

101/1



NOTIFICATIONS

CASE#: C15-2017-0043
LOCATION: 2005 Manana Street



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 417'

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 by the City of Austin regarding specific accuracy or completeness.



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

**Board of Adjustment Interpretations Application
Appeal of an Administrative Decision**

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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2005 Manana Street _____

Subdivision Legal Description:

ABS 739 SUR 2 SPILLMAN J ACR 0.776 OR LOT 4 BLK 1 UNRECORDED MANANA SUBD _____

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

Outlot: _____ Division: _____

Zoning District: _____

I/We Rick Raspberry _____ on behalf of myself/ourselves as
authorized agent for Gail Findlay _____ affirm that on
Month July _____, Day 7 _____, Year 2017 _____, hereby apply for an interpretation
hearing before the Board of Adjustment.

Development Services Department interpretation is:

DSD believes that the existing retaining walls, bulkhead, and other erosion protection devices detailed in the as-built plans submitted by applicant (draft SP-2017-0082D) "appeared to have been constructed after January 1, 1984" and does not qualify for modification or maintenance under Section 25-2-963(D)(8) - and that no other permit authorizes construction 25-9-963(D)(7).

I feel the correct interpretation is:

Aerial photography would show that the existing retaining walls, bulkhead, and other erosion protection devices were originally developed on the Legal Tract of Land before January 1, 1984; therefore qualifying for modification and maintenance per 25-2-963(D)(8). Other permit authorizing construction by City of Austin is SP-03-0016D.

Section 2: 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.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:

Section 25-2-963(D)(7) is relatively new {promulgated within the past three (3) years} and has no know cases heard at the Board/Commission level for City Staff to compare and/or establish precedence. City Staff may be limiting their review and determinations based on inherent flaws with the rule. It's not possible for an applicant to provide a prior original permit which authorized the construction of the retaining walls and erorion protection devices developed decades ago.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because:

The existing retaining walls, bulkhead, and other erosion protection devices were originally developed on the Tract of Land in similar fashion as other lots of the Spillman Tract many decades ago (unrecorded Manana Subdivision). This appeal is not seeking to change any use(s) on the Lake Austin Waterway Zone.

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:

Aerial photography of the site conditions and neighboring properties uplake would show similarly situated retaining walls, bulkheads, and other erosion protection devices developed on lakeside lots in the Spillman Tract. However, the adjoining property at 2007 Manana Street has developed an unauthorized bulkhead and boat ramp some time after 2003. Any COA denial without imposing similar sanctions or orders on adjoining lot would be considered prejudiced.

Section 3: Applicant/Aggrieved Party 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: Rick Rasberry Date: 07/07/2017

Applicant Name (typed or printed): Rick Rasberry (Lake Austin Boat Dock & Shoreline Permits)

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): [REDACTED]

Section 4: Owner Information

Owner Name: Gail Findlay

Owner Mailing Address: 2005 Manana Street

City: Austin State: TX Zip: 78730

Section 5: Agent Information

Agent Name: Rick Rasberry (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): [REDACTED]

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).

In accordance with the application procedures listed above, we have included a copy of the draft site plan (SP-2017-0082D) accepted for review by the COA Land Use Department on March 9, 2017. We would respectfully request the opportunity to provide additional exhibits and records in advance of any hearing scheduled for the matters. This submittal is being provided today for the sole purpose of meeting any/all COA conditions of LDC 25-1-182 necessary toward formal acceptance of the application for BOA consideration per LDC 25-2-475 and/or LDC 25-2-476. Please reply with any other conditions for acceptance, thank you!

To: Leane Heldenfels

From: Rick Rasberry

Re: Appeal of Director's Decision to BOA – 2005 Manana Street Shoreline Stabilization Site Plan
Application SP-2017-0082D

Date: July 6, 2017

Hi Leane,

I am the Applicant/Agent of Record for the Owner on the referenced matter. We are requesting an appeal to the BOA per LDC 25-2-475. The COA Building Official has issued the attached June 28, 2017 written determination (Exhibit A) in response to our May 10, 2017 request (Exhibit B).

We have included a check in the amount of \$2375.36 to memorialize the process and ensure that the 20-day appeal conditions have been met. We believe that the Agenda of September 18, 2017 would afford all interested parties sufficient time for preparation, and submittal of the necessary back-up materials to the Board for consideration.

Please let me know of any other conditions necessary for meeting the terms of LDC 25-2-475 and we will look forward to hearing back from you, thanks!

Kindest Regards,

Rick Rasberry, CESSWI

Lake Austin Boat Dock & Shoreline Permits

512-970-0371



Cc: Gail Findlay



Building a Better and Safer Austin Together



505 Barton Springs Road Austin, TX 78704 | 512-978-4000 | DevelopmentATX.com

June 28, 2017

Rick Rasberry
Lake Austin Boat Dock and Shoreline Permits, LLC
Via e-mail to [REDACTED]

Re: 2005 Manana SP-2017-0082D

Mr. Rasberry:

This email is in response to your letter dated May 10, 2017, requesting a determination on whether the unpermitted construction of a wall located within Lake Austin qualifies for modification or maintenance of a non-complying structure as specified by City Code section 25-2-963(D)(8).

I have reviewed the information provided for this site and discussed the situation with City staff and have determined that the recently constructed wall does not qualify for modification or maintenance under this section of City code. The existing wall parallel to the shoreline appears to have been constructed after January 1, 1984. Additionally, there has been no evidence provided that indicates a permit was obtained to authorize construction as required by 25-2-963(D)(7).

Please further note that staff does not consider this wall a bulkhead as defined by 25-2-1172 for the following reason. The constructed wall within the lake is not "...for the purpose of stabilizing or modifying the shoreline" and does not appear necessary for the support of the existing bulkhead.

As an option, you may request an interpretation or variance from the Board of Adjustment. The Board of Adjustment staff liaison is Leane Heldenfels; she may be reached at Leane.Heldenfels@austintexas.gov or 512-974-2202.

Please also note that the newly constructed wall within the lake does not comply with City Code sections 25-8-261 (*Critical Water Quality Zone Development*). As such, Land Use Commission variances may be required for site plan approval. Based on the information provided to date staff does not believe the variances would meet the findings-of-fact and would not be recommended for approval by staff.

Please let me know if you have any questions or require any clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Robinson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Beth Robinson, P.E,
Managing Engineer, Land Use Review
Development Services Department



May 10, 2017

Director of Development Services Department

EXHIBIT B1 OF 2

City of Austin

P.O. Box 1088

Austin, Texas 78767

Re: Request for Approved Variance LDC 25-8-261 (Critical Water Quality Zone Development) & LDC 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long), Shoreline Stabilization and Bulkhead Repair, SP-2017-0082D, 2005 Manana Drive on Lake Austin, TX

Dear Director:

On behalf of the Owner of the referenced property I am requesting approval of the proposed shoreline stabilization and bulkhead repair site plan SP-2017-0082D.

The existing residential lot/property has been fully developed with a single-family residence and accessory boat dock for several decades. The proposed plans and specifications comply with City Code 25-7-62 along with all other parts of City Ordinance No. 20140626-113 *Relating to the Lake Austin Zoning District and the Regulation of Boat Docks, Bulkheads, and Shoreline Access*.

City of Austin Review Staff have determined that the existing shoreline stabilization structures and bulkhead may not be conforming with the rule conditions of LDC 25-8-261 and LEC 25-8-368; thus, necessitating an Environmental Commission variance hearing process.

The existing shoreline stabilization structures and bulkhead have been developed on the property for more than fifty (50) years and should be accepted by the Director per the rule conditions of LDC 25-2-963(D)(8). The property Owner disagrees with the Staff findings claiming that the existing repairs and improvements would command Commission(s) variance approval, and would further contend that any lawful rule variance conditions should be approved administratively by "the Director" for the grandfathered shoreline stabilization/bulkhead repairs. However, the Owner has agreed to take whatever action is demanded by COA to avoid delays with anticipation for reasonable and timely application processing of the repair plans and applications.

Director of Development Services Department

Request for Approved Variance LDC 25-8-261 & LDC 25-8-368, SP-2017-0082D

May 10, 2017

Page 2

The existing shoreline stabilization method has been successfully used on the site for many decades. Additionally, the existing development method provides greater overall environmental protection than is achievable without any variance, is the minimum change (repair) necessary to allow for reasonable use of the shoreline property, does not create a significant probability of harmful consequences; and will result in equal or improved water quality.

It should be noted that the property Owner is seeking no special privilege to repair the bulkhead and other necessary appurtenances not already given to owners of other similarly situated property with approximately contemporaneous development, and as provided. The proposal would result in promoting ecological function and maintaining the natural character of the lakeshore. Any denial of the requested application for Site Plan would be construed as deprivation of a privilege given to other property owners and would effectively deny the property Owner a reasonable use.

Please let me know if you should have any questions or require any additional information and we look forward to receiving your favorable reply of acceptance.

Very truly yours,

Rick Rasberry

Ricky "Rick" Rasberry, CESSWI

LAKE AUSTIN
225 SHERRILL DRIVE
DALLAS, TEXAS 75219
WWW.PICKASBERY.COM



Shoreline Stabilization
FINDLAY

2005 MANANA STREET
TRAVIS COUNTY, TEXAS
AS 739 SUR 2 UNRECORDED KANNA SUBD
JOB NO. 171818
SHEET NO. 11 OF 12

REVISIONS / CORRECTIONS

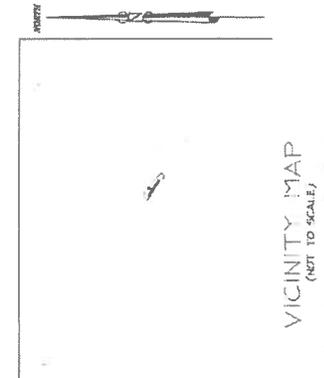
Revision	Description	Date	By	Checked
1	Initial Issue	11/11/11	Linda Adams	[Signature]
2	Revised	11/11/11	Linda Adams	[Signature]
3	Revised	11/11/11	Linda Adams	[Signature]
4	Revised	11/11/11	Linda Adams	[Signature]
5	Revised	11/11/11	Linda Adams	[Signature]
6	Revised	11/11/11	Linda Adams	[Signature]
7	Revised	11/11/11	Linda Adams	[Signature]
8	Revised	11/11/11	Linda Adams	[Signature]
9	Revised	11/11/11	Linda Adams	[Signature]
10	Revised	11/11/11	Linda Adams	[Signature]

TABLE OF CONTENTS
1 COVER SHEET
2 SITE PLAN AND SHORELINE STABILIZATION EROSION CONTROLS

SITE SPECIFIC NOTES
OWNER: PICKASBERY, LINDA
ADDRESS: 2005 MANANA STREET, TRAVIS COUNTY, TEXAS
PROJECT: SHORELINE STABILIZATION AND EROSION CONTROL
DATE: 11/11/11

APPROVED FOR THE PRODUCTION OF THESE PLANS BY THE CITY OF AUSTIN, TEXAS. THE CITY OF AUSTIN IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE DEVELOPER OR FOR THE CONSTRUCTION OF THE PROJECT. THE CITY OF AUSTIN IS NOT RESPONSIBLE FOR THE DESIGN OF THE PROJECT OR FOR THE CONSTRUCTION OF THE PROJECT. THE CITY OF AUSTIN IS NOT RESPONSIBLE FOR THE DESIGN OF THE PROJECT OR FOR THE CONSTRUCTION OF THE PROJECT.

PROJECT DESCRIPTION: SHORELINE STABILIZATION AND EROSION CONTROL
COA APPROVAL: SIGNATURE: [Signature]
PER DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT: [Signature]



DEVELOPER INFORMATION:
Name: GSA FINDLAY
Address: 2005 MANANA STREET, TRAVIS COUNTY, TEXAS
Phone: 512-337-4946
City: 78701

APPROVED FOR THE PRODUCTION OF THESE PLANS BY THE CITY OF AUSTIN, TEXAS. THE CITY OF AUSTIN IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE DEVELOPER OR FOR THE CONSTRUCTION OF THE PROJECT. THE CITY OF AUSTIN IS NOT RESPONSIBLE FOR THE DESIGN OF THE PROJECT OR FOR THE CONSTRUCTION OF THE PROJECT.

ENGINEER SIGNATURE AND SEAL PER CITY CODE SECTION 25-2-112
[Signature]
Professional Engineer Seal for Linda Adams, State of Texas, License No. 26133-0010.

APPROX P-2: CITY OF AUSTIN STANDARD NOTES FOR TREE AND NATURAL RES. PROTECTION
1. All trees and natural resources shown on plans to be preserved shall be protected in accordance with the City of Austin Standard Notes for Tree and Natural Resource Protection.
2. Preservation of trees and natural resources shall be the intent of any site preparation work.
3. Preservation of trees and natural resources shall be the intent of any site preparation work.
4. Preservation of trees and natural resources shall be the intent of any site preparation work.
5. Preservation of trees and natural resources shall be the intent of any site preparation work.
6. Preservation of trees and natural resources shall be the intent of any site preparation work.
7. Preservation of trees and natural resources shall be the intent of any site preparation work.
8. Preservation of trees and natural resources shall be the intent of any site preparation work.
9. Preservation of trees and natural resources shall be the intent of any site preparation work.
10. Preservation of trees and natural resources shall be the intent of any site preparation work.

APPROX P-4: STANDARD SEQUENCE OF CONSTRUCTION
1. The remaining sequence of construction shall be used for all developments.
2. The remaining sequence of construction shall be used for all developments.
3. The remaining sequence of construction shall be used for all developments.
4. The remaining sequence of construction shall be used for all developments.
5. The remaining sequence of construction shall be used for all developments.
6. The remaining sequence of construction shall be used for all developments.
7. The remaining sequence of construction shall be used for all developments.
8. The remaining sequence of construction shall be used for all developments.
9. The remaining sequence of construction shall be used for all developments.
10. The remaining sequence of construction shall be used for all developments.

APPROX P-5: STANDARD SEQUENCE OF CONSTRUCTION
1. The remaining sequence of construction shall be used for all developments.
2. The remaining sequence of construction shall be used for all developments.
3. The remaining sequence of construction shall be used for all developments.
4. The remaining sequence of construction shall be used for all developments.
5. The remaining sequence of construction shall be used for all developments.
6. The remaining sequence of construction shall be used for all developments.
7. The remaining sequence of construction shall be used for all developments.
8. The remaining sequence of construction shall be used for all developments.
9. The remaining sequence of construction shall be used for all developments.
10. The remaining sequence of construction shall be used for all developments.

APPROX P-6: EROSION CONTROL NOTES
1. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
2. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
3. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
4. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
5. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
6. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
7. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
8. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
9. The contractor shall install erosion/sediment controls and silt fences at all construction sites.
10. The contractor shall install erosion/sediment controls and silt fences at all construction sites.

APPROX P-7: VEGETATION STABILIZATION
1. The contractor shall stabilize all exposed soil surfaces.
2. The contractor shall stabilize all exposed soil surfaces.
3. The contractor shall stabilize all exposed soil surfaces.
4. The contractor shall stabilize all exposed soil surfaces.
5. The contractor shall stabilize all exposed soil surfaces.
6. The contractor shall stabilize all exposed soil surfaces.
7. The contractor shall stabilize all exposed soil surfaces.
8. The contractor shall stabilize all exposed soil surfaces.
9. The contractor shall stabilize all exposed soil surfaces.
10. The contractor shall stabilize all exposed soil surfaces.

Table 7: Information for Permanent Vegetation Stabilization

Method	Vegetation	Application	Notes
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.
Hydroseeding	Grass	Hydroseeding	Apply to all exposed soil surfaces.



January 19, 2017

City of Austin

Development Services Department

PO Box 1088

Austin, TX 78716

To Whom It May Concern:

I, Gail Findlay, own the property at 2005 Manana St. I wish to repair the failing bulkhead, retaining walls, and other necessary appurtenances on the property. 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,

Signature



NOTICE OF FILING OF APPLICATION FOR ADMINISTRATIVE APPROVAL OF A SITE PLAN

Este aviso es para informarle que hemos recibido una aplicación de un plan de sitio dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

Mailing Date: April 13, 2017

Case Number: SP-2017-0082D

The City of Austin has sent this letter to inform you that we have received an application for administrative approval of a site plan. We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application. An administrative site plan does not require a public hearing but is considered for approval by the Director of the Development Services Department. **A decision will not be made regarding this application before Apr 27, 2017, which is the fourteenth day following the issuance of this notice (Austin City Code, Section 25-1-133(D)).** Below you will find information regarding the application.

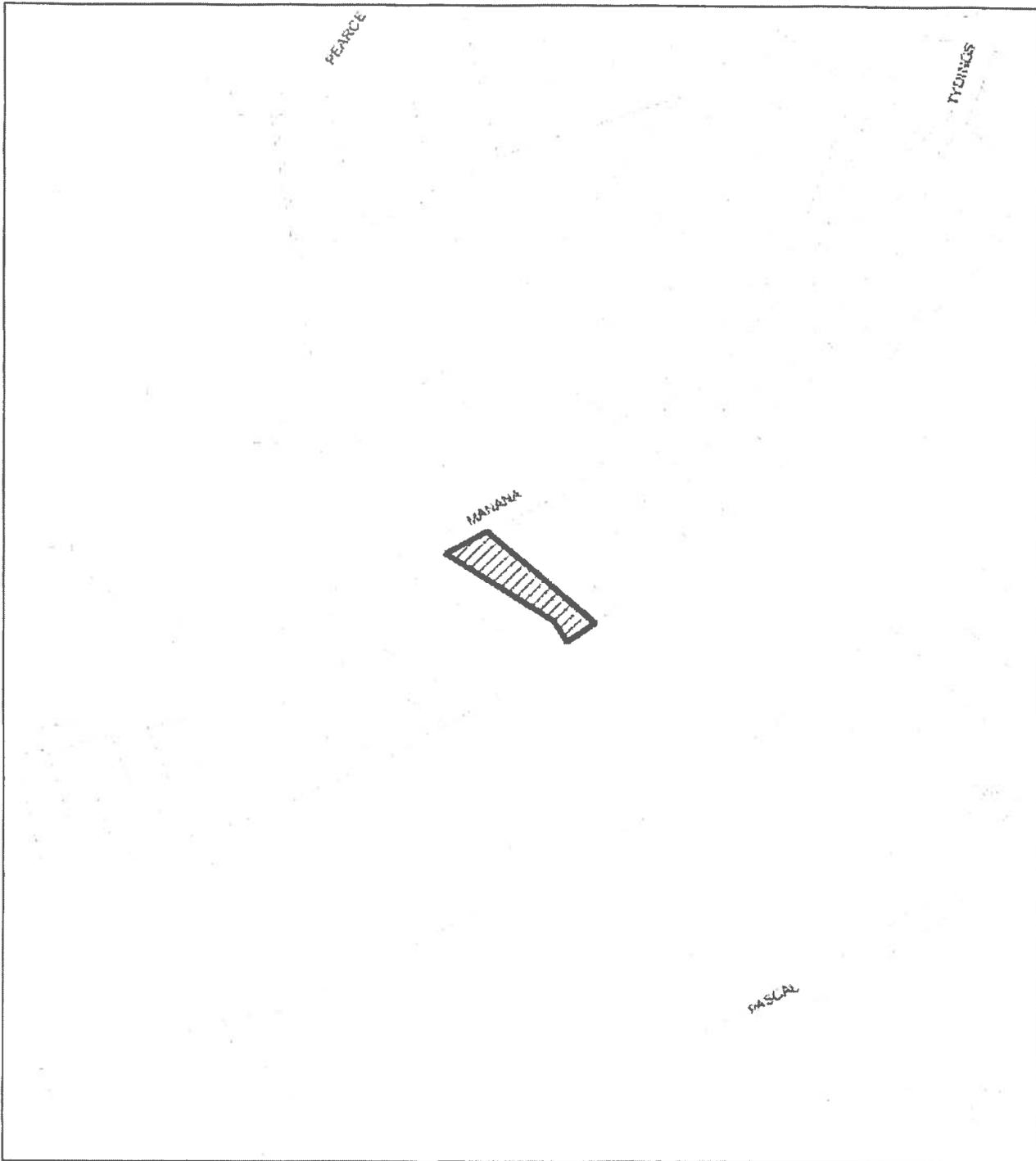
Project Name:	2005 Manana Street
Project Location:	2005 Manana Street
Project Description:	The applicant is proposing to repair and replace existing stabilization structures with all associated improvements.
Applicant:	Lake Austin Boat Dock & Shoreline Permits, Rick Rasberry, (512) 970-0371
Owner:	Gail Findlay, 512-327-4916

You can find more information on this site plan by inserting the case number at the following Web site:
https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp.

For questions about the proposed development please contact the applicant, Rick Rasberry, at (512) 970-0371. For technical questions about the permitting process, please contact the case manager, Michael Simmons-Smith at 512-974-1225 or via e-mail at michael.simmons-smith@austintexas.gov and refer to the case number located on this notice. You may examine the site plan at One Texas Center by appointment or between the hours of 8:00 a.m. and 11:00 a.m. with the case assistant, Ramon Rezvanipour at (512) 974-3124 or via email, ramon.rezvanipour@austintexas.gov, Monday through Friday. The case manager's office is located at One Texas Center, 4th Floor, 505 Barton Springs Road, Austin, Texas.

In addition, you may become an interested party to this application if you meet certain City Code requirements (please see the attached page of this notice). As an interested party you will receive notice of the Director's determination on this application. Because it is an administrative site plan, *there is no appeal of an approval of this application in the City Code*. However, you may have the right to appeal some decisions regarding the application. **To become an interested party, you must meet certain requirements (please see the attached page of this notice), then contact the case manager in writing or by telephone before Apr 27, 2017, and provide your name, telephone number, mailing address, and a general description of your issues of concern.** If contact is by telephone, *you must confirm* the request to be an interested party *in writing* to the case manager by **May 04, 2017**.

For additional information on the City of Austin's land development process, please visit our web site at: www.austintexas.gov/devservices.



-  Subject Tract
-  Base Map

CASE#: SP-2017-0082D
LOCATION: 2605 Manana St.

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: <https://www.municode.com/library/tx/austin>

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2017-0082D
Contact: Michael Simmons-Smith, 512-974-1225 or
Ramon Rezvanipour, (512) 974-3124

I meet the requirements for and request to be an interested party
Note: All contact information is mandatory.

Name (please print) _____ Telephone number _____

Address(es) affected by this application (Street, City, ZIP Code) _____

Mailing address (Street, City, ZIP Code) _____

Signature _____ Date _____

Comments: _____

Mail comment forms to:
City of Austin
Development Services Department
Attn: Michael Simmons-Smith
P. O. Box 1088
Austin, TX 78767 1000



August 30, 2017

Chairman, Board of Adjustment

City of Austin

Re: Copy of Documents Regarding Site Plan Application for Appeal Consideration (LDC 25-2-475),
2005 Manana Street on Lake Austin, TX

Dear Chairman:

On behalf of the Owner of the referenced property I am presenting for the Board's consideration the attached documents regarding the City Site Plan Application Process under review for the September 18, 2017 appeal hearing. We are uncertain what "documents" the Building Official may have provided to the Board per LDC 25-2-475, but we believe that it is imperative to have all the facts when reviewing and consideration these matters.

The attached documents are organized and cataloged in chronological order, as follows:

- Stop Work Order and Notice of Violation Issued by COA
- Site Plan Application
- COA Staff Master Comments Report
- June 7, 2017 Meeting with Staff Communication Documents
- Appeal Application Documents
- Austin Code Department Communications
- COA Public Information Results for the 2005 Manana St Property

Please let me know if you should have any questions or require any additional information and we look forward to receiving the Board's favorable reply of acceptance.

Very truly yours,

Ricky "Rick" Rasberry, CESSWI

**Stop Work Order and
Notice of Violation
Issued by COA**

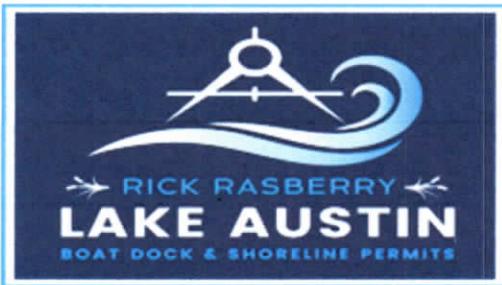
Rick Rasberry

From: [REDACTED]
Sent: Tuesday, February 7, 2017 5:02 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 2005 manana swo

Thanks for taking my call today Stephen. As discussed, I am the authorized agent for the owner Mrs. Gail Findlay (copied here) and we are in the process of preparing the required site plan application. Please contact me with any questions or other needs at this time.

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371
[REDACTED]



[REDACTED]
Sent: Tuesday, February 7, 2017 4:54 PM
To: R [REDACTED]
Subject: 2005 manana swo

Stephen Hawkins
City of Austin
Environmental Compliance Specialist Senior
512-974-7984

[REDACTED]
Follow us on [Facebook](#), [Twitter](#) & [Instagram](#) @DevelopmentATX

We want to hear from you. Please take a few minutes to complete our online customer survey: [English Survey](#)

Nos gustaría escuchar de usted. Por favor, tome un momento para completar nuestra encuesta: [Encuesta en Español](#)



Development Services Department

STOP WORK ORDER

(Austin City Code, Section 25-1-441)

ALL WORK MUST CEASE UNDER THIS ORDER

THE FOLLOWING AUSTIN CITY CODE VIOLATIONS HAVE BEEN OBSERVED AT:

OBSERVED AT: 2005 MANANA ST , AUSTIN, TX 78730

PERMIT NUMBER _____ DATE 02/07/2017

<input checked="" type="checkbox"/> No site plan, City (Code: 73013; § 25-5-1)	<input type="checkbox"/> No site plan, ETJ (Code: 73012; § 25-5-1)
<input type="checkbox"/> No revised site plan (Code: 73017; § 25-5-61)	<input type="checkbox"/> Development contrary to plan (Code: 73016; § 25-5-61)
<input type="checkbox"/> Non-conforming use (Code: 64338; § 25-5-61)	<input type="checkbox"/> Impervious cover (Code: 64388; §§ 25-1-23; 25-8-63)
<input type="checkbox"/> Erosion controls, city (Code: 72713; § 25-8-181)	<input type="checkbox"/> Erosion controls, ETJ (Code: 72711; § 25-8-181)
<input type="checkbox"/> Fill in excess of 4 feet (Code: 73021; § 25-8-342)	<input type="checkbox"/> Cut in excess of 4 feet (Code: 73022; § 25-8-341)
<input type="checkbox"/> No pre-con conference (Code: 72717; § 25-1-282)	<input type="checkbox"/> Disregarded order/inspection (Code: 72714; § 25-1-441)
<input type="checkbox"/> Failed tree protection (Code: 00035; § 25-1-288)	<input type="checkbox"/> Failed to maintain landscape (Code: 72718; § 25-2-984)
<input type="checkbox"/> Impacted critical env. feature (Code: 72715; § 25-8-281)	<input type="checkbox"/> Construction sediment runoff (Code: 72712; § 25-8-184)
<input type="checkbox"/> No water quality plan (Code: 73023; § 25-8-211)	<input type="checkbox"/> No water quality pond (Code: 64281; § 25-8-211)
<input type="checkbox"/> No certificate of occupancy (Code: 64291; § 25-1-361)	<input type="checkbox"/> No cert. of compliance (Code: 72707; Section 25-1-361)
<input type="checkbox"/> Failed to stabilize land (Code: 72709; §§ 25-1-341, 342)	<input checked="" type="checkbox"/> Developed in critical water zone (Code: 73025; §25-8-261)
<input type="checkbox"/> Removal of protected tree (Code: 72610; § 25-8-621)	<input type="checkbox"/> Other:

ALL WORK MUST CEASE UNDER THIS ORDER WITH THE EXCEPTION OF THE INSTALLATION OF TEMPORARY EROSION AND SEDIMENTATION CONTROLS UNDER THE DIRECTION OF THE INSPECTOR IDENTIFIED BELOW. ALL CITY OF AUSTIN INSPECTIONS AND UTILITY CONNECTIONS WILL CEASE BY NOTICE OF THIS "STOP WORK" ORDER TO APPROPRIATE CITY OF AUSTIN DEPARTMENT

CONTACT STEPHEN HAWKINS, INSPECTOR, AT 512-974-7984 AND CORRECT ALL VIOLATIONS BEFORE PROCEEDING WITH ANY WORK. FAILURE TO DO SO WILL RESULT IN FURTHER LEGAL ACTION BY THE CITY OF AUSTIN, INCLUDING CRIMINAL PENALTIES AND FINES OF UP TO \$2,000.00 PER DAY.

IF YOU WISH TO APPEAL THIS ORDER, YOU MUST SUBMIT A WRITTEN APPEAL WITHIN THREE (3) DAYS OF THE DATE OF THIS ORDER TO:

DIRECTOR – DEVELOPMENT SERVICES DEPARTMENT DEPARTMENT
CITY OF AUSTIN
ONE TEXAS CENTER

BE ADVISED THAT THE APPEAL WILL NOT STAY THIS ORDER. FOR APPEAL PROCEDURES SEE AUSTIN CITY CODE, SECTION 25-1.

Rick Rasberry

From: [REDACTED]
Sent: Tuesday, February 7, 2017 5:11 PM
To: [REDACTED]
Subject: RE: 2005 manana swo
Attachments: IMG_0001.JPG; IMG_0002.JPG; IMG_0003.JPG; IMG_0004.JPG; IMG_0005.JPG

Stephen Hawkins
City of Austin
Environmental Compliance Specialist Senior
512-974-7984

[REDACTED]
Follow us on [Facebook](#), [Twitter](#) & [Instagram](#) @DevelopmentATX
We want to hear from you. Please take a few minutes to complete our online customer survey: [English Survey](#)
Nos gustaría escuchar de usted. Por favor, tome un momento para completar nuestra encuesta: [Encuesta en Español](#)

From: Rick Rasberry [REDACTED]
Sent: Tuesday, February 07, 2017 5:10 PM
To: [REDACTED]
Subject: RE: 2005 manana swo

No rush, but could you also maybe send me copy of the site pictures when you get to it, thanks!

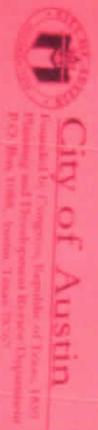
From: [REDACTED]
Sent: Tuesday, February 7, 2017 5:02 PM
To: 'Hawkins, Stephen' [REDACTED]
Cc: 'gailfindlay@sbcglobe.com' [REDACTED]
Subject: RE: 2005 manana swo

Thanks for taking my call today Stephen. As discussed, I am the authorized agent for the owner Mrs. Gail Findlay (copied here) and we are in the process of preparing the required site plan application. Please contact me with any questions or other needs at this time.

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371

[REDACTED]



STOP WORK ORDER

ALL WORK MUST CEASE UNDER THIS ORDER¹.

THE FOLLOWING AUSTIN CITY CODE VIOLATIONS HAVE BEEN OBSERVED AT:

2005 MANANA ST.

PERMIT NUMBER:

DATE: 2/7/2017

- No site plan, City (Code: 79013, § 25-8-51)
 - No received site plan (Code: 79017, § 25-8-61)
- No Preconstruction Conf. (Code: 72717, § 25-1-282)
- Erosion controls, city (Code: 72713, § 25-8-181)
- Fill in excess of 4 feet (Code: 73021, § 25-8-342)
- Non-point source treatment (Code: 72717, § 25-1-282)
- Failed tree preservation (Code: N/A, § 25-1-288)
- Impacted critical env., feature (Code: 72715, § 25-8-281)
- No water quality plan (Code: 73023, § 25-8-211)
- No certificate of occupancy (Code: 64291, § 25-1-301)
- Failed to stabilize land (Code: 72709, §§ 25-1-341, 342)
- Removal of protected tree (Code: 72609, § 25-8-621)
- No site plan, ETJ (Code: 73012, § 25-5-1)
- Development contrary to plan (Code: 73016, § 25-5-61)
- Impervious cover (Code: 64308, §§ 25-1-21, 25-8-61)
- Erosion controls, ETJ (Code: 72711, § 25-8-181)
- Cut in excess of 4 feet (Code: 73022, § 25-8-341)
- Disregarded order/inspection (Code: 72714, § 25-1-441)
- Failed to maintain landscape (Code: 72718, § 25-2-984)
- Construction sediment runoff (Code: 72712, § 25-8-184)
- No water quality pond (Code: 64281, § 25-8-211)
- No cert. of compliance (Code: 72707, Section 25-1-361)
- Developed in critical water zone (Code: 73025, § 25-8-261)
- Other:

ALL WORK MUST CEASE UNDER THIS ORDER, WITH THE EXCEPTION OF DEVELOPMENT EXPLICITLY AUTHORIZED BY THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT, AND/OR CARRYING OVER THE DIRECTIONS OF THE CITY OF AUSTIN INSPECTOR IDENTIFIED BELOW. ALL SUBSEQUENT CITY OF AUSTIN INSPECTIONS AND UTILITY CONNECTIONS WILL CEASE BY NOTICE OF THIS STOP WORK ORDER TO THE APPROPRIATE CITY OF AUSTIN DEPARTMENT.

CONTACT Stephen Hawkins ENVIRONMENTAL INSPECTOR, AT (512) 974-7924 AND CORRECT ALL VIOLATIONS BEFORE PROCEEDING WITH FURTHER DEVELOPMENT. FAILURE TO DO SO MAY RESULT IN FURTHER LEGAL ACTION BY THE CITY OF AUSTIN, INCLUDING CRIMINAL CHARGES AND FINES OF UP TO \$3000.00 PER VIOLATION, PER DAY².

IF YOU WISH TO APPEAL THIS ORDER, YOU MUST SUBMIT A WRITTEN APPEAL WITHIN THREE (3) DAYS OF THE DATE OF THIS ORDER TO:

DIRECTOR - PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
CITY OF AUSTIN
P.O. BOX 1088
AUSTIN, TEXAS 78767

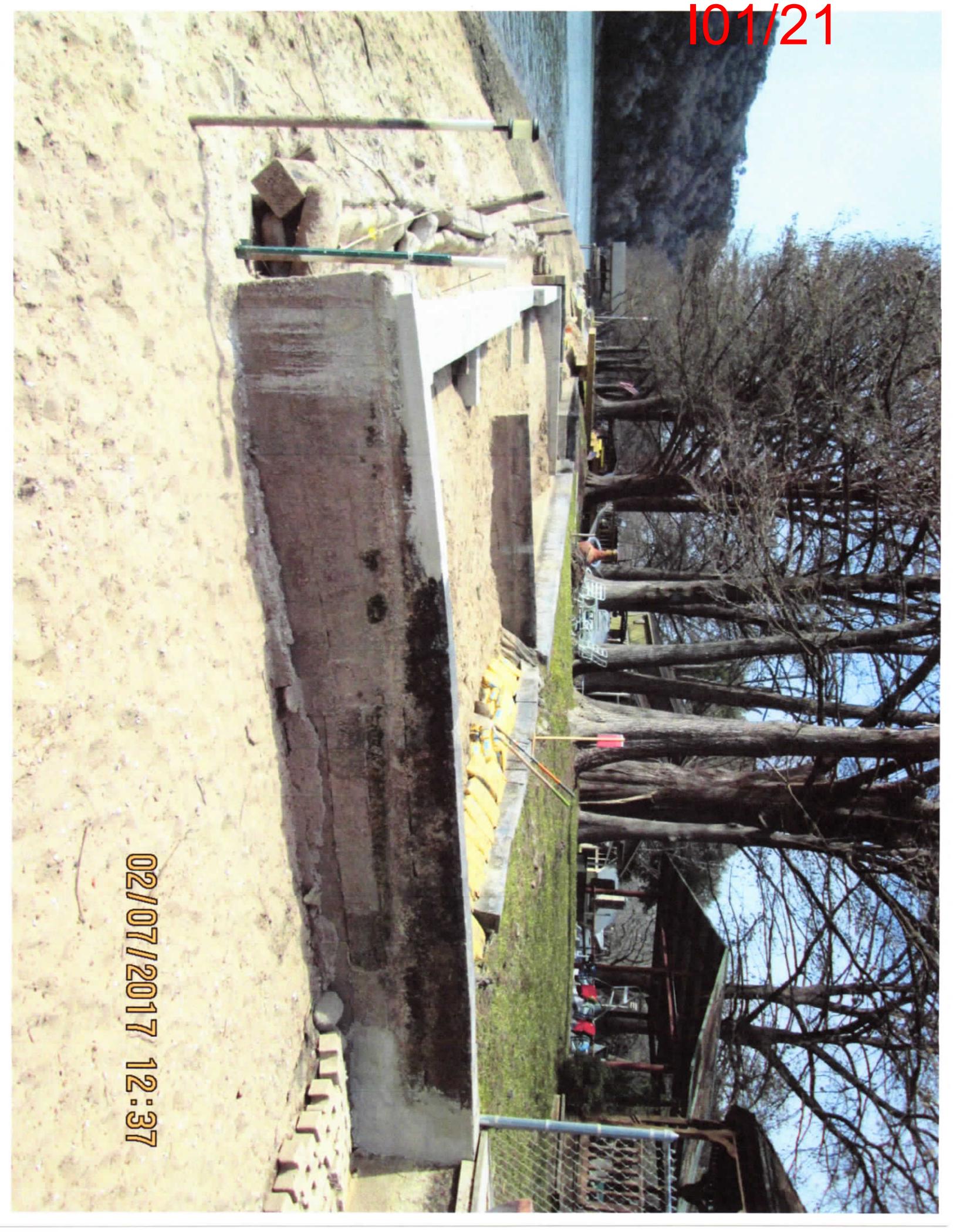
BE ADVISED THAT THE APPEAL WILL NOT STAY THIS ORDER.

02/07/2017 12:34

¹ See Austin Land Dev. Code § 25-1-441
² See Austin Land Dev. Code § 25-1-482

I01/21

02/07/2017 12:37



I01/22



02/07/2017 12:36

I01/23



02/07/2017 12:36

I01/24

02/07/2017 12:37





City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTIN CODE DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2017-015249

via Certified Mail #7015 1730 0001 9236 0076

February 16, 2017

Gail Findlay
2005 Manana Street
Austin Texas 78730-4243

RE: 2005 MANANA ST AUSTIN TX 78730
Locally known as 2005 MANANA ST AUSTIN TX 78730
Legally described as ABS 739 SUR 2 SPILLMAN J ACR 0.776 OR LOT 4 BLK 1 UNRECORDED
MANANA SUBD
Zoned as LA
Parcel Number 0127230104

Dear Gail Findlay:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at 512-974-9009 or tom.horn@austintexas.gov. Please reference **case number** CV-2017-015249. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m.

Para obtener más información, llame al 512-974-9009 o enviar un correo electrónico a tom.horn@austintexas.gov. Por favor, consulte caso número CV-2017-015249. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m.

Sincerely,

Thomas Horn, Austin Code Officer
City of Austin Code Department

VIOLATION REPORT

Date of Notice: February 16, 2017

Code Officer: Thomas Horn

Case Number: CV-2017-015249

Property Address: 2005 MANANA ST AUSTIN TX 78730
Locally known as 2005 MANANA ST AUSTIN TX 78730
Zoned as LA

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: LAND USE

Austin City Code Section: Building Permit Requirement (§25-12-241 [2012 IRC R105.1])
Description of Violation: Water Break wall built in the lake without a permit
Date Observed: 02/15/2017
Timeframe to Comply: 7 Day(s)
Recommended Resolution: Obtain a building permit and get final inspection for all work performed

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 512-978-4000. You can also visit <http://www.austintexas.gov/department/development-services> for more information.

IMPORTANT INFORMATION**Failure to Correct**

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Austin Code Department office no later

than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the Austin Code Department office at 1520 Rutherford Lane. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

You may file a written complaint or commendation regarding an Austin Code Department Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

Rick Rasberry

From: [REDACTED]
Sent: Thursday, March 9, 2017 12:57 PM
To: [REDACTED]
Subject: RE: Site Plan Application Submitted 2005 Manana St

Mr. Rasberry,

Thank you for keeping communication open with us on the process of resolving the violations. I have checked Amanda system and see SP-2017-0082D is pending completion check. We will monitor it.

Thanks,

David H. Chapman

Environmental Compliance Supervisor
City of Austin Development Services Department
One Texas Center, 3rd floor
505 Barton Springs Rd, Suite 350
(512)974-4946



Follow us on [Facebook](#), [Twitter](#) & [Instagram](#) @DevelopmentATX

We want to hear from you! Please take a few minutes to complete our [online customer survey](#).

Nos gustaría escuchar de usted. Por favor, tome un momento para [completar nuestra encuesta](#).

From: [REDACTED]
Sent: Thursday, March 09, 2017 12:40 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Site Plan Application Submitted 2005 Manana St

Mr. Chapman,

This communication is provided to inform that we have submitted a site plan application for consideration today per COA Stop Work Order dated February 7, 2017. A copy of the records we provided during the COA Intake process can be viewed here: https://www.dropbox.com/sh/5lnnwp74x2agez/AAAapTsl_Eiobill1gEpln2za?dl=0

Please let us know of any additional needs now, thanks!

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371

[REDACTED]

Rick Rasberry

From: [REDACTED]
Sent: Friday, March 31, 2017 5:51 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Formal Site Plan Application Accepted by COA - 2005 Manana St

Hello All,

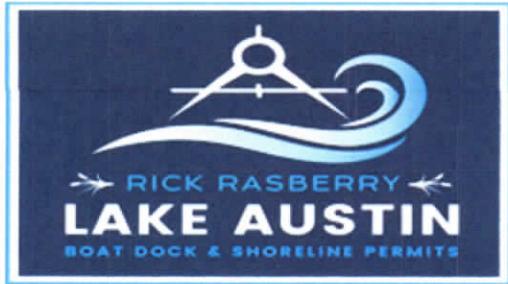
We have paid the required application fees and provided the formal application submittal today.

https://abc.austintexas.gov/web/permit/public-search-other?t_detail=1&t_selected_folderrsn=11685921&t_selected_propertyrsn=547136

Please let us know of any other requirements or conditions at this time, thanks!

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371



From: [REDACTED]
Sent: Thursday, March 9, 2017 12:40 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Site Plan Application Submitted 2005 Manana St

Mr. Chapman,

This communication is provided to inform that we have submitted a site plan application for consideration today per COA Stop Work Order dated February 7, 2017. A copy of the records we provided during the COA Intake process can be viewed here: https://www.dropbox.com/sh/5lnnwpx74x2agez/AAAapTsl_Eiobill1gEpln2za?dl=0

Please let us know of any additional needs now, thanks!

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371



From: [REDACTED]
Sent: Tuesday, February 21, 2017 1:26 PM

Subject: Stop Work Order Issued 2005 Manana St

Mr. Chapman,

Please accept this communication on behalf of the referenced property owner, Mrs. Gail Findlay, in reply to your letter dated February 9, 2017. I have been retained by Mrs. Findlay (Agent Letter Attached) to prepare the required site plans and applications -- and we are in the "land survey" process for the lot right now. We will move as quickly as possible and please let me know of any specific needs, requests, or other ordering provisions. In the meantime, we would like to request getting a copy of all City approved site plans and building permits for: 1. sports court, 2. bulkhead, and 3. boat ramp developed on the adjoining 2007 Manana St property (see pictures below):

I01/31

