

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday August 12, 2019**

**CASE NUMBER: C15-2019-0045**

\_\_\_\_ Brooke Bailey  
\_\_\_\_ Jessica Cohen  
\_\_\_\_ Ada Corral  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ William Hodge  
\_\_\_\_ Don Leighton-Burwell  
\_\_\_\_ Rahm McDaniel  
\_\_\_\_ Darryl Pruet  
\_\_\_\_ Veronica Rivera  
\_\_\_\_ Yasmine Smith  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Kelly Blume (Alternate)  
\_\_\_\_ Martha Gonzalez (Alternate)  
\_\_\_\_ Denisse Hudock (Alternate)

**APPLICANT: Colby Turner**

**OWNER: Ryan Diepenbrock**

**ADDRESS: 504 SUNNY LN**

**VARIANCE REQUESTED: The applicant is requesting a variance(s) from:**

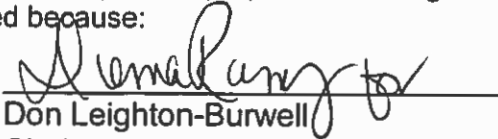
- a) Section 25-2-492 (Site Development Regulations) (D) to increase the maximum allowable Impervious Cover from 45% (required) to 59.5% (requested) for retaining wall.
- b) Section 25-2-899 (Fences as Accessory Uses) (E) (1) from 6 feet to 7 ft. 2 in. at North end and portions of Southeast and Southwest sides of property lines in order to complete a Single-Family residence in a "SF-3-NCCD-NP", Single-Family Residence zoning district. (South River City Combined Neighborhood Plan)

**BOARD'S DECISION: BOA meeting Aug 12, 2019-POSTPONED TO NOVEMBER 7, 2019 BY APPLICANT**

**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:

  
Elaine Ramirez  
Executive Liaison

  
Don Leighton-Burwell  
Chairman

# BOA REVIEW COVERSHEET

**CASE:** C15-2019-0045

**BOA DATE:** August 12, 2019

**ADDRESS:** 504 Sunny Ln

**COUNCIL DISTRICT:** 9

**OWNER:** Ryan Diepenbrock

**AGENT:** Colby Turner

**ZONING:** SF-3-NCCD-NP (South River City)

**LEGAL DESCRIPTION:** LOT 64 \* LESS N 151 SQ FT WOODLAWN ADDN

**VARIANCE REQUEST:** increase maximum impervious cover and fence height

**SUMMARY:** complete Single-Family residence

**ISSUES:** grade change; retaining wall issues

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NCCD-NP	Single-Family
<i>North</i>	L-V-NP	Lake Commercial
<i>South</i>	SF-3-NCCD-NP	Single-Family
<i>East</i>	SF-3-NCCD-NP	Single-Family
<i>West</i>	SF-3-NCCD-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Greater South River City Combined Neighborhood Plan Contact Team

Hill Country Conservancy

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

SEL Texas

Sierra Club, Austin Regional Group

South Central Coalition

South River City Citizens Assn.

Zoning Committee of South River City Citizens



August 1, 2019

Colby Turner  
504 Sunny Ln  
Austin TX, 78704

Property Description: LOT 64 \* LESS N 151 SQ FT WOODLAWN ADDN

**Re: C15-2019-0045**

Dear Colby,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from

- Section 25-2-492 (Site Development Regulations) (D) to increase the maximum allowable Impervious Cover from 45% (required) to 59.5% (requested) for retaining wall;
- Section 25-2-899 (Fences as Accessory Uses) (E) (1) from 6 feet to 7 ft. 2 in. at North end and portions of Southeast and Southwest sides of property lines;

In order to complete a Single-Family residence in a "SF-3-NCCD-NP", Single-Family Residence zoning district. (South River City Combined Neighborhood Plan)

Austin Energy does not oppose requested variances, provided all proposed and existing improvements are in compliance with AE clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Attached is a link to our Clearance and Safety Requirements.

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CL\\_SARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CL_SARE)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Eben Kellogg, Property Agent**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6050

P-1/4



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2019-0045  
504 SUNNY LANE

1" = 200'

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

P-1/5

## 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: 504 Sunny Lane

Subdivision Legal Description:

WOODLAWN ADDN

Lot(s): LOT 64 \* LESS N 151 SQ FT Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NCCD-NP

I/We Colby Turner on behalf of myself/ourselves as  
authorized agent for Ryan Diepenbrock affirm that on  
Month July, Day 9, Year 2019, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☒ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: An in-ground pool with corresponding retaining wall, and solid fence.

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

25-2-492 -> Site Development Regulations--Maximum Allowable Impervious Coverage for SF-3 Lots is 45%

25-2-899 -> Fences as Accessory Uses--Section (E) Limiting solid fence height to 6' without written consent from adjacent property owner. Supported by subsection (E.1.)

## 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:

The engineered solution, approved by Public Works, for our retaining wall called for an "inverted footer." The sub-grade square footage of traditional footers is not counted toward impervious coverage. Our "inverted footer" includes controlled drainage and can easily be compared to other footers that are not counted as impervious surfaces. Also, multiple grade changes create unique problems for fencing along both the East and West property lines.

### Hardship

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

This property has a topography not typical to the vast majority of Austin homes, and is adjacent to a highly trafficked, high speed, portion of Riverside Drive. Designing an ultra safe, and extremely effective means of retention on the site has made a dramatic improvement on the storm water runoff coming from the property as well as the safety of drivers on Riverside.

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

The topography, unique to the lot, prevented pedestrian usage of the majority of the yard to the North of the existing home. As well, the street noise created by the high speed traffic on Riverside is not typical for homes in the neighborhood.

**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 added retaining wall and solid fence is located completely within the property lines of 504 Sunny Lane and corresponds with the adjacent improvement at 502 Sunny Lane. The wall and fence also help block street noise for both of the neighboring properties and do not adversely affect sitelines for either neighbor.

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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 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:

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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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### 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: Colby Turner Digitally signed by Colby Turner  
Date: 2019.07.03 10:12:05 -05'00' Date: 07/09/2019

Applicant Name (typed or printed): Colby Turner

Applicant Mailing Address: 1108 Shuberg St

City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

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: \_\_\_\_\_ Date: 07/19/2019

Owner Name (typed or printed): Ryan Diepenbrock

Owner Mailing Address: 504 Sunny Lane

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 326-3905

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: Colby Turner

Agent Mailing Address: 1108 Shuberg St

City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

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).

Our variance request is two fold and includes a request to increase impervious coverage due to the requirement for a unique retaining solution as well as a request for an increase in allowable solid fence height for an increasingly noisy Riverside Drive. The exact requests are as follows:

### 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: Colby Turner Digitally signed by Colby Turner  
Date: 2019.07.03 10:12:05 -05'00' Date: 07/09/2019

Applicant Name (typed or printed): Colby Turner

Applicant Mailing Address: 1108 Shuberg St

City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

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: 07/19/2019

Owner Name (typed or printed): Ryan Diepenbrock

Owner Mailing Address: 504 Sunny Lane

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 326-3905

Email (optional – will be public information):

### Section 5: Agent Information

Agent Name: Colby Turner

Agent Mailing Address: 1108 Shuberg St

City: Austin State: TX Zip: 78721

Phone (will be public information): (512) 791-0506

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).

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**Additional Space (continued)**

Variance Request 504-A: [25-2-492] We would like to increase the allowable impervious coverage as dictated by the Land Development Code (25-2-492) from the maximum allowable impervious coverage of 45% for SF3 lots to 59.5%. The requested increase is due to the unique design of the retaining wall at the North end of the property which required the construction of an "inverted footer." This design was approved by the Department of Public Works, and insured that the property owners would be able to take full advantage of their backyard as well as not adding any pressure to the existing retaining wall on Riverside at the North end of the property. The square footage of footers for retaining walls and the like are normally not counted as impervious coverage.

Variance Request 504-B: [25-2-899 (E)] We would like to request that a 7'2" fence be allowed to remain at the North end of the property as it borders Riverside Drive. The City of Austin is our neighbor along that property line and we need consent from her for our fence to be higher than the 6' maximum. As well, we would like to request that height (7'2") be allowed to continue Southwest 29' from the Northeast property corner along the East property line as well as another 36' starting at the Northwest property corner heading Southwest along the West property line. The grade change on the East side of the property makes the majority of this stretch a retaining wall with the fence height at 18" on the East side of the fence before the neighbors grade goes to cliff at their NW property corner. The West fence, at the 36' section in question, is less than 62" tall on the neighbors side, to the Southwest of the retaining wall at 502 Sunny.

**SAVE**



SCALE: 1"= 20'

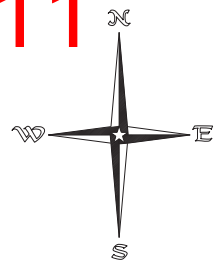
## Legend

- ⊙ ½" Iron Rod Found
- ipf ⊙ ½" Iron Pipe Found
- ◇ ½" Iron Rod Found with plastic cap
- △ PK Nail Found
- ⊙ Calculated Point
- Wood Board Fence



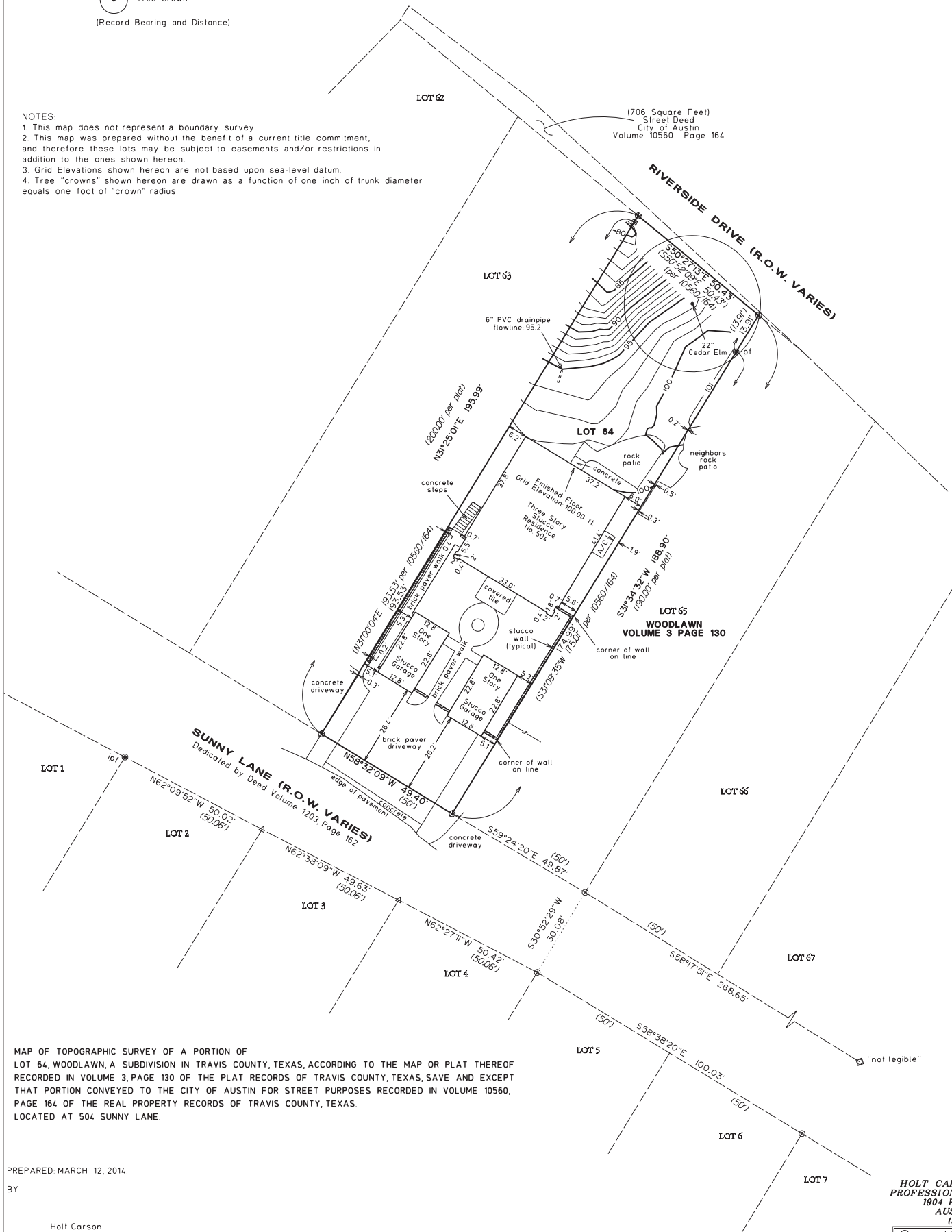
(Record Bearing and Distance)

FLOOD ZONE CLASSIFICATION A portion of this property lies within Zone X (areas determined to have 0.2% annual chance flood hazard) according to Federal Emergency Management Agency Flood Insurance Rate Map Panel No 48453C0465 H, dated September 26, 2008.



### NOTES:

1. This map does not represent a boundary survey.
2. This map was prepared without the benefit of a current title commitment, and therefore these lots may be subject to easements and/or restrictions in addition to the ones shown hereon.
3. Grid Elevations shown hereon are not based upon sea-level datum.
4. Tree "crowns" shown hereon are drawn as a function of one inch of trunk diameter equals one foot of "crown" radius.



PREPARED MARCH 12, 2014.

BY

Holt Carson  
Registered Professional Land Surveyor No. 5166

HOLT CARSON, INCORPORATED  
PROFESSIONAL LAND SURVEYORS  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
(512) 442-0990

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SCALE: 1" = 20'

## Legend

- ⊙ 1/2" Iron Rod Found
- ipf 1/2" Iron Pipe Found
- ⊙ 1/2" Iron Rod Found with plastic cap
- ⊙ PK Nail Found
- ⊙ Calculated Point
- Wood Board Fence
- Chain Link Fence
- Wrought Iron Fence
- (Record Bearing and Distance)

FLOOD ZONE CLASSIFICATION: A portion of this property lies within Zone X (areas determined to have 0.2% annual chance flood hazard) according to Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48453C0465 H, dated September 26, 2008.



NOTES:  
 1. This map does not represent a boundary survey.  
 2. This map was prepared without the benefit of a current title commitment, and therefore these lots may be subject to easements and/or restrictions in addition to the ones shown herein.

## AREA TABLE

Improvement	Percentage of Total Lot Area
TOTAL LOT AREA	9,558 square feet
House 1,678 square feet	17.7%
Astroturf over concrete 1,489 square feet	15.6%
Pavers 1,002 square feet	10.5%
Pool coping 133 square feet	1.4%
Garages 584 square feet	6.1%
Walls 241 square feet	2.5%
Covered areas 228 square feet	2.4%
Hot tub coping & bench 97 square feet	1.0%
Covered tile 87 square feet	0.9%
Concrete pool pump pad 54 square feet	0.6%
Concrete steps 35 square feet	0.4%
Concrete A/C pad 32 square feet	0.3%
Rock planters 12 square feet	0.1%

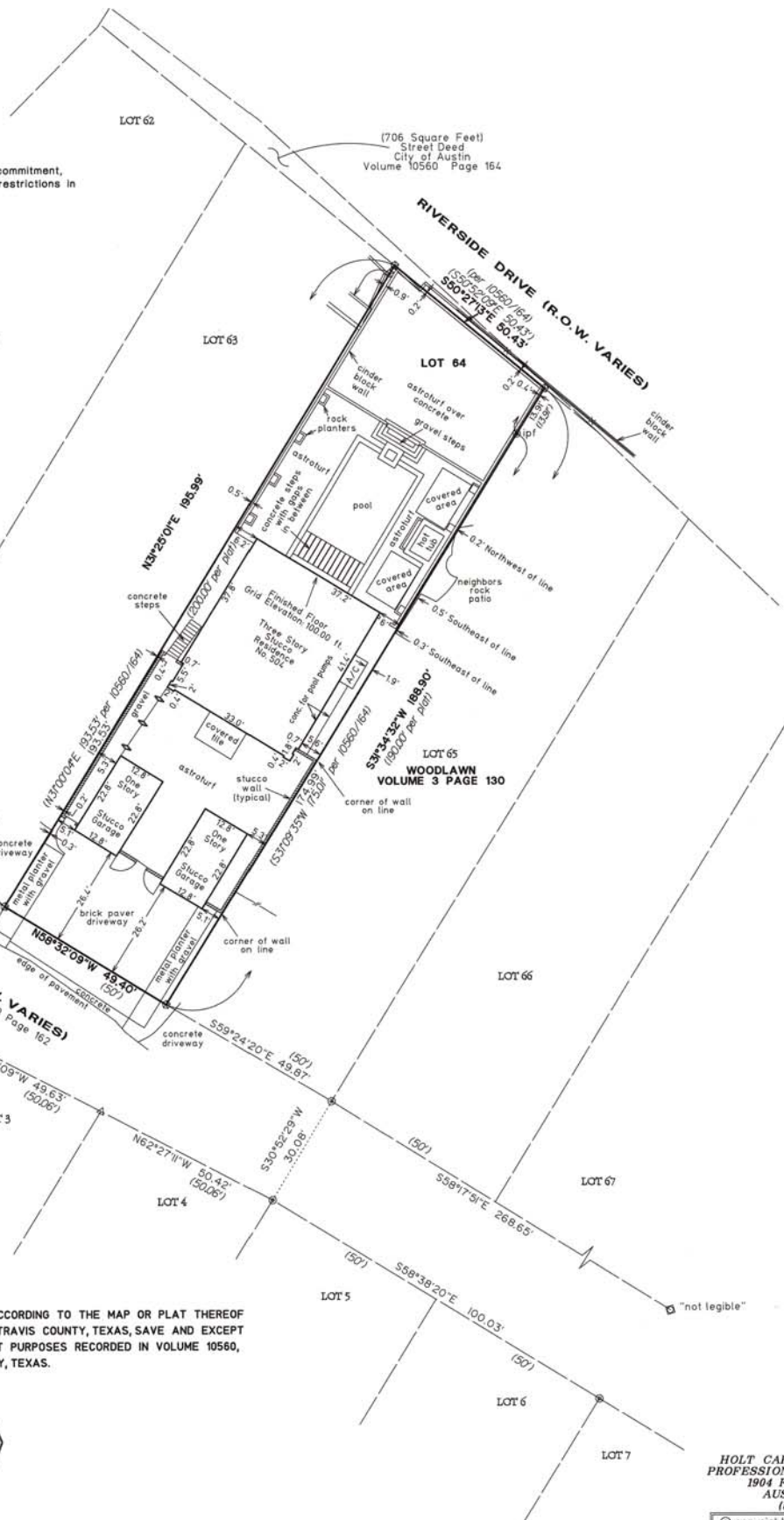


EXHIBIT MAP OF  
 LOT 64, WOODLAWN, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF  
 RECORDED IN VOLUME 3, PAGE 130 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT  
 THAT PORTION CONVEYED TO THE CITY OF AUSTIN FOR STREET PURPOSES RECORDED IN VOLUME 10560,  
 PAGE 164 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.  
 LOCATED AT 504 SUNNY LANE.

PREPARED: March 8th, 2019

BY

*Holt Carson*

Holt Carson

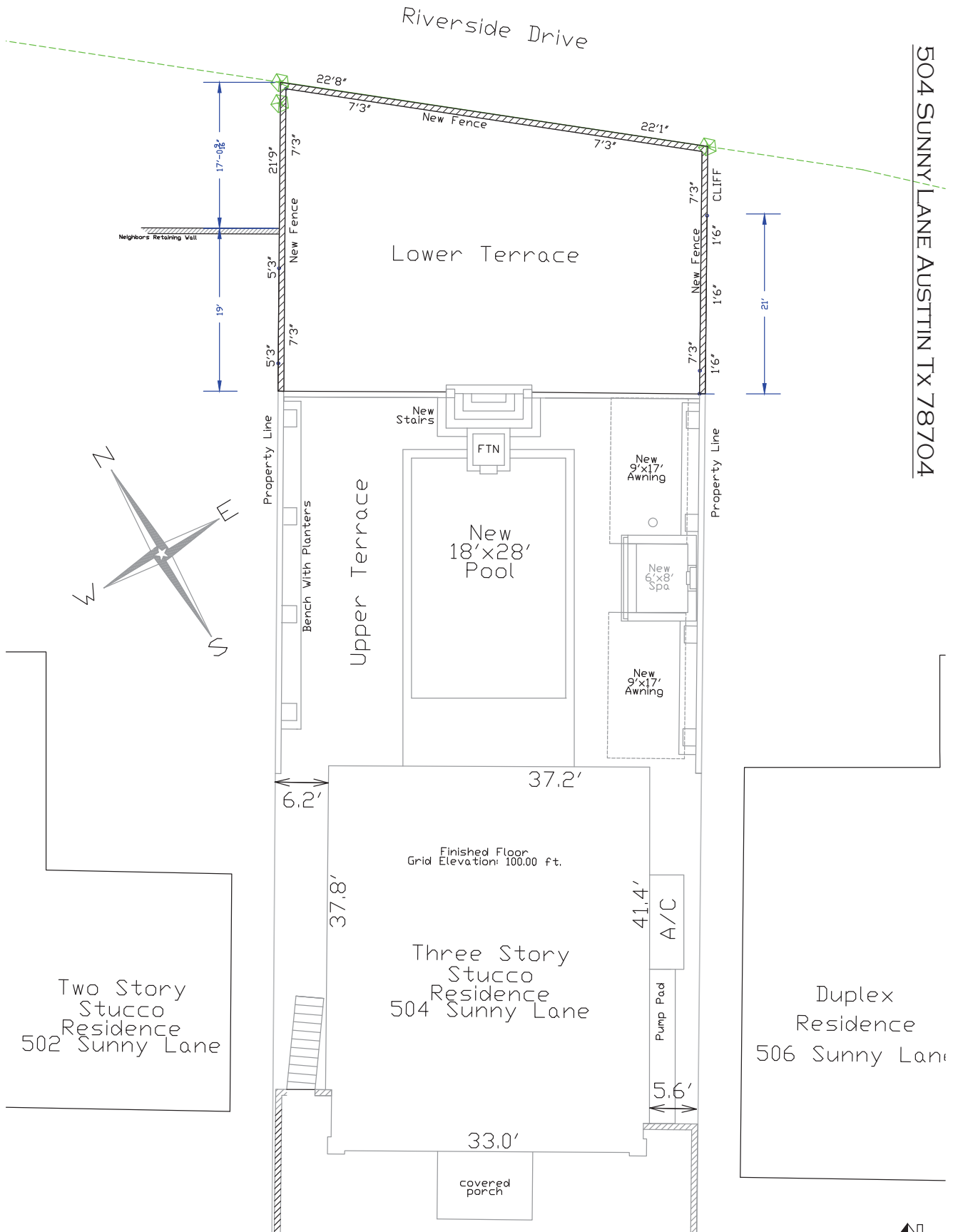
Registered Professional Land Surveyor No. 5166



HOLT CARSON, INCORPORATED  
 PROFESSIONAL LAND SURVEYORS  
 1904 FORTVIEW ROAD  
 AUSTIN, TX 78704  
 (512) 442-0990

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504 SUNNY LANE AUSTIN TX 78704



## 504 Sunny Lane Impervious Coverage Table

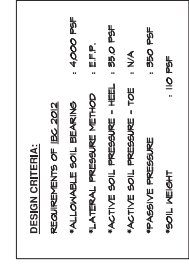
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Column (A) shows tabular data with the Lower Terrace considered impervious.

Column (B) shows total without the Lower Terrace being considered impervious.

	(A)	(B)
House	17.7	17.7
Astroturf over concrete	15.6	
Pavers	10.5	10.5
Pool Coping	1.4	1.4
Garages	6.1	6.1
Walls	2.5	2.5
Covered Areas	2.4	2.4
Hot Tub and Bench	1	1
Covered Tile	0.9	0.9
Concrete Pool Pump Pad	0.6	0.6
Concrete steps	0.4	0.4
Concrete A/C Pad	0.3	0.3
Rock Planters	0.1	0.1
<u>Totals</u>	<u>59.5</u>	<b>43.9</b>







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## TEST REPORT

### CLIENT:

Company:	Global Syn-Turf	Report Number:	74113B
Address:	5960 Inglewood Dr Suite 150	Lab Test Number:	3019-6606
	Pleasanton, CA 94588	Test Completion Date:	6/5/2018
		Report Date:	6/18/2018
		Page:	1 of 1
Requested By:	Patricia Ochoa		

### TEST MATERIAL:

Material Type:	Synthetic Turf	Date Received:	5/30/2018
Material Condition:	EXCELLENT: XXX GOOD: POOR: REJECTED:		
Turf ID:	Super Natural-80		
Infill:	None		

### TESTING METHODS REQUESTED:

Testing Services Inc. was instructed by the client to test for the following...			
Standard:	ASTM F1551	Test Method:	Standard Test Methods for Comprehensive Characterization of Synthetic Turf Playing Surfaces and Materials: Suffix-DIN 18-035, Part 6: Water Permeability of Synthetic Turf Systems and Permeable Bases

### SAMPLING PLAN:

Sampling Date:	5/30/2018
<ul style="list-style-type: none"> <li>Specimen sampling is performed in the sampling department at TSI.</li> <li>The sampling size of specimens is determined by the test method requirements.</li> <li>In the event a specific sampling size is not called for, a determination will be made based on previous testing experience, and approved for use by an authorized manager.</li> <li>All samples are subjected to the outside environmental conditions of temperature and relative humidity.</li> <li>Sample requiring pre-determined exposure to specified environmental conditions based on a specific test method, take place in the departments in which they are tested</li> </ul>	

### PROCEDURE:

This test method determines the rainfall drainage capacity (permeability) of the playing surface. Test data values represent drainage rates vertically thru the turf, and do not take into account the percolation properties of any infill, pad and/or an underlying sub base. Three specimens, 11.5" diameter, were cut from the 15' turf roll, side-center-side manner. Each turf specimen was securely fastened to the permeability tube using mechanical flanges, ensuring vertical water flow thru the product. The water was pumped into the tube faster than could exit, until the water level reached 6". The water source was shut off, allowing the accumulated 6" water level to recede. The recede was timed via stopwatch until the water level exited the turf. The flow time was recorded in seconds. This procedure was repeated a total of 4 times where, the first pass was for conditioning, with passes 2,3,4 used for averaging. This process was repeated on the remaining specimens.

### DEVIATION FROM TEST METHOD:

State reason for any Deviation from, Additions to, or Exclusions From Test Method.
None

### TEST SUMMARY:

Specimen #	Drainage (Seconds)	gal/min/yd <sup>2</sup>	Rainfall Capacity (inches/hour)
1	100.3	20.1	61.8
2	60.2	33.5	102.9
3	60.5	33.4	102.5
Average			89.1 inches/hour

### Uncertainty:

We undertake all assignments for our clients on a best effort basis. Our findings and judgments are based on the information to us using the latest test methods available. TSI can only ensure the test results for the specific items tested. Unless otherwise noted in the deviations sections of this report, all tests are performed in compliance with stated test method.

### Test Report Approval:

 Erle Miles, III, Lab Director Testing Services Inc.

TSI Accreditation: TSi is a certified independent testing laboratory by the Synthetic Turf Council





## 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.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

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. All comments received will become part of the public record of this case.

**Case Number: C15-2019-0045**

**Contact: Elaine Ramirez, 512-974-2202**

**Public Hearing: Board of Adjustment, August 12<sup>th</sup>, 2019**

Dean Van Landuyt, P.E.

Your Name (please print)

502 Sunny Lane

Your address(es) affected by this application

2-1-2

Signature

Date

Daytime Telephone: (512) 326-3561

8.9.2019

☐ I am in favor of the object

Comments: I am a structural engineer and have examined the plans and permits and have personally witnessed and photoed the project as I live next door. The BLD permit does not show "Inverted Slab" footer. This slab/footer is not accounted for in Imp. cover calculations. The 90 Imp. Cov math is incorrect (no way to calc. 39% using their numbers). The fence is not 7'-2" If you use this form to comment, it may be returned to: City of Austin-Development Services Department/ 1st Floor Elaine Ramirez P. O. Box 1088 Austin, TX 78767-1088 (McMansion) 3.4.4 states; of a retaining wall is measured Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov) from the bottom of the retaining wall. The owners

have received 3 letters from Kelly stillwell, Beth Culver & Rick Holloway stating this.



South River City Citizens Inc.  
P O Box 40632  
Austin TX 78704  
[www.srccatx.org](http://www.srccatx.org)

Eric Cassady, President  
Dan Fredine, Vice President  
Oliver Caruso, Treasurer  
Mary Friedman, Secretary  
Carol Martin, Membership Secretary

Jennifer Verhulst, PE  
Chief Plans Examiner  
Development Services Department  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

February 25, 2019

RE: Permit Number 2016-111042, Owner Ryan Diepenbrock, Contractor Colby Turner

Dear Ms. Verhulst,

SRCC Neighborhood Association has been contacted by Dean Van Landuyt, residing at 502 Sunny Lane, regarding his adjacent neighbor's construction project at 504 Sunny Lane. Mr. Van Landuyt reports that in the past, he has had difficulty communicating with your staff, and we support his efforts to resolve the issues with his neighbor's project.

Mr. Van Landuyt makes a strong case for possible irregularities in the city permitting process and possible illegalities in the project's construction. In particular, he is concerned about issues listed on the "Stop Work" notice posted at the site recently including impervious cover, work scope beyond that permitted, possible subchapter F FAR violation (secret room), site drainage onto Riverside Dr., and construction of a CMU block wall between 504 and 502 Sunny Lane without a permit.

SRCC requests a meeting to be held as soon as possible between your staff, Mr. Van Landuyt and members of the SRCC Planning and Zoning Committee to address these issues of great concern to our neighborhood.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric Cassady', with a stylized, flowing script.

Eric Cassady  
President



CC:

Dean Van Landuyt

Denise Lucas, Interim Director, CoA DSD

Spencer Cronk, City Manager

Rodney Gonzales, Asst. City Manager

Kathie Tovo, District 9 council member

Carol Gibbs, Sr. Planning Manager, Office of DSD Director



**From:** [REDACTED]  
**To:** [Ramirez, Elaine](#)  
**Subject:** C15-2019-0045,  
**Date:** Thursday, August 08, 2019 8:33:15 AM  
**Attachments:** [2019-08-08 08-21.pdf](#)

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Regarding 504 Sunny Lane

As a neighbor, a longtime resident of this neighborhood, and a member of the parks board (familiar with erosion issues), I have sincere concerns about this variance. Details on the homeowner's variance application do not appear to jive with what is declared on the variance request. Another neighbor has shown us photos of a secret, unauthorized room they built without a permit, concealed beneath the concrete for the pool deck and pool house. These neighbors have been adding on for at least a year if not longer, inconveniencing all neighbors on this tiny one-lane street (was once an alley) with noise and construction parking. This is just background info for the protest we are filing.

It would not take much sleuthing by the city to see that what they have built is much more than what they are asking as variances. The regulations are in place to protect everyone and the environment. Please encourage the equitable enforcement of these regulations.

Laura and Greg Sajbel

--

Sent with Genius Scan for iOS.  
<https://dl.tglapp.com/genius-scan>

Sent from my phone. Please overlook typos!

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**Case Number: C15-2019-0045**

**Contact: Elaine Ramirez, 512-974-2202**

**Public Hearing: Board of Adjustment, August 12<sup>th</sup>, 2019**

Greg & Laura Sajbel

Your Name (please print)

508 Academy Dr

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Laura Cottam Sajbel

Signature

Aug 8 2019

Date

Daytime Telephone: 512 916-0734 (h)

Comments: Already the fences are at least this high -  
and we are concerned that the whole lot seems  
concrete, especially on this steep hill, as it  
affects the flooding of neighboring properties &  
the street of Riverside. I believe the variance  
request is more an ask of "forgiveness" after the  
concrete & walls have already <sup>been</sup> poured. Please enforce  
the codes equitably for all concerned.

**If you use this form to comment, it may be returned to:**  
**City of Austin-Development Services Department/ 1st Floor**

**Elaine Ramirez**

**P. O. Box 1088**

**Austin, TX 78767-1088**

**Fax: (512) 974-6305**

**Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)**



## 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.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

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**Case Number: C15-2019-0045**

**Contact: Elaine Ramirez, 512-974-2202**

**Public Hearing: Board of Adjustment, August 12<sup>th</sup>, 2019**

James J. Merriam, P.E.

Your Name (please print)

☐ I am in favor  
☒ I object

518 Academy Dr.

Your address(es) affected by this application

James J. Merriam

Signature

Date

Daytime Telephone: 512-971-1974

2 Aug 19

Comments: 1) THIS IS A McMASSION; McMASSIONS AND

THE CURRENTS ATTITUDES ARE RUINING OUR NEIGHBORHOOD.

2) HE HAD TO HAVE KNOWN THE RULES BEFORE CONSIDER-

ATION WAS STARTED!

3) WE HAVE THE RULES FOR GOOD REASONS.

4) HE IS NOT ENTITLED TO A VARIATION FOR AN INTEN-

TIONAL VIOLATION JUST BECAUSE HE WANTS IT.

5) HE SHOULD HAVE BUILT HIS NEIGHBORHOOD

WHERE SUITABLE TO WHAT HE WANTS!

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City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

**From:** [REDACTED]  
**To:** [Ramirez, Diana](#)  
**Cc:** [REDACTED]  
**Subject:** Case #C15-2019-0045 (504 Sunny Lane)  
**Date:** Friday, August 09, 2019 3:00:43 PM

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This message is from Bill Neale. [REDACTED]

Dear board members,

I am writing on behalf of the Zilker Neighborhood Association (ZNA) to voice our opposition to the variance requests for 504 Sunny Lane (C15-2019-0045).

The owner does not need these variances to enjoy reasonable use of his property. Even though there is a steep slope at one end, the remainder of the 9883 square foot lot allows a residence with dimensions consistent with others in the neighborhood.

The lower terrace, however, is inconsistent with the neighborhood character. It overhangs a retaining wall and upper supporting structure, both of which abut the property line and violate the 25-foot setback for a through lot, which is what 504 Sunny Lane is.

Not only is the lower terrace visually intrusive, it causes the property to have 59.5 percent impervious cover. Laying the terrace with Astroturf would not mitigate this noncompliance. Granting the two variances would set a negative precedent for neighborhoods with similar topography, such as in the Zilker Neighborhood along Azie Morton Road and Lund Street, to cite just two examples.

In view of these concerns, ZNA urges the Board of Adjustment to deny the two variance applications.

Respectfully yours,  
Bill Neale, chair  
ZNA Zoning Committee

No district found for the address provided.

**From:** [REDACTED]  
**To:** [Ramirez, Elaine](#)  
**Cc:** [REDACTED]  
**Subject:** 504 Sunny Lane, Case # C15-2019-0045  
**Date:** Monday, August 12, 2019 9:41:27 AM

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Dear Ms. Ramirez, this is to request a postponement of the Board of Adjustment hearing tonight for the subject address/case #, for the following reasons:

- Our neighborhood association, South River City Citizens, did not receive an email notice in time to inform the membership and to prepare a response (no email notice has been received to date), and the USPS notice post-marked 7/31 arrived after the prior Tuesday postponement date)
- The letter that our neighborhood association mailed to your organization, 2/15/2019, has not been included in the BoA folder, and is attached for that purpose for the Board's review
- Neither the property owner(s) nor their agent has contacted our neighborhood association on this matter

My understanding is that the above reasons are sufficient for a postponement.

Russell Fraser  
SRCC P&Z Committee Chair  
512-771-9736 Cell



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Case Number: C15-2019-0045

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment, August 12<sup>th</sup>, 2019

Your Name (please print)

Laedette Love

☐ I am in favor  
☒ I object

Your address(es) affected by this application

400 Ascendancy Drive  
Laedette Love

Signature

Date

Daytime Telephone:

Comments:

I don't think  
everyone should build  
something & then ask for  
permits. They should  
not need them. They need  
to need them & if they  
don't need them, they  
don't need them. I feel  
that argument.

If you use this form to comment, it may be returned to:

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

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