CITY OF AUSTIN Board of Adjustment Decision Sheet F-5

DATE: Monday February 14, 2022 CASE NUMBER: C15-2022-0012

YThomas Ates
YBrooke Bailey
YJessica Cohen
YMelissa Hawthorne
YBarbara Mcarthur
Rahm McDaniel OUT
YDarryl Pruett
YAgustina Rodriguez
YRichard Smith
YMichael Von Ohlen
Nicholl Wade OUT
YKelly Blume (Alternate)
YCarrie Waller (Alternate)
- Marcel Gutierrez-Garza (Alternate

APPLICANT: Jonathan Kaplan

OWNER: David Scott Kosch

ADDRESS: 2717 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 27 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

Jessica Cohen

Diana A. Ramirez for

Chair

From: Jon Kaplan

To: Ramirez, Elaine

Con Reprint Print Pri

Cc: Ramirez, Diana;

Subject: Re: REMINDER: Mar. 14, 2022 Advanced Packet deadline

Date: Thursday, February 24, 2022 7:04:54 PM

<u>1.png</u> 2.png

Importance: High

Attachments:

*** 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

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> wrote ----

Good afternoon Applicants on the Mon. March 14th, 2022 BOA mtg. Agenda,

Please read this entire e-mail

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0012 **BOA DATE:** February 14th, 2022

ADDRESS: 2717 Long Bow Trl
OWNER: David Scott Kosch
COUNCIL DISTRICT: 6
AGENT: Jonathan Kaplan

ZONING: LA

LEGAL DESCRIPTION: LOT 877 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 27 percent (requested)

SUMMARY: complete a Single-Family residence

ISSUES: non-conforming lot, platted prior to "LA" regulations

	ZONING	LAND USES
Site	LA	Single-Family
North	LA	Single-Family
South	LA	Single-Family
East	LA	Single-Family
West	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 2717 Long Bow Trl Austin TX, 78734

Property Description: LOT 877 APACHE SHORES SEC 2

Re: C15-2022-0012

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

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

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, <u>click here to Save</u> 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 # <u>C15-2022-001</u> 2 ROW #	12853282	Tax # <u>0145550132</u>	
Section 1: Applicant State	ment		
Street Address: 2717 Long Bow Tra	il, Austin TX 78734		
Subdivision Legal Description:			
LOT 877 APACHE SHORES SE	C 2		
Lot(s): <u>877</u>	Block(s)):	
Outlot:	Division	ı:	
Zoning District: <u>LA - Lake Austin</u>			
I/We <u>Jonathan Kaplan</u> authorized agent for <u>2717 Long I</u>			
Month September , Day 11		_	
Board of Adjustment for considera	ation to (select appropriate	e option below):	
○ Erect ○ Attach ● Compl	ete ORemodel O	Maintain Other:	
Type of Structure: Single family r	esidence.		

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 27 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 9,751.03 sf (.22 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 33.8% 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 one lot (20 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:

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:
<u>N</u>	/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:
<u>N</u>	/A
3. <u>N</u>	The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because: /A
4. <u>N</u>	The variance will run with the use or uses to which it pertains and shall not run with the site because: /A
_	

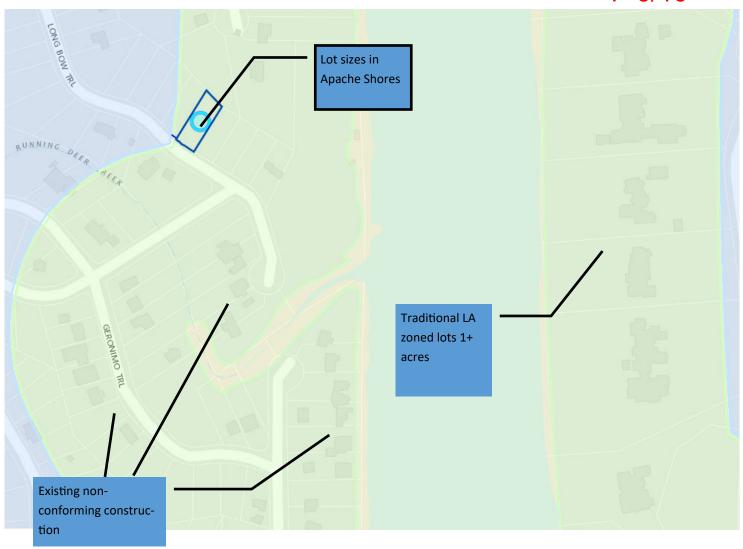
Section 3: Applicant Certificate

I affirm that my statements contained in the complete apmy knowledge and belief.	plication are true a	nd correct to the best of
Applicant Signature:		Date: <u>09/15/2021</u>
Applicant Name (typed or printed): Jonathan Kaplan		
Applicant Mailing Address: 214 Sailors Run,		
City: <u>Lakeway</u>	State: <u>Texas</u>	Zip: 78734
Phone (will be public information): (512) 920-3439		
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the complete apmy knowledge and belief. Owner Signature:	plication are true a	nd correct to the best of
Owner Signature:		Date: <u>09/12/2021</u>
Owner Name (typed or printed): <u>David Scott Kosch</u>		
Owner Mailing Address: 4307 Mlchaels Cove		
City: Austin	State: TX	Zip: <u>78746</u>
Phone (will be public information): (310) 714-6821		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: <u>Jonathan Kaplan</u>		
Agent Mailing Address: 214 Sailors Run		
City: <u>Lakeway</u>	State: TX	Zip: <u>78734</u>
Phone (will be public information): (512) 920-3439		
Email (optional – will be public information):		

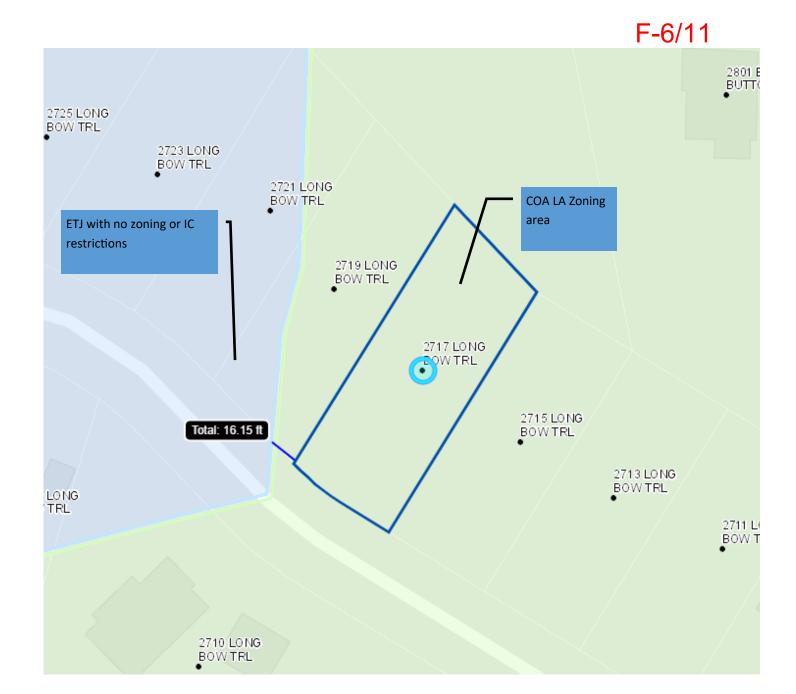
Section 6: Additional Space (if applicable)

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).

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 to 26 percent (requested)



This diagram shows that the traditional Lake Austin zoned lots (1+ acre) are located on the ease 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 20' away from an area that has no impervious coverage restrictions.

F-6/12



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

F-6/13



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.

The convigo, generalization, since, s

Single Family Residence. Art Village LLC. 2717 Longbow, TX, 78734

CONSTRUCTION DOCUMENTS

DOWNERS THE 3D RENDERINGS

PULL REFINCALS

HAPTER KAR

D-78 (M-108)

ARTHUMAN.

03







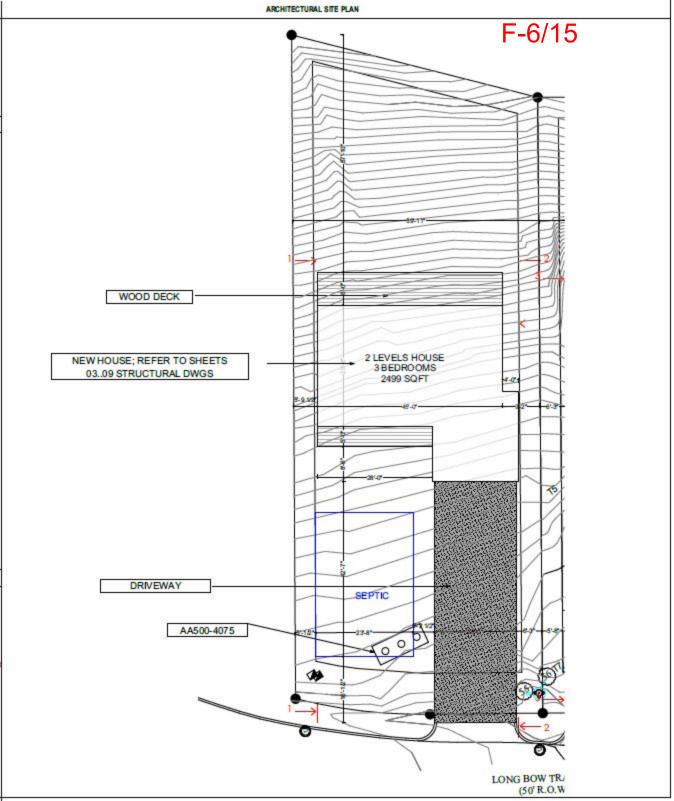
FRONT VIEW

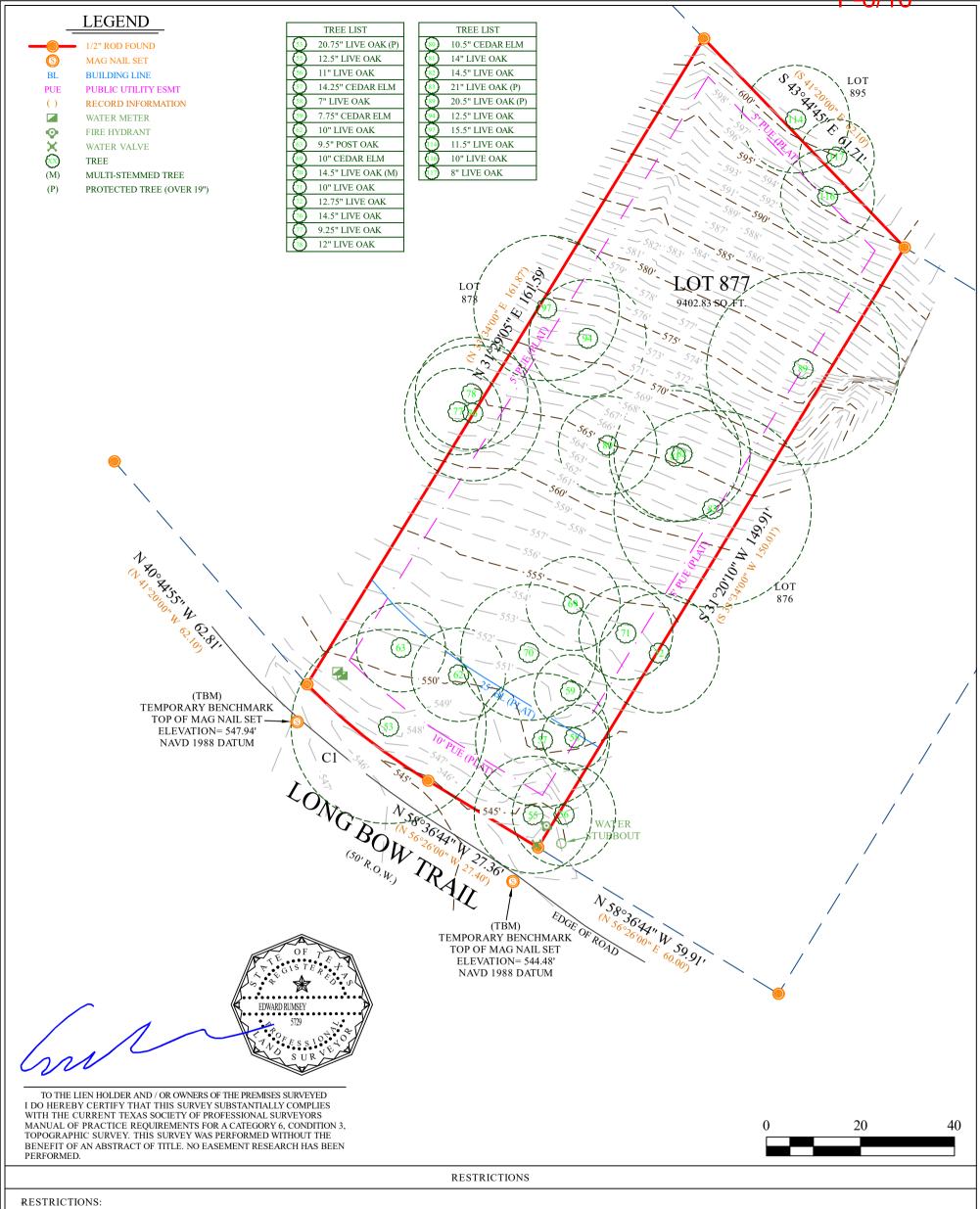


FRONT VIEW



REAR VIEW

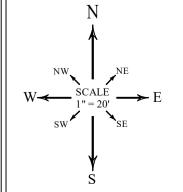




THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY, NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

LEGAL DESCRIPTION

LOT 877, APACHE SHORES, SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 48, PAGE 58, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.





9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE (512) 331-5217 FAX

F.I.R.M. MAP INFORMATION

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS F.I.R.M. MAP NO. 48453C0220J PANEL: 0220J

DATED: 01/22/2020
THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

ADDRESS

2717 LONG BOW TRAIL, LLC 2717 LONG BOW TRAIL AUSTIN, TRAVIS COUNTY, TEXAS

SURVEY DATE:	MARCH 3, 2021	FIELDED BY:	JACOB SMITH	03/01/2021
TITLE CO.:	-	CALC. BY:	EDWARD RUMSEY	03/03/2021
G.F. NO.:	-	DRAWN BY:	SEAN SUTTON	03/03/2021
JOB NO.:	A0206221	UPDATE BY:	-	-
		RPLS CHECK:	EDWARD RUMSEY	03/03/2021



A American Institute
B D of Building Design

Certification # 44-752 Office: 512-76-UBSTX (8-2789)

Email: jon@ubstx.com

WWW.UBSTX.COM

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

drawings shall constitute conclusive evidence of acceptance of these restrictions.

2717 Long Bow Trail LLC 2717 Long Bow Trail, Austin TX Variance Request

Requested Allowances

x 40% = 299.2

x 40% = 933.2

x 27% = 1,418.85

x 40% = 682.

Allowable IC 3,333.25 SF

CONSTRUCTION DOCUMENTS

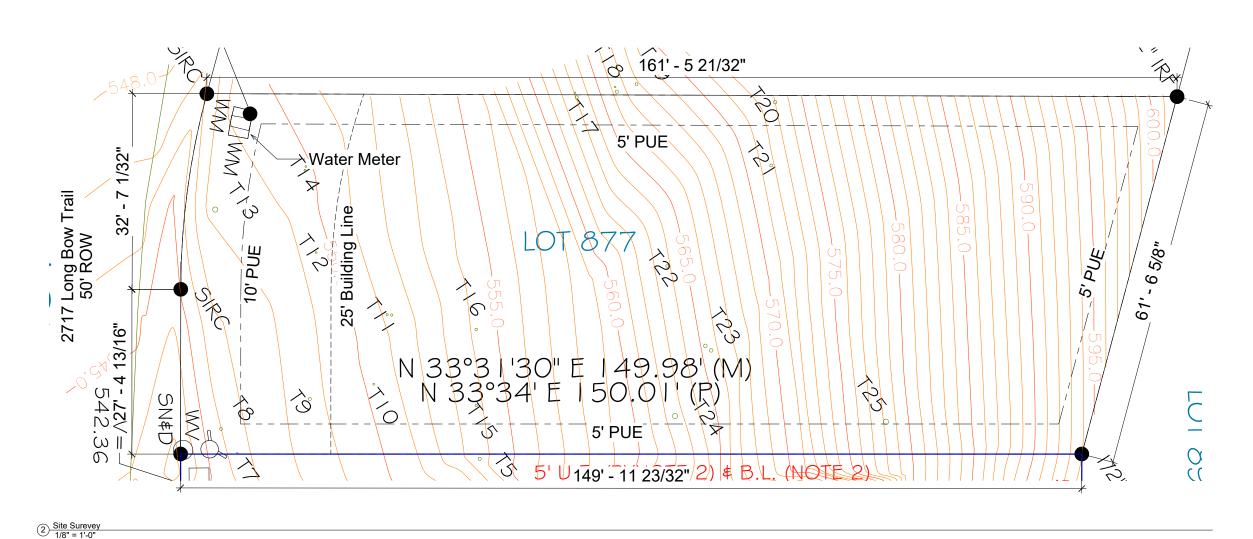
Unnamed

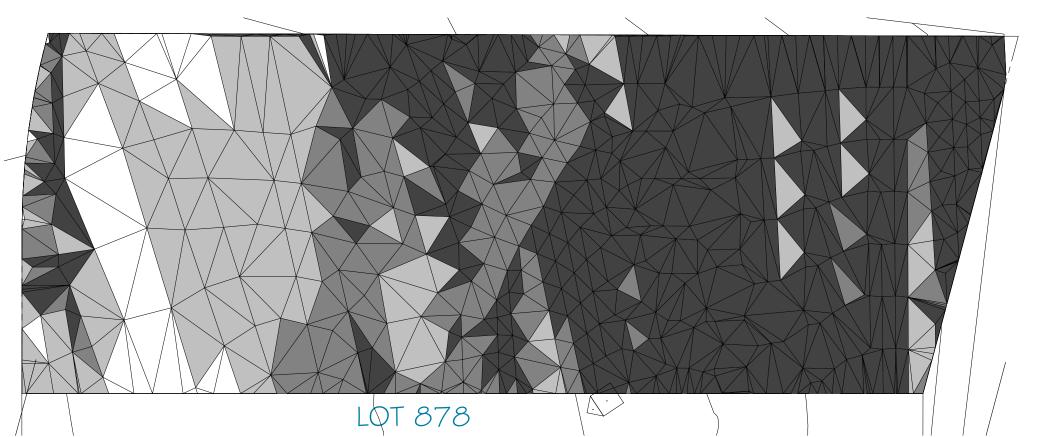
22" X 34" SCALE: 1/8" = 1'-0"

11" X 17" SCALE: HALF SCALE

12/28/2021 7:06:03 PM

DRAWN BY:





Slope Analysis - Net Site Area Material: Range Material: Area Current Allowances 0.00% to 15.00% x 35% = 261.8 15.00% to 25.00% 2333 SF x 10% = 233.3 x 05% = 85.25 25.00% to 35.00% 1705 SF 35.00% to 296.26% 5255 SF 0 Allowable IC 1,024.45 SF 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 there 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 pour 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

*** 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.

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.

Written comments must be submitted to the contact personal before 9 a.m. the day of the public hearing to be added to viewed by the Board the night of the meeting. Your community the name of the board or commission, or Council; the separate public hearing; the Case Number; and the contact personal comments received will become part of the public received.	heduled date of the notice.
Case Number: C15-2022-0012 Contact: Elaine Ramirez; elaine.ramirez@aus Public Hearing: Board of Adjustment; Februa	stintexas.gov
Scott Marabito Your Name (please print)	☐ I am in favor ☑ I object
2718 Long Bow Trzi	
Your address(es) affected by this application Signature	2/11/22 Date
Daytime Telephone: 512 - 709 - 9092	
	veed to
terms ? reles imposed the city state. A	by etc
For this request by	pro.
builders to ask for	on
Mastic alterations	511
private homeowne	vs Should
private homeowne abide by kurrent	regulation
If you will be using this form to comment, please	
Elaine Ramirez	
Scan & Email to: Elaine Ramirez@austintexas.g	ov