

Subject: from Patti 806/804 Winflo
Date: July 28, 2016 at 11:43 AM
To: ellen@winflo.com

Hi Ellen,

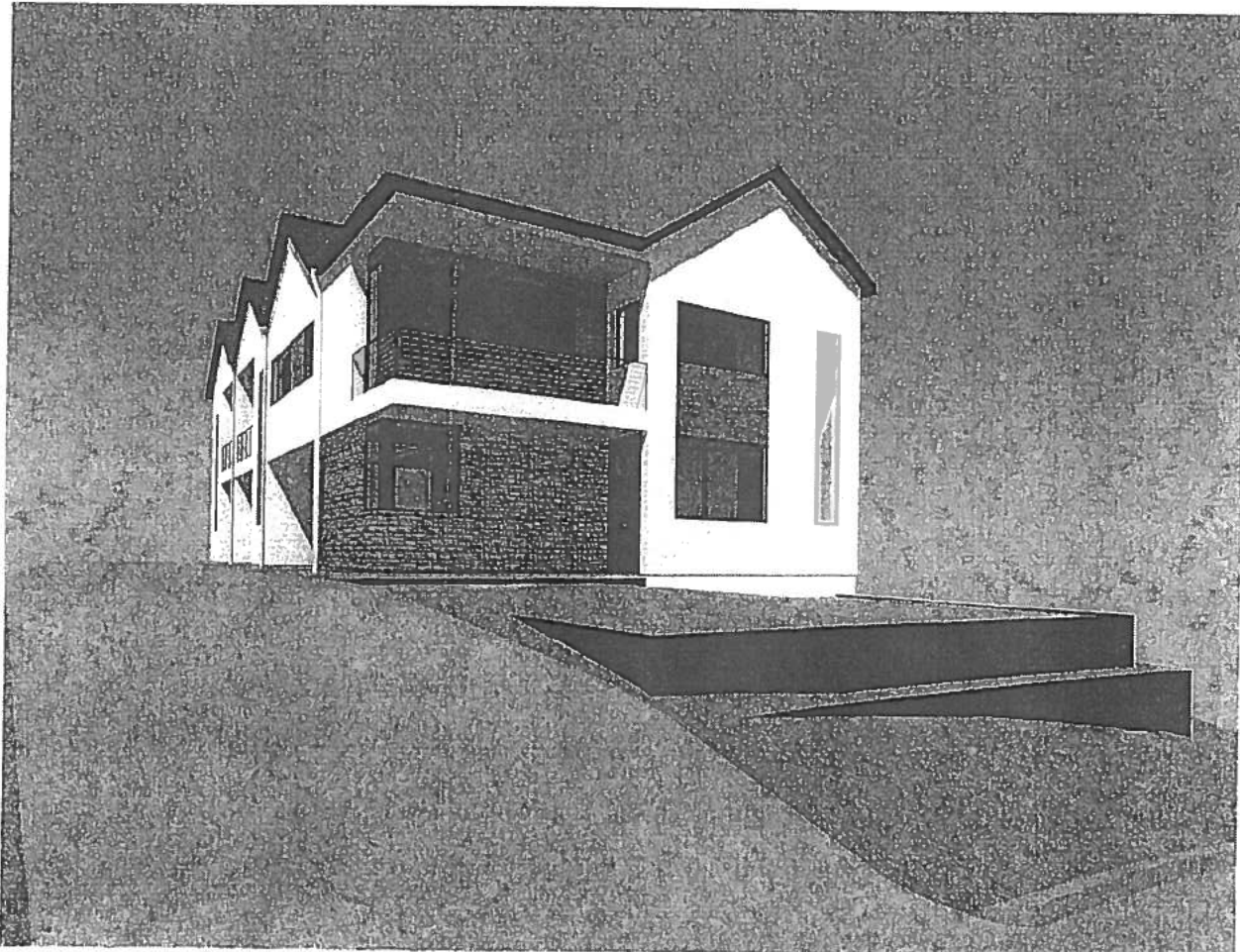
We haven't crossed paths in awhile, so I wanted to give you an update on our plans for the 804 lot. This has been and will be a long process, but nothing we haven't expected given the requirements of the City and the busyness of the Austin market in general.

Our feasibility study revealed that we could build as many as four units on the property, but we opted to do three so they will be much nicer. I've attached a rendering to this email. It's a two story building, and our unit (the one that we're keeping for ourselves) is the largest (1800 sq ft) and is in the front. Our two rental units are behind ours and will each be 2 bdr/2 baths. From our experience at 806, we're fully expecting to get "good" tenants in both of these, as the rents are high and we can be pretty picky (and no undergraduates ever!)

The south side of the building (next to your house) is where our driveway and garages will be. I'm hoping you'll find that to be a good buffer zone between our properties. Here at our home in Dallas, the old house next door was knocked down and a three story is going up literally on top of us (10 ft away I think). That's progress of course, but it's made us extra conscious of what we do at Winflo and how we go about it. Our contractor there has assured us he will introduce himself to the neighbors, will do his best to minimize noise and disruption, and be available for any concerns that might arise (hopefully there will be none!) As for now, things at 804 will be quiet. Because permitting is such a long process, we might not be breaking ground until early 2017. I'll keep you posted.

Hope all is well with you Ellen and we'll see you in the neighborhood!

Patti (and Greg) Schaub
(512) 695-5486



Heldenfels, Leane

From: Chris Schorre [REDACTED]
Sent: Monday, March 20, 2017 3:19 PM
To: Heldenfels, Leane
Subject: Fwd: SP-2016-0329C
Attachments: 804 Winflo zoning - case SP-2016-0329C.pdf

Hi Leanne,

I would like to ensure the attached document is included in the packet reviewed by Commissioners.

I would also like to speak on April 10 and will present this document.

Regards,

Chris Schorre adn Julie Paasche
717 Brownlee Circle
Austin, TX 78703
Mobile/text: +1.512.731.1520
[REDACTED]

----- Forwarded message -----

From: **Heldenfels, Leane** <Leane.Heldenfels@austintexas.gov>
Date: Mon, Feb 27, 2017 at 11:14 AM
Subject: RE: SP-2016-0329C
To: Julie Paasche [REDACTED]

Thanks for sending in your comments, I will include them in the boards advance packet for the 4/10 hearing, the case has been moved to that date.

Take care,

Leane Heldenfels, Senior Planner

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

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

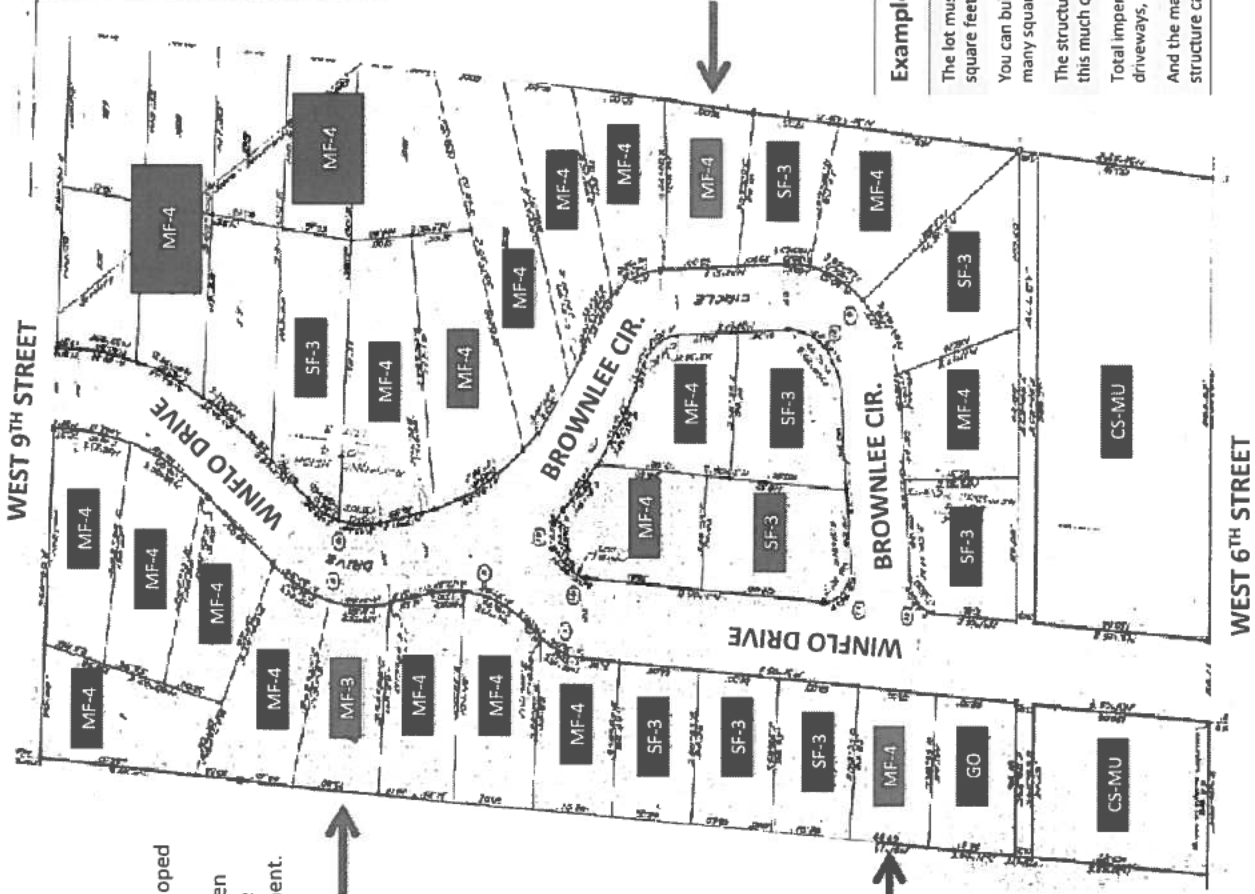


RED

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

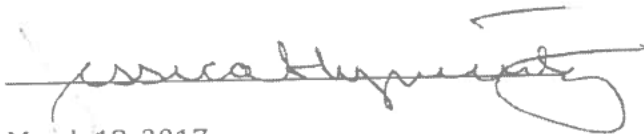


Example for 8,000sf lot	SF-3	MF-3	MF-4
The lot must be at least this many square feet:	5,750	8,000	8,000
You can build a structure up to this many square feet on 8,000sf lot:	3,200	6,000	6,000
The structure itself can cover up to this much of the lot:	40%	55%	60%
Total impervious cover (structure, driveways,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

RE: SP-2016-0329C 804 Winflo Drive

I am opposed to the Board of Adjustment granting a Variance to the developers of 804 Winflo Drive, which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Jessica Hymowitz, owner of 803 Pressler

A handwritten signature in black ink, appearing to read "Jessica Hymowitz", written over a horizontal line. The signature is stylized with a large loop at the end.

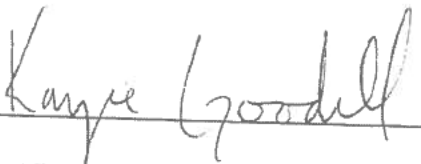
March 18, 2017

RE: SP-2016-0329C 804 Winflo Drive

I withdraw my previous support for the granting of a variance for 804 Winflo Drive since I have since learned more about the project.

I am opposed to the Board of Adjustment granting a Variance to the developers of 804 Winflo Drive, which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Kaysee Goodell - owner of 812 Winflo Drive, Apartment C



A handwritten signature in cursive script, reading "Kaysee Goodell", is written over a horizontal line.

March 15, 2017

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to the Board of Adjustment granting a Variance to the developers of 804 Winflo Drive, which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Pedro Pablo Elizondo, Owner - 802 Pressler Street



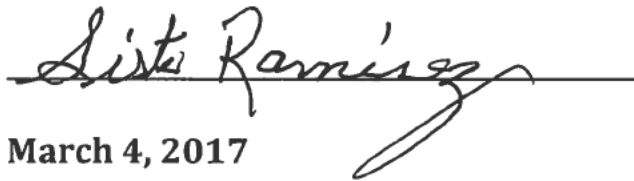
A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a horizontal line.

March 4, 2017

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to the Board of Adjustment granting a Variance to the developers of 804 Winflo Drive, which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Sisto Ramirez, owner of 809 Pressler Street

A handwritten signature in cursive script, reading "Sisto Ramirez", is written over a horizontal line. The signature is fluid and extends slightly below the line.

March 4, 2017

Heldenfels, Leane

From: Brian Birzer [REDACTED]
Sent: Monday, February 27, 2017 9:03 PM
To: Heldenfels, Leane
Cc: ellenjustice@mac.com
Subject: SP-2016-0329C, 804 Winflo Drive

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to the Board of Adjustment granting a Variance to the developers of 804 Winflo Drive which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Brian Birzer
owner
807 Presser St 78703

Heldenfels, Leane

From: Julie Paasche [REDACTED]
Sent: Saturday, February 25, 2017 11:25 AM
To: Heldenfels, Leane
Subject: SP-2016-0329C

Hello Leane,

I have owned the property located at 717 Brownlee Circle for 14+ years and am writing to express my opposition to a variance request for 804 Winflo. One of my concerns with this proposed project relates to impervious cover. I do not know the final impervious cover calculations on this site but I do know that the proposed project would cover a large portion of the site. Water runoff from surrounding properties is a problem on Winflo, resulting in flooding at 9th and Winflo. I understand that a water retention system has been proposed but I am still concerned about so much building and pavement covering the property. I would feel better about this project if the City allowed the Schaub's to make the flat portion of their driveway crushed granite instead of cement or asphalt. I understand that cannot be done on the sloping entrance to the driveway.

To be clear, I have no personal issues with the Schaub's. I do not believe the Schaub's themselves were deceptive in their plan, although I do believe their architects should have done due diligence to confirm that the site met minimum MF-3 site requirements before proceeding into design. Nonetheless, the city made an error in rezoning this property many years ago and now the neighbors are being asked to acquiesce and allow a multi-family project to be built on a lot that is only 7,400sf.

Regards,
Julie

Julie Paasche
717 Brownlee Circle, Austin, TX 78703
[REDACTED]

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to the Board of Adjustment granting a Variance to the developers of 804 Winflo Drive which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Peggy Pickle, 1301 West 9 1/2 Street, INTERESTED PARTY

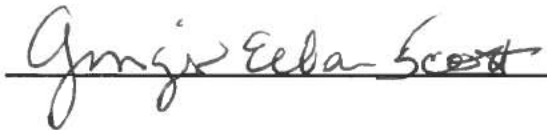
 Feb. 23, 2017

RE: SP-2016-0329C, 804 Winflo Drive

I withdraw my previous support for the granting of a Variance to the developers of 804 Winflo Drive.

I am now opposed to the Board of Adjustment granting a Variance to the developers of 804 Winflo Drive which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Ginger Ellen Scott, 801 Winflo Drive

 Feb. 20, 2017

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to the Board of Adjustment granting a variance to the developers of 804 Winflo Drive which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Jay Bunda, 706 Winflo Drive

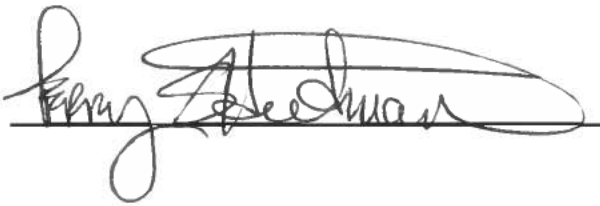
_____

Feb. 12, 2017

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to the Board of Adjustment granting a variance to the developers of 804 Winflo Drive which would allow the construction of a multi-family structure on a lot that is less than 8,000 square feet in area.

Todd Canon or Perry Heitman, 804 Pressler Street

A handwritten signature in black ink, appearing to read "Perry Heitman", written over a horizontal line.

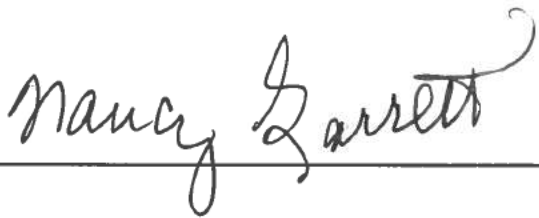
Feb. 12, 2017

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to the granting of a variance that would allow the construction of multi-family residences on this too-small (less than 8,000 square feet) lot.

This would probably add to the parking problem in our neighborhood.

Nancy Garrett, 709 Brownlee Circle, Austin 78703

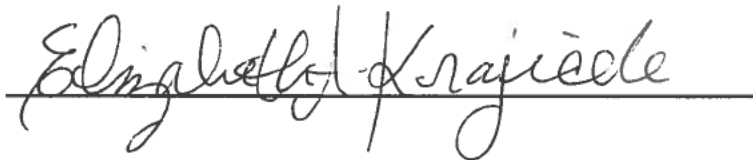


Feb. 9, 2017

RE: SP-2016-0329C, 804 Winflo Drive

I am opposed to a variance being granted for construction of a multi-family building on a lot that is smaller than 8,000 square feet.

**Gabriel or Elizabeth Krajicek
707 Brownlee Circle**

A handwritten signature in cursive script, appearing to read "Elizabeth Krajicek", is written over a horizontal line.

Feb. 9, 2017

Heldenfels, Leane

From: bret strauss [REDACTED]
Sent: Tuesday, January 17, 2017 10:45 PM
To: Heldenfels, Leane
Cc: ellenjustice@mac.com
Subject: Case Number: SP-2016-0329C

Hereby registering opposition to the city granting a variance for the construction of a multi-family residence on a lot less than 8,000 square feet :

Bret K Strauss
700 Winflo Drive
Austin, Texas
78703

Heldenfels, Leane

From: Gerald Harter <[REDACTED]>
Sent: Monday, January 16, 2017 11:36 AM
To: Heldenfels, Leane
Cc: ellenjustice@mac.com
Subject: 804 Winflo Drive Case Number: SP-2016-0329C

January 16, 2017
Case Number: SP-2016-0329C

Dear Board of Adjustments;

We strongly oppose the triplex project at 804 Winflo Drive. It is zoned MF-3-NP, however construction requires 8,000 square feet. Their lot is 683 square feet too small. If this variance is passed it opens the door for more over building in the neighborhood.

Gerald and Kimberly Harter

716 Brownlee Circle
Austin TX 78703

Mailing address
PO Box 5101
Austin TX 78763

Tel 512 474-4953
Fax 512 692-2902

Email
[REDACTED]

Heldenfels, Leane

From: Mike Banghart [REDACTED]
Sent: Sunday, January 15, 2017 5:44 PM
To: Heldenfels, Leane
Subject: 804 Winflo Drive Variance

January 15, 2017

Case Number: SP-2016-0329C

Dear Board of Adjustments,

I own two properties near 804 Winflo Drive. I am opposed to granting a variance for them to build a triplex on a lot of less than 8,000 square feet. There other properties in the neighborhood that could ask for a similar variance and I think it would set a bad precedent. Traffic and parking are already an issue.

Thank you,

Mike Banghart

800-B Winflo Drive

512 423 5387

Heldenfels, Leane

From: Blockley, Mary E [REDACTED]
Sent: Sunday, January 15, 2017 5:42 PM
To: Heldenfels, Leane
Cc: ellenjustice@mac.com
Subject: opposition to variance Case Number SP-2016-0329C

I oppose the idea of any variance granted in Park View to allow the construction of a multi-family residence on a lot of less than 8,000 square feet.

Mary Blockley
702 Brownlee Circle
Austin TX 78703-5215

re: Case Number SP-2016-0329C

Sent Sunday, January 15, 2017

Heldenfels, Leane

From: Clark.Bickley [REDACTED]
Sent: Sunday, January 15, 2017 11:16 AM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: Opposed to Case Number SP-2016-0329C

Dell - Internal Use - Confidential

I am opposed to the City of Austin granting a variance for the construction of a multi-family residence in a too-small lot, a lot less than 8,000 square feet. Additionally, street parking is very limited in our neighborhood, and I am concerned this will further exacerbate that problem.

Branden Clark Bickley
701 Brownlee Circle
Austin, TX, 78703

Sent 15 January, 2017
Case Number SP-2016-0329C

Heldenfels, Leane

From: Angenette.Bickle [REDACTED]
Sent: Sunday, January 15, 2017 9:27 AM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: 804 Winflo Drive

January, 15, 2016

Hello, I'm writing this email to document my opposition to the City granting a variance for the construction of a multi-family residence on a lot that is less than 8000 sq ft at 804 Winflo Drive. This variance is documented as Case Number: SP-2016-0329C.

I am a neighbor of this property and do not think the lot size is sufficient for more than it is zoned for under the current code. I am EXTREMELY concerned about the implications this might have to parking on the street (ie' Winflo and Brownlee Circle). These streets already have too many cars parking in the street making it difficult for residents, guests and delivery vehicles to navigate the road and makes it almost impossible to park on the street even though we live here.

To reiterate, I oppose the city Thank you, granting a variance allowing a multi-family residence on 804 Winflo Drive.

Angie Bickley
701 Brownlee Circle
Austin TX 78703

Heldenfels, Leane

From: Jim Robbins [REDACTED]
Sent: Saturday, January 14, 2017 3:21 PM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: Case SP-2016-0329C

January 14th, 2017

Case #: SP-2016-0329C

I am opposed to the City of Austin granting a variance for the construction of a multi-family residence on a too-small lot. This lot does not meet the minimum of 8000 square feet.

James Robbins

702 Winflo Dr, Austin, Tx 78703
512-658-7985

Dear Members of the Board of Adjustment:

We are opposed to the granting of a variance that would allow multifamily construction at 804 Winflo Drive. File # SP-2016-0329C; Case # 2016-081733 SP.

The owners would like to build three units on the lot, but construction of a multifamily use on this property doesn't comply with the minimum lot size, as per Code. The minimum required lot size is 8,000 square feet in an MF-3-NP zoning district, and 804 Winflo Drive is only 7,317 square feet in site area. The lot is 683 square feet too small.

Please note that the development is improperly named "Winflo Townhomes." It is multifamily rentals that are to be built, and not townhouses or condominiums.

Winflo neighbors who oppose the multifamily construction at 804 Winflo are not opposed to having a rental property there so long as it is a duplex (45% impervious cover), instead of a triplex (65% impervious cover). Neighbors have told the owners that we would welcome a duplex, but they have insisted that they must have a triplex.

The owners have worked with an architect, contractor and engineer since buying the lot in 2015, and submitted their plans for permit approval in July of 2016. But, they are only now seeking a variance. Possibly their professionals did not inform them of the lot's insufficiency, or they chose to believe that a variance would easily be granted. In either case, our neighborhood should not have to suffer from what would be too much construction on this too-small lot. And, it would set a precedent if a variance were granted for multifamily construction on this substandard lot.

All the properties from 805 and 806 Winflo north to W. 9th Street are multifamily properties. Almost all of them are rental properties. However, the six-unit complex at 806 Winflo (where the owners of 804 currently own four of the units) are condominiums—presumably built before the current lot-size standards were in place. Parking, trash, and upkeep are problems on this part of the street (please see photos attached).

The very wide driveway, which is 20-feet at the property line, is required for multifamily construction. It appears to threaten a large volume of water rushing into the street during a heavy rain. Lack of pervious area is a glaring feature of the multifamily structures from 806 Winflo down to West 9th Street. They were built back when the impervious cover standards were not so protective as they now are. Please see the enclosed photo of flooding on West 9th Street, beside the West Austin Park at the foot of Winflo Drive.

Housing infill in areas near downtown may be a good idea in many areas, but

not in those where drainage, trash, and parking (!) will likely be very adversely affected.

Please do not grant this variance.

Best wishes,

Ellen Justice and Eric Leibrock
802 Winflo Drive

March 20, 2017

PLEASE SEE PHOTOS on this page and on pages 3 and 4.



806 Winflo Dr. trash, Aug. 1, 2016, 12:43 p.m.



**Winflo Drive parking, looking south from 802 Winflo Dr.,
March 17, 2016. 9:35 a.m.**



**Winflo Drive parking, looking south from W. 9th St.,
Dec. 31, 2016, 5:08 p.m.**



**Winflo Drive parking, looking north from W. 6th St.,
March 10, 2015, 2:42 p.m.**

L01/122

9TH ST FLOODING



From: [REDACTED]
Subject: from Patti 806/804 Winflo
Date: July 28, 2016 at 11:43 AM
To: ellenjustice@mac.com
Cc: schaubtex@gmail.com

Hi Ellen,

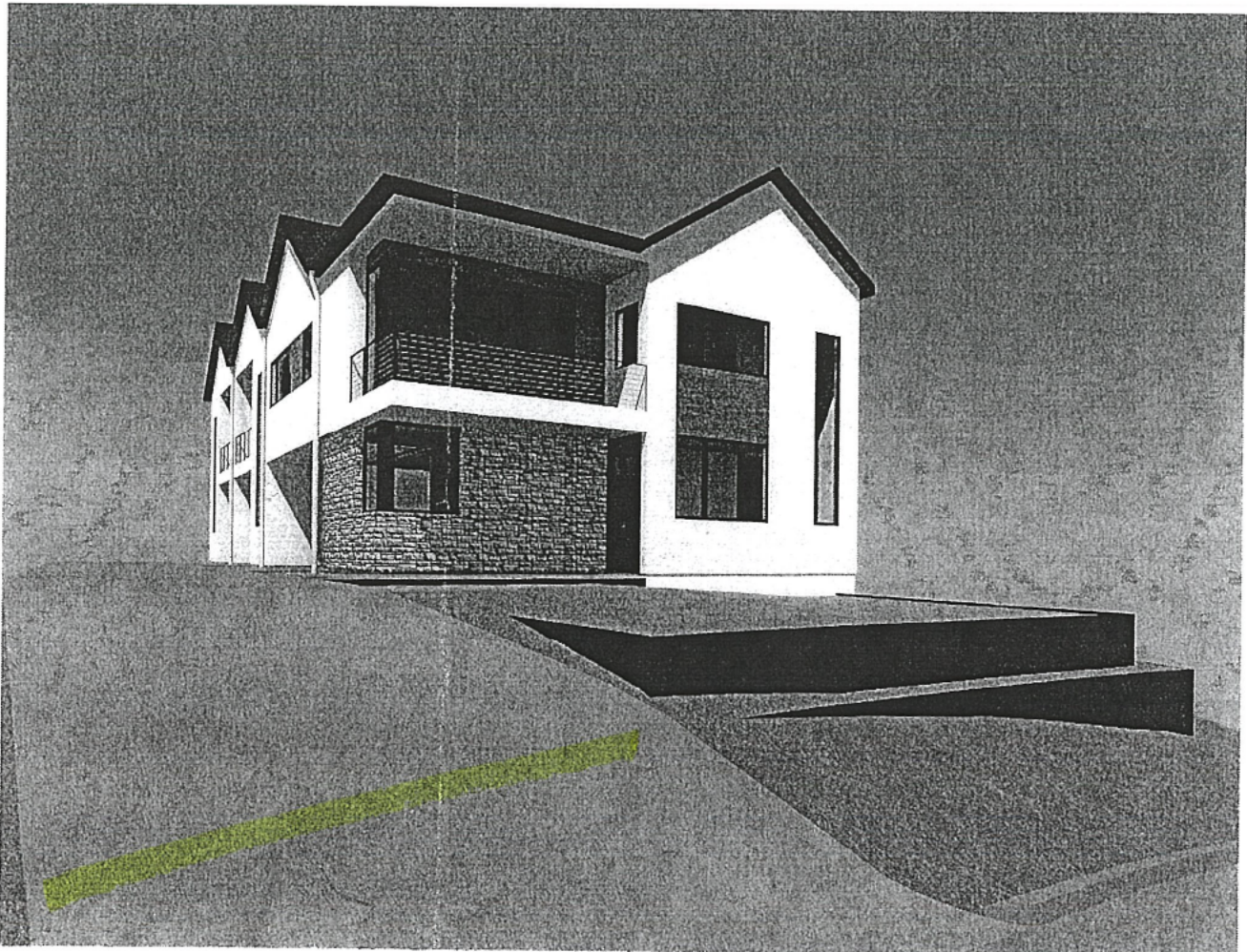
We haven't crossed paths in awhile, so I wanted to give you an update on our plans for the 804 lot. This has been and will be a long process, but nothing we haven't expected given the requirements of the City and the busyness of the Austin market in general.

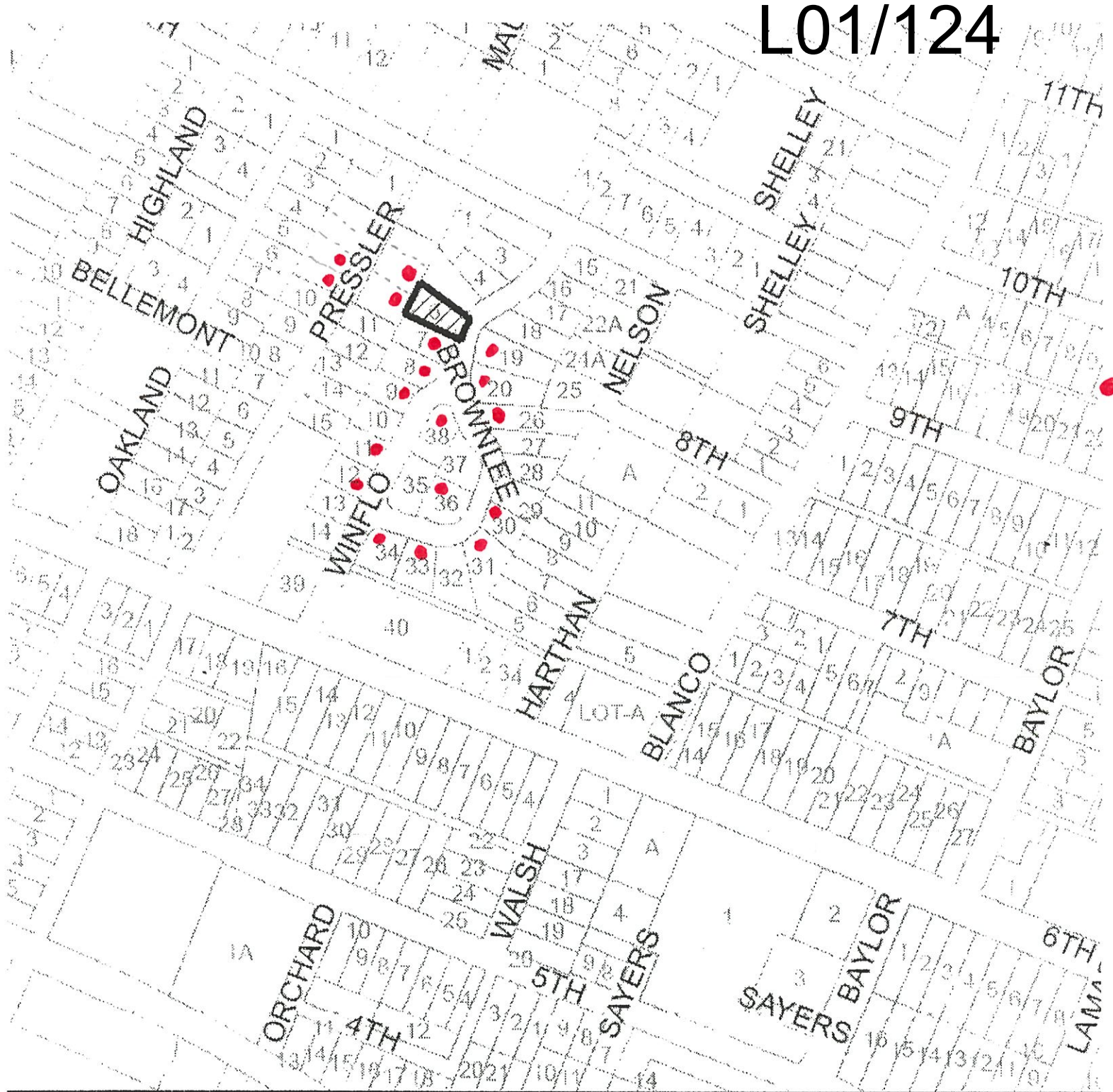
Our feasibility study revealed that we could build as many as four units on the property, but we opted to do three so they will be much nicer. I've attached a rendering to this email. It's a two story building, and our unit (the one that we're keeping for ourselves) is the largest (1800 sq ft) and is in the front. Our two rental units are behind ours and will each be 2 bdr/2 baths. From our experience at 806, we're fully expecting to get "good" tenants in both of these, as the rents are high and we can be pretty picky (and no undergraduates ever!)

The south side of the building (next to your house) is where our driveway and garages will be. I'm hoping you'll find that to be a good buffer zone between our properties. Here at our home in Dallas, the old house next door was knocked down and a three story is going up literally on top of us (10 ft away I think). That's progress of course, but it's made us extra conscious of what we do at Winflo and how we go about it. Our contractor there has assured us he will introduce himself to the neighbors, will do his best to minimize noise and disruption, and be available for any concerns that might arise (hopefully there will be none!) As for now, things at 804 will be quiet. Because permitting is such a long process, we might not be breaking ground until early 2017. I'll keep you posted.

Hope all is well with you Ellen and we'll see you in the neighborhood!

Patti (and Greg) Schaub
(512) 695-5486





Subject Tract

CASE#: SP-2016-0329C

ADDRESS: 804 WINFLO DRIVE

Base Map



LETTERS OR MESSAGES FROM THESE **OWNERS** WHO ARE
OPPOSED TO THE VARIANCE FOR 804 WINFLO DRIVE:

LETTERS OR MESSAGES FROM THESE OWNERS WHO ARE
OPPOSED TO THE VARIANCE FOR 804 WINFLO DRIVE:

1 of 2

802 Winflo Drive - Ellen Justice and Eric Leibrock - Interested Party

800 Winflo Drive - Mike Banghart - Interested Party

803 Winflo Drive - Mike Banghart

700 Winflo Drive - Bret Strauss

702 Winflo Drive - James Robbins

716 Brownlee Circle - Gerald and Kim Harter

702 Brownlee Circle - Mary Blockley

701 Brownlee Circle - Clark and Angie Bickley

707 Brownlee Circle - Gabriel and Elizabeth Krajicek

709 Brownlee Circle - Nancy Garrett

717 Brownlee Circle - Chris Schorre and Julie Paasche - Interested
Party

804 Pressler Street - Perry Heitman and Todd Canon

807 Pressler Street - Brian Birzer

801 Winflo Drive - Ginger Ellen Scott

1301 West 9 1/2 Street - Peggy Pickle - Interested Party

809 Pressler Street, Sisto Ramirez

703 Brownlee Circle, Kim Overton

802 Pressler Street, Pedro Pablo Elizondo

716 Winfo Drive, Jay Bunda



Property lines were taken from TCAD Plat Maps.

Improvements for 804 Winflo Drive were taken from plans submitted to the city for permitting.

Existing development for 806 Winflo Drive was taken from satellite photos lined up with fence lines and other landmarks.

Dear Members of the Board of Adjustment:

We are opposed to the granting of a variance that would allow multifamily construction at 804 Winflo Drive. File # SP-2016-0329C; Case # 2016-081733 SP.

The owners would like to build three units on the lot, but construction of a multifamily use on this property doesn't comply with the minimum lot size, as per Code. The minimum required lot size is 8,000 square feet in an MF-3-NP zoning district, and 804 Winflo Drive is only 7,317 square feet in site area. The lot is 683 square feet too small.

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Housing infill in areas near downtown may be a good idea in many areas, but not in those where drainage, trash, and parking (!) will likely be very adversely affected.

Please do not grant this variance.

Best wishes,

Ellen Justice and Eric Leibrock
802 Winflo Drive

March 20, 2017

PLEASE SEE PHOTOS on this page and on pages 3 and 4.



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March 10, 2015, 2:42 p.m.**

From: [Ellen Justice](#)
To: [Heldenfels, Leane](#)
Subject: Fwd: SP - 2016-0329C/ Missing from c15-2017-0008
Date: Thursday, March 30, 2017 11:43:48 AM

Leane,

I didn't see this email on the BoA download. Not a big deal, but since I have Kim Overton on the list of persons who have opposed the variance I want to be sure this email is in the next download.

Thank you for your help.

— Ellen Justice

Begin forwarded message:

From: Kim Overton <[REDACTED]>
Subject: Fwd: SP - 2016-0329C
Date: March 1, 2017 at 7:55:01 AM CST
To: leana.heldenfels@austintexas.gov
Cc: [REDACTED]

This is a resend - Leane's email was misspelled the first time:

Begin forwarded message:

From: Kim Overton <[REDACTED]>
Date: March 01, 2017 7:47:13 AM
To: leana.heldendels@austintexas.gov
Cc: [REDACTED]
[REDACTED]

Good morning, Leane,

I'm writing in reference to 804 Winflo Drive, SP-2016-0329C.

I am the owner and resident of 703 Brownlee Circle. My husband and I oppose the granting of a variance which would allow for multi-family building on this lot. We are, however, okay with a duplex.

Please let me know if you have any questions regarding my email.

Thank you kindly,

Kim

From: [REDACTED]
To: [Heldenfels, Leane](#)
Subject: Case C15-2017-0008 804 Winflo Dr
Date: Sunday, April 02, 2017 12:04:45 PM

Hi Leane, I received a notice about the hearing for the variance for 804 Winflo. I OBJECT to the variance request. Prior to the developer purchasing the property, there was a single family dwelling on the land. OWANA does not need another multifamily dwelling. The MF status should have been rolled back when the neighborhood plan called for it many years ago. In addition, the property should be held to the same "McMansion" rules as a single family dwelling would.

Thanks,
Denise Younger
700 Pressler

From: [Jessica Wassenaar](#)
To: [Heldenfels, Leane](#)
Cc: [Ellen Justice](#)
Subject: 804 Winflo, c15-2017-0008, 2017 - 000005BA
Date: Monday, April 03, 2017 6:56:10 PM

Leane,

I'm writing about the variance request for 804 Winflo as detailed in the subject line. I have owned the property at 803 Pressler for over 13 years - which is behind and downhill from the property in question. Whenever there is a heavy rainfall my property feels the impact tremendously with our driveway flooding. Reduced green space, as this variance requests, will only make the situation worse and will have an adverse impact on several properties along Pressler.

Thank you for your time,

Jessica Hymowitz Wassenaar

Reply to Variance Application by Patricia Schaub and letter from Mike McHone, including drawings

1. The City has a right to expect that a licensed architect consulted the Land Use Code in designing a project and that any plans submitted were in accordance with land use requirements
2. Section 25-2-943 of the Land Development Code indicates that single-family and commercial uses proposed for development may be grandfathered if the subject lot is of substandard size. However, such "amnesty" does not apply when the lot is to be developed for multi-family use. This was determined by Greg Guernsey, the director of the Austin Planning and Zoning Department. See email at the end of these replies.
3. Mr. McHone's concluding comment that "a triplex could be built," according to the Code is incorrect. The "Note" contained in the City's Notice of Public Hearing on the variance explains that the substandard lot section of the Code (Section 25-2-943) does not apply since the subject lot was configured in 1948 and proposes a multifamily use. And, "Further, the Old West Austin Neighborhood Plan only provides small lot amnesty for single family use."
4. The applicant and her husband own four of the six condominiums at 806 Winflo Drive, and have presumably occupied one as a "second home" since 2009. (Their Dallas home has been claimed as their homestead since 2009.). The "unused buffer of land" at that address is a common element of the Homeowners' Association; they do not own it. Its retaining wall was likely constructed to maintain a proper grade for the parking lot at 806. This "unused buffer" is essential pervious cover since almost all of the remainder of the six-plex lot is impervious cover.
5. Any "additional and substantial improvements" to be made at 806 Winflo would be made by the HOA.
6. Regarding flooding: Since 9th Street at the foot of Winflo Drive already floods, the addition of 64.96% impervious cover up the hill can only worsen this.
7. To my knowledge, there were no discussions with nearby neighbors in connection with "a feasibility study done by a local architect." Certainly no one contacted us, the next-door neighbors.
8. None of the neighbors I have spoken to were contacted by the Schaub's to discuss the project before their plans were submitted to the City on July 12, 2016. I received an email from Patti Schaub on July 28th which contained an elevation of the planned triplex and a brief description (among documents already submitted to the Board). I replied that it looked attractive and that I was glad it was sited closer to 806 than to our house at 802. And, I wished her good luck with the permitting process. (That email is

attached at the end of these replies.) I had naively believed that their project would have the same impervious cover as our house (45%). And, I had no way to anticipate the very wide driveway (20 feet at the front lot line) that stretches from the very back of their lot to the street.

The next time that we and other neighbors had contact with the Schaub family was when they circulated a petition near the end of December 2016, asking neighbors to sign in support of their variance application. Also, I spoke with Patti Schaub by phone in early January. She proposed that they could possibly satisfy our objections to their triplex by building a higher fence between our properties, or some other minor modification. I suggested that they could build a duplex. I hardly know Patti, but she seems like a nice person. I and the other neighbors wish their family well. We would be delighted to have their duplex (no variance required; considered SF) at 804.

9. The Schaub family has said (at the OWANA zoning committee and general membership meeting) that they plan to live in two of the three units at 804 Winflo, if it is built. However, there is no guarantee that will happen, in spite of their best intentions. Indeed, please refer to the July 28, 2016 email that Patti Schaub sent me (Ellen Justice) in which she states that they intend to rent out two of the units. Evidently, the plan to have their son occupy one of those two units was arrived at later. This is simply one illustration of how plans can change. Instead of a long-term family occupancy, the triplex may become typical rental property, with more transient tenants.

10. Regarding downloads titled "BOA scanned drawings:" If these are accurate as to current zoning, they nonetheless do not show the "use" of each property. Our lot at 802 Winflo is zoned MF-4, but we have a single-family house. And, 800 and 706 Winflo are similarly SF uses. This SF use vastly predominates in our neighborhood where lots are zoned MF.

11. Regarding "Area Character:" The lots adjacent to 804 Winflo Drive are our house at 802 Winflo, 805 Pressler, 807 Pressler, and 806 Winflo. The subject lot is across the street from 803 and 805 Winflo.

802 Winflo and 805 Pressler and 807 Pressler are single-family homes. 806 Winflo is a six-unit condominium where the Schaub family own four of the units. 805 Winflo is a single-family home. 803 Winflo is a 2,368 sq. ft. fourplex on an 11,535 sq.ft. lot.

Our house has a Five Star Green Energy rating from the City of Austin and has 55% pervious cover, as well as extensive native landscaping. Our lot will be beside a twenty-foot wide driveway that touches our side fence (except for a few feet) along its entire 133 feet length (to the street). We dread the "heat island" effect and additional noise this will create. We disagree with the assertion in the Application that there will be "harmony" with the adjacent property. Their design for the three apartments (two facing our house) seems inoffensive, but the scale of their project does not "harmonize" with our house or neighbors to the south and west of the proposed site.

12. The four "Similar Properties," said to establish that construction of a multi-family property on a substandard lot is general to the area were built in 1930, 1940, 1960, and 1966. 913 West Lynn, which is a five-plex, is located on a major thoroughfare with Mathews Elementary School, apartment buildings and businesses.

Here are the living area square footages and the lot square footages from information available at Travis CAD:

614 Highland (property ID 106621) - LA is 2,024 SF; lot 7,169 SF (built in 1960)
707 Highland (property ID 106702) - LA is 2,472; lot 4,780 SF (built in 1930)
803 Oakland (property ID 106747) - LA is 1,780 SF; lot 6,914 SF (built in 1940)
913 West Lynn (property ID 109284) - LA is 3,480 SF; lot 7,866 SF (built in 1966)

Note that the square footage of two of these four "similar" properties have less than half the square footage of 804 Winflo (4,299.67 SF). One property is slightly over half that size. And the five-plex at 913 West Lynn is 819.67 square feet smaller than the 804 Winflo triplex.

See the two emails below:

Hi, Ellen....

I can confirm that the information within your e-mail is correct as the staff and I understand Mr. Guernsey's interpretation of the Code in regard to the 804 Winflo case.

Michael Simmons-Smith, Senior Planner
City of Austin Development Services Department

Land Use Review
505 Barton Springs Road, 4th Floor
Austin, Texas 78704
 (512) 974-1225

From: Ellen Justice [<mailto:>]
Sent: Monday, April 03, 2017 1:38 PM
To: Simmons-Smith, Michael
Subject: 804 Winflo/ c15- 2017-0008/ 2017-000005BA

Dear Mr. Simmons-Smith (Case Manager at the Development Services Department),

Please confirm or correct this information:

It has been determined, by the Planning and Zoning Department director (Greg Guernsey), that Section 25-2-943 of the Land Development Code (LDC) indicates that single-family and commercial uses proposed for development may be grandfathered if the lot intended to be developed upon is of substandard size. However, the Code stipulates that single-family and commercial land uses are eligible for such grandfathering, and not multifamily uses. So, there can be no construction of a multi-family use on the lot at 804 Winflo Drive unless a variance to the lot-size requirement of the LDC is granted by the Board of Adjustment.

Thank you for your help.

— Ellen Justice

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

From: Ellen Justice <[REDACTED]>

To: Schaubtex [REDACTED]

Sent: Sun, Jul 31, 2016 7:47 pm

Subject: Re: from Patti 806/804 Winflo

Patti,

Thank you for sending this! Your design is very attractive, and it's delightful that the structure is on the far side (from us) of your lot.

Please ask your contractor to take special note of the tree on our lot that is beside where your driveway will be - and doubtless where there will be lots of deliveries of materials. We'd appreciate it if he'd urge his subs and suppliers to take care not to rip off any limbs. I think this won't be a problem except possibly for very tall trucks and equipment.

Good luck with the permitting process; it can be a bear.

Best wishes,

— Ellen

From: [Ellen Justice](#)
To: [Heldenfels, Leane](#)
Subject: mistake on photo caption I've sent - 804 Winflo
Date: Tuesday, April 04, 2017 10:50:43 AM

Leane,

Looking over the photos I've sent I saw a typo. The photo of the overflowing dumpster is of one located at 808 Winflo, and not 806 Winflo, as it is labeled.

Please include this message in the materials for the BoA members.

Thank you for your help.

— Ellen Justice

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: C15-2017-0008, 804 Winflo Dr.

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

Sean Brown

Your Name (please print)

712 Browlee Cr

Your address(es) affected by this application

San Antonio

Signature

Date

Daytime Telephone: *512-587-9933*

Comments:

I live 4-5 lots over from the vacant lot at 804 Winflo. I am in favor of this development. A triplex will contribute missing middle housing that benefits the neighborhood and city. More families will be able to walk to the park, new central library, and underpopulated neighborhoods. More residents can walk to work downtown. Additional supply in central Austin aligns with long-term Austin and the new strategy for growing Austin. Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be sent by either:

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

PUBLIC HEARING INFORMATION

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Case Number: C15-2017-0008, 804 Winflo Dr.

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

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

Leane Brown

Your Name (please print)

☒ I am in favor
☐ I object

412 Brewster Cir, Austin, TX 78703

Your address(es) affected by this application

Leane Brown

Signature

Date

Daytime Telephone: *512-567-3749*

Comments: *I'd like to have more families in this neighborhood and I think multi-family homes will help young couples to move into this neighborhood, which will make Sparksville more lively.*

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

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: [Perry H](#)
To: [Heldenfels, Leane](#)
Subject: Re: 804 Winflo, C15-2017-0008, 2017-000005BA
Date: Wednesday, April 05, 2017 1:30:26 PM

Ms. Heldenfels:

I am opposed to allowing the requested variance in the above-referenced case.

I write to point out a few discrepancies in the Schaub's application for a variance and representations. The applicant, Patricia Schaub, represents herself as the owner of 804 Winflo; but, in fact, Winflo Holdings LLC is listed as the owner in TCAD records. Winflo Holdings LLC purchased the property on June 29, 2015. Winflo Holdings also holds title to property at 806 Winflo. TCAD records show the Schaub's purchased 806 Winflo on July 27, 2005, and transferred the property to Winflo Holdings LLC on June 1, 2015. Winflo Holdings LLC was formed on or about June 1, 2015, and appears to be owned entirely by William and Patricia Schaub.

The fact that Winflo Holdings LLC not the Schaub's owns 804 Winflo suggests to me that 804 Winflo was purchased as an investment and not to build their dream home as Mr. Schaub represented to OWANA membership on March 7th. TCAD confirmed to me that a property held by an LLC cannot qualify for the homestead exemption. It seems unlikely to me that one would build a dream home under a corporate umbrella and certainly not if doing so forfeited the homestead exemption. Taken together, the above facts make me suspicious that they purchased this property for any purpose than investment.

In addition, Mr. Schaub's explanation that he believed that part of the lot next door belonged to 804 Winflo does not make sense. A casual passerby would most certainly conclude that the parcel belongs to 806 Winflo. The fence between the lots appears to be on the property line, which if carried to the street, clearly suggests that the parcel belongs to 806 Winflo. And, the Schaub's are not disinterested. They own both lots and should have learned the boundaries when they purchased each lot.

Therefore, in addition to my concern that granting the variance has would lead to future variances and damage the fabric of our neighborhood, the Schaub's knew or should have known the limitations of developing 804 Winflo before they purchased it. Accordingly, there is no hardship.

Respectfully,

Perry Heitman
804 Pressler St.

Sending from my mobile. . . please excuse typos

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.



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

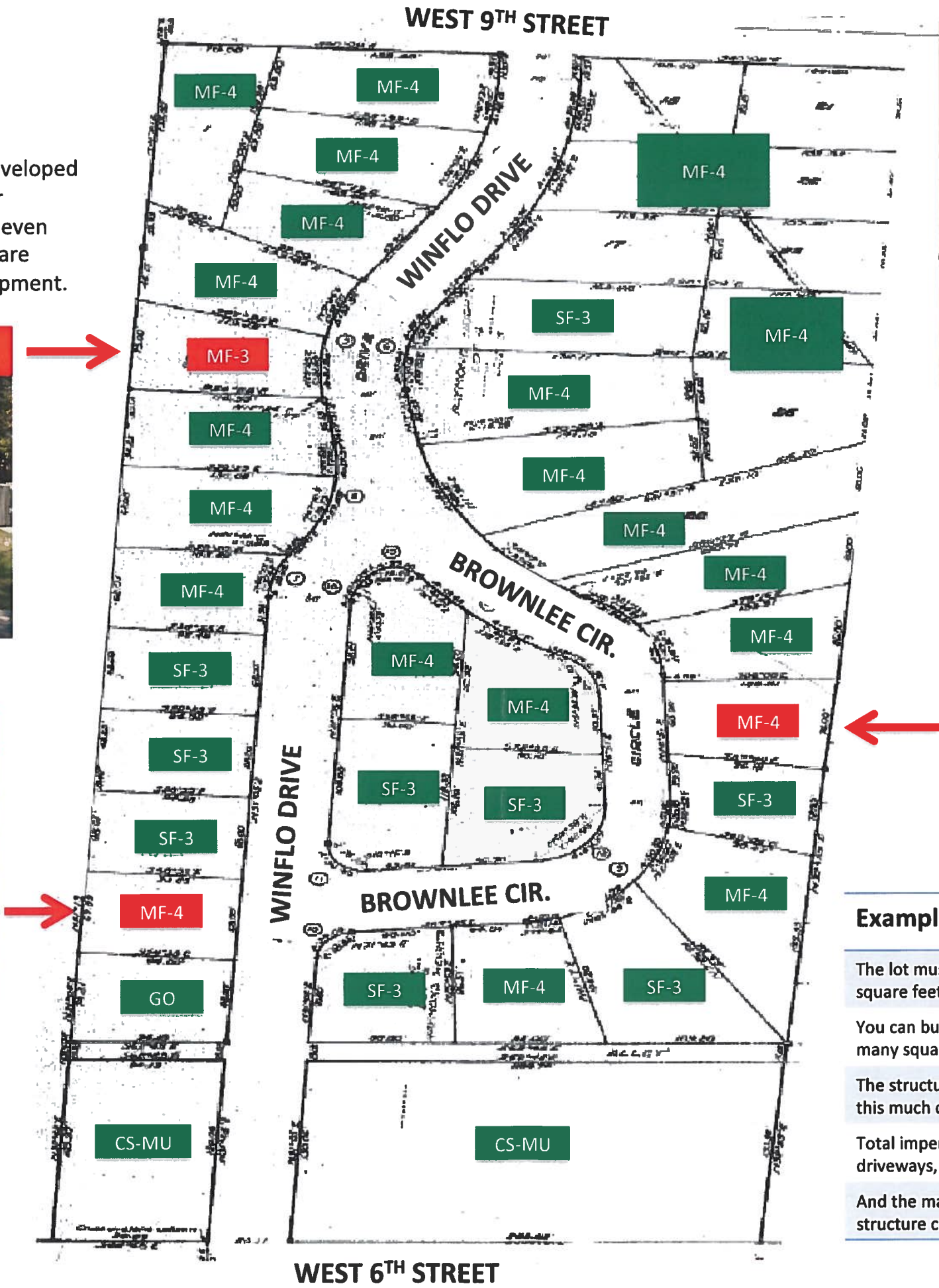


RED

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.



**INFO
PRESENTED AT
MEETING
APRIL 10, 2017**

Item: M 3

804 Winflo Drive Case: C15-2017-0008

4/5/2017

Index of Support Material:

- 1) Updated Variance Application (4 pages)
- 2) Picture; Aerial View of Neighborhood (Google Earth)
- 3) Current GIS zoning Map (COA)
- 4) Current LDC:
 - A/ 25-2-492 (C)
 - B/ 25-2-492 (D)
 - C/ 25-2-942
- 5) Picture of 804 Winflo; Lot 6 Park View (vacant lot)
- 6) COA Meetings on Project
- 7) Site Plan for 802 Winflo: Elevation, site plan
- 8) Petition of neighbors signing in support (3 pages)

7



CITY OF AUSTIN

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 # _____

Section 1: Applicant Statement

Street Address: 804 Winflo Drive

Subdivision Legal Description:

Lot 6, Park View Subdivision, Travis County Texas, Volume 5, Pae 69, Plat Records of Travis County, Texas (in 1949)

Lot(s): 6 Block(s): _____

Outlot: _____ Division: _____

Zoning District: MF-3-NP

I/We Mike McHone on behalf of myself/ourselves as
authorized agent for Patricia M. and William G. Schaub affirm that on
Month March, Day 31, Year 2017, 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: 3 two story multifamily residential units(tri-plex) single building 4,300 GFA

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

Title 25-Land Development Code, Section 25-2-492 (D)

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:

Lot 6 was legally platted in 1949, has 7,354 sq. ft. and was zoned B-2nd Height and Area. The LDC in effect at the time required property with this zoning to have 7,000 sq. ft. to construct a triplex. In 1985, the LDC was modified and Lot 6 was rezoned MF-3. This LDC requires a minimum lot size of 8,000 sq. ft. for all MF zoned lots. According to current LDC-25-2-942, Lot 6 was a legal lot in March of 1984 and therefore, it is a conforming lot. The strict application of 25-2-492 (D) ; Site Development Regulations, does not allow for a reasonable use.

Hardship

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

Lot 6 is one of the only vacant lots in the subdivision. It is also one of the few MF zoned lots that has less than the current LDC required 8,000 sq. ft.

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

Most of the lots in Park View which were rezoned from B to MF in 1985 meet the current lot size requirement and are developed with single family houses.

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:

Lot 6 is adjacent to other MF4 lots and the lot adjacent to the north is a 10 unit condominium. Those farther north on 9th St. are larger apartments. Adjacent on the south is a new 3,050 sq. ft. house on a 8,126 sq. ft. MF4 lot. Lot 6 will be developed as a triplex of 4,300 sq. ft. and is fully compliant with the compatibility requirements established by the 1985 LDC. It will be a buffer between existing SF use and a more intense MF-4 use which is encouraged by the current code.

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: 03/31/2017

Applicant Name (typed or printed): Michael R. McHone

Applicant Mailing Address: P. O. Box 8142

City: Austin State: TX Zip: 78713

Phone (will be public information): (512) 554-8440

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: Michael R. McHone

Agent Mailing Address: P.O. Box 8142

City: Austin State: TX Zip: 78713

Phone (will be public information): _____

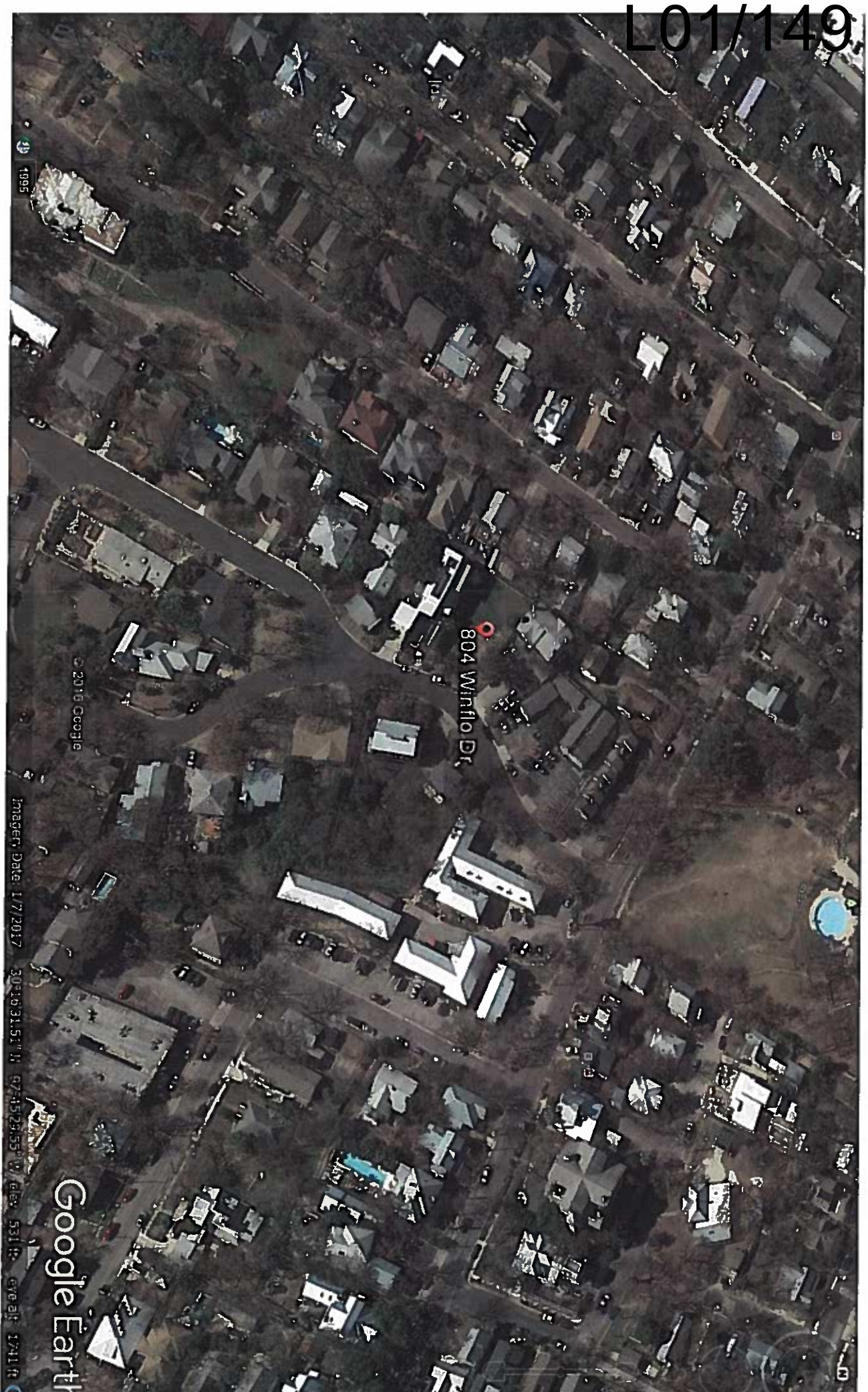
Email (optional – will be public information): _____

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).

L01/149

2



1995

© 2016 Google

Imagery Date: 1/7/2017

30°16'31.51"N 97°45'29.55"W Elev: 531 ft EYE ALT: 1741 ft

Google Earth

Overlay Districts



Dominia 7 and 8



§ 25-2-492 SITE DEVELOPMENT REGULATIONS.

(A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.

(B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.

★ (C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.

(D) Site development regulation table.

Source: Section 13-2-630; Ord. 990225-70; Ord. 991104-46; Ord. 000511-109; Ord. 030731-53; Ord. 031211-11; Ord. 041118-57; Ord. 20100819-064.

	LA	RR	SF-1***	SF-2	SF-3
	43,560	43,560	10,000	5,750	5,750
MINIMUM LOT SIZE (square feet):			60	50	50
MINIMUM LOT WIDTH:	100	100	1	1	**
MAXIMUM DWELLING UNITS PER LOT:	1	1	1	1	
MAXIMUM HEIGHT:	35	35	35	35	35
MINIMUM SETBACKS:					
FRONT YARD:	40	40	25	25	25
STREET SIDE YARD:	25	25	15	15	15
INTERIOR SIDE YARD:	10	10	5	5	5
REAR YARD:	20	20	10	10	10

	MF-2	MF-3	MF-4	MF-5	MF-6	MH
MINIMUM LOT SIZE (square feet):	8,000	8,000	8,000	8,000	8,000	—
MINIMUM LOT WIDTH:	50	50	50	50	50	—
MAXIMUM DWELLING UNITS PER LOT:	*	**	***	***	—	—
MAXIMUM HEIGHT:	40 or 3 stories	40	60	60	90	—
MINIMUM SETBACKS:						
FRONT YARD:	25	25	15	15	15	—
STREET SIDE YARD:	15	15	15	15	15	—
INTERIOR SIDE YARD:	5	5	5	5	5	—
REAR YARD:	10	10	10	10	10	—
MAXIMUM BUILDING COVERAGE:	50%	55%	60%	60%	70%	—
MAXIMUM IMPERVIOUS COVER:	60%	65%	70%	70%	80%	—
MAXIMUM FLOOR AREA RATIO	—	.75:1	.75:1	1:1	—	—

* See Section 25-2-561 (Multifamily Residence Low Density District Regulations).

** See Section 25-2-562 (Multifamily Residence Medium Density District Regulations).

*** See Section 25-2-563 (Multifamily Residence Moderate-High Density and Multifamily Residence High Density District Regulations).

	NO	LO	GO	CR	LR	GR
MINIMUM LOT SIZE (square feet):	5,750	5,750	5,750	20,000	5,750	5,750
MINIMUM LOT WIDTH:	50	50	50	100	50	50
MAXIMUM HEIGHT:	35 or 2 stories	40 or 3 stories	60	40	40 or 3 stories	60
MINIMUM SETBACKS:						
FRONT YARD:	25	25	15	50	25	10

§ 25-2-923 DETERMINATIONS.

The building official may permit a temporary use after determining that the temporary use:

- (1) will not impair the normal, safe, and effective operation of a permanent use on the same site;
- (2) will be compatible with nearby uses;
- (3) will not adversely affect public health, safety, or convenience;
- (4) will not create a traffic hazard or congestion; and
- (5) will not interrupt or interfere with the normal conduct of uses and activities in the vicinity.

Source: Section 13-2-323; Ord. 990225-70; Ord. 031211-11.

§ 25-2-924 CONDITIONS OF APPROVAL.

The building official may condition the approval of a temporary use on compliance with additional requirements that the building official determines are necessary to ensure land use compatibility and minimize adverse effects on nearby uses, including requirements for hours of operation, frequency of use, parking, traffic circulation, screening, enclosure, site restoration, and cleanup.

Source: Section 13-2-322(b); Ord. 990225-70; Ord. 031211-11.

§ 25-2-925 SITE RESTORATION.

On termination of a temporary use, the person engaging in the temporary use shall remove all debris, litter, and other evidence of the use from the site.

Source: Section 13-2-322(a); Ord. 990225-70; Ord. 031211-11.

ARTICLE 7. NONCONFORMING USES.**§ 25-2-941 NONCONFORMING USE DEFINED.**

NONCONFORMING USE means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.

Source: Section 13-2-331; Ord. 990225-70; Ord. 031211-11.

§ 25-2-942 USES CONFORMING ON MARCH 1, 1984. *

The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.

Source: Section 13-2-340; Ord. 990225-70; Ord. 031211-11.

§ 25-2-943 SUBSTANDARD LOT.

(A) A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.

(B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.

(1) A substandard lot recorded in the county real property records before March 15, 1946 must:

- (a) have an area of not less than 4,000 square feet; and
- (b) be not less than 33 feet wide at the street or at the building line, or



COA Contacts and Meetings

November 6th, 2015

- Mark Hart from the MHA Architect Firm met with DAC and reviewed a hard copy print of the initial 4-plex feasibility study plan. The DAC acknowledged the MF3 zoning as well as the 7,400sqft lot sized shown on the first page.
- Brian Conant from NLC met with the DAC and reviewed the same feasibility study as well as the survey and zoning map with the same information.

March 2016 second week

- Javier Barajas from the firm Landmark Civil Engineering Services met with the DAC with respect to the Water Quality, Stormwater Detention, Utilities Servicing the Site and Fire Protection Requirements.

May 6th, 2016

- Travis Habersaat from the firm TvH Architecture took an outline and questions down to the city Development Assistance Center, prior to working on any drawings. What was printed and discussed was if the lot was considered MF3 Small lot, in terms of where our compatibility setbacks would be located and how they would restrict where/ what we could build on the lot. Travis also discussed the number of units allowed for our property as we were still deciding with either 3 or 4 units. Zoning and lot size were clear and present and was not flagged as being any sort of issue with developing the lot.

January 19th, 2017

- Javier Barajas and Brian Conant met with Michael Simmons-Smith and Lynda Courtney at the City office conference room. Both Michael and Lynda were very helpful and forth coming with all topics we discussed relating to the DAC and how things have progressed. They clearly expressed that the approach we did with the DAC reviewing and discussing the feasibility is for this reason and that this should have been brought up then by the person we sat with. They also asked who we met with in a manner that made me think they might go question the employment of the person in the DAC. Overall, Michael and Lynda fully agreed with our stance and said they don't know of any other tasks we could have done differently and this is the purpose of the DAC. I am not really sure if there is any concrete documentation that states the role or terms of the DAC but Michael and Lynda both agreed to our points and said if any case was valid, this would be it.

July 12, 2016

- Original Submission of Site Plans to COA

August 15, 2016

- Site Plan Completion Check is Approved by COA

September 20, 2016

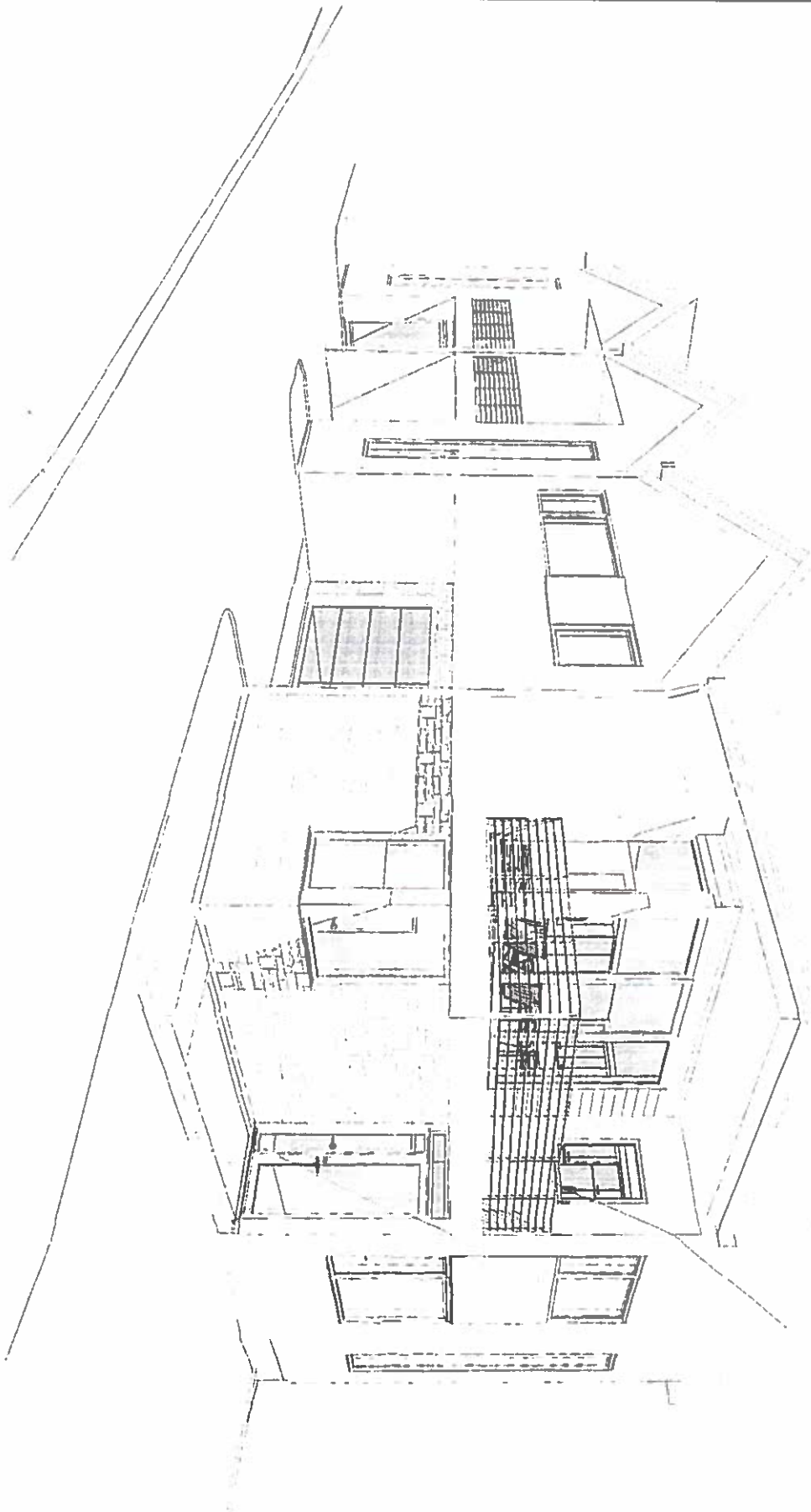
- Civil Engineer received OU Comments, (First Set of COA Comments)
- There is still no mention of Sub Standard Lot

November 8, 2016

- Civil Engineer received U1 Comments, (Second Set of COA Comments)
- This is the First time there is any mention of a Substandard lot comment

December 16, 2016

- Civil Engineer received U2 Comments, (Third Set of COA Comments)



WINFLO TOWNHOMES

804 WINFLO DRIVE, AUSTIN, TEXAS 78703

TITLE SHEET

SHEET
NUMBER: **A0.01**

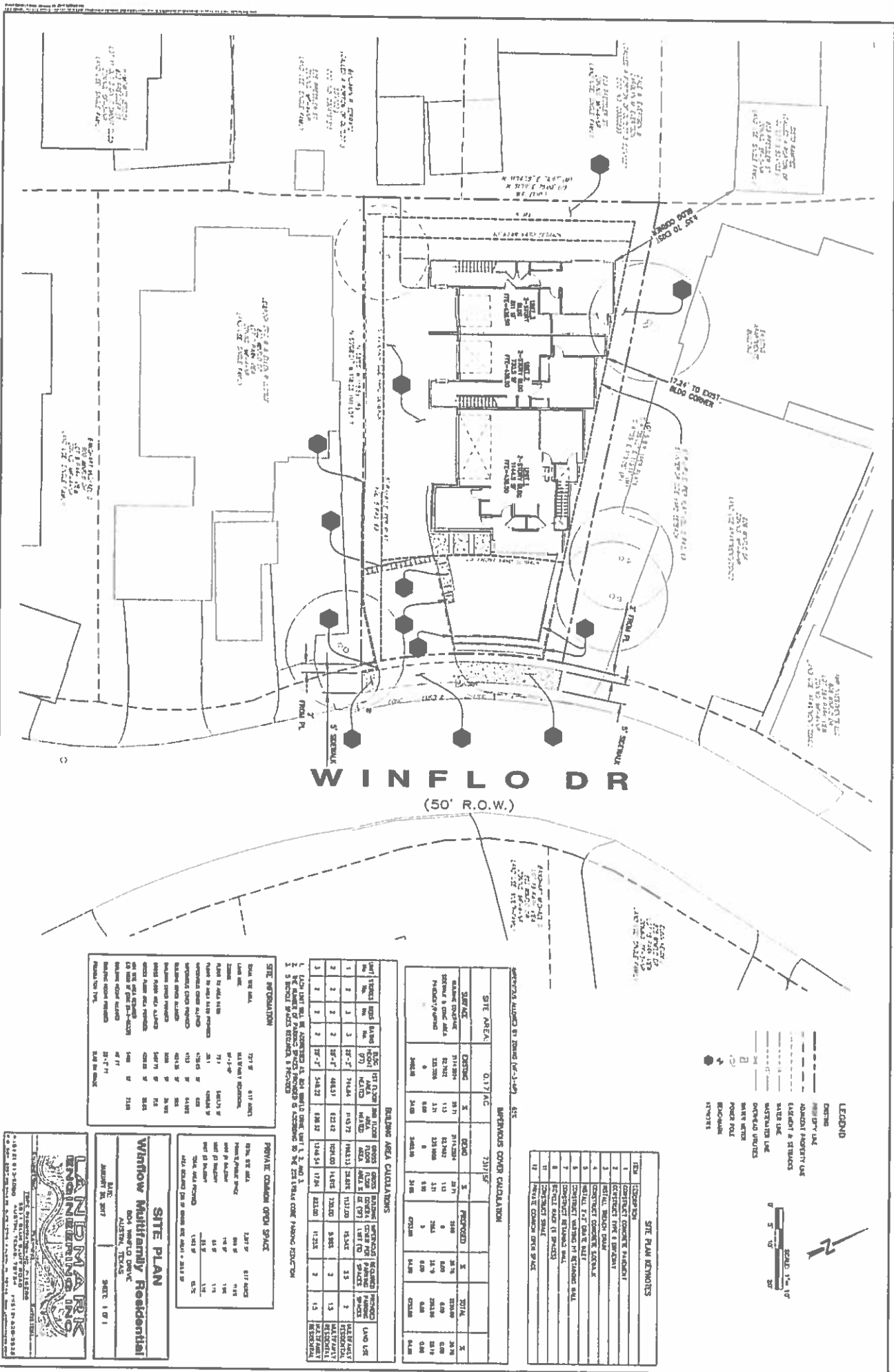
PROJECT	16081	RELEASE KEY:
DATE:	8/22/2016	FOR
DRAWN BY:	TVM	REV - REVIEW

PROJECT NAME:
WINFLO TOWNHOMES
804 WINFLO DRIVE, AUSTIN, TX, 78703

THIS DOCUMENT IS
INCOMPLETE AND MAY
NOT BE USED FOR
REGULATORY
APPROVAL, PERMITTING
OR CONSTRUCTION



TVH ARCHITECTURE
TRAVIS V HABERSAAT ARCHITECT, PLLC.
8305 Steadline Circle, Austin, Texas 78743 512.522.9639





For use with the
City of Los Angeles Code
 and applying for a variance from the Board of Adjustment regarding Section 22.02 of the Land
 Development Code. The variance would allow me the ability to ^{use} develop the site as intended and
and the site would not be designated

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name <small>(Required)</small>	Address	Signature
<u>Ryan Landon</u>	<u>2417 West 10th Street</u>	<u>[Signature]</u>
<u>Richard Linder</u>	<u>805 Luvell Drive</u>	<u>[Signature]</u>
<u>John Bunker</u>	<u>706 Luvell Dr</u>	<u>[Signature]</u>
<u>John Bunker</u>	<u>812 Luvell Dr</u>	<u>[Signature]</u>
<u>Charles Givins</u>	<u>812 Luvell Dr</u>	<u>[Signature]</u>
<u>John Bunker</u>	<u>803 Luvell Dr</u>	<u>[Signature]</u>
<u>John Bunker</u>	<u>712 Luvell Dr</u>	<u>[Signature]</u>
<u>John Bunker</u>	<u>712 Luvell Dr</u>	<u>[Signature]</u>



I, Keith Baird, am applying for a variance from the Board of Adjustment regarding Section 20-20-000 of the Land Development Code. The variance would allow me the ability to use the property for a different purpose than the one currently zoned for.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
LAURA LOBLE	701 WINTRO	LAURA LOBLE
KEITH BAIRD	701 WINTRO	KEITH BAIRD
CHING-CHING	801 WINTRO	CHING-CHING



By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name

Address

Signature

Wicki Fushia (Owner Name)
 1814 W 7th St
 Cheney, Idaho 83225
 109 Shoveler Ln
 Cheney, Idaho 83225

Delete circled
page numbers.

boa pp new info for May 8

1. Email from Eric Leibrock to Leane H and Ellen J, dated Monday, April 17. It begins, "Commissioners, This map shows that the vast majority of properties.."
2. A map of the subject neighborhood, including Winflo Drive, Brownlee Circle, West 9th Street, Pressler Street, etc. This map is mostly yellow. At the bottom, its label says (in part), "ALL YELLOW... and ALL NON-YELLOW..."

Keep

3. Photo of 9th Street flooding

Keep

4. Email from Ellen Justice to Leane Heldenfels, dated April 17th. It begins, "Since there is no neighborhood FLUM..."

Keep

5. Multi-colored graphic/map of the neighborhood (detail of #6). Labeled, "The SINGLE-FAMILY house demolished in 2015 was 'compatible with neighborhood.'"

Keep

6. Multi-colored graphic/map of this whole section of the neighborhood. Its title is "Historic Resource Survey; Old West Austin Neighborhood Plan."

7. Email from Ellen justice (and Eric Leibrock) that is labeled "REPLY TO ZONING PRESENTATION that was in favor of the variance for 804 Winflo Drive."

8. Email from Chris Schorre to Leane H regarding an attached PPT file.

9. A "Park View Subdivision" colored map (red and green labels). It includes three photos and a chart. Winflo, Brownlee, and West 6th and West 9th streets are depicted.

10. Aerial view of 804 Winflo and surrounding properties. 804 is outlined in red and labeled "Lot now empty."

11. 804 Winflo photo. The label states, "There are no hardships associated with building on this lot."

12. A photo of part of 804 Winflo and all of 806 winflo and two properties north. labels state, "These properties are immediately north of 804 Winflo..," and "Multifamily development with high amounts of impervious cover..." and "character of the neighborhood." Two sentences outlined in red are, "Do not allow modifications.." and "has approximately 340 parcels in single-family use."

13. Aerial photo of Winflo, Brownlee, and 9th streets. Title" Case SP-2016-0329C; 804 Winflo Drive; SUMMARY." It shows sections of the neighborhood outlined in red and yellow lines, indicating two areas: "More intensity, " and "The core of our neighborhood..."

- Keep 14. Email from Chris Schorre to Leane H regarding an attached PPT file.
- Keep 15. Email from Claudia Corsetti, replying to Ellen Justice
- Keep 16. A "Park View Subdivision" colored map (red and green labels). It includes three photos and a chart. Winflo, Brownlee, West 6th and West 9th streets are depicted. The chart is headed, "Example for 8000sf lot."
- Keep 17. Aerial view of 804 Winflo and surrounding properties. 804 is outlined in red and labeled "Lot now empty." Arrows show water flow. There is also a photo of 9th Street flooding inset on the lower right side of the page.
- Keep 18. 804 Winflo photo. The label states, "There are no 'hardships' associated with building on this lot."
- Keep 19. A photo of part of 804 Winflo and all of 806 winflo and two properties north . One label states, "These properties are immediately north of 804 Winflo., and Multifamily development with high amounts of impervious cover... and "character of the neighborhood." Two sentences outlined in red are, "Do not allow modifications.." and "has approximately 340 parcels in single-family use."
20. Map of Winflo, Brownlee, 9th , and Pressler streets with RED DOTS showing properties whose owners have sent letters or emails opposing the variance. Those persons are also listed on that map page.
- Keep 21. Aerial photo of Winflo, Brownlee, and 9th streets. Title" SUMMARY; Case # , 804 Winflo Drive." It shows sections of the neighborhood outlined in red and yellow lines, indicating three areas: "More intensity, " and "The core of our neighborhood..." and "Neighbors don't want..."
- Keep 22. Map of Winflo, Brownlee, 9th , and Pressler streets with RED DOTS showing properties whose oners have sent letters or emails opposing the variance. Those persons are also listed on that map page.
- Keep 23. Email from Eric Leibrock to Leane H and Ellen J, dated Monday, April 17. It begins,, " Commissioners, This map shows that the vast majority..."
- Keep 24. A map of the subject neighborhood, including Winflo Drive, Brownlee Circle, West 9th Street, Pressler Street, etc. This map is mostly yellow. At the bottom, its label says (in part), "ALL YELLOW... and ALL NON-YELLOW..."
- Keep 25. Email from Ellen justice (and Eric Leibrock) that is labeled "REPLY TO ZONING PRESENTATION that was in favor of the variance for 804 Winflo Drive."

Keep

26. Ordinance # 85-0228B

Keep

27. Black and white map of a section of (Old) West Austin. Properties are labeled A, B, or C (a few exceptions). These streets are included on this map: West th, 9th, and 8th, Highland, Oakland, Tremeont, Pressler, Winflo, Brownlee, Nelson (and more).

PUBLIC HEARING INFORMATION

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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

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Case Number: C15-2016-0084, 2003 Arpdale St.

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

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

HELEN WEST

Your Name (please print)

☒ I am in favor
☐ I object

2000 AR PDAL E 78704

Your address(es) affected by this application

Leane Heldenfels

Signature

Date

Daytime Telephone: 210-862-8092

Comments:

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: C15-2016-0084, 2003 Arpdale St.

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

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

Your Name (please print)

Leane Heldenfels

Your address(es) affected by this application

2101 Arpdale

Signature

Daytime Telephone:

Date

Comments:

Neighbors do not want more shopping centers making parking close enough to hear them talking in the bedrooms. Keep your distance & privacy. Don't come all the way in. Allow water in.

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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

☐ I am in favor
☒ object

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, May 8th, 2017

Your Name (please print)

Leane S. Heldenfels

☐ I am in favor
☒ I object

Your address(es) affected by this application

2103 Arpdale

Signature

Date

Daytime Telephone:

Comments:

Do not allow further encroachment on the neighbors or setback on lots.

Everything limits are there for a reason.

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

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

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

Your Name (please print)

George Siddle

☐ I am in favor
☒ object

Your address(es) affected by this application

2015 Arpdale

Signature

Date

Daytime Telephone:

Comments: *citying set back & improves*

corner improvements are not for a
reaction. Further setback and on
setback & covering of plant roots.
is not good. Abide by citying
rules we don't build

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

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

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

From: [REDACTED]
To: [Heldenfels, Leane](#)
Cc: [Greg Schaub](#); [Patti Schaub](#); [Javier Barajas](#); [Travis Habersaat](#); [Mike Mchone](#)
Subject: 804 Winflo - postpone to June 12
Date: Friday, May 05, 2017 7:56:36 AM

Hi Leanne,

We are requesting our BOA meeting be rescheduled to June 12th. Can you confirm that this has been done?

Thank you,

Brian Conant

[NEW LINE CONSTRUCTION](#)

Mailing Address: PO Box 202423, Austin TX 78720

Physical Address: 8204 N. Lamar Blvd. Ste B15, Austin TX 78753

Cell: 512.997.8879

Fax: 512.992.2963

www.newlineconstruction.com

From: [Mike McHone](#)
To: [Heldenfels, Leane](#)
Cc: [Mike McHone](#)
Subject: C15-2017-008; 804 Winflo
Date: Wednesday, May 03, 2017 6:49:59 PM
Attachments: [Untitled.PDF - Adobe Acrobat.pdf](#)

Leane,

I been asked by the owners to request a postponement of this case until June 12, 2017. We are working on some alternatives that we need to explore with some of the neighbors who have been more supportive.

Thanks,

Mike

I reconfirm my opposition to the granting of a variance to the Land Development Code's requirement of a lot size of at least 8,000 square feet for the construction of a multi-family residence at 804 Winflo Drive.

I withdraw my previous approval of that variance.

Nancy Garrett 04-14-17
(date)

Nancy Garrett (Owner of 709 Brownlee Circle)