BOARD'S DECISION: November 13, 2012

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

DATE: Monday, November 13, 2012 CASE NUMBER: C15-2012-0092

____Y___ Jeff Jack
____Y___ Michael Von Ohlen **2nd the Motion**
____Y___ Nora Salinas
____Y___ Bryan King **Motion to Deny**
____Y___ Fred McGhee
____Y___ Melissa Hawthorne
____Y___ Sallie Burchett
____-____Cathy French (SRB only)

APPLICANT: John and Teddy Kinney

OWNER: Teddy Kinney

ADDRESS: 3305 LAFAYETTE AVE

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-1604 (C) (1) in order to maintain a parking structure with an entrance that faces the front yard to be closer to the front lot line than the building façade of the principal structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade of the principal structure.

BOARD'S DECISION: POSTPONED TO OCTOBER 8, 2012 (RE-NOTIFICATION NEEDED)

RENOTIFICATION VARIANCE REQUEST: The applicant has requested a variance from Section 25-2-1604 (C) (1) and (2) in order to maintain a parking structure with an entrance that faces the front yard to be closer to the front lot line than the building façade of the principal structure and to exceed 50 percent of the width of the principal structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade of the principal structure; and if the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50 percent of the width of the principal structure, measured parallel to the front lot line.

BOARD'S DECISION: October 8, 2012 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 13, 2012, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO NOVEMBER 13, 2012.

BOARD'S DECISION: November 13, 2012

BOARD'S DECISION: NOV 13, 2012 - The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Michael Von Ohlen second on a 7-0 vote; DENIED.

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

Request for Reconsideration
to
The Board of Adjustment

RECEIVED
NOV 16 2012
CITY OF AUSTIN

Re: C-15 – 2012—0092 3305 Lafayette

Our request for a variance to 25-2-1604 was denied on Tuesday, November 13.

We now have made changes to our permitted design that will be in accordance with the compromise reached by the Cherrywood Neighborhood Association Task Force and our design team at the meeting held on October 29, 2012.

These changes include:

1) Accessible porches added to the 2nd floor of each duplex unit
2) Arbors to enhance the entry of each unit making it appear more prominent and wider
3) A new site plan bringing parking into compliance with 25-2-1603

We appreciate your granting this reconsideration and your considering reinstating our permit with these changes requested by the neighborhood task force.

Teddy L. Kinney

11/16/2012

John E. Kinney

16 Nov 2012

Managers for Kinney Real Estate, LLC – 3305 Lafayette Series

Walker, Susan

From: [redacted]
Sent: Tuesday, November 13, 2012 3:07 PM
To: Walker, Susan; Ramirez, Diana
Cc: [redacted]
Subject: Re: BOA Hearing | Cherrywood | 3305 Lafayette

Susan and Diana; please note that Amy's email below contained a significant typo; in her last sentence she contradicts all that she says in the body of the email by stating that she supports the variance. I have modified her email below to indicate her opposition.

Girard Kinney, AIA
Owner/Principal
Kinney& Associates
1008 East Sixth [78702]
P.O. Box 6456
Austin, Texas 78762-6456

O. 512.472.5572
F. 512.476.9956
C. 512.657.1593
H. 512.478.5042

Please submit emails with large file attachments to:
kadwgs@kinneyarchitects.com

On 11/13/2012 11:18 AM, Amy_Brotman@Dell.com wrote:

> Susan,
>
> I am a voting member of the Land Use and Transportation Committee for Cherrywood. I am a property owner and resident of the Cherrywood/French Place neighborhood. I live right around the corner from this property.
>
> I apologize, but I am unable to attend the meeting today.
>
> **I support the position of the Cherrywood LUT and am opposed to the investor's variance application.**
>
> A little background on my position:
>
> I and other neighbors like me who reside in the neighborhood, have invested in property and have chosen to live in Cherrywood and in French Place, because we love the feeling of community and of inner city neighborhoods.
>
> Our neighborhood is neighbor and pedestrian-oriented. We appreciate the feeling of community this fosters and chose to invest here in part because Cherrywood adopted strict Neighborhood Design Guidelines that protect this. I also feel strongly that these guidelines protect our property values.
>
> We chose to live here, because we love the character of the homes. We love that garages are not a primary focus of the façade of our homes. We could very easily have chosen to live in the suburbs had this been something that was important (and at significantly lower cost). However, we chose this neighborhood for this reason, and we did so at a premium price per square foot.

I feel, as do other homeowner/residents in the neighborhood, that properties with the following features devalue our home values and do not promote eyes on the street and the strong feeling of community that we invested in. We do not support this project, because it has:

- Garages that occupy more than 50% of the width of the structure, and
- Garage faces closer to street than façade of the house.

We do not want development in our neighborhood where garages dominate the front yard. We want homes to greet the street with porches, front doors, and people. And we feel that providing a variance of this nature would set a precedent for future development that is undesirable and does not conform to the Design Guidelines our neighborhood has worked very hard to adopt, adhere to, and protect.

Additionally, we have offered quite a bit of pro bono architect and design work to the investor to help them overcome the fact that a city worker approved their plan in error. The neighborhood has offered a multitude of ideas and concepts, and the investor is unwilling to compromise on design, and has been quite unpleasant in their demeanor with the neighborhood.

While we empathize with them, and none of us would want to be in their position, they also have not taken advantage of anything that's been offered in the way of help. Points to also understand here – the investors (and their realtor/daughter) are seasoned real estate professionals, so ignorance of how realty works in our city is not a defense. These are not first time home buyers – these are seasoned professionals who know what they are doing.

The investor has indicated that if the neighborhood does not support the variance and they do not get it, that they will develop the property as is, but without the garages. We feel this is a better alternative than the current design. The worst case would be to proceed with the design as-is, therefore we would be in favor of the investors' choice to design WITHOUT any garage at all.

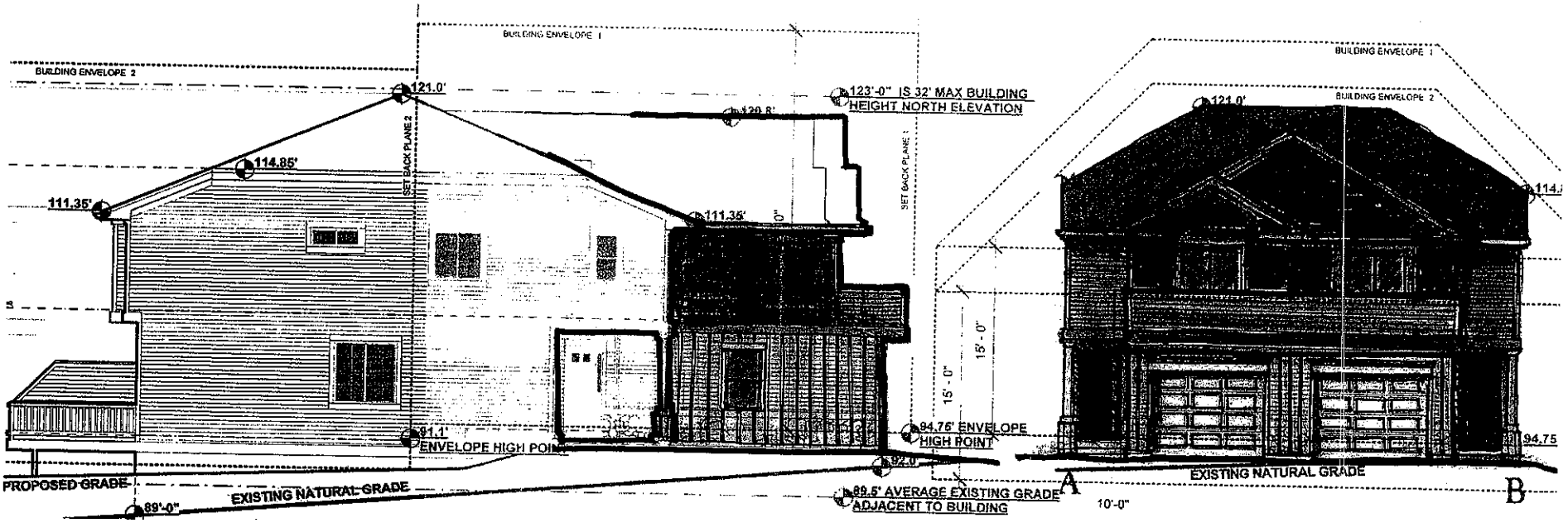
Again, I'd like to reiterate that I do **NOT** support the request for a variance. I vote with the Cherrywood LUT on this.

Amy Brotman
1404 Concordia Ave
Austin, TX 78722

Mobile | 512.589.8545
Email | amy.brotman@yahoo.com

KINNEY DUPLEX - 3305 LAFAYETTE AVENUE - STREET FRONT ELEVATION DESIGN - 10.28.12

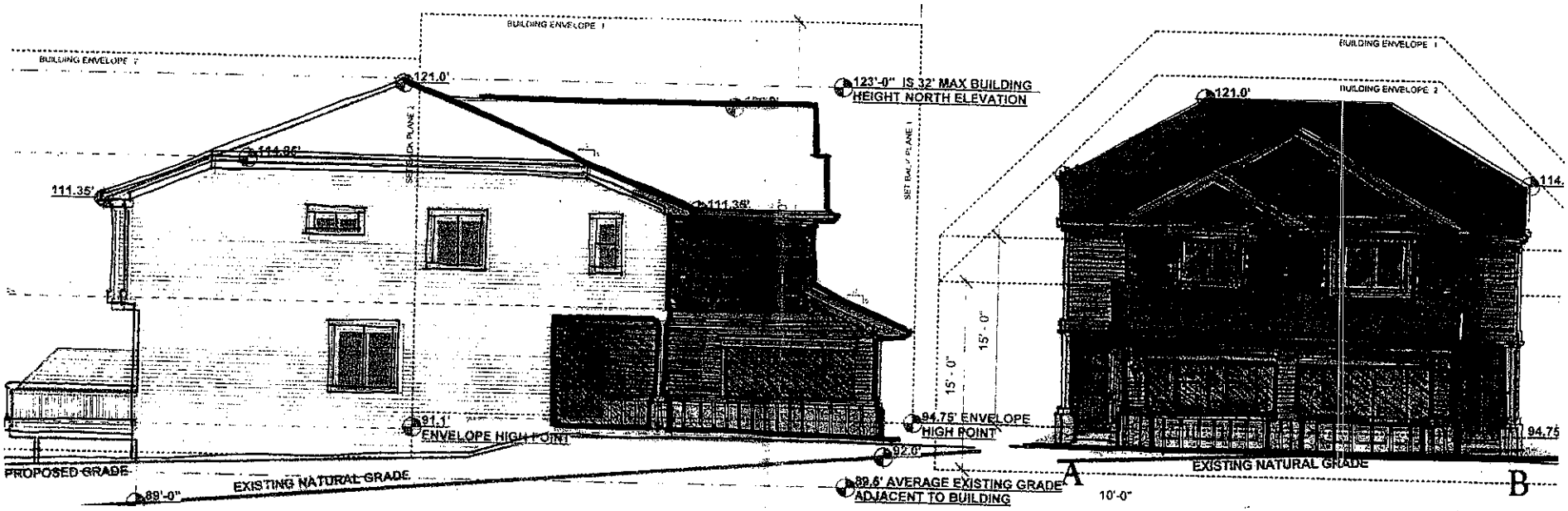
ALTERNATE 1



C15-2012-0092

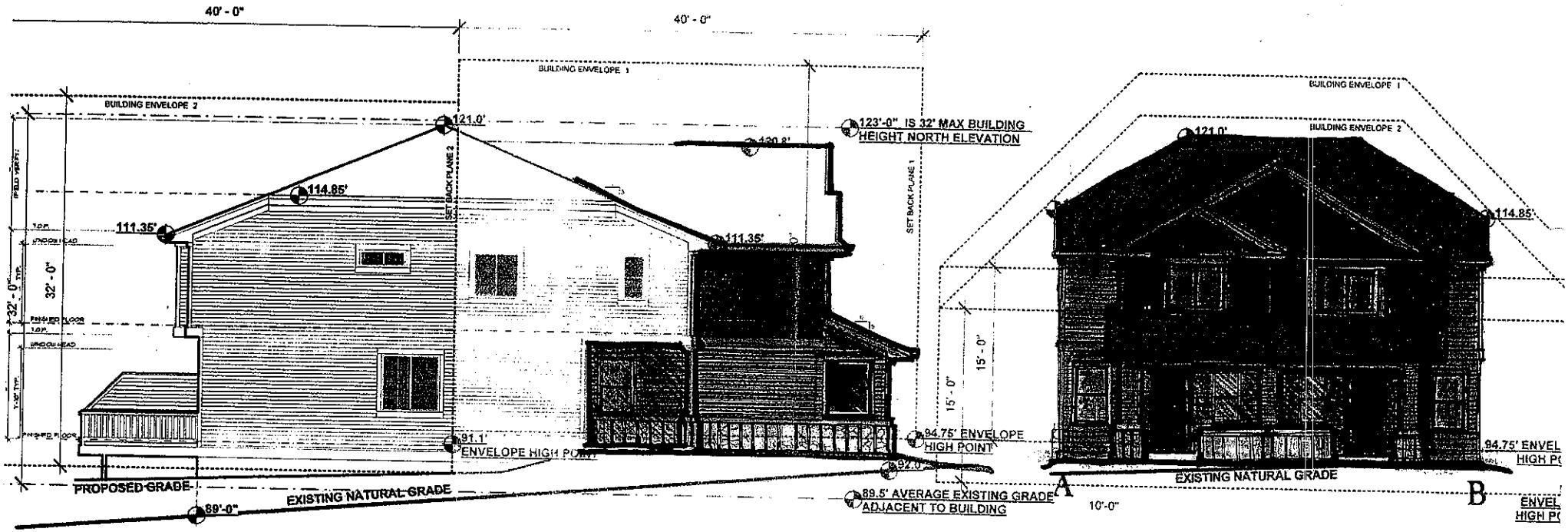
KINNEY DUPLEX - 3305 LAFAYETTE AVENUE - STREET FRONT ELEVATION DESIGN - 10.28.12

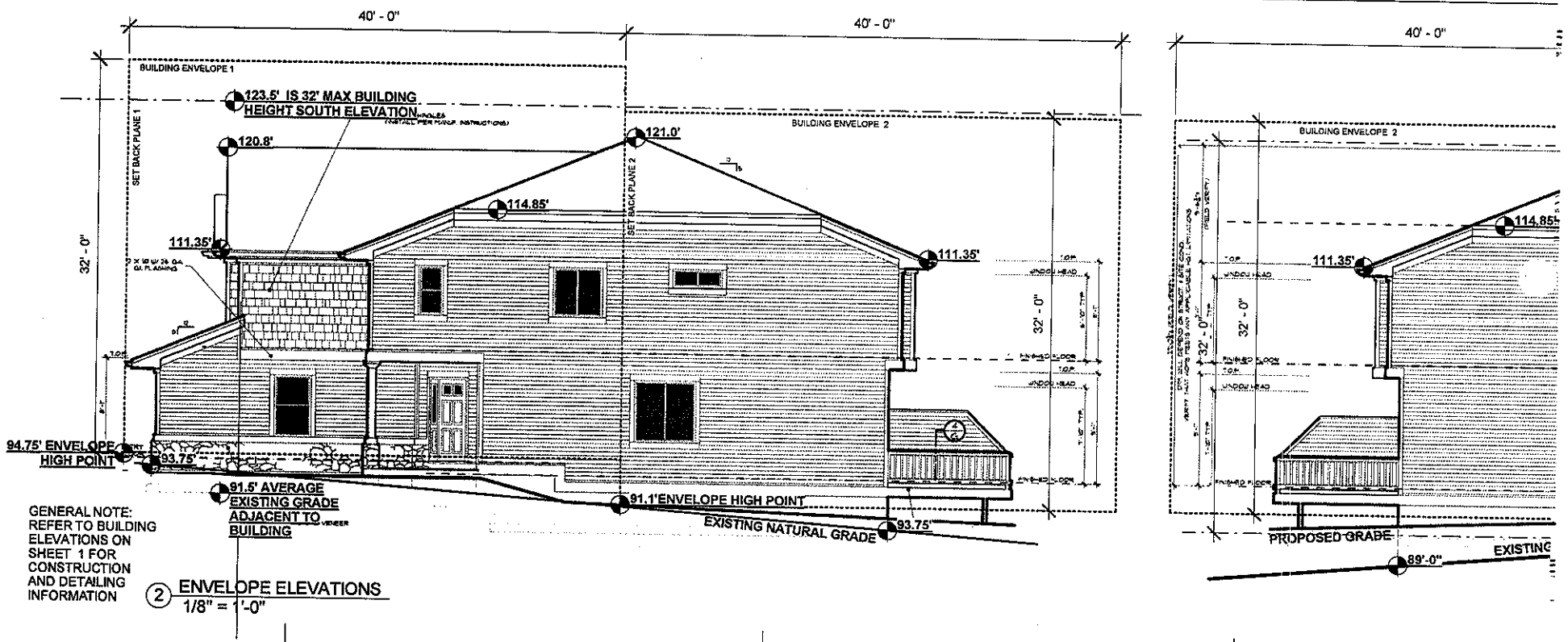
ALTERNATE 2

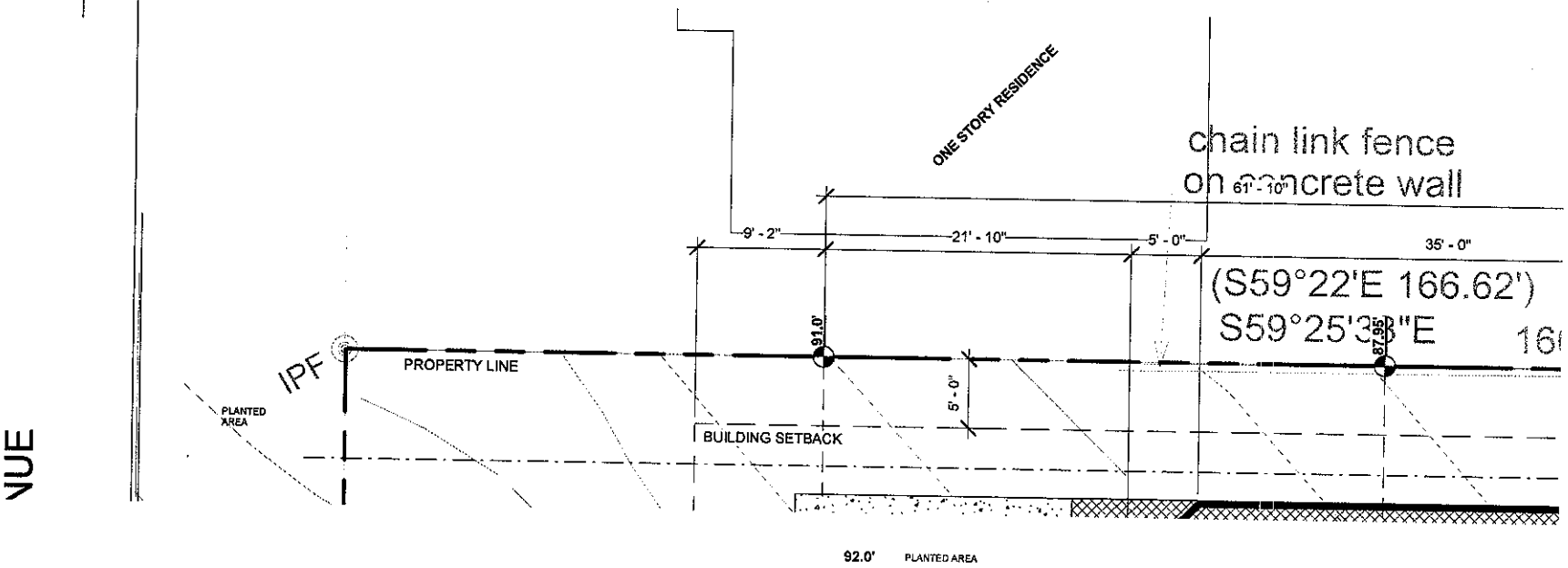


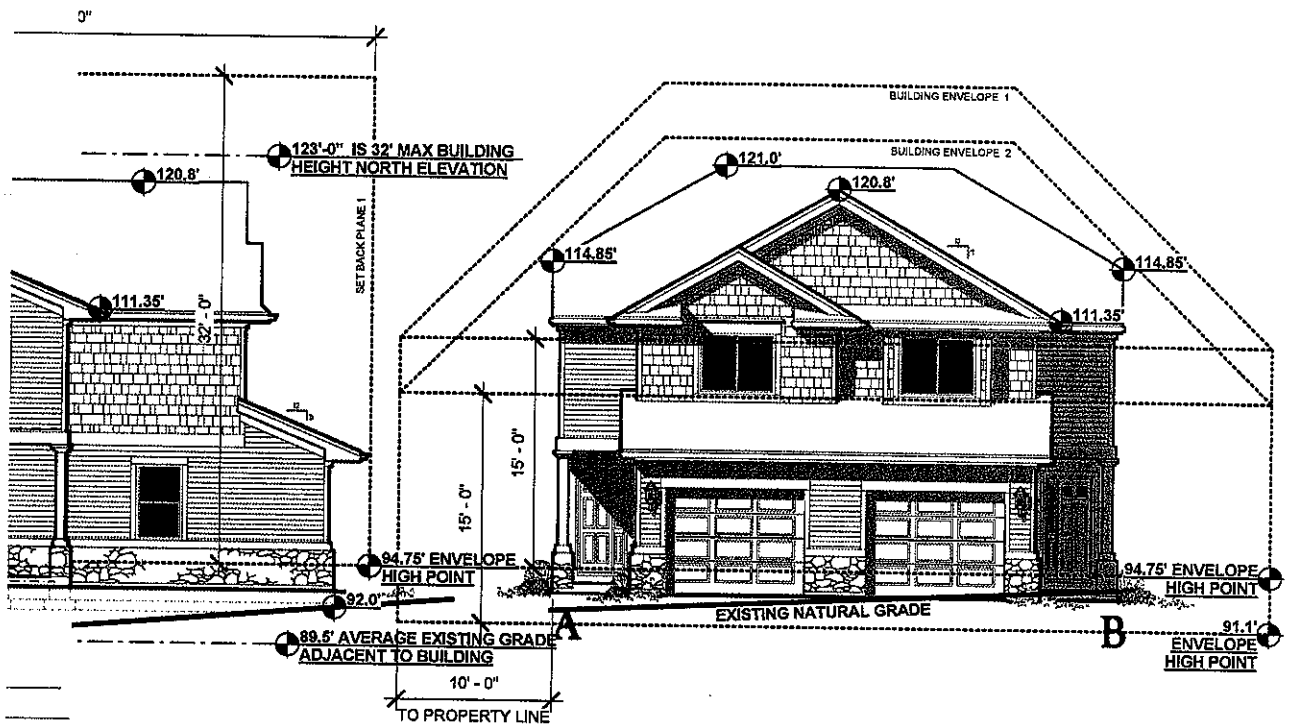
KINNEY DUPLEX - 3305 LAFAYETTE AVENUE - STREET FRONT ELEVATION DESIGN - 10.28.12

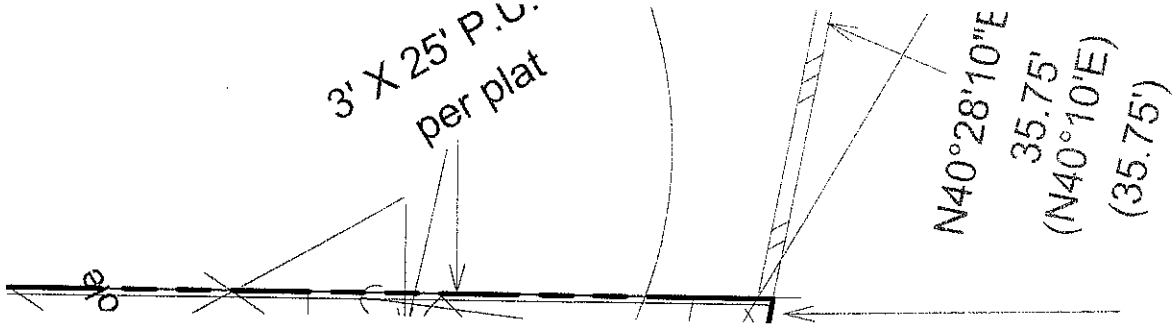
ALTERNATE 3

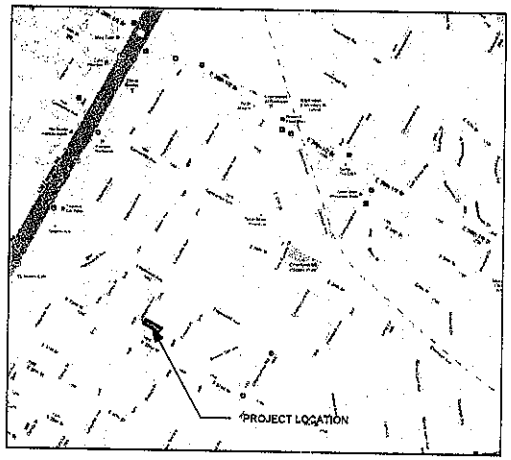



40' - 0"
40' - 0"
BUILDING ENVELOPE 1
BUILDING ENVELOPE 2
SET BACK PLANE 1
SET BACK PLANE 2
123.5' IS 32' MAX BUILDING HEIGHT SOUTH ELEVATION
120.8'
121.0'
114.85'
111.35'
111.35'
32' - 0"
94.75' ENVELOPE HIGH POINT
93.75'
91.5' AVERAGE EXISTING GRADE ADJACENT TO BUILDING
91.1'ENVELOPE HIGH POINT
EXISTING NATURAL GRADE
93.75'
GENERAL NOTE:
REFER TO BUILDING ELEVATIONS ON SHEET 1 FOR CONSTRUCTION AND DETAILING INFORMATION
2 ENVELOPE ELEVATIONS
1/8" = 1'-0"
40' - 0"
BUILDING ENVELOPE 2
111.35'
32' - 0"
PROPOSED GRADE
89'-0"
EXISTING


ONE STORY RESIDENCE
chain link fence
on concrete wall
9' - 2"
21' - 10"
5' - 0"
35' - 0"
(S59°22'E 166.62')
91.0'
87.95'
IPF
PROPERTY LINE
PLANTED AREA
5' - 0"
BUILDING SETBACK
92.0' PLANTED AREA







3305 Lafayette Avenue

Owner:
Teddy Kinney
1010 Gaston
Austin, TX 78703
512.476.2805
TeddyKinney@SBCglobal.com

Architect:
Chris Lewis
1214 West 6th, Ste 208
Austin, TX 78701
512.474.8124

Ramirez, Diana BA-2012-0092

From: [redacted]
Sent: Tuesday, November 13, 2012 11:18 AM
To: Walker, Susan
Cc: [redacted]
Subject: BOA Hearing | Cherrywood | 3305 Lafayette

Importance: High

Susan,

I am a voting member of the Land Use and Transportation Committee for Cherrywood. I am a property owner and resident of the Cherrywood/French Place neighborhood. I live right around the corner from this property.

I apologize, but I am unable to attend the meeting today.

I support the position of the Cherrywood LUT and am opposed to the investor's variance application.

A little background on my position:

I and other neighbors like me who reside in the neighborhood, have invested in property and have chosen to live in Cherrywood and in French Place, because we love the feeling of community and of inner city neighborhoods.

Our neighborhood is neighbor and pedestrian-oriented. We appreciate the feeling of community this fosters and chose to invest here in part because Cherrywood adopted strict Neighborhood Design Guidelines that protect this. I also feel strongly that these guidelines protect our property values.

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Additionally, we have offered quite a bit of pro bono architect and design work to the investor to help them overcome the fact that a city worker approved their plan in error. The neighborhood has offered a multitude of ideas and concepts, and the investor is unwilling to compromise on design, and has been quite unpleasant in their demeanor with the neighborhood.

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realtor/daughter) are seasoned real estate professionals, so ignorance of how realty works in our city is not a defense. These are not first time home buyers – these are seasoned professionals who know what they are doing.

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Again, I'd like to reiterate that I do support the request for a variance. I vote with the Cherrywood LUT on this.

Amy Brotman
1404 Concordia Ave
Austin, TX 78722

Mobile | 512.589.8545
Email | amy.brotman@yahoo.com

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

DATE: Monday, October 8, 2012 **CASE NUMBER: C15-2012-0092**

___Y___ Jeff Jack
___Y___ Michael Von Ohlen **Motion to PP to Nov 13**
___Y___ Nora Salinas
___Y___ Bryan King
___Y___ Fred McGhee
___Y___ Melissa Hawthorne **2nd the Motion**
___Y___ Sallie Burchett
___-___ Cathy French (SRB only)

APPLICANT: John and Teddy Kinney

OWNER: Teddy Kinney

ADDRESS: 3305 LAFAYETTE AVE

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-1604 (C) (1) in order to maintain a parking structure with an entrance that faces the front yard to be closer to the front lot line than the building façade of the principal structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade of the principal structure.

BOARD'S DECISION: POSTPONED TO OCTOBER 8, 2012 (RE-NOTIFICATION NEEDED)

RENOTIFICATION VARIANCE REQUEST: The applicant has requested a variance from Section 25-2-1604 (C) (1) and (2) in order to maintain a parking structure with an entrance that faces the front yard to be closer to the front lot line than the building façade of the principal structure and to exceed 50 percent of the width of the principal structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade of the principal structure; and if the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50 percent of the width of the principal structure, measured parallel to the front lot line.

BOARD'S DECISION: October 8, 2012 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 13, 2012, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO NOVEMBER 13, 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: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

David Henderson
Your Name (please print)

☑ I am in favor
☐ I object

3700 French Place
Your address(es) affected by this application

Signature

10-1-12
Date

Daytime Telephone: _____

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

Case # C15-2012-0092

PUBLIC HEARING INFORMATION

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and:

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

Nora Martin +Chris
Your Name (please print)

☐ I am in favor
☑ I object

3302 Lafayette Ave. Austin, Tx 78722
Your address(es) affected by this application

Chris Martin
Nora Martin
Signature

9/3/12
Date

Daytime Telephone: _____

Comments: Do not want builder/owner to build as their design shows. No cement driveways in front center of house.
This is a beautiful old neighborhood many of us have lived here 30+ years. Just because a "retiring" couple comes here from Dallas and wants to make an investment + turn existing house into duplexs as well. They should have researched. Dumb mistake on designer builder's part.

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

The Cherrywood Neighborhood is bounded by IH-35, Airport Boulevard and Manor Road
and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | steering@cherrywood.org | www.cherrywood.org

10/8/2012

Jeff Jack, RA, Chair and Members of the Board of Adjustment
Susan Walker, Senior Planner
City of Austin
Austin, Texas, 78767-1088

RE: C15-2012-0092 -- 3305 LaFayette

Chairman Jack and Members of the Board of Adjustment

We regret to inform you that our offer to collaborate with the 3305 Lafayette Avenue owner's design team was largely unsuccessful. We hoped to reach a solution to address the neighborhood's concerns about front-facing garages while using as much of the existing concrete foundation as possible but the owner has rejected the ideas we offered and has not allowed us to meet with her architect, her designer, or any of her consultants.

The owner has insisted that our only contact be with her, and not her design team, since she bought the plans online from out-of-state architects. Her local architect was originally hired only to review for conformance with the McMansion Ordinance and did not consider City codes not contained in the McMansion Ordinance or Design Guidelines in either the Upper Boggy Creek Neighborhood Plan or the Cherrywood Design Guidelines. While we would continue to welcome the opportunity to work with the owner and her consultants, we feel it is essential to include her design professionals who are familiar with local codes and could implement the redesign through revised construction documents.

Therefore, we continue to oppose the applicant's variance request for the duplex garages that are closer to the street than the facade and garages which occupy more than 50% of the width of the facade, and we continue to believe that while the steep driveways may meet city code, they will most definitely mean that automobiles not parked in the garages will be parked on the street.

These so-called "snout garages" are contrary to the interactive nature of an urban core neighborhood. The Cherrywood Neighborhood Association fought to prevent snout garages from being built within its boundaries, and we fear a dangerous precedent would be set by granting a variance to plans that erroneously make it through the city review process.

Although we understand the Public Hearing has been closed, we respectfully request that the public hearing be reopened and we be allowed to speak tonight.

Aaron Choate
Chair, Cherrywood Neighborhood Steering Committee

Walker, Susan

From: mark collins [redacted]
Sent: Saturday, October 06, 2012 2:06 PM
To: Walker, Susan
Subject: re: 3305 Lafayette Ave, for BOA10/8/12
Attachments: 3305_3307view.pdf

Dear Susan Walker,

I am writing to address two points brought up by the owners (T. and J. Kinney) during the BOA meeting for 3305 Lafayette Ave in September.

1) There is no space on either side of the 3305 for a driveway to the rear. This is untrue, there is space either side of the current foot print for a drive, as can be seen in the aerial picture attached. Further more the 3303 property already has this kind of driveway and is also owned by T. and J. Kinney.

2) The street view submitted by the owners and designers is from street level NOT eye level. The picture they have disseminated shows the large garage would not be visible because the foundation is lower than the street. The attached photo clearly shows the entire front facing garage would be visible by anyone standing on the road.

Thank you for your time,
Mark Collins

3307 Lafayette

3305
Nora Martin
Swim School
Lafayette Ave

Walker, Susan

From: Glenn Reed [redacted]
Sent: Sunday, October 07, 2012 8:33 PM
To: Walker, Susan
Subject: 3305 Lafayette case - please consider

C15-2012-0092

Dear Ms. Walker:

The Cherrywood Neighborhood Association would like to ask that a copy of this email be placed in BOA members' back-up before they convene Monday evening at 5:30pm.

We regret to inform you that our offer to collaborate with the 3305 Lafayette Avenue owner's design team was largely not accepted. We had hoped to reach a solution to address the neighborhood's concerns about front-facing garages while retaining as much of the already-poured concrete foundation as possible, but the owner has rejected the ideas we offered and has prohibited us from contacting her architect, her designer, or any of her consultants.

The owner has insisted that our only contact be with her, and not her design team, since she bought the plans online from out-of-state architects. Her local architect was originally hired only to review for conformance with the McMansion Ordinance and evidently did not consider City codes that are not contained in the McMansion Ordinance, nor the contents of the Cherrywood Design Guidelines or the Design Guidelines in the Upper Boggy Creek Neighborhood Plan. While we would continue to welcome the opportunity to work with the owner and her consultants, we feel it is essential to include in these conversations her design professionals who could implement the agreed upon redesign through revising the Construction Documents.

Therefore, we continue to oppose the applicant's variance request for the duplex garages that are:
A) closer to the street than the facade and
B) occupy more than 50% of the width of the façade We also continue to believe that while the steep driveways that are currently designed may meet City code, in reality their design will mean that automobiles not parked inside the garages will be parked on the street.

Projecting, front-facing garages (so-called "snout garages") are contrary to the interactive nature of an urban core neighborhood. Through the development of the Cherrywood Design Guidelines several years ago, the Cherrywood Neighborhood Association sought to prevent such garages from being built within its boundaries, favoring instead traditional front porches that allow and encourage residents to engage with the street and with each other. We fear that a dangerous precedent would be set by granting a variance to plans such as those for 3305 Lafayette simply because they erroneously make it through the City review process. If allowed to proceed, the negative effect of this type of construction would persist for many years, and would likely be cited as a precedent in future, similar cases.

Although we understand the Public Hearing has been closed, we respectfully request that the public hearing be reopened and we be allowed to speak tonight.

Sincerely,

Glenn Reed
3007 Lafayette Ave.
512-636-2655
Member of Cherrywood Neighborhood Association

Walker, Susan C15-2012-0092

From: Sharane Wang <[redacted]>
Sent: Monday, October 08, 2012 10:07 AM
To: Walker, Susan
Subject: 3305 Lafayette Variance

Hi Ms. Walker,

I live at 3307 Lafayette and I am opposed to the applicant's variance request for the duplex garages that are closer to the street than the facade and garages which occupy more than 50% of the width of the facade. It interrupts the interactive flow of our neighborhood and I support the garage placement requirements under the current code.

thanks,
Xiao Yun Wang
913-710-9938

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

MICHAEL DAMAL
Your Name (please print)

☐ I am in favor
☒ I object

1400 E 34TH ST
3403 LAFAYETTE 3108 Breeze Terrace
Your address(es) affected by this application

Signature

29 SEPT 2012
Date

Daytime Telephone: 512-799-0287

Comments: I am strongly opposed to this project. It directly negatively affects the surrounding neighborhood, going against the neighborhood plan. Cherrywood has planned & fought hard against this type of development, & allowing it would set a dangerous precedent.

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

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

Neal Jodeit and Vicky Boone
Your Name (please print)

☐ I am in favor
☒ I object

3411 Werner Av, 3409 Werner Av
Your address(es) affected by this application

Neal Jodeit Vicky Boone
Signature

9/29/2012
Date

Daytime Telephone: 469-9325

Comments: We support the garage placement and size requirements provided under the current code, so we do not support granting this variance.

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

Robert Shaw

Your Name (please print)

I am in favor
X I object

3203 Lafayette and
3212 Lafayette

Your address(es) affected by this application

Signature

10/1/2012
Date

Daytime Telephone: 512-346-7475

Comments: Absolutely not !! The city needs to preserve the look of the neighborhood the set backs are there for a reason. If others started building their structure out than the Vintage neighborhood would loose its charm and character and become just another ugly track neighborhood in the city. NO. NO NO !!!

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Owns 2 properties in the same block I am totally focused on preservation

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

Cindy Spess
Your Name (please print)

☐ I am in favor
☒ I object

3410 Lafayette Ave
Your address(es) affected by this application

C Spess — 9-28-12
Signature — *Date*

Daytime Telephone: 512-632-6026

Comments: I do not believe this is in line with our neighborhood architecture and ~~would like~~ don't believe a deviation from City's Code is necessary

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

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

☒ I am in favor
☐ I object

Your name (please print)

Mary T. Parker
1505 Edgewood Ave.
Austin, TX 78722

Your address(es) affected by this application

MTP arker
Signature

10/01/2012
Date

Daytime Telephone: 478-4889

Comments: I am glad that people are making improvements. Carports are really needed in this neighborhood. I hope to get one for my house in the future.

Thanks for the opportunity to comment.
– MTP

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Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

James Reed
Your Name (please print)

☐ I am in favor
☑ I object

3406 Werner Ave
Your address(es) affected by this application

Signature

Oct 2 12'
Date

Daytime Telephone: 646 0100

Comments:

- Should not have been permitted by City
- City mistake should not be at the cost of our neighborhood.
- Design does not match our guidelines

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

Fax

To: Receptionist, Planning & Development Review Department, City of Austin
To be delivered to Susan Walker for consideration by the Board of Adjustment
Fax: (512) 974-6305
Tel.: (512) 974-2202
From: Emily H. Schwartz, 3405 Hollywood Avenue
Tel. (512) 322-9287
Fax (512) 477-6045
Date: October 4, 2012
Subject: Case No. C15-2012-0092 (3305 Lafayette Avenue)
Pages: One

I object to the application for a variance at 3305 Lafayette Avenue, a property which is only a few blocks from my home in the Cherrywood neighborhood. This is an attractive, quiet neighborhood with many beautifully landscaped homes. The provisions of the Land Development Code are intended to protect our quality of life and property values. The requested variance regarding the placement and width of the garage, if granted, would set an undesirable precedent for other residential construction in our neighborhood. Therefore I respectfully urge the Board of Adjustment to deny the requested variance from Sections 25-2-1604(c)(1) and (2) regarding 3302 Lafayette Avenue.

Sincerely yours,

Emily H. Schwartz

Emily H. Schwartz

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

Gabriel Ransenberg
Your Name (please print)

☒ I am in favor
☐ I object

1401 e 34th st. 78722
Your address(es) affected by this application

Signature

9/29
Date

Daytime Telephone: 512.743.4384

Comments:

If you use this form to comment, it may be returned to:
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Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 8, 2012

Heidi B. Morales
Your Name (please print)

☐ I am in favor
☒ I object

3406 Werner Ave.
Your address(es) affected by this application

Heidi B. Morales 9-24-12
Signature *Date*

Daytime Telephone: 512-288-8190

Comments: Cherry wood has an appealing character. Residents have worked very hard to make it top notch. Allowing this variance would start seepage from other builders to erode the quality of life and essense of this neighborhood.

If you use this form to comment, it may be returned to:
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Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

Letter To Whom It May Concern: Re: C15-2012-0092

My name is Georgia Duke and I opened my own title company in Austin, Texas in June of 1983. My company is still in existence and will be 30 years old in June of 2013. I have been in the title insurance business, in the State of Texas, starting in Victoria, Texas, then in Houston, Texas and then moving to the Austin area in the Fall of 1979, for some 57 years.

Our Industry is only allowed to research title as it is shown in the public records, such as the County Clerk's office, where all documents affecting title are recorded and where our plants can geographically post documents to our plants so that we may determine who owns the property and what effects the Sellers and Purchasers of property as to what liens, easements, etc. are recorded against the property. Every one in our Industry understands that we can only insure title to property but we cannot guarantee they can use the property in the manner they would like to.

Then after the property is purchased City ordinances also have to be considered, and it is in this arena that buyers are being caught unaware and encountering economic damage. The City seems to have some ordinances that apply in only some neighborhoods and are even interpreted differently in the neighborhoods all across the City. Residential buyers have a very short time to investigate all aspects of a property before they are obligated to purchase. These special rules and requirements need to be out front and obvious and I am finding that realtors, along with their clients, are missing these, looking to the title commitment to provide them the information, which we haven't the means to do because they are not recorded in the places that we have to look to examine the title.

Recently I closed a sale and purchase of property located in Austin, Texas at 3303 and 3305 Lafayette Lane to a long time client of mine. After she went through the process of purchasing, and jumping through all of the hoops through the City process, she finally got a Building Permit. Then after the property was started and foundation started and lots of money had been spent in anticipation of completing the process to build on one of the purchased lots, she was stopped by a Neighborhood group that have rules for their neighborhood that she was not told about nor was she made aware of that they even existed.

Construction has been stopped for several months now, and nothing further can be done until this issue is resolved.

It seems to me that either the City of Austin is going to have to have a list of these neighborhood groups and notify the Owners when they come through the City process or require that the Neighborhood Group file a document in the Real Property Records so that unsuspecting Buyers can know sooner rather than later that there is another group that has to be approached for approval in the whole process. Homeowner's Associations have to record documents to indicate that they have a Homeowner's Association and they are recorded in the County Clerk's office. Any changes or amendments to those documents must be recorded also.

Georgia Duke

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

DATE: Monday, August 13, 2012 **CASE NUMBER: C15-2012-0092**

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Fred McGhee
_____ Susan Morrison
_____ Melissa Hawthorne
_____ Heidi Goebel
_____ Cathy French
_____ Dan Graham

APPLICANT: John and Teddy Kinney

OWNER: Teddy Kinney

ADDRESS: 3305 LAFAYETTE AVE

VARIANCE REQUESTED: The applicant has requested a variance from Section 25-2-1604 (C) (1) in order to maintain a parking structure with an entrance that faces the front yard to be closer to the front lot line than the building façade of the principal structure in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade of the principal structure.

BOARD'S DECISION: POSTPONED TO OCTOBER 8, 2012 (RE-NOTIFICATION NEEDED)

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

Walker, Susan

From: John Kinney [redacted]
Sent: Tuesday, August 21, 2012 5:32 PM
To: Walker, Susan
Cc: [redacted]
Subject: 3305 Lafayette Avenue; CV15-2012-0092

Dear Mrs. Walker:

We previously filed with the BOA through you an email from John McDonald to Kathy Haught and Donald Birkner dated June 14, 442 PM which references "FW: 3305 Lafayette." I have noticed in the backup posted on the BOA website that the text of Mr. McDonald's email is not legible. Mr. McDonald used a light blue color for his email which apparently does not copy well.

Here is the text of Mr. McDonald's email:

> FYI Second one from Victor.
> I think we might need to look at how this information is provided to designers and builders on our website. In this case there were four subdistricts in the overall Upper Boggy Neighborhood Plan that Garage Placement applies to. The document provide(d) by Neighborhood Planning we use to determine whether or not Garage Placement is applicable just states "subdistrict." I had to ask Mark Walters of Neighborhood Planning to provide me with the actual ordinance to find out there were four subdistricts who adopted this. **If I had to ask, I guarantee you a builder or designer cannot find out.** (Emphasis supplied by JK)
> JMM

Please file this clarification in the backup in the above-referenced matter.

Thank you.
John Kinney

Walker, Susan

From: John Kinney [redacted]
Sent: Tuesday, August 21, 2012 6:06 PM
To: Walker, Susan
Cc: 'Teddy Kinney'
Subject: 3305 Lafayette Avenue; CV15-2012-0092

Dear Mrs. Walker:

Below is an email we received from Donald Birkner on August 10. Mr. Birkner may have already filed the text of the email below with the BOA in the form of a letter. If for some reason he did not, here is the text in its entirety. Please file Mr. Birkner's letter/email in the backup for the above-referenced matter.

Thank you.

John Kinney

"Birkner, Donald" <Donald.Birkner@austintexas.gov> wrote:

>I see from the email strings that you have forwarded to me that you have made a sincere attempt to meet with your neighborhood group to discuss the issues surrounding this project. As I promised, I plan to be at the BOA meeting to answer any questions that I can regarding your project. At the core of the issue from the City's perspective, one of my staff in Residential Review approved your plans in error because they did not dig deeply enough into the neighborhood plans to find the provision which prevents garages from protruding from the front of the house and the width of the garages and front yard impervious cover. The same staff person made the same type of error on several other projects that they reviewed at about the same time. I can speculate about why they made the error, but since that staff person has now left the City I have not been able to question them more about why they made this error. The project does appear to comply with other aspects of McMansion and the base zoning code. What should have occurred is that our reviewer should have rejected the plan advising you that you would need to get variances from the BOA to proceed and that it would probably be wise to meet with the neighborhood first. Now that you are going to go to the BOA. you should address the specific topographic issues and lot features that create a hardship.
>
>
>
>John McDonald, the supervisor of Residential Review has distributed additional handouts to all of his review staff on neighborhood plan overlays that will hopefully prevent this type of error in the future. In addition, I have established a team to draft a review process guidelines to aid reviewers and we have gotten a reorganization plan approved that will add some checks and balances to the approval process. I realize that none of these changes helps you with this case. At his point all I can do is apologize for the error and the inconvenience and expense it has caused you.
>
>
>
>Once the error like this is discovered neither my staff or I have the administrative authority to allow the project

to proceed without a variance from the Building Board of Adjustments.
>

Walker, Susan

From: John Kinney [redacted]
Sent: Thursday, August 30, 2012 7:56 PM
To: Walker, Susan
Cc: don.birkner@austintexas.gov; McDonald, John; 'Teddy Kinney'
Subject: Pre-Hearing Filings, FILE NO. C15-2012-0092; 3305 Lafayette Avenue 78722
Attachments: GK Email McMansion 1604 Conflict.docx

Dear Mrs. Walker:

Attached please find the following documents:

1. Emails consisting of one (1) page from Girard Kinney to Dave Johnson dated and time 8/30/2012 at 5:15 PM.

Please file this email in the backup for the above-referenced matter.

Thank you.
John E. Kinney

-------- Original Message --------
Subject: Re: [CHERRYWOOD] Merrie Lynn Development
From: Girard Kinney <[redacted]>
To: Dave Johnson <[redacted]>
CC: Tiffany Stryk <[redacted]>, <[redacted]>Michael Friedman <[redacted]>,Carol Gibbs <[redacted]>

Mr. Johnson, you are preaching to the choir. I have argued long and hard and without much success that the provision of adequate off-street parking is one key to safe, walkable, interior streets such as Merrie Lynn. And I also agree with your point that two curb cuts take up more curb space than does one, thus reducing the number of on-street parallel spaces by one. This is why I much prefer an asymmetrical duplex layout with a single drive down one side and one unit with an open porch addressing the street and front yard and the second unit having a deck and the back yard. One problem with this approach which was once popular, is that the McMansion Ordinance has made it much more difficult, perhaps impossible on many lots.

I like your term "pseudo-dorms" and may steal if if you don't mind. By the way, many of the citizenry who are responsible for the lowered requirement for off-street parking are folks who argue that we just need to feel more pain before we are really going to get a real shift away from the automobile to other modes. I do not agree with this approach, but there is no question that it exists and has had some success in preventing any where near adequate off-street parking which, in my opinion, should ALWAYS be based on the number of bedrooms (not one for one, but at least proportional which it is NOT).

I have cc'd my friend Karen McGraw over in Hyde Park who knows more than most about this issue, as well as Mr. Friedman who is developing the Merrie Lynn Duplex.

Girard

Girard Kinney, AIA
Owner/Principal
Kinney& Associates
1008 East Sixth [78702]
P.O. Box 6456
Austin, Texas 78762-6456

O. 512.472.5572
F. 512.476.9956C. 512.657.1593
H. 512.478.5042

PUBLIC HEARING INFORMATION

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

Gabriel Ransenberg
Your Name (please print)

☒ I am in favor
☐ I object

1401 E 34th St. 78722
Your address(es) affected by this application

Signature

8/3/12
Date

Daytime Telephone: 512-743-4384

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

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

James W Reed

Your Name (please print)

☐ I am in favor
☐ I object

3408 Werner Ave

Your address(es) affected by this application

Signature

8/6/12

Date

Daytime Telephone: 5128440102

Comments: Double garage at center of house will lead to double car park at center of house. This is not part of our neighborhood aesthetics.

If you use this form to comment, it may be returned to:
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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

MICHAEL DAMAL

Your Name (please print)

☐ I am in favor
☒ I object

3011 Cherrywood Road, 3108 Breeze Terrace
3403 Lafayette, 1400 E 34th ST.

Your address(es) affected by this application

Signature

8-4-12
Date

Daytime Telephone: 512-799-0287

Comments: I strongly object to this project. It will destroy the character of the neighborhood + is out of character with its surroundings. This project would turn the front yard into a de facto parking lot.

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P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

Leah Nyfeler
Your Name (please print)

☐ I am in favor
☒ I object

3210 French Place Austin TX 78722
Your address(es) affected by this application

Leah Nyfeler 8·04·12
Signature *Date*

Daytime Telephone: 512-342-9264 (h)/512-407-8383 x2236

Comments: Adamently NO.

Were permits granted for the removal of the large oaks that were razed?

This type of construction is out of keeping with the character of the neighborhood and does not promote the kind of front-porch-neighbor-friendly atmosphere that makes this area such a lovely place to live.

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

DAVID R. HENNINGTON
Your Name (please print)

☑ I am in favor
☐ I object

3300 FRENCH PLACE 78722
Your address(es) affected by this application

Signature

8-5-12
Date

Daytime Telephone: 512-497-0446

Comments:

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Case Number: C15-2012-0092 – 3305 Lafayette Avenue
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

Neal Jodeit and Vicky Boone
Your Name (please print)

☐ I am in favor
☒ I object

3409 and 3411 Werner Av
Your address(es) affected by this application

Signature

8/9/2012
Date

Daytime Telephone: 469-9325 / njvb@grandecom.net

Comments: We support the garage placement requirements provided under the code.

If you use this form to comment, it may be returned to:
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Susan Walker
P. O. Box 1088
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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

MARK COLLINS
Your Name (please print)

☐ I am in favor
☒ I object

3309 LAFAYETTE
Your address(es) affected by this application

Signature

8/9/12
Date

Daytime Telephone:_____

Comments: Our Community fosters Neighborly Interactions & Safety through "eyes on the Street". The large duplex (3305 Lafayette) has only a garage & driveway in this design is exurban & will not match the neighborhood plan.

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Contact: Susan Walker, 512-974-2202
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Neal Jodeit and Vicky Boone
Your Name (please print)

☐ I am in favor
☒ I object

3409 and 3411 Werner Av
Your address(es) affected by this application

Signature

8/9/2012
Date

Daytime Telephone: 469-9325 / njvb@grandecom.net

Comments: We support the garage placement requirements provided under the code.

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

Scott Moser

Your Name (please print)

☐ I am in favor
☒ I object

8 Kern Ramble st. Austin TX 78742

Your address(es) affected by this application

Signature

7 aug 12

Date

Daytime Telephone: 512 574 0731

Comments: The proposed Building Plan - which has Begun as I understand - would ~~After the~~ not Be in line with our neighborhood Buildings, & would crowd the street. I oppose ~~this~~ granting a variance to Sec 25-2-1604(C)

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, August 13th, 2012

Nora + Chris Martin
Your Name (please print)

☐ I am in favor
☒ I object

3302 Lafayette Ave. Austin, Tx. 78722
Your address(es) affected by this application

Nora Martin / Chris Martin 8/7/12
Signature *Date*

Daytime Telephone: 512-818-6969

Comments: Do not want to break the code of the neighborhood. No driveways facing street in middle of lot. Driveways must be on right side of structure. set back needs to be 15 ft. (for renting) this is a duplex site. Bad design. Didn't bother to check requirements

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

Cherrywood Neighborhood Association
NEIGHBOR SURVEY
< cherrywood.org >

C15-2012-0092

This form might be used ***informally*** to share plans for a contemplated project with neighbors, and to relay their feelings and concerns back to the Proposer; and ***formally*** to document data CNA might need to intervene officially in a City approval process.

Informally, timely approval works wonders. Factors that often are overlooked include how a project will impact breeze, drainage, fire safety, light, parking, privacy, security, and trees. As Ben Franklin reminds, "An ounce of prevention is worth a pound of cure." Early in the process, ideas can be suggested. Concerns can be addressed. Problems can be anticipated. Solutions may be easier to find. While too many cooks may spoil the soup, several guests make a feast.

Everyone given this form to fill out should be provided a copy of the CNA Design Guidelines - available on-line at **cherrywood.org**.

Formally, it sometimes is necessary to approach the City and/or the Cherrywood Neighborhood Association (CNA) to secure a building permit, Plan amendment, permission to remove a tree, relaxation of a restrictive covenant, variance, or zoning change. In some cases, owners within 300 feet are notified, and a hearing scheduled. CNA's purpose is not to duplicate what others do. It is to encourage implementation of our Guidelines. These outline construction standards people living in this neighborhood have found to be desirable.

1 PROPOSER: What is to be constructed?
(Please attach a description as well as site plan, additional drawings, or photos)

What is the address of the project?
3305 Lafayette

Name of Proposer:
Teddy Kinney & James R. Nolan, COO

Address / Phone / E-mail:
4107 Medical Pkway, Ste. 201 Austin, 78756 (512) 721-6602
jrn@erddesignbuild.com

2 RESPONDENT:
I am fully aware of the protect and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004).

☑ I approve ☐ I approve with conditions ☐ I disapprove Date: 08-01-12

Comments (please write overleaf, or attach):

Name: David & Xenia Hennington Signature:

Address: 3300 French Place
Austin, TX 78722

Owner / owner-resident / tenant?

Cherrywood Neighborhood Association
NEIGHBOR SURVEY
< cherrywood.org >

C15-2012-0092

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1 PROPOSER: What is to be constructed?
(Please attach a description as well as site plan, additional drawings, or photos)

What is the address of the project? 3305 Lafayette

Name of Proposer : Kinney Company, LLC

Address / Phone / E-mail: 512-721-6602

2 RESPONDENT:
I am fully aware of the protect and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004).

☒ I approve ☐ I approve with conditions ☐ I disapprove Date: 7/30/2011

Comments (please write overleaf, or attach):

Name: Ben Goodaker-Craig Signature: [signature]

Address: 3306 Lafayette Ave. Owner / owner-resident / tenant? Tenant

Cherrywood Neighborhood Association
NEIGHBOR SURVEY
< cherrywood.org > C15-2012-0092

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1 PROPOSER: What is to be constructed? Duplex
(Please attach a description as well as site plan, additional drawings, or photos)

What is the address of the project? 3305 Lafayette Ave.

Name of Proposer : Kinney Company LLC

Address / Phone / E-mail: 512. 721. 6602

2 RESPONDENT:
I am fully aware of the protect and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004).

☑ I approve ☐ I approve with conditions ☐ I disapprove Date: 7.26.2012

Comments (please write overleaf, or attach):

Name: Elizabeth Harris Signature: Elizabeth Harris

Address: 3301 Lafayette Ave Owner / owner-resident / tenant?
Austin, TX 78722

Cherrywood Neighborhood Association
NEIGHBOR SURVEY
< cherrywood.org > C15-2012-0092

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1 PROPOSER: What is to be constructed? Duplex
(Please attach a description as well as site plan, additional drawings, or photos)

What is the address of the project? 3305 Lafayette Ave.

Name of Proposer : Kinney Company, LLC

Address / Phone / E-mail: 512. 721. 6602

2 RESPONDENT:
I am fully aware of the protect and its impact(s), if any, on my site and I have been provided a copy of the CNA Design Guidelines (approved by the Membership April 2004).

☒ I approve ☐ I approve with conditions ☐ I disapprove Date: 7/9/2012

Comments (please write overleaf, or attach):

Name: Blanca Sivalbuena Signature:

Address: 3303 La Fayette Ave. Owner / owner-resident / (tenant)

The Cherrywood Neighborhood is bounded by IH-35, Airport Boulevard and Manor Road and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | steering@cherrywood.org | www.cherrywood.org

8/8/2012

Jeff Jack, RA, Chair and Members of the Board of Adjustment
Susan Walker, Senior Planner
City of Austin
Austin, Texas, 78767-1088

RE: C15-2012-0092 -- 3305 LaFayette

Chairman Jack and Members of the Board of Adjustment

This letter is to convey the position of the Cherrywood Neighborhood Association (CNA) with respect to the 3305 LaFayette Case. Wednesday, 08 August, 2012 the following recommendations were passed by the CNA Steering Committee, which is empowered to represent the position of the neighborhood:

- CNA is opposed to the variance application and requests that city staff be directed as a matter of procedure to point applicants to the relevant neighborhoods and neighborhood planning areas, as well as contacts for these entities, and ensure that they have been introduced to the ordinances governing their projects to help avoid issues like this in the future.
- While the applicant has indicated that they do not want an extension of time, should there be a postponement, we have offered the pro-bono exterior conceptual design services of architectural and design professionals versed in working on projects in our neighborhood to work with the applicant to try to achieve a design that addresses the neighborhood's concerns while mitigating the effects on the project's budget.

We will have representatives at the BOA meeting to further explain the position of the neighborhood and to address questions from BOA members.

Aaron Choate
Chair, Cherrywood Neighborhood Steering Committee

Walker, Susan

From: Girard Kinney [redacted]
Sent: Monday, August 13, 2012 10:14 AM
To: John Kinney
Cc: [redacted] McDonald, John; Walker, Susan; [redacted] Miranda K. Daves; Andrew Logan; Vicky Boone; Girard Kinney; Chris Owan; Lisa Fuka; Stuart Reilly; Amy Brotman; Jeff Folmar; Tom Wald; Eric Boucheron; Sunshine Mathon; John Barkley; Mike Damal; Jeremy Mazur; Dolly Ensey; Dave Westenbarger; Lia Davis; Aaron Choate; Trudie Redding; Rich Heyman; Amy Tsay; Margaret Mills; Mark Schiff; Don Pettigrew; Jules Vieau; Jennifer Potter-Miller; Jack Newman; Glenn Reed; David Boston; Chris Tsay; Marieline McGhee; Sharane Wang; Mark Smolen; John Mitchell; Heather Telo; Jules Kniolek; Jules Kniolek
Subject: Re: FW: Re: Letters to BOA C15-2012-0092

Mr. (J) Kinney;

It was not I but another nearby design-builder neighbor who, after studying the plans, concluded that a lot of the existing foundation could be saved with a different design approach, so I offered to help him were there a postponement. We are not asking for a postponement and only made the offer because it appeared that a posting error may cause a postponement even if neither party wants one.

You are misreading and misrepresenting my intent; it is true that Cherrywood does not want front facing garages and have worked hard over the last decade to prevent them, but we do understand that the errors made by your designers not knowing code and the city not catching the errors have put you in a difficult position so at this point our only goal is to help both you and the neighborhood achieve our mutual goals.

Girard

Girard Kinney, AIA
Owner/Principal
Kinney& Associates
1008 East Sixth [78702]
P.O. Box 6456
Austin, Texas 78762-6456

O. 512.472.5572
F. 512.476.9956
C. 512.657.1593
H. 512.478.5042

Please submit emails with large file attachments to:
[redacted]

On 8/13/2012 9:39 AM, John Kinney wrote:
> Mr. Birkner:
>
> Please take a look at the attached letter sent to us by G. Kinney last evening. Although the letter is over the signature of Aaron Choate, it was almost certainly drafted by Mr. Kinney.
>

> Look specifically at the second paragraph of the letter. In it Mr. Choate/Kinney offers "pro-bono exterior conceptual design services of architectural and design professionals ..... should there be a postponement." This apparently generous offer needs a little historical context.
>
> Uninvited I attended one LUT Committee meeting with our nephew in early July. We wanted to present our project and perhaps head off the already lengthy delay in which we now find ourselves. Andrew has an undergraduate degree in architecture from A&M and a recent Master's Degree in architecture from UT. He is currently working for an architectural firm here in Austin while he takes his licensing exams. He worked with architect, Chris Lewis, to assure that our project met the McMansion Ordinance requirements. At that meeting Andrew and I were cut off, contradicted and peremptorily dismissed before we could say or explain anything about our project. Andrew and our daughter, an Austin real estate sales agent, also uninvited, attended a second LUT Committee meeting in early August to try to present our project. Again, they were cut off, contradicted, insulted this time and peremptorily dismissed. Andrew was told as he began his presentation that he "was in over his head." Our daughter was interrupted and told that her father was "either willfully negligent or a liar." In both instances, although he did not say these things himself, Mr. G. Kinney and the other LUT Committee members sat benignly by as the comments were made. Mr. Choate/Kinney's apparently generous and supportive offer should also be read in light of his email of June 14, 315PM, addressed to John McDonald and Tony Hernandez and copied to Carol Gibbs and Mark Schiff. In that email Mr. G. Kinney wrote "..... While there may be ways to modify their plans to meet the letter of the ordinance, this plan will never meet the INTENT of the rules, which I personally and our neighborhood as well, were instrumental in creating...." When he wrote that email, Mr. G. Kinney was still attempting to get Mr. McDonald and Mr. Hernandez to suspend our project; our permit was suspended by email sent by Mr. Hernandez some 75 minutes later.
>
> We are not anxious to further expose ourselves or our project to such mindsets.
>
> We believe that the offer of help by Mr. Choate/Kinney is a cynical attempt to enlist the sympathy of the architects and designers on the BOA. Mr. G. Kinney and others on the LUT Committee have known about our project since before April 30 and probably as early as November 2011 when we began cleaning up the lot. Mr. G. Kinney is on both the LUT and Steering Committees. This is the first such offer of "help." Our project first appeared on a LUT Committee meeting on May 2. No such offers of help or even of a discussion were forthcoming until August 8 when Mr. Choate/G.Kinney apparently sent their letter to Susan Walker at the BOA. Concrete was poured on May 25. Mr. G. Kinney waited until the evening of Sunday, August 12, to send a copy of the letter to us. His thinly disguised, real purpose is to delay the matter for reasons about which we can only speculate ..... at no financial damage to anyone but my wife and me.
>
> I had not planned to say anything to the Board about the rude and uncooperative and insulting treatment we have received at the hands of the LUT Committee. I believe, however, that with this cynical, last minute offer of "help," which Mr. G. Kinney has asked you to make available to the BOA ".... in their backup for tomorrow night's meeting," Mr. Choate and Mr. G. Kinney have left me no choice.
>
> John Kinney
>
> -----Original Message-----
> From: Girard Kinney [redacted]
> Sent: Sunday, August 12, 2012 6:15 PM
> To: Susan Walker
> Cc: John Mcdonald; Andrew Logan; Aaron Choate; Jennifer Potter-Miller;
> John Kinney; Teddy Kinney; Jim Nolan
> Subject: Fwd: Re: Letters to BOA
>
> Susan; please make copies of this for the Board of Adjustments members and place in their back-up for tomorrow night's meeting. Thanks.
>
> Girard

>
> Girard Kinney, AIA
> Owner/Principal
> Kinney& Associates
> 1008 East Sixth [78702]
> P.O. Box 6456
> Austin, Texas 78762-6456
>
> O. 512.472.5572
> F. 512.476.9956
> C. 512.657.1593
> H. 512.478.5042
>
> Please submit emails with large file attachments to:
> [redacted]
>
>

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE# C15-2012-0092
ROW # 10790305
TP-0214110203

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: 3305 Lafayette Avenue, Austin, TX 78722

LEGAL DESCRIPTION: Subdivision- Upland Addition Lot(s) 3 Block 1

I/We, John and Teddy Kinney, Mgrs. on behalf of myself/ourselves and as Mgrs for Kinney Real Estate, LLC – 3305 Lafayette Series affirm that on June 29, 2012 hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH ***COMPLETE** REMODEL MAINTAIN

The duplex permitted by the City of Austin on May 2, 2012. Work began soon thereafter, inspections have been done and the engineered foundation is in place specific to the structure that was permitted.

It is located in the SF-3-NP Upper Boggy Creek
(zoning district)

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:

This lot is in excess of 9000 sq. ft. and zoned SF-3-NP. That zoning is ample for a small duplex to be constructed on this site. Under the City of Austin's Subchapter F Residential Design and Compatibility Standards known (McMansion Ordinance), it is required to join the duplex along the longest common air-conditioned wall preventing the earlier style of placing garages between the two units. That requirement in conjunction with the impervious cover rules of the McMansion Ordinance prevent a long drive to the back yard for a garage structure. Further the McMansion Ordinance requires the structure to be placed in the center of the lot to be "under the envelope", again making placement of a garage in the back arguably impossible. In addition, the McMansion Ordinance limits the footprint of building on a lot making a separate parking structure with an additional footprint difficult on an urban core lot.
The property is typical of those in the Cherrywood Subdistrict in that it is narrow (56 ft), slopping and burdened by large trees where overhanging canopies affect adjacent sites.
This earlier adopted Neighborhood Plan Design Tool – LDC 25-2-1604 seems to conflict with what is required under subsequently enacted City of Austin's Subchapter F Residential Design and Compatibility Standard and the Heritage Tree Ordinance. It significantly diminishes the reasonable use of a lot substantially in excess of the square footage required for a duplex family house.

HARDSHIP:

2.

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

On May 2, 2012, the City issued Applicant a permit to build a duplex of a specific design for a two-story duplex including first floor, front-facing, integrated and enclosed parking for two cars. The permit was granted without reservation. Thereafter, Applicant, in reliance on the said permit, proceeded to build the pier and beam and stem wall foundation described in the permit. Construction of the forms was commenced shortly after the permit was granted. Concrete was poured on May 25, 2012. By June 14, 2012 Applicant had completed the foundation, the forms had been removed, the site cleaned and lumber had been delivered to the site so that framing could begin. Various subcontractors including plumbing and electrical contractors had obtained from the City the required permits and paid the required fees. According to Carol Gibbs of the City, on June 11, 2012, Gerard Kinney, purporting to act on behalf of CAN contacted her, the City liaison with the Austin neighborhood associations, with his concerns about garage placement and parking on the subject lot. On June 14, 2012, at 445PM the City, acting on Mr. Kinney's stated concerns, ordered Applicant to cease construction. Applicant ceased as ordered.

The hardship is a permanent, concrete foundation on the subject lot suitable for the approved and permitted two-story structure with integrated, first-floor, front-facing, enclosed parking. Without the requested variance to permit completion of the structure as permitted, the existing foundation is an esthetic detriment to the neighborhood as well as an economic disaster for Applicant.

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

The situation does not exist elsewhere in the neighborhood.

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 proposed variance will not affect the properties at 3303 and 3307 Lafayette. The adjacent conforming property at 3303 Lafayette is, and will remain for the foreseeable future, a single family, limestone residence built in about 1950. It was purchased by Applicant along with the subject property on November 15, 2011.

The property at 3307 Lafayette consists of a single family residence on the front of the property and at the rear of the property a two-story structure containing a garage and an apartment over it. It is, in fact, located only a few inches off the property line between 3305 and 3307 and does not comply with the McMansion Ordinance envelope or the legal setback lines.

The subject property is located in French Place. French Place is a fully-developed, eclectic inner city neighborhood east of IH-35 and north of Lady Bird Lake at about the level of 32nd Street. There is a variety of construction, design and development in this older neighborhood. The neighborhood is in a state of renewal as the conditions of the residences there reflect. The vacant lot in question is one of a very few vacant lots in the neighborhood. While there are many renovations completed and in progress, there is very little new construction. There are many converted garages enclosed to be living areas with cars parked in the front of the house in what was the former driveway. There are many duplexes within the neighborhood and numerous garage apartments. Some garages appear to be converted to studio apartments or something as there can be found a door through the former garage door.
There are numerous heritage trees in the neighborhood. Houses are frame and stone primarily. The proposed duplex was carefully planned to fit into the neighborhood, being slightly Craftsman in style with shingles, horizontal siding and board and bat. It is small in scale and has articulation in the front attempting to comply with suggested design under McMansion rather than "a box". It does not emphasize the garage doors as is discouraged on page 92 of the Upper Boggy Creek Design Guidelines. The lot has a considerable slope – 15% - from the curb at the SW corner to the back NE corner. The garage is below street level and the 2nd floor windows and the shingled gables are the street view.

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:

We are making no request for a variance regarding parking. We have submitted here a new site plan.
When we became aware of LDC 25-2-1603 after June 14, 2012, we redesigned the site plan to comply with that Neighborhood Plan Design Tool.

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:

Allowing the garage to be in the duplex as designed will not affect traffic and in fact will avoid additional parking congestion on the street.

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

Allowing the garage to be an integral part of the duplex will allow a safer condition for the neighborhood as it allows the front to remain free of most of the parked cars and improves visibility of the principle structure.

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

We are only asking to be allowed to complete the plan that was permitted on May 2, 2012 as designed.

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 _____ John E. Kinney,

_____ Teddy L. Kinney, Mgrs.

Kinney Real Estate, LLC – 3305 Lafayette Series

Mail Address: 1010 Gaston Avenue, Austin, Texas 78703

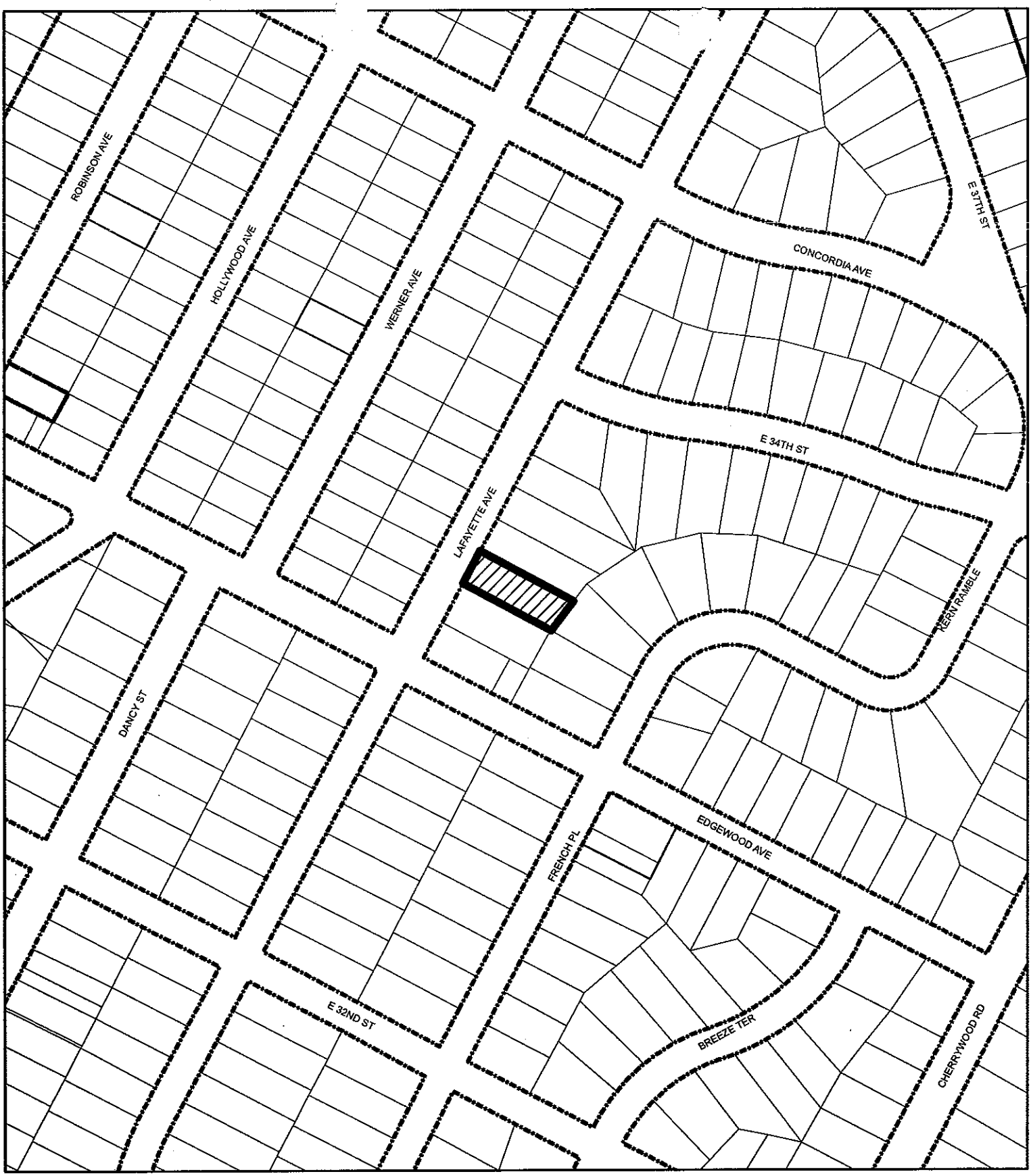
Phone: 512/476-2805

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 _____ Mgr Mail Address 1010 Gaston Avenue, Austin, Tx. 78703

Printed Teddy L. Kinney, Mgr., Kinney Real Estate, LLC – 3305 Lafayette Series

Phone 512/476-2805 Date June 29, 2012



N

SUBJECT TRACT

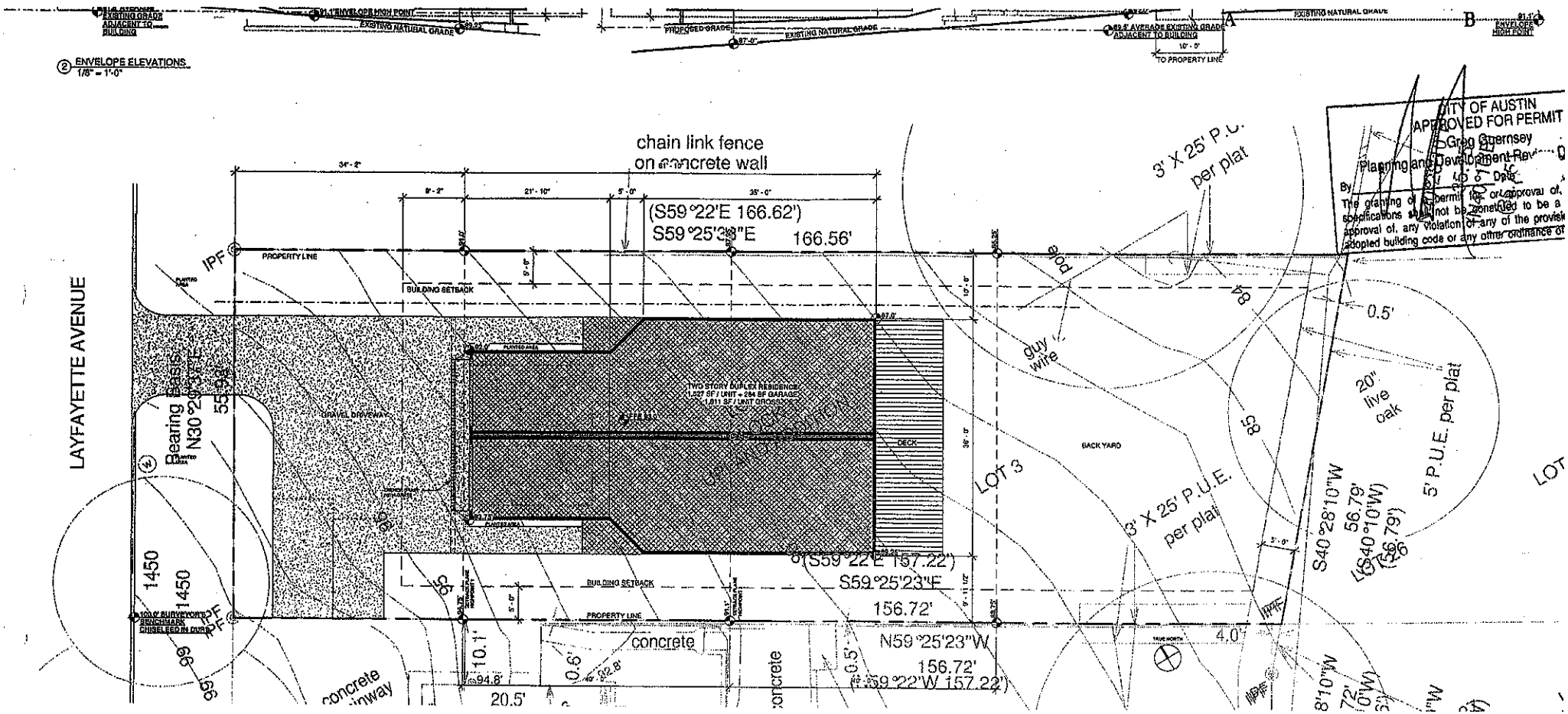
ZONING BOUNDARY

CASE#: C15-2012-0092
LOCATION: 3305 LAFAYETTE AVE

CITY OF AUSTIN
FOUNDED 1839

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



② ENVELOPE ELEVATIONS
1/8" = 1'-0"

① SITE PLAN
1/8" = 1'-0"

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review
Date
By
The granting of a permit or approval of plans, specifications shall not be construed to be a permit or approval of, any violation of any of the provisions of the adopted building code or any other ordinance of the

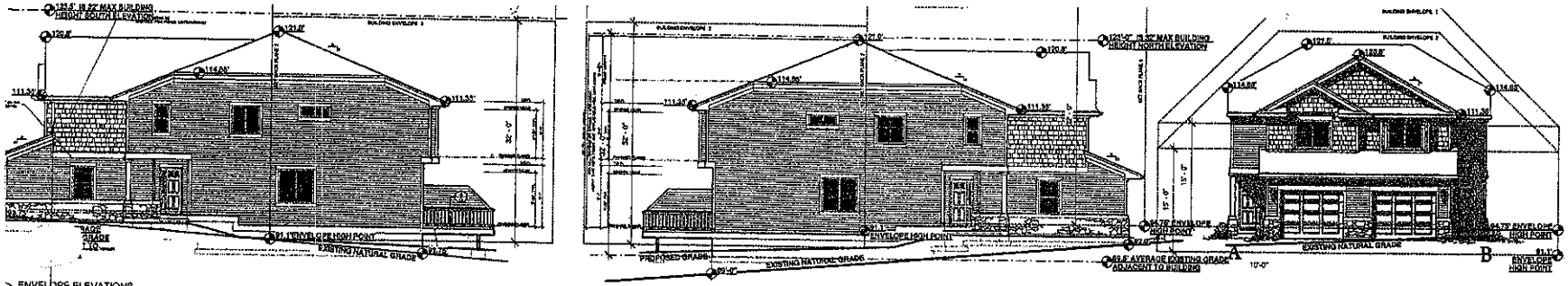
PARKING REQUIRMENT: 4 SPACES

IMPERVIOUS COVERAGE CALCULATIONS

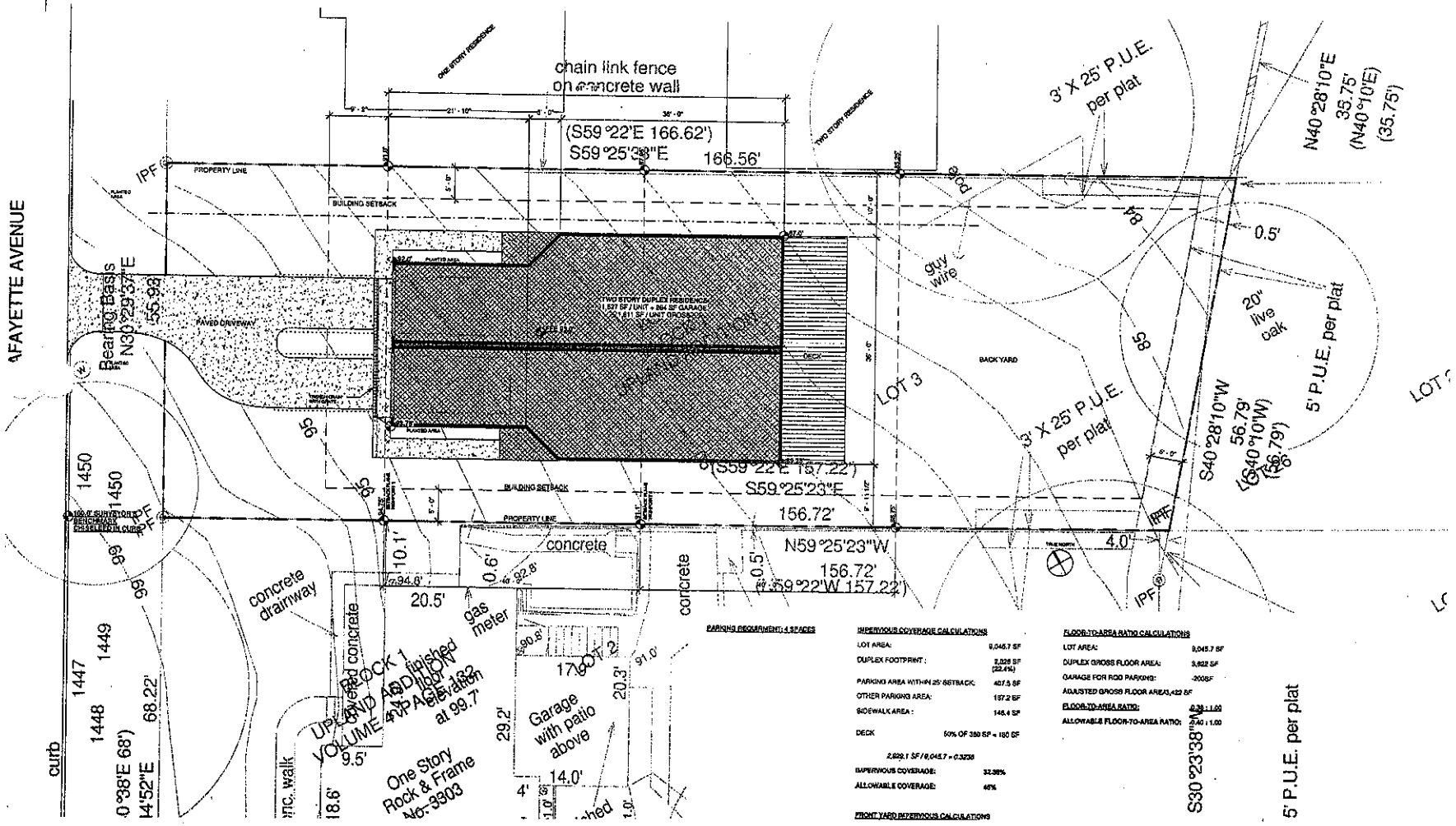
LOT AREA:	9,045.7 SF
DUPLEX FOOTPRINT :	1,954 SF
PARKING + SIDEWALK AREA :	1,429.4 SF
DECK	50% OF 360 SF = 180 SF
3,563.4 SF / 9,045.7 = 0.3939	
IMPERVIOUS COVERAGE:	39.4%
ALLOWABLE COVERAGE:	45%

FLOOR-TO-AREA RATIO CALCULATIONS

LOT AREA:	9,045.7 SF
DUPLEX GROSS FLOOR AREA:	3,770 SF
GARAGE FOR ROD PARKING:	-200SF
ADJUSTED GROSS FLOOR AREA:	3,570 SF
FLOOR-TO-AREA RATIO:	0.39 : 1.00
ALLOWABLE FLOOR-TO-AREA RATIO:	0.40 : 1.00



ENVELOPE ELEVATIONS
1/8" = 1'-0"



PARKING REQUIRMENT: 4 SPACES

IMPERVIOUS COVERAGE CALCULATIONS

LOT AREA:	9,045.7 SF
DUPLEX FOOTPRINT :	2,028 SF (22.4%)
PARKING AREA WITHIN 25' SETBACK:	407.5 SF
OTHER PARKING AREA:	157.2 SF
SIDEWALK AREA :	146.4 SF
DECK	50% OF 350 SF = 180 SF

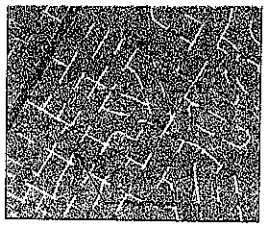
2,929.1 SF / 9,045.7 = 0.3238

IMPERVIOUS COVERAGE: 32.38%
ALLOWABLE COVERAGE: 45%

FRONT YARD IMPERVIOUS CALCULATIONS

FLOOR-TO-AREA RATIO CALCULATIONS

LOT AREA:	9,045.7 SF
DUPLEX GROSS FLOOR AREA:	3,822 SF
GARAGE FOR ROD PARKING:	-200SF
ADJUSTED GROSS FLOOR AREA:	3,422 SF
FLOOR-TO-AREA RATIO:	0.38 : 1.00
ALLOWABLE FLOOR-TO-AREA RATIO:	0.40 : 1.00



3305 Lafayette Avenue

Owner:
Teddy Kinney
1010 Gaston
Austin, TX 78703
512.478.2805
TeddyKinney@SBCglobal.com

Architect:
Chris Lewis
1914 West 5th, Ste 208
Austin, TX 78701
512.474.8124

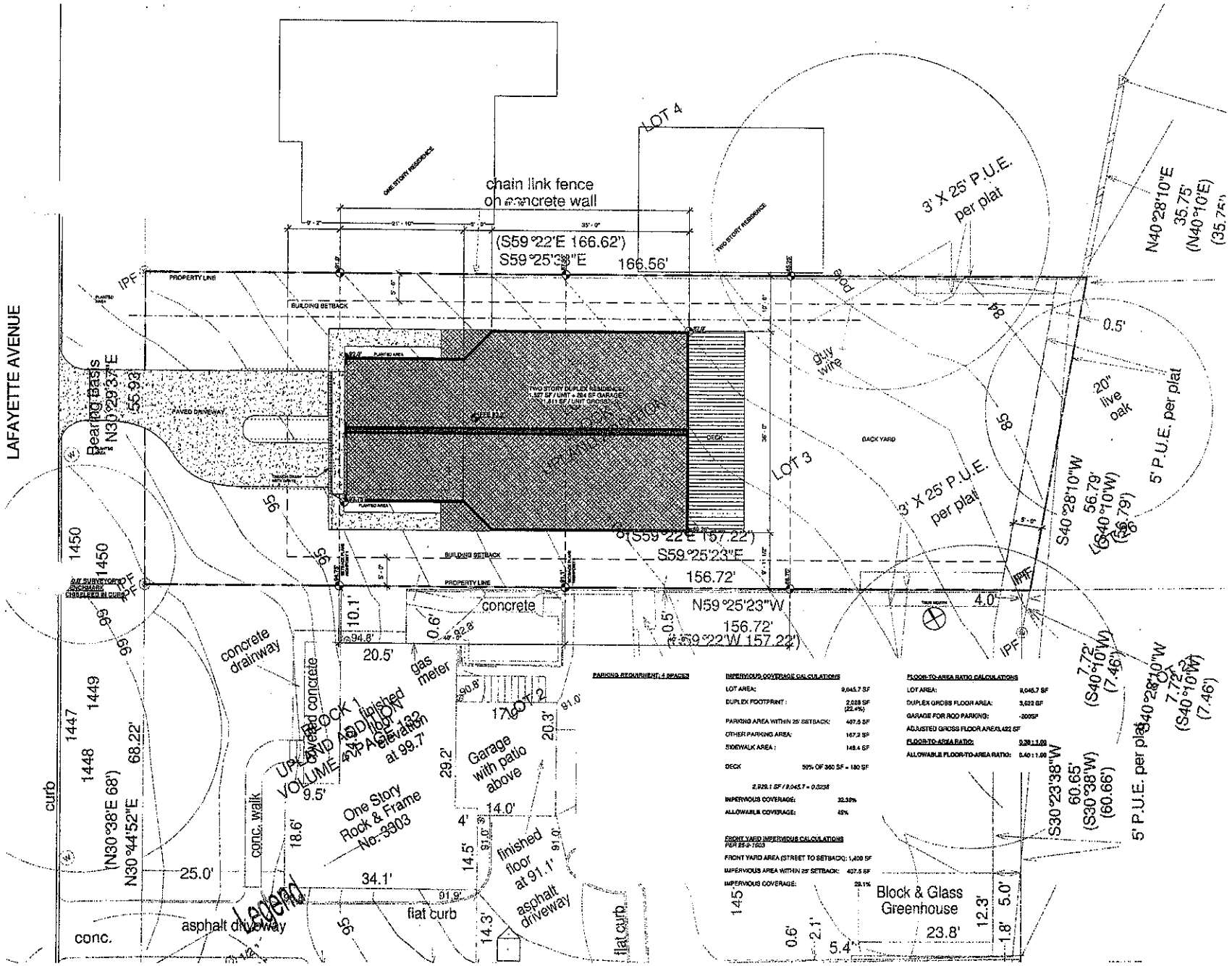
SEALED BY CHRIS LEWIS FOR SUBCHAPTER F1 RESPONSIBLE DESIGN COMPATIBILITY STD.

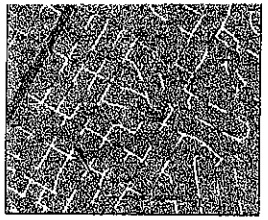
Teddy Kinney

Kinney Duplex

SITE PLAN & ENVELOPE

Project number	12KD1
Date	06.26.12
Drawn by	AL





3305 Lafayette Avenue

Owner:
Teddy Kinney
1010 Gaston
Austin, TX 78703
512.478.2805
TeddyKinney@SBCglobal.com

Architect:
Chris Lewis
1214 West 6th, Ste 206
Austin, TX 78701
512.474.8124

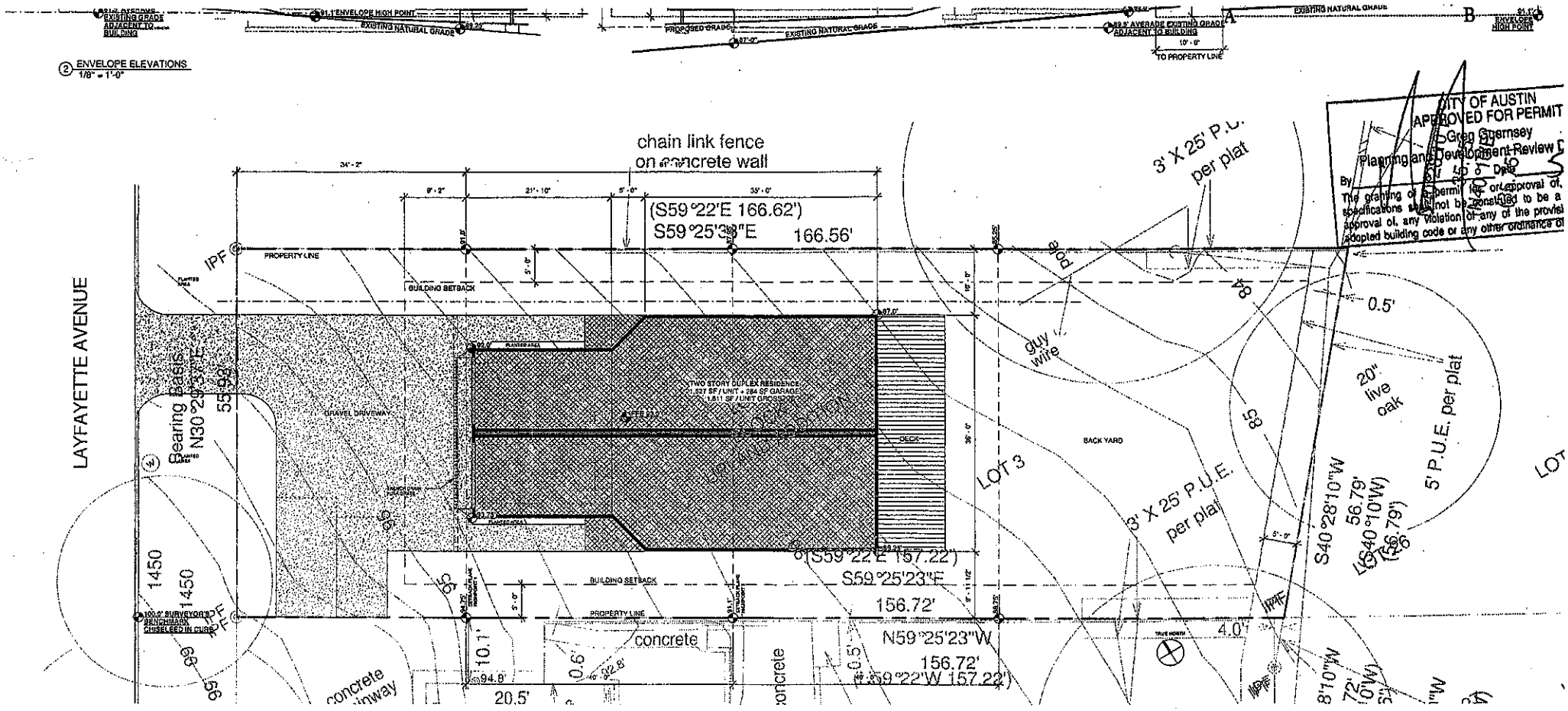
SEALED BY CHRIS LEWIS FOR SUBCHAPTER F: RESIDENTIAL DESIGN / COMPREHENSIVE STANDARDS

Teddy Kinney

Kinney Duplex

COMPREHENSIVE SITE PLAN

Project number	12K01
Date	06.28.12
Drawn by	Author



CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review D
By: Date:
The granting of a permit or approval of plans, specifications shall not be construed to be a permit or approval of, any violation of any of the provisi adopted building code or any other ordinance of

② ENVELOPE ELEVATIONS
1/8" = 1'-0"

① SITE PLAN
1/8" = 1'-0"

PARKING REQUIRMENT: 4 SPACES

IMPERVIOUS COVERAGE CALCULATIONS

LOT AREA:	9,045.7 SF
DUPLEX FOOTPRINT :	1,954 SF
PARKING + SIDEWALK AREA :	1,429.4 SF
DECK	50% OF 350 SF = 180 SF
3,563.4 SF / 9,045.7 = 0.3938	
IMPERVIOUS COVERAGE:	39.4%
ALLOWABLE COVERAGE:	45%

FLOOR-TO-AREA RATIO CALCULATIONS

LOT AREA:	9,045.7 SF
DUPLEX GROSS FLOOR AREA:	3,770 SF
GARAGE FOR ROO PARKING:	-200SF
ADJUSTED GROSS FLOOR AREA:	3,570 SF
FLOOR-TO-AREA RATIO:	0.39 : 1.00
ALLOWABLE FLOOR-TO-AREA RATIO:	0.40 : 1.00

Girard Kinney [redacted]
girard@kinney
To: [redacted]
cc: David Braun

Re: [CHERRYWOOD] LUT Report and Agenda

Good point, David; I will inquire about this when the Case Manager calls me back (I have left message).

Girard Kinney, AIA
Owner/Principal
Kinney& Associates
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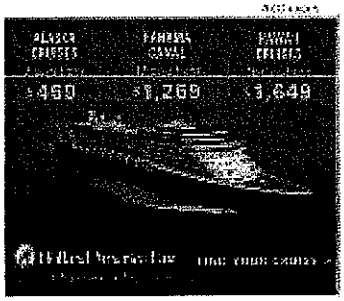
Austin, Texas 78762-6456
O. 512.472.5572
F. 512.476.9956
C. 512.657.1583
H. 512.478.5042
Please submit emails with large file attachments to:
[redacted]

On 4/30/2012 10:40 AM, David Braun wrote:

> RE. 5104 Ashwood - This would be a good time to enforce the 1.5 parking spaces per unit if it is not already provided at this property. The City staff should catch this but they don't always.
>
> DB
>
> On Mon, Apr 30, 2012 at 11:17 AM, Girard Kinney <girard[redacted]> wrote:
>
> > Cherrywooders & other neighbors: here is a status report:
> >
> > - Value Sky Park (2900 Manor Road): the temporary use of this site for "Elvis Machine" (sold out for all performances) seems to have been successful for Me, Hoyle who many of you met at an LUT meeting or the last General Meeting of CNA. I saw it Saturday night and thought it was a great show, and that it demonstrated a great use for sites that are being "marketbuilt" for future use. Construction of the Apartment complex on that site will begin soon and we will continue to provide updates as that project progresses. Go to the upcoming Flea for a little more information.
> > - 3503 & 3505 LaFayette: Outside to a LaFayette resident, I learned recently that a developer is planning to build duplexes on each of these lots. The two magnificent oaks, one in the back yard of each lot, have been removed which (in my opinion) is a great loss for the neighborhood and especially for the adjacent neighbors. It is not known whether the plan is to remove the house at 3503, but unfortunately I would not be surprised. These are the kinds of impacts from development that we strive to avoid. PLEASE report any cases you see that appear to be about to remove a large, healthy tree so that we can try to intervene.
> > - 1404 Ashwood: staff has recommended some tweaks to the plans for additions to the facade of this duplex in Duplex Nation, now a National Register District. However staff has determined that the project will not need to go to the Historic Landmark Commission since in their opinion the addition is compatible with the historic district. It is not known whether there are any variances necessary for the applicant to receive a building permit; we will advise.
> > - 4020 Airport Blvd. Refer to upcoming Flea Article for details. The Steering Committee of CNA has recommended LR-V-VMU-NP zoning for this site, with a long list of conditions that would be codified in a Conditional Overlay and/or Restrictive Covenant (public and/or private). Upper Boggy Creek (UBC) has postponed action on the case until after it is publicly presented at the 16 May CNA General Meeting (Maplewood Cafeteria, 6:30pm). No further Action is planned for this case at LUT or Steering Committee (SC) except that we have discussed removing the categorizations of the conditions, leaving those to City Staff and his change would require a slight change in the recommendation of the SC which would happen



at the 9 May SC meeting at Cherrywood Cafe, 6:30pm). Previous announcements of the SC Recommendation representing the CNA position was premature, since it is technically possible for this case to be heard and voted on by the General Membership prior to the postponed Planning Commission meeting (now set for 22 May). This item will go back to UBC after the CNA meeting, but prior to the Planning Commission Hearing.

TENTATIVE AGENDA FOR UPCOMING LUT MEETING (please send additional items):

Regular Monthly LUT meeting, 7:15pm, Wed. 02 May, at Cherrywood Coffeehouse.

- 7:15pm: Call to order, introductions, announcements
- Call for new Chair
- 7:30pm: 3303-3305 Lafayette
- 2900 Manor Road (Value Sky Park)
- 1404 Ashwood
- 4020 Airport Blvd. Report & discussion only: no action.

Note that we reserve the right to take action on any item on the agenda, except where specifically excluded by posting "no action". At this time, no action is anticipated on any items posted so far.

Girard Kinney, AIA
(Soon-to-be past) Chair, CNA LUT Committee

Girard Kinney, AIA
Owner/Principal
Kinney& Associates
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Austin, Texas 78762-6456
O. 512.472.5572
F. 512.476.9056
C. [illegible]
H. [illegible]
Please submit emails with large file attachments to:
kinhag58

Reply

Expand Messages	Author	Sort by Date
LUT Report and Agenda Cherrywooders & other neighbors: here is a status report: * Value Sky Park (2900 Manor Road): the temporary use of this site for "Slab Machine" laid out for...	Girard Kinney girard kinney @ ...	Apr 30, 2012 4:18 am
Re: LUT Report and Agenda RE: 1404 Ashwood - This would be a good time to enforce the 1.5 parking spaces per unit if it is not already provided at this property. The City staff should...	David Gordon patriot5000@ ...	Apr 30, 2012 4:47 pm
Re: LUT Report and Agenda Good point, David; I will inquire about this when the Case Manager calls me back (I have left messages). Girard Kinney, AIA Owner/Principal Kinney&...	Girard Kinney girard kinney @ ...	Apr 30, 2012 5:16 pm
Re: LUT Report and Agenda Thanks for the info, GirardA. Unfortunately, I won't be able to attend either the LUT meeting or the May general CNA meeting due to Inherit the Wind @ City...	Dave W daveurr... @ ...	Apr 30, 2012 7:31 pm
Re: LUT Report and Agenda Cherrywooders: I neglected to mention Hancock Golf Course. Mr. Cunliffe is not able to attend the LUT meeting, but I will add it to the agenda for a brief...	Girard Kinney girard kinney @ ...	May 1, 2012 1:15 am

< Prev Topic | Next Topic >

Message # Go Search: Search Advanced

Valero, Debbie

From: McDonald, John
Sent: Thursday, June 14, 2012 4:42 PM
To: Birkner, Donald; Haught, Kathy
Subject: FW: 3305 Lafayette Avenue

Importance: High

From: Hernandez, Tony [PDRD]
Sent: Thursday, June 14, 2012 4:30 PM
To: TeddyKinney[redacted]
Cc: McNabb, Dan; Barba, Leon; McDonald, John; Haught, Kathy; Birkner, Donald; Gibbs, Carol
Subject: 3305 Lafayette Avenue

Mr. Kinney

The building permit issued for 3305 Lafayette status has been revised to inactive pending this will not allow any inspections to be scheduled. All work is being requested to stop at this time please contact Residential Review for any additional questions.

This address is in one of the four sub-districts that adopted the Garage Placement neighborhood tool.

Typed from the Upper Boggy Creek Neighborhood Plan ordinance:
Part 4. The following applies to a single family residential use, a duplex residential use, or a two-family residential use within the boundaries of the Blackland Sub-district, the Rogers-Washington-Holy Cross Sub-district, the Cherrywood Sub-district, and the Delwood II Sub-district:

1. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
2. Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code.

Pasted from the Land Development Code:
§ 25-2-1604 GARAGE PLACEMENT.

(A) This section applies to a single-family residential use, a duplex residential use, or a two-family residential use.

(B) In this section:

(1) BUILDING FACADE means the front building facade of the principal structure on a lot, and the term excludes the building facade of the portion of the principal structure designed or used as a parking structure.

(2) PARKING STRUCTURE means a garage or carport, either attached or detached from the principal structure.

(C) A parking structure with an entrance that faces the front yard:

(1) may not be closer to the front lot line than the building facade; and

(2) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 50 percent of the width of the principal structure, measured parallel to the front lot line.

Thank you,

Tony Hernandez, Residential Building Inspector Supervisor

City of Austin, Planning Development Review Department

505 Barton Springs Road, Suite 300
Austin, Texas 78704
Office (512) 974-2323

2/2 from 2/9

Valero, Debbie

From: Girard Kinney [redacted]
Sent: Friday, June 15, 2012 8:49 AM
To: Jennifer Potter-Miller
Cc: Mark Schiff; Gibbs, Carol
Subject: Re: 3305 Lafayette - 2012-031243 PR - questions

Jennifer; please hold off. Mark and I met with Carol Gibbs yesterday and she has suggested a way to proceed most effectively. We have already been able to stop the construction there until the owners respond to the charge that they are not meeting city ordinances. This should give us some leverage, albeit late.

Girard Kinney, AIA
Owner/Principal
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Austin, Texas 78762-6456

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C. 512.657.1593
H. 512.478.5042

Please submit emails with large file attachments to:
[redacted]

On 6/15/2012 8:02 AM, Jennifer Potter-Miller wrote:

> I'd be happy to forward to the email below to the list. Should I request a volunteer at the same time?
> J
>
> On Thu, Jun 14, 2012 at 9:10 AM, Girard Kinney <[redacted]> wrote:
> Thanks, Mark.
>
> I have cc'd Jennifer since as chair she should be the one assigning roles, and Carol Gibbs since she is our liaison with respect to our interaction with city departments. Jennifer may wish to forward this the the LUT Committee. Here are my thoughts:
>
> - It would be GREAT for someone in addition to me becoming knowledgeable about all the rules, who is also knowledgeable about our Cherrywood Design Guidelines and our Mission, and to help monitor projects, applications, etc. as we become aware of them.
> - I am down at One Texas Center usually several times a week, so I normally don't even have to make a special trip to pick something up there.
> - It would be good for us to both meet down there to get the hard copies at a time when Carol is in so that if you have not met her I can introduce you to her and we can discuss with her some of the issues with which we are trying to cope.
> - It is extremely important to me that we not attempt to go farther than trying to achieve achieve the goals of the CNA Vision and our Design Guidelines. The fact is that there are a lot of City laws, ordinances and policies with which I know from experience make technically illegal things that are really not problems (I could give you a long list), but also there are important things that are not addressed by statute (such as us not being notified of demolitions or building permit applications) that are real problems for us. So I see our job as twofold.

- First, the neighborhood level trying to become knowledgeable about pending changes, gathering information in time to act, and then trying to influence an outcome that meets the spirit of our Vision and our Design Guidelines. Methods range from providing copies of the design guidelines, diplomacy, pressure from immediate neighbors, etc. to reviewing plans, informing plan reviewers of problems we identify, and during construction alerting city code enforcement of violations.
- Second, at a higher level, using our knowledge and influence to try to change city ordinances and policies as we believe necessary to achieve our goals. We have been as effective as, if not more effective than, other neighborhoods in doing this in the past and I hope we can continue to do so.

There are subtleties and nuances here. We must have the respect and confidence of BOTH our neighborhood AND the city staff, elected officials and their appointees, and this is not an easy line to walk as is evidenced by current events.

Girard

Girard Kinney, ATA
Owner/Principal
Kinney& Associates
1008 East Sixth [78702]
P.O. Box 6456
Austin, Texas 78762-6456

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F. 512.478.3956
C. 512.627.1596
H. 512.478.5047

Please submit emails with large file attachments to:
xadwge@kinneyatx.com

On 6/14/2012 6:10 AM, [redacted] wrote:

> Girard,
>
> If I can assist you in any way on this matter, please let me know. If you want me to pick up the hard copy on the 5th floor just let me know.
>
> I am very committed to the uniform implementation of city zoning restrictions and neighborhood design guidelines.
>
> Mark Schiff
> 478-3420
>
> On Jun 13, 2012, at 8:44 PM, Girard Kinney wrote:

From: Dave W
To:
Date: Sun, July 15, 2012 5:58:11 PM
Cc:
Subject: RE: 3305 Lafayette/Neighbor Waiver Protocol

Hello. Thank you everyone for the civil and informative discussion, despite the unpleasantness that's been dealt us. I hope there's a solution that minimizes the damage already incurred. I have the following questions:

1. Exactly which City code(s) is(are) requiring waiver(s) and what are those codes ultimately intended to accomplish? I want to know what would be given up, if anything, in granting the waiver, besides the subjective aesthetic of forward facing garages. Is this just an opinion thing or is there a larger drainage or safety issue?

2. What is a reasonable range of costs for removing the existing foundation and redesigning the structure (s) to comply with the code and design guidelines? Three bids is standard practice. How much has already been spent? One solution is for the City to select a bidder and perform that work at no cost to the owner, including recovery of sunk costs. Fees for any re-permitting should, of course, be waived, and permitting expedited.

3. If Cherrywood supports, or encourages, the owners to request the City perform the work in #2 above, are there incentives Cherrywood might offer the owners, should they decide to pursue this course of action rather than continue pursuing the waiver(s)? I'm envisioning things like supporting other waivers, if necessary, for the subject property or the one next door. For example, if the owners needed to exceed McMansion by a little to fit a duplex with garages in the back, due to what we know to be a physically unique lot, Cherrywood might decide to support that. That sort of thing. Are there others?

Thank you,
Dave Westenbarger
Cherrywood Land Use and Transportation Committee

--- On Sat, 7/14/12, John Kinney <[redacted]> wrote:
Glenn,Thank you for your email. I have read your email carefully. I wish that you would go by our project at 3305 and take a careful look at the lot and the existing foundation. There are some characteristics of both of which you may not be aware. You may know by now that we cut no Heritage Trees on 3305 Lafayette Avenue. We did cut one completely dead pecan tree 15" in diameter. It was standing in the middle of the lot near the back (East) end side of the lot. The limbs had fallen off the tree as had also most of the bark. The tree trunk with a couple of remaining, very dead limbs at the top were all that stood. The tree was a hazard of which we are very aware having lived in a timber-

producing area for many years. We cut it down and gave the wood to our neighbors at 3307 at their request. We also removed some "trash trees" which two arborists told us were past their life expectancy and in decline. That is all of the tree removal we
did on 3305. We cut one Heritage Oak on 3303 after 3 arborists including a City arborist recommended its removal. The tree was dying with a large part of its canopy already dead. It was located near the existing house at 3303 and threatened to fall on its roof. Incidentally, the previous owners had filled sections in the trunk and even a large limb with concrete in their attempts to save the tree. You can well imagine what this did to the cost of removing that tree. We obtained the necessary permit from the City to remove the tree. Before we bought the house at 3303, just how long before we do not know, a large Heritage Oak fell over on the roof of the house causing significant damage. It was removed by the previous owners. The huge stump remains for us to
pay to have removed. We have no intention to scrape the house at 3303 and build another duplex there as has been rumored. We do intend to remodel it on the inside which it sorely needs. We would like to complete our project at 3305 as permitted by the City. As you and Girard and the others can readily imagine, we already have a considerable investment in the project at 3305. Had we been aware of the Cherrywood Neighborhood Association guidelines
BEFORE we committed concrete to a design, we would have been happy to consider other designs. If someone would have warned us before we had set the forms, tied the steel and poured the concrete, we could have considered other designs and could have avoided what is for us a looming and significant financial loss. Several neighbors stopped and asked us what we were going to build as the forms were being set and other work done on the site. We told them. No one mentioned a homeowners' association or expressed any dissatisfaction with our plan to build a duplex with front-facing garages. In fact it took us a week after our job was shut down on June 14 to discover that someone named Girard Kinney had complained on June 11 on behalf of the Cherrywood Neighborhood Association of which we were also unaware until then.

We are not developers. We are two retired people 72 and 69. The 3305 project is the only new construction project we have attempted in the City. We did two small remodeling jobs on the house where we have lived since 1994 and on two other small houses that my wife bought with the daughter of a friend to fix up, decorate and sell. Those jobs were all done with City permits and there were no problems. Those experiences gave us what is proving to be a false sense of security and confidence that we could do this. Although it does us no good to say so, I am going to add that the permitting process in the City with its patchwork of neighborhood associations is a minefield for anyone wanting to build something. Some of the neighborhood associations have adopted some ordinances, others have adopted different ordinances.
Some have prejudices against one esthetic. Others approve of those same esthetics and disapprove of others. There is no easy way for a builder or for a City permit reviewer to discover what property is in what neighborhood association and what design restrictions do and do not apply. The situation is so complex that the City permitting department has great difficulty staying abreast of it, as has been demonstrated in this and other residential projects around town. Had we known what we now know about building in the City of Austin, we would have never ventured into that minefield. A citizen ought to be able to rely on a building permit once it is issued by the City. At this point we are loathe to see our project redesigned and a structure placed on the existing foundation which that foundation was not designed to accommodate. In the Marine Corps they referred to such undertakings as "jury-rigging." We do not believe that every front-facing garage design is inherently bad. In fact it seems to us that front-facing garages are an efficient design for a narrow, inner city lot that is not a corner lot, especially when there is no access to that lot from a rear alley. There are front-facing garages, with and without "snouts," all over the City and throughout the Cherrywood neighborhood. If you visit the lot at 3305, you will surely see that it slopes sharply down toward the East and also slopes toward the North making the accommodation of garages on the sides or to the rear of the principal structure problematical. We looked at the duplex you mentioned at 3107 Robinson. We agree with you that it is a mess and even a blight. I think you may

not have seen elevations and plans for our project since you used 3107 Robinson as an example of what the LUTC wants to avoid. For that reason I am going to try to attach elevations and the site plan. If the attachment exceeds the size/limit your ISP provides, let me know and I'll try to send the attachment piecemeal. Thanks for your time and consideration.John Kinney From: Glenn Reed
[mailto:[redacted]]
Sent: Friday, July 06, 2012 8:43 AM
To: John Kinney
Cc: [redacted], 'Vicky Boone'; 'Chris Owan'; 'Lisa Fuka'; 'Stuart Reilly'; 'Amy Brotman'; 'Jeff Folmar'; 'Tom Wald'; 'Eric Boucheron'; 'Sunshine Mathon'; 'John Barkley'; 'Mike Damal'; 'Jeremy Mazur'; 'Dolly Ensey'; 'Dave Westenbarger'; 'Lia Davis'; 'Aaron Choate'; 'Trudie Redding'; 'Rich Heyman'; 'Amy Tsay'; 'Jim Reed'; 'Margaret Mills'; 'Mark Schiff'; 'Don Pettigrew'; 'Jules Vieau'; 'Jennifer Potter-Miller'; 'Jack Newman'; 'John Mitchell'; 'David Boston'; 'Chris Tsay'; 'Marieline McGhee'; [redacted]; 'Robert Kinney'; Sharane Wang; Mark Collins; Eric Wang; Girard Kinney
Subject: Re: 3305 Lafayette/Neighbor Waiver Protocol John,
Glenn Reed here. I wanted to confirm Girard's interpretation of my comments at the meeting on Tuesday. I have no issue with the construction of a
bungalow style residence in the neighborhood. It is the projecting, front-facing garages that are the main issue with the current design.

I have retained the portion of your email below to which I also wish to respond. I agree that the neighborhood architecture is eclectic and has evolved over the years (and is still evolving). There are numerous architectural styles represented. Neither the City's McMansion ordinance nor our neighborhood design guidelines seek to limit the style of houses that can be built. They do address certain massing and configuration issues, however, which transcend architectural style. One of those is the relationship of the building to the street.

Because our neighborhood is (mostly) laid out on a grid, there are many corner lots. The typical configuration for a corner lot is a house facing the primary street and a garage, set behind the house, that opens onto the side street. This results in garage doors facing
a street, but does not interfere in any way with the residence itself having a front porch and entry door that address the primary street. There are many examples of this arrangement throughout the neighborhood.

However, there are very few examples of houses located mid-block that have front facing garages, and even fewer with projecting, front-facing garages. You may wish to take a look at 3107 Robinson Ave, (located on the segment of Robinson between 31st and 32nd streets). This is an excellent example of the type of design the neighborhood (and the City of Austin, via the McMansion ordinance) is trying to prevent.

We members of the LUT committee are eager to assist you in resolving the issues that our committee is tasked with addressing. I hope that by working with you we can succeed in reaching a solution that is acceptable to all concerned.

Thanks.

Glenn Reed
Girard:

I was very discouraged when I left the LUT Committee meeting last night. My wife and I feel blameless

in this situation and damaged economically as well as emotionally. The City is the party principally at fault. The citizenry should be able to rely on the permitting process. I had hoped for some relief from the LUT. That help does not appear to be forthcoming.

I had also hoped for a little more understanding from the LUT Committee and even rescue. It seemed to me however that we were never able to focus on the only legitimate issue before the LUT Committee. I believe the
question before the LUT Committee is the impact of the requested variance on the ENTIRE neighborhood. Will the impact of the variance on the ENTIRE neighborhood, if granted, be positive or negative for the ENTIRE neighborhood? That, I believe, is the dispositive question. The neighborhood, as it obviously developed over many years, is quaint and has its charm. To say, however, that there is an architectural theme throughout the entire, fully-developed neighborhood is a stretch. When owners were free to do as they pleased about their lots, they did just that, as they pleased; there are garages front-facing, alongside, behind, no garages, carports of every make and construction including tent-like structures,, cars parked in front yards, cars parked in back yards, on driveways, off driveways, on the street, single family residences with and without porches and front-facing garages, duplexes with and without front-facing garages,
etc. The neighborhood is a hodgepodge of styles, colors, parking arrangements, etc. The impact of our proposed structure, if the variance were granted, at worst would be neutral in its impact on the ENTIRE neighborhood and probably at its worst it would still be positive in its esthetic impact on the 3300 block of Lafayette.

John

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

SUPPLEMENTAL ANSWER TO HARDSHIP: 2 (b)

The lot is 56' wide and 160' deep. It is an interior lot, not a corner lot. The long axis of the lot is East-West. Lafayette Street is at the west end of the long axis of the lot. The 56' width is on a North-South axis. The lot at 3307 Lafayette is north of the subject lot (3305 Lafayette). The subject lot slopes sharply from Lafayette (approx 15-18') along a Southwest-Northeast axis to the lot's northeast corner. The slope of the subject lot is more pronounced than most, if not all, of the other lots in French Place. The front-facing façade of the proposed structure is 6'-8' below the level of Lafayette Street. The front-facing façade of the proposed structure is set back 35' from the west property line (Lafayette Street), 10' more than the required setback to allow light and a better view to and from the residence at 3307 Lafayette. The natural drainage of the lot in question and the lot at 3307 Lafayette is along the long axis on the north side of the subject lot. This is a problem for both 3307 Lafayette and the subject lot. The lot at 3307 Lafayette has a two-story garage apartment built inches off the common property line and at least partially, perhaps wholly, in the natural drainage of the two lots. Building driveways in the natural drainage is inadvisable. There is no alley way at the back (east end) of the lot providing access to the portion of the lot behind the proposed construction. The most attractive portion of the lot is that portion behind (east) of the proposed structure which would be overlooked by the rear-facing deck in Applicant's proposed design.

There are Heritage Trees on the lots east, north and south of the subject lot with large canopies that overhang portions of the subject lot to the east (rear) of the proposed structure. The canopies of these trees contribute to the beauty of the back portion of the subject lot but make the construction of parking structures there, if not already very inadvisable, even more difficult.

The combination of topographical and other features of the subject lot described herein are believed to be unique in the French Place neighborhood.

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

Signed _____ John E. Kinney, Mgr.

Kinney Real Estate-LLC-3305 Lafayette Series

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