

C22

PLANNING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET

CASE NUMBER: SP-2013-0133D

PC DATE: 1/14/2014

PROJECT NAME: Boat Dock for 5 Humboldt Lane

ADDRESS: 5 Humboldt Lane

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

ORDINANCE: Comprehensive Watershed Ordinance

ZONING: LA

APPLICANT: Maureen Alexander
8801 Mendocino Drive
Austin, Texas 78735

AGENT: David Braun
Braun & Gresham
P.O. Box 1148
Dripping Springs, Texas 78701
Phone: (512) 894-5426

PROJECT DESCRIPTION: The applicant proposes to construct a two-slip residential boat dock on Lake Austin with a walkway/staircase to serve as access. The subject property is an undeveloped 32.6-acre tract in the Rob Roy subdivision (Lot 51, Rob Roy Phase Two).

VARIANCE REQUEST: The applicant requests to allow the construction of the proposed boat dock and access trail within a rimrock Critical Environmental Feature buffer [LDC Section 25-8-281(C)(1)(a)] on the subject property.

ENVIRONMENTAL BOARD ACTION: The Environmental Board heard this case on December 18, 2013, and voted 5-1-0-1 to recommend, with the condition that no trams will be constructed on the property.

STAFF RECOMMENDATION: Recommended with conditions. As a condition of staff recommendation, the applicant must agree that no trams or similar mechanized conveyances will be constructed to provide shoreline access to the boat dock.

NEIGHBORHOOD ORGANIZATIONS:

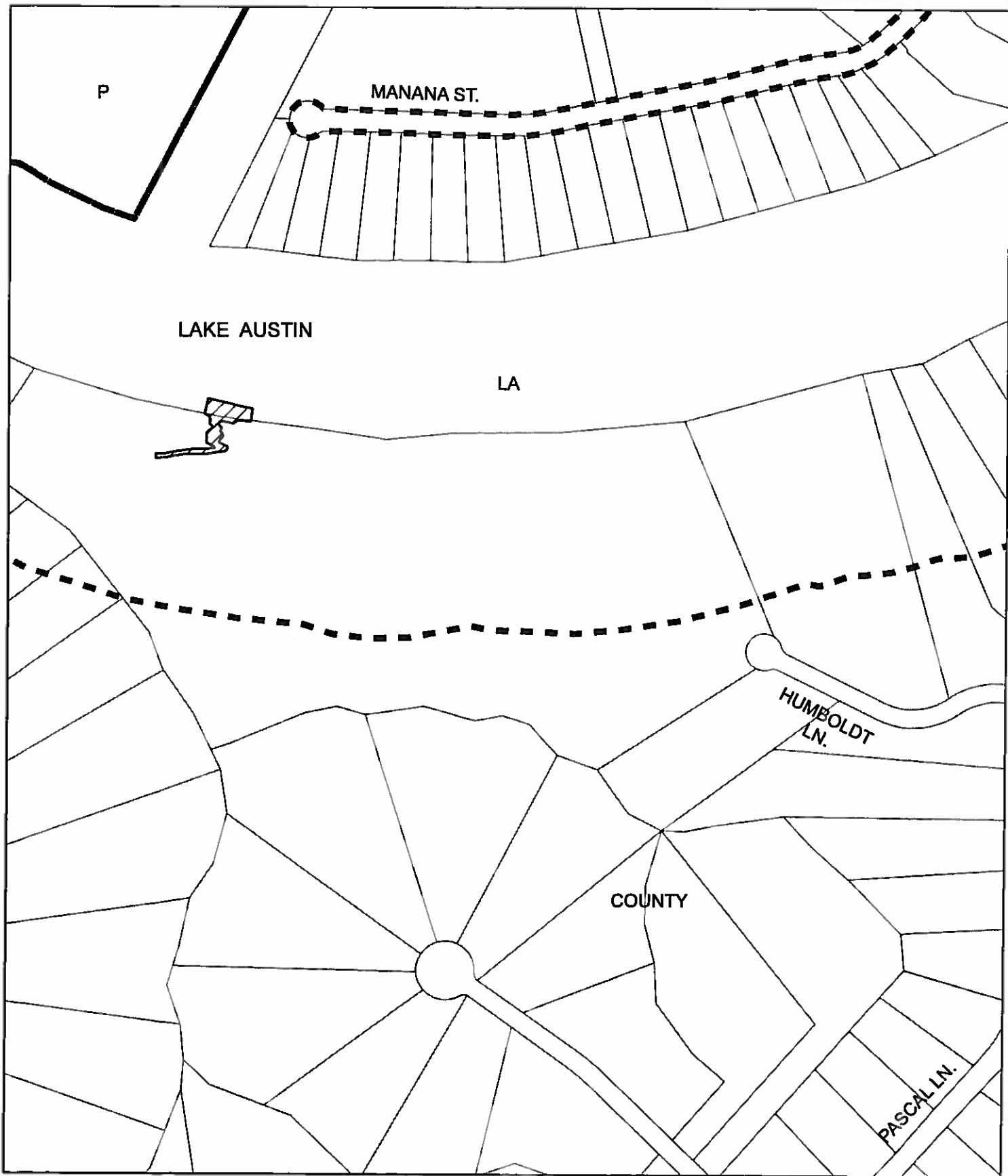
Austin Heritage Tree Foundation
Austin Monorail Project
Rob Roy Homeowners, Association, Inc.
Lake Austin Collective
Glenlake Neighborhood Association
League of Bicycling Voters
City of Rollingwood
The Real Estate Council of Austin, Inc.
Austin Parks Foundation
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
Homeless Neighborhood Organization
Save Our Springs Alliance

PDRD CASE MANAGER:

Michael Simmons-Smith
michael.simmons-smith@austintexas.gov

**PDRD ENVIRONMENTAL
STAFF:**

Liz Johnston
liz.johnston@austintexas.gov



0 87.5 175 350 Feet

SITE PLAN VARIANCE REQUEST

CASE NO.: SP-2013-0133D
ADDRESS: 5 HUMBOLDT LANE
CASE MANAGER: MICHAEL SIMMONS-SMITH





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.

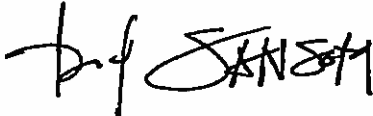
4. *Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?*

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
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

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



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 20, 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 (Full Purpose and Limited Purpose zoning jurisdictions) 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 of a boat dock and the associated access trail within a Critical Environmental Feature buffer, 25-8-281(C)(1)(a).

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)(1)(a)
Variance Request:	To allow construction of a boat dock and the associated access trail 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 steep hill located 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 hill 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 build a boat dock and necessary access while also avoiding the CEF buffer because the rimrocks run along the majority of the lot's entire shoreline. The dock itself will need to be located within the 150' of the rimrock, though it will be located downstream of the CEF. 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 boat docks.

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

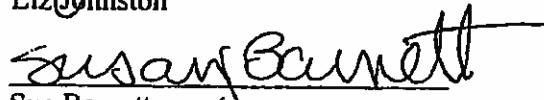
Yes – Water quality will be the same as would have resulted had development proceeded without the variance. No water quality treatment is required for this single family residential lot or the proposed boat dock.

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: Nov 13, 2013

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

LDC 25-8-281(C)

Prohibits development within a CEF buffer:

- (C) This subsection prescribes the requirements for critical environmental feature buffer zones.
 - (1) A buffer zone is established around each critical environmental feature described in this subchapter.
 - (a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature....
 - (2) Within a buffer zone described in this subsection:
 - (a) the natural vegetative cover must be retained to the maximum extent practicable;
 - (b) construction is prohibited; and
 - (c) wastewater disposal or irrigation is prohibited.
 - (3) If located at least 50 feet from the edge of the critical environmental feature, the prohibition of Subsection (C)(2)(b) does not apply to:
 - (a) a yard or hiking trail; ...

VARIANCE REQUEST

Variance Request

- To allow construction of a boat dock and the associated access trail within a Critical Environmental Feature buffer, 25-8-281(C)(1)(a).

Similar Cases

- SP-06-0666DS (Knapp-Pascal Boat Dock, 62 Pascal Ln.)

VARIANCE RECOMMENDATION

**Approval of variance with following staff
condition:**

- *No tram construction will be allowed on the
property.*



BOARD/COMMISSION RECOMMENDATION

ENVIRONMENTAL BOARD

Resolution Number: 20131207 005a

Boat Dock for 5 Humboldt Lane SP-2013-0133D

WHEREAS, the applicant has met the findings of fact

And whereas, the planning and Development Review Department has made a determination that the restrictive covenant is non-enforceable

THEREFORE, the Environmental Board recommends approval of the request for variance with the following staff conditions:

Applicant must agree that no Trams will be constructed to provide shoreline access.

Record of the Vote [4-1-1-1]

For: Deegan, Maxwell, Neely, and Schissler

Against: Perales

Abstained: Gary

Absent: Walker

Attested by:
