

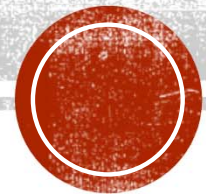
WATER OAK APARTMENTS

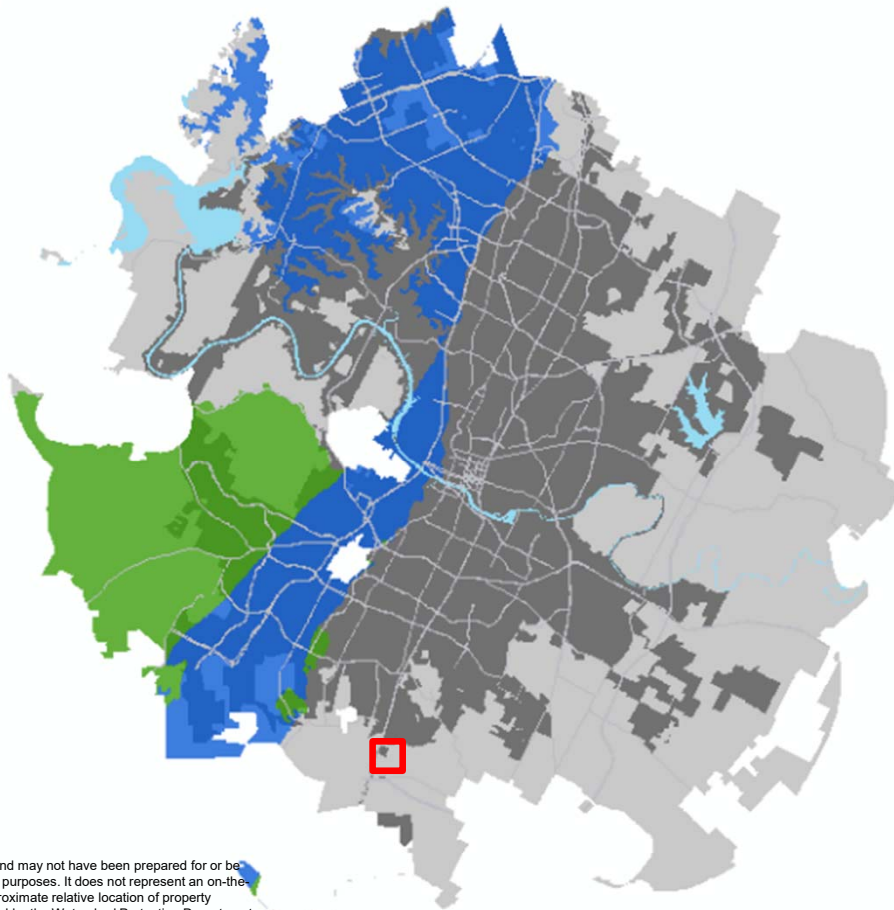
**12,125 S IH 35, AUSTIN,
TX 78747
SP-2019-0109C**

Pamela Abee-Taulli

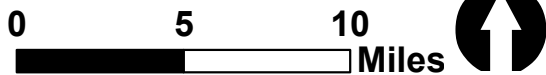
*Environmental
Program Coordinator*

*Development Services
Department*










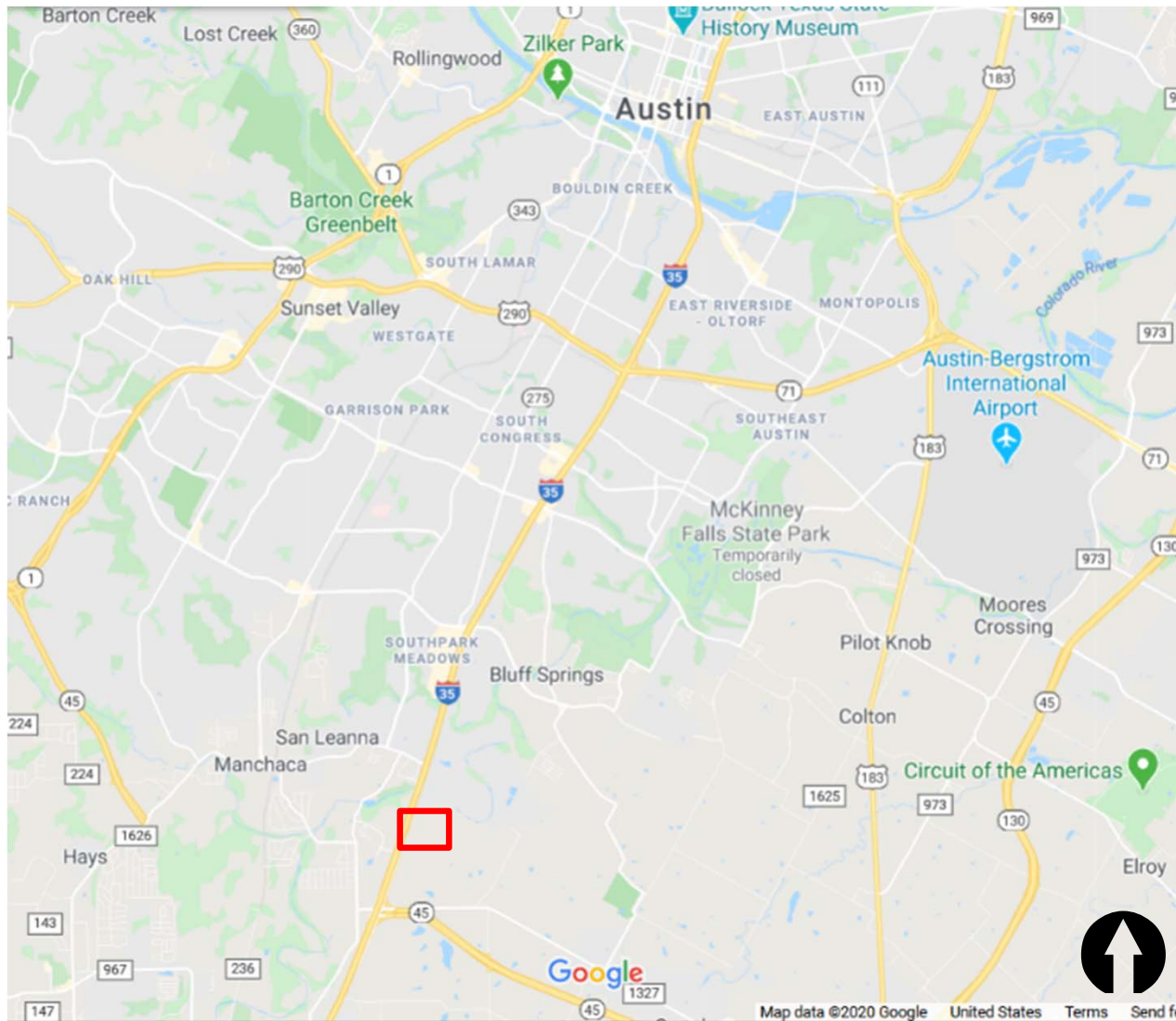
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Watershed Protection Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.




SITE LOCATION

-  Site Location
-  Austin ETJ
-  Austin City Limits
-  Edwards Aquifer Recharge Zone
-  Edwards Aquifer Contributing Zone

March 2, 2022



SITE LOCATION

 Site Location

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- Onion Creek Watershed
- Suburban Classification
- Desired Development Zone
- Full Purpose Jurisdiction
- Not located over Edwards Aquifer Recharge Zone
- No Critical Environmental Features
- Council District 5

PROPERTY DATA

March 2, 2022

- This variance is requested for a roadway that is already under construction.
- The applicant is in the process of building the roadway as part of a site plan that was approved and released in June of 2020.

VARIANCE REQUEST

The project.

March 2, 2022

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- Originally, the roadway was to be built to public standards and then dedicated as a public Right-of-Way (ROW).
- Due to the design – which uses 25 feet of fill held by retaining walls – the Public Works Department is unable to accept the roadway as a public ROW to be maintained by the City.

VARIANCE REQUEST

The situation.

March 2, 2022

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- The Land Development Code provides the ability for public roadways to exceed 4 feet of cut and fill within a ROW.
- The grading approved for the roadway as a public ROW meets the requirements of Code.

VARIANCE REQUEST

The situation.

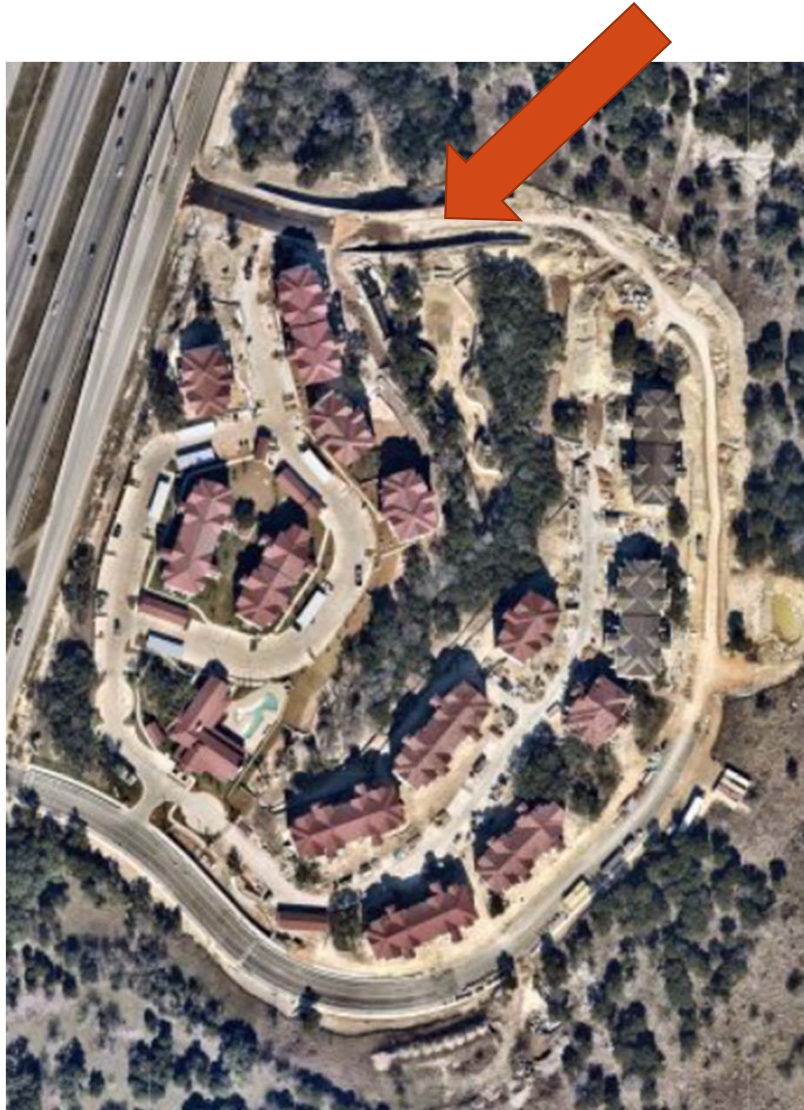
March 2, 2022

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- However, private roadways are not allowed to exceed 4 feet of cut and fill.
- As a private roadway, a variance is required.
- Variance request is to vary from LDC 25-8-342 to allow fill to 25 feet to construct a driveway.

VARIANCE REQUEST

The variance.



CURRENT CONDITION

Roadway is partially
completed.

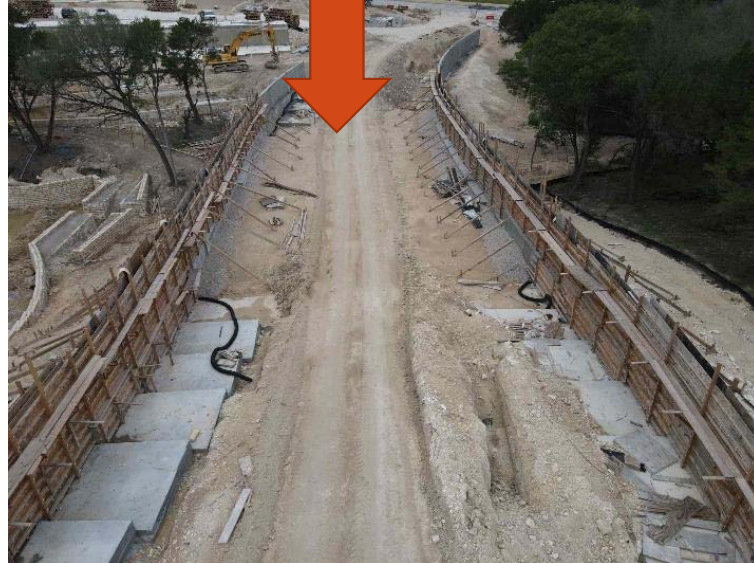
Arrow shows area of 25'
fill.

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**CURRENT
CONDITION**



March 2, 2022

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- Staff does not support the variance.
We do not feel it meets the findings of
- 25-8-41(2)(a) and
- 25-8-41(2)(b).

FINDINGS

March 2, 2022

- 25-8-41(2)(a) requires that the variance not be necessitated by a design decision of the applicant.
- The variance is necessitated by the depth and quantity of fill.
- Staff finds that the depth of fill is due to the applicant's design decision to fill rather than span more than twenty (20) feet of grade change across a swale.

FINDINGS

25-8-41(2)(a)

- 25-8-41(2)(a) does allow approval of a non-compliant design decision if it provides greater overall environmental protection than is achievable without the variance.
- Staff does not find that the design decision provides greater overall environmental protection.

FINDINGS

25-8-41(2)(a)

- 25-8-41(2)(b) requires the variance to be the minimum deviation from the code requirement necessary to allow a reasonable use of the property.
- The property is a seven-lot, 58.4-acre subdivision with 40.9 acres platted for multi-family development. The code requirements do not deprive the owner of reasonable use of the property.

FINDINGS

25-8-41(2)(b)

- Staff considers the other findings have been met.
- Staff assessment is that:
 - The code requirement would deprive the applicant of a privilege available to owners of other similarly situated property.
 - Development with the variance will not create a significant probability of harmful environmental consequences.
 - Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

FINDINGS

25-8-41(1)

25-8-41(2)(c)

25-8-41(3)

QUESTIONS?

Thank you

March 2, 2022

