



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: 1515 Manana St.

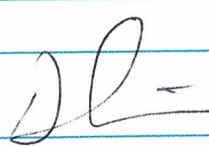
Subdivision Legal Description:

LOT 8 PHILIPS RANCH ADDN ON LAKE AUSTIN

Lot(s): 8 Block(s): _____

Outlot: _____ Division: _____

Zoning District: LA

I/We Permit Partners, LLC  on behalf of myself/ourselves as authorized agent for Quincy Lee affirm that on Month January, Day 15, Year 2019, 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:

25-2-1176 (A) (1) which regulates maximum extension of 30' from shoreline. Applicant is proposing to replace existing 50' dock extension with 44' dock extension.

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:

SEE ATTACHED

Hardship

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

SEE ATTACHED

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

SEE ATTACHED

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:

SEE ATTACHED

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: [Signature] Date: 1/15/19

Applicant Name (typed or printed): Quincy Lee

Applicant Mailing Address: 1515 Mañana St.

City: Austin State: TX Zip: 78730

Phone (will be public information): _____

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: [Signature] Date: 1/15/19

Owner Name (typed or printed): Quincy Lee

Owner Mailing Address: 1515 Mañana St.

City: Austin State: TX Zip: 78730

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: David Cincialosi (Permit Partners LLC) [Signature]

Agent Mailing Address: 105 W Riverside Dr. Suite 225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5361

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).

N/A See Cover letter

From the office of:

PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.593.5368 c.
512.494.4561 f.

January 15, 2019

City of Austin c/o Leanne Heldenfelds
 City of Austin Board of Adjustment
 One Texas Center
 505 Barton Springs
 Austin, Texas 78704

RE: 1515 Manana Street – BOA request to extend dock into lake beyond 30' per LDC 25-2-1176(A)(1) to replace existing non-compliant dock with new single slip dock

Dear Board of Adjustment Commissioners,

My client is seeking to replace an existing non-compliant dock with a new, replacement dock. The new dock will be in a different location than the existing dock. The improvements will include the dock, replacement of an existing non-complying bulkhead, and a small beach for use by children. The existing dock extends 50' into the lake; we are proposing to reduce that length to 44' as well as reduce the dock width from 23' wide to 20' wide while only requiring 7 cubic yards of dredge.

Reasonable Use

The dock use is reasonable in that it is allowed in LA zoning. This accessory use is allowed and common among properties with lake frontage.

Hardship

The existing boat dock has been in place since before 1985 per COA records. The existing 23' wide dock stretches 50' from the 492.8' shoreline due to the shallow water near the shoreline. Many of the properties along Manana Street have shallow water near the shoreline on this side of the Colorado. Thus, any dock on this particular lot must extend further than current code allows (30' per code) in order to accommodate a boat into the slip regardless of slip size.

In order to build a replacement single slip dock and avoid a dredge variance for dredging in excess of 25 cubic yards (the maximum allowed by current code) - which environmental staff does not prefer - my client is asking the Board to allow a reduced footprint which results in a 44' length x 20' wide dock vs. the existing 50' length X 23' wide dock.

The dock's proposed length is also necessary to avoid any encroachment into the critical root zones of the surrounding trees. The rear of this site is covered in CRZ's and, per code, no dredging nor coffer walls are allowed in the 50% CRZ. The coffer walls are part of the proposed replacement bulkhead as part of our effort to remove the non-compliant bulkhead and replace it with a 100% compliant bulkhead. Thus, the dock must extend beyond the code maximum of 30' in order to avoid conflict with these environmental rules, which were not in effect in the early 1980's.

More than likely the existing 50', 1980's era dock was built to accommodate the shallow water. At that time there was no site plan process; no dredging maximum, no maximum on length of dock into the lake, and so forth. However, to replace the structure and avoid a litany of environmental code variances while vastly improving the site we are asking the Board to allow a reduced dock size to replace the 30+ year old dock improvement. If allowed to do so, the site plan will bring into compliance the existing bulkhead while respecting the CRZ's of surrounding trees. Bringing the bulkhead into compliance is not required, but we're offering it as a show of good faith effort by my client to clean up and protect the existing on-going erosion.

In full disclosure, the only location that would not require a variance from the Board, ie, compliance with the 30' depth rule, would be where the client is proposing a small beach for his children to have safe access to and from the lake vs. a concrete wall for the entire length of the property. The beach is a safety component of the proposed design. The site is covered in protected tree CRZ's, and keeping the dock in it's current location, adding a small beach, replacing the non-

compliant bulkhead, installing a planting mitigation plan per code, and raising the floodplain rating from “fair” to

“excellent” is a reasonable plan to fix what is otherwise a non-compliant, unsafe situation at this site. The end result will be a smaller dock, a newly compliant bulkhead, and an increased floodplain rating from fair to excellent. The proposed single slip dock and associated improvements will comply with all other applicable City of Austin code sections.

Not General to the Area

I am not aware of any sites in the area with these exact conditions.

Area of Character

The proposed variance is in keeping with boat docks in the area. It would be a single slip, simple dock which would be substantially similar in size and location to the existing dock in place for 30+ years. The proposed improvements pose no adverse impact to surrounding property. Overall the proposed improvements would vastly improve the site’s environmental controls.

On behalf of Mr. Quincy Lee I ask the Board to approve this request so we may proceed with the dock site plan in a timely manner and improve the site.

Thank you in advance.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Quincy Lee, property owner



January 16, 2019

City of Austin Director of Planning and Development Review
P.O. Box 1088
Austin, Texas 78767

Re: Engineering Summary Letter and Report for 1515 Manana Street

Dear Director:

This project proposes to demolish a dock and part of an existing bulkhead and replace them with a new dock, natural stone bulkhead, beach area, and landscape beds planted with native plants. The site is located approximately 5.5 miles southwest of the intersection of RM 2222 and City Park Road within the city limits of Austin and the Lake Austin watershed.

The dock is in shallow water with trees lining the shore. In order to dredge to a navigable depth and stay out of the ½ CRZs, a Board of Adjustment variance for extension into the lake will be required. The beach will constitute a shoreline modification, and the existing and proposed Functional Assessment of Floodplain Health is attached. All access for construction activities will be by water. The shoreline modifications will be built this coming summer.

An Environmental Resource Inventory describing the environmental, hydrogeologic, vegetative, and wastewater elements of this project is included with the application documents.

Engineer's Certification - Floodway Encroachment - LDC 25 -12 G103.5

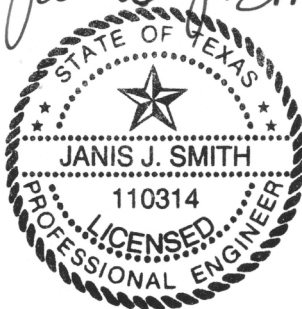
The proposed improvements will not increase the rate of storm runoff within the Colorado River watershed and will not adversely obstruct flood flows. The shoreline improvements will not increase the level of the design flood of the adjacent Colorado River.

Variances, Waivers & Conclusions

The dock is within the critical water quality zone, but a variance to construct in the CWQZ is not required. No variances or waivers are required. There will be no adverse impact on the natural and traditional character of the land or waterways.

If you have any questions, please feel free to call.

Very truly yours,



Janis J. Smith, P.E
Janis Smith Consulting, LLC
512-914-3729

EXISTING CONDITIONS
FUNCTIONAL ASSESSMENT OF FLOODPLAIN HEALTH

Scoring: Zone 4 – Lake Shoreline

Site/Project Name: 1515 Manana Street Date: 1/7/19 Time: _____
Total Length of Shoreline Frontage (in feet): 102.2 Staff (if applicable): _____

Parameter	Excellent (4)	Good (3)	Fair (2)	Poor (1)	Score
Gap Frequency <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
Structural Diversity <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
Tree Demography <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** **Zone 4 Score: 6**
Fair: 5 - 7 **Poor: 3 - 4**

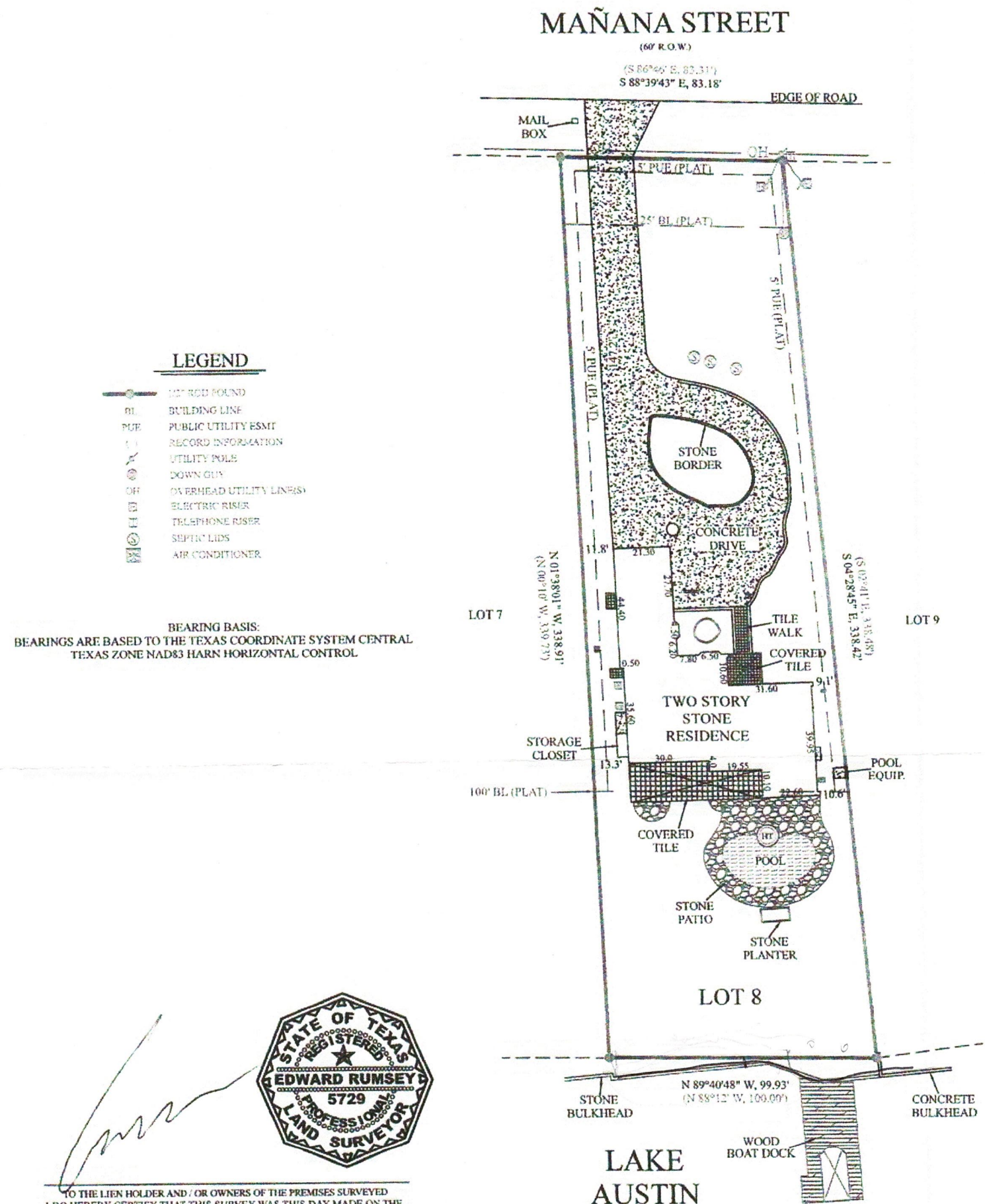
PROPOSED CONDITIONS
FUNCTIONAL ASSESSMENT OF FLOODPLAIN HEALTH

Scoring: Zone 4 – Lake Shoreline

Site/Project Name: 1515 Manana Street Date: 1/7/19 Time: _____
Total Length of Shoreline Frontage (in feet): 129.6 Staff (if applicable): _____

Parameter	Excellent (4)	Good (3)	Fair (2)	Poor (1)	Score
Gap Frequency <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
Structural Diversity <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
Tree Demography <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	3

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



LEGEND

- 1/4\"/>

BEARING BASIS:
BEARINGS ARE BASED TO THE TEXAS COORDINATE SYSTEM CENTRAL
TEXAS ZONE NAD83 HARN HORIZONTAL CONTROL

[Signature]

STATE OF TEXAS
REGISTERED
EDWARD RUMSEY
5729
PROFESSIONAL
LAND SURVEYOR

TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED
I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE
GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE
OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO
BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS
PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

RESTRICTIONS

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

LEGAL DESCRIPTION

LOT 8, PHILIPS RANCH ADDITION ON LAKE AUSTIN, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 47, PAGE 57, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

F.I.R.M. MAP INFORMATION		ADDRESS	
A PORTION OF THIS PROPERTY DOES LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "AE" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS. F.I.R.M. MAP NO. 48453C04307 PANEL: 0430J DATED: 01/06/2016 THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL BE FREE FROM FLOODING.		H&L HOUTZ PROPERTIES, LTD. 1515 MAÑANA STREET AUSTIN, TRAVIS COUNTY, TEXAS	
SURVEY DATE: FEBRUARY 5, 2018		FIELD BY: REX NOWLIN	02/02/2018
TITLE CO.: -		CALC. BY: CHRIS ZOTTER	02/02/2018



Property Profile



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

1: 2,400



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. 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.

Legend

- Street Labels
- Easement Lines
- UNKNOWN
- DEDICATED
- PROPOSED
- RELEASED
- Jurisdiction
- FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTION
- 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ
- Lot
- Block
- Lot Line

Notes