



May 3, 2021

Mark Zupan  
221 Lessin Ln  
Austin TX, 78704

Property Description: LOT 14 LESS S E 1728SQ FT BLK 2 POST ROAD

**Re: C15-2021-0033**

Dear Mark,

Austin Energy (AE) has reviewed your revised application for the above referenced property, requesting that the Board of Adjustment consider a variance from the Land Development Code,

**Section 25-2-492** (Site Development Regulations) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 12 feet (requested) in order to erect Multi-Family-Condominiums in an "SF-6-NP", Condominium residence-Neighborhood Plan zoning district. (Dawson Neighborhood Plan);

Austin Energy **does not oppose** the above variance for setback requirements, provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Please continue to work with our electric distribution designers on the current site plan in review with DSD. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you have any questions about the following comments, please contact my office.

Thank you,

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

# D-4/2-LATE BACKUP

**From:** Rebecca Sheller  
**To:** [Ramirez, Elaine](#)  
**Subject:** C15-2021-0033 221 Lessin Ln  
**Date:** Friday, May 07, 2021 10:33:49 AM

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

Dear Elaine Ramirez, Case Manager for BOA,

Please forward to Board of Adjustment for Monday's meeting (5-10-21).

C15-2021-0033 221 Lessin Ln:

I oppose the application for variance at 221 Lessin Ln, a condominium development across the street from my SF-3 property. Why have setback standards in place if they can be easily waived?

I have been concerned about the Lessin Ln development during the application to Planning Commission & City Council for re-zoning from SF-3 to SF-6, and then the subsequent application to the Planning Commission to waive setbacks for water retention ponds. These events have happened virtually this past year with cumbersome mechanisms for citizens to participate.

I am concerned about this current application to Board of Adjustments to waive setbacks from the city frontage streets, Krebs Ln and Lessin Ln. The applicant's argument for re-zoning and waivers consistently has been that they could be building much worse. I feel that the development would still thrive with one or two fewer units. I hope for institutional memory from city commissions and boards that the applicant is "promising" to preserve the neighborhood character and keep trees.

Unfortunately I do not feel that city representatives are receptive to citizen input.

Sincerely,

Rebecca Sheller  
209 Krebs Ln  
Austin, TX 78704  
**512-496-9939**

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source.

# D-4/3-LATE BACKUP

**From:** Carmen Hernandez  
**To:** [Ramirez, Elaine](#)  
**Subject:** C15-2021-0033 221 Lessin Ln  
**Date:** Friday, May 07, 2021 4:31:21 PM

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

Hi Elaine Ramirez,

Please forward to Board of Adjustment for Monday's meeting (5-10-21).

C15-2021-0033 221 Lessin Ln:

As the homeowner directly next door to the 221 Lessin property, I oppose the builder's request for a variance on the front yard setback requirements. The builder knew about the setbacks when they requested to move from SF-3 to SF-6. The builder also knew about the retention pond setbacks but was granted a variance in a previous hearing. At what point do the zoning plans no longer matter? Granting this new variance makes the property SF-whatever the builder wants. What about the rest of the neighbors who have to adhere to the 25 ft setback, is the city allowing variances for individual homeowners?

It is my opinion that instead of granting a variance, the builder should instead build fewer houses. From the very beginning, the neighbors have argued that the builder could not possibly put 17 houses on the lot but the builder insisted that they have plans proving that 17 houses fit. Obviously not, since the builder needed a variance for the retention ponds and now again for the front yard setbacks.

Please consider denying this request for a variance and instead asking the builder to put 2-4 fewer homes on the property.

Thank you for your consideration,  
Carmen Hernandez  
216 Krebs Lane

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# D-4/4-LATE BACKUP

**From:**  
**To:**  
**Subject:** Public Hearing Comments C15-2021-0033  
**Date:** Friday, May 07, 2021 12:54:29 PM

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

Ms. Ramirez

My name is John Arnn, my family (Janee, and our daughter Taylor) live at 3701 Wilson Street, across East Bouldin Creek and 200 feet (ft.) downstream (north) from the proposed construction. We all vociferously object to the proposed variance from setback requirements. In fact, everyone on the east side of Wilson Street (which also borders Bouldin Creek) has a 25 ft setback from the street curb. Furthermore, the last developer (immediately across Lessin Lane) from this proposed development) has built right up to the "legal edge" in every instance and there is no reason to suspect this developer would do anything any differently, especially since they have requested some special consideration in the way of variances. Am I to expect that, if granted in this instance, I shall also be granted a variance and can extend my residence to within a few feet of the curb? Historically, what the City of Austin fails to take into account when they issue variances and/or pass new, less restrictive, codes is drainage. In our case the aforementioned "last developer" built the foundation to the very edge but the eaves of the roof extend beyond this and the developer appears loath to install gutters. Thus, the rainwater pours unabated onto surrounding properties, creating gullies and erosion, on its way to dumping into the creek--all of which was entirely foreseeable, particularly to persons in *planning*. I mention drainage because the same developers that request this variance in setback also requested variances with respect to drainage, stormwater, retention ponds etc. This is a community/neighborhood and we live here with things the way they are and don't need things changed simply because developers have more money and lawyers. Thank you very much for your attention to this matter. Please find the attached comment form.

Sincerely,

John Arnn

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# D-4/5-LATE BACKUP

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be viewed by the Board the night of the meeting. 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: C15-2021-0033**

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

**Public Hearing: Board of Adjustment; May 10<sup>th</sup>, 2021**

John Arnn

Your Name (please print)

I am in favor  
 I object

3701 Wilson St. Austin TX 78704

Your address(es) affected by this application

*[Signature]*

Signature

5/2/21

Date

Daytime Telephone: 512 731-8400

Comments: I strongly object to the request for a variance from setback requirements, as does my wife Janece Arnn. We have a 20-25 variance in our front yard. We have no desire to have condominiums built six feet off the sidewalk in this neighborhood.

**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 COVID-19 and social distancing):**

Elaine Ramirez

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

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

**Public Hearing: Board of Adjustment; May 10<sup>th</sup>, 2021**

CURTIS ZAVODNY  
Your Name (please print)

I am in favor  
 I object

3815 WILSON ST, AUSTIN, TX 78704  
Your address(es) affected by this application

[Signature] 5/1/21  
Signature Date

Daytime Telephone: 512-718-6869

Comments: THE PROPOSED PROJECT IS TOO  
BIG FOR THE SINGLE LOT TO HANDLE  
17 CONDOS. THEY SHOULD NOT BE  
ALLOWED ANY VARIANCE TO  
GET AROUND CURRENT CITY CODES.  
THEY HAVE ALSO NOT MENTIONED  
ANY IMPACT TO WATERWAYS

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Elaine Ramirez

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

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**Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)**  
**Public Hearing: Board of Adjustment; May 10<sup>th</sup>, 2021**

Gabriel Guerrero (OWNER)

Your Name (please print)

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

3814 WADFORD STREET AUSTIN, TX 78704

Your address(es) affected by this application

*[Handwritten Signature]*

Signature

05/03/21

Date

Daytime Telephone: 512-784-8772

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Elaine Ramirez  
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