

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

C6
1

CASE: SP-2014-0182D ZAP COMMISSION DATE: September 15, 2015

PROJECT NAME: Mayes Boat Dock

ADDRESS OF SITE: 3715 Westlake Drive

COUNCIL DISTRICT: 10

AGENT: Permit Partners (David Cancialosi)

AREA: 1.3 acres

WATERSHED: Lake Austin (Water Supply Rural)
WATERSHED ORDINANCE: Watershed Protection Ordinance
C.I.P. STATUS: N/A
T.I.A.: N/A
CAPITOL VIEW: N/A

PROPOSED DEVELOPMENT:

The applicant proposes to construct a boat dock, shoreline access, and shoreline stabilization

EXISTING ZONING:

The site is zoned SF-2-CO. The conditional overlays are related to impervious cover and site development standards, which are met. The site was rezoned in 2014.

DESCRIPTION OF VARIANCES:

- 1. To allow construction of a boat dock, shoreline access, and shoreline stabilization within a Critical Environmental Feature (CEF) buffer for a canyon rimrock (LDC 25-8-281(C)(2)(b)); and
- 2. To allow fill up to 8 feet (LDC 25-8-342(A))

SUMMARY STAFF RECOMMENDATION:

Staff recommends Variance 1, provided that 609S.6 vegetation will be planted and maintained by the applicant where the limit of construction enters into the Critical Water Quality Zone; and has no recommendation for Variance 2. The Findings of Fact for Variance 1 have been met; however the Findings of Fact for Variance 2 have not.

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

PROJECT INFORMATION: 1.3acre
EXIST. ZONING: SF-2-CO PROP. BUILDING CVR: N/A
MAX. BLDG. COVERAGE : 40% PROP. IMP. CVRG.: N/A
MAX. IMPERV. CVRG.: 45%* PROPOSED F.A.R.: N/A
ALLOWED F.A.R.: N/A PROP. HEIGHT: N/A
HEIGHT: 35' PROVIDED PARKING: N/A
REQUIRED PARKING: N/A
PROPOSED ACCESS: Lake Austin or Westlake Drive
*Depends on slope gradient

04/2

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant seeks to remove the existing boat dock, construct a new boat dock, and install a new bulkhead in front (lakeside) of the existing bulkhead. The applicant also seeks to remove a walkway and steps that access the current boat dock, and install a new walkway and steps to access the new boat dock.

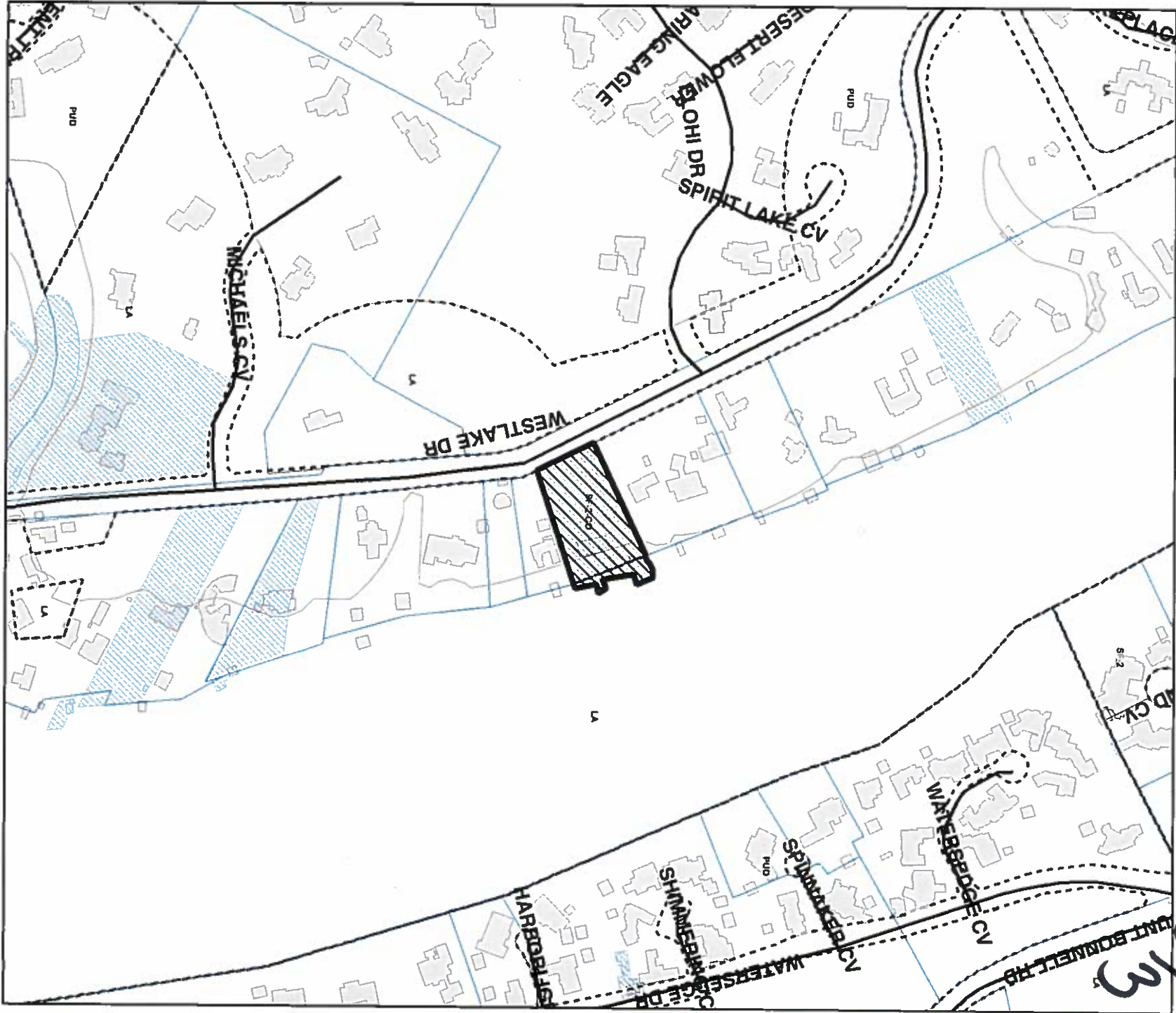
Environmental:

The site is located within the Lake Austin watershed, which is classified as a Watersupply Rural Watershed. A portion of the proposed bulkhead construction and the proposed boat dock construction are located within the Critical Environmental Feature buffer for a canyon rimrock that is located offsite. Additionally, a portion of the proposed walkway located at the southeastern portion of the property will require fill up to 8 feet. The fill would not exceed an area of 225 square feet.

PLANNING COMMISSION ACTION:

SURROUNDING CONDITIONS:

Zoning/ Land Use		
North:	LA and PUD (Single-family residential)	
South:	LA (Single-family residential)	
East:	LA (Lake Austin	
West:	LA and PUD (Single-family residential)	
<u>STREET:</u>		
	R.O.W.	<u>SURFACING</u>
Westlake Drive	70'	26' <u>CLASSIFICATION</u>
		City Collector



6/3

SITE PLAN

CASE#: SP-2014-0182D

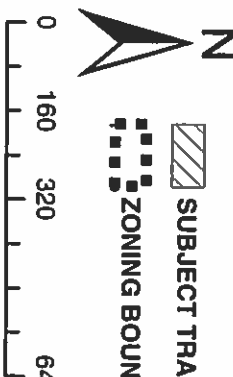
ADDRESS: 3715 Westlake Dr

CASE NAME: Mayes Boat Dock

MANAGER: Christine Barton-Holmes

SUBJECT TRACT

ZONING BOUNDARY



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OPERATOR: Christine Barton-Holmes



09/11

ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

BOARD MEETING DATE REQUESTED:	SEPTEMBER 2, 2015
NAME & NUMBER OF PROJECT:	MAYES BOAT DOCK SP-2014-0182D
NAME OF APPLICANT OR ORGANIZATION:	Permit Partners David Cancialosi, 512-593-5368
LOCATION:	3715 Westlake Dr
PROJECT FILING DATE:	May 15, 2014
DSD/ENVIRONMENTAL STAFF:	Mike McDougal, 512-974-6380 mike.mcdougal@austintexas.gov
WPD/ENVIRONMENTAL STAFF:	Scott Hiers, P.G. 512-974-1916 scott.hiers@austintexas.gov
PDR/ CASE MANAGER:	Christine Barton-Holmes, 512-974-2788 christine.barton-holmes@austintexas.gov
WATERSHED:	Lake Austin Watershed / Water Supply Rural Classification / Drinking Water Protection Zone
ORDINANCE:	Watershed Protection Ordinance (pre-2014 Lake Austin Ordinance)
REQUEST:	Variance requests are as follows: 1. To allow construction of a boat dock, shoreline access, and shoreline stabilization within a CEF buffer for a canyon rimrock [LDC 25-8- 281(C)(2)(b)]; and 2. To allow fill up to 8 feet [LDC 25-8-342(A)]
STAFF RECOMMENDATION:	Variance 1: recommended with conditions. Variance 2: no recommendation.
REASONS FOR RECOMMENDATION:	Variance 1: Findings of fact have been met. Variance 2: Findings of fact have not been met.

08/26



ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM



PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	David Candalosi c/o Permit Partners LLC
Street Address	105 W. Riverside Dr #225
City State ZIP Code	Austin Texas 78704
Work Phone	512-593-5361
E-Mail Address	david@permit-partners.com

Variance Case Information

Case Name	Mayes Boat Dock
Case Number	SP-2014-0182D
Address or Location	3715 Westlake Dr.
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	LDC 25-8-281(C)(2)(b)
Watershed Name	Lake Austin
Watershed Classification	<div><input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban</div> <div><input checked="" type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone</div>
Edwards Aquifer Recharge Zone	<div><input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment</div> <div><input checked="" type="checkbox"/> Not in Edwards Aquifer Zones</div>
Edwards Aquifer Contributing Zone	<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>

CE

Distance to Nearest Classified Waterway	0'
Water and Waste Water service to be provided by	360 Water Supply COA / Travis County OSSF
Request	The variance request is as follows (Cite code references: LDC 25-8-281(C)(2)(b) to allow construction within a CEF buffer

Impervious cover square footage:	Existing 9,789	Proposed 8,858
acreage:	.225	.203
percentage:	17.3	15.7
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQITZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	Site consists of approx. 1.3 acres of land between Westlake Drive and Lake Austin. Elevation is from 571' at Westlake Drive to 493.6 at the bulkhead along Lake Austin. There are 112 surveyed trees on the lot of 6" caliper or greater with 8 heritage trees. The lot is sloping with areas of 0-15% along Westlake and the center of the site with a bluff line of great than 35% approximately 50' from the shoreline. There is an existing CEF 81.3' to the north of the property. CWQZ is the 75' shoreline setback along Lake Austin.	

Clearly indicate in what way the proposed project does not comply with	The project will require a fill of over 4' to build a construction and pedestrian path to the proposed boathouse and bulkhead reconstruction project.	
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CE/4

current Code (include maps and exhibits)	The entirety of the existing bulkhead will be replaced with a new natural stone bulkhead conforming to current City of Austin standards. There is an exposed rim rock CEF condition 81.3' feet to the north of the property.	
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FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Mayes Boat Dock

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 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. The property owner is proposing to utilize the property in a fair and reasonable manner that will implement greater environmental protections than what is currently in place. What the property owner is requesting will not provide privileged use but, will enhance the safety of the property and it's occupants by allowing the owner to fix a substantially failed bulkhead, install a walking path on cut and fill greater than 4' on a severely sloped lot, and allow construction within the CEF setback for features found on adjacent property whose location is out of property owner's control. The hyper-technical application of the aforementioned LDC code sections will deprive the property owner of a safe and necessary improvement to a property that has not been developed since the 1970's and thus, is in need of repair beyond the constraints of current COA LDC regulations.

- 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;

CV/8

No. The property owner has gone to great lengths to redevelop the SF-2 zoned residential property in manner that is in keeping with the spirit and intent of various codes to the best of his ability and in the most practical manner. Further, the variances will allow the development to provide greater environmental protection that what has been on site since the property was initially developed prior to annexation into the COA jurisdiction.

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 owner is proposing the absolute minimum necessary to complete the project and enable the property's ability function in a reasonable manner while substantially improving overall environmental protection to the site, the adjacent sites, and the adjacent waterway as a whole. Without the variances, this is not achievable and the site will remain in a substandard, failed state of constant erosion and dangerous conditions. The bulkhead will be built a reduced footprint from it's known original footprint. The cut and fill for the walking path will be the minimum necessary to stabilize the slope and will be topped with non-concrete paver stones, and the CEF's are upstream from the site having negligible, if any, effect on them.

c) Does not create a significant probability of harmful environmental consequences; and
No. The proposed improvements will substantially impede any potential harmful environmental consequences, if any consequences exist at all.

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

Yes. Water quality controls will be in place and will be far better than the current absence of controls currently in place. The variances will allow the bulkhead to be repaired and will stop the soil erosion, the cut and fill to capture or divert run off, and are down stream from the specific CEF's in question.

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 criteria for granting a variance in Section A are met; N/A

Use/9

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

**Variance approval requires all above affirmative findings.



06/10



ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	David Candelosi c/o Permit Partners LLC
Street Address	105 W. Riverside Dr #225
City/State ZIP Code	Austin Texas 78704
Work Phone	512-593-5361
E-Mail Address	david@permit-partners.com

Variance Case Information	
Case Name	Mayes Boat Dock
Case Number	SP-2014-0182D
Address or Location	3715 Westlake Dr.
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	LDC 25-8-342
Watershed Name	Lake Austin
Watershed Classification	<div><input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban</div> <div><input checked="" type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone</div>
Edwards Aquifer Recharge Zone	<div><input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment</div> <div><input checked="" type="checkbox"/> Not in Edwards Aquifer Zones</div>
Edwards Aquifer Contributing Zone	<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>

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Distance to Nearest Classified Waterway	0'
Water and Waste Water service to be provided by	360 Water Supply COA / Travis County OSSF
Request	The variance request is as follows (Cite code references: LDC 25-8-342 to allow excess of 4' fill

ImperVIOUS cover	Existing	Proposed	
square footage:	9,789	8,858	
acreage:	.225	.203	
percentage:	17.3	15.7	
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQITZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	Site consists of approx. 1.3 acres of land between Westlake Drive and Lake Austin. Elevation is from 571' at Westlake Drive to 493.6 at the bulkhead along Lake Austin. There are 112 surveyed trees on the lot of 6" caliper or greater with 8 heritage trees. The lot is sloping with areas of 0-15% along Westlake and the center of the site with a bluff line of great than 35% approximately 50' from the shoreline. There is an existing CEF 81.3' to the north of the property. CWQZ is the 75' shoreline setback along Lake Austin.		

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The project will require a fill of over 4' to build a construction and pedestrian path to the proposed boathouse and bulkhead reconstruction project. The entirety of the existing bulkhead will be replaced with a new natural stone bulkhead conforming to current City of Austin standards.
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There is an exposed rim rock CEF condition 81.3' feet to the north of the property.

CE
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FINDINGS OF FACT

As required in LDC Section 25-8-4.1, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Mayes Boat Dock

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-4.1 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. The property owner is proposing to utilize the property in a fair and reasonable manner that will implement greater environmental protections than what is currently in place. What the property owner is requesting will not provide privileged use but, will enhance the safety of the property and it's occupants by allowing the owner to fix a substantially failed bulkhead, install a walking path on fill greater than 4' on a severely sloped lot, and reduce the CEF setback for features found on adjacent property whose location is out of property owner's control. The hyper-technical application of the aforementioned LDC code sections will deprive the property owner of a safe and necessary improvement to a property that has not been developed since the 1970's and thus, is in need of repair beyond the constraints of current COA LDC regulations.

- 2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No. The property owner has gone to great lengths to redevelop the SF-2 zoned residential property in manner that is in keeping with the spirit and intent of various codes to the best of his ability and in the most practical manner. Further, the variances will allow the

development to provide greater environmental protection that what has been on site since the property was initially developed prior to annexation into the COA jurisdiction.

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 owner is proposing the absolute minimum necessary to complete the project and enable the property's ability function in a reasonable manner while substantially improving overall environmental protection to the site, the adjacent sites, and the adjacent waterway as a whole. Without the variances, this is not achievable and the site will remain in a substandard, failed state of constant erosion and dangerous conditions. The bulkhead will be built a reduced footprint from it's known original footprint. The fill for the walking path will be the minimum necessary to stabilize the slope and will be topped with non-concrete paver stones, and the CEF's are upstream from the site having negligible, if any, effect on them.

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

No. The proposed improvements will substantially impede any potential harmful environmental consequences, if any consequences exist at all.

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

Yes. Water quality controls will be in place and will be far better than the current absence of controls currently in place. The variances will allow the bulkhead to be repaired and will stop the soil erosion, the fill to capture or divert run off, and are down stream from the specific CEF's in question.

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 criteria for granting a variance in Section A 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

**Variance approval requires all above affirmative findings.

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CE/PL

08/15



MEMORANDUM

TO: Chair Maxwell and Members of the Environmental Commission

FROM: Scott Hiers, P.G., Hydrogeologist
Watershed Protection Department

Mike McDougal, Environmental Review Specialist Senior
Development Services Department

DATE: September 2, 2015

SUBJECT: Mayes Boat Dock SP-2014-0182D

On the September 2, 2015 agenda is a request for the consideration of two variances to allow a construction of a boat dock, shoreline access, and shoreline stabilization within a Critical Environmental Feature rimrock (CEF) buffer [LDC 25-8-281(C)(2)(b)] and to allow fill up to 8 feet [LDC 25-8-342(A)].

Property Location

The property is located at 3715 Westlake Drive (Exhibit 1 Location Map and Exhibit 2 Site Aerial). Adjacent use is residential.

Watershed Data

The 1.37 acre property is located within the Lake Austin Watershed (classified as Water Supply Rural) and is not located within the Edwards Aquifer Recharge Zone. Surface water generally drains from the west to east / northeast. (Exhibit 3 Topography and Critical Water Quality Zone Map). City of Austin GIS shows a Critical Water Quality Zone associated with Lake Austin (Exhibit 3 Topography and Critical Water Quality Zone Map).

Jurisdictional Data

The property is within the City of Austin full purpose jurisdiction and is zoned SF-2.

Trees / CEFs

A rimrock Critical Environmental Feature is located offsite (on the property immediately north of the subject property). A portion of the 150 foot Critical Environmental Feature buffer extends onto the

subject tract (Exhibit 4 – CEF Map). Vegetation and Critical Environmental Features are described in the attached Environmental Resource Inventory (Exhibit 5 COA Environmental Resource Inventory).

Variance Request

An existing single family residence and boat dock with bulkhead is located on the property. The applicant seeks to remove the existing boat dock, construct a new boat dock, and install a new bulkhead in front (lakeside) of the existing bulkhead. A portion of the proposed bulkhead construction and the proposed boat dock construction are located within this Critical Environmental Feature buffer.

The applicant also seeks to remove a walkway and steps accessing the existing (to be removed) boat dock. In addition, the applicant seeks to install a new walkway and steps accessing the new boat dock. A portion of the proposed walkway (located at the southeast portion of the property) will require fill up to 8 feet (Exhibit 6 Proposed Fill). This fill will not exceed an area of 225 square feet.

Therefore, the following variances to the Land Development Code (LDC) have been requested:

- 1 – To allow construction of a boat dock, shoreline access, and shoreline stabilization within a CEF buffer for a canyon rimrock [LDC 25-8-281(C)(2)(b)]; and
- 2 – To allow fill up to 8 feet [LDC 25-8-342(A)].

Site Photographs

Site photographs are provided in Exhibit 7.

Conditions for Staff Approval

Staff recommends approval of the CEF variance (variance 1) provided that 609S.6 vegetation will be planted and maintained by the applicant where the limit of construction enters into the Critical Water Quality Zone.

There is no Staff recommendation for the fill variance request (variance 2). Review staff and the applicant were not aware that the proposed fill variance did not meet the findings of fact until very late in the review process due to a mis-communication with the Environmental Officer. As a result, the Environmental Officer agreed to take this variance forward with no recommendation.

Recommendation

The Findings of Fact have been met for the CEF variance. Staff recommends approval of the CEF variance with the above conditions. As noted above, there is no staff recommendation on variance two.

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

Project: Mayes Boat Dock- SP-2014-0182DS
Ordinance Standard: Land Development Code Section 25-8-281(C)(2)(b)
Variance Request: To allow construction of a boat dock, shoreline access and shoreline stabilization within a Critical Environmental Feature (CEF) buffer for a canyon rimrock.

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.

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 typical a construction activity for shoreline properties along the lake, is occurring down gradient and to the side of the rimrock critical environmental feature that is located off-site on the adjacent property to the north.

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.

CV/18

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

Yes. The construction of a boat dock, shoreline stabilization, and shoreline access will not create a significant probability of harmful environmental consequences. The construction activities required is occurring down gradient and to the side of rimrock critical environmental feature that is located on the adjacent property. The construction activities will not cause significant discharge of sediment into lake.

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 activities required for the boat dock, shoreline access and shoreline stabilization would result in at least equal or greater water quality, because the proposed construction activity is occurring down gradient and to the side of the rimrock critical environmental feature. As a result, there will be no increase sediment-laden runoff over the rimrock or impacts to 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.

CV/19

Environmental Officer:



Chuck Lesniak

Date: August 25, 2015

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



10/10

**Development Services Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Project: Ordinance Standard: Variance Request:	Mayes Boat Dock- SP-2014-0182DS Land Development Code Section 25-8-342(A) To allow fill up to 8 feet for the construction of a walkway to access the boat dock.
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Justification:

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No. There are alternatives to the variance that would allow the necessary access to the boat dock.

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. Boat dock access is necessary; however, access can be provided without fill in excess of 4 feet. Specifically, access can be provided on the steeper portions of the property by constructing a boardwalk type structure and on less steep portions of the property, the access can be constructed with cut and fill of 4 feet or less. Proposed fill up to 8 feet does not provide greater overall environmental protection than is achievable via a construction of a boardwalk type structure.

- 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. The applicant has minimized the footprint of the proposed fill over 4 feet; however, access to the boat dock can be provided while maintaining grading amounts of 4 feet or less. Fill in excess of 4 feet does not represent 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.

6/2/21

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

Yes. The fill will be structurally contained by a retaining wall prior to the commencement of fill activities. Sediment will be contained before and after vegetative stabilization is achieved.

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 fill will be structurally contained by a retaining wall to be built prior to the placement of fill over 4 feet. Sediment will be contained before and after vegetative stabilization is achieved.

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:


Mike McDougal

Environmental Program Coordinator:


Susan Barnett

Environmental Officer:


Chuck Lesnial

Date: August 25, 2015

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



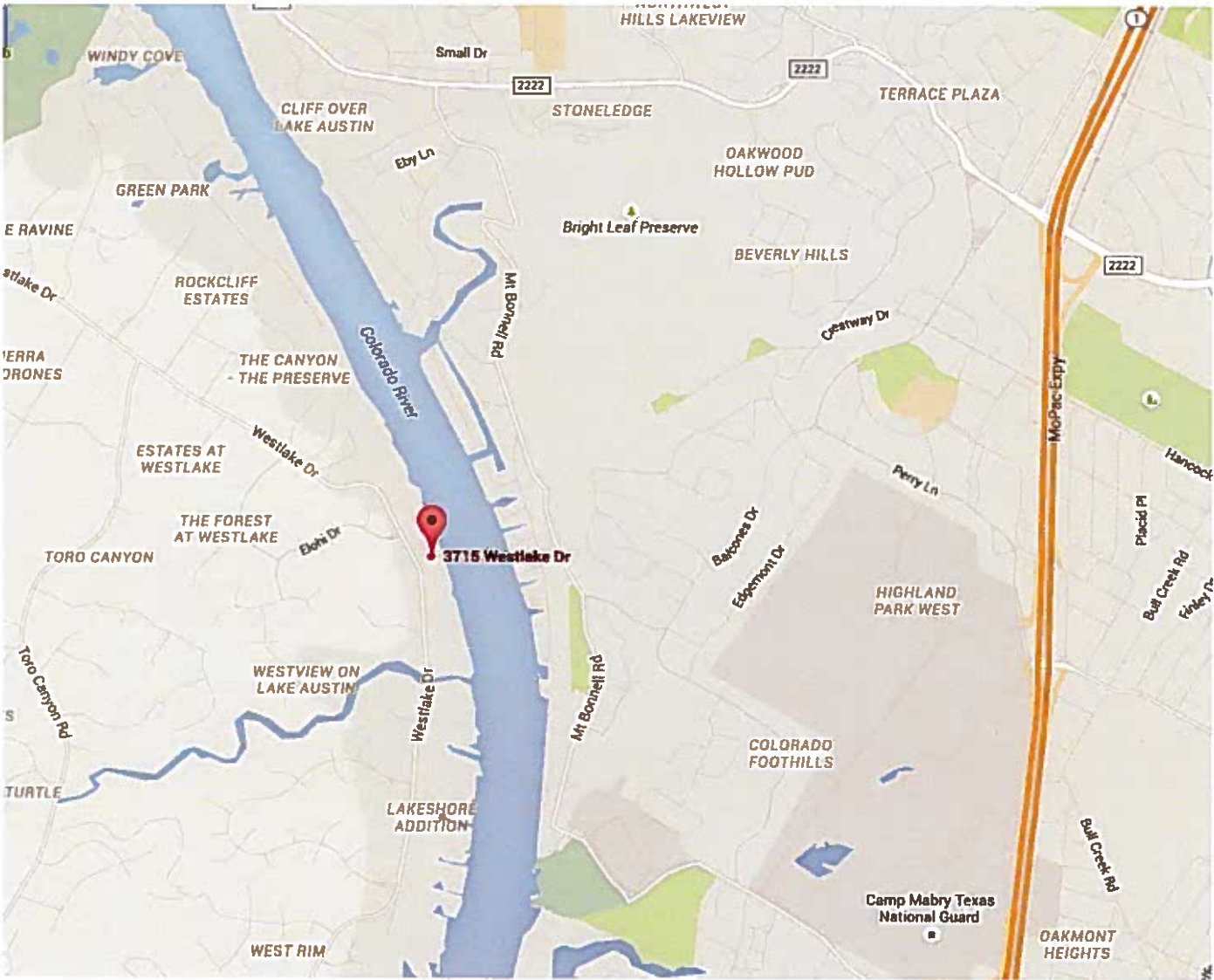


Exhibit 1 - Location Map

North
Not to Scale

6/2/23



Exhibit 2 - Site Aerial

▲
North
Not to Scale

4/2/24



Exhibit 3 - Topography and Critical Water Quality Zone Map

North
Not to Scale

06/15

Exhibit 5 Environmental Resource Inventory

For the City of Austin
Relating to the Land Development Code (LDC) Section 25-8, Title 30-5, ECM 1.3.0 & 1.10.0
Effective October 28, 2013

1. SITE/PROJECT NAME: 3715 Westlake Drive

2. COUNTY APPRAISAL DISTRICT PROPERTY ID (#s): 123442

3. ADDRESS/LOCATION OF PROJECT: 3715 Westlake Drive

4. WATERSHED: Lake Austin

5. THIS SITE IS WITHIN THE (Check all that apply):

Edwards Aquifer Recharge Zone* (See note below)..... ☐ YES ☒ NO
Edwards Aquifer Contributing Zone* ☐ YES ☒ NO
Edwards Aquifer 1500-ft Verification Zone* ☐ YES ☒ NO
Barton Springs Zone* ☐ YES ☒ NO
(*as defined by the City of Austin – LDC 25-8-2)

Note: If the property is over the Edwards Aquifer Recharge zone, the Hydrogeologic Report and karst surveys must be completed and signed by a Professional Geoscientist Licensed in the State of Texas.

6. DOES THIS PROJECT PROPOSE FLOODPLAIN MODIFICATION?... ☐ YES** ☒ NO

If yes, then check all that apply:

- ☐ (1) The floodplain modifications proposed are necessary to protect the public health and safety;
☐ (2) The floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual, or
☐ (3) The floodplain modifications proposed are necessary for development allowed in the critical water quality zone under Section 25-8-261 or 25-8-262 of the LDC.
☐ (4) The floodplain modifications proposed are outside of the Critical Water Quality Zone in an area determined to be in poor or fair condition by a functional assessment of floodplain health.*

** If yes, then a functional assessment must be completed and attached to the ERI (see Section 1.7 and Appendix X in the Environmental Criteria Manual for forms and guidance) unless conditions 1 or 3 above apply.

7. IF THE SITE IS WITHIN AN URBAN OR SUBURBAN WATERSHED, DOES THIS PROJECT PROPOSE A UTILITY LINE PARALLEL TO AND WITHIN THE CRITICAL WATER QUALITY ZONE?..... ☐ YES*** ☒ NO

***If yes, then riparian restoration is required by Section 25-8-261(E) of the LDC and a functional assessment must be completed and attached to the ERI (see Section 1.5 and Appendix X in the Environmental Criteria Manual for forms and guidance).

8. There is a total of 1 (#s) Critical Environmental Feature(s)(CEFs) on or within 150 feet of the project site. If CEF(s) are present, attach a detailed DESCRIPTION of the CEF(s), color PHOTOGRAPHS, the CEF WORKSHEET and provide DESCRIPTIONS of the proposed CEF buffer(s) and/or wetland mitigation. Provide the number of each type of CEFs on or within 150 feet of the site (Please provide the number of CEFs):

1 (#s) Spring(s)/Seep(s) 0 (#s) Point Recharge Feature(s) 0 (#s) Bluff(s)
1 (#s) Canyon Rimrock(s) 0 (#s) Wetland(s)

16/14

C6/18

Note: Standard buffers for CEFs are 150 feet, with a maximum of 300 feet for point recharge features. Except for wetlands, if the standard buffer is not provided, you must provide a written request for an administrative variance from Section 25-B-281(C)(1) and provide written findings of fact to support your request. Request forms for administrative variances from requirements stated in LDC 25-B-281 are available from Watershed Protection Department.

9. The following site maps are attached at the end of this report (Check all that apply and provide):

All ERI reports must include:

- ☒ Site Specific Geologic Map with 2-ft Topography
- ☒ Historic Aerial Photo of the Site
- ☒ Site Soil Map
- ☒ Critical Environmental Features and Well Location Map on current Aerial Photo with 2-ft Topography

Only if present on site (Maps can be combined):

- ☐ Edwards Aquifer Recharge Zone with the 1500-ft Verification Zone
(Only if site is over or within 1500 feet the recharge zone)
- ☐ Edwards Aquifer Contributing Zone
- ☐ Water Quality Transition Zone (WQTZ)
- ☒ Critical Water Quality Zone (CWQZ)
- ☒ City of Austin Fully Developed Floodplains for all water courses with up to 64-acres of drainage

10. **HYDROGEOLOGIC REPORT** – Provide a description of site soils, topography, and site specific geology below (Attach additional sheets if needed):

Surface Soils on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups*. If there is more than one soil unit on the project site, show each soil unit on the site soils map.

Soil Series Unit Names, Infiltration Characteristics & Thickness			*Soil Hydrologic Groups Definitions (Abbreviated)
Soil Series Unit Name & Subgroup**	Group*	Thickness (feet)	
Tarrant soils & Urban land, 5-18% slopes (TcE)	C	0.3-1.2	
Tarrant soils & Urban land, 8-40% slopes (TcE)	C	0.3-1.2	
			A. Soils having a high infiltration rate when thoroughly wetted. B. Soils having a moderate infiltration rate when thoroughly wetted. C. Soils having a slow infiltration rate when thoroughly wetted. D. Soils having a very slow infiltration rate when thoroughly wetted. **Subgroup Classification – See Classification of Soil Series Table in County Soil Survey.

Description of Site Topography and Drainage *(Attach additional sheets if needed):*

Site topography ranges from 492 to 570 feet above mean sea level (MSL). Drainage on the Property occurs via overland sheet flow down to Lake Austin.

C/9/91

List surface geologic units below:

Geologic Units Exposed at Surface		
Group	Formation	Member
Trinity	Glen Rose (Kgr[un])	Upper
N/A	Quaternary Terrace Deposits (Qt)	N/A

Brief description of site geology *(Attach additional sheets if needed):*

The upper member of the Glen Rose Limestone is relatively impermeable and described as the lower confining unit of the Edwards Aquifer. It has a maximum thickness of about 350 to 500 feet. Stair-step topography is characteristic of the upper member of the Glen Rose Limestone. The Upper Glen Rose Limestone is described as yellowish-tan, thinly bedded limestone and marl. The upper member of the Glen Rose Limestone is relatively more thinly bedded, more dolomitic, and less fossiliferous than the lower member of the Glen Rose Limestone. The top of the upper member of the Glen Rose Limestone is red-stained, lumpy, irregular, and bored, with oysters cemented onto the surface.

Wells– Identify all recorded and unrecorded wells on site (test holes, monitoring, water, oil, unplugged, capped and/or abandoned wells, etc.):

There are 0 (#) wells present on the project site and the locations are shown and labeled

_____ (#s)The wells are not in use and have been properly abandoned.

_____ (#s)The wells are not in use and will be properly abandoned.

_____ (#s)The wells are in use and comply with 16 TAC Chapter 76.

There are 0 (#s) wells that are off-site and within 150 feet of this site.

11. THE VEGETATION REPORT – Provide the information requested below:

Brief description of site plant communities (Attach additional sheets if needed):

Upland canopy species consist of Chinese tallow, Ashe juniper plateau live oak , hackberry cedar elm. St. Augustine is the predominant ground cover.

Wetland species include bald cypress , sycamore , and black willow.

Cy/AD

There is woodland community on site☒YES ☐ NO (Check one).
If yes, list the dominant species below:

Woodland species	
Common Name	Scientific Name
Chinese tallow	Triadica sebifera
Ashe juniper	Juniperus ashei
plateau live oak	Quercus fusiformis
hackberry	Celtis laevigata
cedar elm	Ulmus crassifolia

There is grassland/prairie/savanna on site☐YES ☒ NO (Check one).
If yes, list the dominant species below:

Grassland/prairie/savanna species	
Common Name	Scientific Name

There is hydrophytic vegetation on site☒YES ☐ NO (Check one).
If yes, list the dominant species in table below (next page):

06/31

Hydrophytic plant species		
Common Name	Scientific Name	Wetland Indicator Status
bald cypress	<i>Taxodium distichum</i>	OBL
sycamore	<i>Platanus occidentalis</i>	FAC
black willow	<i>Salix nigra</i>	FACW

A tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level has been completed on the site.

☒ YES ☐ NO (Check one).

12. WASTEWATER REPORT – Provide the information requested below.

Wastewater for the site will be treated by (Check of that Apply):

- ☐ On-site system(s)
- ☒ City of Austin Centralized sewage collection system
- ☐ Other Centralized collection system

Note: All sites that receive water or wastewater service from the Austin Water Utility must comply with Chapter 15-12 of Austin City Code and wells must be registered with the City of Austin

The site sewage collection system is designed and will be constructed to in accordance to all State, County and City standard specifications.

☒ YES ☐ NO (Check one).

Calculations of the size of the drainfield or wastewater irrigation area(s) are attached at the end of this report or shown on the site plan.

☐ YES ☐ NO ☒ Not Applicable (Check one).

Wastewater lines are proposed within the Critical Water Quality Zone?

☐ YES ☒ NO (Check one). If yes, then provide justification below:

06/27

Is the project site is over the Edwards Aquifer?
☐ YES ☒ NO (Check one).

If yes, then describe the wastewater disposal systems proposed for the site, its treatment level and effects on receiving watercourses or the Edwards Aquifer.

13. One (1) hard copy and one (1) electronic copy of the completed assessment have been provided.

Date(s) ERI Field Assessment was performed: 27 March 2014

Date(s)

My signature certifies that to the best of my knowledge, the responses on this form accurately reflect all information requested.

Mr. Shannon Dorsey, PWS #1760

512.328.2430

Print Name

Telephone

Signature

sdorsey@horizon-esi.com

Horizon Environmental Services, Inc.

Email Address

15 April 2014

Name of Company

Date

For project sites within the Edwards Aquifer Recharge Zone, my signature and seal also certifies that I am a licensed Professional Geoscientist in the State of Texas as defined by ECM 1.12.3(A).

P.G.
Seal

Cy 34

Attachments



Environmental Services, Inc.

A handwritten signature in black ink, appearing to read "C. G. G.", is written over the horizontal line of the Horizon logo.

ATTACHMENT A

CEF DESCRIPTION AND REFERENCES

140057 ERI_Attachments.docx

CORPORATE HEADQUARTERS
1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
Certified WBE/HUB/DBE/SBE

CE/AG

1.0 CRITICAL ENVIRONMENTAL FEATURES

The City of Austin definition of a critical environmental feature (CEF) includes caves, sinkholes, springs, wetlands, bluffs, canyon rimrock, water wells within the Edwards Aquifer, and significant recharge features located over the Edwards Aquifer Recharge Zone. One potential CEF, as defined by the City of Austin, was found within 150 feet from the subject site. One rimrock CEF (CEF 1) was located 50 feet north of the subject site. No other CEFs were found on or within 150 feet from the subject site. CEF feature dimensions and location are provided on the City of Austin CEF worksheet.

If the subject site is proposed for future development, the City of Austin generally requires 150-foot buffer zones be placed on all CEFs.

2.0 REFERENCES

(COA) City of Austin. *City of Austin GIS Data Sets*. Year 2003 2-foot contours of the City of Austin and ETJ only <ftp://ftp.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html>. 2003.

_____. *City of Austin GIS Data Sets*. Watershed Regulation Areas. <ftp://ftp.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html>. 30 October 2012.

_____. *City of Austin GIS Data Sets*. Water Quality Creek Buffers. <ftp://ftp.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html>. 7 November 2013.

_____. *City of Austin GIS*. Development Web Map <http://www.austintexas.gov/GIS/developmentwebmap/Viewer.aspx>. Accessed 2 April 2014.

(ESRI) Environmental Systems Research Institute, Inc. Street Map North America Data Layer. ESRI, Redlands, California. 2012.

Garner, L.E., and K.P. Young. *Environmental Geology of the Austin Area: An Aid to Urban Planning*. Report of Investigations 86. The University of Texas at Austin, Bureau of Economic Geology. 1976.

(NRCS) Natural Resources Conservation Service (formerly the Soil Conservation Service) US Department of Agriculture. Web Soil Survey, <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed 2 April 2014.

Rose, P.R. *Edwards Group, Surface and Subsurface, Central Texas*. Report of Investigations 74. The University of Texas at Austin, Bureau of Economic Geology. 1972.

(USDA) US Department of Agriculture. National Agriculture Imagery Program, Farm Service Agency, Aerial Photography Field Office. Travis County, Texas. 2012.

(USGS) US Geological Survey. Digital Orthophoto Quarter-Quadrangle, Austin West, Texas. 1995.

CB/JS

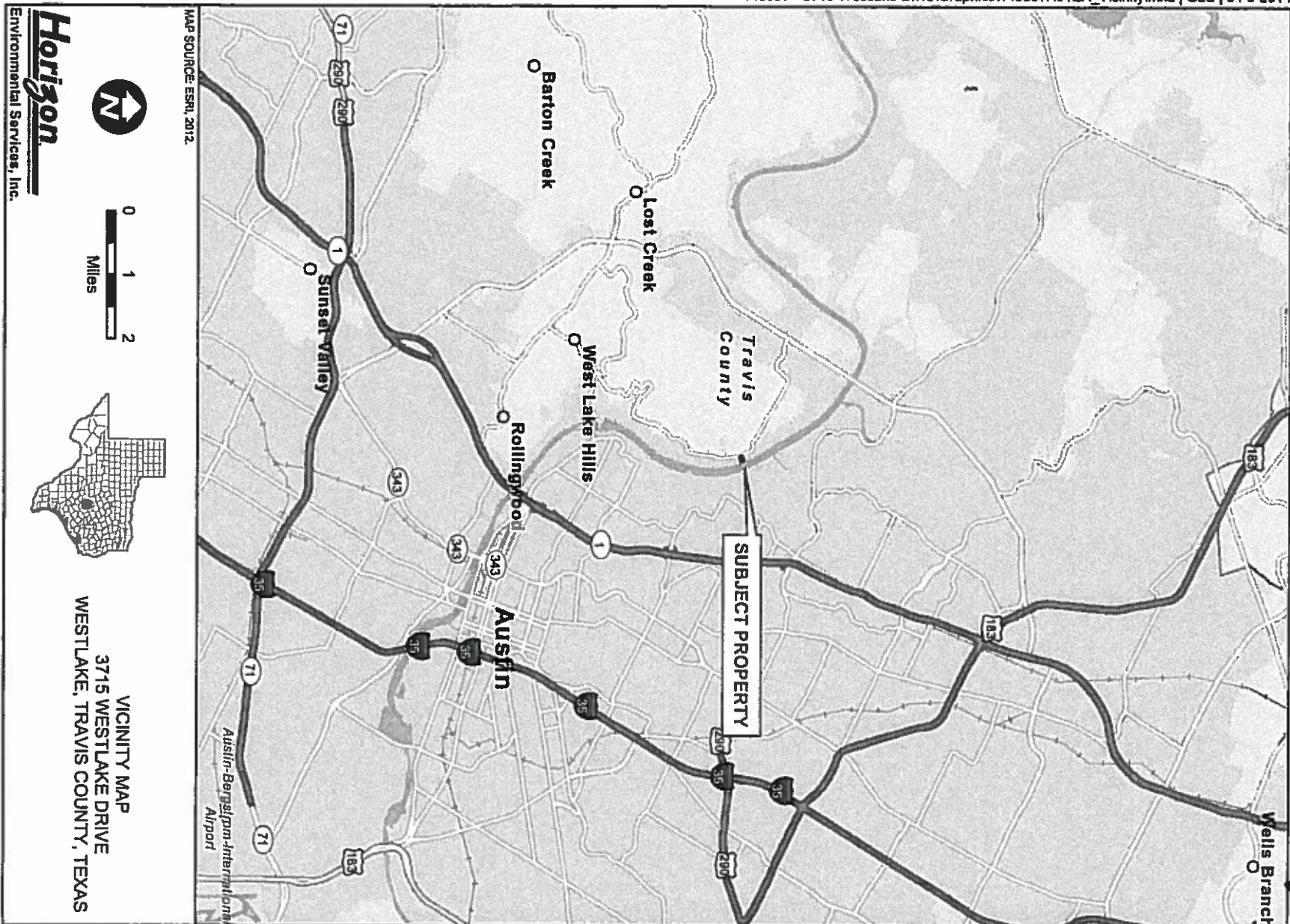
(UT-BEG) University of Texas Bureau of Economic Geology, C.V. Proctor, Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. *Geologic Atlas of Texas*, Austin Sheet, Francis Luther Whitney Memorial Edition. 1974; reprinted 1995.

Werchan, Leroy E., A.C. Lowther, and Robert N. Ramsey. *Soil Survey of Travis County, Texas*. US Department of Agriculture, Natural Resources Conservation Service (formerly Soil Conservation Service), in cooperation with the Texas Agricultural Experiment Station. 1974.

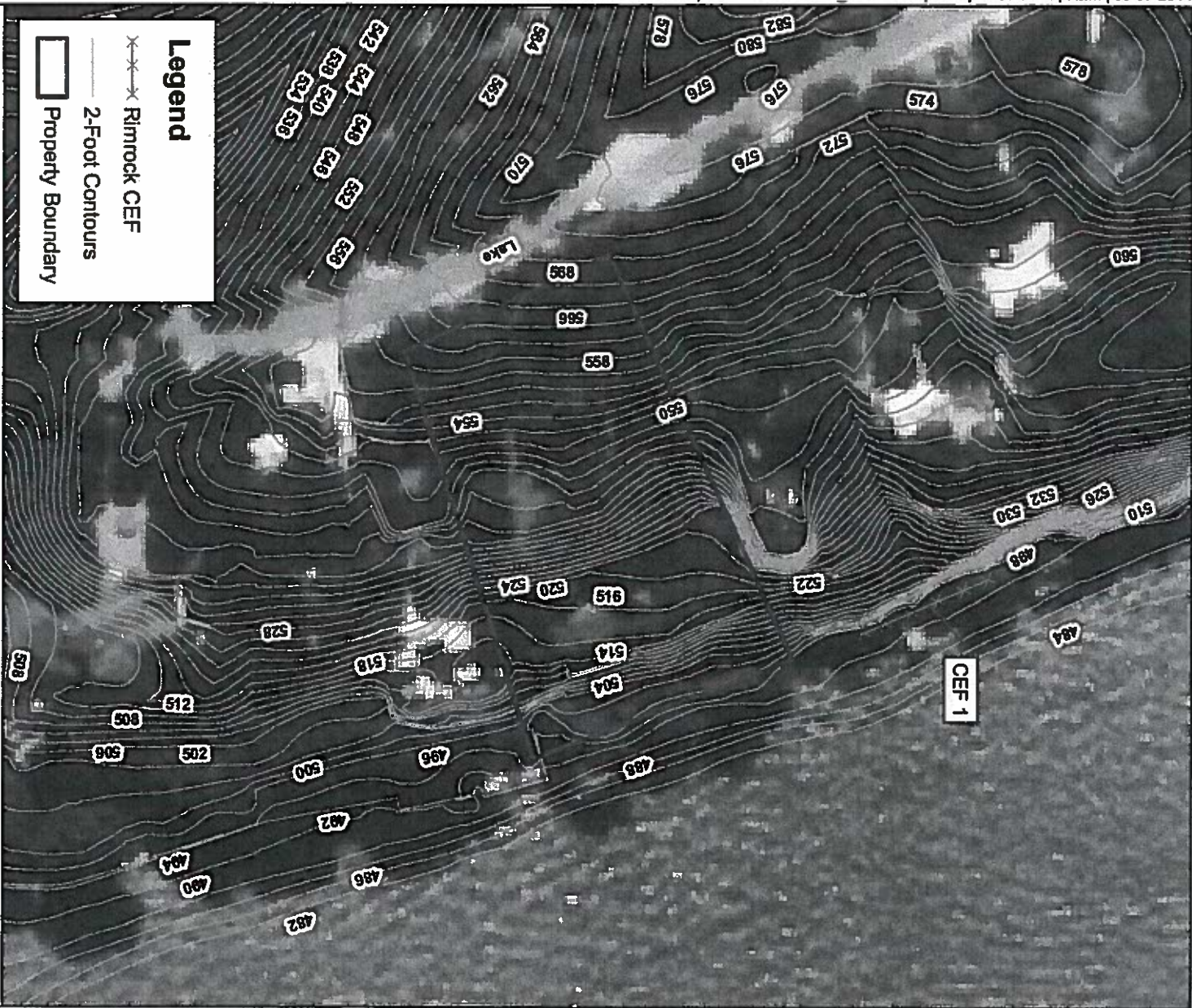
CE/AS

**ATTACHMENT B
FIGURES**

CB/299



CB/JO

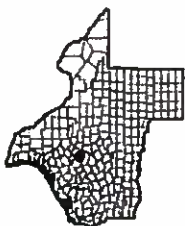


Legend

- x x x x Rimrock CEF
- 2-Foot Contours
- Property Boundary



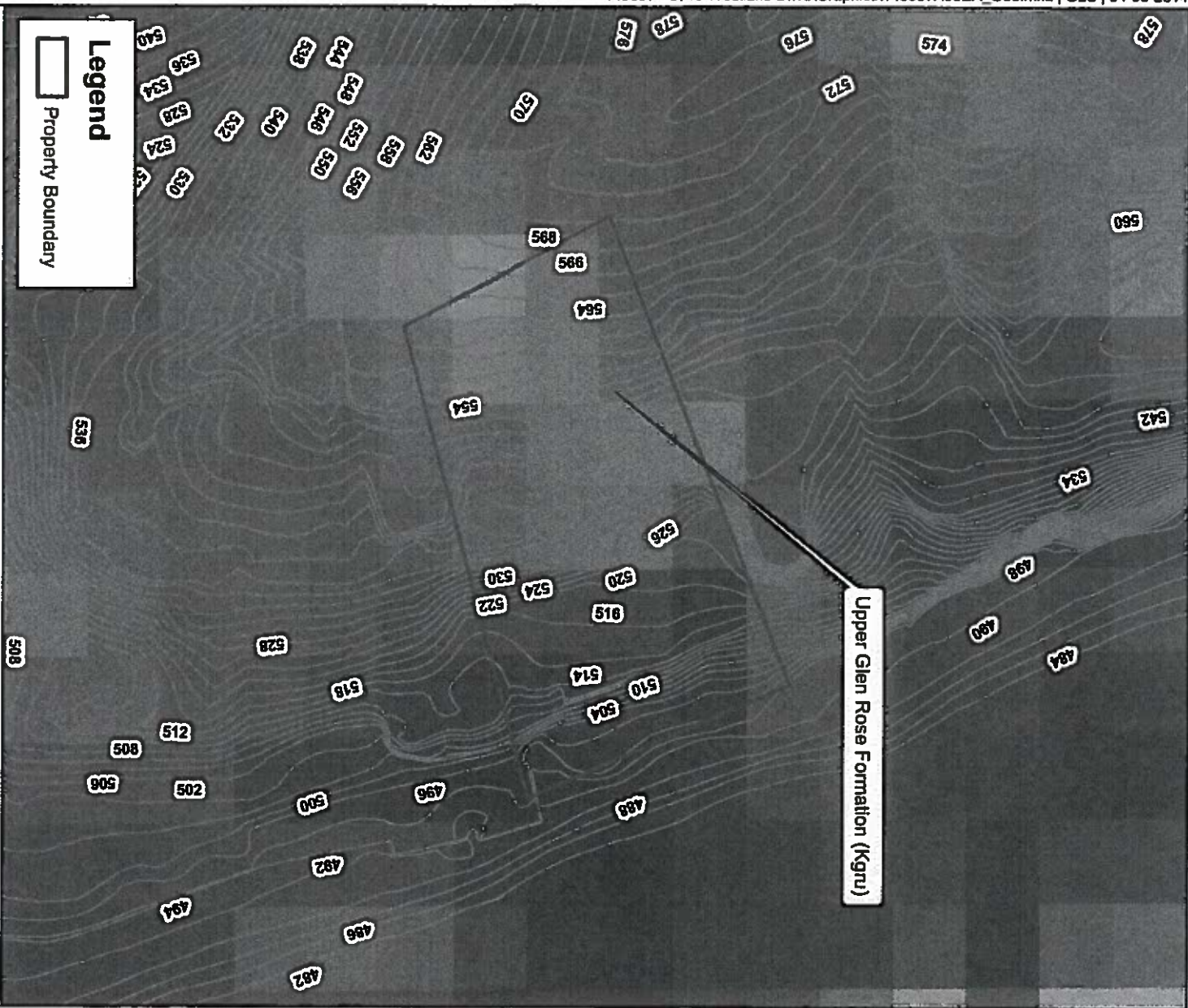
0 50 100
Feet



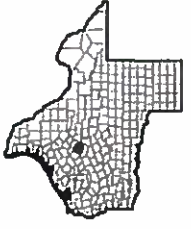
CRITICAL ENVIRONMENTAL FEATURES
AND WELL LOCATION MAP
3715 WESTLAKE DRIVE
WESTLAKE, TRAVIS COUNTY, TEXAS

Horizon
Environmental Services, Inc.

CP 41



Legend
Property Boundary



SITE SPECIFIC GEOLOGIC MAP WITH 2-FT TOPOGRAPHY
3715 WESTLAKE DRIVE
WESTLAKE, TRAVIS COUNTY, TEXAS

Horizon
Environmental Services, Inc.

cb42



Legend

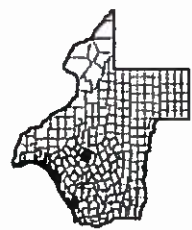
 Property Boundary

MAP SOURCE: USGS, 1995.



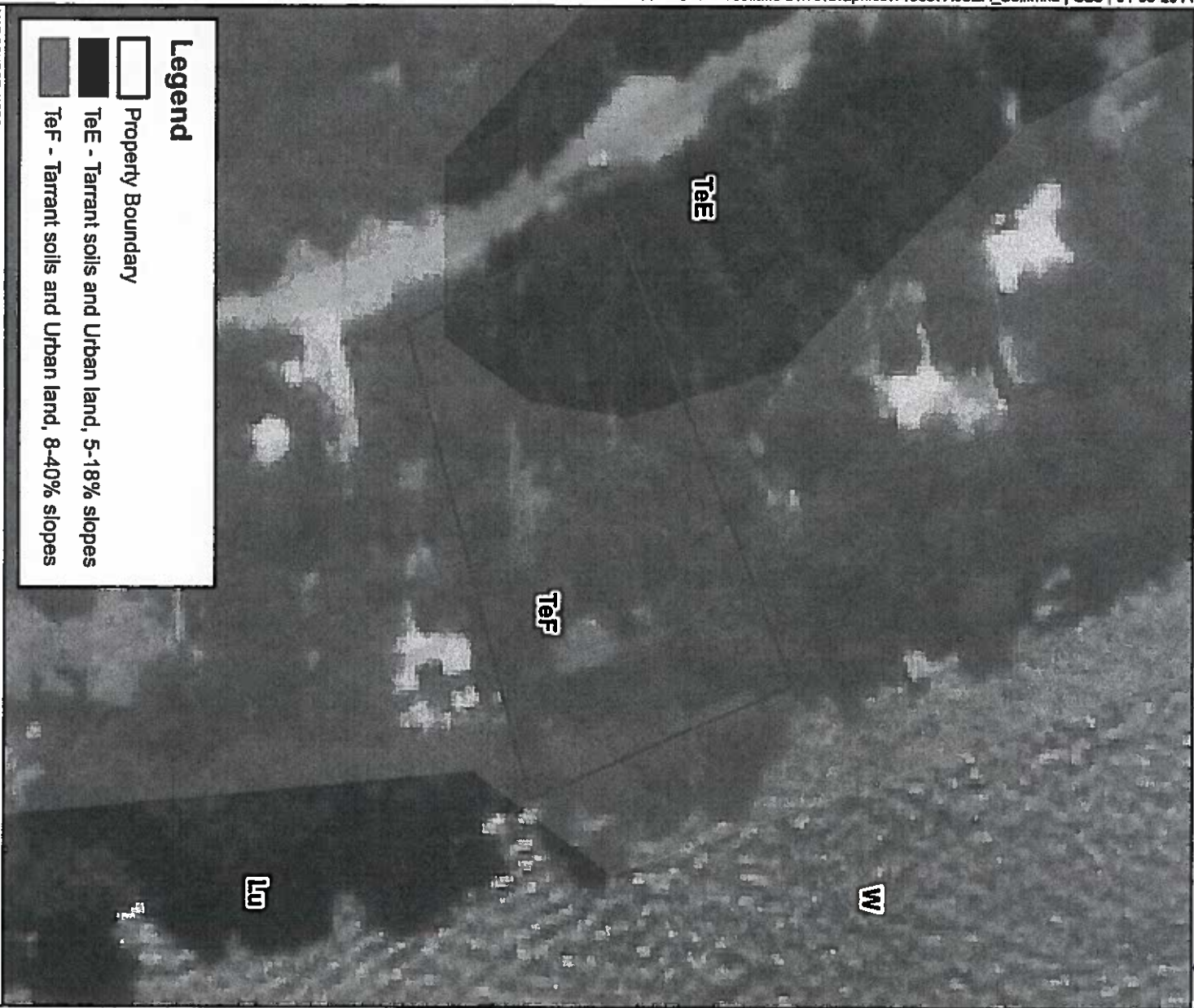
0 50 100
Feet

Horizon
Environmental Services, Inc.

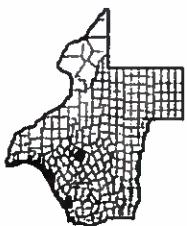


HISTORIC AERIAL PHOTO OF THE SITE
3715 WESTLAKE DRIVE
WESTLAKE, TRAVIS COUNTY, TEXAS

cb43



MAP SOURCE: NCRS, 2014; USDA, 2012.



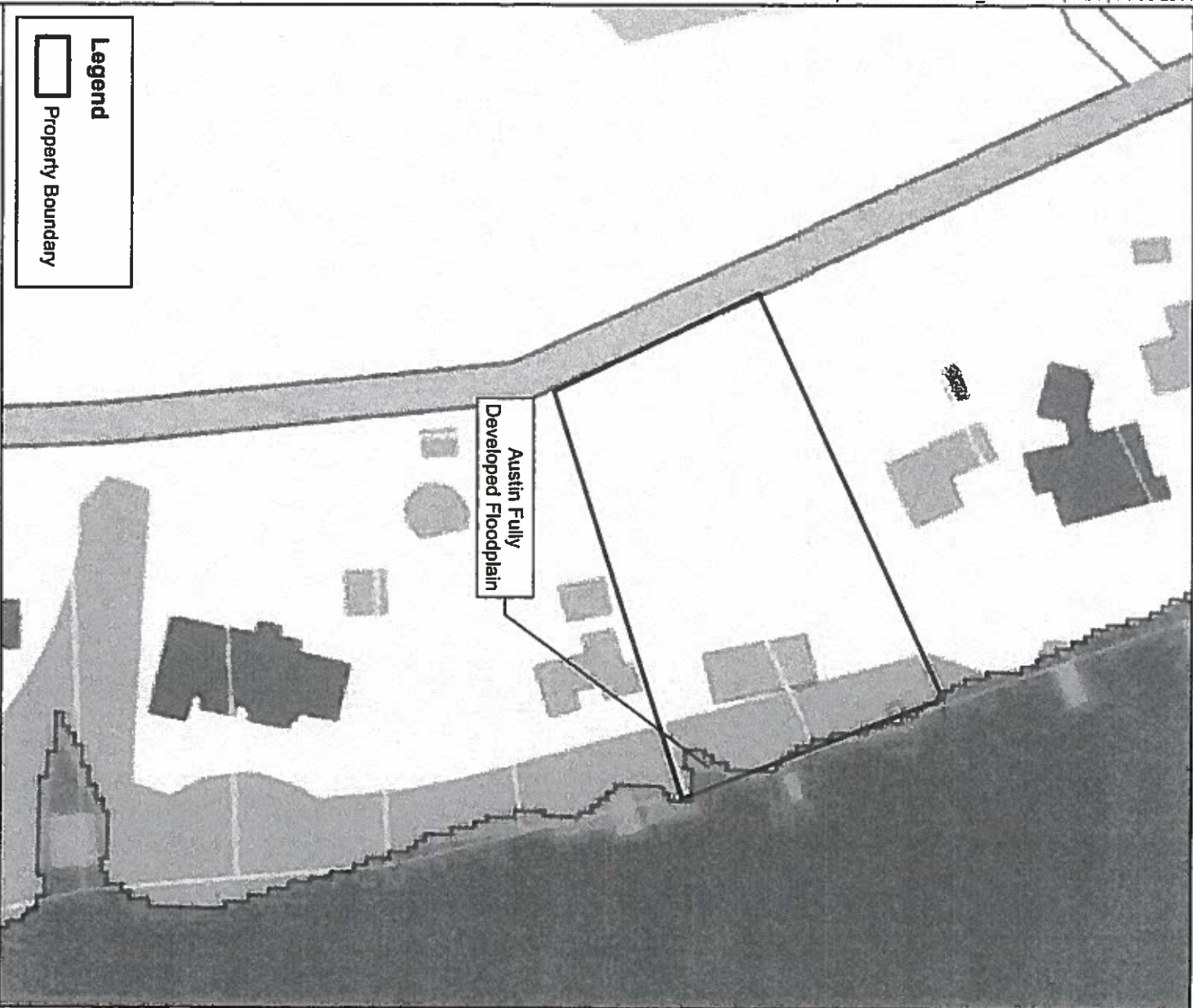
SITE SOIL MAP
3715 WESTLAKE DRIVE
WESTLAKE, TRAVIS COUNTY, TEXAS

Horizon
Environmental Services, Inc.

CB/44



cb
4/5



MAP SOURCE: COA, 2014.

Legend

 Property Boundary



0 50 100
Feet



AUSTIN FULLY DEVELOPED
FLOODPLAIN MAP
3715 WESTLAKE DRIVE
WESTLAKE, TRAVIS COUNTY, TEXAS

Horizon

Environmental Services, Inc.

CB/410

ATTACHMENT C
SITE PHOTOGRAPHS

UP
4/4

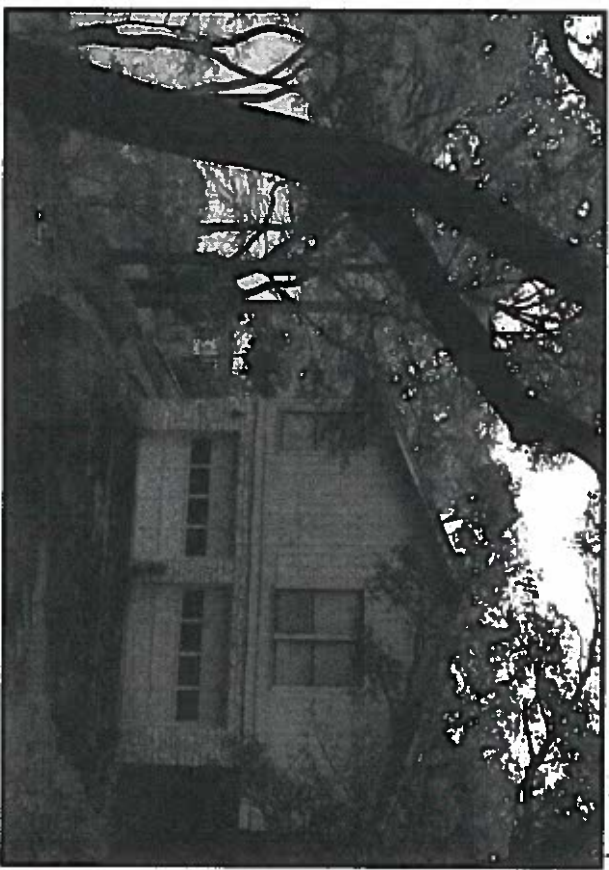


PHOTO 1
View of SFR located on the subject site

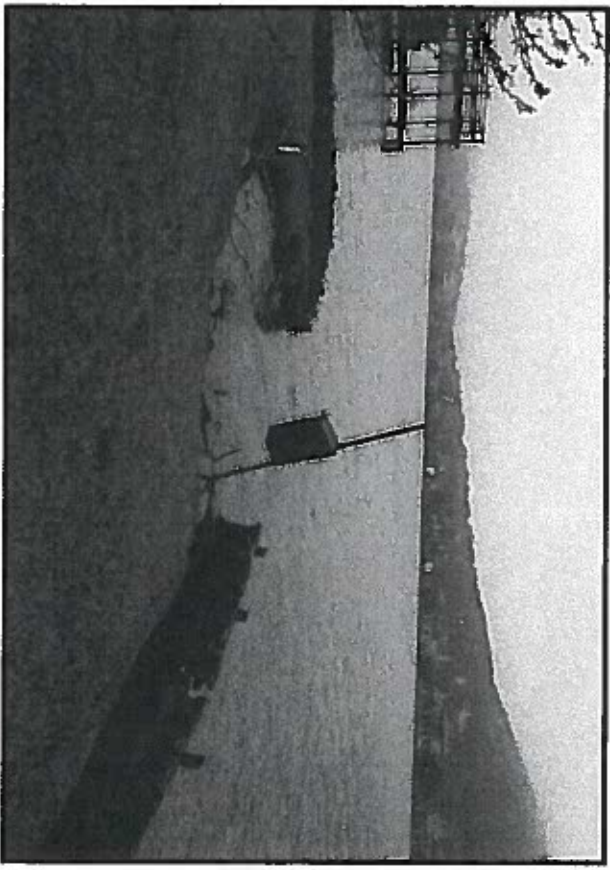


PHOTO 2
View of Lake Austin, located on the east side of the subject site

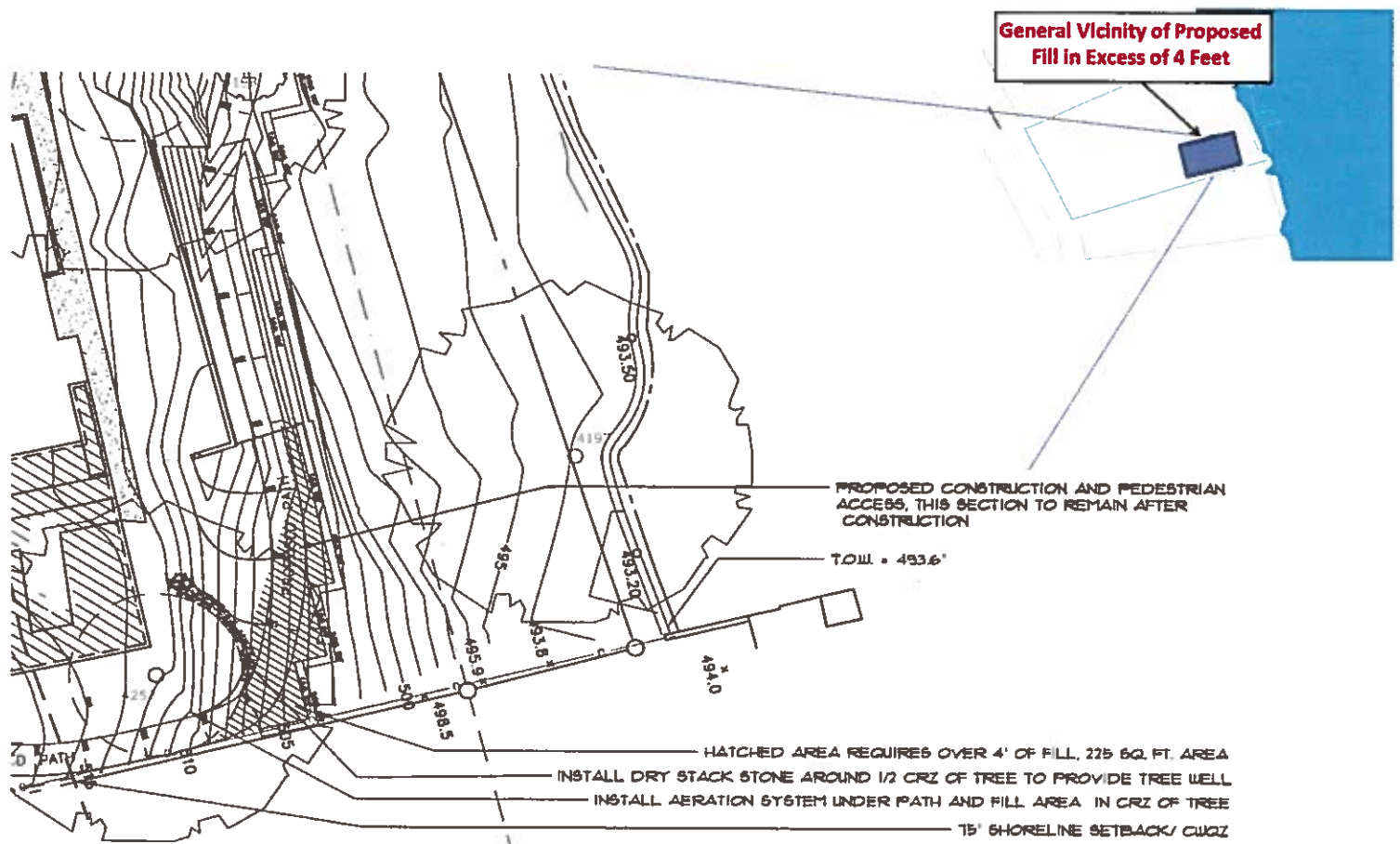


Exhibit 6 - Proposed Fill Greater than 4 Feet Map

▲
North
Not to Scale

CP/JS



Exhibit 7 - Site Photographs

Mayes Residence 3715 Westlake Drive
SP-2014-0182D

Site Photos

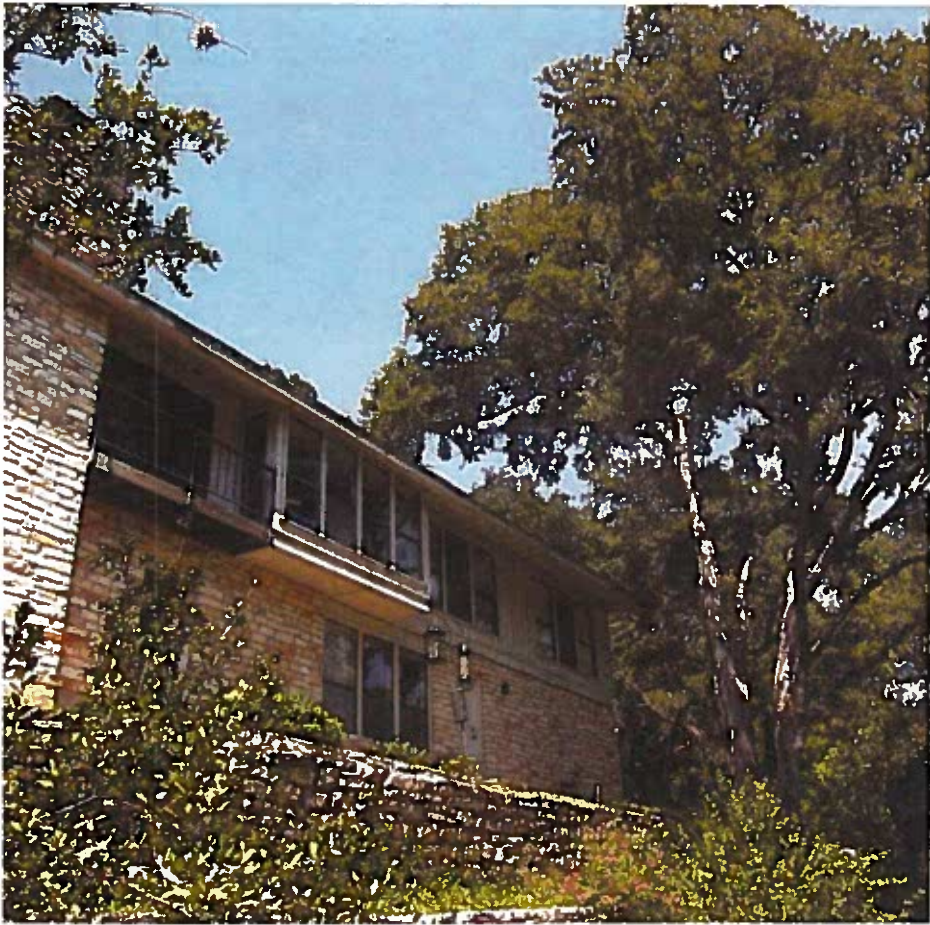
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Mayes Residence 3715 Westlake Drive
SP-2014-0182D

Site Photos

6/1/14



Mayes Residence 3715 Westlake Drive
SP-2014-0182D

Site Photos

6/5/1