CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-2

DATE: Monday January 11, 2021 **CASE NUMBER: C15-2020-0069**

_____Brooke Bailey OUT
_____Jessica Cohen
_____Ada Corral
_____Melissa Hawthorne
____-___VACANT
_____Don Leighton-Burwell
_____Rahm McDaniel
_____Darryl Pruett
_____Veronica Rivera OUT
_____Yasmine Smith
_____Michael Von Ohlen
_____Kelly Blume (Alternate)
___-____Vacant (Alternate)
_____Donny Hamilton (Alternate) NOT AVAIL

APPLICANT: Courntey Mogonye-McWhorter

OWNER: Malia Muir

ADDRESS: 1230 ROCKCLIFF RD

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin (LA) District Regulations) (B) (1) (b) from shoreline setback requirements to reduce the shoreline setback from 25 feet (required) to 10 feet (requested) (canal only) in order to erect a Single-Family Residence in an "LA", Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member Brooke Bailey seconds on a 9-2 vote (Board members Jessica Cohen and Donny Hamilton nay); POSTPONED TO DECEMBER 14, 2020. DEC 14, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to January 11, 2021, and Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO JANURARY 11, 2021. Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021

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:

Elaine Ramirez
Executive Liaison

Diana Ramirez for
Don Leighton-Burwell
Chairman

Advanced Packet
For
1230 Rockcliff Road
C15-2020-0069

February 8, 2021
Board of Adjustments

SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION
[redacted]
(512) 615-6653

January 22, 2021

Chairman Don Leighton-Billwell and Members of the Board

Re: BOA Case No. C15-2020-0069

Attached please find the supplemental information to the Board of Adjustment application package which includes additional information requested by the Board at the last public hearing on December 14, 2020.

The Board asked for the following additional information to the provided:

1. Location of the 28-inch Heritage Pecan Tree on the abutting property line and its critical root zone;

2. Location of the 20-inch Cypress Tree and its critical root zone; and the location of the 19-inch Cypress Tree which is intended to be removed;

3. Address the permitting for the 24-inch Bald Cypress Tree that was removed in 2019;

4. Request for a response from the Environmental Department on the justification for applying the shoreline setback restrictions to lots fronting on a canal as opposed to a main channel only, and its impact on the water quality; and

5. Address the specific hardship the various site development regulations impose on a reasonable home design with graphics.

Applicant's response to these requests will be addressed in the order listed above.

1. The attached two exhibits show the location of the 28-inch Heritage Pecan Tree along the Lot 2 property line. In order to protect its critical root zone, the building foundation needs to be setback as shown from Lot 2.

2. The building foundation also must be sufficiently set back from the critical root zone of the 20-inch Cypress Tree which will be saved. Only the 19-inch Cypress Tree, which is in the middle of the only available building site, will be removed.

3. The Board was concerned about reports that a 24-inch Bald Cypress Tree was removed without a permit in 2019. Attached to this supplemental statement is an after-the-fact

permit to remove the diseased dead tree, together with the original application which was filed in August of 2019 and a staff explanation for the late issuance of the permit.

4. The Board requested that the Applicant seek a response from the Environmental Department on their position with respect to the need to enforce the shoreline setback from manmade channels and the particular impact of the development adjacent to manmade canals on the waterway. This specific question addressed to Atha Phillips, Senior Environmental Officer, was:

   > "What is the detriment to water quality if the shoreline setback from a canal is reduced from 25 feet to 10 feet assuming ES controls are in place."

   Ms. Phillips' response was that the Department has not studied it. They have not been requested to study its impact. She referred us to Liz Johnson who is the environmental program coordinator on Lake Austin for her opinion. Ms. Johnson's opinion was that the impact on development in proximity to a waterbody is the same whether it is a canal or main channel. The more setback the better.

   As you know for many years, the policy of the City staff was to not enforce shoreline setbacks on manmade canals, which is why there is so many examples of homes built very close to such canals or actually on the canals. Once the City began enforcing the shoreline setback from canals, the history of this Board has been to generally be sympathetic to granting relief from strict compliance with the Code required setback where it results in an extremely limited site available for development.

5. The exhibits highlight the unique hardship to this lot. The LA Ordinance was intended to apply to lots along Lake Austin that would be required to be a minimum of one (1) acre in size. However, the subject lot was created by a plat recorded in 1976 before the adoption of the LA Ordinance. The lot is only 11,446 square feet. Furthermore, the City does not provide sewer service to this subdivision requiring a septic drain field takes up over 2,100 square feet, and which must be setback 50 feet from any body of water. Finally, the LA Ordinance requires a 40-foot front yard setback. All other lots in this subdivision are built to the 25-foot setback line. After honoring all required setbacks, the available footprint where a building can be placed is extremely small and creates a hardship which is unique to this property.

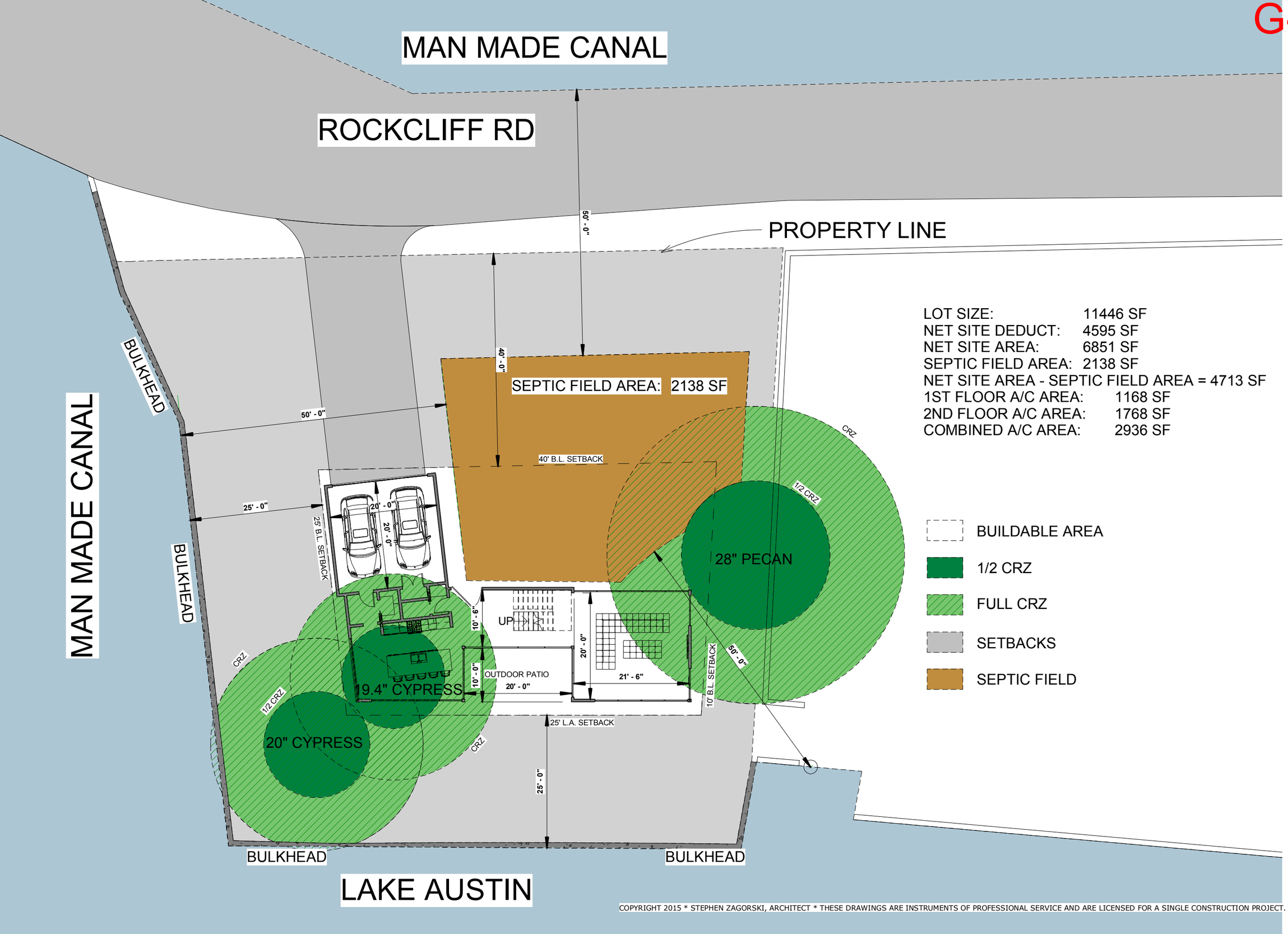
Sincerely,

Terrence L. Irion

1

Exhibit 1 and Exhibit 2

Plan Exhibits



LOT SIZE: 11446 SF
NET SITE DEDUCT: 4595 SF
NET SITE AREA: 6851 SF
SEPTIC FIELD AREA: 2138 SF
NET SITE AREA - SEPTIC FIELD AREA = 4713 SF
1ST FLOOR A/C AREA: 1168 SF
2ND FLOOR A/C AREA: 1768 SF
COMBINED A/C AREA: 2936 SF

STEVE ZAGORSKI
ARCHITECT

1230 ROCKCLIFF

LAKE AUSTIN

PROJECT NO:	2021_01
DRAWN BY:	YS
CHECKED BY:	SZ
ISSUE DATE:	1/22/2021

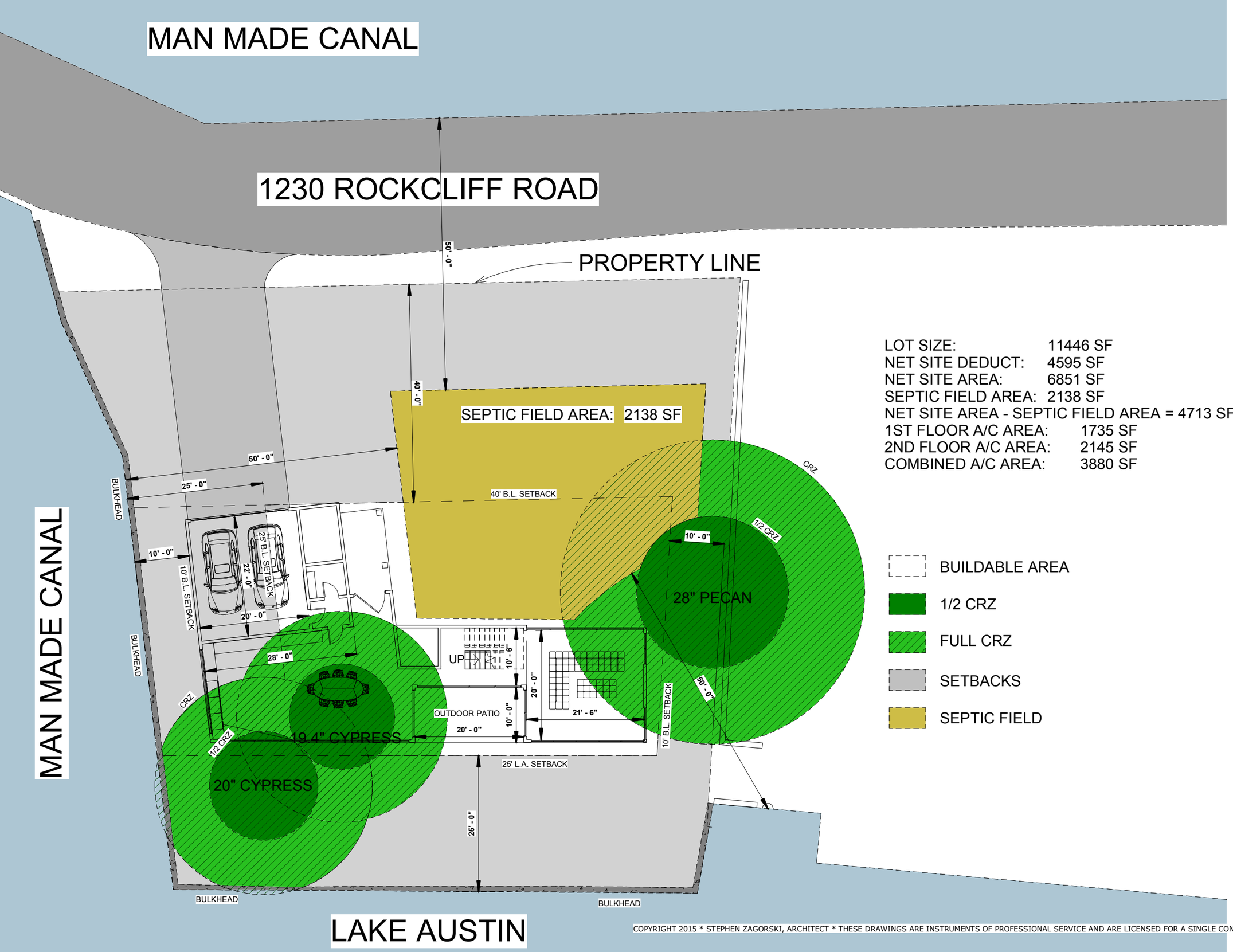
DRAWING TITLE

SITE PLAN

DRAWING NO

EX 1

COPYRIGHT 2015 * STEPHEN ZAGORSKI, ARCHITECT * THESE DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE LICENSED FOR A SINGLE CONSTRUCTION PROJECT.



LOT SIZE:	11446 SF
NET SITE DEDUCT:	4595 SF
NET SITE AREA:	6851 SF
SEPTIC FIELD AREA:	2138 SF
NET SITE AREA - SEPTIC FIELD AREA = 4713 SF	
1ST FLOOR A/C AREA:	1735 SF
2ND FLOOR A/C AREA:	2145 SF
COMBINED A/C AREA:	3880 SF

- BUILDABLE AREA
- 1/2 CRZ
- FULL CRZ
- SETBACKS
- SEPTIC FIELD

STEVE ZAGORSKI
ARCHITECT

1230 ROCKCLIFF RD.

AUSTIN, TX

PROJECT NO:	2021_01
DRAWN BY:	YS
CHECKED BY:	SZ
ISSUE DATE:	1/21/2021

DRAWING TITLE

Unnamed

DRAWING NO

EX 2

COPYRIGHT 2015 * STEPHEN ZAGORSKI, ARCHITECT * THESE DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE LICENSED FOR A SINGLE CONSTRUCTION PROJECT.

2

24” Tree Permit Documents

G-3/10

City of Austin

TREE PERMIT

PERMIT NO: 2019-082837 TP

Type: Residential

Status: Active

ROW ID: 12207022

Issue Date: 01/12/2021

Expiry Date: 01/12/2022

PROPERTY:
1230 ROCKCLIFF RD

ISSUED BY: Nina Jackson
EMAIL: [redacted]

Reason For Request:

Dead, diseased or iminant hazard tree removal

Request Type:

Dead, Diseased, or Imminent Hazard Tree(s)

Heritage Tree	Public Tree	Removal	Critical Root Zone Impact	Prune >25% of Canopy	Variance Required
Yes	No	Yes	No	No	Yes - Administrative

Species: Bald cypress
Location of Lot: Rear center
Trunk Diameter: 24
General Tree Condition: 4. Dead, diseased, or imminent hazard

Contact	TELEPHONE
Applicant, John Muir	(512) 964-4682
Online Applicant, John Muir	(512) 964-4682

Specific Conditions:

Retroactive approval for removal of bald cypress referenced in ECV 2019 081152. Tree has been shown to have been hazardous; violation has been resolved with no mitigation required.

Tree Permit Conditions:

No — Final tree inspection is required. Please use Austin Build+Connect or the Interactive Voice Response System to order the Inspection. Please note this inspection needs to be requested after construction-related inspections and before the final building inspection.

Yes — Tree protection measures must be in place prior to any work in the critical root zone of a regulated tree. Tree protection fencing (chain-link, 5 feet tall) must be placed at the 1/2 critical root zone at a minimum. An 8-12 inch layer of mulch shall be placed both inside the fence and out to the full critical root zone to minimize compaction.

0 — Caliper inches of central Texas native trees shall be planted on the lot prior to obtaining a final inspection. Minimum tree size is 1.5 inches in diameter.

No — Provide receipts from a certified arborist for any necessary pruning.

No — Provide receipts from a certified arborist for soil treatment.

No — Pre-pour inspection required. Inspection shall be requested prior to rebar or concrete pouring. Please contact Cityarborist@austintexas.gov to request this inspection

No — Airspade or hand digging required.

Type of Mitigation provided: None

By accepting or paying for this permit you are declaring that you are the owner or authorized agent of the owner and that information submitted at the time of application was true

E-Mail : Cityarborist@austintexas.gov
Website : www.austintexas.gov/department/city-arborist

Development Services Department
One Texas Center
505 Barton Springs Road Austin, TX 78704

This permit must be posted at the job site prior to starting construction and remain posted until after passing final inspections. If this permit is related to tree condition, please post the permit onsite during tree removal.

Printed : 01/12/2021 3:54 pm

G-3/11

Terry Irion

From: john gordon muir [redacted]
Sent: Tuesday, January 12, 2021 8:00 PM
To: Russell Martin; Terry Irion
Subject: Fwd: Tree removal permit never updated into the system
Attachments: 1230 Rockcliff permit.pdf

---------- Forwarded message ---------
From: **Priest, Daniel** <[redacted]
Date: Tue, Jan 12, 2021 at 3:58 PM
Subject: RE: Tree removal permit never updated into the system
To: Mars, Keith [redacted]
CC: Bahoosh, D[redacted]

Mr. Muir,

The issue with the permit has been resolved. It should show as active in AMANDA; I've also attached a pdf copy for your reference. No further action is required on your part to address the removal of the tree. Please let me know if you have any questions.

Daniel Priest, BCMA | Pronouns: he, him, his

Environmental Compliance Specialist Senior, Community Tree Preservation Division

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Cell: 512-999-3163

Please note I am currently working reduced hours and my response time may be greater than usual. I apologize for any delay.

CITY OF AUSTIN Development SERVICES DEPARTMENT

Building a Better and Safer Austin Together

PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: **DSD Visitor Log**.

Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: City of Austin Ordinance 2016-0922-005 | City Clerk's website | City Clerk's FAQ's

From: Priest, Daniel
Sent: Friday, January 8, 2021 9:00 AM
To: Mars, Keith <Keith.Mars@austintexas.gov>; john gordon muir <j[redacted]
Cc: Bahoosh, Dylan <Dylan.Bahoosh@austintexas.gov>
Subject: RE: Tree removal permit never updated into the system

Mr. Muir,

My apologies that this wasn't addressed at the time of the original application. I wanted to update to let you know that the application has been approved but that's there's a glitch on our end that is preventing me from generating a copy of the permit or making it visible in AMANDA. My colleague who usually trouble shoots these issues is out of the office today, but when she is back next week I'll have her take a look if I'm not able to fix the issue myself. In the meantime, please know that the removal was retroactively approved and is documented on our end; the issue is now one of generating a copy for you. I'll update you as soon as I can.

Daniel Priest, BCMA | Pronouns: he, him, his

Environmental Compliance Specialist Senior, Community Tree Preservation Division

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Cell: 512-999-3163

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CITY OF AUSTIN Development SERVICES DEPARTMENT

Building a Better and Safer Austin Together

G-3/13

Recommended browsers for this website are Google Chrome and Internet Explorer.

FOLDER DETAILS

Permit/Case:	2019-082837 TP
Reference File Name:	
Description:	Dead, diseased or iminant hazard tree removal
Sub Type:	Residential
Work Type:	

G-3/14

Project Name:	1230 ROCKCLIFF ROAD
Status:	Application Incomplete
Application Date:	May 29, 2019
Issued:	
Expiration Date:	
Related Folder:	No

FOLDER INFO

Description	Value
Application Date	2019-05-28
Type of Application	Non-Development Related
Type of Work	Dead, Diseased, or Imminent Hazard Tree(s)
Encroachment of Root Zone?	No
General Tree Condition	4. Dead, diseased, or imminent hazard
Location on Lot	Rear center
Prune more than 25% of canopy?	No
Reason for Request	Dead, diseased or iminant hazard tree removal
Removal of Regulated Tree?	Yes
Tree Species	Bald cypress
Trunk Diameter	24

PROPERTY DETAILS

Number	Pre	Street	StreetType	Dir	Unit Type	Unit Number	City	State	Zip	Legal Desc
1230		ROCKCLIFF	RD				AUSTIN	TX	78746	Address

PEOPLE DETAILS

People Type	Name / Address	Phone
Applicant	(John Muir) 1230 Rockcliff RD Austin TX 78746	(512) 964-4682
Online Applicant	(John Muir) 1230 Rockcliff RD Austin TX 78746	(512) 964-4682

FOLDER FEES

Fee Description	Fee Amount	Balance

G-3/15

Fee Description	Fee Amount	Balance
Non-development Tree Removal	$258.00	$0.00
Non-development Tree Removal	($258.00)	$0.00

Back to Search Results

3

Neighborhood Association Letter of Opposition Withdrawal

G-3/17

12/12/2020

City o Austin Board of Adjustment
C/O Elaine Ramirez
One Texas Center
505 Barton Springs Rd.
Austin, TX 78704

Re: C15-2020-0069 Variance Request

Dear Board,

I withdraw my opposition to the homeowner's request for a variance reducing the building set back from 25' to 10' on the canal frontage of his property at 1230 Rockcliff Road.

Thank you,

Craig Kuglen

Dr. Craig Kuglen
President
Rockcliff Homeowners Association

4

Copy of Lakecliff Plat

G-3/19

Vol. 75 Page 126
PLAT RECORDS, TRAVIS COUNTY, TEXAS

1-43-1497

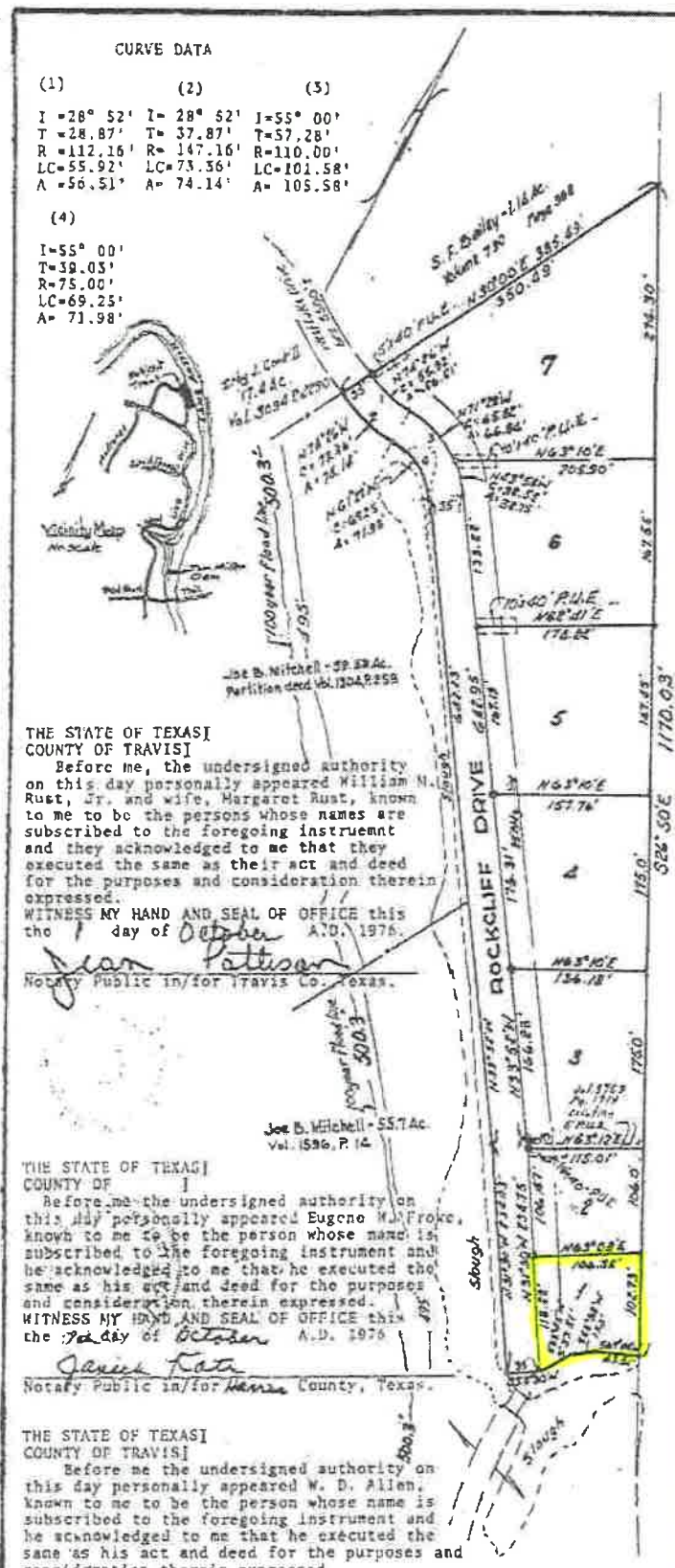
LAKECLIFF

CURVE DATA

(1)	(2)	(3)
I =28° 52'	I= 28° 52'	I=55° 00'
T =28.87'	T= 37.87'	T=57.28'
R =112.16'	R= 147.16'	R=110.00'
LC=55.92'	LC=73.36'	LC=101.58'
A =56.51'	A= 74.14'	A= 105.58'

(4)

I=55° 00'
T=39.03'
R=75.00'
LC=69.25'
A= 71.98'



SCALE: 1" = 100'

-LEGEND-
● Iron Stake Found
▫ Iron stake set

By: J. Leroy Bush
J. Leroy Bush
Reg. Public Surveyor #1828
Sept. 20, 1976
FB 200 P. 15

APPROVE FOR ACCEPTANCE on the 8 day of Dec A.D. 1976.
By Richard Lillie by [illegible]
Richard Lillie, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS on the 8 day of Dec A.D. 1976
Secretary
Miguel A. Guerrero
Chairman

THE STATE OF TEXAS]
COUNTY OF TRAVIS] KNOW ALL MEN BY THESE PRESENTS:

That I, Joe B. Mitchell, owner of the hereon designated tracts, being all of Lots 5, 6, and 7, and a portion of Rockcliff Drive as shown hereon, being all out of the William Brown Survey No. 2 in Travis County, Texas, being all that certain land conveyed to me by deeds recorded in Volume 1304, Page 259, Volume 5327, Page 1636, and I, W. D. Carter, owner of the tract shown hereon as Lot 4, being the same land conveyed to me by three(3) separate deeds, recorded in Volume 3075, Page 470, Volume 4054, Page 1351 and Volume 4054, Page 1349 of the Deed Records of Travis County, Texas, and No, William M. Rust, Jr. and wife, Margaret Rust, owners of the tract shown hereon as Lot 3, being the same land conveyed to us by three(3) separate deeds recorded in Volume 3008, Page 1478, Volume 3693, Page 1844 and Volume 4054, Page 1353 of the Travis County Deed Records, and I, Eugene W. Frowe, owner of the tract designated hereon as Lot 2, being the same land conveyed to me by deed recorded in Volume 4056, Page 234 of the Deed Records of Travis County, Texas, and I, W. D. Allen, owner of the tract shown hereon as Lot 1, being the same land conveyed to me by deed recorded in Volume 4055, Page 1083 of the Deed Records of Travis County, Texas, do hereby adopt this plat as our subdivision containing 2.98 acres out of the Wm. Brown Survey No. 2, to be known as LAKECLIFF, subject to any easements or restrictions heretofore granted, and do hereby dedicate to the public use all streets and easements shown hereon.

WITNESS OUR HANDS this the day of September, A.D. 1976

Joe B. Mitchell — Joe B. Mitchell
W. D. Carter — W. D. Carter
William M. Rust, Jr. — William M. Rust, Jr.
Eugene W. Frowe — Eugene W. Frowe
Margaret Rust — Margaret Rust
W. D. Allen — W. D. Allen

THE STATE OF TEXAS]
COUNTY OF TRAVIS]
Before me the undersigned authority on this day personally appeared William M. Rust, Jr. and wife, Margaret Rust, known to me to be the persons whose names are subscribed to the foregoing instruemnt and they acknowledged to me that they executed the same as their act and deed for the purposes and consideration therein expressed.
WITNESS MY HAND AND SEAL OF OFFICE this the 1 day of October A.D. 1976.
Jean Pattison
Notary Public in/for Travis Co. Texas.

THE STATE OF TEXAS]
COUNTY OF]
Before me the undersigned authority on this day personally appeared Eugene W. Frowe, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same as his act and deed for the purposes and consideration therein expressed.
WITNESS MY HAND AND SEAL OF OFFICE this the 1st day of October A.D. 1976
Janice Kate
Notary Public in/for Harris County, Texas.

THE STATE OF TEXAS]
COUNTY OF TRAVIS]
Before me the undersigned authority on this day personally appeared W. D. Allen, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same as his act and deed for the purposes and consideration therein expressed.
WITNESS MY HAND AND SEAL OF OFFICE this the [illegible] day of October A.D. 1976.
Eugene C. Veich
Notary Public in/for Travis County, Texas

THE STATE OF TEXAS]
COUNTY OF TRAVIS]
Before me the undersigned authority on this day personally appeared Joe B. Mitchell, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same as his act and deed for the purposes and consideration therein expressed.
WITNESS MY HAND AND SEAL OF OFFICE this the 28th day of Sept. A.D. 1976.
Charles Sellers
Notary Public in/for Travis County, Texas

THE STATE OF TEXAS]
COUNTY OF Harris]
I the undersigned authority on this day personally appeared W. D. Carter, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same as his act and deed for the purposes and consideration therein expressed.
WITNESS MY HAND AND SEAL OF OFFICE this the 4 day of October A.D. 1976.
Linda Anderson
Notary Public in/for Harris County, Tex.

FILED FOR RECORD at 11:00 o'clock a .M. the 8 day of Dec 1976, A.D.
Doris Shropshire
Doris Shropshire, Clerk County Court, Travis County, Texas
Mike Kilgore
Deputy

THE STATE OF TEXAS]
COUNTY OF TRAVIS]
I, Doris Shropshire, Clerk County Court, within and for the county and state aforesaid, do hereby certify that the within and foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 8 day of Dec A.D., 1976, AT 11:00 o'clock a .M. and duly recorded on the 8 day of Dec. A.D., 1976, at 11:10 o'clock in the Plat Records of said county, in Plat Book 75, Page 126
Doris Shropshire
Doris Shropshire, Clerk County Court, Travis County, Texas
Mike Kilgore
Deputy

Note: This subdivision is not approved for septic tanks. Approved for holding tanks only. All propective purchasers must be so advised.

Note: The lots in this subdivision are hereby restricted from occupancy until water satisfactory for human consumption is available from a source on the land, a community source, or a public utility source, in adequate and sufficient supply for family use.

Note: It will be necessary for the residents to secure approval of the Texas Water Development Board for lake water that might be used for this subdivision and the treatment will need to be approved by the Austin-Travis County Health Department.

Note: Any change in the shoreline or proposed boat docks will require Navigation Board and City Council approval.

Note: Until Rock Cliff Drive is constructed to city standards by the abutting property owners, the city will take no responsibility for improvements or maintenance.

FLOOD PLAIN NOTE: All finish slab elevations in this subdivision shall be 1.0 foot minimum above the 100 year frequency flood level. The minimum elevation of 501.3 ft. is hereby set for all of the lots shown hereon. All elevations are City Datum. This is to certify that Chapter 36 has been complied with. All elevations are from City of Austin Engineering Dept's. records.

This is to certify that the requirements of Sec. 23.27 of this code have been complied with.

Lots in this subdivision is hereby restricted to single family use only

No construction may begin on any lot until a building permit has been issued by the City of Austin.

Dec 8-76 PCHA 7484 ★ 7.50

FB 200 P.15

Vol. 75 Page 126
PLAT RECORDS, TRAVIS COUNTY, TEXAS

G-3/20

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-4

DATE: Monday December 14, 2020 **CASE NUMBER: C15-2020-0069**

____Y___Brooke Bailey
____Y___Jessica Cohen
____Y___Ada Corral
____Y___Melissa Hawthorne
____-___VACANT
____Y___Don Leighton-Burwell
____-___Rahm McDaniel -OUT
____Y___Darryl Pruett
____Y___Veronica Rivera
____Y___Yasmine Smith
____Y___Michael Von Ohlen
____Y___Kelly Blume (Alternate)
____-___Martha Gonzalez (Alternate)
____-___Donny Hamilton (Alternate)

APPLICANT: Courntey Mogonye-McWhorter

OWNER: Malia Muir

ADDRESS: 1230 ROCKCLIFF RD

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin (LA) District Regulations) (B) (1) (b) from shoreline setback requirements to reduce the shoreline setback from 25 feet (required) to 10 feet (requested) (canal only) in order to erect a Single-Family Residence in an "LA", Lake Austin zoning district.

BOARD'S DECISION: The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member Brooke Bailey seconds on a 9-2 vote (Board members Jessica Cohen and Donny Hamilton nay); POSTPONED TO DECEMBER 14, 2020. DEC 14, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to January 11, 2021, and Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO JANURARY 11, 2021.

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:

_____	_____
Elaine Ramirez	Don Leighton-Burwell
Executive Liaison	Chairman

G-3/22

SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

COURTNEY MOGONYE-MCWHORTER
[redacted]
(512) 615-6652

December 30, 2020

Elaine Ramirez
Senior Planner/Board of Adjustment Liaison

Via email at Elaine.Ramirez@austintexas.gov

Re: C15-2020-0069 Variance Request for 1230 Rockcliff Road

Dear Ms. Ramirez:

We would like to request a Postponement to the February 8, 2021 Board of Adjustment Meeting for the above-referenced Variance Request scheduled for the January 11, 2021 Board of Adjustment Meeting. We were unable to acquire the additional documentation requested by the Board under the accelerated deadlines due to the holidays. Please contact the undersigned if you have any questions or need anything additional in order to process this request.

Sincerely,

Courtney Mogonye-McWhorter

G-3/23

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-6

DATE: Monday November 09, 2020 **CASE NUMBER: C15-2020-0069**

___Y____Brooke Bailey
___N____Jessica Cohen
___Y____Ada Corral
___Y____Melissa Hawthorne
___Y____William Hodge
___Y____Don Leighton-Burwell
___Y____Rahm McDaniel
___Y____Darryl Pruett
___Y____Veronica Rivera
___Y____Yasmine Smith
___-____Michael Von Ohlen OUT
___-____Kelly Blume (Alternate) N/A
___-____Martha Gonzalez (Alternate) N/A
___N____Donny Hamilton (Alternate

APPLICANT: Courntey Mogonye-McWhorter

OWNER: Malia Muir

ADDRESS: 1230 ROCKCLIFF RD

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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:

Elaine Ramirez
Executive Liaison

Diana A. Ramirez
Don Leighton-Burwell
Chairman

SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION
[redacted]
(512) 615-6653

November 20, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

Re: C15-2020-0069; Variance Request Update for 1230 Rockcliff Road

Dear Chair and Members of the Board,

As additional consideration for the variance request under Case # C15-2020-0069 and as requested by the Board at the October 9, 2020 hearing, attached please find revised exhibits A and B and several photographs with fencing to depict the 25' shoreline setback from the main channel and the 10' proposed shoreline setback from the canal.

The canal is very narrow and very shallow and must be approached from either direction at idle speed only for safety reasons. Sight distance at idle speed is a non-issue.

The hardship is that this lot is bounded on three sides by an OSSF drainfield with a setback of 50' from the water and bounded on two sides by a shoreline setback of 25'. Under LA zoning there is a net site area deduction of the shoreline area from the calculation of allowed impervious cover to very limit development on this lot which is ¼ the size of a standard "LA" zoned lot. Furthermore, the lot, after rezoning, has a 40' front street setback and 10' side yard setback from the neighboring Lot 2. All other lots in the Lakecliff Subdivision were built under the prior SF-2 zone district requirements. The hardships of the zoning requirements applicable to this lot are unique to only this lot.

Applicant has talked with his neighbors about development of this lot. He worked with the neighbors to change the deed restriction removing the requirement that boat docks be cut into the shoreline instead of perpendicular to the shoreline. Applicant also agreed to a restriction prohibiting short term rentals on the property, which was a major concern of the HOA. Another concern of some neighbors is with the staging of construction on the lot, given the narrow street and privately maintained gate. Applicant has offered to provide a security deposit to insure against damage to either during construction.

Exhibit A demonstrates the only location for the OSSF drainfield, which necessarily requires that building development be pushed towards the canal. The 40' front street setback also pushes development towards the main channel shoreline, which is constrained by a 25' shoreline setback.

Exhibit B shows a maximum impervious cover foot print for a garage and main house with a 10' shoreline setback from the canal.

The requested variance from a 25' shoreline setback to a 10' shoreline setback from the canal is the minimum variance necessary to allow a reasonable development of the property in keeping with the character of the neighborhood.

Respectfully submitted,

Terrence L. Irion

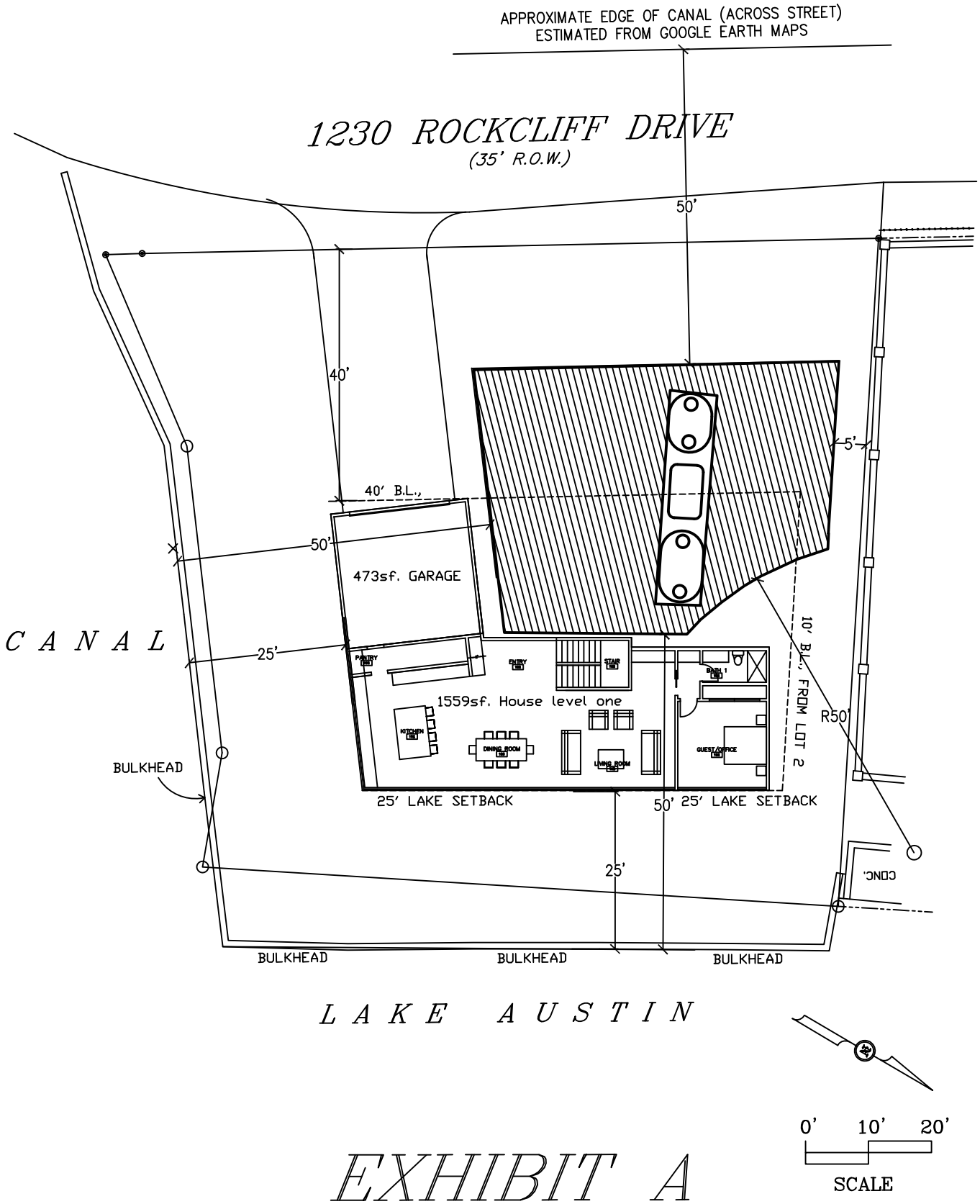

EXHIBIT A

25' SETBACK FROM LAKE

25' SETBACK FROM CANAL

40' SETBACK FROM ROCKCLIFF

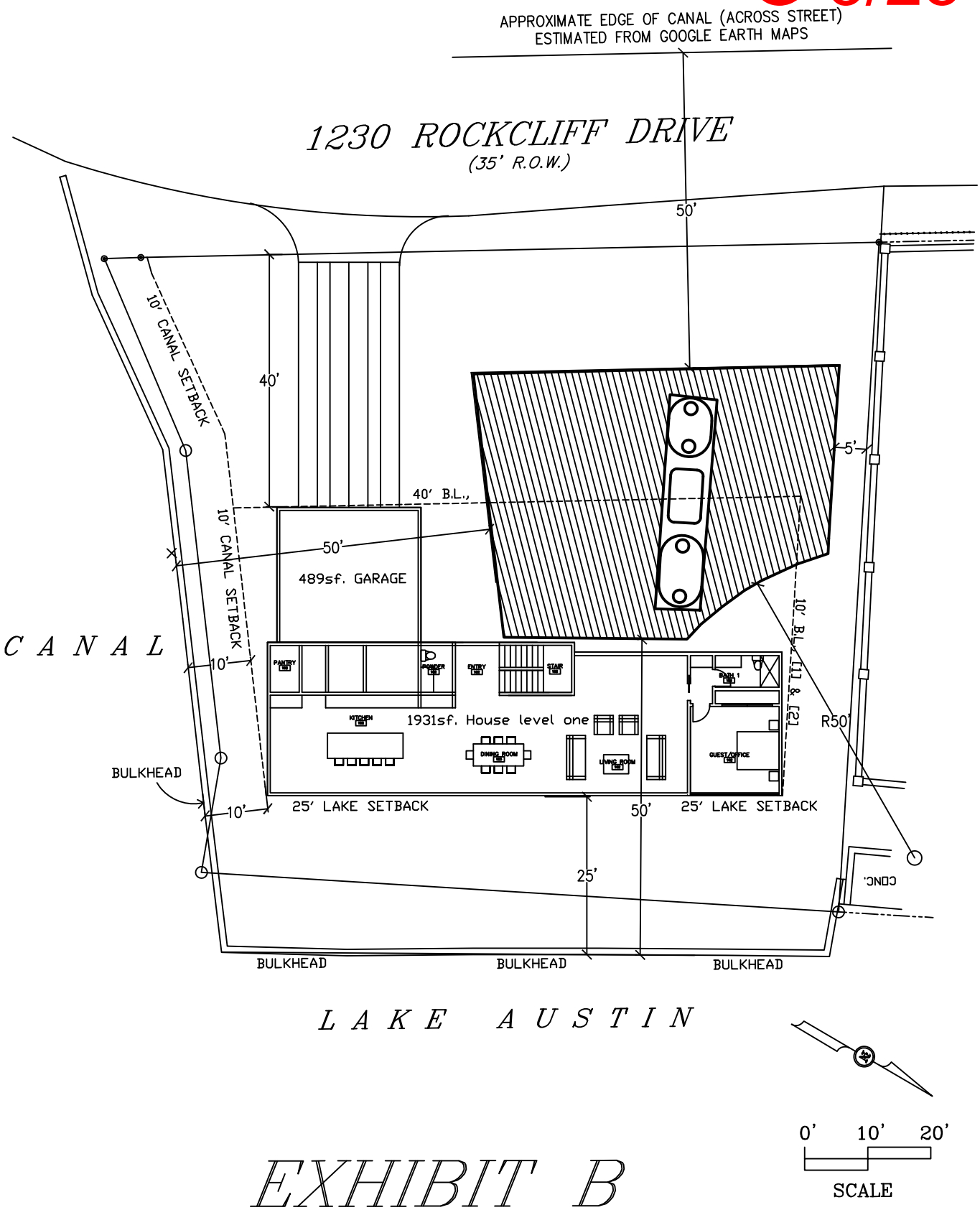

EXHIBIT B

25' SETBACK FROM LAKE

10' SETBACK FROM CANAL

40' SETBACK FROM ROCKCLIFF

G-3/30

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0069

BOA DATE: November 9th, 2020

ADDRESS: 1230 Rockcliff Dr

COUNCIL DISTRICT: 10

OWNER: Malia Muir

AGENT: Courtney Mogonye-McWhorter

ZONING: LA

LEGAL DESCRIPTION: LOT 1 LAKECLIFF 492SQ FT OF LOT 15 BLK B PRESERVE THE

VARIANCE REQUEST: decrease shoreline setback from 25 ft. to 10 ft.

SUMMARY: erect a single-family residence

ISSUES: main body and canal have a 25 ft shoreline setback

	ZONING	LAND USES
Site	LA	Single-Family
North	LA	Single-Family
South	LA	Single-Family
East	LA	Single-Family
West	LA	Single-Family

NEIGHBORHOOD ORGANIZATIONS:
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin City of Rollingwood
Friends of Austin Neighborhoods
Neighborhood Empowerment Foundation
Preservation Austin
SELTexas
Save Our Springs Alliance
Sierra Club, Austin Regional Group
TNR BCP – Travis County Natural Resources

NOTIFICATIONS

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE#: C15-2020-0069

LOCATION: 1230 Rockcliff Dr

1 " = 333 '

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 iss aved, click here to Save the form to your computer,t hen 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,a nd buttons.U se the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hitE nter 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 (ifa pplicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1230 Rockcliff Drive, Austin, Texas 78746

Subdivision Legal Description:

Lot 1, Lakecliff, a subdivision in Travis County, Texas according to the map or plat thereof, as recorded in Volume 75, Page 129, Plat Records of Travis County, Texas.

Lot(s): 1 Block(s): _____

Outlot: _____ Division: _____

ZoningDis trict: _____

I/We Courtney Mogonye-McWhorter on behalf of myself/ourselves as authorized agent for Melia Muir affirm thaton Month October , Day 9 , Year 2020 , 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 residential

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

Applicant is seeking a variance from Section 25-2-551(B), LA shoreline reduction, as to the canal only from 25' to 10'

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 property was platted in 1976. The shoreline setback is measured 25' from all points along both the shoreline of Lake Austin and the canal, making this property unreasonably limited for its intended purpose of residential use as originally zoned under A Residential (current SF-2), under the current zoning of LA. Applicant seeks to construct a modest single family residential house, which is a fair and reasonable use in the Lake Austin zoning category, as that category specifically prescribes development of a residential nature.

Hardship

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

The site has a main body and a canal feature which requires a 25' setback from each. Having both features is rare. When the canal was first created the shoreline setback did not exist. Given the width of the property and large trees located on the Property, with the canal setback there is no room for entry to the house and the overall footprint of the house is severely constrained. (See attached for additional information)

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

Man-made inlets on private lots are not general to the area, but are rather the exception. There are a few examples of them along Lake Austin, each of which poses significant development constraints to the property. The Board has consistently recognized these constraints on similar properties. (See attached for additional information)

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:

Due to the various site constraints, the proposed construction has a lower impact on the area than neighboring properties given the smaller scale of the proposed house. There will be no adverse impacts on adjacent property.

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: Courtney Mogonye-McWhorter Date: 10/9/2020

Applicant Name (typed or printed): Courtney Mogonye-McWhorter

Applicant Mailing Address: 805 Las Cimas Pkwy, Ste 350

City: Austin State: Texas Zip: 78746

Phone (will be public information): (512) 615-6652

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: Malia Muir Date: 10/9/2020

Owner Name (typed or printed): Malia Muir

Owner Mailing Address: 1230 Rockcliff Drive

City: Austin State: Texas Zip: 78746

Phone (will be public information): 512-567-4465

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

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).

SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

COURTNEY MOGONYE-MCWHORTER
[redacted]
(512) 615-6652

October 9, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

Re: Request for 1230 Rockcliff Road to Reduce Shoreline Setback from Canal Regulated per Land Development Code 25-2-551(B)(1)(b) from 25'-10'

Dear Board of Adjustment Members:

The undersigned's firm represents John Gordon Muir III in seeking a variance to reduce the shoreline setback along a manmade canal on Lot 1, Lakecliff, a subdivision in Travis County, Texas according to the map or plat thereof, as recorded in Volume 75, Page 129, Plat Records of Travis County, Texas, and locally known as 1230 Rockcliff Road, Austin, Texas 78746 (the "Property"). The current setback is 25' per City of Austin Land Development Code Section 25-2-551(B)(1)(b). We are seeking a 10' shoreline setback along the canal. The 25' shoreline setback along the main body of Lake Austin is to remain unchanged.

Enclosed herein please find detailed exhibits setting forth the allowed construction taking into account current setbacks and allowable impervious cover calculations, and the requested construction with a 10' canal setback with impervious cover calculations. The proposed impervious cover, taking into consideration a 10' setback from the slough, would be under the allowed impervious cover limits for the Property.

As noted in the application, the Property has been in its current configuration since it was platted in 1976. The manmade canal has been in place for decades. The applicant is requesting a reduced setback along the canal to accommodate construction of a single family residential house. This is a fair and reasonable use in the Lake Austin zone district, as this district specifically prescribes development that is residential in nature.

The canal has been in its current configuration since it was created prior to the platting of the Property. The original zoning on the Property did not include a shoreline setback from either the main body of Lake Austin or the canal. The city changed the zoning on the property to Lake Austin zoning in 1984 under Ordinance No. 840913-S. At the time of the zoning change, and historically under staff's original interpretation of Section 25-2-551, the LA shoreline setback was not applied to sloughs, canals or coves. Staff's more recent interpretation of the shoreline setback to include the slough places approximately 40% (4,595 square feet) of the Property within a shoreline setback. While under the original interpretation, only 21.88% (2,504 square

feet) of the Property would have been located within the shoreline setback from the main body and deducted for purposes of net site area calculations.

The following hardships are unique to this Property and affects the physical condition of the Property:

1. The gross site area is 11,446 square feet, well under the minimum lot size of 1 acre for LA zoning;
2. The area of the Property within the 25' shoreline setback from the main channel and the canal is 4595 square feet;
3. The total area of the Property outside of the 25' setbacks is only 6,851 square feet;
4. A large portion of the Property is within the 40' front street setback;
5. There are large trees located on the Property opposite the canal that constrain development of the site, including the location of the drainfield; and
6. The City does not provide sewer service to the Property and requires all drainfields be 50' from a body of water in every direction.

As such, the 10' setback is needed around the canal in order to locate the proposed house on that portion of the Property outside of the critical root zone of the existing trees and still allow for a garage and required drainfield location more than 50' from a body of water in every direction.

To summarize, the proposed canal setback reduction would allow reasonable use of the Property consistent with the Land Development Code requirements, the requested variance would not be dissimilar to other shoreline setbacks the Board has approved for properties with manmade inlets on private property, the proposed development keeps with the character of the area, and the variance will not impair the use of adjacent properties. Additionally, given all of the constraints on the Property, the proposed impervious cover is only 2,827 square feet, which is well under the current impervious cover located on many of the neighboring properties along Rockcliff Road.

Thank you for your consideration of this matter.

Sincerely,

Courtney Mogonye-McWhorter

Courtney Mogonye-McWhorter, Agent for Owner BY C.C.

cc. Melia Muir, property owner

Advanced Packet
For
1230 Rockcliff Road

November 9, 2020
Board of Adjustments

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2. Letter to City of Austin Board of Adjustments dated 10-9-20
3. 1208 - 1402 Rockcliff Rd Map and Property Photos
4. 1230 Rockcliff Rd - Photos

SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

October 23, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

Re: Request for 1230 Rockcliff Road to Reduce Shoreline Setback from Canal Regulated per Land Development Code 25-2-551(B)(1)(b) from 25'-10'

Dear Ms. Ramirez:

You will find attached our Advanced Packet for November 9, 2020 Board of Adjustments Meeting. Please let me know if you have any questions or need any additional information.

Sincerely,

Judy Yhu, ACP, Paralegal to
Courtney Mogonye-McWhorter, Agent for Owner

cc. Melia Muir, property owner

805 LAS CIMAS PARKWAY · SUITE 350 · AUSTIN, TEXAS 78746
PHONE (512) 615-6650 · FAX (512) 382-6644 · SPROUSELAW.COM

SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

COURTNEY MOGONYE-MCWHORTER
[redacted]
(512) 615-6652

October 9, 2020

City of Austin Board of Adjustments
c/o Elaine Ramirez
One Texas Center
505 Barton Springs Rd
Austin, Texas 78704

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Sincerely,

Courtney Mogonye-McWhorter

Courtney Mogonye-McWhorter, Agent for Owner BY C.C.

cc. Melia Muir, property owner

1208 - 1402 Rockcliff Road

1304 Rockcliff Road

1306 Rockcliff Road

1310 Rockcliff Road

1314 Rockcliff Road

1318 Rockcliff Road

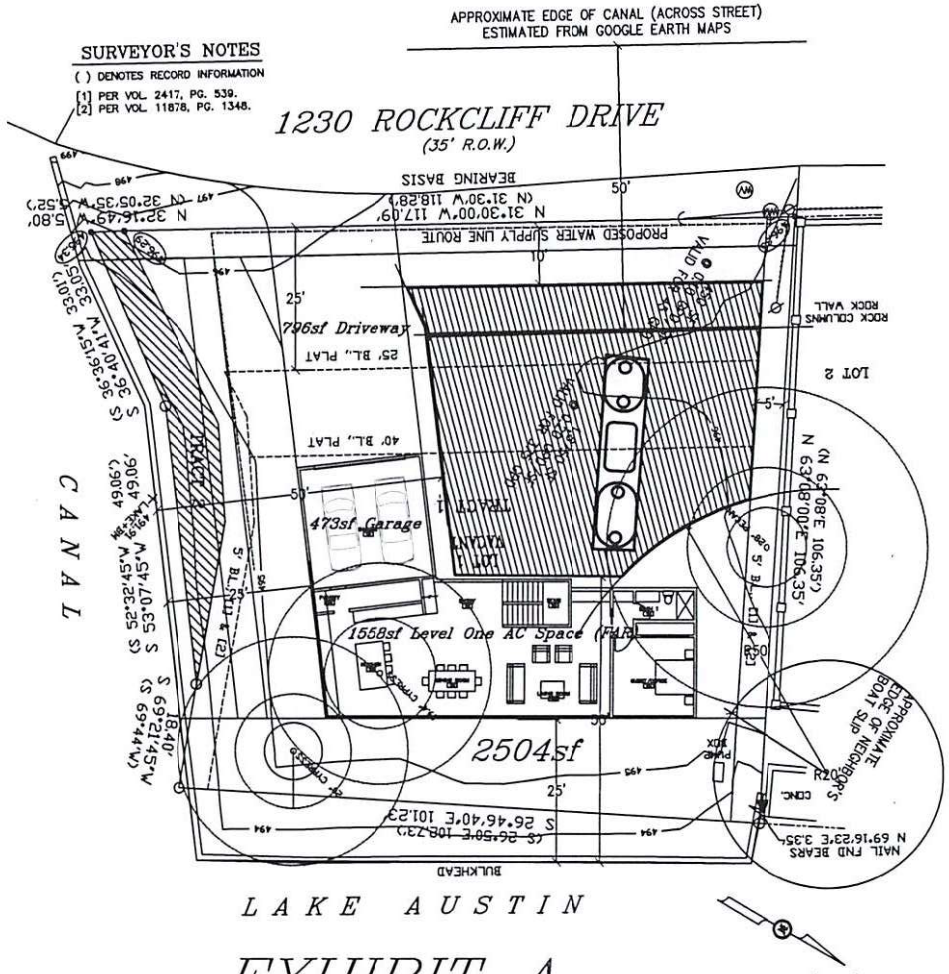

EXHIBIT A

25' SETBACK FROM LAKE AND CANAL

40' SETBACK FROM ROCKCLIFF

Tract 1: (Lot 1 plus accreted land to the bulkhead)=~~1146~~ 11446sf
Tract 2: 487sf
Gross Site Area 11446sf
Net Site Area 11446sf–4595sf (shoreline setback area)=6851sf
Proposed impervious cover: 473sf+796sf+1558sf=2827sf
Allowed impervious cover: 6851sf (NSA) x .35= 2397sf

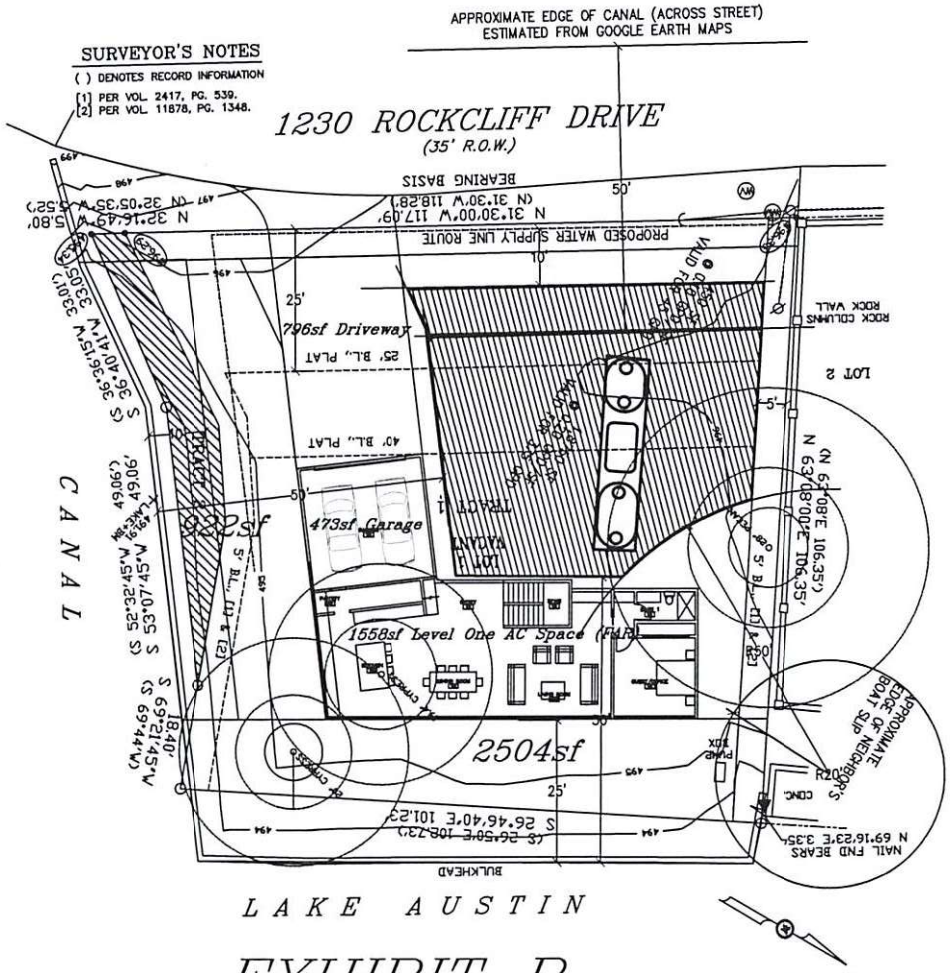

EXHIBIT B

25' SETBACK FROM LAKE AND 10' FROM CANAL

40' SETBACK FROM ROCKCLIFF

Tract 1: (Lot 1 plus accreted land to the bulkhead)=~~1146~~ 11446sf
Tract 2: 487sf
Gross Site Area 11446sf
Net Site Area 11446sf−3426sf (shoreline setback area)=8020sf
Proposed impervious cover: 473sf+796sf+1558sf=2827sf
Allowed impervious cover: 8020sf (NSA) x .35= 2807sf

From: Craig Kuglen
To: Ramirez, Elaine
Cc: [redacted]
Subject: Case Number: C15-2020-0069
Date: Sunday, November 08, 2020 7:34:25 AM

*** External Email - Exercise Caution ***

I live at 1310 Rockcliff Rd and am president of the Rockcliff Homeowners Association. I am writing for the members of this HOA and would like to submit the following information:

1230 Rockcliff Rd is a small lot and the current owner was aware of the size restrictions on that property when purchased.

The lot is bordered by a "canal" on the south side which leads to a waterway 900-1000 feet long running north along the side of Rockcliff Rd.

The residents of the properties on the waterway have 12 docks (and one not completed) and currently have 15 boats. Their only access to Lake Austin is via the canal adjacent to the above property. With no control of the boat size, speed or wave making capacity on Lake Austin, getting to and from the lake can be challenging. For safety reasons, these residents need a clear view of the lake. Building within 10 feet of the canal would create a danger for them.

As I am scheduled for some cancer surgery on November 9th, I will be unable to attend the meeting. Could you please submit this information for me?

Craig C. Kuglen
CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

From: Meredith Sanger
To: Ramirez, Elaine
Subject: Re: Delivery Status Notification (Failure)
Date: Monday, November 02, 2020 12:04:53 PM
Attachments: icon.png

*** External Email - Exercise Caution ***

Elaine,
I would like to **oppose** the variance for 1230 Rockcliff (C15-2020-0069). The proposed 10 ft set pack from the water is not environmentally friendly and creates issues allowing future developers to over build on small lots along the lake.

Thank you,
The Sanger Family
1204 Rockcliff Rd

[redacted] wrote:

Message blocked

Your message to **eliane.ramirez@austintexas.gov** has been blocked. See technical details below for more information.

The response from the remote server was:

```
550 5.7.0 Local Policy Violation
```

---------- Forwarded message ----------
From: Meredith Sanger <[redacted]>
To: eliane.ramirez@austintexas.gov
Cc:
Bcc:
Date: Mon, 2 Nov 2020 11:18:00 -0600
Subject: C15-2020-0069
Eliane,
I would like to oppose the variance for 1230 Rockcliff. The proposed 10 ft set pack from

the water is not environmentally friendly and creates issues allowing future developers to over build on small lots along the lake.

Thank you,
The Sanger Family
1204 Rockcliff Rd

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From: peggy pevateaux
To: Ramirez, Elaine
Subject: CASE C15-2020-0069 on 1230 ROCKCLIFF RD.
Date: Tuesday, November 03, 2020 3:32:49 PM

*** External Email - Exercise Caution ***

CASE # C15-2020-0069
HEARING : BOARD OF ADJUSTMENT; NOV. 9, 2020

JOHN AND MARGARET PEVATEAUX - OBJECT TO VARIANCE
1306 ROCKCLIFF RD.
SIGNED: JOHN PEVATEAUX NOV. 3, 2020
MARGARET PEVATEAUX NOV. 3, 2020

PHONE: 512-328-3718

COMMENTS:
1. We believe this variance is being requested in order to build a larger house than the lot can safely accommodate.
2. We are concerned that adequate land won't be available for the building of a septic field that meets current code requirements.
3. We are concerned that the lot owner is requesting the variance to build a large home to use for short-term rentals.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

G-3/61

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 development or change. 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 is required.

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 web site: www.austintexas.gov/devservices.

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: C15-2020-0069
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; November 9th, 2020

AJW Revocable Trust
Your Name (please print)

☐ **I am in favor**
☑ **I object**

1304 Rockcliff
Your address(es) affected by this application

David L. Copelund, Trustee 11/5/2020
Signature *Date*

Daytime Telephone: (325)676-7724

Comments: We agree that the evolving character of the setback requirements over time could have created a hardship on a particular owner who has to deal with both the shoreline setback and a more recently imposed setback that is taken from the candlor slough. It is our sense that the owner of the property had fore knowledge of this requirement and is seeking to minimize or obtain relief from the current policy. We are concerned that extending this relief could result in development that would not be favorable to the privacy and value of our adjacent property. For that reason, we regretfully are opposed to approval of the variance request.

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):
Elaine Ramirez
Scan & Email to: elaine.ramirez@austintexas.gov

From: Barry Waite
To: Ramirez, Elaine
Cc: [redacted]
Subject: Case number C15-2020-0069
Date: Thursday, November 05, 2020 10:27:21 AM

*** External Email - Exercise Caution ***

We write regarding the above referenced case number at 1230 Rockcliff Rd.LOT 1 Lakecliff. This lot is part of Lakecliff Homeowners association. Our home at 1402 Rockcliff Rd is also within the Lakecliff Homeowners association.

Medical appointments prevent our participation in the call regarding the above variance request.

We object to the request to change the district regulations. These regulations are published and well known and exist for good reasons.

Barry and Christina Waite.. Vice President Lakecliff homeowners association.

1402 Rockcliff Rd
Austin Tx 787465.

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From: [redacted]

*** External Email - Exercise Caution ***

Please see below.
Natalie Lauryssen
925-699-5299
4209 Hidden Canyon Cove

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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 development or change. 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 is required.

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 web site: www.austintexas.gov/devservices.

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: C15-2020-0069
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; November 9th, 2020

Carl Lauryssen MD
Your Name (please print)

☐ I am in favor
☑ I object

4209 Hidden Canyon Cove
Your address(es) affected by this application

Signature — 11/2/20 *Date*

Daytime Telephone: 925-699-5299

Comments: The proposed setback will make it difficult for both boat owners and home owners as boats often need to sound their horn while entering a blind approach (Esp. under the adjoining bridge) with a house 10 feet away people may not sound their horn which can create an unsafe situation which could result in a collision and injury. On top of that the septic is also a concern of ours.

If you use this form to comment, it may be returned to:
Elaine Ramirez
Scan & Email to: elaine.ramirez@austintexas.gov

Sent from my iPhone

PUBLIC HEARING INFORMATION

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Case Number: C15-2020-0069
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; November 9th, 2020

Lauren Mezaraups
Your Name (please print)

☐ I am in favor
☑ I object

4221 Hidden Canyon Cove
Your address(es) affected by this application

Lauren Mezaraups — 11-8-2020
Signature — *Date*

Daytime Telephone: 512-415-6066

Comments: I believe that 10' setback from our canal would bring the proposed house to close to the canal, cause not enough distance for sound issues; possibly creating a blind spot for safely getting out of the canal.
Thanks!

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):
Elaine Ramirez
Scan & Email to: elaine.ramirez@austintexas.gov

G-3/64

From: Sharma, Mukul
To: Ramirez, Elaine
Cc: [redacted]
Subject: Case # C15-2020-0069, Variance for 1230 Rockcliff Rd.
Date: Monday, November 09, 2020 11:21:32 AM

*** External Email - Exercise Caution ***

Dear Elaine,

Please see below our written comments for this hearing that is scheduled for today. I would have liked to speak in person but was not able to meet the deadline (which as noon last Friday). I do plan to attend the hearing.

Here are the points of objection I want to make regarding the variance that has been requested to reduce the shoreline setback from 25 feet to 10 feet.

1. Reducing the shoreline setback has consequences that affect all neighbors as well as the water quality in Lake Austin. These concerns include
    a. Shoreline erosion
    b. Septic issues
    c. Lake access, and
    d. Visual appeal
2. The safety for boats coming in and out of the lake from the adjacent channel can also be a big issue. Any large home with small setbacks would create a blind spot.
3. The burden of showing why this variance is needed lies with the homeowner. The variance is a clear departure from well-established norms for homes on Lake Austin. These norms for setbacks are well established for very good engineering and environmental reasons. There must be very compelling reasons for us to deviate from these. These reasons need to be provided before this variance is even considered.

Thank you for considering our written comments. I would be happy to speak to the Board, given the opportunity. I can also be reached on my cell, 512-413-1803.

Thank you and best regards,

Mukul M. Sharma and Suman Sharma
4229 Hidden Canyon Cove
Austin, TX 78746.

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From: peggy pevateaux
To: Ramirez, Elaine
Subject: Case C15-2020-0069 1230 Rockcliff Rd
Date: Friday, December 11, 2020 3:32:11 PM

*** External Email - Exercise Caution ***

Elaine, one of my neighbors said she thinks case C15-2020-0069 is to be reconsidered on Mon. Dec. 14.
We still oppose the variance.

I was told that the variance also requested cutting down a tree. I want you to know that the applicant has already cut down trees on that property. This was done as soon as they had a contract on the property.

Our main concern is the variance would allow for a larger house to be built. We do not believe this will allow enough land for a septic field that is up to code. The house plans the previous owner had developed proposed a cess pit in place of a septic. This piece of property is surrounded on 3 sides with Lake Austin water. This could be a health issue.

When this case had it's first hearing, I read the reasons given for opposing it. Perhaps the most compelling reason was offered by a person who uses that waterway as access for boating. He said when the boats from the slew enter the main body of the lake, their entrance is already obscured as the shoreline curves there and it's hard for boaters to see emerging boats. Allowing the variance would obscure line of sight even further. It's a safety issue.

We think the variance should not be allowed based on safety and health concerns. Thank you.

John and Peggy Pevateaux

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12/12/2020

City o Austin Board of Adjustment
C/O Elaine Ramirez
One Texas Center
505 Barton Springs Rd.
Austin, TX 78704

Re: C15-2020-0069 Variance Request

Dear Board,

I withdraw my opposition to the homeowner's request for a variance reducing the building set back from 25' to 10' on the canal frontage of his property at 1230 Rockcliff Road.

Thank you,

Craig Kuglen

Dr. Craig Kuglen
President
Rockcliff Homeowners Association