

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

**DATE: Monday, March 13, 2017**

**CASE NUMBER: C15-2017-0007**

☐ - ☐ Brooke Bailey (Absent)  
☒ William Burkhardt  
☒ Eric Goff  
☒ Melissa Hawthorne  
☒ Bryan King  
☒ Don Leighton-Burwell  
☒ Rahm McDaniel  
☒ Melissa Neslund  
☐ - ☐ Veronica Rivera out-not able to serve due to lack of training  
☒ James Valadez  
☐ - ☐ Michael Von Ohlen out-not able to serve due to lack of training  
☒ Kelly Blume (Alternate)  
☒ Martha Gonzalez (Alternate)  
☒ Pim Mayo (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*)

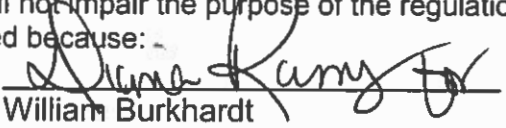
**BOARD'S DECISION:** Feb 13, 2017 POSTPONED TO MARCH 13, 2017 DUE TO NOTIFICATION ERROR; March 13, 2017 POSTPONED TO APRIL 10, 2017 BY STAFF, CALCULATION ERROR ON NOTICE

**RENOTIFICATION:** March 13, 2017 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*)

**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

**CITY OF AUSTIN  
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**DATE:** Monday, February 13, 2017

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☐ 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 **2<sup>nd</sup> 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

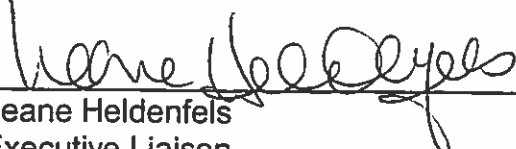
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**FINDING:**


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






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.

1" = 138'



# CITY OF AUSTIN

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

## 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  
TRACT

### 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 C8I-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.

## 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

### 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@lccivil.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. I35

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@lccivil.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. Its 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**

## 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

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.

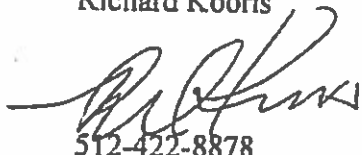
3. Our plan for eight units was clearly and unambiguously presented to both City Staff, PC and Council and approved by all of them.

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.

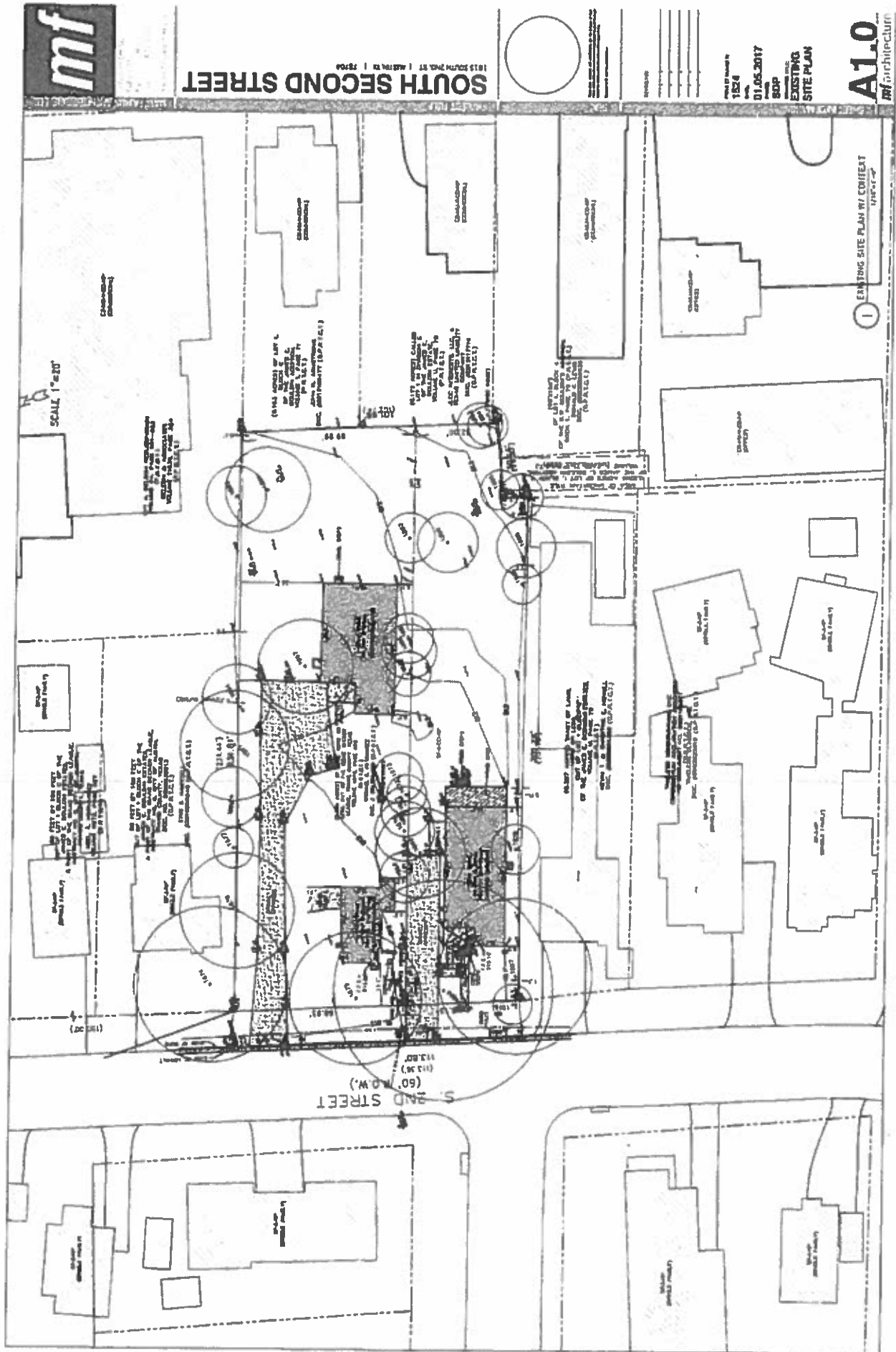
Thanks for your time and assistance,

Richard Kooris

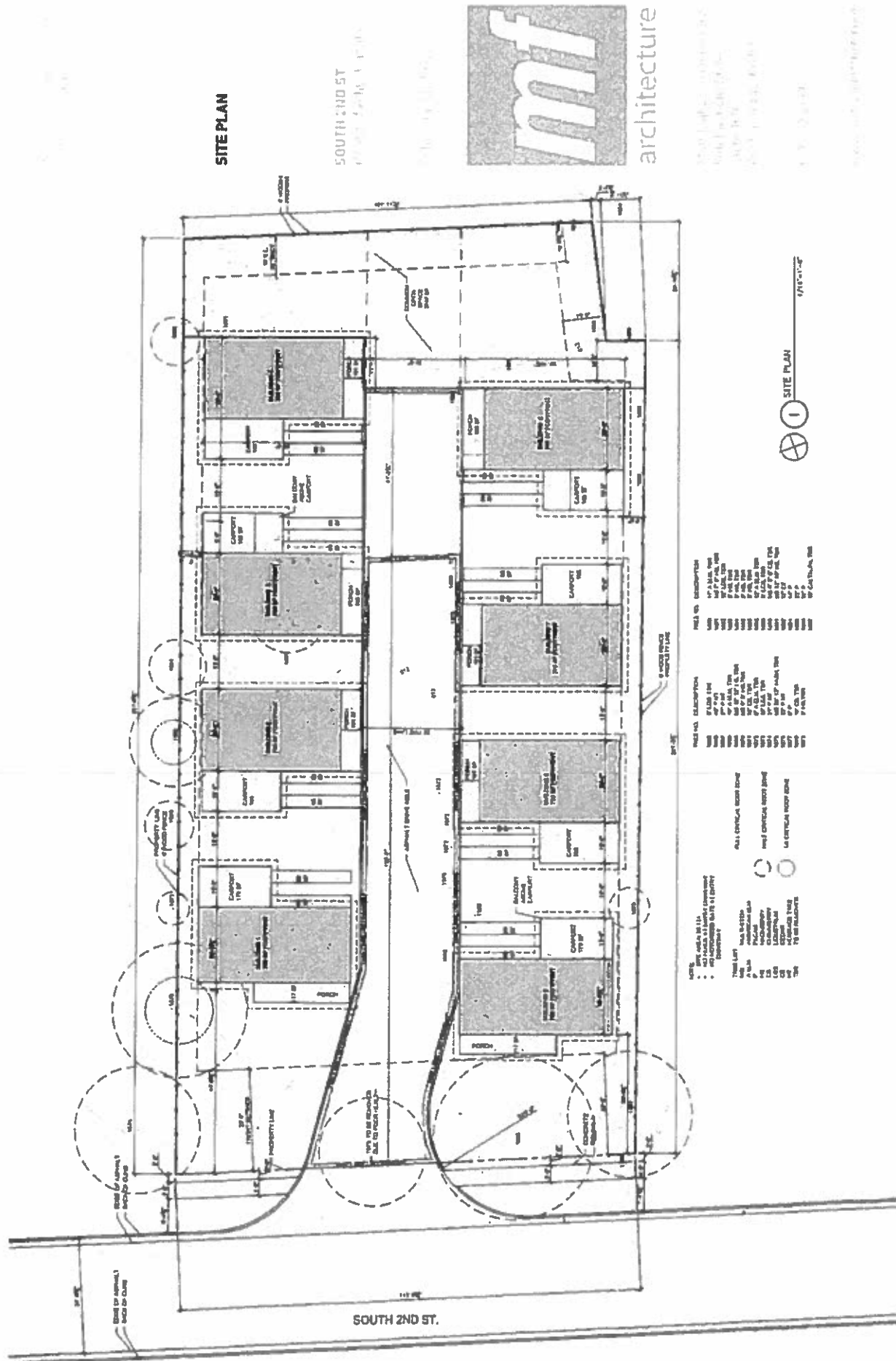


512-422-8878

rkooris@501studios.com

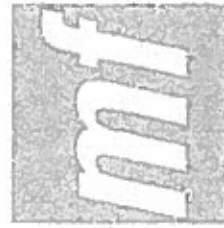






SITE PHOTOS

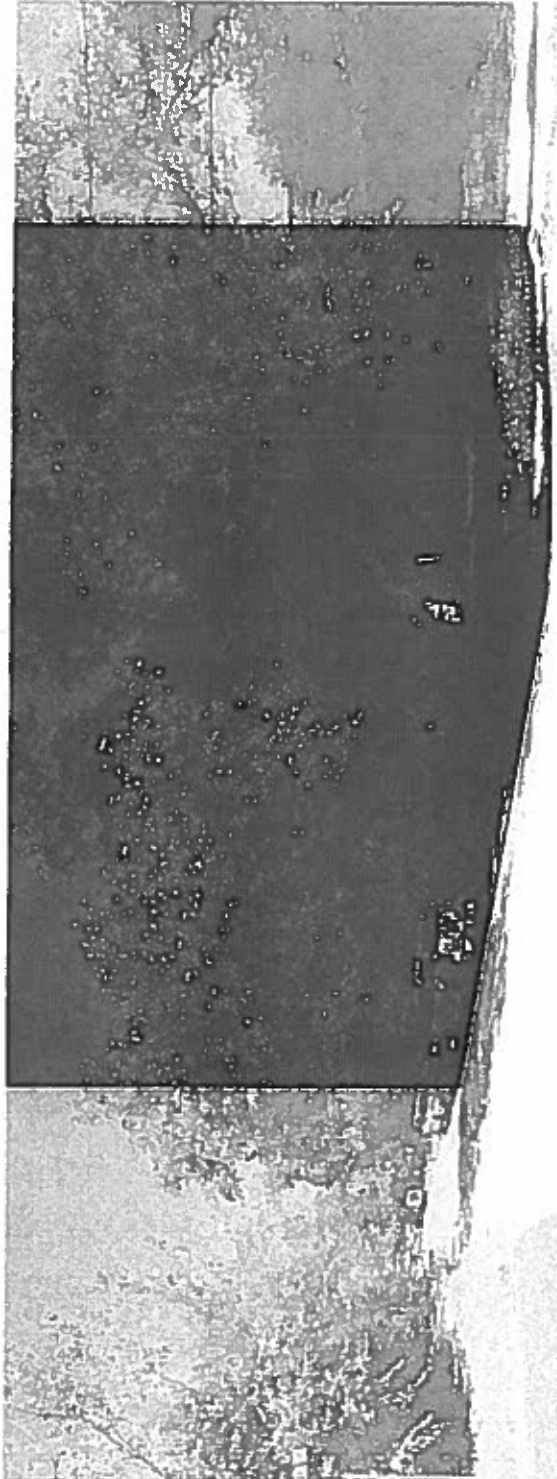
SOUTH 2ND ST  
Block of Adj. property



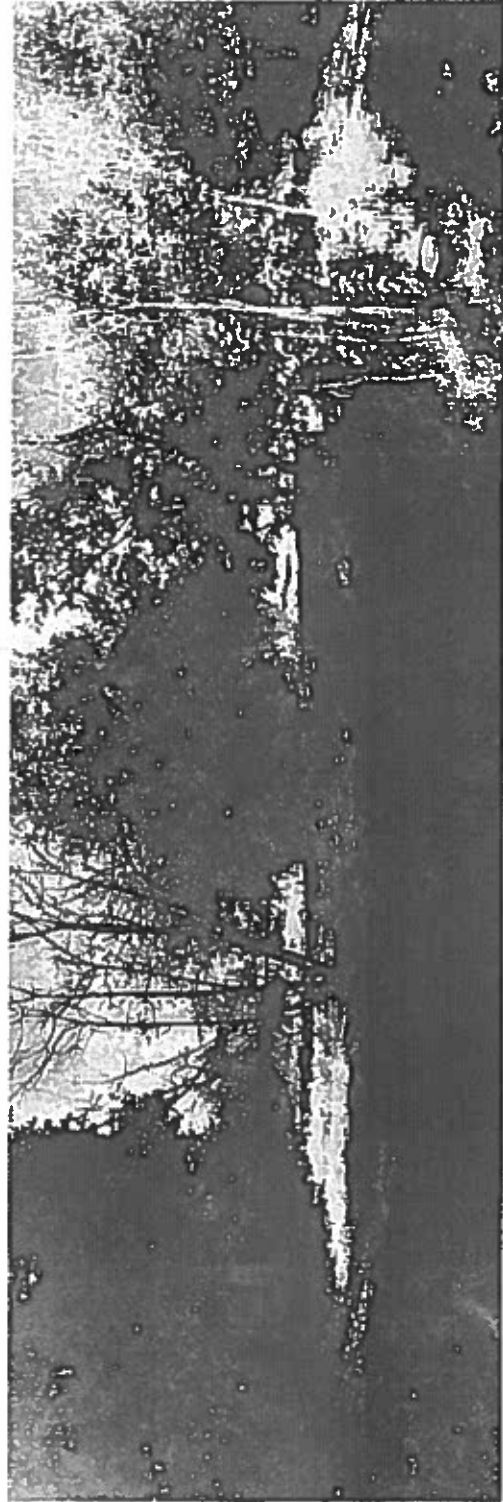
architecture

1000 1st Ave. S.  
Suite 400  
Minneapolis, MN 55415  
612.338.7777

1000 1st Ave. S.  
Suite 400  
Minneapolis, MN 55415  
612.338.7777



FRONT OF SITE ALONG SOUTH 2ND. ST.

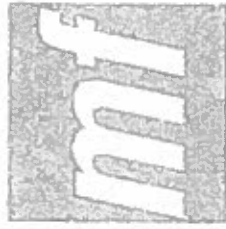


TAKEN FROM REAR OF LOT LOOKING WEST

SITE PHOTOS

SOUTH 2ND ST  
2003 / 2004

2003 / 2004

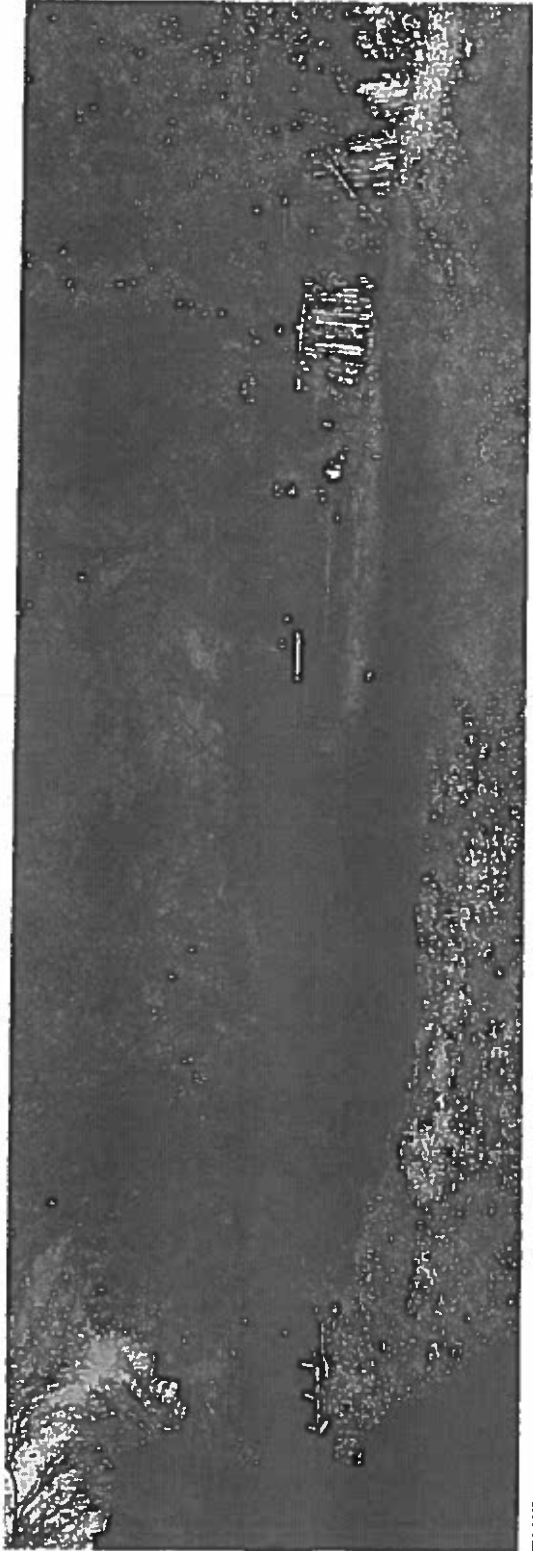


architecture

2003 / 2004  
2003 / 2004  
2003 / 2004

2003 / 2004

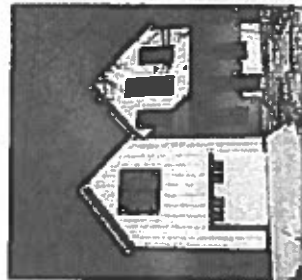
2003 / 2004



TAKEN FROM MIDDLE OF LOT LOOKING WEST



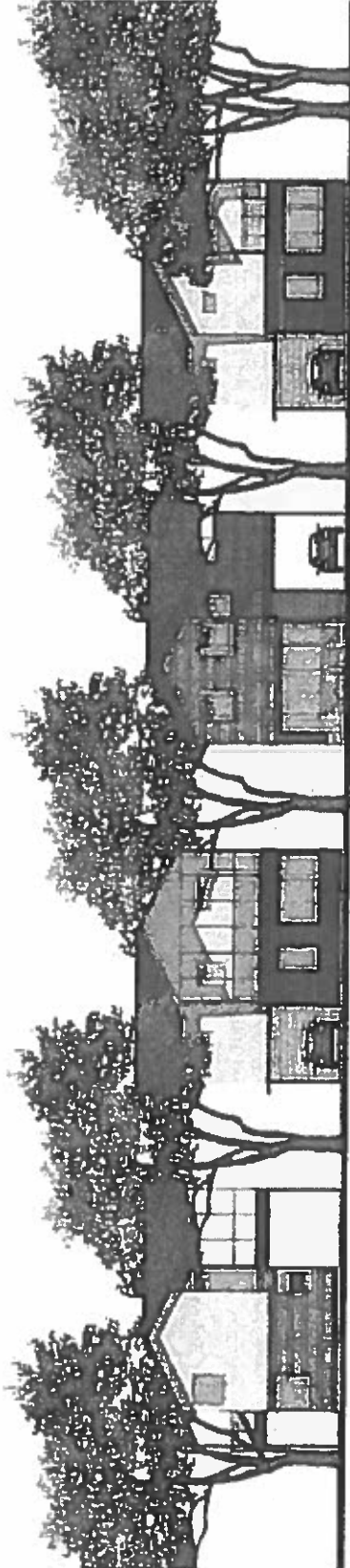
TAKEN FROM MIDDLE OF LOT LOOKING NORTH



Neighborhood Context

## NEIGHBORHOOD CONTEXT

## PROPOSED ELEVATIONS



1615 South 2nd St. : North Elevation Interior Drive



1615 South 2nd St. : South Elevation Interior Drive

SOUTH 2ND ST  
1615 SOUTH 2ND ST  
1615 SOUTH 2ND ST

1615 SOUTH 2ND ST  
1615 SOUTH 2ND ST  
1615 SOUTH 2ND ST

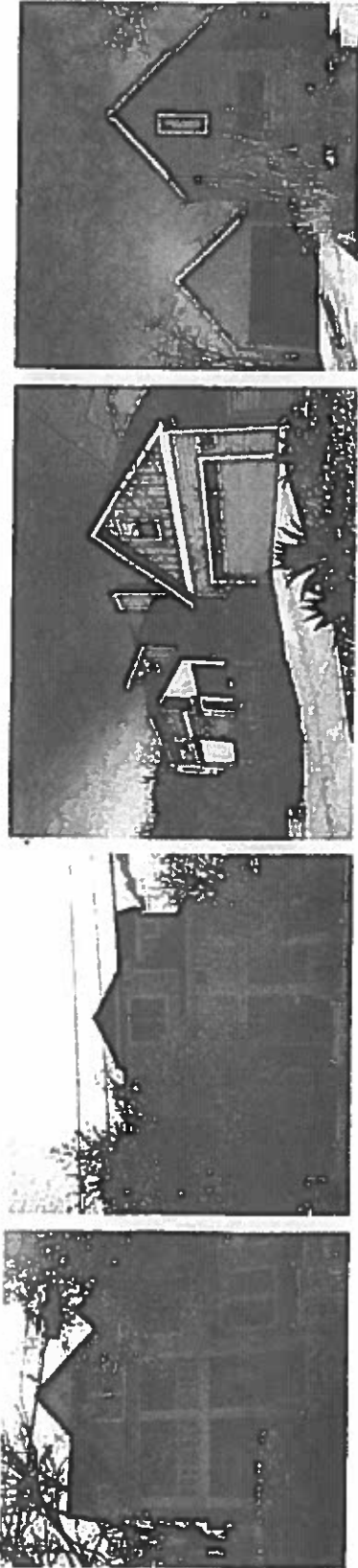


architecture

1615 SOUTH 2ND ST  
1615 SOUTH 2ND ST  
1615 SOUTH 2ND ST

1615 SOUTH 2ND ST

1615 SOUTH 2ND ST



Neighborhood Context

SOUTH 2ND ST  
at 10th and 11th Sts

mf  
architecture

10th St  
11th St  
12th St  
13th St  
14th St  
15th St  
16th St  
17th St  
18th St  
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40th St  
41st St  
42nd St  
43rd St  
44th St  
45th St  
46th St  
47th St  
48th St  
49th St  
50th St



Elevation Along South 2nd St.

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

SOUTH 2ND ST  
 FRONT ST. (Hwy 101)

2500 10TH AVE N

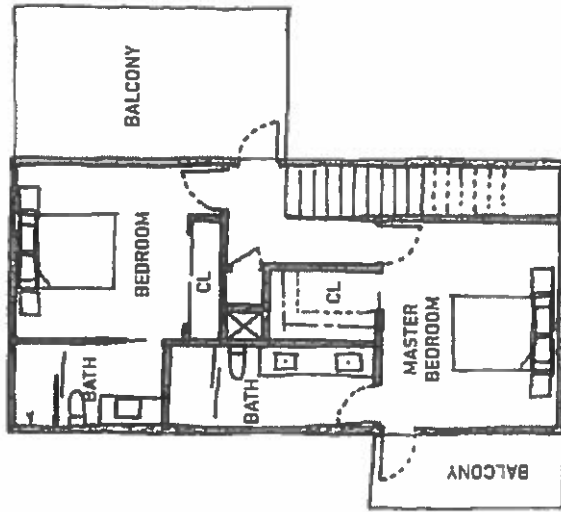


architecture

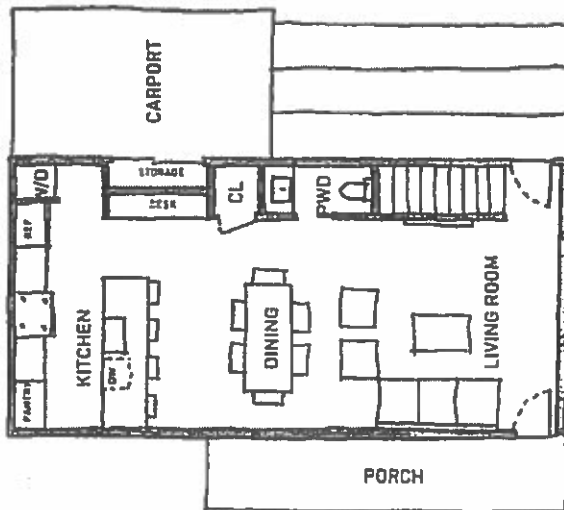
1000 10TH AVE N, SUITE 100  
 SEASIDE, CA 94133  
 (415) 398-1000  
 info@mfarchitecture.com

4/11/14 11:11 AM

www.mfarchitecture.com



FLOOR PLAN 2



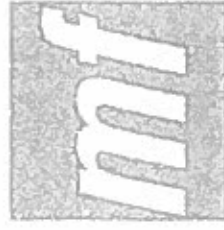
FLOOR PLAN 1

## BUILDING 2.4.6.7 Floor Plan Sketches

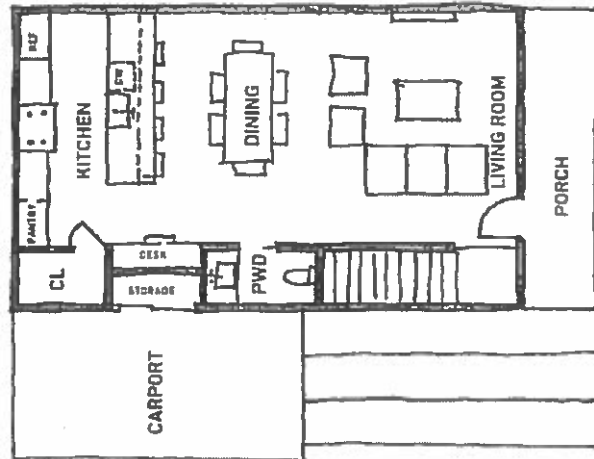
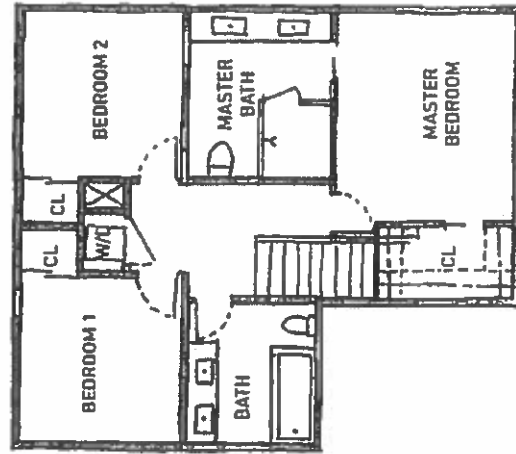
Scale: 1/8" = 1'-0"

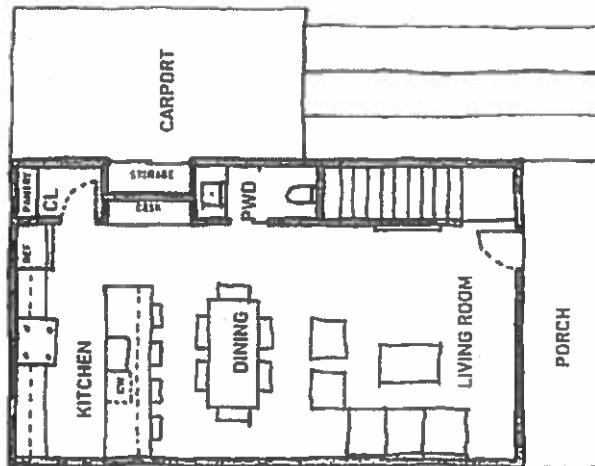
15 ONTARIO

2000

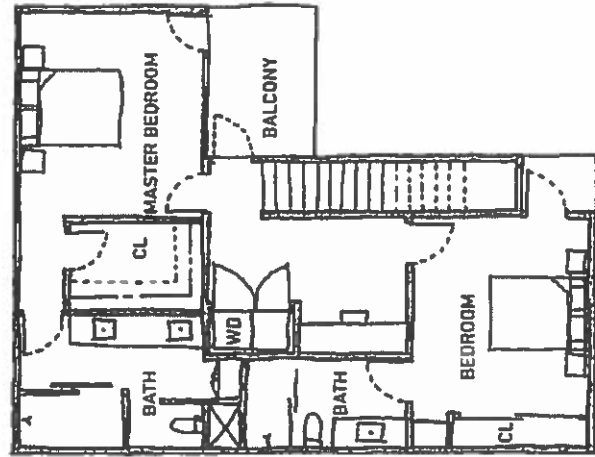


architecture





FLOOR PLAN 1



FLOOR PLAN 2

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

SOUTH 2ND ST  
 1142 2nd St, Columbus, GA

DATE: 10/27/2016



architecture

1142 2nd St, Columbus, GA 31906  
 606.521.1142  
 www.mfarchitecture.com

10/27/2016

1142 2nd St, Columbus, GA 31906

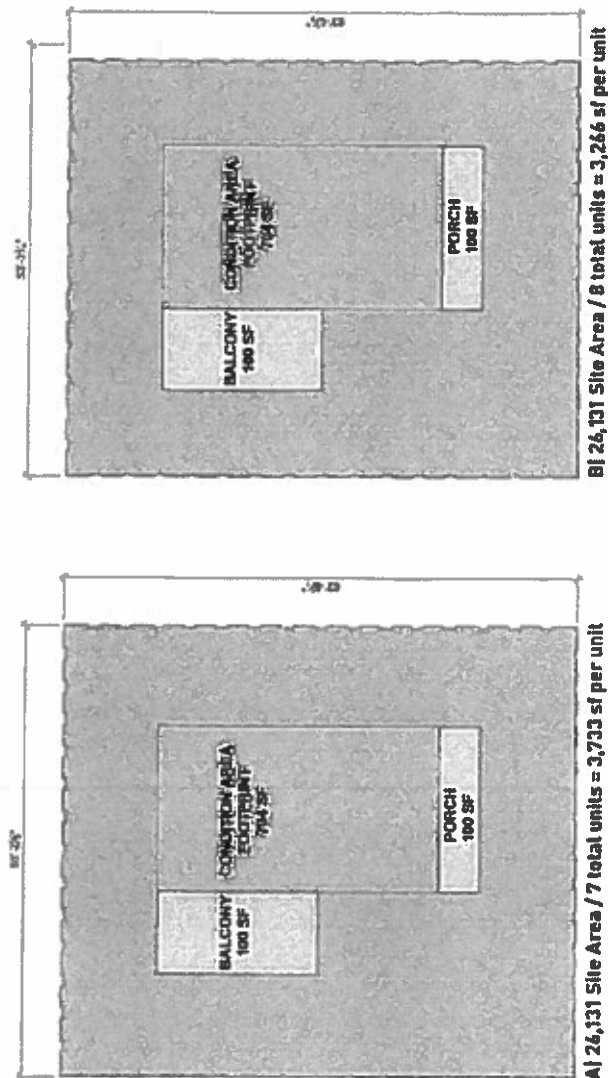


# Site Area vs. Open Space

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.

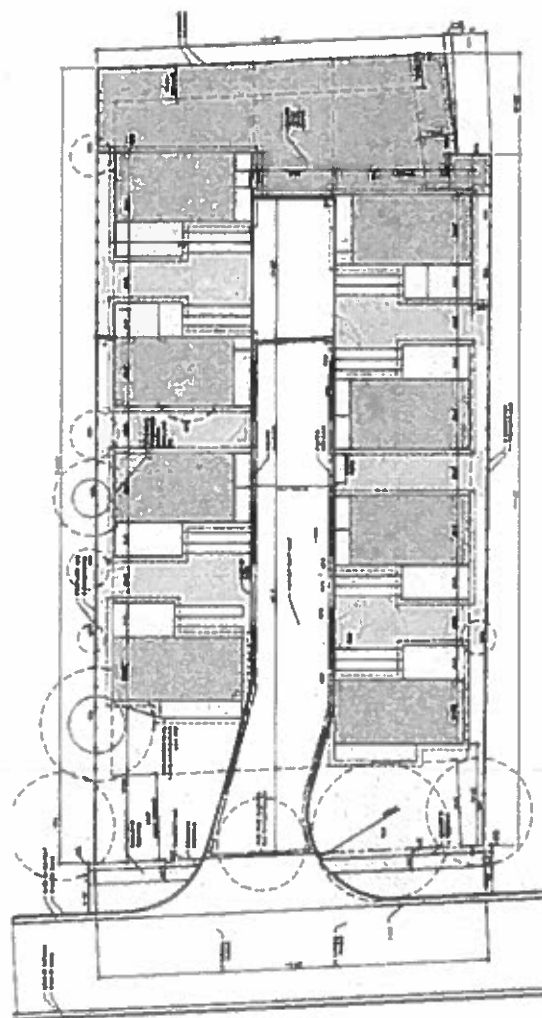
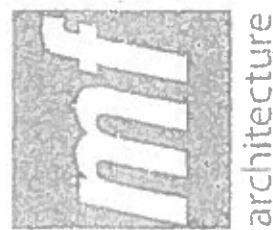
The calculations show the difference in site area per unit. The proportional difference between 7 or 8 units is 1'-10" 3/8" in width or 467 sf per unit



## 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.

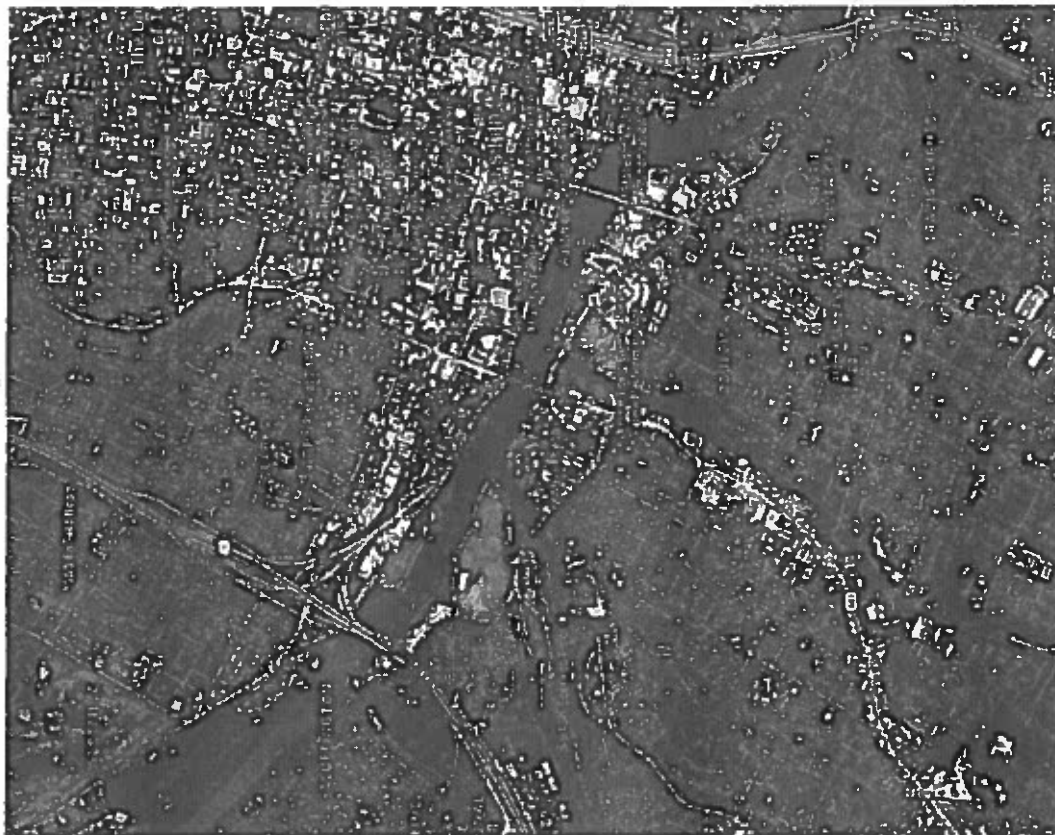
This is the requirement that was pointed out by Christine Barton Holmes that needed to be fulfilled



**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 sf 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 18.5% INT IN COM AREA	2,330
553242	1901 GLEN ALLEN ST 6 TX 78704	UNIT 6 14.5% INT IN COM AREA	7,189
		Total	15,075
		Per unit	2,504
322673	2118 BRACKENRIDGE ST 1 TX 78704	UNIT 1 19.422% INT IN COM AREA	2,314
322674	2118 BRACKENRIDGE ST 2 TX 78704	UNIT 2 19.422% INT IN COM AREA	2,314
322675	2118 BRACKENRIDGE ST 3 TX 78704	UNIT 3 19.422% INT IN COM AREA	2,314
322676	2118 BRACKENRIDGE ST 4 TX 78704	UNIT 4 13.911% INT IN COM AREA	1,715
322677	2118 BRACKENRIDGE ST 5 TX 78704	UNIT 5 13.911% INT IN COM AREA	1,715
322678	2118 BRACKENRIDGE ST 6 TX 78704	UNIT 6 13.911% INT IN COM AREA	1,715
		Total	12,327
		Per unit	2,054
822707	3107 GLEN OAK ST 101 TX 78704	UNIT 101 25.0% INT IN COM AREA	3,000
822708	3107 GLEN OAK ST 102 TX 78704	UNIT 102 25.0% INT IN COM AREA	3,000
822709	3107 GLEN OAK ST 103 TX 78704	UNIT 103 25.0% INT IN COM AREA	3,000
822710	3107 GLEN OAK ST 104 TX 78704	UNIT 104 25.0% INT IN COM AREA	3,000
		Total	12,000
		Per unit	3,000
742655	1202 MARSHALL LN 1 TX 78703	UNIT 1202-1 7.12% INT IN COM AREA	1,134
742656	1202 MARSHALL LN 2 TX 78703	UNIT 1202-2 6.89% INT IN COM AREA	1,130
742657	1202 MARSHALL LN 3 TX 78703	UNIT 1202-3 10.37% INT IN COM AREA	1,455
742658	1202 MARSHALL LN 4 TX 78703	UNIT 1202-4 7.97% INT IN COM AREA	1,272
742659	1202 MARSHALL LN 5 TX 78703	UNIT 1202-5 8.24% INT IN COM AREA	1,315
742660	1202 MARSHALL LN 6 TX 78703	UNIT 1202-6 6.41% INT IN COM AREA	1,507
742661	1202 MARSHALL LN 7 TX 78703	UNIT 1202-7 17.12% INT IN COM AREA	1,134
742662	1202 MARSHALL LN 8 TX 78703	UNIT 1202-8 26.89% INT IN COM AREA	1,328
742663	1202 MARSHALL LN 9 TX 78703	UNIT 1202-9 10.37% INT IN COM AREA	1,455
742664	1202 MARSHALL LN 10 TX 78703	UNIT 1202-10 7.97% INT IN COM AREA	1,272
742665	1202 MARSHALL LN 11 TX 78703	UNIT 1202-11 8.24% INT IN COM AREA	1,315
742666	1202 MARSHALL LN 12 TX 78703	UNIT 1202-12 6.41% INT IN COM AREA	1,507
		Total	15,940
		Per unit	1,328
712000	1301 W 9 1/2 ST 101 TX 78703	UNIT 101 16.9% INT IN COM AREA	2,214
712001	1301 W 9 1/2 ST 102 TX 78703	UNIT 102 18.0% INT IN COM AREA	2,491
712002	1301 W 9 1/2 ST 103 TX 78703	UNIT 103 14.0% INT IN COM AREA	2,714
712003	1301 W 9 1/2 ST 104 TX 78703	UNIT 104 18.0% INT IN COM AREA	2,491
712004	1301 W 9 1/2 ST 105 TX 78703	UNIT 105 32.0% INT IN COM AREA	4,478
		Total	14,388
		Per unit	2,878



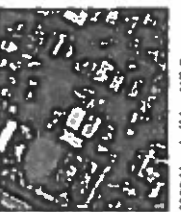
1901 Glen Allen St, MF-2



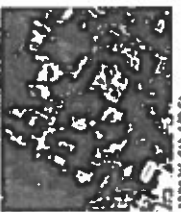
2118 Brackenridge St, MF-2



3107 Glen Oak St, MF-2

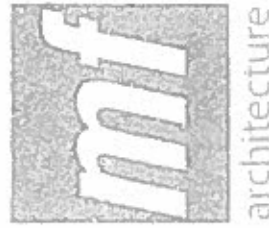


1202 Marshall Ln, MF-3



1301 W 9 1/2 St, MF-3


SOUTH 2ND ST  
 800-444-4444



1001 W 9 1/2 St, Suite 500  
 Austin, TX 78703  
 512-444-4444  
 512-444-4444

**Heldenfels, Leane**

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**From:** Cory Walton   
**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

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



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,

A handwritten signature in black ink, appearing to read "Cory Walton", written in a cursive style.

Cory Walton President,  
Bouldin Creek Neighborhood Association

## PUBLIC HEARING INFORMATION

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

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Case Number: C15-2017-0007, 1615 S. 2<sup>nd</sup> St.

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

FRANK GORDON

Your Name (please print)

704 W MONROE ST UNIT A

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](mailto:leanne.heldenfels@austintexas.gov)



**Heldenfels, Leane**

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**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]

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

C15-2017-0007

**Heldenfels, Leane**

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**From:** Mike Lazarus  
**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"  
**Cc:** "Max", "Gahl", "rkooris"  
**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.



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", written over a horizontal line.

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. 2<sup>nd</sup> St.

Contact: Leane Heldenfels, 512-974-2202, [leanc.heldenfels@austintexas.gov](mailto:leanc.heldenfels@austintexas.gov)  
Public Hearing: Board of Adjustment, February 13th, 2017

JOHN CHRISTENSEN

Your Name (please print)

614 W. MONROE

Your address(es) affected by this application



Signature

Date

Daytime Telephone: 512 462 3342

07 Feb 2017

Comments: APPROVE SEVEN UNITS, NO FLIGHT. PLEASE DO NOT APPROVE ANYTHING UNTIL THE CITY HAS A PLAN FOR TRAFFIC MANAGEMENT FOR 2<sup>ND</sup> STREET & MONROE STREET. WE WILL SOON BE 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:

Mall: 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: [leanc.heldenfels@austintexas.gov](mailto:leanc.heldenfels@austintexas.gov)

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Case Number: C15-2017-0007, 1615 S. 2<sup>nd</sup> St.

Contact: Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto: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) associated with this application

111 West Annie

Signature

Date

Daytime Telephone:

512 991-4457

Comments:

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

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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](mailto:leane.heldenfels@austintexas.gov)

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Case Number: C15-2017-0007, 1615 S. 2<sup>nd</sup> St.

Contact: Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

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

Merrick Ungar

Your Name (please print)

☐ I am in favor  
☒ I object

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

Your address(es) affected by this application

*[Signature]*

Signature

Date

Daytime Telephone:

512-422-9064

2/5/17

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 decrease 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:** [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

C15-2017-0007

**Heldenfels, Leane**

---

**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

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](mailto:howell.k.t@gmail.com)  
cell: 609.651.1817

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**Case Number:** C15-2017-0007, 1615 S. 2<sup>nd</sup> 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 DEVIOUS BEHAVIOR

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**Mail:** City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
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**Fax:** (512) 974-6305

**Email:** leane.heldenfels@austintexas.gov



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*

## PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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Case Number: C15-2017-0007, 1615 S. 2<sup>nd</sup> St.

Contact: Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto: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

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 PROSPECT BUT THEN REFUSE TO ANSWER MY EMAIL OR PHONE MESSAGES TO SCHEDULE A MEETING. THEY RUINED ME INTO GIVING THE A LETTER OF SUPPORT EARLY ON BUT I HERBY WITHDRAW THAT LETTER BASED ON THEIR DEVIOUS BEHAVIOR

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](mailto:leane.heldenfels@austintexas.gov)

## PUBLIC HEARING INFORMATION

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**Case Number: C15-2017-0007, 1615 and 1617 S. 2<sup>nd</sup> St.**

**Contact: Leane Heldenfels, 512-974-2202**

**Public Hearing: Board of Adjustment, March 13th, 2017**

Angelika Sauer

Your Name (please print)

1607 S. 3rd St # A

Your address(es) affected by this application

Angelika Sauer

Signature

3-6-17

Date

Daytime Telephone: 830-708-3540

Comments: The traffic situation at this unregulated

intersection of Milton & 2nd St is precarious enough  
as it is. There is lots of street-parking in this area,  
and the addition of traffic resulting from 8(1) units in  
one lot will make this entire neighborhood a  
cluttered up mess. There should not be any multi-unit  
construction on this lot, and certainly not 8.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned 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](mailto:leane.heldenfels@austintexas.gov)

# PUBLIC HEARING INFORMATION

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

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  - is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2017-0007, 1615 and 1617 S. 2<sup>nd</sup> St.

Contact: Leane Heldenfels, 512-974-2202

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

Alvaro Bastos

Your Name (please print)

702 W. Miron St.

Your address(es) affected by this application

*[Signature]*

Signature

*[Date]*

Date

Daytime Telephone:

512-924-6683

Comments:

☐ I am in favor  
☒ I object

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned 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](mailto:leane.heldenfels@austintexas.gov)

L3/41

New Message

Facebook (gmail.com)

Subject

This is a request for a variance I'm NOT willing to support for few reasons:

1. City council board of adjustment will be setting up a precedent for future projects, If you approve this variance it will be difficult to deny others who might have a request for over 700 square feet to develop similar projects in the future.
  2. Our streets are getting too congested with street parking.
  3. This builder is asking for a total of 760 square feet, its 190 square feet per two condominiums.
  4. I'm afraid that projects like these would lower our property value.
  5. We are only across the street from this project and no one has approached us to see how we feel about it.
- For those reasons we oppose this variance, I'm sure that I'm not alone in my neighborhood.

Sams Sent

Send

Saved



UPDATED BOA APPLICATION. VARIANCE ARGUMENT HAS BEEN UPDATED FOR CLARITY AND CONCISENESS. REASON FOR VARIANCE REMAINS UNCHANGED. PLEASE REFER TO THIS DOCUMENT ONLY WHEN REVIEWING VARIANCE ARGUMENT. 3/27/2017

ment

'04

## 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 # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### 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 C8I-2016-0091.

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-5-NP

I/We Matt Fajkus on behalf of myself/ourselves as  
authorized agent for RICHARD KOORIS affirm that on  
Month March, Day 27, 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 CONDIMINIUM RESIDENTIAL USE.

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

Seeking a reduction to 3,200-sf of site area per unit

## 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:

On February 11, 2016, Planning Commission and City Council approved a zoning change which would allow this eight unit development. Zoning regulation 25-2-776 (C), currently allows 7.5 units to be built on the site and is preventing the possibility of an eight unit. This project complies with regulations within a SF-5 zoning district as it relates to building height, setbacks, building coverage and impervious cover. This is merely a matter of distribution of square feet and we are seeking a reduction of minimum site area per unit from 3,500 sf to 3,200 sf. to allow for an eight unit. The intent for this project is to follow the key concepts of Imagine Austin by increasing density and providing infill housing within the urban core of Austin.

### Hardship

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

In November of 2015, owners were misguided by Senior Planner's misinterpretation of Zoning Subsection 25-2-776 and were told that only Subsection G of 25-2-776 applied which refers to providing 5% of gross site area for private open space, which was easily achievable. Based on this information the property was purchased and the owners moved forward with designing the project. During Site Development Plan review the owners were told that Subsection G under 25-2-776 would apply and must provide 3,500 sf of site area per unit.

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

It is not a typical lot in regards to other sites within the area because of its different zoning classification.

**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:

The owners worked with the Bouldin Creek Neighborhood Association to create a Restrictive Covenant and a Conditional Overlay which ensures that the units will reflect the character of the neighborhood. The Restrictive Covenant provides design guidelines for the units while the Conditional Overlay describes the overall size of the units and scale of the project. This project will not impair the use of adjacent properties or zoning regulations because it complies with the regulations of the SF-5 zoning district in regards to building height, setbacks, impervious cover and building coverage.

**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

### 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:  Date: 03/27/2017

Applicant Name (typed or printed): Matt Fajkus

Applicant Mailing Address: 900 E. 6th St. STE. 100

City: AUSTIN State: TEXAS Zip: 78702

Phone (will be public information): (512) 432-5137

Email (optional – will be public information): info@mfarchitecture.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:  Date: 03/27/2017

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: Matt Fajkus

Agent Mailing Address: 900 E. 6th St.

City: AUSTIN State: TEXAS Zip: 78702

Phone (will be public information): (512) 432-5137

Email (optional – will be public information): info@mfarchitecture.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)

[illegible]**SAVE**



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,

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

Cory Walton President,  
Bouldin Creek Neighborhood Association

1600 South First, LP.  
1600 S. 1<sup>st</sup> Street  
Austin, Texas 78704

RE: Case # C15-2017-0007 (Subject Property 1615-1617 S. 2<sup>nd</sup> Street)

Board of Adjustment Members,

As an adjacent property owner, I am writing to express my support of the applicant's request for a 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 (1615 & 1617 S 2<sup>nd</sup> St.).

A handwritten signature in black ink, appearing to read 'ASL', is written over a horizontal line.

Anthony Siela  
1600 South First, LP.  
1600 S. 1<sup>st</sup> Street  
Austin, TX 78704

**1615 SOUTH 2ND. ST**  
Board of Adjustments

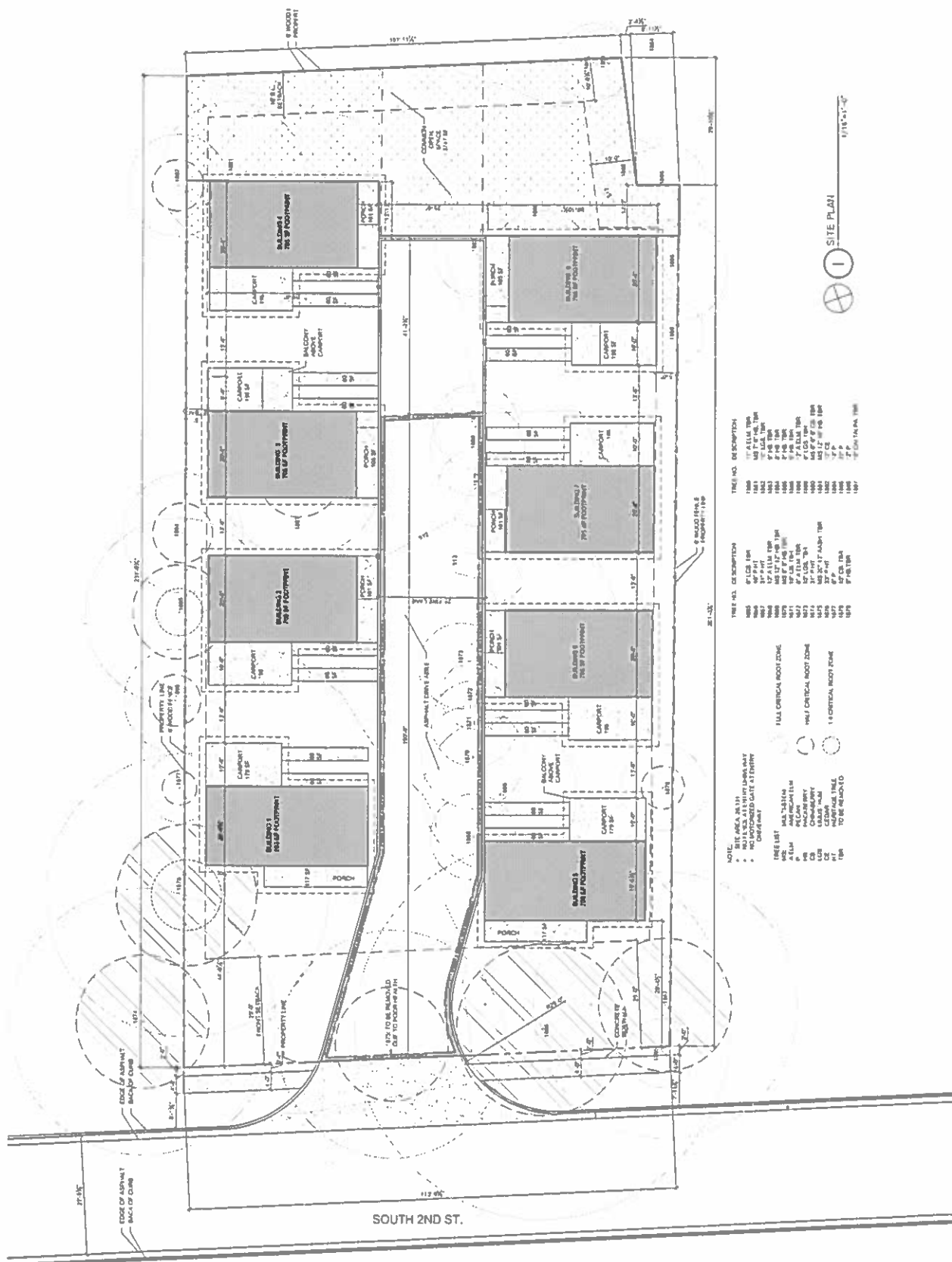
April, 10th 2017



Mart Fokius Architecture  
200 East 6th Street  
Suite 103  
Austin, Texas 78702

512.457.5137

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





FRONT OF SITE ALONG SOUTH 2ND. ST.



TAKEN FROM REAR OF LOT LOOKING WEST

2017-03-08 10:00 AM  
M. F. P. A. S. (M. F. P. A. S.)

## SITE PHOTOS

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017



Matt Farkus Architecture  
900 East 6th Street  
Suite 400  
Austin, Texas 78702

512-452-3107

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



TAKEN FROM MIDDLE OF LOT LOOKING WEST



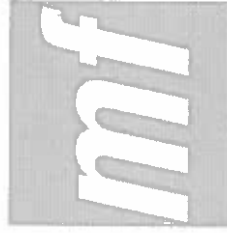
TAKEN FROM MIDDLE OF LOT LOOKING NORTH

Photograph taken from middle of lot.

## SITE PHOTOS

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017



architecture

Matt Folkins Architecture  
500 East 5th Street  
Suite 101  
Austin, Texas 78702

512.432.5107

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



Neighborhood Context

## NEIGHBORHOOD CONTEXT

## PROPOSED ELEVATIONS

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017



Matt Fokus Architecture  
900 East 6th Street  
Suite 102  
Austin, Texas 78702

512.428.5137

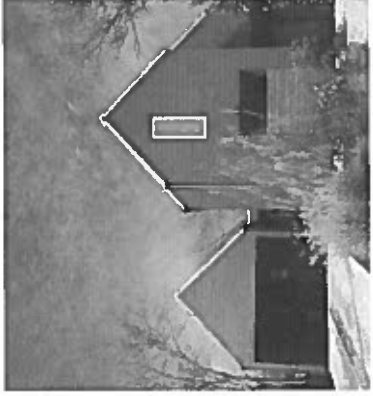
www.mfarchitecture.com



1615 South 2nd St. : North Side Elevation Interior Drive



1615 South 2nd St. : South Side Elevation Interior Drive



Neighborhood Context

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017



Matt Fiskus Architecture  
900 East 6th Street  
Suite 100  
Austin, Texas 78702

312.432.5127

www.mfarchitecture.com



Elevation Along South 2nd St.

11/20/2017 10:00 AM  
 11/20/2017 10:00 AM

# **BUILDING 1 & 5** **Floor Plan / Elevations**

**SOUTH 2ND ST**  
 Board of Adjustments

April 10, 2017

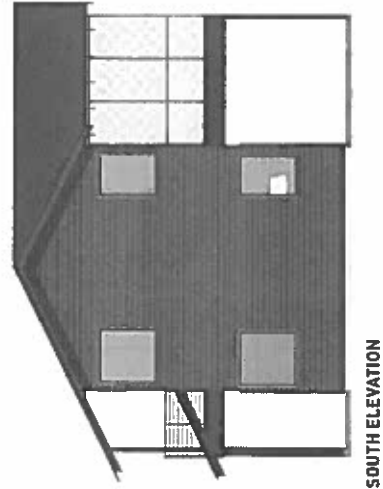
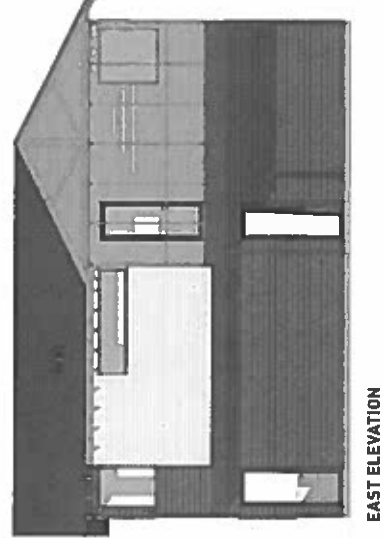
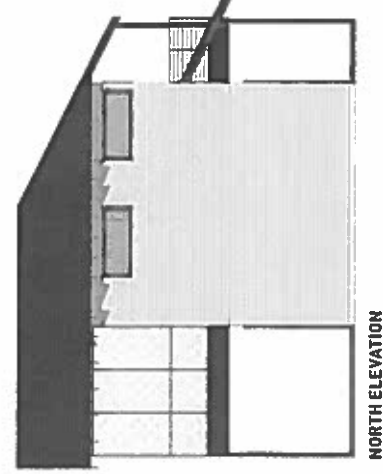
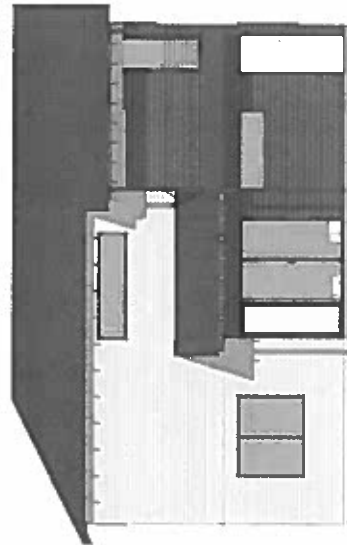
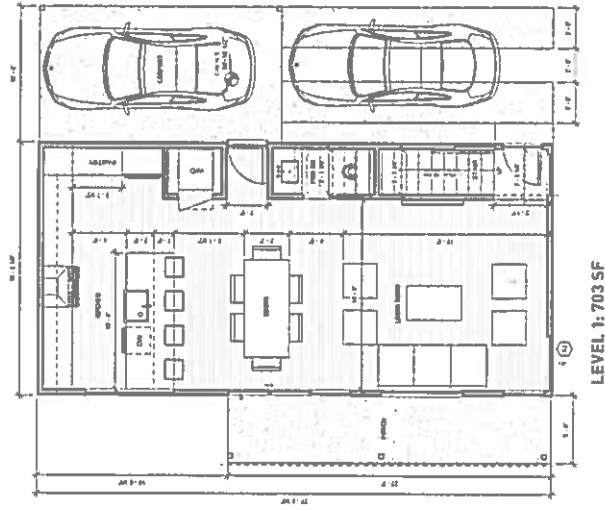
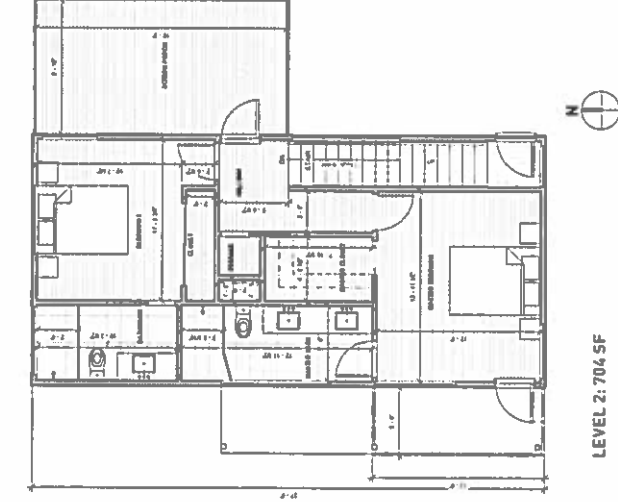


**architecture**

Marl Farkas Architecture  
 900 East 6th Street  
 Suite 100  
 Austin, Texas 78702

512.432.5127

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



Architectural Plans  
 10/10/2017  
 10/10/2017

**BUILDING 2,4,6,7**  
**Floor Plan / Elevations**

SOUTH 2ND ST  
 Board of Adjustments

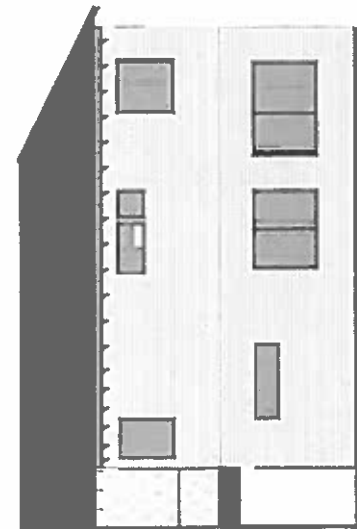
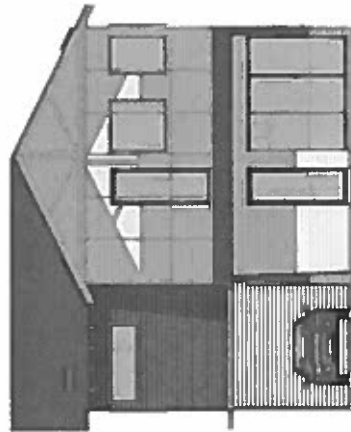
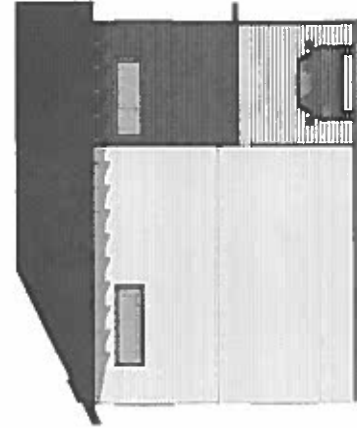
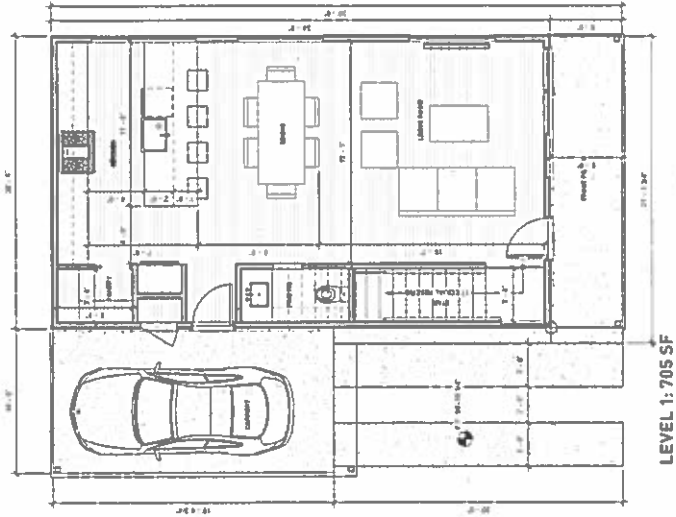
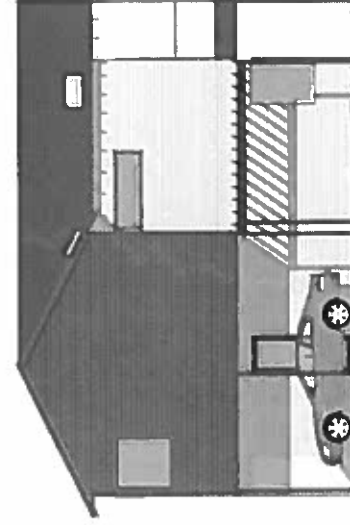
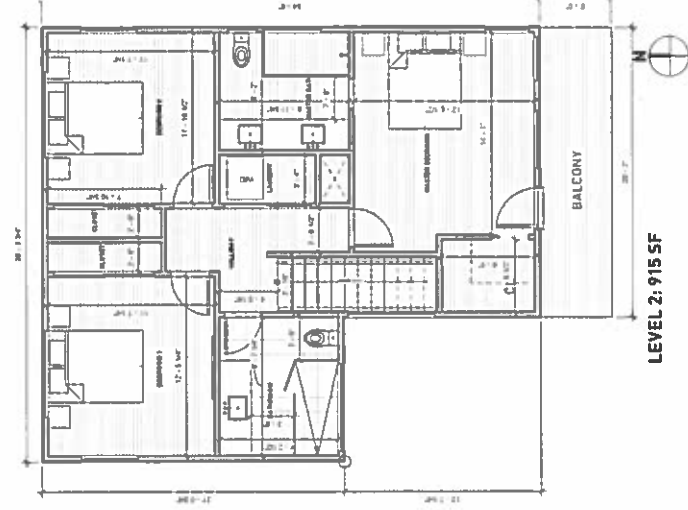
April 10, 2017



Matt Farkus Architecture  
 960 East 4th Street  
 Suite 100  
 Austin, Texas 78702

512.422.9127

www.mfarchitecture.com



South 2nd Street, Austin  
 Building 3 & 8

# **BUILDING 3 & 8** Floor Plan / Elevations

SOUTH 2ND ST  
 Board of Adjustment

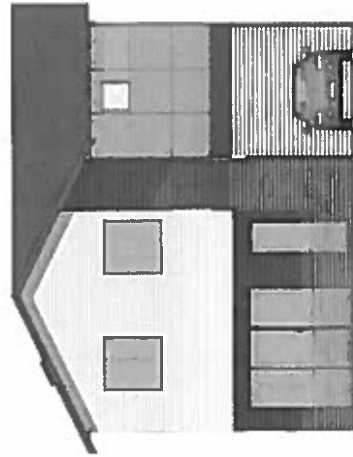
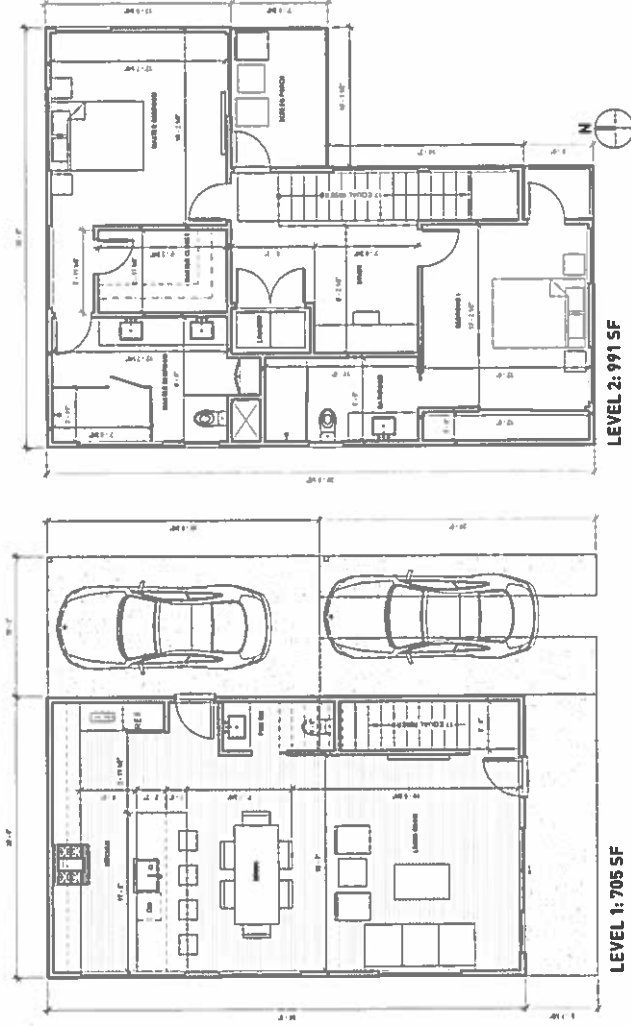
April 10, 2017



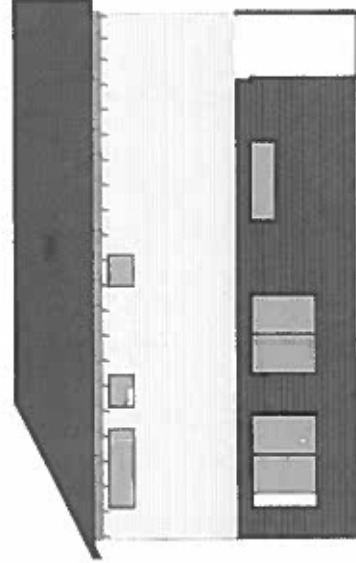
Matt Falkus Architecture  
 900 East 4th Street  
 Suite 100  
 Austin, Texas 78702

512.432.5107

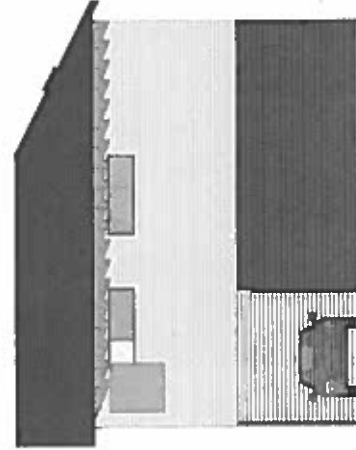
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**SOUTH ELEVATION**



**WEST ELEVATION**



**NORTH ELEVATION**



**EAST ELEVATION**

## Code Requirement

The owners needed clarification on this part of the Land Development Code in order to determine if the potential project at 1615 South 2nd St was viable.

### 25-2-776 - CONDOMINIUM RESIDENTIAL USE.

- (A) For a condominium residential use in a SF-5, SF-6, or multi-family district, the base zoning district regulations are superseded by the requirements of this section.
- (B) The minimum site area for a condominium residential use is 14,000 square feet.
- (C) At least 3,500 square feet of site area is required for each condominium.
- (D) This subsection applies in an SF-5 district.
- (1) A condominium site must be at least 300 feet from other condominium sites in an SF-5 district.
- (2) A condominium use is prohibited on a site with access only to a local residential street.
- (3) A condominium site may include not more than ten condominium units.
- (4) A parking space may not be located in a required front street yard, except for a parking space in a driveway.
- (E) This subsection applies in an SF-6 district.
- (1) The building official may not issue a certificate of occupancy until the owner of the property has complied with state requirements concerning condominiums. A note regarding this requirement must be included on the site plan.
- (2) A parking space may not be located in a required front street yard, except for a parking space in a driveway.
- (F) A condominium use with 10 or more dwelling units in a building constructed after the effective date of this ordinance must comply with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (Private Common Open Space and Pedestrian Amenities) except as provided by this subsection.

- (1) Compliance with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (Private Common Open Space and Pedestrian Amenities) is not required if the development is:

(a) located in:

- (i) the University Neighborhood Overlay and the applicant elects to comply with Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District) of this chapter, or
- (ii) the central business district (CBD); or
- (iii) the downtown mixed use (DMU) district; or

(b) certified under a local, state, or federal affordable housing program and located within ¼ mile sale pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park or multi-use trail.

(2) In evaluating sale pedestrian travel distances under Paragraph (1)

(b), consideration shall be given to factors affecting the suitability of the area for pedestrian travel, including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act.

## CODE REQUIREMENT

SOUTH 2ND ST

Board of Adjustments

April 10, 2017



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## Email Correspondence

The owner received the following email correspondence from City Planners to help inform which section of code in 25-2-776-*Condominium Residential Use* would apply to this project. Andrew Moore, the case manager for this project, sent this email to Christine Barton Holmes asking for clarification.

From: Moore, Andrew  
Sent: Tuesday, November 17, 2015 4:22 PM  
To: Barton-Holmes, Christine  
Subject: CJ4-2015-0145

Hi Christine, I'm the zoning use manager for this one. I have a question for you. I read 25-2-776 to say that SF-5 condominiums can not take access to a local residential street and are required to have 3500 sq ft of site area per unit. This project is 599 acre, proposing 8 units and access to S. 29th, which is a local residential street. They would have a site plan with a private drive. Am I interpreting this correctly?

Thanks,

Andy

### 25-2-776 - CONDOMINIUM RESIDENTIAL USE.

For a condominium residential use in a SF-5 SF-6 or multi-family district, the base zoning district regulations are superseded by the requirements of this section.

(B) The minimum site area for a condominium residential use is 14,000 square feet.

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

(D) This subsection applies in an SF-5 district.

(1) A condominium site must be at least 300 feet from other condominium sites in an SF-5 district.

(2) A condominium use is prohibited on a site with access only to a local residential street.

(3) A condominium site may include not more than ten condominium units.

(4) A parking space may not be located in a required front street yard, except for a parking space in a driveway.

(E) This subsection applies in an SF-6 district.

(1) The building official may not issue a certificate of occupancy until the owner of the property has complied with state requirements concerning condominiums. A note regarding this requirement must be included on the site plan.

(2) A parking space may not be located in a required front street yard, except for a parking space in a driveway.

(F) A condominium use with 10 or more dwelling units in a building constructed after the effective date of this ordinance must comply with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) except as provided by this subsection.

Compliance with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) is not required if the development is

(a) located in:

(i) the University Neighborhood Overlay and the applicant elects to comply with Subchapter C, Article 3, Division 9 (*University Neighborhood Overlay District*) of this chapter; or

(ii) the central business district (CBD); or

(iii) the downtown mixed use (DMU) district; or

(b) certified under a local, state, or federal affordable housing program and located within 1/2 mile safe pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park, or multi-use trail.

(2) In evaluating safe pedestrian travel distances under Paragraph (1)(b), consideration shall be given to factors affecting the suitability of the area for pedestrian travel, including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act.

(G) A condominium use with less than 10 dwelling units must provide private personal open space in accordance with the requirements of this subsection.

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

(2) An area of private personal open space at ground level must contain at least 100 square feet and may not be less than ten feet across in each direction.

(3) An area of private personal open space above ground level must contain at least 50 square feet and may not be less than five feet across in each direction.

(4) The requirements of this subsection do not apply to a condominium use located within development that meets the requirements in Subsection (F)(1) of this section.

Source: Section 13-2-257 Ord. 990225-70 Ord. 000309-39 Ord. 031211-11; 20111215-086.

Andrew Moore

Senior Planner

City of Austin - Planning & Zoning Department

505 Barton Springs Road, 5<sup>th</sup> Floor

EMAIL  
CORRESPONDENCE  
RECEIVED BY OWNER

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017



Mart Finkels Architecture  
960 East 6th Street  
Suite 100  
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**Email Correspondence**

Christine Barton Holmes' reply to Andrew Moore helped inform the owners as to which section of the code would apply to the project. This decision initiated the acquisition of the property at 1615 South 2nd St. and the project moved forward based on this decision.

From: "Moore, Andrew" <Andrew.Moore@ausintexas.gov>  
Date: November 17, 2015 at 5:23:40 PM CST  
To: Richard Koons <rkoons@501studios.com>  
Cc: Leah Bojo <lbojo@landusesolutionstx.com>  
Subject: Fwd: C14-2015-0145

Richard, Please see response below.

Andy Moore

Begin forwarded message:

From: "Barton-Holmes, Christine" <Christine.Barton-Holmes@ausintexas.gov>

Date: November 17, 2015 at 5:19:08 PM CST

To: "Moore, Andrew" <Andrew.Moore@ausintexas.gov>

Subject: RE: C14-2015-0145

Hi, Andy,

Yes, and no... since there are only 8 units, Subsection G applies, and they would only have to provide private open space (100 sf at ground level or 50 sf above ground level), and it must total 5% of the gross site area, so as long as patios and decks equaled 1304.622 sf, they're ok. However, they would have to go to BOA for the residential street access (25-2-472).

Thanks,

Christine

Excerpt from:

**25-2-776 - CONDOMINIUM RESIDENTIAL USE.**

- (6) A condominium use with less than 10 dwelling units must provide private personal open space in accordance with the requirements of this subsection.
- (1) The open space must be a minimum of five percent of the gross site area of the property.
  - (2) An area of private personal open space at ground level must contain at least 100 square feet and may not be less than ten feet across in each direction.
  - (3) An area of private personal open space above ground level must contain at least 50 square feet and may not be less than five feet across in each direction.
  - (4) The requirements of this subsection do not apply to a condominium use located within development that meets the requirements in Subsection (F)(1) of this section minimum depth and width of 20 feet and a minimum total area of 650 square feet.

EMAIL  
CORRESPONDENCE  
RECEIVED BY OWNER

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017



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900 East 6th Street  
Suite 105  
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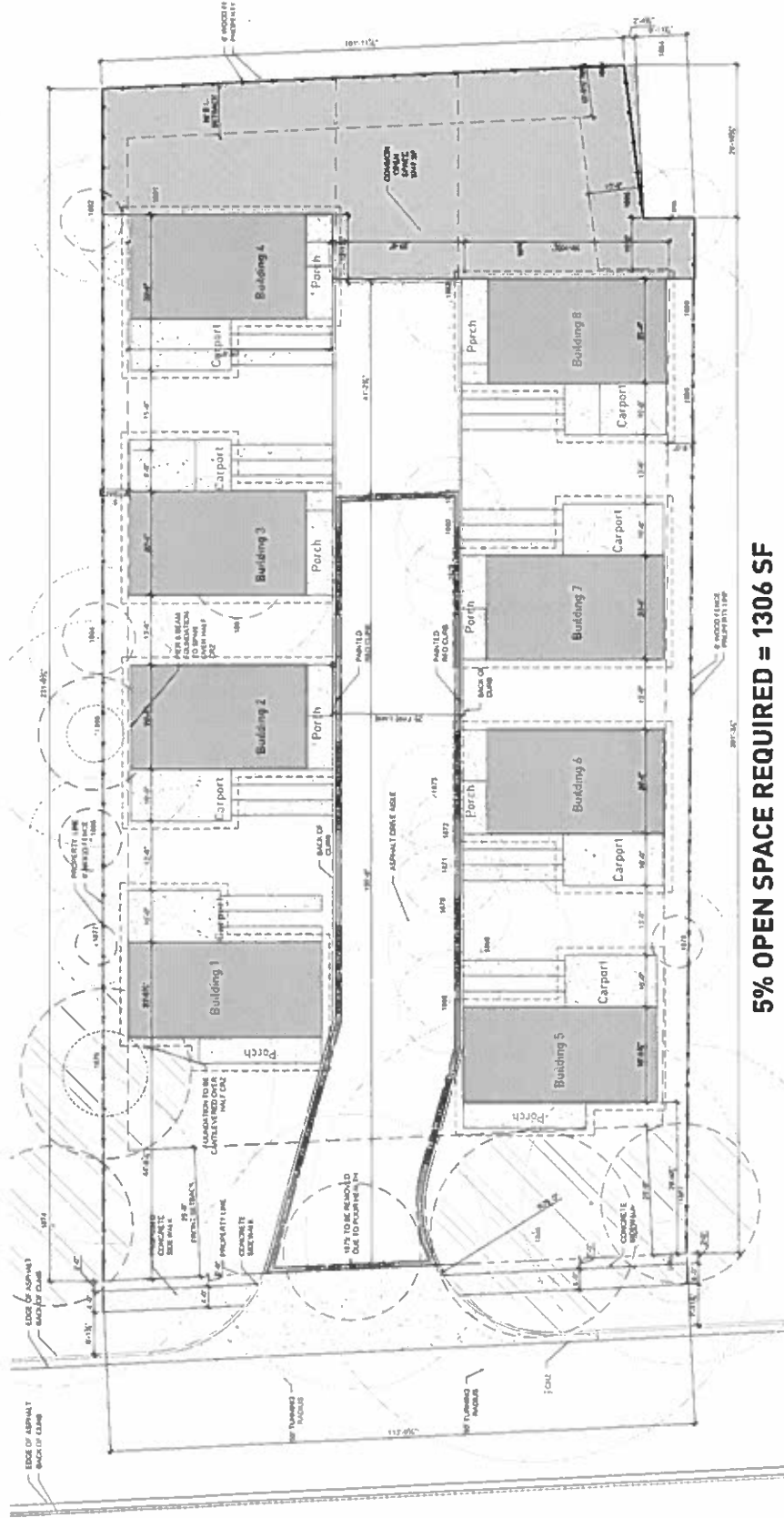
512.452.5127

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### Open Space Diagram:

This diagram depicts the locations for the Open Space requirement.

The area highlighted in green show the private personal space for the entire site, which satisfies the open space requirement per 25-2-776 (G) 1.



COMMON OPEN SPACE  
3747 = 14.32%  
OF LOT

TOTAL SITE AREA: 26131

COMMON OPEN SPACE  
3747 = 14.32%  
OF LOT

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017

**mf**  
architecture

Matti Fakus Architecture  
900 East 6th Street  
Suite 100  
Austin, Texas 78702

012-252-5107

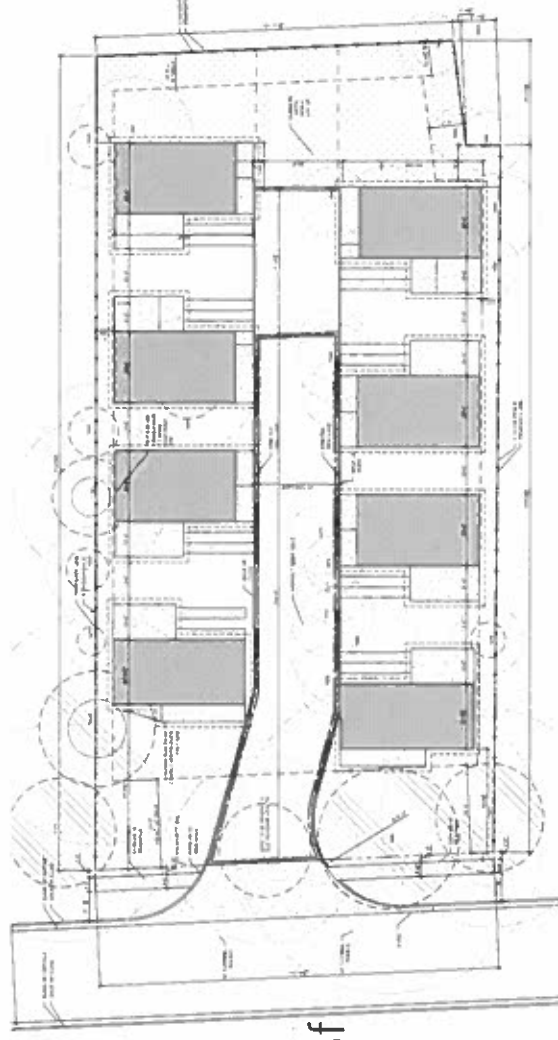
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L3/61

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

A)  $26,131 / 3,500 \text{ sf} = 7.5 \text{ units}$

Difference in site area  
between 7 vs 8 units = 234 sf



### 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



Prepared by: [illegible]  
Date: [illegible]

SF-3

SF-5

COMMERCIAL

SOUTH 2ND ST  
Board of Adjustments

April 10, 2017



architecture

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## 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

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

## PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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

Case Number: C15-2017-0007, 1615 and 1617 S. 2<sup>nd</sup> St.  
Contact: Leane Heldenfels, 512-974-2202

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

*Leane Johnson*  
Your Name (please print)

☐ I am in favor  
☒ I object

*715 W 37th Street*  
Your address(es) affected by this application

*Leane Johnson 3-10-2017*  
Signature Date

Daytime Telephone: *None*

Comments:

*I think this will only cause more traffic and our neighborhood will not get through our street now all these people building all these people do not care for people like me who have been in this area 60 yrs*

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned 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](mailto:leane.heldenfels@austintexas.gov)

## 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.

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and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
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Case Number: C15-2017-0007, 1615 and 1617 S. 2<sup>nd</sup> St.

Contact: Leane Heldenfels, 512-974-2202

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

*R. Sue Hong*  
Your Name (please print)

☐ I am in favor  
☒ I object

*1610 & 1612 1/4 and R. W. Monroe St*  
Your address(es) affected by this application

*R. Sue Hong* *3/3/17*  
Signature Date

Daytime Telephone: *512-517-2985*

Comments: *Developer has already requested Variances and wants more. I smaller residences will increase the # of ds this his goal? I he needs to stay with the original plan.*

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned 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](mailto:leane.heldenfels@austintexas.gov)