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APR 1 1 2013

CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT INTERPRETATIONS PART I: APPLICANT'S STATEMENT

CITY OF AUSTIN

C15-2013-0048 ROW-10928314 TP-0216070438

STREET ADDRESS: 718 Harris Ave
LEGAL DESCRIPTION: Subdivision -
Lots 4, 5, and 6, Block "11", of the W.A. Harper Subdivision of Parts of Outlots 7 and 8, Division "C", a subdivision in Travis County, Texas, according to the map or plat thereof of record in Volume 3, Page 89 of the Plat Records of Travis County, Texas, filed of record September 27, 1923.
Lot (s) 4, 5, and 6 Block 11 Outlot Parts of Outlots 7 and 8 Division C
ZONING DISTRICT: SF-3-CO-NP
I/WE P. Michael Hebert on behalf of myself/ourselves as authorized
Agent foraffirm that on 11th
Day of April, 2013, hereby apply for an interpretation hearing before the Board of
Adjustment.
Planning and Development Review Department interpretation is:
Item 1: Section 25-2-3 (4) (Duplex Residential) allows the construction of three separate buildings on three separate adjoining lots known as 718, 720 and 722 Harris.
feel the correct interpretation is:
tem 1: Section 25-2-3 (4) allows only a single building on a site; the three lots known as 718, 720 and 722 Harris are being developed as a single site; and therefore, it is not permissible for PDRD to issue or review building permits for three buildings.

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.

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:
Item 1: PDRD has issued a building permit to Kevin Cutsinger and Ross Cole for the construction of a residential duplex building at 718 Harris Avenue containing 6 bedrooms and 4 baths. It also has under review building permit applications for 720 and 722 Harris Avenue, and it has indicated to the developers its willingness to issue building permits upon the satisfaction of certain conditions. The developers have a history of leasing duplexes and houses to students at rents of \$850 or more per bedroom per month. The three lots are each 50 feet in width and are adjacent to Waller Creek and across the street from Lee Elementary School. The Harris Avenue neighborhood is primarily single-family with some student rentals in older single-family homes, mostly on 50-foot lots with rear alleys. Staff has ruled that it has a "ministerial" duty to grant the building permit based on SF-3 zoning.
The antiquated alley dead-ends into Waller Creek, and it is not paved beyond 718 Harris. See photo, Attachment 1. The paving is not adequate for the 18 vehicles that the developers seek to park on-site accessed from the alley. Garbage and recycle collection and fire protection from the alley would be problematic. Staff has approved parking plans for 18 vehicles. The City considers the alley to be a public street; however, City ordinances would never allow such parking accessed from Harris Avenue.
The developers asked in writing that all three buildings be "kept together through building approval and into flood plain approval". See Attachment 3. Utilities have been simultaneously connected to the property lines of all three lots; the site is fenced to include all three lots in a single enclosure; and parking was approved simultaneously for all three lots. See attachment 4. Attachment 8 is a photo of the fenced site. The developers are using the entire site as a staging area. See photo Attachment 9.
The relevant ordinances are as follows:
25-2-3 RESIDENTIAL USES DESCRIBED
(4) DUPLEX RESIDENTIAL use is the use of a <u>site</u> for two dwelling units within a single building, other than a mobile home.
25-1-21 DEFINITIONS
(101) <u>SITE</u> means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.
The ordinances could not be clearer. The developers have submitted applications for permits for multiple buildings on a single site when only one building is permitted. The land is a "contiguous area intended for development", and all of the activities on the site and all of the permit applications reflect the construction of a single development with three buildings. It is impermissible for PDRD to proceed as it has up to now. This proposed project is practically and legally a commercial apartment use that is not a permitted use under SF-3. Staff action to date disregards the authority and responsibility of the City to protect neighbors, children, building residents, and the watershed. The City has the duty to require compliance with the zoning ordinance.
An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because:

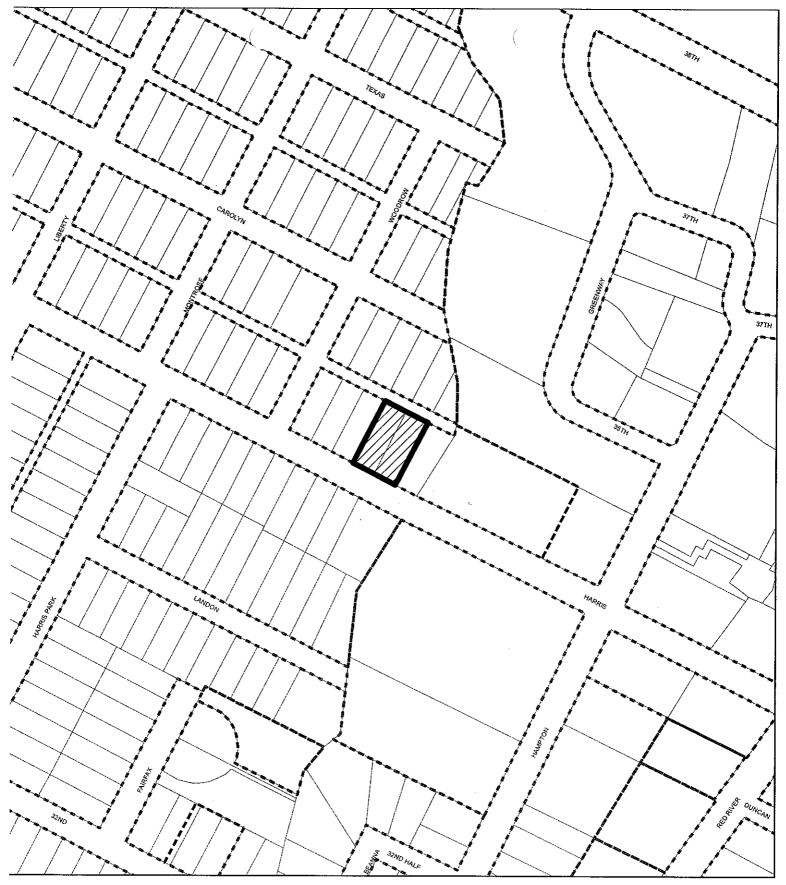
Our neighborhood was created as a single-family neighborhood, and it is the duty of the Staff to carry out the intent and purposes of single-family use designations. For SF-3 use designations, this intent is clearly stated: to "maintain single-family neighborhood characteristics". Section 25-2-57:

25-2-57 FAMILY RESIDENCE (SF-3) DISTRICT DESIGNATION.

City, State & Zip_

Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.
The purposes and words of our ordinances are evident. It is the duty of the City to enforce them.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:
I am seeking only that PDRD apply the ordinances of the City of Austin, which apply to all of us consistently.
APPLICANT/AGGRIEVED PARTY CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.
Signed Printed P. Michael Hebert April 11, 2013
Mailing Address 719 Carolyn Ave
City, State & Zip Austin, TX 78705 Phone 512-751-9494
OWNER'S CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.
SignedPrinted
Mailing Address

Phone







ZONING BOUNDARY

CASE#: C15-2013-0048 LOCATION: 718 HARRIS AVE

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.





Attachment 1

11-13-2012

To City of Austin,

I, Ross Cole of Austin Centric Realty and my partner, Kevin Cutsinger of Cutsinger Custom Homes are submitting three plans for duplexes at 718, 720, and 722 Harris Ave. today 11/13/2012. 720 and 722 Harris are partially located in the 100 year flood plain of which Jameson Courtney in flood consulted with us about. We would like to see if we could keep the three properties together through building approval and into flood plain approval? We just thought that it might be easier for all the reviewers and help expedite the permitting process.

We were notified from a city staffer that there are outstanding expired permits on the property at 720 Harris from the former owner Ken Jordan and/or Volente Interests. We need to have all of permits that the prior owner had submitted in 2006 removed.

I have brought our deed recording as proof of ownership. Tax Certificates are also included.

The corresponding permit numbers that need to be removed are:

- 1. BP-06-10114R
- 2. 2006-013245 BP
- 3. 2006-013246 PP
- 4. 2006-013246 DS
- 5. 2006-013246 EP
- 6. 2006-013246 MP

Thank you for your attention to this matter,

Ross Cole

718 & 720 Harris Owner

512-789-6255

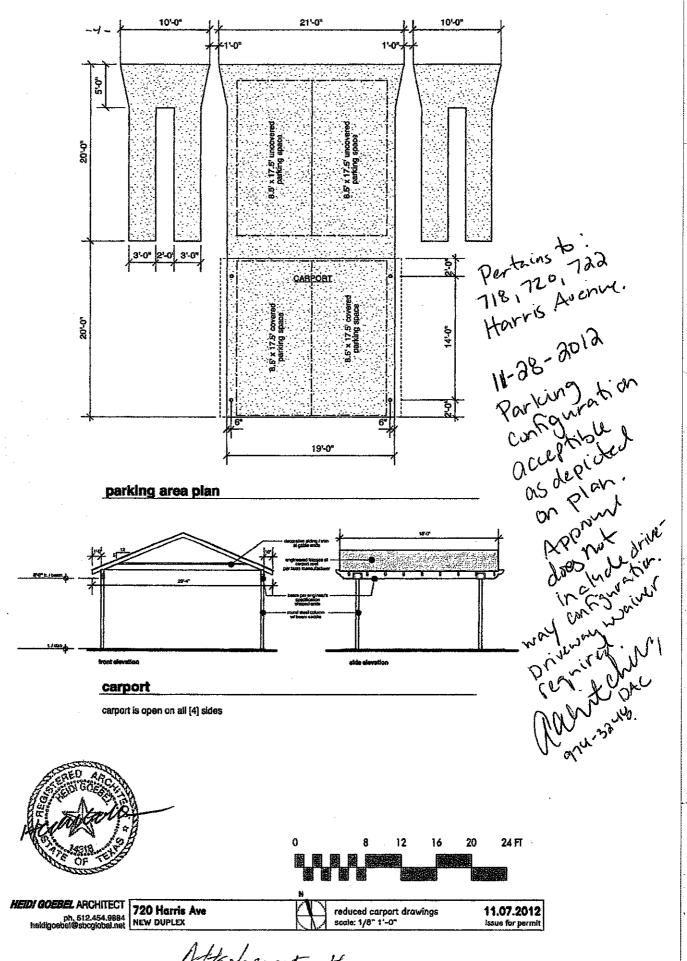
oss@austincentricrealty.com

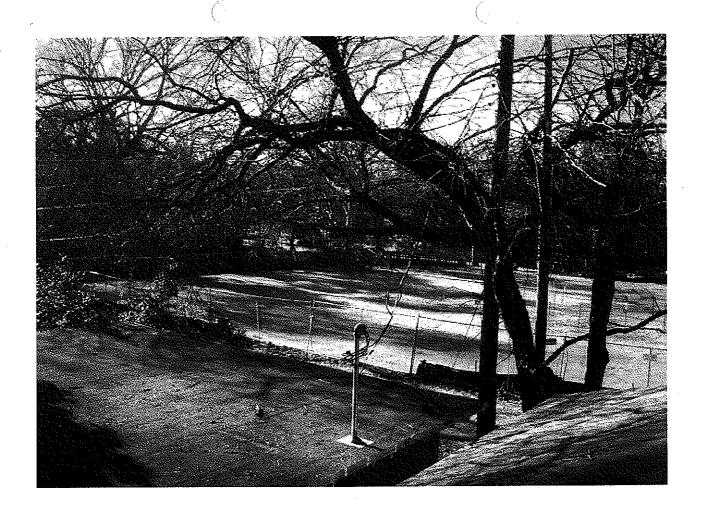
Kevin Cutsinger 718,720, & 722 Owner

720,720, 0.7220

512-632-1311

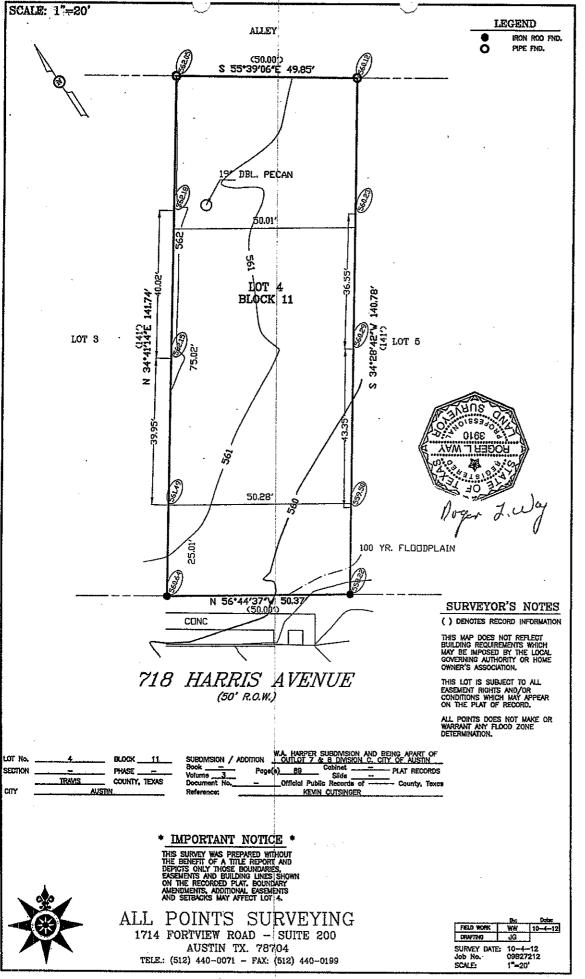
cutsingerhomes@yahoo.com

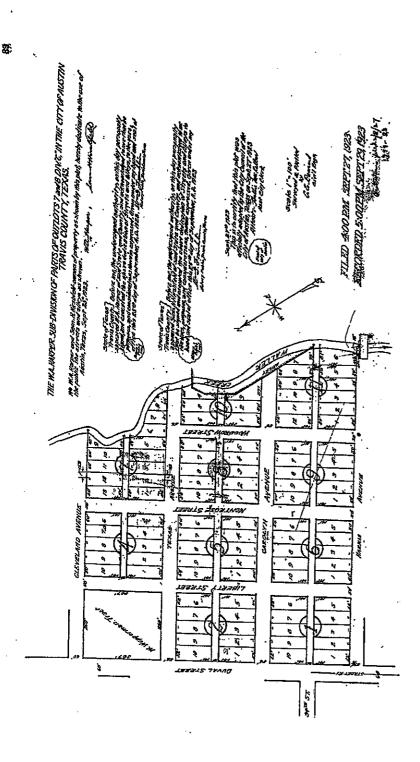


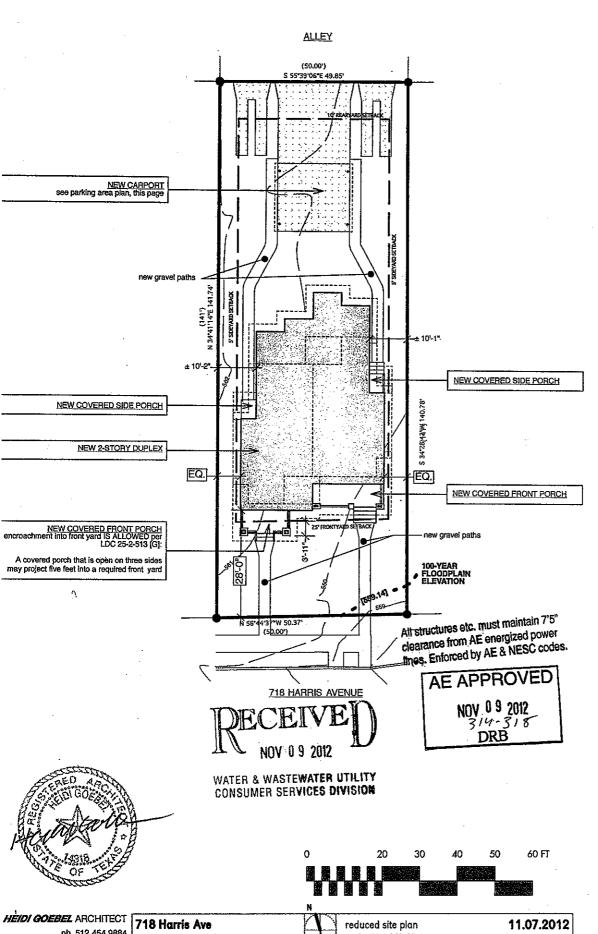




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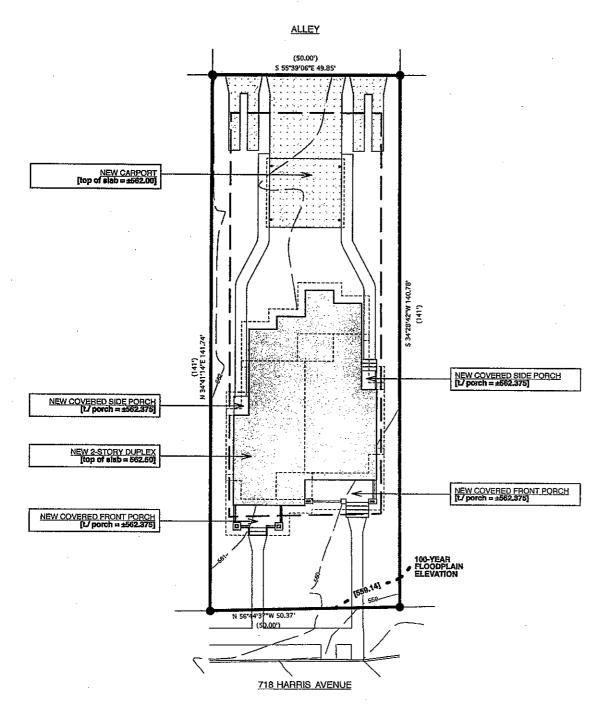


ph. 512.454.9884 heidigoebel@sbcglobal.net

NEW DUPLEX



reduced site plan scale: 1" = 20'-0"





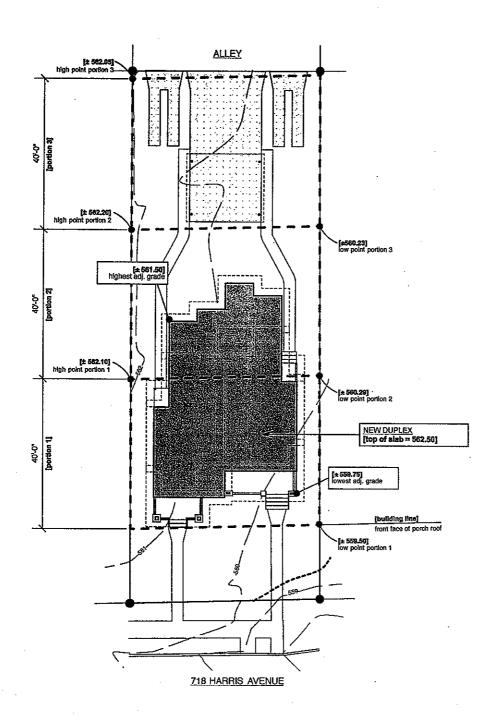
20 30 50 60 FT

HEIDI GOEBEL ARCHITECT

718 Harris Ave ph. 512.454.9884 heldigoebel@sbcglobal.net NEW DUPLEX



reduced flood plain diagram scale: 1" = 20'-0"

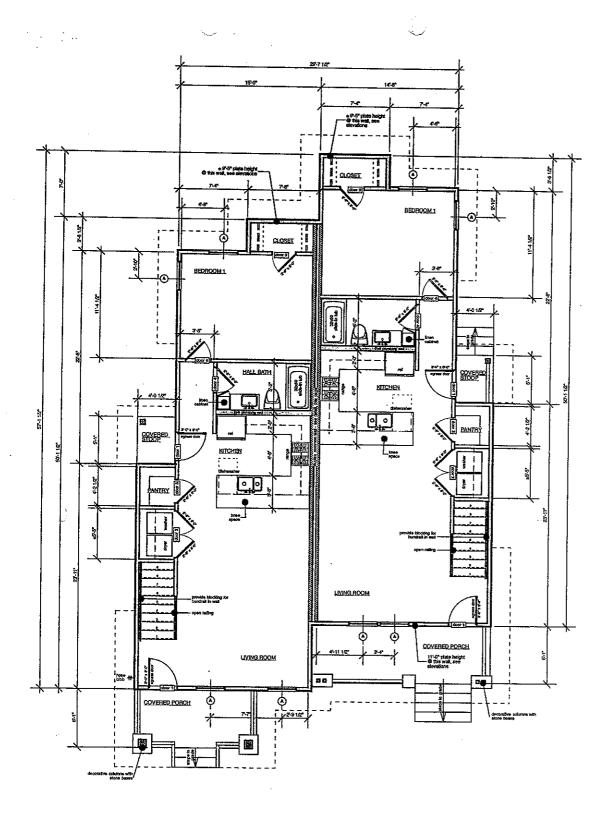




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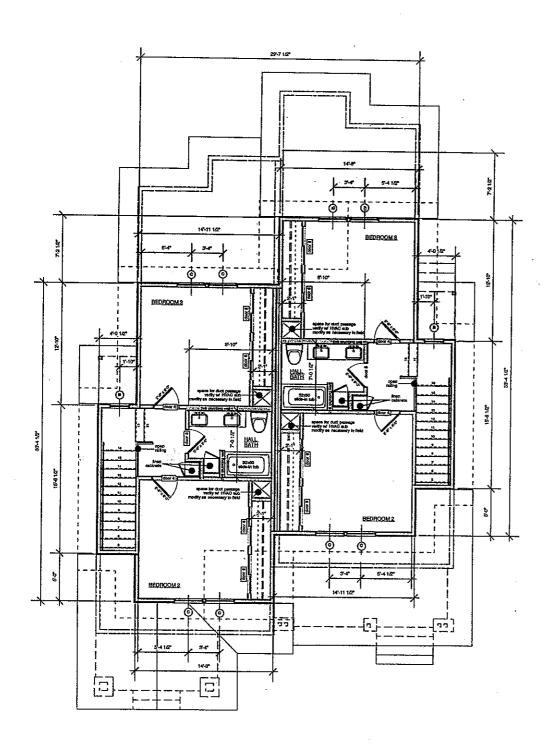
HEIDI GOEBEL ARCHITECT ph. 512.454.9884 heldigoebel@sbcglobal.net

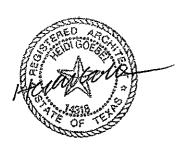
718 Harris Ave NEW DUPLEX



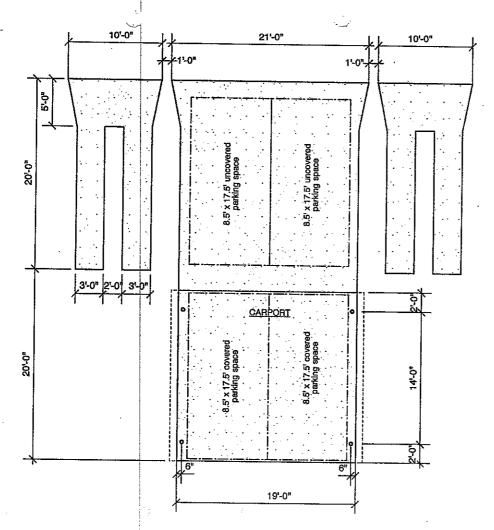


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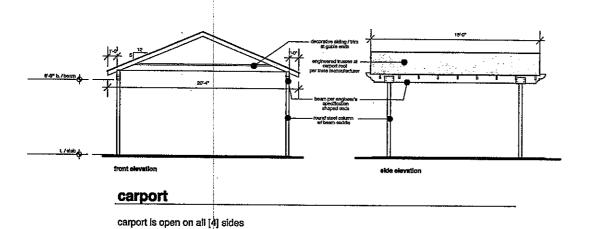




12 24 FT



parking area plan



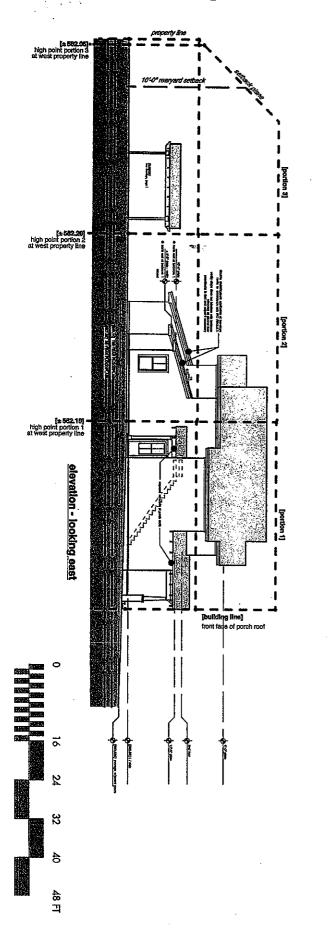


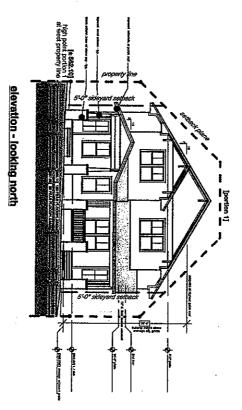
12 16 24 FT

Ph. 512.454.9884 heidigoebel@sbcglobal.net 718 Harris Ave



reduced carport drawings scale: 1/8" 1'-0"



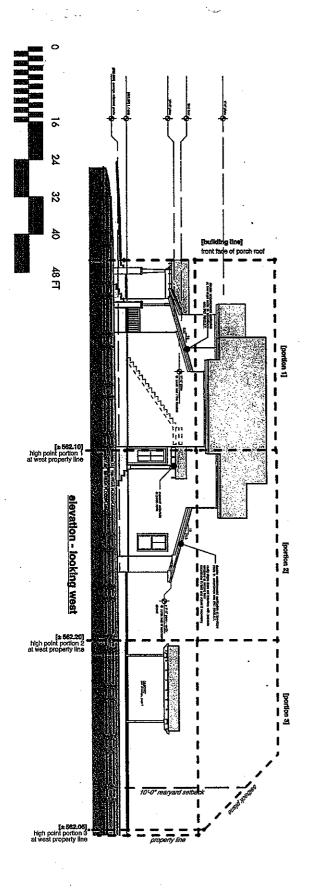


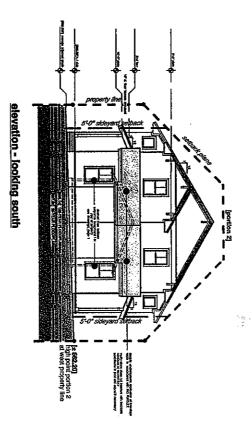


HEIDI GOEBEL ARCHITECT

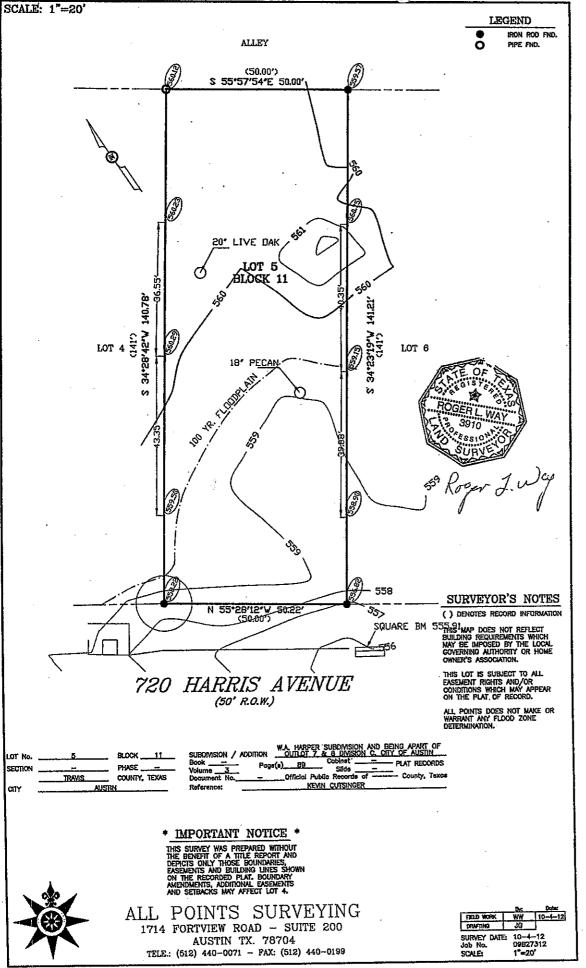
ph. 512.454.9884 heldigoebel@sbcglobal.net 718 Harris Ave

reduced proposed elevations scale: 1/16" = 1'-0"





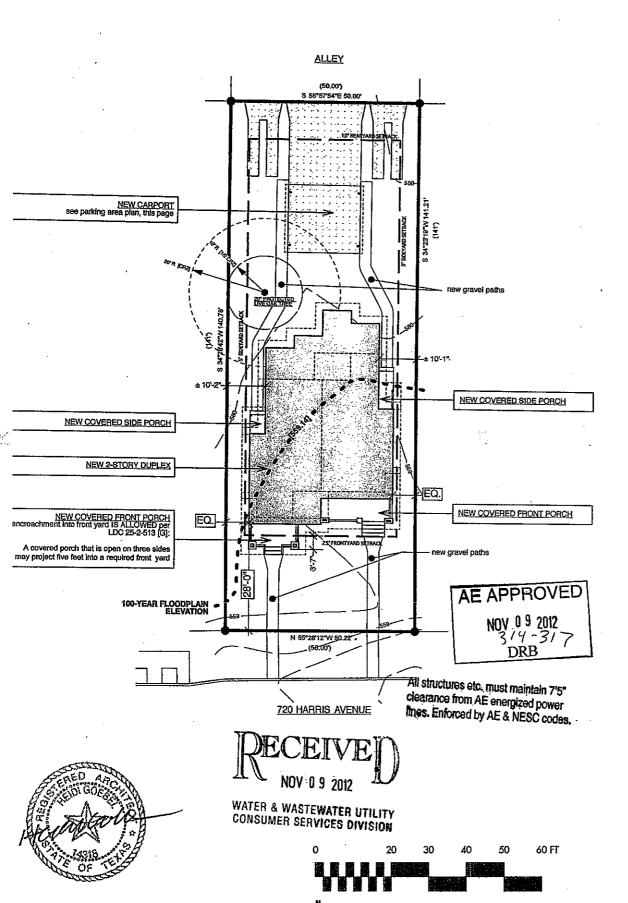




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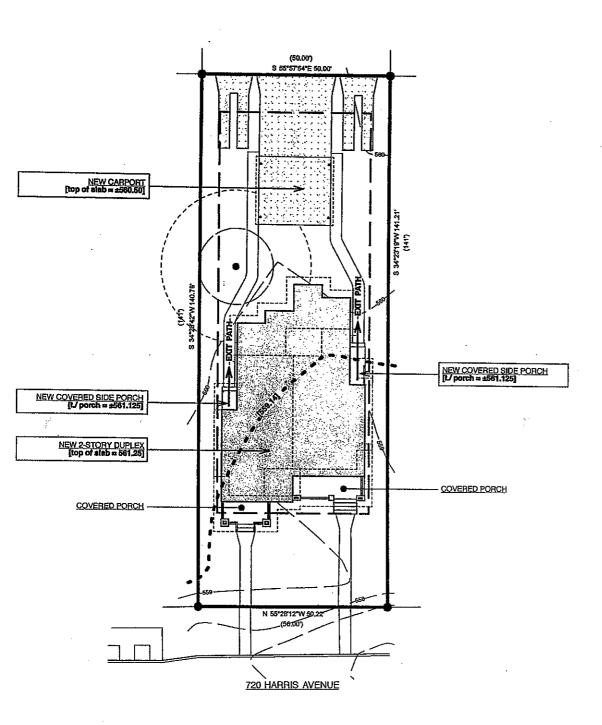
HEIDI GOEBEL ARCHITECT

ph. 512.454.9884 heidigoebel@sbcglobal.net

720 Harris Ave

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reduced site plan scale: 1" = 20'-0"

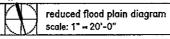


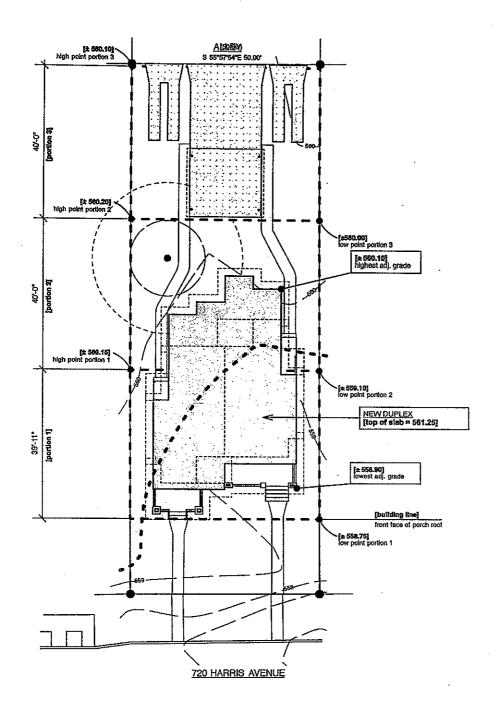


60 FT

HEIDI GOEBEL ARCHITECT 720 Harris Ave

ph. 512.454.9884 heidigoebel@sbcglobal.net NEW DUPLEX





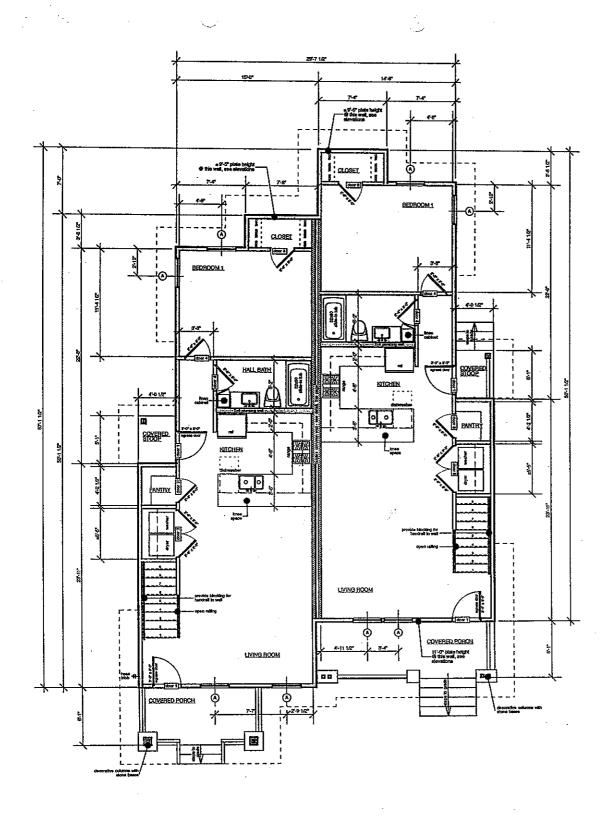


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HEIDI GOEBEL ARCHITECT ph. 512.454.9884 heidigoebel@sbcglobal.net

720 Harris Ave NEW DUPLEX

reduced setback tent diagram scale: 1" = 20'-0"





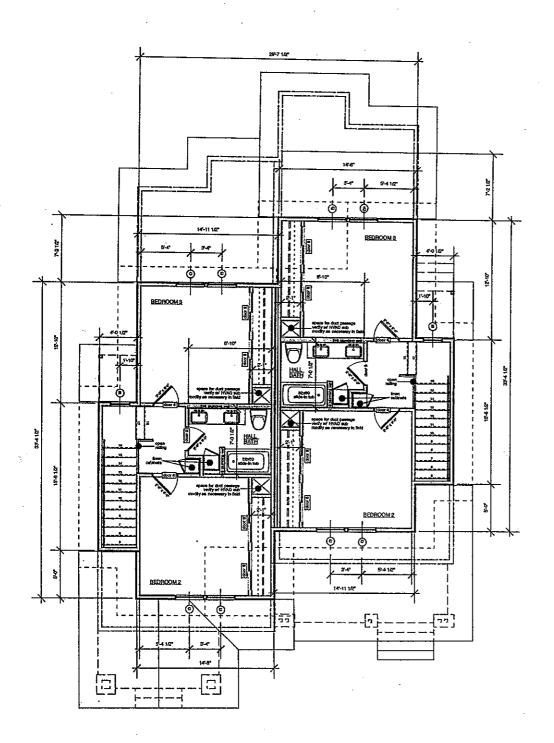
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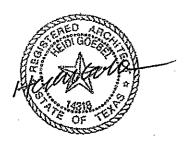
HEIDI GOEBEL ARCHITECT

720 Harris Ave ph. 512.454.9884 heidigoebel@sbcglobal.net



reduced first floor plan scale: 1/8" 1'-0"

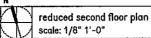


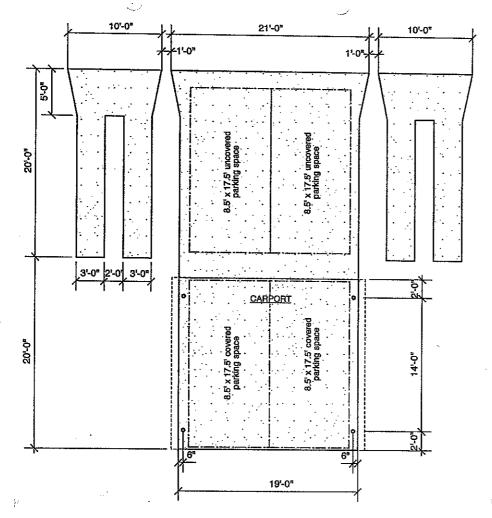


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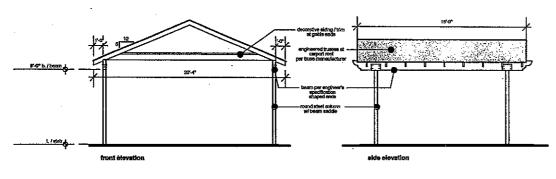
HEIDI GOEBEL ARCHITECT ph. 512.454.9884 heidigoebel@sbcglobal.net

720 Harris Ave NEW DUPLEX



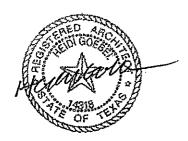


parking area plan



carport

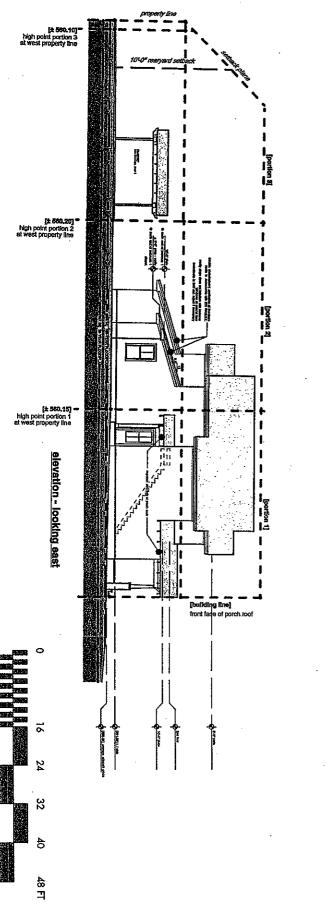
carport is open on all [4] sides

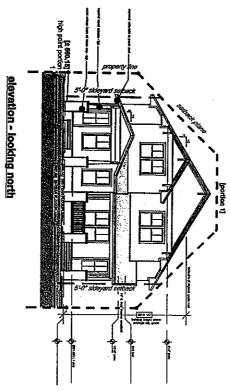


12 20 24 FT 16

Ph. 512.454.9884 heidigoebel@sbcglobal.net.

reduced carport drawings scale: 1/8" 1'-0"

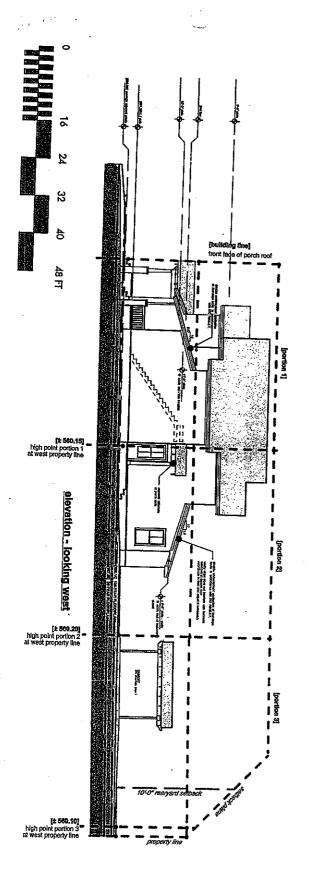


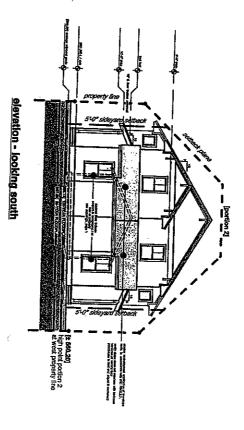




Ph. 512.464.9884 heidigoebel@sbcgtobal.net 720 Harris Ave

reduced proposed elevations scale: 1/16" = 1'-0"



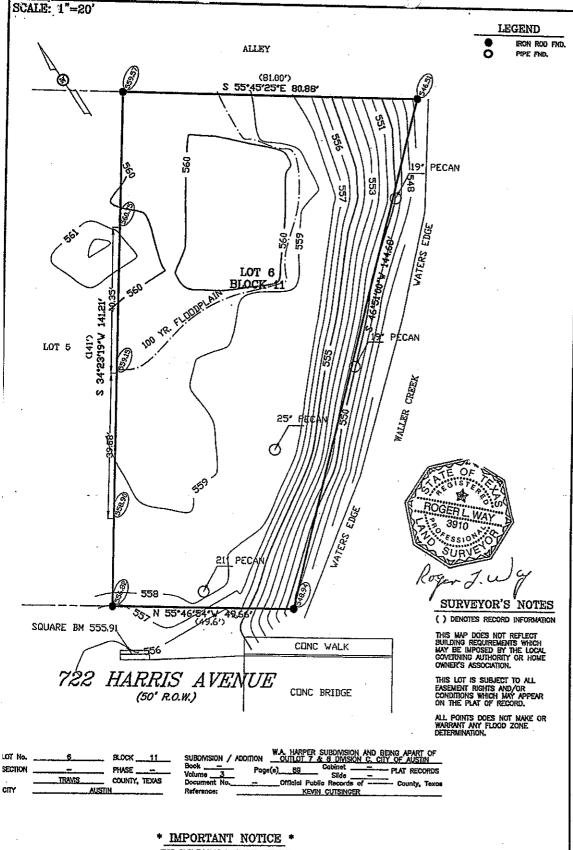




HEIDI GOEBEL ARCHITECT

ph. 512.454.9884 heidigoebei@sboglobal.net

reduced proposed elevations scale: 1/16" = 1'-0"



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT, BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT 4.

ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200

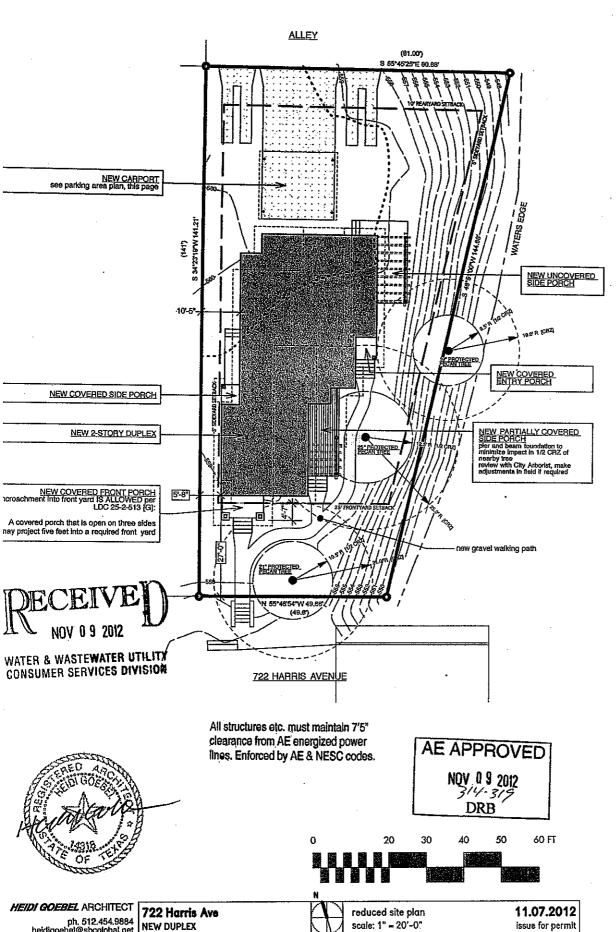
AUSTIN TX. 78704

TELE.: (512) 440-0071 - FAX: (512) 440-0199

	Br.	Dote:		
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DRAFTING	JG			
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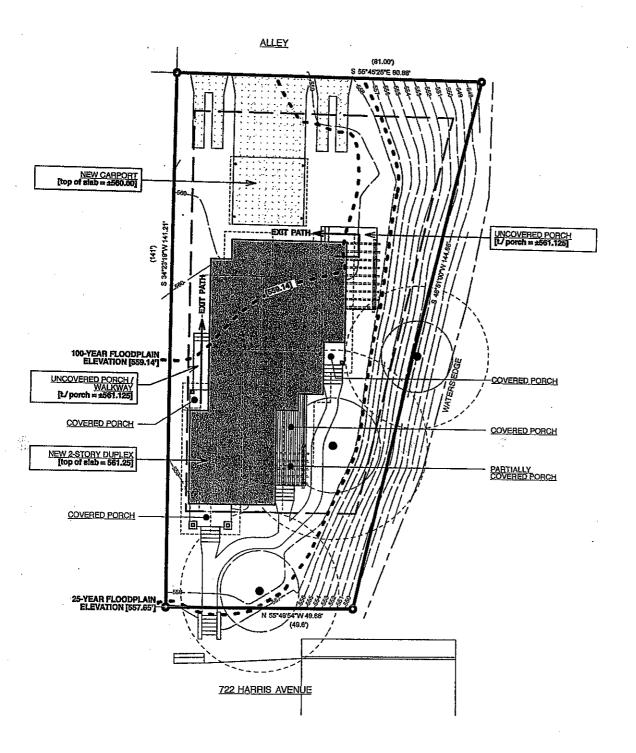
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ph. 512.454.9884 heidigoebel@sbcglobal.net

NEW DUPLEX





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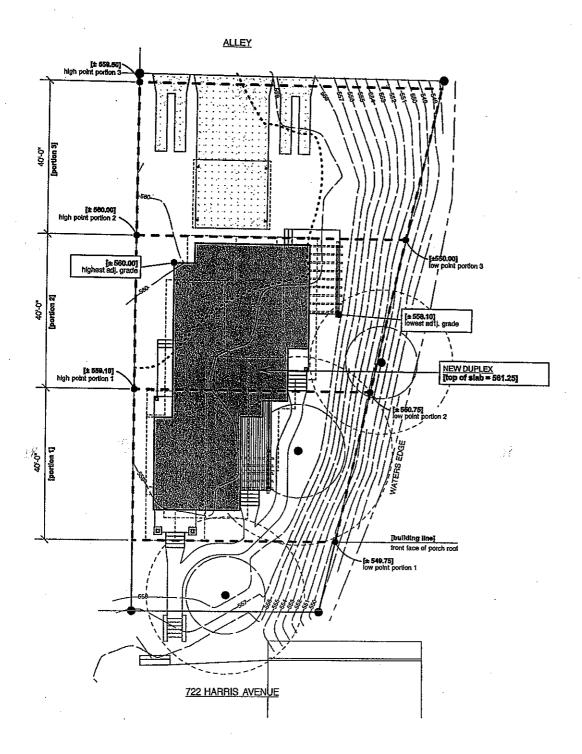
HEIDI GOEBEL ARCHITECT

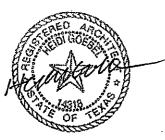
ph. 512.454.9884 heldigoebel@sbcglobal.net

722 Harris Ave



reduced flood plain diagram scale: 1" = 20'-0"



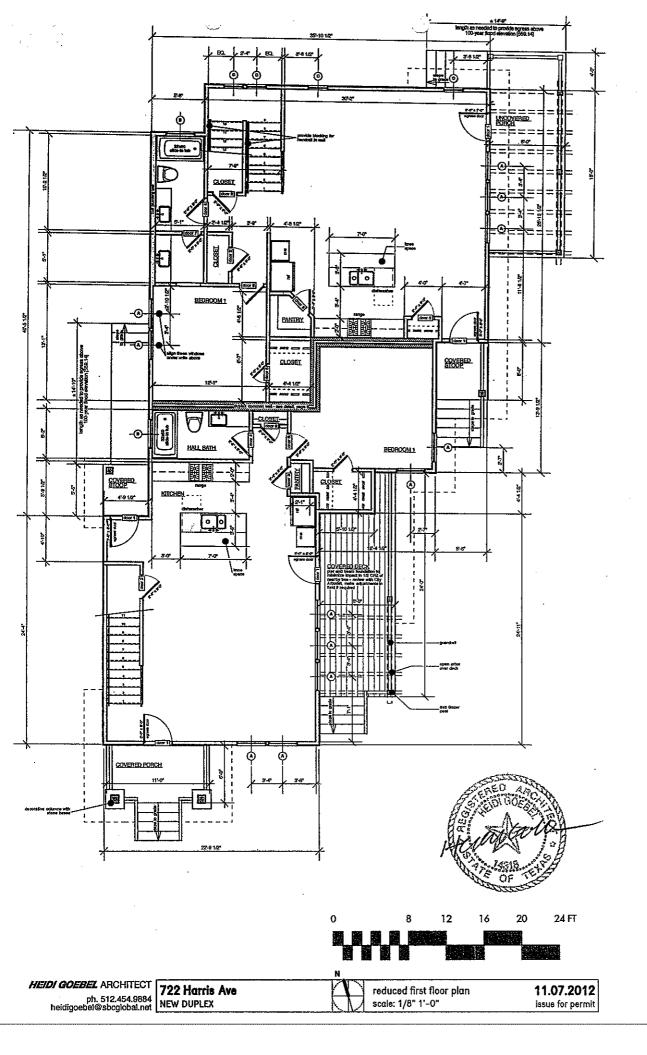


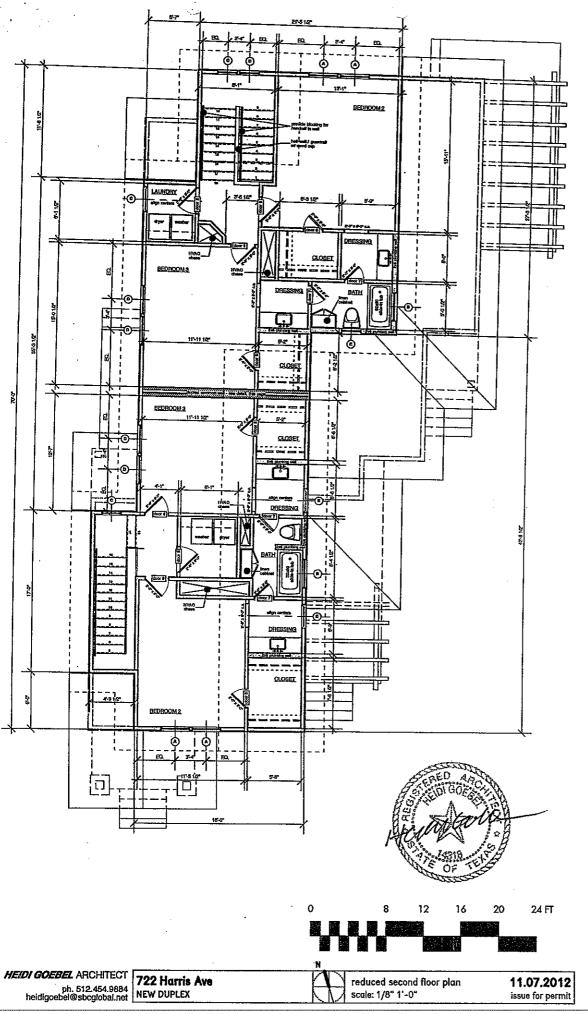
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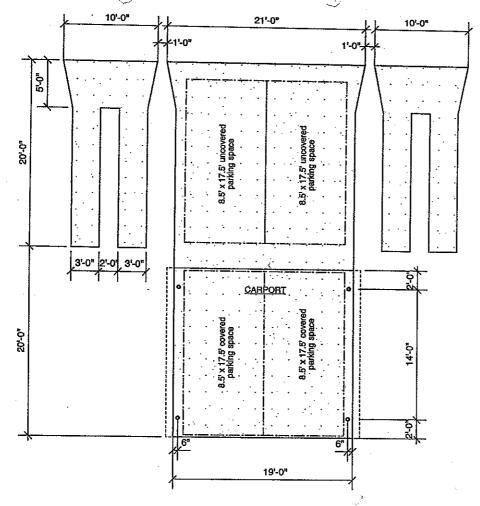
HEIDI GOEBEL ARCHITECT

722 Harris Ave ph. 512.454,9884 heidigoebel@sbcglobal.net

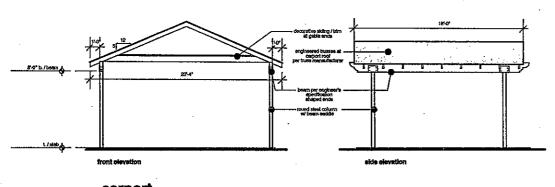
reduced setback tent diagram scale: 1" == 20'~0"





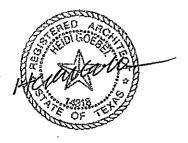


parking area plan



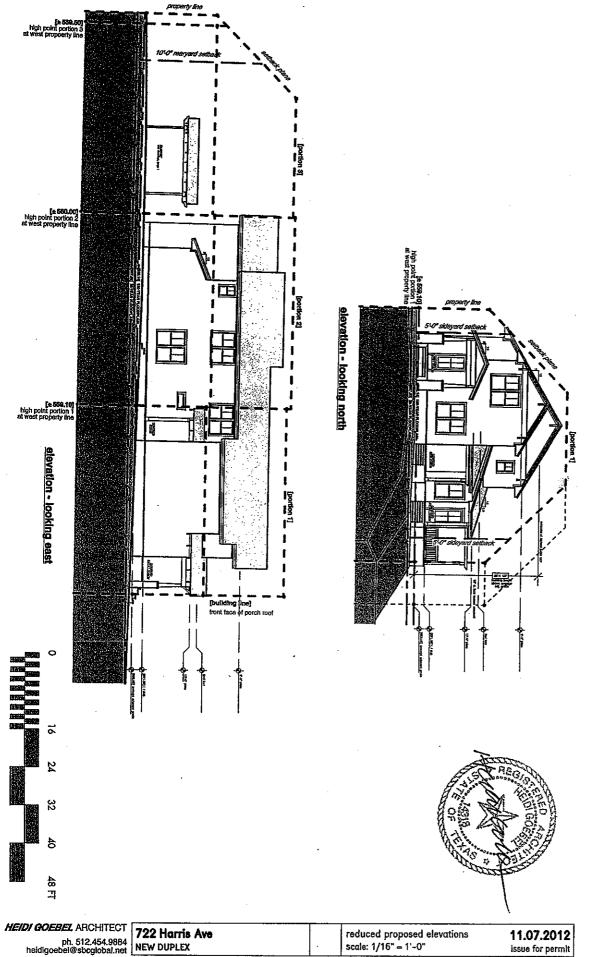
carport

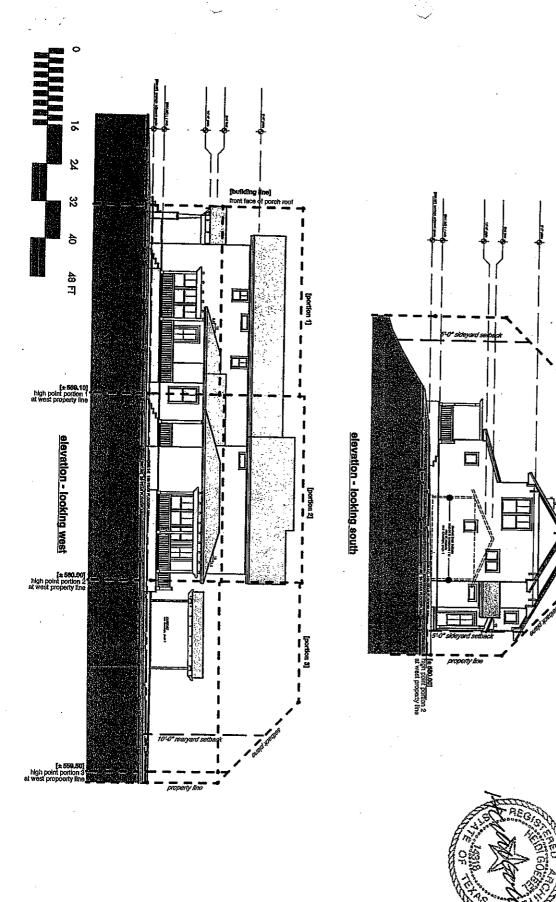
carport is open on all [4] sides



12 24 FT

HEIDI GOEBEL ARCHITECT 722 Harris Ave ph. 512.454.9884 heidigoebei@sbcglobal.net





HEIDI GOEBEL ARCHITECT

ph. 512.454.9884 heldigoebel@sbcglobal.net 722 Harris Ave

reduced proposed elevations scale: 1/16" = 1'-0"

P. Michael Hebert 719 Carolyn Ave Austin, TX 78705

April 8, 2013

Board of Adjustment City of Austin

Re: Appeal relating to 718 Harris Avenue

Dear Members of the Board of Adjustment:

Please see the attached letter by which I registered as an interested party for all permits pending for 718 Harris Avenue. I meet all of the requirements as an Interested Party as listed in Section 25-1-131 (A) and (B) of the Land Development Code. John McDonald of PDRD has assured me verbally that he has entered my name as an Interested Party.

My residence is across the alley from 718, 720, and 722 Harris Avenue, which is within 500 feet of 718 Harris Ave. My street address is 719 Carolyn Avenue, which is located on Lots 7, 8, 9, and 10, Block 11, of the W.A. Harper Subdivision of Parts of Outlots 7 and 8, Division C, of which I am an owner.

Very truly yours,

P. Michael Hebert

Mary He t 719 Carolyn Ave Austin, TX 78705

November 30, 2012

Mr. John McDonald City of Austin Planning and Development 505 Barton Springs Rd One Texas Center, 2d Floor Austin, TX 78704

Re: Interested Party Registration - 718, 720, and 722 Harris Ave

Dear Mr. McDonald,

Please register us as interested parties for all permit applications for 718, 720, and 722 Harris Ave, including all building permits for new buildings. Pending permits are 2012-117527 PR, 2012-117533 PR, and 2012-117550 PR. We live within 500 feet of the property.

Thank you.

Very truly yours,

P. Michael Hebert

Mary Hebert

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse	A. Signature May Pagent Agent Addressee	
So that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name) C. Date of Delivery Angur Periz: 12/03/12	
1. Article Addressed to: John M. Vanzlol	D. Is delivery address different from item 1?	
City of Aurtin		
Planning & Development 505 Darton Springs AR Austin TX 18704	3. Service Type Dic Certified Mail Diexpress Mail Registered Return Receipt for Merchandise Insured Mail Dic.O.D.	
	4. Restricted Delivery? (Extra Fee) Yes	
2. Article Numbe 7011 3500 0003 3	1949 9965	
PS Form 3811, February 2004 Domestic Ret	um Receipt 102595-02-M-1540	