

November 19, 2018

BOA Chair, William Burkhardt
COA Staff Liaison, Leane Heldenfels
RE: Reconsideration of Reasonable Use for Case C15-2018-0036, 2713 Hemphill Park

To the Board of Adjustment:

We respectfully request a Reconsideration of reasonable conditions attached to the case, C15-2018-0036. We believe that a letter from University Area Partners misled the Board about the property at 2713 Hemphill Park. **The property at this address is not in UNO.**

This property is included in the NCCD (Neighborhood Conservation Combing District) zoning ordinance of the North University Neighborhood and is listed as tract number **WCD-893**, with zoning of MF-5-NCCD-NP. As such, the UNO Overlay requirements were inappropriately applied to this property. Furthermore, the misapplication of UNO building design requirements to a property in our NCCD violates the intent of our zoning ordinance. Finally, the UNO guidelines impose an affordability requirement that this project does not meet. The owner has told the North University Neighborhood Association Executive Committee (in a meeting on 5 November 2018) that she does not intend to provide affordable units in this project.

At this point we are not questioning the variance granted to amend the minimum lot size for this MF project. We can live with the determination of the Board (11/8/18) attached to the revised set of plans for 2713 Hemphill Park, but to ensure that the project design respects the character of the street and this neighborhood, it is important that the UNO Overlay in West Campus not apply to this property. In particular:

- **4-foot-wide sidewalks** are appropriate for this property, not the 12-foot sidewalks used in UNO. A 3-foot sidewalk at this address would match the 3-foot sidewalk in place on the street at the adjacent Phi Gamma Delta House. This option is consistent with our NCCD and more appropriate to the character of the neighborhood.
- Setback requirements should match those specified in the NCCD for the Waller Creek District: **Front setbacks (15')**; **interior-yard setbacks (5')** and **back setbacks (10')**.
- **Landscaping** should be appropriate. Three trees should be planted in the remaining front setback.
- The street lighting across the street (at the Villas) should suffice.
- The NCCD has a chart for the MF-5 category with maximum impervious cover of 70%, the generous F.A.R. is 1:1, and the maximum building coverage is 60%.

In summary, we request that the application of the UNO design guidelines and overlay requirements be removed from this project in the North University NCCD. Our neighborhood thoughtfully invested time, effort and money creating the NCCD for all the listed tracts.

The City recognizes this area under the NCCD, and we hope that the Board of Adjustments will follow suit.

Sincerely,



Rick Iverson
Co-President of the North University Neighborhood Association