

2 - Re-faxed on 8/14/17 @ 9:28 am.

8-13-17

TO: City of Austin Development Center
ATTN: LEANE HELDENFELS-phone 512-974-2202

For the Board Of Adjustment hearing 8-14-17

FAX#: 512-974-6305

From: Abbe Waldman
CELL #: 512-736-5802

RE: Case #: C-15-2017-0040
7513 and 7603 Cooper Lane

4 Page Fax includes Cover

Thanks!

Please notify me that this was received
Thanks

[REDACTED]

512-736-5802-cell

Perez Family Against Variance Case C-15-2017-0040
Board of Adjustments Hearing 8-14-17

- The Perez Estate owns land contiguous to this tract. There will potentially be some type of development of this property in the future and protecting the value of that development is an important consideration for the estate. Michael Perez and his family live next door in this (point to picture) home and have immediate concerns in this same regard. In addition, his mother owns a tract located behind the Michael Perez home.
- With 30 condo units being built, and assuming 2 cars per unit, there will potentially be sixty or more cars two or more times a day driving right on the property line past, and contiguous to, the Perez Family Estate property and homes. Whatever number of trips per day, it will be substantial.
- We feel that this request for a variance would be easier to understand if we had the opportunity to review the applicants' site plan. No one but the applicants know where they will be building their 30 condominiums, whether the existing house will be removed nor what trees will be removed and what trees they intend to replace, and just where. We applaud their concern of wanting to protect the trees and allow the trees to screen future condo units from being seen. The Perez family deserves to have that same sense of privacy as well. Putting the driveway right along the property line will certainly affect the Perez family's privacy, however. Applicants may potentially plan on keeping the existing home currently located on their tract. It seems they are claiming that because of the existing home and trees there is no other place to locate the driveway they are asking for in their claim. No-one to our knowledge has seen their preliminary development plan proving that claim. If their plans include removing the house this certainly would seem to free up much of their access.
- The Perez Family would like to know:
 - A. What trees they plan to remove when they start construction of their 30 condominiums. In their application it is claimed that there is no other path for their access without disturbing existing trees.
 - B. Where will they be planting new trees to offset trees that they remove?
 - C. One can only assume that they will be removing the existing older home as it will not be compatible with a new high end condominium project similar to what has been built in the neighborhood. Will this home be removed?
- When Townbridge starts construction of their condos we feel that there are 2 alternative sites where they can put their driveway as shown on my drawing. Option A as shown in the picture would allow the driveway to be built centered on the line shown just to the south of the home as there is a clear path located within the normal 25 foot setback and just to the north side of heritage trees 5627 and surrounding group of trees noted as 5628, 5629, and 5632.
- Alternative Option B shown in my drawing and pictures also allows the driveway to be located within the normal side setbacks of 25'. We can assume that the existing home will be removed considering the price point of this new condominium project. With the house removed there is a clear path for a driveway that will easily allow passage past the existing trees. Only one tree it appears would potentially need removal with this option. Tree #5636 an 18" American Elm. These are not typically considered a heritage tree. Please note that many of these trees on this property are Arizona Ash. These trees were used by the building company Nash Phillips Copus for years throughout the 60's, 70's and 80's as they are a fast growing shade tree. They have, however, very soft wood and with mature trees such as these limbs break off easily in storms and wind. Many owners and builders typically remove them when they have reached maturity levels such as these have as they can pose a safety issue when their limbs constantly break off. These may end up being removed by TownBridge.

- The Perez Family is requesting that a postponement of this decision tonight would allow the applicant an opportunity to come up with some new options to present to the family. It would also allow the Family and neighbors to see the site plan we are requesting so we can all understand whether this variance is needed or not. The family is willing to sit down and find some common ground. Currently having this high traffic driveway immediately on top of their property seems to be out of line with the intent of City Code. Setbacks are designed to protect neighboring properties from the very concerns the Perez Family has regarding this request for a variance.
- **All this said we are requesting that this Board consider postponing a decision until the neighborhood and Board have had an opportunity to review a site plan that shows where the condominium units will be built, whether there are plans to remove the house and what trees will be removed and where (if) new ones will be planted.**
- In addition, if the Board chooses to grant this variance tonight, we are requesting the Board make it a condition of the variance that in fact no existing trees will be allowed to be removed by the applicant, and that the home will have to remain in their final plan as this would ensure that the hardship claimed by applicant does actually exist that would not allow the Option B we proposed to be a viable option. In fact, Option A placement of their driveway would allow the trees and the home to remain undisturbed and has no need for a variance to be granted at all.

We thank the Board and TownBridge Homes in advance for their willingness to allow new solutions to be found as we feel this variance places unwanted noise, traffic and financial impact on the shoulders of the Perez Family as to how this variance will impact their properties.

Abbe Waldman-Consultant for the Estate Of Ignacio and Rosa Perez
Michael Perez-Administrator

512-736-5802
[REDACTED]

Kerez Estate - Submission

C-15-2017-0040

Alternate Driveway Options



SCALE: 1"=50'

RESUBDIVISION LOT 2,
COOPER LANE ADDITION
Volume 62 Page 83
LOT 4-A

EXISTING HOUSE

EXISTING HOUSE

EXISTING HOUSE

OPTION B

OPTION B

OPTION A

OPTION A

COOPER LANE

LOT 1

RESUBDIVISION LOT 2,
WILLIE C. GARCIA SUBDIVISION
Volume 68 Page 11
LOT 2

25' COMPATIBILITY SETBACK

PROPOSED DRIVEWAY

Warranty Deed Vol. 12223 Pg. 947
- case Esquivel (0.207 Acre)

TREE LIST

5623	14"	Hickberry
5624	11", 12" and 13"	Arizona Ash (24.5" total)
5625	6" and 12"	Live Oak
5626	11"	Live Oak
5627	4", 11, 13" and 14"	Live Oak (28" total)
5628	9", 15" and 18"	Arizona Ash (30" total)
5629	22"	Arizona Ash
5630	18"	Arizona Ash
5631	21"	Arizona Ash
5632	13"	Peccan
5633	16"	American Elm
5634	9"	American Elm
5635	15"	Chinaberry
5636	18"	American Elm
5637	4" and four 7"	Cedar Elm
5638	5", 7" and 8"	Catalpa
5639	20"	American Elm
5640	4", 7" and 10"	Hickberry

APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE:

REVIEWED:

7513 & 7603 COOPER LANE
BOA EXHIBIT

Thruener Design
P.O. BOX 41567 • AUSTIN, TEXAS 78704 • (512) 476-4456
LAND PLANNERS