

C16
/1

PLANNING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET

CASE NUMBER: SP-2013-0133D

PC DATE: 1/28/2014

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.

C16/2

ADDITIONAL CASE INFORMATION: There is an existing private restrictive covenant dated August 14, 1979 that was recorded with the Rob Roy Phase Two subdivision. Among other restrictions, the document prohibits development, improvement or structures below the "Lake Austin Bluff Line", which is defined within the restrictive covenant as the 675-foot contour line. However, based upon opinion from the City of Austin Law Department, the Director of the Planning and Development Review Department has determined that the restrictive covenant is unenforceable.

A copy of the restrictive covenant is included with these backup materials.

On January 22, 2014, an e-mail was received from John Joseph, an attorney representing several Interested Parties for this case. The correspondence reaffirmed their opposition to the environmental variance request, but indicated that the opposing parties would agree to support the variance if the applicant would agree to a private restrictive covenant with the following terms:

1. Neither the applicant nor any subsequent owners will seek City of Austin or other regulatory approval for the construction or installation of a tram or any other mechanized/motorized conveyance to provide access to the boat dock;
2. Neither the applicant nor any subsequent owners will seek City of Austin or other regulatory approval for additional boat docks or boat slips for the 32.6 acre tract, regardless of the future configuration or subdivision of the tract, or to expand the size of the boat dock currently proposed;
3. The applicant will agree to move the location of the boat dock to the western edge of the tract. (The western edge has more favorable site conditions for the boat dock and trail.)

As of the date of this backup, no response had been received from neither the applicant nor her representatives.

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

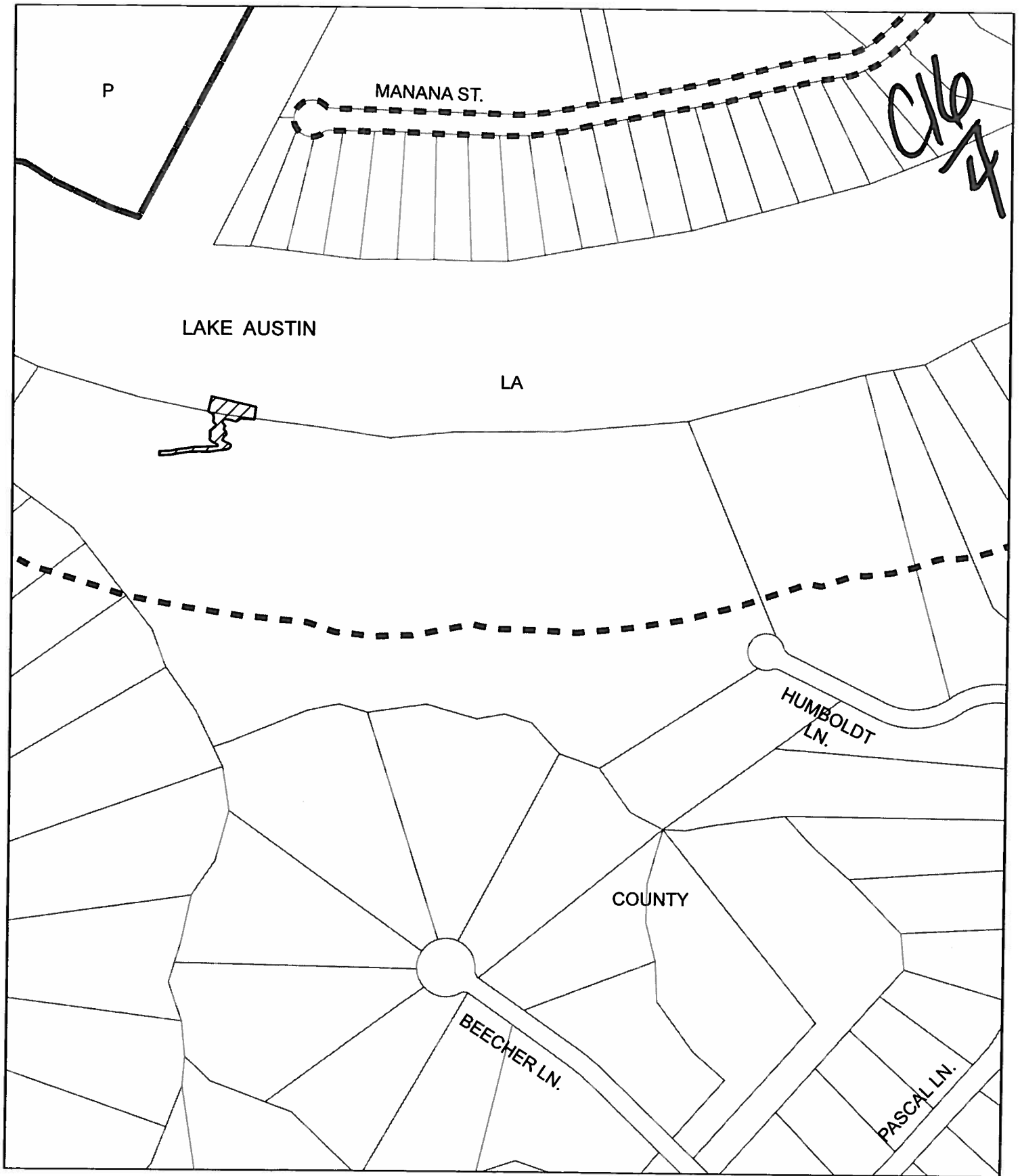
C16/3

PDRD CASE MANAGER:

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

**PDRD ENVIRONMENTAL
STAFF:**

Liz Johnston
liz.johnston@austintexas.gov



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SITE PLAN VARIANCE REQUEST

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





C16/6

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:



Cle/H

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).

C16/8

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.



C16
9

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.

C16/10

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?

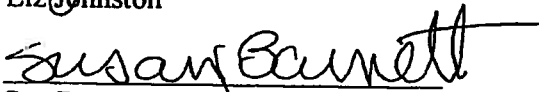
Yes – Water quality will be the same as would have resulted had development proceeded without the variance. No water quality treatment is required for this single family residential lot or the proposed boat dock.

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).

**BOAT DOCK FOR
5 HUMBOLDT LANE

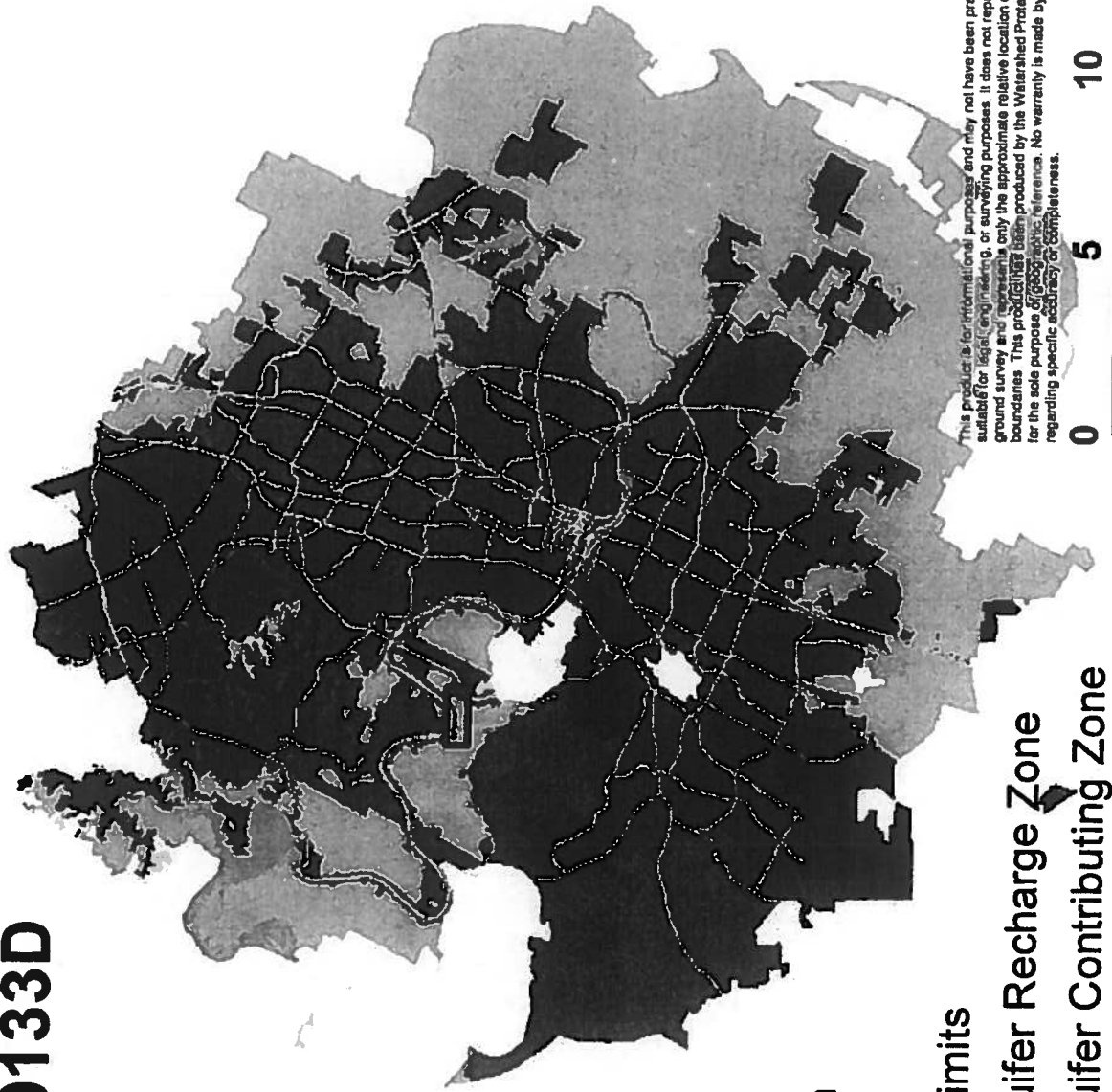
5 HUMBOLDT LANE
SP-2013-0133D**


*Sylvia Pope, P.G., Hydrogeologist
Environmental Resource Management, WPD*


*Liz Johnston. Environmental Review Specialist Senior
Land Use Review, PDRD*

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11*

SP-2013-0133D




 Site Location

 Austin ETJ

 Austin City Limits

 Edwards Aquifer Recharge Zone

 Edwards Aquifer Contributing Zone

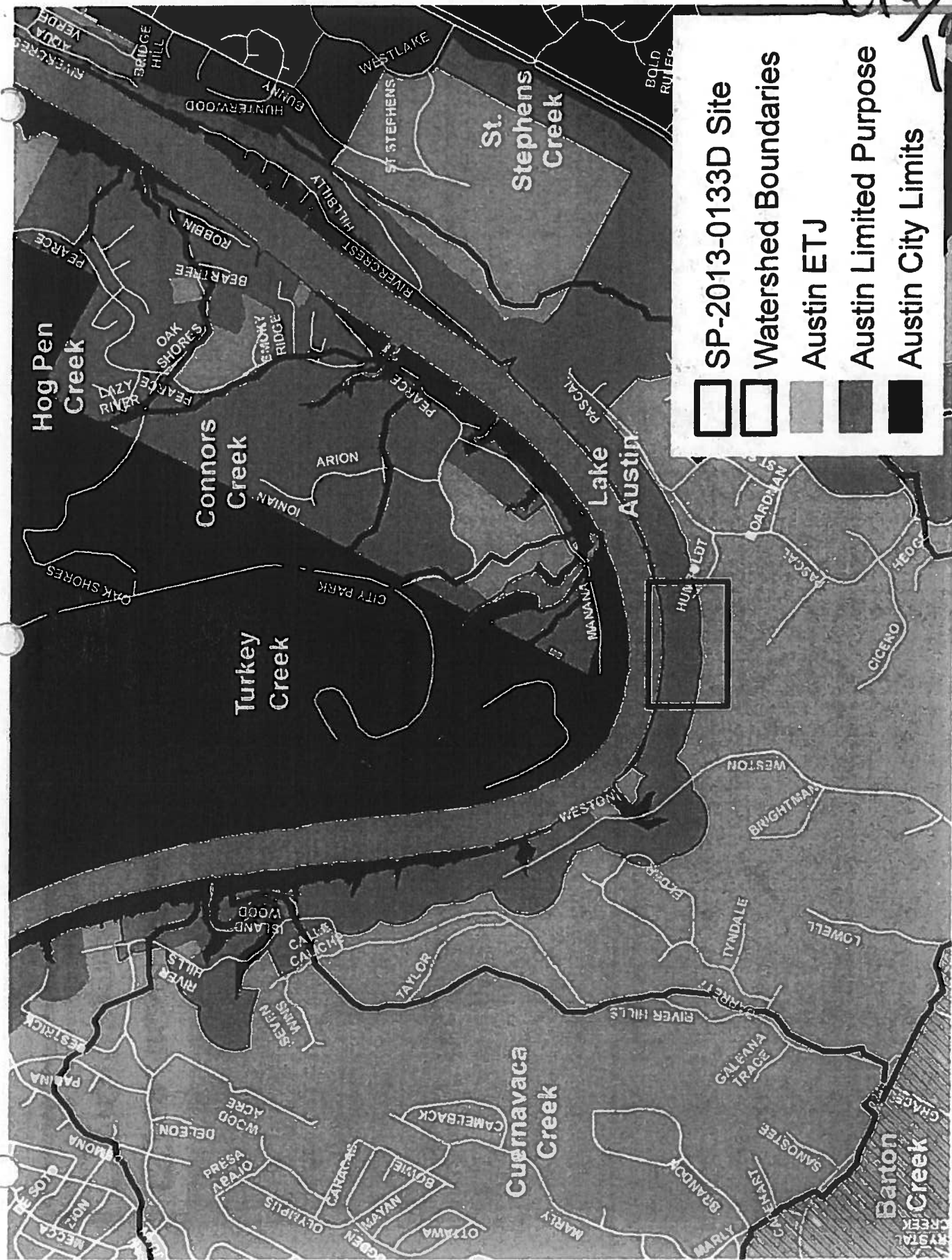
This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and is not to be used as the only the approximate relative location of property boundaries. This product has been produced 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.



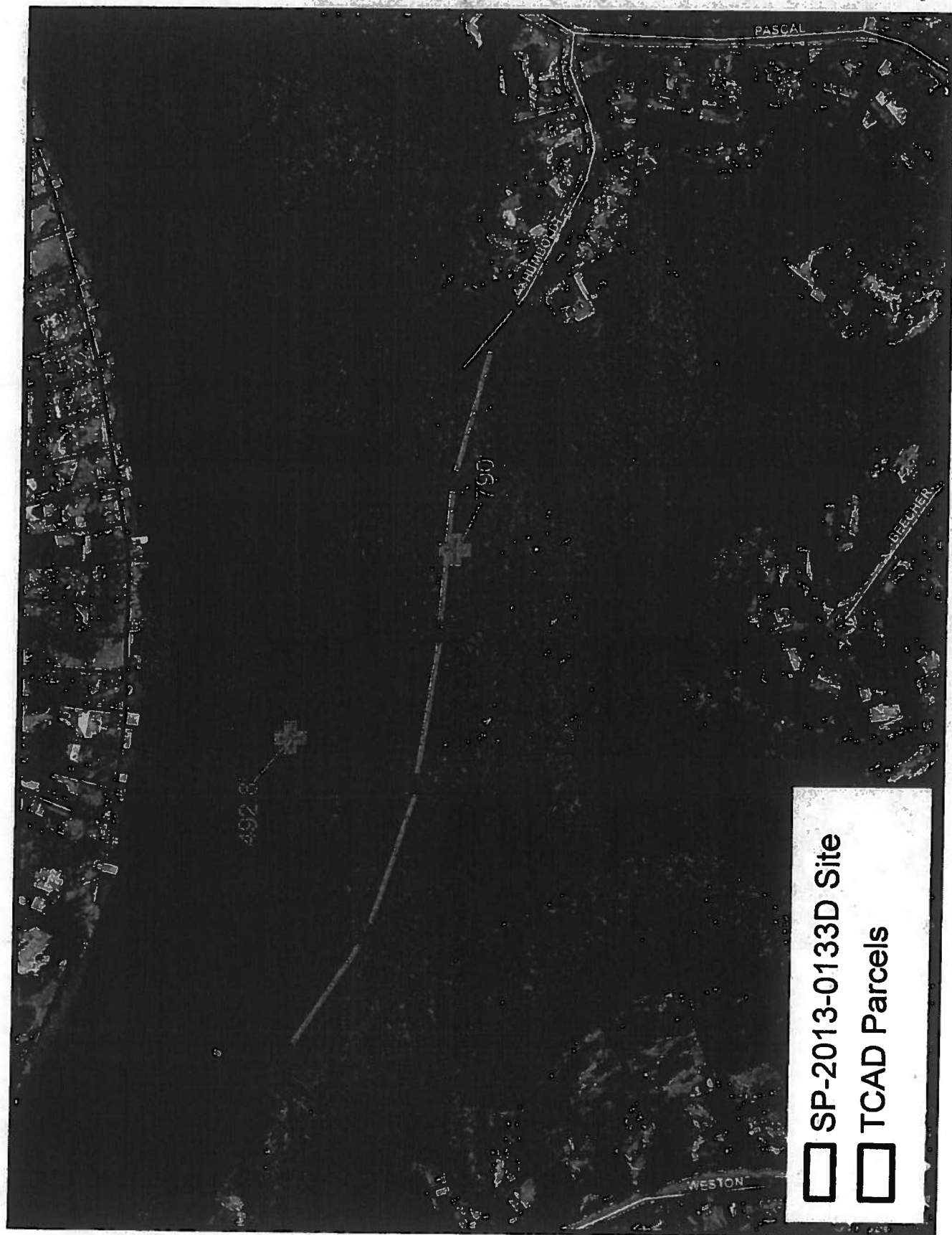
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C16/2

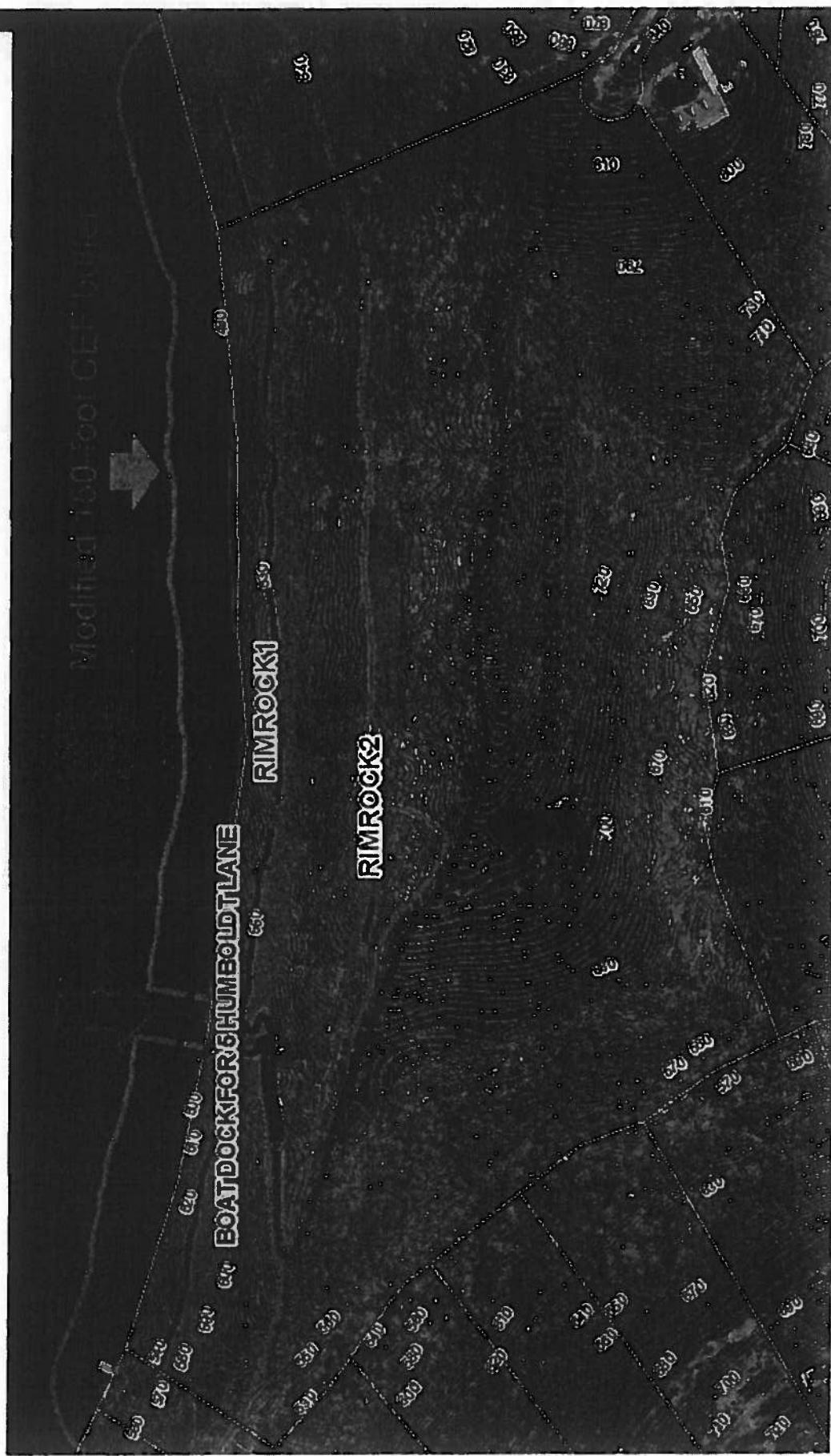
C16
13



C16/14



C16
5/5



PROPERTY DATA

- Lake Austin Watershed
- Water Supply Rural
- Drinking Water Protection Zone
- Full Purpose, Limited Purpose Jurisdiction and 2-Mile ETJ
- Not located over Edwards Aquifer Recharge Zone
- Rimrock Critical Environmental Features

C16
16

BACKGROUND

Boat dock site plan application.

Required to show necessary access on the site plan.

Rimrock CEFs traverse the site – access to proposed boat dock not possible without crossing a CEF.

Original subdivision (C8F-79-067), Rob Roy Phase 2.

*C16
17*

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; ...

C16/18

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.)

C/6
19

VARIANCE RECOMMENDATION

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

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

C16
20



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21

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. *DJS*

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.

C16/22



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

C16
23

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>

C16
24

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)	<p>The proposed dock and its access path/stairs are located within the 150-foot buffer zone of rimrock CEF's (See site plan drawings).</p>
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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)

C116
25

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

File 2/2

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.

C16
27

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

C16/28

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).

OK
29

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?*

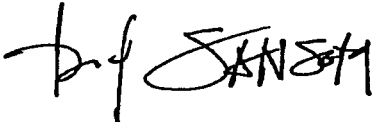
Yes. Utilizing the design and construction methods described above, construction of the dock and its access trail/path within the canyon rimrock buffer zones will result in water quality equal to or better than without the variance. Runoff from the mortared rock stair will be equivalent to the runoff 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

C16
30

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

URBAN DESIGN GROUP



Don Sansom, P.E.

Attachments:

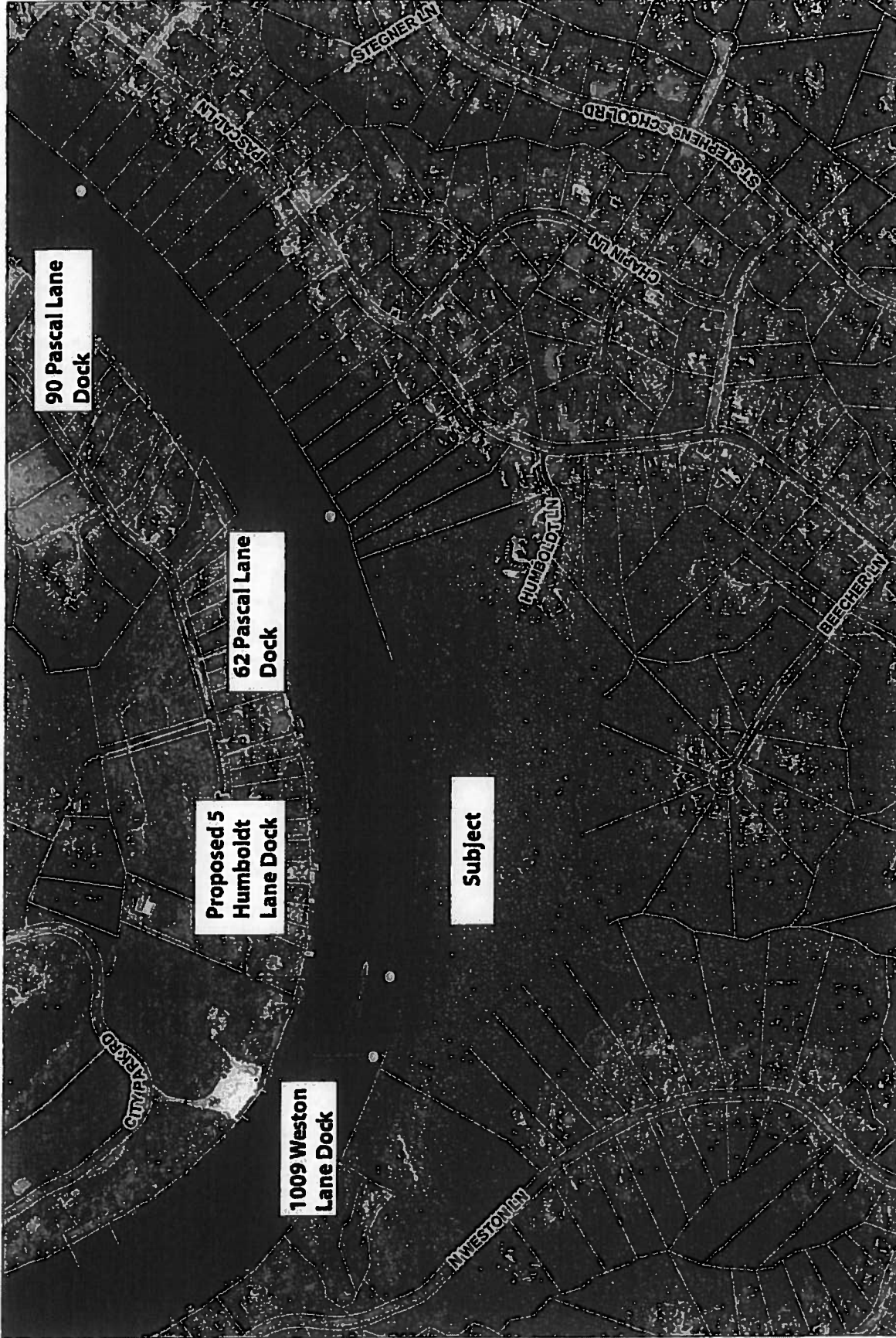
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2. Tabulation and Photographs of Approved Boat Docks (with similarly situated property and contemporaneous development)
3. Site Plan and Construction Details
4. Photographs of rimrock CEF at the proposed dock
5. Photographs of stone stairs crossing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

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

C16
31

ATTACHMENT I

SITE CONTEXT
AERIAL PHOTO



UDG
Urban Design Group

3801 STONERIDGE ROAD
SUITE E 01
AUSTIN, TX 78746
PHONE: 512.347.0040
FAX: 512.347.1311
E-MAIL: GENERAL@UDG.COM
www.udg.com

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

C16
32

C16
33

ATTACHMENT 2

TABULATION AND PHOTOGRAPHS
OF APPROVED BOAT DOCKS

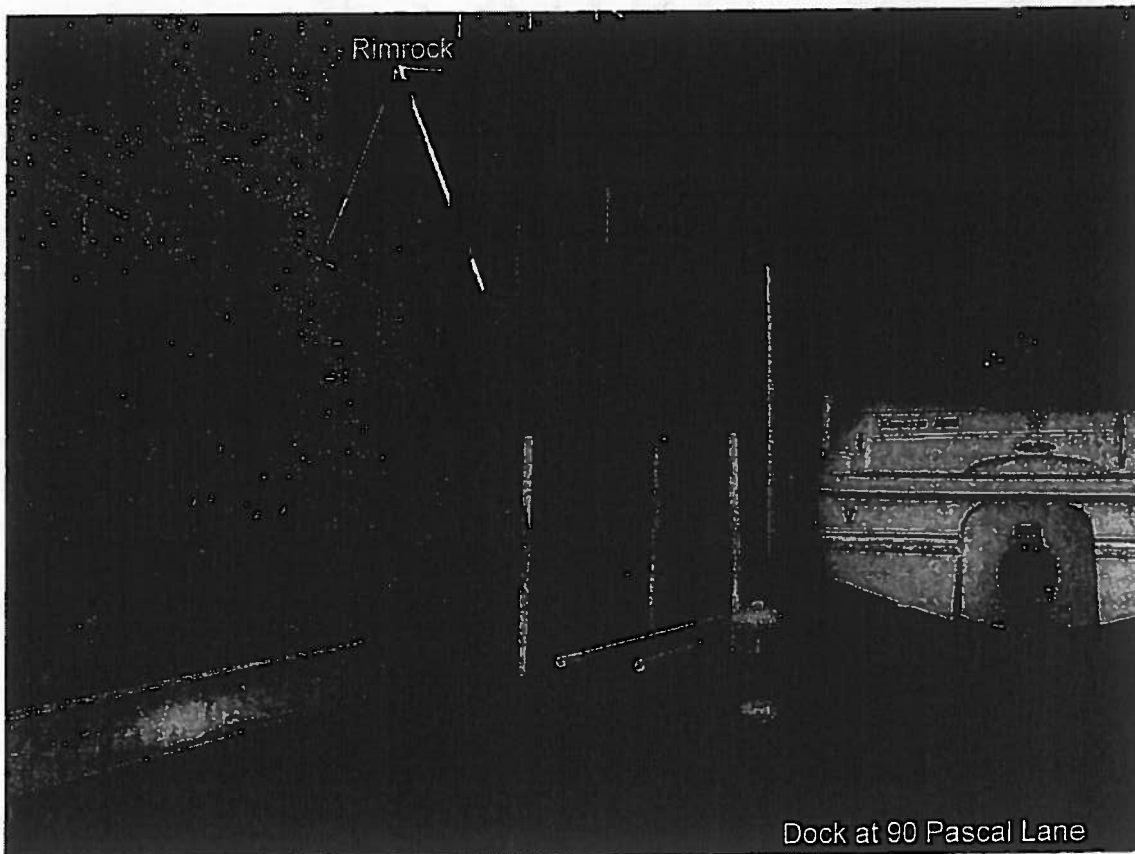
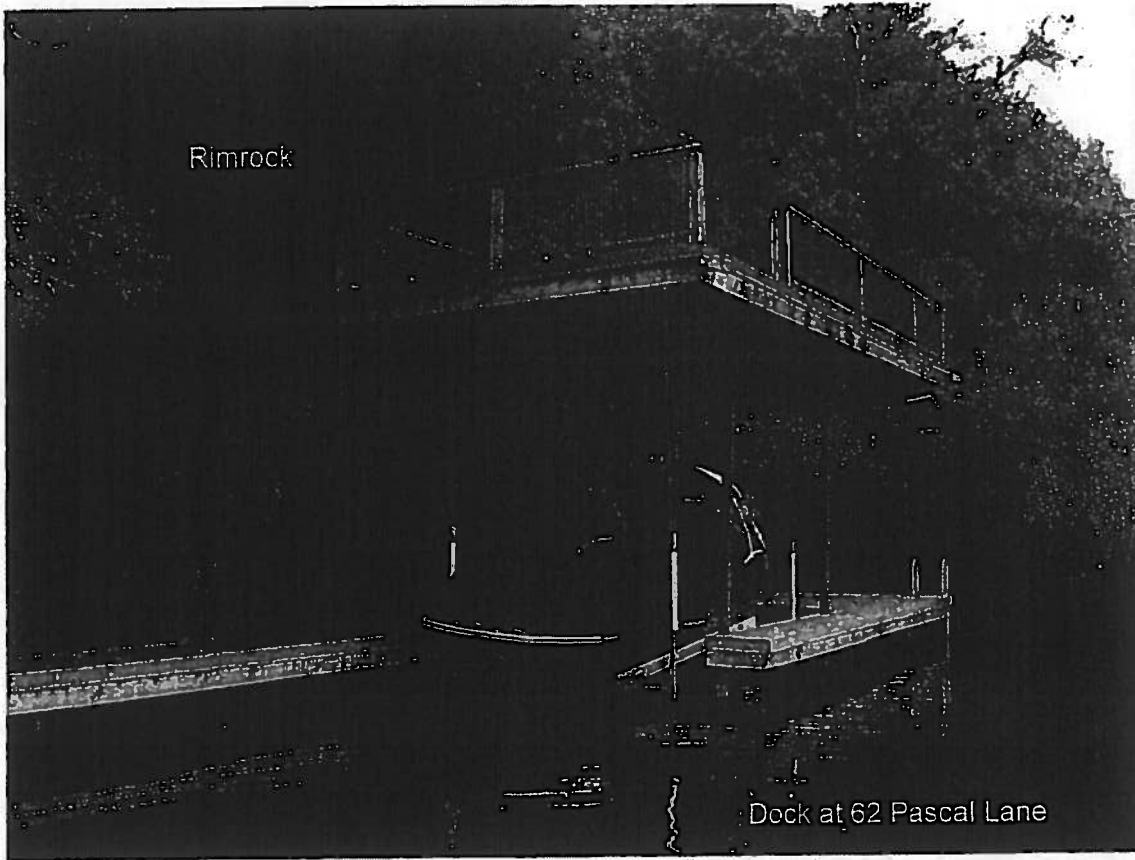
(WITH SIMILARLY SITUATED PROPERTY
AND CONTEMPORANEOUS DEVELOPMENT)

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

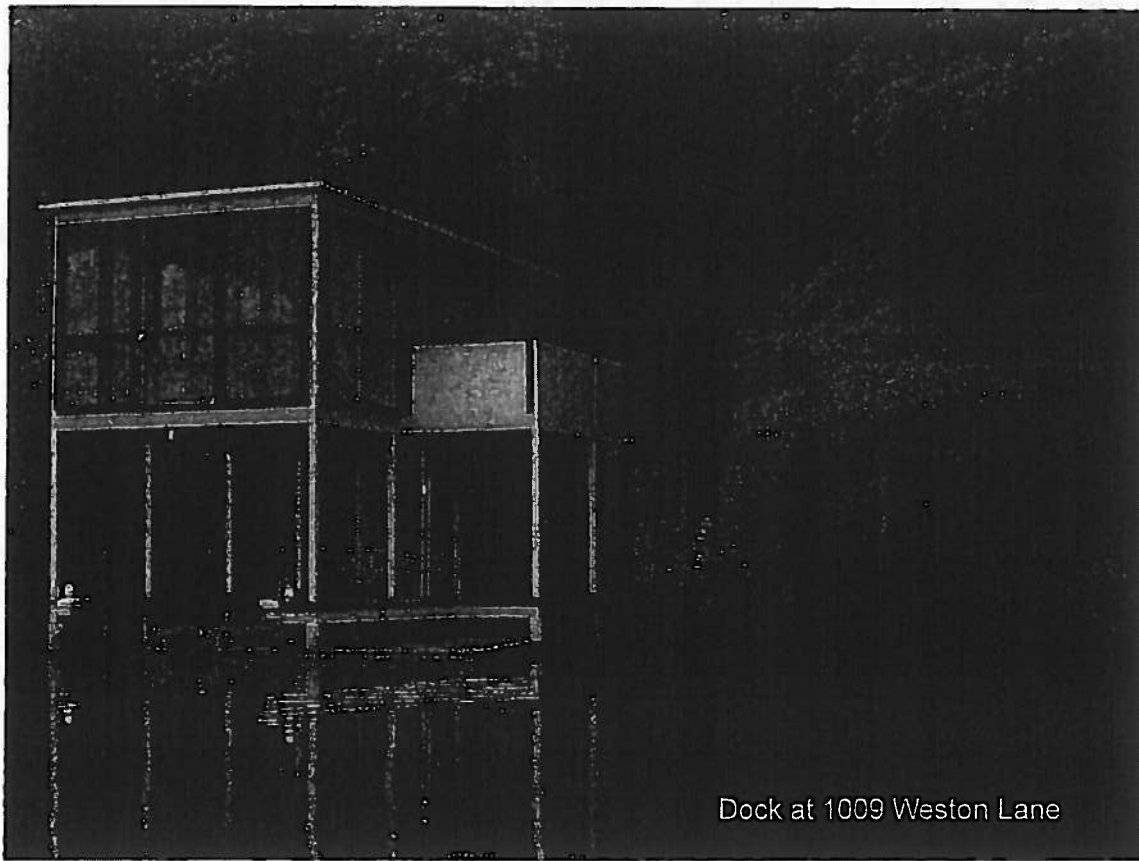
Applicant	Property Address	Legal Description			COA (Site Plan) Case #	Site Plan Approval Date	Notes
		Lot #	Subdivision	Date Recorded			
Martin	1009 Weston Lane	27	Rob Roy on the Lake Sec 1	4/25/1983	SP-00-2182 DS	8/14/2000	Access path/stair constructed within rimrock CEF buffer
Knapp	62 Pascal Ln	55	Rob Roy Phase 2	8/29/1979	SP-08-0666 DS	8/8/2007	Administratively approved environmental variance to construct dock within 25 feet of rimrock CEF
Jones	80 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

C16
34

C16/35



C16
3/30



Dock at 1009 Weston Lane

C16
1/31
5

ATTACHMENT 3

SITE PLAN AND
CONSTRUCTION DETAILS

[illegible][illegible]

[illegible][illegible]

50

Architectural drawings for a houseboat project, including elevations, sections, and plans. The drawings are labeled with circled numbers 1 through 20.

1. Elevation of the houseboat showing a gabled roof and deck.

2. Section of the houseboat showing the internal structure and deck.

3. Plan of the houseboat showing the layout of the deck and interior.

4. Section of the houseboat showing the internal structure and deck.

5. Plan of the houseboat showing the layout of the deck and interior.

6. Elevation of the houseboat showing a gabled roof and deck.

7. Section of the houseboat showing the internal structure and deck.

8. Plan of the houseboat showing the layout of the deck and interior.

9. Elevation of the houseboat showing a gabled roof and deck.

10. Section of the houseboat showing the internal structure and deck.

11. Plan of the houseboat showing the layout of the deck and interior.

12. Elevation of the houseboat showing a gabled roof and deck.

13. Section of the houseboat showing the internal structure and deck.

14. Plan of the houseboat showing the layout of the deck and interior.

15. Elevation of the houseboat showing a gabled roof and deck.

16. Section of the houseboat showing the internal structure and deck.

17. Plan of the houseboat showing the layout of the deck and interior.

18. Elevation of the houseboat showing a gabled roof and deck.

19. Section of the houseboat showing the internal structure and deck.

20. Plan of the houseboat showing the layout of the deck and interior.

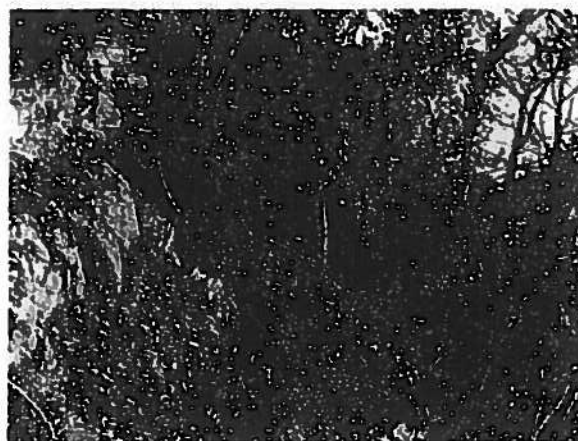
C16
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ATTACHMENT 4

PHOTOGRAPHS OF RIMROCK CEF
AT PROPOSED DOCK LOCATION

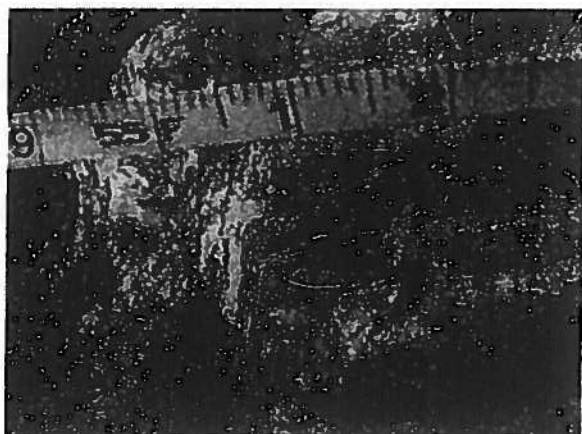


5 Humboldt Lane
Site Conditions at Proposed Dock Dock
2013-02-23 17-36-44 - IMG_4186



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

C16
41



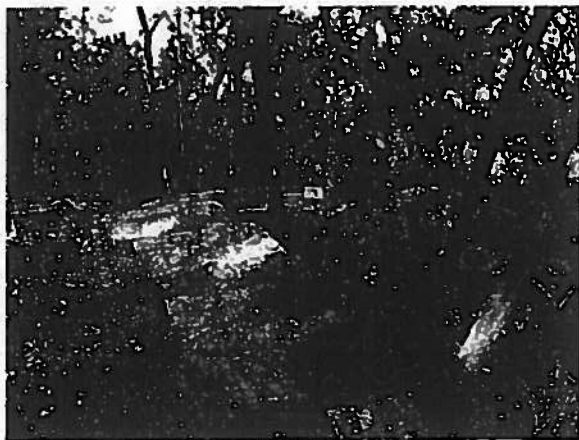
5 Humboldt Lane
Site Conditions at Proposed Dock Dock
2013-02-23 18-28-32 - IMG_4188

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42

ATTACHMENT 5

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

C16/43



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

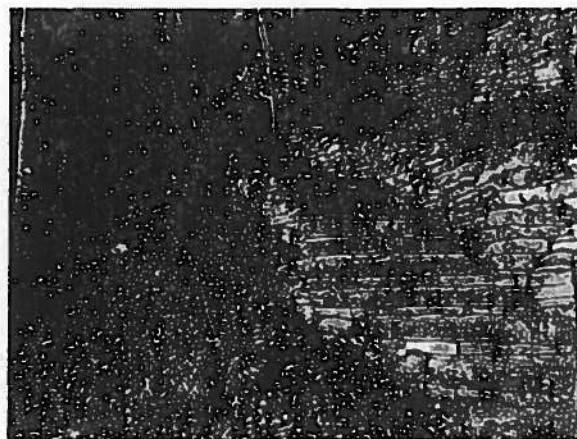


5 Humboldt Lane
Adjacent Dock
2013-02-02 17-16-06 - IMG_0008

C16
44



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

Exhibit A

C16
45

900

RESTRICTIVE COVENANT FOR
ROB ROY SUBDIVISION

THE STATE OF TEXAS 4829-7525- 6158 * 9:00

2-09-1964

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION, made this 14th day of August,
1979, by AUSTIN ROB ROY CORPORATION, a Texas corporation, herein-
after referred to as "Declarant".

RECITALS

1. Declarant is the owner of all that certain real property
located in Travis County, Texas, described as follows:

Rob Roy Subdivision, Block A, Lots 1 through
18; Block B, Lots 1 through 8; Block C, Lots
1 through 18; Block D, Lots 2 through 52;
Block E, Lots 1 through 68; Block F, Lots 1
through 17; Block G, Lots 1 through 31; Block
H, Lots 1 through 2 and Block I, Lots 1 through
34, an addition in Travis County, Texas, accord-
ing to the map or plat thereof, recorded in
Book , Page of the Plat Records
of Travis County, Texas.

2. Declarant will convey the above described Property, sub-
ject to certain restrictions as hereinafter set forth.

NOW, THEREFORE, it is hereby declared that all of the Prop-
erty described above shall be held, sold and conveyed, subject to
the following restrictions for the purposes set forth above and
for protection of the value and desirability of the Property. The
following restrictions shall run with the Property and shall be
binding on all parties having any right, title or interest in or
to the above described Property or any part thereof, and their
heirs, successors and assigns; and which restrictions shall inure
to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

1.01 "Owner(s)" shall mean and refer to the recorded Owner,
whether one or more persons, associations or entities, of legal,
equitable or beneficial title of or to any lot. Owner shall in-
clude purchaser of a lot under an executory contract for sale of

DEED RECORDS
Travis County, Texas

6573 1597

SCANNED

C16
46

real property. The foregoing does not include persons or entities who hold interest in any lot merely for the security for the performance of an obligation.

1.02 "Property" shall mean and refer to that certain real property described in Recital 1 above. 2-09-6644

1.03 "Lot" shall mean each parcel of land shown as a lot on the recorded final plat map of the Property and designated on said map by a separate number, or any subsequent subdivision thereof.

1.04 "Improvements" shall mean the buildings, garages, carports, roads, antennas, driveways, parking areas, walls, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind and type affecting the natural condition of the land or the drainage of surface waters on, across or from the land.

1.05 "Single Family" shall mean a group of one or more persons related to each other by blood, marriage, or legal adoption, or a group of not more than three persons not all so related, together with their domestic servants to maintain a common household in a dwelling.

1.06 "Single Family Residential Use" shall mean the occupation or use of an improvement by a Single Family in conformity with this Declaration and the requirements imposed by applicable zoning laws or any other State, County or Municipal laws, rules, regulations, codes or ordinances.

1.07 "Building Site" shall mean and refer to that portion of any of the above defined lots within the front setback and other lot lines upon which a single family residence may be constructed.

1.08 "Lake Austin Bluff Line" shall be the area designated on the Plat as the Lake Austin Bluff Line, which shall be the 675-foot contour line.

more, next page

C16
47

ARTICLE II
RESTRICTIONS

2.01 Building Foundations: All building foundations on slopes of 15t or greater or on fill placed upon such slopes shall utilise design and construction practices certified by a registered professional engineer qualified to practice in this field and such design shall be placed on file with the City of Austin Engineering Department.

2-09-6645

2.02 Fills and Cuts: No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet.

2.03 Driveway Grades: Every lot shall be reasonably accessible by vehicle from the roadway to the probable Building Site. For a minimum travel distance of twenty-five feet from the roadway edge, the driveway grade may exceed (14%) only with specific approval of surface and geometric design proposals by the Director of the Engineering Department or his designee.

2.04 Lake Austin Bluff Areas: There shall be no development, improvement, or structure, temporary or permanent, below the line shown on the Plat as designating the Lake Austin Bluff Line. Such areas are to be left totally and completely in their natural state. All activity and improvement, including, but not limited to, ladders, elevators, stairs, walkways, etc., are expressly prohibited.

ARTICLE III
MISCELLANEOUS

3.01 Modification: ~~The restrictions of this restrictive~~
~~covenant are derived from the City of Austin, Texas, Ordinance No.~~
~~780105-C.~~ In the event that said ordinance becomes less restrictive concerning building foundations, building sites and driveways, this covenant shall be amended to follow such less restrictive ordinance, but in the event that such possible ordinance changes become more restrictive, the restrictions of this covenant shall remain in effect. This covenant may be modified, amended or terminated only by a majority vote of a quorum of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and joined by the undersigned Declarant.

SCANNED

C16
48

3.02 Enforcement: If any persons, person, firm, corporation or entity of any other character shall violate or attempt to violate the restrictions contained herein, the City of Austin, a municipal corporation, its successors and assigns, shall have the right to enforce these restrictions by proceedings at law or in equity to prevent said violation or attempted violation thereof.

EXECUTED this 14th day of August, 1979.

ATTEST:

AUSTIN ROX ROY CORPORATION

By [Signature]
Secretary, Gary Bradley

AND SEAL

By [Signature]
John C. Wooley

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared JOHN C. WOOLEY & GARY BRADLEY, President & Secretary of AUSTIN ROX ROY CORPORATION, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of August, 1979.

NOTARY SEAL

[Signature]
Notary Public, Travis County, Texas
Patricia Langford

My Commission Expires:

5-10-81

FILED
AUG 29 3 00 PM '79
County Clerk
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was filed on the date and at the place stamped herein by me, and was duly acknowledged in the Volume and Page of the record hereinafter stated, and that it is a true and correct copy of the original as the same appears from the records of said County, Texas, as stamped herein by me, on

AUG 29 1979



[Signature]
COUNTY CLERK
TRAVIS COUNTY, TEXAS

6673 1700

SCANNED

Simmons-Smith, Michael

From: John M. Joseph <jmoseph@coatsrose.com>
Sent: Wednesday, January 22, 2014 10:26 AM
To: dbraun@braungresham.com
Cc: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Simmons-Smith, Michael; 'Don Sansom'; Terry Irion; Kimberly Buck; Pamela Madere
Subject: Variance Request to Construct in the CEF - Interested Parties Request - 5 Humboldt Lane - SP-2013-0133D

David,

We represent numerous families including the McWhorter family, two different Davis families, and the Johnson family – who have registered as Interested Parties to Case Number SP-2013-0133D.

We understand that the applicant owns a 32.6 acre tract in the Rob Roy subdivision and is seeking to build a two-slip, 65-foot boat dock on Lake Austin and a switchback trail to traverse the steep cliff (80% slopes that lead downward from the 675-ft contour line) to get to the shoreline. Applicant requires a variance to allow construction of the boat dock and access trail within a rim rock CEF buffer on the property. On December 18, 2013, the EV Board voted to recommend the variance with the condition that no trams or similar mechanized conveyances be constructed to provide shoreline access to the boat dock.

The Interested Parties strongly oppose the variance request for numerous reasons including the violation of the existing public restrictive covenant (notwithstanding the City's current refusal to enforce), environmental concerns in this confirmed endangered Golden Cheek Warbler habitat, and future development concerns. After lengthy discussion among my clients and in the spirit of compromise, however, the Interested Parties will agree not to oppose the application at the Planning Commission hearing next week if the applicant will agree to a private Restrictive Covenant with the following terms:

1. Neither the applicant nor any subsequent owners will seek City of Austin or other regulatory approval for the construction or installation of a tram or any other mechanized/motorized conveyance to provide access to the boat dock;
2. Neither the applicant nor any subsequent owners will seek City of Austin or other regulatory approval for additional boat docks or boat slips for the 32.6 acre tract, regardless of the future configuration or subdivision of the tract, or to expand the size of the boat dock currently proposed;
3. The applicant will agree to move the location of the boat dock to the western edge of the tract. (The western edge has more favorable site conditions for the boat dock and trail.)

Please respond by Thursday of this week, so that the parties have time to draft the Restrictive Covenant prior to the Planning Commission hearing on Tuesday, January 28, 2014.

COATS | ROSE

A Professional Corporation

John M. Joseph
Attorney

Barton Oaks Plaza
901 South MoPac Exp.