CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday November 13, 2017 **CASE NUMBER: C15-2017-0054**

_____Brooke Bailey
_____William Burkhardt
_____Christopher Covo
_____Eric Goff
_____Melissa Hawthorne
_____Bryan King
_____Don Leighton-Burwell
_____Rahm McDaniel
_____Veronica Rivera
_____James Valadez
_____Michael Von Ohlen
_____Kelly Blume (Alternate)
_____Martha Gonzalez (Alternate)
_____Pim Mayo (Alternate)

APPLICANT: Rick Rasberry

OWNER: Dustin Donnell

ADDRESS: 1615 WESTLAKE DR

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A):
A. (2) to increase the distance a dock may extend from no more than 20 percent of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline, or in this case 28.1 feet (required, permitted) to 30 feet (requested); and
B. (4) (a) to increase the width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, from 25.7 feet (required, permitted) to 30 feet (requested) in order to construct a new boat dock within the "LA" Lake Austin Residence zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2017, Board Member Eric Goff second on an 9-2 vote (Board members Bryan King and Don Leighton-Burwell nay); POSTPONED TO NOVEMBER 13, 2017. November 13, 2017 POSTPONED TO DECEMBER 11, 2017 BY STAFF

O05/2

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

William Burkhardt
Chairman

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday October 9, 2017 **CASE NUMBER: C15-2017-0054**

___Y___Brooke Bailey
___Y___William Burkhardt
___Y___Christopher Covo
___Y___Eric Goff
___Y___Melissa Hawthorne
___N___Bryan King
___N___Don Leighton-Burwell
___Y___Rahm McDaniel
___Y___Veronica Rivera
___Y___James Valadez
___Y___Michael Von Ohlen
___-___Kelly Blume (Alternate)
___-___Martha Gonzalez (Alternate)
___-___Pim Mayo (Alternate)

APPLICANT: Rick Rasberry

OWNER: Dustin Donnell

ADDRESS: 1615 WESTLAKE DR

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A):
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BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2017, Board Member Eric Goff second on an 9-2 vote (Board members Bryan King and Don Leighton-Burwell nay); POSTPONED TO NOVEMBER 13, 2017.

FINDING:

O05/4

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

William Burkhardt
Chairman



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0054

LOCATION: 1615 Westlake Dr

1 " = 167 '

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

O05/6

CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment
General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1615 Westlake Drive

Subdivision Legal Description:

LOT 2 BLK A THE STUDDER SUBDIVISION

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: City of West Lake Hills Jurisdiction

I/We Rick Rasberry, CESSWI on behalf of myself/ourselves as authorized agent for Dustin Donnell affirm that on Month August , Day 28 , Year 2017 , hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

○ Erect ○ Attach ○ Complete ◉ Remodel ○ Maintain ○ Other: _____

Type of Structure: Boat Dock

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

1. LDC 25-2-1176(A)(2) -- Request to increase length of boat dock from 28.1' to 30.0'
2. LDC 25-2-1176(A)(4) -- Request to increase width of boat dock from 25.7' to 30.0'

Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The owner's modern-day watercraft are too large to be safely docked within the structural dimension limitations afforded by the zoning rules. Other similarily situated boat docks already developed in Bee Creek have been granted approved site plans and site plan exemptions with variances to LDC 25-2-1176(A)(2) and 25-2-1176(A)(4). Any denial of the requested variance would effectively invoke a reasonable use hardship unique to the property.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

Other similarily situated boat docks already developed in Bee Creek have been granted approved site plans and site plan exemptions from COA with variances to LDC 25-2-1176(A)(2) and 25-2-1176(A)(4) regarding dock widths and lengths.

b) The hardship is not general to the area in which the property is located because:

The residential property is located within the City of West Lake Hills and the COA jurisdiction is limited only to the shoreline (492.8 msl and lower). COA has issued approved site plans and site plan exemptions with variances to LDC 25-2-1176(A)(2) and 25-2-1176(A)(4) to other property owners not located in the Bee Creek area.

Area Character
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:

Boat docks have been developed in the Bee Creek area for more than sixty (60) years. Several of the existing boat docks in the Bee Creek area have been allowed to vary from the width and length rule restrictions. This proposal is only requesting 1.9' additional length of dock into the channel and 4.3' width increase of the dock on the shoreline to accomodate for safe docking of the Owner's two (2) large watercraft. The proposed improvements would in no way impair the use of adjacent conforming properties.

Parking (additional criteria for parking variances only)
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

No parking variance is being sought with the boat dock remodel site plan application and the Owner's Residence is near the boat dock.

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:

N/A -- Boat Dock

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

The boat dock remodel would be sited in a consistent and congruent fashion similar to the other boat docks in Bee Creek.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

The site (single family residence) is located within the City of West Lake Hills full jurisdiction and any approved variance would apply to the boat dock use only.

O05/9

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Rick Rasberry, CESSWI Date: 8/28/17

Applicant Name (typed or printed): Rick Rasberry (Lake Austin Boat Dock & Shoreline Permits)

Applicant Mailing Address: 2510 Cynthia Ct

City: Leander State: Tx Zip: 78641

Phone (will be public information): (512) 970-0371

Email (optional – will be public information): rick@rickrasberry.com

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Date:

Owner Name (typed or printed): Dustin Donnell

Owner Mailing Address: 1615 Westlake Drive

City: West Lake Hills State: Tx Zip: 78746

Phone (will be public information):

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Rick Rasberry (Lake Austin Boat Dock & Shoreline Permits)

Agent Mailing Address: 2510 Cynthia Ct

City: Leander State: Tx Zip: 78641

Phone (will be public information): (512) 970-0371

Email (optional – will be public information): rick@rickrasberry.com

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Information Provided as Attachments:
EXHIBIT A -- COVER LETTER TO BOARD
EXHIBIT B -- EXAMPLE COA APPROVALS FOR OTHER BEE CREEK AREA DOCKS
EXHIBIT C -- FULL SIZE SITE PLANS SP-2017-0228DS

Q05/10 Exhibit A 1 of 2

RICK RASBERRY
LAKE AUSTIN
BOAT DOCK & SHORELINE PERMITS

August 28, 2017

Board of Adjustment Members

City of Austin

Re: Request for Approved Variance LDC 25-2-1176(A)(2) and LDC 25-2-1176(A)(4) Regarding Boat Dock Length and Width Conditions, Boat Dock Remodel, SP-2017-0228DS, 1615 Westlake Drive on Lake Austin, TX

Dear Board Members:

On behalf of the Owner of the referenced property I am requesting approval to allow for the proposed boat dock remodel improvements to include the slight length and width adjustments.

The original boat dock on the property was designed and built more than sixty (60) years ago and is very small in relation to boat dock designs made now to safely accommodate much larger modern-day watercraft sizes and configurations.

The Owner is requesting Board approval to increase the width of the boat dock by 4.3 feet, and to increase the length by 1.9 feet. This would be the minimum safe design footprint arrangement necessary to accommodate the Owner's two large watercraft, and would be a commensurate footprint size of 30' X 30' commonly approved by COA.

The existing residential lot/property has been fully developed with a single-family residence and accessory boat dock for several decades. While the residential property is in the city limits of West Lake Hills, 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.*

We would present the following examples of COA approved boat docks in the Bee Creek area with similar size variance conditions for your consideration (details found in Exhibit B):

1. 1855 Westlake Drive 30' X 30'
2. 1 Hidden Cove 30' X 40'
3. 1887 Westlake Drive 30' X 35.5'
4. 1847 Westlake Drive 30' X 30'
5. 1611 Westlake Drive 30' into channel

Board of Adjustment Members

Request for Approved Variance LDC 25-2-1176(A)(2) and LDC 25-2-1176(A)(4)

August 28, 2017

It should be noted that the property Owner is seeking no special privilege to remodel the boat dock 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 variance 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,

Rick Rasberry

Ricky "Rick" Rasberry, CESSWI

cc: Dustin Donnell

EXAMPLE DOCK SITES FOR BOA CONSIDERATION



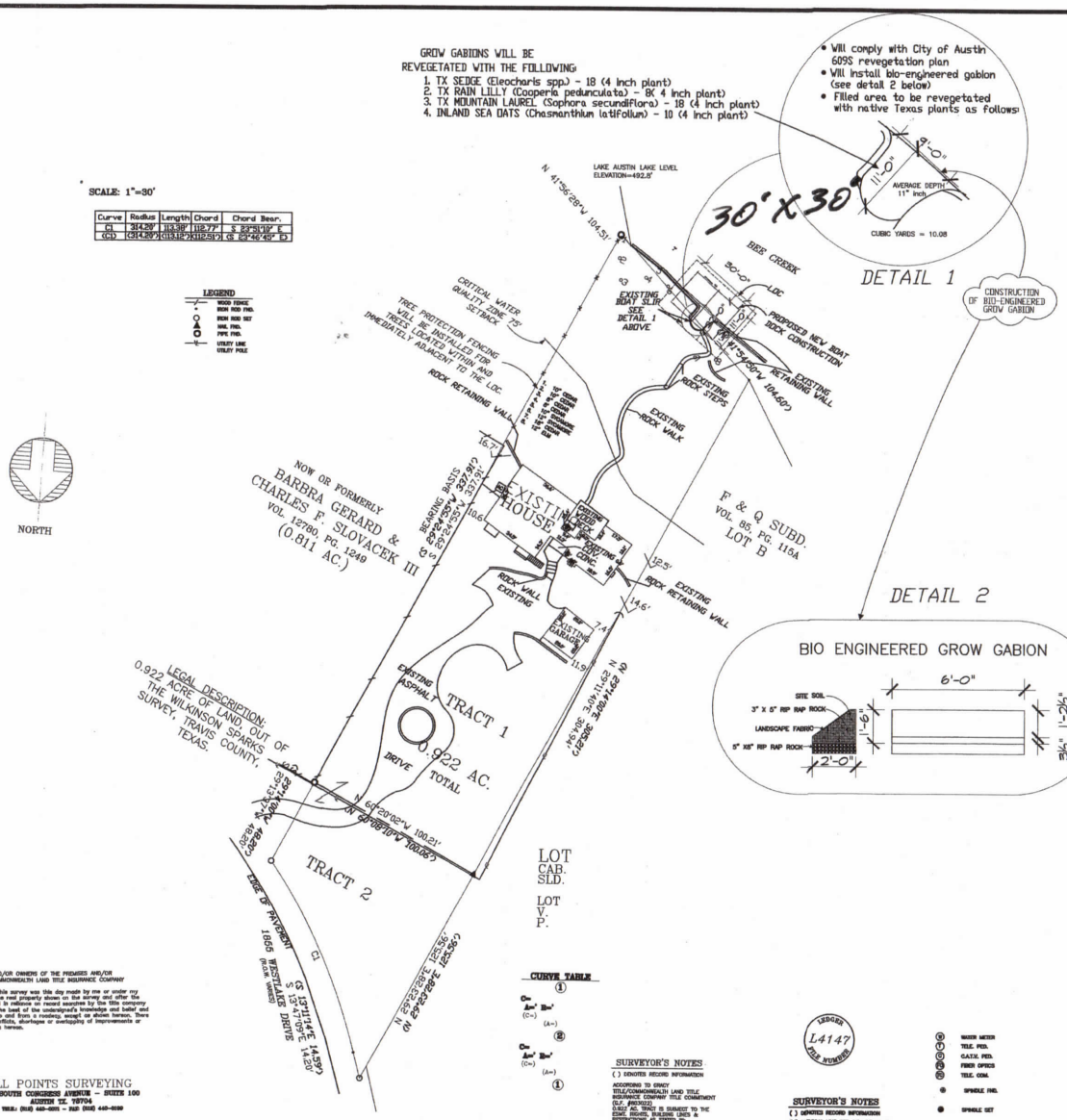
http://www.austintexas.gov/GIS/developmentwebmap/Viewer.aspx

PREPARED BY RICK RASBERRY 8/25/17

005/12
Exhibit B1 of 35


GIS
Search Type
Address
DEVELOPMENT WEB MAP
1855 WESTLAKE DR, AUSTIN, TX, 7
Map Tools
Map Pan
Map Themes
2012 True Color
1 : 1,200
Map Layers
Address Matches

005/13
B 2035



2 SITE PLAN
SCALE: 1" = 30'

SUBMIT DATE: 09/03/2008

SP-2008-0435DS
Development Permit #

Watershed Protection and Development Review

Reviewed By
Parks Department Certification

For the construction of the proposed boat dock, this site plan does not require any variances from, and is in full compliance with the following:

- Section 25-2-1176 10' Side yard Set Back
- Section 25-2-1175 Lighting and electrical standards
- Section 25-2-1176 A Variance has been granted by Parks to extend the boat dock width to 30'-0" and 15' maximum exxtension of dock into water.
- An environmental variance has been granted to LDC 25-8-452 to build within the critical water quality zone on June 16, 2009.
- This site plan does not create navigation hazards

6/29/2009
Parks and Recreational Department

APPROVED AND RELEASED
JUL 13 2009
CITY OF AUSTIN
City of Austin Reviewed for General Compliance
JUL 13 2009

APPROVAL STAMP

DESIGN LINES, ETC.
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DESIGN LINES, ETC.
DESIGNER PLANNERS INTERIORS
719 SMOKE SIGNAL PASS
PFLUGERVILLE, TEXAS 78660
PHONE: 512-990-0870
E-MAIL: lesann1955@aol.com

CHRISTOPHER BOAT DOCK
1855 WESTLAKE DRIVE
AUSTIN, TEXAS

SITE PLAN

REVISIONS/CORRECTIONS

No.	Date	Revision Description	Page Revised	Approved

Scale: AS SHOWN
Date: 5/15/2008
Drawn By: L.A.B.
Reviewed By: J.W.
Submission: 2008-05-01
Permit Number: SP-2008-0435DS

PAGE 2 OF 3

005/4/45



previous 1 2 3 next **Page 2 / 3 - Total 41 rows returned.**

To view permit details, click on the Case/Permit Number

PERMIT INFORMATION

	Permit/Case	Reference File Name	Description	Sub Type / Work Type	Project Name	Status	Related Folder
21	2010-056373 BP	2010-056373 BP	Demolish detached garage. ***ALREADY DEMOLISHED and new house being built***	R- 649 Demolition All Other Bldgs Res / Demolition	1855 WESTLAKE DR	VOID	Yes
22	2010-056372 BP	2010-056372 BP	Demolish residence. ***ALREADY DEMOLISHED and new house being built***	R- 645 Demolition One Family Homes / Demolition	1855 WESTLAKE DR	VOID	Yes
23	2010-056371 PR	2010-056371 PR	Re-permitting for expired demolition permit numbers 2009-046172-BP & 2009-046173-BP. Demolish residence and detached garage. ***ALREADY DEMOLISHED and new house being built***	R- 645 Demolition One Family Homes / Demolition	1855 WESTLAKE DR	Approved	Yes