

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

DATE: Monday, May 12, 2014

CASE NUMBER: C15-2014-0052

____ Jeff Jack
____ Michael Von Ohlen
____ 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

MAY 12, 2014 POSTPONED TO JUNE 9, 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

Heldenfels, Leane

From: Dr. Patricia Stephens [REDACTED]
Sent: Sunday, May 11, 2014 8:46 PM
To: Heldenfels, Leane
Subject: C15-2014-0052 oppose

FB

The applicant is attempting passage in violation of the intent of the LA zoning district. Prior history of a Aupperle bulkhead contractor suggests non compliance with the City of Austin codes on Lake Austin.

Patty Stephens
3901 westlake Dr

Heldenfels, Leane

C15-2014-0052

From: manny farahani [REDACTED]
Sent: Monday, May 12, 2014 3:01 PM
To: Heldenfels, Leane
Cc: Brian Dillard
Subject: 5221 Tortuga Trail

Good afternoon, Leane.

Brian Dillard of Brian Dillard Architecture is authorized to act as my agent in the Board of Adjustment variance process for 5221 Tortuga Trail. On May 8, we requested that our hearing be postponed to the June 9 meeting in order to allow Brian adequate time to perform additional research in this and similar variance requests, and to obtain written letters of support from neighbors.

Should you have any questions, do not hesitate to contact me at (512) 452-9902.

Thank you.

Manny Farahani

Heldenfels, Leane

From: Brian Dillard <brian@briandillardarchitecture.com>
Sent: Thursday, May 08, 2014 2:54 PM
To: Heldenfels, Leane
Cc: 'manny farahani'; bruceaupperle@me.com
Subject: 5221 Tortuga Trail - BOA meeting

C15-2014-0052

Hi Leane,

Thanks for speaking with me concerning the variance process for 5221 Tortuga Trail. We would like to postpone our variance hearing until the June 9 Board of Adjustment meeting.

Best,

Brian Dillard

Brian Dillard Architecture
www.briandillardarchitecture.com
1508 1/2 South Congress, Suite A
Austin, Texas 78704
512.243.6594

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.


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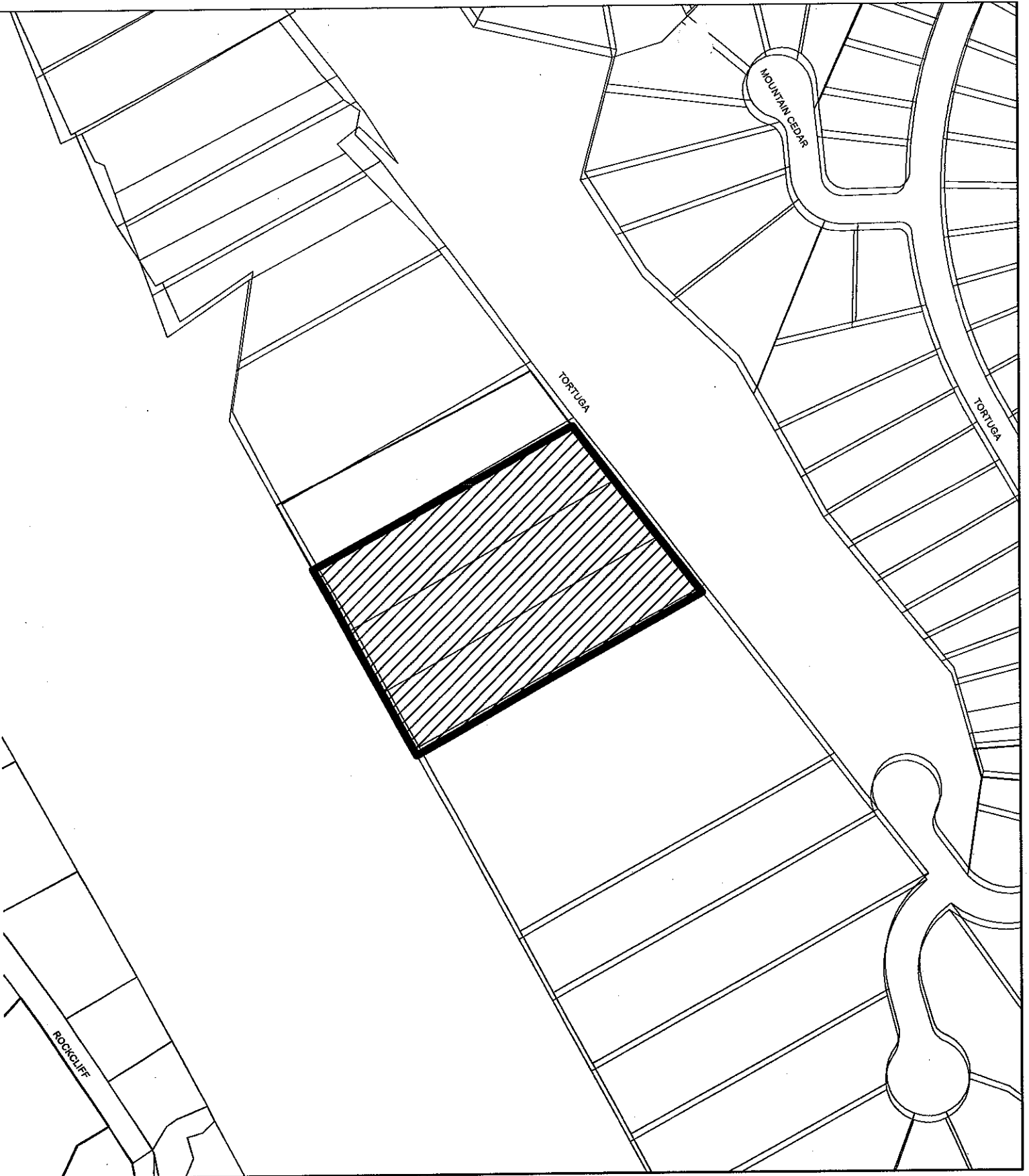
POSTPONED TO MAY 12, 2014 REQUEST OF APPLICANT

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

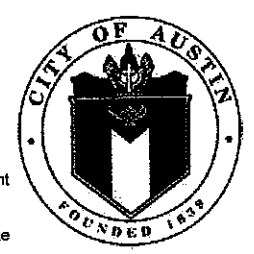


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2014-0052
LOCATION: 5221 TORTUGA TRAIL

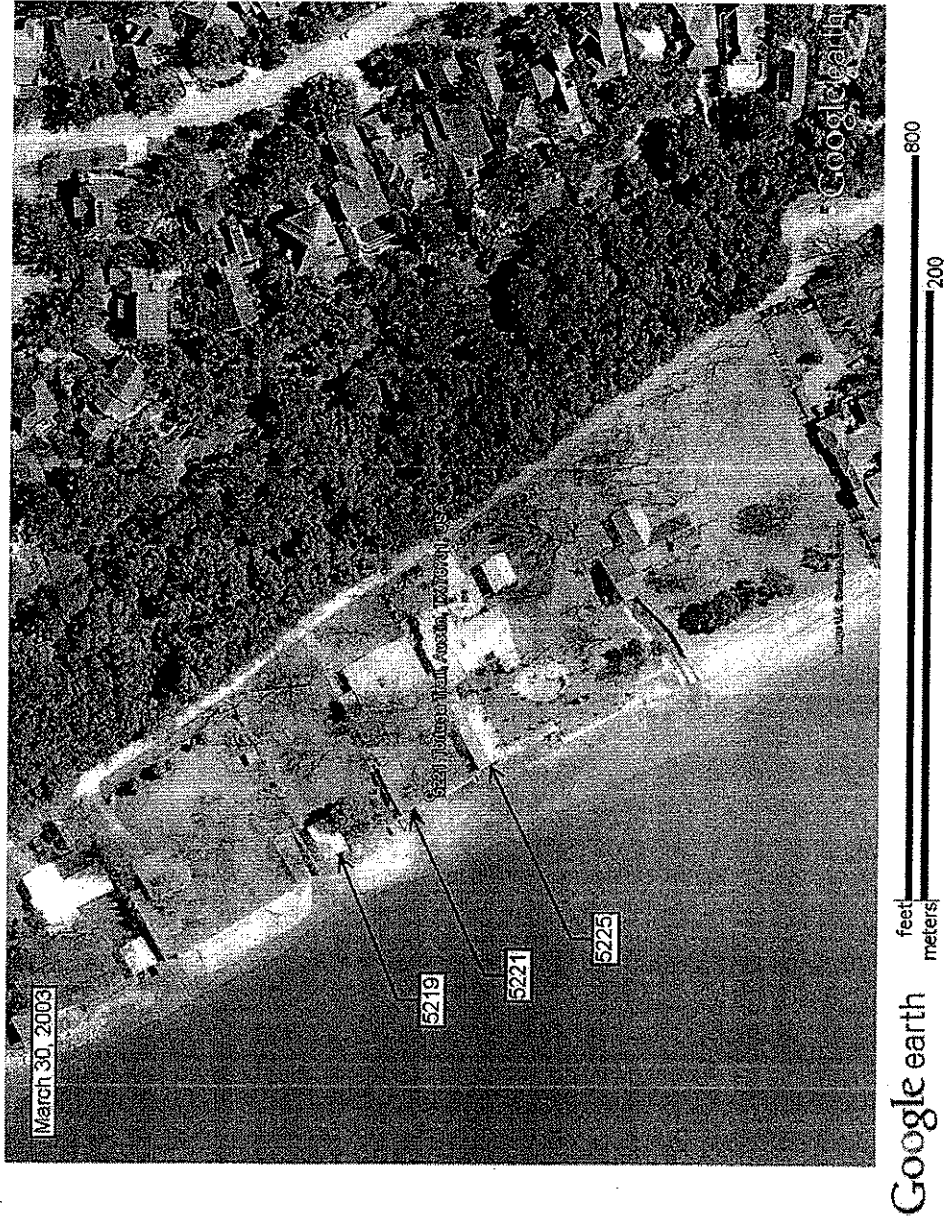


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

overpoint preserved
@ 4/14/14
hearing



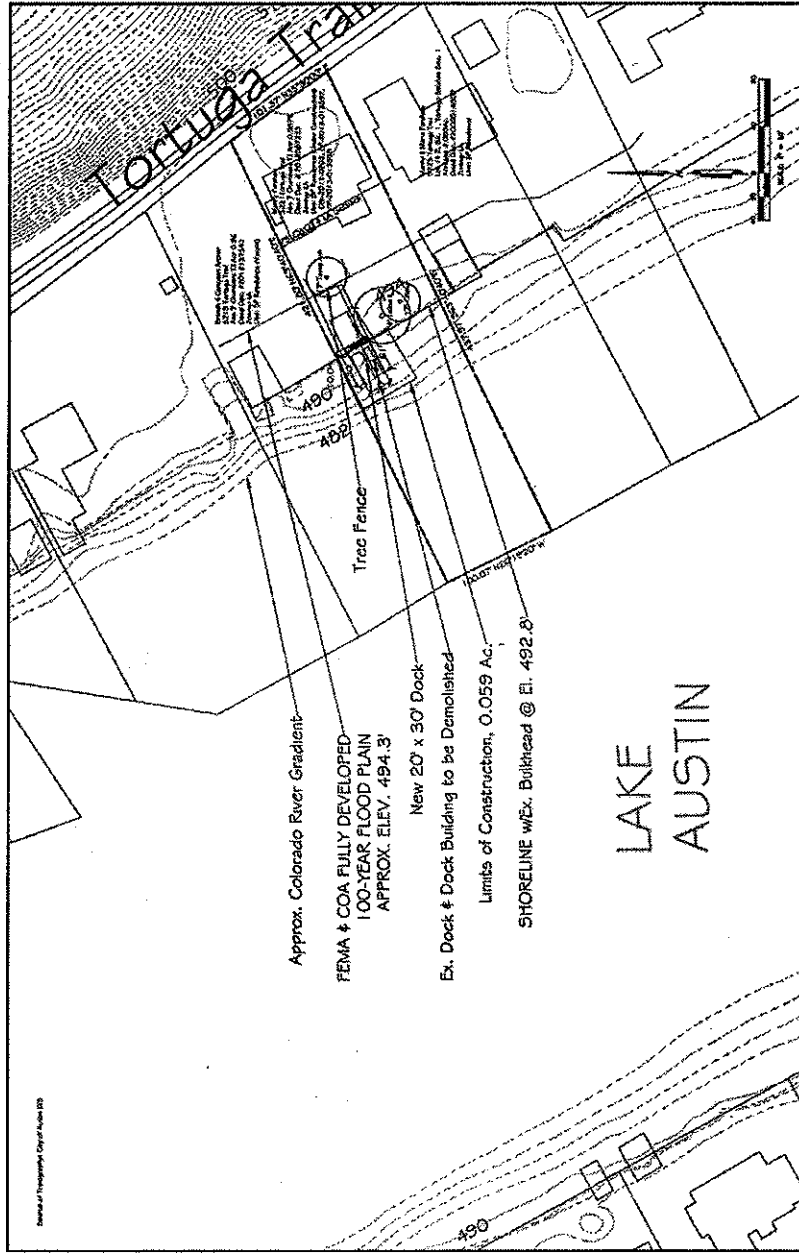


Google earth

feet
meters

800
200

5221 TORTUGA TRAIL



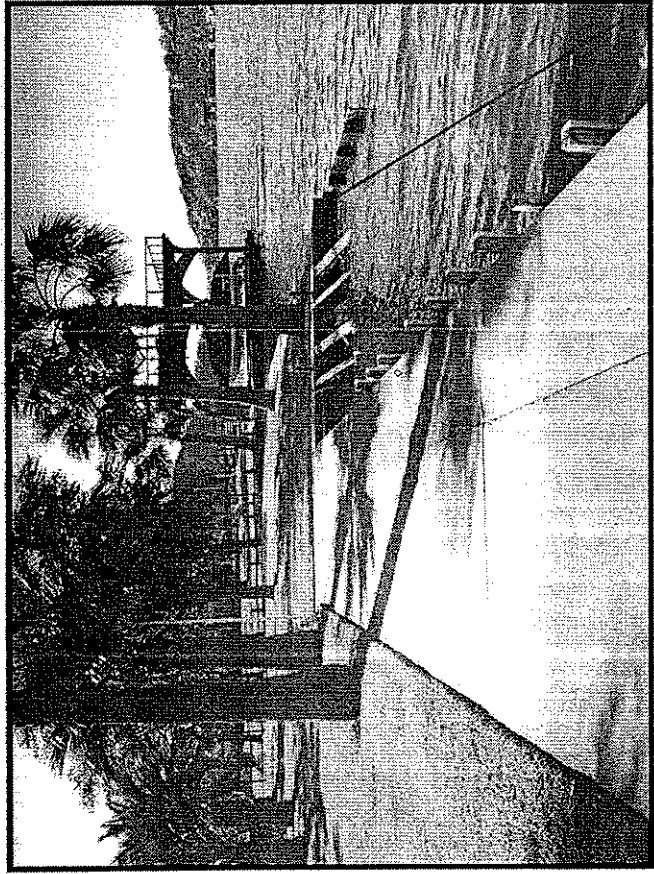
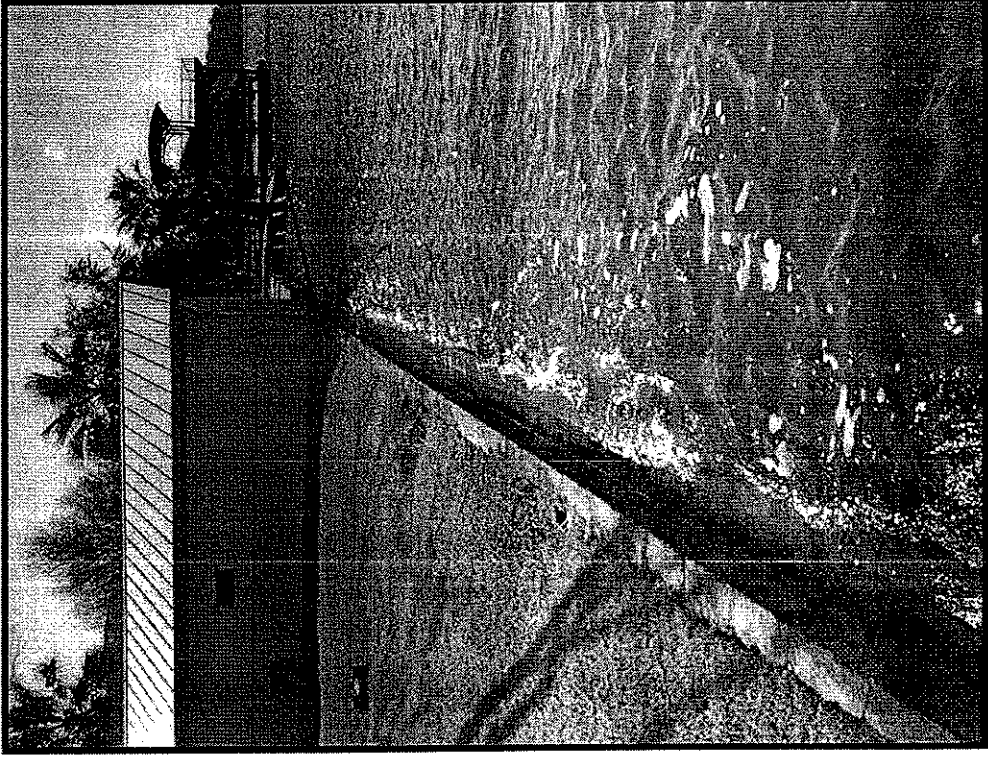
Prepared by: The City of Austin, Texas
 Date: 10/1/2010
 Project: 5221 Tortuga Trail
 Sheet: 1 of 1

City of Austin
 Engineering Department
 1000 Red River Street, Suite 1000
 Austin, Texas 78701
 Phone: (512) 478-1000
 Fax: (512) 478-1001
 Email: info@cityofaustin.org

5221 Tortuga Trail



5225 Tortuga Trail



If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd 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 Appelle

Mail Address

carolyn.appelle@att.net

City, State & Zip 10088 Winderview Dr. Austin, Tx 78733

Printed _____ Phone 912-6399 Date 2/25/14

Bill To:
Carolyn Appeler
Appeler Company

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 _____

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 zoning - \$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

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

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.

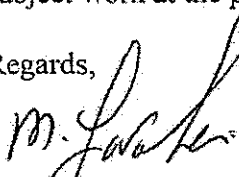
November 8, 2012

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,

A handwritten signature in black ink, appearing to read "M. Farahani", written over the word "Regards,".

Manny Farahani
5225 Tortuga Trail
Austin, TX 78731

OWNER:
Manny & Myrna Farahani
5225 Tortuga Trail
AUSTIN, TEXAS 78731

ENGINEER:
BRUCE S. AUFFRELL, P.E.
AUFFRELL COMPANY
10008 CIRCLEVIEW DRIVE
AUSTIN, TEXAS 78733
PHONE (512) 422-7633
FAX (512) 323-0241

 Σ

ed according to City of Naples Standards for Trees

PLEASE PRINT CASE NOTES, ADDITIONAL AND SUPPLEMENTAL NARRATIVE REQUIREMENTS FOR THIS WITHIN COORDINATION AIDS
Approved: Pg.11/28/2020-1

and include the entire critical path in

[illegible][illegible]

GENERAL NOTE:

The project is not evaluated under the Standard Aquatic Resource Form.

Dredging activities are not applicable to this property.

Other methods or techniques are not applicable to this property.

This form was prepared by the U.S. Army Corps of Engineers, District Engineer's Office, New York, New York, 75077. This form should be maintained as item #1 in the "Logbook of Construction."

[illegible]

Contractors to verify their contractors and ground and soil are earthquake seismic consideration. Environmental Impact Study the following to read and submit monthly reclamation results on site to staff project in compliance with the City of Alameda Rules and Regulations.

Approval of these items by the City of Alameda includes compliance with applicable City regulations. Approval by other government entities may be required prior to the start of construction.

The applicant is responsible for obtaining and submitting approvals may be necessary.

As part of this project is to be interpreted to verify. There will be no size limits by law, use any construction steps or construction to be taken. The maximum of 100-25,000,176 (thousand)

production history of materials received be placed on file. The proposed report must comply with all requirements of DOE 20.2-1.74 (Contract Management), and must comply with Chapter 35-12, Article 1 (Public Information) and the Public's Freedom Manual.

Best Plus Executive Model
 The Best Plus 944 and 944i sports sedans are manufactured with the City of Austin's request. Applicants are required to provide a copy of Austin residents' information, including the following information:
 All information shall be made in accordance with the related state law. Any additional information requested by the City of Austin shall be made in accordance with the related state law.
 All reports shall comply with requirements of the Texas Department of Transportation, Division 1-2, Article VII
 All reports shall comply with requirements of the Texas Department of Transportation, Division 1-2, Article VII
 All reports shall comply with requirements of the Texas Department of Transportation, Division 1-2, Article VII

[illegible][illegible]

34. On a proposed Designation Certificate, if the contractor has the potential of an individualized work product, all work will occur within the limits of consideration as shown on the plan, and that no materials or equipment will be delivered to the site from the backside of the project.

Approval of the Site Plan does not include Evidentiary and the Code approval for building permits approval.

Approval of the State Plan does not involve Coding and Fee Code approval for leading points approval.

At responsibility for the adequacy of these plans remain with the engineer who prepared them. In approving these plans, the City of Austin must rely upon the adequacy of the work of the design engineer.

Figure 1. A schematic diagram of the experimental setup. The subject is seated in a chair, viewing a video screen. The screen displays a target (a small circle) and a starting point (a small circle). The subject's hand is positioned at the starting point. The distance between the starting point and the target is 10 cm. The subject is instructed to move their hand from the starting point to the target. The video screen is positioned 40 cm from the subject's hand. The video screen displays a target (a small circle) and a starting point (a small circle). The subject's hand is positioned at the starting point. The distance between the starting point and the target is 10 cm. The subject is instructed to move their hand from the starting point to the target. The video screen is positioned 40 cm from the subject's hand.

[illegible]

At areas described within the abatement project shall be removed in accordance with City of Austin 66093 specifications. No vegetation within the abatement project area shall be removed before the issuance of building permits, except as may be required for sampling and testing. Areas cleared for sampling or testing shall be no more than 15 feet wide and no greater than 60 feet in diameter shall be removed for sampling or testing.

All areas described within the planning network shall be reviewed in accordance with City of Austin [2009](#) specifications. All described areas shall be reviewed in respect to existing conditions & transportation needs, as per [2009](#).

WATERSHED STATUS: This area is located in LAKE MICHIGAN watershed, is classified as SUBURBAN watershed and shall be developed, constructed and maintained in accordance with Chapter 25 of the Land Development Code.

SHAPE FACTORS (2012): Planning Network Evaluation Form

WATCHDOG STATISTICS: This tool is located in LAKE AUSTIN watershed, is classified as a SUBORDINATE information tool and will be developed, constructed and maintained in conformance with Chapter 25 of the Land Development Code.

SHARIT GROUNDWATER: Drinking Water Protection Data

TOPOGRAPHY INFORMATION: This project is water from 100-year flood plain as shown on the F.E.M.A. map.

TELEPHONE INFORMATION: 365-5500

LEGAL DESCRIPTION: Aba 7 Common Water 0.7076 ID-49 Under Water, Deed Dec 6 2011 0007323

LEGAL DISCLOSURE: Also 7 Comments (1: Avg 0.9076 (0-4) Under Watch). Dead Dec. # 2015087225
A000225- 5221 Tortuga Trail, Austin, TX 78731
TOMHIO, IA

[illegible]

Plan Sheet List

Plan Sheet List

1. COVER SHEET & NOTES
2. SITE PLAN

2. SITE PLAN
3. DOCK PLAN & DEVIATORS

PROJECT DESCRIPTION: Concrete parking deck. Construct new 8-in. 2-story, 20 x 30 deck, garage and appurtenances.

Approved By: _____

Page	Date	Rating Commission

SP.2013.0264D

For Director - Planning & Development Review Department _____ Date _____

SP-2013-0264D _____

Permit Number _____

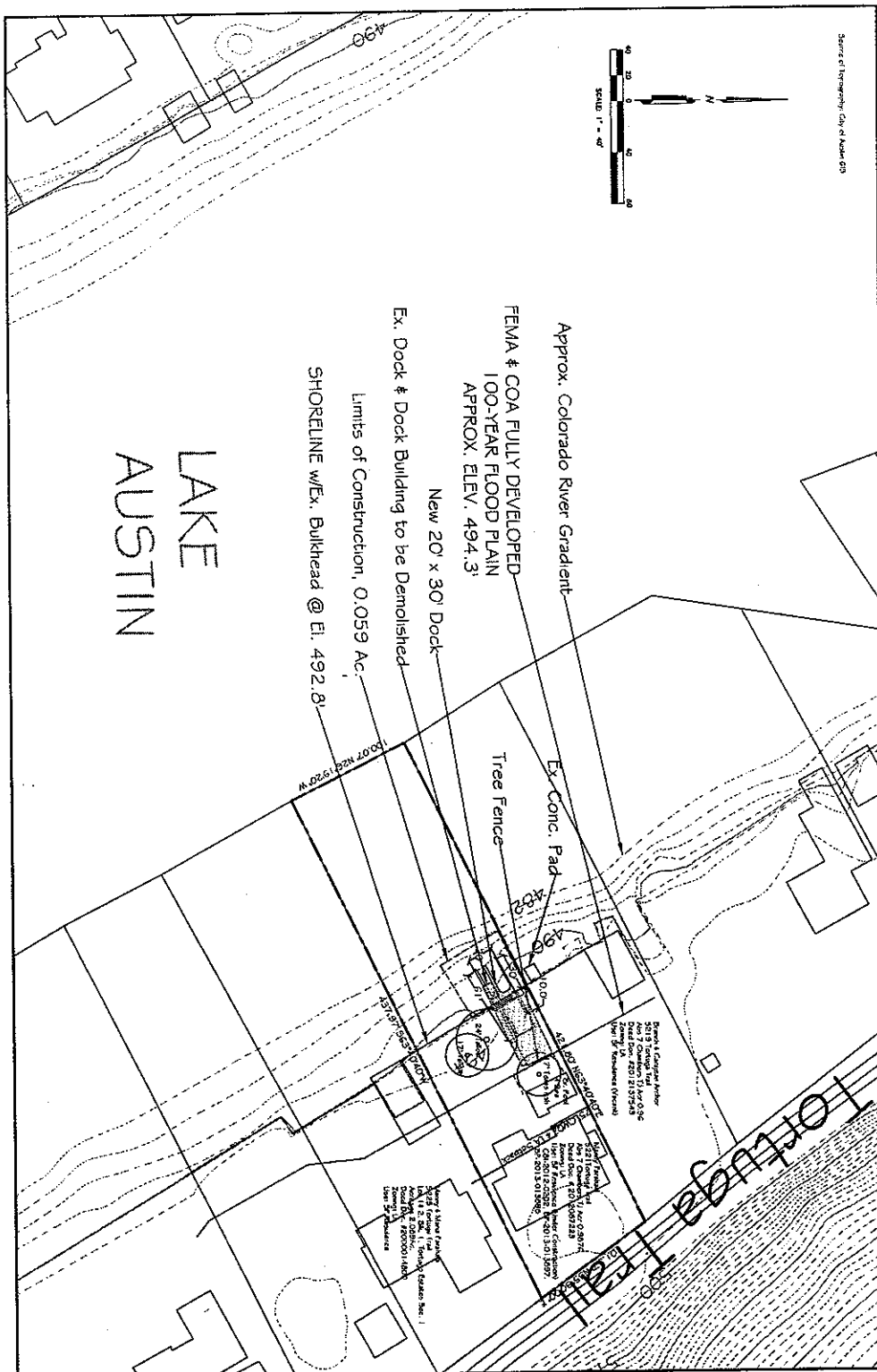
MAY 16, 2013
Submittal Date

Submittal Date:

AUPPERLE COMPANY
Engineering, Planning & Development Services
10088 Glenview Drive, Austin, Texas 78733 512.328-6241

1
SP-2013-0264D

LAKE
AUSTIN



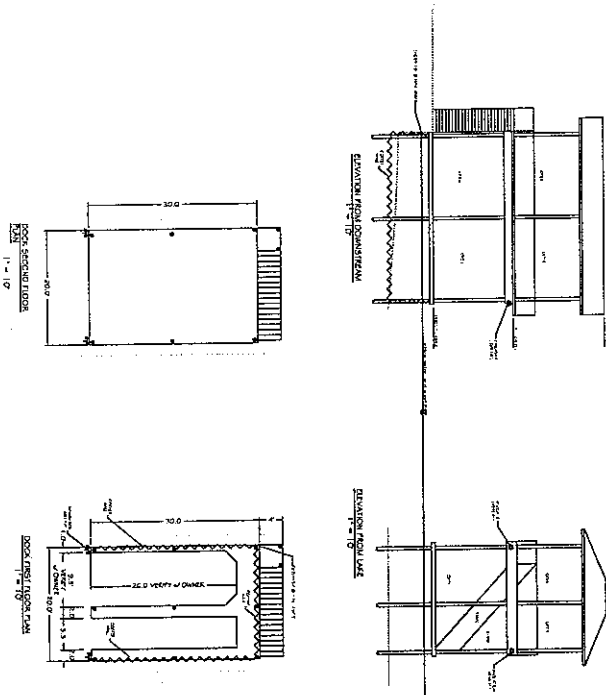
Existing Shoreline Length = 100.07'
 Allowable Dock Width = 20% of 100.07' = 20'
 Proposed Dock Width = 20'
 Proposed Dock Depth = 30'

5221 TORTUGA TRAIL
SITE PLAN

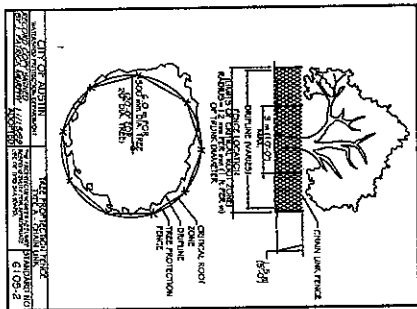
AUPPERLE COMPANY
Engineering, Planning & Development Services
10088 Circleview Drive, Austin, Texas 78713 512 329-8241
Texas Board of Professional Engineers Registration Number 7-7994

[illegible]

5221 TORTUGA TRAIL



- NOTES:
1. A DOCK MUST BE CONTINUOUSLY LIGHTED WITH AMBER LIGHTS BEHIND SHROUD AND SHIMMER EACH DAY.
 2. A DOCK MUST HAVE A LIGHT AND LIGHT SHROUD. THE LIGHT SHROUD MUST BE LOCATED ON THE DOCK AND BE 10 FEET LONG AND 10 FEET WIDE. THE LIGHT SHROUD MUST BE 10 FEET LONG AND 10 FEET WIDE. THE LIGHT SHROUD MUST BE 10 FEET LONG AND 10 FEET WIDE.
 3. SHROUDING THE LIGHT MUST BE VISIBLE TO A FREELY APPROACHING VESSEL.
 4. SHROUDING THE LIGHT MUST BE VISIBLE TO A FREELY APPROACHING VESSEL.
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 9. SHROUDING THE LIGHT MUST BE VISIBLE TO A FREELY APPROACHING VESSEL.
 10. SHROUDING THE LIGHT MUST BE VISIBLE TO A FREELY APPROACHING VESSEL.
 11. SHROUDING THE LIGHT MUST BE VISIBLE TO A FREELY APPROACHING VESSEL.



5221 TORTUGA TRAIL
DOCK ELEVATIONS & PLAN VIEW

AUPPERLE COMPANY
Engineering, Planning & Development Services
10085 Blindview Drive, Austin, Texas 78733 512 325-6241



NO.	DATE	REVISION	APPROVED
1			
2			
3			
4			
5			
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7			
8			
9			
10			

5221 TORTUGA TRAIL
DOCK ELEVATIONS & PLAN VIEW
10/01/01

5221 TORTUGA TRAIL

OWNER:
Manning & Associates
5221 Tortuga Trail
Austin, Texas 78751
Phone: 512.422.7030

ENGINEER:
AUPPERLE COMPANY
10008 Chevalier Drive
Austin, Texas 78724
Phone: 512.422.7030



MAP 52nd ST & MOPAC
VICINITY MAP

REVISION	DATE	DESCRIPTION
1	05/10/13	Initial Design
2	06/10/13	Revised Design
3	07/10/13	Final Design

PROJECT DESCRIPTION: The project consists of a 1.5-acre residential development located at the intersection of 52nd Street and Mopac Expressway in Austin, Texas. The development includes a 1.5-acre residential lot, a 1.5-acre residential lot, and a 1.5-acre residential lot. The development is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO).

PROJECT LOCATION: The project is located at the intersection of 52nd Street and Mopac Expressway in Austin, Texas. The project is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO).

REVISION	DATE	DESCRIPTION
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3	07/10/13	Final Design

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PROJECT LOCATION: The project is located at the intersection of 52nd Street and Mopac Expressway in Austin, Texas. The project is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO).

1.1.0 SITE AND SURROUNDING AREA INFORMATION

The project is located at the intersection of 52nd Street and Mopac Expressway in Austin, Texas. The project is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO). The project is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO).

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1.2.0 CITY OF AUSTIN ZONING ORDINANCE (CZO) REQUIREMENTS

The project is located at the intersection of 52nd Street and Mopac Expressway in Austin, Texas. The project is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO). The project is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO).

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REVISIONS / CORRECTIONS

NO.	DESCRIPTION	DATE	BY	DATE	BY
1	Initial Design	05/10/13	JD	05/10/13	JD
2	Revised Design	06/10/13	JD	06/10/13	JD
3	Final Design	07/10/13	JD	07/10/13	JD

The project is located at the intersection of 52nd Street and Mopac Expressway in Austin, Texas. The project is located in the City of Austin, Texas, and is subject to the City of Austin's Comprehensive Zoning Ordinance (CZO).

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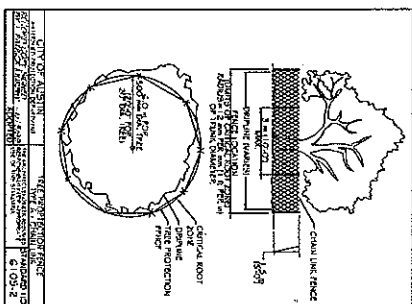
AUPPERLE COMPANY
Engineering, Planning & Development Services
10008 Chevalier Drive, Austin, Texas 78724 | 512.422.7030



5221 TORTUGA TRAIL
COVER SHEET & NOTES

5221 TORTUGA TRAIL
COVER SHEET & NOTES

Figure 1 is a schematic diagram of the experimental setup. It shows a horizontal beam of total length L fixed at its left end to a vertical wall. A mass m is attached to the right end of the beam. A force F is applied to the mass, causing it to move a distance x to the right. The beam is divided into segments of length l . The diagram is labeled with L , l , m , F , x , and m .



RESERVED FOR
A.P. RUDYARD!
SCALE: 1" = 3'
522 JOURNAL TRAIL
DATE: May 10, 2013
SHEET 3 of 3

CITY OF AUSTIN DEVELOPMENT WEB MAP

1987

Legend

Lot Lines

Streets

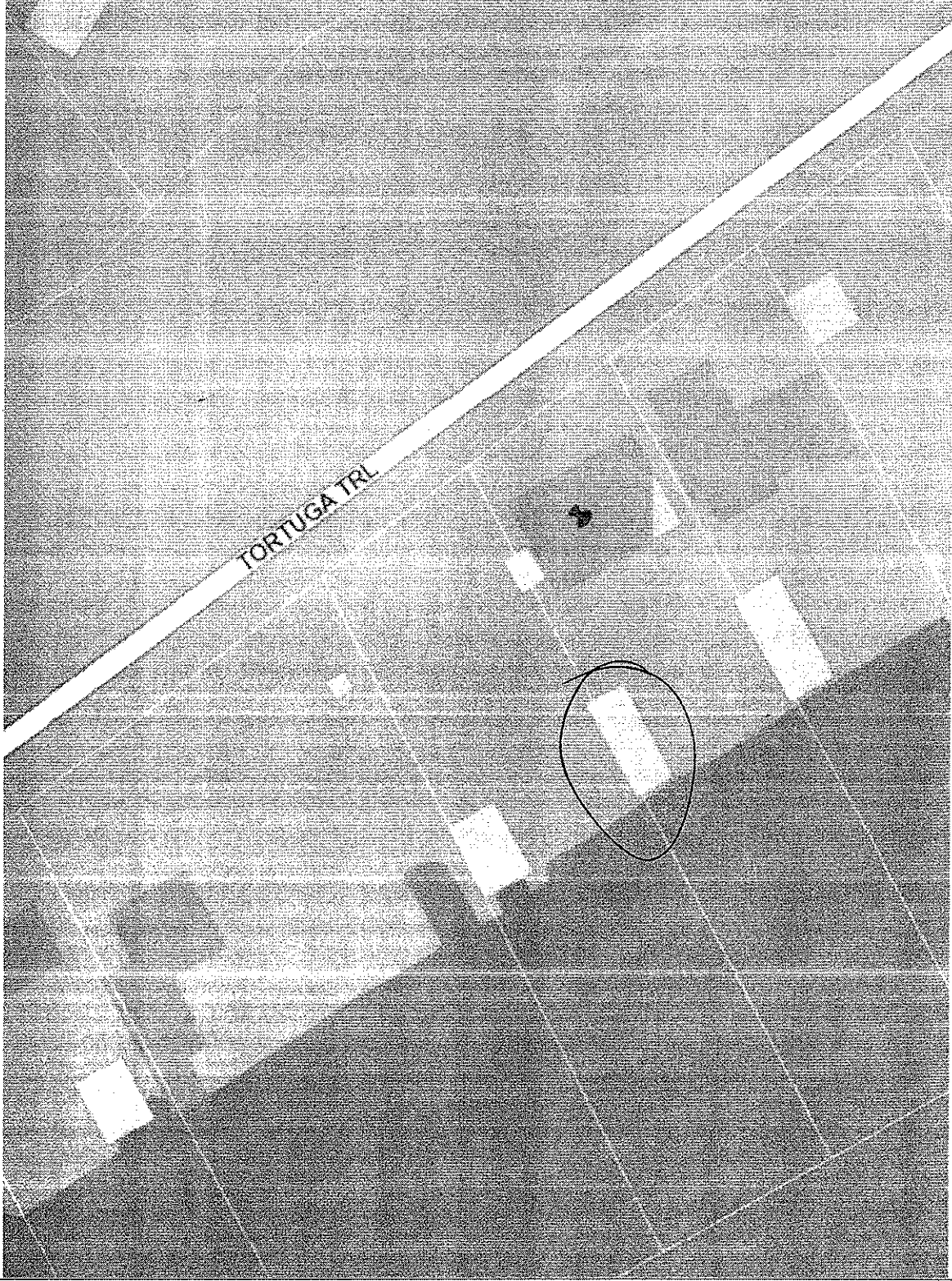
Building Footprints

Named Creeks

Lakes and Rivers

Parks

County



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CITY OF AUSTIN DEVELOPMENT WEB MAP

1997

Legend

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

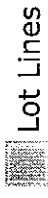


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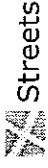
CITY OF AUSTIN DEVELOPMENT WEB MAP

2007

Legend



Lot Lines



Streets



Building Footprints



Named Creeks



Lakes and Rivers



Parks



County



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**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**