

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

DATE: Monday March 12, 2018

CASE NUMBER: C15-2017-0054

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

APPLICANT: Rick Rasberry

OWNER: Dustin Donnell

ADDRESS: 1615 WESTLAKE 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):

- A. (2) to increase the distance a dock may extend from no more than 20 percent of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline, or in this case 28.1 feet (required, permitted) to 30 feet (requested); and
- B. (4) (a) to increase the width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, from 25.7 feet (required, permitted) to 30 feet (requested) in order to construct a new boat dock within the "LA" Lake Austin Residence zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2017, Board Member Eric Goff second on an 9-2 vote (Board members Bryan King and Don Leighton-Burwell nay); **POSTPONED TO NOVEMBER 13, 2017.** November 13, 2017 **POSTPONED TO DECEMBER 11, 2017 BY STAFF;** DEC 11, 2017 **POSTPONED TO JANUARY 8, 2018** (Re-notification needed)

RENOTIFICATION: The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A):

A. (2) to increase the distance a dock may extend from no more than 20 percent of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline, or in this case 21.7 feet (required, permitted) to 30 feet (requested); and

B. (4) (a) to increase the width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, from 25.7 feet (required, permitted) to 30 feet (requested) in order to construct a new boat dock within the "LA" Lake Austin Residence zoning district.

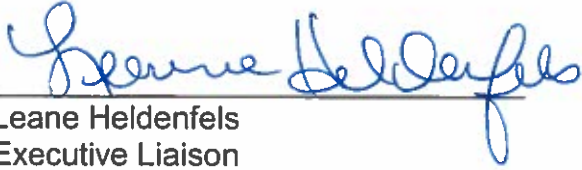
BOARD'S DECISION: Jan 8, 2018 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to February 12, 2018, Board Member Don Leighton-Burwell second on a 11-0 vote; **POSTPONED TO FEBRUARY 12, 2018, Feb 12, 2018** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 12, 2018, Board Member Melissa Hawthorne second on an 6-5 vote (Board members Brooke Bailey, Bryan King, Don Leighton-Burwell, Rahm McDaniel and James Valadez nay); **POSTPONED TO MARCH 12, 2018. March 12, 2018** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that roof deck remain open, Board Member Brooke Bailey second on a 7-4 vote (Board members Bryan King, Don Leighton-Burwell, James Valadez and Martha Gonzalez nay); **MOTION FAILS DUE TO LACK OF VOTES, DENIED.**

EXPIRATION DATE: MARCH 12, 2019

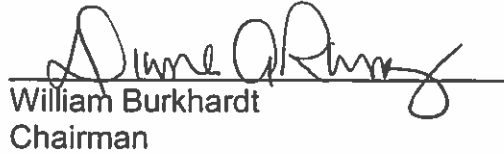
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the existing boat dock on the property was designed and built more than 60 years ago and is very small in relation to boat dock designs approved now to safely accommodate.
2. (a) The hardship for which the variance is requested is unique to the property in that: the existing boat dock on the property was designed and built more than 60 years ago, other similarity situated boat docks already developed in Bee Caves area have been granted approved site plans and site plan exemptions from COA with variances to LDC regarding dock widths/lengths to realize safety privileges, applicant is unable to excavate into the property in order to bring boat dock into his property therefore has no other alternatives other than to request a variance.
(b) The hardship is not general to the area in which the property is located because: the property on opposite shoreline has claimed several vertical and horizontal feet of land/shoreline unlawfully, creating a special and unique hardship limitation on the LDC channel width rule provision calculations for the 1615 Westlake Drive property
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: the

proposed variance is the minimum departure from the rules to achieve a safe design footprint arrangement necessary to accommodate the Owners two watercraft and would be on the lake



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

