

my
1



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0130
LOCATION: 12417 River Bend #4

1" = 169'

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





CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

my
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Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # C15-2016-0130 ROW # 11633632 Tax # 0127550116
TCAD ✓

Section 1: Applicant Statement

Street Address: 12417 River Bend #4

Subdivision Legal Description:

LOT 9 FREUND SLEEPY HOLLOW LAKE AUSTIN SUBD PLUS 6.25% INT IN RESERVED LAKE FRONT TRACT

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: Lake Austin SF-2

I/We Rick Rasberry on behalf of myself/ourselves as
authorized agent for Bryan Edwards affirm that on
Month November, Day 14, Year 2016, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Single Slip Residential Boat Dock

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-1176(A)(1) – Proposed Boat Dock to extend greater than 30' from shoreline

25-2-1176(B)(2) – Proposed variance to exclude any required Permanent Sanitation Facilities

25-2-1176(A)(4a) – Proposed variance to any 20% shoreline width restrictions

my
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Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

City Staff have made a determination that portions of the Land Development Code noted above would prohibit the property Owner from developing a single slip residential boat dock on the plated and deeded subdivision lake front tract. The property Owner would find that all reasonable use of the deeded 6.25% interest in the lake front tract would be denied if the boat dock development is prohibited by City of Austin rule interpretations.

Hardship

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

All fifteen (15) other subdivision lot owners have already developed a residential boat dock on their 6.25% portion of the deeded lake front easement. This property Owner holds the last remaining 6.25% interest portion of land in the lake front easement that has not been developed in the sixteen (16) single family home subdivision.

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

Any denial for a reasonable use of the property would constitute a hardship not general to the area.

Area Character

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 subdivision was platted July 9, 1968 (Exhibit A) with a specified legal lake front easement for the sole purpose of developing cluster boat docks. Development of cluster boat docks is already predominate for the area (Exhibits B & C) and approval of this request would be similar and contemporaneous for the area. The proposal would in no way impair the use of adjacent conforming properties.

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

No parking variance is being sought with the boat dock site plan application and the Owner's Residence is near the proposed dock.

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:

N/A -- Boat Dock

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

The proposed dock would be sited in a consistent and congruent fashion aside the other existing cluster docks.

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

This request is limited to the Owner's specific 6.25% interest in the deeded lake front easement.

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: ^{Bryan Edwards} 2016.11.13 20:10:17 -06:00  Date: 11/12/2016

Applicant Name (typed or printed): Rick Rasberry, CESSWI

Applicant Mailing Address: 2510 Cynthia Ct

City: Leander State: Tx Zip: 78641

Phone (will be public information): (512) 970-0371

Email (optional – will be public information): rick@rickrasberry.com

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: ^{Bryan Edwards} 2016.11.13 20:10:35 -06:00 Date: _____

Owner Name (typed or printed): Bryan Edwards

Owner Mailing Address: 12417 River Bend #4

City: Austin State: Tx Zip: 78732

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Rick Rasberry, CESSWI (Lake Austin Boat Dock & Shoreline Permits)

Agent Mailing Address: 2510 Cynthia Ct

City: Leander State: Tx Zip: 78641

Phone (will be public information): (512) 970-0371

Email (optional – will be public information): rick@rickrasberry.com

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

It is the Owner's belief that COA Staff may have misinterpreted the rules with respect to LDC
25-2-1176(A)(4)(a) prohibiting the proposed development since greater than 20% of the shoreline
frontage easement may have already been developed. Any denial of the proposed boat dock

Additional Space (continued)

development would be construed as a deprivation of a privilege given to other property owners and would effectively deny the owner a reasonable use of the property.

Please kindly consider these findings of fact for the other two (2) requested variances, as follows:

LDC 25-2-1176(A)(1) -- COA Staff denied the Owner's request to administratively approve allowing the dock to extend greater than 30' feet from the shoreline for navigational safety. However, findings of fact would show that COA has accepted other similarly situated docks in the same area with contemporaneous development.

LDC 25-2-1176(B)(2) -- COA Staff have determined that the Owner would be required to construct permanent sanitation facilities on the lake front tract for the subdivision's cluster docks. The Owner would show that boat docks have been developed on the lake front tract easement for more than three (3) decades, and without any permanent sanitation facilities on site. It should be noted that all of the subdivision dock owners have a residence with permanent sanitation facilities nearby in the subdivision. Any denial of the request would effectively impose an unreasonable financial hardship on the 6.25% legal owner of the lake front easement to conform with a community principal based rule.

SAVE

June 3, 2016

City of Austin

Development Services Department

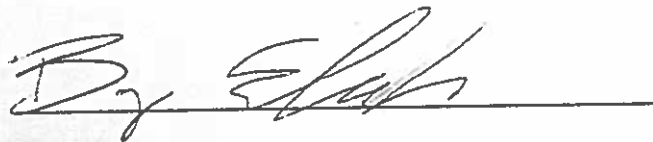
PO Box 1088

Austin, TX 78716

To Whom It May Concern:

I, Bryan Edwards, own the property at 12417 River Bend 4. I wish to develop a new boat dock, dock access, and necessary appurtenances on the lake front tract. Rick Rasberry is my authorized agent for the City of Austin applications needed for the subject property. Please contact me if you have any questions.

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Bryan Edwards", is written over a horizontal line.

Signature

FREUND SLEEPY" HOLLOW LAKE AUSTI. NSUBDIVISION

MAY 10 2004
 1:44 PM
 CITY OF ALBANY
 ALBANY, NEW YORK

STATE OF TEXAS:

[illegible]

STATE OF TEXAS;

STATE OF TEXAS:
COUNTY OF TRAVIS:
Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE,
this _____ day of _____, 19____.

Notary Public in and for the State of Texas.

Wm. C. Fann
Wm. C. Fann
Wm. C. Fann

STATE OF TEXAS:

STATE OF TEXAS:
COUNTY OF TARRANT
I, the undersigned, being duly qualified, do hereby certify that the within and foregoing instrument was duly acknowledged before me by the persons whose name is subscribed to the foregoing instrument and subscribed to the same that executed the same for the purposes and contents therein expressed.
WITNESSED my hand and the seal of my office, this 11th day of May, 1940. A. C. 1940

Marianne Merrill (200)
History Major
Angelina County, Texas

STATE OF TEXAS:

STOPS AT THIRDS

Spa. W. B. Edwards 10.
Notary Public
Chesapeake Church, Texas

STATE OF TEXAS.

STATE OF TEXAS
COUNTY OF MICHIGAN:
I, _____, the undersigned authority, on this day
serve you the within and foregoing summons, return, answer,
plea to the answer where name is subscribed, and
the foregoing indictment and indictment of 1911, in
that to occur the same for the purpose and
consideration that the same are true and
correctly stated and return of the
witness and of 1911 - 2-19-1911

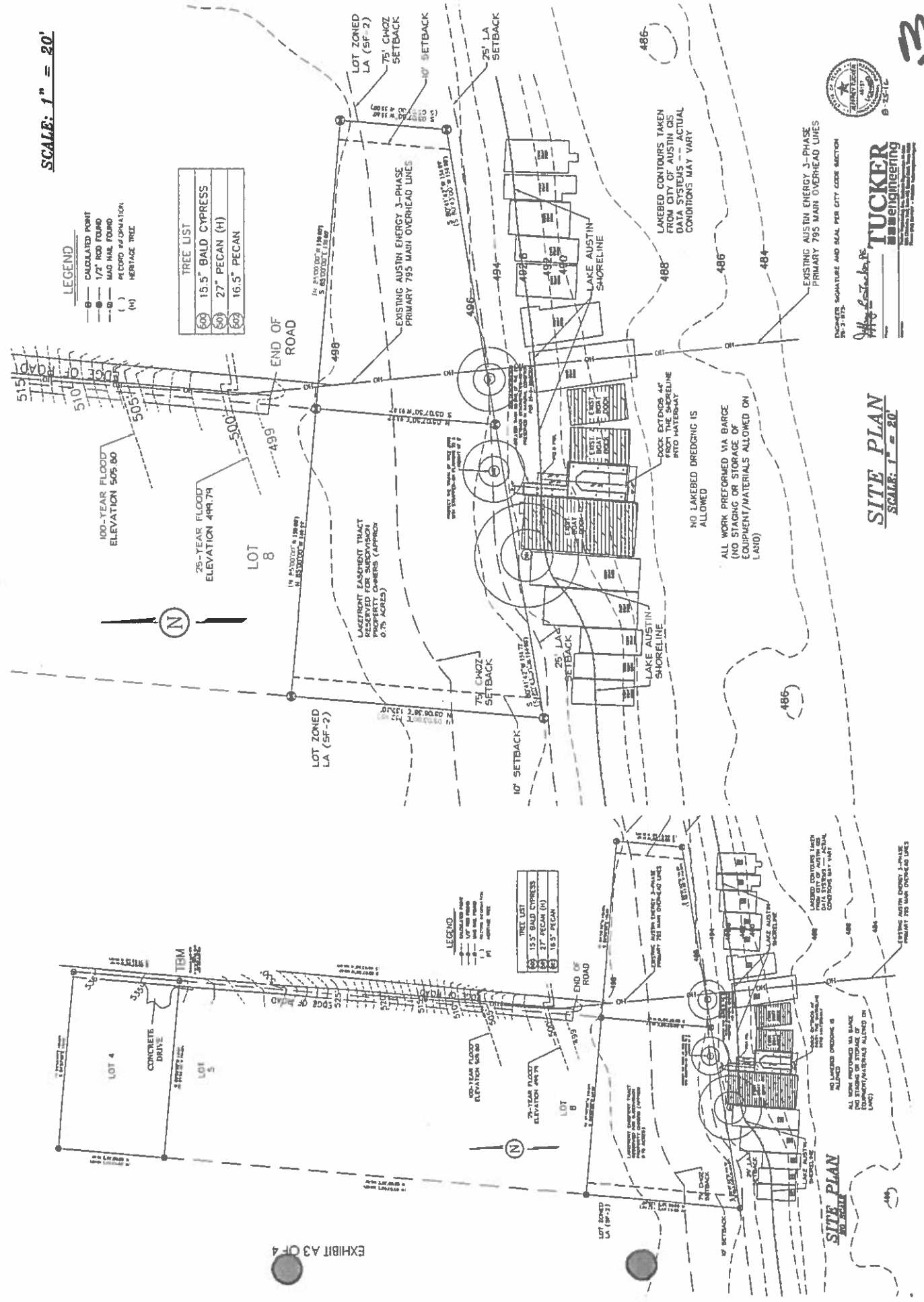
Butler, J. Needles
notary public
within the County. Name

Forwarded by Cassidy & Michael date: 8-11-68

C8-68-67

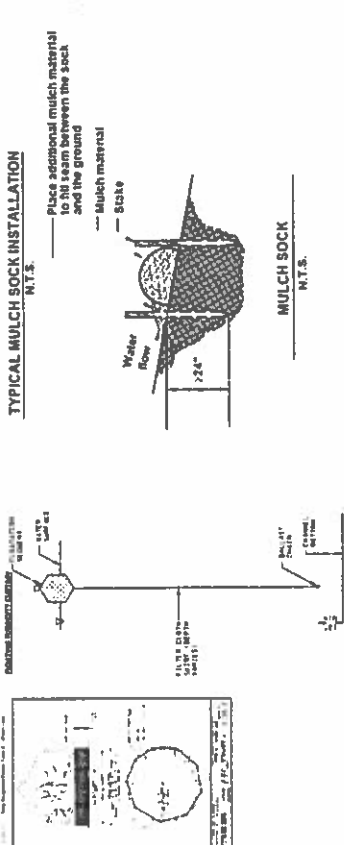
1-11

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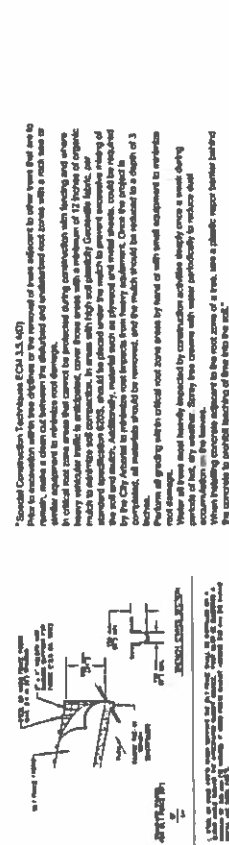


TUCKER
ENGINEERING
11000 N. DALLAS STREET
SUITE 100
DALLAS, TEXAS 75243
PH: 214-343-1000
FAX: 214-343-1001

SITE PLAN
SCALE: 1" = 20'



CONTRACTOR NOTE:
ALL STEEL PILING SHALL BE 5-1/2" TO 7" DRIVEN TO REFUSAL
THE ENVIRONMENTAL INSPECTOR WAS THE AUTHORITY TO ADD/ OR REMOVE
EMENDATION CONTROLS AT THE SITE TO KEEP THE PROJECT
IN ACCORDANCE WITH THE CITY OF AUSTIN RULES AND REGULATIONS
ALL STRUCTURAL WORK TO DOCK PERFORMED FROM BARGE.

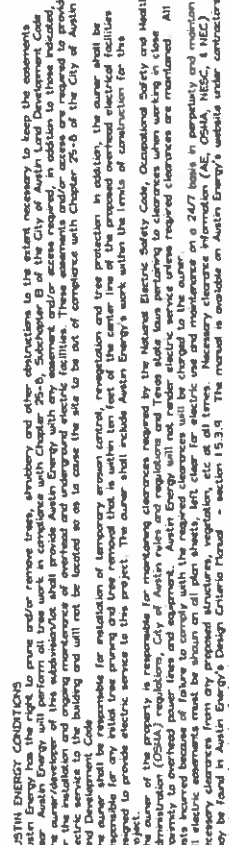


The proposed fund will meet roughly 60% of expenditures of LC 25-1111 ("Financial Supplementary") and will comply with Chapter 23.1, RCW, 1978, 1 Madison Building Fund and the Building Code Book.

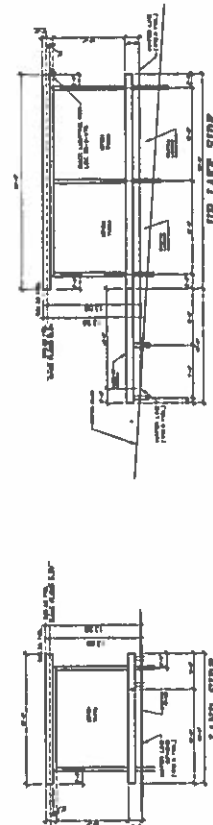
Financial requirements are provided with the following: subject was LC 25-04-1810-02.

The proposed fund will be for all 80% spent LC25-1111-00-00.

If allocated money is not to be utilized on the money from 14 days, described area made in the authorized by transportation, such as 100% in transportation, under LC 14.0.1.1, Section 14.



TUCKER
Engineering



ELEVATIONS SCALE: 1/8" = 1'-0"

CONTRACTOR NOTE:
ALL STEEL PILING SHALL BE 5-1/2" TO 7" DRIVEN TO REFUSAL

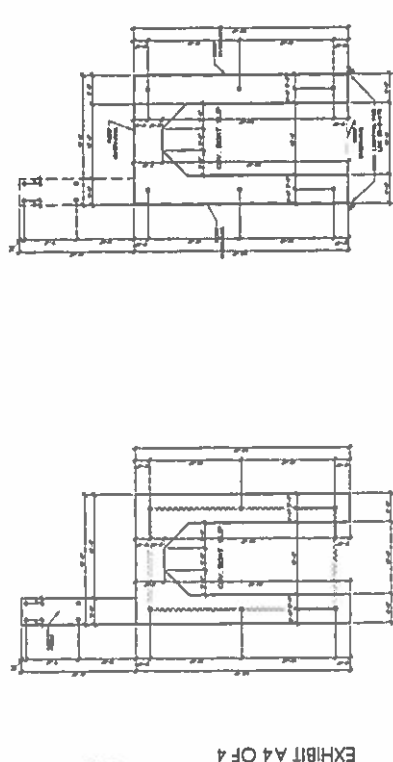
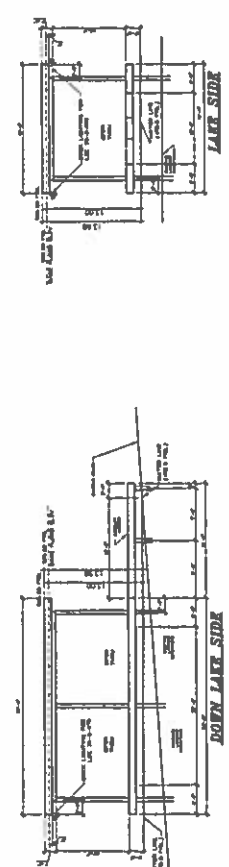


Table 1

FLOOR PLAN SCALE: 1/8" = 1'-0"

EXHIBIT A4 OF 4

11

12417 RIVER ROAD #4

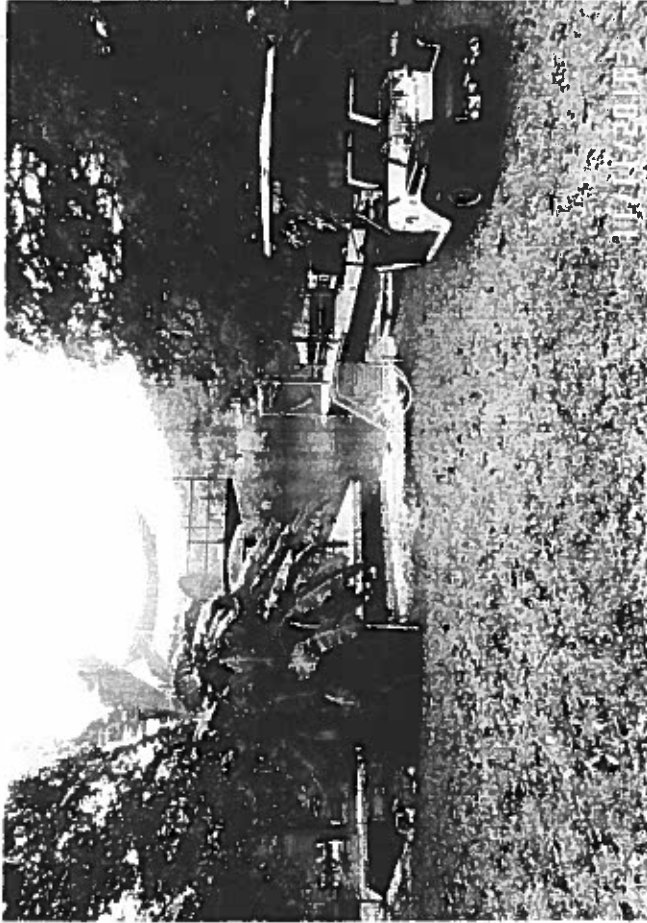
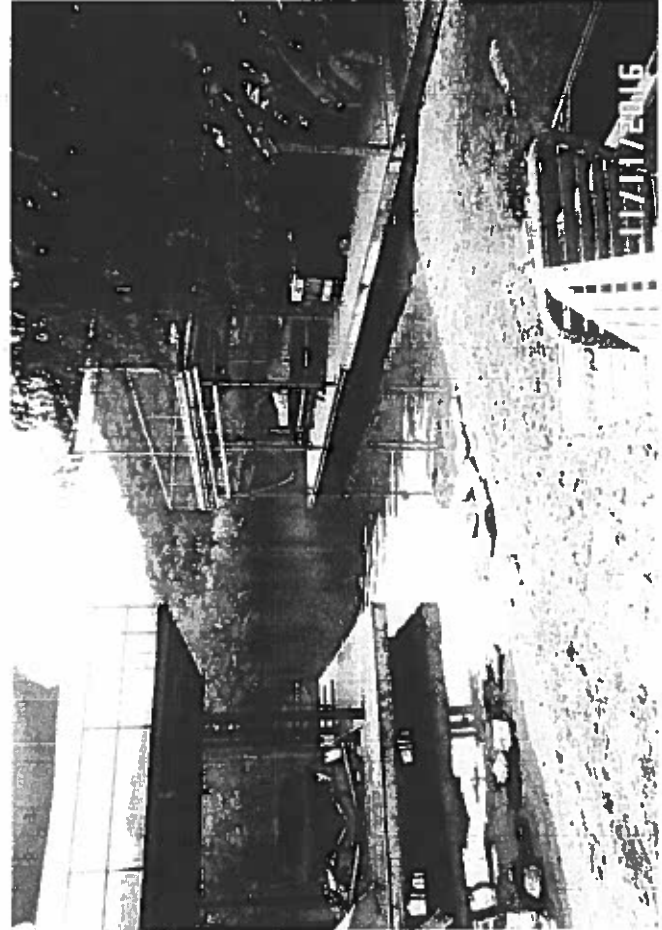


EXHIBIT BOOK 2



12417 RIVER BOND #4

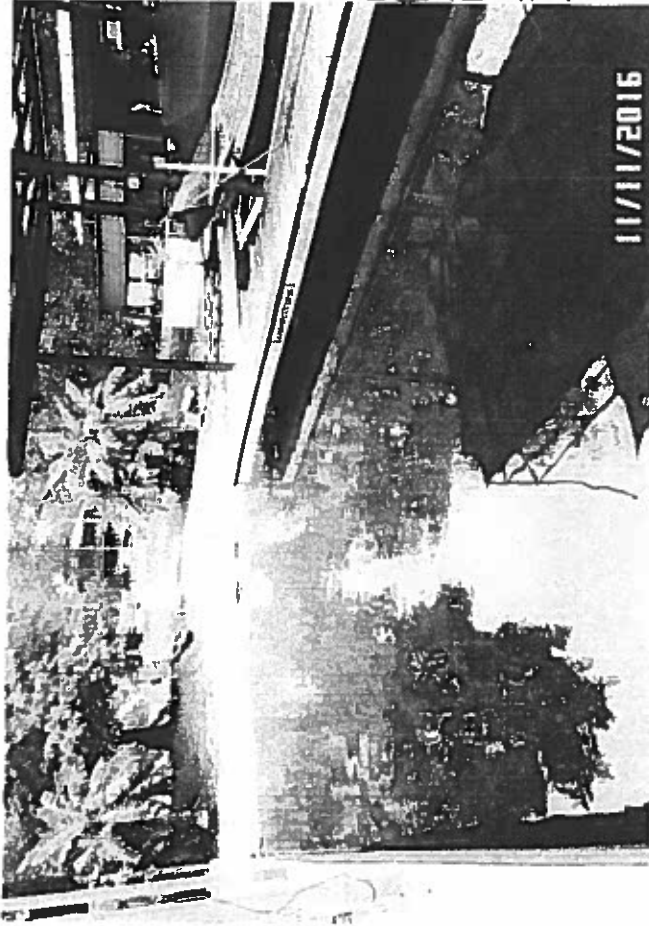
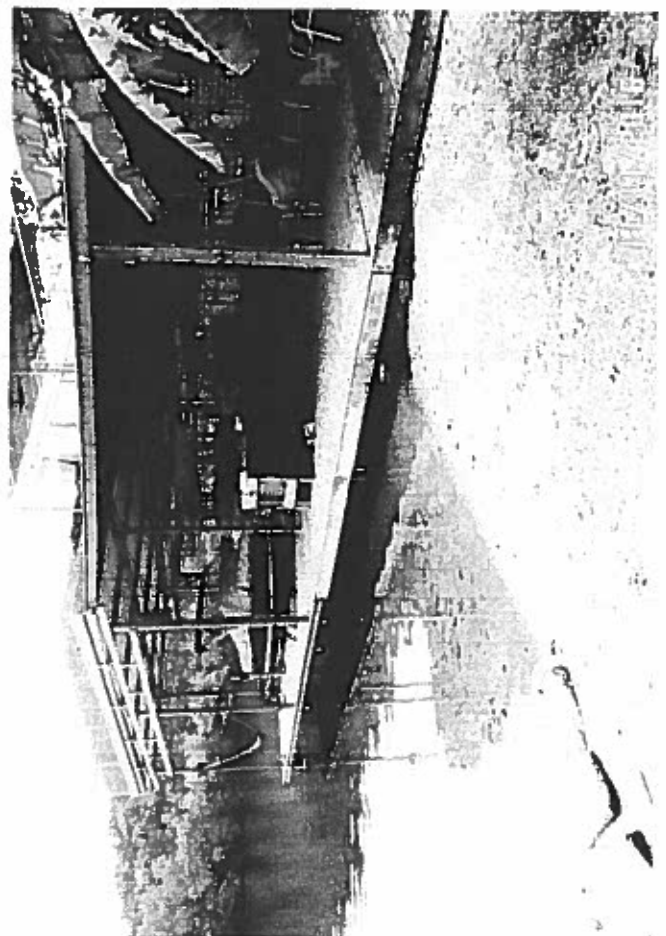
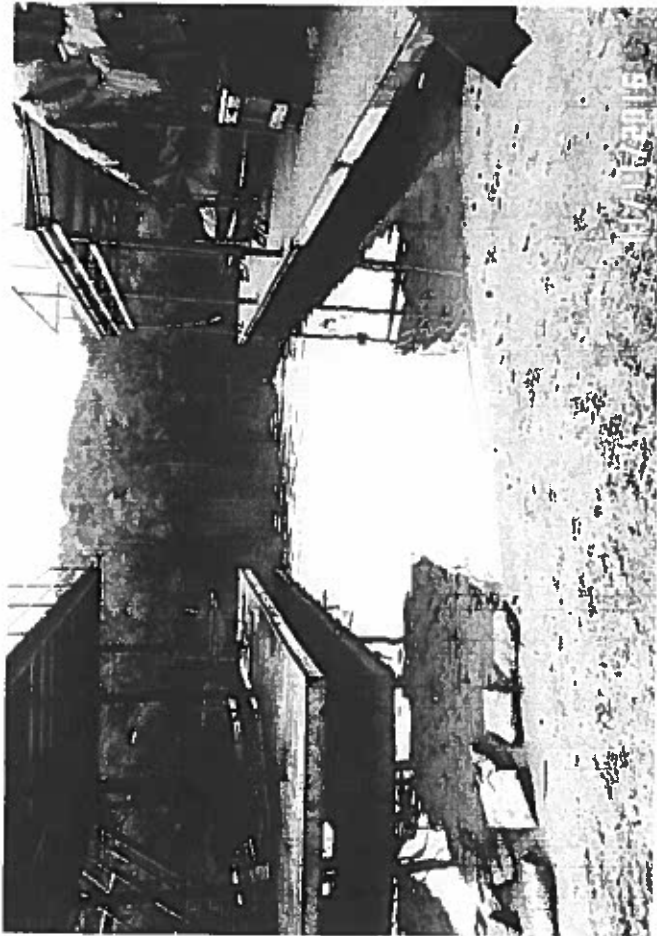
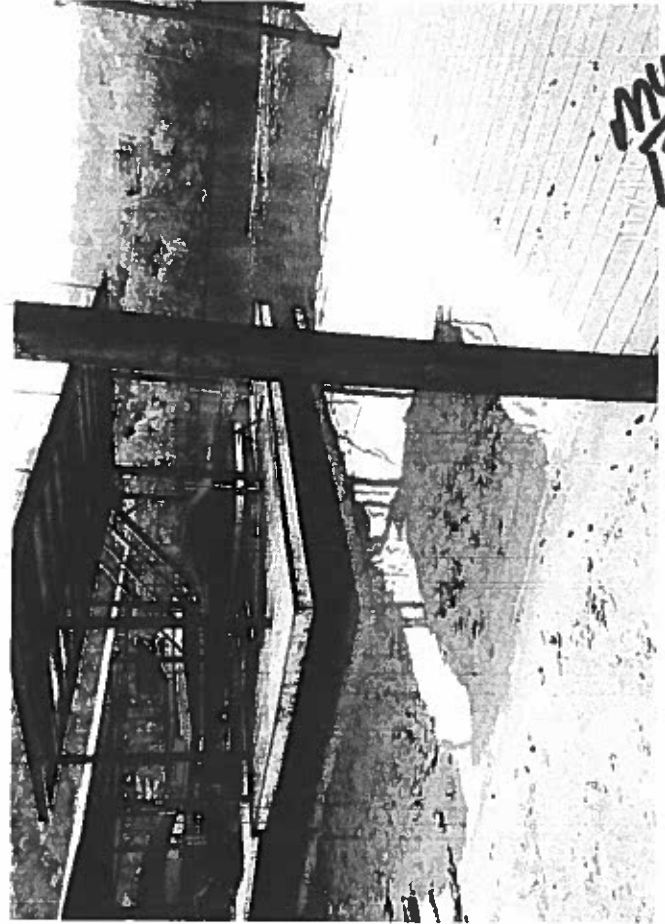
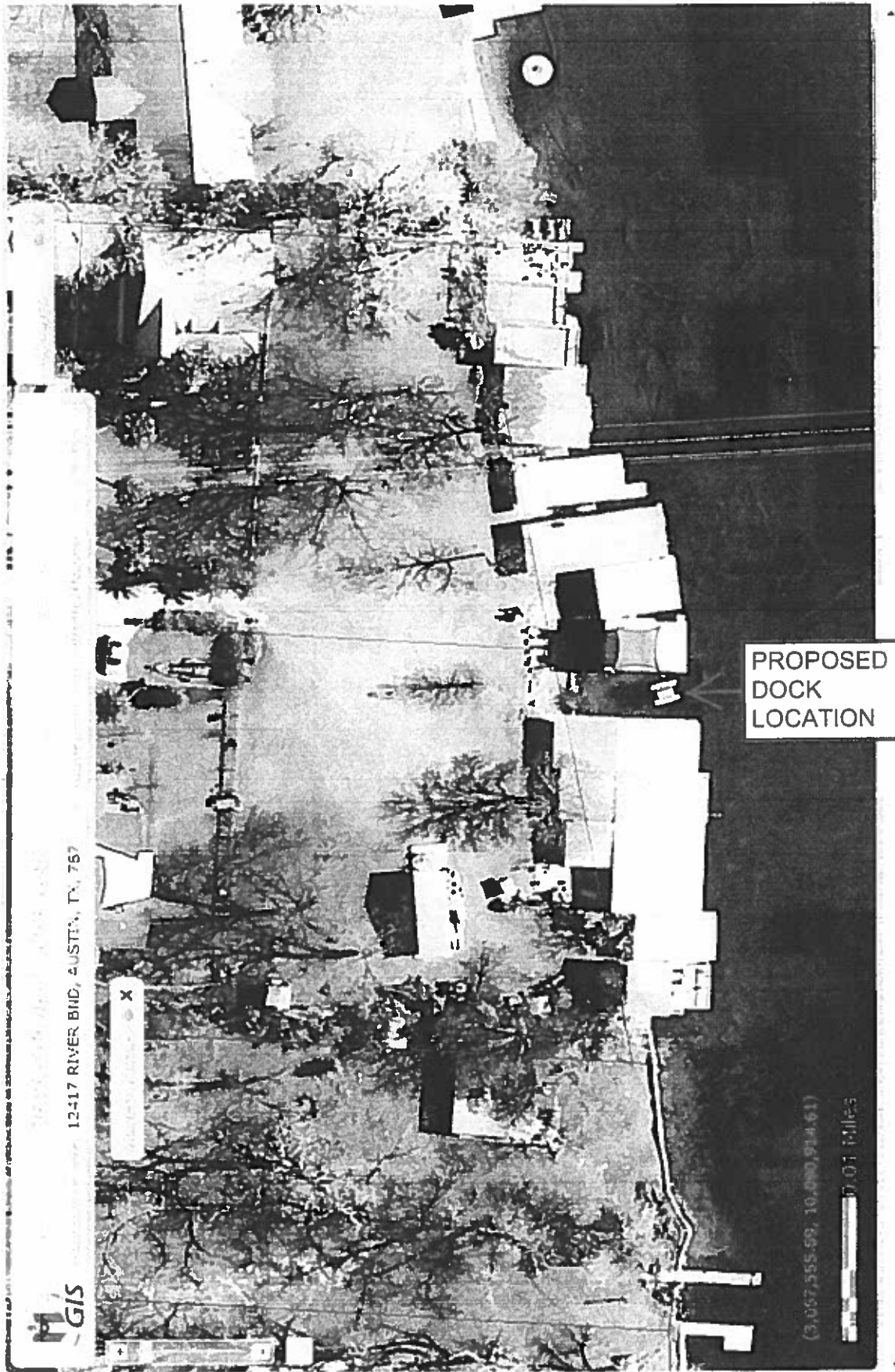


EXHIBIT B2 OF 2



13/24

2016/11/11 21:01



15/34

2016/11/11 21:00

