

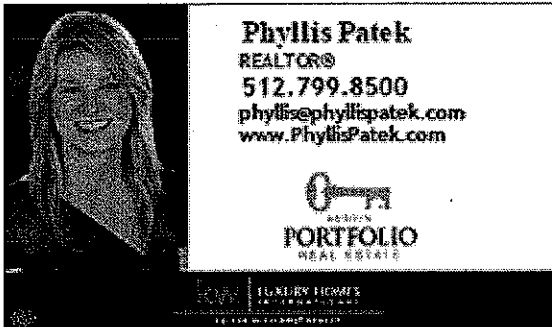
C15-2014-0111 L-6

Heldenfels, Leane

From: Phyllis Patek <phyllis@phyllispatek.com>
Sent: Wednesday, October 08, 2014 9:43 AM
To: Heldenfels, Leane
Subject: RE: Memo to BOA re 3801_IslandWay 10.07.14.doc

Leane,

I think we are going to need to postpone and get some more advisement on this issue. I don't see a point of going ahead with the board if we are going to need an environmental easement as well. Let me know your thoughts on that. Also who do I contact to begin the process of a variance with the land use commission?



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**MEMORANDUM**

TO: Chair and Members of the Board of Adjustment

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department

DATE: Wednesday, October 7, 2014

SUBJECT: 3801 Island Way

The Watershed Protection Department (WPD) has been contacted by members of the public regarding a proposed variance at 3801 Island Way that is on an upcoming Board of Adjustment agenda. The citizens expressed concern about a possible encroachment of a critical environmental feature (CEF) on or near the property. It is my understanding that these issues have also been raised at a previous Board meeting and so I felt it appropriate to provide the Board information regarding the environmental conditions and City regulations.

During an August 26, 2014 site a WPD staff geologist identified two rimrock CEFs. The rimrocks are about 13-feet to 39-feet east of 3801 Island Way (see attached map). The City's Land Development Code, Chapter 25-8-281, states that the standard setback for a CEF is 150-feet and requires that within a CEF buffer area natural vegetative cover must be retained to the maximum extent practicable; prohibits construction and wastewater disposal.

This is an unusual case in that these environmental requirements are not generally considered during building permit review because they are normally applied to single family development during the subdivision phase of development. Because this is a very old subdivision that environmental review did not occur. However, there is no exemption for single family development from the requirements of Chapter 25-8-281 and a strict application of the regulations would require a variance as described above. While existing structures are allowed to remain within the buffer any new development would have to comply with these requirements or apply for a variance from the City's Land Use Commission after receiving the recommendation of the Environmental Board.

I hope this information has been helpful. If you have any questions please contact me at your convenience at chuck.lesniak@austintexas.gov or 512/974-2699.

Attachments

Cc: Leane Heldenfels, Planning and Development Review Department
Scott Hiers, P.G., Watershed Protection Department

Attachment: Environmental Constraints 3801 Island Way

