I think the last two slides showing the lake during the last draw down probably going to be the most helpful in seeing where the deepest part of the channel goes and how it shallows at my property and further towards the main body.

* I had to remove the video for size issues, but it just shows a simulated trip of a vessel going down the channel with the stakes in the ground for where the edge of my dock would be and illustrates how there is plenty of room to get around it (and still be in 3'11" or deeper water).

Cheers,

Dustin

--

Dustin Donnell

Donnell Development LLC

o) 512.394.4577

m) 512.534.0464

[redacted]

Proving A Hardship

Prepared by Dustin Donnell

1. Part (a) Hardship exists because the subject tract is uniquely located on a narrow, no wake, creek that feeds into Lake Austin. This is one of only 10 homes on this channel in West Lake Hills, and one of fewer than 20 homes that exist in in the narrowing part of the creek. This is unique to only a few tracts of land, and does not exist for homes with Lake Austin access on the main body.
    a. Whether the pile up of excavated material across the lake from me narrowed the channel ~10 feet as City Watershed has acknowledged, or over 30 feet as indicated from our current measurements as taken compared to 2003 LIDAR data may be up for debate, but in either case this hardship is unique to my property – very few people have the hardship of unlawful taking by a nearby property affecting their ability to reasonably and safely use their property.
        i. Despite our request, the City has not providing any evidence that the bulkheading and structures at 1867 Westlake Drive were properly permitted, giving us rise to believe that the waterlines delineated in previous findings and confirmed by prior LIDAR imagery is correct, and the loss of width is over 30 feet in total.
    b. The guidelines state that "financial hardships are not enough", seemingly meaning that they are at least some something to be taken into consideration. The majority of homes with Lake Access in West Lake Hills (and potentially ALL of them) have docks that are either a) larger than what we are requesting to build, or b) would require a variance to be built today. Although not the determining factor, the hardship of economic deprivation from being restricted from building a similar structure to ALL adjoining properties and having a structure that is unsafe for children or unsuitable for families is a real hardship that must be taken into consideration.

2. Part (b) exists because "reasonable use" would accommodate the vessels indicated, and those vessels are common to Lake Austin. The fact that nearly all of my neighbors have docks that are as large or larger than what we are requesting may not be sufficient on a standalone basis, but it must be taken into consideration that they also were seeking "reasonable use" and enjoyment of their boat docks at the time of their construction, and also wanted to build something that would be safe for them and their families.
    a. The fact that there is precedence for building docks requiring a variance may not be a *determinant* of the granting of this variance, but it should not serve as a *deterrent* to granting this variance or to the *detriment* of the applicant seeking the variance. As mentioned, there are only 10 homes in West Lake Hills that that exist in my part of the creek/channel, and most, if not all, have docks that are bigger than what we are proposing or would require a variance to build now. Once again, it must be taken into consideration that these other homes were allowed to build larger docks than code permits because of their need to have reasonable use and appropriate safety as well.

3. Part (c) should be confirmed by prior comments and data confirming the existence of similar structures on most of the properties in the neighborhood and immediate vicinity of the subject tract.

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.

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): [redacted]

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): [redacted]

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

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

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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 February, Day 21, Year 2018, 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 21.7' 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 existing 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 approved now to safely accomodate much larger modern-day watercraft sizes and confirgurations. The proposed variance is the minimum departure from the rules to achieve a safe boat dock design footprint arrangement necessary to accommodate the Owner's two (2) watercraft, and would be a commensurate footprint size of 30' X 30' commonly approved by COA in the area -- a safety priviledge enjoyed by other similarly situated properties to facilitate a resonable use.

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 area have been granted approved site plans and site plan exemptions from COA with variances to LDC 25-2-1176 regarding dock widths/lengths to realize safety privileges. Additionally, the property on opposite shoreline has claimed several vertical and horizontal feet of shoreline unlawfully, creating a special and unique hardship limitation on the 1615 Westlake Dr. property.

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

The property on opposite shoreline has claimed several vertical and horizontal feet of land/shoreline unlawfully, creating a special and unique hardship limitation on the LDC 25-2-1176 channel width rule provision calculations for the 1615 Westlake Dr. property.

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:

The proposed variance is the minimum departure from the rules to achieve a safe design footprint arrangement necessary to accommodate the Owner's two (2) watercraft, and would be a commensurate footprint size of 30' X 30' commonly approved by COA. The proposed footprint of dock (1006 square feet) would also be 16% smaller than the 1200 square feet maximum allowed by rule. The proposed improvements would in no way impair the use of adjacent conforming properties and the variance is heavily supported by the neighborhood.

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 proposed boat dock remodel would be sited in a consistent and congruent fashion similar to other area boat docks in Bee Creek -- the City's on the water assessment by APD did not find any navigational safety hazard with the proposed plans. Any denial of the requested variance could present a navigational risk associated with boats protruding from any smaller structure.

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 under the City of Austin's rule conditions.

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 Digitally signed by Rick Rasberry Date: 2018.02.26 10:45:50 -06'00' Date: 02/26/2018

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): [redacted]

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: Rick Rasberry, Agent/Applicant for Owner Date: 02/26/2018

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): [redacted]

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 -- WATERSHED VARIANCES FINDING OF FACT APPENDIX U (LDC 25-8-41)
EXHIBIT B -- NOVEMBER 27, 2017 LETTER OF FINDINGS SUBMITTED TO THE BOARD
EXHIBIT C -- AGENT REPLY TO THE JANUARY 4, 2018 JAY SYMCOX EMAIL

EXHIBIT A

APPENDIX U - FINDINGS OF FACT

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: _____

Ordinance Standard: _____

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES/NO
2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES/NO
3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES/NO
4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? YES/NO
5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? YES/NO

A variance requires all above affirmative findings with explanations/reasons.

RICK RASBERRY
LAKE AUSTIN
BOAT DOCK & SHORELINE PERMITS

November 27, 2017

Board of Adjustment Members

EXHIBIT B1-5

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 small length and width adjustments.

The original boat dock (Exhibit A) 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 8.0 feet (Exhibit B). 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.*

Following the October 9, 2017 Board of Adjustment public hearing, we received e-mail communication from Ms. Liz Johnston with the City's Watershed Protection Department requesting an update to the proposed site plans regarding the existing "channel width" measurements (Exhibit C).

A review of the City's GIS aerial imagery, along with pictures taken at the site revealed that the 1867 Westlake Dr. property on opposite shoreline from the proposed replacement boat dock, has claimed shoreline unlawfully, resulting in a unique hardship on these matters (Exhibit D).

Following the City's Watershed Variances criteria per Appendix U (Exhibit E) of the Environmental Criteria Manual, we offer the following "Findings of Fact", as follows:

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES – The property on opposite shoreline has claimed several vertical and horizontal feet of shoreline unlawfully, creating a special and unique hardship limitation on the 1615 Westlake Dr. property 25-2-1176(A)(2) calculations.
2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? YES – The proposed variance is the minimum departure from the rules to achieve a minimum safe design footprint arrangement necessary to accommodate the Owner's two (2) watercraft, and would be a commensurate footprint size of 30' X 30' commonly approved by COA. The proposed footprint of dock (1006 square feet) would also be 16% smaller than the 1200 square feet maximum allowed by rule.
3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. YES – The proposal does not seek any special privileges not enjoyed by other similarly situated properties. In fact, examples of COA approved boat docks in the Bee Creek area with similar size variance conditions are provided for consideration (Exhibit F):
   A. 1855 Westlake Drive 30' X 30'
   B. 1 Hidden Cove 30' X 40'
   C. 1887 Westlake Drive 30' X 35.5'
   D. 1847 Westlake Drive 30' X 30'
   E. 1611 Westlake Drive 30' into channel
4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? YES – Approval of the variance would not impact water quality.
5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? YES – Invoking any restrictions in light of the undue hardships presented, would effectively deny the Owner a reasonable economic use of the property.

EXHIBIT B3-5

Additionally, we would provide Exhibit G showing the neighbor's written local support for approval.

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,

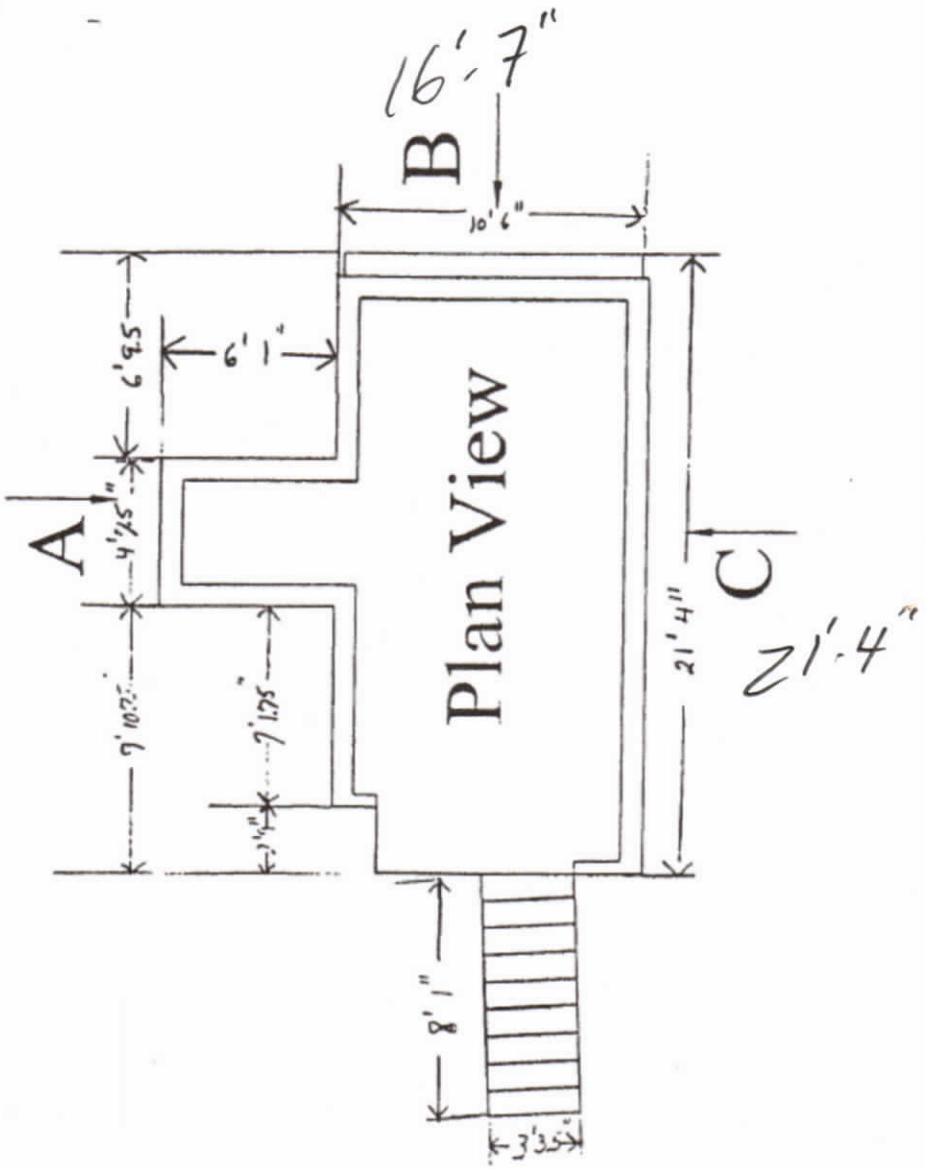
Ricky "Rick" Rasberry, CESSWI

cc: Dustin Donnell

Existing Dock Design

~~Exhibit A~~

EXHIBIT B4-5



Job Location:
Peggy Studer
1615 Westlake Drive, Westlake, Texas

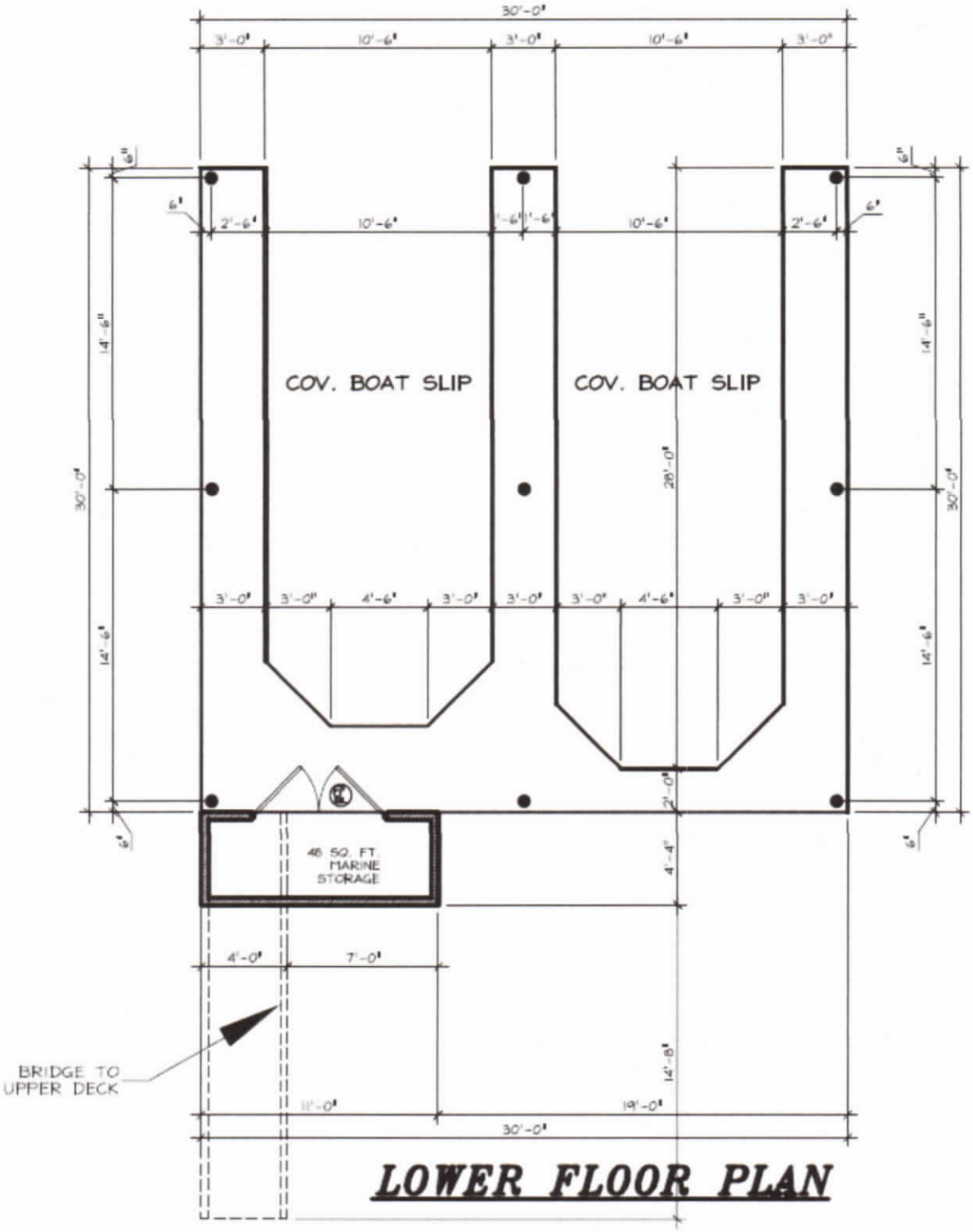
N.T.S.

Polvado Engineering Services
R. Stewart Polvado, P.E.
April 5, 2002

~~Exhibit B~~

Proposed Dock Design 1006 Square Feet

EXHIBIT B5-5



LOWER FLOOR PLAN

Rick Rasberry

From: [redacted]
Sent:
To:
Cc:
Subject: 1847 Westlake Drive Dredging of Bee Creek Channel

~~EXHIBIT E1 OF 4~~

EXHIBIT C1-4

Thanks again for the help with this late back-up material Leane!

Liz, we're looking at Mr. Symcox's letter and we want to be sure we can respond factually to Board when we go back next month. We see that Mr. Symcox purports spending "thousands of dollars dredging out the channel…"

> This case represents a significant harm to everyone that is on the cove above or North of the subject property. This arm of the lake is a creek arm and while the surface area of th water appears to be very wide at the subject property **the actually navigable channel is very narrow**. As a result of Sedimentation this creek has filled in dramatically over the years and has left only **a very narrow channel that is deep enough for boats to acce** In case you are not aware of this but I must remind everyone that the last 8 to 10 boat docks along the lake to the north of this project had no access to the lake from 2015 to 2017 because the channel was silted in and was not until last February that we were abl to enter the lake bed and dig out the channel. We spent thousands of dollars and hundreds of man hours to hand dig the silt out from under docks and out of the channel that we could use our boats and have lake access again. **This dock will most certainly accelerate the siltation and obstruction of the channel**.

We don't see any City approved plans, permits, exemptions, etc. for any dredging at 1847 Westlake Dr. as remarked by Mr. Symcox – did that development get approval by COA that we don't know about?

Kindest Regards,

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

RICK RASBERRY
LAKE AUSTIN
BOAT DOCK & SHORELINE PERMITS

From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: 1615 Westlake Drive

EXHIBIT C2-4

Hi Liz/Leane,

Would you mind sending me a copy of the letter that was brought up last night where we were instructed to respond in our next hearing?

Thank you!
Dustin

--

Dustin Donnell
Donnell Development LLC
o) 512.394.4577
m) 512.534.0464
[redacted]

From: [redacted]
[redacted]
Subject: C15-2017-0054
Date: Thursday, January 04, 2018 5:40:41 PM

EXHIBIT C3-4

Ms. Heldenfels, please see my attached objection to the proposed Variance A relating to the distance the dock may extend from the shore. of the above referenced case. I have no objection to variance B regarding the width of the Dock.

I am in the real-estate business and are very protective of landowners rights and I would not attempt to restrict a person's right to develop their property under existing laws and ordinances. In many cases I am not opposed to variances when these variances are reasonable and do not cause harm or undue hardship to adjacent property owners or businesses.

We have presented new evidence in support of the APD's finding that approval of the variance would not cause any navigational risk -- and any notion suggesting that approval of the variance would "most certainly accelerate the siltation and obstruction of the channel" is without any merit whatsoever.

This case represents a significant harm to everyone that is on the cove above or North of the subject property. This arm of the lake is a creek arm and while the surface area of the water appears to be very wide at the subject property **the actually navigable channel is very narrow**, As a result of Sedimentation this creek has filled in dramatically over the years and has left only **a very narrow channel that is deep enough for boats to access**. In case you are not aware of this but I must remind everyone that the last 8 to 10 boat docks along the lake to the north of this project had no access to the lake from 2015 to 2017 because the channel was silted in and was not until last February that we were able to enter the lake bed and dig out the channel. We spent thousands of dollars and hundreds of man hours to hand dig the silt out from under docks and out of the channel so that we could use our boats and have lake access again. **This dock will most certainly a**

We are not finding that this work was approved by COA and it's unknown now what real impacts this may have caused to the creek?

This channel in fact runs along the western side of the creek arm exactly where the Applicant wants to place their dock. While I do not propose to prevent them from having a dock I strongly oppose a variance. **The construction of any dock within code will greatly reduce and impede my access as well as the access of anyone else to the North upstream of this dock to the main lake but a larger dock could entirely cutoff my access.**

The Hydrology or water flow at this point in the lake is very simple the eastern side of the creek and therefore its bottom is very shallow the western side is very steep and therefore the deepest side of the creek. The West side of the creek channel (side which subject is located) beginning above the subject property and running along past the subject property is also a bend. Drainage and runoff from the steep hills above the lake pick up sediment because of the velocity of the water on the steep hills and the very low friction created by the smooth limestone creek bed above the lake allows not only fine sediment but gravel as large as .5 to 1.5 inches in diameter to be washed down from the hills through the creek and into the lake. Velocity of water equals power and determines what size and weight of sediment is suspended in and carried by it. As the creek hits the lake the velocity of the water is slowed and the larger sediment begins to drop immediately. When the water hits the lake it is spread out from the narrow and steep creek channel above the lake to the flat wide creek arm of the lake resulting in an immediate and dramatic reduction of water velocity. Larger sediments are deposited at the head of the creek arm while smaller ones

We have presented new evidence in support of the APD's finding that approval of the variance would not cause any navigational risk -- and any notion suggesting that approval of the variance would "accelerate the deposit of sediment, alter the lake bed bathymetry,or change any drainage conditions" is without any merit whatsoever.

continue to travel. The bend in the creek increase the speed of the water along the western edge and allows for water to hold its sediment longer while water spreading out in the wide part of the channel slows dramatically. This water spreading across the channel and slowing begins dropping all of it sediment while the higher velocity water holds more sediment longer therefore slowing the rate at which the channel on the western edge fills in while the wide slower portion accumulate sediment at a much higher rate. Additionally the geography of the creek area as stated above allows for the deepest part of the creek to be on the western edge (where subject is located) therefore while there is sedimentation it has been slower and the depth allows for a longer period to remain open. Additionally, the introduction of a large obstruction in the water (boat dock) will cause the water to slow in the channel and drop more sediment faster as well as create an eddy that fills in very quickly on the backside of the obstruction much like we have all seen a large rock in a flowing river create the same effect.

The existing dock built at 1847 Westlake Dr. secured COA variance and developed 30' X 30' dock under City of Austin Building Permit 2002-005853BP.

I as well as my neighbors have all constructed docks that are within the code guidelines and a substantial dock can easily be built to serve any boat up to 27 feet on a "head in basis" and much larger if the boat stall is constructed Perpendicular to the shore.

This variance should not be granted for the following reasons:

1. The variance is not necessary for the reasonable use and enjoyment of the subject property. Asking for minimum departure from rule similarly (30' X 30').
2. The denial of the variance does not prohibit the construction of a large and sufficient dock that can satisfy a great range of needs a Asking for similar 30' X 30' dock
3. A strong case could be made to restricting the depth of the dock to less than the 21.7 feet based on the directors discretion in § 25-2-1176 A. (1) Asking for similar dock.
4. The granting of the variance will most certainly cause a hazard to navigation in this portion of the lake by protruding more than half way across the only navigable channel on this portion of the Lake. Evidence presented to the contrary.
5. A boat dock at this location will accelerate the environmental impact of siltation of the lake. A larger dock will increase that impact. This claim has no merit.
6. Granting of the variance creates a permanent and irrevocable barrier to our lake access. Asking for similar size dock as complainant.
7. Granting the variance and construction of a larger dock will severely impact the value of my property and constitute a taking by eliminating or severely restricting my access to the lake and therefore my enjoyment and economic benefit of my property. This claim has no genuine merit whatsoever.

This is a very easy case now that you are aware of the impact of this dock. You would never grant a variance to someone who wished to reduce the width of a street in front of someone's house and likewise you should not grant this variance which will obstruct reduce and potentially eliminate access to everyone North of this property to the lake.

Thank you for your consideration.

Jay Symcox
Symcox Development
2300 South Lamar, #106
Austin, Texas 78704

LDC 25-2-1176(A)(2) & (4)

I, Dustin Donnell, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to Construct a boat dock that is 30' by 30' in total size _____.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Charles Davis	1613 Westlake Drive	
Scott and Stephanie Cusack	1617 Westlake Drive	
Malini Singh	1618 Westlake Drive	
Richard and Laura Kooris	1625 Westlake Drive	
Heather and Byron Attridge	1627 Westlake Drive	
Ryan and Holly Lambert	1600 Westlake Drive	
Clayton Christopher	1855 Westlake Drive	

P01/55

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
John Jay and Lori Symcox	1847 Westlake Drive	Jay Symcox

DocuSign Envelope ID: B3EB46F3-7747-4859-9633-236B36AF9694

I, Dustin Donnell, am applying for a variance from the Board of Adjustment regarding Section LDC 25-2-1176(A)(2) & (4) of the Land Development Code. The variance would allow me the ability to construct a boat dock that is 30 feet by 30 feet.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Lance McInnes	1851 1/2 Westlake Drive	DocuSigned by: Lance McInnes 0D65A2DA4A884F0...

DocuSign Envelope ID: B3EB46F3-7747-4859-9633-236B36AF9694

I, Dustin Donnell, am applying for a variance from the Board of Adjustment regarding Section LDC 25-2-1176(A)(2) & (4) of the Land Development Code. The variance would allow me the ability to construct a boat dock that is 1.9 feet longer and 4.3 feet wider than without the variance, making the total dock 30 feet x 30 feet.

By signing this form, I understand that I am declaring my support for the variance being requested.

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P01/60

LDC 25-2-1176(A)(2) & (4)

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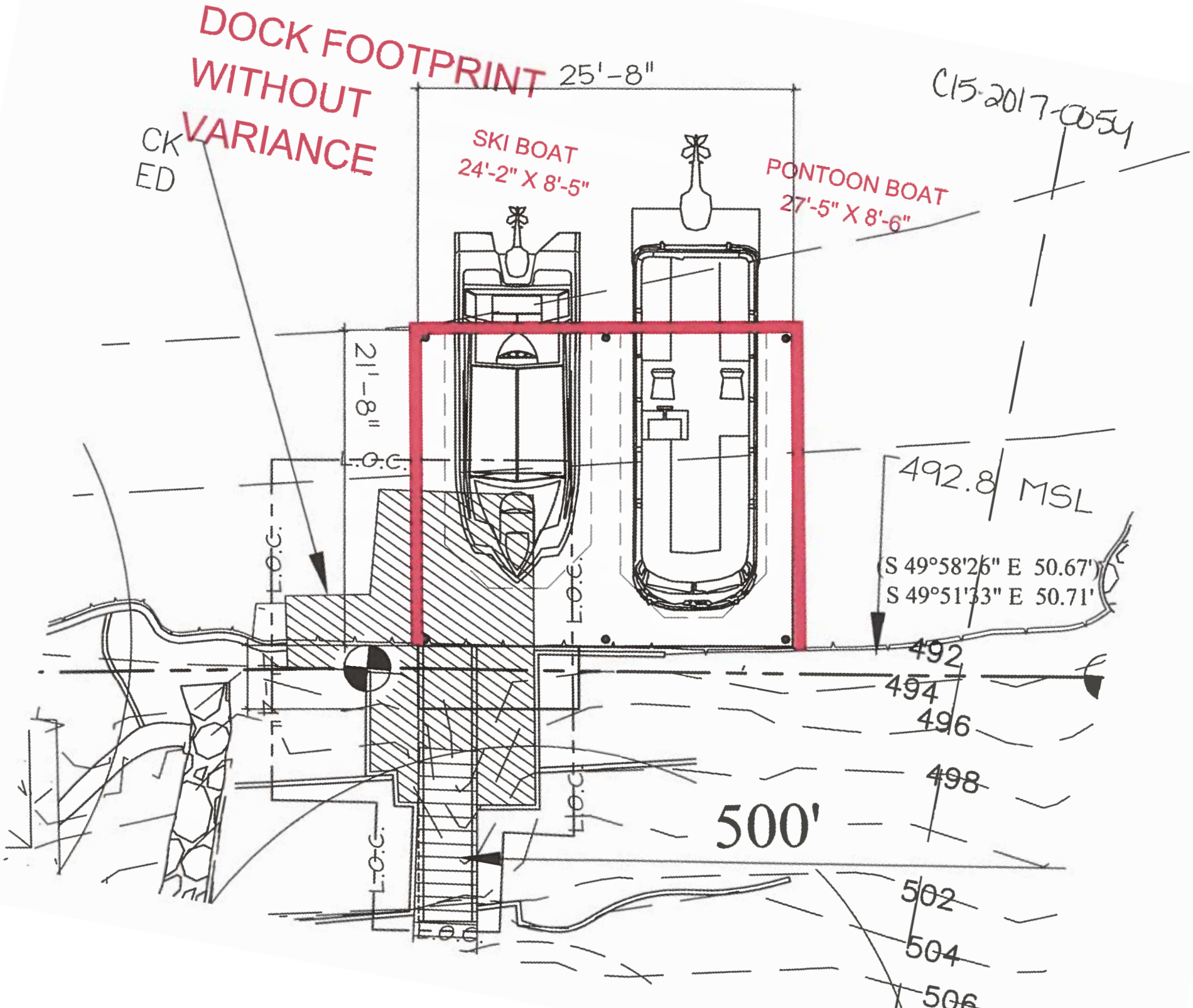
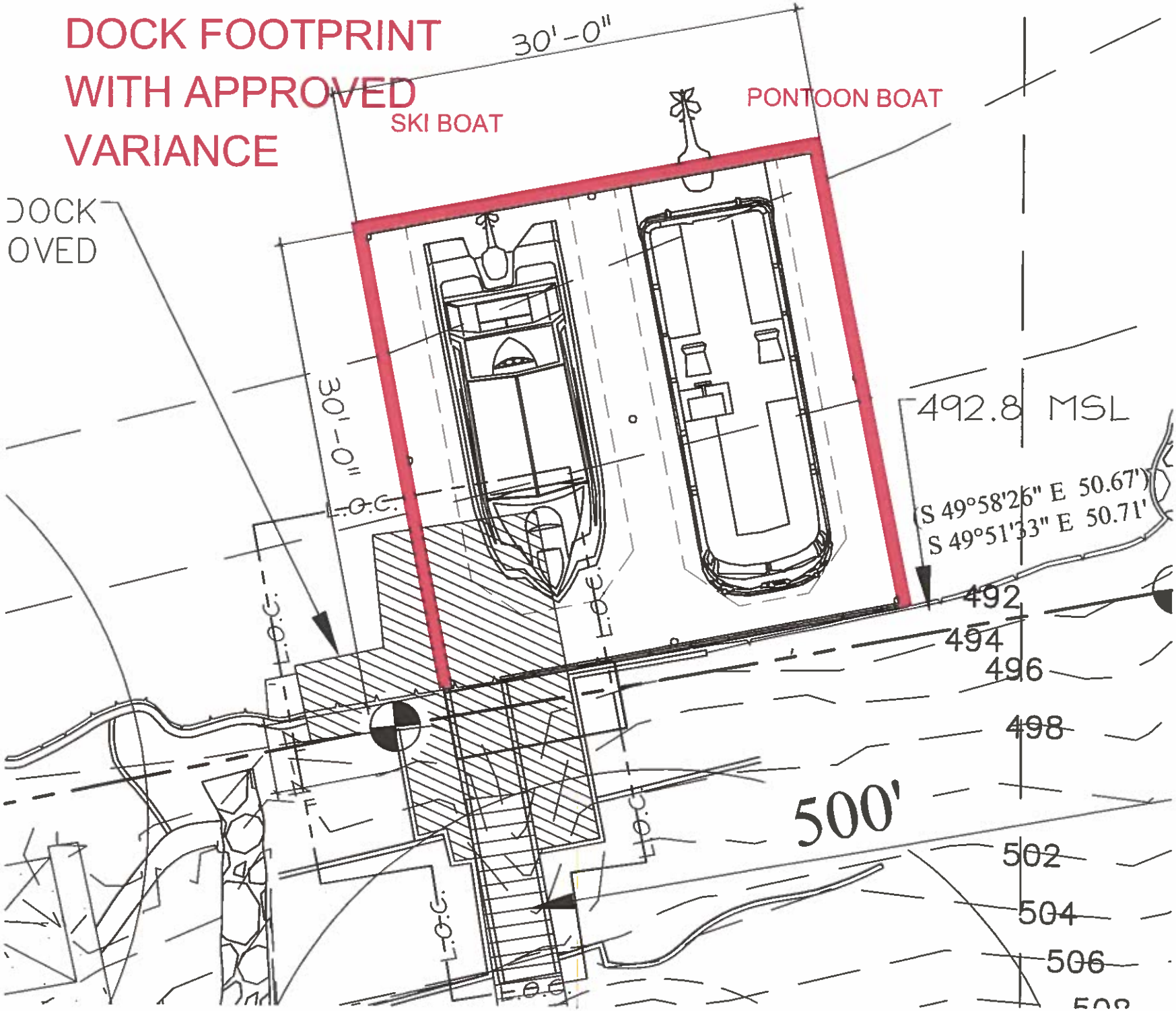
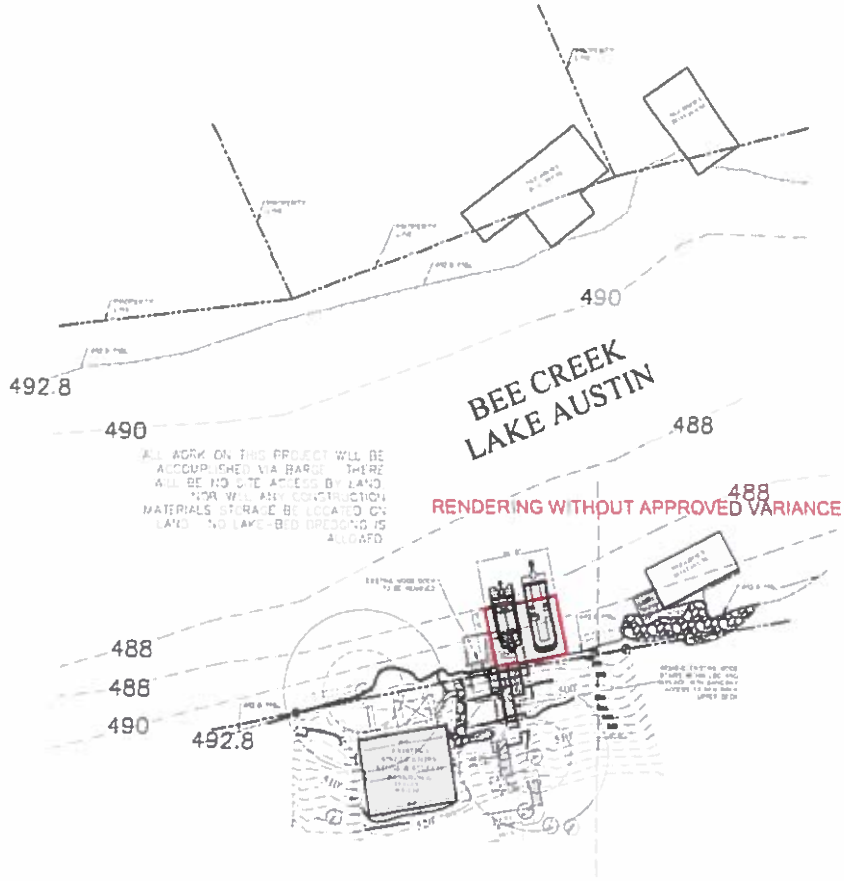
P01/62

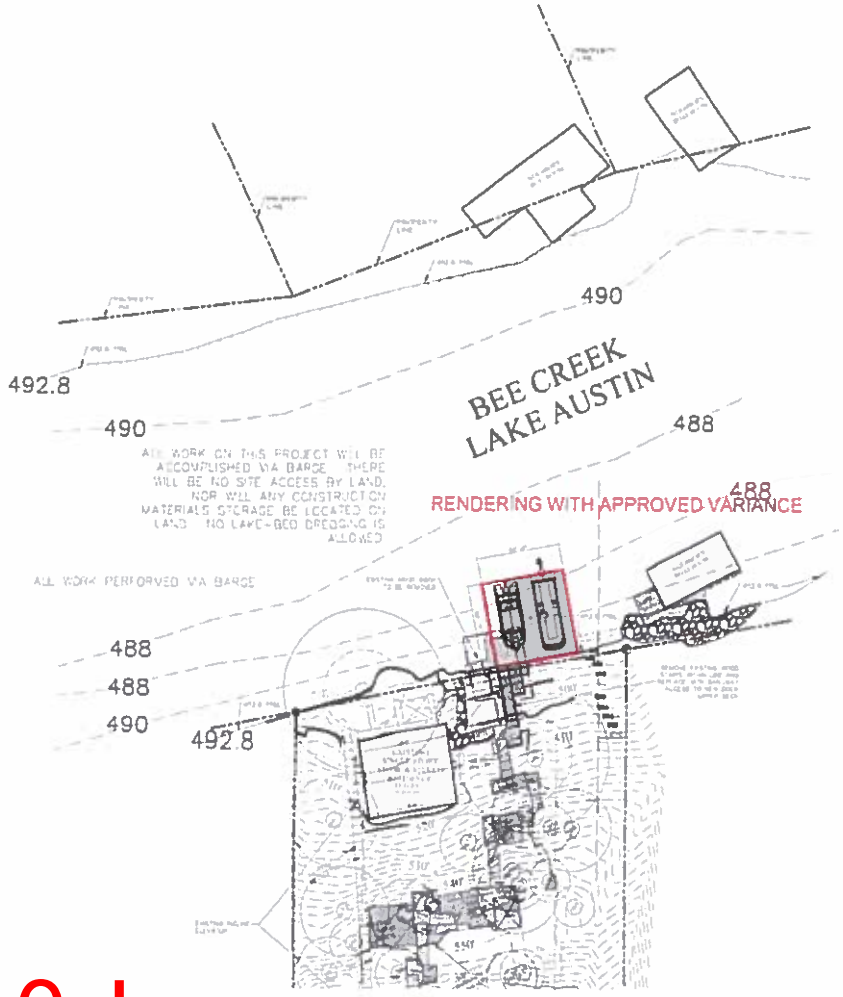

DOCK FOOTPRINT WITHOUT VARIANCE
25'-8"
C15-2017-0054
CK
ED
SKI BOAT
24'-2" X 8'-5"
PONTOON BOAT
27'-5" X 8'-6"
21'-8"
L.O.C.
492.8 MSL
(S 49°58'26" E 50.67')
S 49°51'33" E 50.71'
492
494
496
498
500'
502
504
506

P01/63

DOCK FOOTPRINT WITH APPROVED VARIANCE




BEE CREEK
LAKE AUSTIN
RENDERING WITHOUT APPROVED VARIANCE
490
492.8
490
488
488
488
488
490
492.8


BEE CREEK
LAKE AUSTIN
RENDERING WITH APPROVED VARIANCE
ALL WORK PERFORMED VIA BARGE
490
492.8
490
488
488
488
488
490
492.8

TO ALL ~

PLEASE REFER TO THE BCIC – ELECTRONIC VERSION DATED 2/12/18 FOR CASE BACK UP FOR THE PAST INFORMATION

~THANK YOU