

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.

ITEM 9/74

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.

For - Timberline Realty Group, LLC
Case Number: C15-2022-0060

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

Public Hearing: Board of Adjustment; July 11th, 2022

Bill Winterhagen
Your Name (please print)

☒ I am in favor
☐ I object

6908 Cherry Meadow Dr
Your address(es) affected by this application

Bill Winterhagen
Signature

7/7/22
Date

Daytime Telephone: *512-413-7113*

Comments:

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

Elaine Ramirez; 512-974-2202

Scan & Email to: Elaine.Ramirez@austintexas.gov

From: Absolute Stornlok
To: [Ramirez, Elaine](#)
Subject: Re: Question about Case Number C15-2022-0060
Date: Thursday, July 07, 2022 4:05:03 PM
Attachments: [image001.png](#)


*** External Email - Exercise Caution ***

Hello, my name is Kevin Chrane, I am the owner of the property at 1607 Matthews Lane, which is next door to the property at 1609 Matthews Lane that is the subject of case number C15-2022-0060.

I am writing to express my opposition to Variance Request A. This variance is asking to lessen the amount of distance that may be built upon, in relation to the edge of the property lines. The code is currently set at 25 feet. The applicant wants to lessen this distance to only 7 feet from the eastern property line, and 13 feet from the southern one. I felt that the requested distances are too close to the property border for building, especially the one requesting only 7 feet!

I would like to express my opposition to those items, am fine with the requests from Variance B.

Thank you for taking my opinion as the next door landowner into consideration,

Kevin Chrane
(512) 694-2046


On Thursday, July 7, 2022 at 03:25:22 PM CDT, Ramirez, Elaine <elaine.ramirez@austintexas.gov> wrote:

Yes!

Respectfully,

Elaine Ramirez

Planner Senior / Board of Adjustment Liaison

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Office: 512-974-2202

From: Ruth Lauer
To: [Ramirez, Elaine](#)
Subject: Written comments C15-2022-0060 for Board of Adjustment meeting
Date: Friday, July 08, 2022 3:26:53 PM

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Ms. Ramirez,

Does the Board of Adjustment accept emailed objections? If so, here's mine. Thanks.

Case Number C15-2022-0060. 1609 Matthews Lane, 78745 BoA July 11, 2022

Name. Ruth Lauer

Addresses affected. 7309 Forest Wood Rd, 1504A and B Matthews Lane, 78745

Signature Ruth Lauer Date 7/8/22

Daytime telephone 512-228-8523

Comments:

I object to the variance requested for 1609 Matthews Lane (C15-20200-00060). Remember as a kid asking for something from your parents but trying to ask them separately? I think CMBH2 is doing that. They didn't get what they wanted from the ZAP so now they are asking the Board of Adjustment.

This property was purchased in March 2021 by CMCBH2 Company LLC. Their initial zoning change request (C14-2021-0056) was opposed by the Matthews Lane Neighborhood Association (MLNA). With the assistance of Ann Kitchen's office the MF-3 (and 14 homes) request was reduced to MF-2-CO district zoning with the conditional overlay for a maximum of 10 dwelling units, on second and third readings. It was approved at the July 29, 2021 meeting.

During the negotiations with the MLNA, CMCBH2 and Ms. Victoria Haase assured Council Member Kitchen's office and the ZAP that they were excited to build "really nice homes" within the setback and height requirements of MF-2-CO. Nothing was built. Shortly after the July 29, 2021, Council meeting, CMCBH2 put the property (with its new zoning) back on the market along with the building plans. It appears not to have sold and are now a variance is requested on the things they said were just fine a year ago.

One of the primary objections to the dense development of this site was the pluvial runoff problem. Decreasing the setbacks will increase this problem on the property, the railroad tracks, and downstream as it drains into Williamson Creek. The current drought makes this hard to imagine but longtime residents in that low lying area have had water in their homes, and the City has bought up many properties along the creek.

My other objection is that developers are "playing" the City of Austin and its residents. They have

enough money to pay Ron Thrower and Associates twice to mislead Ann Kitchen's office, neighbors, planning department staff, the ZAP and now the Board of Adjustment. They are now proposing larger 3 story buildings in an area of primarily one story homes. That is essentially the same as the original MF-3 zoning request, which the ZAP etc worked so hard to mitigate. If CMCBH2 had done their due diligence, then they knew the limitations of the property when they purchased it. I request that the Board of Adjustment deny this request in support of the work done by the ZAP, Ann Kitchen's office, the planning staff and neighbors.

Sent from [Mail](#) for Windows

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From: Michael Lubitz
To: [Ramirez, Elaine](#)
Subject: Variance requested for 1609 Matthews Lane
Date: Saturday, July 09, 2022 8:53:52 AM

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Ms. Ramírez,

I live close to 1609 Matthews Lane at 7708 Forest Wood Road. I want to voice my objection to the variance requested for this property.

As I remember from about a year ago, this property was granted a zoning change. Their current request seems like a second chance, a way to chip away from the standards the community expressed and agreed to just one year ago.

There are ways to increase density without destroying a neighborhood's character.

Please hear me and do your best to deny the current request.

Best.

Michael Lubitz
512 698-4707

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From: Carmen King
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: Case Number C15-2022-0060. 1609 Matthews Lane, 78745 BoA July 11, 2022
Date: Monday, July 11, 2022 12:53:47 PM

*** External Email - Exercise Caution ***

Case Number C15-2022-0060. 1609 Matthews Lane, 78745 BoA July 11, 2022

Name: Carmen & Doug Wehmeier

Addresses affected. 7400 Albert Rd, 78745

Signature Date 7/10/22

Daytime telephone 415.290.2721

Comments:

I object to the variance requested for 1609 Matthews Lane (C15-20200-00060). Remember as a kid asking for something from your parents but trying to ask them separately? I think CMBH2 is doing that. They didn't get what they wanted from the ZAP so now they are asking the Board of Adjustment.

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problem. Decreasing the setbacks will increase this problem on the property, the railroad tracks, and downstream as it drains into Williamson Creek. The current drought makes this hard to imagine but longtime residents in that low lying area have had water in their homes, and the City has bought up many properties along the creek.

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Thank you,

--

Carmen Wehmeier

[REDACTED]

(415) 290-2721

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Board of Adjustment

1609 Matthews Lane C15-2022-0060

Background to case and discussions between Ms. Haase and the Matthews Lane Neighborhood Association: The parcel was purchased in March 2021 (per TCAD). The Developer requests demolition of single family home and accessory buildings, and a zoning change to MF-3 to build up to 14 condominiums. City staff recommend MF-2 and two-story limit and up to 12 units.

The 1609 Matthews Lane Zoning change request (C14-2021-0056) was discussed by the Matthews Lane Neighborhood Association (MLNA) Outreach Group on April 23 and May 14, 2021. The MLNA President, Eugene Sutton, approached Mr. Heimsath to discuss the project and was referred to Ms. Haase. Mr. Sutton contacted Ms. Haase to let her know that the MLNA was requesting a postponement of the case and to invite her to work with us in a non-adversarial way. MLNA began work on a valid petition opposing the zoning change.

Ms. Haase joined MLNA Outreach Group meeting on May 21, 2021, via Zoom. She shared images of current zoning and why owner thinks MF-3 is reasonable. MLNA committee stated that we seek a conditional overlay limiting density to 6 single family or duplex units; maximum of two-story; and a sidewalk along Matthews Lane. Our request is consistent with the Imagine Austin plan which puts dense developments along traffic corridors, not in the middle of neighborhoods. Traffic on Matthews Lane is already dangerous for pedestrians, bicycles and vehicles. The property is on low lying ground and subject to flooding (photos attached). The proximity to the railroad and heritage trees also restrict density. There are over 200 new homes going into the MLNA area, many are high-end condominium style homes. This project would not diversify housing options. We are disappointed that the buyer chose not to complete his due diligence and approach the NA before closing on property.

Ms. Haase stated that she couldn't understand the fear behind neighborhoods' responses to zoning changes. We responded that we weren't fearful; we believe that the area has unique assets and want to be part of changes that sustain the whole community.

June 19, 2021. Eugene Sutton shared the letter from Victoria Haase and his response to her. MLNA is supposed to be meeting with City Watershed people, Victoria and other city staff (see attached PDF with dates of other email and phone contacts).

Ken Craig, from Council Member Ann Kitchen's office, became involved in the back and forth between Ms. Haase, Mr. Heimsath and MLNA in June. The MF-2 CO Zoning change was finally approved by City Council on July 29, 2021.

RE: 1609 Matthews Lane

From: [REDACTED]

To: [REDACTED]

Date: Tuesday, August 3, 2021 at 11:56 AM CDT

Thank you, Eugene. I appreciate the coordination and efforts to communicate on the Neighborhood's part as well. I am glad that the issue of the blocked culvert was identified. Rectifying this should make a difference, even without infrastructure that will be build with this development.

If we do have the chance to work together again, I am glad to know that there is someone to effectively communicate with!

Victoria Haase

Thrower Design

www.throwerdesign.com

510 South Congress Avenue, Suite 207

Mail: P.O. Box 41957

Austin, Texas 78704

512-998-5900 Cell

512-476-4456 Office



7/28th

[ZAP]

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email's
with Victoria

From: Eugene Sutton <[REDACTED]>

Sent: Friday, July 30, 2021 3:37 PM

To: Victoria <[REDACTED]>

Subject: 1609 Matthews Lane

Good afternoon,

Our neighborhood and outreach group would like to thank you for your interactions and discussions regarding this rezoning case.

The final results should be a boon to the area and we appreciate the concern with drainage infrastructures.

Again, thanks to you all, and I know we shall be meeting on additional items in the future.

Eugene Sutton

Sent from Mail for Windows 10

ITEM9/84



From: Karen Fernandez
To: [Ramirez, Elaine](#)
Subject: 1609 mathews
Date: Monday, September 12, 2022 11:57:22 AM

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Hi Elaine

Can I include the pictures for the board to reference when I speak tonight?



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From: Karen Fernandez
To: [Ramirez, Elaine](#)
Subject: pictures for case in 1609 Mathews, item number 8
Date: Monday, September 12, 2022 11:56:12 AM

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From: Karen Fernandez
To: [Ramirez, Elaine](#)
Subject: 1609 Mathews, item 8
Date: Monday, September 12, 2022 11:57:53 AM

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