

**ZONING AND PLATTING COMMISISON SITE PLAN
SITE PLAN ENVIRONMENTAL WAIVER REQUEST REVIEW SHEET**

CASE NUMBER: SP-2015-0232DS

COMMISSION DATE: March 1, 2016

PROJECT NAME: Gallagher Boat Dock

ADDRESS: 3909 Westlake Drive

DISTRICT: 10

APPLICANT: Matt and Katherine Gallagher
3101 Crowheart Cove, Austin, TX 78746

AGENT: Permit Partners, (David Cancialosi) 512-593-5361
105 W. Riverside Drive, Austin, TX 78704

CASE MANAGER: Scott Grantham , 512-974-2942
Scott.grantham@austintexas.gov

**DSD/ENVIRONMENTAL
STAFF:** Atha Phillips, 512-974-6303
atha.phillips@austintexas.gov

VARIANCE REQUEST: To allow construction of a boat dock, conduct access maintenance, and install a hand rail within several 150 foot Critical Environmental Feature buffers (Canyon Rimrock, Springs/Seep). 25-8-281(C)(2)(B)

PRIOR ACTION: This variance was recommended for approval by the Environmental Commission on January 11, 2016

STAFF RECOMMENDATION: Recommended for Approval

PROJECT INFORMATION

ZONING: LA, Lake Austin

WATERSHED: Lady Bird Lake

WATERSHED ORDINANCE: Watershed Protection Ordinance

SUMMARY COMMENTS:

Description of Property

The subject property is a 0.85 acre platted lot located in the Lake Austin Watershed, is classified as Water Supply Rural, and is located in the Drinking Water Protection Zone. According to City of Austin GIS, the site is *not* located over the Edwards Aquifer Recharge Zone. The lot is located within the Limited Purpose and Full Purpose Planning Jurisdiction and the lot is zoned LA. According to Travis County Appraisal District records, no improvements exist on the land. The site has an existing wood pier that will be removed.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the lot elevation ranges from the Lake Austin shoreline at 492.8 feet mean sea level (msl), to approximately 578 feet msl, an elevation change of 85.2 feet. The types of soil located on this site were identified in the Environmental Resource Inventory as Tarrant and Urban land series, which consists of soils having a slow infiltration rate. The slope vegetation contains many existing native trees which include Ashe Juniper, Live Oak, Mexican Buckeye, and Mexican Silktassel. The ground cover consists of Twistleaf Yucca, Agarita, Giant Ragweed, and Inland Seoats. There is a wetland plant community that consists of Maidenhair Fern.

Critical Environmental Features/CWQZ

There are five Critical Environmental Features (CEF) located within 150 of the proposed development. There are (2) Canyon Rimrocks and (3) Spring/Seeps. No endangered species were identified in the Environmental Resource Inventory.

Project Background

The site plan under review was submitted on May 19, 2015 and proposes the construction of a boat dock, access maintenance and the installation of a new hand rail.

Environmental Code Variance Request

To allow the construction of a boat dock, access maintenance and the installation of a new hand rail within several 150 foot Critical Environmental Feature buffers (Canyon Rimrock, Springs/Seep) 25-8-281(C)(2)(B).

Recommendation

Staff recommends approval of the environmental variance because the Findings of Fact (enclosed herein) have been met.



**Watershed Protection Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Project:	3909 Westlake Dr. - SP-2015-0232DS
Ordinance Standard:	Land Development Code Section 25-8-281(C)(2)(b)
Variance Request:	To allow construction of a boat dock, a handrail to existing stairs and repair of stairs within a standard 150-foot radius Critical Environmental Feature (canyon rimrock and seeps) buffer.

Justification:

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. There are similarly situated properties on Lake Austin that have received a similar variance to construct a boat dock or shoreline access within a Critical Environmental Feature buffer for a canyon rimrock or a seep.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The applicant will repair the existing shoreline access stairs, install a handrail and construct a boat dock within the Critical Environmental Feature (CEF) buffer of two canyon rimrocks and three seeps. The existing pier will be removed and a new dock will be constructed utilizing a barge. Ground disturbance will be minimized.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The existing stairs and partial handrail were built into and across the canyon rimrock Critical Environmental Features. Repair of the existing stairs and construction of a handrail is necessary to provide safe access to the shoreline. The stairs will be the only shoreline access for this lakefront property.

c) Does not create a significant probability of harmful environmental consequences; and

Yes. The proposed handrail construction does not create a significant probability of harmful environmental consequences. All work on the handrail and stairs will be done without vehicles and will occur within the footprint of the existing stairs. Existing pier removal and boat dock construction will primarily be done from the lake rather than on land.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. No structural water quality controls are required for single family residential construction and the existing slope is vegetated. The resulting water quality will be the same as achievable without the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A.

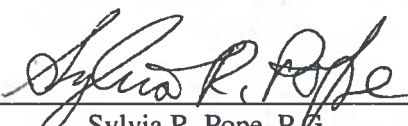
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A.

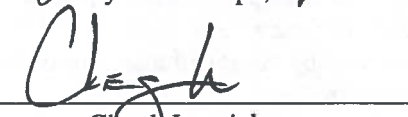
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

Hydrogeologist Reviewer:


Sylvia R. Pope, P.G.

Environmental Officer:


Chuck Lesniak

Date: 11/02/2015

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

Gallagher Boat Dock, SP-2015-0232DS 3909 Westlake Drive



0 50 100 200 Feet



Legend



Springs



Rock Outcrops



Biological Resource Buffers

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 Watershed Protection Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





