

C6  
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**SUBDIVISION REVIEW SHEET**

**CASE NO:** C8-2010-0105.0A

**PC DATE:** September 27, 2011

**SUBDIVISION NAME:** RESUBDIVISION OF LOT 1, BLOCK C, NEANS PLACE SECTION 1

**AREA:** 0.430 Acres

**LOTS:** (3)

**APPLICANT:** Francisco Guerrero

**AGENT:** Genesis 1 Engineering  
George Gonzalez

**ADDRESS OF SUBDIVISION:** 1111 Neans Dr.

**GRIDS:** L31

**COUNTY:** Travis

**WATERSHED:** Little Walnut Creek

**JURISDICTION:** Full Purpose

**EXISTING ZONING:** SF-2-NP

**PROPOSED LAND USE:** Single Family

**ADMINISTRATIVE WAIVERS:** None

**VARIANCES:** None

**SIDEWALKS**

Sidewalks will be provided on both sides of all internal streets and the subdivision side of all boundary streets.

**NEIGHBORHOOD PLAN:**

North Austin Civic Association

**DEPARTMENT COMMENTS:**

The request is for approval of the above referenced resubdivision plat. The resubdivision entails the creation of (3) legal lots from (1) lot. The subdivision is composed of (3) lots on 0.430 acres. Currently there is an existing single-family house on the proposed Lot 1-A, and a newly constructed residential structure on the proposed Lot 3-A which was permitted as a secondary accessory structure, (guest house). The guest house use is allowed in the zoning district, however the category implies non-permanent residential use. If the resubdivision is approved, the applicant will need to return to the residential building permit office and modify the permit for a standard single-family detached dwelling use. The City of Austin will provide water and wastewater service as well as electric service. The developer will be responsible for all costs associated with any required improvements.

**STAFF RECOMMENDATION:**

The staff recommends approval of the resubdivision plat. The plat meets all applicable State and City of Austin LDC requirements. If the resubdivision plat is approved, staff will have the applicant return to the building permit office to modify the permit for the structure on the proposed Lot 3-A.

**PLANNING COMMISSION ACTION:**

**CASE MANAGER:** Don Perryman  
**e-mail:** don.perryman@austintexas.gov

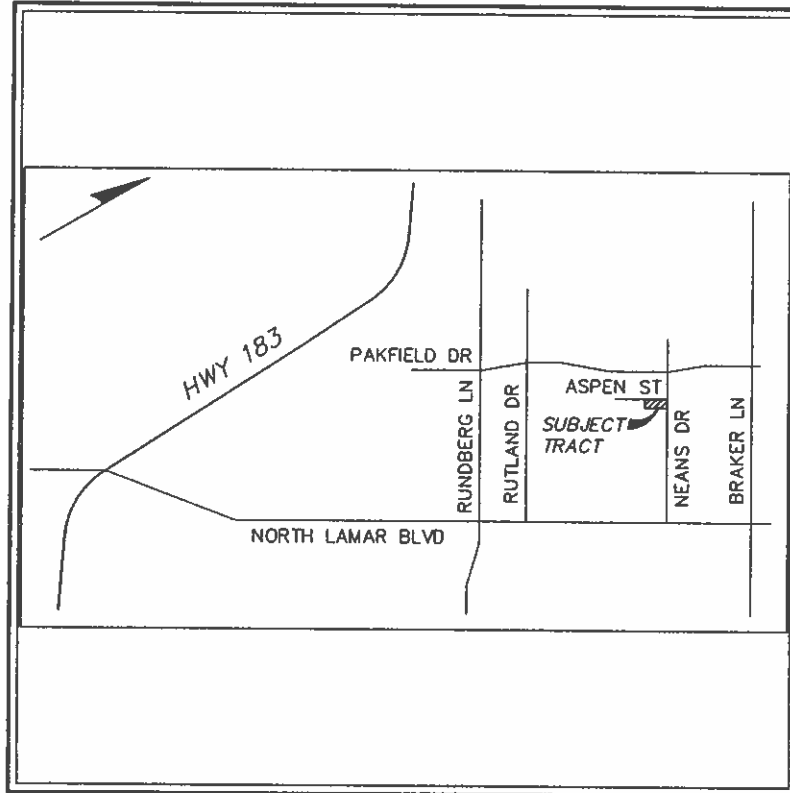
**PHONE:** 974-2786

CL/2

**Genesis 1 Engineering Company**  
Austin, Texas.

C6  
/3

**Location Map.**



N.T.S.

**1111 NEANS DRIVE**  
**AUSTIN, TEXAS 78758**

COOPER  
ENGINEERING

*Handwritten initials: C/G*

CITY OF AUSTIN  
 APPROVED FOR PERMIT  
 Greg Guernsey  
 Planning and Development Review Department  
 Date 11-10-07  
 The granting of a permit for approval of these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

ONLY REVIEWED  
*Handwritten signature*

ASPEN STREET

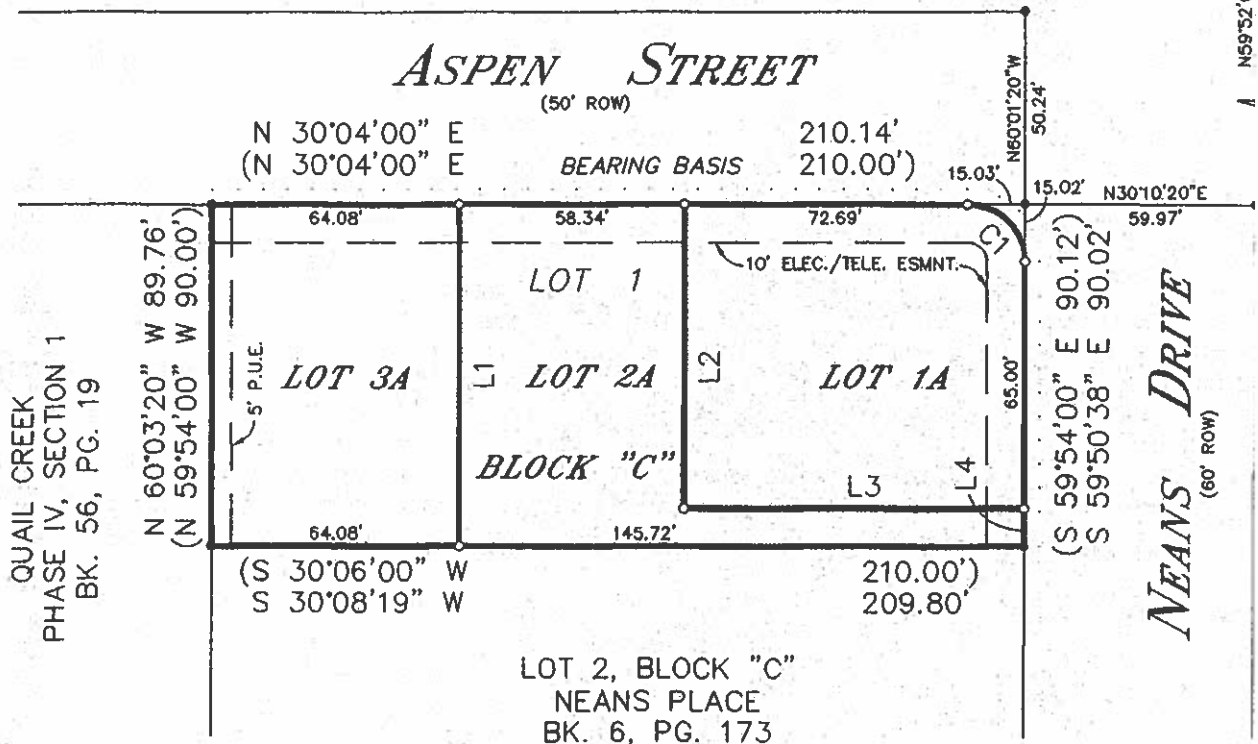


PLOT PLAN  
 SCALE 1"=20'

<p>DATE ISSUED 10-20-2004</p> <p>DESIGNED BY E.R. BAYNTON</p> <p>CHECKED BY M.L.R.</p> <p>SCALE 1/8"=1'-0"</p> <p>PLOT PLAN SHEET NO. 6 OF 6</p>	<p>ARCHITECTURAL &amp; ENGINEERING CAD</p> <p><b>ARCHITECTURAL DIVISION</b></p> <p>Austin Community College Northridge Campus          11926 Stonehollow Dr., Austin, TX          70750 Ph: 512-223-4041 Fax: 512-223-4311</p>	<p><b>F. GUERRERO</b></p> <p>1111 NEANS DR.</p>
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# RESUBDIVISION OF LOT 1, BLOC

C/S



1. WATERSHED STATUS – THIS PROJECT IS LOCATED IN THE LITTLE WALNUT CREEK WATER AND IS CLASSIFIED AS AN URBAN WATERSHED AND IS NOT LOCATED WITHIN THE EDW AQUIFER RECHARGE ZONE.
2. WATER AND SEWER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY THE CITY OF A
3. NO LOT WILL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF A WATER AND WASTEWATER SYSTEM.
4. ALL WATER AND WASTEWATER SYSTEM IMPROVEMENTS MUST BE IN ACCORDANCE WITH OF AUSTIN WATER AND WASTEWATER SYSTEM DESIGN CRITERIA AND SPECIFICATI

### 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.

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- appearing and speaking for the record at the public hearing; and:
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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C8-2010-0105.0A  
Contact: Don Perryman, (512) 974-2786 or  
Yolanda Parada, (512) 974-2784  
Public Hearing: September 13, 2011, Planning Commission

M. J. Butler Sr  
Your Name (please print)

10307 17 Speer St.  
Your address(es) affected by this application

Don J. Butler  
Signature

512-837-4551  
Daytime Telephone:

8/10/11  
Date

Comments: This is in my ft. Exasctly  
Thare are from 6 to 10 vehicle  
day, & night. at all hours.  
The new house directly in front  
of me kills. I leave up work on  
Crest Falls club instantly. Talk to  
Austin City Co. De man. Around path  
Claus. for kids building any facility  
on rear of meat property.

This new house is that but  
If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl  
Don Perryman  
P. O. Box 1088  
Austin, TX 78767-8810

definitely no more  
M. J. Butler

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Contact: Don Perryman, (512) 974-2786 or  
Yolanda Parada, (512) 974-2784

Public Hearing: September 13, 2011, Planning Commission

Your Name (please print) Harner T. Dahlberg

I am in favor  
 I object strongly

1012 Neans Dr. Austin, TX 78758

Your address(es) affected by this application

Harner T. Dahlberg 8-29-11

Signature

Date

Daytime Telephone: (512) 836-5046

Comments: It seems this hearing is partially moot as the lot has already been divided into two with a second house facing Aspen. I believe two houses on the original lot should be sufficient. I also believe this changes the nature of the neighborhood. Although I can accept the house already built, I strongly object to dividing the lot into three lots. That division will not fit the divisions

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City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

Don Perryman

P. O. Box 1088

Austin, TX 78767-8810

those on Aspen. The neighborhoods will not benefit from such a division.

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Contact: Don Perryman, (512) 974-2786 or  
Yolanda Parada, (512) 974-2784

Public Hearing: September 13, 2011, Planning Commission

Your Name (please print) Catherine Tompson

I am in favor  
 I object

10208 Aspen (58)

Your address(es) affected by this application

Catherine Tompson 8/29/11

Signature

Date

Daytime Telephone: 836-9020

Comments: The lot in question has already been divided once or at least, there are two houses on the property. Dividing it again would only serve to create additional congestion in a small area and would certainly detract from this area of the neighborhood. Sincerely,

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

Don Perryman

P. O. Box 1088

Austin, TX 78767-8810

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Yolanda Parada, (512) 974-2784  
Public Hearing: September 13, 2011, Planning Commission

Eleanor Langsdorf  
Your Name (please print)

I am in favor  
 I object

9928 Chukar Bend 78758  
Your address(es) affected by this application

Eleanor M Langsdorf  
Signature

9-10-11  
Date

Daytime Telephone: 512-873-0480

Comments: I could support redirision to 2 lots but not 3 as 3 would make very small lots not consistent with others in area. Also the owner has already illegal built a second dwelling on property using an allowed provision of the law but not actually meeting the conditions of the law (personally living on the property).

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Don Perryman  
P. O. Box 1088  
Austin, TX 78767-8810



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Yolanda Parada, (512) 974-2784

Public Hearing: September 13, 2011, Planning Commission

M. ALLEENE McFARLAND  
Your Name (please print)

I am in favor  
 Object

1207 NEANS DR Austin, TX  
Your address(es) affected by this application

M Alleen McFarland 9-1-11  
Signature Date

Daytime Telephone: 512-834-0379

Comments:

9/6

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Yolanda Parada, (512) 974-2784

Public Hearing: September 13, 2011, Planning Commission

Kevin Boyle  
Your Name (please print)

I am in favor  
 I object

1015 Red Cliff Dr.  
Your address(es) affected by this application

Kevin Boyle  
Signature

9/7/11  
Date

Signature

Daytime Telephone: 512-608-3696

Comments: Top small of a lot for 3 properties.

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Don Perryman

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Public Hearing: September 13, 2011, Planning Commission

WILLIAM R. WHITE

Your Name (please print)

1209 NEANS DR

Your address(es) affected by this application

William R. White

Signature

Daytime Telephone: (512) 837-3307

Date

Sept. 9, 11

Comments: WE DON'T NEED THE AREA DIVIDED INTO THREE AREAS. THERE WAS ONE HOUSE, THEN IT WAS DIVIDED INTO 2 HOUSES AND AREAS. THERE DOESN'T NEED TO BE A THIRD AREA AS THERE IS NOT ENOUGH AREA FOR A THIRD HOUSE. ALSO I DON'T THINK THE 2ND HOUSE WAS APPROVED BY THE CITY. I KNOW WE DIDN'T HEAR ANYTHING ON IT.

If you use this form to comment, it may be returned to:  
City of Austin - Planning & Development Review Dept. /4<sup>th</sup> Fl

Don Perryman

P. O. Box 1088

Austin, TX 78767-8810

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Yolanda Parada, (512) 974-2784

Public Hearing: September 13, 2011, Planning Commission

Cathy M. Foley

Your Name (please print)

1213 S. Meadows Dr.

Your address(es) affected by this application

Cathy Foley

Signature

9-9-11

Date

Daytime Telephone: 512/786-4667

Comments: I can see that this property already has 2 homes on it. I am not pleased with the way these 2 are kept - parking + driving on unpaved areas. It looks crowded enough with 2 houses on this one lot.

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Don Perryman

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Austin, TX 78767-8810

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Public Hearing: September 13, 2011, Planning Commission

TRANS KEY  
Your Name (please print)

I am in favor  
 I object

1018 Creppie Creek Dr

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-832-0905

Comments:

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Don Perryman  
P. O. Box 1088  
Austin, TX 78767-8810

13/96

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## Perryman, Don

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**From:** Perryman, Don  
**Sent:** Friday, September 09, 2011 9:27 AM  
**To:** 'Eleanor Langsdorf'  
**Cc:** Barba, Leon; Zapalac, George; Wahlgren, David  
**Subject:** RE: C8-2010-0105 OA - Subdivision of Property at 1111 Neans

Ms. Langsdorf,

Good morning. If you believe that your research has uncovered a violation of the use of this property, I would suggest you contact code compliance by dialing the City's 311 call center and making a report.

The NACA membership can contact the Planning Commissioners via letter, e-mail, or may speak individually or as a group at the public hearing. The staff will base their recommendation to the Commission based upon the subdivision requirements of the Land Development Code. Based upon our review, staff has determined that the proposed subdivision meets the subdivision portion of the code and will recommend approval to the Commission. However, the Planning Commission's authority in the case is sovereign and they make the final decision after taking testimony.

If you would the Commission's members contact information, please contact Dora Anguiano ([dora.anguiano@ci.austin.tx.us](mailto:dora.anguiano@ci.austin.tx.us)), (974-2104) and she can provide this information to you.

Thanks and have a good weekend.

**Don Perryman**  
 Planning and Development Review  
 City of Austin

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**From:** Eleanor Langsdorf [mailto:~~e.langsd@ci.austin.tx.us~~]  
**Sent:** Thursday, September 08, 2011 5:35 PM  
**To:** Perryman, Don  
**Cc:** Barba, Leon  
**Subject:** RE: C8-2010-0105 OA - Subdivision of Property at 1111 Neans

Mr. Perryman,

In researching this property, I learned that the residence at 1111 Neans is not occupied by the owner but is used as a rental property. Therefore it does not seem that the building erected as an accessory structure does not mean the use requirement you cited. If the building does not meet the requirement what will the COA do to stop occupancy and what is NACA's option in challenging this request for resubdivision?

met m

Eleanor Langsdorf

cell 302-526-0649

home 512-875-0480

--- On Thu, 9/8/11, Perryman, Don <[Don.Perryman@austintexas.gov](mailto:Don.Perryman@austintexas.gov)> wrote:

|

9/9/2011

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From: Perryman, Don <Don.Perryman@austintexas.gov>  
Subject: RE: C8-2010-0105 OA - Subdivision of Property at 1111 Neans  
To: "Eleanor Langsdorf" <~~elangsd@~~yahoo.com>  
Date: Thursday, September 8, 2011, 5:27 PM

Ms. Langsdorf,

Good afternoon. I have received the following information regarding accessory structures and the building permit at 1111 Neans:

It was approved for a detached accessory dwelling under LDC 25-2-893(E)

(E) A single accessory dwelling is permitted if the principal use is a single-family residential use located on a lot with at least 15,000 square feet of area. An accessory dwelling may be occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service.

At the time the accessory dwelling was issued the lot size of 19,107 square feet met the requirement, once they subdivide and they will be required to change the use to comply with the current zoning regulations for the use of the structure because an accessory is not allowed without primary.

Thanks and let me know if you have any additional questions.

**Don Perryman**  
Planning and Development Review  
City of Austin

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**From:** Eleanor Langsdorf [mailto:~~elangsd@~~yahoo.com]  
**Sent:** Wednesday, September 07, 2011 9:35 PM  
**To:** Perryman, Don  
**Subject:** RE: C8-2010-0105 OA - Subdivision of Property at 1111 Neans

Mr.Perryman,

Thank you for your response. I would like to know what the guidelines are for constructing an accessory living structure and what the city's definition of such is. Does this mean that anyone who wishes can build a second living structure on his/her property?

Eleanor Langsdorf  
cell ~~301-520-9849~~  
home ~~512-873-0480~~

--- On Wed, 9/7/11, Perryman, Don <Don.Perryman@austintexas.gov> wrote:

| From: Perryman, Don <Don.Perryman@austintexas.gov>

Subject: RE: C8-2010-0105 OA - Subdivision of Property at 1111 Neans  
 To: "Ann Teich" <[redacted]@austintexas.com>, "Barba, Leon"  
 <Leon.Barba@austintexas.gov>, "Zapalac, George"  
 <George.Zapalac@austintexas.gov>, "Wahlgren, David"  
 <David.Wahlgren@austintexas.gov>  
 Cc: "Eleanor Langsdorf" <elengade@yahoo.com>, "Engineer 1"  
 <engineer1@genesis1engineering.com>, "Dave Sullivan"  
 <sully.jumpnot@ehoglobal.net>  
 Date: Wednesday, September 7, 2011, 3:34 PM

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Greetings All,

There has been much confusion based upon conflicting information as to whether or not this property is in a Neighborhood Planning Area. Contrary to some data I reviewed, this application does appear to be within the NACA neighborhood planning area. That being the case, it should rightly go to the Planning Commission for the public hearing. The notice that was sent out was correct for the Planning Commission meeting on September 13th. Because of the confusion, I am going to offer a staff postponement to the Planning Commission on September 13th until September 27th.

I have also checked in to the building permit pending at 1111 Neans. There is an active permit for an accessory living structure that has been addressed as 1111 Neans unit B. I have been told that this building permit has been renewed at the end of July. According to the residential building permit review staff, all their permits are in order and no violations are pending at that address. I am not sure why the owner told me he could not get electricity, but the electric permit has been issued according to residential review. The proposed resubdivision therefore must be about creating a third lot rather than correcting a building permit problem or not having a legal lot for the 2nd structure on the lot.

According to residential review, the existing detached accessory dwelling currently located on the proposed Lot 3A configuration would comply with zoning setbacks, building and impervious cover with an approximate lot size of 5760 sq ft. the applicant is required to submit a residential application to request a change of use permit from an accessory dwelling to a single family use. (Note, this does not require a zoning change).

While it is always a good idea and practice for a developer or property owner to consult with their neighborhood association prior to new construction, there is no requirement that they do so. Also, the City staff will only review for city code compliance and notify neighborhood groups in accordance with the code. The current code only requires notification of a public hearing for this type of resubdivision application. There is no "early notice" or "notice of filing" for small resubdivisions of this type per the code and State law.

I will be glad to continue to work with your neighborhood association and answer any questions you may have about the development process. Please feel free to contact me by phone at 974-2786, or by e-mail.

Thanks,

**Don Perryman**  
 Planning and Development Review  
 City of Austin

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**From:** Ann Teich [mailto:[redacted]@austin.rr.com]  
**Sent:** Wednesday, September 07, 2011 8:28 AM  
**To:** Barba, Leon



**Cc:** Perryman, Don; Tovo, Kathie; Morrison, Laura; 'Eleanor Langsdorf'; Spelman, William; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; 'Gabriel Rojas'; 'brian almon'; Riley, Chris  
**Subject:** RE: C8-2010-0105 OA - Subdivision of Property at 1111 Neans



Hello, Mr. Barba,

I am piggybacking on Eleanor Langdorf's e-mail to you (see below) re the issues raised over CE-2010-0105 OA. I have included a link that describes the activity pursued by the owner and the city regarding re-subdividing this property.

[https://www.ci.austin.tx.us/devreview/d\\_showpropertyfolderlist.jsp?clicked=searchByOther](https://www.ci.austin.tx.us/devreview/d_showpropertyfolderlist.jsp?clicked=searchByOther)

As can be seen in viewing the history of activity on this property, it was indicated that the property is not in a neighborhood plan (see text below). In actuality, it is within the NACA neighborhood plan.

Link to NACA neighborhood plan:

<http://www.austintexas.gov/planning/neighborhood/naca.htm>

NACA was not consulted by the owner or the city in this re-subdivision request. As Ms Langsdorf indicated in her e-mail, no flags were raised until a request for electric service was made to Austin Power.

Lot 1, Block C, Neans Place Subdivision Sec 1

Neighborhood Plan Area ?

No

The proposed re-subdivision will go before the Planning Commission on Sept. 13, and that does not give NACA officers and board members a great deal of time to refute this proposal. NACA officers and board members will make every effort to be present at the Planning Commission meeting and go on record as opposing the proposed re-subdivision.

All that said, it is still very problematic that NACA officers and board members were not contacted about this proposal until this late date. Is there no way to improve the communication about proposed changes in property? Is it the property owner's responsibility to interface with the neighborhood association when planning to do something with property, or is it the COA's responsibility?

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I look forward to your reply,

Ann Teich

Vice President, North Austin Civic Association

512-797-7724

**From:** Eleanor Langsdorf [mailto:elangs@yaho.com]  
**Sent:** Monday, September 05, 2011 10:16 PM  
**To:** leon.barba@austintexas.gov  
**Cc:** DonPerryman  
**Subject:** C8-2010-0105 OA

Mr. Barba,

I am writing to you because you are in the COA Planning and Development Review Department and an issue has arisen in the North Austin Civic Association area that involves the illegal construction of a dwelling on a piece of property at 1111 Neans that is zoned SF-2 and a request to resubdivide the property which may then require a change in the zoning.

The owner illegally constructed a dwelling on this property using a method called metes and bounds (survey deed) according to Mr. Don Perryman. The dwelling was sited so that it faces Aspen but it is on the 1111 Neans lot. Apparently he was able to obtain permits for water and sewer and construction. No flags were raised until a request was made for electric service from Austin Power. However, according to a neighbor the house does have electricity.

Now the owner is asking for permission to resubdivide the property into three lots. In looking at the lot it would appear that he wants to seek permission to have the right to construct another dwelling between the original dwelling and the one that was constructed illegally. Although legally the lot may be large enough to allow for a change to SF-3 there may not be enough space to meet the various set-back requirements

I drove by the property on Sept. 1. It appears that the house may be occupied as there was a truck parked in the very narrow unpaved "driveway" on the south side of the building.

I am seeking information from your office on how this building got through the planning and development review process and input on what the association can do to stop this flagrant ignoring of an accepted neighborhood plan.

Eleanor Langsdorf  
President, North Austin Civic Association  
cell 301-508-0810  
home 512-797-9480

Mr.