

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

**DATE:** Monday February 8, 2021

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

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ Y ☐ Ada Corral  
☐ Y ☐ Melissa Hawthorne  
☐ - ☐ VACANT  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ Y ☐ Darryl Pruett  
☐ Y ☐ Veronica Rivera  
☐ Y ☐ Yasmine Smith  
☐ Y ☐ Michael Von Ohlen  
☐ - ☐ Kelly Blume (Alternate)  
☐ - ☐ Vacant (Alternate)  
☐ - ☐ Donny Hamilton (Alternate)

**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)

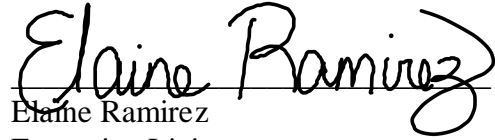
**BOARD’S DECISION:** Jan 11, 2021 POSTPONED TO FEBRUARY 8, 2021; Feb 8, 2021 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to postpone to March 8, 2021; Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO MARCH 8, 2021.

**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



**SPROUSE SHRADER SMITH PLLC**  
ATTORNEYS AT LAW

COURTNEY MOGONYE-MCWHORTER  
[REDACTED]  
(512) 615-6652

February 19, 2021

City of Austin Board of Adjustments  
c/o Elaine Ramirez  
One Texas Center  
505 Barton Springs Rd  
Austin, Texas 78704

Re: C15-2020-0067; Requested Documentation for Variance Request for 1112 Harvard St.

Dear Chair and Members of the Board,

The undersigned firm represents the property owners, Jeanette and Michael Abbink. As additional consideration for the variance request under Case # C15-2020-0068, and as requested by the Board at the February 8, 2021 hearing, enclosed please find the proposed Shared Driveway and Parking Easement Agreement. We are unable to execute and record the enclosed agreement prior to approval from the City of Austin Law Department.

The enclosed Easement Agreement has been sent to the City's Law Department for review and approval; however, we have not yet received comments or approval from the Department. Enclosed please find our emails with Annette Bogusch, Legal Program Specialist, City Law Department, initially requesting the City's approved form to bind the property, and then updated to request a review of the easement agreement prepared by the undersigned. We have not received a response to either email. Please note the exhibits referenced in the Easement Agreement will be updated based on feedback from the City Law Department and Development Services.

The applicant agrees to restrict the property as directed by the Board, and at this time we request that the variance be granted with the condition that any building permit be contingent upon the City's approval and recording of the Easement Agreement, as may be revised by the City at its discretion.

Respectfully submitted,  
Sprouse Shrader Smith PLLC

/s/ Courtney Mogonye-McWhorter

Enclosures as stated.

cc. Jeanette and Michael Abbink (via email)

**NOTICE OF CONFIDENTIALITY RIGHTS:** If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

## **DRIVEWAY EASEMENT AND SHARED PARKING AGREEMENT**

This Driveway Easement and Shared Parking Agreement (the “**Easement**”) for \_\_\_\_\_ (address), is executed effective the Date, by Michael Abbink and Jeanette Hodge Abbink, a married couple (“**Grantor**” or “**Owner**”) and is as follows:

### ***DEFINITIONS***

**Date:** February \_\_\_, 2021

**Grantor:** Michael Abbink and Jeanette Hodge Abbink, a married couple his, her or its heirs, successors and assigns

**Grantor's Address:** 2301 S 5<sup>th</sup> St. #29  
Austin, Travis County, Texas 78704

**City:** **CITY OF AUSTIN, TEXAS**, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

**Tract One:** Lot 8, Block 4, Grandview Place, according to the map or plat thereof, recorded in Volume 3, Page 17, Plat Records, Travis County, Texas, otherwise known as 1112 Harvard St., Austin, Texas 78702.

**Tract Two:** Lot 9, Block 4, Grandview Place, according to the map or plat thereof, recorded in Volume 3, Page 17, Plat Records, Travis County, Texas, otherwise known as 2414 E 11<sup>th</sup> St., Austin, Texas 78702.

**City Permit:** The approved and released City of Austin Building/Site Plan No. \_\_\_\_\_ as the site plan is amended, revised, or corrected from time to time

**Duration:** Perpetual

\_\_\_\_\_  
City Reviewer Initials



**WHEREAS**, Grantor is the owner of Tracts One and Two; and

**WHEREAS**, Owner has filed the Building Permit with the City; and

**WHEREAS**, there exists on said Tract Two a certain shared driveway and parking area more particularly described and shown on the surveys attached hereto as Exhibits A and B respectively; and

**WHEREAS**, Grantor desires to impress upon the said Tract One and Tract Two certain covenants, easements, rights-of-way and restrictions to provide for adequate parking for Tract One pursuant to the requirements of the City of Austin Code in connection with the City Permit, and regarding the use, access and maintenance which shall inure to the benefit of and be binding upon the successors and assigns of Grantor; and

**WHEREAS**, the City of Austin Code requires that the Tract One must remain compliant with the requirements of the City Permit, including the parking requirements, and any violation may result in the City taking any necessary action pursuant to the City of Austin Code to enforce the requirements of the City Permit, including, without limitation, issuing a red-tag which prevents continued occupancy of the Tract One;

**NOW, THEREFORE**, the Grantor does hereby impress upon Tract One and Tract Two the following covenants, easements, rights-of-way and restrictions, which shall hereafter be covenants which run with the land and shall inure to the benefit of and be binding upon the grantees, successors and assigns of each of said Tract One and Tract Two:

1. The driveway and parking lot shown on Exhibits A and B shall be a perpetual easement (the "Easement") in favor of the successors in title of Grantor for parking of vehicular traffic and for ingress and egress to and from the said properties. Accordingly, Tract Two shall be burdened by said Easement in favor of Grantor and Grantor's successors in title to Tract One.
2. The successors in title to Tract One and/or Tract Two shall not obstruct or restrict the use of any portion of the said parking lot and driveway and no buildings or improvements may be erected upon said Easement.
3. The Easement shall be maintained in a serviceable, neat and acceptable manner. Each of Grantor's successors in title to Tracts One and Two shall be charged with the repair and maintenance thereof and shall cooperate with each other in the performance of routine and necessary repairs, overlay and sealing of the said driveway and parking lot. The successor in title to either tract may perform such repairs and maintenance as may be necessary without the consent of the other upon giving written notice of intent to perform such repairs and the estimated cost thereof. Notice may be delivered by U.S. Mail, certified, return receipt requested or other personal service not less than thirty (30) days prior to beginning such repairs or maintenance. The party that performs said repairs/maintenance shall be entitled to a lien upon the property of the dissenting party equal to one-half of the actual cost of said

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City Reviewer Initials

repairs/maintenance plus fifteen per cent (15%). Said lienholder shall have the same remedies as holders of materialmen in accordance with the Materialmen Lien laws of the State of Texas.

4. The City may enforce, by any proceeding at law or in equity, including specific performance, the restrictions imposed by this Driveway Easement and Shared Parking Agreement. Failure to enforce any restriction created in this Driveway Easement and Shared Parking Agreement does not waive the future right to do so.

5. In the event the parking obligations of the City Permit are amended, modified, extended or replaced, Grantor, as necessary, will cause this Driveway Easement and Shared Parking Agreement to be revised and amended in order to correctly set forth the then current easement terms with respect to Tract One and Tract Two in the Real Property Records of Travis County, Texas.

6. This Driveway Easement and Shared Parking Agreement may be amended, modified, extended, replaced with a new agreement, or terminated only by (a) acceptance by the Director of the City's Development Services Department of the City of Austin, Texas, or successor department director, (b) all of the owners of the Tract One and Tract Two at the time of such amendment, modification, extension, replacement or termination, and, except with respect to termination, (c) the consent of any mortgagee holding a prior lien security interest on any portion of the Property. The Director of the City's Development Services Department or successor department director may terminate this Driveway Easement and Shared Parking Agreement unilaterally.

7. Nothing in this Driveway Easement and Shared Parking Agreement will be construed as requiring or permitting any person or entity to perform any act or omission that violates any local, state or federal law, regulation or requirement in effect at the time the act or omission would occur. Provisions in this Driveway Easement and Shared Parking Agreement which may require or permit such a violation will yield to the law, regulation or requirement.

8. If any part, or the application of, this Driveway Easement and Shared Parking Agreement is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this Driveway Easement and Shared Parking Agreement are not affected thereby. All provisions of this Driveway Easement and Shared Parking Agreement are severable to maintain in full force and effect the remaining provisions of this Driveway Easement and Shared Parking Agreement.

*(Remainder of page intentionally left blank)*

\_\_\_\_\_  
Michael Abbink

\_\_\_\_\_  
Jeanette Hodge Abbink

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary, on this day personally appeared Michael Abbink known to me through valid identification to be the person whose name is subscribed to the preceding instrument to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on \_\_\_\_\_.

[Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary, on this day personally appeared Jeanette Hodge Abbink known to me through valid identification to be the person whose name is subscribed to the preceding instrument to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on \_\_\_\_\_.

[Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

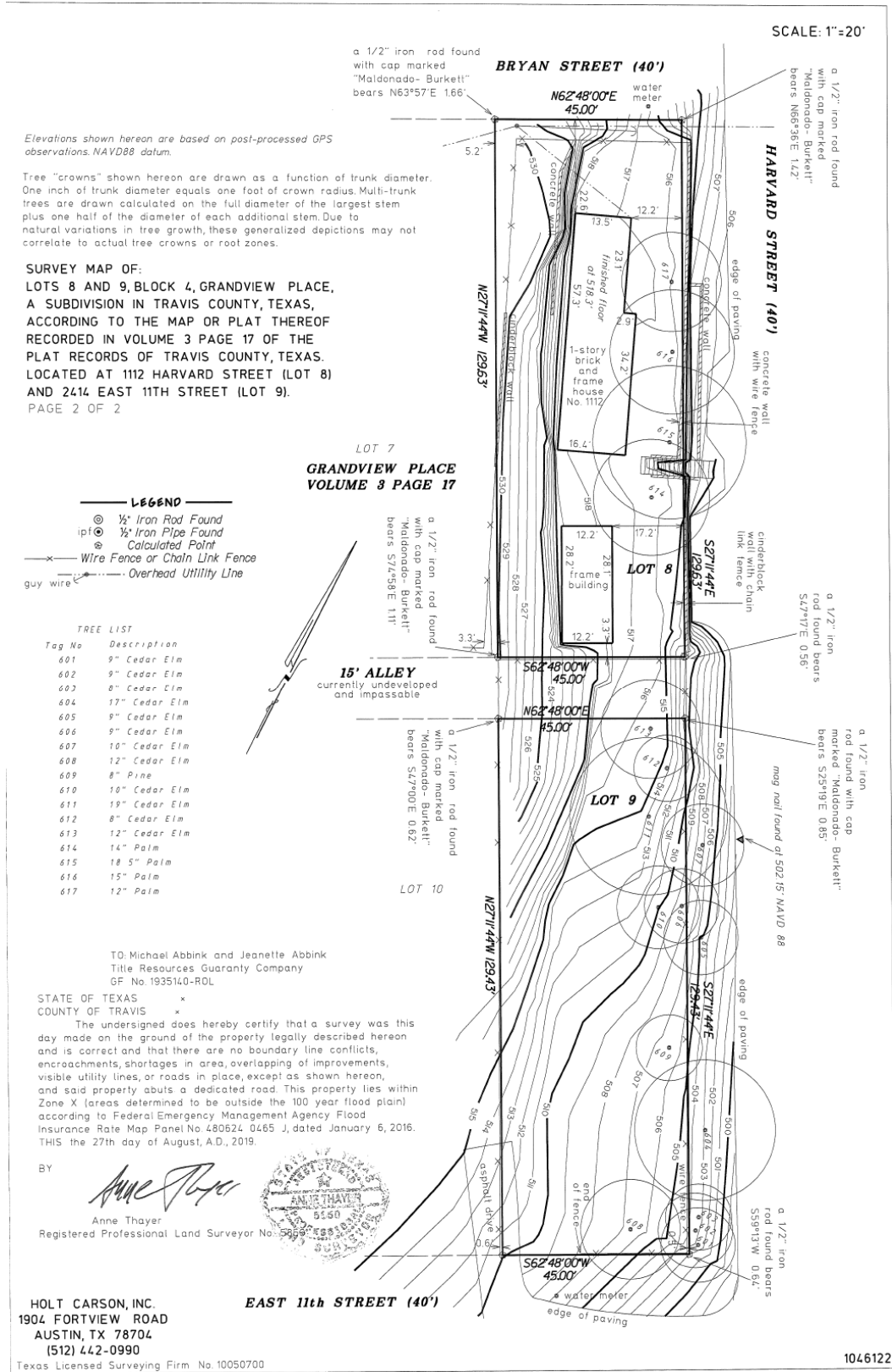
**APPROVED AS TO FORM:**  
CITY OF AUSTIN, TEXAS  
LAW DEPARTMENT

**REVIEWED:**  
CITY OF AUSTIN, TEXAS  
DEVELOPMENT SERVICES DEPARTMENT

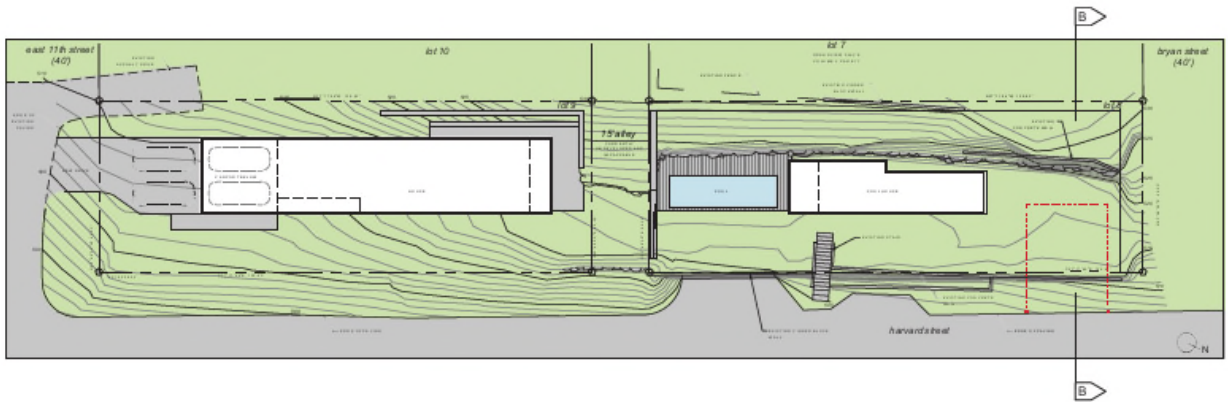
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Assistant City Attorney

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## EXHIBIT A



## EXHIBIT B



**Courtney Mogonye**

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**From:** [REDACTED]  
**Sent:** Tuesday, February 16, 2021 4:28 PM  
**To:** [REDACTED]  
**Subject:** RE: 1112 Harvard St and 2414 E 11th St - Shared Parking Agreement  
**Attachments:** Shared Driveway and Parking Easement(1202650.1).doc

Annette,

I hope you are staying safe and warm in this crazy weather. I wanted to follow up on my email from last week. The Board of Adjustments is requesting that we submit a City approved and recorded document by Friday for the March hearing. I have drafted the attached Shared Driveway and Parking Easement for the City's review.

Please let me know if the attached is acceptable to the City. I will confirm whether or not lienholder consent is necessary.

Thanks,  
 Courtney

COURTNEY MOGONYE-MCWHORTER | MEMBER  
 SPROUSE SHRADER SMITH PLLC  
 Ph. (512) 615-6652  
 [REDACTED]

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**From:** Courtney Mogonye  
**Sent:** Wednesday, February 10, 2021 2:30 PM  
**To:** [REDACTED]  
**Subject:** 1112 Harvard St and 2414 E 11th St - Shared Parking Agreement

Annette,

I represent the owners of 1112 Harvard St and 2414 E 11<sup>th</sup> St. We spoke about this project last summer. To refresh your memory, this is two lots joined by an alleyway and the property owners would like to develop the two lots concurrently. An alley row separates the lots, but the steep slope of that portion of the ROW is undevelopable as an alley. We originally reached out last summer to seek a UDA to combine the lots and/or have the City vacate the alleyway. Per various communications we could not pursue either option, so the property owners moved forward with seeking a parking variance to allow for development of 1112 Harvard St (due to the topography off street parking cannot be achieved). The intended development is a 1600 sf main house on 2414 E 11<sup>th</sup> St. and a 800 sf studio house with a pool on 1112 Harvard St.


The property owners went in front of the Board of Adjustments on Monday night to request a parking variance for the Harvard St property in order to develop the property as described above. The Board supports the variance request, but is requiring a "self-imposed" instrument that gives the Harvard Street property access to the 11<sup>th</sup> Street property for parking and access. At this time, the "Board is requesting a self-imposed restriction through a Dedication of Easement, a Restrictive Covenant, or a Shared Parking Agreement." The Board is requiring that such instrument be reviewed and approved by City Legal Department and be submitted to them by February 19th in order to be approved during the March meeting. I've reviewed the City's Common Easements and Restrictive Covenants, and there is not a City form

directly on point. What instrument do you prefer that we use for this project? Do you see any problem with modifying the Shared Parking Agreement to accommodate this project? Also, can City Legal review and approve a form by next Friday?

Please let me know if you need more information or if you would prefer to visit by phone.

Thanks,  
Courtney

COURTNEY MOGONYE-MCWHORTER | MEMBER  
SPOUSE SHRADER SMITH PLLC  
Las Cimas III, 805 Las Cimas Pkwy, Suite 350 | Austin, TX 78746  
Ph. (512) 615-6652





**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**

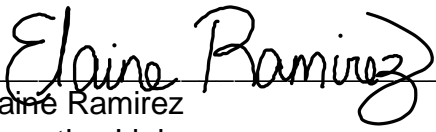
**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-6-472 (Parking Facility Standards) Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 0 spaces (requested) 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

F-1/17



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.

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### 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.

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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.

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**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
  - guy wire— Overhead Utility Line

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

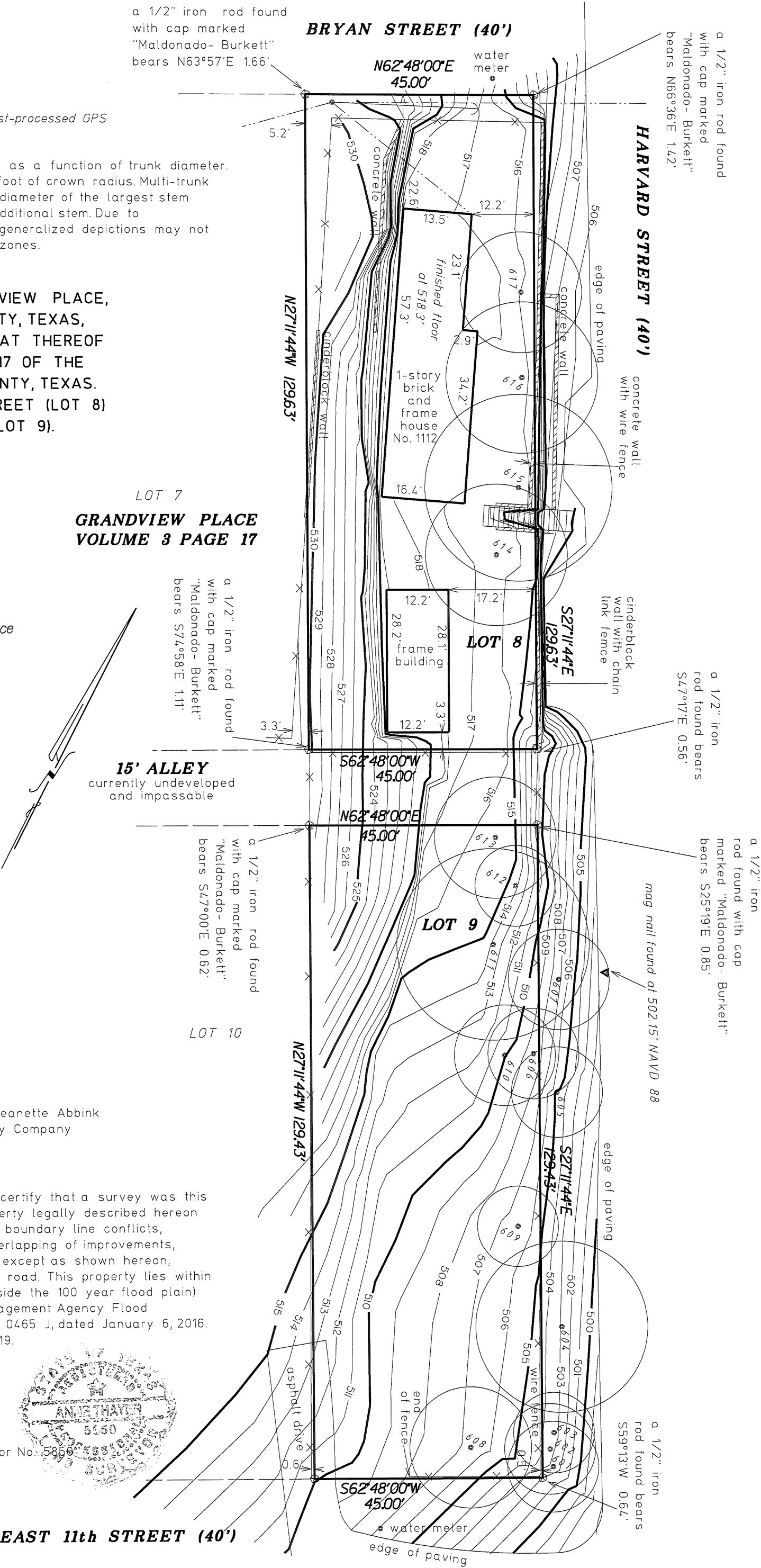
Anne Thayer

Anne Thayer  
Registered Professional Land Surveyor No. 58550



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

EAST 11th STREET (40')



**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



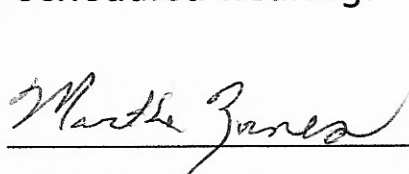
wall is not structurally sound, any new wall could incorporate space for a driveway.

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.

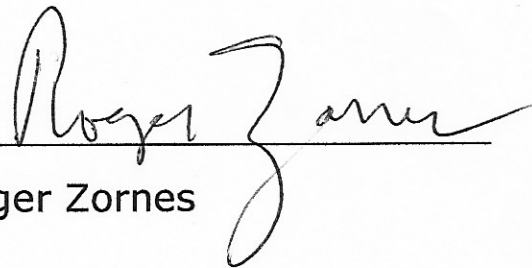
**As homeowners living within 500 feet of the proposed development, we ask that the variance request be denied.**

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

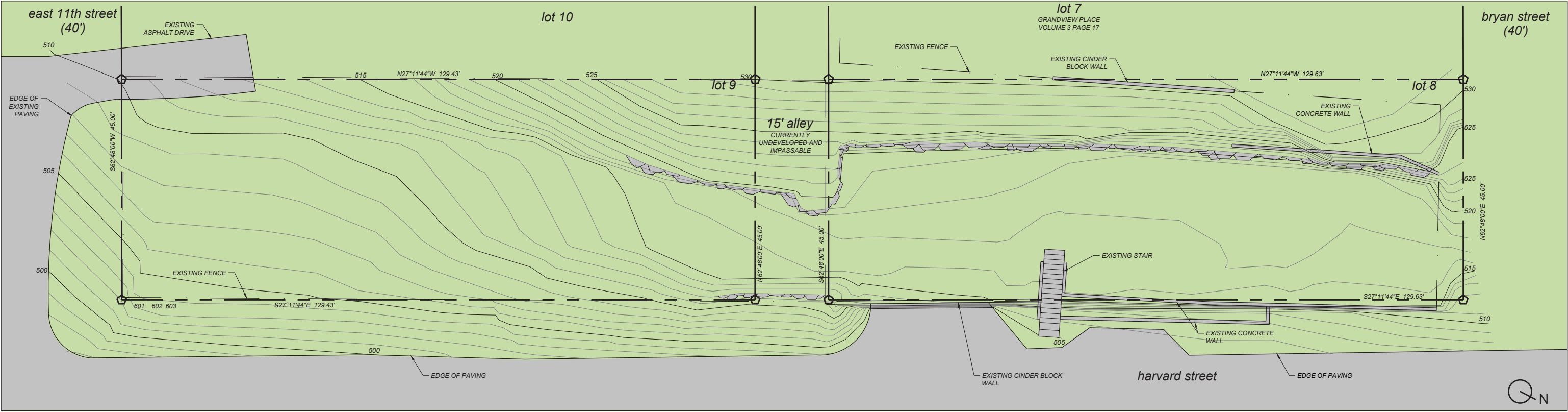




Photo Legend 

Key Plan with GIS Contour Data  
Harvard & 11th Street Development





Site Plan  
Scale: 1" = 20'

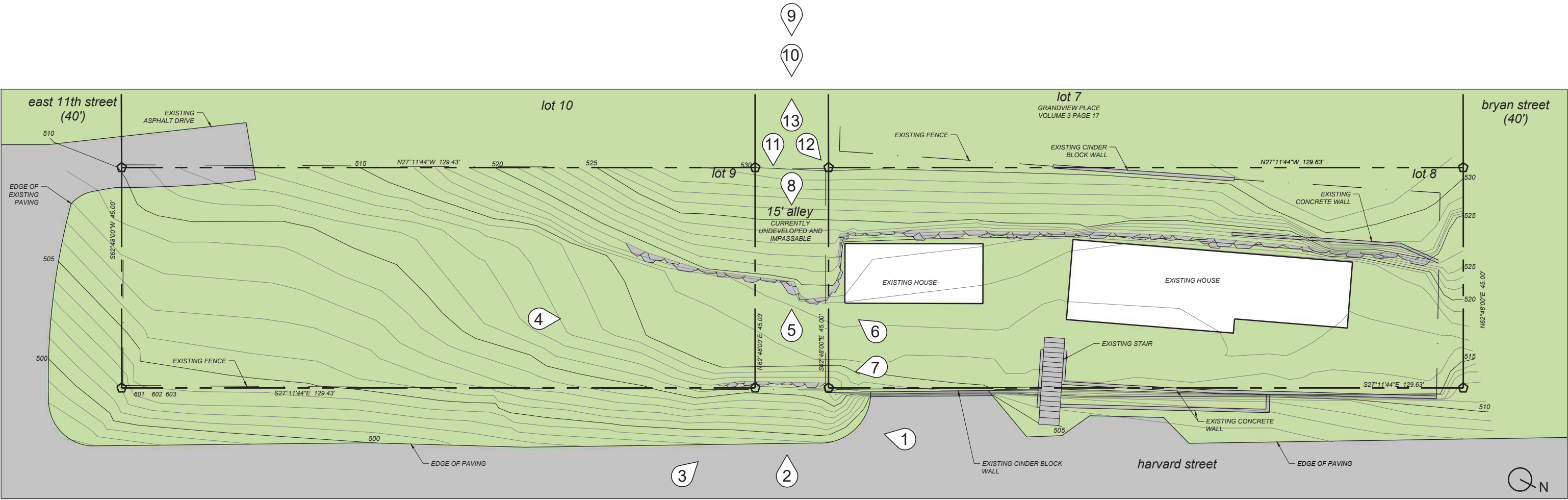
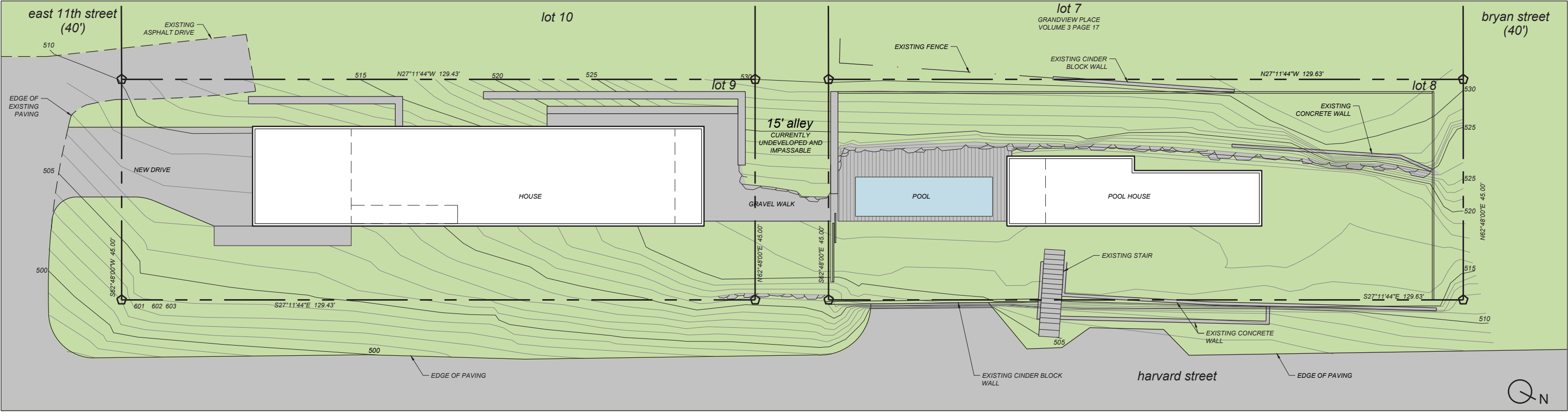


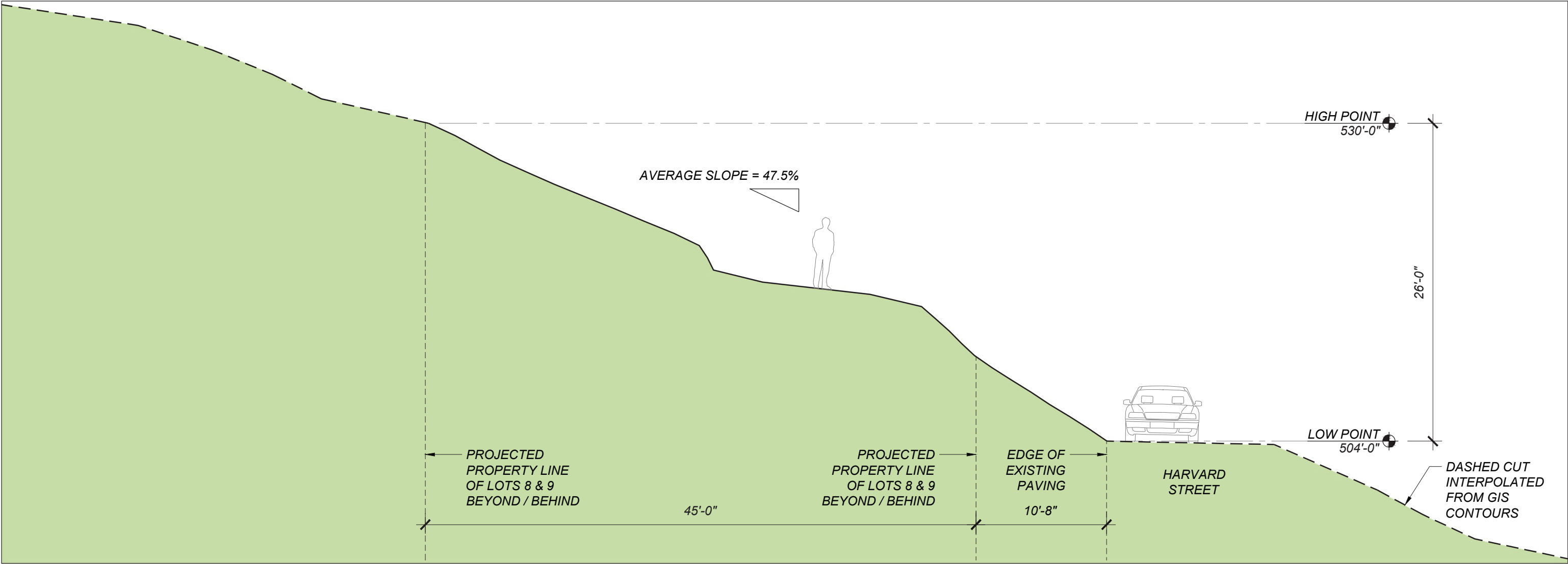
Photo Legend

Site Plan with Existing Buildings  
Scale: 1" = 20'  
Harvard & 11th Street Development





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



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





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

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\*\*\* 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)





**Blackshear Prospect Hill Neighborhood Association**

President: Alex Finnell – [REDACTED] – 512.773.3379

February 3rd, 2021

To: City of Austin Board of Adjustment  
RE: C15-2020-0067  
Address: 1112 Harvard Street  
Owner: Michael & Jeanette Abbink

From: Blackshear Prospect Hill Neighborhood Association

Subject: Letter of Support for Variance from LDC to reduce required on-site parking spaces to zero.

Please note that on January 28<sup>th</sup>, 2021, the Blackshear Prospect Hill Neighborhood Association voted unanimously in favor of supporting Michael & Jeanette's variance request from the Land Development Code to reduce the number of required on-site parking spaces to zero.

Michael & Jeanette Abbink and their architect Ernesto Cragolino of Alterstudio presented their intent to use the property at 1112 Harvard Street as an accessory studio to their planned home on the adjacent lot at 2414 East 11<sup>th</sup> Street. With the assurance that there would be no vehicular access to this subject property and that all visitor access would be from the adjacent property, the neighborhood's concerns about removing on-site parking were adequately addressed. As Harvard Street is quite narrow, curved, and bound by extreme topography, in this particular and unique case removing on-site parking and removing access from the street should actually improve safety conditions.

Sincerely,

Alex Finnell  
President, Blackshear Prospect Hill Neighborhood Association

512.773.3379  
[REDACTED]