

308 W. MILTON ST.

JW 3/15/13

City of Austin Residential Permit Application Residential Review, 2 nd floor, One Texas Center 505 Barton Springs, Austin, TX 78704 (512) 974-2747	For Departmental Use Only	PR #: 12-120815-PR	BP #: 13-025734
		Assigned: MW	Due Date:
		Review Date: 03/14/13	Issue Date:
		Reviewed/Approved: P.Y.	Issued:

Project Information	
Project Address: 308 W Milton	Tax Parcel ID:
Legal Description: lot 7 : E 2' of lot 6 : W 3' of lot 8 block B beckers gus F	
Zoning District or PUD: SF-3-NP	Lot Size (square feet): actual 3150 SF
Neighborhood Plan Area (if applicable): Bouldin Creek	Historic District (if applicable): N/A
Is this site within the Residential Design and Compatibility Standards Ordinance Boundary Area? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> <small>Note: Boundaries are defined under Title 25-2 Subchapter F of the Land Development Code.</small>	
Does this site currently have water availability? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> wastewater availability? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> <small>If no, contact Austin Water Utility to apply for water/wastewater taps and/or sewer extension request.</small>	
Does this site have or will it have an auxiliary water source? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If yes, submit approved auxiliary and potable plumbing plans (Auxiliary water supplies are wells, rainwater harvesting, river water, lake water, reclaimed water, etc.)	
Does this site have a septic system? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> If yes, submit a copy of approved septic permit to construct	
Does this site require a cut or fill in excess of four (4) feet? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <small>If yes, contact the Development Assistance Center for a Site Plan Exemption.</small>	
Does this site front a paved street? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Is this site adjacent to a paved alley? Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Does this site have a Board of Adjustment (BOA) variance? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Case # (if applicable)	
Does this site have a Residential Design and Compatibility Commission (RDCC) waiver? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <small>If yes, provide a copy of decision sheet. Note: A permit cannot be approved within 10 days of approval of a variance from BOA.</small>	
Does the project impact a tree protected by ordinance? This includes canopy and/or critical root zone impacts to nearby trees. Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <small>Note: If yes, application for a tree permit with the City Arborist may be required.</small>	
Is this site within one hundred-fifty (150) feet of the one hundred (100) year floodplain? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <small>Note: Proximity to a floodplain may require additional review time.</small>	

Description of Work	
Existing Use: vacant <input checked="" type="checkbox"/> single-family residential <input type="checkbox"/> duplex residential <input type="checkbox"/> two-family residential <input type="checkbox"/> other	
Proposed Use: vacant <input type="checkbox"/> single-family residential <input checked="" type="checkbox"/> duplex residential <input type="checkbox"/> two-family residential <input type="checkbox"/> other	
Project Type: new construction <input checked="" type="checkbox"/> addition <input type="checkbox"/> addition/remodel <input type="checkbox"/> remodel/repair <input type="checkbox"/> other	
# of bedrooms existing: 0 # of bedrooms proposed: 2 # of baths existing: 0 # of baths proposed: 2.5	
Will all or part of an existing exterior wall be removed as part of the project? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <small>Note: Removal of all or part of a structure requires a demolition permit.</small>	
Project Description: (Note: Please provide thorough description of project. Attach additional pages as necessary) new single family, wood frame residence, hardie siding/shingle siding, shingle roof, 2 bedrooms, library, 2 1/2 baths, kitchen, eat-in dining, car garage.	
Trades Permits Required: electric <input checked="" type="checkbox"/> plumbing <input checked="" type="checkbox"/> mechanical (HVAC) <input checked="" type="checkbox"/> concrete (right-of-way) <input type="checkbox"/>	

Job Valuation		
Total Job Valuation: \$ 180,000	Portion of Total Job Valuation Dedicated to Addition/New Construction: \$ 180,000	Portion of Total Job Valuation Dedicated to Remodel/Repair: \$
<small>Note: The total job valuation should be the sum total of all valuations noted to the right. Labor and materials only, rounded to nearest dollar. Permit fees are based on adopted fee schedule.</small>	Bldg: \$ Elec: \$	Bldg: \$ Elec: \$
	Plmbg: \$ Mech: \$	Plmbg: \$ Mech: \$
	Primary Structure: \$	
	Accessory Structure: \$	

Building and Site Area			
Area Description	Existing Sq Ft	New/Added Sq Ft	Total Sq Ft
Note: Provide a separate calculation for each distinct area. Attach additional sheets as necessary. Measurements are to the outside surface of the exterior wall.			
a) 1 st floor conditioned area		602	602
b) 2 nd floor conditioned area		1104	1104
c) 3 rd floor conditioned area			
d) Basement			
e) Covered Parking (garage or carport)		398	398
f) Covered Patio Deck or Porch	/	156	156
g) Balcony			
h) Other			
Total Building Coverage (exclude b, c & d from total)			1156
i) Driveway		212	212
j) Sidewalks			
k) Uncovered Patio	/		
l) Uncovered Wood Deck (counts at 50%)			
m) AC pads		6	6
n) Other (Pool Coping, Retaining Walls)			
Total Site Coverage			11374
o) Pool			
p) Spa			

Site Development Information	
Building Coverage Information Note: Building Coverage means the area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features. Pools, ponds, and fountains are not included in this measurement. (LDC 25-1-21)	
Existing Building Coverage (sq ft):	% of lot size:
Proposed Building Coverage (sq ft): 1156	% of lot size: 36.69%
Impervious Cover Information Note: Impervious cover is the total horizontal area of covered spaces, paved areas, walkways, and driveways. The term excludes pools, ponds, fountains, and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians. (LDC 25-1-23)	
Existing Impervious Cover (sq ft):	% of lot size:
Proposed Impervious Cover (sq ft): 1374	% of lot size: 43.62% THAT WAS like a puzzle!
Setbacks Are any existing structures on this site a non-compliant structure based on a yard setback requirement? (LDC 25-2-513) Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Does any structure (or an element of a structure) extend over or beyond a required yard? (LDC 25-2-513) Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Is front yard setback averaging being utilized on this property? (LDC 25-2, Subchapter F, Sec. 2.3) Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Height Information (LDC 25-1-21 or 25-2 Subchapter F, Section 3.4) Parking (LDC 25-6 Appendix A & 25-6-478)	
Building Height: 28 ¹⁰ ft Number of Floors: 2	# of spaces required: 2 # of spaces provided: 2
Right-of-Way Information Is a sidewalk required for the proposed construction? (LDC 6-353) FEE IN LIEU (see receipt) Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
*Sidewalks are to be installed on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more.	
Will a Type I driveway approach be installed, relocated, removed or repaired as part of this project? Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Width of approach (measured at property line): 12 ft Distance from intersection (for corner lots only): — ft	
Are storm sewer inlets located along the property or within ten (10) feet of the boundaries of the property? Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

Subchapter F – 'McMansion'

Gross Floor Area

This section is only required for projects located within the Residential Design and Compatibility Standards Ordinance Boundaries as defined and illustrated in Title 25-2 Subchapter F of the Land Development Code. The Gross Floor Area of each floor is measured as the area contained within the outside edge of the exterior walls.

	Existing	New	Exemption	Total
1 st Floor		602		602
2 nd Floor		1104		1104
3 rd Floor				
Basement				
Attic				
Garage (attached)		398	200	198
(detached)				
Carport (attached)				
(detached)				
Accessory building(s) (detached)				

40 OR 2300 SF

2300 allowable

TOTAL GROSS FLOOR AREA

1904 < 2300 SF
OK P.Y.
03/14/13

(Total Gross Floor Area / lot size) x 100 = _____ Floor-To-Area Ratio (FAR)

Is this project claiming a "parking area" exemption as described under Article 3?

Y ☒ N ☐

Is this project claiming a "ground floor porch" exemption as described under Article 3?

Y ☒ N ☐

Is this project claiming a "basement" exemption as described under Article 3?

Y ☐ N ☒

Is this project claiming a "habitable attic" exemption as described under Article 3?

Y ☐ N ☒

Is a sidewall articulation required for this project?

Y ☒ N ☒

Does any portion of the structure extend beyond a setback plane?

Y ☐ N ☒

Parking Area exemption: Up to 450 square feet of a parking area may be deducted if it is a detached rear parking area that is separated from the principal structure by not less than 10 feet; or attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or a parking area that is open on two or more sides, if: it does not have habitable space above it; and the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport. Up to 200 square feet may be deducted if it is an attached parking area used to meet the minimum parking requirement; or a garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either detached from the principal structure; or attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width. An applicant may receive only one 450-square foot exemption per site under Article 3. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under Article 3, but only for an attached parking area used to meet minimum parking requirements.

Ground Floor Porch exemption: A ground floor porch, including a screened porch, may be exempted, provided that the porch is not accessible by automobile and is not connected to a driveway; and the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

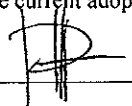
Basement exemption: A habitable portion of a building that is below grade may be exempted if the habitable portion does not extend beyond the first-story footprint and is below natural or finished grade, whichever is lower; and it is surrounded by natural grade for at least 50% of its perimeter wall area and the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

Habitable Attic exemption: A habitable portion of an attic may be exempted if: 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2. It is fully contained within the roof structure; 3. It has only one floor; 4. It does not extend beyond the footprint of the floors below; 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

current owner

Mehrdad Soleimani
 2449 Pick Winery Dr
 Austin, TX 78728-4906

AS OF 12-27-2012		Contact Information	
Owner	Moore-Tate Projects + Design	Applicant or Agent	SAME
Mailing Address	12140 Tunnel Trail Manchaca	Mailing Address	
Phone	512-517-9333 78652	Phone	
Email	dawn@mooretate.com	Email	
Fax		Fax	
General Contractor	SAME	Design Professional	SAME
Mailing Address		Mailing Address	
Phone		Phone	
Email		Email	
Fax		Fax	

Acknowledgments	
Is this site registered as the owner's homestead for the current tax year with the appraisal district?	Y <input checked="" type="checkbox"/>
<p>I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license.</p> <p>I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property.</p> <p>If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.</p> <p>I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC. I understand that nothing may be built upon or over an easement.</p> <p>I further understand that no portion of any roof structure may overhang in any public utility or drainage easement. I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.</p> <p>I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required and compliance with current code may be required.</p> <p>I hereby certify that to the best of my knowledge and ability, the information provided in this application is complete and accurate.</p> <p>I further acknowledge that, should any information contained herein prove incorrect, the building official may suspend or revoke any resulting permit and/or license.</p> <p>I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed. Tree protection is required per Section 25-8-603.</p> <p>Erosion and Sedimentation Controls are required per Section 25-8-181.</p> <p>I acknowledge that a sidewalk will be required on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more.</p> <p>I acknowledge if my plans are subject to a technical review it will not be construed to be a permit for, or an approval of any violation of any of the provisions of the current adopted building codes or another ordinance of the City of Austin.</p>	
Applicant's signature: 	Date: 12-3-2012

OWNER AUTHORIZATION LETTER

TO: CITY OF AUSTIN
FROM: MEHRDAD SOLEIMANI & DAVOUD SOLEIMANI
SUBJECT: AUTHORIZATION TO SUBMIT RESIDENTIAL BUILDING PERMIT APPLICATION
DATE: 12/3/2012
CC: MOORE-TATE PROJECTS & DESIGN, LLC

I authorize Moore-Tate Projects + Design, LLC to submit a demo permit & building permit application for 308 W Milton.

Sincerely,

Davoud Soleimani
Mehrdad Soleimani by POA Davoud Soleimani
DAVOUD SOLEIMANI

2449 Rick Whinery Dr

Austin TX 78728-4566

Email:

Phone:



Austin Water Utility

Water & Wastewater Service Plan Verification

(W & WW SPV)

(Please Print or Type)

Customer Name: dawn moore Phone: 512-517-9333 Alternate Phone: _____

Service Address: 308 W Milton

Lot: 7 Block: 8 Subdivision/Land Status: beckers gus F Tax Parcel ID No.: _____

Existing Use: vacant (single-family res.) duplex garage apartment other _____
(Circle one)

Proposed Use: vacant (single-family res.) duplex garage apartment other _____
(Circle one)

Number of existing bathrooms: 2 Number of proposed bathrooms: 2.5

Water Main size: 6" Service stub size: 3/4" City of Austin Office Use Service stub upgrade required? NO New stub size: _____

Existing Meter number: 57295 Existing Meter size: 5/8" Upgrade required? NO New size: _____

WW Service: Septic System/On-Site Sewage Facility (OSSF) _____ or WW Collection System _____ WW Main size: _____

If the site has an OSSF, please contact Utility Development Services (UDS) at 972-0210 or 972-0211, Waller Creek Center, 625 E. 10th Street, Suite 715 for consultation and approval.

W&WWSPV Completed by (Signature & Print name) [Signature] Date 12.03.2012 Phone 512-517-9333

OSSF (if applicable) Approved by UDS (Signature & Print name) [Signature] Date 12-4-12 Phone 974-9722

AWU Representative _____ Date _____ Phone _____

Approved: ☐ Yes (see attached approved documents) ☐ No

NOTE: For residential plan review, this original stamped "approval" must be submitted with the stamped "original" floor plan.

Verification expires 180 days after date of Submittal

Instructions:

The intent of the "W&WWSPV" is to ensure that, prior to beginning a single-family residential project (includes duplex and garage apartment uses), adequate water/wastewater service can be provided to the site and is planned for as part of the overall project, and to ensure that the applicant is aware of the potential costs associated with the relocation, new service or upgrading of existing services to the site.

A "W&WWSPV" is required, prior to submitting for residential permit, for the following project types:

- Construction of a new home, duplex, or garage apartment (except for projects identified as a "volume builder" project)
- Remodeling/additions to an existing structure to increase the number of total bathrooms on the site to more than 3
- Remodeling/additions that increase the number of units on the site (for example, converting a home to a duplex)
- Remodeling/additions to an existing structure to increase the number of total bedrooms, total living square footage or change in surface improvement such as swimming pool, driveway, garage, etc. (for structure using OSSF).

If a "W&WWSPV" is required, complete the verification form above, and provide a copy of the "plot plan" for the site (plot plan, house floor plan and other required planning material for OSSF). The "plot plan" should be to a standard scale and show all existing and proposed improvements. Submit the application and planning material to Austin Water Utility-Taps Division (to UDS for OSSF) for approval, prior to submitting for a residential building permit, at one of the locations below:

Note: Applicant must contact AWU taps office, at either location noted below, to submit an application (if required) for a meter upgrade or a new service before issuance of the building permit.

Austin Water Utility- Waller Creek
625 E 10th St, Austin, TX 78701
(512) 972-0000 – Suite 200 - TAPS Division
(512) 972-0207 – Suite 715 - UDS Division

RECEIVED
DEC 14 2012
WATER & WASTEWATER UTILITY
CONSUMER SERVICES DIVISION

Development Assistance Center- One Texas Center
505 Barton Springs, Austin, TX 78704
(512) 974-6370

Updated: November 16, 2009

ONE STOP SHOP
505 Barton Springs
 Austin, Texas 78701
 (512) 974-2632 phone
 (512) 974-9112 phone
 (512) 974-9779 fax
 (512) 974-9109 fax



Austin Energy
Electric Service Planning Application (ESPA)
For Residential and Commercial "SERVICE ONLY"
Under 350 amps 1 ϕ or 225 amps 3 ϕ

☐ Check this box if
 this is for a
 building permit
 only.

(Please print or type. Fields left blank will be considered Not Applicable.)

Responsible Person for Service Request dawn moore Phone 512-517-9333
 Email dawn@mooretate.com Fax _____
 Project Name 308 Milton ☒ New Construction ☐ Remodeling
 Project Address 308 W Milton **OR**
 Legal Description _____ Lot _____ Block _____
 Requested Service Duration: ☒ Permanent Service ☐ Construction Power/Temp Service
 (Usually less than 24 months)
 Who is your electrical service provider? ☐ AE ☐ Other _____

☐ Overhead or ☐ Underground Voltage _____ ☐ Single-phase (1 ϕ) or ☐ Three-phase (3 ϕ)
 Service Main Size(s) _____ (amps) Number of Meters? _____
 AE Service Length _____ (ft.) Conductor _____ (type & size)
 SqFt Per Unit _____ #Units _____ ☐ All Electric ☐ Gas & Electric ☐ Other _____
 Total AC Load _____ (Tons) Largest AC unit _____ (Tons)
 LRA (Locked Rotor Amps) of Largest AC Unit _____ (Amps)
 Electric Heating _____ (kW) Other _____ (kW)

Comments: New Construction 2 Story

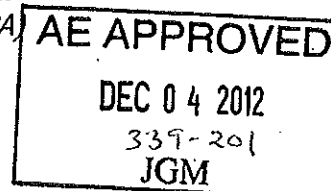
ESPA Completed by (Signature & Print name) _____ Date _____ Phone _____

Approved: ☐ Yes ☐ No (Remarks on back) _____
 AE Representative _____ Date _____ Phone _____

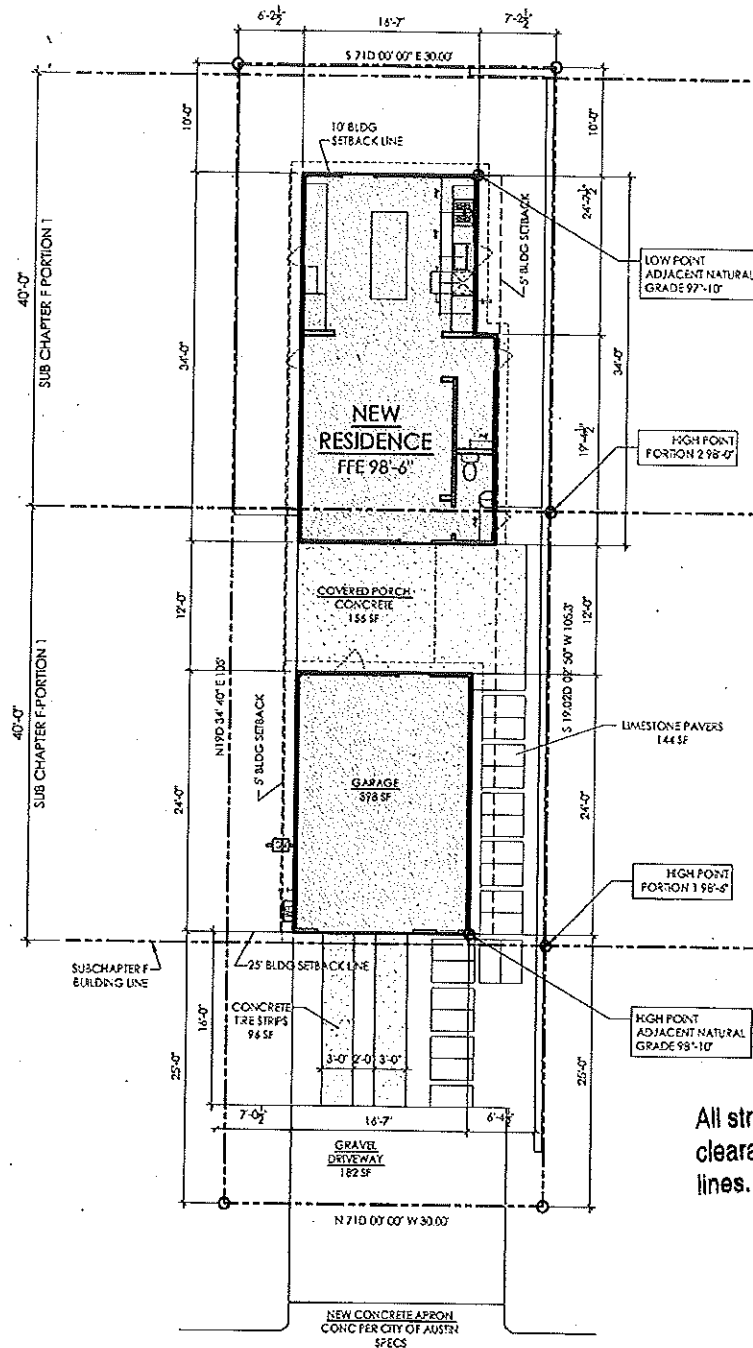
Application expires 180 days after date of Approval
 (Any change to the above information requires a new ESPA)

Version 1.1.0.0

All structures etc. must maintain 7'5"
 clearance from AE energized power
 lines. Enforced by AE & NESC codes.



PROPOSED



AE APPROVED

DEC 04 2012

339-201

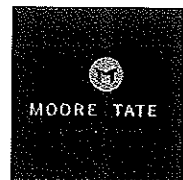
JGM

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

MILTON



1 SITE PLAN
Scale: 1/16"=1'-0"



308 W MILTON

Austin, TX
78704



City of Austin
Watershed Protections & Development Review

LAND STATUS DETERMINATION
LEGAL TRACT PLATTING EXCEPTION

09/22/2006

File Number: C8I-06-0436

Address: 308 W MILTON ST

Tax Parcel I.D.: 0400000616

Map Date: 12/12/1997

The Watershed Protections & Development Review has determined that this property as described in the attached description and map:

Is a **LEGAL TRACT** consisting of a part of Lot 6, all of Lot 7, and a part of Lot 8, Block B, Gus F. Becker Subdivision, created prior to 03/14/1946 (Grandfather Date) as evidenced by deed recorded in Volume 588, Page 600 of the Travis County Deed Records on 07/05/1938 being the same property as currently described in deed recorded in Volume 13155, Page 1341 of the Travis County Deed Records on 04/07/1998, and is eligible to receive utility service.

Additional Notes/Conditions:
NONE

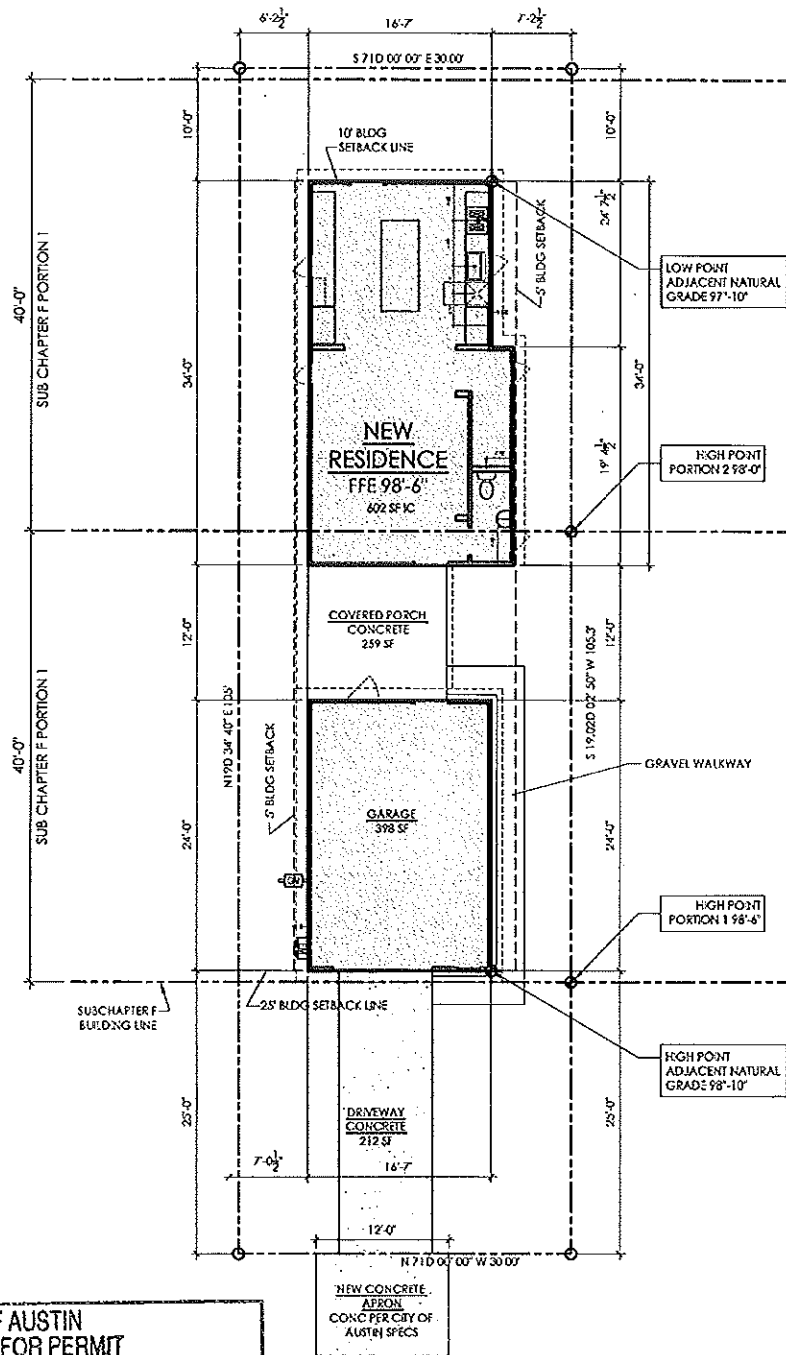
This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By:


SARA GROVES

Director (or representative)

Watershed Protections & Development Review

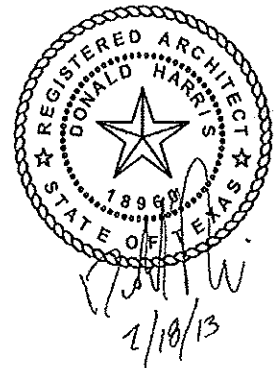


CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
By Paul Adams Date 03/14/13
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

MILTON



1 SITE PLAN
Scale: 1/16"=1'-0"



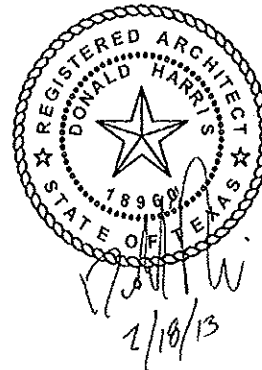
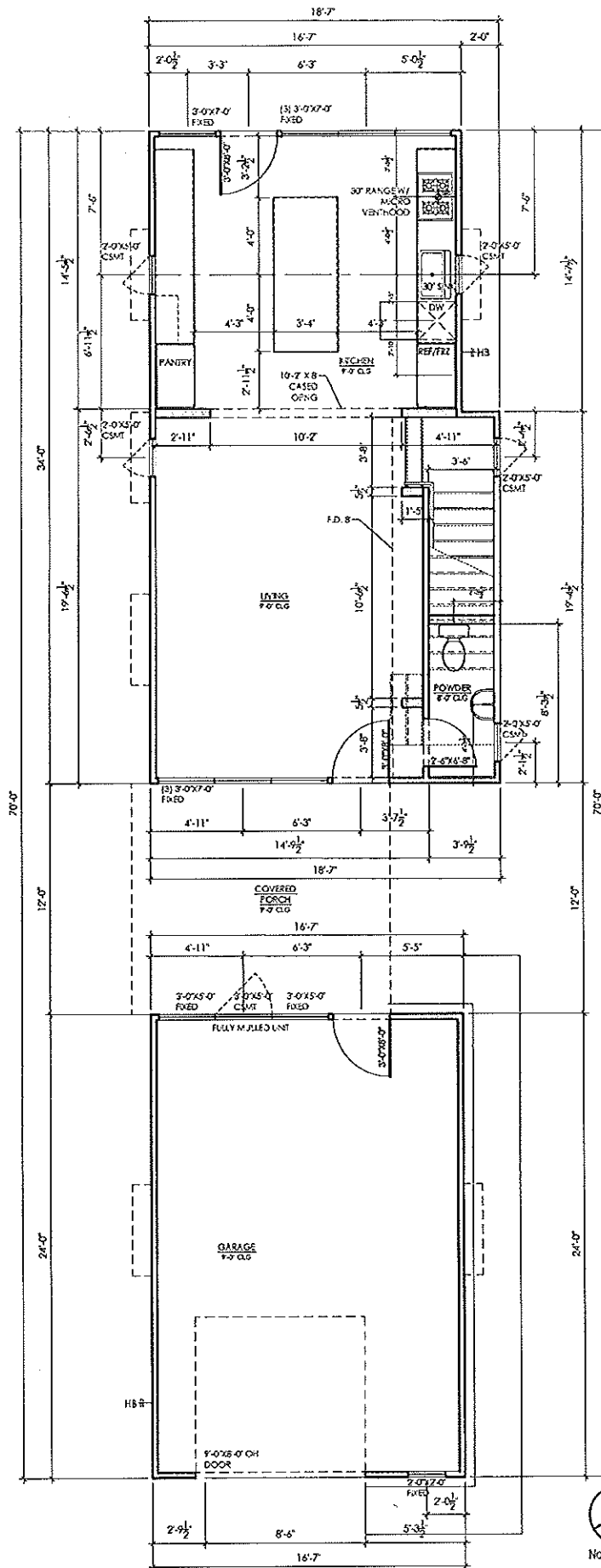
308 W MILTON

Austin, TX
78704

REDUCED SET

REVIEWED FOR ZONING ONLY

P. J. 03/14/13



1 FIRST FLOOR PLAN
Scale: 1/8"=1'-0"

308 W MILTON
Austin, TX
78704

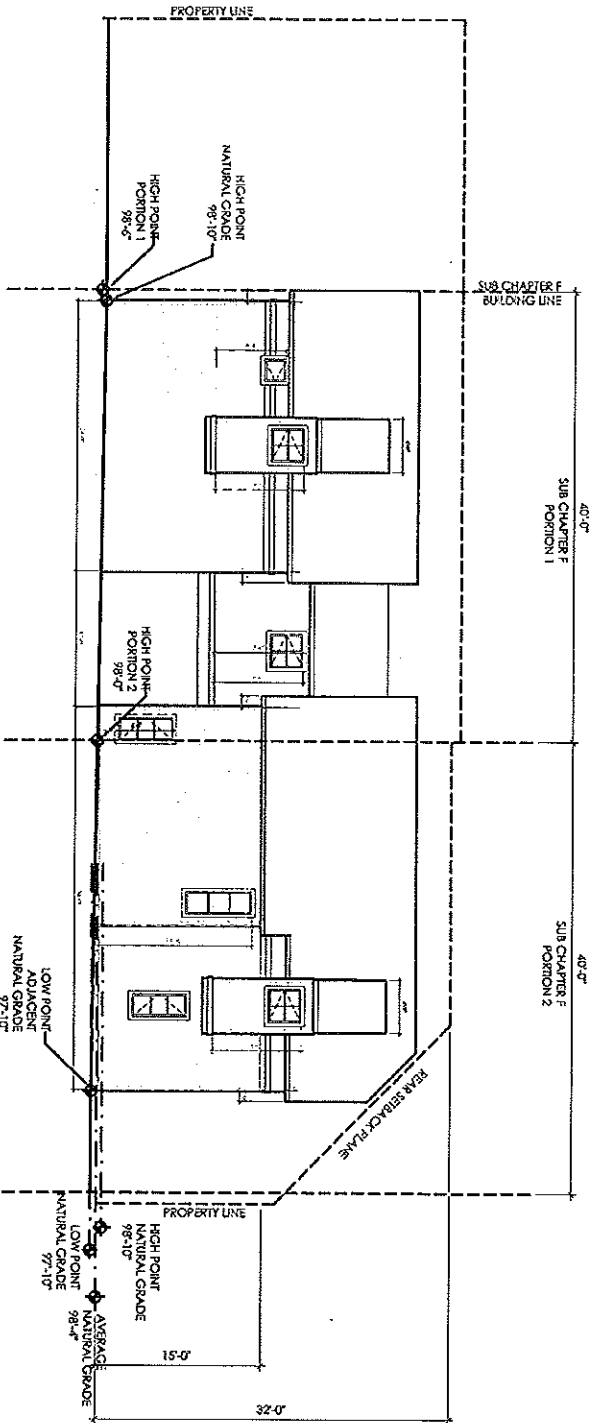
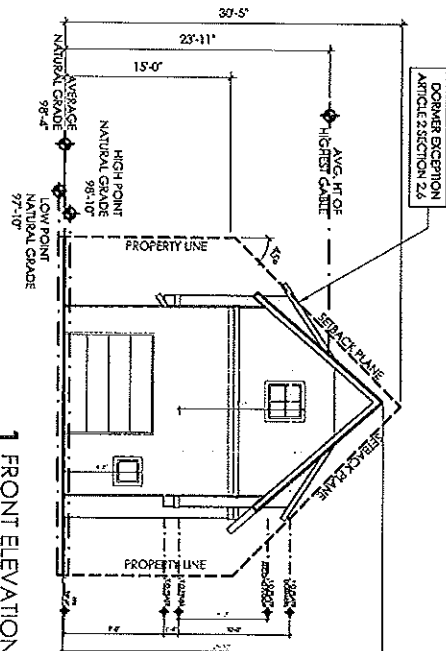


308 W MILTON
Austin, TX
78704

REVIEWED FOR ZONING ONLY

03/14/13

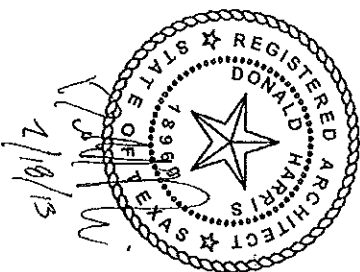
1 FRONT ELEVATION
Scale 1/8"=1'-0"

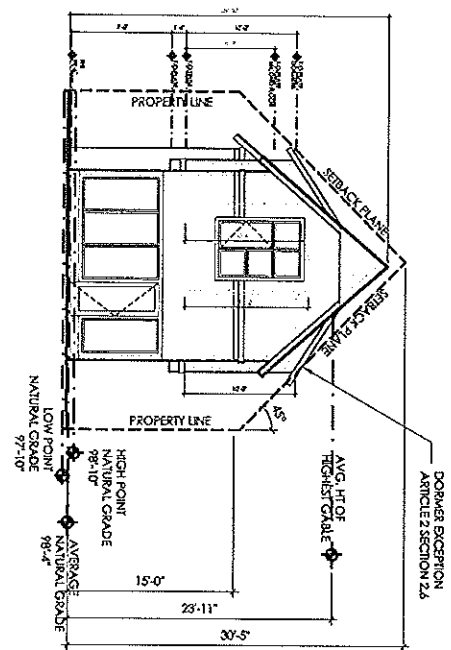


2 SIDE ELEVATION
Scale 1/8"=1'-0"

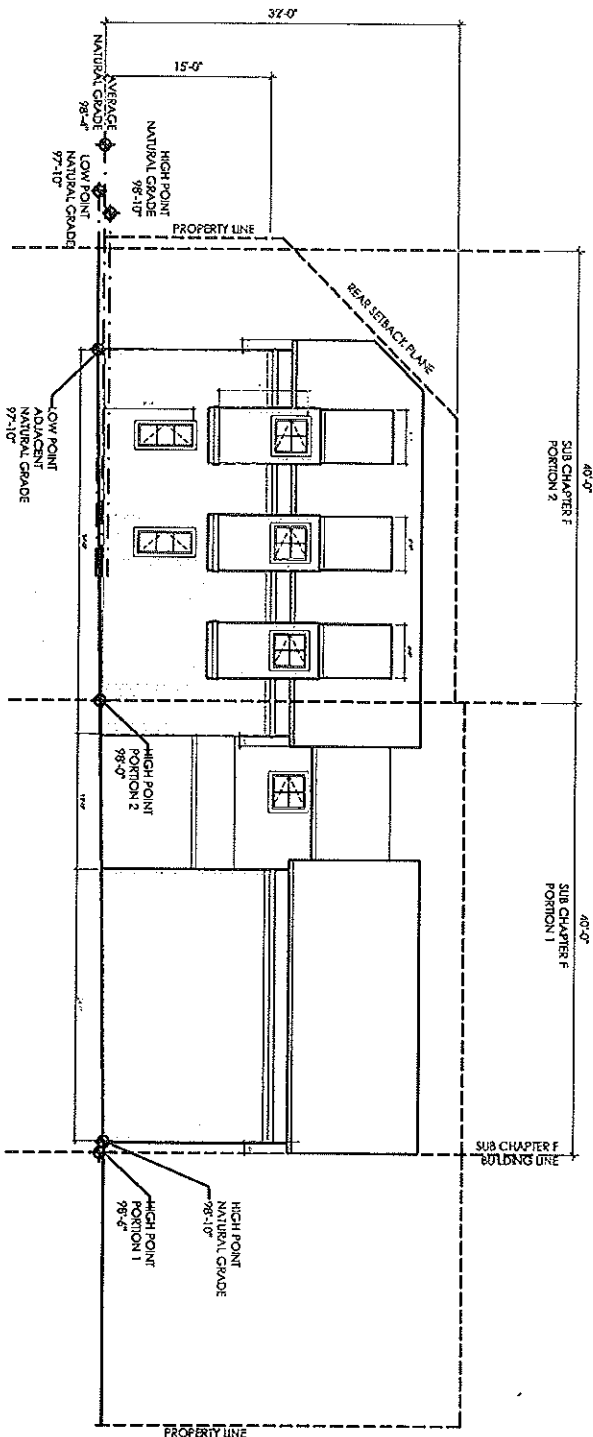
308 W MILITON

AUSTIN, TX
78704





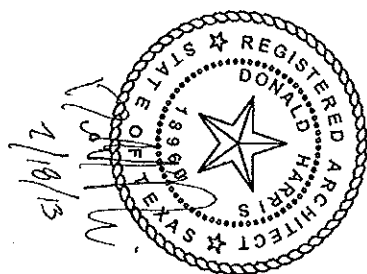
1 BACK ELEVATION
Scale: 1/16"=1'-0"



1 SIDE ELEVATION
Scale: 1/16"=1'-0"

REVIEWED FOR ZONING ONLY

03/14/13



308 W MILTON

Austin, TX
78704



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

February 20, 2013

File Number: C8I-2013-0051

Address: 308 W MILTON ST

Tax Parcel I.D. # 040000616

Tax Map Date: October 13, 2011

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **Part Of Lot 6, All Of Lot 7, And Part Of Lot 8, Gus F. Becker Subdivision** in the current deed, recorded on **Jan 04, 2013, in Volume 3, Page 15, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jun 12, 1994, in Volume 3, Page 15, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water service on Dec 15, 1930**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: 
**Glenn Rhoades, Representative of the Director
Planning and Development Review**

EXHIBIT 20

**Residential 2nd Floor
Addition Plans
304 W. Milton**

Residential 2nd Floor Addition Plans for 304 W. MILTON ST. Austin, TX. 78704

OWNER:
Adam Zatory Orth & Kathryn Elizabeth Shauf Elberger
304 W. Milton St.
Austin, Texas 78704

PROJECT MANAGER:

Frle Planning, Development & Construction
201 RR 620 S.
Lakeway, TX. 78734
(512) 525-2262
ross@frlepdcs.com

ARCHITECT:

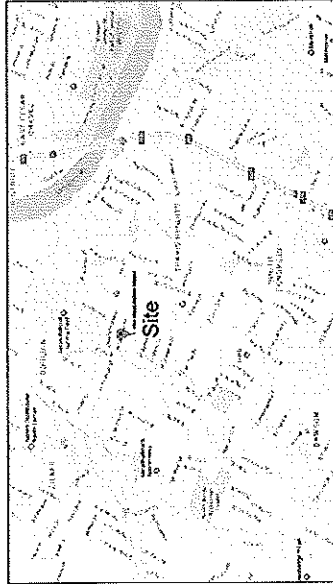
Frle Planning, Development & Construction
201 RR 620 S.
Lakeway, TX. 78734
(214) 557-3063
p@frlepdcsbuilders.com

GENERAL CONTRACTOR:

Frle Planning, Development & Construction
201 RR 620 S.
Lakeway, TX. 78734

ARCH E LLC

Carolina Escamilla, PE, LEED AP BD+C
Principal & Architectural Engineer
901 Meade Expressway, Bldg. 1 Suite 300
Austin, Texas 78748
512.350.4845



PROPERTY INFORMATION:

Legal Description: E 32FT OF Lot 9 BLK B Beckers Gus F Subd.
Lot Size: 32.11'x105.36'=3.383
Zoning: SF-3-NP
Water: City of Austin
Electric: Austin Energy
Sewer: City of Austin

INDEX OF SHEETS

C1 COVER SHEET
S1 EXISTING SITE PLAN
A1 EXISTING 2ND FLOOR PLAN
E1 EXISTING ELECTRICAL
M1 EXISTING HVAC PLAN
P1 EXISTING PLUMBING PLAN

NOTE: HOME COMPLETED PERMIT

NO:2014-055628-BP ISSUED
5/29/14 AND CERTIFICATION OF
OCCUPANCY ISSUED 10/22/14

NOTE: THESE PLANS SUBMITTED FOR

INTERIOR ADDITION OF 2ND FLOOR
ONLY FOR BEDROOM AND BATHROOM
(674 SF.) COMPLETED TWO YEARS PRIOR.

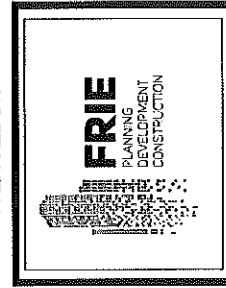
NOTE: PLANS SUBMITTED FOR CODE

COMPLIANCE CV-2016-144502.

NOTE: PLANS DO NOT INCLUDE EXTERIOR

SITE OR FIRST FLOOR CONSTRUCTION.

PREPARED BY:



DATE OF SUBMITTAL
January 25, 2017

COVERSHEET
304 W. MILTON ST.

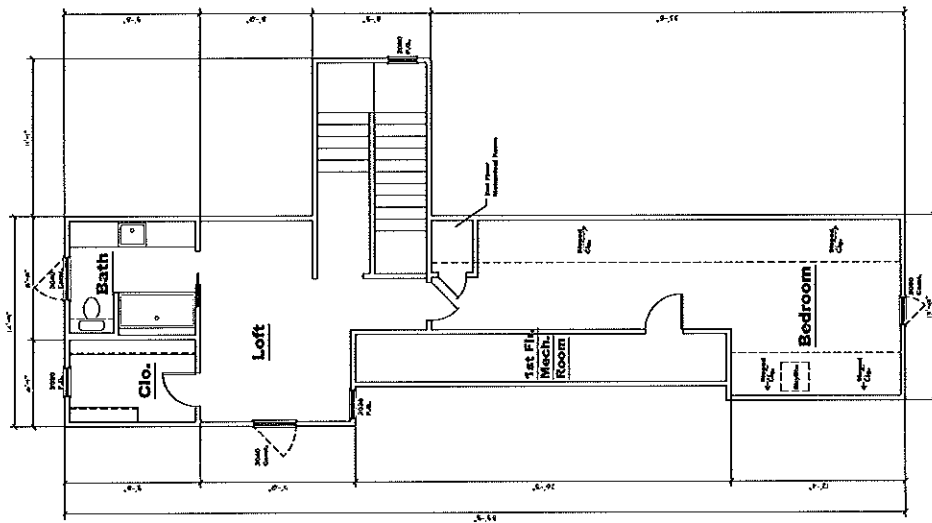
FRIE
PLANNING
DEVELOPMENT
CONSTRUCTION

FRLE PLANNING, DEVELOPMENT
& CONSTRUCTION, LLC
201 RR 620 S.
LAKEWAY, TX. 78734

2

M7/110

FRIE PLANNING, DEVELOPMENT 201 RR 820 S. LAHEWAY, TN, 38284	FRIE PLANNING DEVELOPMENT CONSTRUCTION	304 W. MILTON ST. 2ND FLOOR PLAN

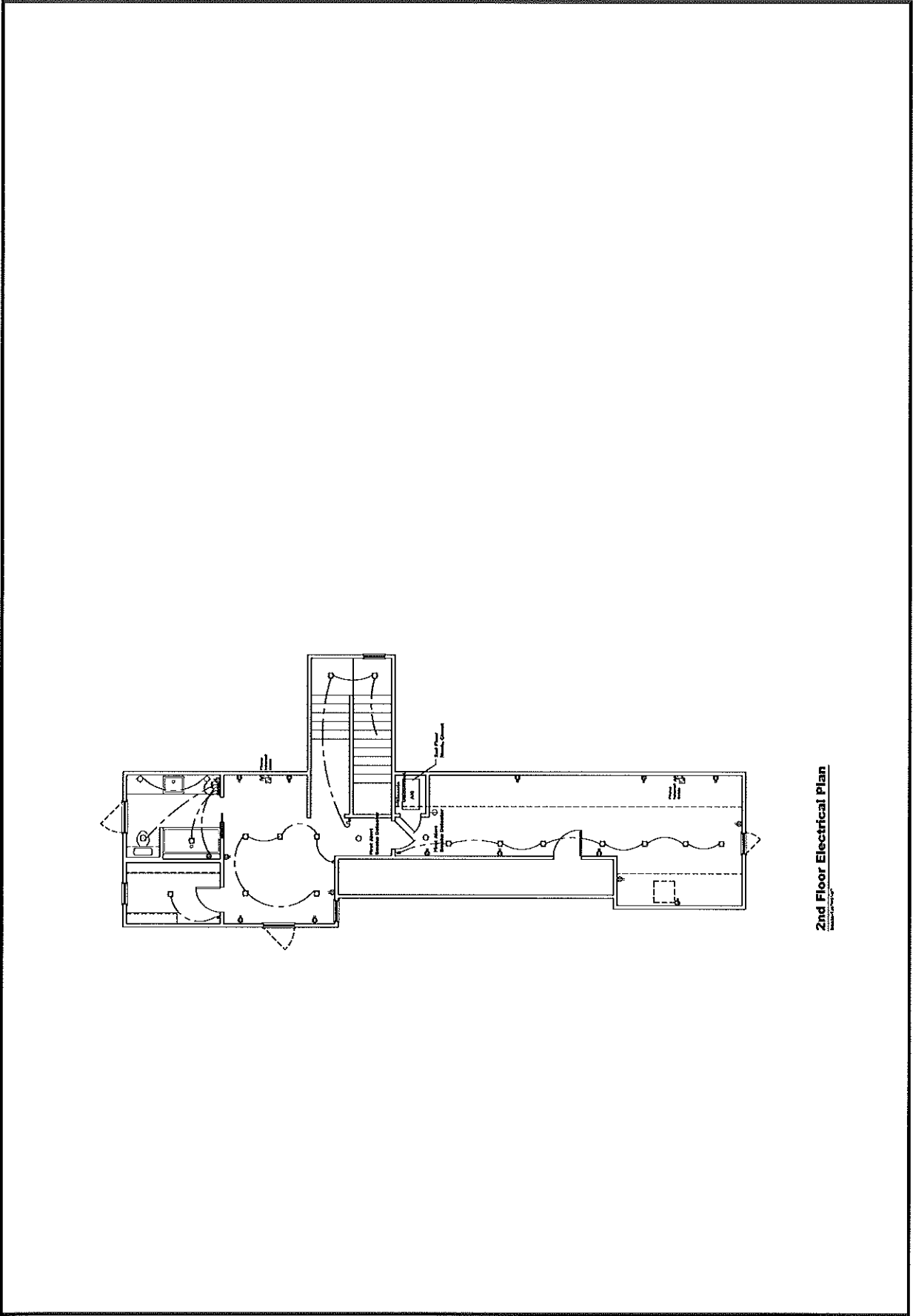


Existing 2nd Floor

ELECTRICAL PLAN
304 W. MILTON ST.



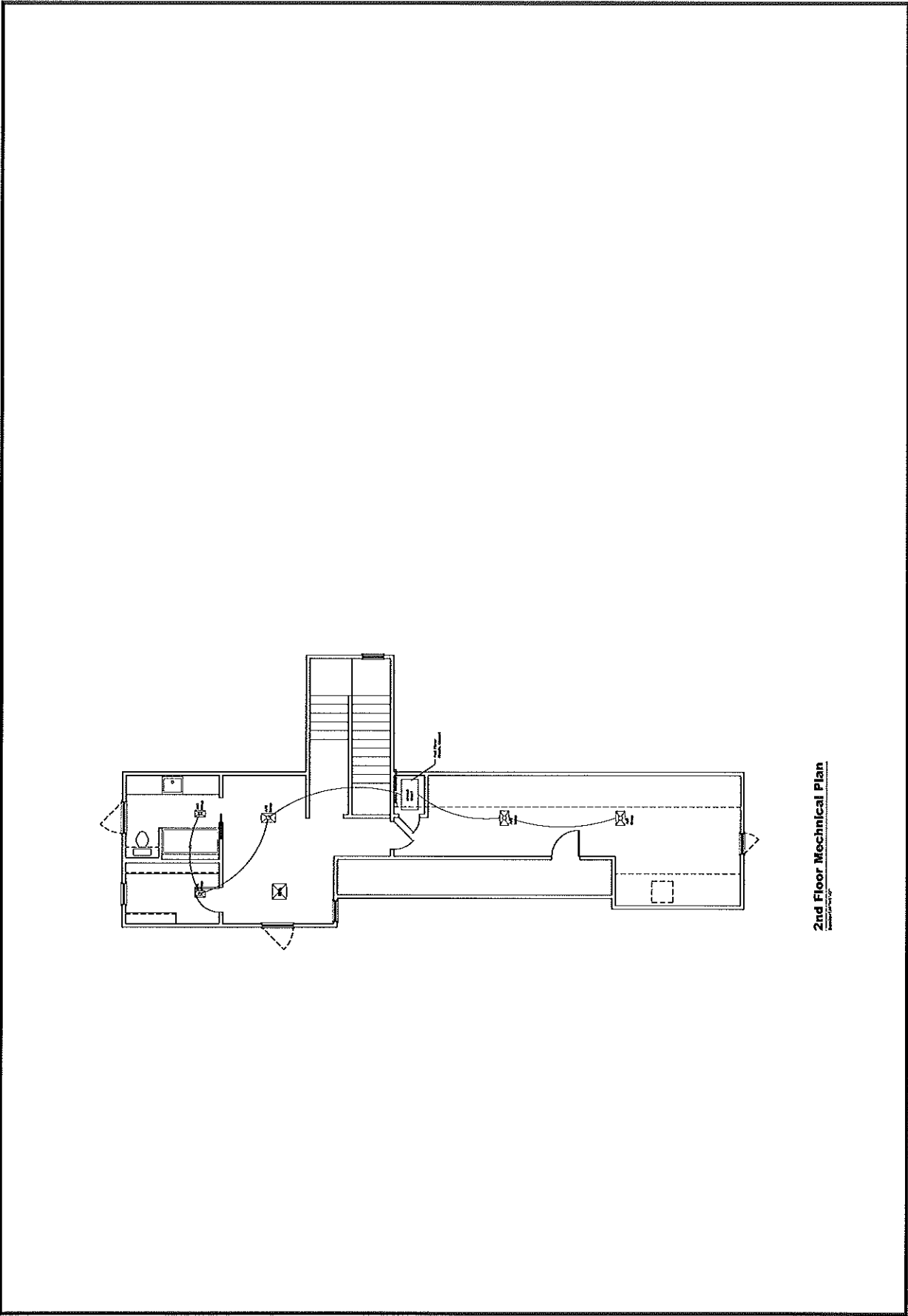
FRIE PLANNING, DEVELOPMENT
& CONSTRUCTION, LLC
201 RR 820 S.
LAKEWAY, TX, 78734



MECHANICAL PLAN
304 W. MILTON ST.



FRIE PLANNING, DEVELOPMENT
& CONSTRUCTION, LLC
201 RR 620 S.
LAKEWAY, TX, 78734

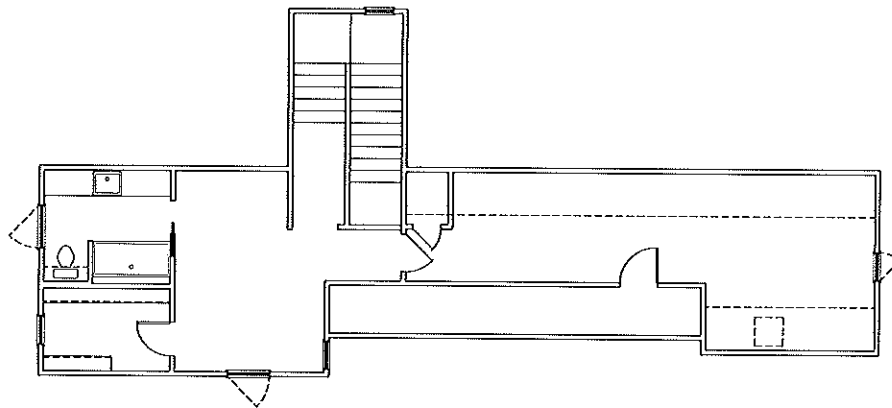


2nd Floor Mechanical Plan
Issued 06/11/13

PLUMBING PLAN
304 W. MILTON ST.



FRIE PLANNING, DEVELOPMENT & CONSTRUCTION, LLC 201 RR 820 S. LAKEWAY, TX. 76794	J 1	1



2nd Floor Plumbing Plan

EXHIBIT 22

Area Character Photographs

M7/116

304 W. MILTON



M7/117

306 W. MILTON

304 W. MILTON



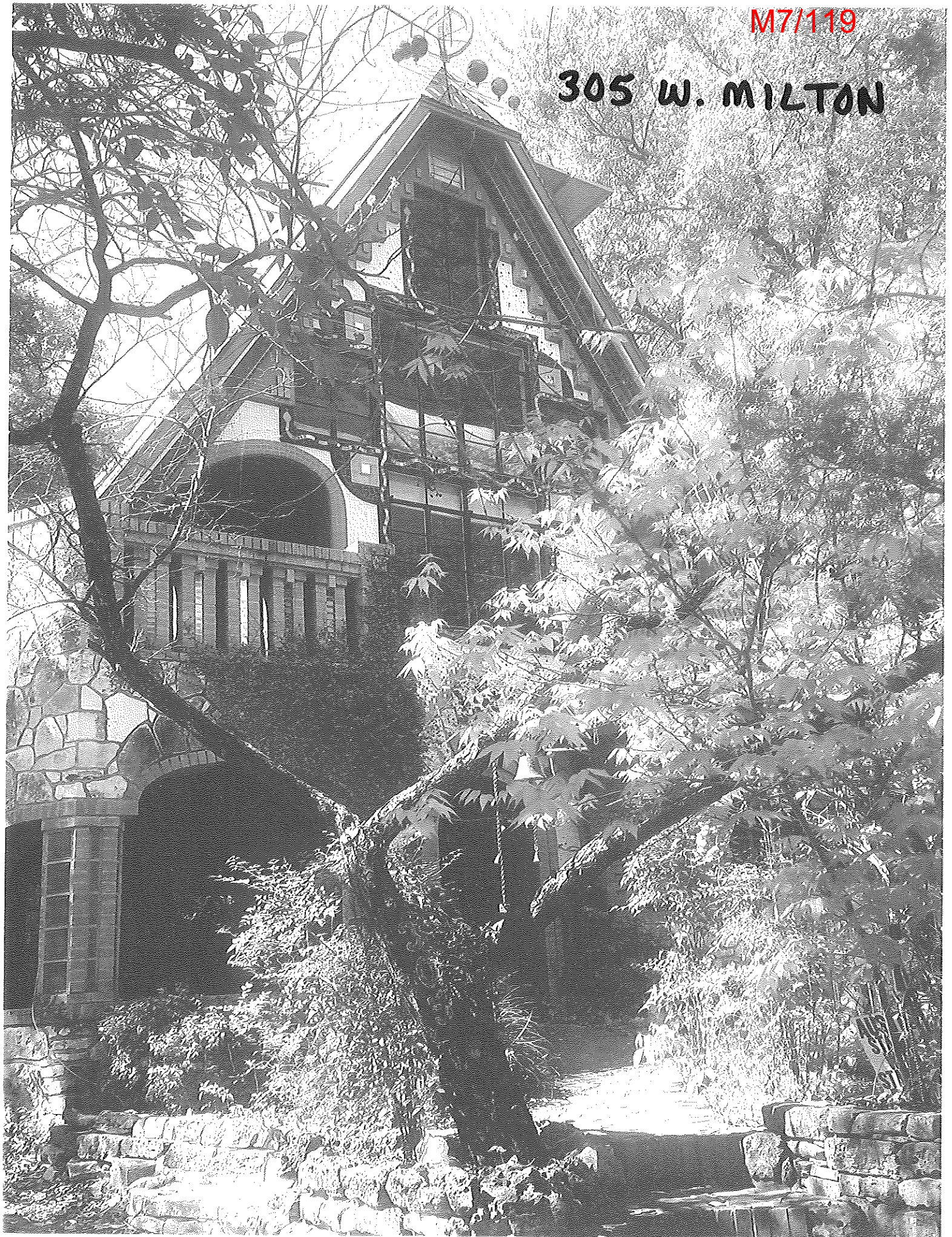
M7/118

306 W. MILTON



M7/119

305 W. MILTON





308 W. MILTON

309 W. MILTON

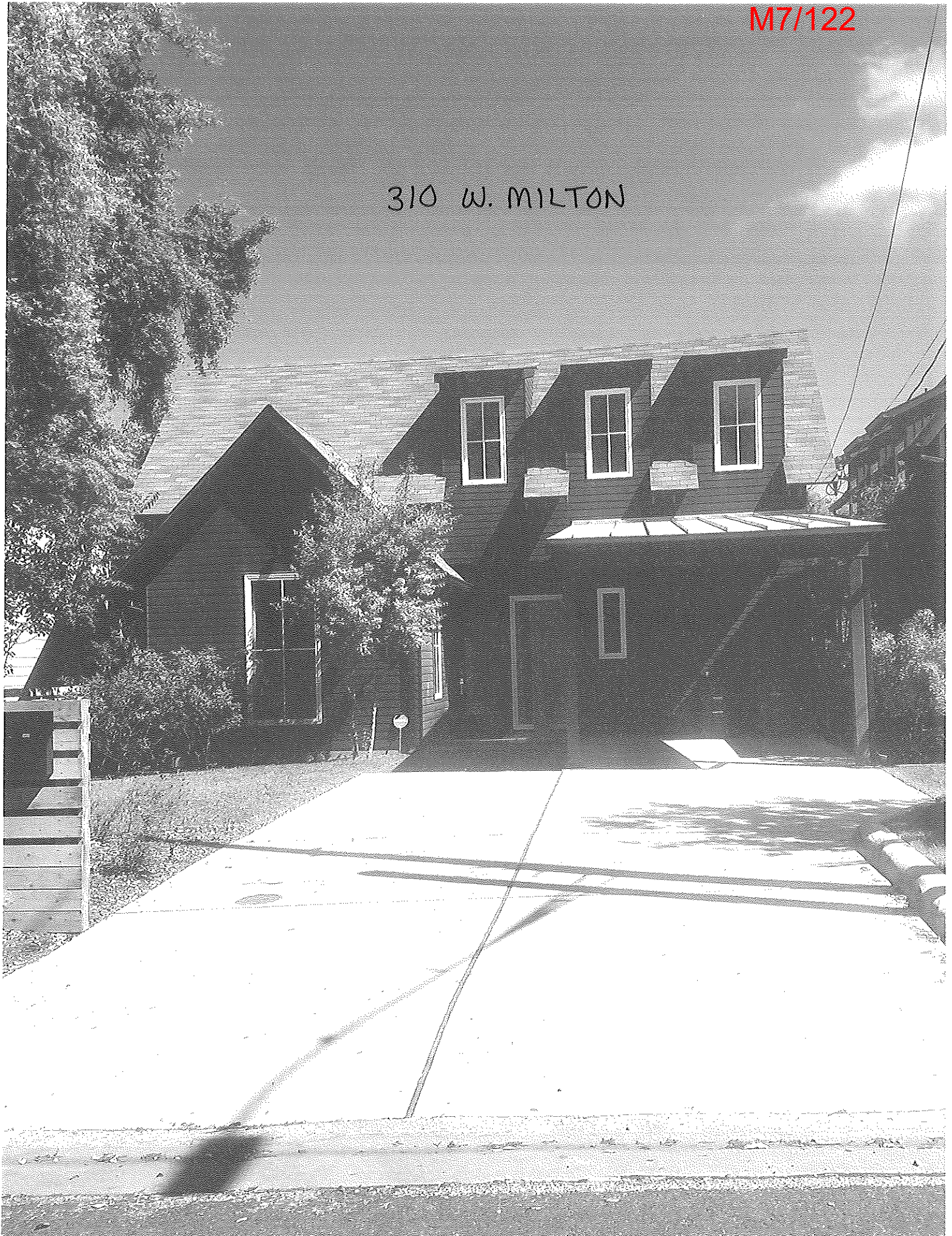
M7/121

309



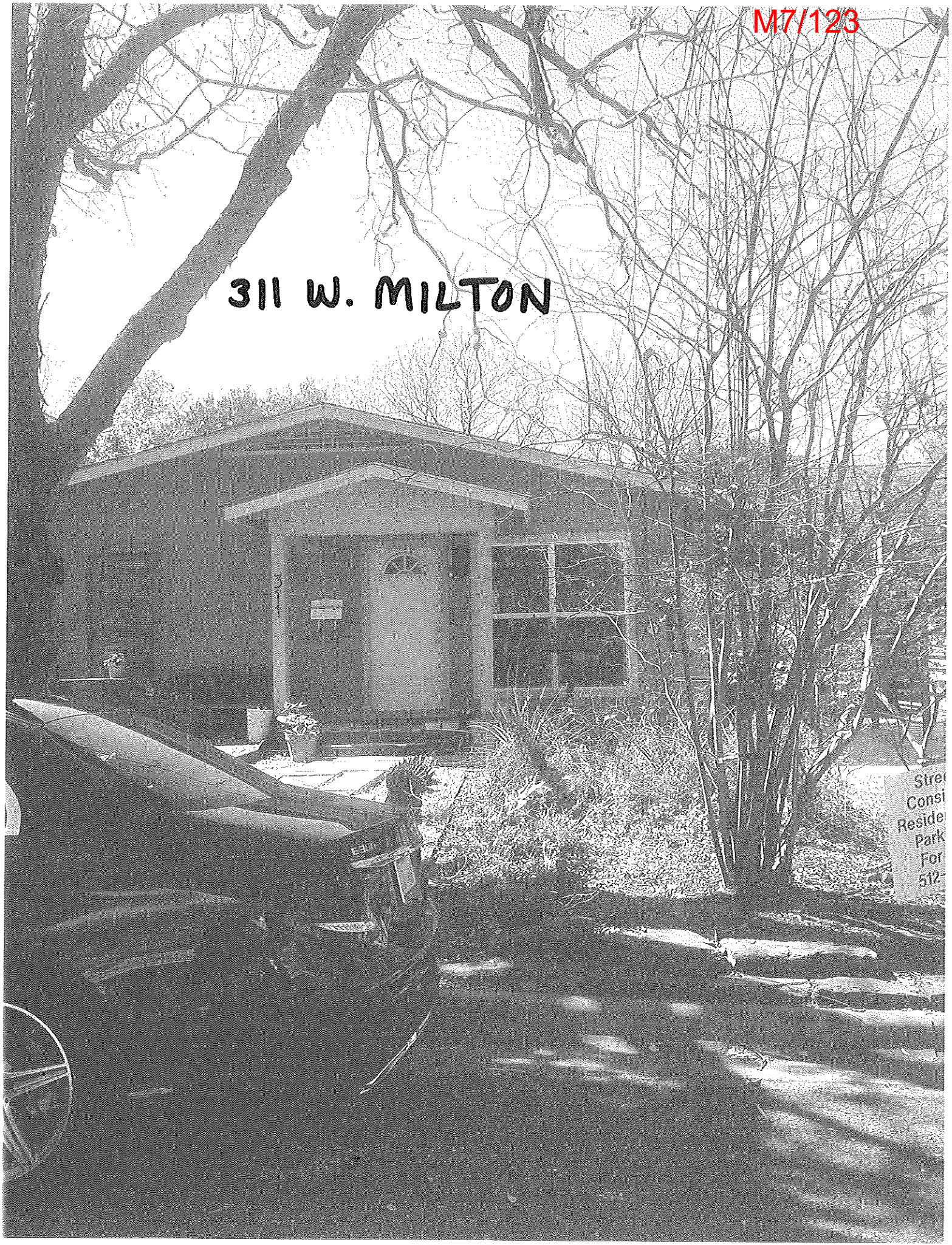
M7/122

310 W. MILTON



M7/123

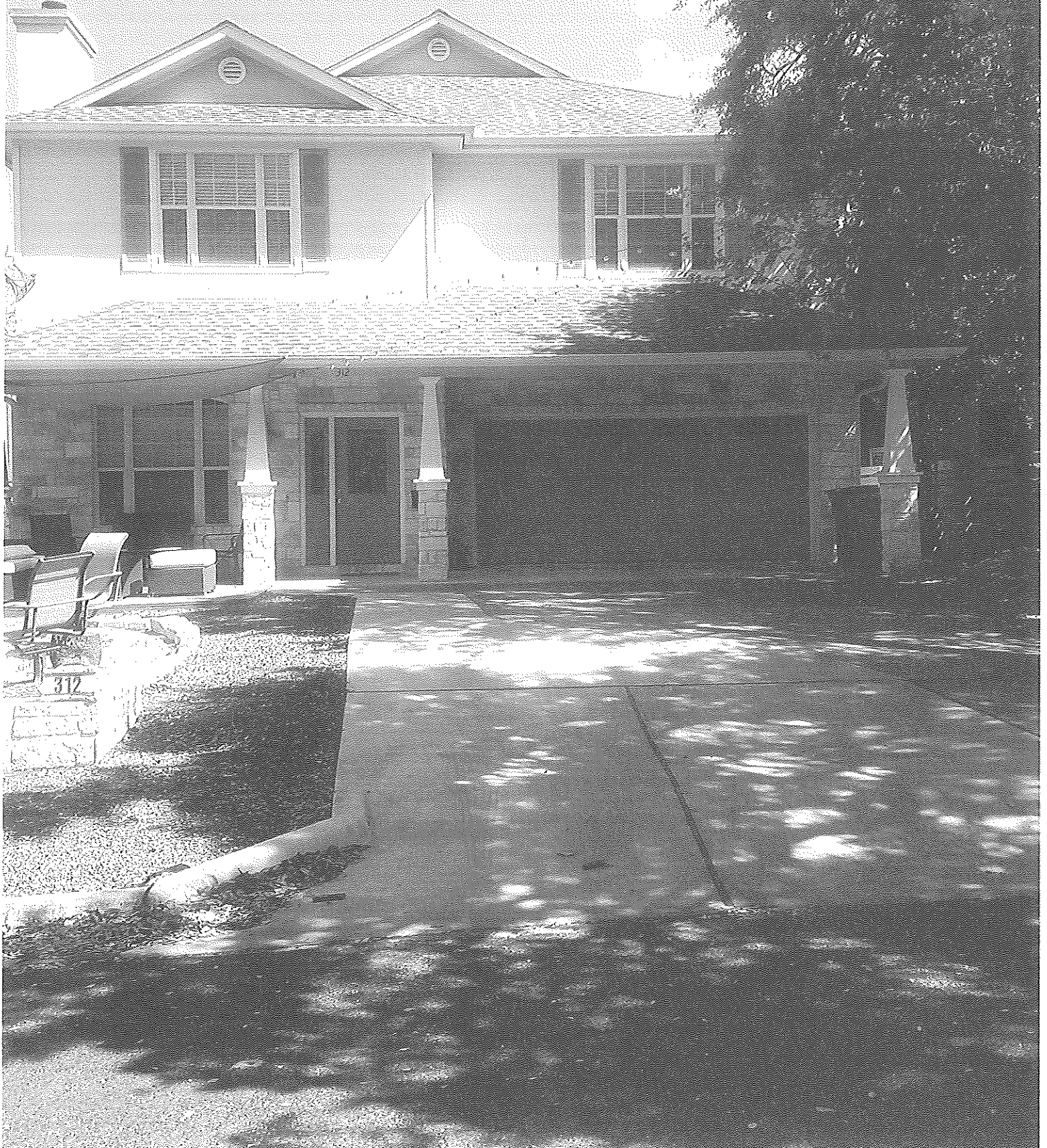
311 W. MILTON



Street
Consider
Resident
Park
For
512-

M7/124

312 W. MILTON



M7/125

313 W. MILTON



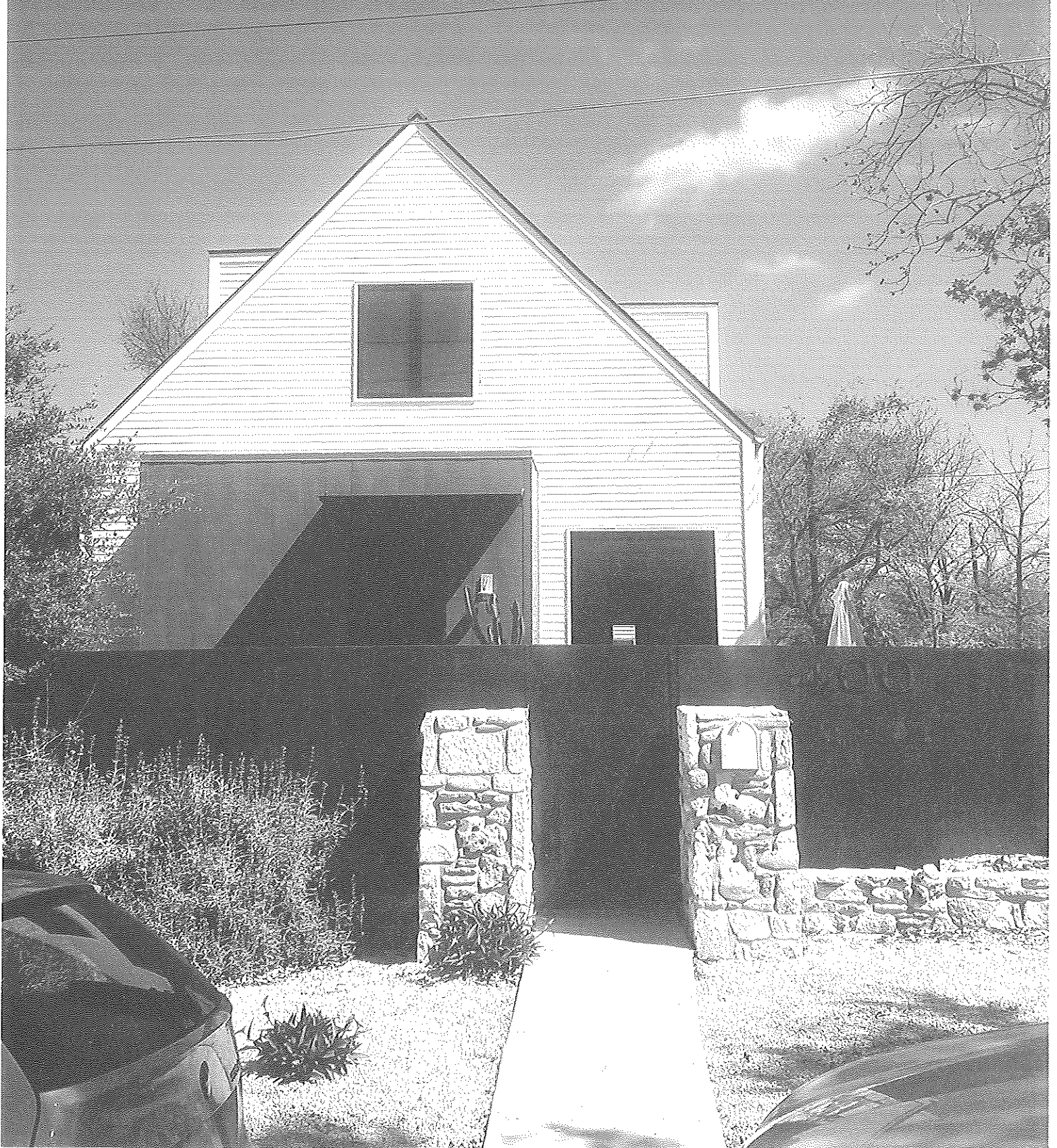
M7/126

314 W. MILTON

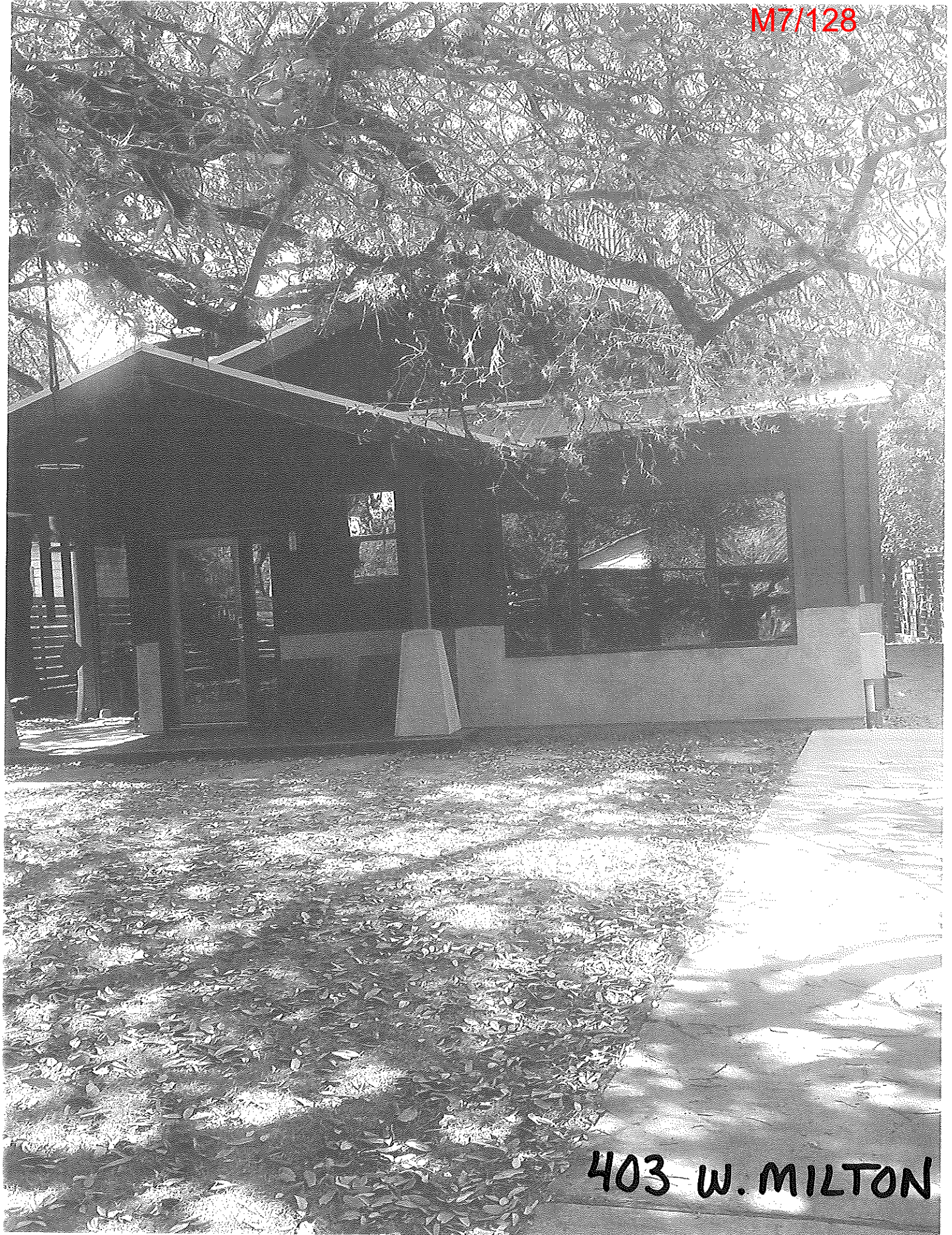


M7/127

400 W. MILTON

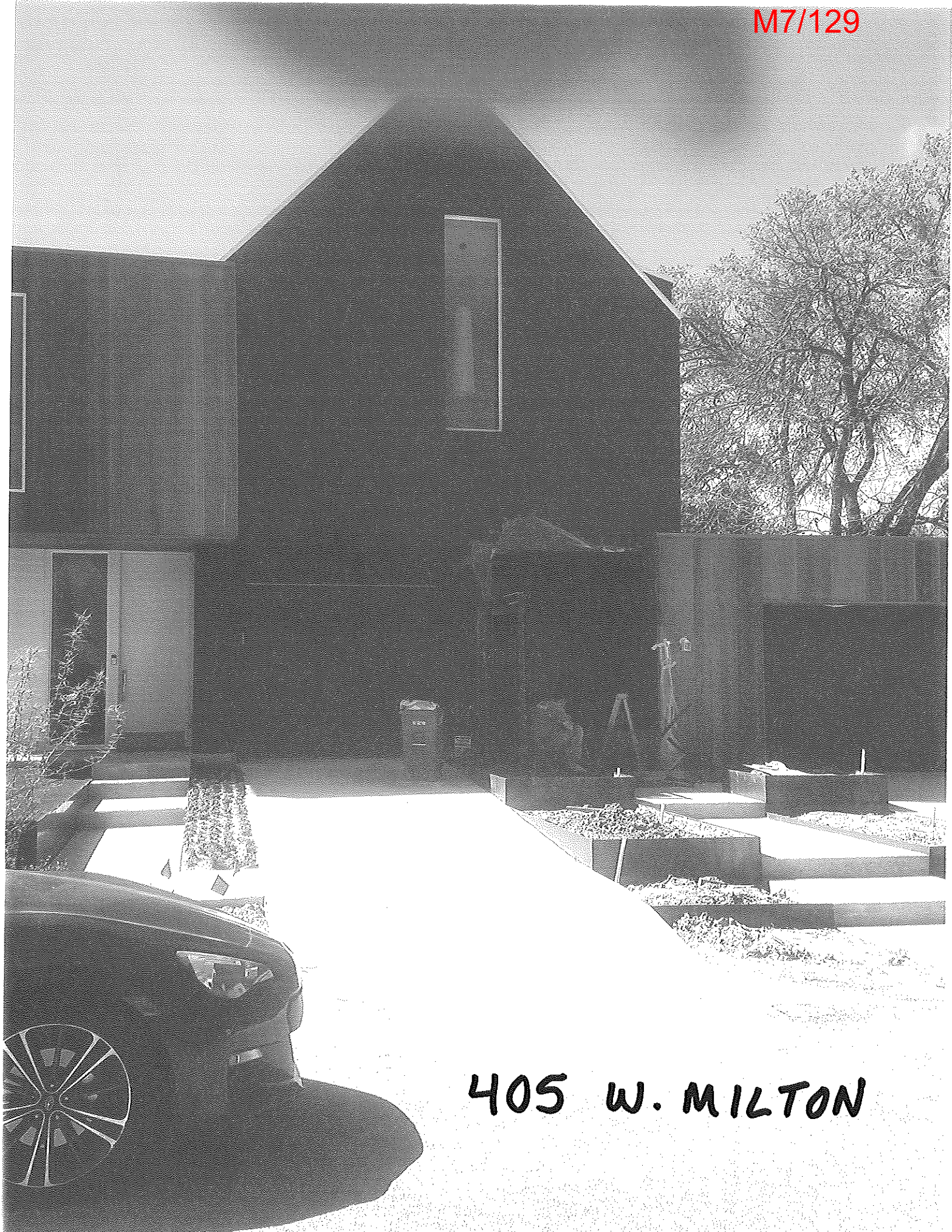


M7/128



403 W. MILTON

M7/129



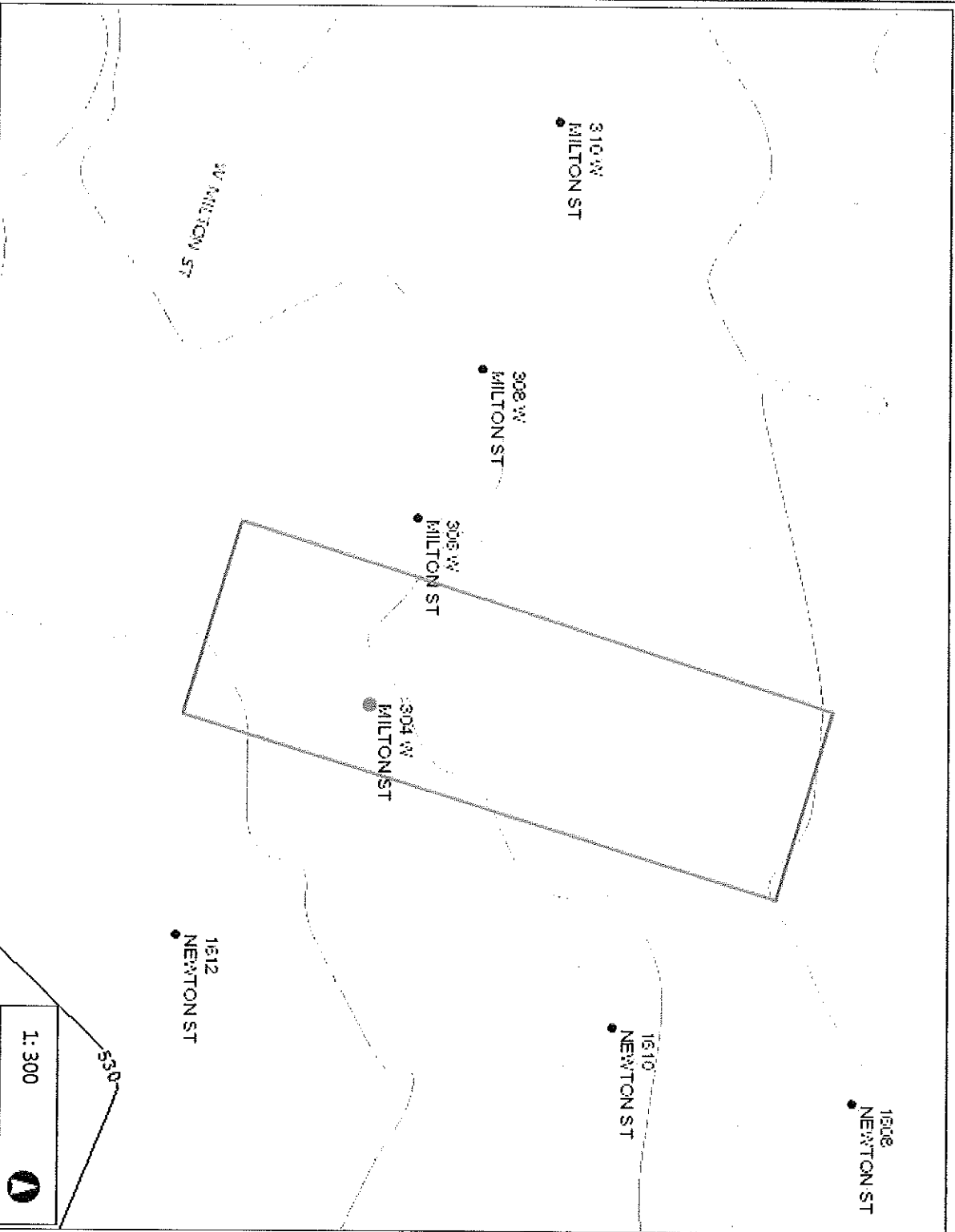
405 W. MILTON

EXHIBIT 22

**Topo Contour Lines
And Tree Canopy Reports
304 W. Milton**



Property Profile



1: 300



NAD_1983_StatePlane_Texas_Central_FPS_4203_Feet
3-23-17

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

Legend

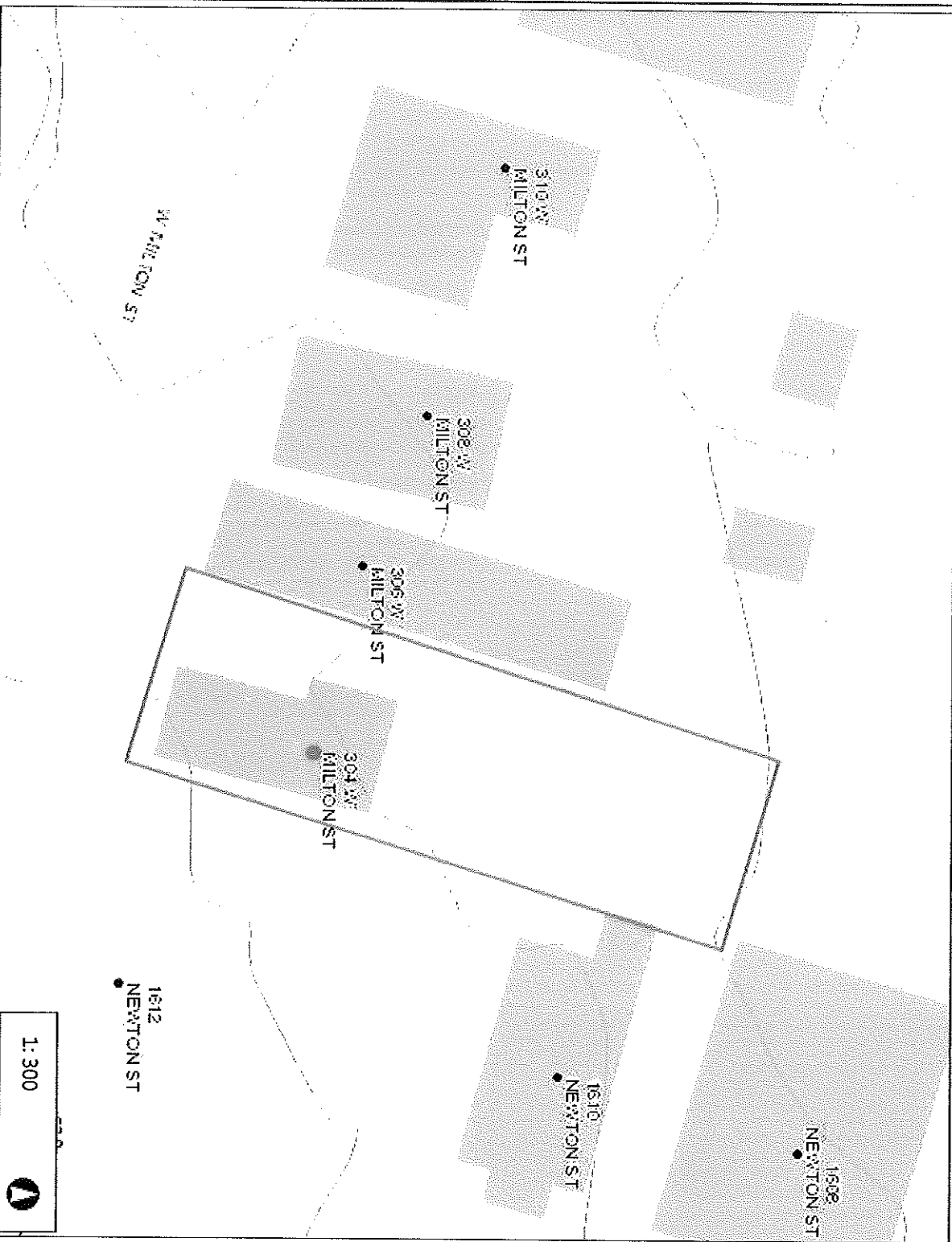
- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ
- Contours Year 2012
 - 2 Ft Contours
 - 10 Ft Contours

Notes

304 W. Milton - Topo Contour Lines Report



Property Profile



0.0 0.00 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

3-23-17

1: 300



Legend

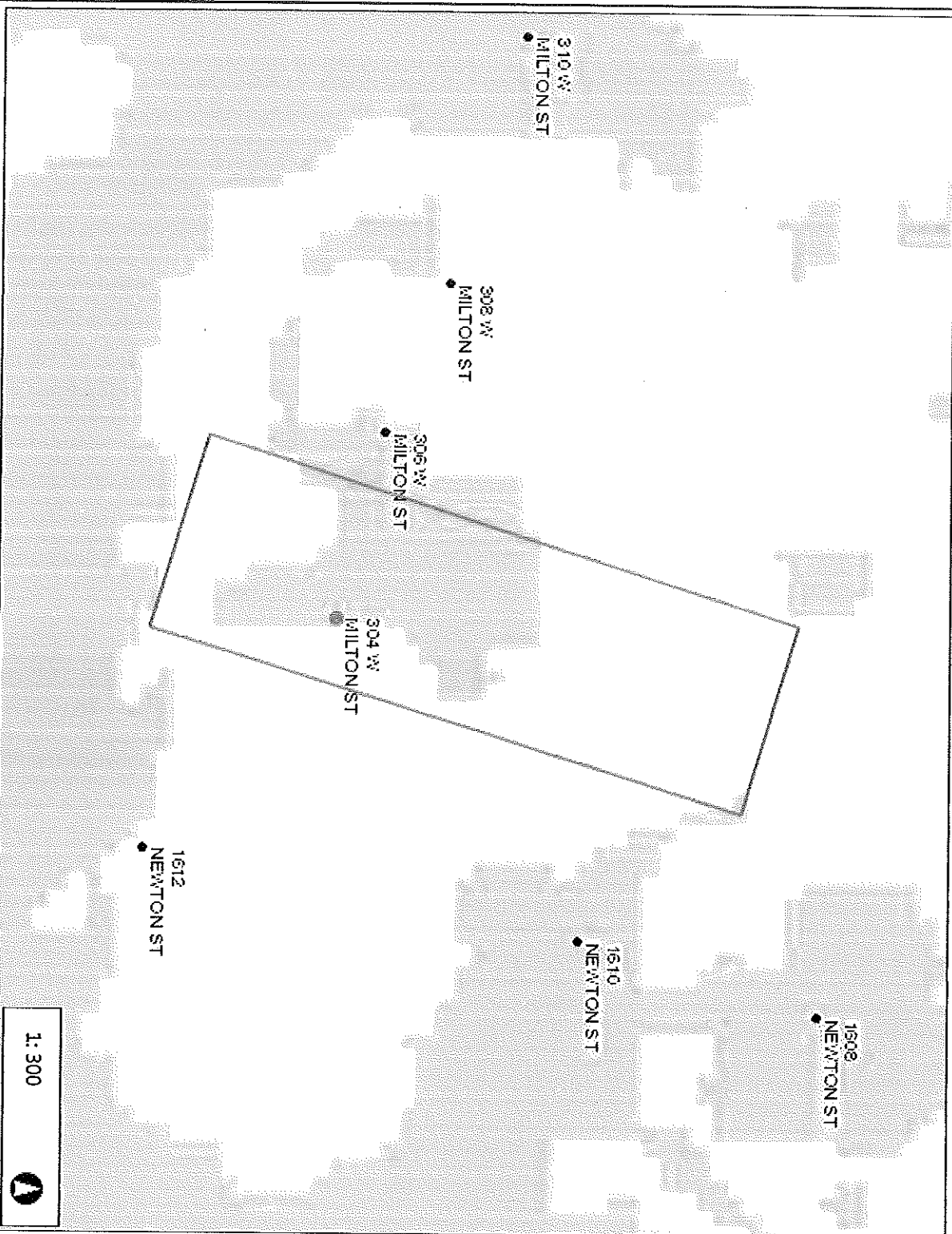
- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ
- Building Footprints 2012
- Contours Year 2012
 - 2 Ft Contours
 - 10 Ft Contours

Notes

304 W. Milton - Topo Contour Lines with Building Footprint



Property Profile



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
3-23-17

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

1: 300



Legend

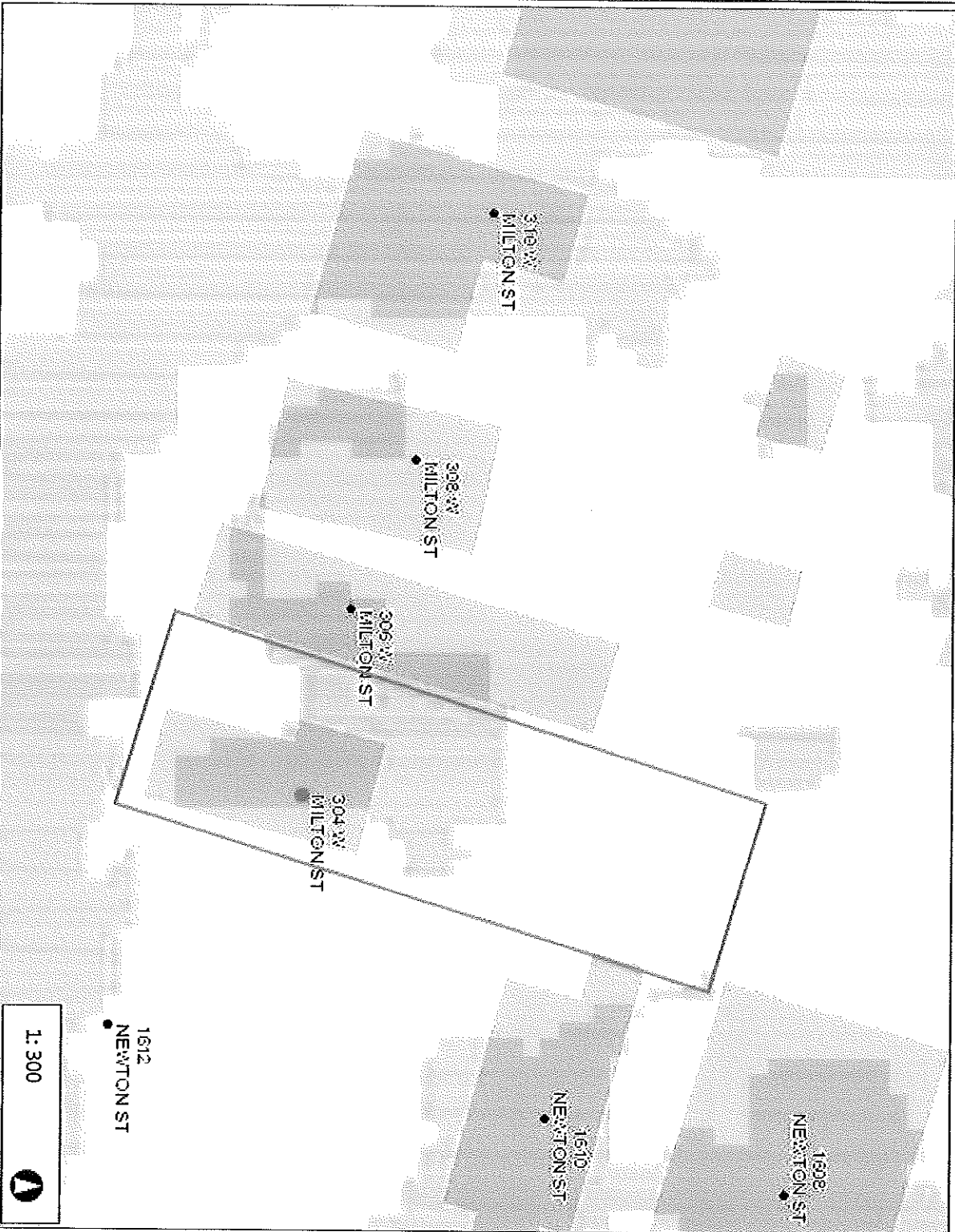
- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ
- Image

Notes

304 W, Milton - Tree Canopy Report



Property Profile



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
3-23-17

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

1: 300



Legend

- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ
- Building Footprints 2012
- Image

Notes

304 W, Milton - Tree Canopy Report with Building Footprint



March 27, 2017

City of Austin
Board of Adjustments
One Texas Center
505 Barton Springs Road
Austin, TX 78704

RE: Case Number: C15-2017-0019 - 304 W. Milton Street

Dear Board Members:

FACTS

On December 16, 2016, our clients, residents Kat Shaufelberger and Zak Orth of 304 Milton received a Notice of Violation as a result of a neighbor complaint that their 2nd floor had work performed without residential permits. They had purchased this property with a New Home Contract directly from the builder on April 2, 2015. No Realtors were involved in this transaction. Our clients asked the builder if they needed an inspection of the property and Realtor representation prior to purchase. They were informed by the builder that they didn't need either because home was a new build. On April 15, 2015, the clients received an appraisal of the property that included the square footage as 1,967 sf according to appraiser. There was no note by the appraiser that the 2nd floor was unpermitted. If he had, that square footage would have had a value of 0. Subsequently, the loan funded based on this appraisal and the clients purchased this 2-story home at 304 W. Milton St. Upon receipt of the Notice of Violation, the clients contacted our office to resolve the Notice of Violation.

Upon our review of the file, a number of things seemed to be suspect. On the original permits for 304 W. Milton, specifically the engineering plans, had a stairwell in the supposed "Office" which was inconsistent with the architectural plans submitted by the builder. Many other references in the engineering plans pointed to this being a 2-story residence. No City of Austin Reviewer caught these inconsistencies. Upon further investigation, we discovered that the builder had been reported by a City of Austin Reviewer on February 10, 2014 for using replica

architectural stamps of another registered architect to the Texas Board of Architectural Examiners. The Board's investigator reported that this replica seal had been used by the builder in six other residential projects where permits were issued and project constructed. Our 304 W. Milton was one of the projects that involved these fraudulent seals.

Our end-user consumer clients were failed by the builder, the appraiser and even the City of Austin, who was aware of the builder's issues since they reported them to the Board of Architectural Examiners. Finally, the Engineering Plans contained a stairwell and numerous references to an "Upper Level", soil report stated that the site was approved for a load bearing capacity of 2,000 psf.

Due to the above circumstances, we are requesting a variance to maintain the 2-story home as designed-built by the builder and purchased by the current homeowner. Some of the neighbors have voiced a concern to punish the builder for converting the 2nd floor attic from uninhabitable to habitable without permits when they knew they could not do so but did anyway. Plus, we are proactively working with the Bouldin Creek Neighborhood Association (BCNA) for their support of our variance request and current homeowner has already been "door knocking" and obtained a petition with over 30 neighborhood property owner's signatures. If the variance is not approved, it won't penalize builder who is currently building another home on Milton. However, it will punish an innocent and trusting homeowner that relied on a professional in the design-construction industry whom are quite knowledgeable of City codes and ordinances.

More specifically, we request a variance to Section 25-2-492 (*Site Development Regulations*) (D) to:

- A. decrease the minimum lot width requirement from 50 feet (required) to 32 feet (requested, existing), and to
- B. decrease the minimum lot size requirement from 5,750 square feet (required) to 3,382 square feet (requested)

in order to maintain a 1,906 square foot single family residence with habitable attic space equaling .56:1 FAR in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan).

Under Subchapter F: Residential Design and Compatibility Standards (more commonly known as McMansion Ordinance), a number of exemptions are available for this property. Specifically, under Section 3.3.3, the 2nd story qualifies as a habitable attic since it meets all six requirements, therefore, excludes the 2nd floor from the calculation of gross floor area which currently equals .36:1 FAR which is less than .4:1 allowed by BOA and this ordinance. Finally, the total gross square footage is 1,906 sf (1st floor 1,232 sf and 2nd floor habitable attic is 674 sf on a 3,382 sf lot), which is below the 2,300 sf allowable under Section 2.1 of the McMansion Ordinance.

Hardship

1. The 3,382 sf lot for 304 Milton was platted in 1925 which City SF-3-NP minimum lot width and size were adopted well after that date. Property had a land status determination 2013-065558 DA approved on 6-25-13 exempting it from platting. The Sec. 25-2-492 zoning site development regulations specific to this property literally interpreted do not allow for any reasonable use because this lot platted in 1925 cannot physically comply with the current minimum width and size requirements.
2. The hardship for which the variance is requested is unique to the property in that the tract is exempt from platting and the physical size and width have not changed in 92 years. nor has exterior of home
3. The residence has been built since 2014 and the code enforcement penalties under the current regulations imposed would result in substantial physical harm to the integrity of the structure. The variance to the .4 FAR is sought to maintain the existing residence and has no economic gain nor self-imposed hardship by current homeowners.
4. Granting the variance does not alter the physical exterior of home before or after attic conversion, won't change the character of the adjacent properties nor neighborhood, will not impair the use of adjacent conforming property, and will not impair the purpose or intent of the SF-3 zoning regulations in which the property is located.
5. Approval of variance will not increase parking requirement or impervious cover of lot nor add any additional traffic on Milton St or thru Bouldin Creek neighborhood.

Therefore, we believe all variance findings have been met so we respectfully request the Board's granting of the variance so the current property owners, Kat and Zak, may continue residing in their home which hasn't changed since they purchased it as a brand new home in 2015.

Sincerely,

The block contains a handwritten signature "Kellie Rush-Frie" in blue ink. To the right of the signature is a rectangular digital verification stamp. The stamp contains the text "dotloop verified" in blue, followed by the date and time "03/27/17 6:03PM EDT" and a unique identifier "VFDP-PEH6-OPKP-R32E" in black.

Kellie Rush-Frie
Vice President
Rize Planning, Development and Construction, LLC.

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

DATE: Monday, February 10, 2014

CASE NUMBER: C15-2014-0004

☐ Y ☐ Jeff Jack
☐ Y ☐ Michael Von Ohlen **Motion to Grant**
☐ - ☐ (Vacant)
☐ Y ☐ Bryan King **2nd the Motion**
☐ Y ☐ Fred McGhee
☐ Y ☐ Melissa Hawthorne
☐ - ☐ Sallie Burchett (OUT)
☐ - ☐ Cathy French (SRB only)
☐ Y ☐ Will Schnier (Alternate)
☐ Y ☐ Stuart Hampton (Alternate)

APPLICANT: Jim Bennett

OWNER: Dora Vasquez

ADDRESS: 304 and 306 West MILTON ST

VARIANCE REQUESTED: 304 W Milton – The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 32 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 3,360 square feet in order to erect a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

306 W Milton - The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 25 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 2,625 square feet in order to erect a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

BOARD'S DECISION: POSTPONED TO February 10, 2014

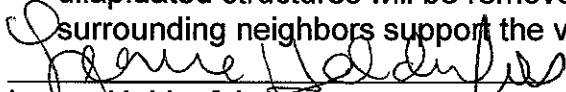
February 10, 2014 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant .4 FAR, pitched roof shape, front porch-(not counted in FAR), Board Member Bryan King second on a 7-0 vote; **GRANTED .4 FAR, PITCHED ROOF SHAPE AND FRONT PORCH-(NOT COUNTED IN FAR).**

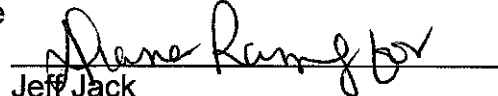
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the substandard condition of these structures do not warrant repair but instead requires replacement
2. (a) The hardship for which the variance is requested is unique to the property in that: the tracts are grandfather tracts and the size and shape have not changed, without a variance the owners would have to continue to live in substandard conditions, due to the condition of the existing structures an attempt to repair would result in a new residence, the replacement structures will be similar in size of the existing structures

(b) The hardship is not general to the area in which the property is located because: these are substandard condition structures and do not want repair they require replacement

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: the dilapidated structures will be removed and new structures will be constructed, the surrounding neighbors support the variance


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

March 27, 2017

Re: 304 W Milton Street: Opposition to request for a variance to exceed .4FAR

Dear Board of Adjustment:

Thank you for soliciting feedback from affected neighbors for applications for variances. I write in opposition to a request for a FAR variance by the owner of 304 W Milton Street. I live close to this address. In preparing for your April 10 meeting, I reviewed the hearing documenting the former variance application for 304 W Milton Street in 2014. I ask that the current Board uphold the directives of the prior Board charged with granting a variance to build 304 W Milton.

In addition the letter drafted by Derek Urbaniak, which I signed, I include more information explaining why I request that the Board of Adjustment deny the applicant's request for a FAR variance: it would ignore the hard work of the BOA and set a dangerous precedent, since evidence strongly suggests that a builder who was specifically told **not** to do something did it anyway.

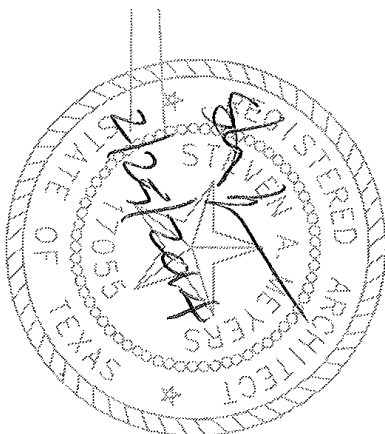
Background:

Public information demonstrates that the BOA imposed a reasonable legal condition on the variance that it granted for 304 W Milton Street on February 10, 2014, to the Owners, the Castro Family. The video is clear, and the builder and subsequent owner had access to the information, published on the CoA Web site.

- 1) The Board of Adjustment imposed a condition to limit the structures at 304 and 306 W Milton Street to .4 FAR.
 - a. 1344sf limit for the 3360 sf lot. (304 W Milton Street).
 - b. 1050sf limit for the 2624 sf lot. (304 W Milton Street).
- 2) Applicant's representative Jim Bennett agrees to these limitations.
- 3) Then-BOA Commissioner. King recommends to interested parties to include their wishes in the packet presented to the BOA.

Source: <http://austintx.swagit.com/play/02102014-732/#2>

Fifteen days later, on February 25, 2014, builder Dawn Moore signed an application for a permit for a one-story house. [Attached] The application contains plans that bear a seal with the name "Steven A. Meyers," Registered Architect, State of Texas. The signature is hard to read, but the date is clear: 2/25/2014 [see photo of seal, below].



On the same day as the BOA meeting, Feb 10, 2014, a complaint against Dawn Moore had been filed for using Mr. Meyers' seal without his permission, per documents from the Texas Board of Architectural Examiners:

Date of Complaint Received: February 10, 2014
Instrument: Agreed Order

Findings:

- ³⁵₁₇ Dawn Moore (hereafter "Respondent") is not and never has been registered as an architect in Texas.
- ³⁵₁₇ Respondent is an owner of a business entity named "MOORE | TATE PROJECTS + DESIGN L.L.C." (hereafter MOORE | TATE).
- ³⁵₁₇ MOORE | TATE has never been registered with the Board as an architectural firm.
- ³⁵₁₇ On or about February 10, 2014, the Board received a telephone call from a plans examiner for the City of Austin. The plans examiner advised that she had reviewed 4 sheets of construction documents for a residential project known as "New 2 Story House" to be located at 1510 Newton, Austin, Texas. The construction documents that were filed with the City of Austin had a replica of an architectural seal affixed to them.
- ³⁵₁₇ During the course of the investigation, the Board's Managing Investigator interviewed architect, Steven Meyers. Mr. Meyers acknowledged that he had a business relationship with Respondent in the past and had agreed to do some design work for her business. The Board's Investigator advised Mr. Meyers that his seal had been altered and placed on construction documents for the project located at 1510 Newton.
- ³⁵₁₇ Subsequently, Mr. Meyers advised the Board that he had learned that his seal image and signature had been placed on construction documents for six other residential projects wherein permits were issued and the projects were constructed.
- ³⁵₁₇ Mr. Meyers swore that he did not affix the seals or signatures to any of the documents and he was not familiar with the projects or the development of the project construction documents.
- ³⁵₁₇ Respondent has cooperated with and been forthright during the investigation as well as the Informal Settlement Conference.

Applicable Statutory Provisions and Rules:

- ³⁵₁₇ A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. §§1051.351(a) & 1051.701(a).
- ³⁵₁₇ A person may not use or attempt to use an architect's seal, a similar seal, or a replica of the seal unless the use is by or through an architect. TEX. OCC. CODE ANN. §1051.702(b).

Source:

<http://www.tbae.state.tx.us/Content/documents/TBAE/agendas/MAY2015BOARDNOTEBOOK.pdf>


The builder who used the allegedly forged seal is the same person who applied to build a one-story house. Evidence strongly suggests that this same builder finished out the attic, to create a ~2300sf house when only a 1232sf had been approved. To allow a builder to ignore both the Texas Occupational Codes and the Board of Adjustment directives sends a dangerous message to builders and to the public, who rely on the validity of public information. In my opinion, granting the Owner a variance to exceed FAR would reward the builder for willfully failing to comply with rules. It is my opinion that the appropriate place to address the builder's behavior is in the courts, not the City of Austin.

M7/142

I ask that the Board of Adjustment deny the request for a variance to exceed .4 FAR by the Owner of 304 W Milton Street.

Thank you for your consideration and your service to the City of Austin.

Respectfully,

A handwritten signature in cursive script, reading "Paula Kothmann Preston". The signature is written in black ink on a light-colored background.

Paula Kothmann Preston
311 W Milton Street 78704

p.s. I have included documentation in a PowerPoint submitted to accompany the opposition letter submitted by Derek Urbaniak regarding the same request for variance. Enclosed please find the application for a permit by Dawn Moore.

City of Austin Residential Permit Application

Residential Review, 2nd floor, One Texas Center
505 Barton Springs, Austin, TX 78704
(512) 978-4000

Project Information

Project Address: 304 W MILTON 78704	Tax Parcel ID: 0400000614
Legal Description: E 32FT OF LOT 9 BLK B BECKERS GUS F SUBD	
Zoning District or PUD: SF-3 NP	Lot Size (square feet): 3382 PER SURVEY
Neighborhood Plan Area (if applicable): BOULDIN CREEK	Historic District (if applicable):
Is this site within the Residential Design and Compatibility Standards Ordinance Boundary Area? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Note: Boundaries are defined under Title 25-2 Subchapter F of the Land Development Code.	
Does this site currently have water availability? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N wastewater availability? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If no, contact Austin Water Utility to apply for water/wastewater taps and/or service extension request.	
Does this site have or will it have an auxiliary water source? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, submit approved auxiliary and potable plumbing plans (Auxiliary water supplies are wells, rainwater harvesting, river water, lake water, reclaimed water, etc.)	
Does this site have a septic system? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, submit a copy of approved septic permit to construct	
Does this site require a cut or fill in excess of four (4) feet? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, contact the Development Assistance Center for a Site Plan Exemption.	
Does this site front a paved street? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Is this site adjacent to a paved alley? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Does this site have a Board of Adjustment (BOA) variance? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Case # C15-2014-0004 (if applicable)	
Does this site have a Residential Design and Compatibility Commission (RDCC) waiver? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, provide a copy of decision sheet. Note: A permit cannot be approved within 10 days of approval of a variance from BOA.	
Does the project impact a tree protected by ordinance? This includes canopy and/or critical root zone impacts to nearby trees. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Note: If yes, application for a tree permit with the City Arborist may be required.	
Is this site within one hundred-fifty (150) feet of the one hundred (100) year floodplain? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Note: Proximity to a floodplain may require additional review time.	

Description of Work

Existing Use: <input checked="" type="checkbox"/> vacant <input type="checkbox"/> single-family residential <input type="checkbox"/> duplex residential <input type="checkbox"/> two-family residential other _____			
Proposed Use: <input type="checkbox"/> vacant <input checked="" type="checkbox"/> single-family residential <input type="checkbox"/> duplex residential <input type="checkbox"/> two-family residential other _____			
Project Type: <input checked="" type="checkbox"/> new construction <input type="checkbox"/> addition <input type="checkbox"/> addition/remodel <input type="checkbox"/> remodel/repair other _____			
# of existing bedrooms: 0	# of bedrooms upon completion: 1	# of existing baths: 0	# of baths upon completion: 1.5
Will all or part of an existing exterior wall be removed as part of the project? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Note: Removal of all or part of a structure requires a demolition permit.			
Project Description: (Note: Please provide thorough description of project. Attach additional pages as necessary) new single family residence, wood frame construction living, kitchen, master suite, laundry and powder 2 off-street parking spaces			
Trades Permits Required: <input checked="" type="checkbox"/> electric <input checked="" type="checkbox"/> plumbing <input checked="" type="checkbox"/> mechanical (HVAC) <input checked="" type="checkbox"/> concrete (right-of-way) (circle all that apply)			

Job Valuation

Total Job Valuation: \$ 117,000	Portion of Total Job Valuation Dedicated to Addition/New Construction: \$ Bldg: \$ 99,000 Elec: \$ 6000 Plmbg: \$ 6000 Mech: \$ 6000 Primary Structure: \$ Accessory Structure: \$	Portion of Total Job Valuation Dedicated to Remodel/Repair: \$ Bldg: \$ Elec: \$ Plmbg: \$ Mech: \$
Note: The total job valuation should be the sum total of all valuations noted to the right. Labor and materials only, rounded to nearest dollar. Permit fees are based on adopted fee schedule.		

Building and Site Area			
Area Description	Existing Sq Ft	New/Added Sq Ft	Total Sq Ft
Note: Provide a separate calculation for each distinct area. Attach additional sheets as necessary. Measurements are to the outside surface of the exterior wall.			
a) 1 st floor conditioned area			1232
b) 2 nd floor conditioned area			
c) 3 rd floor conditioned area			
d) Basement			
e) Covered Parking (garage or carport)			
f) Covered Patio, Deck or Porch			
g) Balcony			
h) Other			
i) Uncovered Wood Deck			
Total Gross Building Area (total A through I)			
j) Pool			
k) Spa			

Site Development Information	
Building Coverage Information Note: Building Coverage means the area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features. Pools, ponds, and fountains are not included in this measurement. (LDC 25-1-21) Total Building Coverage (sq ft): <u>1232</u> % of lot size: <u>36.42</u>	
Impervious Cover Information Note: Impervious cover is the total horizontal area of covered spaces, paved areas, walkways, and driveways. The term excludes pools, ponds, fountains, and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck is included in the measurement of impervious cover. (LDC 25-1-23) Total Impervious Cover (sq ft): <u>1520</u> % of lot size: <u>44.94</u>	
Setbacks Are any existing structures on this site a non-compliant structure based on a yard setback requirement? (LDC 25-2-513) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Does any structure (or an element of a structure) extend over or beyond a required yard? (LDC 25-2-513) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Is front yard setback averaging being utilized on this property? (LDC 25-2, Subchapter F, Sec. 2.3) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
Height Information (LDC 25-1-21 or 25-2 Subchapter F, Section 3.4) Parking (LDC 25-6 Appendix A & 25-6-478) Building Height: <u>18'</u> ft Number of Floors: <u>1</u> # of spaces required: <u>2</u> # of spaces provided: <u>2</u>	
Right-of-Way Information Is a sidewalk required for the proposed construction? (LDC-6-353) <input checked="" type="checkbox"/> Y <input type="checkbox"/> N *Sidewalks are to be installed on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more. Will a Type I driveway approach be installed, relocated, removed or repaired as part of this project? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Width of approach (measured at property line): <u>17'</u> ft Distance from intersection (for corner lots only): <u>na</u> ft Are storm sewer inlets located along the property or within ten (10) feet of the boundaries of the property? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	

Subchapter F – ‘McMansion’**Gross Floor Area**

This section is only required for projects located within the Residential Design and Compatibility Standards Ordinance Boundaries as defined and illustrated in Title 25-2 Subchapter F of the Land Development Code. The Gross Floor Area of each floor is measured as the area contained within the outside edge of the exterior walls. Areas with ceiling height over 15 feet are counted twice.

	Existing	New	Exemption	Total
1 st Floor	_____	_____		1232
2 nd Floor	_____	_____		_____
3 rd Floor	_____	_____		_____
Basement	_____	_____	_____	_____
Attic	_____	_____	_____	_____
Garage (attached)	_____	_____	_____	_____
(detached)	_____	_____	_____	_____
Carport (attached)	_____	_____	_____	_____
(detached)	_____	_____	_____	_____
Accessory building(s)	_____	_____	_____	_____
(detached)	_____	_____	_____	_____
Ceilings over 15 ft	_____	_____	_____	_____
TOTAL GROSS FLOOR AREA				1232

(Total Gross Floor Area /lot size) = 36.42 **Floor-To-Area Ratio (FAR)**

Is this project claiming a “parking area” exemption as described under Article 3?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
Is this project claiming a “ground floor porch” exemption as described under Article 3?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
Is this project claiming a “basement” exemption as described under Article 3?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
Is this project claiming a “habitable attic” exemption as described under Article 3?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
Is a sidewall articulation required for this project?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
Does any portion of the structure extend beyond a setback plane?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
Are any ceilings over 15 feet in height?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N

Parking Area exemption: Up to 450 square feet of a parking area may be deducted if it is a detached rear parking area that is separated from the principal structure by not less than 10 feet; or attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or a parking area that is open on two or more sides, if: it does not have habitable space above it; and the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport. Up to 200 square feet may be deducted if it is an attached parking area used to meet the minimum parking requirement; or a garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either detached from the principal structure; or attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width. An applicant may receive only one 450-square foot exemption per site under Article 3. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under Article 3, but only for an attached parking area used to meet minimum parking requirements.

Ground Floor Porch exemption: A ground floor porch, including a screened porch, may be exempted, provided that the porch is not accessible by automobile and is not connected to a driveway; and the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

Basement exemption: A habitable portion of a building that is below grade may be exempted if the habitable portion does not extend beyond the first-story footprint and is below natural or finished grade, whichever is lower; and it is surrounded by natural grade for at least 50% of its perimeter wall area and the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

Habitable Attic exemption: A habitable portion of an attic may be exempted if: 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2. It is fully contained within the roof structure; 3. It has only one floor; 4. It does not extend beyond the footprint of the floors below; 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

Contact Information

Owner	Moore-Tate Projects & Design, LLC	Applicant or Agent	same
Mailing Address	12140 Tunnel Trail, Manchaca, TX 78652	Mailing Address	
Phone	512-517-9333	Phone	
Email	dawn@mooretate.com	Email	
Fax		Fax	
General Contractor	same	Design Professional	same
Mailing Address		Mailing Address	
Phone		Phone	
Email		Email	
Fax		Fax	

Acknowledgments

Is this site registered as the owner's homestead for the current tax year with the appraisal district? ☐ Y ☒ N

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license.

I understand that I am responsible for complying with any subdivision notes, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property.

If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC. I understand that nothing may be built upon or over an easement.

I further understand that no portion of any roof structure may overhang in any public utility or drainage easement. I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required and compliance with current code may be required.

I hereby certify that to the best of my knowledge and ability, the information provided in this application is complete and accurate.

I further acknowledge that, should any information contained herein prove incorrect, the building official may suspend or revoke any resulting permit and/or license.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the site, I am required to complete a Tree Ordinance Review Application by contacting (512) 974-1876 or cityarborist@austintexas.gov. This initiates the tree permitting requirement needed to proceed with the development review process.

Erosion and Sedimentation Controls are required per Section 25-8-181.

I acknowledge that a sidewalk will be required on any new construction of a single family, two-family or duplex residential structure and any addition to an existing building that increases the building's gross floor area by 50 % or more.

I acknowledge if my plans are subject to a technical review it will not be construed to be a permit for, or an approval of any violation of any of the provisions of the current adopted building codes or another ordinance of the City of Austin.

Applicant's signature:  Date: 02-24-2014

Design Professional's signature: _____ Date: _____

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

DATE: Monday, February 10, 2014

CASE NUMBER: C15-2014-0004

☒ Y Jeff Jack
☒ Y Michael Von Ohlen Motion to Grant
☐ (Vacant)
☒ Y Bryan King 2nd the Motion
☒ Y Fred McGhee
☒ Y Melissa Hawthorne
☐ Sallie Burchett (OUT)
☐ Cathy French (SRB only)
☒ Y Will Schnier (Alternate)
☒ Y Stuart Hampton (Alternate)

APPLICANT: Jim Bennett

OWNER: Dora Vasquez

ADDRESS: 304 and 306 West MILTON ST

VARIANCE REQUESTED: 304 W Milton – The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 32 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 3,360 square feet in order to erect a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

306 W Milton - The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 25 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 2,625 square feet in order to erect a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

BOARD'S DECISION: POSTPONED TO February 10, 2014

February 10, 2014 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant .4 FAR, pitched roof shape, front porch-(not counted in FAR), Board Member Bryan King second on a 7-0 vote; **GRANTED .4 FAR, PITCHED ROOF SHAPE AND FRONT PORCH-(NOT COUNTED IN FAR).**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the substandard condition of these structures do not warrant repair but instead requires replacement
2. (a) The hardship for which the variance is requested is unique to the property in that: the tracts are grandfather tracts and the size and shape have not changed, without a variance the owners would have to continue to live in substandard conditions, due to the condition of the existing structures an attempt to repair would result in a new residence, the replacement structures will be similar in size of the existing structures



A. Settlement Statement (HUD-1)

B. Type of Loan

1. ☐ FHA 2. ☐ RHS 3. ☒ Conv. Unins.
4. ☐ VA 5. ☐ Conv. Ins. ☐ Other

6. File Number:
01247-8957

7. Loan Number:
4791299-0014

8. Mortgage Insurance Case Number:

C. Note:

This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(POC)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower:

Moore-Tate Dirt, LP, 12140 Tunnel Trail, Manchaca, TX 78652

E. Name & Address of Seller:

Jose M. Castro, c/o 305 West Milton, Austin, TX 78704
Donato Castro, Att: Leticia Vasquez, 304 West Milton, Austin, TX 78704
Dora Castro, Att: Leticia Vasquez, 304 West Milton, Austin, TX 78704

F. Name & Address of Lender:

Frost Bank, 401 Congress Ave, 12th Fl, Austin, TX 78701

G. Property Location:

304 West Milton Austin, Texas 78704

Lot E 32FT OF LOT 9, Block B, Becker Gus F, Book 3, Page 115A, Travis County, Texas

H. Settlement Agent: Place of Settlement:

Gracy Title, a Stewart Company, 1801 South Mopac, Suite 250, Austin, TX 78746, (512) 306-1120
1801 South Mopac, Suite 250, Austin, TX 78746

I. Settlement Date:

2/21/2014

Proration Date:

2/22/2014

Disbursement Date:

2/21/2014

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due from Borrower		400. Gross Amount Due to Seller	
101. Contract sales price		401. Contract sales price	
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	\$4,500.05	403.	
104.		404.	
105. Reimbursement for Variance and Demolition	\$1,160.00	405. Reimbursement for Variance and Demolition	\$1,160.00
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110. HOA Dues		410. HOA Dues	
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower		420. Gross Amount Due to Seller	
200. Amounts Paid by or in Behalf of Borrower		500. Reductions in Amount Due to Seller	
201. Deposit or earnest money	\$2,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	\$75,500.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506. Property Taxes to Travis County Tax Collector	\$4,773.76
207. Option Fee	\$100.00	507. Option Fee	\$100.00
208.		508.	
209. Seller Credit for Owner's Title Policy		509. Seller Credit for Owner's Title Policy	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213. School Taxes		513. School Taxes	
214. HOA Dues		514. HOA Dues	
215. Tax Proration 1/1/2014 to 2/22/2014	\$920.54	515. Tax Proration 1/1/2014 to 2/22/2014	\$920.54
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower		520. Total Reduction Amount Due Seller	
300. Cash at Settlement from/to Borrower		600. Cash at Settlement to/from Seller	
301. Gross amount due from borrower (line 120)		601. Gross amount due to seller (line 420)	
302. Less amounts paid by/for borrower (line 220)		602. Less reductions in amount due seller (line 520)	
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower		603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	

M7/149

SIDEWALK FEE

304 W MILTON

CITY OF AUSTIN, TEXAS
RECEIPT FOR PAYMENT OF FUNDS

NO. 2395145

DATE RECEIVED: 6-26-13

RECEIVED FROM: Moore-Tate Projects & Design, LLC

\$ 450.00

PAYMENT FOR: Sidewalk Fee in lieu of 304 W Milton St

AMOUNT VERIFIED BY: CK # 161910/124 2049

CITY OF AUSTIN, TEXA

XXXXXX	FUND	AGENCY	ORG	SUB ORG	ACTV	REV/ OBJT	WORKORDER	REPT CATG	B/S ACCT	AMOUNT
HOW PAID:	XXX	XXX	XXXX	XX	XXXX	XXXX	XXXXXXXXXX	XXXX	XXXX	XXXXXX
CASH <input type="checkbox"/>										450.00
CHECK <input checked="" type="checkbox"/>										
MONEY										
ORDER <input type="checkbox"/>										

Public Works

Candy Luera

7026 Rev 7/90

DEPARTMENT
WHITE - Finance

YELLOW - Dept

AUTHORIZED SIGNATURE
PINK - Employee

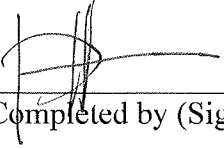
GOLD - Dept. File

One Stop Shop
 505 Barton Springs Rd
 (512) 974-2632 – phone
 (512) 974-9112 – phone
 (512) 974-9109 – fax
 (512) 974-9779 – fax



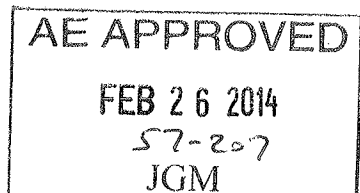
Austin Energy
 Building Service Planning Application (BSPA)

This form to be used for review of Building Permit only

Responsible Person for Service Request <u>dawn moore</u>		
Email <u>dawn@mooretate.com</u>	Fax _____	Phone <u>512-517-9333</u>
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> New Construction <input type="checkbox"/> Remodeling		
Project Address <u>304 306 W Milton</u>		OR
Legal Description _____	Lot _____	Block _____
Who is your electrical provider? <input checked="" type="checkbox"/> AE <input type="checkbox"/> Other _____		
<input type="checkbox"/> Overhead Service <input checked="" type="checkbox"/> Underground Service <input type="checkbox"/> Single-phase (1Ø) <input type="checkbox"/> Three-phase (3Ø)		
Location of meter _____		
Number of existing meters on gutter _____ (show all existing meters on riser diagram)		
Expired permit # _____		
Comments <u>New (1) Story</u>		
 ESPA Completed by (Signature & Print Name)		<u>02-25-2014</u> Date
		<u>512-517-9333</u> Phone
AE Representative _____ Approved <input type="checkbox"/> Yes <input type="checkbox"/> No _____		
		Date _____ Phone _____

Application expires 180 days after the date of approval
(Any change to the above information requires a new ESPA)

All structures etc. must maintain 7'5"
 clearance from AE energized power
 lines. Enforced by AE & NESC codes.





Austin Water Utility

Water & Wastewater Service Plan Verification (W&WW SPV)

PLEASE READ IMPORTANT INSTRUCTIONS ON PAGE 2

(Please Print or Type)

Customer Name: <u>dawn moore</u>		Phone: <u>512-517-9333</u>		Alternate Phone: _____	
Service Address: <u>304 W Milton</u>					
Lot: <u>9</u>	Block: <u>B</u>	Subdivision/Land Status: <u>Beckers Gus F</u>		Tax Parcel ID No.: <u>0400000614</u>	
Existing Use: vacant <small>(Circle one)</small>		<u>single-family res.</u>	duplex	garage apartment	other _____
Proposed Use: vacant <small>(Circle one)</small>		<u>single-family res.</u>	duplex	garage apartment	other _____
Number of existing bathrooms: <u>2</u>		Number of proposed bathrooms: <u>1.5</u>			
Use of a pressurized auxiliary water system (i.e. rainwater harvesting, well water, lake/river water, etc.) Yes _____ No <input checked="" type="checkbox"/>					

City of Austin Office Use

Water Main size: <u>6"</u>	Service stub size: <u>3/4"</u>	Service stub upgrade required? <u>NO</u>	New stub size: _____
Existing Meter number: <u>271278</u>	Existing Meter size: <u>5/8"</u>	Upgrade required? <u>NO</u>	New size: _____
WW Service: Septic System/On-Site Sewage Facility (OSSF) _____ or WW Collection System _____ WW Main size: _____			

If a pressurized auxiliary water system is or will be installed, please contact the Utility's Special Services Division (SSD) at 972-1060, 3907 South Industrial Blvd., Suite 100 for consultation and approval.

Auxiliary Water (if applicable) Approved by SSD (Signature & Print name) _____ Date _____ Phone _____

Approved: ☐ Yes (see attached approved documents) ☐ No

If the site has an OSSF, please contact Utility Development Services (UDS) at 972-0210 or 972-0211, Waller Creek Center, 625 E. 10th Street, Suite 715 for consultation and approval.

W&WWSPV Completed by (Signature & Print name) <u>dawn moore</u> _____ Date <u>02-25-2014</u>	Phone <u>512-517-9333</u> _____
OSSF (if applicable) Approved by UDS (Signature & Print name) <u>[Signature]</u> _____ Date <u>2-26-14</u>	Phone <u>972-9722</u> _____

Approved: ☐ Yes (see attached approved documents) ☐ No

NOTE: For residential plan review, this original stamped "approval" must be submitted with the stamped "original" floor plan.

REVIEWED

Verification expires 180 days after date of Submittal

FEB 26 2014

PLEASE READ IMPORTANT INSTRUCTIONS ON PAGE 2

**AUSTIN WATER UTILITY
CONSUMER SERVICE DIVISION - TAPS**

REVIEWED

AUSTIN WATER UTILITY
CONSUMER SERVICE DIVISION - TAPS

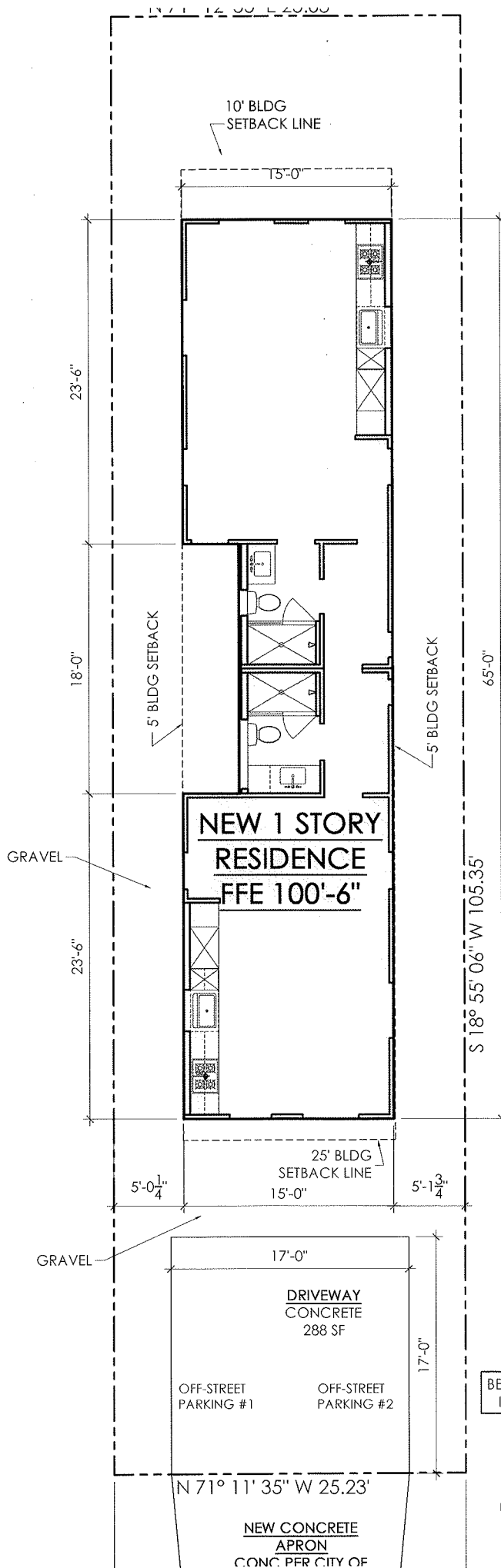
57-207
JGM

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

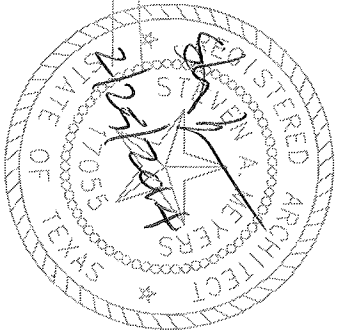
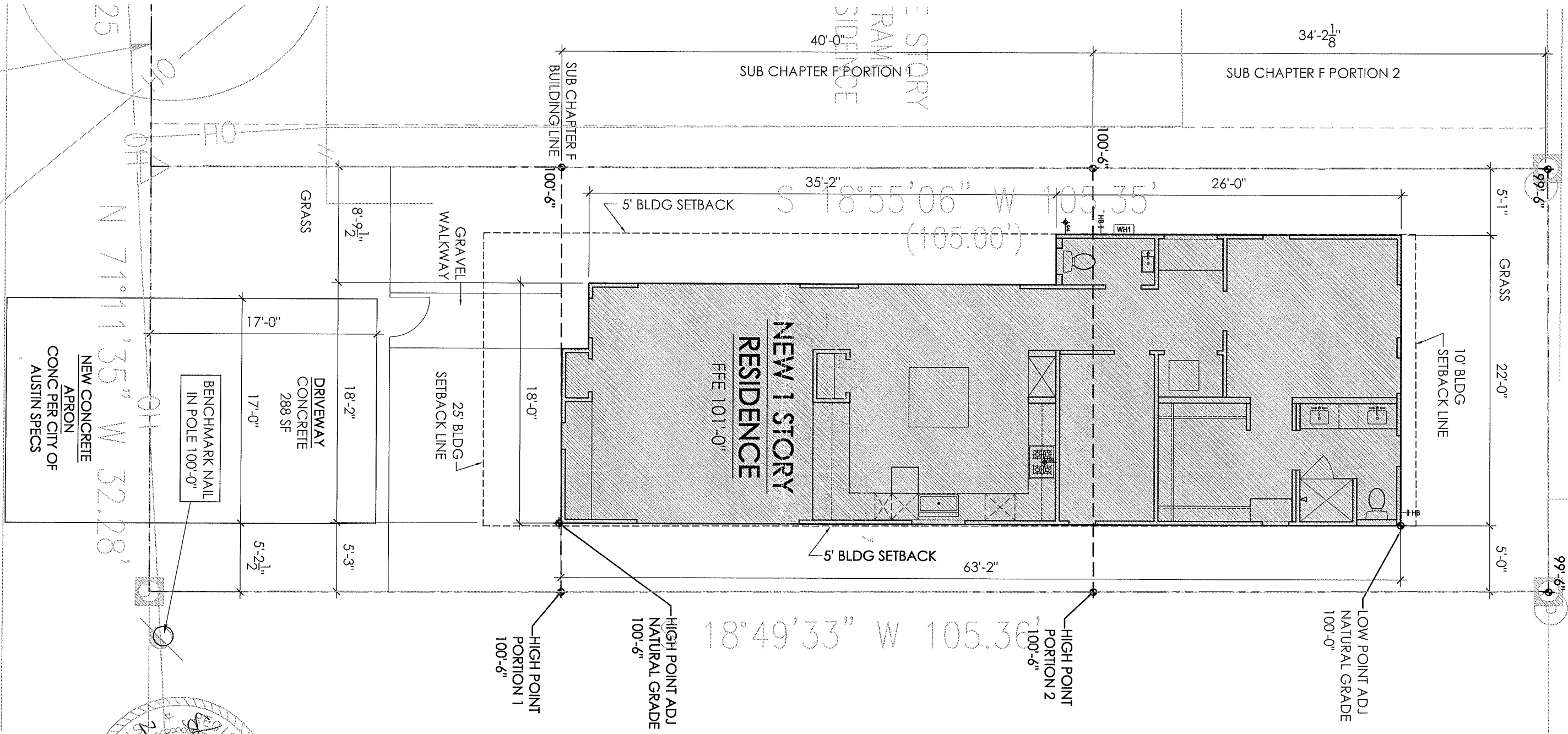
Austin, TX
78704

REDUCED SET

 **1** SITE PLAN
Scale: 3/32"=1'-0"



E 25.08' S 71°12'55" E 32.11'

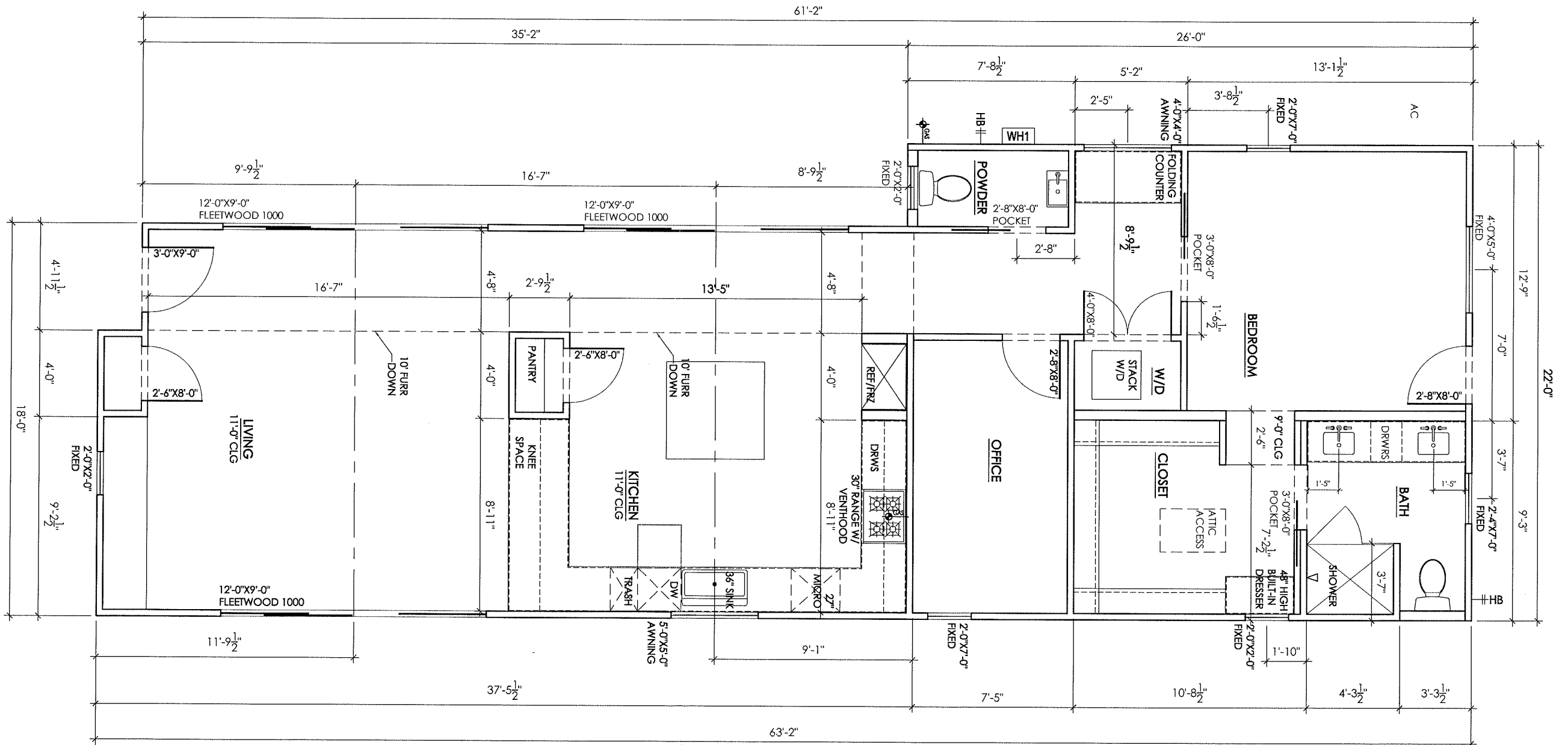


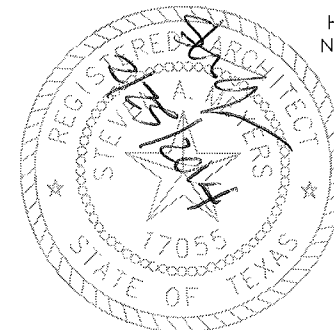
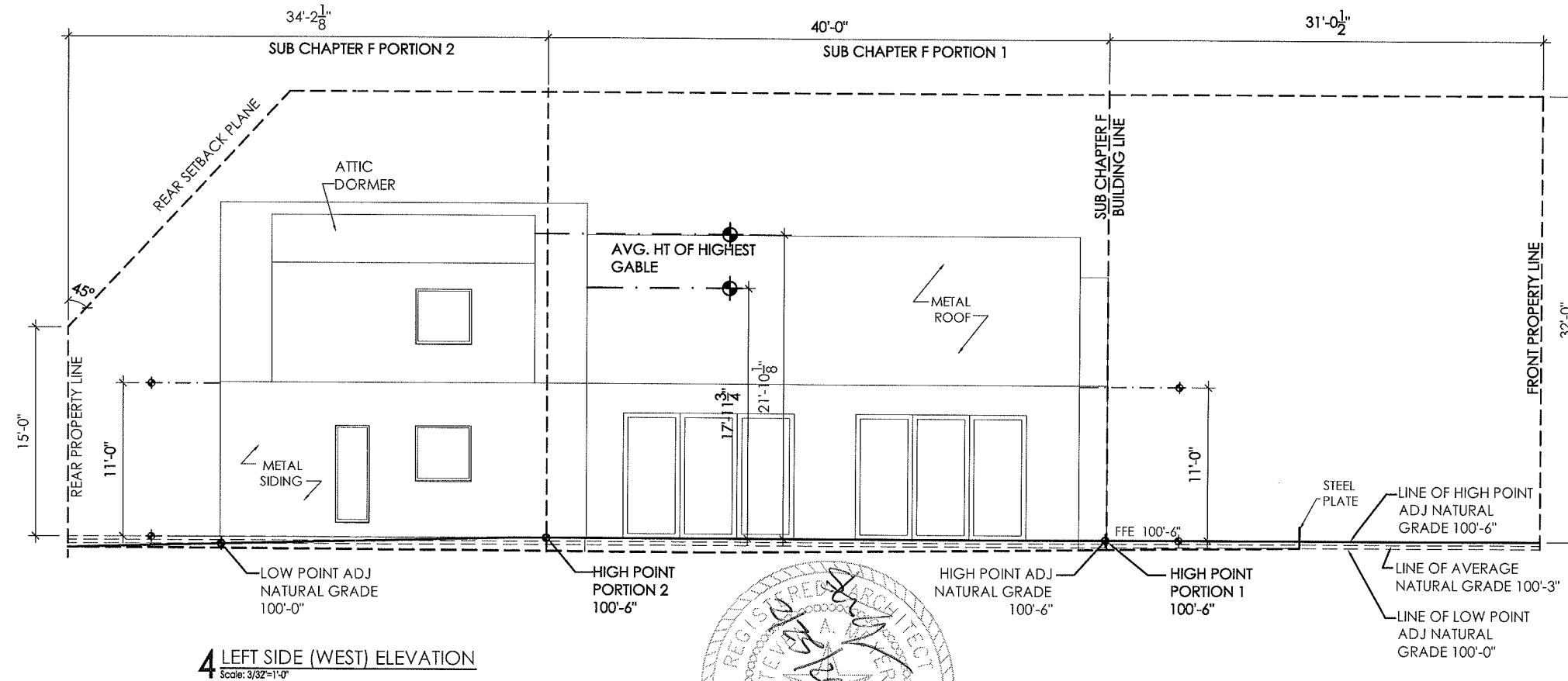
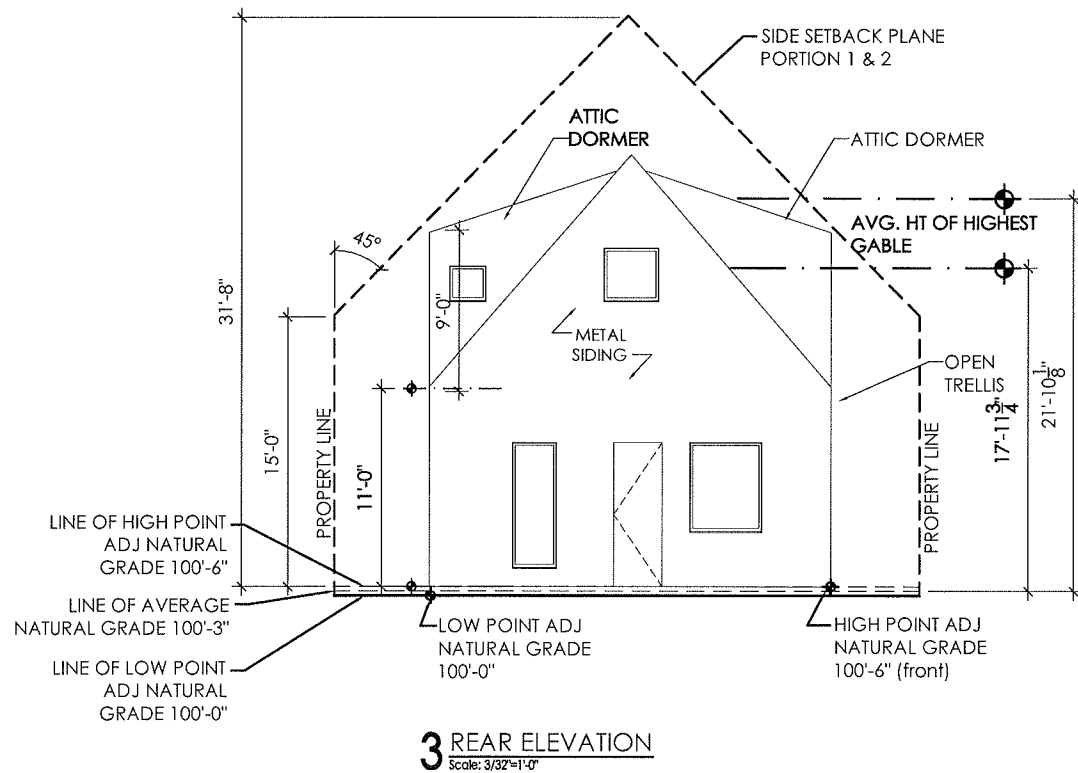
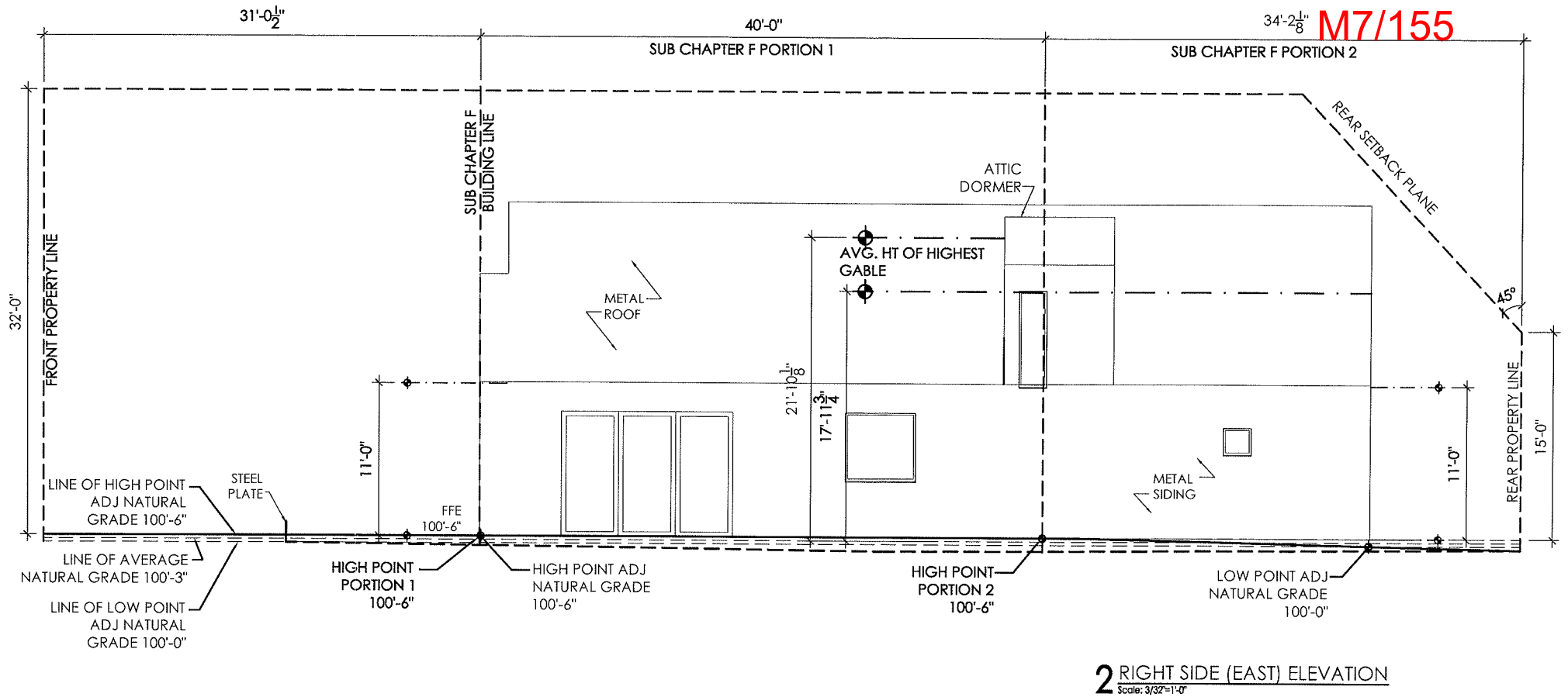
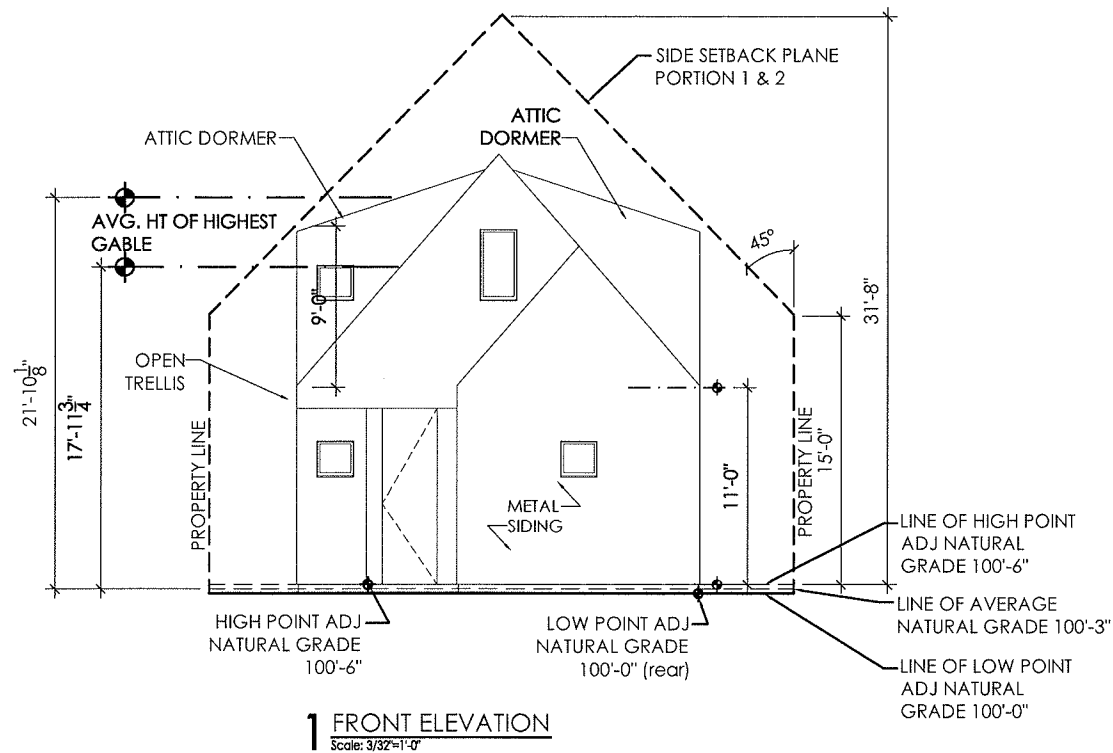
304 W MILTON

Austin, TX
78704

11X17 FULL SIZE SET
& REDUCED SET

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





M7/155

304 W MILTON

Austin, TX
78704

**11X17 FULL SIZE SET
& REDUCED SET**

304 W Milton 78704

In opposition to a proposed FAR Variance for
habitable attic space on a micro-lot of ~3634sf

Original permit application

M7/157

Acrobat File Edit View Window Help Tue 11:55 PM Paula Kothmann Milton304Responses.pdf

Create 2 / 17 100%

Residential Zoning Review - Sue Welch - 512-974-2964

- 1) Provide documentation, a warranty deed, transferring ownership; TCAD still show the Castros as owning this tract.
Please see attached TCAD
- 2) The application for the total demo for the existing house is still pending Historic Landmark Commission approval. This application can't be approved until the demo has been approved.
Demo approved
- 3) According to previous application, there appears to be a large tree located on this tract. Verify with the City Arborist's office that a tree permit is not required.
Tree on rear of property is a 9" elm (not protected). Large tree was a 14" hackberry that was removed (not protected)
- 4) FYI – the Board of Adjustment has limited the FAR to .4 for this tract, finish out of the attic in the future **will not be allowed**. (this applies to 306 W. Milton too).
Attic has no floor system, no pony walls and no permanent means of egress
- 5) FYI – the driveway does not meet the COA standard specs at the street for driveway flares. The curb return should be at least 5' radius. (this applies to 306 W. Milton too).
New concrete apron "PER CITY OF AUSTIN SPECS" including 5' radius


Technical Building Code Review - Michael Gleason -


Technical Building Code Review – Michael Gleason – 974 - 9318


	1st Floor	2nd Floor	3rd Floor
HVAC RESIDENTIAL	201	201	201
BATHROOM	201	201	201
BEDROOMS	201	201	201

Evidence of substantial overreach of FAR

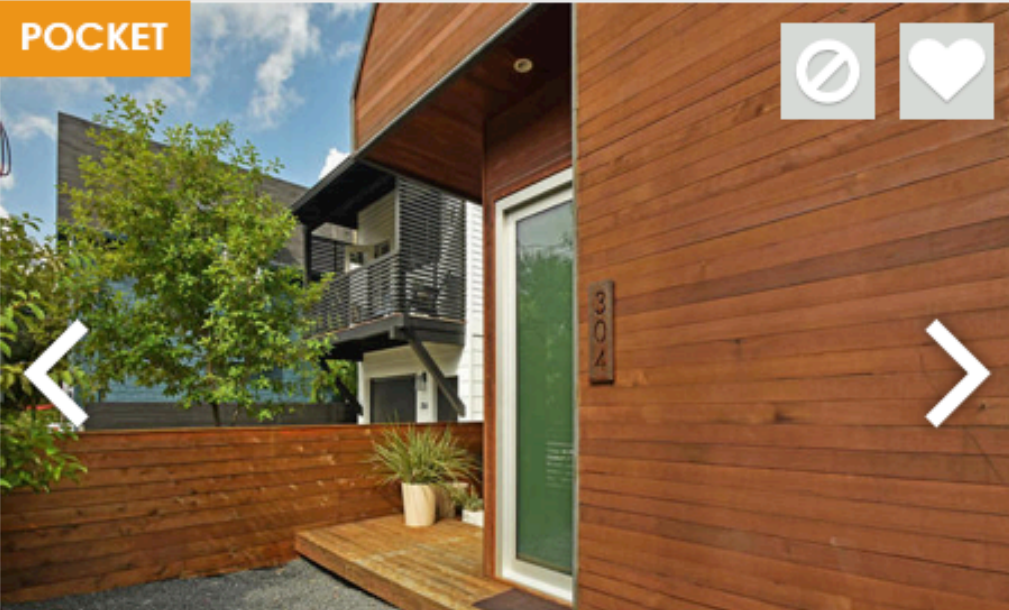
PHOTOS



 Map



 Streetview


 Drivetime

POCKET







 



2	3	2,3000.08	N/A	201	
Beds	Baths	Square Ft.	Acres	Garages	Year B

Listing ID#: 102980

Active

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Spectacular Moore-Tate Projects build in Bouldin. Stunning architecture—modern, elegant, simple, & stylish. Polished concrete floors, Corian counters, stainless Jenn-Air appliances, two

Evidence of finished-out attic space



Likelihood that the developer, not the buyer, finished out the attic space



Obvious object next to narrow front window during construction; prominent “No Trespassing Sign” by Moore-Tate prevented others, including the City, from observing the building in progress, even after final inspection in Nov 2014. Builder should provide a formal affidavit about the state of the structure upon sale in April 2015, several months after final inspection.

Evidence of finished-out attic space



Finished out attic behind the narrow window from the outside, with recessed lighting, wood floors, and electricity. Finishes similar to ground floor.

M7/162

ADVERTISED AS 2 MASTER SUITES, ONE UP, ONE DOWN:



304 W Milton St, 2/2.5, 1906sf, \$875,000

Spectacular Moore-Tate Projects build in Bouldin. Stunning architecture—modern, elegant, simple, & stylish. Polished concrete floors, Corian counters, stainless Jenn-Air appliances, two master suites (one up, one down).

Evidence of finished-out attic space



Stairs seen
in bathroom
mirror

Evidence of illegal STR rental: M7/164

City of Austin Report

Thank you for reporting your city services needs. Your service request for Austin Code - Request Code Officer, 16-00307621, has been closed and transferred to the Austin Code Department's system for investigation.

Below are details on the assigned Inspector, their contact information, and your case number: 2016-143744 CC Attempt Comment: Inspection performed 20161123 at approximately 1408.

“I approached the house and noticed a motorcycle parked at the front. The motorcycle had Texas plates 256H3D. I knocked at the front door and a man opened the door. I introduced myself and told him we had received a complaint on the property. I asked if he was the property owner. The man said no. I asked if he was tenant and he said yes. I told him that I will be contacting the property owner in regards to the complaint. He said that he is not really a tenant and is only renting the property for a week through AirBnB. Photos were taken and will be attached to the case file.”

You can look up your case information via the below link:

<https://austin-csrprodcwi.motorolasolutions.com/StatusCheck.mvc/StatusCheck>

Evidence of continued illegal STR rental M7/165 after warning from City: HomeAway ad Rental# 4237691



From HomeAway site:

*“Manager indicates their response time is: Within a day
Calendar last updated: December 6, 2016*

[Note that Owner appears to continue running an STR **after** they were cited in Nov 2016]

Owner claimed to potential buyer:

“I charge \$650 per night. During SxSW we've received \$1500 per night. You can get that during F1 as well.”

*Sale in April 2015 did not go on MLS.

*Did the builder market the SoCo property as a lucrative STR to out-of-state investors?

*Owners do not homestead 304 W Milton, per TCAD.

Evidence of continued illegal STR rental after warning from City: M7/166

- ❖ Per Code Enforcement Officer **Khalid Marshall** in a meeting on on March 7, 2017:

Owner denied ever hosting an STR (despite City's report of finding an AirBNB Guest in Nov 2016). [He could not provide report without an Open Records request.]

Enforcement options:

- ❖ *City can Pull Certificate of Occupancy (as suggested by **Susan Barr**)*
- ❖ *City can cut off services such as water and energy.*
- ❖ *Deny any future STR permit (but they'll just continue to operate illegally)*

Solution-oriented suggestions for consideration;

M7/167

We neighbors respectfully request that the City of Austin:

- ❖ Require Owner to remove 2nd floor finish out to prevent future similar refusals to ignore directives from Board of Adjustment.
- ❖ Deny variance request for vastly exceeding FAR in an attempt to apply for a “remodeling” permit.
- ❖ Find that no hardship has been demonstrated: Owner has the opportunity to take civil action against the builder, if warranted, rather than take responsibility for builder’s actions. Owner failed to perform proper due diligence; permits are available on CoA Web site.
- ❖ Discipline appropriately according to severity the Owner and/or Builder if fraud can be demonstrated through willful misconduct and/or false information submitted to the City.
 - ❖ Deny future permits. (Otherwise those who follow the rules are at a disadvantage.)
 - ❖ Fines. (Including payment of back taxes owed)
 - ❖ Revoke Certificate of Occupancy (If Owner refuses to comply).

THANK YOU FOR YOUR CONSIDERATION OF OUR REQUESTS.

Heldenfels, Leane

From: The Red [REDACTED]
Sent: Wednesday, March 22, 2017 9:50 AM
To: Heldenfels, Leane; coryellwalton
Cc: Paula Kothmann
Subject: Re: 304 W Milton Street [FAR Variance]
Attachments: 304WMilton.PDF

Leane Heldenfels & BCNA:

Please find enclosed the formal signed letter by several of the surrounding active property owners who significantly oppose this FAR variance along with opposing the buildout of the 2nd floor of the residence at 304 W Milton. This overreach is detrimental to our neighborhood and non-conforming.

Please confirm that this SCAN is adequate for your needs. If you need the original signed copy, please let me know where I need to send it.

Kindest Regards,
Derek Urbaniak
403 W Milton

CC: Paula.

On 3/21/17 7:10 AM, Paula Kothmann wrote:

Dear Ms. Heldenfels:

Thank you for your guidance.

Several immediate neighbors of 304 W Milton have signed a formal letter with a Power Point illustrating the statements in the letter. Others may be sending their own letters.

Will we have an opportunity to present our side at the April 10 meeting?

Thanks so much,

Paula Kothmann Preston

On Thu, Mar 16, 2017 at 10:40 AM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Application has been made for a variance to lot width with a limitation of 1908 square footage rather than .4:1 FAR limitation condition currently in place.

The application (case c15-2017-0019) will be heard at the Board's 4/10 hearing, case information will be available to view on the search case and permit information page of the City website by 3/29, here's a link (same page you found current permit application info on:

Attention: City of Austin Board of Adjustment

Permit/Case: 2017-000018 BA

Description: FAR variance for habitable attic space

Property Address: 304 W Milton Austin, TX 78704

To the BoA:

We kindly request that you deny the request for an FAR overreach by the property in question above, 304 W Milton.

This particular property was completed in 2014/2015 under the permit number 2014-055628 BP. In this permit under the City of Austin's permitting system, it should be noted that the title of the permit is:

*New 1 story SF res with kitchen, living, office, master bedroom and 1.5 baths. **This tract is limited to .4 FAR, and finish out of the attic will not be allowed in the future.** Attic will be non-habit ...*

We have gone ahead and bolded parts of the title of this plan which specifically forbid what the owners/architect are requesting. This isn't small print nuance – it's in the actual title of the permit application.

It is categorically obvious to the builder, the owners, the neighbors, and the city the above requested variance was never allowed to begin with. Asking for forgiveness after putting forth a set of plans which allowed for the swift and quick buildout of the attic should not be allowed. The property to stand as is with a massive overshoot of 0.4FAR should not be allowed. The buildout was done to allow for much more square footage than would have ever been allowable on small-lot amnesty property in SF3 zoning. Allowing significant overbuilding of 2285 sqft HVAC residential on its 3634 sqft lot is out of line with all properties surrounding this home in Bouldin. It is quite frankly out of compliance. The whole situation is an egregious attempt to circumvent the permitting and zoning processes. An egregious travesty that started at plan submission, continued through the COA inspections, and finalized with an illegal build out of the 2nd floor.

The buildout of the 2nd floor was completed 2 years ago within 6s months of completion and inspection of the property by the city; it was done illegally without a permit even after the city and the builder said the 2nd floor would never be built out. They were hoping no one would notice, but we all have.

Beyond the issues with the illegal and unpermitted buildout, a lack of inspection of the interior build out: 2nd floor plumbing, structure requirements for a 2nd floor, electrical, etc is a hazard for the owners and anyone staying there. The plans submitted by the architect are after the fact – no one knows outside of the builder

what is behind the walls. Again, more reason for all of this illegal work to be removed.

Beyond the above, this property has been used as an illegal STR which is also being investigated by the city. The owners of the property are not full time residents and do not maintain a homestead here on Milton avenue. Any stories of hard luck are factually incorrect. This is a 2x overbuilt investment property. Beyond that, this property has failed to pay the County and State Hotel taxes required for the STR process. Mostly, we are just pointing out a history of illegal activity related to the current status of this property. Additional information can be provided to substantiate this beyond the communications already given to the city.

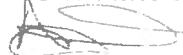
Please see the initial note from the Code Enforcement agent:

Below are details on the assigned Inspector, their contact information, and your case number: 2016-143744 CC Attempt Comment: Inspection performed 20161123 at approximately 1408. I approached the house and noticed a motorcycle parked at the front. The motorcycle had Texas plates 256H3D. I knocked at the front door and a man opened the door. I introduced myself and told him we had received a complaint on the property. I asked if he was the property owner. The man said no. I asked if he was tenant and he said yes. I told him that I will be contacting the property owner in regards to the complaint. He said that he is not really a tenant and is only renting the property for a week through AirBnB. Photos were taken and will be attached to the case file.

Because the original permit specifically mentioned the 2nd floor buildout would never be completed & a history of Code violations at the property, we kindly request the city remove the Certificate of Occupancy, deny the exemption, and require the current owners to remove all upgrades done to the attic and stairwell to revert the property to the approved domicile's livable square footage. We also would be in support of fines, if applicable, to the home owner and builder by the City of Austin. While we all understand this is a hardship for the current owner, they would be well within their rights to seek remuneration through the legal system from the builder who sold them an illegal home to make things financially right, assuming they were not part of the illegal scheme.

Kindest Regards.

Derek Urbaniak
403 W Milton

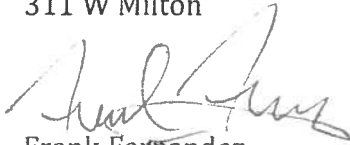


(512) 773 1725

3/20/2017



Paula Kothmann
311 W Milton



Frank Fernandez
312 W Milton



James Talbot
305 W Milton

DAVE Preston BCNA TREASURER
311 W. MILTON

 3/20/17

Heldenfels, Leane

From: Paula Kothmann [REDACTED]
Sent: Wednesday, March 22, 2017 11:43 AM
To: The Red
Cc: Heldenfels, Leane; coryellwalton
Subject: Slide show to accompany letter, "304 W Milton Street" [FAR Variance]
Attachments: Milton304PP.pptx

Dear Ms. Heldenfels and BCNA:

Attached please find a PowerPoint presentation to accompany the signed letter regarding 304 W Milton Street, 78704. Included are documents and photographs substantiating the assertions in our letter. We would like to present this slide show on April 10. We understand our time constraints.

I would be most grateful if you would include these documents in the Board packet.

Please let me know if you prefer to receive it on a USB flash drive before April 10. We understand that we should bring our presentation on a USB flash drive that night.

Thanks so much.

Kind regards,

Paula Kothmann Preston

On Wed, Mar 22, 2017 at 9:49 AM, The Red [REDACTED] wrote:
Leane Heldenfels & BCNA:

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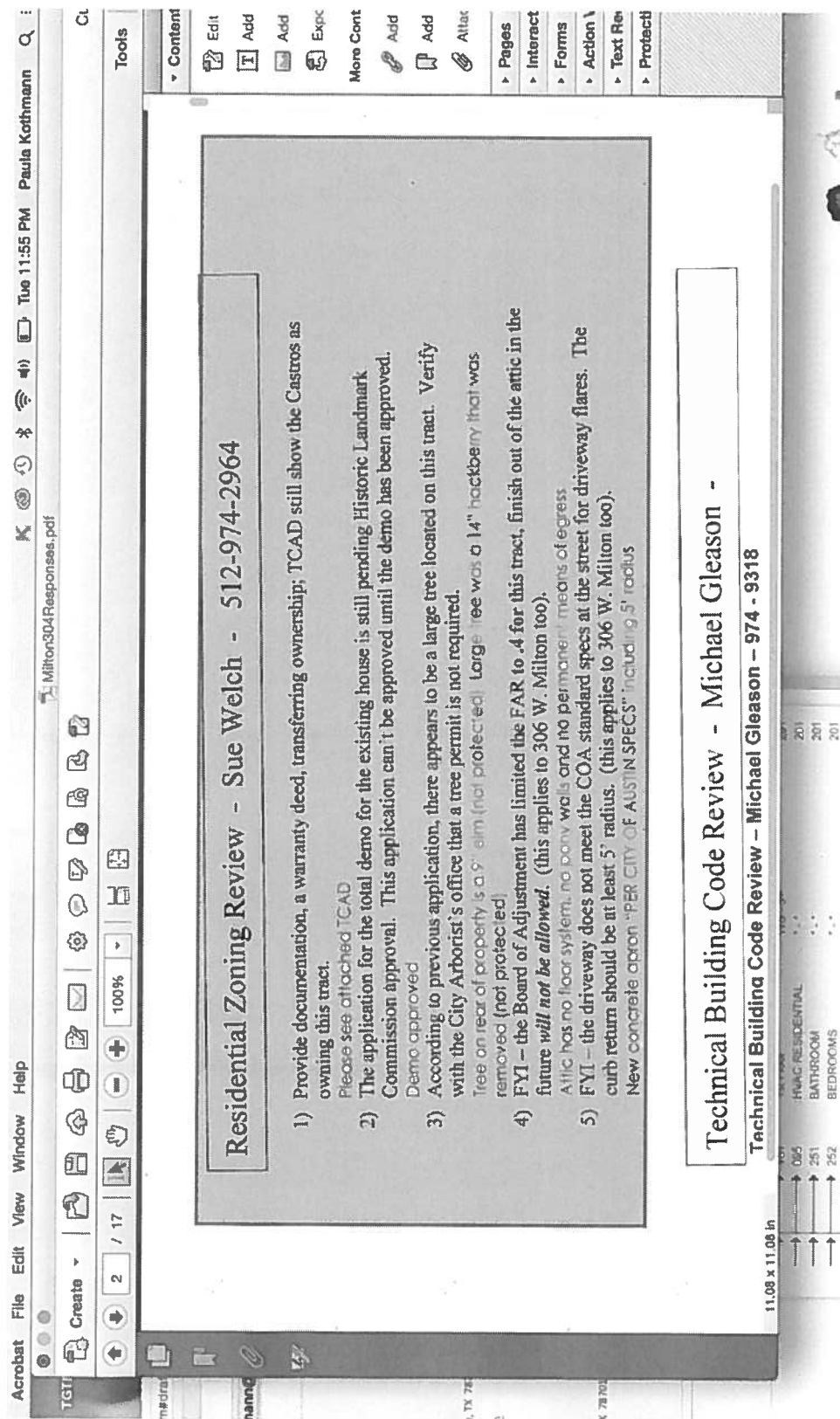
Dear Ms. Heldenfels:

Thank you for your guidance.

304 W Milton 78704

In opposition to a proposed FAR Variance for
habitable attic space on a micro-lot of ~3634sf


Original permit application






M7/174


Evidence of substantial overreach of FAR


POCKET









 Map

 Streetview

 Drivetime





2 3 2,3000.08N/A 201


BedsBathsSquare Ft. Acres GaragesYear t


Listing ID#: 102980

Active

Inquire

Tour

Share

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Spectacular Moore-Tate Projects
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M7/175

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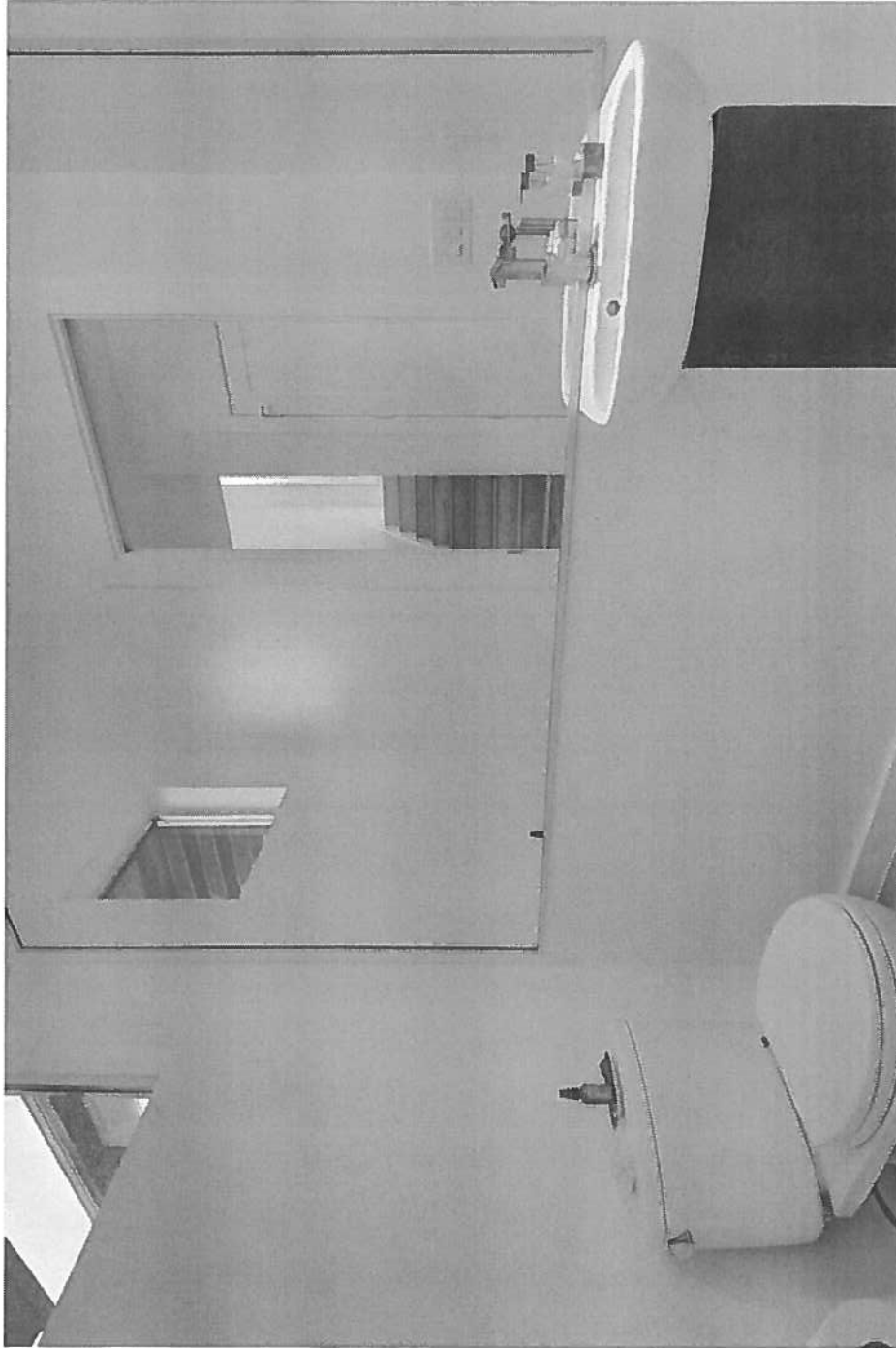
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