

# Decision Sheet

Diana Rump for

**Heldenfels, Leane**

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**From:** Vicki Faust ~~vicki@taxtrailer.com~~  
**Sent:** Tuesday, November 25, 2014 4:49 PM  
**To:** Heldenfels, Leane  
**Subject:** Re: 11/10 Board of Adjustment Meeting

yes - I think you're right - unfortunately the association meeting is on the same day as the next BOA - can you schedule me last at BOA and I'll try to get early on the association agenda? It'll be a long night but potentially knock it out one way or the other!! Have a great Thanksgiving!!

Vicki Faust

Vicki 'Frances' Faust  
CPA . MBA



1503A Nickerson St. 78704  
512.912.1040v.  
512.912.1163f.

[www.taxtrailer.com](http://www.taxtrailer.com)

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*The information contained in this message and any attachments is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this message in error, you are prohibited from copying, distributing, or using the information. Please contact the sender immediately by return e-mail and delete the original message."*

On Tue, Nov 25, 2014 at 4:45 PM, Heldenfels, Leane <[Leane.Heldenfels@austintexas.gov](mailto:Leane.Heldenfels@austintexas.gov)> wrote:

Unfortunately sometimes they don't advise us until the day of the meeting – then sometimes are late, but rarely no show.

Maybe ck in on Monday 12/8 to see if we know if we'll be a full Board. I think they would like to see a new Neighborhood Association approval letter from you – you can bring 10 copies of it to the hearing directly and bypass their packet.

**Heldenfels, Leane**

C15-2014-0151

**From:** Vicki Faust ~~(mailto:vicki@taxtrailer.com)~~  
**Sent:** Monday, December 01, 2014 3:42 PM  
**To:** Heldenfels, Leane  
**Subject:** Re: 11/10 Board of Adjustment Meeting

Leane,

Another change - I'll tell you what happened and you tell me what to do about it okay? The neighborhood association wants us to meet with the zoning committee. zoning committee does not meet until 12/15 - so what I think I need to do is postpone the variance until January because I know that this neighborhood approval is imperative. tell me what you think - thanks

On Dec 1, 2014, at 3:15 PM, "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov> wrote:

Sorry for the scheduling issue - I will ask for the case to be moved on the agenda to last, but will wait until you're a no show at your scheduled time just in case you get done w/ them and rush over to our meeting in time.

Thanks for the heads up on the timing -  
Leane

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

**DATE:** Monday, November 10, 2014

**CASE NUMBER:** C15-2014-0151

☒ Y \_\_\_\_\_ Jeff Jack  
☒ Y \_\_\_\_\_ Michael Von Ohlen  
☒ Y \_\_\_\_\_ Stuart Hampton - Ricardo De Camps(out)  
☒ Y \_\_\_\_\_ Bryan King **2<sup>nd</sup> the Motion**  
☐ - \_\_\_\_\_ Vincent Harding (out)  
☒ Y \_\_\_\_\_ Melissa Hawthorne **Motion to PP to Dec 8, 2014**  
☒ Y \_\_\_\_\_ Sallie Burchett

**APPLICANT:** Vick Faust

**OWNER:** Kimberly Cavendish

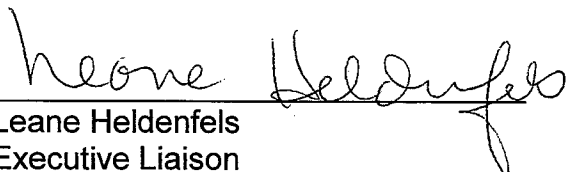
**ADDRESS:** 1414 EVA ST

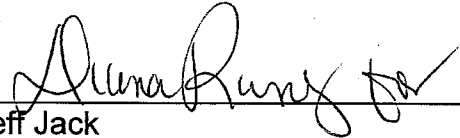
**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-2-782 (l) to decrease the distance of a bed and breakfast from another bed and breakfast from 1,000 feet (required) to 941 feet (requested) in order to establish a Bed and Breakfast in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to December 8, 2014, Board Member Bryan King second on a 6-0 vote; POSTPONED TO December 8, 2014.

**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:

  
Leane Heldenfels  
Executive Liaison

  
Jeff Jack  
Chairman

## PUBLIC HEARING INFORMATION

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- and:

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**Case Number:** C15-2014-0151, 1414 Eva Street

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, November 10th, 2014

Your Name (please print)

JAMISON TRAVIS

☐ I am in favor  
☒ I object

Your address(es) affected by this application

1411 NEWTON STREET

Jamison Travis

Signature

Date

Daytime Telephone: 512 447-6331

Comments: It encourages more transient

people coming and going into our neighborhood, I don't want to destroy neighborhood character to provide lodging.

Note: All comments received will become part of the public record of this case

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

City of Austin-Planning & Development Review Department/ 1st Floor  
Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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**Public Hearing:** Board of Adjustment, November 10th, 2014

**Stephen Greenberg**

*Your Name (please print)*

1513 EDA

*Your address(es) affected by this application*

*Signature* **Stephen Greenberg**

*Date*

10-4-2014

*Daytime Telephone:*

512-413-4638

*Comments:*

**Pat King**

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, November 10th, 2014

Thomas Davis

Your Name (please print)

☐ I am in favor  
☒ I object

1401 EVA ST.

Your address(es) affected by this application

Thomas E. Davis

Signature

11/4/14

Date

Daytime Telephone: 512-948-1090

Comments:

South Congress Eva Street  
extremely crowded with auto's.  
Additional auto's parked  
will only compound problem.  
There is new hotel to open on  
So. Congress and at least four  
motels on So. Congress established.

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**Public Hearing:** Board of Adjustment, November 10th, 2014

YOLANDA PEREZ

Your Name (please print)

☐ I am in favor  
☒ I object

203 W ELIZABETH

Your address(es) affected by this application

Leane Heldenfels

Signature

11-8-14

Date

Daytime Telephone: 512 447-402

Comments:

could charge neighborhood  
to business/commencement when  
we deliver trucks going to  
Park to deliver to Fed. Highway  
business when we install  
primary lower property value  
but not property that is  
difficult to sell property with business  
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**Public Hearing:** Board of Adjustment, November 10th, 2014

*YOLANDA PEREZ*

Your Name (please print)

*203 W ELIZABETH*

Your address(es) affected by this application

*Melinda Perry*

Signature

*11-8-14*

Date

Daytime Telephone:

*512 447-5402*

Comments:

*Unneeded condition, lack of proper  
noise collection, parking restrictions (PPP)  
enforcement is difficult as it is. Little  
room for enforcement - condition could  
be better determined neighborhood. Heavy  
traffic for roundabout 1000 sq foot  
retained credit for 3rd round. Safety  
is a top concern.*

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**Public Hearing:** Board of Adjustment, November 10th, 2014

*Stephen Greenberg*

Your Name (please print)

1511 EVA

Your address(es) affected by this application

*Leane Heldenfels*

Signature

Date

Daytime Telephone:

512-413-4638

Comments:

*Jack 108*

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**Public Hearing:** Board of Adjustment, November 10th, 2014

Thomas Davis  
Your Name (please print)

☐ I am in favor  
☒ I object

1401 EVA ST.

Your address(es) affected by this application

Thomas Davis  
Signature

11/4/14  
Date

Daytime Telephone: 512-948-1090

Comments:

South Congress/Eva Street  
extremely crowded with auto's  
Additional auto's parked  
will create compound problem.  
There is now bottle to open on  
So. Congress and at least four  
motels on So. Congress obstructed.

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**Public Hearing:** Board of Adjustment, November 10th, 2014

JAMISON TRAVIS  
Your Name (please print)

☐ I am in favor  
☒ I object

1411 NEWTON STREET

Your address(es) affected by this application

Jamison Davis  
Signature

11-5-14  
Date

Daytime Telephone: 512 447-6331

Comments: It encourages more transient

people coming and going into  
our neighborhood, I don't want to  
destroy neighborhood character to  
provide lodging.

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Public Hearing: Board of Adjustment, November 10th, 2014

VINCENT S CHANDRASEKAR

Your Name (please print)

303 W EUBANK ST

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 917-412-9235

Comments: I am objecting to this variance

because I am also in preliminary planning  
of creating a bed & breakfast on my  
property -- and I am more than  
1000 ft away from the closest environment  
having to request for a variance.

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☐ I am in favor  
☒ I object

Heidenfels, Leane

**From:** vineet.sc [mailto:vineet.sc@att.net]  
**Sent:** Friday, November 07, 2014 9:38 PM  
**To:** Heidenfels, Leane  
**Subject:** C15-2014-0151 Objection  
**Attachments:** C15-2014-0151\_Objection.pdf

Hi Leane,

Signed objection form attached.

Just to clarify if my handwriting is not legible:

I am objecting to this variance because I am also in preliminary planning to create a bed and breakfast on my property. I am already more than 1,000 ft away from the next closest bed and breakfast without having to request a variance. Allowing this variance would cripple my plans.

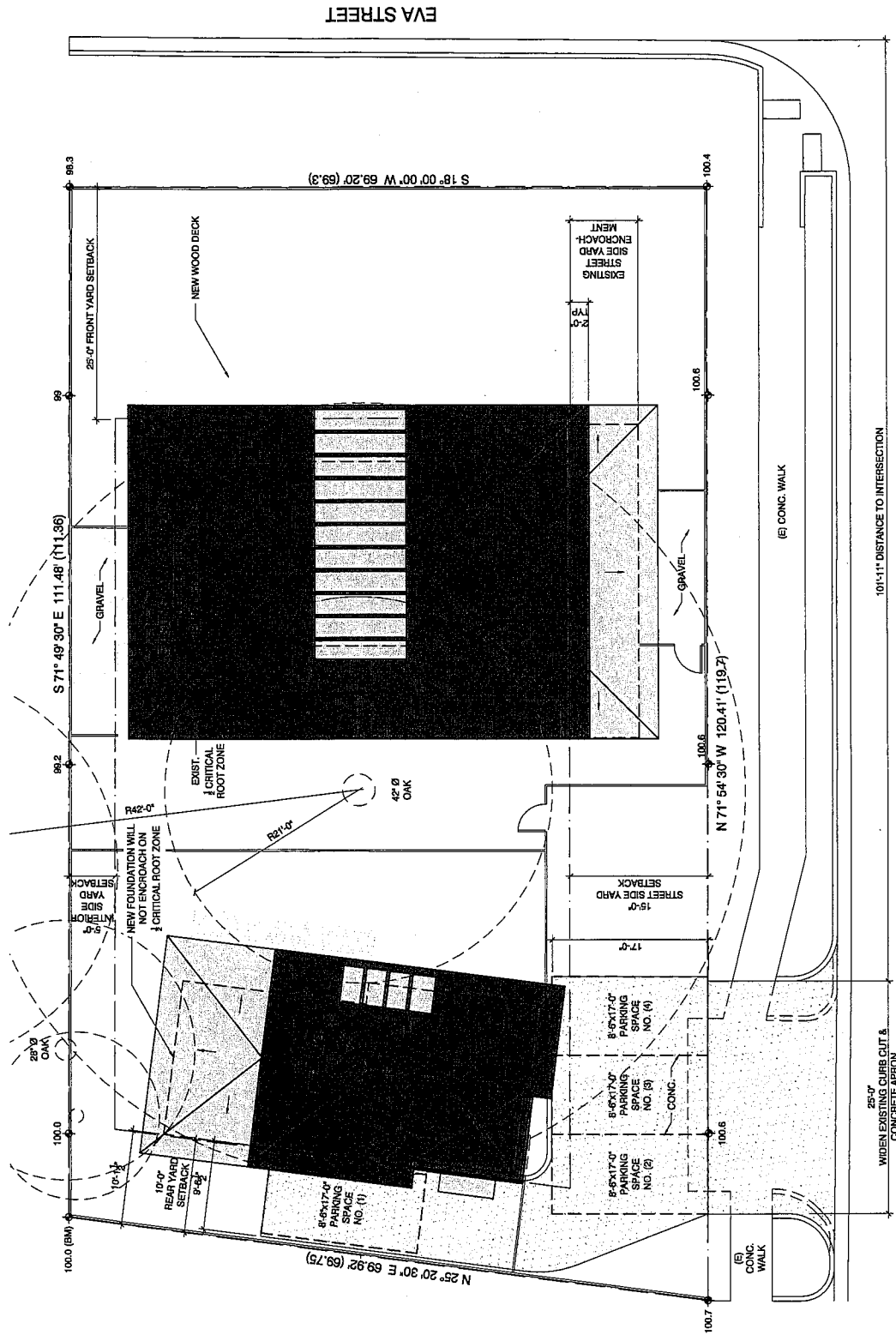
Thank you.

Vineet S Choudhary  
917-412-9235  
303 W Elizabeth St  
Austin, TX 78704

95-2014-0101



Rp



1 SITE PLAN  
3/32" = 1'-0"

ELIZABETH STREET

1414 EVA STREET  
LOT 16 & S 23.1 FT. OF LOT 15 BLK 3A SWISHER ADDITION  
KIMBER CAVENDISH

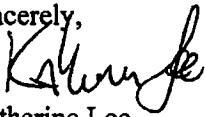
MERZBAU  
DESIGN COLLECTIVE  
1401 E. 7TH STREET  
AUSTIN, TEXAS 78702  
TEL: 512.698.3900  
jacob.merz@merzbaum.com

November 1, 2014,

Dear City of Austin Board of Adjustments,

My name is Katherine Lee and I own the condo unit at 1401 Eva Street #107 Austin, Texas 78704. I currently live on the East coast but plan on moving back to Austin in a couple of years. I am writing this letter in support of the proposed variance to build a bed and breakfast located at 1414 Eva Street. Given that I live on the East coast, I will not be able to attend the meeting in person on November 10, 2014 to offer my support. A bed and breakfast on the corner of Eva and Elizabeth will do nothing but improve our neighborhood and add beautiful architecture to Bouldin Creek . I am in full support of this variance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katherine Lee', written over the printed name.

Katherine Lee

October 29, 2014

Dear City of Austin Board of Adjustments,

We are writing this letter in support of the bed and breakfast variance for the vacant lot located at 1414 Eva Street. We live just North and right next door to the proposed bed and breakfast. We feel the Bouldin neighborhood would benefit greatly from a bed and breakfast in this exact location. We once again give our full support for this project and the variance.

Sincerely,

*RRanier*  
1410 Eva Street  
312.203.9619

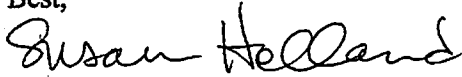


November 1, 2014,

Dear City of Austin Board of Adjustments,

My name is Susan Holland and I reside at 1401 Eva Street #101 Austin, Texas 78704. I am writing this letter in support of the proposed variance to build a bed and breakfast located at 1414 Eva Street. I regretfully, will not be able to attend the meeting in person on November 10, 2014 to lend my support, hence this letter. I feel the Bouldin Creek neighborhood would benefit greatly from having a bed and breakfast at this very location.

Best,

A handwritten signature in cursive script that reads "Susan Holland".

Susan Holland

1401 Eva St #101

Austin, TX 78704

512-554-9841

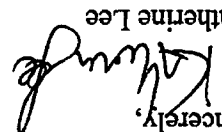


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1410 Eva Street


312.203.9619

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Best,

A handwritten signature in cursive script that reads "Susan Holland".

Susan Holland

1401 Eva St #101

Austin, TX 78704

512-554-9841

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

CASE # C15-2014-0151  
ROW # 11 236626  
ROLL 0400001015

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: 1414 Eva Street

LEGAL DESCRIPTION: Subdivision - Swisher

Lot(s) 16&pt15 Block 3A Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Vicki Faust on behalf of myself/ourselves as authorized agent for

KIMBERLY CAVENDISH affirm that on SEPT 19, 2014

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

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL x MAINTAIN

   A Bed & Breakfast   

in a SF-3 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: 25-2-782(I)-requires 1000 feet between B&B's. Using the accepted standard measurement, "as the crow flies/door to door" this property is 941 feet from the KimberModern. It is 1019 feet away using the quickest walking or driving route. It is 1069 as crow flies but still on the lot, just not door to door. Yet the property is in a separate neighborhood on the west side of Congress opposite the KimberModern.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: This property is a perfect B&B location. It's adjacent to retail businesses, one block west of South Congress, located at a busy intersection. B&B parking and square footage requirements are easily met due to it's corner location and larger lot size. It is an ideal buffer between business & residential; a rare find west of congress where there are aren't any existing B&B's.

(b) The hardship is not general to the area in which the property is located because: Most properties are lacking either the square footage or the access to get the required parking/rooms available to meet the bed and breakfast requirements. Larger more embedded properties are more affordable yet less desirable as a business and more invasive to the neighborhood.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: The property was purchased as a short term rental investment with hopes of converting it to a bed & breakfast. The variance will allow this improvement and significantly enhance the appearance of the corner while being a totally self-sufficient and not impair the adjacent properties in any way. The B&B location still follows the spirit of the 1000 ft distance requirement becoming the first B&B in the area west of Congress.

**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:

NA

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:

NA

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

NA

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

NA

**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 Vicki Faust Mail Address 1503A Nickerson St.

City, State & Zip Austin, TX 78704

Printed VICKI FAUST Phone (512) 217-3686 Date 9.19.14

**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 Kimberly Gaudish Mail Address 1503A Nickerson St.

City, State & Zip Austin, TX 78704

Printed Kimberly Gaudish Phone (512) Date 9.19.14



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

**DATE:** Monday, July 9, 2012

**CASE NUMBER:** C15-2012-0078

☒ Y Jeff Jack  
☒ Y Michael Von Ohlen - Motion to Grant  
☒ Y Nora Salinas  
☒ Y Bryan King  
☒ Y Susan Morrison - 2<sup>nd</sup> the Motion  
☒ Y Will Schneir - Melissa Hawthorne absent  
☒ Y Heidi Goebel

**APPLICANT:** Vicki Faust

**ADDRESS:** 1414 EVA ST

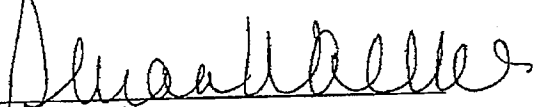
**VARIANCE REQUESTED:** The applicant has requested a variance from the minimum spacing requirement of Section 25-2-782 (l) from 1,000 feet to 941 feet in order to remodel an existing residence to create a Bed and Breakfast Residential Use in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan) The Land Development Code states that a Bed and Breakfast Residential Use must be more than 1,000 feet from an existing Bed and Breakfast Residential Use.

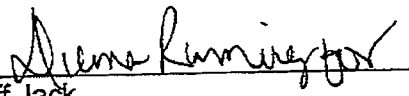
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with friendly amendment to meet parking requirements and not return to BOA for parking variance, Board Member Susan Morrison second on a 6-1 vote (Board Member Bryan King nay); **GRANTED WITH FRIENDLY AMENDMENT TO MEET PARKING REQUIREMENTS AND NOT TO RETURN TO BOA FOR PARKING VARIANCE.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: 25-2-782(l) requires 1000 ft between B&Bs
2. (a) The hardship for which the variance is requested is unique to the property in that: it's adjacent to retail businesses, one block west of South Congress, located at a busy intersection, B&B parking and square footage requirements are easily met due to its corner location and larger lot size  
  
(b) The hardship is not general to the area in which the property is located because: most properties are lacking either the square footage or the access to get the required parking/rooms available to meet the bed and breakfast requirements

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the property was purchased as a short term rental investment with hopes of converting it to a bed & breakfast, the variance will allow this improvement and significantly enhance the appearance of the corner while being a totally self-sufficient

  
Susan Walker  
Executive Liaison

  
Jeff Jack  
Chairman

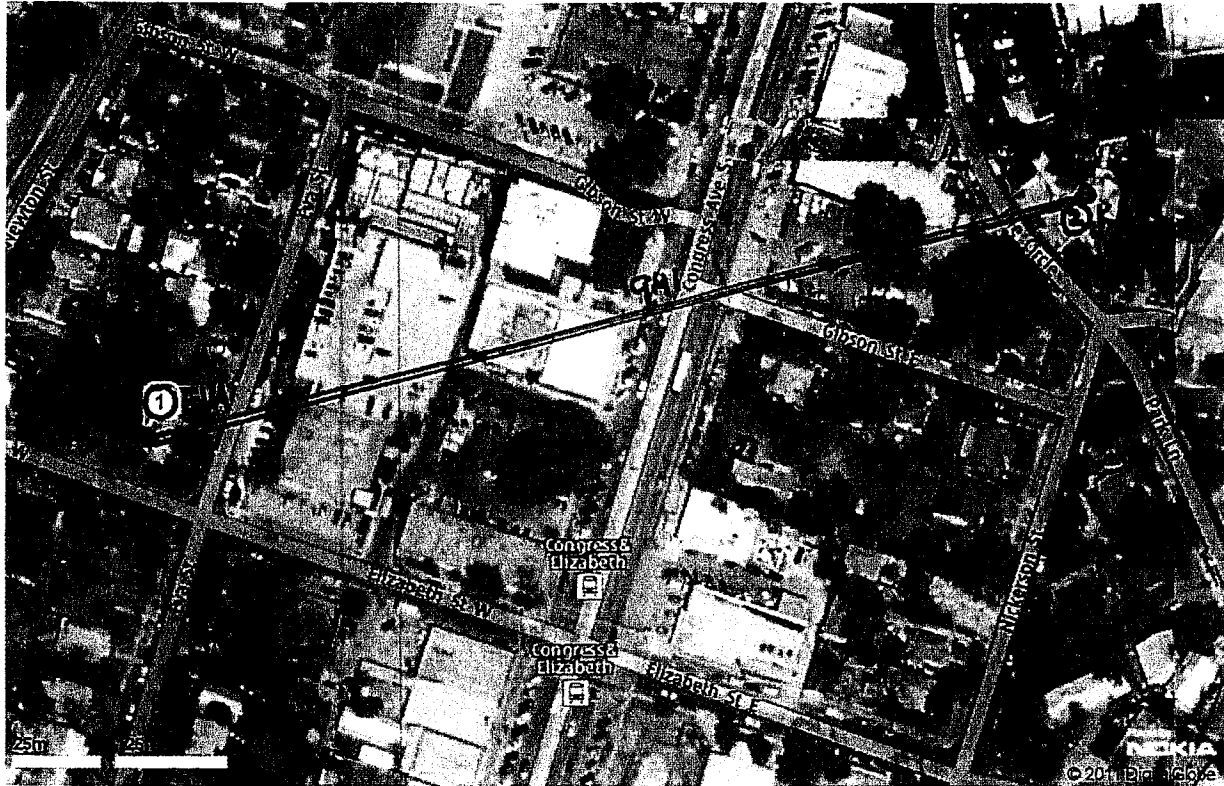
**YAHOO! MAPS**

1- 1414 Eva Street - Potential B&B

2- KimberModern

**1414 Eva St, Austin, TX 78704-3009**

Distance - address to address  
941 feet



When using any driving directions or map, its a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

**YAHOO! MAPS**

1- 1414 Eva Street - Potential B&B

2- KimberModern

**1414 Eva St, Austin, TX 78704-3009**

Distance - back of each Lot  
1069 feet



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**YAHOO! MAPS**

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2- KimberModern

**1414 Eva St, Austin, TX 78704-3009**

Distance - walking using 'short cuts'  
1019 feet



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**YAHOO! MAPS**

1- 1414 Eva Street - Potential B&B

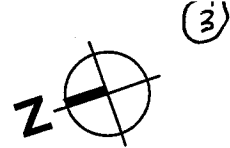
2- KimberModern

**1414 Eva St, Austin, TX 78704-3009**

Distance - driving or walking -most direct route  
1373 feet



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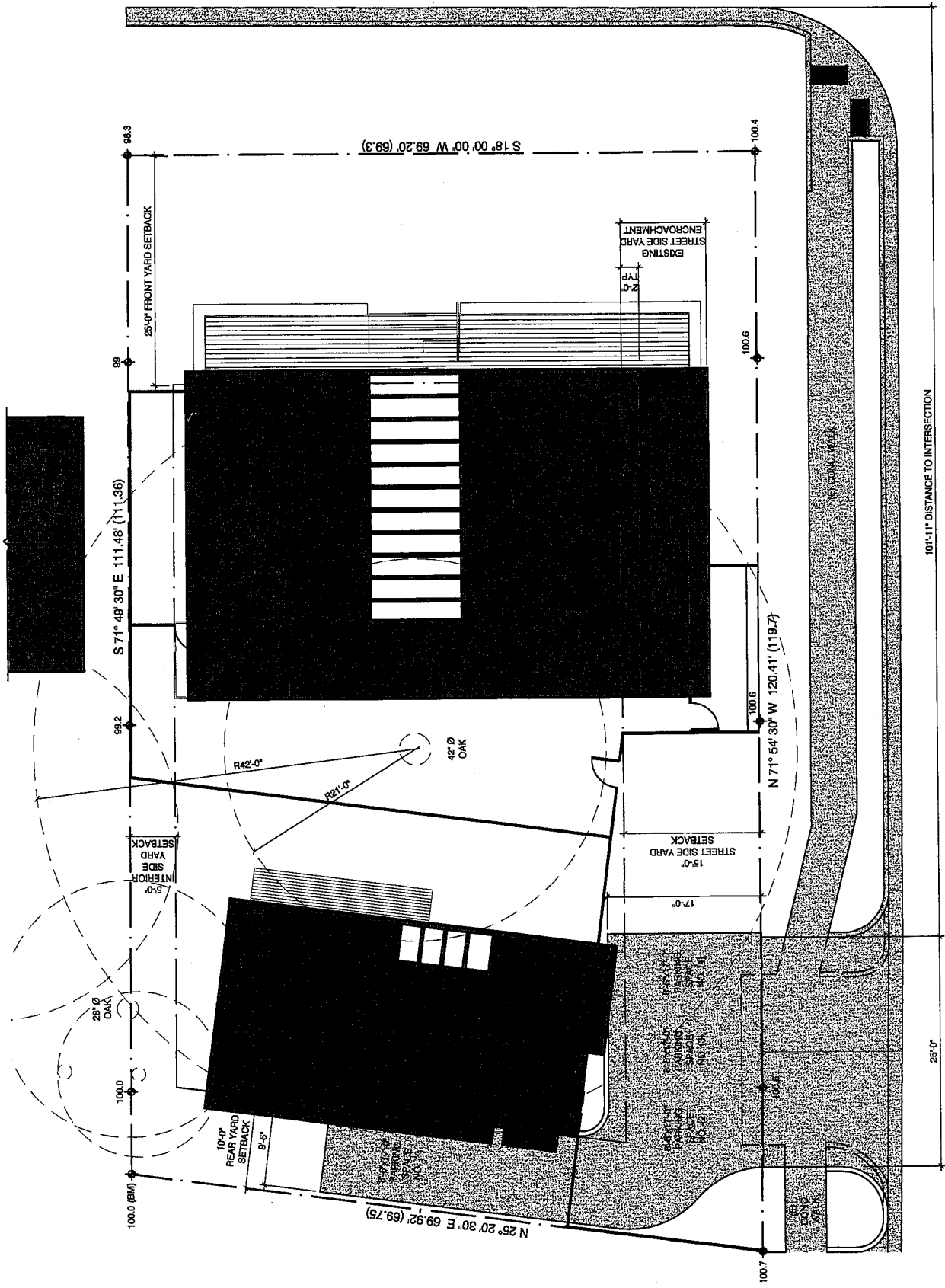
# 1 SITE PLAN

1/16" = 1'-0"

ELIZABETH STREET

1414 EVA STREET  
LOT 16 & S 23.1 FT. OF LOT 15 BLK 3A SWISHER ADDITION  
KIMBER CAVENDISH

**MERZBAU**  
DESIGN COLLECTIVE  
1401 E. 7TH STREET  
Austin, Texas 78702  
tel: 512.636.5900  
jeschmell@merzbau.com



EVA STREET

August 20, 2014

To Whom It May Concern:

I, Kimberly Cavendish, owner of 1414 Eva Street Austin, Texas 78704, give Vicki Faust the sole authority as my agent to represent me at the city for any and all concerns regarding the above said property.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kimberly Cavendish', written in dark ink.

Kimberly Cavendish



*Prior Variance approval*

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

**DATE: Monday, July 9, 2012**

**CASE NUMBER: C15-2012-0078**

☐ Y ☐ Jeff Jack  
☐ Y ☐ Michael Von Ohlen - Motion to Grant  
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**APPLICANT: Vicki Faust**

**ADDRESS: 1414 EVA ST**

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Executive Liaison

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Chairman