

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

**CASE NUMBER:** SP-2015-0454D    **ZAP COMMISSION DATE:** 11-15-2016

**ADDRESS:** 609 River Road

**WATERSHED:** Lake Austin Watershed (Water Supply Rural)

**AREA:** .955 Acres

**EXISTING ZONING:** LA, Single Family

**PROJECT NAME:** 609 River Road

**PROPOSED USE:** Boat Dock

**AGENT:** Aupperle Company  
2219 Westlake Drive, # 110  
Austin, TX 78746  
(512) 329-8241

**APPLICANT:** Forza Holdings Lake LLC  
2601 Dominion Hill  
Austin, TX 78753

**APPLICABLE WATERSHED ORDINANCE:** Current/ Comprehensive watershed ordinance

**EV VARIANCE REQUESTED:** LDC Sections 25-8-342 (A) , To allow fill greater than four feet.

**SUMMARY STAFF RECOMMENDATION:** Recommended for consent, with conditions

**EV BOARD RECOMMENDATION:** Recommended with Conditions:

Staff Conditions:

1. Add wave abatement along the entire bulkhead in accordance with ECM 1.13;
2. Remove the steps from the lake;
3. Restore the floodplain on the lower terrace of the site, and

Environmental Commission Conditions:

1. (Provide) Additional vine growth on the face of the wall;
2. Provide additional 30% planting density to the critical water quality zone;
3. Add additional 20" of trees planted in the upland area or participate by paying a mitigation fee in lieu.

**ZONING AND PLATTING COMMISSION ACTION:** 11-15-2016

**CASE MANAGER:** Lynda Courtney, 512-974-2810

**ENVIRONMENTAL REVIEW:** Atha Phillips, 512-974-6303

**PROJECT INFORMATION:** .955 Acres

**NUMBER OF PROPOSED UNITS:** 1 existing residence

**EXIST. ZONING:** LA

**MAX. BLDG. CVRG ALLOWED:** N/A

**PROPOSED BLDG. CVRG:** N/A

**MAX. IMPERV. CVRG.:** N/A

**PROPOSED IMP. CVRG:** N/A

**MAX HEIGHT ALLOWED:** N/A

**PROPOSED HEIGHT:** N/A

**REQUIRED PARKING:** N/A

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The proposed site plan is for the construction of a boat dock. Previously filled retaining walls were not permitted; construction occurred approximately thirty years ago. A new permit cannot be issued for a proposed boat dock until the unpermitted work is reviewed and permitted through the City of Austin. That existing fill requires an environmental permit for fill over 4', according to LDC Section 25-8-342 (A).

**Environmental:** This site is located in the Lake Austin watershed, classified as Water Supply Rural, and is not located over the Edwards Aquifer Recharge Zone.



**ENVIRONMENTAL COMMISSION MOTION 20160921 008A**

**Date:** September 21, 2016

**Motion by:** Hank Smith

**Seconded by:** Mary Ann Neely

**Subject:** 609 River Road SP-2015-0454DS

**RATIONALE:**

**Whereas**, the applicant is requesting a boat dock permit and COA staff noted that fill in excess of 4’ was placed on the property behind a wall that is approximately 10’ tall without a permit. A majority of the fill for this site was brought in during the 1980’s and there was some recent repair work completed in 2009. The applicant is not the owner that performed the majority of the unpermitted work; and

**Whereas**, the permit cannot be issued for a new boat dock without granting the variance; however, the findings of fact have not been met for the variance.

**Therefore**, the Environmental Commission recommends Support of the request with the following:

Staff Conditions:

- Add wave abatement along the entire bulkhead in accordance with ECM 1.13
- Remove the steps from the lake
- Restore the floodplain on the lower terrace of the site

Environmental Commission Conditions:

- Additional vine growth on face of wall
- Provide additional 30% planting density to the critical water quality zone
- Add additional 20” of trees planted in upland area or participate by paying a mitigation fee in lieu

**VOTE 7-1-2**

For: Perales, Thompson, Neely, H. Smith, Maceo, B. Smith, Grayum  
 Against: None  
 Abstain: Guerrero  
 Recuse: None  
 Absent: Moya, Creel

Approved By:

Marisa Perales, Environmental Commission Chair



### ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

Commission Meeting Date Requested:	September 21, 2016
Name & Number of Project:	609 River Road SP-2015-0454DS
Name of Applicant or Organization:	Janis J. Smith (512) 914-3729
Location:	609 River Road
Project Filing Date:	October 7, 2015
City Council District:	6
DSD/Environmental Staff:	Atha Phillips, 974-6303 atha.phillips@austintexas.gov
Watershed:	Lake Austin (Water Supply Rural), Drinking Water Protection Zone
Ordinance:	Watershed Protection Ordinance
Request:	1) To allow fill greater than four feet. [LDC 25-8-342(A)]
Staff Recommendation:	Recommended for approval
Reasons for Recommendation:	Age of unpermitted development and agreed to mitigation



## M E M O R A N D U M

TO: Marisa Perales, Chair and Members of the Environmental Commission

FROM: Chuck Lesniak, Environmental Officer  
Watershed Protection Department  
Atha Phillips, Environmental Review Specialist Senior  
Development Services Department

DATE: September 13, 2016

SUBJECT: 609 River Road SP-2015-0454DS

On your September 21, 2016 agenda is a request for consideration of one variance to allow the permitting of existing fill greater than four feet within the critical water quality zone (CWQZ).

Description of Property

The subject property is a .955 acre platted lot located in the Lake Austin watershed, which is classified as Water Supply Rural, and is located in the Drinking Water Protection Zone. According to City of Austin GIS, the site is not located over the Edwards Aquifer Recharge Zone. The lot is located within the Limited Purpose Planning Jurisdiction and is zoned LA. According to Travis County Appraisal District records, there is an existing house and boat dock.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the lot elevation ranges from the Lake Austin shoreline at 492.8 feet mean sea level (msl) to approximately 560 feet msl, an elevation change of 67.2 feet. The soils on this site were identified in the Environmental Resource Inventory as Altoga Silty Clay series which have a moderate infiltration rate when thoroughly wetted. The vegetation consists of Italian cypress, live oaks, St. Augustine turf grass, and box wood and rose shrubs. There is a 36" caliper Cypress on the southwest corner of the adjacent lot.

Critical Environmental Features

There are no Critical Environmental Features (CEFs) located on the property and no endangered species were identified within the Environmental Resource Inventory.

Project Background

The site plan under review was submitted on October 7, 2015 and proposes the construction of a boat dock. When conducting a site visit the reviewers noticed large retaining walls had been built within the CWQZ. From historical aerials, it appears there were walls in existence previous to 1997 and these retaining walls and fill were expanded in 2009. The applicant or staff were unable to find any evidence that the work was done under an approved City of Austin permit. Walls within a CWQZ are allowed when stabilizing a hillside but fill above 4' is not allowed within the Water Supply Rural/Drinking Water Protection Zone watershed classification. As a result, staff requested the applicant to include the unpermitted development in the boat dock site plan.

Environmental Code Variance Request

To allow fill greater than 4 feet and up to 9.6 feet associated with retaining walls. [25-8-342(A)]

Recommendation

Because the variance does not meet the Findings of Fact Environmental Review staff is not making a recommendation for this project. However, the Environmental Officer recommends approval of the variances because:

- It is clear that a previous owner did the original grading without a permit and that work likely occurred thirty years ago or more.
- The current owner was not responsible for the expansion of the fill without a permit that occurred approximately 10 years ago.
- The current owner is willing to restore the shoreline riparian area, remove structures within the lake, and improve the existing bulkhead to provide a more natural character to the shoreline to mitigate the impacts of the unpermitted development.
- Incorporation into the current site plan provides a record of the development and clarity for future reviewers and applicants.

Conditions

1. Add wave abatement along the entire bulkhead in accordance with ECM 1.13.
2. Remove the steps from the lake.
3. Restore the floodplain on the entire lower terrace of the site.



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

**Project:** 609 River Road SP-2015-0454DS

**Ordinance Standard:** Land Development Code Section 25-8-342(A)

**Variance Request:** To allow fill greater than four 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. Although other properties along this stretch of the lake have added retaining walls, other owners have dealt with the grades on the property by constructing stairs or a gangway from the second story of the boat dock. Similar retaining walls that were constructed in 2007 at 613 River Road resulted in an environmental code violation that has not been resolved to date.**
  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. Retaining walls existed on site prior to the 2009 wall construction. However, the later construction brought additional fill over the allowed four feet further into the floodplain and brought the lower retaining walls much closer to the shoreline.**
    - b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;  
**No. While several neighbors appear to have constructed retaining walls, not all of them were properly permitted. Had the owner requested a fill variance prior to construction, staff would have been able to work with the applicant to reduce the amount of fill to below four feet.**
    - c) Does not create a significant probability of harmful environmental consequences; and  
**No. The original wall construction would have triggered a floodplain modification.**

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

**Yes, keeping what is in place could be the best solution. The ground is stable and no erosion is occurring. A condition of the variance is to restore floodplain in the lower terrace which will increase the rating of the floodplain from poor to good.**

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: Atha Phillips  
Atha Phillips

Environmental Program Coordinator: \_\_\_\_\_  
Sue Barnett

Environmental Officer: \_\_\_\_\_  
Chuck Lesniak

Date: September 13, 2016

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

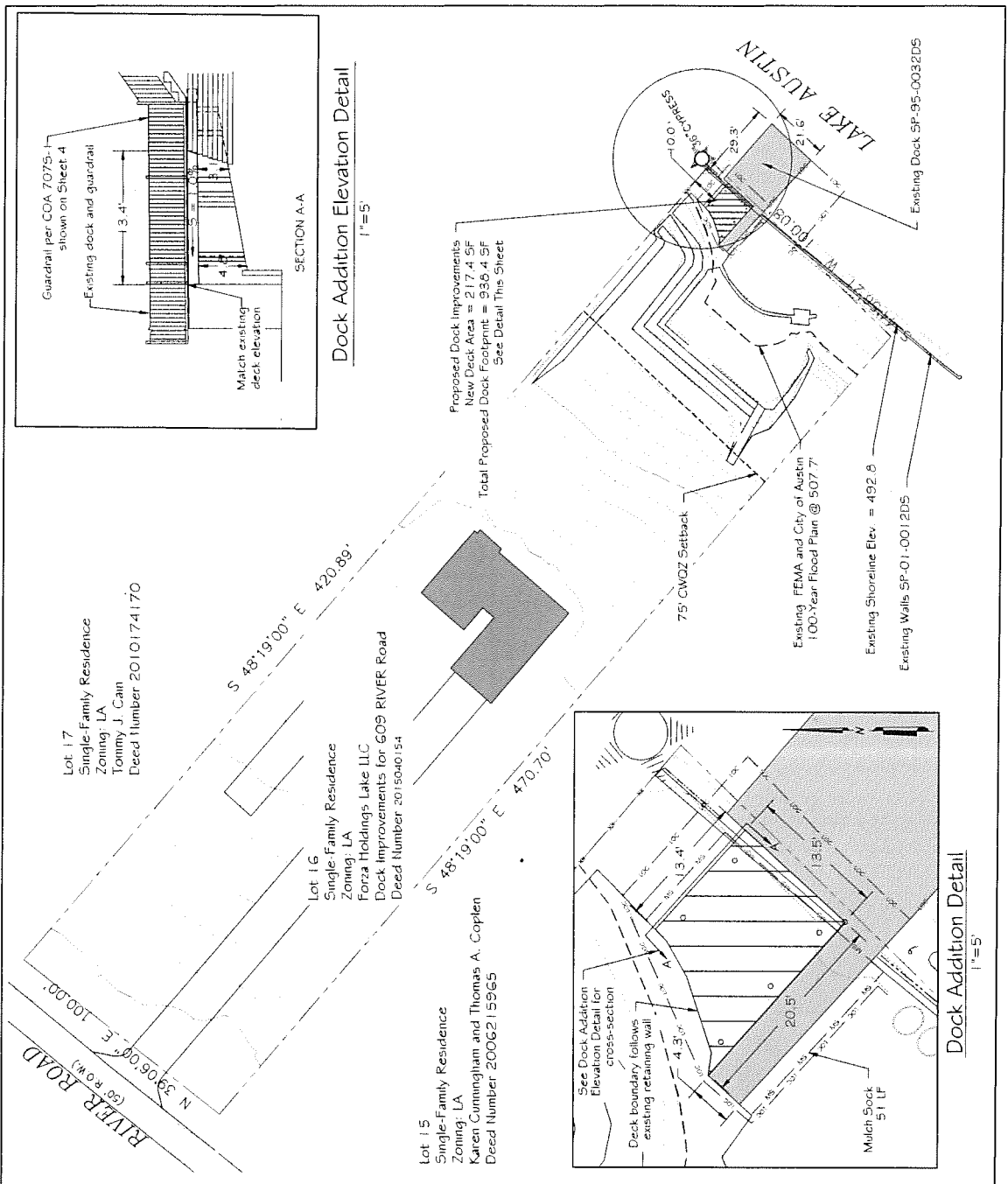
Signature: Susan Barnett  
Susan Barnett (Sep 15, 2016)

Email: sue.barnett@austintexas.gov





# ADDITION TO EXISTING DOCK at 609 RIVER ROAD



**LEGEND**

- Proposed Dock
- Existing Dock
- Proposed Deck
- Existing Deck
- Proposed Deck
- Existing Deck
- Proposed Deck
- Existing Deck
- Proposed Deck
- Existing Deck

**NOTES:**

- ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
- CONCRETE SHALL BE 3000 PSI COMPRESSIVE STRENGTH AND SHALL BE REINFORCED WITH #4 BARS AT 12" ON CENTER.
- ALL CONCRETE SHALL BE FINISHED TO A FINISH ELEVATION OF 507.7'.
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**ADDITION TO EXISTING DOCK at  
609 RIVER ROAD  
SITE PLAN AND EROSION  
SEDIMENTATION CONTROL PLAN**

**AUPFERLE COMPANY**  
Engineering, Planning & Development Services  
1088 Lockwood Drive, Suite 200, Austin, TX 78704  
Phone: 512-336-1414  
Fax: 512-336-1414

PROJECT NO: 2015-0032D5  
DATE: 08/11/15  
SCALE: AS SHOWN  
DRAWN BY: JAC  
CHECKED BY: JAC  
APPROVED BY: JAC

**SECTION A-A**  
1"=5'

**SECTION B-B**  
1"=5'

**Dock Addition Detail**  
1"=5'



## Aupperle Company

2219 Westlake Drive #110, Austin, Texas 78746

Phone & Fax (512) 329-8241

Email [Aupperle@att.net](mailto:Aupperle@att.net)

Texas Board of Professional Engineers Registration Number F-1994

October 5, 2015

Director of Development Services Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Re: Engineer's Summary Letter and Report  
Addition to Existing Dock at 609 River Road

Dear Director:

This project proposes to expand the boat dock decking on an existing boat dock on Lake Austin. A general description of the proposed project follows.

### Overview

This project is located at 609 River Road and is situated approximately three miles east of the intersection of RM 620 and Murfin Road. The property is located within the city limits of the City of Austin and is a single-family residence located within the Lake Austin watershed. The proposed project entails expanding landward the upper-level decking of the existing dock but does not include any modifications lakeside to the dock. The proposed dock width will remain unchanged at 13.5 ft., and the proposed footprint will be increased by 217 sq. ft. to 924 sq. ft.. All access for construction activities will be by water. All piles will be 6-5/8" driven steel piles. All piles will be driven to 0.5" refusal per blow. These improvements will be built this coming winter/spring.

### Environmental Assessment

The project site is not located over a karst aquifer, is not within an area draining to a karst aquifer or reservoir, is not within a water quality transition zone, is within a critical water quality zone, is not located on slopes with a gradient more than 15 percent, and is located within the 100-year flood plain of Lake Austin. The Environmental Resource Inventory is submitted with the application.

*Hydrogeologic Element:* The topographic slope under the dock is a grade less than 15 percent. The site is located in Lake Austin and the soils are predominantly sedimentary with some boulders. There are no known springs, bluffs, canyon rimrocks, caves, sinkholes, point recharge features, karst or other critical environmental features within 150 feet of the boat dock. The project is 100% over Lake Austin and runoff from the boat dock should not propose any harm to the quality or quantity of recharge at significant point recharge features, since there are none.

*Vegetation Element:* The proposed construction preserves, to the greatest extent practicable, the significant trees and other vegetation at the single-family site. No trees will be removed during the construction of the proposed dock.

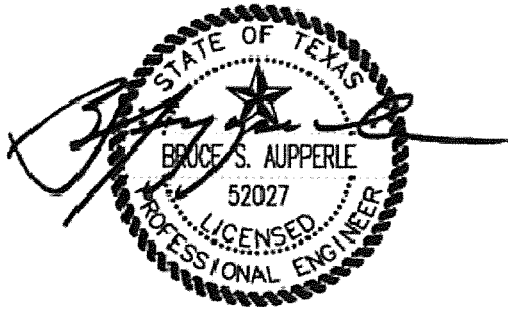
*Wastewater Element:* No wastewater or water service is proposed for this project. Therefore, justifications, explanations, descriptions, techniques, standards or calculations regarding wastewater service are not included herein.

Conclusions

The project as designed is in substantial compliance with the applicable requirements of the City of Austin Development Code. No variances or waivers are required. There will be no adverse impact on the natural and traditional character of the land or waterways. If you have any questions, please feel free to call.

Very truly yours,

Aupperle Company



Bruce S. Aupperle, P.E.