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PLANNING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET

CASE NUMBER: SP-2013-0398DS

PC DATE: 03/25/2014

PROJECT NAME: 3213 Smoky Ridge (Boat Dock)

ADDRESS: 3213 Smoky Ridge

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

ORDINANCE: Comprehensive Watershed Ordinance

ZONING: LA

APPLICANT: Roger Leick
3213 Smoky Ridge
Austin, Texas 78730

AGENT: Bruce Aupperle
Aupperle Company
10088 Circleview Drive
Austin, Texas 78733
Phone: (512) 329-8241

PROJECT DESCRIPTION: The applicant proposes to construct a 14 ft. x 30 ft. single-slip, two-story residential boat dock and appurtenances on Lake Austin. The dock will be an accessory use to the existing single-family home on the property.

VARIANCE REQUEST: 1) To allow the construction of the proposed boat dock and associated access within a Critical Environmental Feature buffer [LDC Section 25-8-281(C)(1)(a)] on the subject property, and 2) to allow the proposed dock width to exceed 20 percent (20%) of the shoreline width of the lot on which the structure is to be constructed [LDC Section 25-2-1176(D)(2)]. The proposed dock width will comprise 28 percent (28%) of the shoreline width.

ENVIRONMENTAL BOARD ACTION: The Environmental Board heard this case on February 19, 2014, and voted 6-0-0-1 to recommend approval, with the following conditions:

1. No trams will be constructed on the property to provide shoreline access, and
2. The applicant will provide a vegetation plan utilizing native plants to mitigate any erosion of the unstable slope.

STAFF RECOMMENDATION: Recommended, with the same conditions as required by the Environmental Board. These variances are recommended because the environmental variance meets the findings of fact, and because of the relative narrow width of the lot along the shoreline for the dock width variance. The proposed 14-foot width of the dock is minimal to accommodate one watercraft within the single slip provided.

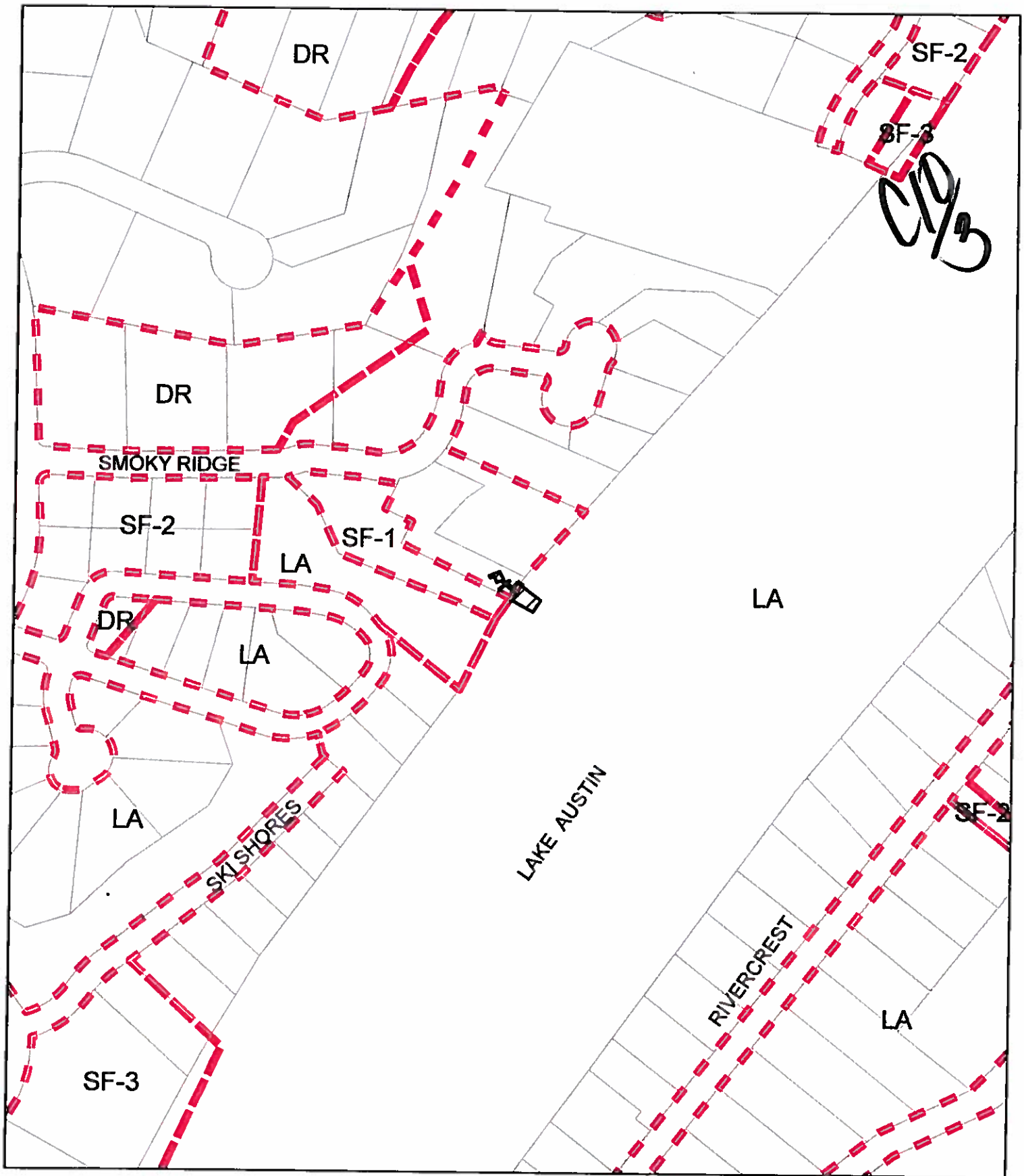
ADDITIONAL CASE INFORMATION: A variance for a proposed boat dock to exceed 20 percent of the shoreline width was approved for a previous submittal (SP-2012-0366DS) on this site on November 27, 2012 by the Parks & Recreation Board.

NEIGHBORHOOD ORGANIZATIONS:

2222 Coalition of Neighborhood Associations, Inc.
Austin Heritage Tree Foundation
Austin Independent School District
Austin Monorail Project
Beyond2ndNature
Rob Roy Homeowners, Association, Inc.
Lake Austin Ranch
Lake Austin Collective
Long Canyon Homeowners Association
League of Bicycling Voters
The Real Estate Council of Austin, Inc.
Austin Parks Foundation
Sierra Club, Austin Regional Group
Steiner Ranch Community Association
Super Duper Neighborhood Objectors and Appealers Organization
Homeless Neighborhood Organization

PDRD CASE MANAGER: Michael Simmons-Smith (512) 974-1225
michael.simmons-smith@austintexas.gov

**PDRD ENVIRONMENTAL
STAFF:** Liz Johnston (512) 974-1218
liz.johnston@austintexas.gov

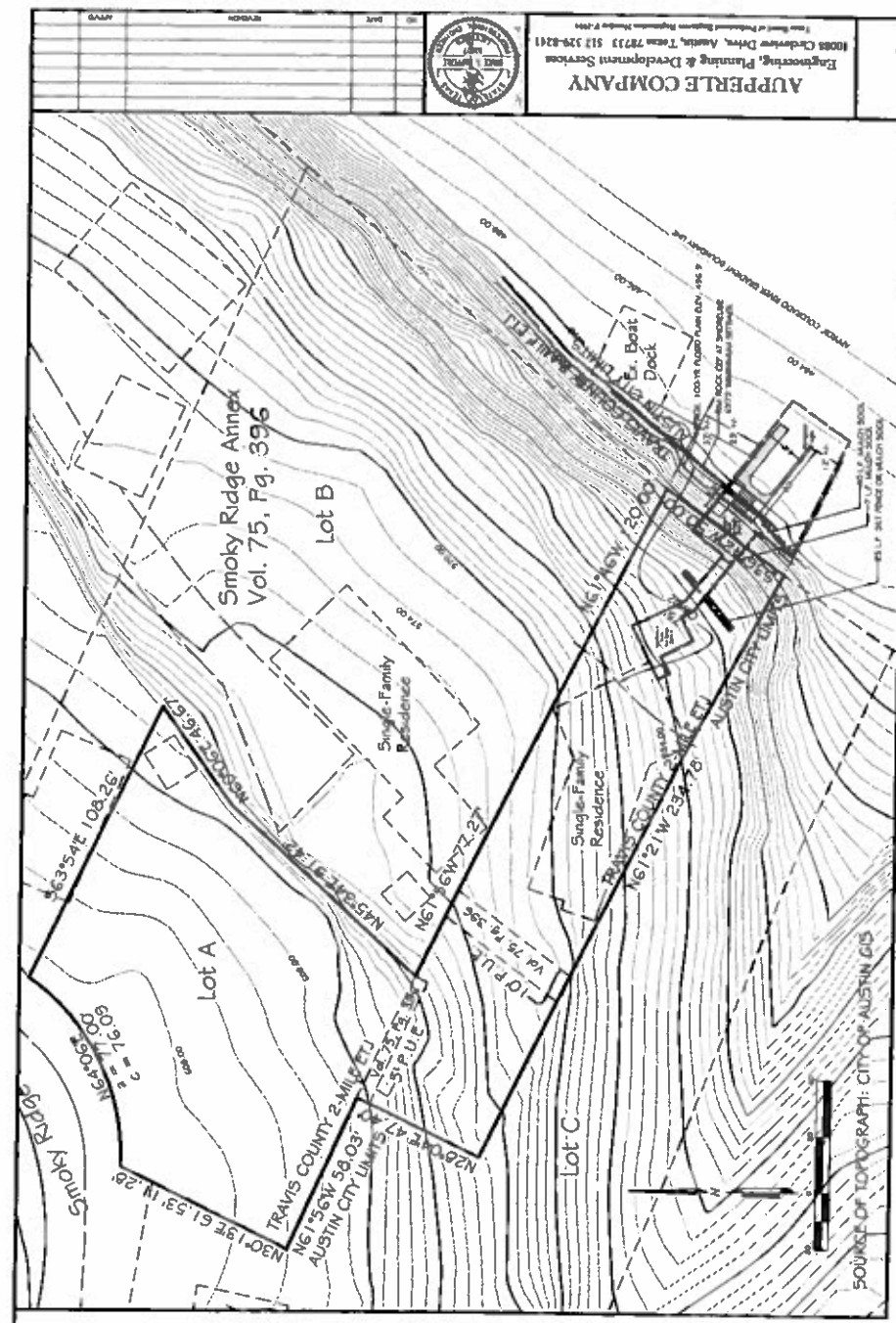


SITE PLAN VARIANCE REQUEST

CASE NO.: SP-2013-0398DS
ADDRESS: 3213 SMOKY RIDGE
CASE MANAGER: MICHAEL SIMMONS-SMITH



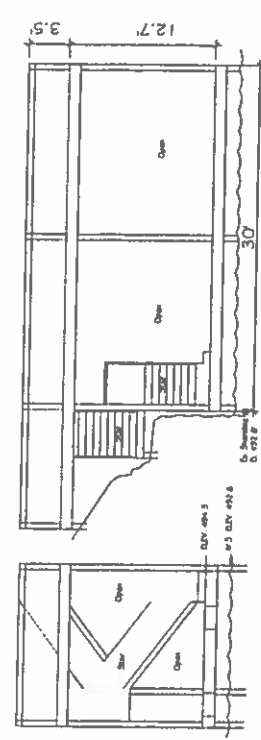
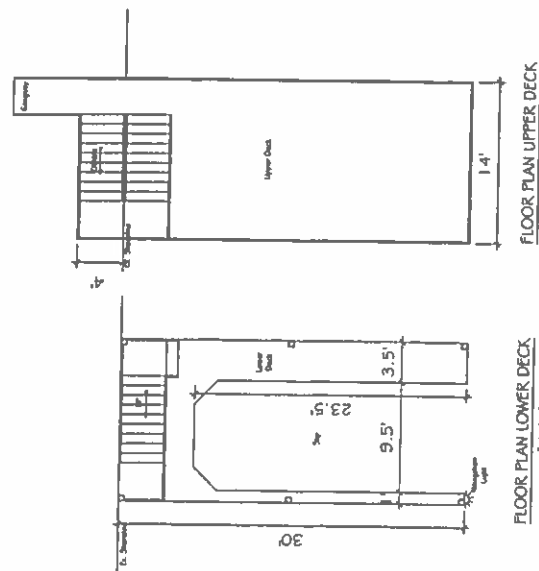
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- NOTES
1. A DOCK MUST BE CONTIGUOUSLY LOCATED WITH ADJACENT LOTS WITHIN THE SAME LOT AND SHORELINE. THE DOCK MUST BE LOCATED WITHIN THE SHORELINE. THE DOCK MUST BE LOCATED WITHIN THE SHORELINE. THE DOCK MUST BE LOCATED WITHIN THE SHORELINE.
 2. A DOCK MUST HAVE AT LEAST TWO LIGHT STATIONS. THE LIGHT STATIONS MUST BE LOCATED WITHIN THE SHORELINE. THE LIGHT STATIONS MUST BE LOCATED WITHIN THE SHORELINE. THE LIGHT STATIONS MUST BE LOCATED WITHIN THE SHORELINE.
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ATTENTION: INSPECTOR

1. COMPLIANCE WITH BUILDING CODE IS REQUIRED AND IS TO BE REVIEWED FOR COMPLIANCE DURING INSPECTION. THE BUILDING CODE IS TO BE REVIEWED FOR COMPLIANCE DURING INSPECTION. THE BUILDING CODE IS TO BE REVIEWED FOR COMPLIANCE DURING INSPECTION.
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ENVIRONMENTAL BOARD MOTION 20130219 6B

Date: February 19, 2014

Subject: 3213 Smoky Ridge SP-2013-0398- DS

Motioned By: Robert Deegan Seconded By: James Schissler, P. E.

Whereas, the applicant has met the findings of fact,

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

- The applicant will provide a vegetation plan utilizing native plants to mitigate any erosion of the unstable slope.
- No tram will be constructed on the property to provide shoreline access.

Vote 6-0-0-1

For: Deegan, Maxwell, Neely, Perales, Schissler and Smith

Against: None

Abstain: None

Absent: Walker

Approved By:


Dr. Mary Gay Maxwell, Chair



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ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:** February 19, 2014

**NAME & NUMBER
OF PROJECT:** 3213 Smoky Ridge
SP-2013-0398DS (Withdrawal and Resubmittal of SP-2012-0366DS)

**NAME OF APPLICANT
OR ORGANIZATION:** Aupperle Company
Bruce Aupperle, P.E. (512) 329-8241

LOCATION: 3213 Smoky Ridge

PROJECT FILING DATE: October 21, 2013

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

**WPD/ERM
STAFF:** Sylvia Pope, 974-3429
sylvia.pope@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 and associated access within a Critical Environmental Feature buffer, 25-8-281(C)(1)(a).

STAFF RECOMMENDATION: Recommend with conditions.

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



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**Planning and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Project:	3213 Smoky Ridge - SP-2013-0398DS
Ordinance Standard:	Land Development Code Section 25-8-281(C)(1)(a)
Variance Request:	To allow construction of a boat dock and associated access within a Critical Environmental Feature buffer.

Justification:

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

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

Yes, the subject application is a site plan for a residential boat dock, which is allowed by the Land Development Code for single family lots located along Lake Austin. The subject property consists of a single family residence located in the 2-Mile ETJ. At the subject property, there is no way to either build a boat dock or the associated access outside of the required 150' Critical Environmental Feature setback. Therefore, the applicant would be deprived a privilege given to other similarly situated properties. Both lots adjacent to this property contain boat docks.

2. The variance:

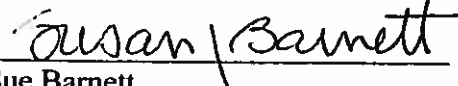
- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes, the project is not based on a condition caused by the method chosen to develop the property. The residence is located on the top of an existing, naturally-occurring hillside and there is no way to build a boat dock or the associated access outside of the required 150' Critical Environmental

Environmental Reviewer:


Liz Johnston

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: 02/12/2014

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

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MEMORANDUM

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

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

DATE: February 12, 2014

SUBJECT: 3213 Smoky Ridge SP-2013-0398DS (Withdrawal/Resubmittal of SP-2013-0366DS)

On your February 19, 2014 agenda is a request for consideration and recommended approval of a variance request to allow the construction of a boat dock and the associated access stairs within a Critical Environmental Feature buffer.

Description of Property

The subject property is a platted lot located in the Lake Austin Watershed, which is classified as Water Supply Rural and located in the Drinking Water Protection Zone. The site is not located over the Edwards Aquifer Recharge Zone. The subdivision (Smoky Ridge Annex) was recorded on September 27, 1977. The property is located entirely within the Two-Mile ETJ, though the proposed dock will be constructed within the Full Purpose Jurisdiction. According to Travis County Appraisal District records, the existing residence was constructed in 1999.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the site elevation ranges from the 492.8 Lake Austin shoreline to approximately 610 feet above mean sea level (msl) along the Smoky Ridge Drive lot frontage. The existing topography at the back of the existing residence is at approximately 550 msl. From that point the grade drops fifty-seven feet to Lake Austin over only a horizontal distance of approximately sixty-five feet (a grade of about 88%). The existing vegetation consists of small, native trees and native grasses and forbs. No protected or heritage size trees were found on the lot. Because the property is located within 2-mile ETJ, the protected tree ordinance does not apply to this project.

According to the Environmental Assessment, the soils are predominantly alluvium (Qal) and fluvial terrace deposits (Qt) (sedimentary soils with boulders).

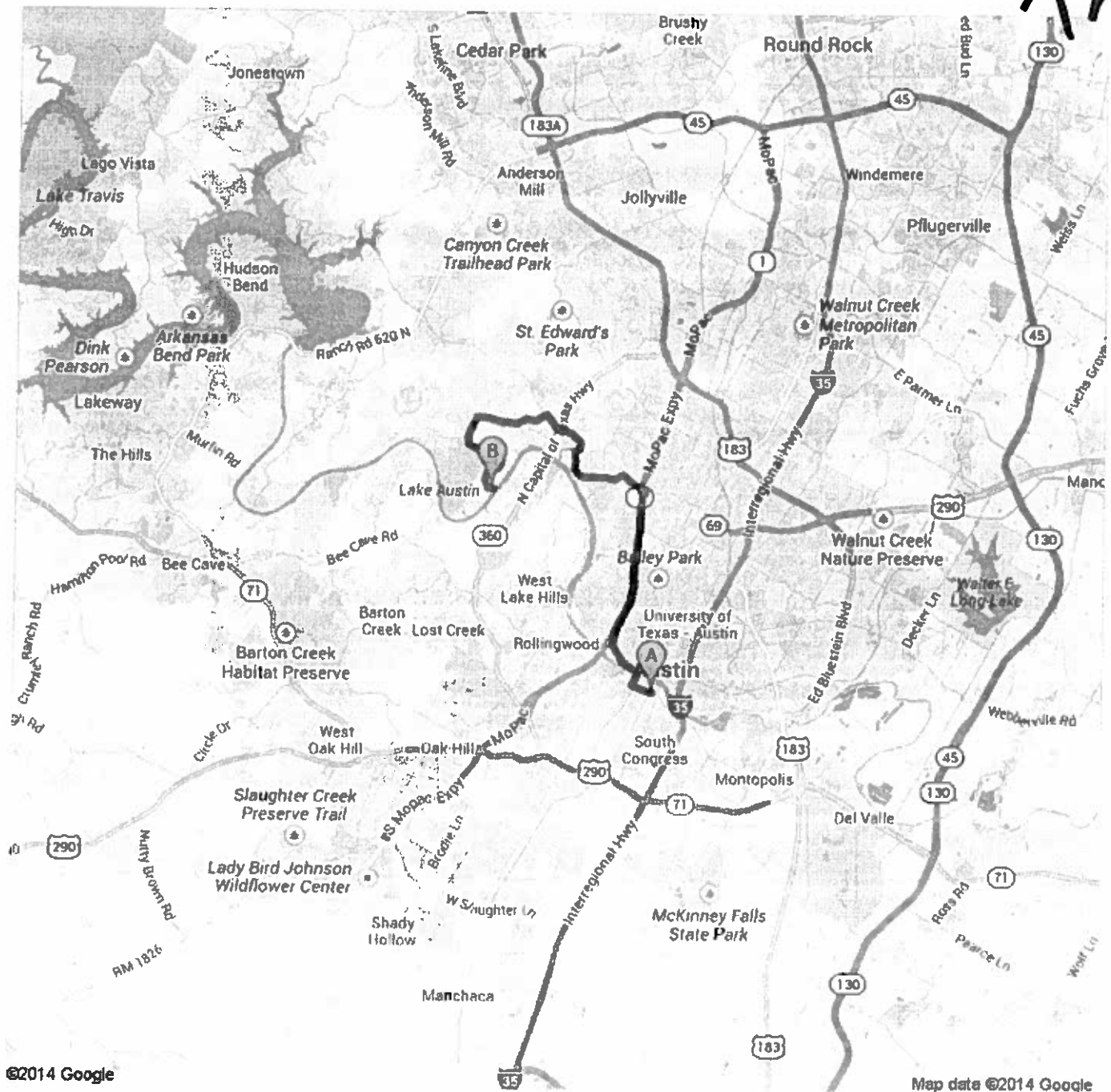
Critical Environmental Features/Endangered Species/CWQZ

There is a rimrock Critical Environmental Feature located along the entire length of the lot's shoreline frontage. No other CEFs were found near or adjacent to the site. According to habitat maps published by the BCCP, the property appears to lie within Zone 3 for golden-cheek warblers (not known to be endangered species habitat) and does not lie within black-capped vireo habitat. The property does contain a Critical Water Quality Zone (75' offset from the shoreline).

Google

Directions to 3213 Smoky Ridge, Austin, TX 78730
15.9 mi – about 27 mins
From 505 Barton Springs Drive to 3213 Smoky Ridge

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Lake Austin

SP-2012-0366DS
SP-2013-0398DS

SMOKE RIDGE

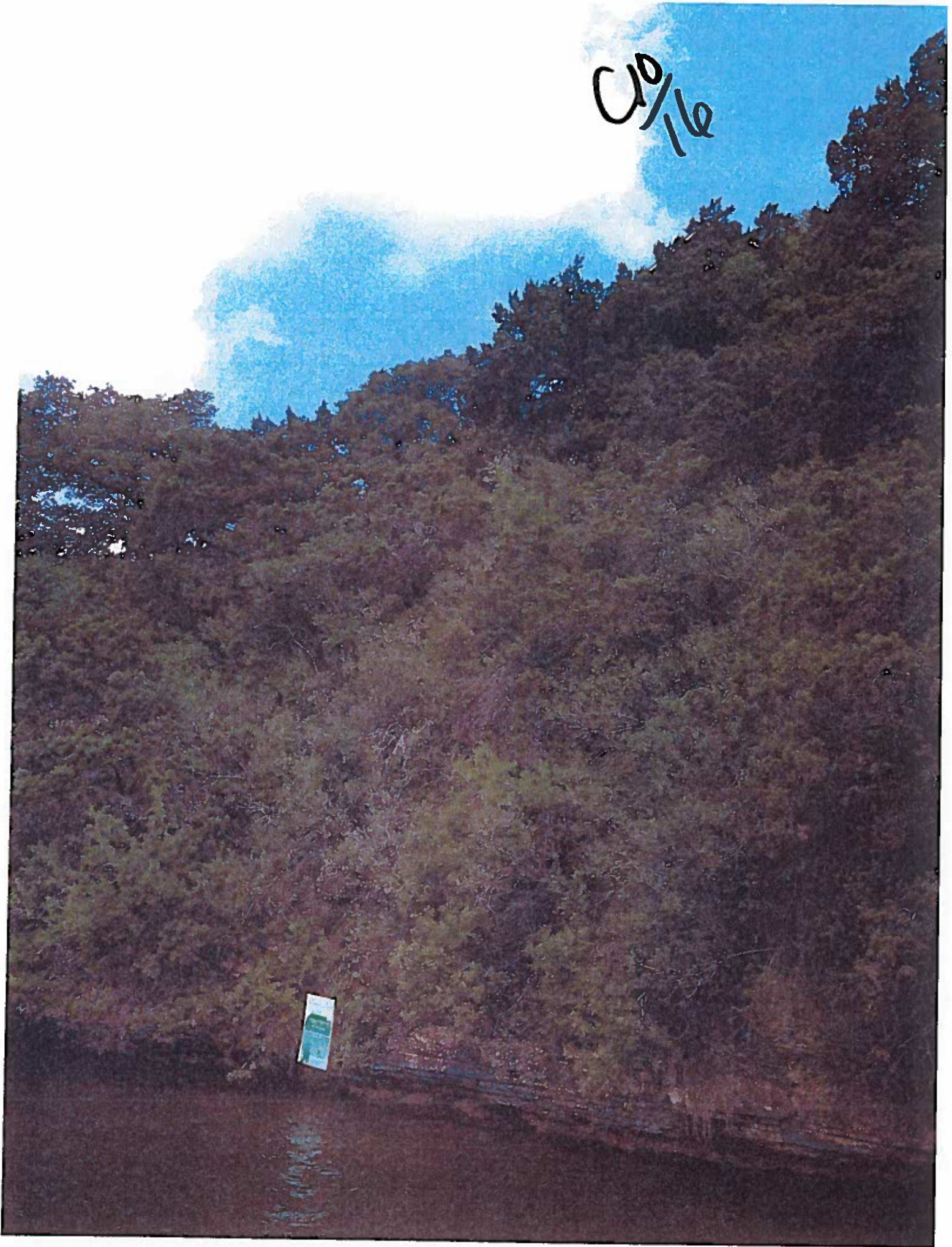
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Aupperle Company

10088 Circleview Drive, Austin, Texas 78733

Phone & Fax (512) 329-8241

Email: Aupperle@aatt.net

Texas Board of Professional Engineers Registration Number F-1994

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February 11, 2014

Director of Planning and Development Review
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Sixth Amended Engineer's Summary Letter, Engineer's Certification for Floodway
Encroachment, Environmental Assessment Report and Variance Request Letter
3213 Smoky Ridge – Sanders Boat Dock on Lake Austin
City File No. SP-2013-0398DS

Dear Director:

This project is located at Lot A, of Smoky Ridge Annex, situated approximately 5 miles south of the intersection of RM 2222 and City Park Road. This lot is located entirely within the Lake Austin watershed. The existing use is single family residence. The plat is recorded in Travis County Deed Records, Volume 75, Page 396.

General Overview

The proposed improvements consist of a new boat dock and its access on Lake Austin. Access for construction activities will be by water and land. All piles will be 6-5/8" driven steel piles. All piles will be driven to 0.5" refusal per blow.

Environmental Assessment

The project site is not located over a karst aquifer, is not within an area draining to a karst aquifer or reservoir, is not within a water quality transition zone, is located on slopes with a gradient more than 15 percent, and is however located within the 100-year flood plain of Lake Austin. The F.E.M.A. flood plain information is attached and F.I.R.M information is included on the Cover Sheet. A separate environmental assessment by SWCA is attached to this letter.

Hydrogeologic Element: The topographic slope under the dock is a grade less than 15 percent. The site is located in Lake Austin and the soils according to the Geologic Atlas of Texas are predominantly *alluvium (Qal)* and *fluvial terrace deposits (Qt)*, i.e. sedimentary soils with some boulders. Except for some vertical rim rock at the shoreline, there are no other known springs, bluffs, canyon rimrocks, caves, sinkholes, point recharge features, karst or other critical environmental features within 150 feet of the boat dock. The project is 100% over Lake Austin and runoff from the dock should not propose any harm to the quality or quantity of recharge at significant point recharge features, since there are none.

Vegetation Element: The proposed construction preserves to the greatest extent practicable the significant trees and other vegetation at the single-family site. The site plan shows all trees greater than eight inches in diameter within or immediately adjacent to the limits of construction for the proposed dock. No trees will be removed for the dock construction.

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

Engineer's Certification - Floodway Encroachment - LDC 25 -12 G103.5

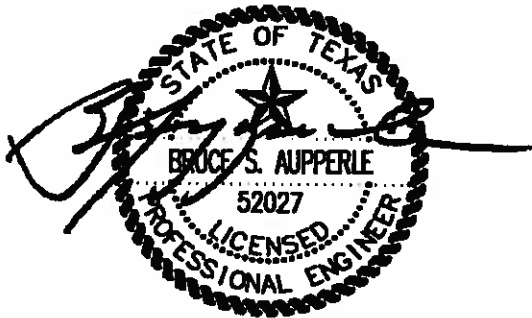
The proposed dock will not increase the rate of storm runoff within the Colorado River watershed. The openness and profile of the proposed dock will not adversely obstructive flood flows relative to the existing shoreline protrusions and improvement and will not increase the level of the design flood of the adjacent Colorado River.

Variances, Waivers & Conclusions

The dock construction is located with the critical water quality zone, however a variance to construct the dock facilities in the CWQZ is not required. The proposed dock width of 14', which is 28% of the shoreline width. The dock is located with 150 feet of a rimrock CEF and requires a variance to reduce the CEF set back to a minimum distance in order to construct the dock and provide access. A variance to reduce the CEF setback for the rimrock to zero feet is requested. A special re-vegetation seeding is proposed due to the nature of the slopes and soil. Otherwise, the project as designed is in substantial compliance with the applicable requirements of the City of Austin Development Code. There will be no adverse impact on the natural and traditional character of the land or waterways. If you have any questions, please feel free to call.

Very truly yours,

Aupperle Company



Bruce S. Aupperle, P.E.



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ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	ROGER LEICK
Street Address	3213 SMOKY RIDGE
City State ZIP Code	AUSTIN TX 78730
Work Phone	832-799-9706
E-Mail Address	leick1950@entouch.net

Variance Case Information

Case Name	3213 SMOKY RIDGE
Case Number	SP-2013-0398DS
Address or Location	3213 SMOKY RIDGE
Environmental Reviewer Name	JOHNSTON & POPE
Applicable Ordinance	25-8-42, 25-8-281
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	C10 1/2
Distance to Nearest Classified Waterway	Ø	
Water and Waste Water service to be provided by	SEPTIC	
Request	The variance request is as follows (Cite code references: 25-8-42 25-8-2B1)	

Impervious cover	Existing	Proposed
square footage:		
acreage:		
percentage:		
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)	SEE ENGINEER'S SUMMARY LETTER ATTACHED.	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	CONSTRUCTION WITHIN 150' OF RIM ROCK CEF.
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Watershed Variances - Findings of Fact

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As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: 3213 Smoky Ridge

Ordinance Standard: 25-8-42, 25-8-281

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/~~NO~~

This application is for a dock located at the shoreline. The lake frontage is only 50'. Current Code defines the allowable location of the dock at the shoreline. An alternate dock location is not feasible. There are many docks located within CEF setbacks that were grandfathered or were granted this variance administratively. An administrative variance approval is no longer available along Lake Austin.

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/~~NO~~

This application proposes to bridge over the rimrock CEF for access to the dock. The construction methodology has a minimum footprint at grade which minimally impacts the rimrock area.

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/~~NO~~

This application is for a dock located at the shoreline, which is typical of shoreline properties 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/~~NO~~

This application is for a dock located over Lake Austin. Should the dock be located outside of the standard CEF setback, the resulting water quality would be the same.

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? YES/~~NO~~

This application is for a dock located over Lake Austin. We are not requesting a development activity that is not allowed within a CWQZ.

9 April 2013

RE: Site Environmental Investigation of 3213 Smoky Ridge, Austin, Texas 78730

Mr. Aupperle,

Per your request, SWCA Environmental Consultants (SWCA) conducted a field investigation of the 3213 Smoky Ridge tract in Austin, Texas for the purpose of gathering information for inclusion with the City of Austin environmental assessment documents you are preparing related to the installation of a boat dock. The project will include a new one-slip, two story boat dock (14 feet by 30 feet); gangway, and appurtenances. An SWCA Registered Professional Geoscientist (Texas License # 10791) and an environmental specialist visited the site on 15 March 2013.

The site consists of an existing residential lot located within the Edwards Aquifer Contributing Zone, and the lithology underlying the site consists of the Cretaceous Glen Rose Limestone¹. Bedrock exposure was observed along the steep hillside sloping down to Lake Austin. Additionally, the site is within the Lake Austin Watershed and the Colorado River Basin. Surface drainage from the site ultimately flows towards Town Lake (Colorado River).

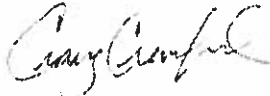
The City of Austin Land Development Code (LDC § 25-8-1) defines CEFs as "features that are of critical importance to the protection of environmental resources, and include bluffs, canyon rimrocks, caves, sinkholes and recharge features, springs, and wetlands." Please refer to the LDC for CEF definitions. One CEF was identified during the site investigation and consists of a canyon rimrock. A canyon rimrock is defined as "an abrupt vertical rock outcrop of more than 60% slope (31 degrees), greater than 4 feet vertically, and a horizontal extent equal or greater than 50 feet". The identified feature (F-1) meets this definition and is further described in the attached City of Austin Site Review Critical Environmental Feature Worksheet. The feature is located at the edge of Lake Austin and intersects with the waterline. Feature F-1 measures approximately 6 feet tall by 75 feet long. If an administrative variance is required from the City, it will need to be demonstrated that the installation of the dock will not alter the characteristics of feature F-1.

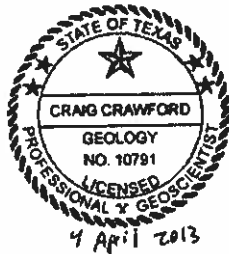
¹ Garner, L.E., and Young, K.P., 1976, Environmental Geology of the Austin Area: An Aid to Urban Planning, Bureau of Economic Geology Report of Investigations No. 86, The University of Texas at Austin

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Please feel free to contact me at any time with any questions at (512) 476-0891.

Sincerely,


Craig Crawford, P.G.



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PHOTOGRAPHIC LOG

3213 Smoky Ridge Boat Dock/Shoreline Modification, Travis County, Texas

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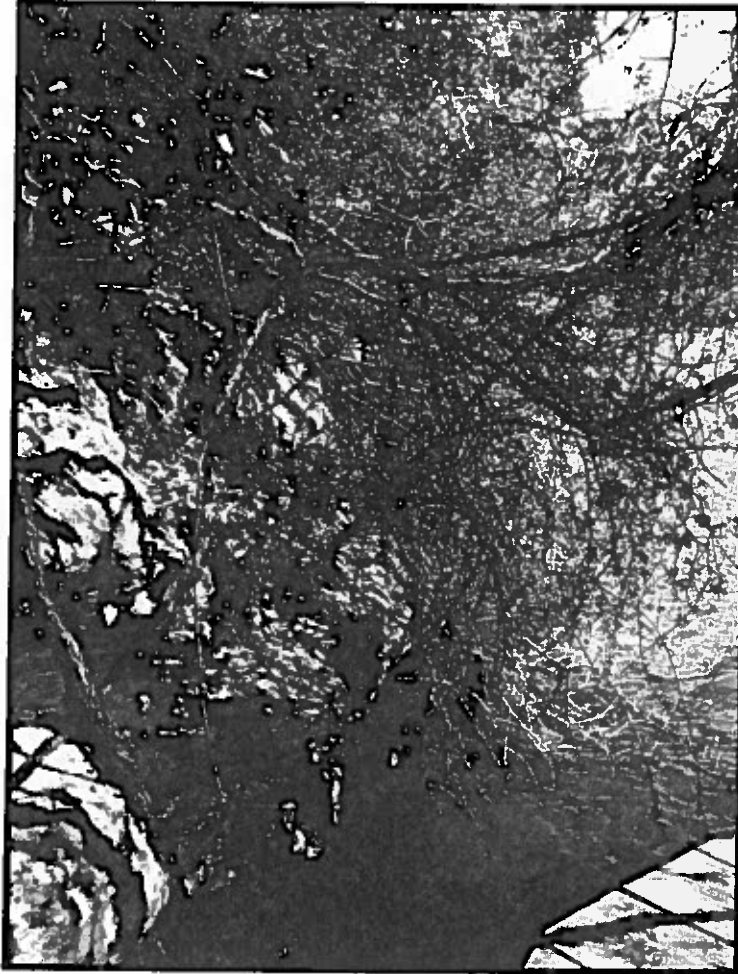
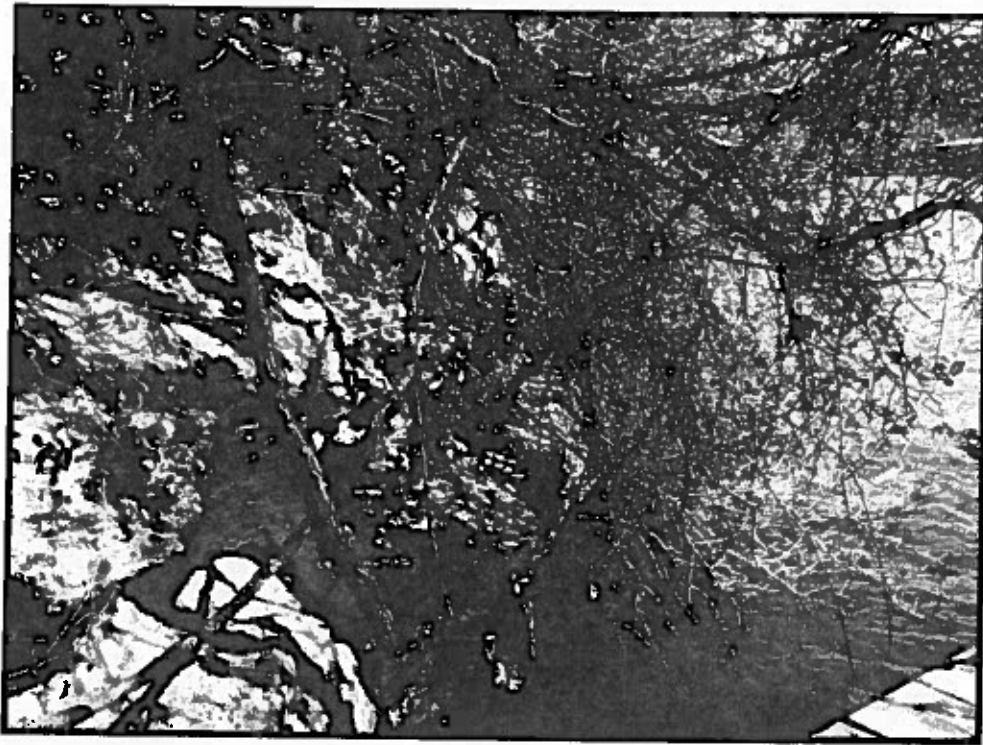


Photo 1. View of the shoreline at the 3213 Smoky Ridge Tract.

PHOTOGRAPHIC LOG

3213 Smoky Ridge Boat Dock/Shoreline Modification, Travis County, Texas



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Photo 2. Additional view.

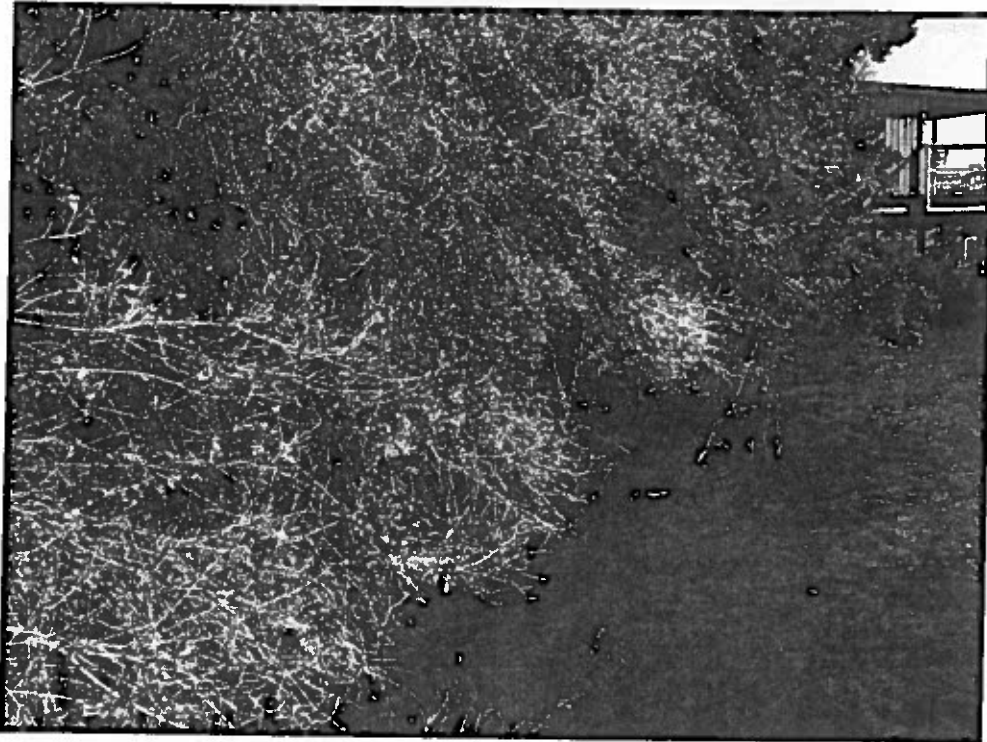
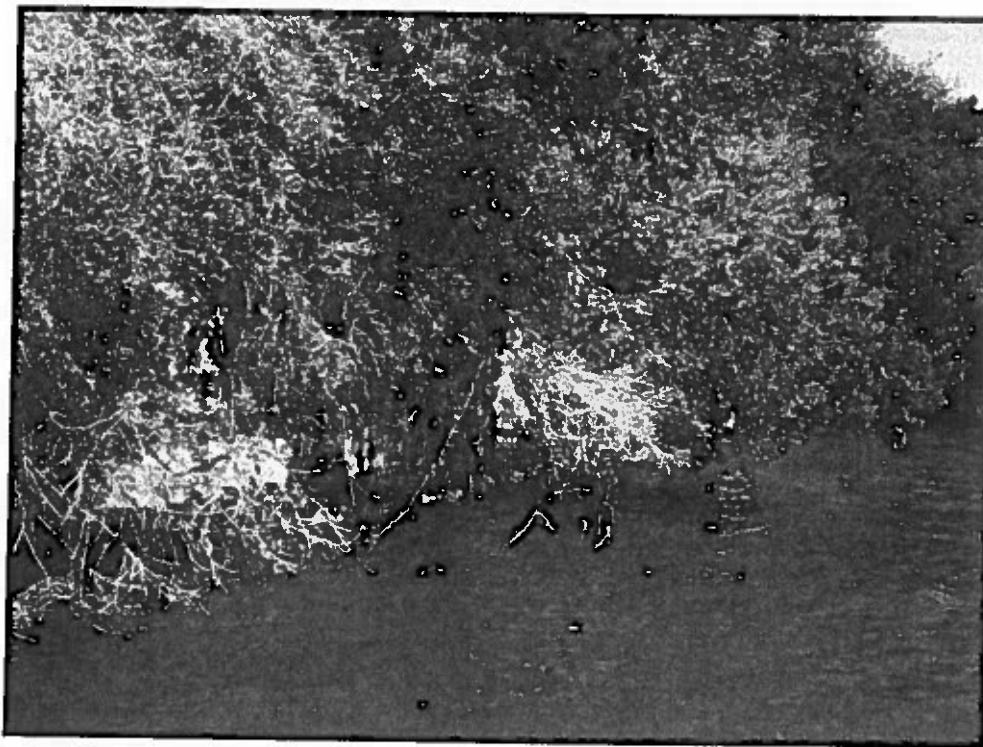


Photo 3. Additional view.

PHOTOGRAPHIC LOG

3213 Smoky Ridge Boat Dock/Shoreline Modification, Travis County, Texas



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Photo 4. Additional view.

TK CONSULTING ENGINEERS
7621 SPICEWOOD SPRINGS ROAD
AUSTIN, TEXAS 78759
512-219-1574
tom@tkaustin.com

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Bruce Aupperle
Aupperle Company
10088 Circleview Drive
Austin, Texas 78733

October 10, 2013

Re: 3213 Smokey Ridge / TK #13134

Dear Bruce,

Per the request of Sylvia Pope with the City of Austin I am presenting this explanation of the proposed framing system considering the protection of the existing Rim Rock.

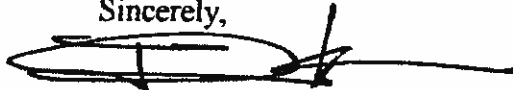
The system shown on our drawing SK1, dated October 10, 2013, shows that the stair framing extending from the top of the Rim Rock to the water level is supported at the top of the Rim Rock at the high side and with driven steel piles into the lake bed at the low side.

By framing in this manner, there is no distress or contact with the grade below the Rim Rock as the stair framing is suspended from the beam which extends from the footing over the Rim Rock to the extended column supported by the pile within the lake bed.

The footing over the Rim Rock shall be cast 3'-0" back from the edge so that the load is not at the outside edge of the rock. This footing can be cast directly onto the rock after any loose soil material over the rock is removed.

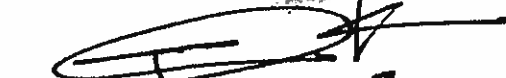
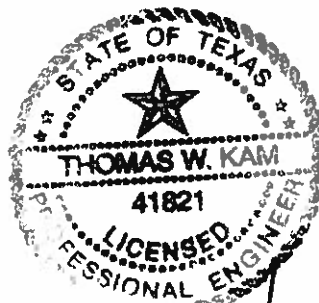
Please call if you have any questions.

Sincerely,



Thomas W. Kam P.E.

CC: Sylvia Pope



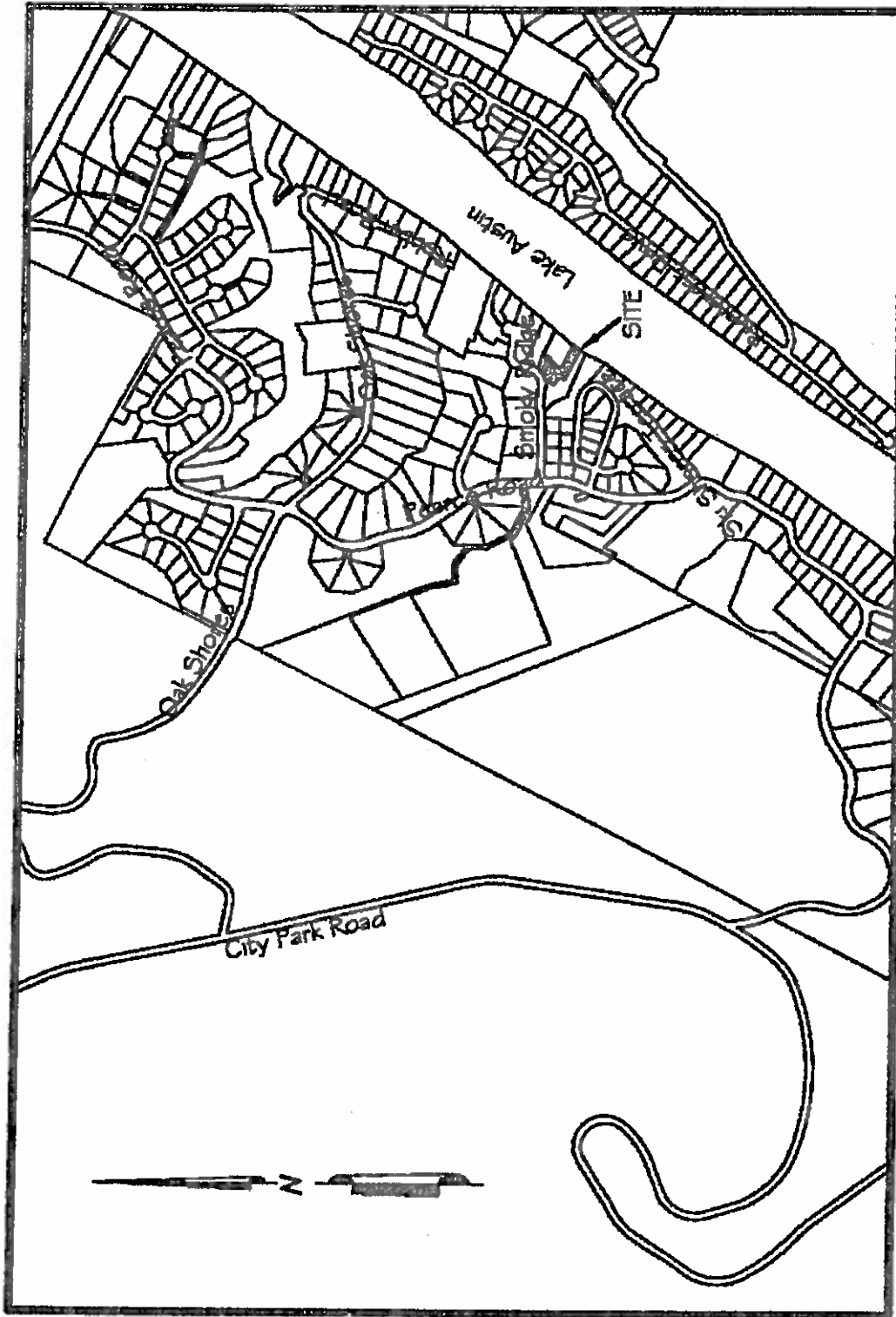
10-10-13

Dock Site Plan for

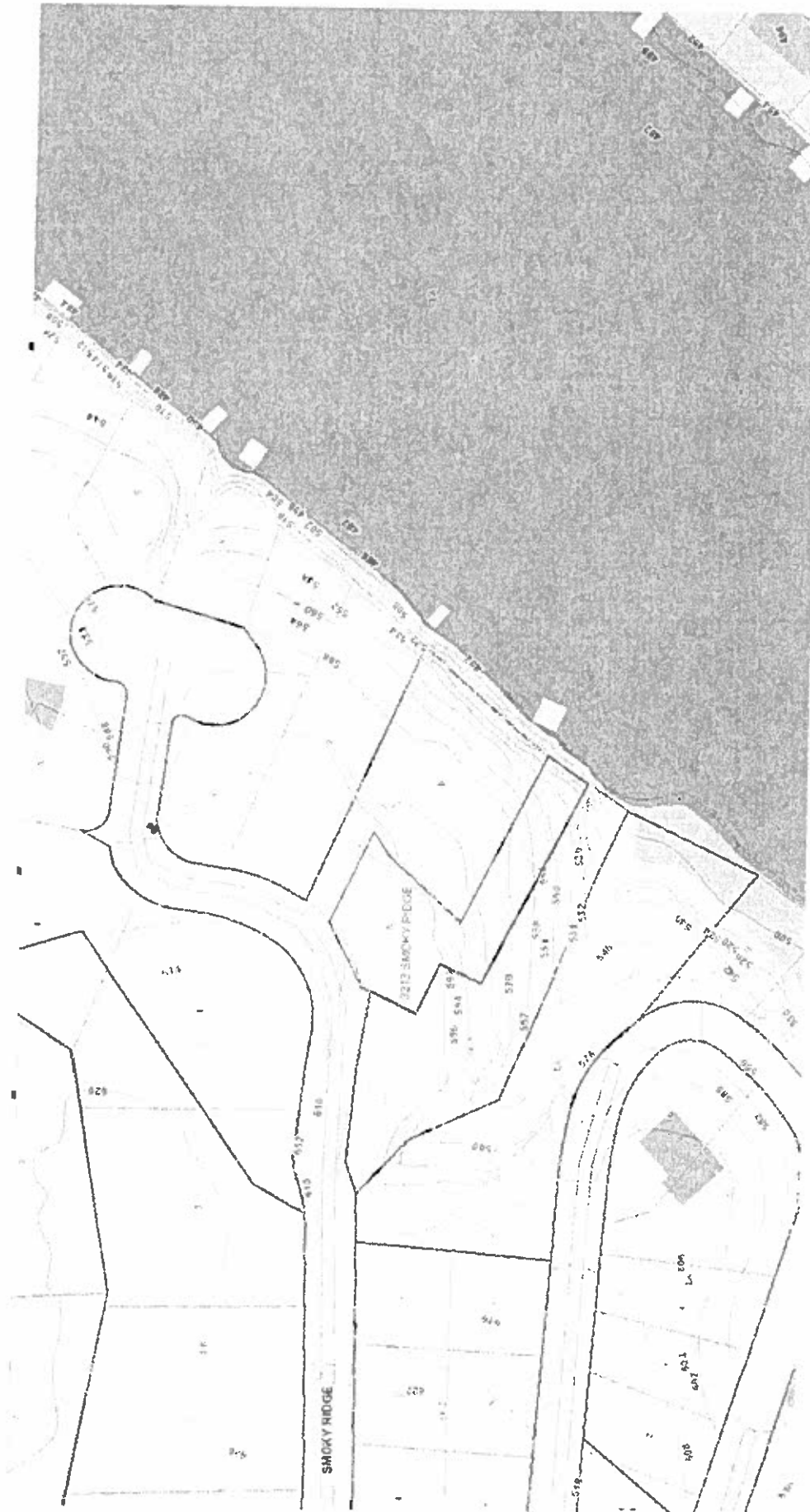
3213 Smoky Ridge

010/30

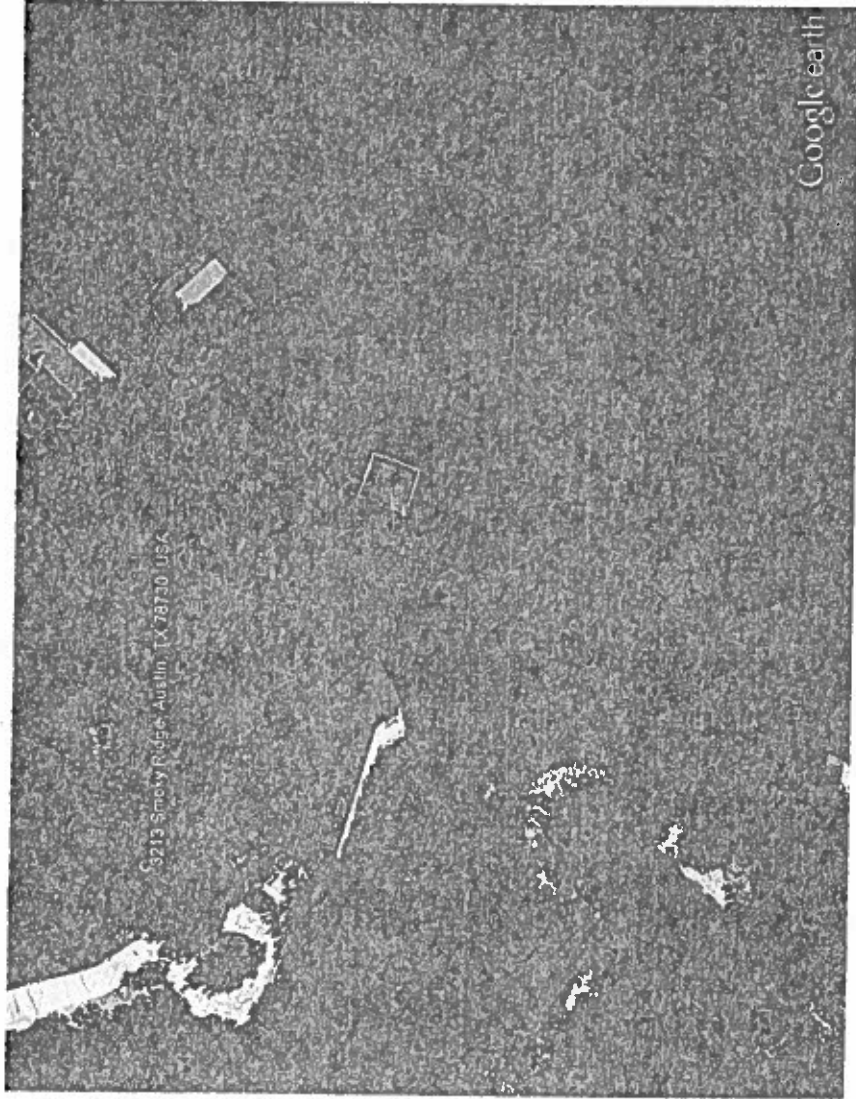
C10
31



C10
1/32



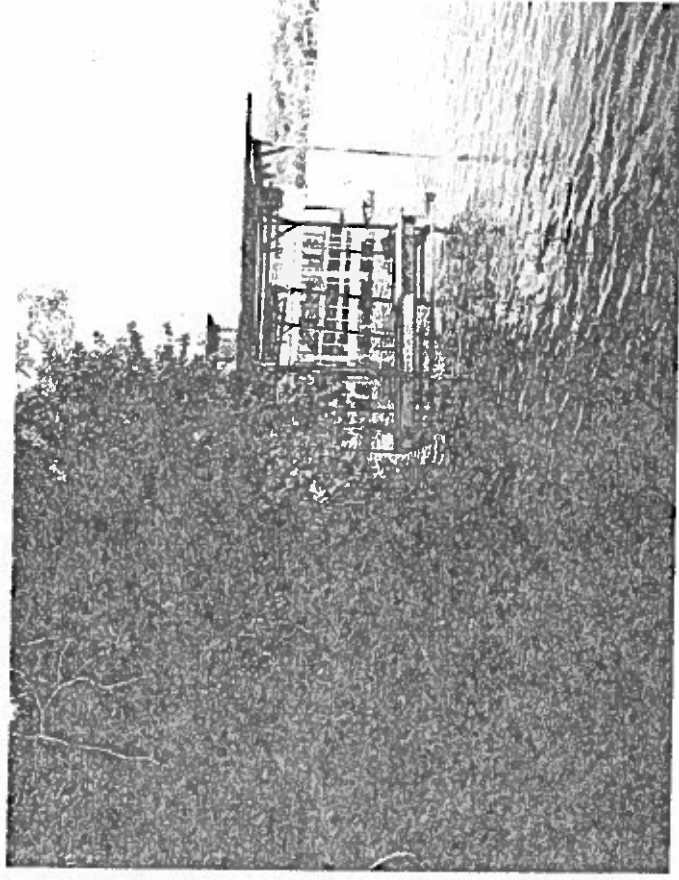
C10/33



Google earth feet 400
meters 100

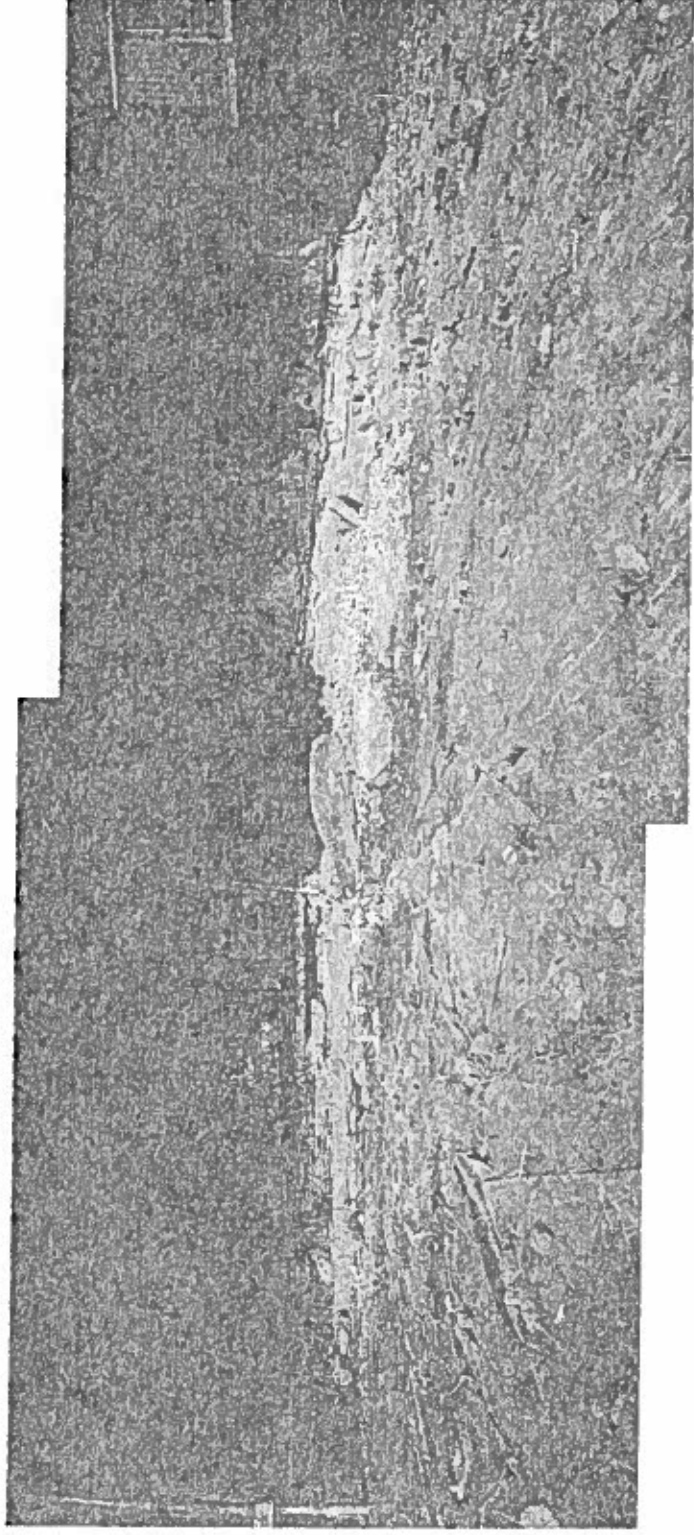
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3213 Smoky Ridge Proposed Dock Location



C10
34

3213 Smoky Ridge Shoreline



C10
35

[illegible]