

**CITY COUNCIL APPEAL SUMMARY OF
MECHANICAL PLUMBING AND SOLAR BOARD
APPEAL DENIAL**

CASE NUMBER: PR-2017-015962

BOARD DATE: April 25, 2017

CITY COUNCIL APPEAL: June 15, 2017

PROJECT NAME: 3704 Ranch Creek Drive **DISTRICT:** 10

ADDRESS OF APPLICATION: 3704 Ranch Creek Drive, Austin, TX 78730

APPLICANT: Michael Rooney, owner

AGENT: self

AREA: Glenlake Subdivision

SUMMARY OF CASE:

The residential property is a vacant lot, annexed into Austin's Limited Purpose jurisdiction in 1985. The public water system for the area was installed prior to 1985 and at the time that the subdivision was platted, the plat included a requirement that all properties within the subdivision be connected to the public water system. The applicant purchased the vacant lot and subsequently drilled a water well in 2015. In addition to the plat for the subdivision, the City's plumbing code also requires that all homes or buildings that are located within 100 feet of the public water system be connected to the public water system.

The applicant desires to use the water well and a proposed rainwater harvesting system to provide water for the residence that he plans to construct on the property. In planning for his new residence, he has requested that he be allowed to forgo connecting to the City's water system.

The Glenlake Subdivision was initially supplied by the Glenlake Water Supply Corporation, later supplied by the Lower Colorado River Authority and currently by the Austin Water Utility (Austin Water). The applicant is requesting to forgo connection to the public water system per City Code Section 25-12-153 (601.1.1) which provides limited exceptions to forgo connection to the public water system. The City's plumbing code requires all customers to connect to the public water supply system. Austin Water officials and the City of Austin Building official have all consistently denied the applicant's request to forgo connection to the water system consistent with the plumbing code. On April 25, 2017, the Mechanical Plumbing and Solar Board also denied the customer's appeal to forgo connection.

PROPOSED DEVELOPMENT:

Proposed single family residence.

EXISTING ZONING:

LAND DEVELOPMENT CODE:

City Code Section 25-12-153, 601.1.1 Water System Connection Required. The water system of every house or building shall be separately and independently connected to a state licensed public potable water system if any part of the lot or tract that contains the house or building is within 100 feet in horizontal

distance (measured on the closest practicable access route) of the public water system. Connection to the public water system is not required if any of the following apply:

- (1) The property owner has received a written denial of service from the owner or governing body of the public water system.
- (2) The property owner has received a written determination from the water utility that it is not feasible for the building to be connected to the potable water system.
- (3) The property is served by an existing private potable water system and the water utility has determined that the private potable water system may continue to be used based on factors such as the type of facility served, the age, condition, and capacity of the private potable water system, and the availability of records regarding the system, changes to the system, or the system demand.

DEPARTMENT COMMENTS:

On February 23, 2017, Kevin Critendon, Assistant Director, Austin Water Utility (AW), stated in writing that the property “will need to be connected to the water system in order to comply with the referenced plumbing code requirements.” Mr. Critendon also wrote that AW is “glad to discuss the possibility of your use of the existing tap in conjunction with your stated desire to also use rainwater harvesting and a private water well on your property.” AW staff has met with the applicant and identified an approach where he can achieve his goal to use alternative water supplies and still maintain a connection to the public water system in compliance with the plumbing code.

On March 13, 2017, based on an appeal filed by the applicant, Austin Water Utility, Director, Greg Meszaros, again denied the request in writing to forgo connection to the public water system, based on City Code Section 601.1.1, which applies to “every house or building”. Since the property is vacant land, the exceptions do not apply, therefore the customer must connect to the water system infrastructure. Mr. Meszaros also wrote that “According to State of Texas Well Report #409897, the water well in question was drilled on or about 9/25/2015. The subject well (your well) has not been used to provide private potable water service to any “house or building” located at 3704 Ranch Creek Drive.”

On March 13, 2017, Building Official, Carl Wren, received an appeal from the property owner. On March 30, 2017, Mr. Wren met with the property owner at an appeal hearing to discuss his appeal of the AW decision. Mr. Wren denied the appeal, and stated that a plat note on the property requires connection to the City of Austin public water system. The City legal department concurred.

On April 26, 2017, the Mechanical Plumbing and Solar Board held a public hearing to consider the appeal of the Building Official. Kevin Critendon, representing AW, restated that customers within the jurisdiction that are within 100 feet of the public water system are required to connect to the system. The Board made a motion to uphold the Appeal for a 3-5 vote. The Motion failed. The Appeal was denied.

Staff recommends denial of this appeal.