

NOTICE OF THE REGULAR CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, MAY 12, 2015 at 6:30 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.

Notice is hereby given that the Planning and Zoning Commission of the Village of Volente will hold a Regular Called Meeting at 6:30 PM. Tuesday, the 12th day of May, 2015 in the Council Chambers 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. Citizen Comments. *At this time, any person with business before the Planning and Zoning Commission not scheduled on the agenda may speak. There is a four (4) minute time limit on any communication.*
4. Presentation and Public Hearing on a Variance Request from owner David Robinson on the property at 8132 Joy Road for variances from the Site Development Ordinance Section 33.341(a-1), Cut and Fill in excess of 5 feet, Section 33.340(A) Construction on Slopes of 25 percent or greater, Section 33.335 E(5) Addition of an Extra Driveway, Section 33.341 (A)(2), Walls Within the Front Setback may not exceed 1 ft. in height, Section 33.365(C) encroachment into the 5 ft. utility easements and a variance from the Water Quality Ordinance Section 32.109(a)(2)(C), Impervious Coverage greater than 20 percent.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Citizen Comments
5. Discussion and Possible Action on the Variance Requests from David Robinson, owner of 8132 Joy Road, for variances from the Site Development Ordinance Section 33.341(a-1), Cut and Fill in excess of 5 feet, Section 33.340(A) Construction on Slopes of 25 percent or greater, Section 33.335 E(5) Addition of an Extra Driveway, Section 33.341 (A)(2), Walls Within the Front Setback may not exceed 1 ft. in height, Section 33.365(C) encroachment into the 5 ft. utility easements and a variance from the Water Quality Ordinance Section 32.109(a)(2)(C), Impervious Coverage greater than 20 percent.
6. Update from the City Council on the progress and discussion from the Council Work Session on May 11, 2015.
7. Review of the Vision Statement of the Village of Volente and Recommendation to Council on any necessary changes to ensure it encompasses the atmosphere, view, and ideals of Volente.
8. Review of the Comprehensive Plan, Chapter One.
9. Review of the Zoning Map.
10. 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 5th day of May, 2015.

Julia Vicars, City Secretary

The Village of Volente is committed to the compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. A quorum of the City Council or Board of Adjustments may be in attendance at this meeting however, no official action by the City Council or Board of Adjustments shall be taken.

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MINUTES OF THE
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, APRIL 14, 2015 at 6:30 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.

Present

Jeff Browning, Chair
Phil Mitchell
Rett Scudder
Nancy Carufel, Alternate

Absent

Richard Roucloux
Judy Barrick

Also in Attendance

Council Member Bill Connors
Council Member Kristi Belote

1. Open Regular Meeting.

Chair Jeff Browning called the meeting to order at 6:34 p.m.

2. Call Roll.

Julia Vicars, City Secretary called roll. A quorum was established.

3. Citizen Comments.

Judy Graci, Booth Circle, voiced concerns that the Village is moving from a rural feel towards denser development. Feels there needs to be more openness and transparency with Agendas and Meetings. Requested that community surveys and agendas be placed on Nextdoor. Believes that residents should have the opportunity to discuss all changes to be made to the zoning ordinance.

Kit Hopkins, Booth Circle, states that she came from Houston and watched the city change to five feet setbacks and that she bought in Volente to escape all of that. Has concerns over some of the proposed changes. Prefers the look of the Village now, with its rural feel.

Allison Thrash, FM 2769, supports simplifying the ordinances but not at the cost of the rural feel of Volente. Adds that new categories could possibly open a door to high density development. States that the 2003 and 2014 Community Surveys both indicate the public does not want to see high density development.

Jan Yenawine, FM 2769, states that the Planning and Zoning Commission should look at the proposed changes, without political pressure, and make recommendations to Council based on their opinion. Setbacks of five feet are inappropriate because of the fire hazard. Stresses the importance of Town Hall Meetings and public involvement. The Chair thanks the citizens for their input.

4. Approval of the Minutes from March 10, 2015.

Commissioner Rett Scudder makes a motion to approve the meeting minutes from March 10, 2015. Seconded by Commissioner Phil Mitchell. Carries unanimously.

44 **5. Discussion and Possible Action on Recommending to Council an amendment to**
45 **Ordinance No. 2004-O-24, 2004-O-25, and 2014-O-12; possibly changing the process**
46 **and routing of variance requests.**

47 Barbara Wilson, City Administrator, details the background on this item. The powers
48 were given to the Planning and Zoning Commission to hear and make recommendations
49 to Council on variances from certain ordinances. This proposed change would allow all
50 variances from Water Quality, Site Development, and Subdivision to bypass Planning
51 and Zoning and go to Council. Council has discussed this matter briefly but would prefer
52 Planning and Zoning's recommendation before discussing further.
53

54 **Citizen Comments:**

55 Jan Yenawine, FM 2769, states that the Planning and Zoning Commission should remain
56 the first board to review requested variances because they are a non-political board set
57 up for this purpose. He cautions that side-stepping this process may create some
58 unforeseen circumstances. States that joint meetings with Council and the Planning and
59 Zoning Commission have taken place in the past, with just one public notice.

60 Judy Graci, Booth Circle, states that a topic of this magnitude should be discussed at a
61 Town Hall meeting. Feels that this change, made to keep an applicant's cost down,
62 would not be just, adding that there is a cost to acquiring a variance because it costs the
63 city to do so. Feels that it is best that the city take two looks at each application, with
64 the City Engineer weighing in. States that the public notice for the Planning and Zoning
65 Commission meeting could include the date of the Council meeting, to cut down on
66 costs for the applicant.

67 Allison Thrash, FM 2769, feels that this is premature to look at this issue in an attempt
68 to streamline the development process until a full review of ordinances has been
69 completed. If ordinances are streamlined and simplified then the amount of variances
70 would go down.

71 Ken Beck, Booth Circle, states that the Local Government Code establishes the Planning
72 and Zoning Commission. Adds that Council would give variances the same attention that
73 the Planning and Zoning Commission does, but that in an attempt to alleviate some of
74 the burden on residents wishing to build in Volente, Council had proposed this Agenda
75 item. States that Council and the Planning and Zoning Commission could look at the
76 dates they meet and try to schedule enough time between a Planning and Zoning
77 meeting and the creation of a Council Agenda.

78 Kit Hopkins, Booth Circle, says that this situation of Planning and Zoning reviewing a
79 variance then Council doing the same is like belts and suspenders. Having Planning and
80 Zoning take the first blush look at a variance then having Council come behind and
81 decide the ultimate result allows the variance to be looked at by more eyes and heard
82 by more ears, ensuring nothing has been overlooked and that everyone is treated the
83 same.

84 Kristi Belote, Buddy Ave, is concerned with the time constraints Council faces and agrees
85 there should be checks and balances. Feels that with an influx of new members on
86 Planning and Zoning and new members on Council, then neither party is particularly
87 politically motivated and that each can take an unbiased look at variances.

88 Bill Connors, Lakeview, states that while we should consider applicant's time, and find a
89 way to cut the time it takes to receive a permit, we should keep variances heard by a
90 party other than Council initially.

91
92 Alternate Nancy Carufel asks if it is LCRA, utility companies, or the Village causing a
93 delay in the permitting process.

94 Barbara Wilson, City Administrator, answers that before the Village can review a site
95 plan it goes to LCRA and the Public Utility Companies.

96 Alternate Nancy Carufel asks for clarification that there is nothing on the Village side
97 holding up the variance process.

98 Barbara Wilson answers yes, nothing on the Village side holds up variances.

99 Alternate Nancy Carufel asks about the possibility of using joint meetings instead of
100 changing the routing process.

101 Barbara Wilson, City Administrator, answers that joint meetings, would be a longer
102 meeting but only require one public notice.

103
104 **Commissioner Rett Scudder makes a motion to postpone this item for six months,**
105 **allowing for time to streamline and simplify the process using other methodologies**
106 **with the possibility of combined public notices and joint meetings. Seconded by**
107 **Commissioner Phil Mitchell. Carries unanimously.**
108

109 **6. Discussion and Possible Action regarding the Zoning Ordinance, specifically the**
110 **following information:**

- 111 a. Update from Bill Connors and Kristi Belote on the Progress made by Council at
112 their last Work Session.

113 Council Members Bill Connors and Kristi Belote give background on the work
114 session from March 31st and the progress made at the work session itself.

115 Council Member Connors stresses that everything suggested at this point is
116 completely conceptual, with plans to involve the public when Council comes to
117 consensus on the conceptual plans. In the near future Council will begin creating
118 a redline draft, which will be taken back to the Planning and Zoning Commission
119 for review. After their review, Council will review again and make changes. Final
120 revisions will be presented to the Public via Town Hall meetings, neighborhood
121 meetings, Nextdoor, etc. Council Member Connors summarizes the process for
122 Ordinance Review he has created. Ideally, Council and the Planning and Zoning
123 Commission would be working simultaneously to achieve review and revision at
124 a quick pace.

- 125 b. Zoning Districts.

126 Council Member Kristi Belote summarizes the conceptual Zoning Districts and
127 the Zoning Chart in the backup material. She references the "What is Zoning"
128 document in the backup material from the City of Austin, adding that this guide
129 has helped her get a better understanding of zoning.

130 Chair Jeff Browning says that while he wants to help provide relief to some of the
131 smaller lots within the Village he is cautious of any changes that would allow

132 someone to build a tiny house on a lot if it diminishes the property values of a
133 neighbor.

134
135 c. Zoning Uses.
136 Council Member Connors summarizes the development of his conceptual Zoning
137 Map, detailing what each section would be titled and how it allows for the
138 uniqueness of the properties within each neighborhood.
139 Jeff Browning, Chair, thanks Council Member Connors and Council Member
140 Belote for their hard work.

141
142 Citizen Comments:
143 Allison Thrash, FM 2769, suggests that Council and the Planning and Zoning
144 Commission entertain the idea of a Town Hall meeting at the front end of this
145 topic. Feels that this would help the boards get a pulse on properties, the
146 community, and the desire of property owners within the Village.
147 Judy Graci, Booth Circle, asks Council Member Connors who asked him to come
148 up with these categories.
149 Council Member Connors answers that these are completely conceptual and he
150 desired to give Council a starting point to make changes from.
151 Judy Graci responds that multi-family townhomes and condominiums are out of
152 the box and not fitting with the spirit or vision of Volente.
153 Council Member Connors and Barbara Wilson state that there are already
154 properties within the Village used as multi-family.
155

156 **7. Discussion and Possible Recommendation to Council on the issue of water tanks**
157 **providing a recommendation as to whether they are permanent structures or portable**
158 **structures, and if they should require screening.**

159 Barbara Wilson summarizes the reason Council has asked for Planning and Zoning's
160 opinion on this matter and some of the recent history of water tanks within the Village.
161 Council Member Kristi Belote mentions the current results from survey questions asking
162 the public their opinion on this topic. They surveys were posted on Nextdoor and in the
163 email Newsletter.
164

165 Citizen Comments:
166 Ken Beck, Booth Circle, states that he met with Gary Frame to get data on water tanks.
167 The most popular size of water tanks is 2500 gallons which is 8ft x 8ft. Rainwater
168 Collection has an optimal size of 10,000 gallons.
169 Kit Hopkins, Booth Circle, says there are already large rainwater collection tanks within
170 the Village. There needs to be some limit on how far they can be in the setback, but
171 some leniency to allow residents to collect rainwater.
172 Judy Graci, Booth Circle, feels that how tall and where a tank can be placed should be a
173 considered. What might be best for the owner may not be best for the neighbor. Feels
174 that side setbacks might be acceptable but front setbacks should not.

175 Jan Yenawine, FM 2769, states that tanks should be allowed anywhere on someone's
176 property with a consideration to the front setback. Feels that water tanks are portable
177 structures if they are sand bedded and there is no concrete foundation.
178 Bill Connors, Lakeview, states that the placement of a water tank within a setback does
179 not impact overcrowding, traffic, or congestion, density of population, but is instead
180 solely based on aesthetics. Feels that people should be allowed to place a water tank on
181 their property where it is most appropriate, allowing only for safety concerns.
182

183 **Alternate Nancy Carufel makes a motion to recommend to Council that water tanks**
184 **are a portable structure that can be placed in the setbacks, excluding the front**
185 **setback, and allowing for Council to decide on size, height, width, and screening.**
186 **Seconded by Commissioner Rett Scudder. Carries unanimously.**
187

188 **Alternate Nancy Carufel makes a motion to postpone Agenda items 8, 9, and 10 to the**
189 **next meeting. Seconded by Commissioner Phil Mitchell. Carries unanimously.**

190 8. Review of the Vision Statement of the Village of Volente and Recommendation to
191 Council on any necessary changes to ensure it encompasses the atmosphere, view,
192 and ideals of Volente.

193 9. Review of the Comprehensive Plan, Chapter One.

194 10. Review of the Zoning Map.

195

196 **11. Adjourn.**

197 The meeting adjourned at 9:02 p.m.

198 **Passed and Approved this _____ day of _____, 20____.**

199

200 Signed:

201

202 _____
203 Jeff Browning, Chair of Planning and Zoning Commission

204 Attest:

205

206 _____
207 Julia Vicars, City Secretary

**Volente Board of Adjustments
Variance Request – Finding of Fact**

Request: Variance from Side Setbacks and Exceeding the 35-foot Height Limitation
Zoning District: Single Family Residential
Location: 8132 Joy Road, Volente Texas 78641
Owner/Applicant: David Robinson
Authorized Agent: Brian Baird

WHEREAS, The Volente Board of Adjustments received a complete application for a variance from David Robinson; and

WHEREAS, the Volente Board of Adjustments held a public hearing on the above entitled request on April 23rd, 2015; and

WHEREAS, upon considering the variance application, Staff presentation, City Engineer report and analysis, public testimony and comment and all other pertinent and available information, the Volente Board of Adjustments finds the following:

FINDINGS OF FACTS

1. A complete application was filed by David Robinson and his Authorized Agent Brian Baird (herein referred to as "Application") seeking a Variance for the following property; Tract 1: Lot 18, Sandy Shores Book 11, Page 5, T.C.P.R. Tract 2:0.190(8,267 Sq. Ft) out of the J.F. Carlton Survey No. 50 ½ Abstract No. 2535, Travis County, Texas locally known as 8132 Joy Road.
2. The Variance Request is as Follows:

Code Section	Requirement	Variance Request
Section 30.109(i)	25 ft. Side Setback	10 ft. Side Setback
Section 30.109 (i)	50 ft. Front Setback	27 ft. Front Setback
Section 33.341(A)(2)		
Section 33.365(C)	35 ft. Building Height	6 ft. Additional Height

The applicant seeks relief from the from the Zoning Ordinance 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).

3. City Staff identified the following:
 - a. The Public Utility Easements (PUEs) have been vacated by the utility companies. Walls within the front setback have been removed, and are no longer a matter of consideration.
 - b. The height calculation, defined in 2004 in the zoning ordinance and amended in 2007, 2009, and 2010, requires that the height of the house be measured with the inclusion of the pool.

1. The Village of Volente Ordinance No. 2004-O-32, Article 30.100 Zoning Regulations, Section 30.105 Definitions is amended as follows:

(A) Height means the vertical distance from the highest point on a structure to the average ground elevation where the foundation meets the ground, to be measured, six feet perpendicular to the foundation as it meets the finished grade, from the average finished grade to the highest roof ridge.

(c) Structures and Buildings: No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable Village codes and ordinances, and such work and structure shall:

(1) Conform to the setback, building site area, building location and land use regulations hereinafter designated for the zoning district in which such building or open space is located.

(2) Not exceed the height limit herein established for the zoning district in which such building is located. The original deed lists ten foot side setbacks, which allow the applicant to accommodate the house, garage, and septic field while saving trees.

- c. This lot is a non-conforming lot, subdivided in 1964.
- d. The granting of this variance would save substantial oaks and hardwood trees.
- e. The plans set forth by the applicant are consistent with the majority of the neighboring properties.
- f. The plans set forth by the applicant are consistent with the original deed restrictions of the neighborhood.
- g. Without the variance, there would be an inability to build a house and garage while still allowing for a septic field.
- h. This variance does not create any issues with the neighbors and view corridors.
- i. Moving the house back on the lot or sideways would require a complete re-design and elimination of trees.

- 4. City Staff stated that no neighbors, after receiving a Public Notice of the variance request, have come forth with complaints or voiced concern over the request. A copy of a letter and email of support for the variance from neighbors on either side of the applicant were given to the Board of Adjustments.
- 5. A public hearing was held by the Volente Board of Adjustments on April 23rd, 2015 on the variance application allowing all interested persons an opportunity to speak. Full and complete record of which is detailed in the minutes of the Volente Board of Adjustments. There were three residents in attendance of the meeting who voiced no concerns regarding the variance, who had all seen the plans of the applicant, and who are in support of the Board of Adjustments granting this particular variance due to the uniqueness of the lot and the hardship the current interpretation of the ordinance creates.
- 6. The variance request is consistent with the general intent of the Single Family Residential Zoning and The Comprehensive Plan. The granting of the variance will not prevent the orderly use of other land surrounding the property. The proposed structural use will not diminish or impair the

established property values within the neighborhood. There is no detrimental effect to the safety, health or welfare of the public.

7. Strict application of the provisions of the zoning ordinance would deprive the applicant of reasonable use of the land and create an unnecessary hardship or practical difficulty. Special circumstances or conditions warranting the variance were not self-created nor based solely on economic gain or loss. Conditions warranting the approval of this variance do not affect properties in the same zoning district and include the following:
 - a. The granting of this variance would save substantial oaks and hardwood trees.
 - b. The plans set forth by the applicant are consistent with the majority of the neighboring properties.
 - c. The plans set forth by the applicant are consistent with the original deed restrictions of the neighborhood.
 - d. Without the variance, there would be an inability to build a house and garage while still allowing for a septic field.
 - e. This variance does not create any issues with the neighbors and view corridors.
 - f. The pool, which cannot be moved due to the topography and contours of the property, must be included in the calculation of height because of its shared foundation with the house. This creates a hardship on the applicant.
 - g. The slope of the lot requires that the house be placed where the applicant has planned, and that the pool be placed closer to the house.
 - h. Section 30.129(g) allows for special exceptions for nonconforming structures within the Village of Volente.

NOW THEREFORE, BE IT RESOLVED by the Volente Board of Adjustments that the Board approves of the variance request submitted by David Robinson, owner of 8132 Joy Rd, subject to the following conditions:

1. The applicant has requested a 5.26 foot variance on height and the Volente Board of Adjustments is granting a variance based on a maximum elevation of 791.5 feet, which allows a six foot tolerance based on the lowest finished grade elevation of 730 MSL and the highest grade elevation of 771 MSL. This is based on the plans presented to the Board of Adjustments and the existing definitions of height and structure.
2. The Board of Adjustments approves ten foot side setbacks and a twenty-five foot front setback to comply with the Infill Redevelopment District overlay within the Village of Volente.

Passed by a unanimous vote of the Volente Board of Adjustments on April 23rd, 2015.

Signed:

Mike Gold, Chair of Board of Adjustments

Attest:

Julia Vicars, City Secretary

VARIANCE DESCRIPTION

Applicable Regulation(s): _____ Cut / Fill in excess of 5ft Sec. 33.341(a-1) of zoning Ordinance _____

Project Description: Robinson Residence

Variance Sought: Cut / Fill in excess of 5ft

Justification(s): ~~New residence requires compliance with current LCRA standards for OSSF system. 2 retaining walls will have to be constructed to meet the LCRA's septic requirements. LCRA has already approved septic design and issued permit #7934. The new residence will be constructed in approximately the same location as the old residence in an effort to retain as many protected trees as possible.~~

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.)

1. Variance to allow fill in excess of 5 feet. Section 33.341(A-1) Site Development Regulations

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 site development of other property in the vicinity. I have provided letters of support from the owners of 8130 and 8134 Joy Rd.

Granting the variance will allow compliance with LCRA OSSF design standards and thus prevent injury to other properties and will not prevent the orderly development of other property in the vicinity.

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.
 - 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 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.
 - 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. The new residence must comply with current LCRA standards for OSSF systems. Retaining walls with fill in excess of 5 feet required to meet LCRA standards.
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 these regulations is carried out.
 - a. 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.
 - b. 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.
 - c. The new residence must comply with current LCRA standards for OSSF systems. Retaining walls with fill in excess of 5 feet required to meet LCRA standards.
4. Unless similar variances are granted under the zoning and subdivision ordinances, the variance will not in any manner vary the provisions of the zoning ordinance or the subdivision ordinance. The variance will not be inconsistent with the comprehensive plan unless the Village Council provides written reasons in the variance why it has concluded to grant a variance that is inconsistent with the comprehensive plan.

All zoning variances required to construct the proposed house were identified by staff and approved by the Board of Adjustment. Neither the zoning nor subdivision

ordinances have provisions regulating the depth of fill.

5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

The areas requiring a fill variance will be used for OSSF purposes and will remain pervious and sodded, as required by LCRA standards.

VARIANCE DESCRIPTION

Applicable Regulation(s): _____ Construction on a slope of 25% for greater Sec. 33.340(A)_____

Project Description: Robinson Residence

Variance Sought: Construction on a slope of 25% for greater

Justification(s): ~~New residence requires compliance with current LCRA standards for OSSF system. 2 retaining walls will have to be constructed to meet the LCRA's septic requirements. In addition the buildable area of the lot has a fairly high degree of slope. The current residence is built in the best location for the new residence. This location will allow for the greatest preservation of protected trees.~~

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.)

Variance to allow construction on slopes greater than 25%. Section 33.340(A) Site Development Regulations

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 site development of other property in the vicinity. I have provided letters of support from the owners of 8130 and 8134 Joy Rd

The existing house is constructed on slopes greater than 25% but does not meet many of the new site development regulations. Allowing the construction of a new, more compliant house will not injure other property or people and will not prevent the orderly development of other property in the vicinity.

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.
 - 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 narrow which forces development deeper into the lot and onto steeper slopes.
 - d. 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.
 - e. 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.
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 these regulations is carried out.
 - 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 narrow which forces development on the lot deeper into the lot and onto steeper slopes.
 - d. 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.
 - e. 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.

4. Unless similar variances are granted under the zoning and subdivision ordinances, the variance will not in any manner vary the provisions of the zoning ordinance or the subdivision ordinance. The variance will not be inconsistent with the comprehensive plan unless the Village Council provides written reasons in the variance why it has concluded to grant a variance that is inconsistent with the comprehensive plan.

All zoning variances required to construct the proposed house were identified by staff and approved by the Board of Adjustment. Neither the zoning nor subdivision ordinances have provisions regulating construction on slopes.

5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

The proposed house incorporates a number of best management practices, including, a rain collection system, pervious pavement or paver blocks (in accordance with the LCRA Technical manual).

VARIANCE DESCRIPTION

Applicable Regulation(s): _____ Second Drive _____

Project Description: _____ Robinson Residence _____

Variance Sought: _____ Second Drive _____

Justification(s): ~~A second short drive way will be required to enter the upper level of the second story garage. The second level garage will be used to house an RV. The use of upper level of the garage for storage and of the RV/trailer will allow for the road way to remain clear.~~

see attached

Special Condition(s): _____

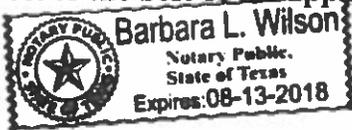
Project Timeline: Construction to start as soon as feasible. _____

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 October 10, 2014, 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.



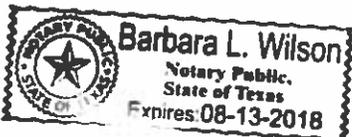
Notary Public, State of Texas

My Commission expires: _____

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.

David Robinson 10/10/14 X
Owner Date

SUBSCRIBED AND SWORN TO BEFORE ME on October 10, 2014 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.



Notary Public, State of Texas

My Commission expires: _____

Variance to construction of second residential driveway. Section 33.335(E-5) Site Development Regulations

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 site development of other property in the vicinity. I have provided letters of support from the owners of 8130 and 8134 Joy Rd

Only one driveway will have daily use. The second driveway will be used occasionally to provide access to the second level of the garage where boat and RV storage will occur. The second story of the garage reduces the amount of impervious cover required on the lot and works with the steep slope on the property.

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.
 - 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 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.
 - 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. The second story in the garage reduces the amount of impervious cover required on the lot and allows the garage for cars to be on the same level as the house entrance.
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 these regulations is carried out.

- 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 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.
- 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. The second story in the garage reduces the amount of impervious cover required on the lot and allows the garage for cars to be on the same level as the house entrance.

4. Unless similar variances are granted under the zoning and subdivision ordinances, the variance will not in any manner vary the provisions of the zoning ordinance or the subdivision ordinance. The variance will not be inconsistent with the comprehensive plan unless the Village Council provides written reasons in the variance why it has concluded to grant a variance that is inconsistent with the comprehensive plan.

All zoning variances required to construct the proposed house were identified by staff and approved by the Board of Adjustment. Neither the zoning nor subdivision ordinances have provisions regulating the number of driveways for a residential lot.

5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Only one driveway will have daily use. The second driveway will be used occasionally to provide access to the second level of the garage where boat and RV storage will occur. The second story of the garage reduces the amount of impervious cover required on the lot and works with the steep slope on the property.

VARIANCE DESCRIPTION

Applicable Regulation(s): _____ **Impervious Cover** _____

Project Description: _____ **Robinson Residence** _____

Variance Sought: _____ ~~Allow impervious cover of 26.90%~~ _____

see attached

Justification(s): Current residence has an impervious cover of 30.4%. The new residence will require only 26.9 percent, so there will be a reduction in impervious cover with the new residence.

Special Condition(s): Porous pavement or paver blocks will be installed on accordance with LCRA Technical manual which will reduce the total impervious cover to below the required 20%.

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: 08/13/18

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.

David
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: 08/13/18

Variance to allow more than 20% impervious cover. Section 32.109(c)(2-A) Water Quality Regulations

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 development or use of other property in the vicinity. I have provided letters of support from the owners of 8130 and 8134 Joy Rd

The existing house has 30.4% impervious cover. The proposed house will reduce overall impervious cover to 26.9%. The proposed house incorporates a number of best management practices to reduce the impact of the additional 6.9% of impervious cover, including, a rain collection system, pervious pavement or paver blocks (in accordance with the LCRA Technical manual).

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.
 - 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 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.
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 these regulations are strictly enforced.
 - 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 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.
4. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

The proposed house incorporates a number of best management practices to reduce the impact of the additional 6.9% of impervious cover, including, a rain collection system, pervious pavement or paver blocks (in accordance with the LCRA Technical manual).

VARIANCE APPLICATION FORM

109

PUE

Date of Submission: 3 /11 /2015

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): _____ **5' PUE Release** _____

Project Description: _____ **Robinson Residence** _____

Variance Sought: _____ **5' PUE Release** _____

Justification(s): The OSSF requires a non-permeable retaining wall to be constructed to allow for the proper slop in the septic field this wall will need to extend to the property line.

Special Condition(s) AT&T , Time Warner and PEC have already released the 5' PUE on the back portion of the lot.

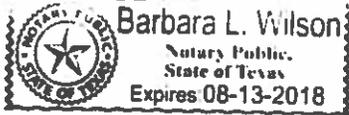
Project Timeline: Construction to start as soon as feasible. _____

Attachments: _AT&T, Time Warner and PEC releases _____

(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.



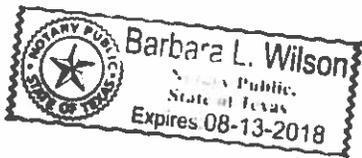
Barbara L. Wilson
Notary Public, State of Texas

My Commission expires: 08/13/18

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.



Barbara L. Wilson
Notary Public, State of Texas

My Commission expires: 08/13/18



February 18, 2015

David Robinson
Property Owner
8132 Joy Rd
Leander, TX 78641

SUBJECT: Abandonment of Sandy Shores 8132 Joy Rd, Leander, TX 78641

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment of the ROW near 8132 Joy Rd, located within the city of Leander, TX.

If applicable, please contact the Texas Excavation Safety System (Texas811) to have facilities marked & located within affected easements before any excavations are started.

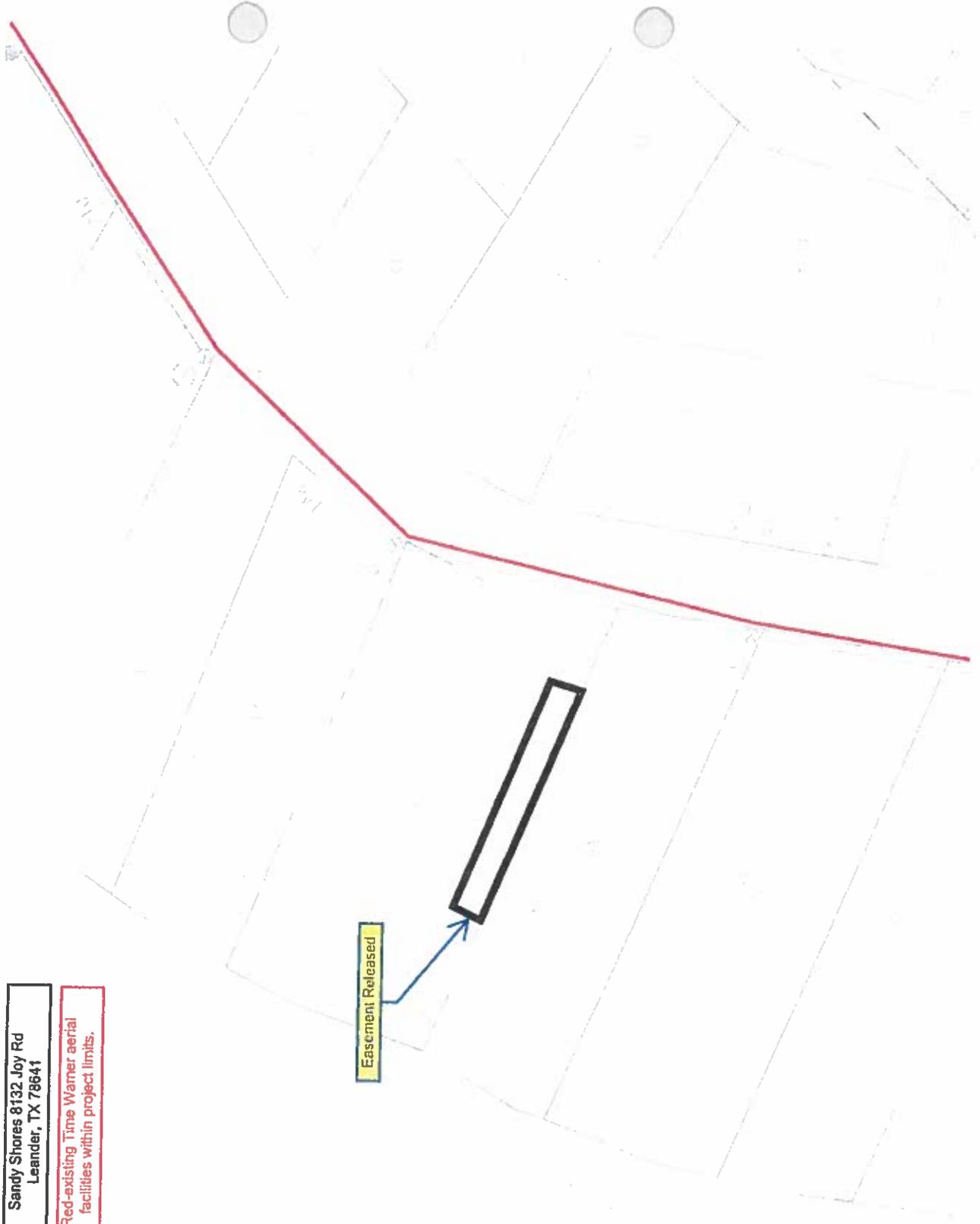
For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

A handwritten signature in black ink that reads "Lisa Law". The signature is written in a cursive style with a large, looping initial "L".

Sandy Shores 8132 Joy Rd
Leander, TX 78641

Red-existing Time Warner aerial
facilities within project limits.



Easement Released

Sandy Shores 8132 Joy Rd_Leander TX

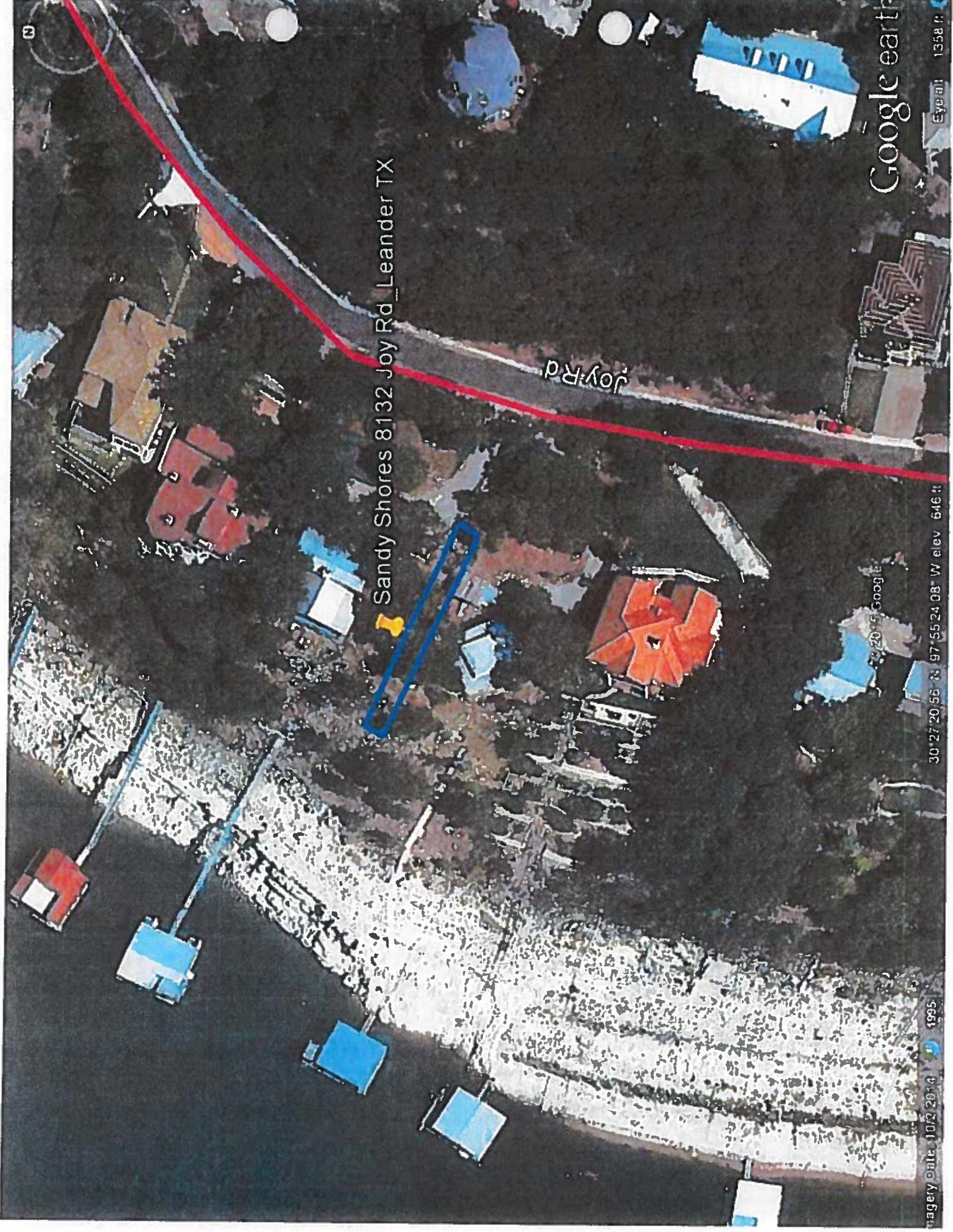
Joy Rd

Google earth

Eye alt 1358 ft

30°27'20.55" N 97°55'24.08" W elev 646 ft

Imagery Date 10/2/2014 1995



RELEASE OF EASEMENT

STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

WHEREAS, John G. Johnson, as previous owner of all lots in Sandy Shores, a subdivision in Travis County, Texas according to the map or plat thereof, heretofore granted certain easements to Pedernales Electric Cooperative, Inc., a corporation for public utility purposes covering property situated within Sandy Shores Subdivision, said easement being recorded in Volume 11, Page 5 of the Plat Records of Travis County, Texas, and;

WHEREAS, said dedicated easements referred to herein above include and are comprised in part by strips of land five feet (5') in width along the side lot line of all lots within Sandy Shores Subdivision, in Travis County, Texas; and,

WHEREAS, David Robinson, as current owner of Lot 18 in Sandy Shores Subdivision, desires that the said five foot (5') public utility easements along the side lot lines of Lot 18 in Sandy Shores Subdivision, be abandoned and released in full; and

WHEREAS, Pedernales Electric Cooperative, Inc. provides electric service to the aforementioned area and will continue to have an adequate easement to said property;

NOW, THEREFORE, be it known that Pedernales Electric Cooperative, Inc., a corporation whose post office address is Johnson City, Texas, for and in consideration of One Dollar (\$1.00), does hereby release the said five foot (5') public utility easements along the side lot lines of Lot 18 in Sandy Shores Subdivision, in Travis County, Texas, and referred to hereinabove.

EXECUTED: December 3, 2014

PEDERNALES ELECTRIC COOPERATIVE, INC.

BY: DiAnn Hamilton
DiAnn Hamilton
District Planning Supervisor

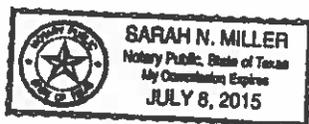
THE STATE OF TEXAS

§
§
§

COUNTY OF WILLIAMSON

BEFORE ME, the undersigned authority, on this day personally appeared DiAnn Hamilton, District Planning Supervisor of Pedernales Electric Cooperative, Inc., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE December 3, 2014



Sarah N. Miller
Notary Public in and for
The State of Texas



SOUTHWESTERN BELL TELEPHONE COMPANY

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, GRANTOR, AND, GRANTEE, David Robinson wherein GRANTOR in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents ABANDON, RELEASE, RELINQUISH AND DISCLAIM to GRANTEE, as is, all or a specific portion of certain easements for telecommunication purposes hereinafter described that affects land owned by GRANTEE situated in Travis County, Texas, and described as follows:

Lot 18, Sandy Shores, ABS 2535 SUR 50 1/2, Carlton J F ACR 190, Deed of record in Documents 2004170315, Property Records of Travis County, Texas

Said land of GRANTEE being subject to:

Easements recorded in Book 11, Page 5 TCPR Tract 2, Plat Records of Travis County, Texas.

The portion of said easements to be hereby released is described as follows:

5 foot PUE on both sides of Lot 18, 35' from the road and across the back, as described above.

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE, their heirs, successors and assigns forever.

IN WITNESS WHEREOF GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 3rd day of MARCH, 2015.

SOUTHWESTERN BELL TELEPHONE COMPANY

Name: DAVID WILLIAMS

Title: SVP

THE STATE OF TX
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared DAVID WILLIAMS, known to me to be the person whose name is subscribed to the foregoing instrument as Manager, Engineering-Design at Southwestern Bell Telephone Company, a Delaware corporation, and acknowledged to me that he/she executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said corporation.

Given under my hand and seal of office this the 3rd day of MARCH, 2015.

REBECCA K HOGUE
My Commission Expires
January 16, 2017



[Signature]
Notary Public in and for the State of TEXAS
My Commission Expires [Signature]

APPLICATION FOR EASEMENT RELEASE

**TO BE SENT TO AT&T TEXAS AT
925 Washington Ave, Room 202, Waco, TX 76701
Email: 907099@att.com**

Lucy Cabeding, FAX 254-757-7821, Anita Frank FAX 254-773-8574

Application is hereby made for the release of the following easement(s) as described below:

The easement(s) is on property legally described as:

Subdivision / Section: Sandy Shores

Lot and Block No.: Lot 18

Deed book volume/page or Document #: Book 11 page 5 TCPR Tract 2

Street Address: _____

Provide common description of the easement requested for release, indicating the amount of the easement to be released (provide a survey of the property with the easements to be released highlighted) Please provide purpose for this release.

Please release the 5' PUJE on both sides of lot 18 35' from the road and across the back as highlighted on the survey.

Property Owner's Name: David Robinson

Mailing Address: 8132 Joy Rd

Telephone No.: 512 983 7821

(Note: if multiple owners are joining in this request, the complete names, addresses and phone numbers on each must be attached.)

LAND OWNER NAME: _____

LAND OWNER ADDRESS: _____

PHONE: _____ FAX: _____

The undersigned Owner understands that the processing of this Easement Release Application will be handled in accordance with the Procedure for Requesting Release of Easements established by each utility company.

Signed by 
Land Owner

To be sent to 925 Washington Ave, Room 202, Waco, TX 76701 along with survey plat of property showing easement(s), and legal description with the volume and page or the document # from recording of the property deed in County Records.

BOUNDARY, PARTIAL TREE SURVEY OF

**TRACT 1,
LOT 15, SANDY SHORES
BOOK 71, PAGE 6, T.C.P.R.
TRACT 2,
0.190 ACRE (8,267 SQ. FT.)
OUT OF THE J.F. CARLTON
SURVEY NO. 80 1/2
ABSTRACT NO. 2536,
TRAVIS COUNTY, TEXAS**

LEGAL DESCRIPTION



LEGAL DESCRIPTION

TRACT 1, LOT 15, SANDY SHORES, BOOK 71, PAGE 6, T.C.P.R., TRACT 2, 0.190 ACRE (8,267 SQ. FT.) OUT OF THE J.F. CARLTON SURVEY NO. 80 1/2 ABSTRACT NO. 2536, TRAVIS COUNTY, TEXAS



Surveyed and Platted by
J.F. CARLTON
Survey No. 80 1/2
Abstract No. 2536
Travis County, Texas

GENERAL NOTES

1. THIS SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL CONDITIONS ON THE GROUND.

2. THE BOUNDARIES SHOWN ON THIS SURVEY ARE BASED ON THE DATA FURNISHED TO ME BY THE CLIENT AND ARE NOT GUARANTEED BY ME.

3. I HAVE NOT BEEN ADVISED OF ANY INTERESTS IN THE PROPERTY OTHER THAN THOSE SHOWN ON THIS SURVEY.

4. THIS SURVEY IS SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY, OR OTHER INTERESTS WHICH MAY BE SHOWN ON ANY RECORDS IN THE PUBLIC RECORDS OF THIS COUNTY.

5. THE AREA SHOWN AS 'LOT 15' IS 0.190 ACRE (8,267 SQ. FT.) IN AREA.

6. THE AREA SHOWN AS 'LOT 16' IS 0.190 ACRE (8,267 SQ. FT.) IN AREA.

7. THE TOTAL AREA OF THIS TRACT IS 0.380 ACRE (16,534 SQ. FT.) IN AREA.



Barbara Wilson

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.

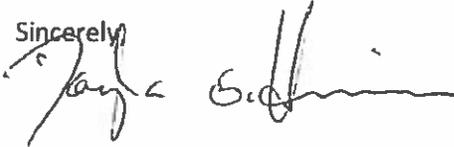
Leander, Tx 78641

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>
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>

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