

**ZONING AND PLATTING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET**

CASE: SP-2013-0441D

PLANNING COMMISSION DATE: December 2, 2014

PROJECT NAME: 3961 Westlake Drive

ADDRESS OF SITE: 3961 Westlake Drive

APPLICANT: Rod Roberts, 6034 Courtyard Drive, Ste 205
Austin, Texas 78730

AGENT: Aupperle Company (Carolyn Aupperle), 512-329-8241

AREA: 0.76 acres

WATERSHED: Lake Austin (Rural)

WATERSHED ORDINANCE: Comprehensive Watershed Ordinance

C.I.P. STATUS: N/A

T.I.A.: N/A

CAPITOL VIEW: N/A

PROPOSED DEVELOPMENT:

The applicant proposes to construct a pedestrian incline elevator for shoreline access to an existing boat dock.

EXISTING ZONING:

The site is zoned LA/Lake Austin

DESCRIPTION OF VARIANCES:

- 1) Variance request is as follows: To allow construction of a tram downslope of and at a distance less than 150 feet from a Critical Environmental Feature buffer, 25-8-281(C)(1)(a); and
- 2) To allow construction of a second boat dock access within a Critical Water Quality Zone, not allowed per 25-8-261(C)(1).

SUMMARY STAFF RECOMMENDATION:

Only one shoreline access is permitted per site, and the site has an existing stairway for shoreline access. Additionally, the proposed tram would be built in the CWQZ, and less than 150' from a Critical Environmental Feature buffer.

This item was heard by the Environmental Board on July 16th and denied 5-1. This item was also heard by the Board of Adjustment on April 14 and approved.

This item was heard by the Zoning and Platting Commission on November 4th, and continued to the December 2nd hearing following failed motions. A Policy Interpretation for 25-8-261(C)(1), regarding shoreline access, was subsequently drafted and is included.

C1/1

Staff recommends denial of the variances for the following reasons:

- Shoreline access already exists within a Critical Water Quality Zone
- The proposed variance request does not meet the Findings of Fact per 25-8-41.
- The proposed tram is not permitted in the LA zoning district

CASE MANAGER: Christine Barton-Holmes, LEED AP **PHONE:** 974-2788
Christine.Barton-Holmes@austintexas.gov

PROJECT INFORMATION: 0.76 acres

EXIST. ZONING: LA

MAX. BLDG. COVERAGE : *%

MAX. IMPERV. CVRG.: 35%*

ALLOWED F.A.R.: N/A

HEIGHT: 35'

REQUIRED PARKING: N/A

PROPOSED ACCESS: Lake Austin or Westlake Drive

***Depends on slope gradient**

PROP. BUILDING CVR: N/A

PROP. IMP. CVRG.: N/A

PROPOSED F.A.R.: N/A

PROP. HEIGHT: N/A

PROVIDED PARKING: N/A

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant proposes to construct a pedestrian incline elevator to access an existing dock. The dock is currently accessed by stairs, which would remain. In 2011, the applicant submitted a site plan for a boat dock showing existing shoreline access and the site plan for the new boat dock was approved on April 28, 2011. The canyon rimrock CEF was not identified on the approved site plan at that time. After construction of the dock, the environmental inspector found that the construction, including the new shoreline access, was not in accordance with the approved plans and issued a stop work order. Non-compliance resulted from failure to secure a site plan, inadequate erosion/sedimentation controls, failure to revise a released site plan and occupying improvements without a certificate of occupancy. Within a similar time frame, there was an approved site plan exemption for the repair of the bulkhead and repair of an existing patio on the shoreline.

The currently proposed tram did receive approval from the Board of Adjustment for variances from 25-2-551(B)(2) for construction of the tram within the LA zoning setback and 25-2-551(B)(5) for development on slopes greater than 35% for the tram on April 21, 2014.

Environmental:

The site is located with the Lake Austin watershed, which is classified as a Watersupply Rural Watershed. There is canyon rimrock, a Critical Environmental Feature, located on the site, which is crossed by the current shoreline access. The canyon rimrock CEF will not be disturbed by tram construction, but constitutes a secondary crossing and will cause additional disturbance within the CEF buffer. The existing shoreline access already crossed the rimrock and its buffer and the proposed tram is downstream of that crossing.

Transportation:

Access to the proposed dock will be from Lake Austin or Westlake Drive. No TIA was required for this development.

ZONING AND PLATTING COMMISSION ACTION:

C1/3

This item was heard by the Zoning and Platting Commission on November 4th, and continued to the December 2nd hearing following failed motions. A Policy Interpretation for 25-8-261(C)(1), regarding shoreline access, was subsequently drafted and is included.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North: SF-2/LA (Single-family residential and docks)

South: SF-2/LA (Single-family residential and docks)

East: LA (Lake Austin)

West: SF-2/LA (Single-family residential)

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
Westlake Drive	85'	15'-19'	Local City Street

C1/A



Subject Tract



Base Map

CASE#: SP-2013-0441D
ADDRESS: 3961 WESTLAKE DR.



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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POLICY INTERPRETATION

Code or Manual reference number: 25-8-261(C)(1) A dock, bulkhead or marina, and necessary access and appurtenances, are permitted in a critical water quality zone subject to compliance with Chapter 25-2, Subchapter C, Article 12 (Docks, Bulkheads, and Shoreline Access).

Description: Staff Interpretation of Necessary Shoreline Access within a CWQZ along Lake Austin

Issue Summary:

Construction within a CWQZ is prohibited, except as allowed per section 25-8-261. Per this section, necessary shoreline access is allowed within a CWQZ. After a code change in 2010 requiring shoreline access to be permitted with a site plan, staff began interpreting necessary access to include a single pathway from the residence to the shoreline.

Fact Summary/ Background:

Shoreline access is defined in 25-2-1172(D) to mean "improvements constructed to provide a means of approaching the shoreline such as stairs, lifts, trams, incline elevators or escalators." With the requirement to include shoreline access on an approved site plan, per ordinance 20101209-075, staff must be able to consistently apply the same method of determining what "necessary access" means. Given the need to balance environmental protection with the ability of a property owner to safely access to the shoreline of Lake Austin and Lady Bird Lake, staff must be able to reasonably and fairly apply the same standards to all applicants wishing to construct shoreline access on properties located along these lakes.

Interpretation:

For each lot located along Lake Austin or Lady Bird Lake, one route and means of access is deemed to be "necessary access" and thus allowable within a Critical Water Quality Zone without a variance from 25-8-261(C)(1). A route of access represents the minimum area of land disturbance required to construct a single means of access, a stair, pathway, steps, elevator, or tram, from the shoreline to a dock. Should a second means of access be requested by a homeowner, it must be contained within the limit of disturbance of the primary means of access. A secondary route of access is not strictly necessary and would require an environmental variance from 25-8-261(C)(1) if the inclusion of the second means of access increases disturbance in the CWQZ. Further, the amount of disturbance within the CWQZ should be limited to the amount that is strictly necessary to construct the proposed shoreline access.

Rationale:

Applicants may choose from a variety of methods to access the shoreline, ranging from stairs, pathways, steps and trams. Therefore, the code allows significant flexibility in design choices for shoreline access that will fit a variety of needs. If an applicant wishes to construct a tram, the applicant can include stairs in the same footprint of the tram. Thus a second route of access (i.e. a separate set of steps) is not strictly necessary. Similarly, if an applicant wishes to construct a golf cart path to access the shoreline, a secondary set of stairs is not necessary.

Initiated by: Liz Johnston

Supervisor: Susan J Barnett

Division Manager: C/L

Department Manager: [Signature]

Acknowledged: [Signature]

Date: November 20, 2014

Date: 11-24-14

Date: 11-21-2014

Date: _____

Date: 11/24/2014



Ch

MEMORANDUM

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

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

DATE: July 2, 2014

SUBJECT: 3961 Westlake Dr. SP-2013-0441DS

On your July 16, 2014 agenda is a request for consideration and recommended approval of a variance request to allow the construction of a tram within a Critical Environmental Feature buffer and to allow the tram to function as a secondary shoreline access within a Critical Water Quality Zone.

Description of Property

The subject property is a 0.76-acre platted lot located in the Lake Austin Watershed, which is classified as Water Supply Rural, located in the Drinking Water Protection Zone. The site is not over the Edwards Aquifer Recharge Zone. The subdivision (Lakeshore Addition) dates from the year 1915. The property is located both within the Limited Purpose Planning Jurisdiction and the Full Purpose Planning Jurisdiction and the lot is zoned LA. According to Travis County Appraisal District records, the existing residence was constructed in 1982.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the lot elevation ranges from the 492.8 feet Lake Austin shoreline to approximately 580 feet above mean sea level (msl) at the highest point of the lot, though the project's limits of construction begin at 545 feet msl. 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 contains existing native trees and other woodland species, but does not appear to be heavily vegetated with understory shrubs or forbs. The site does contain a canyon rimrock Critical Environmental Feature at the top of the slope.

Critical Environmental Features/Endangered Species/CWQZ

There is a canyon rimrock Critical Environmental Feature (CEF) located within 150 feet of the proposed shoreline access. The project is within the Critical Water Quality Zone of Lake Austin, which is a 75 foot buffer from the 492.8 feet shoreline. No endangered species were identified in the Environmental Resource Inventory and the property is classified as Zone 3 for golden cheek warblers (not known to be habitat).

C1/1

Project Background

In 2011, the applicant submitted a site plan for a boat dock showing existing shoreline access and the site plan for the new boat dock was approved on April 28, 2011. The canyon rimrock CEF was not identified on the approved site plan at that time. After construction of the dock, the environmental inspector found that the construction, including the new shoreline access, was not in accordance with the approved plans and issued a stop work order. Non-compliance resulted from failure to secure a site plan, inadequate erosion/sedimentation controls, failure to revise a released site plan and occupying improvements without a certificate of occupancy. Within a similar time frame, there was an approved site plan exemption for the repair of the bulkhead and repair of an existing patio on the shoreline.

The currently proposed tram did receive approval from the Board of Adjustment for variances from 25-2-551(B)(2) for construction of the tram -within the LA zoning setback and 25-2-551(B)(5) for development on slopes greater than 35% for the tram on April 21, 2014.

Environmental Code Exception Request

According to 25-8-281(c)(1)(a), a Critical Environmental Feature setback of 150' is required from the edge of the rimrock. The proposed request is to reduce the buffer from 150' to 5' in order to allow the construction of the tram. The canyon rimrock CEF will not be disturbed by tram construction, but constitutes a secondary crossing and will cause additional disturbance within the CEF buffer. The existing shoreline access already crossed the rimrock and its buffer and the proposed tram is downstream of that crossing. Additionally, a second variance is required for construction not allowed in a Critical Water Quality Zone. Per 25-8-261(C), boat docks and necessary access and appurtenances are allowed in a CWQZ along Lake Austin. Because this property already contains a recently constructed shoreline access, staff does not find that the addition of a secondary access meets the intent of "necessary shoreline access".

Environmental Conditions

- No environmental conditions are suggested due to the fact that staff does not support the environmental variance request.

Recommendation

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



C1/8

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

Project: 3961 Westlake Dr. SP-2013-0441DS
Ordinance Standard: Land Development Code Section 25-8-261(C)(1)
Variance Request: To allow construction of a tram to serve as 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 stairs has existed on this property for decades with shoreline access in the form of stairs. New stone steps were constructed for the boat dock that was recently permitted in 2011.

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 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

C7a

No. Disturbance within the Critical Water Quality Zone is limited in order to attempt to preserve the integrity of the riparian corridor. The existing shoreline access is already quite extensive in the setback and staff finds that additional disturbance would create further disturbance.

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

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

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

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


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

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


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

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


Environmental Reviewer:


Liz Johnston

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: 07/01/2014

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



C7/10

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

Project:	3961 Westlake Dr. - SP-2013-0441DS
Ordinance Standard:	Land Development Code Section 25-8-281(C)(1)(a)
Variance Request:	To reduce the standard 150-foot width Critical Environmental Feature buffer to 5 feet in order to allow construction of a tram.

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. This property as well as neighboring properties have had shoreline access and boat docks for years without the need for trams. This property already has a somewhat elaborate set of steps that were recently constructed that already provide “necessary access”. The addition of a tram is considered by staff as not necessary, and therefore not allowed per 25-8-261(C).

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;

C7/11

No. A minimum departure from the code would reduce the CEF buffer to 50 feet. This proposal is a second shoreline access. Staff does not agree that both pedestrian and mechanical shoreline access is necessary.

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

Yes. The proposed construction of a tram does not create a significant probability of harmful environmental consequences.

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 construction. The resulting water quality will be the same as achievable without the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A.

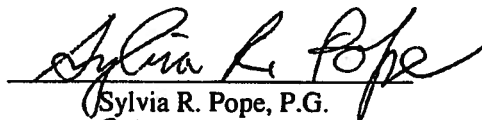
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A.

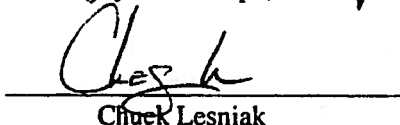
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

Environmental Reviewer:


Sylvia R. Pope, P.G.

Environmental Officer:


Chuck Lesniak

Date: 06/10/2014

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



Aupperle Company

10088 Circleview Drive, Austin, Texas 78733

Phone & Fax (512) 329-8241

Email: Aupperle@att.net

Texas Board of Professional Engineers Registration Number F-1994

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1/2

May 1, 2014

Director of Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Second Revised Engineer's Summary Letter and Report, Environmental Resource Inventory,
Engineer's Floodway Encroachment Certification for
3961 Westlake Drive – Pedestrian Incline Elevator

Dear Director:

This project proposes to construct a pedestrian incline elevator to access the existing boat dock. A general description of the proposed project follows.

Overview

This project is located at 3961 Westlake Drive a.k.a Lot 109 of Lake Shore Addition, is situated approximately two miles east of the intersection of Westlake Drive and Loop 360. The property is located within the city limits of Austin. The project site is located within the Lake Austin watershed. There is an existing boat dock and access stairs. The incline elevator improvements will be built this spring. The Board of Adjustment approved the use of a pedestrian incline elevator at this site within the LA zoning setback as a method of shoreline access on April 14, 2014, Case No. C15-2014-0026.

Environmental Resource Inventory

The project site is not located over a karst aquifer, is not within an area draining to a karst aquifer or reservoir, is not within a water quality transition zone, is located in a critical water quality zone, is located on slopes with a gradient more than 15 percent, and is not located within the 100-year flood plain of Lake Austin. The F.E.M.A. flood plain information is included on the Cover Sheet.

Hydrogeologic Element: The topographic slope under the pedestrian incline elevator is a grade in excess of 35 percent. There are no known springs, bluffs, caves, sinkholes, point recharge features, karst or other critical environmental features within 150 feet of the pedestrian incline elevator. There is, however, a canyon rim rock at the top of the slope up-gradient the proposed construction, which constitutes a critical environmental feature. The pedestrian incline elevator should not propose any harm to the quality or quantity of this feature.

Vegetation Element: The proposed construction preserves to the greatest extent practicable the significant trees and other vegetation at the single-family site. The site plan shows all trees greater than eight inches in diameter within or immediately adjacent to the limits of construction for the proposed dock. No trees will be removed for the dock construction. Site does not contain any wetland critical environmental features.

May 1, 2014
Director of Planning and Development Review

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Wastewater Element: No wastewater or water service is proposed for this project. Therefore, justifications, explanations, descriptions, techniques, standards or calculations regarding wastewater service are not included herein.

Engineer's Certification - Floodway Encroachment - LDC 25 -12 G103.5

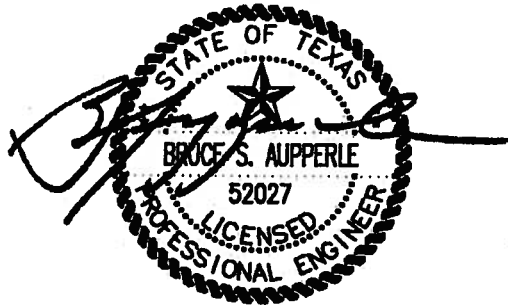
The proposed pedestrian incline elevator will not increase the rate of storm runoff within the Colorado River watershed. The openness and profile of the proposed pedestrian incline elevator will not adversely obstructive flood flows since it is above the 100-year flood plain.

Variances, Waivers & Conclusions

The pedestrian incline elevator is located with the critical water quality zone, but a variance to construct the dock related facility in the CWQZ is not required. The proposed project requires a variance to reduce the 150' setback from the canyon rick rock to 5 feet. Otherwise, the project as designed is in compliance with the applicable requirements of the City of Austin Development Code. There will be no adverse impact on the natural and traditional character of the land or waterways. If you have any questions, please feel free to call.

Very truly yours,

Bruce S. Aupperle, P.E.



C7
14

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: 3961 Westlake Drive

Ordinance Standard: 25-8-42, 25-8-261

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES/~~NO~~

This application is for a pedestrian incline elevator to access the shoreline area over very steep slopes within the CWQZ of Lake Austin. There are many trams located within the CWQZ that were grandfathered or were granted this variance administratively, however an administrative variance approval is no longer available along Lake Austin. The staff requirement for this variance assumes that the pedestrian incline elevators is not necessary access or is not an appurtenance to the shoreline area or dock. Without the incline elevator limited ability and non-ambulatory pedestrians would not have the enjoyment of the shoreline area or dock facilities. The existing steps are available to those who are able to climb stairs and as a backup access when electric service is not available. Thus we argue that the proposed pedestrian incline elevator and the existing steps are necessary access and are appurtenances to the shoreline and dock area as is permitted in the CWQZ.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES/~~NO~~

This application proposes to construct the pedestrian incline elevator in order to safely access to the shoreline for non-ambulatory individuals. The construction methodology has a minimum footprint, disturbed areas will be re-vegetated and the incline elevator will be screened with herbaceous and wood plats as required by Code.

3. The proposal **does not** provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES/~~NO~~

This application is for a pedestrian inline elevator that was approved by the Board of Adjustment April 14, 2014 to access the shoreline, which is typical of steep-sloped shoreline properties on Lake Austin.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? YES/~~NO~~

This application is for a pedestrian inline elevator will re-vegetate disturbed areas and the inline elevator will be screened with herbaceous and wood plants as required by Code, the resulting water quality would not be degraded.

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? YES/~~NO~~

This application is for a pedestrian inline elevator adjacent to Lake Austin. The site was granted a variance by the Board of Adjustment to allow this activity within the LA zoning shoreline setback, which is coincidental with the CWQZ. Therefore, this construction is allowed as necessary access and an appurtenance to the existing shoreline area and dock.

C7
15

C7/16

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: 3961 Westlake Drive

Ordinance Standard: 25-8-42, 25-8-281

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES/~~NO~~

This application is for a pedestrian incline elevator to access the shoreline over very steep slopes. There are many trams located within CEF setbacks that were grandfathered or were granted this variance administratively. An administrative variance approval is no longer available along Lake Austin.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES/~~NO~~

This application proposes to construct the pedestrian incline elevator down gradient of the rimrock CEF in order to safely access to the shoreline. The construction methodology has a minimal footprint and will not impact the rimrock area.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES/~~NO~~

This application is for a pedestrian inline elevator that was approved by the Board of Adjustment April 14, 2014 to access the shoreline, which is typical of steep-sloped shoreline properties on Lake Austin.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? YES/~~NO~~

This application is for a pedestrian inline elevator down gradient of a rimrock CEF. Should the pedestrian incline elevator be located outside of the standard CEF setback, the resulting water quality would be the same.

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? YES/~~NO~~

This application is for a pedestrian incline elevator adjacent to Lake Austin. The site was granted a variance by the Board of Adjustment to allow this activity within the LA zoning shoreline setback, which is coincidental with the CWQZ. Therefore, this construction is allowed as necessary access and an appurtenance to the existing shoreline dock.

C1/N








**PEDESTRIAN INCLINE
ELEVATOR FOR 3961
WESTLAKE DRIVE
SP-2013-0441DS**

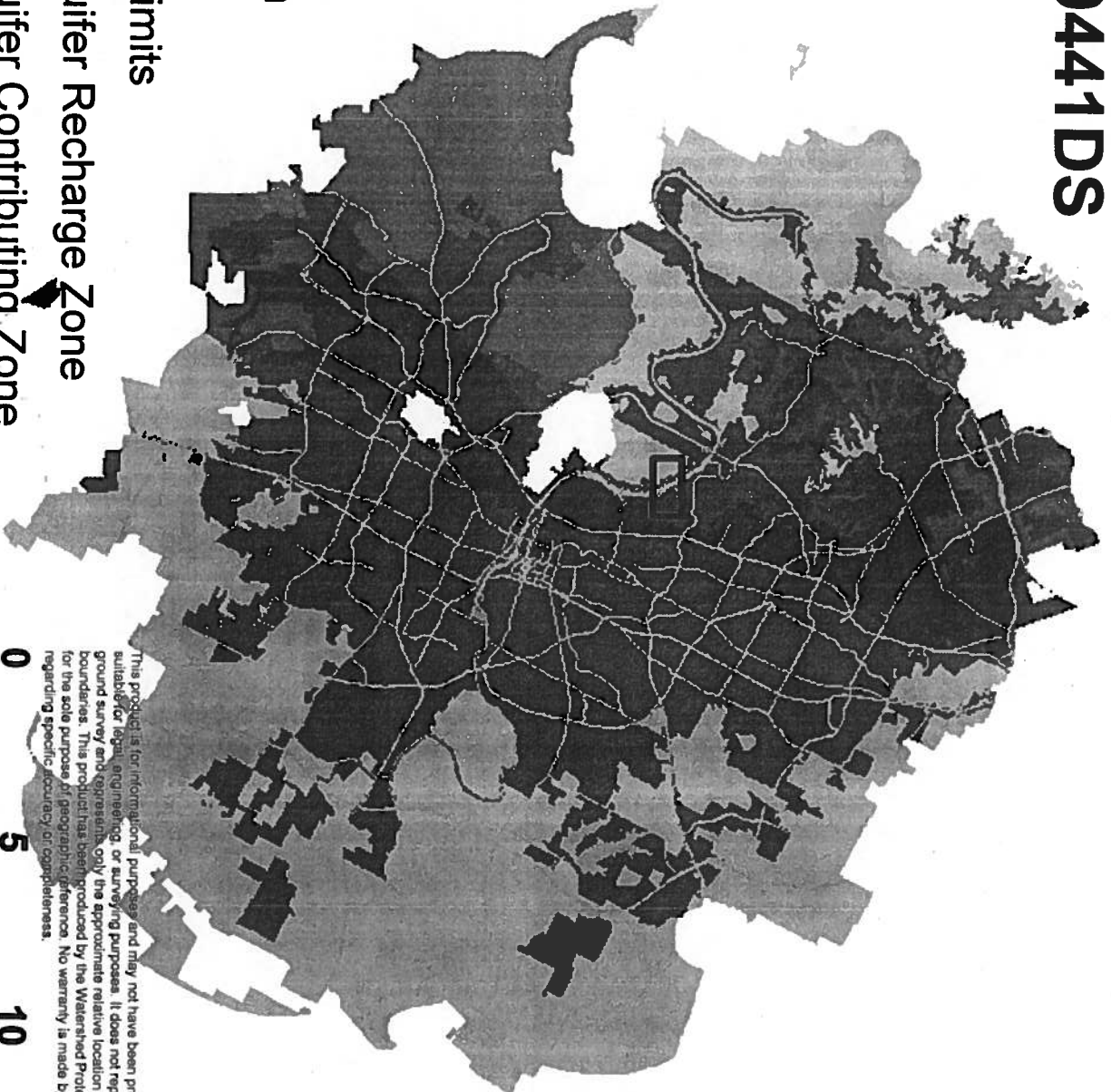
***Liz Johnston, Environmental Review Specialist
Senior, Land Use Review, PDRD***

***Scott Hiers, P.G., Hydrogeologist
Environmental Resource Management, WPD***

12/19

SP-2013-0441DS

-  Site Location
-  Austin ETJ
-  Austin City Limits
-  Edwards Aquifer Recharge Zone
-  Edwards Aquifer Contributing Zone



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2/20
• Lake Austin Watershed

• Water Supply Rural

• Drinking Water Protection Zone

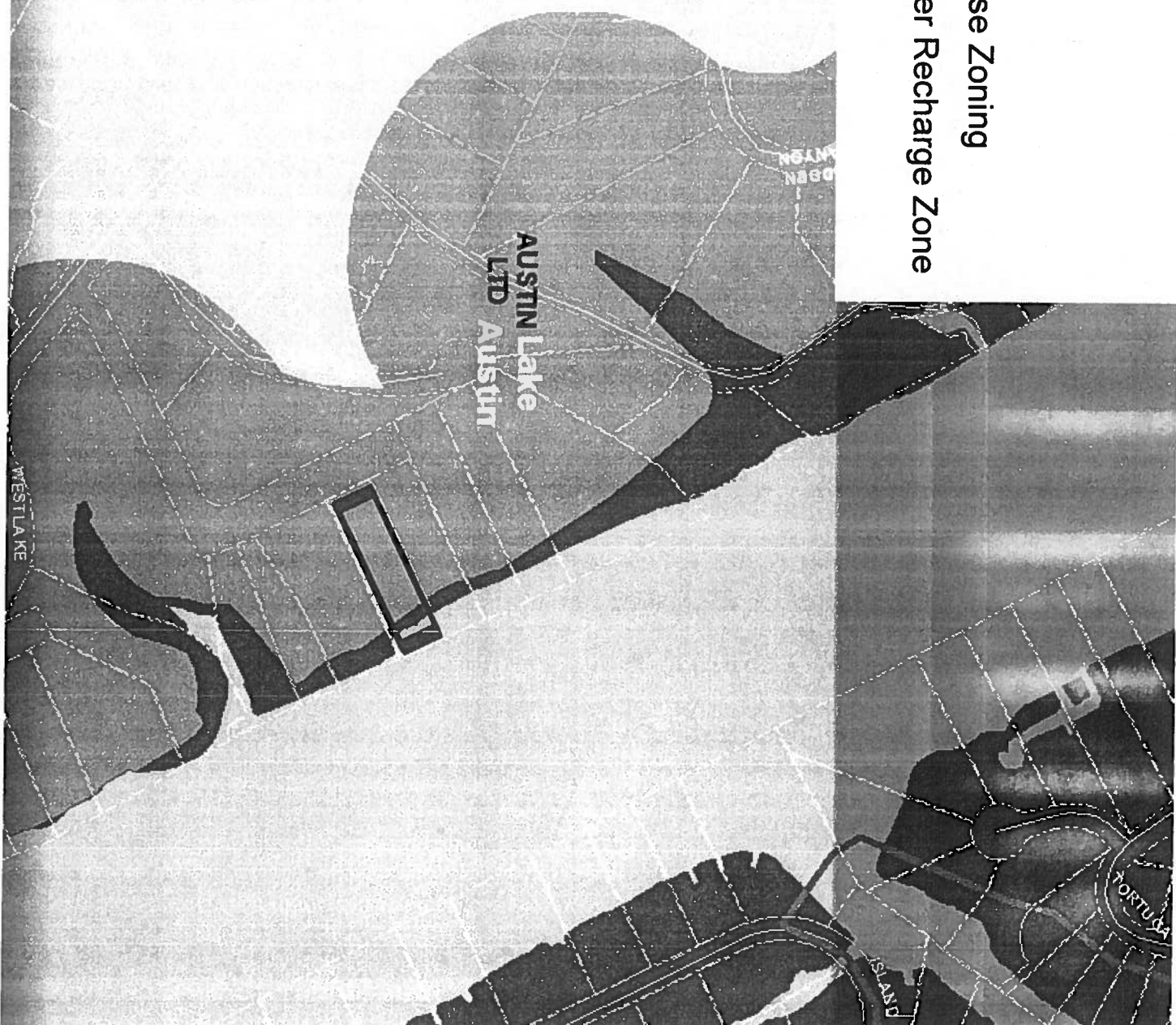
• Limited Purpose and Full Purpose Zoning

• Not located over Edwards Aquifer Recharge Zone

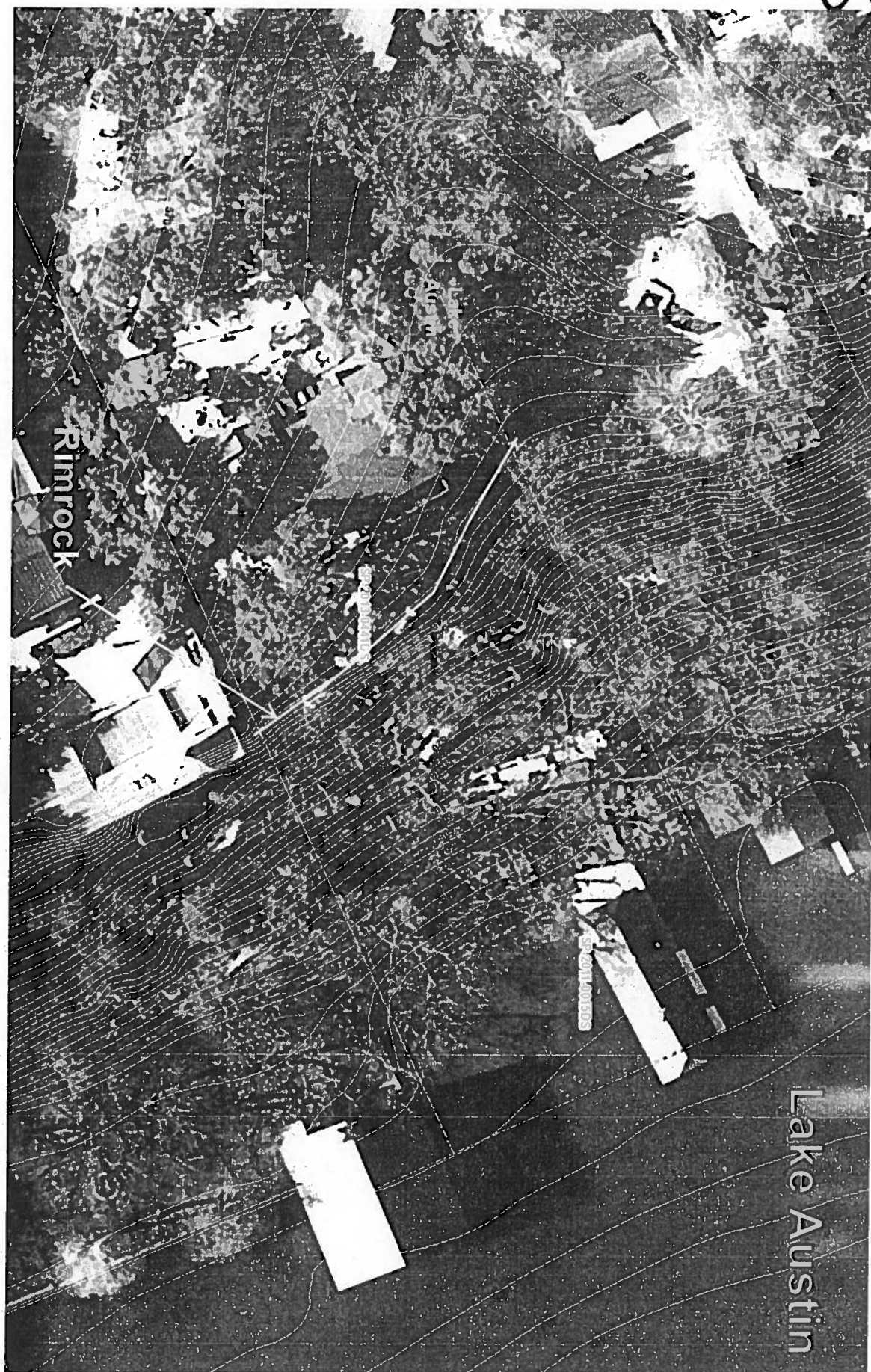
• Rimrock CEF

AUSTIN Lake
LTD Austin

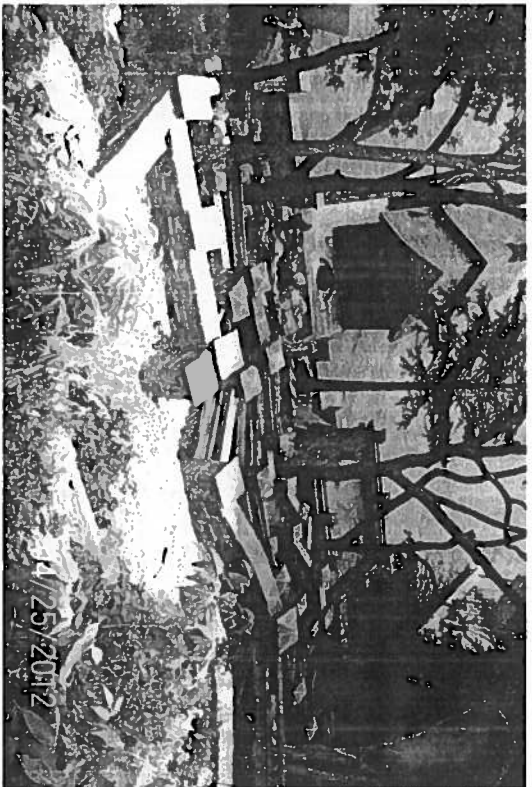
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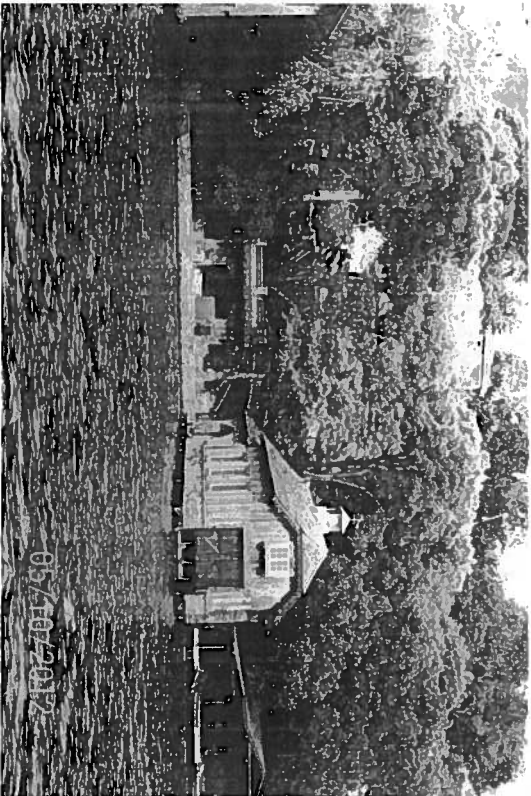
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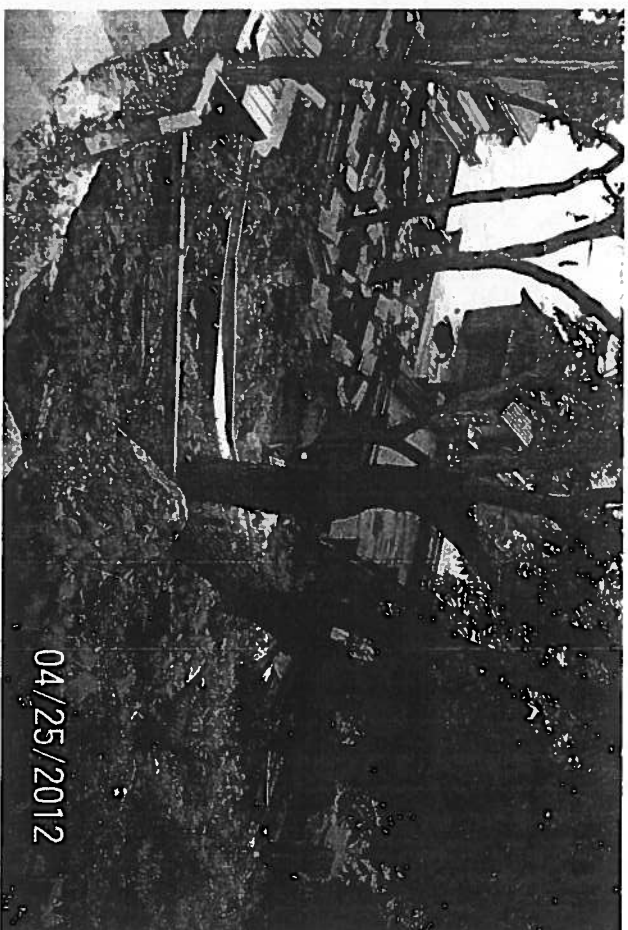
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Existing shoreline access



View from Lake Austin



Existing shoreline access

27/23



Rimrock upgradient of tram



Tram location from top



Rimrock right of tram

Photo credits: Andrew Clamann

LC

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

This subsection described allowable development within a Critical Water Quality Zone

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

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

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

This subsection prescribes the requirements for critical environmental feature buffer zones.

(1) A buffer zone is established around each critical environmental feature described in this subchapter.

(a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.

2/5

VARIANCE REQUEST

Variance Request

- To reduce the rimrock CEF buffer to zero feet to allow for the construction of a boat dock and associated secondary access.
- To allow a secondary shoreline access to be constructed in a CWQZ.

Similar Cases

- No similar cases found.

22

VARIANCE

RECOMMENDATION

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

INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:
http://www.arnlegal.com/austin_tx/.

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2013-0441D

Contact: Christine Barton-Holmes, 512-974-2788 or
Natalia Rodriguez, 512-974-3099

☒ I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Name (please print) Francine WEBS (512) 569-3757
Telephone number

Address(es) affected by this application (Street, City, ZIP Code)
4105 Lakeshore Lane Austin, TX 78746

Mailing address (Street, City, ZIP Code)
Francine@web.com

Signature [Signature] Date 07/07/2014

Comments:

would be interested & know about
the Board review's comments
please.
Thank you & best regards.
Francine WEBS

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Christine Barton-Holmes

P. O. Box 1088

Austin, TX 78767-1088

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2013-0441D

Contact: Christine Barton-Holmes, 512-974-2788

Natalia Rodriguez, 512-974-3099

Public Hearing: Planning Commission, Aug 26, 2014

FRANCINE WEBB
Your Name (please print)

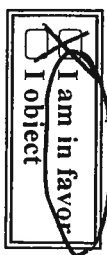
4105 LAKEPLACE LANE
Your address(es) affected by this application

AUSTIN, TX 78746
City and State

Daytime Telephone (512) 569-3757
Daytime Telephone

[Signature]
Signature

08/25/2014
Date



Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning and Development Review – 4th floor
Christine Barton-Holmes
P. O. Box 1088
Austin, TX 78767-8810