

ITEM04/1-OPPOSITIONS

From: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: resident concern -- 600 Cumberland project
Date: Monday, November 25, 2024 11:31:11 AM

External Email - Exercise Caution

Hi Elaine,

I'm a resident of the Galindo neighborhood, writing out of concern about a proposed building going up at the corner of Cumberland and South 1st St, aka the 600 Cumberland Road project.

My concern is the increased car traffic at the intersection caused by adding such a large building at such a cramped intersection.

All residents leaving that building will have to turn right/south, giving them no easy way to go north to downtown. This will add pressure and extra traffic backups at the intersection because all the people exiting the building who want to go north will turn right onto Cumberland, so they can find an easy and fast way to turn around and go north, likely using residents' driveways to do so.

It is already a dangerous intersection because of how cramped it is (very sharp turns are required and several city utility boxes block visibility). And, accidents are common because of the lack of a dedicated left turning lane on South 1st St, so people get impatient waiting for people to turn and dart out of their lane under high-speed conditions.

Lastly, the sidewalks directly abut against South 1st St, making it unsafe for pedestrians considering the high speed of drivers. There are many tire marks on the curbs as the right hand turns are very sharp.

At the very least, I'd like to see the sidewalk set back to a safe distance from south 1st, and the utility devices removed to improve visibility, on the Northwest side of the intersection.

Thank you,
Joy victory
2605 S. 3rd St
Austin TX 78704

Thanks,
Joy

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PUBLIC HEARING INFORMATION

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- 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.

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ITEM04/2-OPPOSITIONS

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Case Number: C15-2024-0040

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

Public Hearing: Board of Adjustment; November 14th, 2024

Nadine Tolj

Your Name (please print)

I am in favor
 I object

2706 S. 3rd St Austin 78704

Your address(es) affected by this application

Nadine Tolj

Signature

11-25-24

Date

Daytime Telephone

Comments: This proposed 8 story building is strongly opposed. This is a small and quiet neighborhood with a less than ideal infrastructure to deal with this amount of apartments! This intersection is a well known dangerous one and will become more so with this many people trying to enter and exit. There is not adequate parking planned and this will cause a whole new level of problems. Not to mention it is an absolute eyesore for the poor neighbors who it will be on top of!

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

Our neighborhood strongly opposes this!

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Case Number: C15-2024-0040
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; November 14th, 2024

BRIAN BARRINGHAUS
 Your Name (please print) I am in favor
 I object

2706 S 3RD ST. AUSTIN TX 78704
 Your address(es) affected by this application

~~Signature~~ 11/25/24
Date

Daytime Telephone: [REDACTED]

Comments: THE TRAFFIC AT THE
INTERSECTION OF COMBRAND AND S 1ST
STREET IS A MESS AND ALREADY
DANGEROUS. THIS WILL ONLY MAKE
IT WORSE AND FORCE PARKING AND
TRAFFIC THROUGH THE NEIGHBORHOOD
STREETS. I VEHEMENTLY OPPOSE THIS
CONSTRUCTION.

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

ITEM04/4-OPPOSITIONS

From: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: Objection to LDC Variances in Case #C15-2024-0040
Date: Friday, November 29, 2024 4:17:34 PM

You don't often get email from anna.lynn.barger@gmail.com. [Learn why this is important](#)

External Email - Exercise Caution

To: Austin Board of Adjustment

Public Hearing: Board of Adjustment
Date of hearing: December 9th, 2024
Case Number: C15-2024-0040
Contact person: Anna Barger
Contact person's affected address: 2705 S. 2nd St., Unit B, Austin, TX 78704
Contact person's phone number: [REDACTED]
Date of email: 11/29/24

I'm writing to express my objection to BOTH compatibility requirement variances (from Section 25-2-654) that are being requested in Case #C15-2024-00. Below I address the 3 criteria the Board must consider to grant the variances, and how the applicant does not meet each criterion.

1. Hardship: In their response to hardship, the applicant claims that one of the properties they acquired for this project is UNIQUE for the area. This is not a unique property. Upon simple analysis of Travis County records, the property being claimed as a unique hardship is the property with the Cumberland address, and it matches the dimensions and square-footage (within 2%) of its next-door, western-adjacent neighbor and the 11 properties going west on Cumberland Rd. It's actually the standard size and shape of the properties along the north side of Cumberland Rd. The owner bought this property with full knowledge of this property's dimensions and how it is common to Cumberland Rd and thus "**general to the area.**" **The choice of buying this Cumberland Rd property alongside the other two S 1st properties for their development cannot be claimed as a hardship because they are self-imposed "conditions [the owner] is responsible for creating"** (from BOA Community Guidebook).

2. Reasonable Use: The applicant then builds on top of their unfounded hardship claim to say that the "unique" property has an "irregular shape" and is "exceptionally narrow," and thus deprives the owner of "reasonable use". Please reference the above reasoning on how the property is neither an irregular shape nor is it exceptionally narrow. Again, the owner knowingly purchased this standard-size Cumberland property alongside the two S 1st properties for his development. This, yet again, is a self-imposed limitation the owner was aware of when purchasing and designing his commercial development.

3. Area Character: In responding to the area character criterion, the

ITEM04/5-OPPOSITIONS

applicant does not adequately address how their 118 unit, 87 foot tall multifamily design may actually impact the neighborhood. **If the Board grants the variances, the extended height, added volume of units, lack of parking per unit, and proximity to single-family homes will have a very clear negative impact on the single-family neighbors.** The applicant makes two main claims regarding this criterion: a) that there are other multifamily developments along S 1st, and b) there are other commercial buildings with less than 25 foot rear setbacks in the area. In addressing a), the applicant is correct that there are multifamily developments along S 1st, but it is important to note that those developments are all 5 levels or fewer. They appear to maintain the 60 foot code-required setback height from the single-family homes in the area. As for b), there are several commercial businesses in the area which impinge on the 25 foot rear setback, however, all of those businesses are one level or less. Their impact on the adjacent single-family homes is minimal due to their low height.

The proposed development will be so tall it will tower over the single-family homes on S 2nd and S 3rd Streets and **"diminish privacy"**. The added units provided by the added height will **"increase traffic on adjacent streets,"** and the lack of parking per unit will certainly make S 2nd St, S 3rd St, and Stacy Ln the de facto 24h/7days/week permanent parking for the residents. Also if granted the variances, the development will be the tallest structure along S. 1st between Barton Springs and Ben White. **It clearly "exceeds the size and scale typical of properties in the vicinity" and therefore it WILL "alter area character."** (from BOA Community Guidebook)

Furthermore, I'd like to note the lack of communication from the applicant and owner.

- Neither party has reached out to me or my neighbors directly to discuss their proposed commercial building or how the variances may affect my single-family home.
- The Galindo Elementary Neighborhood Association (GENA) president, Patty Sprinkle, had not heard from the developers until she personally reached out to Leah Boho Monday, Nov 11th. This case was originally scheduled to be heard on November 14th, but thankfully the Board postponed that meeting due to a lack of quorum. GENA asked the developer to present their project at our next neighborhood meeting.

Please consider these matters very carefully for the sake of setting a precedent along the S 1st corridor. I fully understand and support commercial development along S 1st. I simply request owners develop within the code requirements because the codes are designed to safeguard harmony/compatibility with the surrounding properties so that developments build out at a "neighborhood scale" and don't unintentionally alter Austin's endearing character.

Thank you,
Anna & Brandon Barger
Homeowners of 2705 S. 2nd St., Unit B, Austin TX 78704

From: [Redacted]
To: [Elaine Ramirez](mailto:Elaine.Ramirez@cityofaustin.com)
Subject: C15-2024-0040
Date: Saturday, November 30, 2024 3:45:22 PM

You don't often get email from d.schulman@me.com. [Learn why this is important](#)

External Email - Exercise Caution

Elaine, I am new to using scan and I chose to send it via email. Thanks, Dan Schulman

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Case Number: C15-2024-0040
 Contact: Elaine Ramirez; elaine.ramirez@cityofaustin.com
 Public Hearing: Board of Adjustment; November 14th, 2024

Dan Schulman I am in favor
 Object

Your Name (please print) _____
 2803 S. 4th

Your address(es) affected by this application _____
 De Fuld _____ 11-30-24
 Date

Daytime Telephone: [Redacted]

Comments: I agree with the Galuppo Neighborhood Association that this development represents a traffic hazard as the intersection we use @ 51st & Cumberland is already a danger to myself and our neighbors. The Variances make this project a issue with those neighbors next to development.

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@cityofaustin.com

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Case Number: C15-2024-0040
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; November 14th, 2024

Kristi Shuey

 I am in favor
 I object

Your Name (please print)

2613 S 2nd Street, Austin, TX 78704

Your address(es) affected by this application

Kristi Shuey
Signature

11/26/24

Date

Daytime Telephone: [REDACTED]

Comments:

See letter on email dated 11/14/24—also on this email—for details of objection. Meeting date changed to 12/9/2024.

I object to permitting any property with a variance that allows only 5 ft and 2 ft from adjacent residential properties, especially considering the height of the proposed property and the number of units involved. This proposal not only diminishes the value of adjacent properties and access to the neighborhood but would also cause a major traffic obstruction on S 1st, a critical artery into and out of the city. Please read full letter.

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: Kristi Shuey [REDACTED]
Date: Monday 2 December 2024
To: <Elaine.Ramirez@austintexas.gov>

Public Hearing: Board of Adjustment
Hearing Date: November 14th, 2024
Case Number: C15-2024-0040
Contact person: Kristi Shuey
Contact person's affected address: 2613 S 2nd St
Contact person's phone number: 512-228-8343
Date of email: 13 November 2024

To: Austin Board of Adjustment

I'm writing to express my objection to BOTH compatibility requirement variances (from Section 25-2-654) that are being requested in Case #C15-2024-00. Below I address the 3 criteria the Board must consider to grant the variances, and how the applicant does not meet each criterion.

1. **Hardship:** In their response to hardship, the applicant claims that one of the properties they acquired for this project is **UNIQUE** for the area. This is not a unique property. Upon simple analysis of Travis County records, the property being claimed as a unique hardship is the property with the Cumberland address, and it matches the dimensions and square-footage (within 2%) of its next-door, western-adjacent neighbor and the 11 properties going west on Cumberland Rd. It's actually the standard size and shape of the properties along the north side of Cumberland Rd. The owner bought this property with full knowledge of this property's dimensions and how it is common to Cumberland Rd and thus "general to the area." The choice of buying this Cumberland Rd property alongside the other two S 1st properties for their development cannot be claimed as a hardship because they are self-imposed "conditions [the owner] is responsible for creating" (bold quotes from BOA Community Guidebook).
2. **Reasonable Use:** The applicant then builds on top of their unfounded hardship claim to say that the "unique" property has an "irregular shape" and is "exceptionally narrow," and thus deprives the owner

ITEM04/8-OPPOSITIONS

of "reasonable use". Please reference the above reasoning on how the property is neither an irregular shape nor is it exceptionally narrow. Again, the owner knowingly purchased this standard-size Cumberland property alongside the two S 1st properties for his development. This, yet again, is a self-imposed limitation the owner was aware of when purchasing and designing his commercial development.

3. **Area Character:** In responding to the area character criterion, the applicant does not adequately address how their 118 unit, 87 foot tall multifamily design may actually impact the neighborhood. If the Board grants the variances, the extended height, added volume of units, lack of parking per unit, and proximity to single-family homes will have a very clear negative impact on the single-family neighbors. The applicant makes two main claims regarding this criterion: a) that there are other multifamily developments along S 1st, and b) there are other commercial buildings with less than 25 foot rear setbacks in the area. In addressing a), the applicant is correct that there are multifamily developments along S 1st, but it is important to note that those developments are all 5 levels or fewer. They appear to maintain the 60 foot code-required setback height from the single-family homes in the area. As for b), there are several commercial businesses in the area which impinge on the 25 foot rear setback, however, all of those businesses are one level or less. Their impact on the adjacent single-family homes is minimal due to their low height.

The setback proposed is far too close to 2613 S 2nd St and other adjacent houses and without the proper setback, drainage and potential flooding is a concern.

The proposed development will be so tall it will tower over the single-family homes on S 2nd and S 3rd Streets and diminish privacy. The added units provided by the added height will "increase traffic on adjacent streets," and the lack of parking per unit will certainly make S 2nd St, S 3rd St, and Stacy Ln the de facto 24h/7days/week permanent parking for the residents. If granted the variances, the development will be the tallest structure along S. 1st between Barton Springs and Ben White. It clearly "exceeds the size and scale typical of properties in the vicinity" and therefore it WILL "alter area character." (bold quotes from BOA Community Guidebook)

ITEM04/9-OPPOSITIONS

Drainage, noise from the quantity of units and traffic added, and lights towering over neighboring homes causes a negative impact as well as the additional obstruction of the entrance and exit so close to an existing intersection on S 1st St. Added traffic affects the entire commuting city.

Furthermore, the lack of communication from the applicant and owner should be addressed.

- Neither party has reached out to me or my neighbors directly to discuss their proposed commercial building until recently, so we need to postpone any vote so the neighborhood can respond to the variance request.
- The Galindo Elementary Neighborhood Association (GENA) president, Patty Sprinkle, is requesting—on behalf of the neighborhood—an extension to present to the board as neither party reached out to GENA in a timely fashion and only recently presented to GENA neighbors. FYI, this is in direct contrast to the claim the applicant made in the application stating they had reached out to GENA, but then confessed that they presented to the wrong neighborhood, Bouldin.

Please consider these matters very carefully for the sake of setting a precedent along the S 1st corridor. This is a major artery into the city and is necessary for overflow traffic from MOPAC and I35. I fully understand and support commercial development along S 1st. I simply request owners develop within the code requirements because the codes are designed to safeguard compatibility with the surrounding properties.

Thank you.

Your Neighbor,
Kristi Shuey
2613 S 2nd St
Austin, TX 78704



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Case Number: C15-2024-0040

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

Public Hearing: Board of Adjustment; November 14th, 2024

MARY CULLINANE

Your Name (please print)

I am in favor
 I object

2800 OAK CREST

Your address(es) affected by this application

Mary Cullinane

Signature

11/22/24

Date

Daytime Telephone: [REDACTED]

Comments: I oppose this variance. The postage-stamp sized lot and the building is too big for the area. It will tower over the neighbors' back yards. It will bring more traffic and we are already at the breaking point. Please! I understand the need for more housing but the existing community has needs & desires also & they should be balanced with developers' need to maximize

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Elaine Ramirez; 512-974-2202

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

their profits.

ITEM04/11-OPPOSITIONS

From: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: 600 Cumberland
Date: Thursday, December 5, 2024 9:04:59 AM

You don't often get email from dennymalloy@att.net. [Learn why this is important](#)

External Email - Exercise Caution

Hey Elaine,

I am a homeowner on 2612 South 2nd.

My computer skills leave something to be desired. I tried to fill out the form but with minimal success. This is why I am messaging now.

I plan on attending the BoA meeting Monday. I am against allowing the variance. I believe the proposed project's compatibility doesn't exist. Except for a building on Banister and Ben White that was a former hotel, I'm having trouble finding an existing 5-8 story housing building nearby.

Entering or exiting the proposed project on Cumberland is an absurd proposition, especially if someone wants to go east on Cumberland or turn onto South 1st. The South 1st/Cumberland intersection has always been dangerous and I've lived on South 2nd since 1984- it's gotten worse and this project will multiply the danger. We have yet to see the traffic impact from the apartment projects to the North, (Live Oak/South 1st), and South, (Cardinal Lane and South 1st).

My opinion: The lot's lack of depth makes it ill-suited for a project of this scope. Just because this project could be built doesn't mean it should be built.

I don't know if you can forward this message to the BoA or you can give me an easier method to transmit my thoughts.

Thank you,
Dennis (Denny) Malloy

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For any additional questions or concerns, contact CSIRT at
"cybersecurity@austintexas.gov".

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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: C15-2024-0040

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

Public Hearing: Board of Adjustment; November 14th, 2024

Hans Paul Dietz

Your Name (please print)

I am in favor
 I object

2707 Dulce Ln, Unit 4, Austin TX, 78704

Your address(es) affected by this application

HPM/

Signature

12/5/24

Date

Daytime Telephone: _____

Comments: The proposed eight story building violates the city's 25 foot buffer zone requirement and, if waived, will drastically alter life in the adjacent homes - no more sunlight or privacy for them. Additionally, it would change the traffic patterns as cars will choose to avoid the narrow intersection of Cumberland & First which is already dangerous. Instead, cars will travel through the neighborhood where kids play & dogs run. Please oppose this in defense of the city's ordinance and on behalf of the tax paying citizens. Thanks.

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

ITEM04/13-OPPOSITIONS

Public Hearing: **Board of Adjustment**
Hearing Date: **December 9, 2024**
Case Number: **C15-2024-0040**
Contact person: **C Kenneth Parker**
Contact person's affected address: **602 Cumberland Rd**
Contact person's phone number: [REDACTED]
Date of email: **7 December 2024**

Subject: Letter of Objection to granting the request listed in Case Number C15-2024-0040

To: Austin Board of Adjustment:

I am against any change to the already generous guidelines for building on the land adjacent to my property at 602 Cumberland Rd.

I and my family have owned 602 Cumberland since 1973. At that time both lots were zone single family. Over the years the City of Austin has changed the Zoning several times all detrimental to the value of my property and an improvement of the value of 600 Cumberland.

Now, not only do they want to build a tremendous building next to my 1,191 square foot single story house, they want to put it very close to the property line.

When I first started hearing that the new owners wanted to build a large building next to my house, I reached out to the owners through their real estate company and offered to sell my property to them, they were not interested!!

(So, I updated my property by installing new heating and air conditioning, repainting, etc. and their new building will make it very difficult to rent the property in the future.)

Now they complain that their lot is too small and should be allowed to build next to the property line.

I say No, No, No.

Sincerely,

C. Kenneth Parker
Owner of 602 Cumberland Rd.

PS:

I am in full support of my neighbor Kristi Shuey's letter of November 13, 2024 on this same case #.