



D36-60
Campbell, Sandra

To:
Subject:

ocation - Bee Creek

Stephen Hawkins 512.750.1402
Environmental Compliance Specialist Senior
Development Services Department

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Scheduled Meeting Disclosure Information:

In accordance with City of Austin Ordinance 20160922-005, responsibility of written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question as defined within City Code 4-8-2 for compensation on behalf of another person. Development Services Department has elected to implement an electronic survey as the methodology to provide the opportunity to record information as required of the department under Section 4-8-8 (E) of the City Code. Individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions included in the department survey available at the following link: [DSD Survey](#). Please note that all information provided is subject to public disclosure via DSD's open data portal.

For more information please visit:

[Click here to view City of Austin Ordinance 2016-0922-005](#)

[City Clerk's website](#)

[City Clerk's FAQ's](#)

From:

Stephen,

Our concern continues to be the proper handling of the sediment that was removed from the main creek channel and place within the creek bed.

We are the first downstream home past a bend in the creek, and we are very concerned that any of the newly deposited sediment in the creek bed will move downstream and deposit at our dock.

We understand the challenge of dealing with a non-permitted activity once it is partially or fully complete.

D37-60

If the homeowners had proceeded properly, they would have been required by the City of Austin Watershed Ordinance to get a plan signed by a professional engineer to ensure that the sediment would be stable and not move. It seems that such a plan should still be relevant – a professional engineer should sign off on the disposal approach that has been employed to give us all confidence that the sediment has been placed properly and will not be an issue for downstream homeowners.

This study would need to be completed within a week or so – before the lake is refilled.

If it turns out that the current situation is stable and will not wash downstream when the rains come, then all is good. If it turns out that this is not a stable situation, the homeowners should be required to dredge and barge it out once the lake is refilled.

Please make this a condition on the homeowners to close out this violation.

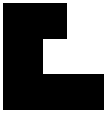
Once again, thank you and David for your help with this unfortunate situation.

Regards,

Brian Plunkett/Criss Cloudt
1 Hidden Cove
512-627-1250
[REDACTED]

D38-60
Campbell, Sandra

From:



backhoe digging

Stephen Hawkins 512.750.1402
Environmental Compliance Specialist Senior
Development Services Department

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From:



Stephen,

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<https://www.dropbox.com/sh/dhrzipxwqpf02l1/AAD2hxeL0QzhDEVlOu6cU18sa?dl=0>

Let me know if you have any issues opening the folder.

Thanks again for your help with this.

O03/61

Brian Plunkett/Criss Cloudt
1 Hidden Cove
512-627-1250

D39-60

Campbell, Sandra D40-60

From:



Stephen Hawkins 512.750.1402
Environmental Compliance Specialist Senior
Development Services Department

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Campbell, Sandra

D41-60

From:

[REDACTED]

Subject:

RE: Scheduling to discuss Bee Creek

Please come speak with Kristin Carlton in the Development Assistance Center (DAC) at One Texas Center 505 Barton Springs 1st floor.

She should be able to square you away with all the requirements.

Thanks,

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

stephen.hawkins@austintexas.gov

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

From:

[REDACTED]

Subject: Fwd: Scheduling to discuss Bee Creek

Hi Byron,

My apologies, I was wrong about the spelling.

Thanks

Patrick

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

[REDACTED]

Subject: RE: Scheduling to discuss Bee Creek

Patrick & Kristin,
I apparently have Steven's email address wrong.

Would you please forward this email to him and copy me in order that I can coordinate to speak with him and correct his address?

Many thanks,
Byron

R. Byron Attridge, Jr.
Sales Consultant
MyITpros
512-265-8971
www.myitpros.com

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From: [REDACTED]

[REDACTED]

Subject: Scheduling to discuss Bee Creek

Hey Steven,
I left you a voice mail a bit earlier, but I thought I should email you to coordinate a time to talk.

I have a 2:30pm conference call, but I am pretty flexible otherwise.

Let me know when you would be able to talk.

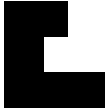
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Campbell, Sandra

From:



backhoe digging impact" with you



Hi there,

Brian Plunkett [REDACTED] nvited you to view the folder
"Bee Creek backhoe digging impact" on Dropbox.

Brian said:

*"Here is a link from dropbox to our pictures of the creek after the backhoe
dug out the channel. Two pictures are from before. The video shows the
backhoe at work."*

[Go to folder](#)

Enjoy!

The Dropbox team

© 2017 Dropbox

Campbell, Sandra

D44-60

From:

David

Sent:

February 07, 2017 9:59

backhoe digging impact" with you

FYI

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](#) @DevelopmentATXWe 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:** Brian Plunkett (via Dropbox) [mailto:]**Sent:** Sunday, February 05, 2017 6:19 PM**To:** Chapman, David**Subject:** Brian Plunkett shared "Bee Creek backhoe digging impact" with you

Hi there,

Brian Plunkett invited you to view the folder
"Bee Creek backhoe digging impact" on Dropbox.

Brian said:

"Here is a link from dropbox to our pictures of the creek after the backhoe dug out the channel. Two pictures are from before. The video shows the backhoe at work."

[Go to folder](#)

Campbell, Sandra

D46-60

From:

[REDACTED]

[REDACTED]

Subject:

Fwd: Scheduling to discuss Bee Creek

Hi Byron,

My apologies, I was wrong about the spelling.

Thanks

Patrick

Sent from my Verizon, Samsung Galaxy smartphone

[REDACTED]

austintexas.gov>

Cc: "Steven Hawkins (steven.hawkins@austintexas.gov)" <steven.hawkins@austintexas.gov>

Subject: RE: Scheduling to discuss Bee Creek

Patrick & Kristin,

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Would you please forward this email to him and copy me in order that I can coordinate to speak with him and correct his address?

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[REDACTED]

[REDACTED] to discuss Bee Creek

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I have a 2:30pm conference call, but I am pretty flexible otherwise.

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Campbell, Sandra D48-60

From:



Subject:

Meeting on Bee Creek

Does anyone have time to chat about this issue today. The lake will fill up soon, and the people who made the complaint want action before it does.

I just need some guidance on remedy.

Thanks,

Stephen Hawkins

City of Austin

Environmental Compliance Specialist Senior

512-974-7984

stephen.hawkins@austintexas.gov

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D49-60

Campbell, Sandra

From:

[REDACTED]

[REDACTED]

Stephen,

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Here is a link to a dropbox folder that has all the pictures:

<https://www.dropbox.com/sh/dhrzipxwqpf02l1/AAD2hxeL0QzhDEVlOu6cU18sa?dl=0>

Let me know if you have any issues opening the folder.

Thanks again for your help with this.

Brian Plunkett/Criss Cloudt
1 Hidden Cove
512-627-1250

D50-60

Campbell, [REDACTED]

From:**Sent:**

[REDACTED] Brian <[REDACTED]>

[REDACTED] location - Bee Creek

Stephen,

Our concern continues to be the proper handling of the sediment that was removed from the main creek channel and place within the creek bed.

We are the first downstream home past a bend in the creek, and we are very concerned that any of the newly deposited sediment in the creek bed will move downstream and deposit at our dock.

We understand the challenge of dealing with a non-permitted activity once it is partially or fully complete.

If the homeowners had proceeded properly, they would have been required by the City of Austin Watershed Ordinance to get a plan signed by a professional engineer to ensure that the sediment would be stable and not move. It seems that such a plan should still be relevant – a professional engineer should sign off on the disposal approach that has been employed to give us all confidence that the sediment has been placed properly and will not be an issue for downstream homeowners.

This study would need to be completed within a week or so – before the lake is refilled.

If it turns out that the current situation is stable and will not wash downstream when the rains come, then all is good. If it turns out that this is not a stable situation, the homeowners should be required to dredge and barge it out once the lake is refilled.

Please make this a condition on the homeowners to close out this violation.

Once again, thank you and David for your help with this unfortunate situation.

Regards,

Brian Plunkett/Criss Cloudt

1 Hidden Cove

512-627-1250

Campbell, Sandra

D51-60

From:**Subject:**

Re: Meeting on Bee Creek

I am meeting at 2pm in my office with Mateo.

Thanks,

Stephen

Sent from my iPhone

On Feb 7, 2017, at 11:35 AM, Carlton, Kristin <Kristin.Carlton@austintexas.gov> wrote:

I can meet anytime before 3pm.

Kristin S. Carlton

Environmental Review Specialist Senior

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor

505 Barton Springs Road

Office: 512-974-6369



From: Stephen**Sent:** Liz; Creek

Does anyone have time to chat about this issue today. The lake will fill up soon, and the people who made the complaint want action before it does.

I just need some guidance on remedy.

Thanks,

Stephen Hawkins

City of Austin

Environmental Compliance Specialist Senior

Campbell, [REDACTED]

D53-60

From:

[REDACTED]

Subject:

Re: Meeting on Bee Creek

I should be back at 130 or 200.

Sent from my iPhone

On Feb 7, 2017, at 11:35 AM, Carlton, Kristin <Kristin.Carlton@austintexas.gov> wrote:

I can meet anytime before 3pm.

Kristin S. Carlton

Environmental Review Specialist Senior

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor

505 Barton Springs Road

Office: 512-974-6369

<image001.png>

[REDACTED]

Subject: Meeting on Bee Creek

Does anyone have time to chat about this issue today. The lake will fill up soon, and the people who made the complaint want action before it does.

I just need some guidance on remedy.

Thanks,

Stephen Hawkins

City of Austin

Environmental Compliance Specialist Senior

512-974-7984

stephen.hawkins@austintexas.gov

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Campbell, Sandra

D55-60

From: [REDACTED] Kristin
Sent: [REDACTED] 2017 11: [REDACTED] AM
To: [REDACTED]
Subject: RE: [REDACTED] Bee Creek

I can meet anytime before 3pm.

Kristin S. Carlton

Environmental Review Specialist Senior

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor

505 Barton Springs Road

Office: 512-974-6369



Subject: Meeting on Bee Creek

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Thanks,

Stephen Hawkins

City of Austin

Environmental Compliance Specialist Senior

512-974-7984

stephen.hawkins@austintexas.gov

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Campbell, Sandra

D56-60

From: [REDACTED]
To: Scoggins, Mateo
Subject: RE: Meeting on Bee Creek

Mateo, let me know if you have any available time to discuss the issue of dredging without a permit and remediation of bull creek.

Thanks,

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

stephen.hawkins@austintexas.gov

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

From: [REDACTED]
Sent: [REDACTED] 07, 2017 [REDACTED] 47 [REDACTED]
[REDACTED]
Subject: Re: Meeting on Bee Creek

I am in the field until after 3:00. I think Liz and Brent are out almost all day too. See if Mateo Scoggins is in, Mateo might have some good ideas. His cell is (512) 300-6187 and his office is 4-1917

Andrew

On Feb 7, 2017, at 9:41 AM, Hawkins, Stephen <Stephen.Hawkins@austintexas.gov> wrote:

Does anyone have time to chat about this issue today. The lake will fill up soon, and the people who made the complaint want action before it does.

I just need some guidance on remedy.

Thanks,

Stephen Hawkins
City of Austin

Environmental Compliance Specialist Senior
512-974-7984

stephen.hawkins@austintexas.gov

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Campbell, Sandra

D58-60

From:



Subject:

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D59-60

Campbell, Sandra

From: [REDACTED] Liz
Sent: [REDACTED]
Subject: Re: Meeting on Bee Creek

I'll be there.

Sent from my iPhone

On Feb 7, 2017, at 12:44 PM, Hawkins, Stephen <Stephen.Hawkins@austintexas.gov> wrote:

I am meeting at 2pm in my office with Mateo.

Thanks,

Stephen

Sent from my iPhone

On Feb 7, 2017, at 11:35 AM, Carlton, Kristin <Kristin.Carlton@austintexas.gov> wrote:

I can meet anytime before 3pm.

Kristin S. Carlton
Environmental Review Specialist Senior
[City of Austin Development Services Department](#)
One Texas Center, 1st Floor
505 Barton Springs Road
Office: 512-974-6369



[REDACTED] Stephen
Sent: [REDACTED] February 07, 2017 9:41 AM
To: [REDACTED]
Subject: Meeting on Bee [REDACTED]

Does anyone have time to chat about this issue today. The lake will fill up soon, and the people who made the complaint want action before it does.

I just need some guidance on remedy.

Thanks,

~~D60-60~~

Stephen Hawkins

City of Austin

Environmental Compliance Specialist Senior

512-974-7984

stephen.hawkins@austintexas.govFollow 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](#)

Rick Rasberry

From: Rick Rasberry
Sent: [REDACTED]
To: [REDACTED]
Cc: Dustin Donnell
Subject: 1847 Westlake Drive Dredging of Bee Creek Channel

EXHIBIT E1 OF 4

Thanks again for the help with this late back-up material Leane!

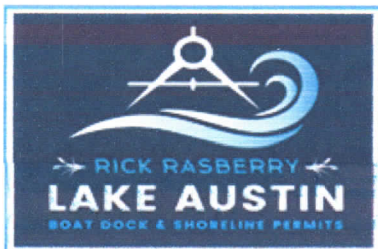
Liz, we're looking at Mr. Symcox's letter and we want to be sure we can respond factually to Board when we go back next month. We see that Mr. Symcox purports spending "thousands of dollars dredging out the channel..."

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.

We don't see any City approved plans, permits, exemptions, etc. for any dredging at 1847 Westlake Dr. as remarked by Mr. Symcox – did that development get approval by COA that we don't know about?

Kindest Regards,

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



From: [REDACTED]
Sent: T
To: Joh
<Leane
Subject: 1615 Westlake Drive

Hi Liz/Leane,

Would you mind sending me a copy of the letter that was brought up last night where we were instructed to respond in our next hearing?

Thank you!
Dustin

--

Dustin Donnell
Donnell Development LLC
o) 512.394.4577
m) 512.534.0464
[dus](#) [REDACTED]

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

E3 OF 4

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.

We have presented new evidence in support of the APD's finding that approval of the variance would not cause any navigational risk -- and any notion suggesting that approval of the variance would "most certainly accelerate the siltation and obstruction of the channel" is without any merit whatsoever.

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.

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We are not finding that this work was approved by COA and it's unknown now what real impacts this may have caused to the creek?

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

We have presented new evidence in support of the APD's finding that approval of the variance would not cause any navigational risk -- and any notion suggesting that approval of the variance would "accelerate the deposit of sediment, alter the lake bed bathymetry, or change any drainage conditions" is without any merit whatsoever.

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.

The existing dock built at 1847 Westlake Dr. secured COA variance and developed 30' X 30' dock under City of Austin Building Permit 2002-005853BP.

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. Asking for minimum departure from rule similarly (30' X 30').
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 Asking for similar 30' X 30' dock
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) Asking for similar dock.
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. Evidence presented to the contrary.
5. A boat dock at this location will accelerate the environmental impact of siltation of the lake. A larger dock will increase that impact. This claim has no merit.
6. Granting of the variance creates a permanent and irrevocable barrier to our lake access. Asking for similar size dock as complainant.
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 claim has no genuine merit whatsoever.

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

1615 Westlake Drive

30' by 30' Dock Measurement Pictures

January 14th, 2018

PREPARED BY DUSTIN DONNELL

Methodology

- Mark off 30' x 30' flags of proposed location of boat dock
- Measure Depths of water at edge of proposed boat dock and at distances for vessels to pass up and downstream
- Assess protrusion of proposed dock into channel compared to other docks upstream and downstream

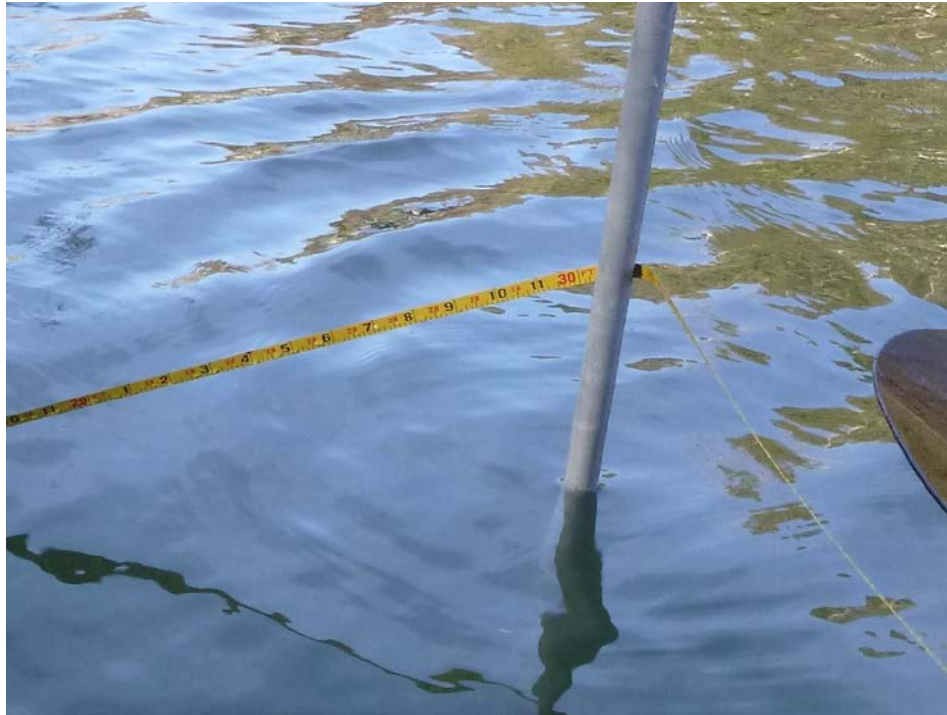
Findings

- On day of measurement (Jan 14th, 2018), overall water level was approximately 4” below normal height.
 - Only actuals on this day were measured, so “full lake” level depths would be approximately 4” deeper than measured, but the rates of shallowing would not be affected.
- There is very little shallowing (Approx. 2 inches) within 10 feet of edge of Proposed Dock.
 - Depths were as follows:
 - 4’ 8” as measured 2 feet from edge of proposed Dock
 - 4’ 6” as measured 10 feet from edge of proposed Dock
 - 3’11” as measured 15 feet from edge of proposed Dock
- Protrusion into channel and navigability is a qualitative test, and attached pictures and video show that there is no issue with either.

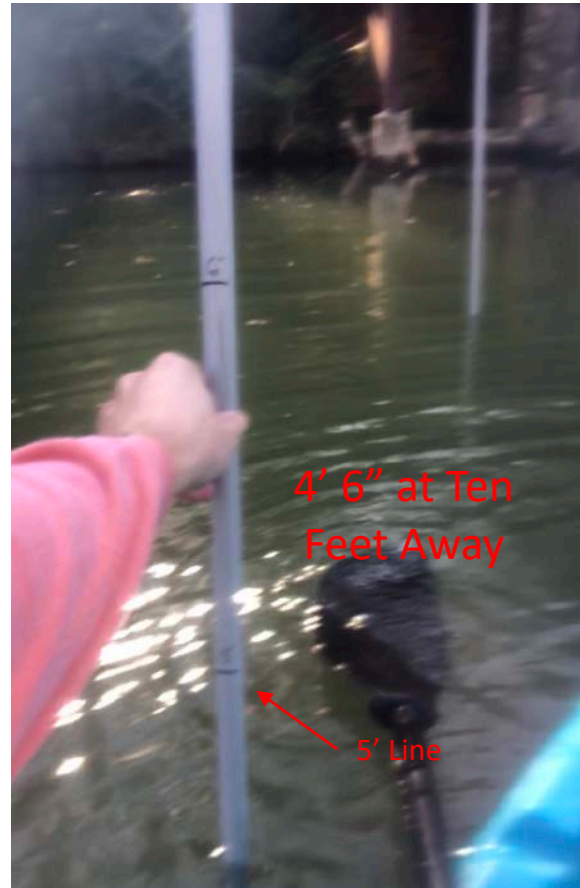
The Set Up (Page 1 of 2)



The Set Up (Page 2 of 2)



The Measurements



The Views and Navigation (Page 1 of 3)



The Views and Navigation (Page 2 of 3)



Two More Pictures (Page 1 of 2)

- Image taken from the existing deck at 1615 Westlake Drive during the lake draw down in Jan/Feb 2017 shows overall relative flatness to channel where boats would pass by proposed dock.
 - Water at deepest point during this time was two to three inches deep.
 - 1613 Dock has ~5' of exposed pier (approx 6" exposed when lake is full)
 - This shows approx 4' 6" water depth at edge of dock when lake is full



Two More Pictures (Page 2 of 2)

- Image taken from the existing deck at 1615 Westlake Drive during the lake draw down in Jan/Feb 2017 looking upstream shows channel narrows and banks on South side of creek beginning at 1617 Westlake Drive Property



All water flow is under dock at 1617 Westlake Drive upstream

This tree fell on 1617 Westlake Drive Property. Channel narrowing and banking on Southern side of channel begins approximately at the property line on the shore



Property Line Flag

003/94



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0054
LOCATION: 1615 Westlake Dr



1" = 167'

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 # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1615 Westlake Drive

Subdivision Legal Description:

LOT 2 BLK A THE STUDDER SUBDIVISION

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

Outlot: _____ Division: _____

Zoning District: City of West Lake Hills Jurisdiction

I/We Rick Rasberry, CESSWI on behalf of myself/ourselves as
authorized agent for Dustin Donnell affirm that on
Month August, Day 28, 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:

1. LDC 25-2-1176(A)(2) -- Request to increase length of boat dock from 28.1' to 30.0'
2. LDC 25-2-1176(A)(4) -- Request to increase width of boat dock from 25.7' to 30.0'

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 owner's modern-day watercraft are too large to be safely docked within the structural dimension limitations afforded by the zoning rules. Other similarly situated boat docks already developed in Bee Creek have been granted approved site plans and site plan exemptions with variances to LDC 25-2-1176(A)(2) and 25-2-1176(A)(4). Any denial of the requested variance would effectively invoke a reasonable use hardship unique to the property.

Hardship

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

Other similarly situated boat docks already developed in Bee Creek have been granted approved site plans and site plan exemptions from COA with variances to LDC 25-2-1176(A)(2) and 25-2-1176(A)(4) regarding dock widths and lengths.

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

The residential property is located within the City of West Lake Hills and the COA jurisdiction is limited only to the shoreline (492.8 msl and lower). COA has issued approved site plans and site plan exemptions with variances to LDC 25-2-1176(A)(2) and 25-2-1176(A)(4) to other property owners not located in the Bee Creek area.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Boat docks have been developed in the Bee Creek area for more than sixty (60) years. Several of the existing boat docks in the Bee Creek area have been allowed to vary from the width and length rule restrictions. This proposal is only requesting 1.9' additional length of dock into the channel and 4.3' width increase of the dock on the shoreline to accomodate for safe docking of the Owner's two (2) large watercraft. The proposed improvements would in no way impair the use of adjacent conforming properties.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A -- Boat Dock

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

The boat dock remodel would be sited in a consistent and congruent fashion similar to the other boat docks in Bee Creek.

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

The site (single family residence) is located within the City of West Lake Hills full jurisdiction and any approved variance would apply to the boat dock use only.