

C15-2016-0082

Heldenfels, Leane

From: Cavan Merski <[REDACTED]>
Sent: Monday, July 11, 2016 11:20 AM
To: Heldenfels, Leane
Subject: 2100 E. 14th St. Variance
[REDACTED]

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Hey Leane -

The NPCT had an email conversation and a vote over the weekend. The team voted to ask for postponement of this case to the 8/8 BOA hearing to discuss with Newcastle more and if the case is heard tonight the team has voted to oppose the granting of the variance.

I will draft a letter with this information now and send it before noon for inclusion in the case packet.

Thanks,
Cavan
Chestnut NPCT Chairman
814-397-9649

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July 11, 2016

Board of Adjustment –

The Chestnut Neighborhood and Plan and Contact Team has discussed the latest variance request at 2100 E. 14th St. and the team has voted to ask for a postponement of this case to the 8/8 BOA meeting. If the postponement is not granted the Chestnut NPCT has voted to oppose the granting of this variance. Over forty households in the neighborhood established the majority opinion in this vote with one vote given to each household.

The Chestnut NPCT asks for a postponement to discuss this case further with the builder at a regularly scheduled NPCT meeting before the 8/8 BOA hearing. The team does not think there has been adequate communication or explanation of the transgressions at the building site to support this variance at this time.

The Chestnut NPCT was a major participant in the negotiations that established the original agreement for the preservation of the home on this property. The CNPCT also supported the original variance granted for this property in September 2014. An excerpt from our original letter of support reads:

"Since there are not many homes left that embody the original nature of the neighborhood the way this home does, we have a number of conditions that we would like to place on the support of this variance.

We would like to see the following:

- *Preservation of both street facades, in terms of materials, details and scale.*
- *Details and materials carried through to the new construction, including any additions. Especially the teardrop siding that is so indicative of our neighborhood.*
- *The existing structure to remain one story. This helps to support the streetscape and human scale of the structure as well as reduces the amount of structural renovation or addition that may be needed to support an additional story.*
- *We will not support any future variances for the site in terms of site development, i.e. an increase to the FAR or Impervious Cover.*
- *Preservation of the persimmon trees in the front of the house.*
- *We would like the front facade of the rear structure to face Alamo so as to create a feeling on the site of two separate structures since the rear house could potentially be as large as the front house."*

Both street facades are gone and to our knowledge no details or materials have been saved for new construction. The Chestnut NPCT received no communication or forewarning before the two street facades were taken down due to safety concerns,

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despite this being an explicitly stated condition of our support (and via historic zoning a binding condition of the building permit).

For these reasons we ask you to postpone this case for more discussion between the builder and the CNPCT. If the case is not postponed, we ask that you deny this variance request.

Thank You,
Cavan Merski
Chestnut NPCT Chairman
814-397-9649

July 17, 2014

my
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Board of Adjustment:

I am the vice-chair of the Chestnut NPCT. We have a very active and vocal group who is in direct communication with our neighborhood as a whole as well as the other organizations operating in our neighborhood. After much discussion within the CNPCT and with the neighborhood at large we have voted to support this variance on the condition of preserving the existing, historic structure.

We have previously voted to oppose the demolition of the existing structure and after much negotiating and debate with the developer we have found a solution that works for all of us. The solution to increase the allowable 850 s.f. of the secondary living unit will help the developer meet the site potential he needs to make the purchase lucrative. The preservation of the existing home contributes to the historic fabric of our community and the human scale of the streetscape while the visibility of the neighbors from the porch helps to contribute to the safety of our neighborhood and the overall scale creates a sense of place.

Since there are not many homes left that embody the original nature of the neighborhood the way this home does, we have a number of conditions that we would like to place on the support of this variance.

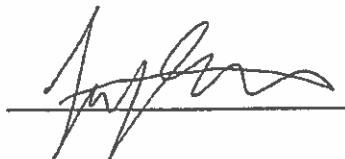
We would like to see the following:

- Preservation of both street facades, in terms of materials, details and scale.
- Details and materials carried through to the new construction, including any additions. Especially the tear drop siding that is so indicative of our neighborhood.
- The existing structure to remain one story. This helps to support the streetscape and human scale of the structure as well as reduces the amount of structural renovation or addition that may be needed to support an additional story.
- We will not support any future variances for the site in terms of site development, i.e. an increase to the FAR or Impervious Cover.
- Preservation of the persimmon trees in the front of the house.
- We would like the front facade of the rear structure to face Alamo so as to create a feeling on the site of two separate structures since the rear house could potentially be as large as the front house.

We also believe that our neighborhood plan has adopted the secondary infill tool as a way to help developers build on their land without sacrificing the historic homes in our neighborhood. We will support NewCastle in renovating the home, maintaining the exterior street facades and scale, and building a secondary home on the property.

In conclusion we are in support of the variance to increase the allowable secondary structure maximum square footage on the conditions of preservation outlined above.

Sincerely,



Trinity E. White
Vice-chair CNPCT

Heldenfels, Leane

From: Angela [REDACTED]
Sent: Monday, July 11, 2016 12:19 AM
To: Heldenfels, Leane
Subject: Re: Case number C15-2016-0082, 2100 East 14th St.

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Hi Leane,

First, I want to thank you for looking into this whole situation when I emailed you back in May.

Secondly, I want to object to the variance request from Newcastle Homes. I live a couple of houses down from 2100 East 14th. My husband and I actually witnessed the front porch demolished with a skid-steer on March 23 and the remaining walls demolished on March 24. Not that it matters at this point, not one piece of the house is left, but the walls did not collapse as the variance notice indicates. I will also add, the piers were poured to a higher elevation than the original house which makes it obvious their intent was not to keep the original walls and demo the house from day one.

I am very frustrated with this situation and that it has come this far to have us vote on another variance because Newcastle did not hold up their end of this deal. When we began looking at this home a couple of years ago, the CNPCT and neighbors spent many hours working with Alex Zwarun of Newcastle Homes and reached a "win, win, win" for all parties, as he called it. All parties involved seemed content with the agreement. The historic home definitely needed work but there are many examples of quality remodels throughout our neighborhood. The home was still standing for over a hundred years and many of the newer homes in the neighborhood will never last that long or are already falling apart.

Based on the public hearing notice, I do not support the variance. Newcastle has not been forthcoming and honest with everyone involved. There are many documented discrepancies. The original variance request Newcastle received was to increase square footage of a secondary home so they could offset the cost of the historic remodel (see below the BOA the video testimonies). Since the home no longer exists, they should not need the variance to finance the project. We've lost the home and Newcastle loses integrity.

<https://austintx.swagit.com/play/08122014-993>

item M8

<https://austintx.swagit.com/play/08122014-993>

item L11

If we allow Newcastle to manipulate the system, then this creates a path for other developers to follow.

Thank you for your time.

Best Regards,

Angela White-Tagus
2104 East 14th St.
Austin, TX 78702
512-694-0825
[REDACTED]

BOA testimony.

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<http://www.austintexas.gov/edims/document.cfm?id=214499>
<http://www.austintexas.gov/edims/document.cfm?id=216323>

Board of Adjustment testimony

<https://austintx.swagit.com/play/08122014-993> (Item M8)
<https://austintx.swagit.com/play/08122014-993> (Item L11)

The reason I am writing you is, the developer intentionally demolished the entire historic home a few weeks ago. Several neighbors felt that something like this would happen and it did. Alex Zwarun told us, when confronted, that the house fell down on it's own. I live 2 houses from this property and watched the entire demo of the concrete porch one day and the the demo of the two walls left the next day. I work in the construction field and after looking at his permits, I felt he needed to confront what he has done with the city's permit office and change things from a partial demo and remodel to a complete new build. I have emails that state he had planned to demo in the first place. There is nothing more our neighborhood can do since the entire home was destroyed and nothing was salvaged. I contacted the building inspector and she said big developers have found loop holes to get away with things like this. I called code and filed a report but the case was closed. I contacted Susan Barr in the permit office and she put a hold on the permit for any construction because of the variance. Steve Sadowsky with the Historic Landmark Commission is working with Alex Zwarun to come up with a way to remedy the situation.

I am writing you because I just want his name and company to be known for this shady building practice when they come before you and ask for variances in the future. He clearly lied to the BOA, the CANA neighborhood, the COA permit office and the HLC. I am sure this is not the first time it has happened and I don't expect it to be the last. I don't know if the variance can be taken away, seeing that the building with the variance is already framed and sheathed. I just want them to follow the rules like everyone else and stand behind their word. Again, I just want you to be aware of the situation. I know you are very busy but I appreciate your time reading this.

Best Regards,
Angela White-Tragus
awhigus@gmail.com
512-694-0825

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Case Number: C15-2016-0082, 2100 E. 14th St.

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

Public Hearing: Board of Adjustment, July 11th, 2016

KATHY TAYLOR & SUSAN WARREN

Your Name (please print)

2012 E. 16TH STREET

Your address(es) affected by this application

Kathy Taylor Susan Warren

Signature

Date

Daytime Telephone: 512-626-7872

Comments:

WE OBJECT TO GRANTING OF THIS
VARIANCE FOR AN ADD TO EXCEED
CITY ALLOWED 1100 SQ. FT.
DEVELOPER DID NOT HOLD UP HIS
END OF COMPROMISE SOLUTION AND
THAT THERE SHOULD RECEIVE NO
BENEFIT -

Comment must be received by noon the day of the hearing to be seen by the Board at this hearing. They may be returned by:

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

(Note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

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To:
Board of Adjustments
Attn: Leane Heldenfels
PO Box 1088
Austin TX 78767-1088

July 11, 2016

RE: Case # C15-2016-0082 2100 E. 14th Street (Austin TX 78702)

I strongly object to this variance request, for an increase in the maximum size of a second dwelling unit that would exceed the 1,100 square feet permitted by current code.

In the original variance request for this ADU in August/September of 2014, the developer/builder testified to the BOA that the oversized ADU was necessary in order to **offset the costs of *preserving and restoring the existing* – at that point in time – original primary home that was over 100 years old.** As of March 24 2016, there is no piece of the original structure remaining. The developer/builder did not sufficiently protect and brace the two facades of the original structure that was left after the near-complete demolition of the home months earlier, where all the interior walls, the roof, the floor and all but two exterior walls were demolished.

Rather than stop all work on the site following the collapse/removal of those two façade walls in March (which they very well knew were the last basis for meeting the conditions of the original variance granted by the BOA and necessary for the city building permits), the builder/developer and their contractors continued to furiously work to pour piers and a slab, construct the subfloor/decking, perform framing and other building activities until the Code Enforcement “realized that the property had not yet been zoned Historic and issued a stop work order that remains in effect at this time since the variance called for Historic Zoning to be in place.” (per the letter from Judith Zwarun, President of Newcastle Homes, that is attached to this new variance request).

That stop work order was issued on April 27th, more than one month after the two last-standing façade walls were removed. Newcastle Homes was very aware that the Historic Zoning was not in place, yet continued to build on the property in blatant disregard of the conditions stated by the BOA in their approval of the variance and the permit requirements.

The original testimony given by Lex Zwarun in the BOA hearings in August and September 2014 (I listened and watched the recorded hearings available online), was that the over-sized secondary dwelling unit was necessary to offset the costs of preserving and restoring the existing primary home. Not one iota of that primary home exists today, and therefore there is no hardship basis for granting the variance again other than the desire for additional space than what code permits. Desire for additional space does not prove a hardship worthy of a variance.

Granting this variance will open the door to other builders/developers to construct ADUs that exceed the 1,100 square foot that is permitted today simply for the desire of additional space. Granting this variance will also give Newcastle Homes and the owner of this property more development opportunity than what is available to neighbors, other home owners and builders.

Respectfully submitted,

Kathy Taylor
2012 E. 16th Street, Austin TX 78702

Heldenfels, Leane

From: Rachael Shannon [REDACTED]
Sent: Sunday, July 10, 2016 10:19 PM
To: Heldenfels, Leane
Subject: Objection to Variance Request C15-2016-0082
Attachments: Variance_Request_Protest_Letter_C15-2016-0028.jpeg;
Variance_Request_form_C15-2016-0028_R_Shannon.jpeg

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Hello Leane Heldenfels,

Please find attached two documents relating to my objection to a variance request for 2100 E 14th St, Austin TX, 78702.

The hearing is tomorrow, July 11.

Please let me know if you have any questions re: these documents.

Best,
Rachael Shannon

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Rachael Shannon
Operations Manager // Access Art
www.accessartmd.org

//MFA in Community Arts
//Maryland Institute College of Art
www.rachaelshannon.com

PUBLIC HEARING INFORMATION

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Case Number: C15-2016-0082, 2100 E. 14th St.

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

Public Hearing: Board of Adjustment, July 11th, 2016

Rachael Shannon

Your Name (please print)

2101 E 16th St, Austin TX 78702

Your address(es) affected by this application

Signature

Daytime Telephone: 512.743.3385

Comments: I want to be clear that I strongly oppose this variance request. From my perspective, this project & it's developers have done nothing to show respect for & compliance with the initial agreements made. This developer & its associates have proven their already ill reputation of neglecting basic agreements & contracts. I know their claims of the facades falling to be (Cont...

Comment must be received by noon the day of the hearing to be seen by the Board at this hearing. They may be returned by:

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments postmarked after the Wed prior to the hearing will not be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

5/16

July 10, 2016

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Attn: Leane Heldenfels

PO Box 1088

Austin TX 78767

Case #: C15-2016-0082, 2100 E 14th St.

Re: Public Hearing, Board of Adjustment, July 11, 2016

I want to be clear that I strongly oppose this variance request. From my perspective, this project & it's developers have done nothing to show respect for & compliance with the initial agreements made. This developer and it's associates have proven their already ill reputation of neglecting basic agreements and trying to twist and manipulate contracts. Their credibility amongst the immediate neighbors is basically non-existent. I know their claims of being helpless to the facades falling to be false, and have no interest in pretending that this situation is otherwise. I also have no interest in the varying and inconsistent reports of why the walls came down or not. I know and trust my neighbors who were witnesses to this process, and who care deeply about community and the agreements made.

There is no need or basis for a variance as there is no historical preservation occurring, and plenty of profits have already been accumulated by the various parties involved in this project to allow them to complete a project within the confines already established by the city.

If this builder is not capable of being able to manage the simple construction request of maintaining the facades and therefore the agreements regarding the historical value, why would we trust them with being able to build any other worthy structure there? However, the incompetence is not the leading concern here, rather the blatant disrespect, lying, and misrepresentation of the project. It is insulting to everyone who has been involved in this negotiation, and to the legal processes by which we conduct agreements, and participate in community and place-making.

Sincerely,



Rachael Shannon, Owner
2101 E 16th St
Austin TX 78702

512.743.3385

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Case Number: C15-2016-0082, 2100 E. 14th St.

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

Public Hearing: Board of Adjustment, July 11th, 2016

BONIFACIO RAUDEL

Your Name (please print)

2108-E 16-

Your address(es) affected by this application

Leane Heldenfels

Signature

Date

7-10-16

Daytime Telephone: 512-276-00-38

Comments:

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

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Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

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

Public Hearing: Board of Adjustment, July 11th, 2016

Sharon L. Shuppert
Your Name (please print)

☐ I am in favor
☒ I object

2004 E. 14th St., Austin, TX 78702
Your address(es) affected by this application

Sharon L. Shuppert 7/10/16
Signature Date

Daytime Telephone: (512) 659-3226

Comments: This is a family neighborhood
in the building of a large, multi-
family buildings on a single family
lot creates more traffic as well as
parking issues. In addition, building
has shown incompetence in allowing
the loss of a historic structure that
they had agreed to preserve & restore.

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

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

8/13

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

Public Hearing: Board of Adjustment, July 11th, 2016

Lois Scaruffi

Your Name (please print)

2202 E 14th St

Your address(es) affected by this application

[Signature]

Signature

Date

7-8-2016

Daytime Telephone: (512) 232-4571

Comments: Too large for that lot.

☐ I am in favor
☒ I object

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

8/3/16

PUBLIC HEARING INFORMATION

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- 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.

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Case Number: C15-2016-0082, 2100 E. 14th St.

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

Public Hearing: Board of Adjustment, July 11th, 2016

LITO ELIO PORTO

Your Name (please print)

2006 E. 16th

Your address(es) affected by this application

Jeff Port

Signature

Daytime Telephone: 512 300 4452

Date

07-08-16

Comments:

Granting a variance for
overlaid ADV sets a precedent
for other builders to do the
same.

Comment must be received by noon the day of the hearing to be seen by the Board at this hearing. They may be returned by:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

8736

Heldenfels, Leane

From: Stephanie Amack [REDACTED]
Sent: Tuesday, July 05, 2016 9:24 PM
To: Heldenfels, Leane
Subject: C15-2016-0082, 2100 E. 14th St.
[REDACTED]

mk
83

Hi,

I am writing about Case Number C15-2016-0082 located at 2100 E 14th St. I object to the variance request. Living right down the street, I pass by the property daily and it seems that most of the exterior of the second dwelling (was a variance needed for that? If so, I do not think I received a notice) is already built. Unfortunately, I think this a common practice developers use: build the house first and ask for permission later.

I would appreciate a follow-up in this matter.

Thank you,
Stephanie Amack
2201 E. 14th St.

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Case Number: C15-2016-0082, 2100 E. 14th St.

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

Public Hearing: Board of Adjustment, July 11th, 2016

Your Name (please print) Manuel Cavazos

☒ I am in favor
☐ I object

Your address(es) affected by this application 2100 E. 14th St, Austin Tx 78702

Daytime Telephone: (832) 282-4175 Date 07/03/16

Signature [Signature]

Comments: Please allow this case to be approved. This project has been sitting in limbo for too long. I would like to see this corner completed, and so it can quit being an eye sore. ~~but~~ please feel free to contact me with any questions.

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Email: leaneheldenfels@austintexas.gov

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Case Number: C15-2016-0082, 2100 E. 14th St.

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

Public Hearing: Board of Adjustment, July 11th, 2016

Jose Moreno

Your Name (please print)

2107 E. 14th St. #702

Your address(es) affected by this application

Jose Moreno

Signature

07/02/2016

Date

Daytime Telephone: (512) 300-1013

Comments: I would like to say that I'm

very disappointed in how long this has

taken to resolve, I want to approve

the request to increase the maximum

size of the second dwelling unit from 1,100 sq ft

to 1350 sq ft. Not only ~~the~~ ^{the} ~~request~~ ^{request} does this

take advantage of the size of the lot,

it ~~also~~ ^{also} increases the chances of a family

to move in. ~~at~~ ^{at} ~~Thank~~ ^{Thank} You.

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Leane Heldenfels

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8/3/16