

WAIVER REQUEST STAFF REPORT

6/8/06
Item#63

PERMIT NUMBER: BP-06-4522R

COUNCIL DATE: June 8, 2006

APPLICATION DATE: May 4, 2006

OWNER: Dr. Doyle Leslie

ADDRESS: 3202 Greenlee Dr.

BACKGROUND

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974.

APPLICATION

On May 4, 2006, the applicant submitted an application for a waiver from Part 5 Section (D) (5) of Ordinance 20060309-058 that prescribes minimum and maximum front yard setback which except as provided in Paragraph (6), for a lot on a block face on which four or :

- (a) the lot with the principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
- (b) the minimum front yard setback is equal to the average of the minimum front yard setbacks of the principals structures on the remaining lots minus ten percent of the distance of that average; and
- (c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.

SETBACKS

The proposed development requires the applicant to request a Council Waiver because it creates a structure that does not comply with the setback limitations set forth in Part 5(D) (5) of the ordinance:

Existing Setbacks of Lots

Lot #15	50 (not included – does not front on block face)
Lot #16	187 (excluded)
Lot #17	176
Lot #18	171 (subject property)
Lot #19	25 (excluded)
Lot #20	94
Lot #21	87
Lot #22A	79
Lot #23A	41

SETBACK CALCULATIONS

Under Part 5, Section D (5) of Ordinance 20060309-058, the setback for the proposed single family residence is figured thusly:

- (a) 187 and 25 are disregarded because they are the structures closest and farthest from the street.
- (b) $99 - 9.9$ (10 percent) = 89.1
99 is the average setback of the remaining structures minus 9.9 (10%) allows for a minimum front setback of 89 ft.
- (c) $99 + 9.9$ (10 percent) = 108.9
99 is the average setback of the remaining structures plus 9.9 (10%) allows for a maximum front setback of 108 ft

DEVELOPMENT REGULATIONS

The proposed new single family residence requires the applicant to request a Council Waiver because it creates a structure that does not comply with front setback set forth in Part 5 Section D(5) of Ordinance 20060309-58. The applicant request a front setback of 165 ft. and the maximum front setback from the ordinance is 108 ft.

The proposed development does not require the applicant to request a Council Waiver from Part 4(B) of the ordinance because it complies with the greater of two size limitations:

- (a) 0.4 to 1 floor-to-area ratio.
 - Proposed structure complies with this section Applicant proposes 4328 of gross floor area on 27445 s.f. lot, which equates to a 0.16 FAR
- (b) 2500 Square feet.
 - Proposed structure will have 4328 s.f. The structure exceeds 2500 allowed by 1828 s.f.

PROPOSED DEVELOPMENT

Applicant proposes the following construction:

- Applicant requests a front setback of 165 s.f.
- Construct a new two story 4328 s.f. single family residence at 3202 Greenlee Dr.

Applicant proposes additional construction:

- 206 s.f. 1st floor covered porch
- 228 s.f. 1st floor uncovered patio
- 1400 s.f. guest park and motor court
- 700 s.f. attached garage

ZONING

- This lot is currently zoned Single Family Residential (SF-3)
- It lies within the West Austin Neighborhood Group and the Austin Neighborhoods Council.

WAIVER

The applicant requests the waiver under Part 6, Section A (1) on the following grounds:

- The regulations imposes undue hardship on the applicant, the development proposed by the applicant will not adversely affect the public health , safety and welfare and waiving the regulation will not have a substantially adverse impact on neighboring properties.

STAFF ASSESSMENT

The information submitted with the applicant's waiver application can be summarized as follows:

- Photos from the neighborhood showing the new development will be compatible to the existing structures.

STAFF RECOMMENDATION: APPROVAL

Staff recommends approval of the waiver request based on the information that the applicant has submitted.

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

BP Number	<u>BP-00-4522 R</u>		
Building Permit No.	_____		
Plat No.	<u>94</u>	Date	<u>5/4/16</u>
Reviewer	_____		

PRIMARY PROJECT DATA

Service Address <u>3202 GREENLEE DR.</u>		Tax Parcel No. <u>118631</u>	
Legal Description Lot <u>18</u> Block _____ Subdivision <u>BRENTWOOD PLACE VOL 4 Pg 164</u> Section _____ Phase _____			
If in a Planned Unit Development, provide Name and Case No. _____ <small>(attach final approved copies of subdivision and site plan)</small>			
<i>If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.</i>			
Description of Work		_____ Remodel (specify) _____	
<input checked="" type="checkbox"/> New Residence		_____ Addition (specify) _____	
<input type="checkbox"/> Duplex		_____ Other (specify) _____	
<input checked="" type="checkbox"/> Garage <input checked="" type="checkbox"/> attached _____ detached _____			
<input type="checkbox"/> Carport _____ attached _____ detached _____			
<input type="checkbox"/> Pool			
Zoning (e.g. SF-1, SF-2...) <u>SF-3</u> <u>SF-3</u>		Height of building <u>27</u> ft. # of floors <u>2</u>	
On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval. (LDC 25-2-551(B)(6))			
Does this site have a Board of Adjustment ruling? _____ Yes <input checked="" type="checkbox"/> No. If yes, attach the B.O.A. documentation			
Will this development require a cut and fill in excess of 4 feet? _____ Yes <input checked="" type="checkbox"/> No			
Does this site front a paved street? <input checked="" type="checkbox"/> Yes _____ No A paved alley? _____ Yes <input checked="" type="checkbox"/> No			

**VALUATIONS FOR
REMODELS ONLY**

Building	\$ _____
Electrical	\$ _____
Mechanical	\$ _____
Plumbing	\$ _____
Driveway & Sidewalk	\$ _____
TOTAL \$	_____
<small>(labor and materials)</small>	

**DATA FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size	<u>27,445</u> sq.ft.
Job Valuation \$	<u>380,000</u>
<small>(Labor and materials)</small>	
Total Job Valuation (remodels and additions)	
\$	_____
<small>(Labor and materials)</small>	

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ <u>403.00</u>	\$ _____
Electrical	\$ <u>264.00</u>	\$ _____
Mechanical	\$ <u>154.00</u>	\$ _____
Plumbing	\$ <u>154.00</u>	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL \$	_____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>DR. DOYLE LESLIE</u>	Telephone (h) <u>422 2111</u> (w) _____
BUILDER	Company Name <u>DANA COPP / BUILDER ARCHITECTS</u>	Telephone <u>512 732 0203</u>
	Contact/Applicant's Name <u>DANA COPP</u>	Pager <u>M 784 4506</u>
		FAX <u>306 9523</u>
DRIVEWAY /SIDEWALK	Contractor <u>RUDY'S QUALITY CONCRETE</u>	Telephone <u>653 0871</u>
CERTIFICATE OF OCCUPANCY	Name <u>DR. DOYLE LESLIE</u>	Telephone _____
	Address <u>3202 GREENLEE</u>	City <u>AUSTIN</u> ST <u>TX</u> ZIP <u>78703</u>

If you would like to be notified when your application is approved, please select the method:

_____ telephone ☒ e-mail: dana @ dana.copp.com

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

Service Address 3202 GREENLEE DRplicant's Signature [Signature]Date 3 May 06**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 st floor conditioned area	_____ sq.ft.	<u>3202</u> sq.ft.
b. 2 nd floor conditioned area	_____ sq.ft.	<u>386</u> sq.ft.
c. 3 rd floor conditioned area	_____ sq.ft.	_____ sq.ft.
d. Basement	_____ sq.ft.	_____ sq.ft.
e. Garage / Carport		
<u>X</u> attached	_____ sq.ft.	<u>700</u> sq.ft.
_____ detached	_____ sq.ft.	_____ sq.ft.
f. Wood decks <i>[must be counted at 100%]</i>	_____ sq.ft.	_____ sq.ft.
g. Breezeways	_____ sq.ft.	_____ sq.ft.
h. Covered patios	_____ sq.ft.	_____ sq.ft.
i. Covered porches	_____ sq.ft.	<u>206</u> sq.ft.
j. Balconies	_____ sq.ft.	_____ sq.ft.
k. Swimming pool(s) <i>[pool surface area(s)]</i>	_____ sq.ft.	_____ sq.ft.
l. Other building or covered area(s)	_____ sq.ft.	<u>740</u> sq.ft.
Specify <u>UPPER GARAGE, UNFINISHED</u>		

TOTAL BUILDING AREA (add a. through l.) _____ sq.ft. 5234 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)

AND L

4100 sq.ft.14.9 % of lot**IMPERVIOUS COVERAGE**

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot <i>(see above)</i>	<u>4100</u> sq.ft.
b. Driveway area on private property	<u>2436</u> sq.ft.
c. Sidewalk / walkways on private property	<u>438</u> sq.ft.
d. Uncovered patios	<u>228</u> sq.ft.
e. Uncovered wood decks <i>[may be counted at 50%]</i>	_____ sq.ft.
f. Air conditioner pads	<u>12</u> sq.ft.
g. Concrete decks	_____ sq.ft.
h. Other (specify) <u>GUEST PARK +</u> <u>MOTOR COURT</u>	<u>1400</u> sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

8622 sq.ft.31.4 % of lot

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE [Signature] DATE 3 May 06

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) _____

Rejection Notes/Additional Comments (for office use only):

**CITY OF AUSTIN
REQUEST TO WAIVE DEVELOPMENT REGULATIONS
UNDER ORDINANCE NUMBER 20060309-058**

STREET ADDRESS: 3202 GREENLEE DR.
 LEGAL DESCRIPTION: Subdivision BRENTWOOD PLACE VOL 4 PG 1164
 Lot(s) 18 Block _____ Outlot _____ Division _____
 Zoning District: _____ Neighborhood Plan (if applicable): _____

Type of work to be done (Select appropriate option and provide description of the proposed project):

☒ New Construction: SGL FAM RES. APPROX ~~500~~ 50 FT.
 Addition: 4328

Please select one of the following:

- ☒ 1. I request a waiver to the interim development regulations because the regulations impose an undue hardship as described: THE LOCATION OF THE EXISTING HOME TO BE REMOVED IS THE ONLY LOGICAL LOCATION FOR THE NEW STRUCTURE.

The granting of this waiver will not adversely affect the public health, safety and welfare.

Explain: GRANTING THE WAIVER WILL RESULT IN THE LEAST IMPACT ON HEALTH SAFETY + WELFARE, MOST PARTICULARLY TREES + WATER.

Waiving the regulation will not have a substantially adverse impact on neighboring properties

Explain: ON THE CONTRARY ENFORCING THE REGULATION WOULD HAVE AN ADVERSE IMPACT ON THE NEIGHBORING PROPERTIES.

THE LETTER OF THE REGULATION DOES NOT ACHIEVE THE INTENDED RESULT

2. The following development agreement permits the activity: AT THIS LOCATION.

3. I have acquired a right under Texas Local Government Chapter 245 (Issuance of Local Permits), or have a common law vested right that has been fully adjudicated by a court of competent jurisdiction. Please specify and provide supporting documentation: _____

ALL APPLICATIONS MUST BE ACCOMPANIED BY A RESIDENTIAL PERMIT APPLICATION

Signature of applicant/ owner: 

Note: The waiver application will be considered incomplete if the applicant fails to provide information requested in this application as well as requirements for residential building permit submittal. Please attach any additional information that will support your request, such as: photos, architectural drawings, letters of support from neighbors or additional documentation.

FOR STAFF USE

Date waiver application filed with City of Austin: _____

Date scheduled for City Council action: _____



D A N A C O P P
B U I L D E R A R C H I T E C T I N C

3 May, 2006

City of Austin, Request to Waive Development Regulations

Re: 3202 Greenlee Dr.

Honorable Members of the Austin City Council,

My client would like to remove a 2484 sf house built in 1959 and reconstruct a 4328 sf 2 story residence with a slightly larger footprint at the same general location which is the only logical building site on this lot.

The average front setback on the north side of Greenlee Dr. between Pecos and Hillview Drive is 99 ft. Therefore the maximum allowable front setback is 109 ft (ord.# 20060216-043 part 5,D,4,c) Compliance would put the structure on a steep slope, over a wet weather creek and require the removal of mature live oak trees. The required setback would also place the structure out of alignment with the neighboring homes with one exception. Strict compliance would have an adverse impact on the neighboring properties and would adversely affect the public health, safety and welfare... particularly the trees and water quality.

The new allowable maximum setback is 99 ft.

The current front setback is 171 ft.

The proposed front setback is 165 ft.

Therefore, it is my hope and prayer that the Austin City Council agrees that the unique conditions occurring on the north side of the 3200 block of Greenlee Drive warrants a waiver of the maximum setback portion of the Development Regulations Ordinance # 20060309-058 for the property located at 3202 Greenlee Dr.

Sincerely,

Dana Copp
agent for C. Doyle Leslie

City of Austin
Request to waive development regulations

Setback exception request for
3202 Greenlee Dr
Austin, Tx 78703

		lot #	front setback to structure in feet	
		1	15	3208 Greenlee Dr
longest		2	16	3206 Greenlee Dr
		3	17	3204 Greenlee Dr
		4	18	
shortest		5	19	3200 Greenlee Dr
		6	20	2908 Greenlee Dr
		7	21	2906 Greenlee Dr
		8	22A	2904 Greenlee Dr
		9	23A	2902 Greenlee Dr
		10	6A	2900 Greenlee Dr

should not be
included -
not from pre
black case

total setback of 8 lots 745 695 ÷ 7
average of 8 lots 93.125 99.28

max = 109.2
min = 89.3

Requested setback of 165 feet for subject property

agent: Dana Copp
Dana Copp / Builder Architect, Inc.
305 Briarwood Trail
Austin, Tx 78746
512 784 4506



** CITY OF AUSTIN GIS QUERY REPORT

** Thu May 04 17:25:18 2006

AREA:
27364.8 square feet

JURISDICTION:
141--FULL PURPOSE

LAND STATUS:
ID -- 22285 , CaseNum -- N/A , OrdNum -- N/A, Acres--27974.1
Description--AUSTIN CITY LIMITS,
Type--FULL, Date--nil
ID -- 22800 , CaseNum -- , OrdNum -- , Acres--18581.4
Description--FULL PURPOSE ON OR BEFORE 03/14/1946,
Type--FULL, Date--19460314

WATERSHED:
29--TAYLOR SLOUGH SOUTH

FLOOD PLAIN:
2147--

MUDS:

BCWO:
Ddz--DRINK

WATER REGULATION:
ID--5, Water Type--REG, Water Name--WATER I

NEIGHBORHOOD ASSOCIATION:
88--West Austin Neighborhood Group
511--Austin Neighborhoods Council
742--Austin Independent School District

ZONING:
2.02437e+006--ROW
2.02504e+006--SF-3

ZONING OVERLAYS:
OVERLAY NAME -- SUB NAME

DEVELOPMENT AGREEMENTS:

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City of Austin |





3202 GREENLEE DR - FROM THE STREET



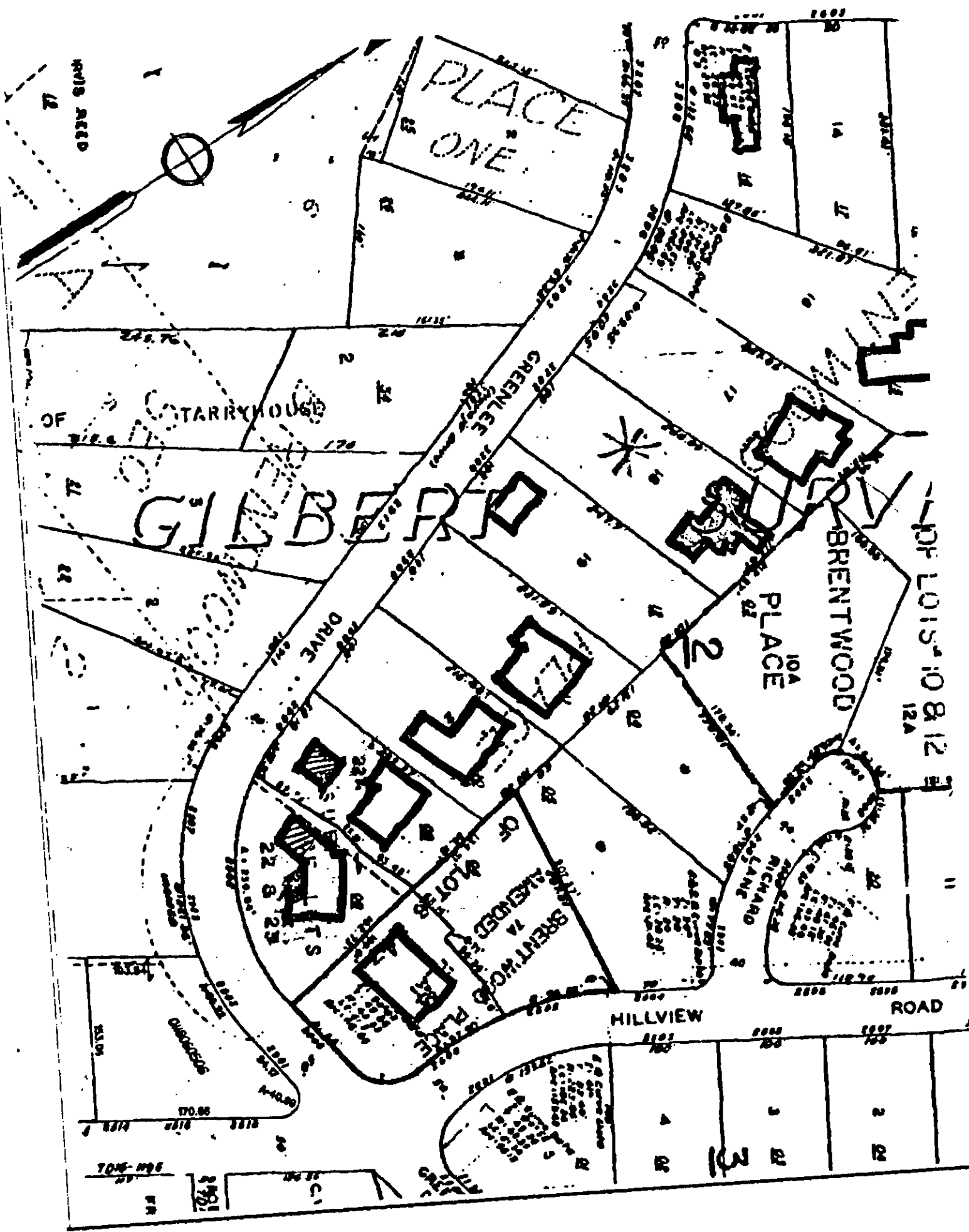
3202 GREENLEE
HOUSE TO BE REMOVED
WET WEATHER CREEK IN FOREGROUND
BACK HALF OF FRONT YARD



NEIGHBOR @ 3200 GREENLEE

THIS STRUCTURE BUILT AT 25' SETBACK
OUT OF BUILDING LINE OF THE REST
OF THE HOUSES ON THE STREET
(SEE PLOT PLAN OR PHOTO)

FROM THE FRONT OF SUBJECT PROPERTY
LOOKING SE TOWARD STREET



The map shows Lot 18 with the following boundary measurements:
 - North boundary: $20^{\circ} 18' 00''$ E 100.00' Record, 100.00' Actual.
 - East boundary: $100.00'$ Record, $100.00'$ Actual.
 - South boundary: $113.97'$ Record, $113.87'$ Actual.
 - West boundary: $113.97'$ Record, $113.87'$ Actual.
 - A 10' SETBACK line is shown along the south boundary.
 - A declivity to apply for BOA RULING is indicated at the bottom.
 - A small structure is labeled "Small Spruce Wood Frame Bank Vender".
 - The map also shows "PROPOSED" and "EXISTING" structures and various other survey points and bearings.