

C15-2014-0111



SLOPE TABLE		BUILDING SLOPE TABLE		PAVEMENT SLOPE TABLE		DECK SLOPE TABLE	
Number	Minimum Slope	Minimum Slope	Medium Slope	Color	Area	Number	Minimum Slope
1	1.00%	1.00%	1.00%	2.212 SF	2.212 SF	1	0.00%
2	1.50%	1.50%	1.50%	0.5 SF	0.5 SF	2	15.00%
3	2.00%	2.00%	2.00%	0.5 SF	0.5 SF	3	25.00%
4	2.50%	2.50%	2.50%	0.5 SF	0.5 SF	4	35.00%
TOTAL: 10.212 SF							

LA ZONING INTERIM COVER CALCULATIONS	
Area (sq. ft.)	% Total Area
1.00%	2.212
1.50%	0.5
2.00%	0.5
2.50%	0.5
TOTAL	3.712

LA ZONING INTERIM COVER CALCULATIONS	
Area (sq. ft.)	% Total Area
1.00%	2.212
1.50%	0.5
2.00%	0.5
2.50%	0.5
TOTAL	3.712

Heidenfels, Leane

From: Jerry Perales, P.E. [mailto:jerry.perales@gmail.com]
Sent: Tuesday, September 30, 2014 1:25 PM
To: Lesniak, Chuck; Hiers, Scott
Cc: Herrington, Chris; Heidenfels, Leane
Subject: RE: survey for 3801 Island Way

No confusion. We were told that Scott Hiers and John Clement were called to visit the site by the neighbors during the hearing. Mr. Decamps told the Pateks that they needed to request a residential waiver of some sort. I have not heard of this waiver before the hearing. Phyllis Patek called the TCEQ the next day and scheduled a visit.

From: Lesniak, Chuck [mailto:chuck.lesniak@austintexas.gov]
Sent: Tuesday, September 30, 2014 1:11 PM
To: Jerry Perales, P.E.; Hiers, Scott
Cc: Herrington, Chris
Subject: RE: survey for 3801 Island Way

Jerry,
Is it possible they were confused and meant the City's Watershed Protection Department? TCEQ won't have an opinion on this. - Chuck

From: Jerry Perales, P.E. [mailto:jerry.perales@gmail.com]
Sent: Tuesday, September 30, 2014 9:25 AM
To: Hiers, Scott
Cc: Lesniak, Chuck; Herrington, Chris
Subject: RE: survey for 3801 Island Way

Scott,

We were directed by Ricardo De Camps with the Board of Adjustments to contact the TCEQ. Mr. De Camps wanted the TCEQ to check on the feature and then come back with an update for the next hearing. The homeowners were just following the through for the Board.

We are open to any suggestions regarding the requirements the City may have. The homeowners wish to try to remodel their home and are anxious to do all the steps necessary.

Thank you for the reply,
JP

Jerry Perales, P.E.
512.297.5019
1706 W. 6th Street
Austin, TX 78703

<http://peraleseng.com/>

<https://www.facebook.com/peralesengineering>

PERALES ENGINEERING, LLC
Land Development and Environmental Consulting

Please note our new address.

C15-2014-0111

From: Hiers, Scott [mailto:Scott.Hiers@austintexas.gov]
Sent: Tuesday, September 30, 2014 6:43 AM
To: Jerry Perales, P.E.
Cc: Lesniak, Chuck; Herrington, Chris
Subject: RE: survey for 3801 Island Way

Jerry,

I'm aware of the rimrock critical environmental feature located at 3801 Island Way. I'm not surprised that TCEQ determined that the rimrock is not a sensitive feature since rimrocks are not point recharge feature that are protected or identified under their purview (30 TAC Chapter 213). I'm not sure why you contacted the TCEQ in regards to the sensitivity of the rimrock feature since rimrocks are defined and protected by the City's Land Development Code 25-8-1 and 25-8-281 or City Code 30-5-1 and 30-5-281? I suggest you contact the City's Environmental Officer, Chuck Lesniak, to help you identify the correct process for addressing your concerns on environmental issues and the City's permitting process for this site.

Scott E. Hiers, P.G.
City of Austin - Watershed Protection Dept.
Environmental Resources Management Division
505 Barton Spring Rd., 11th Floor
Austin, Texas 78704
512-974-1916 (office)
512-217-5047 (cell)
scott.hiers@austintexas.gov

From: Jerry Perales, P.E. [mailto:jerry.perales@austintexas.gov]
Sent: Thursday, September 25, 2014 10:31 AM
To: Hiers, Scott
Cc: Clement, John; Heldenfels, Leane
Subject: FW: survey for 3801 Island Way

Scott,

I wanted to touch base with you about a site on Lake Austin at 3801 Island Way. We are currently in review of a variance from the Board of Adjustments. There are neighbors at this site that have raised concerns during our variance hearing about a potential Critical Environmental Feature "CEF" that may be adjacent to the subject property.

This lot has been rezoned LA from SF since the completion of the original construction leaving the site an existing violation with regard to impervious cover. With this in mind, the owners of this property cannot make any improvements to the home without the approval of this variance. We have made several attempts to contact all the neighbors regarding our plans to remodel the home to help gain support. Many of the adjacent home owners support this variance request. There are neighbors that are below the site with lake frontage that would like the site to remain unchanged. These neighbors are the ones that have expressed concerns about the "CEF".

Since the last Board of Adjustment hearing, we have contacted the TCEQ and they have made a site visit. The determination communication has been included below. The TCEQ does not feel that the rock feature adjacent to our site is of a sensitive nature.

We would like to assure the City of Austin that any construction activities associated with the improvements proposed at 3801 Island Way will not pose a threat to the rock features adjacent to the home. The improvement activities

C15-2014-0111

associated with this site require a building permit which does not require an Environmental Resource investigation. Furthermore, improvements on this site could help alleviate downstream flooding by placing berms along the downstream property line to route runoff to the ROW and directly to Lake Austin.

I am available anytime to discuss this home site. Don't hesitate to call or email me.

Thank you,
JP

Jerry Perales, P.E.

512.297.5019

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Austin, TX 78703

<http://peraleseng.com/>

<https://www.facebook.com/peralesengineering>

PERALES ENGINEERING, LLC
Land Development and Environmental Consulting



Please note our new address.

Begin forwarded message:

From: Kevin Smith <kevin.smith@cei.texas.gov>

Date: September 18, 2014 at 1:48:39 PM CDT

To: Phyllis Patek <ppatek@oulook.com>

Cc: "Brian Patek" <brian.patek@va.gov>, James Bo Stone

<james.bo.stone@va.gov>

Subject: RE: survey for 3801 Island Way

Mr. and Mrs. Patek:

TCEQ toured your site today and have reviewed your drawings. Bo, our Geologist, and I, P.E. and evaluated the location and determined your site to not be nearby or immediately above any sensitive features as determined by EAPP using State criteria. Your project, where an individual home owner wishes to construct his/her own home or an addition, and the activity is one according to the rules found in 30 TAC Chapter 213:

- A plan is not required to be submitted for an addition to an existing home, and is not impacting a sensitive feature.

You may build your project. The City of Austin may have their own concerns.

If you have further questions, you may call us at 512-339-2929

From: Phyllis Patek <ppatek@oulook.com>

Sent: Monday, September 15, 2014 3:04 PM

To: Kevin Smith

Cc: brian.patek@va.gov

Subject: RE: survey for 3801 Island Way

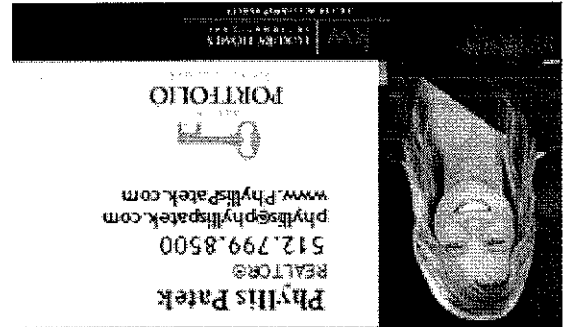
Kevin,
I need to know if a plan or a residential exemption is necessary to proceed with construction for an addition to our current home. Our current home is adjacent to rim rock which a neighbor below has asked the city to add as an environmentally sensitive area. I have attached a drawing which show our home or any future construction would not be touching nor be damaging to the rim rock. I look forward to meeting with you on Thursday. Please let me know when you have a time set up. Thanks again

From: Kevin Smith [mailto:kevin.smith@tceq.texas.gov]
Sent: Monday, September 15, 2014 2:05 PM
To: Phyllis Patek
Subject: RE: survey for 3801 Island Way

Phyllis, got your documents. Are you requesting something? Are there any features involved?

From: Phyllis Patek [mailto:ppatek@outlook.com]
Sent: Monday, September 15, 2014 1:58 PM
To: Kevin Smith
Subject: survey for 3801 Island Way

Kevin,
Attached is the copy of the survey. Our lot is .438 I believe. Please let me know if you need anything else.



The finest compliment I can ever receive is a referral from my clients and friends!

If for any reason you do not want to be included in my e-mail list, please reply to this email and type REMOVE in the subject line

015-2014-011

President, Island Way Homeowner's Association

C15-2014-0111

From: Earl Fields <earlfields@earthlink.net>
Date: Friday, September 26, 2014 10:11 AM
To: Janie Fields <janiefields@earthlink.net>
Subject: Fwd: 3801 Island Way request for a variance

Sent from St. Somewhere

Begin forwarded message:

From: Phyllis Patek <ppatek@ouuouou.com>
Date: September 25, 2014 at 9:57:20 AM CDT
To: "Mike Haggerty" <mikehaggerty@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>, "Janie Fields" <janiefields@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>, "Earl Fields" <earlfields@earthlink.net>
Cc: "Jerry Perales, P.E." <jerry.perales@gmail.com>, "Earl Fields" <earlfields@earthlink.net>
Subject: 3801 Island Way request for a variance

Neighbors
We wanted touch base in regards to our ongoing board of adjustment variance case. We have an upcoming meeting with the board and from the last meeting we understand that some of you below have some concerns in regard to what we are wanting to do. We want all of you to know we are trying to address all of your concerns and hopefully ease some of your fears. We are striving to be good neighbors working to be totally transparent with this project and hoping to open the lines of communication and not silence.

We have met with TCEQ and have spoken with Scott Hires with the city of Austin. Both agree that our project would not harm the rim rock in any way. We will be working very closely with an engineer and our architect to implement a water catchment system. Although our water is already being diverted toward the creek between the Howards property and ours we will continue to work to improve run off systems.

To address the pool we are wanting to build. This will be a small dipping pool. Although the word pool sounds like a large excavation project. We want to assure you it's not. Our design will follow the current geography of the slope and work within the current footprint of where our upper deck and where our palm trees currently exist. In addition this project will help with the water diversion to the back of our house and into the creek.

As far as safety goes we have already spoken with our builder and he will be putting together a safety plan to make sure no rocks or any debris from our jobsite will end up anywhere down the cliff. Our promise as neighbors is that we will go above and beyond to insure all safety and environmental issues you have addressed.

We also want to address an issue that continues to come up with some of you. Two years ago we hired a professional tree trimming company Eco Tree Service to trim our oak trees and trim some shrubs on our property. We know this upset several neighbors and we wanted to personally apologize that was never our intent. Our hope is that you

Heidenfels, Leane

015-2014-011

From: Earl Fields
Sent: Tuesday, September 30, 2014 3:52 PM
To: Hiers, Scott
Cc: Heidenfels, Leane
Subject: Fwd: 3801 Island Way request for a variance

Sent from St. Somewhere
Begin forwarded message:

From: Janie Fields <~~janie.fields@centr.org~~>
Date: September 30, 2014 at 2:54:44 PM CDT
To: Earl Fields <~~efields@austin.tx.com~~>
Subject: FW: 3801 Island Way request for a variance

Scott,

As President of the Island Way Homeowner's Association. I am writing to request that you provide a response to the statement highlighted below in the letter from Brian and Phyllis Patek. Did you make the statement that you do not believe that their request for a Variance to the Board of Adjustment "would not harm the rimrock in any way".

It is our belief that their request to upzone and increase their impervious coverage to 97% and build a swimming pool upslope of the rimrock on Island Way is inconsistent with the intent and regulations of the Lake Austin Overlay Zoning District.

We look forward to your response. If you have questions or I may add additional information, please contact me at 512-327-3117.

Thank you for your assistance.

Earl Fields

C 15-2014-0111

will accept our apology and we can move forward. We know some of you may blame us for some rocks falling near your parking lot recently but after speaking with 2 engineers and 2 geologist we have been assured what is currently happening is in no way a result of us trimming any underbrush near the edge two years ago. Per the geologist The whole rim rock is "spalling" and it is a natural phenomenon that will continue to happen regardless of what we do on our property. Bo, a geologist with TCEQ said the rock face is similar to that of Loop 360 where you see falling rock all the time.

All we are asking as neighbors is to open up the lines of communication and hopefully work together in a cohesive manner. We are just trying to improve our property so we can raise our children in the place we love. We enjoy our neighborhood and our neighbors and look forward to working together.

Sincerely,
Phyllis & Brian Patek

From: Kevin Smith [mailto:Kevin.Smith@tceq.texas.gov]
Sent: Thursday, September 18, 2014 1:49 PM
To: Phyllis Patek
Cc: brian.patek@earthlink.net; James Bo Stone
Subject: RE: survey for 3801 Island Way

Mr. and Mrs. Patek:

TCEQ toured your site today and have reviewed your drawings. Bo, our Geologist, and I, P.E. and evaluated the location and determined your site to not be nearby or immediately above any sensitive features as determined by EAPP using State criteria. Your project, where an individual home owner wishes to construct his/her own home or an addition, and the activity is one according to the rules found in 30 TAC Chapter 213:

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You may build your project. The City of Austin may have their own concerns.

If you have further questions, you may call us at 512-339-2929

Heidenfels, Leane

C15-2014-0111

From:

Sent:

To:

Subject:

Attachments:

mark harries <markh@earthlink.net>
Friday, September 26, 2014 1:05 PM
Heidenfels, Leane
Re: Case #C15-2014-0111
IMG-20140924-03159.jpg; IMG-20140924-03163.jpg

Ms. Heidenfels and Board,

Further to the above case, the recent rains have highlighted a big part of my concern.

The subject property sits on a "bluff" directly above the Island Way condominiums. The bluff has a sheer cliff face and is very fragile.

After the rains this week, significant chunks of the bluff came down. Please see attached photos.

I cannot say whether this was impacted by the applicants prior activities (construction and or tree removal) but I can share the strong concern that ANV increased impervious ground cover above us on the applicants land would increase eroding water flow over the bluff and significantly increase the risk of large chunks of the hill coming down.

Thank goodness the boulders "only" came down onto the parking lot and trash area THIS TIME. There is at least one residential bedroom directly in the drop-line as well as pedestrian and car parking areas.

We cannot risk anything that could further destabilize this cliff face including ANV reduction in natural ground cover.

Thank you,

-mark harries

Via BlackBerry



CL-5-2014-011



1110-H10E-51,2

Heidenfels, Leane

016-2014-011

From: Jerry Perales, P.E.
Sent: Thursday, September 25, 2014 10:31 AM
To: Hiers, Scott
Cc: Clement, John; Heidenfels, Leane
Subject: FW: survey for 3801 Island Way

Scott,

I wanted to touch base with you about a site on Lake Austin at 3801 Island Way. We are currently in review of a variance from the Board of Adjustments. There are neighbors at this site that have raised concerns during our variance hearing about a potential Critical Environmental Feature "CEF" that may be adjacent to the subject property.

This lot has been rezoned LA from SF since the completion of the original construction leaving the site an existing violation with regard to impervious cover. With this in mind, the owners of this property cannot make any improvements to the home without the approval of this variance. We have made several attempts to contact all the neighbors regarding our plans to remodel the home to help gain support. Many of the adjacent home owners support this variance request. There are neighbors that are below the site with lake frontage that would like the site to remain unchanged. These neighbors are the ones that have expressed concerns about the "CEF".

Since the last Board of Adjustment hearing, we have contacted the TCEQ and they have made a site visit. The determination communication has been included below. The TCEQ does not feel that the rock feature adjacent to our site is of a sensitive nature.

We would like to assure the City of Austin that any construction activities associated with the improvements proposed at 3801 Island Way will not pose a threat to the rock features adjacent to the home. The improvement activities associated with this site require a building permit which does not require an Environmental Resource Investigation. Furthermore, improvements on this site could help alleviate downstream flooding by placing berms along the downstream property line to route runoff to the ROW and directly to Lake Austin.

I am available anytime to discuss this home site. Don't hesitate to call or email me.

Thank you,
JP

Jerry Perales, P.E.
512.297.5019
1706 W. 6th Street
Austin, TX 78703

<http://peraleseng.com/>

<https://www.facebook.com/peralesengineering>

PERALES ENGINEERING, LLC
Land Development and Environmental Consulting



Please note our new address.

Heidenfels, Leane

015-2014-2111

From: Phyllis Patek
Sent: Thursday, September 25, 2014 10:01 AM
To: Heidenfels, Leane
Subject: FW: 3801 Island Way request for a variance

Here's a letter I sent to the neighbors today. I just want to show we are really trying to make an effort. Hopefully it will open the lines of communication.

From: Phyllis Patek [mailto:ppatek@outlook.com]
Sent: Thursday, September 25, 2014 9:57 AM
To: Mike Hagerty; 'Mark Alexander' [mailto:markalexander@gmail.com]; 'Debra O'Sullivan' [mailto:debraosullivan@earthlink.net]; 'John Hagerty' [mailto:johnhagerty@earthlink.net]; 'Earl Fields' [mailto:earlfields@earthlink.net]; 'Derek Howard' [mailto:derekhoward@earthlink.net]; 'Jerry Perales, P.E.' [mailto:jerry.perales@earthlink.net]
Subject: 3801 Island Way request for a variance

Neighbors

We wanted touch base in regards to our ongoing board of adjustment variance case. We have an upcoming meeting with the board and from the last meeting we understand that some of you below have some concerns in regard to what we are wanting to do. We want all of you to know we are trying to address all of your concerns and hopefully ease some of your fears. We are striving to be good neighbors working to be totally transparent with this project and hoping to open the lines of communication and not silence.

We have met with TCEQ and have spoken with Scott Hires with the city of Austin. Both agree that our project would not harm the rim rock in any way. We will be working very closely with an engineer and our architect to implement a water catchment system. Although our water is already being diverted toward the creek between the Howards property and ours we will continue to work to improve run off systems.

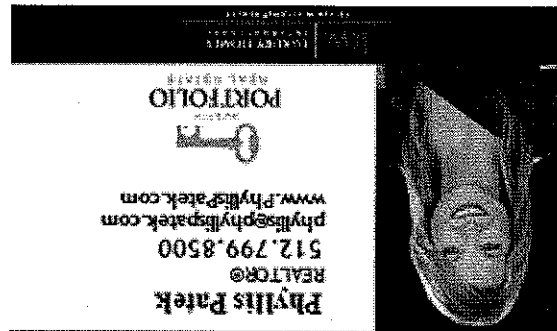
To address the pool we are wanting to build. This will be a small dipping pool. Although the word pool sounds like a large excavation project. We want to assure you it's not. Our design will follow the current geography of the slope and work within the current footprint of where our upper deck and where our palm trees currently exist. In addition this project will help with the water diversion to the back of our house and into the creek.

As far as safety goes we have already spoken with our builder and he will be putting together a safety plan to make sure no rocks or any debris from our jobsite will end up anywhere down the cliff. Our promise as neighbors is that we will go above and beyond to insure all safety and environmental issues you have addressed.

We also want to address an issue that continues to come up with some of you. Two years ago we hired a professional tree trimming company Eco Tree Service to trim our oak trees and trim some shrubs on our property. We know this upset several neighbors and we wanted to personally apologize that was never our intent. Our hope is that you will accept our apology and we can move forward. We know some of you may blame us for some rocks falling near your parking lot recently but after speaking with 2 engineers and 2 geologist we have been assured what is currently happening is in no way a result of us trimming any underbrush near the edge two years ago. Per the geologist The whole rim rock is "spalling" and it is a natural phenomenon that will continue to happen regardless of what we do on our property. Bo, a geologist with TCEQ said the rock face is similar to that of Loop 360 where you see falling rock all the time.

Attached is the copy of the survey. Our lot is .438 I believe. Please let me know if you need anything else.

011-2014-015



The finest compliment I can ever receive is a referral from my clients and friends!

****If for any reason you do not want to be included in my e-mail list, please reply to this email and type REMOVE in the subject line****

Heidenfels, Leane

C15-2014-011

From:

Sent:

To:

Subject:

Correspondence with TCEQ on 3801 Island Way

Heidenfels, Leane

Friday, September 19, 2014 5:11 PM

Phyllis Patek & Brian Patek (brian.patek@yahoo.com)

Leane,
Can you please print and put in our file for the BOA to review. Thank you!
Phyllis Patek

From: Kevin Smith [mailto:kevin.smith@tceq.texas.gov]
Sent: Thursday, September 18, 2014 1:49 PM
To: Phyllis Patek
Cc: brian.patek@yahoo.com; James Bo Stone
Subject: RE: survey for 3801 Island Way

Mr. and Mrs. Patek:

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If you have further questions, you may call us at 512-339-2929

Kevin Smith, P.E.

Texas Commission on Environmental Quality

Heldenfels, Leane

C15-2014-0111

From: Phyllis Patek
Sent: Thursday, September 25, 2014 10:01 AM
To: Heldenfels, Leane
Subject: FW: 3801 Island Way request for a variance

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From: Phyllis Patek [mailto:ppatek@outlook.com]
Sent: Thursday, September 25, 2014 9:57 AM
To: 'Mike Haggerty'; '<hmsdog@sbcglobal.net>'; '<mark.alexander02@gmail.com>'; '<jdemerath@808west.com>'; '<mharries@earthlink.net>'; '<rhett.stone@smithbarney.com>'; '<vdjafari@hotmail.com>'; '<janellecollier@hotmail.com>'; '<mapharries@earthlink.net>'; '<jeanie@thundercloud.com>'; 'Derek Howard'; '<phyllis@phyllispatek.com>'; 'Earl Fields (efields@austin.rr.com)'; 'Cc: 'Jerry Perales, P.E.'; 'brian_patek@yahoo.com'
Subject: 3801 Island Way request for a variance

Neighbors

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Sincerely,
Phyllis & Brian Patek

From: Kevin Smith [mailto:kevin.smith@cityofaustin.org]
Sent: Thursday, September 18, 2014 1:49 PM
To: Phyllis Patek
Cc: Brian Patek [mailto:brian.patek@cityofaustin.org]; James Toomey
Subject: RE: survey for 3801 Island Way

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