

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-1

DATE: Monday August 9, 2021

CASE NUMBER: C15-2021-0027

☐ Y ☐ Thomas Ates
☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Barbara McArthur
☐ Y ☐ Rahm McDaniel
☐ - ☐ Darryl Pruett (out – no show)
☐ Y ☐ Agustina Rodriguez
☐ Y ☐ Richard Smith
☐ - ☐ Michael Von Ohlen (out)
☐ Y ☐ Nicholl Wade
☐ Y ☐ Kelly Blume (Alternate)
☐ - ☐ Carrie Waller (Alternate)
☐ Vacant (Alternate)

OWNER/APPLICANT: Charles Shapiro

ADDRESS: 12905 VERONESE DR

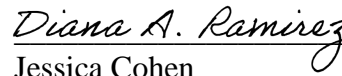
VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an “SF-2”, Single-Family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

BOARD’S DECISION: BOA meeting April 12, 2021 cancelled; May 10, 2021;
 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES;
 JUNE 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member
 Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm McDaniel
 seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay); POSTPONED TO
 JULY 12, 2021. July 12, 2021 The public hearing was closed by Chair Jessica Cohen, Board
 Member Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm
 McDaniel seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay);
 POSTPONED TO JULY 12, 2021. July 12, 2021 POSTPONED TO AUGUST 9, 2021; Aug
 9, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa
 Hawthorne motions to Postpone to September 13, 2021; Board Member Brooke Bailey
 seconds on a 10-0 vote; POSTPONED TO September 13, 2021
 (APPLICANT NO SHOW).

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

 for _____
Jessica Cohen
Chair

From: Charles Shapiro
To: [Ramirez, Elaine](#)
Subject: Requesting BOA withdrawal for C15-2021-0027
Date: Monday, August 30, 2021 7:50:40 AM

*** External Email - Exercise Caution ***

Case#: C15-2021-0027
Address: 12905 Veronese Dr, Austin, TX 78739

Thanks,
Charles Shapiro
210-865-7721

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-1

DATE: Monday July 12, 2021

CASE NUMBER: C15-2021-0027

____ Thomas Ates
 ____ Brooke Bailey
 ____ Jessica Cohen
 ____ Melissa Hawthorne
 ____ Barbara McArthur
 ____ Rahm McDaniel (OUT)
 ____ Darryl Pruett
 ____ Agustina Rodriguez
 ____ Richard Smith (OUT)
 ____ Michael Von Ohlen
 ____ Nicholl Wade
 ____ 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; May 10, 2021; POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; JUNE 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay); POSTPONED TO JULY 12, 2021. July 12, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay); POSTPONED TO JULY 12, 2021. July 12, 2021 POSTPONED TO AUGUST 9, 2021

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

Jessica Cohen
Chair

Advanced packet materials for:

- Charles Shapiro
- 12905 Veronese Dr, Austin, TX 78737
- C15-2021-0027

Variance Rationale

Hardship

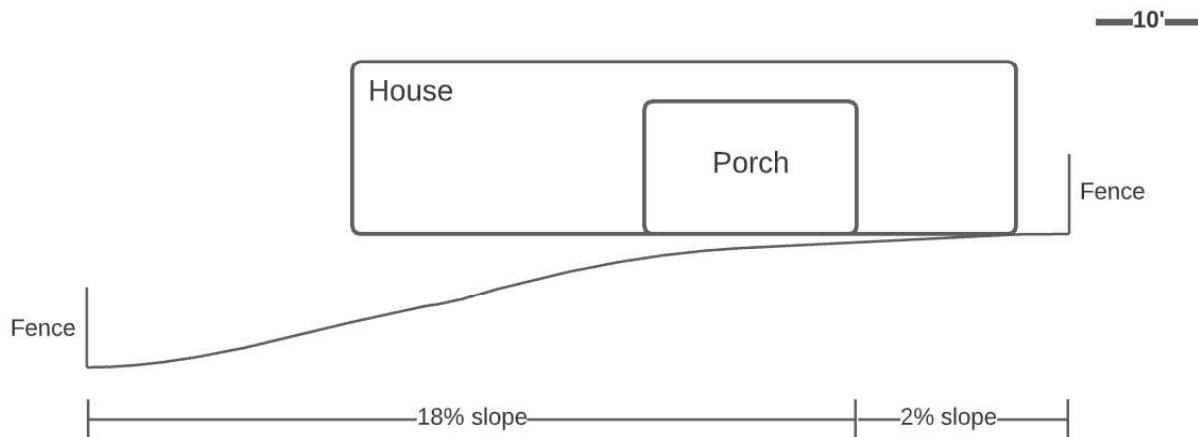
Property

BoA guidebook '15 reference:

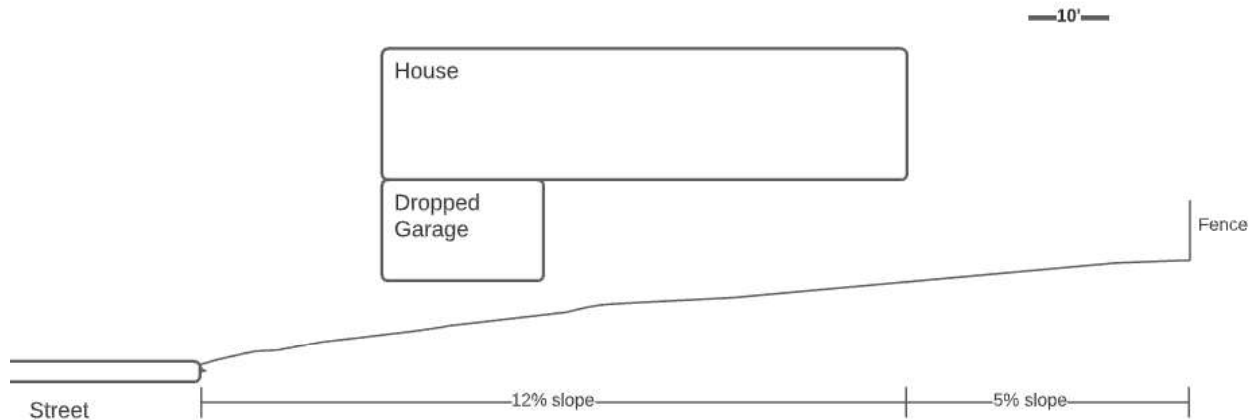
— Common examples of hardship include lots with steep slopes, topographical restraints, unusually small lot area, or irregular

The South->North and West->East slope of the property creates the hardship that is unique to the property.

South -> North Slope



West -> East Slope



Infliction

BoA guidebook '15 reference:

- Courts have held that: "[A] hardship must not be self-imposed, nor financial only, and must relate to the very property for

Purchase contract

The property was a fully spec'd home projected to finish by Summer of 2019, which drove the purchase decision (contract signed Feb 2019), with the primary goal of closing/settling in time for the kids to start school with no disruption (moving from Colorado over the summer and trying to avoid any school disruption from unneeded moves once settled in Austin).

As part of Lennar's business practise, they will not disclose any details around the landscaping plan (with the exception of landscaping upgrades, which are not applicable since this was a fully spec'd home already).

7. **Landscaping Disclosure and Warranty.** The "**Landscaping Disclosure and Warranty**" Section of the Master Disclosure and Information Addendum is deleted in its entirety and replaced with the following:

Landscaping Disclosure and Warranty.

7.1 All grading, fill, removal of existing trees and shrubs and control of water flow will be performed and completed at Seller's and/or **Builder' sole discretion.** Seller's landscape package shall be limited to the features reflected in Seller's Feature Sheet, and shall be subject to the following.

7.2 Rough grading of the yard will conform to natural contours, the grading plan for the Community, and will direct flow of water away from the Home's foundation.

7.3 Final grade of Homesite will remove large surface rocks only.

7.4 Seller does not warrant any of the landscaping or any of the natural or existing trees and shrubs. Seller will not be responsible for water damage resulting from natural erosion or erosion caused by changes in grade by Buyer or any owner of the Home. Due to the fact that Seller cannot control the care of landscaping and ground cover installed at the Home, neither Seller nor Builder warrants such items. It will be important that Buyer carefully inspect all shrubs, trees and ground cover at the time of Buyer's New Home Orientation in order to insure satisfaction. Once Buyer has closed on the Home, it will be Buyer's responsibility to care for and to protect all such items from disease, acts of nature and other such damage.

Builder permitting/plans

Lennar's initial permit requested to build within 2 sq ft of the impervious cover limit.

The permit did not disclose any landscaping plans to address property slope issues.

SQUARE FOOTAGES

SLAB: 3,285
 COV'D PATIO: 318
 PRIVATE DRIVEWAY: 821
 TOTAL DRIVEWAY: 1,084
 ENTRY WALK: 33
 FLATWORK PATIO: N/A
 CITY WALK: 251
 CITY WALK LINEAR: 80.5
 A/C PAD: 32

TOTAL CONCRETE ON PROPERTY: 4,489

LOT: 9,982

IMPERVIOUS COVER

% OF SLAB: 32.9%
 % OF TOTAL CONCRETE: 44.9%

SOD QUANTITY AREA

FRONT: 1,706
 REAR: 3,759

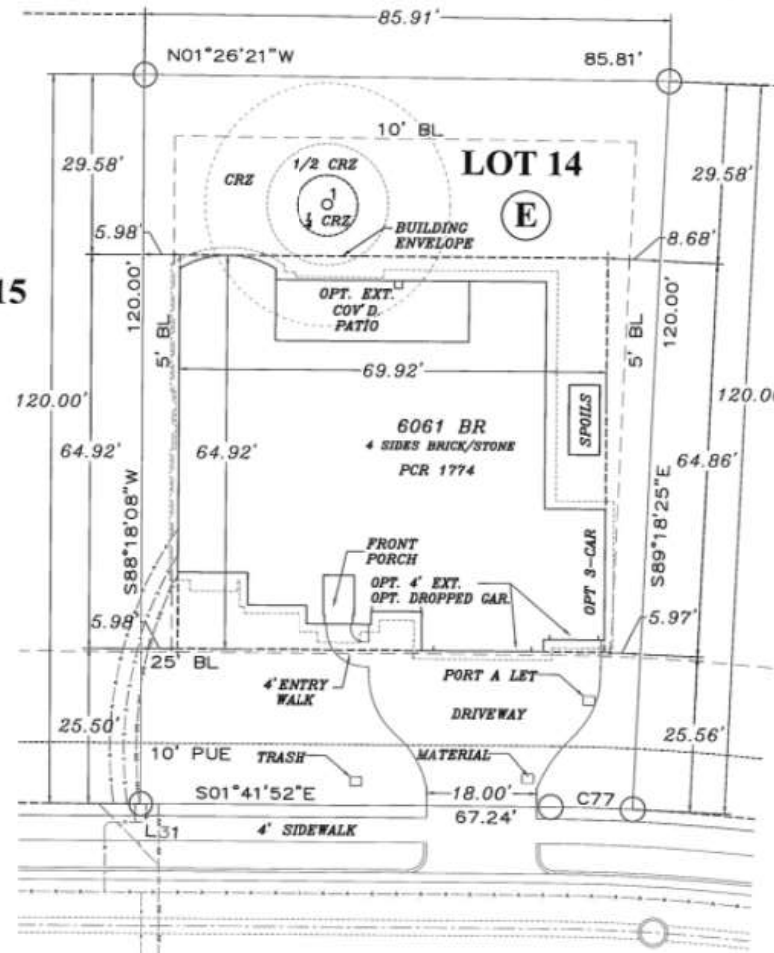
TREE LEGEND

1 - #1278 - 20" LIVE OAK

This plot plan is the determining factor in the City of Austin's residential zoning review process. Any encroachments not identified on this plot plan are the sole responsibility of the builder.

[Signature]
 Builder's signature and date

NOTE: ALL DIMENSIONS ARE FROM RECORDED DATA. FINAL LOCATION SUBJECT TO SURVEY.
 5 1/2" LEDGE INCLUDED IN ALL DIMENSIONS.

LOT 15**12905 VERONESE DRIVE**

Builder permit issues

Eventually, Lennar realized they could not landscape without some form of retaining wall work. However, the builder opted to not permit the front retaining wall work. Based on the property history, this was never disclosed, nor verified by the City of Austin.

	Permit/Case	Reference File Name	Description	Sub Type / Work Type	Project Name	Status	Related Folder
1	2019-215865 PP	2019-215865 PP	Irrigation install	Residential / Irrigation	12905 VERONESE DR	Final	Yes
2	2018-005756 PP	2018-005756 PP	New 2-story single-family residence, attached garage, covered entry porch and patio. *PRODUCTION BUILDER*	R- 101 Single Family Houses / New	12905 VERONESE DR	Final	Yes
3	2018-005756 MP	2018-005756 MP	New 2-story single-family residence, attached garage, covered entry porch and patio. *PRODUCTION BUILDER*	R- 101 Single Family Houses / New	12905 VERONESE DR	Final	Yes
4	2018-005756 EP	2018-005756 EP	New 2-story single-family residence, attached garage, covered entry porch and patio. *PRODUCTION BUILDER*	R- 101 Single Family Houses / New	12905 VERONESE DR	Final	Yes
5	2018-005756 DS	2018-005756 DS	Construct 81 LF of new sidewalk and 18' driveway approach. Shall meet all city standards. **izz New 2-story single-family residence, attached garage, covered entry porch and patio. *PRODUCTION BUILDE ...	Res. Driveway & Sidewalk / New	12905 VERONESE DR	Final	Yes
6	2018-101693 TP	2018-101693 TP	2/13/19 DD Interim tree inspection failed, no tree protection in place. Mitigation owed. Mitigation to include root remediation and soil decompaction. Contact Douglas.Dear@austintexas.gov. Re-inspecti ...	Residential /	12905 VERONESE DR *PRODUCTION BUILDER*	Final	Yes
7	2018-005756 BP	2018-005756 BP	New 2-story single-family residence, attached garage, covered entry porch and patio. *PRODUCTION BUILDER* 2/13/19 DD Pre-construction tree inspection failed, no tree protection in place. Contact Dougl ...	R- 101 Single Family Houses / New	12905 VERONESE DR	Final	Yes
8	2017-155534 PR	2017-155534 PR	New 2-story single-family residence, attached garage, covered entry porch and patio. *PRODUCTION BUILDER*	R- 101 Single Family Houses / New	12905 VERONESE DR *PRODUCTION BUILDER*	Approved	Yes

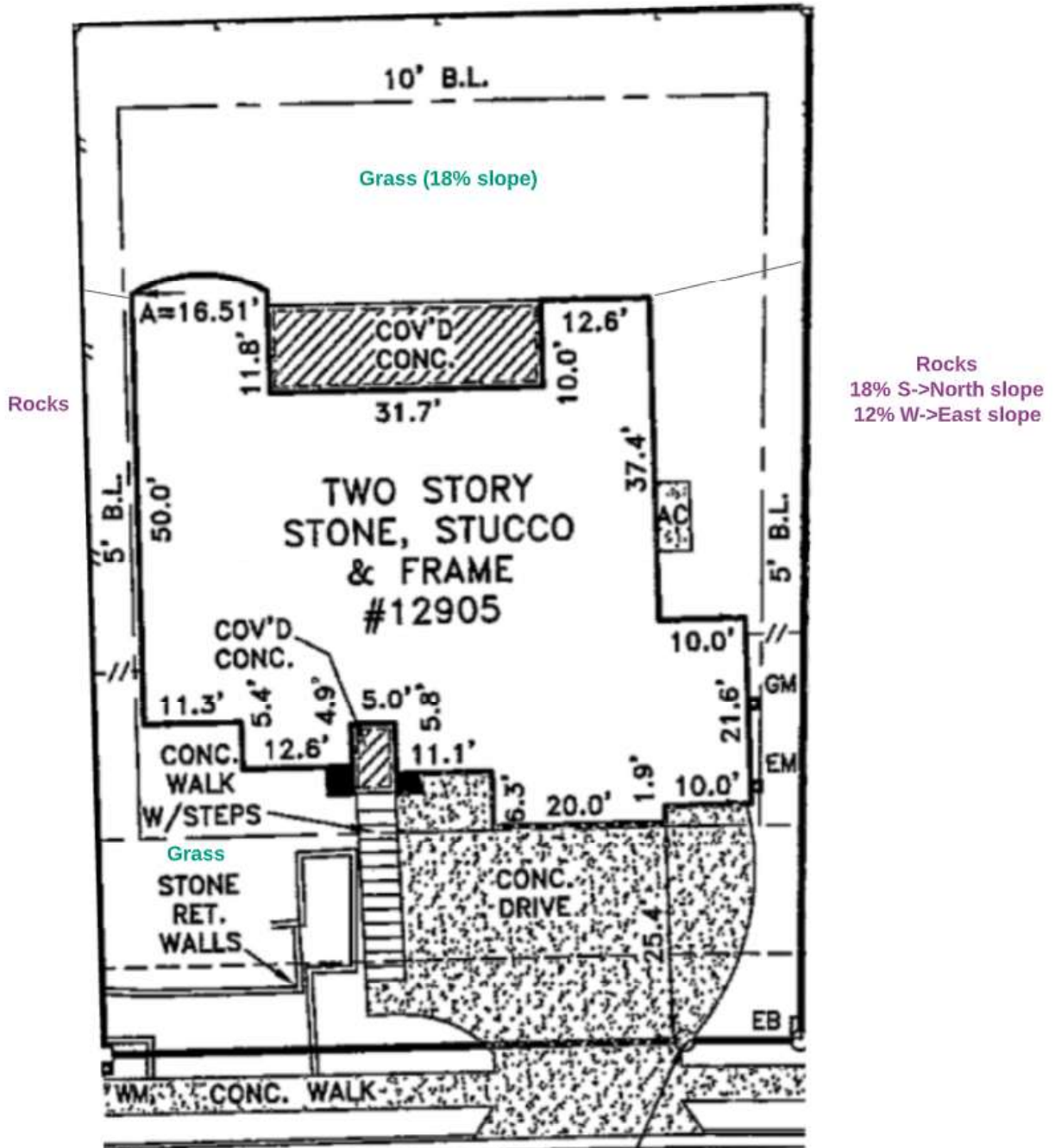
Builder inflicted

Whether we bought the property or not, the property would have eventually been sold by Lennar. The problem started when Lennar attempted to build on a highly sloped property without any plans on addressing the issue while complying with impervious cover restrictions (e.g. no 4th car garage).

Lennar's policy around not disclosing landscaping plans to the buyer and also not disclosing the plans to the City on the initial permit (where impervious cover was calculated) ultimately created a property with use and safety issues.

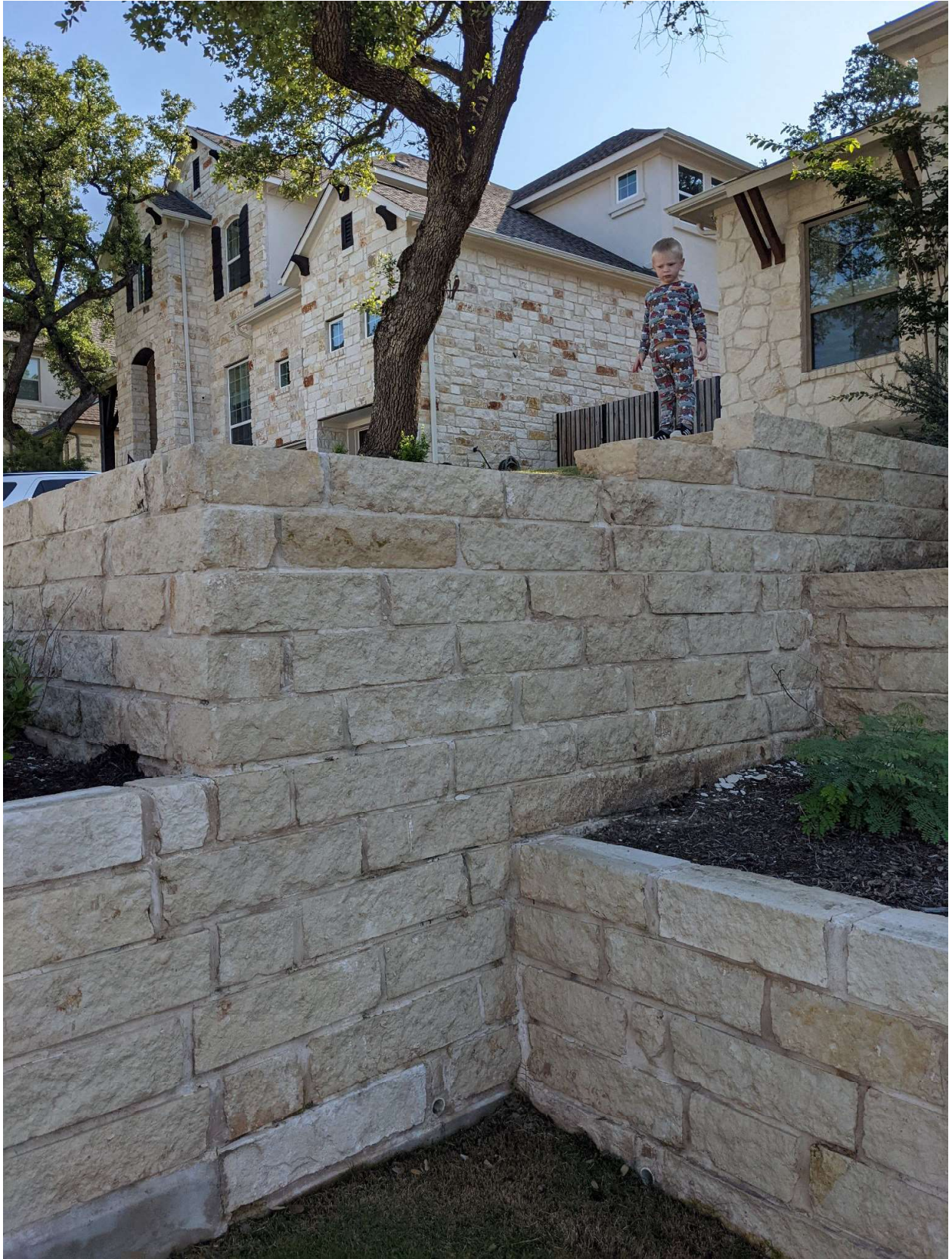
Builder landscape end-state

The builders ended up implementing the following (just prior to closing without any buyer disclosure/input):









Uniqueness

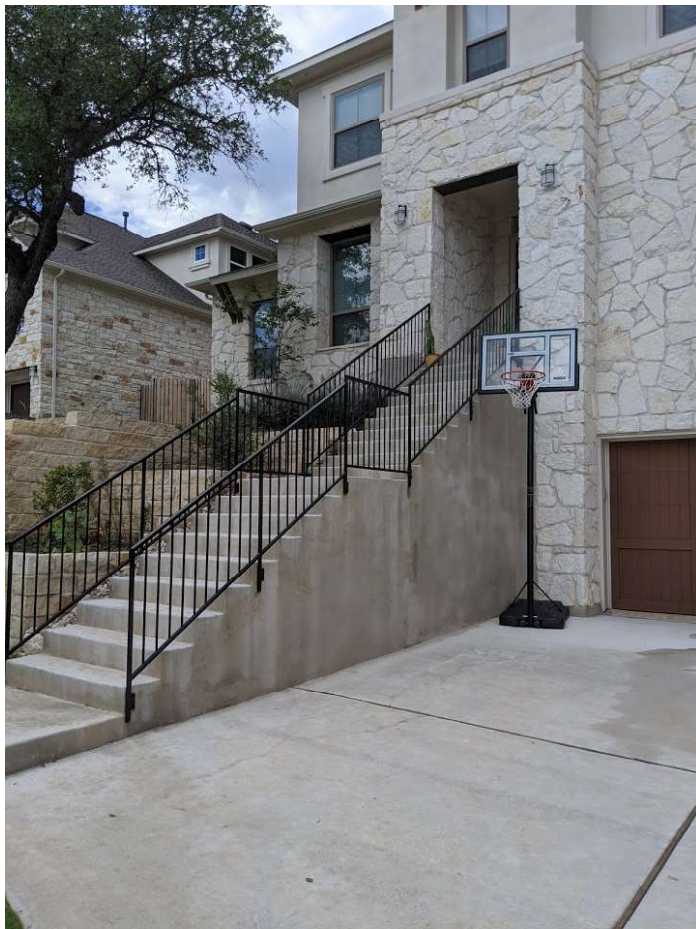
BoA guidebook '15 reference:

A hardship must be unique to the property, not general to the area where it's located.

- If steep slopes or small lots are common to a particular area, then neither condition is sufficiently unique to constitute a hardship by itself.

In the entire Circle C (~6400 homes), this is the only house with a 12' dropped garage, indicating the scale of the sloping issues that are unique to the property.

The closest property is roughly half the slope (6' dropped garage) and even then, those homes are very rare.



Reasonable Use

The landscaping completed by the builder limits basic safe access from the front of the house to the back of the house/property.

The builder dumped a sea of rocks on an 18% South->North slope and 12% West->East slope, which is the only traversal area from the front to back of the property for basic maintenance.

Examples:

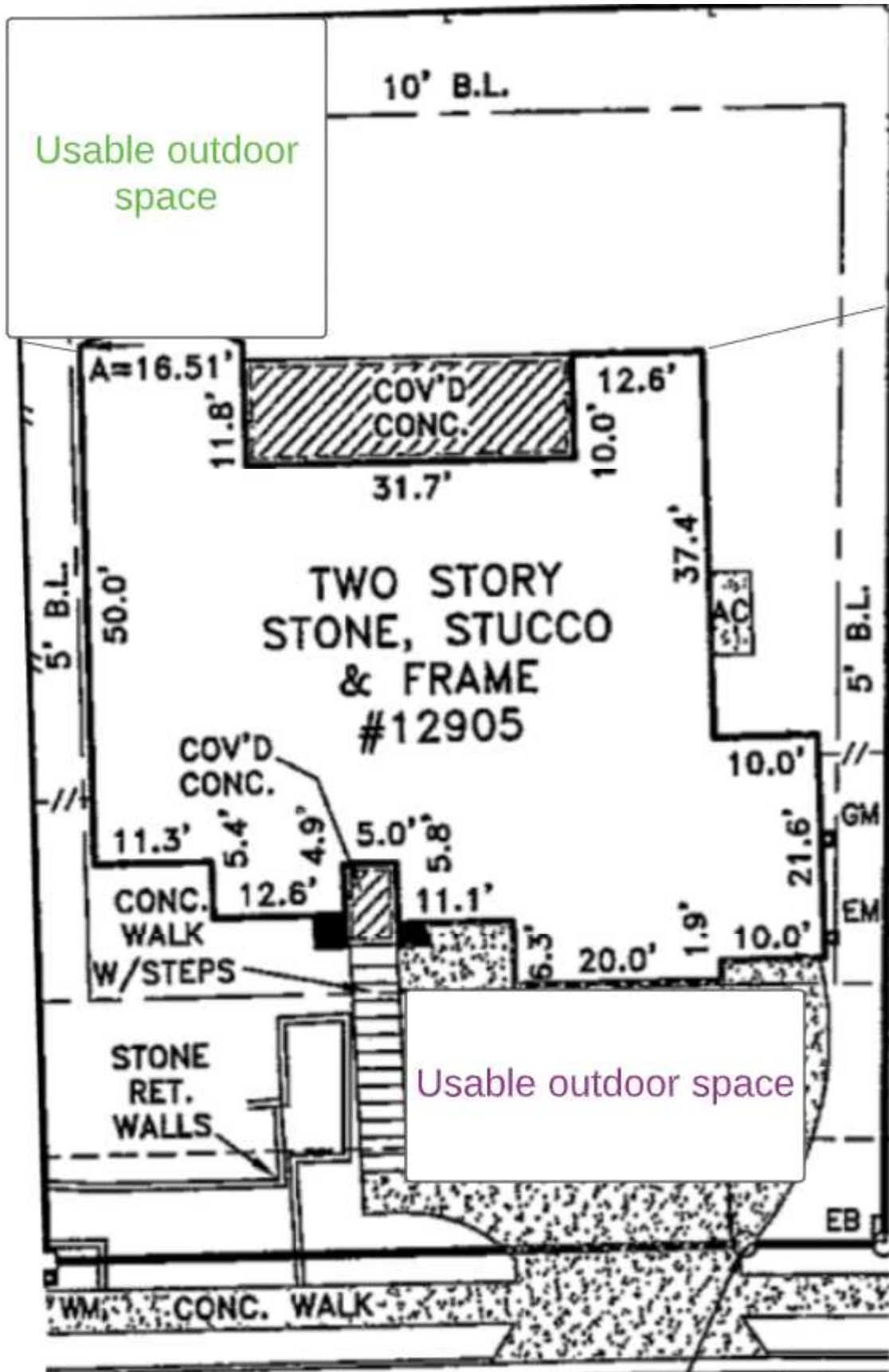
- Moving a lawnmower from the garage to the backyard
- Moving a wheelbarrow from the backyard to the front for yard debris removal/collection

Without the ability to place a single retaining wall stone without violating impervious cover restrictions, the options to resolve these use/safety issues are limited.



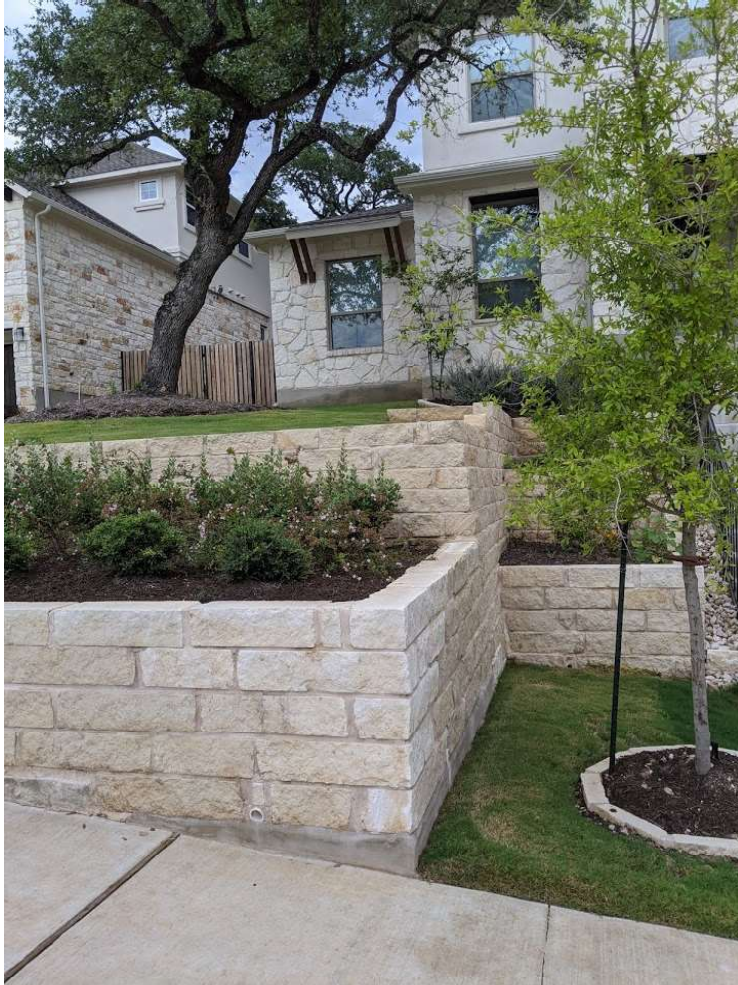
Beyond maintenance, the areas for safe play on the property were also very limited by the builder.

This slope restricts the usable outdoor areas to a small portion of the backyard and the driveway itself (since the front yard was terraced 12' above street grade by the builder).



Area Character

Trex decking and 6x8" white limestone retaining walls are prevalent throughout the neighborhood, preserving the area's character.



Design Proposal

- Terrace the side of the house, flattening the slope, and replacing large sections of river rock with grass
- Construct a deck directly off of the back porch, which connects to the limestone terracing on the side of the house
- Introduce a roof rainwater harvesting system to offset the impacts of the deck (since the leveling could be achieved with retaining walls alone, which would have a smaller impact to the impervious cover request)



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 MALIK	12901 VERONESE DR. 78739 AUSTIN, TX	<i>[Signature]</i>

Both next door neighbors are supportive of this request.

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-3

DATE: Monday June 14, 2021

CASE NUMBER: C15-2021-0027

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

OWNER/APPLICANT: Charles Shapiro

ADDRESS: 12905 VERONESE DR

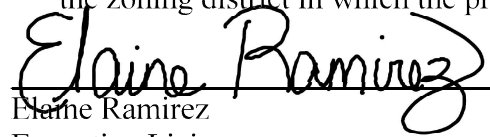
VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an "SF-2", Single-Family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

BOARD'S DECISION: BOA meeting April 12, 2021 cancelled; May 10, 2021;
POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES;
JUNE 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member
 Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm McDaniel
 seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay); **POSTPONED TO**
JULY 12, 2021. July 12, 2021 The public hearing was closed by Chair Jessica Cohen, Board
 Member Melissa Hawthorne motions to Postpone to July 12, 2021; Board Member Rahm
 McDaniel seconds on a 9-1 vote (Board Member Don Leighton-Burwell nay);
POSTPONED TO JULY 12, 2021.

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

Jessica Cohen
Chairman

Ramirez, Elaine

From: Charles Shapiro [REDACTED]
Sent: Thursday, June 17, 2021 8:47 AM
To: Ramirez, Elaine
Subject: Requesting BOA postponement for C15-2021-0027

*** External Email - Exercise Caution ***

Hi Elaine,
My family had a long planned trip for Rocky Mountain National Forest, which conflicts with the July 12th meeting.

Wifi/cell service is questionable in that region.

Based on this, can I request a postponement to the following month?

Thanks much,
Charles

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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 Pruet
☐ - ☐ Agustina Rodriguez
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Nicholl Wade
☐ - ☐ Vacant
☐ - ☐ Kelly Blume (Alternate)
☐ - ☐ Carrie Waller (Alternate)
☐ - ☐ Vacant (Alternate)

OWNER/APPLICANT: Charles Shapiro

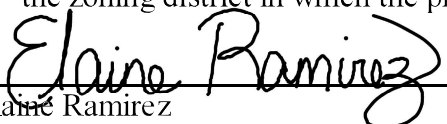
ADDRESS: 12905 VERONESE DR

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;

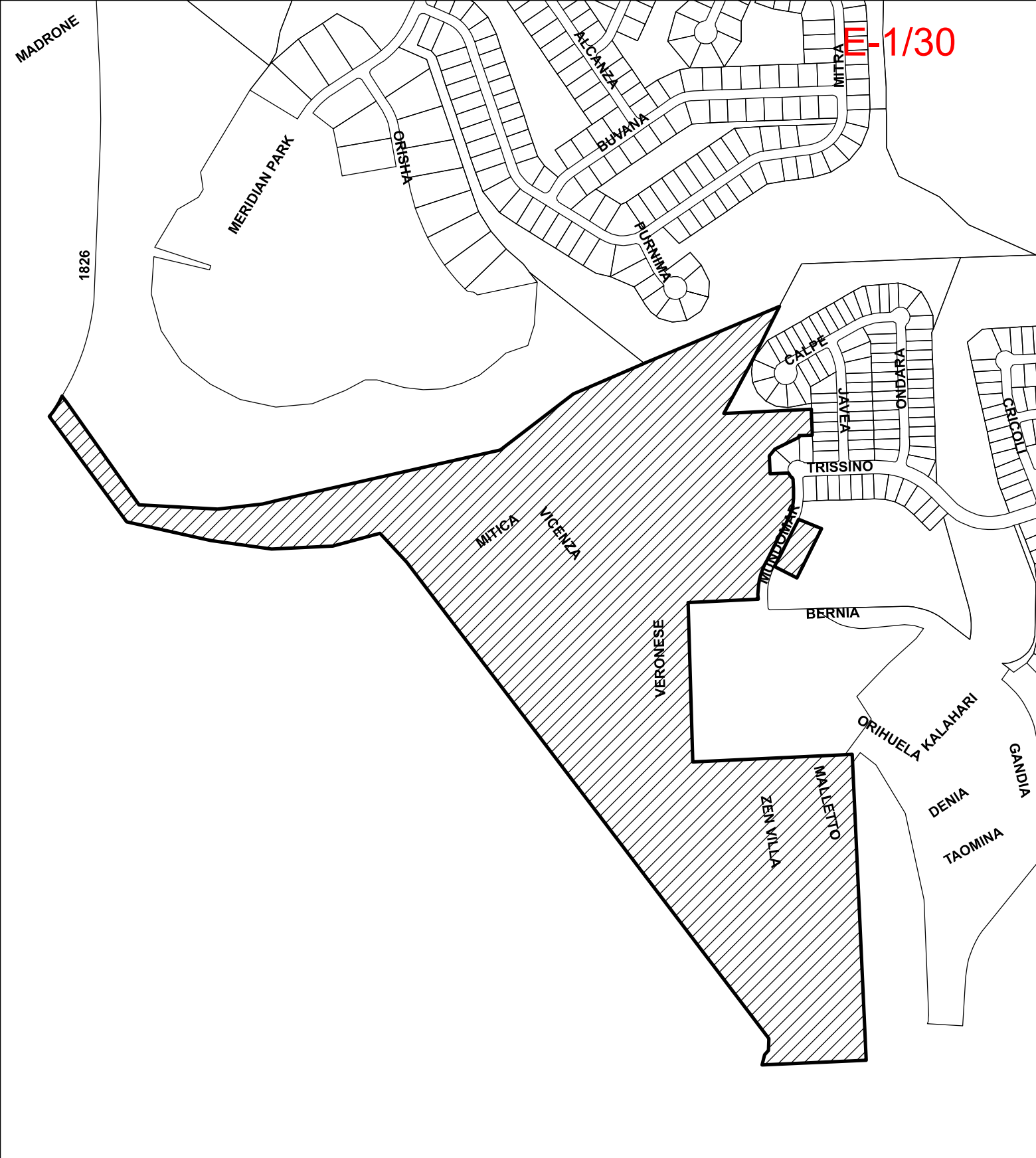
Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an "SF-2", Single-Family Residence zoning district.

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



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

E-1/31

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): [REDACTED]

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): [REDACTED]

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

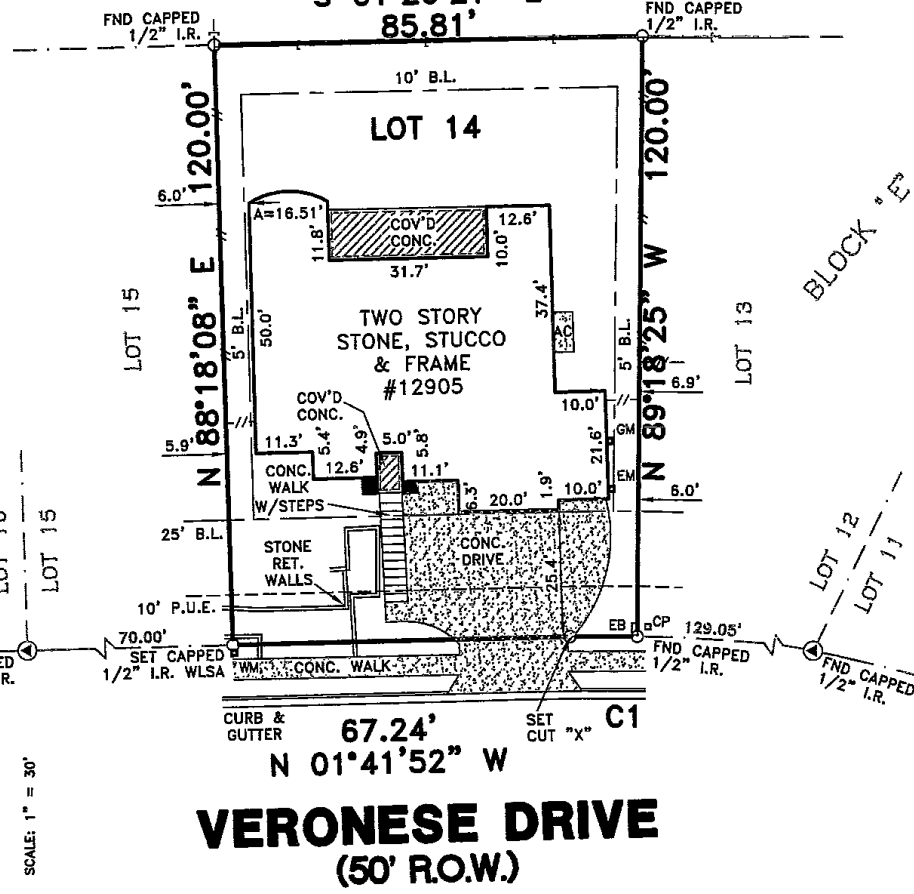
Section 6: Additional Space (if applicable)

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'

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.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, 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
- OP - CABLE TV PEDESTAL
- EB - ELECTRIC BOX
- WF - WOOD FENCE
- WIF - WROUGHT IRON FENCE
- BL - BUILDING LINE
- P.U.E. - PUBLIC UTILITY EASEMENT
- () - RECORD INFORMATION
- Ⓐ - CONTROL MONUMENT

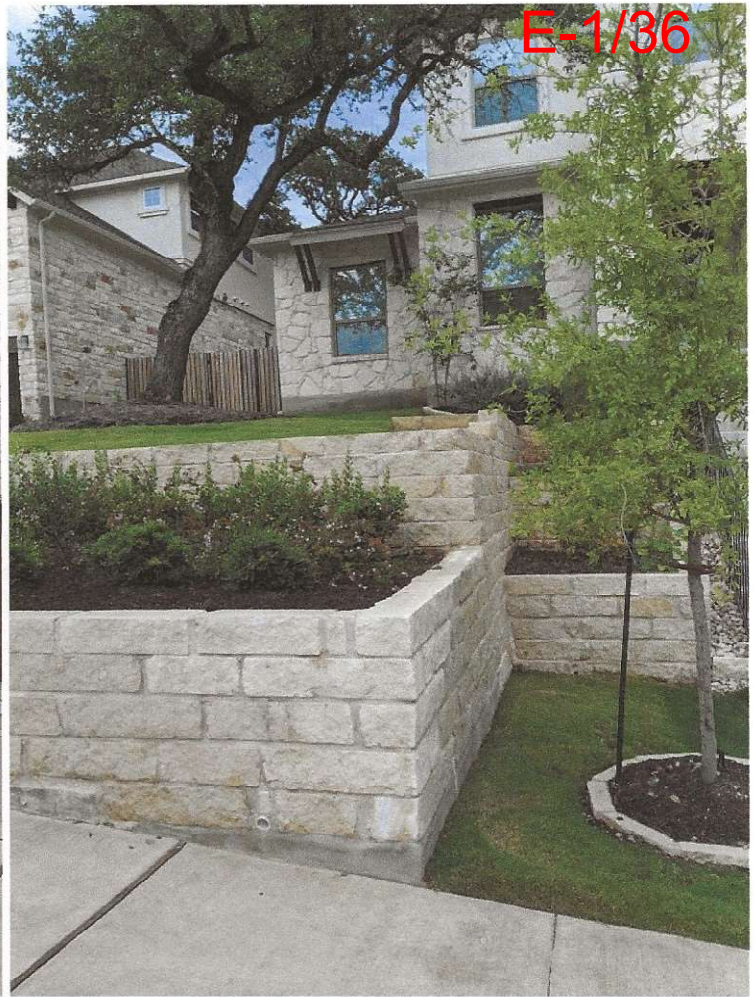
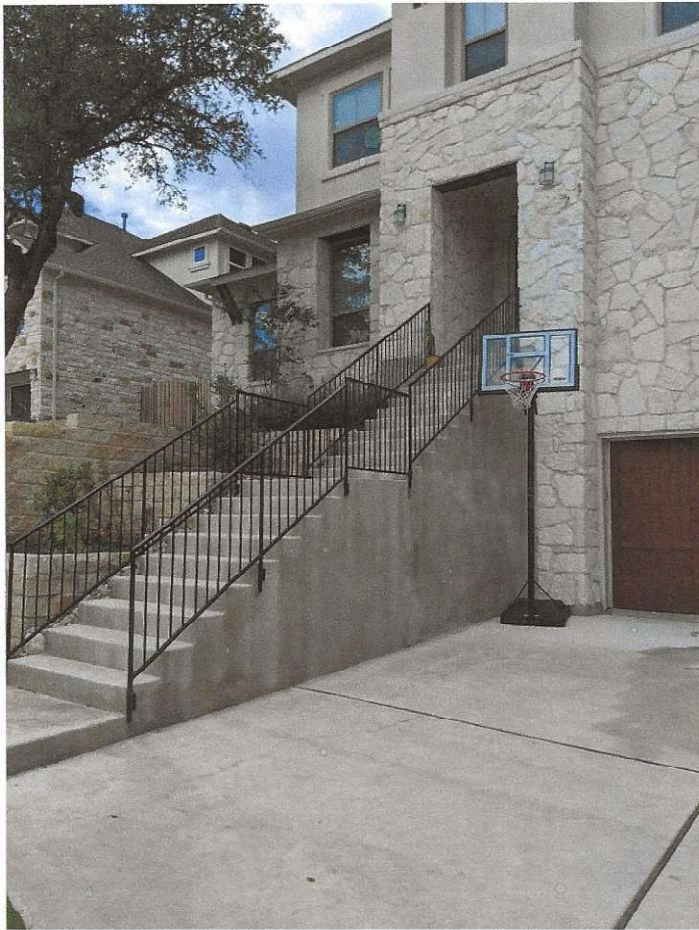
ALL BEARINGS ARE BASED ON THE
 RECORDED PLAT UNLESS OTHERWISE NOTED.
 ALL EASEMENTS AND BUILDING LINES ARE
 BASED ON THE RECORDED PLAT, UNLESS
 OTHERWISE NOTED. SURVEYOR DID NOT
 ABSTRACT SUBJECT PROPERTY.
 THIS SURVEY HAS BEEN COMPILED IN
 ACCORDANCE WITH INFORMATION CONTAINED
 IN THE TITLE COMMITMENT REFERENCED
 IN OF NO. 114688-000230

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 (UNSHADED) ACCORDING TO THE
 FEDERAL 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.
<p> 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 compliance with the laws of the State of Texas and the rules and regulations of the ground, except as shown. Surveyor for Windrose Land Services - Austin. </p>			
<p> Windrose Land Services - Austin 4120 Commercial Center Dr. Suite 300 Austin, Texas 78744 TEL (512) 326-2100 FAX (512) 326-2770 COPYRIGHT 2019 WINDROSE LAND SERVICES - AUSTIN, ALL RIGHTS RESERVED </p>			
FIELD WORK	12/13/19	NG	12/16/19
REVISION	-	-	-
REVISION	-	-	-
DRAFTED BY	BT	CHECKED BY	12/16/19
MAPSCO PAGE	671 S	JOB NO.	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.

FND CAPPED
1/2" I.R.

85.81'

FND CAPPED
1/2" I.R.LOT 15
N 88°18'08" E 120.00'

6.0'

5.9'

25' B.L.

10' P.U.E.

70.00'

SET CAPPED
1/2" I.R. WLSACURB &
GUTTER

67.24'

SET
CUT "X"

C1

Improve
water
capture

LOT 14

10' B.L.

SPA

POOL

Deck with
terracing added
underneathPLANTER
BEOlower
PLANTER BEO (3.1)

high

A=16.51'

11.8'

COV'D
CONC.

31.7'

12.6'

10.0'

TWO STORY
STONE, STUCCO
& FRAME
#12905COV'D
CONC.CONC.
WALK

W/STEPS

STONE
RET.
WALLSCONC.
DRIVE

PATH

37.4'

10.0'

21.6'

10.0'

20.0'

1.9'

5' B.L.

GM

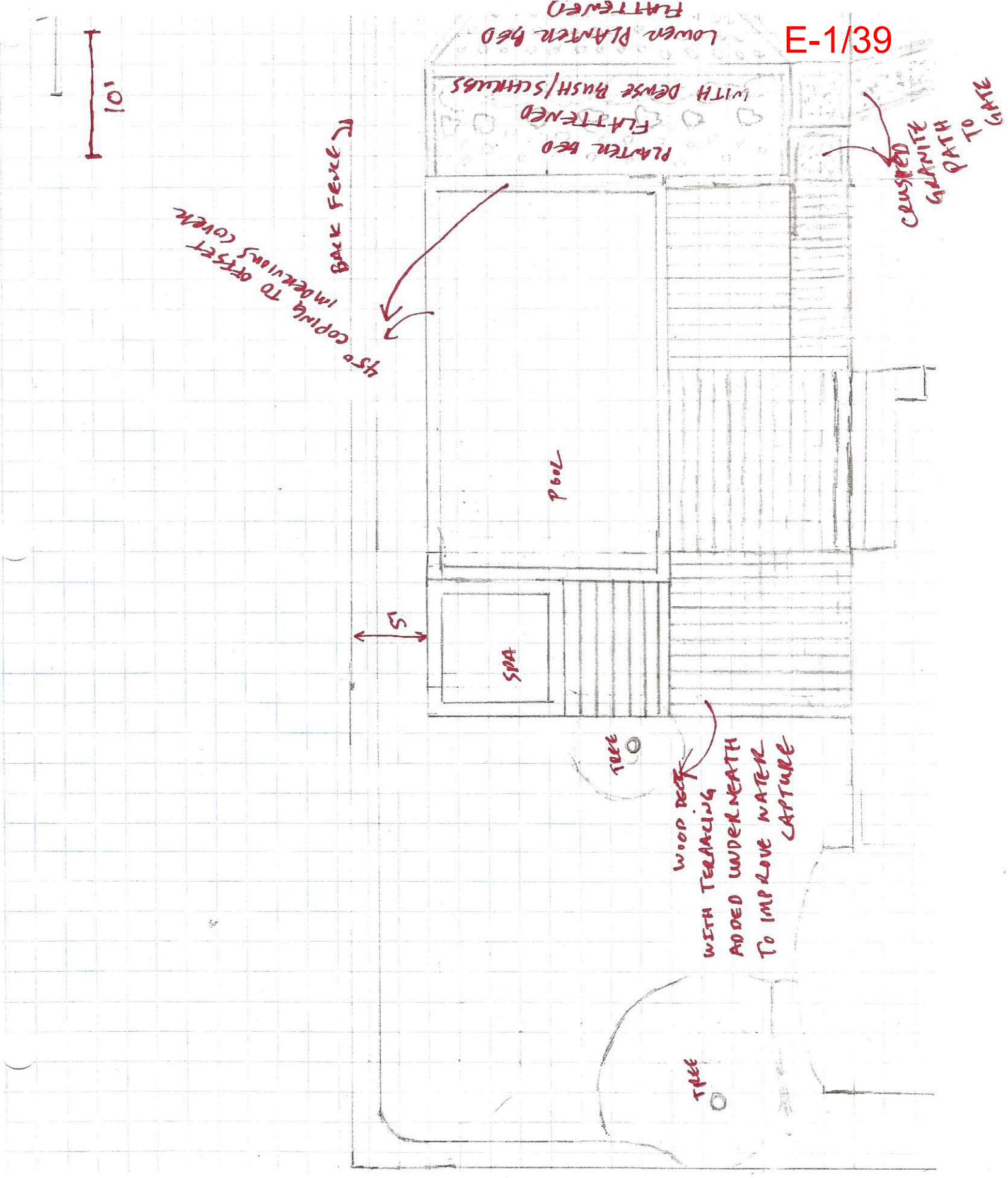
EM

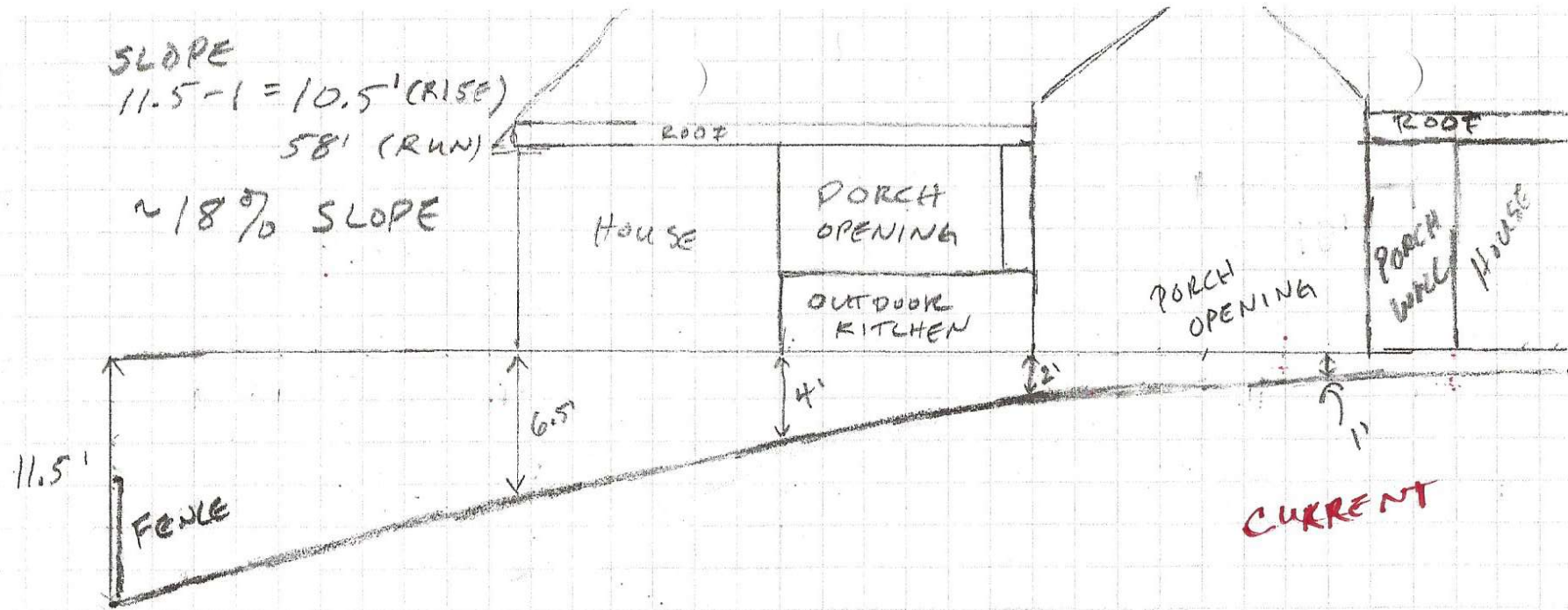
6.0'

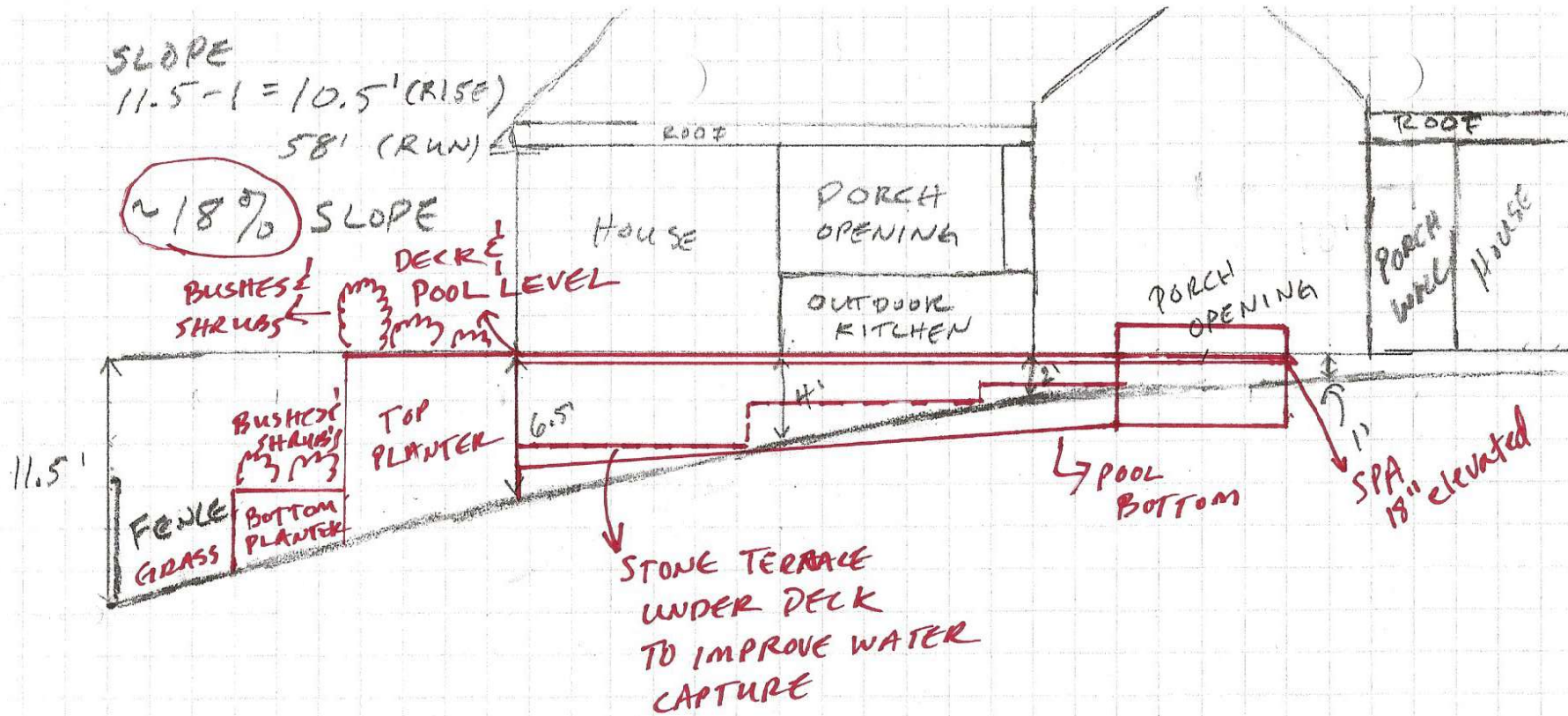
Limestone
retaining wallReplace
rocks with sod
on flattened slopeFND CAPPED
1/2" I.R.

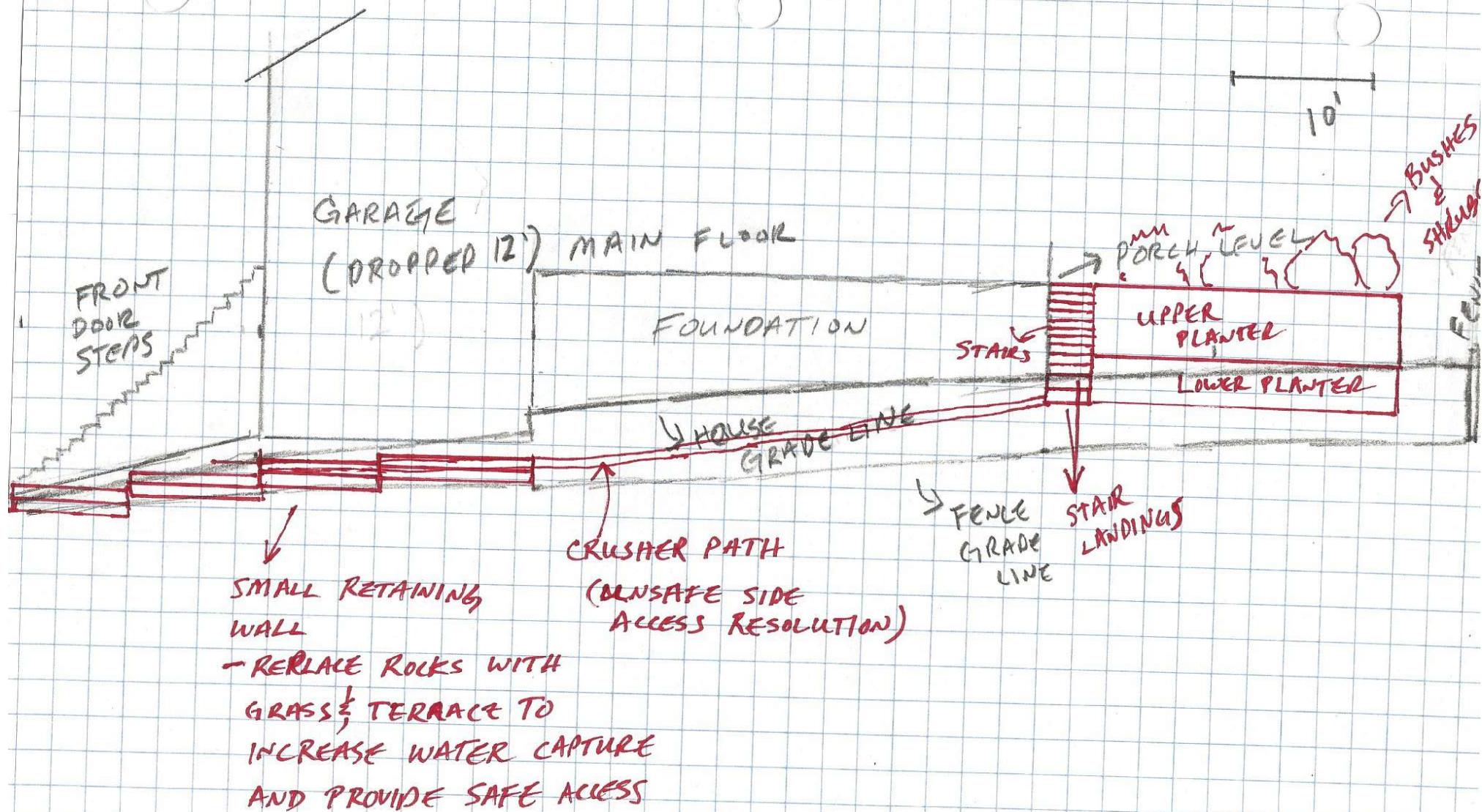
N 89°18'25" W 120.00'

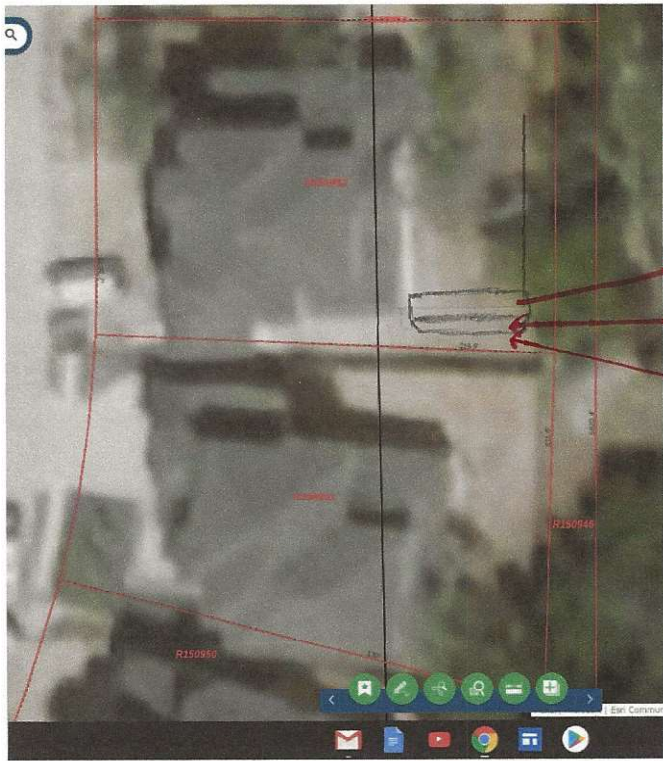
LOT 13











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

E-1/43

→ 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>