

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0027

**BOA DATE:** April 12<sup>th</sup>, 2021

**ADDRESS:** 12905 Veronese Dr

**COUNCIL DISTRICT:** 8

**OWNER:** Charles Shapiro

**AGENT:** N/A

**ZONING:** I-SF-2

**LEGAL DESCRIPTION:** AVANA PH TWO SEC TWO, BLOCK E, Lot 14, ACRES 0.2292

**VARIANCE REQUEST:** increase impervious cover requirements from 45% to 50%

**SUMMARY:** erect a swimming pool

**ISSUES:** slope of backyard

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-2	Single-Family
<i>North</i>	I-SF-2	Single-Family
<i>South</i>	I-SF-2	Single-Family
<i>East</i>	I-SF-2	Single-Family
<i>West</i>	I-SF-2	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Bike Austin

Circle C Homeowners Assn.

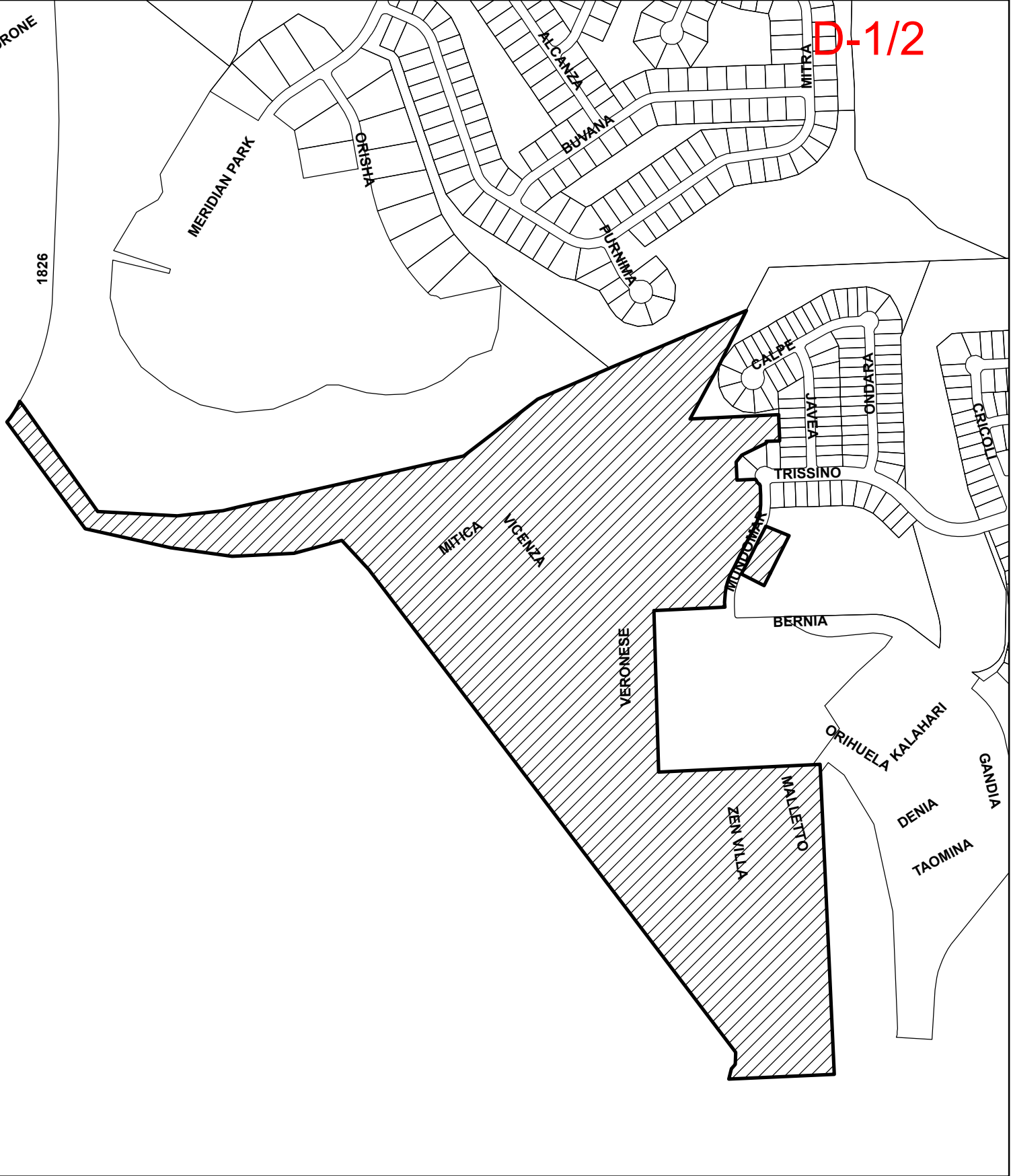
Circle C Neighborhood Assn.


Friends of Austin Neighborhoods




Neighborhood Empowerment Foundation

Save Our Springs Alliance

Sierra Club, Austin Regional Group





 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

**NOTIFICATIONS**  
CASE#: C15-2021-0027  
LOCATION: 12905 VERONESE DRIVE



1 " = 667 '

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

D-1/3

## 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: 12905 Veronese Dr, Austin TX, 78739

Subdivision Legal Description:

AVANA PH TWO SEC TWO, BLOCK E, Lot 14, ACRES 0.2292

Lot(s): 14 Block(s): E

Outlot: 2 Division: Phase 2, Avana

Zoning District: I-SF-2

I/We Charles Shapiro on behalf of myself/ourselves as  
authorized agent for Charles & Jennifer Shapiro affirm that on  
Month February, Day 8, Year 2021, 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: Pool w/ surrounding wood decking and limestone terracing



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

I am requesting a variance from the Land Development Code section 25-2-492 Site Development Regulations for a I-SF-2 residential property for a Maximum Impervious Cover increase from 45% (required) to 50% (requested) for 2 years.

## 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 majority of the backyard and side yard is on a steep 18% slope, presenting a safety hazard in traversal (especially on the rock sections done by the builder) and limiting any type of general play/usage in the space.

### Hardship

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

18% backyard and side yard slopes

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

Using required steps to first-floor as a proxy for measuring slope, there are no other properties in the entire neighborhood that have a 21 stair ascent going up 12 feet. Again, using steps as a proxy for measuring rough slope, the closest properties are approximately half (11-12 steps) and even then, these properties are fairly rare in the neighborhood.



**Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Terracing with white limestone retaining walls and pools with decking are common in the neighborhood. This is also how the builder completed the front yard of the property. The downslope neighbor benefits with less water runoff (improved capture from terracing) and increased privacy (since the current slope allows unobstructed views to their property).

**Parking** (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

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**Section 3: Applicant Certificate**

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

Applicant Signature:  Date: 02/08/2021

Applicant Name (typed or printed): Charles Shapiro

Applicant Mailing Address: 12905 Veronese Dr

City: Austin State: TX Zip: 78739

Phone (will be public information): (210) 865-7721

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: 02/08/2021

Owner Name (typed or printed): Charles Shapiro

Owner Mailing Address: 12905 Veronese Dr

City: Austin State: TX Zip: 78739

Phone (will be public information): (210) 865-7721

Email (optional – will be public information): 

**Section 5: Agent Information**

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

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

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

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

**Section 6: Additional Space (if applicable)**

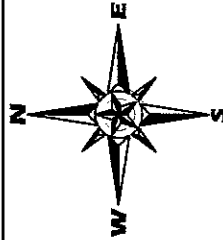
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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SCALE: 1" = 30'

### CURVE TABLE

CURVE	RADIUS	DELTA	ARC
C1	325.00'	02°23'27"	13.56'

CALLS REMAINDER OF  
30.074 ACRES  
(PARCEL E)  
STANDARD PACIFIC  
OF TEXAS, INC.  
(DOC. NO. 2013002413, T.C.O.P.R.)

S 01°26'21" E  
85.81'

FND CAPPED  
1/2" I.R.

FND CAPPED  
1/2" I.R.

LOT 15  
N 88°18'08" E  
120.00'

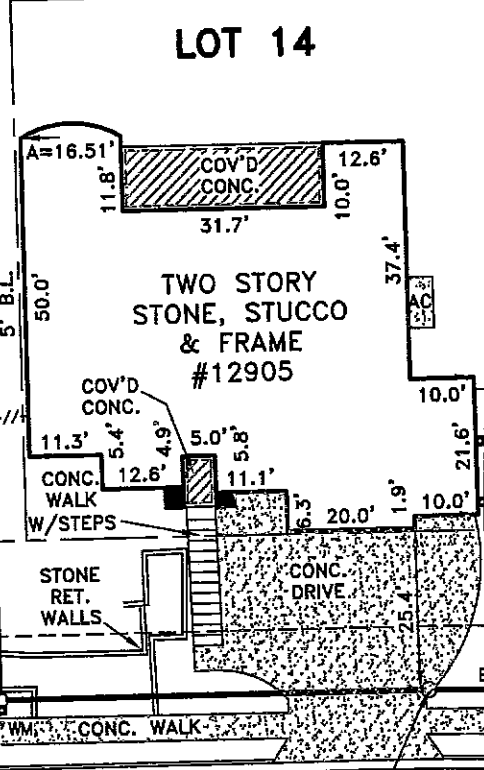
LOT 16  
LOT 15

70.00'  
SET CAPPED  
1/2" I.R. WLSA

CURB &  
GUTTER

67.24'  
N 01°41'52" W

**VERONESE DRIVE**  
(50' R.O.W.)



LOT 13  
N 89°18'25" W  
120.00'

LOT 13

LOT 12  
LOT 11

BLOCK "E"

### NOTES:

- 1) SUBJECT TO RESTRICTIVE COVENANTS BY DOC. NO. 16020909, H.C.P.R., VOL. 1660, PG. 1, VOL. 1660, PG. 560, VOL. 1713, PG. 764, VOL. 3294, PG. 593, VOL. 4107, PG. 203, DOC. NO. 9926152, DOC. NO. 16020579, DOC. NO. 16035780, H.C.O.P.R.
- 2) SUBJECT TO 15' UTILITY EASEMENT (BLANKET IN NATURE) BEING 7.5' EITHER SIDE WHERE CABLES ARE BURIED TO PEDERNALES ELECTRIC COOPERATIVE, INC. BY DOC. NO. 17004160, H.C.O.P.R., FOUND NO ABOVEGROUND PHYSICAL EVIDENCE WITHIN SUBJECT PROPERTY PER FIELD INSPECTION AT TIME OF SURVEY, EXCEPT AS SHOWN.
- 3) SUBJECT TO AN EASEMENT TO RESTRICT IMPROVEMENTS COVER TO THE CITY OF AUSTIN VOL. 1660, PG. 560, AS AFFECTED BY VOL. 3723, PG. 372, VOL. 3860, PG. 501, VOL. 3953, PG. 792, VOL. 4119, PG. 516, VOL. 4119, PG. 579, VOL. 4173, PG. 686, VOL. 4343, PG. 27, H.C.O.P.R.
- 4) NATURE TRAIL EASEMENT BY VOL. 1661, PG. 168, H.C.O.P.R., DOES NOT APPEAR TO AFFECT SUBJECT PROPERTY.
- 5) SUBJECT TO EASEMENT RIGHTS BY VOL. 3294, PG. 593, H.C.O.P.R.
- 6) BUILDING LINE SETBACKS SHALL CONFORM TO THE CITY OF AUSTIN ZONING ORDINANCE, PER NOTE ON RECORDED PLAT.
- 7) SUBJECT TO ALL APPLICABLE CITY AND/OR COUNTY DEVELOPMENT CODES AND ORDINANCES.

ALL BEARINGS ARE BASED ON THE  
RECORDED PLAT UNLESS OTHERWISE NOTED.  
ALL EASEMENTS AND BUILDING LINES ARE  
BASED ON THE RECORDED PLAT, UNLESS  
OTHERWISE NOTED. SURVEYOR DID NOT  
ABSTRACT SUBJECT PROPERTY.  
THIS SURVEY HAS BEEN COMPILED IN  
ACCORDANCE WITH INFORMATION CONTAINED  
IN THE TITLE COMMITMENT REFERENCED  
IN GF NO. 114668-000250

### SURVEY OF

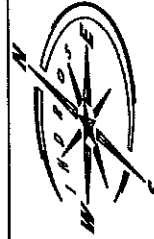
LOT 14, BLOCK "E", AVANA, PHASE TWO, SECTION  
TWO, A SUBDIVISION IN HAYS COUNTY, TEXAS,  
ACCORDING TO THE MAP OR PLAT THEREOF,  
RECORDED IN DOC. NO. 16020909, OF THE OFFICIAL  
PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

### LEGEND

- EM ELECTRIC METER
- GM GAS METER
- WM WATER METER
- CP CABLE TV PEDESTAL
- EB ELECTRIC BOX
- WOOD FENCE
- WROUGHT IRON FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- ( ) RECORD INFORMATION
- Ⓢ CONTROL MONUMENT

THIS TRACT IS LOCATED WITHIN FLOOD  
ZONE "X(UNSHADED)" ACCORDING TO THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
(FEMA) FLOOD INSURANCE RATE MAP (FIRM)  
COMMUNITY PANEL NO. 480321 0141 F,  
REVISED SEPTEMBER 02, 2005.  
FLOOD ZONE DETERMINED BY GRAPHIC  
PLOTTING ONLY. WE DO NOT ASSUME  
RESPONSIBILITY FOR EXACT DETERMINATION.

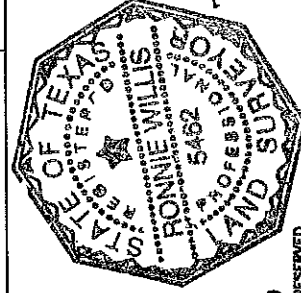
PURCHASER	CHARLES CLAWSON SHAPIRO AND JENNIFER JAMES SHAPIRO	LENDER CO.	EAGLE HOME MORTGAGE, LLC
ADDRESS	12905 VERONESE DRIVE	TITLE CO.	CALATLANTIC TITLE, INC.
FIELD WORK	12/13/19	NG	DRAFTED BY 12/16/19
REVISION	-	-	CHECKED BY 12/16/19
REVISION	-	-	MAPSCO PAGE 671 S
			JOB NO. 34451 CA
			RW



Windrose Land Services - Austin  
4120 Commercial Center Dr.  
Suite 300  
Austin, Texas 78744

TEL. (512) 326-2100 FAX (512) 326-2770

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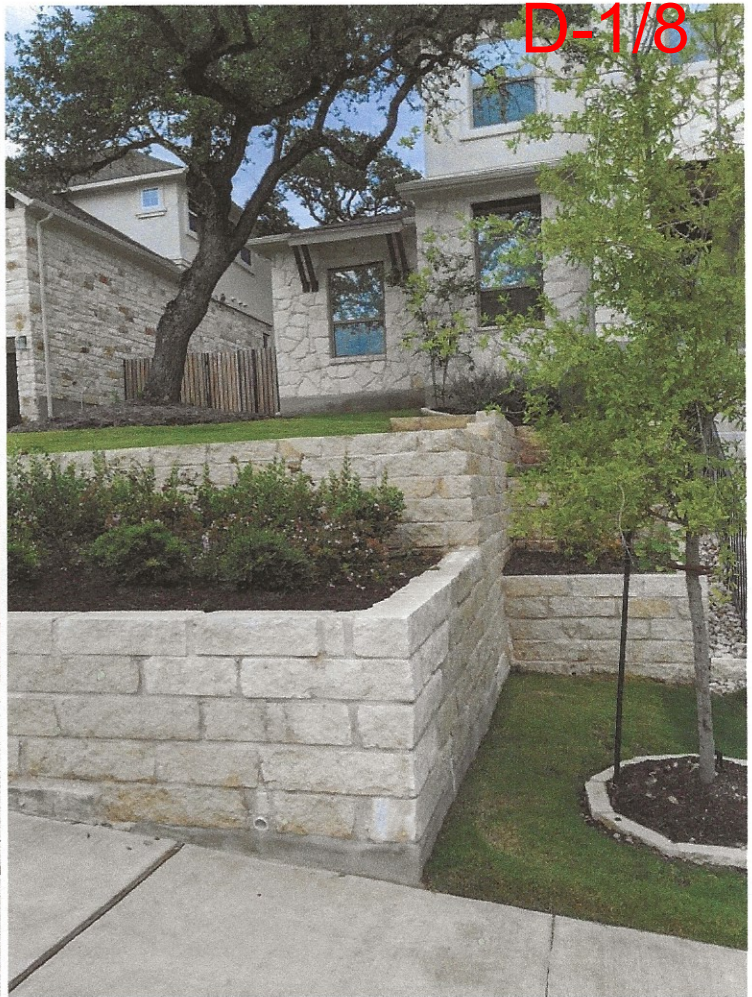
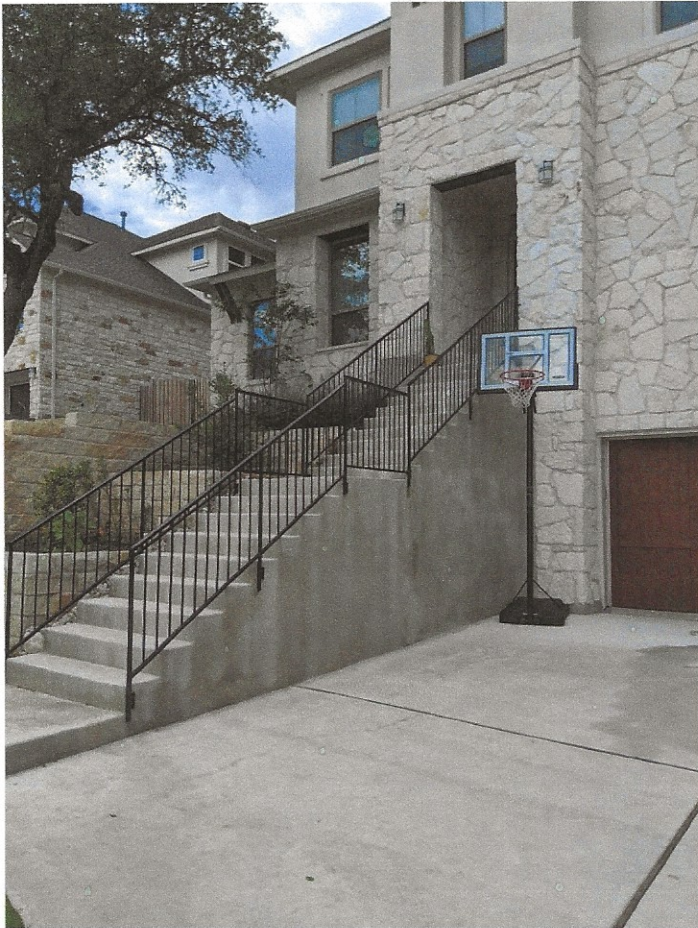
I do hereby certify that this survey was this day made on the ground and  
that this plat correctly represents the property legally described herein (or  
on attached sheet). That the facts found at the time of this survey show  
the improvements and that there are no encroachments apparent on the  
ground, except as shown. Surveyor for Windrose Land Services - Austin.

FIRM REGISTRATION NO. 10110400

12/16/19

D-1/7





Left - 12' (21 steps) from bottom of garage floor to house level grade (10' basketball for scale).  
Closest house we can find with the same elevation change in the neighborhood is 12 steps, so roughly half and there are only 2 of those houses in the entire neighborhood.

Right - Example of terracing with limestone retaining walls (plans will match this general style).





Backyard slope from back porch down (no terracing, so straight downhill with strong runoff during any rain).



Backyard slope from fence line.



FND CAPPED  
1/2" I.R.

85.81'

FND CAPPED  
1/2" I.R.

LOT 15  
N 88°18'08" E 120.00'

LOT 13  
N 89°18'25" W 120.00'

LOT 14

10' B.L.

SPA

POOL

Deck with  
terracing added  
underneath

PLANTER  
BEO

lower  
PLANTER bed (3')  
high

A=16.51'

COV'D  
CONC.

31.7'

TWO STORY  
STONE, STUCCO  
& FRAME  
#12905

COV'D  
CONC.

CONC.  
WALK  
W/STEPS

STONE  
RET.  
WALLS

CONC.  
DRIVE

CONC. WALK

CURB &  
GUTTER

67.24'

SET  
CUT "X"

C1

FND CAPPED  
1/2" I.R.

Limestone  
retaining wall

Replace  
rocks with sod  
on flattened slope

Improve  
water  
capture

70.00'  
SET CAPPED  
1/2" I.R. WLSA

25' B.L.

10' P.U.E.

5.9'

5' B.L.

50.0'

11.8'

12.6'

37.4'

5' B.L.

6.9'

10.0'

21.6'

6.0'

20.0'

1.9'

10.0'

EB

CP

129.05'

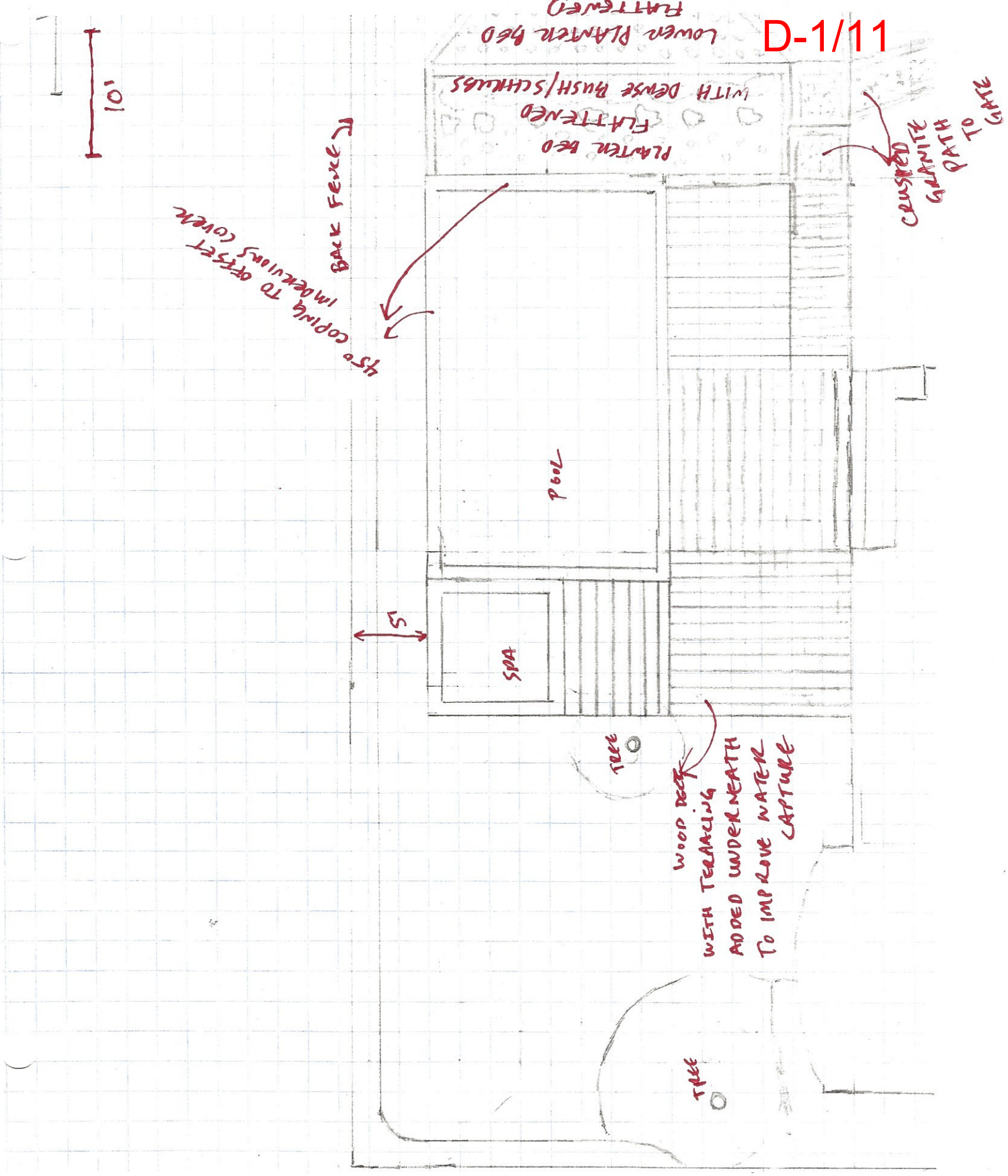
GM

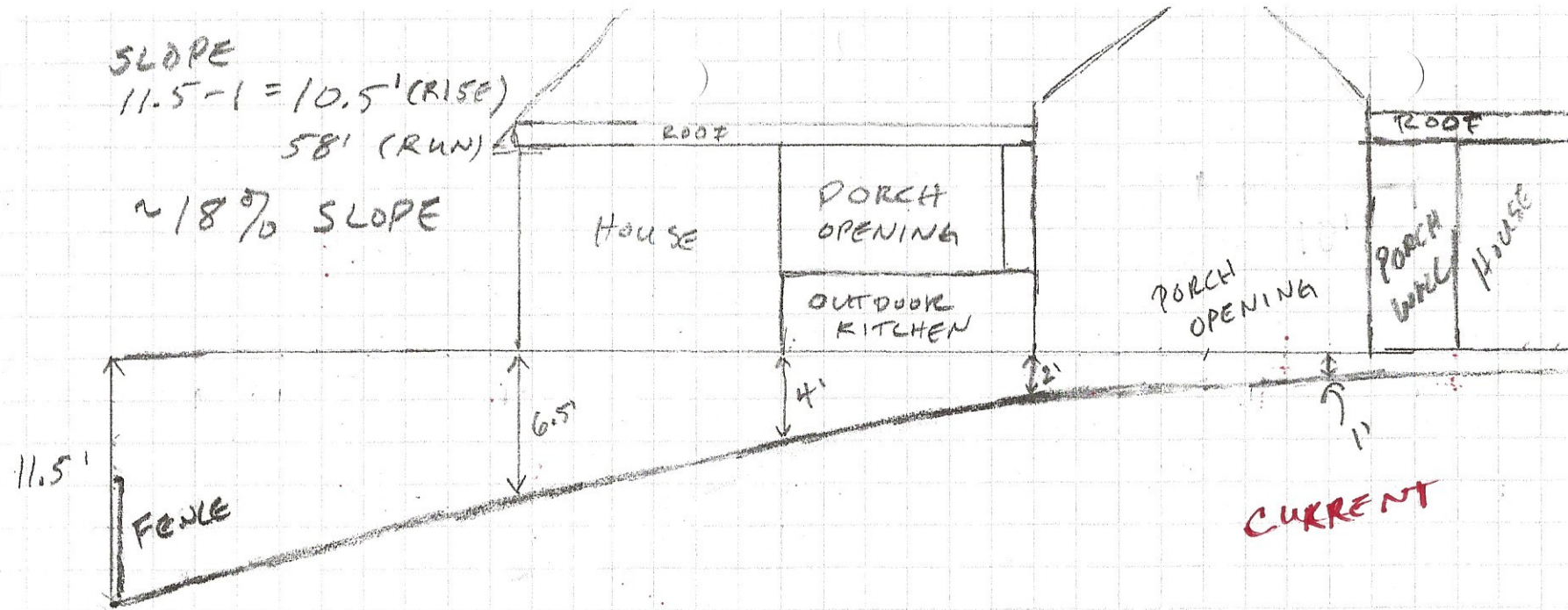
EM

PATH



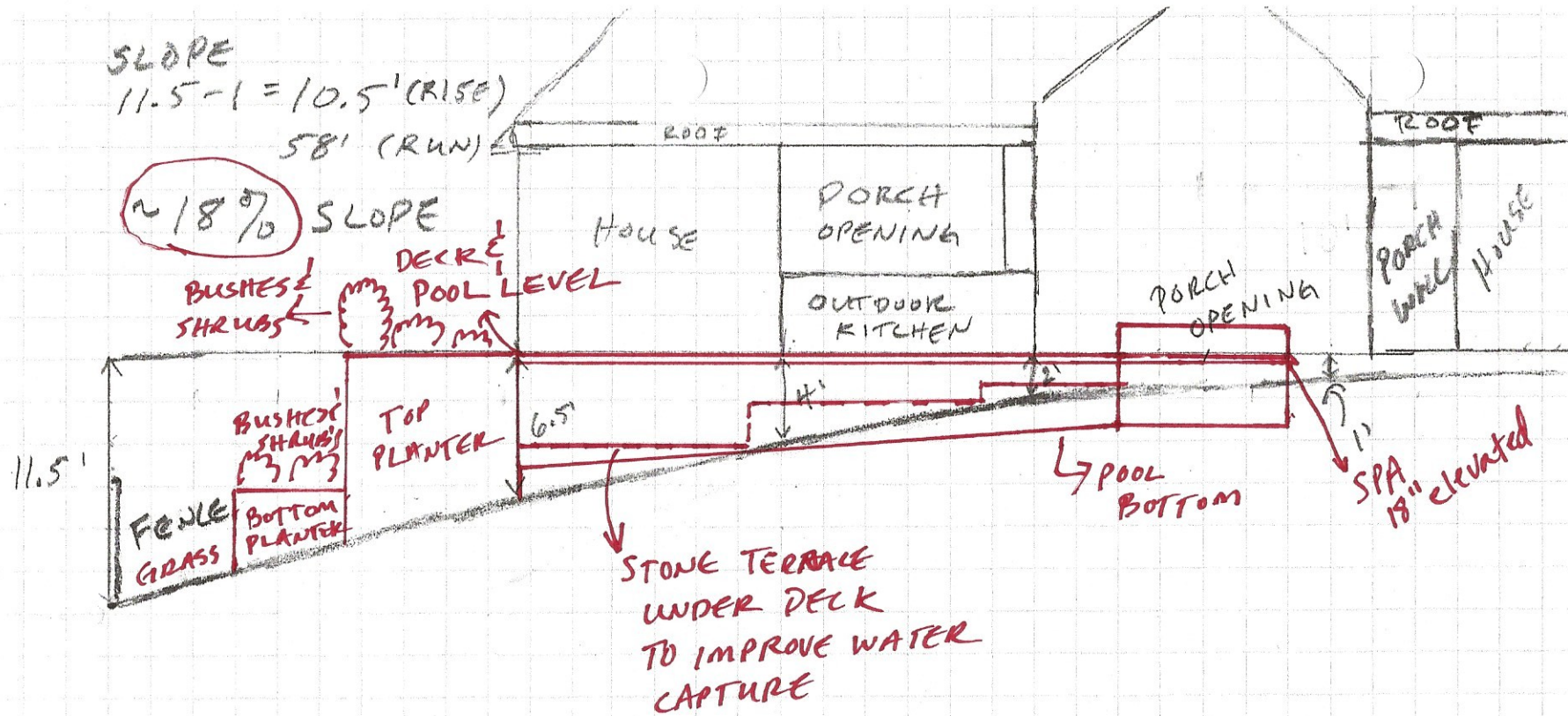
D-1/11





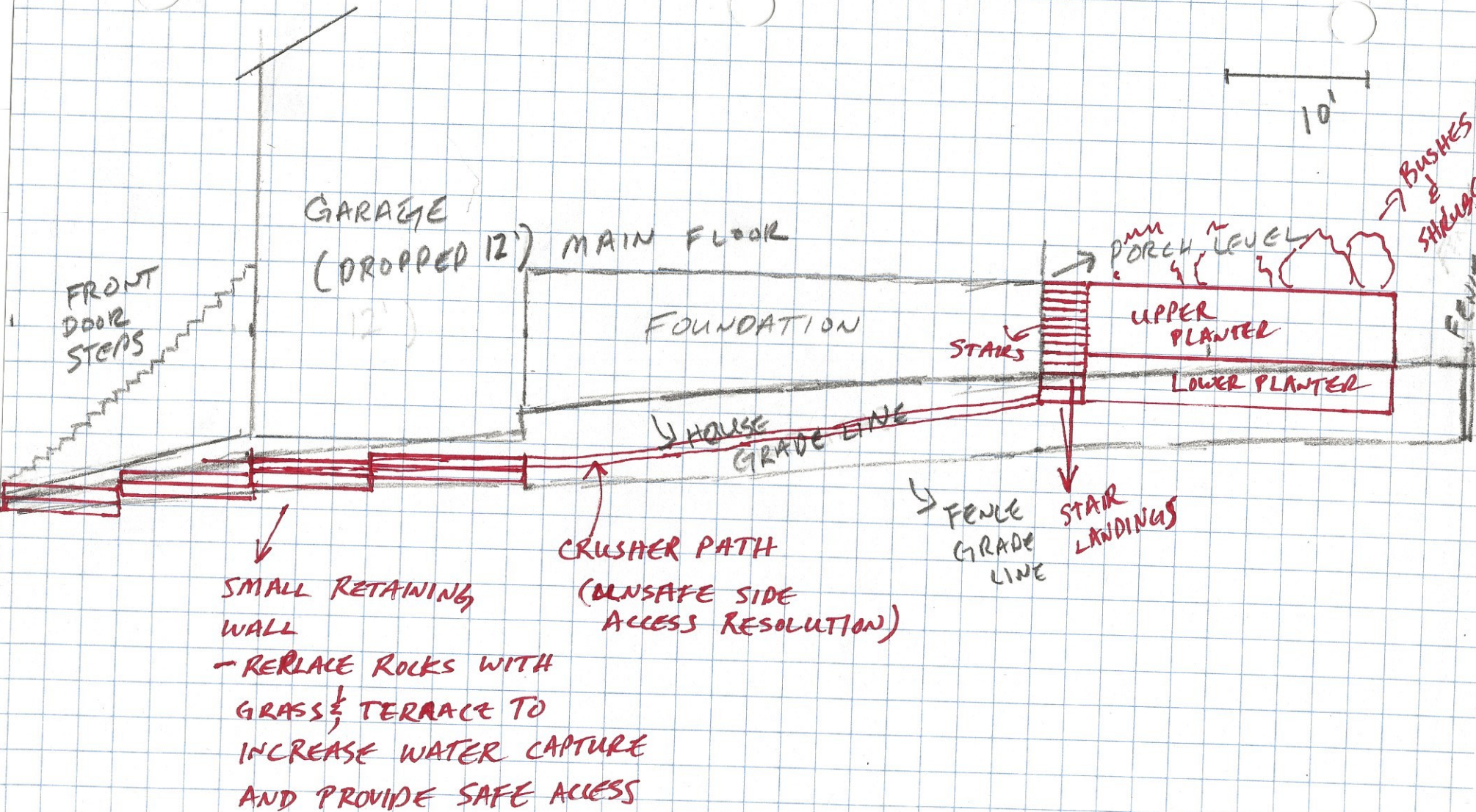
10'





10'










- upper bed 5.5' high → filled with dense shrubs for better neighbor privacy
- lower bed 3' high
- 5' from lower bed to fence - current slope provides no privacy for neighbor



I, Charles Shapiro, am applying for a variance from the Board of Adjustment regarding Section 25-8-63 of the Land Development Code. The variance would allow me the ability to build a pool with surrounding deck and terrace backyard with limestone retaining walls.

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

Property Owner Name (Printed)	Address	Signature
Peter AczGL & Jessica Klein	12901 VERONESE DR. 78739 AUSTIN, TX	
MAHESH SUBRAMONY AND MEGHANA MALUR	12909 VERONESE DR. 78739 AUSTIN, TX	