

To: Members of the Board of Adjustment:

11/24/2014

Fact Sheet and Cover Letter

RE: Variance Request -8616 Big View Drive

Seek variance to prevent destruction of Plant life along shoreline

My husband and I have a beautiful and thriving crop of Alocasia that has been growing in the water alongside our shoreline for over a decade. The hardship is that our "green" water feature exists right in the middle of the exact same location that our boat dock has been permitted to be built.

Reason to allow Boat Dock to be built on property line

We are requesting a variance to allow a zero set back to build a boat dock on our north property line to preserve this aquatic feature. If the location of the new boat dock adheres to a ten foot side set back, then the Alocasia crop is destroyed.

Neighbor's Positive Support and Consent Letters

Our adjacent neighbors strongly support an approval of this variance because the organic growth of these plants is rare to see in our area of the lake, and, the plants break up and beautify a long expanse of retaining walls with a natural element that blooms flowers and attracts butterflies that is unique. Consent letters are attached.

HOA Approval

Letter Provided

Arborist Letter of Recommendation

Letter Provided

No Harm, No Impairment, NO Change in Use or Character

Our neighbors dock already provides a ten foot space between us so widening the gap reaps no additional benefit especially if plants can be saved.

More open

By allowing our boat docks to be closer together, a longer and more unobstructed view is provided rather than the shoreline being chopped up with docks every twenty feet.

Minimal Size

We have voluntarily reduced the size of our boat dock by half of the size allowed with our permit. We are committed to as light a footprint as possible on the lake.

Plea

Please grant us this variance so that we can build our boat dock on the property line to save rather than to desecrate the natural plant life.

Appreciatively,



Ginger and John Mitchel

CASE# _____
ROW# _____
TAX# _____

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.**

STREET ADDRESS: 8616 Big View Drive
Austin TX 78730

LEGAL DESCRIPTION: Subdivision — River Place Subdivision Lot 25

Block M Section 17 Outlot Division

I/We John and Ginger Mitchell on behalf of myself/ourselves
as authorized agent for

John and Ginger Mitchell affirm that on October 30, 2014, we hereby apply for a
hearing before the Board of Adjustment for consideration to:

**(check appropriate items below and state what portion of the Land Development
Code you are seeking a variance from)**

☒ ERECT ATTACH COMPLETE REMODEL MAINTAIN

in a LA district. (zoning
district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence
supporting the findings described below. Therefore, you must complete each of the applicable
Findings Statements as part of your application. Failure to do so may result in your application
being rejected as incomplete. Please attach any additional support documents.**

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

If the reasonable use of the zoning regulation code is followed and a ten foot setback is required, then the existing natural plant feature will be destroyed.

HARDSHIP:

- 2.

The hardship occurring is that a beautiful crop of Alocasia plants are living and thriving right in the middle of the exact location that our boat dock has been permitted to be built.

If the boat dock is built in adherence to a ten foot side-setback, then the Alocasia crop is destroyed. But if a variance is granted to waive the 10' side-setback, then the boat dock can be moved over to the property line and our aquatic feature can be saved.

Therefore, we are requesting a variance to allow zero setback on the north property line of our lot for the benefit of preserving the existing ecological feature.

Our neighbors strongly support this variance request because these ecological plants are rare to see in our area of the lake and they breakup up the long expanse of concrete retaining walls with a natural element that blooms flowers and attract butterflies and wildlife.

- (b) The hardship is not general to the area in which the property is located because:

The hardship is not general because the plant crop does not exist in the general area the same as it does in front of our home.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will not alter the character, change or impair the use of the adjacent conforming area because there is already an existing ten foot space between our docks. Moreover, there is no plausible use for the space between our docks that would add benefit to the lake area whether it is ten or twenty feet. Whereas, a zero side set back on our side of the property line is of benefit to the lake because it allows the existing ecological plant life to remain and provide natural beauty, it provides relief from the stark retaining walls, and it allows more shoreline to be open and less chopped up.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because _____

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8616 Big View

City, State & Zip Austin TX 78730

Printed Ginger Mitchell Phone: 512-019-1992 Date 10-30-2014

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8616 Big View

City, State & Zip Austin, Texas 78730

Printed John Mitchell Phone 512-372-3824 Date 10-30-2014

Comparison with and without side-setback on shoreline

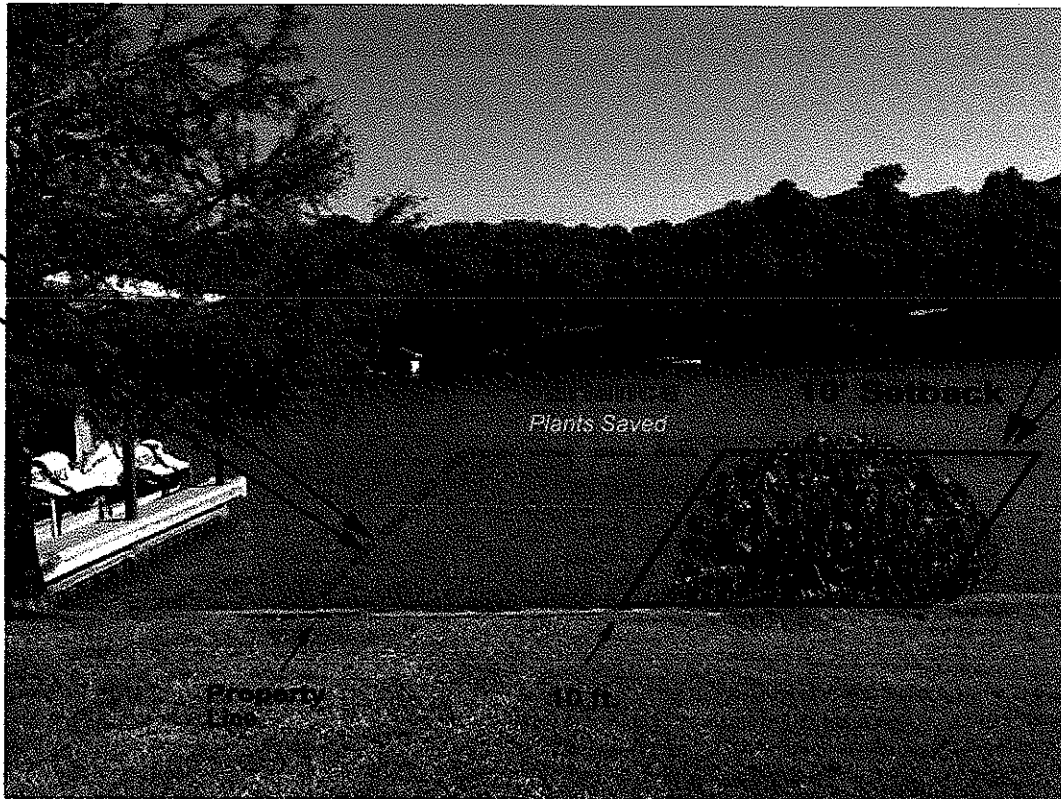
Mitchell: 8616 Big View Drive

RE: Request Variance to build Boat Dock on Property Line without a 10' side-setback

Proposed Variance
Boat Dock Location

Plants saved if we are
allowed to build boat
dock on our property line

NOTE: There will be 10'
separating our dock from
our neighbors dock

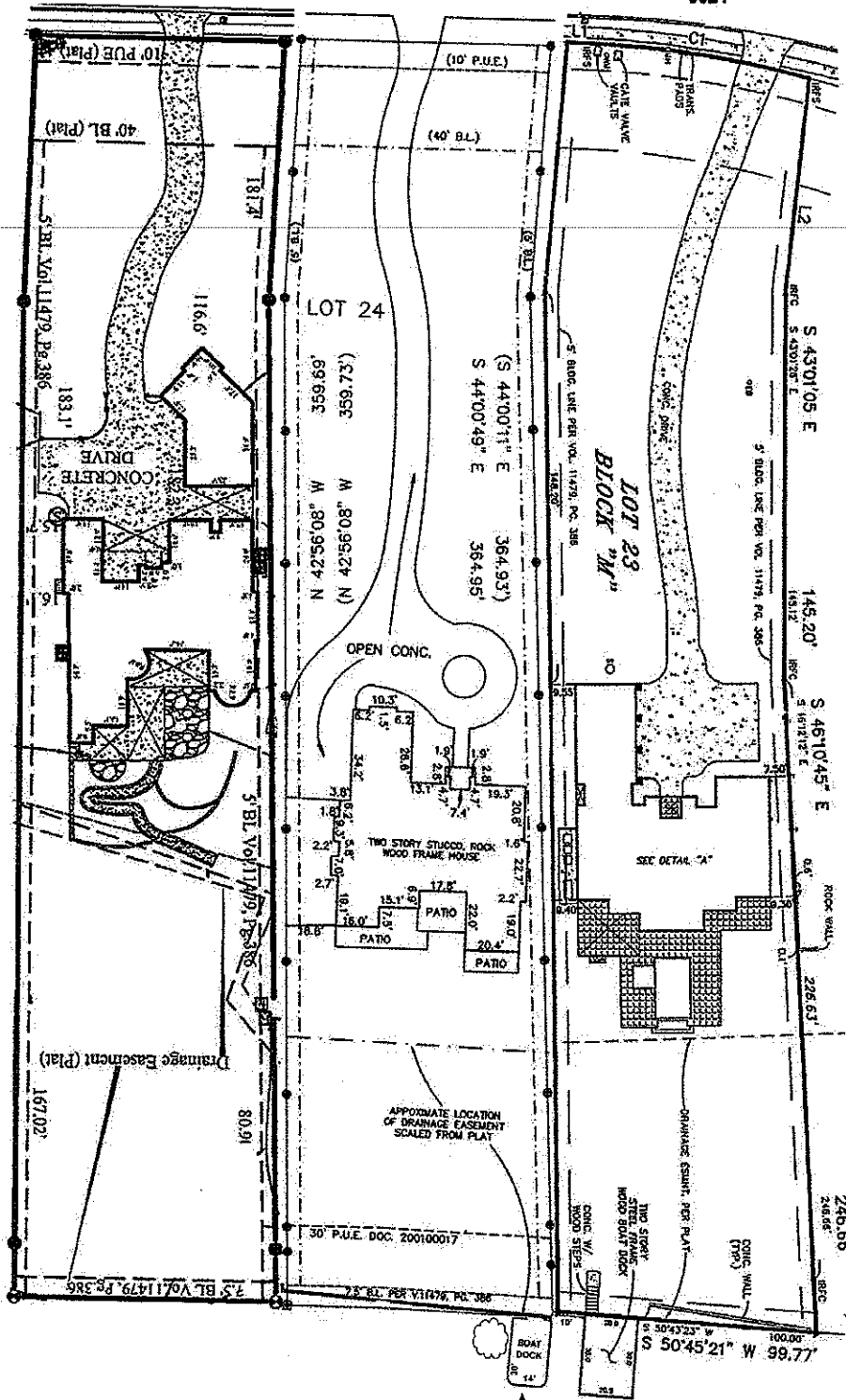


Boat Dock Location
(no Variance allowed)

Plants destroyed if
10' setback is required

BIG VIEW DRIVE

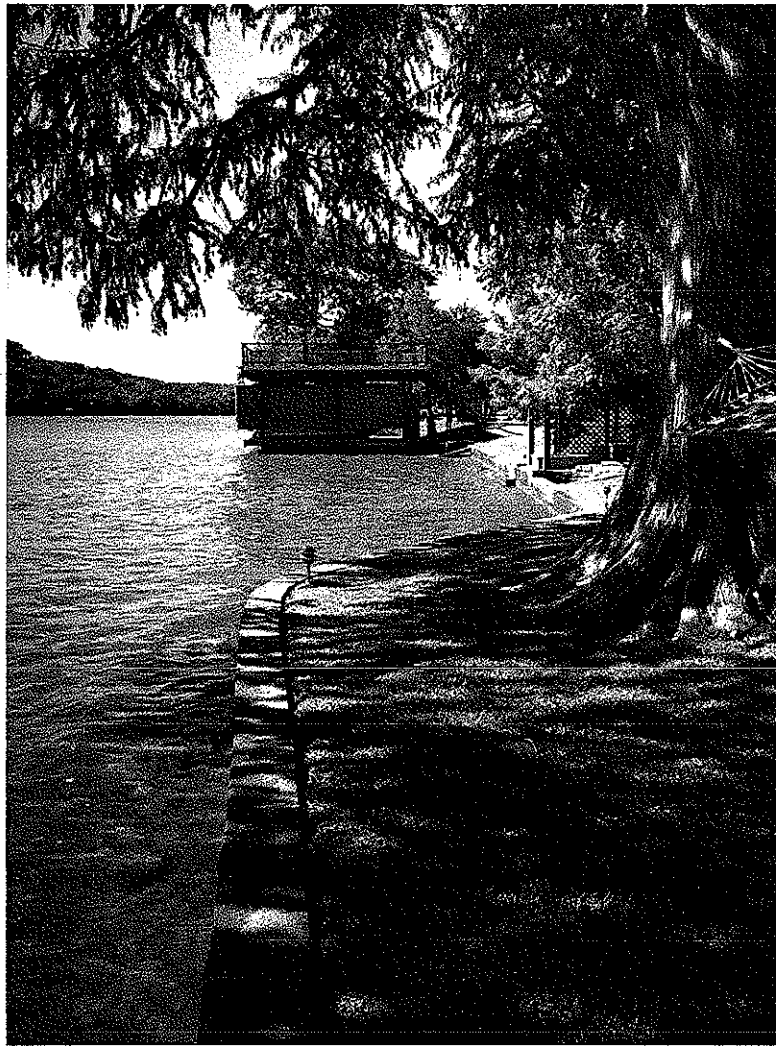
8624

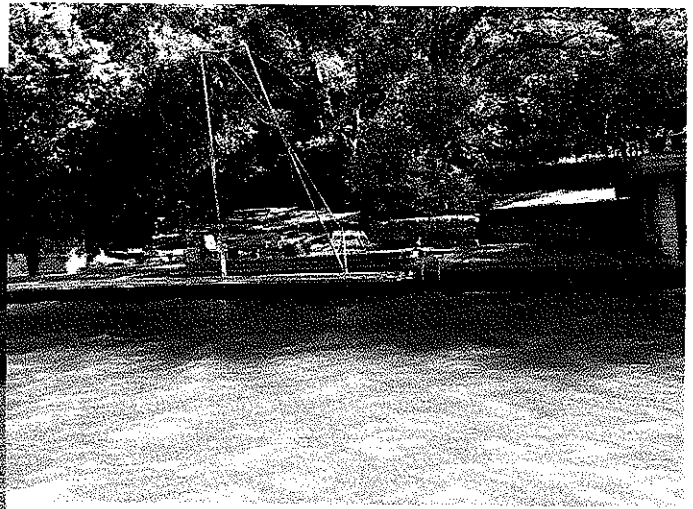
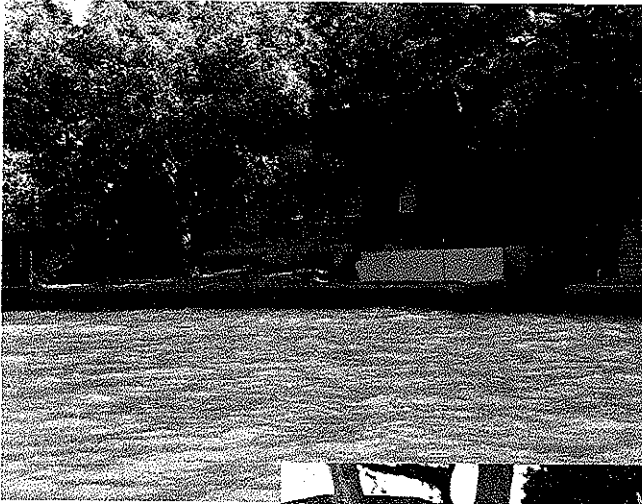


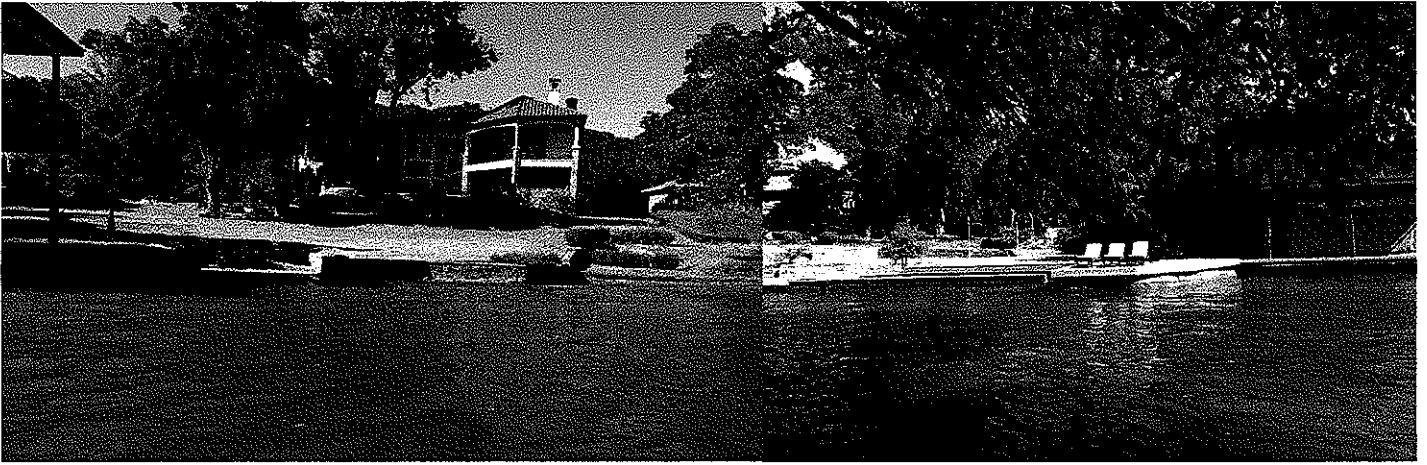
Boat Dock Location
No Setback

LAKE AUSTIN









Paschall and Paula Tosch
8624 Big View Drive
Austin, TX 78730

Board of Adjustment
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

November 1, 2014

Re: 8616 Big View Drive, Austin, Texas 78730 – Mitchell Property
Lot 24, River Place
(Permission for variance from side setback).

Dear Members of the Board of Adjustment,

My wife and I are the adjoining property owners and next door neighbors of John and Ginger Mitchell who own Lot 24 referenced above.

As their neighbors and adjacent property owners, we agree to allow and grant our permission for the side setback to be waived and that the Mitchells be allowed to build the dock on our joint property line. We support the variance to build the boat dock without the ten foot side setback because it will save a large pod of thriving plant life that beautifies our shore, and, that by locating our boat docks closer together it increases the amount of open shoreline and allows a greater portion of our view of the water to be unobstructed for us and our fellow boaters on the lake.

Sincerely,

Paschall Tosch 11/1/14
Paschall Tosch Date

Paula Tosch 11/1/14
Paula Tosch Date

From:

November 24, 2014

Terry and Vernetta Westbrook
8612 Big View Drive
Austin, Texas 78730

To:

City of Austin Board of Adjustment
P.O. Box 1088
Austin, Texas 78767-1088

Re: Neighbor's Letter of Support for Variance from Side-Setback
for the Mitchell Property - 8616 Big View Drive, Austin, Texas 78730

Dear Members of the Board of Adjustment,

Our names are Terry and Vernetta Westbrook and we are the adjoining property owners and next door neighbors of John and Ginger Mitchell, owners of Lot 24, referenced above.

As their neighbors and adjacent property owners, we support a variance to allow the Mitchell's to build a new dock on their North property line. It does not harm, impair the use, or change the character of the surrounding property, the land or the lake in any way. A variance to build the boat dock without the (10) ten foot side setback will keep the plant life in place that beautifies our shoreline and breaks up the rock wall in a unique way.

Sincerely,

Terry Westbrook

Terry Westbrook

Nov. 24, 2014

Date

Vernetta Westbrook

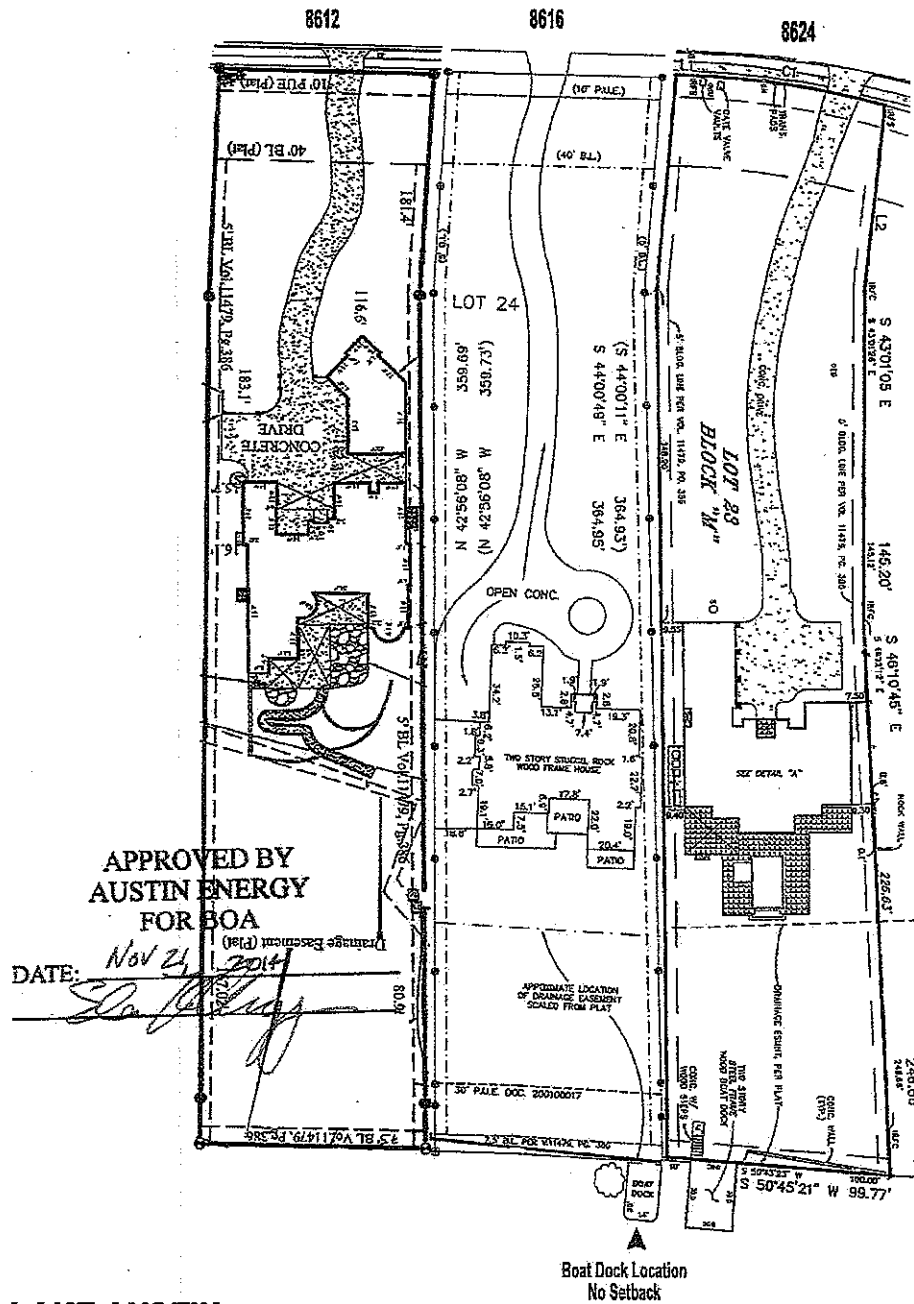
Vernetta Westbrook

Nov 24, 2014

Date

-Approval by Austin Energy-

BIG VIEW DRIVE



LAKE AUSTIN