

BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2020-0030**BOA DATE:** July 13th, 2020**ADDRESS:** 4726 Bunny Run**COUNCIL DISTRICT:** 10**OWNER:** Robert Kubiak**AGENT:** Janis J. Smith**ZONING:** LA**LEGAL DESCRIPTION:** LOT 34 LAKE SIDE ADDN**VARIANCE REQUEST:** consolidate boat docks and raise top of the rail elevation from 13 ft. 16 ft.**SUMMARY:** erect boat dock**ISSUES:** legal constraints

	ZONING	LAND USES
<i>Site</i>	LA	Lake Austin
<i>North</i>	LA	Lake Austin
<i>South</i>	LA	Lake Austin
<i>East</i>	LA	Lake Austin
<i>West</i>	LA	Lake Austin

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

BRNA Associaton Inc.

Bike Austin

City of Rollingwood

Friends of Austin Neighborhoods

Glenlake Neighborhood Association

SELTexas

Save Our Springs Alliance

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources

The Creek at Riverbend Neighborhood Association



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

E-2/2

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: _____

Subdivision Legal Description:

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

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month _____, Day _____, Year _____, 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: _____

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

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:

Hardship

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:

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:

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:

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:

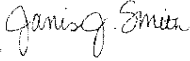
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

E-2/5**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:



Digitally signed by Janis J. Smith, P.E.

Date: 2020.05.27 13:42:45 -06'00'

Date: 05/27/2020

Applicant Name (typed or printed): Janis J. Smith, P.E.

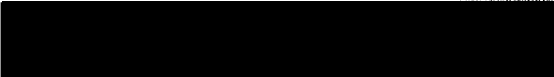
Applicant Mailing Address: 1505 Westover Road

City: Austin

State: TX

Zip: 78703

Phone (will be public information): (512) 914-3729

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:



Date: 05/28/2020

Owner Name (typed or printed): Robert Kubiak


Owner Mailing Address: 4726 Bunny Run

City: Austin

State: TX

Zip: 78746

Phone (will be public information): (512) 518-9441

Email (optional – will be public information): **Section 5: Agent Information**

Agent Name: Janis J. Smith, P.E.


Agent Mailing Address: 1505 Westover Road

City: Austin

State: TX

Zip: 78703

Phone (will be public information): (512) 914-3729

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).

Please see attached engineering summary letter.



June 7, 2020

Board of Adjustment
City of Austin
505 Barton Springs Road
Austin, Texas 78704

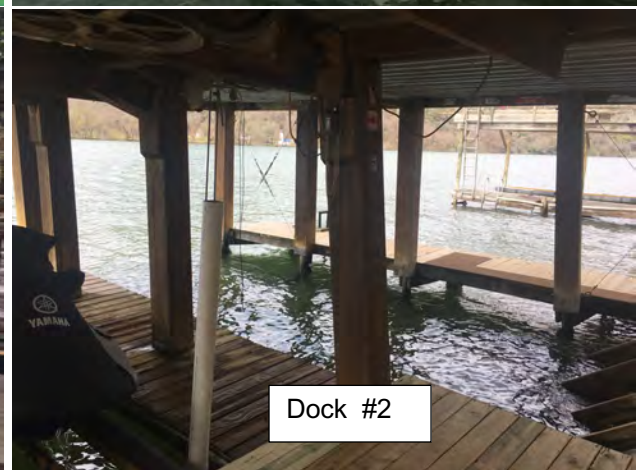
Re: Engineering Summary Letter for 4726 Bunny Run
Application for a variance to LDC 25-2-963(D)(2)(a) to allow reconstruction of
grandfathered boat docks in a changed location and footprint.

Dear Board Members:

4726 Bunny Run is about one mile north of the intersection of RM2222 and Cedar Street. It's within the Limited Purpose Jurisdiction of the City of Austin on the shore of Lake Austin. The site currently contains a home and two non-compliant docks with a total of three boat slips. Dock #1 is a 1-slip dock that is built on the property line. It's about 18ft high and has a 155 SF room on the second story that's fully enclosed and air-conditioned. In addition to the air-conditioned room on the second story, storage for Dock #1 is provided by a 175 SF shed built 9ft from the water's edge. Dock #2 is a 2-slip dock, about 12ft high and built within 10ft of the property line. Below is a survey of the site showing the entire layout.



Both docks are dilapidated, and the bulkhead is failing. The 1-slip dock is visible in the 1958 aerial photo, and both docks grandfather. Please see below for photos of the site. This project proposes to construct (1) 3-slip boat dock to replace the two existing docks, and the bulkhead will be replaced as well.



The section of the LDC which governs the reconstruction of grandfathered docks on Lake Austin, LDC 25-2-963 (D), is listed below and highlighted to show the code section for which this variance application is filed:

§ 25-2-963 - MODIFICATION AND MAINTENANCE OF NONCOMPLYING STRUCTURES.

(D) The following requirements must be met in order to repair, reinforce, modify, or maintain a non-complying dock, bulkhead, or shoreline access as defined in Section 25-2-1173 (Definitions);

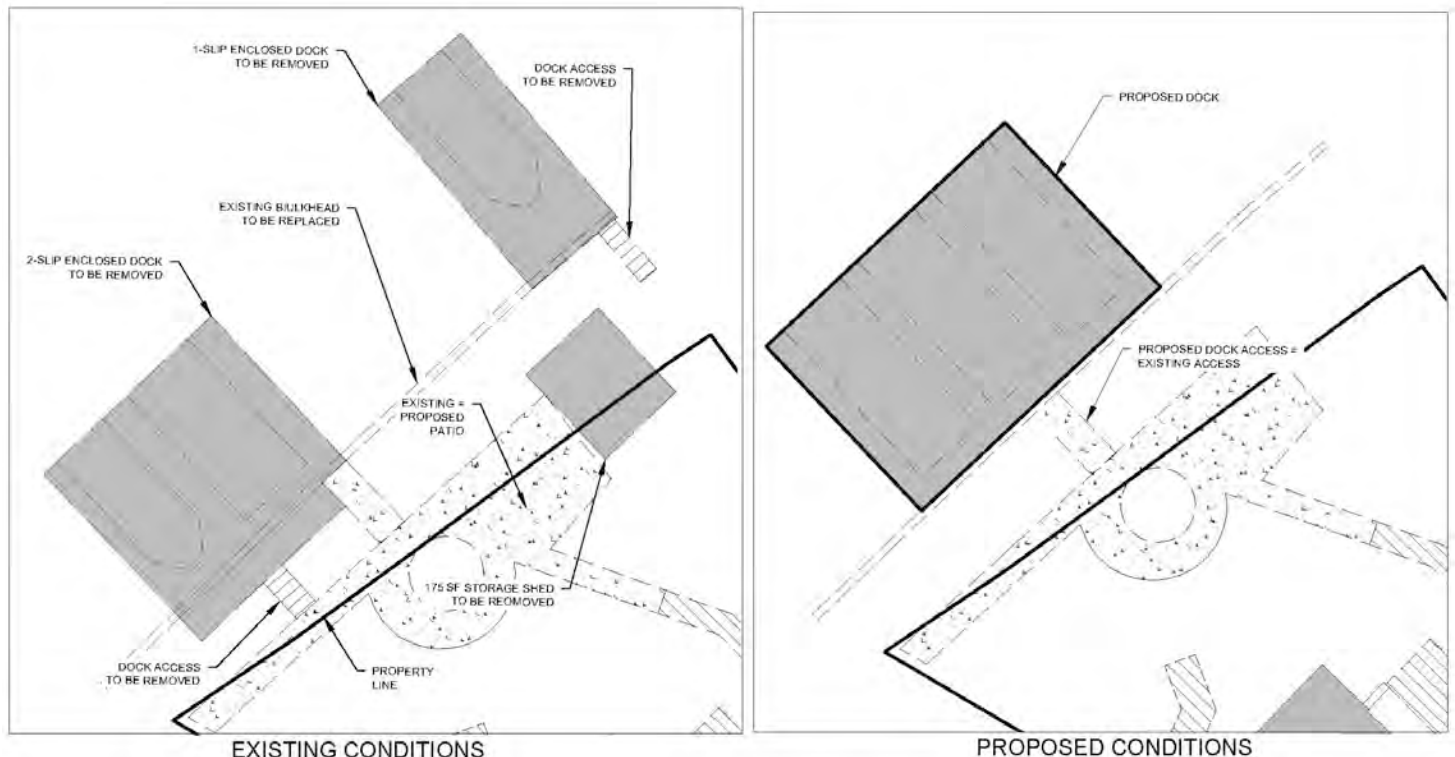
(2)(a) the location and footprint may not be altered; and

(b) the degree of noncompliance may not be increased:

As stated above, the two existing docks are non-complying, which isn't unusual for docks built many decades ago. What is unusual is the fact that the maintenance and use of the 1-slip, enclosed dock was governed by an easement owned by neighbors and the subject of a 1986 lawsuit. The easement first appears in deed documents in 1951. Several neighbors owned an easement along

the eastern property boundary of this property for lake access. A deed from 1986, described as the resolution of a lawsuit, adds use of the 1-slip dock to the easement rights. The easement was dissolved by a 2006 deed but no structural modifications were undertaken at that time. The current owner would like to move the location of this dock off of the property line and join it with the 2-slip dock. He'd like to move both docks to a code-compliant location on his lot as the 2-slip dock is currently less than 10ft from the property line.

A variance is required because the location and footprint of the docks will be changed by constructing the consolidated, 3-slip structure in a code-compliant location on the lot. The second story of the proposed dock will be an uncovered deck with a handrail with a height of 16ft high from the water surface to the top of the rail. The only enclosed area will be a storage closet on the first floor. Please see below for a drawing showing the Existing vs. Proposed Conditions for the boat docks.



Below are listed the existing vs proposed dock parameters:

Dock Parameter	Existing	Proposed
Maximum Height (ft)	18	16
Combined Dock Size (SF)	1217	1200
Combined Dock Width (ft)	42.2	40.5
Number of Slips	3	3
Enclosed Area (SF)	155*	48
Air Conditioning	Yes	No
Property Line Offset	0 and 9.5	>10ft
Living Quarters in Dock	Yes	No

*An additional 175 SF enclosed storage shed is sited 9 ft. from the shoreline.

The new 3-slip dock will decrease the dock size and dock width and will eliminate the living quarters on the dock. It will be code-compliant in percent open, size, extension into the lake, closet size, and distance to the property line. The additional storage shed sitting on-site close to the shoreline will be removed; some access paths along with the portion of existing Dock #2 on land will be removed and restored to native plantings; and a portion of the existing access to Dock #2 will be used for the proposed dock. The increased distance of the dock from both property lines as well as decreased impervious cover on the site will improve the area in general and the shoreline ecology in particular.

On behalf of the owners, Sylvia and Robert Kubiak, I ask you to grant this application for a BOA variance.

If you have any questions, please feel free to contact me.

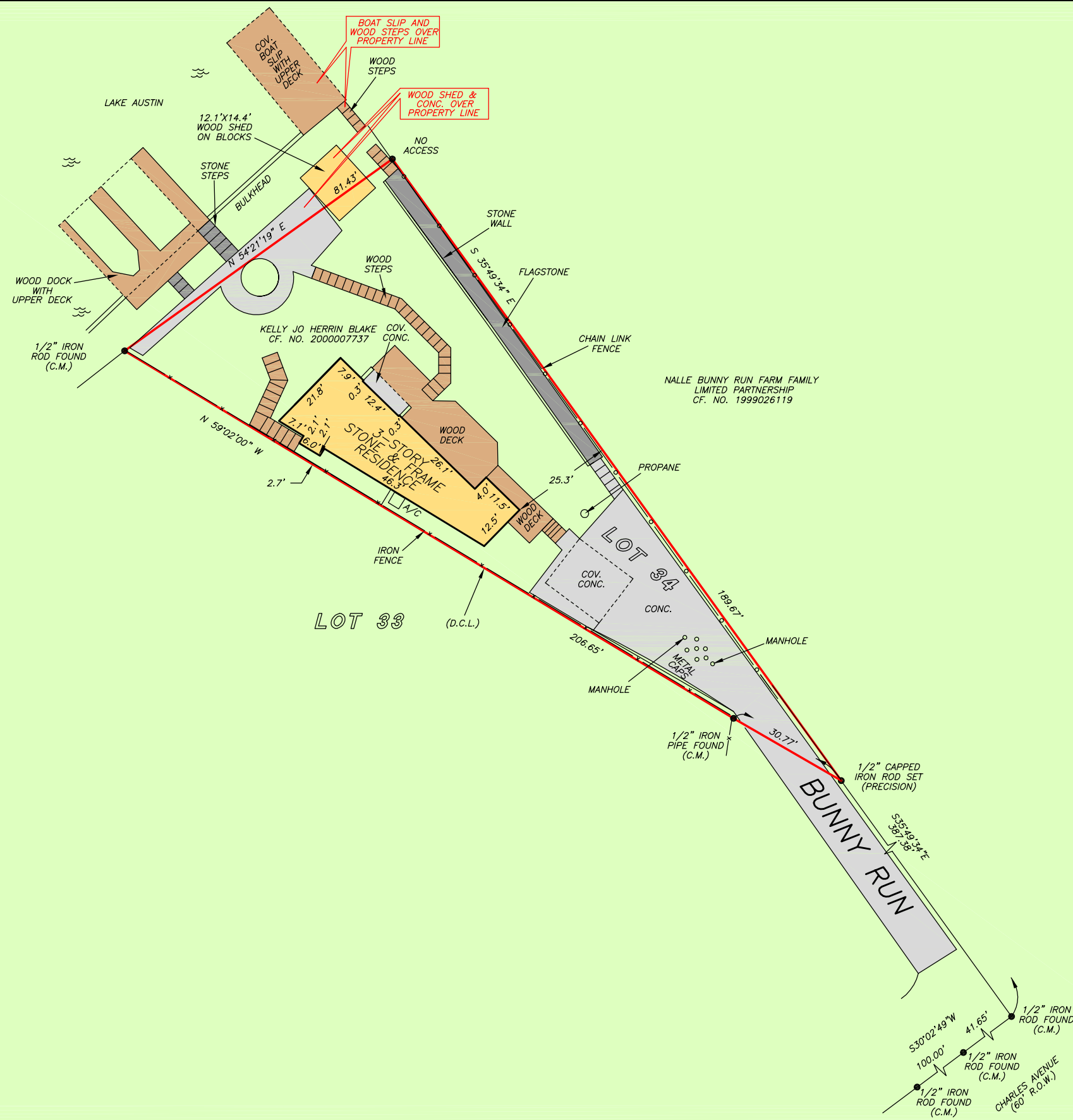
Very truly yours,



A handwritten signature in cursive script that reads "Janis J. Smith".

Janis J. Smith, P.E.

A solid black rectangular box redacting contact information, likely a phone number and email address.



GF NO. 1929045-WLK INDEPENDENCE TITLE
ADDRESS: 4726 BUNNY RUN
AUSTIN, TEXAS 78746
BORROWER: ROBERT KUBIAK AND
SYLVIA KUBIAK

LOT 34
LAKE SIDE ADDITION

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 3, PAGE 66 OF THE PLAT RECORDS
TRAVIS COUNTY, TEXAS

NOTE: RIGHT OF WAY EASEMENT PER VOL. 9891, PG. 1 AND
AS AFFECTED BY RELEASE OF EASEMENT IN DOC. NO. 2006014203.

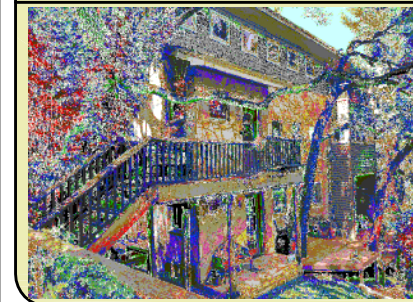
NOTE: A PERPETUAL EASEMENT AND RIGHT TO FLOOD, INUNDATE AND OVERFLOW PER VOL. 274, PG. 498.

NOTE: ELECTRIC TRANSMISSION OR DISTRIBUTION LINE OR SYSTEM
EASEMENT PER VOL. 914, PG. 384.

NOTE: INGRESS AND EGRESS EASEMENTS PER VOL. 1170, PG. 472,
VOL. 2417, PG. 256, VOL. 11983, PG. 33 AND DOC. NO. 200601405.

NOTE: TERMS, CONDITIONS, PROVISIONS, EASEMENTS, RESTRICTIONS
RESERVATIONS AND OTHER MATTERS PER VOL. 9890, PG. 998.

NOTE: TERMS, CONDITIONS AND STIPULATIONS IN THE BOUNDARY
LINE AGREEMENT PER VOL. 12174, PG. 469.



THIS PROPERTY IS AFFECTED BY THE
100 YEAR FLOOD PLAIN AS PER FIRM
PANEL NO. 48453C 0435 J
MAP REVISION: 01/06/2016
ZONE AE
BASED ONLY ON VISUAL EXAMINATION OF MAPS.
INACCURACIES OF FEMA MAPS PREVENT EXACT
DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION
WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
RECORD BEARING: VOL. 3, PG. 36, T.C.M.R.

DRAWN BY: RE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING PROVIDED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

TERRANCE MISH
PROFESSIONAL LAND SURVEYOR
NO. 4981
JOB NO. SA2019-02078
AUGUST 21, 2019
REVISED: AUGUST 22, 2019



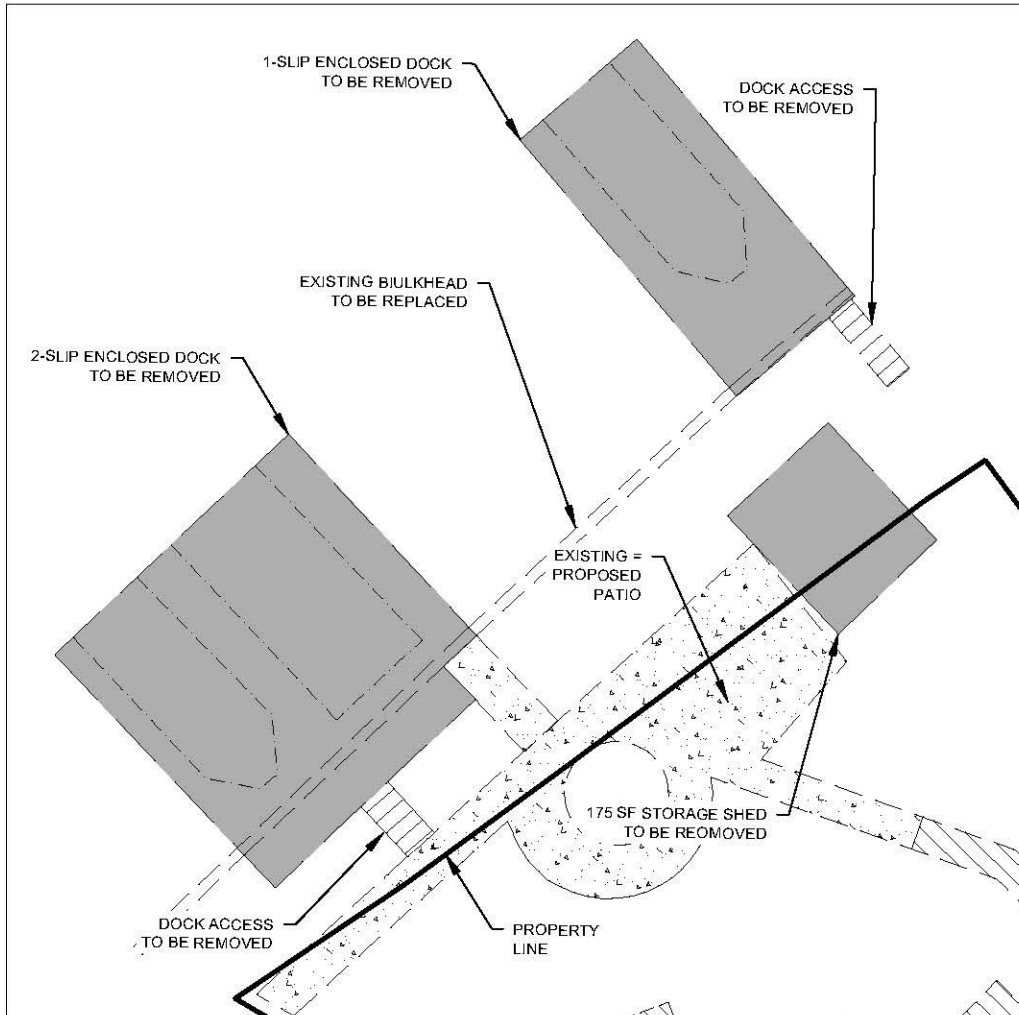
MISHA DAVIS
512-328-4400



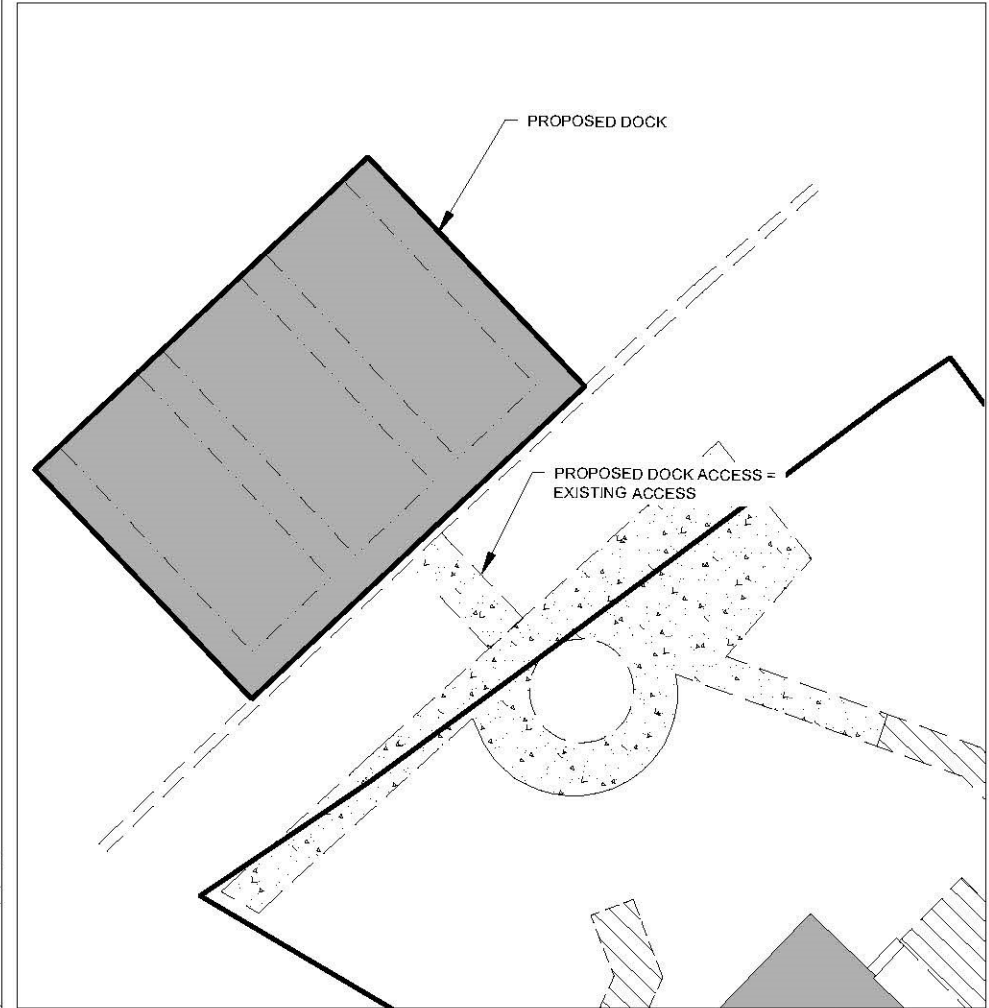
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surveyors

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www.precisionsurveyors.com

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950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700



EXISTING CONDITIONS



PROPOSED CONDITIONS



Property Profile

E-2/12

Legend

- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ



0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

06/07/2020

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.

Notes

4726 Bunny Run