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PLANNING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET

CASE NUMBER: SP-2013-0295DS **PC DATE:** 10/28/2014

PROJECT NAME: 2908 Scenic Drive (Tram)

ADDRESS: 2908 Scenic Drive

WATERSHED: Lake Austin (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance

ZONING: SF-3-NP

NEIGHBORHOOD

PLANNING AREA: West Austin Neighborhood Group

APPLICANT: William D. & Kathryn M. Darling
2908 Scenic Drive
Austin, Texas 78703

AGENT: Phil Moncada
Moncada Consulting
1301 S. IH-35 Suite 204
Austin, Texas 78741
Phone: (512) 627-8815

PROJECT DESCRIPTION: The applicant proposes to construct a mechanized tram to access an existing boat dock at a single-family residence on Lake Austin.

VARIANCE REQUEST: 1) To modify the standard 150-foot wide 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, Section 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).

ENVIRONMENTAL BOARD ACTION: The Environmental Board heard this case on September 3, 2014, and voted 5-2-0-0 to recommend disapproval on Board Member Robert Deegan's motion and Board Member Marisa Perales' second. Board Members Brian Smith and Jim Schissler voted against the disapproval.

STAFF RECOMMENDATION: Not recommended – the findings of fact have not

been met.

NEIGHBORHOOD ORGANIZATIONS:

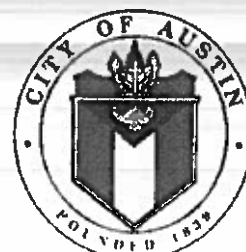
Austin Neighborhoods Council
Austin Independent School District
Austin Monorail Project
Austin Parks Foundation
Bike Austin
Beyond2ndNature
Central West Austin Neighborhood Plan Contact Team
Homeless Neighborhood Organization
Preservation Austin
The Real Estate Council of Austin, Inc.
Save Barton Creek Association
SEL Texas
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
West Austin Neighborhood Group

PDRD CASE MANAGER:

Michael Simmons-Smith (512) 974-1225
michael.simmons-smith@austintexas.gov

**PDRD ENVIRONMENTAL
STAFF:**

Liz Johnston (512) 974-1218
liz.johnston@austintexas.gov





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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.



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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/CWOZ

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



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**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



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**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;

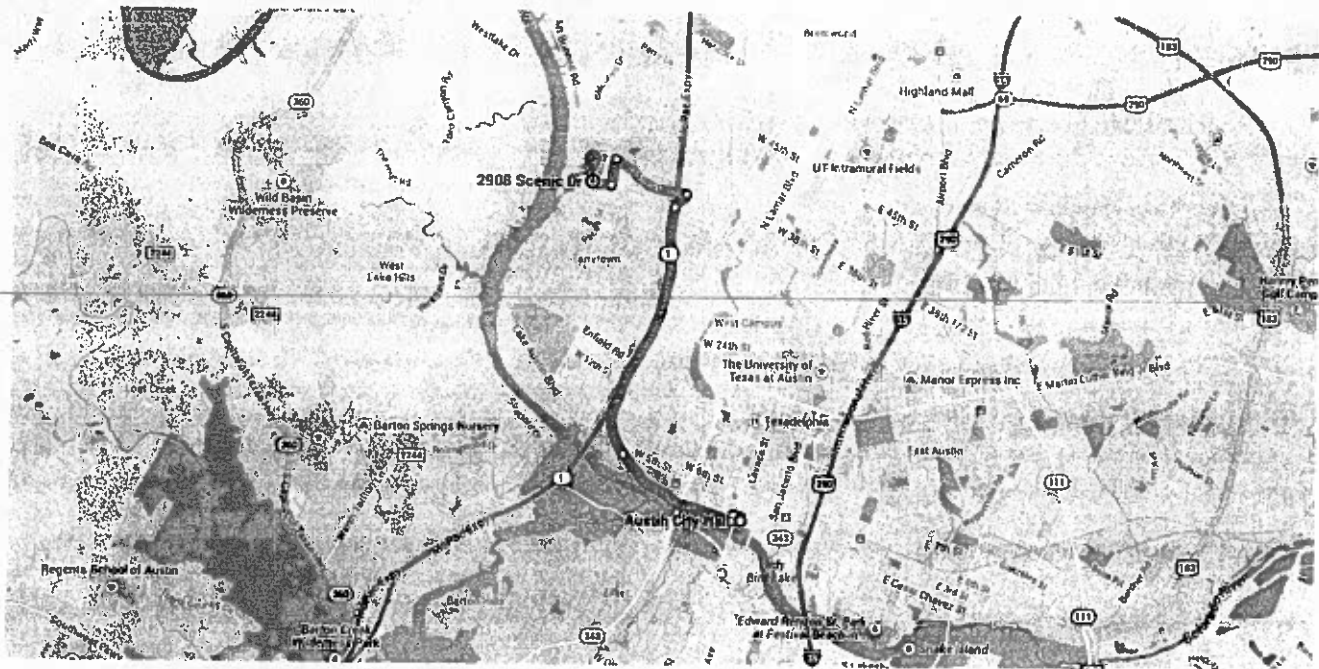
No. The house and patio are built within 12 feet of the top of the canyon rimrock and the existing stairs span the canyon rimrock. A minimum departure from the code requirement would be to remove the existing shoreline access stairs and construct the tram in that location.

Google

Drive 5.2 miles, 9 min

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Directions from Austin City Hall to 2908 Scenic Dr

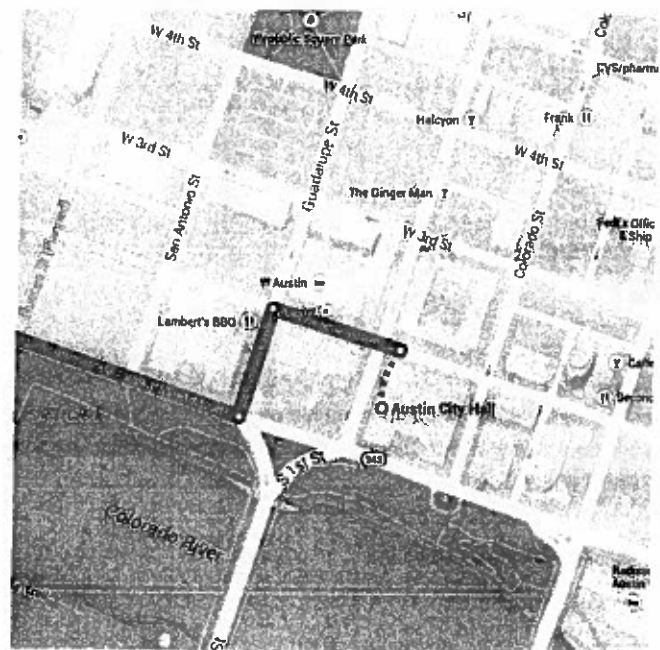


○ Austin City Hall

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



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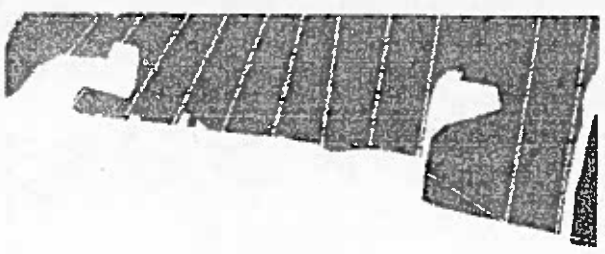
2908 SCENIC DRIVE TRAM SP-2013-0295DS

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

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

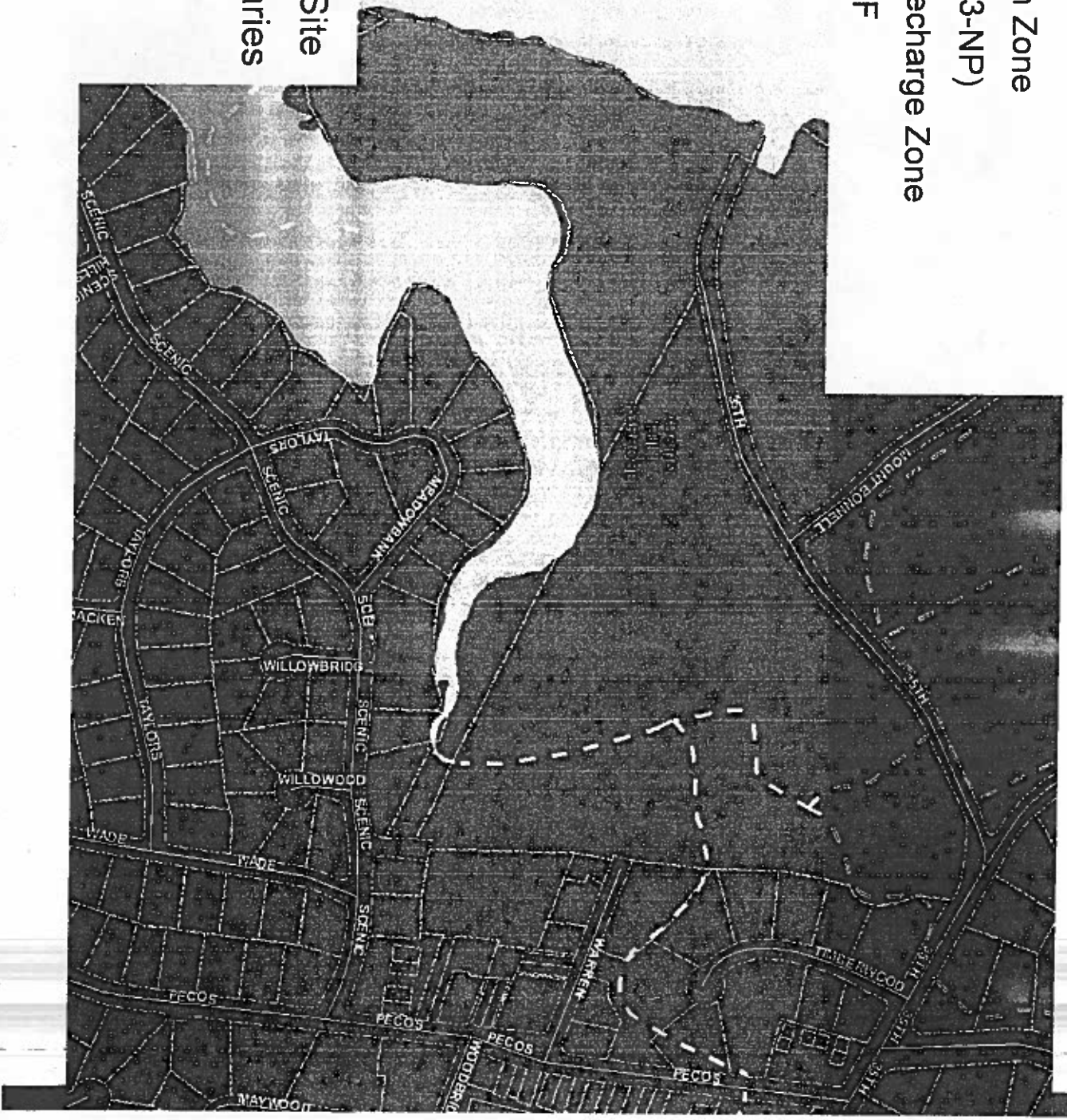
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- Taylor Slough North Watershed
- Water Supply Suburban
- Drinking Water Protection Zone
- Full Purpose Zoning (SF-3-NP)
- North Edwards Aquifer Recharge Zone
- Rimrock and Wetland CEF



LAKE
AUSTIN

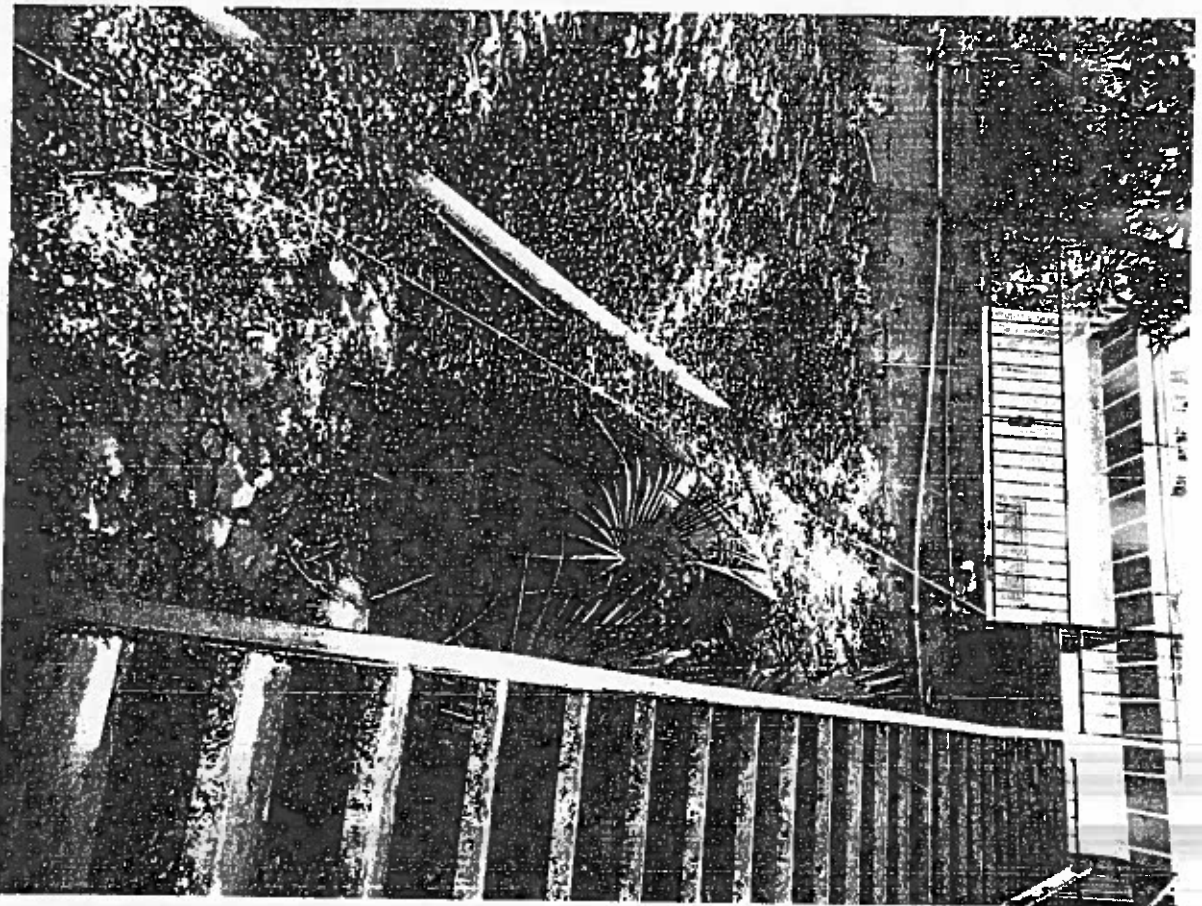
- ☐ SP-2013-0295DS Site
- ☐ Watershed Boundaries
- 2-Mile ETJ
- Limited Purpose
- Full Purpose



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View of proposed tram route



CEF at proposed tram crossing

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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

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VARIANCE RECOMMENDATION

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

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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

August 22, 2014

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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 ☐ Urban ☐ Suburban ☐ Water Supply Suburban
☒ Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment
☒ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone ☐ Yes ☒ 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.

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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)

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.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

The proposed project encroaches on a C.E.F. (Rimrock and wetland) as it relates to maintaining the 150 foot buffer required by Code.

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.

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- 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.

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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.**

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Exhibits for Board Backup and/or Presentation

Please attach and paginate.

- X Aerial photos of the site (backup and presentation)
 - o Site photos (backup and presentation)
 - o Aerial photos of the vicinity (backup and presentation)
 - o 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)
 - o 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)
 - o For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
 - o Site plan showing existing conditions if development exists currently on the property (presentation only)
 - o 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)
 - o Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
 - o An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
 - o Applicant's variance request letter (backup only)

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

4201 Marathon Blvd., Suite 204
Austin, TX 78756

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William Moran, M.D.

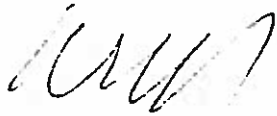
(512) 459-3205
Fax (512) 459-8590

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.



William Moran, M.D.

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Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767
One Texas Center, 505 Barton Springs Road
Telephone: (512) 974-6370 Fax: (512) 974-2423

Site Development Exemption Request

DA-2013-1064

Site Address: 3811 Kennelwood		
Project Name: Kennelwood Boat Dock <i>1/2 original survey</i>		
Legal Description: Lot 10, Blk 4 Laurel Heights; Adjacent .684 Acres Of Land Out Of The Daniel Gilbert Survey		
Zoning: SF-3	Watershed: Lake Austin	Flood Plain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Existing Land Use(s): Residential		
Proposed Land Use(s): Residential - Tram		
Brief /General Description of the Development being sought: Construction of a tram to access a residential boat dock. For more detail see attached letter.		

Attach a detailed description of the proposed development in a memorandum or letter and a site plat or survey plan that graphically indicates, but is not limited to:

- | | |
|---|---|
| <ul style="list-style-type: none">> existing trees> buildings> parking areas> roadways/streets> all areas of impervious cover levels (existing & proposed)> erosion controls (i.e.: silt fencing, tree protection) | <ul style="list-style-type: none">> limits of construction> type of construction> location of construction> accessible parking> access route |
|---|---|

I, Amelia Morrow do hereby certify that I am the

☐ owner ☒ owner's agent (to act as the owner's agent, written authorization from the owner must be provided) of this described property, and in this capacity, submit this request for exemption from the site plan submittal requirements pursuant to Chapter 25-5-2 of the Austin City Code.

Furthermore, I certify and acknowledge that:

1. Although the proposed development does not require a formal site plan approval, it may require, prior to beginning any site work, the approval of the subdivision or issuance of a building, remodel, and/or demolition permit;
2. Although the proposed development complies with all applicable zoning regulations, it does not prohibit enforcement of restrictive covenants and/or deed restrictions;
3. The approval of this exemption request does not constitute authorization to violate any provisions of the Austin City Code or other applicable requirements, which includes the use or occupancy of the improvement.
4. The approval notice with paid receipt shall be clearly posted on-site and protected from the elements at all times.

Amelia Morrow Date: 08/12/2013
Signature of Requester

Address: 100 Congress Avenue, Suite 1300 Austin Texas 78701

Telephone: 512-435-2368

Please indicate how you wish to receive a copy of the results of the review:

☐ Mail ☐ FAX: ☒ E-mail: amorrow@abaustin.com

Planning & Development
Review

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Departmental Use Only

Project Name: <u>Kendallwood Boat Dock</u>		Case Number: <u>2013-1064</u>		Applicant Name: <u>Andrew Morrow</u>	
<input checked="" type="checkbox"/> If Required	Reviewer	Date	Comments		
<input checked="" type="checkbox"/> Site Plan					
<input checked="" type="checkbox"/> Transport					
<input checked="" type="checkbox"/> Engr					
<input checked="" type="checkbox"/> Environ					
<input type="checkbox"/> AFD					
<input type="checkbox"/> AWU					
<input type="checkbox"/> Plumbing					
<input type="checkbox"/> AE					

☒ Approved ☐ Denied ☐ Determined to be a ☐ Revision ☐ New Project

Building permit required? ☐ Yes ☐ No ☐ N/A
 Smart Housing Project? ☐ Yes ☐ No
 Changes in Impervious Cover? ☐ Yes ☐ No
 Qualifies for exemption per Section 25-5-2()

Check all that apply:

☐ Review Fee(s) Not Required

☐ Site Plan Correction/Exemption Review Fee

☐ Change of Use Review Fee

☐ Phasing Review: _____ phases

☐ Landscape Inspection: _____ acres

☐ Shared Parking Review

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ARMBRUST & BROWN, PLLC
ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300
FACSIMILE 512-435-2360

AMANDA MORROW
(512) 435-2368
AMORROW@ARMBRUST.COM

September 30, 2013

VIA HAND DELIVERY

Christopher Johnson
City of Austin
Planning and Development Review Department
505 Barton Springs
Austin, Texas 78701

Re: Site plan exemption for 3811 Kennelwood Road, Austin, Texas 78703 (the
"Application"); DA-2013-0990

Dear Mr. Johnson:

This letter is written in response to comments received from the City of Austin on September 10, 2013 wherein the City of Austin denied Site Plan Exemption application DA-2013-0990. In response to those comments the Application and corresponding materials have been revised to provide detailed information regarding compliance with Section 25-2-963(D) of the City Code. More specifically I offer the following response:

1. Comment: "More than 2 boat slips is considered a marina. Site plan is required".

Response: The boat dock was permitted under separate permit; please see site plan exemption DA-2013-0721.

2. Comment: "The tram is a non-complying structure and is not part of boat dock and marina construction approved in 1940 city council attachment. Demonstrate how construction of tram complies with section LDC 25-2-963(D)".

Response: According to Section 25-2-963(D)(2)(a) "no more than 50 percent of the length of the shoreline access may be removed or replaced, and (b) the location, footprint, and degree of noncompliance of the structure is not altered." The existing shoreline access is 100 feet. The applicant proposes to replace 28 feet of shoreline access. The percentage of shoreline access that will be replaced is 28% of the overall shoreline access. Furthermore the new shoreline access will be located in the same

(W0395842.1)

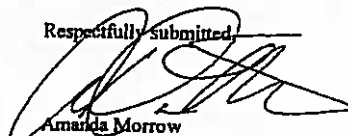
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ARMBRUST & BROWN, PLLC
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location as the existing shoreline access. Thus resulting in full compliance with Section 25-2-963(D)(2).

Please let me know if you have any questions, comments or concerns.

Respectfully submitted,



Amanda Morrow
Land Development Consultant

Enclosures

cc: Richard T. Suttle, Jr.
Sandy Gottesman

{W0393842.1}



Planning and Development Review Department
P.O. Box 1088, Austin, Texas 78767
One Texas Center, 505 Barton Springs Road
Telephone: (512) 974-6370 Fax: (512) 974-2423

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Determination of a Site Development Exemption Request

Date: 9/10/2013
From: Sallie Correa @ (512) 974-9747 or Andria Burt @ (512) 974-2774 Number of pages including cover: 1
To: Amanda Morrow Telephone: 435-2368
FAX: _____ E-Mail: _____
Exemption #: DA-2013-0990
Project Name: Kennelwood Boat Dock
Address: 3811 Kennelwood
Review Staff Contact/Telephone: _____

Review Results	
Your request has been Denied.	
See NOTES for additional information and/or conditions. Your paperwork is in the RETURN BIN area of the Development Assistance Center on the 1st floor of One Texas Center.	
Decision:	
Site Plan Correction Review	
Landscape Inspection:	
Shared Parking Review	
Phasing Review:	
Change of Use Review	
Commercial Exemption Review	
TOTAL COST:	

NOTES:

More than 2 boat slips is considered a marina. Site plan is required.
Glenn Rhoades 974-2775

The tram is a non-complying structure and is not a part of boat dock and marina construction approved in 1940 city council attachment. Demonstrate how construction of tram complies with section LDC 25-2-963(D)
Kristin Carlton 974-6369

Confidentiality Notice: The documents accompanying this transmission is legally privileged and intended for the use of the recipient named. If received in error, please notify the City of Austin immediately via telephone to arrange for the return of the documents. You are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2368

FACSIMILE 512-435-2360

AMANDA MORROW
(512) 435-2368
AMORROW@ARMPLLC.COM

August 23, 2013

VIA HAND DELIVERY

Christopher Johnson
City of Austin
Planning and Development Review Department
505 Barton Springs
Austin, Texas 78701

Re: Site plan exemption for 3811 Kennelwood Road, Austin, Texas 78703 (the
"Application")

Dear Mr. Johnson:

This firm represents and this letter is written on behalf of the applicant for the above referenced Application. Enclosed please find a site plan exemption application, minutes from the January 4, 1940 City Council meeting, and architectural drawings showing the proposed modification to the existing tram located 3811 Kennelwood Drive.

Pursuant to Section 25-5-2, the Applicant hereby requests a site plan exemption to modify an existing accessory structure to a single family use structure. The Applicant proposes to maintain and modify an existing tramway that was approved and permitted by City Council on January 4, 1940 (see attached). The proposed modification will not require a variance, or city board or commission approval, and the work will not increase the existing footprint of the tramway. The construction will not exceed 1,000 square feet, and the limits of construction will not exceed 3,000 square feet. The proposed footprint is 126 square feet.

Should you have any questions regarding this Application, please do not hesitate to contact me at 512-435-2368.

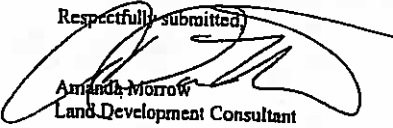
(W0591512.1)

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ARMBRUST & BROWN, PLLC
Page 2

Respectfully submitted,


Amanda Morrow
Land Development Consultant

Enclosures

cc: Richard T. Suttle, Jr.
Sandy Gottesman

(W0591512.1)

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plan to hereby make a part of this resolution, and further subject to the condition that all concrete curb, ramp, and driveway construction done within the city streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Upon full call, the resolution was adopted by the following vote: Ayes, Councilman Alford, Bartholomew, Billie, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Billie introduced the following resolution, and moved its adoption:

WHEREAS, in Book J, page 122, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Monte Vista Addition; and

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys hereto referred to is 20 feet in width and traverses Block 3 of said Monte Vista Addition, and being the alley 1/2 block north of and parallel to Windsor Road and extending from Navajo Drive to Boyd Trail; and

WHEREAS, the owners of all of the property abutting said alley have petitioned the City Council of the City of Austin to close said alley; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore,

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain alley traversing Block 3 of Monte Vista Addition, as previously referred to, be and the same is hereby permanently closed and vacated except the City of Austin hereby retains the right to construct, maintain, operate and control all public utilities in, upon and across the above described alley.

Upon full call, the resolution was adopted by the following vote: Ayes, Councilman Alford, Bartholomew, Billie, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Bartholomew, and moved its adoption:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of docks and a marine fueling station on the property owned by Harry A. Hamill, which property is known as 1.24 acres, and Lot 10, Block 4, Laurel Heights Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts on Lake Austin, and hereby authorizes the said Harry A. Hamill to construct, maintain and operate these docks and marine fueling station, subject to the same's being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue a occupancy permit for the erection of these docks and fueling station after full compliance with all the provisions of this resolution.

Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Harry A. Hamill has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations of Building Inspector)

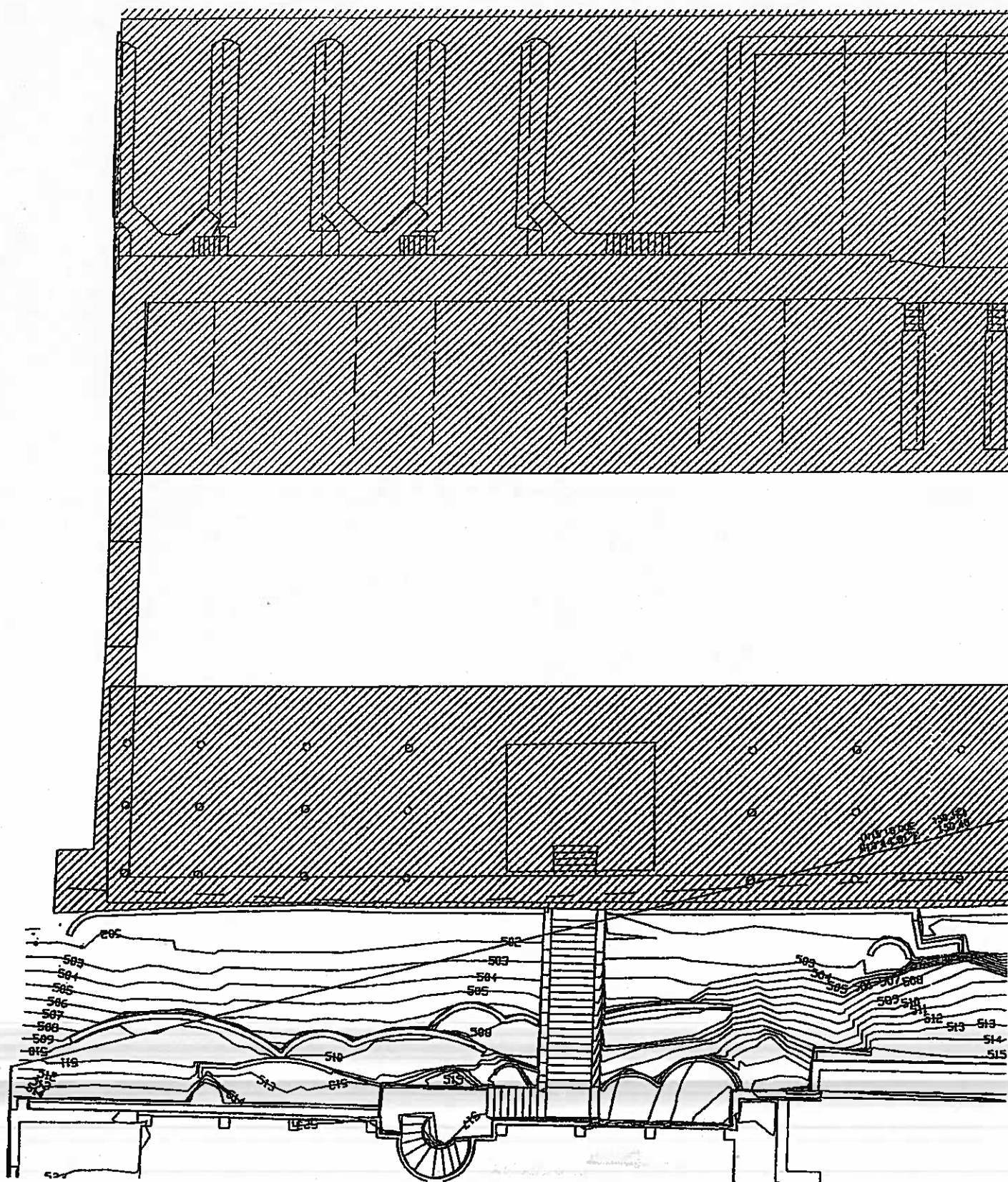
Austin, Texas
January 6, 1960

Mr. Walter Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has considered the application of Harry A. Hamill, owner of 1.24 acres and Lot 10, Block 4, Laurel Heights Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts Lake Austin, for permission to erect a superstructure and to maintain a public gasoline pump to service motor boats on the lake, on the docks now located and extending out into Lake Austin

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August 22, 2014



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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,

A handwritten signature in black ink that reads "Phil Moncada".

Mr. Phil Moncada

Moncada Consulting

August 22, 2014

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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 ☐ Urban ☐ Suburban ☐ Water Supply Suburban
☒ Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment
☒ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone ☐ Yes ☒ 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.

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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)

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.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

The proposed project encroaches on a C.E.F. (Rimrock and wetland) as it relates to maintaining the 150 foot buffer required by Code.

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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.



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- 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.



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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.



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- 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)
- o Site photos (backup and presentation)
- o Aerial photos of the vicinity (backup and presentation)
- o 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)
- o 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)
- o For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- o Site plan showing existing conditions if development exists currently on the property (presentation only)
- o 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)
- o Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- o An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- o Applicant's variance request letter (backup only)

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

4201 Marathon Blvd., Suite 204
Austin, TX 78756

C-56
40
William Moran, M.D.

(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.



William Moran, M.D.

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Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767
One Texas Center, 505 Barton Springs Road
Telephone: (512) 974-6370 Fax: (512) 974-2423

DA-2013-1064

Site Development Exemption Request

Site Address: 3811 Kennelwood		
Project Name: Kennelwood Boat Dock <i>Y 2 of original survey</i>		
Legal Description: Lot 10, Blk 4 Laurel Heights: Adjacent .684 Acres Of Land Out Of The Daniel Gilbert Survey		
Zoning: SF-3	Watershed: Lake Austin	Flood Plain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Existing Land Use(s): Residential		
Proposed Land Use(s): Residential - Tram		
Brief /General Description of the Development being sought: Construction of a tram to access a residential boat dock. For more detail see attached letter.		

Attach a detailed description of the proposed development in a memorandum or letter and a site plat or survey plan that graphically indicates, but is not limited to,:

- | | |
|---|---|
| <ul style="list-style-type: none">> existing trees> buildings> parking areas> roadways/streets> all areas of impervious cover levels (existing & proposed)> erosion controls (i.e.: silt fencing, tree protection) | <ul style="list-style-type: none">> limits of construction> type of construction> location of construction> accessible parking> access route |
|---|---|

I, Amanda Morrow, do hereby certify that I am the (PRINT NAME)

☐ owner ☒ owner's agent (to act as the owner's agent, written authorization from the owner must be provided) of this described property, and in this capacity, submit this request for exemption from the site plan submittal requirements pursuant to Chapter 25-5-2 of the Austin City Code.

Furthermore, I certify and acknowledge that:

1. Although the proposed development does not require a formal site plan approval, it may require, prior to beginning any site work, the approval of the subdivision or issuance of a building, remodel, and/or demolition permit;
2. Although the proposed development complies with all applicable zoning regulations, it does not prohibit enforcement of restrictive covenants and/or deed restrictions;
3. The approval of this exemption request does not constitute authorization to violate any provisions of the Austin City Code or other applicable requirements, which includes the use or occupancy of the improvement.
4. The approval notice with paid receipt shall be clearly posted on-site and protected from the elements at all times.

Amanda Morrow Date: 08/12/2013
Signature of Requester

Address: 100 Congress Avenue, Suite 1300 Austin Texas 78701

Telephone: 512-435-2368

Please indicate how you wish to receive a copy of the results of the review:

☐ Mail ☐ FAX: ☒ E-mail: amorrow@ahaustin.com

Planning & Development
Review

AUG 18 2014

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Departmental Use Only

Project Name: <u>Kundwinood Boat Dock</u>		Case Number: <u>2013-1064</u>		Applicant Name: <u>Amesbury Marina</u>	
<input checked="" type="checkbox"/> If Required	Reviewer	Date	Comments		
<input checked="" type="checkbox"/> Site Plan					
<input type="checkbox"/> Transport					
<input type="checkbox"/> Engr					
<input checked="" type="checkbox"/> Environ			<u>N/A</u> <u>1/28/14</u> <u>10-5-B</u> <u>OK</u>		
<input type="checkbox"/> AFD			<u>N/A</u>		
<input type="checkbox"/> AWU			<u>N/A</u>		
<input type="checkbox"/> Plumbing			<u>N/A</u>		
<input type="checkbox"/> AE			<u>N/A</u>		

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Determined to be a <input type="checkbox"/> Revision <input type="checkbox"/> New Project
--	---------------------------------	--

Building permit required? ☐ Yes ☐ No ☐ N/A
Smart Housing Project? ☐ Yes ☐ No
Changes in Impervious Cover? ☐ Yes ☐ No

Qualifies for exemption per Section 25-5-2()

Check all that apply:

- ☐ Review Fee(s) Not Required
- ☐ Site Plan Correction/ Exemption Review Fee
- ☐ Change of Use Review Fee
- ☐ Phasing Review: _____ phases
- ☐ Landscape Inspection: _____ acres
- ☐ Shared Parking Review

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ARMBRUST & BROWN, PLLC
ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300
FACSIMILE 512-435-2360

AMANDA MORROW
(512) 435-2368
AMORROW@AABROWN.COM

September 30, 2013

VIA HAND DELIVERY

Christopher Johnson
City of Austin
Planning and Development Review Department
505 Barton Springs
Austin, Texas 78701

Re: Site plan exemption for 3811 Kennelwood Road, Austin, Texas 78703 (the
"Application"); DA-2013-0990

Dear Mr. Johnson:

This letter is written in response to comments received from the City of Austin on September 10, 2013 wherein the City of Austin denied Site Plan Exemption application DA-2013-0990. In response to those comments the Application and corresponding materials have been revised to provide detailed information regarding compliance with Section 25-2-963(D) of the City Code. More specifically I offer the following response:

1. Comment: "More than 2 boat slips is considered a marina. Site plan is required".

Response: The boat dock was permitted under separate permit; please see site plan exemption DA-203-0721.

2. Comment: "The tram is a non-complying structure and is not part of boat dock and marina construction approved in 1940 city council attachment. Demonstrate how construction of tram complies with section LDC 25-2-963(D)".

Response: According to Section 25-2-963(D)(2)(a) "no more than 50 percent of the length of the shoreline access may be removed or replaced; and (b) the location, footprint, and degree of noncompliance of the structure is not altered." The existing shoreline access is 100 feet. The applicant proposes to replace 28 feet of shoreline access. The percentage of shoreline access that will be replaced is 28% of the overall shoreline access. Furthermore the new shoreline access will be located in the same

(W0595842.1)

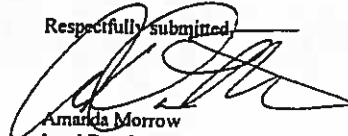
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location as the existing shoreline access. Thus resulting in full compliance
with Section 25-2-963(D)(2).

Please let me know if you have any questions, comments or concerns.

Respectfully submitted,



Amanda Morrow
Land Development Consultant

Enclosures

cc: Richard T. Suttle, Jr.
Sandy Gottesman

(W0595842.1)



Planning and Development Review Department
P.O. Box 1088, Austin, Texas 78767
One Texas Center, 505 Barton Springs Road
Telephone: (512) 974-6370 Fax: (512) 974-2423

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Determination of a Site Development Exemption Request

Date: 9/10/2013 Number of pages including cover: 1
From: Sallie Correa @ (512) 974-9747 or Andria Burt @ (512) 974-2774
To: Amanda Morrow Telephone: 435-2368
FAX: E-Mail:
Exemption #: DA-2013-0990
Project Name: Kennelwood Boat Dock
Address: 3811 Kennelwood
Review Staff Contact/Telephone:

Review Results	
Your request has been Denied. See NOTES for additional information and/or conditions. Your paperwork is in the RETURN BIN area of the Development Assistance Center on the 1st floor of One Texas Center.	
Re-submits	
Site Plan Correction Review	
Landscape Inspection:	
Shared Parking Review	
Phasing Review:	
Change of Use Review	
Commercial Exemption Review	
TOTAL COST:	

NOTES:

More than 2 boat slips is considered a marina. Site plan is required.
Glenn Rhoades 974-2775

The tram is a non-complying structure and is not a part of boat dock and marina construction approved in 1940 city council attachment. Demonstrate how construction of tram complies with section LDC 25-2-963(D)
Kristin Carlton 974-6369

Confidentiality Notice: The documents accompanying this transmission is legally privileged and intended for the use of the recipient named. If received in error, please notify the City of Austin immediately via telephone to arrange for the return of the documents. You are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited.

WPDR 04 08 06 ac

Page 1 of 1

Printed on 09/10/2013 at 5:04 PM

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2368

FACSIMILE 512-435-2368

AMANDA MORROW
(512) 435-2368
AMORROW@ABAUSTIN.COM

August 23, 2013

VIA HAND DELIVERY

Christopher Johnson
City of Austin
Planning and Development Review Department
505 Barton Springs
Austin, Texas 78701

Re: Site plan exemption for 3811 Kennelwood Road, Austin, Texas 78703 (the
"Application")

Dear Mr. Johnson:

This firm represents and this letter is written on behalf of the applicant for the above referenced Application. Enclosed please find a site plan exemption application, minutes from the January 4, 1940 City Council meeting, and architectural drawings showing the proposed modification to the existing tram located 3811 Kennelwood Drive.

Pursuant to Section 25-5-2, the Applicant hereby requests a site plan exemption to modify an existing accessory structure to a single family use structure. The Applicant proposes to maintain and modify an existing tramway that was approved and permitted by City Council on January 4, 1940 (see attached). The proposed modification will not require a variance, or city board or commission approval, and the work will not increase the existing footprint of the tramway. The construction will not exceed 1,000 square feet, and the limits of construction will not exceed 3,000 square feet. The proposed footprint is 126 square feet.

Should you have any questions regarding this Application, please do not hesitate to contact me at 512-435-2368.

{W0591512.1}

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Respectfully submitted,


Amanda Morrow
Land Development Consultant

Enclosures

cc: Richard T. Suttle, Jr.
Sandy Gottesman

(W0591512.1)

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plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp, and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Upon roll call, the resolution was adopted by the following vote: Ayes, Danielson Alford, Bartholomew, Gills, Mayor Miller, and Councilman Wolf; Nays, none.

Councilman Gills introduced the following resolution, and moved its adoption:

WHEREAS, in Book J, page 121, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Monte Vista Addition; and

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys hereto referred to as 20 feet in width and traversing Block 2 of said Monte Vista Addition, and being the alley 1/2 block north of and parallel to Windsor Road and extending from Karsje Drive to Kopl Trail; and

WHEREAS, the owners of all of the property abutting said alley have petitioned the City Council of the City of Austin to close said alley; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain alley traversing Block 2 of Monte Vista Addition, as previously referred to, be and the same is hereby permanently closed and vacated except the City of Austin hereby retains the right to construct, maintain, operate and control all public utilities in, upon and across the above described alley.

Upon roll call, the resolution was adopted by the following vote: Ayes, Danielson Alford, Bartholomew, Gills, Mayor Miller, and Councilman Wolf; Nays, none.

The following resolution was introduced by Councilman Bartholomew, who moved its adoption:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of docks and a marine fueling station on the property owned by Harry A. Hamill, which property is known as 1.24 acres, and Lot 10, Block 4, Laurel Heights Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts on Lake Austin, and hereby authorizes the said Harry A. Hamill to construct, maintain and operate these docks and marine fueling station, subject to the same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of these docks and fueling station after full compliance with all the provisions of this resolution.

Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Harry A. Hamill has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations of Building Inspector)

Austin, Texas
January 4, 1940

Mr. Fulton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has considered the application of Harry A. Hamill, owner of 1.24 acres and Lot 10, Block 4, Laurel Heights Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts Lake Austin, for permission to erect a superstructure and to maintain a public gasoline pump to service motor boats on the lake, on the docks now located and extending out into Lake Austin.



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Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767
One Texas Center, 505 Barton Springs Road
Telephone: (512) 974-6370 Fax: (512) 974-2423

PA-2013-0721

Site Development Exemption Request

Site Address: 3811 Kennelwood

Project Name: Kennelwood Boat Dock

Legal Description: Lot 10, Blk 4 Laurel Heights; Adjacent .684 Acres Of Land Out Of The Daniel Gilbert Survey

Zoning: SF-3

Watershed: Lake Austin

Flood Plain? ☒ Yes ☐ No

Existing Land Use(s): Boat Dock

Proposed Land Use(s): Boat Dock

Brief /General Description of the Development being sought:
See attached letter.

Attach a detailed description of the proposed development in a memorandum or letter and a site plat or survey plan that graphically indicates, but is not limited to,:

- existing trees
- buildings
- parking areas
- roadways/streets
- all areas of impervious cover levels (existing & proposed)
- erosion controls (i.e.: silt fencing, tree protection)

- limits of construction
- type of construction
- location of construction
- accessible parking
- access route

I, Amanda Morris (PRINT NAME), do hereby certify that I am the ☐ owner ☒ owner's agent (to act as the owner's agent, written authorization from the owner must be provided) of this described property, and in this capacity, submit this request for exemption from the site plan submittal requirements pursuant to Chapter 25-5-2 of the Austin City Code.

Furthermore, I certify and acknowledge that:

1. Although the proposed development does not require a formal site plan approval, it may require, prior to beginning any site work, the approval of the subdivision or issuance of a building, remodel, and/or demolition permit;
2. Although the proposed development complies with all applicable zoning regulations, it does not prohibit enforcement of restrictive covenants and/or deed restrictions;
3. The approval of this exemption request does not constitute authorization to violate any provisions of the Austin City Code or other applicable requirements, which includes the use or occupancy of the improvement.
4. The approval notice with paid receipt shall be clearly posted on-site and protected from the elements at all times.

Amanda Morris
Signature of Requester

Date: 06/18/2013

Address: 100 Congress Avenue, Suite 1300 Austin Texas 78701

Telephone: 512-435-2368

Please indicate how you wish to receive a copy of the results of the review:
☐ Mail ☐ FAX: ☒ E-mail: amorrow@abaustin.com

Departmental Use Only

Project Name: <u>Boat</u>		Case Number: <u>DA-203-D-121</u>		Applicant Name: <u>Amanda Mann</u>	
<input checked="" type="checkbox"/> If Required	Reviewer	Date	Comments		
<input type="checkbox"/> Site Plan			<input type="checkbox"/> SPOC*		
<input type="checkbox"/> Transport			<input type="checkbox"/> SPOC*		
<input type="checkbox"/> Drainage		<u>6-24-13</u>	<input type="checkbox"/> SPOC*		
<input type="checkbox"/> Environ		<u>6-24-13</u>	<input type="checkbox"/> SPOC*		
<input checked="" type="checkbox"/> AFD	<u>S. Stokely</u>	<u>6-25-2013</u>	<u>NA</u>		
<input checked="" type="checkbox"/> AWU	<u>Cory Harman</u>	<u>6/20/2013</u>	<u>N/A</u>		
<input checked="" type="checkbox"/> Plumbing	<u>Cory Harman</u>	<u>6/20/2013</u>	<u>N/A</u>		
<input checked="" type="checkbox"/> AE		<u>6-20-13</u>	<u>N/A</u>		

* SPOC - Single Point of Contact

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Determined to be a <input type="radio"/> Revision <input type="radio"/> New Project
--	---------------------------------	--

Building permit required? ☐ Yes ☐ No ☐ N/A
 Smart Housing Project? ☐ Yes ☐ No

Qualifies for exemption per Section 25-5-2()

Check all that apply:

- ☐ Review Fee(s) Not Required
- ☒ Site Plan Correction/ Exemption Review Fee
- ☐ Change of Use Review Fee
- ☐ Phasing Review: _____ phases
- ☐ Landscape Inspection: _____ acres
- ☐ Shared Parking Review

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2380

AMANDA MORROW
(512) 435-2368
AMORROW@ABAUSTIN.COM

June 18, 2013

VIA HAND DELIVERY

Christopher Johnson
City of Austin
Planning and Development Review Department
505 Barton Springs
Austin, Texas 78701

Re: Site plan exemption for 3811 Kennelwood Road, Austin, Texas 78703 (the
"Application")

Dear Mr. Johnson:

This firm represents and this letter is written on behalf of the applicant for the above referenced Application. On or about April 12, 2013 the City of Austin approved site plan exemption DA-2013-0178 to modify the Kennelwood Boat Dock. Since its approval the applicant has redesigned the proposed boat dock. Enclosed please find a subsequent site plan exemption application, aerial photographs, minutes from the January 4, 1940 City Council meeting, and architectural drawings showing the existing boat dock and the proposed modifications to the boat dock located 3811 Kennelwood Drive, also known as the "Kennelwood Boat Dock".

Pursuant to Section 25-5-2(M), the Applicant hereby requests a Site Plan Exemption to modify an existing accessory structure to a single family use structure. The Applicant proposes to maintain and modify an existing boat dock that was approved and permitted by the City Council on January 4, 1940 (see attached). The proposed modification will not require a variance, or city board or commission approval, and the work will not increase the existing footprint of the boat dock. This dock has been in existence and has been continuously used since its construction. The footprint of the existing structure is 16,647 square feet. In accordance with City Code, the proposed modification will reduce the overall footprint by 74.3%.

Pursuant to Section 25-2-963(D), the Applicant proposes to 1) remove 28 existing boat slips, and reconfigure the remaining 5 slips, which is an 85% reduction in the number of existing

{W0585299.1}

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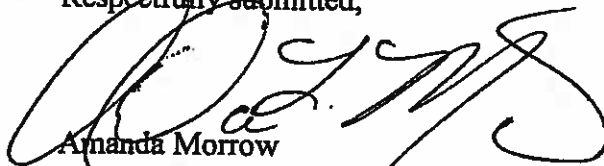
boat slips, 2) relocate and reconfigure the existing storage area, 3) enclose a portion of an existing wooden deck to accommodate a gazebo, 4) remove and replace several wooden steps, 5) modify and replace the boardwalk, 6) replace the roof, deck columns and the wooden walkways with treated wood, and 7) as necessary, repair and/or modify the existing landscape retaining wall identified on the exhibits.

All provisions for modification and maintenances of a NONCOMPLYING structure shall be adhered too. The work proposed by the Application will be confined within the existing footprint and will not increase the level of nonconformity. For ease of reference, I have attached a copy of Sections 25-5-2 and 25-2-963(D).

Should you require additional information, please contact me at 512-435-2368.

Thank you.

Respectfully submitted,



Amanda Morrow
Land Development Consultant

Enclosures

cc: Richard T. Suttle, Jr.
Sandy Gottesman

25-5-2 SITE PLAN EXEMPTIONS.

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(A) The director shall determine whether a project is exempt under this section from the site plan requirement of Section 25-5-1 (*Site Plan Required*). The director may require that the applicant submit information necessary to make a determination under this subsection. The director may require an applicant to revise a previously approved site plan under Section 25-5-61 (*Revisions To Released Site Plans*).

(B) A site plan is not required for the following development:

(1) construction or alteration of a single-family residential, single-family attached residential, duplex residential, two-family residential, or secondary apartment special use structure, or an accessory structure, if:

(a) not more than one principal residential structure is constructed on a legal lot or tract; and

(b) a proposed improvement is not located in the 100 year flood plain, or the director determines that the proposed improvement will have an insignificant effect on the waterway;

(2) removal of a tree not protected by this title;

(3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;

(4) construction of a fence that does not obstruct the flow of water;

(5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;

(6) restoration of a damaged building that begins within 12 months of the date of the damage;

(7) relocation or demolition of a structure or foundation covering not more than 10,000 square feet of site area under a City demolition permit, if trees larger than eight inches in diameter are not disturbed and the site is not cleared;

(8) development in the extraterritorial jurisdiction that is exempt from all water quality requirements of this title; or

(9) placement of a commercial portable building on existing impervious cover if the building does not impede or divert drainage and the site complies with the landscaping requirements of this title.

(C) Except for a change of use to an adult oriented business, a site plan is not required for a change of use if the new use complies with the off-street parking requirements of this title.

(D) Except for an adult oriented business, a site plan is not required for construction that complies with the requirements of this subsection.

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(1) The construction may not exceed 1,000 square feet, and the limits of construction may not exceed 3,000 square feet, except for the following:

- (a) enclosure of an existing staircase or porch;
- (b) a carport for fewer than ten cars placed over existing parking spaces;
- (c) a wooden ground level deck up to 5,000 square feet in size that is for open space use;
- (d) replacement of a roof that does not increase the building height by more than six feet;
- (e) remodeling of an exterior facade if construction is limited to the addition of columns or awnings for windows or entrance ways;
- (f) a canopy over an existing gas pump or paved driveway;
- (g) a sidewalk constructed on existing impervious cover;
- (h) replacement of up to 3,000 square feet of building or parking area lost through condemnation, if the director determines that there is an insignificant effect on drainage or a waterway; or
- (i) modification of up to 3,000 square feet of a building or impervious cover on a developed site if the modification provides accessible facilities for persons with disabilities.

(2) The construction may not increase the extent to which the development is noncomplying.

(3) The construction may not be for a new drive-in service or additional lanes for an existing drive-in service, unless the director determines that it will have an insignificant effect on traffic circulation and surrounding land uses.

(4) A tree larger than eight inches in diameter may not be removed.

(5) The construction may not be located in the 100 year flood plain, unless the director determines that it would have an insignificant effect on the waterway.

(E) A site plan is not required for minor site development, minor construction, or a change of use that the director determines is similar to that described in Subsections (B), (C), and (D) of this section.

(F) A site plan is not required for construction of additional facilities at an existing public primary educational facility or public secondary educational facility in the zoning jurisdiction or in a municipal utility district in which City building permits are required.

(G) A site plan is not required for construction of a new public primary educational facility or public secondary educational facility in the zoning jurisdiction.

(H) A site plan is not required for the construction of subdivision infrastructure in accordance with approved subdivision construction plans.

(I) The exemptions provided by Subsections (C) and (D) do not apply to a bed and breakfast residential use established after October 1, 1994.

(J) The exemptions provided by this section do not apply to a telecommunications tower described in Subsection 25-2-839(F) or (G) (*Telecommunication Towers*).

(K) A site plan is not required for development of a site solely for a community garden use if the director determines that the overall plan does not exceed the exceptions described in subsections (B), (C) or (D).

(L) The exemptions provided by this section do not apply to the construction of a dock, bulkhead, or shoreline access as described in Chapter 25-2, Article 13.

(M) A site plan is not required to repair, reinforce, or maintain a dock, bulkhead, or shoreline access, or to modify a dock under the following conditions:

- (1) the existing dock, bulkhead, or shoreline access was legally constructed; provided that simple re-decking will be allowed for all docks;
- (2) no variance from City Code is required;
- (3) no city board or commission approval is required;
- (4) there will be no increase in the existing footprint of the dock, bulkhead, or shoreline access; and
- (5) the work is authorized under Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) or Section 25-2-964 (*Restoration and Use of Damaged or Destroyed Noncomplying Structures*).

Source: Section 13-1-603; Ord. 990225-70; Ord. 990520-38; Ord. 000302-36; Ord. 000831-65; Ord. 031120-40; Ord. 031211-11; Ord. 20101209-075; Ord. 20110210-018

25-2-963 MODIFICATION AND MAINTENANCE OF NONCOMPLYING STRUCTURES.

(A) Except as provided in Subsections (B), (C), and (D) of this section, a person may modify or maintain a noncomplying structure.

(B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:

(1) Demolition or removal of walls must comply with the following requirements:

(a) No more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and

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in wood construction, studs, sole plate, and top plate. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.

(b) Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements.

(2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.

(3) For any residential use other than a single-family use in an SF-3 or more restrictive zoning district, the following requirements must be met in order to add square footage or convert accessory space into conditioned or habitable space:

(a) If the lot is non-complying with current lot size or lot width requirements, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements.

(b) Compliance with current parking and occupancy regulations is required.

(4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.

(C) Except as provided in Subsections (E) and (F), a person may not modify or maintain a noncomplying structure in a manner that increases the degree to which the structure violates a requirement that caused the structure to be noncomplying.

(D) The following requirements must be met in order to repair, reinforce, or maintain a non-complying dock, bulkhead, or shoreline access as defined in Section 25-2-1172 (Definitions), or to modify a noncomplying dock:

(1) Modification of a dock must comply with the following requirements:

(a) the dock must be an accessory to a single-family residence;

(b) the alteration must be confined within the existing footprint;

(c) the total footprint of the dock must be reduced by 50%;

(d) the number of boat slips on the dock is reduced by 50%; and

(e) the alternation may not increase the degree to which the structure violates a requirement that caused the structure to be noncomplying.

(2) Repair, reinforcing, or maintaining a noncomplying dock, bulkhead, or shoreline access must comply with the following requirements:

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(a) no more than 50 percent of existing piles, pilings, or sheet pile or no more than 50 percent of the length of the dock, bulkhead, or shoreline access may be removed or replaced; and

(b) the location, footprint, and degree of noncompliance of the structure is not altered;

(3) Demolition is subject to the limitation in Subsection (B)(4) of this Section.

(E) A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if:

(1) the increase is made to a portion of the building that:

(a) does not exceed the existing maximum height of the building; and

(b) complies with the yard setback requirements of this title;

(2) the increase does not exceed 15 percent of the existing maximum height of the building; and

(3) after modification, the height of the modified portion of the building does not exceed the existing maximum height of the building.

(F) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:

(1) the modified portion of the building:

(a) does not extend further into the required yard setback than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section;

(b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section; and

(c) complies with the height requirements of this title; and

(2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.

(G) Subsection (F) applies to each yard setback requirement with which the existing building does not comply.

(H) A person may modify a noncomplying building once under Subsection (E) and once under Subsection (F). This section does not prohibit a person from modifying a building along more than one yard setback as part of a single project.

Source: Sections 13-2-820 and 13-2-823; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20100624-149; Ord. 20101209-075.

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August 26, 2011

City of Austin
Planning and Development Review Department
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: Authorization Letter for Lot 10, Block 4 Laurel Heights; Adjacent .684 Acres, of
land out of the Daniel Gilbert Survey in Austin, Travis County, Texas;
TCAD No. 0117090617

Dear City of Austin:

Please accept this letter appointing Armbrust & Brown, PLLC. as authorized agent for the undersigned in connection with the approval of a site plan exemption for the remodel of a residential boat dock for the above-referenced property. This appointment includes complete authority for Armbrust & Brown, PLLC to handle all aspects of the entitlements for the property. All correspondence and contact should be directed thereto. Thank you for your assistance in connection with this matter.

Sincerely,

KENNELWOOD, INC.,
a Texas corporation

By:


Name: Sanford L. Gottesman

Title: President

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plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp, and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Upon roll call, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution, and moved its adoption:

WHEREAS, in Book 3, page 181, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Monte Vista Addition; and

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys herein referred to is 20 feet in width and traverses Block 3 of said Monte Vista Addition, and being the alley 1/2 block north of and parallel to Windsor Road and extending from Navajo Drive to Hopd Trail; and

WHEREAS, the owners of all of the property abutting said alley have petitioned the City Council of the City of Austin to close said alley; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain alley traversing Block 3 of Monte Vista Addition, as previously referred to, be and the same is hereby permanently closed and vacated except the City of Austin hereby retains the right to construct, maintain, operate and control all public utilities in, upon and across the above described alley.

Upon roll call, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Bartholomew, who moved its adoption:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of docks and a marine fueling station on the property owned by Harry A. Hamill, which property is known as 1.24 acres, and Lot 10, Block 4, Laurel Heights Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts on Lake Austin, and hereby authorizes the said Harry A. Hamill to construct, maintain and operate these docks and marine fueling station, subject to the same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of these docks and fueling station after full compliance with all the provisions of this resolution.

Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Harry A. Hamill has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations of Building Inspector)

Austin, Texas
January 3, 1940

Mr. Milton Morgan
City Manager
Austin, Texas

Dear Sir:

The undersigned has considered the application of Harry A. Hamill, owner of 1.24 acres and Lot 10, Block 4, Laurel Heights Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts Lake Austin, for permission to erect a superstructure and to maintain a public gasoline pump to service motor boats on the lake, on the docks now located and extending out into Lake Austin

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on this property.

I recommend that Harry A. Hannill be granted permission to construct this superstructure and to operate a public gasoline pump on said docks, subject to the following conditions:

(1) That the superstructure be constructed in three separate and distinct divisions in order to reduce the size in conformity with the request of Mr. McDonough, General Manager of the Lower Colorado River Authority, that no business such as a restaurant, dance hall, concession stand, and no living quarters of any character shall be erected on these docks.

(2) That the said docks be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

(3) That the installation of all pumps and tanks meet the requirements of the National Board of Fire Underwriters regulations for Marine Oil Terminals used exclusively as gasoline fuel stations for small crafts and must bear the National Board of Fire Underwriters label.

(4) That signs marked "No Smoking" shall be prominently displayed near any gasoline equipment at all times. That at least one National Board of Fire Underwriters approved type of fire extinguisher shall be provided.

During filling operations, smoking should also be prohibited aboard vessels being fueled. During fueling a sharp watch should be kept for leaks.

The motor of the vessel being fueled should be shut down before and during fueling. No vessel having open light or fires should be permitted to come along side or close to the gasoline station during fueling operations.

Respectfully submitted,

(Signed) J. G. Robert
Building Inspector.

Upon roll call, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion of Councilman Alford, a license driver's permit was granted to William Eugene Peterson, 400 West Monroe Street, in accordance with the recommendation of the City Manager, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller submitted to the Council a certificate, signed by him, certifying the reappointment of H. M. Perry and H. E. Pittsford as Commissioners of the Housing Authority of the City of Austin for a term of two years, beginning December 23, 1939, in accordance with the Housing Authorities Law of the State of Texas; also that of A. J. Wirth.

The following resolution was introduced by Councilman Bartholomew, who moved its adoption:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to assent, on behalf of the City of Austin, to the terms of a revocable license for the retention in their present locations of two swears owned by the City of Austin, Texas, which swears encroach on the old United States Post Office site in the City of Austin; and the City Manager is authorized to indicate such assent by endorsement and statement of such assent on the printed "Conditions Governing Revocable License" on the form attached to this resolution, and for all purposes make a part hereof.

(Printed Form attached)

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

Washington, D. C.

Austin, Texas: F. G. (Gid)
X File: Privileges

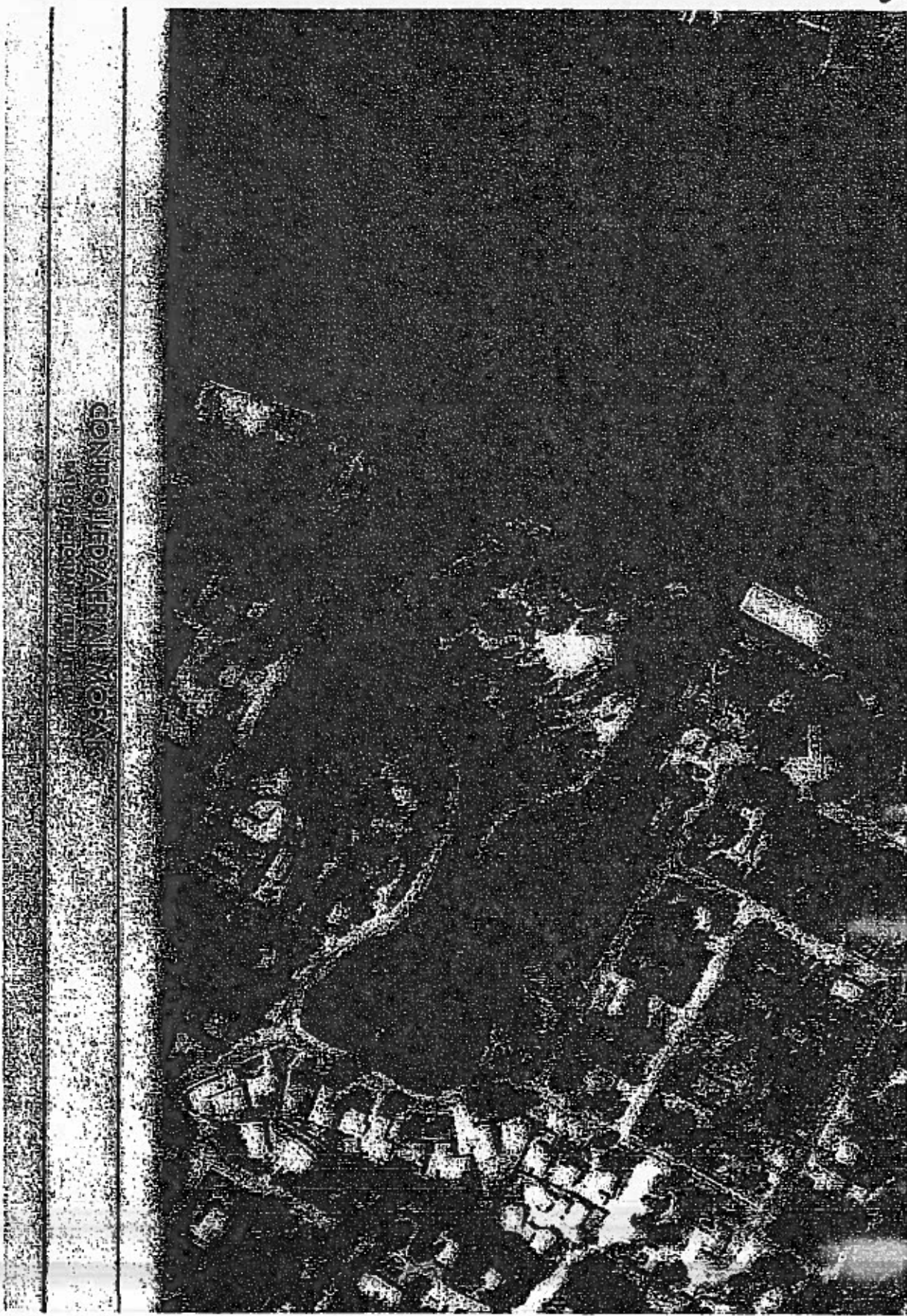
CONDITIONS GOVERNING REVOCABLE LICENSE

By the Federal Works Agency for the Use of Property of the United States under its control.

Nature of Permission. 1. That, as the Federal Works Agency is without authority to grant an easement in the United States property mentioned in its attached letter, but is empowered, in proper cases, to give licenses, revocable at the will of the Federal Works Administrator, for the use of such United States property, the permission granted by said letter shall be considered to be, and treated as, only such a revocable license, subject to the terms and conditions set forth here and (if any) in said attached letter; and that said license shall be constituted by these printed conditions, said attached letter and any other thing specified by said attached letter as forming a part of said license.

Obligations. 2. That the location, construction, installation, use, maintenance, repair, and removal

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CONTROLLED AERIAL MOSAIC