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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: January 7, 2015

**NAME & NUMBER
OF PROJECT:** ILES BOAT DOCK
SP-2014-0212DS

**NAME OF APPLICANT
OR ORGANIZATION:** Advanced Consulting Engineers
Ash Tariq, (512) 444-1739

LOCATION: 2415 Big Horn Dr., Bldg BD

PROJECT FILING DATE: June 5, 2014

**WPD/ERM
STAFF:** Scott Hiers, 974-1916
scott.hiers@austintexas.gov

**PDRD/ENVIRONMENTAL
STAFF:** Liz Johnston, 974-1218
liz.johnston@austintexas.gov

**PDRD/
CASE MANAGER:** Rosemary Avila, 974-2784
rosemary.avila@austintexas.gov

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

ORDINANCE: Watershed Protection Ordinance (current Code)

REQUEST: 1) Variance request is as follows: To allow construction of a boat dock within a bluff Critical Environmental Feature buffer, 25-8-281(C)(2)(b).

STAFF RECOMMENDATION: Recommended.

REASONS FOR RECOMMENDATION: The findings of fact have been met.



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

Project: Iles Boat Dock- SP-2014-0212DS
Ordinance Standard: Land Development Code Section 25-8-281(C)(2)(b)
Variance Request: To allow construction of a boat dock within a canyon rimrock Critical Environmental Feature buffer.

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.

Yes. Properties with frontage along Lake Austin frequently contain boat docks and neighboring properties adjacent to the subject property have boat docks. The proposed boat dock width is 15-feet, which does not exceed the allowable 20% of the shoreline frontage.

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 construction of boat dock, which is a typical construction activity for shoreline properties along the lake, is occurring down gradient of the critical environmental feature at shoreline.

- 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 is not requesting to exceed the allowable 20% of the shoreline frontage. Boat docks are considered a reasonable use of properties abutting Lake Austin.

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

Yes. The construction of the boat dock does not create a significant probability of harmful environmental consequences, because the construction activities required to construct the boat dock down gradient of rimrock critical environmental feature and will not cause significant

discharge of sediment into lake and construction activities do not coincide with critical environmental feature.

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

Yes. The construction of the boat dock will result in at least equal or greater water quality, because the proposed construction activity is occurring down gradient of the rimrock critical environmental feature. As a result, there will be no increase sediment-laden runoff over the rimrock.

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:


Liz Johnson

Hydrogeologist Reviewer:


Scott Hiers

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: 12/30/14

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



MEMORANDUM

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

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

DATE: January 30, 2014

SUBJECT: 2415 Big Horn Drive, SP-2014-0212DS

On your January 7, 2015 agenda is a request for consideration and recommended approval of a variance request to allow the construction of a boat dock and the associated access stairs within a Critical Environmental Feature buffer.

Description of Property

The subject property is a platted lot located in the Lake Austin Watershed, which is classified as Water Supply Rural and located in the Drinking Water Protection Zone. The site is not located over the Edwards Aquifer Recharge Zone. The subdivision (Apache Shores Sec 2) was recorded on Nov 18, 1969. The majority of the tract is located within the City of Austin Limited Purpose Zoning jurisdiction and is zoned SF-2, though the dock itself will be located within the Full Purpose Zoning Jurisdiction. Currently there are no existing structures located on this tract, though there is an active building permit currently under review for a new single family residence.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the site elevation ranges from the 492.8 Lake Austin shoreline to approximately 590 feet above mean sea level (msl) along the Big Horn lot frontage. There is an existing private drive, which will provide access to both the residence and the boat dock without the need to cross the steep slopes, including the canyon rimrock CEF (bluff), with either a driveway off of Big Horn or shoreline access. According to the Environmental Assessment, the soils are predominantly Bracket soils and rock outcrop, steep (BoF), and Hardman fine sandy loam, 5 to 12% slopes (HaE). The site is underlain by the upper Glen Rose formation Kgr (u) and the lower Glen Rose formation Kgr(l). The vegetation is heavily wooded along the western portion of the site and is a mown lawn on the eastern portion of the site. Woodland species include live oak, cedar elm and Chinaberry. The mown portion of the site is primarily bermudagrass. Along the shoreline there is one heritage-size pecan tree and a protected-size sycamore. The proposed access is located so that it will cause minimal disturbance to both trees.

Critical Environmental Features/Endangered Species/CWQZ

There is a rimrock Critical Environmental Feature that is technically defined as a bluff Critical Environmental Feature located along the western portion of the lot, upstream from the proposed dock.

No other CEFs were found near or adjacent to the site. According to habitat maps published by the BCCP, the property appears to lie within Zone 3 for golden-cheek warblers (not known to be endangered species habitat) and does not lie within black-capped vireo habitat. The property does contain a Critical Water Quality Zone (75' offset from the shoreline).

Description of Project

The proposed project consists of a residential boat dock. The applicant proposed to construct a deck located at the shoreline. The bluff canyon rimrock is upstream of both the boat dock and the proposed location for the residence.

Environmental Code Exception Request

According to 25-8-281(c)(1)(b), a Critical Environmental Feature setback of 150' is required from the edge of the rimrock/bluff. The proposed request is to allow construction of the dock and associated access within the 150' buffer.

Environmental Conditions

- No staff conditions are proposed with this project.

Similar Cases

2009 Lakeshore Drive, SP-2013-0504DS, recommended for approval by EV Board and approved by Zoning and Platting Commission on 10/07/14.

Recommendation

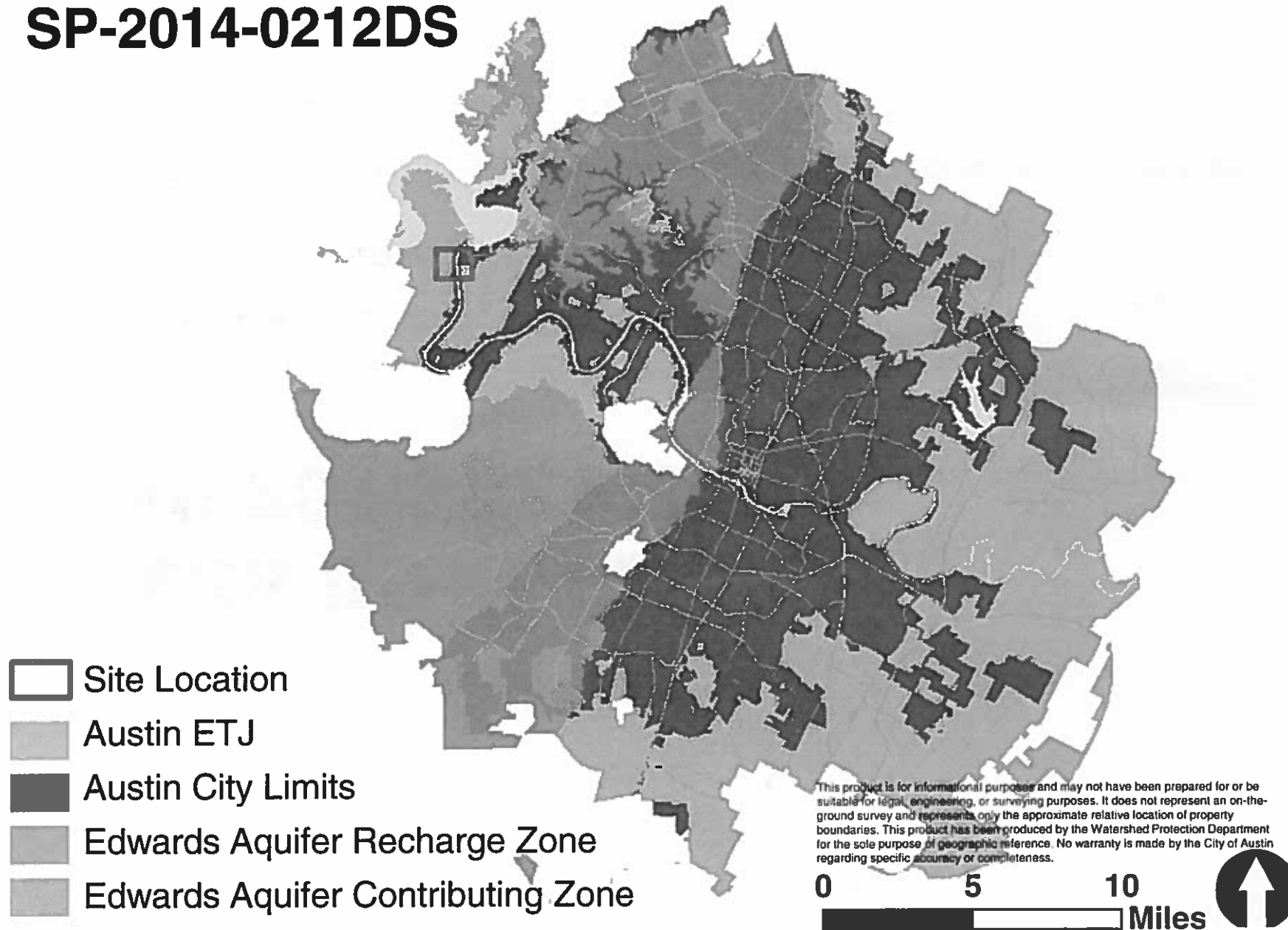
Staff recommends approval of this variance because the Findings of Fact (enclosed herein) have been met.

ILES BOAT DOCK SP-2014-0212DS

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

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

SP-2014-0212DS

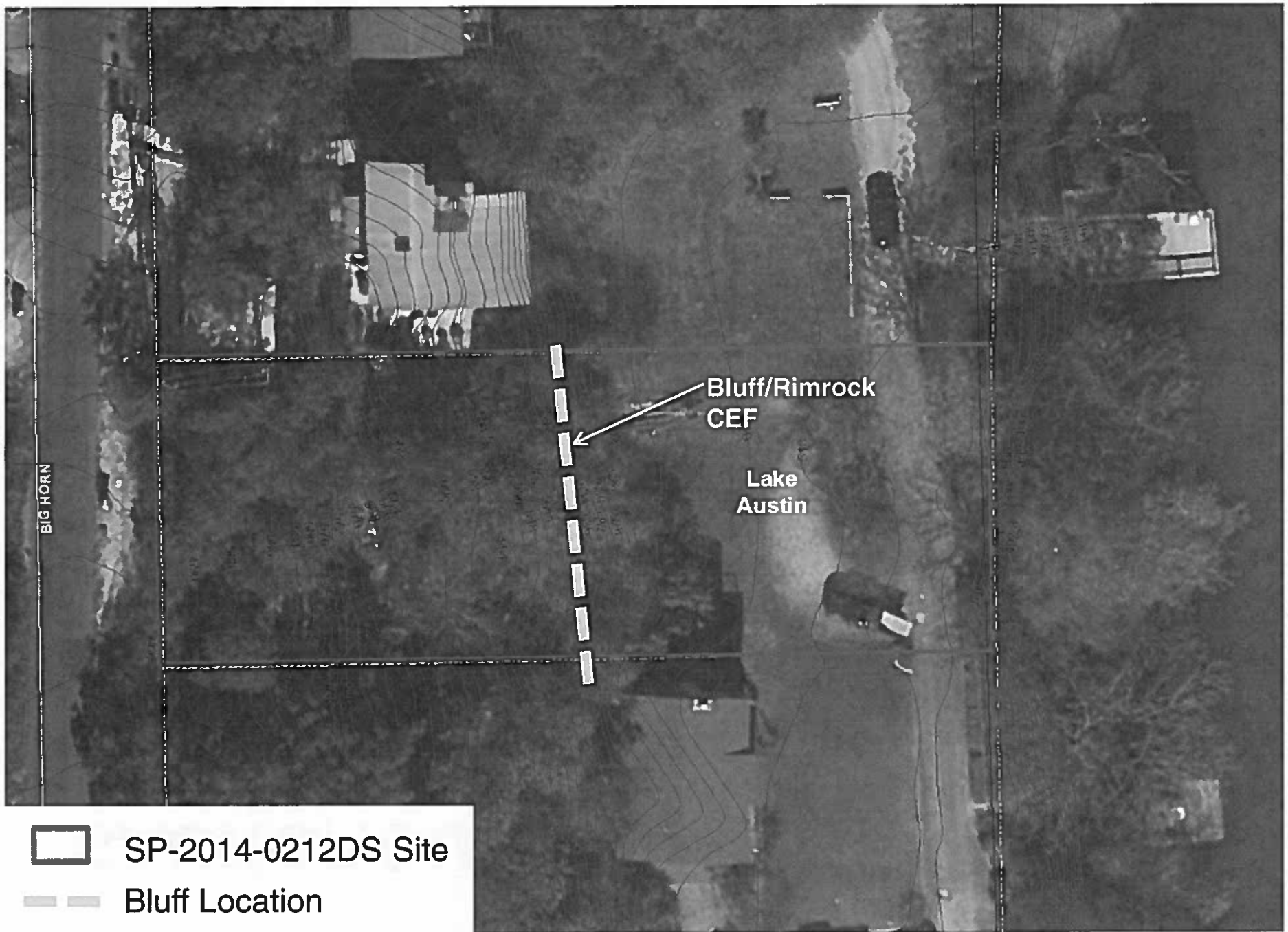


PROPERTY DATA

- **Lake Austin Watershed**
- **Water Supply Rural**
- **Drinking Water Protection Zone**
- **Full Purpose/Limited Purpose Jurisdiction**
- **Bluff/Rimrock Critical Environmental Feature**
- **Submitted prior to the adoption of most recent boat dock code.**

BACKGROUND

- **Undeveloped single family lot.**
- **Shoreline consists of natural rocky slope.**
- **Applicant proposes only to build a new 15' wide dock and associated stairs.**
- **Resulting development is entirely downstream of the Critical Environmental Feature.**



LDC 25-8-281(C)(2)(B)

This subsection prescribes what is allowed to occur within a Critical Environmental Feature Buffer.

2) Within a buffer zone described in this subsection:

(a) the natural vegetative cover must be retained to the maximum extent practicable;

(b) construction is prohibited; and

(c) wastewater disposal or irrigation is prohibited.

- Variance request is to allow construction of the new dock within the CEF buffer.**

VARIANCE RECOMMENDATION

Approval of variance:

- *Staff believes the Findings of Fact have been met.*
- *No conditions have been requested by staff.*

Similar case:

- *2009 Lakeshore Dr, recommended by EV Board and Approved by Zoning & Platting Commission 10/07/14*