

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

DATE: Thursday, November 8, 2018

CASE NUMBER: C15-2018-0037

<input checked="" type="checkbox"/>	Brooke Bailey
<input checked="" type="checkbox"/>	William Burkhardt
<input type="checkbox"/>	Christopher Covo (OUT)
<input checked="" type="checkbox"/>	Eric Golf
<input type="checkbox"/>	Melissa Hawthorne (OUT)
<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 checked="" type="checkbox"/>	Kelly Blume (Alternate)
<input type="checkbox"/>	Ada Corral (Alternate)

OWNER/APPLICANT: Kathleen Huff

ADDRESS: 3117 WESTLAKE DR Bldg B

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A)(6) to increase the dock height from not more than 30 feet (required) to 42 (requested, top of cupola) in order to complete construction of a boat dock within the "LA" Lake Austin Residence zoning district.

Note: A dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.

BOARD'S DECISION: BOA MEETING SEPT 10, 2018 POSTPONED TO OCTOBER 8, 2018 BY STAFF (RE-NOTICE REQUIRED)

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A)(6) to increase the dock height from not more than 30 feet (required, permitted) to 45 feet (requested, top of cupola) in order to complete a boat dock within the "LA" Lake Austin Residence zoning district.

Note: The Land Development Code states that a boat dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.

BOARD'S DECISION: Oct 8, 2018 The public hearing was closed on Board Member Rahm McDaniel motion to Postpone to November 8, 2018, Board Member Christopher Covo second on an 11-0 vote; **POSTPONED TO NOVEMBER 8, 2018;** Nov 8, 2018 The public hearing was closed on Board Member Don Leighton-Burwell motion to Postpone to December 10, 2018, Board Member Bryan King second on a 10-0 vote; **POSTPONED TO DECEMBER 10, 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

**CITY OF AUSTIN
Board of Adjustment
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DATE: Monday October 8, 2018

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<input checked="" type="checkbox"/>	Brooke Bailey
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<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)

OWNER/APPLICANT: Kathleen Huff

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Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

2010

Boat dock permitted with plans by Aupperle Company, showing boat dock height at 24' (top of ridge) per site plan **2010-105465 SP**

Existing ordinance **20101209-075** regulations do not list height restrictions specifically to docks in section 25-2-1176

2012

Site plan correction **2012-009532 SC** shoreline modifications

Residential boat dock permit application **2012-126625 BP**

2013

Ordinance **20131017-079** changed approval authority of boat dock regulations from Parks Board to Planning Commission. No height restrictions are listed on approved documentation in section 25-2-1176, passed and approved October 28, 2013.

2014

New Lake Austin District Zoning Overlay created with ordinance **20140626-114**, passed and approved July 7, 2014.

Revised shoreline development, Lake Austin Zoning District regulations and boat dock regulations under ordinance **20140626-113**, passed and approved July 7, 2014. Height restriction of 30 feet listed in section 25-2-1176.

- § 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES
 - Navigation (docks may not extend more than 30' into Lake Austin or 20% of channel width),
 - Docks may not exceed more than 20% of the shoreline frontage, with a minimum allowance of 14',
 - 1,200 sf maximum for a residential dock,
 - A dock may not exceed 30 feet in height,
 - No portion of a dock may be enclosed, except for an enclosed storage closet that is limited to no more than 48 square feet for each principal residential use associated with the dock; and
 - The number of motorboats anchored, moored, or stored on a dock may not exceed two, for a principal residential use utilizing an individual dock that is not part of a cluster dock

2017

Inspection of boat dock (Aug. 17) framing passed by city inspector.

2018

Plans provided to city for review by Board of Adjustment, showing built height of 45' (top of cupola).



City of Austin

BUILDING PERMIT

PERMIT NO : 2012-126625 BP
3117 WESTLAKE DR BLDG B

Type: RESIDENTIAL

Status : Active

Issue Date : 12/21/2012

Expiry Date : 12/17/2018

LEGAL DESCRIPTION: ABS 21 SUR 1 SPARKS W ACR 4.14						SITE APPROVAL: SP-2010-0355D		ZONING:	
PROPOSED OCCUPANCY:		WORK PERMITTED: New		ISSUED BY: Glenda Wilsford					
install 51.2' x 30' 2-sty boat dock with 2-slips and related improvements per release plans.									
TOTAL SQFT New/Addn: 1,536		VALUATION Total Job Valuation : \$100,000.00		TYPE CONST.		USE CAT 437		GROUPS	
								FLOORS	
								UNITS	
								# OF PKG SPACES	
TOTAL BLDG COVERAGE		% COVERAGE		TOTAL IMPERVIOUS COVERAGE		% COVERAGE		# OF BATHROOMS 0.0	
								METER SIZE 0.00	

Contact	Phone	Contact	Phone
Owner, Kathleen Huff	(512) -	Internet User, richard skirrow, Skirrow LLC	(512) 785-3225
Inactive General Contractor, Dagleish Construction Company	(512) 346-8554	Inactive General Contractor, Brent Cunningham, A-Tex Boat Docks, LLC	(512) 576-7555
Inactive General Contractor, Aus Tex Building Consultants LLC	(512) 909-4663	General Contractor, Skirrow LLC	(512) 785-3225

Fee Description	Fee Amount	Paid Date	Fee Description	Fee Amount	Paid Date
Building Permit Fee	\$268.00	12/21/2012	Building Permit Fee	\$134.00	05/16/2017
Development Services Surcharge	\$10.72	12/21/2012	Development Services Surcharge	\$5.12	06/17/2015
Development Services Surcharge	\$5.36	05/16/2017	Development Services Surcharge	\$5.12	08/18/2017
Electrical Permit Fee	\$128.00	06/17/2015	Electrical Permit Fee	\$128.00	08/18/2017
Expired Building Permit Fee	\$75.00	02/10/2014	Reinspection Fee	\$65.00	02/10/2014
Reinspection Fee	\$65.00	09/12/2017	Reinspection Fee	\$65.00	09/12/2017
Reinspection Fee	\$53.00	04/13/2018			
Total Fees:	\$1,007.32				

Construction documents approved by the building official are approved with the intent that such construction documents comply in all respects with City technical codes. The review of construction documents is not exhaustive of all code requirements. The issuance or approval of plans and specifications or other construction documents is not an approval of any violation of the technical codes or of any other ordinance of the jurisdiction. The issuance of an approval based on plans, specifications and other data shall not prevent the building official from requiring the correction of errors in the plans, specifications or other data.

The City of Austin has not conducted a plan review of the mechanical, electrical or plumbing on this plan set. Be advised that all work performed on this project must be as per applicable trade code.

Inspection requirements		
Building Inspection	Electric Inspection	Environmental Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.



City of Austin

BUILDING PERMIT

PERMIT NO : 2012-126625 BP
3117 WESTLAKE DR BLDG B

Type: RESIDENTIAL

Status : Active

Issue Date : 12/21/2012

Expiry Date : 12/17/2018

LEGAL DESCRIPTION: ABS 21 SUR 1 SPARKS W ACR 4.14				SITE APPROVAL: SP-2010-0355D		ZONING:				
PROPOSED OCCUPANCY:		WORK PERMITTED: New		ISSUED BY: Glenda Wilsford						
Install 51.2' x 30' 2-stry boat dock with 2-slips and related improvements per release plans.										
TOTAL SQFT New/Addn: 1,536		VALUATION Total Job Valuation : \$100,000.00		TYPE CONST.		USE CAT 437	GROUPS	FLOORS	UNITS	# OF PKG SPACES
TOTAL BLDG COVERAGE		% COVERAGE		TOTAL IMPERVIOUS COVERAGE		% COVERAGE		# OF BATHROOMS 0.0		METER SIZE 0.00

Type	Date	Status	Comments	Inspector
101 Building Layout	08/05/2015	Pass		Chris Ruddell
102 Foundation	08/31/2017	Fail		Chris Ruddell
103 Framing	10/18/2017	Pass		Mark Hill
104 Insulation		Open		David Brasich
105 Wallboard		Open		Chris Ruddell
106 Fire Resistance-Rated Const		Open		Chris Ruddell
109 TCO Occupancy		Open		David Brasich
110 Termite Inspection		Open		Chris Ruddell
112 Final Building		Open		David Brasich
114 Continuance of work	04/16/2018	Open		DeeAnn Afra
114 Continuance of work		Open		DeeAnn Afra
600 EV TCO Occupancy		Open		Environmental Inspectors
601 EV TCO Stocking		Open		Environmental Inspectors
602 Environmental Inspection		Open		Environmental Inspectors
Deficiencies		Open		David Brasich

3117 ^{O-1/8} Westlake Dr



C15.2018-0037

Figure 1 - View from across the lake from 3117 Westlake Drive – other side of lake is over 100 feet higher in elevation than the boat dock



Figure 2 - View of cupola on 3117 Westlake - note this is the major source of light for the dock since fan does not have a light



Figure 3 - View of boat dock from back porch of neighboring house at 3115 Westlake - cannot see the boat dock from this house due to trees and location



Figure 4 - Midway down driveway of 3117 Westlake - cannot even see boat dock from here or Westlake Drive



Figure 5 - View from top of 3117 driveway near on Westlake Drive frontage - cannot see the boat dock from the road



Figure 6 - View of dock from other neighbor's property at 3201 Westlake Drive - note that both neighbors on either side of 3117 Westlake Drive are in support of the boat dock as built

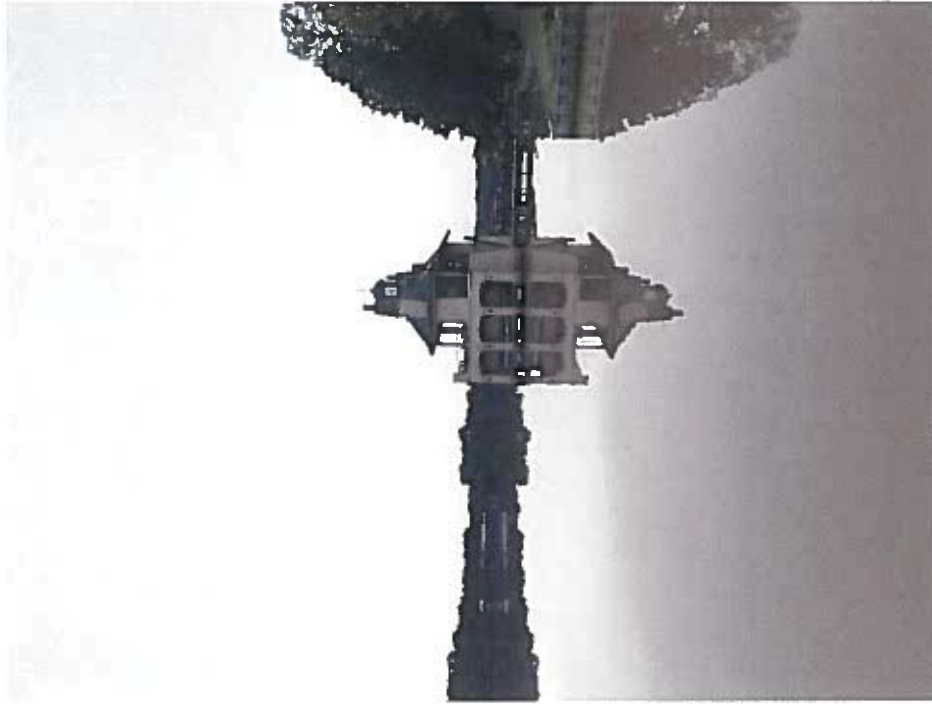
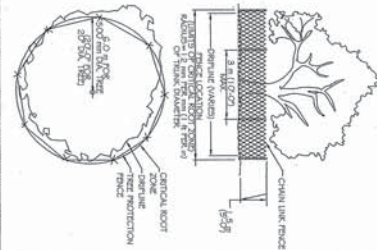


Figure 7 - View from lake toward boat dock



SECOND COPY SAVED BY J. PATRICK MURPHY 1/11/99 AD07160	THE ARCHITECTS/ENGINEERS ASSOCIATION RESPONSIBILITY FOR PERFORMANCE LAW OF 1988 (P.L. 100-620)	STANDARD NO. 6109-2
---	--	------------------------

NOTES:
1. A POOL MUST BE CONSPICUOUSLY LIGHTED WITH ANNIER

2. LIGHTS SHOULD BE LOCATED ON THE SIDE OF THE BOAT AND ON THE SIDE THAT IS FARTHEST FROM THE RAIL OR DOCK AND THE LIGHT SHOWN MUST BE LOCATED ON THE END OF THE BOAT AND BE LOCATED ON THE SIDE THAT IS CLOSEST TO THE APPROACHING VESSEL.
3. NAVIGATION LIGHTS MUST HAVE A THREE-PLATE, 7/16" AND 25 AMPERE, WHITE LIGHT AND NOT EXHAUST FROM THE ENGINE. WEATHERPROOF LAMP HOLDERS AND JUNCTIONS WITH A LIGHTS COVERED BY AN IMPERMEABLE CASE SO THAT THE LIGHTS WILL OPERATE AUTOMATICALLY DURING THE FLOODS THAT THE BOAT IS REQUIRED TO BE LIT.
4. CONSTRUCTION IS NOT DETECTED, BUT IF IT IS NEEDED THE



SECOND COPY SIGNED BY PATRICK MELBY ADOPTED	THE ARCHITECTS/ENGINEER ASSURES RESPONSIBILITY FOR PREPARATION OF THIS STANDARD	STANDARD NO. 6425-1
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MATERIAL REMOVED SHALL BE LIMITED TO NO MORE THAN 10 YDS OF SOIL AND UP TO A FOUR-FOOT CHANGE IN GRADE.

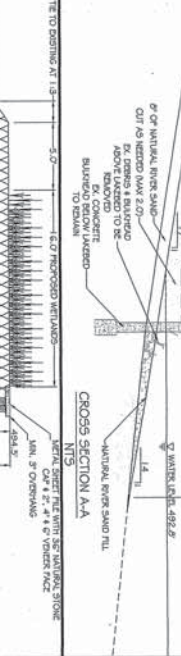
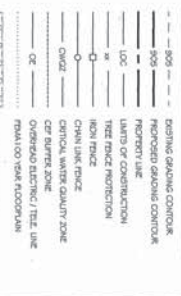
	WEAVING	LENGTH
LIME	0.0491807 W	126.12
U1 (PER AC208)	0.0491807 W	126.12
U2	0.0491807 W	126.19
L2 (PER AC208)	0.0491807 W	126.10



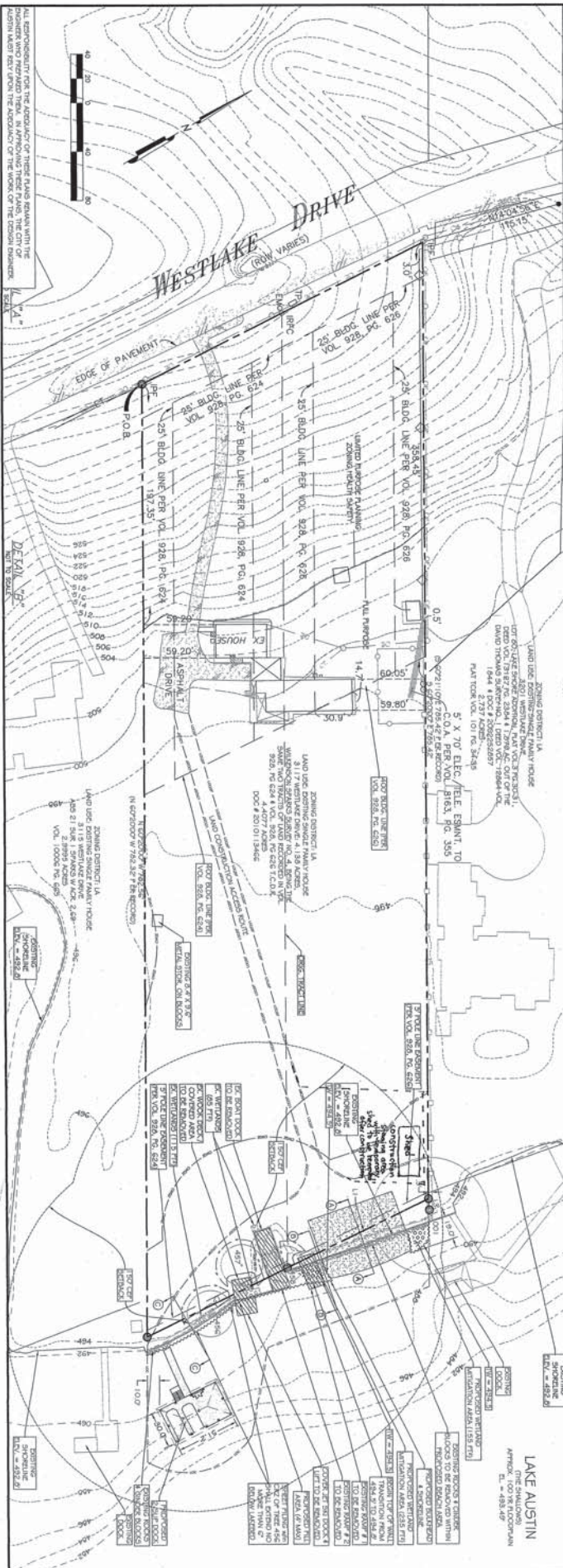
450	CITRUS	15'	CUT / PILL

FILL BELOW THE NORMAL HIGH WATER MARK ELEVATION
(492.27)

ALL BAYING = 17 CY
 ALL PAVING = 5 CY
 TOTAL = 97 CY
 ALL LOT NORTH @ SHORELINE = 155.25 FT
 TOTAL CIRC WAYS @ FILL FOR LAND FILL = 0.22 CY / LF
 TOTAL FOR ALL ADDITIONS
 ALL PAVING = 130 CY (9) CY north of South River ramp)
 ALL BAYING = 17 CY
 TOTAL FILL = 257 CY
 TOTAL CUT = 91 CY
 TOTAL = 117 CY

[illegible]

500 **SHOEN**

PROPOSED SHORELINE LENGTH = 312.9' ±
MILEAGE[illegible]

3117 WESTLAKE DRIVE
SITE PLAN

AUPPERLE COMPANY
Engineering, Planning & Development Services
2219 Westlake Drive #110, Austin, Texas 78746 512 329-8241
Texas Board Of Professional Engineers Registration Number F-3994

[illegible]

O-1/14



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

DATE: Monday September 10, 2018

CASE NUMBER: C15-2018-0037

____ Brooke Bailey OUT
____ William Burkhardt
____ Christopher Covo
____ Eric Golf
____ Melissa Hawthorne
____ Bryan King
____ Don Leighton-Burwell
____ Rahm McDaniel
____ Martha Gonzalez (Alternate)
____ Veronica Rivera
____ James Valdez
____ Michael Von Ohlen
____ Kelly Blume (Alternate) (for BB)
____ Pim Mayo (Alternate)

OWNER/APPLICANT: Kathleen Huff

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EXPIRATION DATE:

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
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Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C15-2018-0037/3117 Westlake Drive - email below before drawings but after 9/10 ds
Date: Thursday, September 27, 2018 4:52:38 PM

From: [REDACTED]
Sent: Monday, September 10, 2018 4:42 PM
To: Heldenfels, Leane
Subject: Re: Boat House at 3117 Westlake Drive - on Lake Austin

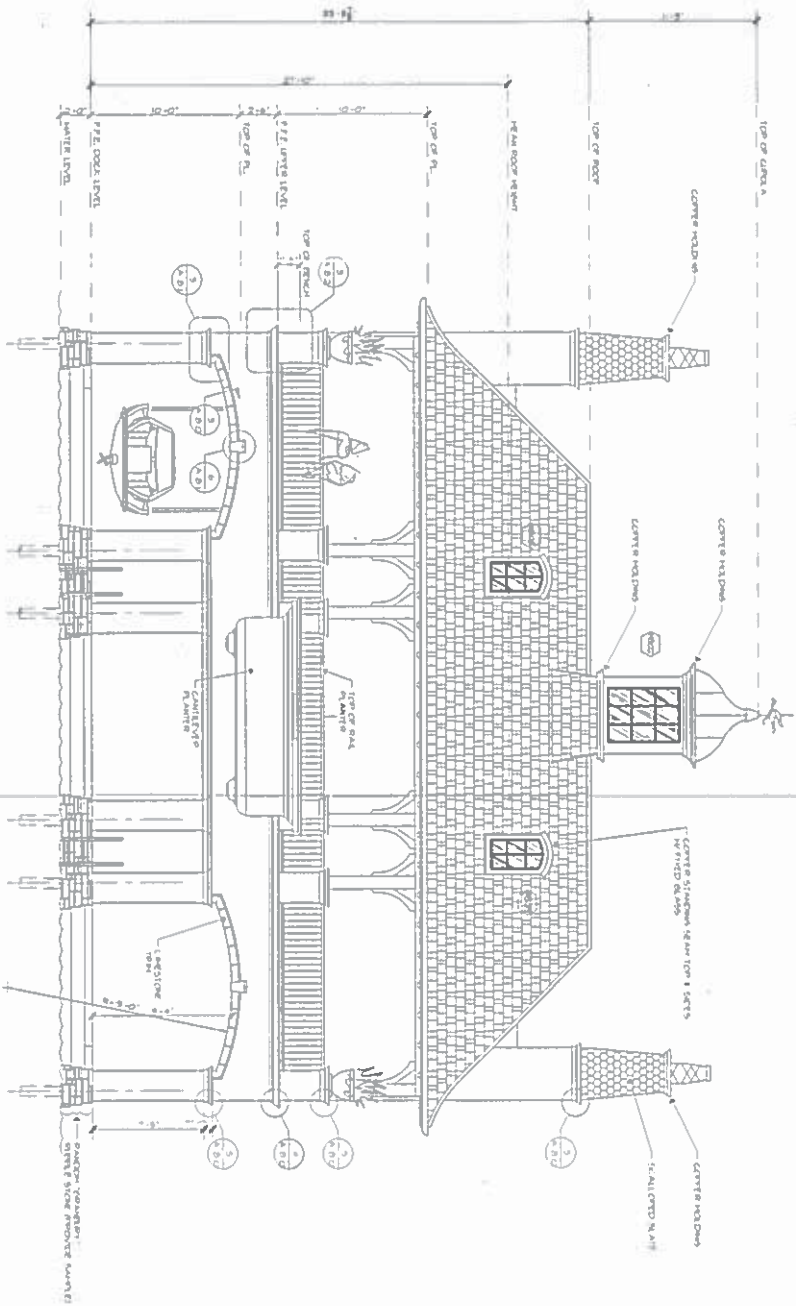
Leane,

Let's postpone until 10/8 then. I will check with my arch to see if he can be there too.

I would like to meet with you two weeks before and make sure everything is in place so we don't have another delay.

Thank you!

Kathleen

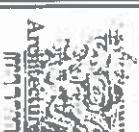


FRONT ELEVATION

SCALE 1/8" = 1'-0"

A 7.0.0

MARINSKI



THIS DRAWING IS THE PROPERTY OF MARINSKI ARCHITECTURAL, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF MARINSKI ARCHITECTURAL, INC.

DATE: 07/09/2018
DRAWN BY: STAFF
CHECKED BY: STAFF

PROJECT NAME AND ADDRESS
100 W. MAIN ST.
DALLAS, TX 75201

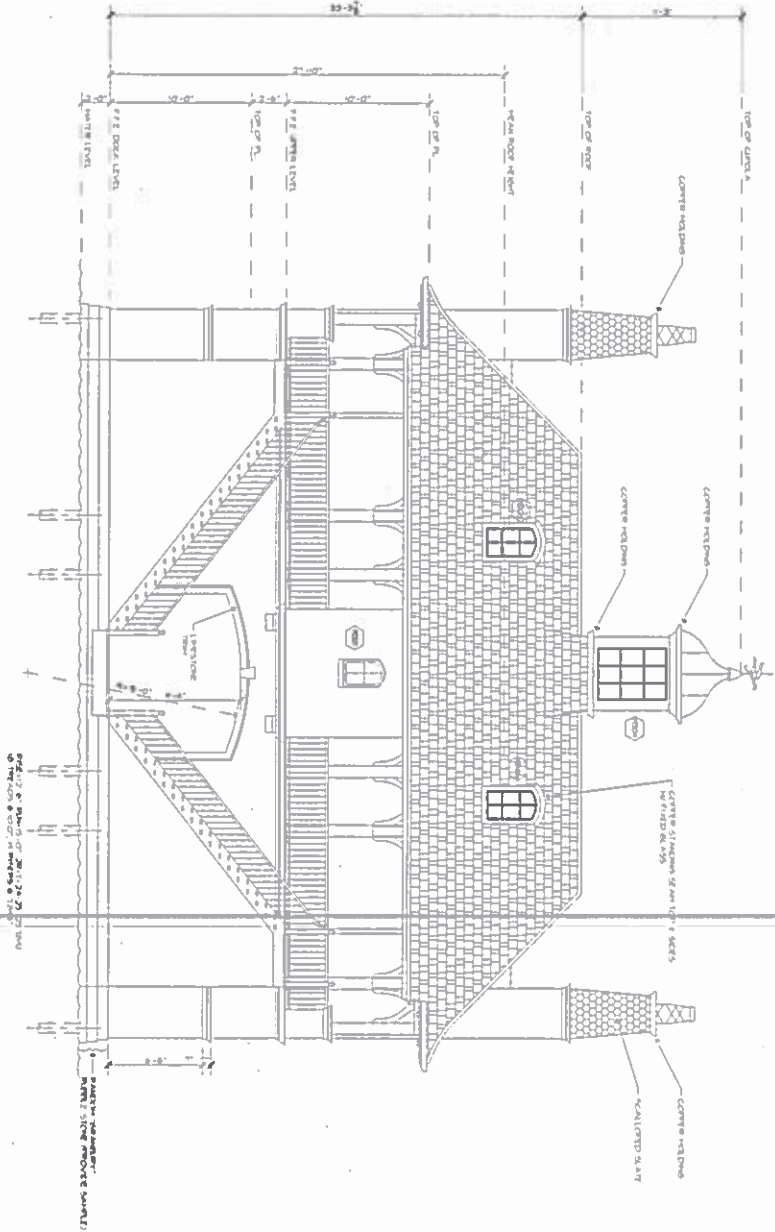
PROJECT FILE AND ADDRESS

NOTES
1. SEE EXISTING DRAWINGS FOR ALL OTHER DETAILS.
2. SEE EXISTING DRAWINGS FOR ALL OTHER DETAILS.
3. SEE EXISTING DRAWINGS FOR ALL OTHER DETAILS.
4. SEE EXISTING DRAWINGS FOR ALL OTHER DETAILS.
5. SEE EXISTING DRAWINGS FOR ALL OTHER DETAILS.

REVISIONS
DATE: 07/09/2018
BY: STAFF
REASON: REVISIONS

PROJECT NAME AND ADDRESS
100 W. MAIN ST.
DALLAS, TX 75201

DATE: 07/09/2018
DRAWN BY: STAFF
CHECKED BY: STAFF



REAR ELEVATION

SCALE

1

A 7.1.0

PROJECT NO. 000000
DATE 01/11/2019
DRAWN BY 51.7.19

REAR ELEVATION

NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
3. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.
4. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.

PROJECT TITLE AND ADDRESS
DATE

DATE

DATE

DATE

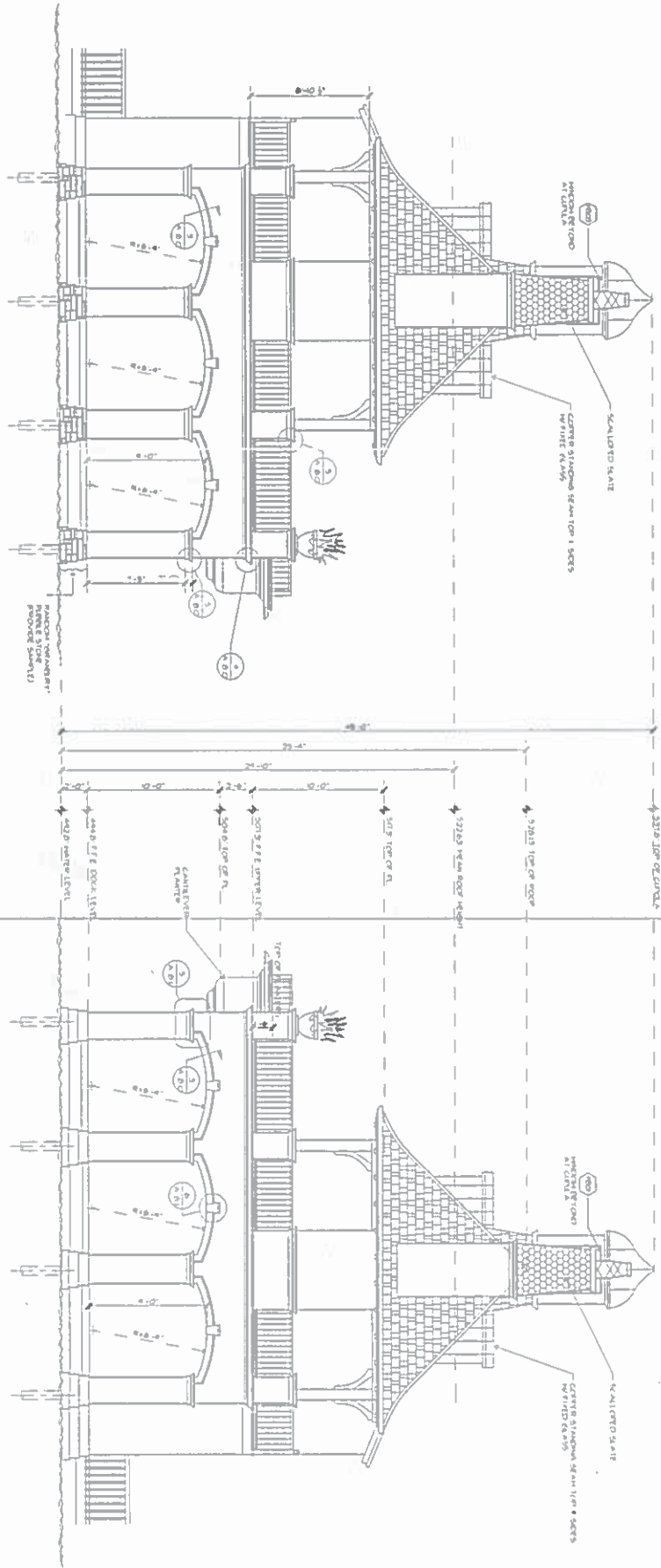
DATE

DATE

DATE

DATE

DATE



LEFT AND RIGHT ELEVATION

SCALE
1"=1'-0"

1

A 7.2.0

REVISION DATA	
PROJECT NO.	CHS200
DATE	20-12
BY	CHS200
CHECKED BY	CHS200
DATE	07/18/2018
BY	CHS200
CHECKED BY	CHS200
DATE	07/18/2018

SCALE 1/8"=1'-0"
LEFT ELEVATION ELEVATION

RIGHT ELEVATION AND SCALE

NOTES
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE SPECIFICATIONS.
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.
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PROJECT TITLE AND ADDRESS
ARCHITECT
DATE

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PROJECT TITLE AND ADDRESS
ARCHITECT
DATE

PROJECT TITLE AND ADDRESS
ARCHITECT
DATE

O-1/23

From: rick skirrow [REDACTED]
Date: August 29, 2018 at 8:19:21 AM CDT
To: Kathleen Huff [REDACTED]
Subject: 3117 Westlake Dr boat house height
Reply-To: rick skirrow [REDACTED]

Peter and Katheen,

Since Skirrow LLC started work on the boat house at 3117 Westlake Dr, there have been several City of Austin Inspections with no inspectors mentioning a possible height violation to me.

Sincerely
Rick Skirrow
512-785-3225

From: William Hablinski <[REDACTED]>

Date: August 15, 2018 at 3:10:06 PM CDT

To: Kathleen Huff [REDACTED]

Peter Hu [REDACTED]

Subject: Boat House Project at 3117 Westlake Drive, Austin TX

All:

The Current construction of the boat house was done under the code and zoning ordinances of the City of Austin from April of 2012 for single family residences. Those rules allowed for the height to be measured from the average ground plain to the midpoint of a sloped roof, between the eave and the ridge. We were not aware that there were separate rules governing the height of boat house structures. Accordingly the distance from the ground plain at the shore line to the midpoint is 27'-10". If you measure to the ridge it is 33'-3 7/8" to the ridge. And if you measure from the water you would add an additional 2'-0" in height.

Attached is are the front and rear elevations of the boathouse for your use.

Sincerely,
William Hablinski AIA

From: William Hablinski [REDACTED]
Date: August 29, 2018 at 9:15:10 AM CDT
To: Kathleen Huff <[REDACTED]> 'Peter Huff' [REDACTED]
Cc: Jose Sosa <[REDACTED]>
Subject: Boat house at 5117 Westlake Drive - on Lake Austin

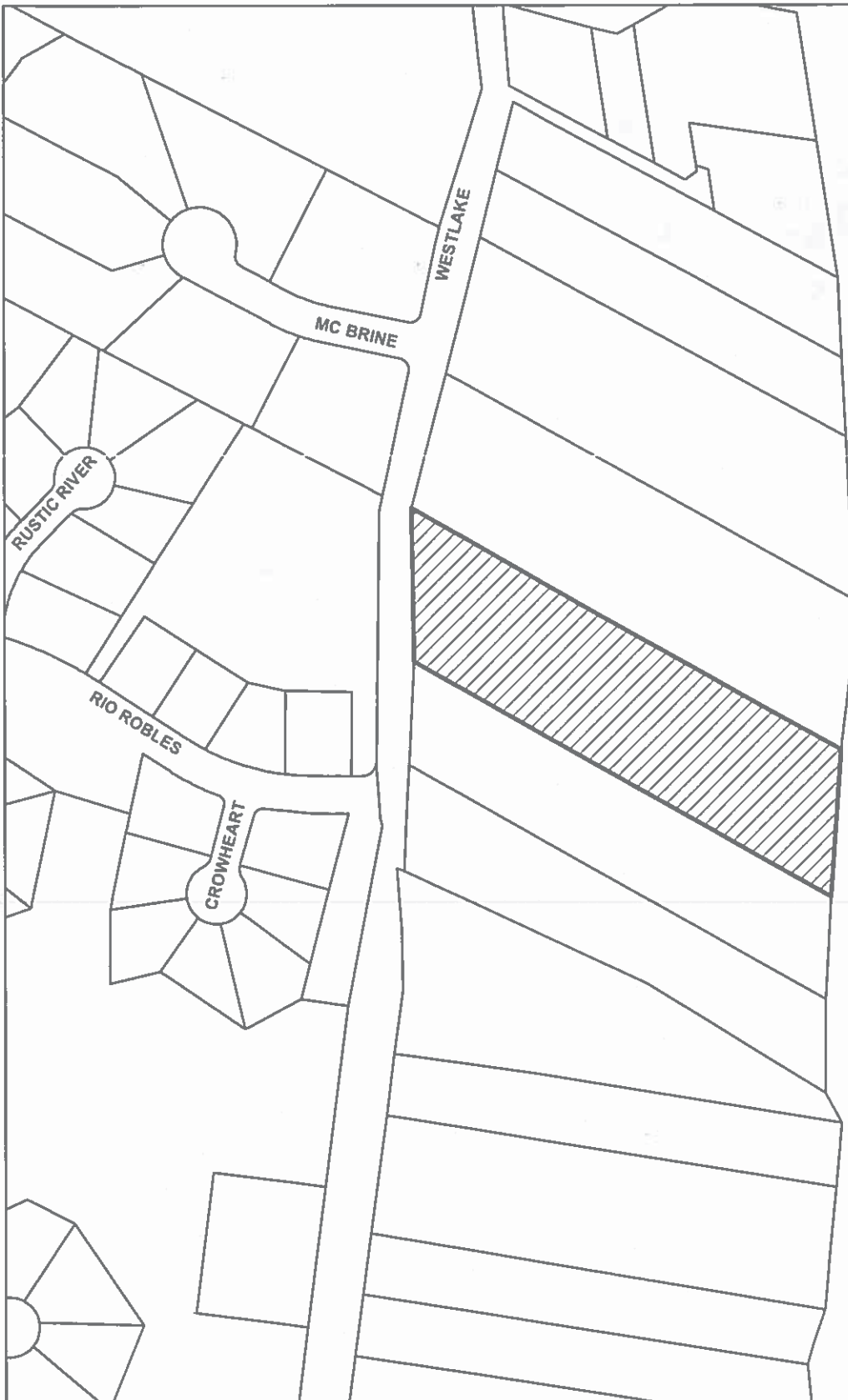
Kathleen and Peter -

In response to the COA regarding the height of the boat house be advised of the following:

- 1 The total vertical height from the water pool (492.8' elevation) to the top of the cupola is 45' exactly - (537.8' elevation).
- 2 The vertical height from the water level to the top of the roof is 35'4" (528.13 elevation)
- 3 The vertical height of the cupola from the ridge of the roof to the top of the cupola is 9.8 '
- 4 The vertical height of the boat house from the water level to the mid-point of the roof is 29'-10"
- 5 The vertical height of the boat house from the average grade of the land to the mid-point of the roof is 27'-10"

Please see the attached drawings which graphically explains the above information. Please call me with additional comments or questions. As a note, when we designed the boat house April of 2012, it was our understanding that the height of the boat house would be measured from the water pool elevation, or average grade elevation from the base to the mid-point of the roof, or the mean roof height distance between the eave and the ridge.

Best regards,
Bill Hablinski



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 250'

NOTIFICATIONS

CASE#: C15-2018-0037

LOCATION: 3117 WESTLAKE DRIVE

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

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: 3117 Westlake Drive

Subdivision Legal Description:

ABS 21 SUR 1 SPARKS W ACR 4.14

Lot(s): ABS 21 SUR 1 SPARKS W ACR 4.14

Block(s): ABS 21 SUR 1 SPARKS W ACR 4.

Outlot: ABS 21 SUR 1 SPARKS W ACR 4.14

Division: ABS 21 SUR 1 SPARKS W ACR 4.

Zoning District: Travis County

I/We Kathleen Huff

on behalf of myself/ourselves as

authorized agent for N/A

affirm that on

Month August

, Day 8

, 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:

Boat dock height - certain small portions of the boat dock including a weathervane and parts of a cupola currently exceed the boat dock height limit. § 25-2-1176 - SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES

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 boat dock is consistent with the zoning of this property, so no zoning changes are required or requested. The boat dock does not block any views from any property other than the applicant/owner's. 100% of the neighboring owners have declared their support for the variance being requested. Other nearby properties are over 100' higher than this property because they are on hills that overlook this property and therefore are not impacted. The boat dock has been in place for several years at its current height, gone through several City of Austin inspections, and no one has complained. The weathervane may not be as effective at a lower height.

Hardship

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

The weathervane may not be as effective at a lower height because it would be blocked by the structure and nearby trees. The boat dock architect/builder believed in good faith that the boat dock (including the weathervane/cupola that secures it) were within the height limits for a house when they built it. They were not familiar with the different limit for docks. The construction has been inspected many times without major incident and is now ready for its final inspection.

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

See above - also other nearby properties are over 100' higher than this property because they are on hills that overlook this property and therefore are not impacted.

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 boat dock does not block any views from any property other than the applicant/owner's.
100% of the neighboring owners have declared their support for the variance being requested.
Other nearby properties are over 100' higher than this property because they are on hills that
overlook this property and therefore are not impacted. The boat dock has been in place for
several years at its current height and no one has complained. There are many nearby trees
that are taller than the dock and already block the applicant/owner's view more than the dock.

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:

N/A

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

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

N/A

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

N/A

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: Kathleen Huff Date: 08/08/2018

Applicant Name (typed or printed): Kathleen Huff

Applicant Mailing Address: 3117 Westlake Drive

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 330-0685

Email (optional – will be public information): _____

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: Kathleen Huff Date: 08/08/2018

Owner Name (typed or printed): Kathleen Huff

Owner Mailing Address: 3117 Westlake Drive

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 330-0685

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: N/A

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

The applicant/owner willingly gave up two boat ramps and a boat dock on the existing property to build the new boat dock. These actions greatly improved the appearance of the shoreline. The requested variance will allow for the final approval and final inspection of the dock, which was completed a few months ago and has been through several City of Austin inspections without

Additional Space (continued)

any major issues over the last 2 years. I relied on an architect and builder that typically work on residential construction. They were not familiar with the different height limit for a boat dock. Only a small % of the roof (mostly the attached small weathervane and its cupola) actually exceeds the height limit, so it does not materially impact the look and feel of the structure or block any views. The structure has been in place for many years without any issues until I was recently notified that I needed to get this variance prior to the final inspection being approved. The boat dock passed its site plan review and all other reviews to date.

The boat dock does not block any views from any property other than the applicant/owner's. 100% of the neighboring owners have declared their support for the variance being requested (see attached documents). Other nearby properties are over 100' higher than this property because they are on hills that overlook this property and therefore are not impacted in any way. The boat dock has been in place for several years at its current height and no one has complained. There are many nearby trees that are taller than the dock and already block the applicant/owner's view more than the dock.

SAVE

view from 5201 Westlake Drive

O-1/32



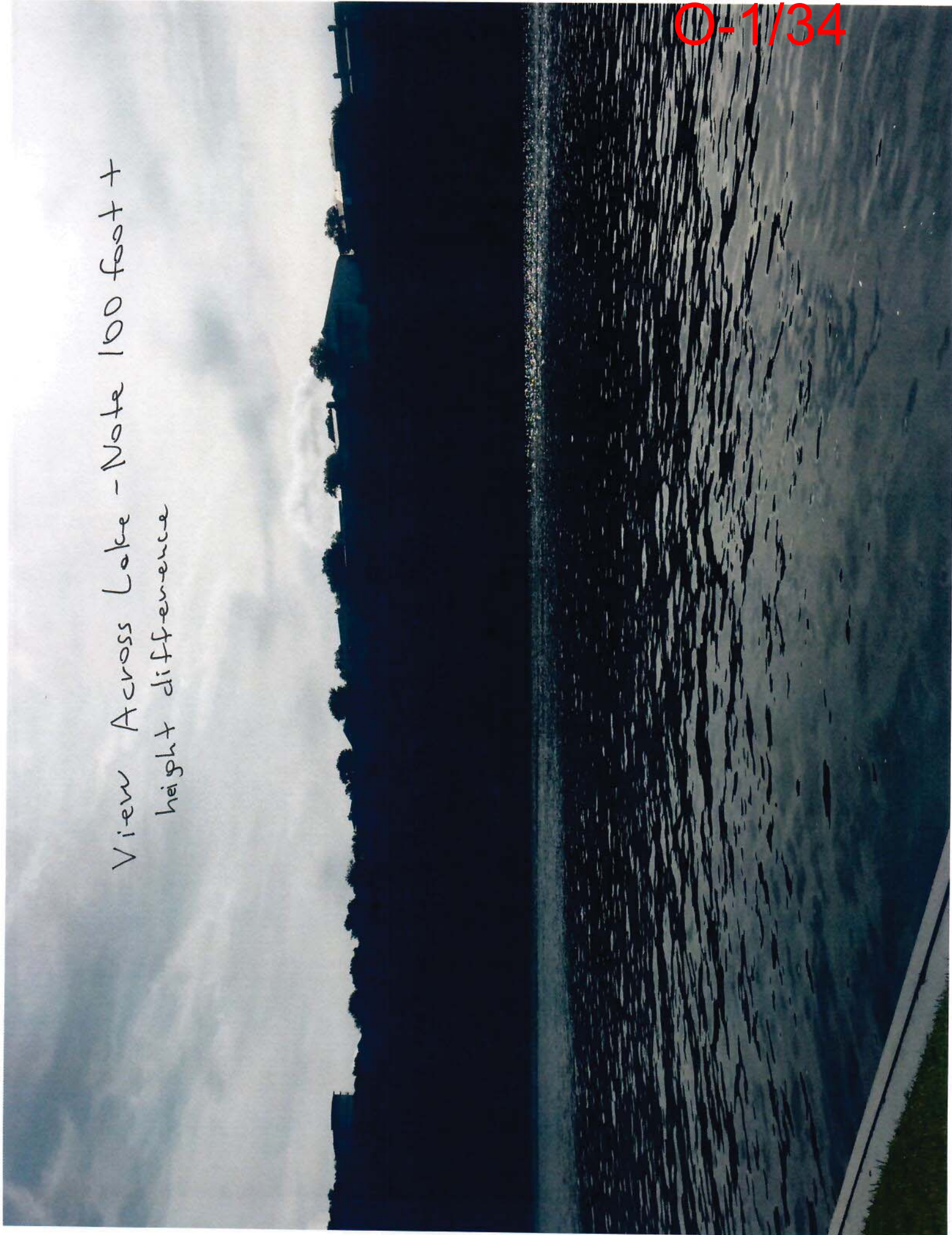
View From 3115 Westlake Drive

O-1/33



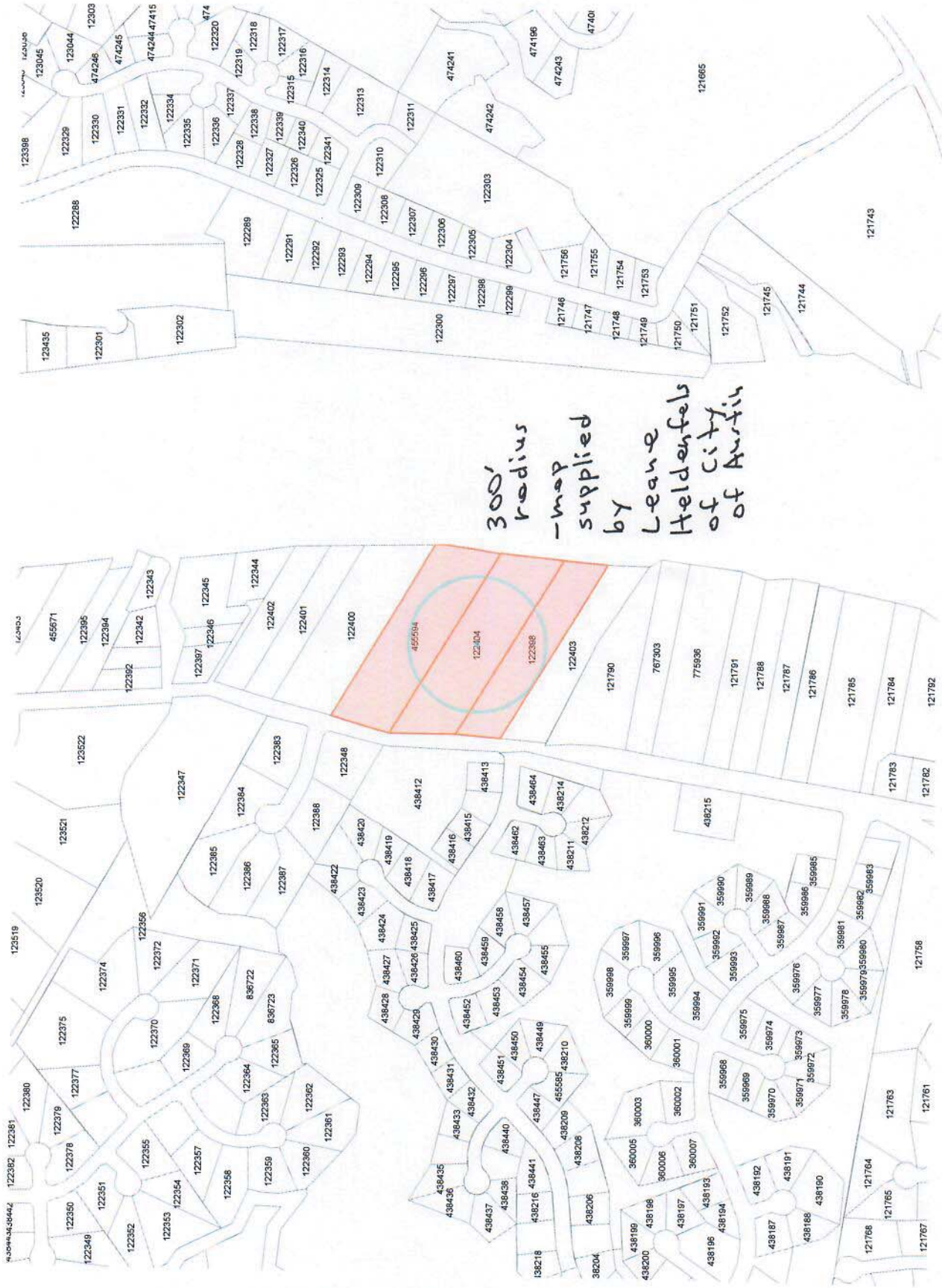
View Across Lake - Note 100 foot +
height difference

O-1/34



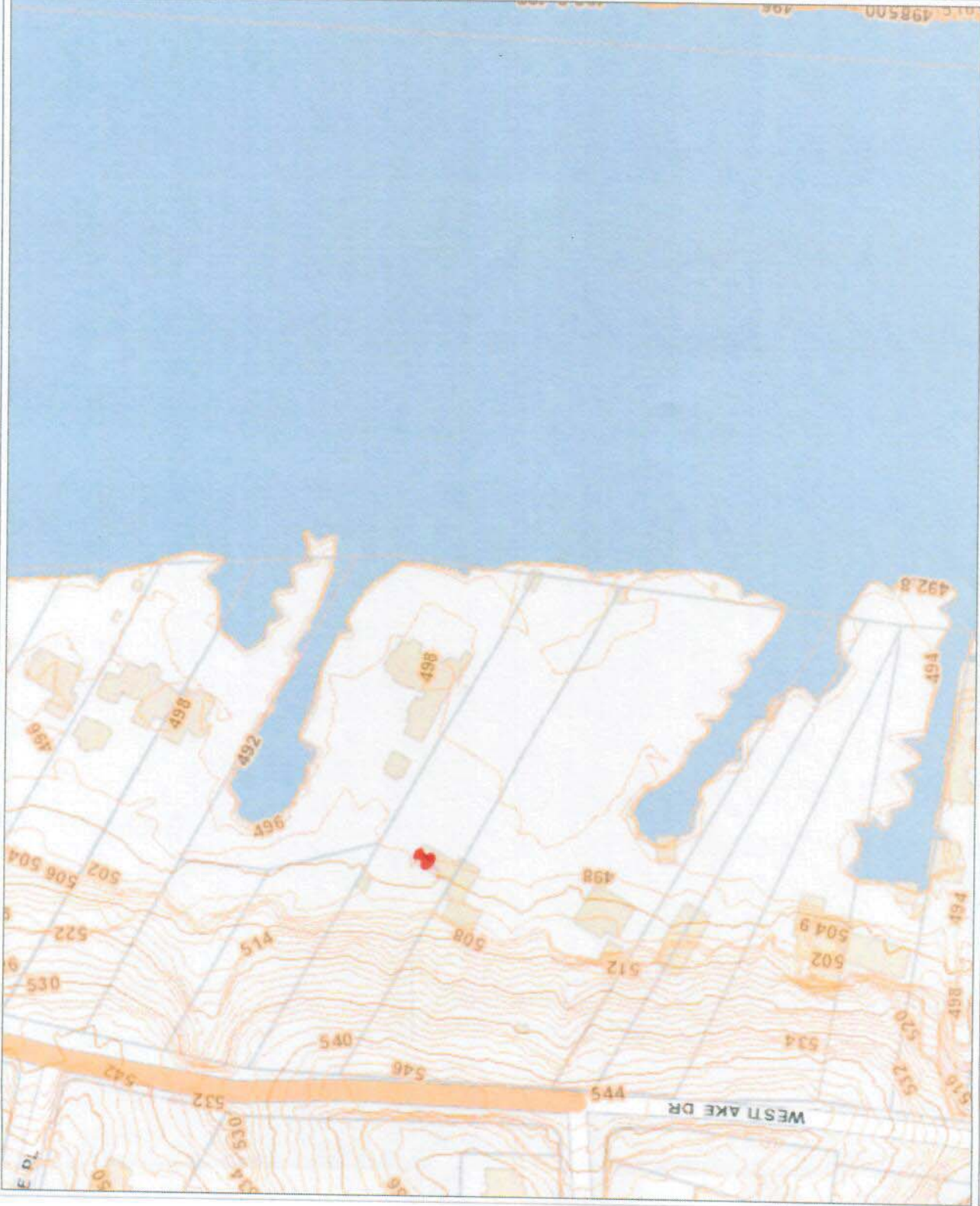
View from Westlake Drive (3110 Westlake)
— note significant height difference from
road to lake





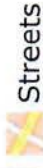
CITY OF AUSTIN DEVELOPMENT WEB MAP

O-1/37



Legend

Lot Lines



Streets



Building Footprints



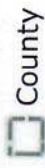
Named Creeks



Lakes and Rivers

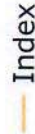


Parks

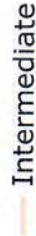


County

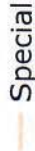
Contours Year 2012



Index



Intermediate





Special

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 THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.



I, Kathleen Huff, am applying for a variance from the Board of Adjustment regarding Section 25-2-1176 of the Land Development Code. The variance would allow me the ability to exceed the height limit for the boat dock on this property.

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

Property Owner Name (Printed)	Address	Signature
MARK KASTEN	3201 Westlake Drive, Austin, TX 78746	
Kathleen Huff	3115 Westlake Drive, Austin, TX 78746	

City of Austin, Texas

To Whom it May Concern:

I confirm that my property is one of the two properties that directly borders on 3117 Westlake Drive, Austin, Texas where Kathleen Huff is currently building a boat dock. I understand that the boat dock has largely been completed but might have a weathervane and/or cupola section of the roof that may exceed the height restriction. I believe that the boat dock is attractive and am happy with it as it currently looks. The height of the dock does not detract from my view and enjoyment of my property in any way. The height of the boat dock would not impact any other neighbors that I could see as well. I would strongly encourage the City of Austin to approve the final inspection of this boat dock and any variances that would be needed to keep the boat dock as it now stands. Thank you.

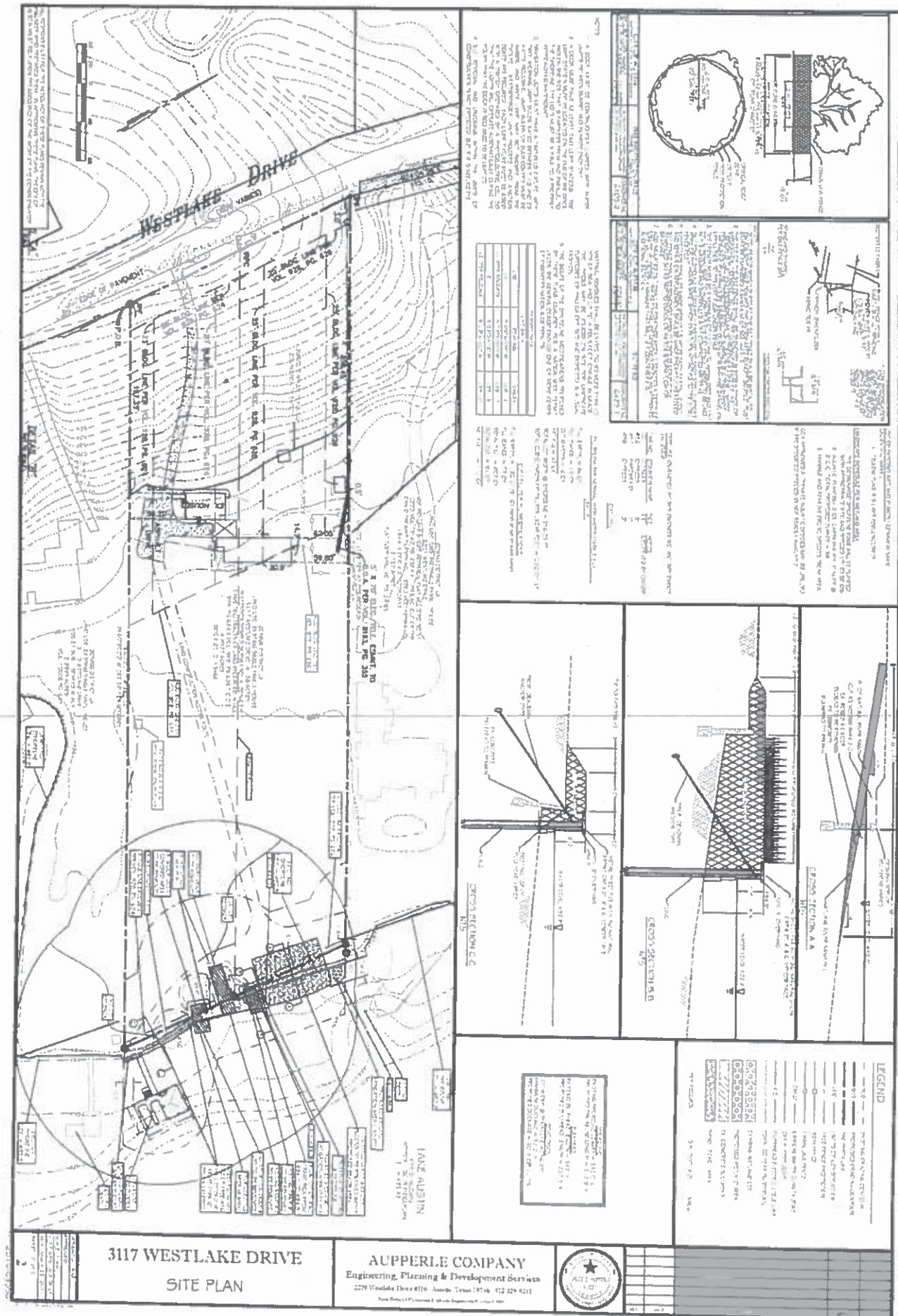
Sincerely

A handwritten signature in black ink, appearing to read 'Mark Kristen', with a large, stylized flourish extending from the end of the signature.

Mark Kristen

3201 Westlake Drive

Austin, Texas 78746



HABLIWSKI



CHILIAN HABLIWSKI
ARCHITECTS

1000 BROADWAY, SUITE 2000
NEW YORK, NY 10018
TEL: 212 691 1000
FAX: 212 691 1001
WWW.HABLIWSKI.COM

PROJECT:
VILLAGE MANOR
ARCHITECTURAL FIRM
1000 BROADWAY, SUITE 2000
NEW YORK, NY 10018
TEL: 212 691 1000
FAX: 212 691 1001
WWW.HABLIWSKI.COM

PROJECT NAME AND ADDRESS
1000 BROADWAY, SUITE 2000
NEW YORK, NY 10018
TEL: 212 691 1000
FAX: 212 691 1001
WWW.HABLIWSKI.COM

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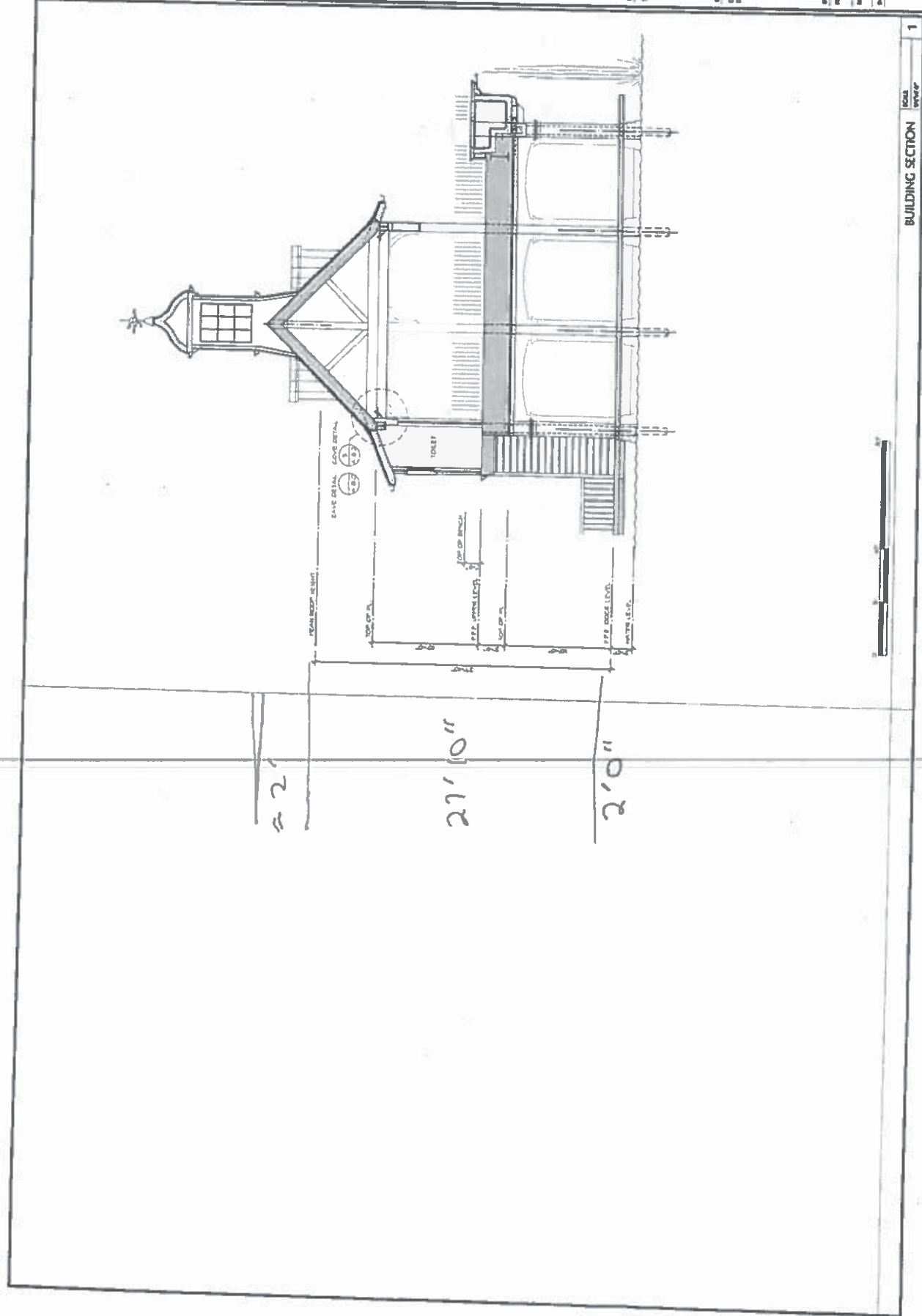
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BUILDING SECTION
1

SCALE
1/4" = 1'-0"

From: rick skirrow <[REDACTED]>
Date: August 29, 2018 at 8:19:21 AM CDT
To: Kathleen Huff <[REDACTED]>
Subject: 3117 Westlake Dr Boat house height
Reply-To: rick skirrow <[REDACTED]>

Peter and Katheen,

Since Skirrow LLC started work on the boat house at 3117 Westlake Dr, there have been several City of Austin Inspections with no inspectors mentioning a possible height violation to me.

Sincerely
Rick Skirrow
512-785-3225

From: William Hablinski <[REDACTED]>

Date: August 15, 2018 at 3:10:06 PM CDT

To: Kathleen Huff <[REDACTED]> "Peter Huff" <[REDACTED]>

Subject: Boat House Project at 3117 Westlake Drive, Austin TX

All:

The Current construction of the boat house was done under the code and zoning ordinances of the City of Austin from April of 2012 for single family residences. Those rules allowed for the height to be measured from the average ground plain to the midpoint of a sloped roof, between the eave and the ridge. We were not aware that there were separate rules governing the height of boat house structures. Accordingly the distance from the ground plain at the shore line to the midpoint is 27'-10". If you measure to the ridge it is 33'-3 7/8" to the ridge. And if you measure from the water you would add an additional 2'-0" in height.

Attached is are the front and rear elevations of the boathouse for your use.

Sincerely,
William Hablinski AIA

From: William Hablinski <[REDACTED]>

Date: August 29, 2018 at 9:15:10 AM CDT

To: Kathleen Huff <[REDACTED]> "Peter Huff" <[REDACTED]>

Cc: Jose Sosa <[REDACTED]>

Subject: Boat House at 3117 Westlake Drive - on Lake Austin

Kathleen and Peter -

In response to the COA regarding the height of the boat house be advised of the following:

- 1 The total vertical height from the water pool (492.8' elevation) to the top of the cupola is 45' exactly - (537.8' elevation).
- 2 The vertical height from the water level to the top of the roof is 35'4" (528.13 elevation)
- 3 The vertical height of the cupola from the ridge of the roof to the top of the cupola is 9.8 '
- 4 The vertical height of the boat house from the water level to the mid-point of the roof is 29'-10"
- 5 The vertical height of the boat house from the average grade of the land to the mid-point of the roof is 27'-10"

Please see the attached drawings which graphically explains the above information. Please call me with additional comments or questions. As a note, when we designed the boat house April of 2012, it was our understanding that the height of the boat house would be measured from the water pool elevation, or average grade elevation from the base to the mid-point of the roof, or the mean roof height distance between the eave and the ridge.

Best regards,
Bill Hablinski

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: C15-2018-0037, 3117 Westlake Drive

Contact: leane heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, September 10, 2018

Peter Helt

Your Name (please print)

3115 Westlake Drive, Austin, TX 78746

Your address(es) affected by this application

Peter Helt

Signature

Date

Daytime Telephone: (512) 431-4237

Comments:

The dock looks fine and needs to be completed so the construction workers and equipment will go away. None of the neighbors have ever had any issues or complained about this dock.

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

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

LeaneHeldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: comments returned by mail must be postmarked no later than the Wed prior to the hearing to be received by the Board at this hearing)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

☒ I am in favor
☐ I object

From: Johnston, Liz
Sent: Friday, November 02, 2018 1:28 PM
To: Heldenfels, Leane
Subject: RE: Thursday 11/8 BOA agenda, packet info - agenda start time is 6p rather than 5:30, FYI

If they haven't passed final inspection yet and the boat dock is taller than it was shown on the approved site plan, there's a good chance that the inspector will fail the inspection and direct the individual to DAC (Kristin) for a correction to the site plan.

If they don't meet zoning height and will need to go to BoA for the variance.

Thanks,

Liz Johnston

Environmental Program Coordinator
Environmental Resource Management, Watershed Protection Department
City of Austin
505 Barton Springs Road, 11th Floor
512.974.2619

<http://www.austintexas.gov/austinlakes>

<http://www.austintexas.gov/blog/lady-bird-lake-fiction-or-fact>

From: Heldenfels, Leane
Sent: Friday, November 02, 2018 1:06 PM
To: [REDACTED]
Subject: Thursday 11/8 BOA agenda, packet info - agenda start time is 6p rather than 5:30, FYI

FYI – not sure if you and your manager(s) have reached a consensus on whether or not the 6 year old dock at 3117 Westlake Dr w/ un-finaled permit does/does not require a variance to height since that language on height came into zoning ordinance in 2015 after it was permitted and completed – though the design did change from plan review to completion and cupola was added, overall height was added.

Also, the new 3201 Westlake Drive case is about shoreline setback, so - in my opinion – since not a dock you may not need to come testify or be available to testify, but anyone from your staff is always welcome to attend and the Board would most likely ask staff questions.

Take care –
Leane

From: Heldenfels, Leane
Sent: Friday, November 02, 2018 1:00 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Thursday 11/8 BOA agenda, packet info

Greetings Chair (and bcc Board members) and staff – remember to reply to just me, **not all**, if you have any questions/concerns so we can avoid a rolling quorum.

Please see attached Thursday 11/8 meeting agenda and this month's Austin Energy report.

After reviewing the agenda please **reply** to just me (**not all**) and **advise if you know you're going to be absent from Monday's hearing.**

Also advise if you know you'll be **recusing from any item (s)** listed for hearing (either with or without cause - if it is with cause, I'll send you the City Clerk recusal form required to be completed and returned in advance of the public hearing on the case you are recusing from).

Kelly and Martha – as of today I do not know of any need for your attendance/service Thursday, but I will keep you posted as I learn of any absences or recusals. Thanks for being on "stand-by"!

The electronic version of the final agenda and case back up materials were posted online at your website yesterday (here's a link):

http://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm

All late back up will be posted after 3pm on Thursday.

We show the following methods of packet/backup delivery (reply to just me and advise of any changes):

1. **Electronic only:** Brooke, Veronica, Don, Rahm, Eric, Kelly, Martha and staff
2. **Paper Pick Up at DAC** receptionist today until 4:30 and Monday – Thursday from 8a-4:45p (reply to just me, **not all**, and **advise if you prefer delivery this afternoon**): William, James, Bryan, Melissa, Michael

Take care – see you Thursday!

Leane Heldenfels
Board of Adjustment Liaison

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor, Development Assistance Center

505 Barton Springs Road

Office: 512-974-2202



Follow us on [Facebook](#), [Twitter](#) & [Instagram](#) @DevelopmentATX

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](#).

O-1/49 *md*

Back imagejpeg_0.jpg Find messages, documents, photos or people

Kathleen

Home

☰ ☰ ☰ ⚙

Compose

Inbox 999+
Unread
Starred
Drafts 756
Sent
Archive
Spam
Trash
Less

Views Hide

📷 Photos
📄 Documents
✂️ Drafts

(512) 785-3225

PERMIT WORK FLOW

PROCESS	STATUS	TOD	Start Date	Scheduled End Date	End Date	START
101 Building Layout	Pass		01/24/13	08/05/15	08/05/15	Chris Ruddell (512-203-3189)
102 Foundation	Fail		02/24/17			Chris Ruddell (512-203-3189)
103 Framing	Pass		08/17/17		10/18/17	Mark Hill (512-203-3189)
104 Insulation	Open					David Brasick
105 Siding	Open					Chris Ruddell
106 Resistance-Rated	Open					Chris Ruddell
107 Drywall	Open					
108 Paint	Open					
109 Final	Open					

3117 Westlake Boat Dock Inspection

103 Framing Passed on 10/18/17
Mark Hill (512-203-3189)

Back IMG_8886.JPG

Find messages, documents, photos or people

Kathleen

Home

Compose



Inbox 999+

Unread

Starred

Drafts 756

Sent

Archive

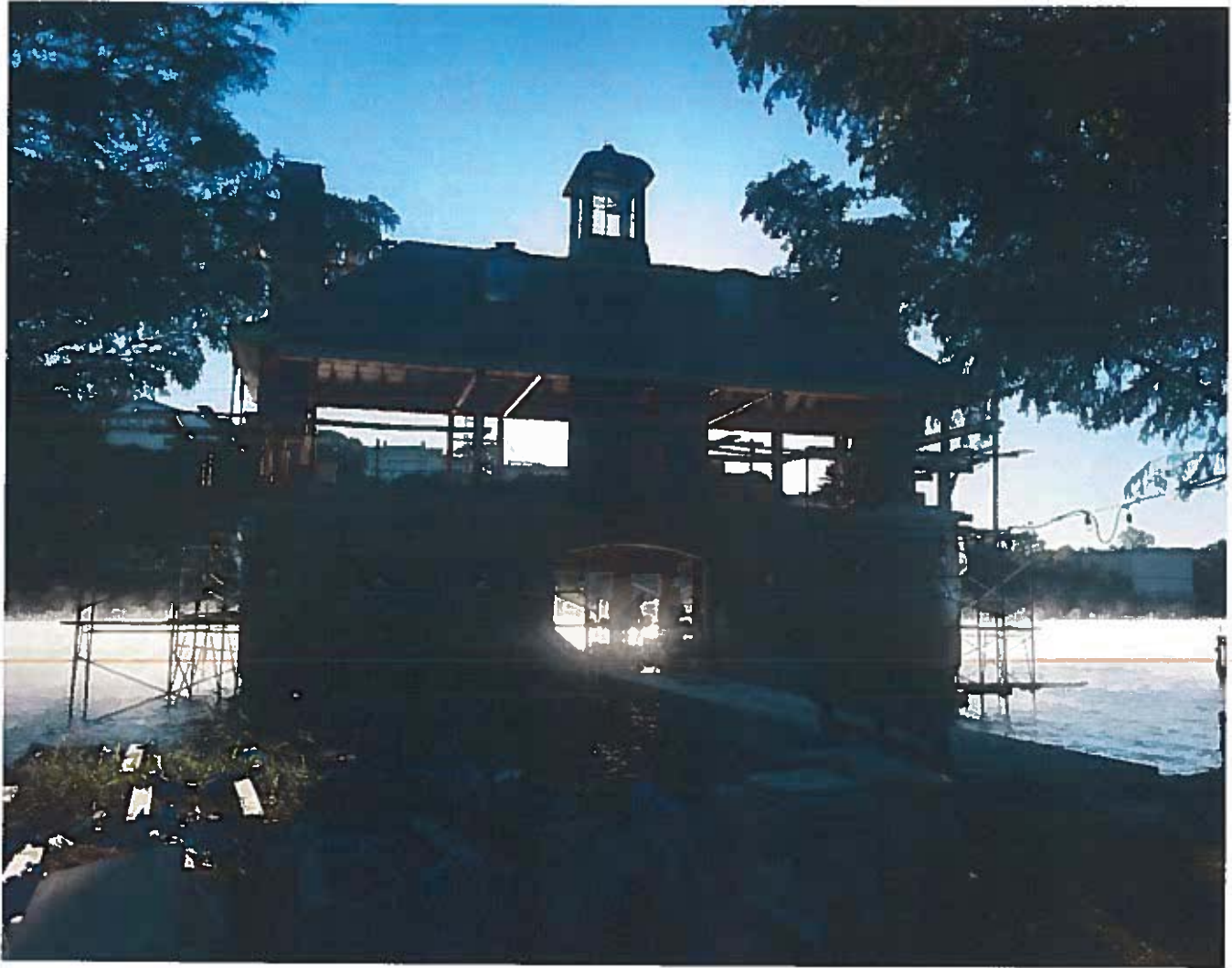


Photo taken of
3117 Westlake Dr boat dock
on 10/17/17 the day BEFORE
the city framing inspection was approved
on 10/18/17,

O-1/51

eng

Back 3117 Weslake Drive (Timeline).docx

Find messages, documents, photos or people

Page 1 of 1



K. J. J. J. J.

Home

Compose



Inbox 999+

Unread **2010**

Starred Boat dock permitted with plans by Aupperle Company, showing boat dock height at 24' (top of ridge) per site plan **2010-105465 SP**

Drafts

Sent Existing ordinance **20101209-075** regulations do no list height restrictions specifically to docks in section 25-2-1176

Archive **2012**

Spam Site plan correction **2012-009532 SC** shoreline modifications
Residential boat dock permit application **2012-126625 BP**

Trash

Less **2013**

Ordinance **20131017-079** changed approval authority of boat dock regulations from Parks Board to Planning Commission. No height restrictions are listed on approved documentation in section 25-2-1176, passed and approved October 28, 2013.

Views

Photos

Documents

Deals

Purchases

Travel

Tutorials

Folders

2014
New Lake Austin District Zoning Overlay created with ordinance **20140626-114**, passed and approved July 7, 2014.

Revised shoreline development, Lake Austin Zoning District regulations and boat dock regulations under ordinance **20140626-113**, passed and approved July 7, 2014. Height restriction of 30 feet listed in section 25-2-1176.

- § 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES

- Navigation (docks may not extend more than 30' into Lake Austin or 20% of channel width),
- Docks may not exceed more than 20% of the shoreline frontage, with a minimum allowance of 14',
- 1,200 sf maximum for a residential dock,
- **A dock may not exceed 30 feet in height,**
- No portion of a dock may be enclosed, except for an enclosed storage closet that is limited to no more than 48 square feet for each principal residential use associated with the dock; and
- The number of motorboats anchored, moored, or stored on a dock may not exceed two, for a principal residential use utilizing an individual dock that is not part of a cluster dock

2017

Inspection of boat dock (Aug. 17) framing passed by city inspector.

Update time zone

2018

Plans provided to city for review by Board of Adjustment, showing built height of 45' (top of cupola).