



AUSTIN ENERGY REPORT

June 26, 2019

David Cancialosi
2710 Scenic Dr
Austin TX, 78703

Property Description: LOT B MCGINNIS SUBD

Re: C15-2019-0029

Dear David,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from Section 25-2-1176 (A) (3) (Site Development Regulations for Docks, Marinas, and other Lakefront Uses); to reduce the Interior Setback requirement from 10 feet (required), 9 feet 5 inches (existing) to 0 feet (requested) from the South side property line;

In order to erect a Boat Dock in a "SF-3-NP", Single-Family – Neighborhood Plan zoning District (West Austin Neighborhood Plan). The Land Development Code states that a dock may not be constructed closer than 10 feet to the side property line, regardless of the side yard setback generally applicable within the base zoning district.

Austin Energy does not oppose requested variances, provided any proposed and existing improvements are in compliance with AE clearance criteria requirements, The National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSA RE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg

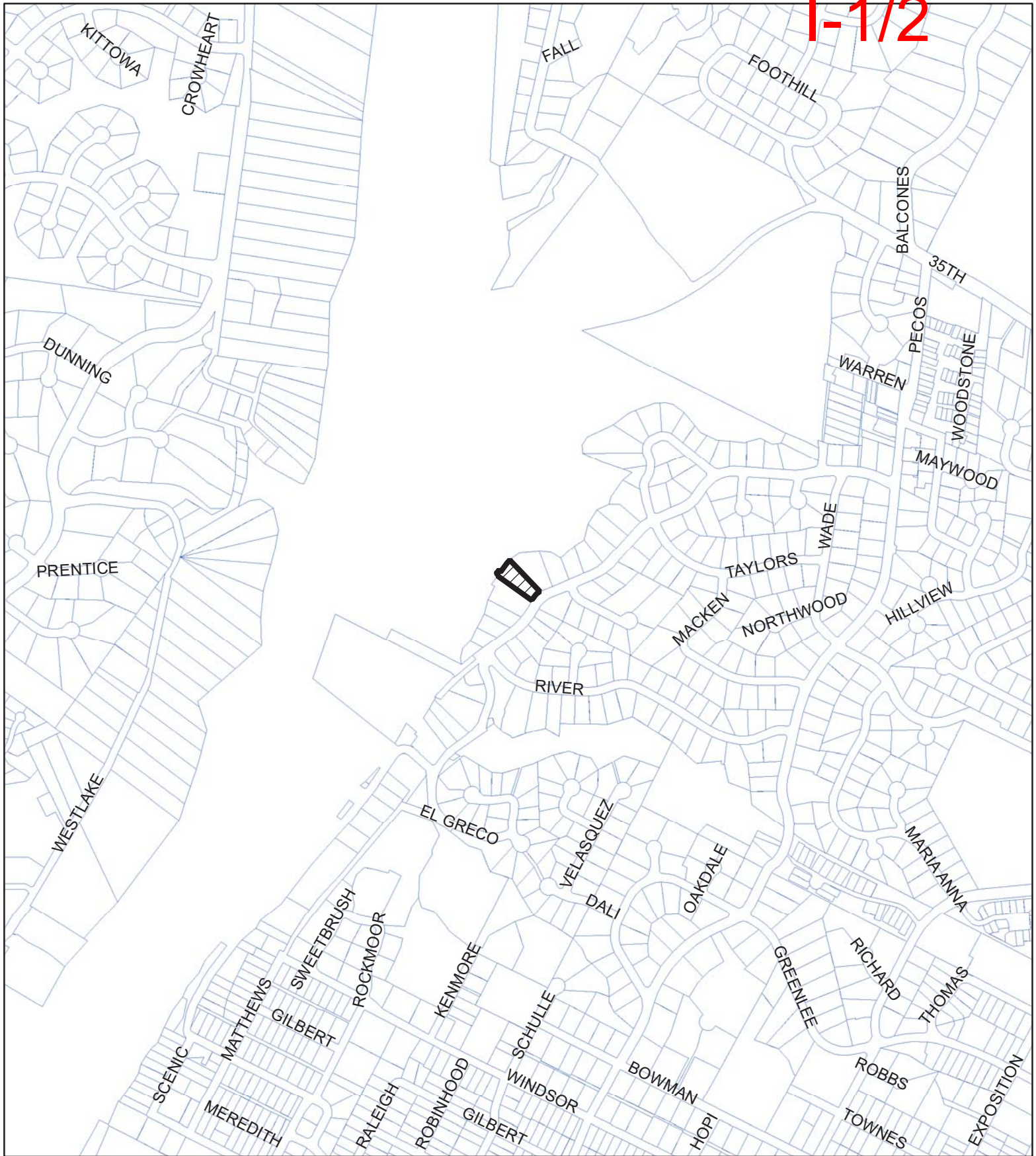
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050



BOA REVIEW COVERSHEET**CASE:** C15-2019-0029**BOA DATE:** July 8, 2019**ADDRESS:** 2710 Scenic Dr**COUNCIL DISTRICT:** 10**OWNER:** Alexander Tynberg**AGENT:** Permit Partners LLC (David Cancialosi)**ZONING:** SF-3-NP (WANG)**LEGAL DESCRIPTION:** LOT B MCGINNIS SUBD**VARIANCE REQUEST:** reduce side setback from 10 ft. to 0 ft.**SUMMARY:** erect a boat dock**ISSUES:** tree & channel issues

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP; Lake	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP; Lake	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council; Bike Austin; Central West Austin Neighborhood Plan Contact Team; Friends of Austin Neighborhoods; Hill Country Conservancy; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Save Barton Creek Assn.; Save Our Springs Alliance; Sierra Club, Austin Regional Group; TNR BCP – Travis County Natural Resources; Tarrytown Alliance; Tarrytown Neighborhood Association; West Austin Neighborhood Group



-  Subject Tract
-  Base Map

CASE#: C15-2019-0029
LOCATION: 2710 SCENIC 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 the Development Services Department 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: 2710 SCENIC DR.

Subdivision Legal Description:

LOT B MCGUINNESS SUBDIVISION

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

Outlot: _____ Division: _____

Zoning District: _____

I/We PERMIT PARTNERS, LLC on behalf of myself/ourselves as

authorized agent for ALEX TYNBERG affirm that on

Month May, Day 14, Year 2019, 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:

Reduce side setback from 9' 5" to 00' side yard setback PER 25-2-1176-A-3

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:

SEE ATTACHED COVER LETTER

Hardship

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

SEE ATTACHED COVER LETTER

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

SEE ATTACHED COVER LETTER

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:

SEE ATTACHED COVER LETTER

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:  Date: 5/14/19

Applicant Name (typed or printed): PERMIT PARTNERS, LLC (David Cancialosi)

Applicant Mailing Address: 105 W. RIVERSIDE #225

City: AUSTIN State: TEXAS Zip: 78704

Phone (will be public information): 512-593-5361

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: _____ Date: _____

Owner Name (typed or printed): SEE ATTACHED

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: David Cancialosi (PERMIT PARTNERS, LLC)

Agent Mailing Address: 105 W. RIVERSIDE RD. #225

City: AUSTIN State: TEXAS Zip: 78704

Phone (will be public information): 512-593-5361

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).

N/A SEE COVER LETTER

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: _____ Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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: Alexander H. Tynberg, Trustee Date: 5/7/19

Owner Name (typed or printed): Alexander H. Tynberg, Trustee

Owner Mailing Address: 2501 Tarryhill Place

City: Austin State: TX Zip: 78705

Phone (will be public information): 512-496-5373

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: _____

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).

Permit Partners, LLC
 105 W Riverside Dr., Suite 225
 Austin, TX 78704
 512-593-5361 (P)

June 20, 2019

City of Austin
 City of Austin Board of Adjustment
 One Texas Center
 505 Barton Springs
 Austin, Texas 78704

RE: REVISED COVER LETTER - 2710 Scenic Drive – Reduce side yard setback from 9' 5" to 0.0' for completion of cut-in slip dock construction

Dear Board of Adjustment Commissioners,

The property owner is seeking to redesign an existing single slip cut-in slip in order to accommodate a reasonable use of a boat dock. This use is consistent with one or two slip boat docks found throughout Lake Austin. As you are aware a boat dock use is an accessory use to primary single-family structures; boat docks are allowed by right per the Land Development Code. This dock needs to be completed via widening the existing cut-in slip.

The current cut-in slip was created at some point in the late 1980's or very early 1990 's. It has remained in its current 16' 5" wide configuration since that time. The dock was permitted for redesign in 2018 via COA formal site plan process and subsequent building permit. That owner sold the property and did not complete construction of the dock improvements. The new owner is the current applicant and seeks to complete the construction.

The bulkhead is in the same location per original construction. Current owner is proposing to expand that width to 20% of the shoreline, measuring as 24' 6" wide. The owner desires to maintain a cut-in slip vs. a bump out dock per the reasons outlined below. As is, the dock is not functional in its current state - construction needs to be completed in order for the dock to be fully functional. There is a 23" Cypress on the north side of the dock, opposite the sideyard setback. The owner does not want to increase the CRZ encroachment into the adjacent 23" Cypress. This necessitates decreasing the side yard setback located on the opposite side of the dock.

Before the property owner pursues the formal site plan process for the dock, and, an eventual EV variance for "cut greater than 4 feet" (in order to expand the cut-in slip), the owner is looking for reasonable degree of assurance that the desired dock can be constructed per the attached design. Again, the proposal expands the 16' 5" cut-in slip to a total width of 24' 6". This dock design extends the existing encroachment into the 10' side yard setback from essentially 9' 5" setback to 0.0' setback.

In reality the proposed encroachment creates a 1' 5" setback along the southern (side) property line per the exhibits, but some wiggle is desired room to amend the footprint in the field as needed – the dock will never closer than 1' 5". We feel this is a reasonable request as the use is an allowable use in SF-3 zoning, but more importantly, the proposed location is consistent with other docks in the area, it's the only manner in which to utilize the accessory use consisted with the 20% rule, and there are no further adverse impacts to adjacent properties.

Reasonable Use

A boat dock use is a reasonable in that it is allowed in LA zoning. This accessory use is allowed by right per code. A dock is a common use among properties with lake frontage. The dock location is in keeping with varied dock locations on other properties in the immediate area of this cove. Most of the surrounding docks take access from Scenic Drive and connected streets deep within Tarrytown.

The proposed dock removes about 200 SF of dirt which is capped with concrete . This area is between the southern bulkhead and the property line (and sits within the 10' side setback). The owner desires to remove that area and replace with useable slip area in order to safely navigate watercraft. The development code allows a dock to be 20% of a lot's total lake frontage . The owner requests he be allowed utilize the code in a reasonable

Permit Partners, LLC
 105 W Riverside Dr., Suite 225
 Austin, TX 78704
 512-593-5361 (P)

manner.

Hardship

The lot has 122.86' frontage on Lake Austin. The City Land Development Code allows 20% dock width. That equates to 24' 6" on this site. The expansion of the proposed dock is necessary towards the side setback due to said 23" Cypress tree located on the north side of the dock. This slip currently encroaches approximately 8' into the full CRZ; however, the dock and cut-in bulkhead are located just outside the tree's ½ CRZ. The owner desires to preserve that footprint. The new dock structure does not increase the CRZ encroachment any closer to the protected tree.

Further to the north exists a 44" Cypress tree. There is only 10' 6" between the CRZ of each tree. The environmental regulations will not allow the placement of a cut-in between a 23" Cypress and 44" Cypress. The 44" Cypress tree is located on or very near the north property line. Thus there exists no practical location for a cut-in slip anywhere else on the lot given the applicable tree and related regulations.

However, in exploring alternative locations, one proposal is to fill the existing cut-in slip and introduce a new 24' 6" cut-in slip between the two protected trees. Upon examination, we found this would require significant placement of fill in the existing slip as well as dredging in any new cut-in area. Generally speaking, cut-in slips and dredging within a CRZ is not a best management practice if not outright prohibited per code. Typically referred to as "*cut and fill in excess of 4'*", this process is prohibited by Code and requires at least two (2) environmental variances from the environmental commission plus the zoning and platting commission. Generally, fill in the lake reduces Lake Austin's volumetric flow by removing the amount of water in the lake, and in turn, impacting the amount of drinking water allocated to the City of Austin by the Army Corps of Engineers. This is a long, cost prohibitive process at the very end of a long formal site plan review process. Thus, this alternative is not feasible and the current request to enlarge the existing cut-in slip is being requested via reduction of the 10' setback.

A second alternative was explored. This feasibility proposed to fill the cut-in slip and construct a bump-out dock:

1. At the current location, or
2. Construct a bump out dock between the two protected trees.

The second protected tree further to the north is a 44" Cypress. Either location is not feasible for two reasons:

1. A *navigational hazard* is created by a bump out dock, and
2. The limited dock length is not functional since the area in front of the dock is categorized as a *channel*.

An island exists behind this property. This creates the *channel*. City staff has confirmed this in writing. The channel between the property and the island is approximately 70' wide. The Land Development Code allows 20% of a channel's width when calculating the maximum dock length for any dock protruding into a channel. This would reduce the normal 30' dock length allowed by code to a maximum length of 14' (70' channel x 20% = 14' dock length).

The protected trees as well as the channel present two (2) unique hardships specific to this property. The only reasonable option is to widen the exiting cut-in slip and construct the proposed dock structure.

Not General to the Area

There are no other lots along this stretch of Scenic Drive or surrounding area that 1) have a channel due to the island directly across the rear of this lot and 2) have one protected tree and one heritage tree located along the shoreline. All conditions are unique to this lot.

Area of Character

The proposed dock is consistent with dock locations in or near the side setback found throughout Lake Austin. The adjacent dock at 2708 Scenic Drive is located *within* its 10' side setback. Several docks in the area are a mixture of cut-in and bump out docks due to age and character of design as well as site conditions specific to those properties. Many of those docks are legal non-compliant. There is heavy vegetation along the southern property line which

Permit Partners, LLC
105 W Riverside Dr., Suite 225
Austin, TX 78704
512-593-5361 (P)

shields the dock from the southern neighbors view. The property owner is open to increasing vegetative screening as needed to accommodate any concerns voiced by the neighbor or the Commission.

The positive outcome of the Board 's approval will be:

1. An increased floodplain rating along the shoreline per site plan requirements
2. Increased vegetative plantings along the shoreline per site plan requirements
3. A stabilized volumetric flow via the cut-in slip area.
4. A cut-in slip poses no navigational hazard typically found with a bump out docks
5. A cut-in slip poses no navigational hazard in this channelized area of Lake Austin.
6. No further encroachment into the 23" Cypress CRZ is required.
7. The 44" Cypress remains unencumbered

On behalf of the property owner I respectfully ask the Board approve this request for the aforementioned reasons.

Please reference exhibits accompanying this application.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc Alex Tynberg, property owner

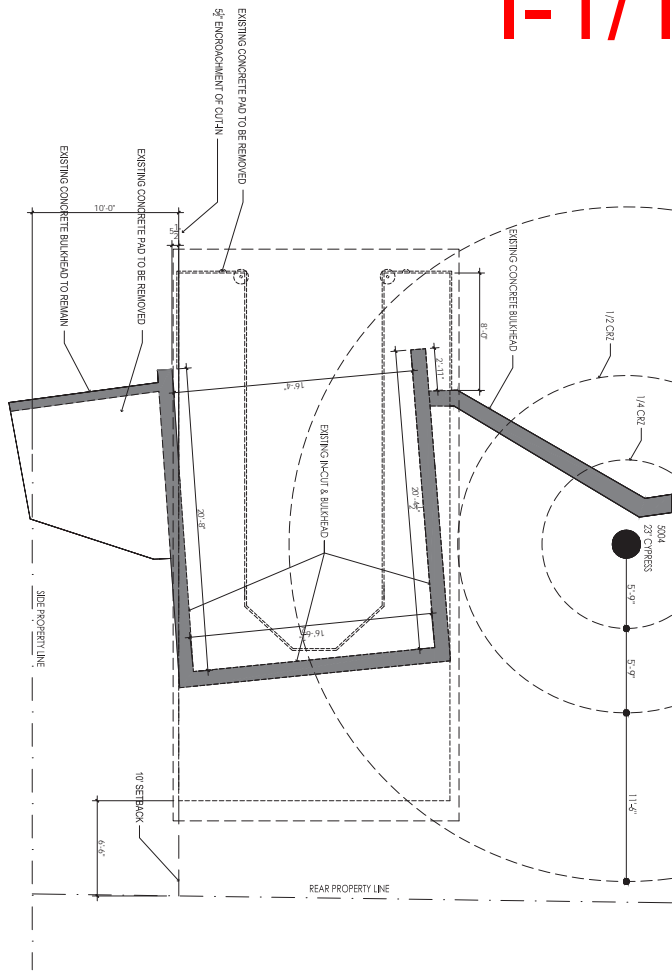


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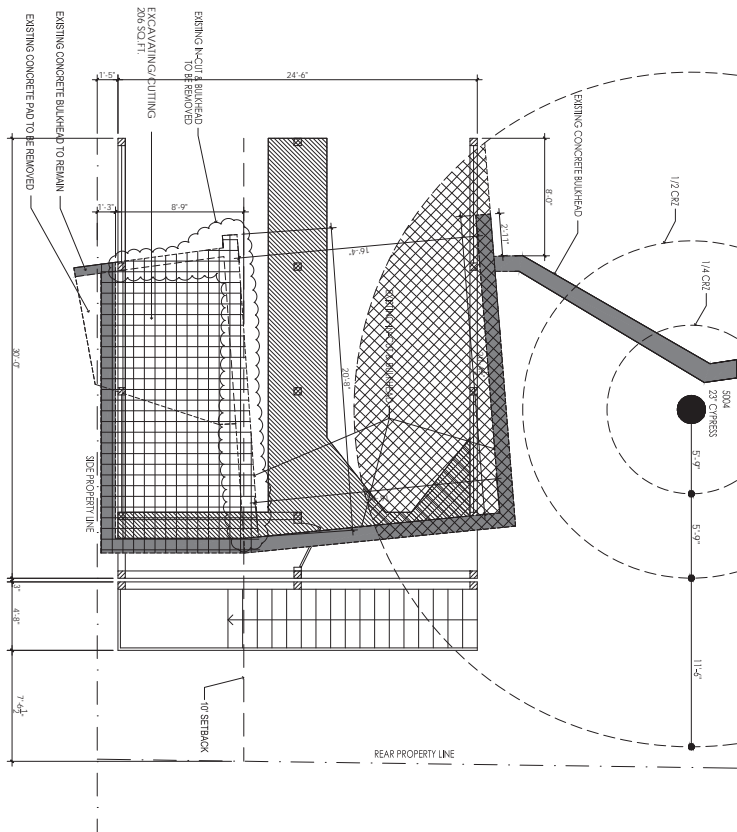
TRIE #	COLLIER SIZE	TRIE TYPE
2282	28"	LIVE OAK
2290	10.5"	CEDR ELM
4678	16.5"	LIVE OAK
4680	9.5"	LIVE OAK
4682	MULTI-STRIP, 75", 6"	LIVE OAK
4683	15.5"	LIVE OAK
4684	MULTI-STRIP, 8", 5"	LIVE OAK
4685	9"	LIVE OAK
4686	11"	LIVE OAK
4687	8"	LIVE OAK
4688	MULTI-TIMBER, 12.5", 7.5"	LIVE OAK
4689	6.5"	CEDR ELM
4690	15.5"	CEDR ELM
4691	MULTI-STRIP, 9.5", 9"	RED OAK
4697	55"	LIVE OAK
5000	MULTI-STRIP, 15", 13.5"	LIVE OAK
5001	8"	LIVE OAK
5002	12"	LIVE OAK (COMPRESSED)
5003	16"	LIVE OAK
5004	23"	LIVE OAK
5005	44"	CYPRESS

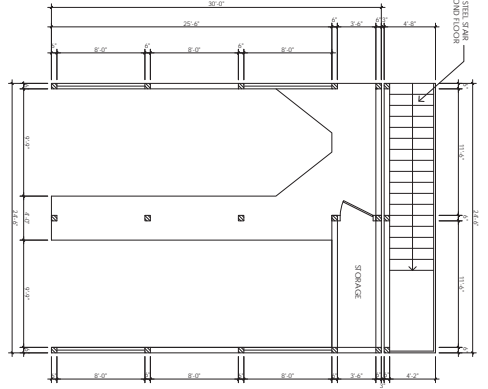
1 PROPOSED SITE PLAN
SCALE 3/32" = 1'-0"

1 EXISTING
SCALE: 1/4" = 1'-0"

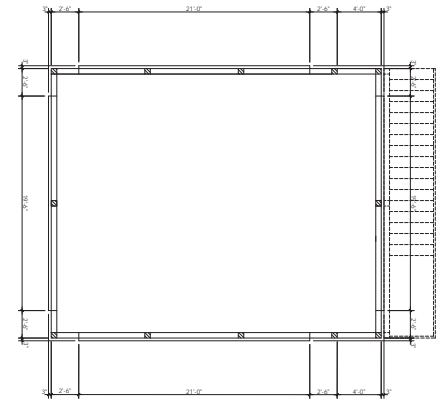


2 PROPOSED
SCALE: 1/4" = 1'-0"

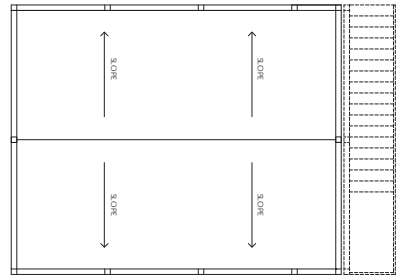




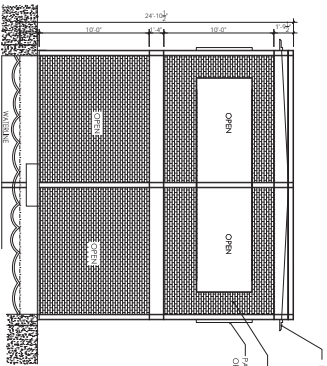
1 FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"



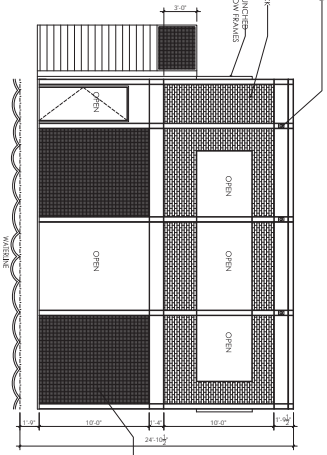
2 SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



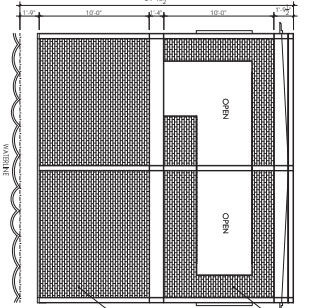
3 ROOF PLAN
SCALE: 3/16" = 1'-0"



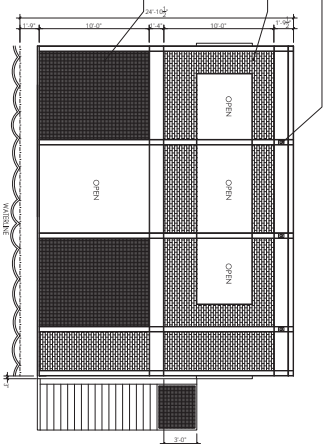
4 WEST ELEVATION
SCALE: 3/16" = 1'-0"



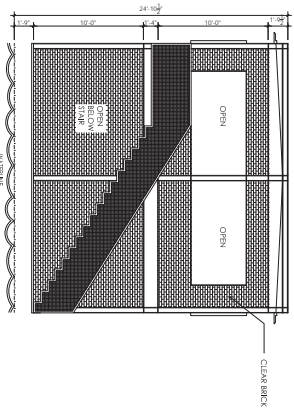
5 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



6 EAST ELEVATION
SCALE: 3/16" = 1'-0"



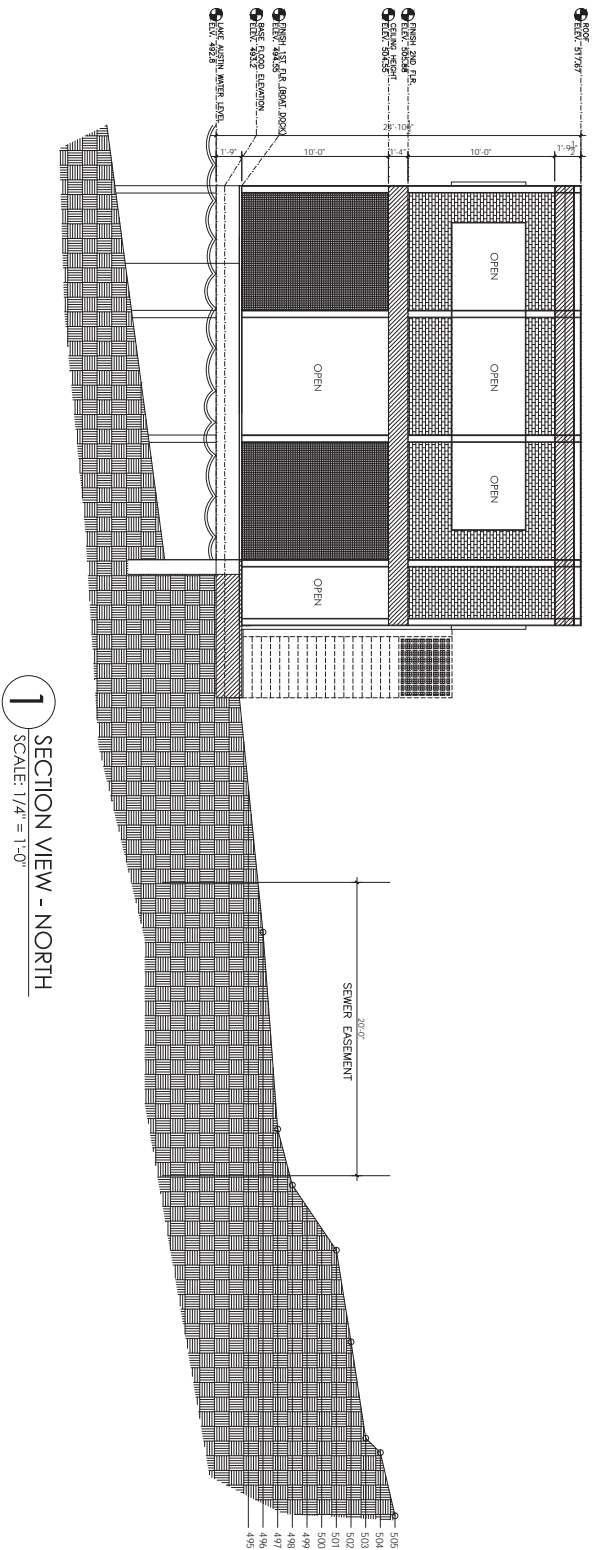
7 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

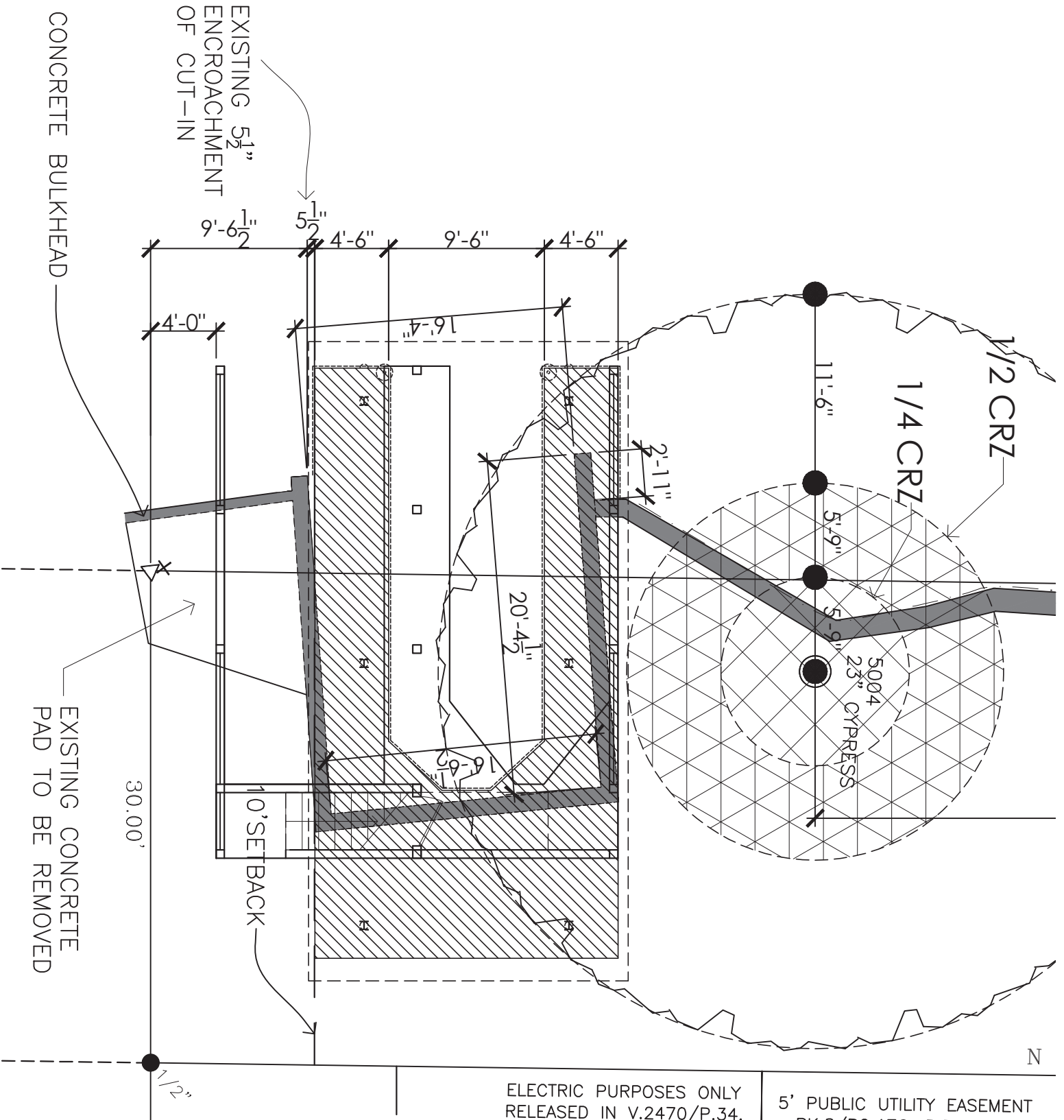


8 EAST ELEVATION (WITH STEEL
FREESTANDING STAIR)
SCALE: 3/16" = 1'-0"

- NOTES:
1. THE PROPOSED BOAT DOCK MUST COMPLY WITH ALL REQUIREMENTS OF LDC 26-5-1174 STRUCTURAL REQUIREMENTS AND MUST COMPLY WITH CHAPTER 26-12, CRITERIA MANUAL, BUILDING CODES AND THE BUILDING CRITERIA MANUAL.
 2. THERE IS NO SUPER NE ADAPTATION OR DREDGING PROPOSED ON THIS PROJECT.
 3. THERE ARE NO OFFROADS PROPOSED ON THIS PROJECT.
 4. THERE IS NO TREE REMOVAL PROPOSED ON THIS PROJECT.
 5. THERE IS NO PROPOSED GROUND DISTURBANCE ASSOCIATED WITH THE DEMOLITION OF THE EXISTING BOAT DOCK.
 6. THE DOCK IS AT LEAST 83% OPEN.

OPENNESS CALCULATION	
CUMULATIVE AREAS	
SOLID 1680 SQ. FT.	
OPEN 828 SQ. FT.	
TOTAL 2508 SQ. FT.	
33% OPEN	





I-1/17





I-1/19





I-1/21



