

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

ROW

CASE # 015-2014-0026  
# 11081291

**CITY OF AUSTIN**  
**APPLICATION TO BOARD OF ADJUSTMENT**  
**GENERAL VARIANCE/PARKING VARIANCE**

Tax 012909-0130

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 3961 Westlake Drive

LEGAL DESCRIPTION: Subdivision - Lake Shore Addition

Lot(s) 109 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Bruce S Aupperle on behalf of myself/ourselves as authorized agent for

Rod Roberts affirm that on Jan. 27, 2014,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ x ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

a pedestrian incline elevator

in a LA district.  
(zoning district)

**NOTE: 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 support documents.**

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Sections 25-2-551(B)(2) and 25-2-551(B)(5) of the City's LDC do not include a method of reasonable shoreline access for non-ambulatory individuals. Even though shoreline access is defined under Section 25-2-1172 as lifts, trams, incline elevators or escalators, those methods for access are not defined as pedestrian facilities as allowed by Section 25-2-551(b)(5). Although a driveway is

**HARDSHIP:** allowed by code as shoreline access in LA zoning, the very steep terrain would make construction of a negotiable driveway environmentally detrimental.

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

The natural steep slope, which is greater than 35%, from the home to the shoreline requires a method of lake shore access that provides a reasonable approach for non-ambulatory individuals.

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

The steep slope to the shoreline is unique to this location and the proposed pedestrian incline elevator will provide reasonable shoreline access for non-ambulatory individuals for the specified address.

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**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The proposed pedestrian incline elevator will be used for the specified property only, will be located in accordance with required setbacks, will provide necessary screening as required by code and be used only for pedestrian access to the shoreline.

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**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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:
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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:

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

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

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**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.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 10088 Circleview Drive

City, State & Zip Austin, TX 78733

Printed Bruce S Aupperle, P.E. Phone 512-422-7838 Date 1/27/2014

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_



**Ramirez, Diana**

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**From:** Walker, Susan  
**Sent:** Monday, January 27, 2014 10:35 AM  
**To:** Ramirez, Diana; Heldenfels, Leane  
**Subject:** FW: BOA Application for 3961 Westlake Drive - March 10, 2014  
**Attachments:** Shoreline access Code requirements for pedestrian facilities.pdf; 3961 Authorization Letter Signed.pdf; 3961 boa-application.pdf; 3961 boa-exhibit.pdf

Diana,

This case is on the 2-10 agenda I think under bldg "bd". This is everything he has sent me and the invoice may be on the file or on the corner of the back of "Leane's" desk.

Hope everything is going ok.

Susan

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**From:** bruce aupperle [~~bruceaupperle@me.com~~]  
**Sent:** Monday, January 27, 2014 9:45 AM  
**To:** Walker, Susan  
**Cc:** Carolyn Aupperle; Rod Roberts  
**Subject:** BOA Application for 3961 Westlake Drive - March 10, 2014

Susan:

Please find the subject BOA application attached.

Please review and let us know if you need anything else.

If needed, Carolyn can provide you a paper copy of the application and all related documents.

The boa-exhibit is 24"x36", but can be printed at the document size you recommend.

Carolyn will pay the BOA fee when you have the invoice ready.

Please contact us if you have any questions.

Thanks, Bruce S. Aupperle, P.E. Aupperle Company, 10088 Circleview Drive, Austin, TX 78733 Phone & Fax: (512) 329-8241 Mobile: (512) 422-7838

**From 25-5-3 SMALL PROJECTS.**

(8) construction of a boat dock as an accessory use to a single-family residential use, duplex residential use, two-family residential use, or secondary apartment special use if shoreline modification or dredging is not required;

**From 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT.**

(C) Along Lake Travis, Lake Austin, or Town Lake:

(1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone;

**From 25-2-1172 DEFINITIONS.**

(7) SHORELINE ACCESS means improvements constructed to provide a means of approaching the shoreline such as stairs, lifts, trams, incline elevators or escalators.

**From 25-2-551 LAKE AUSTIN (LA) DISTRICT REGULATIONS.**

(A) In this section:

(1) SHORELINE means the 492.8 topographic contour line along the shores of Lake Austin.

(2) SHORELINE SETBACK means a line parallel to the shoreline and at a distance from the shoreline that is prescribed in this section.

(3) SHORELINE SETBACK AREA means an area between the shoreline and the shoreline setback.

(B) This subsection applies in a Lake Austin (LA) district.

(1) A shoreline setback area is excluded from impervious cover calculations.

(2) A permanent improvement is prohibited in a shoreline setback area, except for a retaining wall, pier, wharf, boat-house, or marina, or a driveway to the structures.

(3) Not more than 30 percent of the woody vegetation within a shoreline setback area may be removed.

(4) Except for surveying or testing, vegetation within a shoreline setback area may not be removed before a building permit is issued. For surveying or testing, areas up to 15 feet wide may be cleared, and trees smaller than six inches in diameter may be removed.

(5) Development is prohibited on land with a gradient that exceeds 35 percent. This prohibition does not apply to a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a pedestrian facility.

**Published in the Federal Register on July 26, 2011.**

The Department of Justice regulations further state that a "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. An accessible "path of travel" may consist of walks and sidewalks; curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements; and also includes the restrooms, telephones, and drinking fountains serving the altered area.

A person in any type of wheelchair is considered to be a pedestrian and must follow pedestrian rules.

**From Wikipedia**

A pedestrian is a person traveling on foot, whether walking or running. In some communities, those traveling using tiny wheels such as roller skates, skateboards, and scooters, as well as wheelchair users<sup>[1]</sup> are also included as pedestrians. In modern times, the term mostly refers to someone walking on a road or sidewalk, but this was not the case historically.

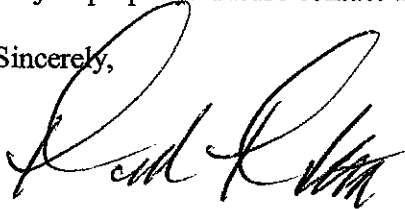
November 7, 2013

City of Austin  
Planning and Development Review Department  
PO Box 1088  
Austin, TX 78716

To Whom It May Concern:

I own the property at 3961 Westlake Drive, a.k.a Lot 109 of Lake Shore Addition of Travis County, Texas. I wish to build a pedestrian incline elevator on the property to access my existing dock and shoreline area. Bruce S. Aupperle, P.E. and Aupperle Company are our authorized agents for the City of Austin applications needed for the subject property. Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Roberts", with a large, stylized loop at the beginning.

Rod Roberts  
6034 W. Courtyard Ste. 205  
Austin, TX 78730