

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0085

BOA DATE: September 13th, 2021

ADDRESS: 1717 Channel Rd

COUNCIL DISTRICT: 10

OWNER: Estates at Lake Austin LP

AGENT: David Cancialosi

ZONING: LA

LEGAL DESCRIPTION: ABS 329 SUR 2 GRAY T ACR 1.7280

VARIANCE REQUEST: reduce the shoreline setback from 75 feet to 25 feet

SUMMARY: erect a Single-Family + associated improvements

ISSUES: shoreline setback, protected trees

	ZONING	LAND USES
<i>Site</i>	LA	Lake Austin -Single-Family
<i>North</i>	SF-2	Single-Family
<i>South</i>	SF-2	Single-Family
<i>East</i>	SF-2	Single-Family
<i>West</i>	SF-2	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
 Austin Neighborhoods Council
 City of Rollingwood
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Our Springs Alliance
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources



August 26, 2021

Ashley Knight
1717 Channel Rd
Austin TX, 78746

Property Description: ABS 329 SUR 2 GRAY T ACR 1.7280

Re: C15-2021-0085

Dear Ashley,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from LDC Section 25-551(B)(1)(a) to reduce the shoreline setback from 75' to 25'.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

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

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

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Joseph Beeler, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6602



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0085

LOCATION: 1717 CHANNEL ROAD



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" = 292'



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

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 # _____
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Section 1: Applicant Statement

Street Address: 1717 Channel Road

Subdivision Legal Description:

ABS 329 SUR 2 GRAY T ACR 1.7280

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

Outlot: _____ Division: _____

Zoning District: lake austin, LA

I/We David Cancialosi c/o Permit Partners LLC on behalf of myself/ourselves as authorized agent for Estates Lake Austin LP - Taylor Wilson affirm that on Month August, Day 5, 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: setback reduction

Type of Structure: single family and associated improvements

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
 LDC 25-551(B)(1)(a) to reduce shoreline setback from 75' to 25' along a man made inlet

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 zoning regulations combined with unique hardships prevent a reasonable use of this site as prescribed by the applicable zoning district. Please see cover letter for more details.

Hardship

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

The number of hardships and the extent to which they encumber the site severely limit the normal development typically found on a lot of this size in LA zoning. Please see the cover letter and exhibits for more detailed analysis for your review.

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

Man made sloughs, inlets and cut-ins are fairly rare along Lake Austin. They do exist; and when they do, they create significant development constraints because the literal application of the 75' shoreline setback stretches into viable build sites within the lot nearly 100% of the time. The Board has recognized this on similar properties. This condition is not general to the area, but rather the exception.

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:

Any new construction will be in keeping the varied construction styles found along Lake Austin.

There will be no adverse impact to adjacent properties. All development shall comply with all other applicable codes. Active measures will be taken to ensure the protection of Lake Austin via best management practices.

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: 08/01/2021

Applicant Name (typed or printed): David Cancialosi c/o Permit Partners LLC

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

City: Austin State: Texas Zip: 78752

Phone (will be public information): (512) 799-2401

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: 08/05/2021

Owner Name (typed or printed): Estates at Lake Austin LP

Owner Mailing Address: 6034 West Courtyard Dr, Ste 288

City: Austin State: Texas Zip: 78730

Phone (will be public information): (512) 968-6141

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: David Cancialosi c/o Permit Partners

Agent Mailing Address: 300 E Highland Mall Dr, Ste 207

City: Austin State: Texas Zip: 78752

Phone (will be public information): (512) 799-2401

Email (optional – will be public information): [REDACTED]

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).

From the office of:

PERMIT PARTNERS, LLC
300 E. Highland Mall Blvd. #207
Austin, Texas 78752
David C. Cancialosi
512.593.5368 c.
512.494.4561 f.

August 1, 2021

City of Austin
City of Austin Board of Adjustment

RE: Variance request from LDC 25-551(B)(1)(a) at 1717 Channel Drive to reduce Shoreline Setback from 75' to 25' Shoreline Setback

Dear Board of Adjustment Commissioners,

My client is seeking a variance to reduce the shoreline setback measured from a man made slough that abuts the property via cut in boat slip. The applicable Lake Austin shoreline setback is 75' per staff's current interpretation of where a shoreline setback is measured from as it relates to man made sloughs or inlets. My client is seeking a 25' Lake Austin shoreline setback from the slough. The man made slough has a cut-in slip created sometime between 1955 and 1968 per City of Austin zoning profile aerials. There does not appear to be any natural causation of the inlet. It appears wholly man made using various historical aerials and physical inspections.

Reasonable Use

The existing 1.72 acre tract is vacant and zoned Lake Austin, LA, as part of the City-wide effort to apply LA zoning to lake properties in 1984. The site was annexed June 15, 1968 and zoned "A" zoning which is the equivalent of today's SF-2 zoning. The site does not front the main body of Lake Austin. It is only accessible to the water via a small inlet that connects to a lagoon. From that lagoon a straight line was dredged to the site. On the other side of the lagoon it connects to the main body of Lake Austin via separate canal (*from the lagoon*). That canal travels under a bridge (*Channel Road*), then it connects to the main body. (*please see aerial maps for quick reference*). We believe the cut-in slip was created during the same time period as the actual inlet because the 1955 – 1968 aerials reflect the inlet being dredged from the lagoon during this time and not in any aerials before 1955. It shows the inlet in the same location between 1955 - present. Currently there is no boat dock structure. Only concrete retaining walls exist in the cut-in area.

The applicant is requesting a reduced shoreline setback from the water in order to accommodate development of a single-family project and associated accessory structures. The variance request is more about the flexibility to locate improvements in appropriate locations rather than getting close to the water per se. The tract has several hardships prohibiting a reasonable development of such a large tract, namely the interpretation that a 75' shoreline setback applies to sites such as this, which have no main body frontage. The shoreline setback portion of the LA code was never intended to apply to this type of site. The Board has acknowledged this on at least three (3) LA sites that I am personally aware of although there may be more cases which I cannot account for. Each site had actual main body frontage as well as man made sloughs entering each of those properties. They are addressed to Westlake Dr. all of their inlets had shoreline setback reductions approved ranging between 5' and 25'. Another site in Bee Creek was recently approved for shoreline setback reduction from 75' to 25' for part of the shoreline, too. All of these cases were approved 2018-2021.

The proposed house and related accessory structures are attempting to fit between multiple on-site obstacles. This is more specifically noted in the hardship section of this application. The attached exhibits will facilitate the Board's understanding of the site as well as the layout of the surrounding area which is highly unusual in terms of it's access to and from the main body, a sizeable lagoon which exists nowhere else in the lake area, a highly unusual easement access cutting through the middle of the lot - essentially bifurcating the lot into almost two separate build areas, and the irregular shape of this site among other hardships.

We believe this is a fair and reasonable use in the Lake Austin zoning category as that category specifically prescribes development of a residential nature. However, a literal application of the LA zoning performance standards inhibits a reasonable use of this site. For example, factors specific to this lot to include zoning setbacks, access easements, lot shape, protected trees, the cut in slip and man made slough, septic field location due to proximity to water, and reduced net site building area. All of which contribute to an unreasonable prohibition of the intended use allowed under the current zoning category.

Hardship

As referenced in the above section, the site has several hardships which limit the reasonable placement of infrastructure and vertical improvements. Most notably, the application of the 75' shoreline setback reduces the buildable area by over 20,000 square feet. The regular front, side and rear setbacks remove an additional 21,892 square feet from the buildable area. There's a noticeable access easement which bifurcates the lot and removes another 2,600 square feet. Right away, almost 45,000 square feet of a 75,000 square foot lot is 100% unbuildable – all of which is land that is taxed by Travis County. Further, a mixture of protected and heritage trees are found throughout the front, side and rear of the property restricting construction locations even more so. The site also loses almost 2,000 square feet to inundation near the man made cut-in slip. In sum, that nears 50,000 square foot of land which is not useable due to various, overlapping regulations.

Under current conditions the site bears about 18,000 square feet of allowable impervious coverage. That equates to about 25% IC. Since the lot is 100% flat it is allowed 35% IC. However, this case is about the location of the IC, not the IC amount itself. The project will be compliant with IC and all other requirements. The combined hardships can be overcome despite their cumulative effect, but even standalone analysis of a singular hardship such as the access easement presents substantive hardship to the development of this site - the access easement serves two separate properties located behind this site and is essentially irrevocable. None of the parties with legal standing to the easement will agree to relocate the easement at this time.

Add the protected trees and 3,400 square foot septic field and it gets more restrictive. And again, the shoreline setback was never intended to apply to man made canals, sloughs, cut ins and such. At some point in the late 1990's or early 2000's the staff started making the determination that they do apply. This current determination is what brings the case to you today.

A 25' shoreline setback would certainly increase the allowable impervious coverage, but this case is not about impervious coverage – it's about the flexibility to site the single-family improvements in a reasonable manner. A shoreline reduction from 75' to 25' will do just that. We estimate a 25' setback would allow about 24,000 square feet, or roughly 32% IC. My client is open to an IC cap if the Board favors that as a condition of approval.

Suffice to say, the site has several encumbrances that affect the ability to site the proposed improvements to the property by way of the hardships. This combination of hardships is not known on any surrounding properties that take access from the already unusual lagoon much less the larger surrounding area containing homes along the main body of Lake Austin.

Not General to the Area

Man made sloughs, inlets and cut-ins are fairly rare along Lake Austin. They do exist; and when they do, they create significant development constraints because the literal application of the 75' shoreline setback stretches into viable build sites within the lot nearly 100% of the time. The Board has recognized this on similar properties. This condition is not general to the area, but rather the exception.

Area of Character

Any new construction will be in keeping the varied construction styles found along Lake Austin. There will be no adverse impact to adjacent properties. All development shall comply with all other applicable codes. Active measures will be taken to ensure the protection of Lake Austin via best management practices.

In sum, a proposed 25' setback measured from the 492.8' contour shoreline would allow a reasonable use of the property, would not be dissimilar to other shoreline setbacks the Board has approved for sites with man made inlets, and will have no adverse impact on adjacent properties. Best management practices would be employed as part of any project to ensure protection of on-site environmental features where applicable, Lake Austin itself, and neighboring properties,

I respectfully ask the Commission to take into consideration the aforementioned statements and approve the requested variance for the stated reasons. Please see attached exhibits for your reference and I look forward to any questions you may have on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. C. Cancialosi', followed by a horizontal line.

David C. Cancialosi, Agent for Owner

Notes
The Contractor is responsible for confirming and correcting dimensions at the job site; the means, methods, techniques, sequences, or procedures of construction; and for safety precautions in connection with the Project.

SAM BURCH
ARCHITECT



1717 Channel Road
Residence
1717 Channel Road
Austin, Texas 78746

Preliminary Design

EXHIBIT 1

Issue Date 08/05/2021	EX-1
Scale 1" = 50'-0"	

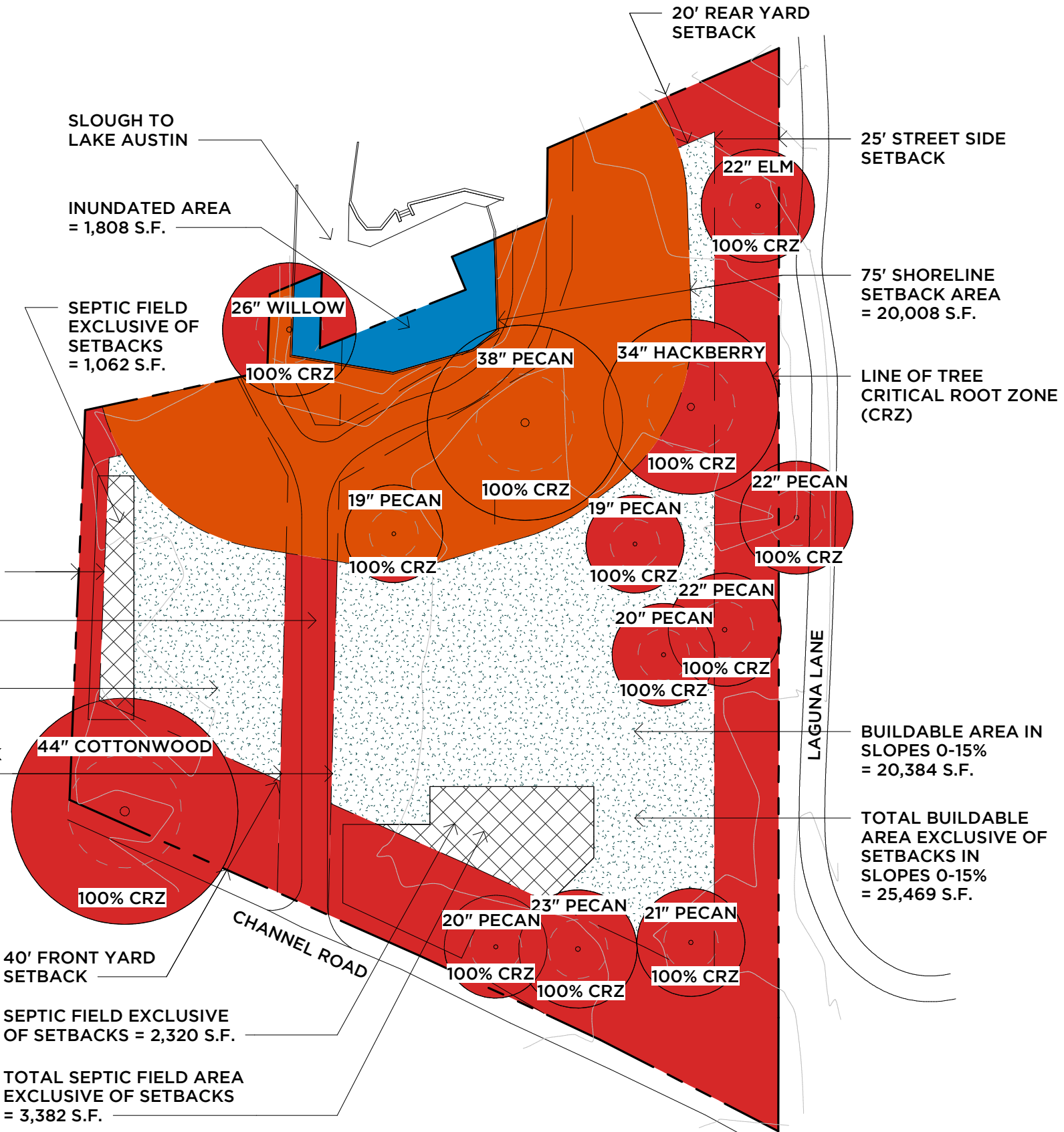
IMPERVIOUS COVER (IC) ALLOWED / LAND CLASSIFICATION

LAND CLASSIFICATION	AREA	% IC	ALLOWABLE IC
TOTAL BUILDING LINE SETBACKS	21,892 S.F.	0	0
75' SHORELINE SETBACK	20,008 S.F.	0	0
ACCESS EASEMENT EXCLUSIVE OF 75' SHORELINE SETBACK	2,696 S.F.	100%	2,696 S.F.
SEPTIC FIELDS EXCLUSIVE OF SETBACKS (ESTIM.)	3,382 S.F.	0	0
INUNDATED AREA	1,808 S.F.	0	0
LAND WITH SLOPE < 15% OUTSIDE OF SETBACKS	25,469 S.F.	35%	8,913 S.F.
LAND WITH SLOPE < 15% INCLUSIVE OF SETBACKS	53,435 S.F.	35%	18,702 S.F.
TOTAL IMPERVIOUS COVER ALLOWED FOR THE SITE			18,702 S.F.
TOTAL SITE AREA			75,251 S.F.
PERCENTAGE OF ALLOWED SITE IMPERVIOUS COVER			24.9%

LEGEND

INUNDATED AREA	
75' SHORELINE SETBACK	
SEPTIC FIELD	
SETBACKS & EASEMENT	
BUILDABLE AREA IN SLOPES 0-15%	

10' SIDE YARD SETBACK
EXISTING SHARED DRIVEWAY
BUILDABLE AREA IN SLOPES 0-15% = 5,085 S.F.
ACCESS EASEMENT EXCLUSIVE OF 75' SHORELINE SETBACK = 2,696 S.F.



1 Conditions with 75' Shoreline Setback
SCALE: 1" = 50'-0"

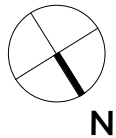


EXHIBIT 1
SCALE: 1" = 50'-0"

Revisions	Date

Notes
The Contractor is responsible for confirming and correcting dimensions at the job site; the means, methods, techniques, sequences, or procedures of construction; and for safety precautions in connection with the Project.

SAM BURCH
ARCHITECT



1717 Channel Road
Residence
1717 Channel Road
Austin, Texas 78746

Preliminary Design

EXHIBIT 2

Issue Date 08/05/2021	EX-2
Scale 1" = 50'-0"	

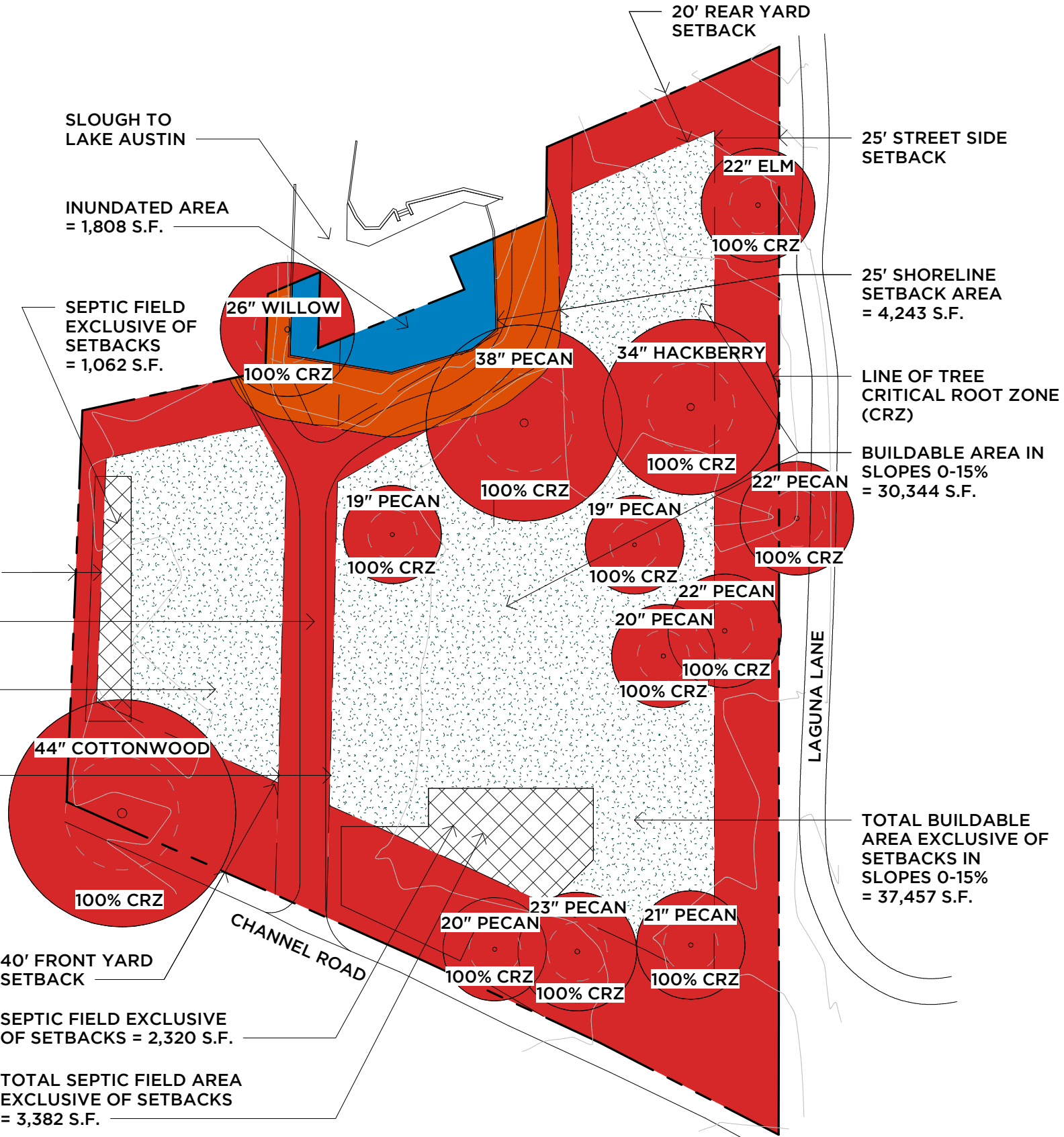
IMPERVIOUS COVER (IC) ALLOWED / LAND CLASSIFICATION

LAND CLASSIFICATION	AREA	% IC	ALLOWABLE IC
TOTAL BUILDING LINE SETBACKS	23,781 S.F.	0	0
25' SHORELINE SETBACK	4,243 S.F.	0	0
ACCESS EASEMENT EXCLUSIVE OF 25' SHORELINE SETBACK	4,580 S.F.	100%	4,580 S.F.
SEPTIC FIELDS EXCLUSIVE OF SETBACKS (ESTIM.)	3,382 S.F.	0	0
INUNDATED AREA	1,808 S.F.	0	0
LAND WITH SLOPE < 15% EXCLUSIVE OF SETBACKS	37,457 S.F.	35%	13,110 S.F.
LAND WITH SLOPE < 15% INCLUSIVE OF SETBACKS	69,200 S.F.	35%	24,220 S.F.
TOTAL IMPERVIOUS COVER ALLOWED FOR THE SITE			24,220 S.F.
TOTAL SITE AREA			75,251 S.F.
PERCENTAGE OF ALLOWED SITE IMPERVIOUS COVER			32.2%

LEGEND

INUNDATED AREA	
25' SHORELINE SETBACK	
SEPTIC FIELD	
SETBACKS & EASEMENT	
BUILDABLE AREA IN SLOPES 0-15%	

10' SIDE YARD SETBACK
EXISTING SHARED DRIVEWAY
BUILDABLE AREA IN SLOPES 0-15% = 7,113 S.F.
ACCESS EASEMENT EXCLUSIVE OF 25' SHORELINE SETBACK = 4,580 S.F.



2 Conditions with 25' Shoreline Setback
SCALE: 1" = 50'-0"

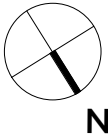


EXHIBIT 2
SCALE: 1" = 50'-0"

Notes
The Contractor is responsible for confirming and correcting dimensions at the job site; the means, methods, techniques, sequences, or procedures of construction; and for safety precautions in connection with the Project.

SAM BURCH
ARCHITECT



EXHIBIT 3

EX-3

EXHIBIT 3
SCALE: 1" = 160'-0"

Notes
The Contractor is responsible for confirming and correcting dimensions at the job site; the means, methods, techniques, sequences, or procedures of construction; and for safety precautions in connection with the Project.

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Preliminary Design

EXHIBIT 4

Issue Date 08/05/2021	EX-4
Scale 1" = 160'-0"	

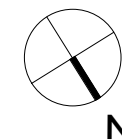


EXHIBIT 4
SCALE: 1" = 160'-0"

Revisions	Date

Notes
The Contractor is responsible for confirming and correcting dimensions at the job site; the means, methods, techniques, sequences, or procedures of construction; and for safety precautions in connection with the Project.

SAM BURCH
ARCHITECT



1717 Channel Road
Residence
1717 Channel Road
Austin, Texas 78746

Preliminary Design

EXHIBIT 5

Issue Date 08/05/2021	EX-5
Scale 1" = 50'-0"	

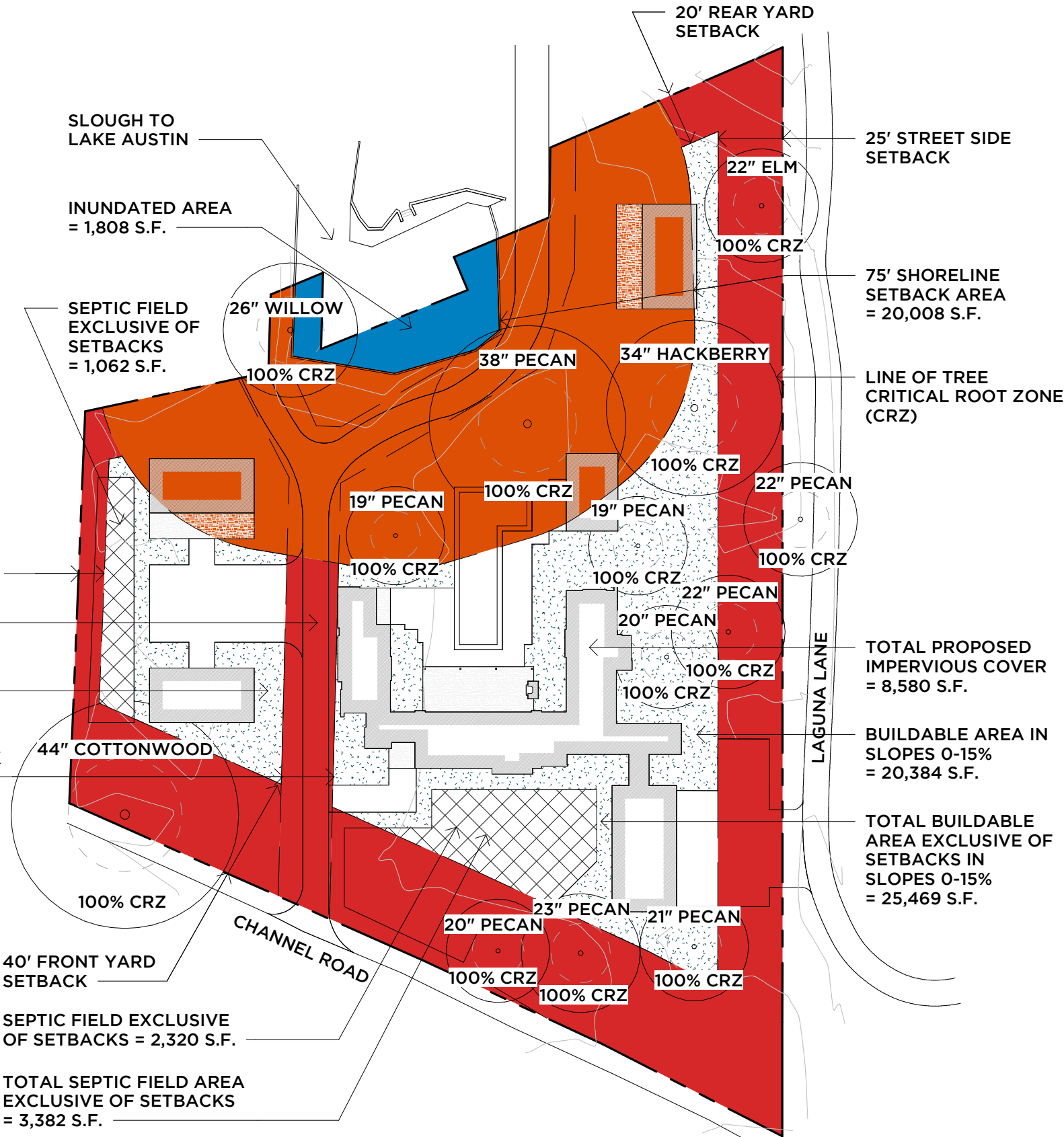
IMPERVIOUS COVER (IC) ALLOWED / LAND CLASSIFICATION

LAND CLASSIFICATION	AREA	% IC	ALLOWABLE IC
TOTAL BUILDING LINE SETBACKS	21,892 S.F.	0	0
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LAND WITH SLOPE < 15% OUTSIDE OF SETBACKS	25,469 S.F.	35%	8,913 S.F.
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LEGEND

INUNDATED AREA	
75' SHORELINE SETBACK	
SEPTIC FIELD	
SETBACKS & EASEMENT	
BUILDABLE AREA IN SLOPES 0-15%	
RESIDENCE	
DRIVES/TERRACES	

10' SIDE YARD SETBACK
EXISTING SHARED DRIVEWAY
BUILDABLE AREA IN SLOPES 0-15% = 5,085 S.F.
ACCESS EASEMENT EXCLUSIVE OF 75' SHORELINE SETBACK = 2,696 S.F.



5 Conditions with 75' Shoreline Setback
SCALE: 1" = 50'-0"

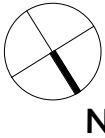


EXHIBIT 5
SCALE: 1" = 50'-0"

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SAM BURCH
ARCHITECT



1717 Channel Road
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Preliminary Design

EXHIBIT 6

Issue Date 08/05/2021	EX-6
Scale 1" = 50'-0"	

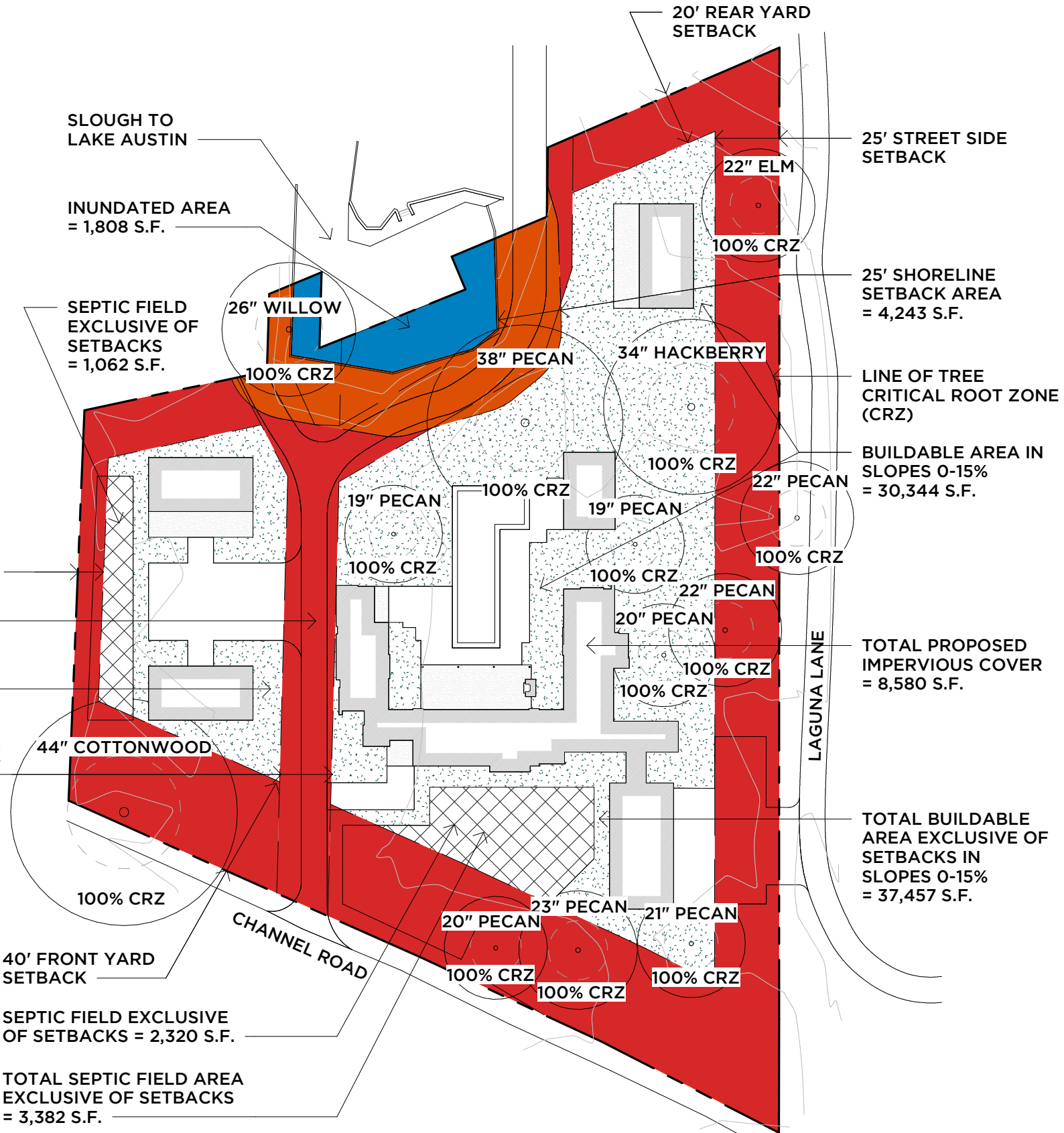
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LEGEND

INUNDATED AREA	
25' SHORELINE SETBACK	
SEPTIC FIELD	
SETBACKS & EASEMENT	
BUILDABLE AREA IN SLOPES 0-15%	
RESIDENCE	
DRIVES/TERRACES	

10' SIDE YARD SETBACK
EXISTING SHARED DRIVEWAY
BUILDABLE AREA IN SLOPES 0-15% = 7,113 S.F.
ACCESS EASEMENT EXCLUSIVE OF 25' SHORELINE SETBACK = 4,580 S.F.



6 Conditions with 25' Shoreline Setback
SCALE: 1" = 50'-0"

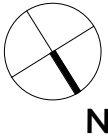


EXHIBIT 6
SCALE: 1" = 50'-0"