

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, February 9, 2015

**CASE NUMBER:** C15-2015-0014

\_\_\_\_ Jeff Jack - Chair  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Melissa Whaley Hawthorne - Vice Chair  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Ricardo De Camps  
\_\_\_\_ Brian King  
\_\_\_\_ Vincent Harding  
\_\_\_\_ Will Schnier - Alternate  
\_\_\_\_ Stuart Hampton - Alternate

**APPLICANT:** DAVID CANCIOLOSI

**OWNER:** Greg Crouch

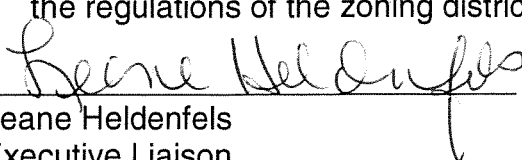
**ADDRESS:** 3206 RIVERCREST DR

**VARIANCE REQUESTED:** The applicant has requested variance(s) from Section 25-2-1176 (A) (3) (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) to decrease the minimum distance a dock may be constructed from not closer than 10 feet from the side property line (required) to 8 feet from the side property line (requested, existing) in order to reconstruct a dock at the same location, size as existing dock in an (LA) Lake Austin zoning district.

**BOARD'S DECISION:** POSTPONED TO March 9, 2015 AT THE STAFF'S REQUEST

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
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:

  
\_\_\_\_\_  
Leane Heldenfels  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

## Heldenfels, Leane

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**From:** david cancialosi <david@permit-partners.com>  
**Sent:** Friday, February 06, 2015 11:39 AM  
**To:** Heldenfels, Leane; Ramirez, Diana  
**Cc:** Lloyd, Brent  
**Subject:** C15-2015-0014 for dock at 3206 Rivercrest

**Importance:** High

Leane, Diana: On my 3206 Rivercrest posting it states a variance from 25-2-1176(a)(3) is being requested, which is correct. However, the replacement of the 30x35' dock requires variance from 1176(a)(4)(a) which is not noticed BUT the notice and application does say to reconstruct the dock in the same location and size as the existing dock.

Can we get an opinion from legal whether this is sufficient for the posting requirements and that the case can be heard on Feb BOA since it's clearly evident the application is requesting replacement of an exiting non-complying dock footprint?

Kind Regards,  
David C. Cancialosi  
Permit Partners LLC  
105 W. Riverside Dr. #225  
Austin, Texas 78704  
512.593.5361 O  
512.593.5368 D  
512.494.4561 F

This email is intended for the recipient only. If this message is not received by the intended recipient please destroy and immediately notify sender. Thank you.

## 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 will be sent.

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.

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 person 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 10 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.austintexas.gov/development](http://www.austintexas.gov/development).

Written comments must be submitted to 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. Any comments received will become part of the public record of this case.

Case Number: C15-2015-0014, 3206 Rivercrest Dr.

Contact: Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

Public Hearing: Board of Adjustment, February 9th, 2015

MARVIN GRAY

Your Name (please print)

☐ I am in favor  
☒ I object

3300 Rivercrest Drive

Your address(es) affected by this application

Marvin Gray

Signature

2-8-15

Date

Daytime Telephone: 512-327-8401

Comments: The Quoting City Council established new restrictions to preserve the lake and shoreline. We urge you to enforce them. By granting building variances you are continuing to create inconsistencies among neighbors and their environmental compliance on Lake Quoting.

Note: any comments received will become part of the public record of this case

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

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

Or fax to Leane Heldenfels at (512) 974-6305

CASE# C15-2015-0014  
ROW# 11274703  
TAX# 013121011  
(TCADV)

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: 3206 Rivercrest Dr

LEGAL DESCRIPTION: Subdivision – Rivercrest Addn Sec

1 Lot(s) 1 Block A Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Greg Crouch affirm that on Dec 2, 2014, 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)

X ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL X MAINTAIN

Replace existing non-complying 35' X 30' dock with new dock in same location with  
same sized footprint.

Maintain side yard setback of 8' in LA zoning district.

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:

The current owner requests this variance in order to rebuild a replacement dock of the same size. The current 1 story dock + uncovered sundeck was built in 1965 and has reached the end of it's physical life. It is not structurally sound and needs to be 100% replaced. The dock was built in accordance with the rules in place at the time of construction, "A" residential zoning. "A" residential zoning was in place via Chapter 44 zoning code which allowed accessory uses such as docks. The city of Austin cannot produce a permit for the dock; however, a 1970 City of Austin aerial map delineates the dock in its current location. Further, Travis County has recognized the structure and taxed it accordingly since 1965.

Neither LA zoning nor LA Watershed Regulations were in place at the time of 1965 construction. Because the City does not have building permits on file for the dock, city staff is requiring a small project site plan that complies with LA Overlay regulations that amended dock regulations and processing requirements as of June 2014. However, the owner has a reasonable expectation to rebuild, but not exceed, the current dock footprint of 35' wide X 30' deep because the county and city have independently recognized the dock. The owner should not be penalized due to lack of an original site or building permit that may or may not have been issued in 1965 and the city of Austin's inability to provide provisions for such instances.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The dock was originally constructed in 1965 under the "A" residential zoning prescribed in Chapter 44 zoning code. The dock was unknowingly built within the 10' side setback and has an ~8' side yard setback. The overall dimensions are 35' x 30'. The property owner proposes to remove the dock from the side setback, but requests to replace the non-complying dock with a new structure of the same size in order to accommodate contemporary sized lake equipment such as a boat, personal water craft, kayak, etc.

The Travis County appraisal district has recognized this dock and assessed taxes on it since the date of 1965 construction. The City refuses to recognize the dock despite it's construction date predating applicable code requirements found within the current Land Development Code. Per city staff, if the dock had a permit on file the owner would be able to perform substantive repairs to the existing dock that may allow it to remain as-is; however, since no permit is on file city staff's current position is that only deck boards can be replaced. Any further scope of repair would trigger full compliance with current regulations that were not in place at time of original construction. Thus the owner requests the Board approve this request to replace the existing dock with a new dock that is the same width and depth. The owner also requests the variance to maintain the existing 2' encroachment into the 10' side yard.

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

There are no known docks in the area that share the same structural, permitting, and non-compliance issues.

**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 owner proposes to replace the exiting dock with a standard dock with a single slip large enough to accommodate typical lake vehicles. It will and have a 2<sup>nd</sup> story sundeck and sitting area. This is a very common design found on adjacent properties along Rivercrest Dr. as well as throughout the lake. Allowing the owner to replace the current dock with same-sized footprint will not alter the area of character, impair the use of adjacent property, nor the purposes of the zoning district.

**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:

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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:

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

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

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**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 David Cancialosi Mail

Address 105 w riverside dr #225

City, State & Zip Austin TX 78704

Printed David Cancialsoi Phone 593-5368 Date Dec 2, 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 Greg Crouch 3206 Rivercrest Dr

City, State & Zip Austin Texas 78746

Printed Greg Crouch Date Dec 2 2014



SUBJECT TRACT

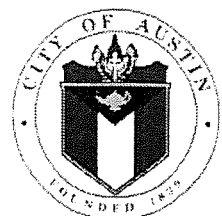


PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0014  
Address: 3206 RIVERCREST DR



1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made



www.WaterlooSurveyors.com - Austin, Texas - (512)481-9602

## Travis CAD

## Property Search Results &gt; 126887 CROUCH GREGORY K for Year 2014

## Property

## Account

Property ID: 126887 Legal Description: LOT 1 BLK A RIVERCREST ADDN SEC 1  
 Geographic ID: 0131210111 Agent Code: ID:2553  
 Type: Real  
 Property Use Code:  
 Property Use Description:

## Location

Address: 3206 RIVERCREST DR Mapsco: 523X  
 TX 78746  
 Neighborhood: N9700 Map ID: 012627  
 Neighborhood CD: N9700

## Owner

Name: CROUCH GREGORY K Owner ID: 123644  
 Mailing Address: 3206 RIVERCREST DR  
 AUSTIN , TX 78746-1734  
 Exemptions: HS

## Values

(+) Improvement Homesite Value:	+	\$444,855	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$1,500,000	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$1,944,855	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$1,944,855	
(-) HS Cap:	-	\$157,105	
<hr/>			
(=) Assessed Value:	=	\$1,787,750	

## Taxing Jurisdiction

Owner: CROUCH GREGORY K  
 % Ownership: 100.000000000000%  
 Total Value: \$1,944,855

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
03	TRAVIS COUNTY	0.456300	\$1,944,855	\$1,430,200	\$6,526.00
08	EANES ISD	1.212500	\$1,944,855	\$1,772,750	\$21,494.59
0A	TRAVIS CENTRAL APP DIST	0.000000	\$1,944,855	\$1,787,750	\$0.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.126400	\$1,944,855	\$1,430,200	\$1,807.77
Total Tax Rate:		1.795200			

Taxes w/Current Exemptions: \$29,828.36  
 Taxes w/o Exemptions: \$32,093.69

## Improvement / Building

**Improvement #1:** 1 FAM DWELLING **State Code:** A1 **Living Area:** 4271.6 sqft **Value:** \$444,855

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
1ST	1st Floor	WV - 5+		1965	3196.6
2ND	2nd Floor	WW - 5+		1965	1075.0
011	PORCH OPEN 1ST F	* - 5+		1965	562.3
095	HVAC RESIDENTIAL	* - *		1965	4271.6
251	BATHROOM	* - *		1965	3.0
474	BOAT DK STA UNCV	SF2 - *		1965	1.0
522	FIREPLACE	* - 5+		1965	1.0
522	FIREPLACE	* - 5+		1965	1.0
612	TERRACE UNCOVERD	* - 5+		1965	260.0
522	FIREPLACE	* - 5+		1965	1.0
011	PORCH OPEN 1ST F	* - 5+		1965	259.0
041	GARAGE ATT 1ST F	WV - 5+		1965	506.0
SO	Sketch Only	SO - *			128.0
011	PORCH OPEN 1ST F	* - 5+		1965	98.0
011	PORCH OPEN 1ST F	* - 5+		1965	144.0

### Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.4297	18719.00	100.00	187.19	\$1,500,000	\$0

### Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	N/A	N/A	N/A	N/A	N/A	N/A
2014	\$444,855	\$1,500,000	0	1,944,855	\$157,105	\$1,787,750
2013	\$310,910	\$1,500,000	0	1,810,910	\$185,683	\$1,625,227
2012	\$277,479	\$1,200,000	0	1,477,479	\$0	\$1,477,479
2011	\$334,312	\$1,500,000	0	1,834,312	\$360,312	\$1,474,000
2010	\$152,500	\$1,187,500	0	1,340,000	\$0	\$1,340,000

### Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/7/2001	WD	WARRANTY DEED	TRAMMELL LINDA A	CROUCH GREGORY K	00000	00000	2001133423TR
2	6/30/1995	WD	WARRANTY DEED	WEBBER DIANNE CHASE	TRAMMELL LINDA A	12475	02000	
3	5/19/1993	WD	WARRANTY DEED	HOLDEN JAMES E & MEREDITH	WEBBER DIANNE CHASE	11939	01526	

**Questions Please Call (512) 834-9317**

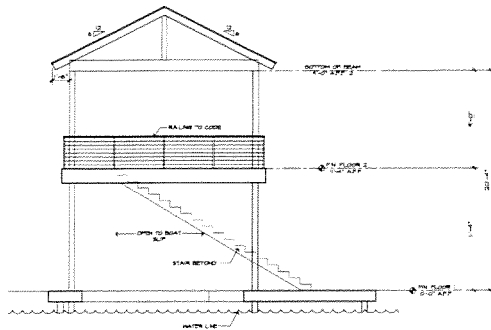
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Website version: 1.2.2.3

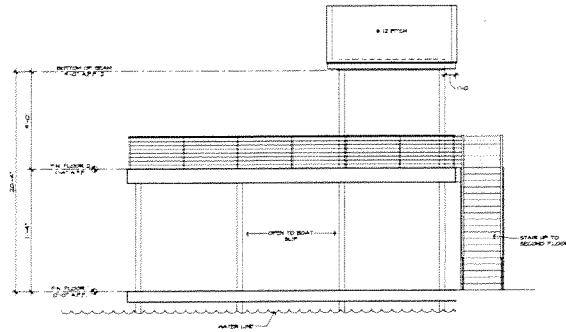
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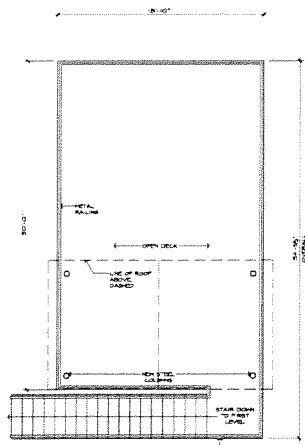
This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.



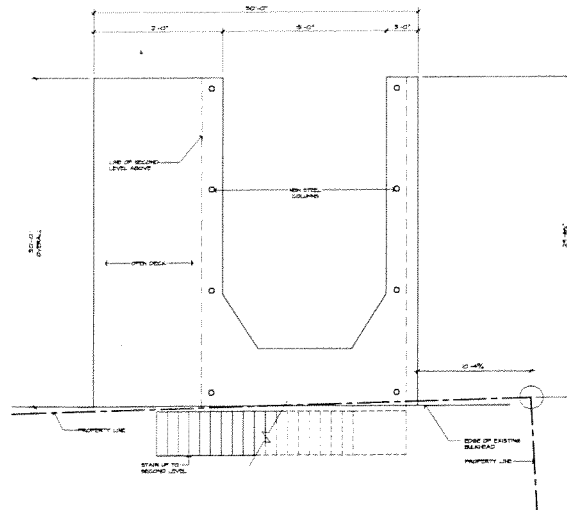
④ PROPOSED LAKE SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



③ PROPOSED RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



② PROPOSED BOAT DOCK SECOND LEVEL  
SCALE: 1/4" = 1'-0"



① PROPOSED BOAT DOCK FIRST LEVEL  
SCALE: 1/4" = 1'-0"

PROPOSED BOAT DOCK FLOOR PLANS + ELEVATIONS  
SCALE: 1/4" = 1'-0"

SHIFLET GROUP  
ARCHITECTS  
100 Westlake Drive Austin, Texas 78746  
512.328.2955

PRELIMINARY  
NOT FOR CONSTRUCTION  
PERMITS OR CONSTRUCTION

CROUCH BOAT DOCK  
3206 Rivercrest Drive Austin, Texas 78746

BOAT DOCK  
FLOOR PLAN  
+ ELEVATIONS

FIGURE  
A-2

