CITY OF AUSTIN Board of Adjustment Decision Sheet E-1

DATE: Monday October 11, 2021	CASE NUMBER: C15-2021-0093
Thomas Ates	
Brooke Bailey	
Jessica Cohen	
Melissa Hawthorne	
Barbara Mcarthur	
Rahm McDaniel	
Darryl Pruett	
Agustina Rodriguez	
Richard Smith	
Michael Von Ohlen	
Nicholl Wade	
Kelly Blume (Alternate)	
Carrie Waller (Alternate)	
Vacant (Alternate)	
APPLICANT: Janis Smith PE	
OWNER: Jeff and Ally Davidson	

VARIANCE REQUESTED: The applicant has requested variance(s) from the Land Development Code, Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (1) to increase the dock length 30 feet (required) to 50 feet (requested) in order to erect a boat dock in an "LA" Lake Austin Residence zoning district.

BOARD'S DECISION: BOA Meeting Oct 11, 2021-POSTPONED TO NOVEMBER 8, 2021 BY BOARD MEMBERS (Due to not enough Board Members present at the meeting)

FINDING:

ADDRESS: 8818 BIG VIEW DR Bldg 4

- 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:

Executive Liaison

Diana A. Ramirez for Jessica Cohen

Madam Chair



October 5, 2021

Janis Smith PE 8818 Big View Dr Bldg 4 Austin TX, 78730

Property Description: LOT 4 BLK A PANTHER HOLLOW CREEK PHS II

Re: C15-2021-0093

Dear Janis,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from LCD 25-2-1176(A)(1) – to allow for construction of a boat dock 50 feet from the shoreline.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1 .10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Joseph Beeler, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6602

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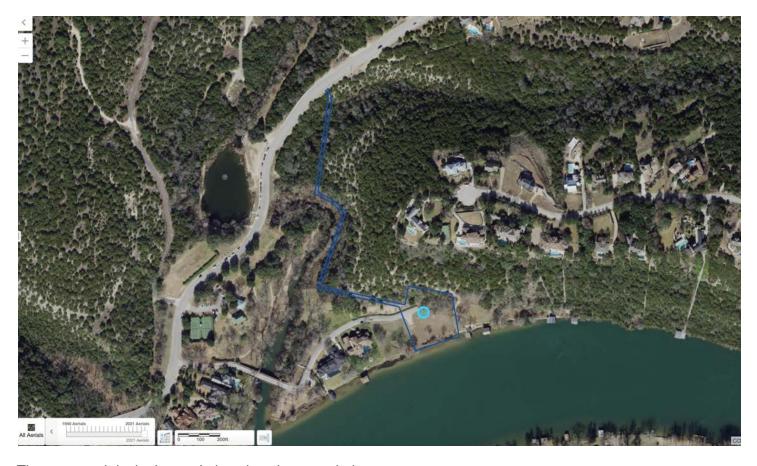
Civil Engineering Consulting for Lake Austin Shoreline Projects

October 19, 2021 Board of Adjustment P.O. Box 1088 Austin, Texas 78767

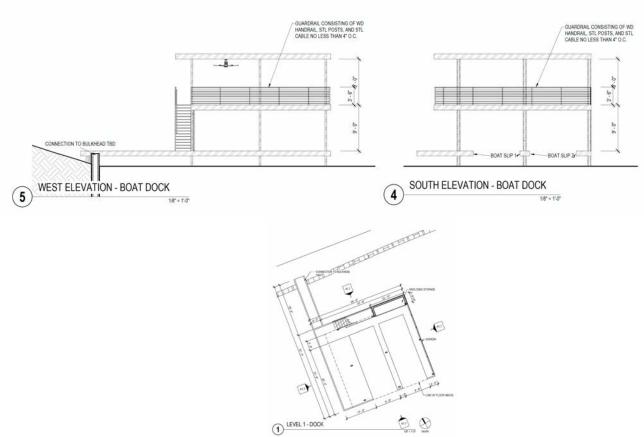
Re: Engineering Summary Letter for 8818#4 Big View Drive Application for a variance to LDC 25-2-1176(A)(1) to allow construction of a boat dock 50 ft. from the shoreline on Lake Austin

Dear Board Members:

The project titled 8818#4 Big View Drive proposes to construct a two-slip boat dock and new bulkhead on a site located about 5 miles west of the intersection of RM2222 and City Park Road. It's in the Full Purpose Jurisdiction of the City of Austin on the shore of Lake Austin in the Panther Hollow Neighborhood Association. Below is an aerial photo of the overall area.

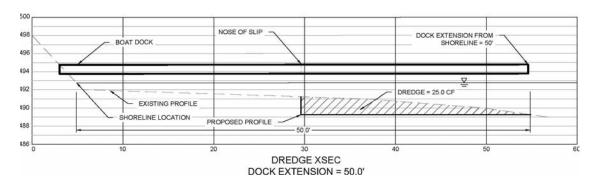


The proposed dock plan and elevation views are below.



This application is for a BOA variance to construct a dock extending more than 30 ft. from the shoreline. Ski boats need at least 3.5 ft. of water depth in order to clear the lakebed; so docks have to be in water that is at least 3.5 ft. deep. When the water depth is too shallow, as it is at this location, the COA offers two possibilities to facilitate construction of a boat dock in shallow water: dredging the lakebed to increase the depth or extending the boat dock into deeper waters. The COA allows dredging up to a maximum of 25 CY and requires an environmental variance for quantities over 25 CY. Every dredge variance application for a residential dock has been denied since the dredge code section was adopted in 2014.

The vast majority of lakeshore properties are able to construct a functional dock within 30 ft. of the shoreline while adhering to the 25 CY dredge limit. That's not possible at this site. The lake depth is 2 ft. at a distance of 40 ft. from the shore. Limiting the dock extension to 30 ft. while only dredging 25 CY results in a water depth of 2.4 ft. Consequently, the propeller would churn up the silt on the lakebed for a distance of about 50 ft. from the channel into the slip. In order to construct a boat dock with enough depth to accommodate the draft of a ski boat, the owner is applying for a variance to LDC 25-2-1176(A)(1) allowing construction of a boat dock that extends more than 30 ft. from the shoreline on Lake Austin. Shown is the proposed dredge cross-section which determines the necessary dock extension.



1505 Westover Road • Austin, Texas 78703 • www.janissmithconsulting.com • TBPE Firm No. F-16978

Below is the aerial photo of the docks in the vicinity of this site. It shows the docks in the area which extend further than 30 ft. from the shore. Some of the docks were granted this same variance while others are either out of compliance or are grandfathered. Of primary interest is the docks within the immediate vicinity of the project site. Panther Hollow Neighborhood Association is composed of four lots on Big View Drive: 8818 #1, #2, #3 and #4. #1 and #2 extend further than 30 ft. from the shoreline; there's no dock at #3; and this site, #4, previously secured this variance, but it has expired. The docks at 3301 and 3303 Far West, the two homes immediately downstream of the Panther Hollow Neighborhood, also extend more than 30 ft. from the shoreline.



Attached are the emails of support from the neighbors for this variance application. On behalf of the owners, Jeff and Ally Davidson, I ask you to support the variance application as well.

I look forward to the meeting on the 11th.

Very truly yours,

Janis J. Smith, P.E Janis Smith Consulting, LLC

512-914-3729



NEIGHBOR'S EMAILS OF SUPPORT

8818 #1 Big View Drive

"I fully support the Davidson's application for a variance to build their dock further into the lake because of the shallow water at the shoreline.

Sincerely,

Milton Verret"

8818 #2 Big View Drive

"This looks fine to Lorri and I subject to Kelly's approval. So long as he doesn't have an issue, we are in support of your variance application.

Many thanks,

Terry Payne"

8818 #3 Big View Drive

"Agree with Terry. Things look fine from my standpoint as well and also fully support your variance application.

Thanks, Kelly"

3301 Far View Drive

"Jennifer McNevin and I support Jeff and Ally Davidson's request for a variance at 8818 #4 Big View from the City of Austin to construct their dock further into the lake than allowed by City Code.

There is no doubt that the depth at this shoreline is too shallow to construct a functional dock without extending it further into the lake by forty-five to fifty feet.

A functional dock is essential to the owners. Still, another advantage to an extension is that an extended structure serves as a guide for boaters to stay further away from the shallow shoreline. Before our dock's construction, I witnessed too many boaters approach the banks too closely, and I always worried for them.

Best to you and the Davidsons, Greg Koury and Jennifer McNevin"

3303 Far View Drive

"We are fully supportive of the Davison's (sic) application to extend their dock to reach deeper water. Please don't hesitate to contact me if I can be of assistance - we all need a way to navigate the shallow water.

Many thanks, ELP"

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0093 **BOA DATE**: October 11th, 2021

ADDRESS: 8818 Big View Dr #4
OWNER: Jeff & Ally Davidson
COUNCIL DISTRICT: 10
AGENT: Janis J. Smith

ZONING: SF-1-CO

LEGAL DESCRIPTION: LOT 4 BLK A PANTHER HOLLOW CREEK PHS II

VARIANCE REQUEST: increase the dock length 30 feet (required) to 50 feet (requested)

SUMMARY: erect a boat dock

ISSUES: extremely shallow water

	ZONING	LAND USES
Site	SF-1-CO	Single-Family
North	RR	Rural Residential
South	SF-1-CO	Single-Family
East	LA	Single-Family / Lake Austin
West	SF-1-CO	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

2222 Coalition of Neighborhood Association, Inc.

Austin Lost and Found Pets

Canyon Creek HOA

Edgewater Association

Friends of Austin Neighborhoods

Glenlake Neighborhood Association

Leander ISD Population and Survey Analysts

Long Canyon Homeowners Assn.

Long Canyon Phase II & III Homeowners Assn Inc

Neighborhood Empowerment Foundation

River Place HOA

Sierra Club, Austin Regional Group

Steiner Ranch Community Association

TNR BCP – Travis County Natural Resources

Westminster Glen HOA





SUBJECT TRACT
PENDING CASE

ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0093

LOCATION:8818 BIG VIEW DR #4

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.





Board of Adjustment General/Parking Variance Application

<u>DevelopmentATX.com</u> | Phone: 311 (or 512-974-2000 outside Austin) For submittal and fee information, see <u>austintexas.gov/digitaldevelopment</u>

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, <u>click here to Save</u> 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

Tor office osc	Jilly				
Case #	ROW # _		Tax #	<u> </u>	
Section 1: Appl	icant Statement				
Street Address: 8818	#4 Big View Drive				
Subdivision Legal Des Lot 4 Blk A Pantho	cription: er Hollow Creek Phs I	I			
Lot(s):		Block	x(s):		
Outlot:		Division:			
Zoning District: SF-1-0	CO in the LA overlay				
I/We <u>Janis J. Smith, F</u>	P.E.		on be	ehalf of myself/o	urselves as
authorized agent fo	r <u>Jeff and Ally David</u>	son		aff	irm that on
	, Day ₇				j before the
● Erect ○ Attac	ch OComplete	○ Remodel	○ Maintain	Other:	
Type of Structure:	Boat Dock	· · · · · · · · · · · · · · · · · · ·			

	LDC 25-2-1176 (A)(1) to allow construction of a dock 50 feet from the shoreline due to very shallow water near the shoreline.
S	ection 2: Variance Findings
nd s p	Board must determine the existence of, sufficiency of, and weight of evidence supporting the ings described below. Therefore, you must complete each of the applicable Findings Statements part of your application. Failure to do so may result in your application being rejected as implete. Please attach any additional supporting documents.
I	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.
СО	ntend that my entitlement to the requested variance is based on the following findings:
	sonable Use zoning regulations applicable to the property do not allow for a reasonable use because:
	At this location, a dock extension of 30' with the maximum dredge limit of 25 CY (LDC 25-8-368 (E)) will yield a water depth of only 1.6' at the usual lake elevation. That depth isn't navigable for a ski boat.
	dship a) The hardship for which the variance is requested is unique to the property in that:
	The property has externely shallow water near the shoreline.
	o) The hardship is not general to the area in which the property is located because:
	While the properties along this curve of the lake also have very shallow water at the shoreline,
	the vast majority of dock sites on the lake can be accessed by following current code restrictions.

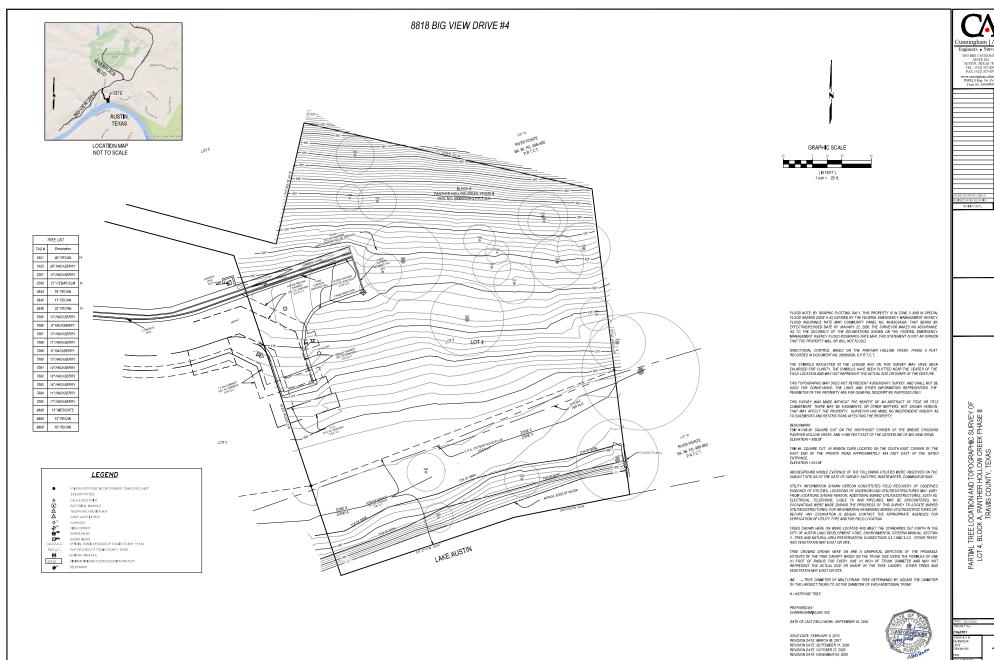
Area Character

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:

	ne variance will not alter the character of the area because most docks along this stretch of e lake have similar extensions into the lake.
Reque: a varia	g (additional criteria for parking variances only) st for a parking variance requires the Board to make additional findings. The Board may grant nce to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6,
	dix A with respect to the number of off-street parking spaces or loading facilities required if it findings of fact that the following additional circumstances also apply:
1.	
N	
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 inconsisten with the objectives of this Ordinance because:
NA	
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
<u>N</u> /	4

Section 3: Applicant Certificate

my knowledge and belief.	pplication are true	and correct to the best of
Applicant Signature: Janis J. Smith, P.E. Digitally	signed by Janis J. Smith, 021.09.06 08:51:09 -05:00'	P.E. Date:
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		The state of the s
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the complete apmy knowledge and belief.	oplication are true a	and correct to the best of
Owner Signature:		Date: _ 9 7 2
Owner Name (typed or printed): Jeff and Ally Davidson	w. W. W. W.	
Owner Mailing Address: P.O. Box 82547		
City: Austin	State: TX	Zip: 78703
Phone (will be public information): (512) 601-8111		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: same as applicant		The second secon
Agent Mailing Address:		
City:	State:	Zip:
Phone (will be public information):		
Email (optional – will be public information):	2	
Section 6: Additional Space (if applicabl	e)	
Please use the space below to provide additional inform eferenced to the proper item, include the Section and F	ield names as well	(continued on next page).



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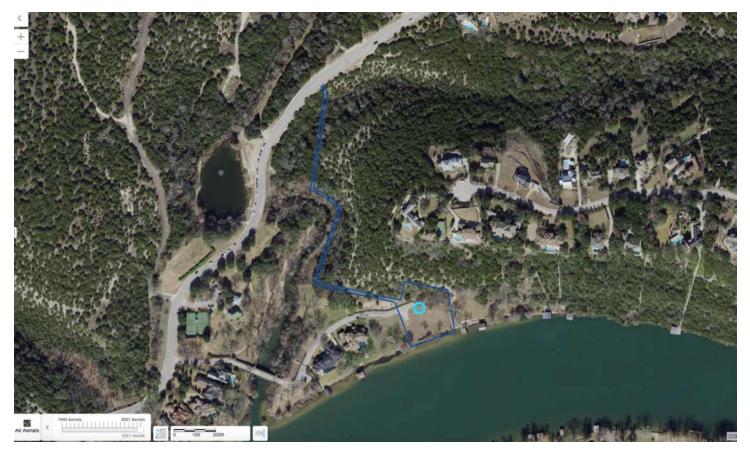
Civil Engineering Consulting for Lake Austin Shoreline Projects

September 21, 2021 Board of Adjustment P.O. Box 1088 Austin, Texas 78767

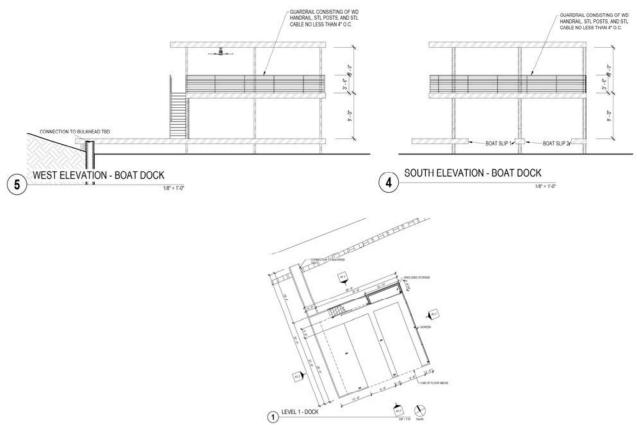
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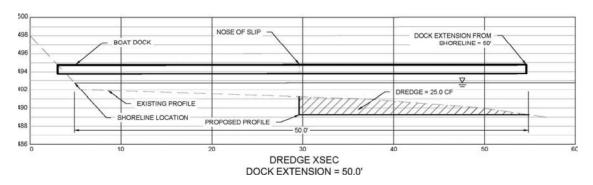


The proposed dock plan and elevation views are below.



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1505 Westover Road • Austin, Texas 78703 • www.janissmithconsulting.com • TBPE Firm No. F-16978

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I look forward to the meeting on the 11th.

Very truly yours,

Janis J. Smith, P.E Janis Smith Consulting, LLC

512-914-3729



NEIGHBOR'S EMAILS OF SUPPORT

8818 #2 Big View Drive

"This looks fine to Lorri and I subject to Kelly's approval. So long as he doesn't have an issue, we are in support of your variance application.

Many thanks,

Terry Payne"

8818 #3 Big View Drive

"Agree with Terry. Things look fine from my standpoint as well and also fully support your variance application.

Thanks, Kelly"

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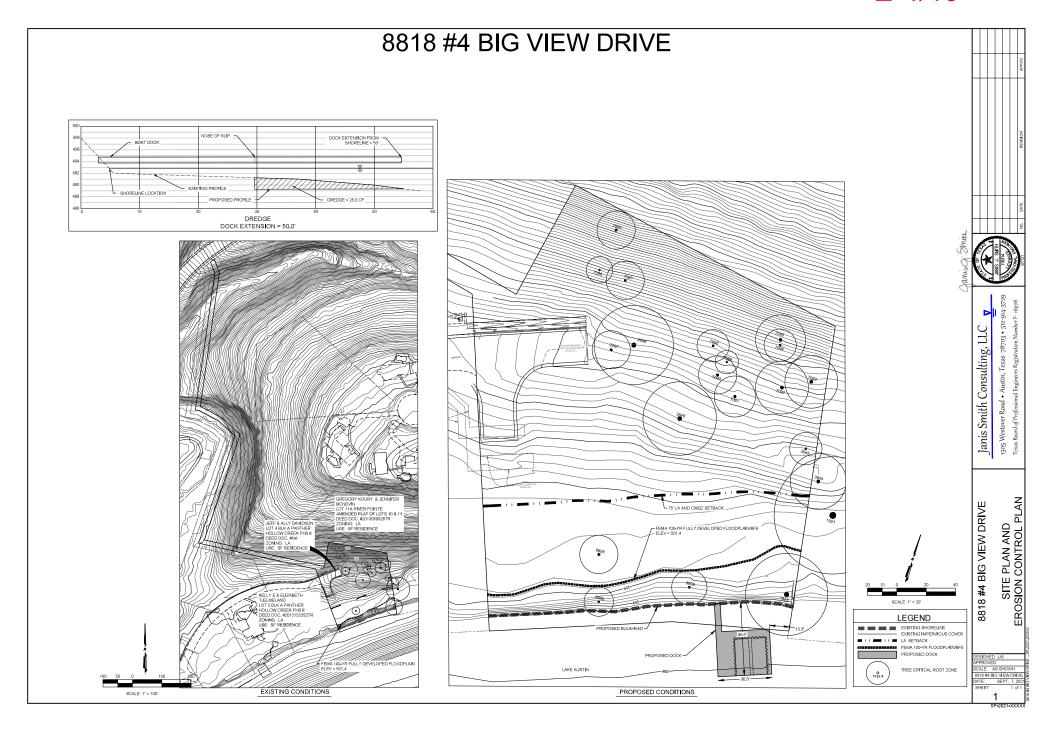
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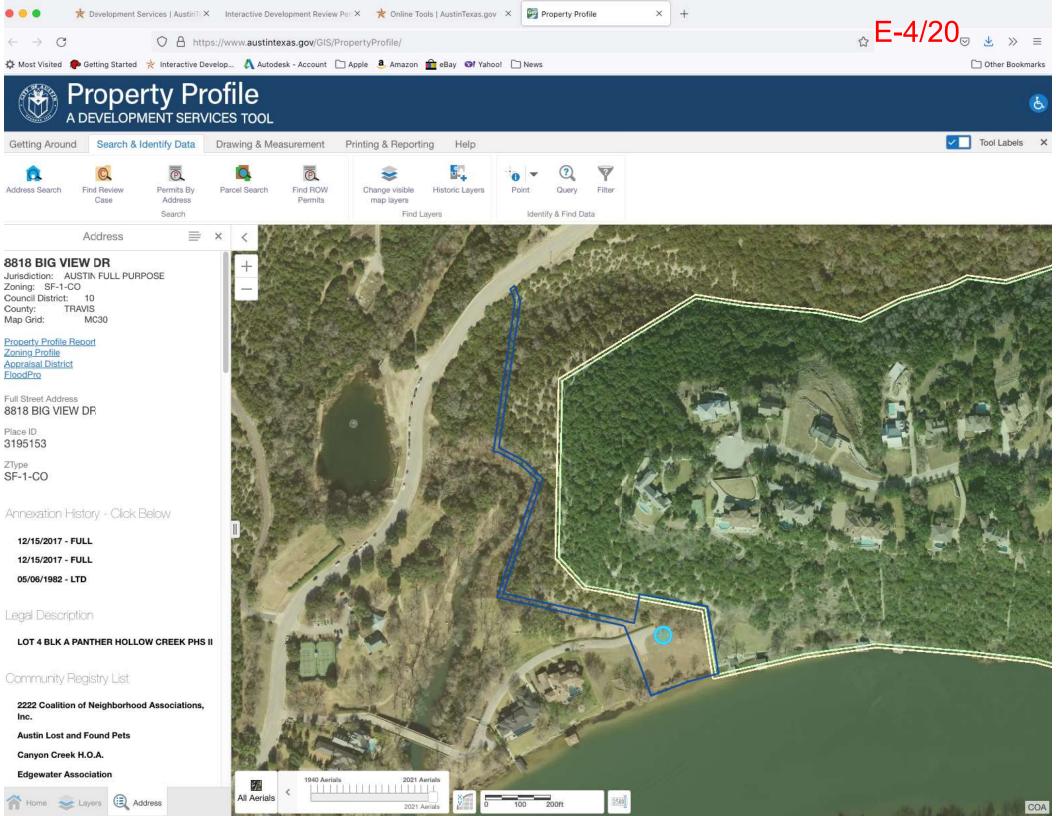
Best to you and the Davidsons, Greg Koury and Jennifer McNevin"

3303 Far View Drive

"We are fully supportive of the Davison's (sic) application to extend their dock to reach deeper water. Please don't hesitate to contact me if I can be of assistance - we all need a way to navigate the shallow water.

Many thanks, ELP"





To whomever it may concern,

I fully support the Davidson's application for a variance to build their dock further into the lake because of the shallow water at the shoreline.

Sincerely,

Milton Verret 8818 Big View Dr. Austin, TX 787430

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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.

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. 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: C15-2021-0093
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; October 11th. 2021
Your Name (please print) I am in favor
Your address(es) affected by this application
Comments: My LAKEFRONT TO THE DAVIDSONS.
AN EXTENSION OF THE DOCK LENGTH
AND FUNCTIONALITY TO THE home
owner AS WELL AS GREATER SAFETY
QUIDED AWAY FROM THE GXTREMELY
SHALLOW WATERS ALOWG THE SHORE, NE
If you will be using this form to comment, please return it via e-mail

Elaine Ramirez

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