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

DATE: Monday, November 9, 2015

CASE NUMBER: C15-2015-0150

- _____ Brooke Bailey
- _____ Michael Benaglio
- _____ William Burkhardt
- _____ Eric Goff
- _____ Melissa Hawthorne
- _____ Don Leighton-Burwell
- _____ Melissa Neslund
- _____ James Valadez
- _____ Michael Von Ohlen

OWNER/APPLICANT: Tracy Perkins

ADDRESS: 1502 KINNEY AVE

VARIANCE REQUESTED: The applicant has requested variance(s) to:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 4.6 feet (requested, existing); and to**
- B. Decrease the rear yard setback from 10 feet (required) to 9.5 feet (requested/existing); and to**
- C. Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot area from 7,000 square feet (required) to 6,674 square feet (requested/existing**
in order to create a second dwelling unit by remodeling an existing accessory structure in a "SF-3", Family zoning district.

Note: A Special Exception was previously approved for the side setback encroachment of the accessory structure, however addition of a 2nd sink to create the second dwelling unit constitutes a change in use/remodel and negates the Special Exception. In addition, because the house was built in 1945 prior to the establishment of parking requirements, 2 spaces for the 2nd dwelling unit are required and will be provided via tandem spaces in the driveway but no space(s) for the primary dwelling unit are required.

BOARD'S DECISION: Nov 9 POSTPONED TO JANUARY 11, 2016 BY APPLICANT

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:

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

DATE: Monday, February 9, 2015

CASE NUMBER: C15-2015-0026

- Y ___ Jeff Jack - Chair
- Y ___ Michael Von Ohlen **Motion to Grant**
- Y ___ Melissa Whaley Hawthorne - Vice Chair **2nd the Motion**
- ___ Sallie Burchett
- Y ___ Ricardo De Camps
- Y ___ Brian King
- Y ___ Vincent Harding
- ___ Will Schnier - Alternate
- Y ___ Stuart Hampton - Alternate

APPLICANT: Tracy Perkins

ADDRESS: 1502 KINNEY AVE

VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the side yard setback from 5 feet (required) to 4.6 feet (requested) in order to maintain an existing garage structure constructed more than 10 years ago in an "SF-3", Family Residence Zoning District.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 7-0 vote; **GRANTED.**

25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2016;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

5/1/09

- (i) alter the character of the area;
- (ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

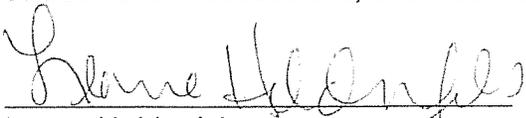
(C) A special exception granted under this section:

- (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
- (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

C15 - 2015 - 0150

Heldenfels, Leane

From: Tracy P [REDACTED]
Sent: Wednesday, November 04, 2015 10:43 AM
To: Heldenfels, Leane
Subject: Re: Monday 11/9 Board of Adjustment meeting

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Hi, Leane. I would like to request postpone to January 11th, 2016 due to work conflicts. Thanks.

TLP

On Wed, Nov 4, 2015 at 10:13 AM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Greetings 11/09 Board of Adjustment Applicants:

Please review attached agenda and Austin Energy report and reply to me and advise if you need to postpone or withdraw your case. Print out a copy of the agenda for Monday's hearing, as we won't have paper copies at the hearing for your use.

An electronic version of the agenda, case back up materials and Austin Energy report is posted at the Board's website, see link below:

http://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm

This is same link you can use at Monday's meeting to access info via a tablet or laptop that you bring to the meeting.

If you see any back up material not shown or not clearly conveyed, you can bring 15 copies of that info to the meeting Monday. You can also bring a copy of all your information on a USB travel drive to project it as you speak about your case (presentations are limited to 5 minutes). Note that all your information downloaded to the site now has agenda page numbers, you might want to make note of those page numbers as the Board often refers to them during deliberations.

We will post **late back up** at this same link on **Monday after 3pm**. Late back up includes any replies to the public notice, other correspondence received on your case between last Tuesday and up until noon Monday. We will not have paper sets of this info at the meeting for applicants, so do check the website after 3pm in case the Board asks you a question about any of the late back up material we've received.

CAS-2015-0150

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Tracy Perkins
1502 Kinney Ave
Austin, TX 78704
12/25/2015

City of Austin Board of Adjustment:
P.O. Box 1088
Austin, TX 78767-1088

Dear City of Austin Board of Adjustment :

I no longer need Variance Request C. Section 25-2-774 of my case because the City of Austin City Council approved updated Accessory Dwelling Units (ADU) Ordinance No. 20151119-080 and my property size is within the new ADU Ordinance changes. These new rules became effective November 30, 2015.

Sincerely,



Tracy Perkins

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ORDINANCE NO. 20151119-080

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2 AND 25-6 RELATING TO ACCESSORY DWELLING UNITS.

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

PART 1. City Code Section 25-2-774 (*Two-Family Residential Use*) is amended to read as follows:

§ 25-2-774 TWO-FAMILY RESIDENTIAL USE.

- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a two-family residential use the minimum lot area is [7,000 square feet] equivalent to a standard lot.
- (C) The second dwelling unit:
 - (1) must be contained in a structure other than the principal structure;
 - (2) must be located:
 - (a) at least ~~[15]~~ 10 feet to the rear or side of the principal structure; or
 - (b) above a detached garage;
 - (3) may be connected to the principal structure by a covered walkway;
 - ~~[(4) may not have an entrance within 10 feet of a lot line;]~~
 - ~~[(5) unless the second dwelling unit has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;]~~
 - ~~[(6)]~~(4) may not exceed a height of 30 feet, and is limited to two stories;
 - ~~[and]~~
 - ~~[(7)]~~(5) may not exceed ~~[a gross floor area of]:~~

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(a) ~~[850 total square feet]~~ 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; ~~[or]~~ and

(b) 550 square feet on the second story, if any~~[-];~~ and

(6) may not be used as a short term rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.

(D) Impervious cover for the site may not exceed 45 percent.

(E) Building cover for the site may not exceed 40 percent.

~~[(F) Other than in a driveway, parking is prohibited in the front yard.]~~

PART 2. City Code Section 25-2-1463 (*Secondary Apartment Regulations*) is amended to read as follows:

§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.

(A) A secondary apartment is not permitted in combination with a cottage or urban home special use.

(B) A secondary apartment must be located in a structure other than the principal structure. ~~[The apartment may be connected to the principal structure by a covered walkway.]~~

(C) The secondary apartment:

(1) must be contained in a structure other than the principal structure;

(2) must be located:

(a) at least ~~[15]~~ 10 feet to the rear or side of the principal structure;
or

(b) above a detached garage;

(3) may be connected to the principal structure by a covered walkway;

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~~[(4) may not have an entrance within 10 feet of a lot line;]~~

~~[(5) unless the secondary apartment has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;]~~

~~[(6)](4) may not exceed a height of 30 feet, and is limited to two stories; [and]~~

~~[(7)](5) may not exceed [a gross floor area of]:~~

(a) ~~[850 total square feet]~~ 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; [or]and

(b) 550 square feet on the second story, if any[-]; and

(6) may not be used as a short term rental for more than 30 days in a calendar year if the secondary apartment was constructed after October 1, 2015.

(D) Impervious cover for the site may not exceed 45 percent.

(E) Building cover for the site may not exceed 40 percent.

~~[(F) Other than in a driveway, parking is prohibited in the front yard.]~~

PART 3. The "Residential Uses" portion of the table in Part 1 of City Code Chapter 25-6 Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is amended to read as follows:

CHAPTER 25-6 APPENDIX A.

PART 1 – MOTOR VEHICLES

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement

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<i>Residential Uses</i>		
Cottage special use Mobile home residential [Secondary apartment special use] Single-family residential Small lot single-family residential Townhouse residential [Two-family residential] Urban home special use	2 spaces for each dwelling unit	None
<u>Secondary apartment special use</u> <u>Two family residential</u>	<u>Principal unit: 2 spaces</u> <u>Secondary unit: If located greater than .25 miles from an activity corridor that is served by a bus or transit line - 1 space; if located less than or equal to .25 miles from an activity corridor that is served by a bus or transit line - 0 spaces. For purposes of this requirement, activity corridor is defined in the Imagine Austin Comprehensive Plan, as adopted by Ordinance No. 20120614-058.</u>	<u>None</u>
Accessory apartment Condominium residential Multifamily residential	Efficiency dwelling unit: 1 space 1 bedroom dwelling unit: 1.5 spaces Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom	None
Duplex residential Single-family attached residential -Standard -If larger than 4,000 sq. ft. or more than 6 bedrooms	4 spaces 4 spaces or 1 space for each bedroom, whichever is greater	None
Bed and breakfast residential	1 space plus 1 space for each rental	None

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	unit	
Group residential	1 space plus 1 space for each 2 lodgers or tenants	Schedule C
Retirement Housing	80% of the parking otherwise required by this table for the residential use classification	Schedule C

PART 4. Subsection (B) of City Code Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*) is amended to read as follows:

- (B) A short-term rental use under this section may not:
- (1) include the rental of less than an entire dwelling unit, unless all of the following conditions are met:
 - (a) a partial unit must at a minimum include the exclusive use of a sleeping room and shared use of a full bathroom;
 - (b) the owner is generally present at the licensed short-term rental property for the duration of any short-term rental of a partial unit;
 - (c) not more than one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and
 - (d) rental of the partial unit is limited to a single party of individuals;
 - (2) operate without a license as required by Section 25-2-791 (*License Requirements*); ~~or~~
 - (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); or[-]
 - (4) include a secondary dwelling unit or secondary apartment except as provided by Section 25-2-774(C)(6) (*Two Family Residential Use*) and 25-2-1463(C)(6) (*Secondary Apartment Regulations*).

PART 5. Subsection (B) of City Code Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*) is amended to read as follows:

- (B) A short-term rental use under this section may not:

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- (1) include the rental of less than an entire dwelling unit;
 - (2) operate without a license as required by Section 25-2-791 (*License Requirements*); ~~[or]~~
 - (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); ~~or~~[-]
 - (4) include a secondary dwelling unit or secondary apartment except as provided by Section 25-2-774(C)(6) (*Two Family Residential Use*) and 25-2-1463(C)(6) (*Secondary Apartment Regulations*).

PART 6. Subsection (C) of City Code Section 25-2-791 (*License Requirements*) is amended to read as follows:

- (C) The director shall issue a license under this section if:
- (1) the application includes all information required under Subsection (B) of this section;
 - (2) the proposed short-term rental use complies with the requirements of Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*);
 - (3) for a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), no more than 3% of the single-family, detached residential units within the census tract of the property are short-term rental (including Type 2 and Type 1 second dwelling unit or secondary apartment) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and
 - (a) the structure has a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or
 - (b) the structure has been determined by the building official, not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection;
 - (4) for a short-term rental use regulated under Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*), located in a non-commercial zoning district, no more than 3% of the total number of dwelling units at the property and no more than 3% of the total number of dwelling

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units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and

- (a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or
 - (b) the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection[-];
- (5) for a short-term rental use regulated under Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*), located in a commercial zoning district, no more than 25% of the total number of dwelling units at the property and no more than 25% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and
- (a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or
 - (b) the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection.

PART 7. Subsections (A) and (D) of City Code Section 25-2-793 (*Determination of Short-Term Rental Density*) is amended to read as follows:

§ 25-2-793 DETERMINATION OF SHORT-TERM RENTAL DENSITY.

- (A) The director shall determine on an annual basis the total number of single-family, detached residential structures within each census tract and use that number to calculate the maximum number of licenses for Type 2 short-term rentals that may be issued under Section [~~25-2-790~~] 25-2-791 (~~[Registration]~~ License Requirements).

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(D) For a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), one short-term rental (Type 2) license per census tract may be permitted if no other property within the census tract is currently licensed as a short-term rental (Type 2 or Type 1 secondary dwelling unit or secondary apartment) use and the use complies with all other license requirements, even if approval of a single Type 2 license in the census tract would otherwise exceed the density cap under Subsection (A) or (B) of this section or fail to meet the standard of Section 25-2-791(C)(3).

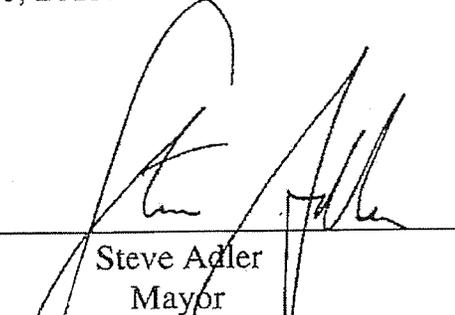
PART 8. Regulations related to two-family residential use and secondary apartments will be analyzed as part of the CodeNext review of the Land Development Code. The CodeNext team is directed to review and report on Austin's two-family residential use and secondary apartment regulatory, economic, and fiscal impacts as part of the CodeNext process, including impact on housing affordability options throughout the city.

PART 9. This ordinance takes effect on November 30, 2015.

PASSED AND APPROVED

_____, November 19, 2015

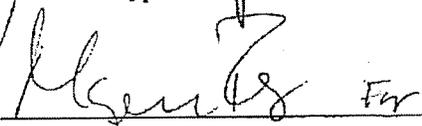
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Steve Adler
Mayor

APPROVED: 

Anne L. Morgan
Interim City Attorney

ATTEST:  For

Jannette S. Goodall
City Clerk



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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2015-0150
 1502 KINNEY AVENUE



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.

1" = 250'

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.

Revised

CASE# C15-2015-0150
ROW# _____
TAX# _____

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**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: 1502 Kinney Avenue, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision – Barton Heights A

Lot(s) 5 Block 3 Outlot _____ Division _____

I/We Tracy Perkins on behalf of myself/ourselves as authorized agent for

Myself affirm that on September 8, 2015, hereby apply for a hearing before the Board of

Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

25-2-774 Two Family Residential Use

Add second sink to existing structure with one sink.

Variences Requesting:

A) For a two-family residential use the minimum lot area is 7000 square feet (SF).

B) Rear and side set back

in a SF3 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.

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VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings :

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
 - A) Regarding the 7000SF min. lot size for a second dwelling, the lot in question is within 325.69SF of compliance. This condition cannot be changed.
 - B) Special exception was previously granted for structure in this location within the side and rear setback since 1980. Therefore, it is reasonable that the existing plumbing and electric can now be expanded within the building to permit a second dwelling unit in the existing structure and its current location.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
 - A) There are many other lots that are 7000SF within my block.
 - B) Not all lots in this area have a second structure in this same configuration.
- (b) The hardship is not general to the area in which the property is located because:
 - A) Many lots right behind me are 7000SF and I am only 325.69 short.
 - B) This structure already has electricity and plumbing, which are just being expanded within the building to allow a second dwelling unit. No change to its location and a new structure is not being requested.

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:
 - A) The building was with existing water and electricity connections. No external changes planned.
 - B) Structure in its current configuration since 1980.

PARKING: (Additional criteria for parking variances only.)

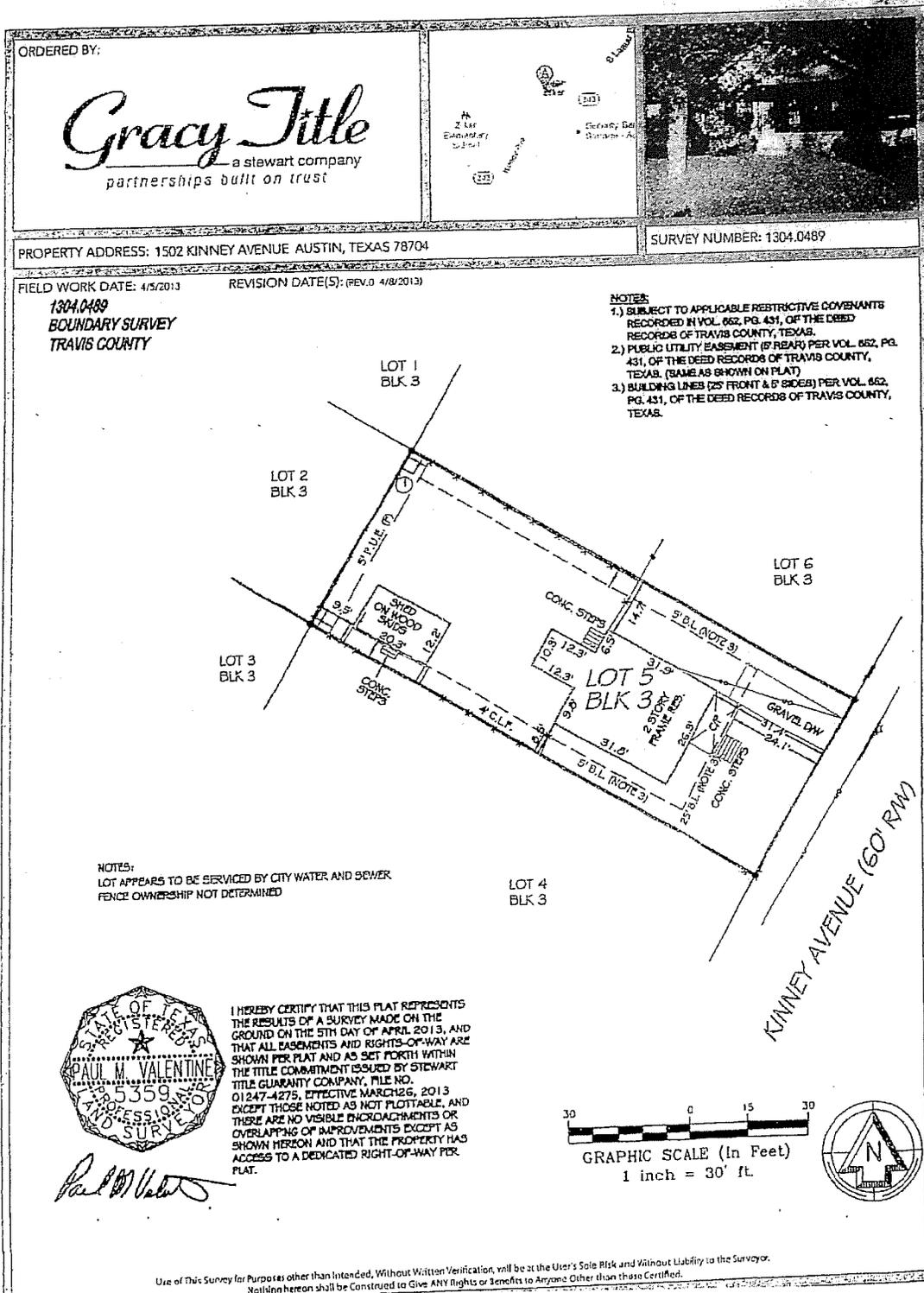
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional 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:
-
-

Site Plan

1. Existing Site Plan

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2. Surrounding Neighbors Site Plan

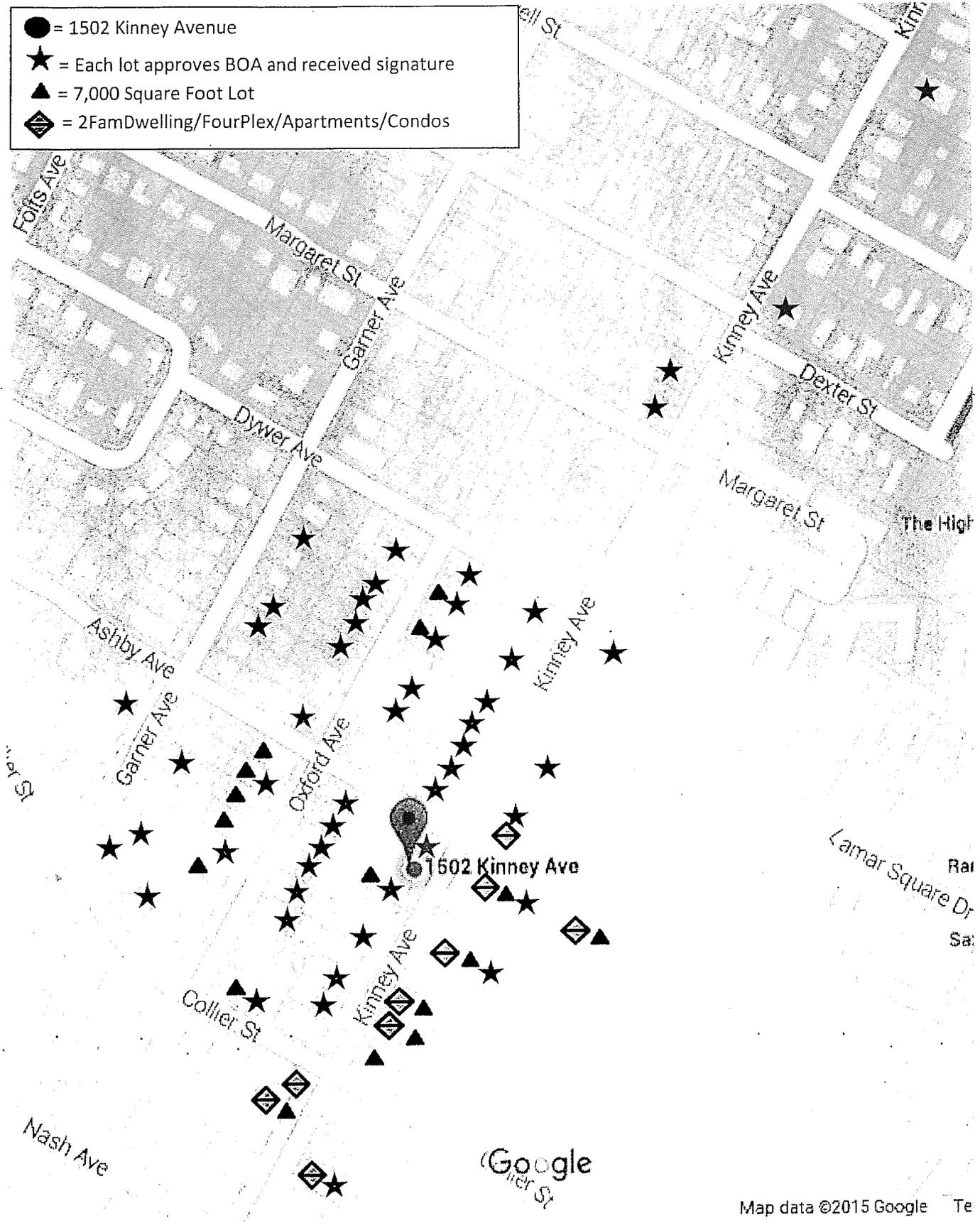


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3. Neighboring Lot Size and Uses

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- = 1502 Kinney Avenue
- ★ = Each lot approves BOA and received signature
- ▲ = 7,000 Square Foot Lot
- ◊ = 2FamDwelling/FourPlex/Apartments/Condos



◆ 1307 Kinney Ave

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▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.0400	1744.07	0.00	0.00	\$78,483	\$0

▼ Improvement / Building

Improvement #1: CONDO (STACKED) State Code: A4 Living Area: 867.0 sqft Value: \$93,515

◆▲ 1501 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.9284	40442.00	0.00	0.00	\$1,011,050	\$0

▼ Improvement / Building

Improvement #1: APARTMENT 26-49 State Code: B1 Living Area: 20428.0 sqft Value: \$827,470

▲ 1504 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1622	7085.79	0.00	0.00	\$285,000	\$0

◆▲ 1507 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	2.0000	87120.00	0.00	0.00	\$2,178,000	\$0

Improvement #1: APARTMENT 50-100 State Code: B1 Living Area: 37930.0 sqft Value: \$622,000

◆▲ 1601 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2697	11747.02	0.00	0.00	\$285,000	\$0

Improvement #1: FOURPLEX State Code: B4 Living Area: 3300.0 sqft Value: \$224,229

◆▲ 1603 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2687	11704.51	0.00	0.00	\$285,000	\$0

▼ Improvement / Building

Improvement #1: FOURPLEX State Code: B4 Living Area: 3300.0 sqft Value: \$224,229

◆▲ 1605 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.5026	21893.00	0.00	0.00	\$293,750	\$0

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▼ Improvement / Building

No improvements exist for this property.

◆▲ 1700 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.0749	3262.64	0.00	0.00	\$40,783	\$0

▼ Improvement / Building

Improvement #1: 2 FAM DWELLING State Code: A4 Living Area: 2241.0 sqft Value: \$309,056

◆▲ 1702 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2363	10295.00	0.00	0.00	\$285,000	\$0

▼ Improvement / Building

Improvement #1: 2 FAM DWELLING State Code: B2 Living Area: 2250.0 sqft Value: \$168,717

◆▲ 1703 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.3109	13542.59	78.00	174.00	\$372,422	\$0

▼ Improvement / Building

Improvement #1: APARTMENT 5-25 State Code: B1 Living Area: 5520.0 sqft Value: \$151,978

◆▲ 1704 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2363	10295.00	0.00	0.00	\$285,000	\$0

▼ Improvement / Building

Improvement #1: 2 FAM DWELLING State Code: B2 Living Area: 2875.0 sqft Value: \$202,428

◆ 1707 Kinney Ave

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▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.0830	3615.48	0.00	0.00	\$119,311	\$0

▼ Improvement / Building

Improvement #1: TOWNHOMES State Code: A4 Living Area: 1000.0 sqft Value: \$69,041

◆ 1709 Kinney Ave

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.0830	3615.48	0.00	0.00	\$119,311	\$0

▼ Improvement / Building

Improvement #1: TOWNHOMES State Code: A4 Living Area: 1110.0 sqft Value: \$88,098

▲ 1303 Oxford

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2292	9983.61	75.00	130.00	\$313,500	\$0

▲ 1305 Oxford

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2163	9421.66	0.00	0.00	\$313,500	\$0

▲ 1500 Oxford

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1618	7048.01	0.00	0.00	\$285,000	\$0

▲ 1502 Oxford

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1612	7021.87	0.00	0.00	\$285,000	\$0

▲ 1504 Oxford

▼ Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1695	7381.58	0.00	0.00	\$285,000	\$0

▲ 1506 Oxford

▼ Land								
#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1828	7134.00	0.00	0.00	\$285,000	\$0

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▲ 1510 Oxford

▼ Land								
#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1862	7241.47	0.00	0.00	\$285,000	\$0

▲ 1517 Oxford

▼ Land								
#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1864	8120.00	0.00	0.00	\$313,500	\$0



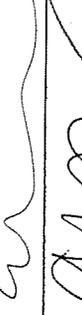
I, Tracy Perkins, am applying for a variance from the Board of Adjustment regarding Section _____ of the Land Development Code. The variance would allow me the ability to add a second dwelling unit to an existing structure.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Alice Mullins	1502 GANNETT 78704	<i>Alice Mullins</i>
FRANCIS V. McNAABB	1503 OXFORD 78704	<i>F. V. McNaabb</i>
Christine Muenster	1505 OXFORD 78704	<i>Christine Muenster</i>
Thomas Kuebe	1504 Kinney Ave	<i>Thomas Kuebe</i>
Lainie Frasier	1500 Kinney Ave	<i>Lainie Frasier</i>
Bonnie Mineo	1709 Kinney Ave	<i>Bonnie Mineo</i>
Graydon Parrish	903 Kinney Ave	<i>Graydon Parrish</i>

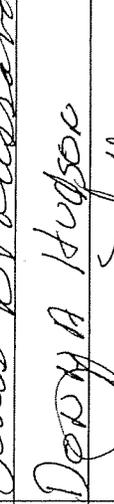
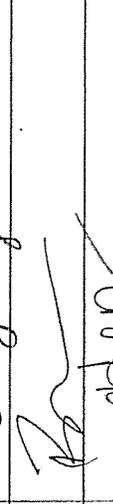
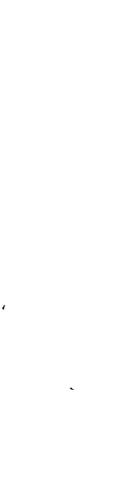
2/5

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
MIKE TOTH	1007 KINNEY AVE.	
Amos Lowe	1406 KINNEY AVE	
Blessed Granas	1402 KINNEY AVE	
Britney Holvin	1707 KINNEY AVE #101	
Alexis Paul	1104 Kinney Ave #B	
Mark Koelscher	1108 Kinney Ave	
Jamie Flynn	1511 Oxford Ave	
Cathy Kern	1709 Oxford Ave	
KEN WANG	1507 OXFORD AVE	
Glenn Unenma	1401 Oxford Ave.	
Allison Vokubalts	1300 Oxford Ave	
Cicely Simms	1300 Kinney Ave	
ROBERT L CURRIE	1700 KINNEY AVE	

2/5/14

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Nicole Frost	1404 Kinney Ave	
Christy Hibler	1512 Kinney Ave	
Chris Cull	1308 or Oxford Ave.	
Kevin Yates	1400 Oxford Ave.	
Thomas Fouts	1400 Oxford Ave.	
Lois Broussard	1704 Collier St	
Donna Hudson	1704 Collier St.	
Steve Marcum	1403 Garner Ave	
KEITH LOWRY	1401 GARNER AVE	
Beian B. L. L. L.	1305 Garner Ave	
Brook Andrea Turnipseed	1514 Kinney Ave	
Erica Ingers-McNinch	1517 Oxford Ave.	
KRISTIN STARCOTTE	1508 OXFORD AVE	

2/15

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
GEORGE DIKSKAN	1403 LXXX	
Tanja Adams	1306 Oxford	
Mina Maggard	1301 Oxford	
DAVID EARL	1701 DYWER	
Brian O'Connell	1511 Game	
JOE BALLATO	1308 KINNEY AVE	
William B. NALLE	1501 OXFORD AVE	W.B.N.
Kathleen Murphy	1401 Kinney Ave	
Mary Owens ^{owner} Kinney LLC	1508 Kinney Ave	
Darby Woolly	1303 Oxford Ave	
Rose Hoewath	1304 Oxford Ave	
KWA	1402 Oxford Ave	
KATHY WILLIAMS	1708 COLGIER ST.	K.W.

2/15

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Margaret Reed-Lachle	1505 Garner Ave.	M Reed-Lachle
Cavin Moreland	1502 Oxford Ave	C Moreland
NORMA STILSON	1405 KINNEY AVE	N Stilson
AYAN SHNEIDMAN	1213 KINNEY	A Shneidman
Gordon Plautz	1507 Kinney Ave	G Plautz
SARAH FUBO	1307 OXFORD AVE	S Fubo
Jugui Schraad	1304 Kinney Ave	J Schraad

5/24

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature

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29

see revised

CASE# C15-2015-0150
ROW# 11424970
TAX# 0102091008

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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: 1502 Kinney Avenue, Austin, TX 78704

LEGAL DESCRIPTION: Subdivision - Barton Heights A

Lot(s) 5 Block 3 Outlot Division

I/We Tracy Perkins on behalf of myself/ourselves as authorized agent for

Myself affirm that on September 8, 2015, hereby apply for a hearing before the Board of

Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

 ERECT ATTACH COMPLETE x REMODEL MAINTAIN

25-2-774 Two Family Residential Use

Add second sink to existing structure with one sink.

Variations Requesting:

- A) For a two-family residential use the minimum lot area is 7000 square feet (SF).
- B) May not have an entrance within 10 feet (FT) of a lot line.
- C) Other than in a driveway, parking is prohibited in the front yard.

in a SF3 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.

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VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings :

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
 - A) Regarding the 7000SF min. lot size for a second dwelling, the lot in question is within 325.69SF of compliance. This condition cannot be changed.
 - B) The door is existing in this configuration and has since the 1980's (See Existing Site Plan Page 4).
 - C) Because the access is very tight between the house and the property line and the front yard is the only area in my yard to be constructed or added (See Photo Page 7).

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
 - A) There are many other lots that are 7000SF within my block.
 - B) The floor Plan of the existing structure.
 - C) Narrowness of driveway, not enough space to safely drive in and out (backing up) without endangering the house and better to be shorter to prevent impacting impervious cover. (See Photo Page 8)
- (b) The hardship is not general to the area in which the property is located because:
 - A) Many lots right behind me are 7000SF and I am only 325.69 short.
 - B) Other lots do not have an existing structure.
 - C) Other houses are situated where having parking in the rear is conducive. In my situation, it is better situated in the front yard without going over impervious coverage. (See Photo Page 9)

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:
 - A) The building was with existing water and electricity connections. No external changes planned.
 - B) The door has been in use since 1980's. No external changes planned.
 - C) Given house configuration for parking it is best in this case and common in the area. (See Photo Page 10)

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:

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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:

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

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

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 1502 Kinney Avenue

City, State & Zip Austin, TX 78704

Printed _____ Phone 512-736-8797 Date 09/08/2015

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 _____

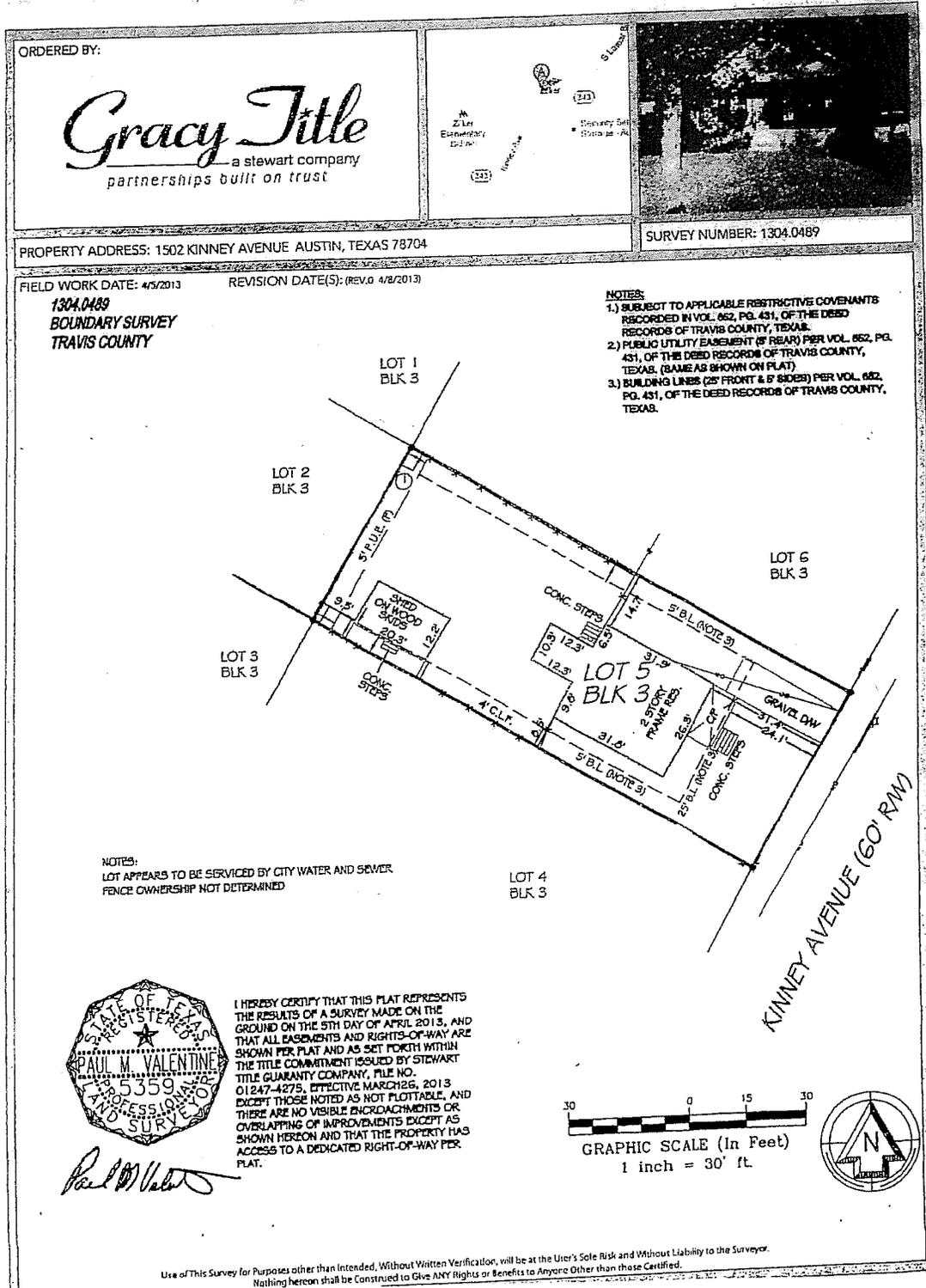
City, State & Zip _____

Printed _____ Phone _____ Date _____

Site Plan

1. Existing Site Plan

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2. Surrounding Neighbors Site Plan

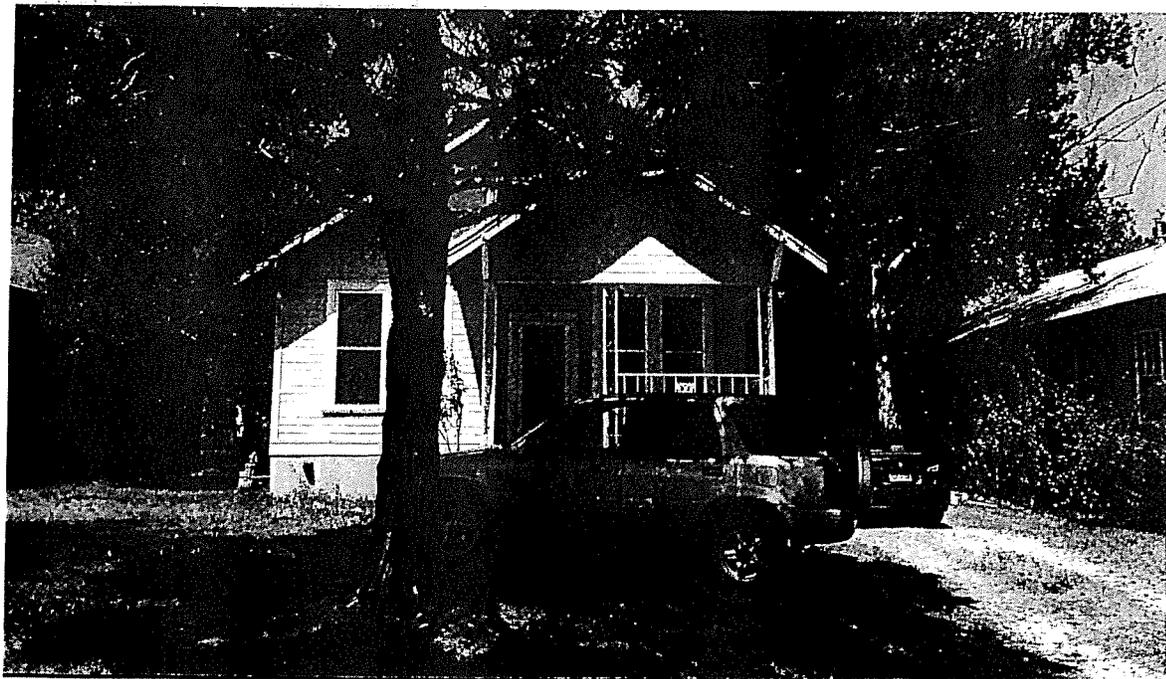
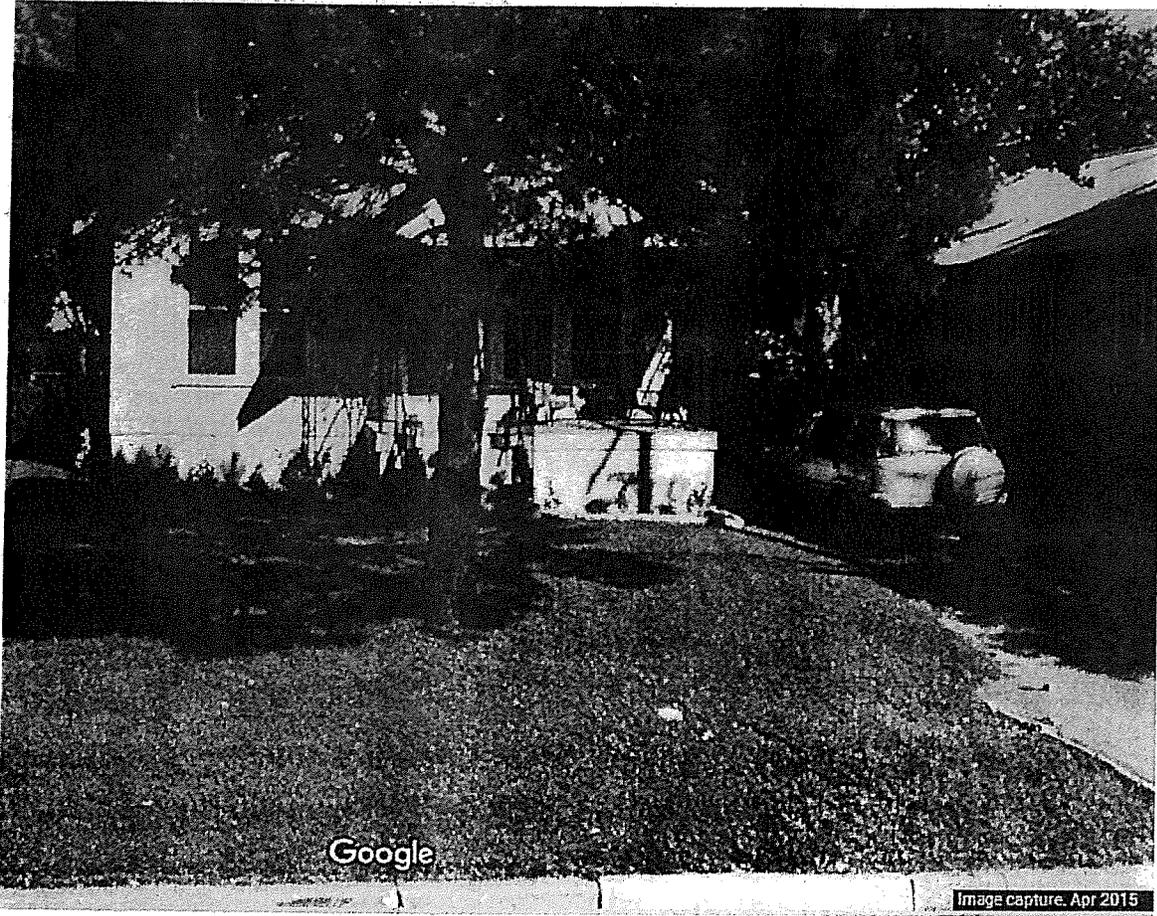
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REASONABLE USE: (Continued)

1C) Because the access is very tight between the house and the property line and the front yard is the only area in my yard to be constructed or added.

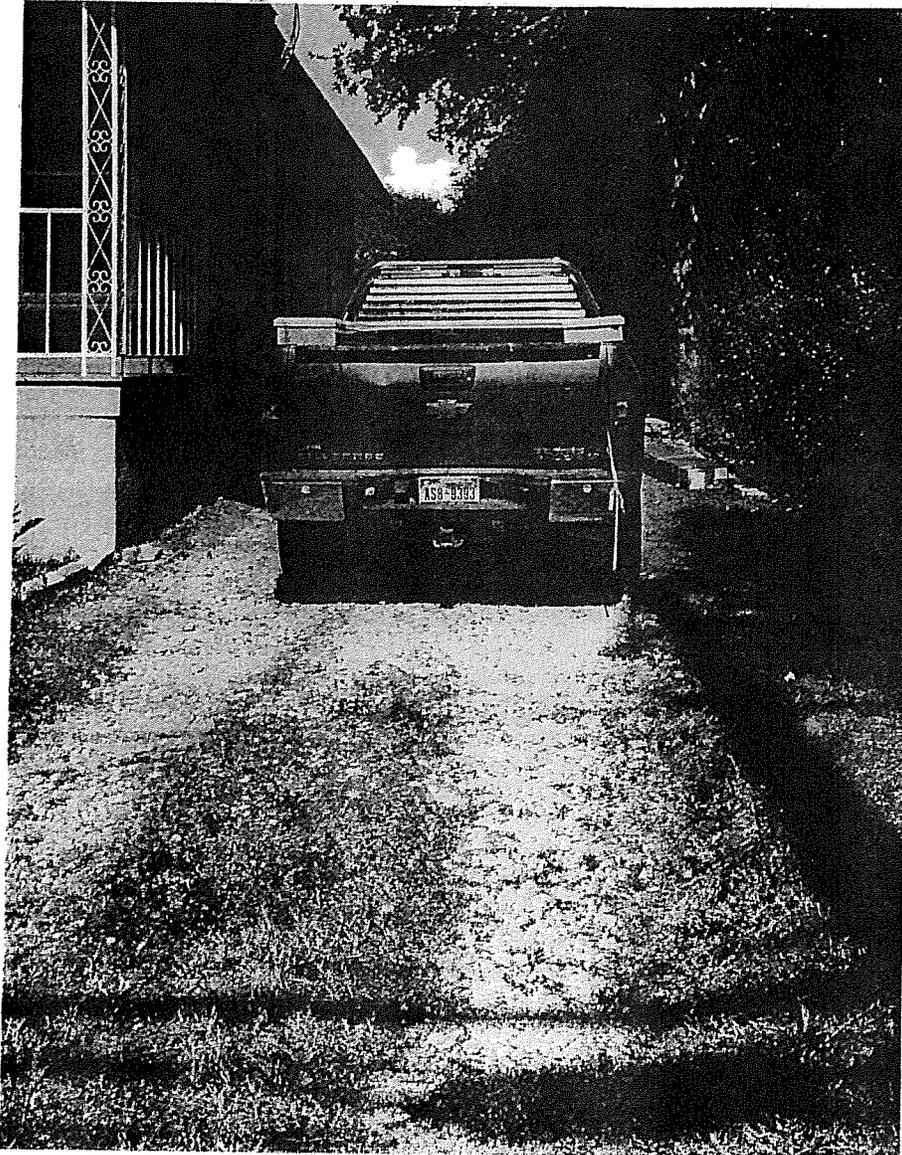
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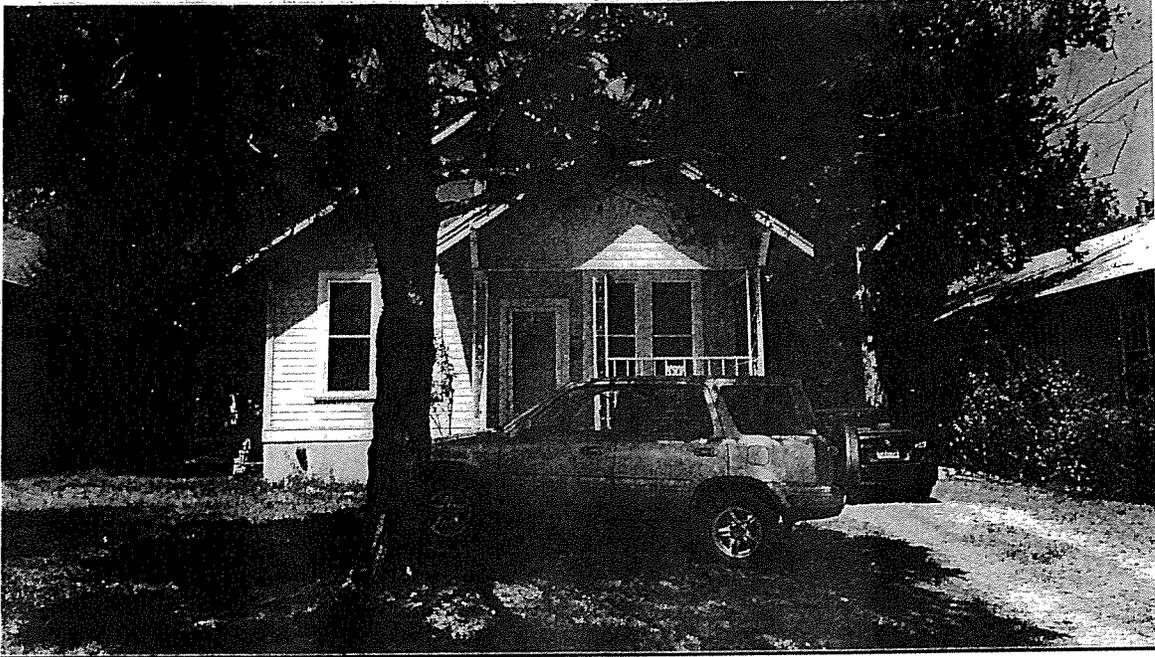
HARDSHIP: (Continued)

2(a)C) Narrowness of driveway, not enough space to safely drive in and out (backing up) without endangering the house and better to be shorter to prevent impacting impervious cover.



2(b)C) Other houses are situated where having parking in the rear is conducive. In my situation, it is better situated in the front yard without going over impervious coverage.

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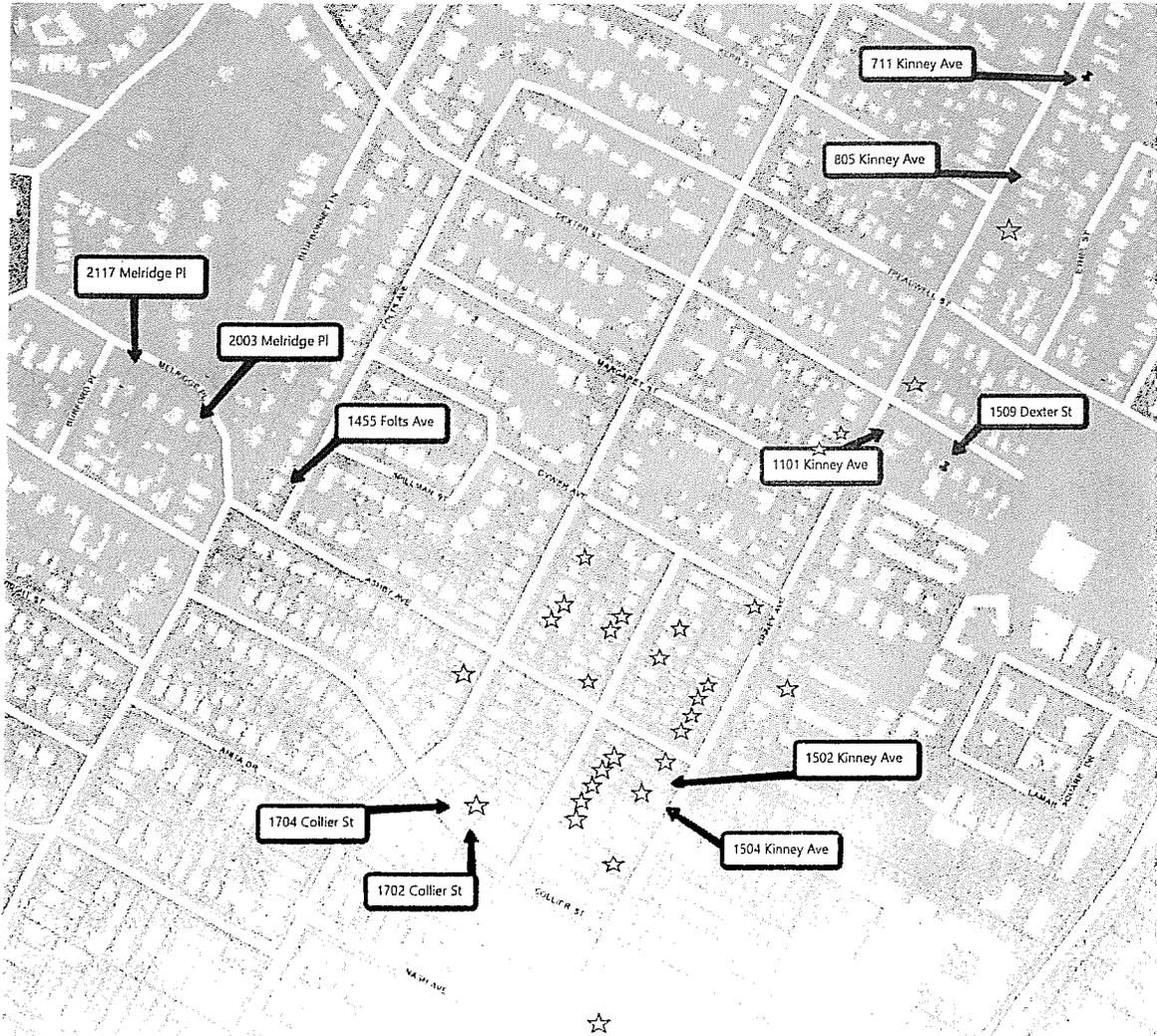
AREA CHARACTER: (Continued)

3C) Given house configuration for parking it is best in this case and common in the area.

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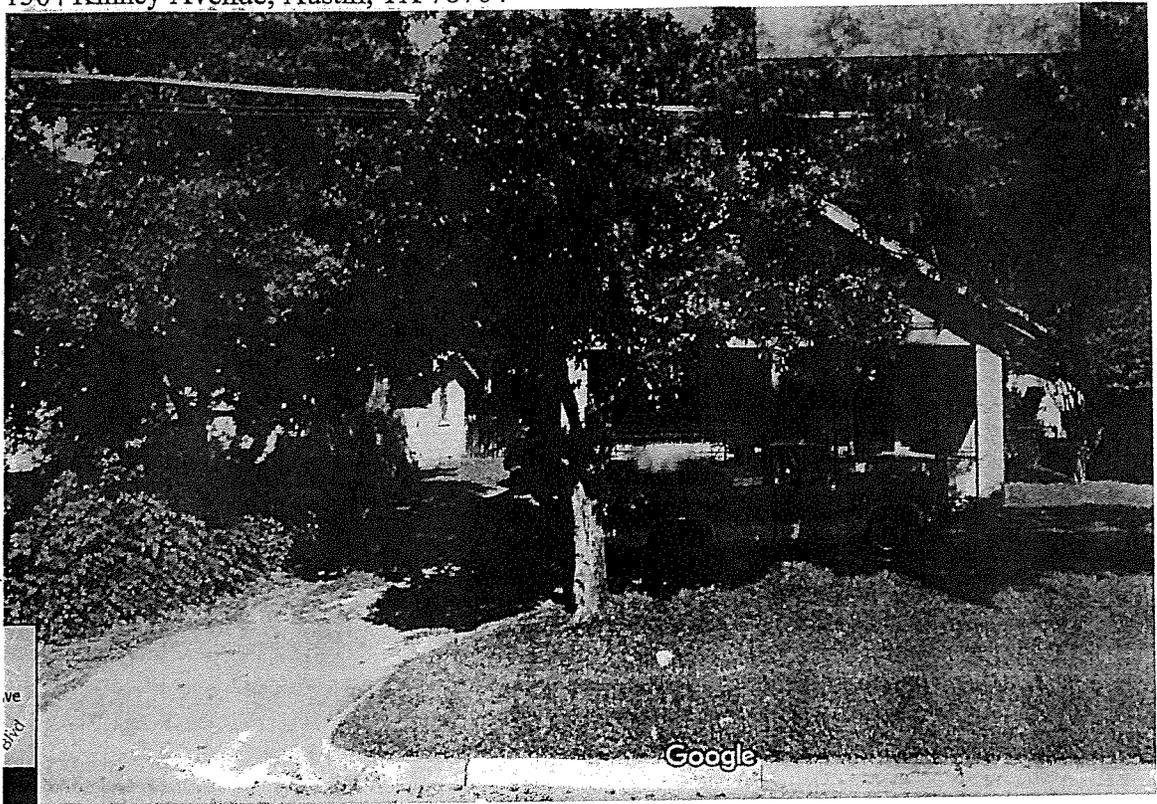
Stars = Residents who signed support of variances.

Address = Residents who park in front yard.

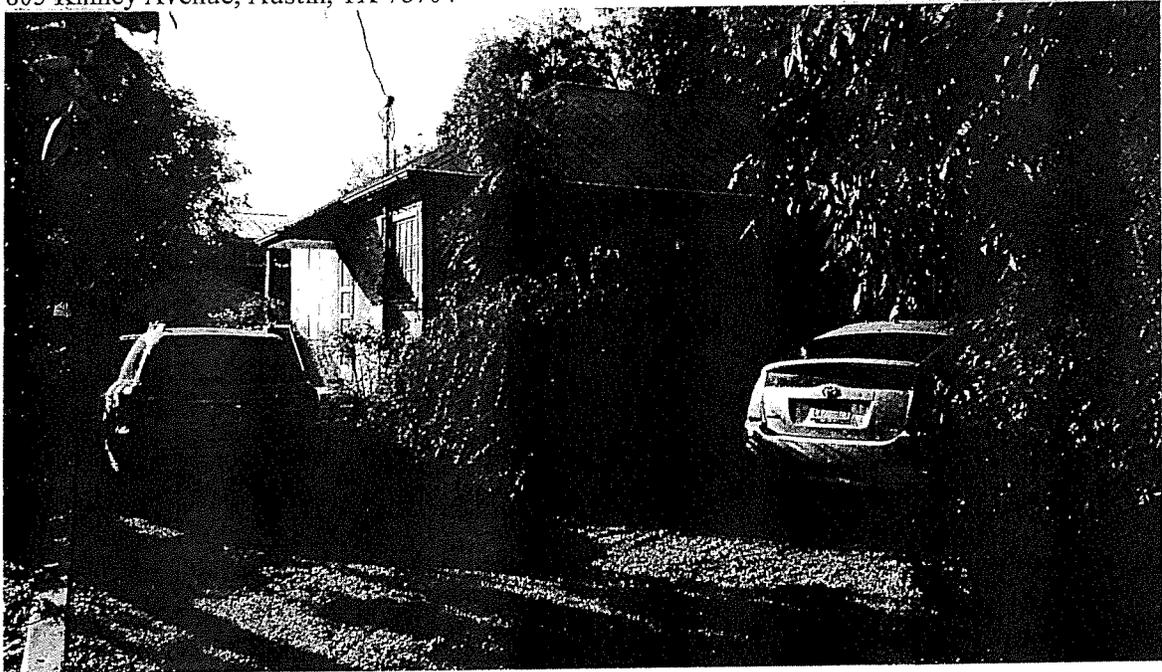


1504 Kinney Avenue, Austin, TX 78704

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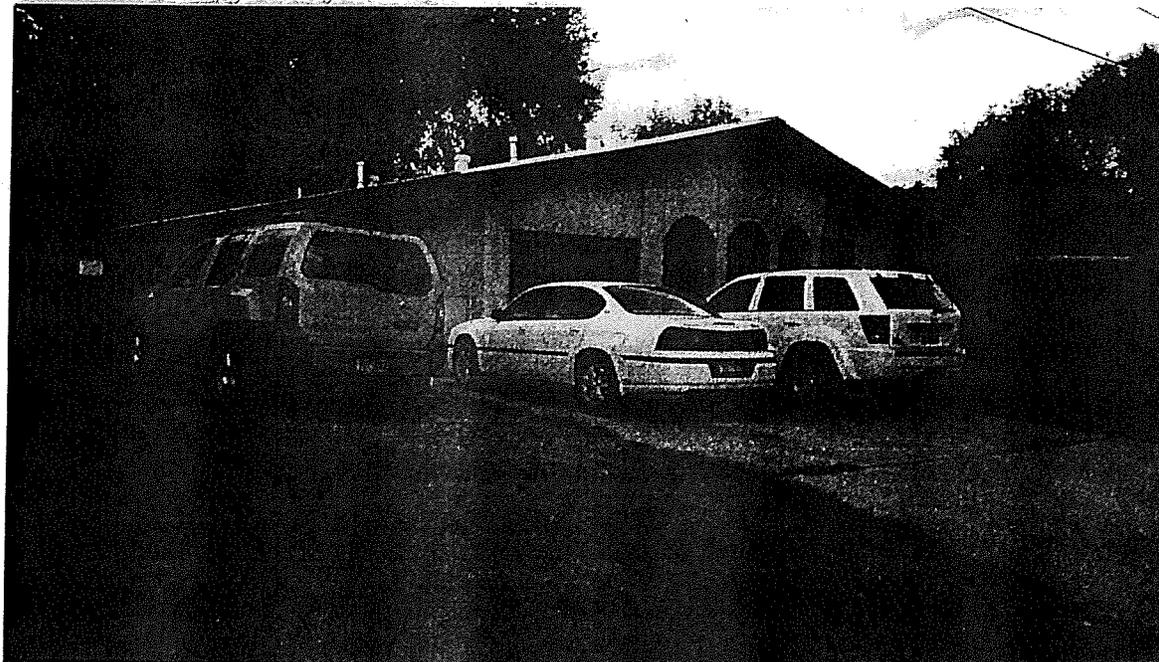
805 Kinney Avenue, Austin, TX 78704



711 Kinney Avenue, Austin, TX 78704



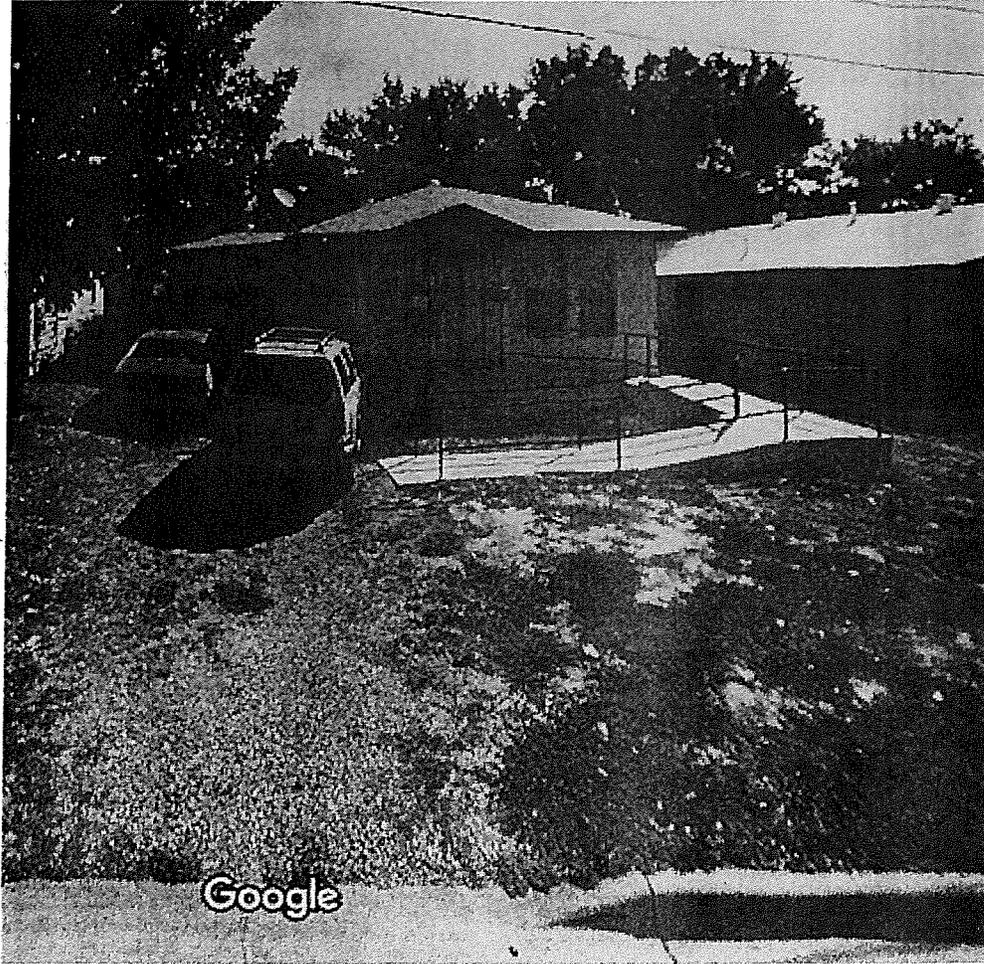
1702 Collier Street, Austin, TX 78704



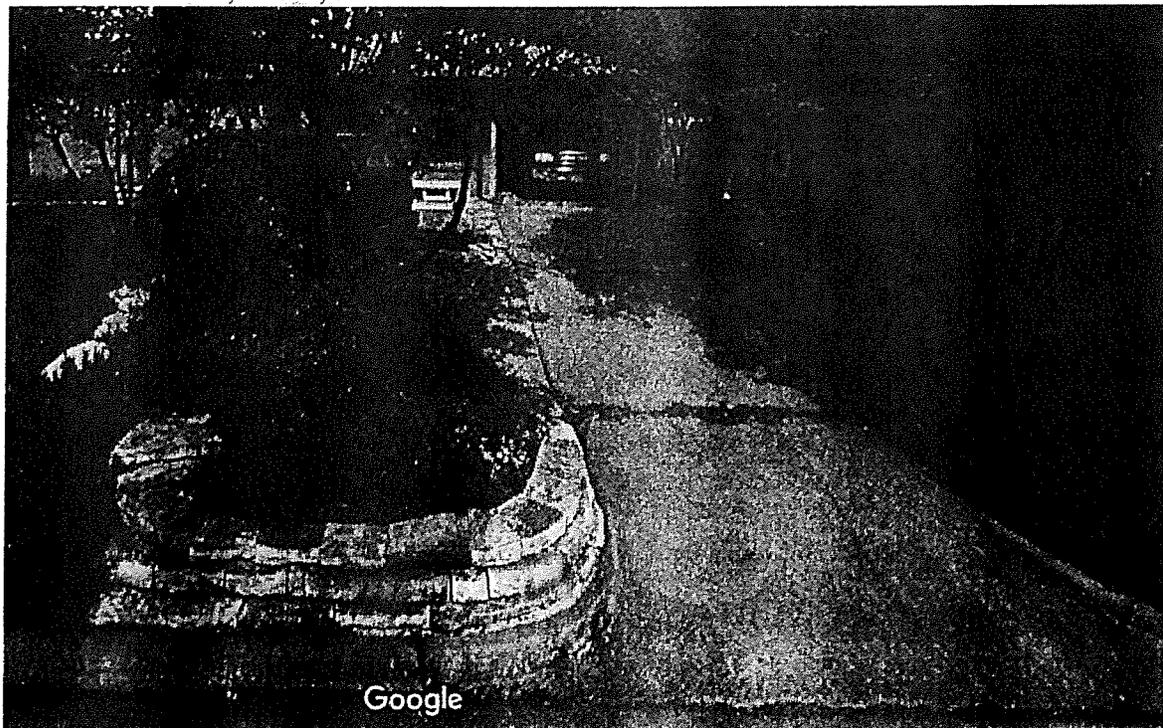
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1704 Collier Street, Austin, TX 78704

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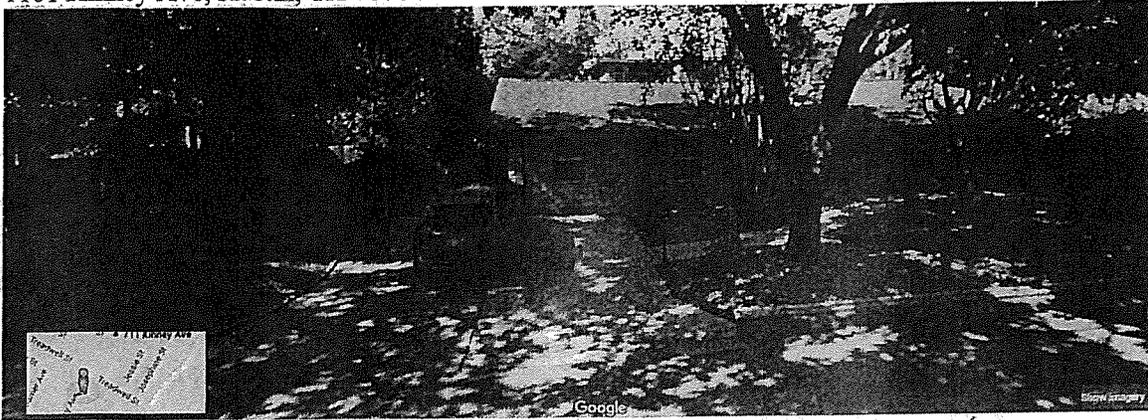


1455 Folts Avenue, Austin, TX

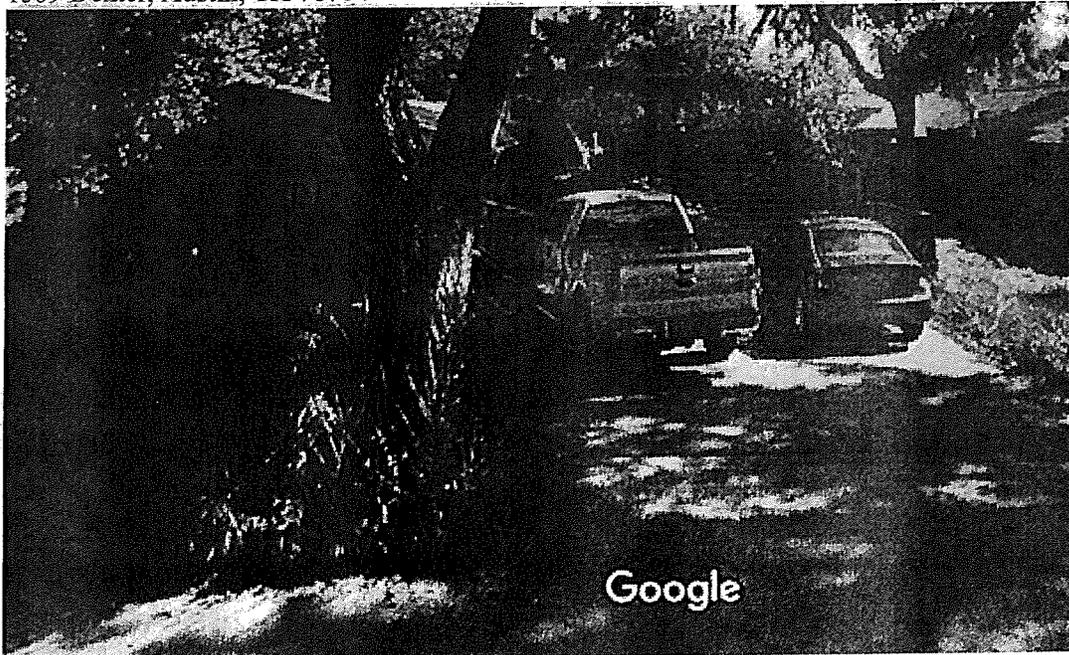


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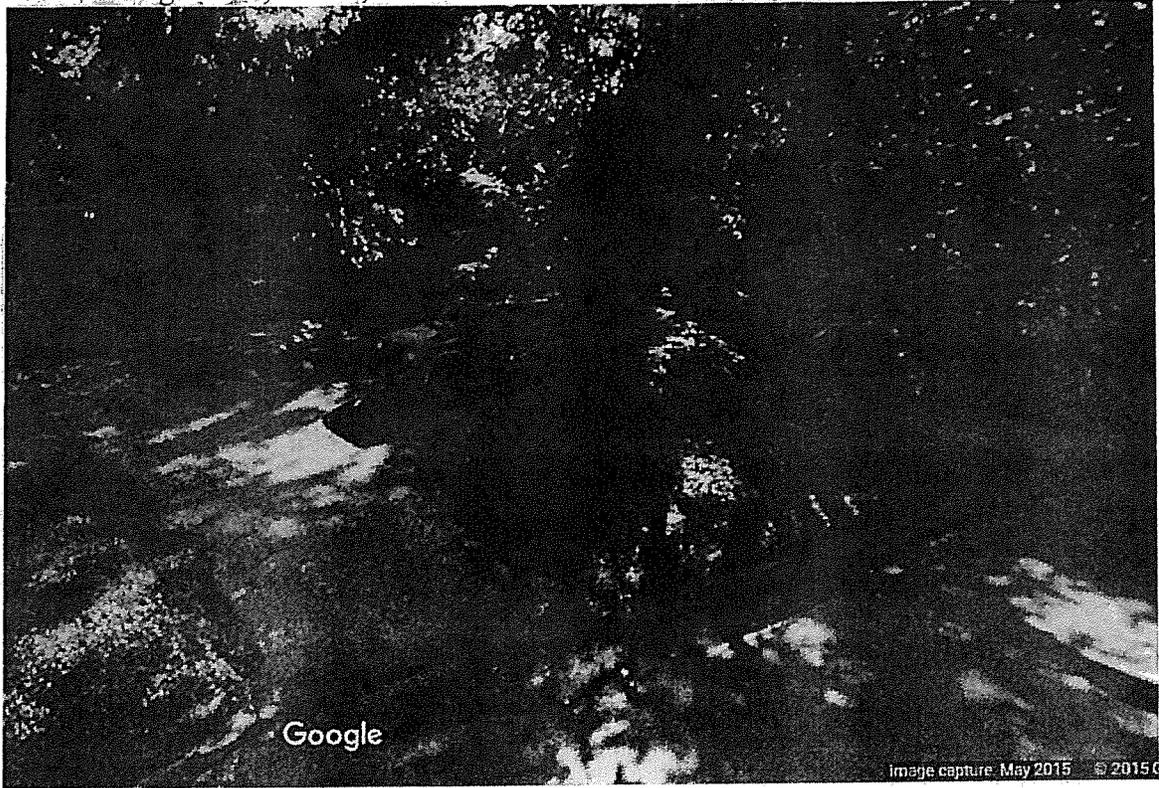
1101 Kinney Ave, Austin, TX 78704



1509 Dexter, Austin, TX 78704

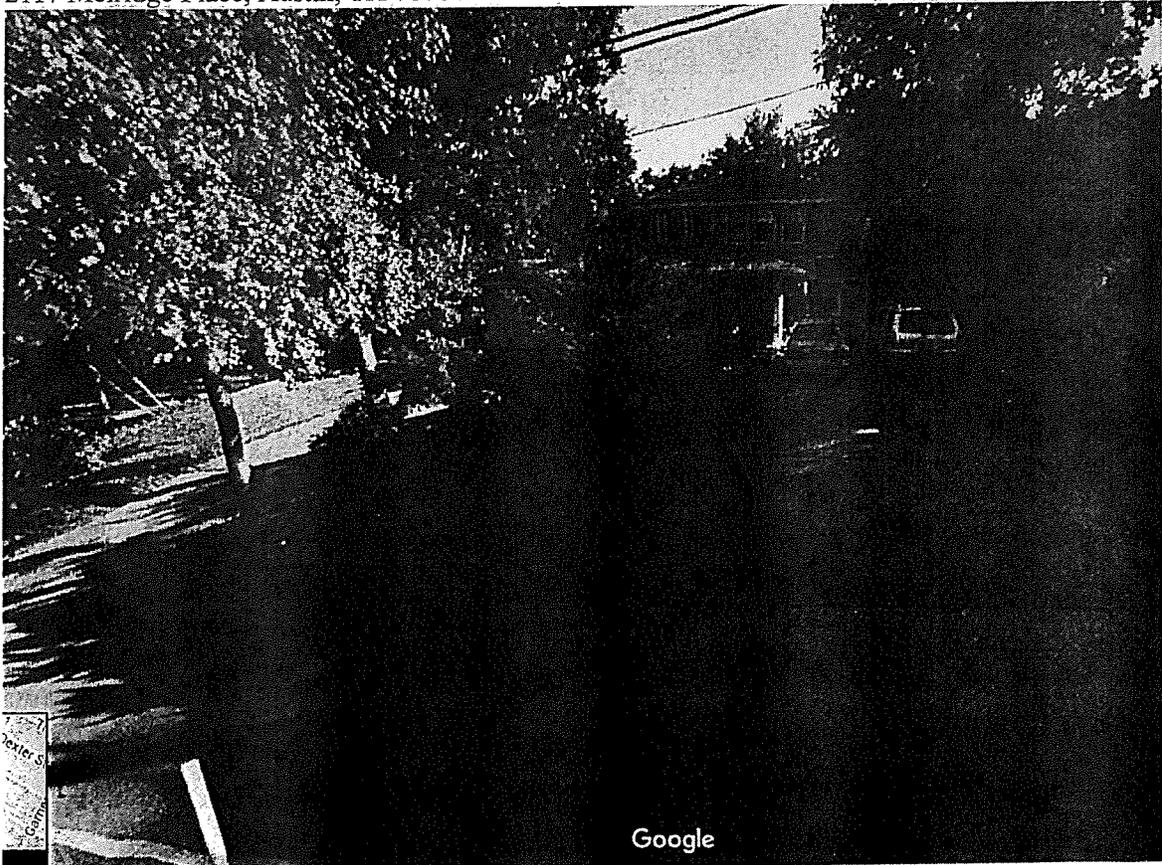


2003 Melridge Place, Austin, TX 78704



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2117 Melridge Place, Austin, TX 78704



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Tracy Perkins
1502 Kinney Ave
Austin, TX 78704

09/09/2015

Zilker Neighborhood Association
Austin, TX 78704

Good afternoon, Zilker Neighborhood Association (ZNA):

I know you are volunteers and booked with existing requests for our neighborhood, causing limited time. I did my best to put the variance application in order, being clear and concise, doing my best to make a lighter load. The variance application is on the Board of Adjustments November 2015 agenda and reaching out to ZNA several months in advance before the review. Please let me know when you would like to meet to discuss the application.

I have lived at 1502 Kinney Ave since September 2004, renting the house for nine years before purchasing the house in May 2013. Mr. Thomas Knape, who lives at 1504 Kinney, owned both 1502 and 1504 Kinney Ave since the 1980's. Mr. Knape put a building in the backyard of 1502 Kinney Ave in the 1980's, following appropriate City of Austin processes, that includes water and electricity.

The building has been permitted for a bathroom and I have reached out to the City of Austin for a second sink, which the building is used as an Art Studio and Game Room. To add a second sink, I am seeking a variance on

- The lot is ~325 square feet short to meet the 7000 square feet requirement.
- The entrance door Mr. Knape put in is within 10 feet of a property line.
- The third required parking spot location be in the front yard using materials like gravel or pavers.

Thank you for your time.

Tracy Perkins

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 application. 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 will be sent.

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.austintexas.gov/devservices.

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

Case Number: C15-2015-0150, 1502 Kinney Avenue

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

Public Hearing: Board of Adjustment, November 9th, 2015

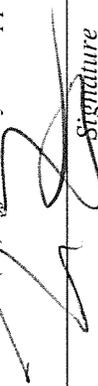
MICHAEL MARGARET

Your Name (please print)

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

1301 OXFORD AVE AUSTIN TX 78704

Your address(es) affected by this application

 11/21/15

Date

Daytime Telephone: 713-506-0149

Comments:

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-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leaneheldenfels@austintexas.gov

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C15-2015-0150

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Zilker Neighborhood Association

◆ 2009 Arpdale ◆ Austin, TX 78704 ◆ 512-447-7681 ◆

November 9, 2015

Board of Adjustment
City of Austin Watershed Protection and
Development Review Dept.

Re: Variance requests C15-2015-0150, 1502 Kinney

Dear Chairman and Board Members:

This variance application does not meet the Board of Adjustment's requirements regarding reasonable use, hardship, and area character. In addition, there are significant discrepancies in the facts of the case presented to the Board and to the Development Review Department. Therefore, the Executive Committee of the Zilker Neighborhood Association is opposed to all of the requested variances.

Reasonable Use

The owner's application presents no evidence that she has been denied reasonable use of her property. The 7000 square foot minimum lot size for two dwellings in the SF3 zoning district has been in place for more than 30 years. In our discussions with the owner, she has said that she had no expectation of using the accessory structure as a second dwelling when she purchased the property in 2013, and that she decided to convert it only 3 months ago, after she received a special exception. She has said that she wanted only to add a second sink to an existing structure, but she has not explained why such a small structure requires two sinks. The existence of the accessory structure with a full bathroom suggests that the SF3 regulations do allow reasonable use.

Her application for a special exception was granted by the Board on Feb. 9, 2015, to maintain an existing garage structure (Exhibit 1). After members of the ZNA Zoning Committee explained to her that the terms of a special exception do not allow the change of use that she is now requesting, she revised her application to argue the opposite--that the Board should allow her to convert the structure to a second dwelling, specifically because the Board previously approved the special exception.

Hardship

The lot is flat and rectangular, like the other lots in this block, and it has no unique characteristics that prevent the owner from utilizing the lot to the full extent allowed by the SF-3

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zoning district. A building permit was approved earlier this year to add a second bathroom to the attic of the house, the Board has already granted a special exception to allow the accessory structure to encroach on the side setback, and a building permit to add a full bathroom to the accessory structure was approved in August.

Area Character

Allowing a second dwelling unit on this lot would grant a special privilege inconsistent with the limits on all other properties of less than 7000 square feet in the area. It would set a precedent to double the density of housing on the west side of Kinney without providing additional parking, on a street already plagued with traffic congestion and inadequate parking and sidewalks. The addition of housing without adequate infrastructure would alter the character of the area, impair the use of adjacent conforming property, and impair the purpose of the regulations of the zoning district in which the property is located.

Inconsistencies

In connection with this property this year, the ZNA Zoning Committee has reviewed the Special Exception application, applications for two building permits, the original application for the lot size variance, and the current, revised variance application. The following inconsistencies have made it very difficult to evaluate the current application.

Lot size: The lot size submitted by the applicant for this variance is 6674 SF. The lot size on the survey submitted for the City of Austin Technical Review (Exhibit 2) for the building permits is 6418 SF, substantially smaller.

The ZNA Zoning Committee has been reviewing McMansion applications for more than a year, and we have found that it is a fairly common practice to use the Travis Central Appraisal District (TCAD) lot size estimate on certain applications because it tends to be larger than the actual survey number. It should be easy to check that the size on an application is the same as the size on the survey. We hope that the Development Review Department will find a way to do that *before* a variance request is sent to the Board.

Date and Use of Structure: The Special Exception application describes the structure as a "shed" or "shed on wood skids" placed within the setback "at least since 1997." The Special Exception was granted for a "garage structure."

In a letter to ZNA dated Sept. 9, 2015 (Exhibit 3), the owner says that Thomas Knape "put a building in the backyard of 1502 Kinney Ave in the 1980's, following appropriate City of Austin processes, that includes water and electricity. The building has been permitted for a bathroom and I have reached out to the City of Austin for a second sink, which the building is used as an Art Studio and Game Room."

In her revised application, the owner says the structure has been in its current location and configuration since 1980.

According to the deed history at TCAD, Mr. Knape bought the property at the end of

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1986. A search of the City of Austin public Web site revealed no permits issued for 1502 Kinney between 1970 and 2010, although it does show a few permits from the 1970's and numerous permits going back to 1982 for other properties in the 1500 block of Kinney, including plumbing and electrical permits. The City site shows no permit for the plumbing in the "shed" structure that the applicant says was installed before she purchased the property.

The owner has not submitted evidence of the structure's existence before 1997, and we can't find any evidence that the plumbing and electrical connections were ever permitted or that it was occupied or used as anything other than a shed. It seems clear that it was not a garage when the Special Exception was granted in February. According to the survey from 2013 and the Special Exception application, the structure is a "shed on wood skids." The application does not explain why the shed can't simply be moved out of the setbacks, eliminating the need for the variances and Special Exception.

Missing Variances: The Special Exception request did not include the encroachment on the rear setback or any mention of the concrete steps that appear to require substantially more than a 6-inch variance from the side setback. The revised variance application includes the rear setback but not the concrete steps in the side setback.

Besides the two setback variances and the lot-size variance, this structure should also require a variance for the entrance within 10 feet of a lot line (at the concrete steps within the side setback), from the requirement for a driveway to the rear dwelling, and from the parking requirement.

To summarize, the current request does not meet any of the requirements for granting such a variance, and the application does not include all the variances required to complete the project. Please deny this variance request.

Thank you for your service to the community.

(signed)

Lorraine Atherton,

ZNA Zoning Committee member, on behalf of the ZNA Executive Committee

PUBLIC HEARING INFORMATION

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Case Number: C15-2015-0150, 1502 Kinney Avenue

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

Public Hearing: Board of Adjustment, November 9th, 2015

BRUCE L WILAND

Your Name (please print)

1510 OXFORD AVE

Your address(es) affected by this application

Bruce L Wiland

Signature

11-3-2015

Date

Daytime Telephone: 512-443-2918

Comments: See attached comments.

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-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leane.heldenfels@austintexas.gov

512

COMMENTS ON CASE NUMBER C15-2015-0150, 1502 KINNEY AVE

24
51

I object to a variance which would allow creation of a second dwelling unit on a lot size smaller than 7,000 square feet and would urge the Board of Adjustment (BoA) to deny this variance request. The applicant has not demonstrated that 1) the zoning regulations applicable to the property do not allow for reasonable use and 2) the hardship is unique to the property and not general to the area.

Reasonable Use

The inability to create an Additional Dwelling Unit (ADU) does not prevent the reasonable use of this property. Most of the single-family lots in the area have no ADUs, and this does not seem to prevent them from enjoying the use of their single-family home. In fact, the dramatic increase in property values for the lots with less than 7,000 sf supports the idea that the zoning regulations are reasonable or no one would be paying these increased prices.

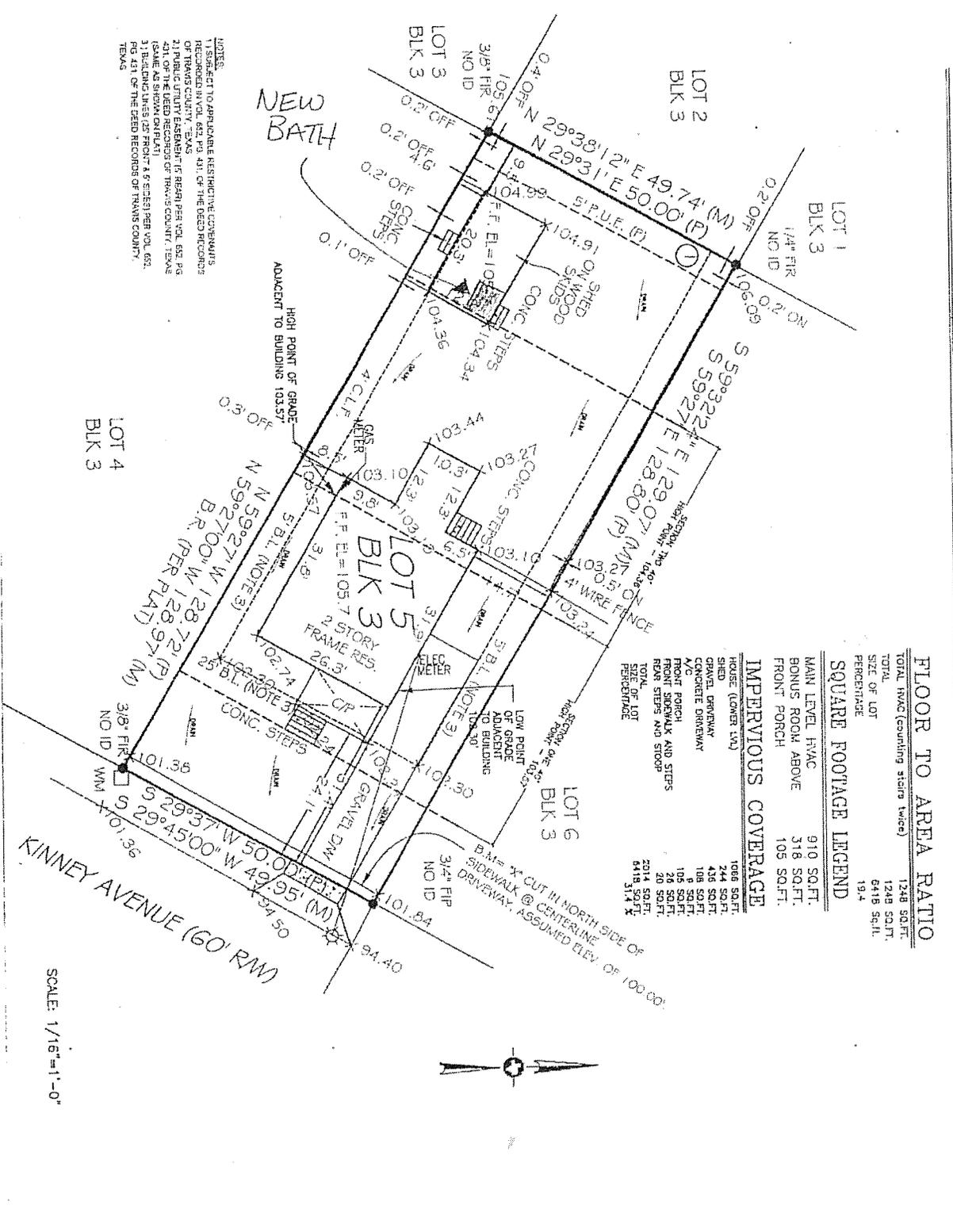
Hardship

Most of the lots in the immediate vicinity are less than 7,000 sf. This "hardship" is hardly unique and is certainly general to the area. With the exception of the area of MF-3 zoning on the east side of Kinney Avenue, the vast majority of lots in the immediate vicinity of 1502 Kinney are single-family lots with less than 7,000 sf. The attached map of the immediate vicinity shows the area of the lots based on the Travis County Appraisal District (TCAD) records. Even some of the lots shown as greater than 7,000 sf at TCAD are actually less than 7,000 when you look at actual surveys conducted on the properties (these are shown in red and parentheses on the map).

I object to this variance because granting it without meeting two of the primary justifications would put the BoA in the position of setting policy. If the BoA grants this variance, there would be no reason to deny any of the other owners with lots less than 7,000 sf from obtaining a similar variance. This could lead to the creation of multiple Short-Term Rentals to which I am adamantly opposed. It is not the purview of the BoA to set policy. This should be left to the City Council. The City Council is currently debating the ordinances related to ADUs and this is where the applicant should be spending her efforts, not at the BoA.

Additionally, if the BoA grants this variance, the applicant will have to return in short order to obtain another variance. According to the notice, the applicant is requesting to decrease the minimum lot size for an ADU from 7,000 sf to 6,674 sf. Unfortunately, while this is the lot size on the TCAD rolls, this is not the actual lot size. An actual survey presented in the permit application (2015-101670 PR) for remodel at this address shows the true lot size to be 6,418 sf (see attached survey from page 4 of the application on AMANDA). The City staff probably should have notified the applicant of this inconsistency, but since they did not, she will need to come back in front of the BoA for an additional 256 sf variance because the lot is not even as large as 6,674 sf.

515



FLOOR TO AREA RATIO

TOTAL HVAC (counting stairs twice)	1248 SQ.FT.
TOTAL	1248 SQ.FT.
SIZE OF LOT	6418 SQ.FT.
PERCENTAGE	19.4

SQUARE FOOTAGE LEGEND

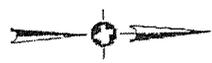
MAIN LEVEL HVAC	910 SQ.FT.
BONUS ROOM ABOVE	318 SQ.FT.
FRONT PORCH	105 SQ.FT.

IMPERVIOUS COVERAGE

HOUSE (LOWER LV)	1066 SQ.FT.
SHED	244 SQ.FT.
GRAVEL DRIVEWAY	436 SQ.FT.
CONCRETE DRIVEWAY	108 SQ.FT.
A/C	108 SQ.FT.
FRONT PORCH	105 SQ.FT.
FRONT SIDEWALK AND STAIRS	20 SQ.FT.
FRONT STAIRS AND STOOP	20 SQ.FT.
TOTAL	2014 SQ.FT.
SIZE OF LOT	6418 SQ.FT.
PERCENTAGE	31.4

NOTES:
 1) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS.
 2) RECORDS OF THIS PROJECT ARE ON FILE IN THE PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
 3) PUBLIC UTILITY EASEMENTS (5' REAR PER VOL. 651, PG. 431, ON THE USED RECORDS OF TRAVIS COUNTY, TEXAS) (SAME AS SHOWN ON PLAT).
 4) BUILDING LINES (AS FRONT & REAR) PER VOL. 652, PG. 431 OF THE USED RECORDS OF TRAVIS COUNTY, TEXAS.

SCALE: 1/16"=1'-0"

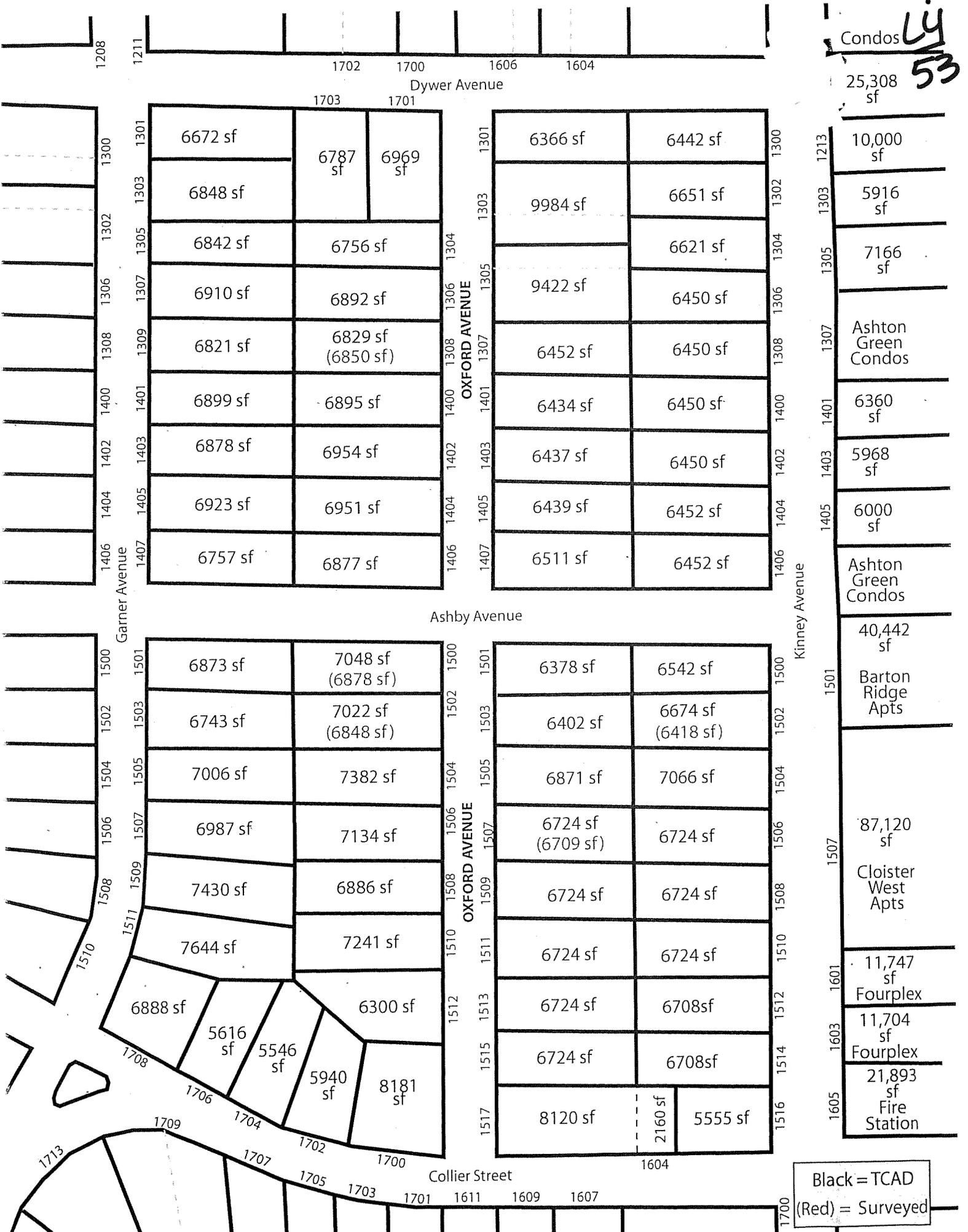


TRACY PERKINS SITE PLAN
 1505 KINNEY AVE.
 AUSTIN, TX 78704

John Allen Design
 512-773-3527
 13740 RESEARCH BLVD. (HWY 183)
 SUITE J-2 AUSTIN, TX 78750

SHEET
A-1
 OF 1 SHEETS
 02/11/14 JPA

Condos *44*
53
 25,308 sf



Black = TCAD
 (Red) = Surveyed

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Case Number: C15-2015-0150, 1502 Kinney Avenue

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

Public Hearing: Board of Adjustment, November 9th, 2015

Mary Owens
Your Name (please print)

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

1508 Kinney Ave
Your address(es) affected by this application

[Signature]
Signature

11/3/2015
Date

Daytime Telephone: 512 462-2100

Comments: Support applicant. Property is in "transitional zone" into neighborhood w/ lots of garage aprts already. Also, home owner made design changes I requested which shows a willingness to please neighbors.

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City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leane.heldenfels@austintexas.gov

5124

PUBLIC HEARING INFORMATION

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

Public Hearing: Board of Adjustment, November 9th, 2015

Robert Mayberry & Kathleen Murphy
Your Name (please print)

I am in favor
 I object

1401 Kinney Ave

Your address(es) affected by this application



Kathleen Murphy 11-3-15
Signature Date

Daytime Telephone: 512-327-1213 (Kathleen)
512-809-3472 (Robert)

Comments:

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515

4
56

November 2, 2015

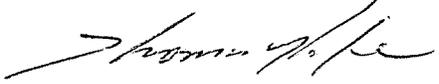
Leane Heldenfels
City of Austin, Development Services

Re: Case # C15-2015-0150, 1502 Kinney Avenue

I am writing this letter in support of a variance for a second dwelling unit to an existing structure located in the rear of single family home at 1502 Kinney Avenue, owned by Tracy Perkins.

I am Tracy's next door neighbor. The structure in question is located five feet away from my property with door and windows facing my back yard. This building is a 12 X 20 portable which was placed there in 1989 as a joint effort between Helen Clements, tenant at 1502 Kinney and my wife Deborah. Ms. Clements needed storage and Deborah wanted a place to keep her Persian cats so they decided to share. I have no objection to this building being used as housing. The 1500 block of Kinney Ave. has apartment complexes along the east and a short term rental at 1508 and a really large, busy party house at 1510. Traffic on Kinney is constant autos, walkers and bikers. Bright street lights, noise from Zilker park and South Lamar bars, along with the activity at the fire station on the corner keep this section from being a neighborhood of quiet, single family bungalows. One more residence occupied by someone who cares to live in this area will be of no bother.

Please mark me in favor of this variance,



Thomas Knape

1504 Kinney Avenue
Austin, Texas 78704

512 441 5694

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

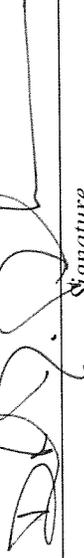
Public Hearing: Board of Adjustment, November 9th, 2015

DAVID ANDERSON

Your Name (please print)

1515 OXFORD AVE 78704

Your address(es) affected by this application



Signature

Daytime Telephone: 512.653.3283

11/2/15
Date

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

Comments: THIS IS A REASONABLE REQUEST -
ALL PRECEDAGED BY SIMPLY ADDING A
SINK. IT IS THERE TYPES OF
RESTRICTIONS THAT ARE NEGATIVELY
IMPACTING OUR COMMUNITY'S ABILITY
TO OFFER A WIDE RANGE OF
AFFORDABLE HOUSING CHOICES.

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leanc.heldenfels@austintexas.gov

5/1/15

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Case Number: C15-2015-0150, 1502 Kinney Avenue

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

Public Hearing: Board of Adjustment, November 9th, 2015

JOE BALMATO

Your Name (please print)

1308 KINNEY AVE

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512-351-6043

11/2/15
Date

I am in favor
 I object

Comments:

Very minor changes with excellent communication.
We fully support and approve

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

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5/15

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

Public Hearing: Board of Adjustment, November 9th, 2015

NORMA STILSON

Your Name (please print)

1405 KINNEY AVE.

Your address(es) affected by this application

NORMA STILSON

Signature

10-31-15

Date

Daytime Telephone: _____

Comments: _____

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5/9/14

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Case Number: C15-2015-0150, 1502 Kinney Avenue
Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, November 9th, 2015

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

TRACY PERKINS
Your Name (please print)

1502 Kinney Ave Austin TX 78704
Your address(es) affected by this application

Tracy Perkins
Signature

512.487.2178
Daytime Telephone:

10/31/2015
Date

Comments:

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

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City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088
Fax: (512) 974-6305
Scan & Email to: leana.heldenfels@austintexas.gov

614

10/29/2015

Hi. I know everyone is very busy and dislike bothering you. I came by in September leaving a note and likely talking with you that I was submitting a variance to the City of Austin (COA) for a second dwelling unit to an existing structure at 1502 Kinney Avenue. I have lived in this house since September 2004 and it is my understanding the existing structure has been there since the 1980's with existing water and electricity connections.

You will receive a "Notice of Public Hearing" either today or Friday for the variance. I would appreciate a vote of "I am in favor" and including an addressed envelope with a stamp to make the process easier. It is appreciated if you could mail by Tuesday, 11/03/2015. My cell is 512-487-2178 for any questions. Thank you for your time.

Case Number: C15-2015-0150, 1502 Kinney Avenue
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, November 9th, 2015
<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
Your Name (please print): <u>Wendy Wassenaar</u> <u>FRANK PERKINS</u>
Your address(es) affected by this application: <u>1402 OXFORD AVENUE</u>
Daytime Telephone: <u>5124433272</u>
Date: <u>10/31/2015</u>
Signature: <u>[Handwritten Signature]</u>
Comments:

Tracy L. Perkins

Tracy L. Perkins

6/15

24
62

10/29/2015

Hi. I know everyone is very busy and dislike botherin talking with you that I was submitting a variance to th existing structure at 1502 Kinney Avenue. I have live understanding the existing structure has been there connections.

You will receive a "Notice of Public Hearing" eith appreciate a vote of "I am in favor" and including process easier. It is appreciated if you could mai any questions. Thank you for your time.

Case Number: C15-2015-0150, 1502 Kinney Avenue
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, November 9th, 2015

Erica Ince
Your Name (please print)

I am in favor
 I object

1517 Oxford Ave Austin, TX 78704
Your address(es) affected by this application

Yuan Ince *10/30/15*
Signature Date

Daytime Telephone: *512-983-3357*

Comments:

3/63

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

Case Number: C15-2015-0150, 1502 Kinney Avenue
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, November 9th, 2015

THOMAS KNAPE
Your Name (please print)

I am in favor
 I object

1504 KINNEY AVE
Your address(es) affected by this application

[Signature] 10/30/2015
Signature Date

Daytime Telephone: 512 441 5694

Comments:
No objection to 2nd dwelling

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-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088
Fax: (512) 974-6305
Scan & Email to: leane.heldenfels@austintexas.gov

10/29/2015

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Hi. I know everyone is very busy and dislike bothering you. I came by in September leaving a note and talking with you that I was submitting a variance to the City of Austin (COA) for a second dwelling unit to an existing structure at 1502 Kinney Avenue. I have lived in this house since September 2004 and it is my understanding the existing structure has been there since the 1980's with existing water and electricity connections.

You will receive a "Notice of Public Hearing" either today or Friday for the variance. I would appreciate a vote of "I am in favor" and including an addressed envelope with a stamp to make the process easier. It is appreciated if you could mail by Tuesday, 11/03/2015. My cell is 512-487-2178 for any questions. Thank you for your time.

Case Number: C15-2015-0150, 1502 Kinney Avenue	
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov	
Public Hearing: Board of Adjustment, November 9th, 2015	
Govin Merland Your Name (please print)	<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
1502 Oxford Ave Your address(es) affected by this application	
Signature	Date
Daytime Telephone: 504584421	
Comments:	

Tracy L. Perkins

Tracy L. Perkins

10/29/2015

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Case Number: C15-2015-0150, 1502 Kinney Avenue	
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov	
Public Hearing: Board of Adjustment, November 9th, 2015	
Tanja Adams Your Name (please print)	<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
1306 OXFORD AVE Your address(es) affected by this application	
Signature	Date
Daytime Telephone: 928-380-3352	10-30-15
Comments: I AM in FAVOR !!	

Tracy L. Perkins

Tracy L. Perkins

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 application. 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 will be sent.

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.austintexas.gov/devservices.

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Case Number: C15-2015-0150, 1502 Kinney Avenue

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

Public Hearing: Board of Adjustment, November 9th, 2015

Andrea Turnipseed
Your Name (please print)

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

1514 Kinney Ave Austin TX 78704
Your address(es) affected by this application


Signature

10.30.15
Date

Daytime Telephone: 512-960-0178

Comments: _____

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

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City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leane.heldenfels@austintexas.gov

6/1/15

PUBLIC HEARING INFORMATION

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Case Number: C15-2015-0150, 1502 Kinney Avenue

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

Public Hearing: Board of Adjustment, November 9th, 2015

ROBERT LAWRENCE CURRIE

Your Name (please print)

1400 KINNEY AVE

Your address(es) affected by this application

Robert Lawrence Currie

Date

Daytime Telephone: *512-444-4246*

Signature

Comments:

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

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City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leane.heldenfels@austintexas.gov

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PUBLIC HEARING INFORMATION

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Case Number: C15-2015-0150, 1502 Kinney Avenue

Contact: Leane Heidenfels, 512-974-2202, leana.heidenfels@austintexas.gov

Public Hearing: Board of Adjustment, November 9th, 2015

Cicily Simms

Your Name (please print)

1300 Kinney Ave

Your address(es) affected by this application

Cicily Simms

Signature

Date

Daytime Telephone: _____

Comments: _____

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

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Leane Heidenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leana.heidenfels@austintexas.gov

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