

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
C-1**

**DATE: Monday October 12, 2020**

**CASE NUMBER: C15-2020-0050**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ - ☐ Ada Corral (OUT)  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ William Hodge  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ Y ☐ Darryl Pruett  
☐ Y ☐ Veronica Rivera  
☐ - ☐ Yasmine Smith (OUT)  
☐ Y ☐ Michael Von Ohlen  
☐ Y ☐ Kelly Blume (Alternate)  
☐ Y ☐ Martha Gonzalez (Alternate)  
☐ - ☐ Donny Hamilton (Alternate) n/a

**APPLICANT: Rick Rasberry**

**OWNER: Meredith Dreiss**

**ADDRESS: 3002 SCENIC DR**

**VARIANCE REQUESTED:** The applicant is requesting variance(s) from the Land Development Code, Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (4) (a) to increase shoreline frontage from 20 percent (maximum allowed) to 30 percent (requested), (30 percent existing) in order to remodel an existing Boat Dock in a "LA", Lake Austin zoning district.

***Note:** This section of the Land Development Code (4) the Width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed: (a) 20 percent of the shoreline frontage, if the shoreline width exceeds 70 feet.*

**BOARD'S DECISION:** BOA MEETING OCT 12, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Don Leighton-Burwell motions to Postpone to November 9, 2020, Board Member Michael Von Ohlen seconds on an 11-0 vote; **POSTPONED TO NOVEMBER 9, 2020.**

**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

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2020-0050

**BOA DATE:** October 12<sup>th</sup>, 2020

**ADDRESS:** 3002 Scenic Dr.

**COUNCIL DISTRICT:** 10

**OWNER:** Meredith Dreiss

**AGENT:** Rick Raspberry

**ZONING:** SF-3-NP (West Austin Neighborhood Group)

**LEGAL DESCRIPTION:** LOT 15 BLK D \*FIRST RESUB OF BROWN HERMAN ADDN NO 2 SEC 4

**VARIANCE REQUEST:** increase shoreline frontage from 20 percent (20%) to 30 percent (30%)

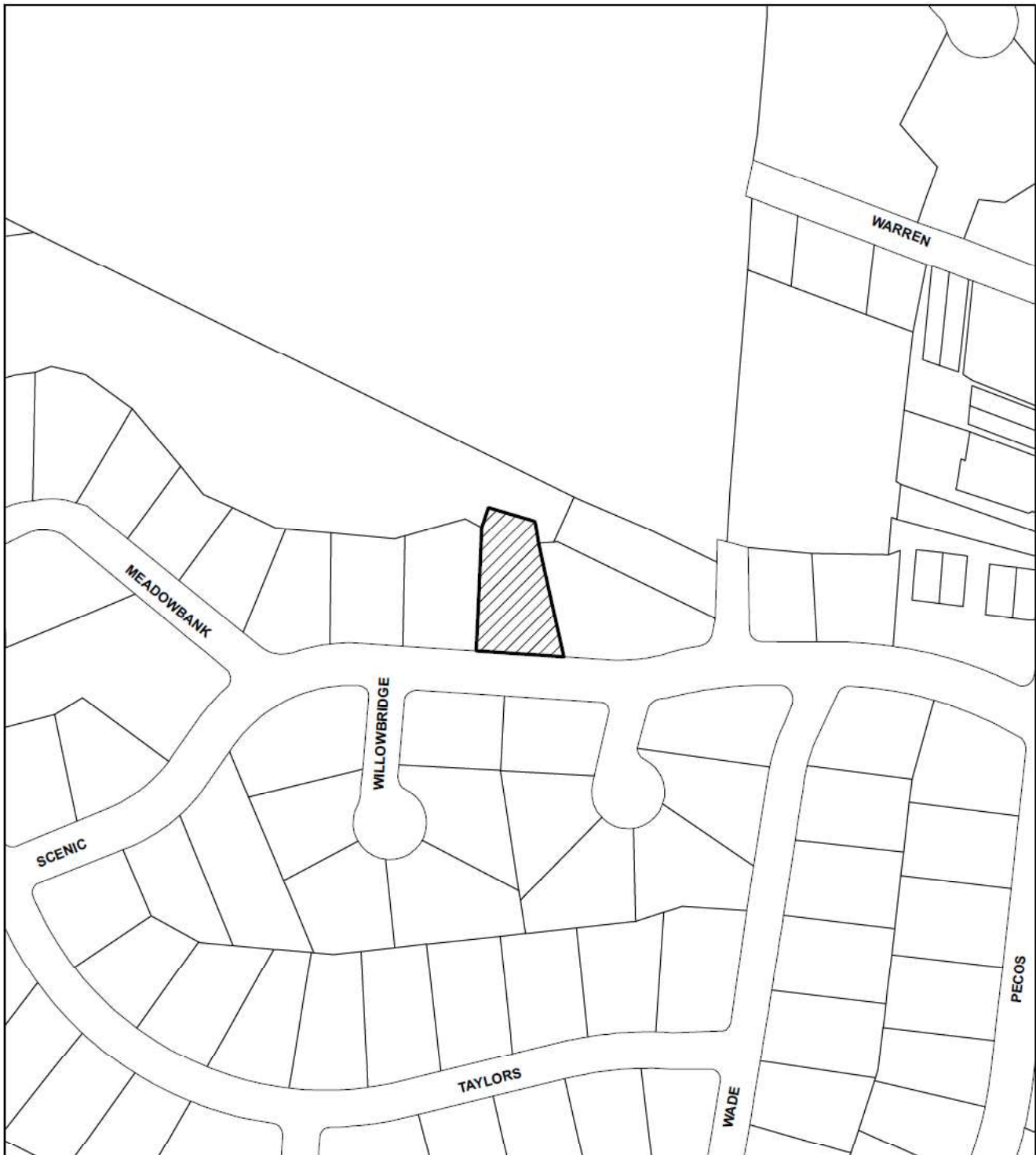
**SUMMARY:** remodel and replace existing Boat Dock.

**ISSUES:** existing non-compliant and non-conforming conditions of existing Boat Dock.

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	P-NP	Public
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Central West Austin Neighborhood Plan Contact Team  
 Friends of Austin Neighborhoods  
 Neighborhood Empowerment Foundation  
 Preservation Austin  
 SELTexas  
 Save Barton Creek Assn.  
 Sierra Club, Austin Regional Group  
 TNR BCP – Travis County Natural Resources  
 Tarrytown Alliance  
 Tarrytown Neighborhood Association  
 West Austin Neighborhood Group



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2020-0050  
 LOCATION: 3002 SCENIC DRIVE

1" = 172'

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.







October 6, 2020

Rick Rasberry  
3002 Scenic Dr  
Austin TX, 78703

Property Description: LOT 15 BLK D \*FIRST RESUB OF BROWN HERMAN ADDN NO 2 SEC 4

**Re: C15-2020-0050**

Dear Rick,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section from the Land Development Code

**§ 25-2-1176** (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*)

(4) (a) to increase shoreline frontage from 20 percent (maximum allowed) to 30 percent (requested), (30 percent existing);

In order to remodel an existing Boat Dock in a "LA", Lake Austin zoning district.

Austin Energy does not oppose the above variance request provided any proposed and existing improvements follow Austin Energy's 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://austinenenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

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, Property Agent**

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



## 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: 3002 Scenic Drive

Subdivision Legal Description:

LOT 15 BLK D FIRST RESUB OF BROWN HERMAN ADDN NO 2 SEC 4

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: LA

I/We Rick Rasberry on behalf of myself/ourselves as  
authorized agent for Meredith Dreiss affirm that on  
Month August, Day 17, 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: Remove and Replace Existing Boat Dock



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

LDC 25-2-1176(A)(4)(a) The width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed 20 percent. Shoreline Frontage of Lot is 99.5' X 0.20 = 20' Allowable Dock Width by Rule.  
Existing Dock Width = 30' Requesting Same 30' Dock Width as Approved April 18, 2002.

## 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 City's Development Review and Inspection Department along with the City's Parks Board approved site plan SP-01-0251D on April 18, 2002 which included a March 20, 2002 approved variance to develop a 22' X 30' residential boat dock on the lot. City staff now contend that "it seems the zoning regulation of the 20% length requires modification, which can only be done by the Board of Adjustment." Any denial of a requested variance would effectively invoke a reasonable use hardship unique to the property.

### Hardship

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

The current owner of the property is seeking to find remedy with the existing non-compliant and non-conforming conditions of the dock, and which has been developed by previous property owners. The owner has engaged with local professionals to design the proposed 22' X 30' replacement dock, construed as the same variance approved by the City on March 20, 2002; and which would bring the dock into compliance with all other current rules.

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

Each other residential lot in the area has been granted site plan permits, building permits, and site plan exemptions from the City to develop a boat dock and other necessary appurtenances for the recreational use and enjoyment of the Lake Austin waterway. Any denial of a requested variance would effectively invoke a reasonable use hardship unique to the property.



**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:

Approval of any variance would in fact result in the removal of portions of the dock that are now non-compliant and non-conforming, therefore increasing navigational safety and improving natural drainage patterns in the Taylor Slough tributary.

**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:

No parking variance is being sought with the boat dock remove and replace site plan application SP-2020-1025D.

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 -- Boat Dock

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

Approval of any variance would in fact result in the removal of portions of the dock that are now non-compliant and non-conforming, therefore increasing navigational safety and improving natural drainage patterns in the tributary.

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

Approval of any variance to remove and replace the existing boat dock would result in approval to replace site plan permit SP-01-0251D with SP-2020-1025D -- specific to the approved boat dock use only.



### 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: Rick Rasberry Date: 8/17/20

Applicant Name (typed or printed): Rick Rasberry

Applicant Mailing Address: 2510 Cynthia Ct

City: Leander State: TX Zip: 78641

Phone (will be public information): (512) 970-0371

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: PR (Agent for Owner) Date: 8/17/20

Owner Name (typed or printed): Meredith Dreiss

Owner Mailing Address: 3002 Scenic Dr

City: Austin State: TX Zip: 78703

Phone (will be public information): (512) 497-7323

Email (optional – will be public information):

### Section 5: Agent Information

Agent Name: Rick Rasberry

Agent Mailing Address: 2510 Cynthia Ct

City: Leander State: TX Zip: 78641

Phone (will be public information): (512) 970-0371

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

### 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).

EXHIBIT A -- PROJECT SUMMARY

EXHIBIT B -- SITE PLAN APPLICATION FORMS, EXHIBITS, & REPORTS

EXHIBIT C -- RED STAMP COPY OF APPROVED SITE PLAN SP-01-0251D

EXHIBIT D -- PROPOSED REMOVE AND REPLACE BOAT DOCK SITE PLAN SP-2020-1025D

**Additional Space (continued)**

EXHIBIT E -- COA MASTER COMMENT REPORTS

EXHIBIT F -- COA STAFF E-MAIL COMMUNICATIONS AND DIRECTIVES

EXHIBIT G -- ENVIRONMENTAL COMMISSION VARIANCE APPROVAL JULY 15, 2020

**SAVE**

October 31, 2019

City of Austin

Development Services Department


PO Box 1088

Austin, TX 78716

To Whom It May Concern:

I, Meredith Dreiss, own the property at 3002 Scenic Dr. I wish to replace the existing residential boat dock and other necessary appurtenances on the property. Rick Rasberry is my authorized agent for the City of Austin applications needed for the subject property. Please contact me if you have any questions.

Kindest Regards,



A handwritten signature in cursive script, appearing to read 'Meredith Dreiss', is written over a horizontal line.

Signature





December 19, 2019

Director of Development Services Department

City of Austin

P.O. Box 1088

Austin, Texas 78767

Re: Site Plan Revision Application and Project Summary for Proposed Boat Dock Replacement, 3002 Scenic Drive on Lake Austin, TX

Dear Director:

On behalf of the owners of the referenced property I am presenting the attached site plan revision application and associated records requesting the release of a revised Site Plan (SP-01-0251D) for the development of a conforming Boat Dock, Dock Access, and Necessary Appurtenances in accordance with City Code 25-2-1173. Attached (Exhibit "B") is the owner's written authorization letter engaging me to act as the owner's agent on these matters.

The proposed plans and specifications comply with City Code 25-7-62 along with all other parts of City Ordinance No. 20140626-113 *Relating to the Lake Austin Zoning District and the Regulation of Boat Docks, Bulkheads, and Shoreline Access*. Additionally, the proposed replacement dock footprint will conform with the original 2001 dock footprint approved by the City per SP-01-0251D and accepted by the City per 2002-012342 BP (Exhibit "Q").

Listed below are the attached detailed project summary and records for application, plans, and supporting documents, as follows:

**Project Summary**

- Acreage to be developed > 0.0165 Acres
- Watershed in which project is located > North Taylor Slough
- Type of development > Boat Dock, Dock Access, and Necessary Appurtenances
- Explanation of any proposed project phasing > None
- Methods to be used to handle storm water runoff > None Required
- Effect of the development will have on existing and future drainage systems > None
- Justification for exemption from the watershed protection regulations > No Variance Requested
- Erosion/Sedimentation Controls > Any Silt Fence, Turbidity Curtain, and/or any other controls as required by COA Environmental Inspector for the greatest level of environmental, health safety, and navigational protection.
- Site Plan Revision Application and Project Summary Letter > Provided as Exhibit "A"
- Agent Authorization Letter > Provided as Exhibit "B"
- Warranty Deed > Provided as Exhibit "C"
- Environmental Resource Inventory for the Residential Lot > Provided as Exhibit "D"



Director of Development Services Department

Site Plan Revision Application and Project Summary, 3002 Scenic Dr on Lake Austin, TX

December 19, 2019

Page 2

- Soils Map > Provided as Exhibit "E"
- 2018 Tax Payment Receipt/Certification > Provided as Exhibit "F"
- Full Size Site Plan (Red Line and Black Line pages in set) > Provided as Exhibit "G"
- Zoning Profile Report > Provided as Exhibit "H"
- Engineer's "No Rise" Floodplain Certification Letter > Provided as Exhibit "I"
- Floodplain Information Form > Provided as Exhibit "J"
- Tree Review Addendum > Provided as Exhibit "K"
- Intake Submittal Checklist > Provided as Exhibit "L"
- Project Description Form > Provided as Exhibit "M"
- Location Map on Separate Sheet > Provided as Exhibit "N"
- Subdivision Plat > Exhibit "O"
- Exhibit VII Electronic Submittal > Exhibit "P"
- COA Dock Development Acceptance 2002-012342 BP > Provided as Exhibit "Q"
- Fiscal Surety Letter > Provided as Exhibit "R"
- Notice Communication with original SP-01-0251D Engineer of Record > Provided as Exhibit "S"

It should be noted that the property owners are seeking no special privilege to replace the boat dock, dock access, and other necessary appurtenances not already given to owners of other similarly situated property with approximately contemporaneous development and as provided. The proposal would result in promoting the ecological function and maintaining the natural character of the lakeshore. Any denial of the requested application for the Site Plan Revision would be construed as deprivation of a privilege given to other property owners and would effectively deny these property owners a reasonable use.

Please let me know if you should have any questions or require any additional information.

Very truly yours,

*Rick Rasberry*

Ricky "Rick" Rasberry, CESSWI

CC: Owners

Furman + Keil Architects, PLLC

SHEET NO. 1



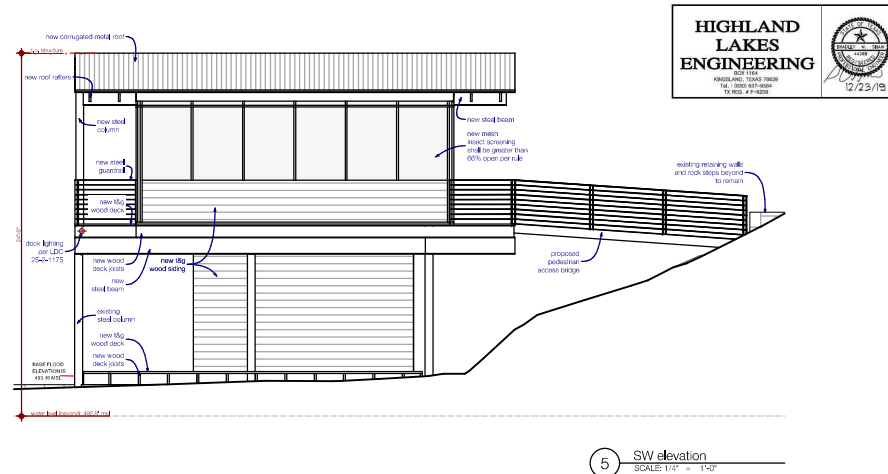




> overall dock (including pedestrian access bridge) footprint is 719 SF



- > the proposed boat dock must comply with all requirements of LDC 25-2-1174 Structural Requirements and must comply with Chapter 25-12, Article 1 (Uniform Building Code) and the Building Criteria
- > structure will use existing pile foundation and there will be no new foundation work in the CRZ of adjacent protected trees and no tree canopy removal allowed
- > critical root zones of trees will not be impacted



5 SW elevation  
SCALE: 1/4" = 1'-0"

211 E. 11th Street 200  
Austin, Texas 78702  
12. 479. 4100  
[www.FKarchitects.net](http://www.FKarchitects.net)



FURMAN + KEIL  
ARCHITECTS

**3002 Scenic Drive**  
**Boat Dock**  
3002 Scenic Drive  
Austin, TX 78703

Gary E. Furman  
Texas Architect  
registration #13481

this document is incomplete  
and cannot be used for  
regulatory approval,  
permitting or construction

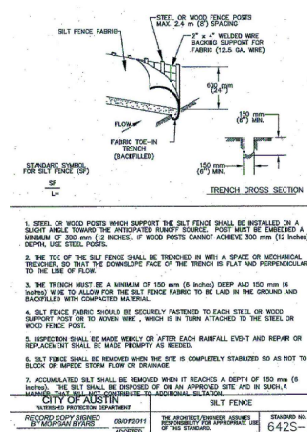
revisions	
date	description
1	new/very/none
2	new/very/none
3	new/very/none
4	new/very/none
5	new/very/none
6	new/very/none

for coordination

12/19/19  
building plans and  
elevations

SHEET 3

Engineer Signature and Seal



PLAT SCALE: NONE