

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday August 13, 2018

CASE NUMBER: C15-2018-0035

<input checked="" type="checkbox"/>	Brooke Bailey
<input checked="" type="checkbox"/>	William Burkhardt
<input checked="" type="checkbox"/>	Christopher Covo
<input checked="" type="checkbox"/>	Eric Golf
<input checked="" type="checkbox"/>	Melissa Hawthorne
<input checked="" type="checkbox"/>	Bryan King
<input checked="" type="checkbox"/>	Don Leighton-Burwell
<input checked="" type="checkbox"/>	Rahm McDaniel
<input type="checkbox"/>	Martha Gonzalez (Alternate)
<input checked="" type="checkbox"/>	Veronica Rivera
<input checked="" type="checkbox"/>	James Valdez
<input checked="" type="checkbox"/>	Michael Von Ohlen
<input type="checkbox"/>	Kelly Blume (Alternate)
<input type="checkbox"/>	Pim Mayo (Alternate)

APPLICANT: Bruce S. Aupperle, P.E.

OWNER: Skylark Partners II LP (Edward B. Frierson AIA)

ADDRESS: 1704 CHANNEL RD

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations) (B) (1) (b) to decrease the shoreline setback from 25 feet (required) to 10 feet (requested) in order to erect a single family home in a "LA", Lake Austin zoning district.


BOARD'S DECISION: BOA meeting Aug 13, 2018 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to October 8, 2018, Board Member Rahm McDaniel second on an 11-0 vote; POSTPONED TO OCTOBER 8, 2018.

EXPIRATION DATE:


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:

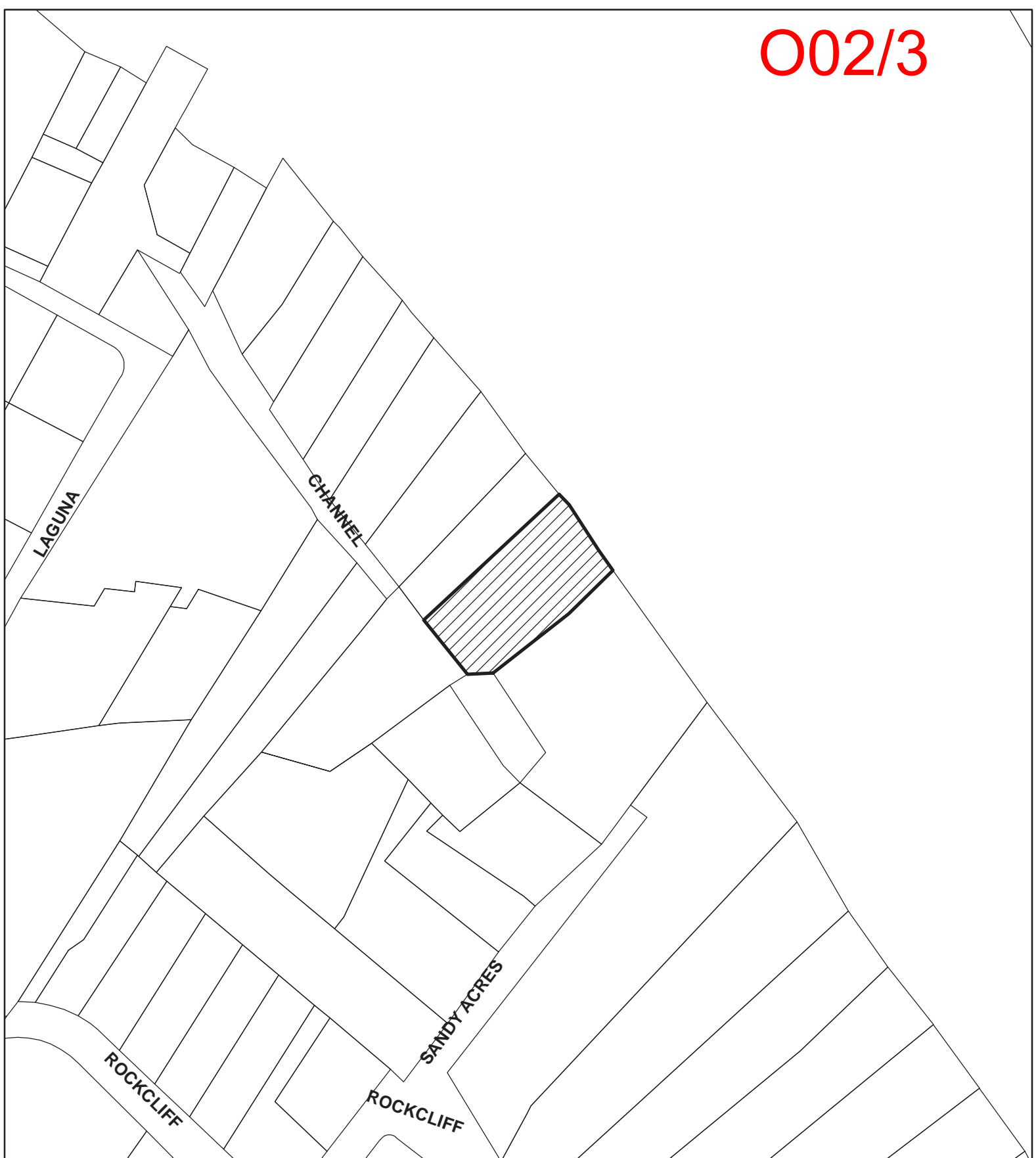
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:






Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2018-0035
1704 CHANNEL ROAD



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.



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

002/4

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: 1704 Channel Road

Subdivision Legal Description:

ABS 329 SUR 2 GRAY T ACR .650

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

Outlot: _____ Division: _____

Zoning District: LA

I/We Bruce S. Aupperle, P.E. on behalf of myself/ourselves as
authorized agent for SKYLARK PARTNERS II LP affirm that on
Month July, Day 10, 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: Single Family Home

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

Section 25-2-551 (D) (1) (b) requires an LA setback along the access channel. The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (b) from 25 feet to 10 feet (along the man-made access channel) in order to erect a single-family residence in an "LA" Lake Austin zoning district.

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 adjacent man-made channel located at 1702 Channel Road grants water and boat access to many homes south of said property and not on the main body of Lake Austin. The existing channel thus requires a 25' LA setback at 1704 Channel Road from the water's western edge of the channel. The property at 1702 Channel is zoned SF-2 and does not require a 25' LA setback from the channel's water's edge.

Hardship

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

The hardship for which the variance is requested is unique to the property in that the 25' LA shoreline setback and a 20' LA sideyard setbacks at 1704 Channel Road.

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

The hardship is not general to the area in which the property is located because there are multiple properties and other instances in the vicinity that have man-made access channels yet were not required to maintain the LA shoreline setback requirements.

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 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 character of the property will improve with new development on this particular lake lot, substantial improvements are planned for the lot will not impair the purpose of the regulations.

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:

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:

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

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

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: Bruce S. Aupperle, P.E. Digitally signed by Bruce S. Aupperle, P.E.
Date: 2018.07.10 13:31:00 -05'00' Date: 07/10/2018

Applicant Name (typed or printed): Bruce S. Aupperle, P.E.

Applicant Mailing Address: 10088 Circleview Drive

City: Austin State: TX Zip: 78733

Phone (will be public information): (512) 422-7838

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): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Bruce S. Aupperle, P.E.

Agent Mailing Address: 10088 Circleview Drive

City: Austin State: TX Zip: 78733

Phone (will be public information): (512) 422-7838

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).



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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Date: 2018.07.10 13:31:00 -05'00' Date: 07/10/2018

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Applicant Mailing Address: 10088 Circleview Drive

City: Austin State: TX Zip: 78733

Phone (will be public information): (512) 422-7838

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: [Signature] Date: 7/10/2018

Owner Name (typed or printed): John Pomeroy

Owner Mailing Address: 4697 Rockcliff Rd

City: AUSTIN State: TX Zip: 78746

Phone (will be public information): 512.473.0025

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Bruce S. Aupperle, P.E.

Agent Mailing Address: 10088 Circleview Drive

City: Austin State: TX Zip: 78733

Phone (will be public information): (512) 422-7838

Email (optional – will be public information): [REDACTED]

Section 6: Additional Space (if applicable)

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Date: 2018.07.10 13:31:00 -05'00' Date: 07/10/2018

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Applicant Mailing Address: 10088 Circleview Drive

City: Austin State: TX Zip: 78733

Phone (will be public information): (512) 422-7838

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: [Signature] Date: 7/10/18

Owner Name (typed or printed): OWNERS AGENT/ARCHITECT EDWARD B. FRIZZON, AIA

Owner Mailing Address: 4307 FARHILLS

City: AUSTIN State: TX Zip: 78731

Phone (will be public information): 512-502-9340

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: Bruce S. Aupperle, P.E.

Agent Mailing Address: 10088 Circleview Drive

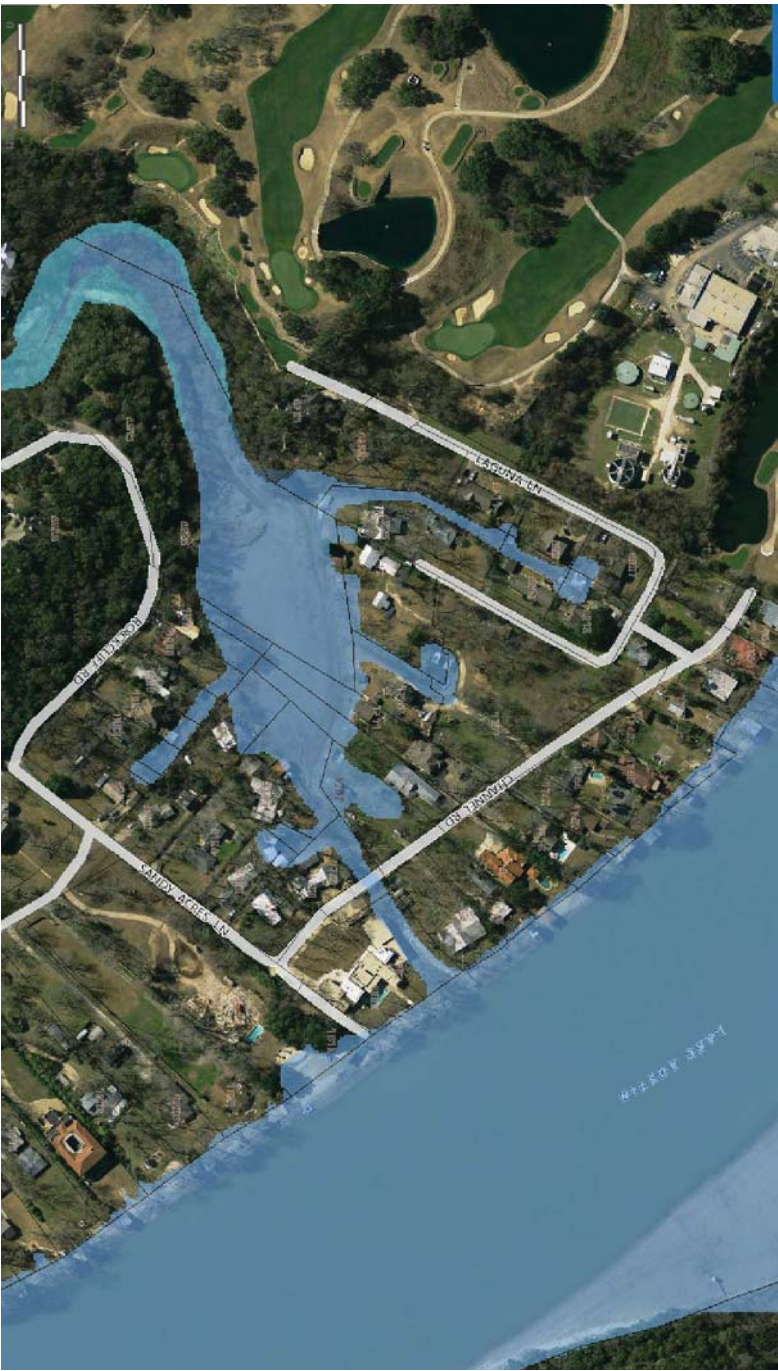
City: Austin State: TX Zip: 78733

Phone (will be public information): (512) 422-7838

Email (optional – will be public information): [REDACTED]

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1
N/S
Vicinity Photo

704
CHANNEL ROAD
Austin, Texas

JOHN GORMAN
BRYAN B. PETERSON
ARCHITECT
4007 PALMVIEW BL.
AUSTIN, TX 78701
512-451-9040

TITLE:
SHEET:
SCALE:

O02/14





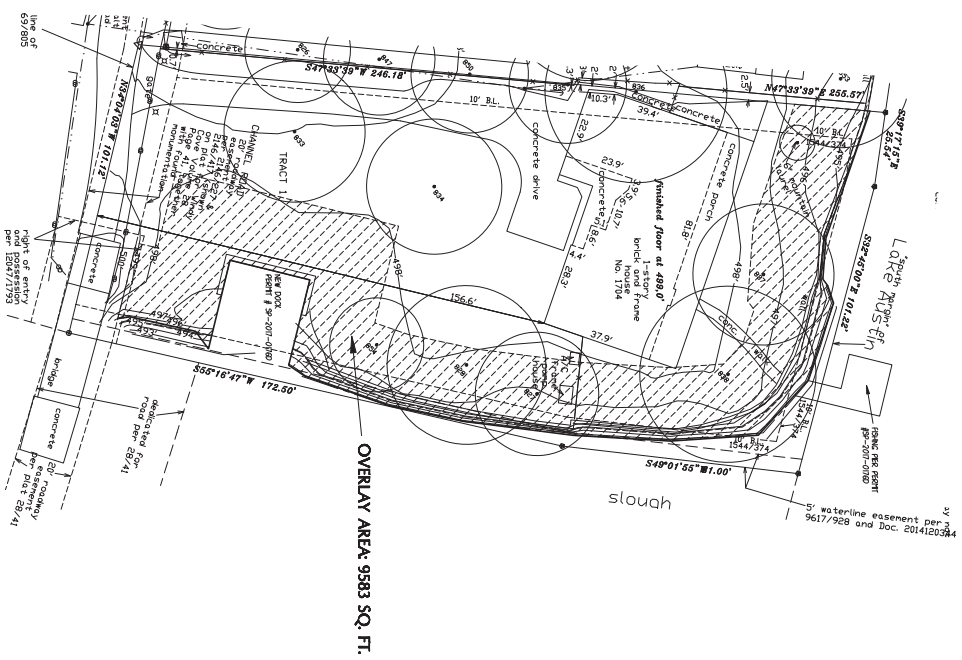


002/17



002/18





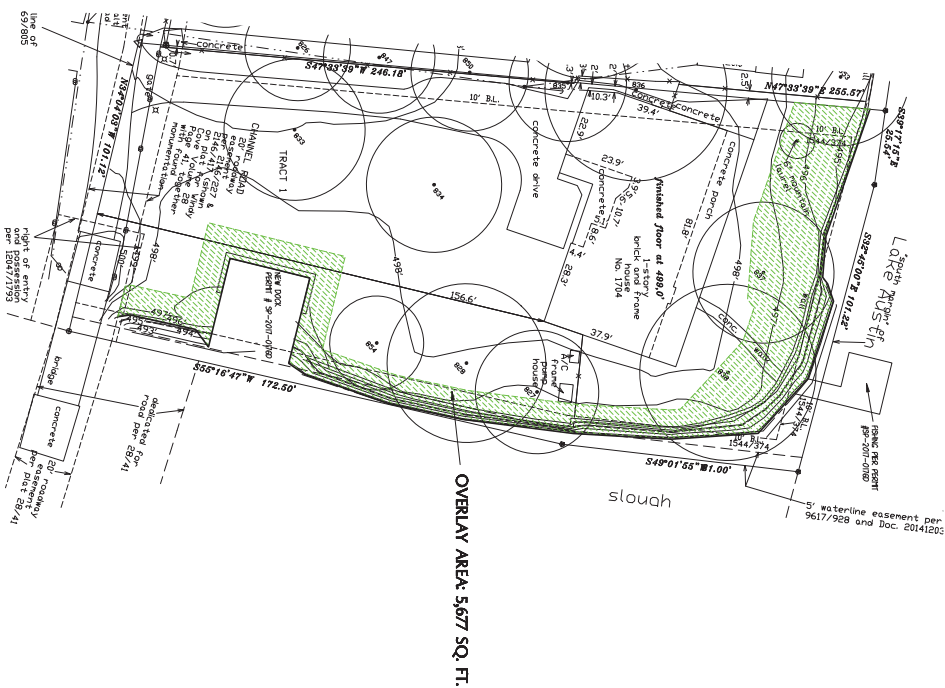
OVERLAY AREA: 9583 SQ. FT.

1 LA Overlay
25/25
1" = 20'-0"

TITLE: [REDACTED]

SHEET:

SCALE:



1
LA Overlay
25/10'

704
CHANNE ROAD
Austin, Texas

THE OFFICE OF
BRYAN B. BRYAN
ARCHITECT
407 PARKS BL.
AUSTIN, TX 78701
512-461-9040

TITLE:
SHEET:
SCALE:

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/department/development-services

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. **All comments received will become part of the public record of this case.**

Case Number: C15-2018-0035, 1704 Channel Road

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, Monday August 13th, 2018

Teri Waters

Your Name (please print)

1510 Rockwell Rd

Your address(es) affected by this application

Leane Heldenfels

Signature

8-6-18

Date

Daytime Telephone *512-413-2628*

Comments:

I fully support the request to have a 10 foot setback in order to erect a single family home

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing for the Board to see them at this hearing)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

Heldenfels, Leane

From: [REDACTED]
Sent: Monday, August 13, 2018 3:35 PM
To: Heldenfels, Leane
Subject: Re: Case Number C15-2018-0035 1704 Channel Road
Attachments: image001.png; IMG_20180809_084705712.jpg

Ok. Is it the "spirit" of the rule or the attempt to bring all feedback? The canal was 5 feet deep next to where they are digging. Here are two examples of the piles of dirt and debris they are dumping into the canal. I don't want to stop construction – and I don't have a particular issue with building into the critical water quality zone, but look what they are doing... The building practice – as viewed by many – is not ok in the neighborhood.

In the picture provided – they dumped dirt by backhoe directly into the canal/channel. You NEVER saw the bottom. They filled in the canal 4 feet high in some places.

Ken

Ken Kalinoski
 512.565.5791

From: <Heldenfels>, Leane <Leane.Heldenfels@austintexas.gov>
Date: Monday, August 13, 2018 at 3:04 PM
To: Ken Kalinoski [REDACTED]
Subject: RE: Case Number C15-2018-0035 1704 Channel Road

Hi Mr. Kalinoski – thanks for submitting your comments. The Board has a 10am day of hearing deadline to receive written comments, so I won't be able to include them in tonight's late back up. But I will bring a copy in case they ask if anything received after 10am. Also, if the case is postponed tonight they will show up in future meeting advance packet.

Sorry about that - reply and advise if any questions, concerns about this –

Leane Heldenfels

Planner Senior – Board of Adjustment Liaison

City of Austin Development Services Department

One Texas Center, 505 Barton Springs Road, 1st Floor, Development Assistance Center

Walk-in hours 9a-12p M-F

Office: 512.974.2202 Cell: 512.567.0106 (*personal, for meeting day & after hours emergency use only*)



Heldenfels, Leane

From: Ken Kalinoski [REDACTED]
Sent: Monday, August 13, 2018 2:57 PM
To: Heldenfels, Leane
Subject: Case Number C15-2018-0035 1704 Channel Road
Attachments: Service Request Confirmation - 18-00264922

The property owners are requesting to decrease the critical water zone setback from 25 feet to 10 feet. I am concerned that currently the building of their dock and water construction along the canal leading into Lake Austin is environmentally unfriendly.

On numerous occasions, my wife and I – and other neighbors, including the opposing neighbor, have requested to the grounds foreman to NOT dump the mud, rocks and sediment they are currently extracting from the waterfront shoreline into the canal. While the metal pilings have been set, the group continue to dig out dirt and shoreline from the edge of 1704 Channel Road and are dumping the dirt and rocks into the canal. Just today – I again asked the grounds foreman to discontinue this practice. He ignored my request, and said that when all the work is done, they will be “cleaning up any mess they make”.

There are about 50 homes water lines that go through the mouth of the canal along this property and terminate near the mouth of Lake Austin. Already a number of PVC water pipes have been broken by the careless nature of the grounds people working on behalf of 1704 Channel.

I do not think dumping all the sediment, dirt, and rocks into the canal is proper. Furthermore, fixing one mistake with another, dredging the canal will help but rather hinder or damage other folks prior hard work.

Unless the current environmental conditions are stabilized and corrected, no decrease in the setback should be granted. We have asked on numerous occasions with others – and the builders have no respect for Mother Earth or Lake Austin.

Ken

Ken Kalinoski
512.565.5791

002/25

