

44-1

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, February 13, 2017

CASE NUMBER: C15-2017-0007

☒ Y ☐ Brooke Bailey
☒ Y ☐ Michael Benaglio
☒ Y ☐ William Burkhardt
☒ Y ☐ Eric Goff
☒ Y ☐ Melissa Hawthorne **Motion to Grant Postponements (L-1 & M-1)**
☒ Y ☐ Bryan King **2nd the Motion**
☒ Y ☐ Don Leighton-Burwell
☒ Y ☐ Rahm McDaniel
☒ Y ☐ Melissa Neslund
☐ - ☐ James Valadez **LATE**
☐ - ☐ Michael Von Ohlen **LATE**
☐ - ☐ Kelly Blume (Alternate)
☐ - ☐ Martha Gonzalez (Alternate)

APPLICANT: Sergio Lozano-Sanchez

OWNER: Richard Kooris

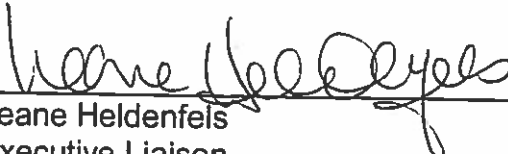
ADDRESS: 1615 and 1617 2ND ST


VARIANCE REQUESTED: The applicant has requested a variance(s) from Section 25-2-776 (B) (*Condominium Residential use*) to decrease the minimum site area for each condominium from at least 3,500 square feet (required/permitted) to 3,310 square feet in order to construct 8 condominium units in an "SF-5-CO-NP", Urban Family Residence – Conditional Overlay - Neighborhood Plan zoning district. (*Bouldin Creek*)

BOARD'S DECISION: Feb 13, 2017 POSTPONED TO MARCH 13, 2017 DUE TO NOTIFICATION ERROR




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



- N
-  SUBJECT TRACT
 -  PENDING CASE
 -  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0007
 LOCATION: 1615 S. 2nd Street



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 accuracy.

" = 138'



CITY OF AUSTIN

Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

5/13

Board of Adjustment General/Parking Variance Application

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

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

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

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

For Office Use Only

Case # C15-2017-0007 ROW # 11654522 Tax # 0401021304
TCAD ✓

Section 1: Applicant Statement

Street Address: 1615 S. 2ND ST

Subdivision Legal Description:

0.603 ACRES ISAAC DECKER LEAGUE TRAVIS CO, TX; 0.599 ACRES TDCR
#2015194070. LAND STATUS DETERMINATION CBI-2016-0091.

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

Outlot: _____ Division: _____

Zoning District: SF-5-NP (Bouldin)
CO-

I/We SERGIO LOZANO-SANCHEZ P.E. on behalf of myself/ourselves as
authorized agent for RICHARD KOORIS affirm that on

Month January, Day 4, Year 2017, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

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

Type of Structure: CONDOMINIUM

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

CHAPTER 25-2-776 CONDOMINIUM RESIDENTIAL USE.

(C) AT LEAST 3,500 SQUARE FEET OF SITE AREA IS REQUIRED FOR EACH
CONDOMINIUM.

14
15

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

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

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

Reasonable Use

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

The zoning regulation, which is very suburban in nature, is counter-productive to Imagine Austin with regards to density and the provision of affordable housing. We believe this antiquated suburban requirement will not be included in CodeNext.

We are only short approximately 1,980 sqft of land to be able to build 8 units, equating to less than 250 sqft per unit. This means the site currently allows 7.5 units, which we would like to simply round up.

Hardship

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

1.) There are several examples of this code being violated throughout the neighborhood, zip code, and City. (Continued on Page 8 in additional space)

2.) Early indications are that this requirement, which was originally designed to protect suburban neighborhoods from overly-dense development, will be revised in CodeNext to allow for developments of this sort. (Continued on Page 8 in additional space)

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

The property is surrounded by SF-3 zoning, therefore there is no "apples-to-apples" comparison.

Area Character

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

We are allowed to build 7 units without a variance. Adding an 8th unit would have an extremely small impact (if any) on the property, traffic, neighbors, etc.

The units are very modest in size. If we were limited to only 7 units, the square footage of each unit would need to be increased. In other words, we will be building the same amount of square footage and bedrooms if it is 7 units or 8 units. (Continued on Page 8 in additional space)

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

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

n/a

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

n/a

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

n/a

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

n/a

44
6/2

Section 3: Applicant Certificate

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

Applicant Signature: [Signature] Date: 1/5/2017

Applicant Name (typed or printed): SERGIO LOZANO-SANCHEZ P.E.

Applicant Mailing Address: 1715 E 7TH ST

City: AUSTIN State: TEXAS Zip: 78702

Phone (will be public information): (512) 587-7236

Email (optional – will be public information): max@loccivil.com

Section 4: Owner Certificate

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

Owner Signature: [Signature] Date: 1.5.17

Owner Name (typed or printed): Richard Kooris

Owner Mailing Address: 501 N. 135

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 485-3000

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: SERGIO LOZANO-SANCHEZ P.E.

Agent Mailing Address: 1715 E 7TH ST

City: AUSTIN State: TEXAS Zip: 78702

Phone (will be public information): (512) 587-7236

Email (optional – will be public information): max@loccivil.com

Section 6: Additional Space (if applicable)

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

-Please see attached memo and additional comments below.

-This project is currently in Site Plan Review. We have satisfied or have solutions for all other comments.

-Bouldin Creek Neighborhood Association is in full support of this project with 8 units.

Additional Space (continued)

CONTINUED FROM "HARDSHIP" SECTION ABOVE a) 1) ABOVE: Granting this variance would not provide this property with a special privilege. This is largely the result of an owner's ability to achieve a 'condominium' designation from the county after certificate of occupancy is obtained, without regard to City Code, which may create an Equal Protection issue.

CONTINUED FROM "HARDSHIP" SECTION a) 2) ABOVE: Therefore, we are disadvantaged by the timetable for code modifications to come into effect, that the city is already in the process of implementing to satisfy the obvious housing supply issue that exists in Austin and must be addressed.

CONTINUED FROM "AREA CHARACTER" SECTION ABOVE: However, building 8 units is preferable because it will allow us to build units that are more affordable, which actually makes the development conform better with the purpose of the regulations of the zoning district, as well as the wishes of the neighborhood and the city.

The 8-unit design incorporates features specifically designed to adhere to the neighborhood character, and is regulated by a restrictive covenant authored by the neighborhood association specifically for this site.

It is worth noting that the term "condo" is a form of ownership and not a land use or zoning term. It's use appears to be a misnomer in the ordinance. Any property can be divided under a condo regime, into two or more pieces, but the physical and use characteristics of the property could remain the same as before the condo regime was established. So, using "condo" as a way to distinguish a different use, or to rule against certain uses seems inconsistent with the rest of the code.

The attached memo describes the 18 plus month process. It describes Bouldin Creek Neighborhood Association support of the project, and takes the reader through the BCNA approval process and the zoning change.

We have worked very closely with the West Bouldin Neighborhood Association to craft a zoning ordinance that was agreed upon to construct up to 8 units on the site. This requirement is now an obstacle to harmonize the site with an even number of units. The configuration of the lots lend itself to have a driveway divide between the units and have a symmetric layout. In addition, large trees have been preserved in order to maintain the tree coverage that exists on the site.

The open space requirement stated in the land development code Chapter 25-2-766 (C) is outdated and is not in sync with the new urban density criteria, which is clearly depicted in Imagine Austin and Code Next.

SAVE

14/8

EXECUTIVE SUMMARY
1615-17 SOUTH SECOND ZONING CASE

Our development company has applied for a Site Development Permit to build eight single family, free standing residences on two large lots facing South Second St. in the Bouldin neighborhood.

The project is currently stalled after the first round of SDP comments because we do not meet the condominium "open space" requirement of 3,500 sq. ft. per unit (25-2-776(C)).

This project is strongly supported by the Bouldin Creek Neighborhood Association and its Neighborhood Planning Team. The project had strong staff support when it went before Planning Commission and Council where it received unanimous approval to be re-zoned from SF-3 to SF-5. We feel that the intent of all of the affected parties should be respected and we should be permitted to proceed with the project. We are seeking your support and a variance of the condo restriction noted above.

PROJECT HISTORY

In the fall of 2014, the owner of two large lots, totaling 26,130 sq. ft. in area, on South Second St. offered to sell them to us for development.

The lots are extremely deep (231 ft.) relative to their combined width of 113 feet. By comparison, a standard city lot is roughly 128 ft. deep and 46 ft. wide.

The lots were zoned SF-3, a category that would permit only a single family home or a duplex to be constructed. Due to the rapidly rising land values, this use would dictate a very large structure on the land and a likely sales price of over \$1.5 million dollars.

Residences of this size and price are very much out of scale with the rest of the neighborhood and unaffordable to the young families who wish to be a part of the Bouldin Community. We had an idea for a way to put more homes on the property, much smaller in size, designed to "fit in" to the neighborhood in scale, design and cost.

In order to accomplish this, we would need to re-zone the land from SF-3 to SF-5 and, in order to do that, we would need the help and support of the Bouldin Creek Neighborhood Association.

Over the next 18 months, we met almost monthly with the BCNA Land Use Committee and eventually with the BCNA as a whole. We had a number of productive discussions and went through an extensive design process to make sure that our concepts and designs were in sync with the Neighborhood Plan and responded to the desires and concerns of the members of the BCNA.

At the end of this process, we drafted a Restrictive Covenant (RC) binding us to execute a number of very specific design and construction objectives. Because the BCNA does

not have the funding to hire legal counsel, we agreed to pay the fees of an attorney, Chase Hamilton, who would work directly for the BCNA and represent their interests in the drafting of the Restrictive Covenant.

The RC is very specific in its terms. We mutually agreed upon the number of homes to be constructed (8), the maximum footprint of those homes (799 sq. ft.) and a number of other design criteria, including the promise that two of the homes would be slightly smaller, by 15%, than the others and would therefore be even more affordable.

All of this material, especially the site plan showing eight homes, was shared with City Staff in Neighborhood Planning and was presented to both Planning Commission and Council. Everyone associated with the project, in BCNA and at the City of Austin, was completely aware of the fact and had no problem with our intent to construct eight homes on the site.

When the Conditional Overlay was approved at PC and Council, Part 2 Item A states:

Development of the Property may not exceed 8 residential units.

To us and to the BCNA, this language signifies that all parties were aware of the plan to build eight units, as clearly shown, and that was what was being approved.

The re-zoning was approved on Feb. 11, 2016. On 6.10.16 we submitted our packet for Site Plan Review and the Site Plan Reviewer (Scott Grantham) noted that:

SP1 At least 3,500 square feet of site area is required for each condominium in an SF-5 district, which would allow for 7 total units on the site. 25-2-776(C). Please revise design.

This comment alone is fatal to the project and the agreement that we have with the BCNA, memorialized in the RC and the CO.

ARGUMENTS FOR RELIEF

We are not sure how we got to this point. Perhaps city staff in Neighborhood Planning was not aware of these requirements that were in conflict with the plan that they extensively reviewed and recommended for approval. Perhaps the size and complexity of the Land Development Code invites these sorts of mis-understandings.

What we do know is the following:

1. We have a right to build a certain amount of conditioned square footage on our property. That will not change.
2. Both the BCNA and we would prefer to build eight houses on this property because they will be the most affordable density that can be placed on the property. If we

L4
a

are forced to build seven houses, four duplex units or two gigantic single family homes, each unit will be significantly less affordable than any of the eight currently planned units.

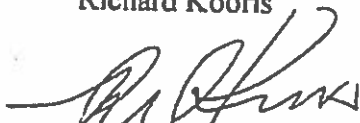
3. Our plan for eight units was clearly and unambiguously presented to both City Staff, PC and Council and approved by all of them.

4. The RC that we negotiated with the BCNA is based on our being permitted to build eight units. If we cannot do that, the RC is null and void and both we and the BCNA will have lost a great deal of time and money. And neither party will get what it believes is best for the neighborhood.

We feel that what we have proposed, and the plan that the BCNA has embraced, is entirely consistent with all of the Planning efforts currently underway in the COA.

Thanks for your time and assistance,

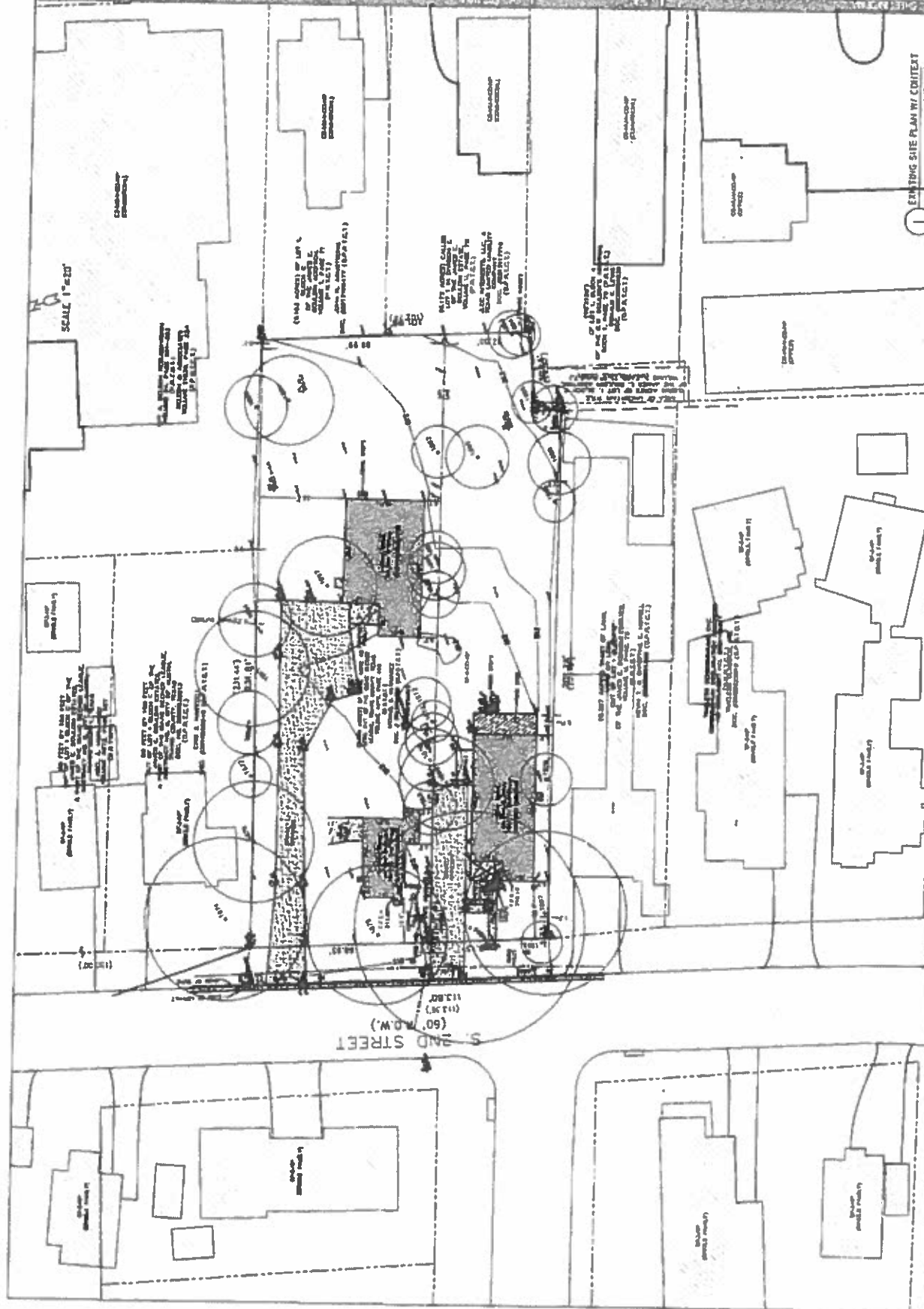
Richard Kooris



512-422-8878

rkooris@501studios.com

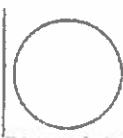
4/10





1811 SOUTH 2ND ST. AUSTIN, TX 78704
1/2" = 1'-0"
DATE: 01.08.2017

SOUTH SECOND STREET



PROJECT NO. 1324
DATE: 01.08.2017
SOP

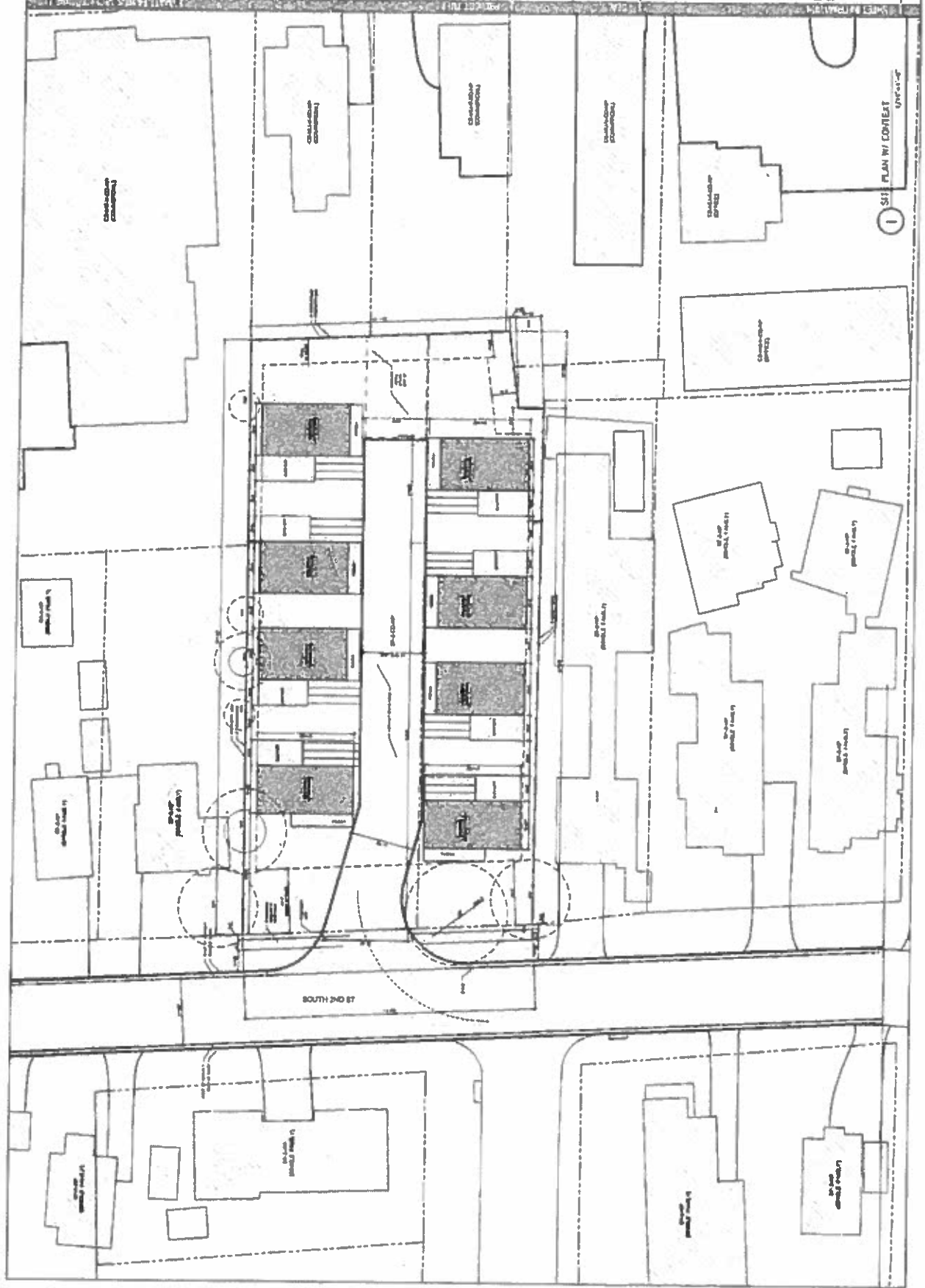
PROPOSED
SITE PLAN

PROJECT NO. 1324
DATE: 01.08.2017
SOP

PROPOSED
SITE PLAN

A1.1
mf architecture

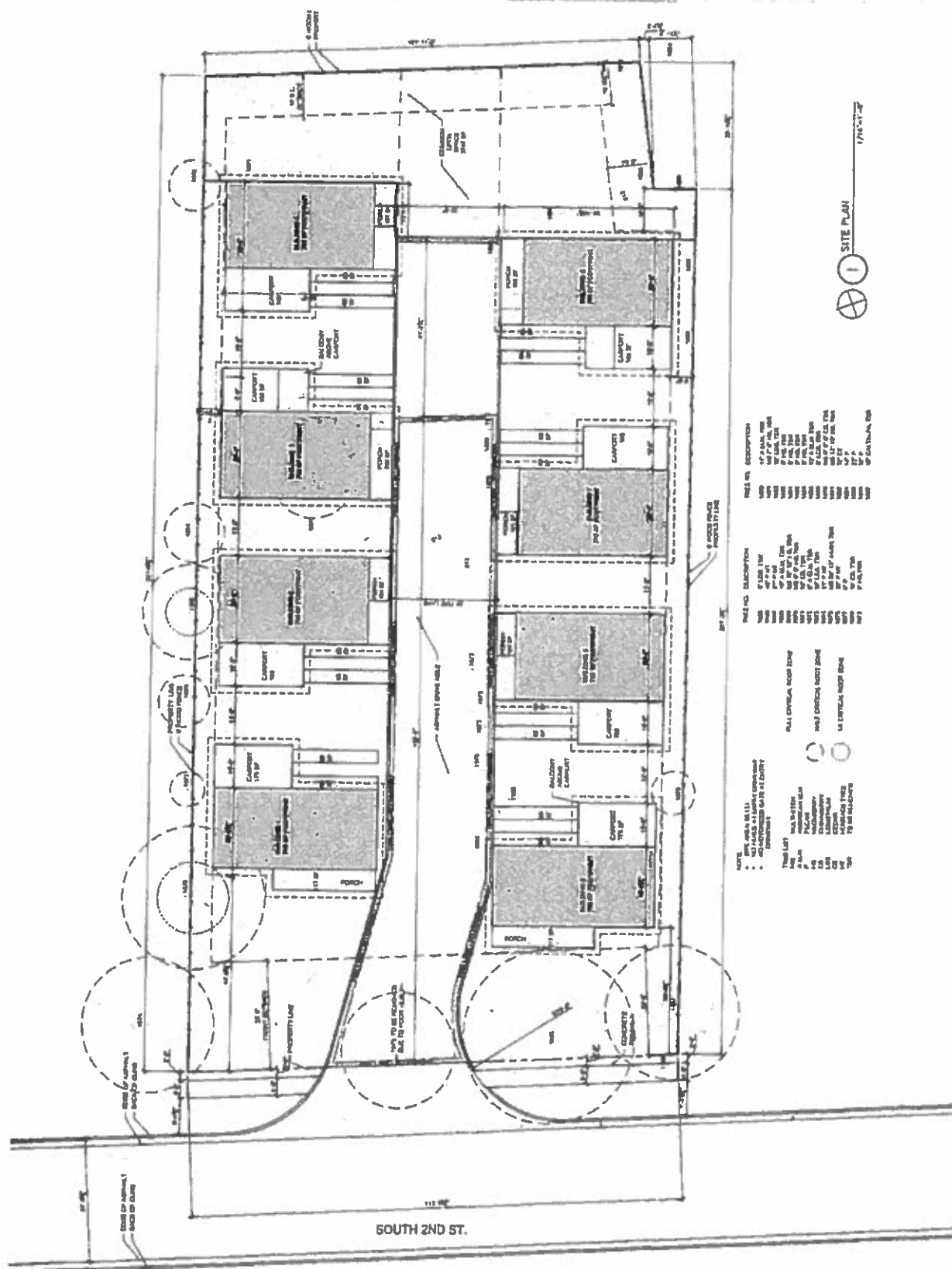
2/15

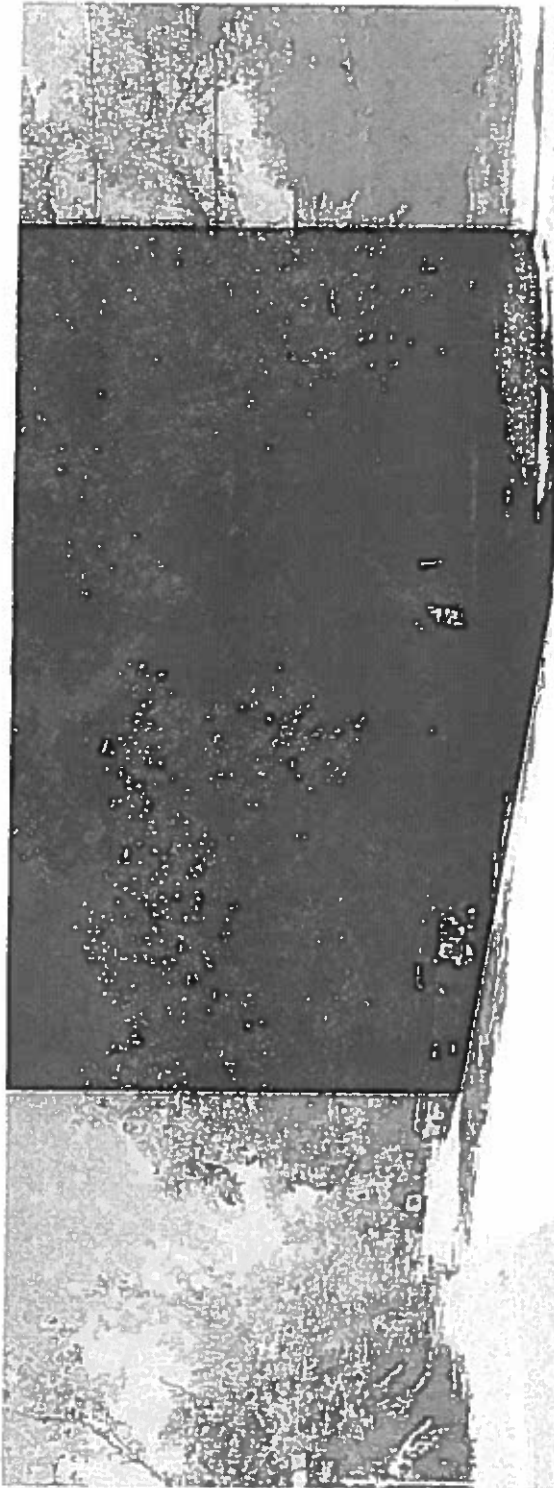


1 SITE PLAN W/ CONTEXT

SITE PLAN

501128057


$$\frac{24}{13}$$




FRONT OF SITE ALONG SOUTH 2ND ST.



TAKEN FROM REAR OF LOT LOOKING WEST

SITE PHOTOS

SOUTH 2ND ST
 1000' x 1000'



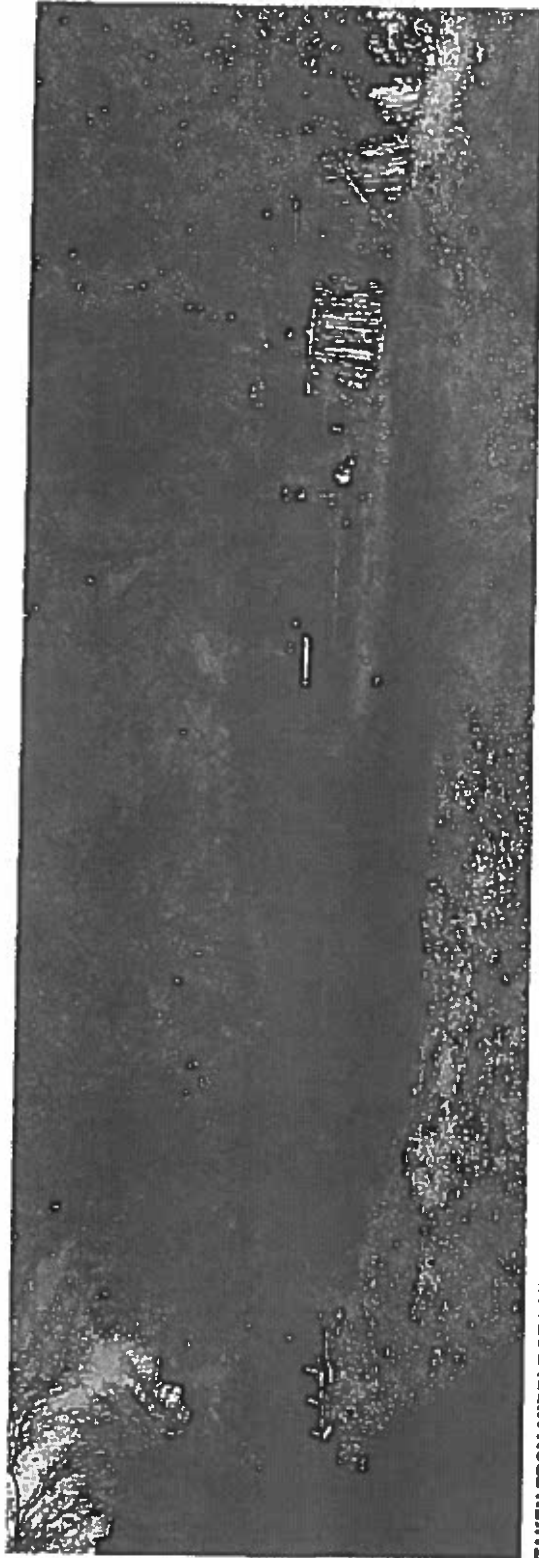
architecture

1000' x 1000'
 1000' x 1000'
 1000' x 1000'

1000' x 1000'

1000' x 1000'

14/5



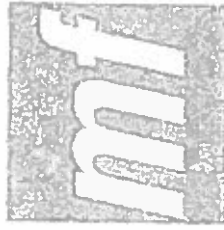
TAKEN FROM MIDDLE OF LOT LOOKING WEST



TAKEN FROM MIDDLE OF LOT LOOKING NORTH

SITE PHOTOS

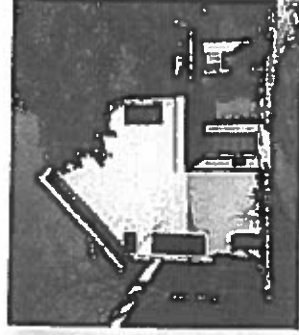
SOUTH 2ND ST
 2nd St & 1st St



architecture

1000 1st St
 Suite 100
 San Francisco, CA 94104
 Tel: 415.398.1000
 Fax: 415.398.1001
 Email: info@mfarch.com

5/14



Neighborhood Context

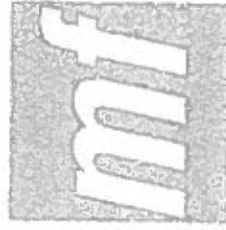
NEIGHBORHOOD CONTEXT

PROPOSED ELEVATIONS

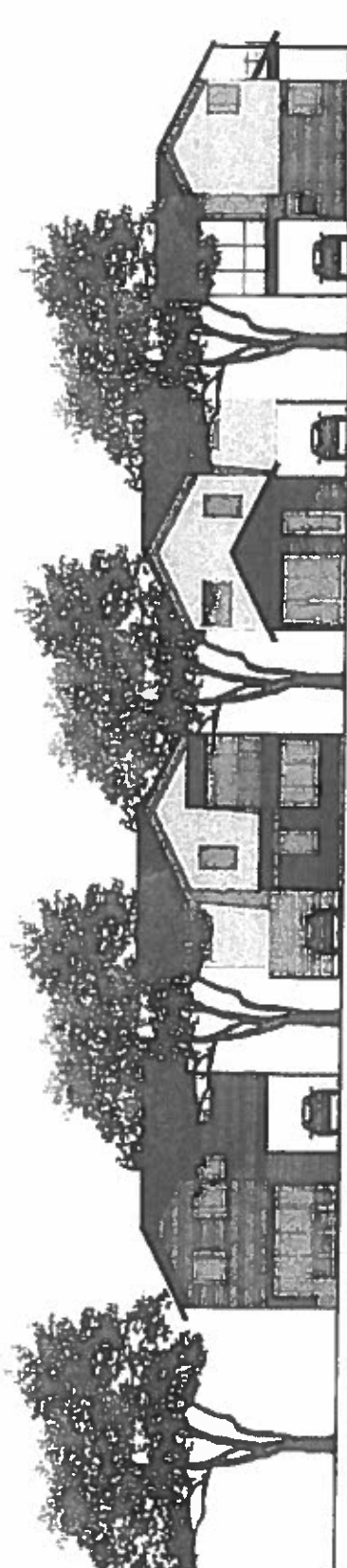
SOUTH 2ND ST
1615 SOUTH 2ND ST



1615 South 2nd St. : North Elevation Interior Drive

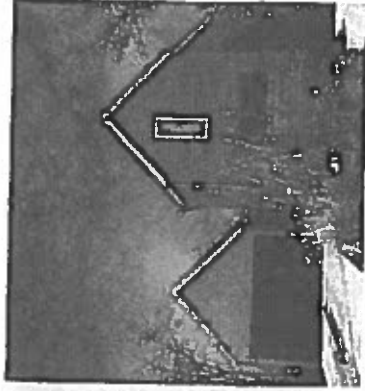
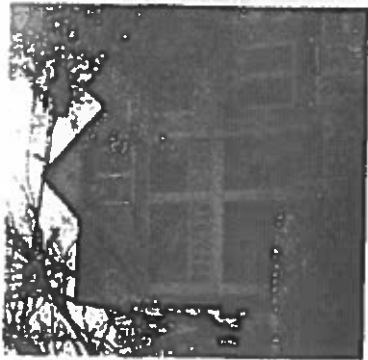


architecture



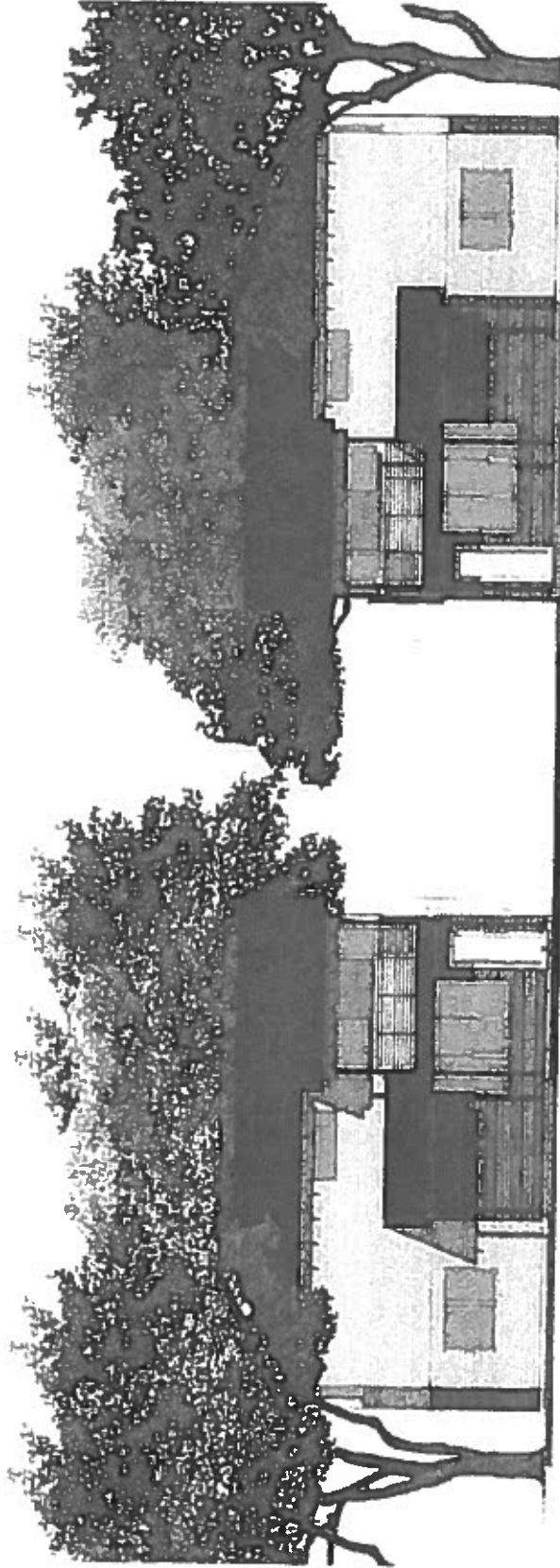
1615 South 2nd St. : South Elevation Interior Drive

12/5



Neighborhood Context

SOUTH 2ND ST
17' and 18' Adj. Streets



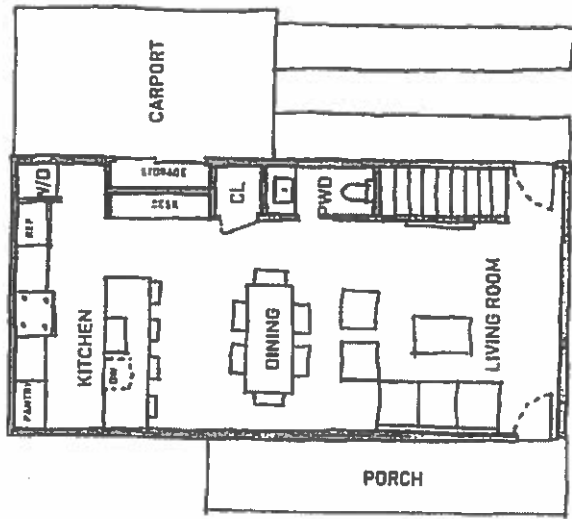
Elevation Along South 2nd St.



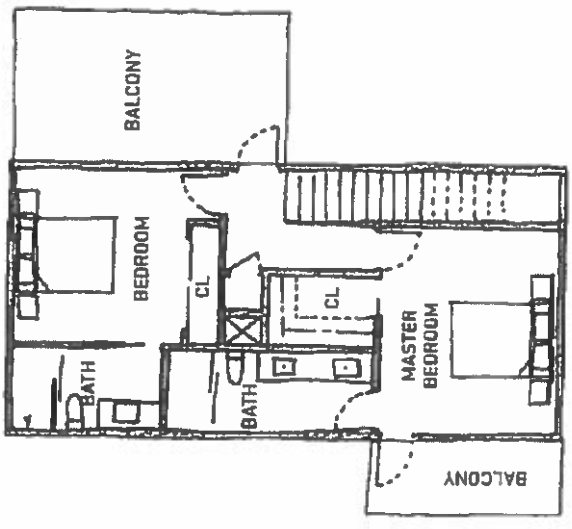
architecture

1001 4th St. NW
Seattle, WA 98107
206.461.1111
www.mfarch.com

5/14



FLOOR PLAN 1



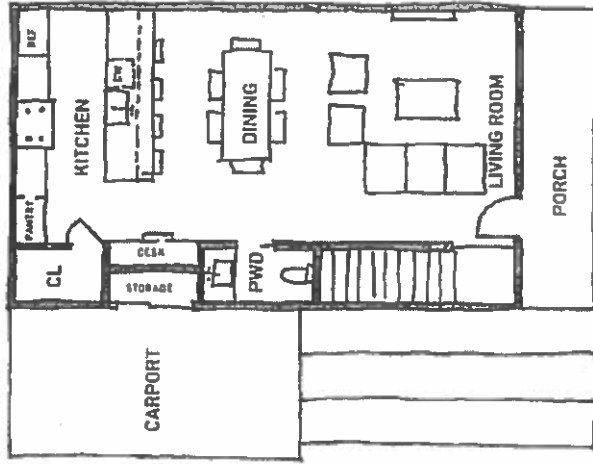
FLOOR PLAN 2

BUILDING 1 & 5
Floor Plan Sketches
Scale: 1/8" = 1'-0"

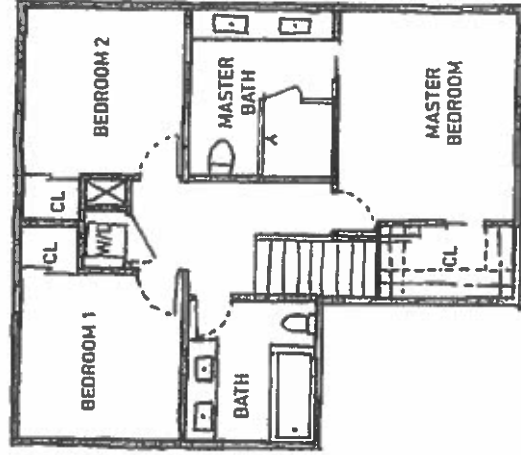
SOUTH 2ND ST
 2'0" and 1'4" adjustments



L4
 18



FLOOR PLAN 1



FLOOR PLAN 2

BUILDING 2,4,6,7
Floor Plan Sketches
Scale: 1/8" = 1'-0"

SOUTH END ST
 1234 567 890 1011

2000 1234 567 890



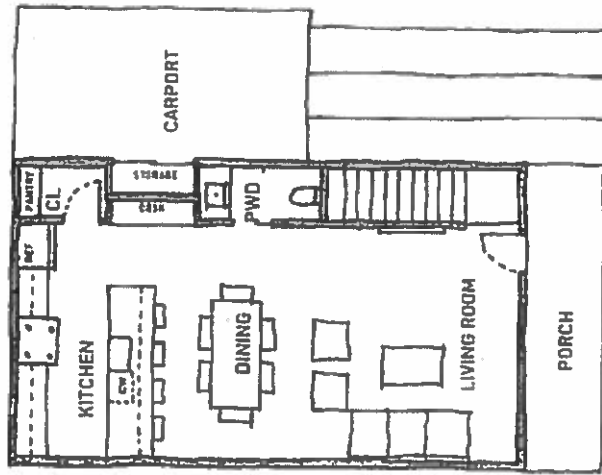
architecture

1234 567 890 1011
 2000 1234 567 890

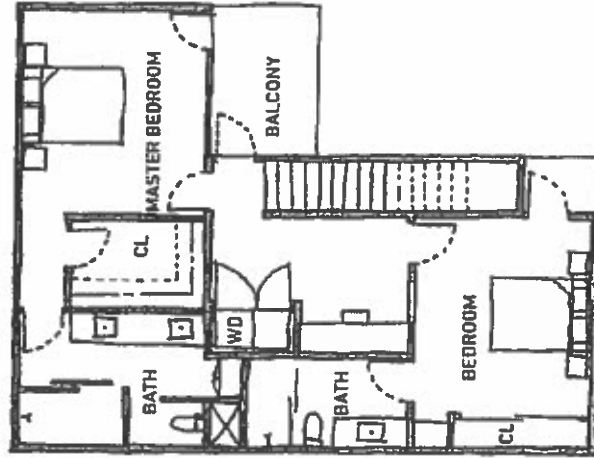
1234 567 890 1011

1234 567 890 1011

19/5



FLOOR PLAN 1

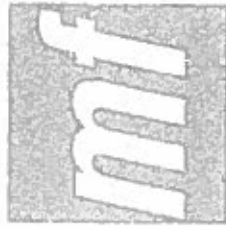


FLOOR PLAN 2

BUILDING 3 & 8
 Floor Plan Sketches
 Scale: 1/8" = 1'-0"

SOUTH 2ND ST
 and 2nd Avenues

February 2014



architecture

Michael Farrell
 1000 1st Ave SW
 Suite 100
 Seattle, WA 98101

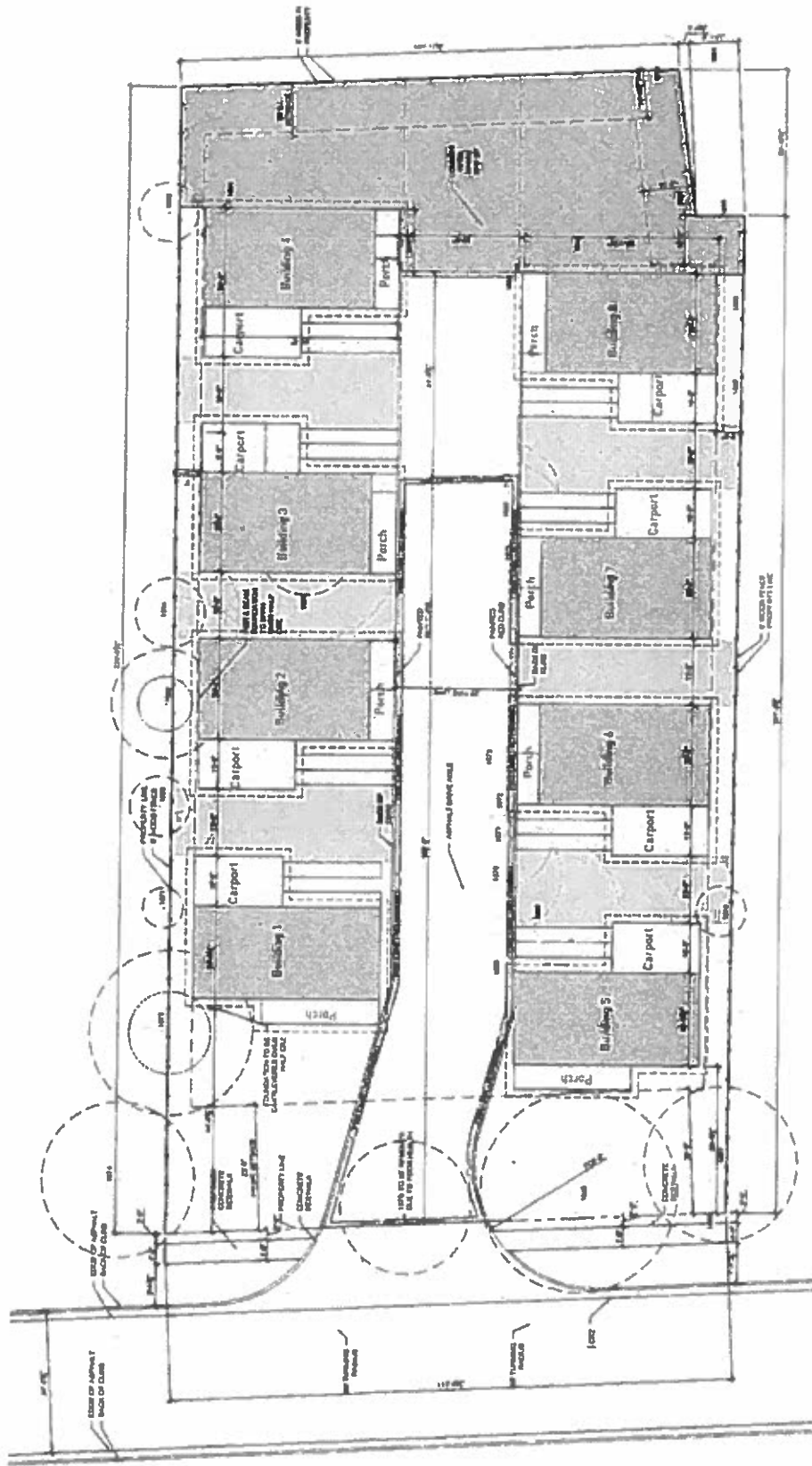
Phone: 206.461.1111

www.mfarrellarch.com

LY
 20

This diagram depicts the locations for the Common Open Space on site.

The Spaces highlighted in yellow show the private personal space for each unit. This offers supplementary open space per 25-2776 (G) 1.



COMMON OPEN SPACE
3747 = 14,328
10730

**ADDITIONAL
COMMON OPEN SPACE**
3727 SF = 14.26 %
OF LOT

TOTAL = 7474 SF = 20.6%
GFLF

150NTH11005

 $\frac{4}{21}$

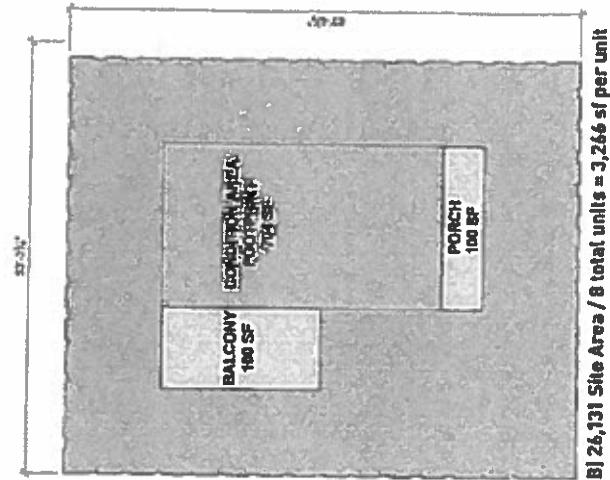
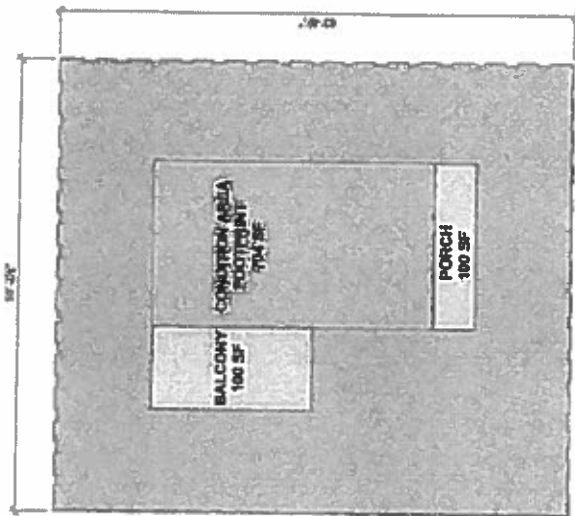
Site Area vs. Open Space

This page depicts the difference between the 3,500 sf Site Area requirement and the 5% Open Space Requirement. These diagrams show the difference in how they relate to the site.

Site Area requirement: 25-2-776

At least 3,500 square feet of site area is required for each condominium.

The calculations show the difference in site area per unit. The proportional difference between 7 or 8 units is 1'-10" 3/8" in width or 467 sf per unit



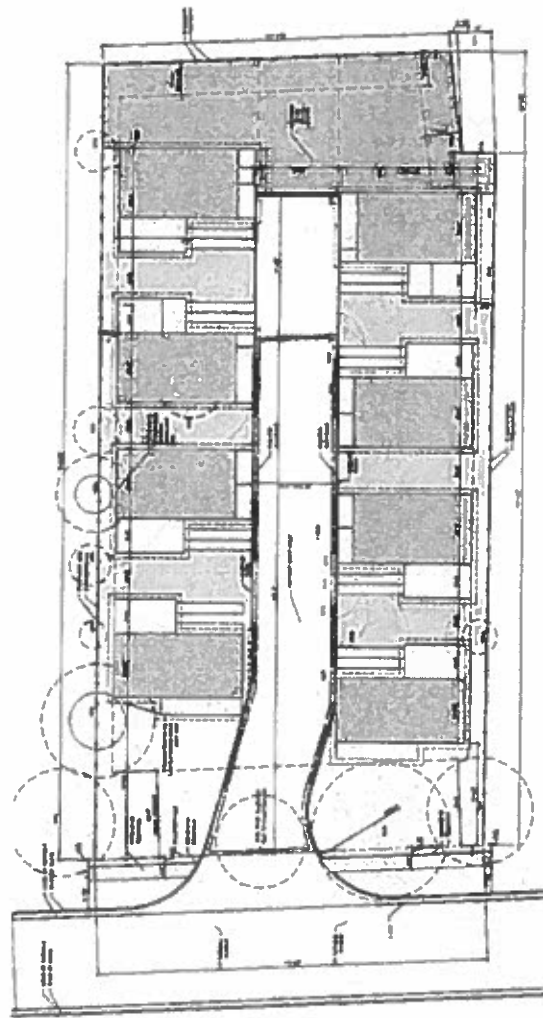
TOTAL SITE AREA: 26,131

SITE AREA PER UNIT

TOTAL COMMON
OPEN SPACE
3747 = 14.32% OF LOT

TOTAL PRIVATE
PERSONAL SPACE,
1816 SF = 6.95% OF LOT

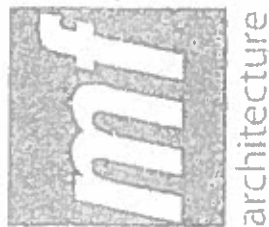
SOUTH 2ND ST



Open Space Requirement per 25-2-776 G (1):

The open space must be a minimum of five percent of the gross site area of the property.

This is the requirement that was pointed out by Christine Barton Holmes that needed to be fulfilled

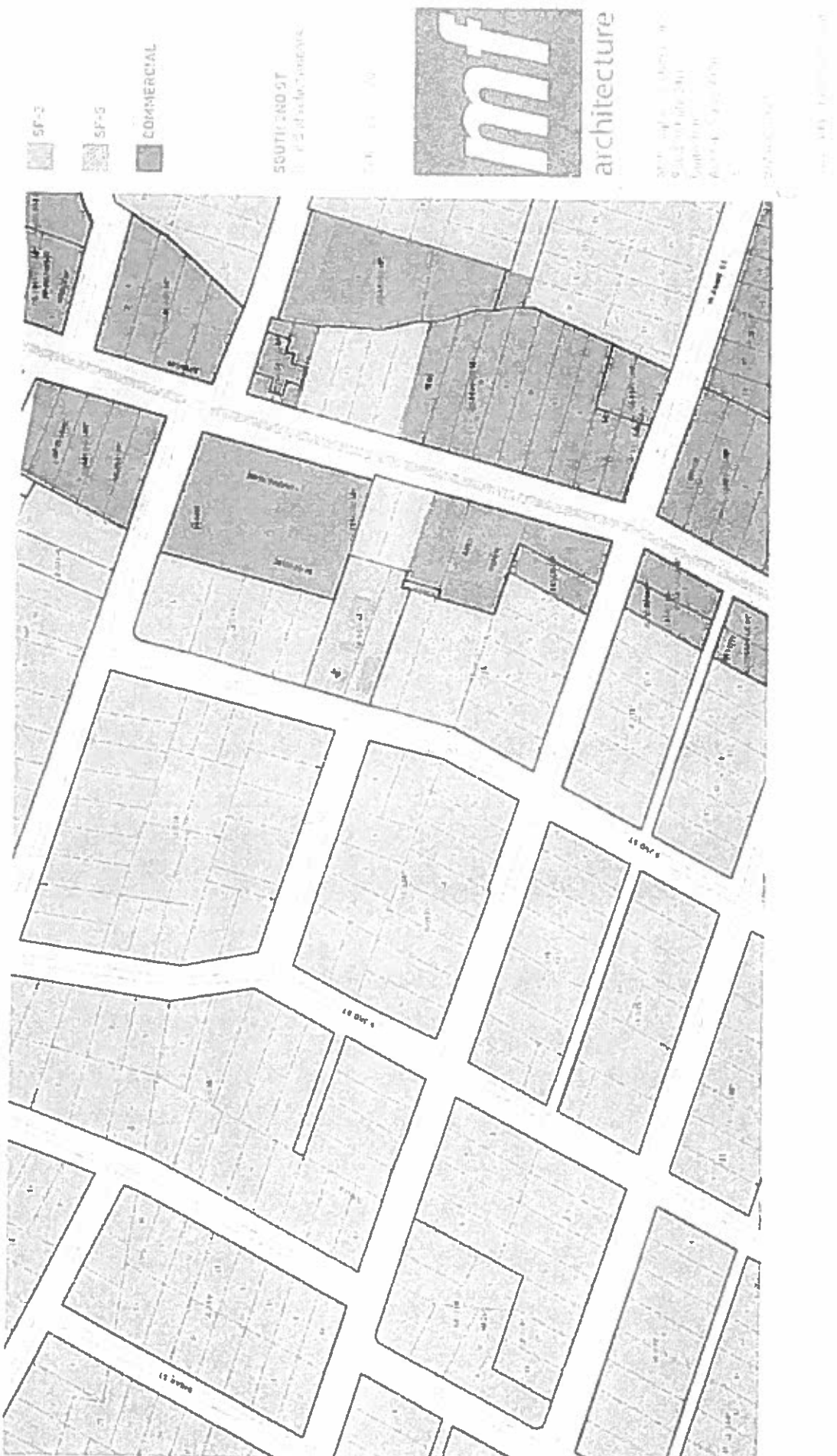


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File 23

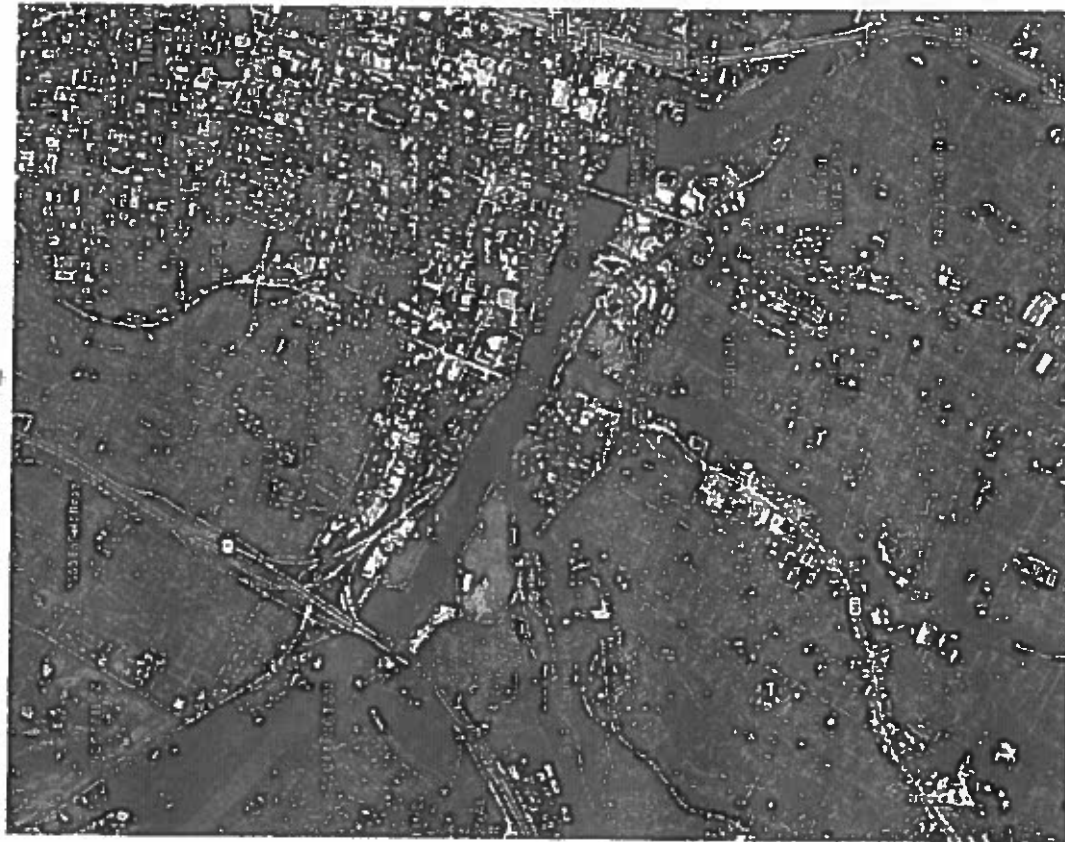
Zoning Context

This page shows the unique nature of the lot. The lot is zoned SF-5 and is surrounded by SF-3 and Commercially zoned properties

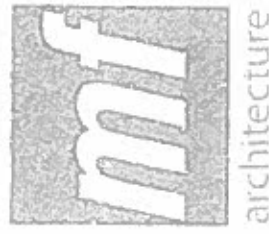


Condo projects in violation of 25-2-776 (c)

This page shows properties that are in violation of 25-2-776 (c) and do not meet the minimum 3,500 sq ft per unit



ICAD ID	ADDRESS	UNIT	AREA
553237	1901 GLEN ALLEN ST 1 TX 78704	UNIT 1 17.5% INT IN COM AREA	2,431
553238	1901 GLEN ALLEN ST 2 TX 78704	UNIT 2 17.5% INT IN COM AREA	2,431
553239	1901 GLEN ALLEN ST 3 TX 78704	UNIT 3 17.5% INT IN COM AREA	2,431
553240	1901 GLEN ALLEN ST 4 TX 78704	UNIT 4 17.5% INT IN COM AREA	2,431
553241	1901 GLEN ALLEN ST 5 TX 78704	UNIT 5 17.5% INT IN COM AREA	2,350
553242	1901 GLEN ALLEN ST 6 TX 78704	UNIT 6 14.5% INT IN COM AREA	2,180
		Total	15,005
		Per unit	2,501
832423	2118 BRACKENRIDGE ST 1 TX 78704	UNIT 1 19.427% INT IN COM AREA	2,314
832424	2118 BRACKENRIDGE ST 2 TX 78704	UNIT 2 19.427% INT IN COM AREA	2,314
832425	2118 BRACKENRIDGE ST 3 TX 78704	UNIT 3 19.427% INT IN COM AREA	2,314
832426	2118 BRACKENRIDGE ST 4 TX 78704	UNIT 4 13.911% INT IN COM AREA	1,715
832427	2118 BRACKENRIDGE ST 5 TX 78704	UNIT 5 13.911% INT IN COM AREA	1,715
832428	2118 BRACKENRIDGE ST 6 TX 78704	UNIT 6 13.911% INT IN COM AREA	1,715
		Total	12,337
		Per unit	2,056
3103 GLEN ORA ST 101 TX 78704		UNIT 101 25.0% INT IN COM AREA	2,000
3103 GLEN ORA ST 102 TX 78704		UNIT 102 25.0% INT IN COM AREA	2,000
3103 GLEN ORA ST 103 TX 78704		UNIT 103 25.0% INT IN COM AREA	2,000
3103 GLEN ORA ST 104 TX 78704		UNIT 104 25.0% INT IN COM AREA	2,000
		Total	8,000
		Per unit	2,000
1202 MARSHALL LN 1 TX 78703		UNIT 1202-1 7.12% INT IN COM AREA	1,101
1202 MARSHALL LN 2 TX 78703		UNIT 1202-2 6.87% INT IN COM AREA	1,100
1202 MARSHALL LN 3 TX 78703		UNIT 1202-3 10.37% INT IN COM AREA	1,405
1202 MARSHALL LN 4 TX 78703		UNIT 1202-4 7.97% INT IN COM AREA	1,272
1202 MARSHALL LN 5 TX 78703		UNIT 1202-5 9.24% INT IN COM AREA	1,315
1202 MARSHALL LN 6 TX 78703		UNIT 1202-6 9.41% INT IN COM AREA	1,357
1204 MARSHALL LN 1 TX 78703		UNIT 1204-1 7.12% INT IN COM AREA	1,101
1204 MARSHALL LN 2 TX 78703		UNIT 1204-2 6.87% INT IN COM AREA	1,100
1204 MARSHALL LN 3 TX 78703		UNIT 1204-3 10.37% INT IN COM AREA	1,405
1204 MARSHALL LN 4 TX 78703		UNIT 1204-4 7.97% INT IN COM AREA	1,272
1204 MARSHALL LN 5 TX 78703		UNIT 1204-5 9.24% INT IN COM AREA	1,315
1204 MARSHALL LN 6 TX 78703		UNIT 1204-6 9.41% INT IN COM AREA	1,357
		Total	15,940
		Per unit	1,320
1301 W 9 1/2 ST 101 TX 78703		UNIT 101 14.8% INT IN COM AREA	2,214
1301 W 9 1/2 ST 102 TX 78703		UNIT 102 14.0% INT IN COM AREA	2,114
1301 W 9 1/2 ST 103 TX 78703		UNIT 103 14.0% INT IN COM AREA	2,114
1301 W 9 1/2 ST 104 TX 78703		UNIT 104 14.0% INT IN COM AREA	2,491
1301 W 9 1/2 ST 105 TX 78703		UNIT 105 32.0% INT IN COM AREA	4,478
		Total	15,408
		Per unit	2,718



2/4/14

Heldenfels, Leane

From: Cory Walton [REDACTED]
Sent: Saturday, February 18, 2017 1:46 PM
To: Heldenfels, Leane
Subject: Third & Final BCNA Ltr. Re Case # C15-2017-0007
Attachments: BCNA_GA_ BOA_Pegalo_Final_170217.PDF

LY
V/S
25

Hi Leane,
Apologies for the confusion--part of a volunteer organization effort to ensure open, transparent process--
Please add this final letter of position by Bouldin Creek Neighborhood Association (BCNA) to backup material for this case.

Please let me know if any questions.

Best regards,
Cory Walton, BCNA Prez
512-762-3188



Ly
24

16 February 2017

Re: Case # C15-2017-0007

Board of Adjustment Members,

At its 14 February 2017 general association meeting, the Bouldin Creek Neighborhood Association (BCNA) voted its support of this applicant's request for variance to the minimum lot size requirement (LDC 25-2-776), in order to allow construction of 8 residential units on these two adjoining residential lots.

Please note due to previous conflicting correspondence from BCNA on February 3 and February 7 regarding this case, the vote of the general membership is the final and binding association position.

The vote of support is based in large part on the extensive collaboration between the applicant and BCNA to craft a private restrictive covenant including a performance bond to ensure residential dwellings consonant in size, scale, design, and street interface with the neighborhood's original character, while adding residential density in an area consistent with our neighborhood plan.

BCNA supported the proposed up-zoning through city staff's conditional overlay review, through Planning Commission review, City Council vote, and through the Neighborhood Plan amendment process—all under the understanding that the conditional overlay would be adopted with the up-zoning, under the restrictive covenant signed by both parties and filed with the State on February 19, 2016, with the performance bond to be posted upon site plan approval.

Throughout this process, BCNA understood that the applicant's plan would include 8 units, though we were given to understand that this number of units was permissible under the current zoning and proposed condominium regime without need of variance.

We note that the design and construction limitations the applicant has voluntarily imposed on themselves in collaboration with the neighborhood association create conditions unique to the site, help preserve the character of the surrounding area, and add housing stock that is accessible to a wider income range.

Thank you, Board Members, for your consideration and public service.

Sincerely,

Cory Walton President,
Bouldin Creek Neighborhood Association

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: C15-2017-0007, 1615 S. 2nd St.

Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, February 13th, 2017

FRANK GORDON

Your Name (please print)

704 W MONROE ST UNIT 4

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-910-4909

Comments:

I support granting this variance.

Comments must be received 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
Leanne Heldenfels
P. O. Box 1088

Austin, TX 78767-1088

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

Fax: (512) 974-6305

Email: leanne.heldenfels@austintexas.gov



Heldenfels, Leane

From: Julie Worley [redacted]
Sent: Friday, February 10, 2017 3:29 PM
To: Heldenfels, Leane
Cc: Julie Worley; brad Worley
Subject: Case Number C15-2017-0007
[redacted]

Ly
28

Dear Ms. Heldenfels:

I am writing to voice my opinion regarding the case number referenced above-scheduled to be heard on Monday, Feb. 13th.

I object. I live within 500' of 1615 S. 2nd Street. These regulations are in place for a reason and it will create unwanted issues on our street. The proposed variance will take away from the appeal and beautiful setting on this residential street.

Thank you,
Julie and Brad Worley
1702 S 2nd Street

C15-2018⁷-0007

Heldenfels, Leane

From: Mike Lazarus [REDACTED]
Sent: Wednesday, February 08, 2017 1:29 PM
To: Heldenfels, Leane
Cc: Max; Gahl; rkooris; Alberto Rodriguez; matt Fajkus
Subject: Postpone to March BOA hearing-----Re: Notification mistake?

Leane,

We would like to move this case to the March agenda due to the notification error.

Is there anything else I need to do to make it official?

We noticed on the notification that was sent to our offices that the map of the property shows it to be just 1615 S. 2nd. This case is for a lot that has a land status determination for 1615 and 1617 making it one lot and that is why we used 1615 on the application.

Can you please have the map that is sent out with the notices reflect that this project is for both 1615 and 1617?

We are losing a month, which as you would imagine is significant. Losing another month would really cause issues.

Is there anything that can be done to assure this error doesn't happen again for the March hearing?

Sincerely,

Michael Lazarus
Pegalo Properties
501 N. Interstate 35
Austin, TX 78702
O: 512-485-3000
C: 512-796-7209

From: "Leane Heldenfels" <Leane.Heldenfels@austintexas.gov>
To: "Mike Lazarus" [REDACTED]
Cc: "Max" [REDACTED], "Gahl" [REDACTED], "rkooris"
[REDACTED]
Sent: Tuesday, February 7, 2017 3:29:38 PM
Subject: RE: Notification mistake?

No – our error, just impacts you by delaying your case, which I apologize for – sorry the error wasn't detected prior to mailing.

If you decide to proceed and the notice is challenged/appealed it would still be our cost to resend since our error.



44
30

7 February 2017

Re: Case #C15-2017-0007

Board of Adjustment Members,

Please accept my apologies for any confusion this letter may cause.

The Bouldin Creek Neighborhood Association (BCNA) by vote of its steering committee on February 6, rescinds the letter sent to you dated February 3, 2017 with regard to this case (#C15-2017-0007).

The association did not vote to support a variance to SF-5 zoning limits for the proposed development of the parcels at 1615 and 1617 South Second Street. Therefore the letter of support for the requested variance was unauthorized and is inaccurate.

Thank you for your understanding and your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Walton", with a stylized flourish at the end.

Cory Walton, President
Bouldin Creek Neighborhood Association

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

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2017-0007, 1615 S. 2nd St.

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

Public Hearing: Board of Adjustment, February 13th, 2017

John Christensen

Your Name (please print)

☐ I am in favor
☒ Object

Your address(es) affected by this application

614 W. MONROE

[Signature]

Signature

Date

Daytime Telephone: 512 462 3342

Comments: APPROVE SEVEN UNITS, NOT EIGHT. PLEASE DO NOT

APPROVE ANYTHING UNTIL THE CITY HAS A PLAN FOR TRAFFIC

MANAGEMENT FOR 2ND STREET &

MONROE STREET. WE WILL SEND

BACK TRAFFIC

Comments must be received 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 the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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Case Number: C15-2017-0007, 1615 S. 2nd St.

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

Public Hearing: Board of Adjustment, February 13th, 2017

Your Name (please print)

Cathy K. Collins

☐ I am in favor
☒ I object

Your address(es) assigned by this application

111 West Annie

Signature

Date

Daytime Telephone:

512 791-4025

Comments:

I object to condominium in the Bouldin Creek area. The area doesn't need more people and more traffic.

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Mall: 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

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Case Number: C15-2017-0007, 1615 S. 2nd St.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, February 13th, 2017

McCrick *Ungr*

Your Name (please print)

1607 S 3rd St. Unit B Austin, TX 78704

Your address(es) affected by this application

EA *US* *2/5/17*
Signature Date

Daytime Telephone: 512-422-9064

Comments: *As a neighbor and real estate agent, I strongly feel this specific location cannot handle the density of the proposed project. Not only would this new development detract the surrounding properties but it will also have a negative impact on congestion, parking, and interfere with public utilities i.e. waste management.*

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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 the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

☐ I am in favor
☒ I object

Heldenfels, Leane

C15-2017-0007

From: Kevin Howell [REDACTED]
Sent: Saturday, February 04, 2017 12:57 PM
To: Heldenfels, Leane
Subject: Development of 1615 S 2nd
Attachments: city of Austin.pdf

L4
34

Ms Heldenfels

My name is Kevin Howell and I own and live at 1619 S 2nd adjacent to the property that is seeking a code variance for development. Early on the developers sought my assistance via a letter of support which I did provide. Since then the developers continue to send me letters saying they want to meet with me to discuss the project and would I please call or email them. I have done both on multiple occasions but they refuse to return my calls or acknowledge my emails? I feel the letters they are sending me are just part of trying to build a file where it APPEARS they are consulting and informing the neighbors. I find their tactics devious and unethical. I hereby withdraw my original letter of support and attached is my city form objecting to their variance request. I am returning the form to you by regular mail as well and will be at the meeting on the 13th to voice my objection.

Thank you very much,

--

Kevin T Howell
howell.k.t@gmail.com
cell: 609.651.1817

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Case Number: C15-2017-0007, 1615 S. 2nd St.

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

Public Hearing: Board of Adjustment, February 13th, 2017

KEVIN T HOWELL

Your Name (please print)

☐ I am in favor
☒ I object

1619 S 2ND ST, AUSTIN 78704

Your address(es) affected by this application

K T Howell

Signature

2-4-2017

Date

Daytime Telephone: 512 804 5346

Comments: THE DEVELOPERS SEND ME LETTERS SAYING THEY WANT TO MEET TO DISCUSS THE PROJECT BUT THEN REFUSE TO ANSWER MY EMAIL OR PHONE MESSAGES TO SCHEDULE A MEETING. THEY DUPED ME INTO GIVING THEM A LETTER OF SUPPORT EARLY ON BUT I HEREBY WITHDRAW THAT LETTER BASED ON THEIR DEVIANT BEHAVIOR

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

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov



44
-316

03 February 2017

Re: Case # C15-2017-0007

Board of Adjustment Members,

The Bouldin Creek Neighborhood Association (BCNA) supports this applicant's request for variance to the minimum lot size requirement (LDC 25-2-776), in order to allow construction of 8 residential units on these two adjoining residential lots.

BCNA worked in co-operation with the applicant on this project, crafting a private restrictive covenant including a performance bond to ensure residential dwellings that would be consonant in size, scale, and design, and street interface with the neighborhood's original character, while adding residential density in an area consistent with our neighborhood plan. And while these more traditional-scale homes, given the cost of land in the Bouldin Creek neighborhood, cannot be considered "affordable," they will be more accessible to wider income range than most other single-family residential homes currently being built in the neighborhood.

BCNA supported the proposed up-zoning through city staff's conditional overlay review, through Planning Commission review, and through the Neighborhood Plan amendment process—all under the understanding that the conditional overlay would be adopted with the up-zoning, under the restrictive covenant signed by both parties and filed with the State on February 19, 2016, with the performance bond to be posted upon site plan approval.

Throughout this process, BCNA understood that the applicant's plan would include 8 units.

While BCNA does not subscribe to the notion that variance should be granted based on speculation that the minimum lot size requirement will be reduced in an as-yet-unadopted land development code, we do recognize that numerous examples exist throughout the city in which per unit lot size does not meet the code-required minimum. We also note that the design and construction limitations to which the applicant has voluntarily imposed on themselves in collaboration with the neighborhood association create conditions unique to the site, help preserve the character of the surrounding area and, we believe, more than compensate for the shortage of per unit lot size required for code compliance.

Thank you, Board Members, for your consideration and public service.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Walton", written over a horizontal line.

Cory Walton President,
Bouldin Creek Neighborhood Association

Bouldin Creek Neighborhood Association, P. O. Box 3683, Austin, Texas 78764

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Case Number: C15-2017-0007, 1615 S. 2nd St.

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

Public Hearing: Board of Adjustment, February 13th, 2017

Your Name (please print)

KEVIN T HOWELL

☐ I am in favor
☒ I object

Your address(es) affected by this application

1619 S 2ND ST AUSTIN 78704

Signature

Kevin T Howell

Date

2-4-2017

Daytime Telephone: 512 804 5346

Comments: THE DEVELOPERS SEND ME LETTERS SAYING THEY WANT TO MEET TO DISCUSS THE PROSECT BUT THEN REFUSE TO ANSWER MY EMAIL OR PHONE MESSAGES TO SCHEDULE A MEETING. THEY DUPED ME INTO GIVING THE A LETTER OF SUPPORT EARLY ON BUT I HERBY WITHDRAW THAT LETTER BASED ON THEIR DEVIANT BEHAVIOR

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

