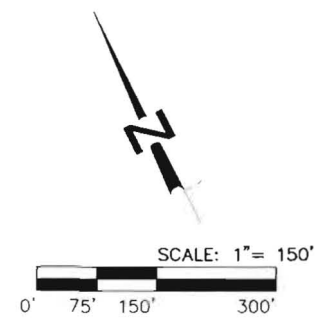
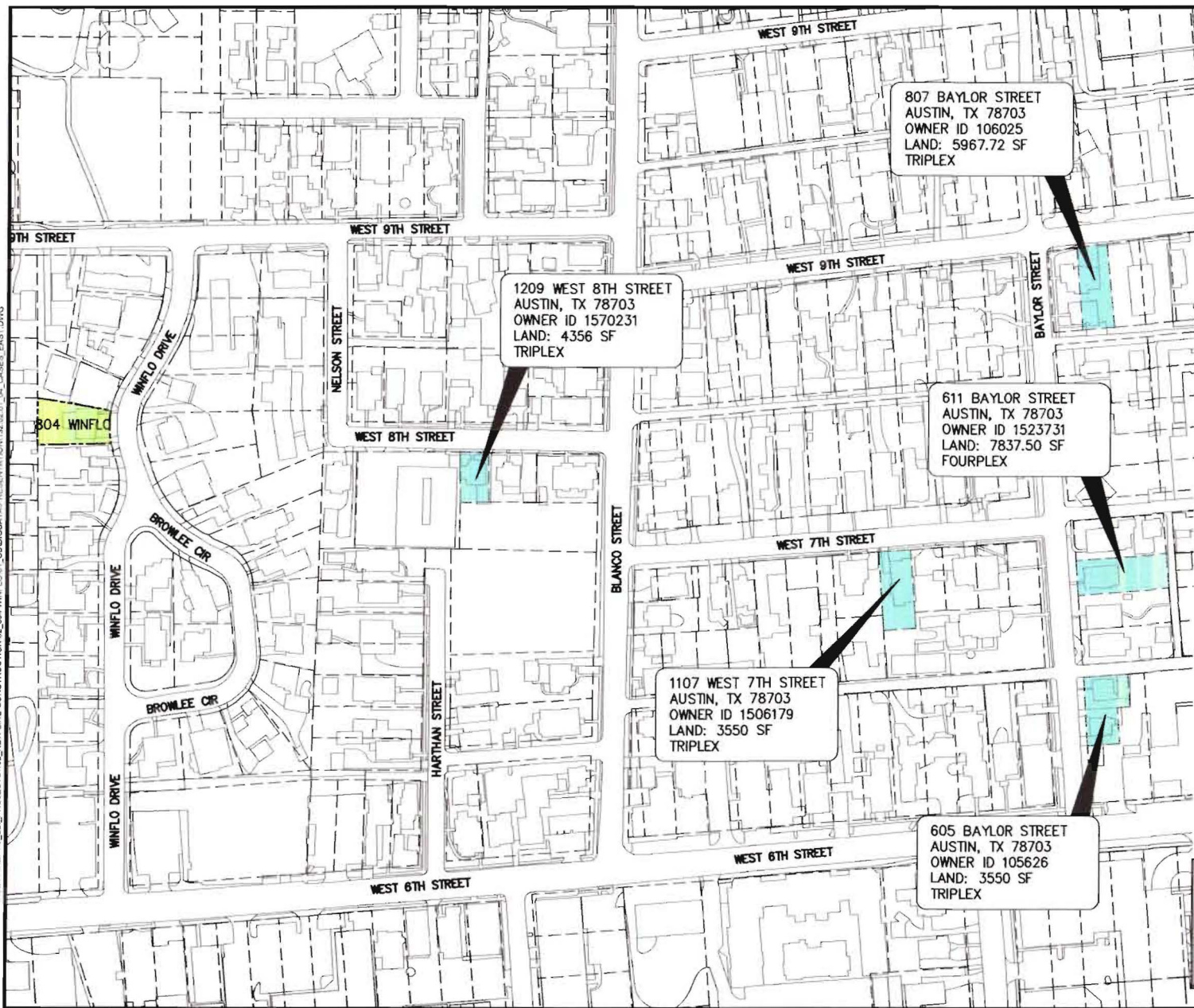


PLOT DATE: Friday, January 20, 2017 5:58:48 PM
 FILE NAME: P:\L01_PROJECTS\132_NEW LINE CONSTRUCTION\02_04 WINFLO\01_CDDIGDATA\PRESENTATION\132_02_01_04 CASES_EAST.DWG



- LEGEND**
- PROPERTY LINE
 - ADJACENT PROPERTY LINE

SIMILAR CASES

**WINFLO MULTIFAMILY
 RESIDENTIAL**

804 WINFLO DRIVE AUSTIN, TEXAS 78703

DATE: JAN-20-2017 SHEET: 1 OF 1

**LANDMARK
 ENGINEERING INC.**

ENGINEERING PLANNING SURVEYING

TYPE REGISTRATION NO. P-16288

5811 BLUE BLUFF ROAD
 AUSTIN, TEXAS 78724

P(512) 913-5080 F(512) 628-9528
 P.O. BOX 3267 800 DAVE BILBOE 18751 & AUSTIN, TX 78748 www.landmarkengr.com

From: [Jay](#)
To: [Heldenfels, Leane](#)
Subject: 804 Winflo Drive variance
Date: Thursday, May 11, 2017 3:31:38 PM

Ms. Heldenfels:

I am writing to clarify my position on the requested variance for 804 Winflo Drive. Reference: C15-2017-0008 2017-000005BA

I originally signed a petition in favor of this after being approached by the owner requesting the variance. In several subsequent conversations with neighbors I learned the numbers provided to me were incorrect and that the impervious cover and density were in fact much more than I had been led to believe. I then signed a subsequent petition against this variance request.

On a personal note I had a pool installed in my back yard in 2012 at 706 Winflo Drive. At the time of the city final inspection it was determined that my architect mis-calculated my impervious cover % resulting in my having to pay a contractor to remove approximately 370 feet of concrete. I had to remove my entire sidewalk leading from my front porch to the street and had to have a 4 foot wide median cut out of 44 feet of driveway and the remaining 17 feet of the driveway removed entirely. In following the city code I ended up paying over \$2000 in labor, jack hammering and haul off as well as the new metal edging and black road bed stones that became my sidewalk and driveway median.

Having considered all this I am firmly opposed to the requested variance.

Respectfully;
Jay Bunda
706 Winflo Drive

Reply to the "Updated Variance Application" submitted to the Board of Adjustment on the dais, April 10, 2017

REASONABLE USE

Almost everything stated by Mr. McHone in this section is untrue:

- The lot was NEVER zoned "B-2nd Height and Area."
- The lot was not rezoned in 1985 because of a modification of the LDC..
- Lot 6 was NOT a "conforming" lot in 1984 ("conforming" meaning multi-family, in this instance).
- The application of the Site Development Regulations DOES allow for a reasonable use on this lot: a duplex or a single-family residence (45% impervious cover). The lot is 683 sq. ft. too small for a triplex use (65% impervious cover).

HARDSHIP

Almost everything Mr. McHone states is untrue:

- Lot 6 is NOT "one of the few MF zoned lots that has less than the current LDC required 8,000 sq. ft." Instead, there are SEVEN of these lots on Winflo and Brownlee Circle, and TWELVE of these lots on Pressler (a street that parallels Winflo, one block to the west).
- It is likely that there are many, many others on additional streets that are zoned MF-3 or MF-4 but which have fewer than 8,000 sq. ft.
- The hardship IS general to the area in which the property is located.

AREA CHARACTER

Almost everything Mr. McHone states is untrue, or a matter of (his) opinion:

- Lot 6 is adjacent to other MF4 lots, BUT the lots behind and to the south have SINGLE-FAMILY uses, and 804 had a previous SINGLE-FAMILY use.
- The lot adjacent to the north IS NOT a "10 unit condominium." The applicants, Mr. and Mrs. Schaub, own four of the SIX units in this condominium.
- The proposed triplex is NOT "fully compliant with the compatibility requirements established by the 1985 LDC." Its very long and wide driveway extends all the way to the property line along its south border, except for a slight bow-out near the street (no doubt required to avoid killing a tree near that location). Perhaps this width is allowed by one of the three waivers that were purchased by the Schaub.
- Mr. McHone states that "a more intense MF-4 use" is "encouraged by the current code." But, no proof of this is provided.

-- by Ellen Justice, May 23, 2017

**REPLY to "COA CONTACTS AND MEETINGS," submitted to the BOA
on the dais on April 10, 2017 (804 Winflo Drive)**

It appears that the variance applicants are attempting to blame the City of Austin for the failure of their licensed architect and engineer to submit plans which did not require a variance and that would permit a triplex to be constructed on their substandard lot. However, the Master Review Reports issued by the Land Use Review Division of the Development Services Department show that the type of development planned for this site was intended to be "townhomes" or "residential condominiums."

The plans were originally submitted on July 12, 2016. The first Master Review Report, dated September 20, 2016, notes that, "The current project description describes the development as RESIDENTIAL CONDOMINIUMS, but the project title describes it as TOWNHOMES (emphasis mine)." That report notes that townhomes "must each be on separate lots," and so that type of development at 804 Winflo Drive is not possible.

The second Master Review Report from November 9, 2016, states, "Despite your assertion in the comment response, the proposed structures are not considered "townhouses" by the Land Development Code." That report further notes, "This project cannot be approved as a Condominium Residential land use." It concludes that, "Multifamily Residential" appears to be the only approvable option." And, the Report states that a variance will be required from the Board of Adjustment for approval of a substandard lot.

The COA should be able to assume that licensed design professionals have consulted the Land Development Code about the site requirements for whatever type of development they present for review.

-- Ellen Justice

**804 Winflo Drive was originally sent to the COA as
condominiums or townhouses.**

From: [Philip Leicht](#)
To: [Heldenfels, Leane](#)
Subject: C15-2017-0008, 804 Winflo Drive
Date: Wednesday, May 24, 2017 8:14:22 PM

Hi,

My name is Philip Leicht and I live at 711 Brownlee Cir. I am writing because I oppose the variance on 804 Winflo. I believe the current zoning restrictions were put in place for a reason and this will compound the current parking issues on Winflo Drive and Brownlee Cir.

thank you,

Philip Leicht

From: [Ellen Justice](#)
To: [Heldenfels, Leane](#)
Subject: C15-2017-0008/ 2017-000005BA
Date: Wednesday, May 24, 2017 4:11:42 PM
Attachments: [image001.png](#)

NOTE THAT POROUS PAVEMENT CANNOT BE CONSIDERED AS
PERVIOUS COVER FOR A DRIVEWAY

From: "Abee-Taulli, Pamela" <Pamela.Abee-Taulli@austintexas.gov>
Subject: RE: responding to your phone call -- / Impervious Cover
Date: May 24, 2017 at 12:27:49 PM CDT
To: Ellen Justice <>

Hello Ellen,

Thank you for your question.

Yes, porous pavement, does not count as impervious when complies with the following:

25-8-63 - IMPERVIOUS COVER CALCULATIONS.

(C) Impervious cover calculations exclude:

(8) porous pavement designed in accordance with the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer Recharge Zone;

This would not apply to a driveway.

As for CodeNEXT, the rule has not changed.

I hope this helps. Please feel free to contact us with any other questions,
Best,

Pamela Abee-Taulli, LEED, CPESC
Environmental Review Specialist
[City of Austin Development Services Department](#)
One Texas Center, 4th Floor
505 Barton Springs Rd.
512.974.1879
Pamela.abee-taulli@austintexas.gov



Follow us on [Facebook](#), [Twitter](#) & [Instagram](#) @DevelopmentATX
We want to hear from you! Please take a few minutes to complete our [online customer](#)

[survey](#).

Nos gustaría escuchar de usted. Por favor, tome un momento para [completar nuestra encuesta](#).

From: Ellen Justice [

Sent: Wednesday, May 24, 2017 11:37 AM

To: Abee-Tauli, Pamela

Subject: Re: responding to your phone call -- Michael Simons-Smith / Impervious Cover

Pamela -

I have found the information on what I wanted to ask you.

There is a section in the Land Development Code about what is - and isn't - counted as impervious cover.

It states that porous concrete is not counted as impervious cover where it is used on a walkway.

According to this Code section, and the Environmental Criteria Manual, is there any situation where porous concrete can be used in constructing a DRIVEWAY FOR A MULTI-FAMILY USE where it would not be considered as impervious cover? This driveway would service a triplex, so it would not have heavy usage. But, it would have to support a parked car.

Do you know whether this would be the same under CodeNext?

Thank you for your help.

— Ellen Justice

Section 25-8-63, and

Source: Subsections 13-2-595 (a), (b), and (g); Ord. 990225-70; Ord. 000406-85; Ord. 010329-18; Ord. 031211-11; Ord. 20060831-068; Ord. 20131017-046; Ord. No. 20140522-078, Pt. 2, 6-2-14 .

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

DATE: Monday, April 10, 2017

CASE NUMBER: C15-2017-0008

<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: Patricia and William Schaub

ADDRESS: 804 WINFLO DR

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot size for a multi-family residential use from 8,000 square feet (required) to 7,353.87 square feet (requested, existing in order to erect 3 residential units in one structure in a "MF-3-NP", Multifamily Residence Medium Density zoning district. (Old West Austin)

Note: Section 25-2-943 of the Land Development Code permits Substandard Lots for single family use if configured prior to March 14, 1946. The subject lot was configured in 1948 and proposes a multifamily use, therefore the substandard lot section of the Code does not apply. Further, the Old West Austin Neighborhood Plan only provides small lot amnesty for single family use.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 8, 2017, Board Member Melissa Hawthorne second on a 11-0 vote; POSTPONED TO MAY 8, 2017.

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

9TH ST FLOODING



From: [Ellen Justice](#)
To: [Heldenfels, Leane](#)
Subject: Old West Austin N"hood Plan adopted by COA; SF compatible; C15-2017-0008/2017-000005
Date: Monday, April 17, 2017 8:49:32 AM
Attachments: [Old West Austin Survey enlarged3.pdf](#)
[Old West Austin Survey.pdf](#)

>

Since there is no neighborhood FLUM for Old West Austin (nor for Hyde Park), the best indication we have of neighborhood intent is the attached Historic Resource Survey of June 2000 (produced for the Old West Austin Neighborhood Plan). As highlighted on the close-up Winflo Drive/Pressler Street view, also attached, the now-demolished single family home at 804 Winflo was categorized on this survey as "Not historic, but compatible with neighborhood." Neighborhood planners believed that the single-family use of 804 was consistent with our neighborhood's character.

The 2013 (updated March 2017) COA Neighborhood Plan Recommendations wholly incorporate the Old West Austin Neighborhood Plan from June 2000. It seems that Old West Austin had done the work in 2000 of neighborhood planning that other neighborhoods were producing with the City in 2013.

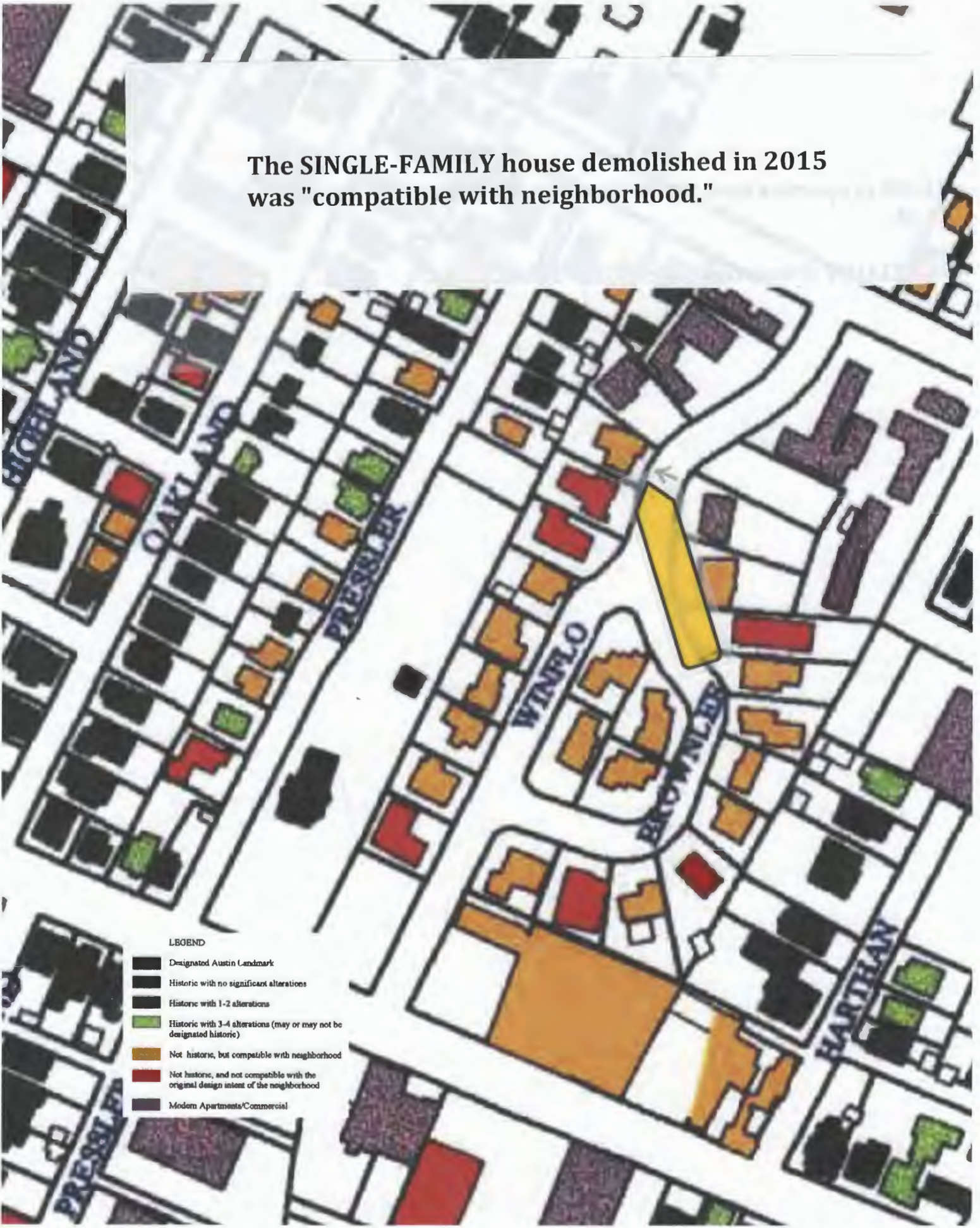
The second of the thirteen goals of the Old West Austin Neighborhood Plan was to "protect the character of the neighborhood." Since Winflo Drive is almost completely single-family from 802 south toward W. 6th St. (And historically, from 804 south), it will "protect the character" of our street to refuse a variance for a multi-Family use on a substandard lot at 804.

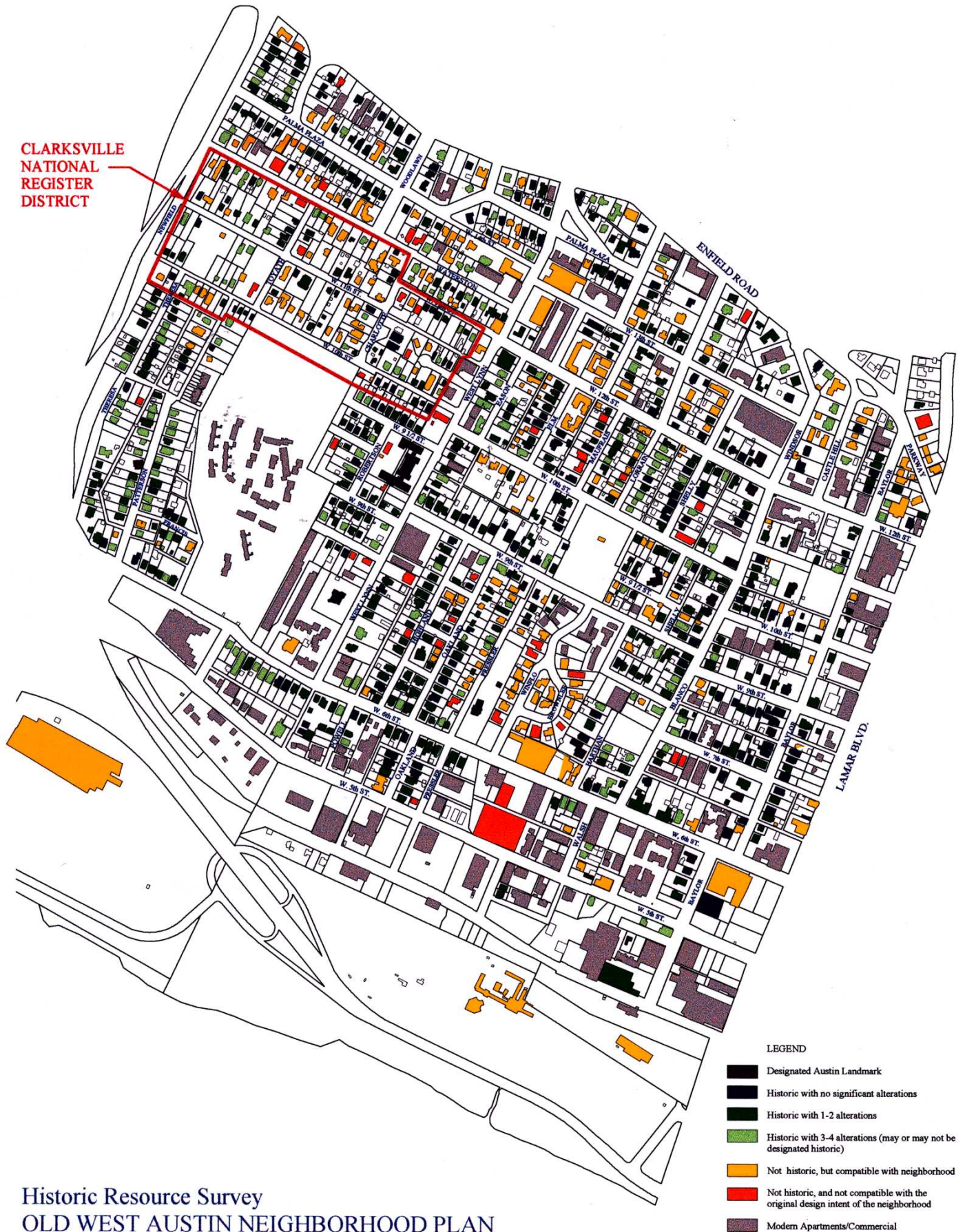
>

The SINGLE-FAMILY house demolished in 2015 was "compatible with neighborhood."

LEGEND

- Designated Austin Landmark
- Historic with no significant alterations
- Historic with 1-2 alterations
- Historic with 3-4 alterations (may or may not be designated historic)
- Not historic, but compatible with neighborhood
- Not historic, and not compatible with the original design intent of the neighborhood
- Modern Apartments/Commercial





Historic Resource Survey
OLD WEST AUSTIN NEIGHBORHOOD PLAN

From: [Chris Schorre](#)
To: [Heldenfels, Leane](#)
Subject: 804 Winflo
Date: Saturday, April 15, 2017 12:48:39 PM
Attachments: [804 Winflo zoning - case SP-2016-0329C.pptx](#)

Leane,

Attached is a PPT file that I would like to become part of the BOA commissioners packet for 804 Winflo. I would also like to have this PPT on screen when I speak in opposition to the case. Do you need actual printouts from me as well? If so, I will drop off color copies in 11x17 format on April 24 when I return from vacation.

Regards,

Chris Schorre
Mobile/text: +1.512.731.1520

PARK VIEW SUBDIVISION

ZONING CASE: SP-2016-0329C
804 Winflo Drive

Core concern: Allowing 804 Winflo Drive to be developed on a substandard lot size sets precedent for other properties in red to be developed as multi-family even though they are far too small for the zoning they are endowed. Properties in red also ripe for redevelopment.

804 WINFLO - Lot size: 7,354sf



All lot size data pulled from Travis Central Appraisal District website.

614 WINFLO - Lot size: 6,441sf

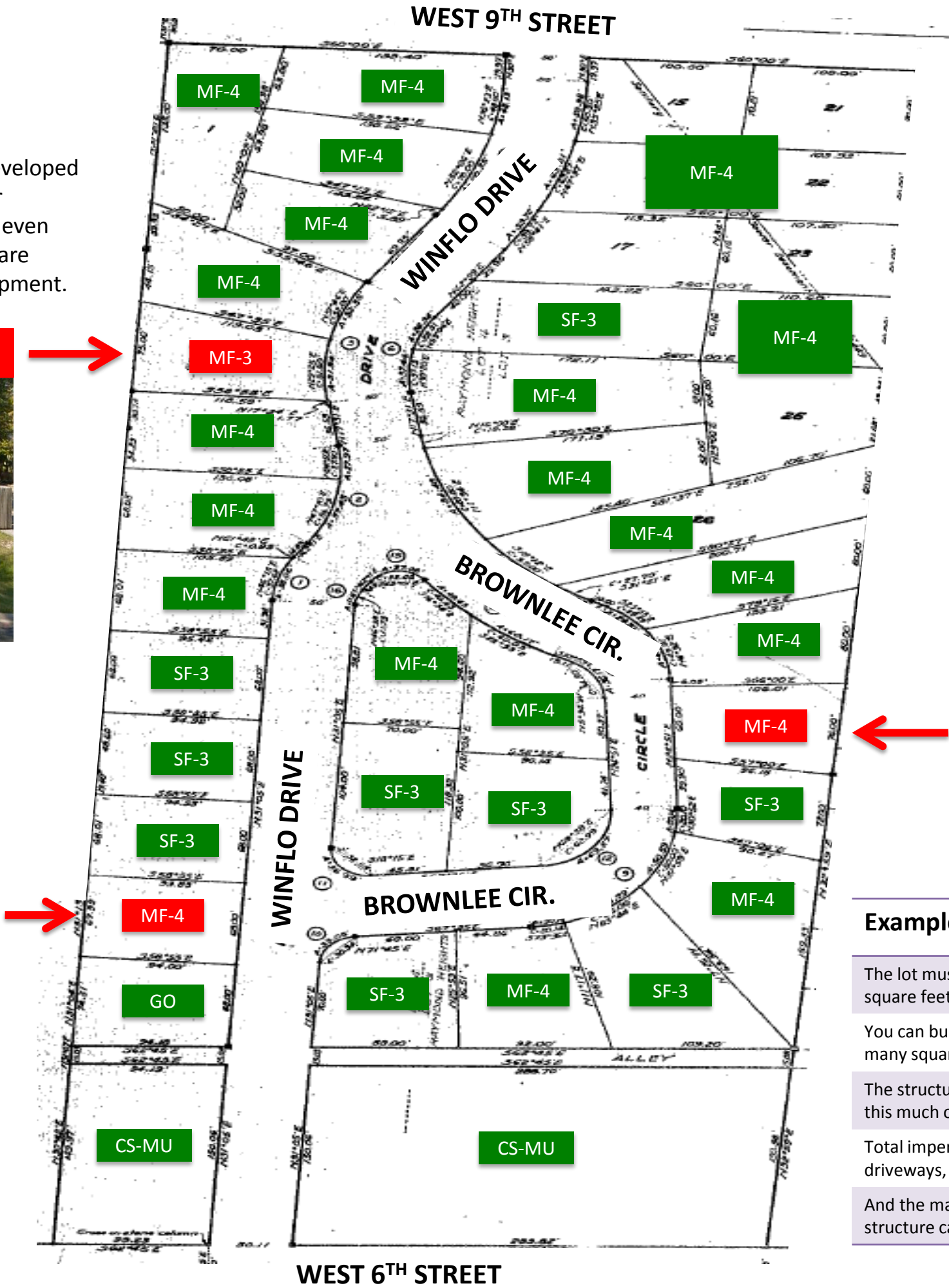


RED

Lot is 600+ square feet under minimum lot size requirements for this zoning.

GREEN

Lot exceeds minimum size requirements or is within 5% of the minimum lot size for MF zoning.



711 BROWNLEE Lot size: 6,914sf



Example for 8,000sf lot	SF-3	MF-3	MF-4
The lot must be at least this many square feet:	5,750	8,000	8,000
You can build a structure up to this many square feet on 8,000sf lot:	3,200	6,000	6,000
The structure itself can cover up to this much of the lot:	40%	55%	60%
Total impervious cover (structure, driveways, etc.) cannot exceed:	45%	65%	70%
And the maximum height of the structure cannot exceed:	32'	40'	60'



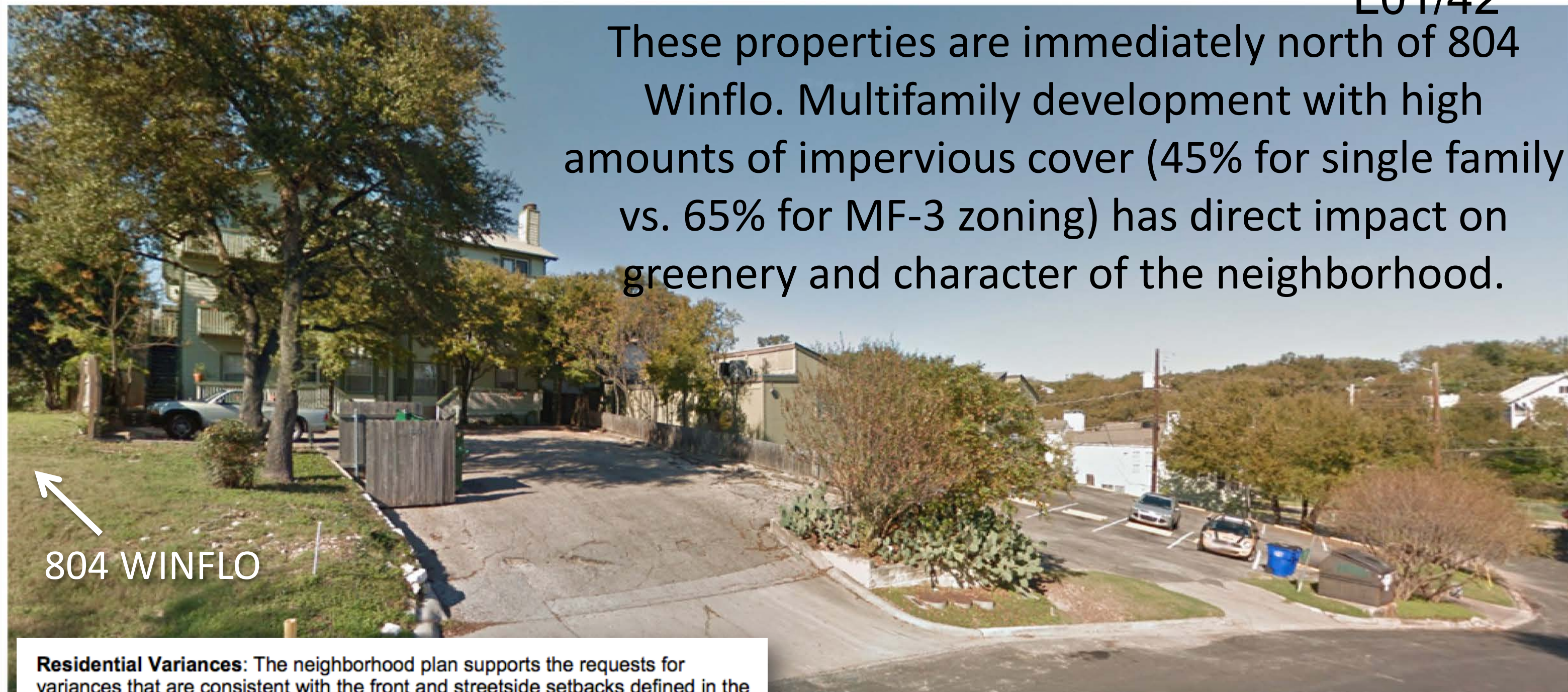
804 WINFLO
(Lot now empty)



804 WINFLO

There are no hardships associated with building on this lot.

These properties are immediately north of 804 Winflo. Multifamily development with high amounts of impervious cover (45% for single family vs. 65% for MF-3 zoning) has direct impact on greenery and character of the neighborhood.



804 WINFLO

Residential Variances: The neighborhood plan supports the requests for variances that are consistent with the front and streetside setbacks defined in the Smart Growth Infill Proposals for Cottage Lots (20 feet and 10 feet respectively). Do not allow modifications that compromise public safety or comfort such as higher than otherwise allowed impervious cover or higher fences.

Rezoning Proposals: This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophecy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents.

Obj 2.2 – Protect current pattern of single family uses in neighborhood.

Action 6: *If requested by the property owner, allow voluntary zoning rollback on multi-family zoning (on land that currently has single-family uses), by providing a no-cost zoning rollback. The neighborhood has approximately 340 parcels in single-family use with multi-family zoning. This zoning presents a threat to continued single-family uses. (City Action Item: DRID).*

CASE: SP-2016-0329C

804 Winflo Drive

Summary

- 804 Winflo is 650+ square feet under minimum limit for MF zoning.
- Allowing 804 Winflo to be developed as multifamily will set precedent and allow 614 Winflo and 711 Brownlee to be developed same way. Both lots have MF-4 zoning and are 1,086SF and 1,559 SF undersized.
- Neighbors don't want multifamily development to encroach further into core of neighborhood from north and south.
- More impervious cover contributes to "heat island" effect. Less greenery negatives affects character of neighborhood.
- Our neighborhood plan does not recommend multifamily use for this section of our neighborhood



From: **Corsetti, Claudia** Claudia.Corsetti@austintexas.gov
Subject: RE: 804 Winflo Drive proposed triplex, formerly SP-2016-0329c, now C15-2017-0008
Date: April 12, 2017 at 5:12 PM



To: Ellen Justice [REDACTED]
Cc: Rodriguez, Tomas Tomas.Rodriguez@austintexas.gov, Guerrero, Jose Jose.Guerrero@austintexas.gov, McArthur, Karl Karl.McArthur@austintexas.gov

Hello Ellen,

Thank you for your email.

Based on the initial staff assessment, this site appeared to drain to a storm drain system that is undersized and lacks capacity for additional undetailed flows. The Regional Stormwater Management Program is available as an alternative to onsite detention to developments whose increases in runoff will not cause an increase in adverse flood impacts. Since this site is situated in the upper reaches of the drainage areas that feed into an undersized storm drain system, it was determined detention onsite would be the preferred option. Please let us know if you have follow up questions.

Regards,

Claudia

Claudia R. Corsetti, P.E., CFM
Watershed Engineering Division
Watershed Protection Department, City of Austin
505 Barton Springs Drive, 12th Floor, Austin, TX 78704
O: (512) 974-9369 F: (512) 974-9369
Claudia.corsetti@austintexas.gov

-----Original Message-----

From: Ellen Justice [REDACTED]
Sent: Wednesday, April 12, 2017 4:27 PM
To: Corsetti, Claudia <Claudia.Corsetti@austintexas.gov>
Subject: 804 Winflo Drive proposed triplex, formerly SP-2016-0329c, now C15-2017-0008

Dear Ms. Corsetti,

I learned from Tomas Rodriguez that you are the person who probably did the evaluation on this property for RSMP participation.

Would you please let me know why it cannot participate in this program?

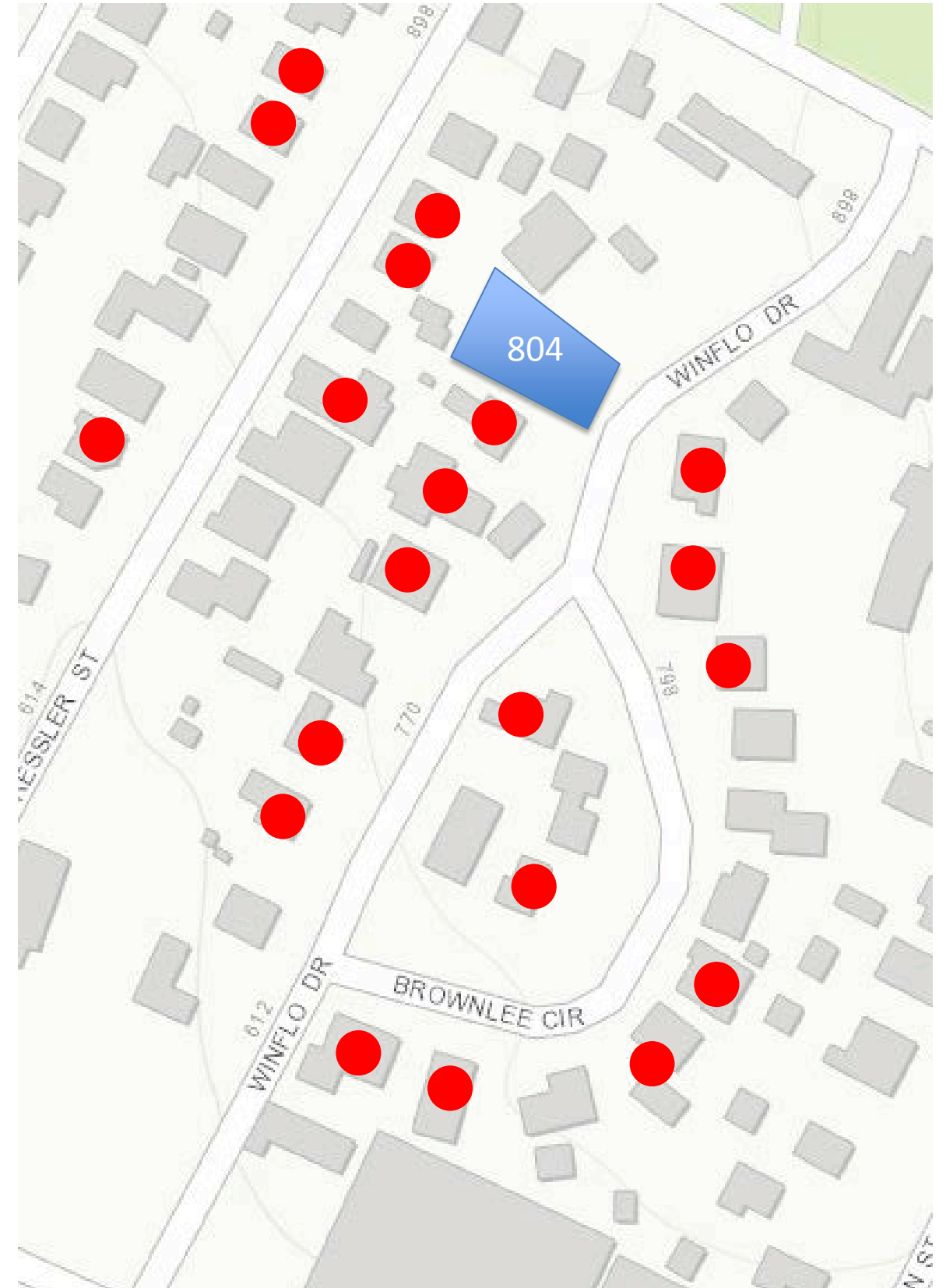
Thank you for your help.

— Ellen Justice



LETTERS/MESSAGES FROM THESE OWNERS ARE OPPOSED TO THE VARIANCE FOR 804 WINFLO DRIVE

- 1.802 Winflo Drive - Ellen Justice and Eric Leibrock - Interested Party
- 2.800 Winflo Drive - Mike Banghart - Interested Party
- 3.803 Winflo Drive - Mike Banghart
- 4.700 Winflo Drive - Bret Strauss
- 5.702 Winflo Drive - James Robbins
- 6.716 Brownlee Circle - Gerald and Kim Harter
- 7.702 Brownlee Circle - Mary Blackley
- 8.701 Brownlee Circle - Clark and Angie Bickley
- 9.707 Brownlee Circle - Gabriel and Elizabeth Krajicek
- 10.709 Brownlee Circle - Nancy Garrett
- 11.717 Brownlee Circle - Chris Schorre and Julie Paasche – Interested Party
- 12.804 Pressler Street - Perry Heitman and Todd Canon
- 13.807 Pressler Street - Brian Birzer
- 14.801 Winflo Drive - Ginger Ellen Scott
- 15.1301 West 9 1/2 Street - Peggy Pickle - Interested Party
- 16.809 Pressler Street, Sisto Ramirez
- 17.703 Brownlee Circle, Kim Overton
- 18.802 Pressler Street, Pedro Pablo Elizondo
- 19.706 Winflo Drive, Jay Bunda
- 20.703 Pressler Street, Jessica Hymowitz (Wassenaar)
- 21.812 Winflo Drive, #C Kaysee Goodell
- 22.700 Pressler Street, Denise Younger



CASE: SP-2016-0329C

804 Winflo Drive

Summary

- 804 Winflo is 650+ square feet under minimum limit for MF zoning.
- Allowing 804 Winflo to be developed as multifamily will set precedent and allow other nonconforming properties to be developed as multifamily.
- Neighbors don't want multifamily development to encroach further into core of neighborhood from north and south.
- More impervious cover contributes to "heat island" effect. Less greenery negatively affects character of neighborhood and promotes flooding.
- OWANA plan does not recommend multifamily use for this section of our neighborhood.

