

THE VILLAGE OF SAN LEANNA
AGENDA
PUBLIC HEARING OF THE ZONING COMMITTEE
Thursday, November 19, 2020
6:00 pm – Video Conference Call

MEETING PARTICIPATION DETAILS:

Topic: Public Hearing – Zoning Committee– November 2020
Time: November 19, 2020 6:00 PM Central Time

<https://zoom.us/join>

Meeting number (access code): 569 550 2741

Meeting password: 112020

Dial in by phone: 1-346-248-7799

Meeting number (access code): 569 550 2741

Meeting password: 112020

A. MEETING CALLED TO ORDER

Roll call

B. PUBLIC HEARING

1. Presentation of information concerning request for a variance to Zoning Ordinance No. 13-001 allowing the placement of a portable accessory structure within 10' of the property line at 605 River Oaks Dr.
2. Citizen Comments.

C. VOTE ON RECOMMENDATION

D. ADJOURNMENT

Posted _____ Monday, November 16, 2020

Rebecca Howe
Village Administrator

September 25, 2020

To: Zoning Commission

Re: Variance Request for 605 River Oaks Drive, Austin TX 78748

We are requesting a portable smoker shelter kit 100 square feet (10 x 10) with ground stakes that sustain wind up to 50 MPH be allowed at the back corner of our property at 605 River Oaks Drive (back lot 600 Redbud Trail & side lot 609 River Oaks Drive are adjacent properties).

I am writing this letter on behalf of my husband and I, in response to a resident complaint and staff observation that an accessory building has been built on our property without a permit. We would first like to apologize for the misunderstanding of what is required to be permitted. Neither of considered that a grill shelter 10 x 10 kit out of a box that we put together ourselves (kit included Allen wrench and a Philips head screwdriver, labeled precut pieces, with ground stakes, and all screws and bolts, with instruction manual mass produced by an approved engineered design) would classify as an accessory building or need permitting or inspection. We specifically bought a "pop-up box kit", as it's not meant to stay permanently, and can be dismantled and stored as per instruction manual when not in use or if relocating, etc. I didn't call just in case, regretfully, as I should've not made assumptions.

I am very sorry for that and would like to first provide history of our aspirations and process of improvements, as this is our forever home (within 10 miles of our childhood homes and grandparents where our families still reside since 1979, along with sisters, brother, aunts, uncles, and nephews are also in same distance). We take much pride in even being so lucky to get a house here, as we sought out this neighborhood for years to hopefully get to call one of very limited lots in this very unique Village ours. We are so happy to be in this community! I grew up in Hays Country Oaks down 1626 in Buda, and my husband in Shady Hollow. Manchaca Fire Hall at New Year's is where I spent my time with my grandparents (Leroy & Janette Carlson) who were best of friends with Clarence and Betty Vogel, who are a few of many reputable old timers of this area. This is home. So it was extremely hard for me to read the letter and get the call from Linda (as I've worked with her over the years on permits) as I hate to be "in trouble or a nuisance". I just hope I can provide some background so as not to appear this was an act of intentional disregard for the ordinances and community that is truly our past, present, and future.

We have always obtained permitting for our additions which consist of: a pool and surrounding areas in 2017: outdoor kitchen w/ pergola attached to home in 2018.

March 2020 we completed a installation of a very unique fence and reached out for guidance and permitting in dealing with the property rights, restrictions, etc. that that was in the easement of the utility line just inside our property adjoining 601 River Oaks Drive I was advised permitting

wasn't required by Rebecca Howe,. We also went so far as to add an access gate to the backside of the fence where a large utility pole sits behind the treehouse at 601 River Oaks Drive. We never received full clarification with regards to that addition and the neighboring lots responsibility for access to the pole and wanted to ensure accessibility to workers with ease in case of emergencies or critical services. We are very concerned with ensuring adherence to any regulations or ordinances, which I hope has been proved in all our contracted builds with all proposals and plans and stages, so considering the obvious safety precautions in that utility line and steel posts in concrete down the entirety of that easement not requiring permitting or inspection, it seemed there would be no issues or an existing ordinance requirement on our "shelter from the storms".

I am very concerned with moving forward with this as I am not one to be in violation of things, so I am submitting a letter per the advice of Linda Barrett. I am sorry if it is not in a specific format and can revise if deemed necessary.

First, our lot is not the same size as the $\frac{3}{4}$ acre assumption identified as the basis for implementing the 10-foot setback in the Zoning Ordinance. That size was said to be the minimum acreage for properties for builds after the year 2000. I presume that as that was an assumption for a basis, to ensure equality relative to space that would be scaled to actual acreage multiplied by the conversion rate adjuster based on 10 feet for $\frac{3}{4}$ acre = 13.33 (which would translate to .39 x 13.33 or 5.20 feet relative to assumed $\frac{3}{4}$ zoning distance standard, which would deem this zoning variance request within conversion ratio boundaries if I position our shelter 5.2 feet from fence line (unsure if that is a practice in the consideration of relative comparison of lot deviations for actual lot size versus the assumed guidance in code and is what is used to validate approvals for the variance requests in this particular community, as I could not locate reference to it in code on the website).

Second and more importantly for ensuring welfare and safety, we have a buried 500-gallon tank of propane in the setback, which was above ground when the previous deed holder built the house, and we decided to permit the migration of it to an underground tank so we actually had space in our yard without the eyesore of a tank smack in the middle of our yard. A 10-foot setback in sides and back on .39 acres with a 30-foot setback in front really limited our footprint from the get go (**and even larger setback due to flood plain build restrictions – see deed survey attached**), **and our house is a rather large footprint (2650 square feet of living space not counting garage and outdoor patio built into home plan)**. There is a 10-foot distance regulation established for 500-gallon propane tanks as specifications per code under OSHA regulations outside of the Village ordinances for the fence, home dwelling, gas line, A/C, and the smoker placement (shelter is not their concern as a canopy is built over tanks for protection of a lot of propane tanks at residents). They confirmed that the smoker should remain 10 feet from tank, so if we

are forced move the canopy, then our smoker would have to move, which basically tied our hands for a lot of area from the get go.

In converting assumption of Ordinance assumed lot to actual lot size using a convertor rate may be a valid approach to fairness in the variance adjustment to be approved.

To suggest we move the shelter kit to 10-foot setback to become compliant with Village zoning ordinances in the $\frac{3}{4}$ acre assumption would force me to be in violation **with OSHA regulations and passed inspections of that placement on file with the permit associated with that project, since it would move the smoker inward and not within 10 feet of tank. This would create safety concerns and considering those existing permitted and compliant circumstances that support our necessary variance adjustment to comply with the layout of the lot.** I have taken pictures (attached of the area that the tank consumes and relativity to what remains our available space for a shelter to be set to ensure smoker is in compliant distance from tank. We placed it as far into the yard as possible so as not to interfere with the ground space dug out to place the tank and backfill to ensure that was not altered or tampered with. The measurements are slightly over 4 feet off of each fence line. Pictures of space are attached with measuring tape to show property limitations present. My husband and I can easily pick the canopy, and move it 5.2 feet to fall within compliance based on the conversion for actual lot size relative to assumed size in ordinance and still be 10 feet away from the tank to adhere to the distance requirement by OSHA for the smoker placement, as my husband and I considered that in our decision to put the shelter it in a spot to ensure permit inspection pass identifiers were not deterred from so as to jeopardize safety as a FIRST priority, but still serve a purpose to keep the smoker out of the rain.

I'd prefer to leave it at the approx. 4 feet though if possible, but understand and respect your decision for what is appropriate of that variation. **Moving it towards the waterfall would impede with underground approved pipes for the pool equipment to flow through the water feature, so that's also not a sound alternative either as deemed in the 2017 inspection phases. All other areas of the yard pose the same limitations of the propane tank underground.**

I'd like to mention that for peace of mind after willing to pay 100% cost to remove and replace existing fence with our current fence, we lost 2 feet of space on the side adjacent to 601 to ensure the fence we erected was truly inside our property line over 3 inches but still within the setback to pool structure or claims of ownership with the neighbor, as well as maintain the back with staining and general maintenance. That would also allow the utility company immediate access if necessary to the large pole on 601 River Oaks Drive (not our property) in event of emergency or servicing issues they may need to adhere to.

We offered to pay 100% for fence demolition of neighbor's existing fence and 100% of cost of installing the new fence, but our neighbor "only wanted that if we gave him the good side", which

was ridiculous considering we paid above and beyond a “normal fence” to construct a 9 foot average double sided cedar in steel post horizontal fence for the sake of both of our privacy (the existing fence is still there and functional and fine, but this one served a noise barrier, peace-making was our intent), and his response and very demanding requests for specs to adhere to at our full expense raised concerns of ensuring ownership as ours if we were to build it on the line or over the line in his property where dividing fence had been for what seems like a very long time (in the time his family has resided there in the 1990s at least). That side equates to 91 feet of fence (including gate) and 2 feet depth lost = 182 square feet of space we sacrificed

I hope that this can be taken into consideration and ensure that our shelter and variance request is not in attempts to impede or overstep spaces. I believe this helps to show our consideration and willingness to sacrifice in a peaceful manner a space larger than the square footage of the smoker shed that we are required to get variance approval on within our existing now 182 less footprint I hope opinions of adjacent lots that are to have a voice in variance and will be considered in approval/denial can be reasonable, as we have been trying to “keep the peace” in our own backyard with a “nuisance” for over 4 years now with resolution being us to sacrifice 182 square feet of space and pay for a barrier to mitigate contact or interaction without third-party interference. We aren’t asking to overtake another’s property for anyone to pay for anything, just to build in the only available spot left to put shelter to be able to cook in the rain.

Due to special conditions I mentioned, literal enforcement of setback requirements of the Ordinance without the variance approved will result in an unnecessary hardship for us to prepare meals in a sheltered space that others in the community are allowed to have (up to 2 even). Our goal is to keep it away from our attached home cover, which is deemed unsafe for wood burning smokers and what we have to resort to in inclement weather. I appreciate your consideration to all matters related to our smoker shelter kit and ensuring compliance is allowed in form of approved variance requested and a decision is made for the classification of a kit and how it relates to a “building”. I look forward to working with you to resolve this matter.

My husband and I take much pride in our home and work continuously to improve and maintain a beautiful space for friends, family, and ourselves. We are saddened with the circumstances we are faced with in defending this matter as a result of a complaint and would hate to be seen as defiant or having intent to break a rule. We truly apologize for misunderstanding interpretations of ordinances and look forward to ensuring compliance and would love to discuss further concerns with anyone in person, on a call, etc.

Sincerely,

Chris & Lindsay Goldstein

605 River Oaks Drive, Austin, TX 78748

Back of fence 10 feet in (basically center of yard and over propane and pool piping to grotto)



Back of fence to propane tank w kit shown to see limitation of space as smoker distance 10 feet



Back of fence to underground lid of propane tank (lid is in middle of tank) zoom to see 21 feet)_

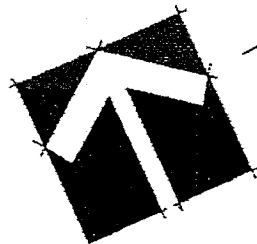


Back of fence to back leg of shelter



Back side of view of shelter





Scale: 1" = 30'
BEARINGS BASED ON:
DEED RECORDED AS
DOC. #2012075960

F.E. TAYLOR
3756/1653

MICHAEL L. REMENY AND
KATHRYN
REMENY 12842/
2285

LESTER W. SCHILLER
6628/1404

FENCE TIES (FT) WITH A PLUS (+) SIGN
INDICATE FENCE INSIDE THE PROPERTY LINE.
FENCE TIES (FT) WITH A MINUS (-) SIGN
INDICATE FENCE OUTSIDE THE PROPERTY LINE.

LEGEND	
●	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD SET W/PLASTIC CAP STAMPED "CS, LTD"
■	FENCE POST
○	UTILITY POLE
---	WOOD FENCE
---	ELECTRIC LINES
---	PAVEMENT
()	RECORD INFORMATION
AC	AIR CONDITIONER
CE	CLEANOUT
EL	ELECTRIC
GA	GAS METER
MB	MAILBOX

NOTE 1:
BULD LINES (BL) PER THE CITY OF SAN LEANNA

NOTE 2:
APPROXIMATE LOCATION OF THE ZONE AE FLOOD AREA AS SCALED FROM FEMA'S
FIRM MAP # 48453C0590H DATED SEPT. 26, 2006. AN APPROXIMATE BASE
FLOOD ELEVATION OF 631' IS INDICATED BY SAID MAP. THIS AREA MUST BE
KEPT FREE OF ENCROACHMENTS PER SAID MAP.

NOTE 3:
APPROXIMATE LOCATION OF THE ZONE X FLOOD AREA AS SCALED FROM FEMA'S
FIRM MAP # 48453C0590H DATED SEPT. 26, 2006. AREA OF DUK CHANCE
FLOOD, PER SAID MAP.

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	34°29'35"	230.00'	138.47'	135.38'	S 68°15'31" E
RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	-	-	-	135.45'	S 67°08'00" E

PAGE 2 OF 2: FIELD NOTES ATTACHED

STATE OF TEXAS §
COUNTY OF WILLIAMSON §
I, KNOW ALL MEN BY THESE PRESENTS

THAT SURVEYOR FOR CASTLEBERRY SURVEYING, LTD., HAVE THIS DATE CAUSED TO BE PERFORMED AN ON-THE-GROUND SURVEY UNDER MY
SUPERVISION OF THE FOREGOING PLATTED TRACT OF LAND AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO
DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AND THAT SAID
PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

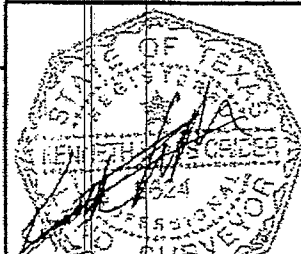
THIS AREA DOES APPEAR TO BE IN
SPECIAL FLOOD HAZARD AREAS PER
FEMA'S FLOOD INSURANCE RATE MAP
#48453C0590H, DATED SEPT. 26, 2006.
THIS STATEMENT IS NOT MADE IN LIE
OF AN ELEVATION CERTIFICATE.



Castleberry Surveying, Ltd.

3813 Williams Drive, Suite 903 - Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.castleberry-surveying.com

IF THIS DOCUMENT DOES NOT CONTAIN THE RED STAMPED SEAL OF THE UNDERSIGNED SURVEYOR, IT IS AN UNAUTHORIZED/ILLEGAL COPY.
CASTLEBERRY SURVEYING, LTD. ASSUMES NO LIABILITY FROM THE USE OF ANY UNAUTHORIZED/ILLEGAL DOCUMENT.



Witness my hand and seal this the
20th Day of December, 2013 A.D.

"Creating Beautiful Backyards"
2105 Ranch Road 500 North, Lakeway, TX 78714 Office: 512-402-7173

Materials
Gunitite/Steel
6" Tile, Pebble Plaster
Oklahoma Coping
Concrete/Spray-Deck
Pool Deck

Filter Pump: Eco-Star 2.7-hp VS
Filter Type: C4030 Cartridge
Heater: Universal H 400,000 btu
Pool Cleaner: Legend/Booster Pump
Sanitation: Delta UV & Rainbow 320
Controller: E-Comand 4 with Remote

—Skimmer

Buried Propane 500 gal Tank

Chris & Lindsey Goldstein
605 River Oaks Dr.
Austin, Tx. 78748

Scale $1/8" = 1'$

Coping Detail

Bond Beam Detail

1. COPING

4.000.000.000

EX

115

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3° -

Bond Beam Reinf.
3 #4 Bars

Access Gate Latch 54"
From Ground

Pool/Spa Equipment

Alarms on all Doors
Leading to Backyard

Concrete Deck with Spray Deck Finish

LED Light	18" Raised Spa
-----------	----------------

Waterfall 3' tall

Fire Pit

Bench

Skimmer

LED Light

3.5'dp

5'dp\

7'dp

—28' 10"

- (2) A permanent accessory structure with residential plumbing may be used as an office, pool house, or a guest house, provided the habitation does not exceed two (2) consecutive weeks EXCEPT for immediate family, i.e., parents, in-laws, children, grandchildren, or siblings. Variances MAY be given for health care providers.
- (3) Any use other than the ones stated above must have approval from the Board of Aldermen, and may require a variance, with a recommendation from the Zoning Commission.
- (4) Accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

SECTION 12. REQUIREMENTS FOR PORTABLE ACCESSORY STRUCTURES

- (A) **Size:** A portable accessory structure may not be more than 120 square feet in size and not more than sixteen (16) feet in height. Only two accessory buildings are allowed per Village lot.

- (B) **Location:** A portable accessory structure must be:

- (1) located on the same lot as the main residence;
- (2) located in the backyard or behind the main residence;
- (3) at least ten (10) feet or more from any side or rear lot line; and
- (4) at least thirty (30) feet or more from the side lot line in the case of corner lots.

- (C) **Construction:**

- (1) A portable accessory structure must:
 - (a) be of new construction or structurally sound construction, as determined by the inspection company;
 - (b) have a roof pitch of 1/12 or greater;
 - (c) be on skids and not have capabilities of axles;
 - (d) be painted or sealed, if wood or wood products; and
 - (e) be secured firmly to the ground.
- (2) The exterior construction of a portable accessory structure must be completed;
 - (a) within six (6) months of the issuance of the building permit (with a separate fee) if the structure is being built in conjunction with the construction of the main residence; or