

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

**DATE:** Monday, May 12, 2014

**CASE NUMBER:** C15-2014-0064

☐ Y ☐ Jeff Jack  
☐ Y ☐ Michael Von Ohlen – Motion to PP to June 9, 2014  
☐ Y ☐ Ricardo De Camps  
☐ Y ☐ Bryan King - 2<sup>nd</sup> the Motion  
☐ Y ☐ Fred McGhee  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Sallie Burchett

**APPLICANT:** Sarah Crocker

**OWNER:** Staci Radtke

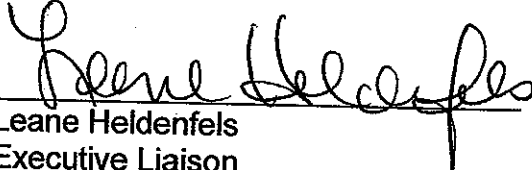
**ADDRESS:** 3009 WESTLAKE DR

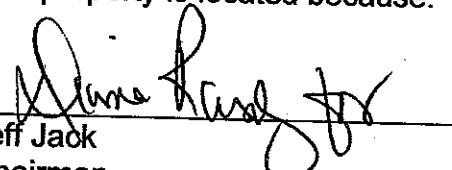
**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-2-551 (D) (1) (a) of the Lake Austin (LA) District Regulations of Article 3, Additional Requirements for Certain Districts to reduce the shoreline setback from 75' to 5' around the perimeter of the lagoon and canal in order to construct a single family home, garage/workshop and carport in an "LA", Lake Austin zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 9, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO JUNE 9, 2014.

**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

  
Jeff Jack  
Chairman

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/development](http://www.austintexas.gov/development).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council, the scheduled date of the public hearing, the Case Number, and the contact person listed on the notice.

**Case Number:** C15-2014-0064, 3009 Westlake Drive

**Contact:** Leanne Heldenfels, 512-974-2202, [leanne.heldenfels@austintexas.gov](mailto:leanne.heldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, May 12th, 2014

*J Bradley Greenblum*

Your Name (please print)

2925 Westlake Cove

Your address(es) affected by this application

*Leanne Heldenfels*

Signature

Daytime Telephone:

512.6106600

Date

5/5/14

Comments:

*Almost all other houses on the lake respect the setback. Not only are the views opened down lake protected but more imp't the buffer of 75' provides an overland buffer for run-off to minimize erosion and environmental degradation.*

*Thank you*

Note: Any responses received will become part of the record of this application open to the public for review.

*Please do not start attacking this reduced setback to*

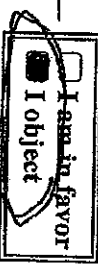
*become a precedent for other development*

P. O. Box 1088

Austin, TX 78767-1088

Or Fax to (512) 974-2934

Or scan and email to [leanne.heldenfels@austintexas.gov](mailto:leanne.heldenfels@austintexas.gov)



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**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, May 12th, 2014

John & Phyllis Biggar  
 Your Name (please print)

☒ I am in favor  
☐ I object

3007 Westlake Dr. Austin TX 78746  
 Your address(es) affected by this application

Leanne Heldenfels 5-5-14  
 Signature Date

Daytime Telephone: 512-328-1277

Comments: \_\_\_\_\_

Note: Any responses received will become part of the record of this case and open to the public for review.

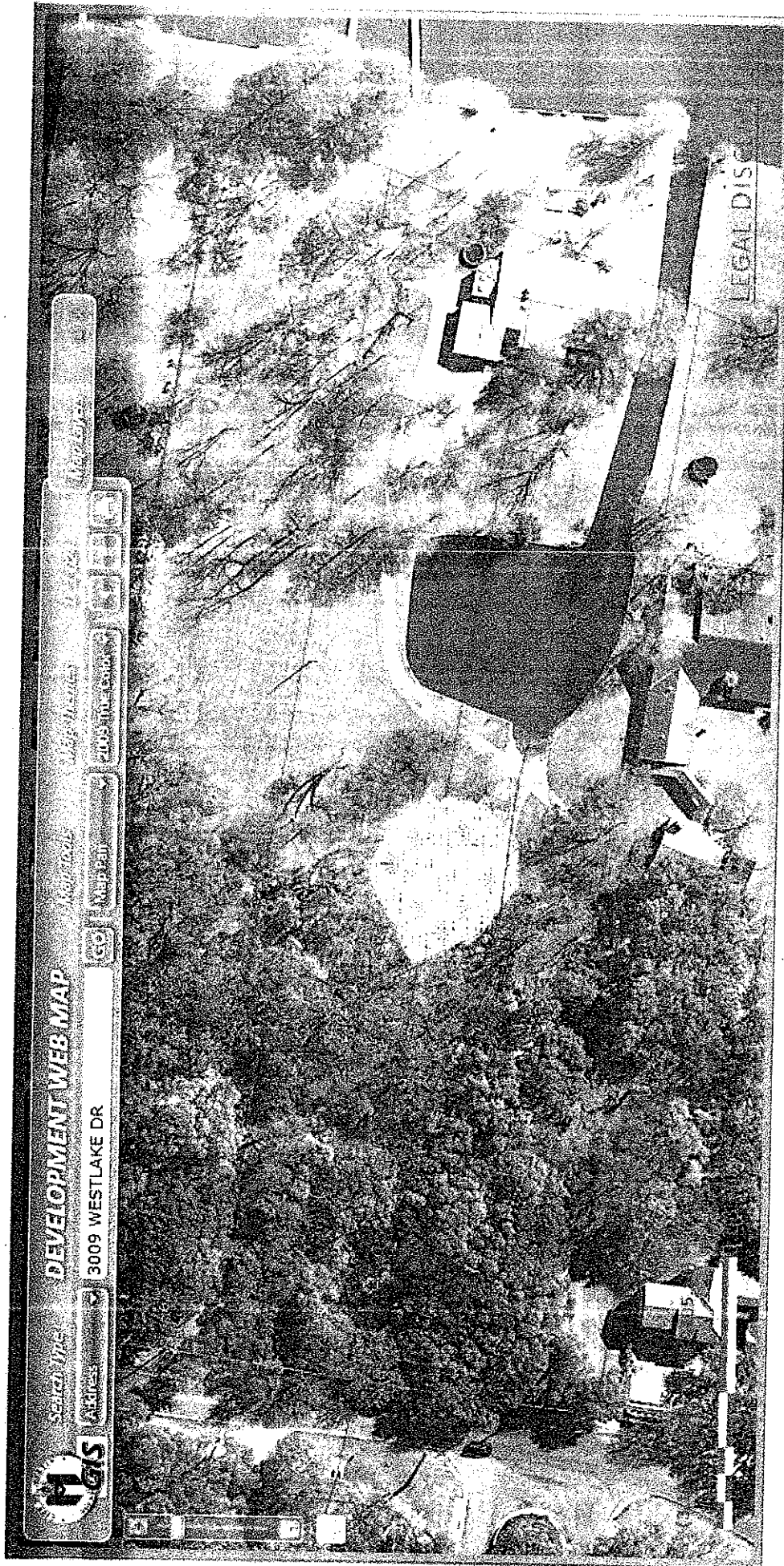
**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
 Leane Heldenfels  
 P. O. Box 1088

Austin, TX 78767-1088

Or Fax to (512) 974-2934

Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)



**SARAH PUTNAM CROCKER  
CROCKER CONSULTANTS**

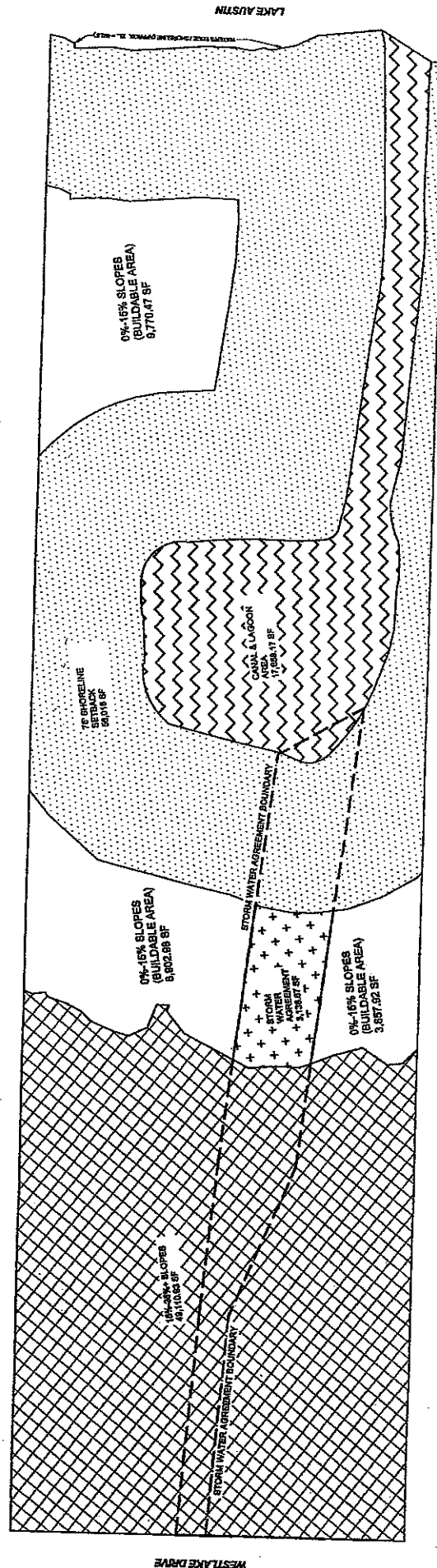
**9415 Burnet Rd Suite 306**

**Austin Texas 78758**

**TABLE FOR  
BOARD OF ADJUSTMENTS  
3009 WESTLAKE DRIVE**

	<b>0-15% Slope</b>	<b>15-35% Slope*</b>
<b>Gross Site Area</b> 148,477 s.f. 3.409 acres	15.17% 22,5631.37 s.f. 2.65 ac.	33.07% 49110.93 s.f. 0.759 ac.
<b>75" Shoreline Setback</b>	37.73% 56,170 s.f.	n/a
<b>Canal and Lagoon</b>	11.89 % 17,658.17 s.f.	n/a
<b>Drainage Easement</b>	2.60% 3,136.67 s.f.	n/a

\*Includes slopes in excess of 35%



**IMPERVIOUS COVER  
BASED ON GROSS SITE AREA  
148,477 S.F.**

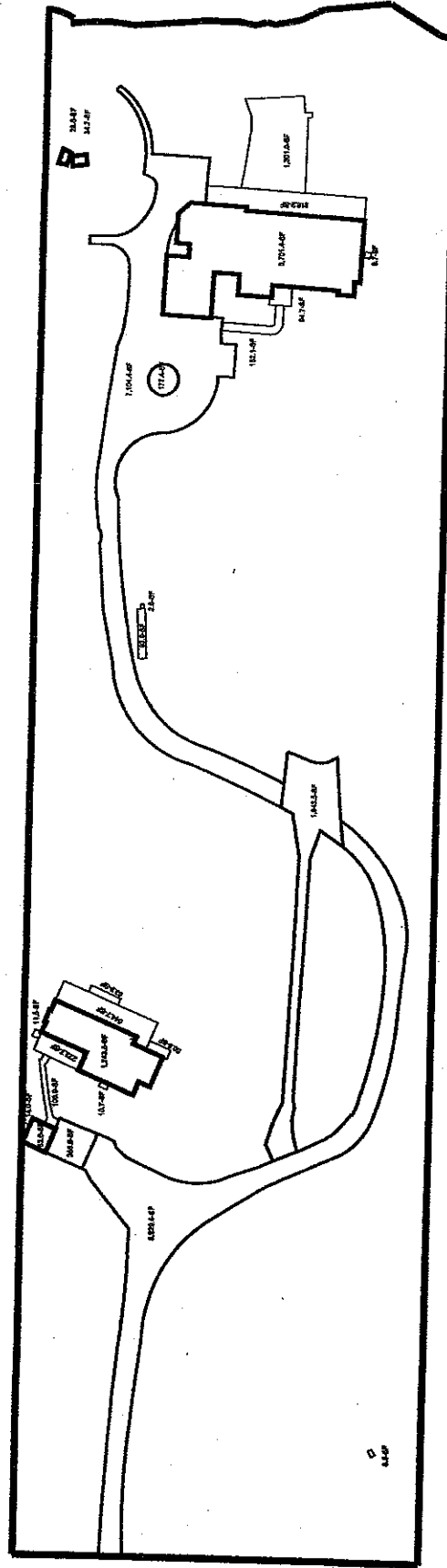
**EXISTING IMPERVIOUS COVER**

**21,513 s.f./14.5 %**

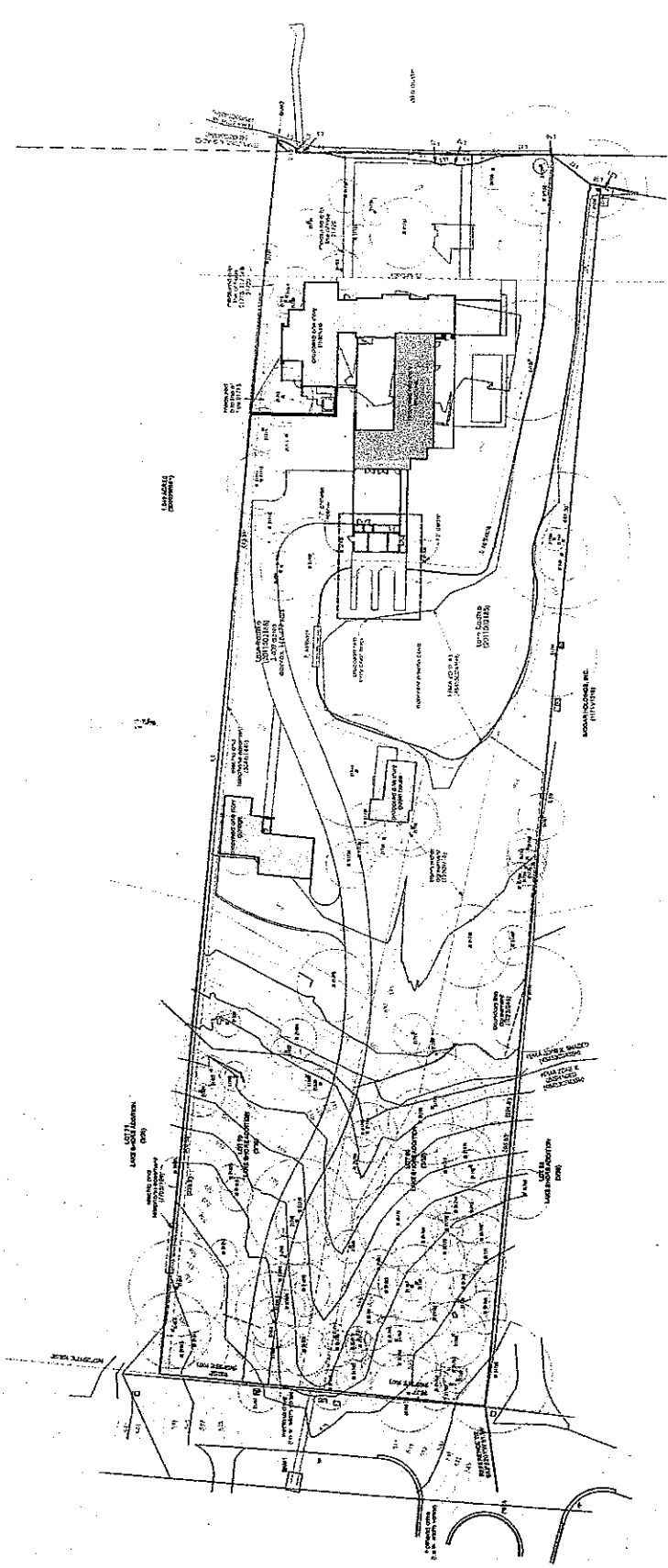
**PROPOSED IMPERVIOUS COVER**

**32,894 s.f./22.15%**

TOTAL SITE	= 148,477-SF
BUILDINGS	= 5,161-SF
PARKING/DRIVES	= 12,856-SF
SIDEWALKS/OTHER	= 3,496-SF
TOTAL	= 21,513-SF = 14.5% OF SITE







1 site plan: boat dock

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1/1/22	97	REVISED	1/1/22	97	REVISED
2/1/22	98	REVISED	2/1/22	98	REVISED
3/1/22	99	REVISED	3/1/22	99	REVISED
4/1/22	100	REVISED	4/1/22	100	REVISED

3 boundary key

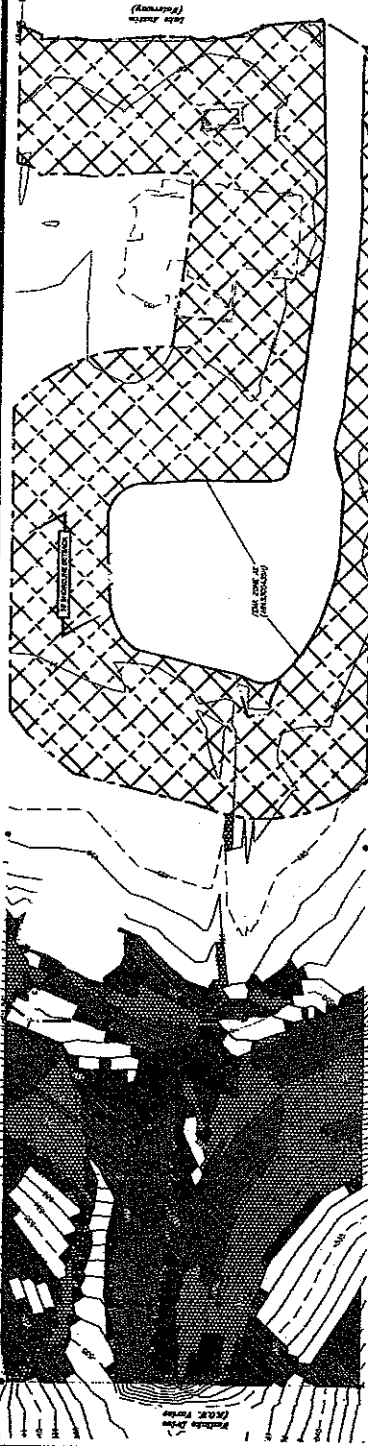
DATE	NO.	DESCRIPTION	DATE	NO.	DESCRIPTION
1/1/14	1	PRELIMINARY	1/1/14	1	PRELIMINARY
2/1/14	2	REVISED	2/1/14	2	REVISED
3/1/14	3	REVISED	3/1/14	3	REVISED
4/1/14	4	REVISED	4/1/14	4	REVISED
5/1/14	5	REVISED	5/1/14	5	REVISED
6/1/14	6	REVISED	6/1/14	6	REVISED
7/1/14	7	REVISED	7/1/14	7	REVISED
8/1/14	8	REVISED	8/1/14	8	REVISED
9/1/14	9	REVISED	9/1/14	9	REVISED
10/1/14	10	REVISED	10/1/14	10	REVISED
11/1/14	11	REVISED	11/1/14	11	REVISED
12/1/14	12	REVISED	12/1/14	12	REVISED
1/1/15	13	REVISED	1/1/15	1	

### **EXISTING CONDITIONS**

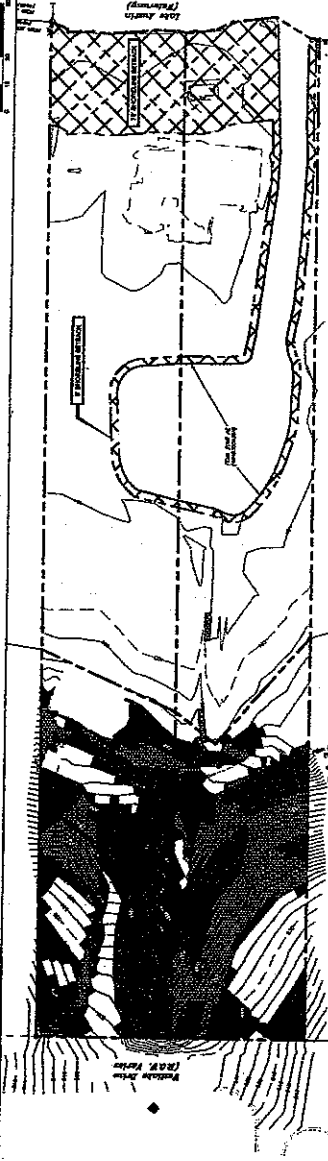
<b>SHORELINE SETBACK</b>	<b>56.170 s.f</b>
<b>NET SITE AREA</b>	<b>92,574 s.f.</b>
<b>ALLOWABLE IMPERVIOUS COVER</b>	<b>21, 844.47 s.f.</b>

### **PROPOSED CONDITONS**

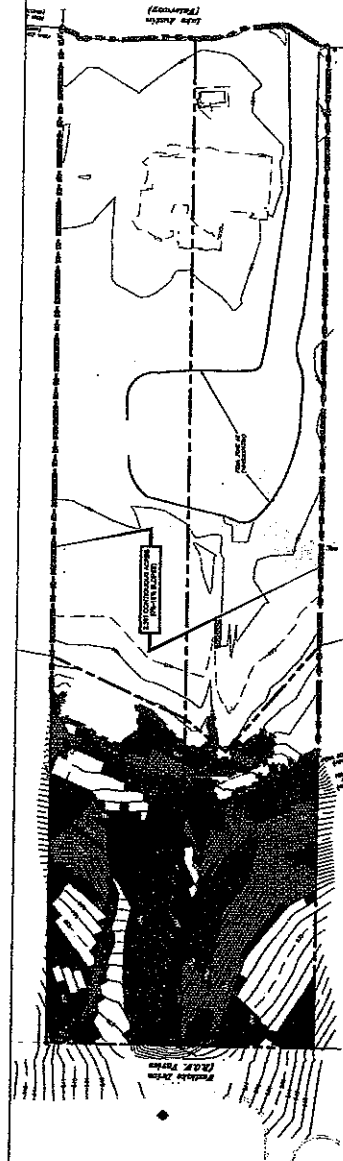
<b>SHORELINE SETBACK (reduced BOA variance)</b>	<b>16,860 s.f.</b>
<b>NET SITE AREA</b>	<b>131,617 s.f.</b>
<b>ALLOWABLE IMPERVIOUS COVER</b>	<b>27.46%</b> <b>35,602.97</b>
<b>PROPOSED IMPERVIOUS COVER</b>	<b>25%</b> <b>(32,894.77)</b>



1 **SLOPE MAP EXHIBIT (W/75' SHORELINE SETBACK)**  
SCALE: 1"=60'



2 SLOPE MAP EXHIBIT (W/5' SHORELINE SETBACK AROUND LAGOON)



3 ACCESS TO 0% TO 15% SLOPES EXHIBIT

[illegible]

**SITE PLAN RELEASE**

SITE PLAN APPROVAL SHEET 3 OF 3  
 FILE NUMBER: 15-0013 APPLICATION DATE: 01/20/2015  
 APPROVED BY: COMMISSIONER OF THE CITY OF ALBANY, NEW YORK  
 DATE: 01/22/2015  
 PROJECT AND DATE COMPLETED: JUNE 2015

Credits: Planning and Compliance Review Date:

RELINQUISHED FOR BIDD, COMPLIANCE		FORWARDED	
APP: 1	CONNECTION 4		
APP: 2	CONNECTION 5		
APP: 3	CONNECTION 6		
APP: 4	CONNECTION 7		
APP: 5	CONNECTION 8		
APP: 6	CONNECTION 9		
APP: 7	CONNECTION 10		
APP: 8	CONNECTION 11		
APP: 9	CONNECTION 12		
APP: 10	CONNECTION 13		
APP: 11	CONNECTION 14		
APP: 12	CONNECTION 15		
APP: 13	CONNECTION 16		
APP: 14	CONNECTION 17		
APP: 15	CONNECTION 18		
APP: 16	CONNECTION 19		
APP: 17	CONNECTION 20		
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APP: 89	CONNECTION 92		
APP: 90	CONNECTION 93		
APP: 91	CONNECTION 94		
APP: 92	CONNECTION 95		
APP: 93	CONNECTION 96		
APP: 94	CONNECTION 97		
APP: 95	CONNECTION 98		
APP: 96	CONNECTION 99		
APP: 97	CONNECTION 100		

Note: All 100 connections must be completed by the date of the final inspection. If a connection is not completed by the date of the final inspection, the connection will be marked as "Not Completed" and the connection will be marked as "Not Completed" and the connection will be marked as "Not Completed".

Note: The connections must be completed by the date of the final inspection. If a connection is not completed by the date of the final inspection, the connection will be marked as "Not Completed" and the connection will be marked as "Not Completed".

Note: The

CASE# C15-204-0064  
ROW# 11123034  
TAX# 0123090215

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

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

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

STREET ADDRESS: 3009 Westlake Drive

LEGAL DESCRIPTION: Subdivision - C81-2007-0439

Lot(s) 70 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division Lake Shore Addition

I/We Sarah Crocker on behalf of myself/ourselves as authorized agent for

Lorin & Staci Radtke affirm that on March 24, 2014

, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

Variance from 25-2-551 (D), (1,(a.) Reduce the shoreline setback from 75' to 5' around  
the perimeter of the man-made lagoon and canal.

in a LA district.  
(zoning district)

**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:

See attached

**HARDSHIP:**

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

See attached

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

See attached

**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:

See attached

**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:

N/A

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:

N/A

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

N/A

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

N/A

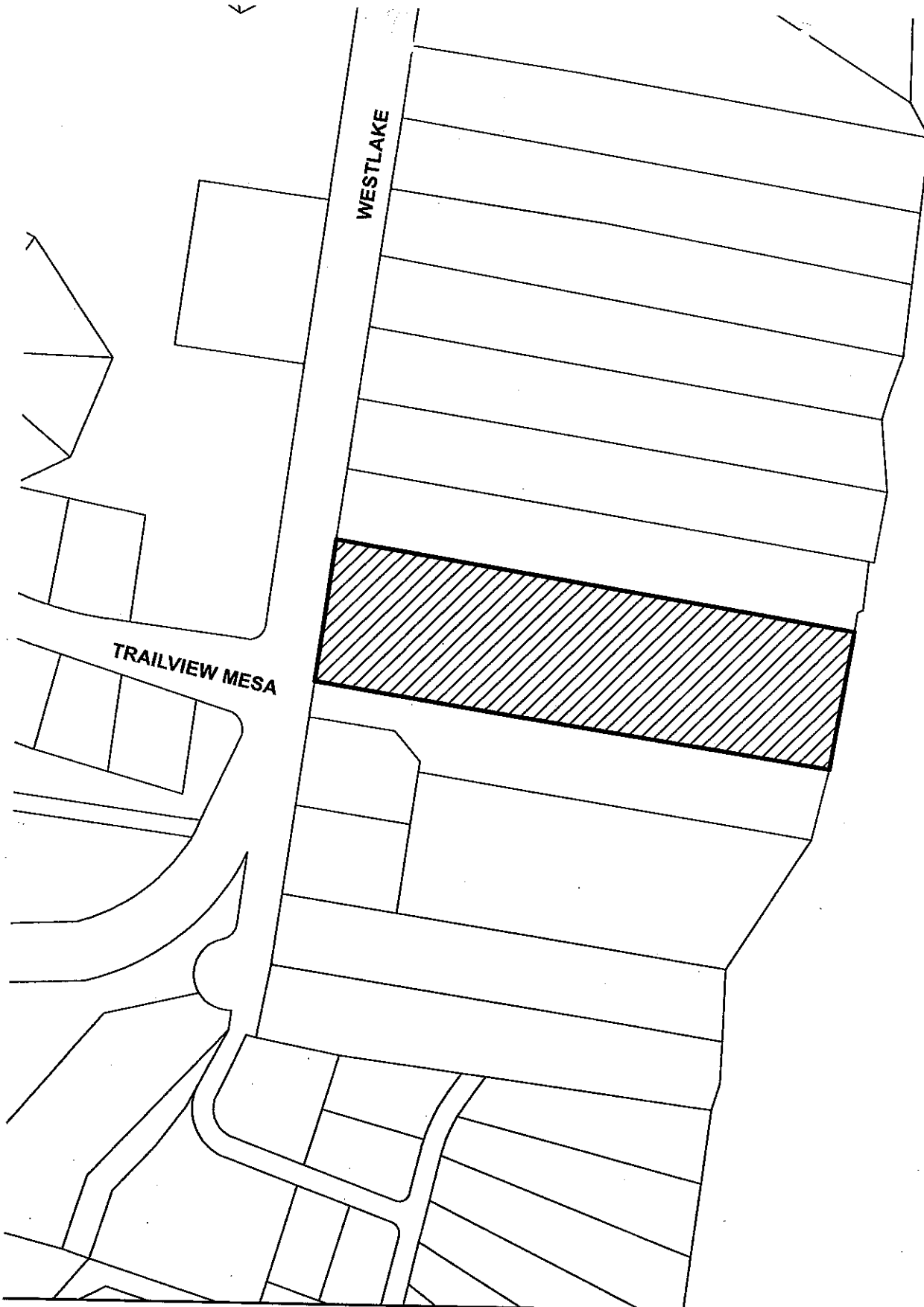
**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.




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

Signed [Signature] Mail Address 9415 Burnet Rd #306  
City, State & Zip Austin Texas 78758  
Printed Sarah Crocker Phone 512-529-2511 Date 2/24/14

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

Signed [Signature] Mail Address 57 Saint Stephens School Rd  
City, State & Zip Austin, TX 78746  
Printed Staci Radtke Phone 512-993-9006 Date 2/24/14



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2014-0064  
Address: 3009 WESTLAKE DR

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.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 200'

REASONABLE USE:

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

This 3.409-acre tract is encumbered by steep slope, a drainage easement that conveys off site flow from the Westveiw PUD, three CEF 's and a 17,658.17 s.f. canal and lagoon, which was built prior to the adoption of the Lake Austin Ordinance and the 75' shoreline setback.

The City has since determined this type of man-made feature is an extension of the waters of Lake Austin. Therefore the 75-foot setback is applicable to the canal and the perimeter of the lagoon. The buildable site area is surrounded on three sides by the canal, the lagoon and Lake Austin which places the entire buildable area and the driveway within the 75 -foot shoreline setback or the 150' setback for the CEF's .

HARDSHIP:

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

There are several other tracts in the area that have a lagoon and a canal however my research indicates that this particular tract is the only lot that has 3 (three) CEF's: two wetlands and a spring. The additional setbacks for the CEF's extend over the balance of the area of 0-15% slope that is outside the 75- foot shoreline setback.

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

As previously stated there are similarly encumbered properties in the area with a canal and lagoon but these lots do not have multiple CEF's .

AREA CHARACTER:

- 3. The variance will not alter the character of the 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 the property is located because:**

The adjacent lots in the area are already developed or have been redeveloped and have obtained a variance to reduce the shoreline setback for a lagoon or canal from the BOA. The proposed redevelopment will maintain the 75- foot shoreline setback established with the Lake Austin Ordinance to protect the natural character of the shoreline.



**SARAH PUTNAM CROCKER  
CROCKER CONSULTANTS**

**9415 Burnet Rd Suite 306**

**Austin Texas 78758**

**TABLE FOR  
BOARD OF ADJUSTMENTS  
3009 WESTLAKE DRIVE**

	<b>0-15% Slope</b>	<b>15-35% Slope*</b>
<b>Gross Site Area</b> 148,477 s.f. 3.409 acres	15.17% 22,5631.37 s.f. 2.65 ac.	33.07% 49110.93 s.f. 0.759 ac.
<b>75" Shoreline Setback</b>	37.73% 56,015 s.f.	n/a
<b>Canal and Lagoon</b>	11.89 % 17,658.17 s.f.	n/a
<b>Drainage Easement</b>	2.60% 3,136.67 s.f.	n/a

\*Includes slopes in excess of 35%



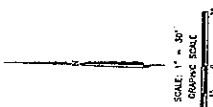
CEP'S

3009 WESTLAKE DR.

SPRING

WETLAND

WETLAND

[illegible]

1967 PCEB

710 HQ TYPE INDICATE MALT TRUNK

(14) (15) (17) (18)

POWELL TRUNK DIA.  
(IN INCHES)

CRITICAL ROOT TONNE (TDCS) CIRCLES  
ARE SHOWN LEADING THE CON. FORWARD  
FOR SHOUL AND MALT TRUNK TALLER

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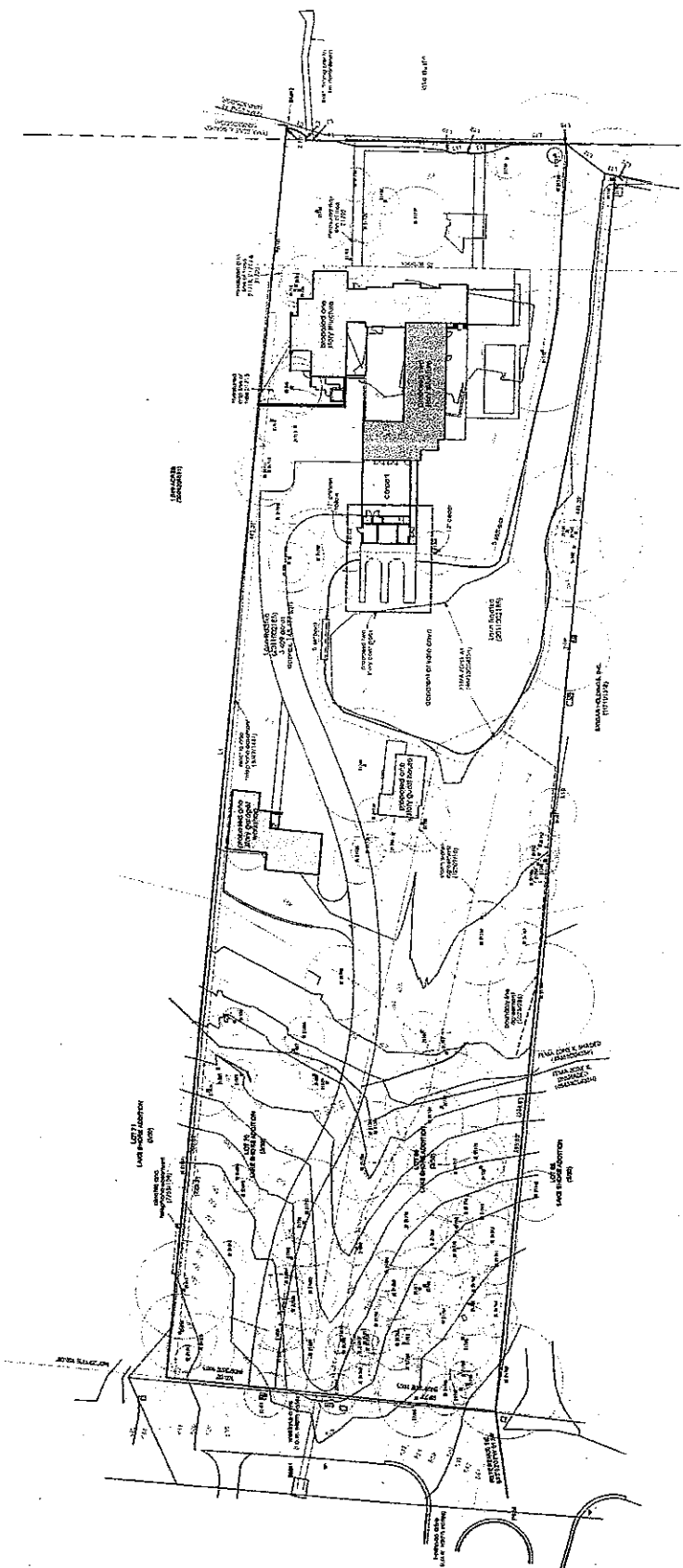
**SUMMITOR'S CERTIFICATE:**

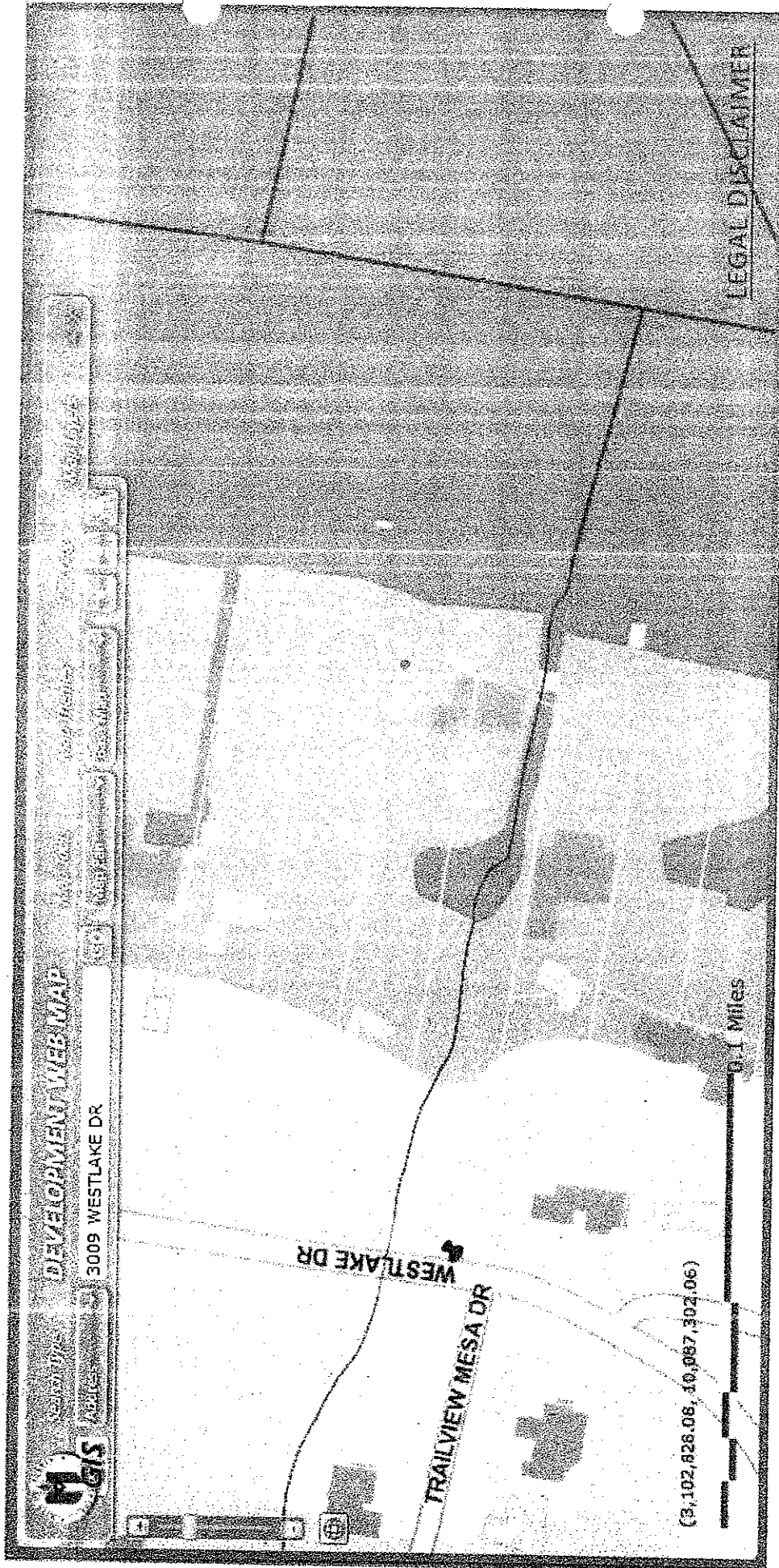
100

PROJECT NO. 1  
1012-001  
DRAWING NO. 1  
1012-001-BAS  
PLOT DATE:  
3/25/74  
PLOT SCALE:  
1"=30'  
DRAWN BY:

## EXISTING CONDITIONS

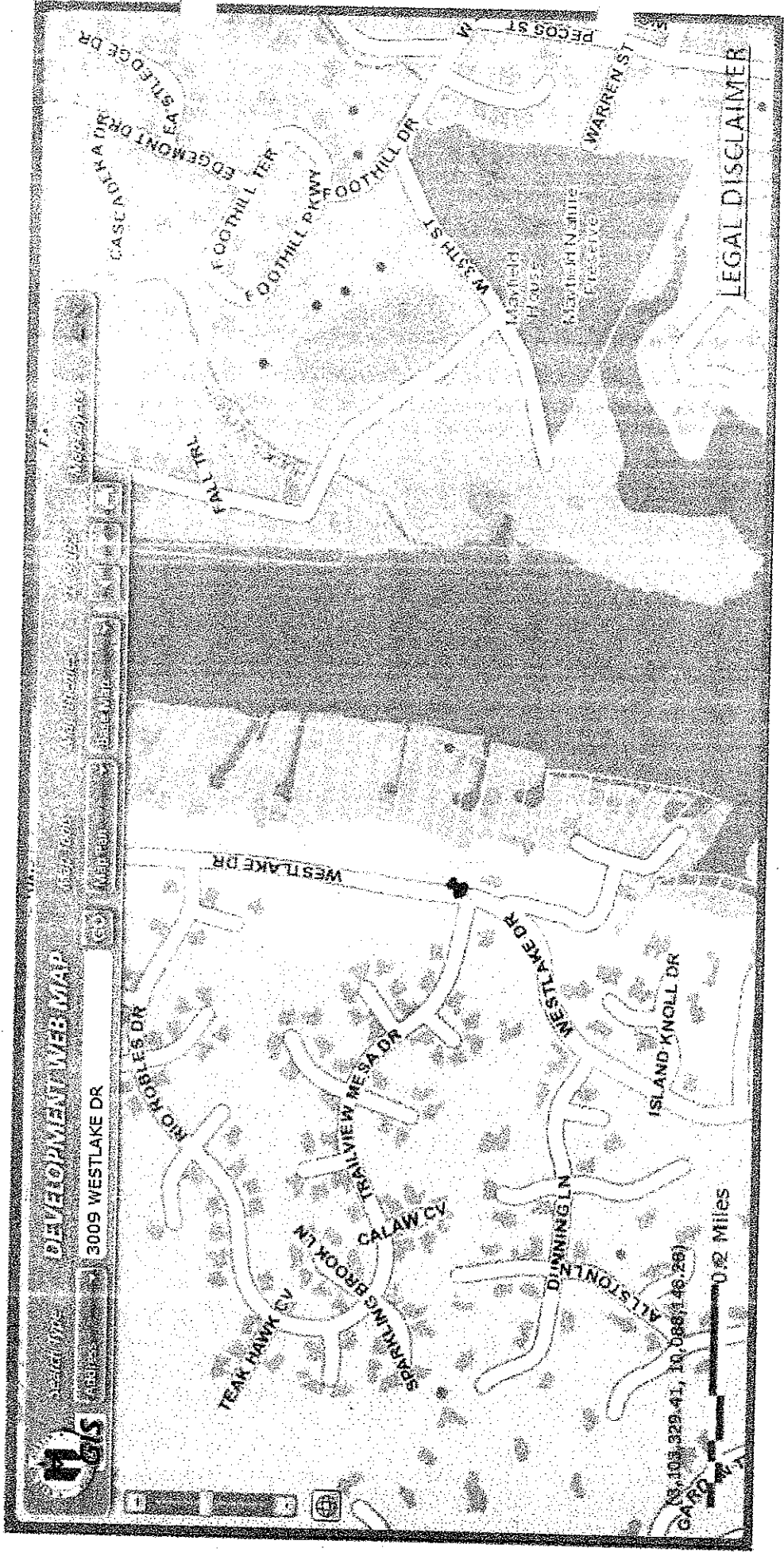
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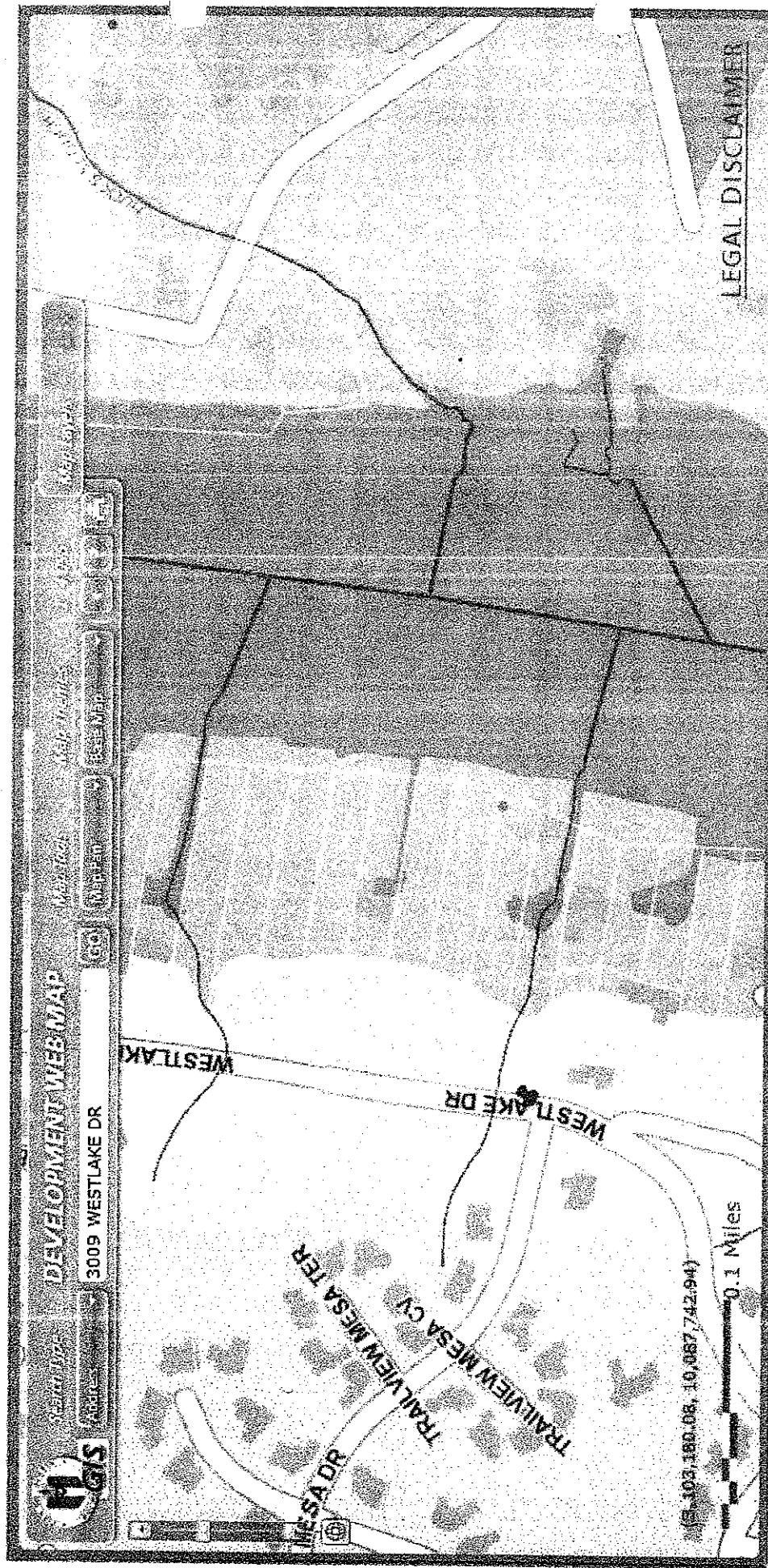


Adjacent Structures





LEGAL DISCLAIMER



Drainage Map





**Watershed Protection and Development Review Department  
Land Status Determination  
Legal Tract Platting Exception  
Certification**

**October 16, 2007**

**File Number: C8I-2007-0439**

**Address: 3009 WESTLAKE DR**

**Tax Parcel I.D. # 0123090215**

**Tax Map Date: 07/02/2002**

The Watershed Protection and Development Review Department has determined that the property described below and as shown on the attached tax map:

**Is a LEGAL TRACT consisting of Lots 69 and 70, Lakeshore Addition AND that certain real property being found in the easterly extension of Lots 69 and 70 to the water's edge of Lake Austin (no survey information recorded), as currently described in deed recorded in Document #2003270444 of the Travis County Deed Records on Nov 18, 2003 and is eligible to receive utility service.**

**Additional Notes/Conditions:**

***The accretion land between Lots 69 and 70, Lakeshore Addition and the Lake Austin Waters is further described in Quitclaim deed recorded in Volume 7732, Page 297 of the Travis County Deed Records on Apr 20, 1982.***

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

**By:**

**Sara Groves, Representative of the Director**

**Watershed Protection and Development Review Department**

February 23, 2014

To Whom It May Concern:

Sarah Crocker, Crocker Consultants, will be acting as our authorized agent to process a Board of Adjustment case for the property at 3009 Westlake Drive

Sincerely,

A handwritten signature in cursive script, appearing to read "Staci Radtke". The signature is written in dark ink and is positioned above the printed name.

Staci or Lorin Radtke