

**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:  Date: 9/6/2019

Applicant Name (typed or printed): Permit Partners, LLC (David Cancialosi)

Applicant Mailing Address: 105 W. Riverside Dr. Suite #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512 393-5361

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.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Name (typed or printed): \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

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

**Section 5: Agent Information**

Agent Name: David Cancialosi (Permit Partners, LLC)

Agent Mailing Address: 105 W. Riverside Dr., Suite #225

City: Austin State: TX Zip: 78604

Phone (will be public information): 512-593-5361

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).

N/A SEE COVER LETTER

### Section 3: Applicant Certificate

P-4/21

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name (typed or printed): \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

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.

EMERALD APARTMENT LIMITED

By: EMERALD LAGUNA CORPORATION

Owner Signature: \_\_\_\_\_ Date: 1-17-19

Owner Name (typed or printed): BY: PARIS R. SCHINDLER, PRESIDENT

Owner Mailing Address: 1616 S. Voss #885

City: HOUSTON State: TEXAS Zip: 77057

Phone (will be public information): 713/871-0995

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

### 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).

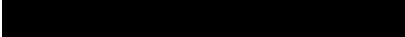
---

---

---

---

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



September 6, 2019

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

RE: 1901 Westlake Drive BOA request to:

1. Reduce shoreline setback regulated per LDC 25-551(B)(1)(a) from 75' to 25'
2. Request to reduce impervious cover per LDC 25-2-551(c)(3)(a) from 75% to 62% in the 0- 15% slope category
3. Request to increase impervious cover per LDC 25-2-551(c)(3)(b) from 65% to 67% in the 15- 25 % slope category
4. Request to reduce / maintain impervious cover per LDC 25-2-551(c)(3)(c) from 39% to 35% in the 25- 35% slope category
5. Request to maintain impervious cover per LDC 25-2-551(e)(2) from 8% to 8% in the 35% slope category

Dear Board of Adjustment Commissioners:

My client is requesting a variance to reduce the Lake Austin shoreline setback and exceed the allowable impervious coverage on an approximately 2.26 acre property. The reasons for these requests are listed below in bullet format to expedite the discussion.

The 75' shoreline setback abuts approximately 600' of lake frontage on two sides of this irregular shaped lot. We are seeking 25' shoreline setback around the entire lot in order to gain more net-site area. The impervious coverage numbers seem high due to the required calculation methodology per 25-2-551 (d); however, the proposed *gross lot area's* impervious coverage is 35% IC of 2.26 platted acres. The property owner requests the Board review the requests and keep in mind the lot's steep topography, existing impervious coverage created by a long driveway, and irregular shaped frontage on the lake among other hardships unique to this property.



### Reasonable Use

- The property owner is requesting a reduced setback from the 75' shoreline setback as well as increased impervious cover to accommodate a proposed single-family structure and associated accessory structures. This combination of variances is customary when calculating the city-required LA zoning slope map in accordance with LDC 25-2-551. The property owner would like to erect a primary residence with associated improvements. To do so in a reasonable manner, the aforementioned impervious coverage percentages are requested in tandem with the shoreline reduction to 25' setback around the irregular shaped lot.
- This is a fair and reasonable use in Lake Austin zoning category as that zoning category specifically prescribes development of a residential nature.
- The area proposed for the new residence is the flattest area of the entire lot with the exception of an existing tennis court and small portions of the internal driveway area, which provide access from Westlake Drive. Most of the driveway is very steep and fairly unsafe in it's current form. The property owner would repave the existing drive should the Board approve this request.

### Hardship

- The original 1915 Lakeshore Addition plat was created prior to the adoption and application of Lake Austin zoning. This lot was created with that subdivision then it's current boundaries were finalized in 1944 then again in 1959. The lot is legally known as Lot 5 Emerald Bay subdivision. It is a legally platted lot with an irregular shape.
- The city changed the zoning from "A" *First Height and Residential* to *Lake Austin* zoning. "A" zoning was essentially the same as today's SF-2 zoning which calculates impervious cover at 45% of gross lot area.
- The lot did not have the required 100' of street frontage per COA LDC 25-2-492(d) at the time the City rezoned the property from "A" First Height and Residential to "LA" Lake Austin in the early 1980's per Ordinance No. 84-0930 adopted in September 1984.
- Changing the zoning from "A" to "LA" rendered the lot substantially less valuable as well as substantially less useable, thus this request to utilize the property for the continuance of a single-family project.
- The 2.26 acre lot is reduced to approximately 1.25 acres when applying the net site area calculations per LA zoning. Approximately 1 acre of taxable land area is not useable under stated statute. Taxes have been paid on this land for decades. That begs the question of what is equitable and fair when the LA zoning standards are applied to the physically platted lot area.
- The site has not been fully developed. There exists a tennis court and a boat dock. It is still an ongoing single-family project.



- The lot is an irregular shaped lot with 600'+ of lake frontage on two sides.
- The lot also has substantially steep terrain, which precludes any practical use of the property under the current LA zoning regulations.
- Of the gross lot area (98,500 SF), approximately 44,000 SF are within the 75' shoreline setback. This area is taxed but rendered useless by LDC 250-2-551 regulations.
- Within the net lot area of 54,500 SF about 29,000 SF are located in the 35%+ slope category.
- This 35%+ slope area comprises approximately 50% of *the 54,500 SF net site area*.
- The 35%+ category prohibits any impervious coverage per the LDC; however, the owner proposes to maintain the same 8% IC.
- The remainder slope categories have impervious coverage as a result of existing driveways and retaining walls. These are in place due to the extensive lot topography as you travel from Westlake Drive down to the lake. The MSL contour at Westlake Drive is ~630'. The MSL contour at the lake is 492'. This constitutes a 130'+ drop in elevation. The required driveway retaining walls are counted as part of the IC in each slope. Thus the existing IC percentages far exceed what is allowed by code. This is not abnormal for LA zoned lots saddled with extreme topography.

### **Not General to the Area**

- There are no known lots in the immediate area with the combined hardships of topography and dual frontage on Lake Austin which prohibit a significant amount of land from being utilized in a reasonable manner.

### **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.
- There are substantial trees within the 25' shoreline setback area. These will not be impacted. They prevent any practical use of the land within the 25' shoreline setback.

In sum, the proposed setback reduction and impervious cover variances would allow a reasonable use of the property, would not be dissimilar to other shoreline setbacks the Board has approved for sites with similar issues, and will have no adverse impact on adjacent properties. This application proposes a 25' shoreline setback around the entire lake frontage as well as the accompanying impervious coverage for each slope. In your packet this is itemized as Sheet 3.0. You will find an existing conditions plan on Sheet 1.0. We've also included some design options for the Board's consideration. These exhibits are labeled as:

1. *Sheet 2.0 with a 75' shoreline and partial reduction to 25' setback*
2. *Sheet 2.1 shoreline with a 75' setback and partial reduction to 25' setback with ribbon driveway*
3. *Sheet 3.0 reducing the 75' shoreline to 25' along the entire perimeter* (this is the requested variance with the associated IC proposals), and
4. *Sheet 3.1 showing 25' shoreline setback with ribbon driveway.*

We felt it imperative to give the Board a few options for approving this request via the accompanying exhibits, but also to illustrate the degree of complexity of the exercise when calculating setback reduction vs. net-site area vs. impervious coverage percentages per category. Please see the attached exhibits.

We acknowledge the Board's authority to amend this request and require the applicant to return to a subsequent Commission hearing should the City posting be amended to reflect a desired compromise if the current request is untenable to the Board.

I ask the Commission take into consideration the aforementioned statements and approve the requested variance for 25' shoreline setback and the related, proposed impervious coverage percentages for each slope category.

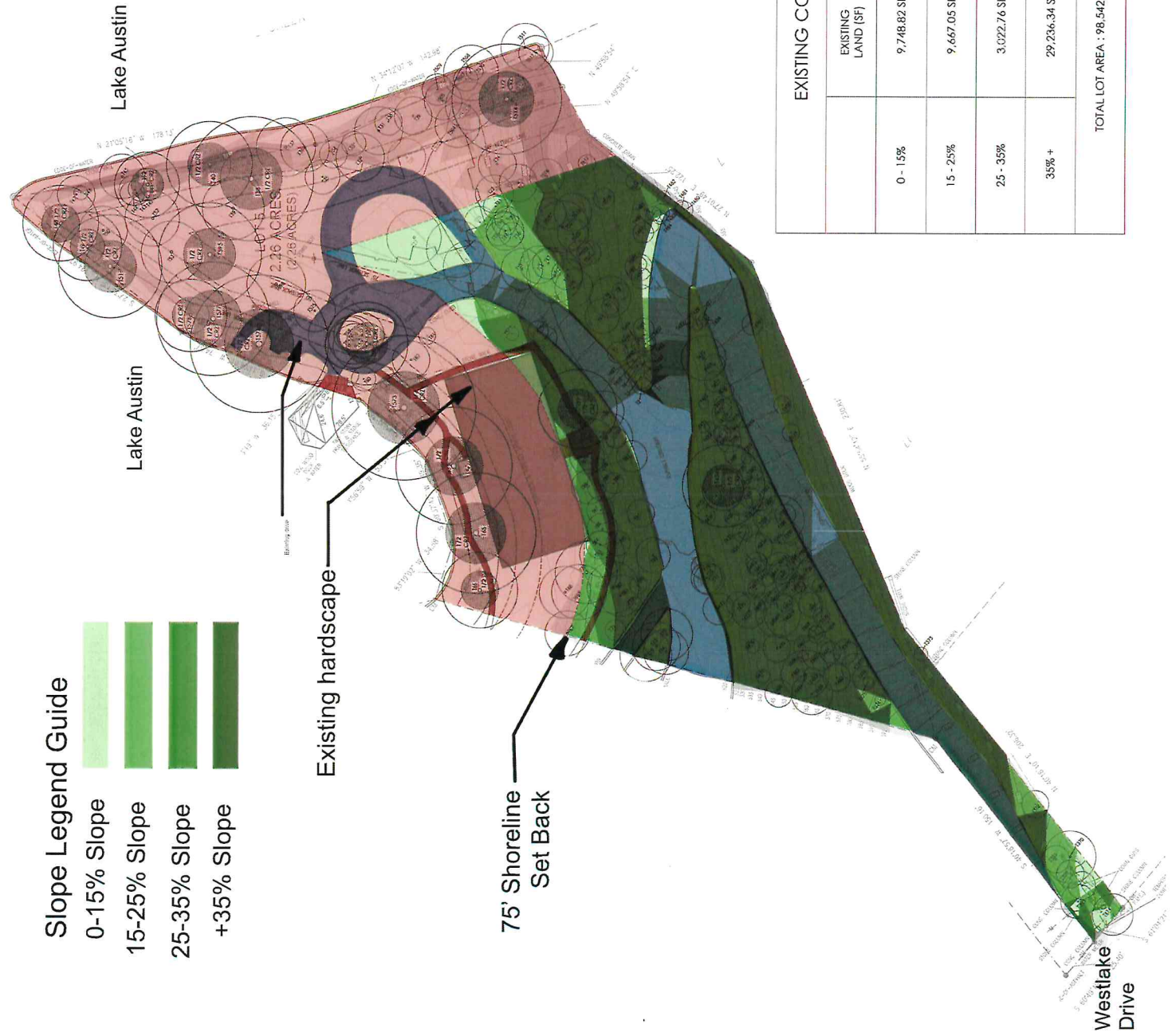
Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Paris Schindler, Cole Schindler, Bob Wetmore, Stephen Tarver

# SHEET 1.0 EXISTING CONDITIONS WITH 75' SHORELINE SETBACK



LOT SIZE = 98,542.24 S.F.

GROSS IMPERVIOUS COVERAGE = 17.5%

75 FT SHORELINE SETBACK = 46,867.27 S.F.

N.S.A. = 51,674.97 S.F.

EXISTING DRIVEWAY = 23,432.74 S.F.

EXISTING CONDITIONS 75 FT. SHORELINE SETBACK				
	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)
0 - 15%	9,748.82 SF	7,324.97 SF	75%	35%
15 - 25%	9,667.05 SF	6,291.64 SF	65%	10%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%
35% +	29,236.34 SF	2,467.05 SF	8%	0%
TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,867.27 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)				

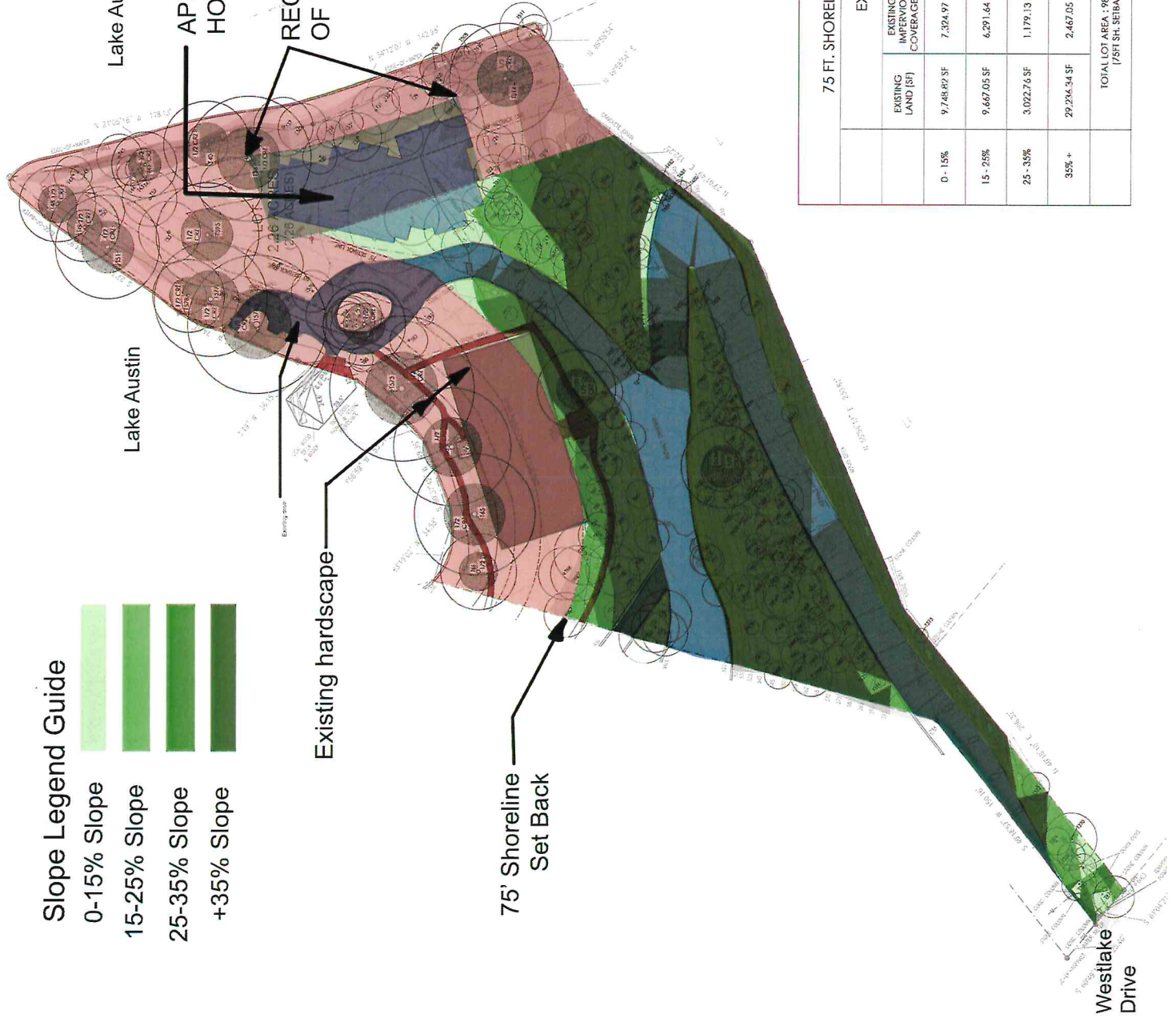


# SHEET 2.0

75FT AND PARTIAL 25FT  
SHORELINE SETBACK VARIANCE

## Slope Legend Guide

- 0-15% Slope
- 15-25% Slope
- 25-35% Slope
- +35% Slope



REMAINDER OF 75' SHORELINE  
SETBACK TO REMAIN IN PLACE  
LOTSIZE = 98,542 S.F.  
EXIST. GROSS I.C. = 17.5%  
PROPOSED GROSS I.C. = 26.9%  
75 FT SHORELINE = 32,450.15 S.F.  
PARTIAL 25 FT SHORELINE = 3,150.76 S.F.  
EXISTING DRIVEWAY = 18,274.01 S.F.

PROPOSED DESIGN									
75 FT. SHORELINE SETBACK WITH PARTIAL 25FT SHORELINE SETBACK									
	EXISTING				PROPOSED				
	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)	PROPOSED LAND (SF)	PROPOSED IMPERVIOUS COVERAGE (SF)	PROPOSED IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)	
0 - 15%	9,748.87 SF	7,324.97 SF	75%	35%	16,527.13 SF	12,737.91 SF	77%	35%	
15 - 25%	9,687.05 SF	6,291.64 SF	65%	10%	14,052.34 SF	10,098.59 SF	72%	10%	
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%	3,125.52 SF	1,204.09 SF	39%	5%	
35% +	29,234.34 SF	2,467.05 SF	8%	0%	29,236.34 SF	2,467.05 SF	8%	0%	
TOTAL LOT AREA - 98,542.24 SF (LOT) - 46,862.29 SF (75' SH. SETBACK) = 51,679.95 SF (NSA)									
TOTAL LOT AREA - 98,542.24 SF (LOT) - 35,600.91 SF (75' & PARTIAL 25' SHORELINE SETBACK) = 62,941.33 SF (NSA)									

(NOTE: PARTIAL 25FT SHORELINE SETBACK IS TO ACCOMMODATE PROPOSED HOUSE)