

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, April 9, 2012

CASE NUMBER: C15-2012-0032

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Susan Morrison
____ Melissa Hawthorne
____ Heidi Goebel
____ Cathy French (SRB only)
____ Dan Graham (SRB only)

APPLICANT: Jim Bennett

OWNER: Michael A Colennetta

ADDRESS: 3902, 3904, 3906 WADFORD ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1067 (G) from 25 feet to 2.5 feet in order to erect driveway and parking for a commercial building in a "GR-MU-V-CO-NP", Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that unless a parking area of driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postponed to April 9, 2012, Board Member Michael Von Ohlen second on a 5-1 vote (Board member Susan Morrison nay and Stuart Hampton recused); **POSTPONED TO APRIL 9, 2012.**

The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1067 (G) from 25 feet to 2.5 feet in order to erect driveway and parking along the west property line for a commercial building in a "GR-MU-V-CO-NP", Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that unless a parking area of driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

April 9, 2012 - POSTPONED TO JUNE 11, 2012

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:



Susan Walker
Executive Liaison



Jeff Jack
Chairman

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 – 3902, 3904, 3906 Wadford St.

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, April 9th, 2012

JOHN STREARD
Your Name (please print)



213 Duval Austin 78704
Your address (es) affected by this application

[Signature] *4/10/2012*
Signature Date

Daytime Telephone: *512.922.9420*

Comments:

ITS FAVOR

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

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Walker, Susan

From: Myron Smith [myron@ecpi.com]
Sent: Monday, April 09, 2012 2:44 PM
To: Walker, Susan
Subject: Case # C15-2012-0032 - 3902,3904 & 3906 Wadford St.
Attachments: varianceRAS.doc; varianceMS.doc

Hello Susan,

Please find attached 2 letters objecting to the variance as requested in the subject case. These objections are based on NOT requesting a variance on the north side of the property that abuts a SF-3, residential property. Compatibility standards regarding the north property line are ignored in the variance request(s) from the applicant. As noted, I also live within 500 feet of the subject.

Sincerely,

Myron D. Smith
Dawson NA President
Dawson Plan Team Board Member
512.913.0957

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, April 9th, 2012

Your Name (please print) Rebecca Shell
☐ I am in favor
☒ I object

209 Krebs Lane Austin, TX 78704
Your address (as affected by this application)

Rebecca Shell 4/9/12
Signature Date

Daytime Telephone: 512-416-0129

Comments: This amended variance request now clearly seeks a variance only on the west side - which is probably OK because the adjacent property owner on west is in favor. My objection is to the lack of a request for variance on the north side. Adjacent to SF-3 property owners who are not in favor. There is no pre-existing driveway adjacent. This property is not currently zoned as stated.

If you use this form to comment, it may be returned to: AS Stated
City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker
P. O. Box 1088
Austin, TX 78767-1088
in 9 days report.

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, April 9th, 2012

MYRON SMITH
Your Name (please print)

209 KERRS LN
Your address (if affected by this application)

[Signature]
Signature

512.913.0957
Daytime Telephone

4/6/2012
Date

Comments: THE VARIANCE ON THE WEST SIDE OF THE PROPERTY IS NOT A PROBLEM, HOWEVER, REGARDING THE NORTH SIDE OF THE PROPERTY IS A PROBLEM. COMPROMISING SET BACKS SHOULD BE CONSIDERED REGARDING THE S-3. PROPERTY LOCATED ALONG THE NORTH BORDER (3900 WADFORD).

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Subject: compatibility & maintenance
From: Galati, Donna (Donna.Galati@austintexas.gov)
To: jb.rbconsulting@yahoo.com;
Date: Monday, March 19, 2012 3:10 PM

CIS-2012-0032

Jim,

As we discussed, if you excavate no more than 18" deep you CAN come back with paving within the compatibility setback (the same area that is currently impervious cover), because excavation no more than 18" deep is considered maintenance. A compatibility setback variance for that paving would then not be necessary. This is in reference to the Austin Medspring site plan application, SP-2012-0065C, which was submitted February 17, 2012.

The review is due April 10, so sometime around then you should be getting your maser comment report.

Thank you,

Donna Galati

Senior Planner

Planning & Development Review Dept.

512/974-2733

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, April 9th, 2012

PENEL DAVIS CHAIRMAN
Your Name (please print) DN PCT

2401 EUGENE AVENUE 78704

Your address (es) affected by this application

[Signature]
Signature

4/4/12.
Date

Daytime Telephone: 296 4906

Comments: THE APPLICANT HAS DECLARED THAT THE NORTH BOUNDARY SETBACK IS NOT IN THIS WALKER APPLICATION - THE NORTH BOUNDARY SHOULD BE SUBMITTED AS A VARIANCE FOR THE BOARD'S CONSIDERATION.

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

Susan Walker
City of Austin-Planning & Development Review Department/ 1st Floor
P. O. Box 1088
Austin, TX 78767-1088

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, April 9th, 2012

Sandy McMillan
Your Name (please print)

Dauson Neighborhood Assn.
Your address (es) affected by this application

Sandy McMillan
Signature

4-2-12
Date

Daytime Telephone: 512-296-4804

Comments: On the surface, the DDA does not oppose the variance on the west side since both properties are zoned commercial. Many members remain convinced, however, that the applicant requires a variance on the north side, which abuts an SF-3 property. We would oppose this and variance as it would set an unacceptable precedent that severely weakens compatibility standards. Additionally, we were told this and

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

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Variance was not necessary because improvements were already existing. That is not the case, though, as all that's there is a curb cut and a gravel/pavement makeshift driveway.

D7

April 2, 2012

Board of Adjustment
c/o Susan Walker
505 Barton Springs Road
Austin, TX 78704

Re: Case C15-2012-0032

Dear Board of Adjustment Members:

Please accept this request for postponement of the above referenced case until the June 11, 2012 meeting.

Thank you,


Jim Bennett

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, March 12, 2012

CASE NUMBER: C15-2012-0032

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen 2nd the Motion
☐ Y ☐ Will Schnier - Nora Salinas absent
☐ R ☐ Stuart Hampton Recused – Bryan King absent
☐ N ☐ Susan Morrison
☐ Y ☐ Melissa Hawthorne Motion to PP to April 9, 2012
☐ Y ☐ Heidi Goebel
☐ - ☐ Cathy French (SRB only)
☐ - ☐ Dan Graham (SRB only)

APPLICANT: Jim Bennett

OWNER: Michael A Colennetta

ADDRESS: 3902, 3904, 3906 WADFORD ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1067 (G) from 25 feet to 2.5 feet in order to erect driveway and parking for a commercial building in a "GR-MU-V-CO-NP", Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that unless a parking area of driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

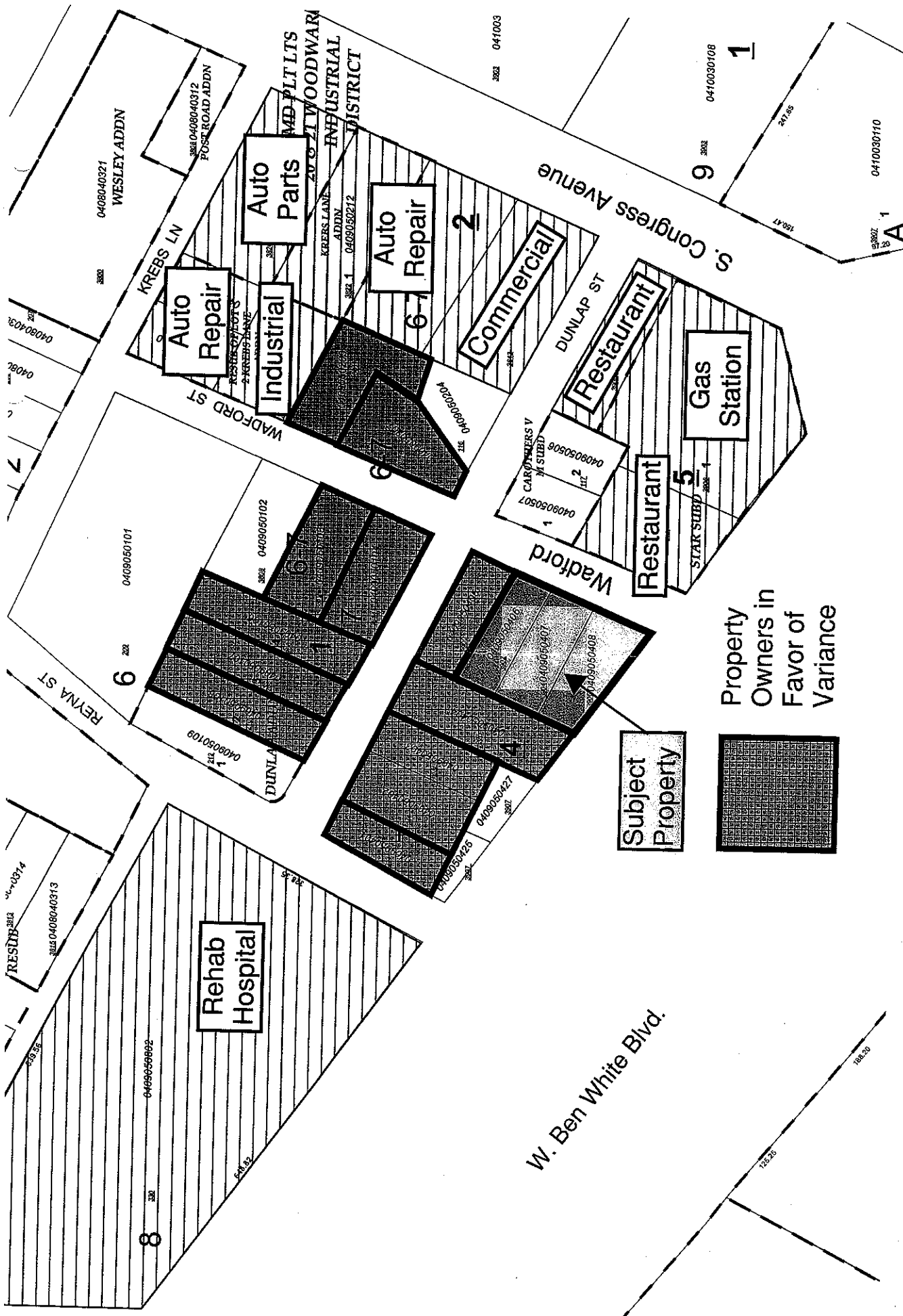
BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to Postponed to April 9, 2012, Board Member Michael Von Ohlen second on a 5-1 vote (Board member Susan Morrison nay and Stuart Hampton recused); **POSTPONED TO APRIL 9, 2012.**

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:


Susan Walker
Executive Liaison


Jeff Jack
Chairman



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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 – 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

William G. M. Vly

Your Name (please print)

116, 117, ~~118~~ Dan/4th St.

3842, 3900 S Congress Ave. corner Dooly & Wadford

Your address (es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512-284-1726

Comments:

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

3-25-12

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

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 – 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

FRANK L. SANCHEZ
 Your Name (please print)

<input checked="" type="checkbox"/> I am in favor of the project
--

3900 Wadford St.
 Your address (es) affected by this application

Frank Sanchez March 12, 2012
 Signature Date

Daytime Telephone: 512 444-1392

Comments: I object to the request in
Case Number (C15-2012-0032).
I have not given any prior
commentary or approval on this
matter either written or verbal.

Frank Sanchez
3-12-2012

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

Rebecca Sheller
Your Name (please print)

209 Keebs Ln

Your address (es) affected by this application

Rebecca Sheller
Signature

3/12/12
Date

Daytime Telephone: 512 416-0129

Comments: I am opposed to allowing a variance in a minimum compatibility set back between a commercial property (3 lots with ES and GE) and an adjacent SF-3 residential property. The adjacent SF-3 owners, Mr. and Mrs. Sanchez do not support the proposed variance to allow the construction of a parking lot 2.5 ft from their entire south property line.

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

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088



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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, March 12th, 2012

Myron Smith
Your Name (please print)

☐ I am in favor
☒ I object

209 KREBS LN

Your address (if affected by this application)

Muga Smith
Signature

3/10/2012
Date

Daytime Telephone: 512.913.0957

Comments: I object to granting a

variance that would allow parking within 2 1/2 feet from the entire south property line of a SE-3 zoned property. Furthermore, the owner(s) of the SE-3 zoned property located at 3900 Wadford, do not support the requested variance.

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

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

Your Name (please print) Rick Reyna



Your address (es) affected by this application 211 Duval St

Signature [Signature]

Date 3/12/12

Daytime Telephone: 512-751-3168

Comments:

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

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, March 12th, 2012

Rick Beyra
 Your Name (please print)

209 Durlap St
 Your address (es) affected by this application

[Signature] *3/12/12*
 Signature Date

Daytime Telephone: *512-751-3148*

Comments:



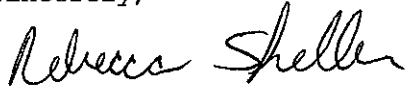
If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

March 10, 2012

Dear Board of Adjustments,

As Board Members of the Dawson Neighborhood Plan Contact Team, we object to Board of Adjustments case #C15-2012-0032 that asks for a variance to reduce the minimum compatibility setback between a commercial property (currently 2 lots with GR-MU-V-CO-NP **and** 1 lot with CS-MU-V-CO-NP) and an adjacent residential property zoned SF-3 from 25 feet to 2.5 feet. The abutting residential property owners at 3900 Wadford, Mr. and Mrs. Frank Sanchez, do not support the variance. The proposed variance would allow the construction of a parking lot along the entire south side of this residential property.

Sincerely,



Rebecca Sheller



Myron Smith

Board Members
DNPCT

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.ci.austin.tx.us/development.

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.

Case Number: C15-2012-0032 - 3902, 3904, 3906 Wadford St.

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, March 12th, 2012

Sandy McWilliam

Your Name (please print)

☐ I am in favor
☒ I object

2401 Euclid Ave Plan Contact Team

Your address (es) affected by this application

Sandy McWilliam

Signature

3-12-12

Date

Daytime Telephone:

512-256-4804

Comments: 1) Variance to reduce compatibility standards sets an unacceptable precedent. 2) Neighbor on the north side (3900 Wadford) opposes the variance. 3) Other property owners nearby oppose this variance. 4) Application contains many errors, for example, indicating that adjacent neighbors support it. 5) No explanation why large portion of lot on south of building. If you use this form to comment, it may be returned to: Susan Walker, City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-1088

CASE # C15-2012-0032

TP-040905-04-065

ROW-10722497

040905-0407

040905-0408

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 3902,3904,&3906 Wadford St.

LEGAL DESCRIPTION: Subdivision – Fortview

Lot(s) portions of 7 Block Outlot Division

I Jim Bennett as authorized agent for The Dupont Group

 affirm that on 1/27/12, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A commercial building providing a compatibility setback of 30 inches driveway and parking from then west property line.

2.5 feet

CS
in a CS-MU-V-CO-NP district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: 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 support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The compatibility standards are designed to protect adjacent residential uses from commercial uses. In this case the adjoining property is zoned commercial and is currently being used for residential use. The adjoining owner supports the variance request

HARDSHIP:

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

Texdot installed the drive way cut along Ben White Blvd when Ben White was being constructed and the driveway and parking will align with the existing driveway. The adjoining property is in transition from the temporary residential use to commercial development in the future.

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

Single family use is not a customary and usual use when located on a busy commercialized urban stat highway.

AREA CHARACTER:

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:

The adjacent property owner supports the compatibility setback for the driveway and parking. The variance only effects this property owner. The other properties along Ben White Blvd are zoned commercial and are used commercially.

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 Section 479 of Chapter 25-6 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 reasonable 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:

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.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jim Bennett Mail Address _____

City, State & Zip 11505 Ridge Dr. Austin, TX 78748

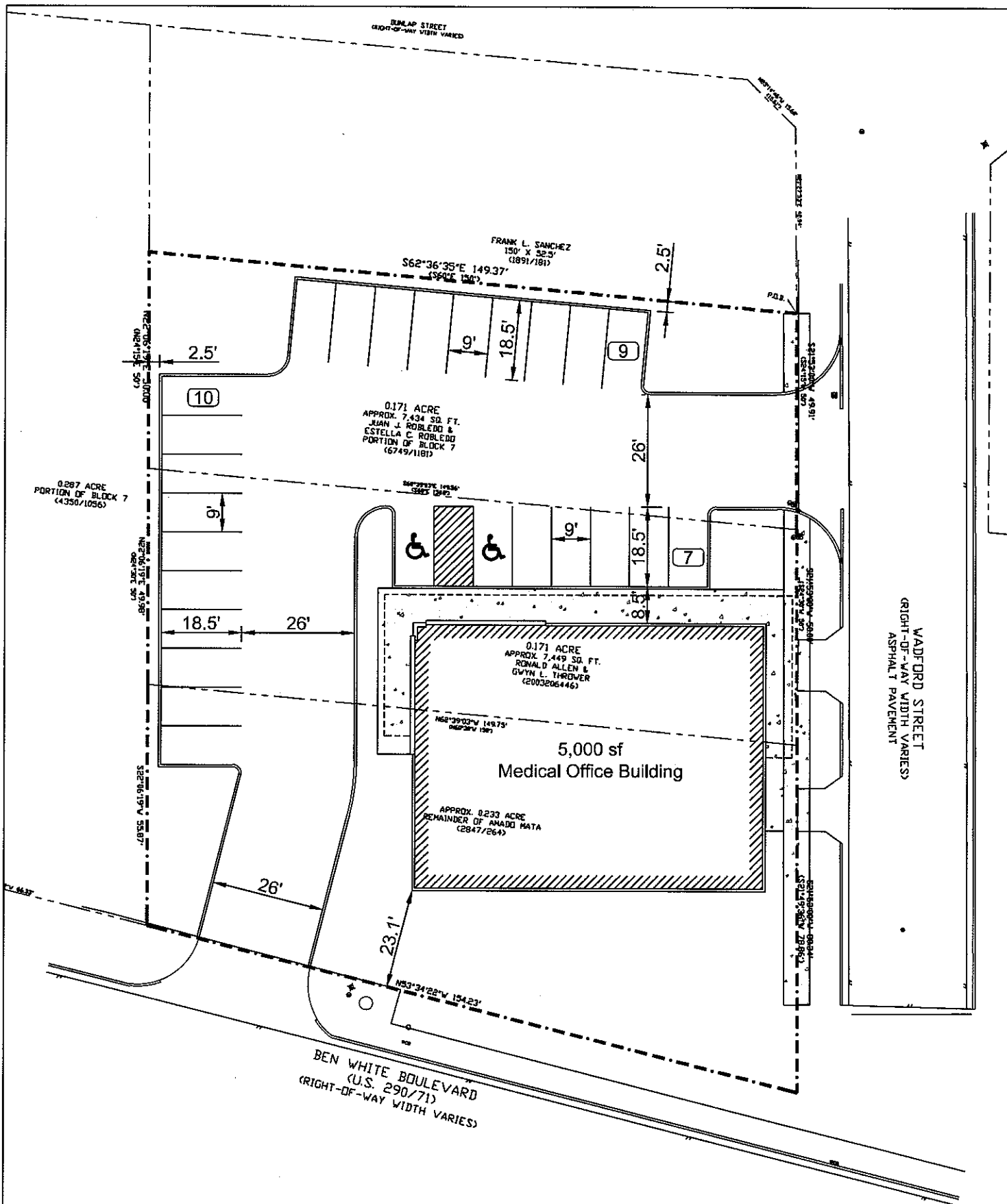
Printed Jim Bennett Phone 282-3079 Date 1/25/12

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

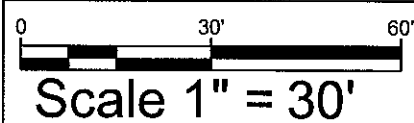
Signed A. Ron Thrown/Michael Mail Address P.O. Box 214

City, State & Zip Buda, TX 78610

Printed Michael A. Coleannetta Phone (512) 496-8457 Date 1-26-12



Parking Required (1:200) = 25 Spaces
 Parking Provided = 26 Spaces



Austin MedSprings
 Layout #1
 01-30-2012
GARRETT-IHNE
 CIVIL ENGINEER

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 3813 Wadford St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my SUPPORT for the variances as they are requested.

Respectfully Submitted,

Name

Gladys L. Long

Address

1510 Betty Jo Dr
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustments
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

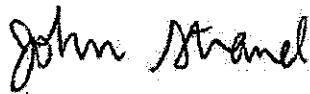
Dear Board Members,

I am the owner of 213 Dunlap which is approximately one-half (1/2) block from the subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

A handwritten signature in cursive script that reads "John Strand".

John Strand
213 Dunlap
Austin, Texas 78704

DATE: January 20, 2012

FROM: Jim Lacey

207 Dunlap Street

Austin, Texas 78704

TO: Board of Adjustment
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Variance for construction in the setback on 3902, 3904, & 3906 Wadford

Dear Board Members,

I am the adjacent landowner abutting and to the west of the above referenced addresses for which a variance is sought to allow for parking and / or drives to be within the setback. The property has had the use of a driveway to Ben White frontage road for many years and the use of the driveway and the subsequent placement of the parking and/or and drive within the setback has always been a consideration for any development of the property.

Please accept this letter as my SUPPORT for the variances as they are requested.

Respectfully Submitted,

James H. (Jim) Lacey
207 Dunlap St
Austin, Tx 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 208 Dunlap St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Cole Alexander

Name Cole Alexander

Address 208 Dunlap St.
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

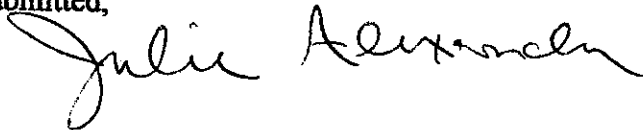
Dear Board Members,

I am the owner of 208 Dunlap St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,



Name

Julie Alexander

Address

208 Dunlap St.
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 210 Dunlap St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Julie Alexander

Name

Julie Alexander

Address

210 Dunlap St
Austin, Texas 78704

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 3811 Wadford St. which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Name

Sanja Hunter

Address

3811 Wadford St.
Austin, Texas 78704

Sanja Hunter

January 26, 2012

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Subject: 3902, 3904, & 3906 Wadford Dr., Austin, 78704
Variance for construction in the setback

Dear Board Members,

I am the owner of 210 Aunkap St which is nearby the above referenced subject properties. The Owners of the subject property have explained that they are seeking a variance to allow for parking and or drives in the setback.

The property has had the use of a driveway to the Ben White frontage road for many years and the continued use of the existing driveway and the subsequent placement of parking and or drive within the setback has always been included in any development plans of the property.

Please accept this letter as my **SUPPORT** for the variances as they are requested.

Respectfully Submitted,

Cole Alexander

Name Cole Alexander

Address 210 Aunkap St-
Austin, Texas 78704