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Good morning Ian,

This email is in regards to your Residential Plan Review application #21-144210 for 1003 Kinney Avenue.

At the Board of Adjustment meeting on November 8, 2021, it was suggested that a “legal tract” determination, also known as a Land Status Determination, could negate the need for a variance from the requirements of the City of Austin’s Land Development Code (LDC) section 25-2-943 Substandard Lot. All a Land Status Determination does is exempt a particular tract from the requirement to submit a plat; it does not attest to the legality of existing or future development on the property.

The current lot contains roughly 5,450 square feet of area. 5,750 square feet is the minimum lot area for the zoning classification per LDC section 25-2-492 Site Development Regulations. Since this lot does not meet the minimum lot size requirements of 25-2-492, Residential Plan Review looks at section 25-2-943 Substandard Lot to see if the lot qualifies for the 4,000 minimum lot size.

The original plat shows two lots with a total area of 10,912 square feet. The earliest deed on record, showing the two current small lots, is from September of 1947. The date a substandard lot needs to be recorded with the County, so that it qualifies under the provisions of LDC section 25-2-943 (B)(1), is March 15, 1946. Since the earliest deed record is from September of 1947, the minimum lot area requirement is 5,750 square feet per item (B) (2) of 25-2-943. Because of this, a variance to minimum lot size is required in order to develop the property for a single family use.

Thank you,

Eric Thomas

Residential Zoning Plans Examiner Supervisor, Residential Review

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