D-7/1

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0061

BOA DATE: July 11th, 2022

ADDRESS: 1401 E. 3rd St

COUNCIL DISTRICT: 3

OWNER: Cortlandt Chalfant

AGENT: Nikelle Meade

ZONING: SF-3-NP

LEGAL DESCRIPTION: W 35.6FT OF N138FT OF W193.4 OLT 20 DIVISION O

VARIANCE REQUEST: reduce interior side setback from 5 ft. to 2.77 ft.

SUMMARY: complete construction of a Single-Family residence

ISSUES: layout error during construction

	ZONING	LAND USES
Site	SF-3-NP	Single-Family
North	SF-3-NP	Single-Family
South	SF-3-H-NP	Single-Family
East	SF-3-NP	Single-Family
West	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Barrio Unido Neighborhood Assn.
Bike Austin
Capital Metro
Del Valle Community Coalition
East Austin Conservancy
East Cesar Chavez Neighborhood Association
East Cesar Chavez Neighborhood Plan Contact Team
El Concilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
Greater East Austin Neighborhood Association
Guadalupe Neighborhood Development Corporation
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Preservation Austin
SELTexas
Sierra Club, Austin Regional Group
Tejano Town

CITY OF AUSTIN Development SERVICES DEPARTMENT

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

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 # C15-2022-0061 ROW # 12953473 Tax # 0204061201

Section 1: Applicant Statement

Street Address: 1401 E 3rd St, Austin, TX 78702

Subdivision Legal Description:

W 35.6FT OF N138FT OF W193.4 OLT 20 DIVISION O

Lot(s): Block(s):

Outlot: 20 Division: O

Zoning District: SF-3-NP **Council District: 3**

I/We Nikelle Meade (Husch Blackwell LLP) on behalf of myself/ourselves as authorized agent for Nexus Series B, LLC affirm that on Month June, Day 10, Year 2022, 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 residence

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

Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum interior side setback from 5 ft (required) to 2.77 ft (requested) in order to complete a Single-Family residence in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district (East Cesar Chavez Neighborhood Plan).

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 zoning regulations do not allow for a reasonable use because they would preclude preservation of an existing structure which could house two families. The existing structure was constructed pursuant to City approval and a signed and sealed survey obtained from a professional licensed surveyor.

Hardship

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

The hardship is unique to the property because a professional and licensed surveyor provided a signed and sealed survey indicating that the fence line was not the property line and that the neighboring property was encroaching on the subject property. There was no way to know that a survey produced by a professional surveyor was wrong about the location of the property line.

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

The hardship is not general to the area because it results from the inaccurate permitting and surveying applied to the property.

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:

Allowing the existing structure to remain will not alter the character of the area, impair the use of the adjacent conforming property, or impair the purpose of the regulations because it is common for structures to be placed in setbacks in this neighborhood because of discrepancies and errors in the original surveying and lot creation.

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: Nikelle Meade Date: 06/08/2022

Applicant Name (typed or printed): Nikelle Meade

Applicant Mailing Address: 111 Congress Ave., Suite 1400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 922-6001

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: 06/08/2022

Owner Name (typed or printed): Cortlandt Chalfant

Owner Mailing Address: 809 S Lamar Blvd, Suite D

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 230-9867

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

Section 5: Agent Information

Agent Name: Nikelle Meade

Agent Mailing Address: Husch Blackwell LLP, 111 Congress Ave., Suite 1400

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 992-6001

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).

Nexus Series B, LLC
809 S Lamar Blvd, Suite D
Austin, TX 78704

AGENT DESIGNATION LETTER

June 8, 2022

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767

Re: Letter appointing agent regarding a variance application with the Board of Adjustment and any related matters for property located at 1401 E 3rd Street, Travis County, Texas 78744 (the "Property")

To Whom It May Concern:

The undersigned, as the owner of the above-referenced Property, hereby appoints Husch Blackwell LLP (Nikelle Meade), as agent in connection with filing a variance application with the Board of Adjustment and related matters with the City of Austin.

Nexus Series B, LLC,
a Delaware limited liability company

By: _____
Cortlandt Chalfant, Managing Member

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 9th day of June, 2022, by Cortlandt Chalfant, Managing Member of Nexus Series B, LLC, a Delaware limited liability company, on behalf of said limited liability company.

_____
Notary Public in and for the State of Texas

My Commission Expires: 11/20/22

JOSE TOMAS ESPINOZA
Notary ID #130032971
My Commission Expires
November 20, 2022

HB: 4854-2117-9940.1

Reconstruction of City Engineer's Monument Lines :

Sheets 1 and 2 of this map show the reconstruction of the City Engineer's Monument lines in the vicinity of Outlot 20 from which old boundaries and evidence thereof perpetuated by surveys made by the City Engineer and his staff at early dates in the 20th century were also reconstructed as a part of the determination of the boundaries of the Subject Property.

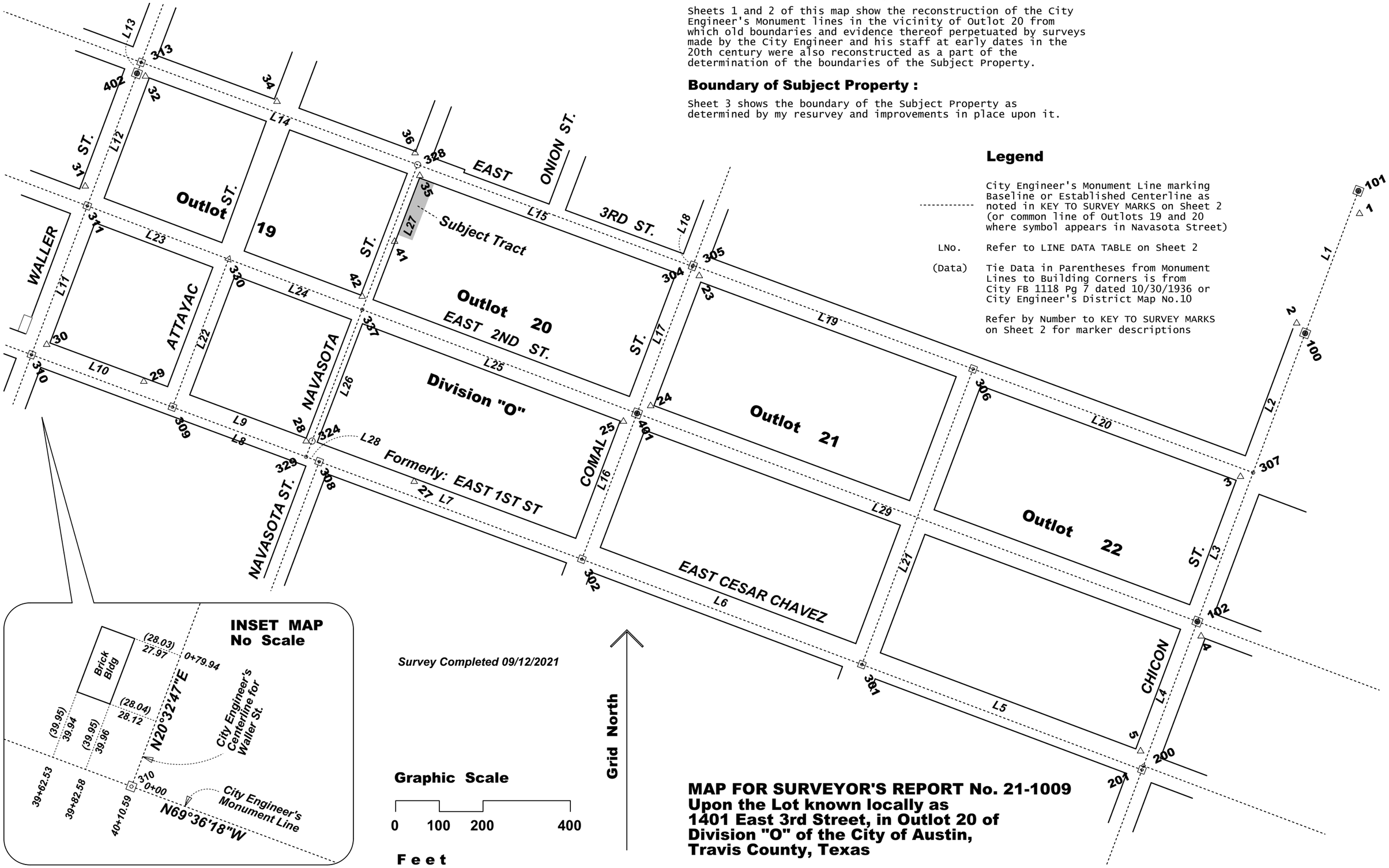
Boundary of Subject Property :

Sheet 3 shows the boundary of the Subject Property as determined by my resurvey and improvements in place upon it.

Legend

----------	City Engineer's Monument Line marking Baseline or Established Centerline as noted in KEY TO SURVEY MARKS on Sheet 2 (or common line of Outlots 19 and 20 where symbol appears in Navasota Street)
LNo.	Refer to LINE DATA TABLE on Sheet 2
(Data)	Tie Data in Parentheses from Monument Lines to Building Corners is from City FB 1118 Pg 7 dated 10/30/1936 or City Engineer's District Map No.10

Refer by Number to KEY TO SURVEY MARKS on Sheet 2 for marker descriptions



MAP FOR SURVEYOR'S REPORT No. 21-1009
Upon the Lot known locally as
1401 East 3rd Street, in Outlot 20 of
Division "O" of the City of Austin,
Travis County, Texas

Map No. 21-1009 Sheet 1 of 3

KEY TO SURVEY MARKS

In the following list "Standard Spike and Washer" denotes a Punchmark on a 3/8 in. Spike with a 2 in. Aluminum Washer stamped "KENT MCMILLAN, SURVEYOR, RPLS 4341" and numbered as noted, set in a Hole Drilled in a Concrete Curb or Pavement

No. Description

1-5 Set Standard Spike and Washer (in 2015)
23 Set Standard Spike and Washer SE Cor E 3rd & Comal
24 Set Standard Spike and Washer NE Cor E 2nd & Comal
25 Set Standard Spike and Washer SW Cor E 2nd & Comal
27 Set Standard Spike and Washer in Sidewalk at 1408 E 1st
28 Set Standard Spike and Washer in Curb Laydown NW Cor E 1st & Navasota
29 Set Standard Spike and Washer on E side Driveway at 1208 E 1st
30 Set Standard Spike and Washer NE Cor E 1st & Waller
31 Set Standard Spike and Washer NW Cor E 2nd & Waller (N side of Inlet on Waller)
32 Set Standard Spike and Washer SE Cor E 3rd & Waller
34 Set Standard Spike and Washer NW Cor E 3rd & Attayac
35 Set Standard Spike and Washer SE Cor E 3rd & Navasota
36 Set Standard Spike and Washer NW Cor E 3rd & Navasota
41 Set Standard Spike and Washer in Gutter E side of Navaosta at Alley
42 Set Standard Spike and Washer NW Cor E 2nd & Navasota
100 Found (in 2015) 1/4 in. Copper Pin in Concrete in Iron Casting on Established Centerline of Chicon St
101 Found (in 2015) 1/4 in. Copper Pin in Concrete in Iron Casting on Established Centerline of Chicon St from which Copper Pin:
- Spike and Washer No. 1 bears S02-50-25E, 52.25 ft.
102 Found (in 2015) 1/4 in. Copper Pin in Concrete in Iron Casting on Established Centerline of Chicon St from which Copper Pin:
- Spike and Washer No.4 bears S14-15-49E, 34.40 ft.
200 Reconstructed Position of Intersection of Established Centerlines of Chicon Street and East 1st St from which Point:
- Spike and Washer No.5 bears N11-19-10W, 34.32 ft.
201 Reconstructed Position of Concrete Monument on Established Centerline of Chicon Street at Intersection of Monument Line Offset 10 ft. South of Established Centerline of East 1st Street from which Point:
- Spike and Washer No.5 bears N04-18-04W, 43.14 ft.
301 Reconstructed Position of City Engineer's Monument on 10 ft. Offset Baseline in E 1st St
302 Reconstructed Position of City Engineer's Monument on 10 ft. Offset Baseline in E 1st St at Intersection of Established Centerline of Comal St
304 Reconstructed Position of City Engineer's Monument on Established Centerline of Comal St at Intersection of City Engineer's Baseline for E 3rd between Navasota and Comal from which Point:
- Spike and Washer No.23 bears S35-17-33E, 26.07 ft.
305 Reconstructed Position of City Engineer's Monument on Established Centerline of Comal St at Intersection of City Engineer's Baseline for E 3rd running East from Comal
306 Reconstructed Position of City Engineer's Monument on City Engineer's baseline for E 3rd between Comal and Chicon
308 Reconstructed Position of City Engineer's Monument on 10 ft. Offset Baseline in E 1st St at intersection of Baseline for Navasota St. running South from which Point:
- Spike and Washer No.28 bears N32-30-17W, 55.69 ft.
309 Reconstructed Position of City Engineer's Monument on 10 ft. Offset Baseline in E 1st St at intersection of Basline for Attayac St. from which Point
- Spike and Washer No.29 bears N48-15-01W, 88.08 ft.
310 Reconstructed Position of City Engineer's Monument on 10 ft. Offset Baseline in E 1st St at intersection of Established Centerline of Waller St running North from which Point:
- Spike and Washer No.30 bears N56-09-06E, 41.78 ft.
311 Reconstructed Position of City Engineer's Monument at Intersection of Established Centerlines of Waller St and E 2nd St running East from which Point:
- Spike and Washer No.31 bears N06-05-30W, 45.27 ft.
313 Reconstructed Position of City Engineer's Monument at Intersection of Established Centerlines of Waller St and E 3rd St running East to Navasota
324 Reconstructed Position of Stone Monument set by R.W. Ford in 1870 to mark the South common corner of Outlots 19 and 20, Div "O" from which Point:
- Spike and Washer No.28 bears S89-14-26W, 13.61 ft. and
- Spike and Washer No.27 bears S68-22-34E, 251.43 ft.
328 Reconstructed Position of Stone Monument set by R.W. Ford in 1870 to mark the North common corner of Outlots 19 and 20, Div "O" from which Point:
- Spike and Washer No.35 bears S11-03-23E, 25.60 ft.
- Spike and Washer No.36 bears N12-19-44w, 27.53 ft.
329 Point on City Engineer's 10 ft. Offset Baseline in E 1st St at intersection of S'ly prolongation of common line of Outlots 19 and 20
330 Reconstructed Position of intersection of Baseline in Attayac St and Established Centerline of E 2nd St as shown in City FB 2521 Pg 48-49
337 Intersection of Established Centerline of E 2nd St and common line of Outlots 19 and 20, Div "O" from which Point:
- Spike and Washer No.42 bears N00-35-31W, 30.31 ft.
401 Found 1/4 in. Copper Pin in Concrete in Iron Casting at intersection of Established Centerlines of Comal St and E 2nd St and from which Copper Pin:
- Spike and Washer No.24 bears N60-56-43E, 35.49 ft.
- Spike and Washer No.25 bears S59-25-57W, 36.20 ft.
402 Found 1/4 in. Copper Pin in Concrete without Iron Casting (under Street Pavement, 0.55 ft. Down) from which Pin:
- Spike and Washer No.32 bears S71-15-13E, 20.45 ft.
- Spike and Washer No.34 bears S78-37-53E, 326.83 ft.
- Spike and Washer No.31 bears S24-38-42W, 284.21 ft.

COORDINATE LIST

Coordinates in the following list are in units of US Survey Feet and refer to the Texas Coordinate System of 1983 (Central Zone); NAD83 (2011 Epoch 2010.0 as derived by connection to the local segment of the National CORS network and estimated from analysis of variance to have uncertainies (standard errors) less than +/-0.02 ft.in N and E components.

No.	N (ft.)	E (ft.)
1	10068171.144	3120635.097
2	10067920.384	3120491.174
3	10067569.023	3120362.525
4	10067203.782	3120272.452
5	10066940.541	3120133.846
23	10068028.847	3119123.573
24	10067731.120	3119012.308
25	10067695.477	3118950.118
27	10067557.810	3118471.095
28	10067650.281	3118223.767
29	10067786.835	3117852.139
30	10067871.449	3117629.804
31	10068234.032	3117718.055
32	10068485.770	3117855.934
34	10068427.923	3118156.965
35	10068258.126	3118483.871
36	10068310.147	3118473.083
41	10068107.415	3118426.192
42	10067981.695	3118351.945
46	10068179.684	3118454.243
100	10067897.260	3120510.679
101	10068223.327	3120632.508
102	10067237.115	3120263.978
200	10066906.895	3120140.581
201	10066897.528	3120137.081
301	10067138.702	3119496.046
302	10067379.826	3118854.889
304	10068050.127	3119108.510
305	10068052.920	3119109.564
306	10067815.509	3119750.552
308	10067603.321	3118253.689
309	10067728.189	3117917.847
310	10067848.181	3117595.110
311	10068189.020	3117722.859
313	10068517.589	3117846.136
324	10067650.461	3118237.370
328	10068283.251	3118478.961
329	10067614.494	3118223.638
330	10068066.930	3118046.224
333	10068240.080	3118516.934
334	10068252.538	3118483.291
335	10068122.663	3118433.706
336	10068110.215	3118467.006
337	10067951.384	3118352.258
401	10067713.887	3118981.288
402	10068492.344	3117836.565
423	10068108.686	3118466.418
432	10068239.666	3118516.775
441	10068263.091	3118452.544
455	10068065.951	3118523.717
456	10068101.572	3118429.842
471	10068110.907	3118467.255

LINE DATA TABLE

Bearings refer to Grid North of the Texas Coordinate System of 1983 (Central Zone).

Distances are Horizontal Surface Distances in units of US Survey Feet, computed using an Average Combined Scale Factor of 0.999947

Surface Dist = Grid Dist/0.999947

No.	From-To	Bearing dd-mm-ss	Distance
L1	101-100	S20-29-14W	348.10
L2	100-307	S20-29-29W	340.69
L3	307-102	S20-29-27W	364.09
L4	102-201	S20-29-23W	362.54
L4	102-200	S20-29-23W	352.54
L5	201-301	N69-22-57W	684.94
L6	301-302	N69-23-24W	685.03
L7	302-308	N69-36-27W	641.43
L8	308-309	N69-36-16W	358.32
L9	329-309	N69-36-16W	326.26
L10	309-310	N69-36-18W	344.34
L11	310-311	N20-32-47E	364.01
L12	311-402	N20-32-58E	323.95
L13	402-313	N20-45-41E	27.00
L14	313-328	S69-40-49E	674.86
L15	328-304	S69-40-49E	671.36
L16	302-401	N20-43-31E	357.19
L17	401-304	N20-43-30E	359.52
L18	304-305	N20-40-30E	2.99
L19	305-306	S69-40-34E	683.58
L20	306-307	S69-40-36E	683.45
L21	301-306	N20-36-30E	723.12
L22	309-330	N20-45-21E	362.27
L23	311-330	S69-18-56E	345.66
L24	330-337	S69-18-56E	327.14
L25	337-401	S69-18-56E	672.41
L26	329-337	N20-53-47E	360.63
L27	337-328	N20-53-47E	355.25
L28	308-329	N69-36-16W	32.06
L29	401-102	S69-36-36E	1368.50

The above represents the results of a comprehensive readjustment of data from surveys performed by the City Engineer and his staff from 1931 through 1962, including the data from following City records:

City FB 743	Pg 28	__/__/1932
City FB 973	Pg 49-50	02/06/1934
City FB 953	Pg 36	05/22/1931
City FB 984	Pg 18	03/18/1935
City FB 1118	Pg 7&8	10/30/1936
City FB 2521	Pg 48	05/23/1961
City Engineer's Map of District 15		
dated		08/20/1940

I, Kent Neal McMillan, a Registered Professional Land Surveyor, hereby certify that this Map No. 21-1009, consisting of Sheets 1, 2, and 3, taken together with my Surveyor's Report No. 21-1009 prepared to accompany them, is a true and correct representation of the results of an actual resurvey performed upon the ground under my direction for the purpose of determining the boundaries of the property known as 1401 East 3rd St. in Outlot 20, Division "O" of the City of Austin, Travis County, Texas.

Sheets 1 and 2 of this map show the reconstruction of the City Engineer's Monument lines in the vicinity of said Outlot 20 from which old boundaries and evidence thereof perpetuated by surveys made by the City Engineer and his staff at early dates in the 20th century were also reconstructed as a part of the determination of the boundaries of the Subject Property.

Sheet 3 shows the boundary of the Subject Property as determined by my resurvey and improvements in place upon it.

Witness my hand and seal of registration, September 22, 2021.

Kent Neal McMillan
Registered Professional Land Surveyor
No. 4341
1200 Cascade Trail, San Marcos TX 78666
Telephone (512) 667-7455

MAP FOR SURVEYOR'S REPORT No. 21-1009
Upon the Lot known locally as
1401 East 3rd Street, in Outlot 20 of
Division "O" of the City of Austin,
Travis County, Texas

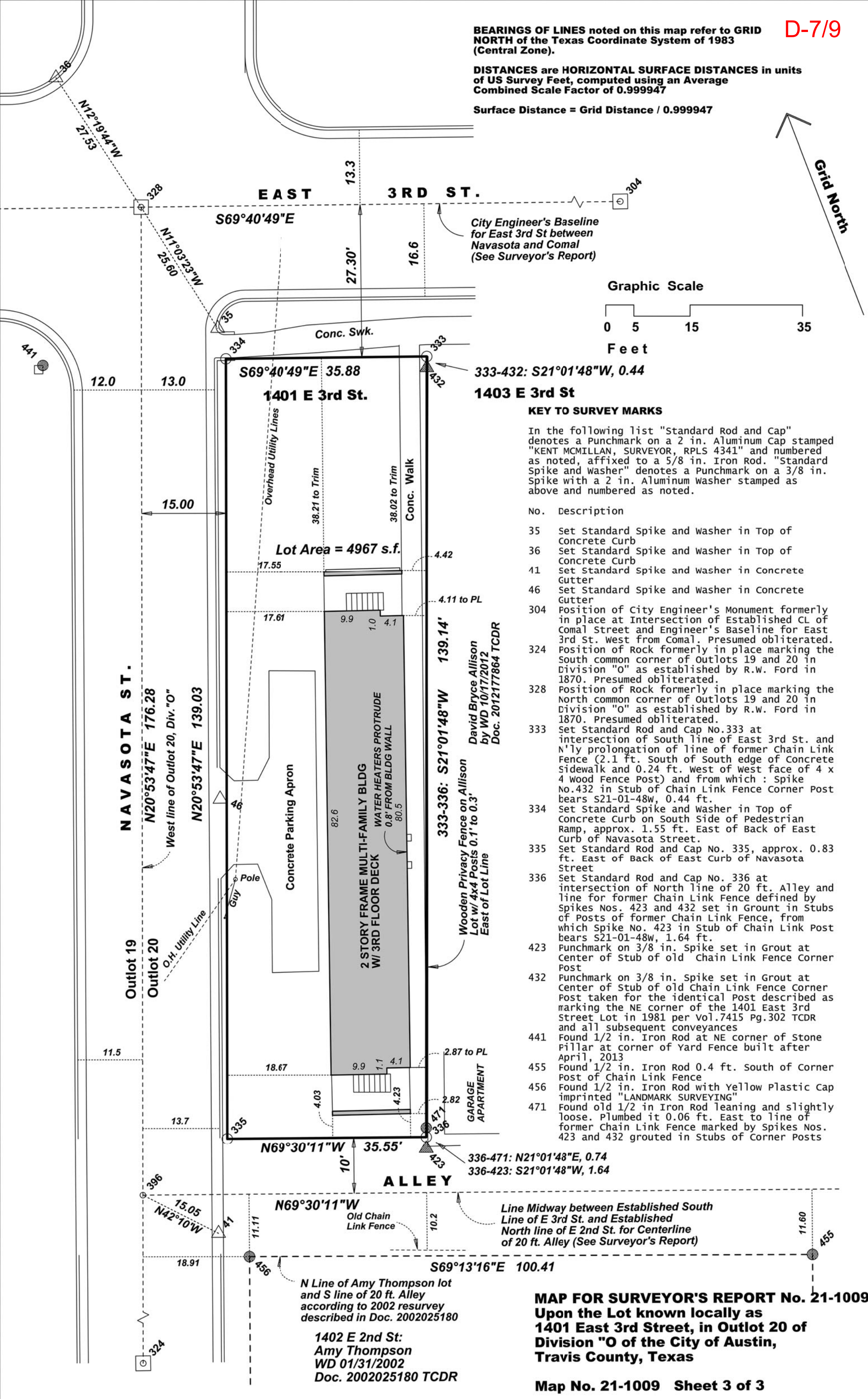
Map No. 21-1009 Sheet 2 of 3

D-7/9

BEARINGS OF LINES noted on this map refer to GRID NORTH of the Texas Coordinate System of 1983 (Central Zone).

DISTANCES are HORIZONTAL SURFACE DISTANCES in units of US Survey Feet, computed using an Average Combined Scale Factor of 0.999947

Surface Distance = Grid Distance / 0.999947



KEY TO SURVEY MARKS

In the following list "Standard Rod and Cap" denotes a Punchmark on a 2 in. Aluminum Cap stamped "KENT MCMILLAN, SURVEYOR, RPLS 4341" and numbered as noted, affixed to a 5/8 in. Iron Rod. "Standard Spike and Washer" denotes a Punchmark on a 3/8 in. Spike with a 2 in. Aluminum Washer stamped as above and numbered as noted.

No.	Description
35	Set Standard Spike and Washer in Top of Concrete Curb
36	Set Standard Spike and Washer in Top of Concrete Curb
41	Set Standard Spike and Washer in Concrete Gutter
46	Set Standard Spike and Washer in Concrete Gutter
304	Position of City Engineer's Monument formerly in place at Intersection of Established CL of Comal Street and Engineer's Baseline for East 3rd St. West from Comal. Presumed obliterated.
324	Position of Rock formerly in place marking the South common corner of Outlots 19 and 20 in Division "O" as established by R.W. Ford in 1870. Presumed obliterated.
328	Position of Rock formerly in place marking the North common corner of Outlots 19 and 20 in Division "O" as established by R.W. Ford in 1870. Presumed obliterated.
333	Set Standard Rod and Cap No.333 at intersection of South line of East 3rd St. and N'ly prolongation of line of former Chain Link Fence (2.1 ft. South of South edge of Concrete Sidewalk and 0.24 ft. West of West face of 4 x 4 Wood Fence Post) and from which : Spike No.432 in Stub of Chain Link Fence Corner Post bears S21-01-48W, 0.44 ft.
334	Set Standard Spike and Washer in Top of Concrete Curb on South Side of Pedestrian Ramp, approx. 1.55 ft. East of Back of East Curb of Navasota Street.
335	Set Standard Rod and Cap No. 335, approx. 0.83 ft. East of Back of East Curb of Navasota Street
336	Set Standard Rod and Cap No. 336 at intersection of North line of 20 ft. Alley and line for former Chain Link Fence defined by Spikes Nos. 423 and 432 set in Grount in Stubs of Posts of former Chain Link Fence, from which Spike No. 423 in Stub of Chain Link Post bears S21-01-48W, 1.64 ft.
423	Punchmark on 3/8 in. Spike set in Grout at Center of Stub of old Chain Link Fence Corner Post
432	Punchmark on 3/8 in. Spike set in Grout at Center of Stub of old Chain Link Fence Corner Post taken for the identical Post described as marking the NE corner of the 1401 East 3rd Street Lot in 1981 per Vol.7415 Pg.302 TCDR and all subsequent conveyances
441	Found 1/2 in. Iron Rod at NE corner of Stone Pillar at corner of Yard Fence built after April, 2013
455	Found 1/2 in. Iron Rod 0.4 ft. South of Corner Post of Chain Link Fence
456	Found 1/2 in. Iron Rod with Yellow Plastic Cap imprinted "LANDMARK SURVEYING"
471	Found old 1/2 in Iron Rod leaning and slightly loose. Plumbed it 0.06 ft. East to line of former Chain Link Fence marked by Spikes Nos. 423 and 432 grouted in Stubs of Corner Posts

MAP FOR SURVEYOR'S REPORT No. 21-1009
Upon the Lot known locally as 1401 East 3rd Street, in Outlot 20 of Division "O of the City of Austin, Travis County, Texas

Map No. 21-1009 Sheet 3 of 3

D-710
FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir, County Clerk
Travis County, Texas
Oct 14, 2020 03:10 PM Fee: $58.00
2020193657
Electronically Recorded

UNOFFICIAL DOCUMENT

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.

TRUSTEE'S DEED

DATE: October 14, 2020

NOTE: Real Estate Lien Note described as follows:

Date: September 6, 2018

Maker: Durham Trading Partners XII, LLC
A Texas Limited Liability Company

Payee: Nexus Series B, LLC, a Delaware Limited Liability Company

Original Principal Amount: $625,000.00

DEED OF TRUST: Deed of Trust described as follows:

Date: September 6, 2018

Grantor: Durham Trading Partners XII, LLC
A Texas Limited Liability Company

Trustee: John M. Taylor of Taylor & Coughlin, PLLC

Beneficiary: Nexus Series B, LLC,
A Delaware Limited Liability Company

Recorded: Document Number 2018142531, as modified by Document Numbers 2019168009 and 2020059217 in the real property records of Travis County, Texas, as modified and amended.

LENDER: Nexus Series B, LLC, a Delaware Limited Liability Company

BORROWER: Durham Trading Partners XII, LLC
A Texas Limited Liability Company

D-7/11

UNOFFICIAL DOCUMENT

PROPERTY: The real property is described in Exhibit A.

TRUSTEE: John M. Taylor of Taylor & Coughlin, PLLC

NOTICE OF TRUSTEE'S SALE: The Notice of Trustee's Sale dated **September 4, 2020**, filed with the County Clerk of **Travis County, Texas** on **September 9, 2020**, in compliance with Texas Property Code section 51.002 and with the Deed of Trust.

DATE AND TIME OF TRUSTEE'S SALE OF PROPERTY:

October 6, 2020, the first Tuesday of the month, the sale was completed at **12:21 P.M.** The Trustee's sale commenced within three (3) hours of **10:00 A.M.**, which was specified in the Notice of Trustee's Sale as the earliest time when the sale would commence.

PLACE OF TRUSTEE'S SALE OF PROPERTY:

THE REAR "SALLYPORT" OF THE TRAVIS COUNTY COURTHOUSE LOCATED AT 1000 GUADALUPE STREET, AUSTIN, TEXAS 78701, OR THE PLACE DESIGNATED BY THE COUNTY COMMISSIONERS COURT OR AS DESIGNATED BY THE COUNTY COMMISSIONERS

GRANTEE: Nexus Series B, LLC, A Delaware Limited Liability Company

GRANTEE'S MAILING ADDRESS: 809 S. Lamar Boulevard, Suite D, Austin, Texas 78704

TRUSTEE'S SALE BID AMOUNT: **$770,369.38**

RECITALS

Grantor, owner of fee-simple interest in the Property, conveyed the Property to Trustee, in trust, to secure payment of the Note. Lender is the owner of the indebtedness evidenced by the Note, and the holder of the Note and the Deed of Trust lien under Texas Property Code section 51.002.

Default occurred in the payment of the Note and in the performance of the obligations under the Deed of Trust that secures the Note. Lender appointed Trustee and requested that Trustee enforce the trust, as evidenced by the Appointment of Trustee filed with the County Clerk in the county where the Property is located.

Trustee, either personally or by agent, served all notices required by statute in compliance with Texas Property Code section 51.002 and with the Deed of Trust to proceed with the sale.

Copies of the Notice of Trustee's Sale stating the time, place, and terms of sale of the Property were posted and filed according to the requirements of the Deed of Trust and Texas Property Code section 51.002.

Lender and Trustee have satisfied all requirements of the Deed of Trust and applicable law for

D-7/12

enforcement of the power of sale contained in the Deed of Trust and for the sale of the Property, and Trustee sold the Property ("Sale") to Grantee, who was the highest bidder at the public auction, for the Trustee's Sale Bid Amount.

Therefore, I, as Trustee, by the authority conferred by Lender and by the Deed of Trust, for the consideration of the Trustee's Sale Bid Amount paid by Grantee, do hereby grant, sell, and convey the Property, together with all rights and appurtenances attached to it, to have and to hold, to Grantee and Grantee's heirs, executors, administrators, successors, or assigns forever. Trustee binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to warrant and forever defend the Property against any person lawfully claiming or to claim the Property or any part of it, subject to any permitted exceptions to title described in the Deed of Trust. Except as expressly provided in this deed, Trustee has not made and does not make any covenants, representations, or warranties concerning the Property. The Property is sold and conveyed **AS IS, WHERE IS, AND WITH ALL FAULTS.**

John M. Taylor, Trustee

STATE OF TEXAS §
COUNTY OF TRAVIS §

Subscribed and sworn to before me this **14th** day of **October, 2020**, by John M. Taylor, Trustee.

KENDRA ROBINETTE
Notary Public, State of Texas
Comm. Expires 03-11-2024
Notary ID 132399199

Notary Public, State of Texas

After recording, please return original to:

Nexus Series B, LLC,
A Delaware Limited Liability Company
809 S. Lamar Boulevard, Suite D
Austin, Texas 78704

UNOFFICIAL DOCUMENT

D-7/13

Unofficial Document

Exhibit "A"

Being all of that certain tract or parcel of land containing 0.112 of an acre of land, more or less, situated in Outlot(s) 20, Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to the Plat on file at the General Land Office of the State of Texas, said tract being more particularly described by metes and bounds shown on Exhibit "A" attached hereto and made a part hereof.

D-7/14

UNOFFICIAL DOCUMENT

FORECLOSURE AFFIDAVIT

AFFIANT: John M. Taylor of Taylor & Coughlin, PLLC in my capacity as Trustee

DEED OF TRUST: Deed of Trust described as follows:

Date: September 6, 2018

Grantor: Durham Trading Partners XII, LLC
A Texas Limited Liability Company

Trustee: John M. Taylor of Taylor & Coughlin, PLLC

Beneficiary: Nexus Series B, LLC,
A Delaware Limited Liability Company

Recorded: Document Number 2018142531, as modified by Document Numbers 2019168009 and 2020059217 in the real property records of Travis County, Texas, as modified and amended.

LENDER: Nexus Series B, LLC, A Delaware Limited Liability Company

BORROWER: Durham Trading Partners XII, LLC
A Texas Limited Liability Company

PROPERTY: The real property is described in Exhibit A.

NOTICE OF TRUSTEE'S SALE:

The Notice of Trustee's Sale dated **September 4, 2020**, filed with the County Clerk of **Travis County, Texas** on **September 9, 2020**, in compliance with Texas Property Code section 51.002 and with the Deed of Trust.

BEFORE ME, the undersigned authority, on this day personally appeared **John M. Taylor** in his capacity as Trustee, who being by me first duly sworn, stated the following under oath:

"I certify that the following information regarding the nonjudicial foreclosure sale of the Property conducted according to the Notice of Trustee's Sale is true and correct:

1. Date of Sale: **October 6, 2020**

D-7/15

Unofficial Document

2. Time sale commenced: **12:17 P.M.**

3. Amount of highest bid: **$770,369.38**

4. Type of bid: **Lender Credit Bid**

5. Highest bidder: **Nexus Series B, LLC, A Delaware Limited Liability Company**

6. Time sale concluded: **12:21 P.M.**

7. Borrower was not protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., because (i) Borrower is an entity and (ii) an SCRA status report showed no service for the entity's principal."

John M. Taylor, as Trustee

STATE OF TEXAS §
COUNTY OF TRAVIS §

Subscribed and sworn to before me this **14th** day of **October, 2020**, by **John M. Taylor**, as Trustee.

KENDRA ROBINETTE
Notary Public, State of Texas
Comm. Expires 03-11-2024
Notary ID 132399199

Notary Public, State of Texas

D-7/16

Unofficial Document

Exhibit "A"

Being all of that certain tract or parcel of land containing 0.112 of an acre of land, more or less, situated in Outlot(s) 20, Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to the Plat on file at the General Land Office of the State of Texas, said tract being more particularly described by metes and bounds shown on Exhibit "A" attached hereto and made a part hereof.

D-7/17

UNOFFICIAL DOCUMENT

AFFIDAVIT OF POSTING AND FILING

AFFIANT: John M. Taylor

DEED OF TRUST: Deed of Trust described as follows:

Date: September 6, 2018

Grantor: Durham Trading Partners XII, LLC
A Texas Limited Liability Company

Trustee: John M. Taylor of Taylor & Coughlin, PLLC

Beneficiary: Nexus Series B, LLC,
A Delaware Limited Liability Company

Recorded: Document Number 2018142531, as modified by Document Numbers 2019168009 and 2020059217 in the real property records of Travis County, Texas, as modified and amended.

LENDER: Nexus Series B, LLC, a Delaware Limited Liability Company

BORROWER: Durham Trading Partners XII, LLC
A Texas Limited Liability Company

TRUSTEE: John M. Taylor of Taylor & Coughlin, PLLC

NOTICES OF SUBSTITUTE TRUSTEE'S SALE:

The Notice of Substitute Trustee's Sale dated **September 4, 2020**, filed with the County Clerk of **Travis County, Texas** on **September 9, 2020**, in compliance with Texas Property Code section 51.002 and with the Deed of Trust.

BEFORE ME, the undersigned authority, on this day personally appeared Affiant, a person known to me, who being by me first duly sworn, stated the following under oath:

> "I am an agent of Substitute Trustee. On **September 9, 2020**, I posted a copy of the Notice of Substitute Trustee's Sale at the regular place for posting those notices at the county courthouse in the county where the Property is located. On **September 9, 2020**, I filed a Notice of Substitute Trustee's Sale with the County Clerk in the county where the Property is located, in strict compliance with the requirements of Texas Property Code section 51.002 and the Deed of Trust."

D-7/18

Unofficial Document

John M. Taylor, Affiant

STATE OF TEXAS §
COUNTY OF TRAVIS §

Subscribed and sworn to before me this 14 day of October, 2020, by John M. Taylor, as Substitute Trustee.

KENDRA ROBINETTE
Notary Public, State of Texas
Comm. Expires 03-11-2024
Notary ID 132399190

Notary Public State of Texas

D-7/19

HUSCH BLACKWELL

Nikelle Meade
Partner

111 Congress Avenue, Suite 1400
Austin, Texas 78701
Direct/Mobile: 512.992.6001
[redacted]

June 24, 2022

The Board of Adjustment
c/o Elaine Ramirez
Planner Senior and Board of Adjustment Liaison
City of Austin Development Services Department
6310 Wilhelmina Delco Dr
Austin, Texas 78752

Re. Request for Sideyard Setback Variance to Preserve Existing Single-Family Home with Accessory Apartment at 1401 E. 3rd Street, Austin, 78702, District 2

On behalf of the owner of the above referenced Property, please accept the enclosed request for a variance to reduce a side-yard setback from 5 feet to 2.77 feet to preserve the existing single family home and accessory apartment.

This site was reviewed by the Board in 2020, but although the existing hardship existed at the time the case was considered, the applicant failed to present proper evidence to explain what the hardship was and the reasons it was not in any way caused by the property owner. The property now has a new owner, and we, on behalf of that new owner, wish to ask for the Board's review.

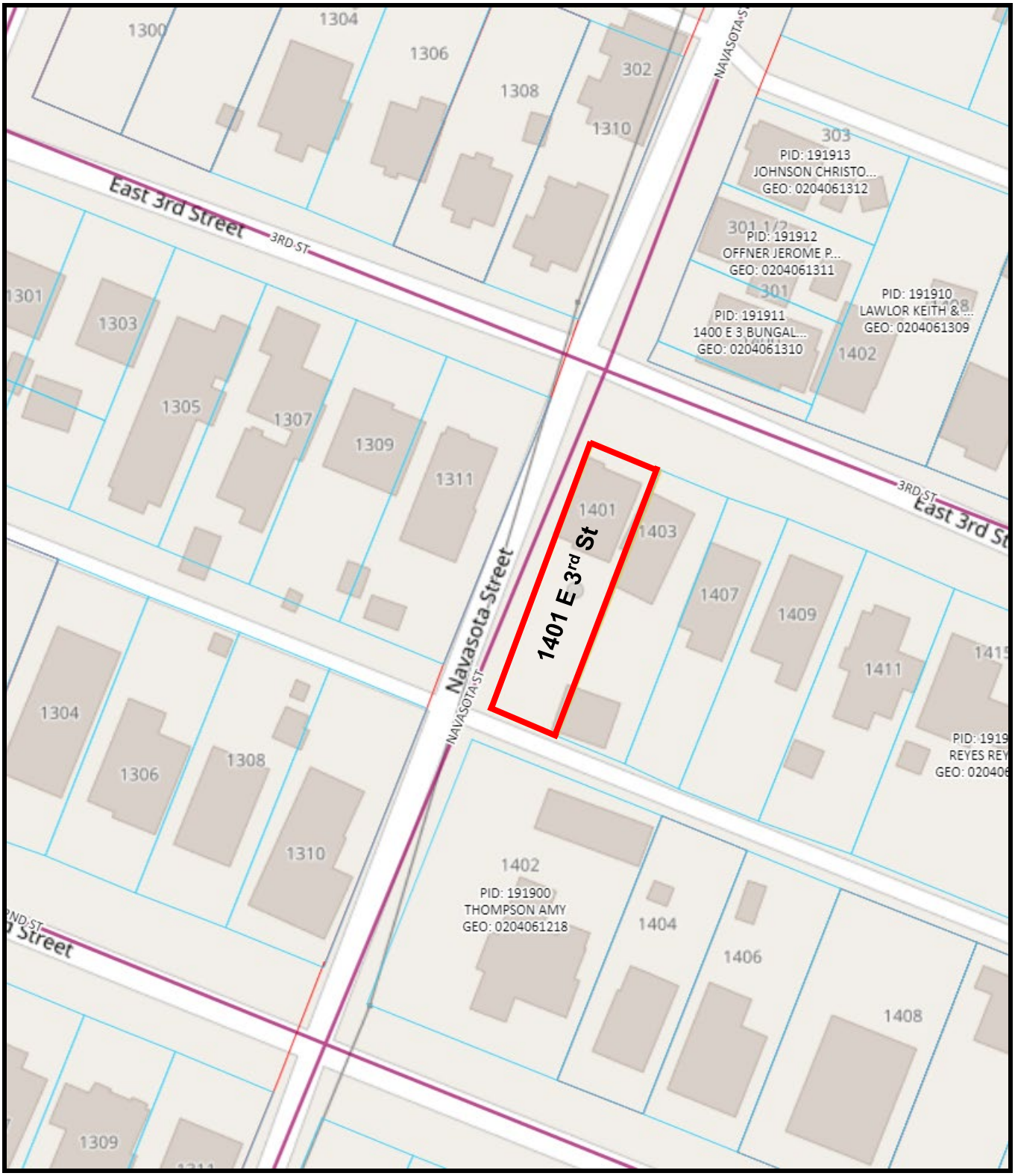
Sincerely,

Nikelle Meade

Nikelle S. Meade

NSM/sm
Enclosure

Location Map



D-7/21

J15007D

Waterloo Surveyors Inc.

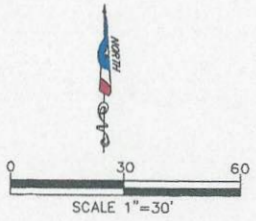
FORM SURVEY

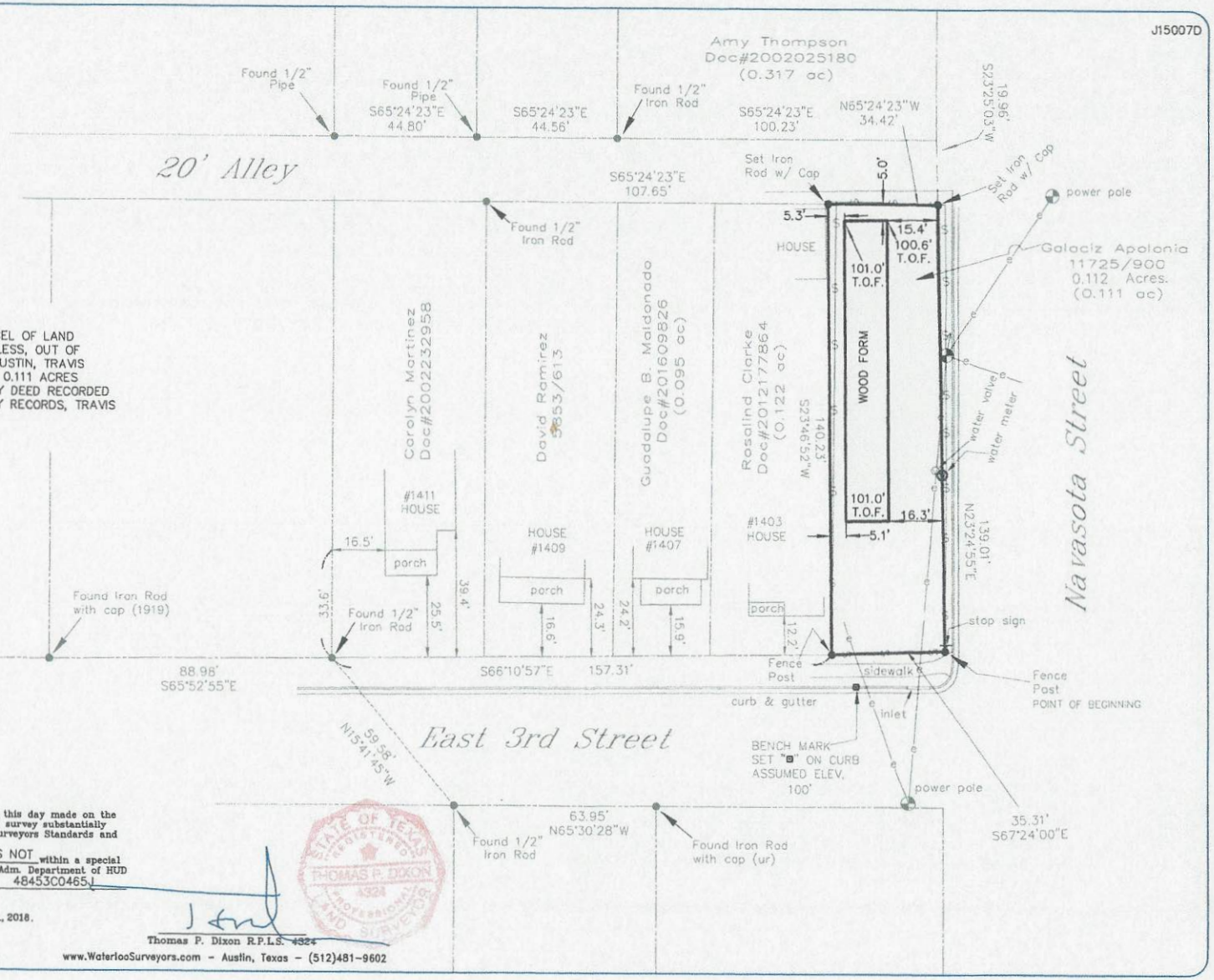
LEGEND

CHAIN LINK FENCE
OVERHEAD ELECTRIC
POWER POLE
GAS METER
WATER VALVE
WATER METER
STREET SIGN

LEGAL DESCRIPTION:

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 0.112 ACRE OF LAND, MORE OR LESS, OUT OF OUTLOT 20, DIVISION O, ORIGIONAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING ALL OF THAT CERTAIN 0.111 ACRES OF LAND CONVEYED TO APOLONIA GALAVIZ BY DEED RECORDED IN VOLUME 11725, PAGE 900, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.





State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 5 Condition II Survey. And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per Map Number: 48453C0465J Zone: X Dated: 01/06/2016

Dated this the 3RD day of JANUARY, 2018.

STATE OF TEXAS REGISTERED THOMAS P. DIXON 4324 PROFESSIONAL LAND SURVEYOR

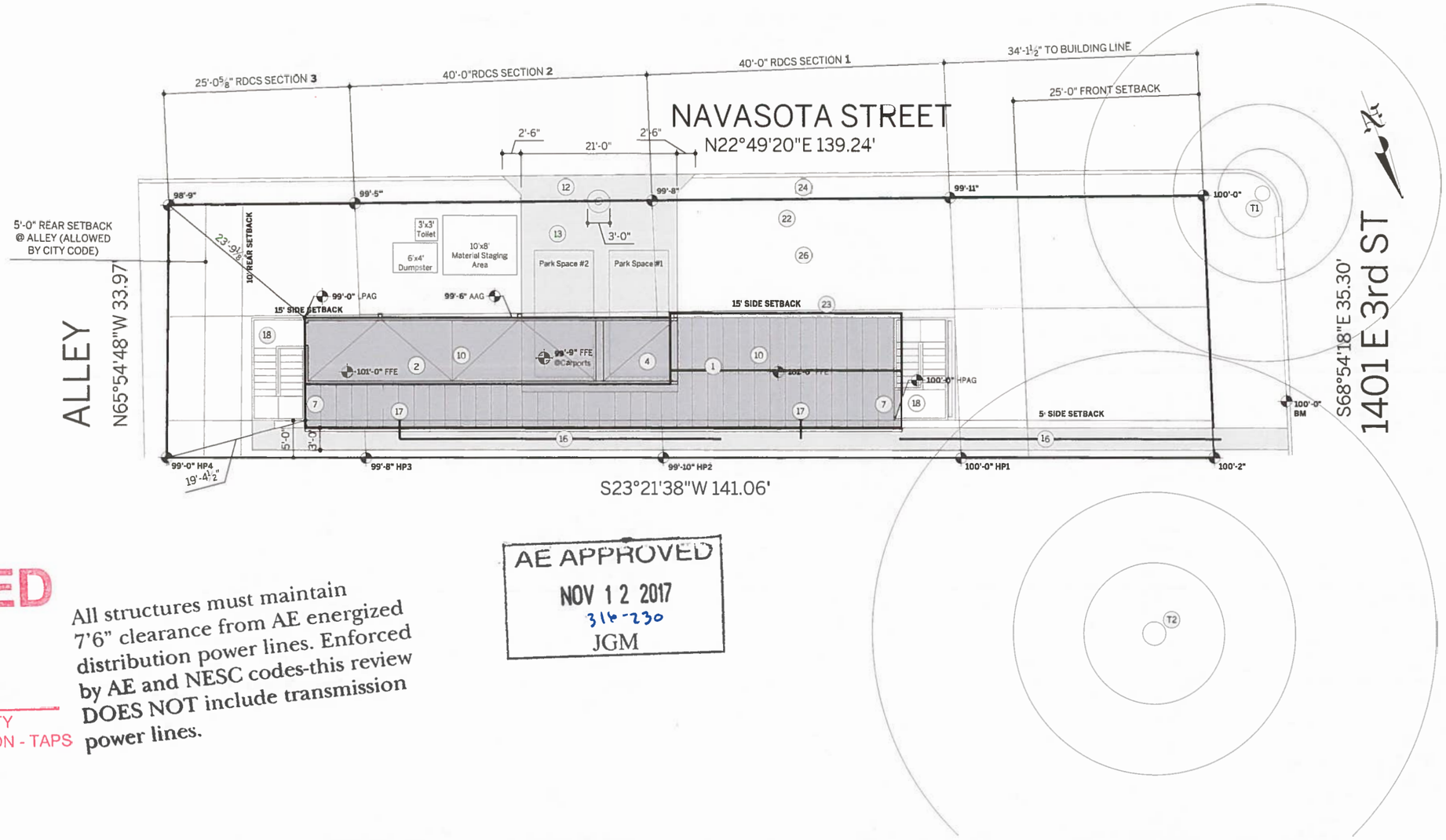
Thomas P. Dixon R.P.L.S. 4324

FIRM# 10124400

©Copyright 2018

www.WaterlooSurveyors.com - Austin, Texas - (512)481-9602

D-7/22



REVIEWED

NOV 13 2017

AUSTIN WATER UTILITY
CONSUMER SERVICE DIVISION - TAPS

All structures must maintain 7'6" clearance from AE energized distribution power lines. Enforced by AE and NESC codes-this review DOES NOT include transmission power lines.

AE APPROVED
NOV 12 2017
316-230
JGM

CITY OF AUSTIN
APPROVED FOR PERMIT
J. Rodney Gonzales
Development Services Department
Date 12-7-17
By
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

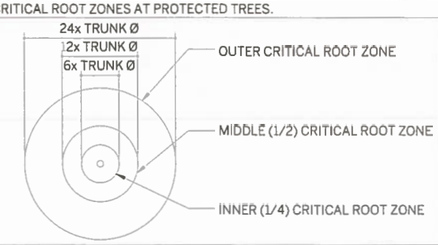
REFER TO SHEET A001 FOR PROJECT INFORMATION AND AREA CALCULATIONS

1 Site Plan
Scale 1/16" = 1'-0" @ 11x17
Scale 1/8" = 1'-0" @ 24x36

KEYED NOTES (NOT ALL NOTES MAY PERTAIN TO THIS SPECIFIC PROJECT).

01	New primary residence.	11	New spiral stair to roof deck.	17	New step-free entry into residence. Maximum vertical rise 1/2".	23	New electrical meter(s) for primary residence and secondary residence or additional unit, as applicable.
02	New accessory residence.	12	New Type I driveway approach per City of Austin standards.	18	New pre-fabricated steel staircase.	24	Location of existing water meter.
03	New attached garage.	13	New concrete driveway.	19	New concrete patio, uncovered.	25	Location(s) of new water meter(s), as applicable.
04	New attached carport.	14	New conc. driveway ribbon.	20	New wood deck, uncovered.	26	Location of new water supply and waste water line to primary residence.
05	New detached garage.	15	New sidewalk in right-of-way per City of Austin standards.	21	New decomposed granite patio, uncovered.	27	Location of new water supply to secondary residence or additional unit, as applicable.
06	New detached carport.	16	New visitable route from public way to residence. Minimum width 3'-0". Maximum cross-slope 1:50. **REFER TO SHEET A101 FOR CONTINUATION OF ROUTE TO INTERIOR OF UNIT.**	22	Existing overhead electric service.		
07	New covered porch w/ deck or habitable space above.						
08	New covered porch w/o deck or habitable space above.						
09	New uncovered deck.						
10	New uncovered roof deck.						

CRITICAL ROOT ZONES AT PROTECTED TREES.



LIST OF PROTECTED TREES.

#	TRUNK Ø	SPECIES
T1	24"	CEDAR ELM
T2	38"	PECAN

DISCLAIMERS.

This document is issued under the seal of WILLIAM LAWRENCE HODGE, Texas architect #19074. This document is not for regulatory approval, pricing or construction unless the seal and signature of the Architect are visible. This document is not approved for construction unless a seal of municipal approval is visible. No set of construction documents can contain all information required to construct a project. Interpretation by a contractor is required. All sheets are complementary. That which is shown in one sheet, applies to all sheets in this set by reference. The information in G001 through G007 (inclusive) apply to every sheet in this set and to every contractor and/or subcontractor that may perform work on this project. **Unless this set contains the cover sheet and all sheets listed thereon, this set is incomplete and INVALID FOR CONSTRUCTION.**

SEAL OF ARCHITECT.

REGISTERED ARCHITECT WILLIAM LAWRENCE HODGE 19074 STATE OF TEXAS

ISSUE DATE 02 Nov 2017.

0 1 2 4 8 16
GRAPHIC SCALE (in feet)

SEAL OF MUNICIPAL APPROVAL.

REVIEWED FOR CODE COMPLIANCE
City of Austin

OCHONA
Development + Architecture

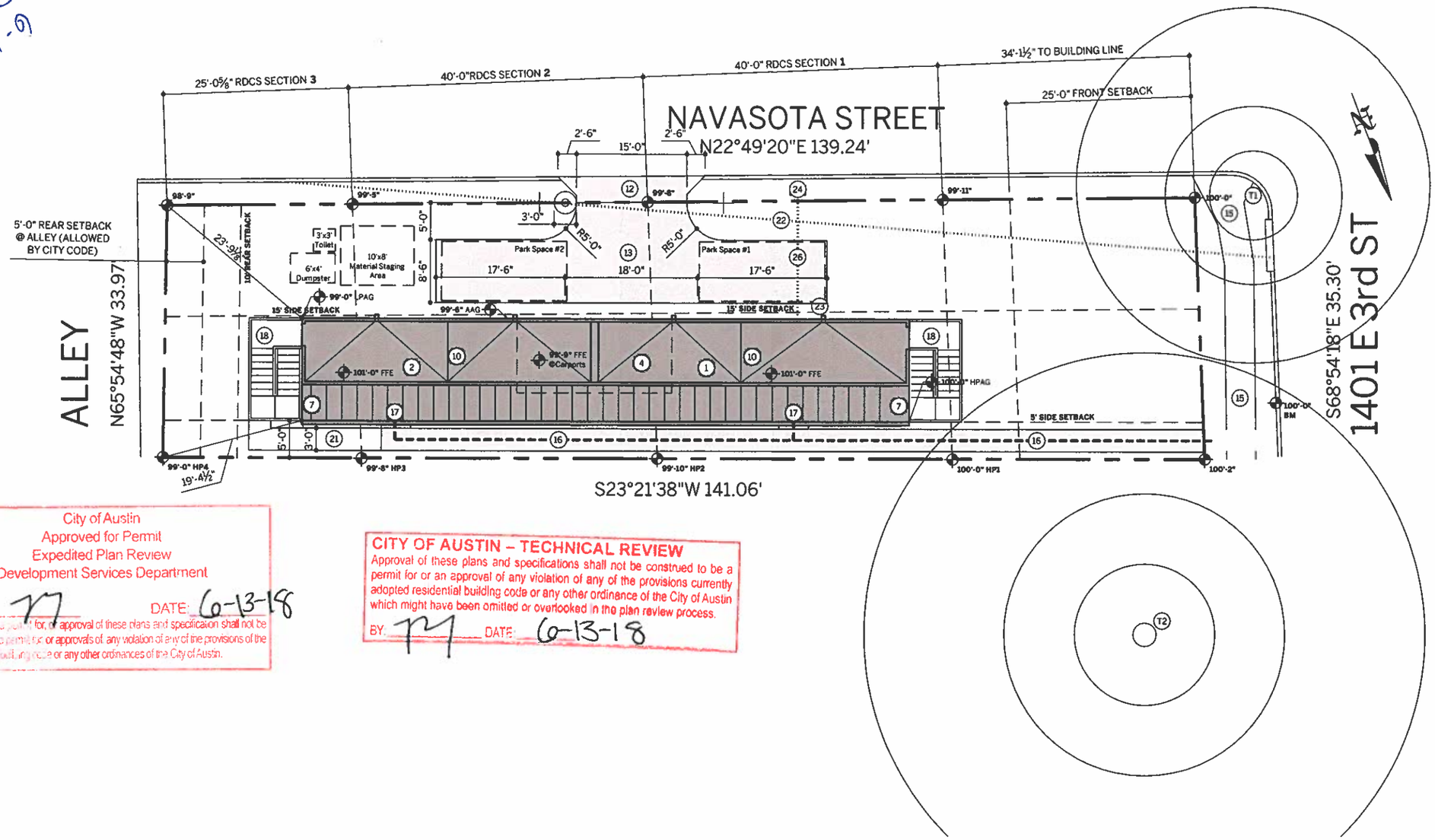
SINGLE-FAMILY RESIDENCE W/ ACCESSORY APT AT
1401 E 3RD ST
AUSTIN, TEXAS 78702

ISSUE DATE 02 Nov 2017.
SHEET TYPE Site Plan.

A000

D-7/23

6-11-2018
Parking configuration is acceptable, DRC



City of Austin
Approved for Permit
Expedited Plan Review
Development Services Department
BY: 77 DATE: 6-13-18
The granting of this permit for, or approval of these plans and specification shall not be construed to be a permit for or approvals of any violation of any of the provisions of the current adopted building code or any other ordinances of the City of Austin.

CITY OF AUSTIN – TECHNICAL REVIEW
Approval of these plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions currently adopted residential building code or any other ordinance of the City of Austin which might have been omitted or overlooked in the plan review process.
BY: 77 DATE: 6-13-18

City of Austin
REVIEWED FOR CODE COMPLIANCE

REFER TO SHEET A001 FOR PROJECT INFORMATION AND AREA CALCULATIONS

1 Site Plan
Scale 1/16" = 1'-0" @
Scale 1/8" = 1'-0" @ 2

KEYED NOTES (NOT ALL NOTES MAY PERTAIN TO THIS SPECIFIC PROJECT).

01	New primary residence.
02	New accessory residence.
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04	New attached carport.
05	New detached garage.
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08	New covered porch w/o deck or habitable space above.
09	New uncovered deck.
10	New uncovered roof deck.
11	New spiral stair to roof deck.
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14	New conc. driveway ribbon.
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19	New concrete patio, uncovered.
20	New wood deck, uncovered.
21	New decomposed granite walkway, uncovered.
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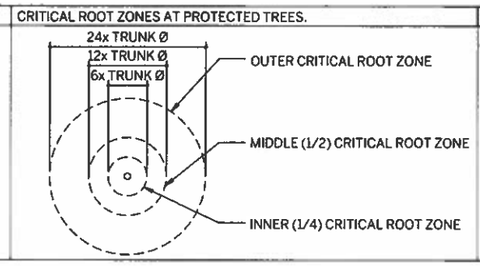
24	Location of existing water meter.
25	Location(s) of new water meter(s), as applicable.
26	Location of new water supply and waste water line to primary residence.
27	Location of new water supply to secondary residence or additional unit, as applicable.

CRITICAL ROOT ZONES AT PROTECTED TREES.



LIST OF PROTECTED TREES.

#	TRUNK Ø	SPECIES
T1	24"	CEDAR ELM
T2	38"	PECAN

DISCLAIMERS.

This document is issued under the seal of WILLIAM LAWRENCE HODGE, Texas architect #19074. This document is not for regulatory approval, pricing or construction unless the seal and signature of the Architect are visible. This document is not approved for construction unless a seal of municipal approval is visible. No set of construction documents can contain all information required to construct a project. Interpretation by a contractor is required. All sheets are complementary. That which is shown in one sheet, applies to all sheets in this set by reference. The information in G001 through G007 (inclusive) apply to every sheet in this set and to every contractor and/or subcontractor that may perform work on this project. **Unless this set contains the cover sheet and all sheets listed thereon, this set is incomplete and INVALID FOR CONSTRUCTION.**

SEAL OF ARCHITECT.

REGISTERED ARCHITECT WILLIAM LAWRENCE HODGE 19074 STATE OF TEXAS

ISSUE DATE **08 Jun 2018.**

0 1 2 4 8 16
GRAPHIC SCALE (in feet)

SEAL OF MUNICIPAL APPROVAL.

OCHON
Development + Architect

SINGLE-FAMILY RESIDENC
ACCESSORY APT AT
1401 E 3RD ST
AUSTIN, TEXAS 78702

ISSUE DATE 08 Ju
SHEET TYPE SH

A00