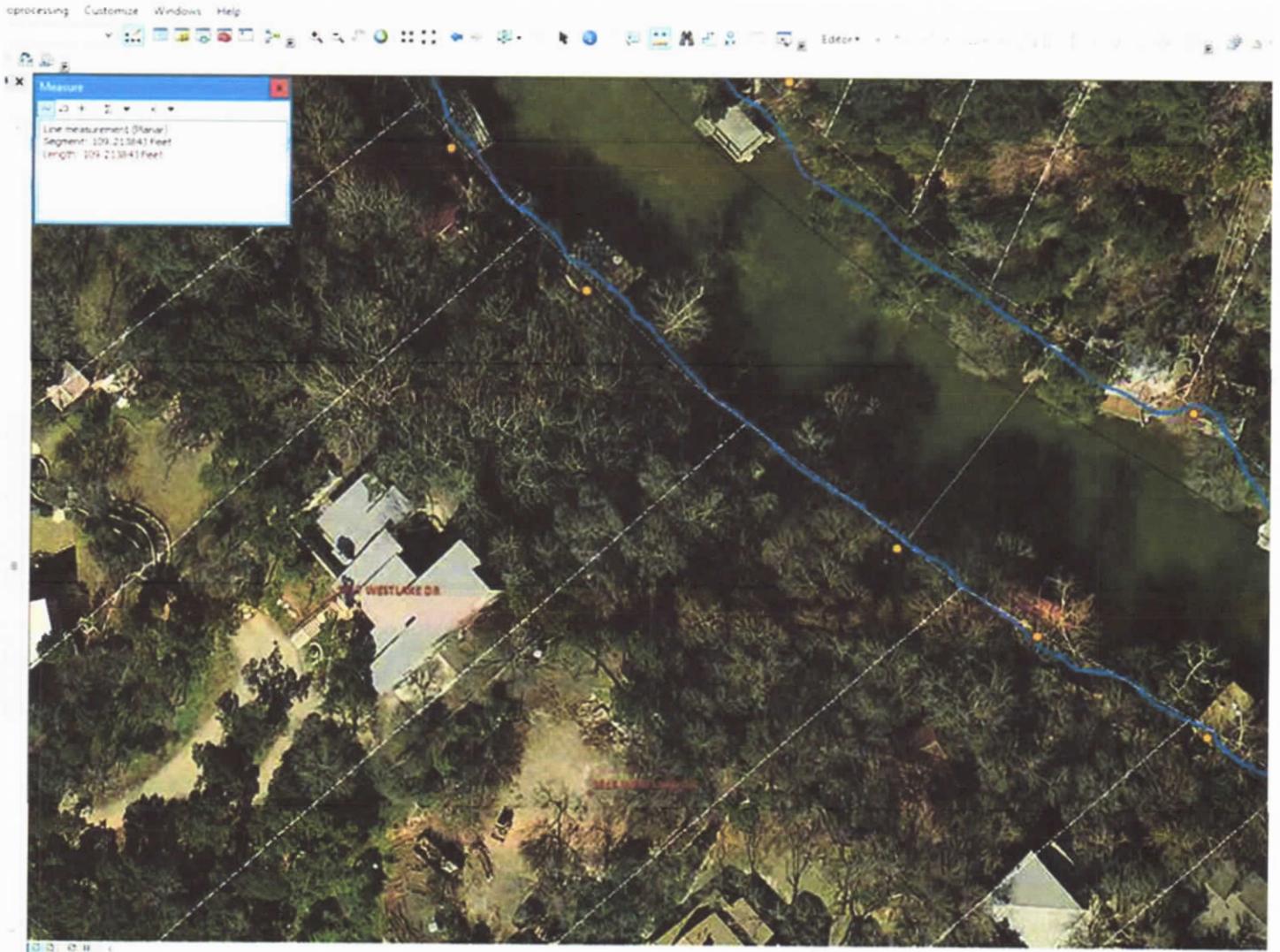


difference in dock extension. Can you ask the engineer who sealed the plans to clarify how he came up with the 140' measurement?



Thanks,

**Liz Johnston**

Environmental Program Coordinator  
Environmental Resource Management, Watershed Protection Department  
City of Austin  
505 Barton Springs Road, 11th Floor  
512.974.2619

<http://www.austintexas.gov/austinlakes>  
<https://www.austintexas.gov/emmalongshoreline>

003/158  
EXHIBIT D

1867 WESTLAKE DR PICTURES TAKEN FEBRUARY 2017



## EXHIBIT E

### APPENDIX U - FINDINGS OF FACT

#### Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: \_\_\_\_\_

Ordinance Standard: \_\_\_\_\_

#### **JUSTIFICATION:**

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES/NO
2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES/NO
3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES/NO
4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? YES/NO
5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? YES/NO

A variance requires all above affirmative findings with explanations/reasons.

# EXAMPLE DOCK SITES FOR BOA CONSIDERATION



003/160  
EXHIBIT F

PREPARED BY RICK RASBERRY 8/25/17

003/161  
EXHIBIT G



[REDACTED]

**Subject:** RE: 1615 Westlake Dr Measurement for Hearing (108.5' X 20% = 21.7 feet)

Liz/Stephen,

Attached are pictures from today's site visit (thank you Stephen for this additional follow-up) and we found the specific channel width to currently be about 108.5'. The 492.8 msl contour measurement discovered today on opposite shoreline stopped where the most recent land capture had occurred during lake drawdown. We would estimate about 2'-3' of vertical and about 8'-10' of horizontal "filling of the land" happened in Jan-Feb of this year on the opposite shoreline -- and review of the GIS aerials for the site would suggest other illegal development may have also occurred in previous years.

Liz, please let me know if you are okay with the findings today and if you have other questions, or need for other updates to the Director so the BOA proceedings may continue? Could you also maybe let us know if the Director/Building Official agrees or disagrees with the current findings, and maybe suggest ideas about how my client could be afforded reasonable accommodations for this hardship?

Stephen, if you could kindly reply that based on our demonstrations today; that the proposed 30' X 30' dock would not present any risk to navigation based on your experience and professional judgement?

We are available to answer any other questions and thanks again for your help with these matters.

Kindest Regards,

**Rick Rasberry, CESSWI**  
**Lake Austin Boat Dock & Shoreline Permits**

[REDACTED]

**Subject:** RE: 1615 Westlake Dr Measurement for Hearing (110' X 20% = 22.0 feet)

Liz,

We will coordinate with Stephen on any supplemental measurements to the 10/27/17 DSD Inspection findings and have that data provided in advance of Leane's deadline for submittal, thanks!

Leane,

We met on site with the Development Services Environmental Inspections Staff on December 12/14/17 and found the existing channel measurement to be approximately 108.5' in width were the proposed dock would be located. We are prepared to move forward with the 1/8 Board proceedings unless the Director/Building Official has any other requests at this time. Please let us know of any questions or other needs, thanks!

Kindest Regards,

**Rick Rasberry, CESSWI**  
**Lake Austin Boat Dock & Shoreline Permits**

[REDACTED]

[REDACTED]

1615 Westlake Dr Measurement for Hearing (110' X 20% = 22.0 feet)

I am going to pull the notice for 12/18 meeting until the **1/8 meeting** to give more time for measurement confirmation.

Deadline for the 1/8 hearing language notice including and accurate measurement will be end of day **TH 12/21** due to the holiday (City offices closed on the normal due date/time of 12/25 10 am and following day 12/26, but notices still have to be postmarked by 12/28, so will need to give them 3 working days to produce).

Leane

[REDACTED]

1615 Westlake Dr Measurement for Hearing (110' X 20% = 22.0 feet)

Copy that.

Thank you for working on it and everyone please let me know next steps if I can help make this proceed most expeditiously.

Thank you,  
Dustin

---

[REDACTED]

**Subject:** 1867 Westlake Dr Compliant?

Mr. Chapman,

Could you tell us if the recent filling of the land, bulkhead, retaining walls, building(s), and boat dock development (1867 Westlake Dr) on opposite shoreline where we made the measurements is all permitted and approved by the City? Here is a picture for review and consideration:

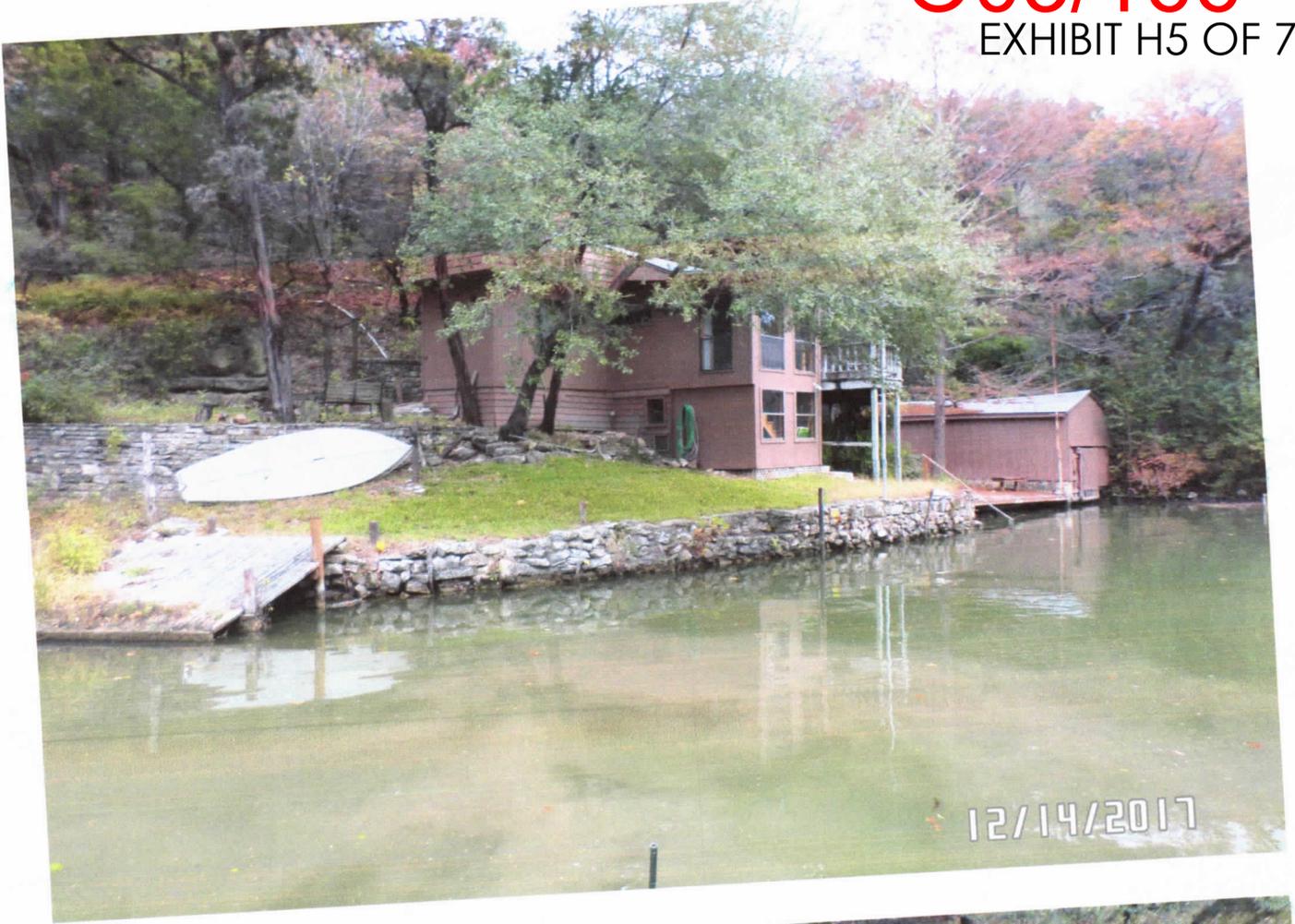


Kindest Regards,

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

[REDACTED]









From: [REDACTED]  
Subject: C15-2017-0054  
Date: Thursday, January 04, 2018 5:40:41 PM

---

Ms. Heldenfels, please see my attached objection to the proposed Variance A relating to the distance the dock may extend from the shore. of the above referenced case. I have no objection to variance B regarding the width of the Dock.

I am in the real-estate business and are very protective of landowners rights and I would not attempt to restrict a person's right to develop their property under existing laws and ordinances. In many cases I am not opposed to variances when these variances are reasonable and do not cause harm or undue hardship to adjacent property owners or businesses.

This case represents a significant harm to everyone that is on the cove above or North of the subject property. This arm of the lake is a creek arm and while the surface area of the water appears to be very wide at the subject property **the actually navigable channel is very narrow**, As a result of Sedimentation this creek has filled in dramatically over the years and has left only **a very narrow channel that is deep enough for boats to access**. In case you are not aware of this but I must remind everyone that the last 8 to 10 boat docks along the lake to the north of this project had no access to the lake from 2015 to 2017 because the channel was silted in and was not until last February that we were able to enter the lake bed and dig out the channel. We spent thousands of dollars and hundreds of man hours to hand dig the silt out from under docks and out of the channel so that we could use our boats and have lake access again. **This dock will most certainly accelerate the siltation and obstruction of the channel.**

This channel in fact runs along the western side of the creek arm exactly where the Applicant wants to place their dock. While I do not propose to prevent them from having a dock I strongly oppose a variance. **The construction of any dock within code will greatly reduce and impede my access as well as the access of anyone else to the North upstream of this dock to the main lake but a larger dock could entirely cutoff my access.**

-  
-  
The Hydrology or water flow at this point in the lake is very simple the eastern side of the creek and therefore its bottom is very shallow the western side is very steep and therefore the deepest side of the creek. The West side of the creek channel (side which subject is located) beginning above the subject property and running along past the subject property is also a bend. Drainage and runoff from the steep hills above the lake pick up sediment because of the velocity of the water on the steep hills and the very low friction created by the smooth limestone creek bed above the lake allows not only fine sediment but gravel as large as .5 to 1.5 inches in diameter to be washed down from the hills through the creek and into the lake. Velocity of water equals power and determines what size and weight of sediment is suspended in and carried by it. As the creek hits the lake the velocity of the water is slowed and the larger sediment begins to drop immediately. When the water hits the lake it is spread out from the narrow and steep creek channel above the lake to the flat wide creek arm of the lake resulting in an immediate and dramatic reduction of water velocity. Larger sediments are deposited at the head of the creek arm while smaller ones

continue to travel. The bend in the creek increase the speed of the water along the western edge and allows for water to hold its sediment longer while water spreading out in the wide part of the channel slows dramatically. This water spreading across the channel and slowing begins dropping all of its sediment while the higher velocity water holds more sediment longer therefore slowing the rate at which the channel on the western edge fills in while the wide slower portion accumulate sediment at a much higher rate. Additionally the geography of the creek area as stated above allows for the deepest part of the creek to be on the western edge (where subject is located) therefore while there is sedimentation it has been slower and the depth allows for a longer period to remain open. Additionally, the introduction of a large obstruction in the water (boat dock) will cause the water to slow in the channel and drop more sediment faster as well as create an eddy that fills in very quickly on the backside of the obstruction much like we have all seen a large rock in a flowing river create the same effect.

I as well as my neighbors have all constructed docks that are within the code guidelines and a substantial dock can easily be built to serve any boat up to 27 feet on a "head in basis" and much larger if the boat stall is constructed Perpendicular to the shore.

This variance should not be granted for the following reasons:

1. The variance is not necessary for the reasonable use and enjoyment of the subject property.
2. The denial of the variance does not prohibit the construction of a large and sufficient dock that can satisfy a great range of needs a
3. A strong case could be made to restricting the depth of the dock to less than the 21.7 feet based on the directors discretion in § 25-2-1176 A. (1)
4. The granting of the variance will most certainly cause a hazard to navigation in this portion of the lake by protruding more than half way across the only navigable channel on this portion of the Lake.
5. A boat dock at this location will accelerate the environmental impact of siltation of the lake. A larger dock will increase that impact.
6. Granting of the variance creates a permanent and irrevocable barrier to our lake access.
7. Granting the variance and construction of a larger dock will severely impact the value of my property and constitute a taking by eliminating or severely restricting my access to the lake and therefore my enjoyment and economic benefit of my property.

**This is a very easy case now that you are aware of the impact of this dock. You would never grant a variance to someone who wished to reduce the width of a street in front of someone's house and likewise you should not grant this variance which will obstruct reduce and potentially eliminate access to everyone North of this property to the lake.**

Thank you for your consideration.

Jay Symcox  
Symcox Development  
2300 South Lamar, #106  
Austin, Texas 78704

003/171

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. **All comments received will become part of the public record of this case.**

**Case Number: C15-2017-0054, 1615 Westlake Drive**

**Contact:** Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

**Public Hearing: Board of Adjustment, January 8, 2018**

Richard Kooris

Your Name (please print)

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

1625 Westlak Drive Austin, TX 78746

Your address(es) affected by this application

*Richard Kooris*

Signature

12.29.17

Date

Daytime Telephone: 512-422-8878

Comments: We (my wife Laura and I) are the owners of the property two lots to the west of the applicant's property. Our lot also

fronts on Bee Creek. We are strongly in favor of the applicant's request and urge you to approve.

Thank you for your consideration and time devoted to the service of the City of Austin.

**Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:**

**Mail:** City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088

*(Note: mailed comments must be postmarked by the Wed prior to the hearing for the Board to see them at this hearing.)*

**Fax:** (512) 974-6305

**Email:** leane.heldenfels@austintexas.gov