

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, March 10, 2014

**CASE NUMBER:** C15-2014-0002

|                            |                   |
|----------------------------|-------------------|
| <input type="checkbox"/> Y | Jeff Jack         |
| <input type="checkbox"/> Y | Michael Von Ohlen |
| <input type="checkbox"/> N | Ricardo De Camps  |
| <input type="checkbox"/> Y | Bryan King        |
| <input type="checkbox"/> Y | Fred McGhee       |
| <input type="checkbox"/> N | Melissa Hawthorne |
| <input type="checkbox"/> N | Sallie Burchett   |

**APPLICANT:** Jennifer Garcia

**OWNER:** Robert Lee

**ADDRESS:** 2002 GLEN ALLEN

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum compatibility setback for parking requirement of Section 25-2-1067 (H) from 21 feet to 0 feet in order to erect a multi-family residential use in an "MF-2", Multi-Family Residence zoning district.

The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1062 (D) from two stories and 30 feet to 3 stories and 34 feet 6 inches in order to erect a multi-family residential use in an "MF-2", Multi-Family Residence zoning district. The Land Development Code states that the height limitations for a structure are (1) two stories and 30 feet, if the structure is 50 feet or less from property: (a) in an "SF-5" or more restrictive zoning district, or (b) on which a use permitted in an "SF-5" or more restrictive zoning district is located. *WITHDRAWN*

**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 10, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO MARCH 10, 2014.**

March 10, 2014 - The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Fred McGhee second on a 4-3 vote (Board members Ricardo De Camps, Melissa Hawthorne and Sallie Burchett nay); **DENIED.**

**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:

---

Leane Heldenfels  
Executive Liaison

---

Jeff Jack  
Chairman

0002

March 18, 2014

City of Austin  
Board of Adjustment  
P.O. Box 1088  
Austin, TX. 78756

RE: Reconsideration Case # C15-2014- 0002  
2002 Glenn Allen

Dear Board Members;

As agent on the above case and pursuant to the Board's Rules I hereby request a reconsideration of this case.

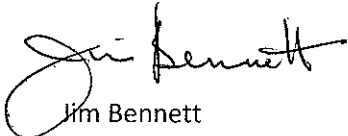
We are requesting the Board reconsider its action based on new evidence that was not submitted at the original hearing. The new evidence is a letter of non-opposition from the South Lamar Neighborhood Association vice president Bruce Evans , as well as a non- opposition letter from the zoning board chair Nancy MacLaine.

We also have a written response in support of the variance from City Arborist Michael Embesi for the protection and preservation of the two large heritage trees and the additional large protected tree on the site and photographs of the large trees have also been provided.

Certified letter receipts of notices sent to adjoining property owners are included.

Thank you for your consideration.

Sincerely,



Jim Bennett



**TO:** Jeff Jack, Chair  
Board of Adjustment Members

**FROM:** Michael Embesi, City Arborist  
Planning and Development Review

**DATE:** March 19, 2014

**SUBJECT:** Protected and Heritage Trees at 2002 Glen Allen

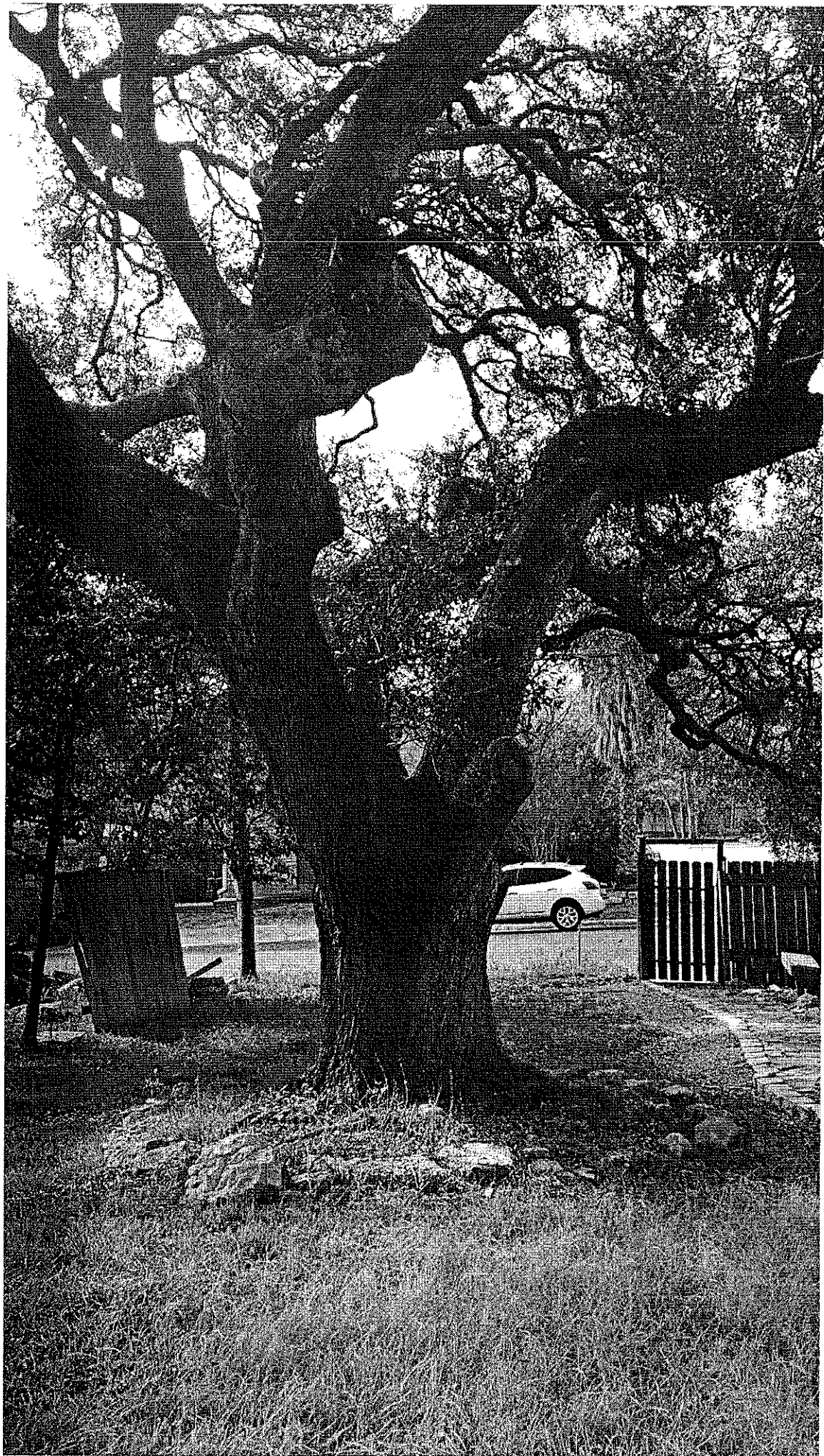
At the request of the applicant, Mr. Robert Lee, I have assessed the trees and development plans associated with 2002 Glen Allen. The purpose of my involvement was to perform a basic assessment of tree health, tree structural condition, and determine allowable multifamily development impacts to the existing trees.

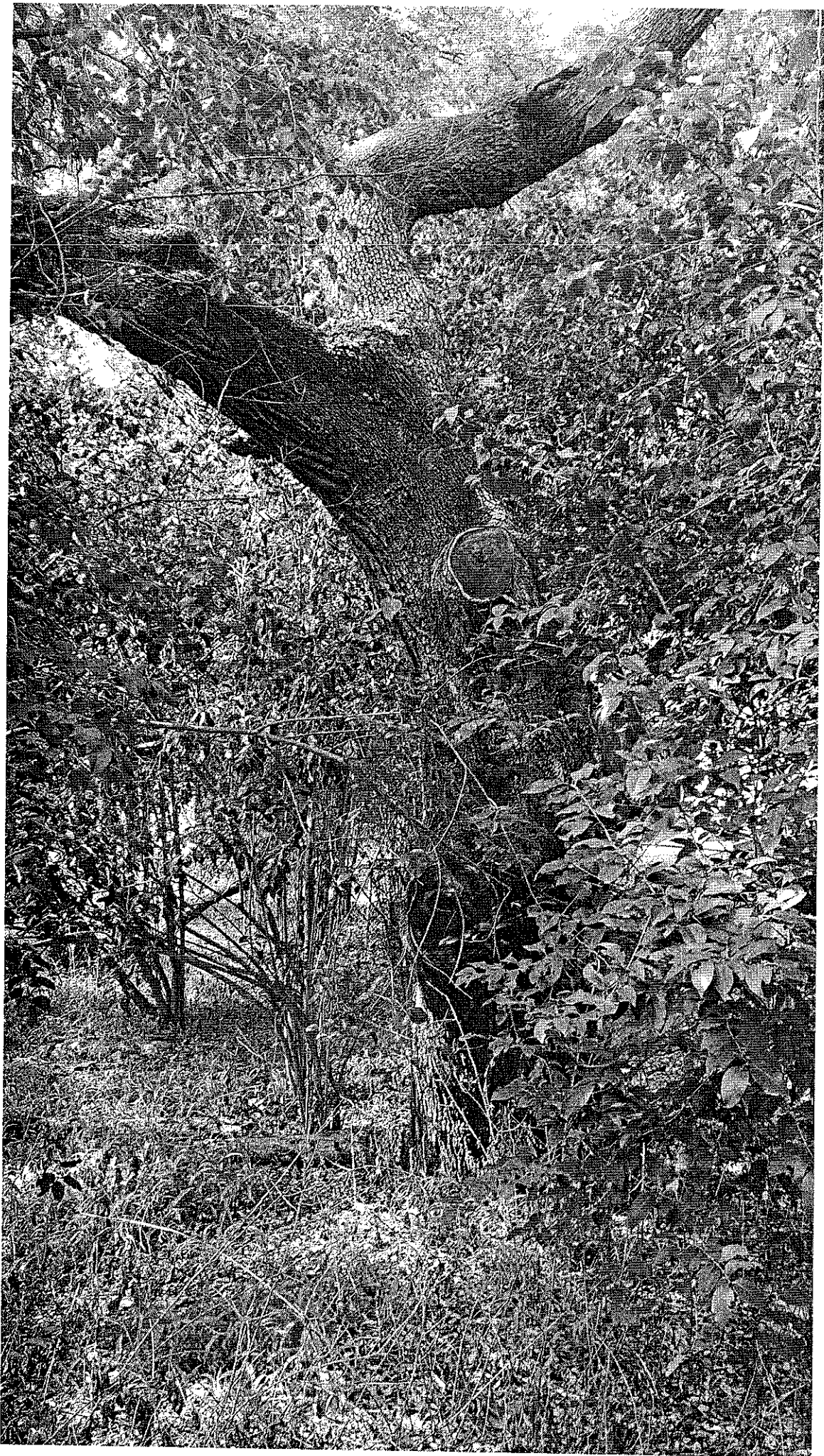
Mr. Lee and his team consulted with me prior to site plan submittal to assess the unique tree conditions that exist with this parcel. Since then, he and his consultants have met with me numerous times to ensure the proposed design minimizes the potential impacts to the existing tree. In particular two Live Oak trees, recognized by the Land Development Code, with trunk sizes that measure 45 and 36 inches in diameter. In addition, we also spoke about the western adjacent single-family properties in regards to Mr. Lee purchasing those properties to assist with development alternatives.

The above assessment suggests the trees are biologically and structurally sound and that the proposed development is compliant with the tree ordinance. If you have questions or need further details, please contact me at (512) 974-1876 or [michael.embesi@austintexas.gov](mailto:michael.embesi@austintexas.gov).

Regards,

Michael Embesi,  
City Arborist  
Planning and Development Review Department







3-17-2014

Letter of Non-Opposition

2002 Glen Allen (8 Apartment Units)

I Nancy MacLaine a current resident of the South Lamar Neighborhood and the Zoning Comm. Chair of the neighborhood association, am submitting this letter as a showing of non-opposition for the project at "2002 Glen Allen".  
*& Former President*

We sat down and had a meeting with the developer and owner of this parcel on January 28th, 2014. The meeting included several people from the neighborhood namely; Nancy MacLaine, Bruce Evans, and Mr and Mrs C. Huffman Lewis (owner of 2000 Glen Allen) the direct neighbor to the subject parcel. ALL neighbors whom objected in writing to the city, as well as the direct neighbors to the west were invited to attend the meeting, but only Mr C. Huffman Lewis (2000 Glen Allen Owner) showed interest.

During the meeting we discussed several items including the full scope of the project, and nature of the variance being requested.

The members of the neighborhood had some suggestions for the project that were well received by the developer including; the addition of, and bulking up, of some landscaping along both the eastern and western property lines to help with screening. The relocation of several A/C condensing units toward the southern property line to help with noise reduction.

Furthermore we support the addition of more parking spaces on this proposed site plan as well, which was another topic of conversation at this meeting.

In summary, I do not object, nor am I aware of any objections to the proposed project or associated variance request.

Thank you for your time.

Sincerely,

Signed Nancy MacLaine

Printed Name NANCY MACLAINE

Date 3/17/14

Phone Number 512-589-0184

3-17-2014

Letter of Non-Opposition

2002 Glen Allen (8 Apartment Units)

I Bruce J Evans a current resident of the South Lamar Neighborhood and the VP of the neighborhood association, am submitting this letter as a showing of non-opposition for the project at "2002 Glen Allen".

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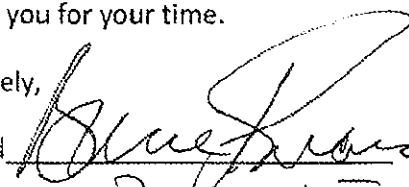
Sincerely,

Signed

Printed Name

Date

Phone Number

  
Bruce J Evans  
03/17/14  
512 470 2461



5222 055E 1000 0E92 ET02

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

|  |          |               |
|--|----------|---------------|
| Postage  | \$ 00.49 | 0128          |
| Certified Fee                                  | \$3.30   | 02            |
| Return Receipt Fee (Endorsement Required)      | \$2.70   | Postmark Here |
| Restricted Delivery Fee (Endorsement Required) | \$0.00   | 03/13/2014    |
| Total Postage & Fees                           | \$ 06.49 | 03/13/2014    |

Sent To: **Aziz Laurent**  
 Street, Apt. No., or PO Box No. **11309 County Down Dr**  
 City, State, ZIP+4 **Austin, TX 78747-1449**

PS Form 3800, August 2005 See Reverse for Instructions



5222 055E 1000 0E92 ET02

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

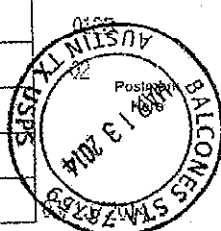
For delivery information visit our website at [www.usps.com](http://www.usps.com)

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| Total Postage & Fees                           | \$ 06.49 | 03/13/2014    |

Sent To: **Charles Horton**  
 Street, Apt. No., or PO Box No. **3003 Manchaca Rd.**  
 City, State, ZIP+4 **Austin, TX 78704**

PS Form 3800, August 2005 See Reverse for Instructions



5222 055E 1000 0E92 ET02

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

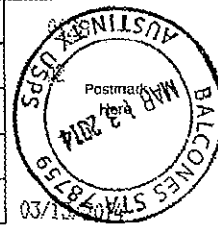
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

|  |          |               |
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| Restricted Delivery Fee (Endorsement Required) | \$0.00   | 03/13/2014    |
| Total Postage & Fees                           | \$ 06.49 | 03/13/2014    |

Sent To: **Wayne Ragland**  
 Street, Apt. No., or PO Box No. **PO Box 1250**  
 City, State, ZIP+4 **Del Valle, TX 78617-1250**

PS Form 3800, August 2005 See Reverse for Instructions



**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, January 13, 2014

**CASE NUMBER:** C15-2014-0002

☐ Y ☐ Jeff Jack  
☐ Y ☐ Michael Von Ohlen <sup>now</sup> PP to Feb 10, 2014  
☐ Y ☐ Will Schnier  
☐ Y ☐ Bryan King  
☐ Y ☐ Fred McGhee  
☐ Y ☐ Melissa Hawthorne 2<sup>nd</sup> the Motion  
☐ Y ☐ Sallie Burchett  
☐ - ☐ Cathy French (SRB only)

**APPLICANT:** Jennifer Garcia

**OWNER:** Robert Lee

**ADDRESS:** 2002 GLEN ALLEN

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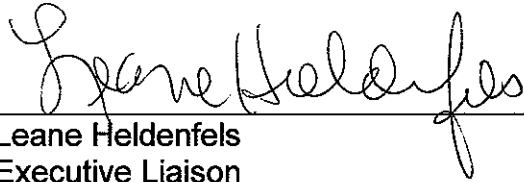
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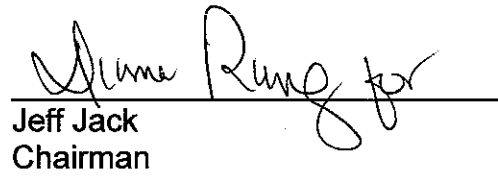
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 10, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO MARCH 10, 2014.**

**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:  
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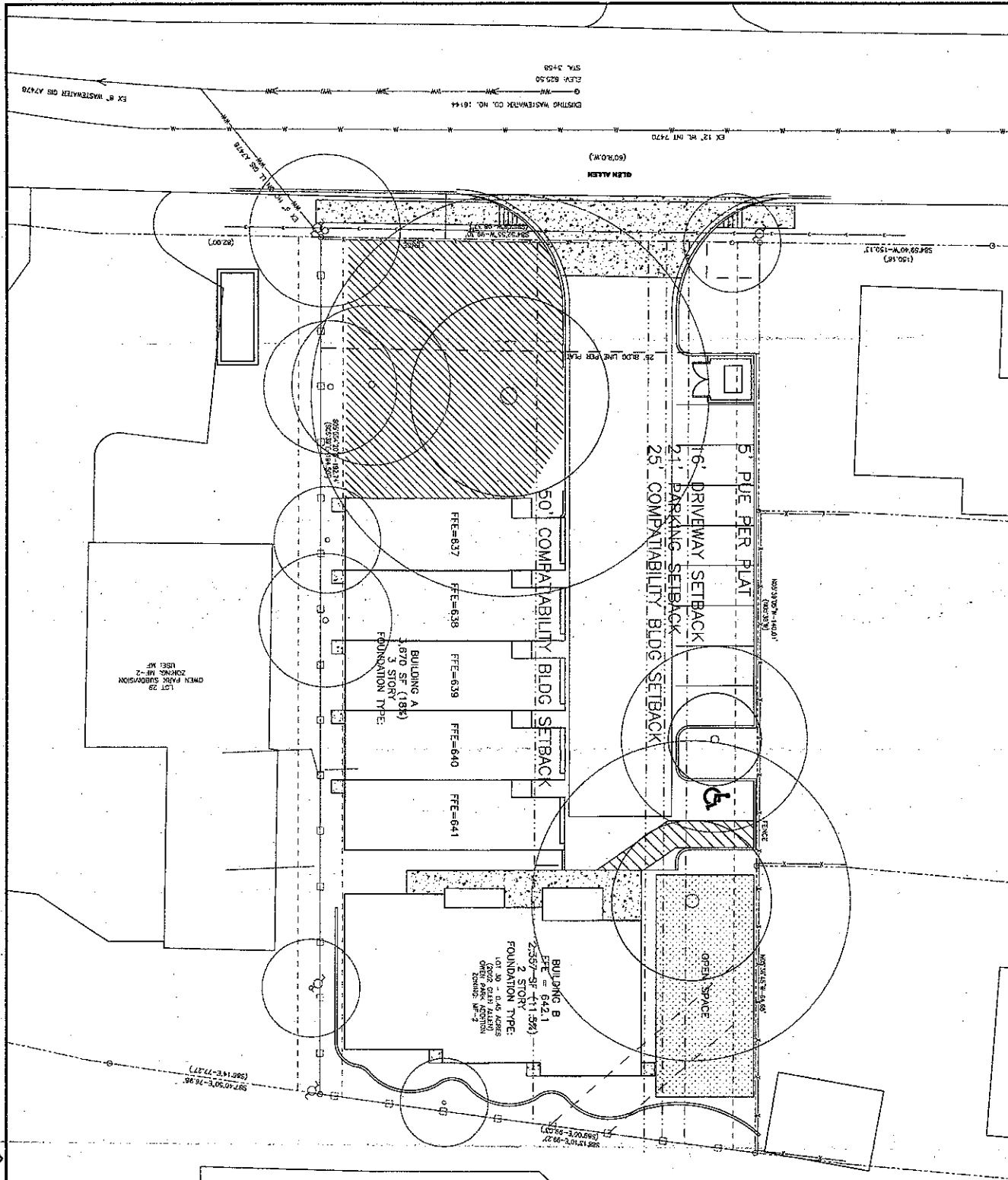
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
Leane Heldenfels  
Executive Liaison

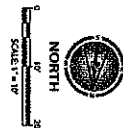
  
Jeff Jack  
Chairman

0002





## BLOCK LEGEND



- [illegible]

[illegible]

2002 Glen Allen  
C15-2014-0002

# GLEN ALLEN MULTIFAMILY SITE DEVELOPMENT PLANS

CITY OF AUSTIN, TRAVIS COUNTY, TX

## PROPOSED SITE PLAN



October 28, 2013

|        |            |
|--------|------------|
| MEMBER | ISSUE DATE |
| 001    | 10/20/70   |

SHEET:

**EXH 3**

### EXH 3

**SP-2013-0199C**

**kluge**

KIMBELL | BRUEHL | GARCIA | ESTES

105 W. RIVERSIDE, STE 110 Austin, Texas 78704  
(512) 439-0400 [www.kbge-eng.com](http://www.kbge-eng.com)  
TBPE No. F-12802

**CLIENT INFORMATION**

**ROBERT LEE**  
10104 EASTMAN CV  
AUSTIN, TX 78750  
PHONE: (512) 835-4890  
FAX: (512) 835-1477

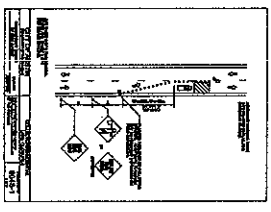
[illegible]

NOTES:

- 1. RELOCATE EXISTING RESIDENTIAL DETACHED KITCHEN.
- 2. CONSTRUCT NEW RESIDENTIAL DETACHED KITCHEN.
- 3. EXISTING RESIDENCE RESTROOMS FOR (PH 8.2).

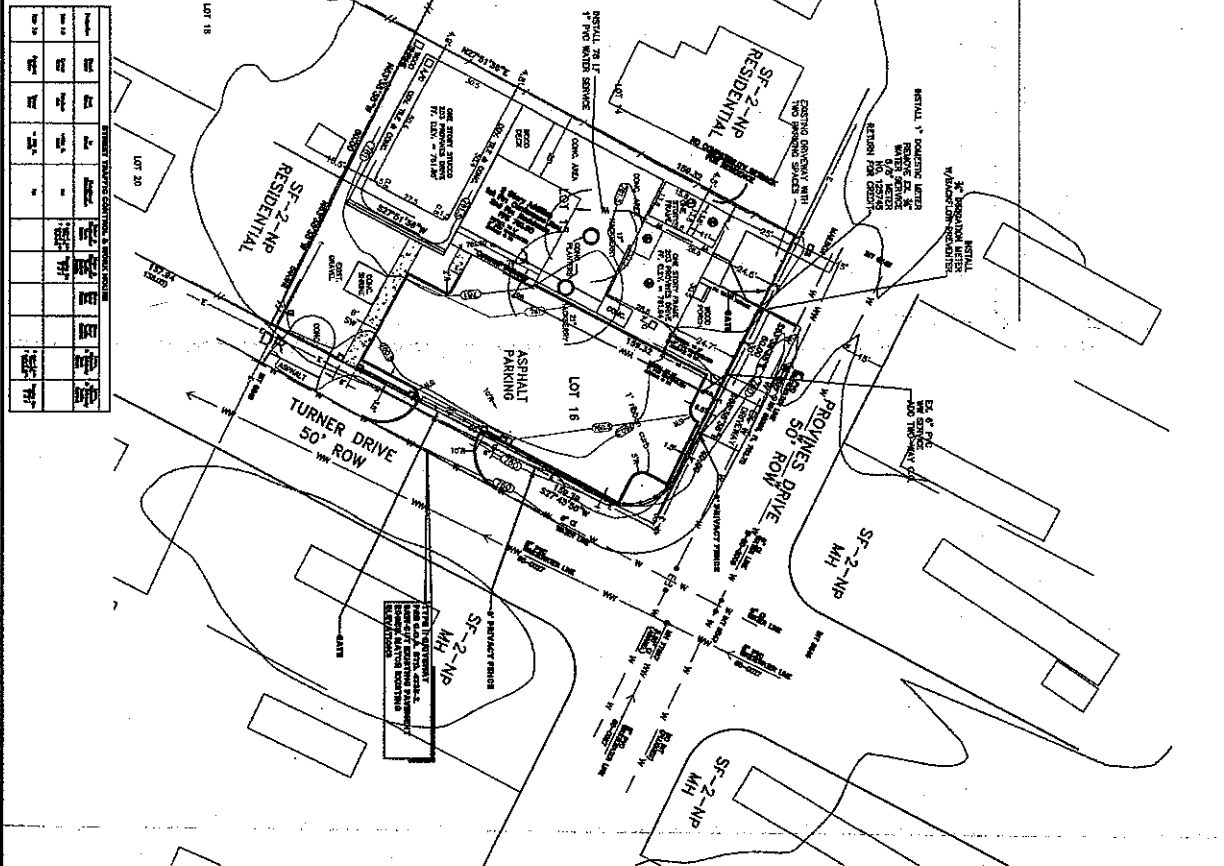
| EXISTING BUILDING |        |        |       |
|-------------------|--------|--------|-------|
| Area              | Volume | Weight | Notes |
| 1                 | 100    | 100    |       |
| 2                 | 200    | 200    |       |
| 3                 | 300    | 300    |       |
| 4                 | 400    | 400    |       |
| 5                 | 500    | 500    |       |
| 6                 | 600    | 600    |       |
| 7                 | 700    | 700    |       |
| 8                 | 800    | 800    |       |
| 9                 | 900    | 900    |       |
| 10                | 1000   | 1000   |       |

| NEW BUILDING |        |        |       |
|--------------|--------|--------|-------|
| Area         | Volume | Weight | Notes |
| 1            | 100    | 100    |       |
| 2            | 200    | 200    |       |
| 3            | 300    | 300    |       |
| 4            | 400    | 400    |       |
| 5            | 500    | 500    |       |
| 6            | 600    | 600    |       |
| 7            | 700    | 700    |       |
| 8            | 800    | 800    |       |
| 9            | 900    | 900    |       |
| 10           | 1000   | 1000   |       |



EXISTING BUILDING  
NEW BUILDING  
DIMENSIONS  
STRUCTURAL DETAILS

| EXISTING BUILDING |        |        |       |
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| Area              | Volume | Weight | Notes |
| 1                 | 100    | 100    |       |
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| 10                | 1000   | 1000   |       |

EXISTING BUILDING  
NEW BUILDING  
DIMENSIONS  
STRUCTURAL DETAILS

CONTRACTOR'S RESPONSIBILITY  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE.

**SITE PLAN APPROVAL**

DATE: 10/10/13

APPROVED BY: [Signature]

PROJECT: CHUA PHAP HOA BUDDHIST TEMPLE

C152014-0013  
203 Provinces

## 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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. 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.

**Case Number:** C15-2014-0002 – 2002 Glen Allen  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, January 13th, 2014

Bell Ridge

Your Name (please print)

☐ I am in favor  
☒ I object

3204 NWCHESA RD, #705, AUSTIN, TX 78704

Your address(es) affected by this application

Bell Ridge

Signature

Date

Daytime Telephone: 512-557-0484

Comments: I oppose this because it will  
cause more traffic congestion  
and because will affect  
the aesthetic character  
of the neighborhood.

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088



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Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, January 13th, 2014

Michael Kintner

Your Name (please print)

3106 Glen Vista 78704

Your address(es) affected by this application

*Michael Kintner*

Signature

1/5/14

Date

Daytime Telephone: 773-505-0491

Comments:

*NO REPLY, NO REASON TO  
GUANT THIS VARIANCE, IT IS  
NOT IN KEEPING WITH THE FEEL  
OF THE BLOCK/AREAS*

☐ I am in favor  
☒ I object

If you use this form to comment, it may be returned to:

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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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**Case Number:** C15-2014-0002 – 2002 Glen Allen

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, January 13th, 2014

Your Name (please print)

ADAM TRUAX

☒ I am in favor  
☐ I object

Your address(es) affected by this application

240410 1987

Signature

Date

Daytime Telephone: 240 410 1987

Comments:

NO!! NOT IN  
FAVOR  
Austin is Already A wilderness  
ON CONCRETE

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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- 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.

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Case Number: C15-2014-0002 - 2002 Glen Allen  
Contact: Susan Walker, 512-974-2202  
Public Hearing: Board of Adjustment, January 13th, 2014

*Charles Hoffman* *Charles Hoffman* *Charles Hoffman*  
Your Name (please print) *Charles Hoffman* *Charles Hoffman* *Charles Hoffman*

*2000 Glen Allen* *Austin, TX 78704*  
Your address(es) affected by this application

*Charles Hoffman* *Charles Hoffman* *Charles Hoffman*  
Signature *Charles Hoffman* *Charles Hoffman* *Charles Hoffman*

Daytime Telephone: *(512) 945-0668*

*1-3/2014*  
Date

☐ I am in favor  
☒ I object

Comments: *This example will diminish the quiet character of the neighborhood adversely impact the environment and destroy old oak trees on the property. A zoning variance would create a structure of such size as to be incompatible with the rest of the neighborhood.*

If you use this form to comment, it may be returned to:  
City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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Case Number: C15-2014-0002 - 2002 Glen Allen

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 13th, 2014

Your Name (please print)

MARY OGCE  
1900 Glen Allen

☐ I am in favor  
☒ object

Your address(es) affected by this application

Mary Ogce  
Signature  
1-2-14  
Date

Daytime Telephone:

512-448-2428

Comments:

NO. THIS ONE IS  
BEING RUINED BY TOO  
MUCH NEW CONST. TRAFFIC  
IS ALREADY GREATLY IN-  
CREASED & DANGEROUS. LOOK  
UP THE MEANING OF GLEN  
THIS IS THE OASIS IN MIDDLE  
OF URBAN BARREN LANDS, LEAVE  
IT ALONE.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

## Walker, Susan

---

**From:** Jennifer Garcia <jennifer@kbge-eng.com>  
**Sent:** Monday, January 13, 2014 4:35 PM  
**To:** Walker, Susan  
**Subject:** BOA Case No. C15-2014-0002

Hi Susan –

I will see you tonight but we would like to remove the second variance request from the agenda...we are still requesting the parking within the 21' setback but are not going to request additional height in the setback.

I apologize for the short notice but we were able to pull the building out of the setback and adhere to the height requirements.

Thank you!

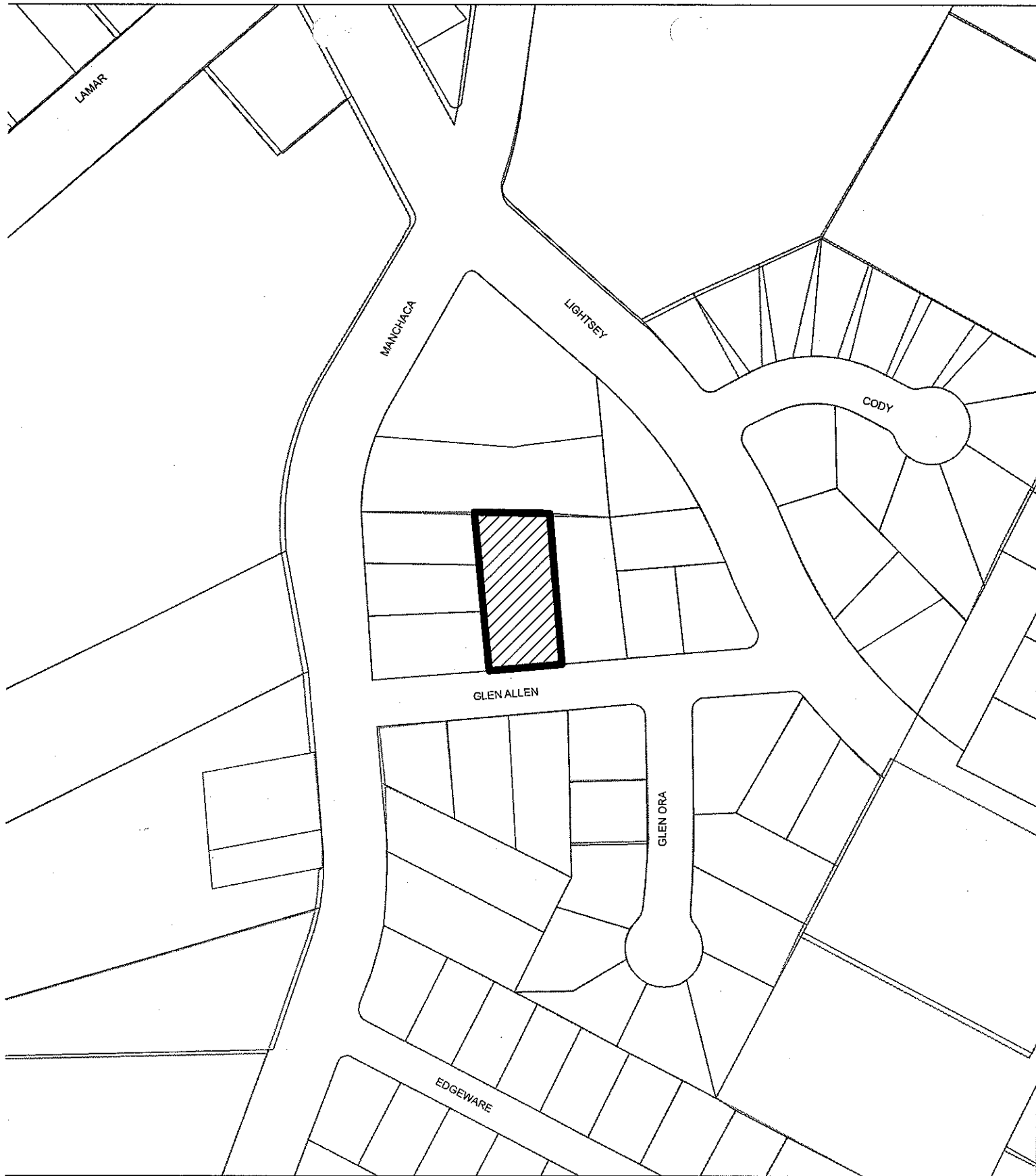
Jenn

Jennifer Garcia, PE, CFM  
Principal

KBGE  
KIMBELL | BRUEHL | GARCIA | ESTES  
105 W. Riverside, Suite 110  
Austin, Texas 78704  
[jennifer@kbge-eng.com](mailto:jennifer@kbge-eng.com)  
o 512 | 439 | 0400  
m 504 | 289 | 3869  
[www.kbge-eng.com](http://www.kbge-eng.com)



KIMBELL | BRUEHL | GARCIA | ESTES

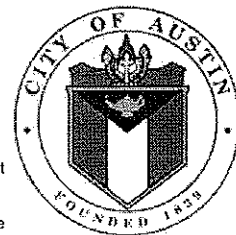


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2014-0002  
LOCATION: 2002 GLEN ALLEN



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 and represents only the approximate relative location of property boundaries.

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

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**Case Number:** C15-2014-0002 - 2002 Glen Allen

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, January 13th, 2014

THOMAS G. FARLEY JR

Your Name (please print)

☒ I am in favor  
☐ I object

3204 MARLYN A ROAD # 205 78705

Your address(es) affected by this application

1

[Signature]

1/9/2014

Daytime Telephone:

443-691-4896

Comments:

I HAVE NO OBJECTS TO

THIS PROPOSED DEVELOPMENT.

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088



**Walker, Susan**

---

**From:** Nancy Maclaine <[REDACTED]>  
**Sent:** Sunday, January 12, 2014 2:32 PM  
**To:** Walker, Susan  
**Cc:** [REDACTED]  
**Subject:** Fwd: 2002 Glen Allen Drive - Board of Adjustments C15-2014-0002

Dear Ms. Walker,  
below is the response of the South Lamar Neighborhood Association to the belated outreach from Jennifer Garcia in the Board of Adjustment variance case C15-2014-0002.

SLNA does not support this variance request. It seems that the developer is way overstepping the possibilities of this property. This is even more apparent when you actually visit the site. We would have liked to have heard from the applicant much earlier in the process when perhaps there could have been some discussion about alternatives that might have been more acceptable to the near neighbors. As it stands the neighbors have stated their concerns and it is the normal practice of our Association to support the neighbors in these variance cases.

As I mentioned in my phone call to you on Friday 10 January, I have misplaced the official form to submit to document our Association's objection. I hope that this email will suffice and you will forward it to the Board members. Thank you.

Sincerely,

Nancy Maclaine  
SLNA Zoning Committee (and past president)

----- Forwarded message -----

**From:** Nancy Maclaine <[REDACTED]>  
**Date:** Sun, Jan 12, 2014 at 2:17 PM  
**Subject:** Re: 2002 Glen Allen Drive - Board of Adjustments  
**To:** Jennifer Garcia <[REDACTED]>

Dear Ms. Garcia,

I find several things in your letter to be curious. First you claim the owner is "very adamant" that the heritage trees be preserved, but it's apparent from City of Austin documents that requests to remove the trees have already been submitted and denied by the city arborist.

Second you say you are reaching out to the neighborhood association in hope of garnering our support. But you sent your 'outreach' on the Friday immediately before the Monday hearing. There isn't time to review the case and discuss possible alternatives. I see the next door neighbor at 2000 Glen Allen has registered opposition, as have at least two other nearby residents. I wonder if you have tried to work out with the next door neighbor a compromise that would help some of their concerns. Or if the developer wants what he wants and the neighbor wants what he wants and no one can imagine or entertain an alternative.

As it stands, It sounds to me that this development is trying to fit 15 pounds in a 10-pound sack. Given that the residents near the project have explicitly refused to support the variance, the Association will NOT support the project.

For future projects I suggest you reach out to the Neighborhood Association much earlier in the process.

Sincerely,

Nancy MacLaine  
SLNA Zoning Committee

On Fri, Jan 10, 2014 at 6:08 PM, Jennifer Garcia <~~j.garcia@slna.com~~> wrote:

Good Afternoon Ms. MacLaine –

My name is Jennifer Garcia and I am a land development consultant representing the property owner at 2002 Glen Allen Drive. We wanted to reach out to you in regards to a proposed development at 2002 Glen Allen Drive, which is located with the South Lamar Neighborhood Association.

We are proposing an 8-unit multifamily complex on the property which is zoned MF-2. The developer (who is also the owner of the property, Mr. Robert Lee) is very adamant in regards to saving two large heritage trees onsite (45" live oak and a 36" live oak).

In addition, because we have single family to the west of the property, we are required to adhere to compatibility setbacks. We have attached an exhibit for your reference showing the proposed development and the two large heritage trees. We have placed the buildings over to the most eastern portion of the property to remain out of the 25' building setbacks (set forth by the compatibility setbacks). The compatibility standards also require a 16' driveway setback and 21' parking setback from the western property line (adjacent to the single family zoning). In order to meet the requirements of the fire department, we have shown a 25' drive aisle to access the proposed building to the north of the property (which the driveway is out of the 16' driveway setback). In summary, we have adhered to the requirements by placing the buildings in the 25' no building setback and no driveway in the 16' setback.

However, due to the parking requirements, we are required to have at a minimum 13 parking spaces. Due to the restraints of the heritage trees, the required fire drive aisle width and the building location setbacks, the only solution to park the development is to place parking within the 21' parking setback. We were able to place parking garages in the eastern building; however, the building would be required to have a height of 34.5' to allow the parking garages underneath the living units. Therefore, we are requesting a variance from the Board of Adjustments to allow parking within the 16' parking setback and allow an additional 4.5' to the required 30' building elevation to allow garage parking below the multi-family.

We have attached a second exhibit (Exh 2) showing if we were to adhere to all of the compatibility setbacks, the heritage trees would be impacted significantly. The trees are our main focus for this development and want to keep this property as natural as possible.

We are attending the Board of Adjustments on Monday, January 13, 2014 requesting these variances and it is our understanding that notifications had been sent to the adjacent property owners, as well as, the neighborhood association.

We wanted to personally reach out to you if you should have any questions or concerns and would be extremely grateful if we would have your support.

Thank you and have a great weekend!

Jenn

Jennifer Garcia, PE, CFM

Principal

KBGE

KIMBELL | BRUEHL | GARCIA | ESTES

105 W. Riverside, Suite 110

Austin, Texas 78704



o 512 | 439 | 0400

m 504 | 289 | 3869

[www.kbge-eng.com](http://www.kbge-eng.com)

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

ROW

CASE #

#

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2002 2002 GLEN ALLEN AUSTIN, TEXAS 78704

LEGAL DESCRIPTION: Subdivision — OWEN PARK A SUBDIVISION IN TRAVIS COUNTY TEXAS VOLUME 52, PAGE 72

Lot(s) 30 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We JENNIFER GARCIA on behalf of myself/ourselves as authorized agent for

ROBERT LEE

affirm that on 10/31, 2013,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

MULTI-FAMILY DEVELOPMENT CONSISTING OF 8 UNITS

in a MP-2 district.  
(zoning district)

**NOTE: 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 support documents.**

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

---

THE CURRENT ZONING FOR THE SITE IS MF-2. THE PROPOSED USE CONSISTING OF 8 MF UNITS IS ALLOWED IN A MF-2 ZONING DISTRICT WHICH IS APPLICABLE FOR THIS PROPERTY AND ZONING REGULATIONS.

---

**HARDSHIP:**

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

---

COMPATIBILITY STANDARDS APPLY TO THE WESTERN PROPERTY LINE (ADJACENT PROPERTIES ZONED SF-2). BECAUSE THE SITE IS CONSIDERED A "SMALL SITE", THERE ARE REQUIRED SETBACKS FOR PARKING, DRIVE AISLES, AND BUILDING LOCATIONS. HOWEVER, THERE ARE TWO LARGE OAK TREES (SPECIFICALLY 36" AND 45") THAT ARE REQUIRED BY THE TREE ORDINANCE TO REMAIN WHICH WILL NOT ALLOW THE SITE TO COMPLY WITH CERTAIN COMPATIBILITY SETBACKS. THE PROPOSED SITE PLAN WAS CONFIGURED TO THE BEST OF OUR ABILITY TO COMPLY WITH BOTH THE COMPATIBILITY STANDARDS AND TREE ORDINANCE. PLEASE SEE ADDITIONAL ATTACHED INFORMATION FOR YOUR REVIEW.

---

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

---

THE OTHER MULTI-FAMILY USES SURROUNDING THE PROPOSED DEVELOPMENT (TO THE EAST AND SOUTH) ARE NOT TRIGGERED BY THE COMPATIBILITY STANDARDS BECAUSE THEY ARE SURROUNDED BY OTHER ZONING OR USES NOT TRIGGERING SUCH STANDARDS. THE MULTI-FAMILY DEVELOPMENT TO THE EAST HAS MF ZONING TO THE SOUTH, EAST AND WEST AND LR-CO ZONING TO THE NORTH. THE MULTI-FAMILY DEVELOPMENT TO THE SOUTH HAS MF ZONING TO THE NORTH AND EAST AND NO/LO TO THE WEST AND SOUTH.

---

**AREA CHARACTER:**

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:

---

THE PROPOSED USE IS ACCEPTABLE WITHIN THE EXISTING ZONING DISTRICT (MF-2). THERE ARE EXISTING MULTI-FAMILY USES SOUTH, WEST AND EAST OF THE PROPERTY. IN ADDITION, THE PROPOSED USE BUILDINGS WILL BE LOCATED APPROXIMATELY 115' FROM THE EXISTING SINGLE FAMILY HOME TO THE WEST OF THE PROPERTY. THEREFORE, THE VARIANCE WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD SINCE THE MAJORITY OF SURROUNDING USES ARE MULTI-FAMILY.

---

**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 Section 479 of Chapter 25-6 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 reasonable require strict or literal interpretation and enforcement of the specific regulation because:

---

N/A

---

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:

N/A

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

N/A

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

N/A

**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.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

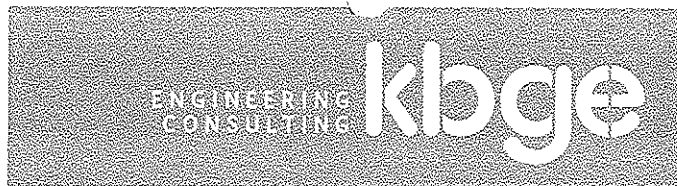
Signed Jennifer M. Garcia Mail Address 105 W RIVERSIDE DRIVE SUITE 110  
City, State & Zip AUSTIN, TEXAS 78704

Printed JENNIFER M GARCIA, PE, CPM Phone 512-439-0400 Date OCTOBER 1, 2013

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Robert Lee Mail Address 10104 EASTMAN COVE  
City, State & Zip AUSTIN, TEXAS 78750

Printed ROBERT LEE Phone 512-835-4890 Date 10/28/13



105 W Riverside, Suite 110  
Austin, Texas 78704  
512 | 439 | 0400  
kbge-eng.com

KIMBELL | BRUEHL | GARCIA | ESTES

October 31, 2013

City of Austin One Texas Center  
505 Barton Springs Road, 2<sup>nd</sup> Floor  
Austin, Texas 78704  
ATTN: Board of Adjustment Staff

RE: Board of Adjustment Application – SP-2013-0199C

Dear Ms. Walker,

On behalf of the 2002 Glen Allen property owner, Mr. Robert Lee, KBGE is pleased to submit the enclosed Board of Adjustments application. We are requesting a variance allowing the proposed 8 unit multifamily development to construct within certain regulated setbacks required by Compatibility Standards (LDC 25-2-1051).

The existing lot is 0.45 acres or 19,602 square feet. The property has 99.3' of frontage along Glen Allen. Currently, the property is zoned Multi-Family (MF-2). Adjacent property to the south is zoned MF-2; adjacent property to the east is zoned MF-2; adjacent property to the north is zoned LR-CO; adjacent property on the southwestern corner is zoned SF-2 but use is Multi-Family; adjacent properties along the western property boundary are zoned SF-2. The properties to the west of the 0.45 acre lot trigger compatibility setbacks. The existing site conditions have been attached as **Exhibit 1** for your reference.

In accordance with LDC 25-2-1062 "Height Limitations and Setbacks for Small Sites", the site is considered a small site because the area does not exceed 20,000 square feet and the street frontage does not exceed 100 feet. According to this specific ordinance, the height limitations for a structure are two stories and 30 feet, if the structure is 50' or less from the property. According to LDC 25-2-1067 (H) "Design Regulations", the site is required to have a 16' driveway setback and 21' parking setback. A compatibility setback exhibit detailing the stated requirements has been attached as **Exhibit 2** for your reference.

Based on the current existing conditions, there are multiple heritage trees onsite (Reference **Exhibit 1**). There is an existing 45" Live Oak located near southeastern corner of the property and a 36" Live Oak located near the northwestern corner of the property. Based on our meeting on March 8, 2013 with the City of Austin Arborist, Michael Embesi, it has been stated that both trees are in very good condition and are required to be saved. An email from Mr. Embesi and pictures of both trees has been attached as **Exhibit 3** for your reference. If the proposed development was to be constructed in accordance with the compatibility setbacks stated earlier and shown in **Exhibit 2**, both heritage trees

KBGE  
105 W Riverside, Suite 110

Austin, Texas 78704

TBPE No. F-12802  
(512) 439-0400



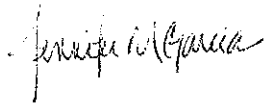
will need to be removed due to the driveway setback, required 25' driveway width (regulated by City of Austin Fire Ordinance) and required number of parking spaces and depth for the proposed multi-family use.

In order to save the required heritage trees, we have shifted the buildings towards the eastern property line as much as possible and currently abandoning the 10' electrical easement on the northwestern property corner (See email from Austin Energy provided in **Exhibit 4** agreeing to the abandonment). Please reference the proposed development in **Exhibit 5**. We are proposing to place parking within the 16' compatibility setback and place the drive aisle within the 21' setback. In addition, we are proposing the building elevations to be 34'-6" which allows additional required parking on the first floor of the building.

We are requesting the Board of Adjustments to review the attached information and consider a variance to allow the proposed development construct within the compatibility setbacks and allow additional height on the building to accommodate for required additional parking.

Please consider this request and feel free to contact me at (512) 439-0400 or [jennifer@kbge-eng.com](mailto:jennifer@kbge-eng.com) with any questions or comments.

Sincerely,

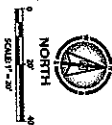
A handwritten signature in black ink, appearing to read "Jennifer Garcia", written in a cursive style.

Jennifer Garcia, PE, CFM  
Principal

**EXHIBIT 1**

| Case # | Sample           | Age                | Country |
|--------|------------------|--------------------|---------|
| 1      | MONSIEUR         | 15 <sup>a</sup>    | FR      |
| 2      | MONSIEUR         | 15 <sup>a</sup>    | FR      |
| 3      | MONSIEUR         | 11 <sup>a</sup>    | FR      |
| 4      | MONSIEUR (JALTI) | 11 <sup>a,10</sup> | FR      |
| 5      | MONSIEUR         | 6 <sup>a</sup>     | FR      |
| 6      | MONSIEUR         | 15 <sup>a</sup>    | FR      |
| 7      | MONSIEUR         | 15 <sup>a</sup>    | FR      |
| 8      | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 9      | MONSIEUR         | 8 <sup>a</sup>     | FR      |
| 10     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 11     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 12     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 13     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 14     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 15     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 16     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 17     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 18     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 19     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 20     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 21     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 22     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 23     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 24     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 25     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 26     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 27     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 28     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 29     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 30     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 31     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 32     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 33     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 34     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 35     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 36     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 37     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
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| 39     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
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| 98     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 99     | MONSIEUR         | 12 <sup>a</sup>    | FR      |
| 100    | MONSIEUR         | 12 <sup>a</sup>    | FR      |

## BLOCK LEGEND



## LINETYPE LEGEND

[illegible]

## FOR CITY USE ONLY

[illegible]

## GLEN ALLEN MULTIFAMILY SITE DEVELOPMENT PLANS

CITY OF AUSTIN, TRAVIS COUNTY, TX

## EXISTING SITE CONDITIONS



KIMBELL | BRUEHL | GARCIA | ESTES

105 W. RIVERSIDE, STE 110 Austin, Texas 78704  
(512) 439-0400 [www.kluge-eng.com](http://www.kluge-eng.com)  
TYPE No. F-12802

### CLIENT INFORMATION

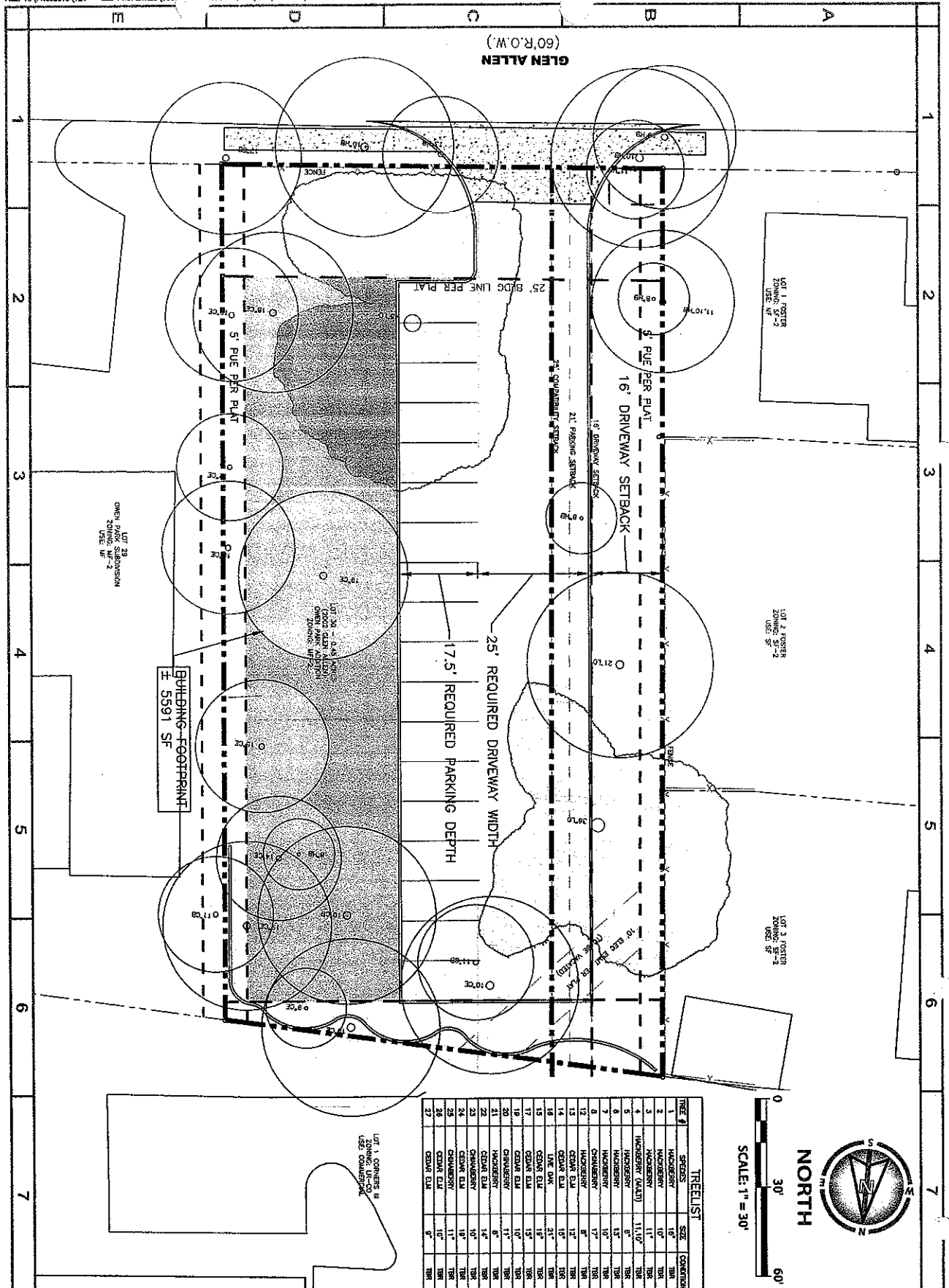
**ROBERT LEE**  
10104 EASTMAN CV  
AUSTIN, TX 78750  
PHONE: (512) 835-4890  
FAX: (512) 835-1477

[illegible]

**EXH 1**

**SP-2013-01990**

**EXHIBIT 2**



CHECKED BY:  
**JENNIFER GARCIA, PE**

JOB NUMBER: **121-003**      ISSUE DATE: **10/31/13**

SHEET:  
**EXHIBIT 2**

**GLEN ALLEN MULTIFAMILY  
SITE DEVELOPMENT PLANS**

CITY OF AUSTIN, TRAVIS COUNTY, TX

**COMPATIBILITY SETBACK EXHIBIT**

**kbge**  
ENGINEERING CONSULTING

**KIMBELL | BRUEHL | GARCIA | ESTES**

105 West Riverside Drive, Ste 110, Austin, Texas 78704  
T (512) 439-0400 www.kbge-eng.com  
TBPE No.F-12802

CLIENT INFORMATION

ROBERT LEE  
10104 EASTMAN CV  
AUSTIN, TX 78750  
PHONE: (512) 435-4890  
FAX: (512) 835-1477

**EXHIBIT 3**

## Jennifer Garcia

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**From:** Embesi, Michael <Michael.Embesi@austintexas.gov>  
**Sent:** Saturday, March 09, 2013 8:37 AM  
**To:** Gabe Bruehl  
**Cc:** Jennifer Garcia; Shirley Vega  
**Subject:** RE: Glen Allen Property

Thank you for your email and for meeting with me yesterday. I've commented below within your response for clarification purposes.

Thank you for your time

Michael Embesi

City of Austin - Planning & Development Review Department

City Arborist

505 Barton Springs Road, Fourth Floor

Austin, TX 78704

Phone (512) 974-1876

Fax (512) 974-3010

Web Site [www.ci.austin.tx.us/trees](http://www.ci.austin.tx.us/trees)

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**From:** Gabe Bruehl [<mailto:gabe@kbge-eng.com>]  
**Sent:** Friday, March 08, 2013 4:51 PM  
**To:** Embesi, Michael  
**Cc:** Jennifer Garcia; Shirley Vega  
**Subject:** Glen Allen Property

Michael,

Thank you for meeting out at the site. Based on our conversation, we will do the following with respect to the heritage tree:

- 1) Make sure the building is 22' from the centerline of the heritage tree.
  - a. Note: this will require us to move the building approximately 3.5' to the North.
- 2) We will prune the one piece of dead wood at the drive entrance along with one branch which should facilitate fire access
- 3) Prune two branches on NE corner of the tree the building side at the upper end of the main branch
- 4) Attempt to eliminate pruning the branch on the NW corner of the tree, but if necessary, prune the tree at the upper fork. The proposed pruning would be limited to 50% of the entire branch (which extends in this direction from the trunk)
- 5) Add asphalt and base material on top of existing ground within the critical root zone of the heritage tree. An engineered low impact driveway is required within 22 feet of the tree. This could be what you are proposing as long as no subgrade impacts (e.g. cutting, compacting) are required.
- 6) Provide a laydown curb for the main drive on the tree side to encourage site drainage to flow towards the tree.



- 7) Based on the meeting, you were ok with the remainder of the building and drive placement with respect to trees.

Please correct any of the above if necessary.

I do have a question for you. If by moving the building back, we need to encroach in the rear setback, would you support a variance? We are currently working through building design and would like to keep our square footage. Thanks again for your time and assistance, it is greatly appreciated. Have a great weekend. Design modifications or a setback variance is required do to the proposed level of impact to the canopy. We will be happy to work with you in either situation. A meeting will be needed in the case that the project prefers to ask for a setback variance from BOA to discuss the requirements.

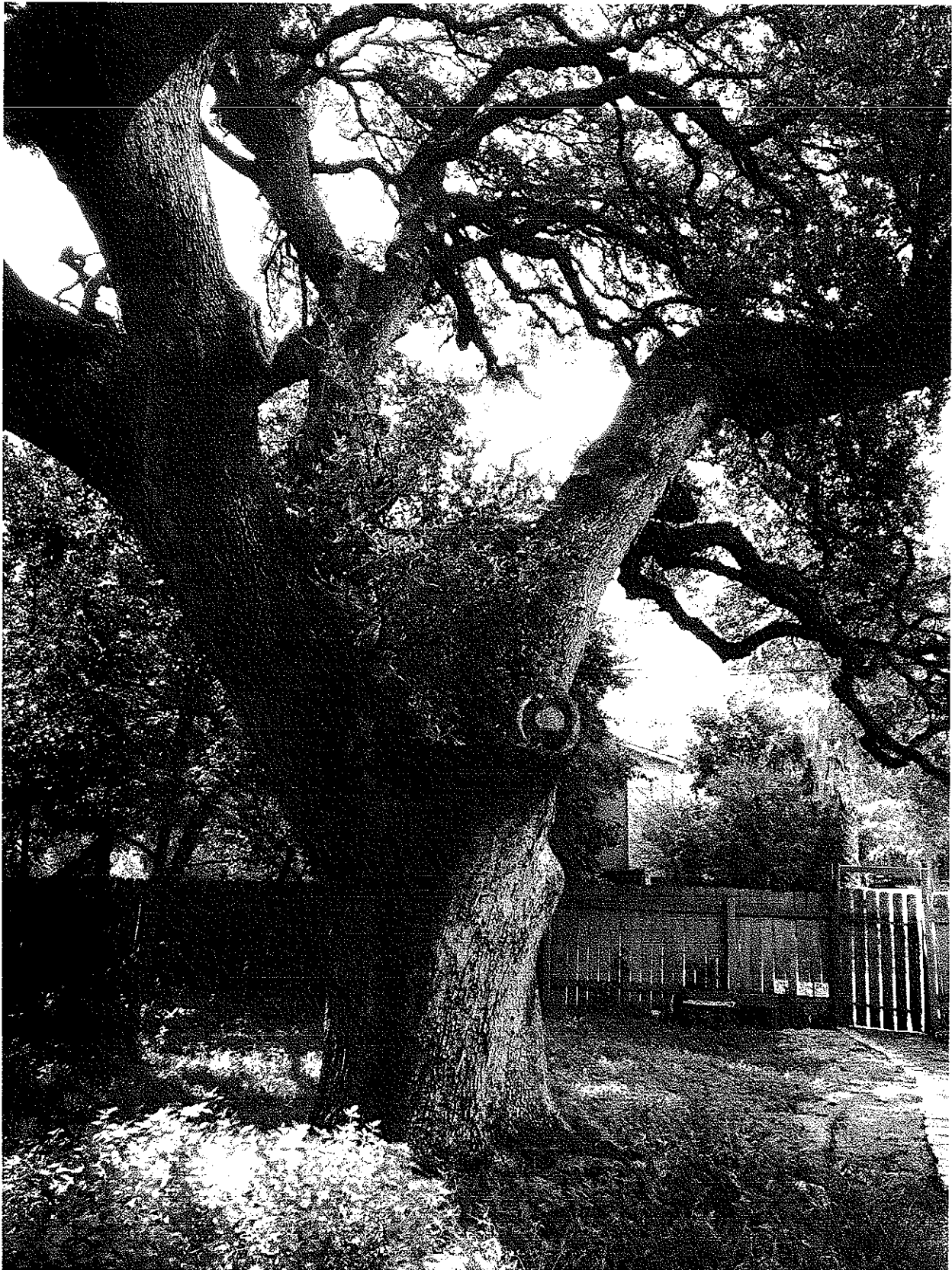
Thanks,

Gabe Bruehl, P.E.  
Principal

KBGE  
KIMBELL | BRUEHL | GARCIA | ESTES  
1801 South Mopac, Ste 100  
Austin, Texas 78746  
[gabe@kbge-eng.com](mailto:gabe@kbge-eng.com)  
o 512 | 439 | 0400  
m 512 | 870 | 7587  
[www.kbge-eng.com](http://www.kbge-eng.com)







**EXHIBIT 4**

## Jennifer Garcia

---

**From:** Esparza, Christine <Christine.Esparza@austinenergy.com>  
**Sent:** Monday, March 11, 2013 3:30 PM  
**To:** Jennifer Garcia  
**Cc:** Gabe Bruehl  
**Subject:** RE: 2002 Glen Allen - Electrical Easement

Hi Jennifer –

You are correct.  
If you have any other questions please feel free to contact me.

Regards,  
Christine Esparza  
Austin Energy  
Public Involvement & Real Estate Services  
512-322-6112 (office)

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**From:** Jennifer Garcia [<mailto:jennifer@kbge-eng.com>]  
**Sent:** Monday, March 11, 2013 3:06 PM  
**To:** Esparza, Christine  
**Cc:** Gabe Bruehl  
**Subject:** 2002 Glen Allen - Electrical Easement

Hi Christine –

Just wanted to confirm based on our conversation this afternoon that the existing 10' electrical easement can be released. It is our understanding that because the easement was dedicated by plat, we are to coordinate with the Public Works Real Estate department (specifically Ms. Jennifer Grant) for release of this specific easement. We will start that process immediately and the existing easement will be noted on the plan set "to be released" if the release is not recorded prior to site plan submittal. Once recorded, we will place the Document number within the plan set.

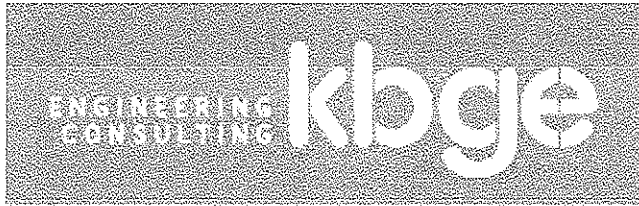
In addition, we understand during the site plan permitting process, Austin Energy will review the proposed construction documents and there may be a future electrical easement required depending on AE proposed design.

Thank you for your assistance and appreciate the quick response!

Jenn

Jennifer Garcia, PE, CFM  
Principal

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Austin, Texas 78746  
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o 512 | 439 | 0400  
m 504 | 289 | 3869



KIMBELL | BRUEHL | GARCIA | ESTES

**EXHIBIT 5**

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