

ZONING CHANGE REVIEW SHEET

CE

CASE: C14-2014-0003
1307 Waller

P.C. DATE: May 13, 2014
April 8, 2014

ADDRESS: 1307 Waller Street

AREA: 4,118 square feet

OWNER: Blake and Toria English

AGENT: McLean & Howard, LLP (Katie Van Dyk)

FROM: SF-3-NP

TO: SF-4A-NP

NEIGHBORHOOD PLAN AREA: Central East Austin

TIA: N/A

WATERSHED: Waller Creek

SCENIC ROADWAY: No

CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff recommends single family residence (small lot)-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning. The conditional overlay would include the following:

1. Impervious cover shall be limited to 60% of gross site area.
2. Interior side yard shall be a minimum of 5 feet.
4. Rear yard shall be a minimum of 5 feet.

PLANNING COMMISSION RECOMMENDATION:

May 13, 2014:

April 8, 2014: *GRANTED POSTPONEMENT REQUEST BY APPLICANT TO MAY 13, 2014 ON CONSENT (9-0). [R. HATFIELD- 1ST, A. HERNANDEZ- 2ND]*

ISSUES:

This rezoning request has been filed by the Applicant in response to Code violations filed on the property in September 2013. Code violations were issued regarding excess impervious cover, parking compliance, and the location of a pool pump house in rear and side yard setbacks. While some of these issues may be addressed by rezoning, others may be addressed by Code Compliance, Board of Adjustment, or other avenues. It appears that the property owners obtained permits from the City of Austin for most of the improvements that triggered the Code violations. However, Staff errors on those permits led the owners to believe their property would be permitted 65% impervious cover, instead of 45%. Development on the property currently stands at 61.8% impervious cover.

DEPARTMENT COMMENTS:

Description. 1307 Waller Street is located on the east side of Waller Street between East 13th and East 14th Streets. The property is developed with a single family residence and zoned SF-3-NP. Immediately to the south of the property is an alley, and duplexes and single family residences are located across the alley. The rest of the block, to the east and north, is also developed with residences. These properties are also zoned SF-3-NP. Across Waller Street, to the west, are Swede Hill Park and more residences, zoned SF-3-NP. Please refer to *Exhibits A and B (Zoning Map and Aerial View)*.

History. The subject property is part of a four lot resubdivision completed in 2006. The plat includes notes regarding lot sizes, maximum impervious coverage, and applicable regulations. The subject property was platted as 4,127 square feet, with 1,857 square feet of impervious cover permitted—45%, the amount allowed in SF-3 zoning. The plat also stated that the lots would be developed under LDC Section 25-2-1424, Urban Home regulations.

Urban Home regulations provide reduced setbacks, lot size, and increased impervious cover. The increased impervious cover limit of 65%, however, is only available to properties between 3,500 and 4,000 square feet. At 4,000 square feet, the limit returns to 45%. Urban Home regulations were incorporated in this area as part of the Central East Austin Neighborhood Plan (OCEAN). Since the subject property is more than 4,000 square feet, it benefits from the setback and lot size aspects of Urban Home regulations, but not the impervious cover regulations.

Urban Home regulations are not the same as Small Lot Amnesty (LDC Section 25-2-1406), which is also available in the OCEAN neighborhood. However, Small Lot Amnesty was designed for older, existing small lots. Small-Lot Amnesty also has identical impervious cover provisions as the Urban Home regulations. Consequently, the recently platted property is not affected by Small Lot Amnesty.

A building permit was issued in November 2006, and the single family residence was constructed from 2006-2008. City records show the impervious cover at time of permitting was 44.8%. In June 2011, a building permit was issued to add a swimming pool. The permit states that 47% impervious cover was permitted because the reviewer incorrectly believed the property qualified for Small Lot Amnesty (65% impervious cover). The approved permit did not include the pool pump house structure, which is located in the rear and side yard setbacks. Aerial photos of the property do not make it clear when the pool pump house was constructed, but it was shown on surveys dated January, 2013. Please refer to **Exhibits C and D (Building Permit Exhibit and Pool Permit Exhibit)**.

In March 2013, the property owner obtained approval for a driveway/parking area to be located in the front yard area. City records do not show a cumulative analysis of impervious cover being included at this stage of review. Please refer to **Exhibit E (Driveway/Parking Permit Exhibit)**.

In addition to these permitted improvements, other changes and additions have been made that did not require permits. These include removal of driveway parking strips in the backyard area and addition of a 65 square foot open brick patio on the north side of the house. A current survey of the property shows that the property has 61.8% impervious cover. Please refer to **Exhibit F (Current Survey)**.

Neighborhood. The subject property is located in the Central East Austin Neighborhood Plan area and the Swede Hill Neighborhood area more specifically. There has been a great deal of neighborhood interest in the rezoning request, and the Swede Hill Neighborhood Association has issued a letter stating opposition to the SF-4A-NP request. This letter and other correspondence are attached in **Exhibit G (Correspondence)**.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Waller Street	40'	23'	Local	Yes, east side	N/A	N/A

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single family residences
North	SF-3-NP	Single family residences
South	SF-3-NP	Duplexes, Single family residences
East	SF-3-NP	Single family residences
West	SF-3-NP	Public park, Single family residences

CL/3

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
PODER
Swede Hill Neighborhood Association
Waller Creek Conservancy
East 12th Street Business/Property Owner Association
Oakwood Neighborhood Association
United East Austin Coalition
OCEAN

CITY COUNCIL DATE/ACTION:

May 22, 2014:

May 1, 2014: *GRANTED POSTPONEMENT REQUEST BY STAFF TO MAY 22, 2014 ON CONSENT (7-0).*
[L. MORRISON- 1ST, M. MARTINEZ- 2ND]

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

CSA

STAFF RECOMMENDATION:

Staff recommends single family residence (small lot)-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning. The conditional overlay would include the following:

1. Impervious cover shall be limited to 60% of gross site area.
2. Interior side yard shall be a minimum of 5 feet.
4. Rear yard shall be a minimum of 5 feet.

This recommendation provides the same physical development standards as SF-3-NP under the Urban Home regulations currently applied to the property, except for the 45% impervious cover limit. Staff recommendation would also eliminate the option of several residential land uses that are permitted in SF-3-NP, but prohibited in SF-4-NP. This recommendation would prohibit Bed & breakfast (Group 1), Duplex residential, Retirement housing (small site), Single-family attached residential, and Two-family residential. (Single-family residential is prohibited and replaced with Small Lot single-family residential.

Compliance with the 45% impervious cover limit would require the removal of almost all improvements made to the property since issuance of the original permit in 2006. This includes significant items—a swimming pool and driveway/parking area-- that were permitted in error by City Staff. Staff's recommendation does not allow for addition of impervious cover, and does not grant any other benefit beyond those granted by SF-3-NP zoning.

Zoning should allow for a reasonable use of the property.

If the property were to remain SF-3-NP, it would no longer comply with impervious cover regulations of that zoning classification. It is City policy to resolve existing noncompliance issues, and the remedies available through the zoning process are limited. This limited version of SF4-CO-NP does not regress the property back to 45% development, but is a more realistic 60% goal for impervious cover.

SITE PLAN

1. This property is subject to Urban Home development standards. [LDC 25-2-1424]

TRANSPORTATION

2. Additional right-of-way may be required at the time of subdivision and/or site plan.
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Waller Street.
5. There are existing sidewalks along the east side of Waller Street. The sidewalk is located on the subject property in a public easement.
6. Capital Metro bus route no. 6 is available within 1/4 mile of this property along E. 12th Street.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at

CS/KS

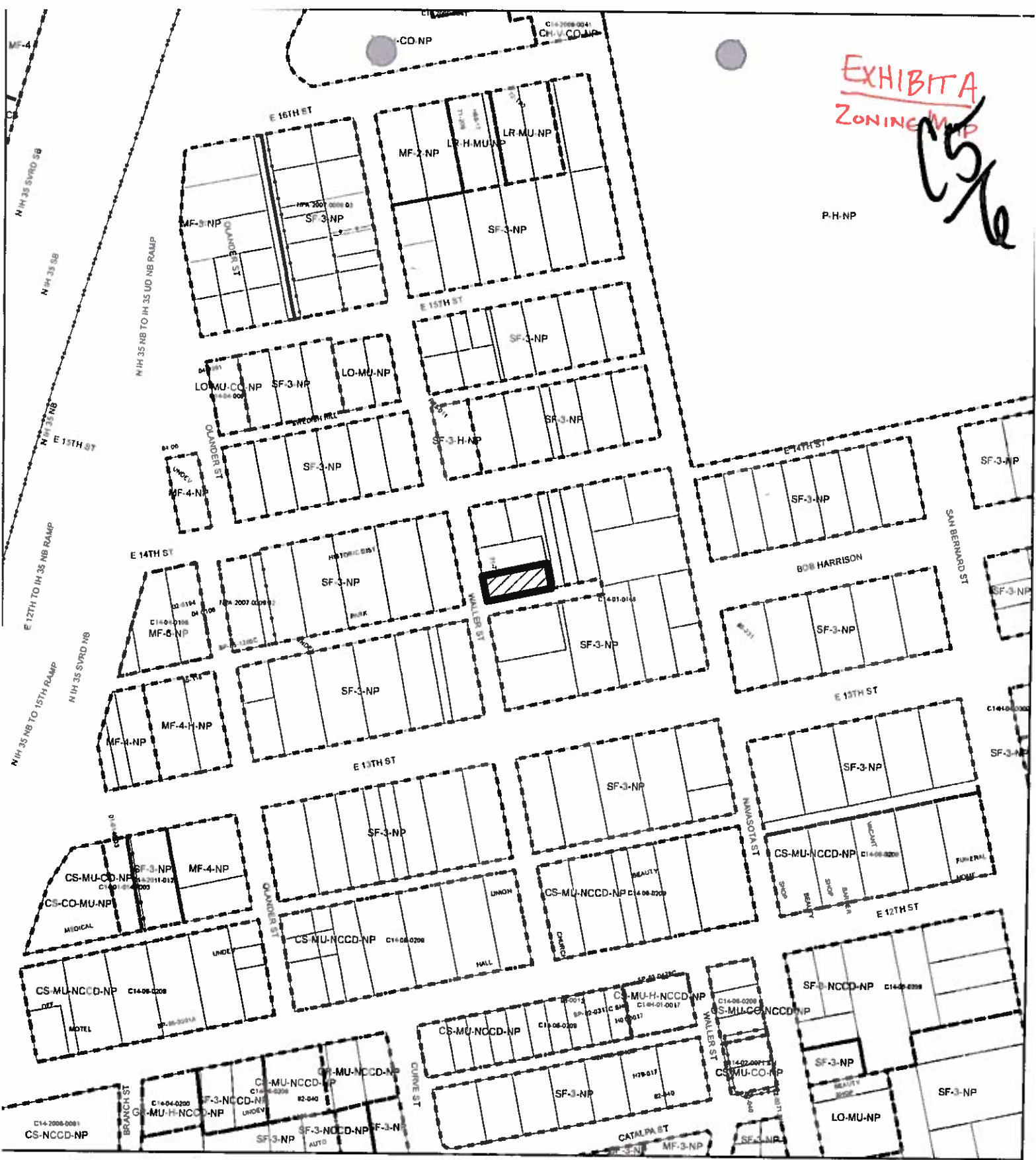
512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.





6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

WATER UTILITY

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

EXHIBIT A
ZONING MAP
CS



-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

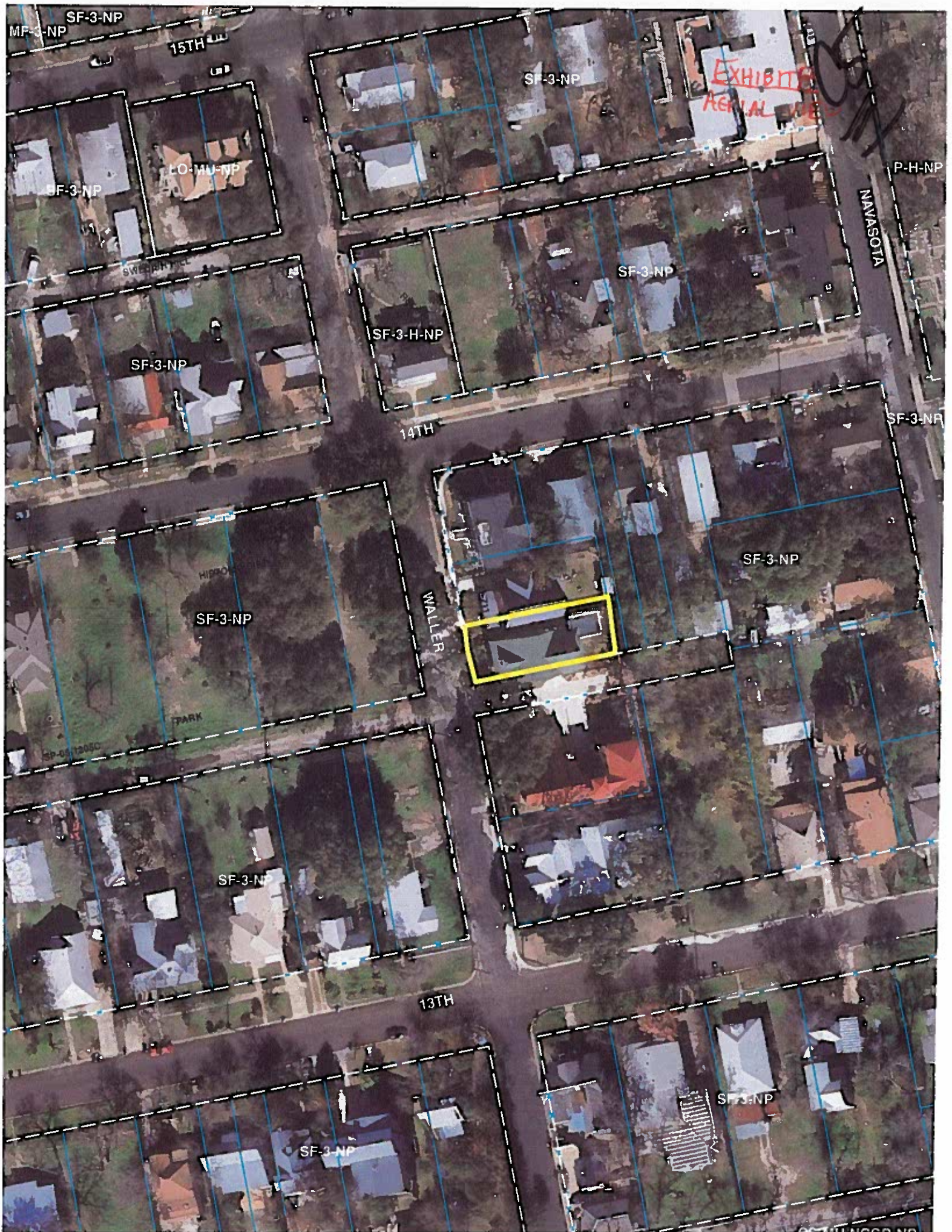
ZONING
ZONING CASE#: C14-2014-0003

1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

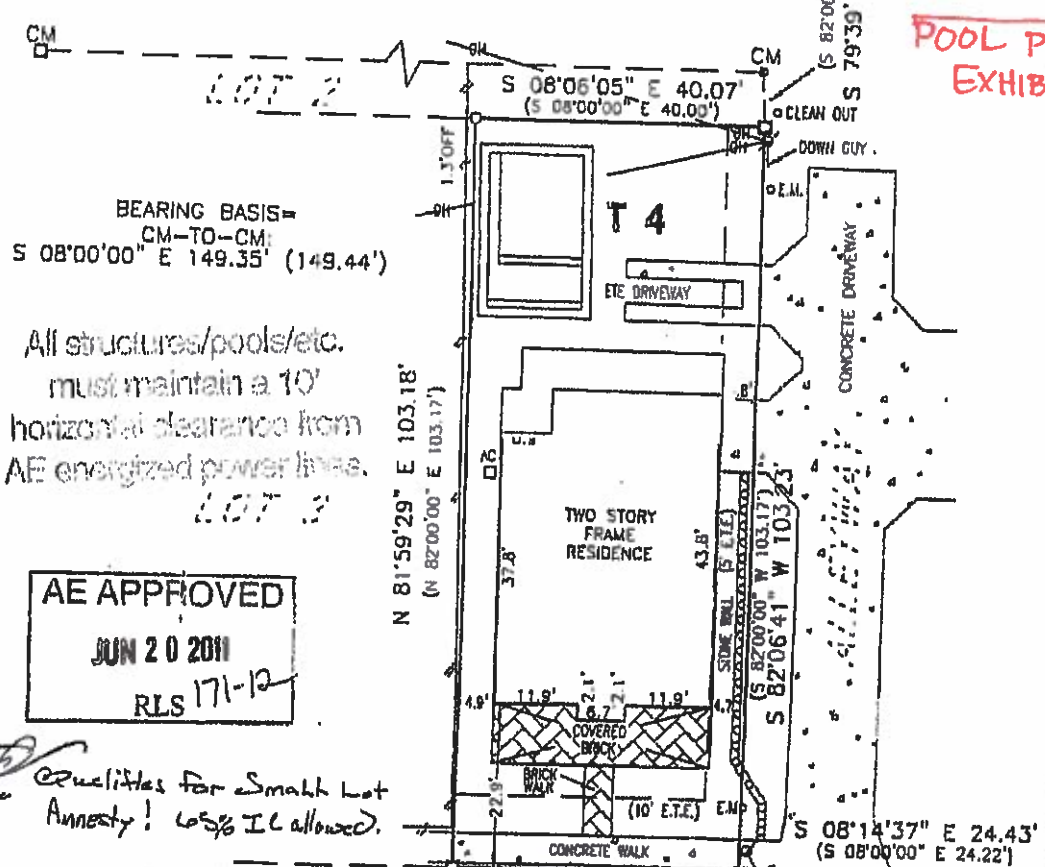




THE WEST 31.5' OF LOT 48
AND EAST 10.5' OF LOT 49;
OUTLOT 41, DIVISION B,
W. 12228, R. 2570

5/8

EXHIBIT D
POOL PERMIT
EXHIBIT



BEARING BASIS=
CM-TO-CM:
S 08°00'00" E 149.35' (149.44')

All structures/pools/etc.
must maintain a 10'
horizontal clearance from
AE energized power lines.

AE APPROVED
JUN 20 2011
RLS 171-12

Qualifies for Small Lot
Annexity! 65% IL allowed.

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey,
Planning and Development Review Department
Date: 3-20-11
The granting of a permit for approval of these plans and specifications shall not be construed to be a permit for, or an endorsement of, the location or use of the provisions of the current City of Austin.

WALLER STREET
125' FRONT

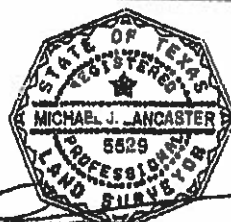
0 20 40 60 Feet

RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49, JOSEPH LIMERICK
SUBDIVISION OF OUTLOT 41, DIVISION "B"

LOT: 4 BLOCK: DOC# 200600255 OFFICIAL PUBLIC RECORDS
COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1307 WALLER STREET
CITY: AUSTIN REFERENCE NAME

B&G Surveying, Inc.
Victor M. Garza R.P.L.S.

Office 512-458-8889
Fax 512-458-9845
1404 West North Loop Blvd.
Austin, Texas 78756
REVISED: 3-8-10



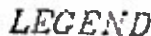
THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0185E DATED 1-4-01. IT IS REPRESENTED AS IN ZONE X. HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

REVISED: 3-8-10
DATE 1-28-08
JOB # 80108108_TA
SCALE 1"= 20'

TO THE OWNER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED
IMPORTANT NOTICE
This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, at the time of this survey.

FIELD WORK	ERNEST	1-24-08
CALCULATIONS	JEO	1-28-08
DRAFTING	AW3	1-28-08
FINAL CHECK	JL	1-28-08
CORRECTIONS	AW3	1-28-08
UP DATE		

CITY OF AUSTIN
APPROVED FOR PERMIT
INSURANCE
J. Miller 8/30/06



TOTAL LOT AREA: 4127 SF
URBAN LOT DESIGNATION
LIVING AREA: 1032 SF
GARAGE AREA: 258 SF
PORCH AREA: 398 SF
CONCRETE DRIVEWAY: 154 SF
CONC WALK & A/C PAD: 9 SF
TOTAL BUILDING COVERAGE: 1688 SF
TOTAL IMPERVIOUS COVERAGE: 1851 SF

AUG 23 2006

R.L.S.

SCALE: 1" = 20'

512-574-1783

ASBUILT SURVEY
OF 1307 WALLER STREET, AUSTIN, TEXAS
LOT 4
RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 4B
JOSEPH LUMERICK SUBDIVISION OF OUTLOT 41, DIVISION "D"
DOCUMENT NO. 200800255

C5/10

MAP SYMBOLS:

— I —	WROUGHT IRON FENCE
— OO —	CHAIN LINK FENCE
— H —	WOOD BOARD FENCE
— E —	UTILITY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
B.L.	BUILDING LINE
⊙	1/2" REBAR FOUND
⊙	1/2" REBAR SET
⊙	IRON PIPE FOUND
⊙	CONTROL MONUMENT
()	RECORD DATA FROM PLAT DOC. NO. 200600295
D.E.	DRAINAGE EASEMENT
R.O.W.	RIGHT-OF-WAY
⊙	POWER POLE
()	CALCULATED POINT UNABLE TO SET FALLS UNDER POOL PUMP HOUSE

EXHIBITE
DRIVEWAY/PARKING
PERMIT EXHIBIT

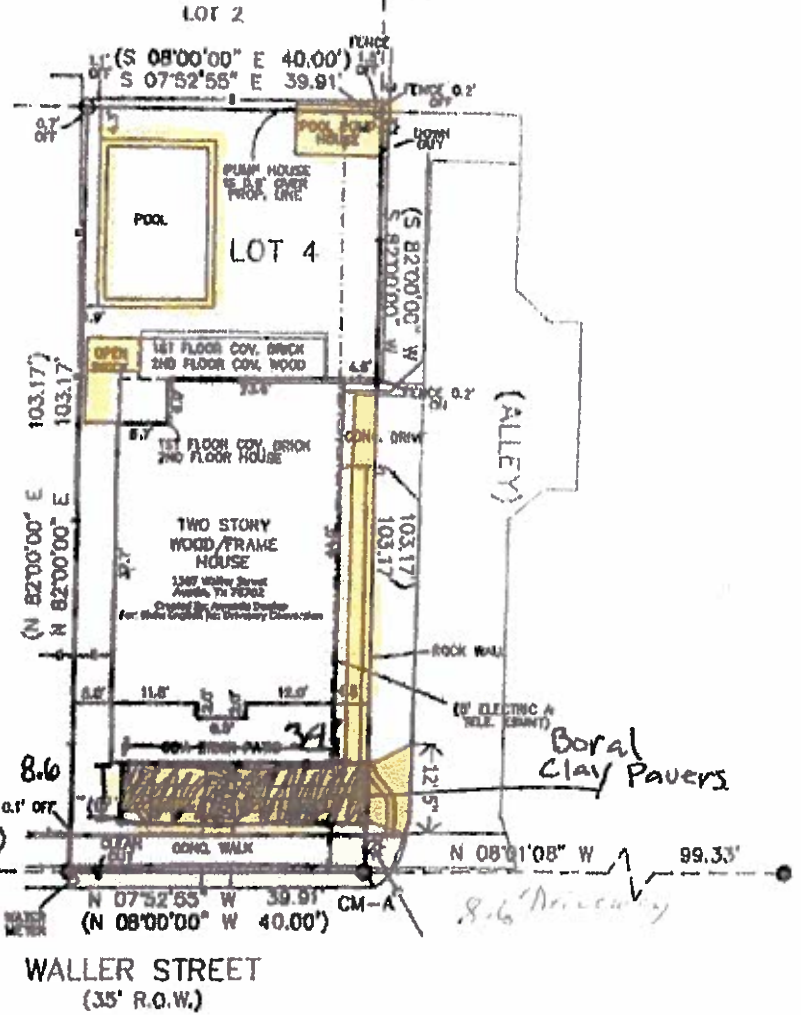
PLAT NORTH
Scale
10'

1307 Waller St.
3/5/2013
LOT 3
34' x 8.6' area
shaded in survey
can use the pavers
as depicted on the

attached spec.
sheet.

Almitchell, DAC 974-3428

BEARING BASIS
CM-A TO CM-B
N 08°00'00" W 149.88'
(N 08°00'00" W 149.90')

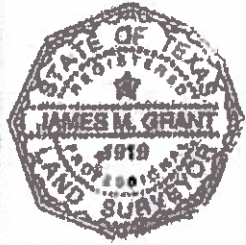


NOTE:
THIS LOT IS SUBJECT TO AN SIDEWALK
EASEMENT GRANTED TO THE CITY OF
AUSTIN PER DOC. NO. 2007152485.

HARRIS-GRANT SURVEYING, INC.
PO BOX 807 MANHACCA, TEXAS 78852
(512) 444-1781 FAX (512) 444-6123

James M. Grant

JAMES M. GRANT R.P.L.S. 1919
DATE: JANUARY 24, 2013



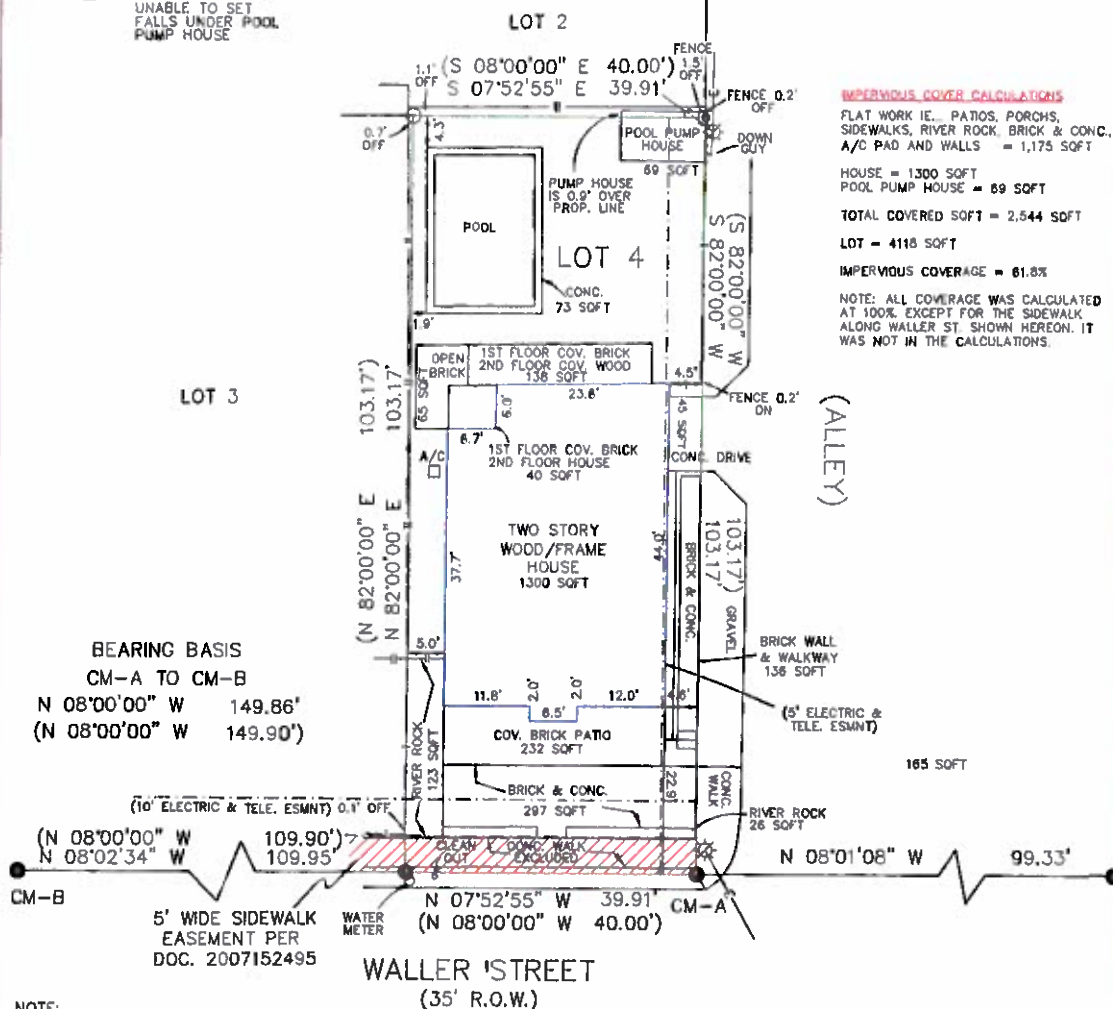
ASBUILT SURVEY
 OF 1307 WALLER STREET, AUSTIN, TEXAS
 LOT 4
 RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49
 JOSEPH LIMERICK SUBDIVISION OF OUTLOT 41, DIVISION "B"
 DOCUMENT NO. 200600255

EXHIBIT F
CURRENT SURVEY

05/11

- MAP SYMBOLS:**
- I — WROUGHT IRON FENCE
 - O — CHAIN LINK FENCE
 - B — WOOD BOARD FENCE
 - E — UTILITY LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - B.L. BUILDING LINE
 - 1/2" REBAR FOUND
 - ⊙ 1/2" REBAR SET
 - ⊙ IRON PIPE FOUND
 - ⊙ CONTROL MONUMENT
 - () RECORD DATA FROM PLAT DOC. NO. 200600255
 - D.E. DRAINAGE EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - ⚡ POWER POLE
 - ⊙ CALCULATED POINT UNABLE TO SET
 - ⊙ FALLS UNDER POOL PUMP HOUSE

N
 PLAT NORTH
 SCALE: 1" = 20'



NOTE:
 THIS LOT IS SUBJECT TO A SIDEWALK EASEMENT GRANTED TO THE CITY OF AUSTIN PER DOC. NO. 2007152495.

HARRIS-GRANT SURVEYING, INC.
 PO BOX 807 MANCHACA, TEXAS 78652
 (512)444-1781 FAX (512) 444-6123

James M. Grant

JAMES M. GRANT R.P.L.S. 1919
DATE: FEBRUARY 20, 2014 REVISED MARCH 10, 2014
FINAL REVISION DATE: MARCH 26, 2014

C:\CARL D\2013\44275



MILLEN & HOWARD LLP

Barton Oaks Plaza, Building H
901 South MoPac Expressway
Suite 225
Austin, TX 78716
phone: 512.528.2008
fax: 512.528.2109
www.milkenandhowardlaw.com

EXHIBIT G
CORRESPONDENCE

✓
5/12

December 27, 2013

Greg Guernsey
Planning & Development Review Department
505 Barton Springs Road
Austin, Texas 78704

via hand delivery

RE: Rezoning request for 1307 Waller Street, Austin, Texas 78702 (the "Property"), from SF-3 to SF-4A

Dear Mr. Guernsey:

We represent Toria and Blake English ("Client") in the above-referenced rezoning request. Our Client is requesting a rezoning from SF-3 to SF-4A based on the size of the subdivided lot that comprises the Property. Under the City of Austin Code ("Code"), the SF-3 district designation is intended for a lot that is a minimum of 5,750 square feet, and the SF-4A district designation is intended for a lot that is a minimum of 3,600 square feet. Because the Property is 4,127 square feet, the appropriate zoning for the Property is SF-4A.

Additionally, the fact that the Property is larger than 4,000 square feet means that it qualifies for neither small lot amnesty (Code Section 25-2-1406) nor the urban home special use designation (Code Section 25-2-1424), and SF-4A is the only land use alternative for such a small lot. In 2006, our Client's predecessor applied for and received a permit to construct the home on the Property, which permit designated the Property as "SF-3 Urban Lot Designation". Further, in 2011, our Client applied for and received a permit to construct a swimming pool on the Property, which permit noted that the Property "Qualifies for Small Lot Amnesty. 65% IC allowed." Our Client relied on the City's confirmation that 65% impervious cover was permitted on the Property and now wishes to conform the actual zoning of the Property to the current understanding, and use, of the Property.

Please do not hesitate to contact our office if you have any questions regarding our Client's rezoning request.

Sincerely,

Katie Van Dyk

Enclosure: City of Austin Rezoning Application

Chaffin, Heather

From: Guernsey, Greg
Sent: Wednesday, February 12, 2014 7:55 AM
To: Allen Quigley
Cc: Rusthoven, Jerry; Chaffin, Heather
Subject: RE: Concerning the Rezoning of 1307 Waller Street, Austin TX 78702

CS/13

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Allen:

I will pass your comments onto the City's zoning case manager, Ms. Heather Chaffin and her supervisor, Mr. Jerry Rusthoven. If you have questions about the specifics of this case, please contact Ms. Chaffin at (512) 974-2122.

Greg

-----Original Message-----

From: Allen Quigley [REDACTED]
Sent: Tuesday, February 11, 2014 8:15 PM
To: Guernsey, Greg
Subject: Concerning the Rezoning of 1307 Waller Street, Austin TX 78702

Dear Mr. Guernsey,

My wife and I were recently brought to the attention of the rezoning request at 1307 Waller St, Austin TX (to SF4).

We both oppose the application for SF4 zoning at 1307 Waller Street. We want to maintain the integrity of the neighborhood and keep the current zoning designation. Parking should be kept out of the front yard. It sets a precedent that is unsightly and it also impedes on impervious cover restrictions.

We were unable to make tonight's meeting but wanted to voice our concern. Please let me know if you have any questions.

Sincerely,

Allen F. Quigley and Brittany Valera
1003 E. 13th St.
Austin TX 78702

Chaffin, Heather

From: Paula Reckson [redacted]
Sent: Thursday, February 13, 2014 1:23 PM
To: Chaffin, Heather
Subject: C14-2014-0003
Attachments: C14-2014-0003.pdf

CS/TH

Hi Heather -

I am checking with you to get an update on the above mentioned case and to provide some additional background information. There was supposed to be a SHNA membership vote last night on the Board's unanimous recommendation to oppose the zoning request. However, the vote was postponed until the next meeting due to a procedural dispute. The next meeting is March 4th.

While there isn't a requirement for an impervious cover survey in the zoning process, there are some IC issues that impact the drainage from this property and the willful addition of non-permitted IC should be considered in my opinion.

Attached is the plot plan taken from the pool permit in 2011. I added a color-coded overlay of total added impervious cover, both permitted and non-permitted projects. The original IC calculation at construction was 1,851 s.f. or 44.8%. Using the numbers from the pool permit application and the front parking application, 565 s.f., or 13.7%, was added with those two projects. I have calculated the IC added by the two non-permitted projects, those being the approximate 72 s.f. brick patio at the northeast corner of the house and the approximate 186 s.f. sidewalk and walled planter on the east side of the house (both within the 5' side setbacks). That added 6.25% to impervious cover. They are now at approximately 64.75% total IC. Their attorney stated they are at 59 to 60% when asked at the meeting.

The precedent scenario is twofold. Their lot is not substantially different than other lots in Swede Hill and therefore why grant an SF4a to a lot surrounded by SF3 lots. They are claiming ignorance of the restrictions on their property, even though the builder had conversations with them about parking rules, setbacks, and impervious cover. Neighbors are getting the picture that maybe you can do what you want and then claim ignorance when asking the city for relief from violations. Secondly, while urban core in-fill is a valuable tool, increasing impervious cover increases the runoff to adjacent properties. Our lot and two others are the recipient of the runoff when a significant rainfall occurs, and East Austin's aged infrastructure has limited capacity to handle increased drainage.

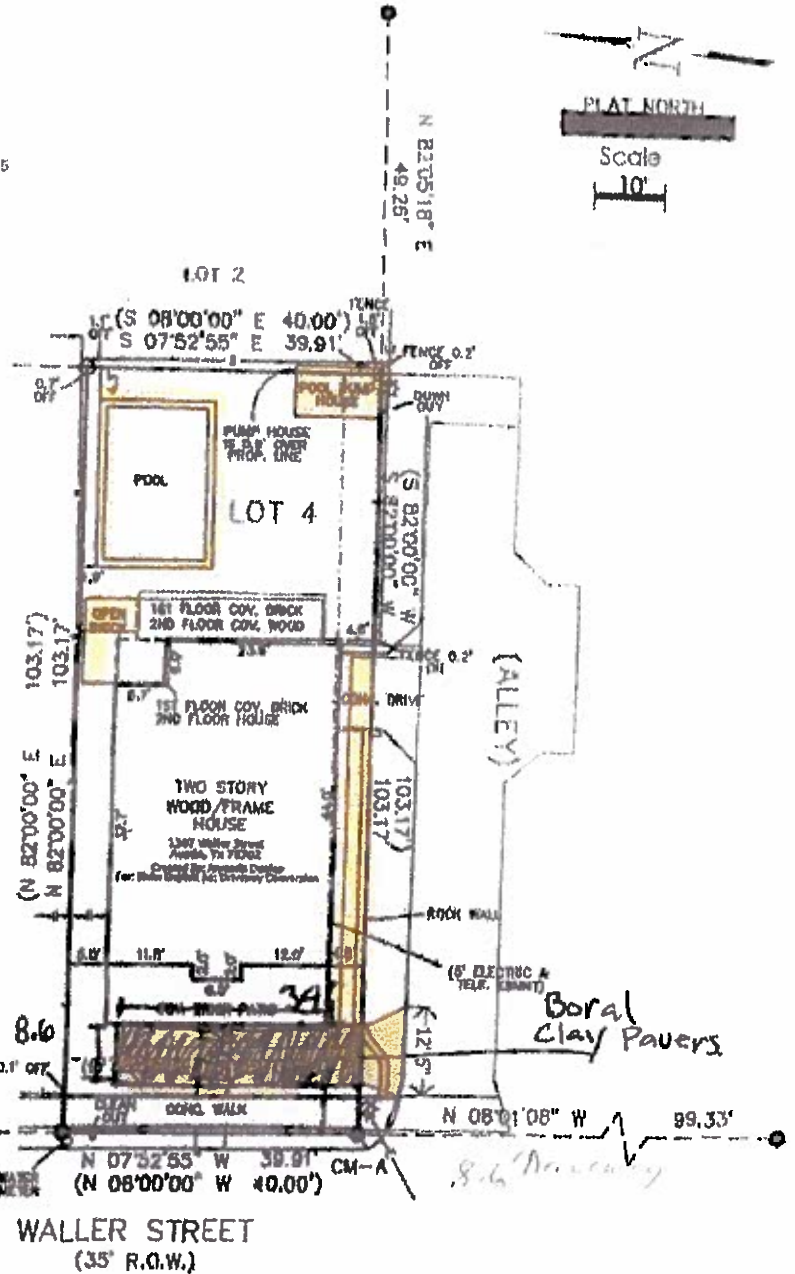
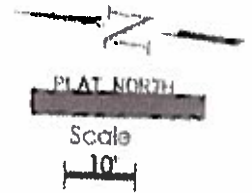
Thanks for your time in reading this, and the staff's consideration of these details.

Regards,
Paula Reckson
1305 B Waller Street

ASBUILT SURVEY
OF 1307 WALLER STREET, AUSTIN, TEXAS
LOT 4
RESUBDIVISION OF LOT 80 AND A PORTION OF LOT 49
JOSEPH L. MERRICK SUBDIVISION OF OUTLOT 41, DIVISION "D"
DOCUMENT NO. 200800255

CS/b

- MAP SYMBOLS:**
- I — WROUGHT IRON FENCE
 - OO — CHAIN LINK FENCE
 - B — WOOD BOARD FENCE
 - E — UTILITY LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - B.L. BUILDING LINE
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 - CONTROL MONUMENT
 - RECORD DATA FROM PLAT DOC. NO. 200800255
 - DRAINAGE EASEMENT
 - RIGHT-OF-WAY
 - POWER POLE
 - (C) CALCULATED POINT
 - UNABLE TO SET
 - FALLS UNDER POOL PUMP HOUSE



1307 Waller St.

3/5/2013

LOT 3

34' x 8.6' area

Shaded in survey

Can use the pavers
as depicted on the

attached spec.
sheet.

BEARING BASIS

CM-A TO CM-B

N 08°00'00" W 149.88'
(N 08°00'00" W 149.90')

Alamitahill, DAC 974-3428

(N 08°00'00" W 108.90')
(N 08°02'34" W 109.95')

CM-B

WALLER STREET
(35' R.O.W.)

NOTE:
THIS LOT IS SUBJECT TO AN SIDEWALK
EASEMENT GRANTED TO THE CITY OF
AUSTIN PER DOC. NO. 2007152493.

HARRIS-GRANT SURVEYING, INC.
PO BOX 807 MANCHACA, TEXAS 78652
(512)444-1761 FAX (512) 444-6123

James M. Grant

JAMES M. GRANT R.P.L.S. 1919
DATE: JANUARY 24, 2013



As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Kevin Smith

ADDRESS: 1004 E 13th

SIGNATURE: [Signature]

1/21/14

CS
1/16

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

The board of directors (the "Board") of the above-referenced Association is providing this letter in order to show its support for the application submitted by Blake and Toria English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

On October 1, 2013, the Owners received a Notice of Violation from the City of Austin Code Compliance Department citing issues on the Property related to impervious cover and required setbacks. The Owners and their attorney met with the Code Compliance Inspector and determined that a zoning change or a variance, or both, would resolve the issues on the Property. The Owners submitted the rezoning application on December 27, 2013.

The lot encompassing the Property is 4,127 square feet. Because the City of Austin Code states that SF-3 lots have a minimum lot size of 5,750 square feet, and SF-4A lots have a minimum lot size of 3,600 square feet, the Association has concluded that SF-4A is the appropriate zoning district for the Property. Additionally, rezoning the Property to SF-4A is consistent with the character of the neighborhood. Thus, the Board, acting on behalf of the Association, supports the Owners' rezoning request and is prepared to support the Owners at Planning Commission and City Council.

Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Ada Smith

ADDRESS:

1005 E. 13th St.

SIGNATURE:

Ada Smith

CB/17

February ____, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Tim Lehmann

ADDRESS: 1200 E. 13th St.

SIGNATURE: 

February 08, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

CS
1/18

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Christine French

ADDRESS:

702 E. 13th St

SIGNATURE:

Ch French

CS/19

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Todd J Ruff

ADDRESS:

817 East 13th St.

SIGNATURE:



February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

[via email to greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

C5/20

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Myer Kaplan

ADDRESS: 909 E 13th St

SIGNATURE: Myer Kaplan

February 8, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

CS/21

As a resident of Swede Hill, I support the SHNA Board signing this letter.

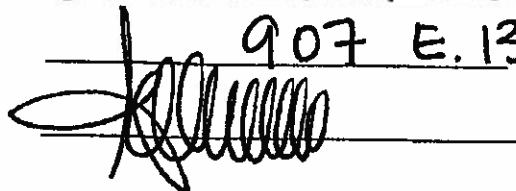
PRINTED NAME:

Ann del Llano

ADDRESS:

907 E. 13th St., Austin, TX 78702

SIGNATURE:



February 7, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

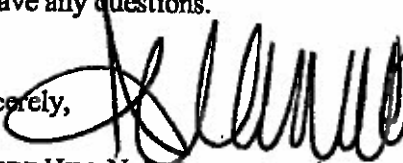
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Please feel free to contact the Board if you have any questions.

Sincerely,



SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Sam Lockett

ADDRESS:

907 E. 13th, Austin, TX 78702

SIGNATURE:



February 7, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Alejandro Rothbaum

ADDRESS: 1201 E 13th St

SIGNATURE: 

February 29, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

15/24

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: JERRY LONG

ADDRESS: 1009 E 14th St

SIGNATURE: 

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

C5
25

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

ADDRESS:

SIGNATURE:

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

C5/26

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: BIGNOLET Thierry

ADDRESS: 1206 OLANDER Street

SIGNATURE: 

February 28, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Deborah Guernsey

ADDRESS: 906 Hill St

SIGNATURE: Deborah Guernsey

February ____, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Ricky Mourci

ADDRESS:

806 1/2 E. 13th St

SIGNATURE:

Ricky Mourci

February ____, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

CS/29

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Gretchen Burk

ADDRESS: 1206 Olander St., 78702

SIGNATURE: Gretchen Burk

January 28th
February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

CS/30

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Brad Hodgson

ADDRESS: 1012 E 14th St Austin, TX 78702

SIGNATURE: Brad Hodgson

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

C5/31

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Amber Hodgson

ADDRESS: 1012 E 14th St Austin TX 78702

SIGNATURE: 

15/32

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

The board of directors (the "Board") of the above-referenced Association is providing this letter in order to show its support for the application submitted by Blake and Toria English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

On October 1, 2013, the Owners received a Notice of Violation from the City of Austin Code Compliance Department citing issues on the Property related to impervious cover and required setbacks. The Owners and their attorney met with the Code Compliance Inspector and determined that a zoning change or a variance, or both, would resolve the issues on the Property. The Owners submitted the rezoning application on December 27, 2013.

The lot encompassing the Property is 4,127 square feet. Because the City of Austin Code states that SF-3 lots have a minimum lot size of 5,750 square feet, and SF-4A lots have a minimum lot size of 3,600 square feet, the Association has concluded that SF-4A is the appropriate zoning district for the Property. Additionally, rezoning the Property to SF-4A is consistent with the character of the neighborhood. Thus, the Board, acting on behalf of the Association, supports the Owners' rezoning request and is prepared to support the Owners at Planning Commission and City Council.

Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: CHUCK KRAEGER

ADDRESS: 1007 E. 14TH ST., AUSTIN 78702

SIGNATURE: [Signature]

February ____, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Justin H. Siler

ADDRESS:

904 E. 13th St.

SIGNATURE:

Justin H. Siler

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

CS/3H

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Eric Antonio

ADDRESS: 901 E 13th St.

SIGNATURE: Eric Antonio

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: LARRY VAUGHN

ADDRESS: 1000 E 14th ST

SIGNATURE: [Signature]
1/28/14

February ____, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Joanna R Vaughn

ADDRESS: 1008 E. 14 ST Austin 78702

SIGNATURE: Joanna R Vaughn

February __, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

C5/38

FEBRUARY 12, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Swede Hill Resident support for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

As a resident of Swede Hill, I am providing this letter in order to show my support for the application submitted by Blake and Toria English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

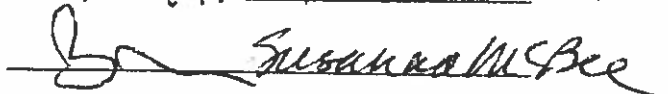
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Sincerely,

PRINTED NAME: BARBARA R. SUSTANT KUBOW

ADDRESS: 1307 WALLER ST APT 1000 TX 78702

SIGNATURE: 

CS
3/9

11/04, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Swede Hill Resident support for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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Sincerely,

PRINTED NAME: Deborah H. Grimal

ADDRESS: 906 Raintree

SIGNATURE: Deborah H. Grimal

CS/HO

As a resident of Sw

...ing this letter.

PRINTED NAME:

ADDRESS:

SIGNATURE:

Greg Guernsey
Planning and Deve
City of Austin
505 Barton Spring
Austin, Texas 787

RE: Neighbor
rezoning
"Property"

Dear Mr. Guerns

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Brooklyn, NY 11232

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CS
/H1

_____, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

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Sincerely,

PRINTED NAME: Ron Merz

ADDRESS: 1307 Navasota St.

SIGNATURE: Ron Merz

C5
12

January 26, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Swede Hill Resident support for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

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Sincerely,

PRINTED NAME:

LINDSEY FASSHNER

ADDRESS:

1009 E 14th St, Austin Tx 78702

SIGNATURE:

[Handwritten Signature]

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Blake English

ADDRESS: 210 E. 13th St. Austin, TX 78702

SIGNATURE: [Signature]

February 3, 2014

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via email to greg.guernsey@cityofaustin.tx.us

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

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The board of directors (the "Board") of the above-referenced Association is providing this letter in order to show its support for the application submitted by Blake and Torie English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

CS
AB

As a resident of Swede Hill, I support the SJNA Board signing this letter.

PRINTED NAME: Victoria Johnson

ADDRESS: 1100 E. 13th St. #101 Austin

SIGNATURE: Victoria Johnson

February 3, 2011

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Burton Springs Road
Austin, Texas 78704

via email to greg.guernsey@city.austin.tx.us

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION
Board of Directors

CS
44

Chaffin, Heather

From: Guernsey, Greg
Sent: Monday, March 24, 2014 8:42 AM
To: Paula Reckson; Chaffin, Heather
Cc: Rusthoven, Jerry
Subject: RE: C14-2014-0003

Follow Up Flag: Follow up
Flag Status: Flagged

CS
45

Thank you, Paula. I will also copy the City's case manager, Ms. Heather Chaffin with your comments.

Greg

From: Paula Reckson [REDACTED]
Sent: Monday, March 24, 2014 8:21 AM
To: Guernsey, Greg
Subject: C14-2014-0003

Mr. Guernsey:

As the owners of 1305 B Waller Street we are immediately adjacent to the property involved in the above mentioned case. We are across the alley ROW which serves as a common driveway for five residential units, and which has the potential use of three additional residential units.

We join the Swede Hill Neighborhood Association's opposition to granting a re-zoning to this property in order to solve the repeated violations of the LDC. We request the same scrutiny and respect for our neighborhood codes that is given to other neighborhoods across the city. The east side has great challenges as it continues to revitalize its neighborhoods. Increasing maximum impervious cover above what is determined during development requires a strong justification. Special use overlays are designed to aid revitalization efforts by allowing infill for more residential units, a justification that has been adopted by the city. However, to exceed impervious cover limits for the purpose of pools, alternate parking spaces, and patios is not justified.

Regarding the case above, we would not oppose a variance on the pool and pool equipment setback violation.

However, we do oppose a change of zoning and ask that the city mitigate the substantial increase in impervious cover by requiring the removal of the un-permitted back yard patio and side yard walkway and steps adjacent to the ROW.

Also we ask that the excavation of the ROW for an illegal parking space be restored to the previous vegetation.

The front yard parking space permitted by the city is of great concern to many neighbors who feel it sets a bad precedent for this SF-3 historic neighborhood. An alternate solution would be a variance on the required number

of parking spaces from two to one. That area could then be restored to the vegetation that previously existed at the entrance to this Urban Home.

Thank you for considering these options.

Charles and Paula Reckson
1305 B Waller Street
406-396-1511

CS
/ HB

Chaffin, Heather

From: Rick McGee <rmcgee1214@gmail.com>
Sent: Monday, March 24, 2014 9:21 AM
To: Chaffin, Heather
Subject: Case # C14-2014-0003

C5
H7

Hello,

I am writing you regarding Case #C14-2014-0003. My wife and I live at 1000 E 13th Street (the corner of Walker and 13th) two houses down the street from the property requesting rezoning.

We oppose the rezoning and urge you to do the same. We are concerned with water runoff from increased impervious cover, and do not want to set a precedent for other property owners to follow.

Kind regards,

Rick and Kim McGee
1000 E 13th Street
Austin, Tx 78702

Chaffin, Heather

C548

From: Steven Macon
Sent: Thursday, March 27, 2014 10:04 PM
To: Chaffin, Heather; Guernsey, Greg; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Subject: Case: #C14-2014-0003

To: Heather Chaffin, Greg Guernsey, City Of Austin Planning Commissioners
Re: Case #C14-2014-0003 / 1307 Waller Street, Austin TX 78702
Application for zoning change to be heard by Planning Commission April 8, 2014.

My name is Steven Macon. I own and live at 1305A Waller Street - next door and down hill from the referenced property in case #C14-2014-0003. My property has been directly and negatively impacted by the violations of impervious coverage and setbacks by the property owners of 1307 Waller - and permitted in error by the City of Austin. The multiple errors by City Of Austin permitting & inspection in combination with aggressive property owners determined to get exactly what they wanted has led to this unfortunate and damaging situation. As such - I am not interested in a "quick fix" or convenient solution for the City Of Austin - rather I am interested in respecting the underlying intent of city code restrictions on impervious coverage and setbacks.

I am strongly opposed to the request for a zoning change of this property as a means of addressing the impervious coverage violations.

Referencing a recent similar situation with the Adams House Bed & Breakfast and proposed amendment to the Hyde Park Neighborhood Conservation Combining District - Commissioner Danette Chimenti said "I don't like the precedent where staff just comes and says, 'well, we are going to amend the NCCD because we made a mistake.' I think that would be a mistake." Ex-Officia member Jeff Jack said "We often have issues with mistakes happening in permitting. And if we use this technique to solve them, we'll have a real problem". Addressing the violations of impervious coverage at 1307 Waller by simply changing the zoning will set a bad precedent for the neighborhood and completely ignores the underlying issue / concerns of impervious coverage and setbacks.

The referenced property was created as part of a re-subdivision in 2006. This re-subdivision in 2006 and zoning overlay of Urban Home was done with a drainage study supporting the 45% impervious coverage. This re-subdivision was exempted from the regulation of peak storm water flows with detention facilities based on this drainage study. I believe this drainage study needs to be respected - or if there is cause to question the validity of this study - then a new drainage study should be conducted. Until it is established that there is no significant drainage issue created by the impervious coverage violation at 1307 Waller - I will remain strongly opposed to any "quick fix" allowing for impervious coverage of >45% as established by the 2006 drainage study. I am strongly concerned about the aesthetics of this added impervious coverage. I don't believe converting a front yard to parking with near complete concrete coverage respects the intent of the Urban Home overlay on this property.

Regarding the setback violation of the pool equipment - there is absolutely no "hardship" that justifies the placement of this equipment in the setback. Any responsible, moderately informed property owner should understand the constraints of setbacks on property - as should any reputable pool construction company - and certainly any City Of Austin inspector approving a final permit. I believe this equipment should be relocated within the confines of the property and in compliance with impervious cover.

Lastly - I am strongly opposed to a zoning change on this property from the perspective of allowing any additional building coverage, any additional impervious coverage beyond what is deemed appropriate per drainage study (45% per the study done in support of re-subdivision) and I'm opposed to any reduced setback restrictions beyond current SF3 with Urban Home overlay.

As a tax paying property owner I expect the City Of Austin to be consistent in it's code enforcement, cognizant of precedent and respectful of core concerns that form the basis for restrictions.

Steven Macon
1305A Waller Street

CB
49

Swede Hill Neighborhood Association
Louisa C. Brinsmade, Secretary
1000 East 15th St.
Austin, TX 78702
512-350-9501
lcb@grandetx.com

CG/50
RECEIVED

MAR 31 2014

Planning & Development Review

Greg Guernsey
Planning & Development Review Department
505 Barton Springs Rd.
Austin, TX 78704

March 25, 2014
Re: rezoning application for 1307 Waller Street

Dear Mr. Guernsey:

This letter is to inform you that the Swede Hill Neighborhood Association (SHNA) members voted recently on whether to support the rezoning application submitted by Toria and Blake English for their property at 1307 Waller St. After many months of discussion and debate, our SHNA members voted overwhelmingly to oppose the change in zoning requested by the Englishes from the current SF-3 to SF-4A. Out of 28 members present, only 4 voted to support the zoning change. 24 members voted to oppose.

Several issues were raised by our members during discussions, the main concern being that this rezoning would set a precedent for increased impervious cover and intense density that is uncharacteristic of our predominately SF-3 neighborhood.

The property's impervious cover limits were set during subdivision in 2006 and were based on a drainage study performed by the developer. The owners' plat clearly lists the impervious cover limit of 45%. The owners currently have over 60% impervious cover on their property.

We request that the Planning & Development Staff inform the Planning Commissioners of the SHNA vote to oppose the rezoning and respectfully suggest that Staff come up with an alternate course to solve the impervious cover issues created on this property.

Sincerely,


Louisa C. Brinsmade
Secretary, Swede Hill Neighborhood Association

Cc: Planning Commission Board Members,
Heather Chaffin

April 2, 2014

CS
1/5

City of Austin
Planning & Development Dept.
Heather Chafin
505 Barton Springs Road
Austin, TX 78704


RE: C14-2014-0003 Rezoning Request
1307 Waller Street

TO: PLANNING COMMISSIONERS:

We, the owners and residents of 1305 Waller Street, Unit B, are immediately adjacent to the above-referenced property in Swede Hill and oppose the request for rezoning. The Swede Hill Neighborhood Association Board of Directors and the Association at large have overwhelmingly voted against the proposed zoning change, primarily because it would set undesirable precedents in the core of our SF-3 neighborhood. It would be the first single-family lot zoned SF-4a in Swede Hill (and in the entire planning area of Central East). It would also establish a precedent for which egregiously exceeding existing development entitlements is not a violation of city code but the best approach for securing rezoning that otherwise would not be achieved. We, as owners, would like to avoid these precedents and believe the facts of this case as outlined below show this rezoning request to be an unwarranted solution to the problem.

Summary of events related to this property:

- Parcel was re-subdivided and platted on Waller between 13th and 14th streets in 2005. Re-subdivision document clearly states "Impervious Cover Limit" as 1,857 sf (44.8%) for Lot 4. Document notes exemption from Section 1.2.2.G of the city of Austin Drainage Criteria Manual by setting maximum impervious coverage at 45%. See engineering report.
- Home was completed in 2008 with an Urban Home designation, purchased by Blake and Toria English in 2010.
- Swimming pool built in 2011 with permit indicating small lot amnesty even though lot exceeds 4,000 sf. Pool equipment built on rear and side lot lines, violating setbacks. One required parking space shown on permit removed from back yard. Brick patio added without permit. New impervious coverage for pool and equipment _____.
- Attempt to create parking space in alley ROW in 2012 adjacent to side lot line, 6' x 40', halted twice by the city while preparing to pour concrete in this area without permit. Informed by city they could not park in ROW.
- Obtained permit in 2013 to construct front yard parking space, despite questions raised by city staff on amount of impervious cover being permitted. Used the presence of a permit to do un-permitted concrete work in side setback along ROW for sidewalk/steps and wall. Installed granite and gravel and began parking in alley ROW.

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- Traffic Engineering Division responded by approving no-parking signs, per Steven Romero, and APD coordinated via Officer William Torres, to ticket illegal parking once signs are installed.
 - February 2014 survey states 57.8%, however at least two calculation errors are identified on survey for the front parking space and side walkway/steps, which when corrected yields 61.8% (2,547 sf). Survey corrected to 61.8%.

This property, as the applicants and their counsel suggest, is not a property in search of the right zoning/designation to fit a lot size that they characterize as unusual. Along with three adjacent re-subdivided parcels, this property was developed under the Urban Home designation permitted in SF-3, SF-5, SF-6, and MF-1 through MF-6 zoning districts but not in SF-4a. This property would not exist at all had Urban Home not been an option for the builder in SF-3 and had he not specifically subdivided to create a legal-sized lot under the Urban Home designation. The Urban Home designation is noted on the re-subdivision notes attached to their deed, as is the requirement that the property be developed according to Urban Home regulations in 25-2-1244 of the LDC. Special uses such as Urban Home are intended to help revitalize neighborhoods by providing opportunities to increase the number of living units that can be legally developed, not to enable unrestrained impervious cover.

The property as built complied with the LDC and was in no need of a new/more appropriate designation. The property as the owners have repeatedly modified it in direct violation of the LDC, subdivision notes, and conditional overlay is in search of a quick and painless justification for all that has been done. To grant SF-4a to a property that would not have existed but for its SF-3 zoning and Urban Home entitlements would be to flout the accommodations the neighborhood made in supporting Urban Home and set a precedent that invites all other property owners—regardless how large their lots-- to follow suit and avail themselves of 65% impervious coverage.

Drainage and runoff are substantial factors in the planning, permitting, and development of property within the urban core. Over the past three years the impervious cover next door has grown from 44.8% to 61.8%. As an adjacent down slope property owner we have taken steps to mitigate runoff during episodes of heavy rain. In our opinion the city should require reduction of the additional impervious coverage by eliminating the front parking and un-permitted side walkway/steps, the un-permitted patio, and the ROW parking area, restoring those areas to original vegetation and restricting any further increase in impervious coverage. Variances could be granted for setback violations on the pool equipment and the elimination of one off street parking space requirement. The city should not use rezoning as a political solution to resolve multiple violations on this lot. We strongly urge you to deny this re-zoning request.

Charles and Paula Reckson

1305 B Waller Street

plreckson@gmail.com

Chaffin, Heather

From: Lynne Smith carollynnesmith@hotmail.com
Sent: Wednesday, April 02, 2014 10:47 AM
To: Chaffin, Heather
Subject: Zoning case # C14-2014-0003

CB/53

I am a member of the Swede Hill Neighborhood Association. I live at 1006 East 13th Street.

I object to the zoning change requested for 1307 Waller St.

I was unable to sign the neighborhood petition regarding opposition to this zoning change. I understand that the petition is being submitted in the next day or so. I wish to have my name added to that petition.

Thank you for your consideration.

Carol Lynne Smith
1006 East 13th St.
Austin, Tx. 78702
(512)296-9447

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2014-0003

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Apr 8, 2014, Planning Commission
May 1, 2014, City Council

Matt Bowman

Your Name (please print)

1011 East 15th

Your address (not affected by this application)

Matt Bowman

Signature

4-1-14

Date

Daytime Telephone: 512-264-1954

Comments:

☐ I am in favor
☒ I am object

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810