

Watershed Variances - Findings of Fact

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: 3961 Westlake Drive

Ordinance Standard: 25-8-42, 25-8-261

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 pedestrian incline elevator to access the shoreline area over very steep slopes within the CWQZ of Lake Austin. There are many trams located within the CWQZ that were grandfathered or were granted this variance administratively, however an administrative variance approval is no longer available along Lake Austin. The staff requirement for this variance assumes that the pedestrian incline elevators is not necessary access or is not an appurtenance to the shoreline area or dock. Without the incline elevator limited ability and non-ambulatory pedestrians would not have the enjoyment of the shoreline area or dock facilities. The existing steps are available to those who are able to climb stairs and as a backup access when electric service is not available. Thus we argue that the proposed pedestrian incline elevator and the existing steps are necessary access and are appurtenances to the shoreline and dock area as is permitted in the CWQZ.

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 construct the pedestrian incline elevator in order to safely access to the shoreline for non-ambulatory individuals. The construction methodology has a minimum footprint, disturbed areas will be re-vegetated and the incline elevator will be screened with herbaceous and wood plats as required by Code.

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 pedestrian inline elevator that was approved by the Board of Adjustment April 14, 2014 to access the shoreline, which is typical of steep-sloped 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 pedestrian inline elevator will re-vegetate disturbed areas and the inline elevator will be screened with herbaceous and wood plants as required by Code, the resulting water quality would not be degraded.

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 pedestrian inline elevator adjacent to Lake Austin. The site was granted a variance by the Board of Adjustment to allow this activity within the LA zoning shoreline setback, which is coincidental with the CWQZ. Therefore, this construction is allowed as necessary access and an appurtenance to the existing shoreline area and dock.