

## 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](http://www.austintexas.gov/devservices).

ITEM 10/77

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](mailto:elaine.ramirez@austintexas.gov)

Public Hearing: Board of Adjustment; July 11<sup>th</sup>, 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](mailto: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](#)

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\*\*\* 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](mailto: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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\*\*\* External Email - Exercise Caution \*\*\*

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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\*\*\* External Email - Exercise Caution \*\*\*

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

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\*\*\* 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.

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.

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](http://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



7/28<sup>th</sup>

[ZAP]

spoken

Ken

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Donna Tiemann

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6-1

6-15

8-3

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



ITEM10/87





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

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\*\*\* External Email - Exercise Caution \*\*\*

Hi Elaine

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



Sent from my iPhone

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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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\*\*\* External Email - Exercise Caution \*\*\*



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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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\*\*\* External Email - Exercise Caution \*\*\*



Sent from my iPhone

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**From:** Absolute Stornlok  
**To:** [Ramirez, Elaine](#)  
**Subject:** Case Number C15-2022-0060  
**Date:** Thursday, October 06, 2022 12:20:43 PM

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\*\*\* 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 10 feet from the eastern property line, and 14 feet from the southern one.

I feel that the requested distances are too close to the property border for building, especially the one requesting only 10 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  
[REDACTED]

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**From:** Nate  
**To:** [Ramirez, Elaine](#)  
**Subject:** case # C15-2022-0060  
**Date:** Monday, October 10, 2022 9:01:49 AM

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\*\*\* External Email - Exercise Caution \*\*\*

Hello,

I'm contacting the Board of adjustment board. Scheduled for October 10th,2022. case number C15-2022-0060.

I object to the motion

Thanks,

Nate Stilwell

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**From:** Victoria  
**To:** [Ramirez, Elaine](#)  
**Cc:** [Ramirez, Diana](#); [REDACTED]  
**Subject:** Re: Applicants on the 10/10/2022 (Mon.) Board of Adjustment hearing  
**Date:** Sunday, October 09, 2022 3:23:47 PM  
**Attachments:** [image001.png](#)

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\*\*\* External Email - Exercise Caution \*\*\*

Elaine,

We request postponement of C15-2022-0060, 1609 Matthews Lane case to the November BOA hearing due to scheduling conflicts on our end.

At least one of us will still be present or on the line in the event questions arise.

Please confirm receipt of this email.

Thank you,

Victoria Haase



512-998-5900 Cell  
512-476-4456 Office

Mail: P.O. Box 41957  
Austin, Texas 78745

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**From:** Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>  
**Sent:** Wednesday, October 5, 2022 1:12:46 PM  
**Cc:** Ramirez, Diana <Diana.Ramirez@austintexas.gov>  
**Subject:** Applicants on the 10/10/2022 (Mon.) Board of Adjustment hearing

Greetings Board applicants on the **Monday 10/10** agenda –

**Please read this entire e-mail**

**BOA meeting are being held Hybrid – both virtually and in-person.**

Please take a look at attached agenda and reply to just me (not to all) and advise if you'll need a postponement or to withdraw from Monday's hearing, you will have to inform me before 3p.m.

**Note:** Please know that just because you are requesting a PostPonement does not guarantee the Board will

grant the request, they still may decide to hear the case. Someone will need to show up to the hearing in case the Board denies the PostPonement request and wants to hear it at the scheduled October 10<sup>th</sup>, 2022 BOA meeting.

Also, take a look at all the back up for your case at the Board's website (including AE's reports). Here's a link to the BCIC website:

[https://www.austintexas.gov/cityclerk/boards\\_commissions/meetings/15\\_1.htm](https://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm)

I can still take in correspondence (neighbor and neighborhood Opposition and Support letters) for the Board's late back up packet that they receive on the dais up until 9 a.m. the day of the hearing, just email it to me.

## Please read this entire e-mail

### APPLICANTS TO GIVE CASE PRESENTATION IN-PERSON

- Make sure to sign in the registration book on the counter as soon as you walk into Council Chambers
- There will only be one applicant (virtual or in-person) who has to be registered that will be able to speak and give presentation on case.
- Applicant will have a total of 5 minutes to present their case.
- There could be additional speaker(s) –architect, surveyor, homeowner, etc. that can sign up as well but will only be called on by the Board if questions arise. The Chair will call on this person by name if needed to speak.

### APPLICANTS TO GIVE CASE PRESENTATION VIRTUALLY (if you are registered to speak virtually, you will receive an e-mail from me Monday, 10/10 before 12p.m., with call in information for our virtual BOA mtg.)

- There will be one applicant that has to be registered in advance to speak and give presentation on case. **IF** I have your name(s) registered for Monday's meeting, I will reach out to you on Monday with the phone number you will call.
- There could be additional speaker(s) –architect, surveyor, homeowner, etc. that can sign up as well but will only be called on by the Board if questions arise. The Chair will call on this person by name if needed to speak.
- Applicant will have 5 minutes to present their case
- This meeting will be broadcast live - residents, speakers and/ or applicants may watch the meeting here: <http://www.austintexas.gov/page/watch-atxn-live>
- If you are the applicant speaking during your presentation and watching live, the volume on the electronic device must be muted as it will disrupt the meeting, if this occurs you will be disconnected and will not be allowed to call back in to finish your presentation.

**Per our IT Dept. please know that using a headset with a microphone will give you the best meeting experience. If meeting participants are calling (using a phone) in to the meeting, and using video from an iPad or computer, they will need to mute the microphone on the other**



device, and mute the audio from the other device. They are either calling in for audio, or they are using their PC or iPad for audio...they cannot use both, it causes major issues with audio feedback. Please keep in mind everyone on hold will be able to hear your conversations, thus the mut be set by you until you are called on to speak.

- Applicants **must** call in at least 20 minutes prior to meeting start (5:30p.m.) in order to speak, late callers **will not be accepted** and will not be able to speak. Calls will be accepted from 5:05p.m. – 5:20p.m.
- Applicants must press mute on their phones, as everyone on hold can hear their conversations and are disruptive. if this occurs you will be disconnected and will not be allowed to call back in to finish your presentation.
- Applicants will be placed in a queue until their time to speak. (Please keep in mind you could be on hold for quite some time)
- Applicants will have 5 minutes to speak (Appellant for an Appeal will have 10 minutes), please keep in mind that if you are watching via ATXN, there will be a lag with the presentations so please keep speaking and DO NOT wait for the next slide to show up on your screen as you ONLY have 5 minutes.
- No donation of time allowed
- Postponement requests or Withdrawls must be sent by 3p.m. Monday, day of meeting to Liaison(s) – Elaine Ramirez via e-mail @ [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)
- 10:30 p.m. hardstop, items on the table will be postponed to the next meeting.

October 10<sup>th</sup>, 2022 BOA meeting will be held:

Hybrid meeting – both in-person and virtual

2<sup>nd</sup> Monday of the Month

**Austin City Hall** - 301 West 2<sup>nd</sup> Street

**Council Chambers** - 1<sup>st</sup> Floor / Room 1001

**Begins @ 5:30 PM**, if you wish to participate in-person please show up at 5:30p.m. as the Board can and will move items/cases on the Agenda around.

The meeting will be broadcasted live and can be publicly viewed live at:

<http://www.austintexas.gov/page/watch-atxn-live>

**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



**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

*Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)*

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