

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

DATE: Monday September 10, 2018

CASE NUMBER: C15-2018-0037

_____ Brooke Bailey OUT
 _____ William Burkhardt
 _____ Christopher Covo
 _____ Eric Golf
 _____ Melissa Hawthorne
 _____ Bryan King
 _____ Don Leighton-Burwell
 _____ Rahm McDaniel
 _____ Martha Gonzalez (Alternate)
 _____ Veronica Rivera
 _____ James Valdez
 _____ Michael Von Ohlen
 _____ Kelly Blume (Alternate) (for BB)
 _____ Pim Mayo (Alternate)

OWNER/APPLICANT: Kathleen Huff

ADDRESS: 3117 WESTLAKE DR Bldg B

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A)(6) to increase the dock height from not more than 30 feet (required) to 42 (requested, top of cupola) in order to complete construction of a boat dock within the "LA" Lake Austin Residence zoning district.

Note: A dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.

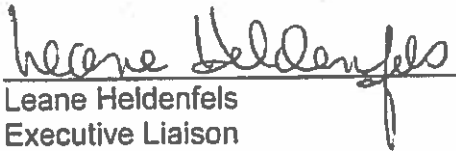
BOARD'S DECISION: BOA MEETING SEPT 10, 2018 POSTPONED TO OCTOBER 8, 2018 BY STAFF (RE-NOTICE REQUIRED)


EXPIRATION DATE:

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

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C15-2018-0037/3117 Westlake Drive - email below before drawings but after 9/10 ds
Date: Thursday, September 27, 2018 4:52:38 PM

From: [REDACTED]
Sent: Monday, September 10, 2018 4:42 PM
To: Heldenfels, Leane
Subject: Re: Boat House at 3117 Westlake Drive - on Lake Austin

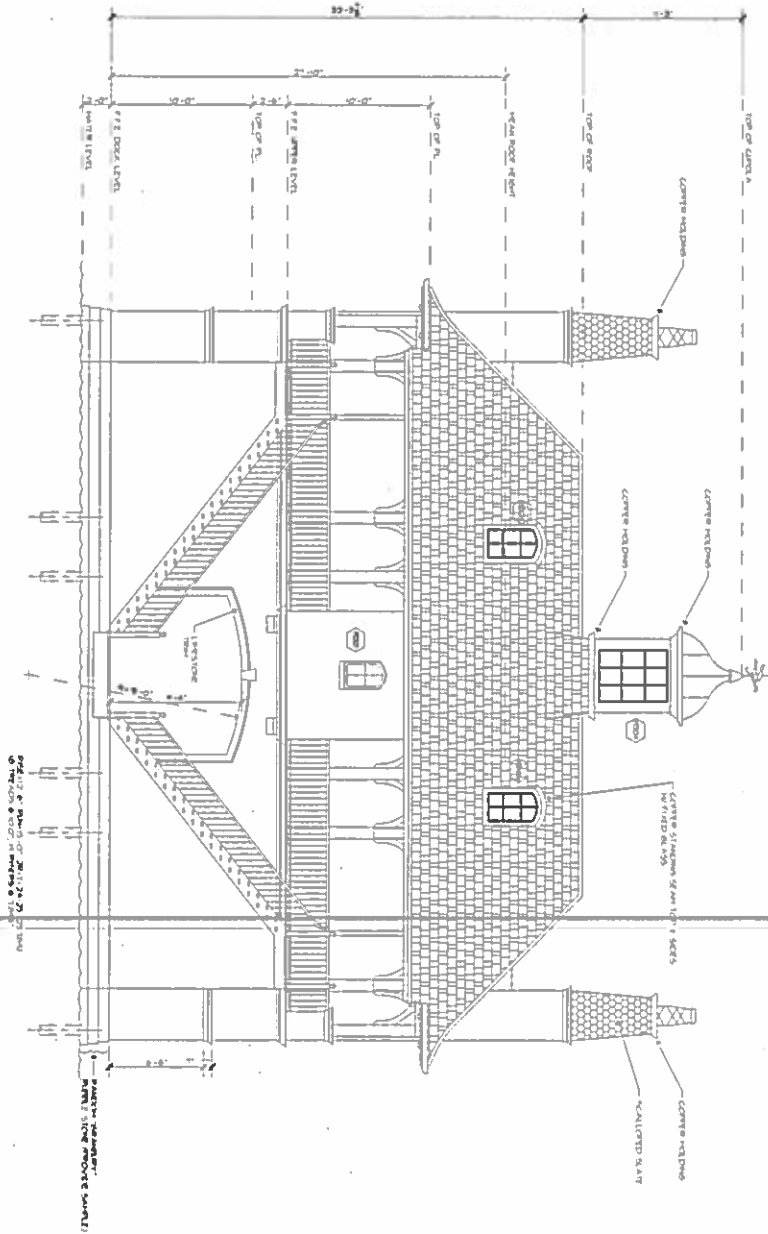
Leane,

Let's postpone until 10/8 then. I will check with my arch to see if he can be there too.

I would like to meet with you two weeks before and make sure everything is in place so we don't have another delay.

Thank you!

Kathleen



REAR ELEVATION

SCALE

1

A 7.1.0

PROJECT NO. 000000
DATE 01/10/2000
DRAWN BY 51.7.07

PROJECT NO. 000000
DATE 01/10/2000
DRAWN BY 51.7.07

REAR ELEVATION

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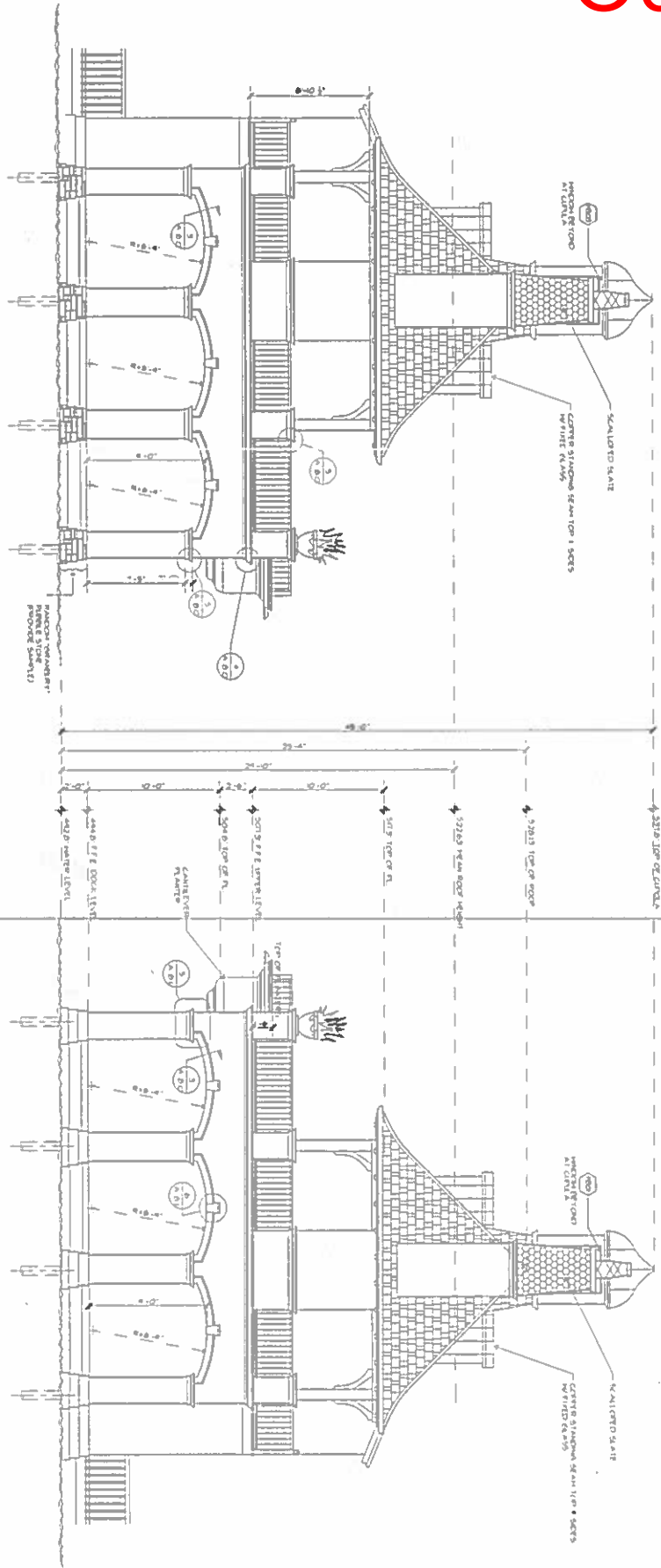
REAR ELEVATION

REAR ELEVATION

REAR ELEVATION

REAR ELEVATION

REAR ELEVATION



LEFT AND RIGHT ELEVATION

SCALE

1

A 7.2.0

HABINSKI



Architectural
DRAWING

Architectural
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Architectural
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From: rick skirrow [REDACTED]
Date: August 29, 2018 at 8:19:21 AM CDT
To: Kathleen Huff [REDACTED]
Subject: 3117 Westlake Dr boat house height
Reply-To: rick skirrow [REDACTED]

Peter and Katheen,

Since Skirrow LLC started work on the boat house at 3117 Westlake Dr, there have been several City of Austin Inspections with no inspectors mentioning a possible height violation to me.

Sincerely
Rick Skirrow
512-785-3225

From: William Hablinski <[REDACTED]>

Date: August 15, 2018 at 3:10:06 PM CDT

To: Kathleen Huff [REDACTED]

Peter Hu [REDACTED]

Subject: Boat House Project at 3117 Westlake Drive, Austin TX

All:

The Current construction of the boat house was done under the code and zoning ordinances of the City of Austin from April of 2012 for single family residences. Those rules allowed for the height to be measured from the average ground plain to the midpoint of a sloped roof, between the eave and the ridge. We were not aware that there were separate rules governing the height of boat house structures. Accordingly the distance from the ground plain at the shore line to the midpoint is 27'-10". If you measure to the ridge it is 33'-3 7/8" to the ridge. And if you measure from the water you would add an additional 2'-0" in height.

Attached is are the front and rear elevations of the boathouse for your use.

Sincerely,
William Hablinski AIA

From: William Hablinski [REDACTED]
Date: August 29, 2018 at 9:15:10 AM CDT
To: Kathleen Huff <[REDACTED]> 'Peter Huff' [REDACTED]
Cc: Jose Sosa <[REDACTED]>
Subject: Boat house at 5117 Westlake Drive - on Lake Austin

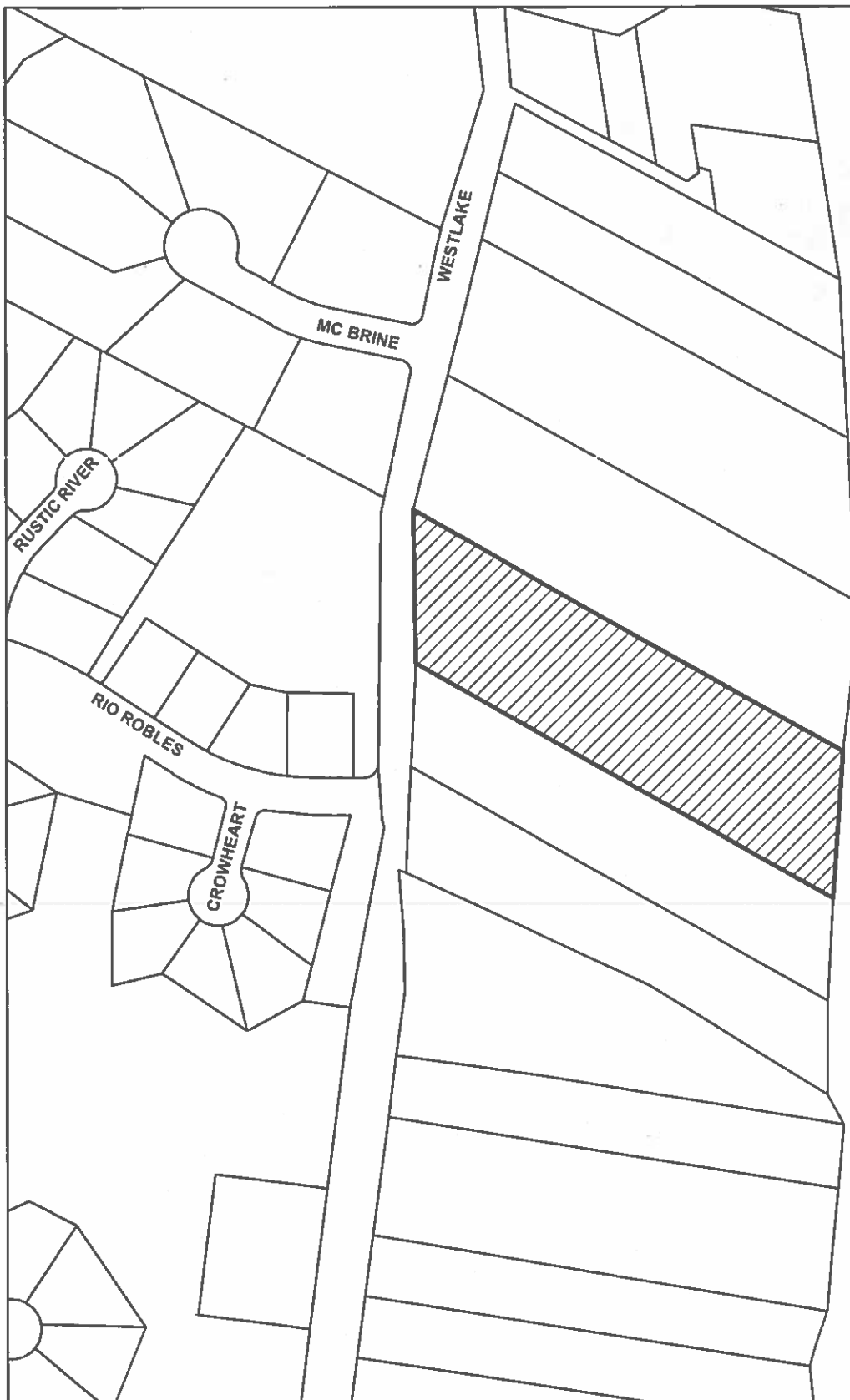
Kathleen and Peter -

In response to the COA regarding the height of the boat house be advised of the following:

- 1 The total vertical height from the water pool (492.8' elevation) to the top of the cupola is 45' exactly - (537.8' elevation).
- 2 The vertical height from the water level to the top of the roof is 35'4" (528.13 elevation)
- 3 The vertical height of the cupola from the ridge of the roof to the top of the cupola is 9.8 '
- 4 The vertical height of the boat house from the water level to the mid-point of the roof is 29'-10"
- 5 The vertical height of the boat house from the average grade of the land to the mid-point of the roof is 27'-10"

Please see the attached drawings which graphically explains the above information. Please call me with additional comments or questions. As a note, when we designed the boat house April of 2012, it was our understanding that the height of the boat house would be measured from the water pool elevation, or average grade elevation from the base to the mid-point of the roof, or the mean roof height distance between the eave and the ridge.

Best regards,
Bill Hablinski



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 250'

NOTIFICATIONS

CASE#: C15-2018-0037

LOCATION: 3117 WESTLAKE DRIVE

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: 3117 Westlake Drive

Subdivision Legal Description:

ABS 21 SUR 1 SPARKS W ACR 4.14

Lot(s): ABS 21 SUR 1 SPARKS W ACR 4.14

Block(s): ABS 21 SUR 1 SPARKS W ACR 4.

Outlot: ABS 21 SUR 1 SPARKS W ACR 4.14

Division: ABS 21 SUR 1 SPARKS W ACR 4.

Zoning District: Travis County

I/We Kathleen Huff

on behalf of myself/ourselves as

authorized agent for N/A

affirm that on

Month August

, Day 8

, Year 2018

, 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:

Boat dock height - certain small portions of the boat dock including a weathervane and parts of a cupola currently exceed the boat dock height limit. § 25-2-1176 - SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES

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 boat dock is consistent with the zoning of this property, so no zoning changes are required or requested. The boat dock does not block any views from any property other than the applicant/owner's. 100% of the neighboring owners have declared their support for the variance being requested. Other nearby properties are over 100' higher than this property because they are on hills that overlook this property and therefore are not impacted. The boat dock has been in place for several years at its current height, gone through several City of Austin inspections, and no one has complained. The weathervane may not be as effective at a lower height.

Hardship

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

The weathervane may not be as effective at a lower height because it would be blocked by the structure and nearby trees. The boat dock architect/builder believed in good faith that the boat dock (including the weathervane/cupola that secures it) were within the height limits for a house when they built it. They were not familiar with the different limit for docks. The construction has been inspected many times without major incident and is now ready for its final inspection.

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

See above - also other nearby properties are over 100' higher than this property because they are on hills that overlook this property and therefore are not impacted.

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:

The boat dock does not block any views from any property other than the applicant/owner's.
100% of the neighboring owners have declared their support for the variance being requested.
Other nearby properties are over 100' higher than this property because they are on hills that
overlook this property and therefore are not impacted. The boat dock has been in place for
several years at its current height and no one has complained. There are many nearby trees
that are taller than the dock and already block the applicant/owner's view more than the dock.

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: Kathleen Huff Date: 08/08/2018

Applicant Name (typed or printed): Kathleen Huff

Applicant Mailing Address: 3117 Westlake Drive

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 330-0685

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: Kathleen Huff Date: 08/08/2018

Owner Name (typed or printed): Kathleen Huff

Owner Mailing Address: 3117 Westlake Drive

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 330-0685

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: N/A

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).

The applicant/owner willingly gave up two boat ramps and a boat dock on the existing property to build the new boat dock. These actions greatly improved the appearance of the shoreline. The requested variance will allow for the final approval and final inspection of the dock, which was completed a few months ago and has been through several City of Austin inspections without

Additional Space (continued)

any major issues over the last 2 years. I relied on an architect and builder that typically work on residential construction. They were not familiar with the different height limit for a boat dock. Only a small % of the roof (mostly the attached small weathervane and its cupola) actually exceeds the height limit, so it does not materially impact the look and feel of the structure or block any views. The structure has been in place for many years without any issues until I was recently notified that I needed to get this variance prior to the final inspection being approved. The boat dock passed its site plan review and all other reviews to date.

The boat dock does not block any views from any property other than the applicant/owner's. 100% of the neighboring owners have declared their support for the variance being requested (see attached documents). Other nearby properties are over 100' higher than this property because they are on hills that overlook this property and therefore are not impacted in any way. The boat dock has been in place for several years at its current height and no one has complained. There are many nearby trees that are taller than the dock and already block the applicant/owner's view more than the dock.

SAVE

view from 3201 Westlake Drive

004/18



View From 3115 Westlake Drive

004/19



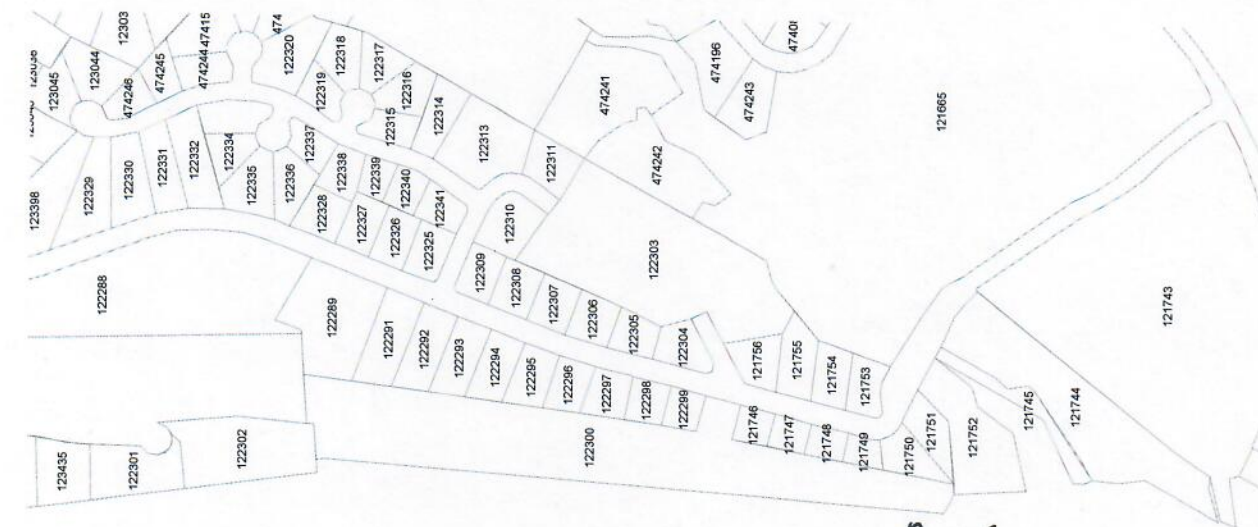
View Across Lake - Note 100 foot +
height difference

004/20

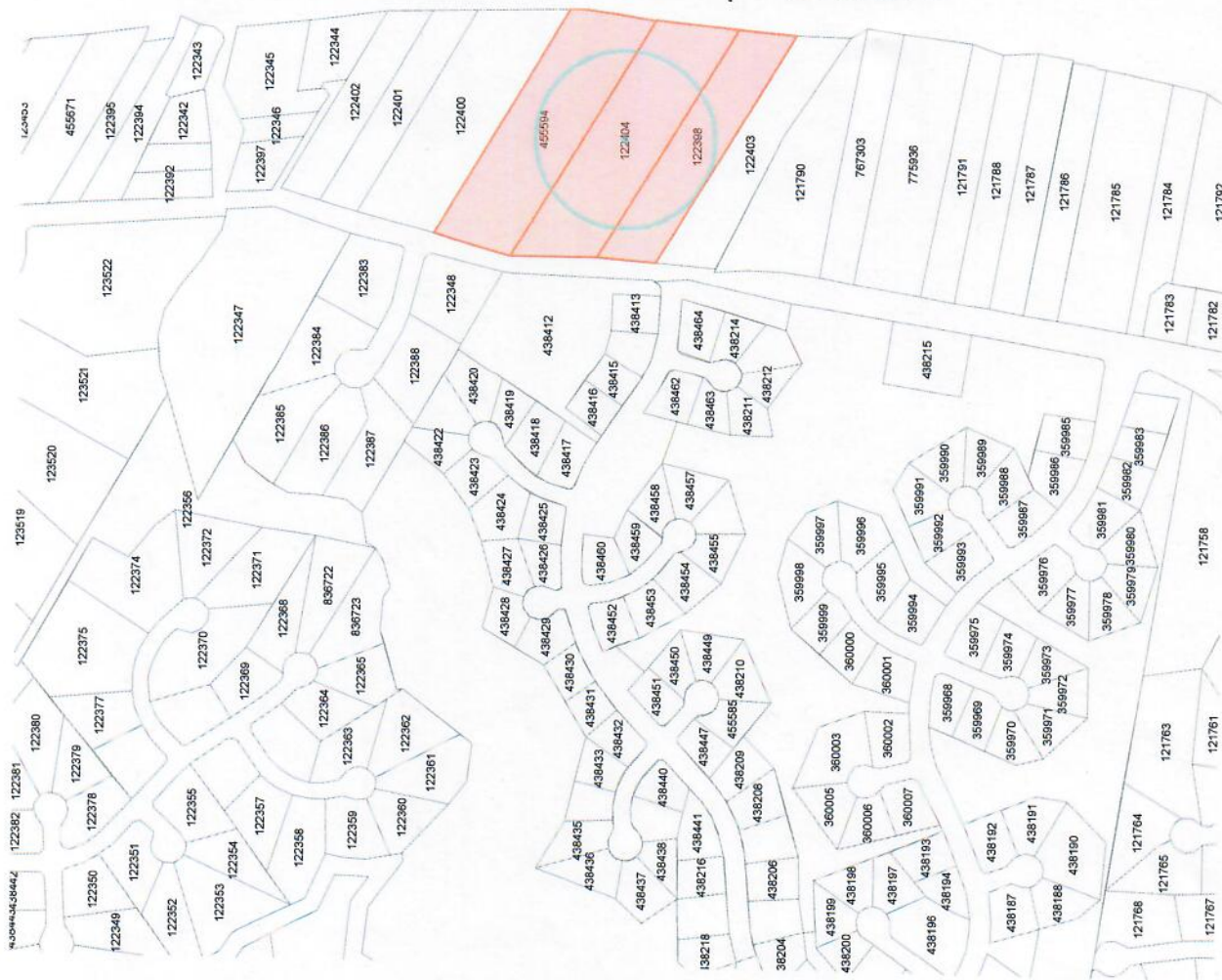


View from Westlake Drive (317 Westlake) 004/21
— note significant height difference from
road to lake





300' radius
-map supplied
by
Leane
Heldenfels
of City
of Austin



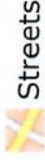
CITY OF AUSTIN DEVELOPMENT WEB MAP

004/23



Legend

Lot Lines



Streets

Building Footprints



Named Creeks

Lakes and Rivers

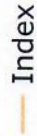


Parks

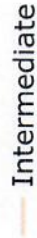


County

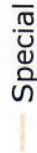
Contours Year 2012



Index



Intermediate





Special

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.



I, Kathleen Huff, am applying for a variance from the Board of Adjustment regarding Section 25-2-1176 of the Land Development Code. The variance would allow me the ability to exceed the height limit for the boat dock on this property.

By signing this form, I understand that I am declaring my support for the variance being requested.

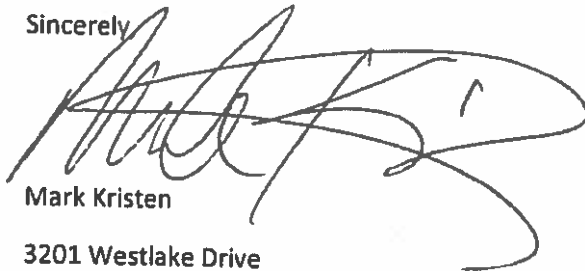
Property Owner Name (Printed)	Address	Signature
MARK KASTEN	3201 Westlake Drive, Austin, TX 78746	
Kathleen Huff	3115 Westlake Drive, Austin, TX 78746	

City of Austin, Texas

To Whom it May Concern:

I confirm that my property is one of the two properties that directly borders on 3117 Westlake Drive, Austin, Texas where Kathleen Huff is currently building a boat dock. I understand that the boat dock has largely been completed but might have a weathervane and/or cupola section of the roof that may exceed the height restriction. I believe that the boat dock is attractive and am happy with it as it currently looks. The height of the dock does not detract from my view and enjoyment of my property in any way. The height of the boat dock would not impact any other neighbors that I could see as well. I would strongly encourage the City of Austin to approve the final inspection of this boat dock and any variances that would be needed to keep the boat dock as it now stands. Thank you.

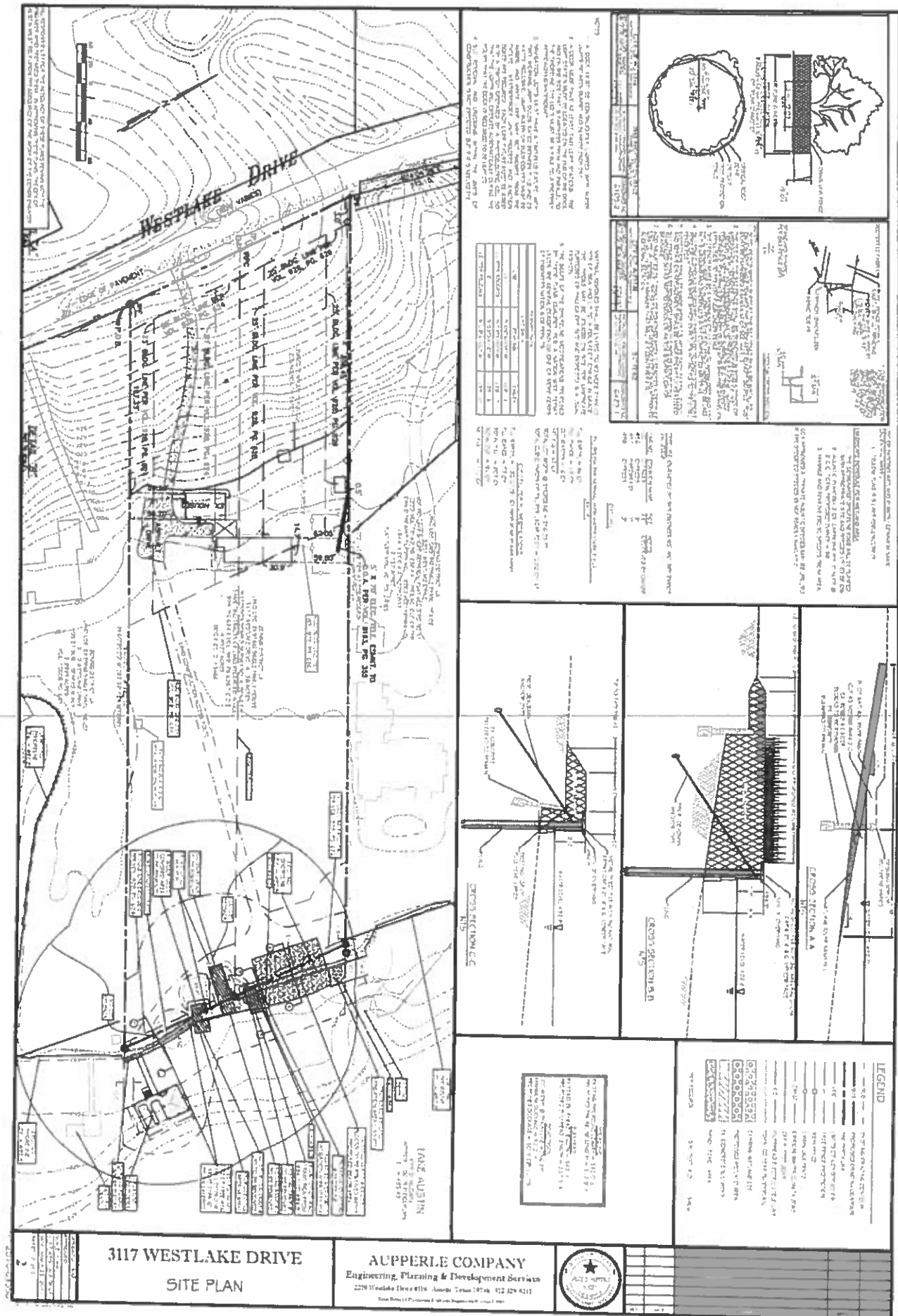
Sincerely

A handwritten signature in black ink, appearing to read 'Mark Kristen', with a large, stylized flourish extending from the end of the signature.

Mark Kristen

3201 Westlake Drive

Austin, Texas 78746



From: rick skirrow <[REDACTED]>
Date: August 29, 2018 at 8:19:21 AM CDT
To: Kathleen Huff <[REDACTED]>
Subject: 3117 Westlake Dr Boat house height
Reply-To: rick skirrow <[REDACTED]>

Peter and Katheen,

Since Skirrow LLC started work on the boat house at 3117 Westlake Dr, there have been several City of Austin Inspections with no inspectors mentioning a possible height violation to me.

Sincerely
Rick Skirrow
512-785-3225

From: William Hablinski <[REDACTED]>

Date: August 15, 2018 at 3:10:06 PM CDT

To: Kathleen Huff <[REDACTED]> "Peter Huff" <[REDACTED]>

Subject: Boat House Project at 3117 Westlake Drive, Austin TX

All:

The Current construction of the boat house was done under the code and zoning ordinances of the City of Austin from April of 2012 for single family residences. Those rules allowed for the height to be measured from the average ground plain to the midpoint of a sloped roof, between the eave and the ridge. We were not aware that there were separate rules governing the height of boat house structures. Accordingly the distance from the ground plain at the shore line to the midpoint is 27'-10". If you measure to the ridge it is 33'-3 7/8" to the ridge. And if you measure from the water you would add an additional 2'-0" in height.

Attached is are the front and rear elevations of the boathouse for your use.

Sincerely,
William Hablinski AIA

From: William Hablinski <[REDACTED]>

Date: August 29, 2018 at 9:15:10 AM CDT

To: Kathleen Huff <[REDACTED]> "Peter Huff" <[REDACTED]>

Cc: Jose Sosa <[REDACTED]>

Subject: Boat House at 3117 Westlake Drive - on Lake Austin

Kathleen and Peter -

In response to the COA regarding the height of the boat house be advised of the following:

- 1 The total vertical height from the water pool (492.8' elevation) to the top of the cupola is 45' exactly - (537.8' elevation).
- 2 The vertical height from the water level to the top of the roof is 35'4" (528.13 elevation)
- 3 The vertical height of the cupola from the ridge of the roof to the top of the cupola is 9.8 '
- 4 The vertical height of the boat house from the water level to the mid-point of the roof is 29'-10"
- 5 The vertical height of the boat house from the average grade of the land to the mid-point of the roof is 27'-10"

Please see the attached drawings which graphically explains the above information. Please call me with additional comments or questions. As a note, when we designed the boat house April of 2012, it was our understanding that the height of the boat house would be measured from the water pool elevation, or average grade elevation from the base to the mid-point of the roof, or the mean roof height distance between the eave and the ridge.

Best regards,
Bill Hablinski

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/department/development-services

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: C15-2018-0037, 3117 Westlake Drive

Contact: leane heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, September 10, 2018

Peter Helt

Your Name (please print)

3115 Westlake Drive, Austin, TX 78746

Your address(es) affected by this application

Peter Helt

Signature

Date

Daytime Telephone: (512) 431-4237

Comments:

The dock looks fine and needs to be completed so the construction workers and equipment will go away. None of the neighbors have ever had any issues or complained about this dock.

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

Mail: City of Austin-Development Services Department/ 1st Floor

LeaneHeldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: comments returned by mail must be postmarked no later than the Wed prior to the hearing to be received by the Board at this hearing)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

☒ I am in favor
☐ I object