

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**Item 11**

**DATE: Monday October 10, 2022**

**CASE NUMBER: C15-2022-0061**

\_\_\_\_\_ Thomas Ates   OUT  
 \_\_\_\_\_ Brooke Bailey  
 \_\_\_\_\_ Jessica Cohen  
 \_\_\_\_\_ Melissa Hawthorne  
 \_\_\_\_\_ Barbara Mcarthur  
 \_\_\_\_\_ Darryl Pruett  
 \_\_\_\_\_ Agustina Rodriguez   OUT  
 \_\_\_\_\_ Richard Smith   OUT  
 \_\_\_\_\_ Michael Von Ohlen  
 \_\_\_\_\_ Nicholl Wade   OUT  
 \_\_\_\_\_ Kelly Blume (Alternate)  
 \_\_\_\_\_ Carrie Waller (Alternate)  
 \_\_\_\_\_ Marcel Gutierrez-Garza (Alternate)

**APPLICANT: Nikelle Meade**

**OWNER: Cortlandt Chalfant**

**ADDRESS: 1401 E 3RD ST**

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section(s) 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum interior side yard setback from 5 feet (required) to 2.77 feet (requested) in order to complete a Single-Family residence in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**BOARD’S DECISION:** **JULY 11, 2022** The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postpone to September 12, 2022; Board member Melissa Hawthorne seconds on a 10-1 vote (Board member Barbara Mcarthur nay); **POSTPONED TO SEPTEMBER 12, 2022. POSTPONED TO OCTOBER 10, 2022 BY APPLICANT**

**VARIANCE REQUEST: RENOTICE-**The applicant is requesting a variance(s) from the Land Development Code, Section(s) 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum street side yard setback from 15 feet (required) to 10 feet (requested) in order to complete a Single-Family residence and accessory dwelling

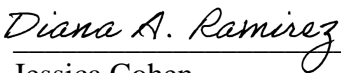
unit in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**BOARD’S DECISION: 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:

  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Madam Chair



October 28, 2022

Nikelle Meade  
111 Congress Ave., Suite 1400  
Austin TX, 78701

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

**Re: C15-2022-0061**

Dear Nikelle,

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 25-2-492 at 1401 E 3<sup>rd</sup> St.

**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.

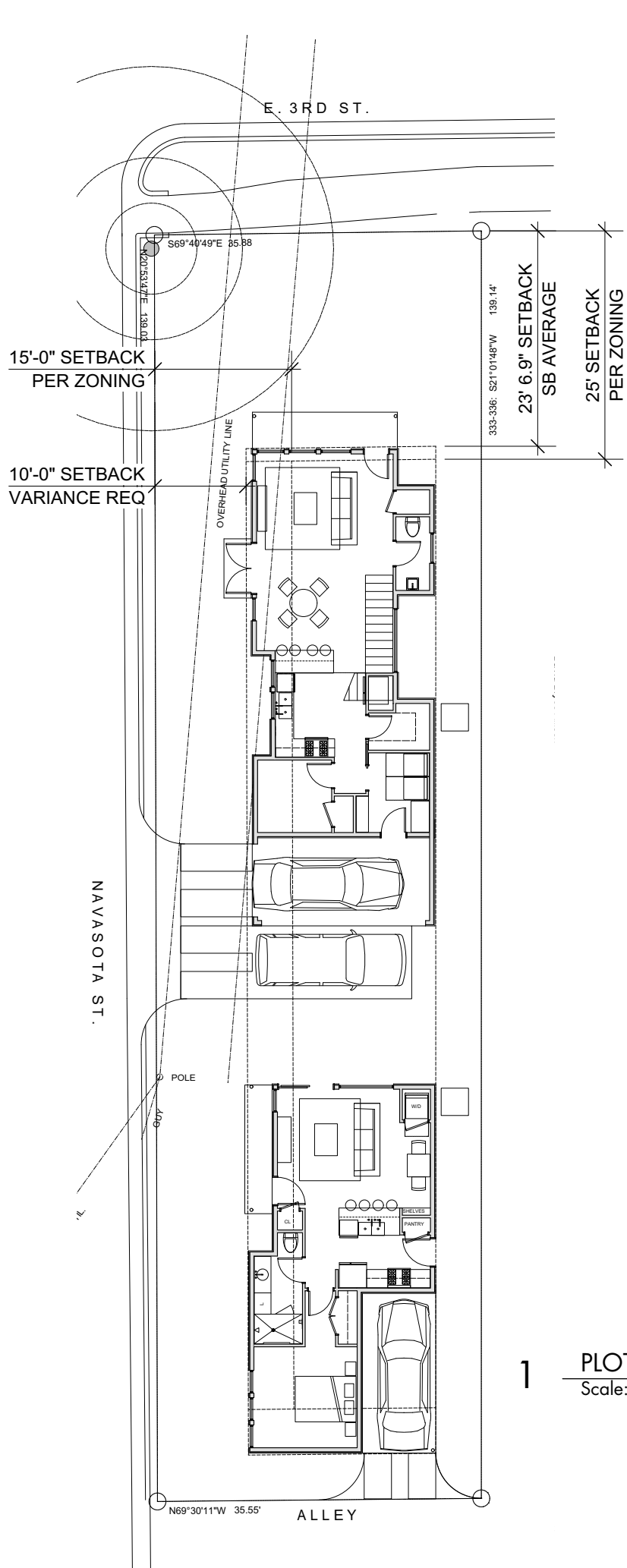
Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE)

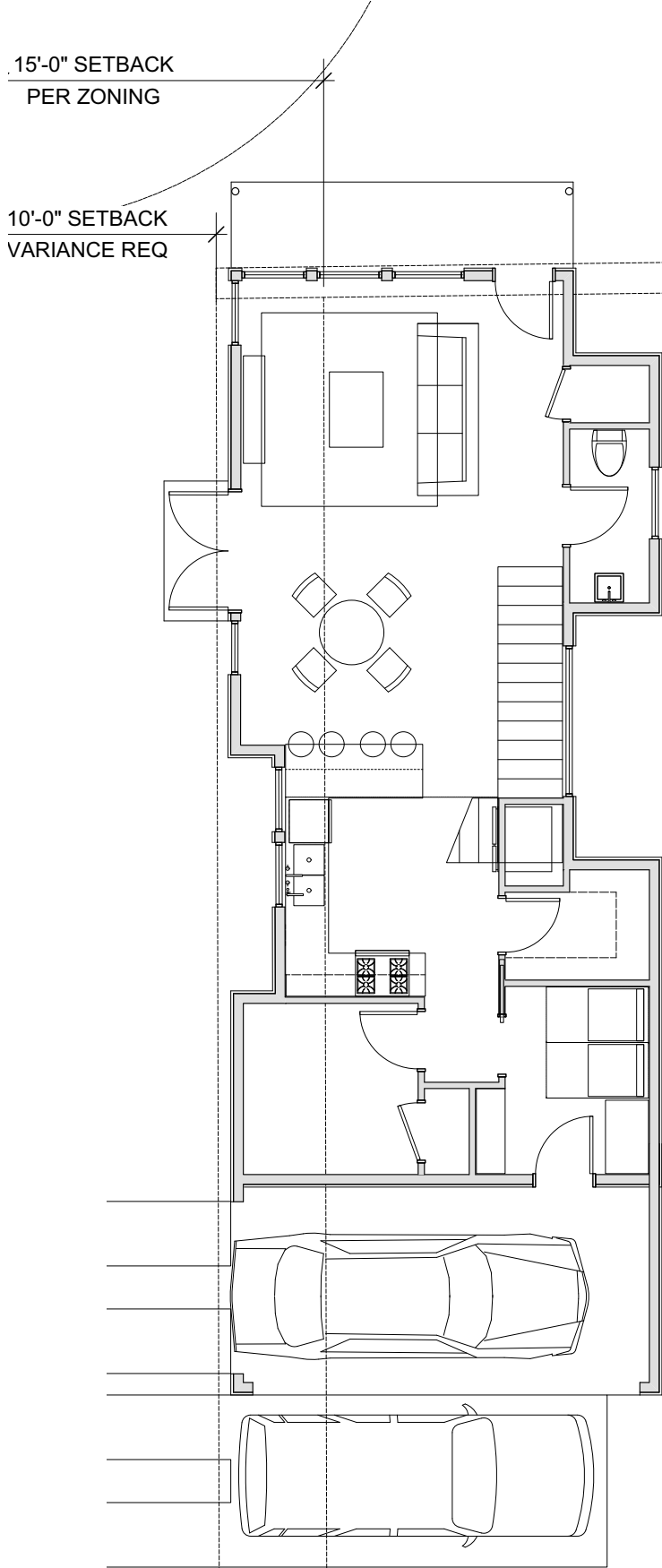
If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Cody Shook, Planner II**

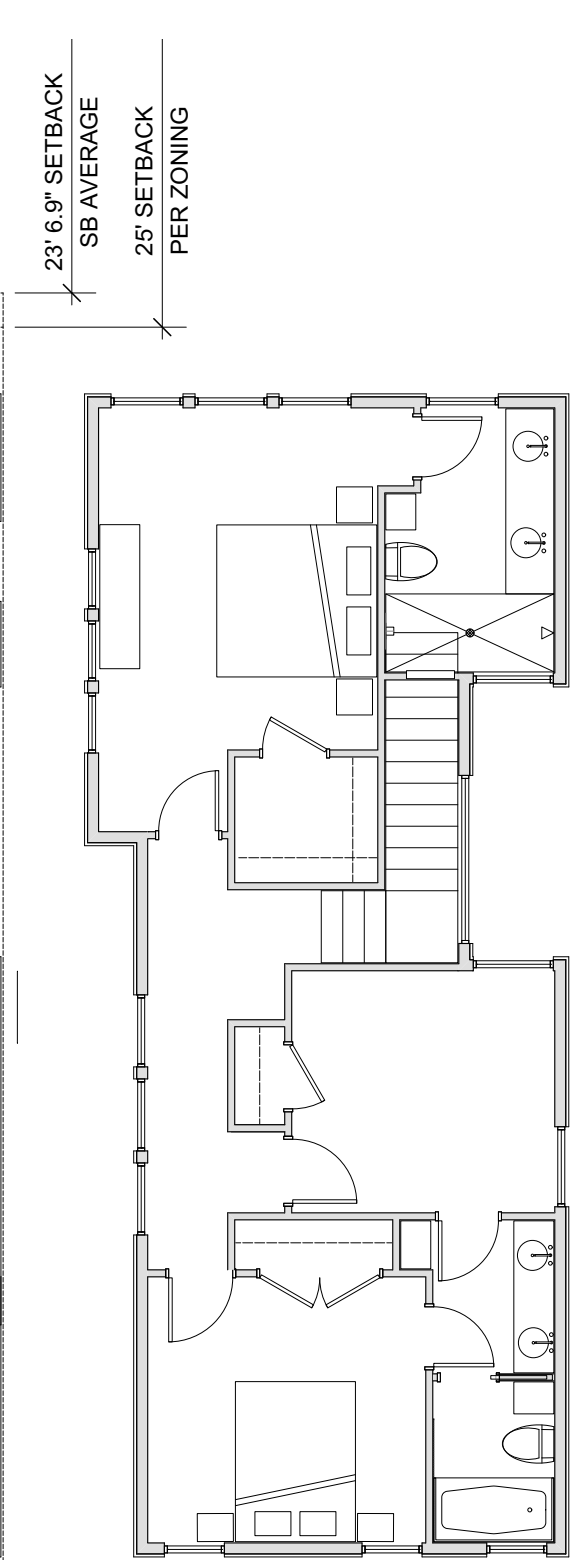
Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881  
[Cody.Shook@austinenergy.com](mailto:Cody.Shook@austinenergy.com)



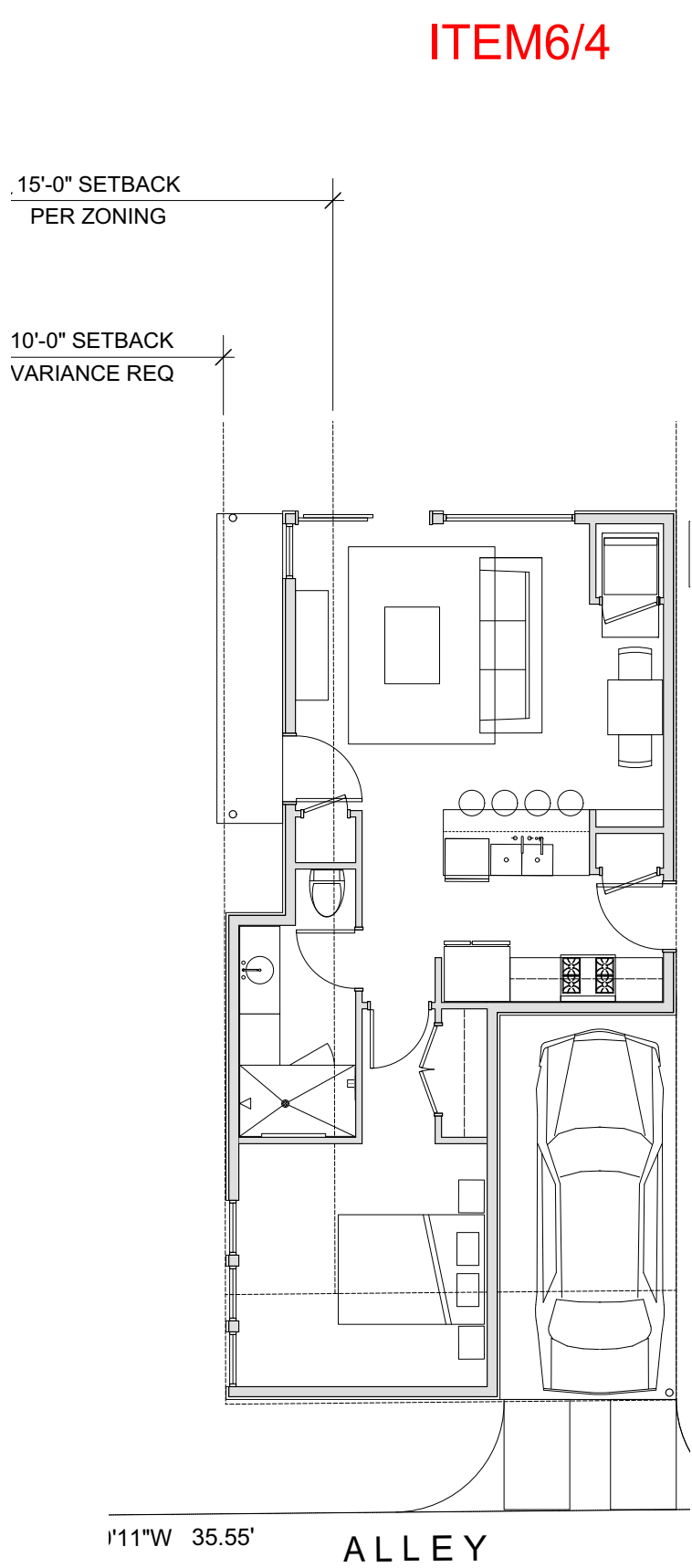
1 PLOT PLAN  
Scale: 1/16" = 1'-0"



2 MAIN UNIT, 1ST FLOOR  
Scale: 1/8" = 1'-0"



3 MAIN UNIT, 2ND FLOOR  
Scale: 1/8" = 1'-0"



4 REAR UNIT, 1ST FLOOR  
Scale: 1/8" = 1'-0"





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

Item 9

**DATE: Monday September 12, 2022**

**CASE NUMBER: C15-2022-0061**

\_\_\_\_ Thomas Ates  
 \_\_\_\_ Brooke Bailey  
 \_\_\_\_ Jessica Cohen  
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 \_\_\_\_ Marcel Gutierrez-Garza (Alternate)

**APPLICANT: Nikelle Meade**

**OWNER: Cortlandt Chalfant**

**ADDRESS: 1401 3RD ST**

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section(s) 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum interior side yard setback from 5 feet (required) to 2.77 feet (requested) in order to complete a Single-Family residence in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

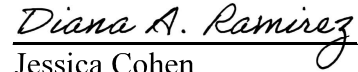
**BOARD’S DECISION:** JULY 11, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postpone to September 12, 2022; Board member Melissa Hawthorne seconds on a 10-1 vote (Board member Barbara Mcarthur nay); POSTPONED TO SEPTEMBER 12, 2022. POSTPONED TO OCTOBER 10, 2022 BY APPLICANT

**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:

  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Madam Chair

# BOA GENERAL REVIEW COVERSHEET RENOTIFICATION

**CASE:** C15-2022-0061**BOA DATE:** October 10<sup>th</sup>, 2022**ADDRESS:** 1401 E 3<sup>rd</sup> St  
**OWNER:** Cortlandt Chalfant**COUNCIL DISTRICT:** 3  
**AGENT:** Nikelle Meade**ZONING:** SF-3-NP (East Cesar Chavez)**LEGAL DESCRIPTION:** W 35.6FT OF N138FT OF W193.4 OLT 20 DIVISION O**VARIANCE REQUEST:** decrease the minimum street side yard setback from 15 feet to 10 feet.**SUMMARY:** complete construction of a Single-Family residence and Accessory Dwelling unit**ISSUES:** corner lot and substandard lot

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



October 10, 2022

Nikelle Meade  
111 Congress Ave, Ste 1400  
Austin TX, 78701

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

**Re: C15-2022-0061**

Dear Nikelle,

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 25-2-492 at 1401 E 3<sup>rd</sup> St.

**Austin Energy cannot approve this variance request until plans have been reviewed and approved by AE's Transmission Engineering Department. Please send georeferenced CAD drawings for this project to [Cody.Shook@austinenergy.com](mailto:Cody.Shook@austinenergy.com), along with any site plans or surveys you have showing the overhead electric transmission lines located along Navasota St.** Any development on this site must meet 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.

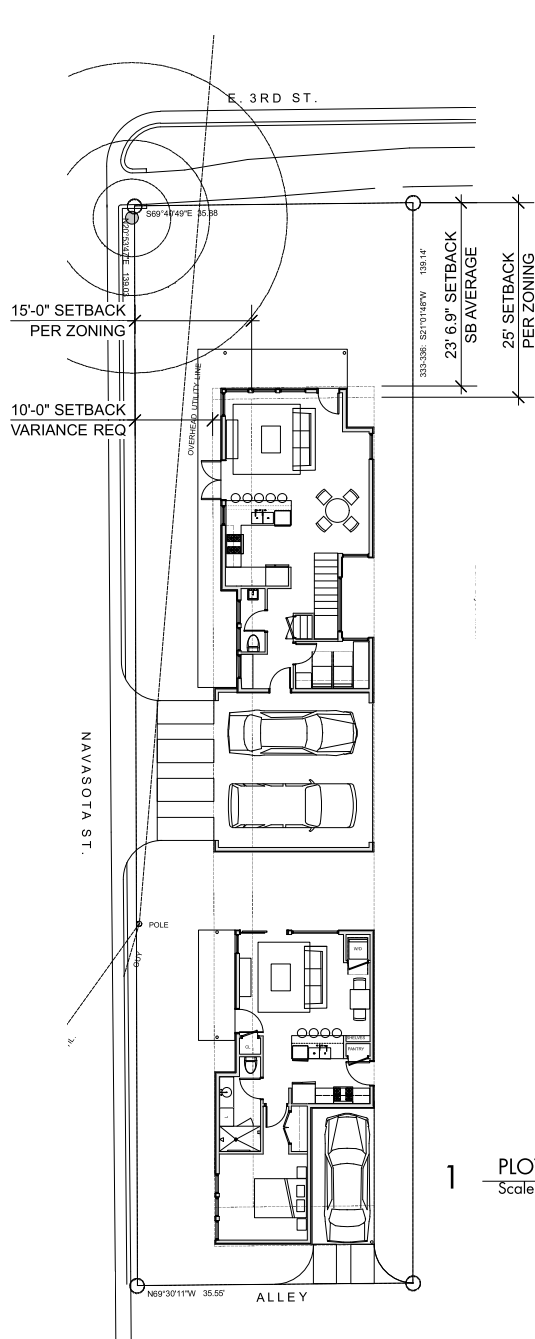
Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE)

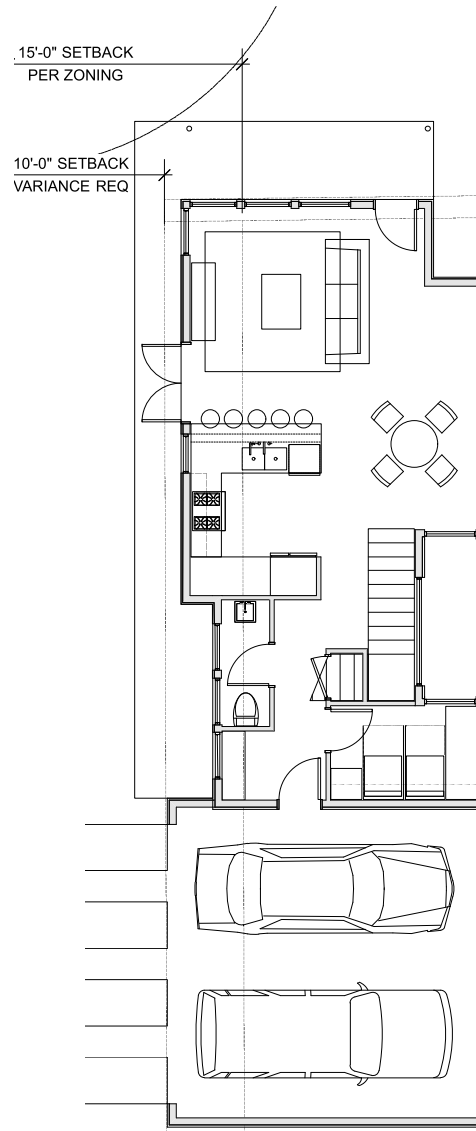
If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Cody Shook, Planner II**

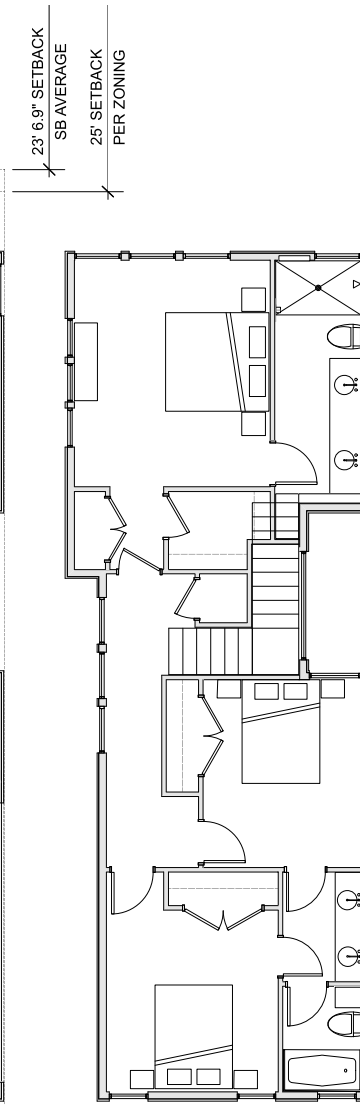
Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881  
[Cody.Shook@austinenergy.com](mailto:Cody.Shook@austinenergy.com)



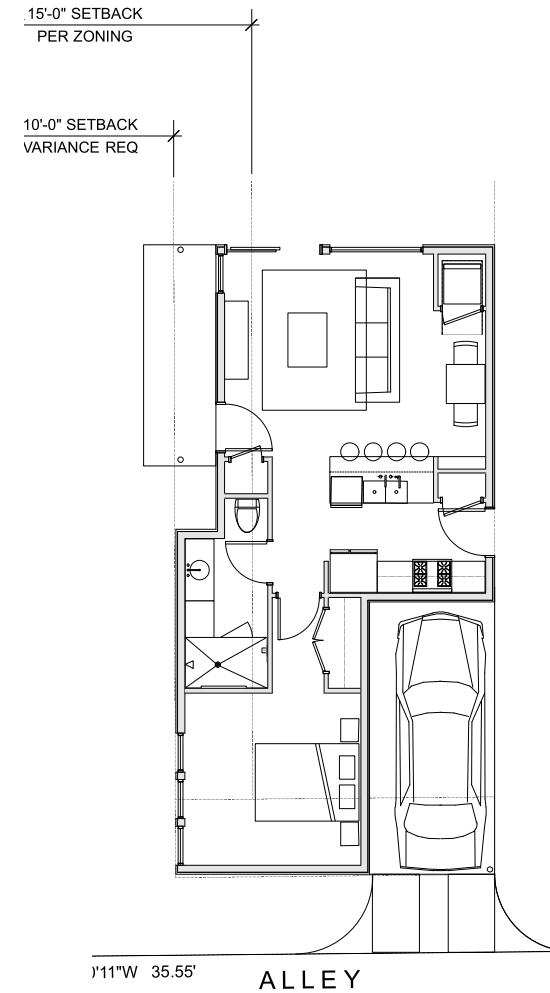
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EAST 3RD RESIDENCE  
SCHEMATIC PLANS

SEPT 2022

DTA  
DESIGNTRAIT ARCHITECTS







**updated variance request**  
**9/9/2022**  
**ITEM 6/12**  
**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](http://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 35.6 FT OF N138 FT OF W193.4 OLT 20 DIVISION O

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: 20 Division: O

Zoning District: SF-3-NP (East Cesar Chavez 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 September , Day 9 , 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 street side setback from 15 ft (required) to 10 ft (requested) in order to complete a single family residence and accessory dwelling unit in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district (East Cesar Chavez Neighborhood Plan) in place of the existing structure which will be torn down.

## 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 regulations only permit a structure approximately 15' in width and 32% buildable area on the lot. This width does not adequately allow for the functional layout of interior rooms and forces the creation of a structure that does not blend in well with the community standard.

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### Hardship

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

It results from the property being a substandard lot that is 35 feet wide located on a corner lot subject to a 15-foot street side yard setback.

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

Other lots in the area that are either substandard lots or corner lots are able to achieve the 40% building coverage allowable by the zoning regulations.

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**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 is common for structures to be located in the setbacks in this neighborhood including many structures within 10' or less of the street. In many cases the encroachments are due to errors in the original surveying and lot creation.

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**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:

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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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**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: 09/09/2022

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) 992-6001

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: [Signature] Date: 9/9/22

Owner Name (typed or printed): Corlandt 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: 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).

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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 3<sup>rd</sup> Street, Travis County, Texas 78744 (the "Property")

To Whom It May Concern:

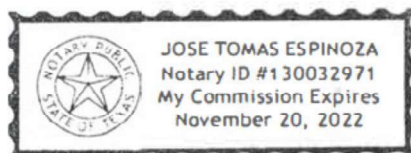
The undersigned, as the owner of the above-referenced Property, hereby appoints Husch Blackwell LLP (Nikelle Meade), as agent in connection with filing a variance application with the Board of Adjustment and related matters with the City of Austin.

Nexus Series B, LLC,  
a Delaware limited liability company

By:   
Cortlandt Chalfant, Managing Member

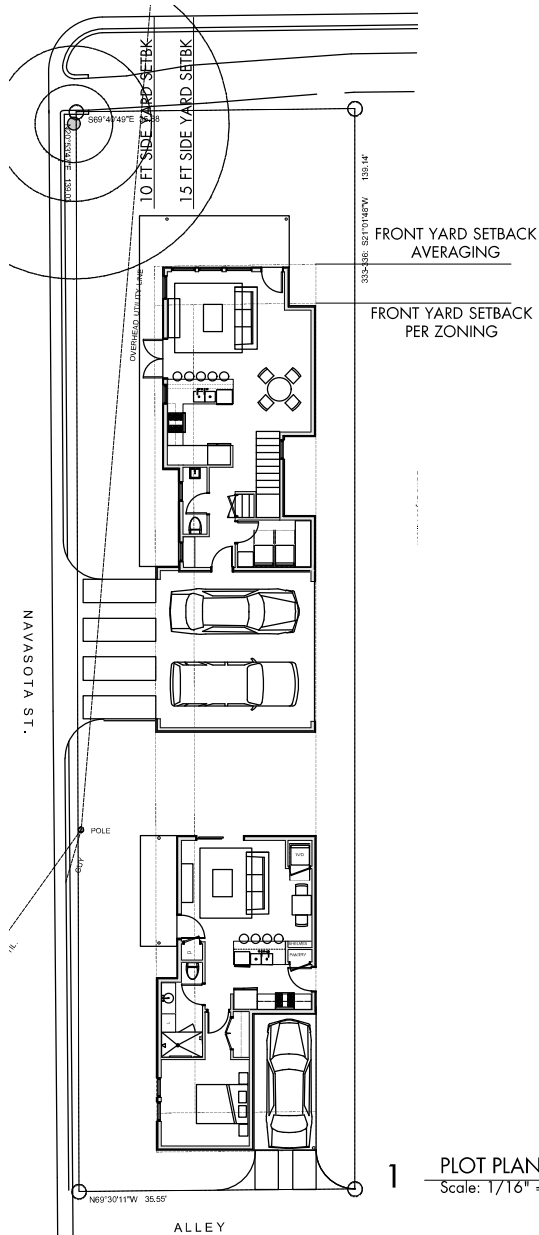
THE STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 9<sup>th</sup> 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.

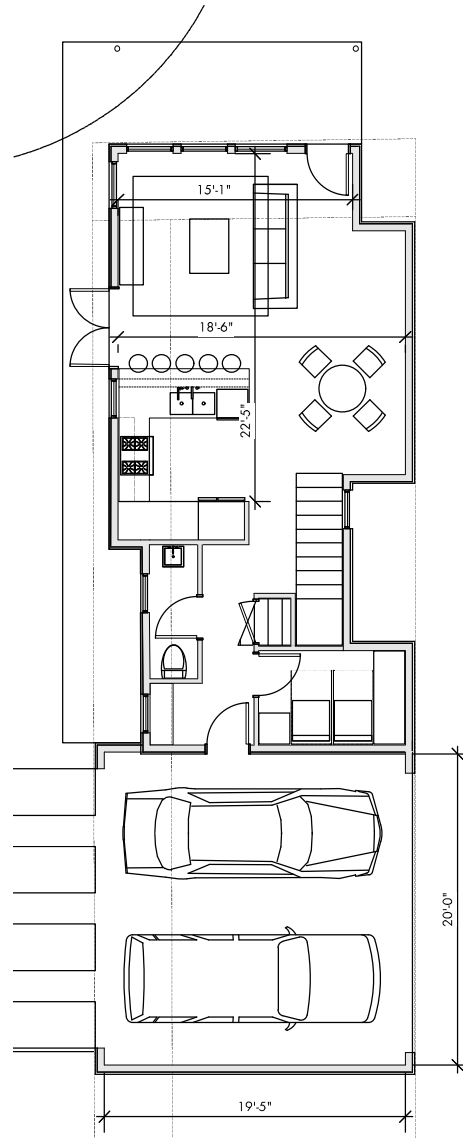


  
Notary Public in and for the State of Texas

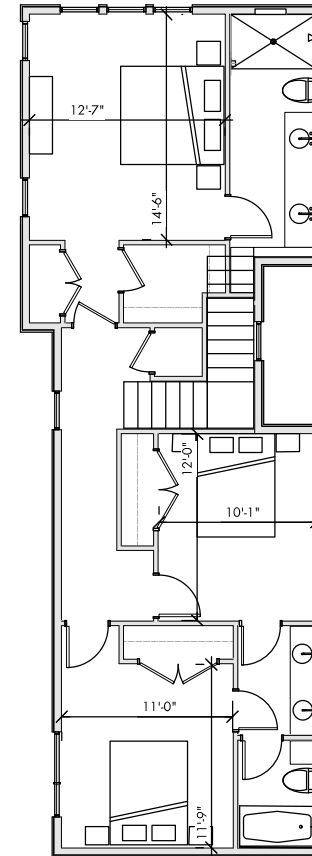
My Commission Expires: 11/20/22



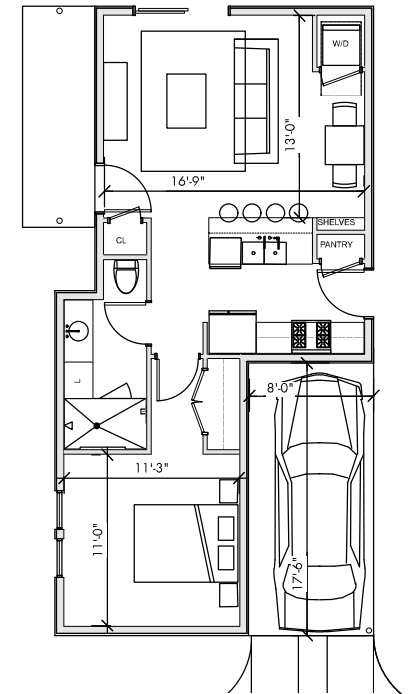
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4 REAR UNIT, 1ST FLOOR  
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CAUTION: DO NOT SCALE DRAWINGS  
THESE DRAWINGS ARE THE PROPERTY OF  
THE ARCHITECT AND MAY ONLY BE USED  
IN CONJUNCTION WITH THIS PROJECT

SET ISSUE  
1 Sept 2022 | SD PLAN

DRAWN BY  
xx

PROJECT  
E. 3RD RESIDENCE  
1401 E 3rd Street Austin, TX 787002

DRAWING TITLE



