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Mrs. Findlay asked that I share her comments, as follows: **“It troubles me that the city was so insistently blind to the fact that this system has been in place for over 40 years. It also troubles me that they blithely recommend that I completely redesign a beautiful simple shoreline that I purchased because I loved it for the way it was.”**

It appears that the staff have decided for the Director In reply to our May 10, 2017 letter (see attached). The May 10, 2017 letter to the Director of Development Services specifically notates that “The existing shoreline stabilization structures and bulkhead have been developed on the property for more than fifty (50) years and should be accepted by the Director per the rule conditions of LDC 25-8-963(D)(8).”

Please offer a reply which includes your (or the Director’s) written findings to support your determination regarding our petition/exhibits for inclusion of LDC 25-2-963(D)(8) on this matter. If COA should maintain that the application must be heard by other Boards/Commissions for fair and consistent consideration, then the owner begs for swift processing from COA to schedule any hearings now.

Kindest Regards,

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





May 10, 2017

Director of Development Services Department

EXHIBIT C1 OF 2

City of Austin

P.O. Box 1088

Austin, Texas 78767

Re: Request for Approved Variance LDC 25-8-261 (Critical Water Quality Zone Development) & LDC 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long), Shoreline Stabilization and Bulkhead Repair, SP-2017-0082D, 2005 Manana Drive on Lake Austin, TX

Dear Director:

On behalf of the Owner of the referenced property I am requesting approval of the proposed shoreline stabilization and bulkhead repair site plan SP-2017-0082D.

The existing residential lot/property has been fully developed with a single-family residence and accessory boat dock for several decades. The proposed plans and specifications comply with City Code 25-7-62 along with all other parts of City Ordinance No. 20140626-113 *Relating to the Lake Austin Zoning District and the Regulation of Boat Docks, Bulkheads, and Shoreline Access*.

City of Austin Review Staff have determined that the existing shoreline stabilization structures and bulkhead may not be conforming with the rule conditions of LDC 25-8-261 and LEC 25-8-368; thus, necessitating an Environmental Commission variance hearing process.

The existing shoreline stabilization structures and bulkhead have been developed on the property for more than fifty (50) years and should be accepted by the Director per the rule conditions of LDC 25-2-963(D)(8). The property Owner disagrees with the Staff findings claiming that the existing repairs and improvements would command Commission(s) variance approval, and would further contend that any lawful rule variance conditions should be approved administratively by "the Director" for the grandfathered shoreline stabilization/bulkhead repairs. However, the Owner has agreed to take whatever action is demanded by COA to avoid delays with anticipation for reasonable and timely application processing of the repair plans and applications.

Director of Development Services Department

Request for Approved Variance LDC 25-8-261 & LDC 25-8-368, SP-2017-0082D

May 10, 2017

Page 2

The existing shoreline stabilization method has been successfully used on the site for many decades. Additionally, the existing development method provides greater overall environmental protection than is achievable without any variance, is the minimum change (repair) necessary to allow for reasonable use of the shoreline property, does not create a significant probability of harmful consequences; and will result in equal or improved water quality.

It should be noted that the property Owner is seeking no special privilege to repair the bulkhead and other necessary appurtenances not already given to owners of other similarly situated property with approximately contemporaneous development, and as provided. The proposal would result in promoting ecological function and maintaining the natural character of the lakeshore. Any denial of the requested application for Site Plan would be construed as deprivation of a privilege given to other property owners and would effectively deny the property Owner a reasonable use.

Please let me know if you should have any questions or require any additional information and we look forward to receiving your favorable reply of acceptance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Rick Raspberry".

Ricky "Rick" Raspberry, CESSWI

Rick Rasberry

From: [REDACTED]
Sent: Wednesday, June 28, 2017 1:32 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 2005 Manana St -- Results of June 7, 2017 Staff Meeting
Attachments: 2005 Manana.pdf

Mr. Rasberry,

Please see the attached letter in response to your email below and letter dated May 10, 2010.

I do apologize for any statements that were received in a negative light in your meeting with staff on June 7, 2017. The City of Austin values customer service and professionalism towards the citizens of Austin and our customers. Please extend our sincere apologies to Mrs. Findlay.

Please let me know if you have any questions.

Thanks,
 Beth

Beth Robinson, P.E.

Land Use Review, Managing Engineer

[City of Austin Development Services Department](#)

One Texas Center, 4th floor

505 Barton Springs Road

Office: 512-974-6312



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We want to hear from you! Please take a few minutes to complete our [online customer survey](#).

Nos gustaría escuchar de usted. Por favor, tome un momento para [completar nuestra encuesta](#).

From: [REDACTED]
Sent: Saturday, June 10, 2017 10:50 AM
To: [REDACTED]
Cc: [REDACTED]
 <[D](#)>
 <[g](#)>

Subject: 2005 Manana St -- Results of June 7, 2017 Staff Meeting

Chuck,

We understand that the COA Staff from both the WPD and DSD Departments may be consulting with you about their concerns, findings, and opinions on these matters to help make their determinations following our June 7, 2017 meeting in your offices. I must say that Mrs. Findlay was very disturbed by the staff comments, demands, and wished-for alterations to her property; specifically, any references about how she could “better spend her money” are clearly out of the scope/character and intent of the meeting.

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Kindest Regards,

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





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505 Barton Springs Road Austin, TX 78704 | 512-978-4000 | DevelopmentATX.com

June 28, 2017

Rick Rasberry
Lake Austin Boat Dock and Shoreline Permits, LLC
Via e-mail to [REDACTED]

Re: 2005 Manana SP-2017-0082D

Mr. Rasberry:

This email is in response to your letter dated May 10, 2017, requesting a determination on whether the unpermitted construction of a wall located within Lake Austin qualifies for modification or maintenance of a non-complying structure as specified by City Code section 25-2-963(D)(8).

I have reviewed the information provided for this site and discussed the situation with City staff and have determined that the recently constructed wall does not qualify for modification or maintenance under this section of City code. The existing wall parallel to the shoreline appears to have been constructed after January 1, 1984. Additionally, there has been no evidence provided that indicates a permit was obtained to authorize construction as required by 25-2-963(D)(7).

Please further note that staff does not consider this wall a bulkhead as defined by 25-2-1172 for the following reason. The constructed wall within the lake is not "...for the purpose of stabilizing or modifying the shoreline" and does not appear necessary for the support of the existing bulkhead.

As an option, you may request an interpretation or variance from the Board of Adjustment. The Board of Adjustment staff liaison is Leane Heldenfels; she may be reached at Leane.Heldenfels@austintexas.gov or 512-974-2202.

Please also note that the newly constructed wall within the lake does not comply with City Code sections 25-8-261 (*Critical Water Quality Zone Development*). As such, Land Use Commission variances may be required for site plan approval. Based on the information provided to date staff does not believe the variances would meet the findings-of-fact and would not be recommended for approval by staff.

Please let me know if you have any questions or require any clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Robinson".

Beth Robinson, P.E,
Managing Engineer, Land Use Review
Development Services Department

Rick Rasberry

From:

Sent:

Thursday, June 29, 2017 12:46 PM

To:

Cc:

Subject:

RE: COA Variance Fee Invoices 2005 Manana St Appeal to Boards/Commissions

Ms. Robinson,

Thanks again for the quick reply. We will contact Ms. Heldenfels and initiate those processes but we just wanted to be sure we addressed staff comments of Update U1, as follows:

EV 9. Environmental variance package preparation will not take place until review is substantial and the environmental variance fee is paid. In addition, the project cannot go before the Board until the project is substantially compliant with Code. For questions regarding amount, please call 512-974-6338.

Update 1 Comment pending.

EV 10. If requesting an environmental variance please provide an Environmental Resource Inventory.

Update 1 Comment pending.

EV 11. A Land Use Commission environmental variance from LDC 25-8-261 and 25-8-368. Please submit a request letter that identifies the scope of the environmental variance and the findings of fact per LDC 25-8-41(A). Pay environmental variance fee for each variance through intake. Contact staff to discuss proposed environmental variance and information needed to assess and present the environmental variance request. regarding variance fee amount, please call 512-974-6338.

Update 1 Comment pending.

If we understand correctly, we are being directed to the Board of Adjustment's Appeal process rather than the Land Use Commission to address the variance(s) considerations -- and that there are no "environmental variance fees" due now?

Atha, could you please let me know of any other staff needs regarding the comments (so this could be heard by the BOA) while we're proceeding with Ms. Heldenfels on the application?

Thanks!

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



From: [REDACTED]
Sent: Thursday, June 29, 2017 12:22 PM

[REDACTED]

Subject: RE: COA Variance Fee Invoices 2005 Manana St Appeal to Boards/Commissions

Rick,
Please see below...
Thanks,
Beth

From: [REDACTED]
Sent: Wednesday, June 28, 2017 2:39 PM

[REDACTED]

Subject: COA Variance Fee Invoices 2005 Manana St Appeal to Boards/Commissions

Ms. Robinson,

Thank you for the detailed response and we would respectfully request the following items at this time, as follows:

1. COA Fee invoice for the Board of Adjustment application and variance process?
[Leane Heldenfels invoices and schedules when the applicant comes in with a complete application. LUR is not involved in the BOA process.](#)
2. COA Fee invoice for the Land Use Commission application and variance process (You noted that this "may be required")?
[If/when a variance is required, LUR invoices the variance fee and notification fee.](#)
3. Provide commensurate adjustments to the AMANDA data system allowing Applicant reasonable time to pay all required and essential COA fees per #1 and #2 above, and involve variance application(s) submittal(s) per COA procedures -- AMANDA currently classifies the project "inactive" with other fees purportedly due for "re-activation"?
[A variance will not waive the re-activation fee. However, if all other comments are cleared \(except those related to what needs a public hearing\), the tolling provision would apply, and the application would not expire.](#)

Kindest Regards,

Rick Rasberry, CESSWI

Lake Austin Boat Dock & Shoreline Permits

512-970-0371



From: [REDACTED]

Sent: Wednesday, June 28, 2017 1:32 PM

Subject: RE: 2005 Manana St -- Results of June 7, 2017 Staff Meeting

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Please let me know if you have any questions.

Thanks,
Beth

Beth Robinson, P.E.*Land Use Review, Managing Engineer*[City of Austin Development Services Department](#)One Texas Center, 4th floor

505 Barton Springs Road

Office: 512-974-6312

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From: Rick Rasberry [REDACTED]

Sent: Saturday, June 10, 2017 10:50 AM