

## CITY OF AUSTIN Board of Adjustment Decision Sheet

CASE NUMBER: C15-2020-0006

**APPLICANT: Ron Thrower** 

**OWNER: Patrick Dunn** 

ADDRESS: 2309 and 2311 QUARRY RD

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 for each lot 2309 & 2311 Quarry Rd. from 25 feet (required) to 10 feet (requested) in order to erect a single-family residence per lot 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 February 5, 2020 POSTPONED TO MARCH 9, 2020 BY APPLICANT DUE TO SHORTAGE OF BOARD MEMBERS

#### **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 17, 2020

Victoria Haase 2309 Quarry Rd Austin TX, 78703

Property Description: W 110 FT OF LOT 6 \*& E 4 FT OF LOT 7 BLK 2 WESTFIELD A

Re: C15-2020-0006

Dear Victoria,

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 of the Land Development Code;

**Section 25-2-515** (*Rear Yard of a Through Lot*) setback requirements; to decrease the minimum rear yard setback for each lot 2309 & 2311 Quarry Rd. from 25 feet (required) to 10 feet (requested); In order to erect a single-family residence per lot in a SF-3", Single-Family Residence zoning district.

Austin Energy does not oppose requested variance, provided any proposed and existing improvements follow Austin Energy 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. <a href="https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES">https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES</a> 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:** C15-2020-0006 **BOA DATE:** February 5, 2020

ADDRESS: 2309 & 2311 Quarry Rd
OWNER: Patrick N. Dunn
COUNCIL DISTRICT: 10
AGENT: Ron Thrower

**ZONING:** SF-3-NP (WANG)

LEGAL DESCRIPTION: W 110 FT OF LOT 6 \*& E 4 FT OF LOT 7 BLK 2 WESTFIELD A

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

**SUMMARY:** erect one single-family residence & associated accessory structure

**ISSUES:** 9 protected trees, 3 of which are Heritage

	ZONING	LAND USES
Site	SF-3-NP	Single-Family
North	SF-3-NP	Single-Family
South	SF-3-NP	Single-Family
East	SF-3-NP	Single-Family
West	SF-3-NP	Single-Family

#### **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Central West Austin Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Neighborhood Empowerment Foundation

**Preservation Austin** 

**SELTexas** 

Save Barton Creek Assn.

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources

Tarrytown Alliance

Tarrytown Neighborhood Association

West Austin Neighborhood Group







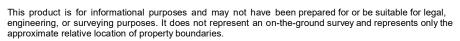
PENDING CASE

ZONING BOUNDARY

#### **NOTIFICATIONS**

CASE#: C15-2020-0006

LOCATION: 2309 QUARRY ROAD





#### 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, <u>click here to Save</u> 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

For office ose				
Case #	ROW #		Tax #	
	1			
Section 1: App	licant Statemer	it		
Street Address: 230	9 & 2311 Quarry Roa	ad		
Subdivision Legal De	scription:			
	et of the West 110 fe et of Lot 6 and East	· ·	•	
Lot(s):		Bloc	k(s):	
Outlot:		Divi:	sion:	
Zoning District: SF-3	-NP			
I/We A. Ron Throwe	r		on be	ehalf of myself/ourselves as
authorized agent t	or <u>Centex Urban Ve</u>	entures, LLC (Pa	trick Dunn)	affirm that on
Month Novembe	. , Day 6	, Year 2019	, hereby ap	oply for a hearing before the
Board of Adjustme	ent for consideration t	to (select approp	riate option bel	ow):
● Erect	ch Complete	○ Remodel	Maintain	Other:
Type of Structure:	1- single-family resi	idential home &	associated acce	essory structure PER LOT

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

25-2-515 - REAR YARD OF THROUGH LOT - to decrease the rear yard setback from 25 ft. (required) to 10 ft. (requested) PER LOT. BOTH of the lots (2309 & 2311) are seeking a reduction in the rear setback from 25 ft. to 10ft.

#### **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:

The zoning regulations applicable to the property do not allow for a reasonable use because:

#### Reasonable Use

1110	zonning regulations applicable to the property do not allow for a reasonable use because.
	the requirement of a 25 ft. no-build setback from both the front and rear lot-line reduces the area the can be developed. Those areas outside of the setback are populated with 9 protected trees, 3 of which are Heritage. The property cannot be reasonably developed when abiding by both the setback requirement and tree protections.
	Iship ) The hardship for which the variance is requested is unique to the property in that:
ч	· · · · · · · · · · · · · · · · · · ·
	There are several protected and heritage trees on the properties that require greater flexilility for building placement in order to preserve the trees.
b	) The hardship is not general to the area in which the property is located because:
	Most structures on this block were built in the 1940's; before the implementation of the Tree
	Preservation Ordinance.

#### **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:

d fr	The variance will not alter the character of the area as it will preserve the trees and will have evelopment that is consistent with the other 15 lots along this block that use Quarry Rd as the ont lot-line and W 12th Street as the rear lot line where garages are placed. Two properties ave received the same variance to work new development among the mature trees.
Reque a varia Apper makes	ng (additional criteria for parking variances only) est for a parking variance requires the Board to make additional findings. The Board may grant ance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, and A with respect to the number of off-street parking spaces or loading facilities required if it is 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**

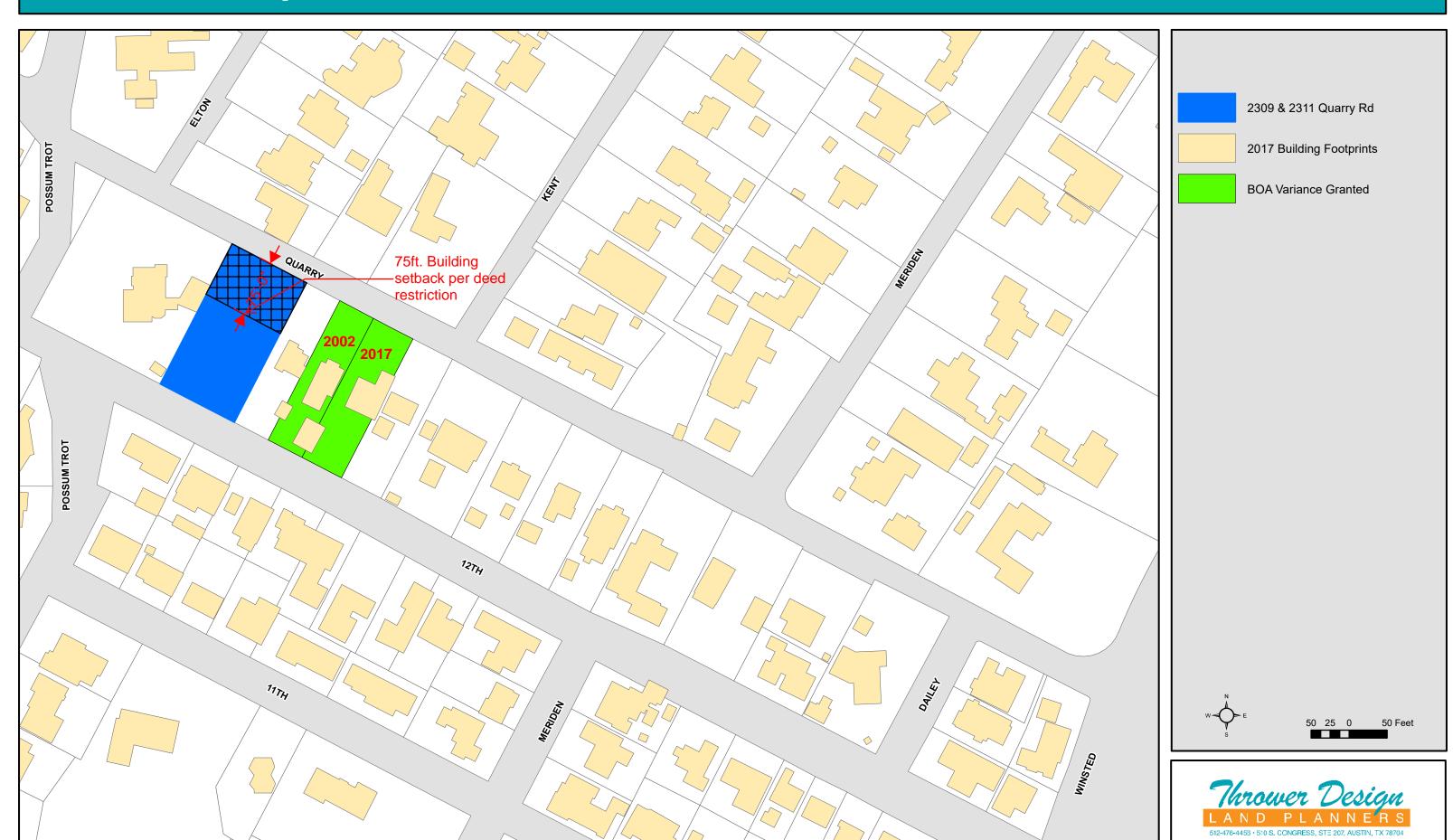
I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief. Applicant Signature: A. Ron Thrower Reson CN-A Ron Thrower Rose Ron Thrower Rose Roman Date: 11/06/2019 Applicant Name (typed or printed): A. Ron Thrower Applicant Mailing Address: P.O. Box 41957 State: TX Zip: 78704 City: Austin Phone (will be public information): (512) 476-4456 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: 11/06/2019 Owner Name (typed or printed): Patrick N. Dunn 10318 Lake Road, A103 Owner Mailing Address: City: Houston State: TX Zip: 77070 Phone (will be public information): 281-370-6687 Email (optional – will be public information): **Section 5: Agent Information** Agent Name: <u>Thrower Design (A. Ron Thrower and Victoria Haase)</u> Agent Mailing Address: P.O. Box 41957 State: TX \_\_\_ Zip: 78704 City: Austin Phone (will be public information): (512) 476-4456 Email (optional – will be public information):

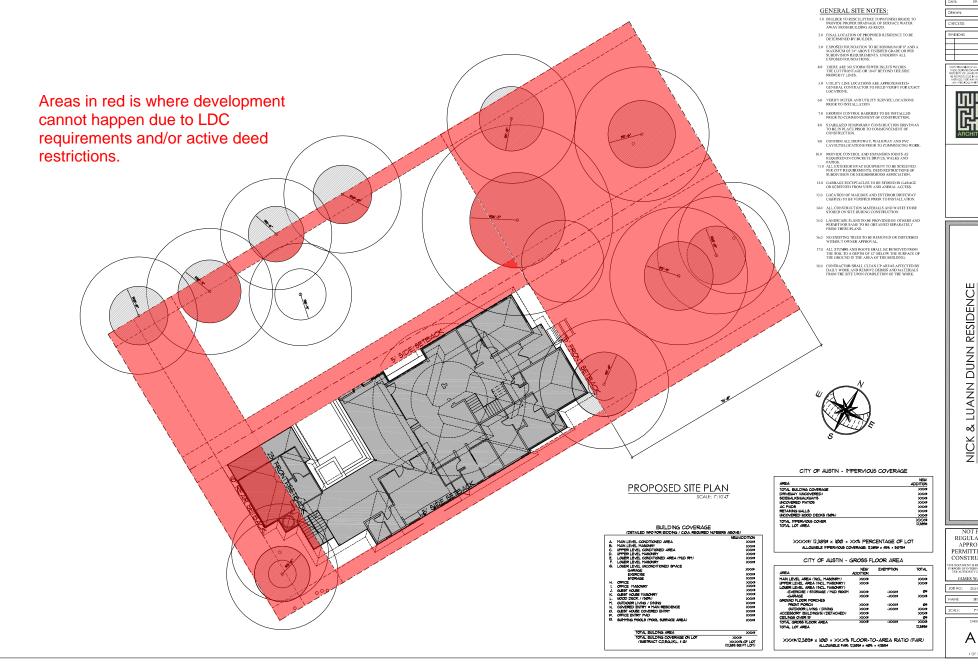
#### Section 6: Additional Space (if applicable)

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).

The subject properties (2309 & 2311) are two legal lots according to C8I-00-2179 & C8I-00-2180. The lots will be developed independently so that each lot will have a single-family house and an accessory structure (garage). Total development between both lots will yield 2 single-family homes and 2 accessory units (garage); One house and one garage per lot.

### 2309 & 2311 Quarry Road - C15-2020-0006







NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

JAMES WASHER JOS NO.: DUNN RESIDENCE SITE PLAN

1"= 10-0"





DATE 09.17.2019

DRAWN: WW

CHECEED: XX

REVERONS



LUANN DUNN RESIDENCE
AMERICA TO STORY T

NICK &

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

DOCUMENT IS RELEASED FOR THE PROSE OF INTEREM REVIEW UNDER HE AUTHORITY OF ARCHITECT: JAMES WASHER

JAMES WASHER

16 NO.: DUNN RESIDENCE

MARE: SITE PLAN

ME: SITE PLAN

ALE: 1°=10'-0°

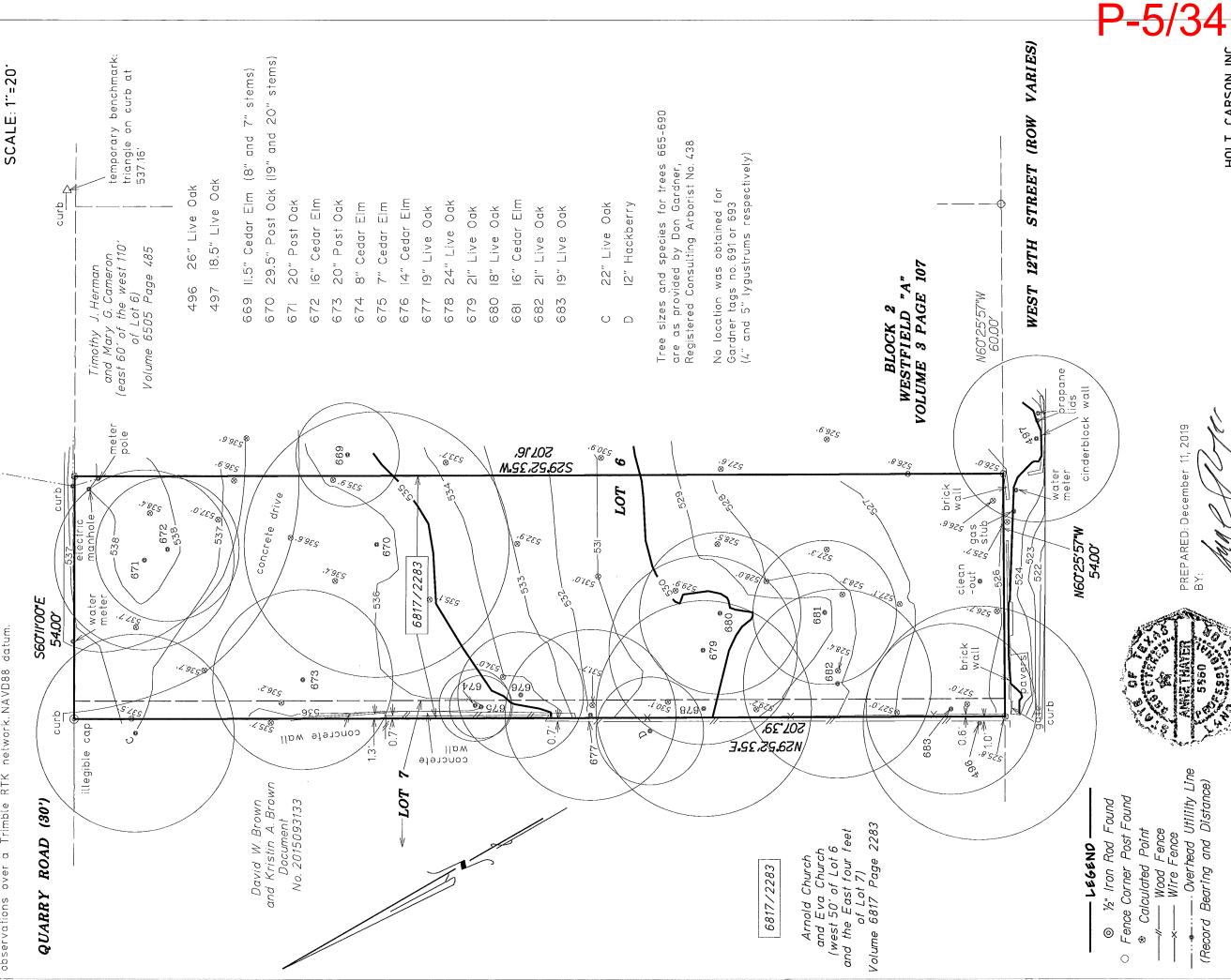


FEET AVIS COUNTY, TEXAS, ACCORDING TO THE EAST 4 FAVIS COUNTY, TEXAS, ACCORDING TO THE MAP AT THEREOF RECORDED IN VOLUME 3 2311 QUARRY ROAD PAGE 107 OF THE PLAT RECORDS OF COUNTY, TEXAS LOCATED AT 2311 QUAP TOPOGRAPHIC SURVEY OF WEST LOT 7, TRAVIS OR PLAT

This survey was completed without the benefit of a current title commitment. This tract may be subject to restrictions and easements not shown hereon.

Elevations shown hereon are based on GPS observations over a Trimble RTK network.NAVD88 datum.

function of trunk diameter crown radius.Multi-trunk drawn calculated on the full diameter of the largest stem half of the diameter of each additional stem. Due to ariations in tree growth, these generalized depictions may represent tree crowns or root zones. In addition, at the time ey, trees were protected. plus one half of the diameter of each additional stem. Due to natural variations in tree growth, these generalized depictions may correlate to actual tree crowns or root zones. In addition, at the time this survey, trees were protected by lumber for construction/demolition. Under these challenging circumstances, center of tree was located as closely as possible, but may be lesaccurate than may be obtained for trees with no such protection. are inch trees



 $1050094\alpha$ see exhibit map 1050094 for BEARING BASIS

5350

2019

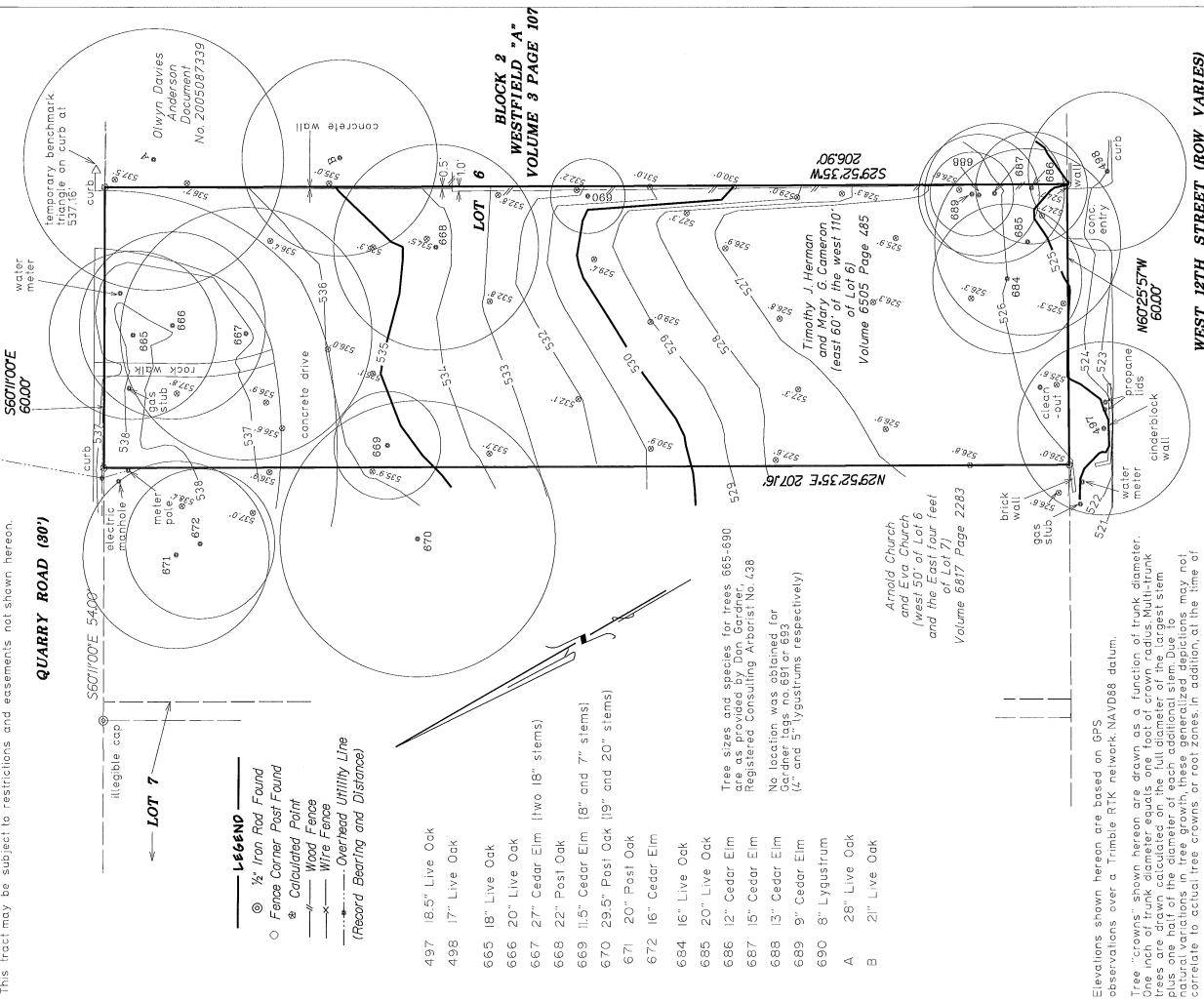
PREPARED: December BY:

Anne Thayer Registered Professional Land Surveyor No. 5850 Texas Licensed Surveying Firm No. 10050700

HOLT CARSON, INC. 1904 FORTVIEW ROAD AUSTIN, TX 78704 (512) 442-0990

SCALE: 1"=20" TRAVIS MAP P TO THE PRECORDS THE WEST 60 FEET OF THE EAST 110 FEET OF LOT 6, BLOCK 2, WESTFIELD "A", A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 107 OF THE PLAT COUNTY, TEXAS. LOCATED AT 2309 QUARRY ROAD. TOPOGRAPHIC SURVEY OF

This survey was completed without the benefit of a current title commitmen. This tract may be subject to restrictions and easements not shown hereon.



this survey, trees were protected by lumber for construction/demolition. Under these challenging circumstances, center of tree was located as closely as possible, but may be less accurate than may be obtained for trees with no such protection.

PREPARED: December 11, 2019 BY:

Anne Thayer Registered Professional Land Surveyor No. 5850



P-5/35

VARIES)

STREET (ROW

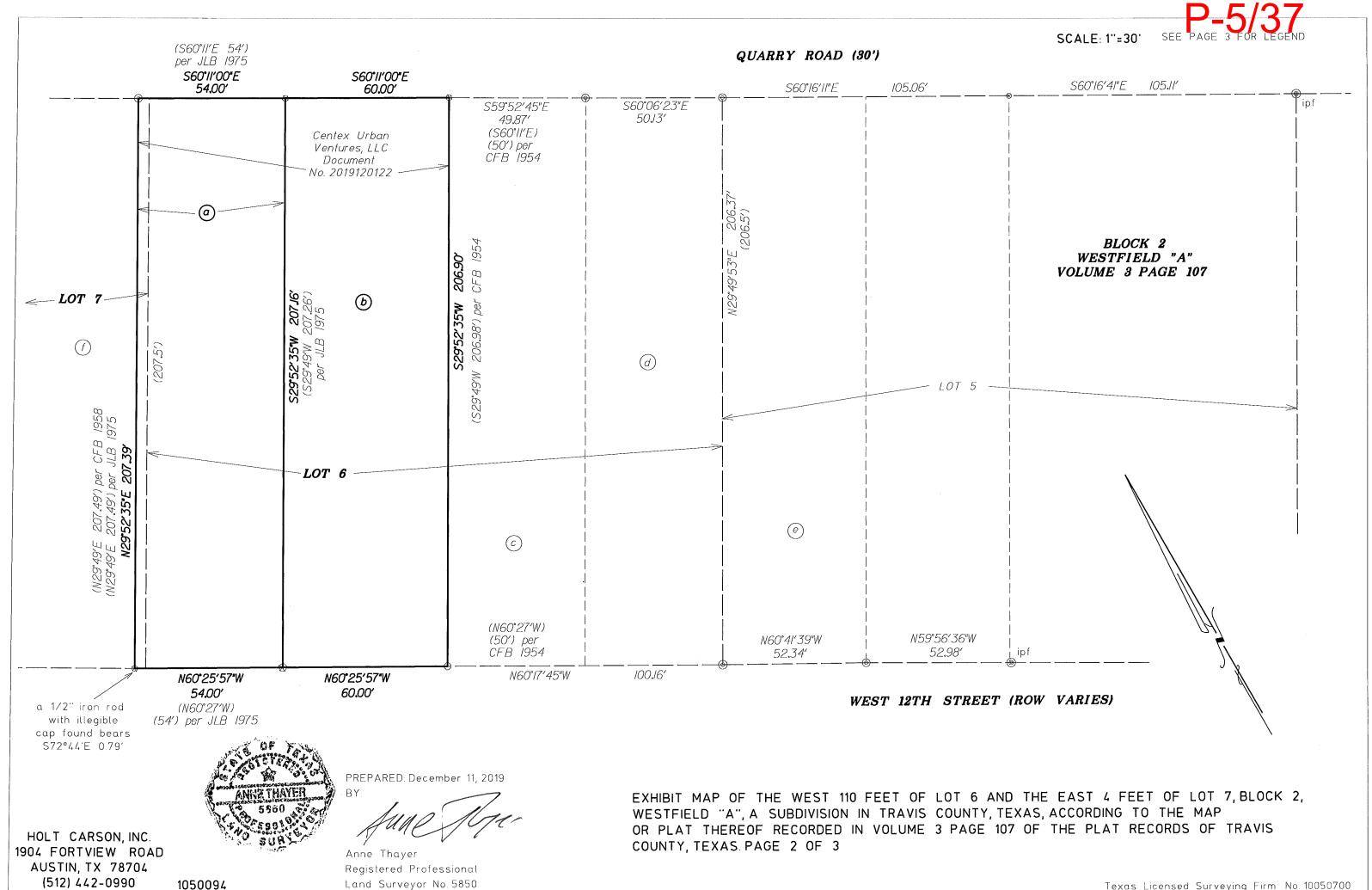
WEST 12TH

HOLT CARSON, INC. 1904 FORTVIEW ROAD AUSTIN, TX 78704 (512) 442-0990

see exhibit map 1050094 for BEARING BASIS Texas Licensed Surveying Firm No.10050700

1050094b

HOLT CARSON, INC. 1904 FORTVIEW ROAD AUSTIN, TX 78704 (512) 442-0990



Texas Licensed Surveying Firm No. 10050700

EXHIBIT MAP OF THE WEST 110 FEET OF LOT 6 AND THE EAST 4 FEET OF LOT 7, BLOCK 2, WESTFIELD "A", A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 107 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. PAGE 2 OF 3

(a)

Arnold Church
and Eva Church
(west 50' of Lot 6
and the East four feet
of Lot 7)
Volume 6817 Page 2283

(d)

Adrienne C. Curil and Ross E. Milloy (east 52.5' of west 105' of Lot 5) Volume 7782 Page 231

**(b)** 

Timothy J. Herman and Mary G. Cameron (east 60' of the west 110' of Lot 6) Volume 6505 Page 485 (e)

EDUCM, INC. (west 52.5' of Lot 5) Document No. 2019136233

(c)

Olwyn Davies Anderson Document No. 2005087339 f

David W. Brown and Kristin A. Brown Document No. 2015093133

· LEGENO —

∅ ½" Iron Rod Foundipf ⑥ ½" Iron Pipe Found

Fence Corner Post Found

⊗ Chiseled "X" Found⊕ Calculated Point

(Record Bearing and Distance)

JLB 1975= survey by J.Leroy Bush, RPLS 1828 April 30,1975 CFB = 1954 survey by Claude F.Bush RPLS 202 April 8,1958 CFB 1954 = survey by Claude F.Bush RPLS 202 November 6,1954

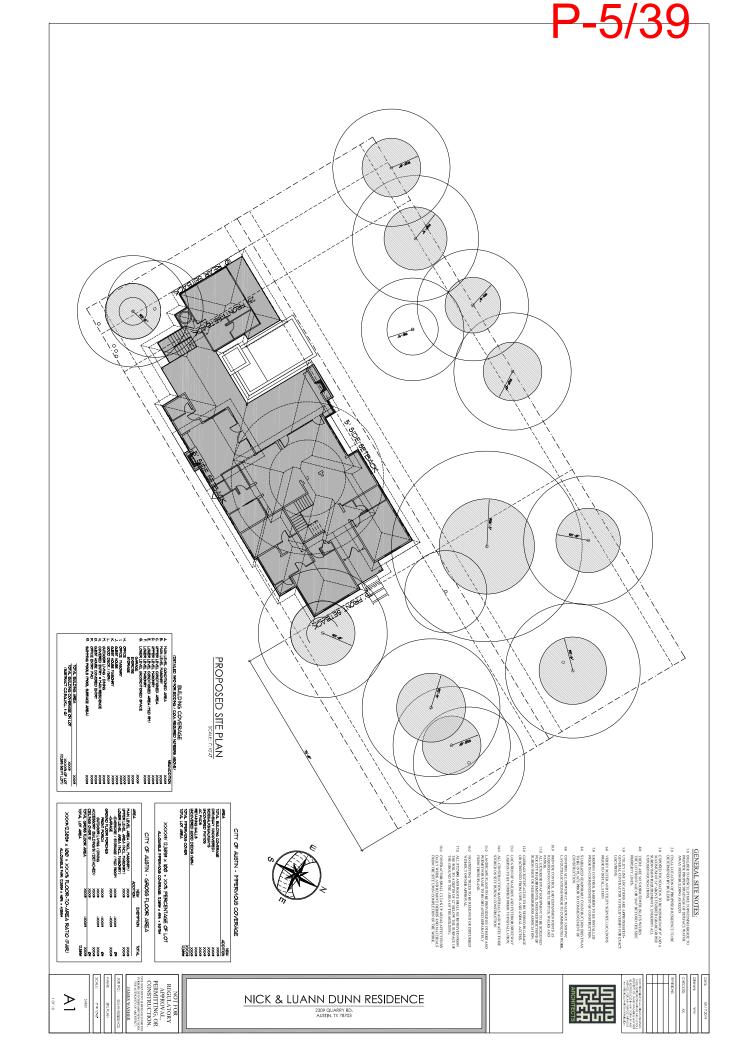


PREPARED: December 11, 2019

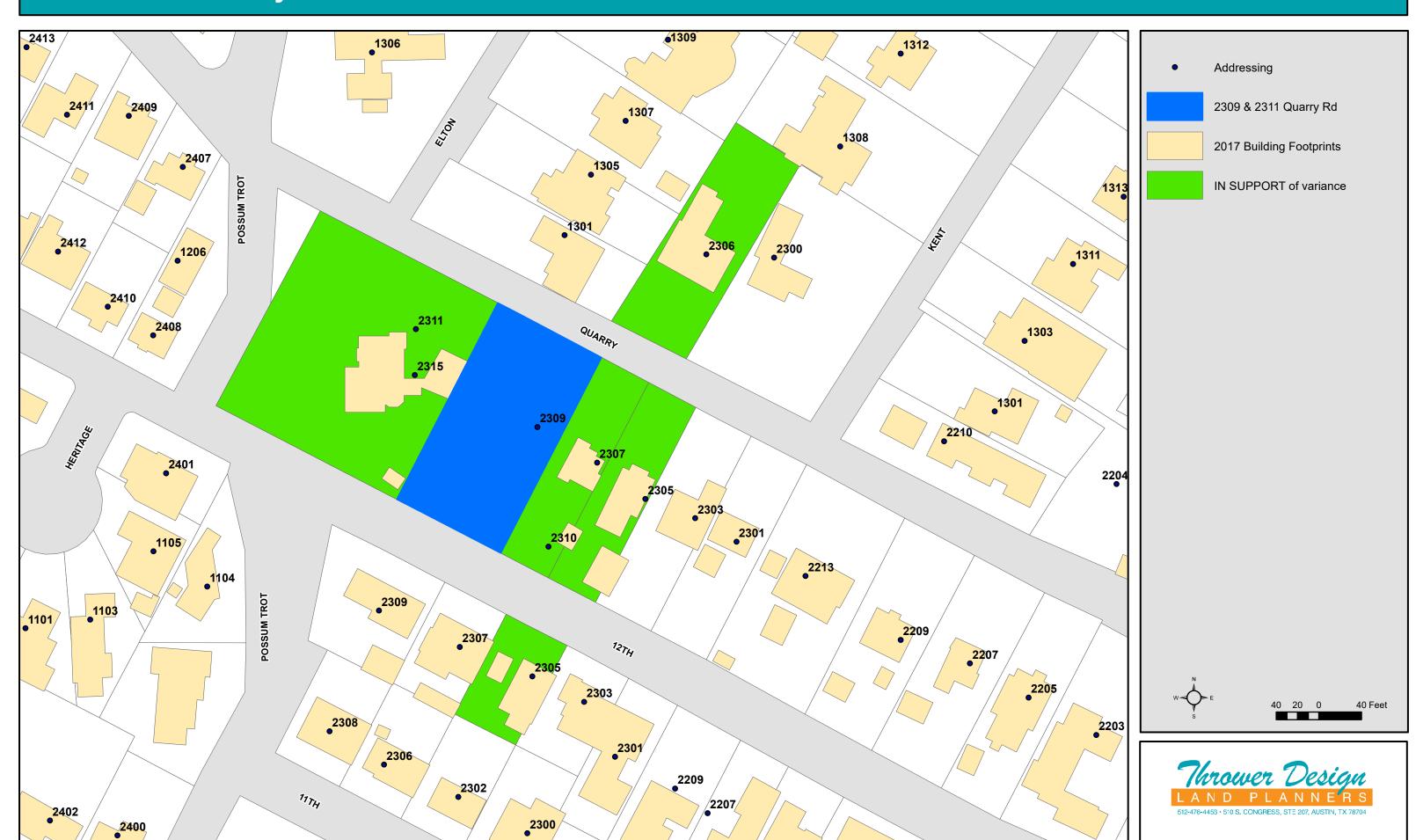
B١

Anne Thayer

Registered Professional Land Surveyor No. 5850



### 2309 & 2311 Quarry Road - C15-2020-0006



November , 2019

City of Austin

Board of Adjustment

Re: Building setback variance for 2309 and 2311 Quarry Lane; (25-2-515 of LDC)

Board Members -

I write to communicate my support of the property owner's request for a 10 foot building setback from W. 12th Street (rear lot line).

Please feel free to contact me if you have questions.

Thank you,

Lizzie Clarke

Name CLARKE

Address 2306 QUARRY RD.

Phone number 713-418-7544

November 13, 2019

City of Austin

**Board of Adjustment** 

Re: Building setback variance for 2309 and 2311 Quarry Lane; (25-2-515 of LDC)

Board Members -

I write to communicate my support of the property owner's request for a 10 foot building setback from W. 12th Street (rear lot line).

Please feel free to contact me if you have questions.

Thank you,

Name BROWN, DAVID & KELS Address 2315 QUARRY RD.

Phone number 512-773-1210

November 14, 2019

City of Austin

**Board of Adjustment** 

Re: Building setback variance for 2309 and 2311 Quarry Lane; (25-2-515 of LDC)

Board Members -

I write to communicate my support of the property owner's request for a 10 foot building setback from W. 12th Street (rear lot line).

Please feel free to contact me if you have questions.

Thank you,

Name PETE WASSDORF

Address 2305 QUARRY RD.

Phone number (512) 914-1312

November 14, 2019

City of Austin

Board of Adjustment

Re: Building setback variance for 2309 and 2311 Quarry Lane; (25-2-515 of LDC)

Board Members -

I write to communicate my support of the property owner's request for a 10 foot building setback from W. 12th Street (rear lot line).

Please feel free to contact me if you have questions.

Thank you,

Name GAMBLE, JOHN + Kazuk Address 2305 W. 12th ST. Phone number (572) 632-5049

November 12, 2019

City of Austin

Board of Adjustment

Re: Building setback variance for 2309 and 2311 Quarry Lane; (25-2-515 of LDC)

Board Members -

I write to communicate my support of the property owner's request for a 10 foot building setback from W. 12th Street (rear lot line).

Please feel free to contact me if you have questions.

Thank you,

Name ANDERSON Address 2307 awazzy RD.

Phone number

Want SIGN ANYTHING BUT I WONT EPPOSE IT.

# 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;
- 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: <a href="https://www.austintexas.gov/devservices">www.austintexas.gov/devservices</a>.

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.

	E .,	 					
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		to prickery the los	Daytime Telephone: 512-751-4333	Signature  Signature  Signature  Date	Your Name (please print)  7700 QUARRY	GREG PETERS DIam in favor	Case Number: C15-2020-0006 Contact: Elaine Ramirez, 512-974-2202 Public Hearing: Board of Adjustment; February 5th, 2020

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   and:
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City of Austin-Development Services Department/ 1st Floor

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

Austin, TX 78767-1088 Fax: (512) 974-6305 Elaine Ramırez P. O. Box 1088

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If you use this form to comment, it may be returned to:		obtained print to prichesing the	Daytime Telephone: 5/2-75/-4333	Your address(es) affected by this application	Your Name (please print)	Case Number: C15-2020-0006 Contact: Elaine Ramirez, 512-974-2202 Public Hearing: Board of Adjustment; February 5th, 2020
ed to:		should have been	1/26/90 Date		☐ I am in favor	ry 5th, 2020

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- 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.

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

Austin, TX 78767-1088 Fax: (512) 974-6305 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.

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	Comments: I object to any code They should have been ob	Your address(es) affected by this application  Signature  Daytime Telephone: 5 1 2 - 751 - 4333	Your Name (please print) 1306 MELIDEN LANE	Case Number: C15-2020-0006 Contact: Elaine Ramirez, 512-974-2202 Public Hearing: Board of Adjustment; February 5th, 2020
ned to: 1st Floor	obtained	1/26/20 Date	I am in favor	ary 5 <sup>th</sup> , 2020

From:

To:

Ramirez, Elaine

Cc:

 Subject:
 C15-2020-0006; 2309 & 2311 Quarry Road

 Date:
 Tuesday, February 25, 2020 11:26:12 AM

\*\*\* External Email - Exercise Caution \*\*\*

Elaine Ramirez, Liaison Board of Adjustment City of Austin

Dear Board of Adjustment Members:

The Board of Directors (BoD) of West Austin Neighborhood Group (WANG) have met twice with the applicants in the above referenced variance requests at 2309 & 2311 Quarry Road, and we have taken the position of non-opposition at this time.

We understand there is some concern about the variance requests from neighbors to the subject properties, especially those living on W. 12th Street, and we have encouraged the applicants to reach out to those neighbors. We also are aware that there are precedents for through-lot minimum rear yard setback variances in this area of our neighborhood, specifically C15-02-137 where a decrease to 15 feet from 25 feet was granted by your Board and C15-2017-0053 where a decrease to 16 feet from 25 feet was granted.

A representative of the neighborhood association will be in attendance at the hearing on Monday 9 March, and we thank you for your service to our community.

Blake Tollett, WANG PO Box 5722 Austin, Texas 78763

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.