

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

DATE: Thursday, November 7, 2019

CASE NUMBER: C15-2019-0055

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

APPLICANT: David Cancialosi

OWNER: Mark Odom

ADDRESS: 2803 EDGEWATER DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

1. (C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 66% (requested); 0% (existing)

2. (E) (2) to increase Impervious Cover to 29% for a driveway in order to erect a Single-Family Residential use in an "LA" zoning district.

NOTE: (for item (E) (2) The Land Development Code states on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to November 7, 2019, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO November 7, 2019. Nov 7, 2019 The public hearing

was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to January 13, 2020, Board Member William Hodge seconds on a 10-0 vote; POSTPONED TO JANUARY 13, 2020.

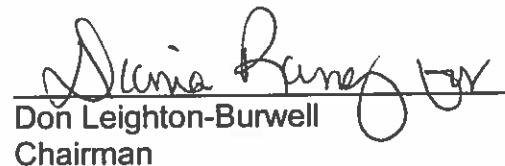
EXPIRATION DATE:

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 Case # C15-2019-0055
2803 EDGEWATER VARIANCE REVISION NOTES

DELIVERABLES : Included in this package and numbered accordingly

1. Revision Notes
2. Memorandum Letter
3. Revised Architecture Plans, Section, Trees, Rendering, and Calculations
4. Septic Design
5. Civil Drawings : stamped
6. Structural Letter regarding Pier&Beam Foundation
7. Adjacent Site Images
8. Survey: Tree and Topography
9. Neighbor Letters in support

HIGHLIGHTED NOTES: also included in drawings

1. Building Footprint of house has decreased from 2,233SF to 1,848 SF
2. Impervious cover at 25%-35% Zone has decreased : from 66% to 60%
3. Impervious cover Over 35% Zone has decreased : from 29% to 19%
 - a. **Driveway** exists in the over 35% zone which is allowed per code.
4. Structural Engineer has provided a letter indicating that Pier and Beam is not a viable solution for this project.
5. Soil Report indicates Bedrock below 24 inches.
6. Cut and Fill minimized and balanced per section : Retaining walls are limited to 4 feet per code
7. Foundation retaining walls are allowed to rise above 4 feet per code.
8. Surveyed Trees are indicated in plans: trees to remain and trees to be removed, all per code.
9. Civil Drawings - are present indicating drainage strategy and zero impact to adjacent neighbors. Run-Off to the street is minimized to less than a water-sprinkler. Existing conditions have been improved with our drainage plan.
10. Civil - The construction of a planned home on this lot was computed to increase the peak discharge to Edgewater by only 0.2 to 0.3 cfs in the 500-year condition (3 to 5 percent, or arguably the equivalent of 3 or 4 lawn sprinkler zones going off at the same time).
11. Septic Design - Drip Septic System is proposed by the Registered Septic Engineer, See Plans. Septic field is 2,000SF of space. Trees are Ok to remain, however canopy will need to be pruned so that sufficient sunlight is obtained.
12. The redesign meets the criteria of following "Area of Character" concerns.
13. Property Owners have spent over \$45,000.00 (not including architecture) in consultant fees in pursuit of gaining an impervious square footage variance. This is a financial hardship that should be recognized by the BOA.

M E M O R A N D U M

TO: Board of Adjustment
FROM: Mark Odom
DATE: December 13, 2019
SUBJECT: BOA CASE #: C15-2019-0055 _ 2803 Edgewater

- Building permit filed with a Chapter 245 Vested Rights Determination in May, 2019; denied June, 2019.
- Appeal of 245 Determination was heard on July 2, 2019. City Attorney requested additional case law to demonstrate that the City had fair notice of the plat permit filed with the County on March 9, 1959 before the property was annexed into the City Limited Purpose Jurisdiction.
- Case law was provided to the City Attorney on July 17, 2019 along with evidence that Austin Energy was an approving utility agency in the plat project from the very beginning and gave the City fair notice of the Project.
- The 245 Appeal Determination has never been made. City Attorney suggested a variance be sought in order to avoid the need for a final Vested Rights Determination.
- In an effort to cooperate with the City and without waving any Vested Rights claim, this variance was filed in early September. We were not able to get on the Board of Adjustment Agenda until October.
- Board of Adjustment postponed the October Hearing and asked for civil and structural plans.
- Applicant provided civil and structural reports at the November meeting. Board of Adjustment postponed to January to ask about the septic design. Septic design is being presented during the January meeting.
- We are here to seek justice, not an exemption, from a zoning regulation that cannot be made to conform with the platted lot sizes.
- The recorded plat configured the subject property as a 14,000 square foot platted lot in 1959. LA Zoning requires a minimum lot size of 43,560 square feet and impervious calculations to be based on slope categories. The zoning applied to this legally platted subdivision was unreasonable from the very beginning because it immediately made all these lots legal non-conforming and unbuildable.
- If the Vested Rights are granted, no impervious cover limit and no net site area calculation will apply. We understand why City Legal would rather you grant a variance than to rule on the Vested Rights. We are only asking for up to 4,200 square feet of impervious cover which is just at or under 30%.
- We agree to lower the variance request from 5,369 square feet to 4,200 square feet. If the variance, as requested, is not granted we will insist on a Vested Rights Determination, which is indisputable.

EDGEWATER VARIANCE

CASE # CL5-2019-0055
200113



P-2/5

PROJECT INFORMATION

PROJECT NAME: EDGEWATER RESIDENCE
LOCATION: 2803 EDGEWATER DRIVE, AUSTIN, TX 78733
ZONING: LA
LEGAL DESCRIPTION: LOT 8, BLOCK 1, AUSTIN LAKE ESTATES, SECTION TWO, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 9, PAGE 82, TRAVIS COUNTY PLAT RECORDS.

EDGEWATER VARIANCE

CASE # C15-2019-0055
200113



AREA BREAKDOWN (SF)

	PREVIOUS	REVISED
BUILDING COVER	2,233	1,893
DRIVEWAY	1,513	1,409
UNCOVERED DECK	569	429
OTHER	387	469
TOTAL IMPERVIOUS COV.	5,469	4,200
LOT SIZE	13,935	13,935
TOTAL IMPER. COV. %	39%	30%

EXISTING TREE LIST

TO REMAIN	TO BE REMOVED
#42 HACKBERRY 9	#39 HACKBERRY 8
#45 LIVE OAK 14	#41 HACKBERRY 9
#46 CREPE MYRTLE 7,6.5	#50 ELM 12
#49 ELM 9	#52 ELM 11
#59 ELM 9	#53 ELM 10
#65 ELM 13	#54 ELM 16
#66 ELM 11,7	#55 HACKBERRY 10
#67 ELM 11	#56 ELM 13
#68 ELM 10	#60 ELM 8
#69 ELM 17	#61 ELM 8
#70 ELM 11	#62 ELM 15
#79 HACKBERRY 10	#63 ELM 10
#80 SHUMARD OAK 13	#64 ELM 15,12
#81 CREPE MYRTLE 8	TOTAL INCHES 151
#82 ELM 19	
#83 ELM 8	
#137 ELM 10	
#141 ELM 6	
TOTAL INCHES 206	

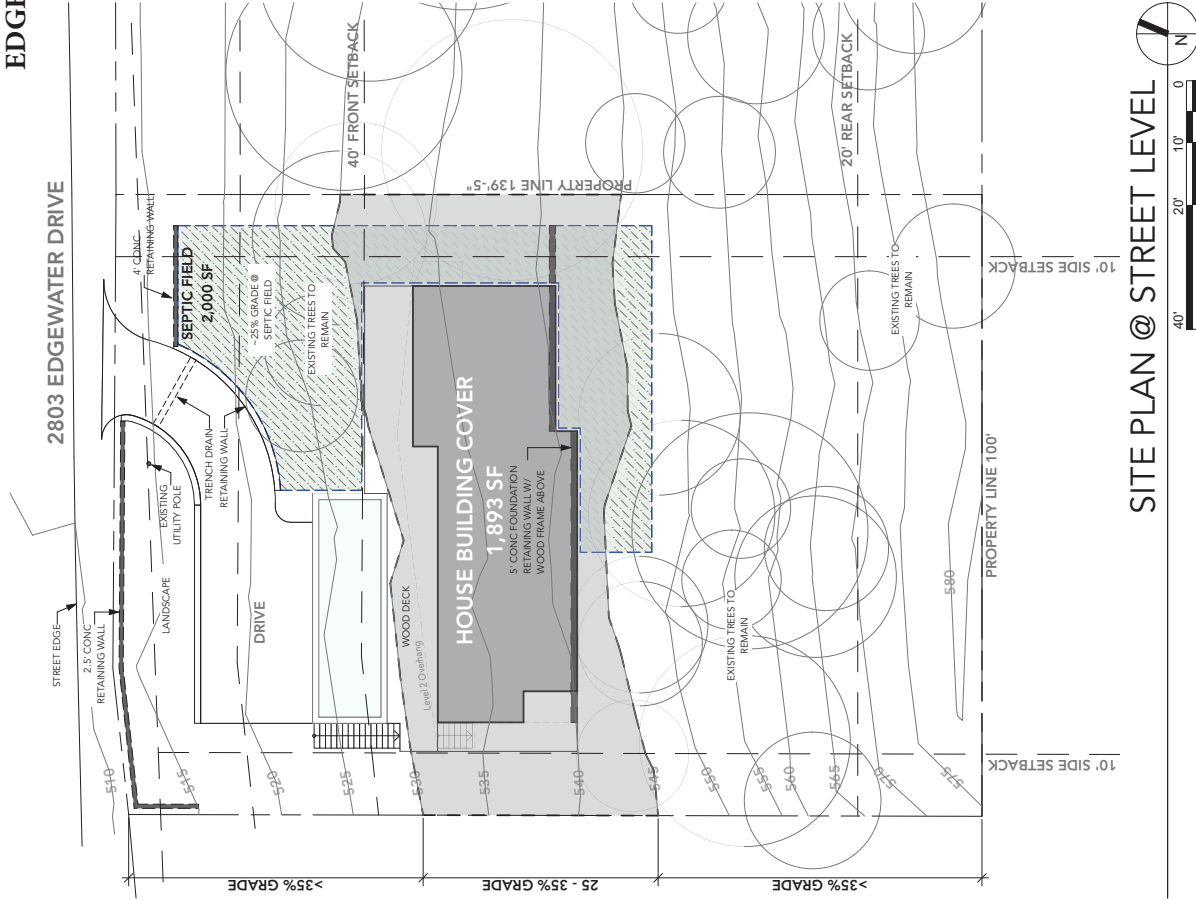
TOTAL EXISTING TREES	357"
TOTAL EXISTING TREES TO BE REMOVED	151"
TOTAL EXISTING TREES TO REMAIN	206"

PREVIOUS IMPERVIOUS COVER TABULATIONS BOA HEARING 10/14/19

SLOPE GRADE	ALLOWABLE % PER ZONE	PROPOSED % PER ZONE	ALLOWABLE SF PER ZONE	PROPOSED SF PER ZONE
0-15%	-	35%	-	-
15-25%	-	10%	-	-
25-35%	3,892 SF	5%	196 SF	2,592 SF
OVER 35%	10,043 SF	0%	0 SF	2,877 SF
		TOTAL	196 SF	5,469 SF

REVISED IMPERVIOUS COVER TABULATIONS BOA HEARING 01/13/20

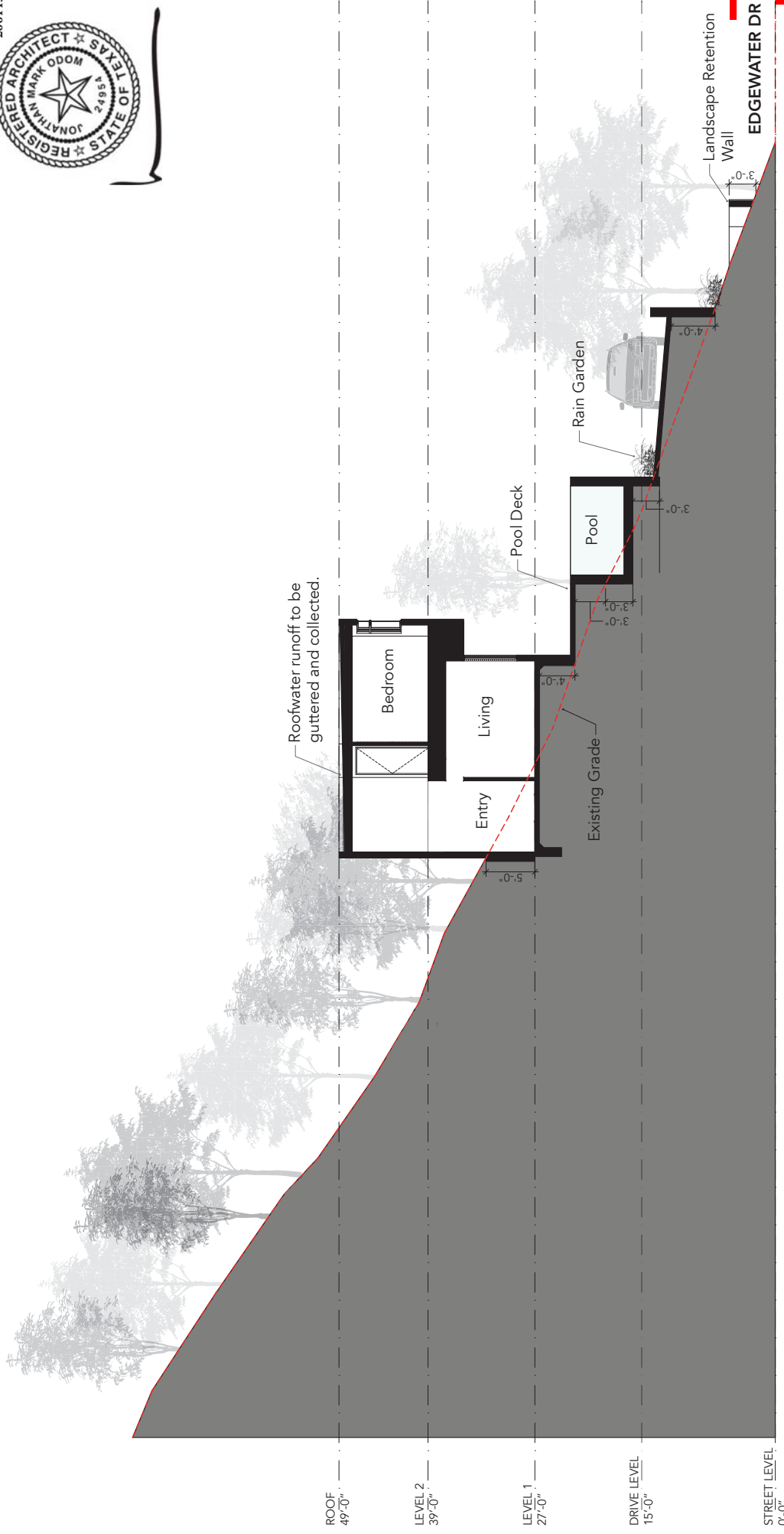
SLOPE GRADE	ALLOWABLE % PER ZONE	PROPOSED % PER ZONE	ALLOWABLE SF PER ZONE	PROPOSED SF PER ZONE
0-15%	-	35%	-	-
15-25%	-	10%	-	-
25-35%	3,892 SF	5%	196 SF	2,324 SF
OVER 35%	10,043 SF	0%	0 SF	1,876 SF
		TOTAL	196 SF	4,200 SF



SITE PLAN @ STREET LEVEL

EDGEWATER VARIANCE

CASE # C15-2019-0055
200113



SITE SECTION @ HOUSE

P-2/7

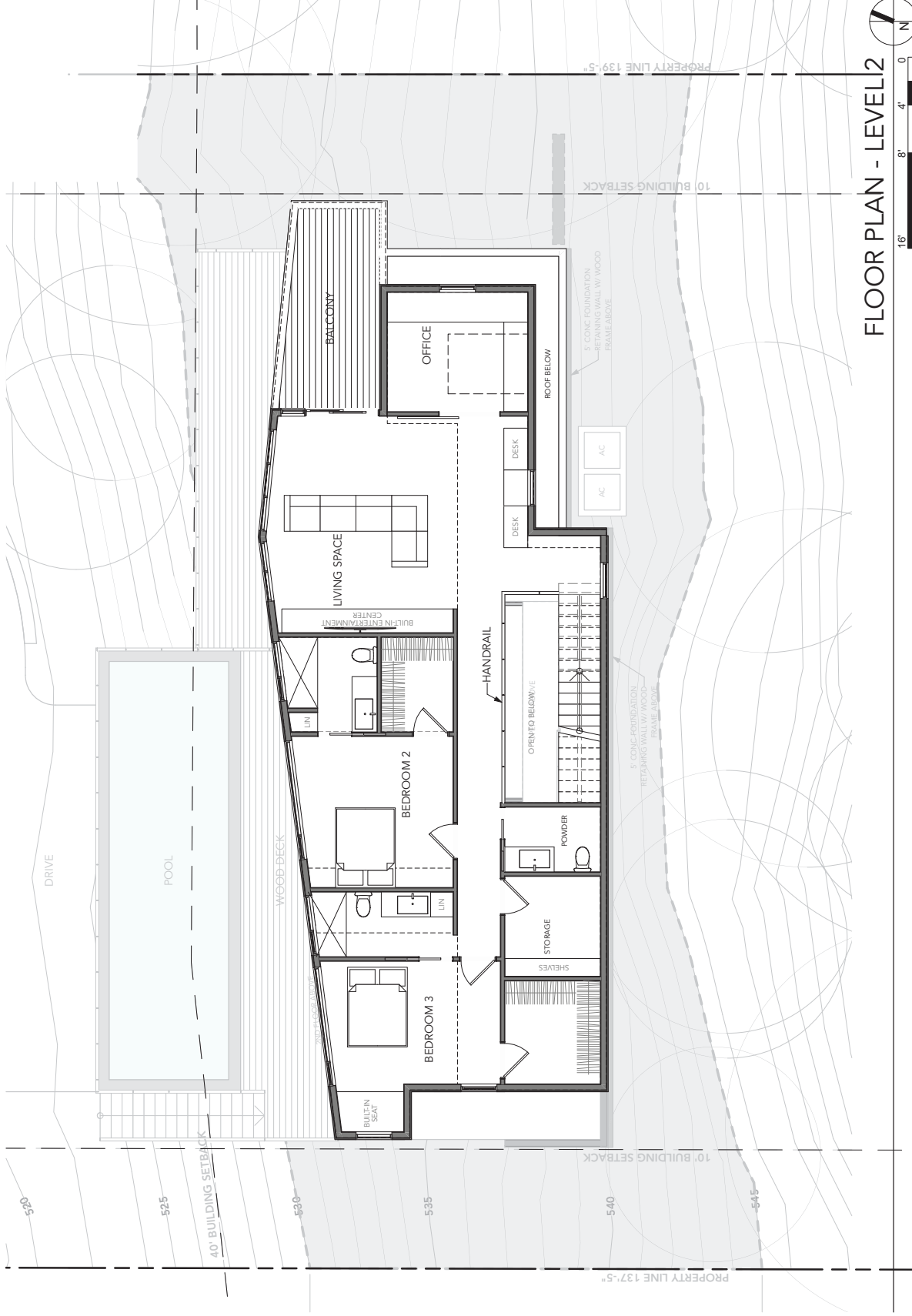
CASE # C15-2019-0055
200113



P-2/8

EDGEWATER VARIANCE

CASE # C15-2019-0055
200113

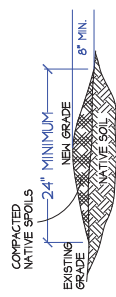


FLOOR PLAN - LEVEL 2





- LEGEND:**
- A. SEWAGE SUB-OUT
 - B. 4" SCH. 40 PVC SEWER PIPE
 - C. TWO-WAY CLEAN-OUT
 - D. AEROBIC TREATMENT UNIT
 - E. PUMP TANK/CHAMBER
 - F. FIELD BOX
 - G. 1" SCH. 40 PVC SUPPLY LINE
 - H. 1" SCH. 40 PVC RETURN LINE
 - J. VACUUM BREAKER VALVES
 - K. ONE-WAY CHECK VALVES



RAINWATER RUN-OFF DIVERSION BERM
NOT TO SCALE

NO PORTION OF THIS PROPERTY LIES WITHIN A
100-YEAR FLOOD PLAIN PER F.I.R.M. RATE MAPS

DRAINFIELD SHALL CONSIST OF A TOTAL OF 1,500 LINEAR
FEET OF EMITTER TUBING CONTAINING 750 EMITTERS
DEVELOPING 3,000 SQUARE FEET OF APPLICATION AREA.

SETBACK REQUIREMENTS:

INSTALLER SHALL ACHIEVE ALL MINIMUM REQUIRED SEPARATION DISTANCES
AS SET FORTH BY THE TCEQ IN TITLE 30, TAC CHAPTER 265, EFFECTIVE
DECEMBER 2012, AND ANY ADDITIONAL LOCAL REQUIREMENTS.

MINIMUM SEPARATION FROM TANKS: 5 FEET TO FOUNDATIONS, SWIMMING
POOLS AND PROPERTY LINES, ONE FOOT TO EASEMENTS, 5 FEET TO
DRAINAGE EASEMENTS AND GRADE BREAKS, 10 FEET TO WATER LINES, 50
FEET TO EXISTING OR PROPOSED WATER WELLS.

MINIMUM SEPARATION FROM DRAINFIELD: ONE FOOT TO FOUNDATIONS,
EASEMENTS AND SWIMMING POOLS, 5 FEET TO PROPERTY LINES, 10 FEET TO
GRADE BREAKS, 10 FEET TO WATER LINES, 100 FEET TO EXISTING OR
PROPOSED WATER WELLS.



SHEET 1 - SITE PLAN

ENVIRONMENTAL SYSTEMS, L.L.C.
DELCON
12713 MAJESTIC OAKS DRIVE
AUSTIN, TEXAS 78752
(512) 583-1597

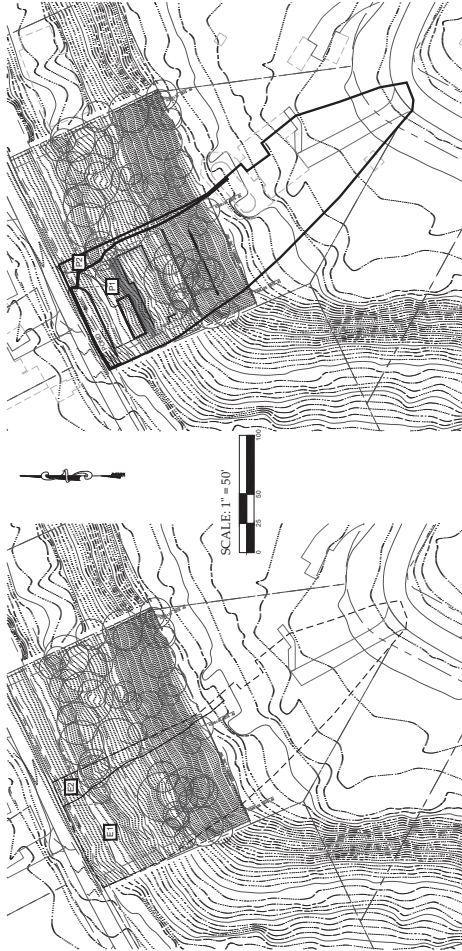


CLIENT:	THE ODOM RESIDENCE
STREET:	2803 EDGEWATER DRIVE, AUSTIN, TX. 78753
LOT, SUBDIVISION:	LOT 8, BLK. 1, AUSTIN LAKE ESTATES, SEC. 2
PERMIT AUTHORITY:	THE CITY OF AUSTIN
DRAWN BY:	DATE:
D. E. LORMAND, R.S.	12/13/2019
SCALE:	1" = 20'



CLIENT:	THE ODOM RESIDENCE	
STREET:	2803 EDGEWATER DRIVE, AUSTIN, TX. 78753	
LOT SUBDIVISION:	LOT 8, BLK. 1, AUSTIN LAKE ESTATES, SEC. 2	
PERMIT AUTHORITY:	THE CITY OF AUSTIN	
DRAWN BY:	DATE:	
D. E. LORMAND, R.S.	12/13/2019	
		SCALE: 1" = 15'

μm REQUIRED SEPARATION DISTANCES



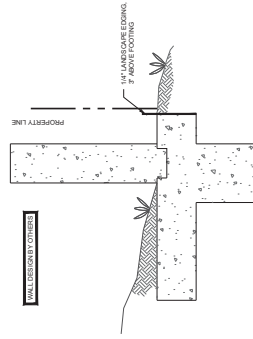
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EXISTING DRAINAGE AREA MAP

SCALE: 1"=50'

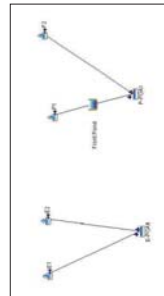


3 DETENTION POND PLAN
SCALE: 1"=10'



5 WALL DETAIL

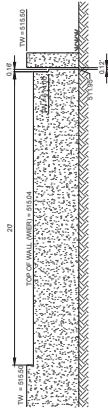
	Max Change Depth (mm)	Max Change Depth (in)	Max Change Depth (mm)
Maximum $\frac{1}{2}$ "	0.000	0.000	0.00
Stops (in)	0.000	0.000	0.00
Bottom Width (in)	0.0	0.0	0.0
Bottom Width (mm)	0.0	0.0	0.0
Left Side Slope	75.0	15.0	0.48
Depth (in)	0.21	6.00	6.00
Flow (cfs) per Manhole Equival	3.66	3.78	3.78
Velocity (ft/s)	1.10	2.22	2.22
Channel R	0.00	0.00	0.00
Flow (cfs) per HEC-HMS =	600-yf	6.00	6.00



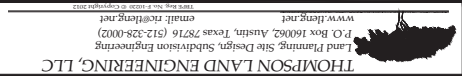
HEC HMS MODEL

SUMMARY of the Project's Financial Computations (using the 10% Interest)											
Project: M&M'S, Inc. (USDA)											
Investment Expenditure	Cash Flow	Present Value		Future Value		Net Present Value		Internal Rate of Return		Payback Period	
		(CFB)	(CFB)	(CFB)	(CFB)	(CFB)	(CFB)	(CFB)	(CFB)	(CFB)	(CFB)
Initial Investment	-10000	-10000	-10000	-10000	-10000	-10000	-10000	-10000	-10000	-10000	-10000
Annual Cash Flow	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
Present Value of Annual Cash Flow	9091	9091	9091	9091	9091	9091	9091	9091	9091	9091	9091
Net Present Value	-909	-909	-909	-909	-909	-909	-909	-909	-909	-909	-909
Internal Rate of Return	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
Payback Period	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Payback Period (Years)	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Payback Period (Months)	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00
Payback Period (Days)	3600.00	3600.00	3600.00	3600.00	3600.00	3600.00	3600.00	3600.00	3600.00	3600.00	3600.00
Payback Period (Hours)	86400.00	86400.00	86400.00	86400.00	86400.00	86400.00	86400.00	86400.00	86400.00	86400.00	86400.00
Payback Period (Minutes)	518400.00	518400.00	518400.00	518400.00	518400.00	518400.00	518400.00	518400.00	518400.00	518400.00	518400.00
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Payback Period (Zeptoseconds)	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00	31104000000000000.00
Payback Period (Yoctoseconds)	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00	311040000000000000.00
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Payback Period (Zeptoseconds)	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00	3110400000000000000000000000.00
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Payback Period (Zeptoseconds)	311040000000000000000000000000000000000.00	311040000000000000000000000000000000000.00	311040000000000000000000000000000000000.00	311040000000000000000000000000000000000.00	311040000000000000000000000000000000000.00	311040000000000000000000000000000000000.00	311040000000000000000000000000000000000.00	311040000000000000000000000000000000000			

DATE	PAGE	REV	BY	CHKD	APPD
<h3 style="margin: 0;">CONCENTRATION CALCULATION SHEET (CONTINUED)</h3>					
RETURN TO: U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) OFFICE OF PESTICIDE REGISTRATION PESTICIDE EXPERTS					
PARAMETERS					
A. Ratios (Molecular Weight of compound / Molecular Weight of Pher AE)					
1.44 1.00 1.00 1.00 1.00 1.00					
B. Vapour Pressure (values are in atmosphere area as noted)					
A. Sweet Feed (values are in g/l at 10°C) 7-2-3-1-1969					
	F1	F2	F3	F4	F5
Resin 1	0.02	0.14	0.02	0.16	0.01
	10	20	10	20	10
	(C1)	(C2)	(C3)	(C4)	(C5)
	0.000	0.040	0.040	0.040	0.000
	10	20	10	20	10
	(S1)	(S2)	(S3)	(S4)	(S5)
Resin 2	0.05	0.15	0.05	0.18	0.01
	10	20	10	20	10
	(C1)	(C2)	(C3)	(C4)	(C5)
	0.000	0.050	0.050	0.050	0.000
	10	20	10	20	10
	(S1)	(S2)	(S3)	(S4)	(S5)

[illegible]

4 POND OUTFALL DETAIL
SCALE: NTS



DATE	REVISION	

CULATIONS
XL'NII

P-2/12

1 of 1

1000

1000 JOURNAL OF CLIMATE

05



October 21, 2019

Mark Odom Studio
1009 West 6th Street, #50
Austin, Texas 78703

Subject: Preference for foundation type
Odom Residence at 2803 Edgewater Drive, Austin, Texas
Job Number: 19156

Dear Mr. Odom:

At your request, I reviewed the site plan to offer my preference on foundation type. The geotechnical report is not yet available, but assuming shallow bedrock and given the steep topography, I prefer a slab-on-ground foundation over a pier-and-beam for the following reasons.

- Surface drainage around the house wherever possible is better than directing the water under the house. Compared to pipes or culvert under the house, surface drainage around the house is more reliable and easier to maintain with less risk of impacting the structure.
- Backfill to achieve proper drainage is easier against a slab-on-ground grade beam. A pier-and-beam requires clearances for the crawlspace and vent openings that can create challenges for retaining the backfill on the uphill side.
- A pier-and-beam would require additional excavation to achieve the necessary clearances.

Please contact me with any questions.

Sincerely,

Dennis Duffy, P.E.

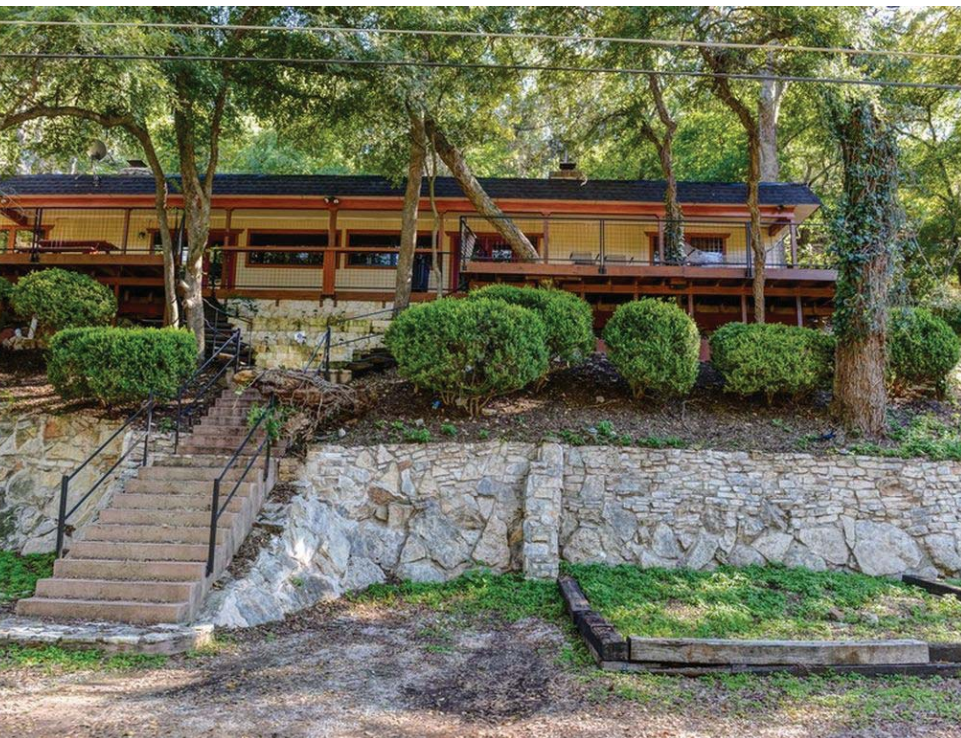


AREA OF CHARACTER

2805 EDGEWATER



2807 EDGEWATER

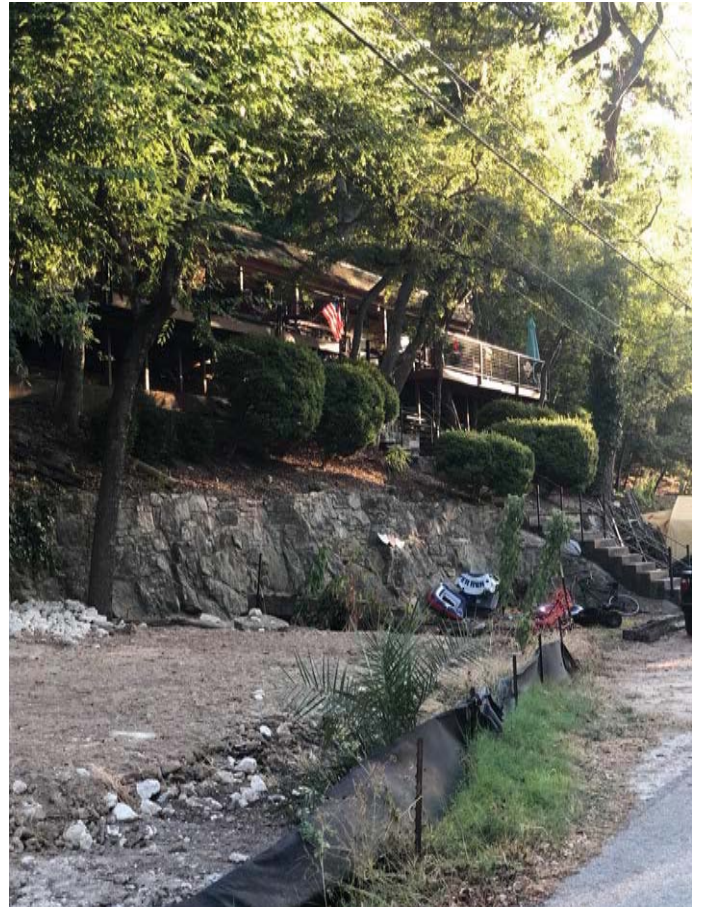


AREA OF CHARACTER

2903 EDGEWATER



2901 EDGEWATER



September 15, 2019

Dear Neighbor,

We are Mark and Holly Odom, new owners of Lot 8 with address 2803 Edgewater Drive in Lake Austin Estates neighborhood. We currently live at 2121 Saratoga Drive and have been residents in this neighborhood since 2011. We have also been active members of the Community Lake Park since 2011 and Mark has been a board member for the last two years. We have two children, ages 10 and 6.

It has been our dream to live closer to the lake and build a new house for our family. Mark is a licensed Architect and has a design firm, Mark Odom Studio.

We are writing to ask for your consideration and help as we are seeking a variance to the City of Austin Board of Adjustments regarding code Section 25-2-551 LAKE AUSTIN (LA) DISTRICT. The lots mentioned are currently unbuildable due City of Austin Zoning (LA) with its limitations of Impervious Square Footage (manmade surface that doesn't absorb water). Per zoning code, the lot currently allows for .014 % (196 sf) of impervious square footage and our variance request would allow between 38% & 43% impervious square feet total. Our goal is to build an estimated 2500-3000 sf house and use the rest for driveway, deck, walkway and pool. We could not build a larger house because there would not be enough impervious cover for critical items like walkways, deck etc. We have a track record of building site-specific and neighborhood considerate work (our renovation and addition of a studio above the garage at our current home is one example).

We are currently needing signatures by October 10, 2019 to make our appointment deadline. Our hearing with the City of Austin will be in October 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return via email. If you receive this and live in the neighborhood we would also be happy to pick it up — or you may drop it off in our mail-box at the address below.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2906 Edgewater Drive, 78733
Owner Address

Tim Horrigan
Owner Name

[Signature]
Owner Signature

We are currently needing signatures by October 10, 2019 to make our appointment deadline. Our hearing with the City of Austin will be in October 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return via email. If you receive this and live in the neighborhood we would also be happy to pick it up — or you may drop it off in our mail-box at the address below.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2901 EDgewater Dr., Austin, TX 78733
Owner Address

William M. Westfield
Owner Name

William Westfield
Owner Signature

We are currently needing all signatures by Friday, May 10, 2019 to make our application deadline. Our hearing with the City of Austin will be in June 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return to us in the addressed envelope as soon as possible. If you receive this and live in the neighborhood we would also be happy to pick it up or you may drop it off in our mail-box.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2802 Edgewood
Owner Address

Steve Colman
Owner Name

[Signature]
Owner Signature

We are currently needing all signatures by Friday, May 10, 2019 to make our application deadline. Our hearing with the City of Austin will be in June 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return to us in the addressed envelope as soon as possible. If you receive this and live in the neighborhood we would also be happy to pick it up or you may drop it off in our mail-box.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2804 EDGEWATER
Owner Address

MARK MCKENZIE
Owner Name

[Signature]
Owner Signature



I, **Mark & Holly Odum**, am applying for a variance from the Board of Adjustment regarding Section **S 25-2-551 // (C) // (3)** of the Land Development Code. The variance would allow me the ability to Gain additional Impervious Square Footage on lot(s) 7 & 8 so that a single family home can be constructed. Due to the steep slope of land code indicates that there is zero impervious coverage options awarded to the lot(s). The additional Impervious Square Footage would allow us to build a moderate home for our family

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Barbara Taylor	2905 Edgewater Dr	Barbara Taylor

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

DATE: Monday October 14, 2019

CASE NUMBER: C15-2019-0055

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

APPLICANT: David Cancialosi

OWNER: Mark Odom

ADDRESS: 2803 EDGEWATER DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

1. (C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 66% (requested); 0% (existing)

2. (E) (2) to increase Impervious Cover to 29% for a driveway in order to erect a Single-Family Residential use in an "LA" zoning district.

NOTE: (for item (E) (2) The Land Development Code states on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to November 7, 2019, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO November 7, 2019.

EXPIRATION DATE:

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

October 22, 2019

City of Austin
City Board of Adjustments
One Texas Center
505 Barton Springs
Austin, Texas 78704

RE: 2803 EDGEWATER DR. VARIANCE REQUEST - UPDATED

To Whom It May Concern:

The Board heard this case at it's October hearing. The applicant is requesting two impervious cover variances to allow the construction of a single-family residence and associated improvements. The lot is currently vacant and has very steep topography. It is zoned LA; however, it does not front onto Lake Austin and is well under the required size of one acre. The approximately 14,000 SF lot allows less than 200 SF of impervious coverage when the LA zoning regulations are calculated for the subject site. As mentioned before, strict application of the LA zoning regulations on this substandard lot results in a total taking of all permitted use and development of the property by the City of Austin. Such taking occurred when the LA zoning ordinance was placed on this property and when the requirements of that ordinance were used to deny a building permit to Mr. Odom. This Board is expressly tasked with the authority to grant variances when such strict application of the Code deprives the property owner of privileges that are enjoyed by another person who owns property in the area that is similarly situated with similarly timed original development.

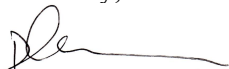
At the October hearing we heard the Board's concerns. In November's back up packet please find attached to this cover letter an updated site plan, drainage letter from an engineer, and other documents related to the proposed construction.

The homeowner has also met with some neighbors to discuss the project. Their concerns are heard, too. The impervious coverage has been reduced as a result of those discussions. To that end we hope the discussions have abated their concerns to the degree possible given the unique size, topography, and zoning-based hardships specific to this lot.

If this variance is not granted the owner has no choice but to seek damages for the regulatory taking of all use of the property. The Board of Adjustment was created to prevent precisely this kind of unintended harm to property owners.

I look forward to discussing this case with the Board at its November hearing and look forward to a positive outcome regarding our request to construct the single family project.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Mark Odom, property owner