

CASE REVIEW SHEET**CASE:** C15-2019-0003**BOA DATE:** January 14, 2019**ADDRESS:** 3005 Westlake Dr**COUNCIL DISTRICT AREA:** 10**OWNER:** Travis Machen **AGENT:** David Cancialosi**ZONING:** LA**AREA:** Lake Shore Addition**VARIANCE REQUEST:** Section 25-2-551 to reduce the shoreline setback from 75' to 25' around a man-made cove**SUMMARY:** Will be erecting a new single family home to replace an existing 1979 built home on three lots in the 1965 subdivision.**ISSUES:** Man-made cove**DEPARTMENT COMMENTS:** None

	ZONING	LAND USES
<i>Site</i>	LA	Residential
<i>North</i>	LA	Residential
<i>South</i>	LA	Residential
<i>East</i>	LA	Residential
<i>West</i>	LA	Residential

NEIGHBORHOOD ORGANIZATIONS: Austin Neighborhood Council; Bike Austin; City of Rollingwood; Friends of Austin Neighborhoods; Lake Austin Collective; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Sierra Club, Austin Regional Group; TNR BCP Travis County Natural Resources; The Island on Westlake Owners Association

I-3/2



NOTIFICATIONS

CASE#: C15-2019-0003

LOCATION: 3005 WESTLAKE DRIVE



SUBJECT TRACT



PENDING CASE



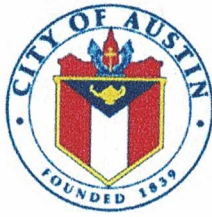
ZONING BOUNDARY

1" = 333'

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.





CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

I-3/3

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: 3005 Westlake Drive, Austin TX 78746

Subdivision Legal Description:

LOTS 66,67,68 LAKESHORE ADDITION AMENDED LOTS

Lot(s): 66,67,68 Block(s): _____

Outlot: _____ Division: _____

Zoning District: Lake Austin

I/We David Cancialosi (Permit Partners) on behalf of myself/ourselves as
authorized agent for TRAVIS MACHEN affirm that on
Month Select, Day Select, Year Select, hereby apply for a hearing before the
12/11/18

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

☐ ErectX ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Single Family Residential and associated improvements

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

25-2-551 LA SHORELINE REDUCTION FROM 75' TO 25' AROUND MAN MADE COVE

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 ATTACHED

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:

N/A

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

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.

Applicant Signature: [Signature] Date: 12-11-18

Applicant Name (typed or printed): DAVID Cancaleari

Applicant Mailing Address: 105 W. Riverside Dr #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512 593 5361

Email (optional – will be public information): [Redacted]

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.

Owner Signature: [Signature] Date: 12-11-18

Owner Name (typed or printed): TRAVIS MACHEN

Owner Mailing Address: 3005 Westlake Dr

City: Austin State: TX Zip: 78746

Phone (will be public information): N/A

Email (optional – will be public information): N/A

Section 5: Agent Information

Agent Name: DAVID Cancaleari

Agent Mailing Address: 105 W. Riverside Dr #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512 593 5361

Email (optional – will be public information): [Redacted]

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).

N/A

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]

December 11, 2018

City of Austin c/o Leanne Heldenfelds
City of Austin Board of Adjustment
One Texas Center
505 Barton Springs
Austin, Texas 78704

RE: BOA request for 3005 Westlake Drive to reduce Shoreline Setback regulated per LDC 25-551(B)(1)(a) from 75' to 25'

Dear Board of Adjustment Commissioners:

My client is seeking a variance to reduce the shoreline setback along a man made cove that enters the property consisting of lots 66, 67, 68 of the Lake Shore Addition. The current setback is 75'. We are seeking 25' shoreline setback along the slough. The 75' shoreline along the main body of Lake Austin is to remain as-is. The man-made slough has been in place for several decades. The existing 1979 residence was built under pre-LA zoning regulations. Please see updated exhibits regarding the cove at the January BOA hearing.

Reasonable Use

The original lots 66, 67, 68 were replatted in 1965. The applicant is requesting a reduced setback along the cove to accommodate a replacement of the existing single-family structure and associated accessory structures. This is a fair a reasonable use in Lake Austin zoning category as that category specifically prescribes development of a residential nature.

Hardship

The original 1915 Lakeshore Addition lots were replatted in 1965. This placed the cove entirely on the all three lots. The city changed the zoning from "A" First Height and Residential (which was essentially the same as today's SF-2 zoning) to Lake Austin zoning. This city-initiated zoning change occurred in the early 1980's. The cove nor the main body was not subject to net site area calculations associated with LA zoning code section 25-2-551; however, any redevelopment of the property is now subject to LA regulations.

Further, the city did not historically apply the LA shoreline setback to coves. This has changed recently. This change has exacted 40,810 SF of LA shoreline on a 108,832 SF lot, or roughly 37% of the property. Under the staff's prior interpretation of LA shoreline along the cove, this amount of land would not have been removed from the site's buildable area; only the 75' LA shoreline setback along the main body would have been removed for purposes of net site area calculations.

The site has several encumbrances that affect the physical condition of the property by way of the following hardships:

1. The cove accounts for roughly 12,778 SF of land area.
2. The cove and accompanying 75' shoreline setback stretch nearly 50% into the lot.
3. The northern side of the property has a 5' water line easement restricting development.
4. The upper portion of the lot near Westlake Drive is unbuildable due to extensive slope.

5. The OSSF improvements are proposed for the front portion of the lot (see exhibit 5 in your packet).
6. It is not reasonable to place 3,300 SF OSSF improvements and drainfield in the backyard.
7. Placing OSSF in front of residence pushes residence closer to cove / shoreline setback.
8. 25' setback needed around cove near rear of lot in order to locate guest house on sliver of land between 75' and 25' setback areas.

Not General to the Area

Man-made inlets on private lots are fairly rare. They do exist and when they do, they create significant development constraints. The Board has recognized this on similar properties. Man-made inlets are not general to the area but rather the exception.

Area of Character

Any construction will be in keeping the varied construction styles found along Lake Austin and this stretch of Westlake Dr. There will be no adverse impact to adjacent properties.

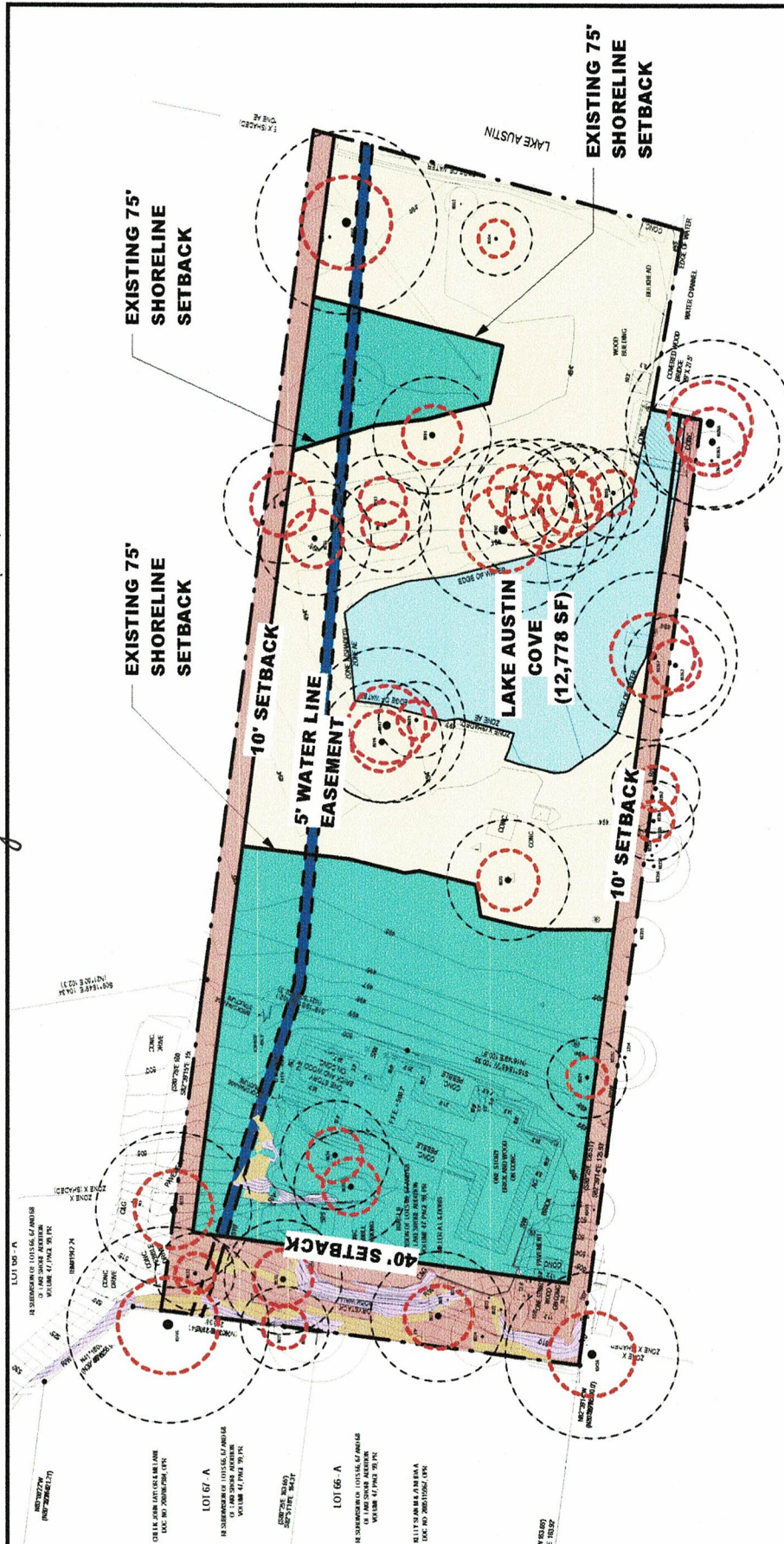
In sum, the proposed setback reduction would allow a reasonable use of the property, would not be dissimilar to other shoreline setbacks the Board has approved for sites with man made inlets on private property, and will have no adverse impact on adjacent properties.

I ask the Commission take into consideration the aforementioned statements and approve the requested variance.

Sincerely,

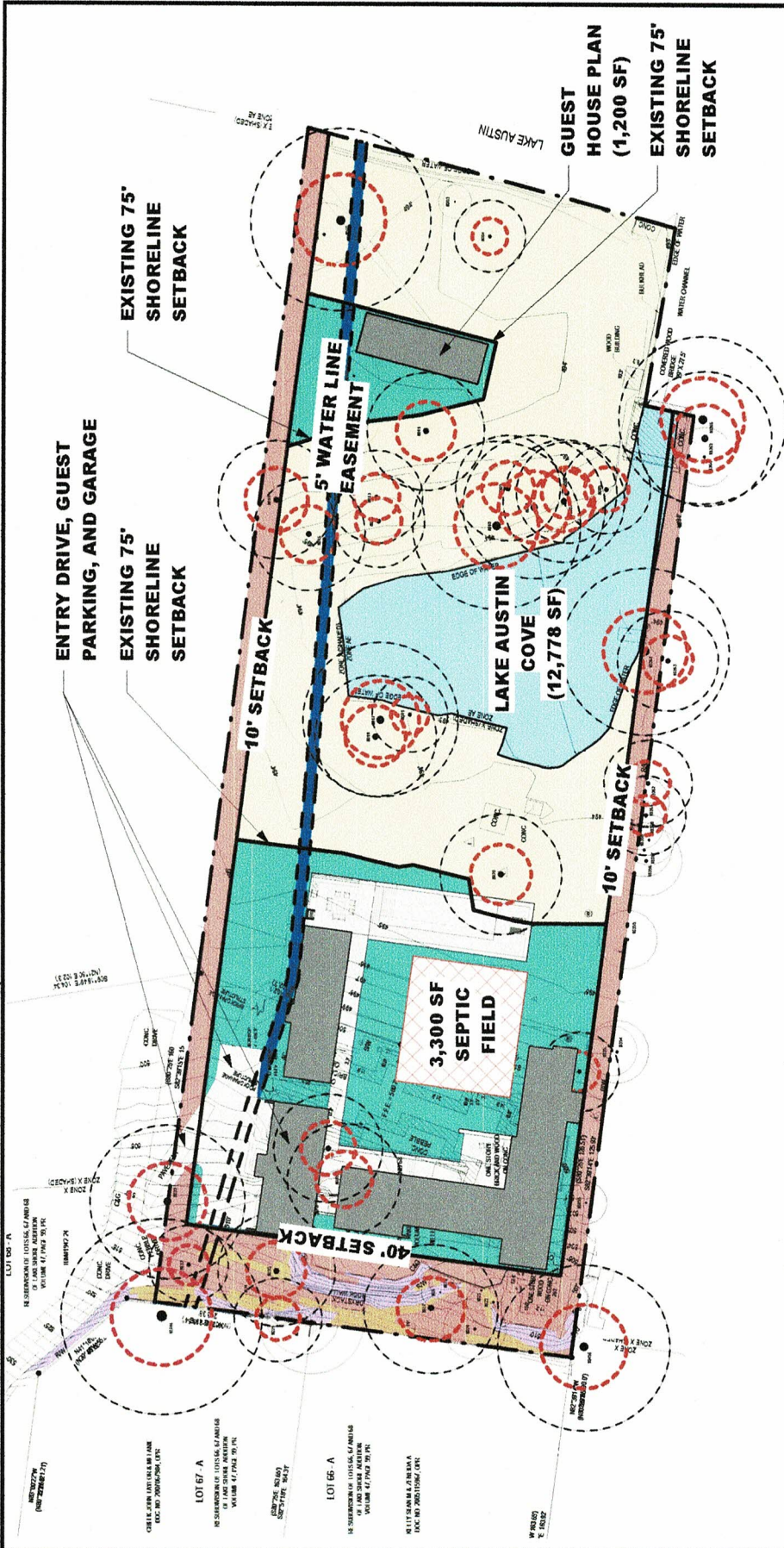


David C. Cancialosi, Agent for Owner



LAND CLASSIFICATION	AREA	%IC	ALLOWABLE IC	TREE DESCRIPTION
TOTAL BUILDING LINE SETBACKS	17,249 SF	0	0	---
75' SHORELINE SETBACK	40,810 SF	0	0	---
5' WATERLINE EASEMENT	2,628 SF	0	0	---
LAND WITH SLOPE* = 25-35%	271 SF	5	14 SF	---
LAND WITH SLOPE* = 15-25%	280 SF	10	28 SF	---
LAND WITH SLOPE* = 0-15%	34,816 SF	35	12,186 SF	---
TOTAL IMPERVIOUS COVER (IC) ALLOWED FOR SITE	12,228 SF			
TOTAL SITE AREA	108,832 SF			
PERCENTAGE OF IMPERVIOUS COVER FOR NSA OF 68,022 SF	17.9%			

* slopes outside of property setbacks



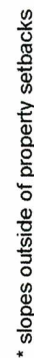
LAND CLASSIFICATION	AREA	%IC	ALLOWABLE IC
TOTAL BUILDING LINE SETBACKS	17,249 SF	0	0
75' SHORELINE SETBACK	40,810 SF	0	0
5' WATERLINE EASEMENT	2,628 SF	0	0
LAND WITH SLOPE* = 25-35%	271 SF	5	14 SF
LAND WITH SLOPE* = 15-25%	280 SF	10	28 SF
LAND WITH SLOPE* = 0-15%	34,816 SF	35	12,186 SF
TOTAL IMPERVIOUS COVER (IC) ALLOWED FOR SITE	12,228 SF		
TOTAL SITE AREA	108,832 SF		
PERCENTAGE OF IMPERVIOUS COVER FOR NSA OF 68,022 SF	17.9%		

* slopes outside of property setbacks

TREE DESCRIPTION

- CRITICAL ROOT ZONE (CRZ)
- - - 1/2 CRZ

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TOTAL IMPERVIOUS COVER (IC) ALLOWED FOR SITE TOTAL SITE AREA	18,478 SF 108,832 SF
PERCENTAGE OF IMPERVIOUS COVER FOR NSA OF 85,880 SF	21.5%

