

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday November 13, 2017**

**CASE NUMBER: C15-2017-0047**

- \_\_\_\_\_ Brooke Bailey
- \_\_\_\_\_ William Burkhardt
- \_\_\_\_\_ Christopher Covo
- \_\_\_\_\_ Eric Goff
- \_\_\_\_\_ Melissa Hawthorne
- \_\_\_\_\_ Bryan King
- \_\_\_\_\_ Don Leighton-Burwell
- \_\_\_\_\_ Rahm McDaniel
- \_\_\_\_\_ Veronica Rivera
- \_\_\_\_\_ James Valadez
- \_\_\_\_\_ Michael Von Ohlen
- \_\_\_\_\_ Kelly Blume (Alternate)
- \_\_\_\_\_ Martha Gonzalez (Alternate)
- \_\_\_\_\_ Pim Mayo (Alternate)

**APPLICANT: Phil Moncada**

**OWNER: Ryan Dumont and Hank Coleman**

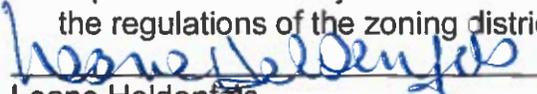
**ADDRESS: 3602 & 3604 RIVERCREST DR**

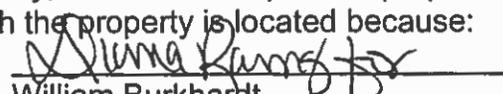
**VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (1) to increase the distance a dock may extend from the shoreline from 30 feet (required/permitted) to 60 feet (requested) in order to construct a new dock in an "LA", Lake Austin zoning district.**

**BOARD'S DECISION: Sept 18, 2017 POSTPONED TO NOVEMBER 13, 2017 BY APPLICANT; November 13, 2017 POSTPONED TO DECEMBER 11, 2017 BY APPLICANT**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman

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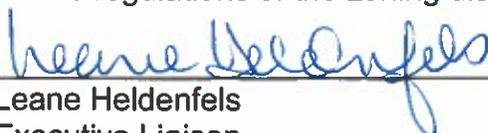
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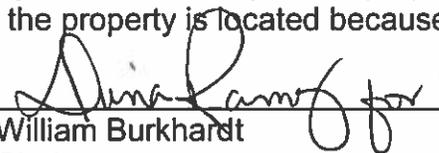
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**BOARD'S DECISION: Sept 18, 2017 POSTPONED TO NOVEMBER 13, 2017 BY APPLICANT**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

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

  
 \_\_\_\_\_  
 William Burkhardt  
 Chairman



**NOTIFICATIONS**

CASE#: C15-2017-0047  
LOCATION: 3602 & 3604 Rivercrest Dr.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

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 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 # <u>CV-2017-2047</u>	ROW # <u>11774453</u>	Tax # <u>013190102</u> TCAD ✓
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### Section 1: Applicant Statement

Street Address: 3602, 3604 Rivercrest Drive

Subdivision Legal Description:  
Rivercrest Addition Section 2

Lot(s): 61 & 62 Block(s): A

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: LA

I/We Phil Moncada W/ Moncada Enterprises LLC on behalf of myself/ourselves as authorized agent for Ryan Dumont affirm that on Month August , Day 8 , Year 2017 , 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: Boat Dock

Portion of the City of Austin Land Development Code applicant is seeking a variance from:  
LDC 25-2-1176 (A)(1) Approval to extend beyond 30 feet allowable by Code. The distance  
would be from the original shoreline.

**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:

The location of the existing dock is in a slough that is silted up and make navigating boats in and out of the slips very difficult. In addition, the body of water is not on the main body of Lake Austin.

**Hardship**

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

Owner tried for many years to secure assistance from Travis County Health Department and COA to address a health issue associated with this site including stagnant water, trash, associated with development in this area.

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

Most other docks are located on the main body of the Lake and do not accumulate this amount of silt due to current and boating activity on the Lake. In addition, when the floodgates are open this increases flow downstream significantly.

**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:

Slough is not on main body of Lake and will not impose an unsightly structure on the Lake, In addition, there is a vegetation screen that hides the slough from the maoin body of the Lake. Safety should not be a problem as the area is a no wake zone and COA regulations require lighting on the dock structure.

**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:

N/A

- 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

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

N/A

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

N/A

**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: Phil Moncada Date: 07/11/2017

Applicant Name (typed or printed): PHIL MONCADA FOR MONCADA ENTERPRISES LLC

Applicant Mailing Address: 1301 S IH 35 Ste 204

City: AUSTIN State: TEXAS Zip: 78741

Phone (will be public information): (512) 627-8815

Email (optional – will be public information): [REDACTED]

**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: Ryan Dumont Date: 7/31/17

Owner Name (typed or printed): RYAN DUMONT

Owner Mailing Address: 3602 RIVERCREST DR

City: AUSTIN State: TX Zip: 78746

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: Phil Moncada

Agent Mailing Address: 1301 S IH 35 Ste 204

City: Austin State: TX Zip: 78741

Phone (will be public information): 512-627-8815

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).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: J. Hamilton Coleman Digitally signed by J. Hamilton Coleman  
Date: 2017.09.07 11:40:42 -05'00' Date: 09/07/2017

Applicant Name (typed or printed): James Hamilton Coleman

Applicant Mailing Address: 3604 Rivercrest Drive

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 596-5321

Email (optional – will be public information): \_\_\_\_\_

**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: J. Hamilton Coleman Digitally signed by J. Hamilton Coleman  
Date: 2017.09.07 11:41:55 -05'00' Date: 09/07/2017

Owner Name (typed or printed): \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**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).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHANGES TO PLANS: PLANTING LOCATIONS, DREDGE BLOW-UP, BULKHEAD DETAIL, WALK REDUCED

Wetlands Biologist Review - Liz Johnston - 512-974-2619

This project was reviewed previously with little revision during SP-2013-0022DS and again with SP-2015-0259DS, which had no updates submitted for an entire year. At that time it was discovered that 3600, 3602 and 3604 Rivercrest constructed an unauthorized bulkhead (100ft long and up to 15ft wide) into the lake and backfilled for land capture. It is this reviewer's understanding that this unauthorized activity has not yet been legitimized or resolved. Project is still under enforcement. Several comments are the same from 2013. Heritage tree review may be required due to unpermitted bulkhead and resolution thereof. Additionally, since the existing bulkhead was not permitted, then it is this reviewer's understanding that the proposed dock would extend over 70ft from the pre-existing shoreline.

WB 1 Update 0 The ERI does not include all of the required information and/or includes inaccurate information and is therefore incomplete. Please complete the following sections and provide a revised and complete ERI pursuant to ECM 1.3.0

- Provide a Functional Assessment due to the unpermitted floodplain modification. **EXISTING AND PROPOSED FAFH ATTACHED**
- There is one wetland CEF located adjacent to the property at the upstream property boundary which was identified during the 2013 review which exclusively included *Colocasia esculenta* and *Salix nigra* wetland species, please revise Part 8 accordingly
- Please revise Part 9 to include wetland on map (as described above)
- Please complete Grass table in part 11
- Please check box YES for hydrophytic vegetation and include Bald Cypress (*Taxodium distichum*) in hydrophytic species table

**Update 1:** Partially complete. ERI still lacks all ERI reports required on Part 9, page 2. There were check marks on the list, but no exhibits were included in this submittal ). No functional assessment was provided. **ATTACHED**

WB 2 Update 0 Site plan does not show where the dredged material will be located. Show destination of dredged material in a compliant location/method, and/or specify an enforceable method of removal.

**Update 1:** The note provided is insufficient. If the dredged material will be stored on site, show this location on the plan set with appropriate construction access and erosion/sedimentation controls. **YOU OK'D THESE IN OUR MEETING**

WB 3 Update 0 Provide accurate bathymetric profile information demonstrating how the 20 cubic yard dredging estimate was calculated.

**Update 1:** Show the dredging profile on the architectural elevation. **SEE SHEET 2**

WB 4 Update 0 Please demonstrate documentation that the "Existing Walk To Remain" is a legal, permitted and compliant structure in the CWQZ. This existing walk and paver area appears to be unauthorized and partially located in area that was unauthorized land capture. This reviewer cannot validate this action, and recommends either removal of the unauthorized work or applicant to proceed through the variance process.

**Update 1:** Comment not addressed. **WALK IS REDUCED. YOU OK'D IN MTG**

WB 5 Update 0 Please demonstrate documentation that the existing bulkhead is a legal, permitted and compliant structure in the CWQZ. This reviewer cannot support the location or compliance of the structure and recommends either removal of the unauthorized work or applicant to proceed through the variance process. Please note that currently, a variance to place fill in Lake Austin is not allowed per current code. The code is proposed to be updated to allow a variance for fill in the lake, but please be advised that staff will not be able to recommend support of the variance because it does not meet the findings of fact. Staff recommends that the applicant remove the

unpermitted fill and installation of a code-compliant bulkhead at the location of the previous shoreline.

**Update 1:** Comment not addressed.

WB 6 Update 0 It appears that existing fill between the unauthorized bulkhead and the previous shoreline resulted in approximately 2,888 square feet of land capture between 3602 and 2604 Rivercrest. This reviewer cannot validate this action, and recommends either removal of the unauthorized work or the variance process.

**Update 1:** Comment not addressed.

WB 7 Update 0 FYI a variance to allow the extent of the dock into the lake will be required. Extent appears to be 60ft from the current shoreline and at least 70ft from the pre-existing shoreline. Coordinate with Leanne Heldenfels to secure the necessary Board of Adjustment variance. Please note that unless the fill is permitted, staff will not accept a variance from the current shoreline, but rather the dock extension variance should be shown from the previous shoreline as existed prior to the unpermitted land capture.

**Update 1:** Comment not addressed.

WB 8 Update 0 Please provide confirmation that applicant has contacted the US Army Corps of Engineers for appropriate permitting. It is this reviewer's understanding that no Nationwide permit exists for the amount of unpermitted fill placed into the waters of the United States.

**Update 1:** Comment cleared. Letter addressed to USCoE was submitted.

Additional comments may be generated based on update response, changes to site plan and/or new information.

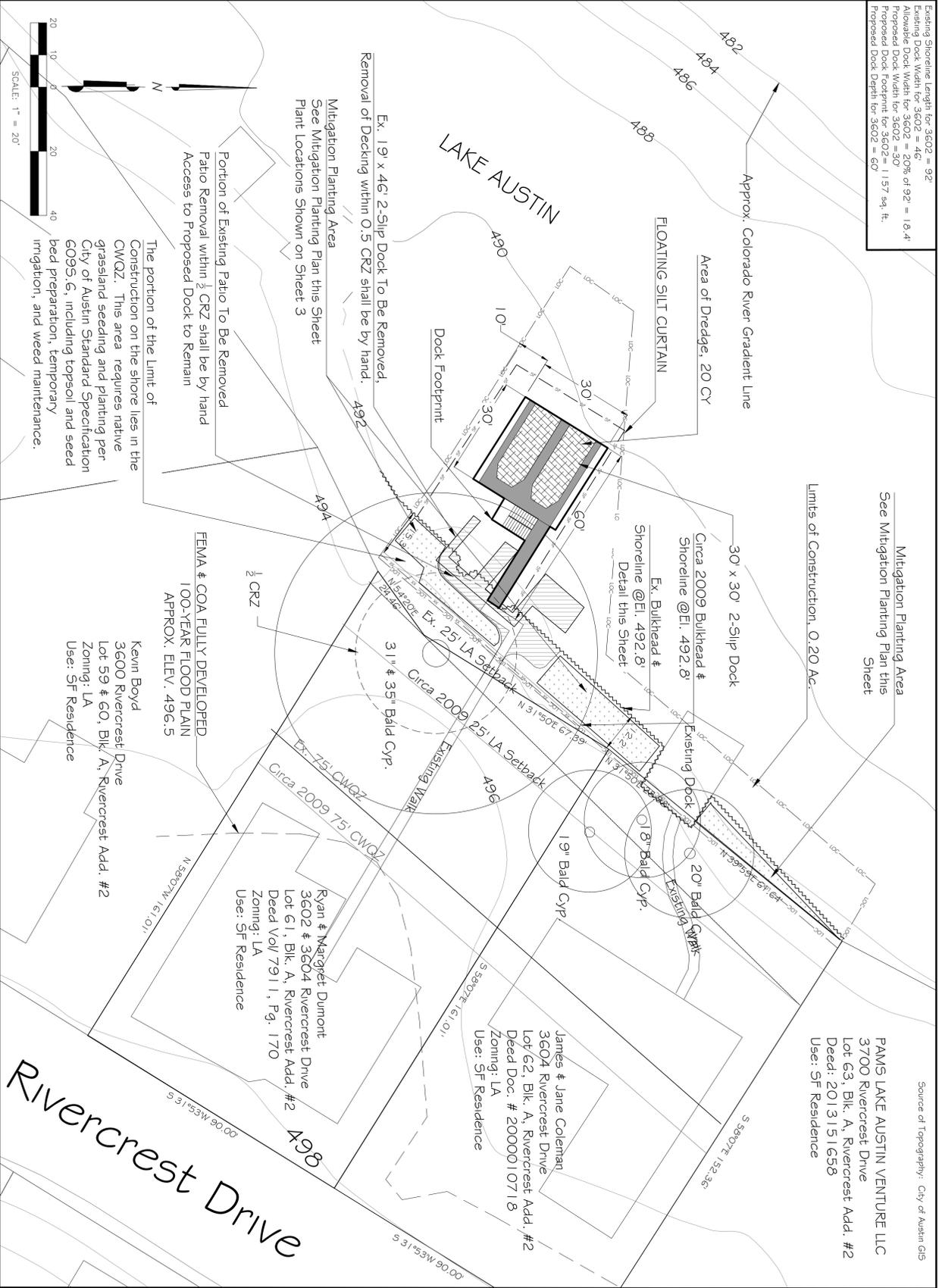
Planner 1 Review - Elsa Garza - 512-974-2308

**THE FOLLOWING COMMENTS APPLY PRIOR TO THE RELEASE OF THE SITE DEVELOPMENT PERMIT.**

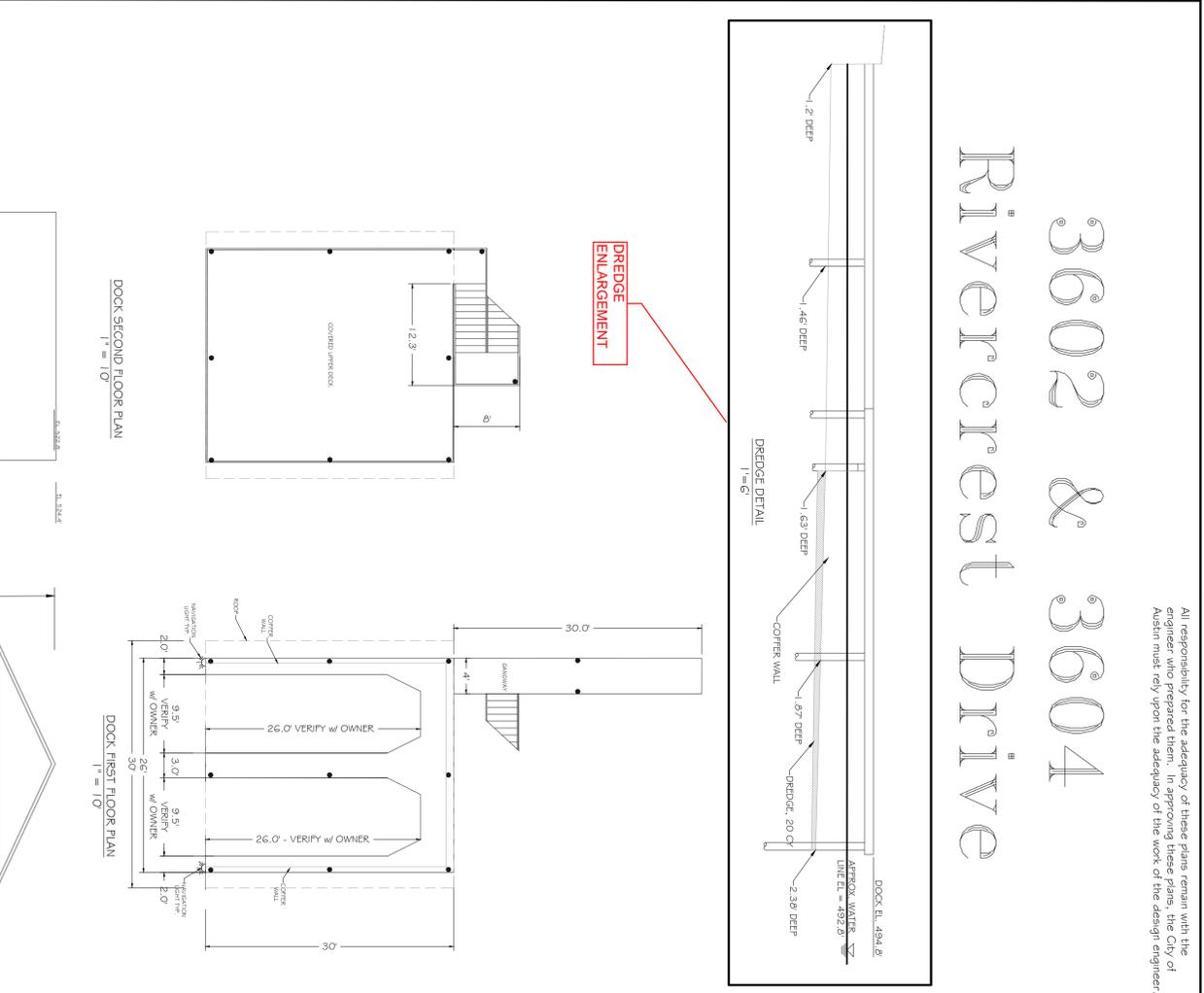
- P1. FYI – An appointment is required in order to receive the site development permit. The permit will be released after the flash drive has been submitted with the Intake Staff. Contact the Planner I listed above to set up an appointment to receive the site plan permit.
- P2. FYI – FLASH DRIVE REQUIREMENT  
All applications submitted for completeness check after 5/10/10 for Administrative Site Plan Revision, Consolidated Site Plan, Non-Consolidated Site Plan, CIP Streets and Drainage, Major Drainage/Regional Detention, and Subdivision Construction Plans will require the additional items listed in Exhibit VII of the application packet on a USB flash drive prior to release of permit. The flash drive must be taken directly to the Intake Department by the applicant after site plan approval. For more information, contact the Intake Staff.

End of Report

Existing Shoreline Length for 3602 = 92'  
 Existing Dock Width for 3602 = 46'  
 Allowed Dock Width for 3602 = 20% of 92' = 18.4'  
 Proposed Dock Width for 3602 = 20'  
 Proposed Dock Footprint for 3602 = 1,157 sq. ft.  
 Proposed Dock Depth for 3602 = 60'



Source of Topography: City of Austin GIS



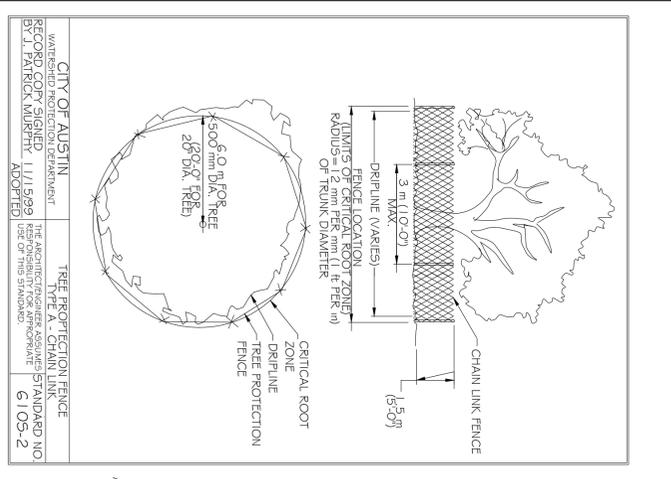
All responsibility for the adequacy of these plans remain with the engineer who prepared them. In approving these plans, the City of Austin must rely upon the adequacy of the work of the design engineer.

# 3602 & 3604 Rivercrest Drive

**AUPPERLE COMPANY**  
 Engineering, Planning & Development Services  
 10088 Circleview Drive, Austin, Texas 78733 512 329-8241  
 Texas Board of Professional Engineers Registration Number F-1994



NO.	DATE	REVISION	APP'VD

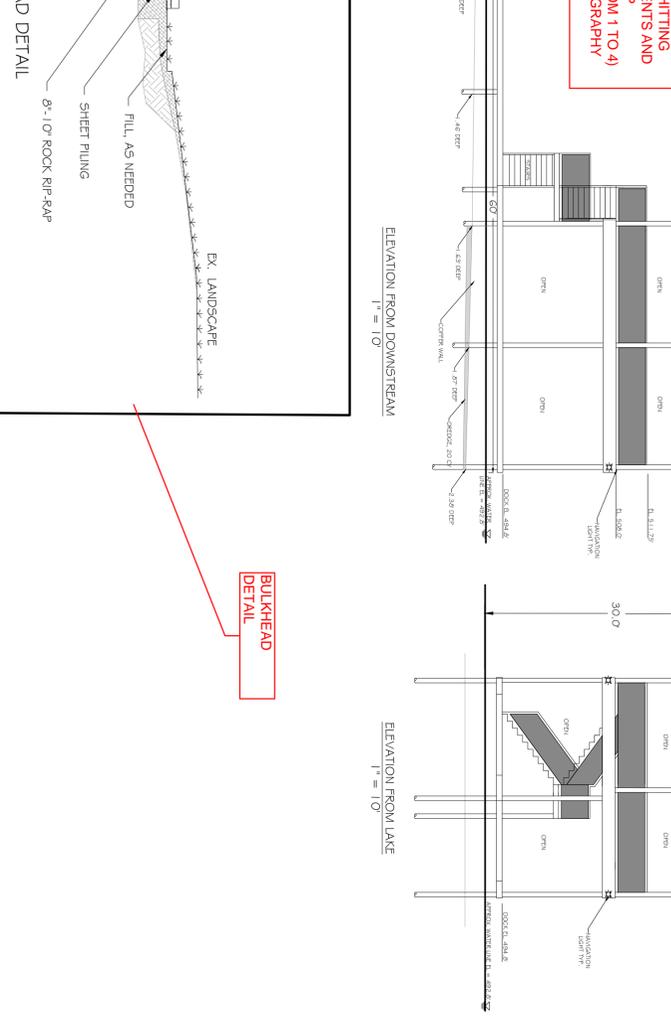
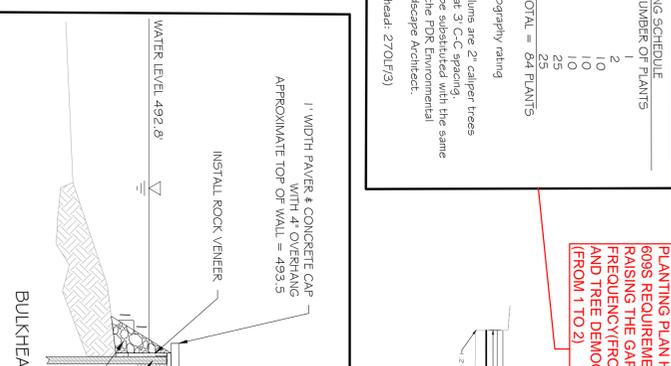


- NOTES**
1. A DOCK MUST BE CONTINUOUSLY LIGHTED WITH AMBER LIGHTS BETWEEN SUNSET AND SUNRISE EACH DAY.
  2. THE DOCK MUST HAVE AT LEAST TWO LIGHT STATIONS. THE LIGHT STATION MUST BE LOCATED ON THE END OF THE DOCK. THE LIGHT MUST BE VISIBLE TO A PROPERLY APPROXIMATE WATERCRAFT.
  3. NAVIGATION LIGHTS MUST HAVE A TWO-BULB FIXTURE, WITH TWO WORKING LIGHT BULBS RATED BETWEEN 7.1/2 AND 25 WATTS INCLUSIVE. LIGHT BULBS OR BULB COVERS MUST BE AMBER, AND WHITE LIGHT MAY NOT RADIATE FROM THE FIXTURE. WEATHERPROOF LAMP HOLDERS AND JUNCTION BOXES ARE REQUIRED. EACH LIGHT FIXTURE MUST BE WIRED WITH A SWITCH OPERATED THAT THE DOCKS IS REQUIRED TO BE LIGHTED.
  4. ALL WORK SHALL OCCUR WITHIN THE LIMITS OF CONSTRUCTION AS SHOWN ON THE PLAN, AND THAT NO MATERIALS OR EQUIPMENT WILL BE DELIVERED TO THE SITE FROM THE LANDWARD SIDE OF THIS PROJECT.
  5. NO SHORELINE IMPROVEMENTS, EXCEPT GANGWAY & STAIR ACCESS OVER SHORELINE EDGE, ARE AUTHORIZED WITH THIS SITE PLAN. SHORELINE EDGE TO REMAIN UNDISTURBED.
  6. NO TREES GREATER THAN 8" IN DIAMETER WILL BE IMPACTED BY THE PROPOSED DOCK CONSTRUCTION.
  7. CONTAINERS OF HAZARDOUS MATERIALS, FUEL, OIL, HERBICIDES, INSECTICIDES, FERTILIZERS OR OTHER TOXIC SUBSTANCES SHALL NOT BE STORED ON DOCKS EXTENDING INTO OR ABOVE LAKE AUSTIN.
  8. THE REGULATIONS MUST COMPLY WITH ALL REQUIREMENTS OF LDC 25-2-1.74 (STRUCTURAL REQUIREMENTS), LDC 25-2-1.75 (ACCESSORY USE), LDC 25-2-1.76 (WINDSHIELD BUILDING CODE) AND THE BUILDING CRITERIA MANUAL.
  9. THE PROPOSED BOAT DOCK IS AN ACCESSORY USE TO THE PRINCIPAL SINGLE-FAMILY RESIDENCE AT 3602 & 3604 RIVERCREST DRIVE, AUSTIN, TX, 78746.
  10. FOR LA ZONING PERMANENT IMPROVEMENTS ARE PROHIBITED WITHIN THE SHORELINE STRIPBACK AREA, EXCEPT FOR RETAINING WALLS, PILES, WHARVES, BOATHOUSES, MARINAS OR A DRIVE TO ACCESS THE STRUCTURES (LDC 25-2-55 (B)(2)).
  11. DREDGING IS REQUIRED AND PART OF THIS DEVELOPMENT PERMIT.
  12. BOAT DOCK WILL BE AT LEAST 66% OPEN (LDC 25-2-1.176(A)(9)(b)).
  13. DREDGE MATERIAL SHALL BE DISPOSED DRY IN A LEGALLY PERMITTED LANDFILL SITE. PRIOR TO DISPOSAL, MATERIAL SHALL BE DRY AND FREE OF OIL, FUEL, AND OTHER HAZARDOUS MATERIALS. DISPOSAL OF DREDGE SOIL IN THE LAKE IS SPECIFICALLY PROHIBITED.
  14. NO WATER OR WASTEWATER UTILITIES ARE PROPOSED WITH THIS DEVELOPMENT.
  15. PILING SHALL BE 6" DIAMETER STEEL PIPE.

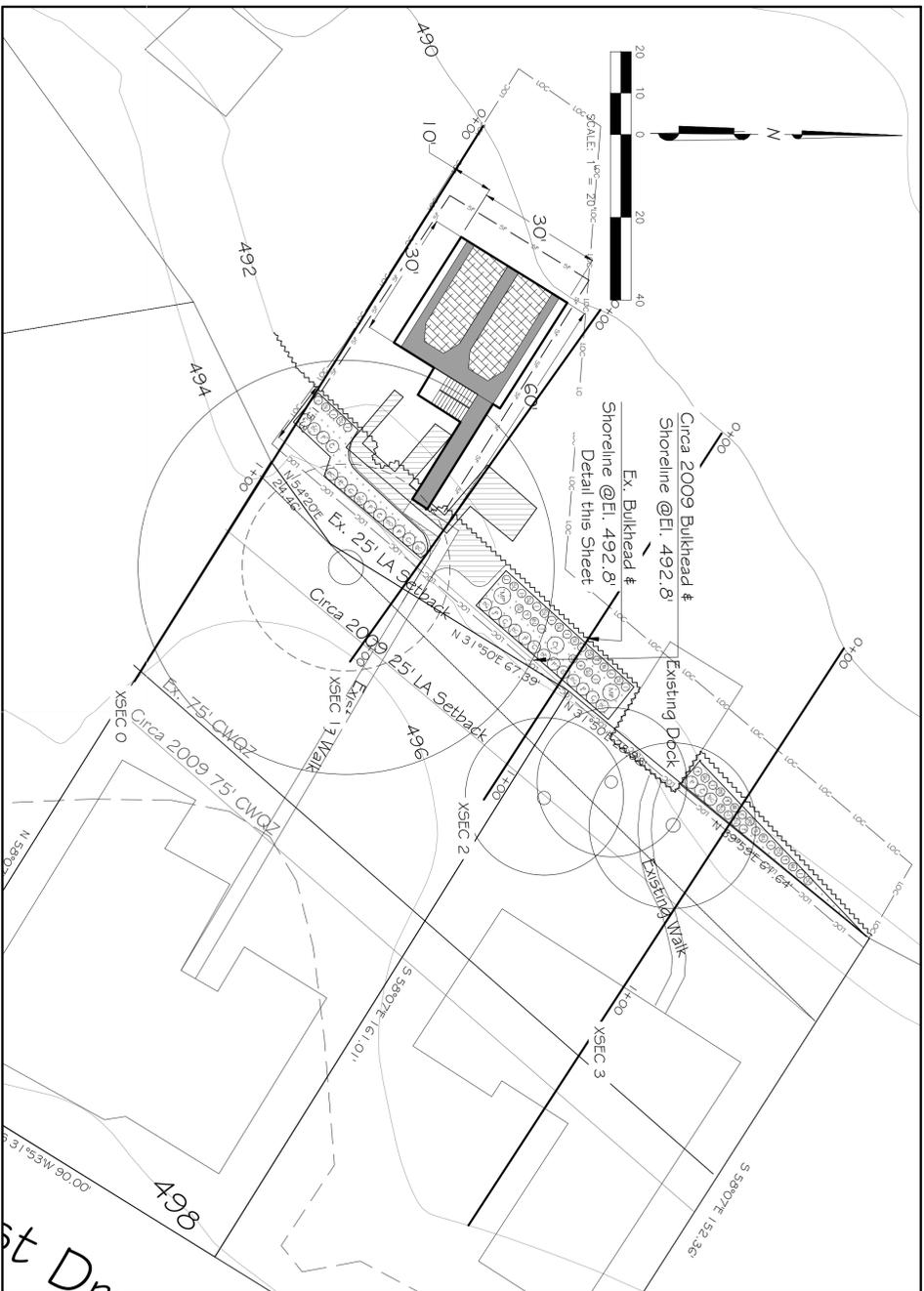
**SHORELINE MITIGATION PLANTING SCHEDULE**

PLANT NAME	NUMBER OF PLANTS
Bald Cypress (Taxodium distichum)*	2
Mexican Plum (Fraxinus mexicanus)	10
Canebrake (Spartanocarpus orbioides)	10
Barbados cherry (Malpighia glabra)	10
Dwarf palmetto (Sabal minor)	10
Name not (this lily, heagoma, or virginiana)	25
Spider lily (Thymocallis lincosme)	25
<b>TOTAL = 84 PLANTS</b>	

\* Plant locations shown on Sheet 3  
 \* Tree Demography rating  
 \* Native shrub with low water needs  
 \* Bald cypress are 4" caliper trees, Mexican plums are 2" caliper trees  
 \* All other plants are 1.5" caliper plants installed at 3' C-C spacing.  
 \* Alternative native and adapted species may be substituted with the same quantity of another species as approved by the FDR Environmental reviewer, ERM Wetland Biologist or ERM Landscape Architect.  
 \* Required number of plants = 80 plants (Bulkhead: 270(FI))

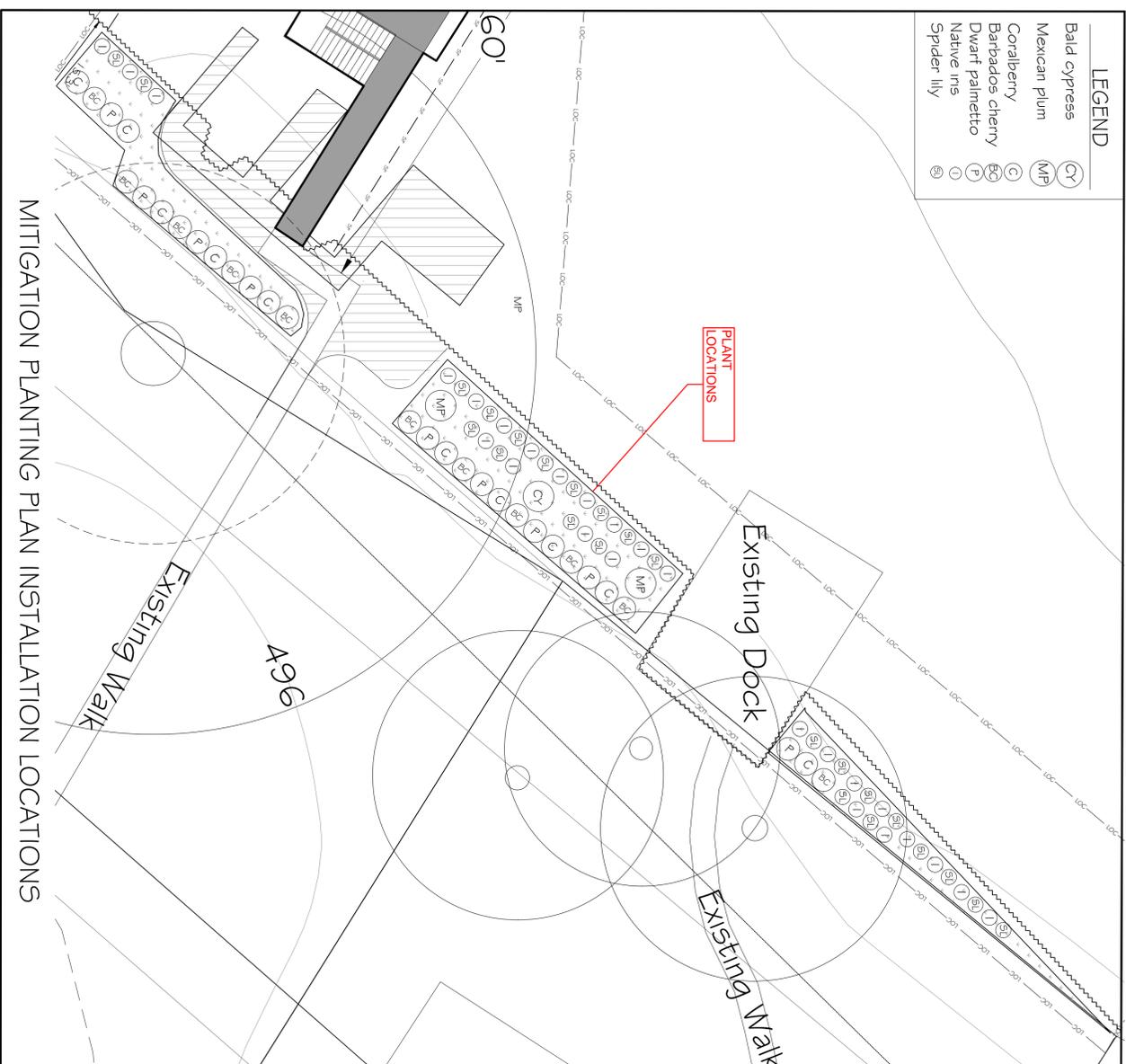
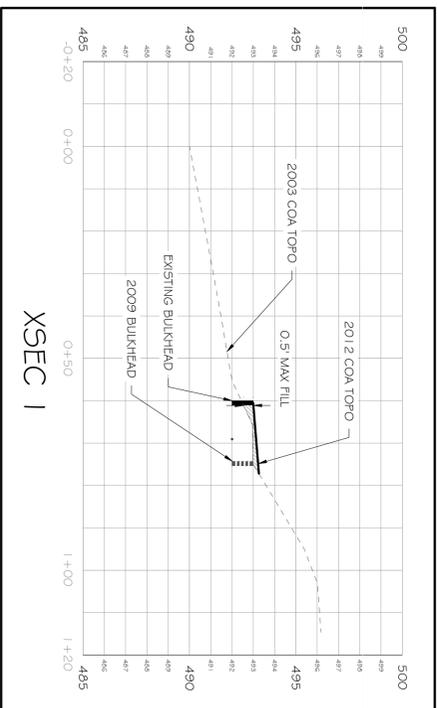
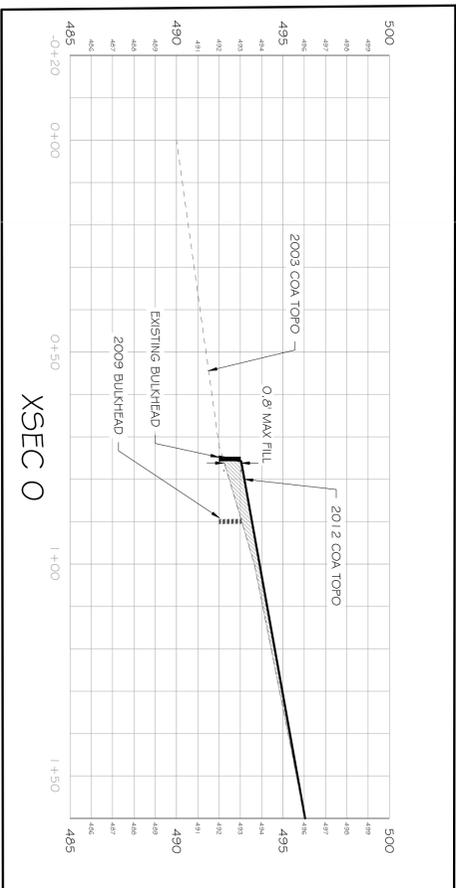


**3602 & 3604 Rivercrest Drive**  
 SITE PLAN, DOCK PLAN & ELEVATIONS

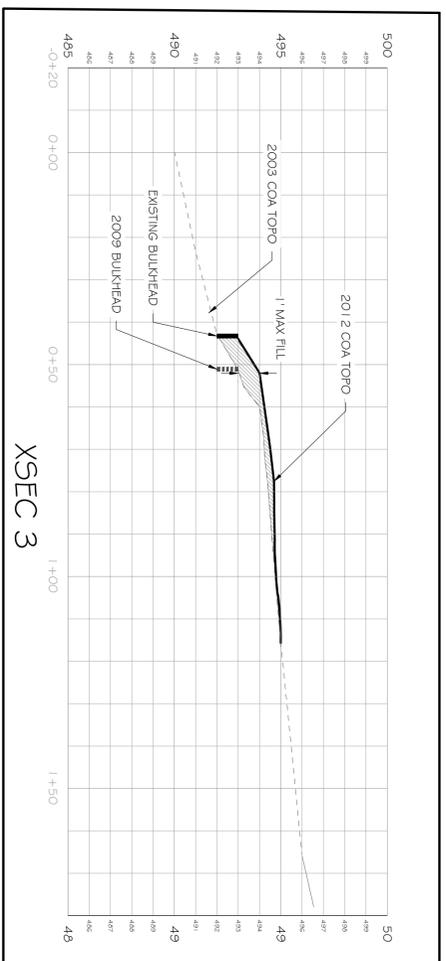
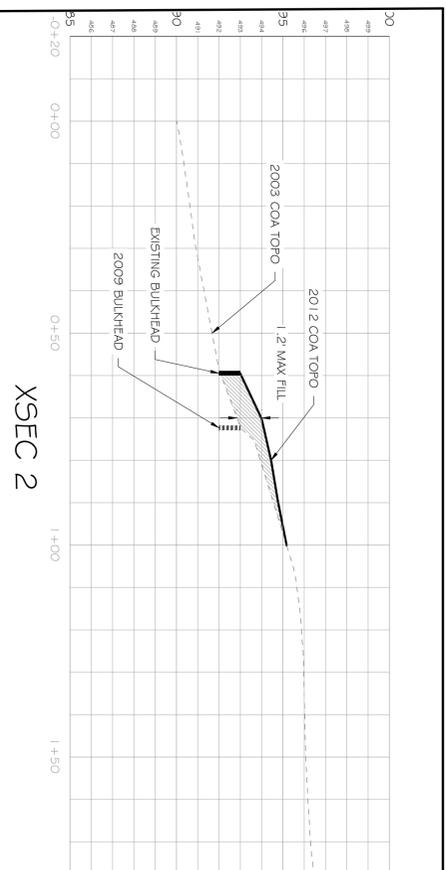


3602 & 3604 Rivercrest Drive  
FILL CALCULATIONS

XSEC NO.	XSEC STA	FILL (SF)	AVG FILL (SF)	DISTANCE (FT)	VOLUME FILL (CV)
0	0	20.2	11.9	44.0	19.3
1	44	3.5	13.4	44.0	21.8
2	88	23.2	22.6	52.0	43.5
3	140	22.0	11.0	44.0	17.9
END BH	184	0.0		184.0	102.5



# 3602 & 3604 Rivercrest Drive



NO.	DATE	REVISION	APPVD



**AUPPERLE COMPANY**  
Engineering, Planning & Development Services  
10088 Circleview Drive, Austin, Texas 78733 512 329-8241  
Texas Board of Professional Engineers Registration Number F-1994

3602 & 3604 Rivercrest Drive  
CUT/FILL XSECS  
& CALCULATIONS

DESIGNED: BSA  
APPROVED: NIS  
SCALE: NTS  
3602 & 3604 Rivercrest Dr  
DATE: November 15, 2016  
SHEET 3 of 2

EXISTING CONDITIONS  
FUNCTIONAL ASSESSMENT OF FLOODPLAIN HEALTH

**Scoring: Zone 4 – Lake Shoreline**

Site/Project Name: 3602 Rivercrest Date: 11-15-16 Time: \_\_\_\_\_  
 Total Length of Shoreline Frontage (in feet): 240 ft. Staff (if applicable): \_\_\_\_\_

Parameter	Excellent (4)	Good (3)	Fair (2)	Poor (1)	Score
<b>Gap Frequency</b> <i>A visual assessment of the number of gaps in vegetation.</i>	0 - 20% of area has visual gaps in vegetation	20% - 40% of area has visual gaps in vegetation	40 - 60% of area has visual gaps in vegetation	> 60% of area has visual gaps in vegetation	1
<b>Structural Diversity</b> <i>An evaluation of the canopy and understory vegetation.</i>	> 65% canopy; or > 50% canopy and > 50% understory	51 - 65% canopy; or 0 - 50% canopy and > 40% understory	31 - 50% canopy; or 0 - 30% canopy and > 30% understory	0 - 30% canopy; or 0 - 15% canopy and 0 - 30% understory	4
<b>Tree Demography</b> <i>An assessment of the age class distribution of all canopy tree species.</i>	Canopy tree species are present in all 4 age classes	Canopy tree species are present in 3 of 4 age classes	Canopy tree species are present in 2 of 4 age classes	Canopy tree species are present in only 1 age class or no trees	1

Assessed Condition (Circle One)      **Excellent: 11 - 12**      **Good: 8 - 10**      **Fair: 5 - 7**      **Poor: 3 - 4**

Zone 4 Score: 6

PROPOSED CONDITIONS  
FUNCTIONAL ASSESSMENT OF FLOODPLAIN HEALTH

**Scoring: Zone 4 – Lake Shoreline**

Site/Project Name: 3602 Rivercrest Date: 11-15-16 Time: \_\_\_\_\_  
 Total Length of Shoreline Frontage (in feet): 240 ft. Staff (if applicable): \_\_\_\_\_

Parameter	Excellent (4)	Good (3)	Fair (2)	Poor (1)	Score
<b>Gap Frequency</b> <i>A visual assessment of the number of gaps in vegetation.</i>	0 - 20% of area has visual gaps in vegetation	20% - 40% of area has visual gaps in vegetation	40 - 60% of area has visual gaps in vegetation	> 60% of area has visual gaps in vegetation	4
<b>Structural Diversity</b> <i>An evaluation of the canopy and understory vegetation.</i>	> 65% canopy; or > 50% canopy and > 50% understory	51 - 65% canopy; or 0 - 50% canopy and > 40% understory	31 - 50% canopy; or 0 - 30% canopy and > 30% understory	0 - 30% canopy; or 0 - 15% canopy and 0 - 30% understory	4
<b>Tree Demography</b> <i>An assessment of the age class distribution of all canopy tree species.</i>	Canopy tree species are present in all 4 age classes	Canopy tree species are present in 3 of 4 age classes	Canopy tree species are present in 2 of 4 age classes	Canopy tree species are present in only 1 age class or no trees	2

Assessed Condition (Circle One)      **Excellent: 11 - 12**      **Good: 8 - 10**      **Fair: 5 - 7**      **Poor: 3 - 4**

Zone 4 Score: 10

Identify Results	
Rock Unit	Map Click
Map Symbol	
Rock Unit Name	Fluviatile terrace deposits
Rock Unit Code	Qt
Sheet Name	Austin
Period	Quaternary
Epoch or Series	Pleistocene
Group	N/A



3602 Rivercrest Drive  
ATTACHMENT I

AUPPERLE COMPANY  
Engineering, Planning & Development Services  
10088 Circleview Drive, Austin, Texas 78733 512.329-8241  
Texas Board Of Professional Engineers Registration Number F-1994

Source:  
<https://txpub.usgs.gov/DSS/texasgeology/>

Wetland composed of *Colocasia esculenta* and *Salix nigra* on adjacent property

PAMS LAKE AUSTIN VENTURE LLC  
3700 Rivercrest Drive  
Lot 63, Blk. A, Rivercrest Add. #2  
Deed: 2013151658  
Use: SF Residence

James & Jane Coleman  
3604 Rivercrest Drive  
Lot 62, Blk. A, Rivercrest Add. #2  
Deed Doc. # 2000010718  
Zoning: LA  
Use: SF Residence

Ryan & Margret Dumont  
3602 & 3604 Rivercrest Drive  
Lot 61, Blk. A, Rivercrest Add. #2  
Deed Vol/ 7911, Pg. 170  
Zoning: LA  
Use: SF Residence

Kevin Boyd  
3600 Rivercrest Drive  
Lot 59 & 60, Blk. A, Rivercrest Add. #2  
Zoning: LA  
Use: SF Residence

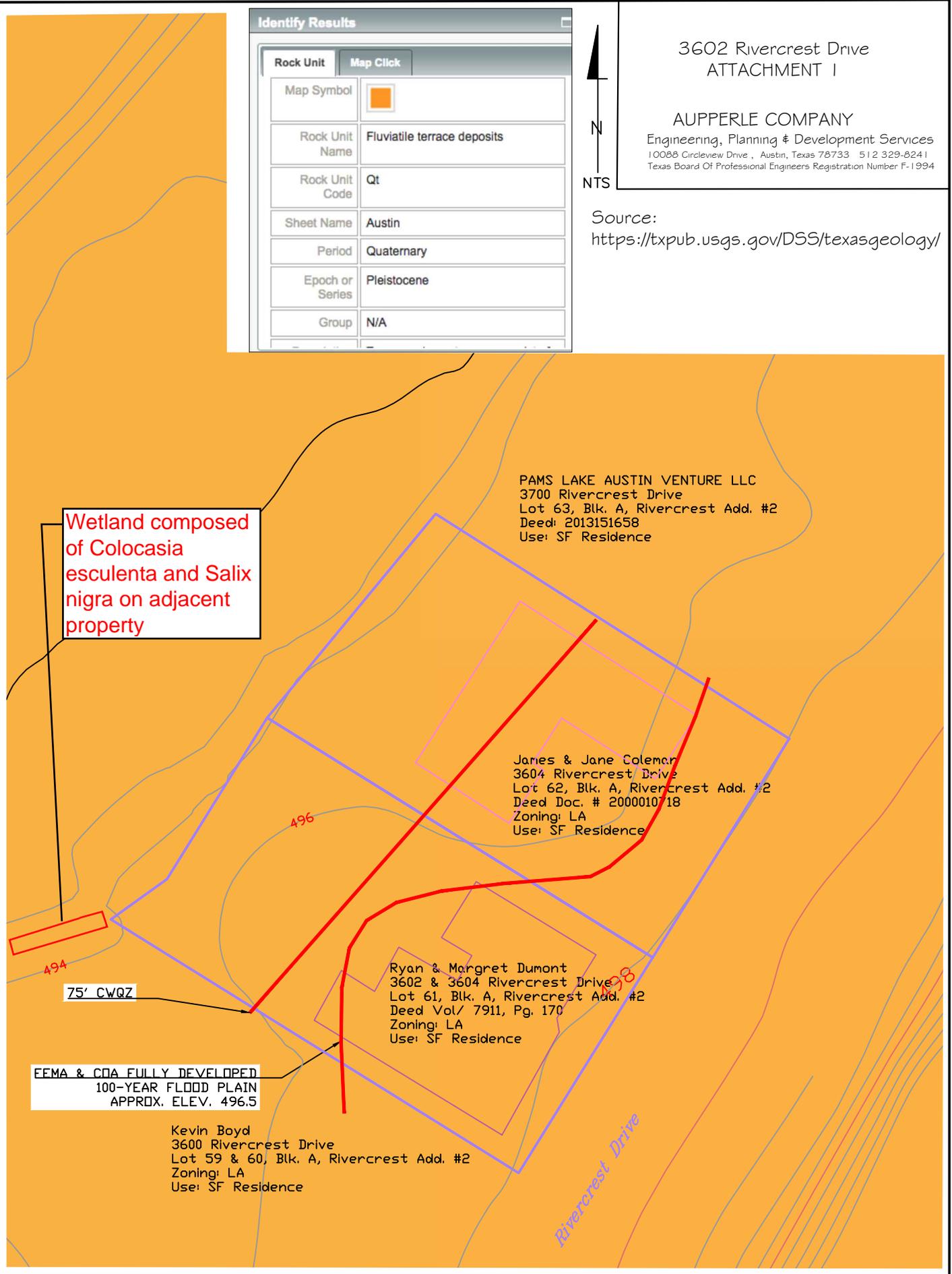
FEMA & CPA FULLY DEVELOPED  
100-YEAR FLOOD PLAIN  
APPROX. ELEV. 496.5

75' CWQZ

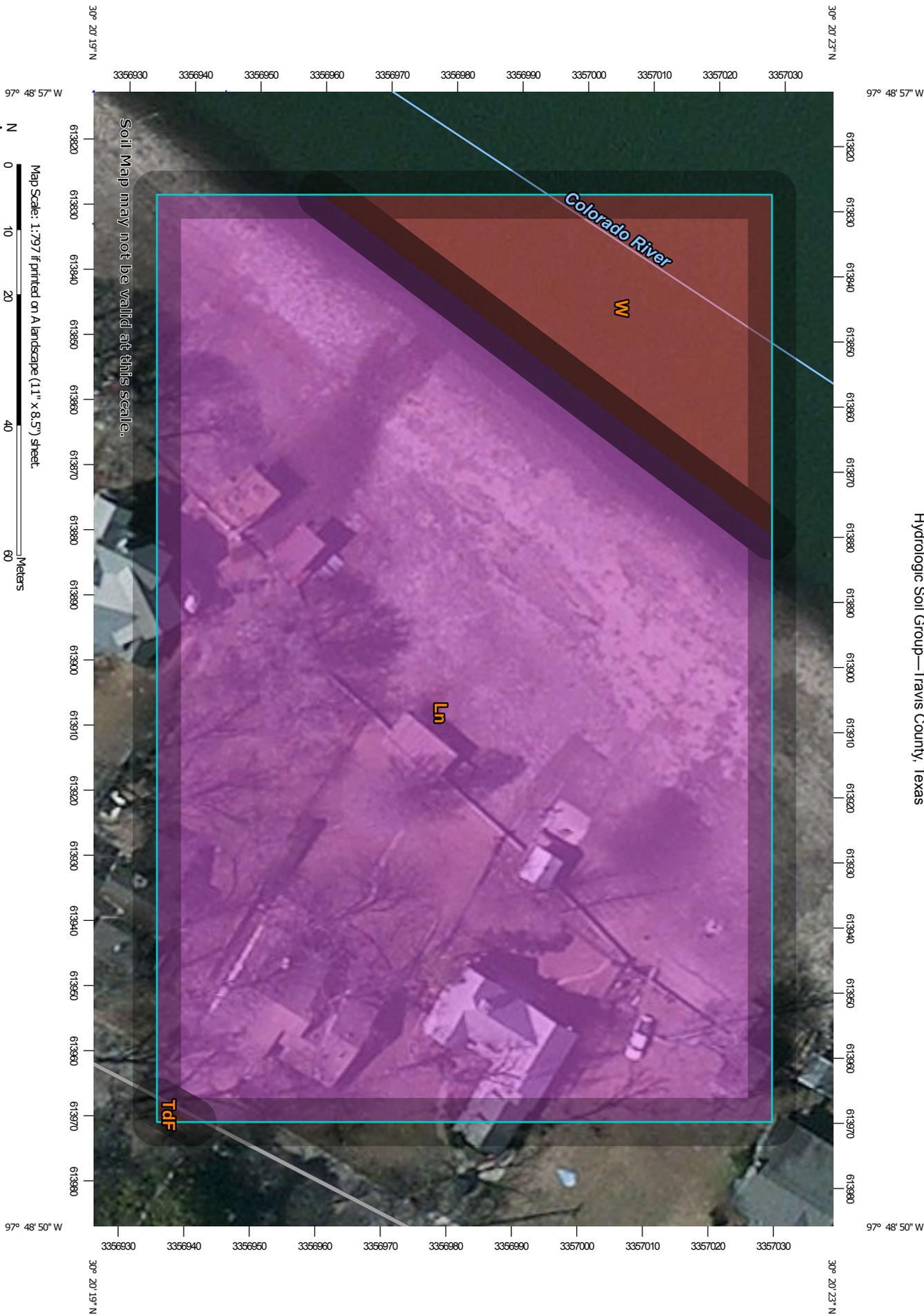
496

494

Rivercrest Drive



Hydrologic Soil Group—Travis County, Texas



Soil Map may not be valid at this scale.

Map Scale: 1:797 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 14N WGS84

## Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Travis County, Texas (TX453)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ln	Gaddy loamy fine sand, 0 to 1 percent slopes, frequently flooded	A	2.9	86.5%
TdF	Tarrant-Rock outcrop complex, 18 to 50 percent slopes	D	0.0	0.1%
W	Water	D	0.4	13.5%
<b>Totals for Area of Interest</b>			<b>3.3</b>	<b>100.0%</b>

### Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Aerial Photo from 2006



Aerial Photo from 2011



Aerial Photo from 2017



004/19



004/20





## MEMORANDUM

**TO:** Chair William Burkhardt and Members of the Board of Adjustment

**FROM:** Liz Johnston, Environmental Program Coordinator  
Watershed Protection Department

**DATE:** 09/05/2017

**SUBJECT:** Case C15-2017-0047; 3602 and 3604 Rivercrest Dr.

This memo is intended to provide relevant information related to a case before the Board requesting a variance to extend a dock greater than 30' into Lake Austin. Three adjoining properties along Rivercrest Dr, including 3602 and 3604 Rivercrest, are under an environmental code violation related to unpermitted land capture that occurred in 2009 when a new bulkhead was constructed up to approximately 15' from the previous shoreline. Previously inundated waters were backfilled and converted to yard area. When the work occurred, a site plan for a new bulkhead would have been required with approval of the Parks Board for the shoreline modification and environmental variances for construction not allowed within a Critical Water Quality Zone. However, no permits were secured for the work. See enclosed aerial imagery for reference.

The applicants have submitted a site plan application to construct a new dock at 3602 Rivercrest to replace their old dock and to permit the illegal fill area on both 3602 and 3604 Rivercrest. The applicant has requested that the Board allow them to extend the new dock 60' from the current shoreline, or approximately 74' from the previous shoreline's location, due to shallow water. Considering the environmental impacts associated with the land capture and the potential navigation hazard that would be associated with a dock extending so far into the lake, WPD is not in support of the request.

Environmental review staff from Development Services Department, as well as staff from the Watershed Protection Department, including the Environmental Officer, will similarly not support the environmental variance required to allow the unpermitted fill in the lake to remain in place because the Findings of Fact have not been met. Instead, environmental staff from both departments recommend that the applicants remove the illegal bulkhead and fill, construct a new code-compliant bulkhead at the previous shoreline's location, and restore the lake back to its previous condition. The land that was captured is not within the subdivided lot and the rights to enjoy Lake Austin waters belong to the public, not private individuals.

Environmental concerns related to the removal of the fill and bulkhead can be mitigated by construction phasing that leaves the unpermitted bulkhead in place during the excavation and removal of the unpermitted fill and the construction of the a bulkhead, so that the upland area is stable while the unpermitted bulkhead is removed.

### Attachments

**CC:** Chuck Lesniak, Environmental Officer, Watershed Protection Department  
Beth Robinson, P.E., Managing Engineer, Land Use Review, Development Services Department  
Donna Galati, Program Manager III, Land Use Review, Development Services Department

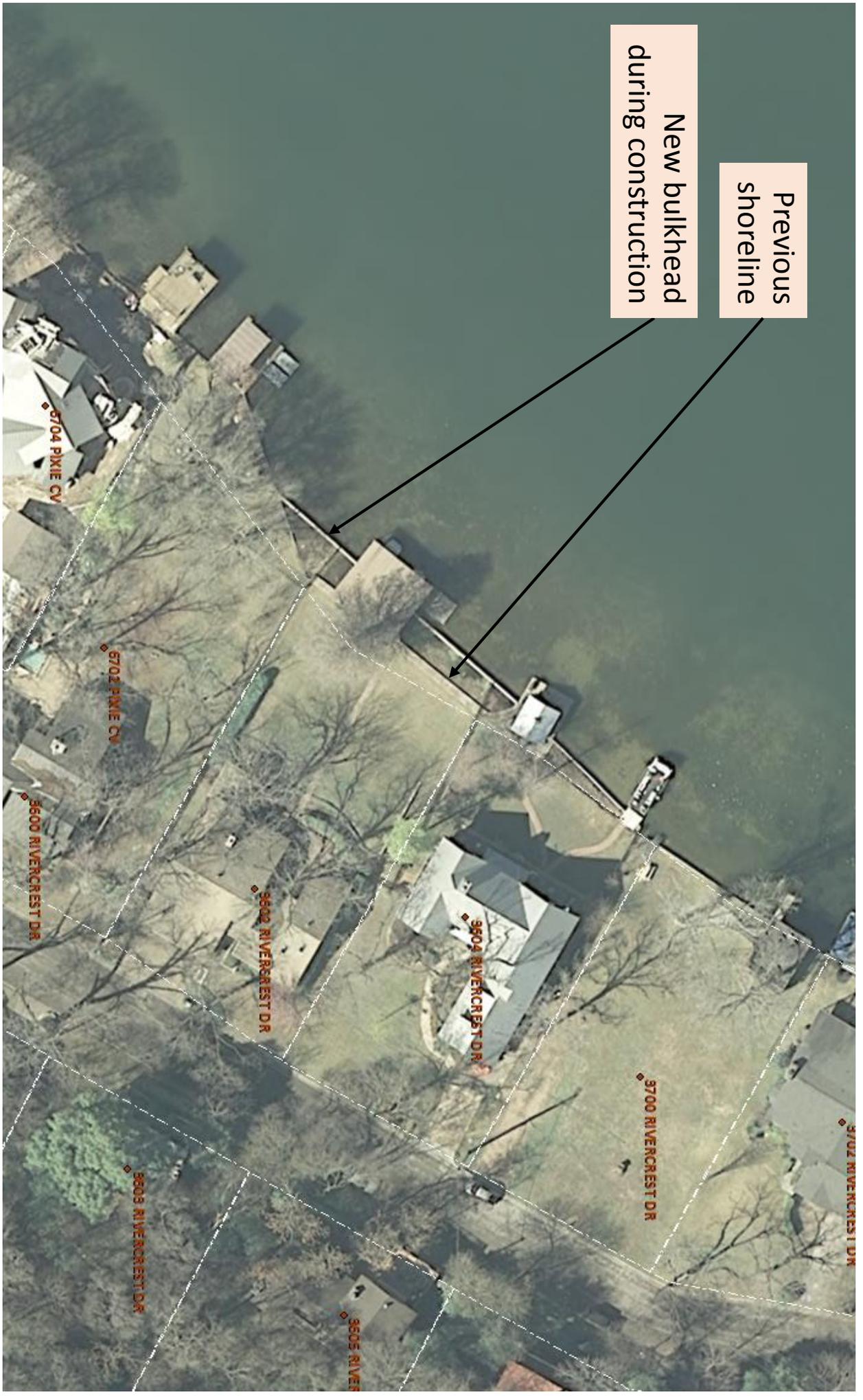
2003 aerial (image taken during lake drawdown)



# 2009 aerial

Previous shoreline

New bulkhead during construction





October 24, 2017  
Hank Coleman  
3604 Rivercrest Drive  
Austin, TX 78746

Phil Moncada  
President  
Moncada Enterprises LLC  
1301 S. I-H 35 Suite # 204  
Austin, Texas 78741

Dear Phil:

I am writing to confirm that I am attempting to find the letters I wrote to both the City of Austin Health Department and to the Building Department about the issues with the City's maintenance of its property at my home.

I am sure that some of the AASCI files recovered from my HDD will provide me a copy of the letters, complete with dates and to whom I addressed them, but at this point, I'm digging through files which were recaptured from a HDD which is over 14 years old.

That said, I'm writing to give you the series of events and provide photos of the material which was dredged from in front of my property (which can be confirmed by the dredging permit issued to Signor Enterprises for work commencing in January 2001 – which I assume can be found in the City's files). This material was built up through years of a circular motion of the water flow and mechanics was over 3 feet in depth. Before we reached the actual "river" materials, and since I owned the lot next door, we proceeded to extract over 100 eighteen yard truckloads of this material. In fact the new construction of the house next door is actually out of the flood plain due to the amount of organic materials removed from the lakefront.

Unfortunately, this was a relatively short term solution. Due to what we now know was an illegal peninsula created by a previous owner 3 properties down the street, the aqua mechanics (as provided in prior correspondence) create an eddy which remained in place despite the dredging and the remediation of the lakefront.

As per the same correspondence, I began to understand that no matter what we did on the removal front, the materials brought in through the wave action of the deep hull boats had no way to exit down the lake and move as one would expect with the normal west to east flow which occurs naturally as the river moves from Mansfield Dam to Tom Miller dam.

So, with the knowledge that these rancid and foul smelling materials would build up, we waited.

As discussed the materials grew so large that they grew out of the lake and began to collect debris and trash as one would expect.

My wife finally decided to call the City and ask them to come out to take care of the issue and since it appeared to be a health issue, she called the Health Department.

The outcome of that visit is what prompted the solution.

Upon visiting the lakefront, the city inspector noticed the foul smell and the collection of debris gathering in the lake. His first comment was “that’s the lake.” To which my wife replied, “Yes and that belongs to you so we want you to remedy it.” Looking baffled he said that the Health Department was not prepared to do anything about it and that “you should take care of the problem.”

So, I sent the Hydrologist the response and asked what could be done to remedy the issue. Once getting what appeared to be a reasonable solution, I wrote letters to both the Health Department and the Building Department and reported that we would “take care of the problem” and was informing them.

His solution, which we have in place, in some fashion, for over 11 years was to build a wall which angled from the property 2 doors down, ended at the point of our current house and flattened out on our adjoining property. This solution is still in place.

As I pointed out, if this was a “land grab” then the person who paid for this (other than \$1500 Mr. Dumont contributed), I paid for the entire wall and construction of it and, by rights, should have received the most property, correct? Would that not be logical?

In fact, it’s quite the opposite and the largest incursion into the lake (which I now understand was required given the illegal peninsula found down the lake) is not on my property at all but the property two doors down. This was required since there needed to be an “angle” of exit created to move the organic materials. In fact the eastern border of my property sits slightly “inside” of the property line at the water’s edge.

The first iteration of this solution was nothing but a plywood wall construct to make sure we were accomplishing what the hydrologist told us would be the desired effect. Only after the continuous observation of this and the massive flooding of 2007, did we see that this solution was, in fact, an effective one. At that point, we began to face the wall with seawall materials to mitigate the wave action created by the deep hull boats, but the original wall has remained to this date.

This mitigation technique has caused no harm to anyone and remediated a problem created far before our ownership of this property which, in January, will be eighteen years.

Again, thanks for all your help with this.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hank Coleman", with a long horizontal flourish extending to the right.

October 24, 2017

Hank Coleman

Title

04/28



04/29



130



04/31



04/32



04/33



04/34

