VILLAGE OF VOLENTE

AGENDA

Board of Adjustment Meeting
6:30 P.M., Thursday, March 23, 2017
16100 Wharf Cove, Volente, TX 78641

I. ITEMS OPENING THE MEETING

A. Call to Order

B. Call Roll and Establish Quorum

C. Approval of Minutes

1. November 12, 2014
2. May 14, 2015
3. August 25, 2015

II. CITIZEN COMMUNICATIONS

III. GENERAL BUSINESS AND ACTION ITEMS

A. Presentation and Public Hearing on a variance request from Block 16 Architects, on behalf of Kerry Yom, for the property at 7318 Reed Drive for variances from the Zoning Ordinance Section 30.109 (i) Height and Placement

B. Discussion and Possible Action on a variance request from Block 16 Architects, on behalf of Kerry Yom, for the property at 7318 Reed Drive for variances from the Zoning Ordinance Section 30.109 (i) Height and Placement

C. Establish a regular meeting day for future meetings as needed

IV. ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Agenda was posted by 6:30 p.m. on the 20th day of March, 2017.

_____

Nicole Vicuña, City Secretary

A quorum of the City Council or Planning and Zoning Commission may be in attendance; however, no official action by the City Council or Planning and Zoning Commission shall be taken.

Village of Volente

March 23, 2017

Agenda Item *I.C.*

Subject:

A. Approval of Minutes
   1. November 12, 2014
   2. May 14, 2015
   3. August 25, 2015

Background:

Expected Motion:

Items Attached:

Minutes of:

1. November 12, 2014
2. May 14, 2015
3. August 25, 2015

MINUTES OF THE REGULAR CALLED MEETING
of the
BOARD OF ADJUSTMENTS
OF THE VILLAGE OF VOLENTE, TEXAS
WEDNESDAY, NOVEMBER 12, 2014 at 6:00 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 6:00 PM. Wednesday, the 12th day of November, 2014 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.
   Mike Gold, Chair, calls the meeting to order at 6:00 p.m.

2. Call Roll.
   Julia Vicars, Acting City Secretary, called roll. Roe Fleenor, Gary Cowsert, Mike Gold, Richard Rocloux, and Joe Lamoreax present. James Jordan absent.

3. Approval of Meeting Minutes for October 15, 2014.
   Roe Fleenor makes a motion to approve. Seconded by Joe Lamoreaux. Carries unanimously.

4. Continuation of the Public Hearing for a variance request from Lori and Scott Ratcliffe regarding side yard setback for 15757 Booth Circle, Volente, Texas 78641. Reference Zoning Ordinance Section 30.109, (i) Height and Placement Requirements, and Chart 1 page 32).

   a. Staff Presentation.

      Barbara Wilson, City Administrator, details the visual representation of the placement of the well, the floodplain, the septic field, and the trees on the property. She also details the tree survey and what is required of the tree permit to remove trees on the property. Walks the Board through the pictures of the property and how they relate to the plat to obtain a general idea of the existing encroachments and the neighboring properties' proximity to the Applicant's house. Barbara then shows the differences between the existing site conditions and what would be the new site conditions.

      Mike Gold, Chair, thanks Barbara for her presentation.

      Mike Gold, Chair, opens Public Hearing at 6:25 p.m.

   b. Applicants Comments.

      Lori Ratcliffe, Applicant, states that the new house would be further from the water than the existing structure is. She says that pulling the house back actually means they have lost some of their view.

Mike Gold, Chair, asks of the applicant if the list of clauses or expectations that was given to her at the close of the last meeting was taken into consideration for preparing for this meeting.

Lori responds that when she became aware that the house was in the floodplain she contacted the Village offices and she was given a detailed list at that time (last March) of what would be required for her building. Since then, things have changed. Adds that she attempted due diligence and did not go into this process blindly. States she has never lived in a floodplain or dealt with FEMA or LCRA, so there is a learning curve. The applicant references the letter to the Board (see attached) that addresses the points they were looking for, especially her desire to preserve some of the historical elements of the property. While there will still be an encroachment, the total will be reduced.

Gary Cowsert, asks of the applicant was just planning a remodel of the house when they purchased

Lori, yes

Gary, so you wouldn't have changed the layout to capture more of the view at that point.

Lori, well no, but the whole backside of my house has no windows but we had just planned on just remodeling and push the house up

Gary, what was decided about the water tank

Barbara says they are willing to move it

Gary, so where would it be moved

Barbara said that would be a stipulation of their approval

Gary, so the water tank is now not on the table

Barbara, since it is on the plans you would have to make it a condition of what is approved, that it would have to be moved and not in the setback

c. Citizen's Comments

Allison Thrash, 15100 ...:
Applicants should come out and be aware of the regulations and requirements of Volente rather than buy property and expect exceptions to be granted without prior knowledge of the Village's ordinances. Cautions the Board not to set a precedence that it is acceptable to change rules to obtain a lake view. Lake views are not always a given with lake front properties. Applicants should do their due diligence before designing and building a property.

Judy Graci, 15775 Booth Circle:
The Village cannot enforce view corridors. View Corridors are under deed restrictions. The lawsuit in which Barbara referred, to clarify, was the Village confirming that the applicant had indeed properly followed through with the Variance that was granted.

5. Close Public Hearing.
   Mike Gold, Chair, closes the Public Hearing at 6:43 p.m.

6. Consider and take possible action on variance request from Lori and Scott Ratcliffe regarding side yard setback for 15757 Booth Circle, Volente, Texas 78641. Reference Zoning Ordinance Section 30.109, (i) Height and Placement Requirements, and Chart 1 page 32).

   a. Staff and City Engineer question and answer. (City Engineer not present)

      Richard Rocloux says that he discussed this variance with the Engineer after the last meeting and that he was hesitant to provide answers to questions, that the answers needed to instead come from the Applicant and Applicant's architect. States that the City Engineer felt that RECORDING. The Board needs to address if view corridors for a lake view, is there a right or not a right to a property owner. I believe the decision on this needs to be made abstaining from discussion of the view or gaining a better view. The septic limits some of the ability to relocate the house. For future decisions, should the view corridor even come up?

      Barbara, says that what Allison was trying to convey is that there were at one time different Ordinances for different view corridors. You have to be careful because you can get into issues with defining a lake view or what is the right for those to say what they can and cannot do that would prevent a neighbor's view. The new setbacks would not eliminate the encroachment but does make it smaller

      Roe Fleenor, at the last meeting I had suggested that the view was a property owner's right. I do not think that the view supercedes anything else or can be used to justify violations of the building code, but it is a consideration we should make. If we grant someone the right to move to gain a view, we have to ensure it doesn't encroach upon the neighbors. By moving the house, the applicant is not encroaching on any neighbor's view corridor. We should consider the lost shape as well. Purpose as a BOA is to decide if this variance is in the spirit of our community. Our ordinances are not all encompassing and we need to use our best judgement for the community standards. This is an individual, not a major development, that wishes to move their house slightly, and is consistent with the houses around this property. Fear that making a decision would set a precedence should not limit the BOA's ability to work with an Applicant. There are many factors in play with this decision.

Gary Cowsert, was hoping the applicant would come back with some hard facts about their hardship. From what I'm seeing the only hardship is the view. States the applicant chose the new spot for the new structure solely for the view. The trees being lost are small enough that they do not qualify for the tree survey.

Mike Gold, says that the encroachment is being made smaller. The view is not the hardship, but it is a piece of the puzzle. The BOA is here to make exceptions where it makes sense, within the spirit of the Village of Volente. A lot of the Zoning Ordinances put into place were in anticipation of a huge development. Is there enough justification to move the house as it stands before us? In my opinion, this is not an unrealistic request but we do have to be able to justify it and I think the view, while not a major justification, comes into play slightly.

Joe Lam, this is reducing the encroachment into the setbacks. The applicant could do nothing and the setbacks would be worse. This is an improvement.

Richard Rocloux, I would like for the disputes over view or no views being a right to be presented to Council to gain some insight and direction as to whether or not a view is a property owner's right. Clarification on whether to consider views or not consider views.

Roe Fleenor, the enjoyment of the property is in there and the view falls into play with that.

Richard Rocloux, believes we have enough information without bringing up the view to make a decision.

Uniqueness
Bringing the property into overall more compliance than the existing structure,

Hardship

Richard Rocloux says the BOAs job is not to deter people from moving to Volente and the decisions need to be made in the spirit of Volente. It's the BOAs responsibility to work with Applicants and practical requests. We do not set a precedence by ruling on each individual thing.

Mike Gold, RECORDING
Mike Gold, I can find the uniqueness and we're trying to assist them in finding a hardship. Now if the applicant had come in and were way out of compliance, that would be a different issue but this applicant is coming closer to compliance. In the past we have been extremely diligent.

Joe Lam agrees, we could make a decision without taking into effect the view corridor.

Mike Gold, it is going to matter how this is articulated.

Uniqueness
The Hollow, moving the house forward would be extremely difficult due to the drainage from both sides. Topography moving forward difficult.
Lessening the total encroachments, which brings it closer to compliance with existing Ordinances.
Preserving small clusters of elm trees and oak trees.
Moving the house back, towards the street, is impossible with the existing well, which has to be positioned 100 feet away from septic field.
Removing the rock walls would change the natural drainage.
The lot is not a cookie cutter square, which creates a smaller building space.
Neighborhood homes
Barbara details that the applicant used an environmental engineer to ensure there is a no rise certification. Granting this would RECORDING. This could be granted with the stipulation that the water tank could not be in any of the front and side setbacks.

Hardships

Joe Lam makes a motion to grant the variance based on the points articulated with the stipulation that the water tank would not be placed in the front or side 15757 Booth Circle, site plan new
Seconded by Roe Fleenor
Roe Fleenor, Richard Rocloux, Joe Lam and Mike Gold vote for
Gary Cowsert votes against

b. Applicant question and answer.

7. Adjourn.
Roe Fleenor makes a motion to adjourn. Seconded by Gary Cowesrt, Carries unanimously. 7:02 p.m.

IT IS HEREBY CERTIFIED that the above Agenda was posted on the bulletin board at the Village Offices and the Volente Fire Department Bulletin Board on this 6th day of November, 2014.

_____
Julia Vicars, Acting 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.

Minutes of the
BOA
5-14-15 @ 7:00 p.m.

1. Open Regular Meeting
   Mike Gold Chair, calls to order the meeting at 7:00 p.m.

2. Call Roll
   Present are Judy Schlotzhauer , Gary Cowsert, Mike Gold, Roe Fleenor. Absent Gary Murphy. Alternate James Jordan. Quorum is established. ~~Gary Murphy arrives at 7:05 p.m.~~

3. Approval of the Minutes from April 23, 2015.
   James Jordan makes a motion to approve. Roe Fleenor seconds. Carries unanimously.

4. Presentation and Public Hearing on a variance request from Probuilt Enterprises, LLC authorized Agent for Paul & Hallie Spurlin
   a. Staff Presentation
      Barbara Wilson, City Administrator, details the request before the Board of Adjustments. This unusual set of lots is surrounded entirely by Booth, Ray Vista, and Buddy. The requirements of this is then a street side setback. This increases the side setbacks in regards to Ray Vista.
      Mike Gold asks if setbacks are cumulative.
      Barbara Wilson says yes, this adds 15 feet to the back setback.
      Mike Gold asks for verification.
      Barbara Wilson says she is going by what the City Engineer says BOA has always done in the past and the way the Ordinance is set up.
      R-1 Front: 50 ft
      Side Yard Setback: 25
      Rear Setback: 25 ft
      Barbara Wilson says you get that because you take the 25 ft and add 25 feet to it.
      The topography of the lot – there is a level space in the corner, a temporary construction driveway coming out onto Ray Vista and keep Construction trucks off of Booth. The land slopes towards the street and there are lots of trees. Their parent own 16 and 15, lot 14 is commercial use, and lot 13 is McNeil Marine. PEC rec'd blanket easement that cuts property in half. Financial burden would be astronomical to get blanket easement moved. Can't build underneath electrical lines. For privacy and preservation of trees, the upper corner is the best solution. Clusters of smaller oaks, and though they aren't counted in the tree survey, the applicant has provided pictures. The placement of the septic system is to the right of the main house. A spot the septic engineer has picked as the best placement of the septic field. This allows for less cut and fill in regards to the house and the septic system due to the slope and terrain. Future plans on the map for the well, which drives the placement of the septic field. Possibly

shared well agreement with brother who intends to build a single fam residential. Project timeline is approx. 6 months to 1 yr. Met with builders and applicant and builder to move towards completion of site plan, which will show all impervious cover and construction of the driveway and culvert, placement and mailbox etc. Staff is supporting this application. Applicant realizes that they are abutting commercial property – lots 14 and 13. The essence is that the topography of the lot, the preservation of trees, and ability of well placement for shared well agreement require encroachment. Variance request is only for Ray Vista street side. They would like 35.7 feet instead of the 50.

b. Applicant Presentation

James Jordan asks how long is the house.

Applicant says 96 ft

How wide?

Less than 30.

Paul Spurlin, applicant, states that the preservation of trees was a major point for them. Natural clearing already in the place the house is proposed. Away from power lines and away from front setback. This preserves every single tree. If have to move 14 ft down then the second oldest tree on property would be in danger from the septic field. Single story home.

c. Citizen Comments

None.

5. Discussion and Possible Action on above mentioned variance request

Gary Murphy states that he is in support of the variance.

Mike Gold states he drove by the property and given the way of the land, this seems to fit into reasonable use of the land. Saving the trees is a big component of this as well. States the BOA should give a little leeway for construction purposes.

Barbara Wilson states that there is no detrimental impact to the surrounding properties and the applicant has notified surrounding properties of his plan.

Roe Fleenor states this is an unusual situation and this really limits the use of their lot more than ever intended by ordinances. In the spirit of fairness to property owner and with it being an older, original lot.

Allow a 33-35 foot side street side yard setback.

And does not have a detrimental effect to neighboring properties.

Reasonable use of lot.

Preservation of hardwood, oak clusters and heritage trees.

Topography of the lot.

Placement of the well.

Very large PEC blanket easements.

Hardship created by the ordinance requiring an increase to side street setbacks.

James Jordan makes a motion to approve the variance, allowing for a 33-35 foot side street side yard setback, tied to the conceptual site plan. Movement of the house on the site plan requires the applicant to come back before the Board. Seconded by Roe Fleenor. Carries unanimously.

6. Discussion and possible recommendations to Council regarding the review and revision of the Zoning Ordinance, Ordinance No. 2004-O-32.

Barbara Wilson summarizes the definitions that will be reviewed by Council on Tuesday.

Roe Fleenor states that he is in favor of changing the way height is measured.

Mike Gold says there needs to be clarification on Water Tanks.

James Jordan states that lakeview rights for property owners should be reviewed.
Setbacks.

Mike Gold states that if he has a lot and a view and the neighbor builds in front of his house on an adjacent lot and blocks his view, what are the rights.

James Jordan states that if you have a piece of property, all within the zoning rights and it blocks your neighbors view, then you don't have the right to maintain a view. Height can block view but also. James Jordan is saying that it was discussed and voted for at last time. Would like to formally send the vote from last meeting to Council.

Mike Gold agrees to present the findings from last meeting with no additional recommendations to Council at this time.

James Jordan motion to adjourn at 7:42 p.m.

MINUTES OF A MEETING OF THE
BOARD OF ADJUSTMENTS
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, AUGUST 25, 2015 at 6:30 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas

1. Open Meeting.
   Chair Mike Gold calls the meeting to order at 6:30 p.m.

2. Call Roll.
   All present, quorum established. Judy S., Gary Cowsert, Mike Gold, Gary Murphy, Roe Fleenor.

3. Presentation and Public Hearing on a variance request from Olson Deffendorf Custom Homes, authorized agent for the owners of 8408 Lime Creek, for a variance on Section 30.109(i), for a variance from the Side Setbacks.
   a. Staff Presentation.
      City Engineer Marc Dickey explains the calculations process for side setbacks. In the past, and how the Ordinance was interpreted, the setback for the side lot line was determined by the front setback. After review, it appears that the setbacks should have been measured as 15% from the *actual* building line, since it was greater than the amount measured from the front building line.
      Mike Gold asks for clarification between front building line and actual building line.
      Marc Dickey, City Engineer presents the exhibit that shows the difference in setback numbers between the front building line and the actual line, the actual line being where the home is being constructed. A variance is requested for a 5.3 ft encroachment and a 4.5 ft on the other side. The applicant is already permitted. The application and review was done, with a 9 foot setback. The applicant is actually ten foot from the property line. The actual setbacks on each side would be 15.5 ft in actuality, whereas right now they are 11.53 and 10 ft currently. Marc adds that the interpretation that was applied to this property has been used for several years, prior to him being contracted by the Village and prior to the hiring of current staff.
      Mike Gold states that historically he is aware of the measurement coming from the front setback line since he has been on the board of adjustments.
   b. Applicant Presentation.
   c. Citizen Comments.
      Ellie Samani, 8404 Lime Creek Rd, states she is not familiar with the Ordinance but notices that the foundation is next to the master bedroom. She states that the property before divided was cleared for a building before with a place for a building closer to the lake. She states that her house was built prior to incorporation and is less than 15 ft back from the lot line.
      RECORDING
      Gary Cowsert asks if the BOA requested the applicant moved the house four feet would she be happy.

Mrs. Samani answers no, she still would want the house further away.
RECORDING.
Mike Gold says that the community consensus is that these setbacks are appropriate.
Samani RECORDING two lots.

Mike Gold states we are beyond that point now, and with the mistake that was made, there is only a four foot difference that can be corrected.

Bill Connors, 8016 Lakeview, states that he became aware of this property a few weeks ago when David Springer entered the property and visually became aware that the setback was close. Unfortunately, we are so far into the process and the permit has been issued and work has begun. It would be a financial hardship to come in this late and have them go back to the drawing board and have the architect redesign the plans and tear out the forms and start from scratch. He personally feels that revoking of the permit would lead to a lawsuit. He sympathizes with the neighbors but urges the Board of Adjustments to approve this variance. The reason it is before the board of adjustments tonight is because the correct way to handle it is to notify the public and get the proper paperwork in place.
Gary Murphy asks if Bill was on Council when Mark Scott built his home.
Bill says yes, that was another issue when an applicant sued the City successfully because a permit was issued and then revoked by the City.

Mike Gold says that regardless of what the Board of Adjustment decides tonight, it would only be a matter of four feet. RECORDING.
Samani asks why this happened if a permit was issued.
Mike Gold states that for the first time the Village read deeper and got a legal interpretation and realized a mistake was made.
Samani states that there is risk of a lawsuit also if the Board of Adjustment does not correct the mistake and make the house move.
Roe Fleenor asks if they required the applicant to move the house in four feet then would she be happy.
And she answers yes, she would like the house to move four feet in.
Mike thanks her for her time and states that Board of Adjustments tries to make everyone happy and in the spirit of the Village of Volente.

Bill Connors, 8016 Lakeview Street, states the confusion arose from the concept of building line. Building line is typically defined as the front setback line. Typically it has nothing to do with where the actual building line. He states that the administrative ruling that this required a variance may be incorrect.

4. Discussion and Possible Action on a variance request from Olson Deffendorf Custom Homes, authorized agent for the owners of 8408 Lime Creek, for a variance on Section 30.109(i), for a variance from the Side Setbacks.
RECORDING

Roe Fleenor states that this seems pretty clear, they wouldn't have said whichever is greater if they meant the minimum building line and the minimum setback. The intent is clear that the actual building line was indeed meant to be different than the front building line. The way it is written it seems, with common sense, that the setbacks need to be greater than what was permitted.

RECORDING FOR MIKE'S COMMENT
Roe states that the correct way would be measuring from the building line.
Marc states that the interpretation
Roe states that we do not have the authority to change the ordinance but an honest mistake was made and there was no evil intent and nobody trying to avoid the permitting process. It's a mistake that needs to be decided upon. The legal responsibility is not to avoid lawsuits but to instead do the right thing.
Mike states that we want to mitigate or reduce the risk of a lawsuit if at all possible.

Roe Fleenor makes a motion to advise Council to review the measurement of the side setbacks. Judy S. seconds.

Roe Fleenor states this is not self-imposed, it is a unique situation, and would pose a hardship to apply the strict interpretation of the ordinance, and it is not solely financial but finances are considered. He believes that the variance should be granted. He states that the strict interpretation of the law would not make the adjacent homeowner happy, but there is only so much the Board of Adjustments can do.

Mike Gold states that the biggest impact the Board of Adjustments could provide is only four and half feet.
Marc states that the whole house would have to be redesigned.

Roe Fleenor makes a motion to approve the variance based on the fact that failing to do so would impose an undue hardship on the property owner, the variance poses no threats to public safety and it also is consistent with the surrounding properties and is not self-imposed. Seconded by Judy S. Carries unanimously.

5. Adjourn.
   Meeting adjourns at 7:47 p.m.

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

Signed:

_____

Mayor Ken Beck

Attest:

_____

Julia Vicars, City Secretary

Village of Volente

March 23, 2017

Agenda Item *III.A. & B.*

Subject:

Presentation and Public Hearing on a variance request from Block 16 Architects, on behalf of Kerry Yom, for the property at 7318 Reed Drive for variances from the Zoning Ordinance Section 30.109 (i) Height and Placement.

Background:

Expected Motion:

Items Attached:

Staff report
Site Development Review – Conditional approval
Letter submitted by Block 16 Architects
Architectural Plan

STAFF REPORT

To: Board of Adjustment

From: Village Staff

Subject: Height Variance

Date: May 2, 2016

Meeting Date: March 23, 2017

ISSUE/BACKGROUND

Applicant: Stuart Alderman (Block 16 Architects), on behalf of Kerry Yom (owner)

Location: 7318 Reed Drive, Volente, TX

Zoning: Single Family Residential Historical ("SR1") zoning district

Legal Notice: The request for a variance was advertised in the *Hill Country News* on March 8, 2017.

Applicant's Request: Mr. Alderman, on behalf of Kerry Yom (owner), is requesting a variance from Section 30.109(i) of the village's previous Zoning Ordinance to allow for an extension of height beyond the maximum allowed height of 35 feet.

DISCUSSION/FINDINGS

As set forth in the Zoning Ordinance:

> ***Height*** means the vertical height of a structure as measured from the finished grade at halfway between the front building foundation and the rear building foundation.
>
> Section 30.109(i) Height and Placement Requirements: *Except as otherwise specifically provided in this article, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in the following Chart 1. However where there is an existing platted lot that conforms to the restrictions of R-1 zoning, does not conform to IR Infill Redevelopment Overlay, but has less than 125' lot width measured from the front building line, the Minimum Side Yard Setback for other than a corner lot shall be not less than seven and one half feet (7.5') or fifteen percent (15%) of the lot width measured at the front building line or the actual building line, whichever is greater, but need not exceed twenty-five feet (25').*

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot SF Area	Min. Lot Depth	Min. Lot Width	Max. Height Limit
R-1	50 ft	25 ft	50 ft	25 ft	43,560 sf	200 ft	125 ft	35 ft

According to Section 30.125 of the zoning Ordinance, the Board of Adjustment ("BOA") is required to make eight (8) specific findings in order to approve a variance request. These findings are listed below.

1. **That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this article would deprive the applicant of the reasonable use of the land.**

2. **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.**

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

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.**

5. **That literal enforcement of the Zoning controls will create an unnecessary hardship or practical difficulty in the Development of the affected property.**

6. **That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same District.**

7. **That the relief sought will not injure the Permitted Use of Adjacent conforming property.**

8. **That the granting of a Variance will be in harmony with the spirit and purpose of this article.**

A Variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this article on other parcels of land in the particular District. No Variance may be granted which results in undue hardship upon another parcel of land.

The Applicant bears the burden of proof in establishing the facts that may justify a Variance.

TRE & ASSOCIATES
Engineering Solutions

Village of Volente

Site Development Review

(512) 250-2075 (P/fax)

Project Site Address: 7318 Reed Drive Date: December 1, 2016
Permit Applicant: Yom Residence Project: Residential Application
Zoning District: R-1
Reviewer: Marc Dickey

CONDITIONAL APPROVAL

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. It appears the height will exceed 35-feet per Sec. 30.109(i) Height and Placement Requirements. **A variance will be required for the height as shown.**

2. The proposed structure is shown within the FEMA 100-year floodplain. **A variance will be required for construction in the floodplain. Section 33.344(D)(9) and comply with Section 33.344(D)(10).**

3. Revise the cover for the variances granted after the meetings on the permit set.

4. Please provide screening as necessary for all mechanical equipment. **FYI, A/C equipment is required to be screened as well. A note on the plan is required that all mechanical equipment shall be screened from the ROW and/or adjacent properties.**

5. If no well or storage tanks are provided; please explain the where the water source and storage for the house will be located.

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.

A Pre-Construction Meeting will need to be scheduled with Village Engineering Staff before construction may begin. (Call 512.250.2075 to schedule)

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.

block 16 architects & urbanists

block 16 architects

3708 spicewood springs road
suite 200
austin, texas 78759
512.916.0041

3/6/2017

Subject: Yom Residence Height Variance

To Whom it May Concern,

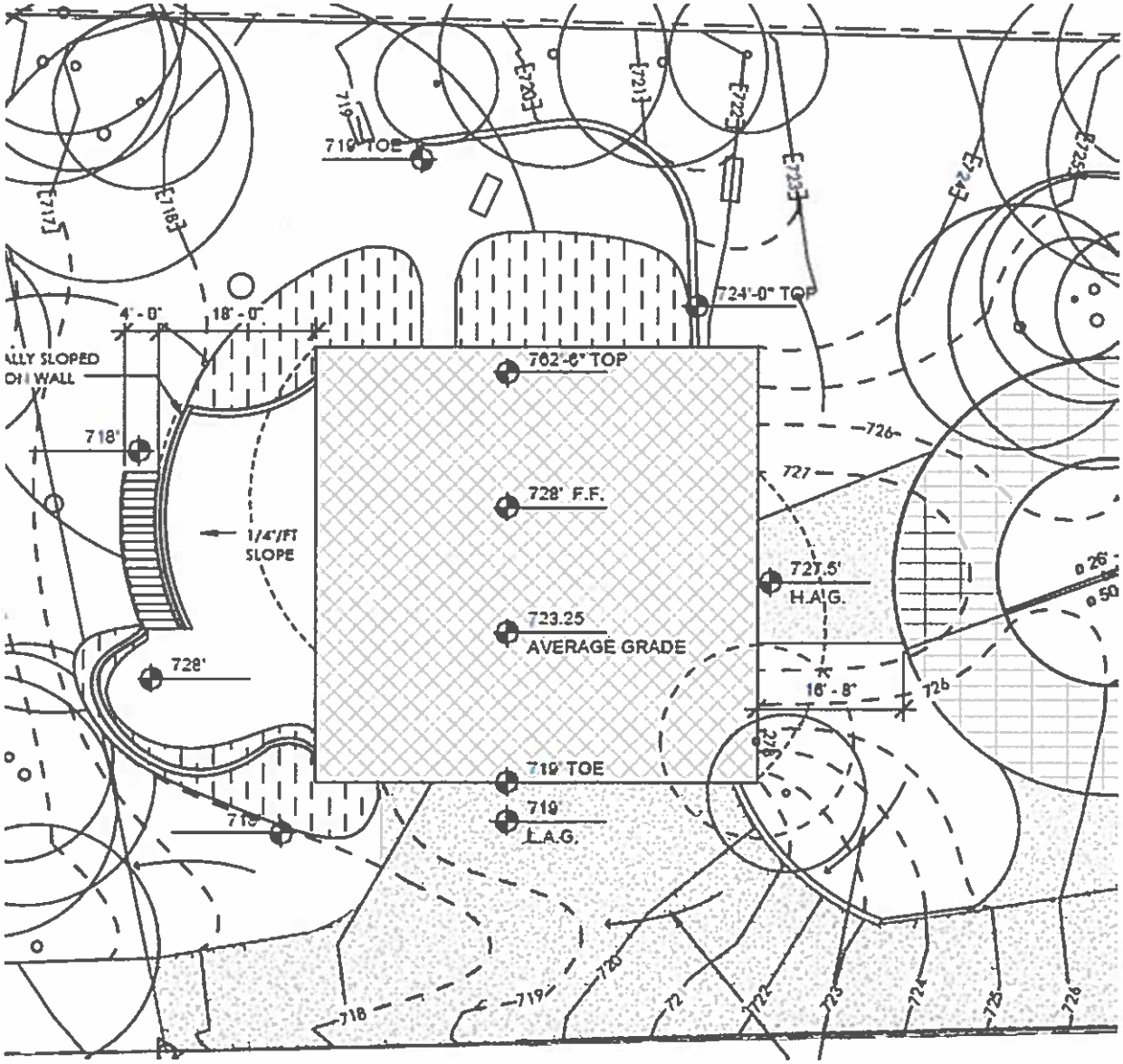
The last time we met we requested a 10'-0" height variance and we were denied. Since then we have made changes to the original home. We are now asking for a 5'-0" height variance only to allow an elevator and a small amount of storage to project above the predominate roof line. The request is for approximately 200 square feet of uninhabitable space. The elevator is an important need for these aging clients to allow handicapped access to the roof. The rooftop is one of the most important spaces in the project both for the view, the ambiance and the rooftop garden (which will need tending) We believe denying them access as they get older when they are able to provide an elevator as part of the design is a hardship.

It is common to allow a height exception in similar codes for both elevators (for handicapped access) and similar appurtenances such as chimneys and rails, mechanical spaces, etc.

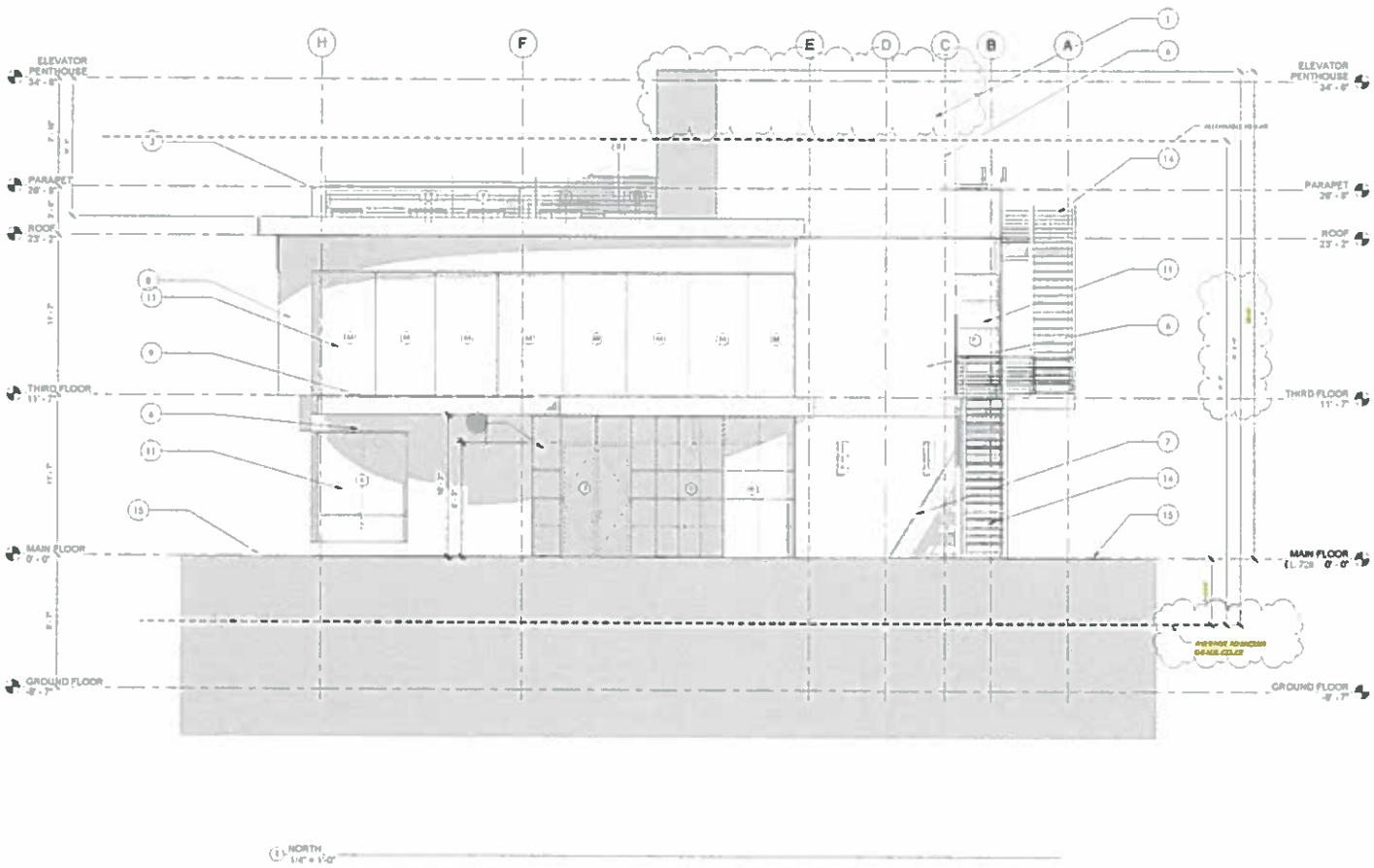
Sincerely,

Stuart Alderman
Architect

site plan sheet 2



AVERAGE GRADE PLANE



ELEVATION KEY NOTES

1. [illegible]
2. [illegible]
3. [illegible]
4. PARAPET WALL
5. [illegible]
6. [illegible] PANEL TYPE A
7. [illegible] PANEL TYPE B
8. [illegible] PANEL
9. [illegible] PANEL
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]

City Engineer notes: The site plan sheet 2 states the Average Grade Plane at 723.25' and a top height of 762'-6"; however, 762'-6" is incorrect. The actual top height per the architectural cross section is 763'-3 ¼" a variance of 5'-0 ¼".

block 16 architects + urbanists

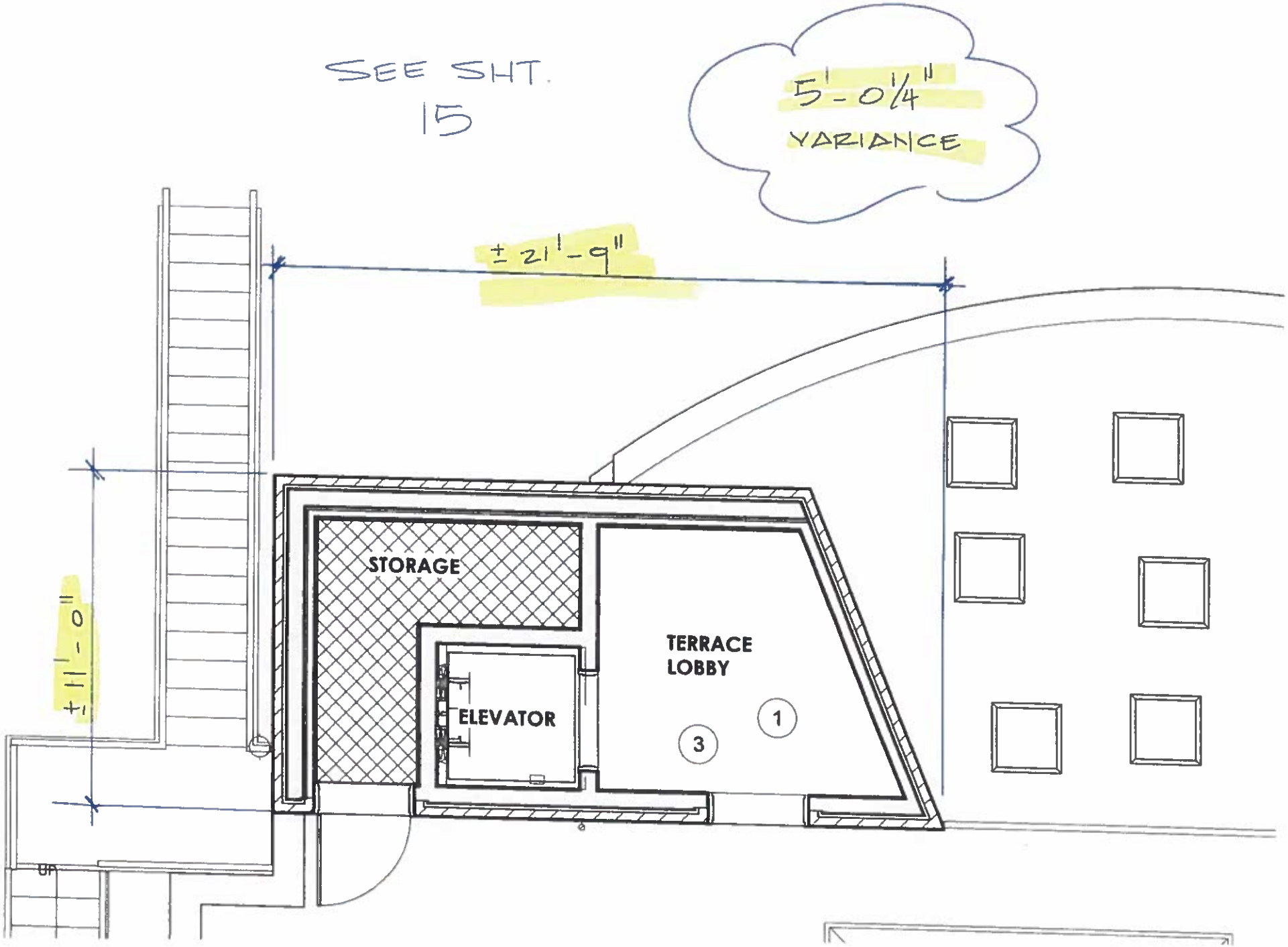
[illegible]

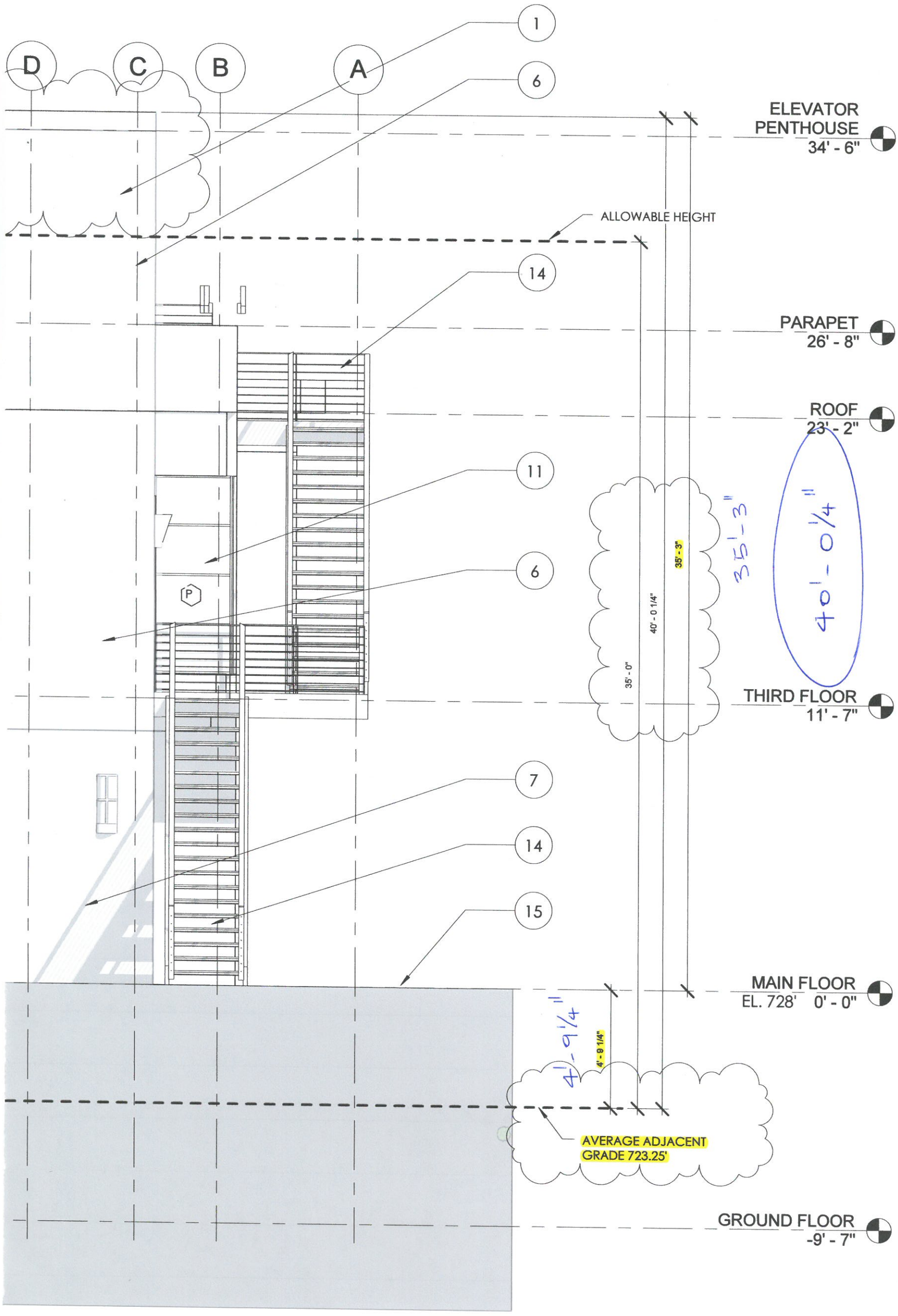
YOM RESIDENCE

7318 REED DRIVE
VILLAGE OF VOLENTE, TEXAS 78641

EXTERIOR ELEVATIONS

A4.1


SEE SHT. 15
5'-0 1/4" VARIANCE
± 21'-9"
± 0'-1"
STORAGE
ELEVATOR
TERRACE LOBBY
1
3
UP


D
C
B
A
1
6
ELEVATOR
PENTHOUSE
34' - 6"
ALLOWABLE HEIGHT
14
PARAPET
26' - 8"
ROOF
23' - 2"
11
6
P
35' - 0"
40' - 0 1/4"
35' - 3"
35'-3"
40'-0 1/4"
THIRD FLOOR
11' - 7"
7
14
15
MAIN FLOOR
EL. 728' 0' - 0"
4'-9 1/4"
4' - 9 1/4"
AVERAGE ADJACENT
GRADE 723.25'
GROUND FLOOR
-9' - 7"