

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday July 13, 2020

CASE NUMBER: C15-2020-0030

ITEM # E-2

- Brooke Bailey OUT
 Y Jessica Cohen
 - Ada Corral OUT
 Y Melissa Hawthorne
 Y William Hodge
 Y Don Leighton-Burwell
 Y Rahm McDaniel
 Y Darryl Pruet
 Y Veronica Rivera
 Y Yasmine Smith
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate)
 Y Martha Gonzalez (Alternate)

APPLICANT: Janis J. Smith, PE

OWNER: Robert Kubiak

ADDRESS: 4726 BUNNY RUN

VARIANCE REQUESTED: The applicant is requesting a variance(s) from LDC Section 25-2-963 (*Modification and Maintenance of Non-Complying Structures*) from (D) (2) (a) to move the docks by consolidating them into one dock in a code-compliant location and raise the top of the rail elevation on the 2-slip dock from 13 ft. to 16 ft. in order to erect a boat dock in an "LA", Lake Austin zoning district.

*Note: LDC 25-10-963 states the following: (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 25-2-1172 \(Definitions\)](#): (2) except as allowed under Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*):(a) the location and footprint may not be altered; and (b) the degree of noncompliance may not be increased.*

BOARD'S DECISION: July 13, 2020 **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member Melissa Hawthorne seconds on an 11-0 vote; GRANTED.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the property currently has two separate grandfathered non-compliant boat

docks on the lake Austin with a total of three slips, one dock has 2 slips and is closer than 10 feet from the property line while the other dock has 1 slip, is on the property line and is partially enclosed.

2. (a) The hardship for which the variance is requested is unique to the property in that: the legal constraints of the property didn't allow changes to the dock location on the 1 slip dock, which is right on top of the property line and partially enclosed and air-conditioned for 55 years, the private limitations on changes to the dock have now been removed.

(b) The hardship is not general to the area in which the property is located because: easements to use docks personally owned by others are rare on the lake, this easement established in 1951 re-established in a 1986 lawsuit and then abolished in 2006 prevented prior owners from rebuilding or moving the dock

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 dock will be one structure with 3 slips with no enclosed space other than a closet on the first floor, it will improve the adjacent properties by moving the dock(s) away the property lines and increasing the lake views by removing the enclosed second story of one of the docks.



Elaine Ramirez
Executive Liaison

Diana Ramirez

Don Leighton-Burwell
Chairman