

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
E-4**

**DATE: Monday December 14, 2020**

**CASE NUMBER: C15-2020-0069**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ Y ☐ Ada Corral  
☐ Y ☐ Melissa Hawthorne  
☐ - ☐ VACANT  
☐ Y ☐ Don Leighton-Burwell  
☐ - ☐ Rahm McDaniel -OUT  
☐ Y ☐ Darryl Pruet  
☐ Y ☐ Veronica Rivera  
☐ Y ☐ Yasmine Smith  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Kelly Blume (Alternate)  
☐ - ☐ Martha Gonzalez (Alternate)  
☐ - ☐ 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. DEC 14, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to January 11, 2021, and Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO JANURARY 11, 2021.

**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

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

December 30, 2020

Elaine Ramirez  
Senior Planner/Board of Adjustment Liaison

*Via email at [Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)*

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

Dear Ms. Ramirez:

We would like to request a Postponement to the February 8, 2021 Board of Adjustment Meeting for the above-referenced Variance Request scheduled for the January 11, 2021 Board of Adjustment Meeting. We were unable to acquire the additional documentation requested by the Board under the accelerated deadlines due to the holidays. Please contact the undersigned if you have any questions or need anything additional in order to process this request.

Sincerely,



Courtney Mogonye-McWhorter

**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.

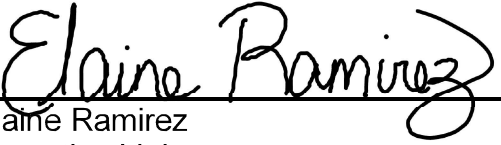
**BOARD'S DECISION:** The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member Brooke Bailey seconds on a 9-2 vote (Board members Jessica Cohen and Donny Hamilton nay); POSTPONED TO DECEMBER 14, 2020.

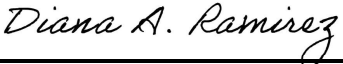
**FINDING:**

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.

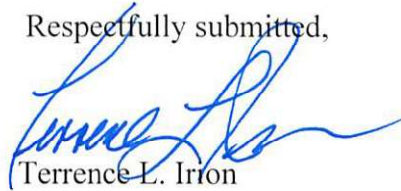
Applicant has talked with his neighbors about development of this lot. He worked with the neighbors to change the deed restriction removing the requirement that boat docks be cut into the shoreline instead of perpendicular to the shoreline. Applicant also agreed to a restriction prohibiting short term 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.

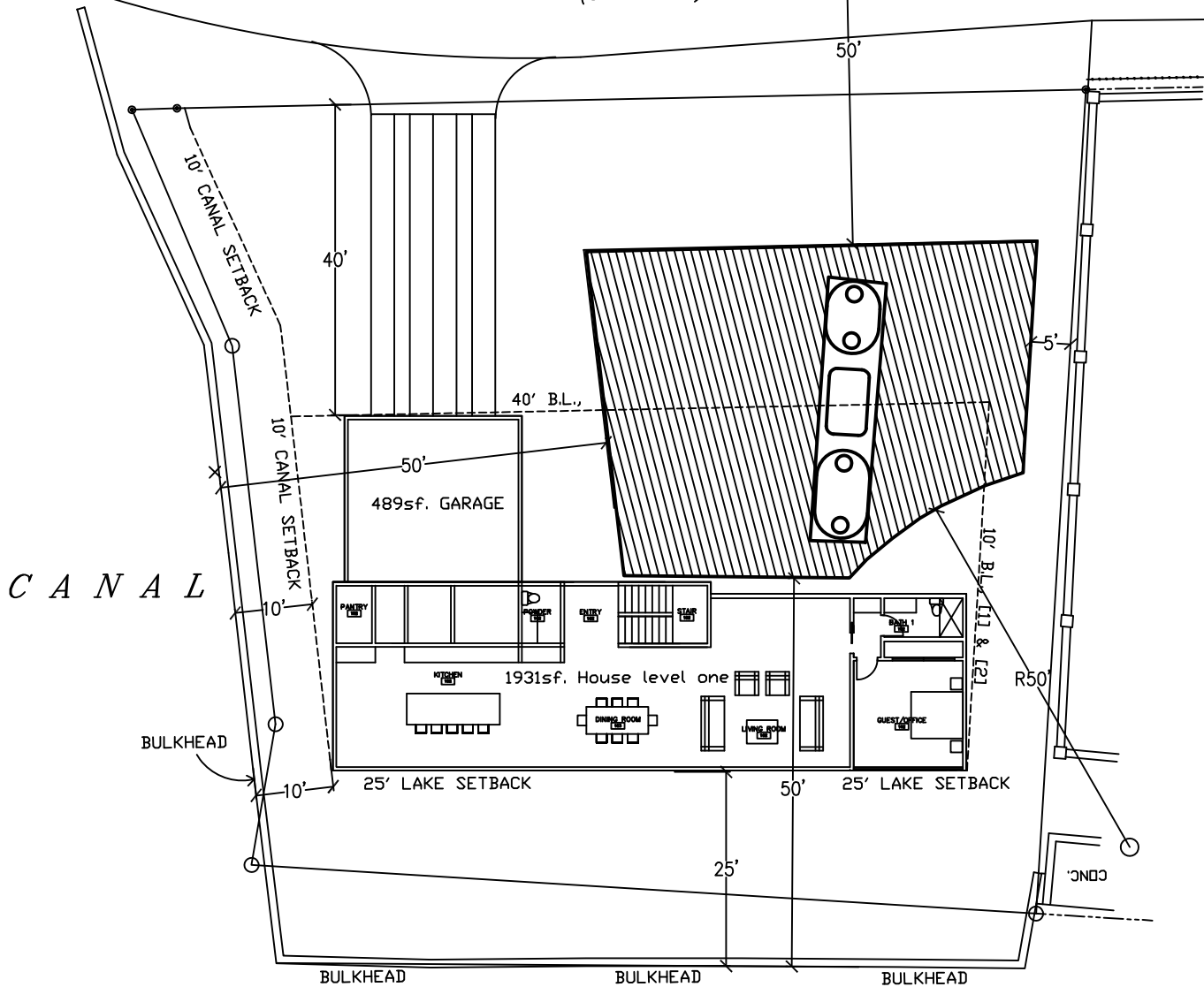
Terrence L. Irion



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

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

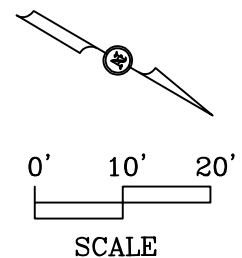
*1230 ROCKCLIFF DRIVE*  
(35' R.O.W.)



*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-2/10





E-2/11





# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2020-0069

**BOA DATE:** November 9<sup>th</sup>, 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

	<b>ZONING</b>	<b>LAND USES</b>
<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-2/13



**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).

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**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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1. Cover Letter Transmitting Advanced Packet
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  
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Dear Board of Adjustment Members:

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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;
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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















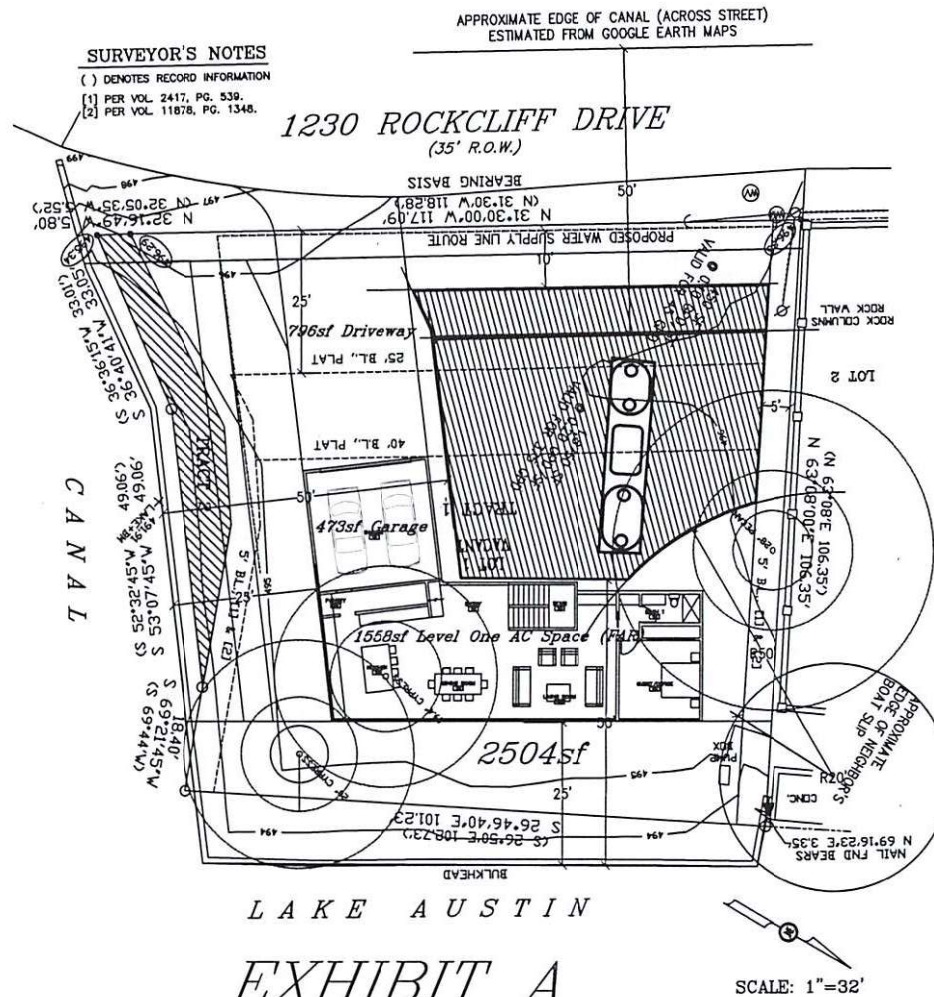












Tract 1: (Lot 1 plus accreted land to the bulkhead)=~~1146sf~~ <sup>11440</sup>

Tract 2: 487sf

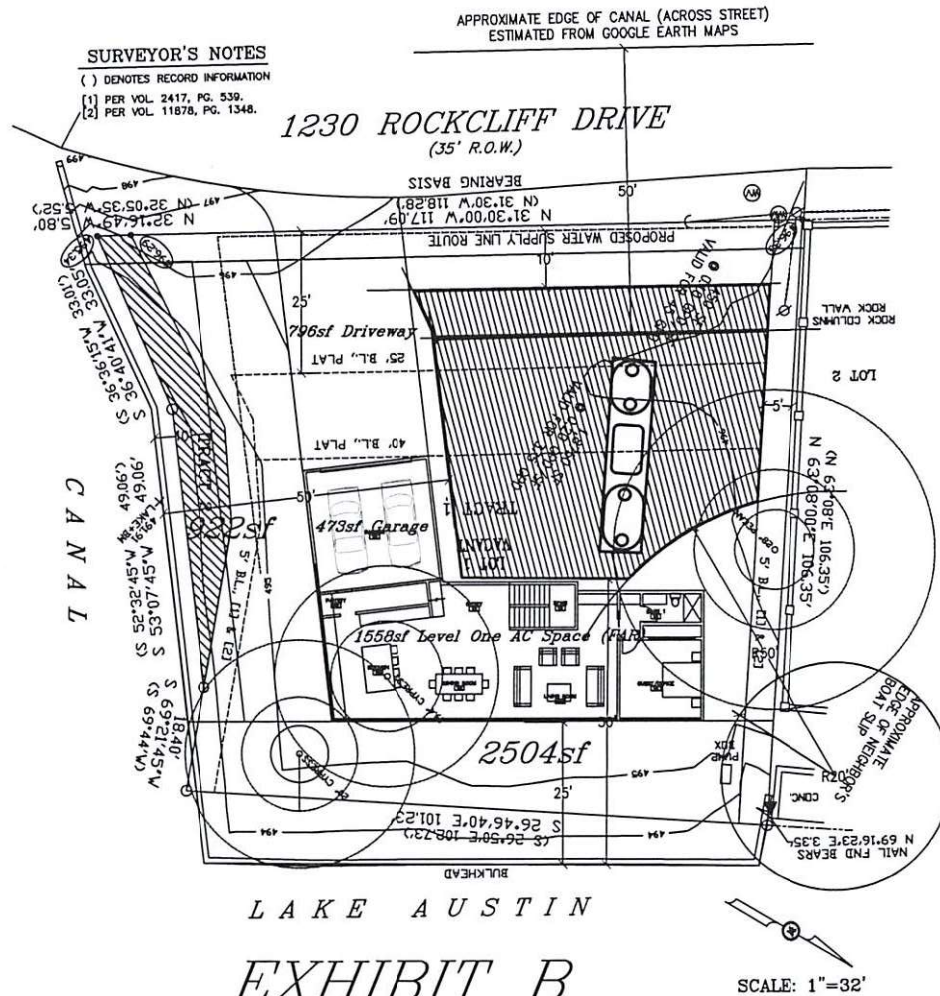
Gross Site Area 11446sf

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

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**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](mailto: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](mailto: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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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- 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.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2020-0069

Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

Public Hearing: Board of Adjustment, November 9<sup>th</sup>, 2020

ASTW Revocable Trust

Your Name (please print)

1304 Rockcliff

Your address(es) affected by this application

Signature

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 is our sense that the owner of the property had foreknowledge 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 or value 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](mailto:elaine.ramirez@austintexas.gov)

☐ I am in favor  
☒ I object

**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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The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

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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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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
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Case Number: C15-2020-0069

Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

Public Hearing: Board of Adjustment; November 9<sup>th</sup>, 2020

Carl Lauryssen MD

Your Name (please print)

4209 Hidden Canyon Cove

Your address(es) affected by this application

Signature: *[Signature]* Date: 11/2/20

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](mailto:elaine.ramirez@austintexas.gov)



## PUBLIC HEARING INFORMATION

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**Case Number: C15-2020-0069**

**Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)**

**Public Hearing: Board of Adjustment; November 9<sup>th</sup>, 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 safely getting out of the canal.  
Thank

**E-2/45**

If you use this form to comment, it must currently be returned via mail (as we do not have access to our mail due to social distancing)  
Elaine Ramirez  
Scan & Email to: [elaine.ramirez@austintexas.gov](mailto: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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**From:** peggy pevateaux  
**To:** [Ramirez, Elaine](#)  
**Subject:** Case C15-2020-0069 1230 Rockcliff Rd  
**Date:** Friday, December 11, 2020 3:32:11 PM

---

\*\*\* External Email - Exercise Caution \*\*\*

Elaine, one of my neighbors said she thinks case C15-2020-0069 is to be reconsidered on Mon. Dec. 14. We still oppose the variance.

I was told that the variance also requested cutting down a tree. I want you to know that the applicant has already cut down trees on that property. This was done as soon as they had a contract on the property.

Our main concern is the variance would allow for a larger house to be built. We do not believe this will allow enough land for a septic field that is up to code. The house plans the previous owner had developed proposed a cess pit in place of a septic. This piece of property is surrounded on 3 sides with Lake Austin water. This could be a health issue.

When this case had it's first hearing, I read the reasons given for opposing it. Perhaps the most compelling reason was offered by a person who uses that waterway as access for boating. He said when the boats from the slew enter the main body of the lake, their entrance is already obscured as the shoreline curves there and it's hard for boaters to see emerging boats. Allowing the variance would obscure line of sight even further. It's a safety issue.

We think the variance should not be allowed based on safety and health concerns. Thank you.

John and Peggy Pevateaux

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12/12/2020

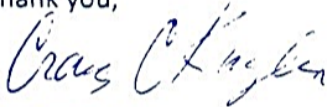
City of Austin Board of Adjustment  
C/O Elaine Ramirez  
One Texas Center  
505 Barton Springs Rd.  
Austin, TX 78704

Re: C15-2020-0069 Variance Request

Dear Board,

I withdraw my opposition to the homeowner's request for a variance reducing the building set back from 25' to 10' on the canal frontage of his property at 1230 Rockcliff Road.

Thank you,

A handwritten signature in blue ink that reads "Craig Kuglen". The signature is written in a cursive, flowing style.

Dr. Craig Kuglen  
President  
Rockcliff Homeowners Association