

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

CASE # C15-2014-0078

ROW # 11147068

TAXROLL # ? Property ROW ID  
3128220

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

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

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

STREET ADDRESS: 15412 Echo Hills Drive

LEGAL DESCRIPTION: Subdivision - Avery Brookside, Phase Two

Lot(s) 11 Block F Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Phil Moncada on behalf of myself/ourselves as authorized agent for

Texas Pools and Patios affirm that on April, 4<sup>th</sup>

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

(check appropriate items below)

   ERECT    ATTACH    COMPLETE    REMODEL X MAINTAIN

Pool equipment in the 5' side yard building setback and encroachment on rear 10'

Building line setback to maintain retaining wall and wood deck for permitted

Swimming pool.

in a PUD district.

(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.

## 25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2016;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

*Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.*

**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:

Most residences in this area have equipment historically placed in these areas. City of Austin approved building permit on 1/17/14.

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**HARDSHIP:**

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

The pool and deck were recently permitted and the improvements are currently in place.

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

In the past, the City of Austin did not enforce the set back requirement that would have required the equipment to be placed in a different location.

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**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 majority of the structures in this neighborhood have pool equipment in same areas.

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**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:

N/A

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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:

N/A

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

N/A

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

N/A

**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 Phil Moncada Mail Address 1301 S IH 35

City, State & Zip Austin, TX 78741

Printed Phil Moncada Phone 512-627-8815 Date 4-4-14

**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 Kristin Schenck Mail Address 15412 Echo Hills Drive

City, State & Zip Austin, TX 78717

Printed Kristin Schenck Phone 512-382-7451 Date 4-4-14

C814-99-0001.02

PUD

ROY BUTLER DR

PUD

ECHO HILLS DR

PUD

BRODICK DR

C814-99-0001.02

PUD

PRESTANCIA DR

PUD

BANDON DR

PUD

PUD

C814-99-0001.02

PUD

LOXLEY LN

## BOARD OF ADJUSTMENTS

CASE #: C15-2014-0078

LOCATION: 15412 ECHO HILLS DR.



SUBJECT TRACT

ZONING BOUNDARY

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

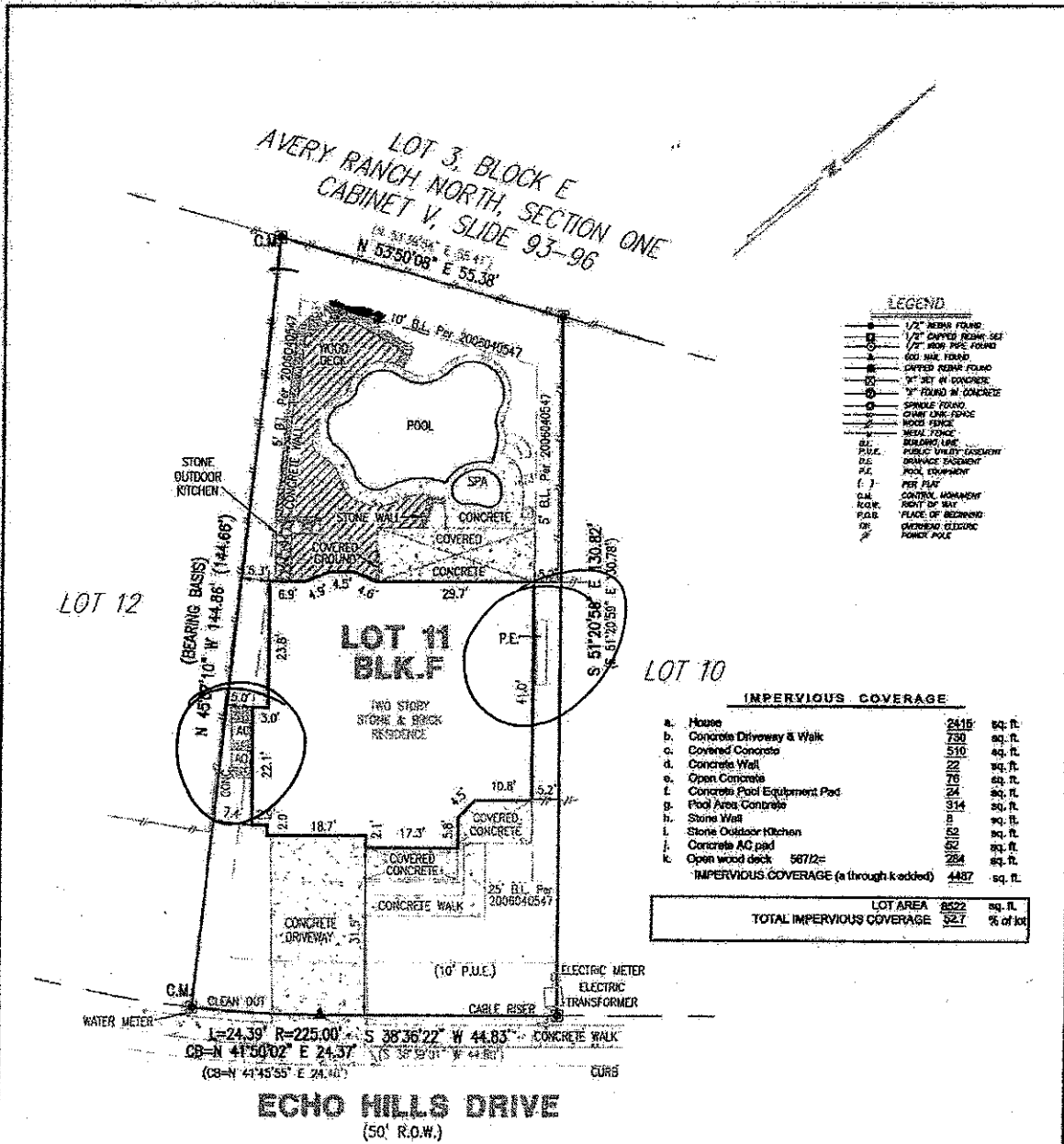
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



N



1" = 200'



**IMPORTANT NOTICE**  
This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to the surveyor.

**FLUOR CERTIFICATION**  
THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA FOR FEMA'S FLOOD INSURANCE RATE MAP (FIRM). DATED 05/26/2014. IT IS REPRESENTED AS IN ZONE "X", HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION, CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

STREET ADDRESS: 35412 ECHO HILLS DRIVE CITY: AUSTIN COUNTY: WILLIAMSON STATE OF TEXAS  
LOT: 11 BLOCK: F SUBDIVISION: AVERY BROOKSIDE, PHASE TWO WEL/FAR: Y PG/SLD: 313 PLAT EXTENDS  
REFERENCE NAME: ROBERT GRAWITT  
REVISED IMP. COV.: 02/25/14

**B&G SURVEYING, L.C.**  
- FIRM REGISTRATION NO. 363100-00

WWW.BANDGSURVEYING.COM  
1404 West North Loop Blvd. Austin, Texas 78758  
Office 512-458-8909, Fax 512-458-9845

JOB #: B0214314\_WA  
DATE: 01/14/14  
SCALE: 1"= 20'

FILED BY	DATE
FILED BY	01/23/14
FILED BY	01/23/14
FILED BY	01/23/14
FILED BY	01/23/14



## Heldenfels, Leane

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**From:** Moncada Consulting <~~moncada@globalnet.net~~>  
**Sent:** Tuesday, May 20, 2014 2:13 PM  
**To:** Heldenfels, Leane  
**Cc:** Phil Moncada  
**Subject:** Re: 15412 Echo Hills notice  
**Attachments:** 15412 Echo Hills - Setbacks and Enc..pdf

Good Afternoon Leane,  
Please see attached scan for clarification.  
The wood deck encroachment is 1'  
The AC units is 1'- 2.5' from the edge of the property.  
The Pool equipment is 3.2' from the edge of the property.  
Let us know if this is all you need, or if you require anything else.  
Thank you for your assistance,  
April

Moncada Consulting  
1301 S. I-H 35 Suite # 204  
Austin, Texas 78741  
Phil's cell: 512-627-8815  
Office: 512-474-7377  
Fax: 512-474-4923

**From:** "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>  
**To:** Moncada Consulting <~~moncada@globalnet.net~~>  
**Sent:** Monday, May 19, 2014 5:19 PM  
**Subject:** 15412 Echo Hills notice

Hi Phil – can you ck your measurements vs. this notice language for the pool and ac equipment. Also, ensure no variance in the rear setback – I think deck is out of 10', but just want to make sure before I have my review of them w/ legal on Wed.  
Thanks,  
Leane