

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
D-2**

**DATE: Monday January 11, 2021**

**CASE NUMBER: C15-2020-0067**

\_\_\_\_\_ Brooke Bailey OUT  
 \_\_\_\_\_ Jessica Cohen  
 \_\_\_\_\_ Ada Corral  
 \_\_\_\_\_ Melissa Hawthorne  
 \_\_\_\_\_ - \_\_\_\_\_ VACANT  
 \_\_\_\_\_ Don Leighton-Burwell  
 \_\_\_\_\_ Rahm McDaniel  
 \_\_\_\_\_ Darryl Pruett  
 \_\_\_\_\_ Veronica Rivera OUT  
 \_\_\_\_\_ Yasmine Smith  
 \_\_\_\_\_ Michael Von Ohlen  
 \_\_\_\_\_ Kelly Blume (Alternate)  
 \_\_\_\_\_ - \_\_\_\_\_ Vacant (Alternate)  
 \_\_\_\_\_ Donny Hamilton (Alternate) NOT AVAIL

**APPLICANT: Linda Sullivan**

**OWNER: Micheal and Jeanette Abbink**

**ADDRESS: 1112 HARVARD ST**

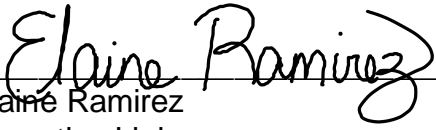
**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-6-472 (Parking Facility Standards) Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 0 spaces (requested) in order to erect a Single-Family residence in a "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

**BOARD'S DECISION:** Jan 11, 2021 **POSTPONED TO FEBRUARY 8, 2021**

**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

\_\_\_\_\_  
Diana Ramirez for  
Don Leighton-Burwell  
Chairman

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2020-0067

**BOA DATE:** January 11<sup>th</sup>, 2021

**ADDRESS:** 1112 Harvard St

**COUNCIL DISTRICT:** 1

**OWNER:** Michael Abbink

**AGENT:** Linda Sullivan

**ZONING:** SF-3-NP (Central East Austin NP)

**LEGAL DESCRIPTION:** LOT 8 BLK 4 GRANDVIEW PLACE

**VARIANCE REQUEST:** reduce number of parking spaces from 2 to 0

**SUMMARY:** maintain no off-street parking

**ISSUES:** does not have reasonable access, no alternative access via Bryan St

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Blackshear-Prospect Hill  
 Del Valle Community Coalition  
 East Austin Conservancy  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Neighbors United for Progress  
 Organization of Central East Austin Neighborhoods  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group



January 7, 2021

Linda Sullivan  
1112 Harvard St  
Austin TX, 78702

Property Description: LOT 8 BLK 4 GRANDVIEW PLACE

**Re: C15-2020-0067**

Dear Linda,

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 25-6-472 (Parking Facility Standards) Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 0 spaces (requested) in order to erect a Single-Family residence in a "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan

Austin Energy does not oppose requested variance.

If you require further information or have any questions, please reach out to my 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





SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2020-0067  
LOCATION: 1112 HARVARD STREET



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" = 165'



## 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: 1112 HARVARD ST (PROPERTY ID 195147)

Subdivision Legal Description:

GRANDVIEW PLACE

Lot(s): LOT 8 Block(s): 4

Outlot: N/A Division: N/A

Zoning District: SF-3-NP

I/We CLEANTAG PERMITS - LINDA SULLIVAN on behalf of myself/ourselves as  
authorized agent for MICHAEL ABBINK & JEANETTE HODGE ABBINK affirm that on

Month December, Day 9, Year 2020, 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: NO OFF-STREET PARKING

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

We are requesting a variance from the Land Development Code section 25-6-471 - OFF-STREET PARKING FACILITY REQUIRED. Also see - 25-6 appendix A.- Site Development Regulations for a SF-3-NP residential property required to provide 2 parking spaces for a single-family residence in order to be permitted to construct a single-family residence with no off-street parking at 1112 Harvard St. We are concurrently seeking permits to construct a single-family residence on the adjacent lot at 2414 E. 11th St. and will provide four (4) off-street parking spaces on that lot in order to provide parking for both lots.

## 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 lot in question, 1112 Harvard St. does not have reasonable access in order to construct the required off-street parking.

---

---

---

---

---

---

### Hardship

a) The hardship for which the variance is requested is unique to the property in that:  
the topography adjacent to the only existing paved city access makes construction of off street parking extremely disruptive to the surrounding area. There is no alternative access via Bryan St.

---

---

---

b) The hardship is not general to the area in which the property is located because:  
the topographical challenges presented by the lot in question are unique to this property in that the lot has drastic changes in slope and there is no street level access to the lot.

---

---

---

### 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 planned development is for a single-family residence on each lot (main residence on 11th and pool house on Harvard), however the parking needs will not increase as the two lots will be maintained as one single-family property and four spaces will be provided for the two lots satisfying the need for two spaces for each single-family dwelling unit.

---



---



---

### 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:

the sites will not increase the number of families or vehicles currently utilizing the properties.

The Harvard St. lot is currently a single-family dwelling unit with no off-street parking. With the planned development of the 11th St. lot and four (4) planned off-street spaces, the overall off-street parking needs will decrease.

---

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: there is currently no reasonable street parking along Harvard. The variance will allow for the development of the lots for single-family use and parking will be provided off-street to meet the needs of the new dwellings.
- 
- 

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

no additional traffic or off-street parking will be caused by the proposed development plan.

---



---



---

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

the lot will be developed in order to provide a pool and an additional dwelling unit for the primary residence to be constructed at 2414 E. 11th St.

---



---



---

### 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: 

Date: 10/9/20

Applicant Name (typed or printed): MICHAEL ABBINK & JEANETTE HODGE ABBINK

Applicant Mailing Address: 2301 S. 5TH #29

City: Austin

State: TX

Zip: 78704

Phone (will be public information): 917-291-7532 / 917-291-7516

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: 

Date: 10/9/20

Owner Name (typed or printed): MICHAEL ABBINK & JEANETTE HODGE ABBINK

Owner Mailing Address: 2301 S. 5TH #29

City: AUSTIN

State: TX

Zip: 78704

Phone (will be public information): 917-291-7532 / 917-291-7516

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

### Section 5: Agent Information

Agent Name: CLEANTAG PERMITS - LINDA SULLIVAN

Agent Mailing Address: 4804 MENCHACA RD UNIT B

City: AUSTIN

State: TX

Zip: 78745

Phone (will be public information): 512-826-4209

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).

The property owners initially pursued a Unified Development Agreement (UDA) in order to develop the properties without the need of a variance, however the properties cannot have a UDA created because of the intervening alley ROW between the two lots. The alley is not maintained as a public ROW but seeking a release or vacation of the alley has been discussed with city various city

**Additional Space (continued)**

departments and it has been determined that a variance is the best possible path forward in order to address the parking issue.

The planned structure for 1112 Harvard is to be built to conform to code requirements for a principal dwelling, but it will be 900sf micro house that contains a home office, and guest bedroom, while serving as a pool house.

City of Austin limits on cut and fill would make creating off-street parking for 1112 Harvard St. an impossibility.

**SAVE**



Elevations shown hereon are based on post-processed GPS observations. NAVD88 datum.

Tree "crowns" shown hereon are drawn as a function of trunk diameter. One inch of trunk diameter equals one foot of crown radius. Multi-trunk trees are drawn calculated on the full diameter of the largest stem plus one half of the diameter of each additional stem. Due to natural variations in tree growth, these generalized depictions may not correlate to actual tree crowns or root zones.

**SURVEY MAP OF:**

**LOTS 8 AND 9, BLOCK 4, GRANDVIEW PLACE,  
A SUBDIVISION IN TRAVIS COUNTY, TEXAS,  
ACCORDING TO THE MAP OR PLAT THEREOF  
RECORDED IN VOLUME 3 PAGE 17 OF THE  
PLAT RECORDS OF TRAVIS COUNTY, TEXAS.  
LOCATED AT 1112 HARVARD STREET (LOT 8)  
AND 2414 EAST 11TH STREET (LOT 9).**

PAGE 2 OF 2

**LEGEND**

- ⊙ 1/2" Iron Rod Found  
ipf ⊙ 1/2" Iron Pipe Found  
⊗ Calculated Point  
—x— Wire Fence or Chain Link Fence  
—o— Overhead Utility Line  
guy wire

**TREE LIST**

Tag No	Description
601	9" Cedar Elm
602	9" Cedar Elm
603	8" Cedar Elm
604	17" Cedar Elm
605	9" Cedar Elm
606	9" Cedar Elm
607	10" Cedar Elm
608	12" Cedar Elm
609	8" Pine
610	10" Cedar Elm
611	19" Cedar Elm
612	8" Cedar Elm
613	12" Cedar Elm
614	14" Palm
615	18 5" Palm
616	15" Palm
617	12" Palm

TO: Michael Abbink and Jeanette Abbink  
Title Resources Guaranty Company  
GF No. 1935140-ROL

STATE OF TEXAS x  
COUNTY OF TRAVIS x

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is correct and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property abuts a dedicated road. This property lies within Zone X (areas determined to be outside the 100 year flood plain) according to Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0465 J, dated January 6, 2016. THIS the 27th day of August, A.D., 2019.

BY

Anne Thayer

Registered Professional Land Surveyor No. 58550



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

Texas Licensed Surveying Firm No. 10050700

**EAST 11th STREET (40')****BRYAN STREET (40')****HARVARD STREET (40')**

**LOT 7**  
**GRANDVIEW PLACE**  
**VOLUME 3 PAGE 17**

**15' ALLEY**currently undeveloped  
and impassable**LOT 8****LOT 9****LOT 10**

a 1/2" iron rod found  
with cap marked  
"Maldonado- Burkett"  
bears N63°57'E 1.66'

a 1/2" iron rod found  
with cap marked  
"Maldonado- Burkett"  
bears N66°36'E 1.42'

a 1/2" iron  
rod found bears  
S47°17'E 0.56'

a 1/2" iron  
rod found with cap  
marked "Maldonado- Burkett"  
bears S25°19'E 0.85'

a 1/2" iron  
rod found bears  
S59°13'W 0.64'

water meter

edge of paving

**Comments AGAINST proposed variance from the  
Land Development Code  
at 2111 Harvard St, Austin, Tx 78702**

Case Number: C15-2020-0067

Contact: Elaine Ramirez: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

Public Hearing: Board of Adjustment; January 11, 2021

**We object to the proposed variance from Land  
Development Code**

Martha and Roger Zornes

2409 Bryan St, Austin, Tx 78702

The applicant has requested a variance from the Land Development Code at 1112 Harvard St, Austin, Tx 78702; Lot 8 Blk 4 Grandview Place. The request is to reduce the required parking spaces from 2 to 0 for a single-family residence.

We object for the following reasons:

1. Harvard street is narrow. While there is some room in front of the wall fronting the property for parking, it is limited. Parking on the street is likely to obstruct safe travel on this street. There are no other cars parking on this section of this street for this reason. Therefore, the planned development will prevent the free flow of traffic. Parking in front of the wall will narrow the street further and can create safety hazards for walkers, joggers, and bicycle riders on the street.
2. The wall fronting the property is old and leans toward the street. The structural soundness of the wall should be confirmed before any construction can be started. If the



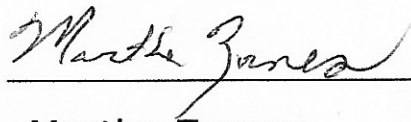
wall is not structurally sound, any new wall could incorporate space for a driveway.

3. A good architect should be able to design a single-family structure that incorporates a driveway and even a garage into the topography of the lot as has been done in many other lots in the area that have buildings placed on a hill. A section of the wall could be removed at one end or the other of the property to construct off-street parking. Therefore, there could be reasonable access to construct the required off-street parking for a single-family residence.
4. In general, east Austin streets are narrow and many are clogged with cars parking on the street to the extent that it is difficult to drive down those streets. This variance would only encourage more street parking which is not a good use of community streets, especially in east Austin neighborhoods.

**As homeowners living within 500 feet of the proposed development, we ask that the variance request be denied.**

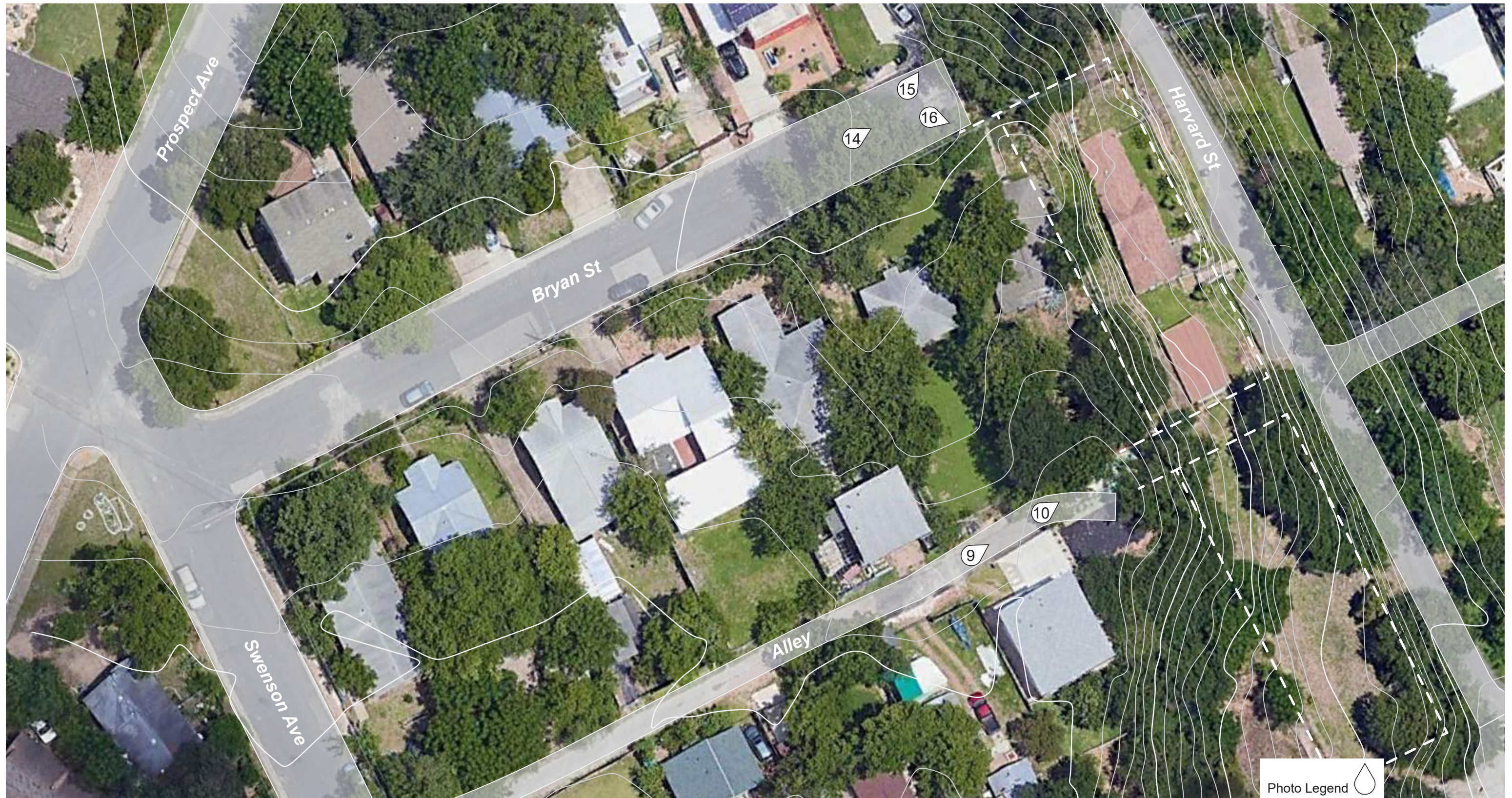
As an alternative to denial of the request at this time, we ask that the Board of Adjustment postpone the hearing until the request can be reviewed by the Blackshear Prospect Hill Neighborhood Association. The requested variance affects more than just the few structures surrounding the lot because it affects traffic flow in the neighborhood. As such, the BPHNA should have an opportunity to have input into the decision of the Board of Adjustment. The next meeting of the BPHNA occurs after the currently scheduled hearing.

Signed:

  
Martha Zornes

  
Roger Zornes

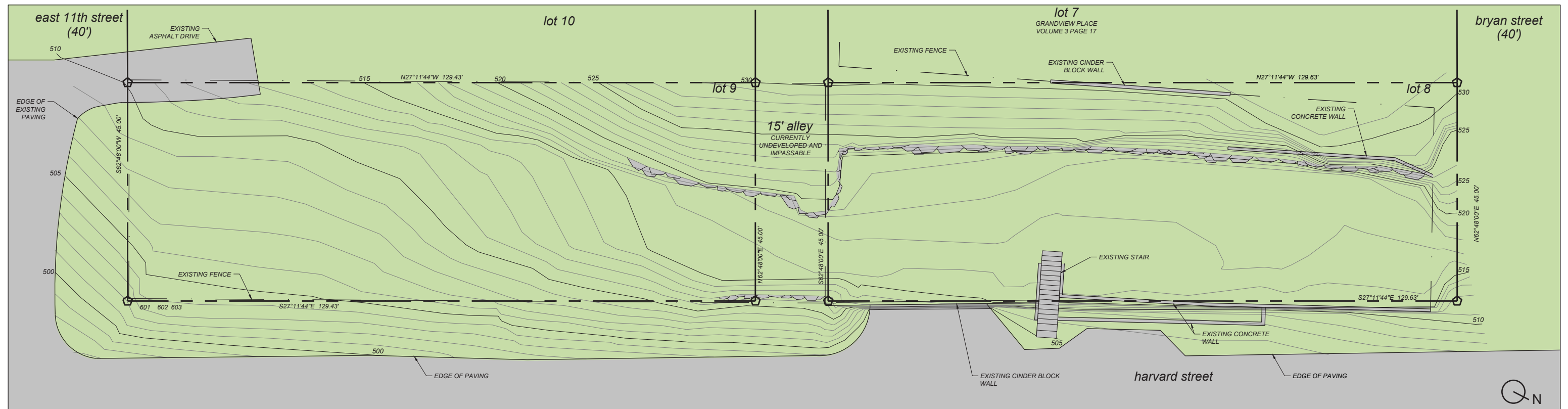




Key Plan with GIS Contour Data

Harvard & 11th Street Development





Site Plan  
Scale: 1" = 20'

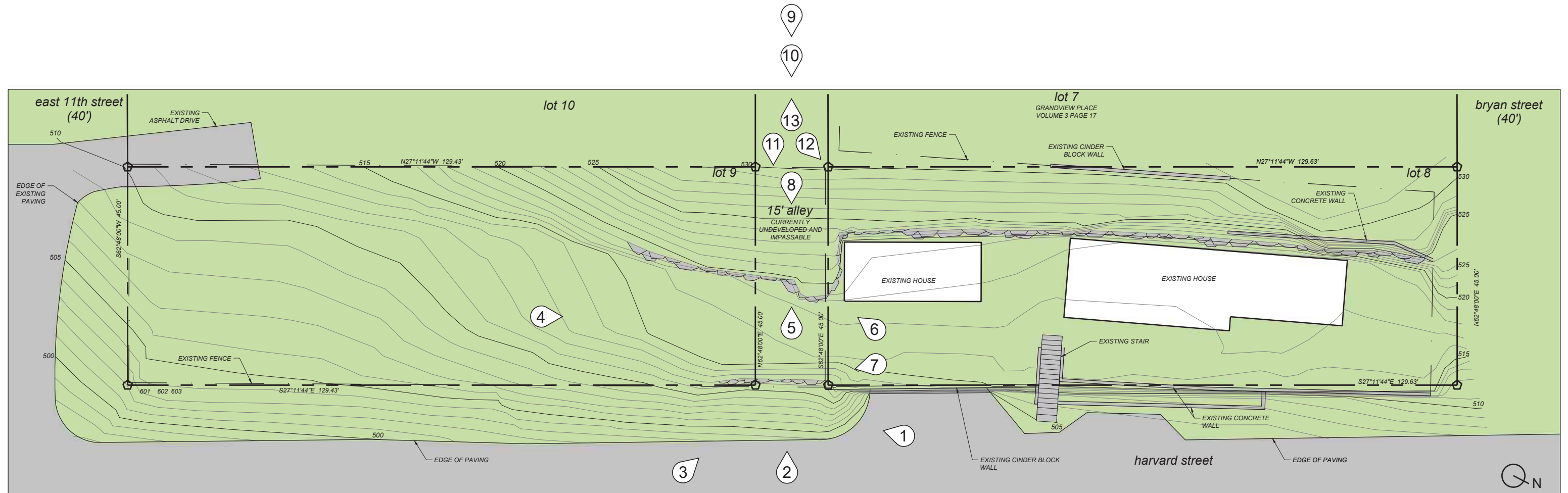

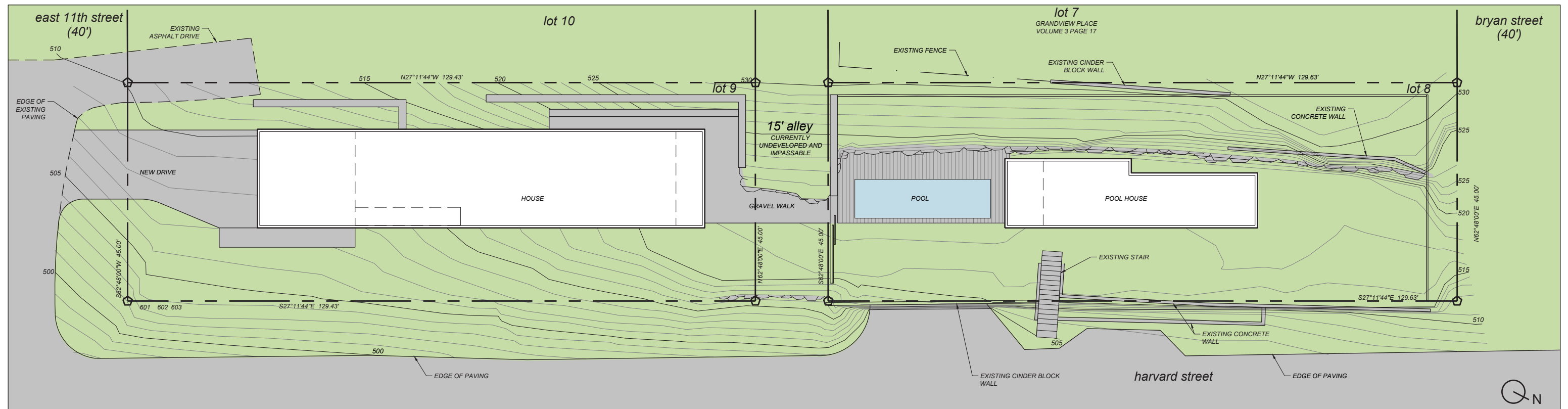


Photo Legend 

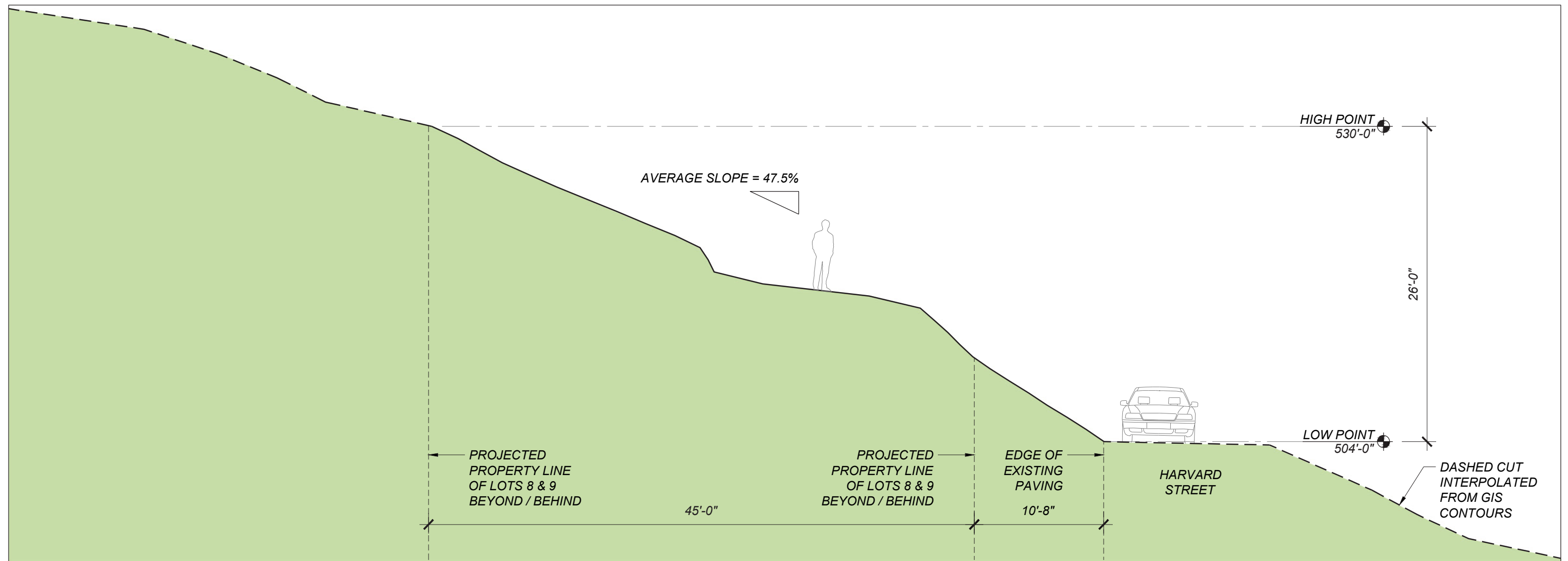
Site Plan with Existing Buildings  
Scale: 1" = 20'

Harvard & 11th Street Development

alterstudio



Site Plan with Proposed Improvements  
Scale: 1" = 20'



Section through Alley  
Scale: 1/8" = 1'-0"

Harvard & 11th Street Development





1. Alley at Harvard Street, from North



2. Alley from Harvard Street, looking West





3. Alley at Harvard Street, from South



4. View of alley from Lot 9, looking North





5. View from alley at rock wall, looking West



6. View of alley from Lot 8, looking Southwest





7. View of alley from Lot 8, looking Southeast



8. View from alley at western corners of Lots 8 & 9, looking East





9. Alley development termination west of property



10. Alley development termination west of property





11. Silt fence at undeveloped alley portion



12. View of alley and Lots 8 & 9 from West





13. View from silt fence at alley, looking West



14. Termination of Bryan street west of Harvard Street





15. View from Bryan Street, looking Northeast



16. View from Bryan Street, looking Southeast



**From:** Alex Finnell  
**To:** [REDACTED]  
**Subject:** Re: Ref:Case No C15-2020-0067; response with concerns  
**Date:** Monday, January 04, 2021 9:55:26 AM

---

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

Thank you Martha and good morning Ms. Ramirez,

The Blackshear Prospect Hill Neighborhood Association's next meeting will be the evening of January 28th. We would welcome the opportunity to hear directly (via zoom) from Michael and Jeanette Abbink about their plans for this property and request to waive parking requirements. On behalf of the neighborhood association we request a postponement to the February Board of Adjustments hearing to give us additional time and information to make an informed decision as whether we support or object to this variance request which would directly impact our members and neighbors.

Would you be able to put the applicants in touch with us so that we could hopefully add them to our January agenda?

Best,  
Alex Finnell.  
President - Blackshear Prospect Hill Neighborhood Association

512.773.3379  
[REDACTED]

[REDACTED] Jan 4, 2021, at 9:00 AM, [REDACTED]:

Ms. Ramirez,

We, Roger and Martha Zornes, have received the notice of Board of Adjustment hearing on January 11, 2021 regarding Case No. C15-2020-0067 at 1112 Harvard St, Austin, Tx requesting a variance from the Land Development Code, Section 25-6-472 to reduce the number of required parking spaces from 2 spaces (required) to 0 spaces in order to erect a Single-Family residence in a SF-3-NP, Single-Family Residence-Neighborhood Plan zoning district.

As homeowners residing within 500 ft of the proposed development, we object to the variance being granted. I am attaching a copy of our comments against the proposed variance.

I am also copying my letter to the officers of the Blackshear-Prospect Hill Neighborhood Association as part of my comments request that the hearing be delayed until the Neighborhood Association can hear from the applicants about their proposal in the neighborhood.

Please do not hesitate to contact me if you have any questions.

Please let me know that you have received my comments.

Regards,

Martha Zornes  
2409 Bryan St  
Austin, Tx 78702  
512-636-3500

<2021-01-04 comments re variance (2).pdf>

**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 [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).



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:** C15-2020-0067

**Contact:** Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

**Public Hearing:** Board of Adjustment; January 11<sup>th</sup>, 2021

LAURA ACKLEN

Your Name (please print)

☐ I am in favor  
☒ I object

1127 POQUITO ST.

Your address(es) affected by this application

Laura Acklen

Signature

12/29/20

Date

Daytime Telephone: 512 919 4893

Comments: That is a dead-end street. We do Not  
need more cars on the street - in this case,  
in front of other people's houses.

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to social distancing):

Elaine Ramirez

See & Email: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)