





L3  
1



 N

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2016-0045  
LOCATION: 70 Julius Streek



1" = 165'

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

**DATE:** Monday, May 9, 2016

**CASE NUMBER:** C15-2016-0045

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio  
☐ Y ☐ William Burkhardt  
☐ Y ☐ Eric Goff  
☐ Y ☐ Melissa Hawthorne 2<sup>nd</sup> the Motion  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ - ☐ Melissa Neslund out  
☐ Y ☐ James Valadez  
☐ Y ☐ Michael Von Ohlen Motion to PP to July 11, 2016  
☐ Y ☐ Kelly Blume (Alternate)

**APPLICANT:** LA 48-84, LLC

**OWNER:** Aileen and Lee Krasner

**ADDRESS:** 70 JULIUS ST

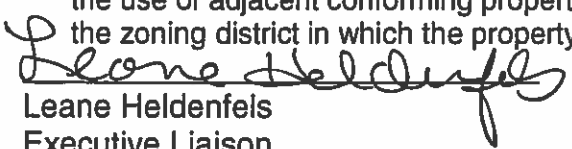
**VARIANCE REQUESTED:** The applicant has requested variance(s) to Section 25-2-774 (B) (*Two-Family Residential Use*) to decrease the standard lot size from 5,750 square feet to 5,098 square feet in order to build a new single family home and second dwelling unit in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly, Festival Beach Waterfront Overlay)

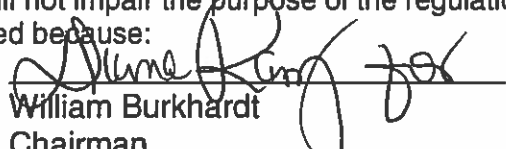
**Note:** Section 25-2-943 (*Substandard Lot*) of the Zoning Ordinance permits lots configured prior to March 15, 1946 (which this lot would meet) to be smaller than 5,750 square feet for construction of a single family home, but that exemption does not to allow a second dwelling unit/two-family residential use proposed.

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 11, 2016, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO JULY 11, 2016.

**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

CASE# C15-2016-0045  
ROW# 11515714  
TAX# 0200100104

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CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.

STREET ADDRESS: 70 Julius St., Austin, TX 78702

LEGAL DESCRIPTION: Lot 17 BLK 7 OLT 41-42 OLT 53 DIV O RILEYS SUBD

I, LA48-84, LLC, on behalf of myself, affirm that on 2/22/16, 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)

X ERECT    ATTACH    COMPLETE    REMODEL    MAINTAIN

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.

Zoning: SF-3-NP (Holly) near front overlay (Festival Beach)  
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:**

- (a) The zoning regulations applicable to the property do not allow for a reasonable use because: The property was platted in 1937 with a total lot size of 5,098.61sf. This is 652sf less than the SF-3 standard minimum lot size of 5,750sf for which the lot is currently zoned as. This minimum lot size also applies to the Council approved changes to the ADU regulations. The owner is requesting a variance for the lot size to make improvements on the lot by constructing a single-family residence (approx. 1100sf) on Julius St. and an accessory dwelling unit (approx. 500sf) in the rear of the property.

(b) The variance is not general because: The hardship, reasonable use, and area of character are specific to the subject site.

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### **HARDSHIP:**

2. The hardship for which the variance is requested is unique to the property in that: The lot was platted in 1937 as part of the O Riley's subdivision. A lot cannot add any additional acreage because it is an interior lot. Thus, the size cannot be increased to meet the minimum lot size requirement. Further, the City's recent code language regarding ADUs fails to recognize lots that are smaller than 5,750sf. Smaller lots can meet the intent of the ADU ordinance, which promotes increased affordable housing within the city's inner core. Smaller lots should be allowed to erect accessory dwelling units since a secondary structure is allowed per SF-3 performance standards. The variance will uphold the spirit of the ADU ordinance as well as the rights prescribed by the LDC in SF-3 zoning.

### **AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property. It will not impair the use of adjacent conforming property and will not impair the purpose of the regulations of the zoning district in which the property is located because: The variance will not alter the character of the area adjacent to the subject property. There are many properties in the surrounding area that have similar lot sizes that have been granted building permits for the construction of accessory dwelling units.

### **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 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

**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.

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

Signed \_\_\_\_\_ Mail Address 70 Julius Street

City, State & Zip Austin, TX 78702

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16

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

Signed \_\_\_\_\_ Mail Address 70 Julius Street

City, State & Zip Austin, TX 78702

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16

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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 <sup>LA 48-84</sup> [Signature] Mail Address 3901 Bennedict Lane

City, State & Zip Austin, TX 78746

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16

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 <sup>LA 48-84</sup> [Signature] Mail Address 3901 Bennedict Lane

City, State & Zip Austin, TX 78746

Printed LA48-84, LLC Phone 512-422-1612 Date 2-22-16



1/12/2016

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**REISSUED  
CERTIFICATE OF OCCUPANCY**

DEVELOPMENT SERVICE DEPARTMENT  
CITY OF AUSTIN, TEXAS

BUILDING PERMIT NO: 113842

ORIGINAL DATE: JULY 28, 1969

LEGAL DESCRIPTION AS ON ORIGINAL DOCUMENT: A.V RILEY

ZONING: RESIDENCE

THIS IS TO CERTIFY THAT, THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW WAS INSPECTED AT THE TIME OF THE ORIGINAL DATE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR USE LISTED BELOW.

ADDRESS: 70 Julius

USE: RESIDENCE

OWNER/BUILDER: H.H MARTIN

REMARKS: REMODEL AND REPAIR RESIDENCE AND BRING TO MIN STDs.

*Rick Arzola*

Carl Wren, Building Official

BY:

**PLEASE NOTICE**

'NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION, OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISES, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISES.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION, OR REINSPECTION, OF THE PREMISES; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY REASON OF ANY APPROVAL OR DISAPPROVAL.'

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RE: 70 Julius St. - Need for Land Status Determination?

Casillas, Michelle <Michelle.Casillas@austintexas.gov>

Wed 1/13/2016 1:27 PM

To: Mindy Briggs <[REDACTED]>

No. It is a legal lot out of a recorded subdivision. Volume 3, page 140.

Thanks,  
M

Sincerely,  
Michelle R. Casillas  
City of Austin / DSD  
Development Assistance Center  
Senior Planner  
(512)974-7623 office  
(512)974-2934 fax  
[Michelle.Casillas@austintexas.gov](mailto:Michelle.Casillas@austintexas.gov)

Supervisor: Christopher Johnson  
[Christopher.Johnson@austintexas.gov](mailto:Christopher.Johnson@austintexas.gov)

**From:** Mindy Briggs [mailto:[REDACTED]]  
**Sent:** Wednesday, January 13, 2016 1:23 PM  
**To:** Casillas, Michelle  
**Subject:** 70 Julius St. - Need for Land Status Determination?

Hi Michelle,

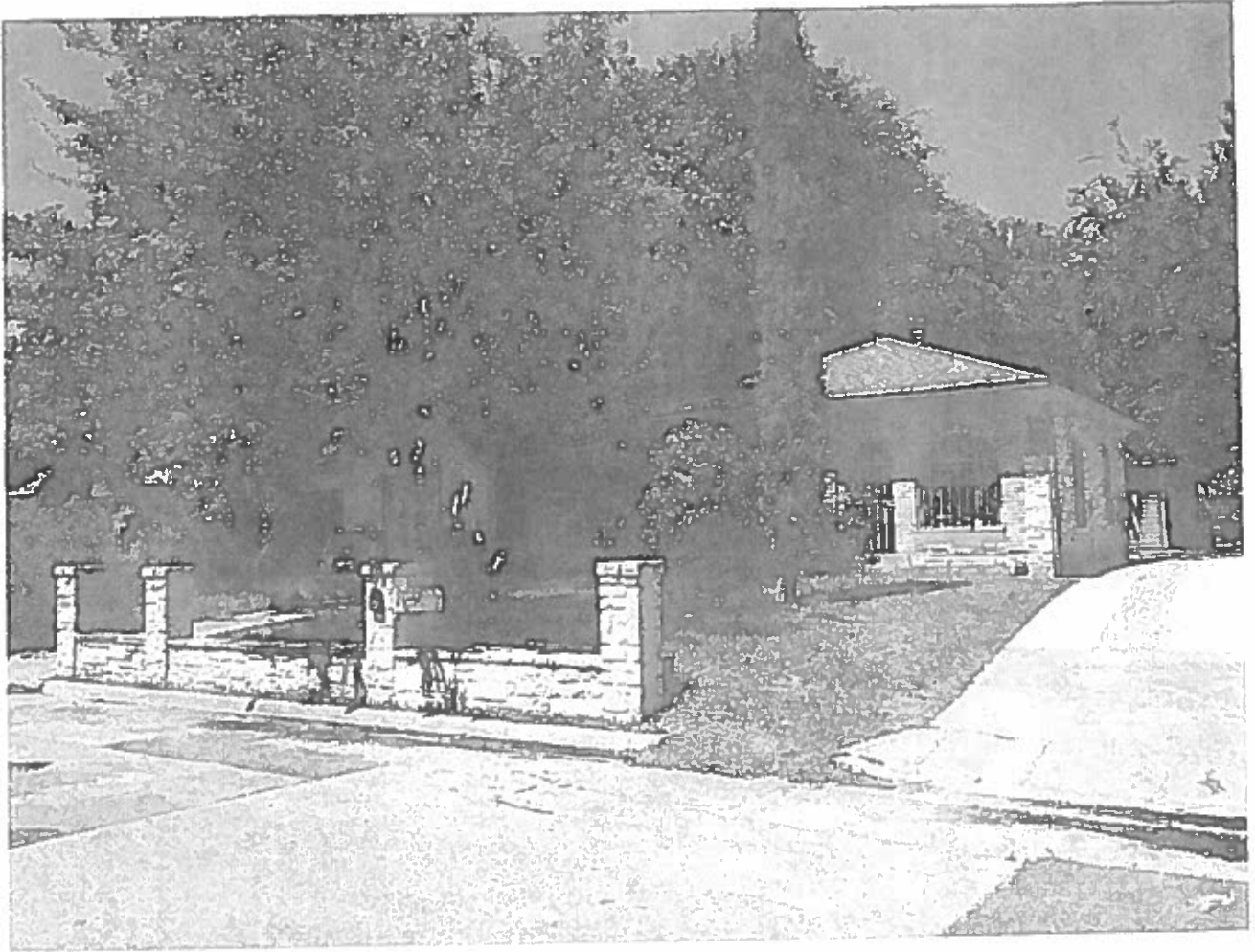
Could you let me know if a LSD is necessary for the property at 70 Julius St.?

Kind regards,

**Mindy Briggs**  
Permit Partners, LLC  
105 W. Riverside, Ste 225  
Austin, TX 78704  
512.593.5361 o  
512.213.0261 f  
[www.Permit-Partners.com](http://www.Permit-Partners.com)

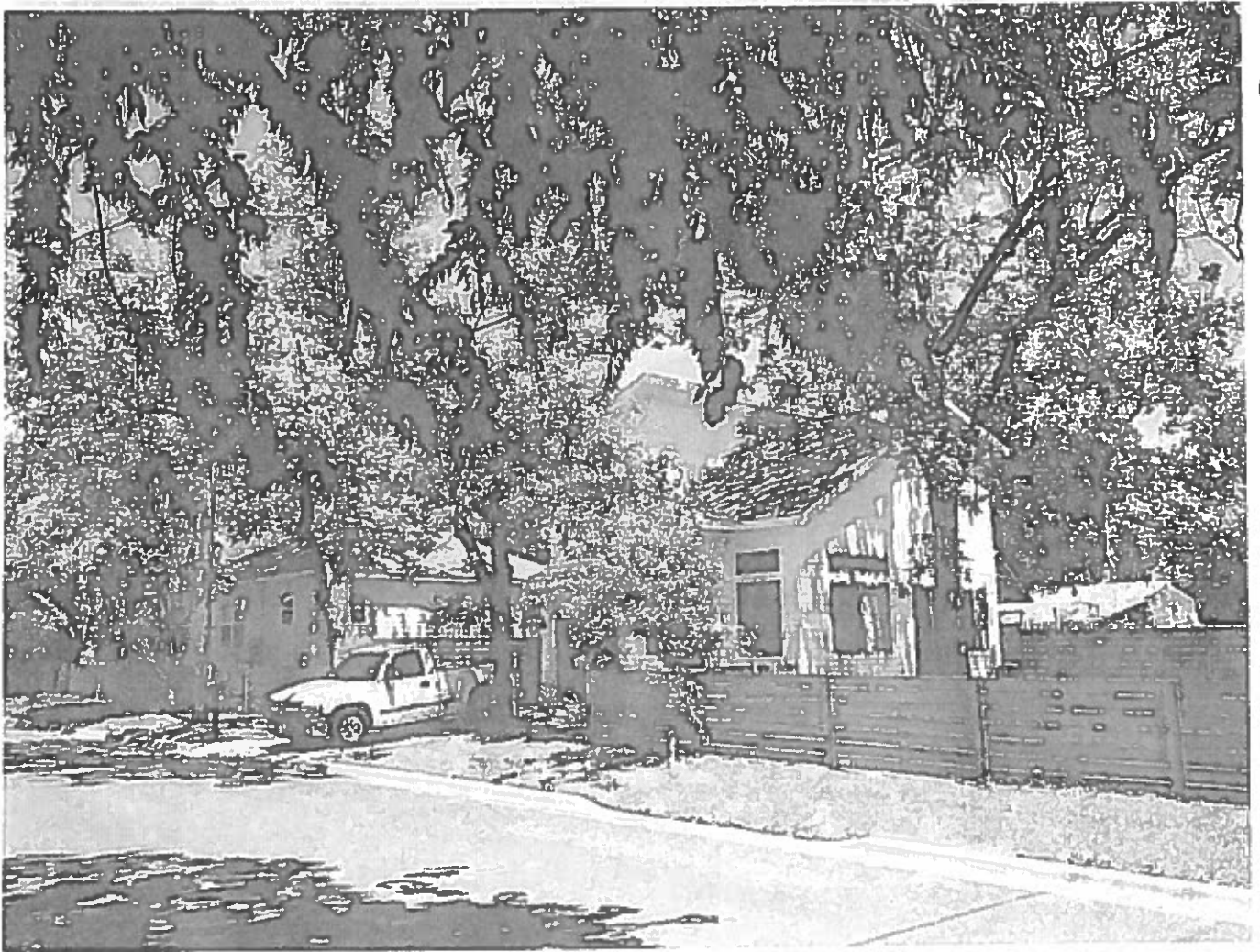


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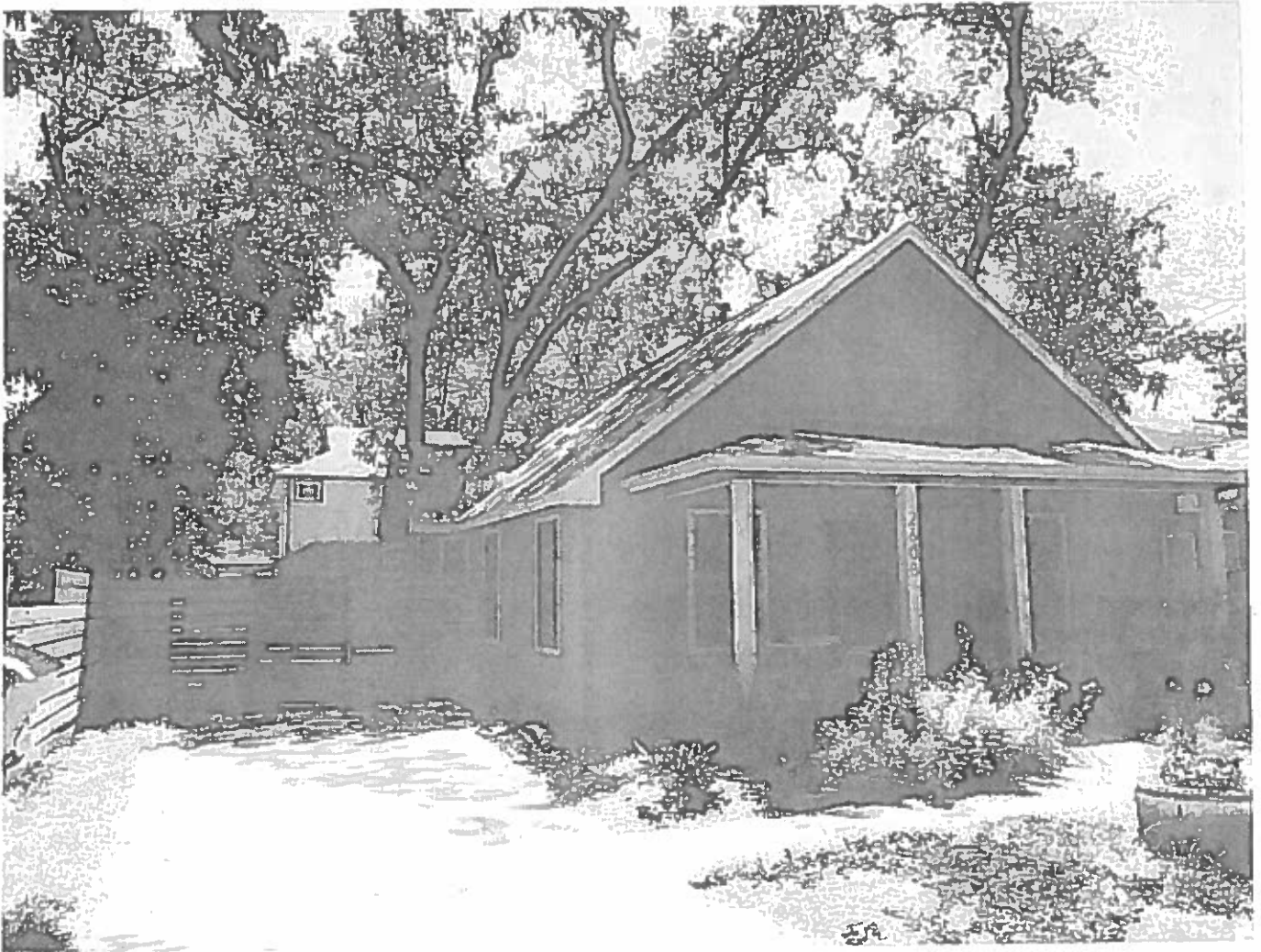
2406 Willow

L3  
10



2601 WILLOW

43  
11

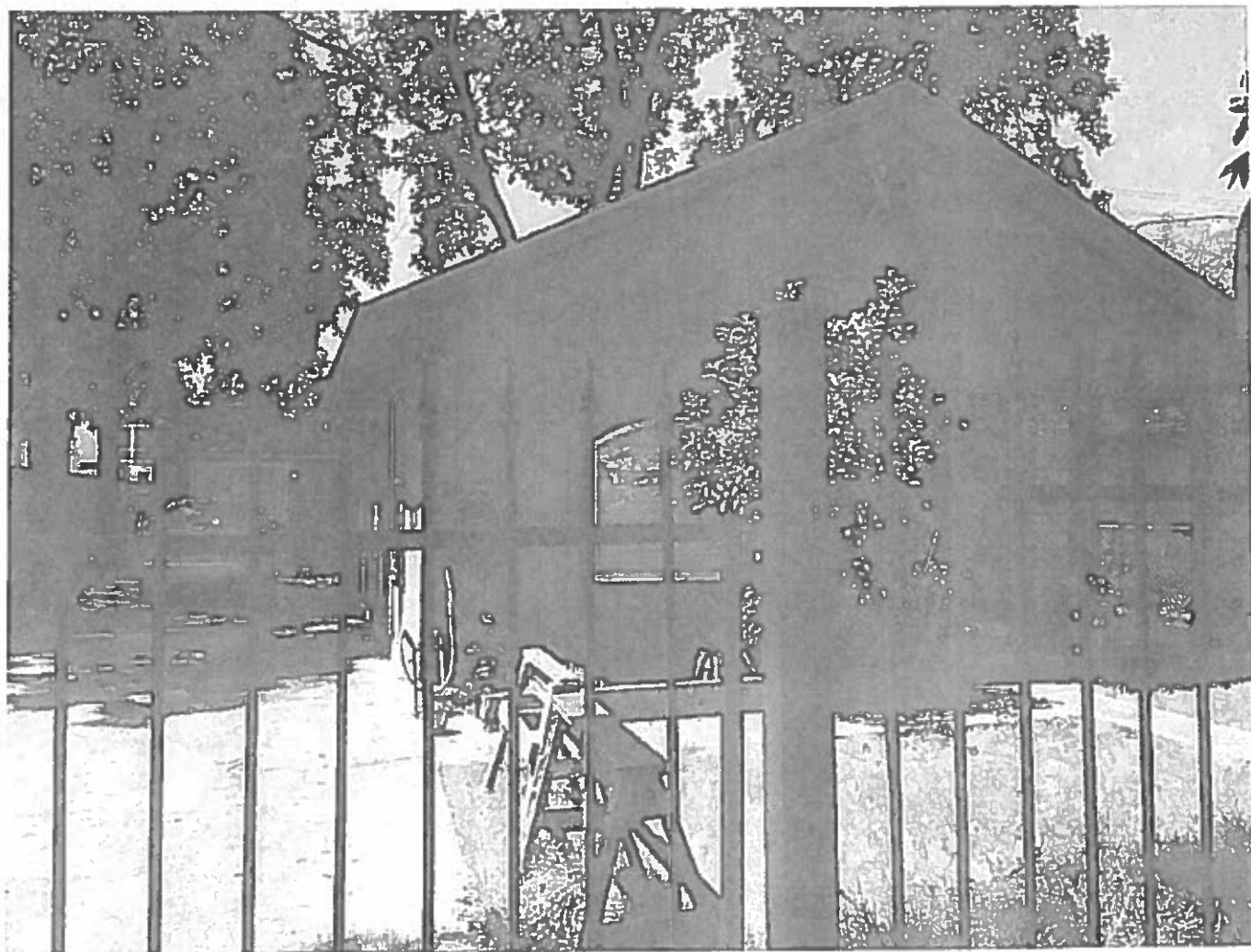


2506 WILLOW



L3  
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2318 CANTERBURY

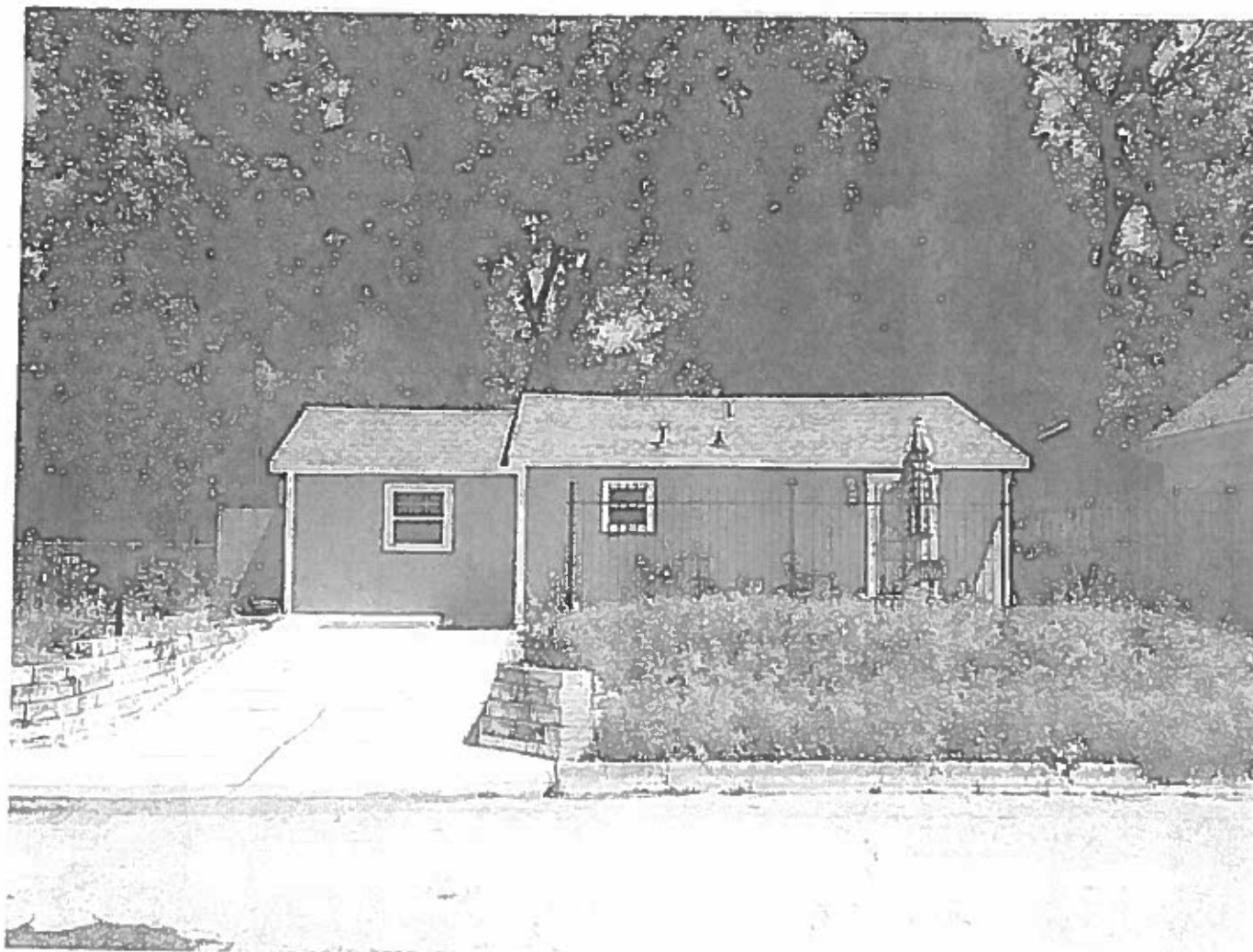


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FRONT OF 74 JULIUS



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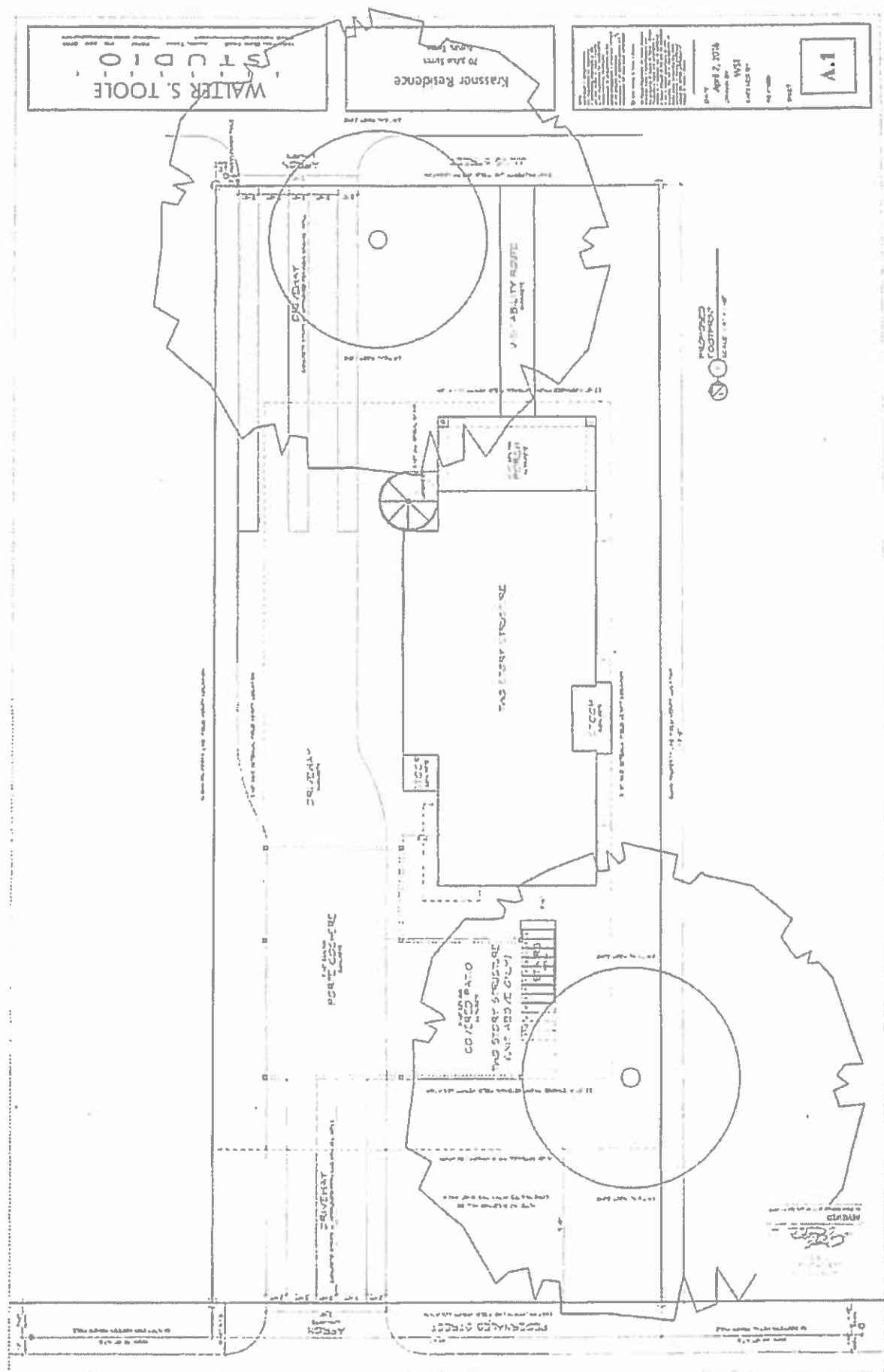
BACK OF 74 JULIUS

# 70 Julius St Lot Size Variance



- Purchased in June 2012
- Legal Substandard Lot
- Lot 17 Block 7 Riley's Subdivision
- Platted in 1937
- Lot size 5098.61 sq ft lot
- Zoned SF-3 NP – no NP restrictions

5/53





## Summary

- The legal sub-standard lot size cannot be changed.
- Strict application of the written regulations deny a reasonable use of the lot due to the allowance of 2-family residential use within SF-3 zoning.
- There is no adverse impact on surrounding neighbors.
- The proposed unit will fit the area of character.
- The proposed site plan will fully comply with all applicable regulations.
- There is no known opposition to my request.

# Hardship

- Hardship derives from legal substandard lot platted 1937 allowed two residential dwelling units per zoning in place at that time.
- Because I cannot change the size of the legal substandard lot to meet current requirements, the city code restrictions since that time have made the original intent of the zoning on my lot not possible
- Board granted lot size variance to my neighbor at 74 Julius, which is a smaller lot than my own, and found reasonable justification at that time to do so.
- I believe the hardship the BOA approved of for 74 Julius and the hardship I am arguing in my case are very similar - not seeking special treatment

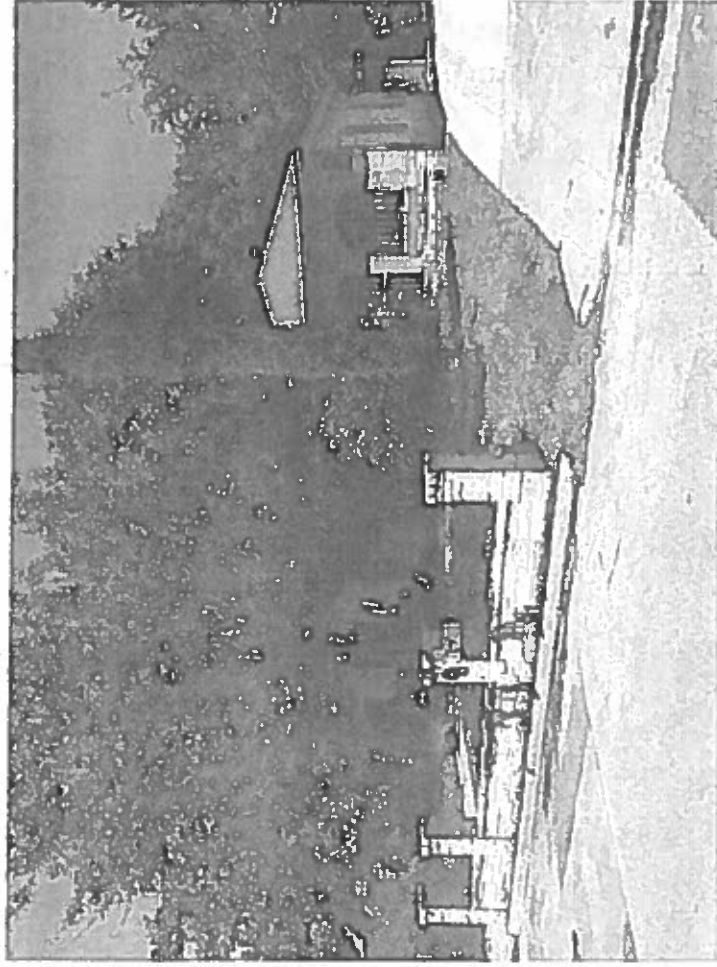
18/1/3

# Neighborhood Support

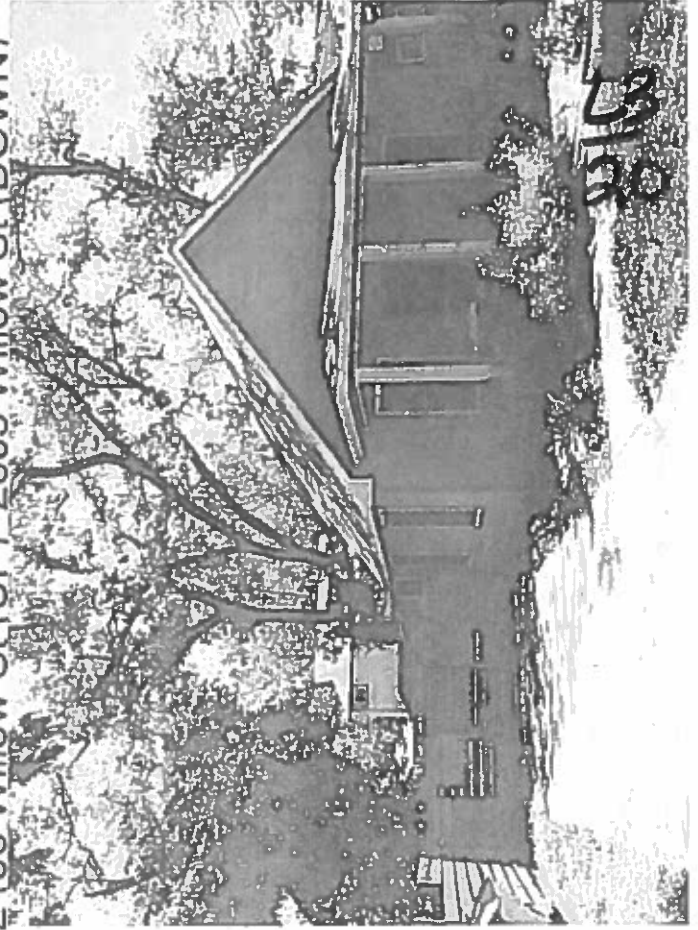
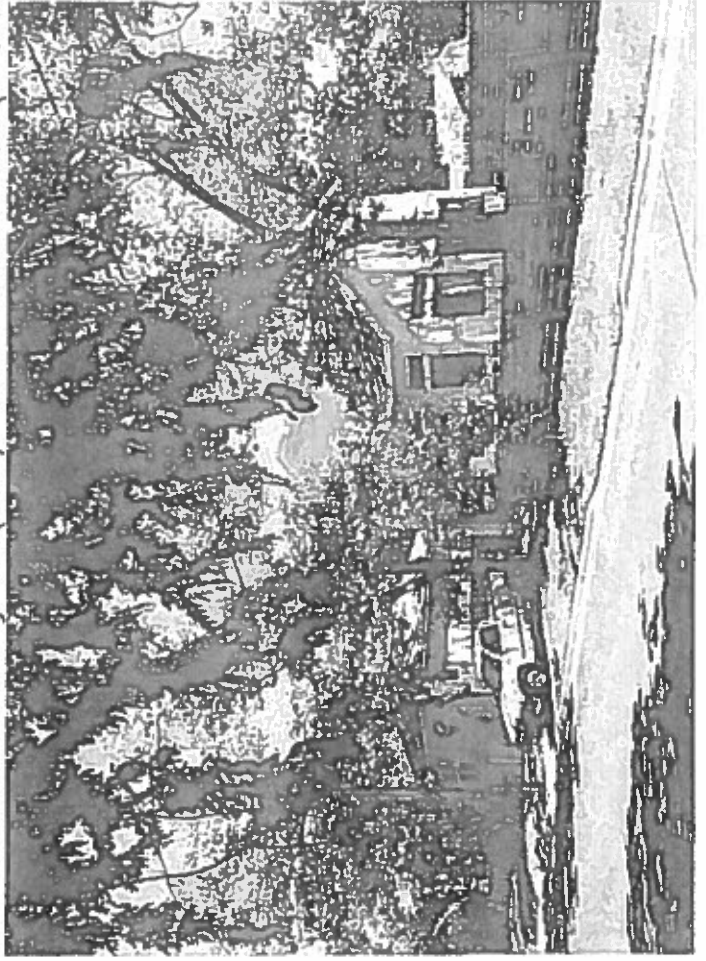
- All neighbors I've spoke with on Julius St in favor of proposed Lot Size variance.
- Multiple attempts to contact representatives of the Holly Neighborhood Association unsuccessful, but no opposition.
- Austin Energy does not oppose our variance request as per site plan drawing from previous slide.
- City arborist ok with proposed design.



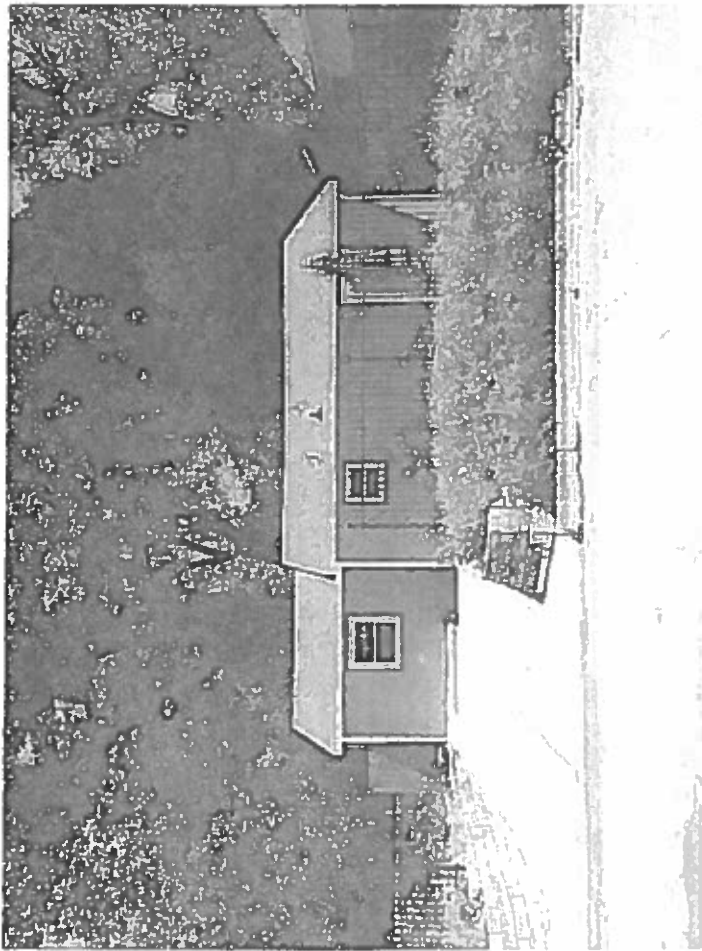
2318 Canterbury St (UP) 2601 Willow St (DOWN)



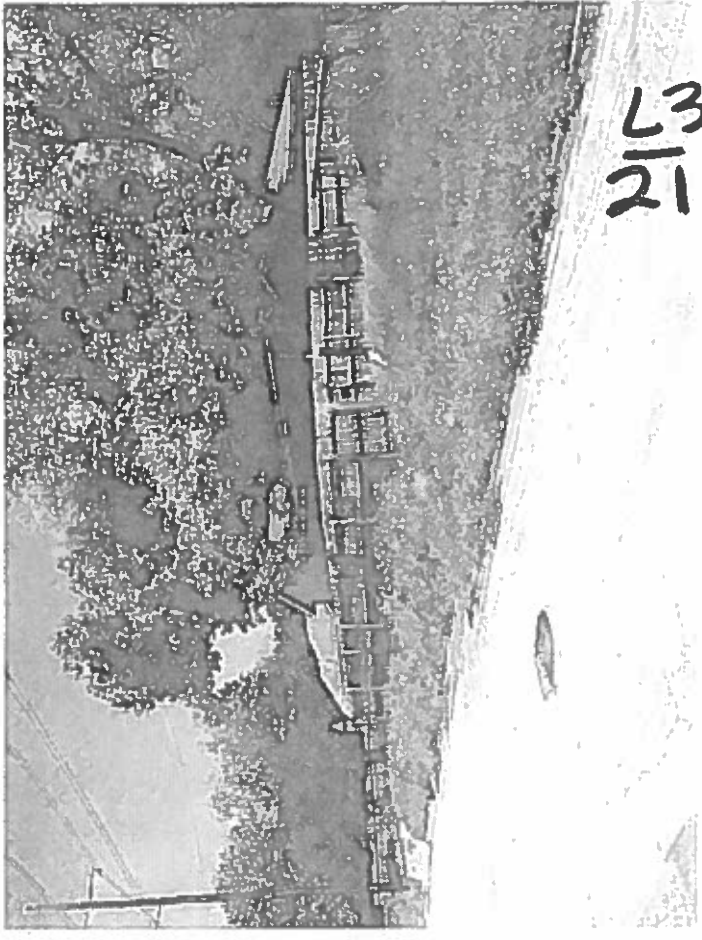
2406 Willow St (UP) 2605 Willow St (DOWN)



2/1/78

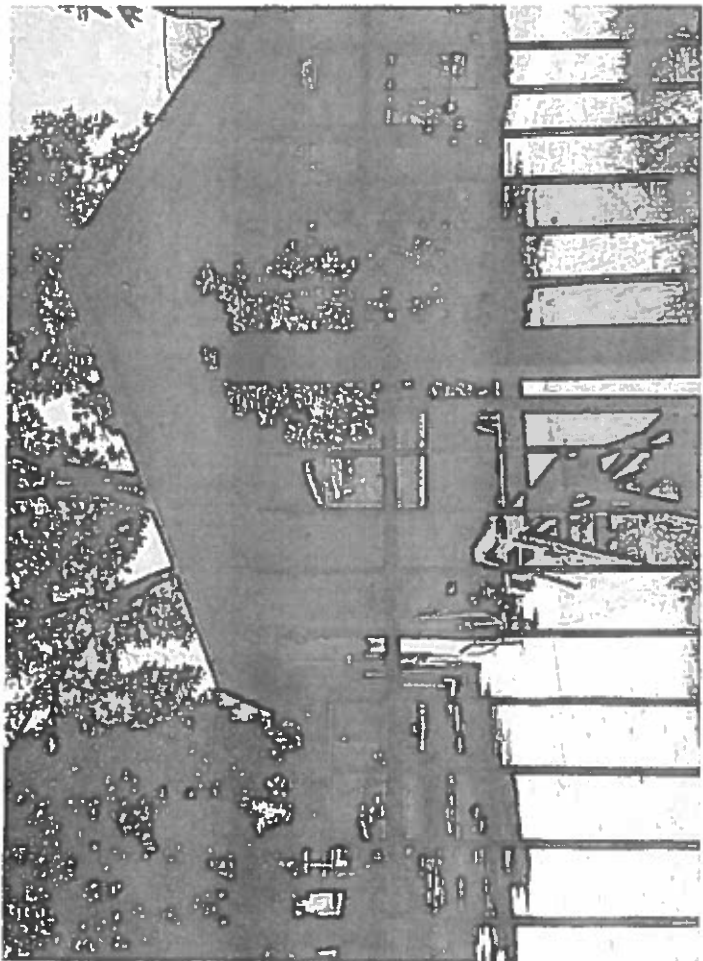


BACK



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74 JULIUS FEDERNALES STREET



FRONT



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PERDENALES STREET  
(50' R.O.W.)

JULIUS STREET  
(40' R.O.W.)

**LEGEND**

- GAS METER
- WIRE FENCE
- WOOD FENCE
- CHAINLINK FENCE
- SERVICE POLE
- OVERHEAD POWER LINE
- ( ) RECORD INFORMATION
- ⊙ CONTROL MONUMENT

**NOTES:**

- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, EASEMENTS, BUILDING LINES AND OTHER ENCUMBRANCES NOT SHOWN HEREON MAY AFFECT SUBJECT PROPERTY.
- 2) SUBJECT TO ALL APPLICABLE CITY OF AUSTIN DEVELOPMENT CODES AND ORDINANCES.
- 3) ALL BEARINGS ARE BASED ON AN ASSUMED BEARING OF S 20°00'00" W ALONG THE WEST RIGHT OF WAY LINE OF JULIUS STREET.

**TREE TABLE**

| TAGE | SIZE/TYPE |
|------|-----------|
| 8    | 22" OAK   |
| 15   | 22" OAK   |

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED ON OF NO. --

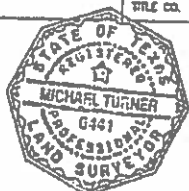
SURVEY OF  
LOT 17, BLOCK 7, RILEY'S SUBDIVISION OF BLOCK 7, OUT OF OUTLOT 53 DIVISION "O", CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 3, PAGE 140, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "FLOODWOOD" ACCORDING TO THE (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480434 0403 H, REVISED SEPTEMBER 2A, 2008. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

|           |                  |            |   |
|-----------|------------------|------------|---|
| PURCHASER | LEE KRASSER      | LOANER CO. | - |
| ADDRESS   | 70 JULIUS STREET | TITLE CO.  | - |



Windward Land Services Austin  
4120 Commercial Center Dr.  
Suite 300  
Austin, Texas 78744  
TEL (512) 328-2100 FAX (512) 328-2770  
COPYRIGHT 2013 WINDWARD LAND SERVICES ALL RIGHTS RESERVED



I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the property legally described herein (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

*Michael Turner* 6/1/15

|            |          |      |                              |          |    |             |          |         |
|------------|----------|------|------------------------------|----------|----|-------------|----------|---------|
| FIELD WORK | 05/22/13 | BY   | DRAFTED BY                   | 08/01/13 | TO | CHECKED BY  | 08/01/13 | MT      |
| REVISION   | 10/06/13 | 100% | ADDED REAR ADJACENT SETBACKS |          |    | MAPSCO PAGE |          | JOB NO. |
| REVISION   | -        | -    | -                            |          |    | 615 H       |          | 30349   |





Good Evening Members of the Board,

I thank you for taking the time to hear my case tonight. My name is Lee Krassner, and I am the property owner of 70 Julius St. I am here tonight to ask for your approval for a lot size variance from 5,750 sq ft to 5,090 sq ft to be able to build an accessory dwelling unit (ADU). My property is a legal lot, and is zoned SF-3 NP. There are no NP restrictions with regard to ADU's. I purchased this property in June 2012 with the intent to build a single family residence for myself to live in with a detached studio apartment where my mother could live in as she is getting older. Please see the proposed site plan diagram on the projector. Austin Energy has approved this site plan with respect to this case, and is not opposed to our variance request. The City arborists have also blessed our site plan. It shall be noted I had to demolish the existing house due to significant foundation and plumbing damage that AWU identified as a drainage issue due to eroding infrastructure.

I am a straight-forward person and I need to be completely honest that I was unaware at the time I purchased the property that there was a 5,750 sq ft lot size requirement to meet for an accessory dwelling unit. I am fully responsible for my ignorance in that matter. My hardship is that I cannot change the size of my legally platted lot. However, due to the recent ADU ordinance adoption, it's clear the City policy makers desire more flexibility for small lot property owners to implement secondary living units in order to create more affordable housing and more reasonable use for highly constrained lots.

We have done our best to contact the Holly Neighborhood Association to seek their support in our case, but the representatives online did not reply to us on multiple contact attempts, and on their website it says it has been almost 600 days since they last met. I visited my neighbors on Julius, and to the nearest neighbors on Canterbury, San Saba and Willow Streets to explain the variance I was seeking, and was able to gather multiple signatures 100% in support of my variance request, including the majority of the neighbors on my street. Please see handout (letter of support handed out to neighbors) just provided.

I spent time in the neighborhood walking around to see how many properties on my neighboring streets currently had multiple living structures on lots that were not 5,750 sq ft or larger. I found properties that I made a list of, and then researched the building permit history and variance cases associated with those properties. I created a map of the properties which were granted City building permits for an ADU, as seen on the slide currently on the projector. And as y'all can see, the Board granted a variance to my neighbors at 74 Julius St. (Then read aloud the other properties on map that were granted building permits for ADU's so they are in the record.) At that time, the requirement for an ADU was still 5,750 sq ft, and the lot at 74 Julius is smaller than mine. I am aware that the Board does not accept precedent in past cases as sole justification for granting a current variance. However, the Board did see reasonable justification for granting a variance for 74 Julius for an ADU. I believe the hardships they argued, and as I am arguing on my case, are very similar to what I am presenting in my case, thus know that I am not seeking special treatment. There is hardship on my lot preventing a use of the highest and best allowances of the SF-3 performance standards prescribed in the Land Development Code. The area of character of the neighborhood will not be affected by this variance as multiple two-story structures with and without detached secondary structures have existed before I bought my property in 2012. Many have been built since the purchase of my property.



Again, I cannot change the size of the lot to meet the current requirement, but in the face of continuing code amendments to allow more flexible uses on small lots coupled with my personal need to provide independent, on-site living quarters for my family, as well as the fact that a single-family lot legally platted prior to 1946 allowed 2 residential dwelling units per the "A" zoning in place at that time. I'm here to ask the Board to consider all of these factors and vote yes to approve the requested variance. It should be noted that the proposed project will comply with all building, technical, and zoning code requirements.

Thank you very much for your time. I am happy to answer any questions you may have.

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January 4, 2016

~~BE~~ Board of Adjustment Variance - Residential Development at 70 Julius St.

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Dear Neighbor,

I am asking for a variance from the City of Austin's Board of Adjustment in order to erect a new residential structure and accessory dwelling unit on my vacant lot located at 70 Julius St. I am requesting a variance to the minimum lot size requirement of 5,750sf needed to build an accessory dwelling unit. My lot size is 5,040sf. It was platted in 1935 and the size of the lot cannot change nor do I have any desire to subdivide or add to it. I only wish to add an accessory dwelling unit on a lot smaller than 5,750sf, thus I need permission from the City's Board of Adjustment Commission in order to continue my permitting process.

My legal lot was originally platted at a size (5,040sf) smaller than the required minimum lot size (5,750sf) yet was zoned by the City to allow this type of accessory dwelling unit use, I believe this request is in keeping with the allowable uses in the SF-3 zoning category, which we on Julius and surrounding streets all share (SF-3 zoning). Along Julius St. and other surrounding streets there are many accessory dwelling units (ADU) already in place. The proposed ADU will be in keeping with those same uses. Further, my son, Lee Krassner, will be owner-occupying the primary residence and we intend to use the accessory dwelling unit for occasional guests and family members.

There will be no adverse impact on adjacent properties and the overall development will comply with all other applicable City zoning and building code requirements.

If you support my request, please feel free to supply your address and contact information below and return to Permit Partners, 105 W. Riverside Dr. Ste 225, Austin, 78704. There is a stamped, addressed envelope provided for this purpose. This information will not be shared outside of providing evidence to the Board of Adjustment at their hearing scheduled for February 8, 2016.

Should you have any questions, feel free to contact Lee or me; our contact information is noted below. Should you wish to see basic schematics of the proposed single-family development, please contact my Land Use Consultant, David Cancialosi of Permit Partners, LLC (512-593-5361), as he is happy to provide plans and discuss with you prior to the February 8 meeting any concerns you may have. You will also receive a notice from the City of Austin with the formal request and a form that may be returned to City staff. If that is easier for you to do, then please send that form directly to the City of Austin.

Thank you for your support in this matter.

Sincerely,

Aileen Krassner

512-422-1612

[akrassner@austin.rr.com](mailto:akrassner@austin.rr.com)

Lee Krassner

512-657-8415

[leekrassner@gmail.com](mailto:leekrassner@gmail.com)

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| NAME            | ADDRESS / EMAIL       | SUPPORT |
|-----------------|-----------------------|---------|
| Daniel Adams    | 72 Solon St, Ashwa Tr | 100%    |
| Rob Harker      | 13 Julius St Ash, Tr  | 100%    |
| Monique Johnson | 78 Julius St Ash      | 100%    |
| Angela Hable    | 78 Julius St Ash      | 100%    |

Log of Communication Between Owners of 70 Julius St and members of the East Town Lake  
Citizens Neighborhood Association (Bertha Delgado, Carol Stall, and Phillip Thomas)

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May 9<sup>th</sup>:

BOA Hearing. Our variance request was postponed to give us an opportunity to meet with Bertha Delgado and Phil Thomas, who spoke in opposition to our variance request. After the meeting we spoke to the Phil and Bertha, and Carol Stall, who is the wife (or partner) of Phil Thomas (they share the same email address). We exchanged contact information.

May 13<sup>th</sup>:

*Property Owners via email wrote:*

Hi, Bertha and Carol—

Lee and I wanted to follow up on our conversation at the BOA meeting on Monday evening with the goal of addressing your concerns and getting to know each other better, as we are and will be (good) neighbors.

To that end...we would like you know that although it was a surprise to meet you at the BOA meeting on Monday evening, we had been trying for many weeks (actually a couple of months) unsuccessfully to contact the germane neighborhood group(s). Early on in our due diligence we were directed to a link (by Leane Heldenfels at the BOA) on the city's website which listed the neighborhood groups. That directory is attached below noting everyone we tried to contact. Many of the numbers were not working, nor had this neighborhood association met in many months. I was able to get a return call from only one person, Ben Siewart. He told me he no longer lived in the neighborhood, but did mention your name, Bertha, but he had no contact information for you. So, still wanting to let our neighbors know what we were planning to do on our lot and the small variance we were seeking, Lee canvassed the neighborhood on foot. He was able to meet many of the neighbors on Julius St. and get their approval, as well as leave an explanatory letter with the neighbors who were not available at the time he visited. That letter along with the signatures was handed out to the Board at the meeting. On Thursday (May 5) prior to the May 9th BOA meeting, Leane Heldenfels (via email) asked if we contacted the neighborhood groups, and this time sent the screen below with the East Town Lake Citizen Neighborhood Organization noted. As you see, Bertha, your phone number is noted, but is not the number that you gave to Lee on Monday. He called the number noted on that directory and it had been changed with no forwarding number. We believed that once again we had reached a dead end, and now the meeting was literally just a couple of days away. So, we for sure tried to reach out to those in our neighborhood...and we are interested in your concerns.

As an introduction, I (Aileen Krassner, aka Lee's Mom) have lived in Austin for 28 years. My late husband (Lee's Dad) and I were small business owners here in Austin. I, like you, have seen Austin grow from a small sleepy town to a major city with all the accompanying growing

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pains and changes, both positive and negative. Lee has been in Austin since the age of three and is a small business owner as well. He has a food trailer business here in town—5 years now and ongoing (Yeah!)

We have owned the property at 70 Julius St since 2012. There was a tenant on the property when we bought it. In 2015 due to significant foundation and plumbing damage that AWU identified as a drainage issue due to eroding infrastructure, it became necessary and reasonable to demolish the house on the property. Bertha mentioned that she understood why we needed to demolish the house that was on the property. Unfortunately for us, we had been collecting rent on the property until that time, but that ended over a year ago. Since then we have been working on plans to build, so that Lee can stop renting and live on the property he owns. It is our priority to improve and protect the neighborhood as well as our property—maintaining the character of the neighborhood with the footprint and impervious cover staying in line with what was there previously. We are asking the BOA for only a modest lot size variance to build a secondary unit. We believe that it's the intent of the code to allow secondary units – especially for legal noncomplying lots platted prior to March 46, like 70 Julius St. And given the recent approval for 74 Julius and dozens of other cases the board has approved in our neighborhood for small lot secondary additions, we have a reasonable expectation to ask for similar consideration from the BOA. The only thing the BOA is allowed to decide on and the only thing we are asking for (as per our variance request) is whether or not a reduced lot size will / should allow a secondary unit. From our perspective, we are not asking for special consideration or anything out of the ordinary. We are only asking for the same consideration as others have been given and that is allowed by right in the land development code, as well as prior variances fully supported by the BOA.

We would welcome the opportunity to answer any questions/concerns you may have. We can meet face to face at our mutual convenience or attend a neighborhood meeting, or speak via phone or converse on email. Our contact information is noted below. I thank you in advance for your time and consideration.

Best regards,

Aileen Krassner

Lee Krassner

512-422-1612/cell  
akrassner@austin.rr.com

512-657-8415/cell  
leekrassner@gmail.com

May 13<sup>th</sup>:

*Carol Stall and Phillip Thomas via email wrote:*

Thanks for your note. We are looking into it. Bertha may respond apart from this. A quick question; are William L. Krassner and Lee Krassner one and the same person? Thanks

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East Town Lake Citizens Neighborhood Org . ▼

|                         |                                  |
|-------------------------|----------------------------------|
| <b>Planning ID</b>      | 24                               |
| <b>Association Name</b> | East Town Lake Citizens Neighbor |
| <b>Contact Name</b>     | Ms . Bertha M . Delgado          |
| <b>Office Held</b>      | President                        |
| <b>Address</b>          | 1705 HASKELL STREET AUSTIN , T   |
| <b>Home Phone</b>       | 512-551-2630                     |
| <b>Work Phone</b>       |                                  |
| <b>Email</b>            | mariedelgado 267@yahoo .com      |
| <b>North Boundary</b>   | East Cesar Chavez St .           |
| <b>South Boundary</b>   | Lady Bird Lake                   |
| <b>East Boundary</b>    | Montopolis Bridge                |

◀

Carol S. Stall  
ETLCNA Secretary  
512 499-6151

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May 13<sup>th</sup>:

*Property Owners via email wrote:*

Hi, Phillip—  
Don't know William L. Krassner. No relation to us or Lee.  
Best,  
Aileen

May 31<sup>st</sup>:

*Property Owners:*

No response from Bertha, and no further correspondence from Carol or Phillip aside from the email above. Tried to call both Bertha and Carol. Left a voicemail for Carol. Bertha's voicemail was full, and was unable to leave a voicemail.

*Followed up with a text to Bertha:*

Hi, Bertha--  
Aileen Krassner here. I just tried to leave you a voicemail but your mailbox is full. I was following up on the email I sent to you (Carol and Philip too) on May 13 after my son, Lee, and I met you at the BOA meeting on May 9. We haven't heard from you and wanted to address your concerns. Please connect with me or Lee so we can discuss any issues.  
Thanks,  
Aileen Krassner  
512-422-1612  
[akrassner@austin.rr.com](mailto:akrassner@austin.rr.com)

No response from either Carol or Bertha yet.

June 1<sup>st</sup>:

*Bertha Delgado Text:*

Hello, Julius St.

June 1<sup>st</sup>:

*Property Owners Reply Text:*

Hello as well (Smiley Face and Thumbs Up Emoticons)

June 1<sup>st</sup>: \

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No reply from Bertha.

*Property Owners Follow Up Text again:*

Hello again, Bertha--

FYI...was there more to your text than, "Hello Julius St" as that is all I received?

Best.

Aileen

No reply from Bertha.

June 13<sup>th</sup>:

Property Owners received an email from Carol Stall after 11:00 in the morning, asking to meet that day. Responded via email (before noon) and said we weren't available to meet that day, but suggested time(s) on the next day as well as on another day that week.

June 14<sup>th</sup>:

Bertha responded via text that Thursday, June 16 would work for her. No response from Carol and Phil.

June 15<sup>th</sup>:

Called Bertha to confirm a meeting location. Voicemail full. Bertha did call me back and requested to meet at the property. I called Carol to tell her where we were meeting and to confirm that she and Phil could attend

June 16<sup>th</sup>:

We all met at 70 Julius St.



# Holly Neighborhood

Search this site

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## Directory

Showing 9 Items

### Neighborhood Connection

#### Holly Neighborhood Forum

**610**

days since

Holly Neighborhood Coalition Meeting, at the Camacho Rec Center 1st Monday of every month but due to the holiday weekend, the meeting is delayed one week.

#### Template tips

[Learn more about working with templates.](#)

[How to change this sidebar.](#)

| Name                                                                             | Address | Phone    | email | Subcommittee                                              |
|----------------------------------------------------------------------------------|---------|----------|-------|-----------------------------------------------------------|
| Sort                                                                             | Sort    | Sort     | Sort  | Sort                                                      |
| <del>Darlene Camacho-Rosales</del>                                               |         | 476-9669 |       | Education, Job Training & Economic Development            |
| <del>Silberio Martínez</del>                                                     |         | 736-2044 |       | Education, Job Training & Economic Development /          |
| <del>José Velásquez</del>                                                        |         | 695-4657 |       | Neighborhood Parks & the Reuse of the Holly Power Plant / |
| Jayne Mathias                                                                    |         | 826-0280 |       | Communications & Fundraising                              |
| <del>Cynthia Valadez</del>                                                       |         | 828-9400 |       | Structure & Leadership                                    |
| <del>David Black</del>                                                           |         | 476-6837 |       | Structure & Leadership                                    |
| X Elizabeth Walsh - <i>member not working</i>                                    |         | 524-1098 |       | Affordable Housing, Home Repair & Property Issues         |
| Cynthia Valadez-Mata                                                             |         | 762-3959 |       | Crime & Safety / Crimen y Seguridad                       |
| Ben Siewert - <i>called spoke to him - no longer living in the neighborhood.</i> |         | 663-5992 |       | Affordable Housing, Home Repair & Property Issues /       |

Showing 9 Items

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TALKED TO ALL HIGHLIGHTED. NO ONE WAS INVOLVED IN NEIGHBORHOOD MEETINGS ANY LONGER AND HAD NO INFO RE. CURRENT LEADERSHIP OR CONTACT INFO.

C15-2016-0048

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December 29, 2015

**RE: Board of Adjustment Variance - Residential Development at 70 Julius St.**

Dear Neighbor,

I am asking for a variance from the City of Austin's Board of Adjustment in order to erect a new residential structure and accessory dwelling unit on my vacant lot located at 70 Julius St. I am requesting a variance to the minimum lot size requirement of 5,750sf needed to build an accessory dwelling unit. My lot size is 5,040sf. It was platted in 1935 and the size of the lot cannot change nor do I have any desire to subdivide or add to it. I only wish to add an accessory dwelling unit on a lot smaller than 5,750sf, thus I need permission from the City's Board of Adjustment Commission in order to continue my permitting process.

My legal lot was originally platted at a size (5,040sf) smaller than the required minimum lot size (5,750sf) yet was zoned by the City to allow this type of accessory dwelling unit use, I believe this request is in keeping with the allowable uses in the SF-3 zoning category, which we on Julius and surrounding streets all share (SF-3 zoning). Along Julius St. and other surrounding streets there are many accessory dwelling units (ADU) already in place. The proposed ADU will be in keeping with those same uses. Further, my son, Lee Krassner, will be owner-occupying the primary residence and we intend to use the accessory dwelling unit for occasional guests and family members.

There will be no adverse impact on adjacent properties and the overall development will comply with all other applicable City zoning and building code requirements.

If you support my request, please feel free to supply your address and contact information below and return to Permit Partners, 105 W. Riverside Dr. Ste 225, Austin, 78704. This information will not be shared outside of providing evidence to the Board of Adjustment at their hearing scheduled for February 8, 2016.

Should you have any questions or wish to see basic schematics of the proposed single-family development, please contact my Land Use Consultant, David Cancialosi of Permit Partners, LLC as he is happy to provide plans and discuss with you prior to the February 8 meeting any concerns you may have. You will also receive a notice from the City of Austin with the formal request and a form which may be returned to City staff. If that is easier for you to do, then please send that form directly to the City of Austin.

Thank you for your support in this matter.

Sincerely,

Aileen Krassner

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| NAME             | ADDRESS / EMAIL           | SUPPORT |
|------------------|---------------------------|---------|
| Dwight Attkens   | 72 Selas St, Antioch, TX  | 100%    |
| Rob Hilder       | 13 Julius St, Antioch, TX | 100%    |
| Monique Johnson  | 78 Julius St, Antioch, TX | 100%    |
| Angelina Kableto | 78 Julius St, Antioch, TX | 100%    |



# Tree Ordinance Review Application

Development Services Department

One Texas Center, 505 Barton Springs Road, 4th floor, Austin, TX 78704

Phone: (512) 974-1876 Fax: (512) 974-3010

Email: [cityarborist@austintexas.gov](mailto:cityarborist@austintexas.gov) Website: [www.austintexas.gov/departments/city-arborist](http://www.austintexas.gov/departments/city-arborist)

KID ID 11408294  
Mapscop Pg 125H

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Application request\* (specify all that apply):

- ☐ Tree removal (LDC 25-8-602(3))  
☒ Critical Root Zone Impacts (ECM 3.5.2 A)  
☐ Live canopy impacts of more than 25% (ECM 3.5.2 B)

\* Refer to Land Development Code (LDC) 25-8 (B)(1) and Environmental Criteria Manual (ECM) (Section 3 & App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.

Address and zip code of property: 70 JULIUS ST, AUSTIN, 78702

Name of owner or authorized agent: PERMIT PARTNERS - MINDEY BRIGGS

Building permit number (if applicable): \_\_\_\_\_

Telephone #: 512 593 5361 Fax #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Tree Species: BOTH OAK Tree location on lot: FRONT AND REAR OF LOT

Trunk size (in inches) at 4 1/2 feet above ground: circumference (around) \_\_\_\_\_ or diameter (across) 22"

General tree condition: ☒ Good / ☐ Fair / ☐ Poor / ☐ Dead

Reason for request: ☒ Development ☐ Tree condition ☐ Other: CRZ ENCRoACHMENT HIGHLIGHTED FLATWORK ONLY @ FRONT OF LOT. PORTION OF COVERED PATIO AND STAIRS @ REAR OF LOT.

Owner/ Authorized Agent Signature: [Signature] Date: 1/22/16

- Proposed development projects are to include a plan view drawing that depicts the location of the tree and the planned improvements (e.g. structure, driveway, utility and irrigation lines).
- This permit application only reviews for compliance with tree regulations.
- The application fee must be paid prior to permit issuance. No fee is required for dead or diseased trees.

## Application Determination - To be completed by City Arborist Program Personnel

- ☐ Approved ☐ \*Approved With Conditions ☒ Statutory Denial (more information required) ☐ Denied

Comments: Driveway cannot be located in 1/2 critical root zone and the same goes for apron, planting cannot proceed

☐ Heritage Tree(s) ☐ A heritage tree variance is required: ☐ Administrative / ☐ Land Use Commission

Conditions of Approval: ☐ None or ☐ As described within Arborist Comments (see above), and

- ☐ Applicant agrees to plant \_\_\_\_\_ caliper inches of central Texas native trees (see ECM Appendix F) on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Desert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc
- ☐ Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration.
- ☐ No additional impacts are permitted within the 1/2 Critical Root Zone, including utility trenching.
- ☐ Provide a receipt from a certified arborist for: ☐ remedial root care ☐ any required pruning

Applicant Signature

Date

City Arborist Signature

Date

Post this document on site while any proposed work is in progress.  
Conditions for approval of this application must be met within 1 year of the effective date.

5/2015

## RE: 70 Julius St. Tree Application

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Mars, Keith &lt;Keith.Mars@austintexas.gov&gt;

Tue 2/9/2016 1:41 PM

Julius St. 70

Mindy Briggs <mindy@permitpartners.com>, City Arborist <Cityarborist@austintexas.gov>, Embesi, Michael <Michael.Embesi@austintexas.gov>, Pedraza, Cinthia <Cinthia.Pedraza@austintexas.gov>, david cancialosi <david@permitpartners.com>, Aileen Krassner <akrassner@austin.tx.com>, Lee Krassner <leekrassner@gmail.com>.

Hello Mindy:

If the plans meet the following conditions then tree review is compliant:

1. Preserve 50% of the entire critical root zone
2. Limit cut/fill to 4" in the 1/2 critical root zone
3. No cut/fill in the 1/4 critical root zone
4. Pruning can't exceed 25% of the canopy.

Keith Mars

Acting City Arborist

Development Services Department

505 Barton Springs Road, 4th Floor

Austin, TX 78704

Phone: (512) 974-2755

<http://austintexas.gov/departments/city-arborist>**From:** Mindy Briggs [mailto:mindy@permitpartners.com]**Sent:** Friday, February 05, 2016 2:09 PM**To:** City Arborist; Embesi, Michael; Pedraza, Cinthia; david cancialosi; Aileen Krassner; Lee Krassner; Mars, Keith**Subject:** Re: 70 Julius St. Tree Application

Thank you for your reply regarding the tree application for 70 Julius St., Keith.

Can you clarify if the rest of the proposed design is okay (driveway ribbons and the walkway)?  
Can't a very small portion of the driveway ribbons be located in the 1/4 CRZ?

Kind regards,

**Mindy Briggs**

Permit Partners, LLC

105 W. Riverside, Ste 225

Austin, TX 78704

512.593.5361 o

512.213.0261 f

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

## RE: 70 Julius St. Tree Application

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Mars, Keith &lt;Keith.Mars@austintexas.gov&gt;

Wed 2/10/2016 3:49 PM

To: david.cancialosi <david@permit-partners.com>; Mindy Briggs <mindy@permit-partners.com>; City Arborist <Cityarborist@austintexas.gov>; Embesi, Michael <Michael.Embesi@austintexas.gov>; Pedraza, Cinthia <Cinthia.Pedraza@austintexas.gov>; Aileen Krassner <akrassner@austin.tx.com>; Lee Krassner <leekrassner@gmail.com>;

David,

Administrative review criteria for tree preservation apply to all regulated trees.

Please add a call out stating the existing apron is to remain. Also, add a call out stating the ribbon strips will be no deeper than the existing driveway depth.

Formal review will be performed with an update to the Plan Review.

Keith Mars

Acting City Arborist

Development Services Department

505 Barton Springs Road, 4th Floor

Austin, TX 78704

Phone: (512) 974-2755

<http://austintexas.gov/department/city-arborist>**From:** david.cancialosi [mailto:david@permit-partners.com]**Sent:** Tuesday, February 09, 2016 3:18 PM**To:** Mars, Keith; Mindy Briggs; City Arborist; Embesi, Michael; Pedraza, Cinthia; Aileen Krassner; Lee Krassner**Subject:** Re: 70 Julius St. Tree Application

Keith,

Is the below applicable to a non-heritage tree?

The proposed ribbon drive is adjacent to a 22" Oak. And only (approximately) 22 SF of the left ribbon is in the 1/4 CRZ. The Full CRZ is just under 2,000 SF. So less than .01% concrete in the Full CRZ.

There's no other location to practically instal the driveway AND - the apron is existing so the root zone should be less impacted by a ribbon drive. There will be no new apron construction.

See screen shot attached of the site before the house was demolished.

Please let us know when the informal OK is acceptable, and thank you!

