



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 175'

## NOTIFICATIONS

CASE#: C15-2016-0060

LOCATION: 3913 Avenue F

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.



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2

Date: June 23, 2016

To: Miss Leane Heldenfels  
Board of Adjustment  
City of Austin  
1st Floor  
505 Barton Springs Road  
Austin, TX 78704

From: John Mayes  
Covert House  
3912 Avenue G  
Austin, TX 78751

Re: Case # C15-2016-0060  
Sara and Lloyd Bircher  
3913 Avenue F  
Austin, TX 78705

Dear Miss Heldenfels,

I am the owner of the Covert House, a City of Austin Historic Site, that was constructed in 1898 and is adjacent to the property at 3913 Avenue F that is the subject of this case. This letter is in response to a Board of Adjustment meeting held on June 13, 2016. I am sorry to report that I was out of the country during this time period (and will be through July). In my absence, I am respectfully submitting this letter for the reconsideration of the above referenced variance.

It is my understanding that my neighbors at 3913 Avenue F wish to construct a two-story garage and apartment 3'-6" from the property line between our parcels. It is also my understanding that the standard setback in our neighborhood is 10'.

I emphatically object to the variance, as a two-story structure located that close to the property line and in the location proposed by the applicants will have a significant negative effect on my property.

For the reasons below, I would like to outline the following information that was not presented at the hearing, and I am formally requesting that the Board will reconsider the approval of this variance.

How the board erred in it's determination:

1. It is my understanding that the Board took my absence at the variance hearing as tacit approval or consent to the request. As noted above, I am (and have been) out of the country for an extended period of time. I in no way approve of or consent to the variance and I believe there was an error made that I consented to this variance by not being present at the board meeting. I respectfully request

separation between structures and that if a habitable structure is in the setback of a property line it must have a one-hour fire rating (no windows are part of that). The plans, as drawn, have windows 3'-6" from the property line.

9. Not respecting the 10 foot setback on the 3913 Avenue F property means that if at some point in the future someone wishes to build a structure at 3912 Avenue G, there would not be the required separation for fire safety.
10. If there is a "car turning radius" hardship, it could be alleviated by having the driveway entrance on Avenue F instead of on East 40th Street.
11. If you examine the document in Attachment D, which is an email from Mr. Lotte Vehko, the Bircher's architect, to Mr. John Mayfield, you will note that in paragraph 3, Mr. Vehko mentions that many garage apartments are "zero" feet from the property lines. I believe this isn't relevant to this discussion because the subject property is in the 8 block Shadowlawn sub-division of Hyde Park which does not have any alleys as you will find in the remainder of Hyde Park. Thus, the existence of non-conforming structures on or near the property lines in the non-Shadowlawn portion of Hyde Park is less of an issue. Hyde Park has benefited from the presence of the alleys that add to building separation. Shadowlawn and 3913 Avenue F do not have any alleys and I claim that the property lines should be given more respect in Shadowlawn than in the rest of Hyde Park that benefit from the extra breathing room of the alleys.

I would be grateful if you would reconsider this variance. I am proud to have been the owner of the Covert House for the past 8 years and look forward to helping keep it beautiful for the future.

Sincerely,



John Mayes



## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices)

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2016-0060, 3913 Avenue F

Contact: Leanne Hollenfels, 512-974-2202, [leane.hollenfels@austintexas.gov](mailto:leane.hollenfels@austintexas.gov)

Public Hearing: Board of Adjustment, June 13th, 2016

Lee and Teri Van Gorpel

Your Name (please print)

3910 Avenue G, 78751

Your Address(es) affected by this application

Lee and Teri Van Gorpel Co-S. 2016

Signature

Date

Daytime Telephone: 512-454-4000

Comments: We are against the

approval of the proposed

improvement, as there

is no need, public use

of the area, raising noise level

and other issues.

Comments received after noon the day of the hearing may not be seen by the Board at this hearing. They may be returned via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leanne Hollenfels

P.O. Box 1088

Austin, TX 78767-1088

(Note: comments postmarked after the Wednesday prior to the hearing or later will not be received timely)

or later will not be received timely)

Fax: (512) 974-6805

Email: [leane.hollenfels@austintexas.gov](mailto:leane.hollenfels@austintexas.gov)

5/1

## PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C15-2016-0060, 3913 Avenue F

Contact: Leanne Heidenfels, 512-974-2202, [leanne.heidenfels@austintexas.gov](mailto:leanne.heidenfels@austintexas.gov)

Public Hearing: Board of Adjustment, June 13th, 2016

Your Name (please print)

Lee and Jane Van Gorpel

3913 Avenue F, 78751

Your address(es) affected by this application

Lee and Jane Van Gorpel 6.5.2016

Signature

Date

Daytime Telephone: 512-454-4002

Comments: We are against this application

as it impacts neighborhood character

to close to our home and adding

new pollution, and noise.

Comments received after noon the day of the hearing may not be seen by the Board at this hearing. They may be returned via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leanne Heidenfels

P.O. Box 1088

Austin, TX 78767-1088

(Note: comments postmarked after the Wednesday prior to the hearing or later will not be received timely)

Box: (512) 974-8105

Email: [leanne.heidenfels@austintexas.gov](mailto:leanne.heidenfels@austintexas.gov)

5/15

II  
6

CASE # C15-2016-0060  
ROW # 115 30263  
TAX # 214827 0219060904  
TCADV

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: 3913 Avenue F, Austin, Texas 78751

LEGAL DESCRIPTION: Subdivision -- W 95.5FT LOT 11 SHADOW LAWN

Lot(s) 11 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division Shadow Lawn

I/We, Lotte Vehko, on behalf of myself/ourselves as authorized agent for William Lloyd & Sara Bircher, affirm that on April 18, 2016, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

xx ERECT     ATTACH     COMPLETE     REMODEL     MAINTAIN  
A NEW TWO-STORY GARAGE APARTMENT STRUCTURE WITH A REAR PROPERTY  
BUILDING SETBACK OF 3'-6"

in a SF-3-NP-NCCD district.  
(zoning district)

SF-3-H-HD-NCCD-NP (Hyde Park)

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.



11/7

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because: Garage apartments are common in Hyde Park, and this property is typical of older homes in the area with garage apartments. However, the specific configuration of the existing house, and the location of several large pecan and oak trees, makes placing a garage apartment within the required setbacks problematic. To place a 20 X 24 garage apartment, which is a common size, within the required setbacks would necessitate removing one or more mature preferred-species trees, or a significant structural alteration of the existing residence.

**HARDSHIP:**

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

The driveway comes onto the property from 40th Street, and passes through a porte-cochere at the rear of the house. The posts supporting the porte-cochere restrict the maneuverability of standard-sized vehicles, and the location of the trees prevents locating the garage within the setbacks in a way that would accommodate that restriction.

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

The tree location and configuration of the existing house are unique to this specific property.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Garage apartments of this size and style, close to rear lot lines, are common in Hyde Park, so placing the proposed structure at the requested location will not alter the character of the surrounding area. Reducing the rear setback as requested will not impair the use of the adjoining property because there is a swimming pool directly across the common lot line, and the property on that lot is an historic house. Both of these factors make it unlikely that a new building would be placed near the proposed garage apartment in the future. The variance will not impair the purpose of the regulations of the zoning district in which the property is located because the closest existing structure is further from the proposed garage than the setbacks would dictate if the swimming pool didn't exist.

7/8

**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:
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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

Signed [Signature] Mail Address 807 PORTER ST.  
City, State & Zip TAYLOR TX 76574  
Printed LOTTE VEHKO Phone 512-708-0703 Date 4/18/2016

**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 Sara M S Bircher Mail Address 3913 Avenue F  
City, State & Zip Austin, TX 78751  
Printed Sara M S Bircher Phone 512.380.9445 Date 4/18/2016  
William L. Bircher 512.422.9621 4/19/2016



3913 Avenue F

April 18, 2016

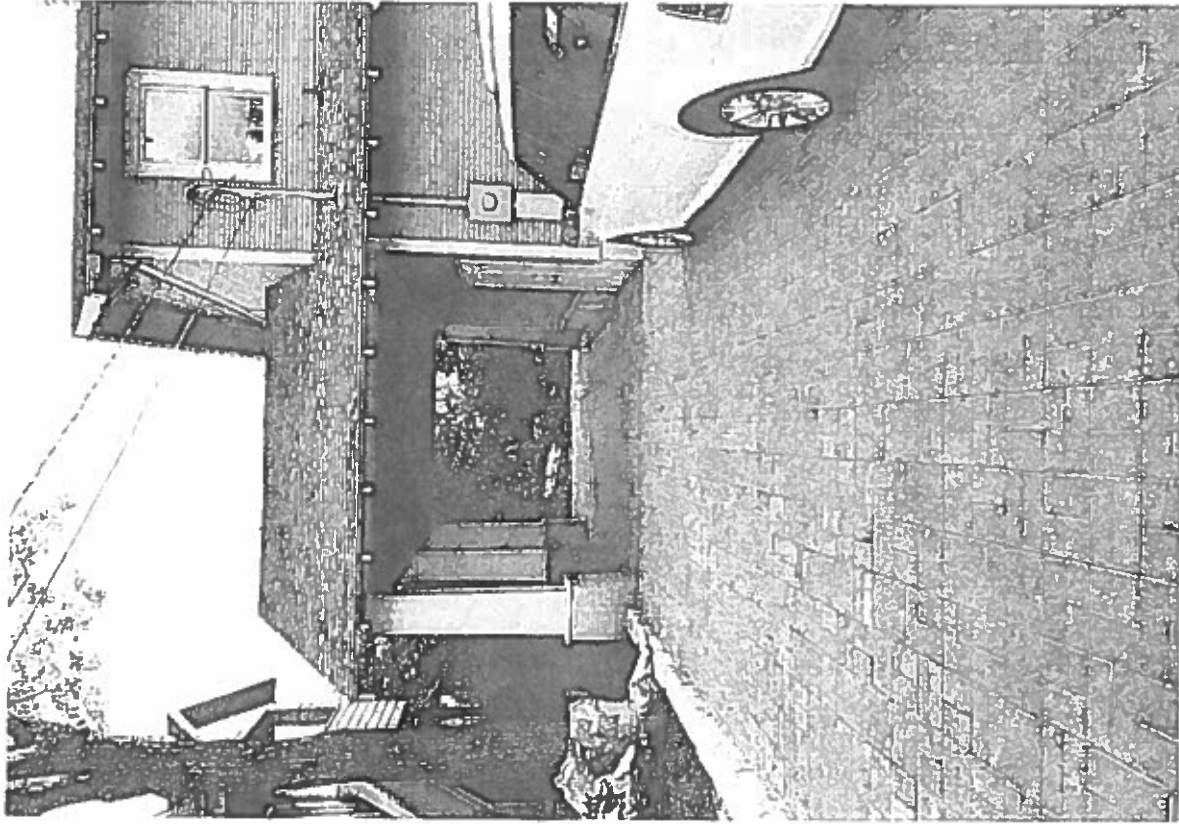


Aerial view showing neighbor's swimming pool and garage

1/9

3913 Avenue F

April 18, 2016



^ Looking south from 40th Street along rear property line

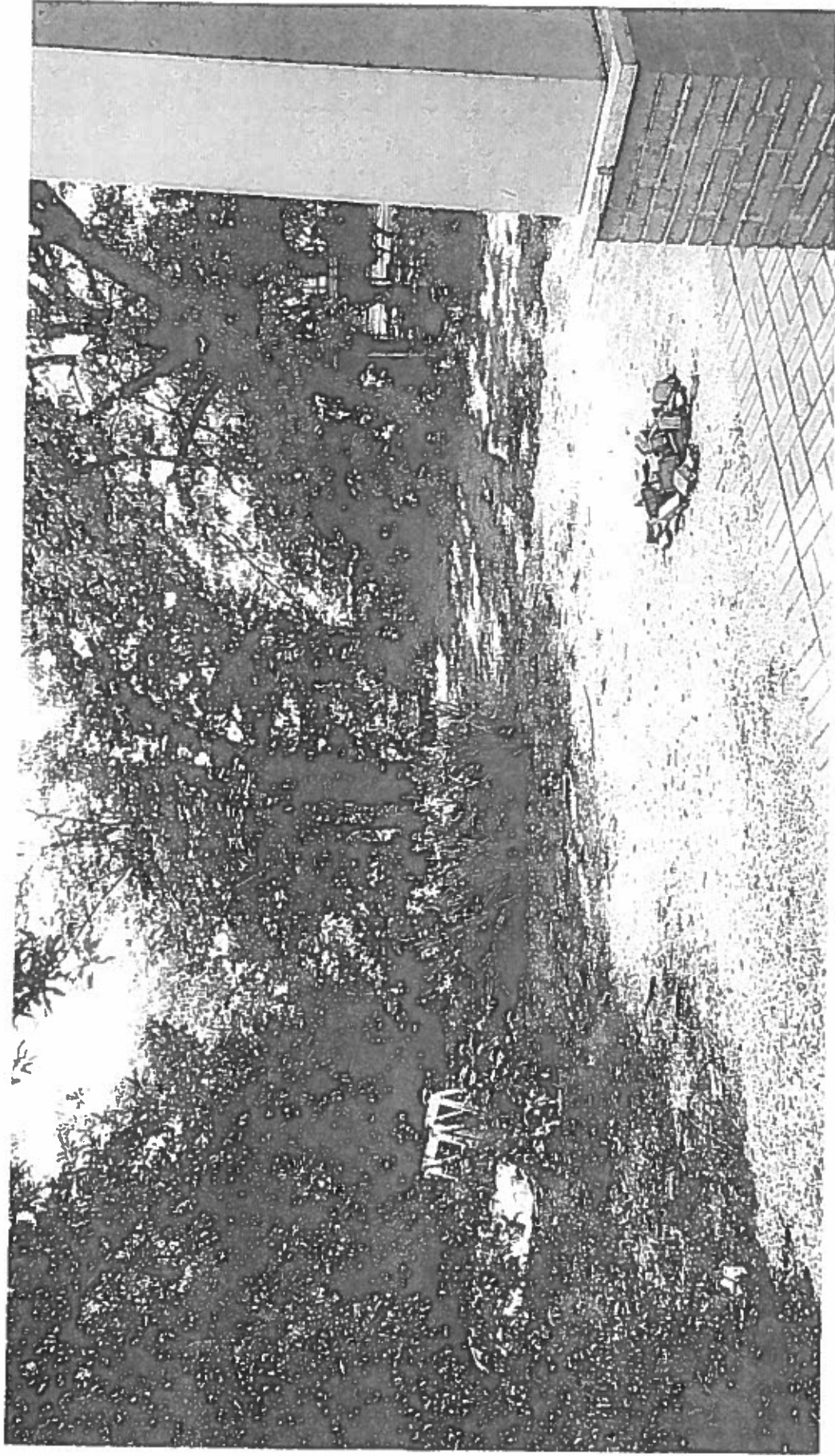


^ Looking north from proposed construction site, toward 40th Street

5/14

3913 Avenue F

April 18, 2016



View of proposed construction site  
from existing porte-cochere

H/H



3913 Avenue F

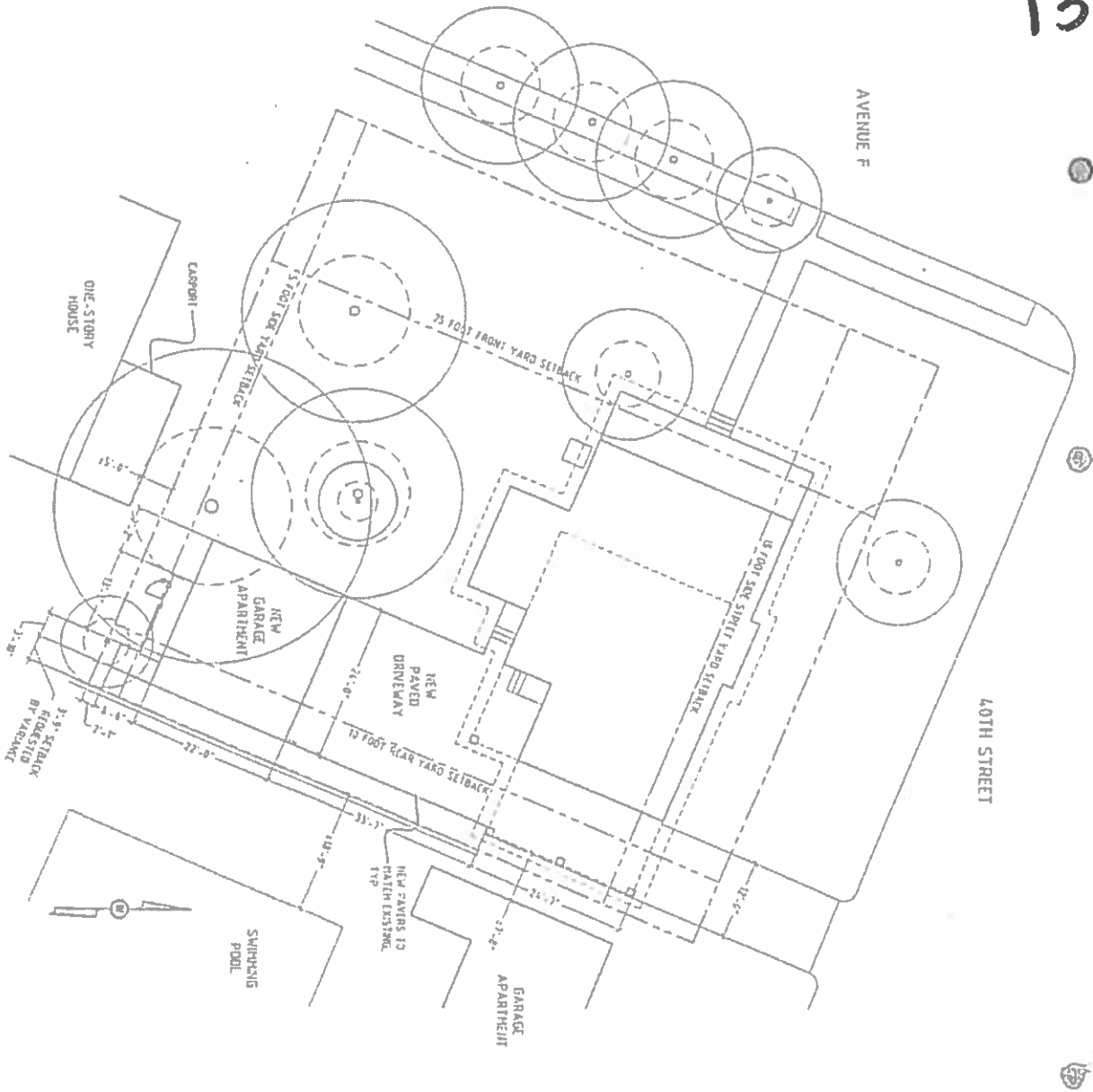
April 18, 2016

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12



view of proposed construction site  
from south end of porte-cochere

I/13



SHEET NOTES	
1. UNLESS OTHERWISE NOTED, DIMENSIONS ON THIS SHEET ARE TYPICALLY TO THE FOLLOWING POINTS: - FACE OF STRUCTURAL ELEMENT (WALL, STUD, TRUSS, SLAB, ETC.) AT NEW CONSTRUCTION - FINISHED FACE OF ELEMENT AT EXISTING CONSTRUCTION - CENTERLINE OF COLUMNS, PLUMBING FIXTURES & OPENINGS	
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NEW SITE PLAN	
BUCHER GARAGE APARTMENT   3913 Avenue F   Austin, TX	
DRAWING SCALE 1/16" = 1'-0"	DATE: 18 APR 2016
PROJECT NUMBER: 14-325	
VARIANCE APPLICATION DRAWING -- NOT FOR CONSTRUCTION   REVISIONS.	

**Vehko Architecture**  
512.708.0703  
lottie@vehko.com

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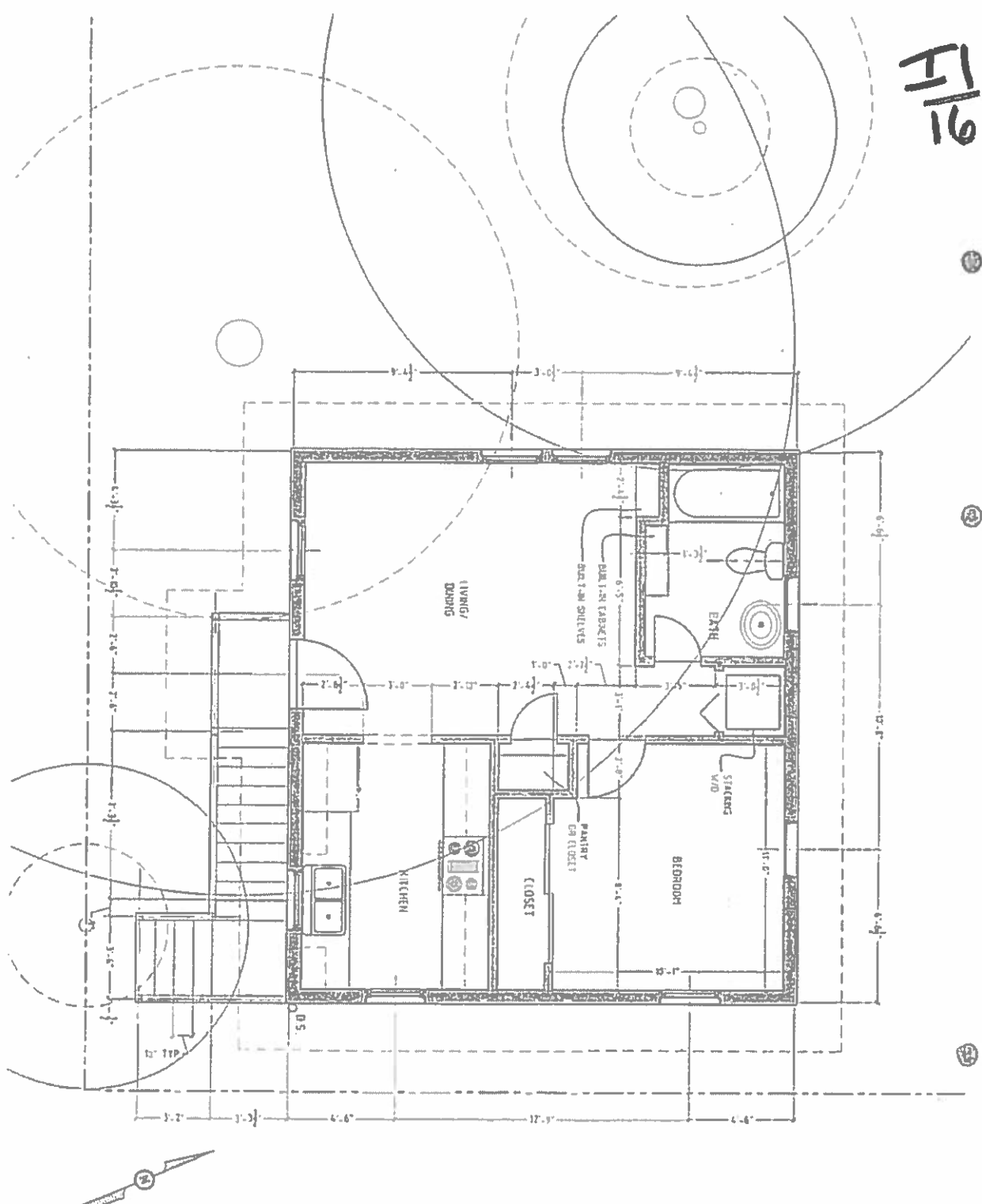
http://www.elsevier.com

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att@vethia.com

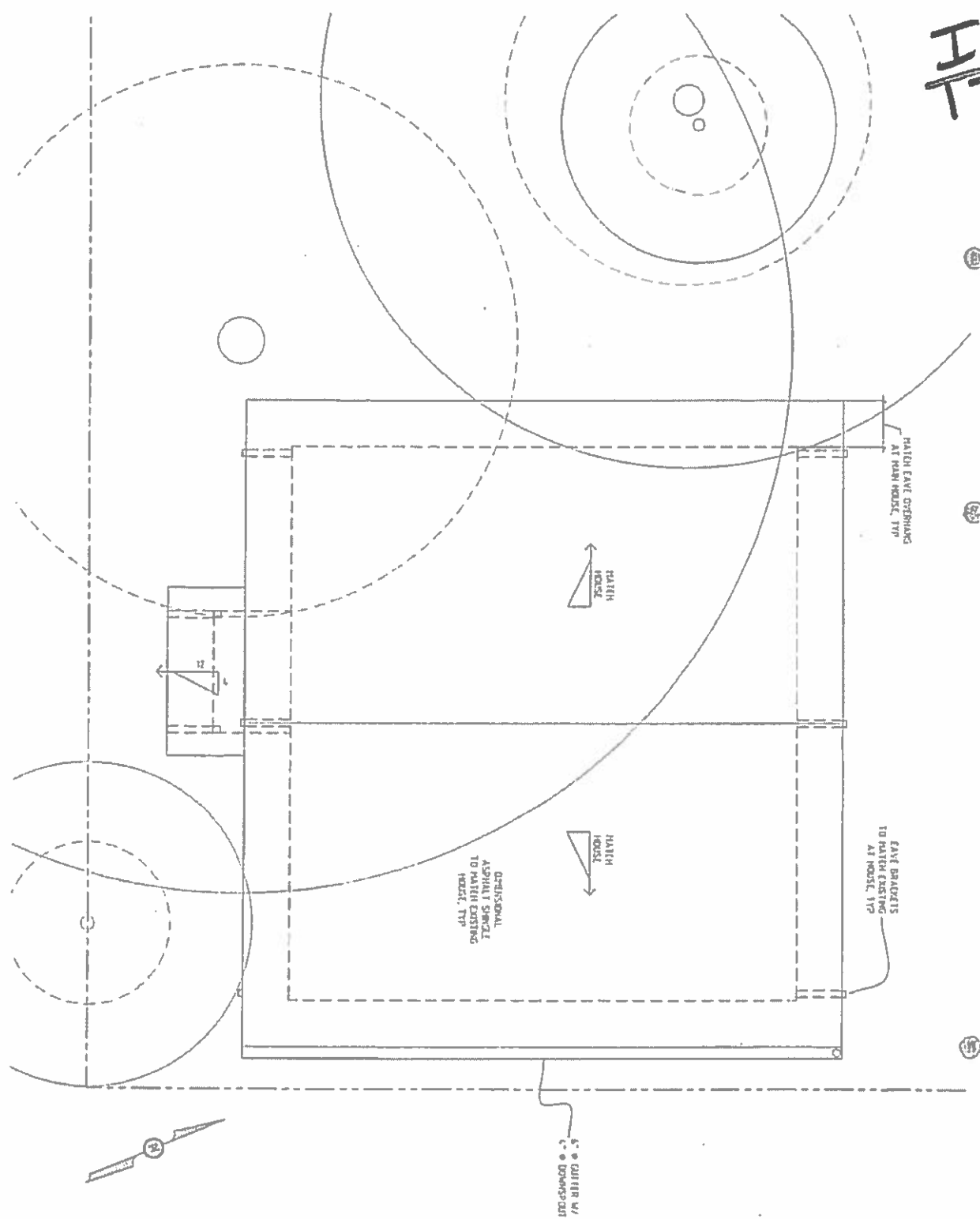


F1/6



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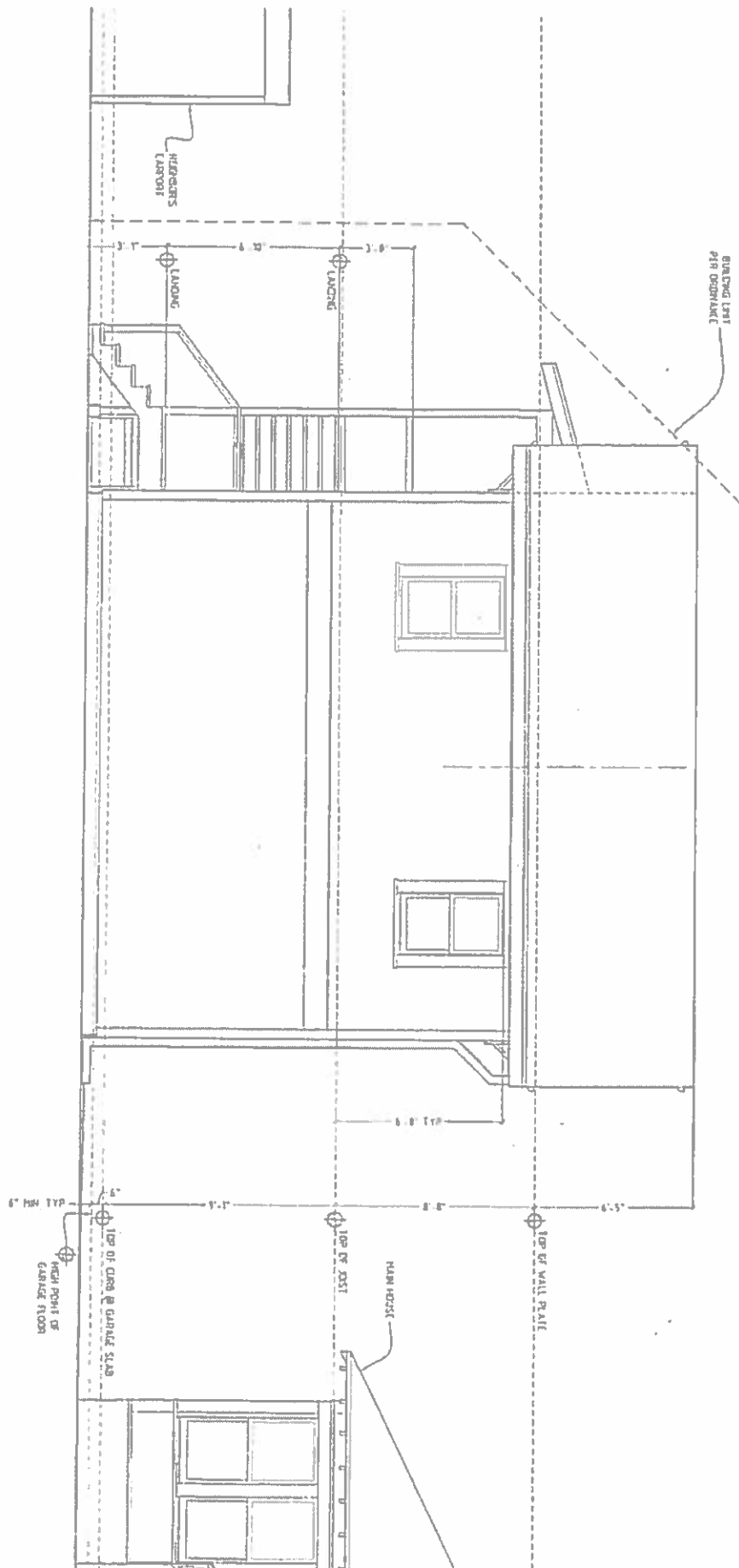
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2. FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING WORK AND NOTIFY THE ARCHITECT OF CONDITIONS THAT VARY FROM THAT SHOWN ON THE CONSTRUCTION DRAWINGS.
3. STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING DESIGN ARE BY OTHERS. STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING INFORMATION SHOWN ON THE ARCHITECTURAL DRAWINGS IS SOLELY THE RESPONSIBILITY OF THE ARCHITECT FOR COORDINATION PURPOSES ONLY.
4. CROSS-REFERENCE ALL CONSTRUCTION DRAWINGS AND NOTIFY THE ARCHITECT OF CONFLICTING INFORMATION PRIOR TO BEGINNING WORK.
5. THE ARCHITECT IS NOT RESPONSIBLE FOR DISCREPANCIES IN CONSTRUCTION DUE TO FAILURE TO ADHERE BY THESE INSTRUCTIONS.

A33	ROOF PLAN		BIRDIER GARAGE APARTMENT   3913 Avenue F   Austin, TX		<b>Vehko Architecture</b>  512.708.0703 katie@vehko.com
	DRAWING SCALE: 1/4" = 1'-0"		DATE 10 APR 2016		
	VARIANCE APPLICATION DRAWING -- NOT FOR CONSTRUCTION		REVISIONS		

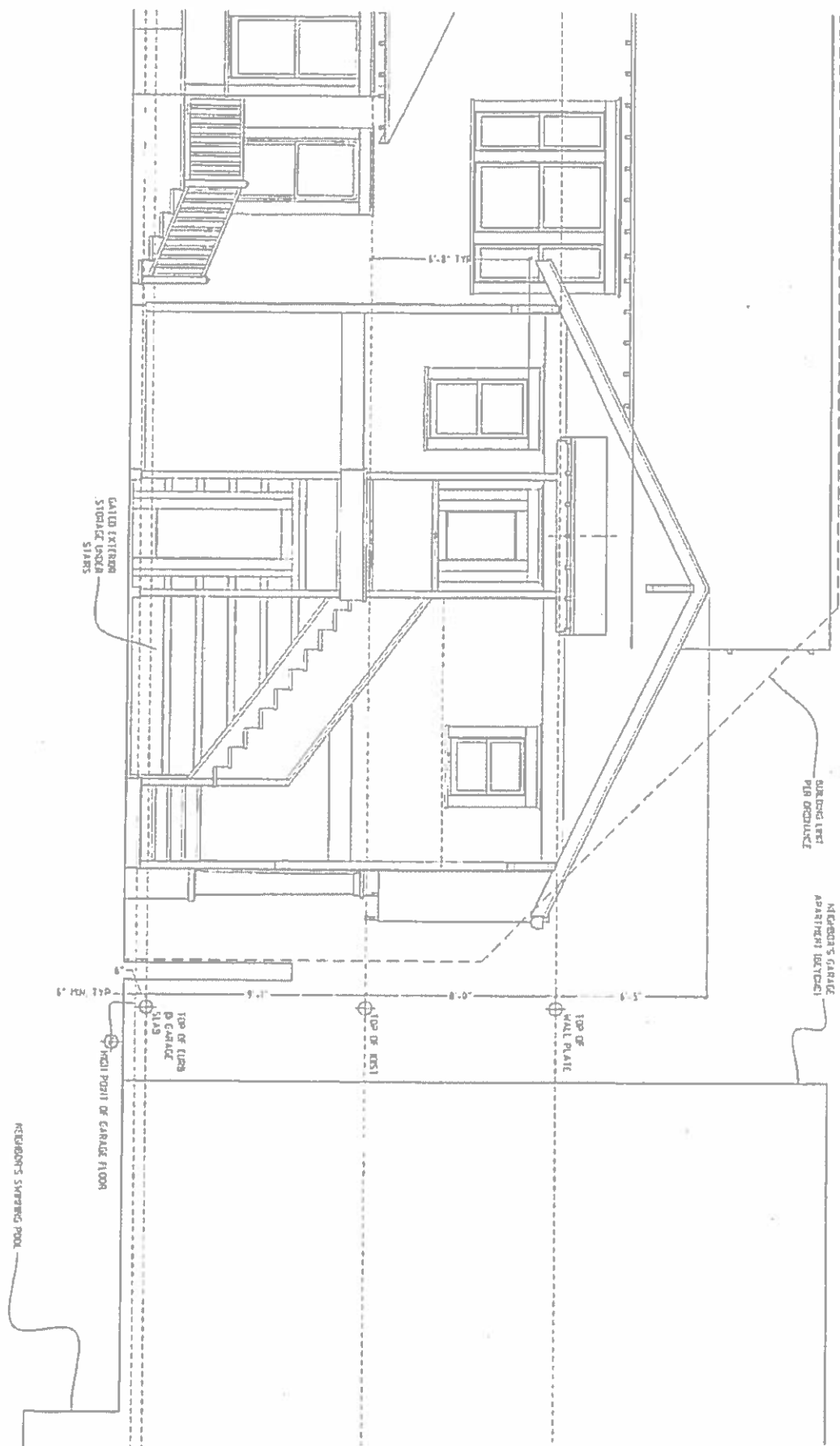


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19



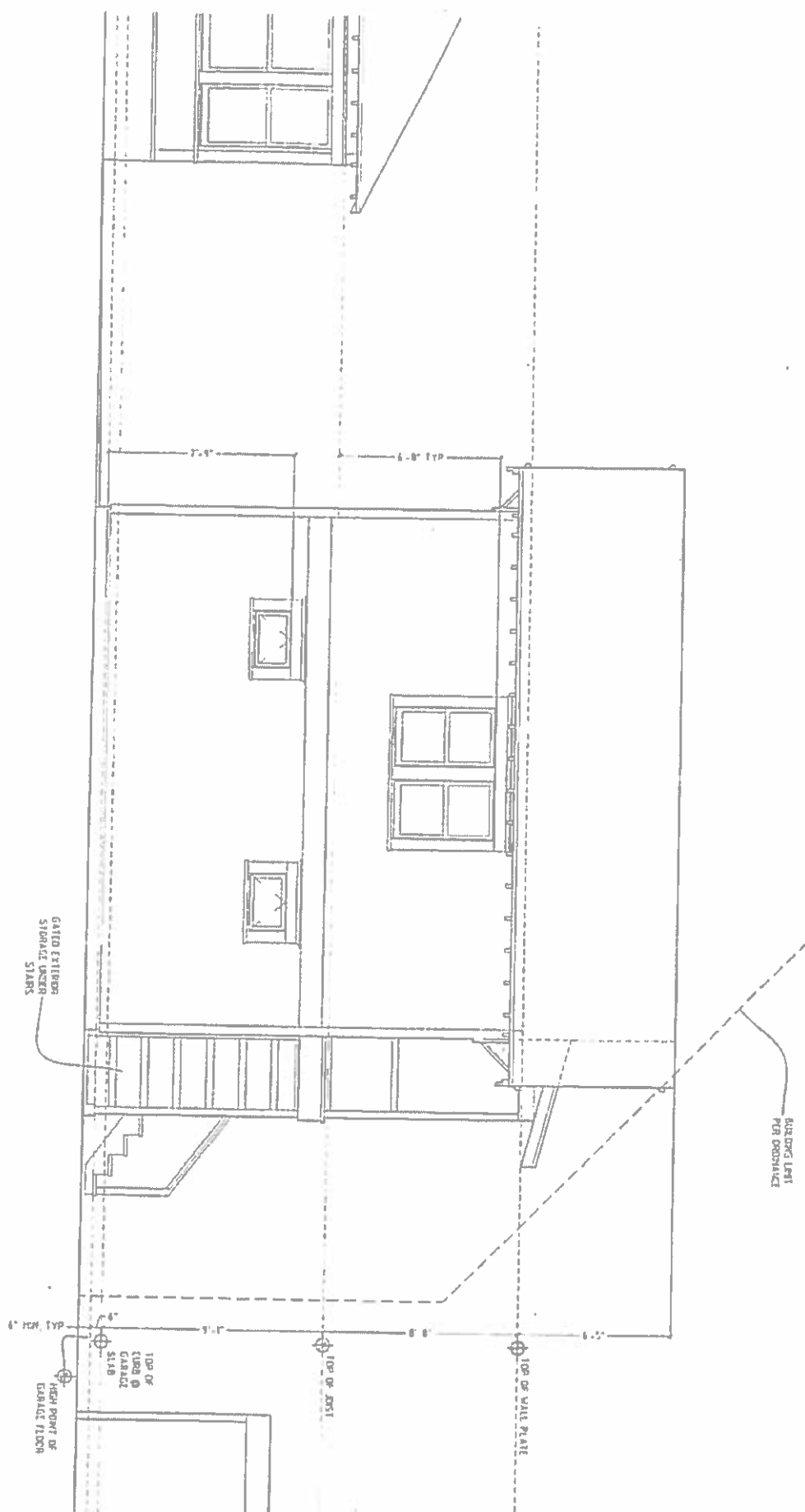
A5.2	EXTERIOR ELEVATION -- EAST		BIRCHLER GARAGE APARTMENT   3913 Avenue F   Austin, TX		Vehko Architecture	
	DRAWING SCALE: 1/4" = 1'-0"		DATE 18 APR 2016		PROJECT NUMBER: 16-325	
	VARIANCE APPLICATION DRAWING -- NOT FOR CONSTRUCTION		REVISIONS.		512.708.0703	
					lottie@vehko.com	

11/20



A5.3	EXTERIOR ELEVATION -- SOUTH	BIRCHIER GARAGE APARTMENT   3913 Avenue F   Austin, TX	Vehko Architecture
	DRAWING SCALE 1/4" = 1'-0"	DATE: 13 APR 2016	PROJECT NUMBER 14-325
	VARIANCE APPLICATION DRAWING -- NOT FOR CONSTRUCTION	REVISIONS:	512.709.0703 info@vehko.com

12/1



A5.4	EXTERIOR ELEVATION -- WEST		BIRCHLER GARAGE APARTMENT   3913 Avenue F   Austin, TX		Vehko Architecture	
	DRAWING SCALE: 1/4" = 1'-0"		DATE: 18 APR 2016		512.708.0703	
	VARIANCE APPLICATION DRAWING -- NOT FOR CONSTRUCTION		PROJECT NUMBER: 14-325		lotie@vehko.com	
			REVISIONS			

Heldenfels, Leane

C15-2016-0060 #1  
22

**From:** Reid Long <[REDACTED]>  
**Sent:** Monday, June 20, 2016 9:35 PM  
**To:** Heldenfels, Leane  
**Cc:** lotte@vehko.com; David Conner; Kevin Heyburn  
**Subject:** Re: [Fwd: Re: 3913 Avenue F review @ DRC meeting]

Hi Leane,

Sorry for my delay in providing this summary. The DRC reviewed the plans and decided not to oppose the development. This was presented to the Steering Committee during the DRC summary. The Steering Committee did not dispute that decision. Please let me know if you need any more information.

Best,

Reid

Reid Long  
Co-President  
Hyde Park Neighborhood Association

On Mon, Jun 20, 2016 at 8:30 PM, David Conner <[REDACTED]> wrote:  
Is this settled ? I watched the BOA video and heard the comments. I also talked to John Mayfield who is my next door neighbor.

What was presented to the DRC should not be opposed. The ADU will not really be seen from Ave F because of the trees. I don't know what is the issue or reason to move it up 5 feet is that still in play? 40 minutes to discuss this variance was ridiculous.

The Covert House, the other house that was mentioned , is actually up for sale and the Covert ADU that butts up to 40th is out of compliance along with the out of compliance driveway, if you really want to get into specifics....these were built before my time at the DRC so can't speak to that. That is my spill.  
David Conner DRC Chair

Sent from my iPhone

On Jun 20, 2016, at 12:08 PM, Reid Long <[REDACTED]> wrote:

Hi Leane,

Yes. Sorry.

Best,

Reid



