

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0081

BOA DATE: December 14th, 2020

ADDRESS: 1209 N. Weston Ln

COUNCIL DISTRICT: 10

OWNER:

AGENT: David Cancialosi

ZONING: LA

LEGAL DESCRIPTION: LOT 32 BLK A ROB ROY ON THE LAKE SEC 1

VARIANCE REQUEST: reduce shoreline setback from 33 ft. to 21 ft. and increase impervious cover from 20% to 38%.

SUMMARY: maintain Single-Family structure + associated improvements

ISSUES: debate as to whether this section of the plat was required to comply with pre or post 1982 “LA” zoning regulations

	ZONING	LAND USES
<i>Site</i>	LA	Single-Family
<i>North</i>	LA	Colorado River
<i>South</i>	LA	Single-Family
<i>East</i>	2 mi. ETJ	2 mi. ETJ
<i>West</i>	LA	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets

Bike Austin

City of Rollingwood

Friends of Austin Neighborhoods

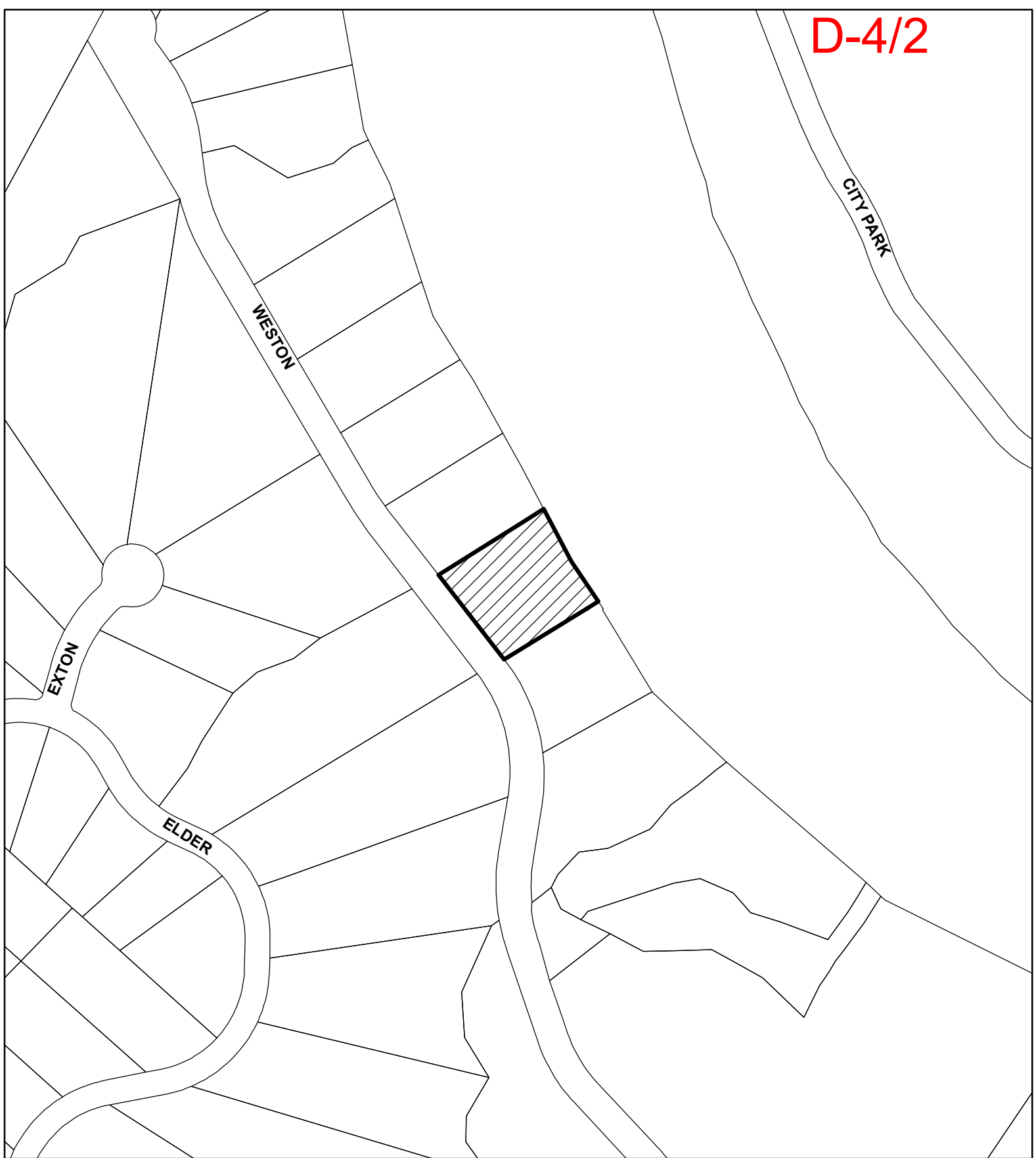
SELTexas

Save Our Springs Alliance

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources

D-4/2



NOTIFICATIONS

CASE#: C15-2020-0081
LOCATION: 1209 N WESTON LANE



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 250'

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: 1209 N. Weston Lane

Subdivision Legal Description:

Rob Roy on the Lake Section 1

Lot(s): 32 Block(s): _____

Outlot: _____ Division: _____

Zoning District: LA – Lake Austin

I/We David C. Cancialosi on behalf of myself/ourselves as

authorized agent for James Goodwin

Month November, Day 6, Year 2020, 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: single-family structure + associated improvements including pool & decking

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

- 1) LDC 25-2-551-C-2-A requiring a max of 20% IC in 0-25% slope to allow 38% IC in a 0-25% slope category in order to maintain a 1984-era single family residence and associated improvements.
- 2) LDC 25-2-551-B-1-A Shoreline setback: Reduction from prior approved variance which reduced shoreline to 33' setback via C15-90-046 to now allow 21' shoreline setback for a width of 23' in order to maintain a detached 1984-era garage in same location as original construction. Garage existed when 1990 variance was approved.

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 LA zoning category was created via ordinance No. 840913-S and effectively amended zoning Chapter 13-2 by capturing all land 500' landward of the 504.9' contour line. The Ordinance either newly zoned or rezoned most parcels to Lake Austin (LA) zoning category. This Ordinance was signed into effect 9/13/1984. The regulations were back dated to effect properties platted before or after 1982 in different ways, mostly with regard to allowable impervious coverage. So it was passed in 1984, then written into code using language that backdated the regulations several years to arbitrarily capture parcels along the lake and separate them into two development categories. The ordinance has been in effect almost 40 years as of now.

A single-family use and its associated accessory uses are reasonable uses in a LA zoning district. That is what the district was intended for. The subject site at 1209 N. Weston Lane was granted a series of construction permits by the City of Austin between 1984 and 2020 for various improvements. This is indisputable.

The plat was approved April of 1983 but applied for in 1982. One could argue the plat application date should grandfather the property to pre-1982 impervious cover regulations, which if we all agreed was true, would effectively cure the brunt of the variance request before you. Staff does not agree with that assertion.

The city issued a series of MEP permits in October 1984 for the construction of the house. All MEP's finalized and passed. However, the city did not issue a building permit for the house. Again, one could argue a *building permit* was required at that time since the LA zoning ordinance had been adopted 9/13/84, one month earlier, and then the LA zoning requirements were back dated to 1982 in the Land Development Code Chapter 25 once it was adopted. But, it is unknown why the city failed to issue a building permit for a new construction home which was clearly located in the zoning jurisdiction of the City of Austin at that time. The area was annexed via case # C7A-82-002 and codified via Ordinance 820506-D on 5/6/1982 as Limited Purpose Jurisdiction (LTD). LTD jurisdiction was required to abide by zoning requirements at that time just as LTD areas are required to do so now (essentially the same as full purpose jurisdiction when it comes to permitting and zoning)

Among many permits issued from 1984 – 2020, the city recently issued a deck repair permit in 2020 then put a hold on it because DSD and EV staff thought it was issued erroneously by the Residential Review department. I intervened at the homeowner's request and had that hold reversed by the city attorney who agreed with my assertion that a site plan was not required. Before releasing the hold as directed, DSD staff then stated an existing 1990-era pool had been modified without a permit in approximately 2012 timeframe. My client acknowledges the pool was changed from a circle to a rectangle about 2012 timeframe but has no knowledge of permits nor did the contractor, best he could recall from 8 years ago.

It's not clear permits were required to amend the shape of a pool during that era – I can personally testify that staff was not consistent on whether pool 'remodels' required a permit during that timeframe. Not to mention whether changing the shape of a pool in the *shoreline setback* triggered the need for a permit. There was always confusion among staff at that time if a pool / flat work in the shoreline setback was "off limits" from the need for a permit vs the need for a permit to construct a brand new pool (in the shoreline), which undoubtedly required a permit. Sometimes staff would require an express permit, or maybe a remodel permit, or even no permit. It depended who you asked about this process. Perhaps this is why there's no permit for the 2012 pool, or, it's possibly due to the plain fact that the staff had determined on its own pools were prohibited in the Shoreline setback during this time, which was a flat out incorrect determination.

That determination was overturned in 2014 when I specifically worked with the Building Official Carl Wren, along with several key mgmt. contacts in DSD, about pools in the LA setback. Ultimately they all agreed a pool can be allowed in a LA shoreline setback. Yet in 1990 a variance to reduce the shoreline was approved and shortly thereafter the city issued permit for a pool in the setback. So the city has moved on this issue both for and against pools in the LA setback, and more specific to this case, *the city contributed to increasing the impervious cover on a site which was already non-compliant by reducing the shoreline which, in turn, creates more net site area, and, any improvements in the NSA will increase the IC %.*

Regardless, This news from staff about the current issue was a surprise nonetheless and immediately attempted to address it.

One of the permits issued to this site is for the original pool in 1990 per 1990-005640 BP.

Electrical and plumbing permits were also issued for the pool. All 3 permits were finalized and closed appropriately. This is very important because it establishes a history of the city exacerbating the IC overage issue.

At the heart of this request is staff's request to require the homeowner to submit a retro-active permit application for the 2012 pool. Remember, the deck permit has been turned back on and the deck project was well underway in order to stabilize the structural work which had been suddenly halted by the city.

To our surprise once again, staff then rejected the 2020 pool application due to the site being over the allowed impervious coverage per LA zoning section 25-2-551-C-2-A, which caps the IC @ 20%.

The current IC is calculated at 38% IC when LA post-1982 net site area is taken into account.

My client feels it is unreasonable to deny the use of his property which has substantially been in the same configuration for decades – and he is being denied the use of his property namely due to a singular review comment made 35 years after the city acknowledged the establishment of a legal non-compliant improvements by way of issuing the initial permits, then issuing various subsequent permits between 1984 and 2020. Some of which furthered the very non-compliance my client is now being penalized for. It is overly burdensome and inconsistent of staff to now require this variance to maintain a use which is reasonable and equitable in terms of accessory uses (pool and decking). And, my client feels it is sort of a “gotcha” game staff has engaged in with a hint of retaliation for having their determination overturned by the city attorney, whereby staff placed a hold on a permit after it was initially issued, then they were ordered to release the hold, and then informed the applicant and homeowner that said permit can ONLY be finalized if he addressed what is essentially an 8-9 year old issue regarding how much flat work is on-site – not FAR or building heights, or illegal buildings or other substantive, major violations, but rather simply *at-grade concrete* – most of which has been in the same configuration for 35 years and with City approval! At that's what brings us here tonight: Impervious cover.

The house and accessory improvements are common and customary to not only residential sites throughout Austin, but also along the east and west banks of the Colorado River as evidenced by hundreds of houses with pools, docks, retaining walls, garages – many of which are non-compliant with the applicable impervious cover regulations by way of variance approvals, grandfathering, or outright issuance of permits from city staff who are not as familiar with the applicable zoning codes, effectively issuing the permits in error and creating hardships by placing the burden on an owner. Zoning is not perfect. The banks of Lake Austin are not cookie-cutter developments with exacting, similar development plans. Each site is unique for various reasons. This site is unique in it's own right due to a systematic furtherance of the non-compliance the current staff so gravely complains of, yet fails to see how it occurred via issuance of permits by their predecessors.

To deny this variance will be wholly unreasonable and the subsequent information in the packet material will further support this request. Our hope is the Board members agree.

Hardship

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

The site is zoned LA which requires 1 ac. This site is 1.08 acres (47,088 SF) per the plat and is known as lot 32 of Rob Roy on the Lake Section 1. There is much debate as to whether this section of the plat was (and is) required to comply with pre or post 1982 LA zoning regulations given the plat application date was prior to the adoption of the September 1984 LA Zoning Ordinance, which captured all land 500' landward of the 504.9' contour line, yet backdated the regulations of the 1984 Ordinance by changing the wording of it to apply to plats dated before or after 1982 in different, and significant, ways.

The Rob Roy HOA guidelines from that timeframe speak nothing of city permits. Only county. Residents in the neighborhood are concerned about this case. Some who lived here in the early to mid 1980's have confirmed it was widely thought amongst the neighbors that no city permits were required. However, it appears that those beyond the 500' distance from the 504.9' contour, they were exempt from City; those closer than 500' were required. We know that now but the consensus is it was not clear whatsoever then. Bee Cave Road from Westlake was kind of a dirt road and 360 didn't exist at the time of the plat! Many have told me "Why would they need city permits?"

The hardship is unique to this property in that the city issued a series of building permits over a 35 year period which either established a legal non-compliant IC scenario the day the house was issued permits and constructed (since the site was over the allowed 20% immediately upon initial construction of the single family residence and associated improvements), or, the city, perhaps unknowingly, exacerbated the IC issue by continuing to issue a series of variances and permits for a series on-site improvements during the same 35 year period. I contend it was both.

The root of this variance request is whether the existing improvements should be allowed to remain. As they are, the LA zoning regulations reduce the net site area of the 1.08 ac to 39,814 SF. That may seem like a lot; however, for reasons unknown, the Board of Adjustments granted a variance in 1990 for shoreline setback reduction from 75' to 40' and 60' shoreline reductions along the rear portion of the lot via case C15-90-036 in July 1990. It is not clear where the change from 40' to 60' jogged or changed along the shoreline. This obviously, in turn, increased the net site, or buildable area, and in turn, put more concrete in the countable area of the land thereby increasing the impervious coverage from whatever it was to whatever it became, which was undoubtedly higher percentage of IC in the net site area as that shoreline area shrank.

(Worth noting, when measured, the code-required 75' shoreline setback abuts the very rear façade of the as-built house. This removes the entire rear yard from the buildable area of the platted lot, effectively leaving no room to remove anything since the buildable area consists of the house's foundation and driveway. And most importantly, any improvements inside the shoreline setback are not counted as IC, so it doesn't matter if decking and a pool are there - even If they are removed they do not reduce the overall IC of the net site area in accordance with LA zoning regulations. In my attempt to deescalate the issue and seek an administrative

solution, I asked staff what they expect me to do? At this time I had not yet discovered the two 1990 variances reducing the shoreline. But I asked what do they expect me to remove if the very item causing the permit and IC issue is within the shoreline (and therefore does not count as IC)? I was met with deadpan code citations. It's very unfortunate. The city deserves creative solution makers who seek to provide assistance instead of penalizing those who simply request the accurate rules and consistent procedures be followed. This indeed creates a hardship when told "go get a variance".....it is simply not that easy as evidenced by the scope of this application.

In September 1990 the BOA again approved another shoreline reduction variance to 33' via C15-90-046 – again, for reasons unknown (the paperwork is not available). What is interesting is that the 33' shoreline setback variance still captured a significant portion of the one story garage which had already been constructed at the time of the original 1984-era construction with the house and other improvements. Thus we are also needing to request a 12' shoreline setback encroachment (*to allow a 21' shoreline for a width of 23' parallel to the shoreline*) for the detached one story building as part of this application. Please see attached site plan.

The city then issued a remodel permit via 1990-014952 to the existing legal non-compliant house. This permit was closed appropriately to City inspection standards.

Then, in November 1990 the city issued BP-1990-005640 for the pool. The BP and associated trade permits were finalized and closed appropriately. There is no site plan from this era but aerial imagery is available. It is not clear if this pool is counted as IC nor located within the shoreline setback. If it did contribute to more IC, and I think it did, then it goes against the current staff's position that no more non-compliance can be allowed.

Two weeks later in November 1990 the city issued BP-008284 for the addition of an exterior deck. It's not entirely clear but we believe this deck was located between the pool and the shoreline.

So between July and November of 1990 the city issued 2 variances and 3 permits for this site. All of which contributed to increasing the already existing non-compliant IC numbers.

At this time in 1990 we believe the impervious coverage was about the same as it now since the 33' shoreline setback has not changed since then. The only improvements added since 1990, and to a large degree since 1984, is the addition of pool decking around the existing rectangular shaped pool. That said, the site had 1,610 SF less IC in 1990 and it has about 38% IC in 2020, due to the additional flat work around the pool in combination with the reduced shoreline which counted more IC with each reduction.

Again, because the city continued to grant permits and the Board reduced the shoreline 3 dimensions on 2 separate occasions, the site improvements which were once inside the shoreline setback and did not count against any on-site IC, those same improvements started counting as IC in the buildable area as the shoreline setback was reduced further and further, yet permits were continued to be issued by the city for a host of on-site improvements.

Staff's 2020 requirement to address the pool issue in order to receive a final for the already-issued 2020 deck permit was ultimately rejected as the city decided the Rob Roy plat was post-1982 and required the site to comply with 20% IC of net-site area. This is despite the aforementioned 35 years of permit issuance and variance discussions.

My client has undergone a substantial amount of costs and time to comply with the city's latest attempt to enforce their current interpretation of the rules. The same regulations which have been on the books since the house was constructed in 1984, yet were not fully enforced at that time nor many times since 1984. Those LA zoning regulations never changed since 10/84 yet the staff's selective enforcement of what should apply and if it does, *how* it does, has undoubtedly waived over the past 35 years. It's worth mentioning the city has also issued a series of permits for bulkhead, dock and shoreline related permits via site plans associated with said improvements in accordance with city regulations, and these are considered the most environmentally sensitive type of permits given their proximity to the lake, critical environmental features, and overall health of the Lake Austin Watershed. And not once did impervious cover arise as an issue. Yet now there's an issue about concrete on the ground where there's absolutely zero proof that any drainage or runoff issues have or do exist whatsoever. *This is the burden the city staff's decision places on homeowners.* It's expensive, frustrating, and has real world implications. If the Board denies this variance the reality is the homeowner will either leave the project in violation status and seek remedy at a higher court, or, attempt to remedy by demolishing a substantial portion of his home. One might argue that damages are incurred at that point for lack of a reasonable use of the property as demonstrated for 35 years.

So to now say a pool constructed in 1990, which was amended 8 years ago, must be remedied by way of reducing a double digit IC % number of an entire site in order to complete a deck repair permit which the city acknowledged in both 1990 and 2020 is unreasonable. The city issued it not once, but twice, and is being extremely disingenuous if not rigid in their determination regarding impervious overage given the substantially unique circumstances of this case, all of which they've been made aware of but refuse to acknowledge.

Regardless, the site has a ~18% IC delta between the 20% allowed and the 38% existing. No further work is proposed as part of this request. The homeowner only seeks to remedy decades of errors and make the site legal non-compliant.

One could argue the site is already *legal* non-compliant. I made such argument to the city staff. Their response was they cannot allow a site to become more non-compliant. I don't disagree. But there should be some degree of administrative latitude utilizing the code in order to avoid putting 35 years of indifference on the shoulders of the current owner. He was not aware a permit was required to enlarge a pool. I can testify that many homeowners are not aware of that. Yet the city staff acts as if the regular homeowner - regardless of socio-economic background - should know every single rule or interpretation when it's widely known the residential review department changes code interpretations quite frequently. Its been that way for decades. Again, this is something I can personally attest to first hand. It's very difficult to keep up with, and with all due respect, should be considered a hardship, if not in part, to this

case given the totality of the circumstances over the past three and a half decades.

As far as I know, staff are not currently aware of the 1990-era variances much less have a handle on the series of development permits issued to the site. Staff will not work with the homeowner to agree on an administrative remedy, yet they do not have all the facts despite my attempts to discuss with them. This is very unfortunate.

The owner appeals to the Board to help make the site free of issues via this variance for the detached garage and the IC. The garage cannot be relocated and remains in the original 1984 location. The encroachment issue creates a 21' shoreline setback for a width of 23' then the remainder of the shoreline is 33' per the 1990 BOA approval. The IC % @ ~38% is about 15,000 SF. This number is bumped up a bit from our exhibits to be safe upon an IC survey. The % numbers are approximate as we are looking at different ways to minimize the IC numbers, yet are coming up short with available, common sense reductions.

We ask the Board to allow the existing conditions to remain such as the circular driveway, the pool decking, and so forth. Reducing part of the driveway to ribbons would be 100% out of character with the neighborhood if not outright out of compliance with the HOA regulations. A substantial majority of the houses in this neighborhood have circular driveways with a portion of the driveway continuing straight and behind the house to rear garage or parking area. That said this house is a fairly substantial house in the neighborhood. It received approval from the HOA prior to construction and continues to receive praise for it's tudor styled design and upkeep. It sits directly across from Emma Long Park beach and is prominent in it's appearance and stature. Removing a few hundred feet of driveway concrete in order to create a ribbon, or removing ~1600 SF of pool decking (which should be in the shoreline setback and not count at all (but does due to the mysterious shoreline reductions of 40', 60', and finally 33' via the 1990 BOA approvals) still hardly makes a dent in the 18% IC delta

The site is allowed 7,963 SF and currently has 14,553 SF IC. Removing roughly 1,800 – 2,000 SF of concrete would surely reduce the IC , but I respectfully ask you, what difference does it make when the site is so far over to begin with? We would need to demolish a substantial part of the house and other improvements which sit outside the shoreline setback to even come near to the 20%. And the site would probably still be over the 20% max. And that simply is truly overly burdensome, if not out of the question (to demolish part of the house). A homeowner should not have to demolish any part of their house, especially when the issue at hand has been exacerbated by a series of permit approvals issued by the very jurisdiction now penalizing the site via a series of controls over the permits.

This is important because the work must receive a final inspection from the city so the contractor and homeowner can meet the terms of their contract re: for payment, insurance, legal, and safety reasons. A denial of the variance could result in the ongoing work being completed but not inspected. That is not a good situation for the property owner, the GC, the city, nor the public at large. It sends the wrong message and is simply an unsafe and improper manner in which to conduct construction business.

Please forgive me for a voluminous application. We ask the Board to consider these hardships as ones beyond our control and hope your decision can authorize the request to maintain what is already in place. Several exhibits have been attached for your review.

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

There is no other lot in the area which has been encumbered in this manner.

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:

In turn the homeowner is willing to install a substantial rain garden system in order to broach the gap between allowed IC and existing IC. Rain gardens have been recognized by the Board as an acceptable manner in which to address potential IC issues on a residential site. Attached to your packet is a rain garden study and design prepared by an engineer experienced in these matters. The garden proposes 570 SF of surface area and uses a litany of existing and new on-site improvements to ensure the capture of any water is diverted to this spot and properly dispursed via underground drainage. The design proposes using a mixture of new rip rap, edging along the circular driveway, and the driveway itself as a way to divert any sheet flow to the garden. The house itself is littered with gutters and dedicated downspouts which terminate underground, further limiting any sheet flow caused by roof run off via French drains. Basically, the 570 SF rain garden is proposing to capture over 5,000 SF of roof run off. Please see the attached packet and site plan for your review.

Additionally there is a city or county-installed drainage catchment feature directly adjacent to this site. It sits in the 30' drainage easement next to the rain garden area. It starts across the street and captures downhill run off from the hill, routes it under Weston Lane, and transfers the run off via the concrete ditch. That concrete lined ditch then outflows to Lake Austin.

On top of the aforementioned there are absolutely zero known drainage issues on this site nor any adjacent sites. All homeowners in the area have confirmed this. I have several letters of support regarding this variance and some that speak to the permit history of Rob Roy on the Lake better than myself in that they can attest that it was always thought certain permits were not required here as the neighborhood was thought to be in the ETJ for many years. Perhaps that's why no building permit exists for the house, but only MEP permits exist. That said, the HOA president, Mr. Terry Barnes, has written a letter of support as well the former HOA president, Mr. Terrence Irion who presided over the neighborhood HOA for 15 years. I'll be adding more letters of support for your late back up.

We respectfully request you approve the variances as requested and thank you in advance for understanding the sequence of events leading to the current application. We request to keep all improvements in their current configuration and look forward to installing a 570 SF rain garden to further mitigate any run off which may occur during a rain event.

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:

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:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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.

Date: 09/15/2020


Applicant Signature: 

Applicant Name (typed or printed): David C. Cancialosi

Applicant Mailing Address: 300 E. Highland Mall Blvd #207

City: Austin State: TX Zip: 78751

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

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.

Date: 09/15/2020

Owner Signature: 

Owner Name (typed or printed): Jim Goodwin

Owner Mailing Address: 1209 N. Weston

City: Austin State: TX Zip: 78751

Phone (will be public information):

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Agent is applicant

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).



Address Search

Find Review Case

Parcel Search

Permits By Address

Change visible map layers

Historic Layers

Point

Query

Filter

Search

Find Layers

Identify & Find Data

Address



Sierra Club, Austin Regional Group

TNR BCP - Travis County Natural Resources

Expired Permits

05/31/2017 - 2017-066072 MP - Expired

Permits

- C15-90-036 - Approved

- C15-90-046 - Approved

09/03/2020 - 2020-136349 PR - In Review

06/11/2020 - 2020-031286 PR - Active

05/19/2020 - 2020-076538 BP - Active

02/24/2020 - 2020-031286 PR - Approved

07/15/2019 - Operating License - Active

03/12/2019 - Plumbing Permit - VOID

03/11/2019 - 2019-113592 TP - Active

03/11/2019 - 2019-037745 BP - Active

02/25/2019 - 2019-029237 PR - Approved

01/29/1991 - 9100941 - Final

01/29/1991 - 9100941 - Final

01/29/1991 - 9100941 - Final

11/29/1990 - SP-90-0240DS - Approved and Released

11/26/1990 - 9014714 - Final

11/07/1990 - 9014076 - Final

11/07/1990 - 9014076 - Final

11/07/1990 - 9014076 - Final

09/10/1990 - 9011467 - Final

09/10/1990 - 9011467 - Final

09/10/1990 - 9011467 - Final

09/10/1990 - 9011467 - Final

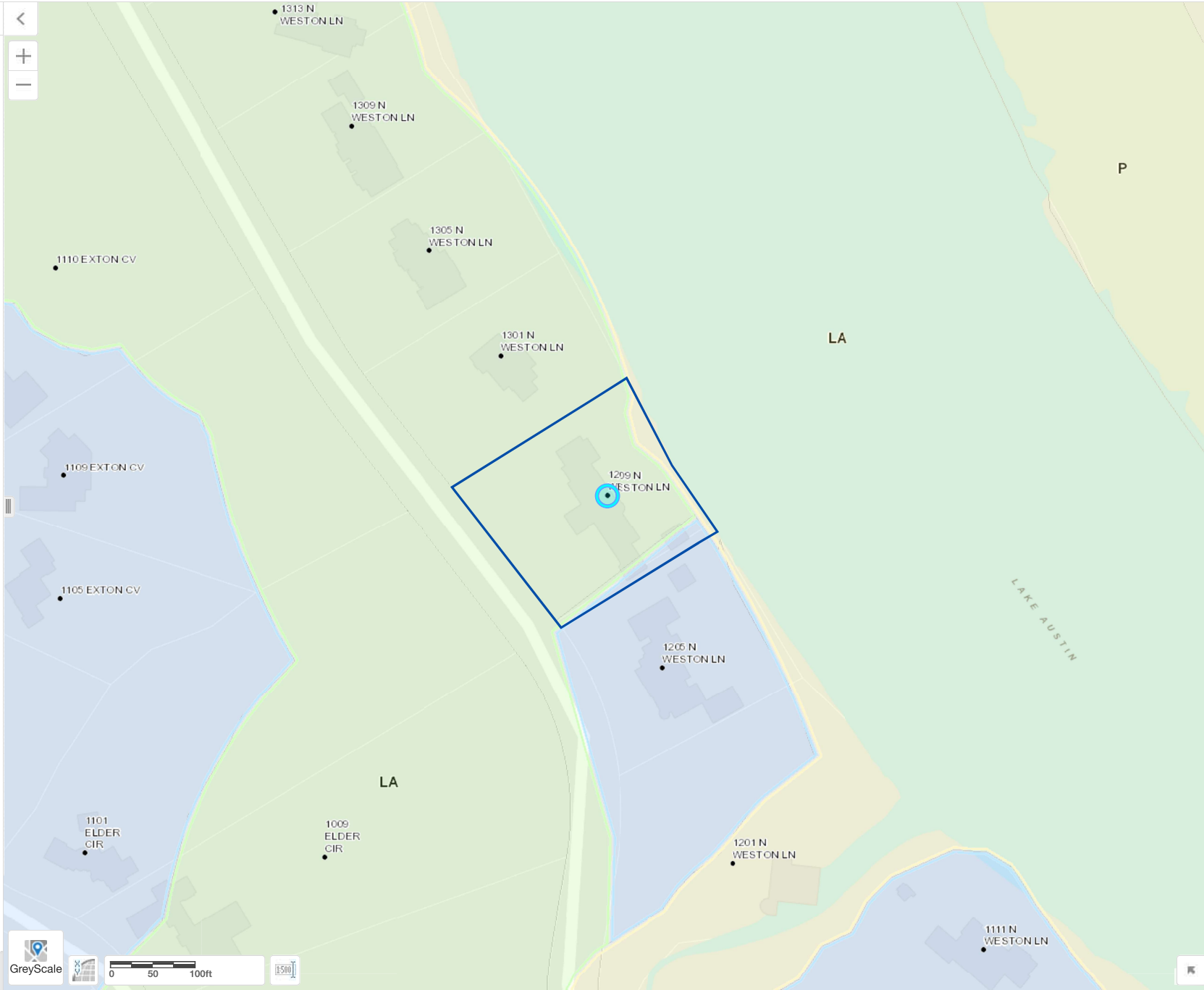
12/11/1984 - 8425948 - VOID

12/11/1984 - 8425948 - VOID

12/11/1984 - 8425948 - VOID

10/19/1984 - 8421903 - Final

10/19/1984 - 8421903 - Final





Development SERVICES DEPARTMENT

Residential Review – One Texas Center
505 Barton Springs Road, Austin, TX 78704; 311

Residential Pool and/or Uncovered Deck Permit Application

Property Information

Project Address: <u>1209 N. Weston Ln. Atx 78733</u>	Tax Parcel ID#: <u>0127280167</u>
Legal Description: <u>Lot 32, Blk A, Rob Roy on the Lake</u>	Fees from Escrow? Y <u>(N)</u> Escrow Account Row ID:
Zoning District: <u>LA</u>	Lot Size (sq ft): <u>46,526.44</u>
Neighborhood Plan Area (if applicable):	Historic District (if applicable):

Required Reviews

Does this site have or will it have an auxiliary water source ? Y <u>(N)</u> (If yes, submit approved auxiliary and potable plumbing plans.) (Auxiliary water supplies are wells, rainwater harvesting, river water, lake water, reclaimed water, etc.)	
Is this site within an Airport Overlay Zone ? Y <u>(N)</u> (If yes, approval through Aviation is required.)	Is this property within 200 feet of a hazardous pipeline ? Y <u>(N)</u> (If yes, Fire review is required.)
Is this site an historic landmark , in a local historic district, or National Registered Historic District? Y <u>(N)</u> (If yes, historic review is required.)	
Does this site have a septic system ? <u>(Y)</u> N (If yes, OSSF review is required.)	
Is this site located within an Erosion Hazard Zone ? Y <u>(N)</u> (If yes, EHZ review is required.)	Is this property located within 100' of the 100-year floodplain ? <u>(Y)</u> N (If yes, Flood Plain review is required and may require additional review time.)
Are there trees 19" or greater in diameter on/adjacent to the property? <u>(Y)</u> N If yes, how many? <u>16</u> (Provide plans with a tree survey, tree review required.)	
Was there a pre-development consultation for the Tree Review? Y <u>(N)</u> Proposed impacts to trees: (Check all that apply) Root zone Canopy Removal <u>None/Uncertain</u>	

Description of Work

Property Use:	<u>Single-Family Residential</u>	Duplex Residential	Two-Family Residential
(Circle one of the following)	Other: _____		
Will this pool have an autofill or heating system? Y N (If yes, this will trigger a plumbing permit)			
Does this project include an uncovered deck? Y <u>(N)</u>			
If Yes: Is the structure attached to a dwelling? Y <u>(N)</u>			
Is the structure more than 200 sq. ft.? Y <u>(N)</u>			
Is the structure 30 in. above grade at any point? Y <u>(N)</u>			
Does the structure service a door? Y <u>(N)</u>			
Is the structure located within a flood hazard area? Y <u>(N)</u>			
If answers to any of the above questions are yes, then technical review may be required and applicant may be subject to providing structural drawings or third party verification letters authorized by professionals.			

Project Description: (Note: Please provide thorough description of project. Attach additional pages as necessary.)

retroactive permit for existing ~900 SF inground pool
with hot tub. and 100 SF uncovered concrete
decking.

Job Valuation – For Properties in a Floodplain Only			
Total Job Valuation: \$ <u>50,000</u> Note: Labor and materials only, rounded to nearest dollar.			
Site Development Information - Utilize the Calculation Aid on the last page of the New Construction and Addition application for assistance calculating impervious coverage.			
Building Area Information		New/Added Sq. Ft.	
Deck to be permitted (check applicable material) wood concrete other			
Flatwork		- exempt • 100 SF not exempt.	
Other impervious cover (Pool Coping, Retaining Walls)		- exempt.	
Pool		= exempt.	
Spa			
Impervious Cover Information			
Impervious cover is the total horizontal area of covered spaces, paved areas, walkways, and driveways. The term excludes pools, ponds, fountains, and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians. Uncovered wood decks with drainage spaces between deck boards located over a pervious surface are counted at 50%. (LDC 25-1-23)			
Existing Impervious Cover (sq ft): <u>9410</u>		% of lot size: <u>19.98</u>	
Proposed Impervious Cover (sq ft): <u>100</u>		% of lot size: <u>37.18</u>	
Contact Information			
Owner	<u>James Goodwin</u>	Applicant/Agent	<u>Christi Onueke</u>
Mailing Address	<u>1209 N. Weston Ln 78733</u>	Mailing Address	<u>105 W. Riverside #225</u>
Phone	<u>512.751.9846</u>	Phone	<u>512.354.1255</u>
Email	[REDACTED]	Email	[REDACTED]

Authorization

I agree that this application is good for twelve (12) months after the date it is filed, and will expire if not approved for compliance within that time frame. If the application expires, a new submittal will be required and compliance with current code may be required.

I hereby certify that to the best of my knowledge and ability, the information provided in this application is complete and accurate.

I further acknowledge that, should any information contained herein prove incorrect, the building official may suspend or revoke any resulting permit and/or license.

I further understand that no portion of any roof structure may overhang in any easement. I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction. Water services, meters, and wastewater cleanouts are not permitted within or beneath driveways or sidewalks. Private plumbing appurtenances will not be located in public right-of-way or public easements. Private plumbing lines will not cross lot lines.

Erosion and Sedimentation Controls are required per Section 25-8-181 of the LDC. Failure to comply with this requirement may result in a Stop Work Order and/or legal action by the City of Austin including criminal charges and fines of up to \$2,000.00 per day.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the site, I am required to complete a Tree Ordinance Review Application by contacting (512) 974-1876 or cityarbortest@austintexas.gov. This initiates the tree permitting requirement needed to proceed with the development review process.

I am the record owner of this property and authorize the agent applicant listed above to apply for and acquire a permit on my behalf.

I have checked for any property-specific information that may affect the review and/or construction of this project, including but not limited to: any subdivision notes, deed restrictions, restrictive covenants, zoning conditional overlays, and/or other requirements specific to proposed development on this property (collectively, the "Property Information"), located at:

I understand that the review of this project by the City of Austin will not include a review of any private restrictive covenants or deed restrictions that may apply to this property.

I am responsible for any conflicts between the Property Information and the request submitted to the City of Austin. I further acknowledge that I understand the implications of use and/or development restrictions that are a result of the Property Information. Additionally, I understand that the issuance of a City permit for this project does not affect the enforceability of any private restrictive covenants applicable to the property.

I understand that if requested I must provide copies of any and all of the Property Information that may apply to this property.

Owner's signature: _____

Date: _____

Applicant's signature: _____

Date: _____



AUSTIN ENERGY

One Texas Center | 505 Barton Springs Road
Phone: (512) 974-2632, (512) 974-9112
Email: aebspaespa@austinenergy.com

D-4/19

☐ This project will require a Temporary Loop

☐ Design Required

Building Service Planning Application (BSPA)

This form to be used for review of Residential Building Permits only

For use in DAC only

Person Responsible for Request: Christi Mueck

Email: [REDACTED]

Project Address: 1209 N. Weston Ln. -OR-

Legal Description: Lot 32, Blk A, Rob Roy on the Lake Sec 1 Lot: _____ Block: _____

Who is your electrical provider? ☒ AE ☐ Other: _____

☐ Overhead Service ☐ Underground Service ☐ Single-Phase (1Ø) ☐ Three-Phase (3Ø)

Location of meter: _____

Scope of work: retro-active permit for existing ~ 900 SF inground pool
and hot tub.

Christi Mueck 512.354.1255
BSPA Completed by (print name) Phone

[Signature] 8-24-2020
BSPA Completed by (signature) Date

(Any change to the above information requires review and re-approval)

AE Representative Use Only

APPROVED

By PaceM at 3:08 pm, Aug 25, 2020

ALL LAND IS - 15% SLOPE CATEGORY. NO SURVEY SEALED SLOPE MAP REQUIRED.

GENERAL NOTES:

1. ACCORDING TO THE TEXAS PARKS AND WILDLIFE, THE TEXAS COURTS HAVE ADOPTED THE 'GRADIENT BOUNDARY' AS THE USUAL DIVIDING LINE BETWEEN PUBLIC OWNERSHIP OF A STREAM'S BED AND LOWER BANK AREA, AND PRIVATE OWNERSHIP OF THE HIGHER BANK AREA AND THE UPLANDS BEYOND. SURVEYING THE GRADIENT BOUNDARY IS A COMPLEX TASK PERFORMABLE ONLY BY SPECIFICALLY TRAINED PERSONS. ACCORDING TO THE CITY OF AUSTIN AN APPROXIMATE DETERMINATION OF THE GRADIENT BOUNDARY ALONG LAKE AUSTIN IS THE 482' CONTOUR.
2. ALL WORK SHALL OCCUR WITHIN THE LIMITS OF CONSTRUCTION AS SHOWN ON THE PLAN.
3. NO TREES GREATER THAN 8" IN DIAMETER WILL BE IMPACTED BY THE PROPOSED CONSTRUCTION.
4. CONTAINERS OF HAZARDOUS MATERIALS, FUEL, OIL, HERBICIDES, INSECTICIDES, FERTILIZERS OR OTHER POLLUTANTS MAY NOT BE STORED ON DOCKS EXTENDING INTO OR ABOVE LAKE AUSTIN.
5. PERMANENT IMPROVEMENTS ARE PROHIBITED WITHIN THE SHORELINE SETBACK AREA, EXCEPT FOR RETAINING WALLS, PIERS, WHARVES, BOATHOUSES, MARINAS OR A DRIVEWAY TO ACCESS THE STRUCTURES [LDC 25-2-551 (B)(2)].
6. THERE ARE NO CHANGES TO THE EXISTING DRAINAGE PATTERN AS A RESULT OF THE PROPOSED DECK OR WALL REPLACEMENT.
7. CONSTRUCTION OF DECK FOUNDATION WILL BE DONE FROM LAND AND BY BARGE.
8. DECK AND RETAINING WALLS SITE WORK WILL BE DONE FROM LAND.
9. PERMANENT IMPROVEMENTS ARE PROHIBITED WITHIN THE SHORELINE SETBACK AREA, EXCEPT FOR RETAINING WALLS, PIERS, WHARVES, BOATHOUSES, MARINAS OR A DRIVEWAY TO ACCESS THE STRUCTURES (LDC 25-2-551 (B)(2)).
10. NO DEMOLITION IS PROPOSED WITH THIS SITE PLAN APPLICATION.
11. CONTRACTOR SHALL STRIP TOPSOIL TO A DEPTH OF 6" AND STORE IN THE TOPSOIL STOCKPILE AREA SHOWN ON THIS SHEET OF THIS PLAN SET. STOCKPILED TOPSOIL SHALL BE CLEANED OF ROOTS, DELETERIOUS MATERIAL, ORGANIC MATERIAL AND ROCKS LARGER THAN 3" PRIOR TO REUSE.
12. THERE ARE NO EXISTING STRUCTURES WITHIN 50' OF THIS SITE.
13. THIS PROJECT WILL NOT CREATE ANY INCREASE IN THE 100 YR FLOOD ELEVATION.
14. NO CUT/FILL TO EXCEED 4'.

ATTENTION INSPECTOR NOTES:

1. COMPLIANCE WITH THE BUILDING CODE IS REQUIRED AND IS TO BE REVIEWED FOR COMPLIANCE DURING BUILDING REVIEW.
2. FOR THE BUILDING PERMIT, A SIGNED AND SEALED LETTER SHALL BE SUBMITTED TO THE CITY OF AUSTIN, PER THE LAND DEVELOPMENT CODE, 25-12-31612.4, CERTIFYING THAT STRUCTURE IS IN ACCORDANCE WITH THE ASCE 24, FLOOD RESISTANT DESIGN AND CONSTRUCTION.

EROSION CONTROL NOTES:

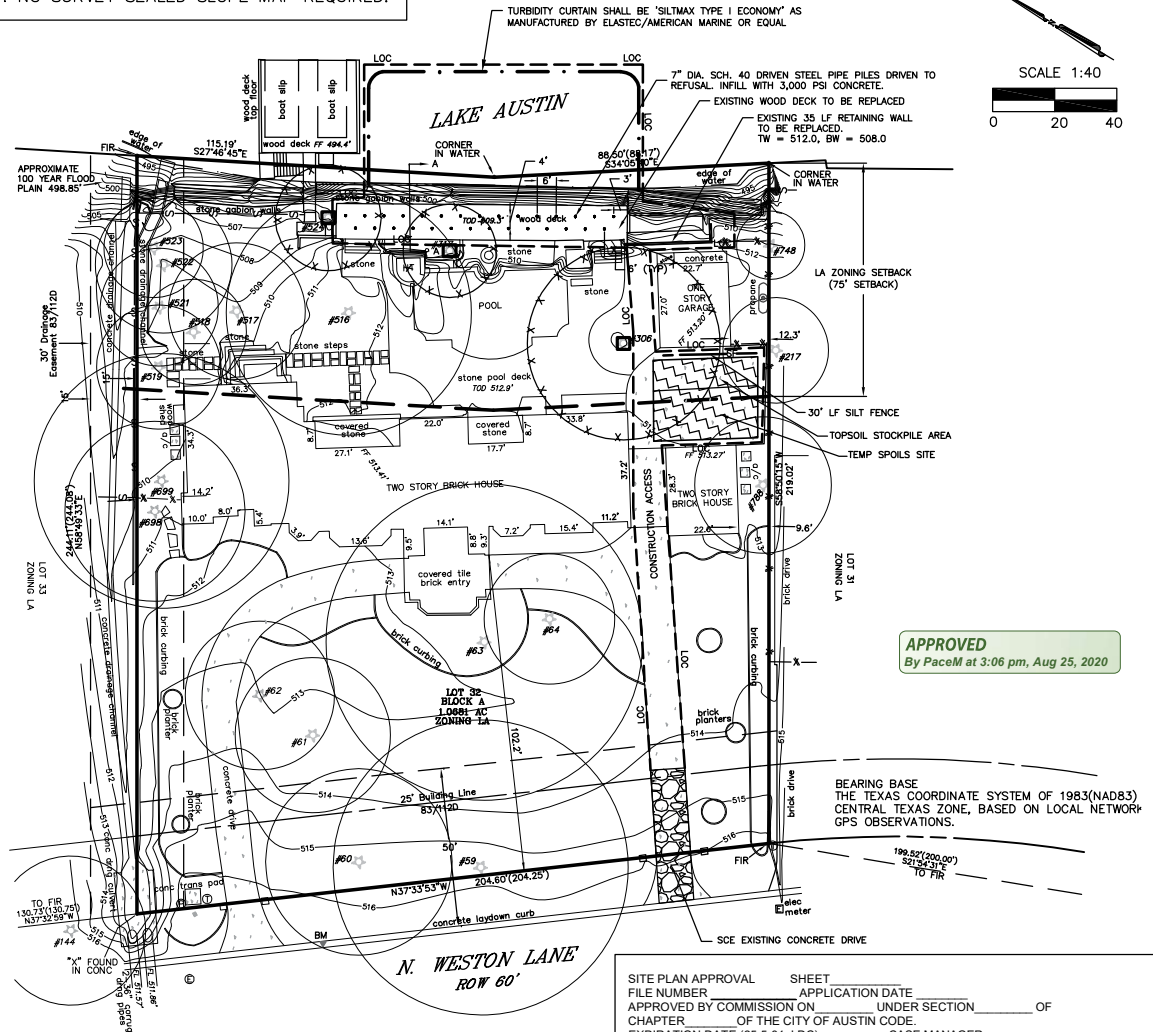
1. EXISTING GABION WALL AT SHORELINE TO ACT AS EROSION/SEDIMENTATION CONTROL DEVICE.
2. EXISTING CONCRETE DRIVEWAY TO ACT AS STABILIZED CONSTRUCTION ENTRANCE.
3. DISTURBED AREAS WITHIN THE CWQZ THAT ARE NOT IN ROCK ARE TO BE REVEGETATED WITH NATIVE GRASSES IN ACCORDANCE WITH CITY OF AUSTIN STANDARD SPECIFICATION ITEM NO. 609S: NATIVE GRASSLAND SEEDING AND PLANTING FOR EROSION CONTROL.
4. ALL TREES SHOWN ARE TO REMAIN.

SEQUENCE OF CONSTRUCTION:

1. INSTALL TURBIDITY CURTAIN AND TREE PROTECTION.
2. INSTALL (DECK FOUNDATION) DRIVEN PIERS.
3. INSTALL DECK.
4. INSTALL RETAINING WALL.
5. REVEGETATE DISTURBED AREAS.
6. REMOVE TURBIDITY CURTAIN.

CONSTRUCTION NOTES:

1. SEE DECK STRUCTURAL DRAWINGS FOR DECK CONSTRUCTION INFORMATION.
2. SEE RETAINING WALL STRUCTURAL DRAWINGS FOR WALL CONSTRUCTION INFORMATION.



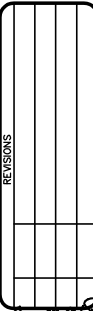
THIS IS A SURFACE DRAWING, THE CONVERSION
FACTOR FOR GRID TO SURFACE IS:
0.99984434468301033

SITE PLAN APPROVAL SHEET
FILE NUMBER _____ APPLICATION DATE _____
APPROVED BY COMMISSION ON _____ UNDER SECTION _____ OF
CHAPTER _____ OF THE CITY OF AUSTIN CODE
EXPIRATION DATE (25-5-81, LDC) _____ CASE MANAGER _____
PROJECT EXPIRATION DATE _____ DWPZ _____ DDZ ☒

Director, Watershed Protection and Development Review
RELEASED FOR GENERAL COMPLIANCE: _____ ZONING _____
Rev. 1 _____ Correction 1 _____
Rev. 2 _____ Correction 2 _____
Rev. 3 _____ Correction 3 _____

Final plat must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a building permit is not required), must also be approved prior to the Project Expiration Date.

Case Number: _____

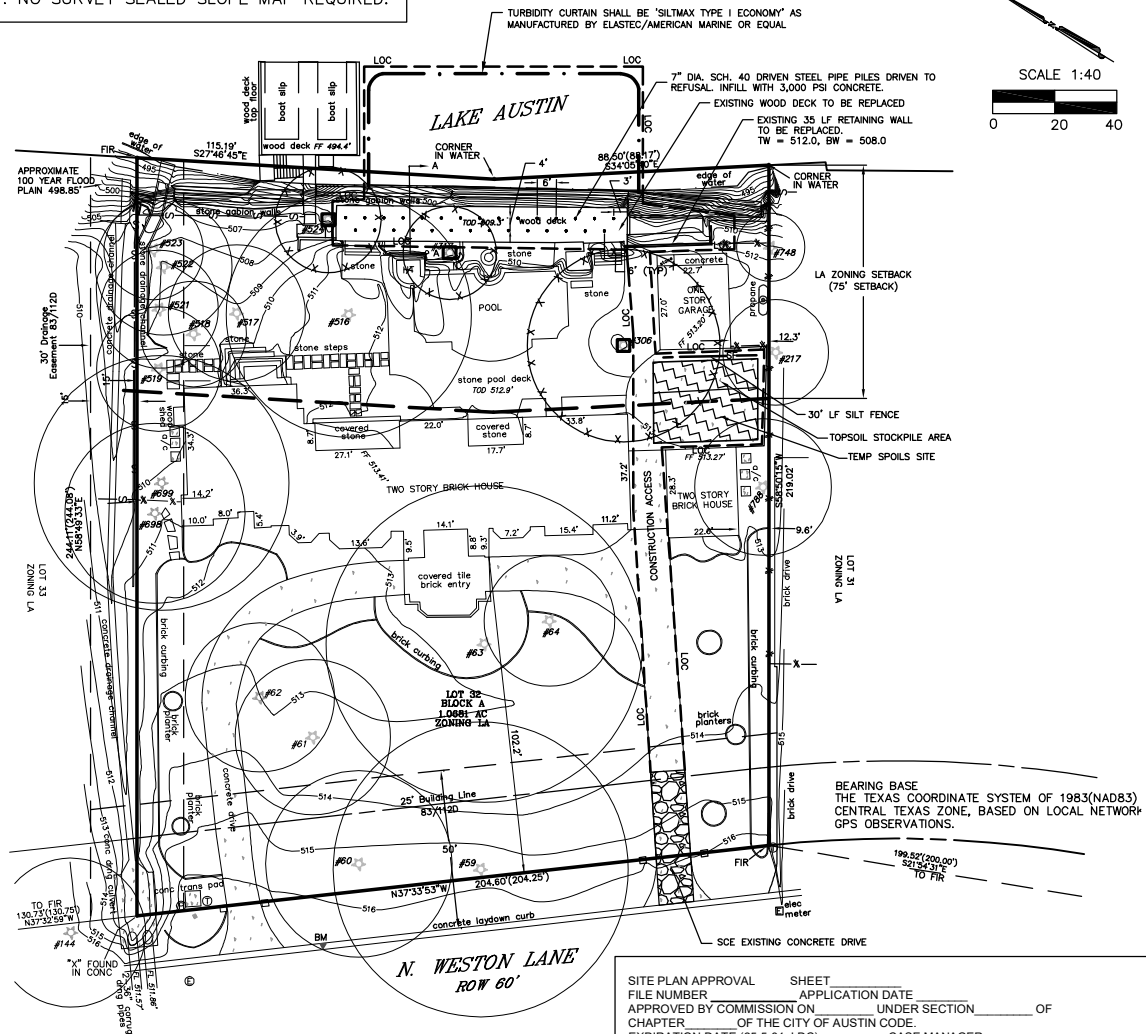


EXISTING DECK REPLACEMENT PLAN
1209 NORTH WESTON LANE
AUSTIN, TEXAS
SITE PLAN/EROSION, SEDIMENTATION
AND TREE PROTECTION PLAN

4417 BURLISON ROAD
AUSTIN, TEXAS 78744
Phone: 512-445-0796
www.geosolutionsinc.com
Reg. Eng. Firm #14189

Scale: NOT TO SCALE
Date: 08/24/20
Drawn by: JF
Project No.: 6520112
SHEET
OF 1

1. SEE DECK STRUCTURAL DRAWINGS FOR DECK CONSTRUCTION INFORMATION.
2. SEE RETAINING WALL STRUCTURAL DRAWINGS FOR WALL CONSTRUCTION INFORMATION.



THIS IS A SURFACE DRAWING, THE CONVERSION
FACTOR FOR GRID TO SURFACE IS:
0.99984434468301033

SITE PLAN APPROVAL SHEET _____
FILE NUMBER _____ APPLICATION DATE _____
APPROVED BY COMMISSION ON _____ UNDER SECTION _____ OF
CHAPTER _____ OF THE CITY OF AUSTIN CODE.
EXPIRATION DATE (25-5-81, LDC) _____ CASE MANAGER _____
PROJECT EXPIRATION DATE _____ DWPZ DDZ X

Director, Watershed Protection and Development Review
RELEASED FOR GENERAL COMPLIANCE: _____ ZONING _____
Rev. 1 _____ Correction 1 _____
Rev. 2 _____ Correction 2 _____

Final plat must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a building permit is not required), must also be approved prior to the Project Expiration Date.

Case Number:

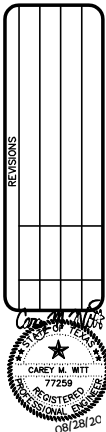
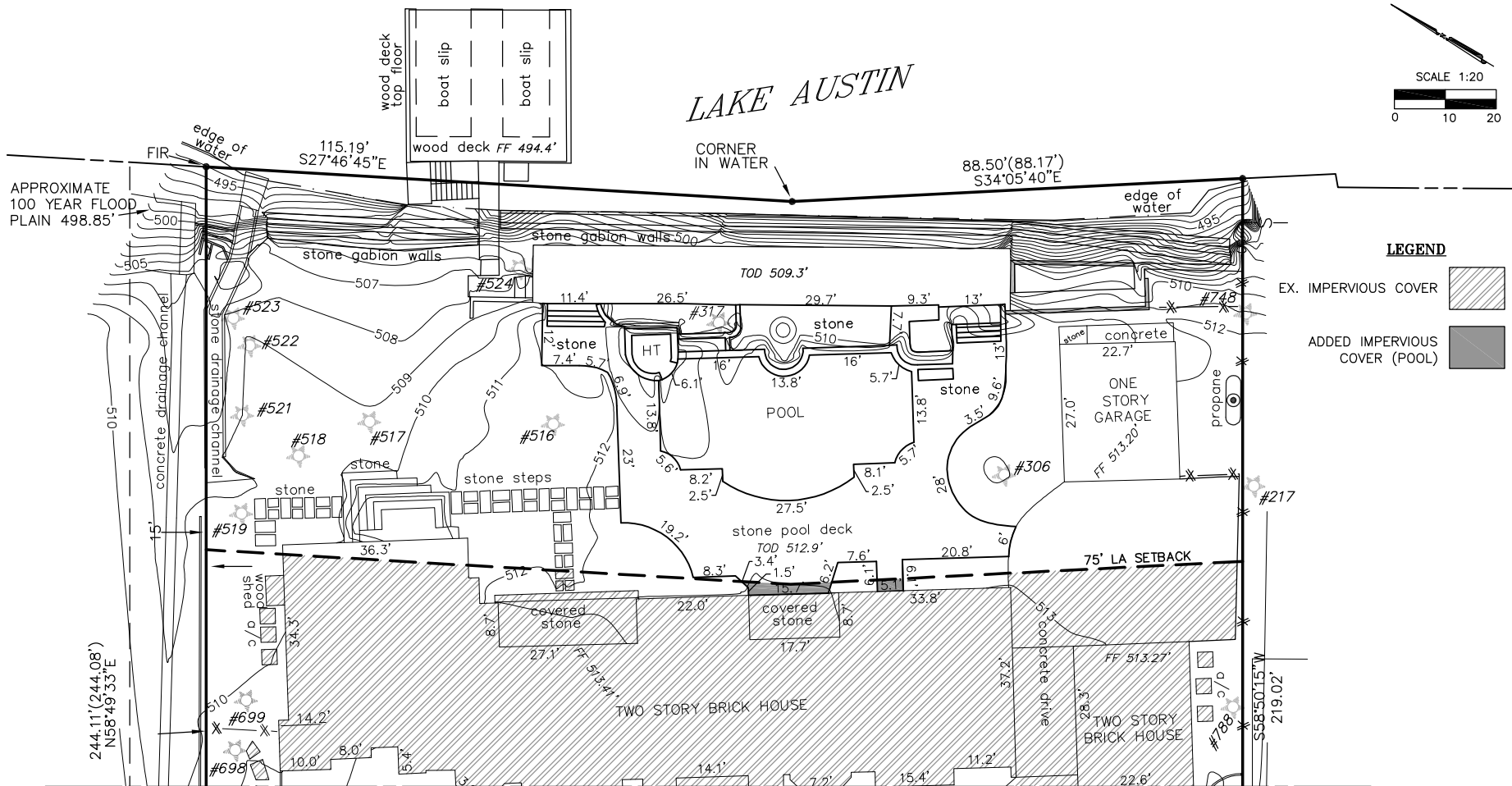
EXISTING DECK REPLACEMENT PLAN
1209 NORTH WESTON LANE
AUSTIN, TEXAS

SITE PLAN/EROSION, SEDIMENTATION
AND TREE PROTECTION PLAN

 4417 BURLESON ROAD
AUSTIN, TEXAS 78744
Phone: 512-445-0796
www.geosolutionsinc.com
Reg. Eng. Firm #F-4189

GEO SOLUTIONS

Scale: NOT TO SCALE
Date: 08/28/20
Drawn by: JY
Project No.: GS20112



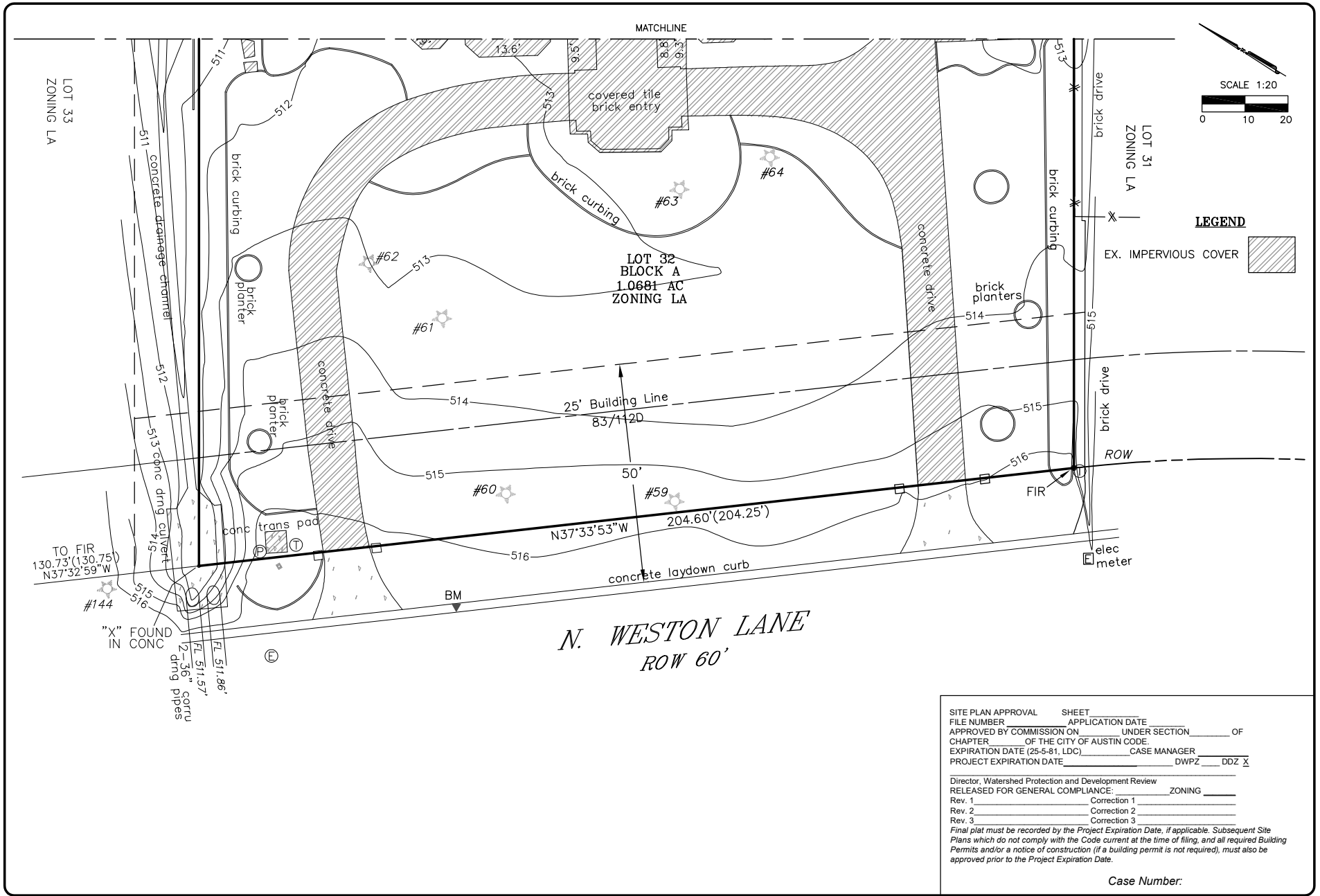
POOL PERMIT
1209 NORTH WESTON LANE
AUSTIN, TEXAS
IMPERVIOUS COVER EXHIBIT - 1

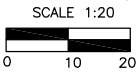
4417 BURLISON ROAD
AUSTIN, TEXAS 78744
Phone: 512-445-0796
www.geosolutionsinc.com
Reg. Eng. Firm #1189

GEO SOLUTIONS

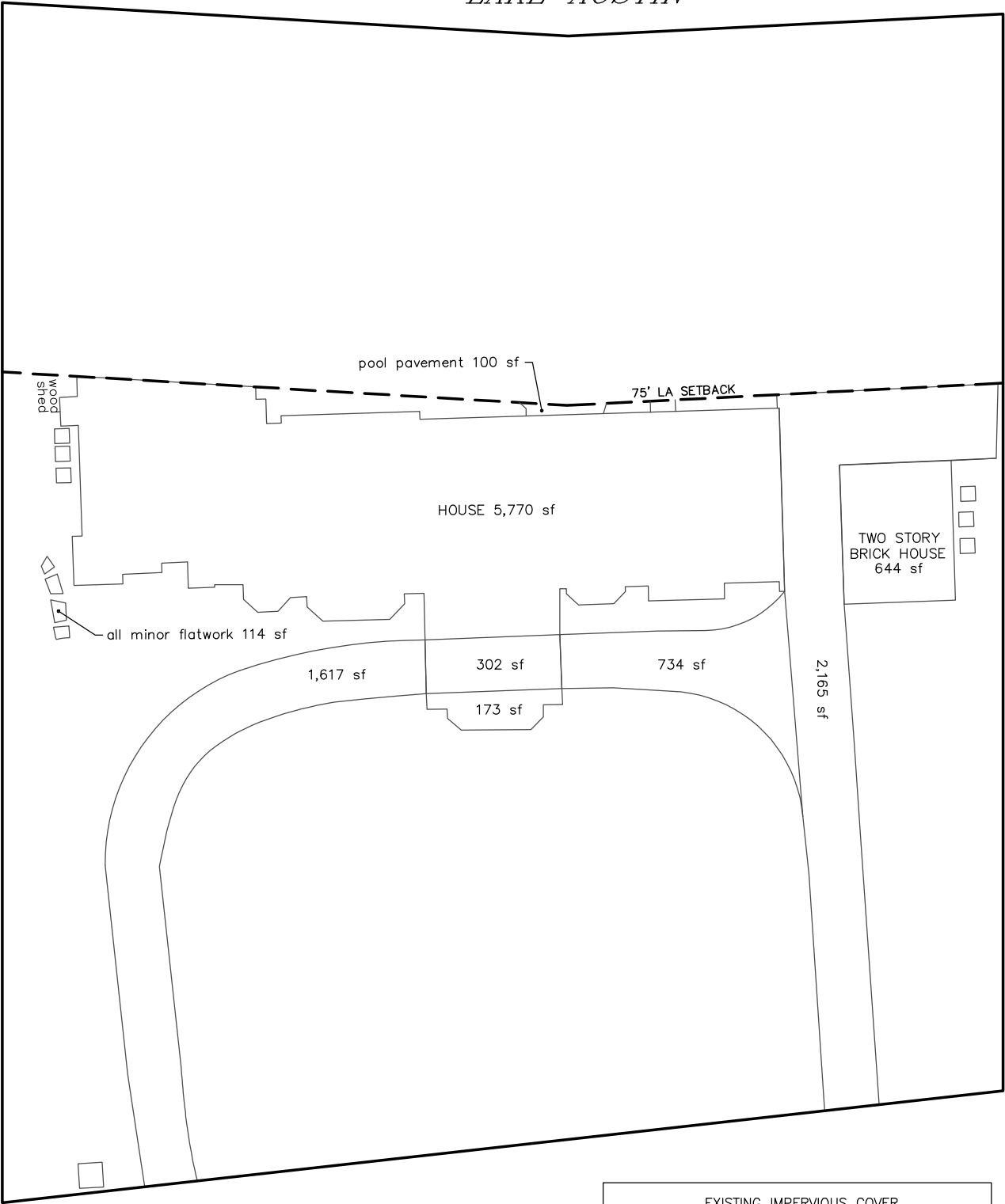
Scale: NOT TO SCALE
Date: 08/28/20
Drawn by: JY
Project No.: 6520112

SHEET 1
OF 2





LAKE AUSTIN



N. WESTON LANE

LOT SIZE = 1.0681 ACRES (46,526.44 SQFT)
AREA OF LOT WITHIN 75' SETBACK = 15,280 SQFT
NET SIZE AREA = 31,246.85 SQFT

EXISTING IMPERVIOUS COVER
BUILDINGS = 6,587 SQFT
CONCRETE/STONE PAVEMENT = 4,932 SQFT
PROPOSED IMPERVIOUS COVER
ADDED IMPERVIOUS COVER (POOL) = 100 SQFT
TOTAL IMPERVIOUS COVER = 11,619 SQFT
PERCENT IMPERVIOUS = 37.18%
MAX ALLOWED IMPERVIOUS = 20% (6,250 sf)

79 112.6

ROB ROY ON THE LAKE SECTION ONE

Vol. 83 Page 1126
Apr 25 83 RCHM 4463 A 140.00

Vol. 83 Page 1126
RCHM 4463 A 140.00

SCALE 1" = 100'

LEGEND

- Iron Pin Found
- Iron Pin Not
- Nail Set in Rock
- Iron Pipe Found
- Conc. Hwy. Monument Found
- Conc. Monument Set

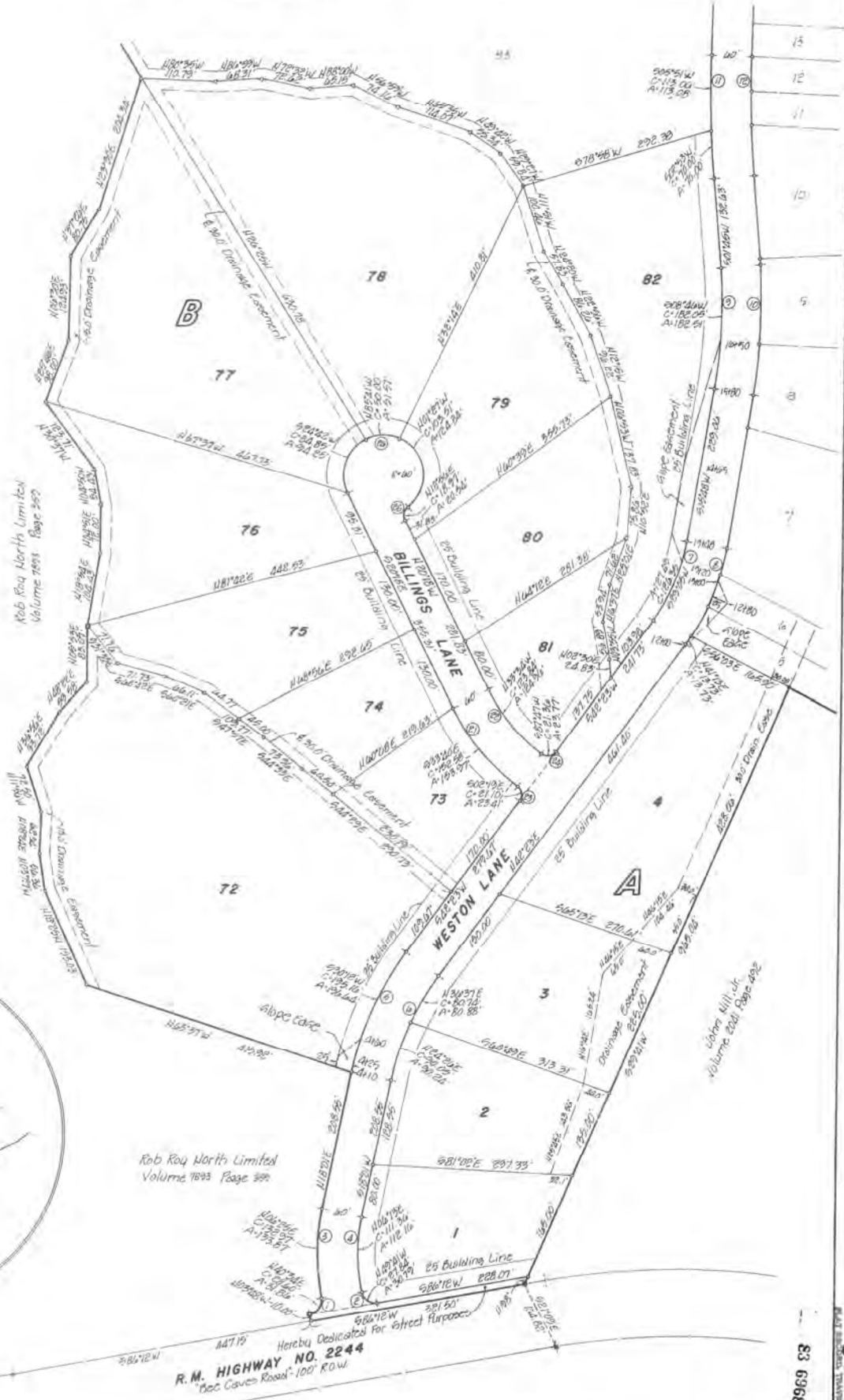
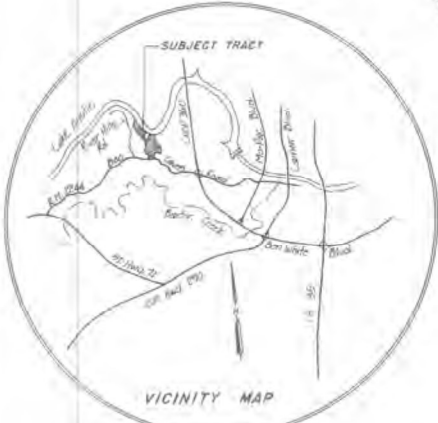
CURVE DATA

	1	2	3	4
I	21°16'	88°13'	23°05'	23°36'
R	80.00'	20.00'	332.29'	272.29'
T	20.26'	19.39'	57.60'	56.88'
A	31.86'	20.79'	133.87'	112.16'
C	28.50'	27.83'	136.97'	111.36'

	5	6	7	8
I	2°52'	24°22'	26°35'	26°36'
R	462.37'	402.27'	274.78'	334.78'
T	99.83'	84.87'	64.91'	79.09'
A	170.04'	171.12'	127.02'	100.33'
C	195.10'	189.83'	126.35'	103.94'

	9	10	11	12
I	10°03'	05°56'	26°44'	26°31'
R	744.26'	767.98'	330.00'	270.00'
T	91.71'	91.62'	78.41'	63.62'
A	182.51'	183.09'	163.97'	124.96'
C	182.05'	183.00'	152.08'	123.84'

	13	14	15	16
I	83°25'	30°48'	78°28'	290°28'
R	15.00'	16.00'	19.00'	80.00'
T	12.89'	16.21'	12.39'	—
A	23.41'	23.77'	20.64'	270.67'
C	21.10'	21.36'	18.97'	—



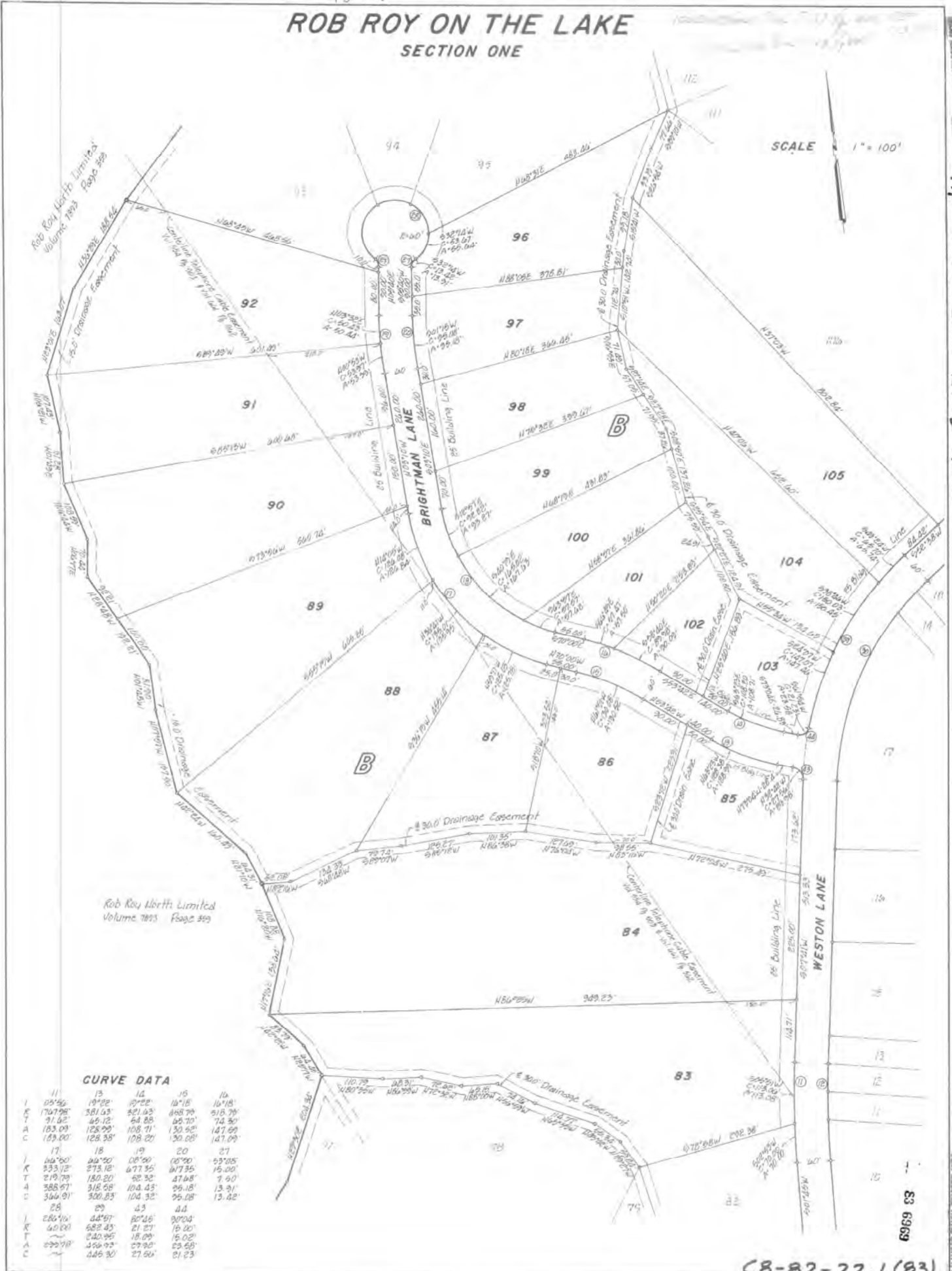
Hereby Dedicated For Street Purposes
R.M. HIGHWAY NO. 2244
Sec. Corner Road - 100' R.O.W.

CB-82-22.1 (83)

ROB ROY ON THE LAKE SECTION ONE

SCALE 1" = 100'

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Apr 25-83 RCCHA 4403 & 140.80



CURVE DATA

11	13	14	15	16
17	18	19	20	21
22	23	24	25	26
27	28	29	30	31
32	33	34	35	36
37	38	39	40	41
42	43	44	45	46
47	48	49	50	51
52	53	54	55	56
57	58	59	60	61
62	63	64	65	66
67	68	69	70	71
72	73	74	75	76
77	78	79	80	81
82	83	84	85	86
87	88	89	90	91
92	93	94	95	96
97	98	99	100	101
102	103	104	105	106

83 6969

C8-82-22.1 (83)

SHEET 2 OF 7

Vol. 83 Page 113A
RCCHA 4403 & 140.80

ROB ROY ON THE LAKE SECTION ONE

Lake Austin

SCALE 1" = 100'

CURVE DATA

	27	28	29	30
I	253.08'	276.16'	244.47'	244.47'
R	16.00'	40.00'	188.25'	748.85'
T	1.50'	243.78'	28.76'	21.25'
A	13.42'	243.78'	27.46'	62.37'
C	13.42'	243.78'	27.46'	62.37'
I	26.50'	28.50'	11.30'	11.30'
R	479.00'	359.00'	267.00'	327.00'
T	107.71'	98.29'	39.71'	33.03'
A	200.64'	180.64'	53.74'	49.83'
C	200.64'	180.64'	53.74'	49.83'
I	27.50'	27.50'	27.50'	27.50'
R	275.15'	275.15'	275.15'	275.15'
T	30.95'	30.95'	30.95'	30.95'
A	41.85'	41.85'	41.85'	41.85'
C	41.85'	41.85'	41.85'	41.85'
I	23.27'	23.27'	23.27'	23.27'
R	204.15'	204.15'	204.15'	204.15'
T	29.10'	29.10'	29.10'	29.10'
A	58.19'	58.19'	58.19'	58.19'
C	58.19'	58.19'	58.19'	58.19'

Rob Roy Land, Limited
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