

## CITY OF AUSTIN

## Board of Adjustment/Sign Review Board

## Decision Sheet

**DATE: Monday, April 14, 2014**

**CASE NUMBER: C15-2014-0052**

\_\_\_\_\_ Jeff Jack  
 \_\_\_\_\_ Stuart Hampton  
 \_\_\_\_\_ Ricardo De Camps  
 \_\_\_\_\_ Bryan King  
 \_\_\_\_\_ Fred McGhee  
 \_\_\_\_\_ Melissa Hawthorne  
 \_\_\_\_\_ Sallie Burchett

**APPLICANT: CAROLYN AUPPERLE**

**OWNER: Manny Farahani**

**ADDRESS: 5221 TORTUGA TRL Bldg BD**

**VARIANCE REQUESTED:** 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.**

**POSTPONED TO MAY 12, 2014 REQUEST OF APPLICANT**

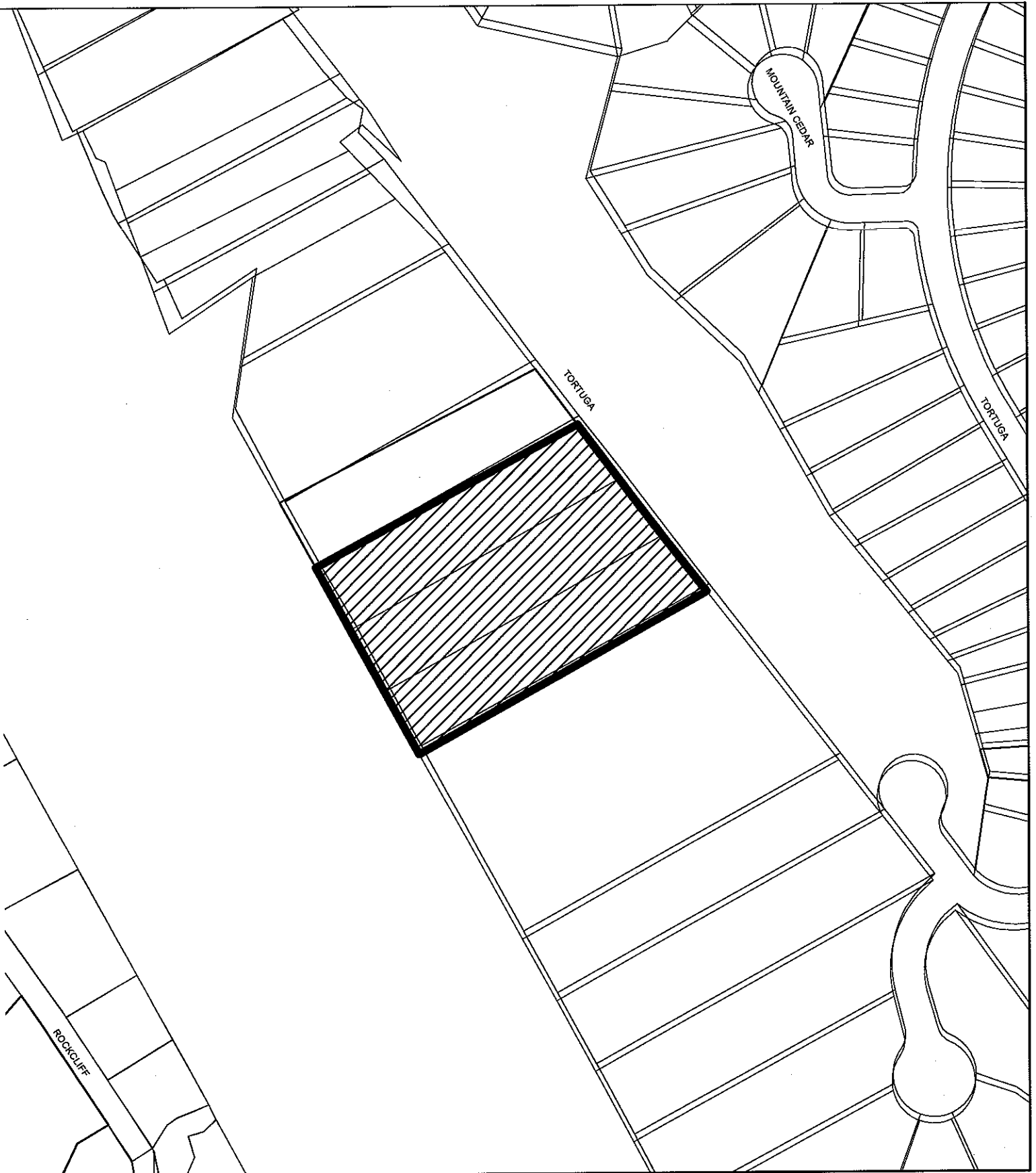
**FINDING:**

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**





N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2014-0052  
LOCATION: 5221 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.

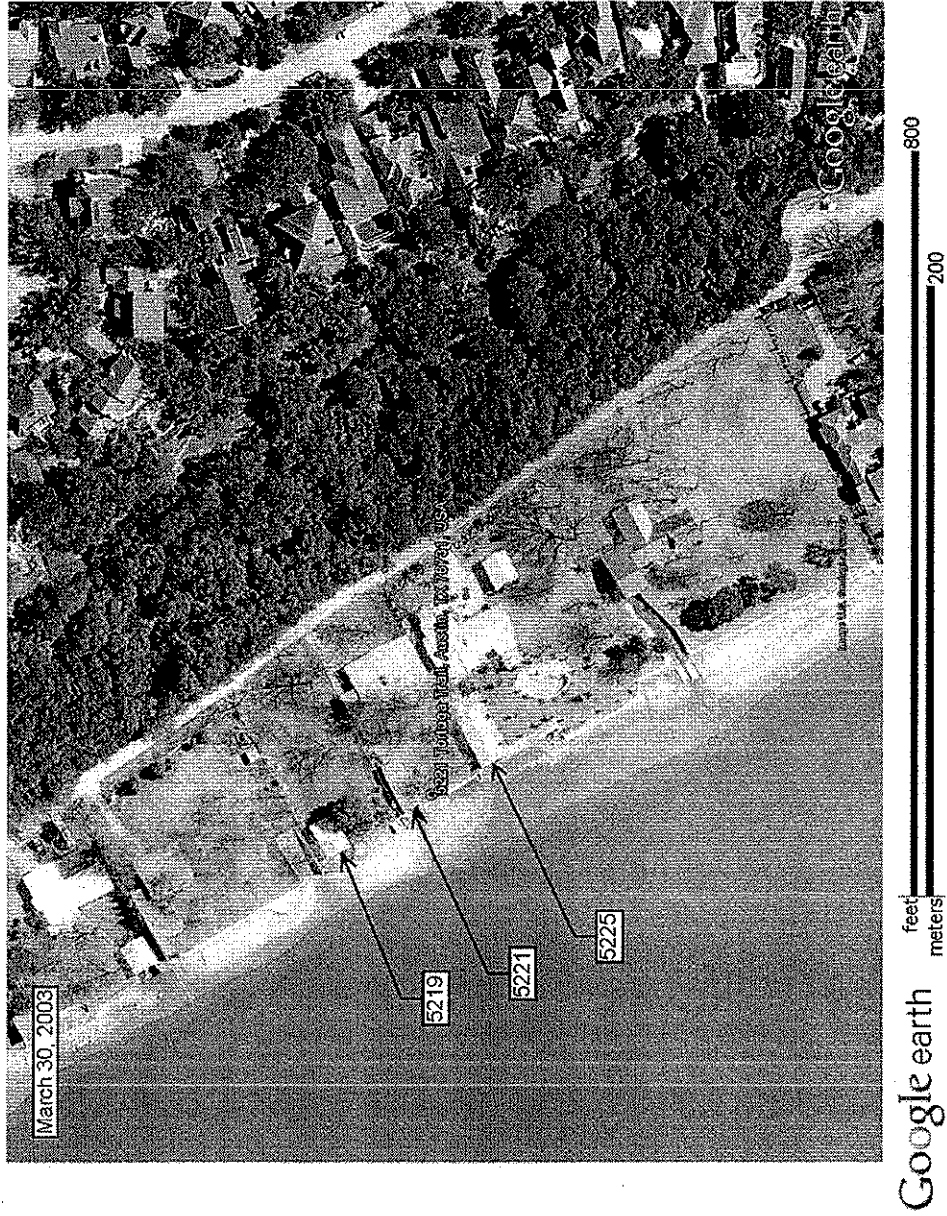
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





5221 & 5225  
Tortuga Trail

powerpoint presented  
© 4/14/14  
hearing







Google earth

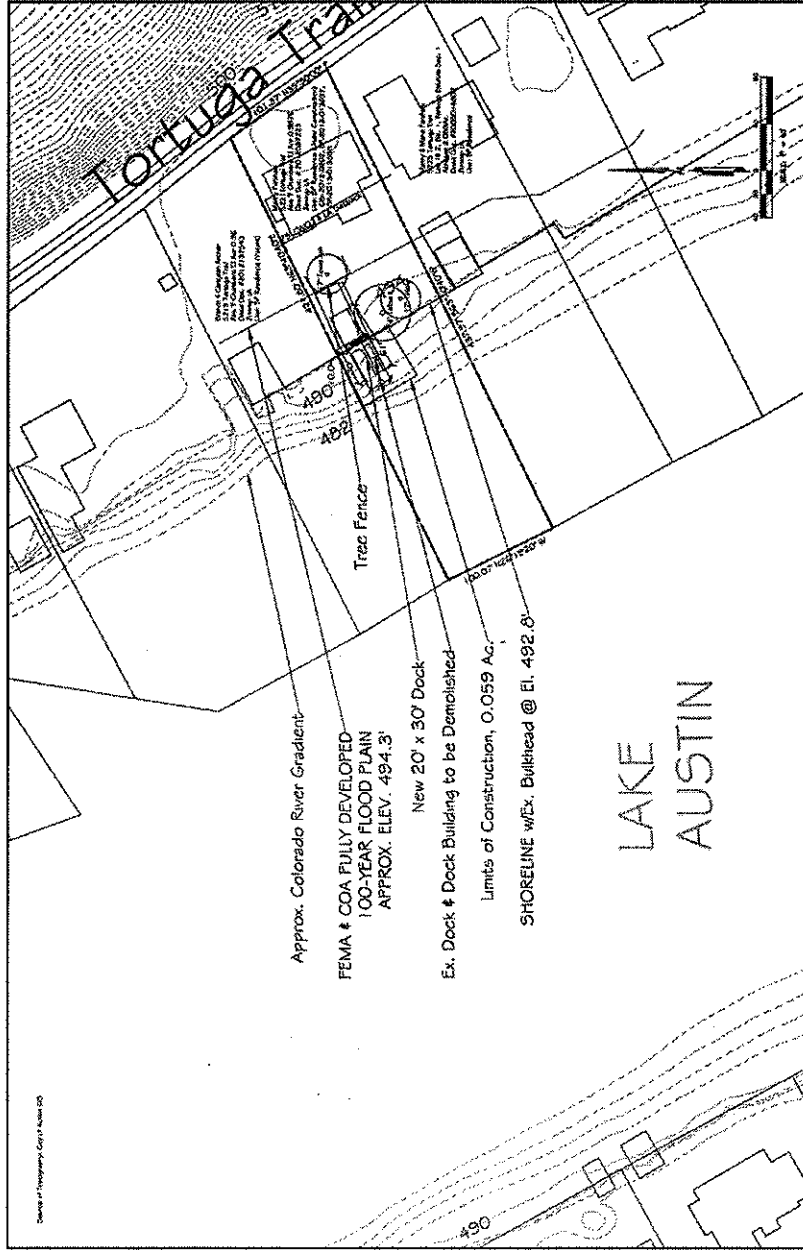
feet  
meters

800  
200

Google earth



# 5221 TORTUGA TRAIL



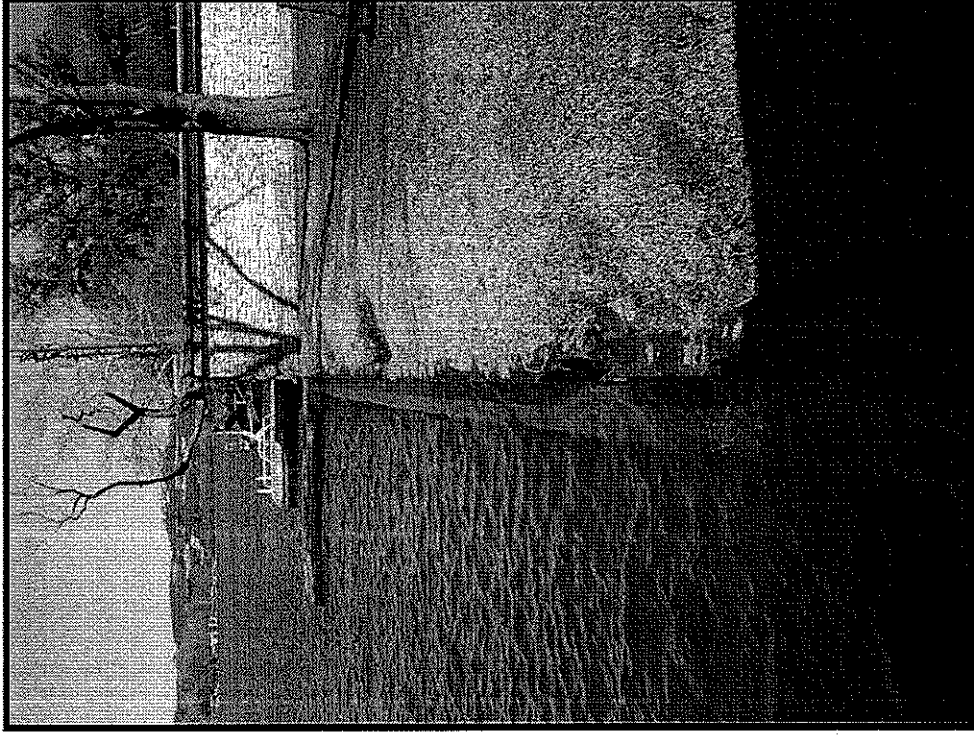
Source of Topography: City of Austin DCD

Not to be used for any purpose other than that for which it was prepared. The user assumes all liability for any use of this information for any purpose other than that for which it was prepared.

Existing Structure Length = 102.00'  
Proposed Structure Length = 102.00'  
Proposed Dock Length = 20.00'  
Proposed Dock Width = 30.00'

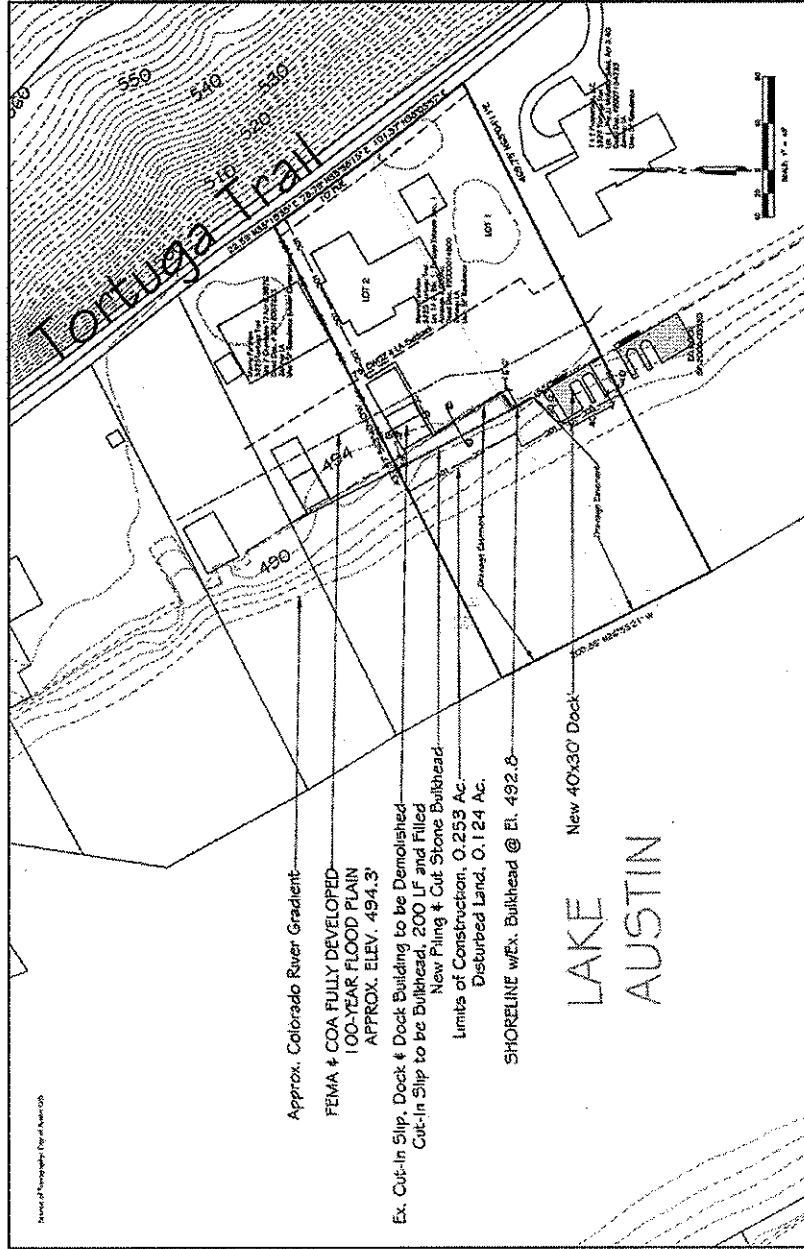


## 5221 Tortuga Trail



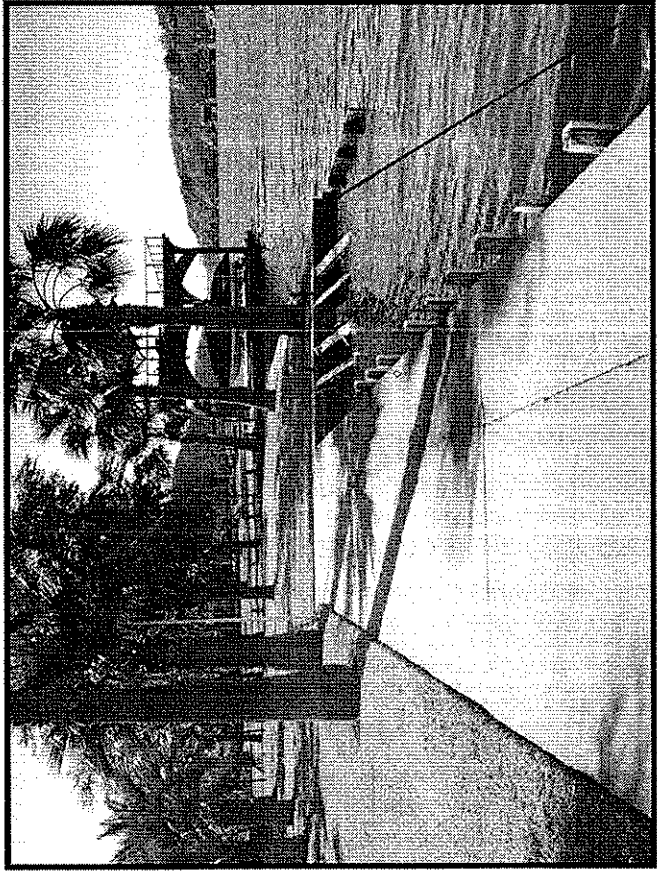
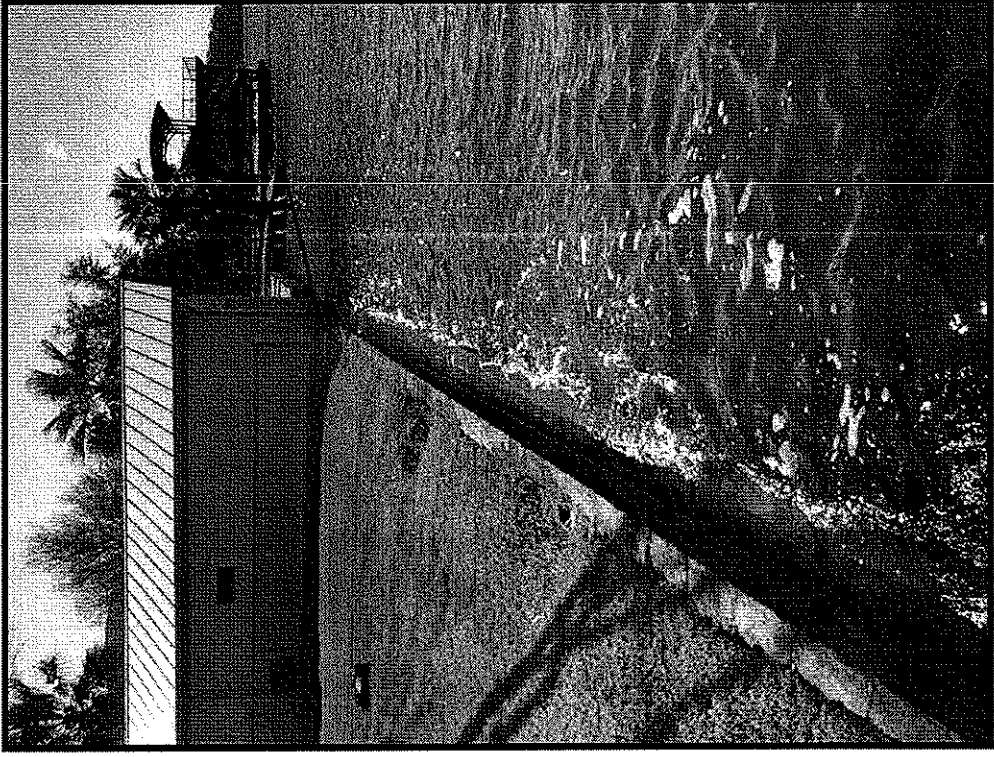


# 5225 TORTUGA TRAIL





## 5225 Tortuga Trail





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

CASE # C15-2014-0052  
ROW # 11104040  
Taxroll # 0131090207

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: 5221 Tortuga Trail

LEGAL DESCRIPTION: Subdivision - ABS 7 CHAMBERS TJ Acr 0.9876 (0.49 Under Water). Deed Doc #2012087223

Lot(s)            Block            Outlot            Division           

I/We Bruce Aupperle, P.E. of Aupperle Company on behalf of myself/ourselves as authorized agent for

Manny Farahani affirm that on February 25, 2014,

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

(check appropriate items below)

       ERECT        ATTACH        COMPLETE        REMODEL        MAINTAIN

to erect a bulkhead on an existing cut-in boat slip, backfill and re-vegetate

in a LA district.  
(zoning district)

Deleted:



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:

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 a permit to do. Without a variance the owner can not 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, backfill 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.

- (b) 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.

Deleted: \_\_\_\_\_

**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 may be made in the shoreline

Deleted: \_\_\_\_\_



setback.

**PARKING:** (Additional criteria for parking variances only.)

N/A

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   
Carolyn Apperle

Mail Address carolyn.apperle@att.net



City, State & Zip 10088 Lindview Dr Austin, Tx 78733

Printed \_\_\_\_\_ Phone 912-6399 Date 2/25/14

**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 See Attachment Mail Address \_\_\_\_\_

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

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

Bill To:  
Carolyn Apperle  
Apperle Company

### GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

#### VARIANCE REQUIREMENTS:

##### General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zonings - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

Deleted: <#>A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).¶

Formatted: Bullets and Numbering



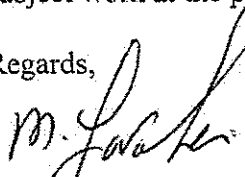
November 8, 2012

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

To Whom It May Concern:

I, Manny Farahani, own the property at 5221 Tortuga Trail. I wish to demolish the existing boat house 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.

Regards,



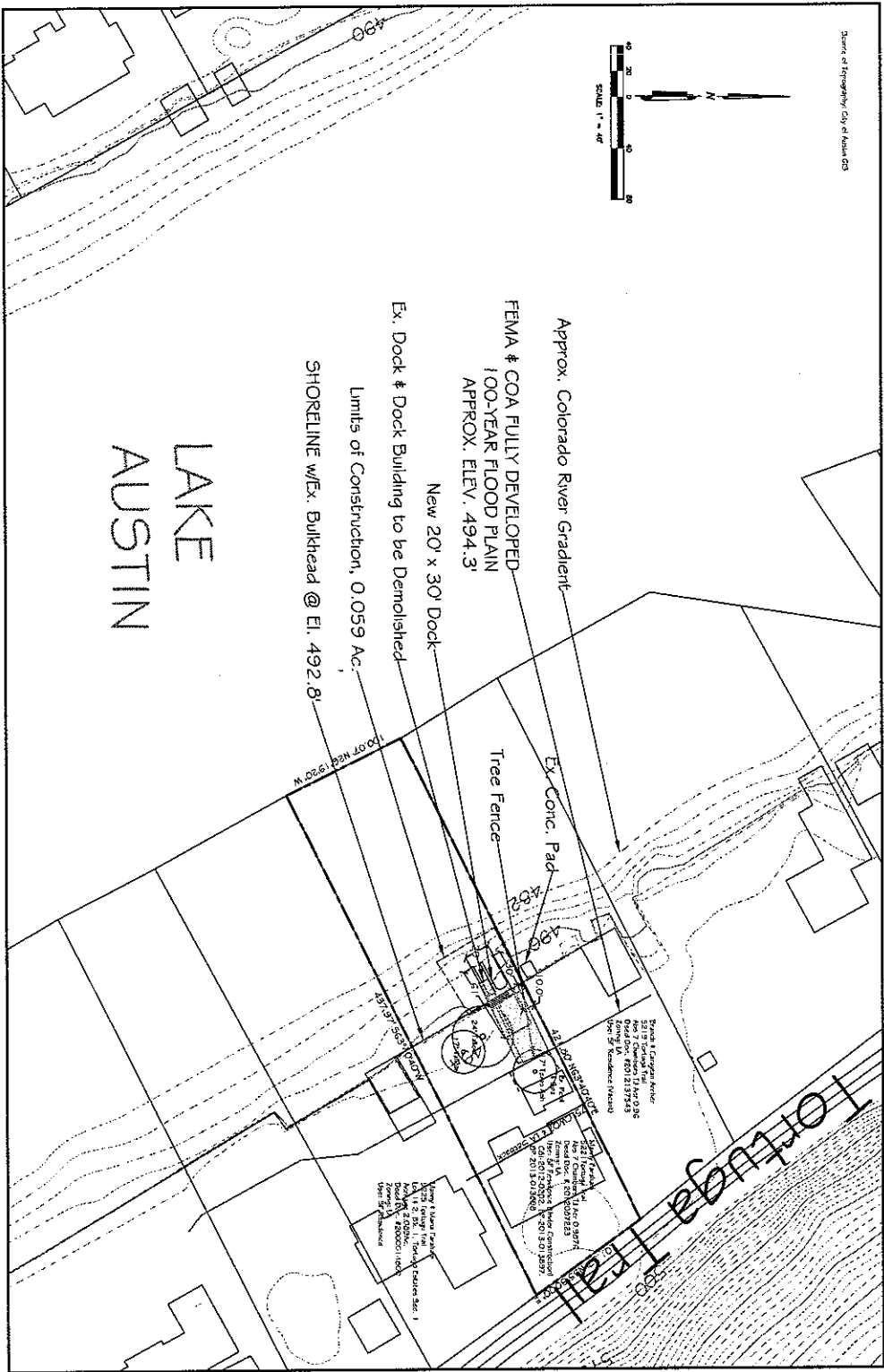
Manny Farahani  
5225 Tortuga Trail  
Austin, TX 78731







# 5221 TORTUGA TRAIL



Contour Interval Length = 100.07'  
 Average Ditch Width = 20% of 100.07' = 20'  
 Proposed Ditch Depth = 30'



5221 TORTUGA TRAIL  
 SITE PLAN

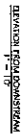
**AUPPERLE COMPANY**  
 Engineering, Planning & Development Services  
 10088 Circleview Drive, Austin, Texas 78733 512.329.8241  
Texas Board of Professional Engineers Registration Number: P-1094



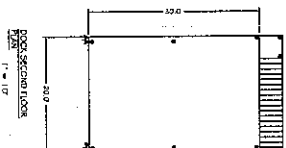
NO.	DATE	REVISION	APP'D

5221 TORTUGA TRAIL - 5/4/2015 02:40  
 2

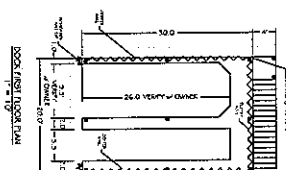




ELEVATION FROM LAKE  
1 = 10'

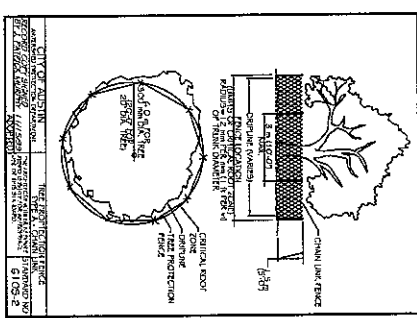


$\Delta T = 10^\circ$



DOOR / FIRST FLOOR PLAN

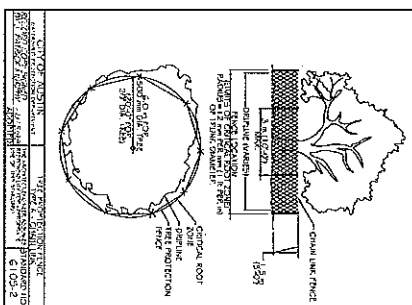
- ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07-11-2001 BY 60322 UCBAW









[illegible]

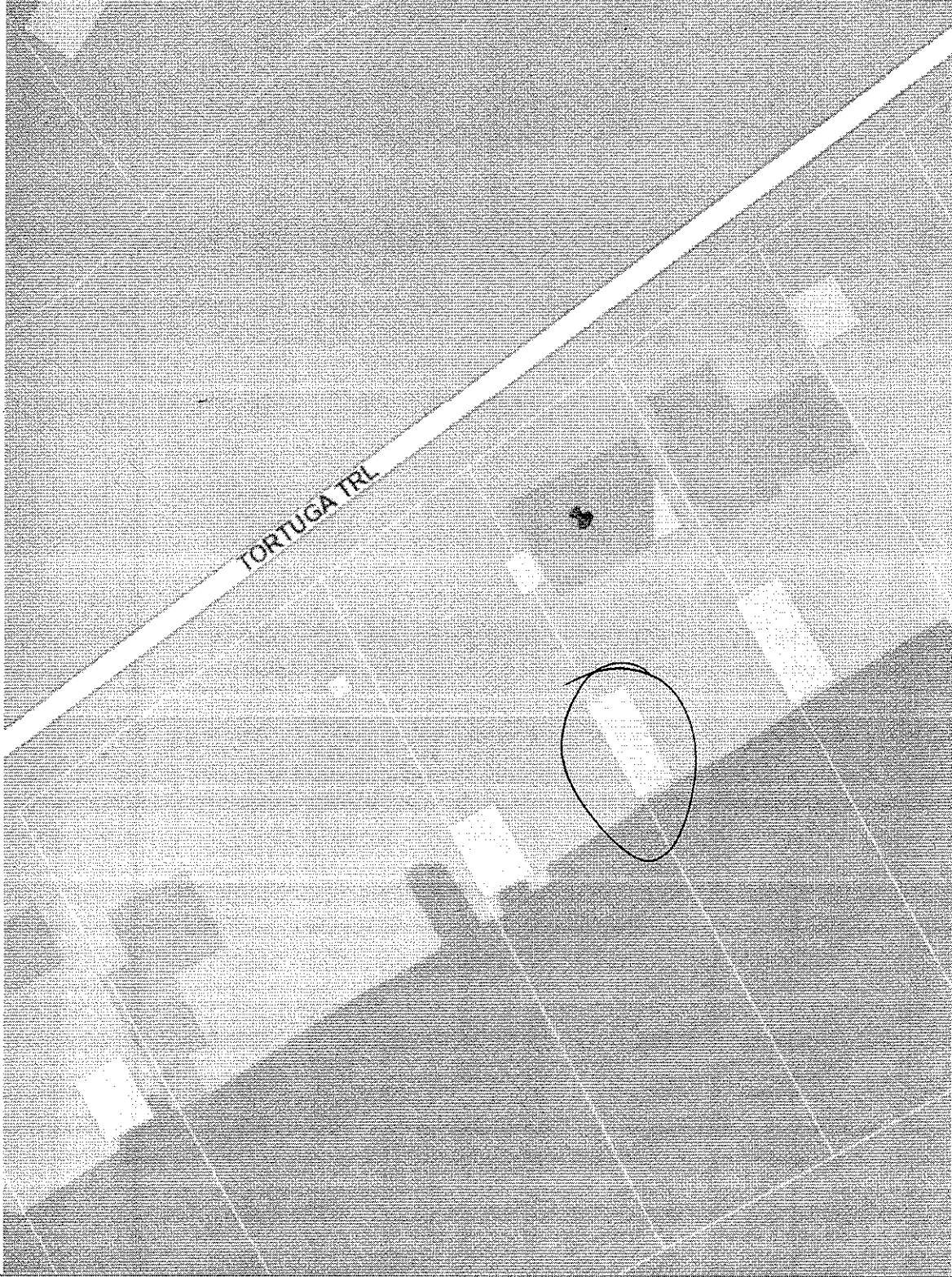


# CITY OF AUSTIN DEVELOPMENT WEB MAP

1987

## Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County



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 CITY OF AUSTIN 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 WEB MAP

1997

Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County



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 CITY OF AUSTIN 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 WEB MAP

2007

## Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County



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 CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.





**City of Austin  
Planning and Development Review  
Land Status Determination  
1995 Rule Platting Exception**

**August 30, 2012**

**File Number: C8I-2012-0202**

**Address: 5221 TORTUGA TRL**

**Tax Parcel I.D. # 0131090207**

**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(D), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being 0.99 of an acre of land, more or less, out of the T.J. Chambers Survey in the current deed, recorded on Jun 01, 2012, in Document #2012087223, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on Nov 06, 1957, in Volume 1870, Page 132, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by electric service on Nov 29, 1989. 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**