

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
E-4**

**DATE: Monday February 14, 2022**

**CASE NUMBER: C15-2022-0011**

☐ Y ☐ Thomas Ates  
☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Barbara Mcarthur  
☐ - ☐ Rahm McDaniel **OUT**  
☐ Y ☐ Darryl Pruett  
☐ Y ☐ Agustina Rodriguez  
☐ Y ☐ Richard Smith  
☐ Y ☐ Michael Von Ohlen  
☐ - ☐ Nicholl Wade **OUT**  
☐ Y ☐ Kelly Blume (Alternate)  
☐ Y ☐ Carrie Waller (Alternate)  
☐ - ☐ Marcel Gutierrez-Garza (Alternate)

**APPLICANT: Jonathan Kaplan**

**OWNER: David Scott Kosch**

**ADDRESS: 2715 LONG BOW TRL**

**VARIANCE REQUESTED:** The applicant is requesting variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin District Regulations) (C) (3)

(a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (allowed) to 40 percent (requested)

(b) increase the maximum impervious cover on a slope with a gradient of 15 percent and not more than 25 percent from 10 percent (allowed) to 40 percent (requested)

(c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from 5 percent (allowed) to 40 percent (requested)

(d) increase the maximum impervious cover on a slope gradient greater than 35 percent to 40 percent (requested), in order to complete a Single-Family residence in a "LA", Lake Austin zoning district.

**Note:** This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or a tract that is not required to be platted.

For the above address the Subdivision Plat was recorded on November 17, 1969

(E) This subsection specifies additional development standards based on slope gradient in a Lake Austin (LA) district. (2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

**BOARD'S DECISION:** The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to postpone to March 14, 2022; Board Member Melissa Hawthorne seconds on a 11-0 vote; POSTPONED TO MARCH 14, 2022.

**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:** Jon Kaplan  
**To:** [Ramirez, Elaine](#)  
**Cc:** [Ramirez, Diana](#); [REDACTED]  
**Subject:** Re: REMINDER: Mar. 14, 2022 Advanced Packet deadline  
**Date:** Thursday, February 24, 2022 7:04:54 PM  
**Attachments:** [1.png](#)  
[2.png](#)  
**Importance:** High

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\*\*\* External Email - Exercise Caution \*\*\*

Good Evening Elaine,

We are doing our best to get all the necessary information for our case but due to all of the pushback and questions that we got from the BOA and the two people contesting it. We request that we can push our hearing the the April hearing date to be able to provide the additional information that the board has requested.

Regards

Jon Kaplan  
C.P.B.D. - 44-752  
ICC Combination Inspector - 9061592  
Urban Building Services of Texas LLC  
[www.ubstx.com](http://www.ubstx.com)  
[REDACTED]

P: (512) 768-2789 EXT: 501

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----- On Fri, 18 Feb 2022 12:00:08 -0600 **Ramirez, Elaine**  
<[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote -----

Good afternoon Applicants on the Mon. March 14<sup>th</sup>, 2022 BOA mtg. Agenda,

**Please read this entire e-mail**

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2022-0011

**BOA DATE:** February 14<sup>th</sup>, 2022

**ADDRESS:** 2715 Long Bow Trl

**COUNCIL DISTRICT:** 6

**OWNER:** David Scott Kosch

**AGENT:** Jonathan Kaplan

**ZONING:** LA

**LEGAL DESCRIPTION:** LOT 876 APACHE SHORES SEC 2

**VARIANCE REQUEST:**

- (a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (allowed) to 40 percent (requested)
- (b) increase the maximum impervious cover on a slope with a gradient of 15 percent and not more than 25 percent from 10 percent (allowed) to 40 percent (requested)
- (c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from 5 percent (allowed) to 40 percent (requested)
- (d) increase the maximum impervious cover on a slope gradient greater than 35 percent to 40 percent (requested)

**SUMMARY:** complete a Single-Family residence

**ISSUES:** non-conforming lot, platted prior to “LA” regulations

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

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Lost and Found Pets

Friends of Austin Neighborhoods

Lake Travis ISD Population and Survey Analysts

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources





February 8, 2022

Jonathan Kaplan  
2715 Long Bow Trl  
Austin TX, 78734

Property Description: LOT 876 APACHE SHORES SEC 2

**Re: C15-2022-0011**

Dear Jonathan,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from City of Austin Land Development Code Section 25-2-551 (C) - 3 Impervious coverage restrictions based on a slope analysis of the property

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](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.

**Cody Shook, Planner II**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881



## CITY OF AUSTIN

### Development Services Department

Permitting & Development Center

Phone: 512.978.4000

6310 Wilhelmina Delco Dr, Austin, Texas 78752

## 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 # C5-2022-0011 ROW # 12853281 Tax # 0145550131

### Section 1: Applicant Statement

Street Address: 2715 Long Bow Trail, Austin TX 78734

Subdivision Legal Description:

LOT 876 APACHE SHORES SEC 2

Lot(s): 876 Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: LA - Lake Austin

I/We Jonathan Kaplan on behalf of myself/ourselves as  
authorized agent for 2715 Long Bow Trail LLC & David Kosch affirm that on  
Month September, Day 11 ☐, 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: Single family residence.

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

25-2-551 (C)-3 Impervious coverage restrictions based on a slope analysis of the property.

Section 25-2-551 (*Lake Austin District Regulations*) (C) (3) (a) a slope with a gradient of 15 percent or less from **35 percent** (allowed) to **40 percent** (requested) (b) a slope with a gradient of 15 percent and not more than 25 percent from **10 percent** (allowed) to **40 percent** (requested), (c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from **5 percent** (allowed) to **40 percent** (requested), (d) a slope gradient greater than 35 percent from **0 percent** (allowed) to **26 percent** (requested)

## 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:

Per 25-2-492 site development regulations a LA zoned lot must be a minimum of 43,560 SF in size (1 acre), and the lot in question is only 8,822.11 sf (.20 acres). In addition, this regulation was set in place due to 25-2-551 (C)-3 Impervious coverage restrictions based on a slope analysis of the property. This core requires a slope analysis of the current topography of the land and based on the existing conditions of this lot no reasonable development can be constructed on this property.

### Hardship

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

This lot is a non-conforming lot to the minimum lot size required to be zoned for LA zoning and the subsequent Impervious Coverage regulations including the NET site area calculations. We are seeking an increased Impervious Coverage allowance for this lot allowing for 3,300 sf of Impervious Coverage 37.4% to be more consistent with traditional development codes of Single Family Residential codes.

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

This area of LA zoning is unique as lots were platted and have been sold before the existence of the LA regulations. There is a lot of houses that have been built in the area prior to the LA zoning and exist to this day. This lot is only two lots (82 feet) away from being outside of the COA building jurisdiction and LA zoning allowances.

**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:

The area that this lot is located (Apache Shores) has a lot of new construction going on and houses just like the one being proposed are being constructed throughout the area. The zoning district will not be effected as the construction (house or lot) is not visible from the Lake, and since the slope is so steep on the proposed area that once construction is complete the ground will have a better ability to absorb water runoff than the current high slope of the lot.

**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:

N/A

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:

N/A

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

N/A

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

N/A

### 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: Jonathan Kaplan Date: 09/15/2021

Applicant Name (typed or printed): Jonathan Kaplan

Applicant Mailing Address: 214 Sailors Run,

City: Lakeway State: Texas Zip: 78734

Phone (will be public information): (512) 920-3439

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: Scott Kosch Date: 09/12/2021

Owner Name (typed or printed): David Scott Kosch

Owner Mailing Address: 4307 Michaels Cove

City: Austin State: TX Zip: 78746

Phone (will be public information): (310) 714-6821

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

### Section 5: Agent Information

Agent Name: Jonathan Kaplan

Agent Mailing Address: 214 Sailors Run

City: Lakeway State: TX Zip: 78734

Phone (will be public information): (512) 920-3439

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

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

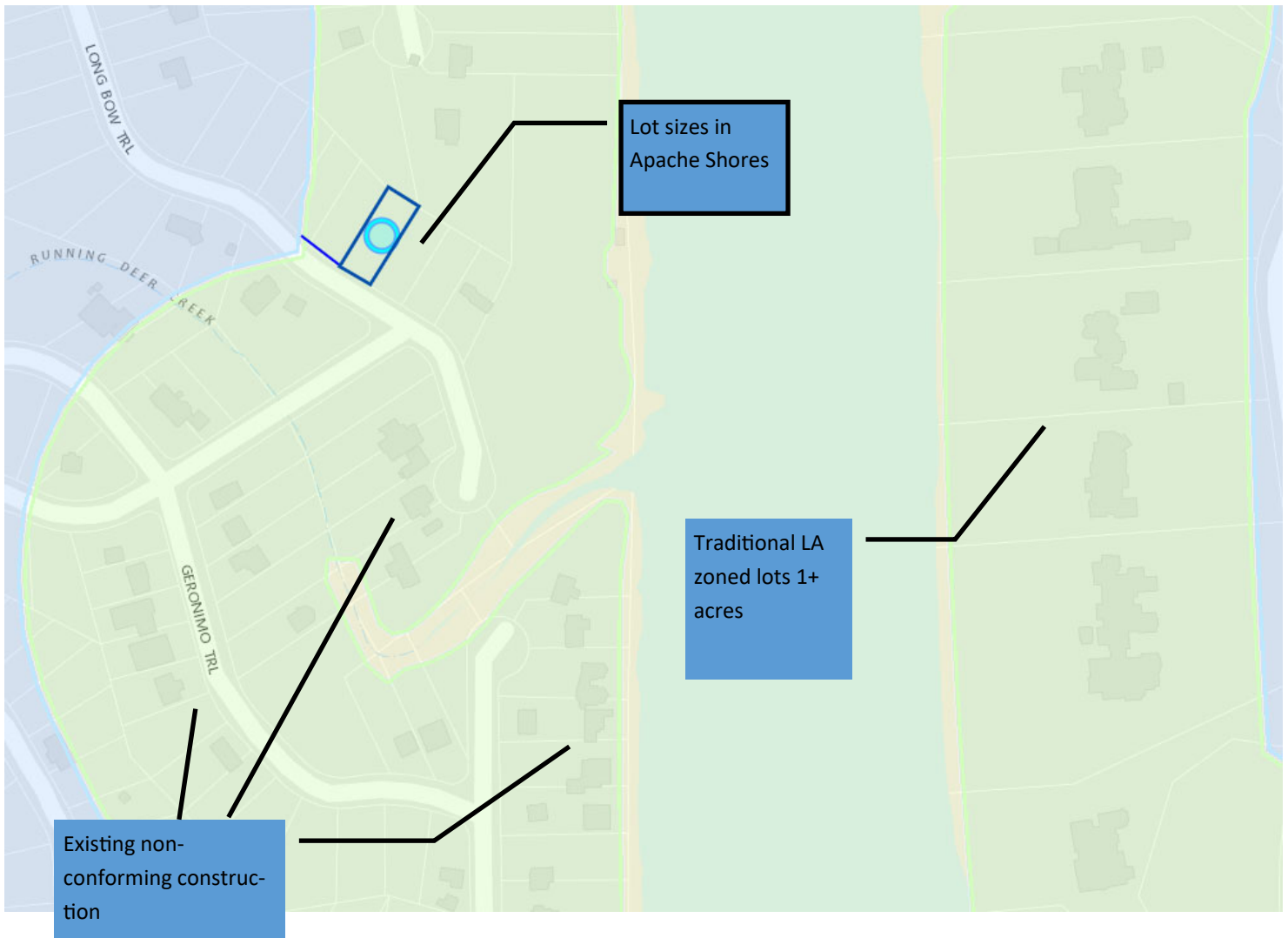
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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This diagram shows that the traditional Lake Austin zoned lots (1+ acre) are located on the east side of the river while the west side (Apache Shores) consists of all non-conforming lots but have houses constructed on them. A lot of these houses were built prior to the LA regulations that were put in place but the approval of this Variance will not effect the area in a negative way.



This diagram shows that the location of the Lake Austin zoning (in green) and the ETJ (in Blue) and that this lot is less than 100' away from an area that has no impervious coverage restrictions.





In this image you will see the existing lot with the red lines showing the approximate boundaries of the lot





This aerial map can provide you an understanding of the development in the area and an example of how this construction will match the neighboring community.

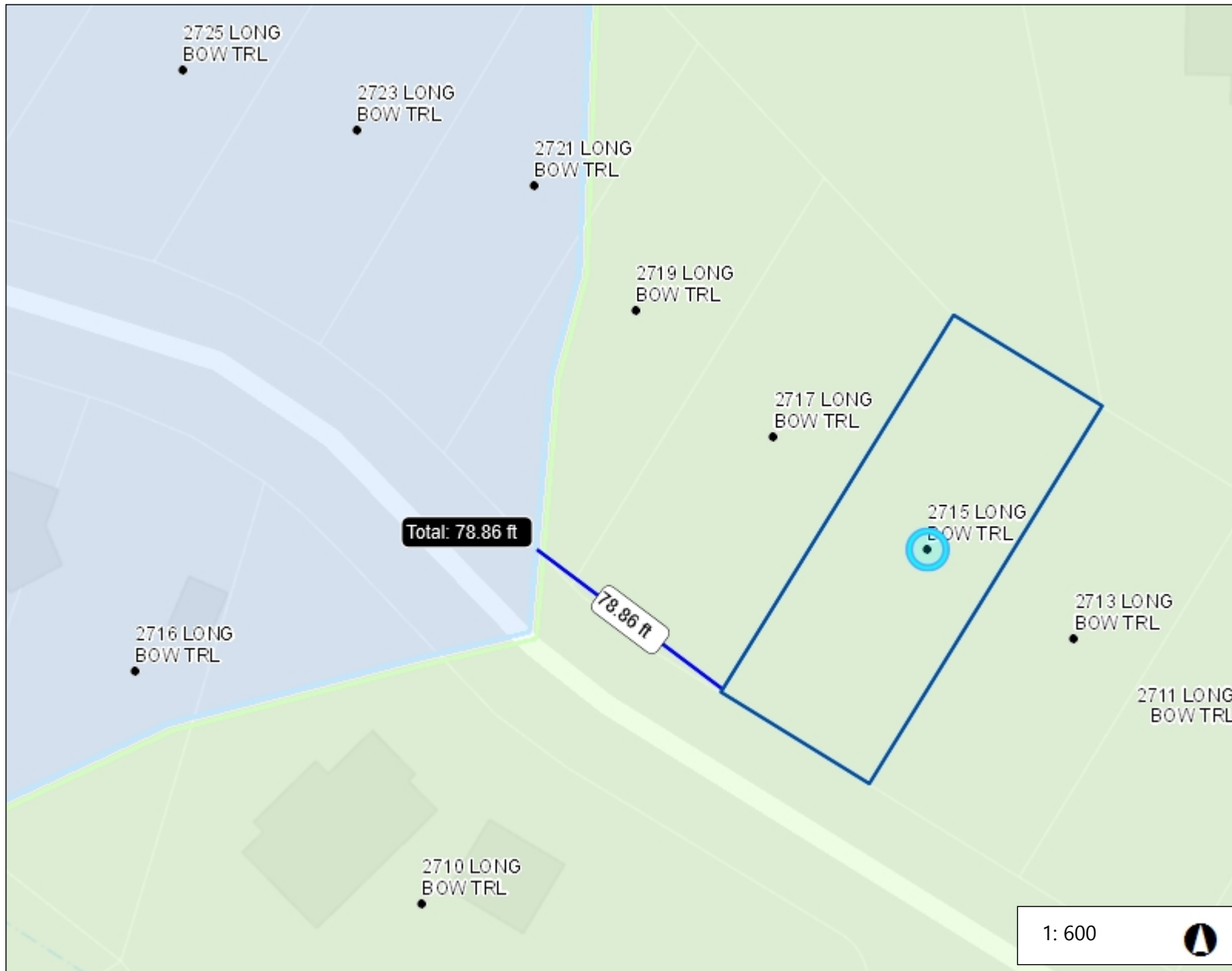


# Property Profile

F-5/14

## Legend

- Addresses
- Jurisdiction
  - FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTION
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
- Jurisdiction
  - FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTION
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ



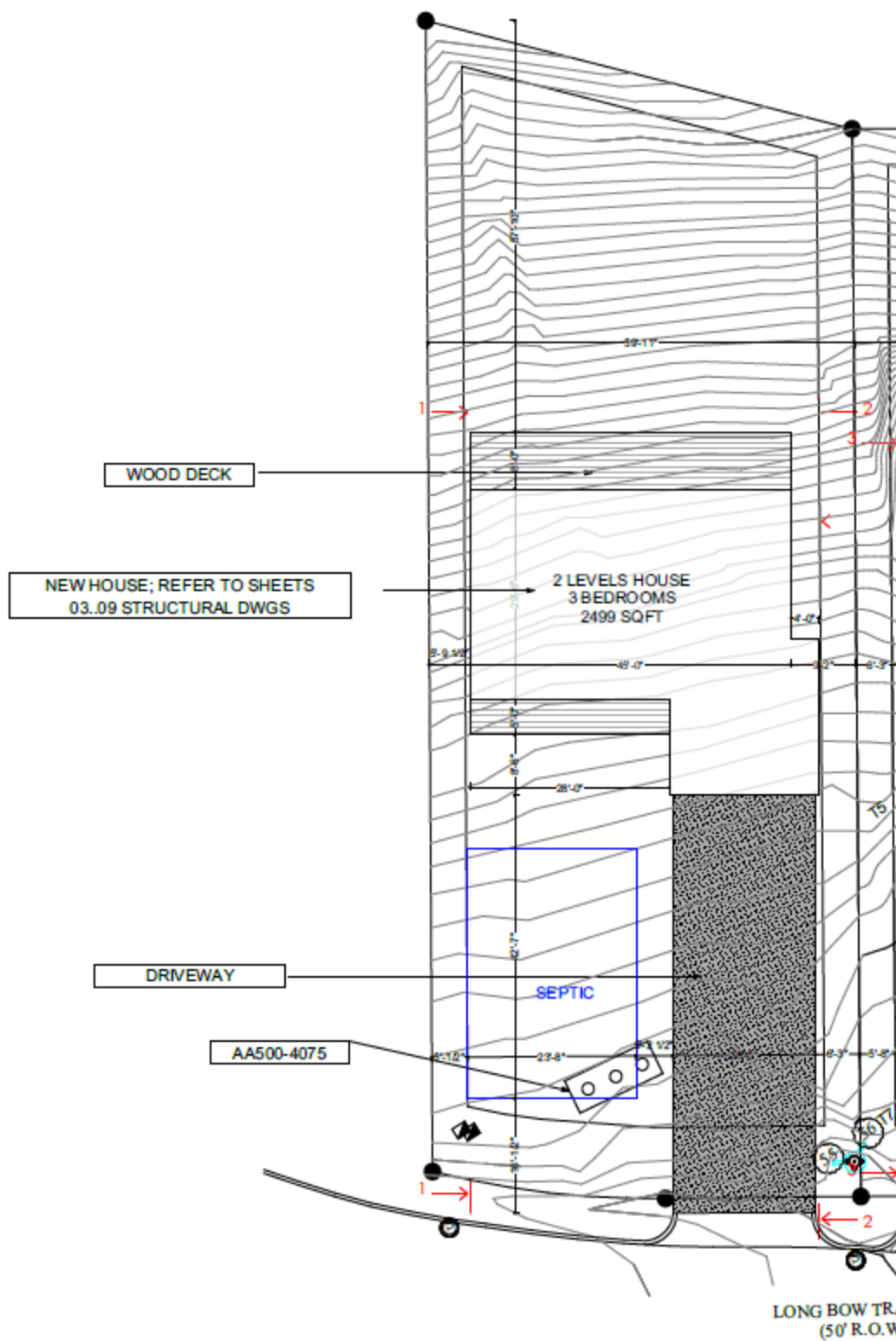
0.0 0 0.01 0.0 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

Date Printed:

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

## Notes





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PROJECT INFORMATION  
**Single Family Residence.**  
**Art Village LLC.**  
**2717 Longbow Trail, 78734**

CONSTRUCTION DOCUMENTS

DRAWING TITLE:  
3D RENDERINGS

FULL SIZE SCALE

HALF SIZE SCALE

DATE: 10/10/16

DRAWN BY:

CHECKED BY:



FRONT VIEW



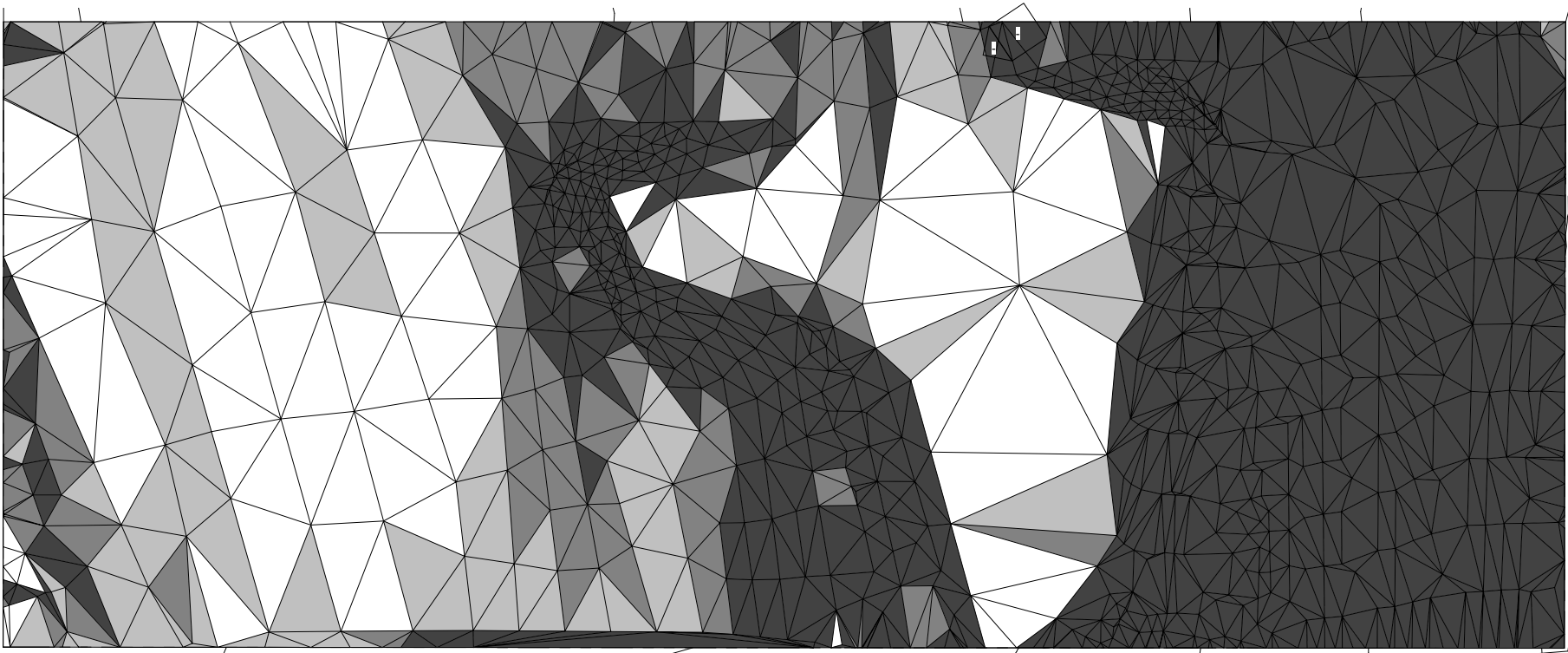
FRONT VIEW



FRONT VIEW

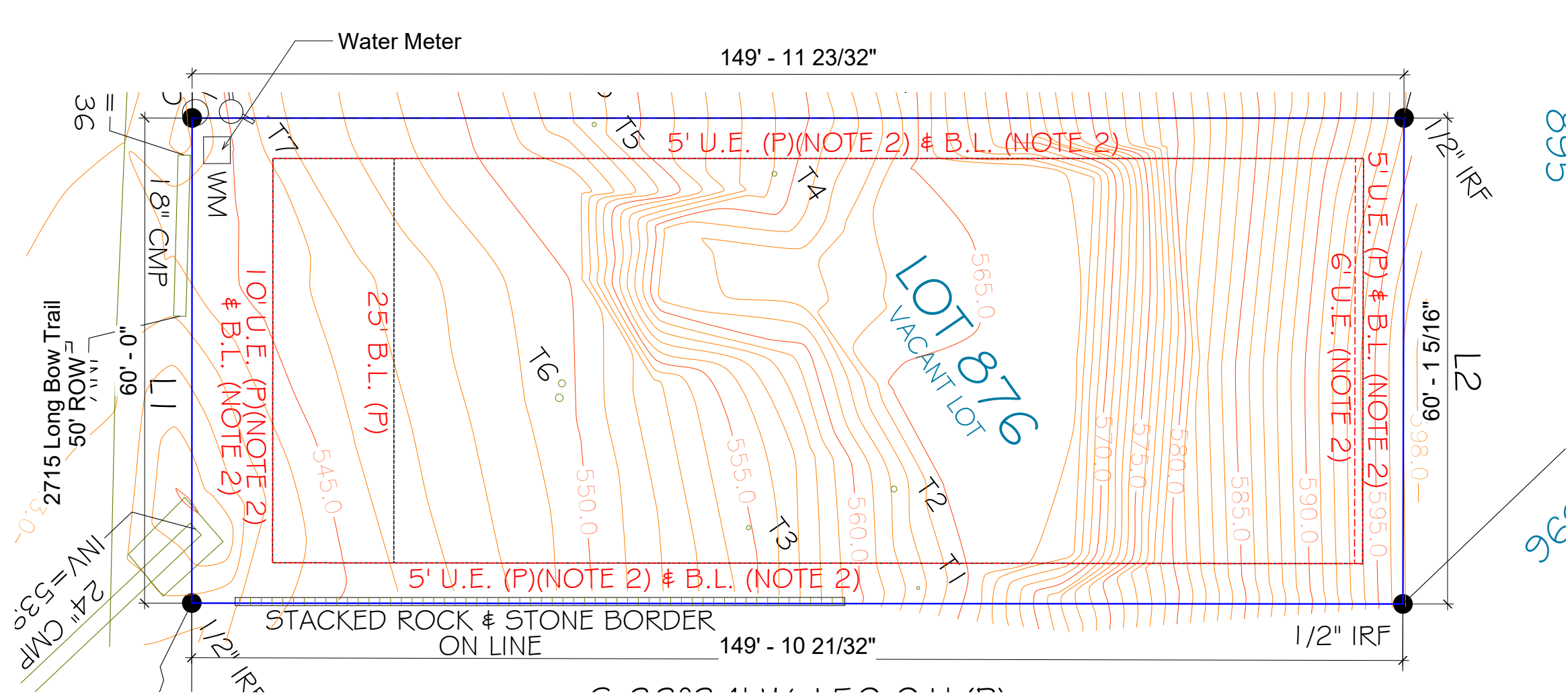


REAR VIEW



① Site Analysis - 2715  
1/8" = 1'-0"

② Site Surevey Copy - 2715  
1/8" = 1'-0"



Slope Analysis - Net Site Area	
Material: Range	Material: Area
0.00% to 15.00%	2545 SF
15.00% to 25.00%	1567 SF
25.00% to 35.00%	1002 SF
35.00% to 4459.59%	4958 SF

Current Allowances	Requested Allowances
x 35% = 890.75	x 40% = 1,018
x 10% = 156.7	x 40% = 626.8
x 05% = 50.1	x 40% = 400.8
0	x 26% = 1,289.08
Allowable IC 1,098.55 SF	Allowable IC 3,334.68 SF

PROJECT INFORMATION

Variance Request  
2715 Long Bow Trail LLC  
2715 Long Bow Trail, Austin TX

CONSTRUCTION DOCUMENTS

DRAWING TITLE:  
Unnamed

22' x 34' SCALE:  
1/8" = 1'-0"  
11' x 17' SCALE:  
HALF SCALE  
ISSUES DATE:  
12/28/2021 7:17:13 PM  
DRAWN BY:  
Author

SHEET NUMBER:

The drawings, specifications, ideas, designs, and arrangements presented herein are and shall remain the property of Urban Building Services of Texas LLC. No part thereof shall be copied, disclosed to others or used in connection with any work or project other than the specific project for which they were prepared and developed without the written consent of Urban Building Services of Texas LLC. Visual contact with these drawings shall constitute conclusive evidence of acceptance of these restrictions.

**From:** Omega170  
**To:** [Ramirez, Elaine](#)  
**Subject:** Re:  
**Date:** Monday, February 07, 2022 9:28:36 AM  
**Attachments:** [image001.png](#)

---

Charles Thomas Westerman  
2667 Crazyhorse Pass  
Austin, TX 78734  
512 300 6173  
[REDACTED]

[REDACTED] my T-Mobile 4G LTE Device  
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**From:** [REDACTED]  
**Sent:** Monday, February 7, 2022 9:27:23 AM  
**To:** Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>  
**Subject:** Re:

Case number c15-2022-0011  
2715 Long Bow Trail

Sent from my T-Mobile 4G LTE Device  
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**From:** Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>  
**Sent:** Monday, February 7, 2022 9:23:43 AM  
**To:** Omega170 [REDACTED]  
**Subject:** RE:

In order for me to accept this e-mail. You will need to include the case #, address of property in question and you will need to include your name and address.

**Respectfully,**  
**Elaine Ramirez**  
*Planner Senior / Board of Adjustment Liaison*  
City of Austin Development Services Department  
6310 Wilhelmina Delco Dr, Austin, Texas 78752  
**Office:** 512-974-2202



**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#). Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

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**From:** Omega170 [REDACTED]  
**Sent:** Monday, February 07, 2022 9:17 AM  
**To:** Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>  
**Subject:**

\*\*\* External Email - Exercise Caution \*\*\*

I am against the new changes that are being sought to build these new homes.in Apache Shores especially the one they are requesting a permit for on Long Bow Trail. These developers trash the land and overbuild and overpopulated on this area oft here and enough is enough. You should see the concrete trucks that dump there slag right into the creeks here when they build these million dollar California dream atrocities.

Sent from my T-Mobile 4G LTE Device

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**From:** Sam W  
**To:** [Ramirez, Elaine](#); [Clerk, City](#)  
**Subject:** C15-2022-0011  
**Date:** Monday, February 07, 2022 9:58:20 AM

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\*\*\* External Email - Exercise Caution \*\*\*

Hi,

I'm not really sure what the process to file opposition to some requested changes to lot restrictions, but I live just a few houses down from this. C15-2022-0011

From what I see they want to take both lots and then put a significantly higher than normally allowed impervious cover on it. This suggests not only a lot more drainage into the lake and into the park from the lot, it also sounds like they are just going to cover it in concrete. These coverage rules exist for a reason and I don't see why this person should get any exception.

Thank you,

Sam

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To Elaine Ramirez,

February 7, 2022

My name is Charles Thomas Westerman, I live at 2667 Crazyhorse Pass, Austin, TX 78734. I am writing in Opposition to Case number C15-2022-0011 / 2715 Long Bow Trail AND C15-2022-0012 / 2717 Long Bow Trail.

I am against the new changes that are being sought to build these new homes in Apache Shores especially the one they are requesting a permit for on Long Bow Trail. These developers trash the land and overbuild and overpopulated on this area oft here and enough is enough. You should see the concrete trucks that dump their slag right into the creeks here when they build these million dollar California dream atrocities.

The repercussions of this out of check building out here is horrible. Traffic is bad and this building will constitute a HUGE fire hazard should an evacuation ever need take place due to a fire. There is a post on the Next-door app out here that shows my photos I took as well as others took of the developers allowing the concrete truck that pours the slabs to leave the waste at the bottom of the hill that runs straight into the water system out here.

They are building unchecked houses that raise the property value and tax out people that have owned houses and lived here their whole life. That doesn't even include all the new coyotes that are out and because there is nowhere left for them to go. Let alone all the water pipes damaged by the constant water pressure checks on all of these over unit overpriced Hollywood McMansions.

I will not waste any more of your time since your position is not a tax payer funded position. I hope you heed my concerns.

Sincerely,

Charles Thomas Westerman

**From:** Jamie McKenzie  
**To:** [Ramirez, Elaine](#)  
**Subject:** Long bow trail variance  
**Date:** Tuesday, February 08, 2022 7:35:42 PM

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\*\*\* External Email - Exercise Caution \*\*\*

Elaine,

I am writing as a concerned citizen that lives in Apache Shores subdivision where a variance is being requested on a property on Long Bow Trail.

As a professional in the building industry and someone who wants to see our beautiful lake preserved I would strongly advise you not to grant this variance.

The impervious cover that they are asking for would cause rain water runoff in excess to dump into the lake and adversely affect the water quality endangering the native plants and animals.

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Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

**Case Number: C15-2022-0011**

**Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)**

**Public Hearing: Board of Adjustment; February 14<sup>th</sup>, 2022**

CINDY Marabito

Your Name (please print)

☐ I am in favor  
☒ I object

2718 Long Bow Trail

(profusely)

Your address(es) affected by this application

Cindy Marabito

Signature

2/11/22

Date

Daytime Telephone: 512-762-8963

These two individuals specialize in "luxury residential construction"

Comments: Major concerns with this request:

1. Visual impact + pollution to nat. habitat
2. Effect on natural character of neighborhood
3. The professional builders seek to build huge homes
- 3b. that the small lots will strain to accommodate
4. Adverse effect on environmental, wildlife
- 4b. Views, erosion + danger of landslide, etc.
5. These underdeveloped lots w/ steep hills/slopes serve as filters for the nearby lake - extreme leveling as requested presents a danger to life.

If you will be using this form to comment, please return it via e-mail to:

Elaine Ramirez

Scan & Email to: [Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)

6. Lastly my own personal thought - if these

Builders move forward with plan - our hill country 'hood becomes another concrete subdivision