

**NOTICE OF A SPECIAL CALLED MEETING OF THE
CITY COUNCIL
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, FEBRUARY 24, 2015 at 6:30 P.M.
16100 Wharf Cove, Volente, Texas 78641**

Notice is hereby given that the City Council of the Village of Volente will hold a Special Called Meeting at 6:30 p.m., Tuesday, the 24th day of February, 2015 in Council Chambers at 16100 Wharf Cove, Volente, Texas at which time the following items will be discussed, to wit:

1. Open Regular Meeting.
2. Call Roll.
3. Citizens Comments. *At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them that are not on the agenda. There is a four (4) minute time limit on any communication.*
4. Discussion and Possible Action on the Variance Request for James "Rick" Remore of Venture Four Architects, Authorized Agent for Susan and Richard Dooley, 8420 Lime Creek Road, for a variance from the Site Development Ordinance regarding Development on Slopes over 25 degrees and Construction in the Floodplain, Section 33.340 Slopes Limits and Section 33.344 Drainage.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Citizen Comments
5. Discussion and Possible Action on the Variance Request from Rogelio Malvaiz of Malvaiz Builders, Authorized Agent for Zahir and Michelle Arifi, 8102 Lime Creek Road, for a variance from the Site Development Ordinance regarding Underground Utility Requirements, Section 33.351 Electric Cable, Telephone, and Telecommunications Utilities.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Citizen Comments
6. Ratification of the Comprehensive Plan, allowing for an Ordinance Number to be Assigned by Staff.
7. Close Special Called Meeting and enter Work Session.
8. Discussion and Possible Action on Developing a Joint Plan and Process for Reviewing the Comprehensive Plans and Ordinances.
 - a. Staff Presentation
9. Adjourn.

IT IS HEREBY CERTIFIED that the above Agenda was posted on the bulletin board at the Village Offices and the VVFD Bulletin Board on this 19th day of February, 2015.

Julia Vicars, Acting City Secretary

The Village of Volente is committed to the compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications are provided upon request. The Village Council reserves the right to enter executive session at any time during the course of this meeting to discuss any of the matters above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development). A quorum of the Planning and Zoning Commission or Board of Adjustments may be in attendance however, no official action by the Planning and Zoning Commission or Board of Adjustments shall be taken.

VARIANCE APPLICATION FORM

Date of Submission: 12/30/14

APPLICANT/OWNER INFORMATION

Applicant JAMES RICK REMORE

Address 3821 JUNIPER TRACE SUITE 5

Phone 512-378-8581 Fax _____ Email REMORE@VENTUREFOUR.COM

Applicants Status: (check one) _____ Owner _____ Tenant Contractor
Owner must sign the application or submit a notarized letter of authorization

Owner: SUSAN & RICHARD DOOLEY

Address: 8420 LIME CREEK ROAD

Phone _____ Fax _____ Email _____

Ownership: (check one) Individual _____ Partnership _____ Corporation _____ Other _____
If ownership is a trust, partnership, corporation, or other legal entity, the applicant must name the partners or principals on a separate attachment.

PROPERTY DESCRIPTION

Acreage: 4.0830

Physical Address: 8420 LIME CREEK ROAD

Legal Description: (attach map of area also if available)

Lot(s): 3B Block(s): _____

Subdivision: LAKE TRAVIS #7 Addition: _____

Existing Use of Property: RESIDENTIAL

VARIANCE DESCRIPTION

Applicable Regulation(s): SEC. 33.340 SLOPE LIMITS

Project Description: 6' CONC. CART PATH FROM RESIDENCE
TO ± ELEVATION 688.0'

Variance Sought: TO BUILD A CART PATH OVER
AREAS THAT EXCEED 25% SLOPE, PART OF WHICH
IS IN THE 100 YEAR FLOODPLAIN

Justification(s): TO CREATE A SAFE PATH
TO ACCESS THE LAKE & EXISTING
BOAT DOCK FOR PEOPLE, MATERIALS & EQUIPMENT.

Special Condition(s): THE CONDITIONS OF THE LOT ARE
UNIQUE IN THAT THE ACCESS TO THE BOAT DOCK &
LAKE IS VERY STEEP (OVER 25% SLOPE)

Project Timeline: _____

Attachments: SITE PLAN THAT SHOWS THE ANTICIPATED
LOCATION OF THE PROPOSED CART PATH

(e.g., construction drawings, site plan, survey, photographs, list of names and addresses for all property owners within 500 feet of the footprint of the structure for which a variance is sought.)

SWORN AFFIRMATION

SUDCRIBED AND SWORN TO BEFORE ME on JANUARY 7th, 2015, by James Richard Remore, who is the applicant for a variance as described above, and on whose oath certifies that the above statements are true and correct to the best of the applicant's knowledge.



Barbara L. Wilson
Notary Public, State of Texas

My Commission expires: 8/13/18

If the owner of the subject property is not the applicant, by signing below, the owner authorizes the applicant or his authorized representative to make this application on its behalf and to appear before the Village Council.

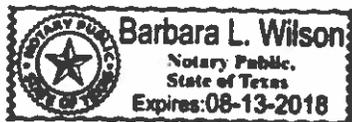
[Signature] 11/7/15
Owner Authorized Agent Date

SUBSCRIBED AND SWORN TO BEFORE ME on _____, 20__ by,

_____, who is the owner of the property for which a variance is sought, and on whose oath certifies that the above statements are true and correct to the best of the owners knowledge.

Barbara L. Wilson
Notary Public, State of Texas

My Commission expires: 8/13/18



VENTURE FOUR ARCHITECTS

3821 Juniper Trace Ste. 105 ♦ Bee Cave, Texas 78738
(512) 328-8581 venture@venturefour.com

Barbara Wilson
City Administrator
Village of Volente
16100 Wharf Cove
Volente, Texas 78641
512-250-2075

RE:

The Dooley Residence
8420 Lime Creek Rd
Sec. 33.340 Slope Limits

Amended 6/17/2008; Ordinance 2008-0-94

- A. No construction or land disturbing activities shall be permitted on natural grades with slopes of twenty-five percent (25%) or steeper.

Ms. Wilson,

We are requesting a slope variance to build a 6' wide concrete cart path from the residential structure to the approximate grade elevation of 688.0' over areas that may exceed SEC. 33.340 Slope Limits 25% grade or steeper, as shown on the attached site plan.

- (1) *Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly subdivision of other property in the vicinity; The cart path will in no way impact public safety, as the path is for private access to the existing privately owned boat dock from the residence. It will in no way be injurious to surrounding property owners, as the path is contained entirely on the applicant's lot.*
- (2) *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property; The conditions of this lot are unique to this area in that it has very steep (over 25% slope) access to an existing boat dock and to the lake. These conditions are not generally applicable to other properties.*
- (3) *Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of this article is carried out; The topographical conditions to the lake are very steep, and cannot be safely traversed without a cart path. It is also difficult and at times impossible to get both equipment and materials to the existing boat dock to supply and maintain it with these steep conditions without a cart path. Strict adherence to the ordinance would prevent the resident from accessing the existing boat dock and the lake safely.*
- (4) *The variance will not in any manner vary the provisions of the zoning ordinance or comprehensive plan or any other adopted plan(s) of the Village; Granting the cart path variance will have no effect on the zoning ordinance or comprehensive plan of the Village as the cart path will be on private property and be used to access a private existing boat dock from a private residence.*
- (5) *An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein. There is no alternative design that will allow access of persons, material and supplies to the access the existing boat dock and lake from the residence.*

To summarize;

The residents of the home are in need of a cart path that will make it safe for both the elderly and children in the home to be able to access the existing boat dock and lake. The walk to the existing boat dock is hazardous in all but perfect weather conditions. The slope to the lake is very steep, and cannot be safely traversed without a cart path. It is also difficult and at times impossible to get both equipment and materials to the existing boat dock to supply and maintain it.

Not defined as a parking area or a building, the cart path as shown in the 100 year flood plain is 1521 sq. ft. The cart path will have no adverse impact on the floodplain of this or any surrounding properties. The cart path is necessary on this lot because of its access to the lake and to the existing boat dock. The cart path will not result in additional adverse flooding on other properties.

Neighboring lots have also had to build similar cart paths on steep slopes and below the 100 year flood plain to access boat docks and the lake.

The cart path, to be built of broom finished 4" concrete, will have minimal impact on the surroundings, yet provide safe access to the lake and existing boat dock for people, equipment and supplies.

We appreciate your consideration of this variance.

Sincerely,



James R. Remore AIA
(Owners Agent)



Engineering Solutions

February 10, 2015

Via Email

Ms. Barbara Wilson
Village of Volente
16100 Wharf Cove
Volente, Texas 78641

Re: **8420 Lime Creek Rd.
Construction on Slopes,
TRE No. 1715-11057.54**

Dear Board Members:

The owner located at the above mentioned address is requesting a variance from Site Development Ordinance Sec 33.340 Slope Limits; below is the section of the code that specifically addresses construction on slopes and building in the floodplain.

No construction or land disturbing activities shall be permitted on natural grades with slopes of twenty-five percent (25%) or steeper.

The site consists of slopes in excess of 40% and the proposed access road meanders down the hill to reduce the slope of the roadway. The roadway is proposing to fill the area within the FEMA Floodplain, however the applicant has attempted to limit the fill to 4-feet but it should be clear that all cut and fill land balancing shall be limited to a maximum of five feet (5') and all finish or final grading on slopes three to one (3:1) and steeper shall be stabilized by techniques approved by the Village to ensure there is no need for another variance.

Further, the development should compensate for the floodplain volume displaced by the roadway and excavate the same cubic yardage to maintain a balanced site in the FEMA floodplain. The applicant must sign off on the plans that development permitted by this variance does not result in additional adverse flooding of other property.

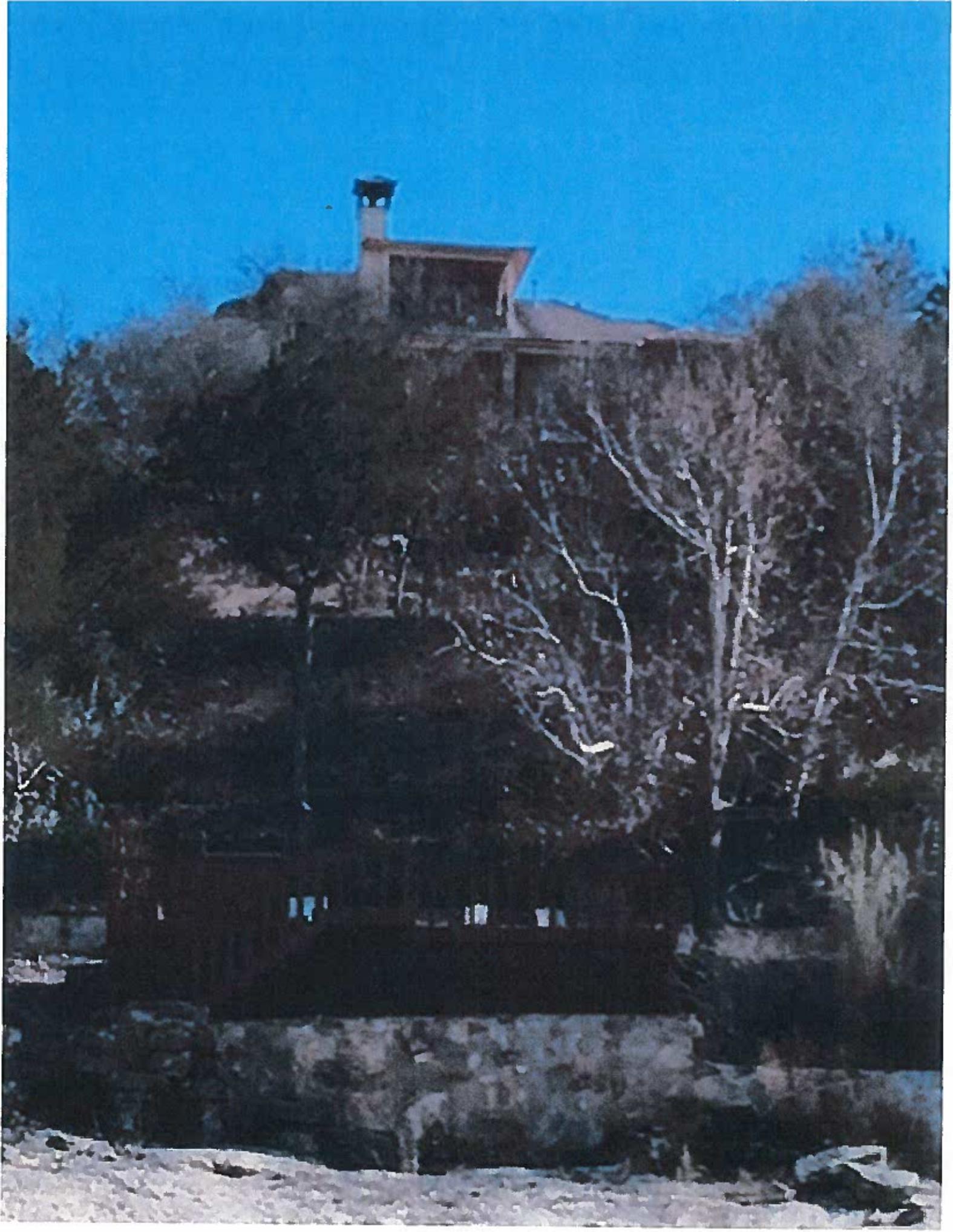
If the variance is granted the plan submittal should show the proposed lake access road as a revision on the existing approved plans.

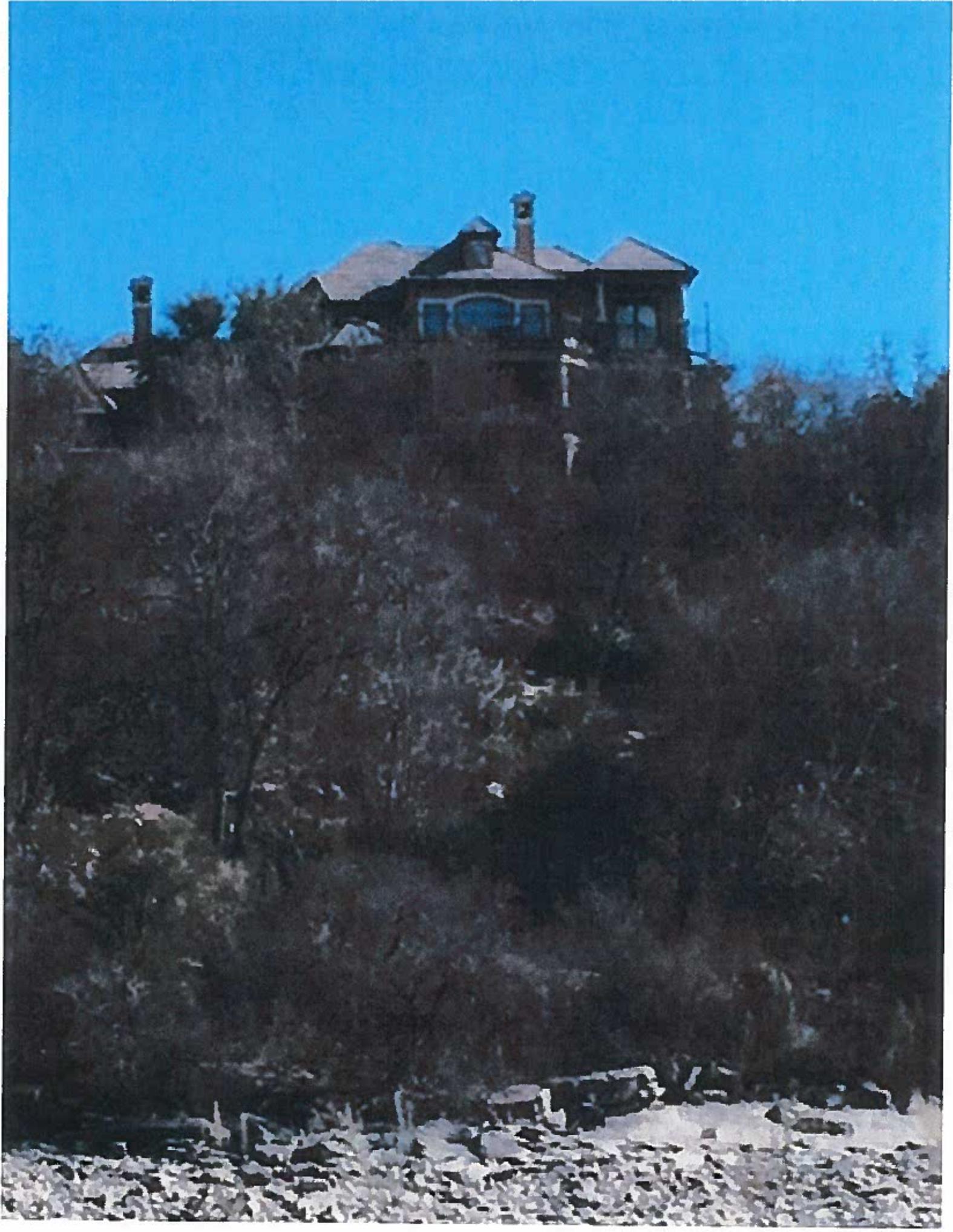
Should you have any questions or desire additional information, please contact me at (512) 358-4049.

Sincerely,

TRE & ASSOCIATES, LLC

Marc Dickey









Imagery © 2015 Landsat/CDC DigitalGlobe, Terra, United States Geological Survey, 7440 data © 2015 Google 50 ft



VARIANCE APPLICATION FORM

Date of Submission: 7 12 81 2014

APPLICANT/OWNER INFORMATION

Applicant Malvaiz Builders incAddress 108 Tuscan way Georgetown Tx. 78633Phone 512 748-5329 Fax 512 240-5297 Email info@malvaiz.builders.comApplicants Status: (check one) Owner Tenant Contractor
Owner must sign the application or submit a notarized letter of authorizationOwner: Zakir ArifAddress: 3643 Ranch Creek Dr Austin, Tx 78782Phone 512-372-9948 Fax / Email mazarif@yahoo.comOwnership: (check one) Individual Partnership Corporation Other
If ownership is a trust, partnership, corporation, or other legal entity, the applicant must name the partners or principals on a separate attachment.

PROPERTY DESCRIPTION

Acreage: 1.98Physical Address: 8102 Lime Creek Rd Volente Tx. 78641

Legal Description: (attach map of area also if available)

Lot(s): 2 Block(s): _____Subdivision: Calavan States Addition: _____Existing Use of Property: Vacant Land (Residential)

VARIANCE DESCRIPTION

Applicable Regulation(s): _____

Project Description: Electric Meter Temporary & Permanent
For 8102 Lime Creek Rd.

Variance Sought: Using electric pole 170' From the Road
Already in Place.

Justification(s): 40'-50' From house. this electric
Pole will get Better source of Power To
the house

Special Condition(s): NONE

Project Timeline: one week

Attachments: NONE

(e.g., construction drawings, site plan, survey, photographs, list of names and addresses for all property owners within 500 feet of the footprint of the structure for which a variance is sought.)



Village Of Volente

Site Development Review

16100 Wharf Cove
(512) 250-2075 (P/fax)

Project Site Address: 8102 Lime Creek Rd Date: December 3, 2014
Permit Applicant: Rogelio Malvaiz Project: Residential Application
Zoning District: R-1
Reviewer: Marc Dickey

REVIEW – APPROVED w/ CONDITIONS

SECOND Review Comments:

FYI: This review is only for the Site Development Plan. The building review will be issued separately following approval of the Site Plan.

1. **Note: The mailboxes must be breakaway as specified by TxDOT. Please remove the stone mailbox.**
2. **Please try to preserve the 24" Oak in the front of the property as required by the landscape ordinance.**
3. **It appears a variance request to allow for overhead electric is at the city but has not been heard. If the variance is granted the applicant can install overhead, if the request is denied the site plan shows the underground electric location.**
4. **Water tanks are considered structures and are required to be located outside of the side setbacks. Please show the water tank location outside of the side setback.**

These conditions must be met prior to site plan approval and a site development permit can be issued.

These plans have been reviewed for compliance with the Village of Volente Ordinances. Items identified as insufficient information or where a noncompliance exists must be corrected.

Review of these plans does not represent the code(s) in their entirety. Field verification must be done to ensure compliance with jurisdiction adopted code(s) and ordinances. Review of structural documents by a design professional is limited to assuring that they have been provided.



Village of Volente

16100 Wharf Cove
 Volente, Texas 78641
 Phone/Fax: (512) 250-2075
 Email: city.admin@volentetexas.gov
 Web: www.volentetexas.gov

Arifi

PLAN REVIEW

8102 Lime Creek Road
 Address: _____
 Malvaiz Builders, Inc. – Rogelio Malvaiz
 Permit Applicant: _____
 Date: 11/13/2014

Subdivision: _____ Section: _____ Phase: _____ Block: 1 Lot: _____
New Residence Section: _____ Phase: R3 Block: _____ Lot: V-B
 Project: _____ Zoning: Group Construction Type: _____

REVIEW – CONDITIONALLY APPROVED

Documentation Submitted

Document	Date Reviewed	A/E Seal	Registration #
Site Plan	11/5/2014	RPLS	81420
Specifications			
Soils Report			
Foundation	11/5/2014	PE	37154
Structural Framing	11/5/2014		
Wind Brace Plan			
Building Design	11/5/2014		
Mechanical Plans			
Plumbing Plans			
Fuel Gas Plans			
Electrical Plans	11/5/2014	PE	93963
Energy Conservation	11/13/2014		

Additional Documentation Required

Document	Firm	License #
Foundation Certification Letter		
Engineer Letter		
Elevation Certificate		
2009 IECC Certification		

Comments

	The site plan must be approved prior to starting construction.
Zoning Ord. Sec.30.109	Building height shall not exceed 35' feet.
Site Dev. Ord. Sec.33.351	All Electric Cable, Telephone and Telecommunications Utilities shall be installed underground. Inspector will site verify.
Site Dev. Ord. Sec.33.347	All exterior lighting shall comply with Volente exterior lighting ordinance.

INSPECTIONS REQUIRED

House

1. Temporary Construction Power
2. Plumbing rough-in / foundation layout
3. Water / sewer yard-lines
4. Under slab water distribution piping
5. Foundation pre-pour by design engineer
6. Frame, Mechanical, Electrical, Plumbing rough-in
7. Re-frame and Insulation (Energy 1)
8. 2009 IECC compliance inspection (Duct leakage test by qualified third party company)
9. Wallboard
10. Gas Test and Electrical meter connection
11. Final inspection (Building, Mechanical, Electrical, Plumbing and Energy 2)

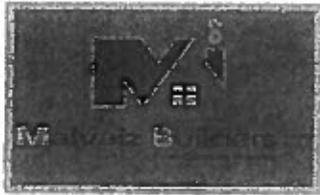
Contact design engineer for foundation pre-pour. Foundation certification letter from design engineer is required to be delivered to Village of Volente prior to issuance of CO. Contact the Village of Volente @ 512-250-2075 to schedule all other inspections.

Houses permitted after January 1, 2012, will be required to produce a passing inspection report by qualified third-party showing compliance of ductwork per 2009 IECC prior to issuance of CO.

Plans must be on-site when inspections are being performed.

These plans have been reviewed for compliance with the Village of Volente Building Code Ordinance and Zoning Ordinance. Review of these plans does not represent the code(s) in their entirety. Field verification must be done to ensure compliance with jurisdiction adopted code(s) and ordinances. Foundation review is limited to verification that an engineer has designed the foundation.

Friday, September 12, 2014



108 Tuscany Way
Georgetown, TX. 78633
Phone/Fax: (512)240-5297
Mobile: (512)748-5329

To whom it may concern:

Malvaiz Builders, Inc. is requesting a Permanent Electric Pole Variance, this variance consist of using the existing Electric Pole that is 180 ft. from Lime Creek Road. Below are the reasons why this variance is the best, most effective and efficient way to provide power for the Arifi Residence.

- 1) The existing pole is the best power source, not requiring me to go under my septic drain.
- 2) There will be power closer to the ^{weld} that we have to keep 50 ft. away from the septic tank and 100 ft. away from the septic drain field. We had planned to install the drain field in the front yard because the house sits 175 ft. from Lime Creek Road.
- 3) If this variance is not accepted, we will have to cut a 250 ft. ditch to have power to the ^{weld} and also leading us to be extremely close to the septic drain field. Costing more resources and time.

We have contacted LCRA and they stated that those poles belonged to Pedernales Electric, that LCRA have no jurisdiction over the electric poles on Lime Creek Road. Pedernales Electric does not require a variance letter, as long as we paid our fee. Attached is a copy of Pedernales Electric Fee, which we have paid. Please take all this in consideration, for any questions or concerns you can reach me at (512)748-5329.



Rogelio Malvaiz
President of Malvaiz Builders, Inc.

ORDINANCE NO. 2004-0-36 A

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ADOPTING A COMPREHENSIVE PLAN FOR THE VILLAGE OF VOLENTE; PROVIDING FOR STANDARDS TO BE USED BY THE VILLAGE OF VOLENTE IN MAKING ZONING AND PLANNING DECISIONS PURSUANT TO THE PROVISIONS OF REGULATIONS ADOPTED BY THE VILLAGE OF VOLENTE FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE VILLAGE AND ITS ENTRATERRITORIAL JURISDICTION; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

COMPREHENSIVE PLAN FOR THE VILLAGE OF VOLENTE

WHEREAS, Chapter 213 of the Texas Local Government Code provides that the governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality;

WHEREAS, the Village Council of the Village of Volente appointed a committee to develop a comprehensive plan for the Village of Volente;

WHEREAS, the committee developed a draft comprehensive plan and delivered the plan to the Village of Volente's Planning and Zoning Commission;

WHEREAS, the Planning and Zoning Commission has modified the comprehensive plan and has recommended to the Village Council the adoption of the modified comprehensive plan;

WHEREAS, the Village Council intends that the Comprehensive Plan be used to coordinate and guide the establishment of development regulations for land within the Village and its extraterritorial jurisdiction;

WHEREAS, the Village Council finds that this Comprehensive Plan is for the purpose of promoting the sound development of the municipality and promotes the public health, safety and welfare of the citizens of the Village of Volente;

WHEREAS, the Village Council finds that this Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries;

WHEREAS, it is not the intent of the Village Council that this Comprehensive Plan limits the ability of the Village to prepare other plans, policies, or strategies for the development of the Village as may be required from time to time.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT: