

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

DATE: Monday, April 8, 2013

CASE NUMBER: C15-2012-0142

☐ R ☐ Jeff Jack **RECUSED**
☐ Y ☐ Michael Von Ohlen **Motion to PP May 13, 2013**
☐ Y ☐ Nora Salinas **2nd the Motion**
☐ Y ☐ Bryan King
☐ Y ☐ Fred McGhee
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Sallie Burchett
☐ - ☐ Cathy French (SRB only)

APPLICANT: Jim Bennett

OWNER: Kevin Smith

ADDRESS: 2710 and 2712 E 12TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an "SF-3" district and adjoins a lot that is (i) zoned "SF-3"; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

BOARD'S DECISION: POSTPONED TO JANUARY 14, 2013 – RENOTIFICATION REQUIRED, NEED TO CORRECT ADDRESS; JAN 14 CANCELLED MEETING DUE TO NOTIFICATION ERROR POSTING OF AGENDA

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an "SF-3" district and adjoins a lot that is (i) zoned "SF-3"; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

BOARD'S DECISION: FEB 11, 2013 POSTPONED TO MARCH 11, 2013 PER APPLICANT

March 11, 2013 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 8, 2013, Board Member Michael Von Ohlen second on a 6-1 vote (Board member Bryan King nay); POSTPONED TO APRIL 8, 2013.

April 8, 2013

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 13, 2013, Board Member Nora Salinas second on a 6-0 vote (Board Member Jeff Jack recused); POSTPONED TO MAY 13, 2013.

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:

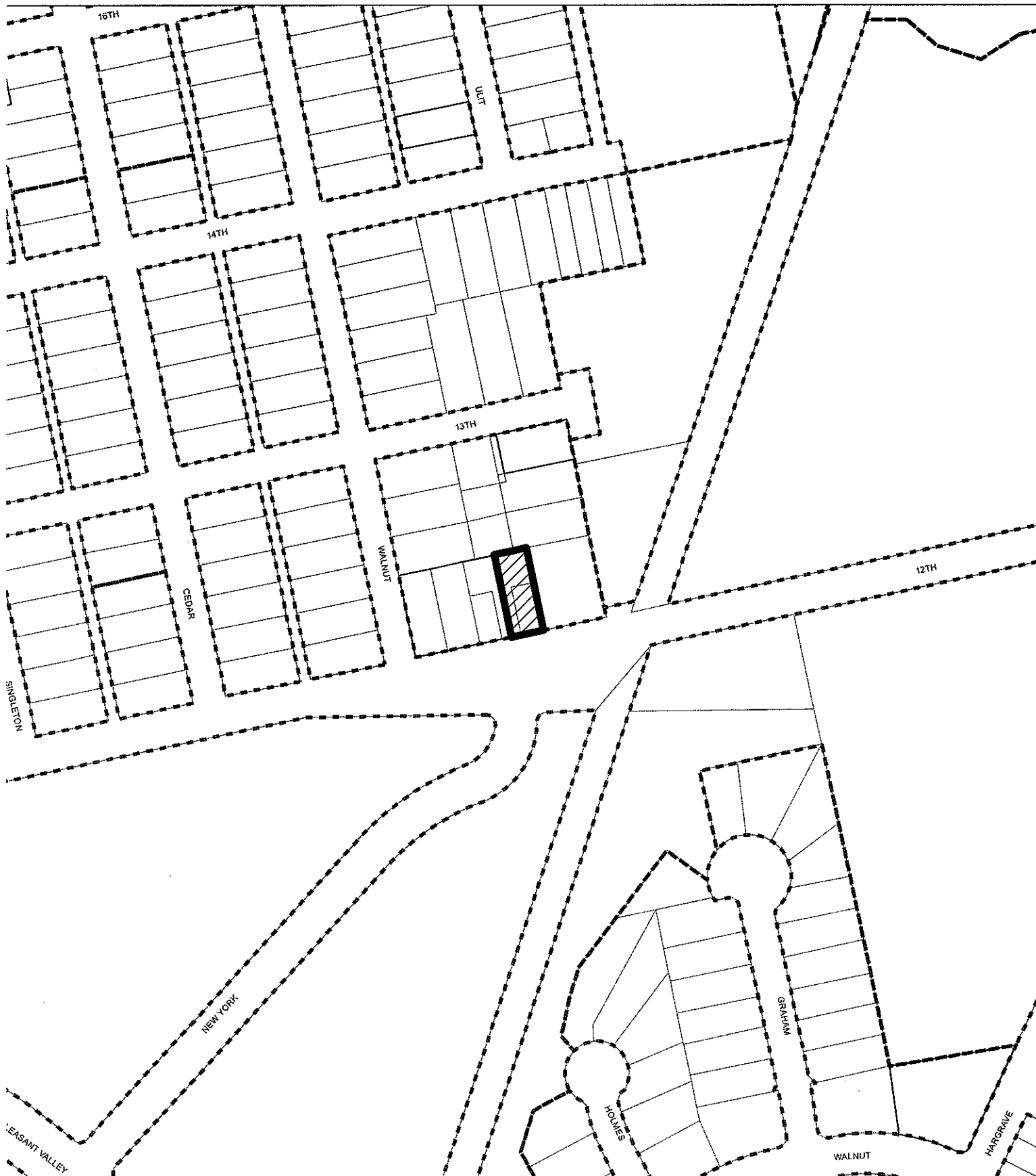
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Susan Walker
Executive Liaison



Jeff Jack
Chairman



N



SUBJECT TRACT

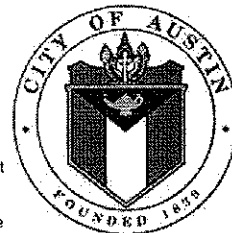


ZONING BOUNDARY

CASE#: C15-2012-0142
LOCATION: 2710 & 2712 EAST 12TH STREET

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.



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

DATE: Monday, March 11, 2013

CASE NUMBER: C15-2012-0142

____ Jeff Jack
____ Michael Von Ohlen 2nd the Motion
____ Nora Salinas
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne Motion to PP to April 8
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Jim Bennett

OWNER: Kevin Smith

ADDRESS: 2710 and 2712 E 12TH ST

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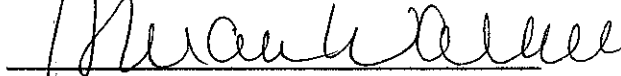
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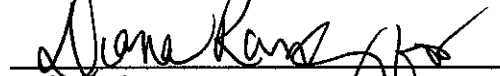
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3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Susan Walker
Executive Liaison



Jeff Jack
Chairman

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

DATE: Monday, February 11, 2013

CASE NUMBER: C15-2012-0142

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas ABSENT – STUART HAMPTON
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Jim Bennett

OWNER: Kevin Smith

ADDRESS: 2710 and 2712 E 12TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an "SF-3" district and adjoins a lot that is (i) zoned "SF-3"; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

BOARD'S DECISION: POSTPONED TO JANUARY 14, 2013 – RENOTIFICATION REQUIRED, NEED TO CORRECT ADDRESS; JAN 14 CANCELLED MEETING DUE TO NOTIFICATION ERROR POSTING OF AGENDA

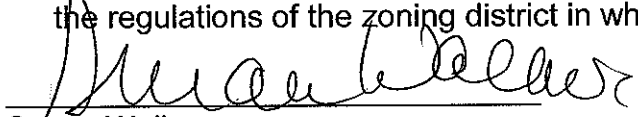
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Susan Walker
Executive Liaison



Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

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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:

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- appearing and speaking for the record at the public hearing;

- and:
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 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - 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.

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Case Number: C15-2012-0142 - 2710, 2712 E 12th Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 11, 2013

Maele's Block
 Your Name (please print)

☒ I am in favor
☐ I object

2504 New York Drive
 Your address(es) affected by this application

Austin
 Signature

2/6/13
 Date

Daytime Telephone: 214 363 2628

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, February 11, 2013

Your Name (please print) TRAPP Margaret ☐ I am in favor
☒ I object

Your address(es) affected by this application 1204 Walnut Austin

Signature [Signature] Date 2-5-13

Daytime Telephone: 303 349 8584

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

CITY OF AUSTIN

Board of Adjustment/Sign Review Board Decision Sheet

CASE NUMBER: C15-2012-0142

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Fred McGhee
_____ Melissa Hawthorne
_____ Sallie Burchett
_____ Cathy French (SRB only)

ADDRESS: 2702 12TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an “SF-3” district and adjoins a lot that is (i) zoned “SF-3”; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

BOARD'S DECISION: POSTPONED TO JANUARY 14, 2013 – RENOTIFICATION REQUIRED, NEED TO CORRECT ADDRESS

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:
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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:

Jeff Jack
Chairman

Chestnut Neighborhood Plan Contact Team

December 6, 2012

City of Austin Board of Adjustment
301 West 2nd St.
Austin, Texas 78701

Case Number: C15-2012-0142

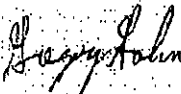
Dear Board of Adjustment:

I am writing to express the support of the Chestnut Neighborhood Plan Contact Team for the applicant's variance request for the lot at 2706 E 12th St. We support the following variance:

-Decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence Neighborhood Plan zoning district.

The Chestnut NPCT has met with the applicant to discuss this development, and support him in his variance request.

Best wishes,



Greg Goeken
Chair
Chestnut NPCT
830-613-5553

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Case Number: C15-2012-0142 - 2710, 2712 E 12th Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 14, 2013

THATERS BLOCK
 Your Name (please print)

☒ I am in favor
☐ I object

2504 NEW TONIC DRIVE
 Your address(es) affected by this application

Susan Walker ANTHONY BLOOM
 Signature Date 1/14/13

Daytime Telephone: 214-363-2628

Comments: IN FAVOR

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

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

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 14, 2013

Your Name (please print)

TRAPP

Wagner

☐ I am in favor
☒ I object

Your address(es) affected by this application

1304

W. Walnut

PO

Austin

78702

Daytime Telephone:

303

349

8584

Comments:

Signature

TR

Date

1.9.13

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

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Case Number: C15-2012-0142 – 2702 E 12th Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, December 10th, 2012

Your Name (please print)

TRAMP Margaret

☐ I am in favor
☒ I object

Your address(es) affected by this application

1204 Delank Ave Austin TX 78762

Signature

Date

Daytime Telephone: 303 349 8584

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

Walker, Susan

To: laura mcquary
Cc: Jose Minguell, AIA; Ray McQuary
Subject: RE: C15-2012-0142

Laura,

You are correct. Mr. Kevin Smith came in this morning after noticing that he had listed the wrong address on the application. Because of this...this case will NOT be heard on Monday and new notices indicating the correct address and lot highlighted on the map will have to be sent out.

This case will be moved to the January 14th hearing.

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: laura mcquary [REDACTED]
Sent: Monday, December 03, 2012 12:05 PM
To: Walker, Susan
Cc: Jose Minguell, AIA; Ray McQuary
Subject: C15-2012-0142

Susan,

We received the Notice of Public Hearing for Case C15-2012-0142.
I need to point out that there is a big error on the variance request.
Kevin Smith is listed as the owner for 2702 E 12th, however this is incorrect. The owner for this property is Ray Jackson McQuary and he is not requesting a variance. Likewise Ray McQuary's property has been highlighted as the subject tract shown for this case. I think Kevin Smith should revise his application before the hearing.

Thanks,

Laura McQuary, architect
[REDACTED]

Minguell-McQuary, llc
702 san antonio st.
austin, texas 78701
[REDACTED]

5 1 2 . 5 7 7 . 2 2 0 1

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

CASE #

ROW #

C15-2012-0142

10856754

TP-0210120103

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: ~~2702~~ ^{2710 & 2712} E 12th STREET

LEGAL DESCRIPTION: Subdivision – RESUBDIVISION OF HENRY ULIT'S

Lot(s) 2 Block 2 Outlot 29-30 Division B

I KEVIN SMITH, on behalf of myself as authorized agent for

ARMER + SMITH CAPITAL GROUP, LLC affirm that on 11/01/2012,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

25-2-1444 (B) (2)

3500 → 2750- 2C

3500 → 2625- 2D

in a SF3-NP ☒ district. (Chestnut)
(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:

The plat is approved by the City of Austin, and recorded, but the Residential Building Review department will not issue a Building Permit due to the size of my lot in comparison to the adjacent lot.

HARDSHIP:

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

Other plats for Cottage Lots that go through the City of Austin's approval process and are approved by the City of Austin are allowed to be issued a Building Permit as long as they meet all of the impervious cover, building cover, and setbacks requirements. My property is being denied such a permit

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

The property is located in the Chestnut neighborhood of the City of Austin. The Chestnut Neighborhood Plan has adopted most of the Special Uses available to a neighborhood including Small Lot Amnesty, Cottage Lot, Urban Home, Secondary Apartment, Neighborhood Urban Center, and Mixed Use Building.

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 property directly adjacent on the West side is a vacant lot and the property directly adjacent to the East is a single family residence. The property two lots to the East is zoned TOD. The ability to construct a

single family cottage on the Cottage Lot will not have an adverse impact on adjacent properties.

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:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

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

N/A

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

N/A

<p>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.</p>

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  Mail Address P.O. BOX 203535

City, State & Zip AUSTIN, TX 78720

Printed KEVIN SMITH Phone 512-964-3864 Date 11/01/12

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

Signed  Mail Address P.O. BOX 203535

City, State & Zip AUSTIN, TX 78720

Printed KEVIN SMITH Phone 512-964-3864 Date 11/01/12



TRV
2 PGS

201200161

PLAT DOCUMENT # _____

PLAT

PLAT RECORDS INDEX SHEET:

SUBDIVISION NAME: RESUBDIVISION OF LOT 2 BLOCK 2 HENRY
ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

OWNERS NAME: ARMER + SMITH CAPITAL GROUP LLC

RESUBDIVISION? YES ☒ NO ☐

ADDITIONAL RESTRICTIONS / COMMENTS:

2012146030

RETURN:

PLANNING AND DEVELOPMENT
505 BARTON SPRINGS 4TH FL
AUSTIN TX 78704

PLAT FILE STAMP

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Aug 31, 2012 12:48 PM

BENAVIDESV: \$65.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS

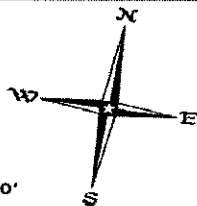
201200161

8.31.12

\$1450

201200161

RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B



SCALE: 1" = 50'

0 50 100 150
Graphic
Scale

Legend

- Nylon Rod Found
- Nylon Rod Found
- Nylon Rod Found with plastic cap, imprinted with "Hill Corson, Inc."
- ▲ 600 Not Found (Record Dimension)
- existing Concrete Sidewalk
- JUNE - Joint Use Access Easement
- ETC - Electric and Telecommunications Easement

LOT SUMMARY

Total Number of Lots = 4
 Lot 2A = 2,625 Square Feet
 Lot 2B = 3,875 Square Feet
 Lot 2C = 3,875 Square Feet
 Lot 2D = 2,625 Square Feet
 Total Area = 13,000 Square Feet = 0.298 Acre
 Lot 2A Residential Use
 Lot 2B Residential Use
 Lot 2C Residential Use
 Lot 2D Residential Use

MANUEL AVENUE (45' R.O.W.)

ROSEWOOD VILLAGE SECTION FOUR, VOLUME 49 PAGE 76

EAST 12TH STREET (R.O.W. varies)

NEW YORK DRIVE

GRAHAM STREET

This subdivision is located in the Full Purpose Jurisdiction of the City of Austin, Texas, this the 28th day of August, 2012.

ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development Review Department, City of Austin, County of Travis, this the 28th day of August, 2012, A.D.

[Signature]
 Vice Secretary, Director, Planning and Development Review Department

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, this the 28th day of August, 2012, A.D.

[Signature]
 Secretary

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing instrument of RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30, DIVISION B was filed for record in my office on the 31st day of August, A.D., 2012, and duly recorded on the 31st day of August, A.D., 2012, Book 14, in the Official Public Records of said County and that in Document No. 201200161.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the 31st day of August, 2012, A.D.

DANA DEBEAUVOUR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

By: *[Signature]*
 Deputy



NOTE: THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, DOMESTIC FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS
 KNOW ALL MEN BY THESE PRESENTS:

That, Armer + Smith Capital Group, LLC, acting by and through its Managing Member, Kevin Smith, owner of all of Lot 2, Block 2, Henry Ulit's Subdivision of Outlots 29 and 30, Division B, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 2 Page 230 of the Plat Records of Travis County, Texas, as conveyed to it by Warranty Deed recorded in Document Number 2012036432 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 212.04, of the Local Government Code, do hereby resubdivide said Lot 2 in accordance with the attached map or plat shown hereon pursuant to Chapter 212 of the Texas Local Government Code, to be known as:

RESUBDIVISION OF LOT 2 BLOCK 2
 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

subject to any easements and/or restrictions heretofore granted, and not released.

WITNESS MY HAND this 17 day of JULY, A.D. 2012.

[Signature]
 Kevin Smith, Managing Member for
 Armer + Smith Capital Group, LLC

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS
 I, the undersigned authority, on this the 17 day of JULY, A.D., 2012, did personally appear Kevin Smith, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and he acknowledged before me that he executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC *[Signature]*
 Printed Name DEBBIE VALERO
 Commission Expires 2-9-16



201200161

RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

NOTES:

1. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
2. All water and wastewater improvements must be in accordance with City of Austin water and wastewater design criteria and specifications. All plans must be presented to the City of Austin Water and Wastewater Utility Department for review and approval. All construction must be inspected by the City of Austin.
3. Building setbacks shall be in accordance with the City of Austin zoning ordinance requirements.
4. No buildings, fences, landscaping, or other obstructions are permitted in drainage easements except as approved by the City of Austin.
5. All drainage easements on private property shall be maintained by the property owner or its assigns.
6. Property owner shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental entities.
7. The owner of this subdivision, or his or her successors, and assigns, assumes responsibility for plans for construction and subdivision improvements substantially in accordance with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
8. Prior to construction, except detached single family on any lot in this subdivision, a Site Development Permit must be obtained from the City of Austin.
9. All streets, drainage, sidewalks, erosion controls, and water and wastewater lines are required to be constructed and installed to City of Austin Standards.
10. Austin Energy has the right to subgrade, trim trees and shrubbery and remove obstructions to the extent necessary to keep the easements clear of obstructions. Austin Energy will perform all tree work in compliance with the City of Austin Land Development Code.
11. The owner/developer of this subdivision/shall provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of the subdivision/lot. These easements/access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with the City of Austin Land Development Code.
12. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any utility pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits at construction for this project.
13. All signs shall comply with the Austin Sign Ordinance.
14. By approving this plat, the City of Austin assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City of Austin to deny applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
15. Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat: Cardinal Lane. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
16. All streets will be constructed to City of Austin standards.
17. The landowner is responsible for providing the subdivision infrastructure, including the water and wastewater utility improvements.
18. No portion of this subdivision is within the boundaries of the 100-year flood plain of any waterway that is within the limits of study of the Federal Flood Administration FIRM panel 48453C 0405 II, dated September 20, 2008.
19. Erosion/Sedimentation controls are required for all construction on each lot, including single family and duplex construction, pursuant to the City of Austin Land Development Code and the Environmental Criteria Manual (ECM).
20. Lot 24, Lot 28, Lot 2C, and Lot 2D of this subdivision shall have separate sewer taps, separate water meters, and their respective private water and sewer service lines shall be positioned or located in a manner that will not cross lot lines.
21. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
22. Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods.
23. Joint Access will be provided to East 12th Street from Lots 28 and 2C. The maintenance of the Joint Use Access driveway shall be the responsibility of the owners of the lots which are served by the Joint Use Access driveway.
24. All restrictions and notes from the previous subdivisions, Henry Ulit's Subdivision of Outlots 29 and 30 Division B according to the maps or plats of record in Volume 2 Page 230 of the Travis County Plat Records, shall apply to this resubdivision plat.
25. This plat is to be developed as Cottage Use Lots per LDC 25-2-1444.

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, Holt Carson, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City Code, and is true and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

Holt Carson
Registered Professional Land Surveyor No. 510
HOLT CARSON, INC.
1924 PRIVITY HYDS AUSTIN, TEXAS 78706
(512)-442-0980



7-12-2012
Date

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

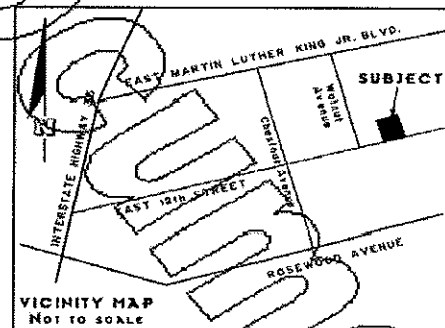
I do hereby certify that the engineering work being submitted herein complies with all provisions of the Texas Engineering Practice Act, including Section 131.152(e), hereby acknowledge that any misrepresentation regarding this certification constitutes a violation of the Act and may result in criminal, civil and/or administrative penalties against me as authorized by the Act.

No portion of this subdivision is within the boundaries of the 100-year flood plain of any waterway that is within the limits of study of the Federal Flood Administration FIRM panel 48453C 0405 II, dated September 20, 2008.

Kurt Prossner, P.E., No. 58191
KROSSNER AND ASSOCIATES
3377 Ford Springs Road
Austin, Texas 78728



7/12/12
Date

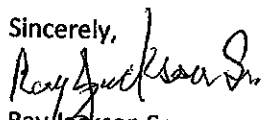


To who It May concern:

My name is Ray Jackson, Sr. and I live at 2704 E. 12th street and I support the request by Kevin Smith for a variance to allow cottage lots of less than 3,500 square feet in lot size to be adjacent to my property.

If you have any questions you may contact me at 512-699-2234.

Sincerely,

 11/12/12
Ray Jackson Sr.

Walker, Susan

From: Kevin Smith <kevin@terrazacapital.com>
Sent: Wednesday, November 07, 2012 9:22 PM
To: Walker, Susan
Subject: 2702 East 12th street variance request
Attachments: Support Letter from Ray Jackson, Sr..pdf.pdf.pdf

Hi Susan,

I am attaching the letter of support from the adjacent lot neighbor, Ray Jackson, Sr., located at 2704 E 12th street. I will also be forwarding a letter of support from the Chestnut neighborhood association next week.

The answer to your question regarding the affected lots per the plat, lots 2C and 2D are the affected lots. Lot 2 D is 2,625 sq. ft. in size. Lot 2D is a total of 3,875 sq. ft. but only 2,750 sq. ft. excluding the flagpole. Both lots are greater than the minimum cottage lot size of 2,500 sq. ft..

Let me know if you have any questions and thank you for your help.

Sincerely,

Kevin Smith



City of Austin

P.O. Box 1088, Austin, Texas 78767

RECEIPT

Receipt 5724034
No.:

Payment 11/09/2012
Date:

Invoice 5737895
No.:

Payer Information

Company/Facility Name: Armer + Smith Capital Group, LLC

Payment Made By: Kevin Smith

P.O. BOX 203535 AUSTIN TX 78720

Phone No.: (512) -

Payment Method: Check

Payment Received: \$360.00

Amount Applied: \$360.00

Cash Returned: \$0.00

Comments:

ck 10646

Additional Information

Department Name: Planning and Development Review

Receipt Issued By: Julia Lopez

Receipt Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Permit/Case No.	Amount
1000 6800 9770 4120	BOA/SRB Fee	10856754	2702 E 12TH ST	2012-000147-BA	\$360.00
				Total	\$360.00