

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-6**

DATE: Monday November 09, 2020

CASE NUMBER: C15-2020-0069

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

APPLICANT: Courtney Mogonye-McWhorter

OWNER: Malia Muir

ADDRESS: 1230 ROCKCLIFF RD

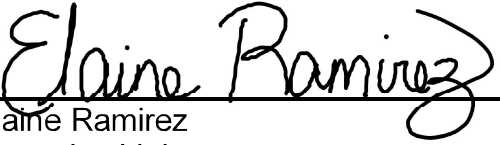
VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin (LA) District Regulations) (B) (1) (b) from shoreline setback requirements to reduce the shoreline setback from 25 feet (required) to 10 feet (requested) (canal only) in order to erect a Single-Family Residence in an "LA", Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member Brooke Bailey seconds on a 9-2 vote (Board members Jessica Cohen and Donny Hamilton nay); POSTPONED TO DECEMBER 14, 2020.

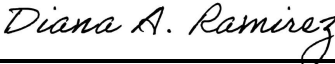
FINDING:

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:



Elaine Ramirez
Executive Liaison



Don Leighton-Burwell
Chairman



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION

(512) 615-6653

November 20, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

Re: C15-2020-0069; Variance Request Update for 1230 Rockcliff Road

Dear Chair and Members of the Board,

As additional consideration for the variance request under Case # C15-2020-0069 and as requested by the Board at the October 9, 2020 hearing, attached please find revised exhibits A and B and several photographs with fencing to depict the 25' shoreline setback from the main channel and the 10' proposed shoreline setback from the canal.

The canal is very narrow and very shallow and must be approached from either direction at idle speed only for safety reasons. Sight distance at idle speed is a non-issue.

The hardship is that this lot is bounded on three sides by an OSSF drainfield with a setback of 50' from the water and bounded on two sides by a shoreline setback of 25'. Under LA zoning there is a net site area deduction of the shoreline area from the calculation of allowed impervious cover to very limit development on this lot which is ¼ the size of a standard "LA" zoned lot. Furthermore, the lot, after rezoning, has a 40' front street setback and 10' side yard setback from the neighboring Lot 2. All other lots in the Lakecliff Subdivision were built under the prior SF-2 zone district requirements. The hardships of the zoning requirements applicable to this lot are unique to only this lot.

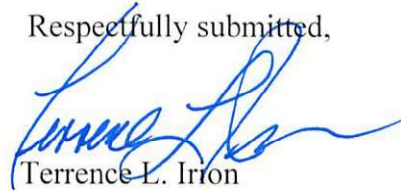
Applicant has talked with his neighbors about development of this lot. He worked with the neighbors to change the deed restriction removing the requirement that boat docks be cut into the shoreline instead of perpendicular to the shoreline. Applicant also agreed to a restriction prohibiting short term rentals on the property, which was a major concern of the HOA. Another concern of some neighbors is with the staging of construction on the lot, given the narrow street and privately maintained gate. Applicant has offered to provide a security deposit to insure against damage to either during construction.

Exhibit A demonstrates the only location for the OSSF drainfield, which necessarily requires that building development be pushed towards the canal. The 40' front street setback also pushes development towards the main channel shoreline, which is constrained by a 25' shoreline setback.

Exhibit B shows a maximum impervious cover foot print for a garage and main house with a 10' shoreline setback from the canal.

The requested variance from a 25' shoreline setback to a 10' shoreline setback from the canal is the minimum variance necessary to allow a reasonable development of the property in keeping with the character of the neighborhood.

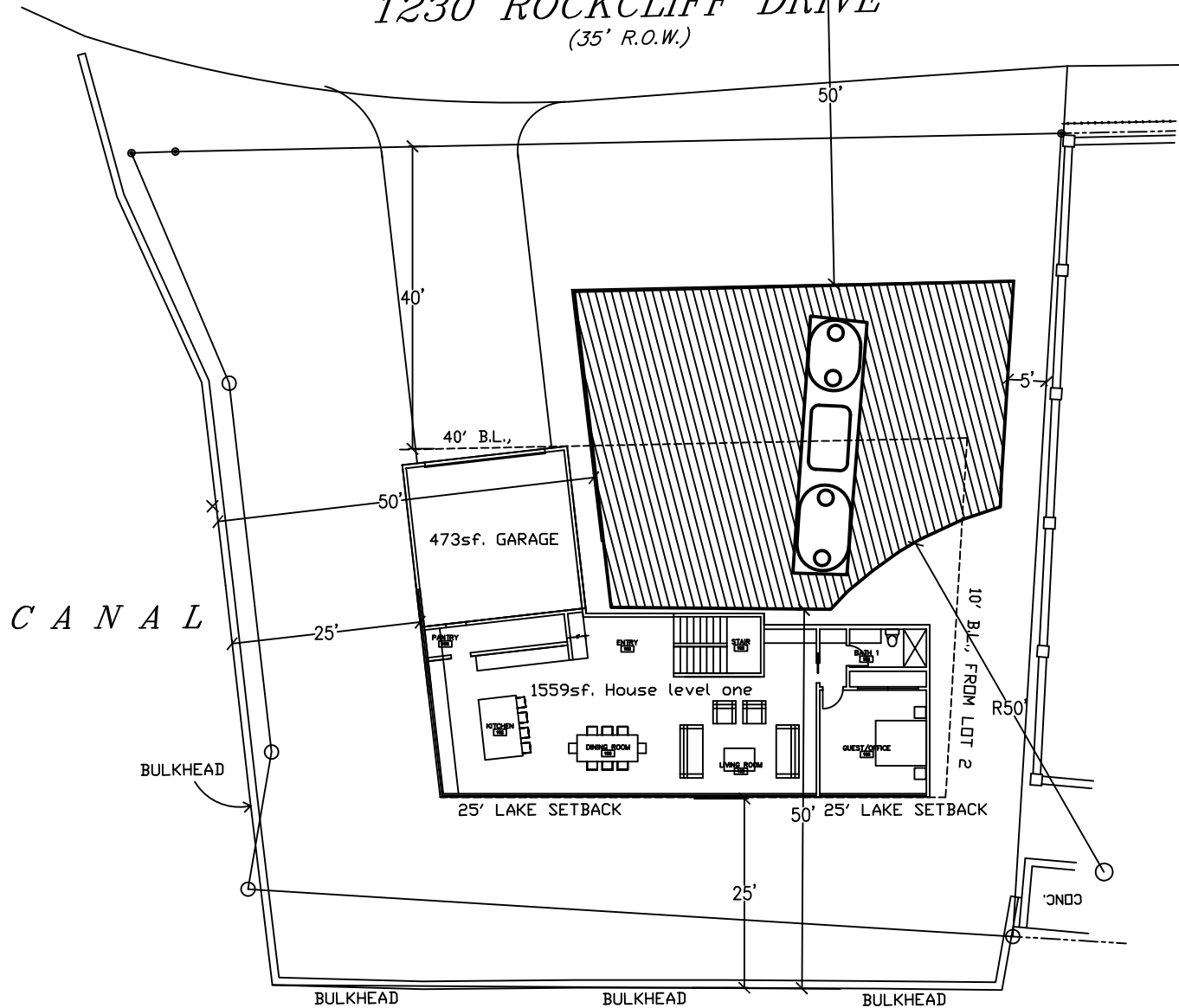
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Terrence L. Irion", is written over the printed name.

Terrence L. Irion

APPROXIMATE EDGE OF CANAL (ACROSS STREET)
ESTIMATED FROM GOOGLE EARTH MAPS

1230 ROCKCLIFF DRIVE
(35' R.O.W.)



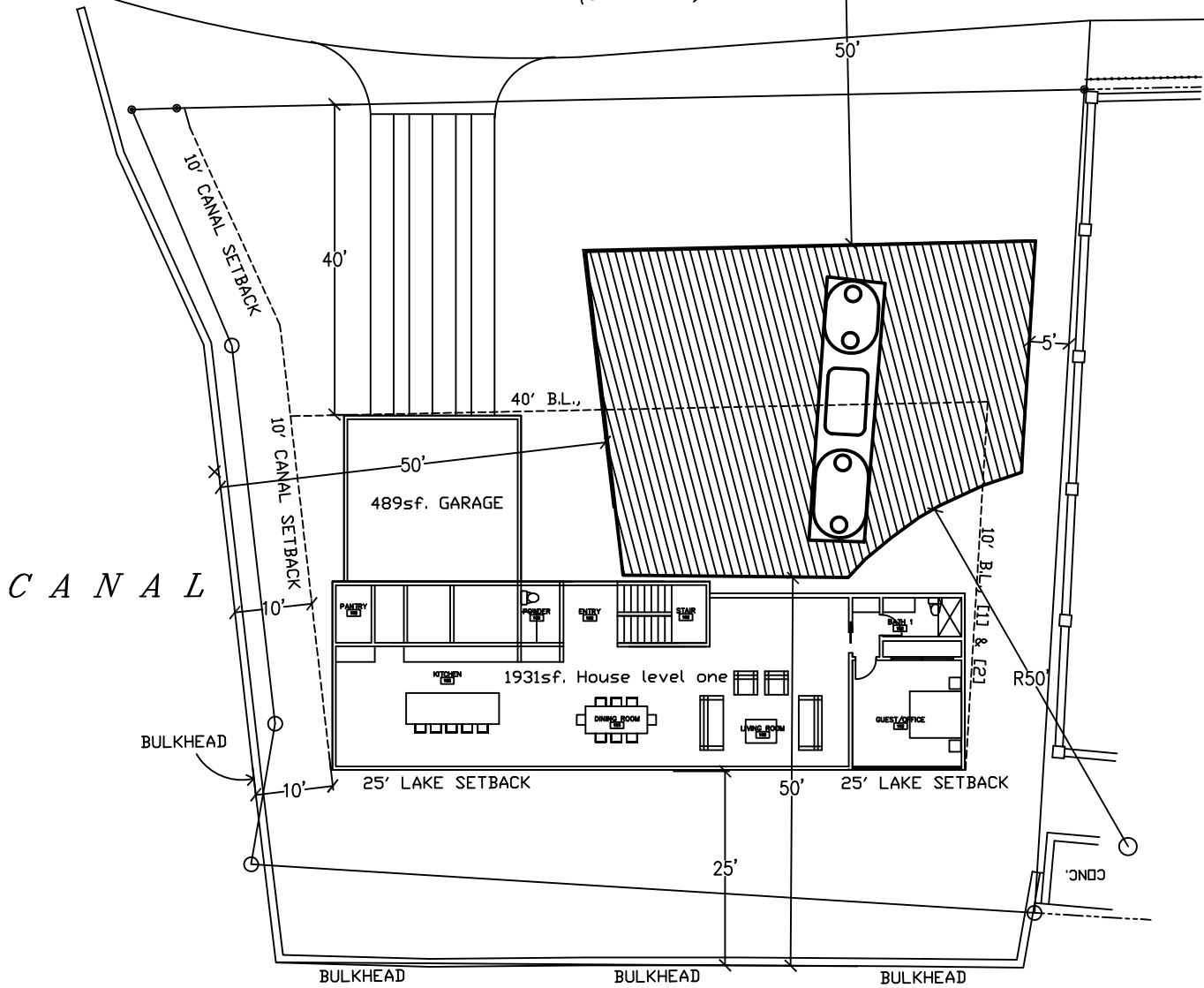
L A K E A U S T I N

EXHIBIT A

25' SETBACK FROM LAKE
25' SETBACK FROM CANAL
40' SETBACK FROM ROCKCLIFF

APPROXIMATE EDGE OF CANAL (ACROSS STREET)
ESTIMATED FROM GOOGLE EARTH MAPS

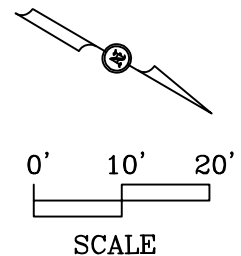
1230 ROCKCLIFF DRIVE
(35' R.O.W.)



L A K E A U S T I N

EXHIBIT B

25' SETBACK FROM LAKE
10' SETBACK FROM CANAL
40' SETBACK FROM ROCKCLIFF



E-4/7



E-4/8



BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0069

BOA DATE: November 9th, 2020

ADDRESS: 1230 Rockcliff Dr

COUNCIL DISTRICT: 10

OWNER: Malia Muir

AGENT: Courtney Mogonye-McWhorter

ZONING: LA

LEGAL DESCRIPTION: LOT 1 LAKECLIFF 492SQ FT OF LOT 15 BLK B PRESERVE THE

VARIANCE REQUEST: decrease shoreline setback from 25 ft. to 10 ft.

SUMMARY: erect a single-family residence

ISSUES: main body and canal have a 25 ft shoreline setback

| | ZONING | LAND USES |
|--------------|---------------|------------------|
| <i>Site</i> | LA | Single-Family |
| <i>North</i> | LA | Single-Family |
| <i>South</i> | LA | Single-Family |
| <i>East</i> | LA | Single-Family |
| <i>West</i> | LA | Single-Family |

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin City of Rollingwood
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Our Springs Alliance
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources

E-4/10



NOTIFICATIONS

CASE#: C15-2020-0069
LOCATION: 1230 Rockcliff Dr



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 333'

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: 1230 Rockcliff Drive, Austin, Texas 78746

Subdivision Legal Description:

Lot 1, Lakecliff, a subdivision in Travis County, Texas according to the map or plat thereof, as recorded in Volume 75, Page 129, Plat Records of Travis County, Texas.

Lot(s): 1 Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We Courtney Mogonye-McWhorter on behalf of myself/ourselves as
authorized agent for Melia Muir affirm that on

Month October, Day 9, Year 2020, 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: single family residential

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

Applicant is seeking a variance from Section 25-2-551(B), LA shoreline reduction, as to the canal only from 25' to 10'

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 property was platted in 1976. The shoreline setback is measured 25' from all points along both the shoreline of Lake Austin and the canal, making this property unreasonably limited for its intended purpose of residential use as originally zoned under A Residential (current SF-2), under the current zoning of LA. Applicant seeks to construct a modest single family residential house, which is a fair and reasonable use in the Lake Austin zoning category, as that category specifically prescribes development of a residential nature.

Hardship

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

The site has a main body and a canal feature which requires a 25' setback from each. Having both features is rare. When the canal was first created the shoreline setback did not exist. Given the width of the property and large trees located on the Property, with the canal setback there is no room for entry to the house and the overall footprint of the house is severely constrained. (See attached for additional information)

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

Man-made inlets on private lots are not general to the area, but are rather the exception. There are a few examples of them along Lake Austin, each of which poses significant development constraints to the property. The Board has consistently recognized these constraints on similar properties. (See attached for additional information)

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:

Due to the various site constraints, the proposed construction has a lower impact on the area than neighboring properties given the smaller scale of the proposed house. There will be no adverse impacts on adjacent property.

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:

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: Courtney Mogonye-McWhorter Date: 10/9/2020

Applicant Name (typed or printed): Courtney Mogonye-McWhorter

Applicant Mailing Address: 805 Las Cimas Pkwy, Ste 350

City: Austin State: Texas Zip: 78746

Phone (will be public information): (512) 615-6652

Email (optional – will be public information): [REDACTED]

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: Malia Muir Date: 10/9/2020

Owner Name (typed or printed): Malia Muir

Owner Mailing Address: 1230 Rockcliff Drive

City: Austin State: Texas Zip: 78746

Phone (will be public information): 512-567-4465

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: _____

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).



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

COURTNEY MOGONYE-MCWHORTER
[REDACTED]
(512) 615-6652

October 9, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

Re: Request for 1230 Rockcliff Road to Reduce Shoreline Setback from Canal
Regulated per Land Development Code 25-2-551(B)(1)(b) from 25'-10'

Dear Board of Adjustment Members:

The undersigned's firm represents John Gordon Muir III in seeking a variance to reduce the shoreline setback along a manmade canal on Lot 1, Lakecliff, a subdivision in Travis County, Texas according to the map or plat thereof, as recorded in Volume 75, Page 129, Plat Records of Travis County, Texas, and locally known as 1230 Rockcliff Road, Austin, Texas 78746 (the "Property"). The current setback is 25' per City of Austin Land Development Code Section 25-2-551(B)(1)(b). We are seeking a 10' shoreline setback along the canal. The 25' shoreline setback along the main body of Lake Austin is to remain unchanged.

Enclosed herein please find detailed exhibits setting forth the allowed construction taking into account current setbacks and allowable impervious cover calculations, and the requested construction with a 10' canal setback with impervious cover calculations. The proposed impervious cover, taking into consideration a 10' setback from the slough, would be under the allowed impervious cover limits for the Property.

As noted in the application, the Property has been in its current configuration since it was platted in 1976. The manmade canal has been in place for decades. The applicant is requesting a reduced setback along the canal to accommodate construction of a single family residential house. This is a fair and reasonable use in the Lake Austin zone district, as this district specifically prescribes development that is residential in nature.

The canal has been in its current configuration since it was created prior to the platting of the Property. The original zoning on the Property did not include a shoreline setback from either the main body of Lake Austin or the canal. The city changed the zoning on the property to Lake Austin zoning in 1984 under Ordinance No. 840913-S. At the time of the zoning change, and historically under staff's original interpretation of Section 25-2-551, the LA shoreline setback was not applied to sloughs, canals or coves. Staff's more recent interpretation of the shoreline setback to include the slough places approximately 40% (4,595 square feet) of the Property within a shoreline setback. While under the original interpretation, only 21.88% (2,504 square

feet) of the Property would have been located within the shoreline setback from the main body and deducted for purposes of net site area calculations.

The following hardships are unique to this Property and affects the physical condition of the Property:

1. The gross site area is 11,446 square feet, well under the minimum lot size of 1 acre for LA zoning;
2. The area of the Property within the 25' shoreline setback from the main channel and the canal is 4595 square feet;
3. The total area of the Property outside of the 25' setbacks is only 6,851 square feet;
4. A large portion of the Property is within the 40' front street setback;
5. There are large trees located on the Property opposite the canal that constrain development of the site, including the location of the drainfield; and
6. The City does not provide sewer service to the Property and requires all drainfields be 50' from a body of water in every direction.

As such, the 10' setback is needed around the canal in order to locate the proposed house on that portion of the Property outside of the critical root zone of the existing trees and still allow for a garage and required drainfield location more than 50' from a body of water in every direction.

To summarize, the proposed canal setback reduction would allow reasonable use of the Property consistent with the Land Development Code requirements, the requested variance would not be dissimilar to other shoreline setbacks the Board has approved for properties with manmade inlets on private property, the proposed development keeps with the character of the area, and the variance will not impair the use of adjacent properties. Additionally, given all of the constraints on the Property, the proposed impervious cover is only 2,827 square feet, which is well under the current impervious cover located on many of the neighboring properties along Rockcliff Road.

Thank you for your consideration of this matter.

Sincerely,


Courtney Mogonye-McWhorter, Agent for Owner *BY C.C.*

cc. Melia Muir, property owner

**Advanced Packet
For
1230 Rockcliff Road

November 9, 2020
Board of Adjustments**

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2. Letter to City of Austin Board of Adjustments dated 10-9-20
3. 1208 - 1402 Rockcliff Rd Map and Property Photos
4. 1230 Rockcliff Rd - Photos



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

October 23, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

Re: Request for 1230 Rockcliff Road to Reduce Shoreline Setback from Canal
Regulated per Land Development Code 25-2-551(B)(1)(b) from 25'-10'

Dear Ms. Ramirez:

You will find attached our Advanced Packet for November 9, 2020 Board of Adjustments Meeting. Please let me know if you have any questions or need any additional information.

Sincerely,

Judy Yhu, ACP, Paralegal to
Courtney Mogonye-McWhorter, Agent for Owner

cc. Melia Muir, property owner



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

COURTNEY MOGONYE-MCWHORTER

(512) 615-6652

October 9, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

Re: Request for 1230 Rockcliff Road to Reduce Shoreline Setback from Canal
Regulated per Land Development Code 25-2-551(B)(1)(b) from 25'-10'

Dear Board of Adjustment Members:

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Enclosed herein please find detailed exhibits setting forth the allowed construction taking into account current setbacks and allowable impervious cover calculations, and the requested construction with a 10' canal setback with impervious cover calculations. The proposed impervious cover, taking into consideration a 10' setback from the slough, would be under the allowed impervious cover limits for the Property.

As noted in the application, the Property has been in its current configuration since it was platted in 1976. The manmade canal has been in place for decades. The applicant is requesting a reduced setback along the canal to accommodate construction of a single family residential house. This is a fair and reasonable use in the Lake Austin zone district, as this district specifically prescribes development that is residential in nature.

The canal has been in its current configuration since it was created prior to the platting of the Property. The original zoning on the Property did not include a shoreline setback from either the main body of Lake Austin or the canal. The city changed the zoning on the property to Lake Austin zoning in 1984 under Ordinance No. 840913-S. At the time of the zoning change, and historically under staff's original interpretation of Section 25-2-551, the LA shoreline setback was not applied to sloughs, canals or coves. Staff's more recent interpretation of the shoreline setback to include the slough places approximately 40% (4,595 square feet) of the Property within a shoreline setback. While under the original interpretation, only 21.88% (2,504 square

feet) of the Property would have been located within the shoreline setback from the main body and deducted for purposes of net site area calculations.

The following hardships are unique to this Property and affects the physical condition of the Property:

1. The gross site area is 11,446 square feet, well under the minimum lot size of 1 acre for LA zoning;
2. The area of the Property within the 25' shoreline setback from the main channel and the canal is 4595 square feet;
3. The total area of the Property outside of the 25' setbacks is only 6,851 square feet;
4. A large portion of the Property is within the 40' front street setback;
5. There are large trees located on the Property opposite the canal that constrain development of the site, including the location of the drainfield; and
6. The City does not provide sewer service to the Property and requires all drainfields be 50' from a body of water in every direction.

As such, the 10' setback is needed around the canal in order to locate the proposed house on that portion of the Property outside of the critical root zone of the existing trees and still allow for a garage and required drainfield location more than 50' from a body of water in every direction.

To summarize, the proposed canal setback reduction would allow reasonable use of the Property consistent with the Land Development Code requirements, the requested variance would not be dissimilar to other shoreline setbacks the Board has approved for properties with manmade inlets on private property, the proposed development keeps with the character of the area, and the variance will not impair the use of adjacent properties. Additionally, given all of the constraints on the Property, the proposed impervious cover is only 2,827 square feet, which is well under the current impervious cover located on many of the neighboring properties along Rockcliff Road.

Thank you for your consideration of this matter.

Sincerely,


Courtney Mogonye-McWhorter, Agent for Owner *BY C.C.*

cc. Melia Muir, property owner



1304 Rockcliff Road



1306 Rockcliff Road



1310 Rockcliff Road



1314 Rockcliff Road



1318 Rockcliff Road



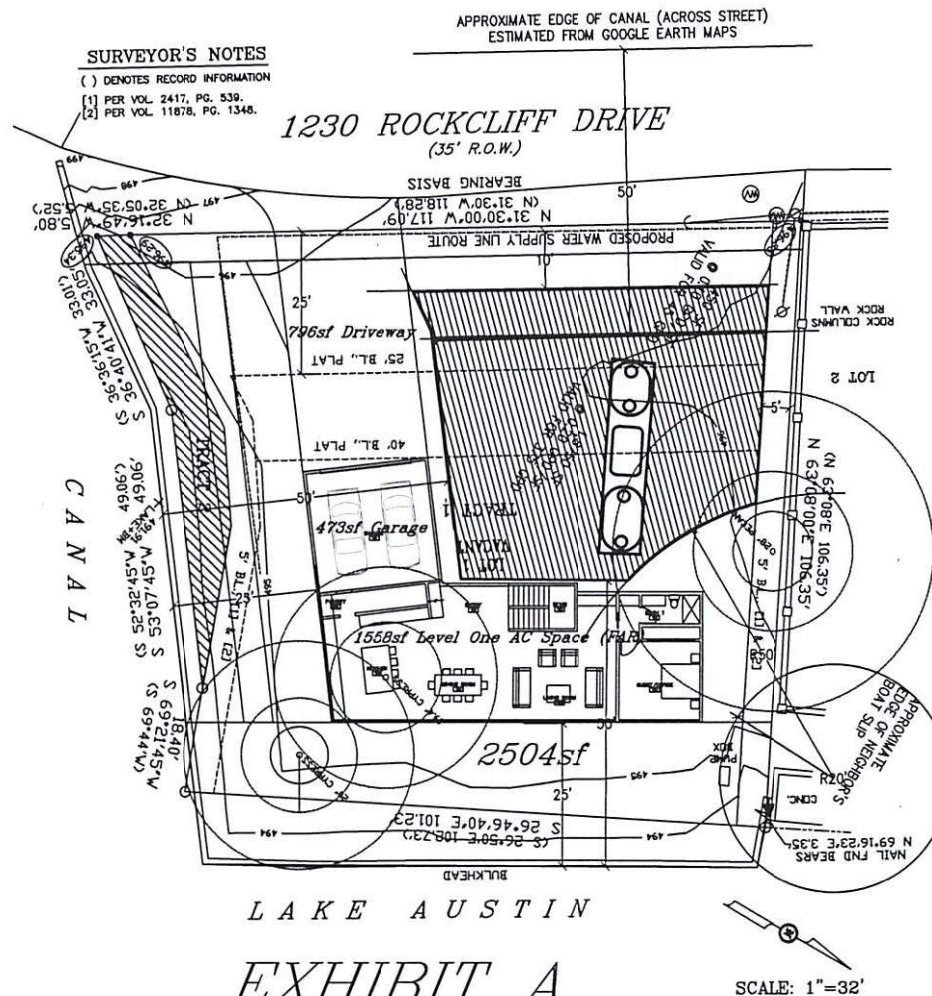












Tract 1: (Lot 1 plus accreted land to the bulkhead)=~~1146~~¹¹⁴⁴⁰sf

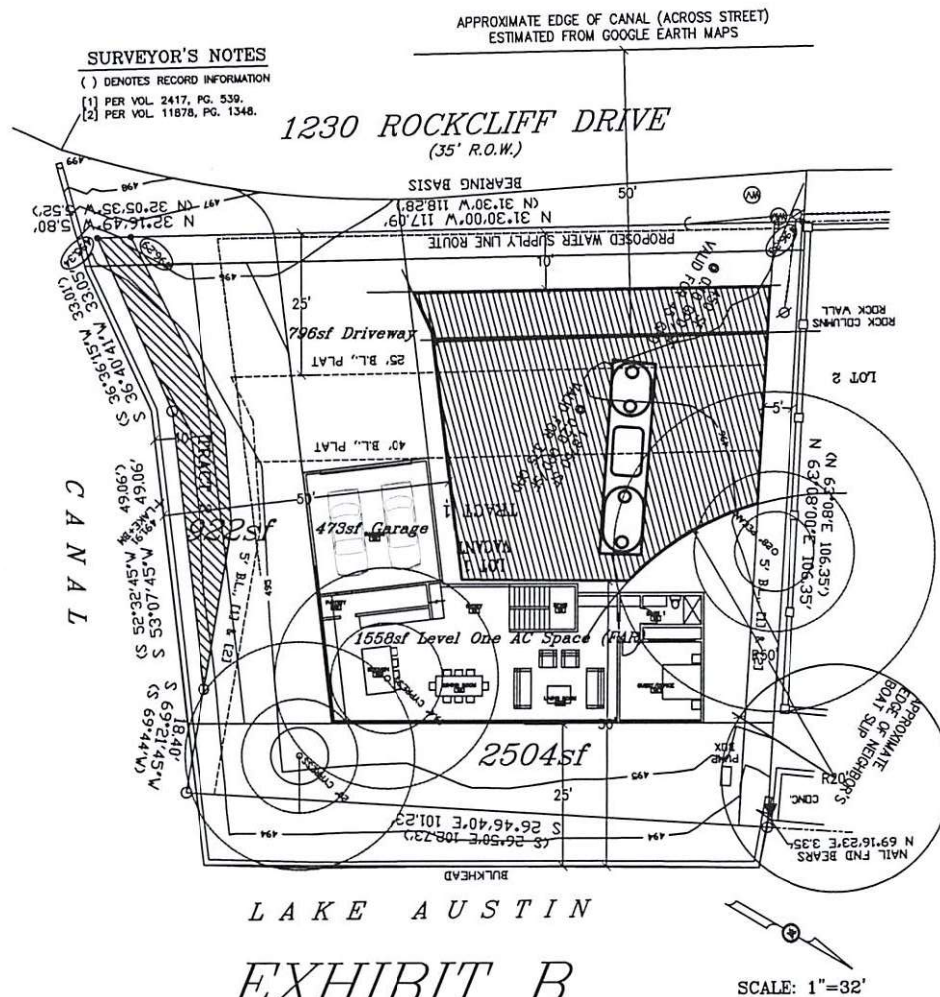
Tract 2: 487sf

Gross Site Area 11446sf

Net Site Area 11446sf-4595sf (shoreline setback area)=6851sf

Proposed impervious cover: 473sf+796sf+1558sf=2827sf

Allowed impervious cover: 6851sf (NSA) x .35= 2397sf



25' SETBACK FROM LAKE AND 10' FROM CANAL
 40' SETBACK FROM ROCKCLIFF

Tract 1: (Lot 1 plus accreted land to the bulkhead)=11446sf
 Tract 2: 487sf
 Gross Site Area 11446sf
 Net Site Area 11446sf-3426sf (shoreline setback area)=8020sf
 Proposed impervious cover: 473sf+796sf+1558sf=2827sf
 Allowed impervious cover: 8020sf (NSA) x .35= 2807sf

From: Craig Kuglen
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: Case Number: C15-2020-0069
Date: Sunday, November 08, 2020 7:34:25 AM

*** External Email - Exercise Caution ***

I live at 1310 Rockcliff Rd and am president of the Rockcliff Homeowners Association. I am writing for the members of this HOA and would like to submit the following information:

1230 Rockcliff Rd is a small lot and the current owner was aware of the size restrictions on that property when purchased.

The lot is bordered by a "canal" on the south side which leads to a waterway 900-1000 feet long running north along the side of Rockcliff Rd.

The residents of the properties on the waterway have 12 docks (and one not completed) and currently have 15 boats. Their only access to Lake Austin is via the canal adjacent to the above property. With no control of the boat size, speed or wave making capacity on Lake Austin, getting to and from the lake can be challenging. For safety reasons, these residents need a clear view of the lake. Building within 10 feet of the canal would create a danger for them.

As I am scheduled for some cancer surgery on November 9th, I will be unable to attend the meeting. Could you please submit this information for me?

Craig C. Kuglen

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

From: Meredith Sanger
To: [Ramirez, Elaine](#)
Subject: Re: Delivery Status Notification (Failure)
Date: Monday, November 02, 2020 12:04:53 PM
Attachments: [icon.png](#)

*** External Email - Exercise Caution ***

Elaine,

I would like to **oppose** the variance for 1230 Rockcliff (C15-2020-0069). The proposed 10 ft set pack from the water is not environmentally friendly and creates issues allowing future developers to over build on small lots along the lake.

Thank you,
The Sanger Family
1204 Rockcliff Rd

[REDACTED] wrote:



Message blocked

Your message to eliane.ramirez@austintexas.gov has been blocked. See technical details below for more information.

The response from the remote server was:

550 5.7.0 Local Policy Violation

----- Forwarded message -----

From: Meredith Sanger <[REDACTED]>

To: eliane.ramirez@austintexas.gov

Cc:

Bcc:

Date: Mon, 2 Nov 2020 11:18:00 -0600

Subject: C15-2020-0069

Eliane,

I would like to oppose the variance for 1230 Rockcliff. The proposed 10 ft set pack from

the water is not environmentally friendly and creates issues allowing future developers to over build on small lots along the lake.

Thank you,
The Sanger Family
1204 Rockcliff Rd

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From: peggy pevateaux
To: [Ramirez, Elaine](#)
Subject: CASE C15-2020-0069 on 1230 ROCKCLIFF RD.
Date: Tuesday, November 03, 2020 3:32:49 PM

*** External Email - Exercise Caution ***

CASE # C15-2020-0069
HEARING : BOARD OF ADJUSTMENT; NOV. 9, 2020

JOHN AND MARGARET PEVATEAUX - OBJECT TO VARIANCE
1306 ROCKCLIFF RD.
SIGNED: JOHN PEVATEAUX NOV. 3, 2020
MARGARET PEVATEAUX NOV. 3, 2020

PHONE: 512-328-3718

COMMENTS:

1. We believe this variance is being requested in order to build a larger house than the lot can safely accommodate.
2. We are concerned that adequate land won't be available for the building of a septic field that meets current code requirements.
3. We are concerned that the lot owner is requesting the variance to build a large home to use for short-term rentals.

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PUBLIC HEARING INFORMATION

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- 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.

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Case Number: C15-2020-0069

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment, November 9th, 2020

ASTW Revocable Trust

Your Name (please print)

1304 Rockcliff

Your address(es) affected by this application

David L. Copeland Trust 11/6/2020

Signature

Date

Daytime Telephone: (325) 2676-7734

Comments: We agree that the evolving character of the setback requirements over time could have created a hardship on a particular owner who has to deal with both the streamline setback and a more recently imposed setback that is taken from the sand or slough. It's our sense that the owner of the property had fore knowledge of this requirement and is seeking to minimize or obtain relief from the current policy. We are concerned that extending this relief could result in development that would not be favorable to the privacy/quality of our adjacent property. For that reason, we respectfully are opposed to approval of the variance request.

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

From: Barry Waite
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: Case number C15-2020-0069
Date: Thursday, November 05, 2020 10:27:21 AM

*** External Email - Exercise Caution ***

We write regarding the above referenced case number at 1230 Rockcliff Rd. LOT 1 Lakecliff. This lot is part of Lakecliff Homeowners association. Our home at 1402 Rockcliff Rd is also within the Lakecliff Homeowners association.

Medical appointments prevent our participation in the call regarding the above variance request.

We object to the request to change the district regulations. These regulations are published and well known and exist for good reasons.

Barry and Christina Waite.. Vice President Lakecliff homeowners association.

1402 Rockcliff Rd
Austin Tx 787465.

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From:

*** External Email - Exercise Caution ***

Please see below:
 Natalie Lauryssen
 925-699-5299
 4209 Hidden Canyon Cove

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Case Number: C15-2020-0069

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; November 9th, 2020

Carl Lauryssen MD

Your Name (please print)

4209 Hidden Canyon Cove

Your address(es) affected by this application

☐ I am in favor
☒ I object

Signature

Date

Daytime Telephone:

925-699-5299

Comments:

The proposed setback will make it difficult for boat owners and home owners as boats often need to sound their horn while entering a blind approach (esp. under the adjoining bridge) with a house 10 feet away people may not sound their horn which can create an unsafe situation which could result in a collision and injury. On top of that the septic is also a concern of ours.

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

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Case Number: C15-2020-0069

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; November 9th, 2020

Lauren Mezarcups
Your Name (please print)

4221 Hidden Canyon Cove
Your address(es) affected by this application

Lauren Mezarcups
Signature

11-8-2020
Date

512-415-6066
Daytime Telephone

I believe that 10' setback from
the canal would bring the proposed
lot to close to the canal, cause
not enough distance for sound
issues, possibly creating a blind spot
for safety getting out of the canal.
Thank

E-4/42

If you use this form to comment, it must currently be returned via email (as we do not have access to our mail due to social distancing)

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov

From: Sharma, Mukul
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: Case # C15-2020-0069, Variance for 1230 Rockcliff Rd.
Date: Monday, November 09, 2020 11:21:32 AM

*** External Email - Exercise Caution ***

Dear Elaine,

Please see below our written comments for this hearing that is scheduled for today. I would have liked to speak in person but was not able to meet the deadline (which is noon last Friday). I do plan to attend the hearing.

Here are the points of objection I want to make regarding the variance that has been requested to reduce the shoreline setback from 25 feet to 10 feet.

1. Reducing the shoreline setback has consequences that affect all neighbors as well as the water quality in Lake Austin. These concerns include
 - a. Shoreline erosion
 - b. Septic issues
 - c. Lake access, and
 - d. Visual appeal
2. The safety for boats coming in and out of the lake from the adjacent channel can also be a big issue. Any large home with small setbacks would create a blind spot.
3. The burden of showing why this variance is needed lies with the homeowner. The variance is a clear departure from well-established norms for homes on Lake Austin. These norms for setbacks are well established for very good engineering and environmental reasons. There must be very compelling reasons for us to deviate from these. These reasons need to be provided before this variance is even considered.

Thank you for considering our written comments. I would be happy to speak to the Board, given the opportunity. I can also be reached on my cell, 512-413-1803.

Thank you and best regards,

Mukul M. Sharma and Suman Sharma
4229 Hidden Canyon Cove
Austin, TX 78746.

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