

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

**DATE: Monday, July 8, 2013**

**CASE NUMBER: C15-2013-0059**

- Y Jeff Jack  
 Y Michael Von Ohlen 2<sup>nd</sup> the Motion  
 Y Will Schneir - Nora Salinas-out  
 Y Bryan King Motion to Grant  
 Y Fred McGhee  
 Y Melissa Hawthorne  
 Y Sallie Burchett  
 - Cathy French (SRB only)

**APPLICANT: AARON GOOGINS**

**OWNER: Barlett Family Living Trust**

**ADDRESS: 2807 DEL CURTO RD**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1063 (B) from 25 feet to 5 feet along the south property line (side) and from 25 feet to 15 feet along the east property line (rear) in order to erect detached condominium residences in an "SF-6-CO", Townhouse and Condominium Residence – Conditional Overlay zoning district.

**BOARD'S DECISION: POSTPONED TO JULY 8, 2013**

**BOARD'S DECISION: JULY 8, 2013**

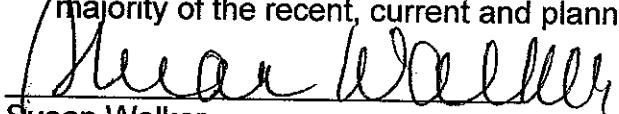
The public hearing was closed on Board Member Bryan King motion to Grant 10 feet along the south property line (side) and 25 feet along the east property line (rear) and limited to 15 units maximum as shown on exhibit D8/63, pond is allowed to be placed in the 25 setback on the east side shown on exhibit D8/63, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED 10 FEET ALONG THE SOUTH PROPERTY LINE (SIDE) AND 25 FEET ALONG THE EAST PROPERTY LINE (REAR) AND LIMITED TO 15 UNITS MAXIMUM AS SHOWN ON EXHIBIT D8/63, POND IS ALLOWED TO BE PLACED IN THE 25 SETBACK ON THE EAST SIDE SHOWN ON EXHIBIT D8/63

**RECONSIDERATION REQUEST FOR AUG 12, 2013 – The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1063 (B) from 25 feet to 10 feet along the south property line (side) and from 25 feet to 15 feet (for pond only) along the east property line (rear) in order to erect detached condominium residences in an "SF-6-CO", Townhouse and Condominium Residence – Conditional Overlay zoning district.**

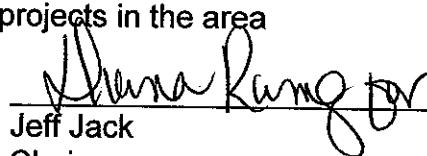
**BOARD'S DECISION:**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the proposed use detached condominium is allowed in the current SF-6 zoning in place on the 2.8 acre parcel, the proposed project included condominiums that will only have one residence per building
2. (a) The hardship for which the variance is requested is unique to the property in that: the hardship in this property due to the area in the floodplain it reduces buildable area and the strict interpretation setbacks to adhere to and reduce site area to approximately 40%  
  
(b) The hardship is not general to the area in which the property is located because: the hardship is not general to the area, it us unique to the subject property, the combination of the floodplain/CWQZ on the project and the compatibility setbacks
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 variance will not alter the character of the area of the property because it is developed with less density and larger internal and external setbacks than the majority of the recent, current and planned projects in the area



Susan Walker  
Executive Liaison



Jeff Jack  
Chairman

CS 2013-0059

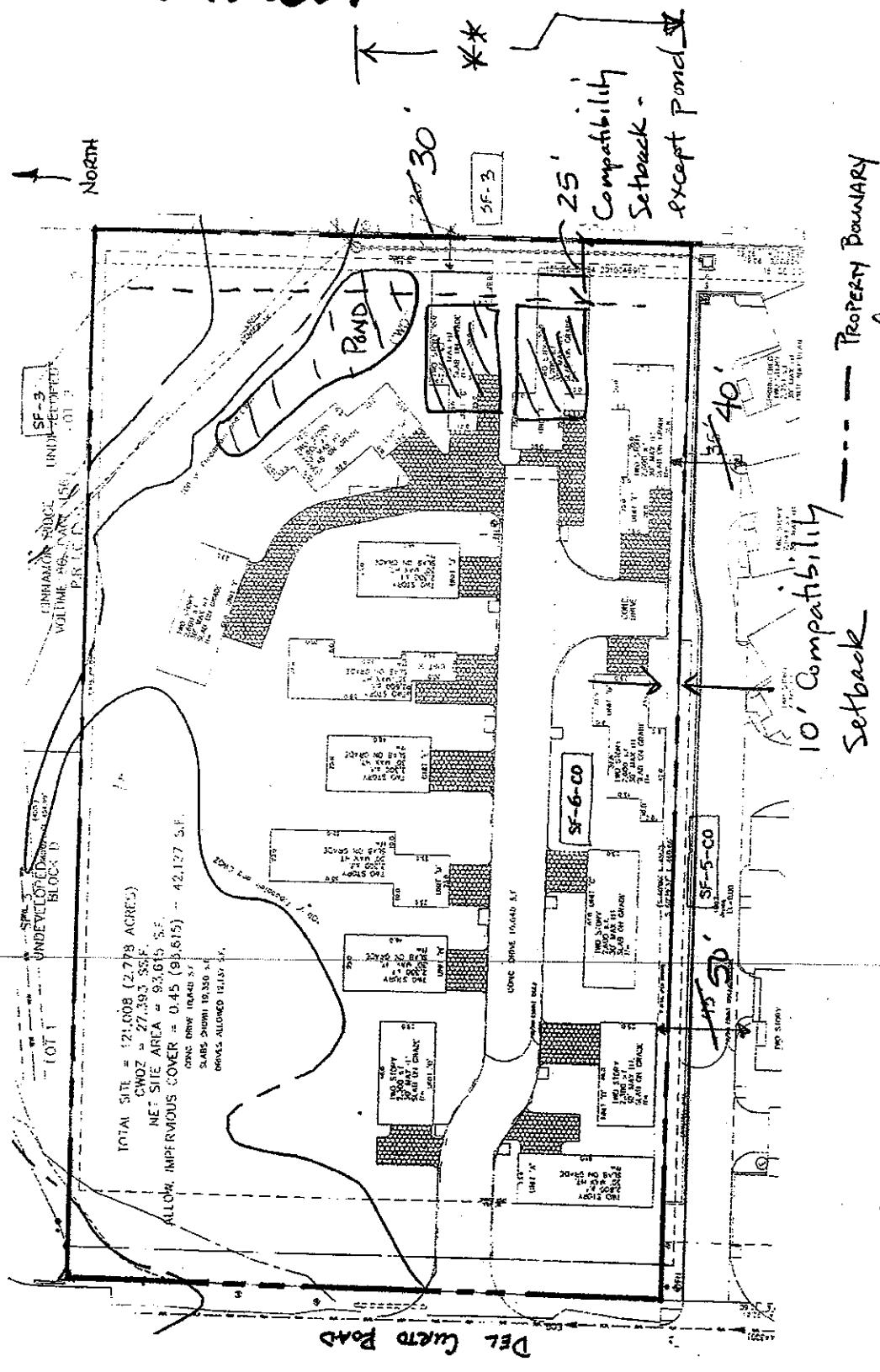


EXHIBIT 'A'

7-3-13

\*\* We will plant replacement trees in the existing 15' drainage easement as long as the City allows it.

PROPERTY BOUNDARY

63/08

July 17, 2013

Ms. Susan Walker  
City of Austin, DAC  
505 Barton Springs Road  
Austin, Texas 78704

**Subject: 2807 Del Curto Road  
Board of Adjustment Case No. C15-2013-0059  
Request for Reconsideration**

Dear Ms. Walker:

I am writing to request that the Board of Adjustment reconsider Case No. C15-2013-0059 at the August 12, 2013 meeting. We are requesting the reconsideration based on new/additional information.

We are pleased that the Board granted approval to allow a 10-foot setback to the south and allow our proposed pond to encroach into the 25-foot setback to the east. However, the restriction on the maximum number of units came as a surprise and poses a serious, negative impact to our project.

Attached is the 16-unit layout we have been pursuing since we began working with our neighbors to the east. One of the attachments is a hand sketch that I prepared to illustrate our plan to the neighbors and the other is a draft of the 16-unit plan prepared by our engineer.

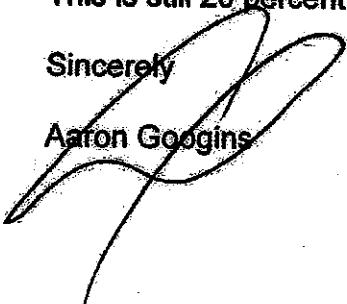
We did not include this with the exhibits for the July 8, 2013 Board meeting because we were trying to use exhibits that were consistent with our original application so that we could clearly illustrate the changes between the original request and our compromise with the neighbors.

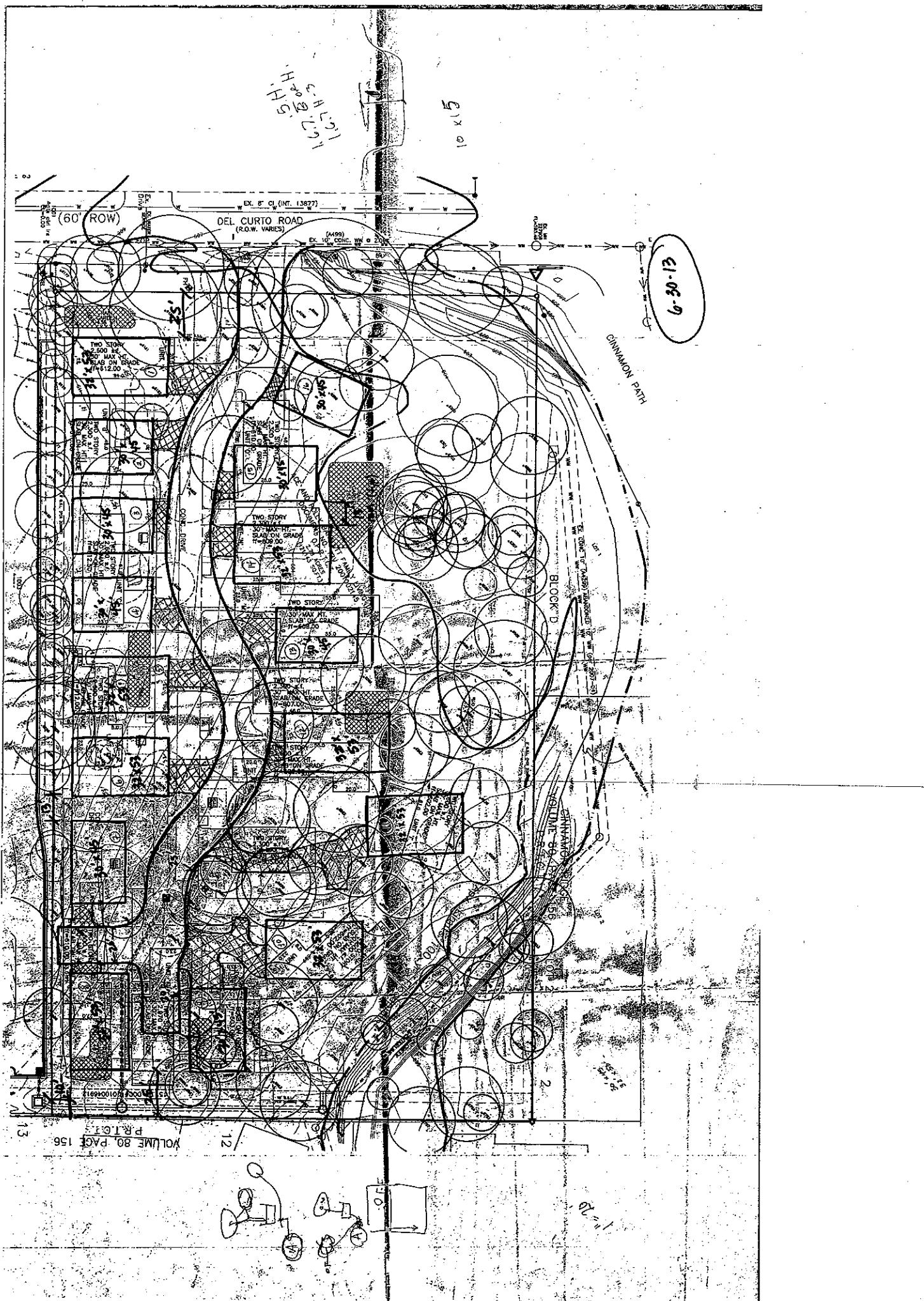
We were clear with the neighbors that the compromise agreement as well as our market analysis lead us to smaller units and that we would be revising our plan to include 16 or 17 units.

We are requesting that the Board reconsider their ruling in light of this new information and our efforts to work with our neighbors and revise their density restriction to 16 units. This is still 20 percent lower density than what current zoning allows.

Sincerely,

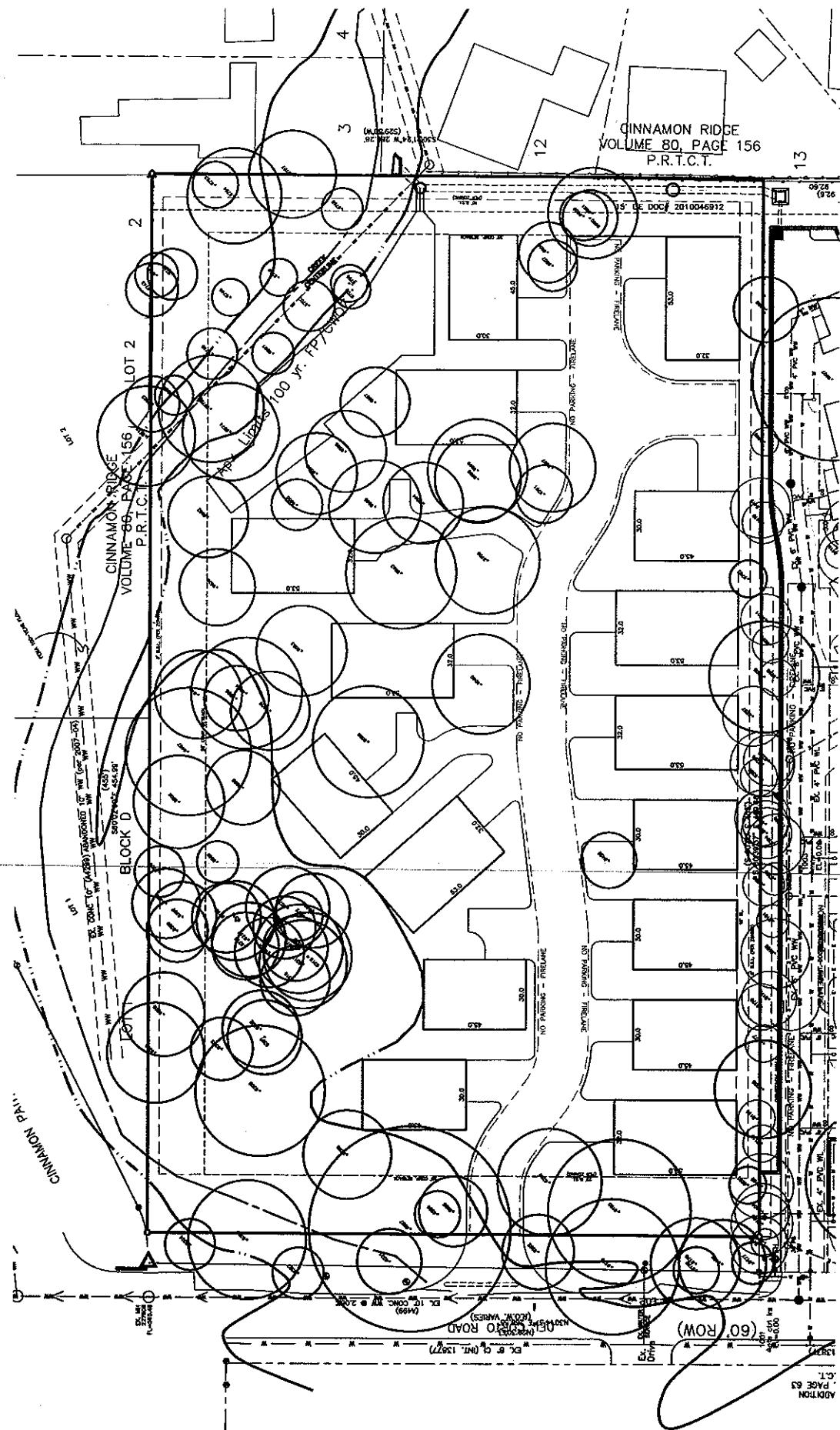
Aaron Googins





CINNAMON RIDGE  
VOLUME 80, PAGE 156  
P.R.T.C.

13



**CIS-2013-0059**

Ramirez, Diana

**From:** Aaron Googins <[aaron.googins@outlook.com](mailto:aaron.googins@outlook.com)>  
**Sent:** Friday, July 05, 2013 5:09 PM  
**To:** Ramirez, Diana  
**Cc:** Kurt Prossner; SHAWN BREEDLOVE; Walker, Susan  
**Subject:** FW: 2807 Del Curto Board of Adjustment  
**Attachments:** 2807DelCurto\_BOA\_Revised\_070513.pdf; sheet 7 of 12, march 19, 2013.pdf; sheet 8 of 12, march 19, 2013.pdf

Diana - I'm forwarding this email to you per Susan Walker's auto response email. Thanks,

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**From:** [aaron.googins@outlook.com](mailto:aaron.googins@outlook.com)  
**To:** [susan.walker@austintexas.gov](mailto:susan.walker@austintexas.gov)  
**CC:** [pandemic@williamsbell.net](mailto:pandemic@williamsbell.net); [ibreecell@icloud.com](mailto:ibreecell@icloud.com)  
**Subject:** 2807 Del Curto Board of Adjustment  
**Date:** Fri, 5 Jul 2013 17:06:47 -0500

Hi Susan - I will not be able to attend the BOA meeting on July 8th, but our engineer - Kurt Prossner and/or Shawn Breedlove will be present to answer any questions that might be asked.

I'd like to give you an update and summarize our revised request.

You may recall that our original request was a 5 foot compatibility setback on our southern boundary and a 15 foot compatibility setback on our eastern boundary.

Based on feedback from the HOA and our neighbor to the south - we revised our request to be a 10 foot compatibility setback on our southern boundary and a 15 foot compatibility setback on our eastern boundary with the caveat that the homes would be single story between 15 and 25 feet of our eastern boundary. I believe the Board and the neighborhood was happy with this compromise - BUT we were postponed one month so that we could communicate with more neighbors.

We talked on a number of occasions and met with Cindy Dicosimo to discuss the project. Cindy is one of the women that singed up at the BOA meeting in objection - but liked what we were planning once she heard our presentation. Cindy took it upon herself to be the unofficial spokesperson for those that file objections to our request.

The results of the past month are as follows:

- 1) South side - 10 foot compatibility setback in accordance with the southern neighbors request.
- 2) East side - 25 foot compatibility setback except that we can construct a detention and/or water quality pond within the 25-foot setback up to 15 feet from the property line. We will not have any homes within 25 feet of the eastern property line.

As we said in our original request, if we are granted the waiver, we will build detached homes. In addition, we have said that if we are granted the revised request, we will plant replacement trees in the existing 15 foot drainage easement for screening along the eastern property line - as long as the City allows it.

**CIS-2013-0059**

I've attached a revised application. I don't know if it is necessary, but I thought might be helpful.

Also - one of the Board members asked me about our proposed tree removal for the project. I've attached the landscape sheets from our Site Plan submittal. The second sheet illustrates that we are proposing to remove 300 inches of the existing 1,935 inches. This will change some as the project is permitted, but we will be working to keep our tree impact as low as possible and similar to what is shown in our original Site Plan submittal.

Thanks,

Aaron Googins  
512-809-5118

C15-2013-0059

update

CASE # \_\_\_\_\_  
ROW # \_\_\_\_\_

**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: 2807 Del Curto Road, Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision - Theodore Low Heights Subdivision

Lot(s) 7 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_ Vol 455, Pg 81

I/We Aaron Googins on behalf of myself/ourselves as authorized agent for  
Bartlett Family Living Trust affirm that on May 3, 2013,

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

(check appropriate items below)

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

*7-3-13*  
Detached, one and two story, condominium homes on the parcel in compliance with  
the following building setbacks: compatibility setbacks:

Front Yard - 25 feet (West)

Rear Yard - 15 feet 25 feet - except detention pond @ 15 feet (east)

Side Yard (south) - 5 feet 10 feet

Side Yard (north) - 25 feet

in a SF-6 district.  
(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.**

CIS 2013 0059

**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 proposed use – detached condominium – is allowed in the current SF-6 zoning in place on the 2.8 acre parcel. The proposed project includes condominiums that will only have one residence per building. The proposed project will look and feel like a single family subdivision. The proposed homes will be 1,500 to 3,000 square feet in size and one to two stories in height.

The compatibility setbacks required on the property boundaries do not allow for a reasonable use because if they are imposed, approximately 40 – percent of the site will be undevelopable, and the large number of large hardwood trees

**HARDSHIP:** make it nearly impossible to develop the site without utilizing multiple unit buildings. *AP 7-3-13*

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

The hardship is unique to this property. The hardship is that if compatibility setbacks are imposed, approximately 40 – percent of the site will be undevelopable. *the hardship is also the presence of a large number of large hardwood trees.*

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

The hardship is not general to the area – it is unique to the subject property. The combination of the floodplain/CWOZ on the project and the compatibility setbacks create the hardship. *combined with the large number of large hardwood trees on the site create the unique hardship.* *AP 7-3-13*

**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 variance will not alter the character of the area adjacent to the property and will not impair the use of the adjacent property nor will it impair the purpose of the zoning regulations because:

- A) The property will be developed with less density and larger internal and external “setbacks” than the majority of the recent, current and planned projects in the area.
- B) If the variance is granted, all of the homes will be detached, one family homes versus attached two and three family homes similar to the majority of the recent, current and planned projects in the area.
- C) If the variance is granted there will still be a minimum separation of ~~35~~ to ~~45~~ feet between the proposed homes and homes to the south and a minimum separation of ~~20~~ to ~~30~~ feet between the proposed homes and existing homes to the east. *40 50*
- D) As part of the consideration for the reduced eastern compatibility setback to 15 feet - for the detention pond only - we will plant replacement trees in the existing 15-foot easement - if the City allows it. *AP 7-3-13*

**CIS 2013-0059**

**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:

**NOT APPLICABLE**

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:

**NOT APPLICABLE**

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

**NOT APPLICABLE**

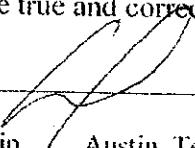
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOT APPLICABLE**

**CIS-201-0059**

**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.

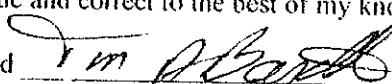
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1702 Pease Road

City, State & Zip Austin, Texas 78703

Printed Aaron Googins Phone 512-809-5118  
Date May 3, 2013

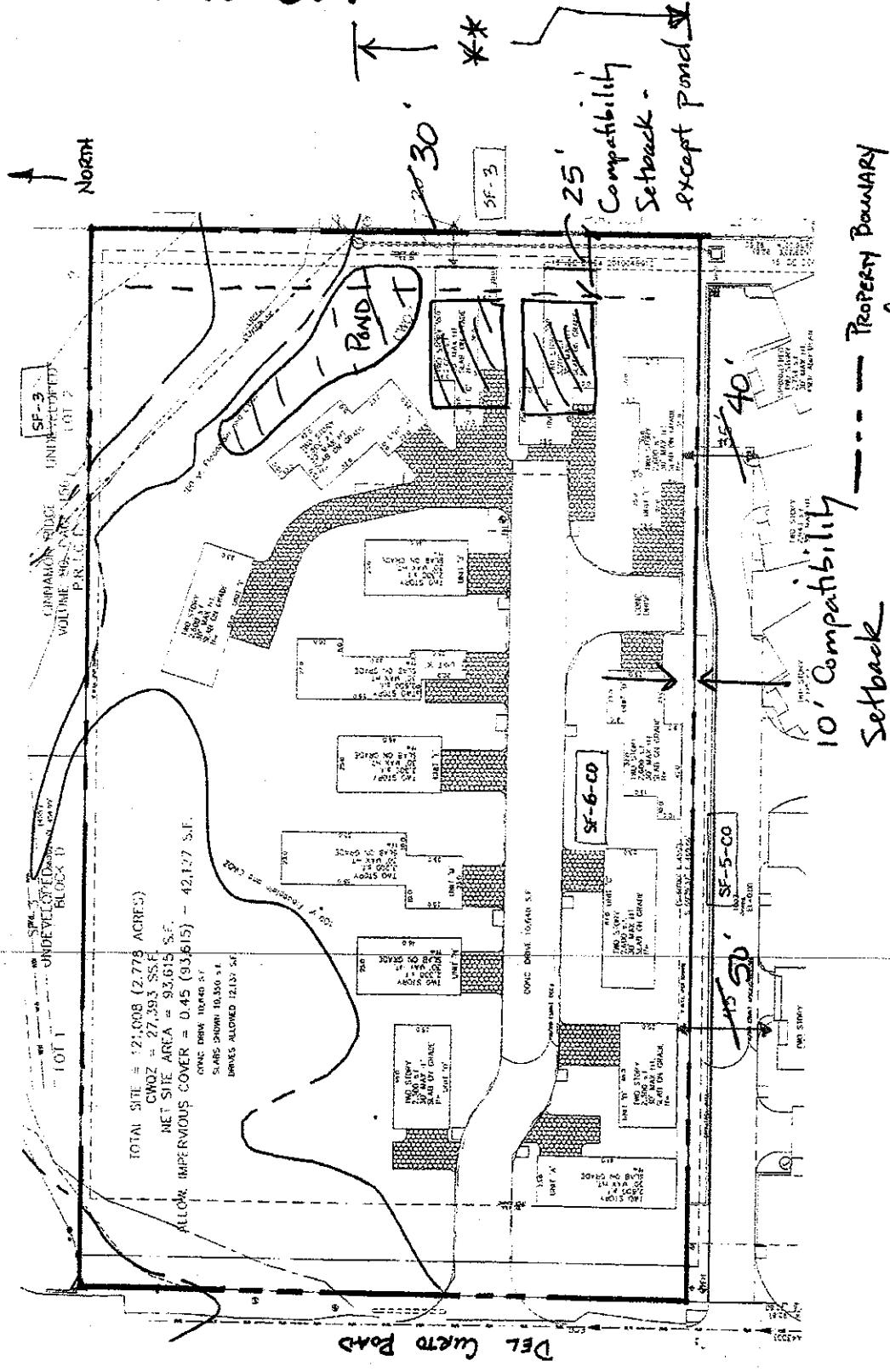
**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1702 Pease Road

City, State & Zip Austin, Texas 78703

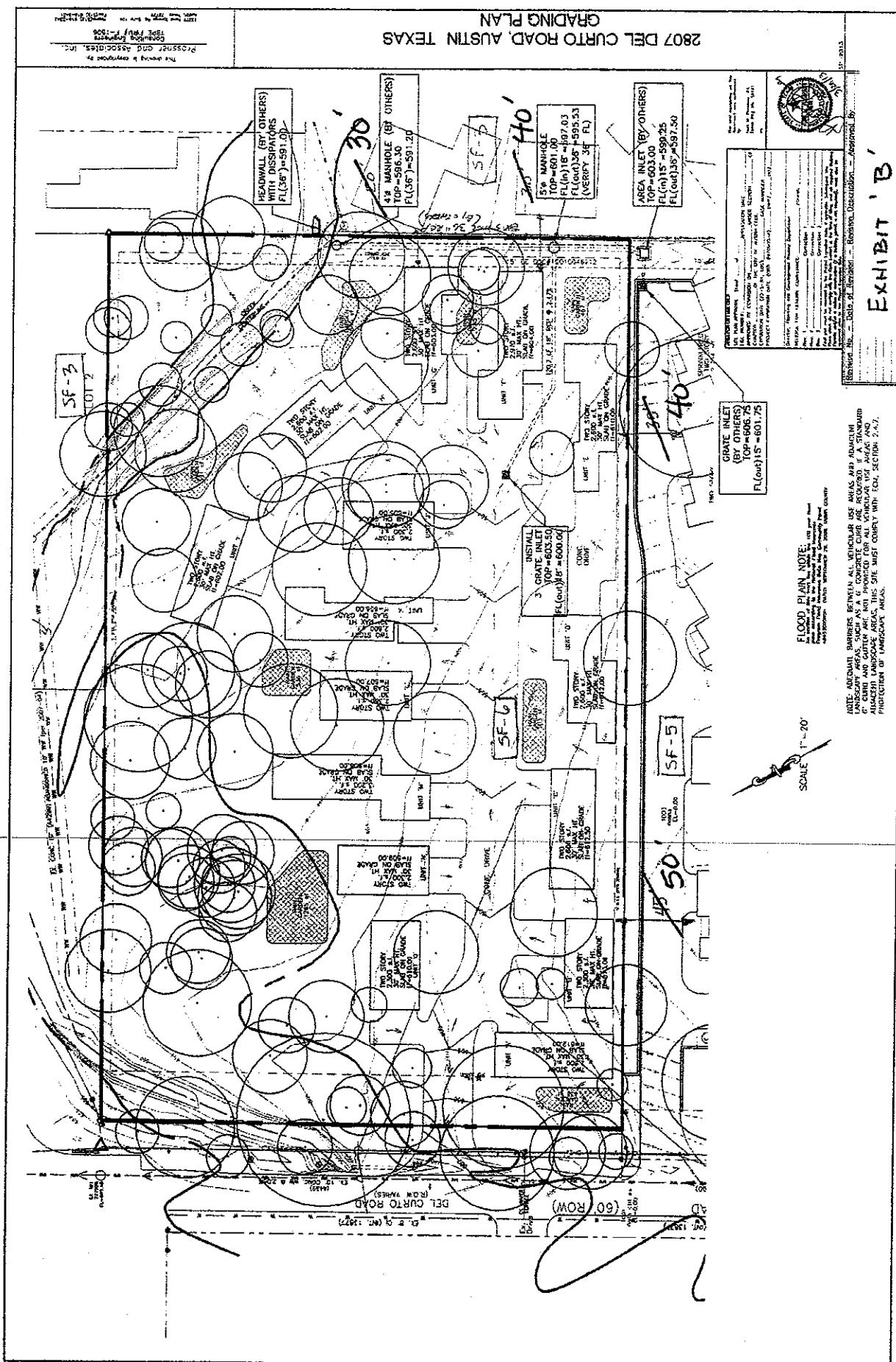
Printed Tim Bartlett of Bartlett Family Living Trust Phone 512-809-5118  
Date May 3, 2013

CS-2013-0059



\*\* We will plant replacement trees in the existing 15' drainage easement as long as the City allows it.

CS 201 2059







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

**DATE:** Monday, June 10, 2013

**CASE NUMBER:** C15-2013-0059

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

**APPLICANT:** AARON GOOGINS

**OWNER:** Barlett Family Living Trust

**ADDRESS:** 2807 DEL CURTO RD

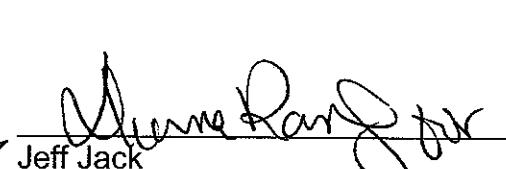
**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1063 (B) from 25 feet to 5 feet along the south property line (side) and from 25 feet to 15 feet along the east property line (rear) in order to erect detached condominium residences in an "SF-6-CO", Townhouse and Condominium Residence – Conditional Overlay zoning district.

**BOARD'S DECISION:** POSTPONED TO JULY 8, 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

## **compromise re 2807 Del Curto**

From: **Nancy MacLaine** (nancy.macclaine@gmail.com)  
Sent: Mon 6/10/13 10:33 AM  
To: aarongoogins@outlook.com  
Cc: Bruce Evans (bruceevans@gmail.com)

Aaron,

I wanted to respond to your proposal that if the compatibility setback between your SF-6 and the existing SF-3 is reduced from 25 to 15 feet that only single story construction will be permitted in the 10 foot bonus space. The SLNA zoning committee does not oppose that compromise.

Personally I am pleased to see a creative alternative proposed that reduces the impact on both parties.

Also to restate from yesterday, SLNA's position on the compatibility between your SF-6 and the SF-5 property to the south should be worked out between you and the SF-5 owner Michael Friedman. SLNA is neutral on that one.

Sincerely, Nancy MacLaine  
SLNA President 2013

## 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](http://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: C15-2013-0059 – 2807 Del Curto Road  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 10th, 2013

William Hinsley / Bruce Simmons

Your Name (Please print)

2606 Del Curto Rd. Unit B, Austin, TX 78704

Your address(es) affected by this application

I am in favor

I object

  
Signature

Daytime Telephone: 213.422.2152

Date

6/1/13

Comments: THESE IS ALREADY A PROBLEM WITH

HIGH DENSITY FILL IN THE AREA. OUR COURSOS

ARE AT MAX IMPERVIOUS COVERAGE

FACE UNPREDICTED PROBLEMS THAT FLOOD

OUR NEIGHBORHOOD PROPERTY. DEL CURTO

HAS NO ON-STREET DRAINAGE. THESE CITY DOES

THE CITY SET Specs & CODS, THEN

ROUTE TO GRAB WATERS TO THEM? MONEY

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: C15-2013-0059 – 2807 Del Curto Road**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

**Susan Walker**  
Your Name (please print)

**South Lamar Neighborhood Association**  
Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-589-0184

I am in favor  
 object

Comments: The neighborhood is specifically opposed to changing the setback between the SF-3 and the rear set back property line where the SF-3 homes are located. This property was granted additional entitlements when it was zoned up for SF-3 to SF-6. It makes no sense to grant more by reducing setbacks. 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

Comment for public hearing case # C15-2013-0059 2807 Del Curto Road

Public Hearing for Board of Adjustment on June 10, 2013

These comments against the proposed zoning change are from:

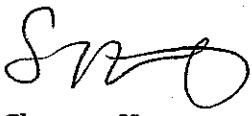
**Geoffrey & Sherren Harter**  
1811 Village Oak Ct  
78704                    512-800-5888

We apologize but our 3 year old wrote on the form.

We object to the proposed decrease in allowed minimum setback from the adjoining properties for two reasons.

1. Until either the city, county or CAMPO build continuous bike lanes along the entire stretch of South Lamar, we object to any further development that brings more density. The city, county and CAMPO all speak about how transportation needs to be an "all of the above approach" but there are not safe bike lanes along Lamar. About half the total length of South Lamar has bike lanes. Now that the area is becoming even more dense and more businesses are downtown, biking should be a viable commuting choice. However, it is dangerous due to having to share the lane with cars which are tired of traffic themselves and drive pretty fast down Lamar.
2. I have no knowledge of the South Lamar Neighborhood Association being given the plans for the development of 2807 Del Curto Road. What is built concerns the neighborhood in terms of flooding (all rainfall be directed to creek on north side of the development) but probably more importantly parking. Is there enough viable parking for residents and guests to this development. Parking along Del Curto is not a safe option as the street is very narrow along this stretch of Del Curto. Further north on Del Curto where the street is a bit more wide is already causing parking nightmares due to insufficient garage space in the Milestone & SOLA developments (driveway is too narrow in Milestone's case and parking a pickup truck into the garages in both Milestone & SOLA is not viable due to garage sizes). Also there isn't enough guest parking at both developments. What is the parking plan and driveway/garage sizes of the new development at 2807 Del Curto development? Will the proposed decrease in setback lead to better or worse parking options for this new development?

  
Geoffrey Harter

  
Sherren Harter

June 3, 2013 

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**Case Number: C15-2013-0059 – 2807 Del Curro Road**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

**Sheren and Geoff Harter**  
Your Name (please print)

**1811 Village Oak Cr**

Your address(es) affected by this application

**Geoff Harter**  
Signature

Daytime Telephone:

512 801 5888

Date

6/3/13

**Comments: I object for two reasons:** ① until

~~there is a continuous block lane along South Lamer, no more increase in density should occur~~

② How much fencing is allowed for new place?

~~There is NO space to park alongside Del Curro~~

~~We are already experiencing parking on streets~~  
~~Issue with lifetime one SOLA development on~~

~~Del Curro,~~

~~South S. Lamer Neighborhood~~

~~ASZL, the parking plan for 2807 Del Curro~~  
~~If you use this form to comment, it may be returned to: New Developmen~~

~~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, June 10th, 2013**

**MICHAEL FRIEDMAN** *(to)*  
Your Name (please print)  
**2811 DEL CURTO RD.**

Your addressee(s) affected by this application  
*Micheal J. Friedman* *Jun 7, 2013*  
Signature  
Date

Daytime Telephone: **(512) 567-8985**

Comments: **I SUPPORT 10' SETBACK**

**REDUCE FROM 25' TO 10'**

I am in favor  
 I object

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

June 6, 2013

Ms. Susan Walker  
City of Austin, DAC  
505 Barton Springs Road  
Austin, Texas 78704

**Subject: 2807 Del Curto Road  
Board of Adjustment Case No. C15-2013-0059  
Notice of Support**

Dear Ms. Walker:

I am writing to express my support for the applicant's request for a reduced building setback on their southern boundary. However, our support is for a 10-foot setback rather than the 5-foot setback as requested.

Our property/project abuts the southern boundary of the 2807 Del Curto Project. We have met with the developer and reviewed the proposed Site Plan and setbacks for the proposed project. Due to the fact that the 2807 Del Curto Project will consist of detached homes that will be configured like a single family subdivision, we support a 10-foot building setback along their southern boundary.

We believe granting a 10-foot setback will ultimately lead to a more compatible development on the property. If the waiver is not granted, we are concerned that they may be forced to develop attached product (e.g. townhomes) rather than detached homes. The attached product is not only less desirable to us as neighbors, but will likely require more tree and vegetation removal than does the proposed project.

Please grant a 10-foot building setback so that they can continue with detached homes and create a project that truly is compatible with the neighbors.

Sincerely

Michael J. Friedman

June 7, 2013

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**Case Number: C15-2013-0059 – 2807 Del Curto Road**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

**Rosin Summers**

Your Name (please print)

**1609 B**

Cinnamon Path

Your address(es) affected by this application

*Rosin Summers*

Signature

Daytime Telephone: **281.961.6608**

Date

Comments:

**200 for it!**

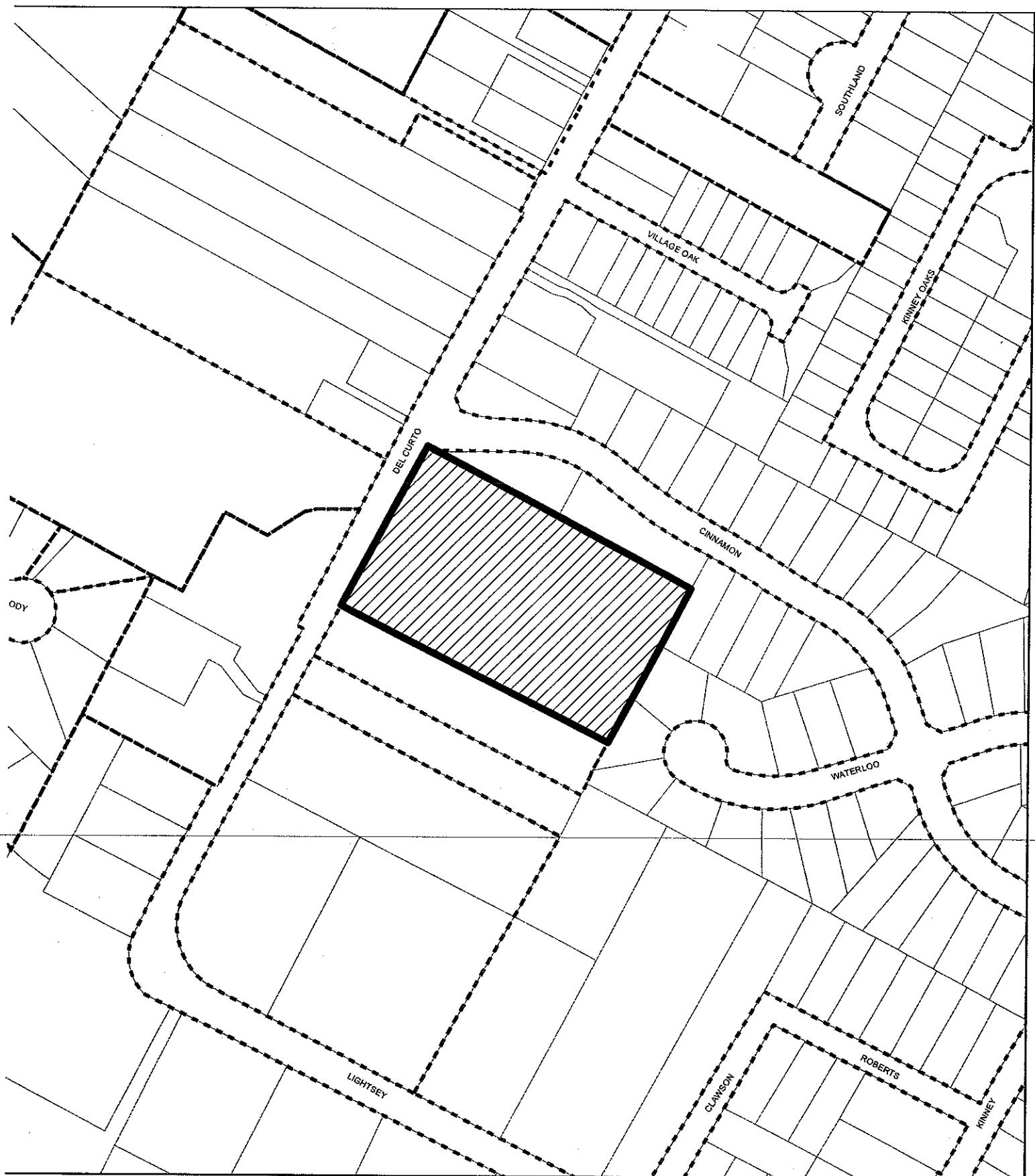
**6/1/13**

I am in favor  
 I object

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



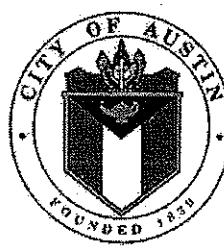
N SUBJECT TRACT

ZONING BOUNDARY

CASE#: C15-2013-0059  
LOCATION: 2807 DEL CURTO RD

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.



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**Case Number:** C15-2013-0059 ~ 2807 Del Curto Road

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, June 10th, 2013

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

*Brenda Walker*

Your Name (please print)

*711A Waterside Trail*

Your address(es) affected by this application

*Brenda Walker*

Signature

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

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**Case Number: C15-2013-0059 - 2807 Del Curto Road**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

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

*Susan M. Walker*  
Your Name (please print)  
1804 Cimarron Path, unit A

Your address(es) affected by this application

*Susan M. Walker*  
Signature  
Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date  
6/9/13

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Case Number: C15-2013-0059 – 2807 Del Curto Road  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 10th, 2013

*Susan Walker*

Your Name (please print)

1710A Water Loo<sup>T</sup> ✓ /

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512.905.2444

Comments:

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Austin, TX 78767-1088

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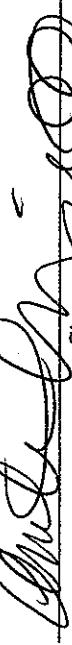
Case Number: C15-2013-0059 - 2807 Del Curto Road  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 10th, 2013

Amber Will Seppa

Your Name (please print)

1710 B. Waterloo Trail, Austin, TX 78705

Your address(es) affected by this application



Signature

Date

Daytime Telephone: 512-733-3205

Comments:

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**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, June 10th, 2013**

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

*Bethany Concess*  
Your Name (please print)  
*120513 Cinnamon Park*

Your address(es) affected by this application

*Susan Walker*  
Signature  
*6-9-13*  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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**Public Hearing: Board of Adjustment, June 10th, 2013**

**Jukou Wong**  
Your Name (please print)  
1710X Canyon Park

I am in favor  
 I object

Your address~~(es)~~ affected by this application



6/9/13

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

Signature

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

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

**JESSICA WILLIAMS**  
Your Name (please print)

1806 CINNAMON PART H B  
Your address(es) affected by this application

  
Signature  
Date  
6/9/2013

Daytime Telephone: 512-213-7943

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: C15-2013-0059 - 2807 Del Curto Road

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, June 10th, 2013

*Charles Steck*

Your Name (please print)

1707 Cinnamon Park

Your address(es) affected by this application

*Charles Steck since 1987*

Signature

Date

Daytime Telephone: *512-442-7373*

Comments: *the area, w. walkin, need to run sometimes 6-8 months of the year (even occasionally years passed). Now we areucky like us for 2 months. Convince me that this project will lesson noise, traffic and eye to eye associated with rezoning grant space. In other words give near incentive (i.e., lower taxes, better traffic flow, increased neighborhood security, less flooding and erosion in my back yard in exchange for supporting this variance.*

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

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

## PUBLIC HEARING INFORMATION

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Case Number: C15-2013-0059 - 2807 Del Curto Road  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 10th, 2013

*Charles J. Siercks*

Your Name (please print)

I am in favor  
 I object

1707 Cinnamor Path

Your address(es) affected by this application

*Charles J. Siercks*

Date  
6/10/2013  
Signature

Daytime Telephone: 512 - 942 7373

Comments: *I am willing to provide funds to offset all infrastructure needed - street widening, sewer, utility, parking, increased neighborhood crime control, noise abatement, security, then I will support relocations for variance.*

*Charles J. Siercks*

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

*Eric*

Your Name (please print)

*1713 A Chancery Park*

Your address(es) affected by this application

*[Signature]*

Signature

6/9/13

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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**Public Hearing: Board of Adjustment, June 10th, 2013**

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

*Numan Alamed*

Your Name (please print)

*1701 Cimarron Park*

Your address(es) affected by this application

*06/09/2013*

Date

*[Signature]*

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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**Case Number: C15-2013-0059 - 2807 Del Curto Road**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

TODD GIBBS

Your Name (please print)

1706A Waterloo Trl

Your address(es) affected by this application

I am in favor  
 I object

6-9-2013

Date

Daytime Telephone: 512-659-6740

Comments: I had to forego having a garage because of the 25 ft set back... so deal with the space you have and design something different, within the space allotted.

Signature  
Todd Gibbs

Daytime Telephone: 512-659-6740

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**Case Number:** C15-2013-0059 - 2807 Del Curto Road  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

Kristi GIBBS

Your Name (please print)

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

1701 W ATTERUDO TRL 78701

Your address(es) affected by this application

J.S. Gibbs

Signature

Daytime Telephone: 512-4002-0736

Comments: I strongly object to this application. I believe it encroaches on the lot. It being this size of a border needs a much broader buffer. Also I am concerned about the safety of the children who live on the same street. I believe the lot is too close to the corner of the lot.

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P. O. Box 1088  
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Galago, and we want breeding one  
here, so as soon as he sticks closer,  
we'll make space for it there.  
Now in mind in mind.

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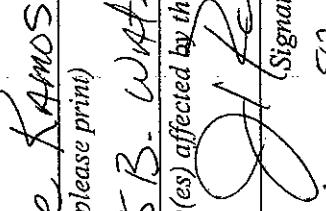
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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

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

  
Joe Amos

Your Name (please print)

1705B. Waterloo Austin TX 78704

Your address(es) affected by this application

6-09-2013

Date

Signature

Daytime Telephone: 512 899-1044

Comments:

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

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

M.C. & Y.A. Yachay

Your Name (please print)

1103 B Waterloo Trail

Your address(es) affected by this application

Karen Walker

Signature

06/09/13

Date

Daytime Telephone: 512-794-7252

Comments:

If you use this form to comment, it may be returned to:  
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**Public Hearing: Board of Adjustment, June 10th, 2013**

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

*Matt Lovell*  
Your Name (please print)

1700 Wulffco Trail B - 18704  
Your address(es) affected by this application

*Matt L*

Signature

Date

6-9-2013  
Daytime Telephone: 405-501-1940

Comments:

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**Public Hearing:** Board of Adjustment, June 10th, 2013

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

Gail Young

Your Name (please print)

1703 A Waterlon Tr 78704

Your address(es) affected by this application

Gail Young

Signature

Date

Daytime Telephone: 512 912 1109

Comments: My main concern is lack of  
information. That barrier is there to help  
keep out ensure some degree of  
privacy & so make it less us to  
achieve its purpose - unless it acts  
as屏障 to the publically.  
We have a very quiet neighborhood as much  
as possible.

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Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 10th, 2013

*Suzanne M D*

Your Name (please print)

I am in favor  
 I object

*1710 Watson Street Austin TX 78704*

Your address(es) affected by this application

*6/14/13*

Date

*Signature*

Daytime Telephone: *(512) 576 5071*

Comments: *I absolutely reject the Dept  
of anyone moving the legal set  
back Agreement to my property  
line.*

*I will vote accordingly*

*Suzanne M D*

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Austin, TX 78767-1088

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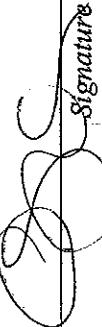
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**Case Number: C15-2013-0059 - 2807 Del Curto Road**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

*Susan Walker*  
Your Name (please print)

1710 ~~2~~ Waterlott Dr  
ATX 78704

Your address(es) affected by this application

  
Signature

Date

Daytime Telephone: 512-253-3377

Comments: I ~~do~~ ~~not~~ want to let   
~~these people break the~~  
~~law~~ to ruin my living space.  
~~It's nonsense~~

Comments: 6/7/13

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, June 10th, 2013

Todd Kincaid

Your Name (please print)

2705 Del Curto Rd.

Your address(es) affected by this application



Signature

Daytime Telephone:

Comments:

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

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

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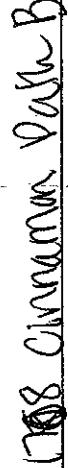
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**Public Hearing: Board of Adjustment, June 10th, 2013**

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



Your Name (please print)

  
108 Clarendon Park B

Your address(es) affected by this application



Signature

6/9/13

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

Jennifer Westerman

Your Name (please print)

1810 Village Oak Ct

Your address(es) affected by this application



Signature

Date

Daytime Telephone: 512-628-0801

Comments:

6-9-13

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

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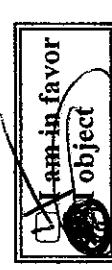
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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**



*Tara Fosdick*

Your Name (please print)

*1803 B. Cinnamon Path Austin TX 78704*

Your address(es) affected by this application

*Jira Soachik*

Signature

*6/19/13*

Date

Daytime Telephone: 512-350-7939

Comments: \_\_\_\_\_  
\_\_\_\_\_

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**Public Hearing: Board of Adjustment, June 10th, 2013**

I am in favor  
 I object

Linda M. Diaz  
Your Name (please print)  
1310 Cinnammon Path #D  
Your address(es) affected by this application

6-9-13

Date

Daytime Telephone: 689-6301

Comments:

Signature

6-9-13

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

Susan Walker

Your Name (please print)

Susan Walker

Your address(es) affected by this application

1710A Walker St

Your address(es) affected by this application

1710A Walker St

6/9/13

Date

Daytime Telephone: (512) 860-9453

Comments: This is S Bullard. We don't need more condos.

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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**Case Number:** C15-2013-0059 - 2807 Del Curto Road

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, June 10th, 2013

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

*Frank A. Walker*  
Your Name (please print)  
*705 West 100th St*  
Your address(es) affected by this application

Signature

*6/9/15*  
Date

Daytime Telephone: *646-479-9631*

Comments: *Frank A. Walker Follow the Law*

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Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, June 10th, 2013

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

Your Name (please print) – OWNER, ~  
1702 A ~~15~~ WATERLOO DR

Your address(es) affected by this application

CINDY DAVIS MO  
Signature

Date  
6/9/13  
Daytime Telephone: 512 569 2090

Comments: – THIS IS  
Well of  
PROBLEMS  
for views, noise,  
+ other factors

If you use this form to comment, it may be returned to:  
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<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Your Name (please print): Susan Walker

Your address(es) affected by this application  
1721 Cimarron Pkwy.

Daytime Telephone: 512 514 4855

Date: 6/9/13

Comments: There's enough land here already, like 4 1/2 acres to be bigger.

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

*JESSIE M. MAYER*

Your Name (please print)

*1807 Del Curto Oak*

Your address(es) affected by this application

*Jessie M. Mayer*

Date

Daytime Telephone: *512-739-2430*

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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**Case Number:** C15-2013-0059 – 2807 Del Curto Road  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

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

*Shafer Eileen Dolan*  
Your Name (please print)

*Eileen Dolan*  
1702-A Waterloo TRU  
Your address(es) affected by this application  
Signature  
Date  
6/10/13

Daytime Telephone: 512-762-1019

Comments: *The building has already started! What's that all about. It is this another since example of how our city supports its citizens?*

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

*Steve Swen he /t*

Your Name (please print)

1707 • Waterloo Tel. B Austin TX 787

Your address(es) affected by this application

*6/9/13*

Date

Daytime Telephone: *473-824-5483*

Comments:

I am in favor

I object

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**Case Number:** C15-2013-0059 – 2807 Del Curto Road  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, June 10th, 2013

**1100 S. Llano Street**

Your Name (please print)

I am in favor  
 I object

**2707 Del Curto**

Your address(es) affected by this application

**Andrew Alfonso and 6-9-13**

Date

Signature

Daytime Telephone: **24.755.9793**

Comments:

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

*Samantha Henrich*

Your Name (please print)

*1810 G Cimarron Path*

Your address(es) affected by this application

*✓ 1810/3*

Date

Signature

Daytime Telephone: *512-922-3887*

Comments:

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

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**Case Number: C15-2013-0059 – 2807 Del Curto Road**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, June 10th, 2013**

*Sarah Andrews*

Your Name (please print)

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

*Sarah Andrews*

Your address(es) affected by this application

*1810B Cinnamon Path*

Signature

*6/09/13*

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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**Case Number: C15-2013-0059 - 2807 Del Curto Road**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

*Steven L. Cosg*

Your Name (please print)

*John A. Kun*

Your address(es) affected by this application

*2706 Del Curto Rd*

Signature

Date

Daytime Telephone:

Comments:

I am in favor  
 I object

*6-9-13*

If you use this form to comment, it may be returned to:  
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**Case Number: C15-2013-0059 - 2807 Del Curto Road**  
**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, June 10th, 2013**

I object  
 I support  
 I have no opinion

Your address(es) affected by this application

*Jimmy Bonoles*

Signature

*6/2/15*

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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



## NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Mailing Date: May 30, 2013

Case Number: C15-2013-0059

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

Applicant:	AARON GOOGINS, (512)809-5118
Owner:	BARTLETT FAMILY LIVING TRUST
Address:	2807 DEL CURTO RD

Variance Request(s): The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1063 (B) from 25 feet to 5 feet along the south property line (side) and from 25 feet to 15 feet along the east property line (rear) in order to erect detached condominium residences in an "SF-6-CO", Townhouse and Condominium Residence – Conditional Overlay zoning district.

This application is scheduled to be heard by the Board of Adjustment on June 10th, 2013. The meeting will be held at City Council Chambers, 301 West 2<sup>nd</sup> Street beginning at 5:30 PM.

You are being notified because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact **Susan Walker of the Planning and Development Review Department at 512-974-2202** and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site [www.ci.austin.tx.us/devreview/index.jsp](http://www.ci.austin.tx.us/devreview/index.jsp).

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SUSAN WALKER

CASE # C15-20B-0059  
ROW # 10948547

TP 040407-08-05

**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: 2807 Del Curto Road, Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision - Theodore Low Heights Subdivision

Lot(s) 7 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division Vol 455, Pg 81

I/We Aaron Googins on behalf of myself/ourselves as authorized agent for  
Bartlett Family Living Trust affirm that on May 3, 2013,

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

(check appropriate items below)

X ERECT    ATTACH    COMPLETE    REMODEL    MAINTAIN

Detached, one and two story, condominium homes on the parcel in compliance with  
the following building setbacks:

Front Yard - 25 feet

Rear Yard - 15 feet - 25' reqd.

Side Yard (south) - 5 feet - 25' reqd.

Side Yard (north) - 25 feet

in a SF-6 district.  
(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 proposed use – detached condominium – is allowed in the current SF-6 zoning in place on the 2.8 acre parcel. The proposed project includes condominiums that will only have one residence per building. The proposed project will look and feel like a single family subdivision. The proposed homes will be 1,500 to 3,000 square feet in size and one to two stories in height.

The compatibility setbacks required on the property boundaries do not allow for a reasonable use because if they are imposed, approximately 40 – percent of the site will be undevelopable.

**HARDSHIP:**

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

The hardship is unique to this property. The hardship is that if compatibility setbacks are imposed, approximately 40 – percent of the site will be undevelopable.

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

The hardship is not general to the area – it is unique to the subject property. The combination of the floodplain/CWQZ on the project and the compatibility setbacks create the hardship.

**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 variance will not alter the character of the area adjacent to the property and will not impair the use of the adjacent property nor will it impair the purpose of the zoning regulations because:

- A) The property will be developed with less density and larger internal and external “setbacks” than the majority of the recent, current and planned projects in the area.
  - B) If the variance is granted, all of the homes will be detached, one family homes versus attached two and three family homes similar to the majority of the recent, current and planned projects in the area.
  - C) If the variance is granted there will still be a minimum separation of 35 to 45 feet between the proposed homes and homes to the south and a minimum separation of 20 feet between the proposed homes and existing homes to the east.

**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:

**NOT APPLICABLE**

---

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:

**NOT APPLICABLE**

---

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

**NOT APPLICABLE**

---

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

**NOT APPLICABLE**

---

**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 \_\_\_\_\_ Mail Address 1702 Pease Road

City, State & Zip Austin, Texas 78703

Printed Aaron Googins Phone 512-809-5118

Date May 3, 2013

**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 Tim Bartlett Mail Address 1702 Pease Road

City, State & Zip Austin, Texas 78703

Printed Tim Bartlett of Bartlett Family Living Trust Phone 512-809-5118

Date May 3, 2013

# Conditional Overlay

ORDINANCE NO. 20100624-121

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2807 DEL CURTO ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-2009-0159, on file at the Planning and Development Review Department, as follows:

A 2.78 acre tract of land, more or less, out of Block 7 of Theodor Low Heights Subdivision in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2807 Del Curto Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The Property shall comply with the following family residence (SF-3) development standards:
  1. The minimum lot size is 5,750 square feet.
  2. The maximum height is 35 feet.
  3. The maximum building coverage is 40 percent.
  4. The maximum impervious cover is 45 percent.
  5. The maximum density is 7.2 residential units per acre.
  6. The maximum density is 20 residential units.

Except as specifically restricted under this ordinance, the Property may be used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on July 5, 2010.

**PASSED AND APPROVED**

June 24, 2010

§  
§  
§

*M. M. Lee*

Lee Leffingwell  
Mayor

APPROVED:

*Karen M. Kennard*  
Karen M. Kennard  
Acting City Attorney

ATTEST:

*Shirley A. Gentry*  
Shirley A. Gentry  
City Clerk

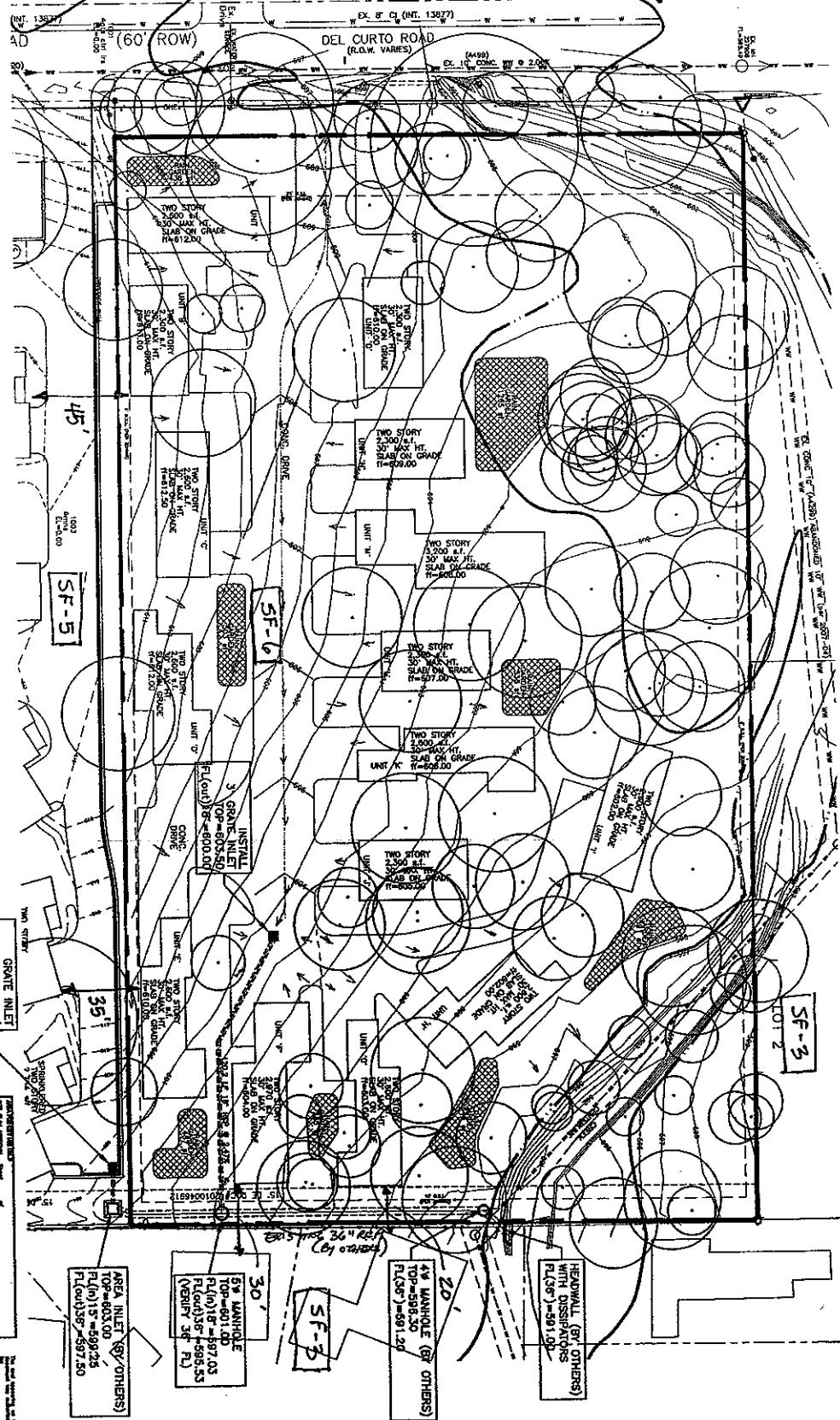


## EXHIBIT 'B'

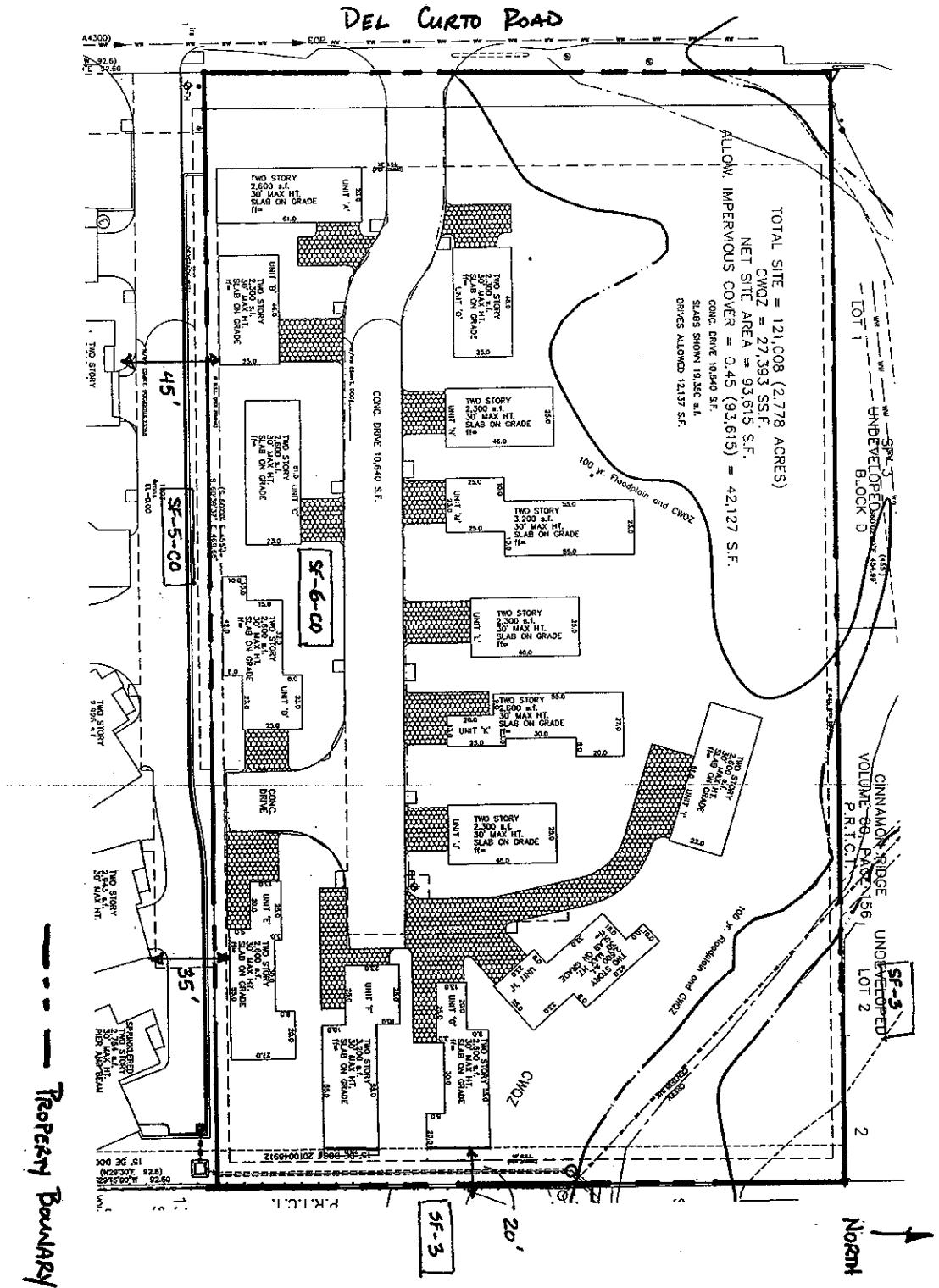
NOTE: ACCURATE DIMENSIONS FOR ALL VEHICULAR USE AREAS AND ADJACENT LANDSCAPE AREAS ARE NOT PROVIDED FOR ALL VEHICULAR USE AREAS AND ADJACENT LANDSCAPE AREAS. THIS SITE MUST COMPLY WITH EXH. SECTION 2.4, PROTECTION OF LANDSCAPE AREAS.

FLOOD PLAIN NOTE  
Flood plain note: No flood plain note is provided for this site.

SCALE: 1" = 20'



2807 DEL CURTO ROAD, AUSTIN TEXAS  
GRADING PLAN



— Property Boundary  
EXHIBIT 'A'