

**NOTICE OF CALLED MEETING OF  
THE PLANNING & ZONING COMMISSION  
OF THE VILLAGE OF VOLENTE, TEXAS  
WEDNESDAY, December 4, 2013  
6:00 P.M.  
City Hall, 16100 Wharf Cove, Volente, Texas.**

Notice is hereby given that the Planning & Zoning Commission of the Village of Volente will hold a meeting at 6:00 PM. Wednesday, the 4th day of December, 2013 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 meeting and roll call.
2. Citizens Comments.
3. Discussion and possible approval of the Minutes from November 6, 2013 & November 14, 2013.
4. Discussion and recommendation on variance application from Paul Hughes, 7307 Blue Heron Cove, Volente, TX for variance from the Water Quality Ordinance, Sec. 32.109 (c) Impervious Cover (2) impervious cover shall not exceed the following: (A): Single Family residential use: .20%
5. Discussion and recommendation on variance applications from John Hoag, 8120 Joy Road, Volente, TX 78641 asking for a variance from:
  - a. Water Quality Ordinance: Sec. 32.109(c) Impervious Cover (2) Impervious cover shall not exceed the following: (A): Single Family residential use: 20%.
  - b. Zoning Ordinance: Sec. 30.109 (i) Minimum Side Yard Setback;
  - c. Site Development Ordinance: Sec. 33.336 Maximum grade shall not exceed fifteen percent (15%) inside the property line.
  - d. Exception to Water Quality Regulations
6. Discussion and recommendation on Ordinance on Special and Temporary Permitting Ordinance.
  - a. Staff presentation.
7. Close Public Meeting.
8. Open Executive Session:

The City Council of the Village of Volente will announce that it will go into executive session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to consult with the City Attorney (551.072)
9. Close Executive Session.
10. Open Public Meeting.

**11. Possible additional discussion and recommendation on Special and Temporary Permitting Ordinance.**

**12. Adjourn.**

**I certify that a copy of the above notice of meeting was posted on the Village Office door on the 26th day of November, 2013.**

\_\_\_\_\_ **Joan Jackson, City Secretary**

**A quorum of the City Council or BOA may be in attendance at this meeting however, no official action by the City Council or BOA shall be taken.**

**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**

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**VILLAGE OF VOLENTE**  
**Version 8**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING THE ZONING REGULATIONS IN THE VILLAGE CODE BY ADDING LANGUAGE TO ARTICLE 30, SECTIONS 30.105 THROUGH 30.136, AND SECTION 30.306 TO ADD FOR THE ALLOWANCE OF SPECIAL AND TEMPORARY PERMITS FOR TEMPORARY USES IN VARIOUS ZONING CATEGORIES AND ENFORCEMENT PROVISIONS TO IMPOSE PENALTIES AND INJUNCTIVE RELIEF; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY; AND COMPLIANCE WITH THE PUBLIC NOTICE AND MEETING REQUIREMENTS.**

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**WHEREAS**, the Village of Volente has adopted zoning regulations within the corporate limits of the Village of Volente; and,

**WHEREAS**, the Planning and Zoning Commission of the Village of Volente has recommended to the Village Council that the certain special and temporary uses may be allowed in various zoning categories thru a permitting process and to provide penalties and injunctive relief language be modified to be consistent with other zoning ordinances in the Village Code; and,

**WHEREAS**, the Village Council has concluded that the recommendation of the Planning and Zoning Commission should be accepted and that the additions and amendments to Section 30.105 through Section 30.136 and Section 30.306 of Article 30 of the Village Code be made as set forth below;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF VOLENTE, TEXAS, THAT THE ZONING REGULATIONS IN ARTICLE 30, SECTIONS 30.100 THROUGH SECTIONS 30.306, OF THE VILLAGE OF VOLENTE CODE OF ORDINANCES IS AMENDED AS FOLLOWS:**

38 **Section 1. Legislative Findings**

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40 The recitals above made in the Preamble are hereby deemed to be the Factual and  
41 Legislative Findings of the Village Council, and are hereby incorporated within this  
42 Ordinance.

43

44 **Section 2.** Section 30.100 of the Village Code of Ordinances is amended to provide as  
45 follows:

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47 **Addition to Section 30.105 Definitions the following:**

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49 **Accessory Building:** Will be any temporary or permanent structure having a roof or  
50 other covering and designed for or used for shelter or enclosure for any person, animal  
51 or property of any kind including but not limited to tents, awnings or vehicles situated  
52 on private property and used for the purpose of a building. The word "building" includes  
53 the word "structure". An Accessory Building is a subordinate building, the use of which  
54 is clearly incidental to and customarily found in connection with the main building or  
55 principal use of the land.

56

57 **Accessory Food Sales:** Sales of foods intended for consumption by humans or pets  
58 produced, made, marketed and sold in accordance with Austin Travis County Health  
59 Department rules and regulations that must be sold in a structure, whether mobile or  
60 otherwise, within an area not exceeding 150 square feet.

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62 **Event Center:** A venue, building or a complex of buildings for hire (not including places  
63 of worship or public buildings) with the purpose of hosting a variety of gatherings where  
64 food, beverages, alcohol, music, or dancing may be offered in connection with life cycle  
65 events (including but not limited to, birthdays, anniversaries, weddings, reunions);  
66 corporate or professional functions (including but not limited to seminars, meetings,  
67 lectures, retreats); other special events (included but not limited to, charitable events,  
68 fundraising, art shows, holiday parties, photography shoots and motion picture filming);  
69 and incidental facilities (included but not limited to, kitchen or administrative offices).

70

71 **Occasional Residential Event:** A temporary venue, building or complex of buildings *not*  
72 for hire (not including places of worship or public buildings) with the purpose of hosting  
73 a variety of gatherings where food, beverages, alcohol, music, or dancing may be  
74 offered in connection with life cycle events ( included but not limited to, birthdays,  
75 anniversaries weddings, reunions); corporate or professional functions (included but not  
76 limited to, seminars, meetings, lectures, retreats); other special events (for example  
77 charitable events, fundraising, art shows, holiday parties,); and incidental facilities  
78 (included but not limited to, kitchen or administrative offices), on a residential (R-1) lot,  
79 tract, acreage, and/or land with the purpose of hosting a variety of personal gatherings  
80 that exceed greater than 150 people in attendance.

81

82 **Special Use:** A special and temporary use of a property not normally permitted under a  
 83 property's designated zoning classification that may be authorized by the City Council  
 84 on a temporary basis, if the applicant can show, to the satisfaction of the City Council  
 85 after a public hearing, that the use requested meets applicable conditions and standards  
 86 contained in Article 30.

87  
 88 **Special and/or Temporary Event:** Is an event, occurrence or happening involving the  
 89 following Special Uses allowed by the City Council on a temporary basis and pursuant  
 90 to a Special Use Permit issued under this Article 30. Special Events include but are not  
 91 limited to the following Special Uses and similar types of uses:

- 92
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- 94 Outdoor Market or Vending from Temporary Booths, Tents, Trailers, or other
- 95 similar devices
- 96 Stage, set or staging area for the professional filming of motion pictures,
- 97 documentaries, educational or training films, or similar media
- 98 Music event, concert, or rave held either for commercial profit, or for fundraising
- 99 before a private audience.
- 100 Festival, celebration, or special fundraising event
- 101 **Occasional Residential Events**
- 102 Any other temporary event or activity not listed above, and not identified as a
- 103 permitted use in the zoning regulations, Article 30.
- 104

105 Addition of the following Sections to 30.125

106  
 107 **Sec. 30.1251 Special and Temporary Uses: Authorization Required**

108  
 109 (a) The following special/temporary uses may be authorized by the City Council on a  
 110 temporary basis by the Special Use Permit:

Special Use	District Allowed
Accessory building	C-2, C-3, GOV
Accessory food sales	GOV, C-2, C-3
Event Center requiring TABC license or permit for premises	C2, C3
Farmers/Artisan Market	GOV, C-2, C-3
<b>Occasional Residential Events</b>	R-1

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 114 (b) **Permit Required.** No Special Use shall be established, operated, or maintained  
 115 except as authorized by a Special Use Permit issued in accordance with the  
 116 requirements of this section.

- 118 (c) **Special Use Permit Issued by City Council.** A Special Use Permit may be issued  
119 only for the Special Uses specified in this Section, and only in the districts where it  
120 is authorized. A Special Use Permit may be issued by the City Council acting after  
121 a public hearing is conducted in accordance with Section 30.136 (b) (1) (i) (Note  
122 of addition to this section will read as follows: For Special or Temporary Requests  
123 involving real property, or for special or temporary use, the Planning and Zoning  
124 Commission shall hold at least one (1) public hearing on each application) filed  
125 under Article 30 of this Code and a recommendation on the proposed use from  
126 the Planning and Zoning Commission to the City Council in accordance with this  
127 section.  
128
- 129 (d) **Application.** An application for a Special Use Permit shall be made in writing in a  
130 form prescribed by the City Council and shall be accompanied by (1) a non-  
131 refundable fee as set forth by ordinance or resolution of the City Council and (2)  
132 such information as may be required (including a site plan) in order to properly  
133 review the proposed use. Such information may include, but is not limited to, site  
134 and building plans, drawings and elevations, and operational data including if  
135 requested by the City, a traffic study, parking and the projected number of  
136 attendees.  
137
- 138 (e) **Report by City Inspector.** The City's appointed designate, the Mayor or City  
139 Administrator shall visit the site of the proposed Special Use and the surrounding  
140 area and shall prepare findings to be delivered to the members of the Planning  
141 and Zoning Commission and to the City Council at least one (1) week prior to the  
142 public hearing date as set forth in Section 30.130(c).  
143
- 144 (f) **Notice--Public Hearing by Planning and Zoning Commission.** The Commission  
145 shall hold a public hearing on each application for a Special Use Permit in  
146 accordance with the procedures in Section 30.130 (c).  
147
- 148 (g) **Review and Recommendation by the Planning and Zoning Commission.**  
149
- 150 (1) The Commission shall review the application for a Special Use Permit  
151 to determine whether the proposed Special Use complies with each  
152 of the general criteria in Section 30.1252, and with each of the  
153 specific criteria in Section 30.1253 applicable to the proposed  
154 Special Use, and shall make a separate finding thereon for each  
155 criterion.  
156
- 157 (2) The Commission shall not recommend approval of an application  
158 unless it finds that the proposed Special Use as presented or as  
159 modified by the Commission complies with each of the general and  
160 applicable specific criteria.  
161
- 162 (3) A recommendation of approval may be conditioned on the applicant's  
163 adoption of and compliance with specified changes, additions,

164 limitations, safeguards, or effective time periods designed to assure  
165 compliance with the criteria and to protect the public health, safety  
166 and welfare of the surrounding properties and the City as a whole.  
167

168 (4) For sites where the applicant owns the improvements and the  
169 improvements do not comply with current development standards,  
170 the application for a Special Use Permit shall depict all  
171 improvements proposed to bring the site into conformance with all  
172 zoning regulations in effect at the time of application submittal. If  
173 compliance with zoning regulations at the time of application  
174 submittal is not feasible, the Special Use Permit may be  
175 recommended for approval by the Zoning Commission conditioned  
176 upon the applicant receiving a zoning variance from the Board of  
177 Adjustment.  
178

179 (5) The Commission shall forward its findings and recommendations to the  
180 City Council in writing.

181 (h) **Hearing before City Council.** The City Council shall review an application for a  
182 Special Use Permit at a public hearing in accordance with the procedures in  
183 Section 30.129 after receiving findings and a recommendation from the Zoning  
184 Commission.  
185

186 (i) **Review and Action by City Council.**  
187

188 (1) The City Council shall determine whether the proposed Special Use  
189 complies with each of the general criteria in Section 30.1252 and  
190 with each of the special criteria in Section 30.1253 applicable to the  
191 proposed use and shall make separate findings thereon or adopt the  
192 findings made by the Commission.  
193

194 (2) The City Council may condition its approval of an application on the  
195 applicant's adoption of and compliance with of specified changes,  
196 additions, limitations, safeguards, or effective time periods designed  
197 to assure compliance with the criteria and to protect the public  
198 health, safety and welfare of the surrounding properties and the  
199 City as a whole.  
200

201 (3) The City Council shall not grant a Special Use Permit unless it finds that  
202 the proposed Special Use, as presented or as modified by the  
203 Council, complies with each of the general and applicable specific  
204 criteria. If the application meets all such criteria, the Council shall  
205 approve the application.  
206

207 (j) **Temporary Special Use and Occasional Residential Event Permit.** A  
208 Temporary Special Use or an Occasional Residential Event Permit may be granted

209 by the City Council on the terms and conditions determined by the City Council  
210 for a period not to exceed thirty (30) consecutive calendar days or less. An  
211 Applicant for a Temporary Special Use Permit shall submit an application to the  
212 City setting forth the location and all terms of the proposed use, accompanied by  
213 written approval of the owner of the property on which the use is proposed. The  
214 procedures for public notice and hearing in **Section 30.130 (c)** for Planning and  
215 Zoning do not apply to Temporary Special Use Permits. Applications by charitable  
216 organizations for a Temporary Special Use Permit to operate a carnival or other  
217 amusement activity may be granted for a period not to exceed fourteen (14)  
218 consecutive calendar days on the terms and conditions approved by the City  
219 Council.  
220

221 **Sec. 30.1252 General Criteria Applicable to All Special Uses and Temporary Special and**  
222 **Occasional Residential Event Uses**  
223

224 A proposed Special Use or Temporary Special Use or Occasional Residential Event  
225 must comply with the following criteria:  
226

227 (a) The appearance, size, density and operating characteristics of the  
228 proposed Special Use are subject to the Effective Compatibility and Buffering  
229 Standards set forth in Article 33 of the Village, including but not necessarily  
230 limited to Section 33.316 and 33.319.  
231

232 (b) The proposed Special Use will not have an adverse effect on the value of  
233 surrounding properties nor impede the development of undeveloped  
234 properties;  
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236 (c) The proposed use will not create a nuisance nor otherwise unreasonably  
237 interfere with a neighbor's use and enjoyment of its property or the  
238 operation of its business;  
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240 (d) Notification of the events and all pertinent data about the event will be  
241 given to the Fire and Law Enforcement agencies at the time the Application is  
242 filed with the City.  
243

244 (e) All Applicants will be required to supply a phone number that will be  
245 answered on a 24/7 basis throughout the time period of the event. This  
246 person will be someone in a position of ownership, control, or management  
247 that can address problems with the event.  
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249 (f) The proposed Special Use will not create any street parking. **Exception**  
250 **Occasional Residential Events.**  
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(g) The proposed Special Use will conduct its activities according to the following timetables:

<b>Weeknights Monday thru Friday</b>	Beginning no earlier than 9 AM and ending no later than 9 PM.
<b>Weekends Friday and Saturday</b>	Beginning no earlier than 9:00 AM and ending no later than 11 PM.
<b>Sundays</b>	Beginning no earlier than 9 AM and ending no later than 6 PM.

Exceptions: Planning and Zoning and the City Council may determine that in certain circumstances where these times may be extended or Shortened for example Daylight Savings Time, Spring Break, and Summer Vacation.

(h) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

(i) The proposed use complies with all other applicable provisions of this Code and other ordinances and regulations of the City.

**Sec. 30.1253 Specific Criteria Applicable to Individual Certain Special Use Permits and Temporary Special Uses Permits**

**(A) Accessory Food Sales.** In addition to the general criteria applicable to all Special Uses, a Special Use for Accessory Food Sales shall be operated and maintained in accordance with the following conditions and limitations:

- (1) Accessory food sales shall occur in a structure, whether mobile or otherwise, in an area not exceeding 150 square feet.
- (2) The Special Use shall be operated either by the owner or lessee of improved property on which the Special Use is located, or pursuant to a written agreement with such owner or lessee.

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- (3) The structure housing the Special Use shall not be located on any roadway or fire lane. The Special Use shall not be located so as to impede pedestrian traffic on any sidewalk.
- (4) A permit for accessory food sales shall expire immediately in the event that the retail establishment to which such Special Use is an accessory discontinues its business on the property.
- (5) The operator of the Special Use shall at all times hold current certificates, permits and/or licenses required by the Travis County Health Department and any other agency of the State of Texas for operation of the food service establishment operated pursuant to the Special Use.
- (6) No signs advertising any aspect of the Special Use shall be displayed except as attached to and confined to the surface area of the walls of the structure housing the Special Use.
- (7) No goods or services shall be provided other than the sale of food and items incidental thereto, such as napkins and eating utensils. Sufficient signs, recyclable containers, and trash receptacles shall be provided by the operator of the Special Use to control and prevent litter incident to the Special Use.

**B. Farmer's/Artisan Market:** The sale of goods, wares, merchandise, produce, or products on part of a public street, sidewalk, or alley, other public lands or public easements, or on private commercial property zoned for such commercial sales.

(1) **(Review of Effects:** Before approving a Special Use Permit allowing a Farmer's/Artisan Market, the City Zoning Commission and City Council shall consider the following:

- (a) Pedestrian and motor vehicle safety at and surrounding the proposed market;
- (b) The effect of anticipated pedestrian and motor vehicle traffic on adjoining streets and sidewalks;
- (c) The Compatibility of adjacent zoning;
- (d) Cultural, sociological, economic, traditional, or historical influences that create or support placement of the proposed market;

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336 (e) Availability of existing market space in the area; and

337 (f) Public health, safety and welfare.

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**(2) Permanent Use Not Created; No Abandonment or Vacation**

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The approval of a Special Use Permit establishing a Farmer's/Artisan Market does not create a permanent right to the permitted use, or is not to be construed to authorize abandonment or vacation of a public street, sidewalk, or alley.

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**(3) Application Requirements**

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(a) An application under this section shall include:

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(1) The Permit Holder's name, including the organization name, mailing address, phone number, and email address.

(2) A list of all itinerant vendors, including state sales tax permit number, if applicable, or exemption certificate.

(3) A description of the merchandise intended for sale and a statement that the merchandise offered for sale has been created or produced by the itinerant vendor.

(4) A written schedule showing the days and hours of operation

(5) The exact limits or boundaries of the market.

(6) The proposed closure of any public street, sidewalk, or alley.

(7) A statement from the permit holder that the organization will not discriminate against itinerant vendors based on race, religion, sex, national origin, sexual orientation, age or disability.

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(b) Two applicants may file a joint application if both applicants are engaged in a joint business venture and complete the application form and provide the information required in Subsection (4) (a) A above for both applicants. In the event a joint application is submitted both applicants are jointly and severally bound by the subject to the terms of this Section and Article 30 including all enforcement and penalty provisions.

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**(4) Conditions of Operation.**

**(a) The Permit Holder shall be responsible for insuring the following conditions of operation are adhered to:**

- 1. That all itinerant vendors have individual licenses and certificates as promulgated by the state and/or health department. For the purpose of health permits only, Farmers Market may be defined as a temporary event. The location of vendor spaces shall have provision for access and shall be divided in such a way to ensure movement and safety between the vendors.**
- 2. The location of vendor spaces shall not hinder or impede pedestrian flow on any sidewalk or traffic flow on any roadway adjacent to the Farmer's/Artisan Market.**
- 3. The vendor's-current sales tax permit is available on site for inspection at all times of operation.**
- 4. All supplies and storage shall be kept in a neat and orderly fashion within the vendor's space.**
- 5. All vendors offer for sale only the type of product as listed on the statements submitted to the City Administrator unless other products are reviewed and approved by the Mayor or City Administrator, or the City designated official or agent for compliance with this Special Use Permit.**
- 6. A vendor may not claim use of or occupy a vendor space except during the time the Farmer's/Artisan Market is authorized to operate.**

**(b) An employee of the City or the Mayor or another governmental entity may inspect a license during operation of a Farmer's/Artisan Market.**

**(c) An employee of the City, the Mayor, or designee of the City or another governmental entity may inspect a vendor space and merchandise displayed, offered for sale, or sold at a Farmer's/Artisan Market.**

**(d) Hours of Operation/Parking on Streets**

- (1) The Farmer's/Artisan Market shall only operate between the hours of 8:00 a.m. to 9:00 p.m. on either a Saturday or Sunday of each week. The City may also order vendors to cease operation due to security reasons or in the event of an emergency.**

421 (2) Vehicle parking on streets surrounding the Farmer's/Artisan  
422 Market for the setup or tear down of vendor displays or  
423 deliveries shall not be parked longer than fifteen (15)  
424 minutes on streets open to traffic.  
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426 **(6) Permit Term and Renewal**

- 427 (a) All permits issued under this Section are valid for a term as  
428 determined by Planning and Zoning and the City Council.  
429  
430 (b) All permits issued under this Section are non-transferable and  
431 a separate permit is required for each Farmer's/Artisan  
432 market area.  
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434 (c) No permits may be automatically be renewed.  
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436 (d) Persons who hold permits may submit applications for  
437 additional one year terms.  
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439 **(7) Permit Revocation**

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441 (a) The Mayor or the City Administrator may revoke or suspend  
442 a license permit issued under this Section for good cause, a  
443 violation of this Section, or a public offense or violation by  
444 the applicant, sponsor, or vendor relating to the marketing  
445 or sale of goods, wares, merchandise, produce products, or  
446 other items at the Farmer's/Artisan Market.  
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448 (b) The holder of a permit that has been revoked is ineligible for  
449 a new permit for **four (4) months** from the date of revocation,  
450 unless the revocation is overturned on appeal.  
451  
452 (c) An applicant or Permit Holder aggrieved by a decision by the  
453 City Administrator or the Mayor to grant or deny an  
454 application, or to revoke or suspend a permit, may appeal the  
455 decision to the City Council.  
456  
457 (d) An aggrieved applicant or person whose permit has been  
458 suspended or revoked may file an appeal in writing with the  
459 City Administrator not later than fifteen (15) days from the  
460 date of a the denial, revocation, or suspension. The appeal  
461 under this section shall describe the action appealed from and  
462 the reasons for the appeal.  
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464 (f) The City Council shall hold a public hearing not later than the  
465 45<sup>th</sup> day after an appeal is filed. The appellant, any

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complainants, and the City investigator or other agent shall have the right to present witnesses and testimony at such hearing.

(g) The City Council may uphold, reverse, or modify the decision by the City Administrator or the Mayor that is subject to appeal.

(f) A Special Use Permit may be revoked for giving any false, misleading, or fraudulent statements made in connection with or on the permit application.

**(8) Enforcement.**

(a) The City shall inspect all displays at least monthly to confirm compliance with this Section and any applicable laws. Upon determining that the Permit Holder is in violation of any provision of this section, the City may suspend or revoke the license.

(b) The City shall investigate complaints alleging violation of this Section provided that the complaint is in written form and signed by the complainant including the telephone number and address.

(c) The City has the authority to physically take any goods, wares, merchandise, produce products, or other items for sale by the vendor into custody for examination and investigation of compliance with this Section, provided that such taking shall be only for a reasonable period of time not to exceed thirty (30) calendar days. The City has the authority to require that a vendor demonstrate the creation or cultivation of the goods, wares, merchandise, produce products or other item at any time after issuance of the permit, in order to determine if the vendor is in compliance with this Section. If destructive testing makes the return of the item impossible, the City shall purchase the item from the vendor.

(e) If any vendor is not in compliance with this Section the Permit Holder shall be notified in writing of the violation and shall have seven (7) calendar days to come into compliance or the permit shall be suspended until the violation is cured, provided however, that if the violation is a health or safety violation, then the violation must be cured immediately.

510           **(9)           Prohibitions**

511           The following acts are prohibited.

512                   **(a)**    A person may not use the term “farmer’s/artisan market”  
513                   to describe a market or other sales location that does not  
514                   meet the terms of the definition set forth in the  
515                   definitions for this subsection.

516                   **(b)**    An itinerant vendor may not sell farm and food products,  
517                   handcrafted items, or food specialty items at a market  
518                   labeled “farmer’s/artisan market” unless at least 75% of  
519                   the product offered by that person was grown, made or  
520                   processed by that person or under that person’s  
521                   direction. A product not grown, made or processed by  
522                   that person must have been purchased directly from  
523                   another farmer.

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525           **(10)   Relationship to Farmer’s/Artisan Market Rules**

526                   This section does not prohibit a market from imposing more stringent  
527                   requirements on its vendors than those imposed by **Section 30.1253**  
528                   **(B)**.

529

530

531           **(C)   Event Center requiring TABC license or permit for premises:**

532           In addition to the general criteria applicable to all Special Uses, an Event  
533           Center or Temporary Event Center requiring a TABC license or permit for  
534           premises shall be operated and maintained in accordance with the following  
535           conditions and limitations:

536                   **(1)**    The premises must comply with all requirements applicable to Event  
537                   Centers;

538                   **(2)**    The premises where an alcoholic beverage is proposed to be sold must  
539                   not be located within three hundred feet (300’) of a church or school  
540                   as measured by State law;

541                   **(3)**    The premises where an alcoholic beverage is proposed to be sold must  
542                   not be located on property on which, two or more sides of the  
543                   property abut a property in a residential zoning district;

544                   **(4)**    The Special Use Permit shall be reviewed administratively and renewed  
545                   upon evidence that a Texas Alcoholic Beverage Commission permit has  
546                   been reissued; and

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- (5) The City Administrator or the Mayor shall have the authority to cancel any original or renewal Special Use Permit or license and may refuse to issue any new alcoholic beverage permit or license for the same premises for one year after the date of cancellation as permitted by the Texas Alcoholic Beverage Code.
  - (6) The Special Use Permit holder shall prohibit patrons from leaving the licensed premises with an unconsumed alcohol sample or glass of wine.
  - (7) A Special Use Permit holder may offer alcohol samples and glasses of wine in open containers and may provide them to a patron free of charge.
  - (8) A Special Use Permit holder must comply with all state and federal laws and regulations regarding the production and sale of wine.
  - (9) A Special Use Permit holder must submit a report of the activities for a permit renewal on an annual basis that includes the previous 12 months of reports to TABC of alcoholic beverages purchased, alcoholic beverages produced and total sales of alcoholic beverages.
  - (10) A valid permit must have been issued by the Texas Alcoholic Beverage Commission for the type of operation proposed and this permit must be current. The Special Use Permit shall be reviewed administratively and renewed upon evidence that a Texas Alcoholic Beverage Commission permit has been reissued.
  - (11) Additional fees are to be collected after three (3) years operation in accordance with the Texas Alcoholic Beverage Commission permit rules.
  - (12) The City Administrator or the Mayor may cancel a renewal application for Special Use Permit and may refuse to issue any renewal Special Use Permit or license for the same premises for one year after the date of cancellation if:
    - (a) the Sheriff of the County in which the premises are located has submitted a sworn statement to the City Administrator stating specific allegations that the place or manner in which the permittee or licensee conducts its business endangers the general welfare, health, peace, morals, or safety of the community and further stating that there is a reasonable likelihood that such conduct would continue at the same location under another Special Use Permittee; and,

592 (b) the City Administrator or the Mayor finds, after notice and hearing  
593 within the county where the premises are located, that the place  
594 or manner in which the permittee or licensee conducts its business  
595 endangers the general welfare, health, peace, morals, or safety of  
596 the community and that there is a reasonable likelihood that such  
597 conduct would continue at the same location under another  
598 Special Use permittee.  
599

600

601 (D) **Accessory Food Sales.** In addition to the general criteria applicable to all  
602 Special Uses, a Special Use Permit for Accessory Food Sales shall be operated  
603 and maintained in accordance with the following conditions and limitations:  
604

605 (1) Accessory food sales shall occur in a structure, whether mobile or  
606 otherwise, in an area not exceeding 150 square feet.  
607

608 (2) The Special Use shall be operated either by the owner or lessee of  
609 improved property on which the Special Use is located, or pursuant to a  
610 written agreement with such owner or lessee.  
611

612 (3) The structure housing the Special Use shall not be located on any  
613 roadway or fire lane. The Special Use shall not be located so as to  
614 impede pedestrian traffic on any sidewalk.  
615

616 (4) A permit for accessory food sales shall expire in the event that the retail  
617 establishment to which such Special Use is an accessory discontinues its  
618 business on the property.  
619

620 (5) The operator of the Special Use shall at all times hold current certificates,  
621 permits and/or licenses required by the Travis County Health Department  
622 and any other agency of the State of Texas for operation of the food  
623 service establishment operated pursuant to the Special Use.  
624

625 (6) No signs advertising any aspect of the Special Use shall be displayed  
626 except as attached to and confined to the surface area of the walls of the  
627 structure housing the Special Use.  
628

629 (7) No goods or services shall be provided other than the sale of food and  
630 items incidental thereto, such as napkins and eating utensils. Sufficient  
631 signs, recyclable containers, and trash receptacles shall be provided by  
632 the operator of the Special Use to control and prevent litter incident to  
633 the Special Use.  
634

635 (8) Authorization for Accessory Food Sales pursuant to this Section shall be

636 for a period determined by Planning and Zoning and the City Council.  
637 Renewal of such authorization shall be for a period determined by  
638 Planning and Zoning and the City Council and may be granted not later  
639 than the date of expiration of the previous authorization at the discretion  
640 of the City Administrative or Mayor provided the applicant has not  
641 received more than two (2) validated warnings prior thereto regarding  
642 violations of the Special Use or terms specify in this section. A twenty-  
643 five (\$25.00) dollar administrative fee shall be paid for all administrative  
644 renewal authorizations. In the event the City receives a verbal or written  
645 complaint regarding the Special Use Permit holder, The City's investigator  
646 or other designated agent will investigate the complaint in a timely  
647 manner to determine its validity. Administrative staff shall record the  
648 name, address, phone number, date and time that verbal complaints are  
649 registered. In the event a complaint is validated by the City's investigator  
650 or other agent, the permit holder shall receive a written warning with  
651 instructions to correct the violation. If the violation has not been  
652 corrected within fifteen (15) days after receipt of the second warning  
653 issued by the City, the Special Use Permit shall be revoked.  
654

655 **Sec. 30.1254 General Legal Requirements for All Special Uses and Temporary Special**  
656 **Uses**

657  
658 (A) **Adherence to Approved Plans, Regulations.** A Special Use or a  
659 temporary use shall be established, operated, and maintained in accordance  
660 with the plans, terms, conditions, and limitations contained in the permit that is  
661 approved by the City Council or approved or renewed administratively by the  
662 City Administrator.  
663

664 (B) **False Documents or Statements.** Any individual, person, business, entity,  
665 or person that submits false documents or otherwise makes a false statement  
666 of a material fact on an application for a permit under this article violates this  
667 article and shall be liable under the enforcement provisions of this article.  
668

669  
670 (C) **Enforcement.** Permitted Special Uses and the conditions of those  
671 permits are integral to the zoning districts governing the respective parcels and  
672 are subject to the enforcement provisions of Article 30 of the Code, including  
673 but not limited to Sections 30.108 and 30.306.  
674

675 (D) **Revocation.** In addition to the other grounds and procedures for  
676 suspension or revocation of a Special Use Permit specified elsewhere in this  
677 Article the City Council, after notice to the holder of the permit, may revoke  
678 any Special Use or Temporary Use Permit for one or more of the following  
679 reasons:  
680

- 681 (1) A substantial violation of any of the plans, terms, conditions, and  
682 limitations applicable to the Special Use;  
683  
684 (2) A substantial violation of any ordinance or regulation relating to  
685 Special Use;  
686  
687 (3) Operation or maintenance of the Special Use in a manner that is  
688 detrimental to the public's health or safety, or so as to constitute a  
689 nuisance; and/or  
690  
691 (4) Discontinuance of the Special Use during the period permitted.  
692  
693 (5) Transfer or sale of all of or a partial interest in the real property  
694 subject to the Special Use, whether such transfer is by gift, sale, lease,  
695 devise, or otherwise.  
696  
697 (6) All representations made in an application become conditions of the  
698 permit and noncompliance can be grounds for the revocation of the  
699 permit.  
700  
701 (E) **Lapse of Permit.** A Special Use Permit shall lapse and become invalid  
702 upon the expiration of **six (6) months** from the date the permit is issued unless  
703 the Special Use has commenced or, is diligently pursued toward completion.  
704  
705 (F) **Transfer.** A Special Use Permit is not transferable.  
706  
707 (G) **Short-Term Food Sales.** No Special Use authorization for Accessory Food  
708 Sales shall be required pursuant to this section for the following activities:  
709  
710 (1) School or City sponsored activities with a duration less than twenty-  
711 four (24) hours;  
712  
713 (2) Events not exceeding seventy-two (72) hours in duration associated  
714 with the opening of a new retail commercial establishment;  
715  
716 (3) Fund-raising activities by charitable or non-profit organizations not  
717 exceeding twenty-four (24) hours in duration;  
718  
719 (4) Activities authorized by a Temporary Special Use permit obtained  
720 pursuant to Subsection (j) of **Sec. 30.1251.**  
721  
722 (5) **Fundraising Events by the Volente Volunteer Fire Department or the**  
723 **Emergency Services District #14.**  
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**Section 3.** Section 30.306 of the Village Code of Ordinances is hereby by amended to read as follows in its entirety:

**Sec. 30.306 Enforcement; Penalties and Injunctive Relief**

**(A) Penalties.** Any individual, business, entity, or person who violates any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the Village limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of one thousand dollars (\$1,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

**(B) Injunctive Relief.** Any individual, business, entity, or person who violates this article is also subject to suit for injunctive relief to obtain compliance with the provisions of this article.

**(C) Each Day is Separate Violation.** Each day of violation of any provision of this Article shall constitute a separate offense.

**Section 4. Severability.**

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. Effective Date**

This Ordinance shall take effect upon adoption or if required by state law, after any required posting and publication of this Ordinance.

**Section 6. Public Notice and Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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PASSED AND APPROVED on this the \_\_\_\_ day of November 2013, by a vote of \_ ayes, \_ nays, and \_ abstentions of the Volente Village Council.

VILLAGE OF VOLENTE

\_\_\_\_\_  
Frederick Graber, Mayor

ATTEST:

\_\_\_\_\_  
Joan Jackson, Village Secretary

VARIANCE APPLICATION FORM

Date of Submission: 10 / 14 / 2013

APPLICANT/OWNER INFORMATION

Applicant PAUL HUGHES

Address 7307 BLUE HERON COVE

Phone 713-208-6587 Fax \_\_\_\_\_ Email phughes@marathonoil.com

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

Owner: PAUL HUGHES

Address: 7307 BLUE HERON COVE

Phone 7132086587 Fax \_\_\_\_\_ Email phughes@marathonoil.com

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

PROPERTY DESCRIPTION

Acreage: 0.5

Physical Address: 7307 BLUE HERON COVE ; VOLLENTE , TX, 78641.

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

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

Subdivision: \_\_\_\_\_ Addition: \_\_\_\_\_

Existing Use of Property: Single Family Residence

VARIANCE DESCRIPTION

Applicable Regulation(s): \_\_\_\_\_

Project Description: REPLACE EXISTING SWIMMING POOL WITH SMALLER POOL IN SAME GENERAL LOCATION

Variance Sought: S.C. 32.10A IMPERVIOUS COVER 30% ALLOWED

Justification(s): BOTH THE NEW POOL AND DECK WILL BE SMALLER THAN THE EXISTING POOL + DECK. THE FINAL CONFIGURATION WILL REDUCE THE EXISTING IMPERVIOUS COVER FROM 29% TO LESS THAN 25%.

Special Condition(s): THERE HAS BEEN A POOL IN THIS LOCATION FOR OVER 20 YEARS. ADDITIONALLY, WE ARE DEMOLISHING AN EXISTING STAIR PATIO, ON OPPOSITE SIDE OF HOUSE WHICH WILL REDUCE ANOTHER 530 FT<sup>2</sup> OF IMPERVIOUS COVER. THIS IS A SMALL LOT, SO DIFFICULT TO ACHIEVE LESS THAN 25% IMP COVER.

Project Timeline: \_\_\_\_\_

WE WOULD LIKE TO HAVE THE POOL COMPLETED BY THANKSGIVING 2013.

Attachments: ~~THE~~ EXISTING IMPERVIOUS COVER SURVEY SHOWING PROPOSED CHANGES.

(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.)



October 16, 2013



Adam Boatwright P.E.  
Engineer  
Water Services  
LCRA  
3700 Lake Austin Blvd.  
Austin, Texas 78703

VILLAGE OF  
**VOLENTE**

Frederick Graber  
MAYOR

Mark Scott  
MAYOR PRO-TEM

Judy Graci  
COUNCILMAN

Matthew Hammond  
COUNCILMAN

Jan Yenawine  
COUNCILMAN

Chris Wilder  
COUNCILMAN

Dear Adam

Please find enclosed two copies of the variance request for 7307 Blue Heron Cove by the Hughes. This is the application that we discussed over the phone today. The impervious coverage calculation was incorrect and I corrected it in pen. The total impervious coverage if they build the new pool and remove the old pool and deck and stone patio they will be at 26 percent impervious cover. I offered and educated them on several different types of mitigation that they could do and that it would be better to submit their application with mitigation. They decline to do any mitigation. Please review as per our contract with LCRA, the variance request and advice LCRA's opinion.

Please feel free to keep one copy and return the other with your comments and suggestions.

If you have any questions or need additional information please feel free to call or email me.

Barbara Wilson  
City Administrator  
Village of Volente  
512-250-2075  
City.admin@volentetexas.gov

## Adam Boatright

---

**From:** Adam Boatright  
**Sent:** Thursday, October 24, 2013 2:59 PM  
**To:** 'Volente'  
**Subject:** RE: Swimming Pool at 691 on 7307 Blue Heron Cove

Barbara

We've reviewed the variance application and other materials that you sent me in regards to 7307 Blue Heron Cove. Due to the fact that the property has for quite some time been in excess of 20% impervious cover and that the proposal is to reduce the amount of impervious cover from 29% to 26%, we do not feel that the project would create a significant adverse impact to water quality. I'll keep one copy of the application for our records and send one back to you along with a copy of this email. Please let me know if you need anything further.

**Adam Boatright, PE**  
Lower Colorado River Authority  
3700 Lake Austin Blvd.  
Austin, TX 78703  
V (512) 473-4080  
F (512) 397-6733  
[www.lcra.org](http://www.lcra.org)

---

**From:** Volente [<mailto:volente@villageofvolente-tx.gov>]  
**Sent:** Thursday, August 08, 2013 4:33 PM  
**To:** Adam Boatright  
**Subject:** Swimming Pool at 691 on 7307 Blue Heron Cove

Dear Adam

Thank you for your assistance. Nice to meet you even if only on the phone. Attached find the plat with drawing that I spoke of. If you need more information or have any questions. Let me know. Thank you in advance for your assistance.

Barbara Wilson  
City Administrator  
Village of Volente  
15403 Yenawine Way  
Volente, Texas 78641  
512-250-2075

Please note our new email address: [volente@villageofvolente-tx.gov](mailto:volente@villageofvolente-tx.gov)

Please note that any correspondence, such as e-mail or letters, sent to City staff or City officials may become a public record and made available for Public/media review.

### ATTENTION PUBLIC OFFICIALS!

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

**Village of Volente  
Site Development Application  
Swimming Pool/Spa Application**

Project Name (if known): Swimming Pool  
 Project Address (Location): 7307 BLUE HERON COVE  
 Existing Use: SINGLE FAMILY HOME Proposed Use: SINGLE FAMILY HOME  
 Existing Zoning: R-1 Gross Acres: 0.486

Description of Proposal: (provide a brief description of the project covered by this permit. Attach the site development plans.)  
REPLACE EXISTING SWIMMING POOL WITH NEW POOL.  
22' x 12' POOL WITH 10' x 3' STEPS.

Applicant: Paul Hughes Company: OWNER  
 Address: 7307 Blue Heron Cv Tel: 713-203-6587 Fax: \_\_\_\_\_  
 City: Volente State: Tx Zip: 78641 Email: \_\_\_\_\_

Property Owner: PAUL HUGHES + BARBARA LOYD Company: \_\_\_\_\_  
 Address: 7307 BLUE HERON COVE Tel: 713-203-6587 Fax: \_\_\_\_\_  
 City: VOLENTE State: Tx Zip: 78641 Email: phughes@msatxnet.com

- The Following Items or Information must be submitted along with this application:
- Description: Written proposal for the project and / or site plan. Describe in as much detail as possible the current and proposed uses/ activities. Attach separate sheets as necessary. The more information provided, will help staff in preparing appropriate comments.
  - Plans - 3 copies of the building plans (if applicable) for the property. These copies should be individually folded with drawing side out. Acres: \_\_\_\_\_
  - Map: Location map clearly showing the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
  - Fee: Fee Paid as described in the Development Review Fee Schedule (This fee is credited toward other fees).

SIGNATURE OF PROPERTY OWNER OR APPLICANT  
 (SIGN AND PRINT OR TYPE NAME)  
 SIGNATURE: Paul Hughes Barbara Lloyd  
 (Letter of authorization required if signature is other than property owner)  
 Print or Type Name: PAUL HUGHES BARBARA LOYD

*For Departmental Use Only*  
 Case No: \_\_\_\_\_  
 Case Manager: \_\_\_\_\_  
 Total Fee(s): \_\_\_\_\_  
 Receipt No: \_\_\_\_\_  
 Date Submitted: \_\_\_\_\_  
 Accepted By: \_\_\_\_\_

**Village of Volente**  
**Site Development Application**  
**Swimming Pool/Spa Application**

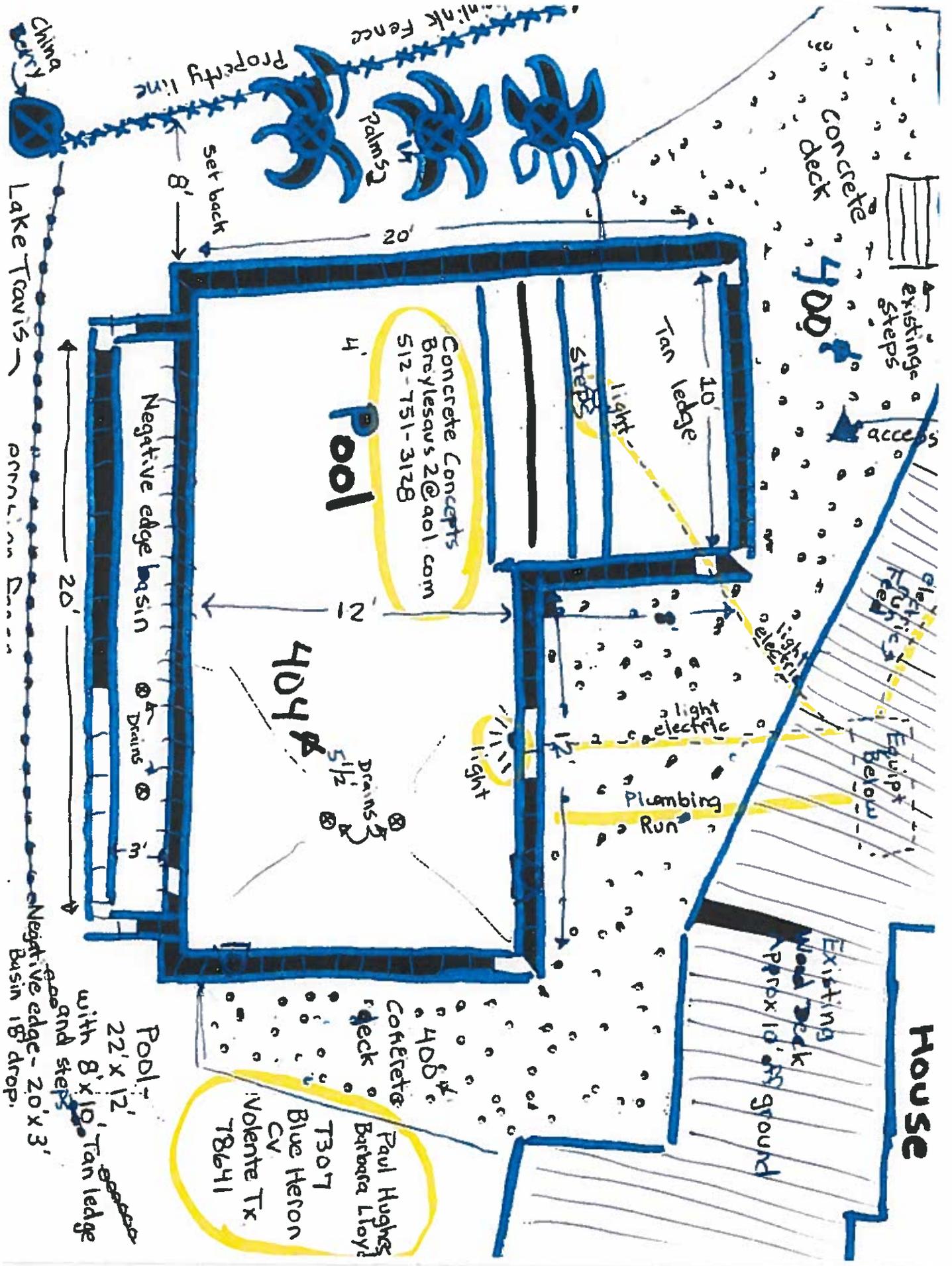
**Please attach the following documents with all information required.**

1. Site Plan
2. Installation of Erosion Control Measures
3. Tree Protection Measures
4. Foundation, layout, electrical equipment

Reference Site Development Ordinance (sec. 33.317 pg 27-40)

**Please review all Village Ordinances prior to submittal of this application**

Approval Date \_\_\_\_\_ Authorized Signature \_\_\_\_\_



Concrete Concepts  
 Bryceasus 2@aol.com  
 512-751-3128

Paul Hughes  
 Barbara Lloyd  
 T307  
 Blue Heron  
 CV  
 Nolente Tx  
 78641

Pool -  
 22' x 12'  
 with 8' x 10' tan ledge  
 and steps  
 Negative edge - 20' x 3'  
 Basin 18' drop.

House

Existing  
 Wood Deck  
 Approx 10' off ground

Equip  
 Below

Plumbing  
 Run

404

Drains  
 5 1/2"

Negative edge basin

Drains

Tan ledge  
 10'

Steps  
 light

light

light  
 electric

access

Existing  
 Steps

400

concrete  
 deck

20'

8'  
 set back

Property line

China City  
 Lake Travis

## Ref Pool Permit for 7307 Blue Heron Cove, Volente – Impervious Cover

Please reference Impervious cover survey drawing enclosed..

Total plot size = 21190 square feet

Impervious cover prior to project 5999.9 square feet.

Final Impervious cover after project completed

Remove Stone patio to East side of house	-560.3 imp cover ✓
Remove lower deck of 1414.7 sq ft at 50% imp cover	- 707.4 imp cover ✓
Remove abandoned <sup>stone</sup> steel steps	-61.8 imp cover
Add 416 sq ft pool at 50% imp cover	+208.0 imp cover X 2
Add new <sup>concrete</sup> 400ft deck around pool	+400.0 imp cover

Overall reduction in Impervious cover = 721.5 sq ft

New total Imp Cover on site =  $5999.9 - 721.5 = 5278.4 + 208.0 = 5,486.40$

New overall percentage of impervious cover on site =  $5278.4 / 21190 = 24.9\%$  26%

## **Pool Permit for 7307 Blue Heron Cove, Volente**

**The project scope is to remove the existing lower wooden deck and pool on the West side of the property as shown on the plan, and replace with a smaller pool and deck.**

**The new pool will be 12' x 22', plus an 8' x 10' area of steps running down into the pool. Additionally, there is an 18' x 4' catchment basin for the negative edge. Total area of pool to be 416 square feet, with deck of 400 square feet..**



**PROPERTY SEARCH**

[New Property Search](#) | [Search Results](#) | [Property Info](#) | [Original Tax Statements](#) | [Current Tax Statements](#) | [Showing Cars](#)

[Foreclosure](#)  
[Payment Options](#)  
[Rebate - Pay Taxes](#)  
[Tax Breaks](#)  
[Sales - Exemptions](#)  
[Delinquent Taxes](#)  
[Defeat - Delinquency](#)  
[Property Tax Index](#)

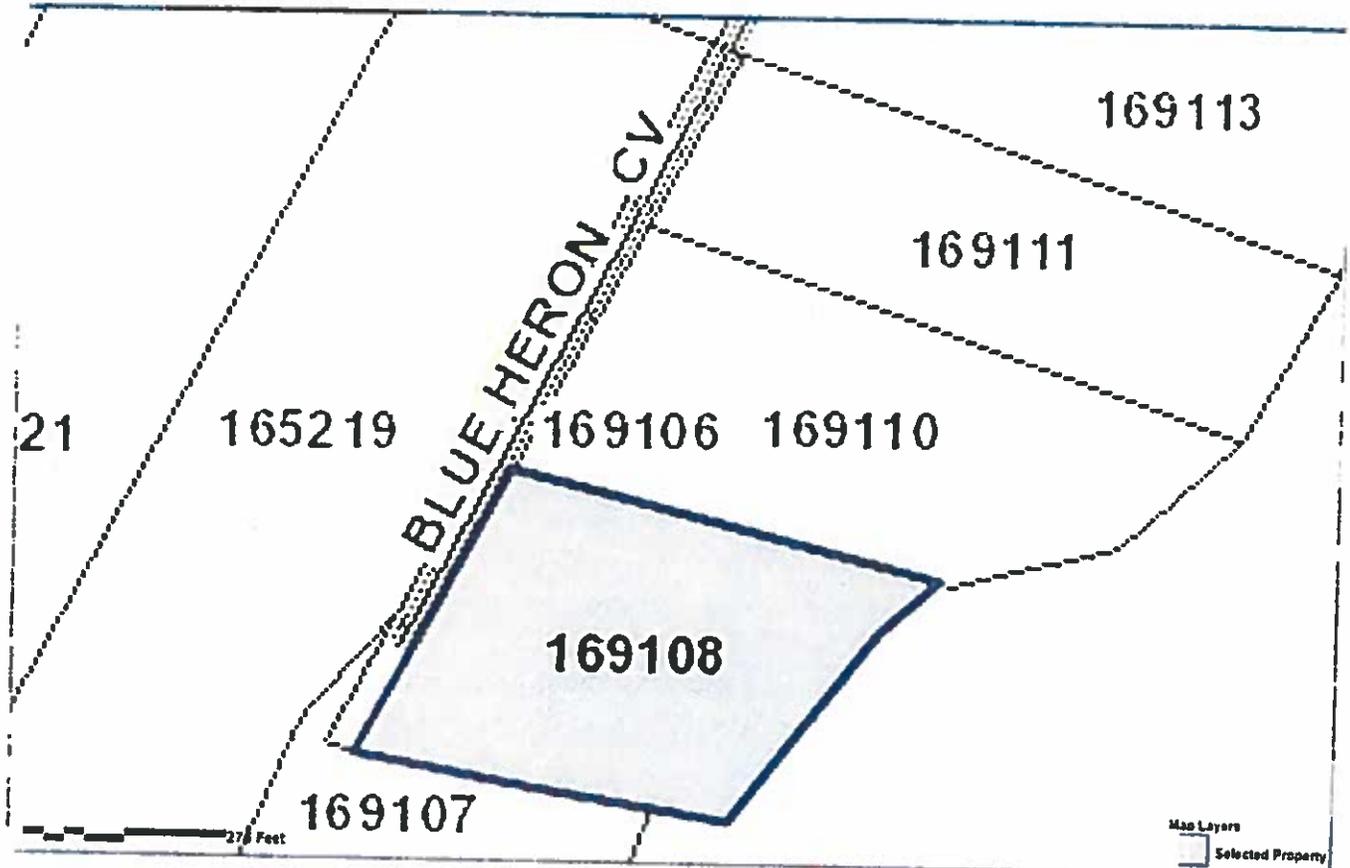
Account #	Owner Name	Ownership Information Mailing Address	Legal Description	
01665007060000	HUGHES PAUL & BARBARA E LLOYD	7307 BLUE HERON CV LEANDER, TX 78641-8140	ABS 179 BLR 152 COLEMAN / ACR 290 PLUS FT ADJ (LOT 2 & S1/2 OF LOT 3 R L LEBBER SURD UNRECORDED)	
Tax Year	Base Due	Current Taxes Due Penalty / Interest	Attorney Fees / Other Fees	Total
	90.00	90.00	90.00	90.00



Payment requires a convenience fee.  
[Read more about this fee.](#)



Travis CAD - Map of Property ID 169108 for Year 2013



**Property Details**

**Account**

Property ID: 169108  
Geo ID: 0166500706  
Type: Real

**Location**

Legal Description: ABS 170 SUR 152 COLEMAN J ACR .290 PLUS PT ADJ (LOT 2 & 51/2 OF LOT 3 R L LEISSNER S

Situs Address: 7307 BLUE HERON CV LEANDER, TX 78641  
Neighborhood: TW520  
Mapsc0: 461F

**Owner**

Jurisdictions: 0A, 03, 21, 5G, 68, 69, 71  
Owner Name: HUGHES PAUL & BARARA E LLOYD  
Mailing Address: , 7307 BLUE HERON CV, , LEANDER, TX 78641-6140

**Property**

Appraised Value: \$666,725.00

<http://propaccess.traviscad.org/Map/View/Map/1/169108/2013>

PropertyACCESS

Map Disclaimer: This site map was compiled solely for the use of TCAD. Area depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of the information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

# CITY OF AUSTIN DEVELOPMENT WEB MAP

7309 Bull Horn  
Circuit

## Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

## Building Points Year 2003

Building

Commercial Storage 1

Water Tower

Address Points

Lot ID

Lot Line

TCAD Parcels

## Greater Austin FEMA Floodpl

500 Year

X Protected by Levee

100 Year (Approx-A)

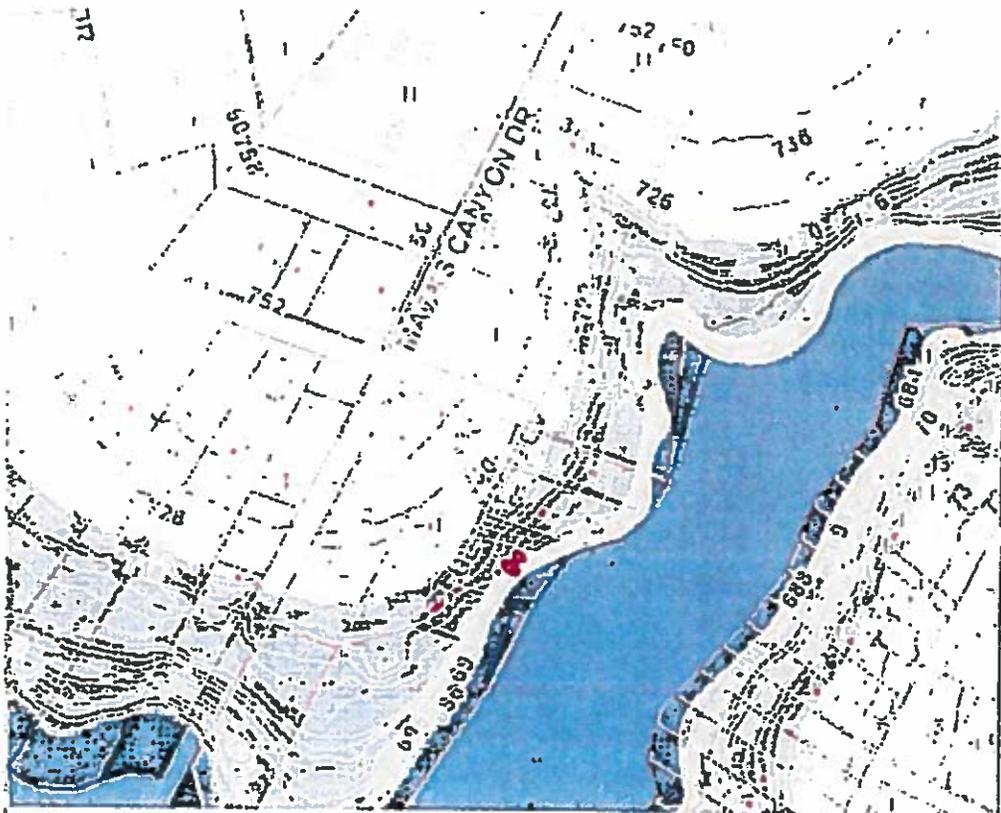
100 year (Shallow-AC)

100 Year (Detailed-AE)

## Contours Year 2003

10 Ft Contours

2 Ft Contours



THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

**Hobbs' Ink, LLC**  
**Custom Home Design**  
1200 Lakeway Drive, Suite Four  
Lakeway, Texas 78734

November 13, 2013

Village of Volente  
16100 Wharf Cove  
Volente, Texas 78641

Re: Variance requests 8120 Joy Road

To Whom it May Concern,

Please see attached site plan for 8120 Joy Road. We are requesting 3 variances for this property. As you know, this property already has a driveway, carport and partially constructed home. The home and carport are uninhabitable: the structures have been in place and in this condition for some time. The property is a hazard at this point with unsafe stairs and openings throughout. The owners intend to repair and rebuild the existing structures to make them safe and habitable. Variances were previously granted for most of these conditions.

The applicant seeks variances for:

- driveway slope greater than 15%
- impervious cover greater than 20%
- side setback encroachments

And exemption from Water Quality Controls plan

Driveway was already in place when the property was purchased. The driveway accesses an existing carport. Changing driveway slope would require additional cut and fill which already appear to be at their limits and require that an entirely new carport or garage be built at a higher level. The existing slope and the slope we are applying to have approved is 22%.

Impervious cover was, again, already in place, and we are adding none. In fact, we are removing part of the carport and driveway thus reducing impervious cover. According to documents on file at the Village as of 2007 impervious cover was 25.2%. After the proposed improvements it will be 23.9%.

The current buildings, both carport and house, along with existing wing wall all encroach on the 10.7' side setback. (Width at the 50' setback is  $71.36' \times .15 = 10.7'$ .) Applicant requests that the buildings be allowed to remain in place. Demolishing them and starting over would put undue hardship on the owners. Additionally, we ask that the wing wall be rebuilt as shown and that we

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**Hobbs' Ink, LLC**  
**Custom Home Design**  
1200 Lakeway Drive, Suite Four  
Lakeway, Texas 78734

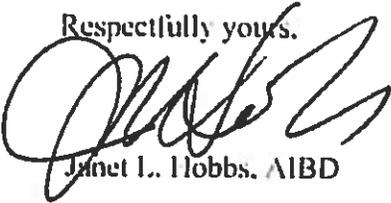
be allowed a small roof overhang on the house that encroaches at the front right corner of the (much of the current building's water issues came from flat roof and zero overhang conditions.)

Additionally, applicant requests that Water Quality Control plan requirement be waived because impervious cover is being reduced creating a situation where non point source pollution is being mitigated by the nature of the project being proposed (reduction of impervious cover, new plantings and so on).

Doing what we could with a very difficult site and existing conditions the applicant believes that they have done the very best they could to comply with the Site Development Ordinance and respectfully requests that you approve these variances and the waiver of the Water Quality Control Plan requirement.

Please don't hesitate to call or e-mail with any questions.

Respectfully yours,



Janet L. Hobbs, AIBD

VARIANCE APPLICATION FORM

Date of Submission: 11/15/13

APPLICANT/OWNER INFORMATION

Applicant JOHN HOAG

Address 5203 GRAND LAKE ST., BELLAIRE, TX 77401

Phone 713 254 4681 Fax \_\_\_\_\_ Email jhoag@subell.net

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

Owner: John Hoag

Address: 5203 GRAND LAKE ST. BELLAIRE, TX 77401

Phone 713-254-4681 Fax \_\_\_\_\_ Email jhoag@kucor.com

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

PROPERTY DESCRIPTION

Acreage: .489

Physical Address: 8120 JOY ROAD

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

Lot(s): LOT 12A Block(s): \_\_\_\_\_

Subdivision: SANDY SHORES Addition: \_\_\_\_\_

Existing Use of Property: RESIDENTIAL - SINGLE FAMILY

VARIANCE DESCRIPTION

Applicable Regulation(s): 32.109 (2)(2)(A)

Project Description: SINGLE FAMILY USE REMODEL TO EXISTING 2-STORY STRUCTURE + CARPORT.

Variance Sought: IMPERVIOUS COVER EXCEEDS 20%

Justification(s): EXISTING IMP. COVER CURRENTLY EXCEEDS 20%, AT 25.2%. IMPROVEMENTS WILL REDUCE THIS TO 23.9%

Special Condition(s): SEE ATTACHED

Project Timeline: START JANUARY 2014; COMPLETE MAY 2014

Attachments: SITE PLAN

*(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.)*



14 November 2013

Village of Volente: Variance Description

Variance sought:

Impervious cover exceeds 20%

Justifications: The existing impervious cover on this property (according to what is on file at the Village of Volente around 2007) is 25.2%. This is a very narrow lot, with extreme contours and steep grades, and does not allow for much flexibility in removing existing retaining walls or steps, but we have done what we can to reduce the impervious cover to 23.9%. We will be removing a portion of the carport and replacing it with pervious ground (landscaping) and as part of this, part of the driveway will be removed. Removing any more of the driveway or carport will create non-optimum conditions in that there will be insufficient access and parking for the house. The impervious cover that we are adding (still less than what is being removed and totaling to less than the existing) are for things vital to make the house habitable, such as a pad for the external HVAC units, and steps to access the house from the driveway.

The Grading, Drainage and Erosion Control Plan, provided by Coulter Engineering in 2007, will be being followed in regard to the storm water management measures taken. This plan provides both permanent erosion control details, as well as the calculated Hydrologic Summary Table. Since we are reducing the impervious cover even further than shown on the table, these measures will be more effective than what currently exists.

Special Conditions: A very narrow lot with extreme grades that require specific measures (in place or to be added per the plans from Coulter Engineering) for drainage and water mitigation, as well as an existing driveway, carport and house which can not be reduced any more than we show, without creating an uninhabitable condition.

VARIANCE APPLICATION FORM

Date of Submission: 11/15/13

APPLICANT/OWNER INFORMATION

Applicant JOHN HOAG

Address 5203 GRAND LAKE ST., BELLAIRE, TX 77401

Phone 713 254 4681 Fax \_\_\_\_\_ Email jhoag@swbell.net

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

Owner: SOME [Signature]

Address: 5203 GRAND LAKE ST BELLAIRE, TX 77401

Phone 713-254-4681 Fax \_\_\_\_\_ Email jhoag@~~swbell~~leycor.com

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

PROPERTY DESCRIPTION

Acreage: 0.489

Physical Address: 8120 JOY ROAD

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

Lot(s): LOT. 12A Block(s): \_\_\_\_\_

Subdivision: SANDY SHORES Addition: \_\_\_\_\_

Existing Use of Property: SINGLE FAMILY RESIDENTIAL

VARIANCE DESCRIPTION

Applicable Regulation(s): DIVISION 2, SEC. 30.109

Project Description: SINGLE FAMILY RESIDENTIAL  
REMODEL.

Variance Sought: STRUCTURES IN SIDE SETBACKS.  
(SEE ATTACHED)

Justification(s): (SEE ATTACHED)

Special Condition(s): SEE COVER LETTER

Project Timeline: START JANUARY 2014 & COMPLETE  
MAY 2014

Attachments: SEE ATTACHED BUILDING PLANS &  
SITE PLAN

*(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

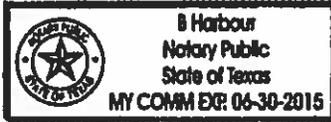
SUDCRIBED AND SWORN TO BEFORE ME on 11/14, 2013 by

R. John Hoag, 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.

*[Handwritten Signature]*

Notary Public, State of Texas

My Commission expires: 6/30/15



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 \_\_\_\_\_, 20\_\_ by,

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

Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

14 November 2013

## Village of Volente: Variance Description

### Variance sought:

The existing carport on the property sits within the 10.7' side setback (as calculated per the R1 zoning ordinance on setbacks), as well as a corner of the existing building and roof. Additionally, an existing wing wall on the left side of the house is over the setback line, which will need to be removed for the new septic system to go in, but which we would like to put back.

Justifications: As regards the carport, it is an already existing structure. It is not feasible to relocate it. In looking at the existing carport's location, the lot is very narrow, with only a width of 71.36' at the 50' front setback line. Additionally, there is a limited area where the carport could be placed, due to the steepness of the topography of the lot. If it was moved out of the setback, it would sit directly in front of the house. Doing this would in effect eliminate much of the level portion of the driveway, rendering it unusable, in fact a danger to use. When relocated to the left side, it would mean cutting into the critical root zone of or removal of a 62" circumference Live Oak tree (see site plan, tree #7132). As a note, we will be reducing the size of the carport, but part of it will remain in the setback.

For the building footprint, the right front corner of both the foundation and roof cut into the 10.7' setback. We have reduced the size of the side overhang of the roof (see site plan and building plans) to help with this. Similar to the carport, due to the narrowness of the lot, it would create a hardship to have to demolish and rebuild the structure of the existing building in order to pull this corner out of the 10.7' side setback, and still try to keep a similar square footage of living space. Because of the topography of the lot, you would be dealing with building on extremely steep slopes, or trying to come up another story, which would violate the building height rule. Neither the building footprint nor the roof go into the 7.5' setback shown on the site plan.

The existing wing wall on the left side of the house, needs to be removed to place septic tanks. However, we request that we be allowed to replace the wall as shown, sufficiently removed from the septic. This wall is an important part of the architectural design and style of the building, as without it, the building looks too much like a block. By replacing the existing wall, it will be a much nicer addition to the neighborhood.

**Special Conditions:**

The narrowness and topography of the lot is prohibitive to moving the carport or changing the footprint of the building.

VARIANCE APPLICATION FORM

Date of Submission: \_\_\_/\_\_\_/\_\_\_

APPLICANT/OWNER INFORMATION

Applicant JOHN HOAG

Address 5203 GRAND LAKE ST., BELLAIRE, TX 77401

Phone 713 254 4681 Fax \_\_\_\_\_ Email jhoag@swebell.net

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

Owner: SAME [Signature]

Address: 5203 GRAND LAKE ST BELLAIRE, TX 77401

Phone 713-254-4681 Fax \_\_\_\_\_ Email jhoag@levcor.com

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

PROPERTY DESCRIPTION

Acreage: 0.489

Physical Address: 8120 JOY ROAD

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

Lot(s): LOT 12A Block(s): \_\_\_\_\_

Subdivision: SANDY STORES Addition: \_\_\_\_\_

Existing Use of Property: SINGLE FAMILY RESIDENTIAL

VARIANCE DESCRIPTION

Applicable Regulation(s): DRIVEWAY SLOPE

Project Description: SINGLE FAMILY USE REMODEL TO EXISTING 2-STORY STRUCTURE & CARPORT.

Variance Sought: DRIVEWAY SLOPE GREATER THAN 15% - AT 22.0%

Justification(s): THE PROPERTY HAS AN EXISTING DRIVEWAY AT 22.0% SLOPE. TO CHANGE THE SLOPE OF THE DRIVEWAY WOULD MEAN

Special Condition(s): SEE COVER LETTER

EXCEEDING  
OUT & FILL  
LIMITS.

Project Timeline: START JANUARY 2014 ; COMPLETE MAY 2014

Attachments: SITE PLAN

(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.)



14 November 2013

## Village of Volente: Variance Description

Variance sought:

Slope of driveway exceeds 15%.

Justifications: The existing driveway for the property currently exceeds 15% slope. It is at an average slope of 22%.

Special Conditions: The existing driveway for the lot was done prior to the previously approved variance for driveway grade. Originally, the slope of the drive resulted from getting to the flatter part of the lot, where the house could be built, while still keeping a relatively level area for parking and vehicle maneuvering. The current driveway slope varies between 25% and 19%, to come to an average of 22%. In looking at the existing conditions and feasibility of moving the driveway, we feel it would adversely impact the lot, and the trees on the lot, to do so. If it was moved to the right of the lot as previously proposed in the 2007 variance application (with a 20% grade, still exceeding 15%), you would be removing at least 11 trees (with over 6" diameter).

These trees are:

- #7112 - 16.5" Live Oak
- #7113 - 14" Live Oak
- #7114 - 12.6" Live Oak
- #7115 - 12.6" Live Oak
- #7116 - 14.9" Juniper;
- #7117 - 7.3" Juniper;
- #7118 - 11", 8.7" Juniper Twin;
- #7119 - 9.4" Juniper;
- #7120 - 12.4", 10.4" Juniper Twin;
- #7121 - 9.3" Palm
- #7122 - 21.3" Juniper

If the drive were adjusted to the left, you would again be removing or cutting into the critical root zone of at least 6 trees (with over 6" diameter).

These trees are:

- #7125 - 8.5" Juniper
- #7128 - 9.8" Live Oak
- #7129 - 9.8", 7.6" Juniper Twin
- #7130 - 14" Live Oak

#7131 - 14.2" Live Oak

#7132 - 17.3", 13.2", 8.8" Live Oak Triple

To reduce the driveway slope to 15% with a 10% slope in the R.O.W. (or less) would require demolishing the existing drive and carport and filling, up to 6' at the bottom of the drive which violates the maximum fill allowed, and requires a complete re-configuration of existing retaining walls and drainage, in addition to encroaching in the critical root zone of the existing trees around the driveway. Additionally, that amount of fill added around tree #7132 (the Triple Live Oak) would damage the tree in such a way that it could die. This would also put the driveway above the entry level finished floor of the house, and could cause major water damage issues without a complete overhaul of the existing foundation structure. If we cut the grade at the top of the drive to mitigate the overall slope it will cause the drive to be even steeper in the R.O.W.

Special Conditions: Topography of existing lot & existing trees on site over 6" diameter, that are being kept. Existing house and carport level as described above.

**Hobbs' Ink, LLC**  
**Custom Home Design**  
1200 Lakeway Drive, Suite Four  
Lakeway, Texas 78734

November 15, 2013

Village of Volente  
16100 Wharf Cove  
Volente, Texas 78641

Re: Request for exemption 8120 Joy Road

To Whom it May Concern,

We are requesting and exemption from Water Quality Controls plan requirement.

We would like to request an exemption from the Water Quality Control Plans requirement.

We will be putting in storm water control systems as per the Grading, Drainage and Erosion Control Plan, provided by Coulter Engineering in 2007. This provides both permanent erosion control details, as well as the calculated Hydrologic Summary Table. Since we are reducing the impervious cover even further than shown on the table, the runoff rate will be less. As such, we request that the water quality treatment requirements be waved, due to the decrease in impervious cover, and thus decrease in runoff from the lot.

Respectfully,



Alicia Norman



**MINUTES**  
**THE PLANNING & ZONING COMMISSION**  
**OF THE VILLAGE OF VOLENTE, TEXAS**  
**THURSDAY, NOVEMBER 14, 2013**  
**6:00 P.M.**  
**City Hall, 16100 Wharf Cove, Volente, Texas.**

**Present**

Babs Yarbrough  
Carroll Missy Thost  
Wynn Estes

**Absent**

Jack Hirschhorn  
Ruan Laurens  
Rett Scudder

1. The meeting was opened at 6:00 p.m. with a quorum of members.
2. Citizens Comments.
  - Nancy Carufel, 8138 Joy Rd., Volente, TX 78641: commented on why do we need the Special and Temporary Permit Ordinance. She feels the Village tries to control too many things. She wondered if there would be fees and if a site plan would have to be engineered if requested.
  - Denise Yeagin, 8113 Sharon Rd., Volente, TX 78641: commented by asking the Commission not to vote for this ordinance. She felt like a site plan, an application, and a possible site visit to your home was too much. She feels the city should not have the authority to tell residents or a business their hours of operation or for them to have inspections. This would be unacceptable.
  - Judy Graci, 15775 Booth Circle, Volente, TX 78641: commented the Special and Temporary Permitting Ordinance would give notice of events to residents. This would be for commercial business on residential property.
3. Discussion and recommendation on Ordinance on Special and Temporary Permitting.
  - a. Staff presentation.

Barbara Wilson, City Administrator, gave a presentation on the ordinance with the changes the Commission had asked for in their last meeting. She asked the Commission if they wanted to add time limits to the permitting process and to require law enforcement/ fire department notice. She stated that the copy of the ordinance before them has the changes that they requested highlighted in yellow. Also highlighted in yellow were the decision points that the Commission as of yet had not made a final decision on. She then asked the Commission for their input and recommendations on their prior changes and input on the highlighted decision points.
4. The Planning and Zoning Commission did not go into executive session.



5. After additional discussion the Commission made the following recommendations:
  - a. No commercial events in a residential area.
  - b. The removal of The Temporary Event Center and its definitions and criteria.
  - c. They made several recommendations to changes in the Farmer's Market section of the Ordinance.
  - d. Recommended adding a definition and criteria for private residential events with over 150 people in attendance.
  - e. The Commission instructed the Staff to make the additional changes and bring back another draft of the Ordinance to the December 4, 2013 regularly scheduled meeting for further discussion and review.

7. Adjourn.

Commissioner Wynn Estes made a meeting to adjourn. Commissioner Carroll Missy Thost seconded the motion. All present members voted for the motion and it passed. The meeting was adjourned at 8:21 p.m.

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Babs Yarbrough

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Joan Jackson, City Secretary



MINUTES  
OF THE CALLED MEETING OF  
**THE PLANNING & ZONING COMMISSION**  
OF THE VILLAGE OF VOLENTE, TEXAS  
WEDNESDAY, NOVEMBER 6, 2013  
6:00 P.M.  
City Hall, 16100 Wharf Cove, Volente, Texas.

**PRESENT:**

Babs Yarbrough  
Missy Thost  
Wynn Estes  
Jack Hirschhorn  
Ruan Laurens

**ABSENT:**

Ken Beck  
Rett Scudder

1. Open meeting at 6:07 p.m. with a quorum.
2. Citizens Comments. None at this time.
3. Discussion and recommendation on Ordinance on Special and Temporary Permitting.
  - a. Staff Presentation.

City Administrator Barbara Wilson presented the Ordinance on Special and Temporary Permitting. Planning and Zoning Commission asked questions regarding the ordinance and how it originated, who wrote it and was it a combination of another city's ordinance.
4. Open Public Hearing at 6:44 p.m.
  - a. Citizens comments.

Allison Thrash, 15100 FM 2769, Volente, TX commented on certain lines of the ordinance: Line 1, 18, 19,45, 96, 146,188,210,and others.

Gary Murphy, 7324 Reed Drive, Volente, TX is interested in the special permit request. He would like to use his property as a small event center.

Barbara Wilson, City Administrator, made suggestions to the Commission of limiting number of people, certain times of the year for different events, and a time limit on when events end.

Mattie Adams,15941 Booth Circle, Volente, TX: said a special use permit is common; the commission's job is considering in what categories do you want to consider this.

Judy Graci, 15775 Booth Circle, Volente, TX discussed the difference between occasional party and a business in residential. She stated allowing commercial in a residential is not a special permitting process; it should be a zoning change.





b. Close public hearing at 7:26 p.m.

**5. Executive Session:**

The Planning & Zoning Commission of the Village of Volente will announce that it may go into executive session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to consult with the City Attorney (551.071).

**6. Return to Open Session.**

The Commission did not go into executive session.

**7. Possible additional discussion and recommendation on Special and Temporary Permitting.**

The Commission discussed several conditions that could be applied to a Special and Temporary Permit Ordinance. Some of the ideas were : time limit; number of people; noise ordinance coordination, and parking conditions. They directed Staff to make the suggested changes and recommendations and bring the Ordinance back before them at the next meeting.

**8. Discussion and possible action on additional meeting dates in November, 2013.**

It was agreed the Commission would meet on Nov. 14, 2013 at 6 p.m. to reconsider this permit and continue discussion on it.

**9. Adjourn.**

Commissioner Missy Thost made a motion to adjourn. Commissioner Jack Hirschhorn seconded the motion. The motion passed with all members present voting for adjournment. The meeting adjourned at 8:30 p.m.

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Babs Yarbrough, CoChairman

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Joan Jackson, City Secretary