



900 EAST 6TH STREET
SUITE 100
AUSTIN, TX 78702
TEL 512.452.5137

www.mfarchitecture.com

KINNEY AVE. RESIDENCE
1003 KINNEY AVE
AUSTIN, TX 78704



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SHEET PRINT DATE: 06/10/2021

REVISIONS	Date	Description

PROJECT NUMBER:
21139
CURRENT PHASE:
PERMIT

DRAWING TITLE:
**PLAN, FLOOR -
LEVEL 2**

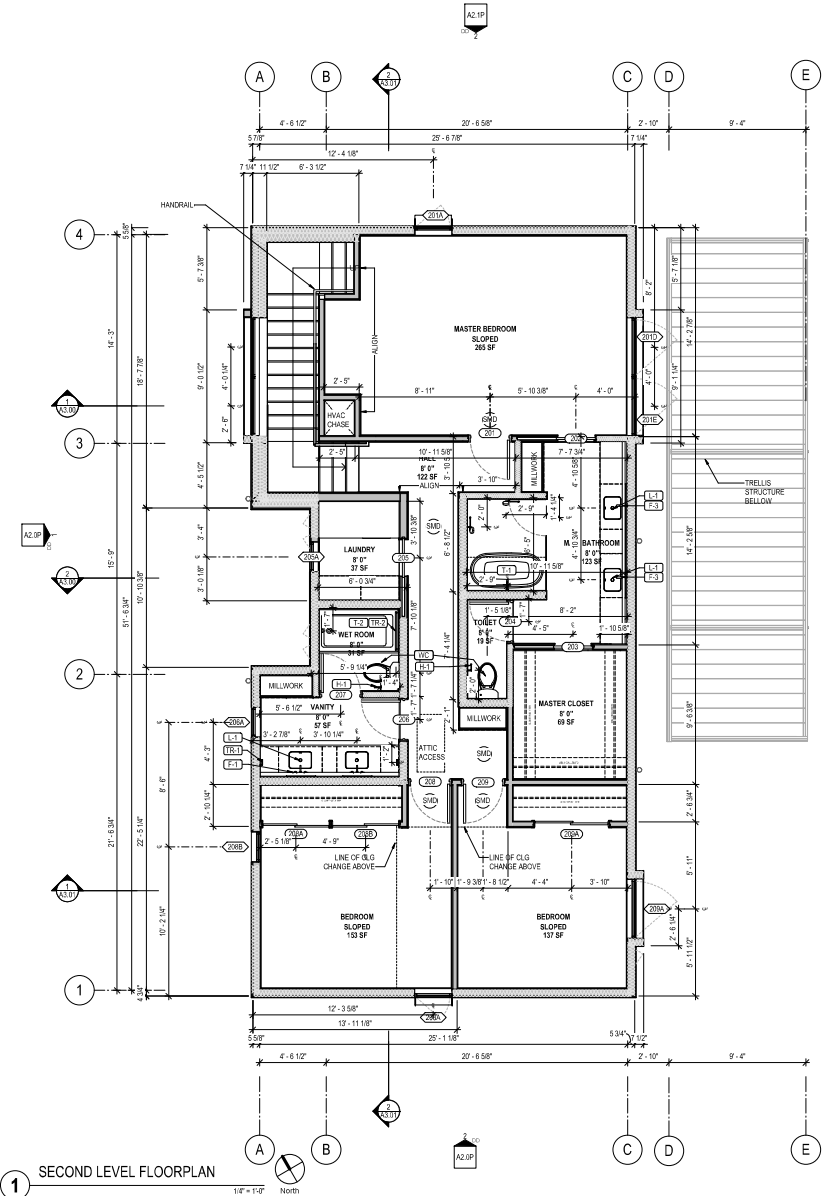
A1.2P
mfarchitecture

- GENERAL NOTES:
- DO NOT SCALE DRAWINGS. EXPLICIT DIMENSION SHALL HAVE PRECEDENCE OVER SCALE. THESE DOCUMENTS HAVE BEEN FORMATTED TO BE PRINTED ON 24" X 36" SHEET SIZES. DRAWINGS PRINTED AT OTHER SIZES ARE NOT NECESSARILY TO SCALE.
 - GENERAL CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND ALL OTHER EXISTING CONDITIONS PRIOR TO THE COMMENCEMENT OF THE WORK AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
 - CONTRACTOR TO NOTIFY THE ARCHITECT IN WRITING IN THE EVENT OF A DISCREPANCY BETWEEN THE DRAWINGS AND THE FIELD CONDITIONS. IF IN THE COURSE OF CONSTRUCTION A STRUCTURAL ISSUE EXISTS WHICH DIAGNOSIS WITH THAT AS INDICATED ON THE DRAWINGS, THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE ARCHITECT. SHOULD THE CONTRACTOR FAIL TO FOLLOW THIS PROCEDURE, THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY AND LIABILITY ARISING THERE FROM.
 - ANY DAMAGE TO EXISTING AND OR NEW WORK IN PLACE BY THE CONTRACTOR'S OR SUBCONTRACTOR'S NEGLIGENCE SHALL BE REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
 - ALL NOTES ARE APPLICABLE TO ALL TRADES AND RESPECTIVE CONTRACTORS. ALL NOTES TO BE REVIEWED AND APPLIED TO RELATED BUILDING COMPONENTS. ALL SHEETS ARE TO BE REVIEWED AND ALL APPLICABLE NOTES TO BE APPLIED.

DOOR SCHEDULE - PERMIT				
KEY	LOCATION	NOMINAL OPENING	TEMPERED	
100	ENTRY	3'-0"	6'-0"	T
101	GARAGE	2'-0"	7'-10"	
102	QUEST BATH	2'-0"	7'-10"	
103	BEDROOM	2'-0"	7'-10"	
103B	BEDROOM	6'-0"	8'-0"	
104	GARAGE	9'-0"	8'-0"	
107	LIVING ROOM	11'-11 1/2"	8'-0"	T
108	STORAGE	2'-0"	7'-10"	
201	MASTER BEDROOM	2'-0"	7'-10"	
202	MAIN BATHROOM	2'-0"	8'-0"	
203	MASTER CLOSET	2'-0"	8'-0"	
204	MAIN BATHROOM	2'-0"	7'-10"	
204A	MAIN BATHROOM	2'-0"	8'-0"	
205	LAUNDRY	2'-0"	8'-0"	
206	VANITY	2'-0"	7'-10"	
207	WET ROOM	2'-0"	7'-10"	
208	BEDROOM	2'-0"	7'-10"	
208A	BEDROOM	4'-0"	8'-0"	
209B	BEDROOM	4'-0"	8'-0"	
209	BEDROOM	2'-0"	7'-10"	
209A	BEDROOM	5'-0"	8'-0"	

- FLOOR PLAN LEGEND
- CORE WALL CUT
 - CORE WALL CUT WITH SOUND INSULATION

- SYMBOLS LEGEND
- SMOKE DETECTOR CARBON MONOXIDE DETECTOR (HARDWIRED), INTERCONNECTED, BATTERY BACK-UP) IN ACCORDANCE WITH IRC R314 AND IRC R315
 - HOSE BIB
 - BREAKER PANEL
 - GAS METER
 - ELECTRICAL METER



1 SECOND LEVEL FLOORPLAN

SUPPLEMENT
INFORMATION

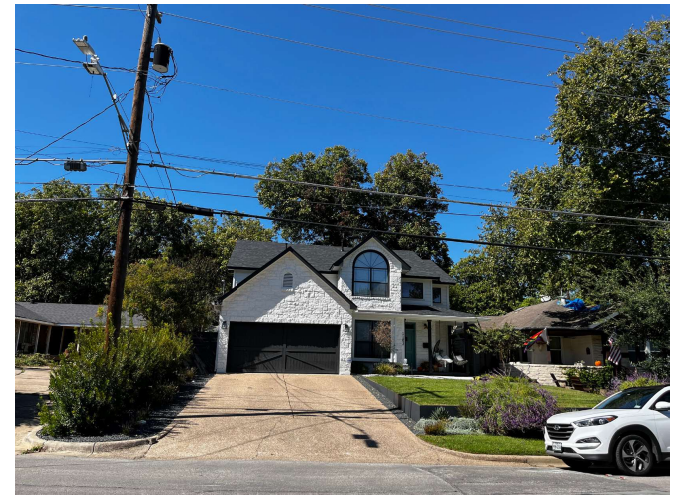
- VIEWS LOOKING TOWARDS E SIDE OF KINNEY AVENUE
- 2-STORY AND 1-STORY HOMES ARE THE STANDARD
- MIXTURE OF NEW CONSTRUCTION AND EXISTING ORIGINAL HOMES



NEIGHBORHOOD CONTEXT

PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & ARCHITECT- SARAH JOHNSON, AIA, RID
KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - OCTOBER 21, 2021

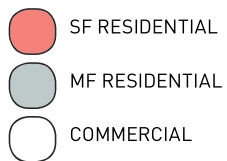
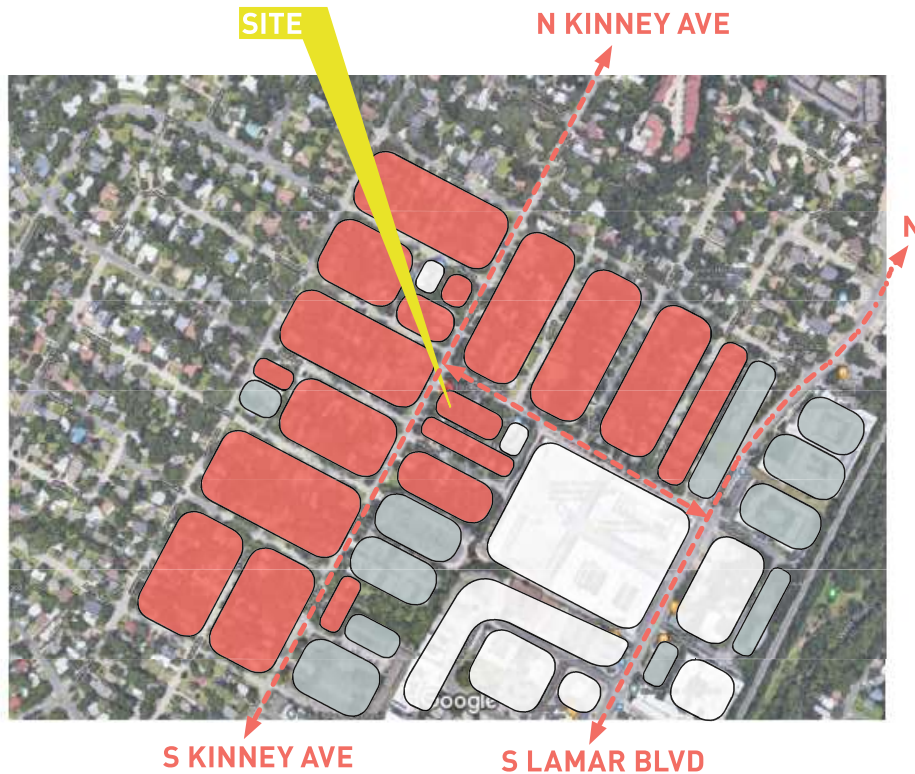
- VIEWS LOOKING TOWARDS E SIDE OF KINNEY AVENUE (TO ROW) & W SIDE OF KINNEY (BOTTOM ROW)
- SOME VACANT LOTS ON KINNEY AVE
- MULTI-FAMILY ON KINNEY AVE TOWARDS INTERSECTION OF MARGARET ST & KINNEY AVE



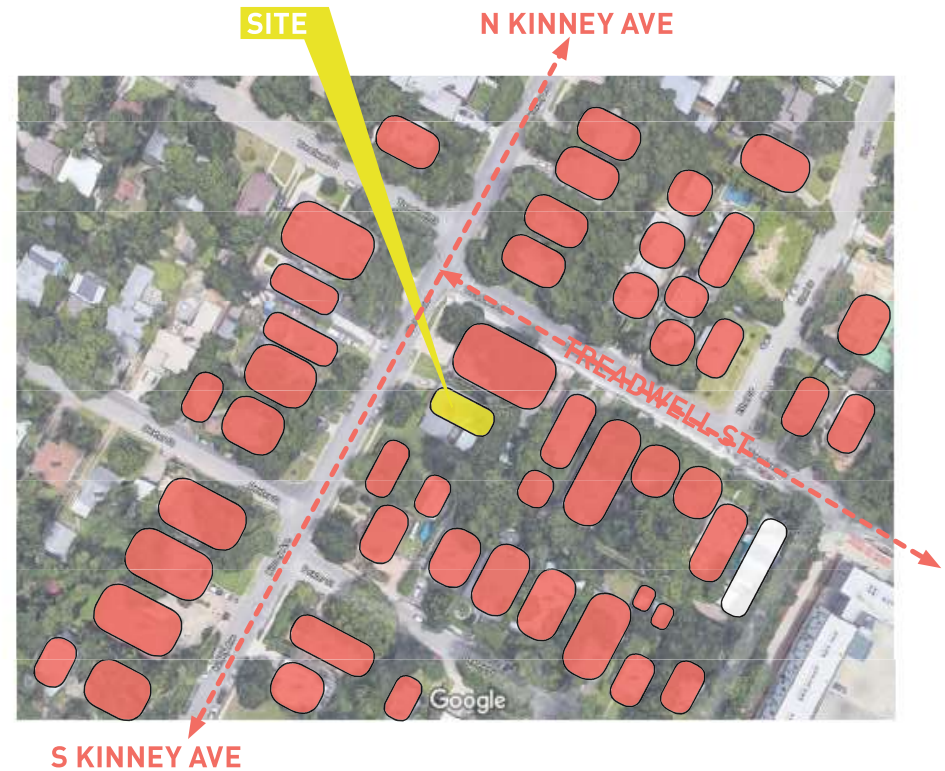
NEIGHBORHOOD CONTEXT

10
PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & **ARCHITECT-** SARAH JOHNSON, AIA, RID
KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - OCTOBER 21, 2021

- DEVELOPMENT PROPOSED AT 1003 KINNEY AVE IS ADJACENT TO NEARBY S LAMAR UNION
- MIXED USE DEVELOPMENT CAN BE FOUND AT S LAMAR UNION AS WELL AS ON THE S END OF KINNEY AVENUE AT THE MARGARET ST. INTERSECTION
- PROPOSED DEVELOPMENT AT 1003 KINNEY AVE WOULD MAINTAIN CURRENT NEIGHBORHOOD CONTEXT AND SCALE IN TERMS OF BUILDING HT AND SCALE



SITE MAPPING



11
 PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & ARCHITECT- SARAH JOHNSON, AIA, RID
 KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - OCTOBER 21, 2021

EMAIL CORRESPONDENCE WITH COA PLANNERS: SANDRA CANO



Ingrid Gonzalez Featherston <[REDACTED]>

Kinney_attic exemptions

Cano, Sandra <[REDACTED]>

To: Ingrid Gonzalez Featherston <[REDACTED]>

Wed, Jun 16, 2021 at 7:30 AM

Good morning Ingrid,

After doing some research I found that this project is located within Subchapter F, so you could definitely do a habitable attic above the garage if it meets FAR requirements. If the garage does not meet setback requirements, and you are wanting to add a dwelling unit above the garage, that would not be permissible. Also, I found that the attached garage that was built in 2013 was not permitted. You can roll it all into the current scope of work to retroactively permit the garage and permit a new attic.

Residential "walk-in" consultations are limited to general information questions and capped at 20 minutes – we are also not able to provide reviews for specific plans/properties. If you have questions about a specific project that is going into development, I would recommend setting up a Preliminary Plan Review teleconference, during which you could get detailed answers to specific questions. PPRs are scheduled through the expedited team at expeditedreview@austintexas.gov. The request form can be downloaded at the following link: http://www.austintexas.gov/sites/default/files/files/Development_Services/Applications/residential/Residential_PPR_requestform_020218.pdf

Respectfully,

Sandra Cano*Plans Examiner A, Residential Plan Review*

City of Austin Development Services Department

6310 Wilhelmina Delco Dr. Austin, Texas 78752

Office: 512-974-2681

Please contact my direct supervisor with any kudos or concerns at Eric.Thomas@austintexas.gov

PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: City of Austin Ordinance 2016-0922-005 | City Clerk's website | City Clerk's FAQ's

COA CORRESPONDENCE

EMAIL CORRESPONDENCE WITH COA PLANNERS: ANTHONY MCBRYDE



Ingrid Gonzalez Featherston <[REDACTED]>

Zoning question

8 messages

McBryde, Anthony <[REDACTED]>

To: [REDACTED]

Mon, Jun 21, 2021 at 8:45 AM

Hello,

You wrote:

Hi,

I'd like to confirm whether our lot located at 1003 Kinney Ave would be eligible for small lot amnesty? Would this increase our FAR to 2,350 SF? Would this also increase the allowable impervious coverage on the lot? Current zoning allows 45%. Below are the calculations based on our zoning of SF-3. If you could confirm the small lot applicability and whether an increase in Impervious Coverage is allowed that would be a great help!

1003 Kinney Avenue

Zoning: SF-3 (ADU Reduced Parking allowed)

Lot Size: **5,461 SF**Max 40% Bldg Coverage/FAR (0.4:1)= **2,184 SF**Max 45% Impervious Coverage= **2,457 SF**

Response:

The min. lot size for SF3 Zoning is 5750 sq. ft. your lot is less than the min. meaning it is a "Substandard Lot" depending on when the property was recorded in the County will determine if construction is possible. Small Lot Amnesty is granted to properties within certain Neighborhood Plans (NP), your property is not within a NP.

See below:

- § 25-2-943 - SUBSTANDARD LOT.

(A)

A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.

(B)

A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.

(1)

A substandard lot recorded in the county real property records before March 15, 1946 must:

(a)

have an area of not less than 4,000 square feet; and

(b)

be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:

(i)

not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;

(ii)

not more than 150 feet in length; and

12
PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & ARCHITECT- SARAH JOHNSON, AIA, RID
KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - OCTOBER 21, 2021



EMAIL CORRESPONDENCE WITH COA PLANNERS: ANTHONY MCBRYDE

(iii)

maintained for access by the property owner.

(2)

A substandard lot recorded in the county real property records after March 14, 1946 must:

(a)

have an area of not less than 5,750 square feet; and

(b)

be not less than 50 feet wide at the street or at the building line.

(C)

If a substandard lot is used with one or more contiguous lots for a single use or unified development, the requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.

(D)

A substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirement.

Anthony McBryde*Job Title, Residential Zoning Plan Review*

City of Austin Development Services Department

310 Wilhelmina Delco Dr, Austin, Texas 78752.

Office: 512-974-2663

Please contact my direct supervisor with any kudos or concerns at Eric.thomas@austintexas.govPER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

Ingrid Gonzalez Featherston [REDACTED] Tue, Jun 22, 2021 at 8:50 AM
 To: Andrea Alvarez <[REDACTED]>

Vince,

See forwarded email from our correspondence with the COA regarding the small lot amnesty. Small Lot Amnesty does not apply to our property since it is not within a neighborhood plan. What does apply to our lot is the substandard lot regulations. I'm working today to confirm what these regulations are but need the original plat to confirm the restrictions that will apply depending on our plat date. Could you send this to me ASAP?

Thank you,
IngridIngrid Gonzalez Featherston, AIA, NOMA, RID
Senior Design Architect

Matt Fajkus Architecture

512.432.5137

300 E 6 St, #100, Austin

Executive Board Member | ACE Mentor Program of Austin
Executive Board Member | NOMA of Central TX
[Quoted text hidden]

Ingrid Gonzalez Featherston [REDACTED] Tue, Jun 22, 2021 at 9:21 AM
 To: "McBryde, Anthony" <[REDACTED]>
 Cc: Vince [REDACTED]

Anthony,

We are working to confirm the original plat date for this property. With our lot being less than the required 5,750 SF we are assuming that its original plat date is prior to 1946. With that being said, would Subchapter F regulations apply to our lot (setbacks, building ht., FAR, impervious coverage, building coverage) since it is less than a typical lot and the subchapter F requirements would encumber development on our lot? Are there any exceptions that would allow us to build more?

Or would we have to comply with Subchapter F, and our max development permitted would need to follow the code below? In our case the **2,300 SF** would be the greater of the two for our lot.**§ 2.1. - MAXIMUM DEVELOPMENT PERMITTED.**The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of [Section 25-1-22 \(Measurements\)](#).

Are there any code requirements that allow us to exceed the max 45% impervious coverage requirement for a substandard lot?

Thank you,
IngridIngrid Gonzalez Featherston, AIA, NOMA, RID
Senior Design Architect

Matt Fajkus Architecture

512.432.5137

300 E 6 St, #100, Austin

Executive Board Member | ACE Mentor Program of Austin
Executive Board Member | NOMA of Central TX
[Quoted text hidden]

Vince Heinz [REDACTED] Tue, Jun 22, 2021 at 10:20 AM
 To: Amber Cash <[REDACTED]>
 Cc: Andrea Alvarez [REDACTED]

Rhoda or Amber can you please send me the plat for 1003 Kinney Avenue we closed on this about a month ago.

[Quoted text hidden]

COA CORRESPONDENCE

13
 PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & ARCHITECT- SARAH JOHNSON, AIA, RID
 KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - OCTOBER 21, 2021



EMAIL CORRESPONDENCE WITH COA PLANNERS: ANTHONY MCBRYDE

Warm Regards,

TREC Information About Brokerage Services
TREC Consumer Protection Notice

Vince Heinz
Realtor®, CNE

2500 Bee Caves Rd, Bldg 3 Ste 200
Austin, TX 78746
m: 512.905.3030



Rhoda Stark <[REDACTED]> Tue, Jun 22, 2021 at 10:31 AM
To: Vince Heinz [REDACTED]
Rhoda [REDACTED]
Cc: Andrea Alvarez [REDACTED]

Vince,

Plat is attached.

Anna Guerra

Escrow Officer

Heritage Title Company of Austin, Inc.

2500 Bee Caves Rd., Bldg. 1, Suite 100

Austin, TX 78746

Phone 512.329.3900 | Fax 512.329.3999 | [REDACTED]



[Directions](#) [Explaining The Title Commitment](#)

-

Please save all attachments into a folder on your computer as you will only be able to access them online for 30 days.

WIRE FRAUD WARNING: Due to increased risk of theft by wire fraud, Heritage Title Company must send Wire Instructions by encrypted e-mail only. Our Wire Instructions DO NOT CHANGE so consider any communication to change them as fraudulent. Please call your closing team to confirm the Wire Instructions before wiring your funds. Please wire your funds as soon as possible to avoid funding delays. Thank you.

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From: Vince Heinz [REDACTED]
Sent: Tuesday, June 22, 2021 10:21 AM
To: Amber Cash [REDACTED]
Cc: Andrea Alvarez [REDACTED]
Subject: Re: Zoning question

Rhoda or Amber can you please send me the plat for 1003 Kinney Avenue we closed on this about a month ago.

On Tue, Jun 22, 2021 at 8:50 AM Ingrid Gonzalez Featherston [REDACTED] wrote:

Vince,

See forwarded email from our correspondence with the COA regarding the small lot amnesty. Small Lot Amnesty does not apply to our property since it is not within a neighborhood plan. What does apply to our lot is the substandard lot regulations. I'm working today to confirm what these regulations are but need the original plat to confirm the restrictions that will apply depending on our plat date. Could you send this to me ASAP?

Thank you,

Ingrid

Ingrid Gonzalez Featherston, AIA, NOMA, RID

Senior Design Architect

Matt Fajkus Architecture

[REDACTED] 512.432.5137

[REDACTED] 900 E 6 St, #100, Austin

COA CORRESPONDENCE

14
PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & ARCHITECT- SARAH JOHNSON, AIA, RID
KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - OCTOBER 21, 2021



EMAIL CORRESPONDENCE WITH COA PLANNERS: ANTHONY MCBRYDE

[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]Please contact my direct supervisor with any kudos or concerns at Eric.thomas@austintexas.gov**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).*Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: City of Austin Ordinance 2016-0922-005 | City Clerk's website | City Clerk's FAQ's*

Warm Regards,

TREC Information About Brokerage Services

TREC Consumer Protection Notice

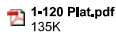
Vince Heinz

Realtor®, CNE

2500 Bee Caves Rd, Bldg 3 Ste 200
Austin, TX 78746

m: 512.905.3030

2 attachments

image001.jpg
8K1-120 Plat.pdf
135K**Ingrid Gonzalez Featherston**
To: "McBryde, Anthony"
Tue, Jun 22, 2021 at 10:37 AM

Anthony,

COA CORRESPONDENCE

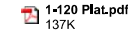
To follow up on the original plat, we have confirmed that it is prior to 1946. See attached. The property was originally platted in 1896. Since my previous email was assuming we were prior to 1946, could you provide answers to whether subchapter F will still apply on a substandard lot and if we have any leeway on impervious coverage?

Thank you,
Ingrid**Ingrid Gonzalez Featherston**, AIA, NOMA, RID
Senior Design Architect**Matt Fajkus Architecture**

512.432.5137

2900 E 6 St, #100, Austin
Executive Board Member | ACE Mentor Program of Austin
Executive Board Member | NOMA of Central TX

[Quoted text hidden]

1-120 Plat.pdf
137K**Vince Heinz**
To: Rhoda St
Cc: [redacted]
Sarah [redacted]
Tue, Jun 22, 2021 at 11:00 AM

Thank you!!!

[Quoted text hidden]

[Quoted text hidden]

**Ingrid Gonzalez Featherston**
To: "McBryde, Anthony"
Cc: Vince Heinz
Thu, Jun 24, 2021 at 9:57 AM

Anthony,

I'm following up on my previous email regarding subchapter F applicability to a substandard lot and required Impervious coverage regulations. Any help on this would be greatly appreciated.

Thank you,
Ingrid**Ingrid Gonzalez Featherston**, AIA, NOMA, RID
Senior Design Architect**Matt Fajkus Architecture**

512.432.5137

PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & ARCHITECT- SARAH JOHNSON, AIA, RID
KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - OCTOBER 21, 2021

15



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.

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 added to the Late Back-up and 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: C15-2021-0100

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; November 8th, 2021

LINDA MIZELL

Your Name (please print)

1308 Garner Ave

Your address(es) affected by this application

Linda Mizell

Signature

10/29/2021

Date

Daytime Telephone: 5124440838

Comments: I object.
Thank you.

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

If you will be using this form to comment, please return it via e-mail to:

Elaine Ramirez

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

From: Mark Hoelscher
To: [Ramirez, Elaine](#)
Subject: Board of Adjustment: Case number C15-2021-0100
Date: Monday, November 01, 2021 11:04:37 AM

*** External Email - Exercise Caution ***

Elaine-

I'm emailing you back regarding the request for rezoning on Kinney Ave.

My Name: C. Mark Hoelscher
Address: 1108 Kinney Ave, Austin 78704
Phone Number: 512.975.9117
Case C15-2021-0100

Comments: In our opinion, please allow for the rezoning of the subject property at 1003 Kinney Ave. The use of the property for an SF-3 single family with pool should be allowed, it is within the former use of the property.

As a favor, could an amendment be added to the allowed SF-3 rezoning to prevent the future addition of an ABU on the lot.

Thank you to you and your department for reaching out to us as neighbors and "stakeholders."

Best regards,
Mark Hoelscher

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From: Austin Stowell
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: 2021-000085 BA - Notice of Support SUPPORT
Date: Monday, November 08, 2021 6:33:40 AM

*** External Email - Exercise Caution ***

My name is Austin Stowell.

I Ama Zilker neighbor live at 904 Ethel St and am writing a letter of support in favor of Case # 2021-000085 BA for the property located at 1003 Kinney.

The design is far superior than the ubiquitous Hardie plan structures in the neighborhood being erected by many spec builders and will help contribute, not detract to the neighborhood character.

The existing structure is in poor condition. All buildings have a natural life.. The IRS limits the functional life of a building to 27.5 years. This particular structure is in disrepair and not economically feasible to be repaired. Every property owner deserves the right to replace their existing home. In this case, the zoning does not allow for reasonable use of the land. I think the Board is justified in approving the request because reasonable use is currently excluded.

The property is unique to the area. I am aware of only 3 lots in Zilker that are less than 5750 square feet that are not exempted from variance by the age of the plat. The property is clearly unique and not “general” to the area as defined by the Board Rules.

Austin Stowell

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From: Lorraine Atherton
To: [Ramirez, Diana](#); [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: Agenda item D-1, 1003 Kinney variance, case C15-2021-0100
Date: Monday, November 08, 2021 10:59:05 AM

*** External Email - Exercise Caution ***

Hello, Ms. Ramirez.

Please include these comments in the backup and case file for tonight's Board of Adjustment hearing on Agenda item D-1, 1003 Kinney variance, case C15-2021-0100.

Thank you for your help.

Lorraine Atherton

2009 Arpdale, Austin, TX 78704

For the Zoning Committee of the Zilker Neighborhood Association

To the City of Austin Board of Adjustment

The Zoning Committee of the Zilker Neighborhood Association is opposed to the requested lot size variance for 1003 Kinney because the applicant has not presented a qualifying hardship and because the granting of the variance amounts to a privilege that has been denied to other properties in similar circumstances. We offer these alternatives:

1. Encourage the owner to purchase or otherwise persuade the City to vacate a portion of the alley.
2. Limit the new construction to the dimensions of the demolished house.

The request lacks a hardship:

Demolition application forms note that the applicant is responsible for checking on whether new construction will be allowed on the lot, before the application is submitted. The applicant must also take responsibility for submitting the correct lot dimensions. The hardship question in this case boils down to whether the applicant checked the box in error, or the City staff approved the demolition in error.

Unless the owner at 1003 Kinney can show that staff approved the demolition in error, there is no hardship. If staff approved it in error, then the best the owner can expect is permission to rebuild the house to its previous dimensions.

The situation is not unique in this neighborhood:

The applicant cites **904 Ethel** as a comparable case, but the 904 Ethel variance was sought BEFORE demolition, not after. The BoA decision in the Ethel case on Nov. 14, 2016, was to limit the construction to 1,600 sf.

More relevant cases are:

1516 Kinney, where the house was demolished prematurely. That variance was denied early in 2016. The owner eventually bought more land to restore the minimum lot size. The ZNA position in that case was that we would have been happy to discuss a variance to preserve the existing house, but when the owner went ahead and demolished the house, he removed any justification for a

hardship.

1107 Kinney, where parts of a larger property had been sold to adjacent projects, leaving a very small parcel. The owner applied for a small lot variance Sept. 6, 2009, with no hardship, and withdrew the request after discussing it with ZNA. The Board of Adjustment denied a second application June 13, 2011.

1210 Juliet is typical of many lots in this part of the neighborhood that qualify as “substandard” under 25-2-943 and do not require variances.

2003 Arpdale is our most recent small-lot case, in May 2021. The house was NOT demolished, and no new construction was proposed. We supported that request strictly to bring the existing house up to code. The BoA decision limited the impervious cover and prohibited new construction.

The ZNA Zoning Committee requests that the Board deny the variance as requested at 1003 Kinney Avenue and support the preferred remedy in this case, which is that the applicant purchase or otherwise persuade the City to vacate a portion of the alley.

Thank you for your consideration of our comments and your commitment to preserving the integrity of the City Code.

Lorraine Atherton

2009 Arpdale, Austin, TX 78704

For the Zoning Committee of the Zilker Neighborhood Association

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From: doug johnston
To: [Ramirez, Elaine](#)
Subject: case #C15-2021-0100
Date: Friday, November 19, 2021 11:48:46 AM

*** External Email - Exercise Caution ***

Dear Elaine,

This email is to support Ian Ellis's variance request C15-2021-0100 for 1003 Kinney Ave. I live at 1607 Virginia Ave. and own properties at 602 and 1702 Kinney ave.

Douglas A. Johnston

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