# ZONING CHANGE REVIEW SHEET

<u>CASE:</u> C14-2014-0035 <u>P.C. DATE:</u> May 13, 2014

Adams House Rezoning April 22, 2014

March 25, 2014

ADDRESS: 4300 Avenue G AREA: 6,871 square feet

**OWNER:** Sidney Lock

**AGENT:** McHone Real Estate (Mike McHone)

FROM: SF-3-H-HD-NCCD-NP

**TO:** SF-3-H-HD-NCCD-NP, to change a condition of zoning

NEIGHBORHOOD PLAN AREA: Hyde Park TIA: N/A

WATERSHED: Waller Creek SCENIC ROADWAY: No

<u>CAPITOL VIEW CORRIDOR:</u> No <u>DESIRED DEVELOPMENT ZONE:</u> Yes

# **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed rezoning request to increase the maximum floor-to-area-ratio (FAR) for property located at 4300 Avenue G from .4 to 1 to .6 to 1.

No other modification of the existing family residence-historic designation-historic district-neighborhood conservation combining district-neighborhood plan (SF-3-H-HD-NCCD-NP) combining district zoning is proposed.

# PLANNING COMMISSION RECOMMENDATION:

May 13, 2014: TO GRANT SF-3-H-HD-NCCD-NP, TO CHANGE A CONDITION OF ZONING AS REQUESTED BY APPLICANT. (7-0-1) (D. CHIMENTI-I<sup>ST</sup>, S. OLIVER-2<sup>ND</sup>, J. STEVENS-ABSTAINED)

April 22, 2014: TO GRANT POSTPONEMENT TO MAY 13, 2014, AS REQUESTED BY APPLICANT, ON CONSENT. 9-0 (ANDERSON- $1^{ST}$ , J. STEVENS- $2^{ND}$ )

March 25, 2014: TO GRANT POSTPONEMENT TO APRIL 22, 2014, AS REQUESTED BY STAFF, ON CONSENT. 8-0-1 (J. STEVENS- 1<sup>ST</sup>, D. CHIMENTI-2<sup>ND</sup>, M. SMITH- ABSENT)

# **ISSUES:**

The proposed rezoning seeks to resolve a situation where a residential building permit was issued in error, under unclear Code provisions.

The property is currently zoned SF-3-H-HD-NCCD-NP, and is located in the Hyde Park NCCD, Neighborhood Plan area and National Register Historic District. It is used for Bed and breakfast (Group 1), and was recently issued building permits for an addition above an existing carport/bungalow. Prior to

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the issuance of the building permit, the site had a floor-to-area-ratio (FAR) of 0.49 to 1, exceeding the allowable 0.4 to 1 maximum. During construction Code Compliance was contacted, and it was discovered that the building addition increased the degree of non-compliance to 0.578 to 1 FAR. It was also determined that the improvements do not qualify for a site plan exemption, and a site plan would be required. The addition has not been completed, and a site plan is also under City review at this time. *Please see Exhibit A (As-Built Survey)*.

Based on guidance from City Staff and Planning Commission, the Applicant is also pursuing a resolution of the FAR issue through the Board of Adjustment (BOA) process. The issue was scheduled for consideration at the April 14, 2014, but had to be postponed due to notification issues. A special-called BOA meeting was held April 30, 2014, at which time the Board decided to postpone the item to May 14, 2014. This decision was made because the Board wanted the Planning Commission to consider this rezoning request prior to any possible action by the Board. The Board also stated that the case may not need to return to BOA, depending on Planning Commission action.

# **DEPARTMENT COMMENTS:**

The subject property is occupied by the Adams House Bed & Breakfast, and is located at the northwest corner of Avenue G and 43<sup>rd</sup> Street. The property is occupied by a two story residence and a detached carport/bungalow, where the second story addition was permitted. The property is zoned SF-3-H-HD-NCCD-NP, as are all of the adjacent properties. Surrounding properties include single-family residences and some duplexes. *Please refer to Exhibits B and C (Zoning Map and Aerial View)*.

# **Hyde Park NCCD Overview**

Neighborhood Conservation Combining Districts (NCCDs) are intended to preserve and protect older neighborhoods by modifying regulations such as setbacks, parking, and FAR, based on a neighborhood plan for development and conservation. These modified regulations are incorporated into a customized NCCD zoning ordinances.

Hyde Park NCCD is divided into six subdistricts—Residential, Speedway, Duval, West 38<sup>th</sup> Street, Guadalupe, and Hyde Park Civic. The six subdistricts primarily establish corridors and hubs for certain land uses and their design standards. In addition to six main districts, several smaller areas are called out, generally identifying development regulations for areas that do not correspond directly to the subdistricts. For example, in the Guadalupe subdistrict, allowable building heights differ north and south of 40<sup>th</sup> Street (40 feet and 60 feet, respectively). Finally, specific properties are identified for distinctive site development and land use requirements. For example, 4300 and 4307 Speedway are subject to a variety of customized development standards and regulations related to parking, yards, curb cuts, and land uses. Other specified properties are also identified in the ordinance for special land use considerations.

Ordinance and Amendment History. The Hyde Park NCCD Ordinance was originally adopted on January 31, 2002 (Ordinance No. 020131-20). At that time, the Hyde Park NCCD did not address FAR limitations for the residential subdistrict and/or residential properties in the NCCD. FAR limits were established for multifamily and commercial properties, but the NCCD zoning ordinance was silent regarding FAR for residential properties. FAR limits for residential properties were not addressed directly by the NCCD until an amendment in 2012.

Four amendments to the Hyde Park NCCD have been approved by the City of Austin.

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• Ordinance No. 20080522-044 - Approved May 22, 2008 - Added a vertical mixed use building combining district to the Hyde Park NCCD, including primarily parts of Guadalupe Street.

- Ordinance No. 20080522-061 Approved May 22, 2008 Added a vertical mixed use building combining district at 4000 Avenue B to the Hyde Park NCCD.
- Ordinance No. 20080605-062 Approved June 5, 2008 This rezoned the Kocurek building at 511 West 41st Street from SF-3-NCCD to NO-H-NCCD.
- Ordinance No. 20120112-086 Approved January 12, 2012 This amendment specifically addressed the residential FAR issue, establishing a limit of .4 to 1 for properties within the residential subdistrict, except for the property located at 511 W. 41<sup>st</sup> Street. The NCCD ordinance does not specify the permitted FAR for the property at 511 W. 41<sup>st</sup>.

Please refer to Exhibit D (NCCD Zoning Ordinance).

# **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES	
Site	SF-3-HD-NCCD-NP	Single family residences	
North	SF-3-HD-NCCD-NP	Single family residences	
South	SF-3-HD-NCCD-NP	Duplexes, Single family residences	
East	SF-3-HD-NCCD-NP	Single family residences	
West	SF-3-HD-NCCD-NP	Single family residences	

# **NEIGHBORHOOD ORGANIZATIONS:**

Hyde Park Neighborhood Plan Contact Team
North Austin Neighborhood Alliance
Austin Neighborhoods Council
45<sup>th</sup> Street Concerned Citizens
Central Austin Community Development Corporation
Preservation Austin
Hyde Park Neighborhood Association
Friends of the Emma Barrientos MACC

**CITY COUNCIL DATE/ACTION:** May 22, 2014:

ORDINANCE READINGS: 1st 2nd 3rd

**ORDINANCE NUMBER:** 

**CASE MANAGER:** Heather Chaffin **PHONE:** 974-2122

e-mail: heather.chaffin@austintexas.gov

# **STAFF RECOMMENDATION:**

Staff recommends the proposed rezoning request to increase the maximum floor-to-area-ratio (FAR) for property located at 4300 Avenue G from .4 to 1 to .6 to 1. The proposed rezoning seeks to resolve a situation where a residential building permit was issued in error.

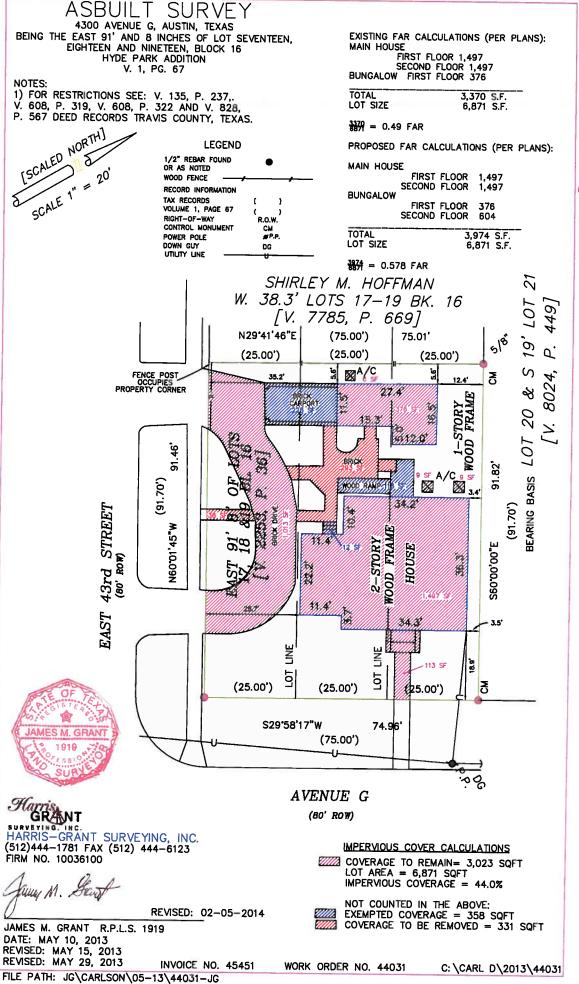
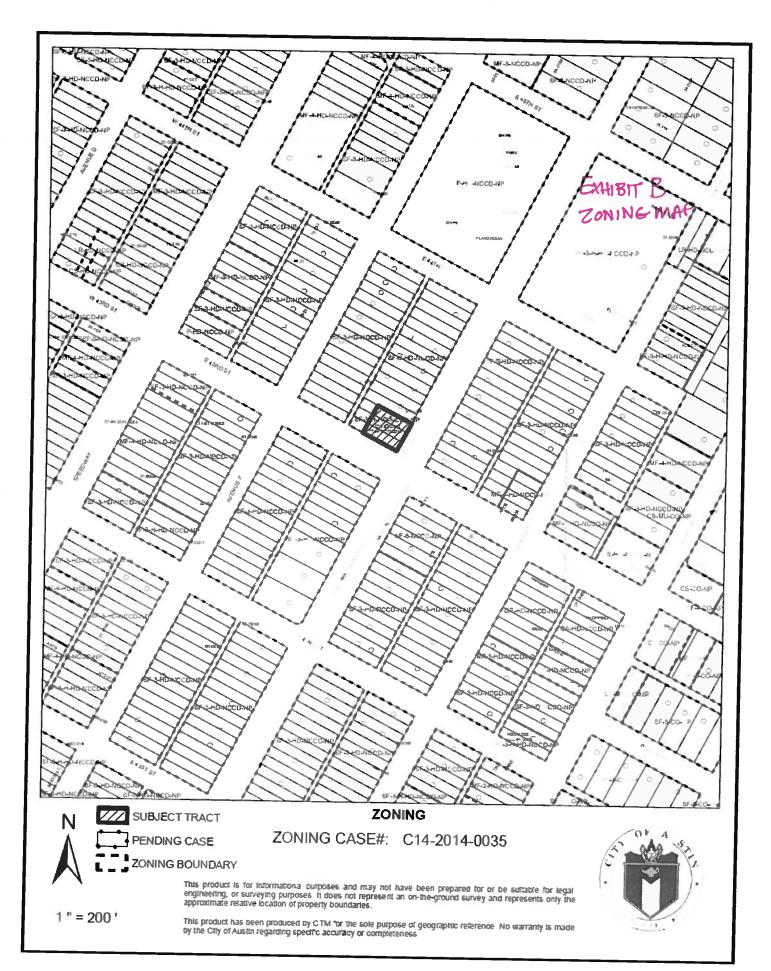
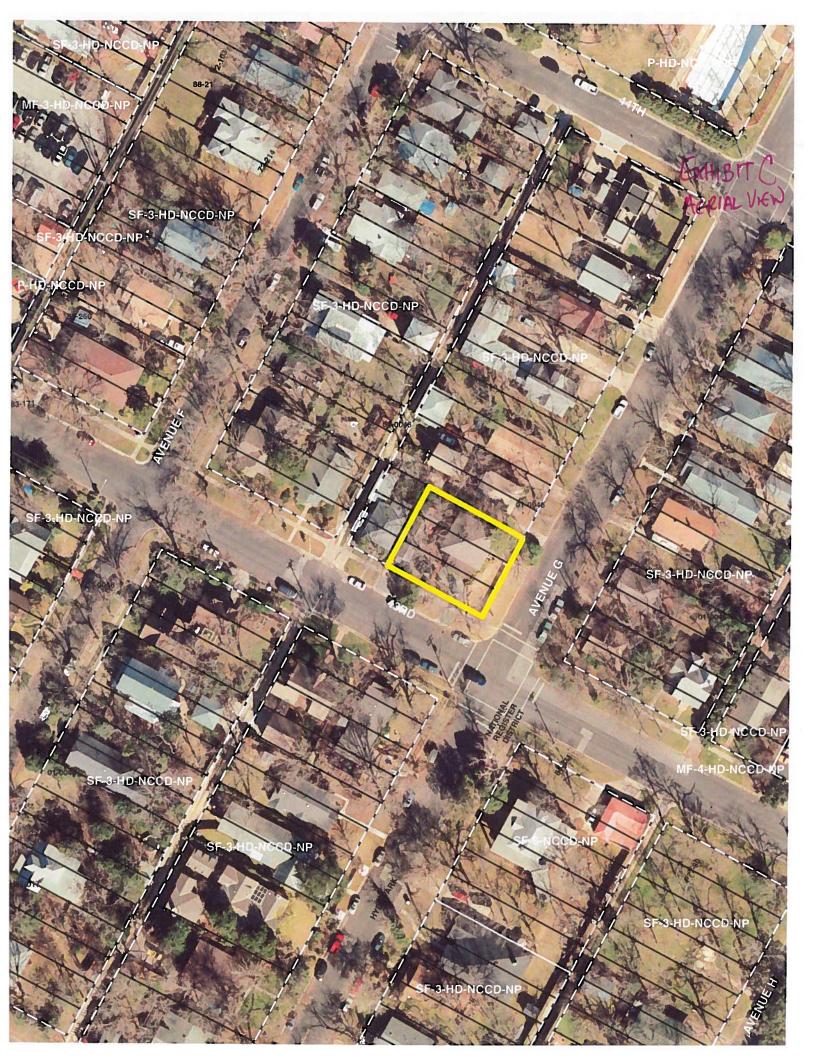
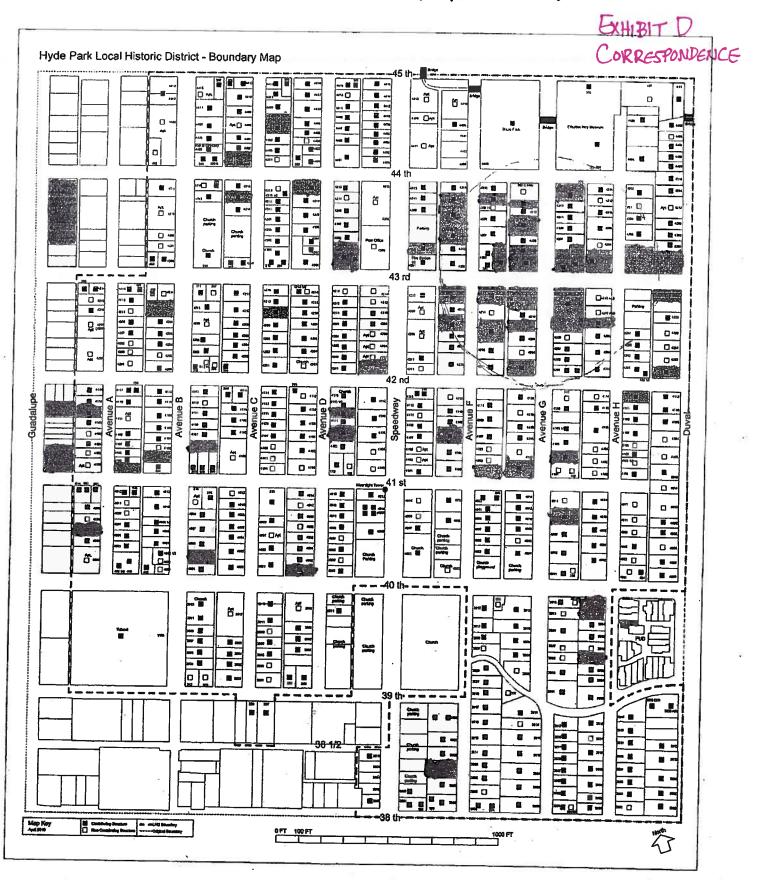


EXHIBIT A AS.BUILT SURVEY





MAP OF SUPPORTERS IN HISTORIC HYDE PARK



# ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK 500 FEET RADIUS FROM 4300 AVENUE G

Albinide, Teddy

Anderson, Jane

Bowen, David

Brown, Don

Brown, Sharon

Burton, Amon

Burton, Carol

Corral, Abe

Corral, Elaine

Deinert, Mark

Dudney, John

Durr, Robin

Durr, Ken

George, Mary Carolyn

Hendrickse, Nhalia

Horowitz, Michael

Horne, Sarah

Kerr, John

Lavinghouse, Preston

Low, Karen

Low, Stephen

Matthis, David

Maxson, Peter Flagg

McMillan, Robin

Mitchell, Michael

Moore, Antoinette

Pruner, Todd

Pumarejo, Kate

Pumarejo, Ricardo

Saadeh, Karen

Sackmary, David

Sawyer, Sara

Strapper, Brock

Taylor, Jack

Webb. Mike

Wilson, Adam

Xanthopoulos, Drew

Yetman, Kiki

# ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK HISTORIC HYDE PARK

Williams, Elizabeth Thomas, H. Grant Margot, Thomas Bednar, Deaton Gilg, Larry Gilg, Susan Mackinnon, Richard French, Scott Duke, Virginia Goldmann, Brittany Martinson, Erin Martinson, Jason Kivel, David Dickson, Herbert Dickson, Sandra Hamm, Sharyn Metzger, Erik Grimes, Carolyn Madsen, Shelley Fries, Mark Kennedy, Sara Anderson, Libby Sheffer-Bracha, Tammy Welder, Carol Grieshaber, Michele Klug, Michael Jackson, Greg Jackson, Carol Harris, Lisa Anderson, David Anderson, Linda Kurth, Brian Grace, Margo Paulson, Carl Hardeman, Shelley Stewart, Carol Stewart, John Herzele, Charlotte Heard, Chase Heard, Helen

Spence, John

# ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK NORTH HYDE PARK AND SURROUNDING NEIGHBORHOODS

Biechlin, Michael Burch, Mark Butchart, Hailey Cazalas, Kelly Davidson, Jared Davies, Penelope Fuller, Anthony Hamblen, Betsy Hamblen, William Holland, Julie Huse, Justin Marchand, Jennifer McDaniel, Mark Melancon, Rebecca O'Brien, Vincent Page, Stephanie Reiffel, Karen Russell, Megan Tucker, Cary Vega, Heather

Vilmot, Emily

# ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK HYDE PARK BUSINESSES

Alexander, Cameron Antonelli, Kendall & John

Avery, Thad Berry, Rose

Bontempo, Gregory Fox, Emmett

Lucero, Estella

Lyons, Tim Warnken, Jeffrey & Sandra Mother's Cafe and Garden Antonelli's Cheese Shop Woodside Development Blue Moon Glassworks

NeWorld Deli ASTI Trattoria

Julio's

Fresh Plus Market 38th Street Pharmacy

# ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK AUSTIN and BEYOND

Adams, Tom

Anderson, Alyson

Barron, Emily

Barth, Suzanne

Baldwin, Elizabeth

Baldwin, Robert

Belisle, Laura

Bennett, Bill

Bennett, Gloria

Bergstrom, Alan

Bergstrom, Blake

Blake, Devin

Bledsoe, Richard

Borgelt, Roger

Bradford, Robin

Brooks, Debra

DeCannie, Nicholas

Dominguez, Andy

Eklund, Richard

Engel, William

Evans, Betsy

Evans, Richard

Fernandez, Christine

Fleming, Nathan

Flores, Monica

Forbes, Caroline

Ford, Chandler

Ford, Jordana

Fulwiler, William James

Gannaway, Jackie

Garrett, Myndi

Garza, Devin

Gooch, Don

Goodwin, Stephen

Grosskopf, Eric

Hartsough, Jeffrey

Hendricks. Kate

Henson, Weldon

Hill, Lee

Hughes, Cassandra

Hughes, Ellen

Hughes, Irving

Hughes, Shawn

Jackson, S. Megan

Jaworski, Joe

Former Galveston Mayor

ADAMS HOUSE LETTERS OF SUPPORT

# HYDE PARK AUSTIN and BEYOND continued

Jaworski, Rebecca Johnson, Eric Jones, Rachel Kaderka, Daniel Katzberg, Gene Kincade, Edward Lambeth, J. Eric Landa, Amanda Landon, Viera Lee, Emily Lock, Julia

Lock, Julia Dean at St. Edward's University
Mann, Michele

Merritt, John Moore, Kenneth Moore, Marcy Moore, Robin O'Brien, Vincent Page, Billy

Page, Billy Page, Lolla

Phlieger, Jennifer Prater Terry

Prater, Terry

Ramirez, Beatrice

Ray, Kristen Reed, Janet

Rhoades, Chris

Roberts, Susan

Rogers, Kathryn

Ross, Lucy

Sanchez, Mary

Schultz, Richard Schultz, Marcia

Seargeant, Tommy

Sikes, Jev Sikes, Sydnor

Sucherman, Todd

Tipton, Todd

Trask, Ann

Truong, Christian

Truong, Tara

Virr, Tom

Voelzel, Linda

Weaver, Jacob

Weterl, David

Wickland, David

Williams, Josh

Yost, Linda

President/CEO Greater Texas Federal Credit Union

Subject: Re: Copy of Steering Committee Recommendation

From: Kevin Heyburn

Date: 3/27/2014 12:16 PM

To: "Adams House B&B" <reservations@theadamshouse.com>

Liz,

HPNA STEERING COMMITTEE RECOMMENDATION (ORIGINAL)

Below is the language from the resolution we voted on in the Steering Committee. It is not an official resolution of the HPNA until there is a vote by the members at the April 7th HPNA meeting, which will take place at 7:00 p.m. at Hyde Park Methodist Church. Also some members may propose amendments to the resolution.

Please let me know if you have any questions.

## Kevin

"The Hyde Park Neighborhood Association is unopposed to the Adams House's specific request for a variance and recognizes that the Adams House is a valued member of our community. We request that that the Board of Adjustment consider this lot as it is now with the permitted development."

On Wed, Mar 26, 2014 at 4:10 PM, Adams House B&B < reservations@theadamshouse.com > wrote:

Hi Kevin,

I hope all is well with you. I have a question that I was hoping that you could help me out with.

We just met with our mediator to review the Board of Adjustments upcoming meeting. Mike (our mediator) will be out of town and has asked us to submit the book to the BOA by April 2nd. If we receive the member vote from the Hyde Park Neighborhood Association on April 7th then we can add this late.

Could we receive a copy of the official verbage now of the recommendation from the Steering Committee to the HPNA for our book? Let me know your thoughts.

Thank you,

## Heldenfels, Leane

From:

Adams House B&B

Sent:

Tuesday, April 08, 2014 10:35 AM

To:

Mike Mchone; Heldenfels, Leane

Subject: Attachments: One more revision for Adams House BOA Packet Steering Committee Verbage.doc

HPNA

STEERING COMMITTEE RECOMMENDATION

(REVISED)

Mike and Leane,

Last night we spoke at the Hyde Park Neighborhood Association and asked for a member vote. There were two amendments that were made to the Steering Committee's recommended verbiage. The new recommendation to the Board of Adjustments is attached.

The vote was:

29 For, 3 Against, 3 Abstained

If you would like a formal copy from HPNA I think the best person to contact would be Co-President Kevin Heyburn who ran the meeting and the vote. His information is

Thank you,

Liz

Liz Lock and Eric C. Hughes Adams House B&B www.theadamshouse.com 512-453-7696

Find us on Facebook, Pinterest, LinkedIn, or Blogger

# Resolution voted by the <u>Hyde</u> <u>Park Steering Committee</u>

Recommendation to HPNA for Member Vote:

"The Hyde Park Neighborhood Association is unopposed to the Adams House's specific request for a variance and recognizes that the Adams House is a valued member of our community. We request that the Board of Adjustment consider this lot as it is now with the permitted development."

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;
- 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/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: C15-2014-0056, 4300 Avenue G
Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, April 14th, 2014

P. O. Box 1088 Austin, TX 78767-1088	
City of Austin-Planning & Development Review Department/1st Floo Leane Heldenfels	
	, ,
	, .
Comments: see attiched litter	
20-2228	
Forme Weidlich Gont 7,2014	
Your address(es) affected by this application	
Lorre Weidlich I am in favor	
Public Hearing: Board of Adjustment, April 14th, 2014	
Contact: Leane Heldenfels, 512-974-2202	
Caco Number: C15-2011 MARK 1200 Avianus C	_

To the Board of Adjustment members:

I am writing with regard to the case involving the Adams House Bed and Breakfast. I own a house two blocks from the Adams House. For years, I have both supported efforts to put in place protections for my neighborhood and worked to put those protections in place. I was chair of the Hyde Park Local Historic District project.

I am sure by now you know the facts of the case: the City of Austin made the mistake of treating this property as commercial rather than residential, although it states 3 or 4 times in City Code that a bed and breakfast is a residential use. As a result, it approved FAR that is greatly in excess of what is allowable under the McMansion ordinance.

We are all upset that the city has failed to enforce its code correctly and we all sympathize with the owners. However, there is no hardship inherent in this lot to allow for the amount of FAR that the owners are requesting. The limit is .4:1 and they are asking for .6:1 – 50% more FAR than their neighbors can build. Approving this amount of FAR punishes the neighborhood for the mistakes of the city.

I am asking you to deny the request. The owners need to seek recompense for their situation by a suit against the architect, who should have known better, and against the city, which failed to enforce its own code.

Lorre Weldlich Former Chair, Hyde Park Local Historic District

4313 Avenue F Austin, TX 78751 512-300-2228

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

P. O. Box 1088

Heather Chaffin

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2014-0035 Contact: Heather Chaffin, 512-974-2122 Public Hearing: Mar 25, 2014, Planning Commission April 10, 2014, City Council
Your Name (please print)
Your address(es) affected by this application \$300 Shows
Signature S-24-04
5-6506
Comments:
If you use this form to comment, it may be returned to:
Planning & Development Review Department

## Chaffin, Heather

From:

Guernsey, Greg

Sent:

Tuesday, April 22, 2014 8:18 AM

To: Cc: Karen McGraw; Heldenfels, Leane; Chaffin, Heather; Johnson, Christopher [PDRD] McDonald, John; Word, Daniel; Rusthoven, Jerry; Adams, George; Linseisen, Andrew;

Sadowsky, Steve; Rhoades, Glenn

Subject:

RE: 4300 Avenue G

### HI Karen:

The site plan requirement is found in Chapter 25-5-2 of the Land Development Code and was created when Mayor Watson was here (see below). The existing B&B owners at the time fought to have restrictions in the Code that would not create too much competition and citizens raised concerns over businesses being permitted in single family neighborhoods. Here is a link to the B&B regulations that addresses unique requirements to B&B, parking, advertising, number of rooms and other site requirements:

http://www.amlegal.com/nxt/gateway.dll?f=jumplink\$jumplink x=Advanced\$jumplink vpc=first\$jumplink xsl=querylink.xsl\$jumplink sel=title;path;content-type;home-title;item-bookmark\$jumplink d=texas(austin)\$jumplink q=[field folio-destination-name:'25-2-781']\$jumplink md=target-id=JD 25-2-781

I'll copy my staff working on the zoning case, the BOA case and the site plan case regarding your concerns.

### Greg

### § 25-5-2 SITE PLAN EXEMPTIONS.

- (A) The director shall determine whether a project is exempt under this section from the site plan requirement of Section 25-5-1(Site Plan Required). The director may require that the applicant submit information necessary to make a determination under this subsection. The director may require an applicant to revise a previously approved site plan under Section 25-5-61(Revisions To Released Site Plans).
  - (B) A site plan is not required for the following development:
- (1) construction or alteration of a single-family residential, single-family attached residential, duplex residential, two-family residential, or secondary apartment special use structure, or an accessory structure, if:
  - (a) not more than one principal residential structure is constructed on a legal lot or tract; and
- (b) a proposed improvement is not located in the 100 year flood plain, or the director determines that the proposed improvement will have an insignificant effect on the waterway;
  - (2) removal of a tree not protected by this title;
- (3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;
  - (4) construction of a fence that does not obstruct the flow of water;
- (5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;
  - (6) restoration of a damaged building that begins within 12 months of the date of the damage;
- (7) relocation or demolition of a structure or foundation covering not more than 10,000 square feet of site area under a City demolition permit, if trees larger than eight inches in diameter are not disturbed and the site is not cleared;
  - (8) development in the extraterritorial jurisdiction that is exempt from all water quality requirements of this title; or
- (9) placement of a commercial portable building on existing impervious cover if the building does not impede or divert drainage and the site complies with the landscaping requirements of this title; and

- (10) construction or alteration of a townhouse in the Mueller Planned Unit Development or the area identified in Section 1.2.5.B (Conflicting Provisions) of the Regulating Plan for the Lamar Blvd./Justin Lane Transit Oriented Development.
- (C) Except for a change of use to an adult oriented business, a site plan is not required for a change of use if the new use complies with the off-street parking requirements of this title.
- (D) Except for an adult oriented business, a site plan is not required for construction that complies with the requirements of this subsection.
- (1) The construction may not exceed 1,000 square feet, and the limits of construction may not exceed 3,000 square feet, except for the following:
  - (a) enclosure of an existing staircase or porch;
  - (b) a carport for fewer than ten cars placed over existing parking spaces;
  - (c) a wooden ground level deck up to 5,000 square feet in size that is for open space use;
  - (d) replacement of a roof that does not increase the building height by more than six feet;
- (e) remodeling of an exterior facade if construction is limited to the addition of columns or awnings for windows or entrance ways;
  - (f) a canopy over an existing gas pump or paved driveway;
  - (g) a sidewalk constructed on existing impervious cover;
- (h) replacement of up to 3,000 square feet of building or parking area lost through condemnation, if the director determines that there is an insignificant effect on drainage or a waterway; or
- (i) modification of up to 3,000 square feet of a building or impervious cover on a developed site if the modification provides accessible facilities for persons with disabilities.
  - (2) The construction may not increase the extent to which the development is noncomplying.
- (3) The construction may not be for a new drive-in service or additional lanes for an existing drive-in service, unless the director determines that it will have an insignificant effect on traffic circulation and surrounding land uses.
  - (4) A tree larger than eight inches in diameter may not be removed.
- (5) The construction may not be located in the 100 year flood plain, unless the director determines that it would have an insignificant effect on the waterway.
- (E) A site plan is not required for minor site development, minor construction, or a change of use that the director determines is similar to that described in Subsections (B), (C), and (D) of this section.
- (I) The exemptions provided by Subsections (C) and (D) do not apply to a bed and breakfast residential use established after October 1, 1994.

Source: Section 13-1-603; Ord. 990225-70; Ord. 990520-38; Ord. 000302-36; Ord. 000831-65; Ord. 031120-40; Ord. 031211-11; Ord. 20101209-075; Ord. 20110210-018; Ord. 20130328-032.

From: Karen McGraw [mailto:MCGRAWK/

Sent: Monday, April 21, 2014 6:18 PM

**To:** Guernsey, Greg **Subject:** 4300 Avenue G

Greg,

Regarding the Adams House B&B at 4300 Avenue G.

I am concerned that in efforts to correct this remarkable error, city staff is not addressing this comprehensively and the case, even if the FAR is approved, will still be out of compliance and the record will remain very confused.

I am unclear on how a house that is licensed to be a B&B can require a site plan? The LDC seems crystal clear that this is a residential use, McMansion applies to this use and the IRC also applies. What is the Site Plan requirement?

The Site Plan indicates the zoning as SF3-H-NCCD when it is actually SF3-H-HD-NCCD.

The zoning case indicates the zoning as SF3-NCCD-NP. The NP was not enacted with the NCCD and appears to have been added to maps by the city at some point but without any notice or hearing as far as I am aware. The current zoning includes H and HD that are not noted.

It seems a Change of Use from a single family house to a B&B might be in order to check number of bedrooms, parking, etc.. However, the city granted the B&B use to this lot many years ago. So this is an alteration, not a change of use unless the second dwelling is considered a change of use.

The consultant's letter states that the effort is to create private living quarters for the owners. The owners have mentioned this many times. The lot is less than 7,000 SF so the property is not eligible for two-family use. So can a B&B also have a two-family use? Is this combination allowed? Is this part of the variance request? zoning? I'm not seeing it listed directly, just noted in a letter.

Why is a Site Plan in review by the DAC instead of Site Plan staff? Why is there no information regarding the number of bedrooms, parking requirements, proposed two-family plus B&B use? Aren't the zoning requirements the subject of a Site Plan?

Why is there no mention of the NCCD parking requirement? This needs to be reviewed and a variance is likely required. A 200 SF addition triggers compliance with all parking regulations including a prohibition on street yard parking.

Who is going to review this project for residential zoning (since it hasn't been done in the SP), NCCD, McMansion and building code? It went through the HLC months ago with no zoning review so those commissioners were not told that it was almost 50% beyond allowable FAR and likely violates parking regulations. The order of the process seems to be an area of great confusion with city staff. How is that being addressed?

My neighbors generally believe that the city is completely at fault for this and that the owners should get the permit back that they got in error. I sympathize with the owners, but I am also concerned that this situation has placed the neighbors in a difficult situation of having to choose between supporting a likable neighbor whose consultants along with city staff created a serious problem, and upholding the protections that the neighborhood association has worked for and the city has enacted over decades to protect the neighborhood.

Are you undertaking any changes to prevent this type of situation in the future?

Thanks,

Karen McGraw AIA 512-917-1761



## **MEMORANDUM**

\*

TO: Mr. Dave Anderson, Chair

Planning Commission Members

FROM: Heather Chaffin, Case Manager

Planning and Development Review Department

DATE: March 25, 2014

RE: Adams House Rezoning

C14-2014-0035

Postponement Request by Staff

\*

Staff is requesting a postponement from March 25, 2014, to April 22, 2014, for the above-referenced rezoning request.

The Applicant is taking the proposed floor-to-area ratio (FAR) modification to the Board of Adjustment on April 14, 2014, prior to Planning Commission action.

# ADAMS HOUSE Timeline

- Talked to HPNA 12/12 1/13 Liz visited with David Conner, the Development coordinator for the neighborhood association – no problem; on board
- 2. Site Plan / Impervious cover issues worked out with City staff help some of the exemptions on steps, porches, etc., considered variance on imp. cover and decided to removed brick patio and 1'-2' of driveway
- 3. 5/6/13--HLC Unanimous approval—met Cert.of App. committee and then full
- 4. commission only changed window trim header detail (COA also)
- 5. Preliminary plans to Contractor 5/20/13
- 6. Initial permit meeting to submit permit application and got checklist
- 7. Preliminary bids 7/7/13
- 8. Submitted site plan for exemption on 8/23/13. Denied for Imp cover. Meetings / talk with Amber, Sallie Correa, Andria Burt, Kristin Carlton. Frans Dahmen met with Sallie Correa regarding impervious cover in July 2013.
- 9. Frequent meetings with COA Staff --First upstairs, then sent downstairs -back and forth. Robert Heil brought issues of accessory building square footage limitations / definitions. Called Daniel Word (under Tony Hernandez.) Frans met with everyone involved. Decision by Ward for a way to proceed get site plan exemption from commercial (Robert Heil, Sallie, Andria, Amber, Kristin)
- 10. Re-submitted revised site plan as directed
- 11. Submitted complete permit set--including McMansion ordinance tent diagram 08/12/13
- 12. Site plan exemption issued 8/30/13
- 13. Questions answered, resubmitted- permit approved and issued 9/5/13
- 14. Loan from bank approved 10/10/13
- City official: Routine pre-construction inspection by Kelly Stillwell, Residential Inspector on 10/11/13
- 16. Began Construction to external carport on 11/11/13
- 17. Received communication from Tony Hernandez to stop construction 1/10/14. Frans spoke with Chris Johnson / reviewer at COA. Reasoning given: a) FAR % unacceptable; b) Parking requirement; c) plans were not given proper review. Frans was given permission to complete roof to secure / protect building
- 18. Met with Senior City Staff on 1/27/14. Admitted to making errors in permit. Decided to move forward with a City initiated resolution
- 19. Frans given OK to dry-in building at the City meeting with Senior Staff
- 20. Planning Commission denied the COA staff initiating a revision to the Hyde Park NCCD at their 2/25/14 meeting
- 21. Put on agenda for 4/14/14 BOA meeting

PROVIDED BY APPLICANT

application affecting your neighborhood. environmental organization that has expressed an interest in an development or change. Although applicants and/or their agent(s) are expected to attend a public have the opportunity to speak FOR or AGAINST the proposed hearing, you are not required to attend. However, if you do attend, you You may also contact a neighborhood or

specific date and time for a postponement or continuation that is not later or denial of the application. If the board or commission announces a continue an application's hearing to a later date, or recommend approval During a public hearing, the board or commission may postpone or than 60 days from the announcement, no further notice is required.

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Austin, TX 78767-1088

Written comments must be submitted to the contact person listed on

Leane Heldenfels P O Roy 1088
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If you use this form to comment, it may be returned to: City of Austin-Planning & Development Review Department/1st Floor Leane Heldenfels
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----- Original Message -----

Subject:Re: help request

Date:Sat, 5 Apr 2014 15:07:49 -0700

From: David S Sackmary
To: Adams House B&B <

Hi Liz,

Your house is the finest kept on the street, and you should be able to build with a city permit once granted.

Or so I thought. think? so i think. You are welcome to present this as my opinion anywhere that it might come in useful. and put my X of agreement on the letter of support.

if anyone has any questions, i'm reachable at 510.339.3533

(working in SF for awhile, coming back this summer).

Best, David

On 3/20/2014 9:23 AM, David S Sackmary wrote: Hi neighbor,

I was wondering if you could let me know who takes care of your grounds?

My house is across the street, 4307 Avenue G, and I definetly need to hire someone to improve curb appeal.

I wouldn't even know where to begin looking, except by asking the only house on the street that seems to be doing a great job of it!

Thanks, David

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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.

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During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

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or commission (or the ablic hearing. Your s name, the scheduled the contact person ssion	Tobject  S - 16 - 14  Date		
Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.  Case Number: C14-2014-0035  Contact: Heather Chaffin, 512-974-2122  Public Hearing: Mar 25, 2014, Planning Commission  April 10, 2014, City Council	Your Name (please print)  Your Name (please print)  H215 HVE PLUE F  Your addreps(es) affected by this application  Signature  Signature  Signature  512457 (984)	Comments:	If you use this form to comment, it may be returned to: City of Austin Planning & Development Review Department Heather Chaffin P. O. Box 1088 Austin, TX 78767-8810

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# PUBLIC HEARING INFORMATION

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Planning & Development Review Department Green Nat once They be Their P. O. Box 1088
Austin, TX 78767-8810 W/ construction, They were sood to so. Inch Mouls any one take the file of were built or smaller lots, It we want to be historic, it; Bus Louses were kest to little houses; bus how ses inagine Austra Citzans we should allow this change because it all BS All it takes are walks man the alleys tosale That historically thene weren't all These If you use this form to comment, it may be returned to: And the shall cally garages were built W/ no set-holl, This one in Pules trying to break unformity, theorecally Comments: Hype Pank is a historic District. I am in favor comments should include the board or commission's name, the scheduled 6) 20 W 91 Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your ☐ I object of Hickbak. Daytime Telephone: 512 971 7114 (cold Public Hearing: Mar 25, 2014, Planning Commission April 10, 2014, City Council Contact: Heather Chaffin, 512-974-2122 Your address(es) affected by this application MICHAEL W. MUTSKEL 4303 Avenue G to the oncoinal feel Case Number: C14-2014-0035 Signature Your Name (please print) listed on the notice. City of Austin

# PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

0+B) I have never witnessed such difficulty with Comments: In the 35 years I have lived in bythe Park (across Heybron what is now Adoms House Tam in favor comments should include the board or commission's name, the scheduled Do Hight by Adoms House + expedite He Written comments must be submitted to the board or commission (or the 3-17-14 date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your city pulled the rug out from under them. □ I object Date the city. The owners played by the miles Public Hearing: Mar 25, 2014, Planning Commission If you use this form to comment, it may be returned to: April 10, 2014, City Council Daytime Telephone: 512 . 458 - 2830 Planning & Development Review Department Contact: Heather Chaffin, 512-974-2122 Your address(es) affected by this application heres any approval Case Number: C14-2014-0035 Signature A. Bu 205 E. 43rd ST. DURR Your Name (please print) Austin, TX 78767-8810 isted on the notice. Heather Chaffin City of Austin P. O. Box 1088 ROBIN

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Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

City of Austin

Austin, TX 78767-8810

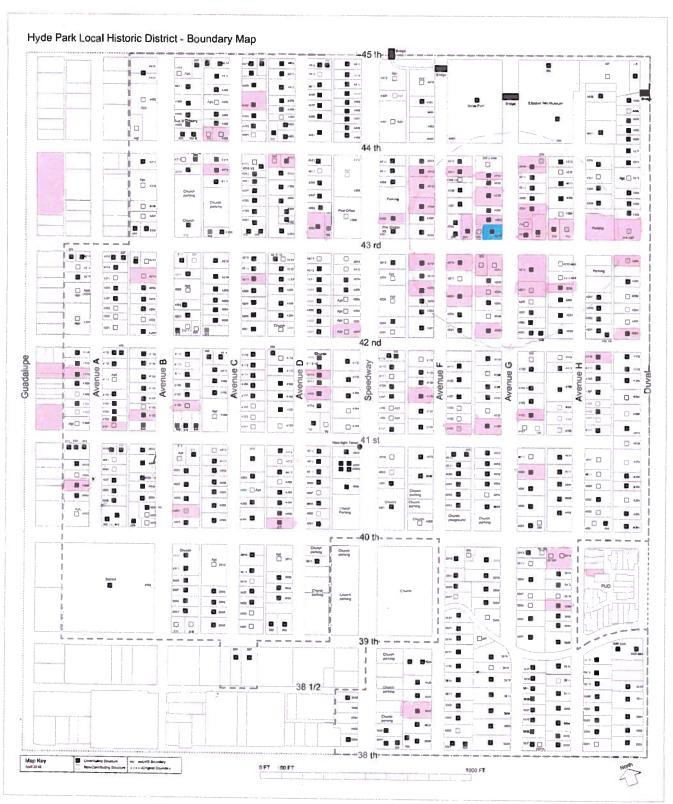
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HPNA SUPPORT RESOLUTION

## Resolution voted by the <u>Hyde</u> <u>Park Neighborhood Association</u>

Apríl 7, 2014:

"The Hyde Park Neighborhood Association supports the Adams House's specific request for a variance and recognizes that the Adams House is a valued member of our community. We request that the Board of Adjustment consider this lot as it is now with the development permitted on September 5, 2013."



LETTERS OF SUPPORT

UPDATED 5-8-2014

# ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK 500 FEET RADIUS FROM 4300 AVENUE G UPDATED C-8-7014

Albinide, Teddy Anderson, Jane

Bowen, David

Brown, Don

Brown, Sharon

Burton, Amon

Burton, Carol

Corral, Abe

Corral, Elaine

Deinert, Mark

Dudney, John

Durr, Robin

Durr, Ken

George, Mary Carolyn

Hendrickse, Nhalia

Horowitz, Michael

Horne, Sarah

Kerr, John

Lavinghouse, Preston

Low, Karen

Low, Stephen

Matthis, David

Maxson, Peter Flagg

McMillan, Robin

Mitchell, Michael

Moore, Antoinette

Pruner, Todd

Pumarejo, Kate

Pumarejo, Ricardo

Saadeh, Karen

Sackmary, David

Sawyer, Sara

Strapper, Brock

Taylor, Jack

Webb. Mike

Wilson, Adam

Xanthopoulos, Drew

Yetman, Kiki

# ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK HISTORIC HYDE PARK UPDATED L-8-2014

Williams, Elizabeth Thomas, H. Grant

Margot, Thomas

Bednar, Deaton

Gilg, Larry

Gilg, Susan

Mackinnon, Richard

French, Scott

Duke, Virginia

Goldmann, Brittany

Martinson, Erin

Martinson, Jason

Kivel, David

Dickson, Herbert

Dickson, Sandra

Hamm, Sharyn

Metzger, Erik

Grimes, Carolyn

Madsen, Shelley

Fries, Mark

Kennedy, Sara

Anderson, Libby

Sheffer-Bracha, Tammy

Welder, Carol

Grieshaber, Michele

Klug, Michael

Jackson, Greg

Jackson, Carol

Harris, Lisa

Anderson, David

Anderson, Linda

Kurth, Brian

Grace, Margo

Paulson, Carl

Hardeman, Shelley

Stewart, Carol

Stewart, John

Herzele, Charlotte

Heard, Chase

Heard, Helen

Spence, John

#### **ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK HYDE PARK BUSINESSES**

Alexander, Cameron Antonelli, Kendall & John

Avery, Thad Berry, Rose

Bontempo, Gregory Fox, Emmett

Lucero, Estella

Lyons, Tim Warnken, Jeffrey & Sandra 38th Street Pharmacy

Mother's Cafe and Garden Antonelli's Cheese Shop Woodside Development Blue Moon Glassworks

NeWorld Deli **ASTI Trattoria** 

Julio's

Fresh Plus Market

### ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK NORTH HYDE PARK AND SURROUNDING NEIGHBORHOODS

Biechlin, Michael

Burch, Mark

Butchart, Hailey

Cazalas, Kelly

Davidson, Jared

Davies, Penelope

Fuller, Anthony

Hamblen, Betsy

Hamblen, William

Holland, Julie

Huse, Justin

Marchand, Jennifer

McDaniel, Mark

Melancon, Rebecca

O'Brien, Vincent

Page, Stephanie

Reiffel, Karen

Russell, Megan

Tucker, Cary

Vega, Heather

Vilmont, Emily

UPPATED 5-8-2014

### **ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK** AUSTIN and BEYOND PDATED 5-8-2014

Adams, Tom

Anderson, Alyson

Barron, Emily

Barth, Suzanne

Baldwin, Elizabeth

Baldwin, Robert

Belisle, Laura

Bennett, Bill

Bennett, Gloria

Bergstrom, Alan

Bergstrom, Blake

Blake, Devin

Bledsoe, Richard

Borgelt, Roger

Bradford, Robin

Brooks, Debra

Cheney, Diane

DeCannie, Nicholas

Dominguez, Andy

Eklund, Richard

Engel, William

Evans, Betsy

Evans, Richard

Fernandez, Christine

Fleming, Nathan

Flores, Monica

Forbes, Caroline

Ford, Chandler

Ford, Jordana

Fulwiler, William James

Gannaway, Jackie

Garrett, Myndi

Garza, Devin

Gooch, Don

Goodwin, Stephen

Grosskopf, Eric

Hartsough, Jeffrey

Hendricks, Kate

Henson, Weldon

Hill, Lee

Hobbs, Kathleen

Hughes, Cassandra

Hughes, Ellen

Hughes, Irving

Hughes, Shawn

Jackson, S. Megan

Jaworski, Joe

Former Galveston Mayor

#### ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK AUSTIN and BEYOND continued

Jaworski, Rebecca Johnson, Eric Jones, Rachel Kaderka, Daniel Katzberg, Gene Kincade, Edward Lambeth, J. Eric Landa, Amanda Landon, Viera

Lee, Emily

\* . r

Lock, Julia Mann, Michele

Merritt, John Moore, Kenneth Moore, Marcy Moore, Robin

O'Brien, Vincent

Page, Billy Page, Lolla

Phlieger, Jennifer

Prater, Terry

Ramirez, Beatrice

Ray, Kristen Reed, Janet

Rhoades, Chris

Roberts, Susan

Rogers, Kathryn

Ross, Lucy

Sanchez, Mary

Schultz, Richard

Schultz, Marcia

Seargeant, Tommy

Sikes, Jev Sikes, Sydnor

Sonson, Martha

Sucherman, Todd

Tipton, Todd

Trask, Ann

Truong, Christian

Truong, Tara

Virr, Tom

Voelzel, Linda

Weaver, Jacob

Weterl, David

Wickland, David Williams, Josh

Yost, Linda

Dean at St. Edward's University

President/CEO Greater Texas Federal Credit Union

#### **ADAMS HOUSE LETTERS OF SUPPORT** HYDE PARK HYDE PARK BUSINESSES UPDATED UPDATED Ther's Cafe and Garden

Alexander, Cameron Antonelli, Kendall & John

Avery, Thad Berry, Rose

Bontempo, Gregory Fox, Emmett

Lucero, Estella

Lyons, Tim Warnken, Jeffrey & Sandra 38th Street Pharmacy

Mother's Cafe and Garden Antonelli's Cheese Shop Woodside Development Blue Moon Glassworks

NeWorld Deli **ASTI Trattoria** 

Julio's

Fresh Plus Market

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Burch, Mark

Butchart, Hailey

Cazalas, Kelly

Davidson, Jared

Davies, Penelope

Fuller, Anthony

Hamblen, Betsy

Hamblen, William

Holland, Julie

Huse, Justin

Marchand, Jennifer

McDaniel, Mark

Melancon, Rebecca

O'Brien, Vincent

Page, Stephanie

Reiffel, Karen

Russell, Megan

Tucker, Cary

Vega, Heather

Vilmont, Emily

## ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK AUSTIN and BEYOND

5-8-2014

Adams, Tom

Anderson, Alyson

Barron, Emily

Barth, Suzanne

Baldwin, Elizabeth

Baldwin, Robert

Belisle, Laura

Bennett, Bill

Bennett, Gloria

Bergstrom, Alan

Bergstrom, Blake

Blake, Devin

Bledsoe, Richard

Borgelt, Roger

Bradford, Robin

Brooks, Debra

Cheney, Diane

DeCannie, Nicholas

Dominguez, Andy

Eklund, Richard

Engel, William

Evans, Betsy

Evans, Richard

Fernandez, Christine

Fleming, Nathan

Flores, Monica

Forbes, Caroline

Ford, Chandler

Ford, Jordana

Fulwiler, William James

Gannaway, Jackie

Garrett, Myndi

Garza, Devin

Gooch, Don

Goodwin, Stephen

Grosskopf, Eric

Hartsough, Jeffrey

Hendricks, Kate

Henson, Weldon

Hill, Lee

Hobbs, Kathleen

Hughes, Cassandra

Hughes, Ellen

Hughes, Irving

Hughes, Shawn

Jackson, S. Megan

Jaworski, Joe

Former Galveston Mayor

### ADAMS HOUSE LETTERS OF SUPPORT HYDE PARK AUSTIN and BEYOND continued

Jaworski, Rebecca Johnson, Eric Jones, Rachel Kaderka, Daniel Katzberg, Gene Kincade, Edward Lambeth, J. Eric Landa, Amanda Landon, Viera

Lee, Emily Lock, Julia

. .

Mann, Michele Merritt, John

Moore, Kenneth

Moore, Marcy Moore, Robin

O'Brien, Vincent

Page, Billy Page, Lolla

Phlieger, Jennifer

Prater, Terry

Ramirez, Beatrice

Ray, Kristen

Reed, Janet

Rhoades, Chris

Roberts, Susan

Rogers, Kathryn

Ross, Lucy

Sanchez, Mary

Schultz, Richard

Schultz, Marcia

Seargeant, Tommy

Sikes, Jev

Sikes, Sydnor

Sonson, Martha

Sucherman, Todd

Tipton, Todd

Trask, Ann

Truong, Christian

Truong, Tara

Virr, Tom

Voelzel, Linda

Weaver, Jacob

Weterl, David

Wickland, David

Williams, Josh

Yost, Linda

Ontinued

OPDATES

Dean at St. Edward's University

President/CEO Greater Texas Federal Credit Union