

CASE # C15-2013-0119

ROW-11026192

TP-013119-01-02

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.**

STREET ADDRESS: 3600,3602, &3604 Rivercrest Drive

LEGAL DESCRIPTION: Subdivision --Rivercrest Addition #2

Lot(s) 59,60,61,&62 Block        Outlot        Division       

I Jim Bennett as authorized agent for Ryan Dumont, James Coleman

affirm that on 9/27/2013, hereby apply for a hearing before the Board of

Adjustment for consideration to:

**ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN**  
**A shoreline bulkhead with backfield**

       in a LA district.  
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The ordinance requires a variance in order to improve erosion, and unhealthy condition to the shore line.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

Due to angle of the shore line the current created a swirl which created a trash trap from upstream.

- (b) The hardship is not general to the area in which the property is located because:

The prior angle of the shore is unique to this property, and with the improved bulkhead the swirl and debris problem has been eliminated.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The bulkhead has been in place for approximately five years and has not created a problem for user of the lake.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

\_\_\_\_\_

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

\_\_\_\_\_

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

\_\_\_\_\_

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

\_\_\_\_\_

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address

City, State & Zip

Printed Phone Date

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address

City, State & Zip

Printed Phone Date

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

\_\_\_\_\_

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jim Bearett Mail Address 11505 Ridge DR  
City, State & Zip Austin, TX 78748

Printed Jim Bearett Phone 512-282-3079 Date 9/26/13

**OWNERS CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Ryan Dumont Mail Address 3602 RIVERCREST  
City, State & Zip AUSTIN TX 78746

Printed RYAN DUMONT Phone 512-328-0328 Date 9/26/13

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jim Bennett Mail Address \_\_\_\_\_  
City, State & Zip 11505 Ridge Dr Austin, TX 78748  
Printed Jim Bennett Phone 512.282.3079 Date 9/27/13

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 3604 Rivercrest Dr.  
City, State & Zip Austin, TX 78746  
Printed JAMES H. Coleman Phone 512.328.9874 Date 9/26/13

Re: 3602 Rivercrest variance proposal.

### **Remedy for an Environmental and Health Hazard**

1. In the 1960s a cinderblock wall was built by various Rivercrest property owners along an arbitrary path close to the edge of the lake. This wall "cut in" to the lots abruptly at our upstream neighbor's property rather than following a straight line. This was not the property line but simply an easy line to follow with the wall. The construction of this wall pre-dated our ownership of the land.
2. There was little or no water at the base of this wall on our property since it did not follow the lake's edge.
3. Due to the "cut in" configuration of the wall an eddy was created in the lake that brought debris back up along the shore. An abundance of trash (cans, cups, cut weeds, sewage, etc.) was carried up close to the wall and deposited by larger waves on the land and remained indefinitely. The eddy was also a mass of stagnant garbage.
4. The rotting mess stank and created a breeding ground for mosquitos, snakes and bacteria. This posed an environmental and health hazard for our family with small children and the neighbors on both sides of our property, as they experienced the same noxious deposits. This situation became worse year after year as lakefront development increased upstream, and all attempts to manually clear the area proved ineffective.
5. My neighbors contacted the City of Austin for assistance.
6. A City of Austin employee inspected the site, agreed that this was a serious problem and declared "That's not a city problem. That's your problem and you can fix it."
7. The neighbors contacted a professional hydrologist who recommended a wall across the "cut in" to stop the eddy and allow for the lake to flow naturally.
8. A temporary wall was put in place to test the solution. When it was successful, the solution was completed with a rippled front that was being recommended by the City of Austin at the time.
9. This project was never intended to add any amount of land to the property or to change any "setbacks" since the structures on the lots had been completed years before under current codes. This was entirely a matter of safety and health for our families and the neighborhood.

September 24, 2013

Mr. David Chapman  
City of Austin  
Planning and Development Review Department  
P.O. Box 1088  
Austin, Texas 78767

Ryan & Margaret DuMont  
3602 Rivercrest Drive  
Austin, Texas 78746

Re: 3602 Rivercrest Drive

Mr. Chapman,

Thank you for taking the time to speak with me by phone today. This will confirm the conversation we had and a similar conversation that Bruce Aupperle had with Eric Gomez today.

You understand that we have submitted a site plan for 3602 Rivercrest Drive and have been going through the approval/exemption process. We have until January 20, 2014 to continue to pursue the approval/exemption before we would have to request an extension. Your office is not pursuing any violation regarding this site while we are involved in the approval/exemption process.

Again, thank you for your understanding in this situation.

Regards,

Ryan DuMont

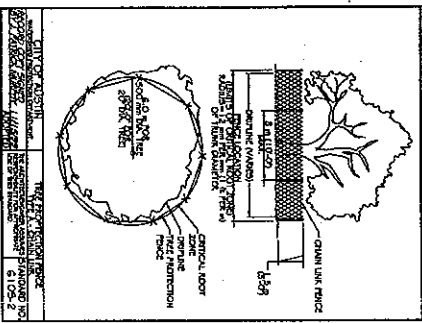
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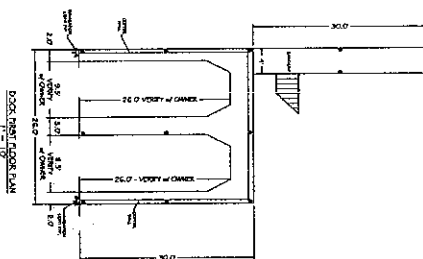
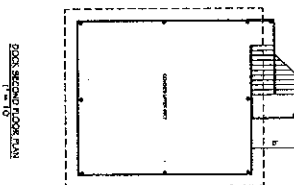
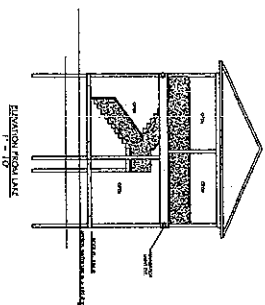
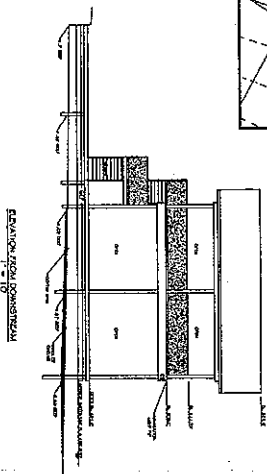




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As responsibility for the adequacy of these plans remains with the engineer who prepared them. In approving these plans, the City of Austin must rely upon the adequacy of the work of the design engineer.

Proposed Deck Width = 46"  
 Allowable Deck Width = 80% of 92" = 10.4"  
 Proposed Deck Width = 26"  
 Decking Deck Length = 30'  
 Proposed Deck Parth = 60'



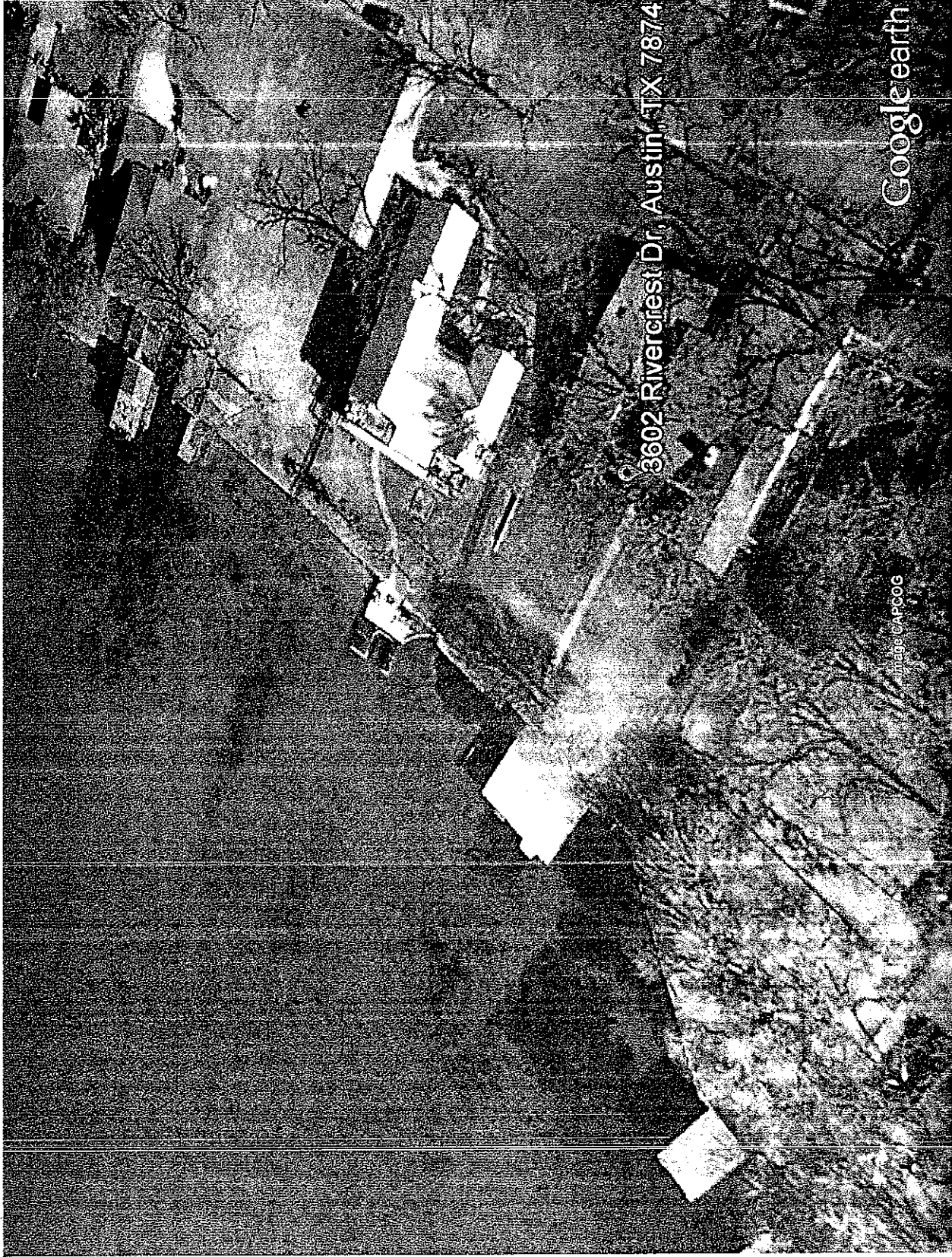
CL52073-0119  
3600 3602 3604  
Rivercrest Dr

3602 Rivercrest Drive  
SITE PLAN, DOCK PLAN &  
ELEVATIONS

**AUPPERLE COMPANY**  
Engineering, Planning & Development Services  
10088 Circleview Drive, Austin, Texas 78733 512 329-8241  
Texas Board of Professional Engineers Registration Number P-2994

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4/27/06



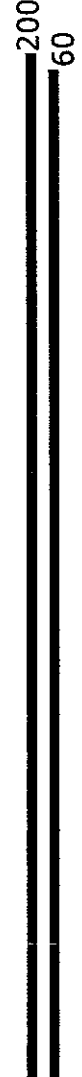
3602 Rivercrest Dr, Austin, TX 7874

Google earth

Image © AP/COG

Google earth

feet  
meters



2/27/09



3602 Rivercrest Dr Austin, TX 7874

Google earth

Image CAPCOG

feet  
meters

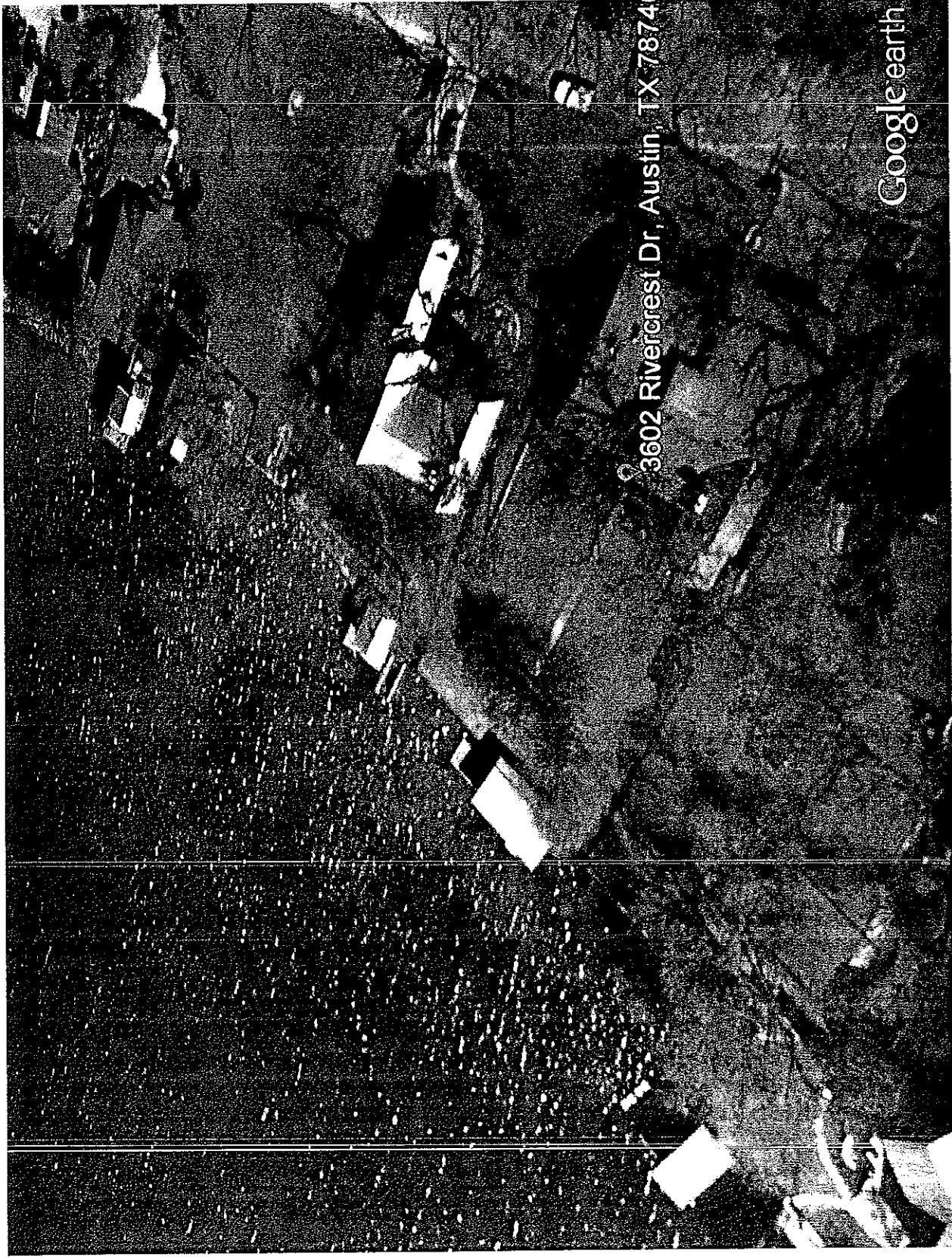
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3/9/11



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