

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday, April 10, 2017

CASE NUMBER: C15-2017-0005

<input checked="" type="checkbox"/>	Y	Brooke Bailey
<input checked="" type="checkbox"/>	Y	William Burkhardt
<input checked="" type="checkbox"/>	Y	Eric Goff
<input checked="" type="checkbox"/>	Y	Melissa Hawthorne
<input checked="" type="checkbox"/>	Y	Bryan King
<input checked="" type="checkbox"/>	Y	Don Leighton-Burwell
<input checked="" type="checkbox"/>	Y	Rahm McDaniel
<input checked="" type="checkbox"/>	Y	Veronica Rivera
<input type="checkbox"/>	-	James Valadez Absent
<input checked="" type="checkbox"/>	Y	Michael Von Ohlen
<input checked="" type="checkbox"/>	Y	Kelly Blume (Alternate)
<input type="checkbox"/>	-	Martha Gonzalez (Alternate)
<input checked="" type="checkbox"/>	Y	Pim Mayo (Alternate)

OWNER/APPLICANT: Wenkai Chen

ADDRESS: 1211 CEDAR AVE

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the side yard setback from 5 feet (required) to 2 feet 5 and 5/8 inches (requested); and to**
 - B. decrease the minimum lot size from 5,750 square feet (required) to 1,594 square feet (requested); and to**
 - C. decrease the minimum lot width from 50 feet (required) to 13.6 feet (requested, existing)**
- in order to erect a 904 square foot single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut)**

Note: The Chestnut Neighborhood Plan permits a single family home to be built on a tract of land as small as 2,500 square feet but not smaller as proposed, therefore the variance requested is from the Land Development Code not the Neighborhood Plan.

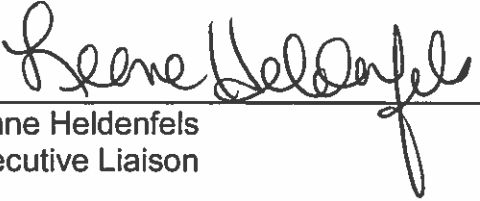
Subchapter F, Residential Design and Compatibility Standards of the Land Development Code will permit 4:1 FAR or 2,300 square feet which this application currently meets.

This tract does have Land Status that exempts it from platting.

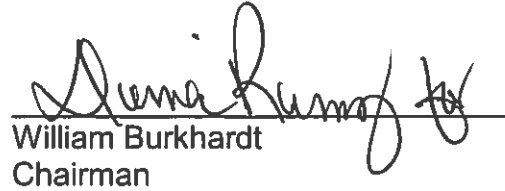
BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Melissa Hawthorne second on an 11-0 vote; DENIED.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

Ref: BOA case c15-2017-0005/1209 Cedar

From:

Wenkai Chen

To: City of Austin Board of Adjustment

Dear Board of Adjustment,

Thank you all so much for giving us the opportunity to present BOA case c15-2017-0005/1209 Cedar case in the April 10th meeting, I really appreciate all the input you provided during the meeting. It is very valuable.

I sincerely ask you to reconsider this case based on the design changes we made based on your feedback. Below is the **summary of new evidences/design changes**:

1. The hardships are on the property only. It exists regardless who owns it.
 - ☐ It is a legal lot. The transactions on this property were legally and fairly executed.
 - ☐ The hardships (of the lot) have been in existence since 1944 when it was divided off as a separate.
 - ☐ With today's zoning ordinances, this legal lot's hardships would apply to anyone who owns this property except for the two immediate neighbors, who would have to combine their existing lot with this lot in order to avoid the variances.
2. We considered the suggestions from the board members and made changes accordingly:
 - ☐ Remove the 2nd floor entirely, making it a true single floor tiny house – 322 sq ft.
 - ☐ Use of ample clearstory windows and skylights to address concerns from neighbors.

Please review the attached PDF file for the changes.

Thanks,

Wenkai Chen

Applicant for BOA case c15-2017-0005/1209 Cedar

1211 Cedar Avenue, Austin 78702

Land Use Proposal

April 20th, 2017

Summary of new evidences/design changes:

1. The hardships are on the property only. It exists regardless who owns it.
 - ☐ It is a legal lot. The transactions on this property were legally and fairly executed.
 - ☐ The hardships (of the lot) have been in existence since 1944 when it was divided off as a separate.
 - ☐ With today's zoning ordinances, this legal lot's hardships would apply to anyone who owns this property except for the two immediate neighbors, who would have to combine their existing lot with this lot in order to avoid the variances.
2. We considered the suggestions from the board members and made changes accordingly:
 - ☐ Remove the 2nd floor entirely, making it a true single floor tiny house – 322 sq ft.
 - ☐ Use of ample clearstory windows and skylights to address concerns from neighbors.

Relevant quote from Board of Adjustment Guidebook, July 2015

Here's what you have to prove:

- (a) A hardship that's unique to the property and not common to the area. Self-created or financial hardships are not enough, nor are personal circumstances, design preferences, or desire for additional space. ***Focus on the property, not the people.***
- (b) The regulation deprives your property of a "reasonable use" that's fundamental to its use & enjoyment and is allowed by zoning ordinance. Simply wanting to make your property more valuable is not sufficient for a variance.
- (c) Granting the variance would not change the character of your neighborhood, impair the use of adjacent property, or impair the purpose of the regulations. To satisfy these findings, proposed construction must be consistent with surrounding development in appearance and intensity.

☐ **Purpose:**

To seek the granting of three variances in order to erect a single family residence located at 1211 Cedar Avenue. All three variances arise due to the property's existing hardships.

1.Minimum Lot Size	(required 2500 sq. ft.)	(proposed 1,594 sq. ft.)
2.Minimum Lot Width	(required 25 ft)	(Proposed 13.6 ft)
3.Minimum Setbacks - Interior Side Yard	(required 5 ft)	(proposed 2.47 ft)

☐ **Description of land parcel (per property record)**

0.0367 acres, 1,599.39 Sq ft,

13.67 Eff Front, 117.00 Eff Depth

North 13.67 feet of Lot 11, Block 24, Glenwood Addition to East Austin. Plat Np. 2/154 as described in Volume 6708, Page 819 of the deed records of Travis County, Texas.

☐ **Description of the proposed structure:**

One Story single family residential structure approximately 322 sq ft of living space.

➤ Ground Floor: 322 sq ft (42 ft x 7.66 ft = 322 sq ft)

☐ **Key Features for the proposed structure:**

- Small, architecturally appealing
- Green – recycle used containers
- Minimum impact to the neighborhood (Tiny house)
- Improve the density of the area yet avoiding monster buildings

Standard for SF-3 vs. Proposed – Quick Comparison

Site Development Standards

Lot

Minimum Lot Size	5,750 sq ft
Minimum Lot Width	50 ft
Maximum Units Per Lot	1
Maximum Building Coverage	40%
Maximum Impervious Cover	45%

Massing

Maximum Height	35 ft
Minimum Setbacks	
Front yard	25 ft
Street side yard	15 ft
Interior side yard	5 ft
Rear yard	10 ft

Lot

Minimum Lot Size	1594 sq ft
Minimum Lot Width	13.6 ft
Maximum Units Per Lot	1
Maximum Building Coverage	26%
Maximum Impervious Cover	44.2%

Massing

Maximum Height	14.1 ft
Minimum Setbacks	
Front Yard	25 ft
Street side yard	25 ft
Interior side yard	2.47 ft
Rear Yard	10 ft

Reduced

Building Key Measurements (Complies):

Single Floor

1. MAXIMUM HEIGHT

Required: 35 ft.

Proposed: 14.1 ft (14'-1 ¼")

Complies

2. TWO PARKING LOTS

Required: 2 spaces

Proposed: 2 spaces (open parking)

Complies

3. MINIMUM SETBACKS:

Front yard

Required: 25 ft.

Proposed: 25 ft.

Complies

Rear Yard

Required: 10 ft.

Proposed: 10 ft.

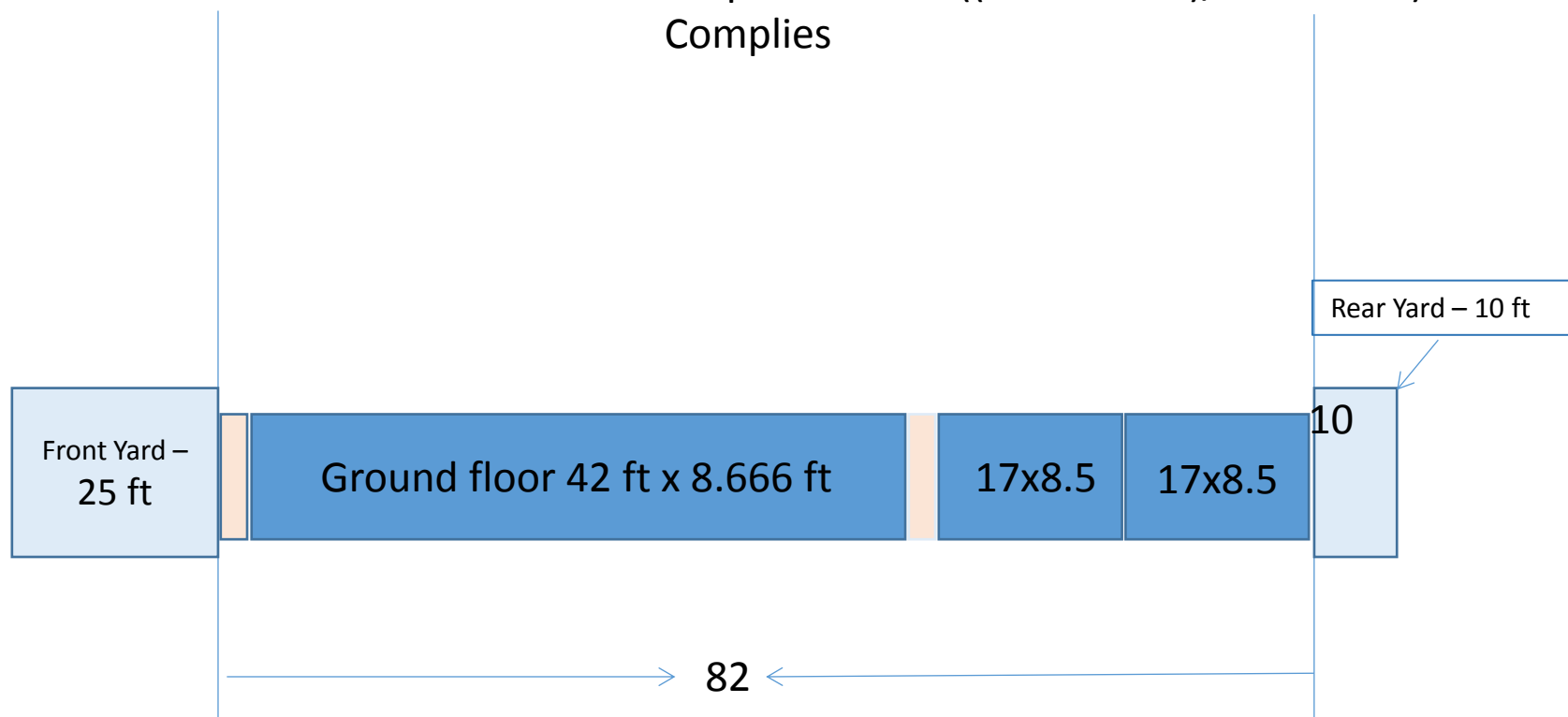
Complies

4. Maximum Building Coverage

Required: 40%

Proposed: 26% $((364+26+26)/1594=26\%)$

Complies



Lot Area:

1594 SQ.FT.

Floor Building Footprint:

364 SQ.FT (42 x 8.666)

Front Porch:

26 SQ.FT .

Rear Porch:

26 SQ.FT .

Rear Driveway/Parking Area:

289 SQ.FT .

Maximum Building Coverage:

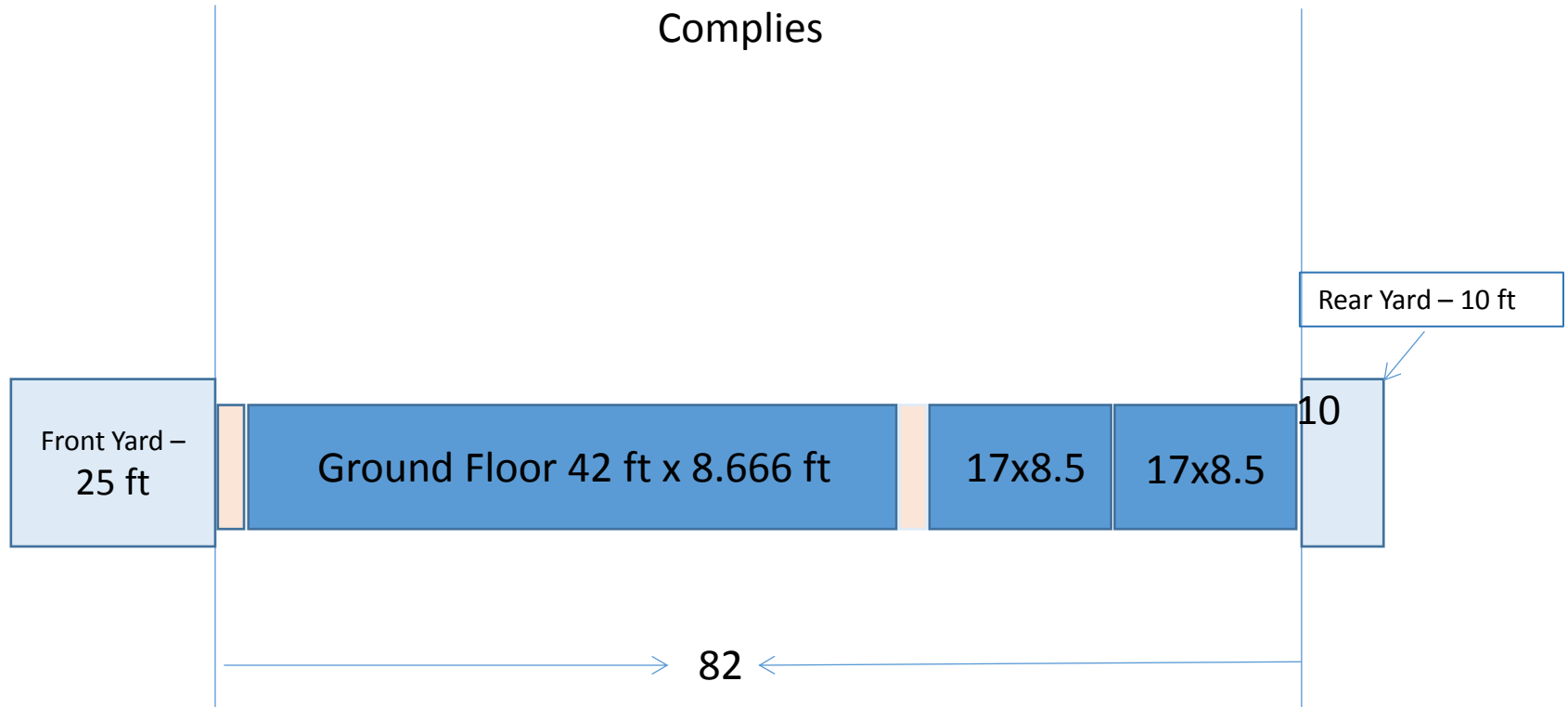
416 SQ.FT.

5. IMPERVIOUS COVERAGE

Required: 45%

Proposed: 44.2%

Complies



Lot Area:

1594 SQ.FT.

Floor Building Footprint:

364 SQ.FT (42 x 8.666)

Front Porch:

26 SQ.FT .

Rear Porch:

26 SQ.FT .

Rear Driveway/Parking Area:

289 SQ.FT .

Impervious Coverage Area:

705 SQ.FT.

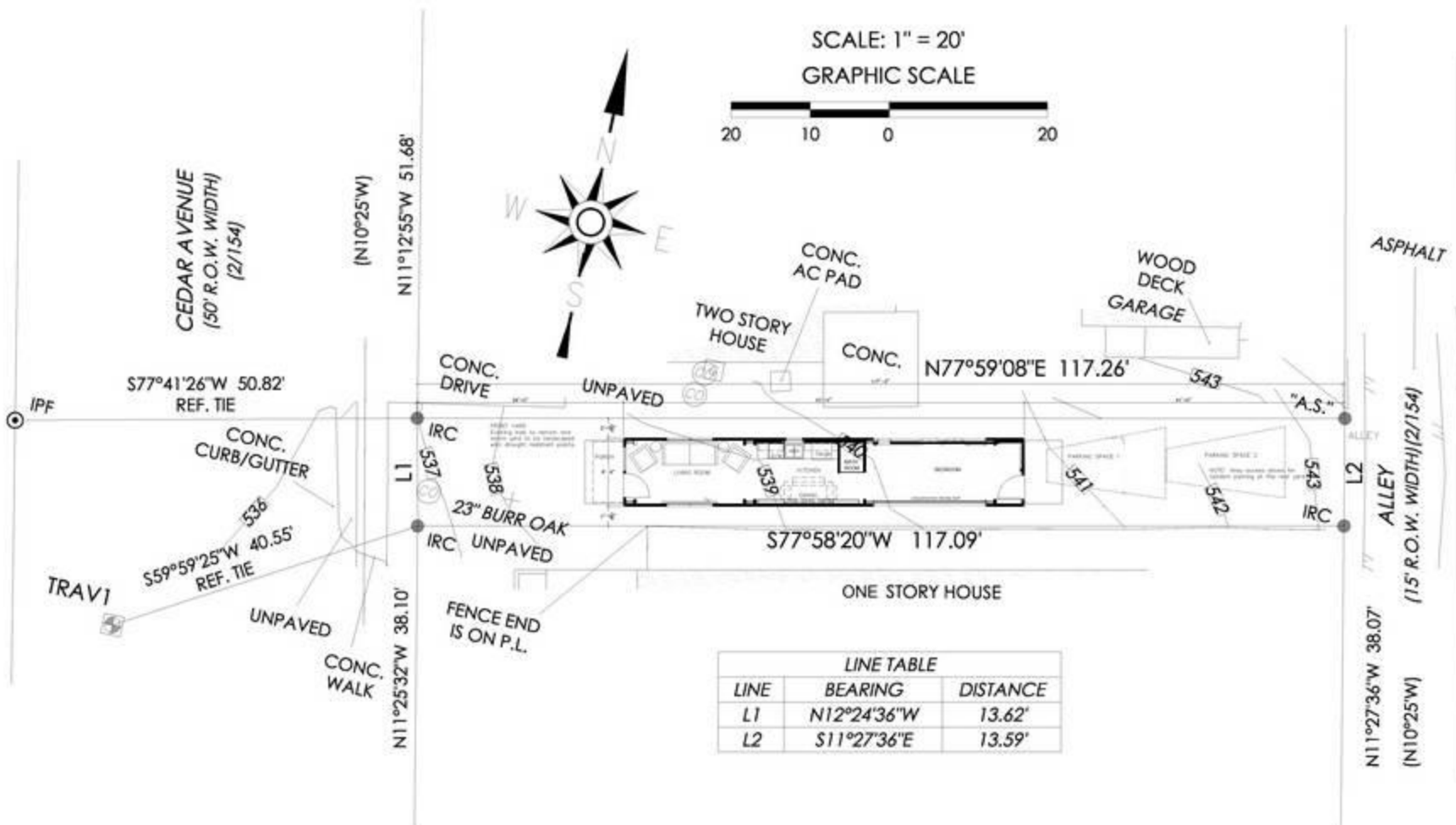
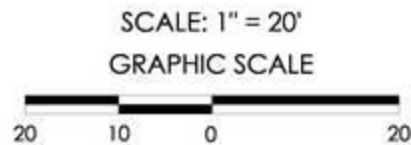
Building Key Measurements (variances)

6. MINIMUM LOT SIZE: Required: 2,500 sq ft
Existing: 1,594 sq ft
VARIANCE REQUIRED

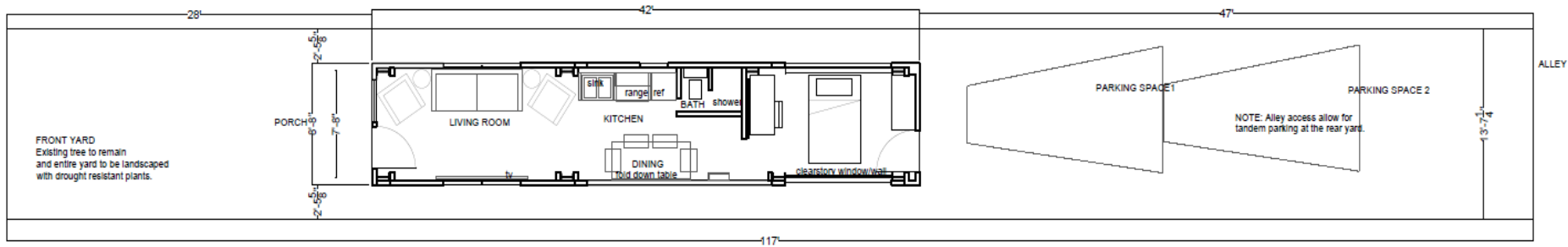
7. MINIMUM LOT WIDTH: Required: 25 ft
Proposed: 13.6 ft
VARIANCE REQUIRED

8. Minimum Setbacks - Interior Side Yard:
Required: 5 ft
Proposed: 2.47 ft
VARIANCE REQUIRED

- ☐ These hardships are unique to the property and not common to the area.
- ☐ The hardship is not general to the area in which the property is located.
- ☐ The variances 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 zoning regulations of the zoning district in which the property is located.

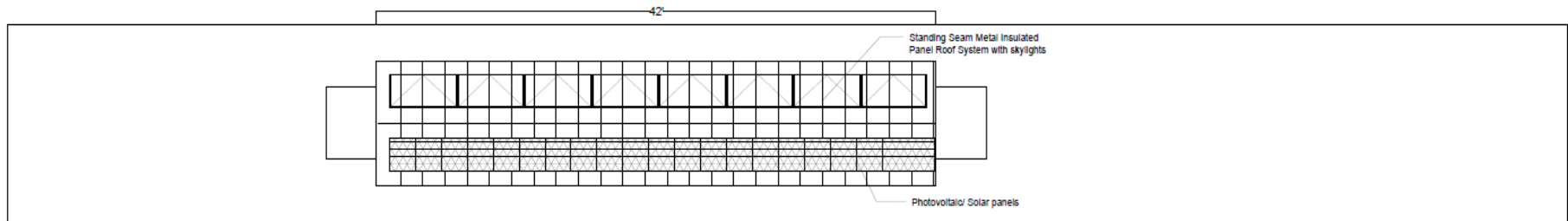


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N12°24'36"W	13.62'
L2	S11°27'36"E	13.59'

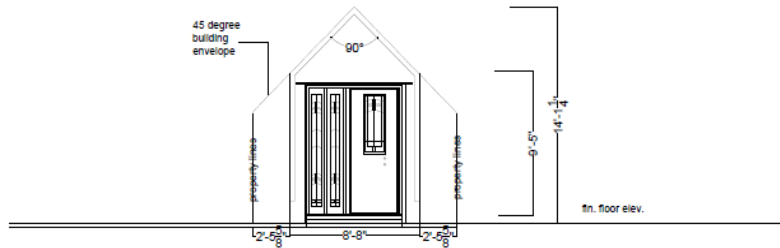


GROUND FLOOR PLAN

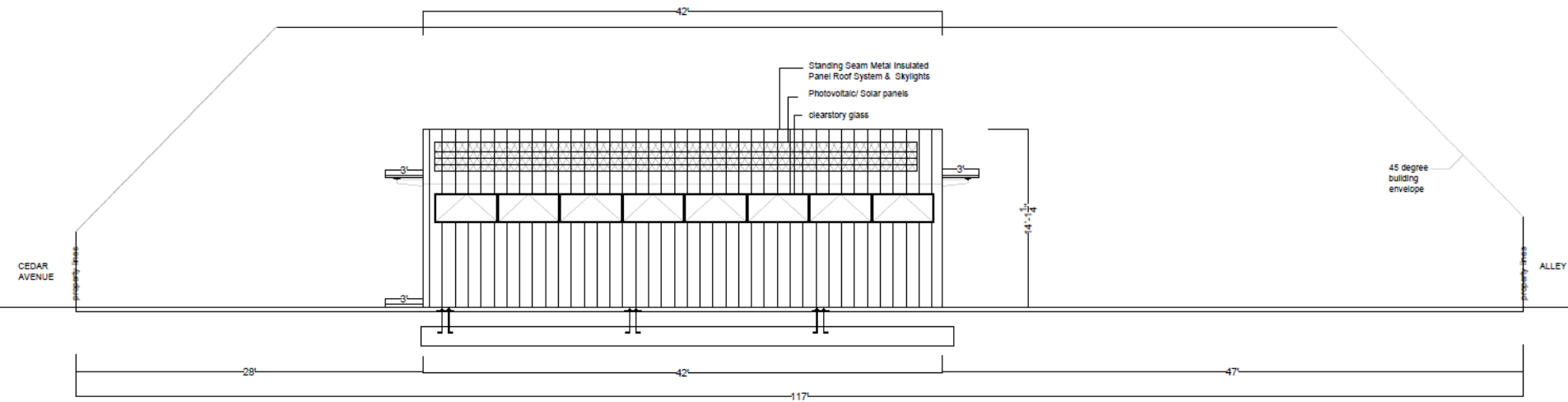
AREA: $42 \times 7.666 = 322$ sqft



ROOF PLAN



FRONT/WEST SIDE ELEVATION



SIDE/SOUTH SIDE ELEVATION





Questions?

From: [rebecca dreke](#)
To: [Heldenfels, Leane](#)
Subject: Opposition to 1211 Cedar Avenue 78702 variance proposal
Date: Monday, April 10, 2017 4:54:03 PM

Good afternoon,

I writing as a home owner, neighbor and resident of Cedar Avenue in 78702. I want to voice my opposition to the variances for the proposal to build a two story house at 1211 Cedar Avenue, requested by Ms WenKai Chen.

My opposition is for the following reasons:

1. The variances are unreasonable. The developer wishes to build a large two story structure that would take up much more than the allowable FAR, violate the ordinances for tenting and side walls, and would be such a tight squeeze between the house and the fences that agencies such as fire and police equipment may not be able to get to people in need of help. These variances go far beyond the sizes and percentages that appear to be allowed by current code. If exceptions are made for this property, it sets a terrible precedent for any neighborhood to have development that is predictable and appropriate. 2. The heritage oak tree in the front yard is many years old. According to the city permit that Ms Chen filed, she claimed it was "dead". However, the city correctly refuted this and in fact determined the tree is not in distress; the wish to have the tree cut down is only an attempt to make room for her proposed development. 3. To my understanding, all utility services, would have to run from the street to the residence, which would go right through the root ball of the tree. I believe this is not allowed by city code, and would likely cause the tree great harm. 4. The neighbors on both sides oppose the construction. Due to the incredibly close proximity of this strip of land to each house, I can understand them not wanting a 20 foot tall house just a few feet from their windows and doors. In my opinion, this house is a speculator's attempt to flip a property in an up and coming neighborhood, with no regard to the community the property sits in. Please do not approve these variances.

Thank you for your consideration of this matter.

Sincerely,
Rebecca Dreke
1805 Cedar Avenue
Austin, TX 78702



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2017-0005
LOCATION: 1211 Cedar Avenue



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

1" = 123'



Development Services Department

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

Board of Adjustment General/Parking Variance Application

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

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

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

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

For Office Use Only

Case # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

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

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on

Month _____, Day _____, Year _____, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

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

Type of Structure: _____

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

Section 2: Variance Findings

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

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

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

Reasonable Use

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

Hardship

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

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

Area Character

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

Parking (additional criteria for parking variances only)

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

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

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

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

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

Section 3: Applicant Certificate

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

Applicant Signature: _____ Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 4: Owner Certificate

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

Owner Signature: _____ Date: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

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

[illegible]



**Development Services Department
Land Status Determination
Legal Tract Platting Exception
Certification**

May 19, 2016

File Number: **C8I-2016-0132**

Address: **1211 CEDAR AVE**

Tax Parcel I.D. **#0208110613**

Tax Map Date: **06/01/2015**

The Development Services Department has determined that the property described below and **as shown on the attached tax map:**

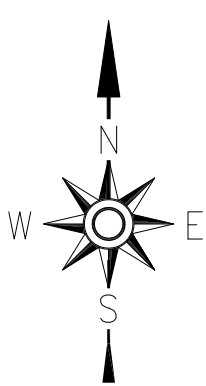
Is a **LEGAL TRACT** consisting of the **North 13.67 Feet of Lot 11, Block 24, Glenwood Addition to East Austin**, created prior to **Mar 14, 1946** (Grandfather Date) as evidenced by deed recorded in Volume **741**, Page **137** of the **Travis** County Deed Records on **Apr 25, 1944** being the same property as currently described in deed recorded in **Document #2015105559** of the **Travis** County Deed Records on **Jul 3, 2015** and is eligible to receive utility service.

Additional Notes/Conditions:
NONE

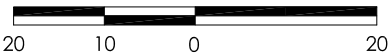
This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of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

By: *Michelle Casillas*
**Michelle Casillas, Representative of the Director
Development Services Department**

Map Attachment



SCALE: 1" = 20'
GRAPHIC SCALE



LEGEND

- 1/2" IRON ROD FOUND (OR AS NOTED)
- IRC 1/2" IRON ROD WITH UNREADABLE CAP FOUND
- "A.S." 1/2" IRON ROD WITH "ALL-STAR" CAP FOUND
- ⊙ IPF IRON PIPE FOUND (SIZE NOTED)
- ⊗ X IN CONC. FOUND
- ⊕ CONTROL POINT/BENCHMARK LOCATION
- OU— OVERHEAD UTILITIES
- ⊡ GAS UTILITY
- ⊙ CLEANOUT
- //— EDGE OF PAVEMENT
- CHAIN LINK FENCE
- //— WOOD FENCE
- P.O.B. POINT-OF-BEGINNING
- R.O.W. RIGHT-OF-WAY
- () RECORD INFORMATION

OWNER:
WENKAI CHEN

JOB: 066—001

ADDRESS:
1211 CEDAR AVENUE
AUSTIN, TX 78702

LEGAL DESCRIPTION:

0.0366 ACRE (APPROX. 1594 SQ. FT.)
BEING ALL OF THE NORTH 13.67 FEET OF LOT 11 , BLOCK 24,
OUTLOT 32&33, DIVISION B, GLENWOOD ADDITION, A
SUBDIVISION OF RECORDED IN VOLUME 2, PAGE 154 OF THE PLAT
RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WENKAI
CHEN IN A CONSTABLE'S DEED DATED JUNE 29TH, 2015,
RECORDED IN DOCUMENT NO. 2015105559 OF THE OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

NOTE ON ZONING/SETBACKS:

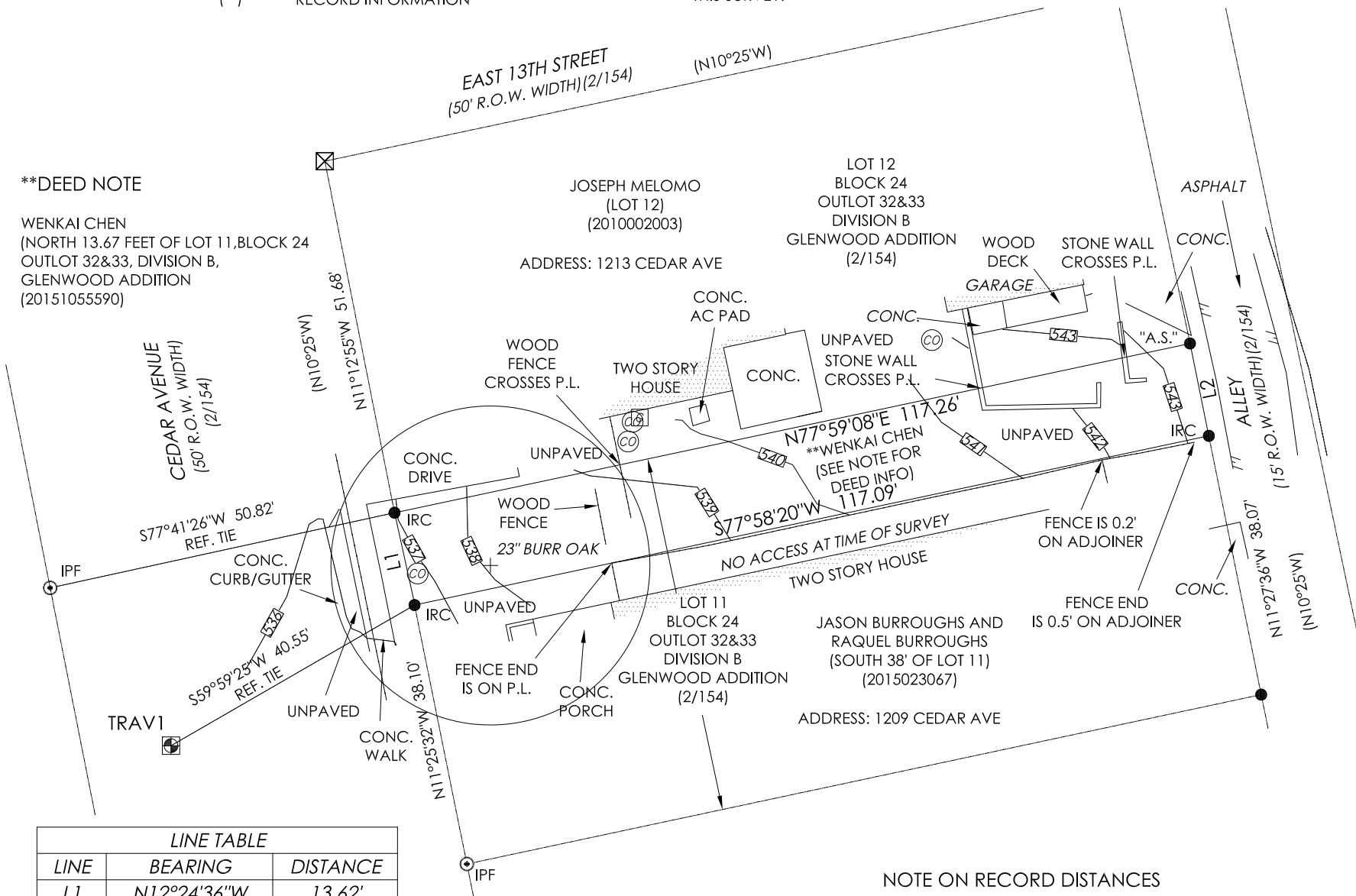
THE SUBJECT TRACT APPEARS TO BE WITHIN AN AREA ZONED SF-3-NP. PER THE APPROVED
SCOPE OF THE SURVEY, THE SURVEYOR DOES NOT RESEARCH NEIGHBORHOOD PLANS,
AND DOES NOT SHOW ZONING SETBACKS IN AREAS WITH NP DESIGNATION UNLESS
PROVIDED BY OTHERS. THE LACK OF ZONING SETBACKS SHOWN DOES NOT IMPLY THAT
SETBACKS PER ZONING DESIGNATION DO NOT EXIST. SURVEYOR ADVISES THAT SETBACKS
BE DETERMINED BY A ZONING DEPARTMENT OFFICIAL AT THE CITY OF AUSTIN, AND THE
INFORMATION FORWARDED TO THE SURVEYOR TO BE PLACED ON THE SURVEY.

TITLE COMMITMENT NOTE:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE,
AND MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS NOT SHOWN
HEREON. NO ADDITIONAL EASEMENT RESEARCH WAS DONE FOR THE PURPOSE OF
THIS SURVEY.

**DEED NOTE

WENKAI CHEN
(NORTH 13.67 FEET OF LOT 11,BLOCK 24
OUTLOT 32&33, DIVISION B,
GLENWOOD ADDITION
(20151055590)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N12°24'36"W	13.62'
L2	S11°27'36"E	13.59'

FLOOD-PLAIN NOTE:

The tract shown hereon lies within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain), as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 48453C0465J, dated January 6, 2016, for Travis County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS OBSERVATION FROM COA MONUMENTS L-23-4001 AND CB34.

TRAV 1
MAG NAIL W/WASHER SET IN ASPHALT

TEXAS STATE PLANE COORDINATES:
N 10073697.81
E 3123582.79
ELEVATION = 535.05' (NAVD88)

ELEVATIONS SHOWN ARE BASED ON GPS DIFFERENTIAL LEVELING TO COA PUBLISHED DATA FOR COA MONUMENT REFERENCE L-23-4001, HAVING COORDINATE VALUES OF N=10073751.58 AND E=3125267.29, WITH PUBLISHED ELEVATION OF 528.94'

COMBINED SCALE FACTOR =0.99994017
(FOR SURFACE TO GRID CONVERSION)

SCALED ABOUT 0.0
THETA ANGLE: 01°21'08"

NOTE ON RECORD DISTANCES

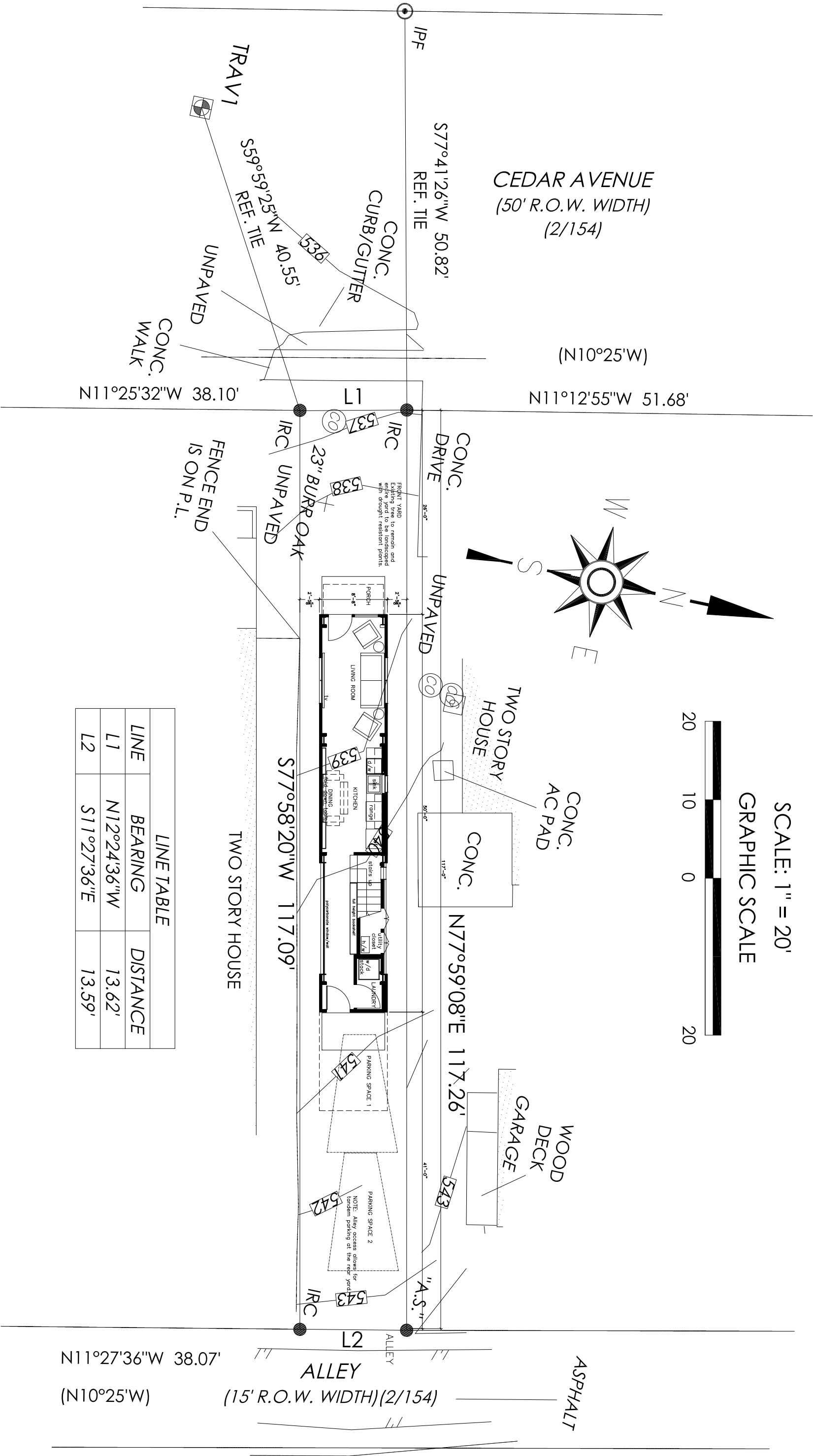
THE LOTS WITHIN THIS BLOCK ARE SHOWN TO BE 117' X 51.67' ON THE PLAT OF RECORD (2/154).

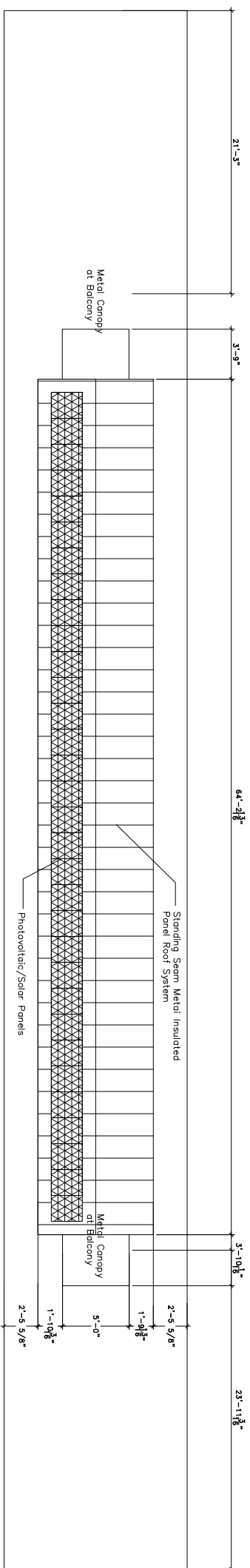
SURVEYOR'S CERTIFICATE:

DATE OF SURVEY:

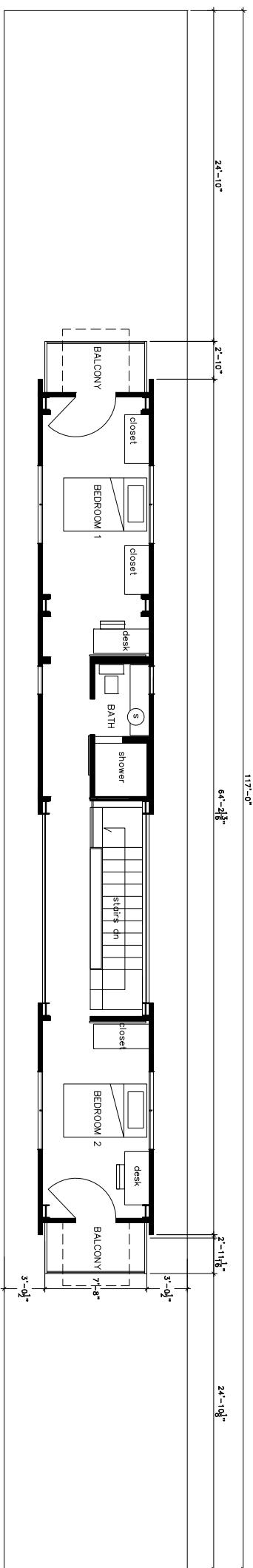
I hereby certify that a survey of the property shown hereon was actually made upon the ground under my direction and supervision on the date shown. This survey was made substantially in accordance with the standards and conditions set forth for a Category 6, Condition I, Topographic Survey, based on the Manual of Practice for Land Surveying in Texas, 2006 Revised Eleventh Edition, prepared by the Texas Society of Professional Surveyors.

Curtis W. Watts Date of Survey
Registered Professional Land Surveyor
State of Texas No. 6614



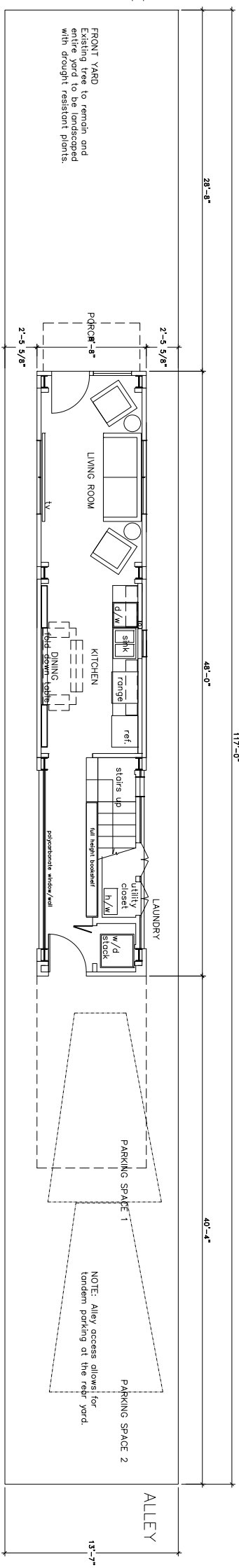


Roof Plan



TOP Floor

Square footage/Area: 540 sq.ft.



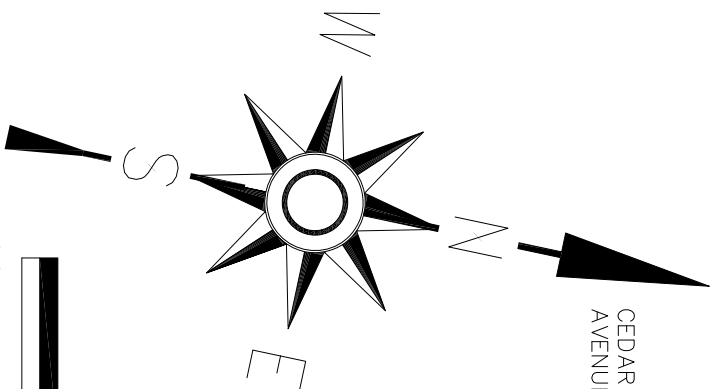
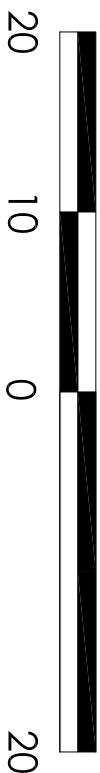
GROUND Floor

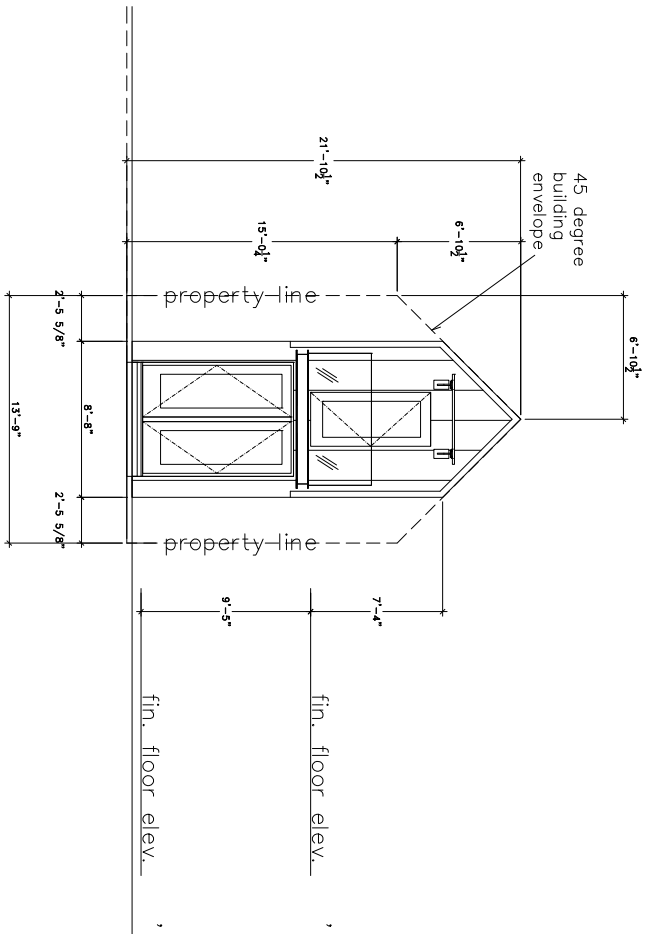
Square footage/Area: ~~416~~ sq.ft.

416
364

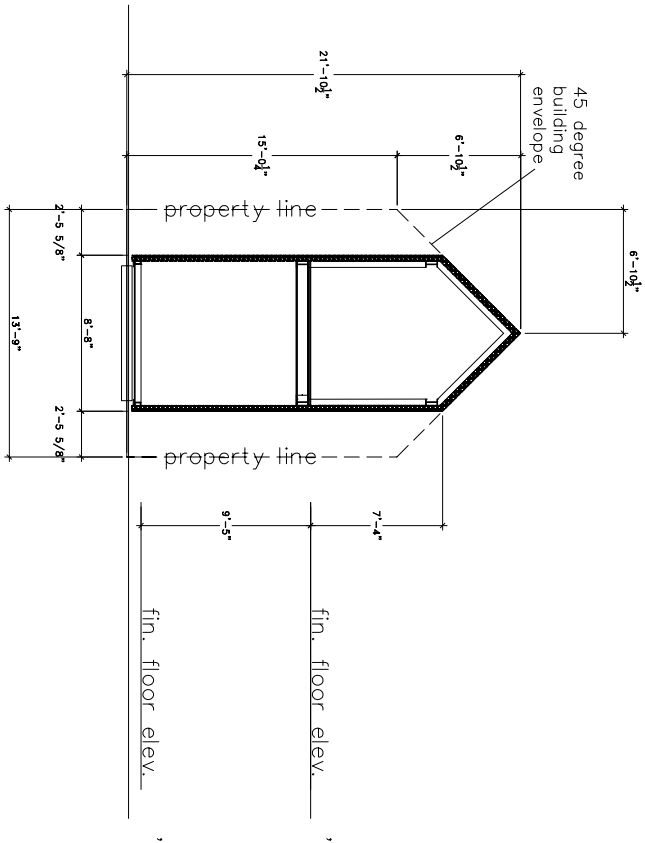
SCALE: 1" = 20'

GRAPHIC SCALE

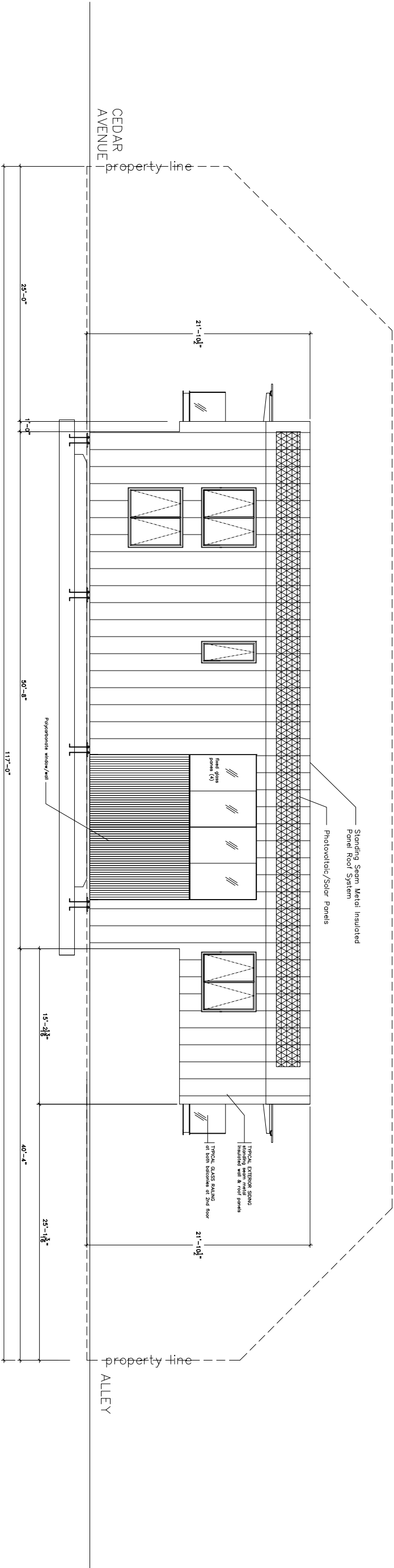


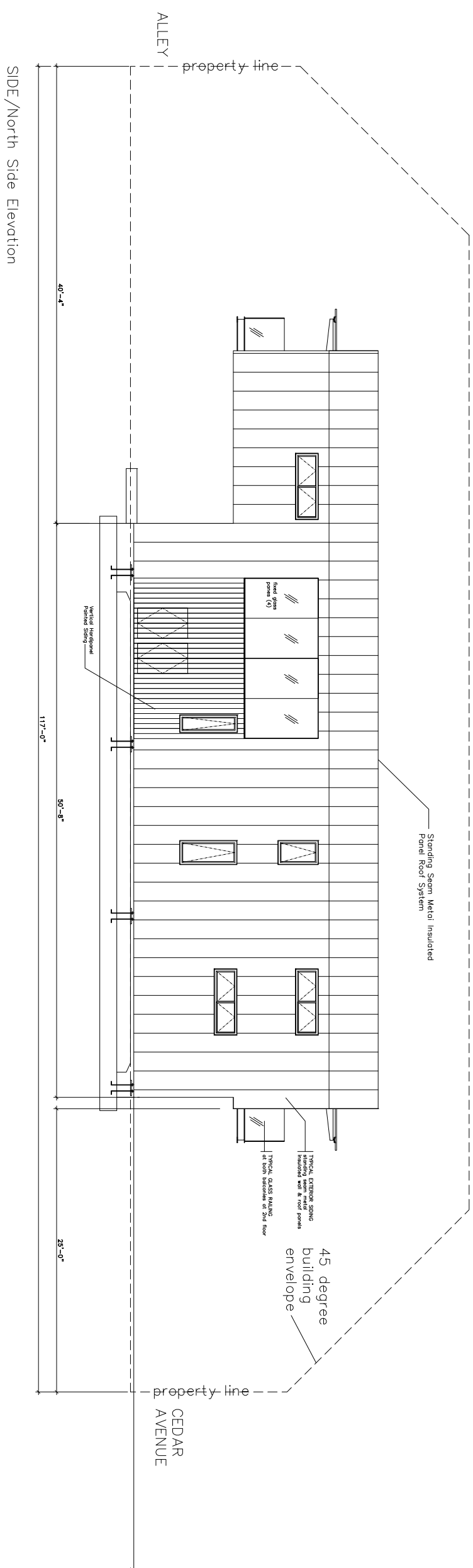


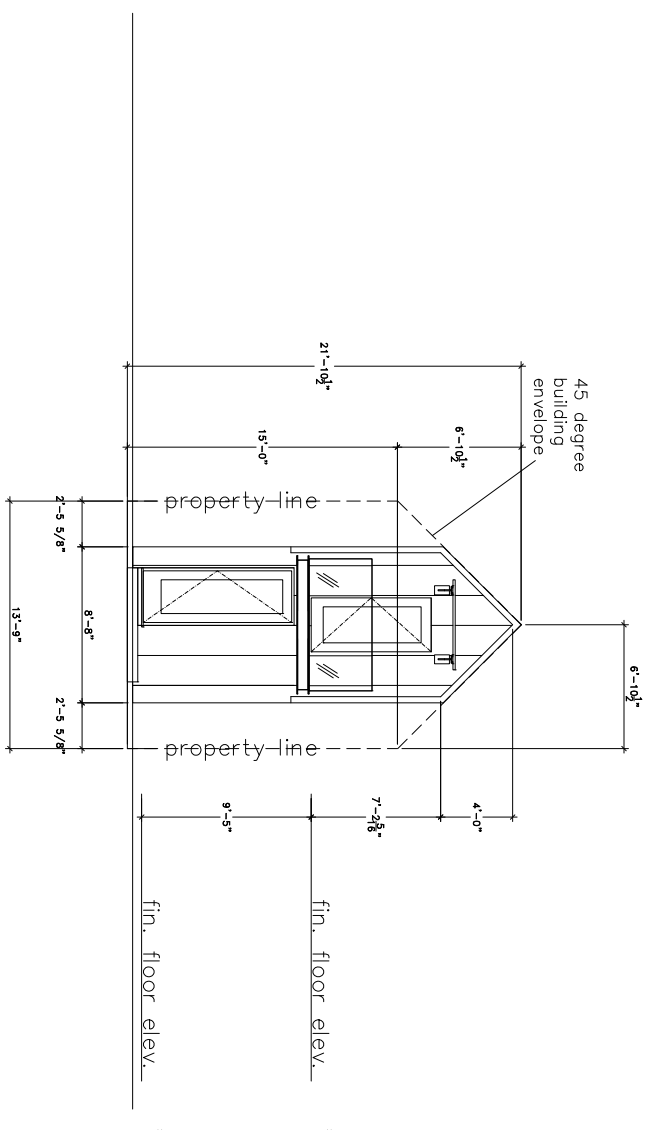
FRONT/West Side Elevation



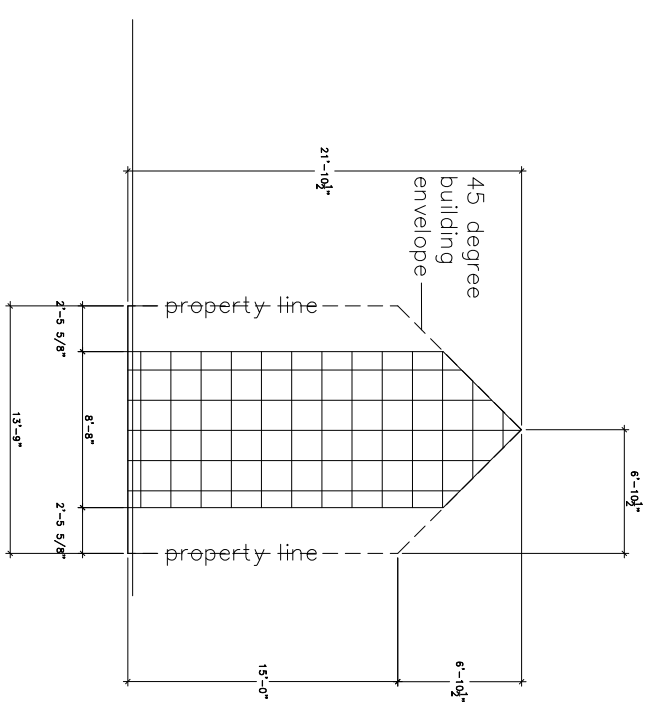
Section BB inside typ. column bay

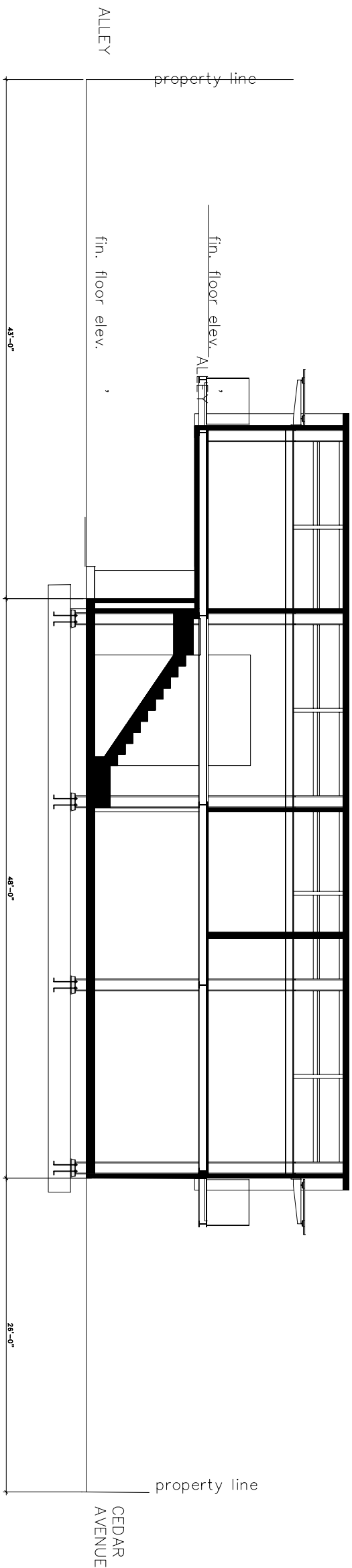






REAR/East Side Elevation



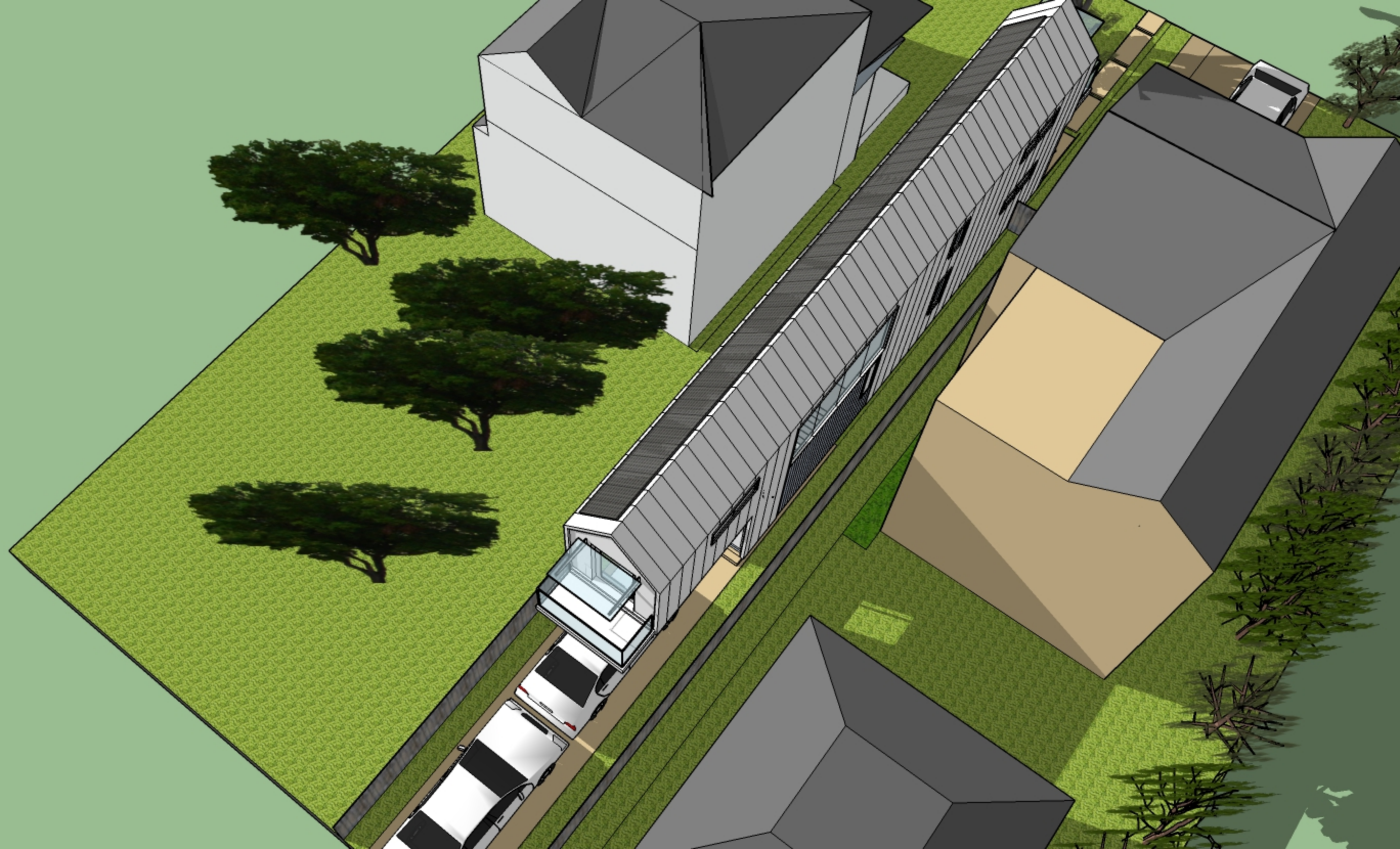








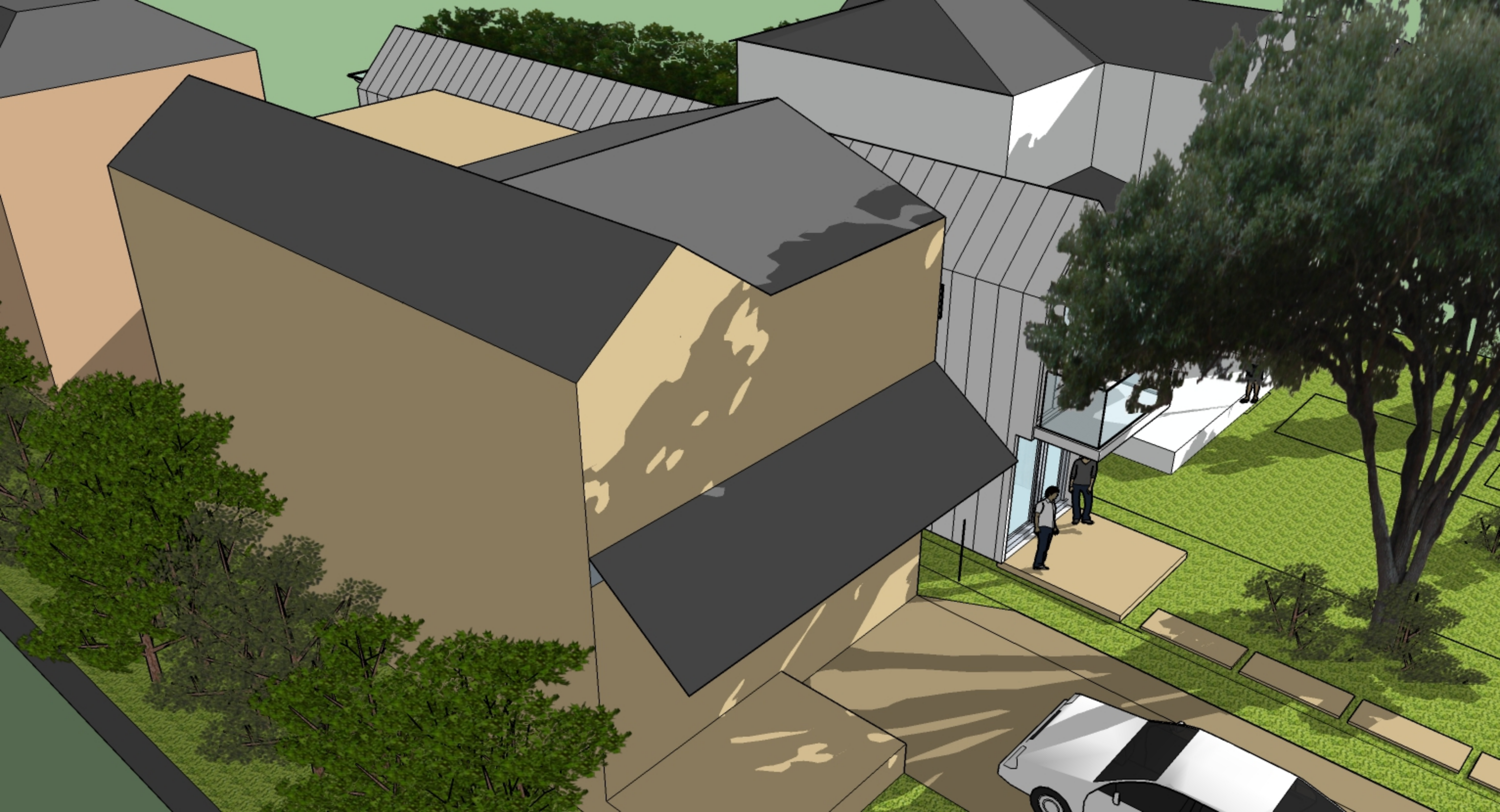










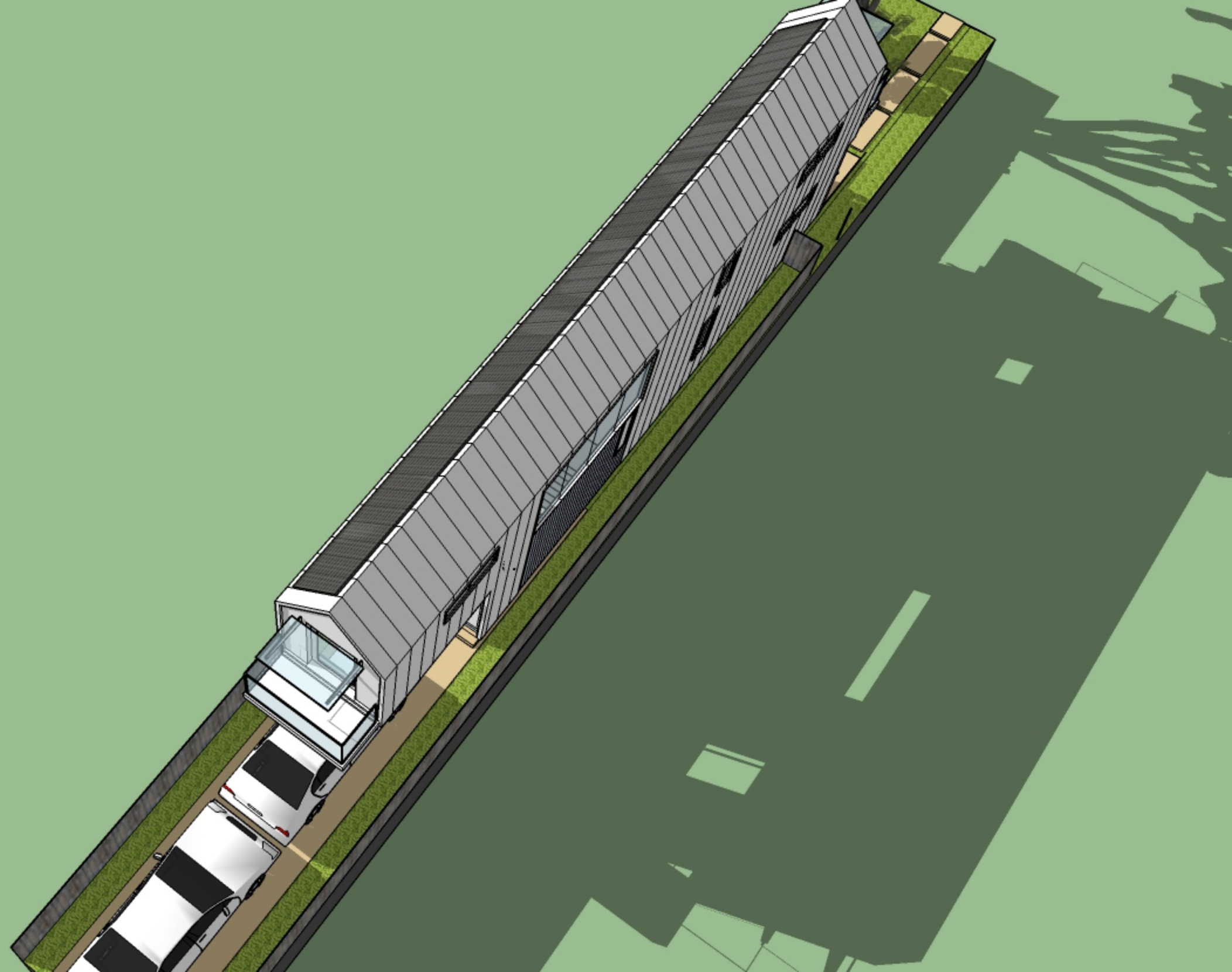


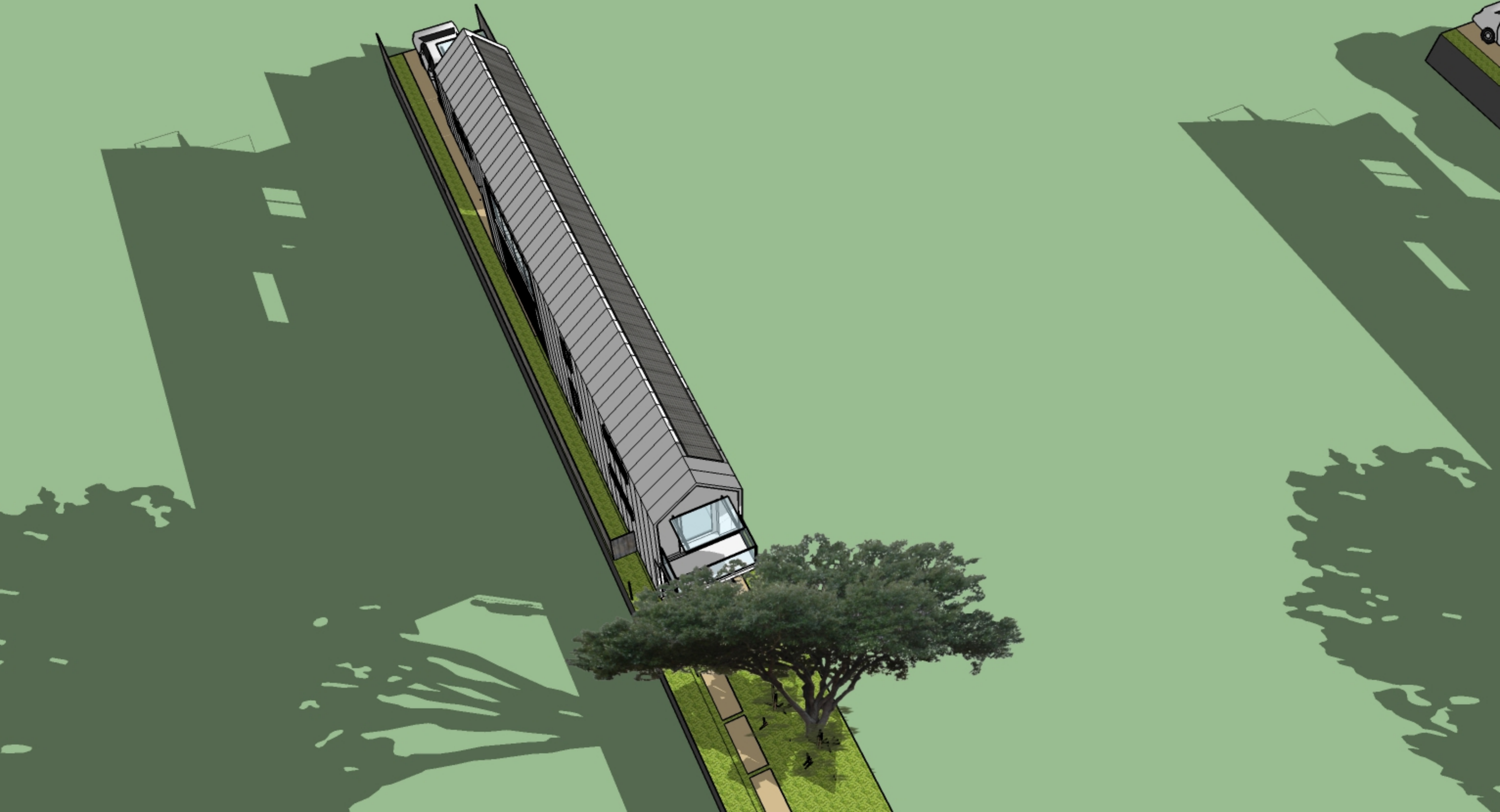


















1211 Cedar Avenue, Austin 78702

Land Use Proposal

April 2017

☐ **Purpose:**

To seek the granting of three variances in order to erect a single family residence located at 1211 Cedar Avenue. All three variances arise due to the property's existing hardships.

1.Minimum Lot Size	(required 2500 sq. ft.)	(proposed 1,594 sq. ft.)
2.Minimum Lot Width	(required 25 ft)	(Proposed 13.6 ft)
3.Minimum Setbacks - Interior Side Yard	(required 5')	(proposed 2'-5 5/8")

☐ **Description of land parcel (per property record)**

0.0367 acres, 1,599.39 Sqft,

13.67 Eff Front, 117.00 Eff Depth

North 13.67 feet of Lot 11, Block 24, Glenwood Addition to East Austin. Plat Np. 2/154 as described in Volume 6708, Page 819 of the deed records of Travis County, Texas.

☐ **Description of the proposed structure:**

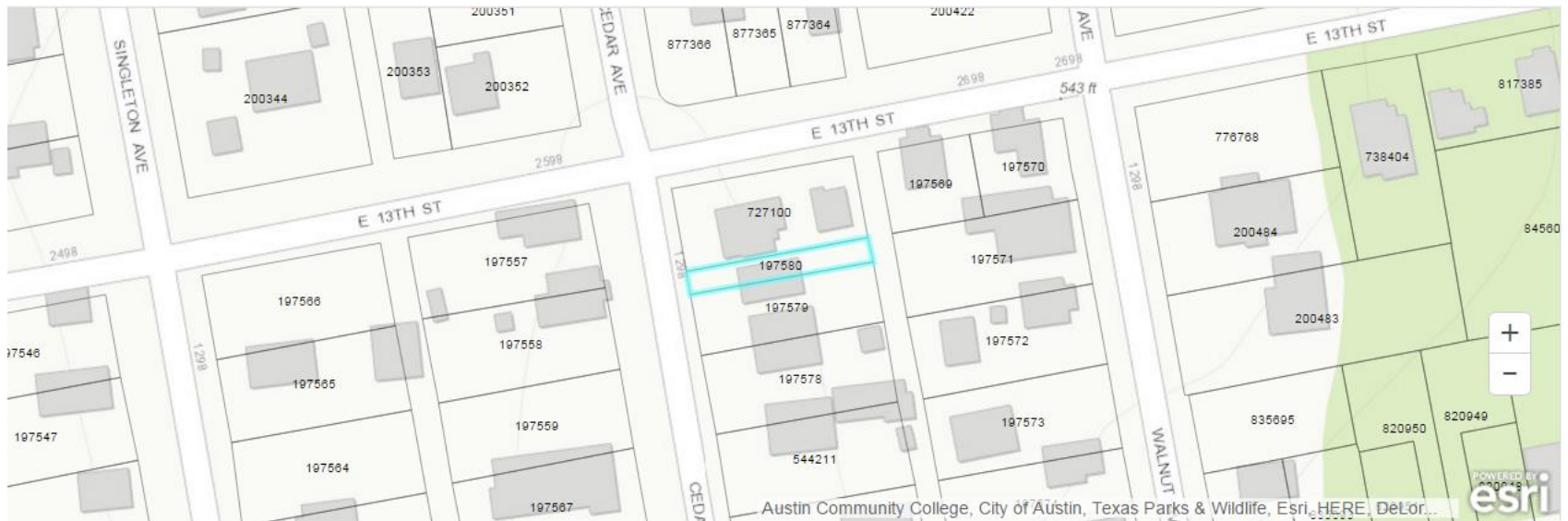
Two stories single family residential structure approximately 904 sqft of living space.

- First Floor: 364 sqft
- Second Floor: 540 sqft

☐ **Key Features for the proposed structure:**

- Small, architectural appealing
- Green – recycle used containers
- Minimum impact to the neighborhood
- Improve the density of the area yet avoiding monster buildings

Travis CAD Map related to the property:



Standard for SF-3 vs. Proposed – Quick Comparison

Site Development Standards

Lot

Minimum Lot Size	5,750 sq ft
Minimum Lot Width	50 ft
Maximum Units Per Lot	1
Maximum Building Coverage	40%
Maximum Impervious Cover	45%

Massing

Maximum Height	35 ft
Minimum Setbacks	
Front yard	25 ft
Street side yard	15 ft
Interior side yard	5 ft
Rear yard	10 ft

Lot

Minimum Lot Size	1594 sq ft
Minimum Lot Width	13.6 ft
Maximum Units Per Lot	1
Maximum Building Coverage	39.5%
Maximum Impervious Cover	44.8%

Massing

Maximum Height	21.875 ft
Minimum Setbacks	
Front Yard	25 ft
Street side yard	25 ft
Interior side yard	2.47 ft
Rear Yard	10 ft

Building Key Measurements (Complies):

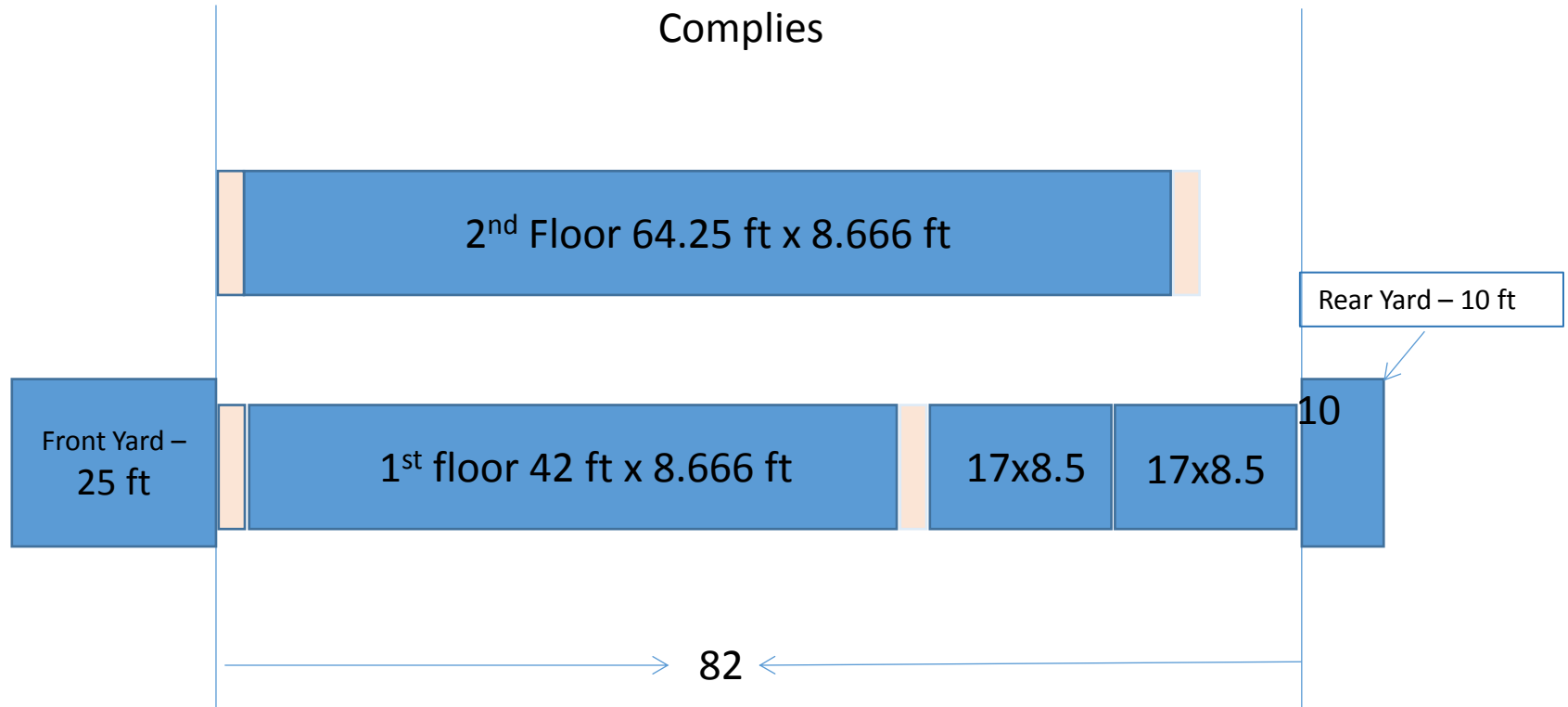
- | | | |
|----------------------|---|--|
| 1. MAXIMUM HEIGHT | Required: 35 ft.
Proposed: 21'10.5"
Complies | |
| 2. TWO PARKING LOTS | Required: 2 spaces
Proposed: 2 spaces (open parking)
Complies | |
| 3. MINIMUM SETBACKS: | | |
| | Front yard | Required: 25 ft.
Proposed: 25 ft.
Complies |
| | Rear Yard | Required: 10 ft.
Proposed: 10 ft.
Complies |

4. Maximum Building Coverage

Required: 40%

Proposed: 39.5% $((557+44+29)/1594=39.5\%)$

Complies



Lot Area:

1594 SQ.FT.

First Floor Building Footprint:

364 SQ.FT (42 x 8.666)

2nd Floor building Area:

557 SQ.FT (64.25 X 8.666)

Front Porch:

44 SQ.FT .

Rear Porch:

29 SQ.FT .

Rear Driveway/Parking Area:

289 SQ.FT .

Impervious Coverage Area:

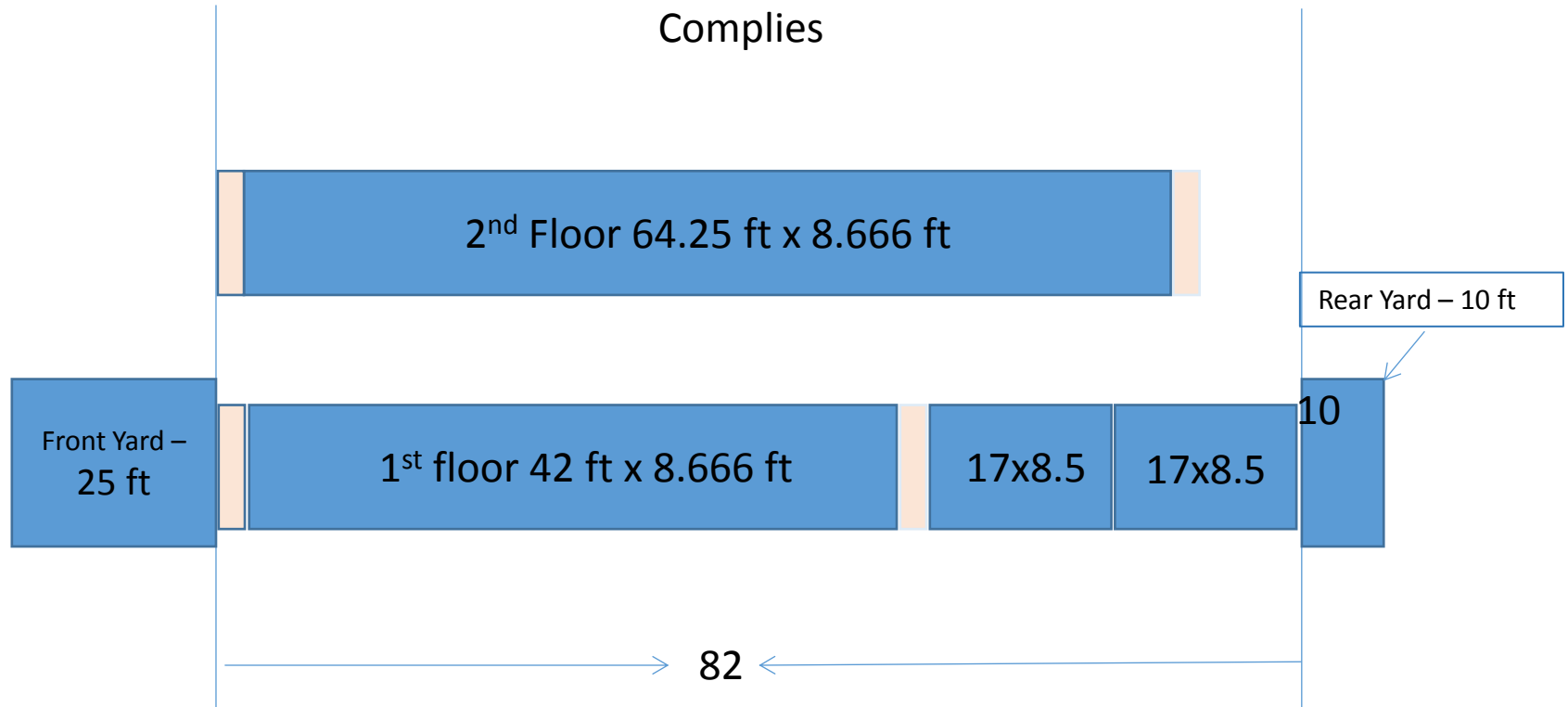
710.7 SQ.FT.

5. IMPERVIOUS COVERAGE

Required: 45%

Proposed: 44.6%

Complies



Lot Area:

1594 SQ.FT.

First Floor Building Footprint:

364 SQ.FT (42 x 8.666)

2nd Floor building Area:

557 SQ.FT (64.25 X 8.666)

Front Porch:

44 SQ.FT .

Rear Porch:

29 SQ.FT .

Rear Driveway/Parking Area:

289 SQ.FT .

Impervious Coverage Area:

710.7 SQ.FT.

Building Key Measurements (variances)

6. MINIMUM LOT SIZE: Required: 2,500 sq ft
Existing: 1,594 sq ft
VARIANCE REQUIRED

7. MINIMUM LOT WIDTH: Required: 25 ft
Proposed: 13.6 ft
VARIANCE REQUIRED

8. Minimum Setbacks - Interior Side Yard:
Required: 5 ft
Proposed: 2'- 5.625"
VARIANCE REQUIRED

- ☐ These hardships are unique to the property
- ☐ The hardship is not general to the area in which the property is located.
- ☐ The variances 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 zoning regulations of the zoning district in which the property is located.

Current View of the property

Front



Yard



Future View of the property



Front



Back

Future To-Be Satellite View – modeled



Front Satellite View



Back Satellite View



Future To-Be Satellite View -- modeled



REVIEWED
By Eben Kellogg at 9:50 am, Oct 12, 2016

APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE: 



Questions?

Heldenfels, Leane

From: Jason Burroughs [REDACTED]
Sent: Tuesday, January 24, 2017 10:33 AM
To: Heldenfels, Leane
Subject: Opposition letter to 1211 Cedar Avenue

Hi Leane, I wrote this quickly and may revise it if I have time, but I will be traveling and may not have time. Here is my letter in protest to the variances for 1211 Cedar Avenue:

To whom it may concern,

In February 2015, I purchased the home at 1209 Cedar Avenue, a 38' wide lot in a neighborhood of 50' wide lots. I was not informed by the real estate agent, the seller, or the title company that there was another 13 feet that had been sliced off in approximately 1930 and sold separately, but I learned this a few months after moving it.

I soon discovered that the owners were deceased, had not paid taxes in ten years, and that the tax value had increased drastically due to no protests. I learned that it was going up for auction due to unpaid taxes, and went to the courthouse steps to attempt to purchase it for the taxes due of \$10,800 in June 2015. Since we have no yard other than 5 feet of gravel on each side, I felt this would be a great addition to our family's space, with room for our son and dog to play, and someday to build a mother-in-law suite in the back.

I was very disappointed to be outbid immediately by two speculators, who bid it up to over \$19,000, despite my explanation that it was a tiny strip of land that couldn't be built on. The speculator ignored me and purchased the property, and then called me to introduce herself as my "neighbor".

I explained the situation to her, and she offered to sell it to me for \$100,000, saying that I must really want the property badly. Then she brought her father, her son, and other people to measure things, and to explain to me that she wanted to build something on it. She claimed to want to build a "tiny house" for her son while he was in college, but my research showed that he was already into his college career and would be unlikely to live there during his time at UT, based on usual construction cycles.

When I pointed out to her that there is a beautiful 200 year old tree in the front yard, she went to the city to have it cut down, which they refused. When I explained to her about my hopes for the property, she told me I should move to the suburbs. She was extremely condescending about the property and my family's situation, and refused to consider my offer of \$10,000 or anything else I mentioned to try and work something out.

Without telling me, she went to the Chestnut neighborhood board meeting in the summer 2016 and requested their support for a number of variances to build some kind of container home. They contacted me and I explained the situation, resulting in the board opposing the variances and the project.

She showed up at my house unexpectedly multiple times in the fall, and tried to get me to fill out a document on the spot explaining why I was opposed to the project. She showed me her plans which are for an unbelievably large double stack of old shipping containers, which would be approximately 1200 square feet - larger than any common definition of a "tiny home" which she is attempting to cloak her project in. I obtained this calculation from taking her variance request to go to 75% of the square footage of the lot, but I could be mistaken.

I explained to Ms. Chen that I would not want a 15-20 foot tall steel wall only 7 feet from my house, and neither would the other neighbor, and refused to fill out her paperwork.

I reviewed the plans and the variances, and wish to file my strong opposition to this project. Ms Chen owns a number of low end properties and I believe she is looking to buy and flip a property in the east Austin area to maximize her profits. The development she is considering is out of character with the neighborhood and would require significant compromises in the quality of life of both my family and the neighbor. It would endanger or eliminate a wonderful heritage tree and violate far too many building codes and norms. It would be a terrible precedent to set by allowing such a tiny lot to have a home built on it.

Were this lot the same square footage (1600 sqft) and a different configuration - perhaps 40x40 - I could see considering a tiny home. As an environmentalist and urban dweller, I truly appreciate having different options for different types of families to live in urban Austin. But this lot is not an urban planning experiment - it is a tiny slice of my lot (Lot 11) that was somehow split off decades ago, and has no place as a homestead or investment vehicle as a standalone property.

To my knowledge, Ms Chen is requesting the following variances:

1. Minimum lot size - from 2500 to 1600 square feet. This is 36% smaller than the minimum, far too great a variance to consider.
2. Minimum setbacks - from 5' down to 2' in some areas. Our home has 5' setbacks, which would put us 7' from anything built there. The neighbors at 1213 are, I believe, grandfathered in to an even smaller setback, due to the way the house was built years ago. So this 2' setback is absolutely too small for our quality of life.
3. FAR - from 40% to 73%. She would like to build almost double the allowable size. I believe this is a clear McMansion violation and should not be allowed
4. 45 degree side envelope - another McMansion violation.
5. Side wall articulation - from 36' to 40'. This approximately 10% deviation would not be so serious if it were the one and only request for variance. But taken in context with the other variances requested, is unacceptable.

Thank you for your time and consideration,

Jason Burroughs

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

Willis Hunt, President Marian Barber, Vice-President Angela White-Tragus, Secretary James Johnson, Treasurer
CANA meets the 4th Tuesday of each month at 6:30pm at New Hope Baptist Church, 2405 East 16th St.

PUBLIC HEARING INFORMATION

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

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

Contact: Leane Heldenfels, 512-974-2202, 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

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

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@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
building 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

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

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

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

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, leana.heldenfels@austintexas.gov

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

Mario Longoria
Your Name (please print)

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

1306 Singleton 78702

Your address(es) affected by this application

Mario Longoria 4/11/17
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: leana.heldenfels@austintexas.gov

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

Contact: Leane Heldenfels, 512-974-2202, 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]
Signature

Date

Daytime Telephone: (512) 917-6862

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 extreme accommodations being requested in this instance set a bad precedent.

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

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

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

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

OCLC · Digital Library Services Specialist
Library Services for the Americas
6565 Kilgour Place, Dublin, Ohio USA 43017

M +1-614-339-9864

F +1-614-718-7532



OCLC.org · [Facebook](#) · [Twitter](#) · [YouTube](#)

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

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

link: https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART4ADRECEUS_SPARESPUS_S25-2-779SMLOSIMIREUS

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

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

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.

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Reasoning:

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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.**

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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

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2017-0005, 1211 Cedar Ave.

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

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

JOHN JENKINS
Your Name (please print)

2707 EAST 14TH STREET
Your address(es) affected by this application

[Signature]
Signature

4-3-17
Date

Daytime Telephone: *344-604-4772*

Comments: *I AM OPPOSED TO THE REQUESTED VARIANCES.*

THE REQUESTED VARIANCES ARE NOT SILENT DEVIATIONS FROM THE CODE, THEY ARE MATERIAL 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

☐ I am in favor
☒ I object

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

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

MONA FULTS

Your Name (please print)

☐ I am in favor
☒ I object

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 variance will not alter the character of the area adjacent to property. I disagree are the adjacent property owners are opposed to variance 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:

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

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P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

INFO
PRESENTED AT
MEETING
APRIL 10, 2017

ma
0005

Travis CAD

Property Search > 197580 CHEN BENJAMIN for Year 2017

Tax Year: 2017

Property

Account

Property ID: 197580 Legal Description: N 13.67' OF LOT 11 BLK 24 OLT 32&33 DIV B GLENWOOD ADDN
 Geographic ID: 0208110613 Zoning: SF3
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 1211 CEDAR AVE Mapsco: 585R
 TX 78702
 Neighborhood: E0030 Map ID: 021011
 Neighborhood CD: E0030

Owner

Name: CHEN BENJAMIN Owner ID: 1716332
 Mailing Address: 8407 CAMBRIA DR % Ownership: 100.000000000000%
 AUSTIN, TX 78717
 Exemptions:

Values

(+) Improvement Homesite Value: + \$0
 (+) Improvement Non-Homesite Value: + \$0
 (+) Land Homesite Value: + \$130,000
 (+) Land Non-Homesite Value: + \$0 Ag / Timber Use Value
 (+) Agricultural Market Valuation: + \$0 \$0
 (+) Timber Market Valuation: + \$0 \$0

 (=) Market Value: = \$130,000
 (-) Ag or Timber Use Value Reduction: - \$0

 (=) Appraised Value: = \$130,000
 (-) HS Cap: - \$0

 (=) Assessed Value: = \$130,000

Taxing Jurisdiction

Owner: CHEN BENJAMIN
 % Ownership: 100.000000000000%
 Total Value: \$130,000

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	1.192000	\$130,000	\$130,000	\$1,549.60
02	CITY OF AUSTIN	0.441800	\$130,000	\$130,000	\$574.34
03	TRAVIS COUNTY	0.383800	\$130,000	\$130,000	\$498.94
0A	TRAVIS CENTRAL APP DIST	0.000000	\$130,000	\$130,000	\$0.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.110541	\$130,000	\$130,000	\$143.70
68	AUSTIN COMM COLL DIST	0.102000	\$130,000	\$130,000	\$132.60
HPR1	HOMESTEAD PRESERVATION REINVESTMENT ZONE 1	0.000000	\$130,000	\$130,000	\$0.00

Total Tax Rate:	2.230141		
		Taxes w/Current Exemptions:	\$2,899.18
		Taxes w/o Exemptions:	\$2,899.18

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.0367	1599.39	13.67	117.00	\$130,000	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2017	\$0	\$130,000	0	130,000	\$0	\$130,000
2016	\$0	\$19,100	0	19,100	\$0	\$19,100
2015	\$0	\$75,000	0	75,000	\$0	\$75,000
2014	\$0	\$75,000	0	75,000	\$0	\$75,000
2013	\$0	\$38,250	0	38,250	\$0	\$38,250
2012	\$0	\$18,125	0	18,125	\$0	\$18,125

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/25/2017	WD	WARRANTY DEED	CHEN WENKAI	CHEN BENJAMIN			20170440068
2	6/29/2015	CN	CONSTABLE DEED	PFLUGER JOHN A & CHARLES MURCHISON	CHEN WENKAI			2015105559TR
3	9/4/1979	WD	WARRANTY DEED		PFLUGER JOHN A & CHARLES MURCHISON	06708	00819	

Questions Please Call (512) 834-9317

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

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

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

Raquel Burroughs
Your Name (please print)

1209 Cedar Ave Austin, TX 78702

Your address(es) affected by this application

Raquel Burroughs
Signature

4-8-2017
Date

Daytime Telephone: 512.940.2182

Comments: *This is an unreasonable request that would affect my property value and quality of life and I do not see how it can be resolved. I am a family and love my city.*

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Leane Heldenfels
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☐ I am in favor
☒ I object

SIDE YARD SETBACK – VARIANCE

Proposed: 2'-6 ½"

Intent of Side Yard Setback Requirement Regulations

a. Building Size Massing - contingent upon Building Setback Line/Angle & Building Height determination

- proposed design is in compliance with both of the above criteria

b. Safety – clearance for Fire Department access

1. Chimney projections - no reference in City of Austin Code

- typically not less than 2'-0" (24") clear of property line to ensure safe access, passage, clearance, etc. for Firemen, etc.

- case studies from cities utilizing IBC, NBC and UBC codes

City of Dallas Municipal Code**SEC. 51-4.402.****MINIMUM SIDE YARD.****(a) General provisions**

(1) Required side yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

City of Hermosa Beach Municipal Code**17.46. 080 Fireplace encroachment into yards.**

Fireplace structures which are not wider than eight feet, are spaced a minimum of ten feet apart, and are part of the main building may project into the required yards a distance of thirty (30) inches, provided such encroachments are no closer than thirty (30) inches to the lot line. (Prior code Appx. A, § 1210)

- e. Encroachments into required setback areas shall be limited as follows:

**TABLE 3-3
ENCROACHMENT**

Standard	Allowed Encroachment	Additional Regulations
Front setback (4 feet to less than 10 ft.):	16 in.	
Front setback (10 ft. or more):	2 ft.	
Side setback:	2 ft.	Limited to first floor only.
Rear setback:	2 ft.	Not allowed when the rear property line abuts an alley.
Distance Between Detached Structures:	2 ft.	

7. Fireplaces, barbeques, and chimneys - attached [New]

- a. **Front and rear setback area.** Fireplaces, barbeques, and chimneys attached to the principal structure that are less than 9 feet in width may encroach up to 2 feet into a required front or rear setback area that is 10 feet or greater in depth.
- b. **Side setback area.** Fireplaces and chimneys attached to the principal structure that are less than 9 feet in width may encroach up to 30 inches into a required side setback area provided that the encroachment shall be at least 24 inches from the side property line.

City of Laguna Beach Municipal Code

25.44.050 Property development standards.

The development standards as set forth in the R-1 zone shall apply in the Three Arch Bay zone with the exception of the following:

(A) Yards

(1) General Provisions.

- (a) The general provisions of Chapter 25.50 shall apply except where noted in this chapter.
- (b) On street-to-street lots, the front property line shall be defined as that property line adjacent to a street with the lowest average elevation.

(2) **Front Yard.** Single-story garages may be constructed five feet from the front property line, if the garage has an automatic garage-door opener, or vehicular entry to the garage is from the side and the topographic condition for a reduced building setback provided in Section 25.50.004(E)(1) exists on the site.

(3) **Side Yard.** The width of each side yard shall be not less than five feet.

(4) **Rear Yard.**

- (a) Each lot shall maintain a rear yard of not less than twenty-five feet.
- (b) For building sites with less than twenty feet in grade difference between front and rear lot lines, and less than one hundred feet in length, the minimum setback distance shall be twenty-five percent of lot depth.
- (c) See Section 25.44.050(F) for setback restrictions on coastal lots.

(B) **Permitted Projections.** Eaves, cornices, chimneys, window seats, balconies, patios and decks in excess of thirty inches above the finished grade including patio and deck covers, and other similar architectural features may project a maximum of two and one-half feet into required yards. In addition, chimneys may project beyond the height limit to the minimum extent required by the Uniform Building Code.

(C) **Building Site Coverage.** The maximum building site coverage (BSC) on any residential lot is between thirty-five and forty-four percent. The actual percentage allowed is calculated by the following formula: