

**From:** [REDACTED]  
**Cc:** [Gail Findlay](#)  
**Subject:** Formal Site Plan Application Accepted by COA - 2005 Manana St  
**Date:** Friday, March 31, 2017 5:51:26 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Hello All,

We have paid the required application fees and provided the formal application submittal today.

[https://abc.austintexas.gov/web/permit/public-search-other?t\\_detail=1&t\\_selected\\_folderrsn=11685921&t\\_selected\\_propertyrsn=547136](https://abc.austintexas.gov/web/permit/public-search-other?t_detail=1&t_selected_folderrsn=11685921&t_selected_propertyrsn=547136)

Please let us know of any other requirements or conditions at this time, thanks!

Kindest Regards,

**Rick Rasberry, CESSWI**  
**Lake Austin Boat Dock & Shoreline Permits**  
**512-970-0371**  
[REDACTED]

30235232\_rick\_rasberry



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**From:** [REDACTED]  
**Sent:** Thursday, March 9, 2017 12:40 PM  
**To:** 'david.chapman@austintexas.gov' <david.chapman@austintexas.gov>  
**Cc:** 'Hawkins, Stephen' <Stephen.Hawkins@austintexas.gov>; 'Garcia, Mario' <Mario.Garcia@austintexas.gov>; 'Horn, Tom' <Tom.Horn@austintexas.gov>; 'Johnston, Liz' <Liz.Johnston@austintexas.gov>; 'Gail Findlay' <[REDACTED]>  
**Subject:** Site Plan Application Submitted 2005 Manana St

Mr. Chapman,

This communication is provided to inform that we have submitted a site plan application for consideration today per COA Stop Work Order dated February 7, 2017. A copy of the records we provided during the COA Intake process can be viewed here:

[https://www.dropbox.com/sh/5lnnwpx74x2agez/AAAapTsl\\_Fiobill1gEpln2za?dl=0](https://www.dropbox.com/sh/5lnnwpx74x2agez/AAAapTsl_Fiobill1gEpln2za?dl=0)

Please let us know of any additional needs now, thanks!

Kindest Regards,

**Rick Rasberry, CESSWI**  
**Lake Austin Boat Dock & Shoreline Permits**  
**512-970-0371**  
[REDACTED]

30235232\_rick\_rasberry



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**From:** Rick Rasberry

**Sent:** Tuesday, February 21, 2017 1:26 PM

**To:** 'david.chapman@austintexas.gov' <[david.chapman@austintexas.gov](mailto:david.chapman@austintexas.gov)>

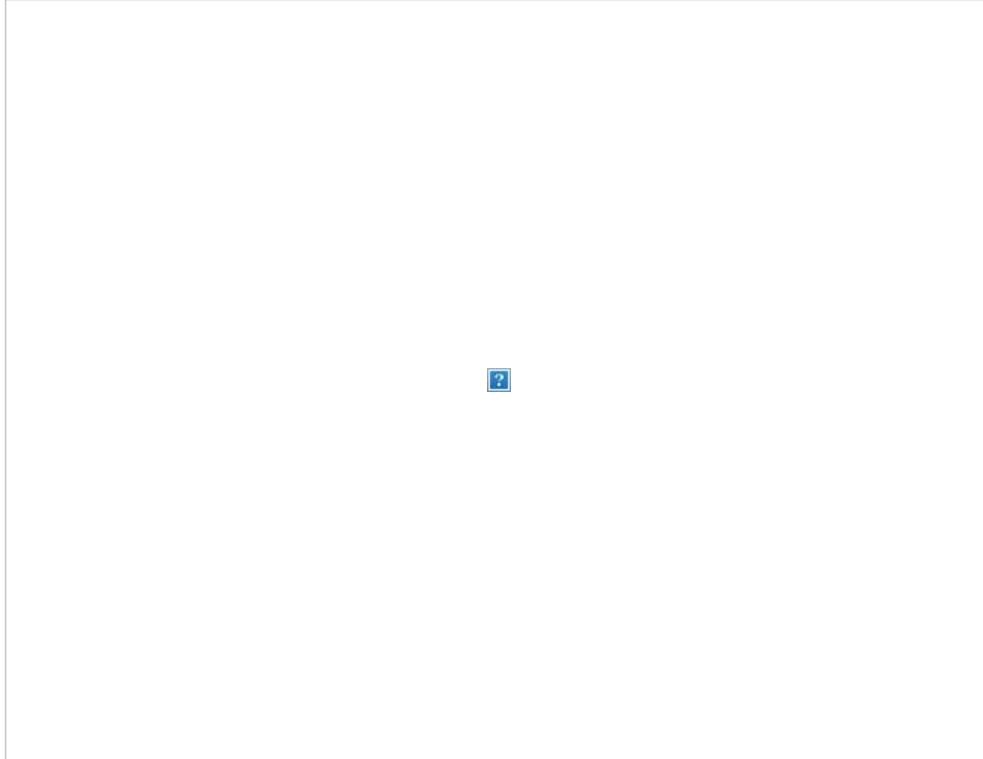
**Cc:** 'Hawkins, Stephen' <[Stephen.Hawkins@austintexas.gov](mailto:Stephen.Hawkins@austintexas.gov)>; Garcia, Mario <[Mario.Garcia@austintexas.gov](mailto:Mario.Garcia@austintexas.gov)>; 'Horn, Tom' <[Tom.Horn@austintexas.gov](mailto:Tom.Horn@austintexas.gov)>; Johnston, Liz <[Liz.Johnston@austintexas.gov](mailto:Liz.Johnston@austintexas.gov)>

**Subject:** Stop Work Order Issued 2005 Manana St

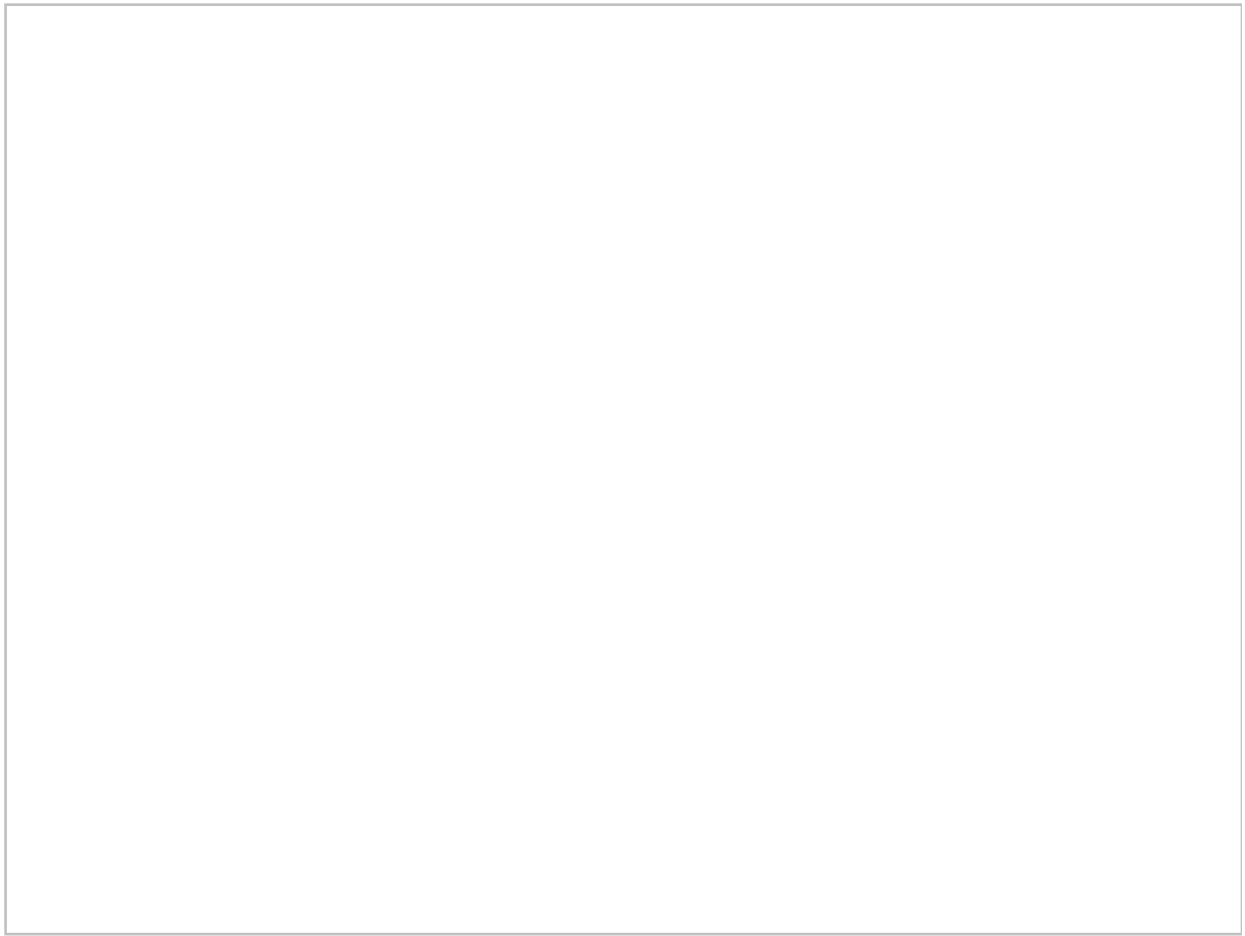
Mr. Chapman,

Please accept this communication on behalf of the referenced property owner, Mrs. Gail Findlay, in reply to your letter dated February 9, 2017. I have been retained by Mrs. Findlay (Agent Letter Attached) to prepare the required site plans and applications -- and we are in the "land survey" process for the lot right now. We will move as quickly as possible and please let me know of any specific needs, requests, or other ordering provisions. In the meantime, we would like to request getting a copy of all City approved site plans and building permits for:

1. sports court, 2. bulkhead, and 3. boat ramp developed on the adjoining 2007 Manana St property (see pictures below):



# I01/218



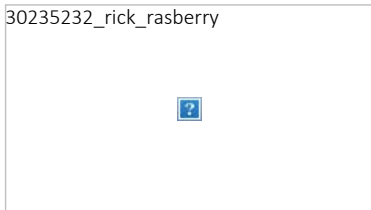
We look forward to hearing back on these matters, thanks!

Kindest Regards,

**Rick Rasberry, CESSWI**  
**Lake Austin Boat Dock & Shoreline Permits**  
**512-970-0371**



30235232\_rick\_rasberry



**From:** [REDACTED]  
**Subject:** RE: Stop Work Order Issued 2005 Manana St  
**Date:** Wednesday, February 22, 2017 2:40:03 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image009.png](#)

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Steven,

Thanks for the call today as we understand that the 2007 Manana St owner may have all of the sudden expressed some new concern about the bulkheading which has been in existence for many decades. Mrs. Findlay has agreed to put up additional reflective tape and new lighting on the existing markers.



Please let us know of any additional needs.

Kindest Regards,

**Rick Rasberry, CESSWI**  
**Lake Austin Boat Dock & Shoreline Permits**  
**512-970-0371**

[REDACTED]

30235232\_rick\_rasberry



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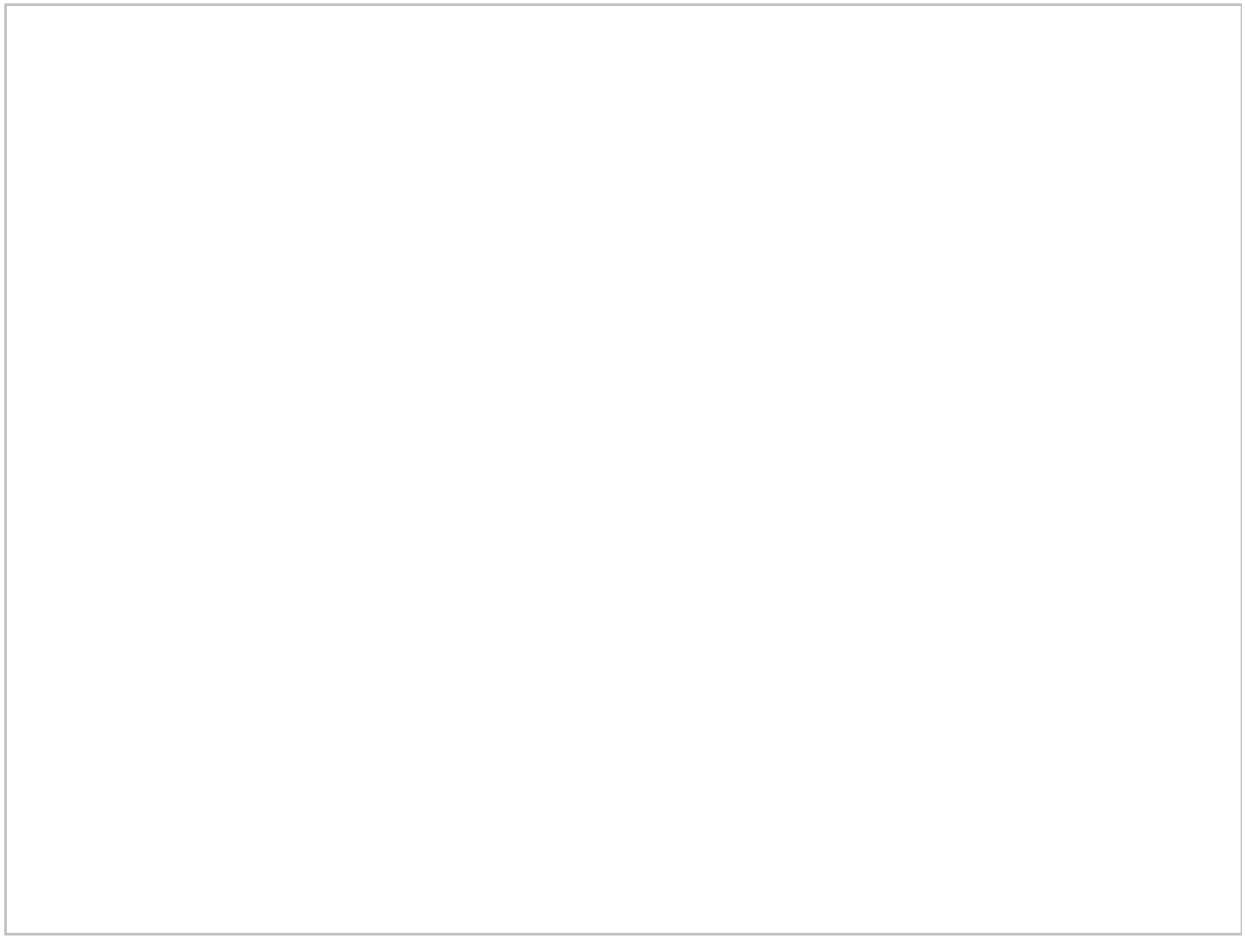
**Subject:** Stop Work Order Issued 2005 Manana St

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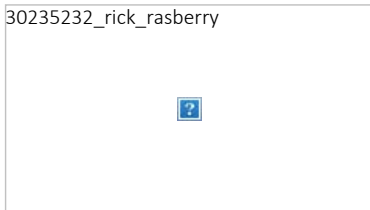
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Kindest Regards,

**Rick Rasberry, CESSWI**  
**Lake Austin Boat Dock & Shoreline Permits**  
**512-970-0371**



30235232\_rick\_rasberry



# AUSTINCODE

## DEPARTMENT

The information you requested contains an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body. As allowed by section 552.137 of the Texas Government Code, this information is confidential and not subject to disclosure under this chapter. Our office is prohibited by law from releasing this information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.137 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are included with this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.137. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

### How to appeal the withholding of information under Gov't Code section 552.130

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

STAFF  
RESPONSE  
AND  
PHOTOS



## MEMORANDUM

**TO:** Chair William Burkhardt and Members of the Board of Adjustment

**FROM:** Liz Johnston, Environmental Program Coordinator  
Watershed Protection Department

**DATE:** 09/05/2017

**SUBJECT:** Interpretation Case C15-2017-0043; 2005 Manana St.

This memo is in support of the code interpretation offered by Development Services Department staff to Mr. Rick Rasberry related to a proposed site plan at 2005 Manana St (Site plan number SP-2017-0082D). The issue is related to a submerged wall that was constructed without permits during the recent lake lowering between early January and mid-February of 2017. The project is currently under an Environmental Code Violation while the site plan is under review.

Based on aerial imagery, wing-walls that extended perpendicular to the shoreline existed prior to 1984, and the ability of the applicant to maintain those walls is not under dispute. However, there was also a wall that ran parallel to the shoreline for approximately 70' at a distance of approximately 16' from the shoreline, which does not show up in aerial photographs until after 2003. Please refer to the enclosed aerial images for reference.

The section of the code under question, LDC 25-2-963(D) Modification and Maintenance of Noncomplying Structures, was clarified in 2014 after an ordinance was adopted that was a direct result of the Lake Austin Task Force (LATF) recommendations that had occurred throughout the previous year. Because of this code change, under current code no prior permit is required to repair or maintain non-complying structures that were constructed prior to 1986. In this case, however, the wall built parallel to the shoreline that was reconstructed does not show up in aerial photographs until well after 1986 and would therefore have needed a permit in the form of a site plan. Additionally, during the era when it first appeared in aerial photographs, the wall would likely have required the approval of the Parks Board and an environmental variance to allow construction not allowed in a Critical Water Quality Zone. Additionally, the location, material, and height of the new wall does not match the previous wall and should be considered new construction, not maintenance of a non-complying structure.

WPD is concerned of the precedent that would be set by allowing the applicant the ability to maintain an existing non-complying structure that was not properly permitted. Structures that are built in floodplains and environmentally sensitive areas should have greater scrutiny under the code than structures built on the land. The underwater CMU wall is a boating navigation hazard, does not provide code-compliant wave abatement, and appears to claim space for a private individual that belongs to the public.

Attachments

**CC:** Chuck Lesniak, Environmental Officer, Watershed Protection Department  
Beth Robinson, P.E., Managing Engineer, Land Use Review, Development Services Department  
Donna Galati, Program Manager III, Land Use Review, Development Services Department

1987 aerial



- Wingwalls exist
- No wall parallel to shoreline



2003 aerial (image taken during drawdown)



Wingwalls exist

- No wall parallel to shoreline



2012 aerial



Wingwalls and wall parallel to shoreline are evident



2017 aerial (image taken at beginning of lake drawdown)





February 9, 2017, photo by Code Officer.





April 17, 2017, ERM site visit photo



Reconstructed wing-wall

New wall parallel to shoreline