

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, April 14, 2014

CASE NUMBER: C15-2014-0011

☐ N ☐ Jeff Jack
☐ Y ☐ Stuart Hampton 2nd the Motion
☐ Y ☐ Ricardo De Camps
☐ N ☐ Bryan King
☐ N ☐ Fred McGhee
☐ Y ☐ Melissa Hawthorne Motion to Grant
☐ N ☐ Sallie Burchett

APPLICANT: Jim Bennett

OWNER: Carajeon & Branch Archer

ADDRESS: 5219 TORTUGA TRL

VARIANCE REQUESTED: The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 14, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO APRIL 14, 2014.**

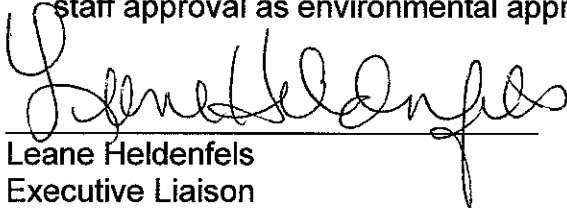
VARIANCE REQUEST: The applicant has requested a variance from Section 25-2-1174 (D) of the Structural Requirements for Docks, Bulkheads, and Shoreline Access in order to extend a bulkhead and fill in the area of a former boat dock in an "LA", Lake Austin zoning district. The Land Development Code states that a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Stuart Hampton second on a 3-4 vote (Board Members Jeff Jack, Bryan King, Fred McGhee, Sallie Burchett nay); **DENIED.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: other owners has been allowed same benefit of in filling a boat slip from side to side and able to obtain a variance and is in alignment with existing shoreline
2. (a) The hardship for which the variance is requested is unique to the property in that: without variance the owners will not be able to re-vegetate this small area

(b) The hardship is not general to the area in which the property is located because: many boat slips have been done like this and not all properties have cut end boat slips
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: Lake Austin Ordinance restricts the improvements it will also be subject to site plan and staff approval as environmental approval for its reconfiguration



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

24 April 2014



City of Austin
Board of Adjustment
505 Barton Springs Road
Austin TX 78704

RE: Reconsideration of case #C15-2014-0011

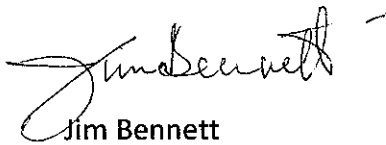
Dear Board Members:

Pursuant to your rules and regulations, I hereby request a reconsideration of case C15-2014-0011. This request is based on new evidence that wasn't addressed at the original hearing, as listed below:

1. A question was brought up by a Board member concerning the removal of existing concrete shown on the site plan. At that time we were unable to address the removal of the concrete, but are revising our plan to reflect the removal of the concrete, with City approval, which would be a plan amendment or new evidence.
2. The neighbor's objection documentation was recently found to be in error – his concern about maneuvering a boat is based entirely upon the assumption that the wind blows from the north. In fact, the wind in Austin primarily comes from the south 10 months out of the year as shown on attachment "Austinweather.doc". This is new evidence.
3. The neighbor's objection documentation showed the assumed future boat dock on our clients' property to be much closer to the property line and much larger than is allowed by code. See attached letter from the Archers showing it accurately. This is new evidence.
4. A Board member stated that most of the other properties in this area have indented boat slips and if this one were filled in it would change the character of the area. Research shows that indented slips were filled in and new boat docks constructed on this same small street at 5227 Tortuga Trail (2009-015192 EP) and at 5205 Tortuga Trail (SP-2009-0358D). There is a precedence for infilling boat slips on this street. Also, a permit for a new boat dock was recently granted for the property on the other side of the Archers - see attachment "5221 Tortuga Trail boat dock permit.pdf". This is new evidence showing that boat docks that protrude into the lake are being built in this area.

It appears that the Board acted arbitrarily in making the decision to deny this request. Two very, very similar requests with the exact same findings as this request were approved by the same board – see attached cases C15-2014-⁰⁰12 and C15-²⁰¹⁴⁻⁰⁰¹⁰~~XXXX~~. To my knowledge, this is the first time an indented boat slip infill has been denied. The Archers are being asked to adhere to a different standard from other property owners along the lake, as none of the others have been prevented from filling in their indented slips.

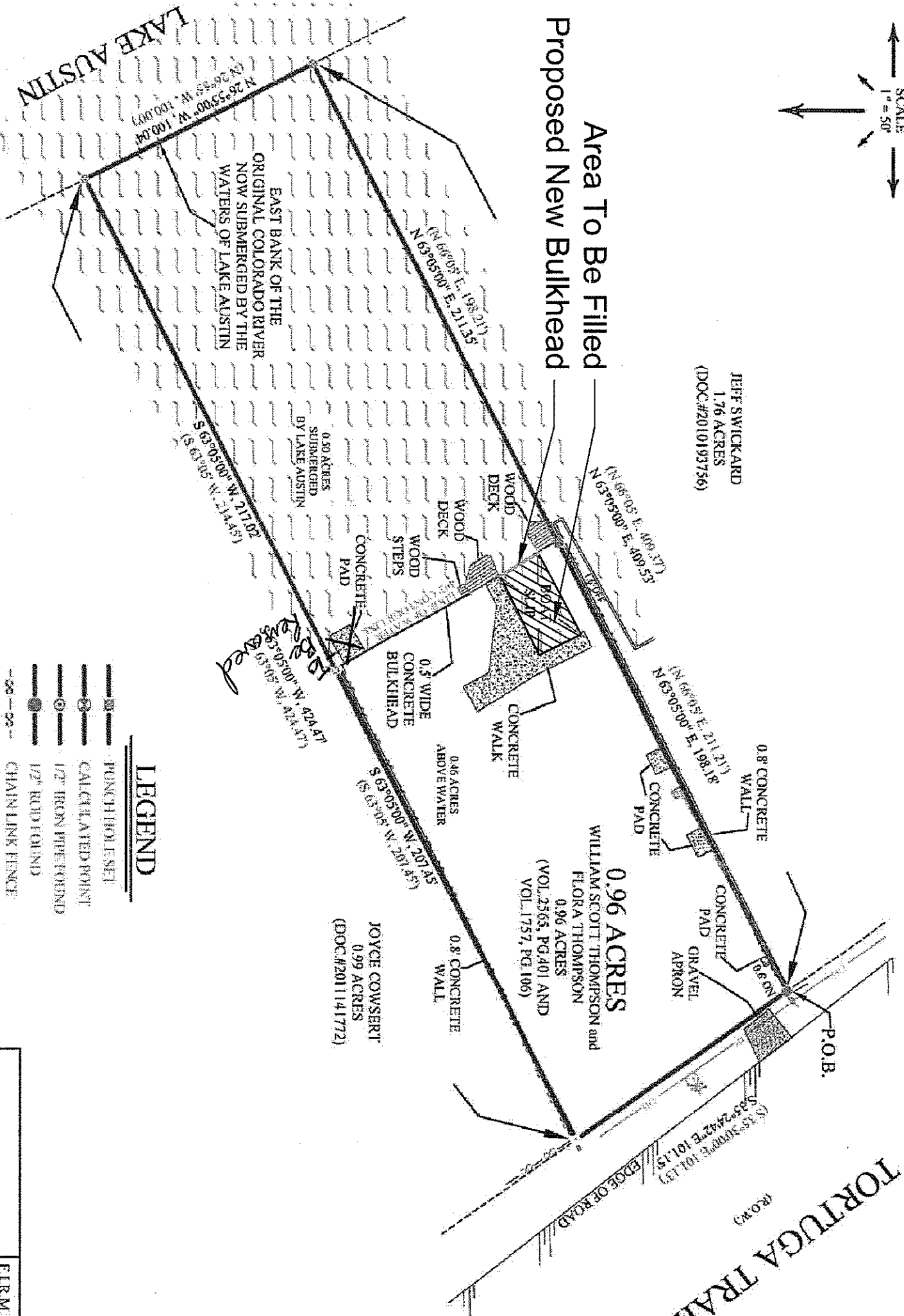
Thank you for your consideration.


Jim Bennett



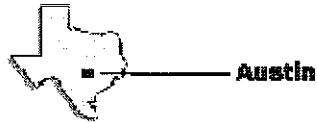


**Area To Be Filled
Proposed New Bulkhead**



LEGEND

- | | |
|-----|----------------------|
| | PUNCH HOLE SET |
| | CALCULATED POINT |
| | 1/2" IRON PIPE FOUND |
| | 1/2" ROAD FOUND |
| | CHAIN LINK FENCE |
| () | RECORD INFORMATION |

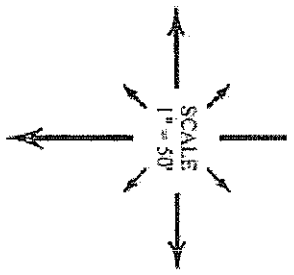


Austin

Austin (climate records)	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Annual
Avg High	58.9	63.4	71.9	79.4	84.7	91.1	95.0	95.5	90.5	82.1	71.8	62.0	78.9
Avg Low	38.6	42.1	51.1	59.8	66.5	71.5	73.9	73.9	69.8	60.0	49.9	41.2	58.2
Avg Rain	1.89	1.99	2.14	2.51	5.03	3.81	1.97	2.31	2.91	3.97	2.68	2.44	33.60
Avg Snowfall	0.5	0.3	-	-	-	-	-	-	-	-	0.1	-	0.9
Avg Wind	N/ 9.2	S/ 10.4	S/ 11.5	S/ 11.5	SE/ 11.5	SE/ 10.4	S/ 9.2	S/ 8.1	S/ 8.1	S/ 8.1	S/ 9.2	N/ 9.2	S/ 9.7
Max Wind speed	52	55	56	51	63	54	44	47	81	46	49	63	81
Avg T-storm Days	1	2	3	5	7	5	4	5	4	3	2	1	41
# Tornadoes in county 1950-2009	1	-	10	6	17	3	2	5	7	2	6	1	60
Incidents in county w/ hail => 1.75" 1950-2009	-	3	32	23	45	8	-	1	4	5	-	-	121
Avg relative humidity 3pm	53	51	47	50	53	49	43	42	47	47	47	49	48
Discomfort from heat/humidity	-	-	-	Mod	Med	High	High	High	High	Med	-	-	
Max UV Index	Mod	High	Very High	Very High	Extr	Extr	Extr	Extr	Very High	High	Mod	Mod	
% possible Sunshine	48	51	55	54	56	69	75	75	66	64	55	49	60

Clear days	9	8	9	8	7	8	12	12	11	13	11	10	116
Partly cloudy days	6	6	8	8	11	15	13	14	11	9	7	6	114
Cloudy days	16	14	14	14	13	7	6	5	8	9	12	15	135
Days with fog	3	3	3	1	1	0	1	0	1	2	3	3	21
Highest Temperature	90	98	98	98	104	108	108	112	112	100	91	90	112
Record hottest month, mean temp	1952 59.1	1999 62.3	1967 67.3	1967 75.9	1996 80.6	2008 87.4	2011 89.7	2011 91.6	2005 84.4	1931 77.2	1973 65.1	1933 58.9	Aug 2011, 91.6
Lowest Temperature	-2	-1	18	30	40	51	57	58	41	30	20	4	-2
Record coldest month, mean temp	1940 38.6	1978 45.0	1965 53.4	1931 62.8	1979 71.4	1940 76.6	1976 80.2	1971 81.2	1974 72.2	1976 61.3	1976 51.6	1983 41.9	Jan 1940, 38.6
Avg Days above 90	-	-	1	2	7	22	28	28	18	4	-	-	111
Avg Days below 32	8	4	1	-	-	-	-	-	-	-	1	5	19

05-2014-0011



5219 Tortuga Trail

Area To Be Filled
Proposed New Bulkhead

JEFF SWICKARD
1.76 ACRES
(DOC#2010193736)

0.96 ACRES
WILLIAM SCOTT THOMPSON and
FLORA THOMPSON
(VOL. 2365, PG. 401 AND
VOL. 1757, PG. 106)

JOYCE COWSERT
0.99 ACRES
(DOC#2011141772)

LAKE AUSTIN

EAST BANK OF THE
ORIGINAL COLORADO RIVER
NOW SUBMERGED BY THE
WATERS OF LAKE AUSTIN

N 26° 55' 00" W, 100.04'
(N 26° 55' W, 100.00')

N 69° 05' 00" E, 211.35'
(N 69° 05' E, 198.21')

N 63° 05' 00" E, 409.53'
(N 63° 05' E, 409.37')

N 63° 05' 00" E, 198.18'
(N 63° 05' E, 211.21')

S 63° 05' 00" W, 211.02'
(S 63° 05' W, 211.45')

S 63° 05' 00" W, 201.85'
(S 63° 05' W, 201.47')

0.8' CONCRETE
WALL

CONCRETE
PAD

CONCRETE
PAD

GRAVEL
APRON

P.O.B.

S 12° 30' 00" E, 101.13'
(S 12° 30' E, 101.15')

TORTUGA TRAIL

LEGEND

- PIERCED HOLE SITE
- CALCULATED POINT
- 1/2" IRON PIPE FOUND
- 1/2" ROD FOUND
- CHAIN LINK FENCE
- RECORD INFORMATION

FIRM

5219 Tortuga Trail

March 30, 2003



October 31, 2013



Powerpoint
presented at
4/14/14
hearing

TORTUGA TRAIL
(R.O.N.)

0.96 ACRES
WILLIAM SCOTT THOMPSON and
FLORA THOMPSON
0.96 ACRES
(VOL. 2365, PG. 401 AND
VOL. 1757, PG. 106)

JOYCE COWSERT
0.99 ACRES
(DOC#201141772)

**Area To Be Filled
Proposed New Bulkhead**

**EAST BANK OF THE
ORIGINAL COLORADO RIVER
NOW SUBMERGED BY THE
WATERS OF LAKE AUSTIN**

LAKE AUSTIN

LEGEND

1. ☐ HUNGARY
 2. ☐ CALIFORNIA
 3. ☐ 17 IRON PIPE FOUND
 4. ☐ 17' ROAD FOUND
 5. ☐ CHAIN LINK FENCE
 6. ☐ RECORD INFORMATION

F.J.R.M.

RECORD INFORMATION

CITY OF AUSTIN

CASE NUMBER: C15-2014-0011

_____ Jeff Jack
 _____ Michael Von Ohlen
 _____ Ricardo De Camps
 _____ Bryan King
 _____ Fred McGhee
 _____ Melissa Hawthorne
 _____ Sallie Burchett

OWNER: Carajeon & Branch Archer

VARIANCE REQUESTED: The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 14, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO APRIL 14, 2014.**

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:

Jeff Jack
Chairman


Jeff Jack
Chairman

Ramirez, Diana

From: Lynn Ann Carley <~~lcarley@chaustin.com~~>
Sent: Wednesday, March 05, 2014 11:18 AM
To: Ramirez, Diana
Subject: #C15-2014-0011 - Backup materials
Attachments: boa letter.PDF; revised exhibits.pdf

Importance: High

Hi Diana, Attached is a letter and exhibits that we would like to have included in the backup materials to the BOA for the March 10, 2014 hearing date. It is in reference to case #C15-2014-0011.

March 3, 2014

City of Austin Board of Adjustment

Jeff Jack, Chair
Melissa Hawthorne, Vice Chair
Sallie Burchett
Ricardo De Camps
Stuart Hampton

Bryan King
Dr. Fred McGhee
Will Schnier
Michael von Ohlen

Re: 5219 Tortuga Trail (C15-2014-0011)

Dear Chair and Board of Adjustment Members:

We are the owners of the property located next door to the above referenced application, which is owned by Mr. and Ms. Archer. We are concerned about the variance to fill in the existing boat slip and recapture additional land, since the owners are proposing to recapture land so that they may construct a new boat dock that extends 30 feet into the lake, as shown on attached Exhibit A. Based on the plans provided by the owner's engineer and architect, the new boat dock will be located 10 feet from our shared property line. If the variance to recapture additional land is granted, we ask that any future boat dock be required to offset at least 40 feet from the property line that is shared between our two properties, based on the following information.

Today there are two adjoining slips, neither of which protrude into the main body of Lake Austin. Significant winds are present throughout the year from either down lake (from Pennybacker Bridge towards Mansfield Dam) or up lake (from Mansfield Dam towards Pennybacker Bridge). When backing out of the slip with the prevailing wind coming from up lake (Pennybacker Bridge towards Mansfield Dam), safe navigation requires turning and allowing the bow of the boat to swing downwind about the propulsion outdrive axis. With parallel boat slips, sufficient navigating room is provided, as shown on Exhibit B. Our concern is that the proposed boat dock will create a potentially hazardous obstruction to the existing safe and recommended navigation into and out of the slips.

Prevailing winds run with the lake in either direction towards or away from the Pennybacker Bridge. They can be unpredictable and accompanied by strong gusts which create significant lake "chop". Standard navigational practice when entering the slip under such conditions is to approach the boat slip moving into the wind using the force of the wind to turn the boat while making the final maneuver to dock the boat into the slip off the main body of the lake. An approach into the wind provides the maximum amount of control of the boat for increased safety during the docking process, as shown in Exhibit C. Approaching the boat slip with the wind or "running with the wind" is not recommended, since the ability to turn the boat into the slip with the wind aft is extremely challenging. The increased momentum with the wind results in overshooting the slip and movement of the boat further down lake.

The Archer's proposed dock will protrude from the shoreline and run directly parallel to our existing slip line of travel. The new structure will act as an obstruction making a safe approach to our slip with the wind extremely difficult and dangerous. The risk of being blown directly into the new structure is highly probable and the existing safe approach into the slip will no longer be possible, as shown in Exhibits D and E. A new safety hazard will exist while backing out of our slip and this safety hazard will be magnified for single passenger water craft such as a jet ski. There will be no room to provide power to move away from the proposed new dock and into the wind resulting in the boat or watercraft striking and potentially running underneath the new structure.

For these reasons, we ask that if the variance to recapture the additional land is granted, that the variance be conditioned so that any future boat dock is required to offset at least 40 feet from the property line that is shared between our two properties.

Thank you for your time and consideration in this matter. If you have any questions, comments, or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Swickard and Chris Hattasch". The signature is fluid and cursive, with a large, sweeping "J" at the beginning and a long, horizontal flourish extending to the right.

Jeff Swickard and Chris Hattasch

Today's Parallel Neighboring Slip Arrangement
Google Maps

Tortuga Trail, Austin, TX

Tortuga Trail, Austin TX 78731

Explore this area · Traffic · Bicycling · Terrain

X

Q

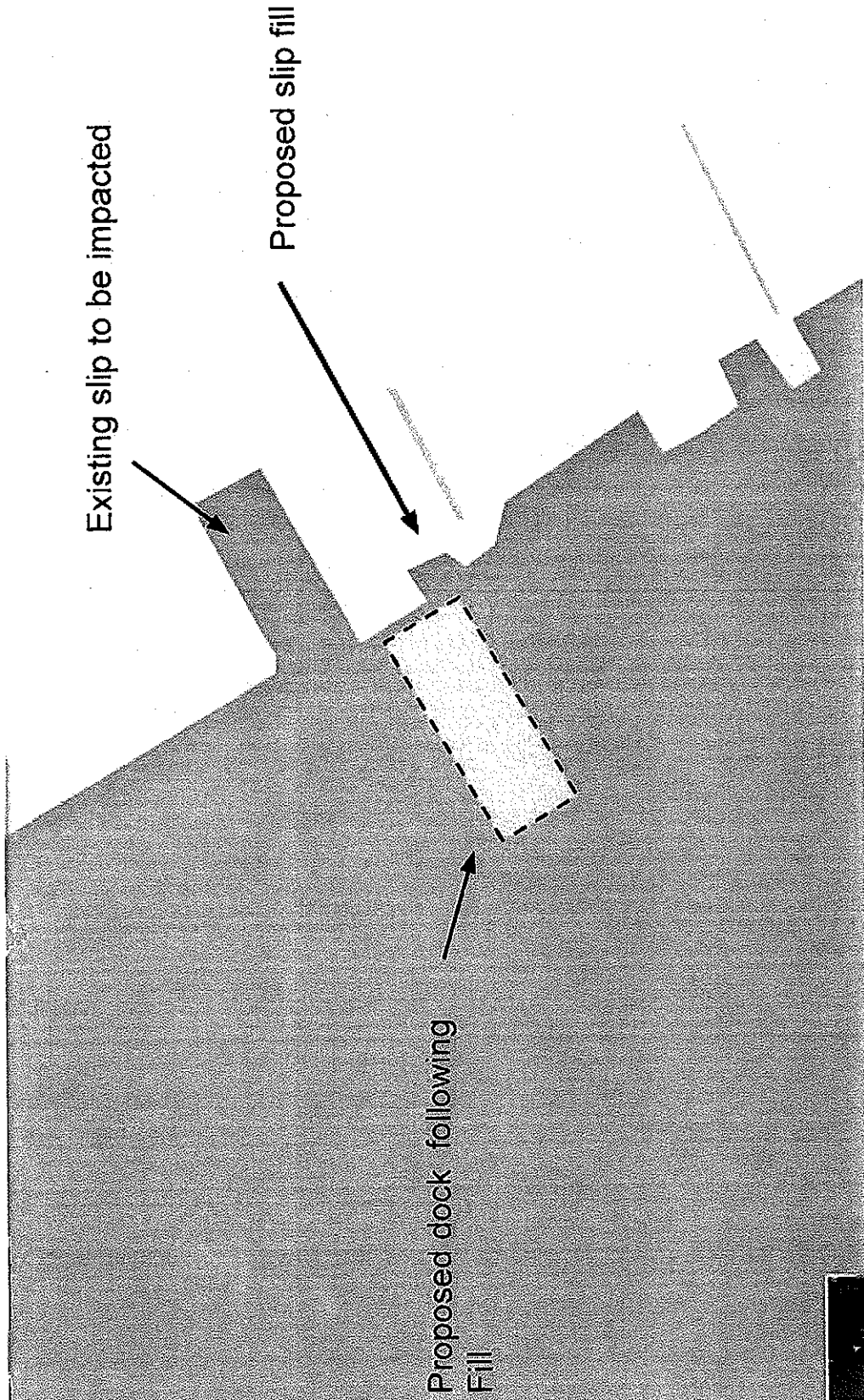
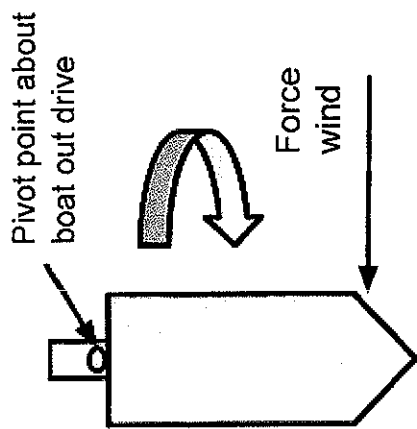
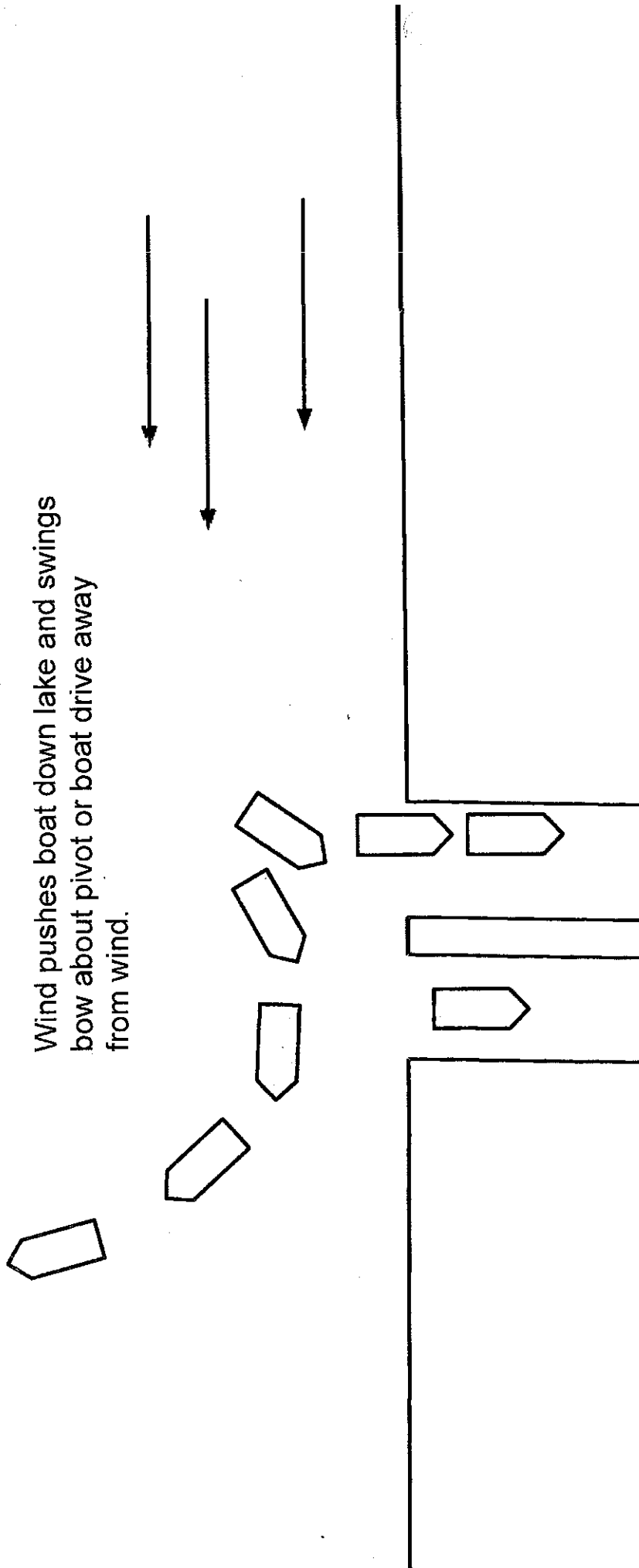


EXHIBIT A

Mansfield Dam ← Pennybacker Bridge



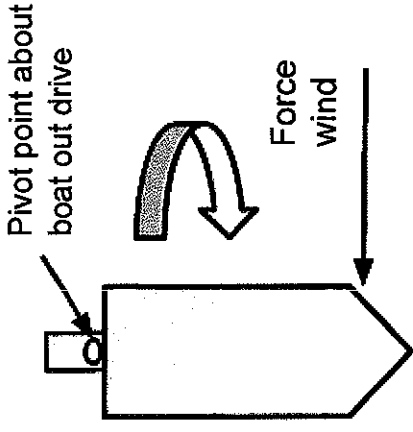
Wind pushes boat down lake and swings bow about pivot or boat drive away from wind.



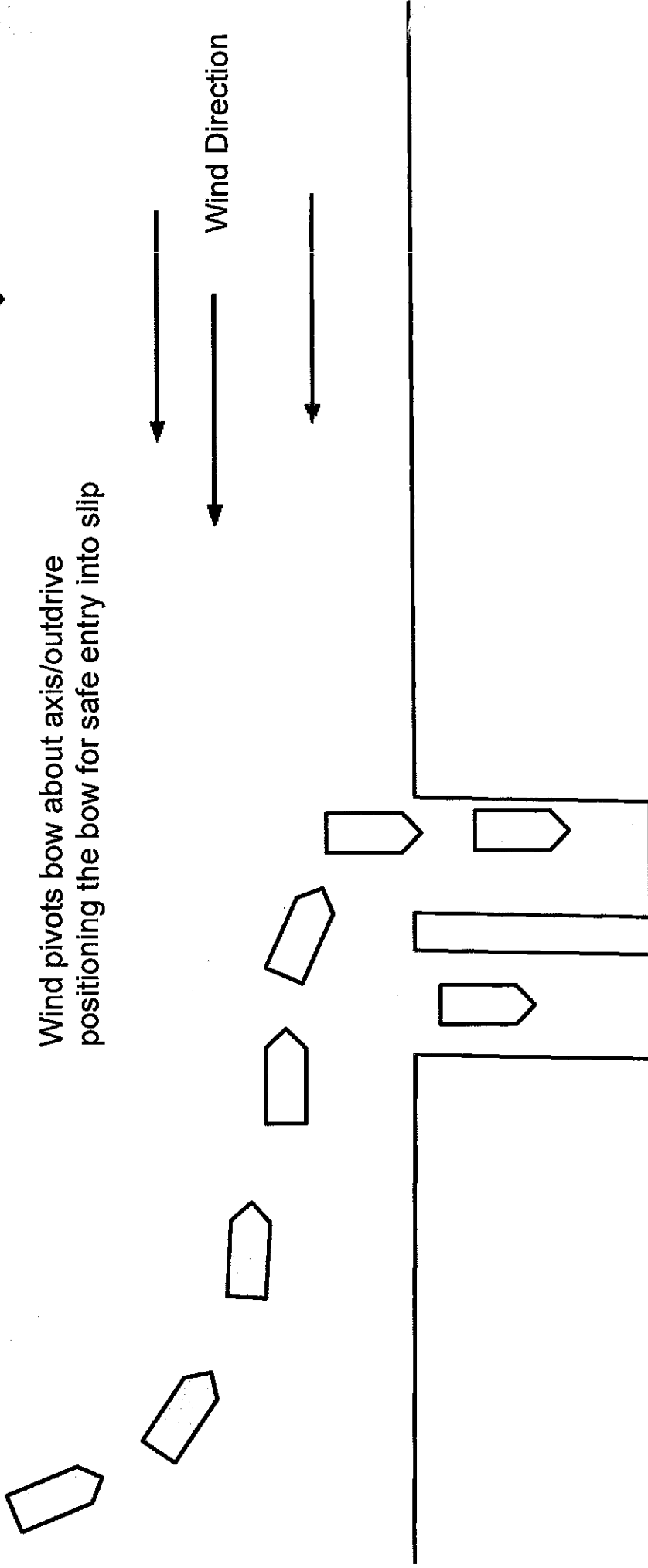
Boat Slips Today, Leaving Slip Wind Direction From Up Lake

EXHIBIT B

Mansfield Dam ← Pennybacker Bridge



Wind pivots bow about axis/outdrive positioning the bow for safe entry into slip



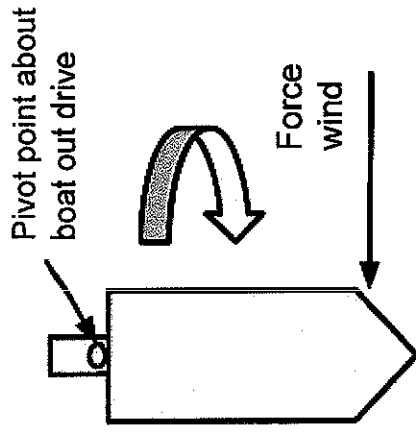
Boat Slips Today, Entering Slip Safe and controlled entry Into
Wind Direction From Up Lake

EXHIBIT C

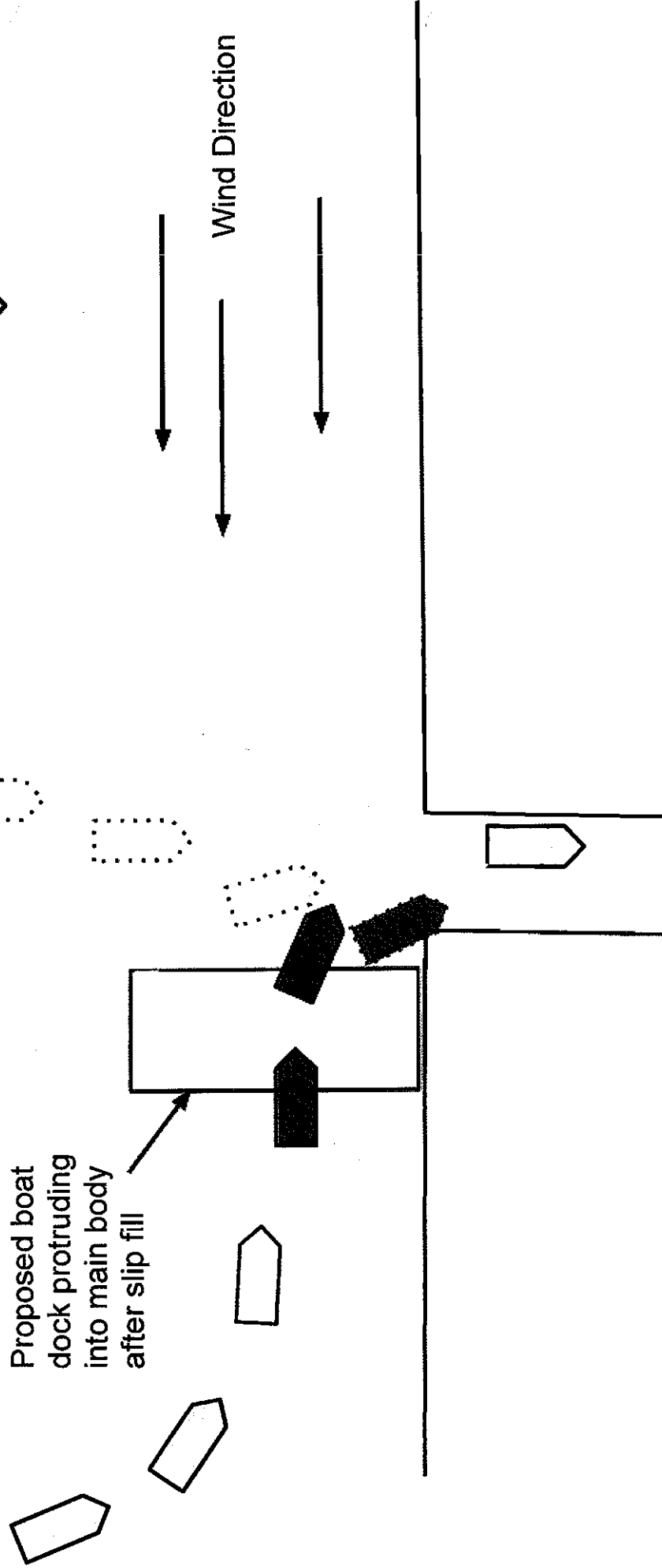
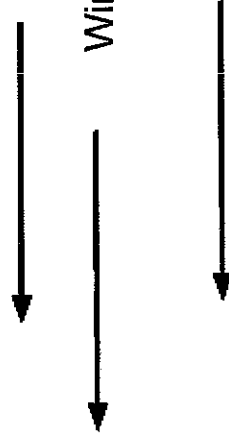
Mansfield Dam ← Pennybacker Bridge

Safe approach into wind no longer possible.
Other approach scenarios do not allow for
safe entry into slip or ability to remaneuver.

Proposed boat
dock protruding
into main body
after slip fill



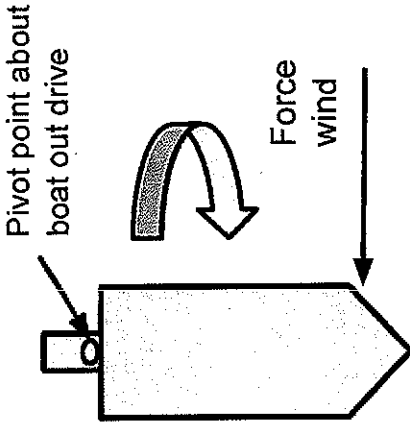
Wind Direction



Proposed Arrangement, Entering Slip with safe and controlled
entry Into Wind Not Possible Direction From Up Lake

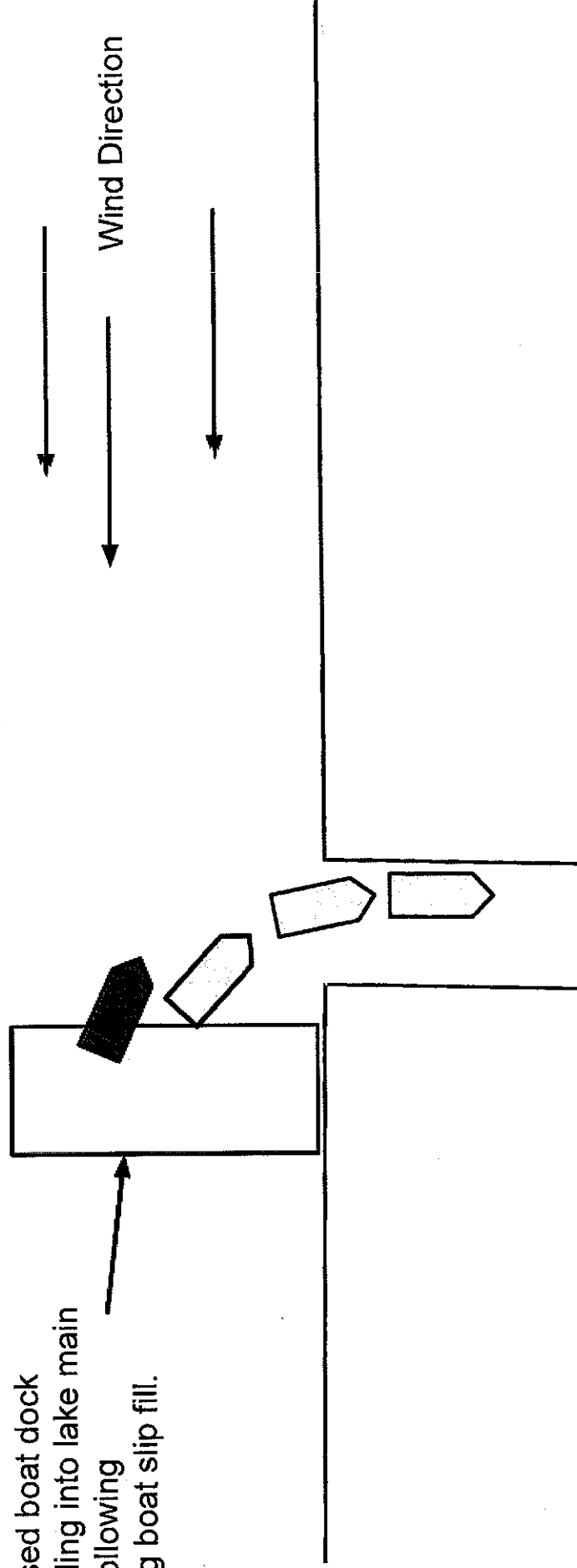
EXHIBIT D

Mansfield Dam Pennybacker Bridge



Leaving the slip would require turning the bow into the wind which would swing the stern into the proposed dock potentially resulting in property damage and/or injury.

Proposed boat dock protruding into lake main body following existing boat slip fill.



Proposed Arrangement, Existing slip filled and proposed boat dock protruding into main body. Leaving slip requires unsafe maneuver turning the bow into the wind.

EXHIBIT E

TORTUGA TRAIL
(R.O.W.)

R.O.W.

-P.O.B.

(S 35°30'00"E 101.13')
S 35°24'42"E 101.15'

CONCRETE
PAD
GRAVEL
APRON

0.96 ACRES
WILLIAM SCOTT THOMPSON
FLORA THOMPSON
0.96 ACRES
(VOL. 2565, PG. 401 AND
VOL. 1757, PG. 106)

JOYCE COWSERT
0.99 ACRES
(DOC.#201141772)

0.8' CONCRETE
WALL
1.219
1.9818
CONCRETE

JEFF SWICKARD
1.76 ACRES
(DOC.#2010193756)

66° 05' E, 409.53' N
409.53' E, 60° 05' N

Area To Be Filled Proposed New Bulkhead

CONCRETE
WALK

0.46 ACRES
ABOVE WATER

0.5' WIDE
CONCRETE
BULKHEAD

CONCRETE
PAD

0.50 ACRES
SUBMERGED
BY LAKE AUSTIN

EAST BANK OF THE
ORIGINAL COLORADO RIVER
NOW SUBMERGED BY THE
WATERS OF LAKE AUSTIN

N 26°55'00" W, 100.04'
(N 26°55' W, 100.00')

LAKE AUSTIN

LEGEND

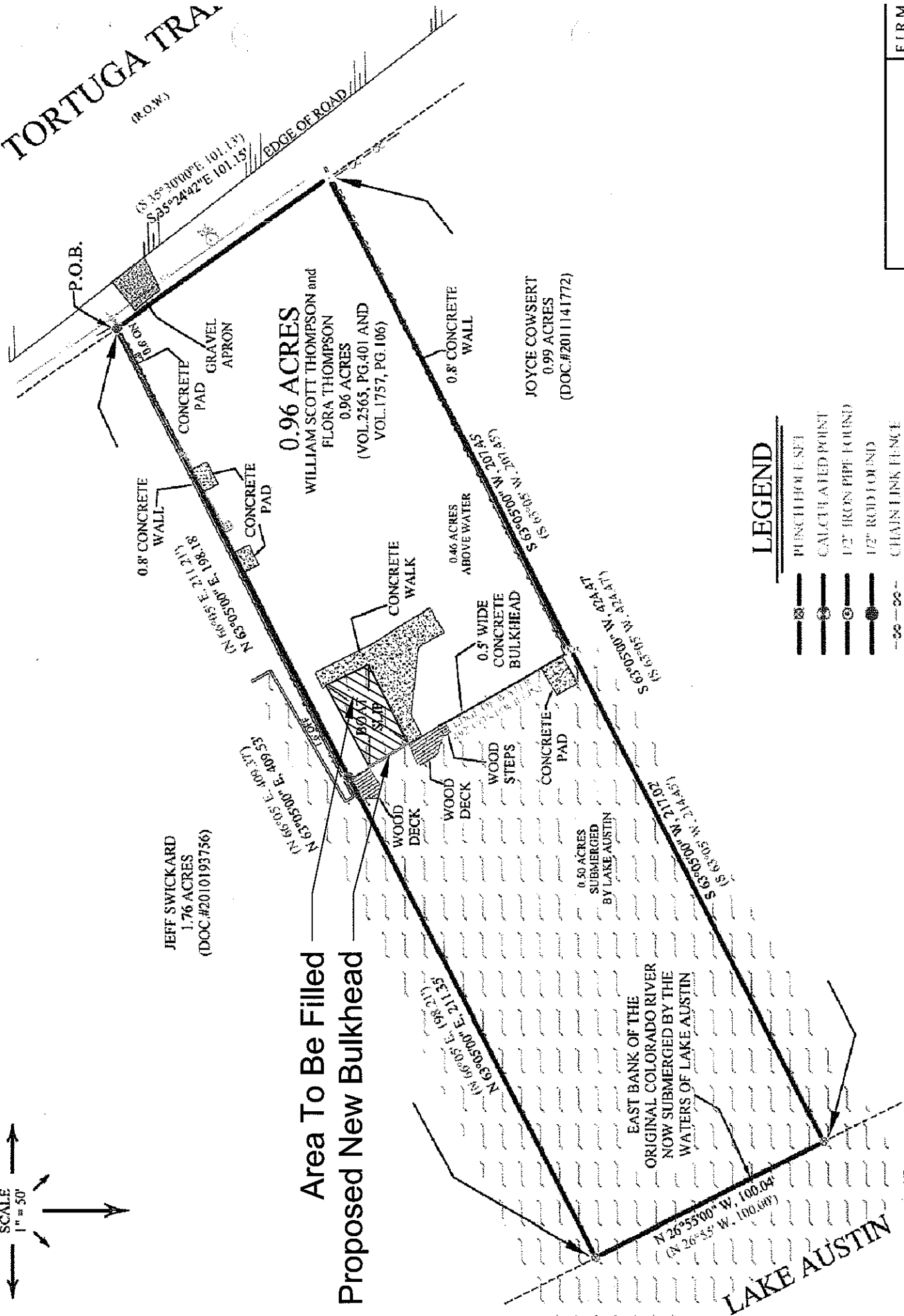
[illegible][illegible]

2000

Quinn, J. A. 1993. *Phylogeny and Biogeography of the Fishes of the Order Cyprinodontiformes*. Ph.D. Dissertation, University of Texas at Austin.

The figure consists of 12 small, black-and-white line drawings arranged in a vertical column. These drawings illustrate the developmental stages of a larva. The stages begin with a simple, segmented worm-like creature and progress through various intermediate forms, including those with more pronounced head segments and tail-like structures, eventually leading to a more complex, segmented form with a distinct head and tail.

F.L.R.M



CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, January 13, 2014

CASE NUMBER: C15-2014-0011

____ Jeff Jack
____ Michael Von Ohlen
____ Will Schnier
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Jim Bennett

OWNER: Carajeon & Branch Archer

ADDRESS: 5219 TORTUGA TRL

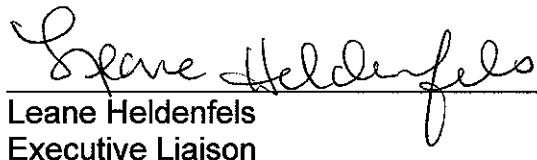
VARIANCE REQUESTED: The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

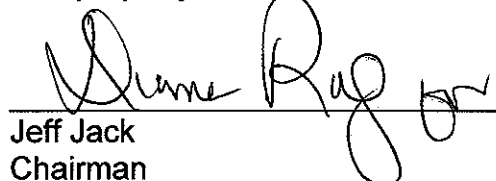
BOARD'S DECISION: POSTPONED TO MARCH 10, 2014

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:


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY, P.E.
(512) 435-2378
lcarley@abaustin.com

January 13, 2014

Susan Walker
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: 5219 Tortuga Trail (the "Application")

Dear Ms. Walker:

This firm represents and this letter is submitted on behalf of Jeff Swickard, the owner of the property located adjacent to the above referenced Application.

Mr. Swickard only found out about the variance request yesterday, after being contacted by one of his neighbors that the BOA notification signs were initially placed on his property. The signs were later moved to the correct lot.

Since Mr. Swickard will be out of town until March 2014, we respectfully request an eight week postponement to March 10, 2014 in order to allow him time to discuss the project with the Applicant.

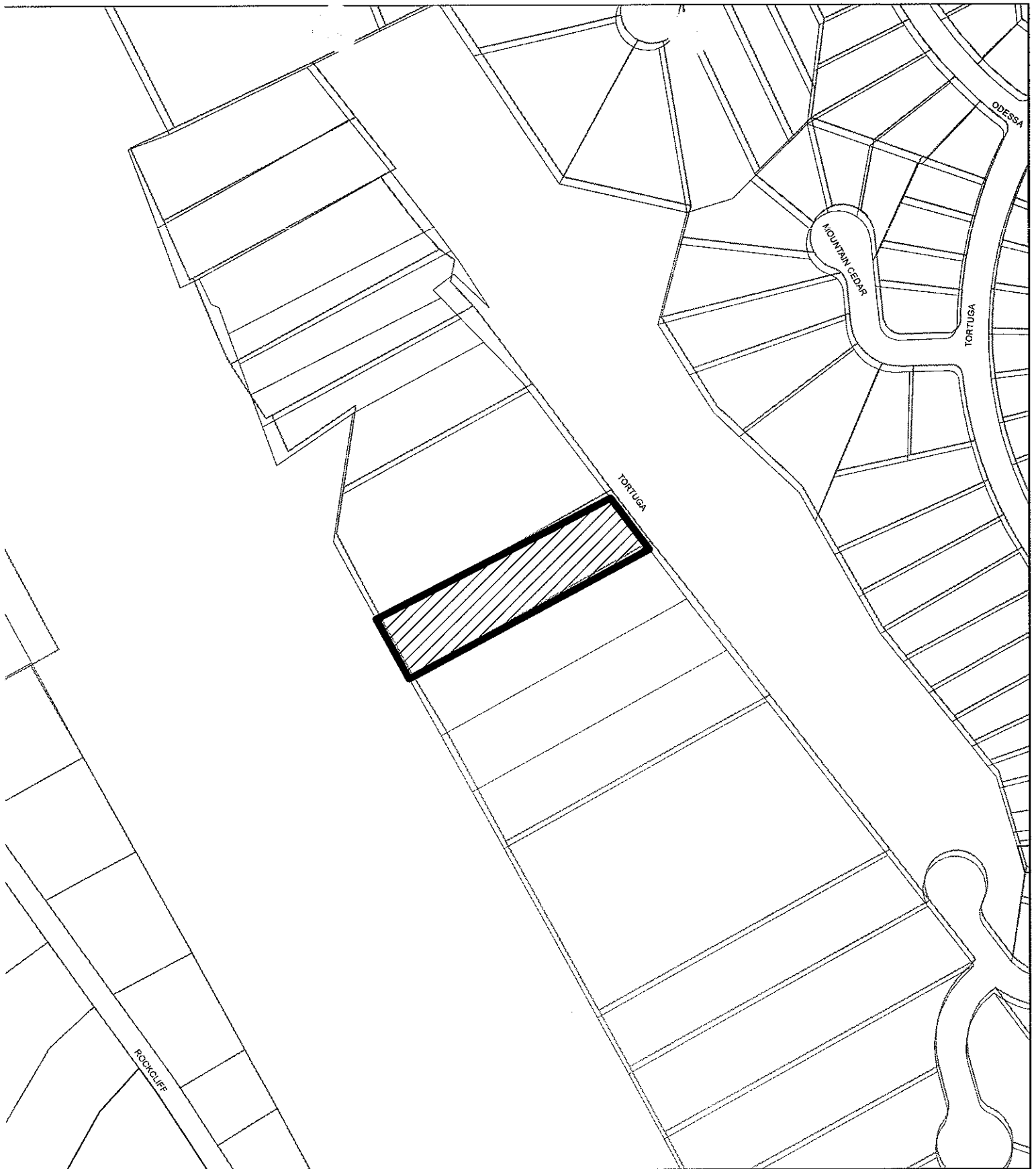
Thank you for your time and consideration in this matter. If you have any questions, comments, or need additional information, please do not hesitate to contact me.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

cc: Diana Ramirez, COA
Jeff Swickard
David Armbrust



SUBJECT TRACT

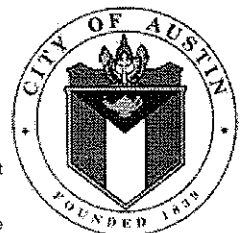


ZONING BOUNDARY

CASE#: C15-2014-0011
LOCATION: 5219 Tortuga Trail

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 the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



C15-2014-0011

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
2. **the owner of the property will be deprived from the use of his property in a similar manner as other property owners along the lake have been authorized, and obtained permit to do, Without a variance the owner cannot enjoy the use of his property.**

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: A recent amendment to the process has occurred which makes the variance necessary in order to construct a bulkhead, back fill, and landscape this small area

. Without a variance a continued health and safety condition will continue to exist, and the owners will not be able to re-vegetate this small area.

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

Many boatslips along the lake have been redeveloped under the previous ordinance.

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 redevelopment is to the rear of the property and the Lake Austin Ordinance severely restricts the improvements that maybe made in the shoreline setback.

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:

June 28, 2013

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

C15-2014-0011

To Whom It May Concern:

We, Branch and Carajeon Archer, own the property at 5219 Tortuga Trail. We wish to demolish the existing boat dock and replace it with a new dock and to construct a new bulkhead lakeside of my existing bulkhead at the property. Bruce S. Aupperle, P.E. and Aupperle Company are our authorized agents for the City of Austin applications needed for the subject work at the property. Please contact me if you have any questions.

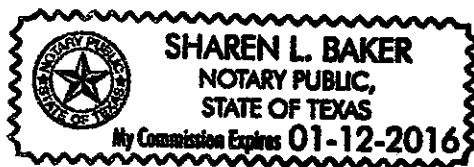
Owner's Signature Branch Archer
Branch Archer

Owner's Signature Carajeon Archer
Carajeon Archer

Sworn and subscribed before me this 1st day of July, 2013

Notary Public in and for the State of Texas

My Commission expires: 1/12/2016



CASE # C15-2014-0011

ROW- 11 061444

TP- 013109-02-08

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

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

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

STREET ADDRESS: 5219 Tortuga Trail

LEGAL DESCRIPTION: Subdivision – T. J. Chambers .96 acre (C8i-2012-145)

Lot(s) . 96 of 1 acre Block Outlot Division

I Jim Bennett as authorized agent for Carajean & Branch Archer

 affirm that on 12/4/13 hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

To erect a bulkhead on an existing cut-in boat slip, back fill and re-vegetate

 in a LA district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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

REASONABLE USE:

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

HARDSHIP:

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

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

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: _____

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: _____

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:

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 11505 Ridge Dr.

City Austin, State Texas, & Zip 78748

Printed : Jim R. Bennett Phone: (512) 282-3079 _____ Date:

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

Project Name: 5219 Tortuga Trail

Project Owner: Carajean & Branch Archer

Project Address: 5219 Tortuga Trail, Austin TX 78731

Principle Residence: 5219 Tortuga Trail

Project Scope: Boat Dock, Fill In Existing Boat Slip, New Bulkhead Lake Side

Project EA: Required for Boat Dock, Fill In Slip and Bulkhead

Gate Code: NA

Grid: G28

MapsCo: 524X

Zoning: LA

Project Description: New two-slip dock 2-story 20' x 30' dock, fill in existing slip, new bulkhead and appurtenances.

Related Cases: C8I-2012-0145

Project Legal Description: ABS 7 CHAMBERS T J ACR .96, C8I-2012-0145

Flood Plain Map: 430H

Flood Plain Elev.: 496.5'



**City of Austin
Planning and Development Review
Land Status Determination
1987 Rule Platting Exception**

June 15, 2012

File Number: C8I-2012-0145

Address: 5219 TORTUGA TRL

Tax Parcel I.D. # 0131090208

Tax Map Date: 04/27/2009

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

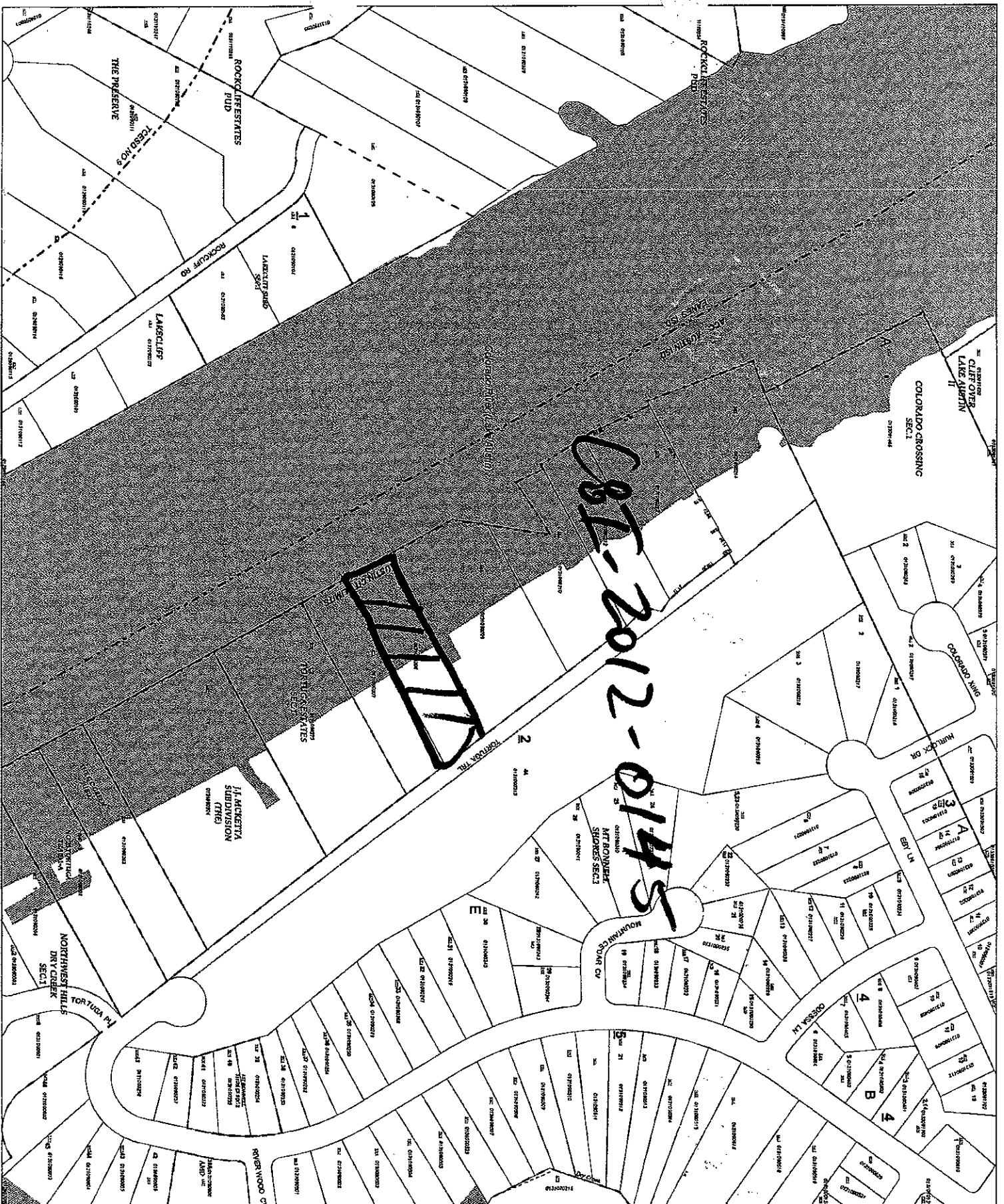
The parcel of land consists of five acres or less, and is described as being .96 of one acre of land, being a portion of the T.J. Chambers 8 League Grant in the current deed, recorded on Jan 07, 1963, in Volume 2565, Page 401, Travis County Deed Records. This parcel existed in its current configuration on August 31, 1987, as evidenced by a deed recorded on Jan 07, 1963, in Volume 2565, Page 401, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on August 31, 1987, as evidenced by electric service on Jun 02, 1978. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

See C8s-85-142 and C8-97-0098.0A for information regarding roadway status for Tortuga Trail. Approval of this request for a land status determination should not be construed to be an acceptance of Tortuga Trail for improvements or maintenance.

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: 
**Daniel Word, Representative of the Director
Planning and Development Review**



1 3109

Revision Date
4/27/2009

0 100 Feet

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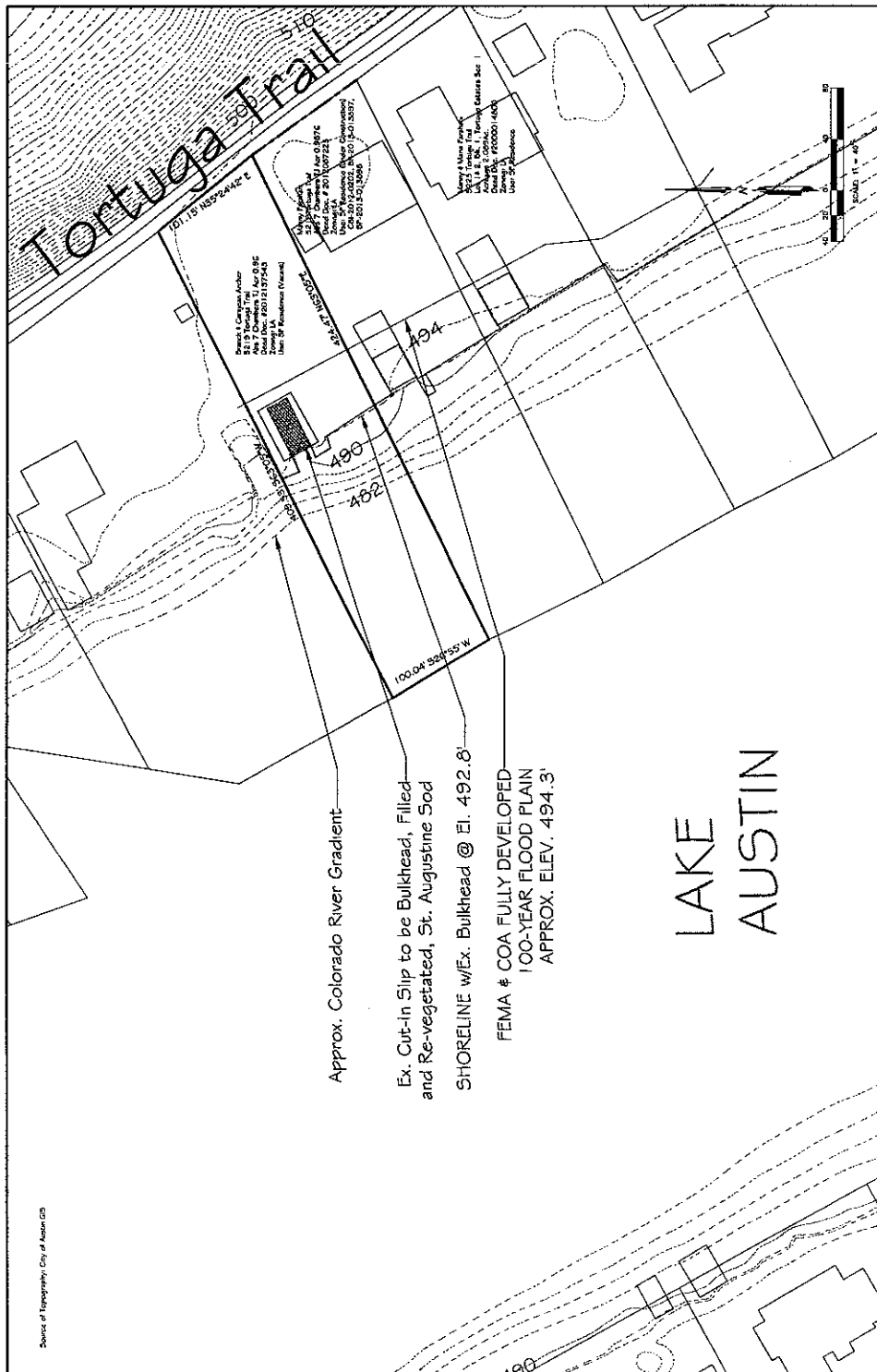
NAD_1983_StatePlane
Texas_Central_FIPS_4203_Feet
Projection: Lambert_Conformal_Conic



This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
P.O. Box 149012
Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number (512)-834-9317
Appraisal Information (512) 834-9318
TDD (512) 836-3328

5219 TORTUGA TRAIL



Source of Topography: City of Austin GIS

NO.	DATE	REVISION	APPROVED
1			
2			
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8			
9			
10			



AUPPERLE COMPANY
 Engineering, Planning & Development Services
 10088 Custerway Drive, Austin, Texas 78733 512.329.8241

5219 TORTUGA TRAIL
 SITE PLAN

DESIGNED BY	5219 TORTUGA TRAIL
APPROVED BY	5219 TORTUGA TRAIL
DATE	05/20/15
SHEET	1 OF 1