

**1515 MANANA ST.
AUSTIN, TX 78730**

**Request for Reconsideration:
Case # C15-2019-0008**

BOA request to extend dock into lake beyond 30' per LDC 25-2-1176(A)(1)

Replace existing non-compliant dock with new single slip dock

ORIGINAL REQUEST

- The original request is to reduce the footprint of a 50' dock to 44' dock. This requires a variance because the 44' dock will exceed the 30' length allowed by the Land Development Code.
- This particular dock was built in 1980. The dock is a legal non-compliant structure in accordance with Land Development Code Section 25-2-962 Structures Complying on March 1, 1984.
 - *A structure that complied with the site development regulations in effect on March 1, 1984, is a complying structure notwithstanding the requirements...*
- The dock is further identified as a legal non-complying structure since it was built prior to January 1, 1984 and has no unpermitted additions or alterations after January 1, 1984 per 25-2-963-D-8:
 - *for a dock, bulkhead, or shoreline access constructed prior to January 1, 1984, no unpermitted additions or alterations that occurred after January 1, 1984 are allowed.*

RECONSIDERATION - TREES

- Worth considering as pertinent, new information, the only location to rebuild the dock is in the same location. The shoreline along 1515 Manana is encumbered by no less than nine trees, eight of which are heritage trees ranging in size from 29"- 41" for a total of 276" of diameter along the shoreline. Per Land Development Code section 25-8 Subchapter B *Tree and Natural Area Protection* as well as the Environmental Criteria Manual Section 3 *Tree and Natural Area Preservation 3.1.0*, critical root zones measure at one foot per one inch of tree width (paraphrasing).
- The tree regulations applicable to this site prohibit the placement of the dock at any other location along the site's shoreline. The critical root zones (CRZs) of the 8 protected trees prohibit, if not outright discourage, new pilings from being located in the requisite ½ CRZs of trees #120, 231, 232, 233, 234, 271, 277, 278, and 304 should the dock be relocated.
- Equally important, trees are a **critical** hardship because the coffer walls and the required dredge (for a code compliant dock) will require coffer wall location and dredging in the ¼ & ½ CRZ of any of the heritage trees. Dredging and coffer wall construction in the ¼ or ½ CRZ is prohibited per code.
- The dock must extend beyond the ½ CRZ of the trees in order to avoid this conflict
- The 44' dock length will allow the coffer wall at the nose of the slip to extend beyond the ½ CRZ of the heritage trees.

SHALLOW DUE TO TOPOGRAPHY

- During the February 11 meeting the Board voiced concerns this dock variance to reduce the length from 50' to 44' would be receiving special treatment. This was stated since it appears some docks in the immediate area appear to comply with the 30' length when measured from the 492.8' shoreline. It was also discussed the subject site at 1515 Manana appeared to have a lower topography than the surrounding sites.
- There was consensus that the land sits lower at the subject site compared to the surrounding lots. This is an accurate statement regarding the topography of the area.
- This results in the water at the subject site being more shallow than the water at the surrounding, higher ground sites which have deeper water in and around the shoreline area. We believe the dock's original construction of 50' from the shoreline was due to this natural occurring topography. It was necessary to build a 50' dock in order to fit a boat into the slip due to the shallow water at this site. Meanwhile, surrounding sites sitting on higher ground were able to construct docks at or near 30' length because the surrounding water was deeper and did not require any dredging in order to dock a boat in the slip.
- The Board recognized this and voiced as such it was a hardship in favor of the request.

BUMP OUT

- There is a small bumpout of the shoreline at dock's current location (adjacent to and perpendicular to the shoreline). The general area around this dock is on a slight bend and lends itself to shallow water at this spot as the Lake gently bends to the right as one heads due north on Lake Austin.
- The subject site sits at near the tip of this bend, lending itself to a more shallow water depth in the area near the 492.8' shoreline. This is why we assert that, in part, the 1980 dock was built at 50' length.

SURROUNDING DOCKS AND OTHERS ON THE LAKE

- Request before you is to reconsider the denial of the original request. The original request to reduce the legal non-compliant boat dock from 50' to 44' is worthy of reconsideration. **Approval would not grant any special privilege to the property.** There are numerous docks on Lake Austin exceeding 30' in length when measured from the 492.8' shoreline. This is due to varied reasons. It's not known for certain why some exceed the 30' length while other docks are compliant with the 30' length. Some docks, such as this one, were constructed prior to the rules requiring compliance with the 30' length found in Land Development Code section 25-2-1176.
- The docks directly adjacent to the subject site located at 1513 Manana and 1601 Manana both exceed the 30' length allowance. The dock at 1607 Manana also exceeds the 30' length allowance. Please see exhibit for reference. On the accompanying exhibit you will notice the subject dock shows a portion of the dock circled. This the section to be removed. The remaining, proposed 44' dock length is at or less than the distance the aforementioned docks exceeding the 30' and the 44' measurement from the 492.8' shoreline.
- Also included in your packet is an aerial of 1900 Scenic Dr. This exhibit clearly shows 2 very large docks exceeding the 30' length allowance as well as the 44' proposed length (at 1515 Manana) by a large degree.
- Further, along a stretch of 1710 Ski Slope Dr. there are several docks that appear to extend further than the adjacent docks.

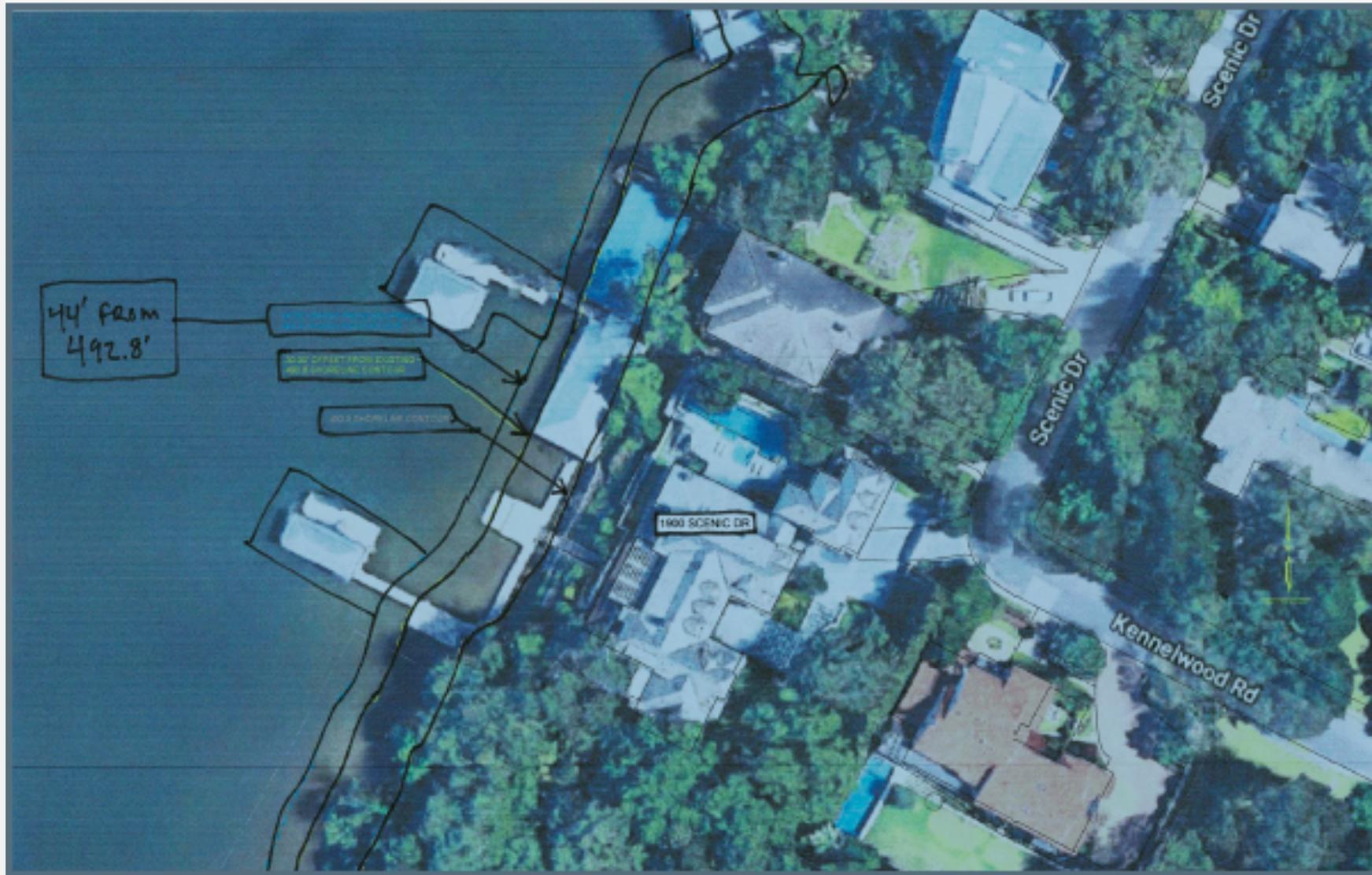
ADJACENT DOCKS



1710 SKI SLOPES DOCK



1900 SCENIC DR. DOCK



TCAD

Travis CAD

Property Search > 123706 LEE QUINCY & for Year 2019

Tax Year: 2019 - Values not available

Property

Account

Property ID: 123706 Legal Description: LOT 8 PHILIPS RANCH ADDN ON LAKE AUSTIN
 Geographic ID: 0127250214 Zoning: LA
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Protest

Protest Status:
 Informal Date:
 Formal Date:

Location

Address: 1515 MANANA ST
 TX 78730 Mapsco:
 Neighborhood: Map ID: 012627
 Neighborhood CD: U1000WF

Owner

Name: LEE QUINCY & Owner ID: 1779496
 Mailing Address: LORA REYNOLDS % Ownership: 100.000000000000%
 1515 MANANA ST
 AUSTIN, TX 78730-4233

Exemptions:

Values

(+) Improvement Homesite Value: + N/A
 (+) Improvement Non-Homesite Value: + N/A
 (+) Land Homesite Value: + N/A
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
 (+) Agricultural Market Valuation: + N/A N/A
 (+) Timber Market Valuation: + N/A N/A

(=) Market Value: = N/A
 (-) Ag or Timber Use Value Reduction: - N/A

(=) Appraised Value: = N/A
 (-) HS Cap: - N/A

(=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: LEE QUINCY &
 % Ownership: 100.000000000000%
 Total Value: N/A

Travis CAD

Property Search > 123706 LEE QUINCY & for Year 2019

Tax Year: 2019 - Values not available

Property

Account

Property ID: 123706 Legal Description: LOT 8 PHILIPS RANCH ADDN ON LAKE AUSTIN
 Geographic ID: 0127250214 Zoning: LA
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Protest

Protest Status:
 Informal Date:
 Formal Date:

Location

Address: 1515 MANANA ST
 TX 78730 Mapsco:
 Neighborhood: Map ID: 012627
 Neighborhood CD: U1000WF

Owner

Name: LEE QUINCY & Owner ID: 1779496
 Mailing Address: LORA REYNOLDS % Ownership: 100.000000000000%
 1515 MANANA ST
 AUSTIN, TX 78730-4233

Exemptions:

Values

(+) Improvement Homesite Value: + N/A
 (+) Improvement Non-Homesite Value: + N/A
 (+) Land Homesite Value: + N/A
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
 (+) Agricultural Market Valuation: + N/A N/A
 (+) Timber Market Valuation: + N/A N/A

(=) Market Value: = N/A
 (-) Ag or Timber Use Value Reduction: - N/A

(=) Appraised Value: = N/A
 (-) HS Cap: - N/A

(=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: LEE QUINCY &
 % Ownership: 100.000000000000%
 Total Value: N/A

DREDGING

- Requiring a 30' dock at this location will require dredging in the CRZ. That is prohibited by code and discouraged by staff. There was some consensus at the February 11 hearing that any dredging would highly likely need to be replicated due to nature wake activity on the Lake.
- A 44' dock avoids the need for any excessive dredging
- Approval of this request also avoids the unnecessary process of seeking an environmental variance from the Environmental Commission and the Zoning and Platting Commission.
- EV variances are reviewed very closely and cost the property owner tens of thousands of dollars in fees and exhibits.
- This request before you alleviates that unnecessary process and provides assurance to the property owner to proceed in good faith with the site plan application for the requested dock.

SITE PLAN

- As a bonus, the site plan application on file with the city Land Use office proposes to remove the ageing, non-compliant 90 degree bulkhead and replace it with a code compliant bulkhead. This is not required in order to replace the dock. The replacement bulkhead will greatly reduce shoreline erosion while improving wave abatement at the subject site.
- Moreover, the site plan application proposes a beach in the middle of the lot between the CRZs. The beach allows safe access to and from the water for the property owner's children and guests. The beach also functions as more wave abatement. And, implementation of the beach requires the floodplain score to increase from fair to excellent. Along with the proposed planting plan shown on the site plan this increase is achieved. The end result will be a smaller dock with less extension into the lake, a newly compliant bulkhead, and a higher floodplain rating. All of which result in higher environmental controls.

SUMMARY

- In sum, I respectfully request the Board to reconsider the denial of the requested variance based on the following:
 1. The request does not grant the applicant or subject site with any special privilege not enjoyed by other similar situated sites found along the entire east and west bank of the Colorado River. There are numerous docks exceeding 30' in length on Lake Austin.
 2. The variance is necessary because enforcement of the requirements prevent reasonable opportunity to develop the site with an allowable accessory use. The single slip dock is customary and reasonable use to the primary use.
 3. Granting the variance will not have an adverse effect on neighboring properties since the dock is being reduced in length and width from 23' wide to 20' wide and 50' long to 44' long. There are at least two surrounding docks that appear to exceed the 44' length proposed under the current site plan application and concurrent variance request.
 4. For the aforementioned reasons, granting this reconsideration and subsequent variance request will not conflict with the intent of the applicable ordinances.

EXISTING DOCK & 40' EXTENSION INTO LAKE

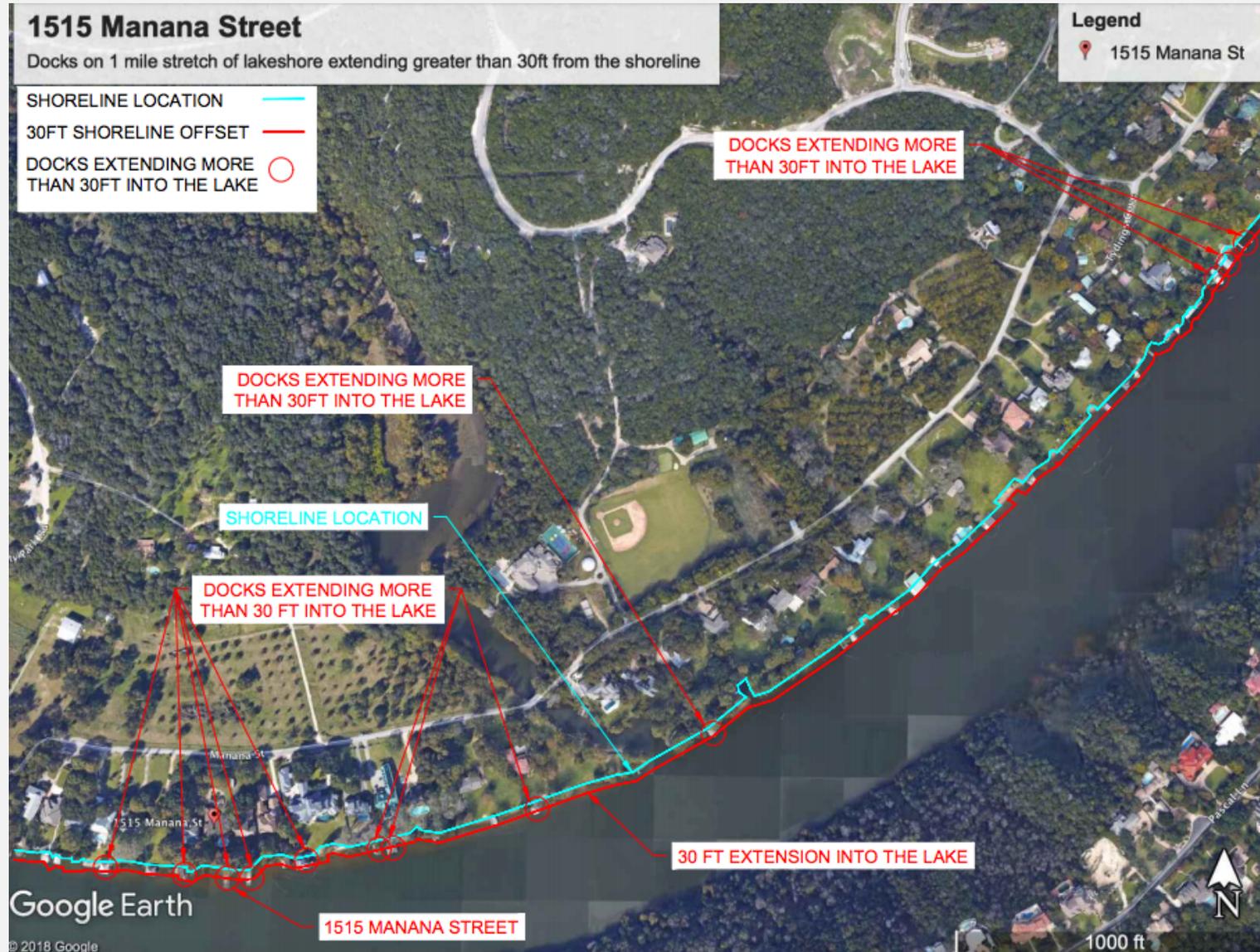


APPROVED VARIANCES FOR EXTENSIONS INTO LAKE

APPROVED BOA VARIANCES FOR EXTENSION INTO THE LAKE SINCE THE 2014 CODE REVISION

C15-2014-0138	2921 Westlake Drive
C15-2015-0044	3121 Ski Shores Terrace
C15-2015-0049	3301 Far View Drive
C15-2015-0050	3303 Far View Drive
C15-2015-0113	8818#4 Big View Drive
C15-2016-0130	12417 River Bend
C15-2017-0049	8818#1 Big View Drive
C15-2017-0054	1615 Westlake Drive
C15-2018-0051	4704 Colorado Crossing

I MILE STRETCH OF DOCKS EXTENDING MORE THAN 30' FROM SHORELINE



1515 MANANA – ENTIRE DOCK



1515 MANANA DOCK – LOOKING DOWN / UPSTREAM



1515 MANANA – FROM DOCK



1515 MANANA – TREES



1515 MANANA – TREES CONT.



PREVIOUS POWERPOINT PRESENTATION

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.

HARDSHIPS

- 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 – **request is 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.

HARDSHIPS CONT.

- 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.
- 44' replacement dock avoids list of EV variances.
- Proposed site plan will bring existing bulkhead into compliance while respecting the CRZ's of surrounding trees. Bringing the bulkhead into compliance is not required.
- The site is covered in protected tree CRZ's – keeping dock in 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

- We are 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, 2 story dock which would be similar than current.
- The proposed improvements pose no adverse impact to surrounding property.
- Overall the proposed improvements would vastly improve the site's environmental controls.

1515 MANANA AERIAL



SURVEY

