

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

DATE: Wednesday FEBRUARY 5, 2020

CASE NUMBER: C15-2020-0005

_____ Brooke Bailey OUT
 _____ Jessica Cohen
 _____ Ada Corral
 _____ Melissa Hawthorne
 _____ William Hodge
 _____ Don Leighton-Burwell
 _____ Rahm McDaniel OUT
 _____ Darryl Pruet
 _____ Veronica Rivera
 _____ Yasmine Smith OUT
 _____ Michael Von Ohlen
 _____ Kelly Blume (Alternate)
 _____ Martha Gonzalez (Alternate) OUT
 _____ Denisse Hudock (Alternate) OUT

APPLICANT: Aixa Sola

OWNER: Erin E. O'Malley

ADDRESS: 5003 HIGHLAND CT

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-515 (Rear Yard of a Through Lot) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 10 feet (requested) in order to erect a one story single-family residence in a SF-3", Single-Family Residence zoning district.

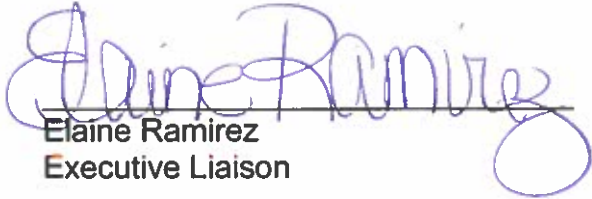
Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

BOARD'S DECISION: BOA MEETING FEB 5, 2020 POSTPONED TO MARCH 9, 2020 BY APPLICANT DUE TO SHORTAGE OF BOARD MEMBERS (CORRAL ABSTAINING)

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:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman



January 27, 2020

Aixa Sola
5003 Highland Ct
Austin TX, 78731

Property Description: LOT 9 * LESS E11.73FT AV BLK B HIGHLAND PARK COURT

Re: C15-2020-0005

Dear Aixia,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section from the Land Development Code; Section 25-2-515 (*Rear Yard of a Through Lot*) ; setback requirements; To decrease the minimum rear yard setback from 25 feet (required) to 10 feet (requested); In order to erect a one-story single-family residence in a SF-3", Single-Family Residence zoning district.

Austin Energy does not oppose variance requested, provided any proposed and existing improvements are following AE clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

<https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

(see - Page 92) - 1.10.0 Clearance and Safety Requirements.

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg - Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0005

BOA DATE: February 5, 2020

ADDRESS: 5003 Highland Ct

COUNCIL DISTRICT: 10

OWNER: Erin E O'Malley

AGENT: Aixa Sola

ZONING: SF-3

LEGAL DESCRIPTION: LOT 9 * LESS E11.73FT AV BLK B HIGHLAND PARK COURT

VARIANCE REQUEST: reduce through lot setback requirement of 25 ft. to 10 ft.

SUMMARY: erect a one story single-family residence

ISSUES: unusual pie shaped lot; 25 ft. reduces usable area of the lot

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family
<i>North</i>	MOPAC Expy	Highway
<i>South</i>	SF-3	Single-Family
<i>East</i>	SF-3	Single-Family
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Bull Creek Road Coalition
 Friends of Austin Neighborhoods
 Highland Park West Balcones Area Neighborhood Assn.
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Barton Creek Assn.
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2020-0005

LOCATION: 5003 HIGHLAND COURT

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.



1" = 333'



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: 5003 HIGHLAND CT

Subdivision Legal Description:

LOT 9 * LESS E11.73FT AV BLK B HIGHLAND PARK COURT

Lot(s): 9 Block(s): B

Outlot: _____ Division: _____

Zoning District: SF-3

I/We Point B Design Group on behalf of myself/ourselves as
authorized agent for KERRY NICK KARL JR & ERIN EMILY O'MALLEY affirm that on
Month December, Day 18, 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: One story single family residence

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

25-2-515 Rear Yard of a through lot. We are requesting a standard 10 foot setback instead of a 25 foot setback

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 25 feet rear setback reduces the usable area of the lot to a point where it prevents the development of a residential unit with the typical shape and design character of its neighborhood.

Hardship

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

This lot has an unusual pie shape and is being consired a through lot. Most of the properties nearby have a regular shape, easier to develop.

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

Most of the properties have a regular or rectangular shape lot, therefore a 25 feet setback doesn't pose much difficulty for development. Many reasonable layouts can be achived in those cases. Other properties in the area are not considered through lots and therefore have less restrictive setbacks.

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 rear of the property is bordered by Mopac's sound wall, decreasing this setback will not
create a privacy or safety issue, will not harm adjacent properties and will not affect the
neighborhood character. By granting a setback variance the property to be developed will be
able to achieve a size and scale consistent with the neighboring properties.

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.

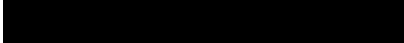
Applicant Signature:  Digitally signed by Aixa Sola Date: 12/18/2019

Applicant Name (typed or printed): Aixa Sola

Applicant Mailing Address: 1006 W 6th St Ste 207

City: Austin State: TX Zip: 78703

Phone (will be public information): (512) 568-9803

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: Erin E O'Malley Digitally signed by Erin E O'Malley Date: 2019.12.18 15:17:35 -06'00' Date: 12/18/2019

Owner Name (typed or printed): Kerry Nick Karl Jr and Erin O'Malley

Owner Mailing Address: 5003 Highland Court

City: Austin State: TX Zip: 78731

Phone (will be public information): (512) 638-0985

Email (optional – will be public information): 

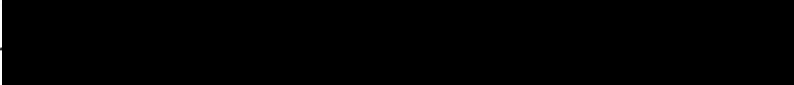
Section 5: Agent Information

Agent Name: Point B Design Group

Agent Mailing Address: 1006 W 6th St Ste 207

City: Austin State: TX Zip: 78703

Phone (will be public information): (512) 568-9803

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).



Erin Emily O'Malley and Kerry Nick Jr
5003 Highland Ct
Austin TX 78731

RE: Owner Authorization

To Whom it may concern;

As the Owner of the above referenced property, I authorize Point B Design Group to act on my behalf in dealings with the City of Austin to obtain a building permit and demolition permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'ERIN O'MALLEY' followed by a flourish.

Owner

ASBUILT SURVEY

OF 5003 HIGHLAND COURT, AUSTIN, TEXAS
LOT 9, BLOCK B
HIGHLAND PARK COURT
V. 7, PG. 11
LESS E. 11.73' AVERAGE STRIP
RECORDED IN V. 4385, PG. 381

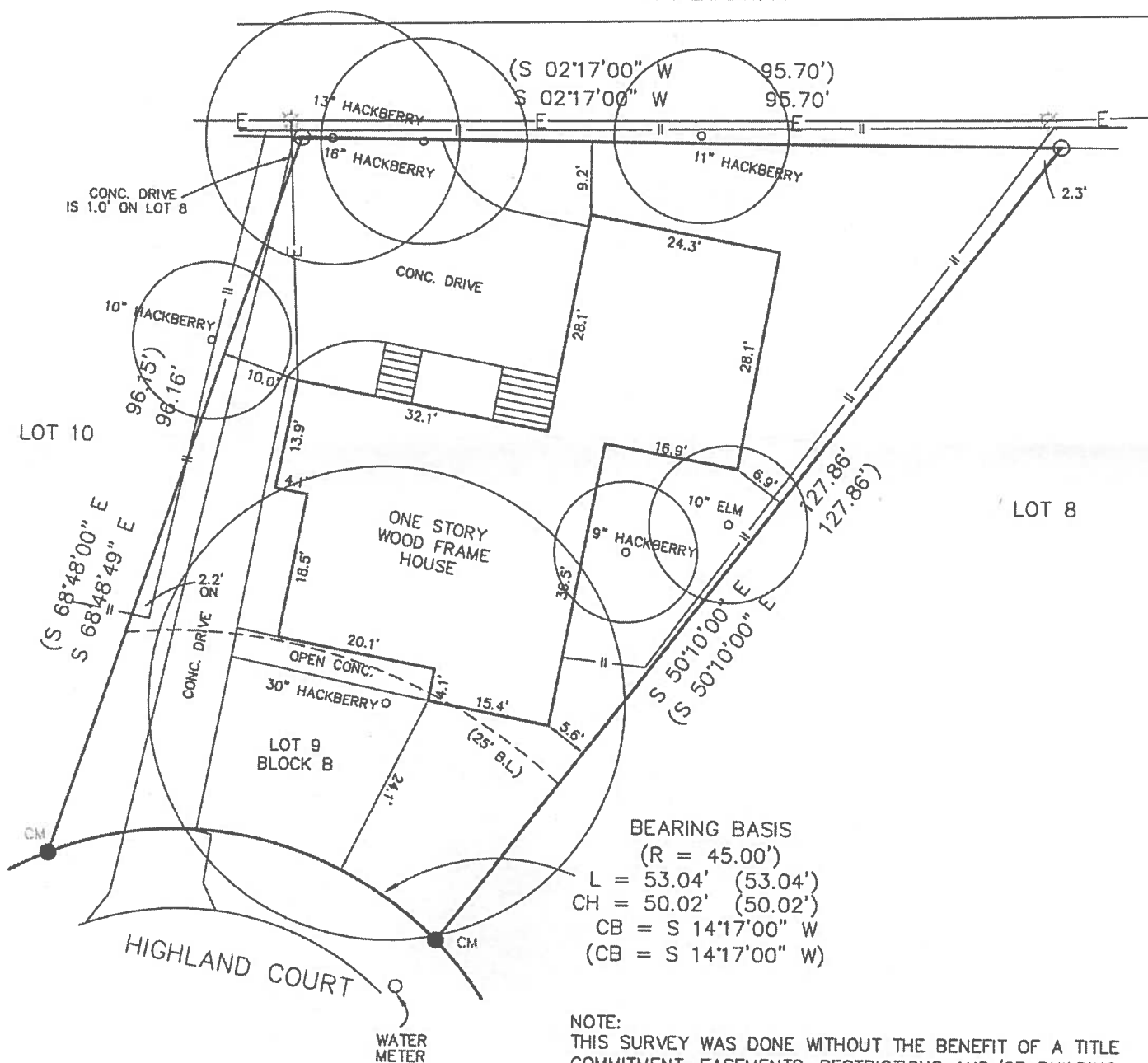


PLAT NORTH
SCALE: 1" = 20'

MAP SYMBOLS:

- X— BARBED WIRE FENCE
- ∞— CHAIN LINK FENCE
- ||— WOOD BOARD FENCE
- E— UTILITY LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- B.L. BUILDING LINE
- 1/2" REBAR FOUND
- ⊙ 1/2" REBAR SET
- ⊙ IRON PIPE FOUND
- ⊙ CONTROL MONUMENT
- () RECORD DATA FROM DEED DOC. 2007164618
- D.E. DRAINAGE EASEMENT
- R.O.W. RIGHT-OF-WAY
- ⚡ POWER POLE

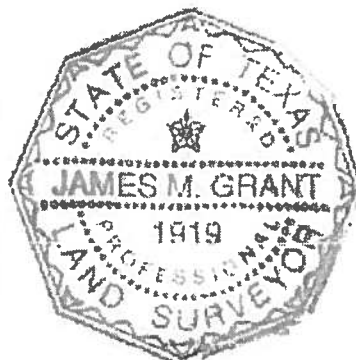
MOPAC EXPRESSWAY



HARRIS-GRANT SURVEYING, INC.
PO BOX 807 MANCHACA, TEXAS 78652
(512)444-1781 FAX (512) 444-6123

James M. Grant

JAMES M. GRANT R.P.L.S. 1919
DATE: FEBRUARY 25, 2013
INVOICE NO. 45372 WORK ORDER NO. 43952
C:\CARL D\2013\43952



POINT B DESIGN GROUP VARIANCE REQUEST

ADDRESS

5003 HIGHLAND COURT

NEIGHBORHOOD

HIGHLAND PARK WEST /
BALCONES AREA

ZONE

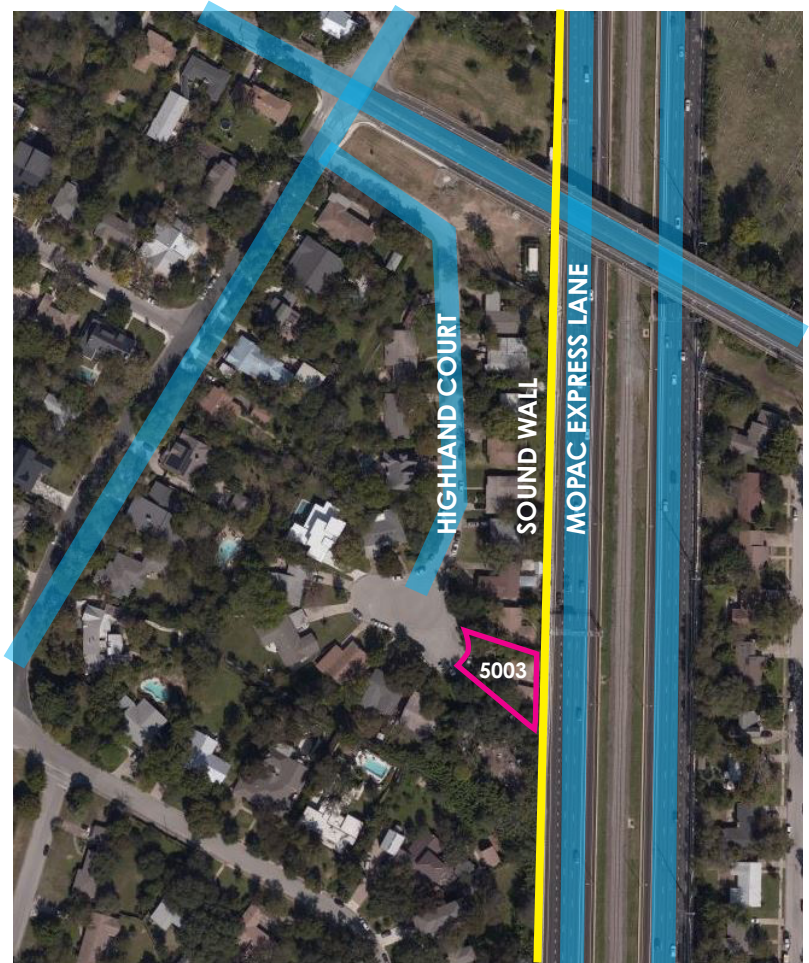
SF-3 / SCENIC ROAD OVERLAY

TYPE

SINGLE- FAMILY RESIDENCE ON A
THROUGH-LOT

VARIANCE REQUEST:

25-2-15 REAR YARD SETBACK FROM A
25-FOOT THROUGH LOT REQUIREMENT
TO A 10-FOOT STANDARD REQUIREMENT



FRONT ELEVATION RENDERING OF 5003 HIGHLAND COURT PROPOSAL



POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION.....3

2. HARDSHIP UNIQUE TO THE PROPERTY6

3. REASONABLE USE.....12

4. AREA CHARACTER & PURPOSE OF REGULATIONS.....15

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

We are requesting to decrease the 25-foot rear setback requirement imposed on our through lot to a 10-foot setback which is the standard for a normal lot and what the existing structure is observing.

2. HARDSHIP UNIQUE TO THE PROPERTY

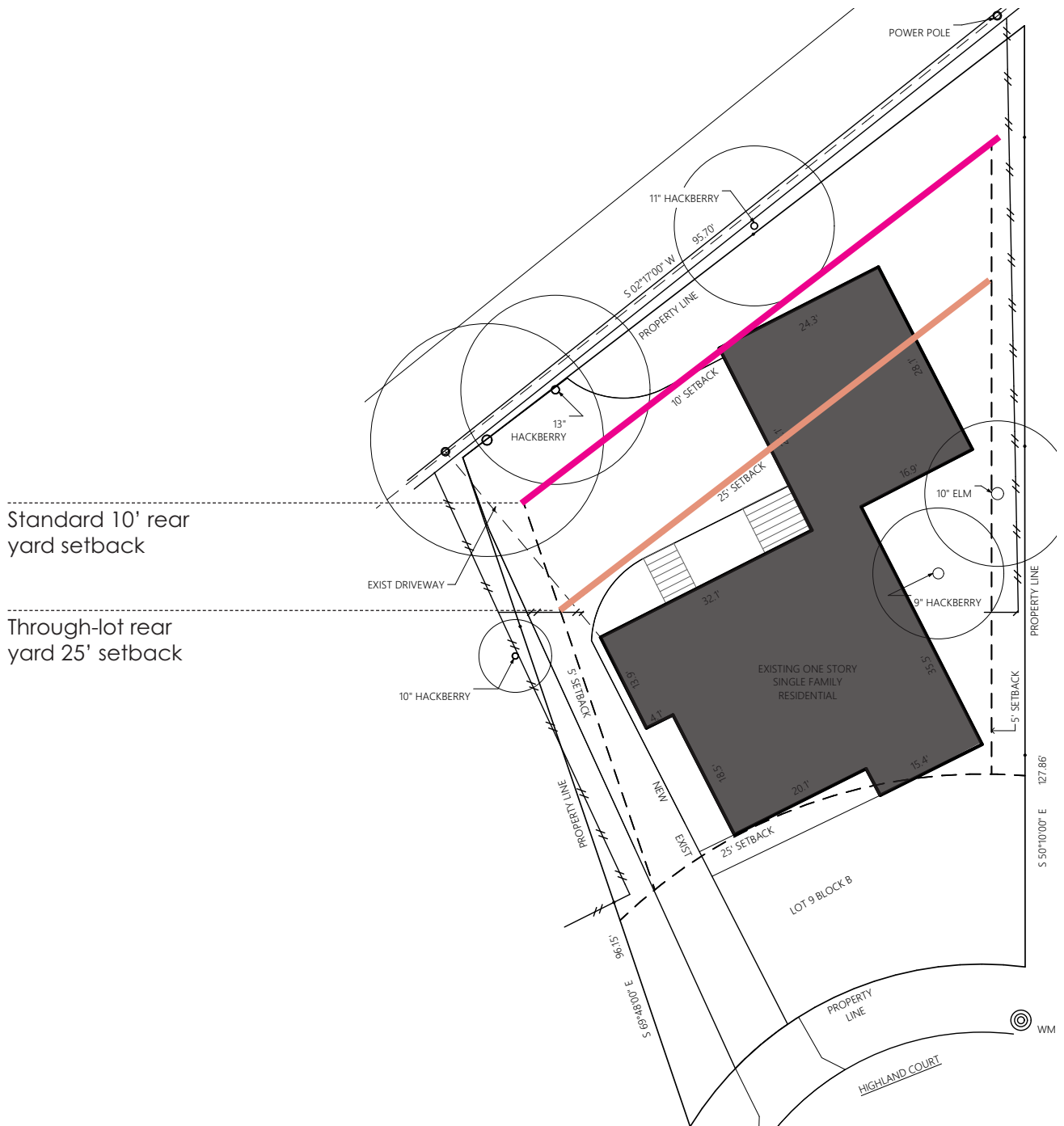
3. REASONABLE USE

4. AREA CHARACTER & PURPOSE OF REGULATIONS

EXISTING SITE SURVEY | EXISTING CONDITIONS

P-7/15

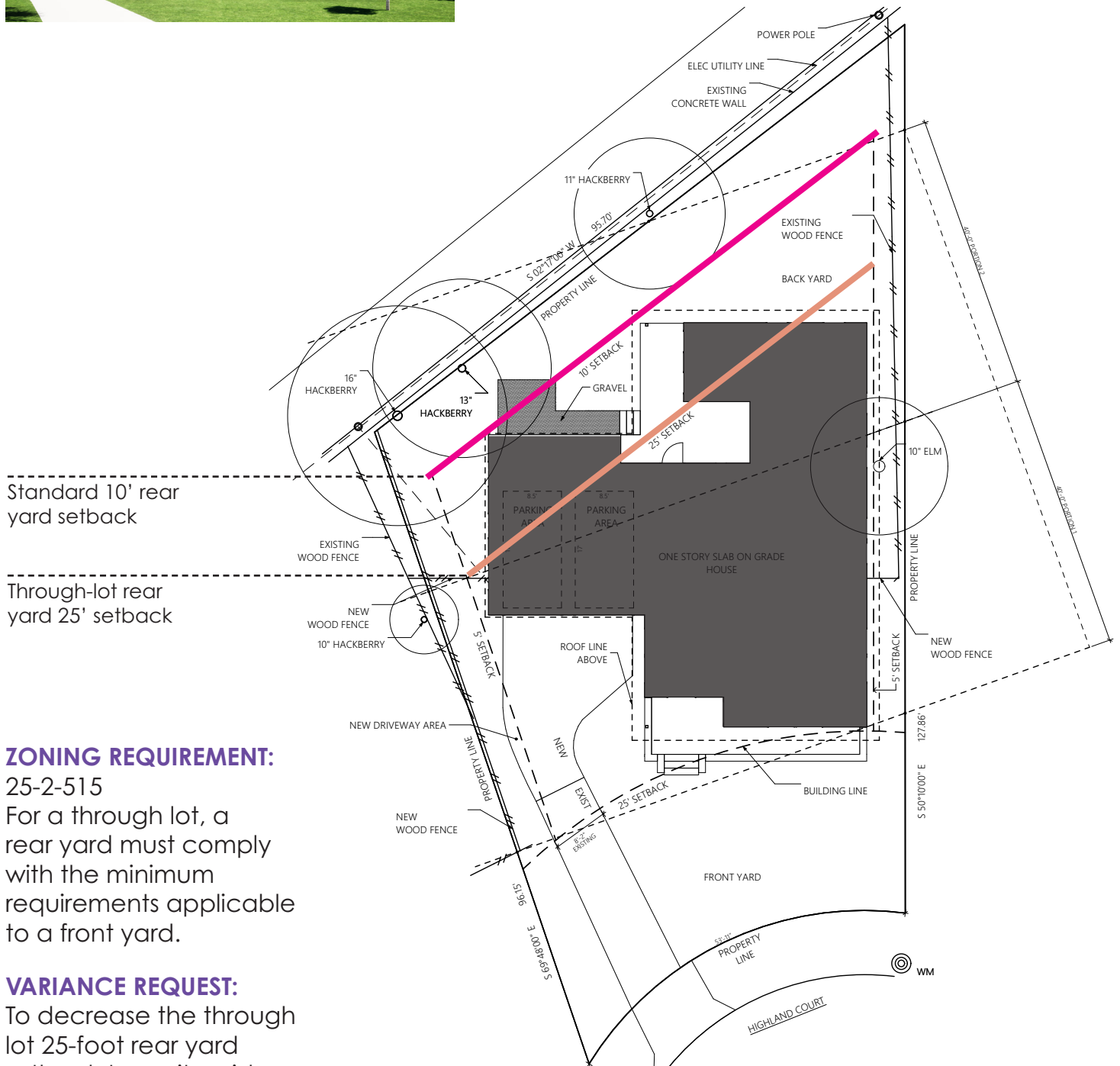
Existing conditions meet the standard 10-foot rear yard setback.





One-story single-family home

- 3 bedrooms
- 2 bathrooms
- 2 car parking
- small front porch
- small back covered patio



ZONING REQUIREMENT:

25-2-515

For a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

VARIANCE REQUEST:

To decrease the through lot 25-foot rear yard setback to a city-wide 10-foot standard rear yard setback.

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

2. **HARDSHIP UNIQUE TO THE PROPERTY**

The property in question is a pie shaped through lot. This condition is unique to our property because neighboring through lots have a regular shape, and/or are not observing a 25-foot rear yard setback.

3. REASONABLE USE

4. AREA CHARACTER & PURPOSE OF REGULATIONS

UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

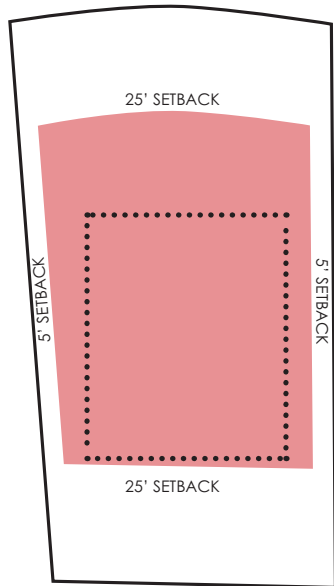
This through lot has an unusual pie shape. The 25-foot rear setback on this lot creates sharp angles that considerably decrease the buildable area. The current rear setback prevent the construction of a single-family home with

amenities typical to the neighborhood. Because neighboring properties have a regular shape, they are able to accommodate typical amenities of the area despite their through lot status.

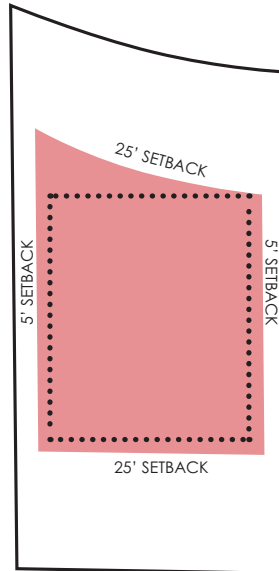


UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

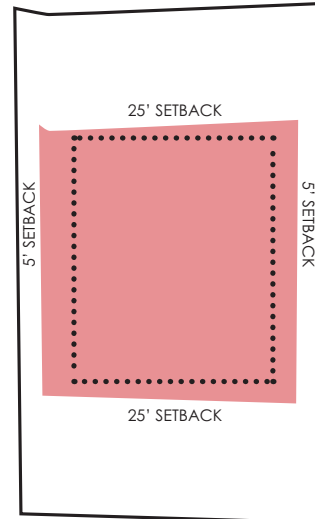
Demonstrated below is the buildable geometry of a 2,500 sqft footprint that easily fits in the adjacent through lots but extends beyond the setbacks at 5003 Highland Ct.



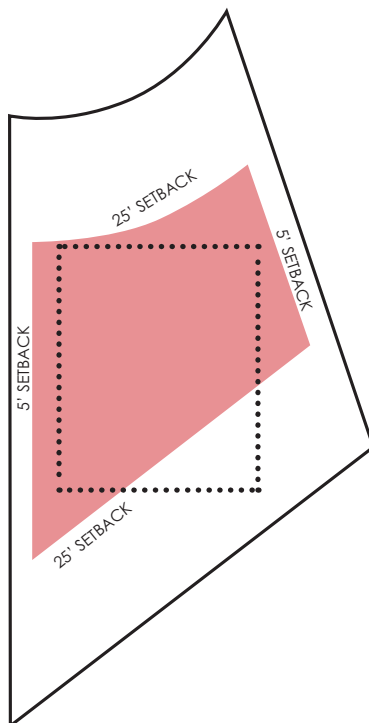
5007 HIGHLAND CT
LOT: 8,265 SQFT



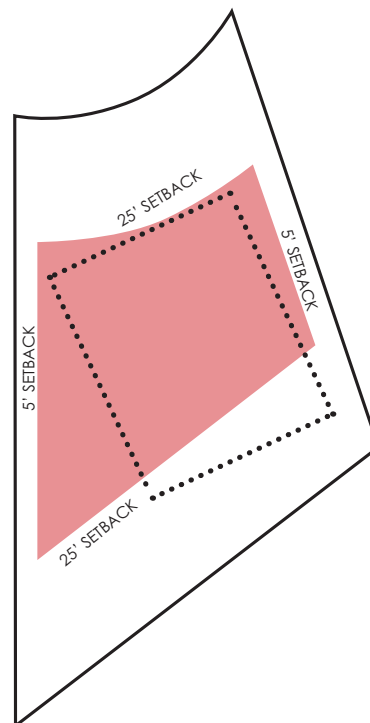
5009 HIGHLAND CT
LOT: 7,106 SQFT



5011 HIGHLAND CT
LOT: 7,370 SQFT



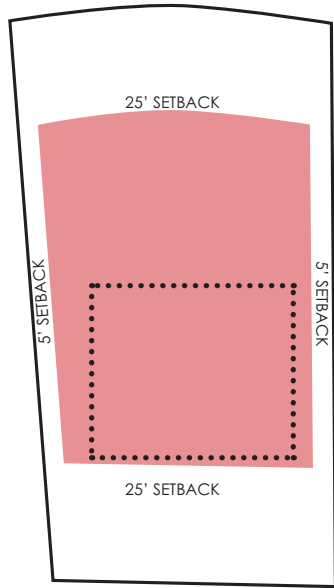
5003 HIGHLAND CT
LOT: 7,257 SQFT



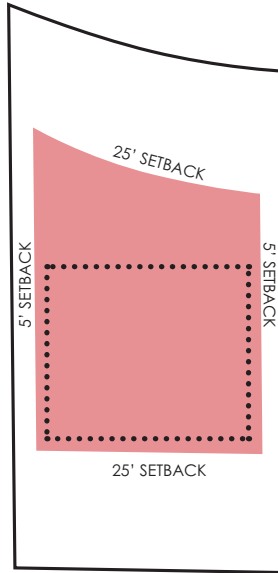
5003 HIGHLAND CT
LOT: 7,257 SQFT

UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

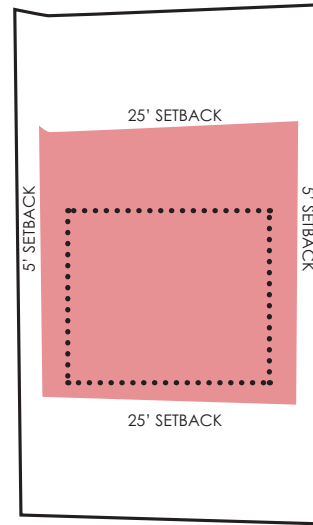
Demonstrated below is the buildable geometry of a 1,500 sqft footprint. It is the largest simple rectangular footprint that can fit in the buildable area of 5003 Highland Ct.



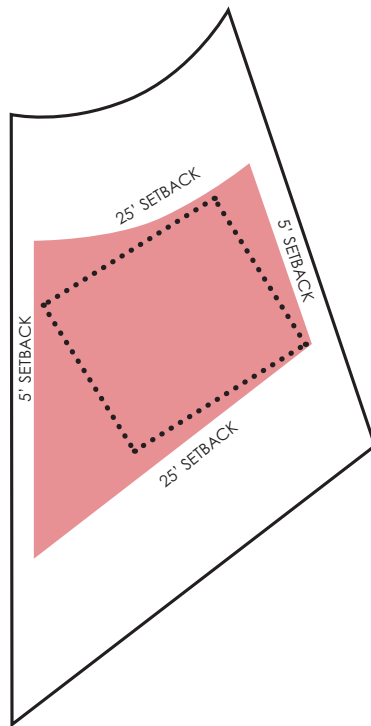
5007 HIGHLAND CT
LOT: 8,265 SQFT



5009 HIGHLAND CT
LOT: 7,106 SQFT



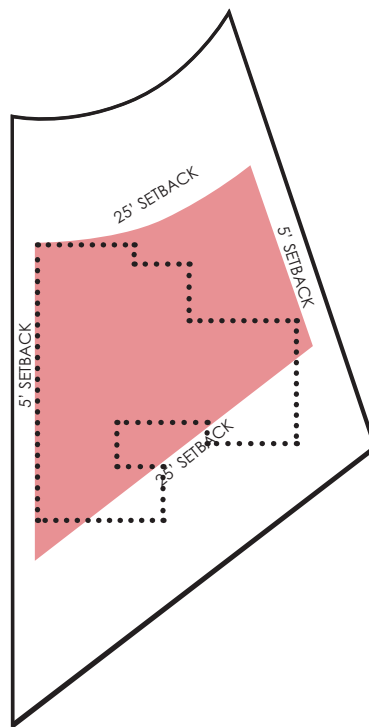
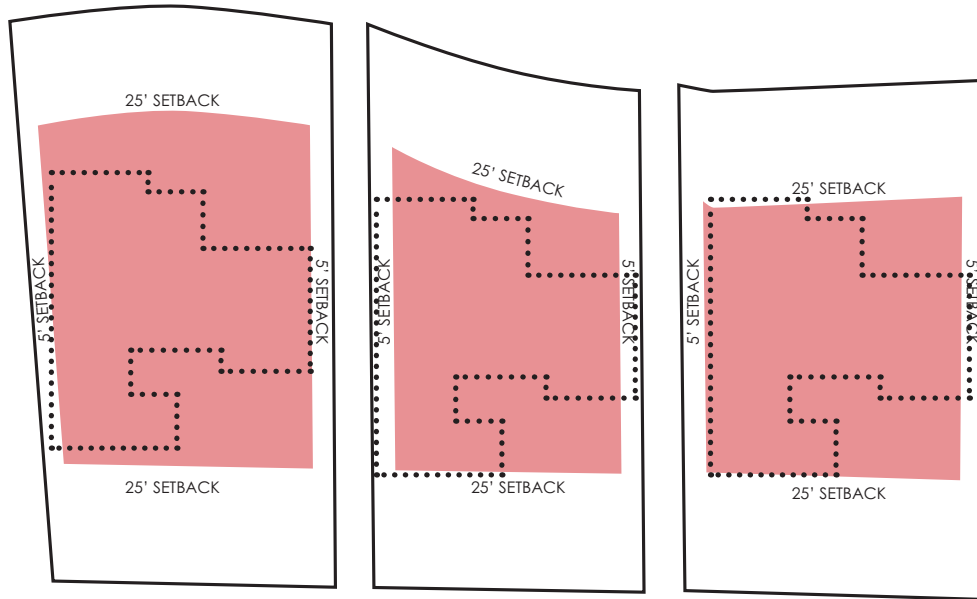
5011 HIGHLAND CT
LOT: 7,370 SQFT



5003 HIGHLAND CT
LOT: 7,257 SQFT

UNIQUE HARDSHIP | PIE SHAPED THROUGH-LOT

Demonstrated below is the proposed footprint of a single-story residential program at 5003 Highland Ct. It reasonably fits in neighboring through lots but requires a variance on this lot.



5003 HIGHLAND CT
LOT: 7,257 SQFT

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

2. HARDSHIP UNIQUE TO THE PROPERTY

3. REASONABLE USE

The imposition of a 25-foot rear setback on this lot creates an unreasonable buildable area and shape as compared to neighboring properties.

The proposed project consists of a single-story, single-family residence, which is the predominant typology of the neighborhood, with amenities that are typically found on new construction projects and similar to those that other neighboring properties enjoy.

These amenities include: 3 bedrooms, 2 bathrooms, 2 car covered parking, kitchen, laundry and a small porch. The 25-foot rear setback requirement currently prevents specifically the construction of a standard size master bedroom and covered parking.

4. AREA CHARACTER & PURPOSE OF REGULATIONS

REASONABLE USE | SINGLE-STORY SINGLE-FAMILY

Reasonable use is defined for this property as

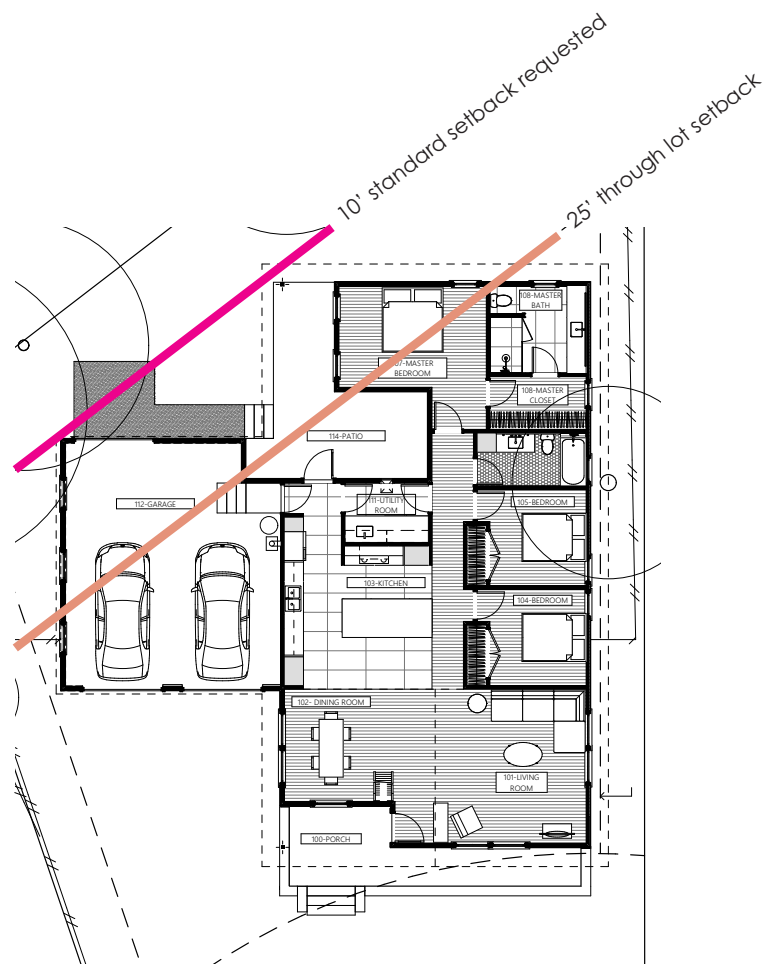
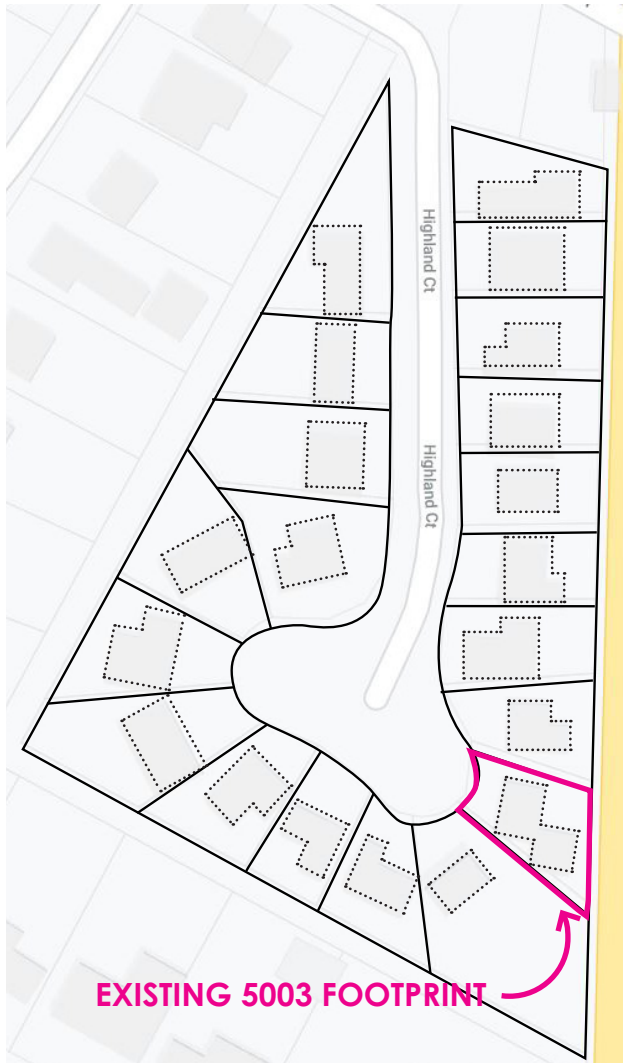
1. A simple rectilinear footprint (regular shape)
2. Amenities that are comparable to neighboring properties
3. A scale that blends with the neighborhood

1. A simple rectilinear footprint (regular shape)

We are proposing a single-family residence similar to the site's existing program with a shape and scale characteristic to the neighboring homes.

The amenities include:

- 3 bedrooms
- 2 bathrooms
- 2 car parking
- small front porch
- small back covered patio.



Map of Geomerty Highland Court homes

Floor Plan of Proposed Design

REASONABLE USE | TYPICAL PROGRAM

2. Amenities that are comparable to neighboring properties

5011 HIGHLAND COURT



3 beds
2 baths
1-car carport
Front porch
Covered back patio

5006 HIGHLAND COURT



4 beds
2 baths
2-car carport
Front porch
Covered back patio

5009 HIGHLAND COURT



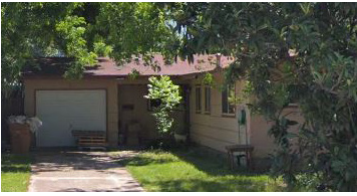
3 beds
2 baths
1-car carport
Front porch
Covered back patio

5012 HIGHLAND COURT



3 beds
2 baths
2-car carport
Front porch
Covered back patio

5007 HIGHLAND COURT



3 beds
1 baths
1-car garage
Front porch
Covered back patio

5002 HIGHLAND COURT



3 beds
2 baths
Front porch
Covered back patio

5017 HIGHLAND COURT



3 beds
2 baths
2-car garage
Front porch
Covered back patio

5004 HIGHLAND COURT



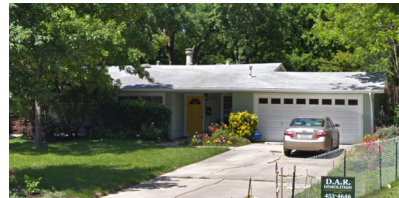
3 beds
2 baths
1-car carport
Front porch
Covered back patio

5019 HIGHLAND COURT



3 beds
2 baths
2-car carport
Front porch
Covered back patio

5008 HIGHLAND COURT



3 beds
2 baths
2-car garage
Front porch
Covered back patio

5003 HIGHLAND COURT // PROPOSED



3 beds
2 baths
2-car garage
Front porch
Covered back patio

5000 HIGHLAND COURT

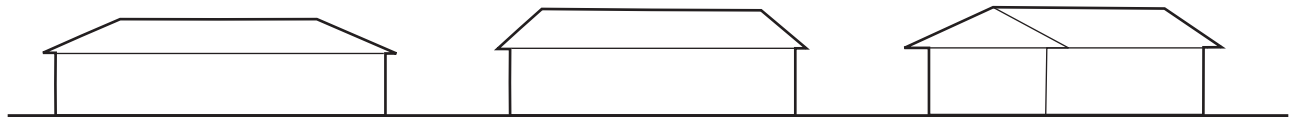


3 beds
3 baths
1-car carport
Front porch
Covered back patio

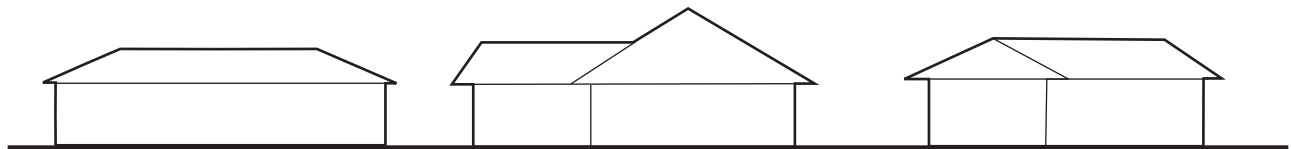
THROUGH LOTS

3. A scale that blends with the neighborhood

"From the late 1940's, when the area was first developed, until now, residents of Highland Park Court have enjoyed living in a neighborhood of single-story homes with large trees."¹ The proposed condition is designed to recall the historic character of the neighbors.



Current Conditions



Proposed Condition with variance

¹Pieter Sybesma, Highland Park West / Balcones Area Neighborhood Association, Letter to Architect

POINT B DESIGN GROUP | VARIANCE REQUEST

1. INTRODUCTION

2. HARDSHIP UNIQUE TO THE PROPERTY

3. REASONABLE USE

4. AREA CHARACTER & PURPOSE OF REGULATIONS

Granting this variance request will not alter the character of the area, because it will allow for the construction of a single-story single-family house, which is the predominant type of construction found in the neighborhood.

The requested setback variance is for the rear yard of the property which borders Mopac's sound wall therefore it will not be in conflict with the adjacent properties or diminish their privacy.

The purpose of the setback regulation on a through lot is to maintain the same openness in the front and in the back of a property because both sides face a public street and act as the front of the property. While we recognize that an open large front yard is typically desirable in Austin neighborhoods, and sometimes necessary for city infrastructure; we understand that in this case the requirement is not serving its intended purpose. The lot in question is not directly facing a public street in the back, since it's actually bordered by a highway sound wall therefore an increased openness in the rear will not be able to be perceived or used by the public.

AREA CHARACTER & PURPOSE OF REGULATIONS

AREA CHARACTER: HISTORIC 1940'S SINGLE-STORY HOME



AREA CHARACTER & PURPOSE OF REGULATIONS

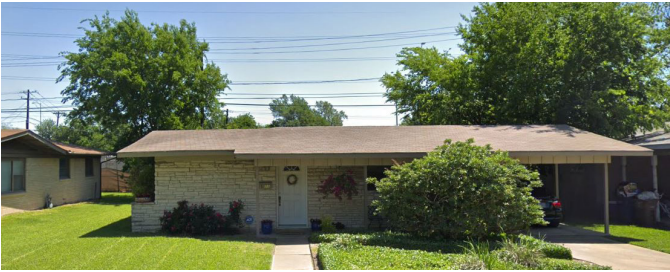
5007 HIGHLAND COURT



5009 HIGHLAND COURT



5011 HIGHLAND COURT



5003 HIGHLAND COURT // PROPOSED



5006 HIGHLAND COURT



5018 HIGHLAND COURT



5010 HIGHLAND COURT



5004 HIGHLAND COURT



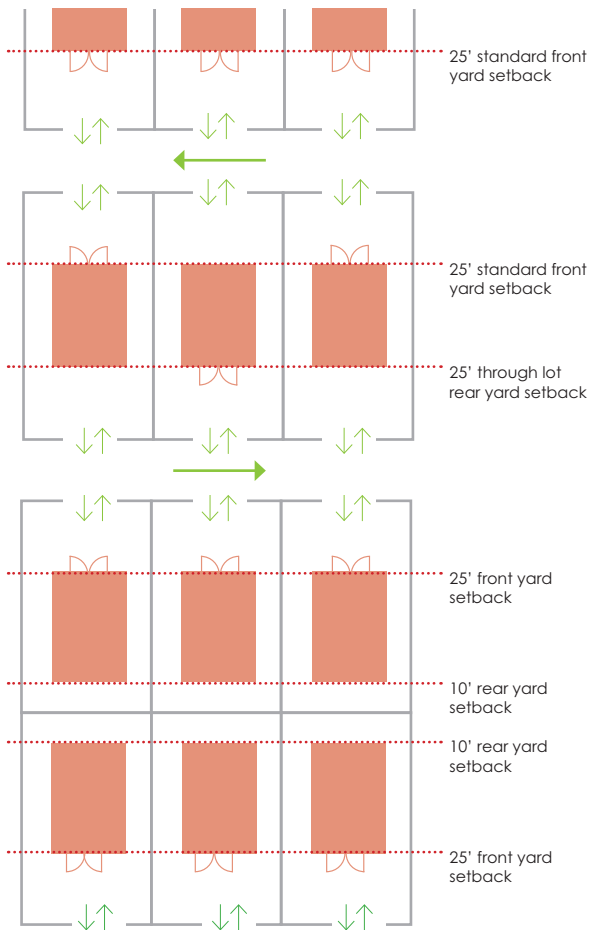
5008 HIGHLAND COURT



5000 HIGHLAND COURT



AREA CHARACTER & PURPOSE OF REGULATIONS



This diagram is an abstract visual interpretation of the definition and purpose of residential setbacks and through lot restrictions.

THROUGH LOT: a lot, other than a corner, abutting more than one street.

The purpose of the through lot is to maintain consistent standards with neighboring properties as building fronts may face opposite streets.

RESIDENTIAL SETBACK : restriction is intended to protect privacy, provide for open space, and avoid the aesthetic and safety concerns associated with overcrowding

Existing Condition



The rear of the existing property faces Mopac's sound wall. Because there is no access nor street frontage to maintain, we are requesting this property to be considered a standard lot with a city-wide standard 10' rear yard setback. The sound wall prevents a smaller setback from imposing on someone else's property, blocking light and access, and does not present privacy or safety concerns. Decreasing the setback will not have an impact on the neighboring properties.



January 17th, 2020

City of Austin
Board of Adjustments

RE: 5003 Highland Court Variance Request

To the Board of Adjustments;

Thank you for taking the time to read 5003 Highland Court's variance request report. We look forward to hearing your feedback and answering any questions you will have at our meeting on February 5th, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maggie Wylie'.

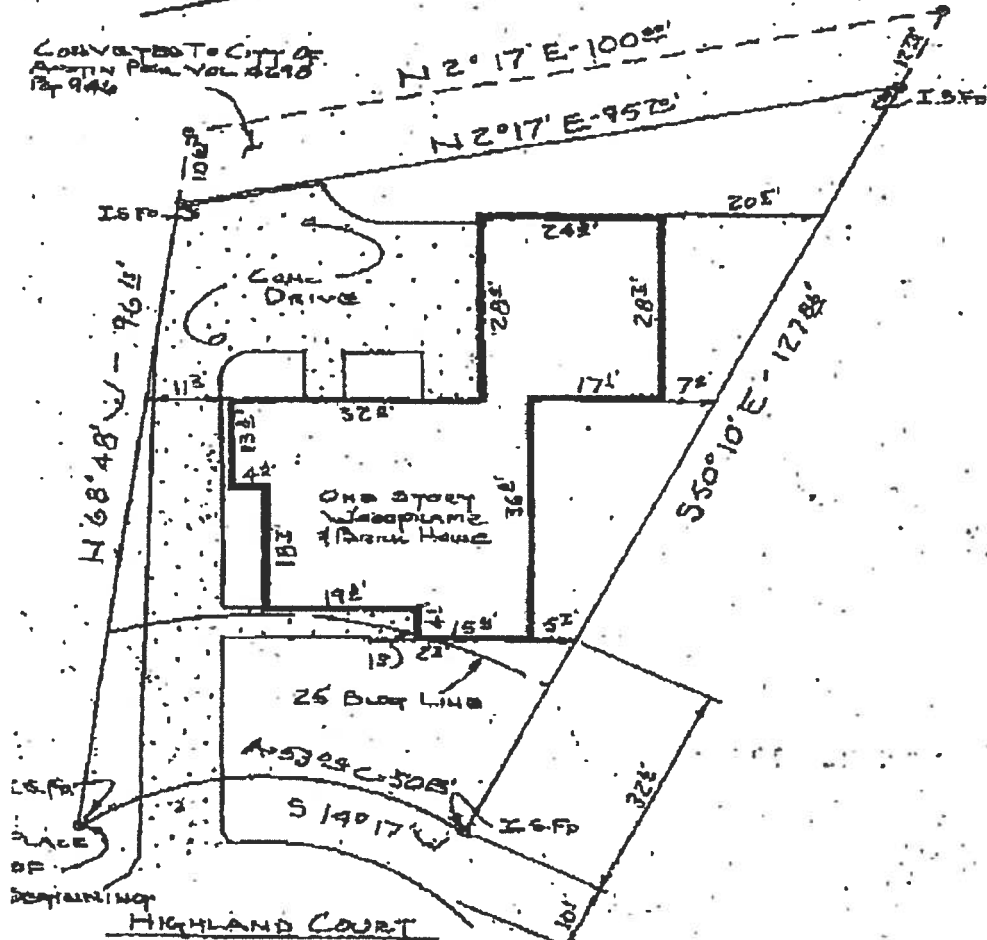
Maggie Wylie, AIA, NCARB
TBAE # 24341
Point B Design Group
Principal Architect & Owner



SURVEY PLANNING

Local Address: 5003 Highland Court Ref. Acosta
Legal Description: Lot No. 8 Block No. B Highland Park Court
Addition in the City of Austin Texas, of record in Plat Book 7
Page: 11 of the Travis County, Texas Plat Records.

Scale 1: 20'



State of Texas
County of Travis :

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described herein and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines or roads in place, except as shown hereon, and that said property has access to one front, dedicated roadway, except as shown hereon.

Dated this 14th day of February

Surveyor General I hereby certify that the property described herein is not within a special flood hazard area as identified by the Fed. Ins. Adm. Dept. of HUD. Flood hazard boundary map dtd. 9/13/74. Water will drain away from house.



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 development or change. 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 is required.

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: C15-2020-0005

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment; February 5th, 2020

Craig A Copeland

Your Name (please print)

5005 Highland Court

Your address(es) affected by this application

C. A. Copeland

Signature

1/25/2020

Date

Daytime Telephone: 512-705-7730

☒ I am in favor
☐ I object

Comments:

If you use this form to comment, it may be returned to:
City of Austin-Development Services Department/ 1st Floor
Elaine Ramirez
P. O. Box 1088
Austin, TX 78767-1088
Fax: (512) 974-6305
Scan & Email to: elaine.ramirez@austintexas.gov



NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Este aviso es para informarle que hemos recibido una solicitud para una varianza dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

Mailing Date: January 23, 2020

Case Number: C15-2020-0005

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

Applicant:	Aixa Solai; (512) 568-9803
Owner:	Erin E. O'Malley; (512) 638-0985
Address:	5003 HIGHLAND CT; LOT 9 * LESS E11.73FT AV BLK B HIGHLAND PARK COURT

Variance Request(s): The applicant is requesting a variance(s) from Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 10 feet (requested) in order to erect a one story single-family residence in a SF-3", Single-Family Residence zoning district.

Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

This application is scheduled to be heard by the **Board of Adjustment on Wednesday, February 5th, 2020**. The meeting will be held at **One Texas Center, 3rd Floor – Rm. 325, 505 Barton Springs Rd Street beginning at 5:30 PM**.

**To see where on the agenda when this item will be heard, on the Friday prior to the hearing go to the Board's website (start at www.austintexas.gov, then click on government, then click on Boards and Commissions, then highlight Board of Adjustment and click on view website, then click on Agendas) and find this hearing agenda case order there. The Board will vote on postponement and withdraw requests at the beginning of the hearing, as close to 5:30pm possible.*

You are being sent this notice because City Ordinance requires that all property owners and utility account holders within 500 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing.

You are not required to respond to this notice, however if you have any questions concerning this application, please contact **Elaine Ramirez of the Development Services Department at 512-974-2202 or elaine.ramirez@austintexas.gov** and refer to the Case Number at the top right of this notice.

You may also find information on this case at our website: <https://www.austintexas.gov/department/development-services>. At this page click on the words Public Search, then input the case number above and click submit. Open the BA case by clicking on the title then scroll down to attachments to find the information submitted.

If you do wish to respond to this notice follow instructions provided on the following page.

For additional information on the City of Austin's land development process, please visit our website:
<https://www.austintexas.gov/department/development-services>

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 development or change. 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 is required.

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: C15-2020-0005

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment; February 5th, 2020

Debra D. Nulmann

Your Name (please print)

☒ I am in favor
☐ I object

5018 Highland Ct. Austin, TX. 78731

Your address(es) affected by this application



Signature

27 Jan 2020

Date

Daytime Telephone: 512-627-0877

Comments: NONE OTHER THAN IN FAVOR OF THE PLANNED USE WHICH REQUIRES APPROVAL OF THE AGENCIES.

If you use this form to comment, it may be returned to:

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: elaine.ramirez@austintexas.gov



January 28, 2020

Ms. Elaine Ramirez
Board of Adjustment
City of Austin
P. O. Box 1088
Austin, Texas 78767-1088

Re: Case Number: C15-2020-0005; Variance Request for 5003 Highland Court

Dear Board of Adjustment Members:

The Highland Park West Balcones Neighborhood Association Board supports the request by the property owners of 5003 Highland Court, represented by Point B Design Group, for a Variance to reduce the 25 foot rear setback requirement for a through lot (that backs on to MoPac, Loop 1, with the sound barrier separating the property from the right-of-way/roadway) to 10 feet. The Board voted on this request at its January 27, 2020 Board meeting with a vote of six in favor, none opposed, and one Board member absent. The subject property is within the Neighborhood Association boundaries.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pieter Sybesma". The signature is stylized with a large, circular initial "P" and a long, sweeping underline.

Pieter Sybesma
President

Cc: Point B Design Group

Certified Mail 7018 3090 0000 4464 8338 and
Regular Mail

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: C15-2020-0005

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment; February 5th, 2020

Janet Leach Zapata
Your Name (please print)

☐ I am in favor
☒ I object

5012 W. Frances Pl. Austin 78731
Your address(es) affected by this application

Janet Leach
Signature

1-27-2020
Date

Daytime Telephone: _____

Comments: Please don't let people
ruin our existing neighbor-
hoods like they have in
East Austin. Some of us are
nature Austinites and the
developers are ruining our city

If you use this form to comment, it may be returned to:
City of Austin-Development Services Department/ 1st Floor
Elaine Ramirez
P. O. Box 1088
Austin, TX 78767-1088
Fax: (512) 974-6305
Scan & Email to: elaine.ramirez@austintexas.gov

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 development or change. 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 is required.

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: C15-2020-0005

Contact: Elaine Ramirez, 512-974-2202

Public Hearing: Board of Adjustment; February 5th, 2020

JOE + MARA REET LOBLEY

Your Name (please print)

3104 HETMAN TERENCE WEST 78731

Your address(es) affected by this application

Signature

1-30-2020

Date

Daytime Telephone:

512-750-0369

Comments:

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: elaine.ramirez@austintexas.gov

From: Janet Leach
To: [Ramirez, Elaine](#)
Subject: Case c15-2020-005
Date: Thursday, February 20, 2020 8:23:50 AM

*** External Email - Exercise Caution ***

I have learned more about the property owners plans and wish to change my response from I object to I am in favor.

Thank you
Janet Leach Zapata
5012 West Frances Place
Austin 78731

Sent from my iPad

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.