



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: SEPTEMBER 01, 2010

NAME & NUMBER OF PROJECT: 2700 EDGEWATER DRIVE
SP-2010-0082D

NAME OF APPLICANT OR ORGANIZATION: Nathan & Farrah Chelstrom
(CONTACT: BRUCE AUPPERLE, PE 512-329-8241)

LOCATION: 2700 EDGEWATER DRIVE

PROJECT FILING DATE: March 26, 2010

WPDR/ENVIRONMENTAL STAFF: MICHAEL CLAY, 974-2296
MICHAEL.CLAY@CI.AUSTIN.TX.US

WPDR/ CASE MANAGER: CESAR ZAVALA, 974-3404
CESAR.ZAVALA@CI.AUSTIN.TX.US

WATERSHED: LAKE AUSTIN WATERSHED (WATER SUPPLY RURAL)
DRINKING WATER PROTECTION ZONE

ORDINANCE: COMPREHENSIVE WATERSHED ORDINANCE (CURRENT CODE)

REQUEST: VARIANCE REQUEST IS AS FOLLOWS:
1. TO ALLOW CONSTRUCTION OF A BULKHEAD AND ASSOCIATED FILL IN THE CRITICAL WATER QUALITY ZONE (LDC SECTION 25-8-452)

STAFF RECOMMENDATION: RECOMMENDED FOR DISAPPROVAL.

REASONS FOR RECOMMENDATION: FINDINGS OF FACT HAVE NOT BEEN MET.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning & Platting Commission

FROM: Michael Clay, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: August 10, 2010

SUBJECT: 2700 Edgewater Drive – SP-2010-0082D

Variance Requests: Variance from LDC 25-8-452 – To allow the construction of a bulkhead with associated fill in the Critical Water Quality Zone.

Project Area Description

The proposed project is located at 2700 Edgewater Drive. The site is within the City of Austin full purpose jurisdiction. The project is located within the Lake Austin watershed, which is a Water Supply Rural watershed, located in the Drinking Water Protection Zone.

The proposed site plan will generally consist of the following:

- Modification of existing bulkhead
- Wetland mitigation

It should be noted that the bulkhead and associated fill have already been placed in the Critical Water Quality Zone. The east side of the bulkhead was extended approximately 8 feet into the lake and the west side of the bulkhead was extended approximately 15 feet into the lake.

The property is currently under a Stop Work Order issued April 12, 2010 for construction of a bulkhead without the required permit.

Vegetation, CEFs, and Slopes

No CEF's are present on site. There are no slopes within the limits of construction greater than 15%.

Waterways

The property is located adjacent to Lake Austin.

Variance Request

The variance being requested for this site plan is as follows:

Variance from LDC 25-8-452 to allow the construction of a bulkhead with associated fill in the Critical Water Quality Zone.

Recommendations

The findings of fact have not been met. Staff recommends disapproval of the variance.

However, if the variance is approved staff recommends the following conditions:

1. A boat dock to be prohibited on this property and enforced with a restrictive covenant
2. Environmental Resource Management approval of the bulkhead modification
3. Environmental Resource Management approval of the wetland bench
4. Wetland bench designated as a no-build area and will be maintained by owner
5. No irrigation used below the 499 foot contour line

Similar Cases

N/A

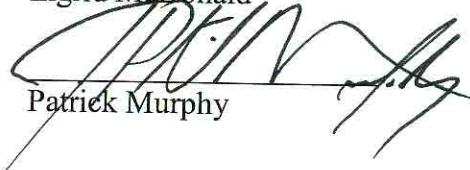
If you need further details, please feel free to contact me at 974-2296.

Michael Clay, Environmental Review Specialist Senior
Planning and Development Review Department

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Patrick Murphy



Planning & Development Review Department
Staff Recommendations Concerning Required Findings
Of Fact

Application Name:	2700 Edgewater Drive
Application Case No:	SP-2010-0082D
Code Reference:	Land Development Code Section 25-8-452 Critical Water Quality Zone Requirements
Variance Request:	To allow construction of bulkhead and associated fill in the Critical Water Quality Zone

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No. The requirement would not deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No. The development is based on the method chosen by the applicant to develop the property.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No. The proposed project is not the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property

- c) Does not create a significant probability of harmful environmental consequences; and

No. This variance does create a significant probability of harmful environmental consequences.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

No. Development with the variance will not result in water quality that is at least equal to the water quality achievable without the variance

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;
No

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

No. The requirement for which a variance is requested does not prevent a reasonable, economic use of the entire property

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

No. The variance is not the minimum change necessary to allow a reasonable, economic use of the entire property.

Reviewer Name: Michael Clay

Reviewer Signature: 

Date: August 10, 2010

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



Aupperle Company

2219 Westlake Drive #110, Austin, Texas 78746

Phone & Fax (512) 329-8241

Email: Aupperle@att.net

August 9, 2010

Ms. Betty Baker, Chair
Zoning & Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Engineer's Variance Request Letter
Shoreline Modifications - Bulkhead Modification
Site Plan Permit with Variances to Art.7, Div. 1, Section 25-8-452
2700 Edgewater Drive, City File SP-2010-0082D

Dear Chair Baker:

At the request of the owner we have submitted a site plan application to modify a once-failed bulkhead at the subject address. The proposed bulkhead improvements include construction within the Critical Water Quality Zone.

General Overview

This project is located at 2700 Edgewater Drive, a single-family residential lot, situated approximately 3 miles north of the intersection of R.M. 2244 and Cuernavaca Drive. The property is located within the city limits of Austin and within the Lake Austin watershed. The site currently has a approximately 97 linear feet bulkhead. In order to meet the requirements of the Parks & recreation Board approval, the existing bulkhead is to be modified including a reduction in height and establishing a wetland area along the shoreline. All access for bulkhead construction activities will be by water. Landscape and wetland mitigation activities will be from land. . These improvements will be built in fall 2010.

Environmental Assessment Overview

The project site is not located over a karst aquifer, is not within an area draining to a karst aquifer or reservoir, is not within a water quality transition zone, is not within a critical water quality zone as defined by Section 25-8-92, is not located on slopes with a gradient more than 15 percent, but is however located within the 100-year flood plain of Lake Austin.

Hydrogeologic Element: The topographic slope either side of the bulkhead is a grade less than 15 percent. The site is located in Lake Austin and the soils are predominantly sedimentary with some boulders. There are no known springs, bluffs, canyon rimrocks, caves, sinkholes, point recharge features, karst or other critical environmental features, except for the wetland CEFs noted on the site plan within 150 feet of the bulkhead. The project is 100% adjacent to Lake Austin and runoff from the bulkhead should not propose any harm to the quality or quantity of recharge at significant point recharge features, since there are none.

Vegetation Element: The proposed construction preserves to the greatest extent practicable the significant trees and other vegetation at the single-family site. No significant trees will be removed during the construction of the proposed improvements. The trees are shown on the site plan.

Wastewater Element: No wastewater or water service is proposed for this project. Therefore, justifications, explanations, descriptions, techniques, standards or calculations regarding wastewater service are not included herein.

Other Issues

Any disturbed areas will be revegetated. The project as designed is in substantial compliance with the applicable requirements of the City of Austin Development Code. There will be no adverse impact on the natural and traditional character of the land or waterways. If you have any questions, please feel free to call.

Very truly yours,


Bruce S. Aupperle, P.E.
Aupperle Company





Aupperle Company

2219 Westlake Drive #110, Austin, Texas 78746

Phone & Fax (512) 329-8241

Email: Aupperle@att.net

APPENDIX U FINDINGS OF FACT

Administrative Variances -- Findings of Fact

Project: 2700 Edgewater Drive, Shoreline Modifications, Case # SP-2010-0082D

Ordinance Standard: 25-8-422 Critical Water Quality Zone

§ 25-8-422 CRITICAL WATER QUALITY ZONE...

Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 (Critical Water Quality Zone Restrictions).

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly timed development? **YES**

Portions of the bulkhead collapsed into the lake and a new bulkhead was constructed in 2007 to prevent further erosion and to maintain the land and property. The resulting bulkhead configuration makes the subject property comparable to similarly situated properties on Lake Austin. In order to meet the requirements of Parks & recreation Board approval, the existing bulkhead is to be modified including a reduction in height and establishing a wetland area along the shoreline.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**

The proposed project will prevent further erosion and protect the existing property. As proposed the construction of the project maintains the existing use and will not create a significant probability of harmful environmental consequences.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES**

The owner of the property will not enjoy any special privileges not enjoyed by other similar properties. There are properties along Lake Austin with bulkhead configurations similar to the one proposed for 2700 Edgewater Drive.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property? **YES**

Removal of the existing bulkhead will cause further land erosion, which will adversely impact the existing land and property.

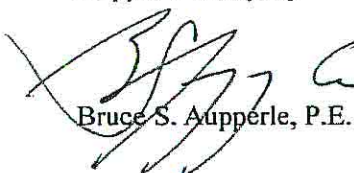
5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

NOT APPLICABLE

No variances for this section are proposed within the Barton Springs Zone.

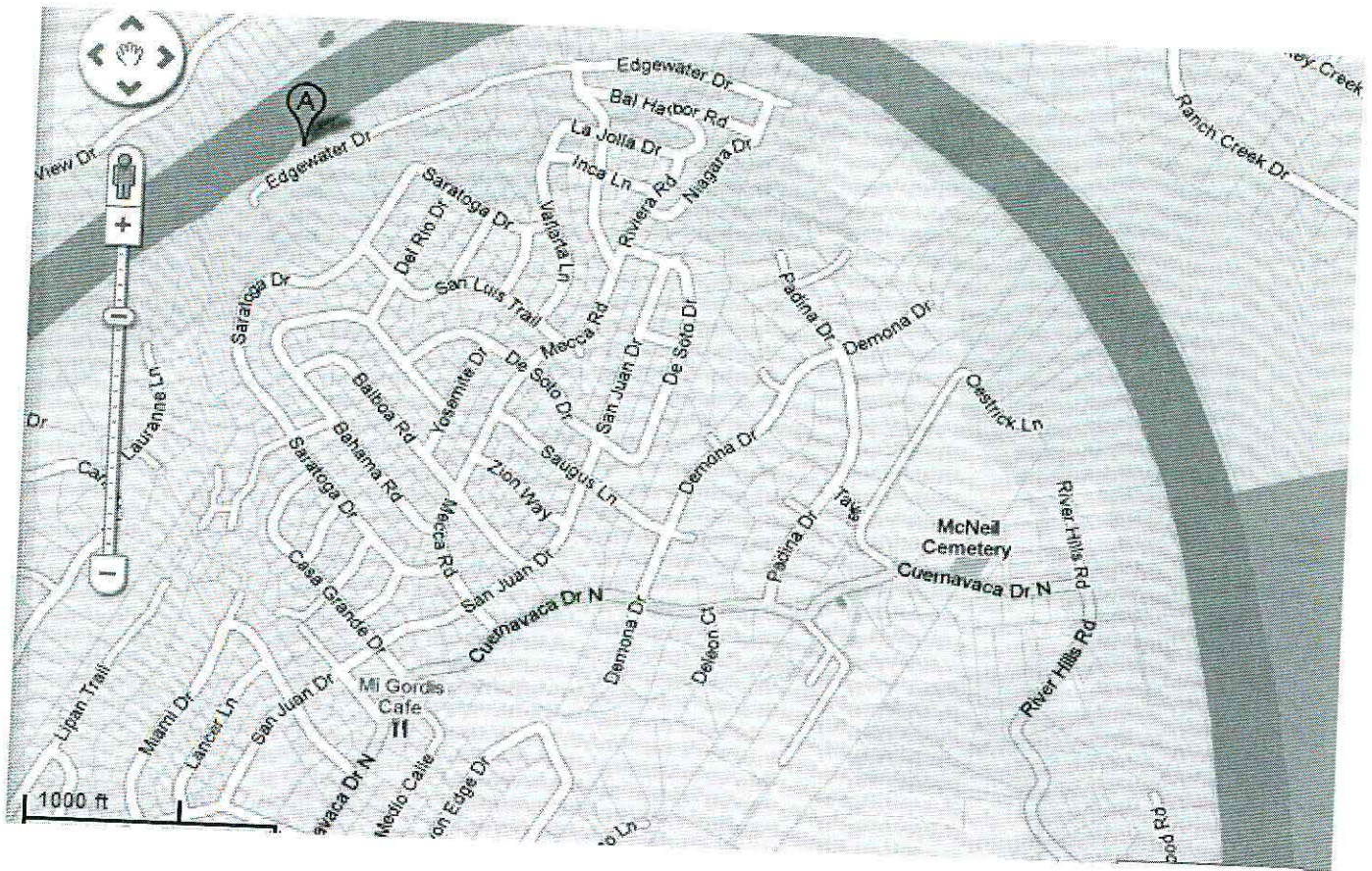
Submitted by:

Aupperle Company


Bruce S. Aupperle, P.E.



2700 Edgewater Drive
SP-2010-0082D



2700 Edgewater Drive
SP-2010-0082D
Driving Directions

Beginning at 505 Barton Springs Road:

Go west on Barton Springs Rd	(1.8 miles)
Barton Springs Rd becomes S Mopac	(0.4 miles)
Turn right on FM 2244 (Bee Caves Rd)	(7.1 miles)
Turn right on S Cuernavaca Drive	(2.0 miles)
Turn left on Mecca Rd	(0.9 miles)
Turn left on Edgewater Drive	(0.4 miles)



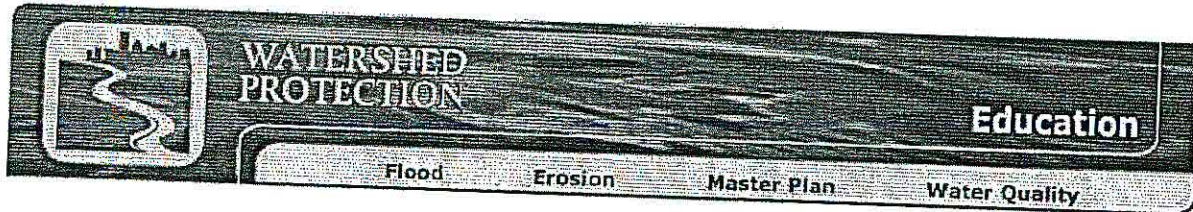
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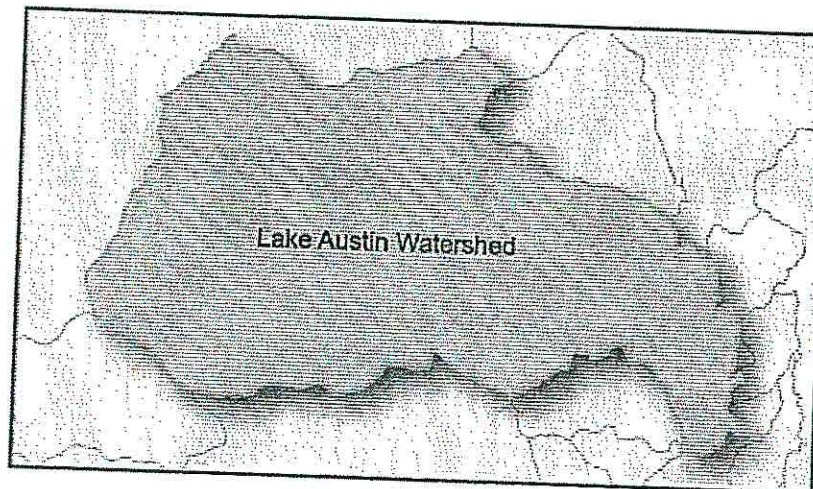
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Austin's Watersheds


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[Environmental Creek Assessments](#)
[Photo Gallery](#)
[Hydrilla](#) | [Lake Austin Update](#)

Fast Facts

Population 2000: 23,303
 2030 78,558

Creek Length 26 miles

Drainage Area 24 square miles

Drains To The Gulf of Mexico

Well Known Sites Steiner Ranch Elementary School, Bridge Point Elementary School, Commons Ford Ranch Park, Emma Long Park, Steiner Ranch

Land Use	Residential	14%
	Business	1%
	Civic	1%
	Parks	23%

Roadways	5%
Undeveloped	52%

Watershed Facts

- Lake Austin is a 1600 acre lake formed by Tom Miller Dam on the Colorado River. The lake stays at a constant level with an operating level of 492.8 feet above sea level.
- The primary inflow to Lake Austin comes from deep water releases from Lake Travis.
- Flow is controlled by the Lower Colorado River Authority (LCRA), which uses the water to produce electricity and provide irrigation for rice farmers downstream.
- Lake Austin is the sixth in a chain of seven lakes known as the Highland Lakes. First dam (Austin Dam) was built in 1893 and destroyed in a major flood in 1900. A second partially constructed dam was destroyed by flooding in 1935. The present dam, Tom Miller Dam, was completed in 1939, with a hydroelectric power plant coming on line in 1940.
- Lake Austin is used for public and private drinking water, flood and irrigation water conveyance, hydropower generation, as well as recreation
- The last major flood occurred in July 2002.
- Lake temperatures range from 52 °F to 80 °F with an average of 65°F
- Clear, clean water and proximity to the City of Austin makes this lake a popular recreation destination for water skiing, fishing and swimming.
- In response to citizen complaints, investigators find an average of 22 pollution spills each year in Lake Austin; the most common spill type is sediment, followed by petroleum, then sewage.
- Lake Austin is an excellent large-mouth bass fishery due to the substantial coverage of aquatic vegetation (including the invasive exotic plant Hydrilla; see www.cityofaustin.org/watershed/hydrilla.htm).
- Efforts such as lake drawdowns and recent introduction of sterile Asian grass carp have shown some promise in controlling the hydrilla infestation.
- The City of Austin monitors six tributaries within the immediate Lake Austin watershed (below Mansfield Dam) to keep track of local influences on this reservoir.

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Creek Assessments

Environmental

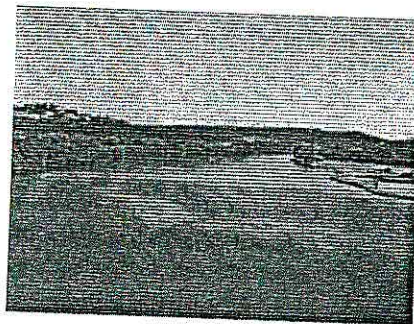
Index	Score	Category	Notes
Overall Score	82	Very Good	Lake Austin ranks 2 out of 46 watersheds in overall quality
Water Chemistry	67	Good	Water quality is above average, ammonia is high

Sediment Quality	89	Excellent	PAHs are very low, herbicides/pesticides are very low, metals are very low
Recreation	94	Excellent	During dry weather conditions, bacteria is not a threat
Aesthetics	91	Excellent	Litter is not a problem, no odor
Habitat	76	Very Good	Some sediment deposition
Aquatic Life	73	Good	Benthic macroinvertebrate community is good, diatom community is excellent

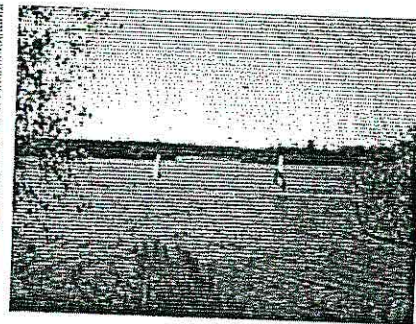
- The Lake Austin tributaries are characterized by high gradient Hill Country streams common on the Edwards Plateau with varying levels of development but generally healthy riparian corridors.

[Learn More](#)

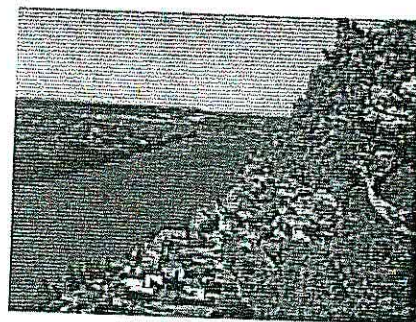
Photo Gallery



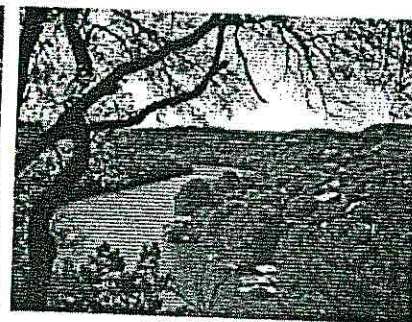
Lake Austin at 360 bridge



Lake Austin



Lake Austin at Mt Bonnell



Lake Austin at FM 2222

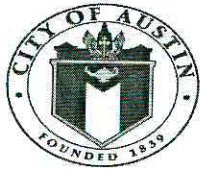
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Parks and Recreation Board
Special Called Meeting
July 15, 2010

Board Chair Guerrero called the special called board meeting to order at 6:08 p.m.

Board members in Attendance:

Board Chair Guerrero, Board Vice-Chair Sara Marler, Hill Abell, Carol Lee, Jerry Perales, Jeff Francell and Jane Rivera.

Staff in Attendance: Sara Hensley, Chris Yanez, Kelly Snook and Tino Garcia.

Note: Board Chair Guerrero reported that the Edgewater Neighborhood Association had formally requested a postponement of the special called meeting. Ms. Ann Finch, Vice-President announced that since they did receive the documents they requested, they were formally cancelling the postponement request.

1. Citizen Communication

Alan Roddy urged the Board to reject the bulkhead. He reiterated his request to have the Board support the Lake Austin Task Force Resolution.

Ann Finch, Vice President Edgewater Neighborhood Association, announced opposition to variances to the property and urged the Board to remove the bulkhead including any improvements and to restore the bulkhead to the original position.

David Rodewald urged the Board to reject the application for shoreline modifications and any other developmental advantages gained.

Mary LaViolette announced her opposition to the application, especially the 16 feet reclaimed from the lake. She is concerned that if the application is approved, it will set a precedent.

Nathan Chelstrom, applicant for the variance request, urged the Board to support the site plan for 2700 Edgewater Drive.

Richard Pedro urged Board approval for the variance request at 2700 Edgewater Drive.

Farah Chelstrom requested Board approval for the modification to the existing bulkhead to 2700 Edgewater Drive.

Andre Dukes spoke in support of the variance request to 2700 Edgewater Drive. He respectfully requested that the Board acknowledge the City's previous acceptance of the existing bulkhead without limitation to development of the boat dock and allow the owners to reconvene construction.

2. New Business and Action Items

a. Make a recommendation to the Director regarding 2700 Edgewater .

A motion to approve the variance request to place fill in Lake Austin with the following staff conditions was made by Board Member Francell, seconded Board Member Hill.

The conditions are as follows:

1. Boat dock construction is prohibited.
2. An Environmental Resource Management (ERM) approved wave abatement strategy is constructed.
3. A larger wetland bench that is at or near the waters edge is constructed.
4. Tree mitigation takes place on the lot and not in the wetland bench.
5. The wetland bench is designated a no-build area and will be continually maintained by owner.
6. No irrigation is used below a specific contour line.

Note: the motion also has the following recommendations for future permitting requirements by the Planning and Development Review Department:

1. Certified surveys before and after development.
2. Demolition, building permits and EV inspection required for all bulkhead work.
3. Exemptions not allowed for bulkhead work greater than 20 liner feet.

Board Member Lee moved a substitute motion which was to accept the staff recommendation and to deny the variance request, seconded by Board Member Rivera.

Board Chair Guerrero called for a vote on the substitute motion first. The motion did not carry by a vote of 3-4.

Vote count: Members voting aye: Lee, Rivera and Board Chair Guerrero.

Members voting nay: Francell, Marler, Hill and Perales.

Board Chair Guerrero then entertained the original motion made by Board Member Francell. Motion carried 5-2.

Vote count: Members voting aye: Francell, Marler, Rivera, Hill and Perales.

Members voting nay: Guerrero and Lee.

With no further business, the meeting was adjourned at 6:47 p.m.



Watershed Protection and Development Review Department

P.O. Box 1088, Austin, Texas 78767

One Texas Center, 505 Barton Springs Road

Telephone: (512) 974-6370 Fax: (512) 974-2423

Site Development Exemption Request

SX-07-0032

Site Address:	2700 EDGEWATER DR AUSTIN, TX 78733		
Project Name:	BULKHEAD REPAIR		
Legal Description:	0.387 AC. of Lot 14, Cedar Ranch plus pt. of vac. street, total 0.449 AC. TAX I.P. = 0135360136		
Zoning:	SF-2	Watershed:	
Existing Land Use(s):	Standard lot		
Proposed Land Use(s):	standard lot		
Brief /General Description of the Development being sought:	Repair/Replacement of existing bulkhead to prevent further erosion.		

Attach a detailed description of the proposed development in a memorandum or letter and a site plat or survey plan that graphically indicates, but is not limited to,:

- | | |
|---|--|
| <ul style="list-style-type: none">➤ existing trees➤ buildings➤ parking areas➤ roadways/streets➤ all areas of impervious cover levels (existing & proposed)➤ erosion controls (i.e.: silt fencing, tree protection) | <ul style="list-style-type: none">➤ limits of construction➤ type of construction➤ location of construction➤ accessible parking➤ access route |
|---|--|

I, Nathan Chelstrom, do hereby certify that I am the
(PRINT NAME)

☒ owner ☐ owner's agent (to act as the owner's agent, written authorization from the owner must be provided) of this described property, and in this capacity, submit this request for exemption from the site plan submittal requirements pursuant to Chapter 25-5-2 of the Austin City Code.

Furthermore, I certify and acknowledge that:

1. Although the proposed development does not require a formal site plan approval, it may require, prior to beginning any site work, the approval of the subdivision or issuance of a building, remodel, and/or demolition permit;
2. Although the proposed development complies with all applicable zoning regulations, it does not prohibit enforcement of restrictive covenants and/or deed restrictions;
3. The approval of this exemption request does not constitute authorization to violate any provisions of the Austin City Code or other applicable requirements, which includes the use or occupancy of the improvement.
4. The approval notice with paid receipt shall be clearly posted on-site and protected from the elements at all times.

Nathan Chelstrom

Signature of Requester

Date: 1-10-07

Address: 1903 Chula Vista Dr. Cedar Park, TX 78613

Telephone: 512-293-9313

Please indicate how you wish to receive a copy of the results of the review:

☐ Mail ☐ FAX: ☒ E-mail: nchelstrom@yahoo.com

Departmental Use Only

Project Name: Bulkhead Repair		Case Number: SPX-07-0032		Applicant Name: Nathan Chelstrom	
<input checked="" type="checkbox"/> If Required	Reviewer: [Signature]	Date: 1-31-07	Comments		
<input checked="" type="checkbox"/> Site Plan			<input type="checkbox"/> SPOC*		
<input type="checkbox"/> Transport	N/A		<input type="checkbox"/> SPOC*		
<input type="checkbox"/> Engineer	N/A		<input type="checkbox"/> SPOC*		
<input checked="" type="checkbox"/> Environ.	[Signature]	1-31-07	<input type="checkbox"/> SPOC*		
<input type="checkbox"/> AFD					
<input type="checkbox"/> AWU					
<input type="checkbox"/> Plumbing					

* SPOC - Single Point of Contact

Smart Housing Project? ☐ Yes ☒ No

Existing Certificate of Occupancy? ☐ Yes ☐ No ☒ N/A

Exhibit attached? ☒ Yes ☐ No ☐ N/A

Qualifies for exemption per Section 25-5-2 () () () & () () () & () () ()

Building permit required? ☐ Yes ☐ No ☒ N/A

Proposed Land Uses? ☐ Yes ☐ No ☒ N/A

☒ Approved

☐ Denied

☐ Determined to be a ☐ Revision ☐ New Project

Check all that apply:

☐ Review Fee(s) Not Required

☒ Site Plan Correction/ Exemption Review Fee

☐ Change of Use Review Fee

22

☐ Landscape Inspection: _____ acres

☐ Shared Parking Review

☐ Phasing Review: _____ phases

Nathan Chelstrom

512-293-9313

Watershed Development Review Department
P.O. Box 1088
Austin, TX 78767

01/10/07

Subject: Exemption request for 2700 Edgewater Drive

Dear Sir or Madam:

As Lake Austin is lowered, it has become evident how dilapidated and dangerous the current bulkhead on 2700 Edgewater Drive is. I have attached pictures to illustrate the current state of the bulkhead, not only the resultant erosion but the garbage and debris which is currently being trapped in locations where the bulkhead has fallen apart. This request is to replace locations of the current bulkhead that have completely deteriorated and repair locations which are simply failing, resulting in a single, uniform bulkhead across the property, as once existed. Please see the attached photos and call me at (512) 293-9313 if I can answer any questions.

Best regards,



Nathan Chelstrom