

Heldenfels, Leane

my

22

From: Craig Parker Builder [REDACTED]
Sent: Sunday, October 09, 2016 4:52 PM
To: Heldenfels, Leane
Subject: 904 Ethel BOA C-15 2016-0111
[REDACTED]

Hello Leane

I support the variances requested at 904 Ethel for minimum lot size and building set back.

Thank you

Craig Parker

809 Ethel

Owner of 905 Ethel

Heldenfels, Leane

0111

my
23

From: James Harkrider [REDACTED]
Sent: Monday, October 10, 2016 10:36 AM
To: Heldenfels, Leane
Subject: 904 Ethel Street BOA Support Letter
Attachments: 904 Ethel Street_BOA Support Letter_10.10.16.jpg

Ms. Heldenfels,

Attached please find my signed BOA support letter in favor of the adjustment requested for 904 Ethel Street.

Please let me know if you have any questions.

Regards,

James H. Harkrider III
Partner

S T U D I O
D+FORM

153 West 27th Street, Suite 1003 New York City, New York 10001 Tel 646 537 1754

902 Gardner Road, Studio 23 Austin Texas 78721 Tel 512 645 0675

www.studiodform.com

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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

Case Number: C15-2016-0111, 904 Ethel St.

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

Public Hearing: Board of Adjustment, October 10th, 2016

LEANE HARKRIDER

Your Name (please print)

☒ I am in favor
☐ I object

2011 PEACH TREE STREET

Your address(es) affected by this application

66

Signature

10/10/16

Date

Daytime Telephone: 512 751-7394

Comments: MR. STANWELL IS MY FATHER

NEXT DOOR NEIGHBOR AND A CURRENT

BUSINESS ASSOCIATE AND I AM VERY

CONFIDENT THAT HE WILL BUILD SOMETHING

THAT HE APPROPRIATE AND SENSITIVE TO

THE FABRIC OF THE NEIGHBORHOOD.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be sent via:

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

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by Wednesday the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

My
24

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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

Case Number: C15-2016-0111, 904 Ethel St.

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

Public Hearing: Board of Adjustment, October 10th, 2016

Ginny Catania
Your Name (please print)

903 Ethel St

Your address(es) affected by this application

[Signature] Date Oct 11/16

Signature

Daytime Telephone: 512-636-0034

Comments:

I can't even put a garage door on my house - there's no way to increase supervision over violate McManis and set back rules. Forget it.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be sent via:

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

(Note: mailed comments must be postmarked by Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

25 34

Heldenfels, Leane

From: Lorraine Atherton <[REDACTED]>
Sent: Thursday, October 06, 2016 3:18 PM
To: Heldenfels, Leane
Subject: 904 Ethel, C15-2016-0111
Attachments: 904 Ethel ZNA letter.pdf

mt
26

Re: 904 Ethel, C15-2016-0111

Hello, Leane.

Attached is ZNA's letter of opposition to the variances requested at 904 Ethel. Please include the attachment in the BoA backup and the Development Review file for this case.

To summarize, the Executive Committee of the Zilker Neighborhood Association (ZNA) is opposed to the variances because the applicant has not pursued other remedies besides a variance to restore the lot to a buildable size or to secure building permits to remodel the existing structure. Our preliminary research of Travis Central Appraisal District files has found 16 nearby properties that are below the minimum lot size. Nine, including the adjacent property, are less than a block away, and four have houses of less than 1,000 sf. Most of the houses on these lots have been maintained or remodeled; although many of them have other deficiencies (such as lot width of less than 50 feet), so far we have found no record of any variances. Clearly, other remedies have been available to these neighboring properties. We must conclude that a lot size variance would grant special privileges, significantly alter the established character of the immediate area, and impair the purpose of the zoning regulations. The ZNA Executive Committee therefore requests that the Board of Adjustment deny the lot-size and other variances.

Thanks,
L. Atherton
(512-447-7681)

Zilker Neighborhood Association

www.zilkerneighborhood.org • zilkerna@austin.rr.com
2009 Arpdale • Austin, TX 78704 • 512-447-7681

my
27

October 6, 2016

Re: 904 Ethel, C15-2016-0111

Dear Ms. Heldenfels,

The Executive Committee of the Zilker Neighborhood Association (ZNA) is opposed to the variance request for 904 Ethel to decrease the minimum lot size from 5,750 to 4,994.57 square feet. Our main concern is that the applicant has not pursued other remedies besides a variance to restore the lot to a buildable size or to secure building permits to remodel the existing structure. Our preliminary research of Travis Central Appraisal District files has found 16 nearby properties that are below the minimum lot size. Nine of these properties, including the adjacent property, are less than a block from 904 Ethel (see ZNA Exhibit A), and four of them have houses of less than 1,000 sf. Most of the houses on these lots have been maintained or remodeled; although many of them have other deficiencies (such as lot width of less than 50 feet), so far we have found no record of any variances. Clearly, other remedies have been available to these neighboring properties. We must conclude that a lot size variance would grant special privileges, significantly alter the established character of the immediate area, and impair the purpose of the zoning regulations. The ZNA Executive Committee therefore requests that the Board of Adjustment deny the variance. Our findings are listed below.

Reasonable use: A variance cannot be granted on the basis that the zoning regulation itself is unreasonable. That requires a zoning change (see "Area character" below). In this case, the applicant wishes to build a new house in an SF-3 zoning district under what appear to be SF-4A development standards; in other words, the applicant is requesting a zoning change. The applicant has not submitted any plan or elevations to the Development Review Department, but we can tell from the photographs that the property is very steep and probably covered with protected trees, which would likely require several variances for any new construction. The house proposed by the applicant would exceed the FAR limit and most likely several other McMansion limits, requiring still more variances. Ultimately, site conditions (not the zoning regulations) make this small lot essentially unbuildable. Its best use would probably be to recombine it with 1514 Treadwell, which is also a substandard lot, and build a second dwelling on the buildable area.

Hardship: A variance cannot be granted on the basis that the zoning regulation itself is a hardship. In this case, the application presents no hardship regarding the minimum lot size; it describes only the difficulties of permitting a house that is too large for its site. As noted in

the introductory paragraph, the existence of lots that do not meet the minimum lot size under current code is not unique to this property. The 16 addresses mentioned above are 809 and 811 Ethel; 1504, 1507, 1509, 1511, 1513, 1514, 1517, 1519 Treadwell; 806, 808, 905, 1001, 1002, and 1004 Kinney. West of Kinney, there are subdivisions that consist mostly of lots that are about 25 feet wide and do not meet the minimum lot size. These lots were designed to be sold in pairs to create a buildable lot. Much of the northern portion of the neighborhood was developed in this manner, with homeowners buying two or three or more modular lots to create home sites.

my
28

Area character: The blocks immediately surrounding this site may be considered for special treatment, such as small-lot amnesty, when the current code revision process moves to the mapping or neighborhood planning stage, but that must be done through the public process, including all the affected properties. Until then, it must be assumed that individual variances granted piecemeal through the Board of Adjustment would establish the wrong precedent and significantly alter the established character of the area.

In the absence of a qualifying hardship, the ZNA Executive Committee does not support variances that would set a precedent for small-lot development in this area. The Board of Adjustment considered a similar variance request from the minimum lot size at 1107 Kinney (case C15-2011-0058). ZNA opposed that request, and the Board of Adjustment voted unanimously to deny the request at its hearing on June 13, 2011.

In the interests of preserving existing small, affordable housing options, the ZNA Zoning Committee would be willing to work with the owner to permit the renovation and reuse of the existing structure. Based on the evidence of surrounding properties, that can be done without a variance, but no one can know for sure unless the owner submits an actual plan to the Development Review Department. Since the Board of Adjustment is prohibited from granting "special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located," the ZNA Executive Committee must oppose the current variance.

Please include this letter in the Development Review file and the Board of Adjustment hearing materials for this case.

Sincerely yours,
Lorraine Atherton
on behalf of the Executive Committee
of the Zilker Neighborhood Association

ZNA Exhibit A

my
29



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0111

LOCATION: 904 Ethel St

1" = 137'

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 official land survey and represents only the approximate relative location of property boundaries.

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



Heldenfels, Leane

From: Joan Hughes <~~joan.hughes@gmail.com~~>
Sent: Thursday, October 06, 2016 8:01 PM
To: Heldenfels, Leane
Subject: C15-2016-0111, 904 Ethel St.

my
30

My name: Joan Hughes
My address: 808 Kinney Avenue
Phone: 512 484-8049

Comments:

I object to the variance request, part c.

I am assuming the lot size is 4994.57 sq feet. In order to build on this lot, then the required minimum lot size needs a variance. I am in favor of part a.

I am in favor of Part b, that the set back for a single family home can be 15 ft, which is the current setback of the current structure.

However, I object to Part c, a request for 65% impervious cover, as this is egregious and not mathematically fair.

With a minimum lot size of 5750, the 45% impervious cover would mean the maximum impervious cover would be 2587 square feet. I would be supportive of granting them the equivalent 2587 sq ft (45% of the minimum lot size 5750) impervious cover, which mathematically is 51.8% of the 4994 sq ft lot. That is the maximum impervious cover variance that would be fair to all the other households in the neighborhood and give them the exact impervious cover allotment they would legally have if their lot was a normal 5750 sq ft size.

If I had 65% impervious cover allotment (and my lot is not much larger than theirs at 5097 sq ft), I could build a second building on my lot, but alas I cannot because it is not allowed by law. If you allow them 65% variance, you better be ready to approve all the other requests in our neighborhood for similar variances.

Sincerely,
Joan Hughes