

**Chestnut Addition Neighborhood Association**  
“A Community of Sharing and Caring”

March 31, 2017  
City of Austin Board of Adjustment  
c/o Leane Heldenfels

Re: Permit/Case Number 2017-000001BA  
Reference File Name C15-2017-0005  
1211 Cedar Ave, Austin, TX 78702

Dear Members of the Board of Adjustment,

After discussions from the March 28, 2017 neighborhood monthly meeting, Chestnut Addition Neighborhood Association (CANA) voted to OPPOSE the granting of the variances requested by Wenkai Chen for 1211 Cedar Ave.

Variance requested:

- 1) *Request for variance to lot size*
- 2) *Interior side setback*
- 3) *45 degree building envelope for one side*
- 4) *Side wall articulation for one side*

During the meeting a motion was set and Chestnut Addition Neighborhood Association resolved, the variance requests for 1211 Cedar Ave should be denied by the city of Austin Board of Adjustment. (7 unanimous votes)

We appreciate your time and attention to this issue. Please feel free to contact me if you have any questions or concerns regarding CANA's opposition to the variance requests.

Respectfully,  
Angela White-Tragus  
CANA Secretary  
On behalf of the Chestnut Addition Neighborhood Association

## PUBLIC HEARING INFORMATION

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**Case Number:** C15-2017-0005, 1211 Cedar Ave.

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, April 10th, 2017

*Sam Donaldson*

Your Name (please print)

☐ I am in favor  
☒ I object

*1308 Walnut Ave.*

Your address(es) affected by this application

*Donaldson*

Signature

*4/5/17*

Date

Daytime Telephone: *512-415-8445*

Comments:

*This will affect property values negatively*

*Sets a bad precedence for investors who are only looking to "flip" any ~~good~~ parcel of property.*

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

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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

**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)



M02/52

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**Case Number:** C15-2017-0005, 1211 Cedar Ave.

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)  
**Public Hearing:** Board of Adjustment, April 10th, 2017

Thomas Lambert  
Your Name (please print)

☐ I am in favor  
☒ I object

2108 E. 12th St.  
Your address(es) affected by this application

Shenue Thomas 4/3/17  
Signature Date

Daytime Telephone: 512-220-5729

Comments: I do not think that

buildin g on a lot which is  
only 13.5 feet wide is consistent  
with the neighborhood character,  
It would not provide sufficient space  
on either side of the proposed house  
to serve as a buffer between the  
neighboring houses.

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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**Fax:** (512) 974-6305

**From:** [Kimberly Griffin](#)  
**To:** [Heldenfels, Leane](#); [Michael Glass](#)  
**Subject:** Case Number C15-2017-0005, 1211 Cedar Avenue  
**Date:** Tuesday, April 04, 2017 9:35:22 PM

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Hi Leane,

Thank you for the opportunity to voice our opinions. My husband, Michael (copied here), and I own and live in 1305 Cedar Avenue, just a few houses down from the address in question. We are strongly opposed to all variances requested for the development of 1211 Cedar Avenue. The lot is not large enough to support a house as large as 900+ square feet, and the proposed design is not in keeping with the current neighborhood character.

Please let us know if you need anything else.

Many thanks,  
Kim Griffin & Michael Glass  
1305 Cedar Avenue  
Austin, TX 78702  
214-802-1073

**From:** [Chuck Granberry](#)  
**To:** [Heldenfels, Leane](#)  
**Subject:** Case Number: C15-2017-0005, 1211 Cedar Ave  
**Date:** Tuesday, April 04, 2017 8:31:00 PM

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Leane,

We are the property owners of 1303 Cedar Ave, Austin Texas 78702.

**We object** to all three of the variance request listed in the Notice of Public Hearing we received.

We feel the purposed home is too large for the lot size and does not fit with the character and style of the existing homes. We feel that allowing this purposed home on the lot size as designed, would harm our property values and set a bad precedent for future home construction in this area.

Please let us know if you need a copy of the form we received in the mail returned of if this email alone is ok?

Thank you,

Charles Granberry  
Tom Gordon  
512 567-1605

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**Case Number:** C15-2017-0005, 1211 Cedar Ave.

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

**Public Hearing:** Board of Adjustment, April 10th, 2017

*Mario Longoria*

Your Name (please print)

*1306 Singleton 78702*

Your address(es) affected by this application

*Mario Longoria*

Signature

Date

Daytime Telephone:

*(512) 786-5523*

Comments:

*The neighborhood has been historically comprised of single homes in standard size lots. This would significantly change the character of the neighborhood. 13.6 ft is way too narrow for a lot.*

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

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

**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

M02/55



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**Case Number: C15-2017-0005, 1211 Cedar Ave.**

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

**Public Hearing: Board of Adjustment, April 10th, 2017**

Ariane Corcoran  
Your Name (please print)

2705 E 13th Street

Your address(es) affected by this application

Signature

Daytime Telephone: (512) 917-6862

Date

Comments: This property seems invasive to the neighbors and is not in keeping with norms of the neighborhood. I understand that density and affordability are important goals, but the extreme accommodations being requested in this instance set a bad precedent.

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

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

**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

M02/56

**From:** [Michelle Lee](#)  
**To:** [Heldenfels, Leane](#); [Joe Melomo](#)  
**Subject:** Case Number: C15-2017-0005, 1211 Cedar Ave. - OBJECTION  
**Date:** Sunday, April 09, 2017 10:23:15 PM

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TO: City of Austin-Development Services Department/ First floor  
**Leane Heldefels**  
PO Box 1088  
Austin TX 78767

**Case Number: C15-2017-0005, 1211 Cedar Ave.**  
**Public Hearing: Board of Adjustment, April 10th 2017**

From: Michelle and Andrew Lee  
1213 Cedar Ave.  
Unit B  
Austin, TX 78702  
cell: 347-426-7056

I **object** to granting the variance requests.

I am opposed to the plan presented and to the extreme nature of the variances requested. Looking at the variances requested:

A. Decreasing the side yard setback from 5 feet to 2 feet 5 and 5/8th inches will make the building much closer to adjacent properties. I believe this will create problems during construction, as debris may land on and damage adjacent properties. This will also create lots of noise during construction that will be amplified by the proximity of the site to other properties.

It will also create a lot of noise, which is problematic as Andrew works from home as a graduate student. The construction would be disruptive to his studies, as his desk overlooks the proposed site. In addition, once the house is built, there will be more noise that filters in from outdoor conversations. We can already clearly hear outdoor noise from our next door neighbors with all windows closed, so having a closer yard would create more noise.

B. Decreasing the minimum lot size from 5,750 square feet to 1,594 square feet.

The proposed lot size is less than 30% of the required 5,750 square feet. This may create problems with accessing the property during construction. There is an oak tree at the front of the property. Site fencing surrounding the drip line of the oak tree on the property will prevent vehicular access



through the front of the lot and prevent any storage of construction materials or debris on the front end of the lot.

The fencing along with the crown of the tree prevent the ability to tow, push, or lift multiple 20 or 40 foot containers into place from the front of the lot.

The alley that gives access to the rear of the site has a single access point and many homes on it have driveways only via the alley. The alley is standard width and does not allow enough clearance for the towing or pushing of 40 foot shipping container into a 13.7 foot lot at right angles to the alley.

There appears to be no available space on the property to erect a crane that does not encroach on the property or right of way of residents.

C) Decreasing the minimum lot width from 50 feet to 13.6 feet.

Again, this is less than 30% of the minimum lot width required by code. Because of this extreme difference, I think this should not be granted.

Issues arising from granting this variance include the ones listed above. The small lot width makes construction difficult without interfering with the right of way of residents. It also makes it likely that debris may spill over into neighboring lots or construction may damage neighboring properties.

**From:** [Taggart, Kevin](#)  
**To:** [Heldenfels, Leane](#)  
**Subject:** Case Number: C15-2017-0005, 1211 Cedar Ave. - OBJECTION  
**Date:** Friday, April 07, 2017 4:24:38 PM

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**TO:** City of Austin-Development Services Department/ First floor  
**Leane Heldefels**  
PO Box 1088  
Austin TX 78767

Case Number: C15-2017-0005, 1211 Cedar Ave.  
Public Hearing: Board of Adjustment, April 10th 2017

Dear Leane,

I live at 1213 Cedar Avenue, and am opposed to the granting of these variances. I believe that the construction of the site would endanger our property, if it were feasible, and be a detriment to the traffic flow in the alley.

I also believe the construction would damage heritage trees in the yard. If it were possible for the owner to put up a bond for any possible damages, this would be very helpful.

Thank you, Kevin

Kevin Taggart

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**From** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Case Number: C15-2017-0005, 1211 Cedar Ave. - OBJECTION

**TO:** City of Austin-Development Services Department/ First floor  
**Leane Heldefels**  
PO Box 1088  
Austin TX 78767

Case Number: C15-2017-0005, 1211 Cedar Ave.  
Public Hearing: Board of Adjustment, April 10th 2017

From: Joe Melomo  
1213 Cedar Ave.  
Austin, TX 78702  
cell: 512-689-6112

I **object** to granting the variance requests.

I am not opposed to the property owner building on the site. I am opposed to the plan presented and to the extreme nature of the variances requested. Considering the limitations of the site; the scale of the project and the subsequent logistics of construction prompt many objections about the appropriateness of the design and the feasibility of constructing the project without endangering protected trees and adjacent properties.

#### Reasoning:

**The property does not conform to zoning requirements for standard or small lot sand the variances requested are extreme.**

**1. Minimum lot size:** According to the document the property owner shared with me last week the property is 1595 sq. ft. in area. This is smaller than the minimum required by the city for small home residential lots. The documentation shared appears to be in error on the minimum size of small lots. 25-2-779- small lot Single-family Residential Use (from the Land Development Code) states minimum lot size to be 3600 sq feet. **The property in question is 40% smaller than code allows for allows for small lot Single-Family residential use.**

reference

link: [https://www.municode.com/library/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LADE\\_CH25-2ZO\\_SUBCHAPTER\\_CUSDERE\\_ART4ADRECEUS\\_SPARESPUS\\_S25-2-779SMLOSIMIREUS](https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART4ADRECEUS_SPARESPUS_S25-2-779SMLOSIMIREUS)

**2. Minimum interior side yard set back:** According to the documentation provided by the property owner, the setbacks proposed are 2.5 feet on both sides. Section 25-2-779-small lot Single Family Residential Use states the minimum side-yard setback is 3.5 feet or a combined width of 7 feet. **The plans shared do not meet the requirements for standard or for small lot Single-Family residential setbacks.**

reference



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**3. Minimum Lot width:** the property is reported to be 13.7 ft. wide. Minimum lot width required for small lot residential is 40 feet or 35 feet if access to an alley. **The property is 39% narrower than code allows for small lot Single-Family residential use.**

reference

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## **Tree Protection:**

*excerpted from:* Environmental Criteria Manual: Appendix p-2: City of Austin Standard Notes for Tree and Natural Area Protection; Protective fences shall surround the trees or group of trees, and will be located at the outermost limit of branches (drip line) , for natural areas, protective fences shall follow the Limit of Construction line, in order to prevent the following:

- A. Soil compaction in the root zone area resulting from vehicular traffic or storage of equipment or materials;
- B. Root zone disturbances due to grade changes (greater than 6 inches cut or fill), or trenching not reviewed and authorized by the City Arborist;
- C. Wounds to exposed roots, trunk or limbs by mechanical equipment;

**The requisite fencing surrounding the drip line of the oak tree on the property will prevent all vehicular access through the front of the lot and prevent any storage of construction materials or debris on the front end of the lot.**

**The fencing along with the crown of the tree prevent the ability to tow, push, or lift multiple 20 or 40 foot containers into place from the front of the lot.**

## **Alley access:**

The alley that gives access to the rear of the site has a single access point and is the only means of egress for the residences along its length.

The alley is standard width and does not allow enough clearance for the towing or pushing of 40 foot shipping container into a 13.7 foot lot at right angles to the alley.

There appears to be no available space on the property to erect a crane that

dosen't encroach on the property or right of way of residents.

**Other compliance issues:** Given the limited information available in the property owners documentation the following concerns arise.

**Proposed plans do not comply with Title 25: Chapter 25-2: Subchapter F: Article 2: 2.7: Sidewall Articulation -**

Except as provided in subsection [2.7.2](#), if a side wall of a building is more than 15 feet high and is an average distance of less than nine feet from an interior lot line, the sidewall may not extend in an unbroken plane for more than 36 feet along a side lot line without a sidewall articulation that meets the requirements of this section.

**Proposed plans do not appear to comply with Title 25: Chapter 25-2: Subchapter F: Article 2: 2.6: Side Setback Planes and Article 3 definitions 3.4 Height**

... A structure may not extend beyond a setback plane except as authorized by subsection D. below. The height of a setback plane shall be measured under the requirements defined in [Section 3.4](#).

**Proposed plans do not appear to comply with Section 4: Residential Construction:4.4.7 Visitability**

**Indemnity**

In the event the Board sees fit to grant the requested variances I ask that, given the unusual construction challenges, the property owner be required to post a bond of \$50,000.00 per adjacent property prior to start of construction. This bond must payable to the adjacent property owners in the case of real property damage or reckless actions on the part of the 2011 Cedar Ave property owner or her contractors.

From: [Joe Melomo](#)  
To: [Heldenfels, Leane](#)  
Cc: [Kevin Taggart](#); [Ronan Melomo](#); [Michelle Lee](#); [Andrew Lee](#); [Jason Burroughs](#)  
Subject: Case Number: C15-2017-0005, 1211 Cedar Ave. - OBJECTION  
Date: Thursday, April 06, 2017 10:51:32 PM

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TO: City of Austin-Development Services Department/ First floor  
**Leane Heldefels**  
PO Box 1088  
Austin TX 78767

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From: Joe Melomo  
1213 Cedar Ave.  
Austin, TX 78702  
cell: 512-689-6112

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**3. Minimum Lot width:** the property is reported to be 13.7 ft. wide. Minimum lot width required for small lot residential is 40 feet or 35 feet if access to an alley. **The property is 39% narrower than code allows for small lot Single-Family residential use.**

reference

link:[https://www.municode.com/library/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LADE\\_CH25-2ZO\\_SUBCHAPTER\\_CUSDERE\\_ART4ADRECEUS\\_SPARESPUS\\_S25-2-779SMLOSIMIREUS](https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART4ADRECEUS_SPARESPUS_S25-2-779SMLOSIMIREUS)

#### **Tree Protection:**

*excerpted from:* Environmental Criteria Manual: Appendix p-2: City of Austin Standard Notes for Tree and Natural Area Protection; Protective fences shall surround the trees or group of trees, and will be located at the outermost limit of branches (drip line) , for natural areas, protective fences shall follow the Limit of Construction line, in order to prevent the following:

- A. Soil compaction in the root zone area resulting from vehicular traffic or storage of equipment or materials;
- B. Root zone disturbances due to grade changes (greater than 6 inches cut or fill), or trenching not reviewed and authorized by the City Arborist;
- C. Wounds to exposed roots, trunk or limbs by mechanical equipment;

**The requisite fencing surrounding the drip line of the oak tree on the property will prevent all vehicular access through the front of the lot and prevent any storage of construction materials or debris on the front end of the lot.**

**The fencing along with the crown of the tree prevent the ability to tow, push, or lift multiple 20 or 40 foot containers into place from the front of the lot.**

#### **Alley access:**

The alley that gives access to the rear of the site has a single access point and

is the only means of egress for the residences along its length.

The alley is standard width and does not allow enough clearance for the towing or pushing of 40 foot shipping container into a 13.7 foot lot at right angles to the alley.

There appears to be no available space on the property to erect a crane that doesn't encroach on the property or right of way of residents.

**Other compliance issues:** Given the limited information available in the property owners documentation the following concerns arise.

**Proposed plans do not comply with Title 25: Chapter 25-2: Subchapter F: Article 2: 2.7: Sidewall Articulation -**

Except as provided in subsection [2.7.2](#), if a side wall of a building is more than 15 feet high and is an average distance of less than nine feet from an interior lot line, the sidewall may not extend in an unbroken plane for more than 36 feet along a side lot line without a sidewall articulation that meets the requirements of this section.

**Proposed plans do not appear to comply with Title 25: Chapter 25-2: Subchapter F: Article 2: 2.6: Side Setback Planes and Article 3 definitions 3.4 Height**

... A structure may not extend beyond a setback plane except as authorized by subsection D. below. The height of a setback plane shall be measured under the requirements defined in [Section 3.4](#).

**Proposed plans do not appear to comply with Section 4: Residential Construction:4.4.7 Visitability**

**Indemnity**

In the event the Board sees fit to grant the requested variances I ask that, given the unusual construction challenges, the property owner be required to post a bond of \$50,000.00 per adjacent property prior to start of construction. This bond must payable to the adjacent property owners in the case of real property damage or reckless actions on the part of the 2011 Cedar Ave property owner or her contractors.

April 6, 2017

Board of Adjustment –

The Chestnut Neighborhood Plan and Contact Team discussed the variance requests at 1211 Cedar Ave and the team has voted ***not*** to support the current variance requests before the BOA.

After meeting with the developer and her architect several times the Chestnut NPCT decided this lot is too small to accommodate their plans for it. The building would be intrusively close to the adjacent neighbors and presents major concerns with construction, the large tree in the front yard and fire code. These requests are extreme departures from allowable building code and we urge the Board to deny the variances requested.

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



## PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

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

**Case Number:** C15-2017-0005, 1211 Cedar Ave.

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

**Public Hearing:** Board of Adjustment, April 10th, 2017

Your Name (please print)

JOHN JENKINS

☐ I am in favor  
☒ I object

Your address(es) affected by this application

2707 EAST 14TH STREET

Signature

Date

Daytime Telephone:

34-604-4772

Comments: I AM OPPOSED TO THE REQUESTED VARIANCES.

THE REQUESTED VARIANCES ARE NOT SUICHT DEVIATIONS FROM THE CODE, THEY ARE MINOR DEVIATIONS.

APPROVAL OF THESE VARIANCES WOULD SET A BAD PRECEDENT FOR FUTURE VARIANCE REQUESTS. I

CAN'T BELIEVE THE CITY IS EVEN CONSIDERING SUCH AN OUT-OF-ROUND

VARIANCE REQUEST.

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

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

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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

**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

M02/68

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**Public Hearing:** Board of Adjustment, April 10th, 2017

MONA FULTS

Your Name (please print)

2707 E. 14th St. Austin, 78702

Your address(es) affected by this application

MONA FULTS

4/3/2017

Signature

Date

Daytime Telephone: 512/826-2858

Comments: The property owner claim that the proposed variances will not alter the character of the area adjacent to property. I disagree are the adjacent property owners are opposed to variances then the application should be denied.

Thank you.

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

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