



49

ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:** SEPTEMBER 3, 2014

**NAME & NUMBER
OF PROJECT:** 2908 SCENIC DRIVE
SP-2013-0295DS

**NAME OF APPLICANT
OR ORGANIZATION:** Moncada Consulting
Phil Moncada, (512) 627-8815

LOCATION: 2908 Scenic Drive

PROJECT FILING DATE: August 1, 2013

**WPD/ERM
STAFF:** Sylvia Pope, 974-3429
sylvia.pope@austintexas.gov

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

**PDRD/
CASE MANAGER:** Michael Simmons-Smith, 974-1225
michael.simmons-smith@austintexas.gov

WATERSHED: Lake Austin (Water Supply Suburban),
Drinking Water Protection Zone

ORDINANCE: Watershed Protection Ordinance

REQUEST: 1) To modify the standard 150-foot width Critical Environmental Feature
buffer in order to allow construction of a tram within a corridor 10 feet
wide and 55 feet long that spans a canyon rimrock, 25-8-281(C)(1)(a); and
2) To allow a second shoreline access within a Critical Water Quality Zone,
25-8-261(C)(1);

STAFF RECOMMENDATION: Not recommended.

REASONS FOR RECOMMENDATION: The findings of fact have not been met.



MEMORANDUM

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

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

DATE: August 26, 2014

SUBJECT: 2908 Scenic Dr. SP-2013-0295DS

On your September 3, 2014 agenda is a request for consideration and recommended approval of two variances to allow development (construction of a tram) within a Critical Environmental Feature buffer (zero foot setback) and to allow a secondary shoreline access (tram) within a Critical Water Quality Zone.

Description of Property

The subject property is a 0.35-acre platted lot located in the Taylor Slough North Watershed, is classified as Water Supply Suburban, and is located in the Drinking Water Protection Zone. According to City of Austin GIS, the site is located over the North Edwards Aquifer Recharge Zone. The subdivision, Herman Brown Addition No. 2, Sec. 4, was recorded in 1964. The property is located within the Full Purpose Planning Jurisdiction and the lot is zoned SF-3-NP. According to Travis County Appraisal District records, the existing residence was constructed in 1968. The site does have an existing dock with an associated metal staircase for shoreline access. No permit information was found for the dock, though it appears to have been constructed prior to 1984 based on aerial photographs and TCAD information. The property is located in the West Austin Neighborhood Group.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the lot elevation ranges from the Lake Austin shoreline at 492.8 feet mean sea level (msl), to approximately 543 feet msl at the back of the house (a fifty foot rise). The type of soils located on this site were not identified in the Environmental Resource Inventory, but shoreline soils along Lake Austin are typically alluvial soils that are highly erodible, mixed with rocks and large boulders. From the proposed tram access point to the shoreline, the topography drops approximately forty feet over a span of approximately fifty-five feet. The slope vegetation contains many existing native trees, including some native saplings and other woodland species. The slope is also heavily covered in non-native Asian jasmine (*Trachelospermum asiaticum*), a low-growing vine. The site does contain a canyon rimrock Critical Environmental Feature at the top of the slope.

Critical Environmental Features/Endangered Species/CWQZ

There is a canyon rimrock Critical Environmental Feature (CEF) located at the top of the slope, immediately downslope of the existing residence. The project is located within the Critical Water

Quality Zone of Lake Austin, which is a 75 foot buffer from the 492.8 feet shoreline elevation. There is also a wetland Critical Environmental Feature along the shoreline, which would be disturbed by the construction. The applicant proposes to mitigate an equivalent area of the disturbed wetland area with native vegetation and therefore no variance is necessary for disturbance of the wetland CEF. No endangered species were identified in the Environmental Resource Inventory.

Project Background

The site plan under review was submitted on August 1, 2013 and proposes the construction of a new tram and a walkway leading along the shoreline from the tram to the existing dock. The existing dock and associated existing stairs are proposed to remain. The applicant has agreed to construct a metal walkway leading from the tram to the dock with a metal mesh product, to help reduce the amount of disturbance along the shoreline and allow water and sunlight to infiltrate this area.

Environmental Code Variance Request

According to 25-8-281(C)(1)(a), a Critical Environmental Feature setback of 150' is required from the edge of the rimrock and 25-8-281(C)(1)(a) prohibits construction within the CEF buffer. The first requested variance is to allow construction of a tram within the 150' buffer in order to allow the tram to cross over and span the rimrock. The canyon rimrock CEF will not be disturbed by tram construction, but constitutes a second crossing and will cause additional disturbance within the CEF buffer. The existing shoreline access already crossed the rimrock and its buffer. Additionally, a second variance is requested for construction not allowed in a Critical Water Quality Zone (CWQZ). Per 25-8-261(C), boat docks and necessary access and appurtenances are allowed in a CWQZ along Lake Austin. Because this property already contains a shoreline access that the applicant does not wish to remove, staff does not find that the addition of a secondary access meets the intent of "necessary shoreline access".

Environmental Conditions

- No environmental conditions are suggested because staff does not support the environmental variance request.

Recommendation

Staff recommends disapproval of both variances because the Findings of Fact (enclosed herein) have not been met.



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

Project:	2908 Scenic Dr. SP-2013-0295DS
Ordinance Standard:	Land Development Code Section 25-8-261(C)(1)
Variance Request:	To allow a secondary Lake Austin shoreline access within a Critical Water Quality Zone.

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.

No. Shoreline access in the form of metal and concrete stairs has existed on this property for decades. Denial of the variance would not deprive the applicant of a privilege of property given to similarly situated property owners.

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;

No. The applicant could choose to remove the existing metal and concrete stairs steps used for shoreline access and restore and revegetate the disturbed area within the Critical Water Quality Zone. This restoration would eliminate the need for a CWQZ variance entirely.

- 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;

No. A minimum departure from the code would provide a single route through the CWQZ for shoreline access. This proposal is a second shoreline access. Staff does not agree that both pedestrian and mechanical shoreline access is necessary within the CWQZ.

- c) Does not create a significant probability of harmful environmental consequences; and

No. Disturbance within the Critical Water Quality Zone is limited in order to preserve the integrity of the riparian corridor. While construction of a single tram may have a minimal footprint, allowing secondary access could lead to continued degradation of the Lake Austin riparian corridor at this site and set precedent for future, similar requests.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

No. Though structural water quality controls are not required for boat dock or shoreline access, the proposed development creates additional disturbance in the Critical Water Quality Zone, including additional impervious cover and disturbance of slope vegetation.

- 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 above criteria for granting a variance are met;

No, staff does not find that the above criteria were met.

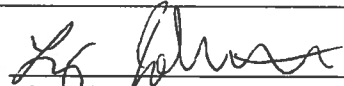
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

No, reasonable economic use of the property is a single family residence and a boat dock with necessary shoreline access. The proposed construction of a tram in addition to the existing shoreline access is not considered to be "necessary" access.


3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

No, the minimum change necessary would include removing the existing shoreline access or possibly retrofitting the existing access to include chair lifts or other such improvements to allow disabled residences shoreline access.

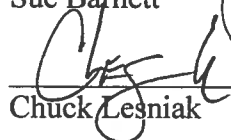
Environmental Reviewer:


Liz Johnston

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: 08/26/2014

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



**Watershed Protection Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Project:	2908 Scenic Dr. - SP-2013-0295DS
Ordinance Standard:	Land Development Code Section 25-8-281(C)(1)(a)
Variance Request:	To modify the standard 150-foot width Critical Environmental Feature buffer in order to allow construction of a tram within a corridor 10 feet wide and 55 feet long that spans a canyon rimrock.

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.

No. There are not similarly situated properties nearby that have received a similar variance to construct a tram within a Critical Environmental Feature buffer for a canyon rimrock.

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;

No. The applicant could choose to remove the existing shoreline access stairs, restore and revegetate the disturbed area within the canyon rimrock Critical Environmental Feature (CEF) buffer, and therefore minimize disturbance downslope of the CEF.

- 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;

No. The house and patio are built within 12 feet of the top of the canyon rimrock and the existing stairs span the canyon rimrock. A minimum departure from the code requirement would be to remove the existing shoreline access stairs and construct the tram in that location.

c) Does not create a significant probability of harmful environmental consequences; and

Yes. The proposed construction of a tram does not create a significant probability of harmful environmental consequences. Tram posts will be installed no closer than 1 foot downslope and 2 feet upslope of the canyon rimrock. The client's engineer's report states, "The potential for disturbance/alteration of the CEF is minimal."

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. No structural water quality controls are required for single family residential construction and the existing slope is vegetated. The resulting water quality will be the same as achievable without the variance.

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 above criteria for granting a variance are met;

N/A.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A.

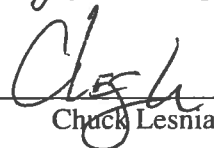
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

Environmental Reviewer:


Sylvia R. Pope, P.G.

Environmental Officer:


Chuck Lesniak

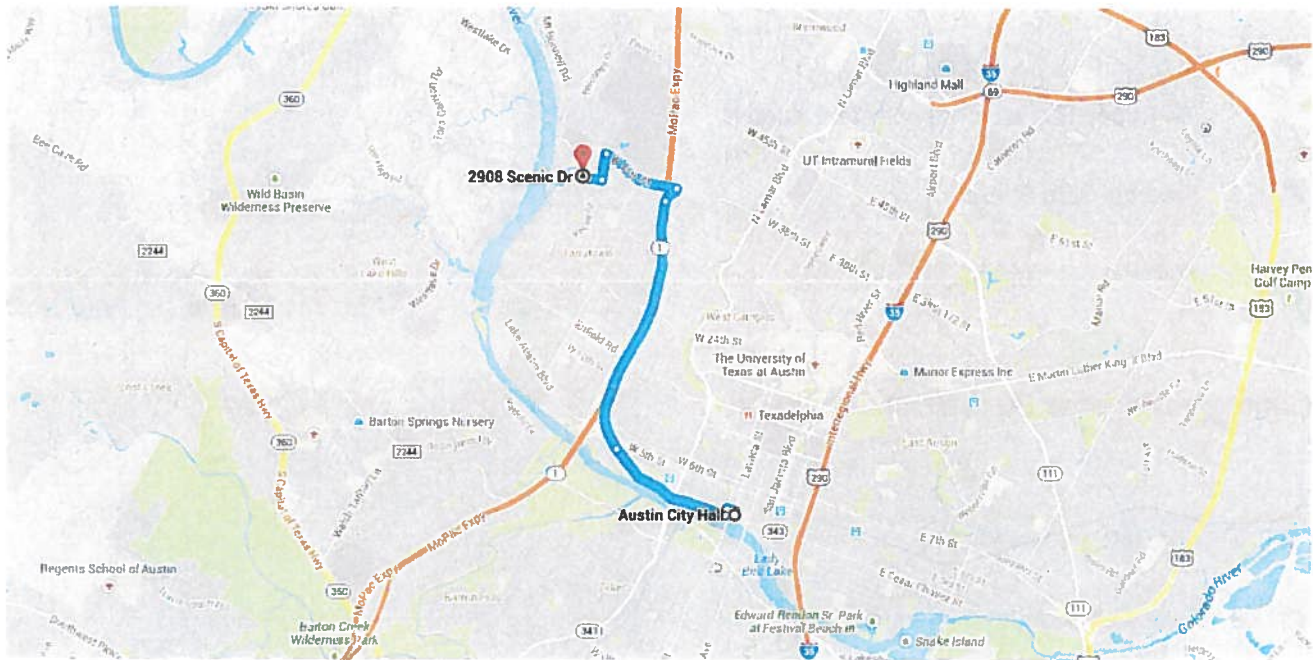
Date: 08/14/2014

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



Drive 5.2 miles, 9 min

Directions from Austin City Hall to 2908 Scenic Dr



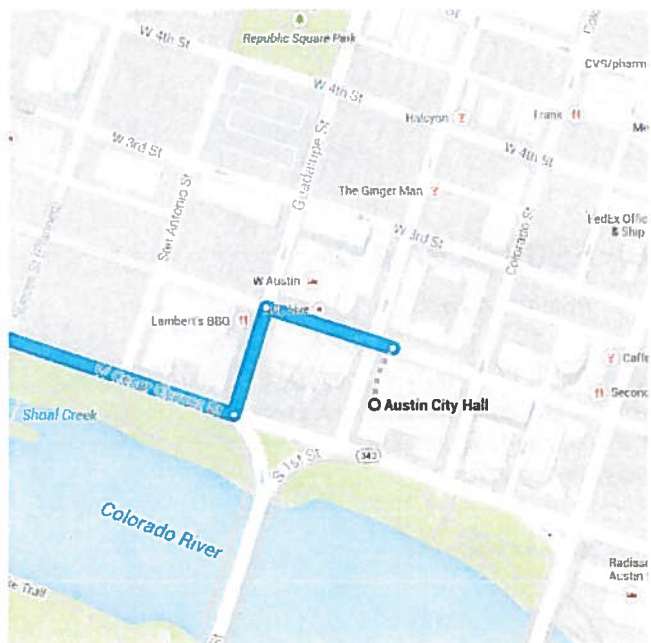
○ Austin City Hall

301 W 2nd St, Austin, TX 78701



Head west on W 2nd St toward
Lavaca St

423 ft / 33 s

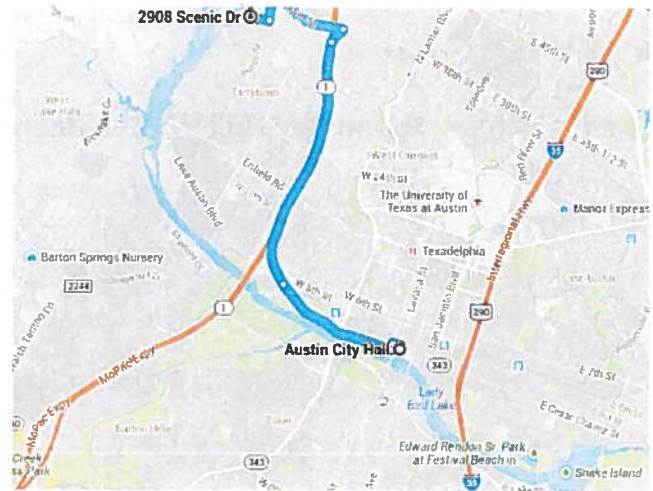


Take W Cesar Chavez St and TX-1 Loop N
to Pecos St in Austin

4.7 mi / 8 min



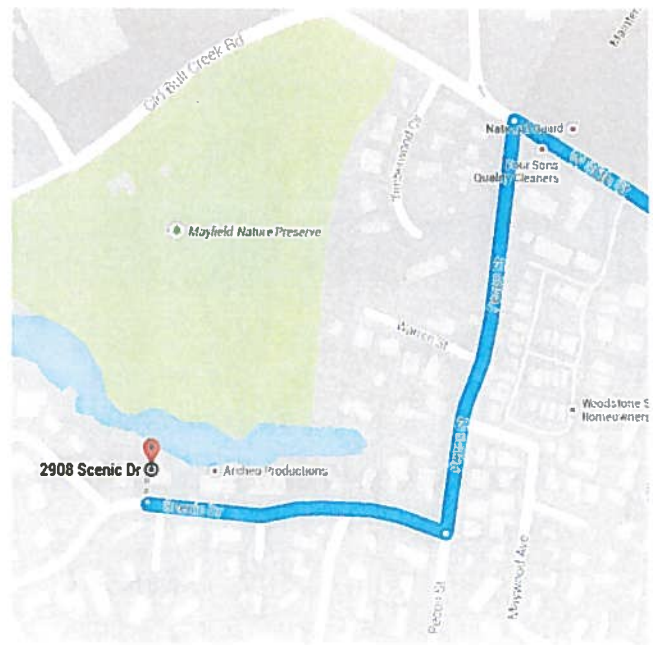
-
- 2. Turn left onto Guadalupe St
- 358 ft
-
- 3. Take the 1st right onto W Cesar Chavez St
- 1.2 mi
-
- 4. Keep right at the fork, follow signs for TX-1 Loop N and merge onto TX-1 Loop N
- 2.5 mi
-
- 5. Take the 35th St exit
- 0.2 mi
-
- 6. Turn left onto W 35th St
- 0.8 mi



Continue on Pecos St. Drive to Scenic Dr

0.4 mi / 1 min

-
- 7. Turn left onto Pecos St
- 0.3 mi
-
- 8. Take the 2nd right onto Scenic Dr
- 0.2 mi



2908 Scenic Dr

Austin, TX 78703

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

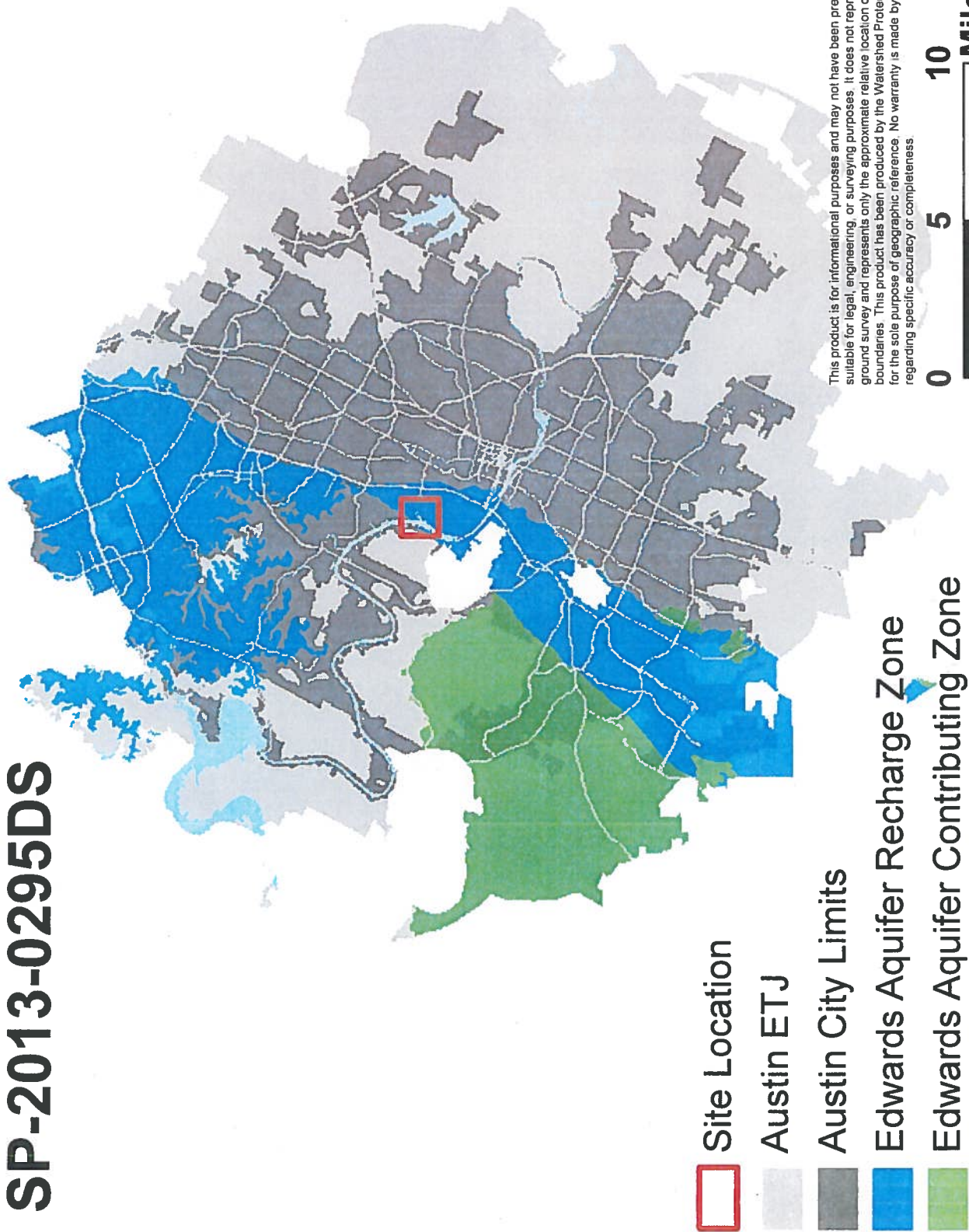
Map data ©2014 Google

2908 SCENIC DRIVE TRAM SP-2013-0295DS

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

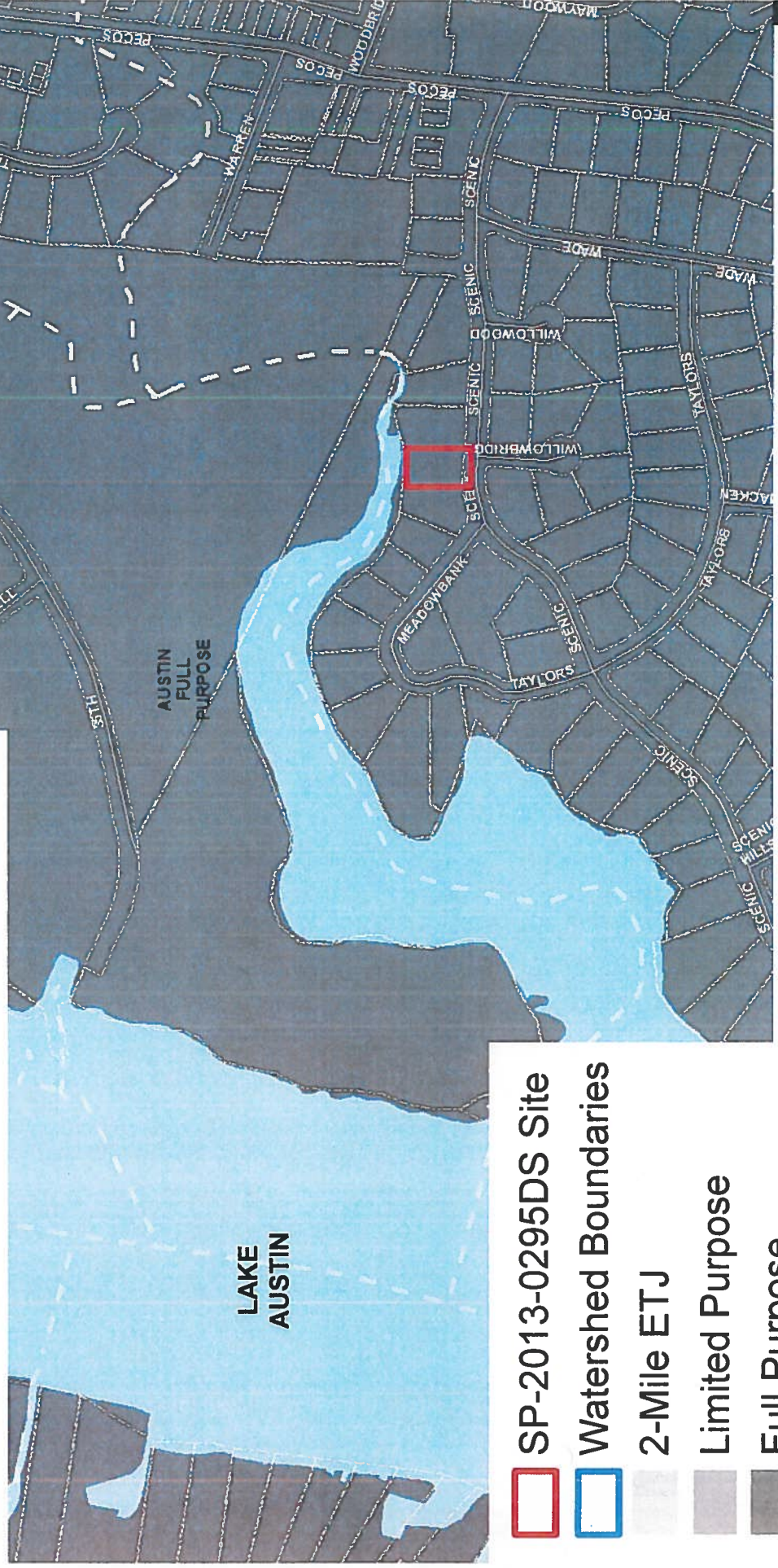
*Sylvia Pope P.G., Hydrogeologist
Environmental Resource Management, WPD*

SP-2013-0295DS



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 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.

- Taylor Slough North Watershed
- Water Supply Suburban
- Drinking Water Protection Zone
- Full Purpose Zoning (SF-3-NP)
- North Edwards Aquifer Recharge Zone
- Rimrock and Wetland CEF



SP-2013-0295DS Site

Watershed Boundaries

2-Mile ETJ

Limited Purpose

Full Purpose





View of proposed tram route



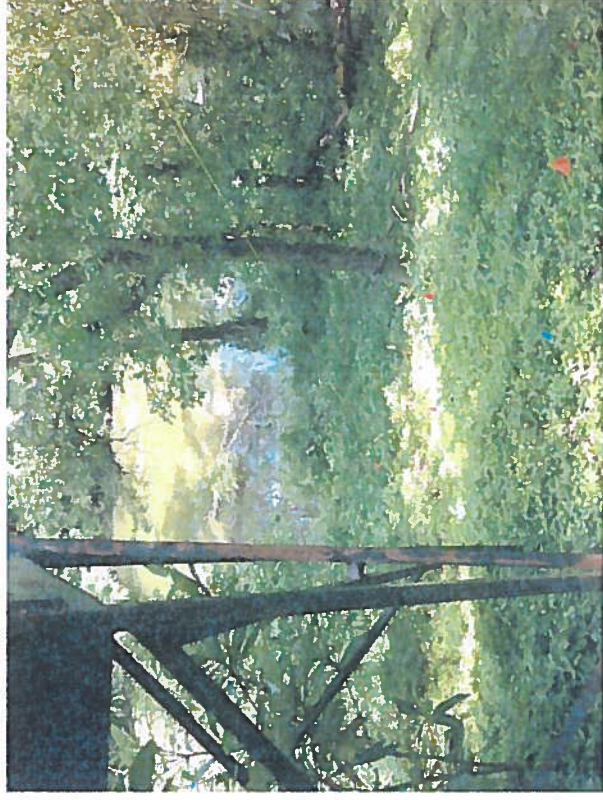
CEF at proposed tram crossing



Rimrock and existing shoreline access



Existing shoreline access



Proposed tram location

LDC 25-8-261(C)(1)

This subsection described allowable development within a Critical Water Quality Zone

(C) Along Lake Travis, Lake Austin, or Lady Bird Lake:

(1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone;

LDC 25-8-281(C)(1)(A)

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.

VARIANCE REQUEST

Variance Request

- To modify the rimrock CEF buffer in order to allow construction of a tram within a corridor 10 feet wide and 55 feet long that spans a canyon rimrock.
- To allow a secondary shoreline access to be constructed in a CWQZ.

Similar Cases

- 3961 Westlake Dr. SP-2013-0441DS
- EV Board voted to deny both variances
- Zoning and Platting Commission scheduled for 9/2/14

VARIANCE RECOMMENDATION

Disapproval of both variances. Staff does not agree that the findings of fact have been met for either variance.

August 22, 2014



ENVIRONMENTAL BOARD VARIANCE APPLICATION

Sir/ Madam,

This correspondence is being submitted as a request for variances from Section 25-8-261(C)(1) and Section 25-8-281(C)(1) of the City of Austin Land Development Code for the above referenced Site Plan Application. The first variance request, 25-8-261(C)(1) is to allow access to the existing boat dock by means of a mechanized tram that will tie into an existing walkway. The second variance request, 25-8-281(C)(1), is to allow for an encroachment to a Critical Environmental Feature (Rim Rock) that will not be disturbed. We are proposing to span this area and hand dig support post to support tracks.

It is our opinion that approval of the variance request will not provide the applicant with a special privilege over similar developments as the site has very steep topography and the property owners are in their 70s. Mr. Darling, owner, has severe arthritis in his spine and knees, supported by a letter from his physician which states that Mr. Darling cannot climb long flights of stairs. The current stair case on the property is the equivalent of 6 flights of stairs. The tram is necessary access for the aging residents; the stairs that are already in place have been in place since 1968 and are necessary for the protection of the environmental features during routine maintenance or repair of the tram during an electrical failure. The existing stairs are concrete steps anchored on a steel frame. The proposed walkway to the ramp will be made of mesh, and any damaged concrete steps replaced on existing staircase will be replaced with mesh verses concrete to minimize loss of vegetation.

Neither the Code nor written guidance from the City of Austin limits shoreline access to a single form of access. To the contrary, Shoreline Access is defined in the plural. Even so, applicants are not requesting secondary boat dock access. The applicant is only seeking a way for the owners to get to the currently existing ramp which is the access to the boat dock.

The variance approval we believe is within the definitions of the Land Development Code and the approval of the variance will not create significant environmental consequences.

Should you have any questions or require any additional information, please contact our office.

Respectfully,

Mr. Phil Moncada

Moncada Consulting

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	William and Kathryn Darling
Street Address	2908 Scenic
City State ZIP Code	Austin, Texas 78703
Work Phone	512-468-2356 or 512-731-2216
E-Mail Address	Bill.Darling@Strasburger.com or Kathy.Darling@Strasburger.com

Variance Case Information

Case Name	2908 Scenic – Tram
Case Number	SP-SP-2013-0295DS
Address or Location	2908 Scenic
Environmental Reviewer Name	Liz Johnston
Applicable Ordinance	Sec. 25-8-261(C)(1) and Sec. 25-8-281(C)(1)
Watershed Name	Taylor Slough North
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	Approximately 0.70 miles
Water and Waste Water service to be provided by	Austin Water Utility
Request	The variance request is to allow a Tram as access to an existing ramp that leads to an existing boat dock within a Critical Environmental Feature buffer.

Impervious cover	Existing	Proposed
square footage:	4,300 s.f.	4,310 s.f.
acreage:	15,200 s.f.	15,200 s.f.
percentage:	28%	28%
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 site consists of a single family residence with an existing staircase and boat dock that access Taylor Slough North. The slope range in this area exceeds 35% and topo ranges from 492.80 – 542.95. The site has rimrock that spans the width of the lot and a CEF wetland at the water's edge. We are proposing a tram that will tie into existing staircase. We will span rimrock and are not disturbing any portion of the shoreline with this proposed development.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	<p>The proposed project encroaches on a C.E.F. (Rimrock and wetland) as it relates to maintaining the 150 foot buffer required by Code.</p>
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FINDINGS OF FACT for Section 25-8-261(C)(1)

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: 2908 Scenic Dr - Tram

Ordinance:

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. Along the lake shoreline where the topography is similar to the applicant's lot, most owners have both a tram and stairway. Many were erected prior to 2010, but others were constructed during the period between 2010 and 2014. The lot is zoned SF-3 and contains a single family house. SF-3 zoned lots along water access are not subject to the more restrictive LA zone requirements. Restricting construction of a tram on this lot would deprive applicant of safe access to the existing ramp to the lake and their existing boat dock. The lot contains a steep hill located along Taylor Slough of Lake Austin. The proposed tram will span the rim rock and cross the CEF buffer and is necessary to provide safe access to the ramp and the existing boat dock that has been in existence since 1968. A tram is allowed by the Land Development Code in effect for this application for residential lots that are permitted to have a boat dock along Lake Austin.

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 at the top of an existing, naturally-occurring hillside. The stairs (the equivalent of 6 flights of stairs) that were built into the rim rock in 1968 are no longer a feasible as access to the ramp, which is the access to the boat dock for the owners. The applicants created no condition through changes to the property that mandate approval of the tram. The applicants are now in their 70's, 18 years older than they were when they purchased the property. The applicants and most of their friends, relatives and invitees can no longer safely negotiate 6 flights of stairs in order to enjoy the beneficial use their property. To deny the tram is to deny them access to their property.

- 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 applicant has worked with staff to prepare plans that will minimize impact to the CEF. The applicant will span the rim rock in constructing the piers that will support the tram. The applicant will install a mesh raised walkway that will permit light and rain to the undergrowth to preclude any possible erosion and maintain vegetation. Given the age and composition of the stairs, any modification of the present stairs to accommodate a chair lift would not be stable and would more likely be dangerous. The tram is the minimum change necessary to allow access that other property owners enjoy.

- c) **Does not create a significant probability of harmful environmental consequences;**

Yes. The applicant has agreed to restore and re-vegetate any disturbance on the slope with native plants. Because the proposed construction is in effect a set of rails and a raised walkway, ground disturbance will be minimized by the lack of grading or other soil disturbance other than the placement of piers in the ground.

3. **Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.**

Yes. No structural water quality is required for single family residential structures. The resulting water quality will be the same as achievable without the variance. In addition, concrete steps in disrepair on existing staircase will be replaced with mesh. This will allow sunlight and water to permeate this area.

- 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;**

Yes. The topography of the property requires a tram for reasonable, safe access to the currently existing ramp, which provides access to the boat dock. Applicant has agreed to restore and re-vegetate any disturbance associated with Water Quality transition zone and has met Staff's request for mitigation.

2. **The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and**

Yes. The topography of the property prevents reasonable access to the boat dock, particularly given the owner's physical age and health.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. Allowing the motorized tram to tie into the existing walkway will allow for a reasonable and economical way to access the site and granting the variance will be a minimum departure from the code.

FINDINGS OF FACT for Section 25-8-281(C)(1)

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: 2908 Scenic Dr - Tram

Ordinance:

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. Along the lake shoreline where the topography is similar to the applicant's lot, most owners have both a tram and stairway. Many were erected prior to 2010, but others were constructed during the period between 2010 and 2014. The lot is zoned SF-3 and contains a single family house. SF-3 zoned lots along water access are not subject to the more restrictive LA zone requirements. Restricting construction of a tram on this lot would deprive applicant of safe access to the existing ramp to the lake and their existing boat dock. The lot contains a steep hill located along Taylor Slough of Lake Austin. The proposed tram will span the rim rock and cross the CEF buffer and is necessary to provide safe access to the ramp and the existing boat dock that has been in existence since 1968. A tram is allowed by the Land Development Code in effect for this application for residential lots that are permitted to have a boat dock along Lake Austin.

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 at the top of an existing, naturally-occurring hillside. The rimrock is an existing geological feature. The Engineer of Record is proposing to span the rim rock to protect its integrity. In addition, a planting mitigation plan will provide greater environmental protection by planting low growing shade tolerant plants to restore hillside in area where elevated sidewalk and tram are proposed to be constructed. To deny the tram is to deny them access to their property.

- 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 applicant has worked with staff to prepare plans that will minimize impact to the CEF. The applicant will span the rim rock in constructing the piers that will support the tram. The applicant will install a mesh raised walkway that will permit light and rain to the undergrowth to preclude any possible erosion and maintain new plantings.

- c) Does not create a significant probability of harmful environmental consequences;

Yes. The applicant has agreed to restore and re-vegetate any disturbance on the slope with native plants. Because the proposed construction is in effect a set of rails and a raised walkway, ground disturbance will be minimized by the lack of grading or other soil disturbance other than the placement of piers in the ground.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. No structural water quality is required for single family residential structures. The resulting water quality will be equal or greater as achievable without the variance. In addition, existing concrete steps in disrepair on existing staircase will be replaced with mesh. This will allow sunlight and water to permeate this area and promote additional plant growth.

- 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;

N/A

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

****Variance approval requires all above affirmative findings.**

Exhibits for Board Backup and/or Presentation

Please attach and paginate.

- X Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant's variance request letter (backup only)

WILLIAM MORAN, M.D., P.A.

William Moran, M.D.

4201 Marathon Blvd., Suite 204
Austin, TX 78756

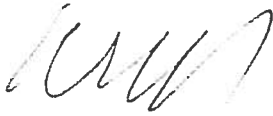
(512) 459-3205
Fax (512) 459-8590

August 18, 2014

RE: William Darling
DOB: 06/08/1942

To Whom It May Concern:

I am the Primary Care Physician for William Darling. Mr. Darling has severe arthritis in his back and both knees and can no longer climb long flights of stairs.

A handwritten signature in dark ink, appearing to be 'W. Moran', written in a cursive style.

William Moran, M.D.