## CITY OF AUSTIN Board of Adjustment Decision Sheet

### DATE: Monday, February 12, 2018

### CASE NUMBER: C15-2017-0038

- \_\_\_Y\_\_\_Brooke Bailey
- Y\_\_\_\_William Burkhardt
- Christopher Covo (OUT)
- \_\_\_Y\_\_Eric Goff
- Y\_\_\_\_Melissa Hawthorne
- Y\_Bryan King
- Y \_\_\_\_ Don Leighton-Burwell
- Y Rahm McDaniel
- \_\_\_\_Y\_\_\_Veronica Rivera
- \_\_\_\_Y\_\_\_James Valadez
- \_\_\_Y\_\_\_Michael Von Ohlen
- Y Kelly Blume (Alternate)
- \_\_\_\_Martha Gonzalez (Alternate)
- \_\_\_\_Pim Mayo (Alternate)

## **OWNER/APPLICANT: Aruna Chindalore**

# ADDRESS: 9101 SAUTELLE LN

VARIANCE REQUESTED: The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the street side yard setback from 15 feet (required) to .5 feet (requested, existing); and to

B. increase the impervious cover from 45% (required) to 46.9% (requested, existing); and to

C. Section 25-2-515 (Rear Yard of Through Lot) to decrease the through lot rear yard from 25 feet (required) to 10 feet (requested, existing)

in order to permit a recently constructed meditation studio and older gazebo in a "SF-2", Family Residence zoning district.

**BOARD'S DECISION: July 10, 2017** The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to August 14, 2017, Board Member Bryan King second on a 11-0 vote; POSTPONED TO AUGUST 14, 2017; August 14, 2017 REQUESTING POSTPONEMENT TO OCTOBER 9, 2017 BY APPLICANT; Oct 9, 2017 POSTPONED TO DECEMBER 11, 2017; DEC 11, 2017 POSTPONED TO FEBRUARY 12, 2018

Renotification: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the street side yard setback from 15 feet (required) to .5 feet (requested, existing/recently constructed); and to

B. increase the impervious cover from 45% (required) to 46.9% (requested, existing/some recently constructed); and to

C. Section 25-2-515 (Rear Yard of Through Lot) to decrease the through lot rear yard from 25 feet (required) to 10 feet (requested, existing/previously constructed)

in order to permit a recently constructed meditation studio and previously constructed/older gazebo to remain in a "SF-2", Family Residence zoning district.

**BOARD'S DECISION:** Feb 12, 2018 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 12, 2018, Board Member Melissa Hawthorne second on an 11-0 vote; POSTPONED TO MARCH 12, 2018.

### 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: block con l lo  $\mathcal{M}$ Leane Heldenfels William Burkhardt Executive Liaison Chairman



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.



**CITY OF AUSTIN Development Services Department** One Texas Center | Phone: 512.978.4000 505 Barton Springs Road, Austin, Texas 78704

# Board of Adjustment General/Parking Variance Application

# 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, <u>click here to Save</u> 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

0.0017	
Case # <u>C15-2017-0038</u> ROW # <u>11739</u>	1337 Tax # 0418380210
Section 1: Applicant Statement	
Street Address: 9101 Sautelle Lane	
Subdivision Legal Description:	
LOT 10 BLK 26 VILLAGE AT WESTERN OAKS	S SEC 16-A
Lot(s): <u>10</u>	Block(s): 26
Outlot:	Division: Village at Western Oaks
Zoning District: GF-7	
I/We Gowrishankar Chindalore	on behalf of myself/ourselves as
authorized agent for Gowrishankar Chindalore	affirm that on
	2017 , hereby apply for a hearing before the
Board of Adjustment for consideration to (select a	
OErect OAttach OComplete ORemo	
	storage shed into wood-based Meditation Studio



The structure encroaches the 15' street side setback requirement

2. Wooden gazebo in between trees, which encroaches the 25' building line from the main street (Escarpment) that runs behind the house

# 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:

I respectfully submit the following reasons for the aforesaid encroachment:

\* There are very well grown & established oak trees in the backyard which limits the options for placement of this structure elsewhere in the backyard

\* The new structure is for the purpose of meditation and we have minimized the encroachment as much as possible, limiting it for only up to three people (family) to be able to meditate.

\* The gazebo has been placed in between trees to minimize obtrusion of the views from the street-side. The gazebo is well hidden under the canopy of trees.

### Hardship

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

\* Very well grown oak trees in close promixity to each other in that part of the backyard

\* Maximize the open area in the backyard to provide an open-look from the street-side, while enhancing the overall look and usefulness by utilizing the tree canopy

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

\* Corner building with large yard areas on the back and right side of the property - filled with established trees

\* Large backyard very visible from the street - a lot of thought has been put into the wooden structures to ensure that it enhances the aesthetics of the plot from the street-side while also serving the needs of the family for meditation and relaxation

### 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:

\* The property is located at the corner of three streets (behind, right side and the front)

\* Both structures are aesthetically pleasing and situated under the canopy of oak trees without being obtrusive and in fact, enhance the views from the main street and the side street

**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.

A B Cowrisbankar Chindalore	ly signed by Gowrishankar Chindalore ⊨Gowrishankar Chindalore, o, ou, gchindalore@gmail com, c=US 2017-05 01-00-34-58 -05'00'	Date: <u>05/01/2017</u>
Applicant Name (typed or printed): Gowrishankar C	hindalore	
Applicant Mailing Address: 9101 Sautelle Lane		
City: Austin	State: TX	Zip: <u>78749</u>
Phone (will be public information): (512) 771-0934		
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.

a av Cowrisbankar Chindalara	Digitally signed by Gowrishankar Chindalore N cn-Gowrishankar Chindalore, o, ou, maili⊐gchindarce@gmail.com, c=US <del>Date: 2017.05.01.00.35.44-05'00'</del>	Date: <u>05/01/2017</u>
Owner Name (typed or printed): Gowrishankar C	hindalore	
Owner Mailing Address: 9101 Sautelle Lane		
City: Austin	State: TX	Zip: <u>78749</u>
Phone (will be public information): (512) 771-09	34	
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).

I respectfully submit to the Board for approval of variance in accordance with the following explanation:

The meditation studio and the gazebo are strategically located to be unobtrusive to the neighbors, to be aesthetically pleasing, and be underneath the canopy of trees, making them conducive for

# Additional Space (continued)

meditation, relaxation, and slient reflection. However, to avoid any irregular shape structure that would have detracted the natural beauty of the neighborhood and to prevent damage to the well established trees, we have had to encroach the required setback, which is the reason for this request for variance.

With regards to the meditation studio, for over 10 years we have had an antiquated brick storage shed in that very place, which we tore down and built the new Meditation Studio that combines wood, stone pillars, and tastefully placed frosted glass windows on three sides (no windows on the back wall which faces the side street). It is our belief that the new construction significantly enhances the neighborhood look, while providing valuable usable space for current or future owners.

We have been lucky to have had a lot that has many large oak trees that adds to the natural beauty of the neighborhood, especially since our lot is at the corner of three streets, and our backyard faces a major road for the neighborhood. It was our intent to protect the beauty afforded by the large oak trees and add to the look and feel with our construction. We assure the Board that we have taken special care in designing the Meditation Studio and the Gazebo so that it adds to the aesthetics value of the lot and the neighborhood, while affording a peaceful place to practice Meditation, relaxation, and silent reflection under the canopy of trees. We have not hesistated in spending the money to ensure that the meditation studio and the gazebo are built with the highest quality wood, hand crafted to blend with the natural landscape of the lot.

We, therefore, sincerely request the Board to approve this variance request for the structures in their current location, thus allowing us to utilize the natural landscape of the lot to its fullest extent while ensuring health of the well established trees.



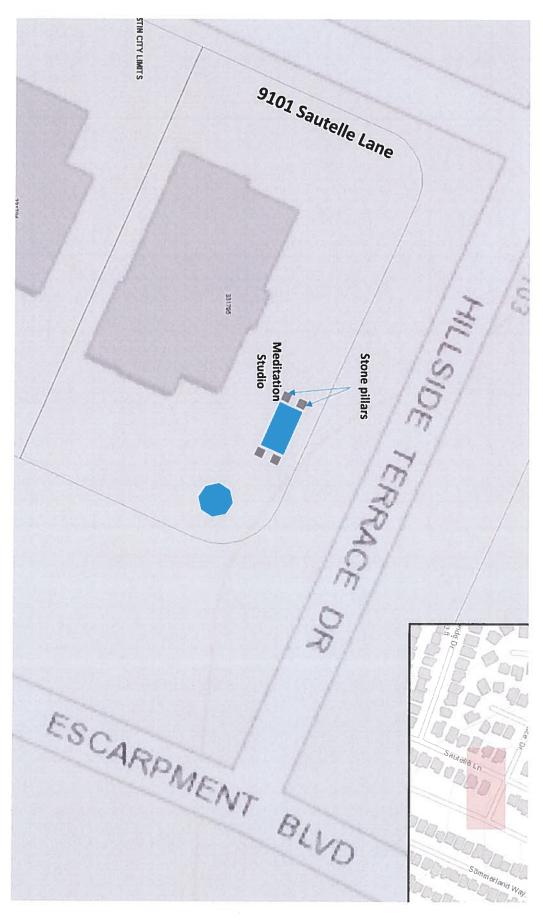
# **Neighborhood: Village at Western Oaks**

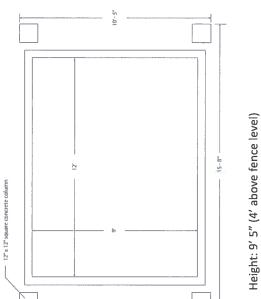
# Austin, TX 78749

# **9101** Sautelle Lane

For residential home located at

# Variance Request





12

- Stonework on the four pillars match the patio stone Studio itself is not on concrete pad; sitting on wooden
  - beams
- Cedar Wooden structure with glass pane doors & windows
  - Replaces an older storage shed in the same spot
- No water/electricity connections buried inside the walls



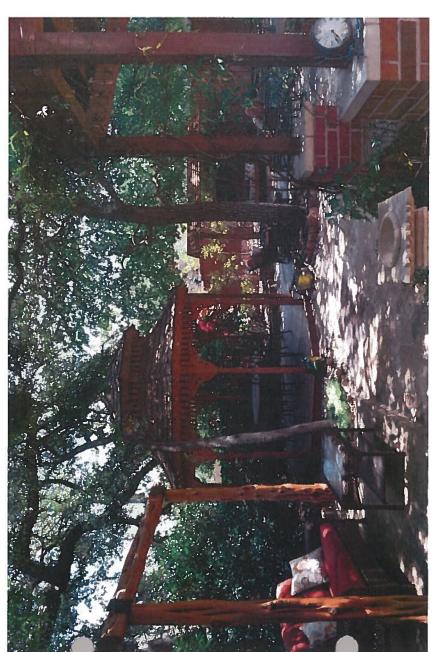
# **MEDITATION STUDIO**

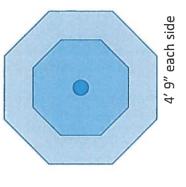






# GAZEBO





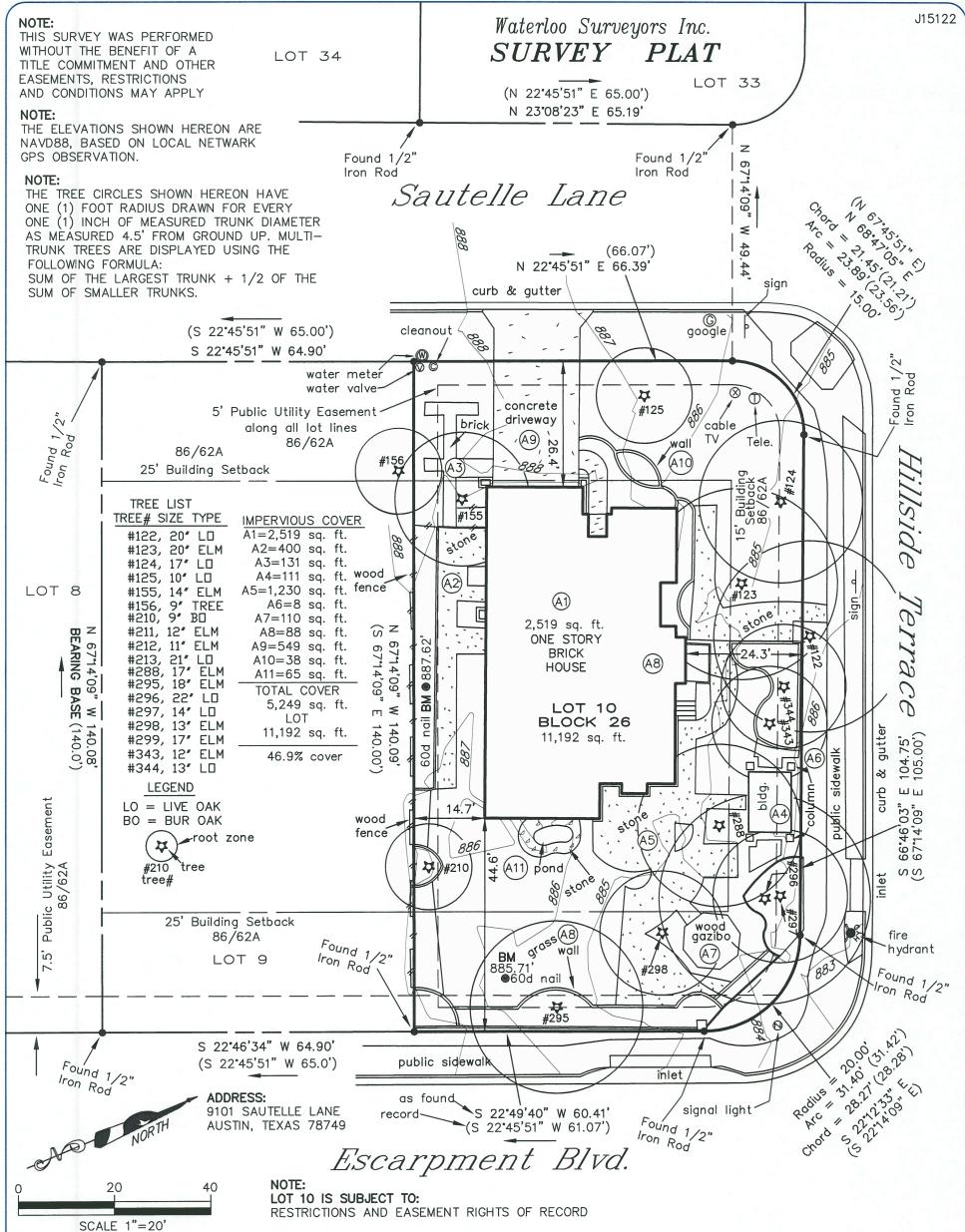
- 11' at the apex (highest point) Cedar wood matches the meditation studio & existing pergola The shingles on the roof matches the house shingles color











### LEAL DESCRIPTION:

State of Texas: County of Travis: LOT 10, BLOCK 26 PF VILLAGE AT WESTERN OAKS SECTION 16-A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT, OF THE RECORD IN VOLUME 86, PAGES 62A-62D, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS

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  $\frac{5 \& 6}{100}$  Condition II Survey. And I certify that the property shown hereon \_\_\_\_\_ within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD 48453C0560H flood hazard boundary map revised as per Map Number: Zone: X Dated: 09/26/2008 Zone: \_\_\_\_X

K

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

Dated this the <u>22ND</u> day of \_\_\_\_\_ MAY \_\_\_\_\_, 2017.

FIRM# 1012440

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Gowrishankar

# Re: Re: Village at Western Oaks - Pergola

1 message



Hello,

That is approved.

Thanks! Cindy Neale Assistant Community Association Manager

**RealManage** 9601 Amberglen Blvd. Suite #150 Austin, Texas 78729

P: 512-219-1927 F: 512-219-5696 Customer Service 1-866-4-RealService (1-866-473-2573)

Comprehensive Community Management Solutions

On Monday, June 26, 2017 9:59:12 AM, Gowrishankar Chindalore, wrote:

From:

Date: Mon, 26 Jun 2017 09:59:12 -0500 Subject: Re: Village at Western Oaks - Pergola

Hi Cindy,

Thank you for the message ... but I am a bit confused ... you refer to "pergola" ... but my request was for 'meditation studio' ... is that a typo or what exactly is this approval referring to? Please clarify ...

Thanks -:gowri

Thanks -:gowri

On Fri, Jun 23, 2017 at 1:07 PM,

Dear Gowrishankar L Chindalore,

We are pleased to inform you that your pergola Home Improvement Application has been APPROVED by the Architectural Review Board for Village at Western Oaks Owners Association, Inc., and you may proceed with your proposed modifications.



)1/18

The committee & Board has granted you a variance for your pergola.

Congratulations!

Best regards,

Cindy Neale

Assistant Community Association Manager

RealManage

9601 Amberglen Blvd. Suite #150

Austin, Texas 78729

### P: 512-219-1927 F: 512-219-5696

Customer Service 1-866-4-RealService (1-866-473-2573)

Comprehensive Community Management Solutions

From:	
Subject:	RE: ticket # TS1774400713 - request
Attachments:	image001.png
	image002.png

Thank you Wendi!!

From:	

Subject: RE: ticket # TS1774400713 - request

Staff has discussed and we will be able to approve the easement release request when it comes to us. Please let Robert know if you have any questions. He is cc'ed on this email. Thanks

From:		

You are right on Wendi ... the structure that crosses the PUE is on the Hillside Terrace ... and it goes over the PUE by about 5' ... there are no other violations of PUE anywhere else in the lot ... And yes, I am sincerely requesting release for that small area only ... about 10-12 feet along the hillside terrace ... nowhere else ...

Thanks

-:gowri

From:	

Subject: RE: ticket # TS1774400713 - request

Thank you for the clarification. So you are not looking for a partial release of the PUE along Escarpment? You are only interested in a partial release on Hillside Terrace? Are you only wanting that portion released around the building?



**To:** Broden, Wendi; AE GIS Services **Cc:** Long, Robert

Subject: RE: ticket # TS1774400713 - request

# 001/21

You're most welcome. Although the structures are not permanent, it would still be most efficient to seek a release of the easement. If the easement release is not approved, then the License Agreement would be a secondary option (which carries an annual fee). Please let me know if you have any further questions. Thanks!

Kind Regards,

Jacquelyn Caldwell Property Agent City of Austin, Office of Real Estate Services 505 Barton Springs Road, Suite 1350 Austin, Texas 78704 512-974-7149 Email:

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From:			

Subject: RE: Variance request #M-5 C15-2017-0038 for 9101 Sautelle Lane

Thank you Jacquelyn ...

I just wanted to point out that these are not permanent structures ... they are big wooden structures ... please see enclosed file with pictures ... if that changes your view, please let me know ...

Meanwhile, I am going to call 8-1-1 and request 'line location service' ...

Thank you for offering to help directly! I may take you up on that if I am having issues figuring out ...

-:gowri Gowrishankar Chindalore, Ph.D. Head of Business & Technology Strategy - Microcontrollers Security & Connectivity 1-(512) 771-0934

From: Sent: Thursday, August 31, 2017 9:08 AM

# 001/22

**Subject:** RE: Variance request #M-5 C15-2017-0038 for 9101 Sautelle Lane **Importance:** High

Good morning Gowri,

To:

Thank you for reaching out to our office for assistance. After reviewing the survey, it appears you have permanent structures encroaching into the 5' PUE on the Hillside Terrace side of the property. A License Agreement would not be an appropriate request, as it would not allow for a structure of a permanent nature to encroach into the PUE. The best option would be to seek a release of the 5' PUE. Our Office facilitates the application process for an easement release, however the steward Departments and other stakeholders of the PUE will ultimately make the decision to approve or deny your request. I recommend that you determine if there are any utilities/infrastructure underground in the 5' PUE in question. You may call 8-1-1 to request the line location service. If there are any utilities located within the 5' PUE area, you will need to contact the steward Departments of those utilities to determine the likelihood of a release approval.

If you decide to proceed with an easement release, I have attached an easement release packet. It will instruct you on everything that is required to submit an application for an easement release, but the short version is as follows:

Transmittal letter stating what you are requesting and why, and providing any other pertinent information Completed application form (included in packet) Copy of your Warranty Deed, evidencing ownership of the property Copy of the instrument that dedicated the easement

Reduced size copy of the subdivision plat (8 x10 is best)

An original ("wet ink") copy of a new survey which specifically describes the easement area to be released.

\$435 application fee.

Please note that the packet includes a section titled "Instructions to Surveyors". This should be provided to the surveyor you engage.

Once you are ready to submit the application, please contact Land Management at to schedule an appointment so that I may go through the document materials with you to ensure that the application packet is complete.

You're welcome to call me directly for any questions: Jacquelyn Caldwell (512) 974-7149.

Thank you.

Kind Regards,

Jacquelyn Caldwell

Property Agent City of Austin, Office of Real Estate Services 505 Barton Springs Road, Suite 1350 Austin, Texas 78704 512-974-7149 Email:

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Subject: Re: Variance request #M-5 C15-2017-0038 for 9101 Sautelle Lane

Dear Sir/Madam,

I sincerely request your advice on the following matter:

As the owner of the property on 9101 Sautelle Lane, I am requesting variance per the description below:

M-5 C15-2017-0038 Gowri Chindalore 9101 Sautelle Lane The applicant has requested variance(s) to: A. Section 25-2-492 (D) (Site Development Regulations) to decrease the street side yard setback from 15 feet (required) to .5 feet (requested, existing); and to B. increase the impervious cover from 45% (required) to 46.9% (requested, existing); and to C. Section 25-2-515 (Rear Yard of Through Lot) to decrease the through lot rear yard from 25 feet (required) to 10 feet (requested, existing) in order to permit a recently constructed meditation studio and older gazebo in a "SF-2", Family Residence zoning district.

During the first hearing of my variance request, the Board wanted me to reach out to your office to seek either a License to Encroach or partial release of the 5' Public utility easement that runs along the Hillside Terrace property line and that your meditation structure sits over. Enclosed is the survey of the lot with the said structures. Please note that it is just the PUE on the hillside terrace side of the lot.

I have been working Leane Heldfens on the variance request. I am reaching out to you upon her advice. Can you please indicate to me what my next steps should be and which type of the request is appropriate for my situation?



My last hearing was in July and I am expected to report back to the Board for their Sep. session (on 18<sup>th</sup>) or October the latest.

Thank you for your help and if you have any questions, please feel free to call me anytime at (512) 771-0934. -:gowri

Gowrishankar Chindalore, Ph.D. Head of Business & Technology Strategy - Microcontrollers Security & Connectivity Austin, Texas 78735, USA Phone: 1-512-771-0934 Email: \_

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Fax: (512) 974-6305	4
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Mail:	tment/ 1st Floor
	i the hearing to be sent via:
kids walking to school. It's a h	AS, Intersection.
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are already the true sidewalter in	this area so
	Sidewalk There
Comments: BOARD OF Adjustment, NEA Gase No. CIS-ZUIT-OUTR I abject	The Anic as it
	Date
	7111F
Your address(es) affected by this application	
	I object
	I am in favor
	fels@austintexas.gov th, 2017
	ane
	e. All comments
	clude the name of the
Written comments must be submitted to the contact per	son listed on the notice

# **PUBLIC HEARING INFORMATION**

Although applicants and/or their agent(s) are expected to attend a public hearing, <u>you are not required to attend</u>. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. 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 of 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 will be sent.

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 developmen process, visit our web site: www.austintexas.gov/devservices

From:	
Subject:	
Date:	

M-5 C15-2017-0038 Aruna Chindalore 9101 Sautelle Lane Monday, July 10, 2017 4:13:29 PM

In reference to the matter below from your agenda:

M-5 C15-2017-0038 Aruna Chindalore 9101 Sautelle Lane The applicant has requested variance(s) to: A. Section 25-2-492 (D) (Site Development Regulations) to decrease the street side yard setback from 15 feet (required) to .5 feet (requested, existing); and to B. increase the impervious cover from 45% (required) to 46.9% (requested, existing); and to C. Section 25-2-515 (Rear Yard of Through Lot) to decrease the through lot rear yard from 25 feet (required) to 10 feet (requested, existing) in order to permit a recently constructed meditation studio and older gazebo in a "SF-2", Family Residence zoning district.

Please be advised that The Village of Western Oaks, Board of Directors makes the following comment:

"The Village At Western Oaks HOA Board of Directors, along with its Architectural Review Board, stand in opposition to granting a variance for the structures which have been erected at 9101 Sautelle, without prior review or approval by the HOA. There was an unfortunate miscommunication from Real Manage, on behalf of the Village At Western Oaks Board of Directors, which erroneously indicated approval of the structures, but this was inaccurate and should not have been sent to the Requestor indicating support for the structures."

Kind Regards, Board of Directors, The Village At Western Oaks

### Sincerely,

### Mystre' D. Van Horn, CMCA®, AMS®, CMIA-LSM, CMIA-MCM, NRP

**Director of Community Association Management** 

### RealManage

9601 Amberglen Boulevard, Suite 150 Austin, Texas 78729

P: 1-866-473-2573; F: 1-866-919-5696

www.realmanage.com

### **Comprehensive Community Management Solutions**

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RealManage is environmentally responsible. Print only if necessary.



From:	
Subject:	C15-2017-0038, 9101 Sautelle Lane
Date:	Saturday, July 01, 2017 6:44:56 PM

Mark and LuAnn Glowacz 6201 Tanak Cove (512) 789-1058

As affected owners regarding Case C15-2017-0038, we are in favor of the variance.

The owners of 9101 Sautelle Lane have always maintained a beautifully landscaped property, and as someone who drives past their home at least a couple of times per day, I see no reason the family cannot enjoy their tastefully built studio and gazebo.

Thank you,

--Mark Glowacz