CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

Decision	Sneet
DATE: Thursday, January 13, 2014	CASE NUMBER: C15-2013-0119
Jeff Jack Michael Von Ohlen Will Schnier Bryan King Fred McGhee Melissa Hawthorne Sallie Burchett Cathy French (SRB only)	
APPLICANT: Jim Bennett	
OWNER: Margaret and Ryan Dumont, Jame	es Coleman
ADDRESS: 3600, 3602, 3604 RIVERCREST	DR
VARIANCE REQUESTED: The applicants h	

VARIANCE REQUESTED: The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to January 13, 2014, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JANUARY 13, 2014.

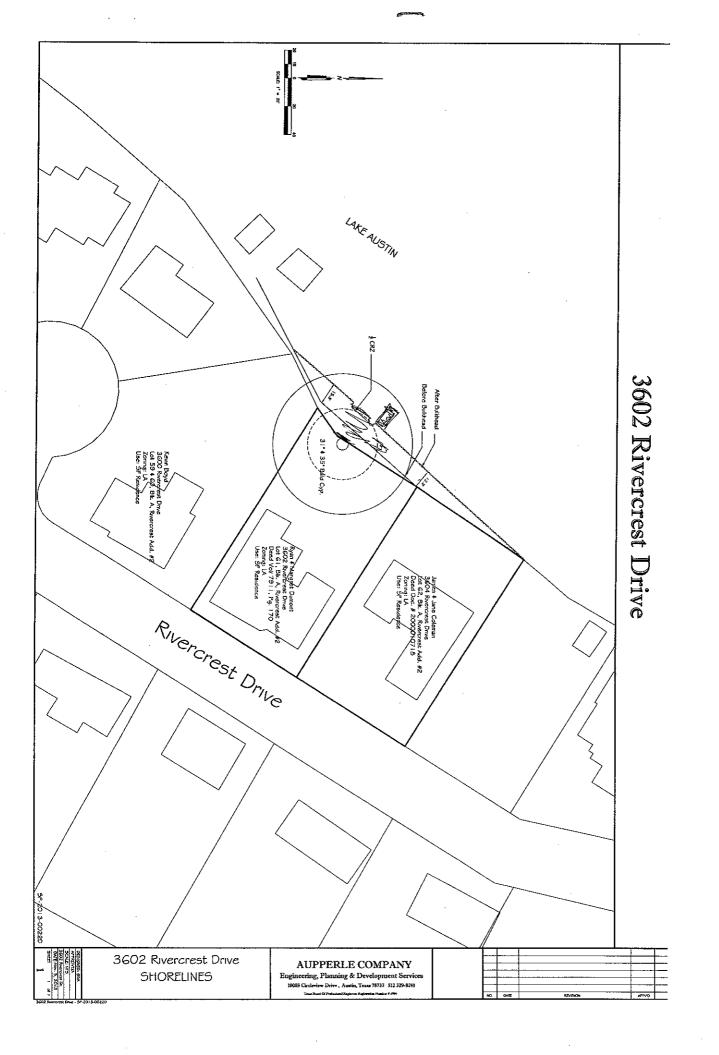
Jan 13, 2014 POSTPONED TO MAY 12, 2014 (NOTIFICATION REQUIRED)

FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
- 2. (a) The hardship for which the variance is requested is unique to the property in that: (b) The hardship is not general to the area in which the property is located because:
- 3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

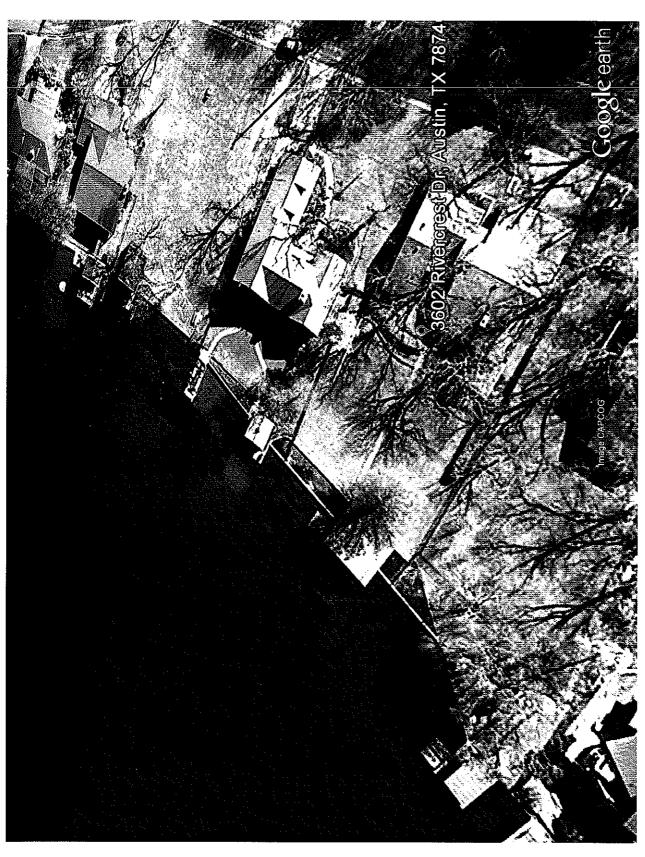
Leane Heldenfels Executive Liaison

Jеπ Jаск Chairman



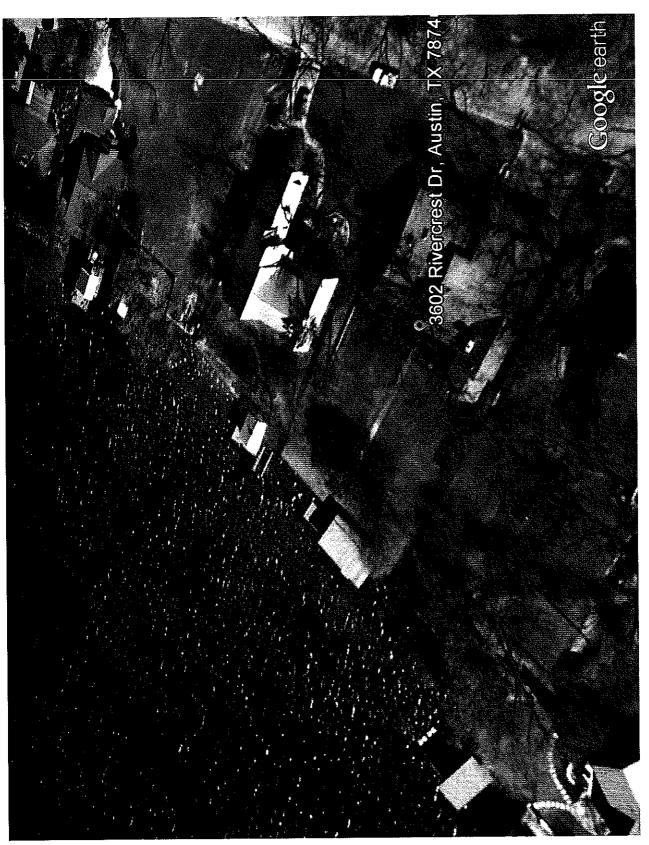


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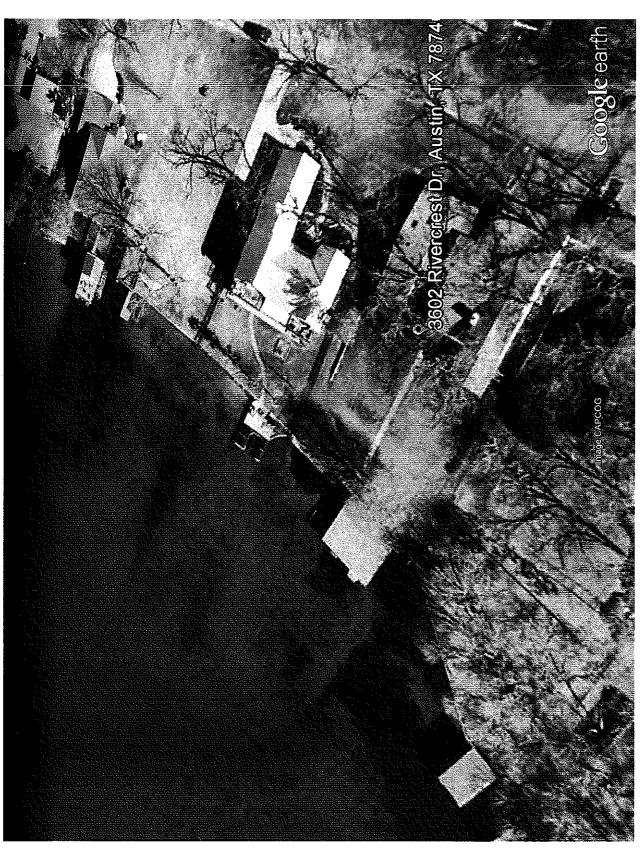
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C15-2013-6119

DAMMONS OFFICIAL STORES

CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE: Thursday, November 1	14, 2013 CASE NUMBER: C15-2013-0119
Jeff Jack Michael Von Ohlen 2 Nora Salinas Bryan King Fred McGhee Melissa Hawthorne	Motion to PP Jan 13, 2014
APPLICANT: Jim Bennett	
OWNER: Margaret and Ryan I	Dumont, James Coleman
ADDRESS: 3600, 3602, 3604 F	RIVERCREST DR
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FINDING:	
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2. (a) The hardship for which the	ne variance is requested is unique to the property in that:
(b) The hardship is not gene	eral to the area in which the property is located because:
₄impair the use of adjacent c	ne character of the area adjacent to the property, will not conforming property, and will not impair the purpose of g district in which the property is located because: Jeff Jack Chairman

HOLT CARSON, INC.

PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD **AUSTIN, TEXAS 78704** TELEPHONE: (512) 442-0990 FACSIMILE: (512) 442-1084 www.hciaustin.com

December 21, 2013

Mr. Ryan Dumont 3602 Rivercrest Drive Austin, Texas 78746

15-2013-0119 RE: Lake Austin frontage

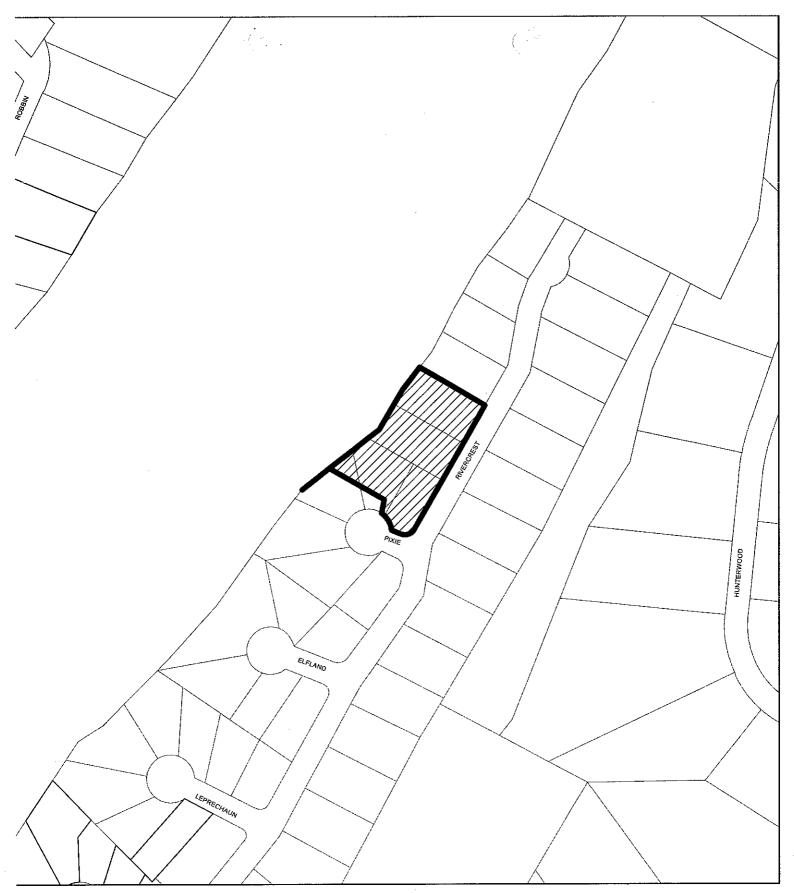
Mr. Dumont:

This brief letter is written to accompany some historical information concerning the Lake Austin frontage of the lots contained in the Rivercrest Subdivision Section 2, as recorded in Volume 22 Page 37 of the Plat Records of Travis County, Texas.

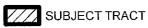
First, I have attached a pdf image of the recorded plat of Barrow's Subdivision. This subdivision was platted in 1915 and clearly indicates that the lots, as they existed at that time, were to have frontage on the waters of Lake Austin. There exists a note on this plat which indicates the understanding of the possible change in the water line upon completion of a new dam.

Secondly, I have attached a pdf image of the boundary survey completed in 1960 by Claude F. Bush, Jr. of the "Walter Bohn tract". This particular tract of land is that which eventually became the subdivisions which we now know as Rivercrest Addition Section 1 and Rivercrest Addition Section 2. I have also included an image which closely approximates the location of your lot (Lot 61 Block A). As you can see, the conveyance between T.H. Barrow to Walter Bohn as recorded in Volume 516 Page 410 of the Travis County Deed records included Lots 1 through 15, inclusive, of Barrow's Subdivision, together with the lands included in the projection of those lot lines to water's edge. Mr. Bush clearly indicates on his boundary survey that the "rear" tract line was water's edge as it existed at that time. This fact is also indicated on the recorded plats of Rivercrest Addition Section 1, which was recorded in 1961, and Rivercrest Addition Section 2, which was recorded in 1964.

From these particular documents, it is apparent that the lots which now comprise Rivercrest Addition Section 1 and Rivercrest Addition Section 2 were intended to have frontage on the water's edge of Lake Austin. It is also understood that over time the location of the water's edge of Lake Austin has been shifted either through natural processes or through manmade alterations. It would be my opinion that the original intent of the developers of this particular tract of land would be for the lot lines to be extended or shortened so that the rear lot lines maintain actual attachment to the waters of Lake Austin during it's normal state. In addition, the small areas of land which lie between the platted rear lines of Rivercrest Addition Section 2 and the water's edge of Lake Austin would not be under the ownership of others.







ZONING BOUNDARY

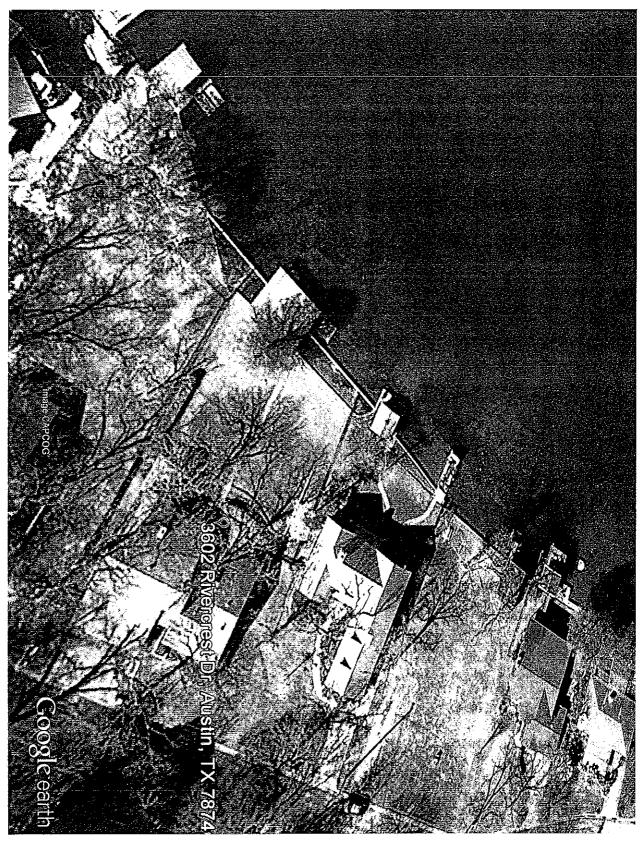
CASE#: C15-2013-0119

LOCATION: 3600, 3602, 3604 Rivercrest Drive

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







3/27/09

3/9/11

4/29/06

CASE # <u>C15-201</u>3-0119 LOW-11026192 CITY OF AUSTIN TP-013119-01-02

APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

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

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

STREET ADDRESS: 3600,3602, &3604 Rivercrest Drive
LEGAL DESCRIPTION: Subdivision –Rivercrest Addition #2
Lot(s) 59,60,61,&62 Block Outlot Division
I Jim Bennett as authorized agent for Ryan Dumont, James Coleman
affirm that on 9/27/2013, hereby apply for a hearing before the Board of
Adjustment for consideration to:
ERECT – ATTACH – COMPLETE – REMODEL – <u>MAINTAIN</u> <u>A shoreline bulkhead with backfield</u>
in a <u>LA</u> district. (zoning district)

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

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

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

REASONABLE USE:

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

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

HARDSHIP:

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

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

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

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

AREA CHARACTER:

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

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

PARKING: (Additional criteria for parking variances only.)

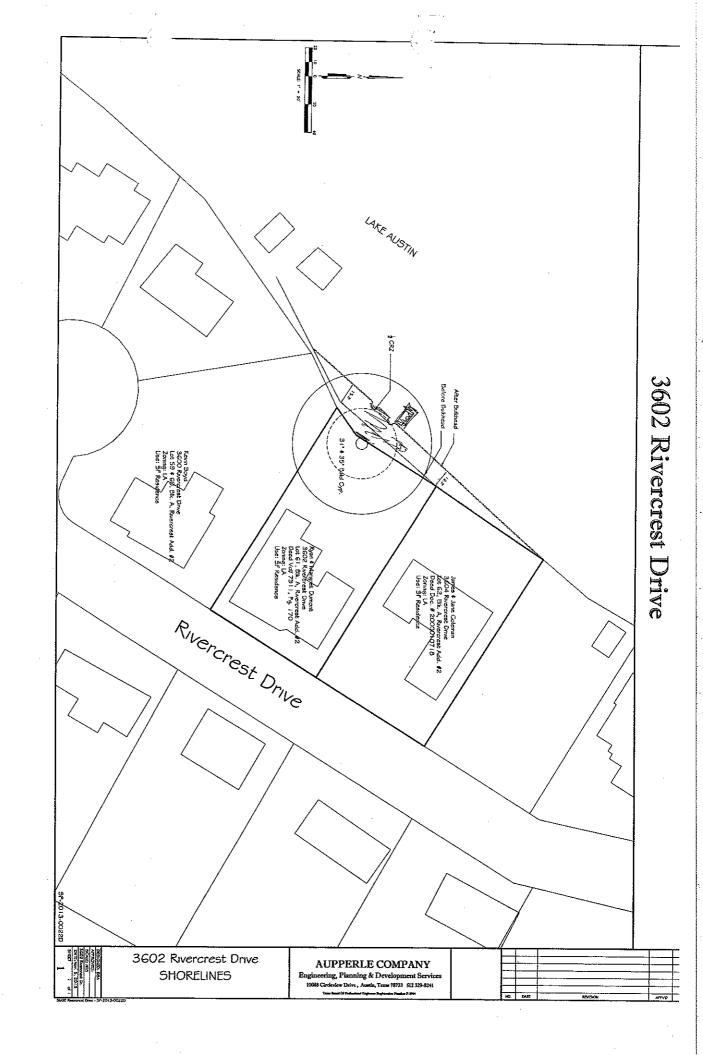
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional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

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

2.	The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3.	The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
NO	The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.
	PLICANT CERTIFICATE – I affirm that my statements contained in the complete plication are true and correct to the best of my knowledge and belief.
Sig	gned Mail Address
Cit	y, State & Zip
OV	nted Phone Date WNERS CERTIFICATE – I affirm that my statements contained in the complete application true and correct to the best of my knowledge and belief.
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Sig	med Jim Benneth Mail Address
Cit	y, State & Zip 11505 Ridge Drz. Austru TX 78748
Pri	y, State & Zip 11505 Ridge Drz. Austru, TX 78748 nted Jun Bennett Phone 512 282-3079 Date 9/27/13
OV are	WNERS CERTIFICATE – I affirm that my statements contained in the complete application true and correct to the best of my knowledge and belief. Mail Address 3604 Rivercres + Dr. My, State & Zip Austin Tx 78746 nted James H. Coleman Phone 512.328.9874 Date 9/26/13
Pri	nted JAMES H. Coleman Phone 572.328.8874 Date 9/26/13



Re: 3602 Rivercrest variance proposal.

Remedy for an Environmental and Health Hazard

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

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OWNER:
RYSN + MARGRET DUMONT
SCO2 RIVERCREST DRIVE.
AUSTIN, TX 78746

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3602 Rivercrest Drive

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REVISIONS / CORRECTIONS



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AMPRIL COMPANY
10066 CRECIPIEW DRIVE
AUSTIN, 1806 76783
PHOME IS 121, 422-4636
PAX (612) 329-6241

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A responsibility for the adequacy of these plans remain with the engineer who prepainted them. In approving these plans, the City of Austin must rely upon the adequacy of the work of the design engineer.

C15-2015-0119

ROMENAL THEE CASE NOTES MEASUREM AND SUPPLEMENTAL MERITORI REQUIREMENTS FOR THEES AFFINE CONSTRUCTION AREA

Appendix FA (12/12/2002)

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Frequency and contributions.

24. Flood Broaded Change and Combination.
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Approved of the Stag Plan above not noticed Badding and The Code approval nor hadring promise.

Approved By:

Parks & Recircation Dake

for Director - Flaming # Development Review Department

SP-2013-0022D Ferral Number

Submittal Date

As disturbed areas shall be restored to noted in erosion control 4 restoration notes.

LEGAL DESCRIPTION: LOTES I, BUS. A. Reversed Anthon Seaton 2, Vol. 7911, Fg. 170

TOCOMUNI INFORMATION: The project is within the TOO-year flood plant as shown on the FILMAL panel 40455CO43OH dilective 2695F2000

GROWTH ZONE: Unriving Water Protection Zone

ADDR£55: 3602 Rwindresk Drive, Auskin, TV 78746.

LUCI. Accessory Lisa to Principal Swejto-Tymby Residence at 3602 Reservois Drive, Auton. 18 78746 RELATED PERMIT REJUDEN): CS-52-079

Plan Sheet List

hite Plan subject to City of Austin Watersted Protection

debaggio de la application dessi not constatte, a verification of all data, information and descriptions explained by the applicate, This companied of control of a solicy integrouple (of the completences, incompanied and designay) of earlier adventibe, whether or one this application is neverated for Code companied by COy dispress;

1. COMER SHEET À NOTES
2. SITÉ PLAN, DOCK PLAN À BLEVATIONS

PROJECT DESCRIPTION: Denotes existing 2-sky, SO dock, gangery, start and apparticulates. 1-story, 46" x 30" doct. Construct new 2-slip, 2-stary, 26' x

Date

AUPPERLE COMPANY

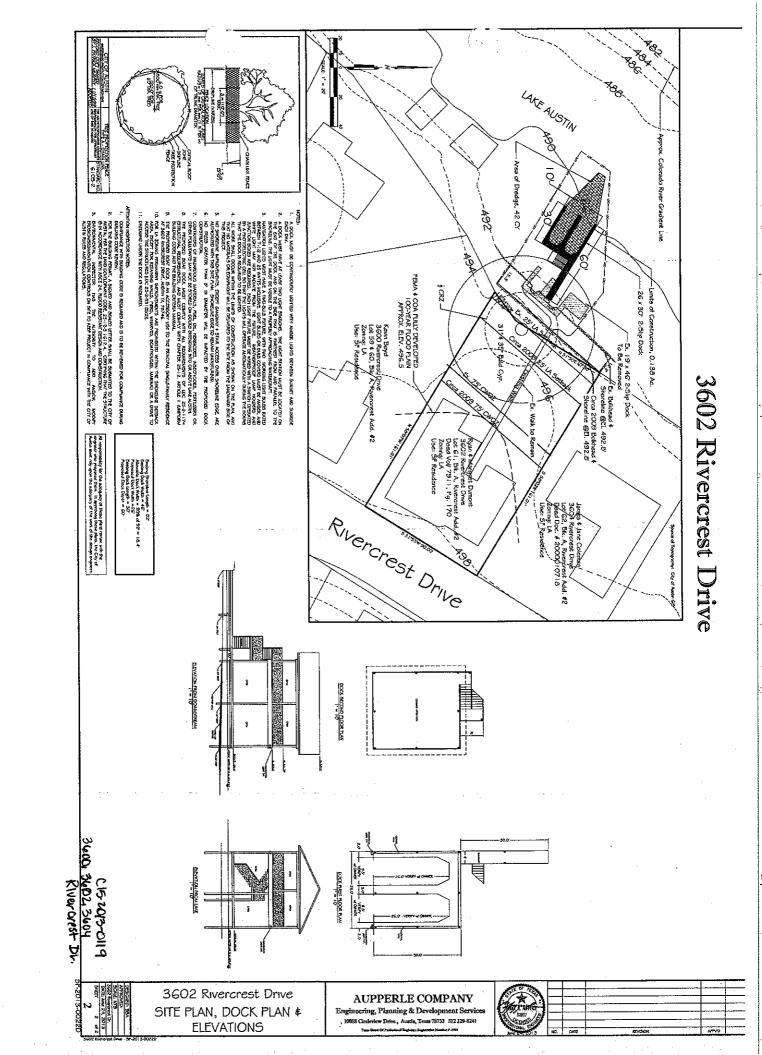
WATCHSHID STATUD: The size a located in LACE AUDINA watershood, is dissalled as a WATCH SUFFLY RUBAL watershood and shall be disveloped, contabushed and mainstand in conformance with Chapter 125 of the Land Condement Code.

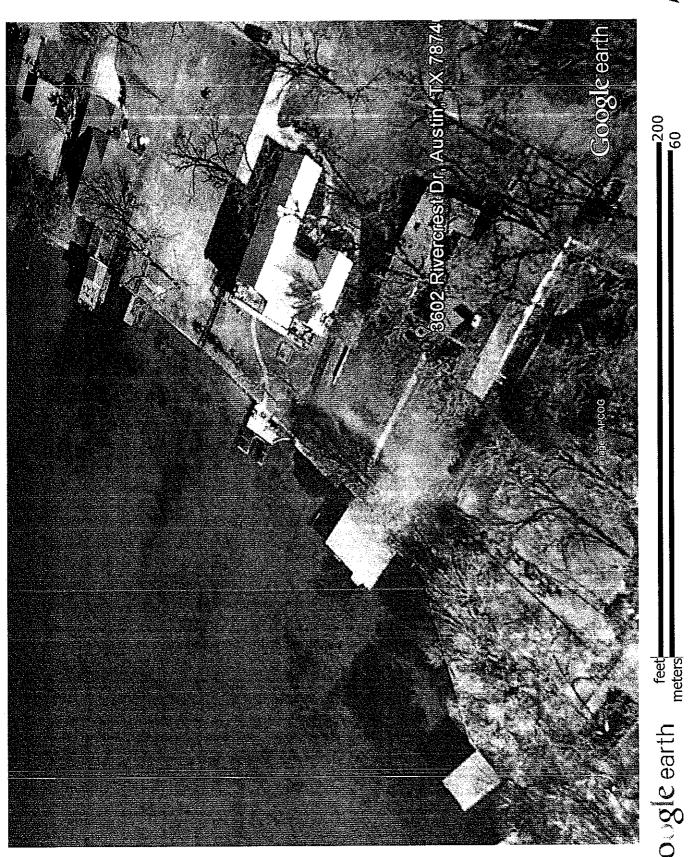
All areas deturbed with the proveine actions shall be restored in accordance with City of Austria specifications. the registron within the shiroleke settleck hours shall be provided before the dissance of a healting pormit, occasis as may be reapened for energying and estations. A read section of the strong of a stating shall be no accordant to fact, while now only the shall be a stating of the stating and the stronger of the stating.

3602 Rivercrest Drive

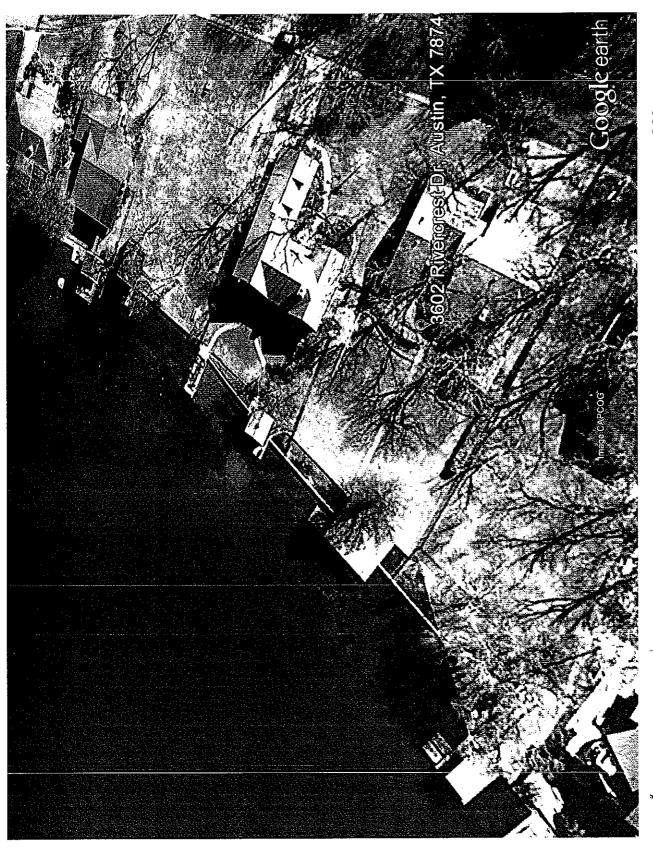
Engineering, Planning & Development Services 1008 Cecterior Drive, Austin, Texa 78733 512 329-8241

COVER SHEET # NOTES

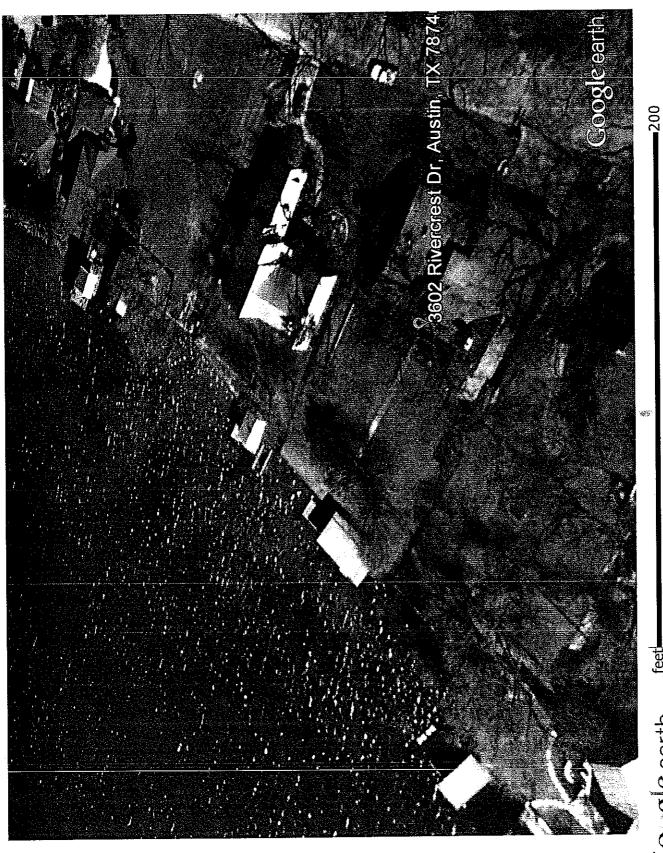




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Google earth feet



Google earth feet meters



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