



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: NOVEMBER 06, 2013

NAME & NUMBER OF PROJECT: Boat Dock for 5 Humboldt Lane
SP-2013-0133D

NAME OF APPLICANT OR ORGANIZATION: Braun & Gresham Attorneys at Law
David Braun, (512) 894-5426

LOCATION: 5 Humboldt Lane

PROJECT FILING DATE: April 8, 2013

WPD/ERM STAFF: Sylvia Pope 974-3429
sylvia.pope@austintexas.gov

PDRD/ENVIRONMENTAL STAFF: Liz Johnston, 974-1218
liz.johnston@austintexas.gov

PDRD/ CASE MANAGER: Michael Simmons-Smith, 974-1225
michael.simmons-smith@austintexas.gov

WATERSHED: Lake Austin (Water Supply Rural),
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: 1) Variance request is as follows: To allow construction of a boat dock access trail within a Critical Environmental Feature buffer, 25-8-281(C)(1)(a);

STAFF RECOMMENDATION: Recommend

REASONS FOR RECOMMENDATION: The findings of fact have been met.



MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Liz Johnston, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: October 30, 2013

SUBJECT: Boat dock for 5 Humboldt Lane, SP-2013-0133D

On the November 06, 2013 agenda is a request for the consideration of a variance to allow construction of necessary shoreline access within a rimrock Critical Environmental Feature buffer at the subject property.

Description of Property

The subject property is a 32.6-acre tract (Lot 51, Rob Roy Phase 2) located in the Lake Austin Watershed, which is classified as a Water Supply Rural watershed and is located within the Drinking Water Protection Zone. The property is currently vacant and is located partially within the LA zoning district and partially located within the 2-mile Extra Territorial Jurisdiction.

Existing Topography/Soil Characteristics/Vegetation

The main topographic feature of the subject property is the undeveloped bluff that rises nearly 500 feet from the shoreline of Lake Austin to the high point on the lot. The vegetation is primarily ashe juniper, live oak and native understory such as wafer ash and yaupon. Soils are Tarrant Soils and Rock Outcrop (TdF) and Bracket Soils and Rock Outcrop (BoF), which are generally stony clay or stony clay loam over limestone with interbedded limestone and marl.

Critical Environmental Features/Endangered Species

The entire shoreline consists of a rimrock CEF setback. Additionally, another rimrock CEF was identified by staff during a site visit adjacent to the proposed trail location. The property has been identified as habitat for the endangered golden cheek warbler.

Description of Project

The project consists of natural material pathway and series of stone steps to allow safe access to the shoreline associated with the boat dock site plan currently under review.

Environmental Code Exception Request

The following exception to the land development code is requested:

- 1) To allow construction within a Critical Environmental Feature setback, LDC 25-8-281(C)

Conditions for Staff Approval

- 1) Applicant must agree that no trams will be constructed to provide shoreline access.

Recommendation

Staff recommends approval of the variances because the Findings of Fact (see attached) have been met.



Staff Findings of Fact
Planning and Development Review Department
Environmental Criteria Manual Appendix U

Project:	Boat Dock for 5 Humboldt Lane SP-2013-0133D
Ordinance Standard:	Land Development Code Section 25-8-281(C)
Variance Request:	To allow construction of a trail and steps within a Critical Environmental Feature (CEF) buffer.

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 situated property with similarly timed development?

Yes – The residential lot contains a bluff along Lake Austin. The proposed trail that crosses the CEF buffer is necessary in order to provide safe access to the proposed boat dock. One neighboring property to the east of the subject tract was granted a site plan approval in (Ref. SP-00-2182DS). Another property west of, but in the same subdivision as, the subject property was granted a boat dock site plan, along with an administrative CEF variance (Ref. SP-06-0666DS)

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 applicant has proposed a natural-material trail that follows along the ridgeline of the bluff and along an existing deer path until the topography is such that the construction of a series of steps will be necessary to access the dock safely. It is not possible to avoid the CEF buffer because the rimrocks run along the entire shoreline. The applicant has provided sufficient details regarding the construction of the steps that significant environmental harm is unlikely to result from the construction of the steps.

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 proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development. Many residential lots along Lake Austin have significant topographic constraints and yet are allowed to construct shoreline access to reach their boat docks.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?


Yes – Water quality will be the same than would have resulted had development proceeded without the variance. No water quality treatment is required for this single family residential lot or the proposed boat dock.

5. 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 entire property?
Not applicable.


Environmental Reviewer:


Liz Johnston

Environmental Program Coordinator:


Sue Barnett

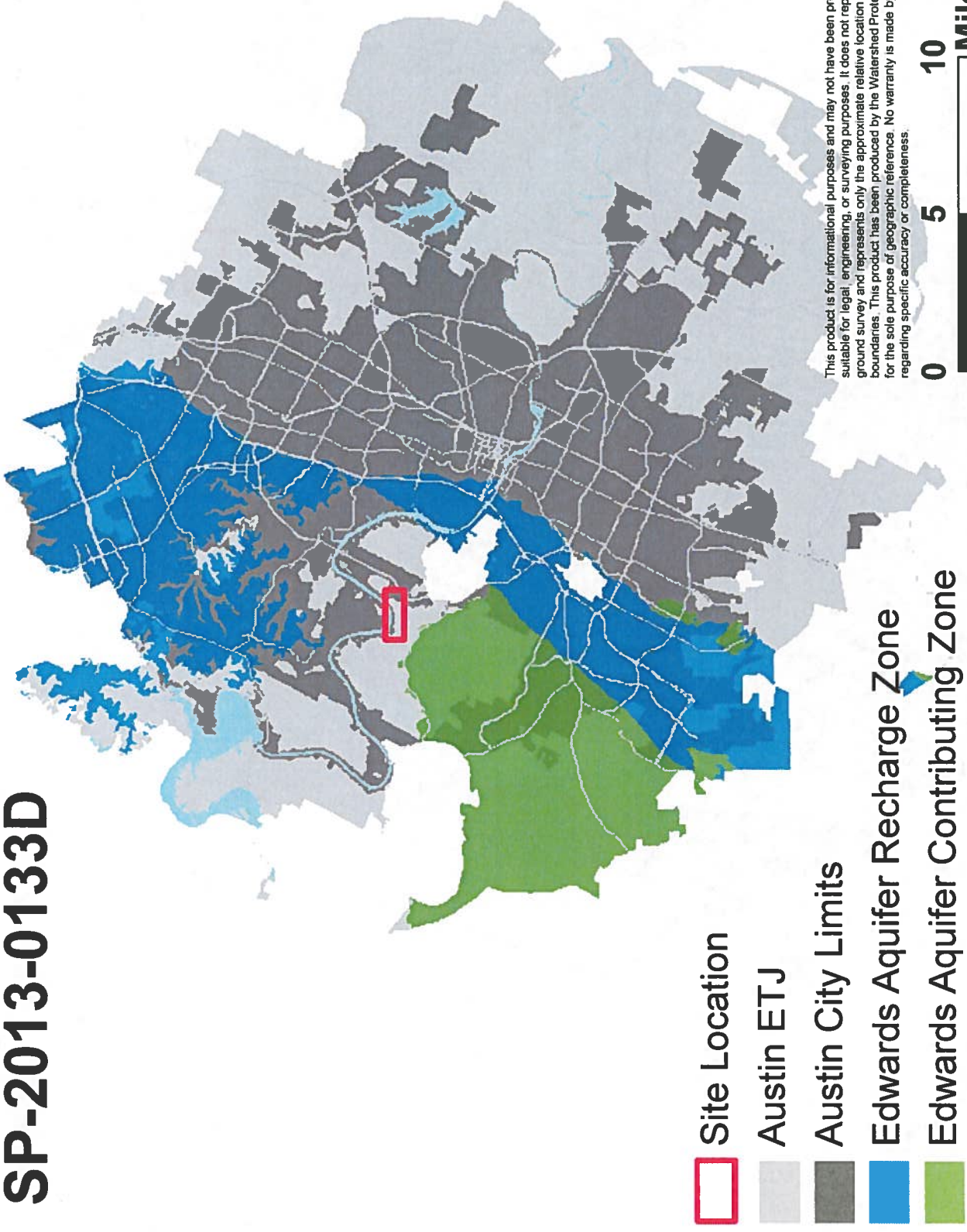
Environmental Officer:


Chuck Lesniak

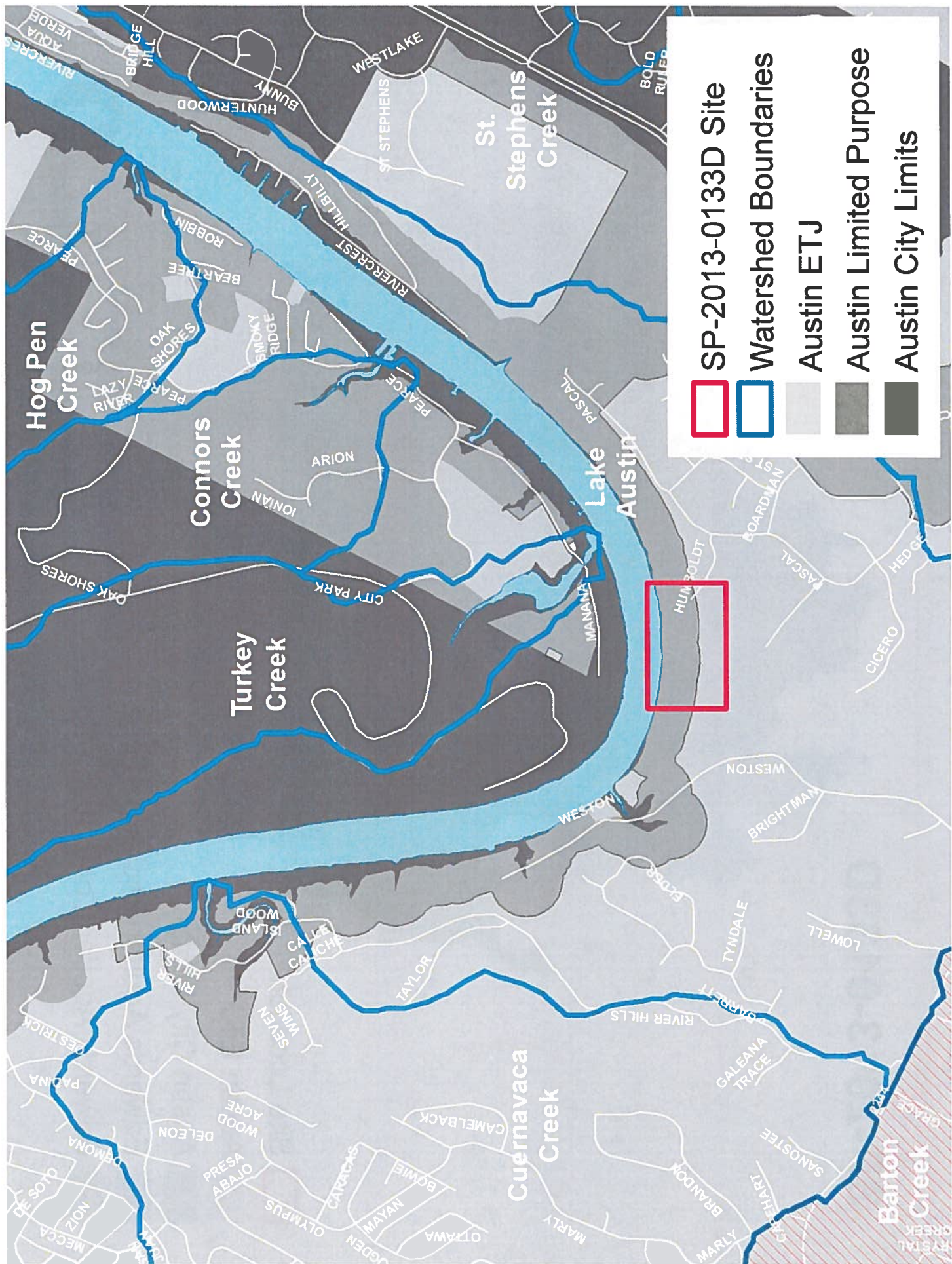
Date: October 28, 2013

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

SP-2013-0133D



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 Watershed Protection Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





SP-2013-0133D Site

TCAD Parcels





Directions to 5 Humboldt Ln, Austin, TX 78746
10.8 mi – about 17 mins
From City Hall to 5 Humboldt Lane






Urban Design Group

TRANSMITTAL LETTER

DATE: October 2, 2013

TO: Liz Johnston
Environmental Specialist
City of Austin
Planning and Development Review Department

CC: Michael Simmons-Smith, COA
David Braun
Terry Irion
Maureen Alexander

FROM: Don Sansom, P.E. 

SUBJECT: Boat Dock for 5 Humboldt Lane
COA Case No. SP-2013-0133D
Variance Request
UDG Project No. 10574.008

Message:

We have enclosed for your use the applicant's variance request package for the subject pending site plan. Per your instructions, we have updated the request utilizing the template adopted by the Environmental Board. Please call me at 347-0040, ext. 111 if you have any questions.



ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Boat Dock Application for 5 Humboldt Lane
COA Case No. SP-2013-0133D

Description of Requested Variance (See also attached variance request letter):

The applicant requests a variance from Section 25-8-281(C) of the City's Land Development Code to construct a boat dock and its necessary access trail/path within the buffer zone of a canyon rimrock Critical Environmental Feature (CEF). The request accompanies the owner's application for construction of a boat dock on Lake Austin for the applicant's property at 5 Humboldt Lane.

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	David Braun, agent for Maureen Alexander, owner
Street Address	P.O. Box 1148
City State ZIP Code	Dripping Springs, TX 78620
Work Phone	(512) 894-5426
E-Mail Address	dbraun@braungresham.com

Variance Case Information

Case Name	Boat Dock for 5 Humboldt Lane
Case Number	SP-2013-0133D
Address or Location	5 Humboldt Lane
Environmental Reviewer Name	Liz Johnston
Applicable Ordinance	Current Code (CWO)
Watershed Name	Lake Austin
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	The property has frontage on Lake Austin
Water and Waste Water service to be provided by	Water: WCID #10 WW: On-site
Request	Variance from Section 25-8-281(C) of the City's Land Development Code to construct a boat dock and its necessary access trail/path within the buffer zone of a Critical Environmental Feature

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>NA</u>
acreage:	<u>0</u>	<u>NA</u>
percentage:	<u>0</u>	<u>NA</u>

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>The environmental characteristics of the property are consistent with the Edwards Plateau region (Balcones Canyonlands) of west-central Texas. The topography of the majority of the property is steep and the surface is rough, rocky, and well drained. Elevations on the property range from 832 to 491 feet above mean sea level (MSL). A ridge (topographic divide) follows a northwest path across the lot. Vegetation on the property consists of dense woodlands and both native and invasive plants. The locations of trees in the area of the proposed improvements are depicted on the site plan drawings.</p> <p>A portion of the property is within the 100-year floodplain of Lake Austin. The locations of the lake's shoreline, floodplain, and Critical Water Quality Zone are shown on the site plan drawings.</p> <p>The property's steep slopes along Lake Austin contain rock outcroppings that meet the definition of a canyon rimrock Critical Environmental Feature. The locations of the rimrocks and their buffer zones are depicted on the site plan drawings.</p>
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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed dock and its access path/stairs are located within the 150-foot buffer zone of rimrock CEF's (See site plan drawings).
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FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Boat Dock Application for 5 Humboldt Lane
SP-2013-0133D
Ordinance: Current (CWO)

A. Land Use Commission variance determinations from Chapter 25-8-41 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.

Yes. Strict application of the CEF buffer requirement will deprive the owner of privileges given to the owners of similarly situated lakefront properties with approximately contemporaneous development. The City has granted approvals for the construction of docks and means of access to them within the setbacks of similar rimrock CEF's to the owners of lots located upstream and downstream of the subject lot (See Attachment 1, Site Context - Aerial Photo, and Attachment 2, Tabulation of Approved Boat Docks).

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;

Yes. The condition is not caused by the applicant's method to develop the property. The configuration of the 32.6-acre lot was established in 1979 by the Rob Roy Phase 2 subdivision plat. The rimrock CEF generally follows the property's frontage on Lake Austin.

- 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;

Yes. The variance is the minimum necessary to provide the privilege given to other property owners on Lake Austin to construct a dock and its access and to allow a reasonable use of the property. The applicant has chosen the location for the dock and its access trail/path to minimize the departure from the buffer zone requirements. The selected location of the dock and its access trail/path maximizes the distance from and thereby minimizes the potential to harm the CEF. The dock is 55 feet from the CEF.

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

Yes. The variance does not create a significant probability of harmful environmental consequences. The applicant has chosen the location, design, and construction methods for the dock and its access trail/path to minimize the potential for harmful environmental impacts. The applicant will construct the dock from a floating barge and will not place heavy equipment on the land between the rimrock and the shore.

Along the steep portions of the access trail, the applicant will construct a mortared rock stair over and along the exposed edge of the rimrock. The construction details for the stair included on the site plan drawings stipulate that no disturbance of the rimrock or its vegetation shall occur except in those areas in contact with the stair. The applicant will utilize

on-site weathered limestone to construct the stair in a comparable manner to the stairs built over a similar rimrock formation to access the dock located immediately upstream of the subject property. (See Attachment 3, Site Plan and Construction Details, Attachment 4, Photographs of rimrock CEF at the proposed dock, and Attachment 5, Photographs of stone stairs crossing rimrock to access dock on adjacent upstream lot)

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

Yes. By utilizing the design and methods described above, construction of the dock and its access trail/path will result in water quality that is at least equal to the water quality achievable without the variance. The quality of the runoff from the mortared rock stair will be equivalent to the runoff from the native on-site stones to be utilized for its construction. Construction of the dock from a floating barge will prevent disturbance of the hydrogeology of the rimrock and will minimize disturbance of the shore and natural vegetation between the dock and the rimrock.

- 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 criteria for granting a variance in Section A are met;

Not applicable.

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

Not applicable.

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

Not applicable.

Exhibits for Board Backup and/or Presentation

A. Variance Request Letter with the Following Attachments:

1. Site Context - Aerial Photo
2. Tabulation and Photographs of Approved Boat Docks (with similarly situated property and contemporaneous development)
3. Site Plan and Construction Details
4. Photographs of rimrock CEF at the proposed dock
5. Photographs of stone stairs crossing rimrock to access dock on adjacent upstream lot



Urban Design Group

October 2, 2013

Greg Guernsey, Director
Planning and Development Review Department
City of Austin
505 Barton Springs Road, Suite 400
Austin, TX 78704

Re: Boat Dock Application for 5 Humboldt Lane
COA Case No. SP-2013-0133D
Variance Request
UDG 10547.008

Dear Greg,

On behalf of the owner, we have prepared this letter to request a variance from Section 25-8-281(C) of the City's Land Development Code that prescribes the requirements for Critical Environmental Feature buffer zones. The request accompanies the owner's application for the construction of a boat dock on Lake Austin for the subject property located at 5 Humboldt Lane.

Description of the Requested Variance

The owner requests a variance to construct a boat dock and its necessary access trail/path within the buffer zone of a canyon rimrock Critical Environmental Feature (CEF). The rimrock CEF extends along the majority of the property's frontage on Lake Austin. The locations of the proposed dock and its access trail/path with respect to the CEF buffer zone are depicted on the site plan. (See Attachment 3)

Explanation and Justification for the Requested Variance

As further described below, this request is based on unique circumstances where strict application of the buffer zone requirement would deprive the owner of privileges enjoyed by other similarly situated property with similarly timed development. The owner has chosen the location of the dock and its access trail/path and their design and construction methods to minimize the departure from the buffer requirements and potential for harmful environmental impacts. The following information is provided in support of the variance in accordance with Appendix Q, Watershed Variances – Findings of Fact contained in the City's Environmental Criteria Manual.

- 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 situated property with similarly timed development?*

Yes. Strict application of the 150-foot buffer requirement deprives the owner of privileges enjoyed by other lakefront properties. The City has granted approvals to the owners of lakefront lots located upstream and downstream of the subject lot for the construction of docks and means of access to them within the buffer zones of similar rimrock CEF's.

(See Attachment 1, Site Context - Aerial Photo of Lake Austin, and Attachment 2, Tabulation of Approved Boat Docks - with similarly situated property and contemporaneous development).

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 location, design, and construction methods for the dock and its access trail/path minimize the departure from the buffer zone requirements and potential harmful environmental impacts. The proposed location of the dock is approximately 55 feet from the rimrock. Construction of the dock will be performed from a floating barge and no heavy equipment will be placed on the land between the rimrock and the shore.

The proposed alignment of the access trail/path follows a narrow ridgeline to minimize disturbance of areas with steep slopes. Along the lower portion of the path that traverses steep slopes, the applicant has modified the path's alignment to follow an existing animal path as requested by the city staff during a site visit on May 1, 2013. The applicant proposes to construct a mortared rock stair over and along the exposed edge of the canyon rimrock. The construction details for the stair stipulate that no disturbance of the rimrock or its vegetation shall occur except in those areas in contact with the stair. The applicant will utilize on-site weathered limestone to construct the stair in a comparable manner to the stairs built over a similar rimrock formation to access a dock located immediately upstream of the subject lot.

(See Attachment 3 - Site Plan and Construction Details,
Attachment 4 - Photographs of rimrock CEF at the proposed dock, and
Attachment 5 - Photographs of stone stairs crossing rimrock formation to access dock on adjacent upstream lot)

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 that was created as a result of the method by which a person voluntarily subdivided land.*

Yes. Approval of the requested variance will allow construction of the proposed dock and its access trail/path in a form and location enjoyed by other similarly situated and timed development. Moreover, the variance does not provide a special privilege, and is not based on a unique condition created as a result of the method utilized to subdivide the land. Of note, due to the configuration of the subject platted lot consisting of 32.6 acres, one dock will be constructed along 1800 linear feet of frontage on Lake Austin.

4. *Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?*

Yes. Utilizing the design and construction methods described above, construction of the dock and its access trail/path within the canyon rimrock buffer zones will result in water quality equal to or better than without the variance. Runoff from the mortared rock stair will be equivalent to the runoff from the native on-site stones utilized for its construction. The application further stipulates that construction of the dock shall be performed from a floating barge to prevent disturbance of the hydrogeology of the rimrock and to minimize disturbance of the natural vegetation between the dock and the rimrock.

Greg Guernsey
October 2, 2013
Page 3 of 3

Please call me at 347-0040 ext. 111 should you have any questions.

URBAN DESIGN GROUP



Don Sansom, P.E.

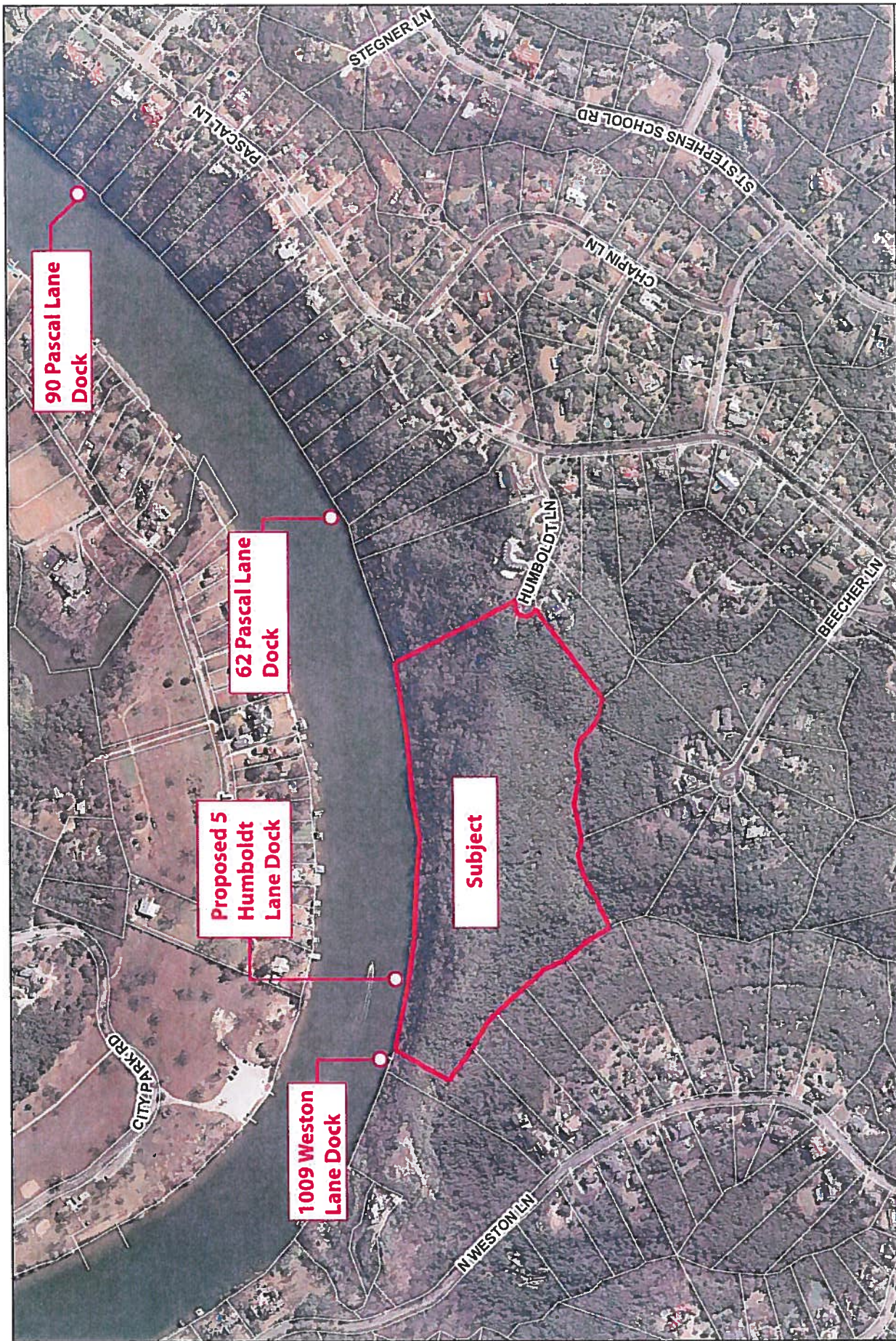
Attachments:

1. Site Context - Aerial Photo
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5. Photographs of stone stairs crossing rimrock to access dock on adjacent upstream lot

CC: Maureen Alexander
David Braun
Terry Irion
John Noell, Urban Design Group

ATTACHMENT 1

SITE CONTEXT
AERIAL PHOTO



3660 STONERIDGE ROAD
SUITE E101
AUSTIN, TX 78746
PHONE: 512.347.0040
FAX: 512.347.1311
E-MAIL: GENERAL@UDG.COM
www.udg.com

UDG
Urban Design Group

Boat Dock Application for 5 Humboldt Lane
Attachment 1 - Site Context, Aerial Photo
COA Case No. SP-2013-0133D

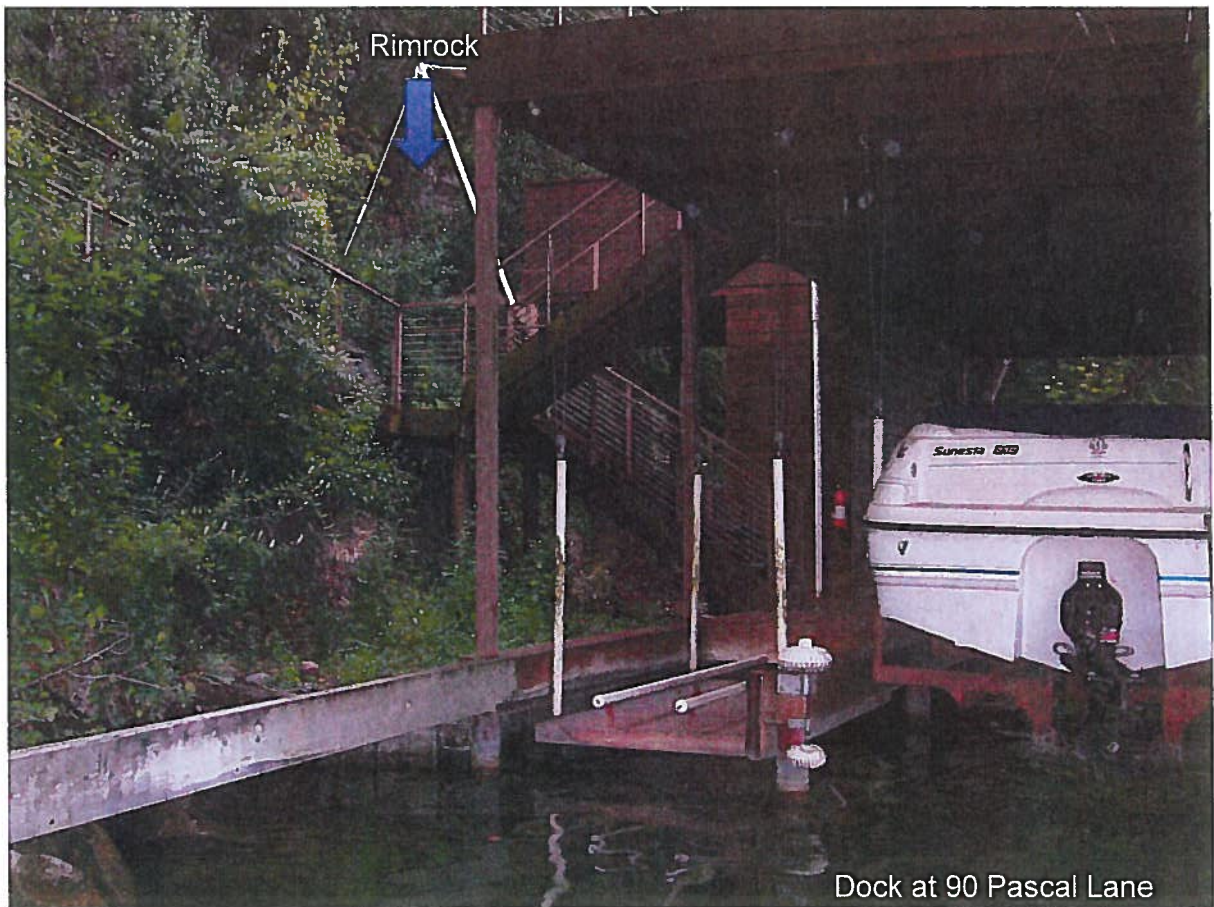
ATTACHMENT 2

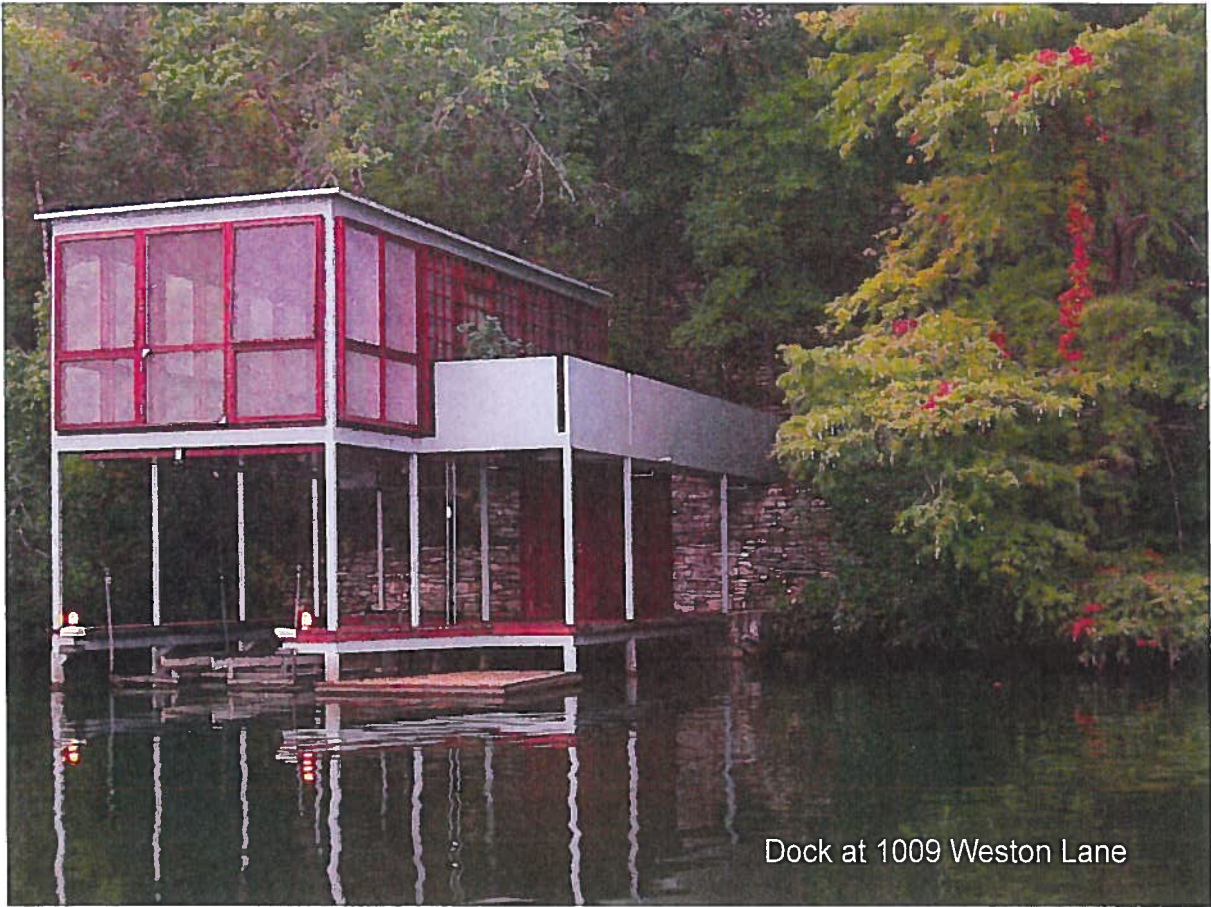
TABULATION AND PHOTOGRAPHS
OF APPROVED BOAT DOCKS

(WITH SIMILARLY SITUATED PROPERTY
AND CONTEMPORANEOUS DEVELOPMENT)

**ATTACHMENT 2 - TABULATION OF APPROVED BOAT DOCKS
(WITH SIMILARLY SITUATED PROPERTY AND CONTEMPORANEOUS DEVELOPMENT)**

Applicant	Property Address	Legal Description			COA Site Plan Case #	Site Plan Approval Date	Notes
		Lot #	Subdivision	Date Recorded			
Martin	1009 Weston Lane	27	Rob Roy on the Lake Sec 1	4/25/1983	SP-00-2182 DS	6/14/2000	Access path/stair constructed within rimrock CEF buffer
Knapp	62 Pascal Ln	55	Rob Roy Phase 2	8/29/1979	SP-06-0666 DS	6/6/2007	Administratively approved environmental variance to construct dock within 25 feet of rimrock CEF
Jones	90 Pascal Ln	1	Davenport West PUD Tract C-3, Sec 2, The Point at Rob Roy	5/15/1991	SP-00-2517 DS	5/30/2001	Access and dock constructed within rimrock CEF buffer. Dock application included tram





Dock at 1009 Weston Lane

ATTACHMENT 3

SITE PLAN AND
CONSTRUCTION DETAILS

ATTACHMENT 4

PHOTOGRAPHS OF RIMROCK CEF
AT PROPOSED DOCK LOCATION



5 Humboldt Lane
Site Conditions at Proposed Dock Dock
2013-02-23 17-36-44 - IMG_4186



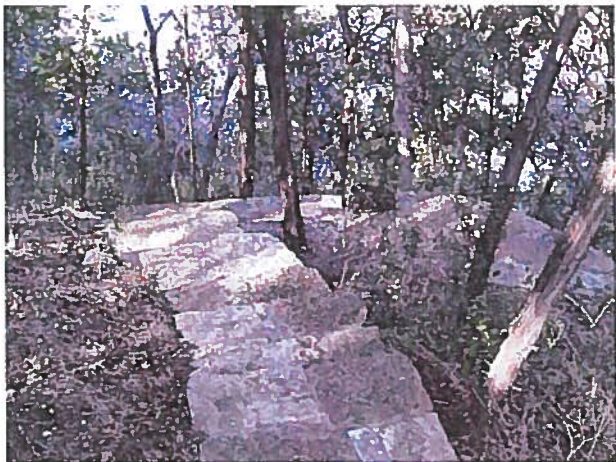
5 Humboldt Lane
Site Conditions at Proposed Dock Dock
2013-02-23 17-56-48 - IMG_4187



5 Humboldt Lane
Site Conditions at Proposed Dock Dock
2013-02-23 18-28-32 - IMG_4188

ATTACHMENT 5

PHOTOGRAPHS OF STONE STAIRS
CROSSING RIMROCK TO ACCESS DOCK
ON ADJACENT UPSTREAM DOCK



5 Humboldt Lane
Adjacent Dock
2013-02-02 17-11-15 - IMG_0003



5 Humboldt Lane
Adjacent Dock
2013-02-02 17-12-28 - IMG_0004



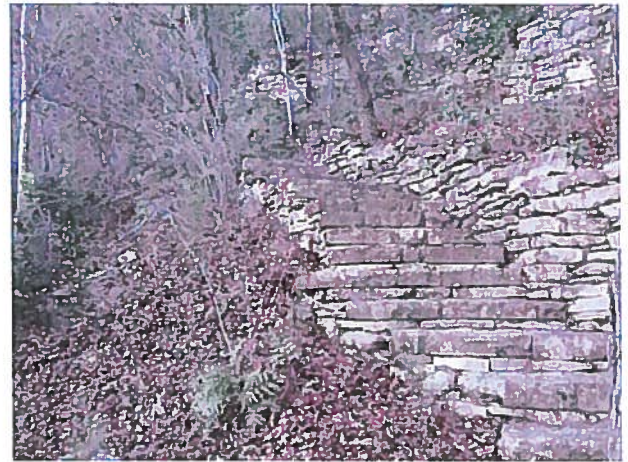
5 Humboldt Lane
Adjacent Dock
2013-02-02 17-14-23 - IMG_0005



5 Humboldt Lane
Adjacent Dock
2013-02-02 17-16-06 - IMG_0008



5 Humboldt Lane
Adjacent Dock
2013-02-02 17-18-49 - IMG_0011



5 Humboldt Lane
Adjacent Dock
2013-02-02 17-27-51 - IMG_0012

