

VARIANCE ONLY

C8

CASE NO.: C8-2013-0177.0A

ZAP DATE: February 17, 2015
December 2, 2014; October 21, 2014

SUBDIVISION NAME: Tabrizi Subdivision

AREA: 0.56

LOT(S): 2

OWNER/APPLICANT: Ali Tabrizi

AGENT: Bennett Consulting
(Jim Bennett)

ADDRESS OF SUBDIVISION: 4316 Far West Blvd.

GRIDS: MG30

COUNTY: Travis

WATERSHED: Bull Creek

JURISDICTION: Full-Purpose

EXISTING ZONING: SF-3

PROPOSED LAND USE: Single Family, Critical Environmental Feature

VARIANCES:

- (1) LDC 25-8-302(A)(1) – To allow the construction of a building on a slope greater than 25%.
- (2) LDC 25-8-301 – To allow the construction of a driveway on a slope greater than 15%.
- (3) LDC 25-8-281(C)(1)(a) – To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF(Seep) to 75 feet.
- (4) LDC 25-8-423(B)(1) – To allow impervious cover greater than 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres/3,058 square feet).

DEPARTMENT COMMENTS: The request is for approval of the variances for the Tabrizi Subdivision. These variances were presented to the Environmental Board (EVB) on October 15, 2014. The recommendations of the Environmental Board are attached along with the materials presented to the EVB by Jim Dymkowski.

The land included in this plat is currently unplatted. The land abutting this parcel is platted.

STAFF RECOMMENDATION: The staff does not recommend approval of the variances (see attached for further explanation).

ZONING AND PLATTING ACTION: 12/2/14: Postponed to 2/17/15 at applicant's request in order for Public Information Request materials to be reviewed. (6-0); 10/21/14: Postponed to 12/2/14 at applicant's request. (5-0)

CASE MANAGER: Sylvia Limon
Email Address: Sylvia.Limon@austintexas.gov



PHONE: 512-974-2767

Environmental Reviewer: Jim Dymkowski
Email Address: James.Dymkowski@austintexas.gov

PHONE: 512-974-2707

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-  Subject Tract
-  Base Map

CASE#: C8-2013-0177.DA
LOCATION: 4316 Far West Boulevard



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.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.

TABRIZI SUBDIVISION

A VARIANCE TO SECTION 25-4-281(C)(1)(a), OF THE LAND DEVELOPMENT CODE, WAS GRANTED BY THE ZONING AND PLATTING COMMISSION ON _____

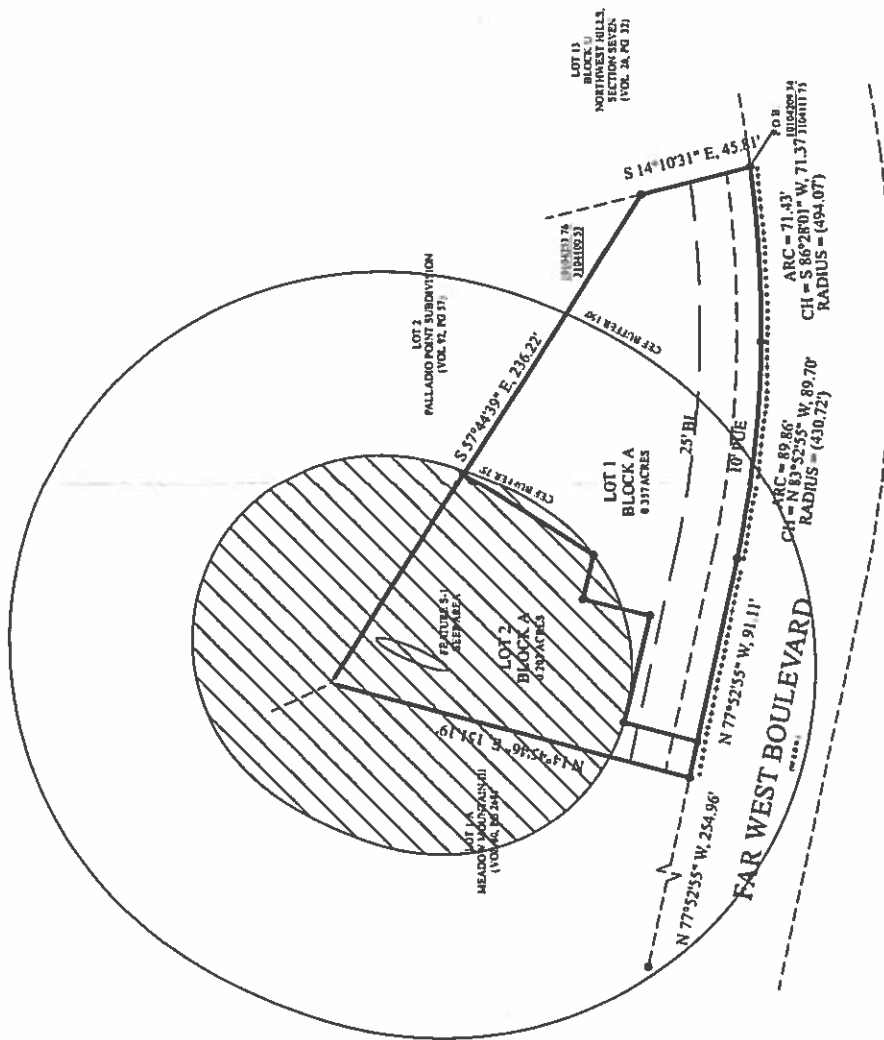
A VARIANCE TO SECTION 25-4-424(B)(1), OF THE LAND DEVELOPMENT CODE, WAS GRANTED BY THE ZONING AND PLATTING COMMISSION ON _____

A VARIANCE TO SECTION 25-4-301, OF THE LAND DEVELOPMENT CODE, WAS GRANTED BY THE ZONING AND PLATTING COMMISSION ON _____

A VARIANCE TO SECTION 25-4-302(A)(1), OF THE LAND DEVELOPMENT CODE, WAS GRANTED BY THE ZONING AND PLATTING COMMISSION ON _____

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" ROD FOUND
- 1/2" ROD SET
- () RECORD INFORMATION
- PUE PUBLIC UTILITY EASEMENT
- WATER METER
- SIDEWALK



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C8/4

ENVIRONMENTAL BOARD RECOMMENDATION 20141015 005

Date: October 15, 2014

Subject: Tabrizi Subdivision C8-2013-0177.0a

Motion By: Robert Deegan

Second By: Marisa Perales

Whereas, the Applicant has not met the findings of fact, and;

Whereas, the considerable variances required are likely to create substantial environmental impacts and would set a negative precedent for similarly situated parcels in the area.

Therefore, the Environmental Board recommends disapproval of the request for variances.

Vote 6-0-0-1

For: Deegan, Maxwell, Neely, Perales, Redmond, and Schissler

Against:

Abstain: None

Absent: Smith

Approved By:

Dr. Mary Gay Maxwell, Chair



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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: OCTOBER 15, 2014

**NAME & NUMBER
OF PROJECT:** TABRIZI SUBDIVISION
C8-2013-0177.0A

**NAME OF APPLICANT
OR ORGANIZATION:** Bennett Consulting
Jim Bennett - 512-784-4961

LOCATION: 4316 Far West Blvd.

PROJECT FILING DATE: October 10, 2013

WPDR/ENVIRONMENTAL STAFF: Jim Dymkowski, 974-2707
james.dymkowski@austintexas.gov

**WPDR/
CASE MANAGER:** Sylvia Limon, 974-1225
Sylvia.limon@austintexas.gov

WATERSHED: Bull Creek Watershed (Water Supply Suburban)
Drinking Water Protection Zone

ORDINANCE: Watershed Protection Ordinance - (Current Code)

REQUEST: Variance requests are as follows:

1. To allow the construction of a building on a slope greater than 25%. LDC Section 25-8-302 (A) (1).
2. To allow the construction of a driveway on a slope greater than 15%. LDC 25-8-301.
3. To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet. LDC 25-8-281 (C) (1) (a).

4. To allow impervious cover greater than the 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet). LDC 25-8-423(B) (1).

STAFF RECOMMENDATION:

Recommends denial of all variances.

REASONS FOR RECOMMENDATION:

Findings of fact have not been met.



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MEMORANDUM

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

FROM: Jim Dymkowski, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: October 15, 2014

SUBJECT: Tabrizi Subdivision – C8-2013-0177.0A

On the October 15, 2014 agenda is a request for the consideration of four variances; To allow the construction of a building on a slope greater than 25% LDC Section 25-8-302 (A) (1). To allow the construction of a driveway on a slope greater than 15% LDC 25-8-301. To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet LDC 25-8-281 (C) (1) (a). To allow impervious cover greater than 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet) LDC 25-8-423(B) (1), all for access to and the construction of one single family home.

Description of Property

The unplatted remnant parcel of land is located in the Bull Creek Watershed, which is classified as the Water Supply Suburban within the Drinking Water Protection Zone. It is within the City of Austin full purpose jurisdiction. It does lie within the City of Austin Edward's Aquifer Recharge Zone. There are no classified waterways on or adjacent to the site. The parcel is approximately 1,000 feet from and drains to a minor classified tributary of Bull Creek. It is bordered to the north by undeveloped open space area and all other sides by single family residential development.

Existing Topography/Soil Characteristics/Vegetation

The parcel is dominated by slopes greater than 35%. There are two small areas of slopes less than 35%; one along far west Blvd. and the other at the back of the lot along the northeast property line as shown on the applicant's slope exhibit. The site grades from Far West Blvd. straight down toward the back of the property. Vegetation generally consists of dense tree cover of Ashe juniper, Cedar elm, Live oak, Hackberry, and Chinaberry. Understory vegetation is sparse at best. According to the Environmental Resource Inventory, geology at this site is characterized by Bracket soils and Rock outcrop. Given the steep slopes on-site, the soils present exhibit moderate to high erosive potential accompanied by the presence of unconsolidated fill material with the potential for sloughing of the rock down the slopes.

Critical Environmental Features/Endangered Species

Watershed Protection Department Environmental Resource Management (ERM) staff confirmed one Critical Environmental Feature (Seep) onsite. The applicant was made aware that the parcel is within the

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BCCP permitting area and instructed to contact that representative for further instruction if any on possible permitting. Staff was made aware by the applicant that the BCCP permitting agency has been contacted.

Description of Project

The proposed development includes the subdivision of land to create Lot 1, a .357 acre single family lot and Lot 2, a .203 acre lot to contain a critical environmental feature. The project is within a water supply suburban watershed and is limited to a net site area allowable impervious cover of 30% or 313 square feet. The proposed impervious cover for the development is 3,058 square feet or 293% of the net site area.

Environmental Code Variance Request

The following variances to the land development code are being requested to allow for the future construction of a driveway access and single family home on Lot 1.

1. To allow the construction of a building on a slope greater than 25% LDC Section 25-8-302 (A) (1)
2. To allow the construction of a driveway on a slope greater than 15%. LDC 25-8-301
3. To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet LDC 25-8-281 (C) (1) (a)
4. To allow impervious cover greater than 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet). LDC 25-8-423(B) (1).

Recommendation

Staff does not recommend approval of any of the four variance requests as the Findings of Fact have not been met (see attached). Staff has serious concerns that this will exceed a minimum departure from the code for three of the four variances, and that the combination of four requests may negatively impact both the nearby critical environmental feature and the water quality of the watershed because of extreme slopes and unconsolidated fill material with sloughing potential. There are also similar unplatted parcels in the area whose owners could make similar variance requests.

Similar Cases

Staff was unable to find a similar case for comparison.



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

Project:	Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard:	Land Development Code Section 25-8-302 (A) (1)
Variance Request:	To allow the construction of a building on a slope greater than 25%.

Findings:

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 variance has not been granted for other similarly situated single family lots with existing homes in the surrounding adjacent subdivisions. See staff's impervious cover on slopes exhibit Pg. 17 that indicates homes on slopes less than 15%.

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 variance is not based on the method chosen by the applicant to develop the property. This property lacks enough slope area less than 15% to allow any building to be placed on it without the need to request a variance.

- 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. This is not the minimum change necessary as a smaller impervious cover footprint with overall disturbance could be proposed. This variance has not previously been granted for the surrounding subdivisions with existing homes so no privilege is being deprived.

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

No. The applicant has suggested in their backup that a pier and beam home could be constructed to go along with the elevated home above the slope with minimal site disturbance. With slopes greater than 35%, and the erosive potential of the site soils as documented in the applicant's environmental assessments, staff has serious concerns that any vegetation removed for future home construction or that which may later die

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due to the lack of sunlight beneath the suspended home could cause erosion or sloughing of the slope which could potentially harm the watershed or the nearby seep critical environmental feature. Staff also has concerns with the possible future location of any crane that would be needed for this type of construction as the slope of the adjacent roadway is steep and does not allow for a good field of vision for oncoming traffic. If a crane could not be placed in the street it could require additional site disturbance if construction needed to be accomplished from the site instead to the right of way.

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

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil and the possibility for impacts to the watershed and the adjacent seep critical environmental feature.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: September 29, 2014

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



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

Project:	Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard:	Land Development Code Section 25-8-301
Variance Request:	To allow the construction of a driveway on a slope greater than 15%.

Findings:

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 variance has not been granted for other similarly situated single family lots with existing homes in the surrounding adjacent subdivisions. See staff's impervious cover on slopes exhibit Pg. 17 that indicates homes on slopes less than 15%.

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 variance is not based on the method chosen by the applicant to develop the property. This property lacks enough slope area less than 15% to allow any building to be placed on it without the need to request a variance.

- 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 driveway span can be considered the minimum departure necessary to access the site. But, this variance has not previously been granted for the surrounding subdivisions with existing homes so no privilege is being deprived.

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

No. The applicant has suggested in their backup that a pier and beam driveway could be constructed to the elevated home above the slope with minimal site disturbance. With slopes greater than 35%, and the erosive potential of the site soils as documented in the applicant's environmental assessments, along with the sloughing potential of the unconsolidated fill material onsite staff has serious concerns that any vegetation

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removed for future driveway construction or that which may later die due to the lack of sunlight beneath the suspended driveway could cause erosion of the slope which could potentially harm the watershed or the nearby seep critical environmental feature. Staff also has concerns with the possible future location of any crane that would be needed for this type of construction as the slope of the adjacent roadway is steep and does not allow for a good field of vision for oncoming traffic. If a crane could not be placed in the street it could require additional site disturbance if construction needed to be accomplished from the site instead to the right of way.

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

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil along with the sloughing potential of the unconsolidated fill material onsite the possibility for impacts to the watershed and the adjacent seep critical environmental feature.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: September 29, 2014

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



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

Project:	Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard:	Land Development Code Section 25-8-281 (C) (1) (a)
Variance Request:	To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet.

Findings:

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. This type of CEF reduction variance has been granted previously to lot owners in this same type of situation.**

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. This reduction even with the proposed protection of placing the critical environmental feature in its own lot has not alleviated staffs concerns to allow staff to agree that this is a greater overall protection. Due to the erosive nature of the soils along with the sloughing potential of the unconsolidated fill material onsite staff and the possible site disturbance for the future construction of any home staff believes there is potential for impacts to the critical environmental feature.

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. This is the minimum change necessary to allow for reasonable use of property. This type of CEF reduction variance has been granted previously to lot owners in this same type of situation.

**c) Does not create a significant probability of harmful environmental consequences; and
Staff has serious concerns due to the erosive soils onsite along with the sloughing potential of the unconsolidated fill material the potential for disturbance with the future**

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construction of a home and driveway that there is a very high probability of encroachment on the 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.

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil along with the sloughing potential of the unconsolidated fill material onsite the possibility for impacts to the watershed and the adjacent seep critical environmental feature.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: September 29, 2014

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



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

Project:	Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard:	Land Development Code Section 25-8-423(B) (1),
Variance Request:	To allow impervious cover greater than the 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet).

Findings:

- 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. The surrounding properties with homes in the adjacent subdivisions are built and sized according to the space available on slopes less than 15%. This variance has not been granted for other similarly situated single family lots with existing homes in the surrounding adjacent subdivisions. See staff's impervious cover on slopes exhibit Pg. 17 that indicates homes on slopes less than 15%.
 - 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 variance is not based on the method chosen by the applicant to develop the property. This property lacks enough slope area less than 15% to allow any building to be placed on it without the need to request a variance.
 - 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. This is not the minimum change necessary as a smaller impervious cover footprint with overall disturbance could be proposed. This variance has not previously been granted for the surrounding subdivisions with existing homes so no privilege is being deprived.
 - c) Does not create a significant probability of harmful environmental consequences; and**

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No. The applicant has suggested in their backup that a pier and beam driveway could be constructed to the elevated home above the slope with minimal site disturbance. With slopes greater than 35%, and the erosive potential of the site soils as documented in the applicant's environmental assessments, along with the sloughing potential of the unconsolidated fill material onsite staff has serious concerns that any vegetation removed for future driveway construction or that which may later die due to the lack of sunlight beneath the suspended driveway could cause erosion of the slope which could potentially harm the watershed or the nearby seep critical environmental feature. Staff also has concerns with the possible future location of any crane that would be needed for this type of construction as the slope of the adjacent roadway is steep and does not allow for a good field of vision for oncoming traffic. If a crane could not be placed in the street it could require additional site disturbance if construction needed to be accomplished from the site instead to the right of way.

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

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil and the possibility for impacts to the watershed and the adjacent seep critical environmental feature.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: September 29, 2014

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

Tabrizi Subdivision – C8-2013-0177.0A
Driving Directions

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TX

Beginning at Austin City Hall 301 W 2nd Street:

Head west on W 2nd St toward Lavaca St 0.1 mi

Turn left onto San Antonio St 358 ft.

Turn right onto W Cesar Chavez St go 1.2 mi

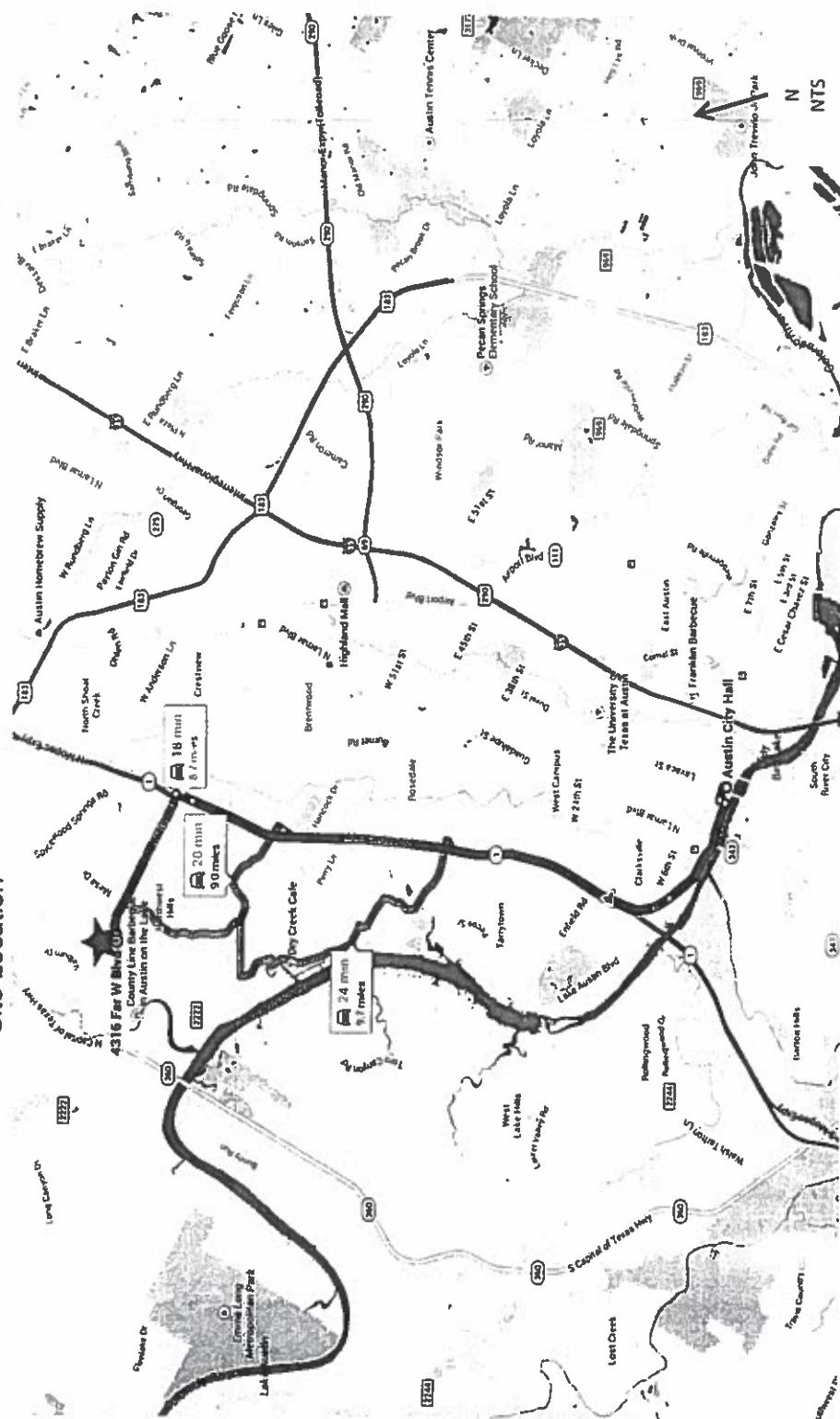
Keep right at the fork; follow signs for TX-1 Loop N and merge onto TX-1 Loop N go 5.4 mi

Take the Far West Blvd exit turn left 0.2 mi

Turn left onto Far West Blvd go for 1.7 mi

4316 Far W Blvd Austin, TX 78731 will be on your right

Tabrizi Subdivision
C8-2013-0177.0A
Site Location

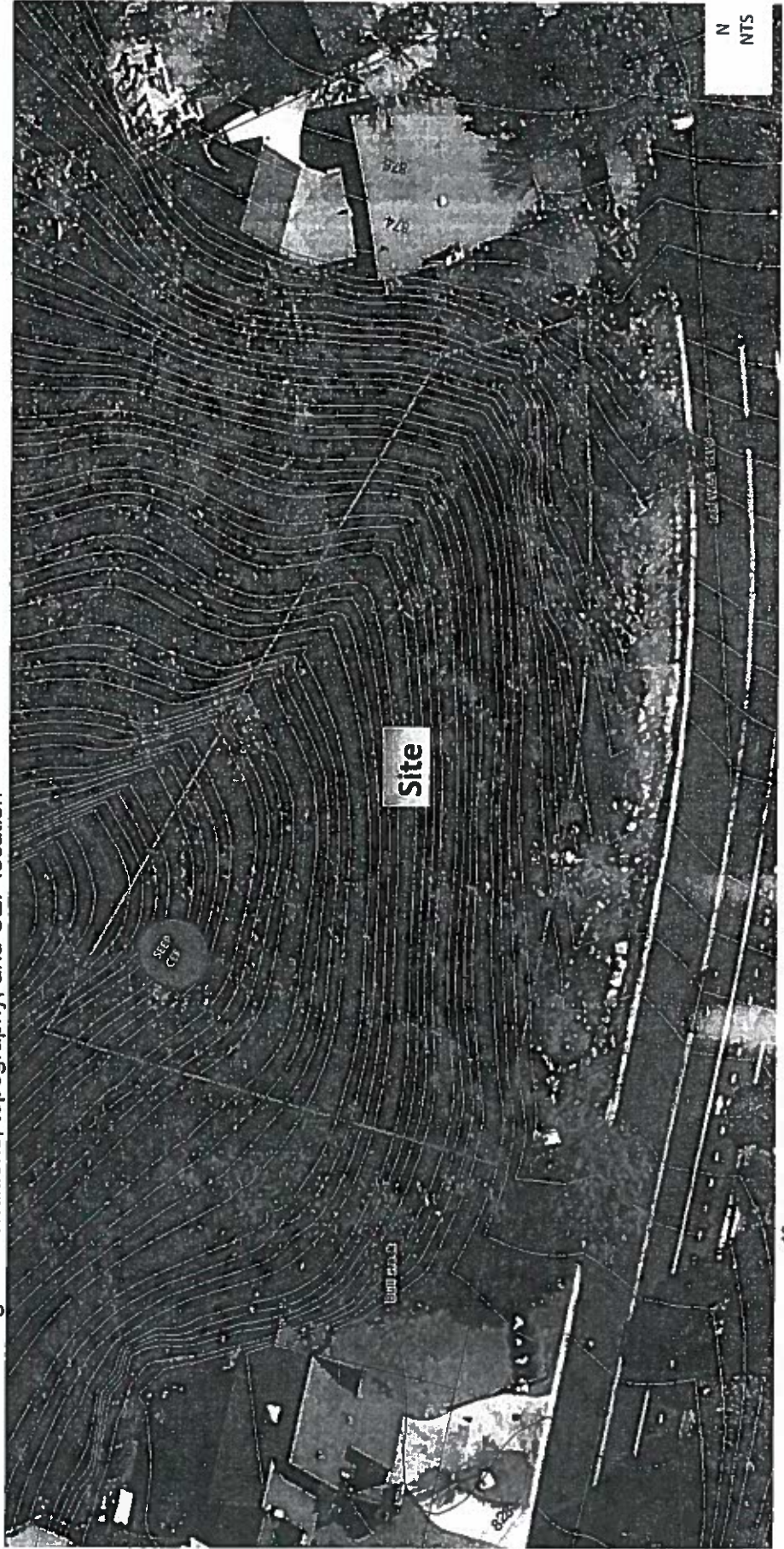


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Tabrizi Subdivision
C8-2013-0177.0A
Surrounding Development and Nearby Waterways



Tabrizi Subdivision
C8-2013-0177.0A
Existing site conditions, topography, and CEF location



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Tabrizi Subdivision
C8-2013-0177.0A

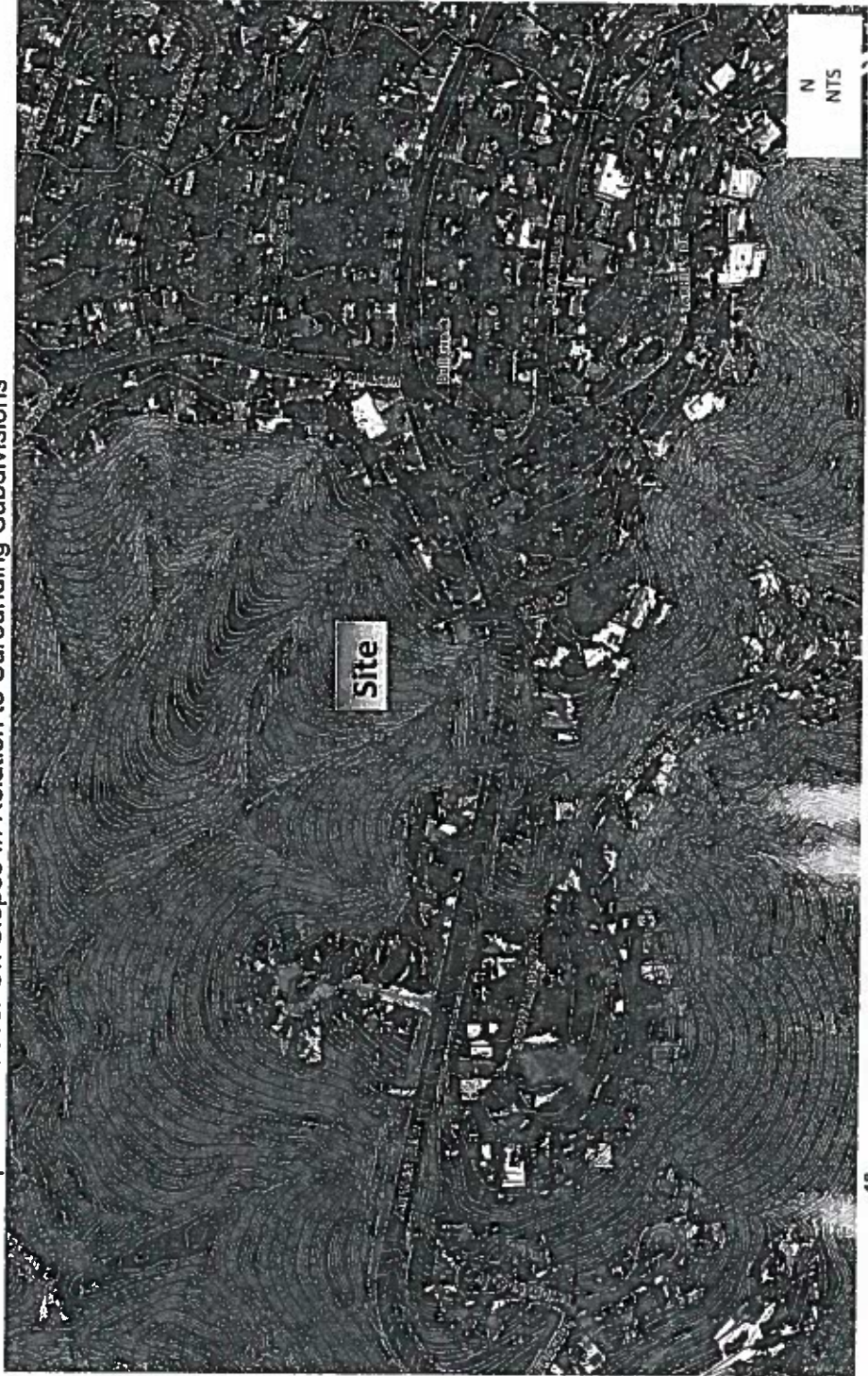
Existing Impevious Cover On Slopes In Relation to Surrounding Subdivisions



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Tabrizi Subdivision
C8-2013-0177.0A

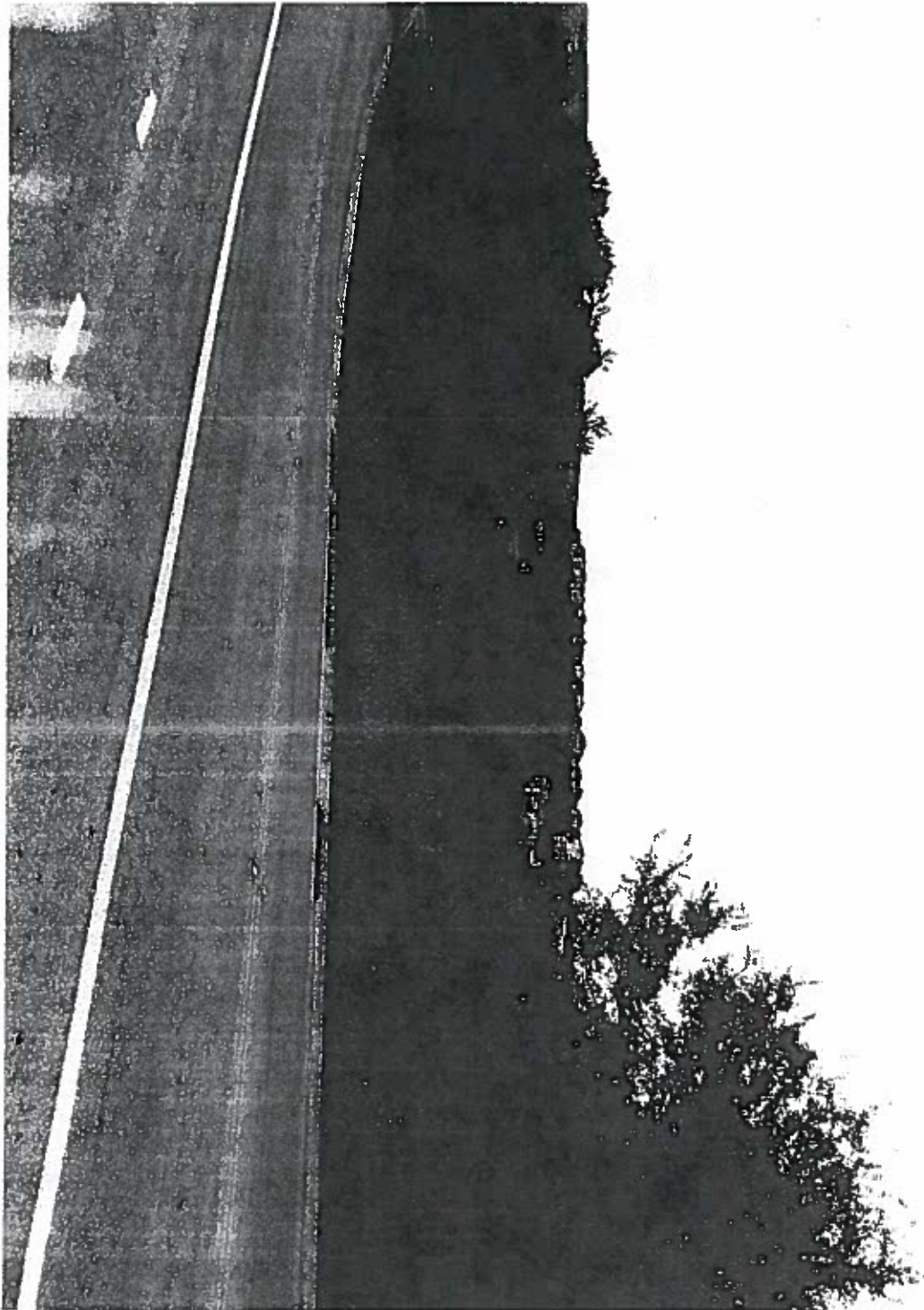
Aerial View Impevious Cover On Slopes In Relation to Surrounding Subdivisions



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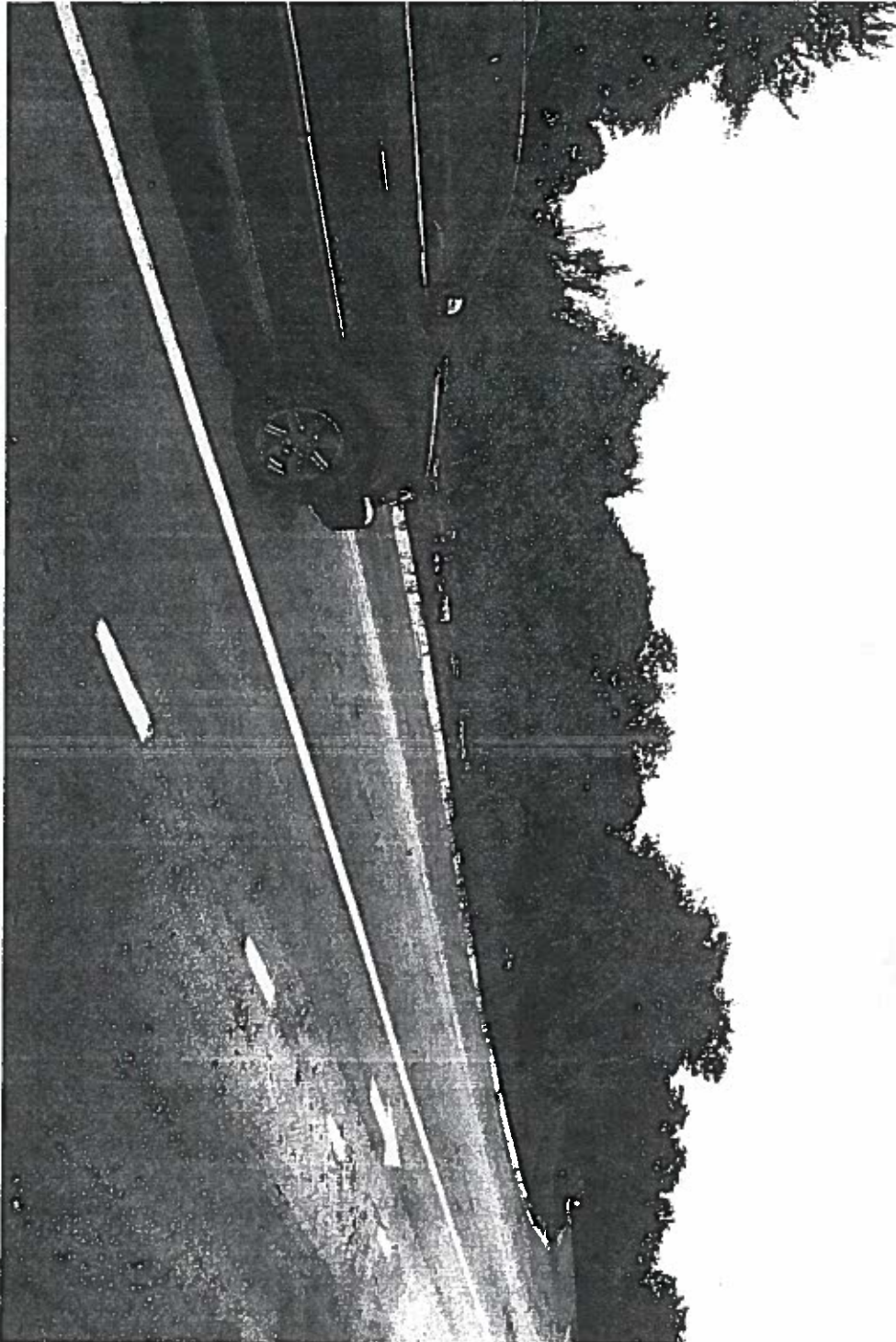
Tabrizi Subdivision
C8-2013-0177.0A
Site Photos

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View from Far West Blvd. looking northwest into property

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View from Far West Blvd. looking northeast into property

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Example of common lot slopes greater than 35%

Tabrizi Subdivision
C8-2013-0177.0A
Site Photos

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Example of adjacent subdivision existing home built on slope less than 15%

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Seep Critical Environmental Feature Northwest corner of proposed Lot 2

M. TROJAN & ASSOCIATES
Environmental Consultants

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May 2, 2014
Sent Via Email

Mirza Tahir Baig, PE
Professional StruCIVIL Engineers, Inc.
12710 Research Blvd., Suite 390
Austin, Texas 78759

Subject: Report Attachment to Variance Request No.: 1 – Formal Variance
from LDC 25-8-281(B)
Case Number: C8-2013-0177.0A
0.56-Acre Undeveloped Residential Lot (Tabrizi Subdivision)
4316 Far West Blvd.
Austin, Travis County, Texas 78731

Mirza:

Per your request, this report has been prepared as an attachment to Variance Request No.: 1 for the Tabrizi Subdivision property located at 4316 Far West Blvd. in Austin, Travis County, Texas.

BACKGROUND

During a site reconnaissance conducted on October 23, 2013, a series of seeps was identified on the north-northwestern part of the lot. The seep area [labelled as Critical Environmental Feature (CEF) S-1] was documented in the following report:

Report: Report of City of Austin Environmental Assessment
0.56-Acre Undeveloped Residential Lot (Tabrizi Subdivision)
4316 Far West Blvd.
Austin, Travis County, Texas 78731
Date: October 31, 2013
Prepared for: Professional StruCIVIL Engineers, Inc.
Prepared by: M. Trojan & Associates

CEF S-1 represents a series of seep conduits along a 20- to 30-foot segment of the onsite ephemeral drainage way (refer to attached Figure 1). The drainage way exhibits high and steep sidewalls and shows characteristics of rapid flow during rain events. The seep area appears to be active following periods of precipitation and inactive during droughts. The seeps were observed active at the time of the site reconnaissance (October, 2013), and the flow/discharge rate was estimated at or less than 0.1 gallons/minute.

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The seep area was further inspected on April 30, 2014, and was observed to be relatively dry (no discharge); however, associated soils and rock surfaces were observed to exhibit adequate moisture levels to support and maintain plant communities in and around the seeps.

PROPOSED DEVELOPMENT

The 0.56-acre lot is proposed for development as a single-family residence, including a house structure and driveway that accesses Far West Blvd. (refer to attached Figure 1). Given the extreme topographic slopes over the entire lot, the house structure is proposed to be built aboveground on steel piers, with the front of the structure base at street level and the back (north side) positioned up to approximately 30 feet above ground surface.

As is evident from the overall dimensions of the lot, construction of a single-family home on the lot is challenging. Moreover, a standard CEF setback of 150 feet would not allow any development on the lot. Hence, in order to enable construction of the house structure, Professional StruCIVIL Engineers, Inc. has proposed reduction of the standard 150-foot setback from CEF S-1 to 75 feet. Per the LDC 25-8-281(B), a formal variance is required to plat a single-family residential lot that contains a CEF.

PROPOSED SETBACK JUSTIFICATION

Per the City of Austin (COA), the variance request must demonstrate that the proposed development will preserve all characteristics of the seep area, including the quality and quantity of flow and the ecological habitat associated with the seep area. Based on review of environmental conditions on the lot, it is assessed that the proposed development on the lot will have no significant impact on the environmental setting of the lot and areas down-gradient of the property. Moreover, it is suggested that the proposed 75-foot protective setback that allows construction of a single-family home on the lot will preserve all characteristics of the seep area, including the quality and quantity of flow and the ecological habitat associated with the seep area. This assessment is based on the following:

- The proposed single-family residence represents a unique development case as the lot will not be significantly altered by this development. That is, lot preparation and construction of the aboveground structure will require very minimal grading and will not result in installation of traditional impervious cover. As such, the physical and ecological conditions on the lot will be preserved.
- Based on the COA GIS and field reconnaissance, the watershed that drains to the onsite ephemeral drainage way and CEF is estimated at approximately 12 acres (Note: This estimate is not based on accurate measurements of the drainage basin). This watershed is developed as single-family residences and roadways. Specifically, the watershed

CS/JP

generates stormwater runoff from up to 28 residential lots and approximately 2,750 feet of roadway. Although the water quality of this runoff was not researched, it is assumed that the runoff exhibits certain levels of fertilizer/pesticide and general roadway pollutants. As the development lot will not significantly alter environmental conditions on the lot, and the fact that the lot will not exhibit the standard lawn/landscaping for maintaining, current and future runoff from the lot represents discharge of higher quality runoff when compared to the watershed.

- The wastewater service line proposed for the house structure is designed to be installed aboveground beneath the structure. As such, installation (via trenching) of the line will not disturb the ground and the line will always be visible for potential leak detection.
- Given the aboveground nature of the proposed development, flow to the CEF will not be altered. In turn, downstream discharge from the CEF will not be affected.

The exception to the above is the potential for runoff of sediment and/or pollutants during the construction phase. However, proper stormwater runoff controls that are described in the Site Plan will both decrease the runoff velocity and minimize, or altogether eliminate runoff of sediments/pollutants to the onsite drainage way and seep area. In addition to conventional silt fencing, hay bales and composite socks may likely be required to fill spaces between large rock boulders up-gradient from the CEF. Of course, all temporary runoff controls will be frequently inspected and repairs and/or replacements of inadequate controls will be made immediately upon detection.

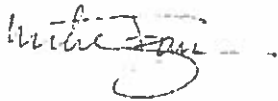
Report Attachment to Formal Variance from LDC 25-8-281(B)
0.56-Acre Undeveloped Residential Lot
4316 Far West Blvd., Austin, Texas 78731

May 2, 2014

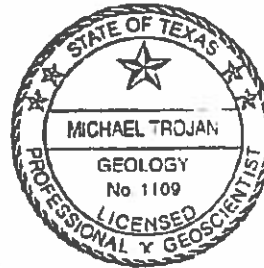
08/31

Thank you for your time in receiving and reviewing this correspondence. Should you have any questions or require additional information, please feel free to contact me at 258-6606 or 917-3695 (mobile), or forward an email to mtrojan@austin.rr.com.

Respectfully,



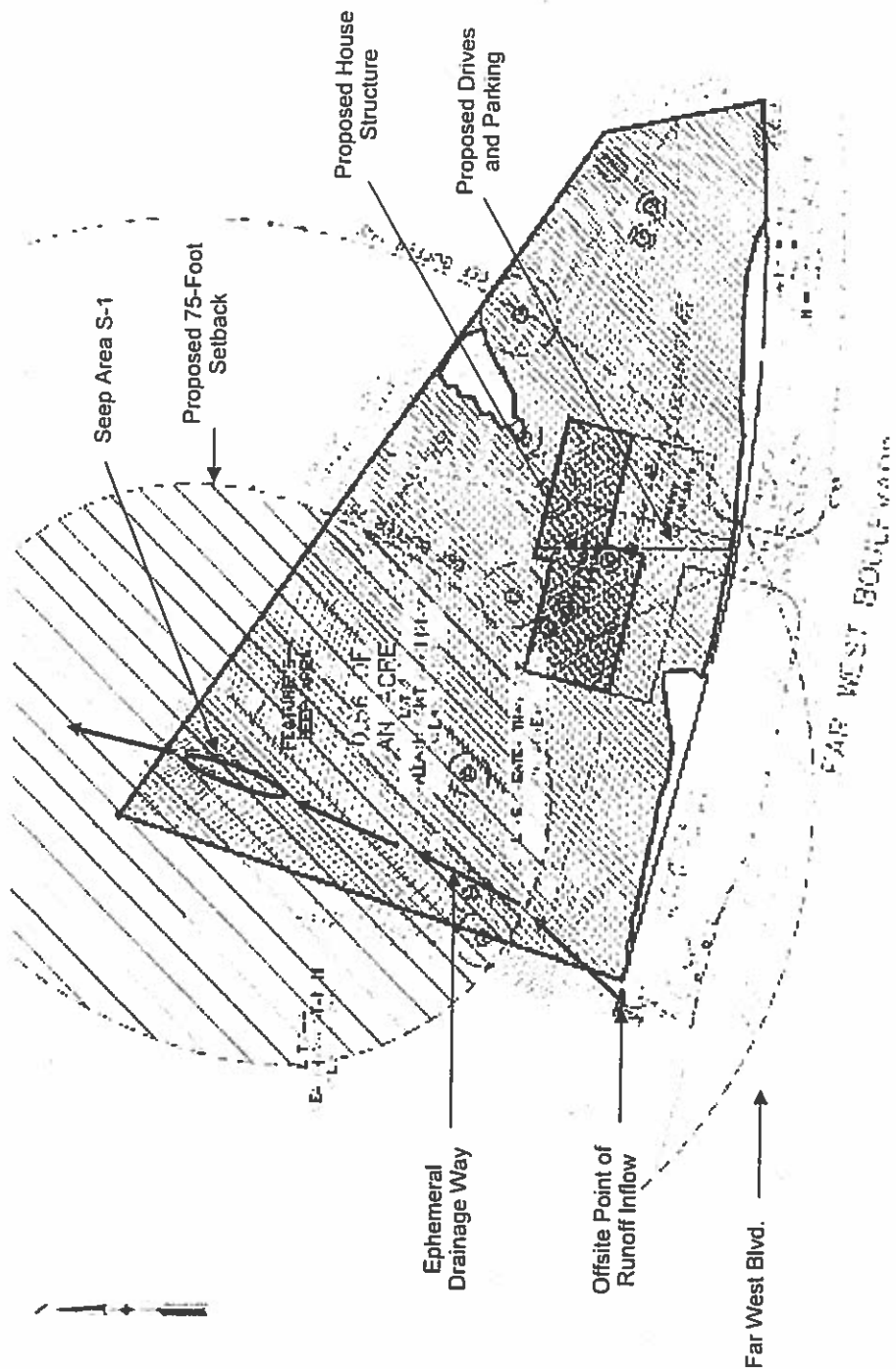
Michael Trojan, PG
M. TROJAN & ASSOCIATES



Licensed Professional Geoscientist #1109

Attachments: Figure 1 – Site Development Plan
Figure 2 – Seep Area Watershed

Copy Via Email: MTA Project SE-13-015 File

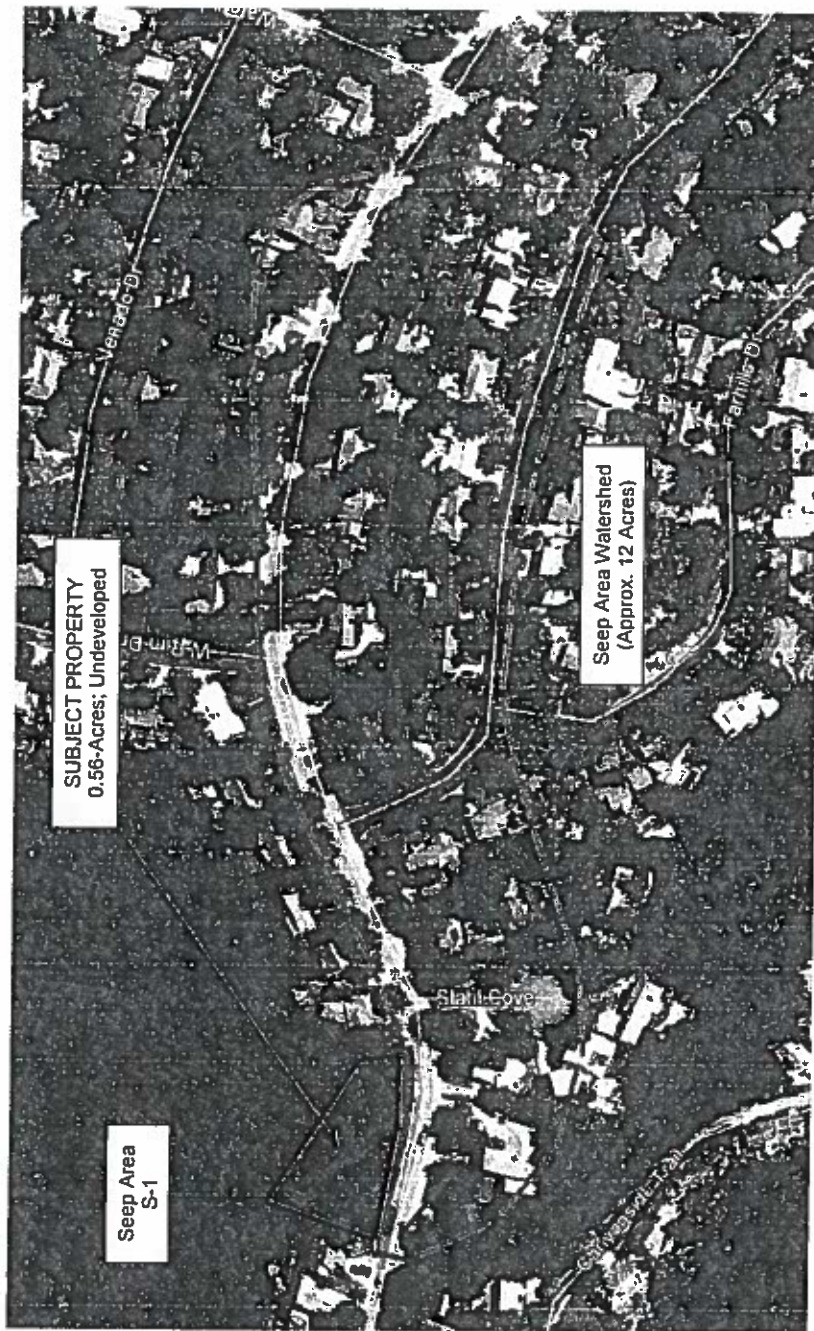


M. TROJAN & ASSOCIATES
 Environmental Consultants
 8244 Lime Creek Road
 Leander, Texas 78641
 (512) 258-6606

Scale: No Scale
 Date: May 2, 2014
 Project: City of Austin EA
 MTA Project: SE-13-015

FIGURE 1
SITE DEVELOPMENT PLAN
 0.56-ACRE UNDEVELOPED RESIDENTIAL LOT
 4316 FAR WEST BLVD.
 AUSTIN, TRAVIS COUNTY, TEXAS 78731

CR
 32



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 (512) 258-6606

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FIGURE 2
SEEP AREA WATERSHED
 0.56-ACRE UNDEVELOPED RESIDENTIAL LOT
 4316 FAR WEST BLVD.
 AUSTIN, TRAVIS COUNTY, TEXAS 78731

CS
 33

Limon, Sylvia

From: Wade Shaw <~~wade@carlin.com~~> on behalf of ~~wade@carlin.com~~
Sent: Monday, October 20, 2014 12:14 PM
To: Limon, Sylvia; Dymkowski, James
Subject: 4310 Far West Opposed to 4316 Far West Tabriz Subdivision

CR
34

We at 4310 Far West are opposed to granting variances for the subdivision at 4316 Far West. Our main issues are:

Environmental Impact on Bull Creek Watershed of lost vegetation under the structure and need for reduction of CEF ordinance by a factor of 2 in diameter, a factor of 12 in square footage area. The house at 4312 has suffered major erosion on the cliff abutting this subdivision, and had to have the foundation leveled extensively 5 years ago. Of course this leads into a freshwater seep on the NW corner, another negative factor.

Fire Safety -- we have no code in Northwest Hills that provides for fire buffer zones, and this house sits over a "chimney" from the North. We sometimes have 50 mph winds that hit the back of our house. A fire in the two draws under the house or behind it would be uncontrollable.

Far West is a major local artery, with over 12, 500 cars per day. That location is a blind spot for 5pm traffic, which while heavy, is unpredictable in arrival time and invisible from under 100 feet away.

This is not a good spot to build a tree house! Maybe something else should be considered.

Thank you,

Wade Shaw

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- appearing and speaking for the record at the public hearing;

- and:
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Case Number: C8-2013-0177.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437
Public Hearing: Oct 21, 2014, Zoning and Platting Commission

Bob & Leslie Gompf

Your Name (please print)

☐ I am in favor
☒ I object

6905 Stahl Cove, Austin, 78731

Your address(es) affected by this application

[Signature]

Signature

10/18/14

Date

Daytime Telephone: 512-418-8857

Comments:

major traffic safety concerns

See attached for details.

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

City of Austin – Planning & Development Review Dept./4th Floor
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

C8/36

Re: Notice of Public Hearing for Subdivision Variance Only

Case Number C8-2013-0177,0A

Against

We have one large concern about this proposed development and one comparatively minor one.

Traffic safety hazard.

We live on the SE corner of Stahl Cove and Far West Blvd. We have lived here for 15 years. The entrance to Stahl Cove is slightly east of the property in question and, more significantly, at the top of the hill.



As we approach the left-hand turn off of Far West to get into Stahl Cove, we cannot see oncoming traffic (traffic coming up the hill) until we are right at the intersection. (This is true whether we are driving a minivan or a standard-sized car.)

We are greatly concerned that a vehicle emerging from the property in question's proposed steeply slanted driveway onto Far West would not be visible to traffic cresting the hill until it would be too late to avoid a collision. Because the driveway will be slanted such that the car must go uphill to get onto Far West, the ability of that car to strongly accelerate to get out of the way is diminished.

The cars on that part of Far West go faster than they probably should. Cars coming up the hill use additional power and sometimes overcompensate. Cars going down the hill are not slow, either. I suspect some get joy from cresting the hill at a higher speed. I am certain that some teenagers go fast there on purpose, especially at night.

Far West Blvd, facing west, at the intersection with Stahl Cove.



Picture taken 6:30 pm on Oct. 16th.
Purple hue added courtesy of my phone ☺



Google Maps "street view" image, taken before the street was re-stripped to include a bike lane on the south (left) .

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Case Number: C8-2013-0177.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437
Public Hearing: Oct 21, 2014, Zoning and Platting Commission

Northwest Austin Civic Association (NWCA)

Your Name (please print)

Far West Blvd neighborhood of NWCA

Your address(es) affected by this application

Dave Stacy

Signature

10/20/2014

Date

Daytime Telephone: 512 346 5228

Comments: NWCA supports the concerns of nearby neighbors, but the developer addresses these concerns, we cannot support the subdivision

• ensure environmental concerns on the CEF are adequately addressed by the City of Austin

• the site is checked for evidence of soil with evidence there is found to be present. Date with its development

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

City of Austin - Planning & Development Review Dept./4th Floor
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C8-2013-0177.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437
Public Hearing: Oct 21, 2014, Zoning and Planning Commission

Robert & Deborah Ben-Lum

Your Name (please print)

4317 Palladio Dr

Your address(es) affected by this application

[Signature]

Signature

10/16/14

Date

Daytime Telephone: 512-699-8877

Comments: *There are many reasons why this subdivision should not be granted the requested variances. It will be detrimental to the whole neighborhood to allow the impervious cover, off driveway and reduction in the buffer zone around a vertical environmental feature. See attached letter concerning matters. There are many other*

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Austin, TX 78767-8810

Living in the canyon that will be negatively impacted by this construction.

☐ I am in favor
☒ I object

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Case Number: C8-2013-0177.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Platting Commission

James F. Jones

Your Name (please print)

4309 Palladio Dr.

Your address(es) affected by this application

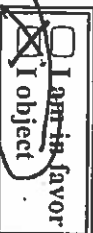
Signature

Daytime Telephone:

512-789-3434

Date

10/20/14



Comments: Please respect the City

codes (50' required set back
from the Critical Environment
feature (CE, Seep). Please
DO NOT grant a variance
on LDC 25-8-281(c)(1)(a)
on 4316 Far West Blvd.
Case # C8-2013-0177.0A

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

City of Austin - Planning & Development Review Dept./4th Floor

Sylvia Limon

P.O. Box 1088

Austin, TX 78767-8810

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437
Public Hearing: Oct 21, 2014, Zoning and Platting Commission

Charles + Jennifer Kautz

☐ I am in favor
☒ I object

4320 PACADIO DRIVE

Your address(es) affected by this application

Rebecca Lougher

Signature

10/16/14
Date

Daytime Telephone: 512-708-1999

Comments:

Glue buffers zone needs no further development that could erode disrupt habitats for reptiles and other wildlife who rely on this canopy. Glue envelope will choke off and DEPRIVE wildlife of the space they need to thrive. The budget to them is greater

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

City of Austin - Planning & Development Review Dept. 4th Floor
Sylvia Limon
P. O. Box 1088
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For additional residents in the area, they must go ELSEWHERE.

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437
Public Hearing: Oct 21, 2014, Zoning and Platting Commission

ROBERT D. FETTER

Your Name (please print)

☒ I am in favor of object

4326 PHILADELPHIA

Your address(es) affected by this application

Signature

10-20-14

Signature

Date

Daytime Telephone: 512 577 4584

Comments: DAMAGES TO NEIGHBOR'S COVER, REDUCED IN BUFFER ZONE AROUND A

CAPITAL ENVIRONMENTAL FEATURE. AND

ADJACENT PLOTS OF LAND FOR A 2 HOME

"(SUBDIVISION)"

ALSO, BLUE HAZARD IN NEARBY TO

TACTIC BOAT DANCE AND AFTER

ANY CONSTRUCTION.

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

City of Austin - Planning & Development Review Dept./4th Floor

Sylvia Limon

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Platting Commission

Cyris & Chaele Schuur

Your Name (please print)

4301 Paccard Dr

Your address(es) affected by this application

[Signature] *10/21/2014*

Signature

Date

Daytime Telephone: *512-565-7138*

Comments: *ACCOUNTS VARIANCE TO*

TRUCKS IN PERVIOUS COVER

AND REDUCE BUFFER ZONE

AROUND METRIC CIRCUMFERENCE

PERMITS WOULD HAVE ADVERSE

EFFECT ON WILDLIFE. SHOULD NOT

BE APPROVED.

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City of Austin - Planning & Development Review Dept, 4th Floor
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

☐ I am in favor
☒ I am object

PUBLIC HEARING INFORMATION

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Case Number: C8-2013-0177.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Platting Commission

PAULA 6240

Your Name (please print)

☐ I am in favor
☒ I object

4322 PA11A010 DL Austin 78731

Your address(es) affected by this application

Paula Signature

10/20/14 Date

Daytime Telephone: 512 788 1839

Comments:

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

City of Austin - Planning & Development Review Dept./4th Floor

Sylvia Limon

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Platting Commission

MLLXEL GRAD

Your Name (please print)

4322 P McCauley Drive

Your address(es) affected by this application

☐ I am in favor
☒ I object

Signature  Date 10/19/14

Daytime Telephone: 512 940 3104

Comments:

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Sylvia Limon

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Planning Commission

MARIETTA KENNEDY
Your Name (please print)

☐ I am in favor
☒ I object

6004 STAHL CIRCLE 78781
Your address(es) affected by this application

M Kennedy
Signature

Date

Daytime Telephone: 512-845-0166

Comments:

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

City of Austin – Planning & Development Review Dept./4th Floor
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

C8/4X

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Public Hearing: Oct 21, 2014, Zoning and Platting Commission

Lawrence Turner

Your Name (please print)

☐ I am in favor
☒ I object

4332 Palladio

Your address(es) affected by this application

John Turner

Signature

10/18/14
Date

Daytime Telephone: 512-794-8929

Comments: Object to variance regarding buffer
zone around critical environmental feature.
Believe it will adversely affect wildlife which
need water from the seep.

If you use this form to comment, it may be returned to:
City of Austin – Planning & Development Review Dept./4th Floor
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

C8/48

We are homeowners who live in adjacent neighborhoods to the property at 4316 Far West which is the subject of this hearing.

Our neighborhood is blessed with a healthy collections of raptors including hawks and several families of owls. These raptors frequent ground seeps for water particularly during our many months with low rainfall.

We object to waiving the current building restriction of a 150 ft. buffer. Our fear is the potential damage to the seep located on this property as well as the closer proximity invading the space of our raptors. We are fortunate to have a greenbelt to offer wildlife within the city limits and need to preserve what we can. We don't need to be supporting actions which endanger them.

Please support our wildlife by not granting the variance requested to waive the buffer around the seep.

Juanita E. Alan Tranter
4332 Palisado Dr
78731

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Platting Commission

ACAW Bergstrom

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

4309 Canyonview Trail Apt 42 78737
Signature Date 10/16/12

Daytime Telephone: 512-472-6060

Comments:

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

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Planning Commission

Leland & Pamela Snell
Your Name (please print)

☐ I am in favor
☒ I object

4302 Far West Blvd
Your address (as affected by this application)

[Signature]
Signature

10/9/14
Date

Daytime Telephone: 512-632-7133 512-568-1717

Comments: Build to existing Single

Resident Code.

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

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Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437

Public Hearing: Oct 21, 2014, Zoning and Platting Commission

Susan Moore
Your Name (please print)

10821 Wardens Ridge Ct
Your address(es) affected by this application

Austin, TX 78793
Signature

10/22/2014
Date

Daytime Telephone: *512 633-4927*

Comments:

I object to all variances listed and am concerned about how adding a driveway into this property would pose risk to pedestrians, bikes and motor vehicle traffic. I know this spot to be a dangerous location - even undeveloped

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☐ I am in favor
☒ I object

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Public Hearing: Oct 21, 2014, Zoning and Planning Commission

William Brandon Canaday

Your Name (please print)

6805 Marbrys Ridge Cove

Your address(es) affected by this application

[Signature]

Signature

11/14/14

Date

Daytime Telephone: 512-656-8823

Comments: I support the majority opinion

represented by the HOA of Palladio Drive,
based on their assessment of the negative
impact of the proposed variance to the
affected greenbelt.

☐ I am in favor
☒ I object

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