\_\_\_ Will Schnier  
\_\_\_\_\_ Bryan King  
\_\_\_\_\_ Fred McGhee  
\_\_\_\_\_ Melissa Hawthorne  
\_\_\_\_\_ Sallie Burchett  
\_\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Anthony & Sylvan Pools, Joe Warwick**

**OWNER: Rex L Preis**


**ADDRESS: 6608 VIA CORRETO DR**


**VARIANCE REQUESTED:** The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 46.6% in order to maintain a swimming pool for a single-family residence in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district. (West Oak Hill Neighborhood Plan)

**BOARD'S DECISION: POSTPONED TO February 10, 2014 (Applicant No Show)**

**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:

  
Leane Heldenfels  
Executive Liaison

  
Jeff Jack  
Chairman

## 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](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

**Case Number:** C15-2014-0007 – 6608 Via Correto Drive  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, January 13th, 2014

La Ann Allison  
 Your Name (please print) ☒ I am in favor  
☐ I object

6517 Via Correto Austin 78747  
 Your address(es) affected by this application

Susan Walker 1-6-14  
 Signature Date

Daytime Telephone: 512-947-4917

Comments: Please allow this change for the Preis family they are improving the neighborhood.

Thank you

**If you use this form to comment, it may be returned to:**  
 City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

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  - 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.

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**Case Number: C15-2014-0007 – 6608 Via Correto Drive**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, January 13th, 2014**

*Wendell Mills*  
Your Name (please print)

☒ I am in favor  
☐ I object

*5505 Walker Dr Austin TX 78748*  
Your address(es) affected by this application

*[Signature]*  
Signature

*1/5/2014*  
Date

Daytime Telephone: *512 861 5278*

Comments:

**If you use this form to comment, it may be returned to:**  
City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE #  
ROW #

C15-2014-0007  
T1061404

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-041440-12-08

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

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 6608 Via Correto Drive

LEGAL DESCRIPTION: Subdivision - Heights at Loma Vista

Lot(s) 8 Block E Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Joe Warwick on behalf of myself/ourselves as authorized agent for  
Anthony & Sylvan Pools affirm that on Nov, 20

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☒ COMPLETE ☐ REMODEL ☐ MAINTAIN

? a pool providing an  
ic to 8 46.6%

in a Residential district.  
(zoning district)

SF-2-NP - West Oak Hill N.B.

**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 (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
- \_\_\_\_\_ Anthony & Sylvan designed a pool and obtained a permit. After —  
\_\_\_\_\_ construction of the pool we were informed that the initial survey provided —  
\_\_\_\_\_ by the homeowner was invalid. At our expense we obtained a new survey. —  
\_\_\_\_\_ It has now been revealed to us that we are 1.1% over impervious coverage.. —

**HARDSHIP:**

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:

\_\_\_\_\_  
\_\_\_\_\_

**AREA CHARACTER:**

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:

\_\_\_\_\_ The Permit for the pool is in the backyard and will not affect the neighbors. The overage

\_\_\_\_\_ Is 1.1%

**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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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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:

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

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

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**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.

**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  Mail Address 13343 Hwy 183 North  
Austin, TX 78750  
City, State & Zip \_\_\_\_\_

Printed November 20, 2013 Phone 512-258-1232 (6701) Date November 20, 2013

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

Waterloo Surveyors Inc.  
**SURVEY PLAT**

J13886

**OWNER:**

REX L. PREIS &  
KAREN L. PREIS

**ADDRESS:**

6608 VIA CORRETO DRIVE  
AUSTIN, TEXAS 78749

Lot 2

Lot 3

Lot 4

(N27°27'08"E)  
N27°35'47"E 75.00'

SCALE

1" = 20'

**LEGAL DESCRIPTION:**

LOT 8, BLOCK "E", HEIGHTS AT  
LOMA VISTA, ACCORDING TO THE  
MAP OR PLAT THEREOF  
RECORDED IN DOCUMENT  
NUMBER 200300255, OFFICIAL  
MAP OR PLAT THEREOF  
PUBLIC RECORDS, TRAVIS  
COUNTY, TEXAS.

**NOTE:**

THIS SURVEY WAS PERFORMED  
WITHOUT THE BENEFIT OF A  
TITLE COMMITMENT AND OTHER  
RIGHTS AND RESTRICTIONS MAY  
APPLY.

**AREAS**

House 3,619 Sq. Ft.  
Conc. Drive 459 Sq. Ft.  
Conc. Edge of Pool 105 Sq. Ft.  
Conc. Porches & Walk 163 Sq. Ft.  
A/C & Equip Pads 24 Sq. Ft.

Total 4,370 Sq. Ft.

Lot 9,365 Sq. Ft.

Percent Cover 46.6%

**LEGEND**

1/2" FOUND IRON ROD  
FOUND IRON NAIL  
WOOD FENCE  
RECORD

FIR  
FIN

elec.  
lid

cable  
riser

conc. walk

conc. curb & gutter

S27°27'08"W 74.99'  
BEARING BASE (75.00')

State of Texas:

County of Travis:

*Via Correto Drive*

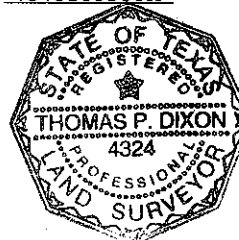
The undersigned does hereby certify that this survey was this day made on the  
property legally described hereon and is correct, and this survey substantially  
complies with the current Texas Society of Professional Surveyors Standards and  
Specifications for a Category 1B Condition II Survey.

I certify that the property shown hereon is not within a special flood  
hazard area as identified by the Federal Insurance Adm. Department of HUD  
Flood hazard boundary map revised as per Map Number: 48453C0560H

Zone: X Dated: 9/26/2008

Dated this the 5th day of November, 2013.

Thomas P. Dixon R.P.L.S. 4324





# City of Austin BUILDING PERMIT

**PERMIT NO:** 2012-119973-BP  
**6608 VIA CORRETO DR**

**Type:** RESIDENTIAL **Status:** Active  
**Issue Date:** 12/03/2012 **EXPIRY DATE:** 03/16/2014

|   |  |  |                         |                                  |                             |
|---|--|--|-------------------------|----------------------------------|-----------------------------|
| <b>LEGAL DESCRIPTION</b><br>Lot: 8 Block: E Subdivision: HEIGHTS AT LOMA VISTA (AKA SHADOWRIDGE CROSSING SEC 10)  |  | <b>SITE APPROVAL</b>                     |                         | <b>ZONING</b><br>SF2             |                             |
| <b>PROPOSED OCCUPANCY:</b><br>275sf pool (no decking or flatwork)   |  | <b>WORK PERMITTED:</b> Addition          |                         | <b>ISSUED BY:</b> Diana Cortinas |                             |
| <p><b>City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.</b><br/> <b>A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date</b></p> |  |  |                         |                                  |                             |
| <b>TOTAL SQFT</b><br>New/Addn: 342  | <b>VALUATION</b><br>Tot Val Rem: \$.00<br>Tot Job Val: \$36,200.00 | <b>TYPE CONST.</b>                       | <b>USE CAT.</b><br>434  | <b>GROUP</b>                     | <b>FLOORS</b><br>1          |
|   |  |  |                         |                                  | <b>UNITS</b><br>1           |
|   |  |  |                         |                                  | <b># OF PKG SPACES</b><br>2 |
| <b>TOTAL BLDG. COVERAGE</b><br>4145   | <b>% COVERAGE</b><br>37  | <b>TOTAL IMPERVIOUS COVERAGE</b><br>4145 | <b>% COVERAGE</b><br>44 | <b># OF BATHROOMS</b><br>0       | <b>METER SIZE</b><br>0      |

|                         |                |  |                |
|-------------------------|----------------|--|----------------|
| <b>Contact</b>          | <b>Phone</b>   | <b>Contact</b>   | <b>Phone</b>   |
| Applicant, zack hubbard | (512) 804-8245 | General Contractor, Anthony & Sylvan Pools Corporation | (512) 258-1232 |

| Fee Desc                       | Amount        | Date      | Fee Desc                      | Amount | Date      | Fee Desc                      | Amount | Date      |
|--------------------------------|---------------|-----------|-------------------------------|--------|-----------|-------------------------------|--------|-----------|
| Building Permit Fee            | 41.00         | 12/3/2012 | Development Services Surchar  | 6.64   | 12/3/2012 | Development Services Surchar  | 1.72   | 12/4/2012 |
| Electrical Permit Fee          | 43.00         | 12/4/2012 | Expired Electrical Permit Fee | 75.00  | 9/16/2013 | Expired Electrical Permit Fee | 75.00  | 9/16/2013 |
| Initial Residential Review Fee | 125.00        | 12/3/2012 |                               |        |           |                               |        |           |
| <b>Fees Total:</b>             | <b>367.36</b> |           |                               |        |           |                               |        |           |

**Permits/Approved plans must be posted on jobsite. A layout inspection/Pre-con must be made prior to beginning construction.**

## Inspection Requirements

Building Inspection      Electric Inspection      Plumbing Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

**City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.**  
**A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.**

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

## Comments

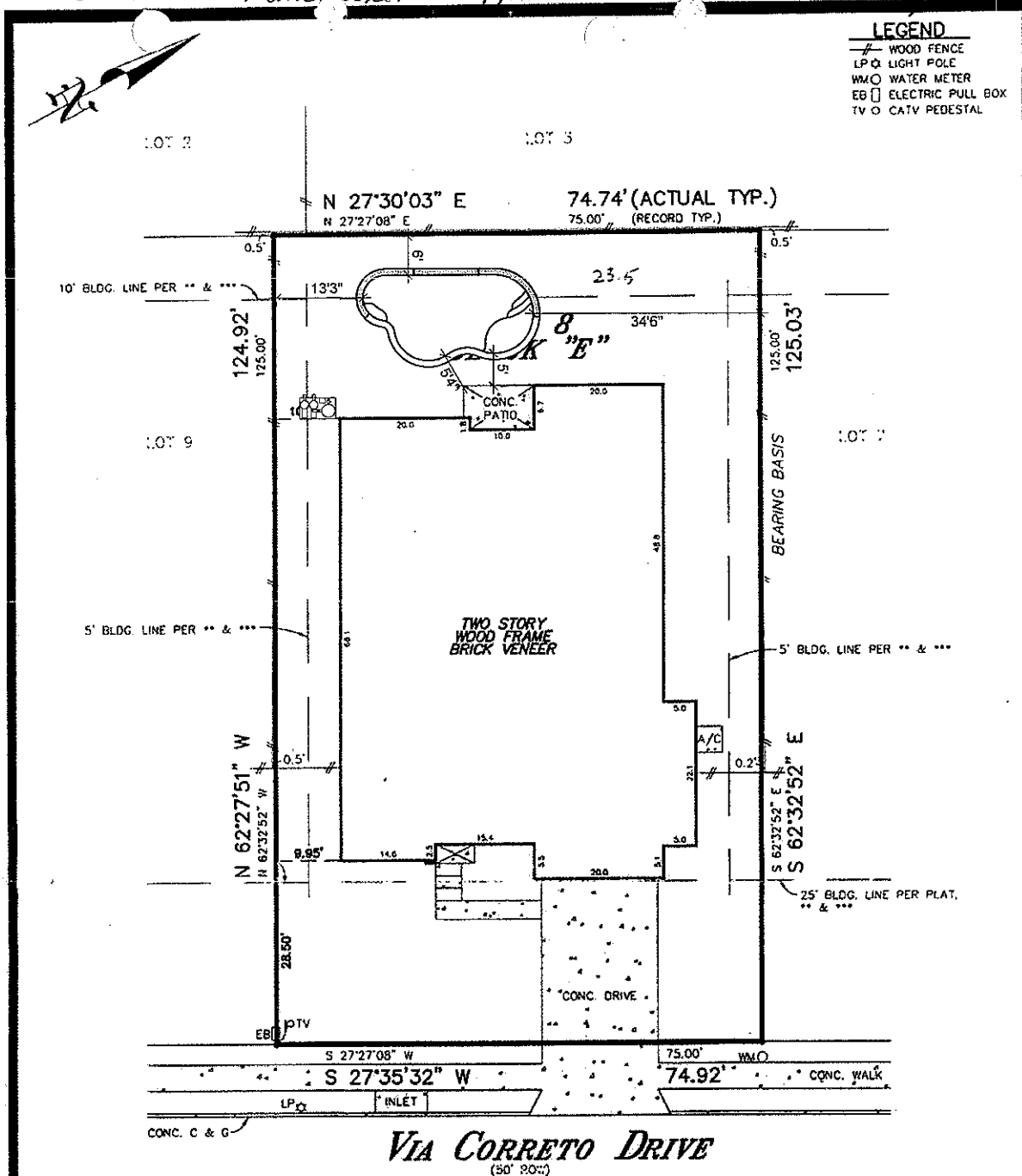
Residential Zoning Review

**Date**      **Reviewer**  
11/30/2012      Keith A Batchner

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



Homeowner Supplied H+S with This Survey.



\*\*\* DOC. NO. 2003232755 & DOC. NO. 2004111365

\*\* BUILDING SETBACK LINES PER THE CITY OF AUSTIN ZONING ORDINANCE

PROPERTY SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN DOC. NO. 200300255, DOC. NO. 2003232754, DOC. NO. 2003232755, DOC. NO. 2004111365, DOC. NO. 2004154990, DOC. NO. 2005117097, DOC. NO. 2005187809, DOC. NO. 2005187810 AND DOC. NO. 2011013076, OFFICIAL PUBLIC RECORDS.

\* OFFICIAL PUBLIC RECORDS

## PLAT OF SURVEY

Survey No. 11341

SCALE: 1" = 20'

GF 1114225-BOK

Said lot is in Zone X as identified by the  
Federal Emergency Management Agency on  
Community Panel No. 48453C 0560H & PER PLAT  
Dated: SEP. 26, 2008

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

LOT NO. 8 BLOCK NO. "E"

ADDITION OR SUBDIVISION HEIGHTS AT LOMA VISTA, DOCUMENT NO. 200300255, \*

STREET ADDRESS 6608 VIA CORRETO DRIVE CITY AUSTIN COUNTY TRAVIS

SURVEY FOR CAPSTAR LENDING, LLC REFERENCE REX L. & KAREN L. PREIS

TO: INDEPENDENCE TITLE COMPANY & NATIONAL INVESTORS TITLE INSURANCE COMPANY

STATE OF TEXAS, COUNTY OF TRAVIS

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

SNS ENGINEERING, INC.

9801 Anderson Mill Road, Suite 209

Austin, Texas 78750

(512) 335-3944 \* (512) 250-8685 (Fax) JM

633/08, DC



*Leslie Vasterling*

Date: 09-16-2011

December, 4, 2013

Susan Walker,

I supplied my survey to Anthony & Sylvan pools and after we had obtained a permit, and built the pool, another Survey was requested and it appears that we have gone over the allotted coverage by 1.1%. Anthony & Sylvan Pools has my permission to request a variance in hopes of correcting this problem so we may final out all permits.

Thank you,

A handwritten signature in cursive script that reads "Rex Preis". The signature is written in dark ink and is positioned below the "Thank you," text.

Rex L. Preis

**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 (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Anthony & Sylvan designed a pool and obtained a permit. After construction of the pool we were informed that the initial survey provided by the homeowner was invalid. At our expense we obtained a new survey. It has now been revealed to us that we are 1.1% over maximum coverage.

**HARDSHIP:**

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

We used a Survey supplied by the Homeowner that was incorrect & the we went over 1.1 %

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

We had a bad Survey. We went over 1.1 % Coverage

**AREA CHARACTER:**

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:

The Permit for the pool is in the backyard and will not affect the neighbors. The coverage

Is 1.1%

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