

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

CASE NUMBER: SP-2016-0185DS

COMMISSION DATE: September 6, 2016

PROJECT NAME: Kristin Boat Dock

ADDRESS: 3811 Westlake Drive

DISTRICT: 10

APPLICANT: Mark A. Kristin
3811 Westlake Dr, Austin, TX 78746

AGENT: Rick Rasberry Environmental Consulting, (Rick Rasberry) 512-970-0371
2510 Cynthia Court, Leander, TX, 78641

CASE MANAGER: Scott Grantham , 512-974-2942
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WPD / HYDROGEOLOGIST: Scott Heirs, 512-974-1916
STAFF: Scott.Heirs@austintexas.gov

DSD/ENVIRONMENTAL STAFF: Atha Phillips, 512-974-6303
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VARIANCE REQUEST: To allow construction of a boat dock within a 150 foot Critical Environmental Feature buffer (Canyon Rimrock). 25-8-281 (C)(2)(b).

PRIOR ACTION: This variance was recommended for approval by the Environmental Commission on August 17, 2016, with three conditions added:

- Except for the stair landing, all of the dock and improvements will be located entirely off-shore
- Minimal onshore disturbance will occur and all work will be down gradient of the CEF
- If the rooftop rainfall runoff potentially impacts the rimrock then any rainfall shall be diverted to the lake

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 .8513 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 Planning Jurisdiction and is zoned LA. According to Travis County Appraisal District records, there is an existing house.

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 soils consist of the Tarrant soils series, which are shallow to very shallow, well-drained, stony to clayey soils overlying limestone. The soils are moderately slowly permeable with a low water capacity. The vegetation consists of Honeysuckle, Lantana, Turk's Cap, Muscadine Grape and Yucca. The woody vegetation consists of Chinaberry and Ligustrum.

Critical Environmental Features/CWQZ

One Critical Environmental Feature (Canyon Rimrock) was identified in the Environmental Resource Inventory.

Project Background

The site plan under review was submitted on April 18, 2016 and proposes the demolition of an existing and construction of a new boat dock. There is an existing stone step shoreline access and now shoreline improvements are proposed.

Environmental Code Variance Request

To allow the construction of a boat dock within a 150 foot Critical Environmental Feature buffer (Canyon Rimrock). 25-8-281(C)(2)(b). The dock and improvements are entirely offshore, minimal onshore disturbance, and all proposed work is down gradient of the Critical Environmental Feature.

Recommendation

Staff recommends approval of the environmental variance since the Findings of Fact (enclosed herein) have been met. Conditions: All demolition and construction is to occur from the lakeside via barge.



**Development Services Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Project:	Kristin Boat Dock SP-2016-0185DS
Ordinance Standard:	Land Development Code Section 25-8-281(C)(2)(b)
Variance Request:	To allow the construction of a boat dock within a 150 foot Critical Environmental Feature buffer (Canyon Rimrock).

Findings:

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. Properties with frontage along Lake Austin frequently contain boat docks and neighboring properties adjacent to the subject property have boat docks. The proposed boat dock width is 15-feet, which does not exceed the allowable 20% of the shoreline frontage. Similar variance cases include:

Mayes Boat Dock (SP-2014-0182DS) - Land Development Code Section 25-8-281(C)(2)(b) - To allow construction of a boat dock, shoreline access and shoreline stabilization within a Critical Environmental Feature (CEF) buffer for a canyon rimrock.

Iles Boat Dock (SP-2014-0212DS) - Land Development Code Section 25-8-281(C)(2)(b) - To allow construction of a boat dock within a canyon rimrock Critical Environmental Feature buffer.

2009 Lake Shore Drive (SP-2013-0504DS) - Land Development Code Section 25-8-281(C)(2)(b) -To allow construction of a boat dock within a canyon rimrock Critical Environmental Feature buffer.

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 construction of boat dock at the shoreline, which is a typical construction activity for shoreline properties along the lake, is occurring down gradient of the critical environmental feature from only the lake side. This will provide greater environmental protection by not disturbing the vegetative and soil cover up gradient of the rimrock.

- 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 applicant is not increasing the existing dock footprint with the construction of the newly proposed dock. The new dock is just replacing the existing dock and will be constructed at the same location within the same existing dock footprint.

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

Yes. The construction of the boat dock does not create a significant probability of harmful environmental consequences, because the required construction activities to construct the boat dock are occurring from the lake side, down gradient of the rimrock critical environmental feature. This construction method will not cause significant discharge of sediment into lake, destabilize rimrock critical environmental feature or the up gradient slope area.

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

Yes. The construction of the boat dock will result in at least equal or greater water quality, because the proposed construction activity is occurring down gradient of the rimrock critical environmental feature from the lake side. As a result, there will be no increase sediment-laden runoff over the rimrock and into the lake.

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.

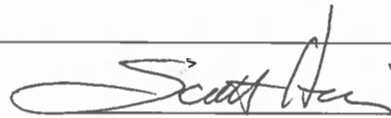
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A.

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

N/A.

ERM Hydrogeologist



Scott Hiers

Environmental Reviewer:



Atha Phillips

Environmental Officer:



Chuck Lesniak

Date: July 12, 2016

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



- SP-2016-0185DS - Site
- Travis Central Appraisal District - Parcels