



**NOTICE OF A MEETING OF THE  
BOARD OF ADJUSTMENTS  
OF THE VILLAGE OF VOLENTE, TEXAS  
THURSDAY, APRIL 23, 2015 at 7:00 P.M.  
City Hall, 16100 Wharf Cove, Volente, Texas**

Notice is hereby given that the Board of Adjustments of the Village of Volente will hold the Regular Called Meeting at 7:00 PM., Thursday, the 23<sup>rd</sup> day of April, 2015 in the Council Room at City Hall, 16100 Wharf Cove, Volente, TX at which time the following items will be discussed, to wit:

1. Open Regular Meeting.
2. Call Roll.
3. Discussion and Possible Action on variance requests from Brian Baird, Authorized Agent for David Robinson, on the property at 8132 Joy Road for Variances from the Zoning Ordinance. Variances' Hearing will be on Encroachment into the Side Setbacks (Section 30.109(i)), Exceeding the 35-foot Height Limitation (Section 30.109 (i)), Walls within Front Setback in Excess of 1-foot Height (Section 33.341(A)(2)) and Encroachment of Retaining Walls into the 5-foot Utility Easements (Section 33.365)(C).
  - a. Staff Presentation.
  - b. City Engineer Presentation.
  - c. Applicants Comments.
  - d. Citizens Comments.
4. Discussion and Possible Action on Water Tanks within the Village of Volente.
  - a. Portable Structures.
  - b. Setbacks.
  - c. Size, Width, and Height Limitations.
  - d. Citizen Comments.
5. Discussion and Possible Action on Lake Views within the Village of Volente as to whether or not they should be a protected right.
  - a. Staff Presentation.
  - b. Citizen Comments.
6. Adjourn.

**IT IS HEREBY CERTIFIED that the above Agenda was posted at the Village Offices and the VVFD Bulletin Board on this 16th day of April, 2015.**

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**Julia Vicars, City Secretary**

*This facility is wheelchair accessible and accessible parking spaces are available. Reasonable modifications and equal access to communications will be provided upon request. A quorum of the Planning and Zoning Commission or City Council may be in attendance at this meeting however, no official action by the Planning and Zoning Commission or City Council shall be taken.*

VARIANCE APPLICATION FORM

#1

Date of Submission: 3 /11 /2015

side set  
Back

APPLICANT/OWNER INFORMATION

Applicant David Robinson

Address 8132 Joy Rd

Phone 512 963 7621 Fax \_\_\_\_\_ Email david@davidrinc.com

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

Owner: David and Melanie Robinson

Address: 8132 Joy Rd

Phone 512 963 7621 Fax \_\_\_\_\_ Email david@davidrinc.com

Ownership:(check one)  Individual \_\_\_\_\_  
*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: .6

Physical Address: 8132 Joy Rd

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

Lot(s): \_\_\_\_\_ 18 \_\_\_\_\_ Block(s): \_\_\_\_\_

Subdivision: Sandy Shores Addition: \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_ Single Family Home \_\_\_\_\_

**VARIANCE DESCRIPTION**

**Applicable Regulation(s):** \_\_\_\_\_ Side Set Bank \_\_\_\_\_

**Project Description:** \_\_\_\_\_ Robinson Residence \_\_\_\_\_

**Variance Sought:** \_\_\_\_\_ Side Set Bank \_\_\_\_\_

~~**Justification(s):** The current deed restrictions of Sandy Shores allow for a build set bank of 10' in an effort to reduce the number of large oak trees which need to be removed and to allow for the construction of the new residence's LCRA approved OSSF this variance is required.~~

*See attached*

**Special Condition(s):**

**Project Timeline:** Construction to start as soon as feasible. \_\_\_\_\_

**Attachments:** \_\_\_\_\_

*(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 March 11, 2015, by  
DAVID E. ROBINSON, 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: 06/13/18

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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.

Owner

Date

SUBSCRIBED AND SWORN TO BEFORE ME on March 11, 2015 by,  
DAVID E. ROBINSON, 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: 06/13/18

Approve a Side Yard Setback variance to allow a 4' encroachment into the side yard setback for the garage and a 2' encroachment into the side yard setback for the house.

**Justification(s):**

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive me of the reasonable use of the land.
  - a. The lot was platted before R1 zoning regulations were adopted.
  - b. The lot does not meet the minimum one acre requirement for a lot under R1 zoning. The gross area of the lot is only .6 acres of which 37% is below the flood plain leaving the effective area of the lot at .38 acres.
  - c. The lot is only 98 feet wide. The minimum width of an R1 lot is 200 feet.
  - d. The lot is located on the shore of Lake Travis and has a significant slope. The slope has over a 100 vertical feet drop from the front of the property to the back.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
  - a. A variance is required to allow for adequate room to construct the required septic system field for the new home.
  - b. The lot is small, narrow, steep and populated with trees.
  - c. If R1 side yard setbacks enforced, no practical way to meet septic system design requirements and still build a house.
  - d. The requested encroachment is needed to protect large Live Oak tree on the property.
3. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area:

With the requested variance, the proposed house will meet neighborhood standards and Fire Code separation requirements.
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article.
  - a. The land is currently zoned R1 and will be used for a single family home. This use is in harmony with the intent for the land.
  - b. Granting the variance will not have any effect on land with in the area.

## **Findings of Undue Hardship**

1. That literal enforcement of the zoning controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
  - a. There are limited locations on which to construct a septic field for the new home. 2 rock out-croppings located on the property require the construction of retaining walls in order to provide for adequate septic field.
  - b. The lot is small, narrow, steep and populated with trees.
  - c. If R1 side yard setbacks enforced, no practical way to meet septic system design requirements and still build a house.
  
2. The situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
  - a. The lot was platted before R1 zoning regulations were adopted.
  - b. The lot does not meet the minimum one acre requirement for a lot under R1 zoning. The gross area of the lot is only .6 acres of which 37% is below the flood plain leaving the effective area of the lot at .38 acres.
  - c. The lot is only 98 feet wide where the minimum width of an R1 lot is 200 feet.
  - d. The lot is also located on the shore of Lake Travis and has a significant slope. The slope has over a 100 vertical feet drop from the front of the property to the back.
  
3. That the relief sought will not injure the permitted use of adjacent conforming property.

The variance will provide adequate side yard setback in the context of this neighborhood.

4. That the granting of a variance will be in harmony with the spirit and purpose of this article.

Section 30.109(l) recognizes the need to allow narrower side yard setbacks for existing platted lots. The lot has extra limitations because it is small, narrow, and steep.



**VARIANCE DESCRIPTION**

**Applicable Regulation(s):** \_\_\_\_\_ **Front Set Back** \_\_\_\_\_

**Project Description:** \_\_\_\_\_ **Robinson Residence** \_\_\_\_\_

\_\_\_\_\_  
**Variance Sought:** \_\_\_\_\_ **Front Set Back** \_\_\_\_\_

\_\_\_\_\_  
**Justification(s):**            The OSSF requires a non-permeable retaining wall to be constructed to allow for the proper slop in the septic field closest to the road. The end of the wall extended into the 25' build line; however, no portion of the wall extends into the road right-of-way. In addition no portion of the visible wall will be taller than 1 foot as viewed from the road.

\_\_\_\_\_  
**Special Condition(s)**

\_\_\_\_\_  
**Project Timeline:**    Construction to start as soon as feasible. \_\_\_\_\_

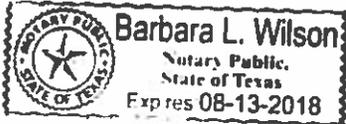
\_\_\_\_\_  
**Attachments:** \_\_\_\_\_

\_\_\_\_\_  
*(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 March 11, 2015, by

David E Robinson, 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

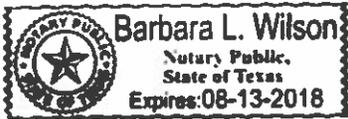
My Commission expires: 8/13/2018

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]  
Owner Date

SUBSCRIBED AND SWORN TO BEFORE ME on March 11, 2015 by,

David E Robinson, 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: 8/13/2018



**VARIANCE DESCRIPTION**

**Applicable Regulation(s):** \_\_\_\_\_ **Height Variance Over 35'** \_\_\_\_\_

**Project Description:** \_\_\_\_\_ **Robinson Residence** \_\_\_\_\_

**Variance Sought:** \_\_\_\_\_ **Height Variance Over 35'** \_\_\_\_\_

**Justification(s):** ~~I have had both my civil engineer and my architect calculate the height of the house at below the 35' limit. The City's engineer is refusing after the 3 review and the addition of retaining walls to the site plan to agree to the calculation. If the retaining walls that are shown in the site plan are contrasted then there is no need for a height variance.~~

**Special Condition(s):** I have been granted the release of the 5' PUE by all interested parties (Att, Time Warner and PEC) and have requested a variance form the city to release the 'PUE to allow for retaining walls to be constructed on the back portion of my property. The primary purpose of which is to construct the new house Septic system.

**Project Timeline:** Construction to start as soon as feasible. \_\_\_\_\_

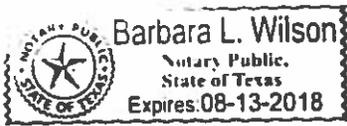
**Attachments:** \_\_\_\_\_

*(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 March 11, 2015, by

DAVID E ROBINSON, 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.



[Signature]  
Notary Public, State of Texas

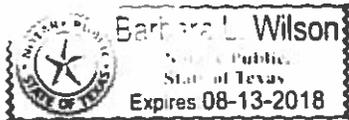
My Commission expires: 8/13/18

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]  
Owner \_\_\_\_\_ Date \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME on March 11, 2015 by,

DAVID E ROBINSON, 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.



[Signature]  
Notary Public, State of Texas

My Commission expires: 8/13/18

# Height

Approve a variance to allow the top of the house to be constructed at the 790' MSL elevation in conjunction with the construction of a swimming pool.

## Justifications:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land.
  - a. The lot was platted before R1 zoning regulations were adopted.
  - b. The lot does not meet the minimum one acre requirement for a lot under R1 zoning.
  - c. The lot is only 98 feet wide.
  - d. The lot is located on the shore of Lake Travis and has a significant slope. The slope has over a 100 vertical feet drop from the front of the property to the back.
  - e. Septic system design requirements limit the footprint of a house.
  - f. The swimming pool has to be constructed deeper into the lot because of how narrow the lot is. That is, the pool has to be constructed at a lower elevation.
  
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

A height variance is needed to build a lower swimming pool. Using the elevation of the lot below the swimming pool in the height calculation formula doesn't make the house taller.

The foundation for the pool has to be placed in the ground below the house before construction of the new house. It would be impossible to construct the pool at a later date.

3. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area.

Granting the height variance will not have any impact on the public safety, health or welfare and will not be injurious to either of the adjoining properties.

4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article.
  - a. The land is currently zoned R1 and will be used for a single family home. This use is in harmony with the intent for the land.

- b. Granting the variance, to allow a swimming pool, will not have any effect on land with in the area.

### **Findings of Undue Hardship**

1. That literal enforcement of the zoning controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
  - a. The calculation of the height of the house is distorted by the elevation of the bottom of the swimming pool at the rear of the house. The variance is required because of the proposed swimming pool that would be accessed from the lowest level of the house. The applicant does not seek a taller house but a lower swimming pool.
  - b. The pool's foundation has to be installed before the home foundation. Installation of the pool at a later date will not be possible.
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
  - a. The lot is located on the shore of Lake Travis and has a significant slope. The slope has over a 100 vertical feet drop from the front of the property to the back.
  - b. The swimming pool has to be constructed deeper into the lot because of how narrow the lot is. That is, the pool has to be constructed at a lower elevation

3. That the relief sought will not injure the permitted use of adjacent conforming property.

Many homes in the area are three stories tall. The lower elevation of the bottom of the swimming pool will not affect adjacent properties.

4. That the granting of a variance will be in harmony with the spirit and purpose of this article.

The intent of the height requirement is to prevent buildings from being so tall that they tower over nearby properties. The height of the house without the pool and with the pool will be the same at 790 MSL, approximately 15 feet above the road surface. The proposed house meets the spirit and purpose of this requirement.

## Barbara Wilson

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**From:** David Robinson <David@austinperiodontics.com>  
**Sent:** Sunday, April 19, 2015 1:38 PM  
**To:** Barbara Wilson; city.secretary@volentetexas.gov  
**Subject:** Fw: Variance Request

Here is the email from my neighbor at 8134 Joy for the BOA packets.

Sent from Windows Mail

**From:** [Melanie Robinson](#)  
**Sent:** Sunday, April 19, 2015 1:34 PM  
**To:** [Robinson, David](#), [David Robinson](#)

-----Original Message-----

**From:** uce1984@cebridge.net [mailto:uce1984@cebridge.net]  
**Sent:** Tuesday, March 31, 2015 7:09 PM  
**To:** Melanie Robinson  
**Subject:** Re: Variance Request

Dear Mr. Beck,

We have carefully reviewed the documents submitted by the Robinson's requesting variance approval of the future planned construction of the residence on 8132 Joy Rd. We would like to inform the committee involved with the plan approval process that we have no objections with the project moving forward.

Sincerely,

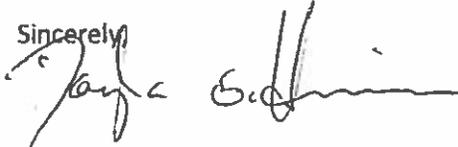
Victor and Linda Manon  
8134 Joy Rd.  
Leander, Tx 78641

>  
>  
>  
>

To whom it may concern,

After reviewing all the documents submitted by David and Melanie Robinson concerning the requested variances for their planned home construction at 8132 Joy Road, Volente, we would like to inform the Village of Volente and their committees involved with managing new constructions that we have no objections with the requested variances.

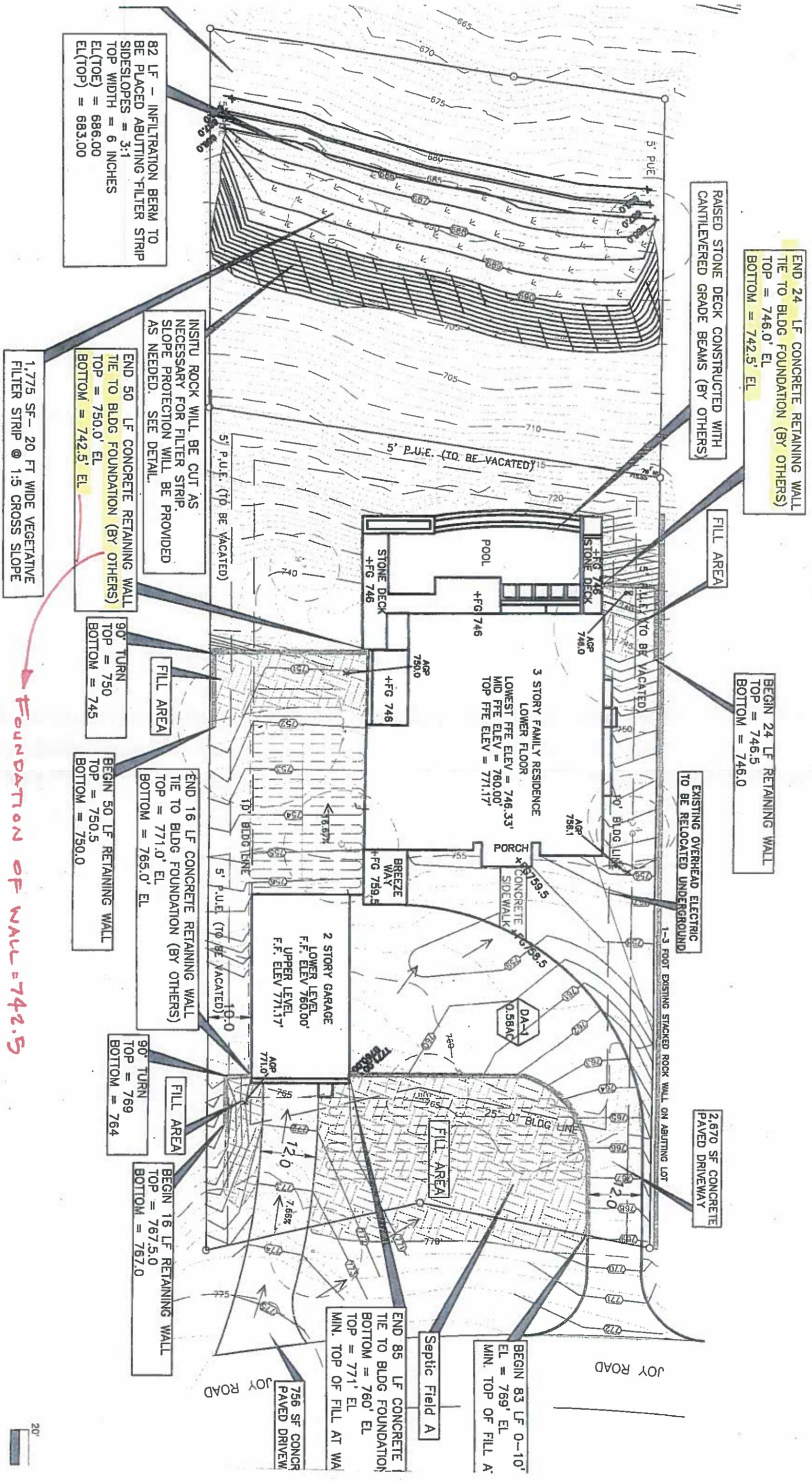
Sincerely,

A handwritten signature in black ink, appearing to read "Doug Heineman". The signature is written in a cursive style with a large initial "D".

Doug and Maza Heineman

A handwritten signature in black ink, appearing to read "Maza Heineman". The signature is written in a cursive style with a large initial "M".

8130 Joy Road



END 24 LF CONCRETE RETAINING WALL TIE TO BLDG FOUNDATION (BY OTHERS)  
TOP = 746.0' EL  
BOTTOM = 742.5' EL

RAISED STONE DECK CONSTRUCTED WITH CANTILEVERED GRADE BEAMS (BY OTHERS)

BEGIN 24 LF RETAINING WALL  
TOP = 746.5  
BOTTOM = 746.0

EXISTING OVERHEAD ELECTRIC TO BE RELOCATED UNDERGROUND

2,670 SF CONCRETE PAVED DRIVEWAY

BEGIN 83 LF 0-10' EL = 769' EL  
MIN. TOP OF FILL A'

END 85 LF CONCRETE TIE TO BLDG FOUNDATION  
BOTTOM = 760' EL  
TOP = 771' EL  
MIN. TOP OF FILL AT WA

756 SF CONCR PAVED DRIVEWAY

82 LF - INFILTRATION BERM TO BE PLACED ABUTTING FILTER STRIP  
SIDESLOPES = 3:1  
TOP WIDTH = 6 INCHES  
EL(TOE) = 686.00  
EL(TOP) = 683.00

INSITU ROCK WILL BE CUT AS NECESSARY FOR FILTER STRIP. SLOPE PROTECTION WILL BE PROVIDED AS NEEDED. SEE DETAIL.

END 50 LF CONCRETE RETAINING WALL TIE TO BLDG FOUNDATION (BY OTHERS)  
TOP = 750.0' EL  
BOTTOM = 742.5' EL

1,775 SF - 20 FT WIDE VEGETATIVE FILTER STRIP @ 1:5 CROSS SLOPE

90° TURN  
TOP = 750  
BOTTOM = 745

BEGIN 50 LF RETAINING WALL  
TOP = 750.5  
BOTTOM = 750.0

END 16 LF CONCRETE RETAINING WALL TIE TO BLDG FOUNDATION (BY OTHERS)  
TOP = 771.0' EL  
BOTTOM = 765.0' EL

90° TURN  
TOP = 769  
BOTTOM = 764

BEGIN 16 LF RETAINING WALL  
TOP = 767.5.0  
BOTTOM = 767.0

Foundation of wall = 742.5

# SITE PLAN

742.5 - 771.0 = 756.75 avg.  
\* 791.75 MAX RIDGE ELEV.

