

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-1

DATE: Monday May 10, 2021

CASE NUMBER: C15-2021-0027

☐ - ☐ Thomas Ates
☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ Y ☐ Darryl Pruett
☐ - ☐ Agustina Rodriguez
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Nicholl Wade
☐ - ☐ Vacant
☐ - ☐ Kelly Blume (Alternate)
☐ - ☐ Carrie Waller (Alternate)
☐ - ☐ Vacant (Alternate)

OWNER/APPLICANT: Charles Shapiro

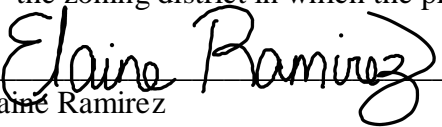
ADDRESS: 12905 VERONESE DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an "SF-2", Single-Family Residence zoning district.

BOARD'S DECISION: BOA meeting **APRIL 12, 2021 cancelled due to technical problems with notification database; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES**

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

Diana Ramirez for
 Don Leighton-Burwell
 Chairman

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0027

BOA DATE: April 12th, 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

	ZONING	LAND USES
<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



March 30, 2021

Charles Shapiro
12905 Veronese Dr
Austin TX, 78652

Property Description:

Re: C15-2021-0027

Dear Charles,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following sections of the Land Development Code;

Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an "SF-2", Single-Family Residence zoning district.

Austin Energy does not have any comments for the above variance request. The address above is outside our service boundary and is served by Pedernales Electric Cooperative. I would encourage contacting your provider, to ensure that your proposed pool will meet the required electric clearances from your existing service.

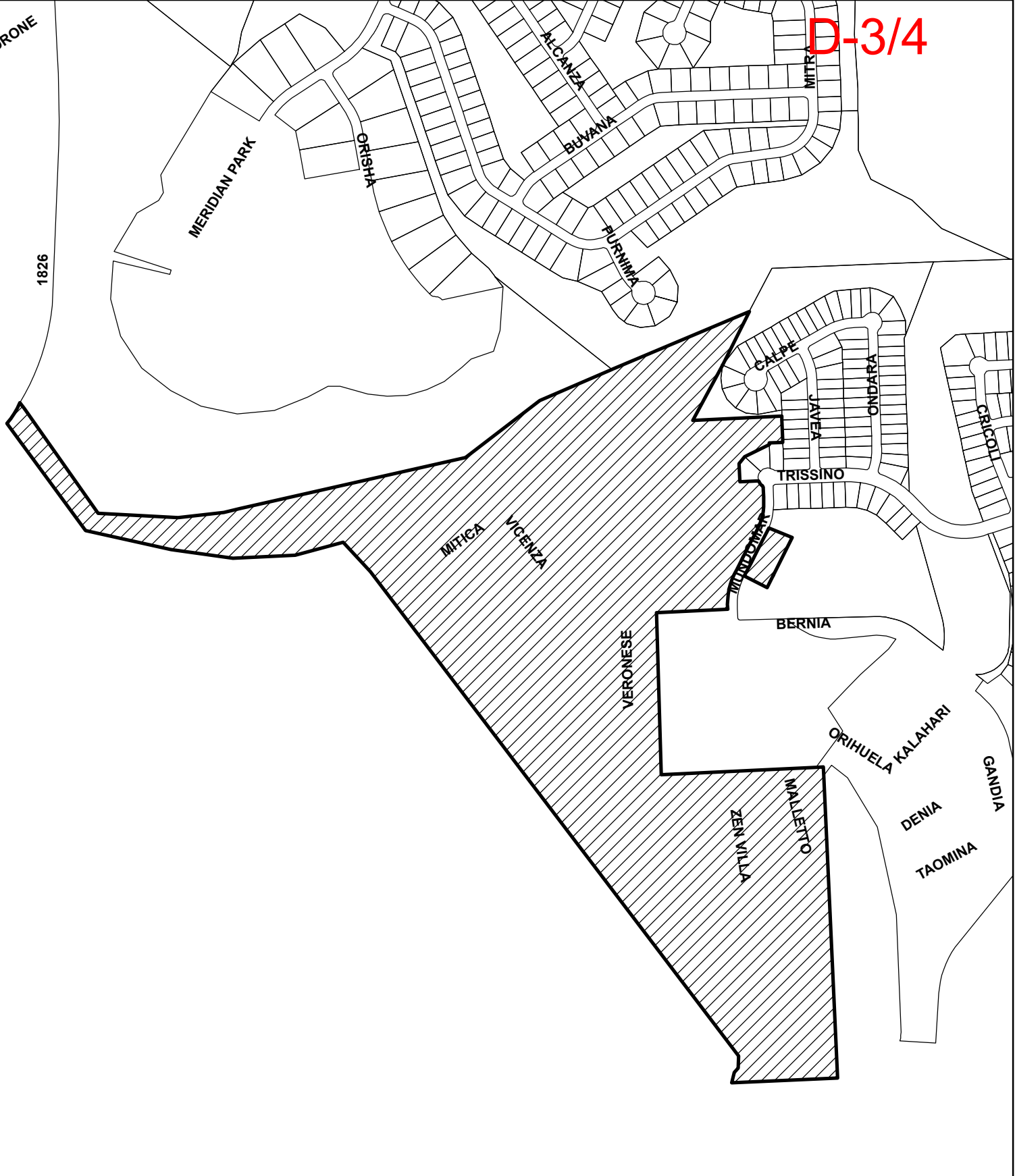
Thank you,

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

MADRONE

D-3/4



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

NOTIFICATIONS

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



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.

1" = 667'



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: 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:

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.

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.

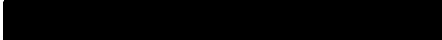
Owner Signature:  Date: 02/08/2021

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): _____

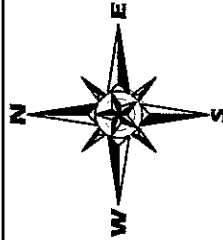
Email (optional – will be public information): _____

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).

CURVE TABLE

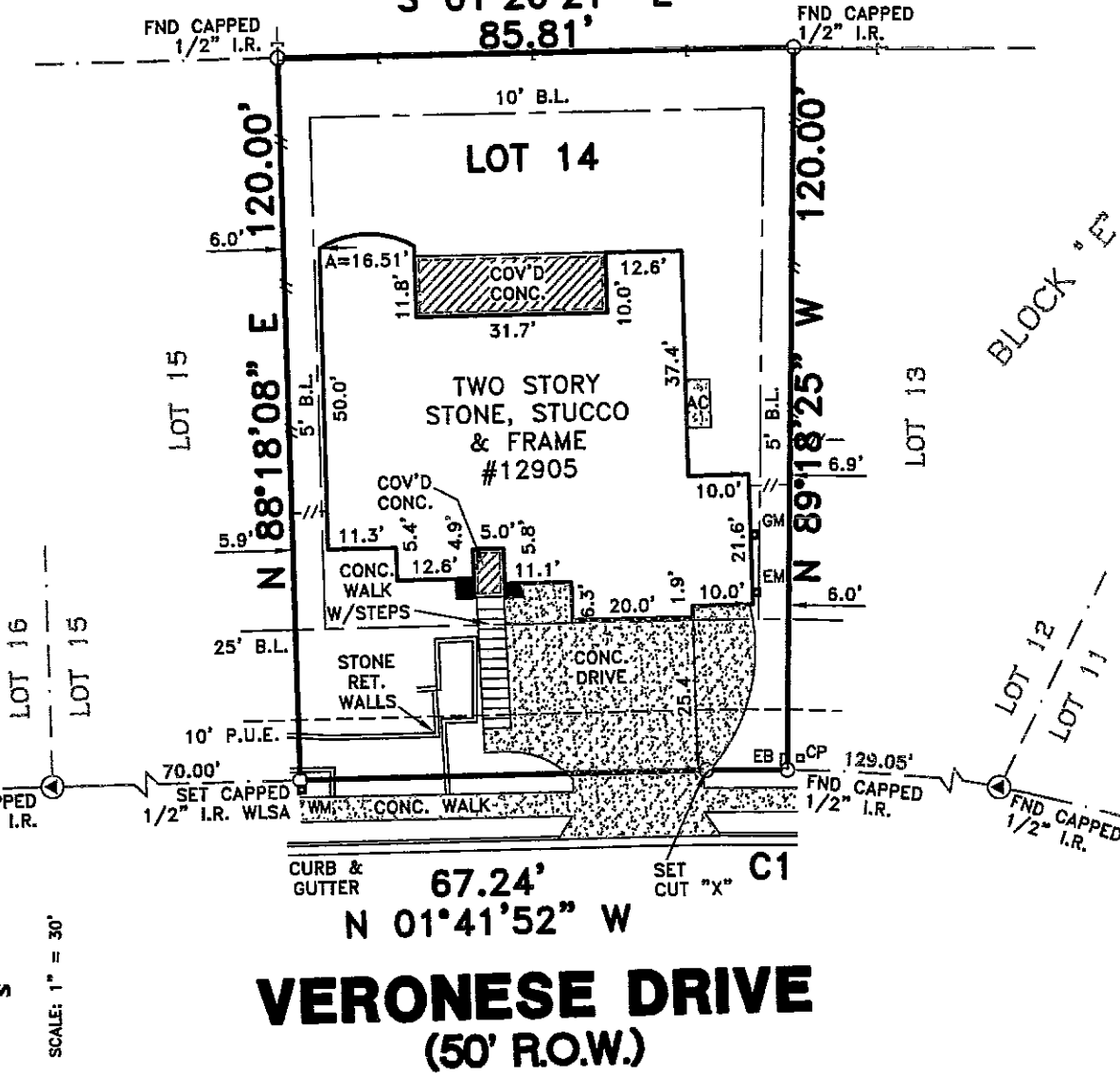
CURVE	RADIUS	DELTA	ARC
C1	325.00'	02°23'27"	13.56'



SCALE: 1" = 30'

CALLED 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'



NOTES:

- 1) SUBJECT TO RESTRICTIVE COVENANTS BY DOC. NO. 16020909, H.C.O.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. 18020579, 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 IMPERVIOUS 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.

LEGEND

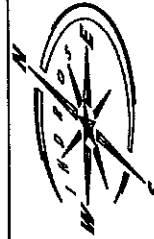
- | | | |
|--------|---|-------------------------|
| EM | — | ELECTRIC METER |
| GM | — | GAS METER |
| WM | — | WATER METER |
| CP | — | CABLE TV PEDESTAL |
| EB | — | ELECTRIC BOX |
| — | — | WOOD FENCE |
| — | — | WROUGHT IRON FENCE |
| B.L. | — | BUILDING LINE |
| P.U.E. | — | PUBLIC UTILITY EASEMENT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

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--000230

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.

SURVEY OF

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.

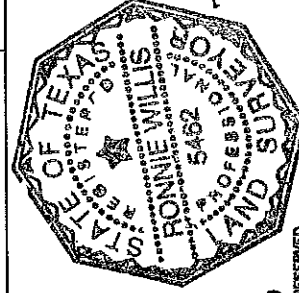


Windrose Land Services - Austin
4120 Commercial Center Dr.
Suite 300

Austin, Texas 78744

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

ALL RIGHTS RESERVED
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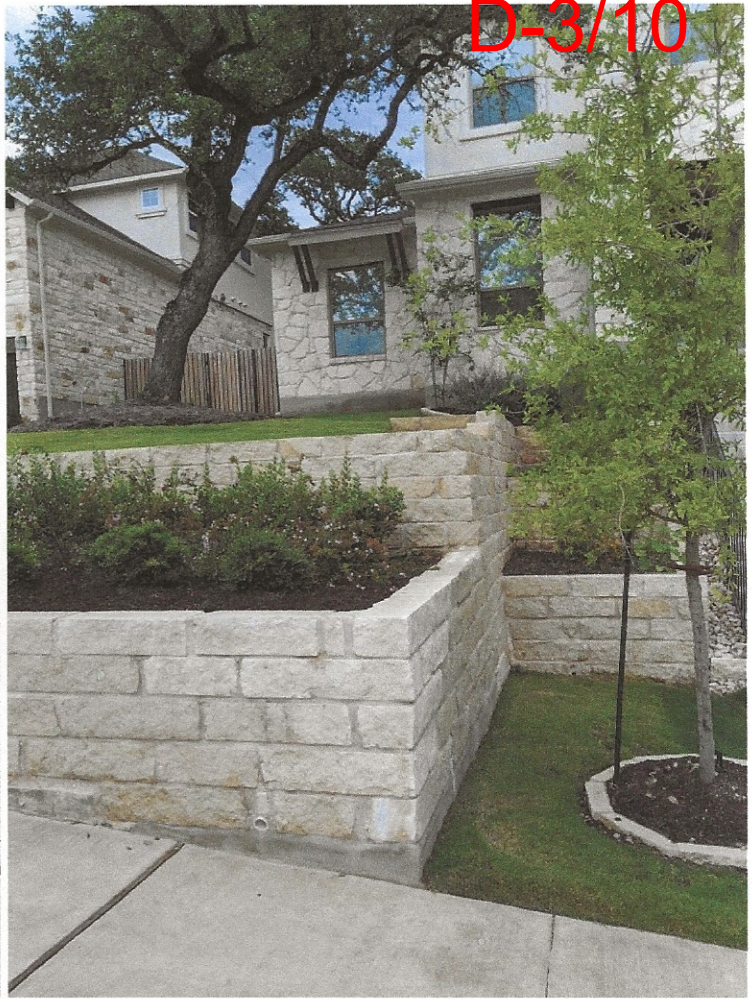
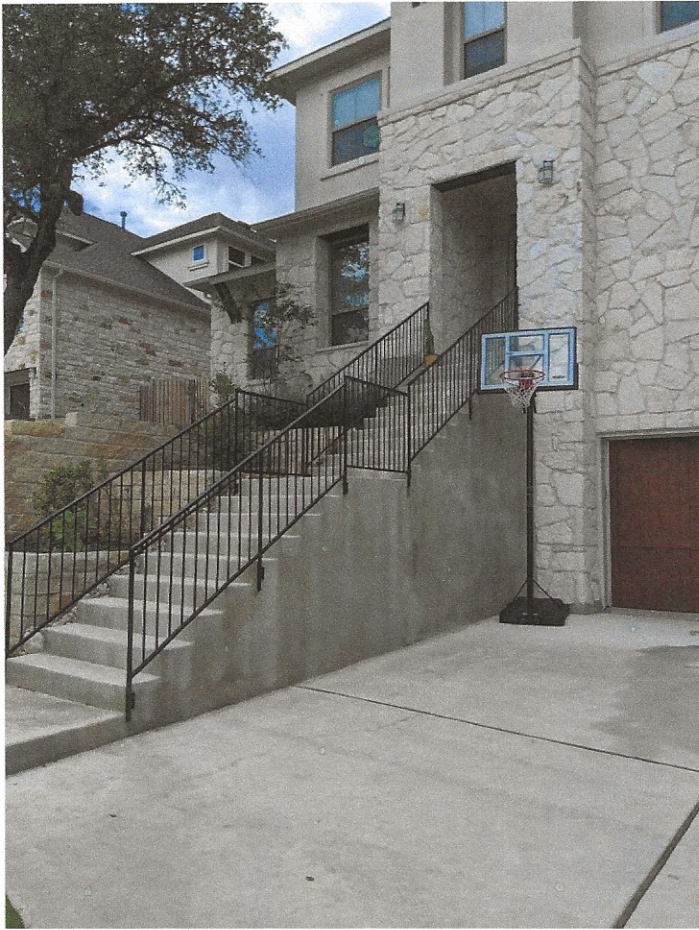
FIRM REGISTRATION NO. 10110400

I do hereby certify that this survey was this day made on the ground and on the plat correctly represents the property legally described hereon (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.

D-3/9

12/16/19

COPYRIGHT 2019 WINDROSE LAND SERVICES - AUSTIN, ALL RIGHTS RESERVED						
FIELD WORK	12/13/19	NG	DRAFTED BY	12/16/19	BT	RW
REVISION	-	-		-		JOB NO.
REVISION	-	-		-		MAPSCO PAGE 671 S 34451 CA



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.

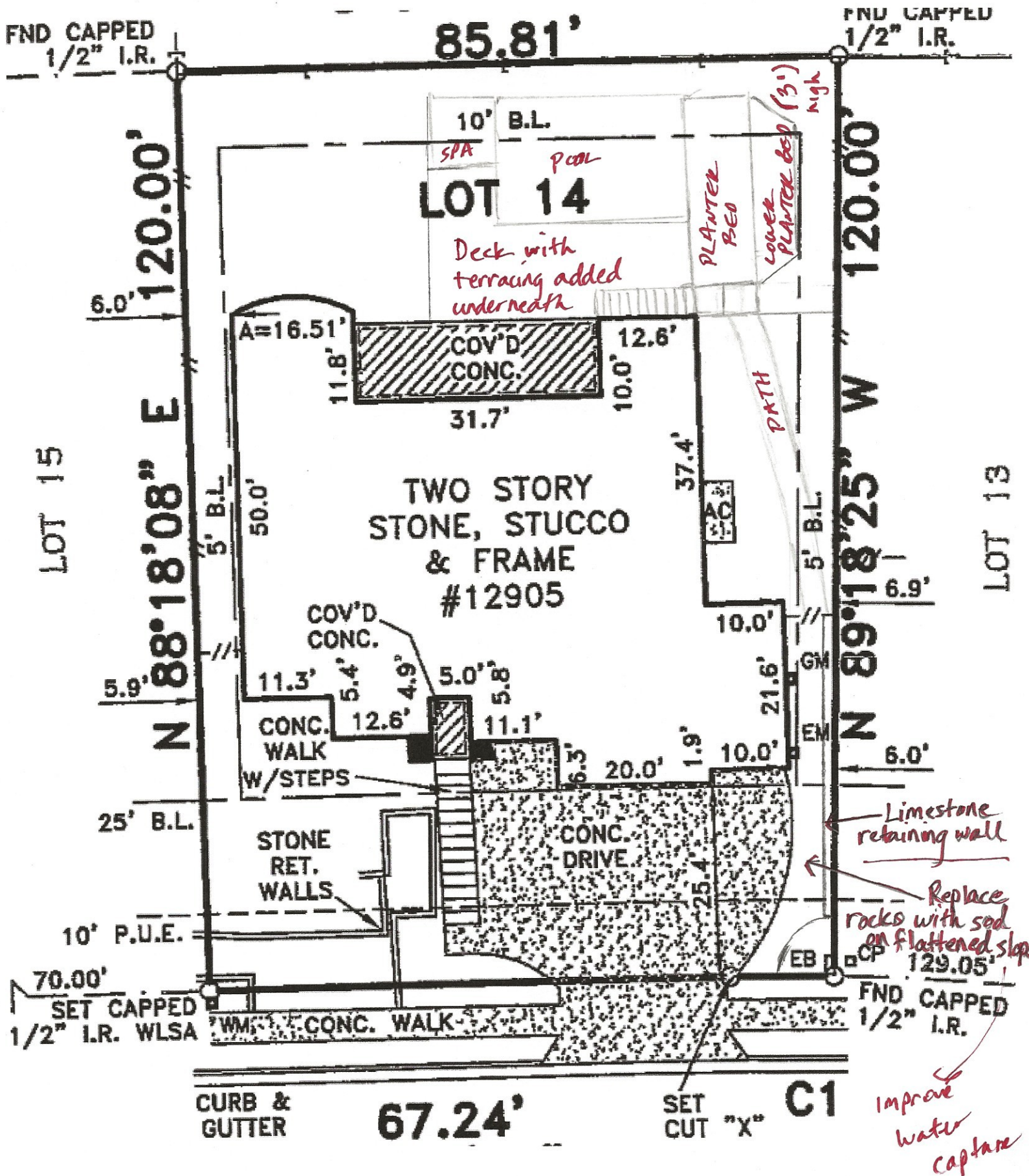
Right - Example of terracing with limestone retaining walls (plans will match this general style).



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



Backyard slope from fence line.



D-3/13

450 COPING TO OFFSET
IMPACTIONS COVER

BACK FENCE

10'

FLATTENED
PLANTER BED
WITH DENSE BUSH/SCRAMBLES
LOWER PLANTER BED
FLATTENED

CRUSHED
GRANITE
PATH
TO GATE

POOL

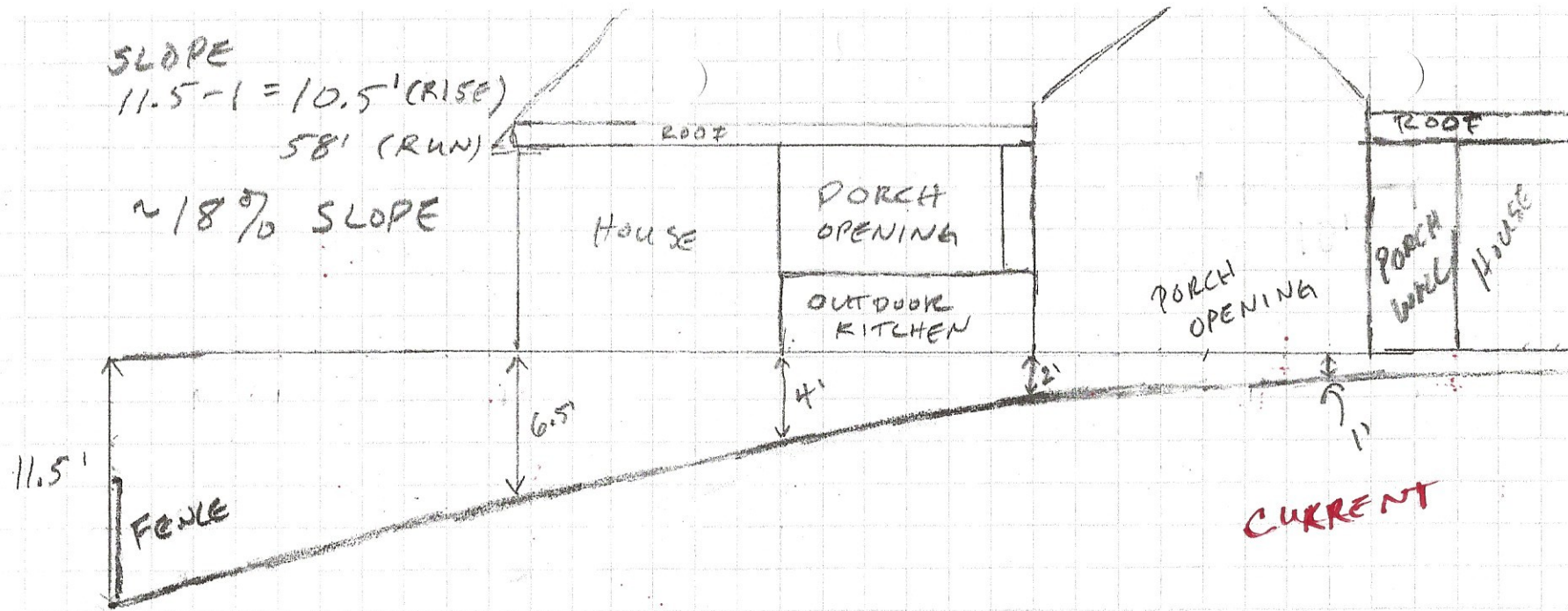
SPA

15'

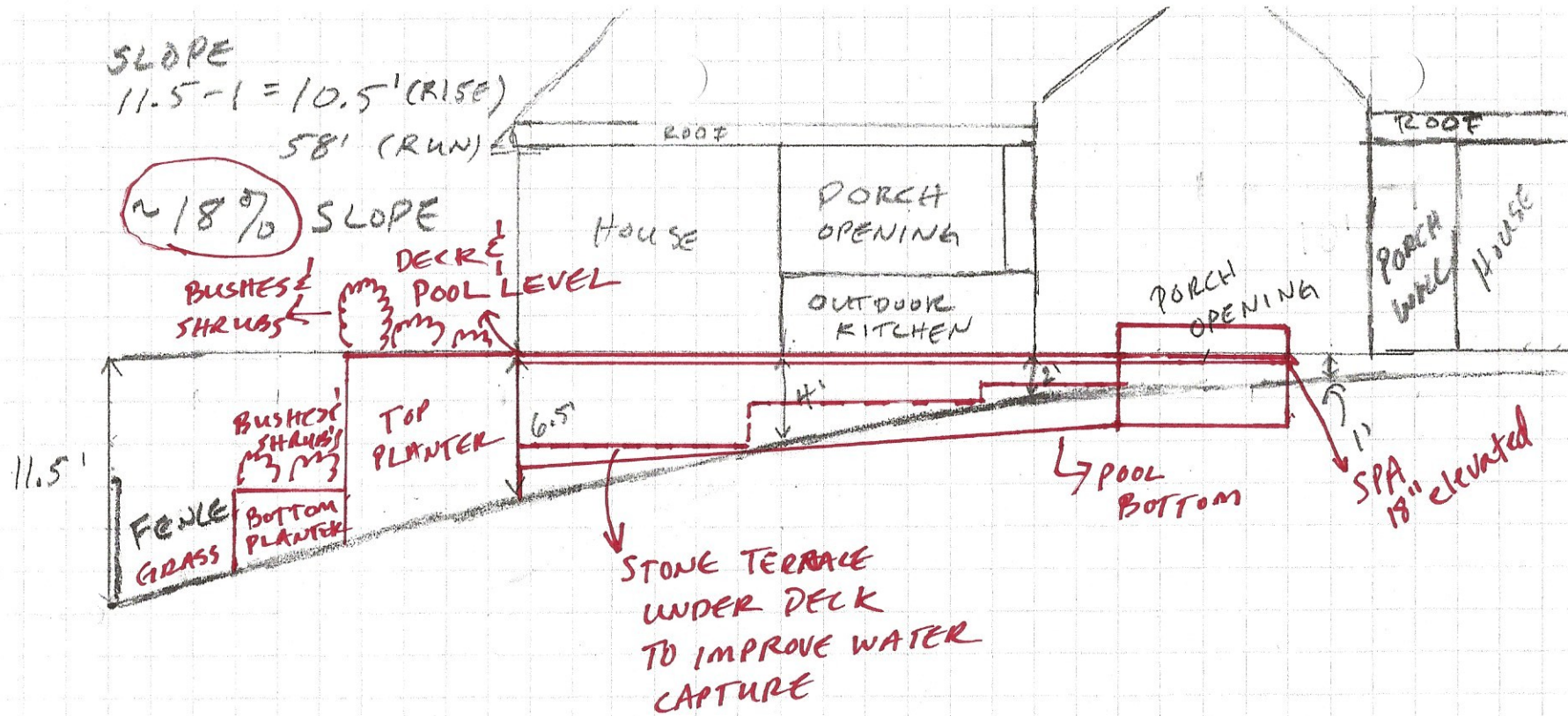
WOOD DECK
WITH TERRACING
ADDED UNDERNEATH
TO IMPROVE WATER
CAPTURE

TREE

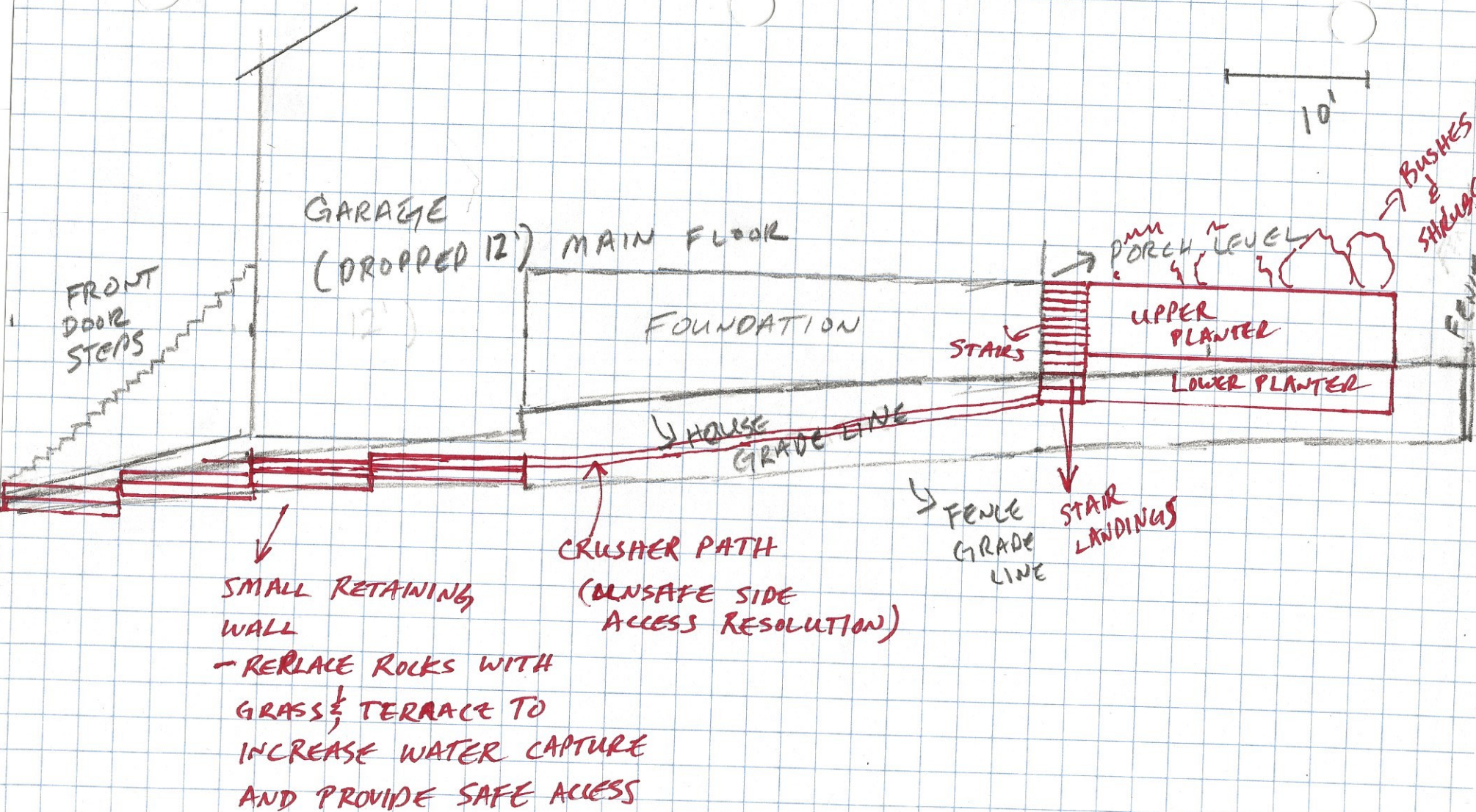
TREE



10'



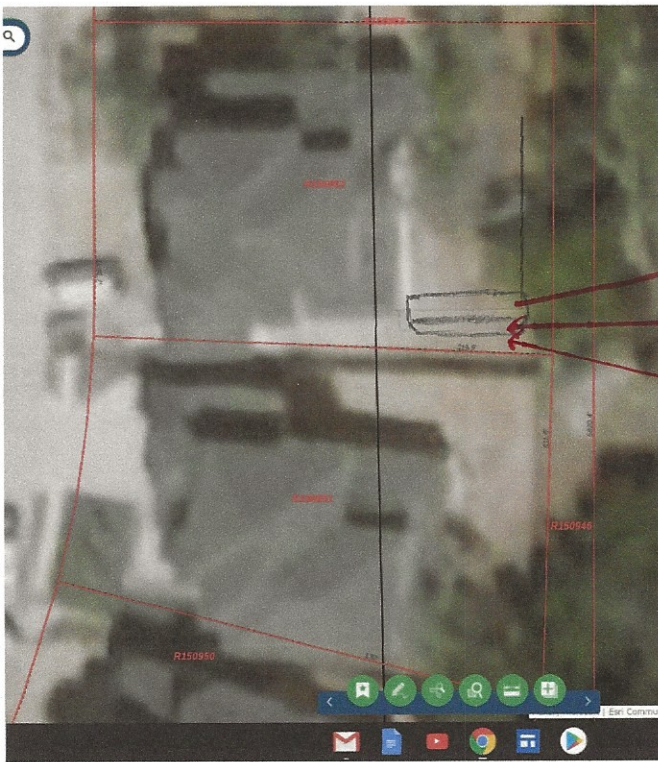
10'



D-3/17

$$\frac{1}{4}'' = \sim 11.33'$$

→ 12905 Veronese Dr.



→ upper bed 5.5' high →

→ lower bed 3' high

→ 5' from lower bed to fence

filled with dense shrubs for better neighbor privacy
- 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	<i>[Signature]</i>
MAHESH SUBRAMONY AND MEGHANA MALUR	12909 VERONESE DR. 78739 AUSTIN, TX	<i>[Signature]</i>