

Heldenfels, Leane

C15-2014-0111

From: Hiers, Scott
Sent: Wednesday, October 01, 2014 9:39 AM
To: Earl Fields
Cc: Heldenfels, Leane; Phyllis Patek (ppatek@outlook.com); Jerry Perales, PE (jerry.perales@gmail.com); Lesniak, Chuck
Subject: RE: 3801 Island Way request for a variance

Mr. Fields,

I did have a telephone conversation with Ms. Patek and I don't call exactly what I said, but I certainly would have been careful to caveat my statements, as I did when I spoke to you. I would have guided the discussion to addressing concerns about the rimrock Critical Environmental Feature. I certainly would have caveated any statement on potential harm or damage to the rimrock, because I don't have enough information on the current site conditions or on the proposed site development. In addition, since I am not a geotechnical engineer, I would not make any statements in regards to the stability of a slope, especially given that I have only viewed the slope and rimrock feature from your property, which is down gradient of the site. In all my discussions with both you and the owner, I have tried to limit the conversation to the identification and the protection of Critical Environmental Features as they are defined in and protected by Austin's Land Development Code. I have stated numerous times to you and Ms. Patek that the identification and protection of Critical Environmental Features only applies to properties or development activities that are subject to the current land development code. At this time, it's my understanding that is not the case for 3801 Island Way. Regarding state regulations, rimrocks are not a sensitive feature or defined in 30 TAC 213 (the Edwards Rules), so it is not surprising that the TCEQ has determined that the proposed activities are not impacting a sensitive feature in regards to 30 TAC 213.

I would be happy to answer any additional questions from you or Ms. Patek may have in regard to Critical Environmental Features. I recommend that all other questions be directed to the case manager; Lenae Heldenfels (512-974-2202), or the City Environmental Officer; Chuck Lesniak (512-974-2699).

Sincerely,

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: Earl Fields [mailto:earl.fields@austin.tx.com]
Sent: Tuesday, September 30, 2014 3:52 PM
To: Hiers, Scott
Cc: Heldenfels, Leane
Subject: Fwd: 3801 Island Way request for a variance

Sent from St. Somewhere

Begin forwarded message:

C15-2014-0111

September 30, 2014

Dear Phyllis and Brian,

Thank you for your letter and expression of concern for the protection and the physical safety of your neighbors, property and the Critical Environmental Feature down slope from you on Island Way.

As your intentions for increasing your impervious coverage have not changed since Rhett and I met with you and Brian at your duplex, we would like an opportunity to meet with you again to discuss options on how to increase your square footage for your family, within your existing footprint, without the need to increase your impervious coverage through upzoning.

The Island Way Homeowner's Association was supportive of the Lake Austin Task Force's recommendations and the City Council of Austin's unanimous action to establish the Lake Austin Overlay Zoning District. We support the regulatory controls added to the Austin Land Development Code to address the practice of upzoning, to improve management of Lake Austin and to promote, preserve, and protect Critical Environmental Features, such as the Rimrock on Island Way identified in the City of Austin's database.

Based on the regulations of the Lake Austin Overlay Zoning District, Island Way Homeowner's Association continues to believe that your hardship request for additional impervious cover up to 97% of the buildable 0-15% slope and adding an amenity such as a pool does not meet the qualifications for a variance as required by the Board of Adjustment. The existing impervious cover is now at 86%, which is far beyond the allowable 35%.

Over the years we have had good friends and neighbors reluctantly move when their families reached a tipping point on the need for more indoor square footage. Every resident on Island Way is in the same situation in terms of living small – less indoor space versus more outdoor space. It is not unique to your family. The square footage on your personal side of your duplex presently exceeds other residents on Island Way.

I have been a practicing residential architect in Austin for over 20 years. I would be glad to look at your duplex and offer my opinion on how you might create more efficient living space within your budget without increasing your impervious coverage.

Finally, thank you for your apology to Rhett and I, when we met with you and Brian, for having removed the trees, shrubs, and other vegetation above the rimrock, without notifying the families below. We believe that it will be beneficial in the future for all concerned, and for protection of this sensitive area over the Balcones Fault, Edwards Aquifer Recharge Zone, the Colorado River, Lake Austin, the drinking water source for us all, to discuss your intentions before the removal of additional trees takes place.

Sincerely,

Earl Fields
President, Island Way Homeowner's Association

Copy: Leane Heldenfels, Executive Liaison, Planning and Development Review