

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:

2602 Edgewood
Owner Address

Steve Colman
Owner Name

[Signature]
Owner Signature

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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 Odom, 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

BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2019-0055**BOA DATE:** October 14, 2019**ADDRESS:** 2803 Edgewater Dr**COUNCIL DISTRICT:** 10**OWNER:** Mark Odom**AGENT:** David Cancialosi**ZONING:** LA**LEGAL DESCRIPTION:** LOT 8 BLK 1 AUSTIN LAKE ESTATES SEC 2**VARIANCE REQUEST:** increase impervious cover**SUMMARY:** erect a Single-Family Residential use**ISSUES:** sloping lot; zoning change by adopted City of Austin ordinance in Sept. 1984 from SF-2 to LA

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

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets

Bike Austin

City of Rollingwood

Friends of Austin Neighborhoods

Save our Springs Alliance

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources



September 30, 2019

David Cancialosi
2803 Edgewater Dr
Austin TX, 78733

Property Description: LOT 8 BLK 1 AUSTIN LAKE ESTATES SEC 2

Re: C15-2019-0055

Dear David,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from **Section 25-2-551 (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.

DENIED BY AUSTIN ENERGY (AE) Please show existing electric facilities in relation to proposed grade changes and resubmit the sketch. Owner/applicant must obtain written approval of conflict resolution from AE prior to BOA approval. Please contact Eben Kellogg with AE Public Involvement and Real Estate Services at 322-6050.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

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-2/43



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2019-0055

LOCATION: 2803 EDGEWATER DRIVE



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

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: 2803 EDGEWATER DRIVE, AUSTIN, TX 78733

Subdivision Legal Description:

LOT 8, BLK 1 AUSTIN LAKE ESTATES SEC 2

Lot(s): 8 Block(s): 1

Outlot: _____ Division: _____

Zoning District: _____

I/We Permit Partners, LLC on behalf of myself/ourselves as
authorized agent for Mark Odom affirm that on
Month September, Day 6, 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: House

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

SEE ATTACHED COVER LETTER

~~LDC 25-2-551(c)(3)(c) from 0% IC existing to 66% IC proposed in the 25-35% slope category, which allows 5% IC~~

~~LDC 25-2-551(e)(2) from 0% IC existing to 29% IC proposed in a slope category greater than 35% which allows 0% IC~~

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 COVER LETTER

Hardship

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

SEE ATTACHED COVER LETTER

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

SEE ATTACHED COVER LETTER

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 COVER LETTER

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:  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: 09/06/19

Owner Name (typed or printed): Mark Odom

Owner Mailing Address: 1009 W. 6th St. #50

City: Austin State: TX Zip: 78702

Phone (will be public information): 512-469-5950

Email (optional – will be public information): 

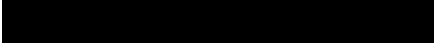
Section 5: Agent Information

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

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

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: 2803 Edgewater Drive - BOA request to:

- 9/12/2019
1. Increase impervious cover per LDC 25-2-551(c)(3)(c) from 0% to 66% in the 25-35% slope category
 2. Increase impervious cover per LDC 25-2-551(e)(2) from 0% to 29% in the 35% slope category

Dear Board of Adjustment Commissioners:

My client is requesting a variance to exceed the allowable impervious coverage on a 13,935 SF lot.

The impervious coverage numbers are high due to the required calculation methodology per 25-2-551 (d); however, the proposed *gross lot area*'s impervious coverage is 39% IC of the ~14,000 SF lot. The property owner requests the Board review the requests and keep in mind the lot's steep topography and non-conforming lot status among other hardships unique to this property.

Reasonable Use

- The property owner is requesting increased impervious cover to accommodate a proposed single-family structure and associated improvements. To do so in a reasonable manner, the aforementioned impervious coverage percentages are requested.
- 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 lot. The proposed improvements are in the most reasonable location.
- The lot is so steep that the allowable square footage and related impervious coverage amounts far exceed what is allowed by code. This is unreasonable. The project proposes the most reasonable use of the lot.

Hardship

- The original Austin Lake Estates plat was approved in 1960. At that time part of the plat was within the full purpose jurisdiction of the City of Austin while the remainder portion of the plat was within Travis County. Any land under the 504.9' was within COA jurisdiction at that time. Today the entire plat is within COA full purpose jurisdiction by way of the City's annexation of the remainder of the lots within Lake Austin Estates including this one, lot 8.
- The platted lot size of the subject lot 8 @ 2803 Edgewater Drive is 13,935 SF. This lot was conforming to the regulations in place in 1960.
- The platted subdivision contemplated single-family residential projects; however, such projects are not achievable when Lake Austin impervious cover slope calculations are applied per 25-2-551.
- Per Ordinance No. 84-0930 adopted in September 1984, 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 vs. *Lake Austin* zoning's maximum allowances per slope category. This not an insignificant change to entitlements associated with this site or many others along the east and west banks of the lake.
- This city-initiated rezoning effectively rendered the lot unbuildable without a variance(s) issued by the city.
- The property owner has a pending Chapter 245 Vested Rights application on file with the City. We cannot get any relief from the City. Requests for an appeal to the initial denial have gone unanswered. The BOA is the owner's last resort before seeking legal remedy.
- At the time of City-initiated rezoning the lot did not have the required:
 - 100' of street frontage per COA LDC 25-2-492(d)
 - One (1) acre minimum lot size per COA LDC 25-2-492(d)
- Changing the zoning from "A" to "LA" rendered the lot substantially less valuable.
- 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 a platted lot recorded in Travis County or a lot which received a legal lot determination from the City, and as such, recognized as a legal buildable lot.
- The site has not been developed, but should be afforded the opportunity to continue the single-family development contemplated in the 1960 plat recorded with Travis County.

- The lot also has substantially steep terrain, which precludes any practical use of the property under the current LA zoning regulations.
 - There is no 0-15% slope
 - There is no 15-25% slope
- **The 25-35% slope area is 3,938 SF land area. That allows 196 SF IC to build a house on a ~14,000 SF lot. The request proposes 2,592 SF / 66% IC.**
- **The 35% slope area is 10,043 SF land area. That allows 0 SF IC. The request proposes 2,877 SF / 29% IC**
- The 25-35% slope category comprises 28% of the 13,935 SF lot.
- The 35%+ slope category comprises 72% of the 13,935 SF lot.
- This lot is not on the water. It is approximately 100' from Lake Austin.

Not General to the Area

- There are no known lots in the immediate area with the combined hardships of topography and no 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 throughout west Austin. There will be no adverse impact to adjacent properties.

I ask the Commission take into consideration the aforementioned statements and approve the requested variances for the proposed impervious coverage percentages in the 25-35% and 35%+ slope categories in order to construct a single-family residence with associated improvements.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Mark Odom