

WITHDRAWN

by applicant on 10/29/22

ITEM7/1

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
Item 4**

DATE: Monday September 12, 2022

CASE NUMBER: C15-2022-0065

☐ Y ☐ Thomas Ates
☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Barbara McArthur
☐ Y ☐ Darryl Pruett
☐ Y ☐ Richard Smith
☐ - ☐ Agustina Rodriguez (out)
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Nicholl Wade
☐ Y ☐ Kelly Blume (Alternate)
☐ Y ☐ Carrie Waller (Alternate)
☐ - ☐ Marcel Gutierrez-Garza (Alternate)

OWNER/APPLICANT: Daniel Strinden

ADDRESS: 1700 LORETO DR

VARIANCE REQUESTED The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 15 feet (requested) in order to erect a detached Two-Family residential unit in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (MLK Neighborhood Plan)

Note: Per LDC 25-2-515 Rear Yard of Through Lot for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve; Madam Chair Jessica Cohen second; Board member Michael Von Ohlen withdraws the motion to Approve and motions to Postpone to November 14, 2022, Board member Brooke Bailey second on 11-0 vote; **POSTPONED TO NOVEMBER 14, 2022.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
 - (b) The hardship is not general to the area in which the property is located because:

3. 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:

A handwritten signature in black ink that reads "Elaine Ramirez". The signature is written in a cursive style with a horizontal line drawn through the middle of the text.

Elaine Ramirez
Executive Liaison

A handwritten signature in black ink that reads "Diana A. Ramirez". The signature is written in a cursive style with a horizontal line drawn through the middle of the text, followed by the word "for".

Jessica Cohen
Madam Chair

From: Danny Strinden
To: [Ramirez, Elaine](#)
Subject: Re: REMINDER: November 14, 2022 Advanced Packet deadline
Date: Saturday, October 29, 2022 1:03:24 PM
Attachments: [image001.png](#)

*** External Email - Exercise Caution ***

Hi Elaine,

Rather than request postponement, I think I would like to withdraw my case or take whatever action which would allow me not to spend any more money.

At this point, I do not believe it would be feasible for me to build on the rear lot of my property, because of interference with the critical root zone of at least two heritage trees on my lot. The purpose for the postponement would be to conduct a tree survey which is required for the City Arborist to agree to do an on-site consultation. However, those would end up costing me a lot of additional time and money, and I feel that I have already spent too much money on attempting to request a variance, only for the result to be a likely 'No'.

I appreciate your direction and assistance in this process, but I do not believe there is any more value for me in my case continuing.

Regards,
Danny

On Tue, Oct 25, 2022 at 6:31 AM Ramirez, Elaine <Elaine.Ramirez@austintexas.gov> wrote:

Hi Danny,

You can request a PostPonement, it will just have to be to a specific date and there is fee that will have to be paid of ~~\$272.~~³⁸. In the letter you will need to state you are requesting a PostPonement, available BOA meeting date (**see available BOA meeting dates at the end of this e-mail**), and state the reason(s) why. Once you have completed the letter, e-mail it to me in PDF format.

Please be aware you still need to be available in-person or virtually for the November meeting in case the Board has questions for you. I am assuming it will be virtually so you must register before the deadline for the November 14 BOA meeting. Once they have granted or denied the PostPonement request you may disconnect the call.

Applicants/Speaker Virtual registration: You have until **Monday, November 7th, before 3p.m.** to register if you would like to participate virtually for the November 1, 2022 BOA meeting. The

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0065

BOA DATE: September 12th, 2022

ADDRESS: 1700 Loreto Dr

COUNCIL DISTRICT: 1

OWNER: Daniel Strinden

AGENT: N/A

ZONING: SF-3-NP (MLK)

LEGAL DESCRIPTION: LOT 14 BLK A OLT 24 DIV B MCKINLEY HEIGHTS TERRACE

VARIANCE REQUEST: decrease the minimum rear yard setback from 25 feet to 15 feet.

SUMMARY: erect a detached Two-Family residential unit

ISSUES: property is bordered on three sides by streets

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

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Del Valle Community Coalition
 East Austin Conservancy
 East MLK Combined Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Martin Luther King Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group



August 31, 2022

Daniel Strinden
1700 Loreto Dr
Austin TX, 78721

Property Description: LOT 14 BLK A OLT 24 DIV B MCKINLEY HEIGHTS TERRACE

Re: C15-2022-0065

Dear Daniel,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2-515 at 1700 Loreto Drive.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense. FYI: The second dwelling unit proposed on this lot will be required to meet 15' radial clearance from the overhead electric distribution lines adjacent to Tillery Street.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881
Cody.Shook@austinenergy.com



CITY OF AUSTIN

Development Services Department

Permitting & Development Center

Phone: 512.978.4000

6310 Wilhelmina Delco Dr, Austin, Texas 78752

ITEM7/6

Board of Adjustment General/Parking Variance Application

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 # C15-2022-0065 ROW # 12986323 Tax # 0210151206

Section 1: Applicant Statement

Street Address: 1700 Loreto Drive

Subdivision Legal Description:

MCKINLEY HEIGHTS TERRACE

Lot(s): 14 Block(s): A

Outlot: 24 Division: B

Zoning District: SF-3-NP

Council District: 1

I/We Daniel Strinden on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month July, Day 27, 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: detached 2nd dwelling

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

LDC, Section 25-2-515 Rear Yard of a Through Lot for a Rear Yard setback of 25 ft. (required)
to 15ft (requested)

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 property is bordered on 3 sides by streets and thus subject to setbacks which make
erecting a second dwelling (as allowed by current zoning) infeasible.

Hardship

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

Nearly all other through-lots are not bordered on 3 sides by streets

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

As far as I can tell, it is the only property in the area that is subject to the same constraint except
one other one located at the other end of the street at 3305 E MLK. That property is also quite
different, because MLK is subject to much higher and faster traffic flow.

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:

It would simply allow full use of the existing SF-3 zoning classification for the property, which is the same as adjacent properties which are not subject to the same hardship.

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: **Daniel Strinden** Digitally signed by Daniel Strinden
DN: C=US, CN=Daniel Strinden, E=dstrinden@gmail.com
Reason: I am the author of this document
Location:
Date: 2022-07-27 13:53:34
Foxit Reader Version: 9.4.1 Date: 07/27/2022

Applicant Name (typed or printed): Daniel Strinden

Applicant Mailing Address: 1700 Loreto Dr

City: Austin State: TX Zip: 78721

Phone (will be public information): (936) 414-1417

Email (optional – will be public information): _____

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: **Daniel Strinden** Digitally signed by Daniel Strinden
DN: C=US, CN=Daniel Strinden, E=dstrinden@gmail.com
Reason: I am the author of this document
Location:
Date: 2022-07-27 13:54:28
Foxit Reader Version: 9.4.1 Date: 07/27/2022

Owner Name (typed or printed): Daniel Strinden

Owner Mailing Address: 1700 Loreto Dr

City: Austin State: TX Zip: 78721

Phone (will be public information): (936) 414-1417

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

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).

ITEM7/10

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:—

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No.

1700 Loreto Drive in the City of Austin, Texas, being described as follows:

Lot No. 14, Block No. A

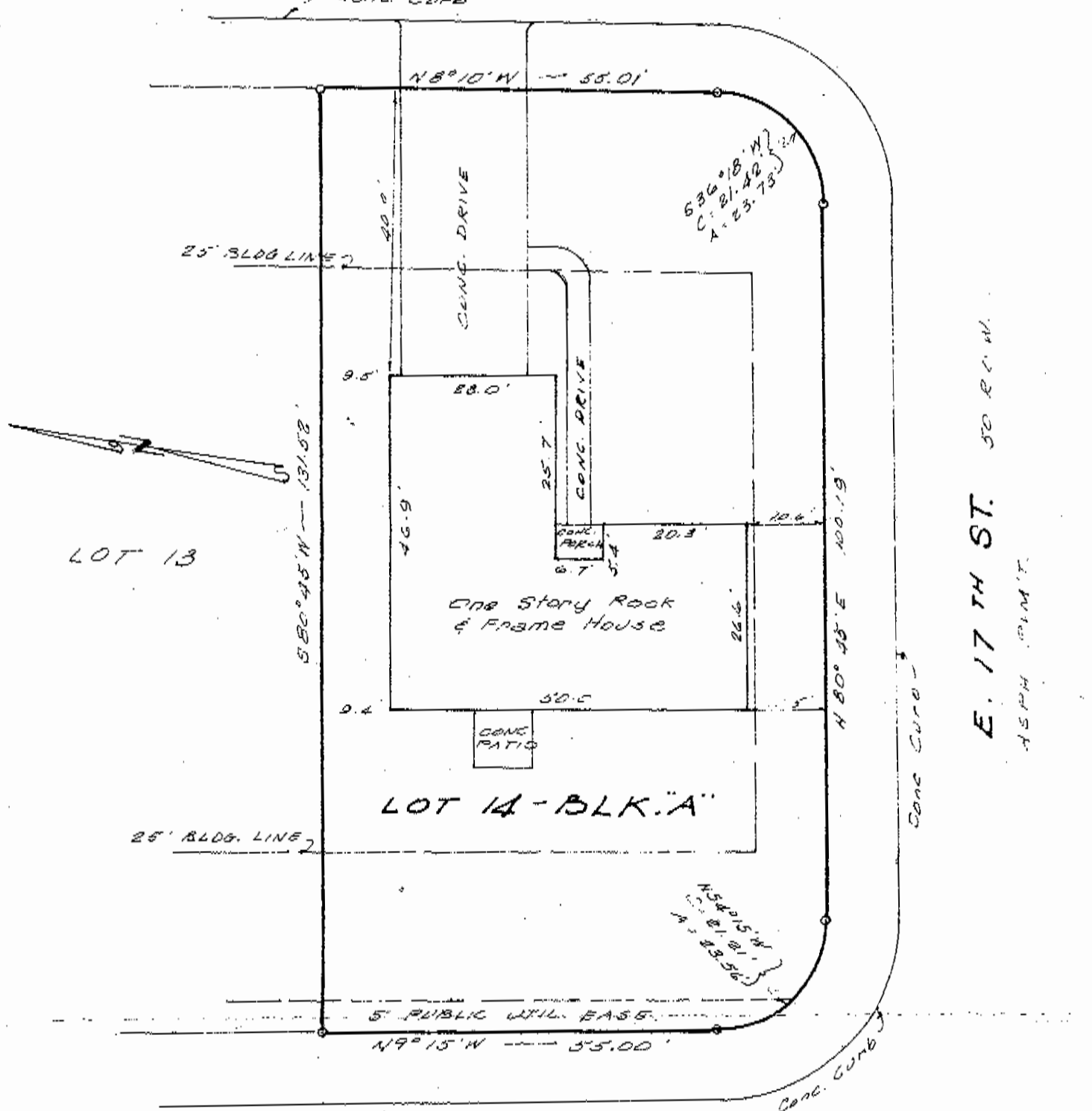
of McKinley Heights Terrace, an addition to the City of Austin

Texas, according to the final plat thereof recorded in Vol. 21, at page 32 of the Plat

~~Map~~ Records of Travis County, Texas. Ref. C-0286

LORETO DR. 50' R.O.W.

conc. carb depth. Perm't



TILLERY ST. 50' E.O.M.
GRAVEL ST.

GRAVEL ST.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street, or road, is as shown on said plat.

THERE ARE NO ENCROACHMENTS UPON THIS LOT.

W. Harvey Smith
Reg. Sub. Sur.
1214 West 5th
Austin, Texas

Scale $1'' = 20'$

Work Order No. 2975

Date April 4, 1966

Invoice No. 3484



Property Profile


ITEM 7/11



Legend

Property

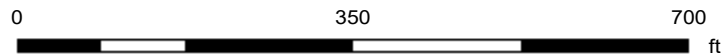
Jurisdictions (No Fill)

 FULL PURPOSE

Jurisdictions Fill

Jurisdiction

 FULL PURPOSE



7/27/2022

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Notes

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: C15-2022-0065

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

Public Hearing: Board of Adjustment; September 12th, 2022

Kate Rohaid

Your Name (please print)

☐ I am in favor
☒ I object

1905 Pershing Dr B Austin TX 78723

Your address(es) affected by this application

Kate Rohaid

Signature

9/7/22

Date

Daytime Telephone: _____

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: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: Notice of public hearing land Development
Date: Wednesday, September 07, 2022 6:13:58 PM

This message is from Chevale Ross. [chevalejanuary55@gmail.com]

c15-2022-0065, Location:1700 Loreto Drive, (I object) nothing on this side of town is not affordable determine Affordable y'all just raising taxes because it's not low income.

From: Amanda
To: [Ramirez, Elaine](#)
Subject: C15-2022-0065
Date: Monday, September 12, 2022 4:27:56 PM

*** External Email - Exercise Caution ***

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: C15-2022-0065
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; September 12th, 2022

☒ I am in favor
☐ I object

Your Name (please print) Steve Emberton
 Your address(es) affected by this application 3301 Denver Ave
 Date 9/12/22

Signature _____
 Daytime Telephone: _____
 Comments: _____

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

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.