W. RANDOLPH DAVIS
Attorney-Mediator
SWBC Tower
9311 San Pedro Avenue, Suite 707
San Antonio, Texas 78216

Telephone: (210) 342-2707
Facsimile: (210) 342-2107
[redacted]

May 25, 2018

City of Austin
Development Services Department, 1st Floor
Attention: Leane Heldenfels
Planner Senior-Board of Adjustment Liaison
P.O. Box 1088
Austin, TX 78767-1088

VIA Email: leane.heldenfels@austintexas.gov

Re: Case Number:C15-2018-0009

Dear Ms. Heldenfels,

As you are aware, our office represents Mr. and Mrs. Lennard Lewis and DeSeay, LLC, the owner of 6702 Elfland, immediately across the canal from the Applicant's property at 6705 Pixie Cove, in the above captioned case number.

Although we felt we had reached an agreement in principal with the Applicant regarding the above matter, we have not received any agreement in writing.

It is our understanding that the Applicant, Mr. Cameron is in the process of obtaining a new site plan and elevation plan that is updated to his variance request. We are in hopes that he will provide copies of those to me for my client's review in advance of the next Variance Commissioner Meeting on June 11, 2018. We are hopeful this new site plan will contain detail showing no solid fence and photos of the existing boat dock/house and any proposed changes to it from the perspective of my clients' point of view from their property line. If what the Applicant has proposed verbally to my clients on its current location and proposed changes to its configuration can be approved by the Commissioners, that should resolve the issue. It is my understanding the Board has jurisdiction to approve a variance with conditions that are reasonable and related to the request. It is our hope that the condition related to the dock fits these criteria.

From my client's property, the dock in their direct line of sight to their view of the lake is both reasonable and related as to its height and roof type. The Applicant has proposed changing the boat house pitched roof to a flat roof. It is my further understanding that if the boat house situation is addressed in this Variance Request and approved, the Applicant would not have to come back to the Board of Adjustment at a later time for the request.

I communicated their suggestions to Terry Irion in a letter about a week ago, but he was out of town, so I'm not sure he has reviewed the letter.

Looking forward to reviewing the site plan, elevation and boat house criteria.

Sincerely,

W. Randolph Davis
Agent to Deseay, LLC
Owner of 6702 Elfland

WRD/th
cc: Terry Irion via email
Katryn Lewis

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday April 9, 2018 **CASE NUMBER: C15-2018-0009**

___Y____Brooke Bailey
___Y____William Burkhardt
___Y____Christopher Covo
___Y____Eric Goff
___Y____Melissa Hawthorne
___Y____Bryan King
___Y____Don Leighton-Burwell
___-____Rahm McDaniel (out)
___Y____Veronica Rivera
___Y____James Valadez
___Y____Michael Von Ohlen
___Y____Kelly Blume (Alternate)
___-____Martha Gonzalez (Alternate)
___-____Pim Mayo (Alternate)

APPLICANT: David Cancialosi
OWNER: Phillip Cameron

ADDRESS: 6705 PIXIE CV

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent or 3,814 square feet (required, permitted) to 50 percent or 5,450 square feet (requested, 53.1 percent or 5,792 square feet existing) in order to reconstruct a single family residence and covered patio area and add a swimming pool in a "LA", Lake Austin zoning district.
Note: This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

BOARD'S DECISION: March 12, 2018 POSTPONED TO APRIL 9, 2018
RENOTIFICATION REQUIRED

RENOTIFICATION: VARIANCE REQUEST: The applicant has requested variance(s) to:
A. Section 25-2-492 (d) to decrease the required side yard setback from 10 feet (required) to 4 feet 10 inches (requested, existing); and to
B. Section 25-2-551 (B) (1) (b) to decrease the shoreline setback from 25 feet (required) to 14 feet 6 inches (requested, existing); and to
C. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (required, permitted) to 52.5 percent (requested, 56 percent existing)

in order to reconstruct a single family residence with covered patio area and add a swimming pool in a "LA", Lake Austin zoning district.
Note: Section 25-2-551 (B) and (C) of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

BOARD'S DECISION: APRIL 9, 2018 After discussion of request to postpone from neighboring property owners with applicant opposed Board Member Bryan King motion to Postpone to May 14, 2018, Board Member Christopher Covo second on an 11-0 vote; POSTPONED TO MAY 14, 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:

Leane Heldenfels
Executive Liaison

William Burkhardt
Chairman

O02/12

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday March 12, 2018 **CASE NUMBER: C15-2018-0009**

_____Brooke Bailey
_____William Burkhardt
_____Christopher Covo (OUT)
_____Eric Goff
_____Melissa Hawthorne
_____Bryan King
_____Don Leighton-Burwell
_____Rahm McDaniel
_____Veronica Rivera
_____James Valadez
_____Michael Von Ohlen
_____Kelly Blume (Alternate)
_____Martha Gonzalez (Alternate)
_____Pim Mayo (Alternate)

APPLICANT: David Cancialosi
OWNER: Phillip Cameron

ADDRESS: 6705 PIXIE CV

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent or 3,814 square feet (required, permitted) to 50 percent or 5,450 square feet (requested, 53.1 percent or 5,792 square feet existing) in order to reconstruct a single family residence and covered patio area and add a swimming pool in a "LA", Lake Austin zoning district.
Note: This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

BOARD'S DECISION: March 12, 2018 POSTPONED TO APRIL 9, 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:

Leane Heldenfels
Executive Liaison

William Burkhardt
Chairman

O02/13

FAX COVER SHEET

TO	Leane Heldenfels
COMPANY	CITY OF AUSTIN DEVELOPMENT SERVICES
FAXNUMBER	15129746305
FROM	GEORGE SINGER
DATE	2018-04-16 22:16:45 GMT
RE	C15-2018-0009

COVER MESSAGE

Attached you will find my letter of approval for 6705 Pixie Cove

O02/14

WANDA THOMPSON

6703 PIXIE COVE

AUSTIN TEXAS 78746

512-775-3923

Via: Facsimile # 512-974-6305

City of Austin-Development Services Department

Leane Heldefels

PO BOX 1088

Austin Texas 78767

Re: Public Hearing: Board of Adjustments

Agenda Item # C15-2018-009-6705 Pixie Cove

I am writing to the Board of Adjustments to inform you that I, along with my daughter and son-n-law have met with the owners of 6705 Pixie Cove. After reviewing their plans I am in total agreement with the placement of their home and the improvements that they want to make. Please note that I do not wish to file an objection to the new home construction at 6705 Pixie Cove.

Sincerely

Wanda Thompson

O02/15

W. RANDOLPH DAVIS
Attorney-Mediator
SWBC Tower
9311 San Pedro Avenue, Suite 707
San Antonio, Texas 78216

Telephone: (210) 342-2707
Facsimile: (210) 342-2107
[redacted]

April 26, 2018

City of Austin
Development Services Department, 1st Floor
Leane Heldenfels
P.O. Box 1088
Austin, TX 78767-1088

VIA Email: leane.heldenfels@austintexas.gov

Re: Case Number:C15-2018-0009

Dear Ms. Heldenfels,

Our office represents Mr. and Mrs. Lennard Lewis and DeSeay, LLC, the owner of 6702 Elfland, immediately across the canal from the Applicant's property at 6705 Pixie Cove, in the above captioned case number.

We have reached an agreement in principal with the Applicant regarding the above matter, however, we have not received the agreement in writing. We are requesting the hearing for this matter be heard at a later date or until we receive the agreement in writing from Applicant.

Our request is to drop the hearing from May 14th, 2018 docket to a later date and have the Applicant provide updated drawings and specifications to each of the property owners affected by his requests. In the alternative, if the Agreement reached between the Applicant and my client is received in agreed format from Applicant and counsel and signed by all parties prior to the hearing date, our request for delay will be withdrawn.

Sincerely,

W. Randolph Davis
Agent to Deseay, LLC
Owner of 6702 Elfland

WRD/th

REVISED

O02/16

From the office of:

PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.593.5368 c.
512.494.4561 f.
[redacted]

March 12, 2018

RE: BOA request for 6705 Pixie Cove

Board of Adjustment Commissioners:

We are seeking three variances as follows:

1. Section 25-2-551(B)(1)(b) to maintain an existing shoreline setback of 14' 6" Shoreline setback from an existing cut in boat slip.
2. Section 25-2-492(d) to maintain an existing 4' 10" side yard setback.
3. Section 25-2-551-C-3-A to reduce the impervious coverage from 56% to 52.5% in a 0-15% slope.

The residential project was initiated in 1962 with the platting of the subdivision. The home was built in 1981 pursuant to the AA zoning district standards. The property was rezoned in late 1984 to LA after the adoption of the new zoning code. The subject project was built in compliance with AA *First Height and Residential* zoning which allowed 45% (gross site area) impervious coverage of gross lot area under zoning Chapter 13-2. Thus, it is worth the noting that the application of LA zoning's net-site area calculations do not present a true representation of the proposed IC reduction. From a gross lot area perspective, which was the legally correct way to calculate the coverage in 1981, the coverage was (and is) 7,592 SF, or 48% IC. The proposed gross lot area coverage would be reduced to 5,843 SF, or 36.9%, resulting in an 11% gross lot reduction.

A property owner is entitled to a reasonable use of the property. The house is 37 years old and in need of replacement. The property owner desires to replace the structure with a superior product that will reduce the impervious coverage and run-off into the Lake Austin. The site was zoned AA then rezoned LA by the City as part of a mass zoning exercise that few property owners understood the implications of. That rezoning effort now prohibits the lot from being developed in a fair and reasonable manner, thus, any reasonable redevelopment is significantly hampered by strict application of the LA zoning performance standards.

The applicant has requested administrative approval from Development Services, however, staff is unable to provide relief other than allowing the reconstruction to occur only in the same footprint as the original 1981 construction. While certain LDC provisions assist some projects with achieving administrative remedy, unfortunately, the LDC is not a one size fits all remedy. The requested variances help bridge that gap.

The hardship for the site exists in several facets:

1) The site was built in accordance with AA zoning in place at the time of construction.
2) The site currently exceeds the 35% impervious coverage allowance outlined in LDC 25-2-551-C-3-A, which limits 0-15% slopes to a maximum of 35% impervious coverage, but have seemingly not been an issue for the city or neighbors for 37 years.
3) The current regulations require net site area be calculated which removes the rear 25' shoreline area from the platted lot area. This reduces the available lot area from 15,805 SF to a net site area of 9,380 SF – over 5,000 SF of non-inundated, county-taxable land area is lost as a result of the application of current code.

4) The lot is an irregular shaped lot taking access from a cul-de-sac.
5) The lot is less than one acre in size.
6) The lot has less than 100' width.

All the aforementioned are non-compliant with the LA zoning performance standards which were placed on the lot by the City in 1984 - approximately three years after the house was constructed.

In terms of reasonable use, throughout the lake austin area there are many sites that were zoned SF-2 at the time of LA zoning application by the City by either the City's choosing or the owner's request. Because this site does not meet the basic lot size requirements of LA zoning performance standards it should have been zoned SF-2 in 1984. The site was built in compliance with the rules in place at the time of construction yet was arbitrarily changed via LA zoning by the city. Thus, due to that application of LA zoning over thirty years ago, the current property owner must now seek remedy via the Board of Adjustments or other available avenues in order to allow the repair and replacement of the existing structure in a reasonable manner consistent with other properties zoned either LA which have received similar relief from the Board of Adjustments or properties which were correctly applied SF-2 at the time of the mass zoning exercise in the 1980's.

To that end, the house was constructed under AA zoning prior to March 1, 1984 the LA zoning was applied after construction, *the site is legal complying and is afforded certain rights with respect to allowing structures built prior to March 1984 to be built entirely anew as they existed at the time they were built even if that would not meet today's site development regulations*. This is not an insignificant property right since the code significantly limits the extent to which a post-March 1984 structure can be modified. However, the current code as interpreted by existing staff only allows the replacement of the house if it is placed *on the exact same footprint* and does not allow credit for any impervious cover removed or relocated.

In sum, the proposed replacement structure would reduce the impervious coverage and reflect a contemporary home with better site controls with respect to run off, tree protection, and if this request is approved, ultimately an entire replacement of the non-compliant 90 degree bulkhead with a new, code compliant wall that properly mitigates wave abatement and soil erosion. The replacement house will have no adverse impact on the surrounding properties and will match the architectural style found throughout the neighborhood.

We ask the Commission take into consideration these changes and approve the requested variances.

Sincerely,

David C. Cancialosi, Agent for Owner

Cc: Terry Irion, Phillip Cameron

REVISED O02/18

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, 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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 6705 PIXIE CV, Austin, TX 78746

Subdivision Legal Description:

LOT 57 BLK A RIVERCREST ADDN SEC 2

Lot(s): 58 Block(s): A

Outlot: _____ Division: _____

Zoning District: LA

I/We David Cancialosi on behalf of myself/ourselves as

authorized agent for Phillip Cameron affirm that on

Feb Select , 1 Select , 2018 Select , hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

○ Erect ○ Attach ○ Complete ○ X Remodel ○ X Maintain ○ Other: _____

Type of Structure: Residential

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

LDC 25-2-551-C-3-A to reduce the IC from 56% to 52.5% IC in a 0-15% slope.

LDC 25-2-492-D to maintain a 4' 10" setback into the side property line.

LDC 25-2-551-B-1-B to maintain a 14' 6" setback in the shoreline setback on the southern side of the property parallel to the Lake Austin channel.

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:

SEE ATTACHED

Hardship

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

SEE ATTACHED

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

SEE ATTCHED

C02/20

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:

SEE ATTACHED

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: