

From: Heldenfels, Leane
To: ["Kathy Taylor"](#)
Subject: RE: REVISED - BOA Variance Request case C15-2017-0005
Date: Thursday, April 27, 2017 3:53:00 PM
Attachments: [image001.png](#)

You're correct, I don't see it either (date was 4/7), sorry about that. I've copied and pasted it from the prior email and will include it in the late back up for the reconsideration request. You can submit additional comments based on the changes proposed in the reconsideration request up until noon the day of the hearing 5/8. You can find the reconsideration hearing request and evidence at the public search page of City website, development tab (input case number or address, click submit, open BA case, see recons request and recons evidence there). Take care – so sorry for the error on the prior packet –

Leane Heldenfels, Planner Senior

Board of Adjustment Liaison

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor, Development Assistance Center

505 Barton Springs Road

Office: 512-974-2202



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Hi Leane,

Please add this letter for review by the Board when considering this case (C15-2017-0005), currently shown as item M-2 on the April meeting agenda. Thanks!

Dear members of the Board of Adjustment,

I am a resident of the Chestnut neighborhood and am writing to express my opposition to the variance request(s) submitted for the small property at 1211 Cedar Avenue - case C15-2017-0005.

This lot size - less than 1600 square feet - does not meet the minimum requirement specified for Small Lot Amnesty (SLA), and the width of the lot - less than 14 feet - also does not meet the minimum specified by the SLA. Those SLA minimums are *reasonable* requirements set to ensure that a lot size and width will sufficiently support a livable dwelling structure without negatively impacting the character of the area adjacent to the property, and comply with the Minimum Life Safety requirements for residential building, property maintenance, and fire codes as well as several other codes (electrical, mechanical, plumbing, etc.). In my opinion, this lot is *not* sufficient in size nor width to reasonably construct a dwelling structure as proposed by the applicant.

I am also opposed to the request to decrease the minimum side yard setback to less than 30 inches (which is even less than the standard interior door width) for several reasons.

Construction: Will ~30 inches be adequate for the placement of the form bracing for the pouring of a concrete slab? Will this ~30 inches be adequate space to allow for construction activities on the structure to not encroach onto the neighboring properties on each side of this lot?

Maintenance: The preliminary site plans attached to the variance application don't indicate where the AC compressor unit or hot water heater might be placed, but maintenance on these types of equipment generally need a minimum of 24 inches clearance in front of the equipment - ie, between the equipment unit and the property line - in order to service it.

Safety: ~30 inches of side yard is less than the standard width of an interior door, less than the standard minimum width of a staircase, etc. Does ~30 inches provide enough width on each side for emergency access for the fire, EMS and/or police personnel and equipment? Granting the reduction of the side yard setbacks to less than 30 inches might result in a safety hazard.

Impact to the existing adjacent properties: Granting the reduction of the side yard setbacks on both sides will absolutely impact the neighboring homes and properties - i.e., the reduction of natural light, the increased runoff of rain water (unless a condition for mitigation of this impact is stipulated in granting of the setback variance), and the resulting invasion of privacy to the neighbors from a two-story structure built less than 30 inches from their property line.

And lastly, I am concerned about the impact on the heritage 24" oak tree on the front street side of the property. The Critical Root Zone of this size of tree spans well beyond the width of this lot. Any water, wastewater and gas lines from the front street will be dug through this Critical Root Zone and cause severe damage to this heritage tree.

The applicant was made aware of the small size of this lot during the bidding process at the foreclosure sale, and yet pursued the purchase of this property. In effect, she has self created her own hardship and caused it to be, as she stated in her application, "rendered intrinsically useless" for her specific desires. However, this property still has reasonable uses - it could be sold to either of the adjacent neighbors or perhaps rezoned to allow for a use that doesn't involve construction of a dwelling unit such as a community garden.

Thank you for the opportunity to provide my statement of opposition on this request for variances.

Respectfully,

Kathy Taylor
2012 E 16th Street
Austin, TX 78702

From: Kathy Taylor [REDACTED]
Sent: Thursday, April 27, 2017 11:53 AM
To: Heldenfels, Leane
Subject: Re: REVISED - BOA Variance Request case C15-2017-0005

Hi Leane!

I've been looking for the letter of opposition I sent you for this case online and cannot locate it. Could you point me to where it is? I found other letters and returned forms from neighbors, but not the one I submitted to you via email.

We've been notified by the neighbors adjacent to this property that the applicant has submitted a request for reconsideration and has done some design changes to the proposed structure ... which is what sent me on my way to looking at all the various documents attached online to this case.

When you have a chance, please let me know where I missed seeing it!

Have a wonderful afternoon,

Kathy Taylor

On Mon, Apr 10, 2017 at 2:15 PM, Kathy Taylor [REDACTED] wrote:
Thank you Leane!

Sent from my iPhone

On Apr 10, 2017, at 1:14 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Thanks for sending in your comments, I will include them in the Board's late back up packet that they receive on the dais at tonight's hearing.
Take care,

Leane Heldenfels, Planner Senior

Board of Adjustment Liaison

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor, Development Assistance Center

505 Barton Springs Road

Office: [512-974-2202](tel:512-974-2202)

<image001.png>

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From: Kathy Taylor [REDACTED]
Sent: Friday, April 07, 2017 9:52 AM
To: Heldenfels, Leane
Subject: REVISED - BOA Variance Request case C15-2017-0005

Leane,
I failed to adequately proofread my original email stating my opposition to this variance request case. Please provide the Board the following revised letter for case C15-2017-0005, currently shown as item M-2 on the April meeting agenda.
Thanks again!

Hi Leane,

Please add this letter for review by the Board when considering this case (C15-2017-0005), currently shown as item M-2 on the April meeting agenda. Thanks!

Dear members of the Board of Adjustment,

I am a resident of the Chestnut neighborhood and am writing to express my opposition to the variance request(s) submitted for the small property at 1211 Cedar Avenue - case C15-2017-0005.

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Thank you for the opportunity to provide my statement of opposition on this request for variances.

Respectfully,

Kathy Taylor
2012 E 16th Street
Austin, TX 78702

K02/98

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

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

Public Hearing: Board of Adjustment, May 8th, 2017

Samuel A. Donaldson

Your Name (please print)

☐ I am in favor
☒ I object

1308 Walnut Ave, Austin, TX 78702

Your address(es) affected by this application

Sh 5/21/17

Signature

Date

Daytime Telephone: 512-415-8000

Comments:

① Detracts from appearance of the neighborhood, ugly.

② Has potential to kill a valuable & protected tree.

③ Will hurt property values

Comments must be returned by noon the day of the hearing in order for the Board to see them 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 in order to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

May 8, 2017

Board of Adjustment –

The Chestnut Neighborhood Plan and Contact Team continues to **oppose** all variance requests at 1211 Cedar Ave. The applicant has made no contact with the Chestnut NPCT since her last variance application was opposed by our team in April. The NPCT voted in October to oppose her variance requests because she doesn't have the support of her immediate neighbors and we don't believe she has a hardship since she knew the lot she was buying was far too small to build on when it was purchased. Furthermore, we feel she has been misleading in her attempts to portray this as a property for her son in college while she owns many other properties in the city.

The applicant has not asked for any feedback on her new plans from neighborhood organizations or the surrounding neighbors since she changed them drastically after her last variance application was denied. Our concerns about her development being intrusive to adjacent neighbors, issues with construction and fire code and the protection of the heritage tree in the front yard remain. We find her requests for variances extreme departures from the building code. We urge you to deny the variances requested at this property.

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

From: [Michelle Lee](#)
To: [Heldenfels, Leane](#); [Andrew Lee](#); [Joe Melomo](#)
Subject: Re: Case Number: C15-2017-0005, 1211 Cedar Ave. - OBJECTION
Date: Thursday, May 04, 2017 11:30:31 PM
Attachments: [image001.png](#)

Hi Leane--

Hope you are well!

Wanted to add the comments from before for the May 8th hearing as well as a couple of new comments. Here are the previous comments, which are still major concerns for us:

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.

Here are some additional comments:

Looking at the variances requested for the May 8th hearing, I do not believe that Ms. Chen took the suggestions from the previous hearing on 4/10 into consideration in her new plan. The board suggested being more amenable to a tiny house given the 1,594 sq ft lot, but the 904 square foot home she wants to build seems more like a McMansion on the lot in question.

Another point mentioned by the board is that I have not seen Ms. Chen demonstrate hardship. She bought the land knowing what it looked like, and it is not her primary residence as it's an empty lot. The board suggested she get the support of her neighbors, but she has not reached out to us to address our concerns since the 4/10 hearing.

We have lived at 1213 Cedar B for two years and really enjoy the neighborhood. In Ms. Chen's plan, we see this claim: "Applicant claims the variances will not alter the character of the area adjacent to the property." I do not believe this is true, as we'd be living much closer to our neighbors than most people in East Austin. In addition, our neighbor would have demonstrated disregard for our concerns.

In her plan, she also claims that the "variance will not impair use of area adjacent to the property." I do not believe this is true, as the size of the lot could easily cause construction and noise pollution to spill over into adjoining lots and our yard adjoins their lot. If she builds

a two story building, it could also block sunlight and make our house much darker during the day.

In addition, I believe that the variances requested are so extreme as to undermine why these building codes were created. I echo the concerns of my neighbors in the size and construction of this home.

Thanks so much!

Michelle

On Mon, Apr 10, 2017 at 12:52 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Thanks for sending in your comments, I will include them in the Board's late back up packet that they receive on the dais at Monday's hearing.

Take care –

Leane Heldenfels, Planner Senior

Board of Adjustment Liaison

[City of Austin Development Services Department](#)

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From: Michelle Lee [mailto: [REDACTED]]
Sent: Sunday, April 09, 2017 10:23 PM
To: Heldenfels, Leane; Joe Melomo
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: Michelle and Andrew Lee

1213 Cedar Ave.

Unit B

Austin, TX 78702

cell: [347-426-7056](tel:347-426-7056)

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