

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

DATE: Monday February 11, 2019

CASE NUMBER: C15-2019-0009

- _____ Brooke Bailey
- _____ William Burkhardt
- _____ Christopher Covo OUT
- _____ Eric Golf
- _____ Melissa Hawthorne
- _____ Bryan King
- _____ Don Leighton-Burwell
- _____ Rahm McDaniel
- _____ Martha Gonzalez (Alternate)
- _____ Veronica Rivera
- _____ James Valdez
- _____ Michael Von Ohlen
- _____ Kelly Blume (Alternate) (for CC)
- _____ Pim Mayo (Alternate)

APPLICANT: Leah Bojo

OWNER: Halil Berberoglu

ADDRESS: 608 ELMWOOD PL

VARIANCE REQUESTED:

The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot area from 8,000 square feet (required) to 6,929 square feet (requested/existing); and to**
- B. decrease the minimum lot width from 50 feet (required) to 48.53 feet (requested); and to**
- C. decrease the side street setback from 15 feet (required) to 0 feet (requested, 5.6' existing); and from**
- D. Section 25-2-563 (Multifamily Residential Use) (B) to decrease the minimum site area from 7,800 square feet (required) to 6,929 square feet (requested) in order to erect a 7 unit multifamily structure with three one-bedroom and four two-bedroom units in a "MF-4-NP" Multifamily Residence Moderate-High Density - Neighborhood Plan zoning district. (Hancock)**

BOARD'S DECISION: Feb 11, 2019 POSTPONED TO MARCH 11, 2019 BY APPLICANT

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

BOA CASE REVIEW SHEET

CASE: C15-2019-0009

BOA DATE: February 11, 2019

ADDRESS: 608 Elmwood Place

COUNCIL DISTRICT AREA: 9

OWNER: Halil Berberoglu

AGENT: Leah Bojo

ZONING: MF-4-NP (Hancock)

AREA: Lot 50 Outlot 1 Division X College Court

VARIANCE REQUEST: 25-2-492 (D) minimum lot size and side street setback

SUMMARY: Erect a new 7-unit multifamily building

ISSUES: Lot is 7,113 square feet, 8,000 square feet required; lot has a 15 foot front and side setback required since it is a corner lot.

| | ZONING | LAND USES |
|--------------|----------------------|------------------|
| <i>Site</i> | MF-4-NP (Hancock) | Residential |
| <i>North</i> | SF-3-CO-NP (Hancock) | Residential |
| <i>South</i> | MF-4-NP (Hancock) | Residential |
| <i>East</i> | P-NP (Hancock) | Park |
| <i>West</i> | MF-4-NP (Hancock) | Residential |

NEIGHBORHOOD ORGANIZATIONS: Austin Independent School District, Austin Neighborhoods Council; Bike Austin; CANPAC (Central Austin Neighborhood Plan Area Committee); Central Austin Community Development Corporation; Eastwoods Neighborhood Association; Friends of Austin Neighborhoods; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Sierra Club, Austin Regional Group; University Area Partners



NOTIFICATIONS

CASE#: C15-2019-0009
LOCATION: 608 Elmwood Place



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 115'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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: 608 Elmwood Place

Subdivision Legal Description:

LOT 50 OLT 1 DIV X COLLEGE COURT

Lot(s): 50 Block(s): _____

Outlot: 1 Division: X

Zoning District: MF-4-NP

I/We Leah M. Bojo on behalf of myself/ourselves as

authorized agent for Halil Berberoglu & Sarah Taylor-Lange affirm that on

Month January, Day 15, Year 2019, 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: A 7-unit multifamily building on 608 Elmwood Place.

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

608 Elmwood Pl. is a corner lot measuring 6,929 square feet and zoned MF-4-NP. The minimum lot size required to develop in the MF-4 base district is 8,000 square feet. We are requesting a variance to the minimum lot size requirement to allow the construction of a multifamily project. We are also asking for a variance from the street side setback regulations, and a variance to the minimum site area requirements to allow the number of units that would be allowed if the lot were standard size.

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: The Property is zoned MF-4-NP and is intended to allow a multifamily project, however the minimum lot size for the MF-4 base district is 8,000 square feet. The lot size of the Property falls short of this requirement by approximately 1,071 square feet. Therefore, the minimum lot size regulations do not allow for the reasonable use of the site, which per the existing zoning and neighborhood plan, is intended for multifamily use. Additionally, the side setback requirements for this corner lot and site area requirements impact the developability of this Property. Zoning regulations require 15-foot setbacks along each street frontage. Compliance with the 15-foot setback along Harris Park Ave does not allow for a reasonable use of the Property, as 30% of the lot is rendered undevelopable as a result of building setback lines. The site area requirements reduce the site by an entire unit as compared to what would be developable if the site were 8,000 SF.

Hardship

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

The Property is a corner lot of substandard size and as such, the site area requirements and front and street side yard setbacks have a unique impact to the Property as opposed to other similarly-zoned lots on the same street.

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

Not all corner lots zoned and intended for multifamily development are of substandard size .

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:

The variances will allow the construction of a low-density multifamily structure that will be designed and scaled to fit the characteristics of the surrounding homes and neighborhood. Additionally, the variances requested will have no impact to the adjacent and surrounding properties and their owners' ability to build, redevelop, or remodel on their lots.

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:

N/A

- 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:

N/A

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

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: Leah M Bojo Date: 1.15.19

Applicant Name (typed or printed): Leah M. Bojo

Applicant Mailing Address: 200 Lee Barton Drive, Ste 100

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 807-2918

Email (optional – will be public information): [REDACTED]

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: Leah M Bojo (see authorization) Date: 1.15.19

Owner Name (typed or printed): Halil Berberoglu & Sarah Taylor-Lange

Owner Mailing Address: 3111 Tom Green St, Apt 309

City: Austin State: TX Zip: 78705

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Leah M. Bojo

Agent Mailing Address: 200 Lee Barton Drive, Ste 100

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 807-2918

Email (optional – will be public information): [REDACTED]

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).

DRENNER GROUP

January 28, 2019

Board of Adjustment Members
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 608 Elmwood Place Board of Adjustment Variance– Board of Adjustment (“BOA”) variance request for the 6,929 square foot piece of property located at 608 Elmwood Place and Harris Park Avenue located in Austin, Travis County, Texas (the “Property”).

Dear BOA Members:

As representatives of the owner of the Property, we respectfully submit the enclosed BOA variance application for the Property located at 608 Elmwood Place.

The Property is a 6,929 square foot lot zoned Multifamily Residence Moderate-High Density – Neighborhood Plan (MF-4-NP). The proposed project is to build a seven-unit multifamily structure with surface parking beneath the units. The Property is located within the Central Austin Combined Neighborhood Planning Area; the Future Land Use Map designation for the site is Multifamily. The tract is currently developed with a duplex, a single family detached home, and a standalone two-car garage.

We are seeking three variances with the submittal of this application package. These are: a variance to the Minimum Lot Size regulations set forth in the site development regulations by zoning district [§ 25-2-492]; a variance to the street side setback requirement of 15’ for a corner lot zoned MF-4 [§ 25-2-492]; and, a variance to the minimum site area requirements for a lot zoned MF-4 [§ 25-2-563(B)].

Firstly, 608 Elmwood Pl. is a corner lot measuring 6,929 square feet and zoned MF-4. The minimum lot size required to develop in MF-4 zoning is 8,000 square feet. We are requesting a variance to the minimum lot size requirement to allow the redevelopment of this site into a multifamily project. Although the Property is zoned MF-4-NP and is intended to allow a multifamily project, the minimum lot size requirement to construct within the MF-4 base district is 8,000 square feet. The lot size of the Property falls short of this requirement by approximately 1,071 square feet. The minimum lot size regulations do not allow for the reasonable use of the site for any type of redevelopment, including multifamily use, which per the existing zoning and neighborhood plan, is intended to be the Property’s use.

Secondly, we are seeking a variance from the street side setback regulations. Zoning regulations in an MF-4 district require 15-foot setbacks along each street frontage. Compliance with the 15-foot setback along Harris Park Avenue does not allow for a reasonable use of the

January 15, 2019

Page 2

Property as approximately 30% of the lot is rendered undevelopable as a result of building setback lines. Removing this requirement would allow the construction of the desired multifamily project and allow for a more integrated façade that will better screen the ground level parking. The ground level parking will protrude from underneath the building if the street side setback is required. Additionally, removing this setback will allow the structure to create a more inviting streetscape in line with the spirit of Subchapter E Commercial Design Standards that are not required for this site due to its residential base district.

Lastly, we are seeking a variance to the minimum site area requirements of the MF-4 zoning district. This variance will allow the construction of the number of units that would be allowed if the lot were the standard 8,000 square-foot size. The site area requirements ultimately reduce the proposed project by an entire unit as compared to what would be developable if the site were slightly larger at 8,000 square feet at a time with Austin is in a housing crisis and is particularly in need of this type of missing-middle development.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



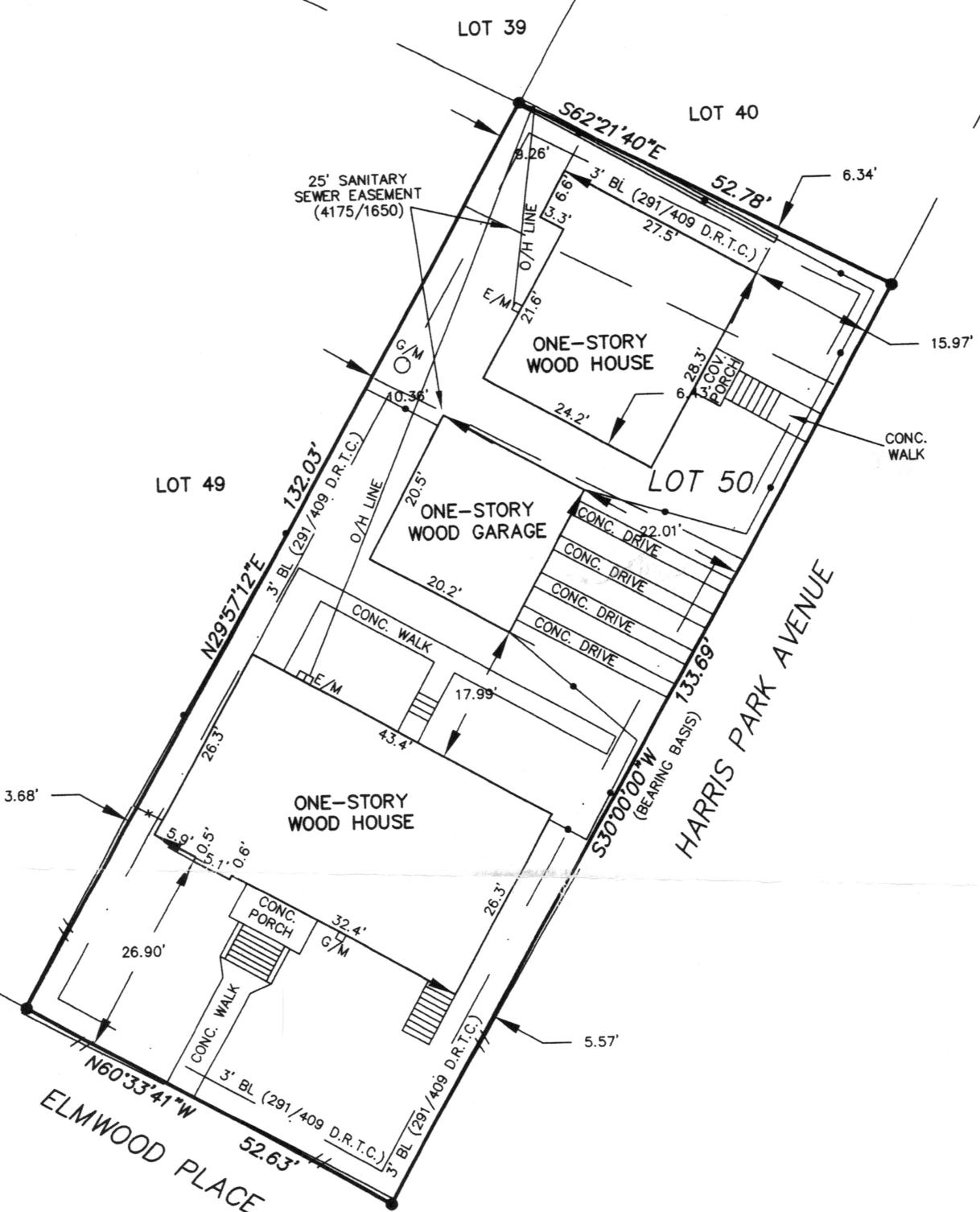
Leah M. Bojo
Drenner Group

CELCO SURVEYING
 TEL: 830-214-5109
 FAX: 866-571-8323

SURVEY PLAT

P-3/11
 2205 S. ONECREST PATH
 NEW BRAUNFELS, TEXAS 78130

SCALE
 1" = 20'



- LEGEND**
- = IRON ROD FOUND
 - () = RECORD PER PLAT
 - #— = WOOD FENCE
 - *— = WIRE FENCE
 - = CHAIN LINK FENCE
 - PUE = PUBLIC UTILITY EASEMENT
 - BL = BUILDING LINE
 - G/M = GAS METER
 - E/M = ELECTRIC METER
 - ⊕ = POWER POLE

RESTRICTIVE COVENANTS OF RECORD AS ITEMIZED HEREIN: VOLUME 291, PAGE 409, DEED RECORDS, TRAVIS COUNTY, TEXAS. (DOES AFFECT THIS TRACT)

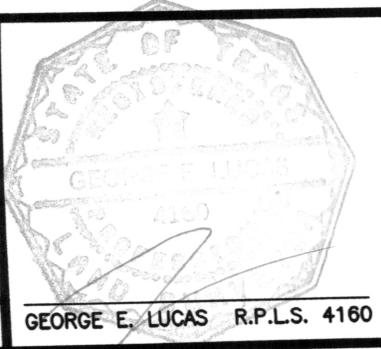
ADDRESS: 608 ELMWOOD PLACE, AUSTIN, TEXAS

LEGAL DESCRIPTION: LOT 50, COLLEGE COURT, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 2, PAGE 222, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

CERTIFICATION

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON.

BUYER: HALIL BERBEROGLU AND SARAH TAYLOR LANGE
TITLE CO: INDEPENDENCE TITLE COMPANY
G.F.#: 1018447-BAL
LENDER: SUPREME LENDING



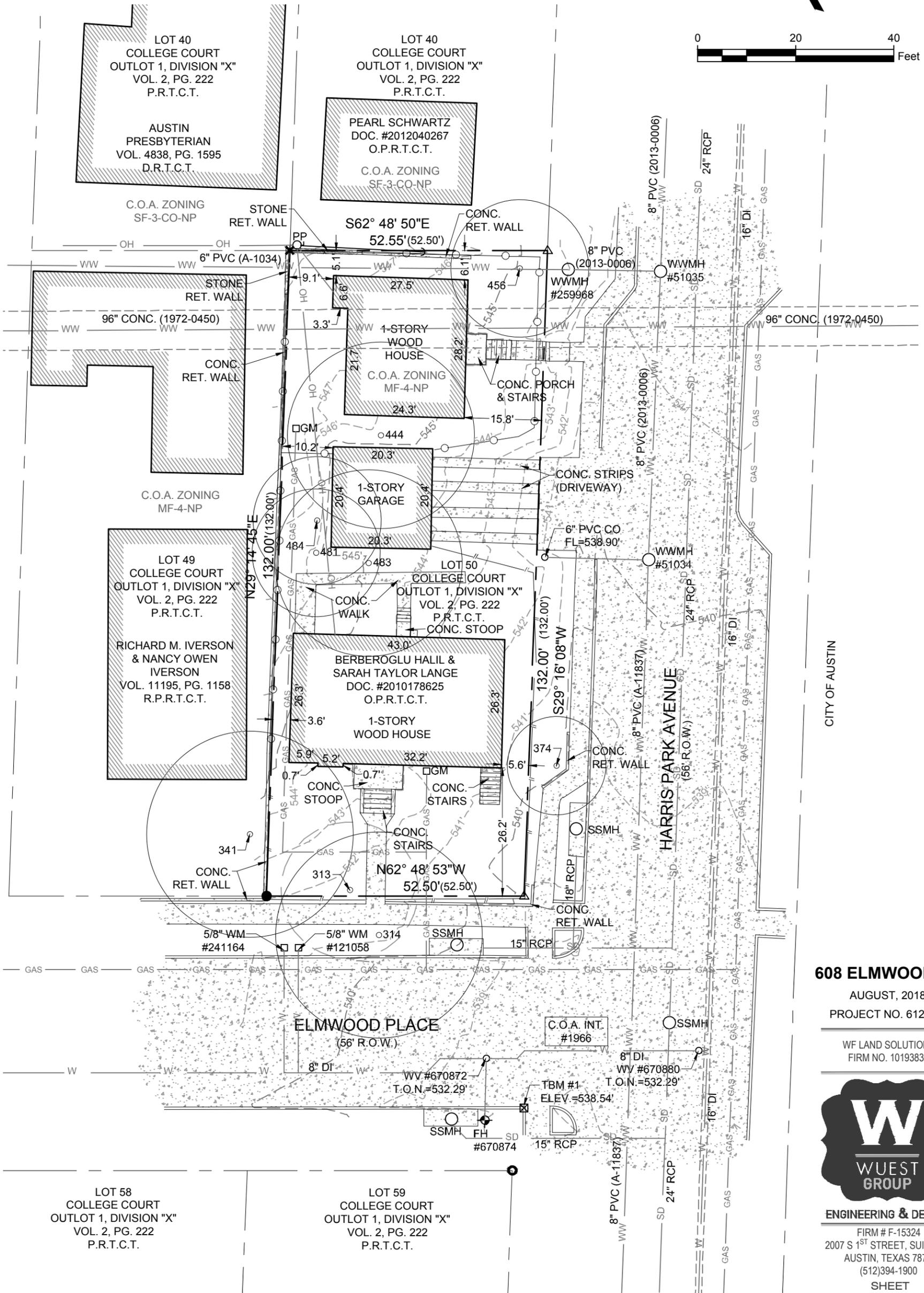
PLAN No.: 10-554

SURVEY DATE: NOVEMBER 4, 2010

GEORGE E. LUCAS R.P.L.S. 4160

TOPOGRAPHIC & TREE SURVEY OF

LOT 50, COLLEGE COURT, SIDON HARRIS' SUBDIVISION OF PART OF
OUTLOT NO. 1, DIVISION "X", CITY OF AUSTIN, TRAVIS COUNTY, TEXAS,
RECORDED IN VOL. 2, PG. 222, P.R.T.C.T.



CITY OF AUSTIN

608 ELMWOOD PL
AUGUST, 2018
PROJECT NO. 612-001

WF LAND SOLUTIONS
FIRM NO. 10193837



ENGINEERING & DESIGN
FIRM # F-15324
2007 S 1ST STREET, SUITE 103
AUSTIN, TEXAS 78704
(512)394-1900

SHEET
1 OF **2**

TOPOGRAPHIC & TREE SURVEY OF
LOT 50, COLLEGE COURT, SIDON HARRIS' SUBDIVISION OF PART OF
OUTLOT NO. 1, DIVISION "X", CITY OF AUSTIN, TRAVIS COUNTY, TEXAS,
RECORDED IN VOL. 2, PG. 222, P.R.T.C.T.

| TREE TABLE | |
|--------------|---|
| ● | 1/2" IRON ROD FOUND |
| ○ | 1" IRON PIPE FOUND (BENT) |
| × | "X" MARK FOUND |
| △ | CALCULATED POINT |
| ⊠ | TEMPORARY BENCHMARK |
| PP○ | POWER POLE |
| ← | GUY WIRE |
| —OH— | OVERHEAD UTILITY LINE |
| GMO | GAS METER |
| —GAS— | UNDERGROUND GAS |
| COO | CLEANOUT |
| WWWMO | WASTEWATER MANHOLE |
| —WW— | UNDERGROUND WASTEWATER |
| SSMO | STORM SEWER MANHOLE |
| —SD— | UNDERGROUND STORM DRAIN |
| WVO | WATER VALVE |
| WMO | WATER METER |
| FH⊕ | FIRE HYDRANT |
| —W— | UNDERGROUND WATER |
| T.O.N. | TOP OF NUT |
| C.O.A. | CITY OF AUSTIN |
| R.O.W. | RIGHT-OF-WAY |
| P.R.T.C.T. | PLAT RECORDS, TRAVIS COUNTY, TEXAS |
| D.R.T.C.T. | DEED RECORDS, TRAVIS COUNTY, TEXAS |
| O.P.R.T.C.T. | OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS |
| R.P.R.T.C.T. | REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS |

UTILITY AND IMPROVEMENT NOTE:

ONLY SURFACE EVIDENCE OF UTILITIES AND IMPROVEMENTS ARE SHOWN ON THIS SURVEY.

HORIZONTAL DATUM:

TEXAS STATE PLANE COORDINATES
 NAD '83 (CENTRAL ZONE 4203)

VERTICAL DATUM:

NAVD '88 ELEVATION DATUM

ON-SITE BENCHMARK:

TBM #1 - CUT TRIANGLE IN CONCRETE CURB ON THE SOUTH SIDE OF ELMWOOD PLACE APPROXIMATELY 68' SOUTHEAST OF THE SOUTHWEST CORNER OF LOT 50.
 ELEV. = 538.54'

| TREE TABLE | |
|------------|--------------|
| CE | = CEDAR ELM |
| P | = PECAN |
| RO | = RED OAK |
| CB | = CHINABERRY |
| 313 | 14" CE |
| 314 | 21" CE |
| 341 | 21" CE |
| 374 | 10" P |
| 444 | 19" CE |
| 456 | 14" RO |
| 481 | 13" CE |
| 482 | 19" CE |
| 483 | 19" CE |
| 484 | 13" CB |

AS SURVEYED BY:

Paul J. Flugel



PAUL J. FLUGEL
 RPLS NO. 5096
 FIRM NO. 10193837

DATE OF FIELD SURVEY:
 8-9-2018
 DATE OF PLAT:
 8-17-2018

608 ELMWOOD PL

AUGUST, 2018
 PROJECT NO. 612-001

WF LAND SOLUTIONS
 FIRM NO. 10193837



ENGINEERING & DESIGN
 FIRM # F-15324
 2007 S 1ST STREET, SUITE 103
 AUSTIN, TEXAS 78704
 (512)394-1900

SHEET
 2 OF 2

From: Ramin Thomasian [REDACTED]
Sent: Sunday, February 10, 2019 12:10 PM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Case No C15-2019-0009 508 Elmwood Place

Greetings: Ms. Leane

This is in reference to:

Case Number: C15-2019-0009 – 608 Elmwood Place Austin Texas 78705

To Board of Adjustment – City of Austin:

I am a homeowner at 511 Bellevue Place. I strongly object to the proposed variance and I am against erecting a 7-unit structure at 608 Elmwood Place. The subject tract/lot faces Harris Park which has significant historic character and was developed in 1930s. The proposed development and erection of multilevel structure will destroy the Park's unique character, serenity and beauty. This is an old University of Texas neighborhood adjacent to historic Harris Park and must be preserved.

Parking is already very limited along Harris Park, Elmwood and Bellevue Place and the proposed development will create more traffic, noise and congestion and parking problem for current residence. The proposed development if approved will set precedents for other developers to seek variance along Harris Park to erect structures. This will downgrade the historic character of the Park, surrounding area and the neighborhood and ruins Park's beauty and serenity.

I respectfully request the Board or Commission to deny and disapprove this variance and the proposed development.

Sincerely,

Ramin Thomasian
511 Bellevue Place Austin Texas 78705
(512)659-3445

From: T. June Melton, PE [REDACTED]
Sent: Monday, February 04, 2019 2:10 PM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Case Number: C15-2019-0009 - 608 Elmwood Place

To City of Austin Board of Adjustment -

I, Thomas June Melton, and my wife, Betty A. Melton, own the property located at 508 Elmwood Place. The property at 608 Elmwood Place is in the same zoning district as ours, and is only 6 lots east of our property. Both of us stand in favor of the application for the referenced case to be heard by the Board of Adjustment and that the application be approved. Thank you.

Thomas June Melton
Betty A. Melton

From: Leah Bojo [m [REDACTED]]
Sent: Tuesday, February 05, 2019 5:33 [REDACTED]
Cc: Jim Schwobel [REDACTED] Heldenfels, Leane
<Leane.Heldenfels@austintexas.gov>; Guernsey, Greg <Greg.Guernsey@austintexas.gov>; Rick Iverson [REDACTED]
Subject: RE: Board of Adjustment agenda request

Hi Lin, et. al.,

We can agree to a one month postponement. That said, the property owner will be in town on Monday (thinking he would be attending the BOA hearing) and so we would really like to attend and present at the neighborhood meeting that is scheduled for that evening. I know that you have it is a busy agenda, and I can appreciate that, but since the property owner will be in town it seems like a great opportunity to hear from him directly. Do you think that we can make that work?

Best,
Leah

Leah M. Bojo, Sr Land Use & Policy Manager
Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704
512-807-2918 direct | 1-512-665-1570 cell | [REDACTED] |
www.drennergroupp.com

From: Lin Team [REDACTED]
Sent: Tuesday, February 5, 2019 4:28 PM
To: Leah Bojo [REDACTED] >
Cc: Jim Schwobel <[REDACTED]>; Leane Heldenfels
<leane.heldenfels@austintexas.gov>; 'Greg Guernsey' <greg.guernsey@ci.austin.tx.us>; Rick Iverson
<[REDACTED]>
Subject: Board of Adjustment agenda request

Dear Leah,
As co-president of Eastwoods Neighborhood Association I ask that you postpone your item on the Board of Adjustment agenda for 608 Elmwood. Monday February 11 is when Eastwoods Neighborhood Association will be meeting, and we have a full docket of important business to do, including special guests and election of officers. I know our members would want to have a presentation on your proposal and treat it seriously. They might be open to a called meeting in order to do so, but I also think CANPAC wants to speak to these kind of issues, so we might combine meetings for that purpose.
Please consider our request.

Thank you,

***Lin Team, Co-President with Jim Schwobel
Eastwoods Neighborhood Association
600 Bellevue Place 78705
512-917-1930***