




12-1

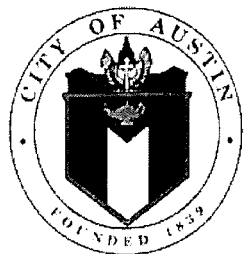


-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 208'

NOTIFICATIONS

CASE#: C15-2015-0143
2805 WARREN ST. UNIT B



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

2
2
2

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

DATE: Monday, January 11, 2016

CASE NUMBER: C15-2015-0143

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Rahm McDaniel (Alternate)

APPLICANT: Phil Moncada

OWNER: Lee Ann Concienne

ADDRESS: 2805 WARREN ST Unit B

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. increase the maximum impervious cover from 45% (required/permitted) to 55.85% (requested); and to
- B. decrease the side setback from 5 feet (required) to 0 feet (requested); and to
- C. decrease the rear setback from 10 feet (required) to 0 feet (requested); and to
- D. decrease the front setback from 25 feet (required) to 2 feet (requested)

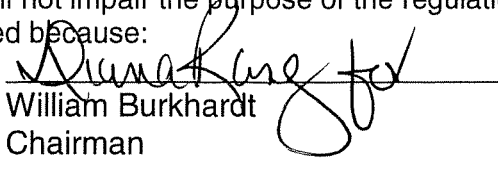
in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

BOARD'S DECISION: October 12, 2015 POSTPONED TO NOVEMBER 9, 2015 BY APPLICANT; November 9, 2015 The public hearing was closed on Board Member Eric Goff motion to Postpone to December 14, 2015, Board Member Michael Von Ohlen second on a 9-0 vote; POSTPONED TO DECEMBER 14, 2015; Dec 14, 2015 POSTPONED TO JANUARY 11, 2016 BY APPLICANT AND INTERESTED PARTY; Jan 11, 2016 POSTPONED TO MARCH 14, 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:
- 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


William Burkhardt
Chairman

22/3

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

DATE: Monday, December 14, 2015

CASE NUMBER: C15-2015-0143

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Rahm McDaniel (Alternate)

APPLICANT: Phil Moncada

OWNER: Lee Ann Concienne

ADDRESS: 2805 WARREN ST Unit B

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

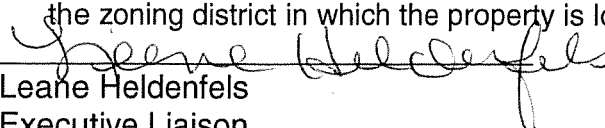
- A. increase the maximum impervious cover from 45% (required/permitted) to 55.85% (requested); and to
- B. decrease the side setback from 5 feet (required) to 0 feet (requested); and to
- C. decrease the rear setback from 10 feet (required) to 0 feet (requested); and to
- D. decrease the front setback from 25 feet (required) to 2 feet (requested)

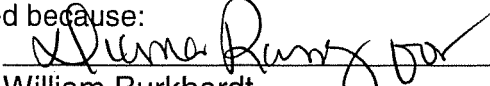
in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

BOARD'S DECISION: October 12, 2015 POSTPONED TO NOVEMBER 9, 2015 BY APPLICANT; November 9, 2015 The public hearing was closed on Board Member Eric Goff motion to Postpone to December 14, 2015, Board Member Michael Von Ohlen second on a 9-0 vote; POSTPONED TO DECEMBER 14, 2015; Dec 14, 2015 POSTPONED TO JANUARY 11, 2016 BY APPLICANT AND INTERESTED PARTY

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


William Burkhardt
Chairman

12/4

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

DATE: Monday, November 9, 2015

CASE NUMBER: C15-2015-0143

___Y___ Brooke Bailey
___-___ Michael Benaglio - out
___Y___ William Burkhardt
___Y___ Eric Goff **Motion to PP to 12/14/15**
___Y___ Melissa Hawthorne
___Y___ Don Leighton-Burwell
___Y___ Melissa Neslund
___Y___ James Valadez
___Y___ Michael Von Ohlen **2nd the Motion**
___Y___ Kelly Blume

APPLICANT: Phil Moncada

OWNER: Lee Ann Concienne

ADDRESS: 2805 WARREN ST Unit B

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

A. increase the maximum impervious cover from 45% (required/permitted) to 55.85% (requested); and to

B. decrease the side setback from 5 feet (required) to 0 feet (requested); and to

C. decrease the rear setback from 10 feet (required) to 0 feet (requested); and to

D. decrease the front setback from 25 feet (required) to 2 feet (requested)

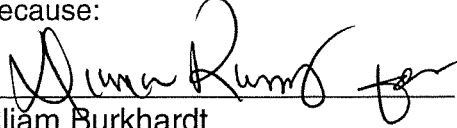
in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

BOARD'S DECISION: October 12, 2015 POSTPONED TO NOVEMBER 9, 2015 BY APPLICANT; November 9, 2015 The public hearing was closed on Board Member Eric Goff motion to Postpone to December 14, 2015, Board Member Michael Von Ohlen second on a 9-0 vote; POSTPONED TO DECEMBER 14, 2015 .

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


William Burkhardt
Chairman

2
5/5

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

DATE: Monday, October 12, 2015

CASE NUMBER: C15-2015-0143

☐ Y ☐ Brooke Bailey
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt -2nd the Motion
☐ N/A ☐ Eric Goff
☐ Y ☐ Vincent Harding
☐ Y ☐ Melissa Hawthorne - Motion to PP to 11/9/15
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Melissa Neslund
☐ Y ☐ James Valadez
☐ OUT ☐ Michael Von Ohlen

APPLICANT: Phil Moncada

OWNER: Lee Ann Concienne

ADDRESS: 2805 WARREN ST Unit B

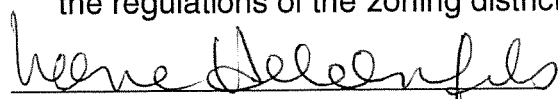
VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

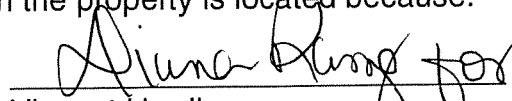
- A. increase the maximum impervious cover from 45% (required/permitted) to 55.85% (requested); and to
- B. decrease the side setback from 5 feet (required) to 0 feet (requested); and to
- C. decrease the rear setback from 10 feet (required) to 0 feet (requested); and to
- D. decrease the front setback from 25 feet (required) to 2 feet (requested)
- in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

BOARD'S DECISION: POSTPONED TO NOVEMBER 9, 2015 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:
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


Vincent Harding
Chairman

UPDATED



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

12/6

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2805, 2807 WARREN ST UNIT A & B

Subdivision Legal Description:

WARREN CONDOMINIUMS, DOC NUMBER 2006205642

Lot(s): 1 Block(s): _____

Outlot: _____ Division: MONTDAL

Zoning District: SF-3-NP

I/We PHIL MONCADA on behalf of myself/ourselves as

authorized agent for LEEANN CONCIENNE, JOHN WHEAT affirm that on

Month February, Day 26, Year 2016, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: _____

Type of Structure: EXISTING POOL AND WOOD DECK AT REAR PORTION OF LOT.

12/11

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

LDC 25-8-63 TO EXCEED IMPERVIOUS COVER ALLOWED 45% TO 54.19%. WOOD DECK
CONSTRUCTED OVER 10FT REAR SETBACK AND 5FT SIDEYARD SETBACK PER PLAN
REVIEW COMMENTS.

Section 2: Variance Findings

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 supporting documents.

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.

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

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

ZONING DOES NOT TAKE EXISTING SITE TOPOGRAPHY INTO ACCOUNT THAT WOULD
ALLOW REASONABLE USE OF BACKYARD. DECK SPANS SLOPING BACKYARD AND
CREATES OUTDOOR SPACE.

Hardship

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

ADJACENT LOTS HAVE FLATTER TERRAIN THAT ALLOW GREATER USABLE SPACE AT
REAR PORTION OF LOT.

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

MOST OF THE LOTS IN SUBDIVISION HAVE SINGLE FAMILY HOMES AND NOT DUPLEX.
IN ADDITION, NO OTHER LOTS HAVE CONDO REGIME FOR 2 STRUCTURES LOCATED
ON ONE LOT ORIGINALLY DONE IN 2007.

12/18

Area Character

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:

POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT
NEIGHBORS.

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

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

N/A

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

N/A

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

N/A

12/9

Section 3: Applicant Certificate

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

Applicant Signature: _____ Date: _____

Applicant Name (typed or printed): PHIL MONCADA

Applicant Mailing Address: 1301 S IH 35 STE 204

City: AUSTIN State: TEXAS Zip: 78741

Phone (will be public information): (512) 627-8815

Email (optional – will be public information): MONCADATAZ@SBCGLOBAL.NET

Section 4: Owner Certificate

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

Owner Signature: _____ Date: 2/25/14

Owner Name (typed or printed): LEE ANN CONCENNE 2005 WARREN

Owner Mailing Address: 2807 WARREN ST (UNIT B)

City: Austin State: TX Zip: 78703

Phone (will be public information): 512-284-9539

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: PHIL MONCADA

Agent Mailing Address: 1301 S IH 35

City: AUSTIN State: TEXAS Zip: 78741

Phone (will be public information): (512) 627-8815

Email (optional – will be public information): MONCADATAZ@SBCGLOBAL.NET

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

L2
10

Section 3: Applicant Certificate

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

Applicant Signature: _____ Date: _____

Applicant Name (typed or printed): PHIL MONCADA

Applicant Mailing Address: 1301 S IH 35 STE 204

City: AUSTIN State: TEXAS Zip: 78741

Phone (will be public information): (512) 627-8815

Email (optional – will be public information): MONCADATAZ@SBCGLOBAL.NET

Section 4: Owner Certificate

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

Owner Signature: John Wheat & Alice Hatfield Date: 2/25/2016

Owner Name (typed or printed): John Wheat and Alice Hatfield

Owner Mailing Address: 2805 Warren St Unit A

City: Austin State: TX Zip: 78703

Phone (will be public information): 512-477-7297

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: PHIL MONCADA

Agent Mailing Address: 1301 S IH 35

City: AUSTIN State: TEXAS Zip: 78741

Phone (will be public information): (512) 627-8815

Email (optional – will be public information): MONCADATAZ@SBCGLOBAL.NET

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Form 801
(Revised 05/11)

This space reserved for office use.



Submit in duplicate to:
 Secretary of State
 P.O. Box 13697
 Austin, TX 78711-3697
 512 463-5555
 FAX: 512 463-5709
 Filing Fee: See instructions

**Application for Reinstatement
 And Request to Set Aside
 Tax Forfeiture**

COPY

1. The entity name is: 2805 WARREN CONDOMINIUMS HOA, INC.

The entity is a foreign entity that was required to obtain its registration under a name that differs from the legal name stated above. The name under which the entity is registered is:

2. The file number issued to the entity by the secretary of state is: 0800723178

3. The entity was forfeited or revoked under the provisions of the Tax Code on: 08/07/2009
mm/dd/yyyy

4. The undersigned requests that the forfeiture or revocation of the entity be set aside, and certifies that:

a. The entity has filed each delinquent report that is required by chapter 171 of the Tax Code and has made payment for the tax, penalty, and interest imposed and that is due at the time of this application as evidenced by the attached tax clearance letter; and

b. On the date of forfeiture or revocation, the undersigned person was:

- an officer, director or shareholder of the above-named for-profit or professional corporation; or
- an officer, director, shareholder or member of the above-named professional association; or
- an officer, director, or member of the above-named nonprofit corporation; or
- a member or manager of the above-named limited liability company; or
- a partner of the above-named limited partnership; or
- a trustee or beneficial owner of the above-named statutory or business trust.

Additional Required Documentation or Filings

☒ Comptroller of Public Accounts Tax Clearance Letter

☐ Letter of Consent or Amendment to Certificate of Formation or Registration (Required when entity name is no longer available.)

Execution

The undersigned declares under penalty of perjury, and the penalties imposed by law for the submission of a materially false or fraudulent instrument, that the undersigned is authorized to make this request; that the statements contained herein are true and correct, and that tax clearance was not obtained by providing false or fraudulent information.

Date: 1/22/2016

BY:

Signature of authorized person (see instructions)

JOHN B. WHEAT

Printed or typed name of authorized person

TEXAS COMPTROLLER of PUBLIC ACCOUNTS

P.O. Box 13528 • Austin, TX 78711-3528



12/12

January 22, 2016

COPY

2805 WARREN CONDOMINIUMS HOA, INC.
2805 WARREN ST
AUSTIN, TX 78703-1156

TAX CLEARANCE LETTER FOR REINSTATEMENT*

To: Texas Secretary of State
Corporations Section

Re: 2805 WARREN CONDOMINIUMS HOA, INC.
Taxpayer number: 32021274926
File number: 0800723178

The referenced entity has met all franchise tax requirements and is eligible for reinstatement through May 15, 2017.

MICHELLE GARZA-LAKE
Enforcement - Austin Central
Field Operations - Enforcement
(512)936-8562

**The reinstatement must be filed with the Texas Secretary of State on or before the expiration date of this letter. After this date, additional franchise tax filing requirements must be met, and a new request for tax clearance must be submitted.*

You can file for reinstatement online at www.sos.state.tx.us/corp/sosda/index.shtml. Forms and instructions for reinstatement are available at www.sos.state.tx.us/corp/forms_option.shtml or by calling (512) 463-5555. This tax clearance letter must be attached to the reinstatement forms.



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Office of the Secretary of State

CERTIFICATE OF FILING
OF

2805 Warren Condominiums HOA, Inc.
File Number: 800723178

The undersigned, as Secretary of State of Texas, hereby certifies that the application for reinstatement for the above named entity has been received in this office and has been found to conform to law. It is further certified that the entity has been reinstated to active status on the records of this office.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law hereby issues this Certificate of Filing.

Dated: 01/22/2016

Effective: 01/22/2016



Carlos H. Cascos

Carlos H. Cascos
Secretary of State



12/15

Office of the Secretary of State

January 25, 2016

John Wheat
2805 Warren Street
Austin, TX 78703 USA

RE: 2805 Warren Condominiums HOA, Inc.
File Number: 800723178

It has been our pleasure to file your application for reinstatement thereby returning the entity to active status. The appropriate evidence is attached for your files.

If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section
Business & Public Filings Division
(512) 463-5555

Enclosure



TAX PAYMENT RECEIPT

Office ID: 2H17 Device: 999
Printed by: BGUE457

L2
15

Taxpayer ID: 32021274926

Name: 2805 WARREN CONDOMINIUMS HOA, INC.

Address: 2805 WARREN ST

AUSTIN, TX 78703 1156

Affiliate TP ID:

Affiliate Name:

Date: 01/22/2016

Time: 14:17

Receipt #: 1702216000028

Postmark Date: 01/22/2016

Payment(s) Applied To

FRANCHISE TAX period ending 12/31/2012	50.00
FRANCHISE TAX period ending 12/31/2008	1,531.31
FRANCHISE TAX period ending 12/31/2014	50.00
FRANCHISE TAX period ending 12/31/2015	50.00
FRANCHISE TAX period ending 12/31/2013	50.00

Payment(s)

Check - 0113	1,731.31
--------------	----------

Total Payment: 1,731.31



12/16

Office of the Secretary of State

February 02, 2016

John Wheat
2805 Warren Street
Austin, TX 78703 USA

RE: 2805 Warren Condominiums HOA, Inc.
File Number: 800723178

It has been our pleasure to file the Certificate of Amendment for the referenced entity. Enclosed is the certificate evidencing filing. Payment of the filing fee is acknowledged by this letter.

If we may be of further service at any time, please let us know.

Sincerely,

Corporations Section
Business & Public Filings Division
(512) 463-5555

Enclosure



2/1/16

Office of the Secretary of State

**CERTIFICATE OF FILING
OF**

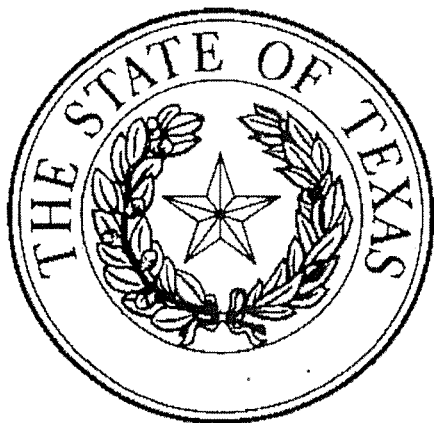
2805 Warren Condominiums HOA, Inc.
800723178

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Amendment for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 02/01/2016

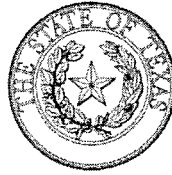
Effective: 02/01/2016



Carlos H. Cascos

Carlos H. Cascos
Secretary of State

Form 424
(Revised 05/11)
Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: See instructions



Certificate of Amendment

This space reserved for office use

FILED
In the Office of the
Secretary of State of Texas
FEB 01 2016
Corporations Section

12/18

Entity Information

The name of the filing entity is:

2805 Warren Condominiums HOA, Inc.

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- | | |
|---|---|
| <input type="checkbox"/> For-profit Corporation | <input type="checkbox"/> Professional Corporation |
| <input checked="" type="checkbox"/> Nonprofit Corporation | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association | <input type="checkbox"/> Professional Association |
| <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership |

The file number issued to the filing entity by the secretary of state is: 800723178

The date of formation of the entity is: October 19, 2006

Amendments

1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

12/19

Registered Agent
(Complete either A or B, but not both. Also complete C.)

☐ A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

☒ B. The registered agent is an individual resident of the state whose name is:

John

First Name

M.I.

Wheat

Last Name

Suffix

The person executing this instrument affirms that the person designated as the new registered agent has consented to serve as registered agent.

C. The business address of the registered agent and the registered office address is:

2805 Warren Street

Street Address (No P.O. Box)

Austin

City

TX

State

78703

Zip Code

3. Other Added, Altered, or Deleted Provisions

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

☐ **Add** each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:

☒ **Alter** each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

ARTICLE SIX

Original (Delete):

Directors. The direction and management of the affairs of the corporation and the control and disposition of its properties and fund shall be vested in a Board of Directors composed of such number of persons as the Declaration provides and the bylaws may fix, but not less than three (3). Until the Declaration and bylaws are chanegd, the original number of dirctors shall be three (3). The directors shall continue to serve until their successors are selected in the manner procided in the Declaration and the bylaws of the corporation. The names and residences of the persons who shall serve as directors of the corporation until their successors are duly elected and qualified are as follows:

Name	Address
Donald M. Pierro	P.O. Box 5070, Austin, TX 78763
Dwight Rounds	P.O. Box 5070, Austin, TX 78763
Gary Little	P.O. Box 5070, Austin, TX 78763

Amended:

Governance. The direction and management of the affairs of the corporation and the control and disposition of its properties and funds shall be vested in the members of the corporation. There shall be two (2) members, one for each unit. The members shall be the owners of the units and each member will represent his or her specific unit. The names and residences of the persons who shall serve as members of the corporation are as follows:

Name	Address
John Wheat	2805 Warren Street, Austin, TX 78703
Lee Ann Concienne	2807 Warren Street, Austin, TX 78703

☒ **Delete** each of the provisions identified below from the certificate of formation.

ARTICLE TWELVE - Limited Liability

Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

Effectiveness of Filing (Select either A, B, or C.)

- A. ☒ This document becomes effective when the document is filed by the secretary of state.
- B. ☐ This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. ☐ This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

The following event or fact will cause the document to take effect in the manner described below:

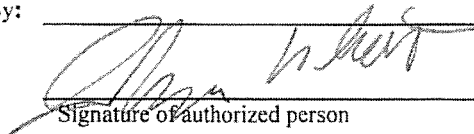
Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

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Date: 2/1/2016

By: _____



Signature of authorized person

John Wheat, Director

Printed or typed name of authorized person (see instructions)

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SECOND AMENDED AND RESTATED BYLAWS
OF
2805 WARREN CONDOMINIUMS HOA, INC.

ARTICLE I
OBJECT

1. The purpose for which this non-profit corporation has been formed is to administer and govern the affairs of the residential community described as and comprising the "Property" as that term is defined in the Declaration (which said residential community is also referred to herein as the "Property").

2. All present or future owners, occupants and tenants, and any other person or persons using the facilities of the Property in any manner, shall be subject to the regulations set forth in these Bylaws. The mere acquisition, occupancy or rental of any of the lots which are a part of the Property ("Lot" or "Lots") will signify that these Bylaws are accepted and ratified and that the owner, tenant or occupant thereof shall strictly comply with the terms and provisions hereof.

Unless otherwise expressly provided herein, all terms used in these Bylaws shall have the same meanings as set forth in the Declaration of Covenants, Conditions and Restrictions for 2805 Warren Condominiums HOA, Inc (the "Declaration") as recorded in Document No. _____, Official Public Records of Travis County, Texas, as the same is amended from time to time.

ARTICLE II
MEMBERSHIP, VOTING, MAJORITY OF OWNERS, QUORUM, PREFIXES

1. **Membership.** Each record owner, whether one or more persons or entities, of fee simple title to any portion of the Property ("Owner") shall automatically become a member of the Association and be subject to the Bylaws; provided, that the holder of a security interest in and to any portion of the Property shall not be considered an Owner hereunder. For purposes of the term Owner, as used herein regarding management of the Association, only one person from each unit shall be considered an Owner. Membership in the Association shall terminate without any formal Association action whenever such person or entity ceases to own such portion of the Property but such termination shall not relieve or release any such former Owner from any liability or obligation incurred under or in any way connected with the Association during the period of such ownership and membership, or impair any rights or remedies which the Association or others may have against such former Owner and member arising out of or in any way connected with such ownership and membership and the covenants and obligations incident thereto.

2. **Voting.** The Owner of each Lot shall be entitled to a vote as specified in the Declaration. If a Lot is owned jointly or in common by more than one person or entity, the owners thereof shall designate, in writing, the individual person who shall be entitled to cast the

vote appurtenant to such Lot and no other person shall be authorized to vote on behalf of such owners. Cumulative voting is prohibited.

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3. **Majority of Owners.** As used in these Bylaws, the term "Majority of Owners" shall mean those Owners with sixty percent (60%) of the votes entitled to be cast.

4. **Unanimous Consent.** With regards to the management decisions of the Association, unanimous consent is required by the Owners.

5. **Quorum.** Except as otherwise provided in these Bylaws, the presence, in person or by proxy, of the Majority of Owners, as defined in paragraph 3 of this Article, shall constitute a quorum.

6. **Proxies.** Votes may be cast either in person or by proxy. All proxies shall be in writing and filed with the Secretary of the Association at or before the appointed time of each meeting.

ARTICLE III ADMINISTRATION

1. **Association Responsibilities.** The Owners shall have the responsibility of administering the Property.

2. **Place of Meeting.** All annual and special meetings of the Association shall be held at such suitable and convenient place as may be permitted by law and determined by the Owners from time to time, and as may be designated in the notices of such meetings.

3. **Annual Meeting.** The first annual meeting of the Association shall be called by the initial Owners of the Association on not less than ten (10) days and not more than fifty (50) days notice to the Owners at any time. Thereafter, annual meetings of the Association shall be held on the first Saturday or Sunday next in February of each succeeding year. At each annual meeting there shall be elected, by ballot of the Owners, Officers in accordance with the requirements of paragraph 4 of Article IV of these Bylaws. The Owners may also transact such other business of the Association as may properly come before them at such meeting.

4. **Special Meetings.** Special meetings of the Association may be called by the President, the Secretary, or by the Owners having not less than one-tenth (1/10) of the votes entitled to be cast at such meeting. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice, unless by consent of the Owners representing at least two-thirds (2/3) of the total value of all of the ownership interests present at such meeting, either in person or by proxy.

5. **Notice of Meetings.** It shall be the duty of the Secretary of the Association to

mail notices of each annual or special meeting, stating the time and place of such meeting and, in the case of a special meeting, the purpose thereof, to each Owner of record, directed to the last known mailing address of such Owner as shown on the records of the Association. Such notice shall be mailed at least ten (10) but not more than fifty (50) days prior to the date of such meeting. In lieu of mailing such notice as herein provided, notice may be delivered in person or left at the residence of an Owner in such Owner's absence. The mailing or delivery of a notice in the manner provided in this paragraph shall be considered notice served. Upon request, any mortgagee of record or its designee may receive a copy of such notice.

6. **Adjourned Meeting.** If any meeting of the Owners cannot be organized because a quorum has not attended, the Owners who are present, either in person or by proxy, may adjourn the meeting and call another meeting with notice to the Association that another meeting must be called because of the lack of a quorum. The required quorum at the second meeting shall be twenty-five percent (25%) of the Majority of Owners. At the third meeting and at successive meetings the requirement shall be ten percent (10%) of the Majority of Owners.

7. **Order of Business.** The order of business at all meetings of the Owners shall be as follows:

- (a) Roll call and certifying proxies;
- (b) Proof of notice of meeting or waiver of notice;
- (c) Reading of minutes of preceding meeting;
- (d) Reports of officers;
- (e) Reports of committees;
- (f) Election of Officers;
- (g) Unfinished business; and
- (h) New business.

ARTICLE IV MANAGEMENT BY OWNERS

1. **Number and Qualification.** The affairs of the Association shall be governed by the Owners of the Units.

2. **Duties.** The Owners shall:

(a) keep in good order, condition and repair all lands, improvements and personal property owned by or leased to the Association.

(b) insure and keep insured all of the property owned by the Association. Further, to obtain and maintain comprehensive liability insurance in accordance with the terms of the Declaration, and to insure and keep insured all of the fixtures, equipment and personal property acquired by the Association for the benefit of the Association and the Owners of a portion of the Property and their Mortgagees. The limits and coverage shall be reviewed at intervals of not less than three (3) years and adjusted, if necessary, to

provide such coverage and protection as the Association may deem prudent.

(c) keep and maintain full and accurate books and records showing all of the receipts, expenses or disbursements of the Association and to permit examination thereof at any reasonable time by any other Owner or any mortgagee of a Lot.

(d) annually prepare a statement summarizing all receipts, expenses or disbursements since the last such statement. Such statements shall be made available, upon request, to any mortgagee of a Lot within ninety (90) days following the fiscal year end of the Association.

(e) accept, own, operate and maintain all areas of the Property which may be conveyed or leased to it by Declarant, together with all improvements of whatever kind and for whatever purpose which may be located in said areas; and to accept, own, operate and maintain all other property, real and personal, conveyed or leased, to the Association by Declarant as defined in the Declaration and to maintain in good repair and condition all lands, improvements, and other property owned by or leased to the Association.

(f) pay all real and personal property taxes, and other taxes and assessments levied upon or with respect to any property owned by or leased to the Association, to the extent that such taxes and assessments are not levied directly upon the members of the Association. The Association shall have all rights granted by law to contest the legality and the amount of such taxes and assessments.

(g) execute mortgages, both construction and permanent, both construction and permanent, for the construction of facilities, including improvements on property owned by or leased to the Association, and to accept lands within the Property, whether or not improved, from Declarant, as defined in the Declaration, subject to such mortgages or by assuming such mortgages. Financing may be affected through conventional mortgages or deeds of trust, the issuance and sale of development or other bonds, or in any other form or manner as may be deemed appropriate by the borrower, whether Declarant, as defined in the Declaration, or the Association. The mortgage or other security interest given to secure repayment of any debt may consist of a first, second or other junior lien as shall be deemed appropriate by borrower, whether Declarant, as defined in the Declaration, or the Association, on the improvement or other facility to be constructed, together with such underlying and surrounding lands as the borrower deems appropriate. The debt secured by such mortgage or other security instrument may be retired from and secured by the revenues generated by dues, use fees, assessment of the members of the Association, or otherwise, or any combination thereof, as may be deemed appropriate by Declarant or the Association, as the case may be, but subject to the limitations imposed by this Declaration.

(h) meet at least once a year.

3. **Powers.** The Owners shall have the powers necessary for the administration of

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the affairs of the Association and for the operation and maintenance of the Property. In addition to the express powers, the Owners shall, unless expressly prohibited by these Bylaws, Articles of Incorporation or the Declaration, have all authority granted to members of non-profit corporations organized as owners' associations under the laws of the State of Texas.

4. **Term.** The Owner shall continue to represent the Association until such time as the Owner sells his or her property, at which time the new owner shall assume such position.

5. **Regular Meetings.** Regular meetings of the Owners may be held at such time and place as shall be determined, from time to time, by a majority of the Owners, but at least one (1) meeting of the Owners shall be held during each fiscal year. The annual meeting shall be considered a regular meeting. Written notice of regular meetings (other than the organizational meeting) shall be given to each Owner, either personally or by mail, facsimile or telegraph, at least three (3) days prior to the day named for such meeting.

6. **Special Meetings.** Special meetings of the Owners may be called by the President or Secretary of the Association on three (3) days written notice to each Owner, given personally, or by mail, facsimile or telegraph, which notice shall state the time, place and purpose of the meeting. Special meetings of the Owners shall be called by the President or Secretary in like manner and on like notice upon the written request of the Owners.

7. **Actions Without a Meeting.** Notwithstanding any other provision of these Bylaws, any action required or permitted to be taken at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the Owners. Such consent shall have the same force and effect as a unanimous vote at a meeting.

ARTICLE V OFFICERS

1. **Designation.** The Association may, but is not obligated to have, officers. If the Association has officers then they shall be a President, a Vice President, a Secretary, and a Treasurer, all of whom shall be elected by the unanimous consent of the Owners. Any Owner may hold a position as officer of the Association, and any person may hold two (2) or more offices, except that the President and any Vice President shall not also hold the office of Secretary or Assistant Secretary.

2. **Election of Officers.** The officers of the Association shall be elected annually by the Members at the annual meeting of the Owners and shall hold office at the pleasure of the Owners.

3. **Removal of Officers.** Upon the affirmative vote of a majority of the members of the Owners, any officer may be removed, either with or without cause, and his successor may be elected at any regular meeting of the Owners or at any special meeting of the Owners called for such purpose.

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4. **President.** The President shall be the chief executive officer of the Association and shall preside at all meetings of the Association. The President shall have all of the general powers and duties which are usually vested in the office of president of an association including, but not limited to, the power to appoint committees from among the Owners to assist in the conduct of the affairs of the Association. The President shall sign, with the Secretary or an Assistant Secretary, certificates of membership, any deeds, mortgages, bonds, contracts, leases or other instruments which the Owners have authorized, except in cases where the signing and execution thereof has been expressly delegated by the Owners to some other officer or agent of the Association, or is required by law to be otherwise signed or executed. The President shall not have the power to bind the Association to any employment agreement on behalf of the Association unless such employment agreement has been expressly approved and authorized in advance by resolution of the Owners. In the event any such employment agreement (whether or not these Bylaws be amended incident thereto) limits or qualifies the authority of any such officer duties not provided for under these Bylaws, then the provisions of such employment agreement limiting or qualifying such authority and imposing such duties shall be valid and effective notwithstanding any inconsistency between the provisions of the employment agreement and the provisions of these Bylaws.

5. **Vice President.** The Vice President shall have all of the powers and the authority to perform all the functions and duties of the President in the absence of the President or his inability, for any reason, to exercise such powers and functions or to perform such duties, and shall also perform any duties as may be required, from time to time, by the President or the Owners.

6. **Secretary.** The Secretary shall: (i) keep the minutes of all meetings of the Owners and the minutes of all meetings of the Association in books which shall be provided for that purpose; (ii) see that all notices are duly given in accordance with the provisions of these Bylaws and as required by law; (iii) be custodian of the records and books of the Owners and the Association and of the seal of the Association; (iv) see to it that the seal of the Association is affixed to all certificates of membership prior to the issuance thereof and to all documents which are duly authorized to be executed on behalf of the Association under its seal in accordance with these Bylaws; (v) keep a register of the last known post office address of each Owner; (vi) keep a register of and send notices to Mortgagees, as required by these Bylaws and the Declaration; (vii) together with the President, sign all certificates of membership, the issuance of which shall be approved by the Owners; and (viii) in general, perform all the duties incident to the office of Secretary and as may be assigned, from time to time, by the President or by the Owners.

The Secretary shall compile, keep up to date and maintain at the principal office of the Association a complete list of members of the Association and of their last known addresses, as shown on the records of the Association. Such list shall also show, opposite each member's name, the address of the portion of the Property owned by such member. Such list shall be open to inspect the same at reasonable times during regular business hours. The address of each member shown in such list shall be the address to which all notices shall be sent.

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7. **Treasurer.** The Treasurer shall receive and deposit in appropriate bank accounts, as designated by the Owners, all funds of the Association and shall disburse such funds as directed by resolution of the Owners; provided, however, that a resolution of the Owners shall not be necessary for disbursements made in the ordinary course of business conducted within the limits of a budget adopted by the Owners and in an amount not to exceed the sum of two hundred dollars (\$200.00), in addition, the Treasurer shall have authority to: sign all checks and promissory notes of the Association; keep full and accurate accounts of all receipts and disbursements in proper books of account; cause the preparation of an annual statement of the Association's books at the completion of each fiscal year; prepare an annual budget and a statement of income and expenditures to be presented to the membership of the Association at its regular annual meeting, and deliver copies thereof to the members; and perform all other duties incident to the office of Treasurer or assigned by the Owners.

8. **Vacancies.** A vacancy in any office because of the death, resignation, or removal, disqualification or otherwise of the officer previously filling such office, may be filled by the Owners for the unexpired portion of the term.

9. **No Officers.** If the Owners determine that the Association will not have officers, then the Owners will be responsible for the above described duties of each officer position, and shall delegate such duties as they deem fit.

ARTICLE VI MANAGEMENT AGREEMENT

Anything contained in these Bylaws to the contrary notwithstanding, the Owners shall have the power and authority to enter into a management agreement with a management company of its choice, at a rate of compensation based upon the policies and functions performed by said management company, and on such terms and conditions acceptable to the Owners. The Owners may delegate any of its powers, duties and functions to the managing agent named therein provided, however, that the terms of the management agreement shall be in compliance with the provisions of the Declaration. The Owners shall not be liable for any act of omission of the managing agent or any improper exercise of any duty, power or function delegated by the Owners by written instrument executed by a majority of the Owners.

ARTICLE VII AMENDMENTS TO BYLAWS

These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by unanimous consent of the Owners. In no event shall the Bylaws be amended to conflict with the Declaration. In the event of any conflict between the Declaration and these Bylaws, the Declaration shall control.

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ARTICLE VIII MORTGAGES

1. **Notice to Association.** An Owner who mortgages his portion of the Property shall notify the Association through the Managing Agent, if any, or the President, giving the name and address of the Mortgagee. The Secretary of the Association shall maintain such information in a book entitled "Mortgagees of the Property".

2. **Notice of Unpaid Assessments.** The Association shall, at the request of a Mortgagee of a portion of the Property, report any unpaid Assessments due from the Owner of such portion of the Property.

ARTICLE IX NON-PROFIT ASSOCIATION

The Association is not organized for profit. No Owner or person from whom the Association may receive any property or funds shall receive or shall be lawfully entitled to receive any pecuniary profit from the operation thereof; provided, however, (1) that reasonable compensation may be paid to any member acting as an agent or employee of the Association for services rendered in effecting one or more of the purposes of the Association; and (2) that any Owner may, from time to time, be reimbursed for actual and reasonable expenses incurred in connection with the administration of the affairs of the Association.

ARTICLE X REGISTERED OFFICE


The principal office of the Association shall be located at 2805 Warren Street, Austin, Texas 78703, but may be relocated to such other suitable and convenient place as may be permitted by law and designated by the Owners.

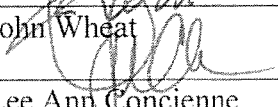
ARTICLE XI TRANSACTIONS WITH MEMBERS, DIRECTORS AND OFFICERS

The Association may enter into contracts or transact business with one or more of its Owners or officers, or with any firm of which one or more of its Owners or officers are members, or with any corporation, association, company, organization or entity in which one or more of its Owners or officers are directors, officers, trustees, shareholders, beneficiaries or are otherwise interested, and, in the absence of fraud, such contract or transaction shall not be invalidated or otherwise affected by the fact that the votes of such Owners or officers having such adverse interest may have been necessary to obligate the Association upon such contract or transaction.

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SIGNED THIS 22 day of February, 2016.



John Wheat


Lee Ann Concienne

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**UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF
2805 WARREN CONDOMINIUMS HOA, INC.,
a Texas Nonprofit Corporation**

The undersigned, being all of the directors of 2805 Warren Condominiums HOA, Inc., a Texas non-profit corporation (the "Company"), hereby, pursuant to the provisions of Section 6.201 of the Texas Business Organizations Code, consent to and approve the following resolutions and each and every action effected thereby.

WHEREAS, on or about October 21, 2006, the Board of Directors of the Company adopted the initial Bylaws of the Company;

WHEREAS, on March 7, 2007, the Board of Directors of the Company adopted and executed that certain Unanimous Written Consent of Directors of 2805 Warren Condominiums HOA, Inc. amending the Bylaws (the "First Amendment");

WHEREAS, the Board of Directors have determined it is in the best interest of the Company and its owners that the Bylaws and Rules and Regulations and the Declaration be further amended;

ADOPTION OF AMENDED BYLAWS AND DECLARATION

NOW THEREFORE, BE IT RESOLVED, that the Company's current Bylaws are hereby stricken in their entirety and replaced by the Second Amended and Restated Bylaws attached hereto as Exhibit A (the "Amended Bylaws");

FURTHER RESOLVED, the Amended Bylaws shall be submitted to the members for approval and shall be effective upon approval by the members;

FURTHER RESOLVED, that the Company's current Declaration is hereby amended by the Second Amendment to the Declaration as attached hereto as Exhibit B (the "Amended Declaration");

FURTHER RESOLVED, that in order to preserve the rules in the Company's current declaration that are not otherwise addressed or included in the Company's Amended Declaration, all such rules automatically shall be adopted as the Company's rules; and

FURTHER RESOLVED, the Owner's or officers agree to take all action they deem necessary, appropriate or desirable to assure conformance with the Company's Amended Bylaws and Amended Declaration, included filing that certain Certificate of Amendment filed with the Texas Secretary of State.

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REGISTERED AGENT AND OFFICE

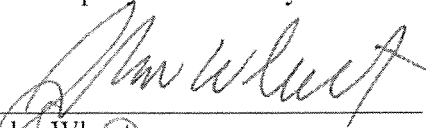
FURTHER RESOLVED, that John Wheat is hereby appointed to serve as the Company's registered agent in the State of Texas, and the registered office of the Company shall be located at: 2805 Warren Street, Austin, Texas, 78703.

IMPLEMENTATION


FURTHER RESOLVED, that the Owners or designated officers of the Company be, and each of them hereby is, authorized and directed to execute all documents and to take all such action as they may deem necessary or advisable in order to effectuate the purposes of the foregoing resolutions;

This written consent may be executed in multiple counter parts, all of which shall be considered originals and that this written consent, including multiple counterparts, be filed with the minutes of the proceedings of the Corporation.

IN WITNESS WHEREOF, each of the directors of the Company does hereby affix his/her signature effective as of the 22 day of January, 2016.



John Wheat



Lee Ann Concienne

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**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME OF
2805 WARREN CONDOMINIUMS**

This Second Amendment to Declaration of Condominium Regime of 2805 Warren Condominiums (the "Second Amendment") is dated effective as of February 3, 2016, and is executed by John Wheat and Lee Ann Concienne, the members of 2805 Warren Condominiums HOA, Inc. (each individually referred to as "Member" and collectively referred to as the "Members").

Recitals

Reference is here made to that certain First Amendment to Declaration of Condominium Regime of 2805 Warren Condominiums (the "First Amendment") and to that certain Declaration of Condominium Regime of 2805 Warren Condominiums (the "Declaration"), recorded under Document No. 2006205642 of the Official Public Records of Travis County, Texas, executed by 2805 Warren, Ltd., a Texas limited partnership as Declarant covering the real property located in Travis County, Texas, more fully described as follows:

Lot 1, Resubdivision of the east one-half of Lot 9, Mont-Dale, a subdivision in Travis County, Texas, according to the map or plat of record in Book 8, Page 81, of the Plat Records of Travis County, Texas.

The Members are the owners of 100% of the condominium Units created under the Declaration, and have determined that the Declaration should be amendment.

Agreements

NOW, THEREFORE, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner does hereby amend the Declaration as follows:

1. ***Recitals; Defined Terms.*** The introductory paragraph and each and all of the Recitals to this Second Amendment are hereby incorporated into this Second Amendment by this reference for all purposes. Capitalized terms which are used in this Second Amendment and are not otherwise defined are used with the meanings provided for them in Declaration, unless the context clearly requires otherwise.
2. ***Section 4.6.*** Section 4.6 is hereby amended to read in its entirety as follows:

4.6 **MEMBERS AND OFFICERS OF THE ASSOCIATION.**

The affairs of the Association shall be managed and its duties and obligations performed by the Members. Each member represents his or her unit. Provisions regulating the number, term, qualifications, and conduct of meetings of the Members shall be set forth in the Bylaws of the Association. The Members may, but are not required to, elect officers who shall include a President, treasurer, Secretary and any such other officers as the Members deem proper. Provisions regulating the numbers, term, qualifications,

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manner of election, powers and duties of the officers shall be set forth in the Bylaws of the Association.

3. **Section 4.8.** Section 4.8 is hereby amended to read in its entirety as follows:

4.8 POWERS AND DUTIES OF THE MEMBERS. The Members shall act in all instances on behalf of the Association pursuant to the Act, the Declaration and its amendments, and the Governing Documents.

4. **Section 4.9.** The first paragraph of Section 4.9 is hereby amended to read as follows:

4.9 LIMITATIONS ON POWERS OF THE MEMBERS. Notwithstanding the powers set forth in Paragraph 4.8 of the Second Amendment to Declaration, the Members shall be prohibited from taking any of the following actions except with a unanimous consent of the Members:

The remaining provisions of Section 4.9 shall remain the same.

5. **Section 6.7.** Section 6.7 is hereby added to the Declaration and shall read in its entirety as follows:

6.7 DRAINAGE FEE. At each Association Annual Meeting, Members will review any governmental fees or charges which are both: 1) calculated based on a specific criteria (e.g., percentage impervious cover) across the entire lot, and 2) billed separately to each Unit Owner. The purpose of this review shall be to determine whether the fee(s) paid by each Unit Owner is/are directly proportional to their Unit's percentage contribution to the entire lot. If one Unit Owner is determined to be paying a greater amount than their Unit's percentage of the entire lot and the other Unit Owner is paying less, then the Unit Owner paying less shall reimburse the Unit Owner paying more in the amount of the difference in order to apportion the fee or charges equitably across the entire lot. These reapportionment payments will be made on an annual basis within 30 days after the Association Annual Meeting.

6. **Amendment to Bylaws.** The Bylaws of the Association have been amended by the Second Amendment to Bylaws of 2805 Warren Condominiums HOA, Inc., dated of even date herewith. A true, correct and complete copy of which is attached hereto as Exhibit A.

7. **Miscellaneous.**

- a. In the Declaration and First Amendment to Declaration, where there is reference to the Board of Directors, Board, or Directors, these defined terms shall be replaced with the term Member of Members, where necessary.
- b. Entire Agreement. The Declaration, as amended by this Second Amendment and the First Amendment, contains the entire agreement of the parties and

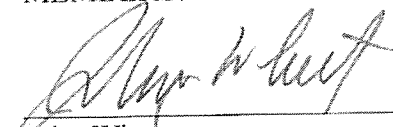
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supersedes all other agreements, oral or written, heretofore made with respect to the subject matter hereof and the transactions contemplated hereby.

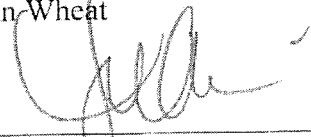
- c. **Severability.** Any provisions hereof prohibited by, or unlawful or unenforceable under, any applicable law of any jurisdiction shall be ineffective as to such jurisdiction, without affecting any other provision of this Second Amendment, or shall be deemed to be severed or modified to conform with such law, and the remaining provisions of this Second Amendment shall remain in force, provided that the purpose of this Second Amendment can be effected. To the full extent, however, that the provisions of such applicable law may be waived, they are hereby waived to the end that this Second Amendment be deemed to be a valid and binding agreement enforceable in accordance with its terms.
- d. **Counterparts.** This Second Amendment may be executed in multiple counterparts, each of which shall be deemed to be an original, and all of such counterparts together shall constitute but one and the same instrument.

EXECUTED on the date set forth above.

MEMBERS:



John Wheat

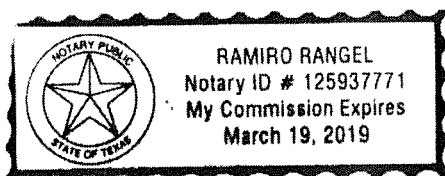



Lee Ann Concienne

STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on the 22 day of Feb, 2016, by JOHN WHEAT.





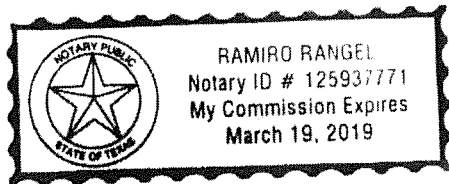
Notary Public, State of Texas

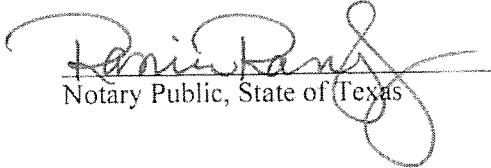
L2
36

STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on the 22 day of Feb, 2016, by LEE ANN CONCIENNE.




Notary Public, State of Texas

AFTER RECORDING RETURN TO:



















Sprouse Shrader Smith, PLLC
Attn: Courtney Mogonye
1250 S. Capital of Texas Hwy.
Bldg. 3, Ste. 601
Austin, Texas 78746

✓2/31

Exhibit A

2805 WARREN STREET
CONDOMINIUM PLAT

LOT 5-A
RESUBDIVISION OF LOT 5 OF THE
RESUBDIVISION OF LOT 10 MONTDALE
VOLUME 22, PAGE 4

	MAG NAIL FOUND		SANITARY SEWER BSMT
	1/2\" data-bbox="100 130 130 150"/>		RECORD INFORMATION
	CHAIN LINK FENCE		UTILITY POLE
	WOOD FENCE		OVERHEAD UTILITY LINE(S)
	BUILDING LINE		WATER METER
	PUBLIC UTILITY BSMT		CLEAN OUT
	DRAINAGE BSMT		AIR CONDITIONER
	SURFACE DRAINAGE BSMT		ON
	ELECTRIC BSMT		OFF
			INSIDE OF SUBJECT BOUNDARY
			OUTSIDE OF SUBJECT BOUNDARY

[illegible]

1. These plans are intended to serve as a plan of 2805 Warren Street Condominiums located on; Lot 1, Re subdivision of the East One Half Of Lot 9, Mont-De, in the City of Austin, Travis County, Texas. Prepared for the purpose of compliance with Chapter 82.059 of the Uniform Condominium Act of the Texas Property Code.

2. All dimensions shown on the plans represent the as built distance between the exterior face surface of exterior outside walls of each unit to the interior face surface of the sheet rock material at the party wall dividing the units for the purposes of this description of interior space, the off set distances at doors and windows, except at window boxes, were not considered.

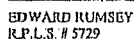
3. The as built dimensions in each unit represent a distance at a general condition which is then used as a constant and does not represent an exhaustive effort to verify the same condition at multiple locations.

4. Interior walls and partitions within each unit have are not shown on the plans.

5. Entryways, covered porches and covered patios are part of the units.

6. Exterior window boxes, doorsteps, fireplaces when serving only a particular unit are part of the unit and are included in the dimensions.

7. Each unit is independent such that no unit has another unit above or below and therefore horizontal boundaries of the units are not shown on these plans.



THE UNDERSIGNED DOES HEREBY CERTIFY THAT THESE PLATS AND PLANS CONTAIN ALL INFORMATION REQUIRED TO BE SHOWN ON CONDOMINIUM PLATS AND PLANS UNDER CHAPTER 82.059 OF THE UNIFORM CONDOMINIUM ACT OF THE TEXAS PROPERTY CODE. THE DIMENSIONS SHOWN ON THIS PLAT FOR 2805 WARREN STREET CONDOMINIUMS WERE VERIFIED IN THE FIELD ON SEPTEMBER 19, 2006. THESE DIMENSIONS AND GENERAL NOTES 1 THROUGH 8 ARE TO THE BEST OF MY KNOWLEDGE ACCURATE AS REPRESENTED.

12731 RESEARCH BLVD.
BUILDING A, SUITE 106
AUSTIN, TEXAS 78759
(512) 249-8149 PHONE
(512) 331-5217 FAX

SURVEY DATE	SEPTEMBER 20, 2006	
JOB NO.	WARREN CONDO PLAT	
DRAWN BY	JEREMY WARREN	09.20.2006
RPLS CHECK	EDWARD RUMSEY	09.20.2006

SCALE 1"=20'

2805 WARREN STREET SURVEY PLAT

RESTRICTIONS:

SUBJECT TO RESTRICTION IN VOLUME 772, PAGE 88.

LEGAL DESCRIPTION:

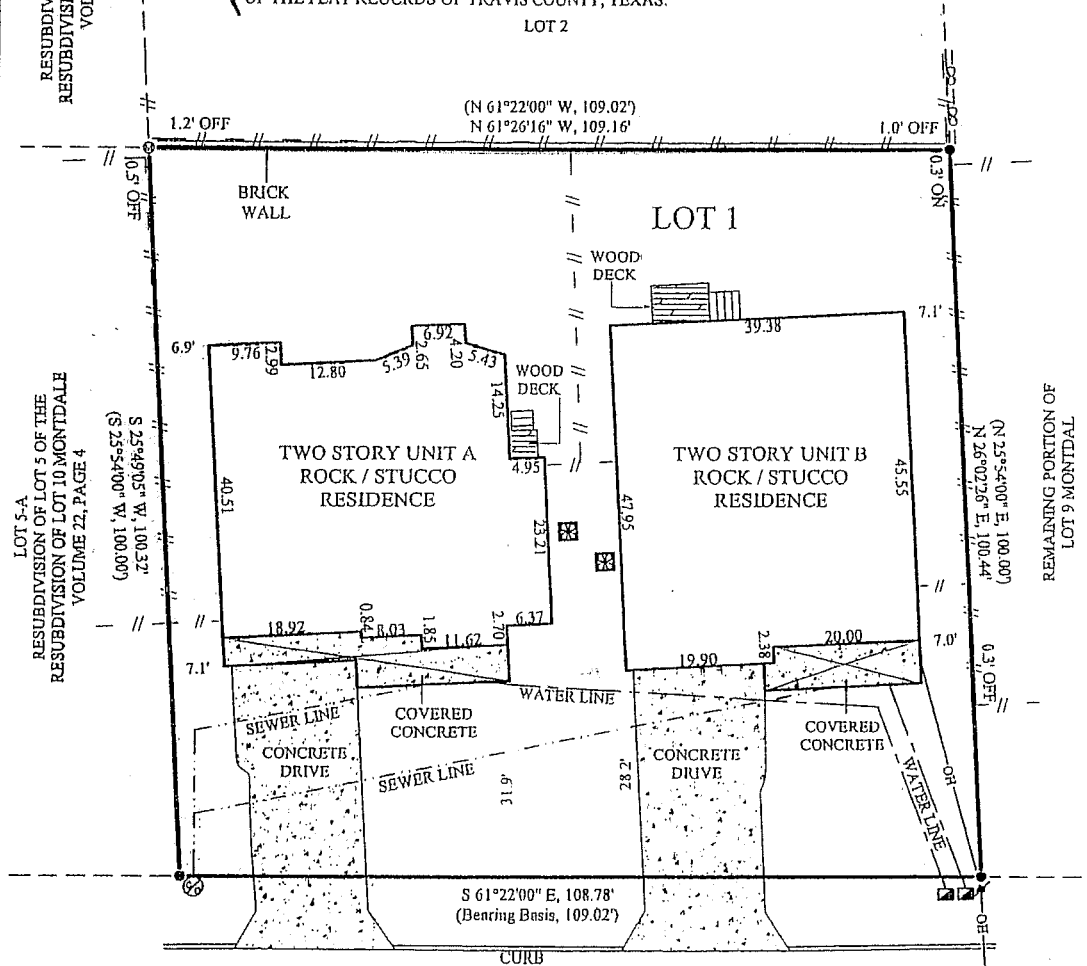
LOT 1, RESUBDIVISION OF THE EAST ONE-HALF OF LOT 9, MONT-DALE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN BOOK 8, PAGE 81, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 2

LOT 4
RESUBDIVISION OF LOT 5 OF THE
RESUBDIVISION OF LOT 10 MONTDALE
VOLUME 18, PAGE 29

LOT 5-A
RESUBDIVISION OF LOT 5 OF THE
RESUBDIVISION OF LOT 10 MONTDALE
VOLUME 22, PAGE 4

REMAINING PORTION OF
LOT 9 MONTDALE



WARREN STREET

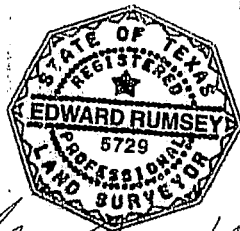
(50' R.O.W.)

LEGEND

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS. F.I.R.M. MAP NO.: 48453C0205 E. PANEL: 0205 E. DATED: JUNE 14, 1993. THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

- MAO NAIL FOUND
- 1/2" REBAR FOUND
- ∞— CHAIN LINK FENCE
- - - - WOOD FENCE
- BL BUILDING LINE
- PUE PUBLIC UTILITY ESMT
- DE DRAINAGE ESMT
- SDE SURFACE DRAINAGE ESMT
- EE ELECTRIC ESMT

- SSS SANITARY SEWER ESMT
- () RECORD INFORMATION
- UTILITY POLE
- OII OVERHEAD UTILITY LINE(S)
- WM WATER METER
- CO CLEAN OUT
- AC AIR CONDITIONER
- ON INSIDE OF SUBJECT BOUNDARY
- OFF OUTSIDE OF SUBJECT BOUNDARY



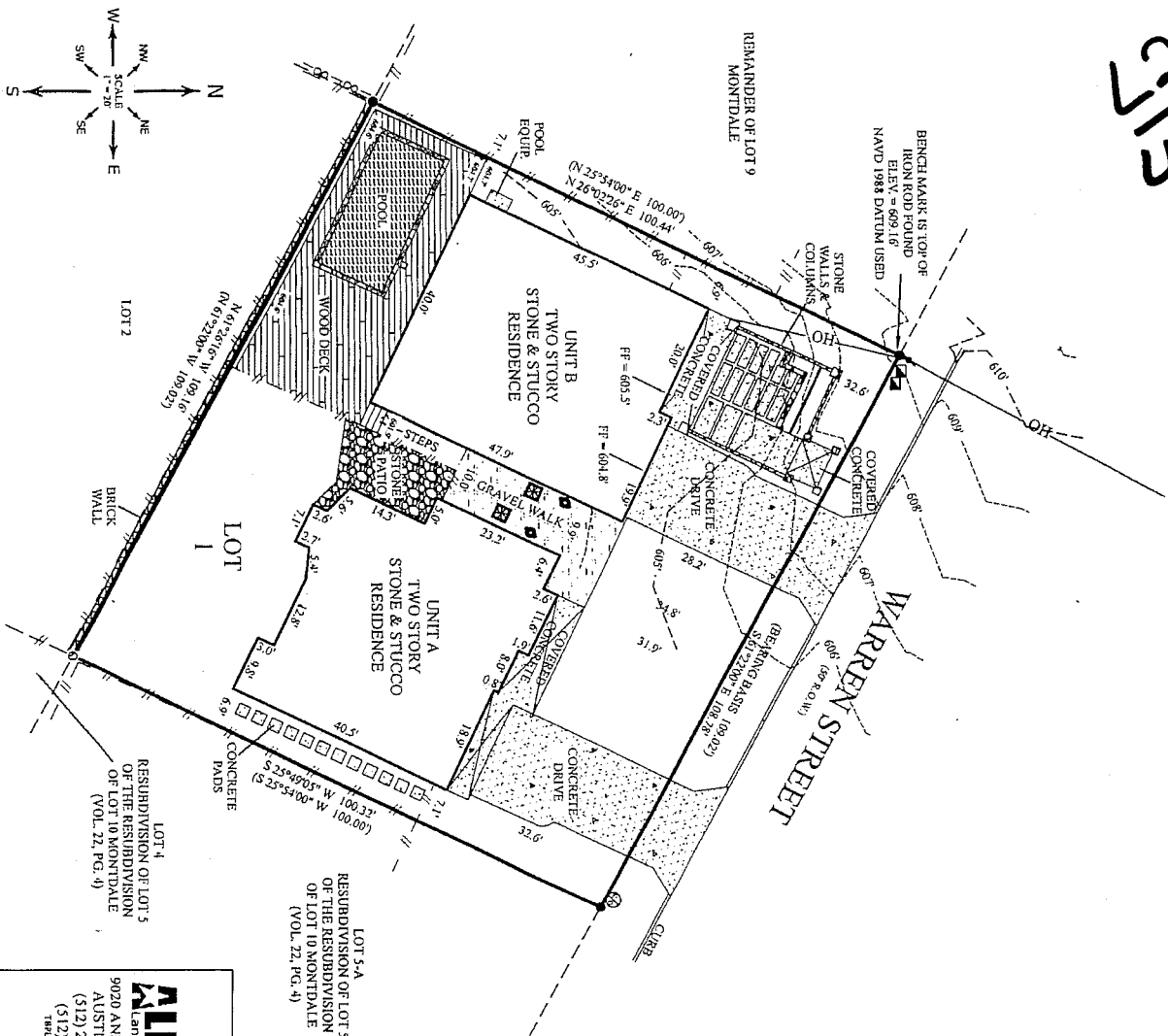
Edward Rumsey 10-16-06

TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED I do hereby certify that this survey was this day made on the ground under my supervision and to the best of my knowledge of the property legally described hereon certified only to building lines and easements as per plat.

ALLSTAR
Land surveying

12731 RESEARCH BLVD.
BUILDING A, SUITE 106
AUSTIN, TEXAS 78759
(512) 249-8149 PHONE
(512) 331-5217 FAX
www.allstarlandsurveying.com

SURVEY DATE	SEPTEMBER 20, 2006
JOB NO.	WARREN SURVEY PLAT
DRAWN BY	JEREMY WARREN 09.20.2006
RPLS CHECK	EDWARD RUMSEY 09.20.2006



- **RESTRICTIONS:** THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE. CLAIMS HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES, AND INTERESTS WHICH ARE REPRESENTED ON THE PATENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

UNITS A & B, 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2006205602, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

UNIT A RESIDENCE: 1920.94 SQ. FT.
COVERED AREAS: 1920.94 SQ. FT.
DRIVEWAY: 471.46 SQ. FT.
STONE PATIO: 261.25 SQ. FT.
CONCRETE PADS: 48.00 SQ. FT.
AC PAD: 400.50 SQ. FT.
TOTAL: 2637.66 SQ. FT.

UNIT B RESIDENCE: 1864.17 SQ. FT.
COVERED AREAS: 1864.17 SQ. FT.
DRIVEWAY: 481.38 SQ. FT.
POOL, TRM: 62.86 SQ. FT.
EQUIP PAD: 9.60 SQ. FT.
AC PAD: 400.50 SQ. FT.
STONE WALLS & COLUMNS: 51.44 SQ. FT.
CONCRETE COURTYARD: 208.70 SQ. FT.
WOOD DECK: 781.24 + 2 = 390.60 SQ. FT.
TOTAL: 3420.22 SQ. FT.

BRICK WALL: 44.16 SQ. FT.

TOTAL IMPERVIOUS COVERAGE: 5921.13 SQ. FT.

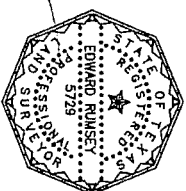
TOTAL IMPERVIOUS COVERAGE: 54.19%

BOUNDARY: 10956.26 SQ. FT.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS. F.I.R.M. MAP NO. 18-453C045H PANEL: 04-15H
DATED: 9-26-2008
THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY, AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. THE BUYER SHOULD CONSULT WITH AN APPROPRIATE PROFESSIONAL ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

SURVEY DATE	NOVEMBER 19, 2015	FIELDED BY	JONATHAN MOHR	11/18/2015
TITLE CO.	-	CALC. BY	CHRIS ZOTTER	11/19/2015
Q.F. NO.	-	DRAWN BY	ADRIELL LÓPEZ	11/19/2015
JOB NO.	A0119715	REL. CHECK	EDWARD RUMBERY	11/19/2015
A0117151-A0119766-A0120041				

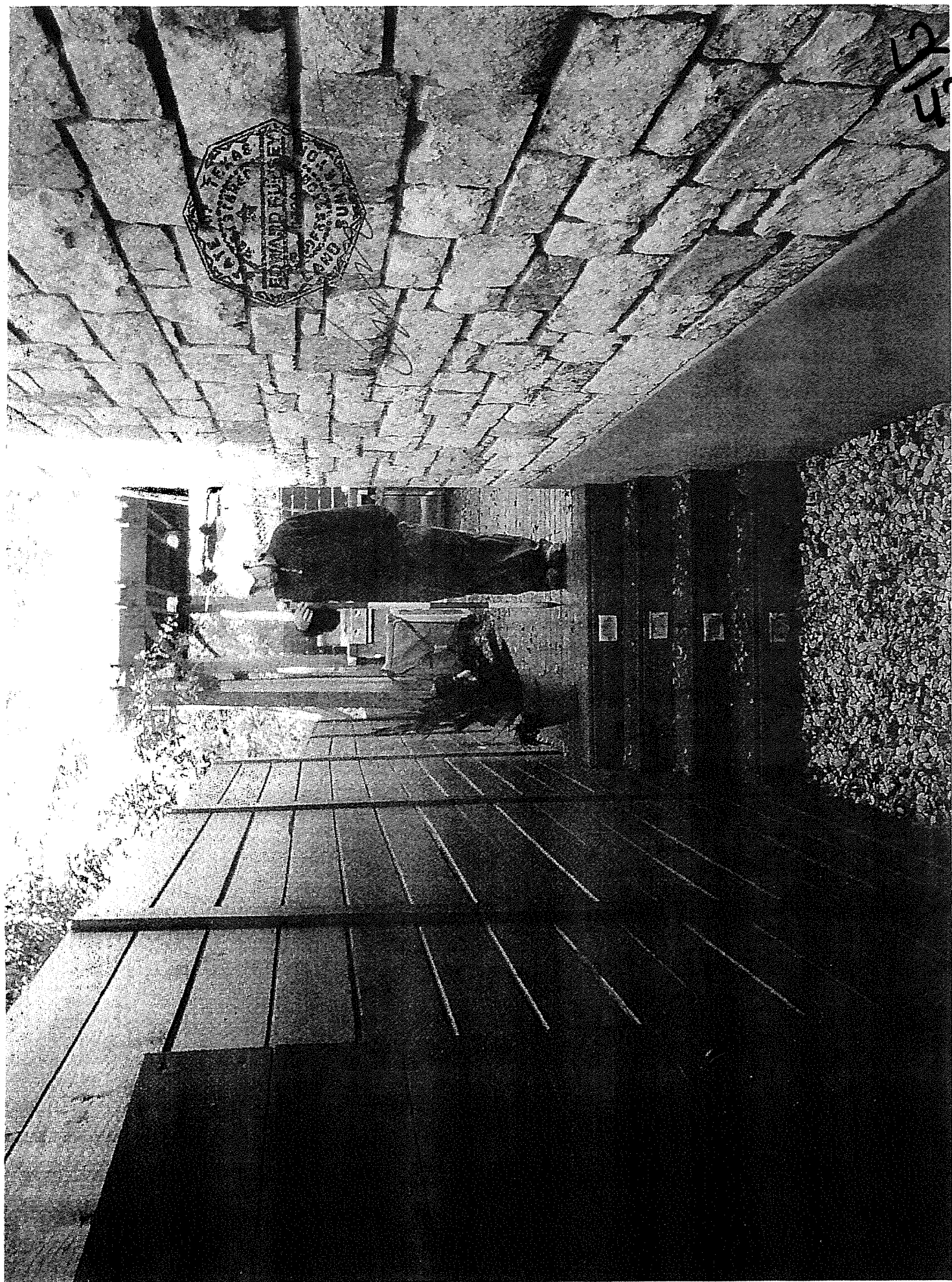
TO THE TEN HOLDER AND/OR OWNERS OF THE PREMISES SURVEYED I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER AN INSPECTION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS, AS PER MAP. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.



015-205-0143



5/12





Description

AUSTIN FULL PURPOSE

County: TRAVIS

Map Grid: MH26

Property Website

Hyperlinks

Zoning Profile

Details

Address

2805 WARREN ST

Annexations - Click Below

12/19/1985 - FULL

03/14/1946 - FULL

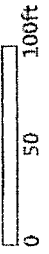
Property Profile - Click Below

0121040801

Buildings and Units - Click Below



StreetMap



<http://www.austintexas.gov/GIS/JurisdictionsWebMap/>


$$\frac{\sqrt{2}}{44}$$

Address

Description

2805 WARREN ST
AUSTIN FULL PURPOSE

Council District 10

County: TRAVIS

Map Grid: MH26

[Property Website](#)

Hyperlinks

[Zoning Profile](#)

Details

Address

2805 WARREN ST

Annexations - Click Below

12/19/1985 - FULL

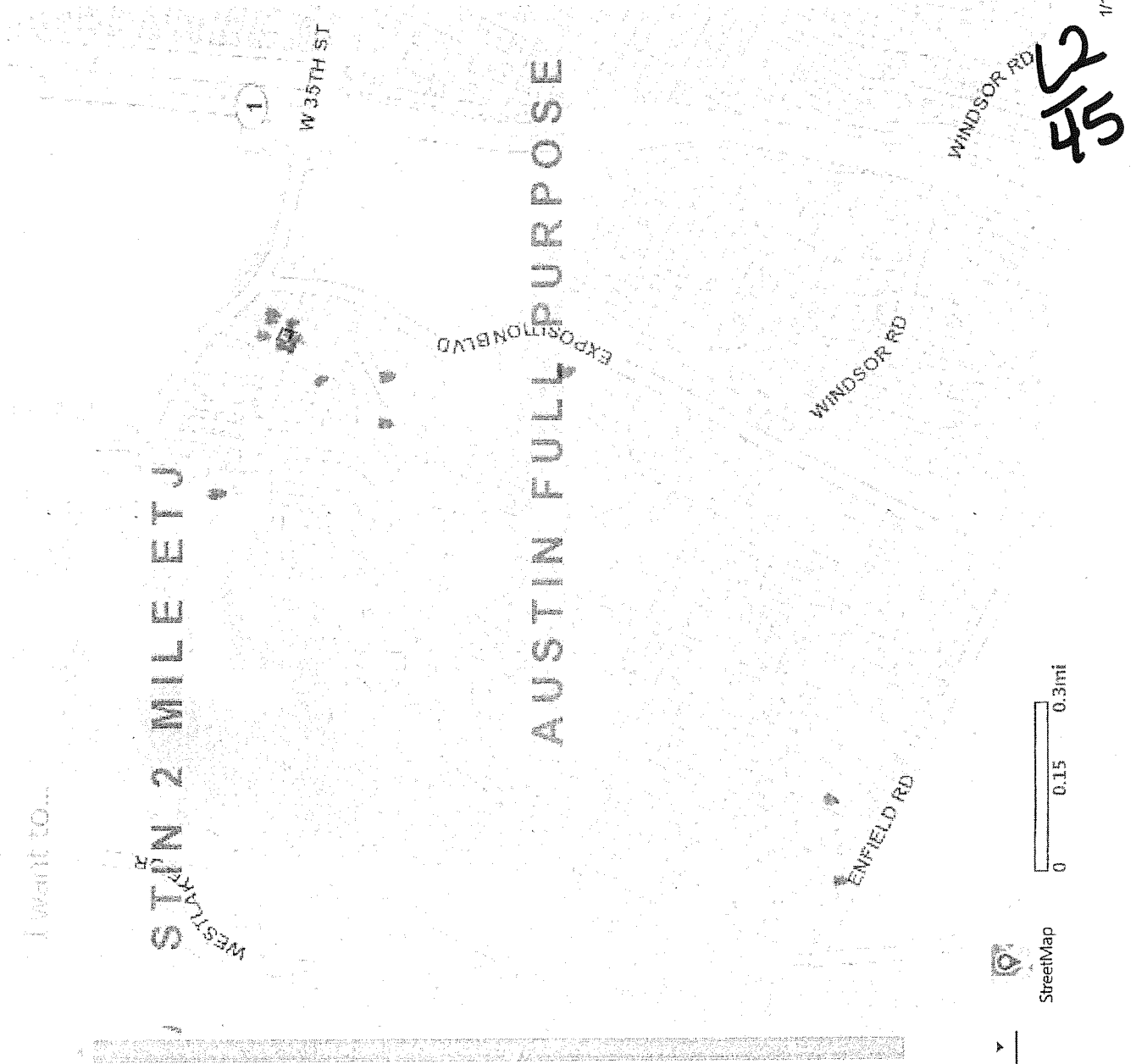
03/14/1946 - FULL

Property Profile - Click Below

0121040801


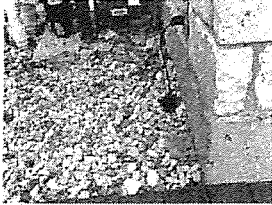
[Buildings and Units - Click Below](#)

I want to...



L2
44**Subject:** Pump**From:** LEEANN CONCIENNE (leann.concienne@sbcglobal.net)**To:** moncadataz@sbcglobal.net;**Date:** Tuesday, November 24, 2015 9:35 AM

LEEANN CONCIENNE has shared OneDrive files with you. To view them, click the link or image below.

 AUTOMATIC PUMP.PNG**RE: PUMP**

We installed an automatic pump on the side of the house, plugged in as seen in picture, it is buried, beside the pool pump, as seen in picture...this was installed to redirect the run off of the water from either rain or sprinkler, so as not to cause the yard to be soggy under the deck...the pump holds the water like the barrel from the city would do, however, it does even better by pumping it into the front yard when full to irrigate. It is a 20 gallon tank. Attached is a picture of how it looked before it was buried and how it currently looks.

L2
47



Ramirez, Diana

62
48

From: Moncada Consulting [REDACTED]
Sent: Thursday, August 20, 2015 8:18 AM
To: Ramirez, Diana
Cc: Moncada Consulting
Subject: REVISED - 2805 Warren Unit B - BOA Application
Attachments: 2805 Warren St Unit B - BOA app. 8.19.15.pdf

Good Morning Diana,
We have revised the BOA application to reflect the new survey impervious cover percentage vs TCAD info. Please advise if you need a pdf copy of the survey, as hard copy was provided last Friday, 8.14.15. I have followed up with the owner for the BOA fee and hope to hear from her soon. Thank you for your time,
April

Moncada Enterprises LLC 1301 S. I-H 35 Suite # 204 Austin, Texas 78741 Phil's cell: 512-627-8815
Office: 512-474-7377 Fax: 512-474-4923

From: Moncada Consulting <[REDACTED]>
To: Diana Ramirez <diana.ramirez@austintexas.gov>; Leane Heldenfels <leane.heldenfels@austintexas.gov>
Cc: LEEANN CONCIENNE <leeannconcienne@hotmail.com>; Moncada Consulting <[REDACTED]>
Sent: Thursday, August 20, 2015 7:53 AM
Subject: Re: 2805 Warren Unit B - BOA Application

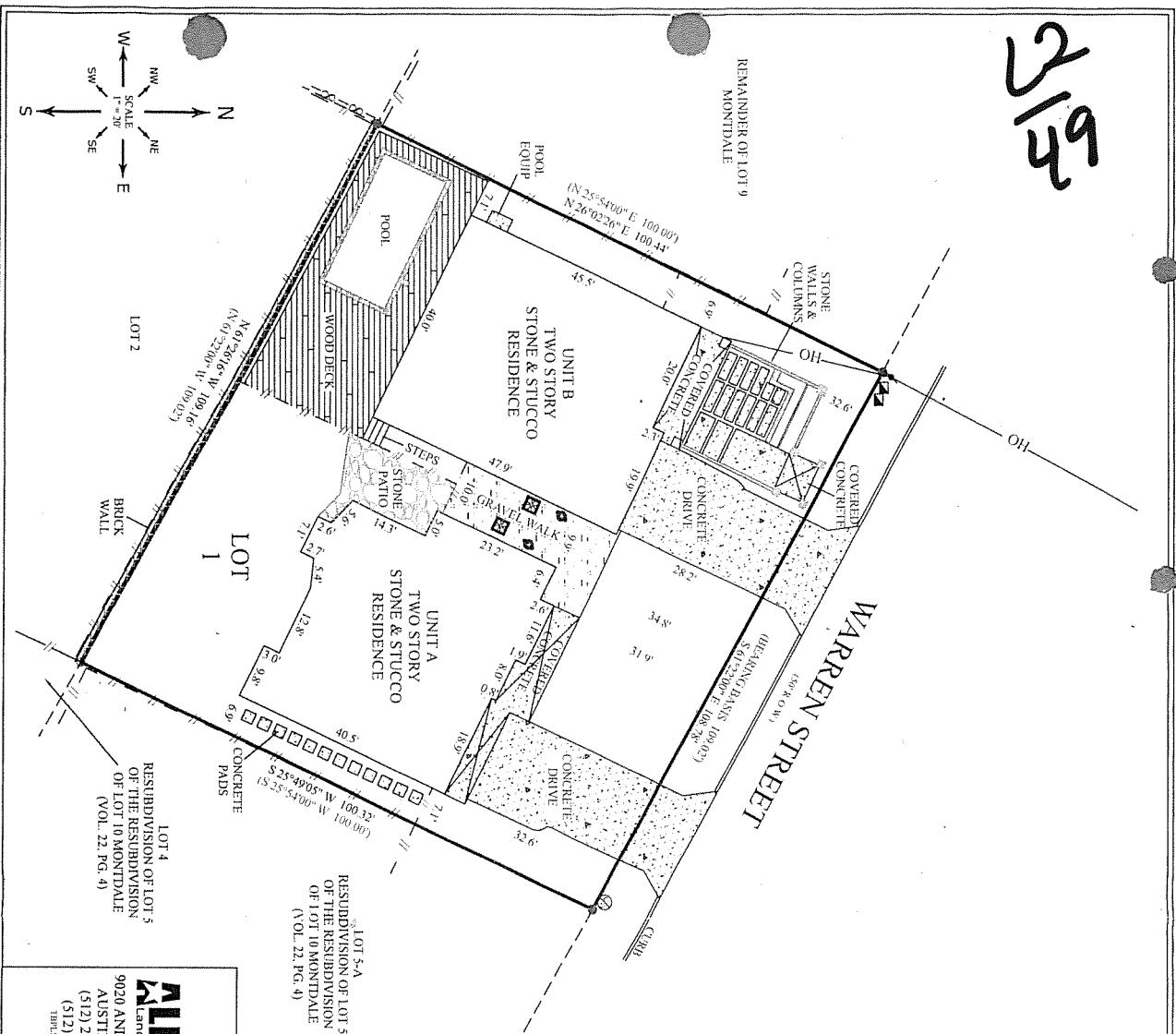
Good Morning Ms. Ramirez,
I would like to correct my previous email. As noted on the subject line and application, the address for this project is 2805 Warren St Unit B. Please excuse the typo and any inconvenience this may have caused. I apologize for not double checking my email. Confirmation email and application were received is greatly appreciated.
Have a wonderful day,
April

Moncada Enterprises LLC 1301 S. I-H 35 Suite # 204 Austin, Texas 78741 Phil's cell: 512-627-8815
Office: 512-474-7377 Fax: 512-474-4923

From: Moncada Consulting <[REDACTED]>
To: Diana Ramirez <diana.ramirez@austintexas.gov>; Leane Heldenfels <leane.heldenfels@austintexas.gov>
Cc: Moncada Consulting <[REDACTED]>; LEEANN CONCIENNE <leeannconcienne@hotmail.com>
Sent: Wednesday, August 19, 2015 2:28 PM
Subject: Fw: 2805 Warren Unit B - BOA Application

Good Afternoon Ms. Ramirez and Ms. Heldenfels,
We would like to submit the attached BOA application for 2806 Warren St Unit B so we may be added to the October 12th agenda. Please confirm at your earliest opportunity and let us know what additional documents are needed. I will follow up with the owner for a pdf for the survey and payment to the City of \$403.52.

12/49



ALLSTAR
Land Surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
THERESA@ALLSTAR.SURV (01/16/00)

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AND HAS A ZONE "X" PLANNING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS PANEL 0445H1 445104H5H1 DATED 9-26-2008 THIS CERTIFICATE IS FOR THE PROPERTY AND IS NOT A GUARANTEE AS TO THE PROPERTY WILL OR WILL NOT FLOOD CONTACT YOUR LOCAL FLOOD PLAN STANDARDS OF THIS TRACT

DATE: AUGUST 10, 2015
TITLE CO: LEE ANN CONCINNE
GT NO: 2805 / 2807 WARREN STREET
JOB NO: A0717115 - A0637606 - A0720004
FIELD BY: EDWARD RUNSEY
CALC BY: EDWARD RUNSEY
DRAWN BY: SEAN SUTTON
RTE'S CHECK: EDWARD RUNSEY

IMPERVIOUS COVERAGE CALCULATIONS

UNIT A RESIDENCE	1779.94 SQ FT
COVERED AREAS	192.01 SQ FT
DRIVEWAY	471.46 SQ FT
STONE PATIO	200.25 SQ FT
CONCRETE PADS	48.00 SQ FT
AC PAD	4.00 SQ FT
TOTAL	2637.66 SQ FT

UNIT B RESIDENCE: 1863.17 SQ FT
COVERED AREAS: 165.53 SQ FT
DRIVEWAY: 481.38 SQ FT
POOL TRIM: 62.86 SQ FT
EQUIP PAD: 9.60 SQ FT
AC PAD: 4.00 SQ FT
STONE WALLS & COLUMNS: 51.44 SQ FT
CONCRETE COURTYARD: 208.70 SQ FT
WOOD DECK: 1143.08 - 2 = 571.54 SQ FT
TOTAL: 3420.22 SQ FT

BRICK WALL: 44.16 SQ FT
TOTAL IMPERVIOUS COVERAGE: 6102.04 SQ FT
BOUNDARY: 10926.26 SQ FT
PERCENTAGE OF IMPERVIOUS COVERAGE: 55.83%

TO THE LIEH HOLDER AND/OR OWNERS OF THE PREMISES SURVEYED I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS AS PER PLAT THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE

EDWARD RUNSEY
5729
AUGUST 10, 2015

RESTRICTIONS:
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REPRESENTED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

LEGAL DESCRIPTION
UNITS A & B 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2006205642, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

NOTICE:
BEFORE DESIGN BEGINS ON THE SUBJECT PROPERTY THE OWNER SHOULD CHECK THE LOCAL GOVERNING AUTHORITIES ABOUT BUILDING SETBACKS AND OTHER BUILDING REQUIREMENTS.

C15-2015-0143

Revised

62/50

CASE# _____
ROW# _____
TAX# _____

**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: 2805 WARREN ST. UNIT B

LEGAL DESCRIPTION: Subdivision - WARREN CONDOMINIUMS AMENDED

S. 78.84 FT OF Lot(s) 8 Block Outlot Division MONT-DALE

I/We PHIL MONCADA on behalf of myself/ourselves as
authorized agent for

LEE ANN CONCIENNE affirm that on AUGUST, 19,

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 X MAINTAIN

EXISTING POOL AND WOOD DECK AT REAR PORTION OF LOT. LDC 25-8-63 TO EXCEED IMPERVIOUS
COVER ALLOWED 45% TO 54.19%. WOOD DECK CONSTRUCTED OVER 10FT REAR SETBACK AND 5FT

SIDEYARD SETBACK PER PLAN REVIEW COMMENTS.

in a SF-3-NP 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.**

L2
51

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:

2. The zoning regulations applicable to the property do not allow for a reasonable use because:
ZONING DOES NOT TAKE EXISTING SITE TOPOGRAPHY INTO ACCOUNT THAT WOULD ALLOW REASONABLE USE OF BACKYARD. DECK SPANS SLOPING BACKYARD AND CREATES OUTDOOR SPACE.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
ADJACENT LOTS HAVE FLATTER TERRAIN THAT ALLOW GREATER USABLE SPACE AT REAR PORTION OF LOT.

(b) The hardship is not general to the area in which the property is located because:
MOST OF THE LOTS IN SUBDIVISION HAVE SINGLE FAMILY HOME AND NOT DUPLEX.

AREA CHARACTER:

2. 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:
POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT NEIGHBORS.

PARKING: (Additional criteria for parking variances only.)

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

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
N/A

12/52

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

N/A

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

N/A

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

N/A

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 Phil Moncada Mail Address 1301 S. IH 35 STE 204

City, State & Zip AUSTIN TEXAS 78741

Printed PHIL MONCADA Phone 512-627-8815 Date 8-19-15

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

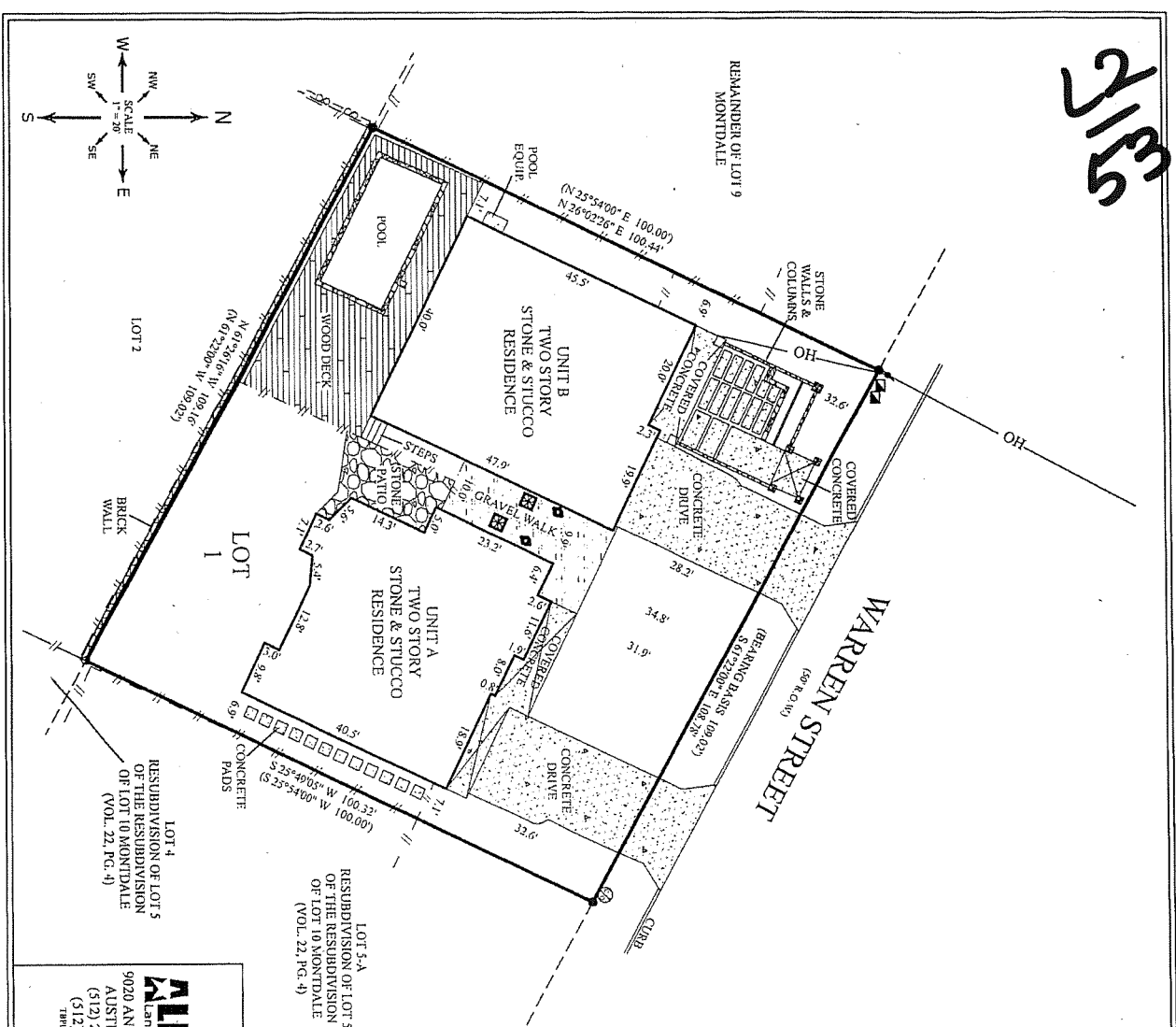
Signed Lee Ann Conciennie Mail Address 2807 WARREN ST

City, State & Zip AUSTIN TEXAS 78703

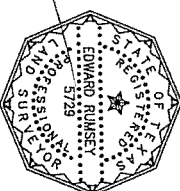
Printed LEE ANN CONCIENNIE Phone 512-940-2100 Date _____

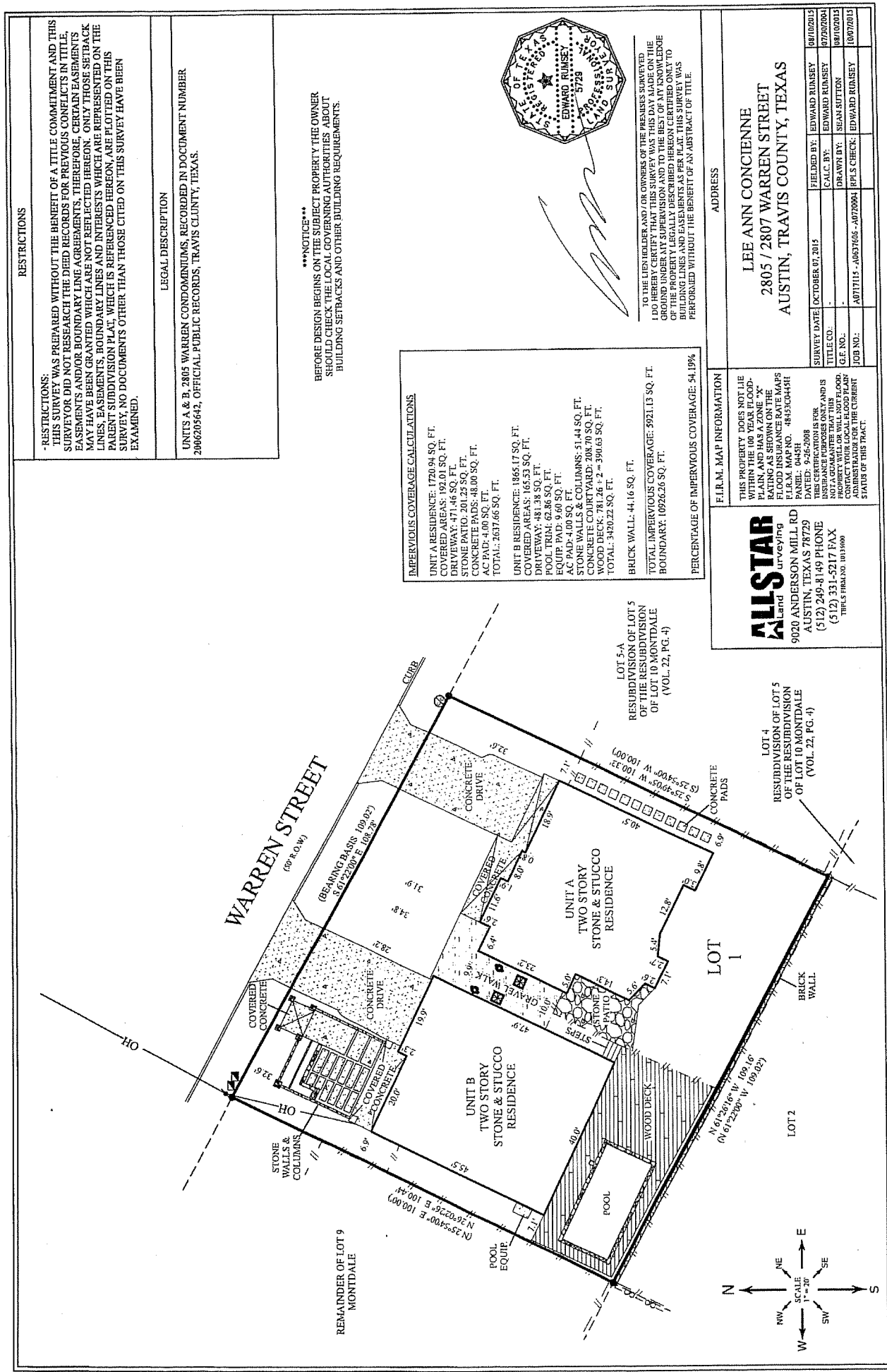
2/13

C16-2015-0143



RESTRICTIONS	
<p>THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.</p>	
LEGAL DESCRIPTION	
<p>UNITS A & B, 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 21062035642, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.</p>	
IMPERVIOUS COVERAGE CALCULATIONS	
<p>UNIT A RESIDENCE: 1720.94 SQ. FT. COVERED AREAS: 192.01 SQ. FT. DRIVEWAY: 471.46 SQ. FT. STONE PATIO: 201.23 SQ. FT. CONCRETE PATIO: 44.00 SQ. FT. AC PAD: 4.00 SQ. FT. TOTAL: 2637.64 SQ. FT.</p> <p>UNIT B RESIDENCE: 1865.17 SQ. FT. COVERED AREAS: 165.53 SQ. FT. DRIVEWAY: 481.38 SQ. FT. POOL: 62.86 SQ. FT. EQUIP. PAD: 9.60 SQ. FT. AC PAD: 4.00 SQ. FT. STONE WALLS & COLUMNS: 31.44 SQ. FT. CONCRETE COURTYARD: 208.70 SQ. FT. WOOD DECK: 781.26 ± 2 = 396.61 SQ. FT. TOTAL: 3420.22 SQ. FT.</p> <p>BRICK WALL: 41.16 SQ. FT.</p> <p>TOTAL IMPERVIOUS COVERAGE: 3921.13 SQ. FT. BOUNDARY: 10926.26 SQ. FT.</p> <p>PERCENTAGE OF IMPERVIOUS COVERAGE: 34.19%</p>	
F.I.R.M. MAP INFORMATION	
<p>THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AND HAS A ZONE "X" FLOOD INSURANCE RATE MAPS PANEL: 0445H F.I.R.M. MAP NO. 4453CH45H THE CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THE FLOOD CONTACT YOUR LOCAL FLOOD PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS MAP.</p>	
ADDRESS	
<p>LEE ANN CONCIEPTE 2805 / 2807 WARREN STREET AUSTIN, TRAVIS COUNTY, TEXAS</p>	
SURVEY INFORMATION	
SURVEY DATE	10/07/2015
TITLE CO.	EDWARD RUNSEY
FILE NO.	07/0707015
PLAN NO.	08/1027015
FILE NO.	100772815
FILE NO.	100772815
FILE NO.	100772815





RESTRICTIONS

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE. EASEMENTS AND COVENANTS WHICH ARE NOT REFLECTED HEREON, ONLY THOSE SETBACK MAY HAVE BEEN NOTED. THE SURVEYOR HAS NO KNOWLEDGE OF ANY UNRECORDED EASEMENTS, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY, NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

LEGAL DESCRIPTION

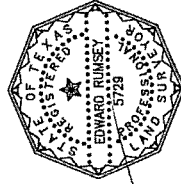
UNITS A & B, 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2006205642, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

NOTICE

BEFORE DESIGN BEGINS ON THE SUBJECT PROPERTY THE OWNER SHOULD CHECK THE LOCAL GOVERNING AUTHORITIES ABOUT BUILDING SETBACKS AND OTHER BUILDING REQUIREMENTS.

IMPERVIOUS COVERAGE CALCULATIONS

UNIT A RESIDENCE: 1720.94 SQ. FT. COVERED AREAS: 192.01 SQ. FT. DRIVEWAY: 471.46 SQ. FT. STONE PATIO: 201.23 SQ. FT. CONCRETE PADS: 48.00 SQ. FT. AC PAD: 4.00 SQ. FT. TOTAL: 2617.66 SQ. FT. UNIT B RESIDENCE: 1865.17 SQ. FT. COVERED AREAS: 165.53 SQ. FT. DRIVEWAY: 481.38 SQ. FT. POOL TRIM: 62.86 SQ. FT. EQUIP. PAD: 9.60 SQ. FT. AC PAD: 4.00 SQ. FT. STONE WALLS & COLUMNS: 51.44 SQ. FT. CONCRETE COURTYARD: 208.70 SQ. FT. WOOD DECK: 781.26 SQ. FT. TOTAL: 3420.22 SQ. FT. BRICK WALL: 44.16 SQ. FT. TOTAL IMPERVIOUS COVERAGE: 3921.13 SQ. FT. BOUNDARY: 10926.26 SQ. FT. PERCENTAGE OF IMPERVIOUS COVERAGE: 54.19%



TO THE LIEN HOLDER AND/OR OWNERS OF THE PREMISES SURVEYED: I, EDWARD RUNSEY, A PROFESSIONAL LAND SURVEYOR, HAVE MADE THIS SURVEY TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS AS PER PLAT THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

ADDRESS

LEE ANN CONCIENNE
2805 / 2807 WARREN STREET
AUSTIN, TRAVIS COUNTY, TEXAS

FLR.M. MAP INFORMATION

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS. PANEL: 0443H. DATED: 9-26-2008. THIS CERTIFICATION IS FOR THE CURRENT STATUS OF THE TRACT. THIS PROPERTY WILL OR WILL NOT FLOOD. NOT A GUARANTEE THAT THIS ADMINISTRATION FOR THE CURRENT STATUS OF THIS TRACT.

ALLSTAR
Land Surveying

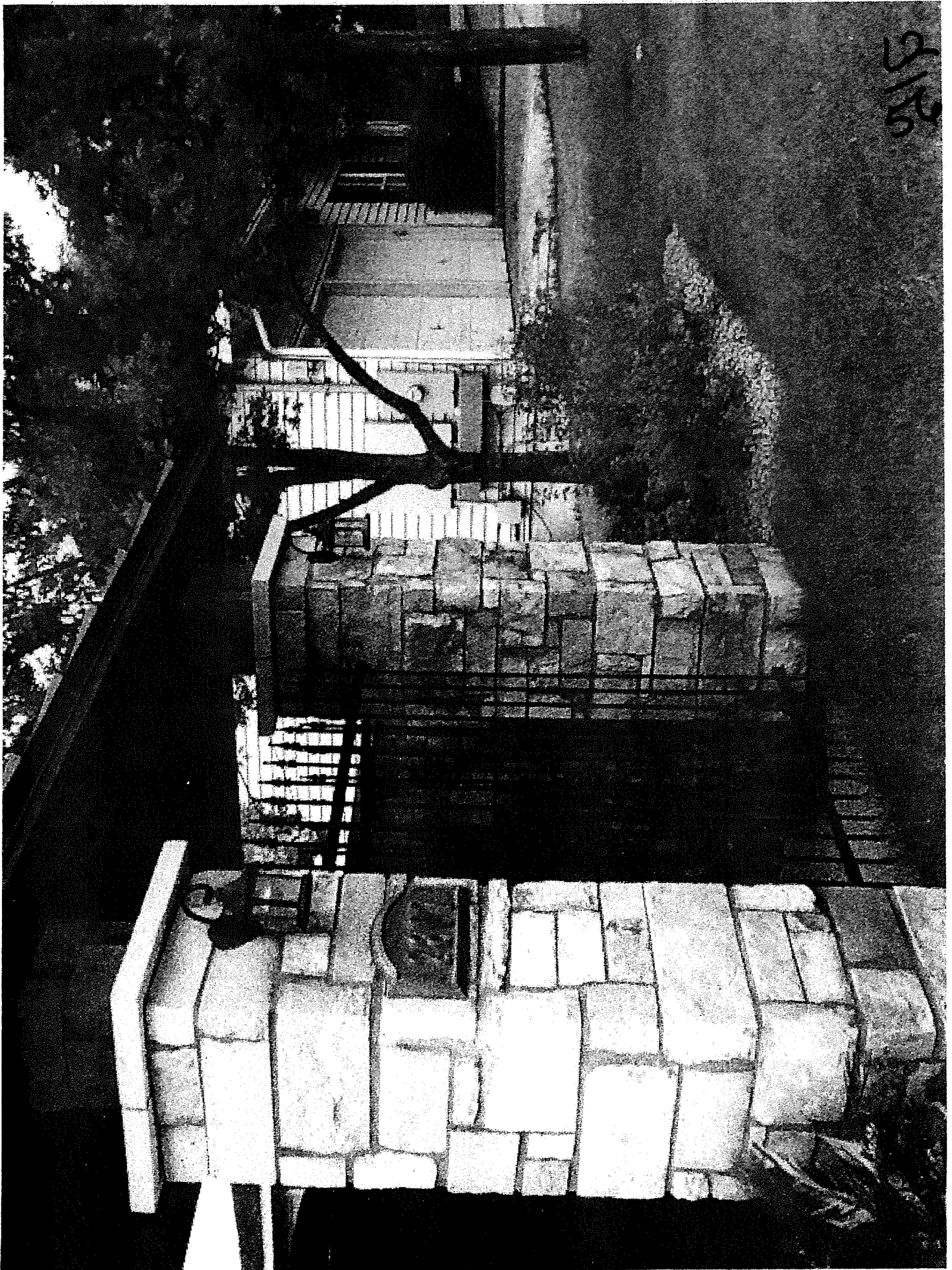
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
THEAS.FIRM@GMAIL.COM

SURVEY DATE:	OCTOBER 07, 2015	FIELD BY:	EDWARD RUNSEY	08/10/2015
TITLE CO.:		CALC. BY:	EDWARD RUNSEY	07/20/2015
G.E. NO.:		DRAWN BY:	SEAN SUTTON	08/10/2015
JOB NO.:	A0717115 - A0517166 - A0720094	RPLS CHECK:	EDWARD RUNSEY	10/07/2015

5152




5/26





●●●●○ AT&T LTE

3:30 PM

⌘ 45% 



Today
3:30 PM

Edit

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58



Revised

CASE#

05-205-0143

ROW#

TAX#

12/59

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: 2805 WARREN ST. UNIT B

LEGAL DESCRIPTION: Subdivision - WARREN CONDOMINIUMS AMENDED

S. 78.84 FT OF Lot(s) 8 Block Outlot Division MONT-DALE

I/We PHIL MONCADA on behalf of myself/ourselves as

authorized agent for

LEE ANN CONCIENNE affirm that on AUGUST, 19,

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 X MAINTAIN

EXISTING POOL AND WOOD DECK AT REAR PORTION OF LOT. LDC 25-8-63 TO EXCEED IMPERVIOUS

COVER ALLOWED 45% TO 55.85%. WOOD DECK CONSTRUCTED OVER 10FT REAR SETBACK AND 5FT

SIDEYARD SETBACK PER PLAN REVIEW COMMENTS.

in a SF-3-NP 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):

62/60

REASONABLE USE:

2. The zoning regulations applicable to the property do not allow for a reasonable use because:
ZONING DOES NOT TAKE EXISTING SITE TOPOGRAPHY INTO ACCOUNT THAT WOULD ALLOW REASONABLE
USE OF BACKYARD. DECK SPANS SLOPING BACKYARD AND CREATES OUTDOOR SPACE.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
ADJACENT LOTS HAVE FLATTER TERRAIN THAT ALLOW GREATER USABLE SPACE AT REAR PORTION OF
LOT.

(b) The hardship is not general to the area in which the property is located because:
MOST OF THE LOTS IN SUBDIVISION HAVE SINGLE FAMILY HOME AND NOT DUPLEX.

AREA CHARACTER:

2. 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:
POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT NEIGHBORS.

PARKING: (Additional criteria for parking variances only.)

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

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

L2
61

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

N/A

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

N/A

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

N/A

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 Phil Moncada Mail Address 1301 S. IH 35 STE 204

City, State & Zip AUSTIN TEXAS 78741

Printed PHIL MONCADA Phone 512-627-8815 Date 8-19-15

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 Lee Ann Conciennie Mail Address 2807 WARREN ST

City, State & Zip AUSTIN TEXAS 78703

Printed LEE ANN CONCIENNE Phone 512-940-2100 Date _____

[illegible]

- RESTRICTIONS. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE. EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS, THEREOF, CERTAIN EASEMENTS, EASEMENTS, BOUNDARY LINES, AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFERENCED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

UNITS A & B, 2805 WARREN CONDOMINIUMS, RECORDED IN DOCUMENT NUMBER 2006205642, OFFICIAL PUBLIC RECORDS, TRAVIS CLUNTY, TEXAS.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND OFFICE
LAND SURVEYOR
3729

TO THE HENRY H. HENDERSON, JR. AND/OR OWNERS OF THE PREMISES SURVEYED
I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE
GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE
OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO
BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS
PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

ALLSTAR Land Surveying 9020 ANDERSON MILL RD AUSTIN, TEXAS 78729 (512) 249-8149 PHONE (512) 331-5217 FAX <small>THESE TERMS NO. 10115000</small>		F.L.M. MAP INFORMATION THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE. THE FLOOD RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS F.I.R.M. MAP NO. 4453C044H PANEL: 0445H DATED: 9-25-2004 THE FLOOD INSURANCE RATE MAPS INSURE THE PROPERTY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. THE FLOOD INSURANCE RATE MAPS ARE THE SOLE BASIS FOR THE CURRENT STATUS OF THIS TRACT.	
ADDRESS LEE ANN CONCENNE 2805 / 2807 WARREN STREET AUSTIN, TRAVIS COUNTY, TEXAS		PROPERTY INFORMATION SURVEY DATE: AUGUST 10, 2015 TITLE CO.: - G.F. NO.: - JOB NO.: A071115 - A0657006 - A0728004 FIELD BY: EDWARD RINSEY CALC. BY: EDWARD RINSEY DRAWN BY: SEAN SUTTON P.R.S. CHECK: EDWARD RINSEY	
		08/10/2015 07/30/2004 08/10/2015 08/10/2015	

CASE# C15-2015-043
ROW# 11412732
TAX# 0121040801

6/2
6/3

CITY OF AUSTIN TEAD?
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: 2805 WARREN ST. UNIT B

LEGAL DESCRIPTION: Subdivision - WARREN CONDOMINIUMS AMMENDED

S. 78.84 FT OF Lot(s) 8 Block Outlot Division MONT-DALE

I/We PHIL MONCADA on behalf of myself/ourselves as
authorized agent for

LEE ANN CONCIENNE affirm that on AUGUST, 19

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 X MAINTAIN

EXISTING POOL AND WOOD DECK AT REAR PORTION OF LOT. LDC 25-8-63 TO EXCEED IMPERVIOUS
COVER ALLOWED 45% TO 51.71%.

in a SF-3-NP district. (West Austin Neighborhood Group)
(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.

62/64

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:

2. The zoning regulations applicable to the property do not allow for a reasonable use because:
ZONING DOES NOT TAKE EXISTING SITE TOPOGRAPHY INTO ACCOUNT THAT WOULD ALLOW REASONABLE USE OF BACKYARD.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
ADJACENT LOTS HAVE FLATTER TERRAIN THAT ALLOW GREATER USABLE SPACE AT REAR PORTION OF LOT.

(b) The hardship is not general to the area in which the property is located because:
MOST OF THE LOTS IN SUBDIVISION HAVE SINGLE FAMILY HOME AND NOT DUPLEX.

AREA CHARACTER:

2. 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:
POOL IS IN FENCED BACKYARD THAT CANNOT BE SEEN FROM ADJACENT NEIGHBORS.

PARKING: (Additional criteria for parking variances only.)

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

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
N/A

12/15

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

N/A

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

N/A

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

N/A

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 Phil Moncada Mail Address 1301 S. IH 35 STE 204

City, State & Zip AUSTIN TEXAS 78741

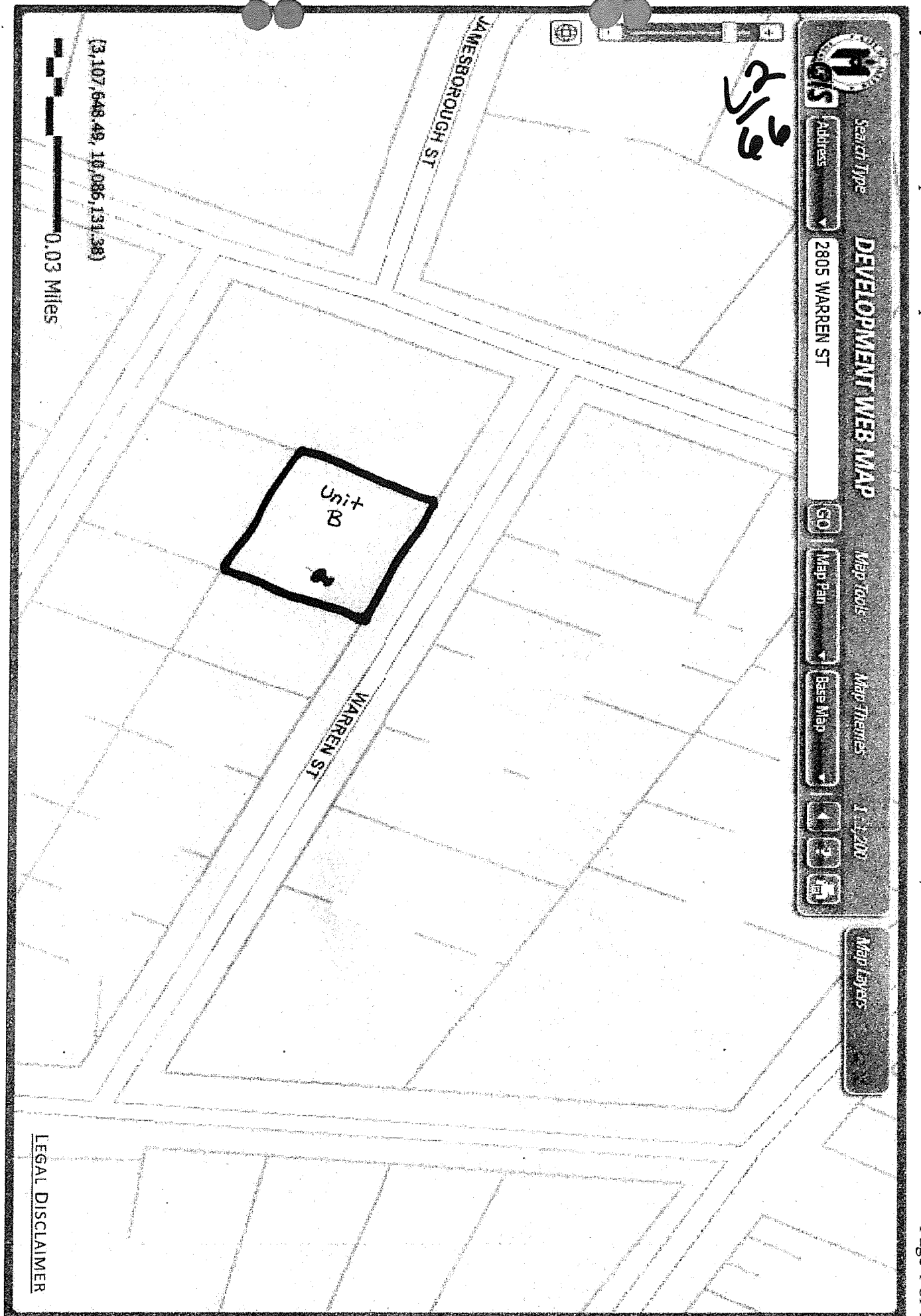
Printed PHIL MONCADA Phone 512-627-8815 Date 8-19-15

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 [Signature] Mail Address 2807 WARREN ST

City, State & Zip AUSTIN TEXAS 78703

Printed LEE ANN CONCIENNE Phone 512-940-2100 Date _____



LEGAL DISCLAIMER

Heldenfels, Leane

From: Blake <[REDACTED]>
Sent: Tuesday, October 06, 2015 12:19 PM
To: Heldenfels, Leane
Cc: WANG ExCom
Subject: C15-2015-0143; 2805B Warren Street

6/2/15

6 October 2015

Leane Heldenfels, Liaison
Board of Adjustment
City of Austin

Members of the BoA:

The Board of Directors (BoD) of West Austin Neighborhood Group (WANG) met with the applicant to discuss the above referenced variance requests. After extended discussion, the BoD voted to oppose all of the requested variances and would respectfully ask that the BoA deny the requests.

This property, now a two unit condominium use, was developed in 2005 as a duplex with a calculated impervious coverage of just under 45% of the lot. It is documented that the owner of 2505B Warren bypassed the normal City permitting requirements to add to the lot's total impervious coverage through the addition of the wooden deck enlargement associated with the swimming pool in the rear of 2505B as well as the addition of the covered concrete area in the front of 2505B.

To the WANG BoD, at this point, it would appear that the owner of the property deliberately placed themselves and their fellow condominium owner in this impervious coverage jeopardy. It is understood that the rear portion of this property, due to topographical variations, is subject to water retention but at a certain point excess water does leave the property. The applicant spoke to us of the owner of 2505B having currently on site some sort of water harvesting system, and that if the variances were granted some possible mitigation drains would be looked at. What is not addressed is how the existing addition of approximately 1,200 square feet of impervious cover to the property is accounted for or can be accounted for going forward. Water not absorbed on site seeks its own level. Just to the south of Warren Street is the North Taylors Creek Slough, which is documented to be subject to flooding, and which empties into Lake Austin, the City's source of drinking water.

As for the requested variance to the front setback requirement, the only justification or hardship apparent to the neighborhood association is that it is built.

There does appear to be close by neighbor support for the applicant's requests, and this was considered by the WANG BoD in reaching our decision, but the weight of the support did not counter balance how this existing situation arose. To the neighborhood association, it is very difficult to justify unpermitted work done outside the LDC requirements especially in regards to impervious coverage.

We again respectfully ask the Board of Adjustment to deny the variance requests. Thank you for your service to the City. A member of the WANG will be in attendance at the hearing.

Blake Tollett-WANG

Heldenfels, Leane

From: Heldenfels, Leane
Sent: Thursday, October 08, 2015 9:57 AM
To: 'Matthew L. Bray'
Subject: RE: Comments - Case Number: C15- 2015-0143, 2805 Warren St, Unit B

L2
68

Thanks for sending in your comments, I will include them in the Board's late back up packet that they receive on the dais at Monday's hearing –
Leane Heldenfels
Board of Adjustment Liaison
City of Austin

From: Matthew L. Bray [REDACTED]
Sent: Wednesday, October 07, 2015 4:34 PM
To: Heldenfels, Leane
Subject: Comments - Case Number: C15- 2015-0143, 2805 Warren St, Unit B

Name: Matthew & Misty Bray
Address: 2707 Warren St Austin, 78703
Daytime Phone: (512) 627-6693
Today's date: October 7, 2015

Comments: We are in favor of approving all of the variance requests associated with this case. We feel that increasing the impervious cover to 55%, decreasing the side setback to 0 feet, decreasing the rear setback to 0 feet and decreasing the front setback to 2 feet causes no harm, damage or disruption to any of the neighboring homes. In fact, it probably helps neighboring homes by increasing their property values due to the improvements made to the property. Not allowing the variance request would be noisy and disruptive due to adjustments that would need to be made to the property.

Lee Ann is a great neighbor who cares a lot about the community. We are in strong favor of approving all of the variance requests.

Best regards,

Misty & Matt Bray

Alice Hatfield & John Wheat
2805 A Warren Street
Austin, Texas 78703

L2
69

October 8, 2015

City of Austin – Development Services Department, 1st Floor
Attn: Board of Adjustment / Leane Heldenfels
P.O. Box 1088
Austin, TX 78767-1088

RE: Case No.: C15-2015-0143

Board of Adjustment:

We are writing to express our support for your approval of the variance requested by Lee Ann Crain Concienne to allow the existing impervious cover as stated in the variance request.

We believe that we are the neighbors who are the most directly impacted by this request because:

- 1) our property is the only other unit of the 2805 Street Warren Condominiums and our portion of the lot was, therefore, included in the survey and the impervious cover calculations;
- 2) our property lies downhill from Lee Ann's and is therefore subject to much of the drainage that runs off of it – even under natural, undeveloped circumstances.

In support, we wish to say that we are aware that the hardship statement in the variance request is valid and correct. We have observed that the natural topography of the backyard for Lee Ann's unit (B) makes it very difficult and inhospitable for normal use and enjoyment.

Secondly, Lee Ann has implemented numerous measures to properly control and manage runoff water from her property. Furthermore, she has committed to work with us to continue to make adjustments, as needed, to ensure that runoff is controlled to reasonable levels.

Finally, Lee Ann's pool and back deck do not disturb us in our use and enjoyment of our own property.

Please feel free to contact us with any questions.

Regards,

Original signed by: Alice Hatfield and John Wheat

L2
2/10

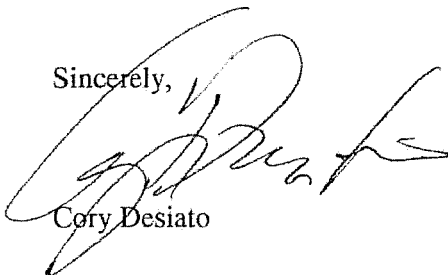
October 7, 2015

RE: Lee Ann Concienne
2807 Warren St
Austin, TX 78703

To Whom It May Concern:

Please let this serve as support for our neighbor in her request to obtain a variance to increase her impervious coverage. She has been our neighbor for 10 years plus and seems to be an upstanding neighbor and citizen.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Desiato", written over the word "Sincerely,".

Cory Desiato

2/1/15

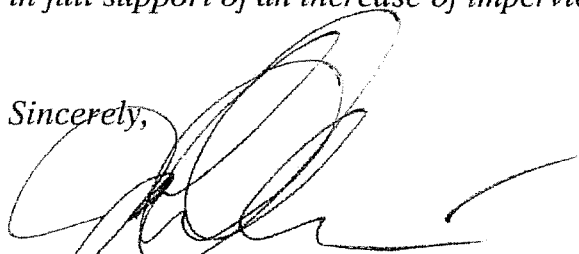
October 5, 2015

RE: Lee Ann Conciennie
2807 Warren St
Austin, TX 78703

To Whom It May Concern:

I'm writing in support of my neighbor, Lee Ann Conciennie. She has been my neighbor for going on 10 years. She seems like a very hard working, single mother, who always is friendly. She has made many improvements to her property, all very tasteful and appealing to the eye. She has certainly made the most out of what seemed to be a terrible situation in the backyard. I am in full support of an increase of impervious cover.

Sincerely,

A handwritten signature in black ink, appearing to read 'Johnny Crain', with a long horizontal flourish extending to the right.

Johnny Crain
3211 Warren St
Austin, TX 78703

L2
72

JAMES A. RODMAN
Attorney at Law

JAMES A. RODMAN
Board Certified - Personal Injury Trial Law
Texas Board of Legal Specialization
JimRodman@Rodmanlawoffice.com

1515 W 35th Street, Building C
Austin, Texas 78703
Telephone: (512) 481-0400
Facsimile: (512) 481-0500

September 24, 2015

City of Austin
Attn: Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

RE: Case No.: 2015-074749

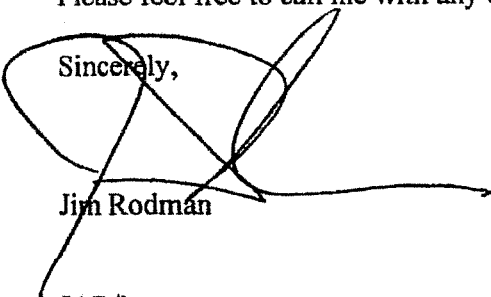
Dear Board of Adjustment:

I am writing this letter to express my support for granting the variance requested by Lee Ann Crain Conciencie. I own and live at 3303 Hillview Road and have resided there continuously since 2003. Lee Anne has been my neighbor for about 10 years.

Her backyard pool and decking in no way disturbs me, or my use and enjoyment of my property. In fact the property adjoining both my property and Lee Anne's property also has a pool and deck. From my observations, Lee Anne's backyard is well maintained and presents no issues for me as an adjoining owner.

Please feel free to call me with any questions.

Sincerely,



Jim Rodman

JAR/lc



1. Leahna Covington

Development Code: 35-2442(D) The variance would allow me the ability to install my existing pool deck.

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

Property Owner Name	Address	Signature
Adam / Christina Costa	3355 Hillview Rd	<i>[Signature]</i>
Andrea / Lamine	2404 Warren St	<i>[Signature]</i>
Miguel Baray / Moll Baray	1101 Warren St	<i>[Signature]</i>
Patricia Patricia / John St. George	2300 Warren St	<i>[Signature]</i>
Lawrence / Mike	2302A Warren St	<i>[Signature]</i>
Lesson / Justin Taylor	2801 Warren St	<i>[Signature]</i>
Amy Rayner	3303 Hillview Rd	<i>[Signature]</i>

7/3/12

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

Property Owner Name (Printed)	Address	Signature
LISA MIXUS	2804 Carleton Rd	<i>[Signature]</i>
James Mixus	2804 Carleton Rd	<i>[Signature]</i>
Christine Vongke	3200 Hillview Rd	<i>[Signature]</i>
George Bohm	3415 Bridle Path	<i>[Signature]</i>
Johnny L. Crain	3211 Warner St	<i>[Signature]</i>
CHERYL HART	2707 Hillview Green	<i>[Signature]</i>
Loly Pasato	3601 Enfield	<i>[Signature]</i>
John Whist	2805 Warner	<i>[Signature]</i>
Mary Miller Temple	2802 Mountain Laurel Drive	<i>[Signature]</i>
OWEN TEMPLE	2802 MOUNTAIN LAUREL DRIVE	<i>[Signature]</i>
Peter McKee	2715 Mountain Laurel Ln	<i>[Signature]</i>

2/5

