

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0068

**BOA DATE:** July 12<sup>th</sup>, 2021

**ADDRESS:** 1411 Gaston Ave

**COUNCIL DISTRICT:** 9

**OWNER:** Berry Shawn Cox

**AGENT:** Bobbie Jo Cornelius

**ZONING:** SF-3-NP (Windsor Rd NP)

**LEGAL DESCRIPTION:** LOT 5 \*& W 10 FT OF LOT 6 BLK 28 PEMBERTON HEIGHTS SEC 8

**VARIANCE REQUEST:** increase the F.A.R from 40% to 52.79%; an additional 753 square feet

**SUMMARY:** add an addition/remodel to existing Single-Family residence

**ISSUES:** space exists within the envelope of existing home

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

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Central Austin Urbanists  
 Central West Austin Neighborhood Plan Contact Team  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Pemberton Heights Neighborhood Association  
 Preservation Austin  
 SELTexas  
 Save Historic Mundy District  
 Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group  
 West Austin Neighborhood Group

D-6/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2021-0068

LOCATION: 1411 GASTON AVENUE



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" = 292'



Building a Better and Safer Austin Together

# Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

## 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: 1411 Gaston Avenue

Subdivision Legal Description:

PEMBERTON HEIGHTS SEC 8

Lot(s): 5 & W 10 FT of Lot 6 Block(s): 28

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NP

I/We BJ Cornelius/Site Specifics on behalf of myself/ourselves as

authorized agent for Berry Shawn Cox affirm that on

Month Select, Day Select, Year Select, 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: Single Family Residential

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

Section 25-2-F-1, to exceed allowable FAR,

From allowed 46.07% per ordinance 20060727-084 to 52.79%, for an additional 753 square feet of conditioned space within the existing envelope of the residence

## 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 requested square footage exists in the home but restricts the functional use. It was originally submitted and approved as a two story residence.

New bedrooms upstairs will require egress windows, which will be located in dormers on the rear elevation. This is the only change to the massing of the building.

### Hardship

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

As the owner's home based art studio work and business has grown significantly in scope and complexity, He has diversified both this work product and size of works available to accommodate gallery and collector demand. Without additional space requested, he will be forced to find and lease alternative space to create his works... CONTINUE ON PAGE 7 - ADDITIONAL SPACE

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

The space exists within the envelope of the existing home. Few, if any, were built as two stories and then constructed as a single story residence. The living and working arrangement of the family is likewise unique.

The nature of the homeowner's art business requires more space than a typical home office would provide.



**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:

There is no impact on the adjacent properties. The proposed construction is confined to the existing building envelope of the existing structure.

**Parking** (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Bobbie Cornelius Date: 5/25/2021

Applicant Name (typed or printed): Bobbie Jo Cornelius

Applicant Mailing Address: 700 N. Lamar Blvd 200A

City: Austin State: TX Zip: 78748

Phone (will be public information): (512) 472-5252

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: 6/3/2021

Owner Name (typed or printed): Berry Shawn Cox

Owner Mailing Address: 1411 Gaston Avenue

City: Austin State: TX Zip: 78703

Phone (will be public information): 281-801-3882

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

**Section 5: Agent Information**

Agent Name: Bobbie Cornelius

Agent Mailing Address: 700 N. Lamar Blvd. 200A

City: Austin State: TX Zip: 78703

Phone (will be public information): 512-472-5252

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).

Hardship a. (continued):

Creative flexible working space is at a premium in Austin and this situation affords this family the ability to maintain its current living and working arrangements. A variance already exists to permit the majority of the new conditioned area being requested. - continue next page

Additional Space (continued)

Hardship a. (continued)

History: The original permit with variance (#20060727) allowed 3,990 square feet. 642 square feet of the this permit was never built out. The proposed addition of 1,395 square feet for an in home art studio will include the previously approved 642 sf and requested 753 additional square footage for a total FAR of 52.79% (5,921 sf)



**Dolores Davis**  
President  
General Manager

**Stewart Davis AIA**  
Vice President  
Design & Sales

402 Corral Lane  
Austin, TX 78745

512.444.1580: Office  
512.444.1790: Fax

  
cgsdb.com



January 27, 2021

Joan Admirand and Shawn Cox  
1411 Gaston Avenue  
Austin, TX 78703

**Renovations at the Admirand-Cox Residence**

Preliminary Project Review with the City of Austin

Dear Joan and Shawn,

We requested a preliminary project review with the City of Austin to determine if the 1,246sf second floor conditioned space noted in Building Permit No. 06017656-06017 granted in 2006 is “grandfathered in” since the second floor was never built out. Ordinance No. 20060727-084 issued in 2006 granted a waiver from Part (C) of Ordinance 20060309-058 [one of the McMansion ordinances] stating that “the single-family residence will have 3,998 square feet of gross floor area and a two-family residential of 534 square feet.” That is a total of 4,532 s.f. allowable conditioned space.

Jhermaine McVea consulted with reviewers John Richards and Susan Barr prior to our meeting. They considered that the existing conditioned area at the main house is 3,448 s.f. and determined the addition of 550 s.f. conditioned space upstairs would not require a variance. If you wish to build out the whole 1,250 s.f. attic as designed, that a variance will need to be granted from the Board of Adjustment for the additional 700 s.f.

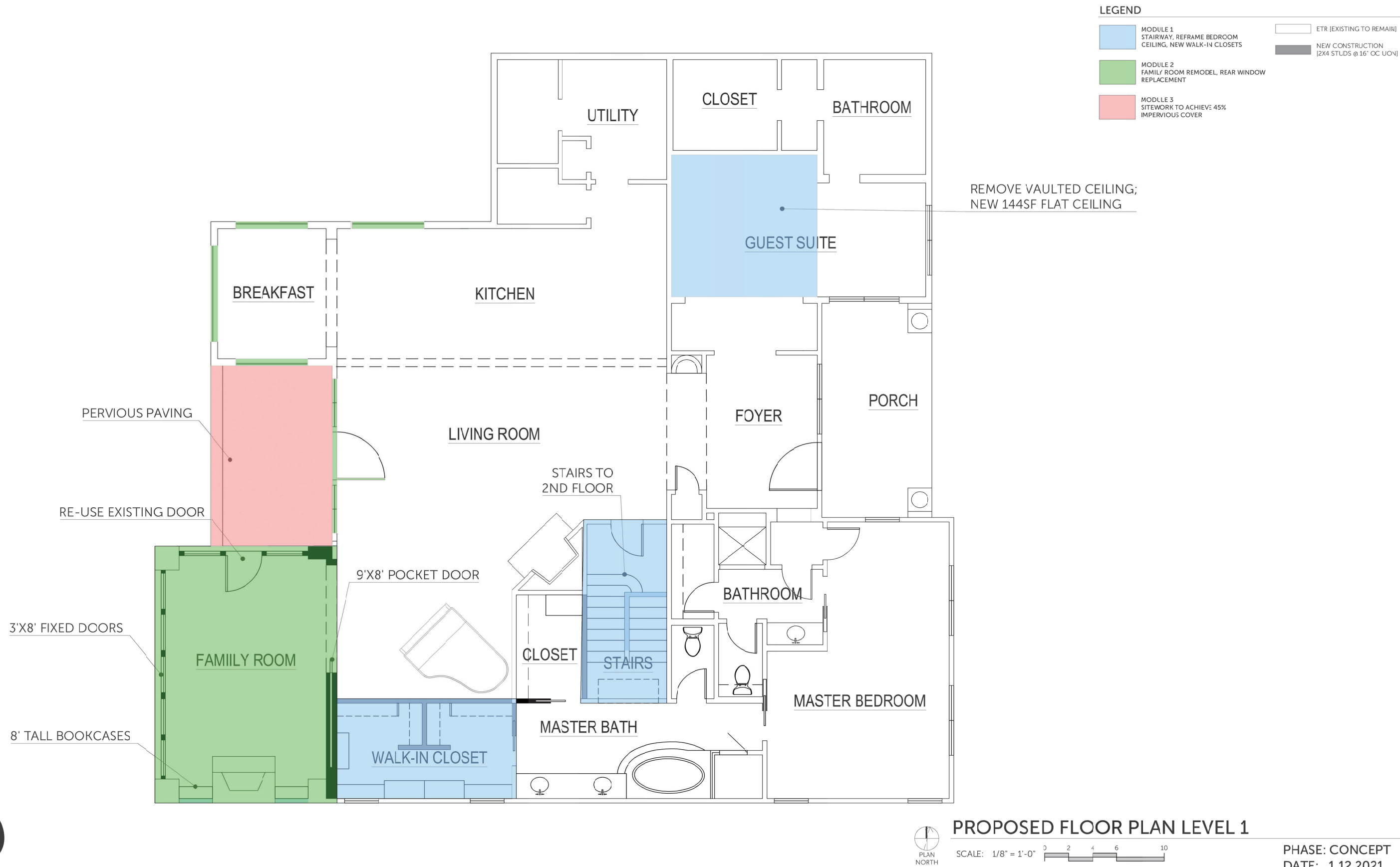
The factors we can present for consideration to the City Council are

- (A) The development limitations impose undue hardship since in this time of Covid-19, homes also function simultaneously as remote-learning environments and work-from-home spaces. New rooms are needed to facilitate these new program elements.
- (B) The development proposed will not adversely affect the public health, safety and welfare.
- (C) Waiving the regulations will not have a substantially adverse impact on neighboring properties as the new conditioned space occurs within the existing building envelope and no changes will be made to the front of the house.

Jhermaine McVea also noted that if you ever decided to alter the Garage Apartment, you would need to apply for a Modification to Non-Conforming Structure Permit, because it’s location and proximity to the main house do not meet current codes.

Regarding the National Register District issue, Kalan Contreras said that since your house does not contribute as an historic structure, there is no need to review any changes to the 2006 building.

Best Regards, Gina Andre’



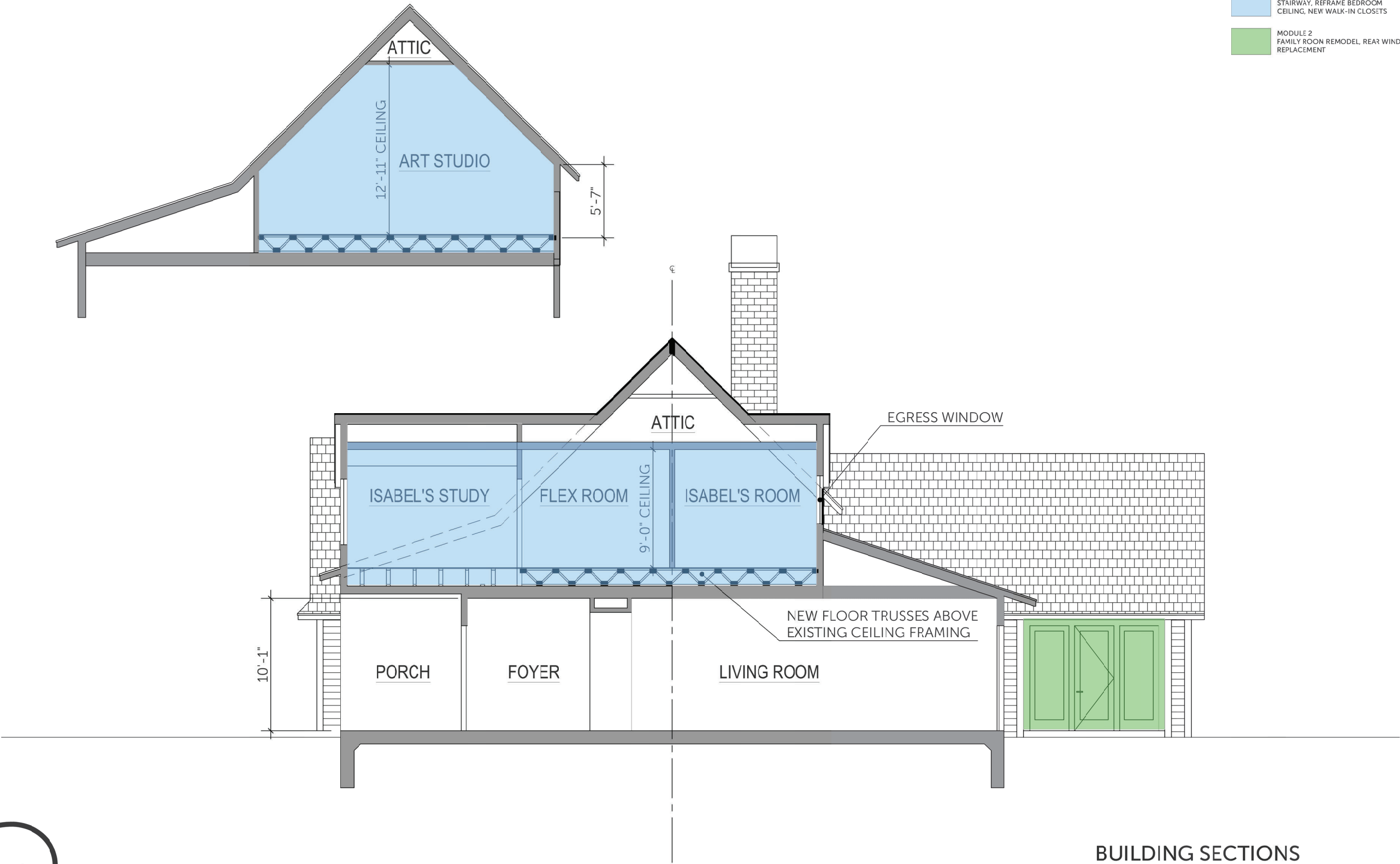
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ADDITION&RENOVATIONS AT THE ADMIRAND-COX RESIDENCE | 1411 GASTON AUSTIN, TX 78703

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LEGEND

- MODULE 1  
STAIRWAY, REFRAME BEDROOM  
CEILING, NEW WALK-IN CLOSETS
- MODULE 2  
FAMILY ROOM REMODEL, REAR WINDOW  
REPLACEMENT



BUILDING SECTIONS

SCALE: 1/8" = 1'-0"



PHASE: CONCEPT  
DATE: 1.12.2021



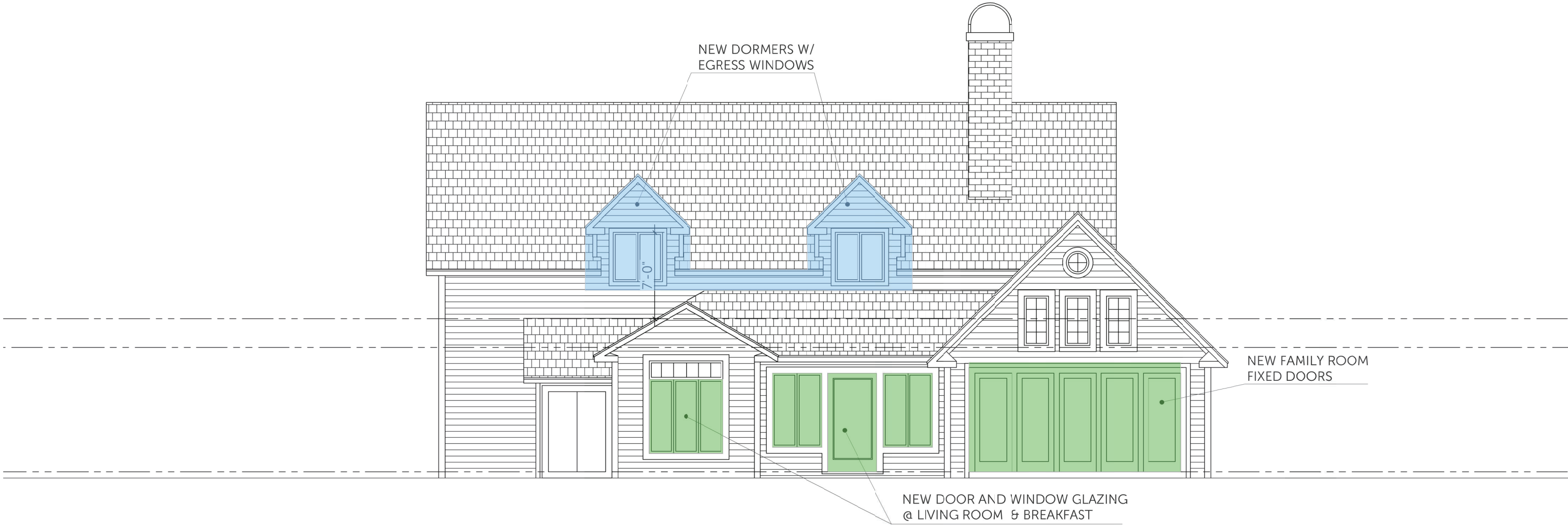
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STAIRWAY, REFRAME BEDROOM  
CEILING, NEW WALK-IN CLOSETS
- MODULE 2  
FAMILY ROOM REMODEL, REAR WINDOW  
REPLACEMENT



ALTERED REAR ELEVATION

SCALE: ##### 0 2 4 6 10

PHASE: CONCEPT  
DATE: 1.12.2021



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ADDITION&RENOVATIONS AT THE ADMIRAND-COX RESIDENCE | 1411 GASTON AUSTIN, TX 78703



LEGEND

- MODULE 1  
STAIRWAY, REFRAME BEDROOM  
CEILING, NEW WALK-IN CLOSETS
- MODULE 2  
FAMILY ROOM REMODEL, REAR WINDOW  
REPLACEMENT



ALTERED SIDE ELEVATION

SCALE: ##### 0 2 4 6 10

PHASE: CONCEPT  
DATE: 1.12.2021



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LEGEND

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CEILING, NEW WALK-IN CLOSETS
- MODULE 2  
FAMILY ROOM REMODEL, REAR WINDOW  
REPLACEMENT



ALTERED SIDE ELEVATION

SCALE: ##### 0 2 4 6 10

PHASE: CONCEPT  
DATE: 1.12.2021



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FAX: 512-444-1790

RENOVATIONS  
AT ADMIRAND-COX  
RESIDENCE

1411 GASTON AVE.  
AUSTIN, TX 78703

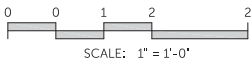
ADMIRAND-COX

CONCEPT PHASE

1.12.2021

WHEN PRINTED AT 30% ALL DIMENSIONS SHALL BE THE SIZE OF NOTED SCALES.

SITE PLAN



SHEET NO.

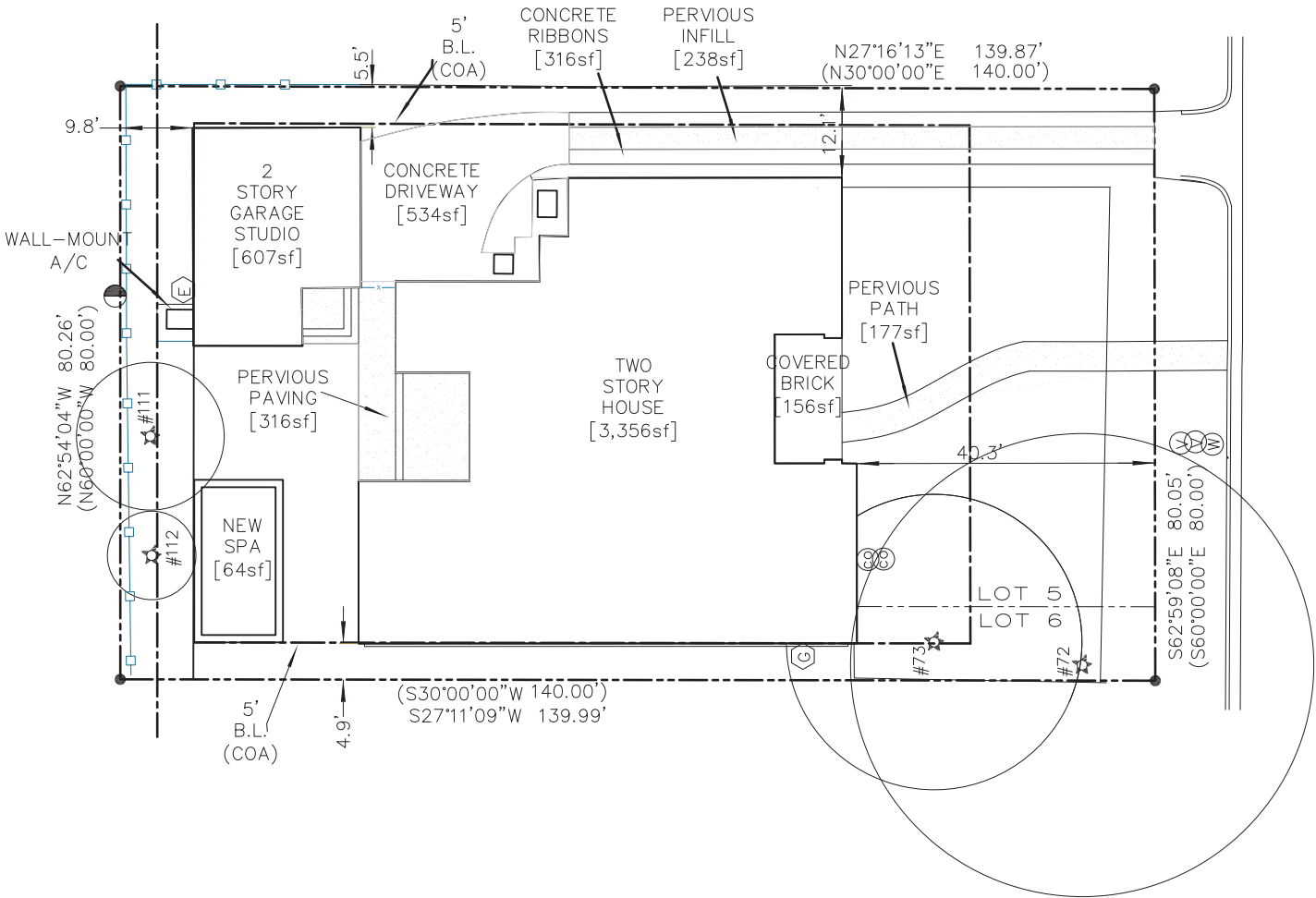
A1.0

LEGEND

- BUILDING OUTLINE
- CONTOUR LINE
- SETBACK, BUILDING OR EASEMENT LINE
- WATER FEATURE
- PROPOSED AREA OF WORK
- PROPERTY LINE
- CRITICAL ROOT ZONE | PROTECTED TREE

GENERAL NOTES

- SITE INFO BASED ON PROPERTY SURVEY COMPLETED BY [SURVEYOR], [SURVEYOR CONTACT INFO], ON [DATE].
- NO MATERIAL STAGING, DUMPSTER, SPOILS, PORTABLE TOILET, CONCRETE WASHOUT OR PAINT WASHOUT TO BE LOCATED WITHIN CRZ OF PROTECTED TREES ON SITE.



PROPOSED IMPERVIOUS AREAS:  
64 Sq.ft. NEW 12'X22' SPA COPING  
607 Sq.ft. 2 STORY GARAGE/STUDIO  
534 Sq.ft. CONCRETE DRIVE  
316 Sq.ft. CONCRETE RIBBON DRIVE  
3356 Sq.ft. 2 STORY HOUSE  
156 Sq.ft. COVERED BRICK PORCH  
5,033 Sq.ft. IMPERVIOUS COVERAGE  
11,216 Sq.ft. LOT 5 & W 10' LOT 6  
44.9% IMPERVIOUS COVER





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RENOVATIONS  
AT ADMIRAND-COX  
RESIDENCE

1411 GASTON AVE.  
AUSTIN, TX 78703

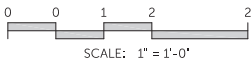
ADMIRAND-COX

CONCEPT PHASE

1.12.2021

WHEN PRINTED AT 30% ALL DIMENSIONS SHALL BE THE 30% OF NOTED SCALES.

SITE PLAN



SHEET NO.

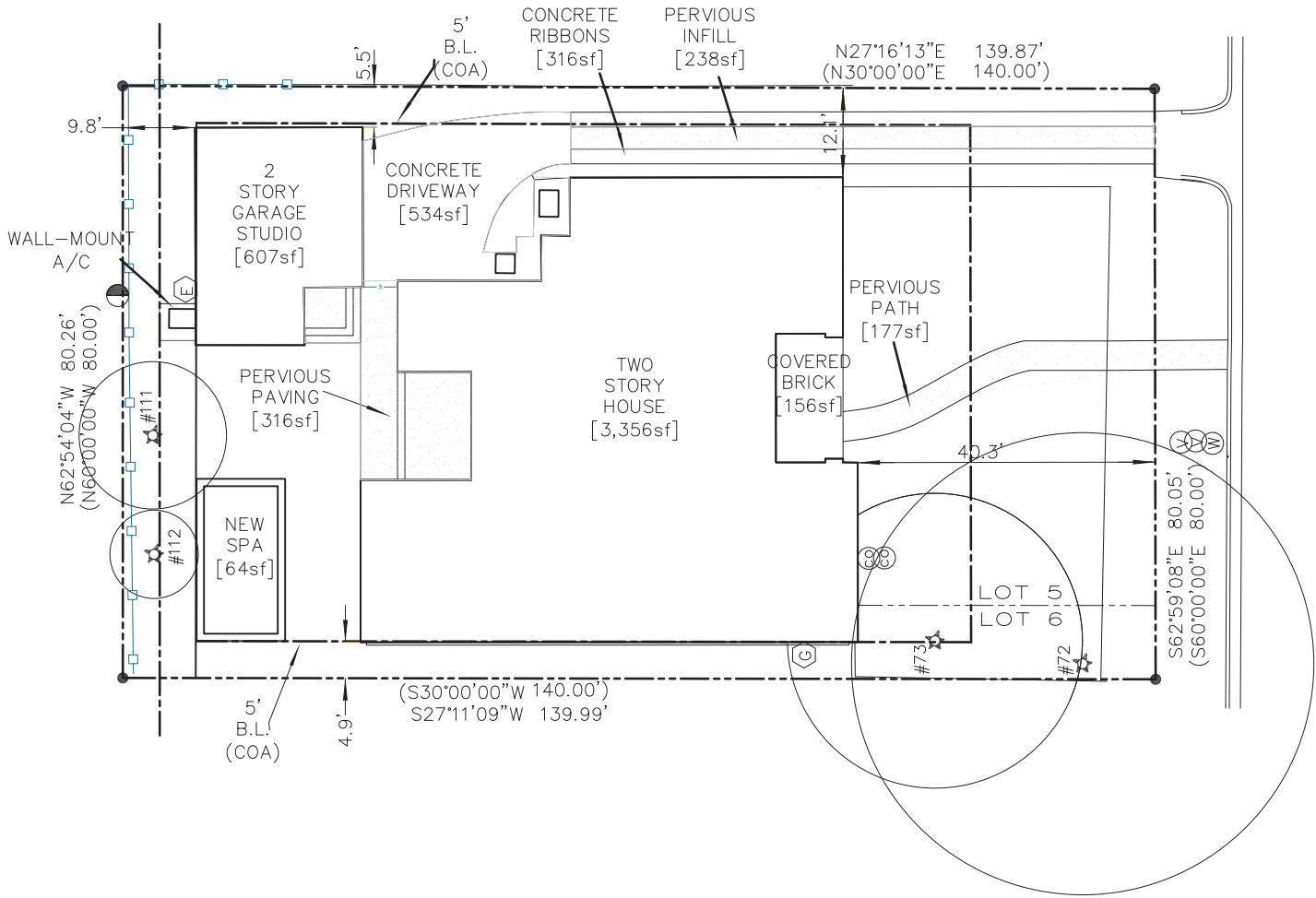
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LEGEND

- BUILDING OUTLINE
- CONTOUR LINE
- SETBACK, BUILDING OR EASEMENT LINE
- WATER FEATURE
- PROPOSED AREA OF WORK
- PROPERTY LINE
- CRITICAL ROOT ZONE | PROTECTED TREE

GENERAL NOTES

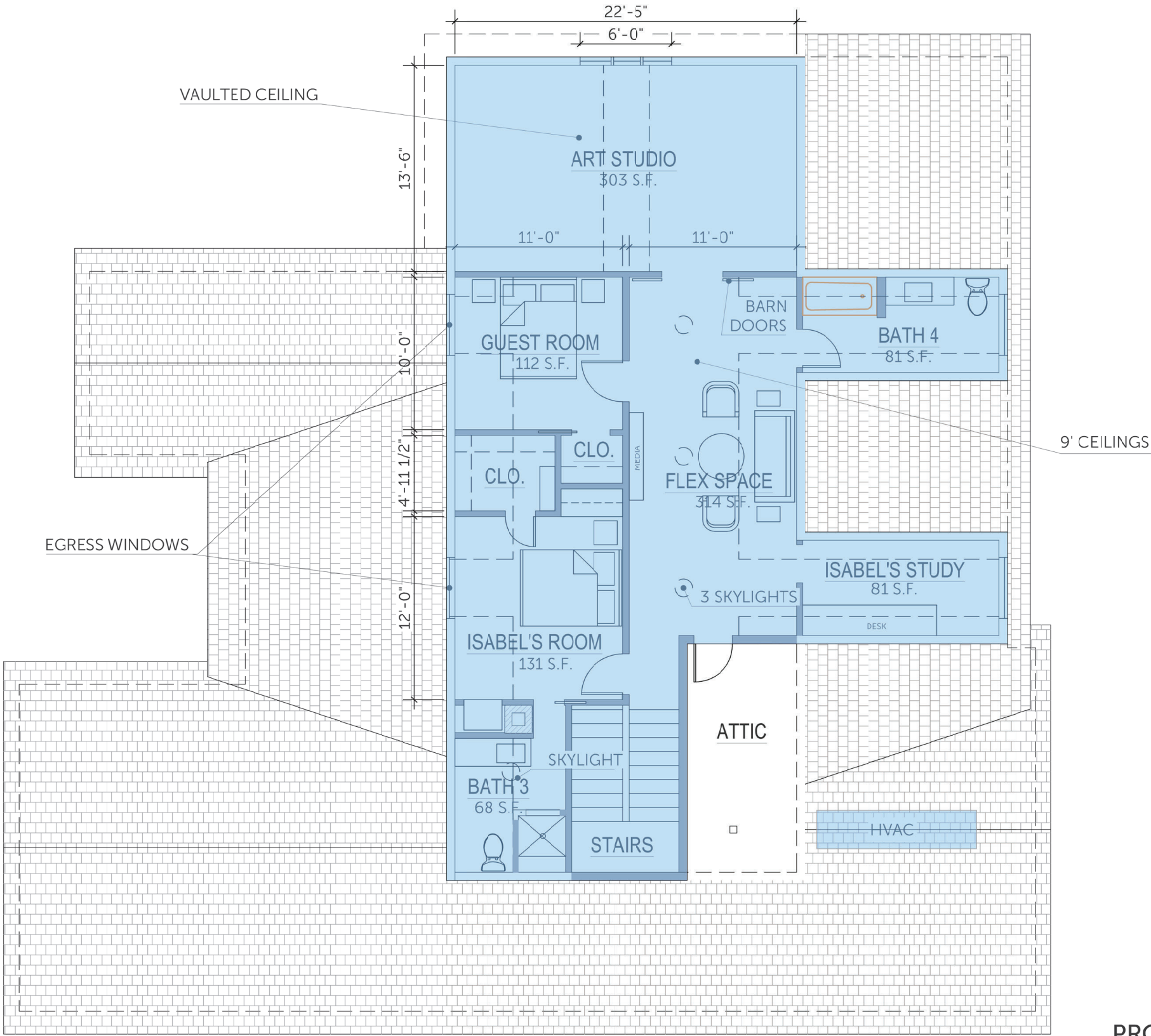
- SITE INFO BASED ON PROPERTY SURVEY COMPLETED BY [SURVEYOR], [SURVEYOR CONTACT INFO], ON [DATE].
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PROPOSED IMPERVIOUS AREAS:  
64 Sq.ft. NEW 12'X22' SPA COPING  
607 Sq.ft. 2 STORY GARAGE/STUDIO  
534 Sq.ft. CONCRETE DRIVE  
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5,033 Sq.ft. IMPERVIOUS COVERAGE  
11,216 Sq.ft. LOT 5 & W 10' LOT 6  
44.9% IMPERVIOUS COVER



LEGEND		
MODULE 2	2 BEDROOMS, 2 BATHROOMS,	ETR (EXISTING TO REMAIN)
	FLEX ROOM, ART STUDIO,	
	ISABEL'S STUDY, STAIRWAY	NEW CONSTRUCTION
	NEW AND REWORKED HVAC SYSTEM	
		(2X4 STUDS @ 16" OC UON)



PROPOSED FLOOR PLAN LEVEL 2

SCALE: 1/8" = 1'-0" 0 2 4 6 10



PHASE: CONCEPT  
DATE: 1.27.2021



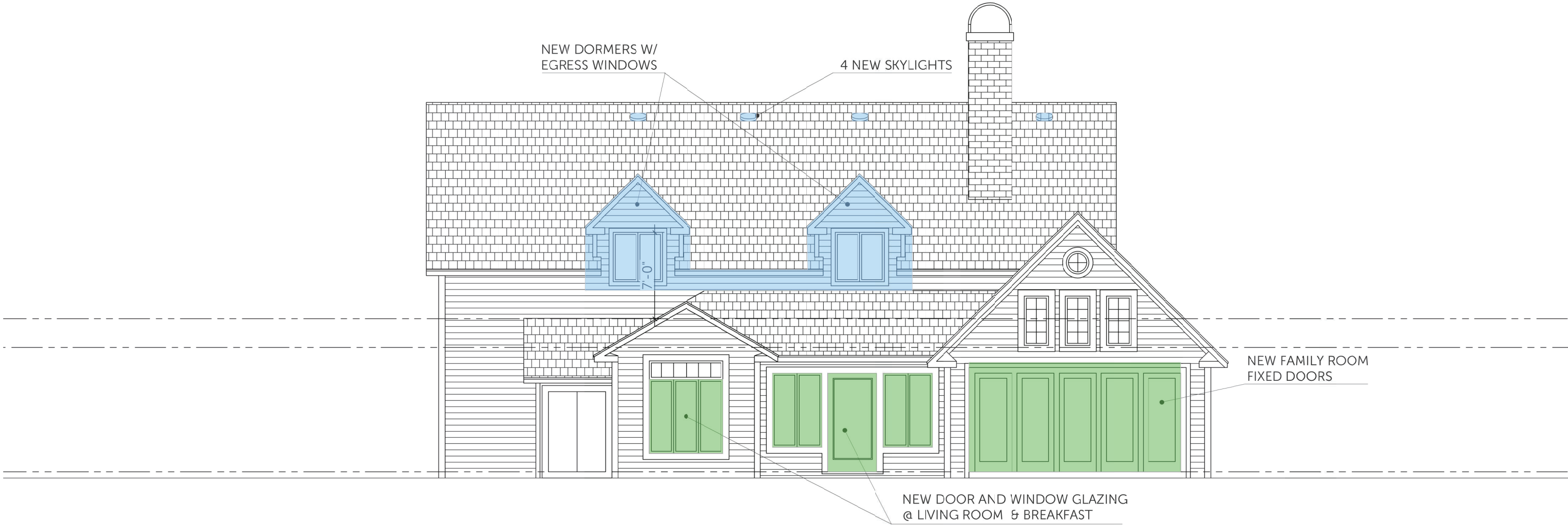
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LEGEND

- MODULE 1  
STAIRWAY, REFRAME BEDROOM  
CEILING, NEW WALK-IN CLOSETS
- MODULE 2  
FAMILY ROOM REMODEL, REAR WINDOW  
REPLACEMENT



ALTERED REAR ELEVATION

SCALE: ##### 0 2 4 6 10

PHASE: CONCEPT  
DATE: 1.27.2021



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ADDITION&RENOVATIONS AT THE ADMIRAND-COX RESIDENCE | 1411 GASTON AUSTIN, TX 78703





NO CHANGES WILL BE MADE TO THE FRONT ELEVATION.



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EXISTING FRONT ELEVATION

SCALE: 1/8" = 1'-0"



PHASE: CONCEPT  
DATE: 2.05.2021

ADDITION&RENOVATIONS AT THE ADMIRAND-COX RESIDENCE | 1411 GASTON AUSTIN, TX 78703

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NO CHANGES WILL BE MADE TO THE LEFT SIDE ELEVATION.



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EXISTING LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



PHASE: CONCEPT  
DATE: 2.05.2021

ADDITION&RENOVATIONS AT THE ADMIRAND-COX RESIDENCE | 1411 GASTON AUSTIN, TX 78703



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EXISTING REAR ELEVATION

SCALE: 1/8" = 1'-0"



PHASE: CONCEPT  
DATE: 2.05.2021

ADDITION&RENOVATIONS AT THE ADMIRAND-COX RESIDENCE | 1411 GASTON AUSTIN, TX 78703

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EXISTING LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



PHASE: CONCEPT  
DATE: 2.05.2021

ADDITION&RENOVATIONS AT THE ADMIRAND-COX RESIDENCE | 1411 GASTON AUSTIN, TX 78703

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**ORDINANCE NO. 20060727-084**

**AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT 1411 GASTON AVENUE FROM CERTAIN DEVELOPMENT REGULATIONS PRESCRIBED BY ORDINANCE NO. 20060309-058 TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** This ordinance applies to construction of a single-family residence on property located at 1411 Gaston Avenue. The single family residence will have 3,998 square feet of gross floor area and a two-family residential of 534 square feet.

**PART 2.** Applicant has filed a waiver application requesting that Council waive Part 4(C) of Ordinance No. 20060309-058 which limits construction of a new single family structure on a lot where, before March 9, 2006, a structure has been or will be demolished or relocated to the greater of the following:

- (1) 0.4 to 1 floor-to-area ratio;
- (2) 2,500 square feet; or
- (3) 20 percent more square feet than the existing or pre-existing structure.

**PART 3.** Council has considered the factors for granting a waiver from development regulations prescribed by Ordinance No. 20060309-058. Council finds that such a waiver is justified because:

- (A) the development limitation imposes undue hardship on the applicant;
- (B) the development proposed by the applicant will not adversely affect the public health, safety, and welfare; and
- (C) waiving the regulations will not have a substantially adverse impact on neighboring properties.

**PART 4.** A waiver is granted from Part 4(C) of Ordinance 20060309-058 to allow the construction of a single-family residence located at 1411 Gaston Avenue with a square footage not to exceed 3,998 square feet, and a two-family residential not to exceed 534 square feet.

**PART 5.** This ordinance takes effect on August 7, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_  
July 27, 2006

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

City of Austin:

I/We were contacted by Berry Shawn Cox who lives at 1411 Gaston Avenue, Travis County, Austin, Texas 78703, with his wife, Joan Harris Admirand.

He informed me/us of their intent to request for Variance for the build-out of the existing attic space to create habitable living space for their home at 1411 Gaston Avenue, Austin, Texas 78703.

In the proposed buildout, they stated they are requesting:

1. No expansion to the current exterior building envelope save the addition of 2 dormers in the back of the house for egress from the second floor to comply with fire code requirements and to allow sunlight into the attic rooms.
2. These dormers would be partially visible from the backyard of our home.
3. The rear exterior drawing attached shows the two dormers.

We have no objection to their application for this variance based on this information at this time.



Christian and/or Natalie Kopp (1407 Gaston)

04/15/2021

Date



City of Austin:

I/We were contacted by Berry Shawn Cox who lives at 1411 Gaston Avenue, Travis County, Austin, Texas 78703, with his wife, Joan Harris Admirand.

He informed me/us of their intent to request for Variance for the build-out of the existing attic space to create habitable living space for their home at 1411 Gaston Avenue, Austin, Texas 78703.

In the proposed buildout, they stated they are requesting:

1. No expansion to the current exterior building envelope save the addition of 2 dormers in the back of the house for egress from the second floor to comply with fire code requirements and to allow sunlight into the attic rooms.
2. These dormers would be partially visible from the backyard of our home.
3. The drawing attached shows the two proposed dormers and the west facing window.

We have no objection to their application for this variance based on this information at this time.

  
\_\_\_\_\_  
Scott and/or Kelly Redding (1413 Gaston)

4/13/21  
\_\_\_\_\_  
Date