

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

**DATE:** Monday, May 12, 2014

**CASE NUMBER:** C15-2014-0050

<input type="checkbox"/> Y	Jeff Jack	
<input type="checkbox"/> Y	Michael Von Ohlen	<b>Motion to PP to June 9, 2014</b>
<input type="checkbox"/> Y	Ricardo De Camps	
<input type="checkbox"/> Y	Bryan King	<b>2<sup>nd</sup> the Motion</b>
<input type="checkbox"/> Y	Fred McGhee	
<input type="checkbox"/> Y	Melissa Hawthorne	
<input type="checkbox"/> N	Sallie Burchett	

**APPLICANT:** Austin Stowell

**OWNER:** Edward S. Butler

**ADDRESS:** 1190,1192,1194,1196,1198 NAVASOTA ST

**VARIANCE REQUESTED:** The applicant has requested a variance from Section 25-2-779 (G) of Small Lot Single- Family Residential Use standards to decrease the rear through lot setback from 15 feet to 10 feet on the Waller Street property line; and from Section 25-2-779 (I) to decrease one of the interior side yard setbacks on each lot from 3.5 feet to 1 foot in order to construct a single family home and AC unit in an "CS-MU-CO-NCCD-NP", Commercial Services - Mixed Use - Conditional Overlay - Neighborhood Conservation Combining - Neighborhood Plan (lots 1-3) and "CS-MU-CO-NP", Commercial Services - Mixed Use - Conditional Overlay - Neighborhood Plan (lots 4-5) zoning district. (Central East Austin)

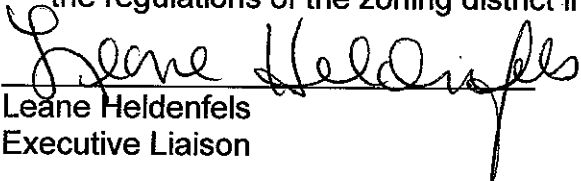
**BOARD'S DECISION:** The public hearing was closed on Board Member Fred McGhee motion to Postpone to May 12, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO MAY 12, 2014.**

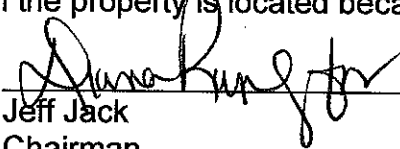
**BOARD'S DECISION:** May 12, 2014 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 9, 2014, Board Member Bryan King second on a 6-1 vote (Board member Sallie Burchett nay); **POSTPONED TO JUNE 9, 2014.**

**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:  
(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

1184

C15-2014-0050

F1

As a neighbor to the properties located 1191-1199 Navasota Street, I support the BOA Variance to grant a rear setback of 10 ft as opposed to the 15ft set back. These lots have long sat fallow and I support KEEP Real Estate and Butler Equity Holdings in their attempt to revitalize these lots and believe that granting this variance is the only way to effectively develop these parcels.



Name:

Address:

Isaac Lynde  
Worth Capital Group

1184 Navasota

KEEP REAL ESTATE

F1



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*Yolanda Seay*  
Name:

Address: 1184 Catalpa Waller St.

- vision around corner + fencing + Waller entrance from Catalpa yield sign.

KEEP REAL ESTATE





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*Darrell W. Pierce*

Name: Darrell W. Pierce

Address: 901 East 12th Street

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

**DATE:** Monday, April 14, 2014

**CASE NUMBER:** C15-2014-0050

☐ Y \_\_\_\_\_ Jeff Jack  
☐ Y \_\_\_\_\_ Stuart Hampton  
☐ Y \_\_\_\_\_ Ricardo De Camps  
☐ Y \_\_\_\_\_ Bryan King  
☐ Y \_\_\_\_\_ Fred McGhee **Motion to PP to May 12, 2014**  
☐ Y \_\_\_\_\_ Melissa Hawthorne **2<sup>nd</sup> the Motion**  
☐ Y \_\_\_\_\_ Sallie Burchett

**APPLICANT:** Austin Stowell

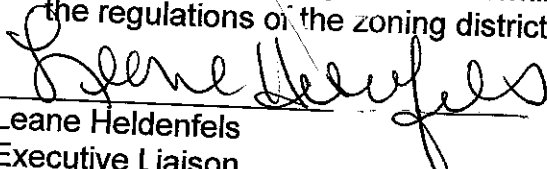
**OWNER:** Edward S. Butler

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**FINDING:**

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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



N



 SUBJECT TRACT

 ZONING BOUNDARY

CASE#: C15-2014-0050  
LOCATION: 1191, 1193, 1195, 1197, 1199 WALLER ST



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.



# City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

## Neighborhood Housing and Community Development Department

January 18, 2012

### S.M.A.R.T. Housing Certification (id#)

Butler Family Interests, LLP- 1001-1105 East 12<sup>th</sup> Street; 1191-1199 Waller Street

#### TO WHOM IT MAY CONCERN:

Butler Family Interests, LLP (contact: Austin Stowell, (512) 294-8468 (o); (512) 590-8709 (fax), [ajstowell@gmail.com](mailto:ajstowell@gmail.com)) is planning to develop **15 single-family units** located at 1001-1105 East 12<sup>th</sup> Street and 1191-1199 Waller Street located in the Central East Austin Neighborhood Planning Area.

Since **13%** of the units (2 units) will serve households at or below **80%** Median Family Income (MFI), the development will be eligible for **25%** waiver of the fees listed in the S.M.A.R.T. Housing Ordinance adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees  
 Building Permit  
 Concrete Permit  
 Electrical Permit  
 Mechanical Permit  
 Plumbing Permit

Site Plan Review  
 Misc. Site Plan Fee  
 Construction Inspection  
 Subdivision Plan Review  
 Misc. Subdivision Fee  
 Zoning Verification

Land Status Determination  
 Building Plan Review  
 Parkland Dedication (*by separate ordinance*)

#### Prior to filing of building permit applications and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Bryan Bomer 482-5351 or Heidi Kasper 482-5407).
- ◆ The site plan and building plans are required to meet the accessibility per the S.M.A.R.T. Housing program.

#### Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3154 if you need additional information.

Javier V. Delgado  
 Neighborhood Housing and Community Development

Cc:

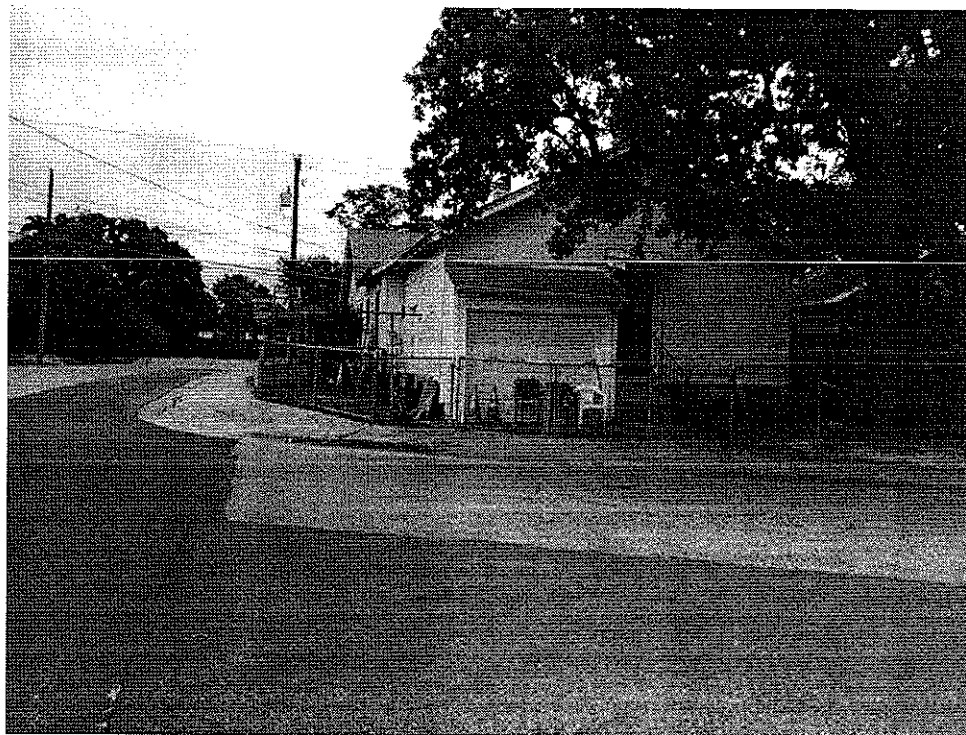
Laurie Shaw, Cap Metro  
 Maureen Meredith, PDRD  
 Kath. Murray, Austin Energy  
 Chris Yanez, PARD  
 Danny McNabb, PDRD

Michael Simmons-Smith, PDR  
 George Zapalac, PDRD  
 J.B. Meier, PDRD  
 Hillary Holey, PDRD  
 Robby McArthur, WWW Taps

Bryan Bomer, Austin Energy  
 Deborah Fonseca, PDRD  
 Stephen Castleberry, PDRD  
 John McDonald, PDRD



Rear of home faces Waller, front on Navasota- Approximately 6' from curb

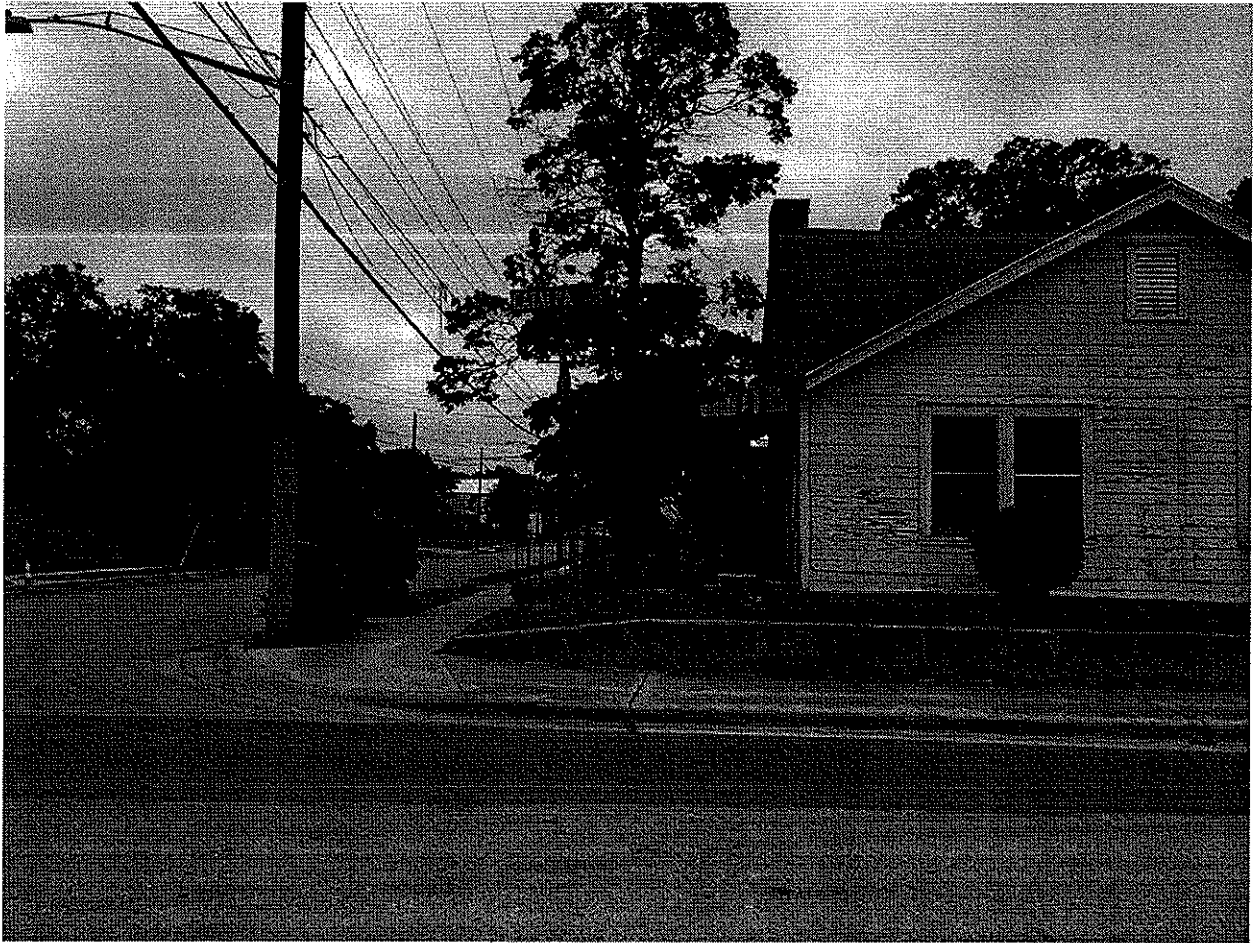


Standing on Waller looking East

C15-2014-0050

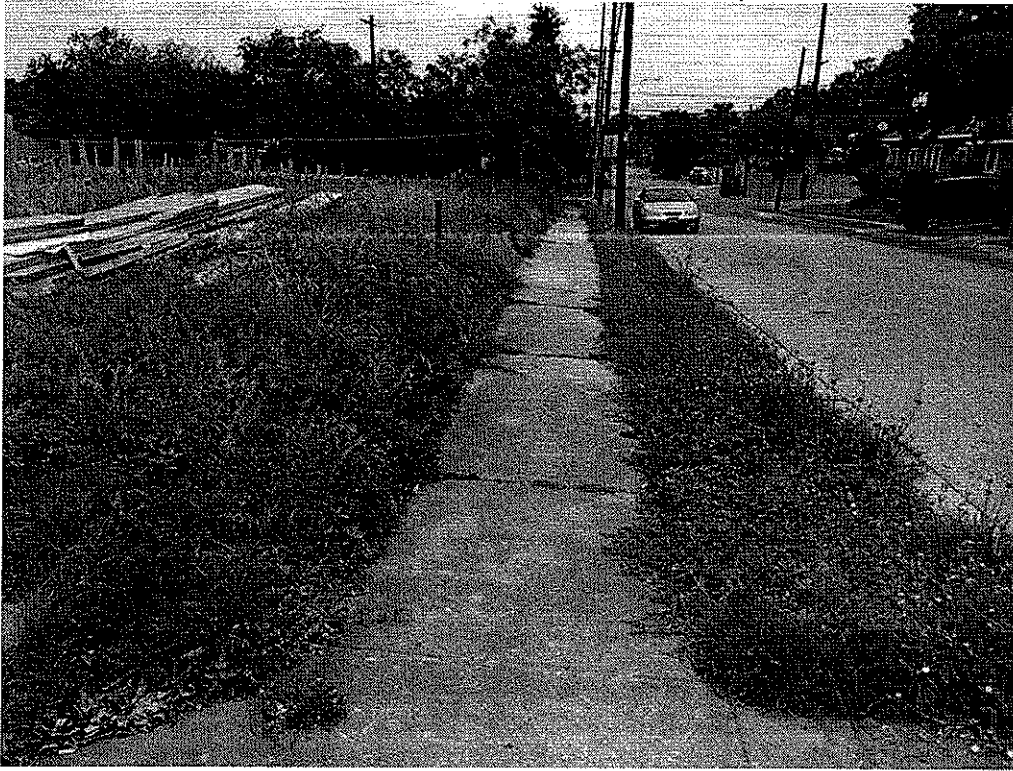


Standing on Waller looking North



Intersection of Catalpa and Navasota, Looking South

Approximately 20' from curb (10' building line?)



Standing at intersection of Catalpa and Navasota, Looking North

Forms set at 25' from curb (15' building line)

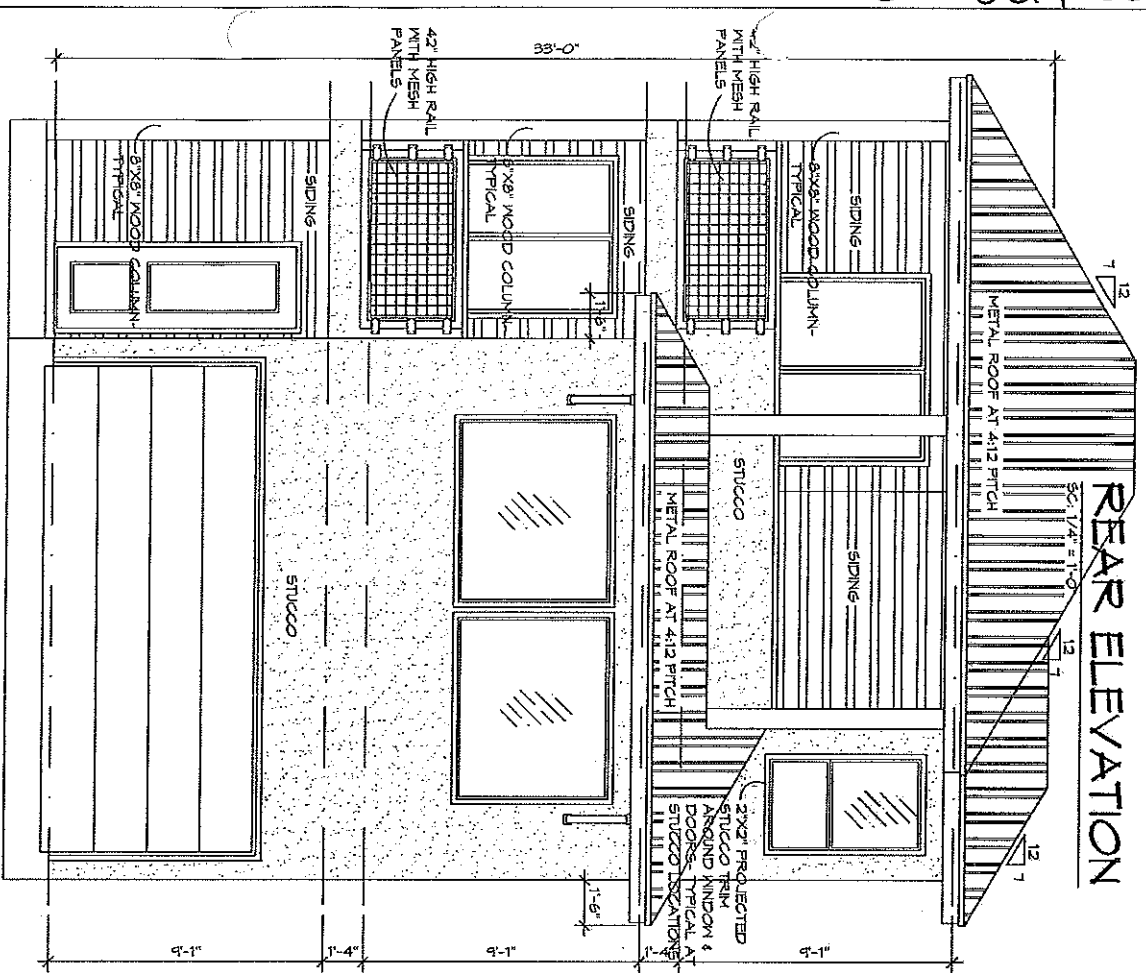




Intersection (Corner at 12th and Waller) see form location in relation to house at Catalpa/Navasota/Waller

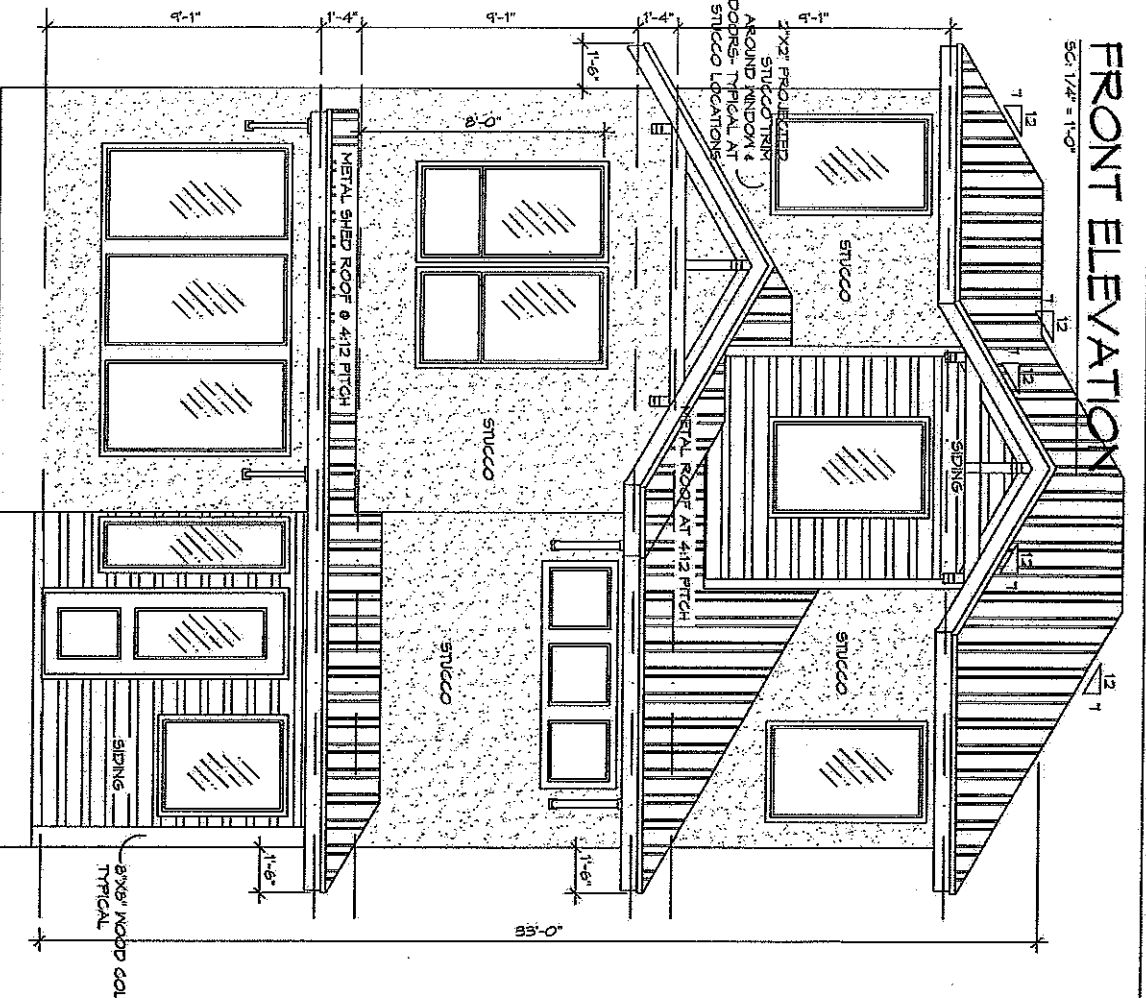
# REAR ELEVATION

SC: 1/4" = 1'-0"



# FRONT ELEVATION

SC: 1/4" = 1'-0"



BARRON CUSTOM  
DESIGN, LLC

Edith Barron, Principal  
312.226.7078  
barrondesignllc@gmail.com  
barrondesignllc.com



Jon Smiley 312.203.1111  
jon@ionconstructors.com

12TH ST. CITY HOMES

PLAN # 7

2124 sq. ft.

NUMBER	DESCRIPTION	DATE
1	PERMIT	11/24/13

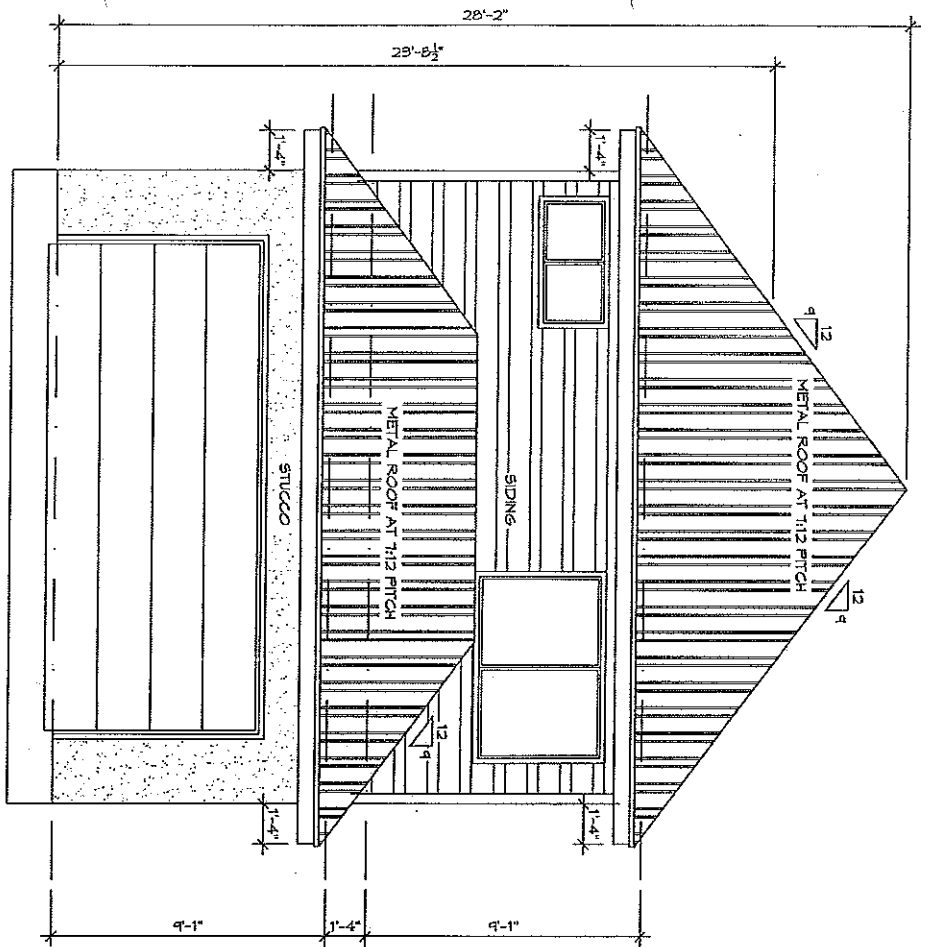
Elevations

A104

CREATED BY:

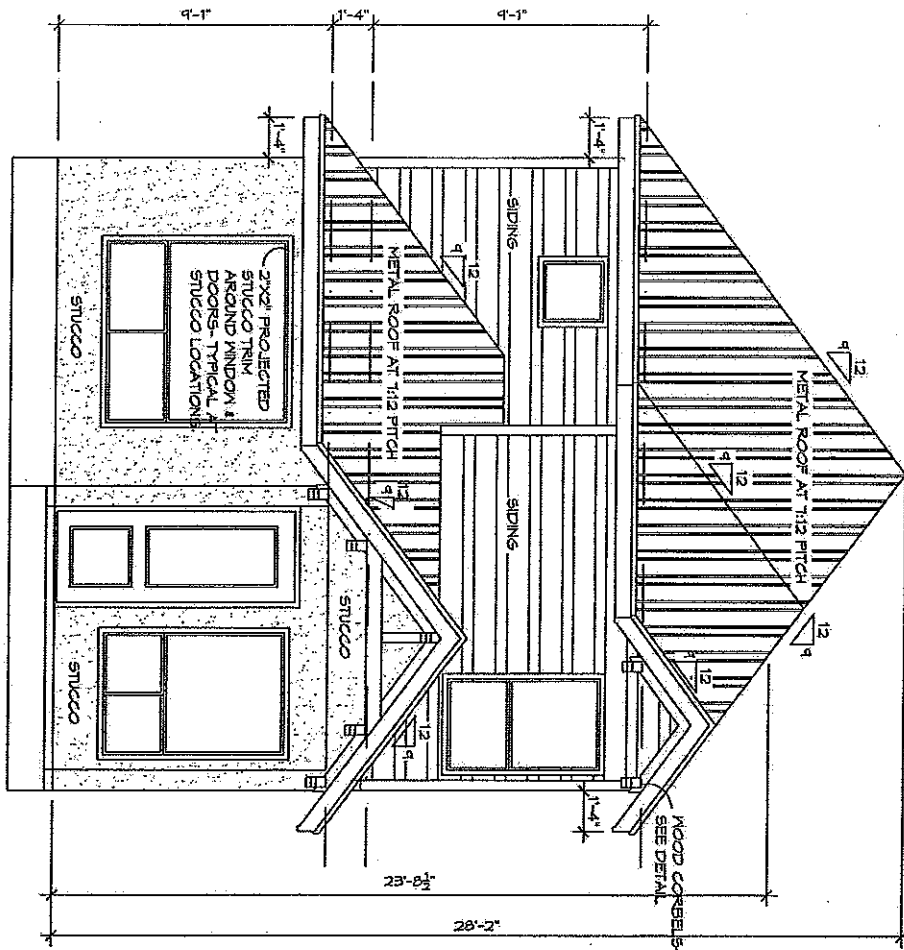
SCALE 1/4" = 1'-0"





REAR ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

BARON CUSTOM  
DESIGN, LLC  
Felicia Foster, Principal  
512.624.7075  
barondesign.com  
felicia@barondesign.com

ION  
CONSTRUCTORS  
Jon Sully, 512.402.1122  
jon@ionconstructors.com

12TH ST. CITY HOMES  
PLAN # 4  
1128 sq. ft.

NUMBER	DESCRIPTION	DATE
01	Engineering	5/24/13
02	PERMIT	11/24/13

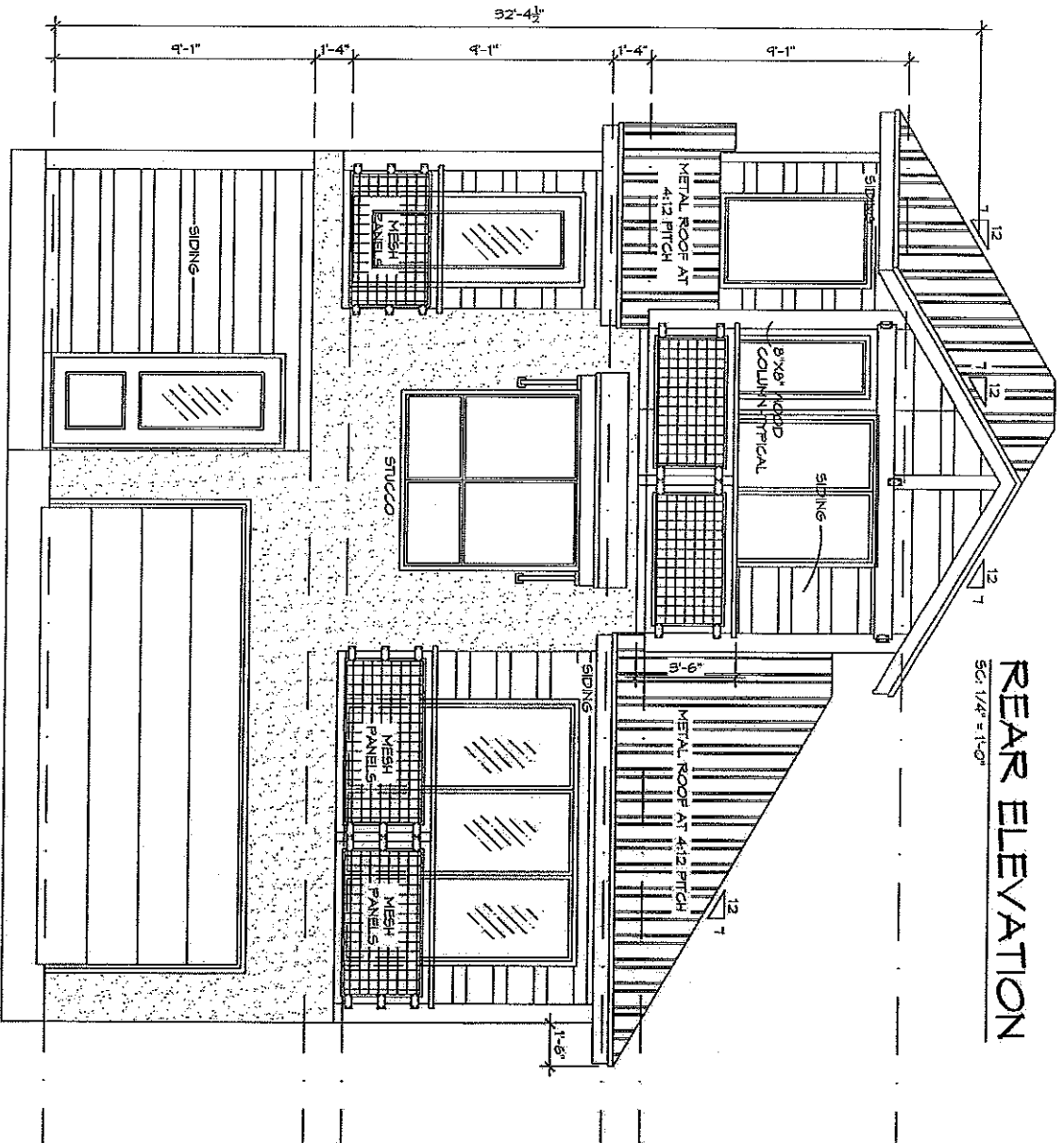
Elevations

SCALE: 1/4" = 1'-0"



# REAR ELEVATION

SC: 1/4" = 1'-0"



**BARON CUSTOM DESIGN, LLC**  
 Felicia Treacy, Principal  
 312.626.7078  
 barondesignllc@gmail.com  
 felicia@barondesignllc.com

**ION CONSTRUCTORS**  
 Jon Sullivan 312.627.1232  
 jon@ionconstructors.com

12TH ST. CITY HOMES  
 PLAN #6  
 2436 sq. ft

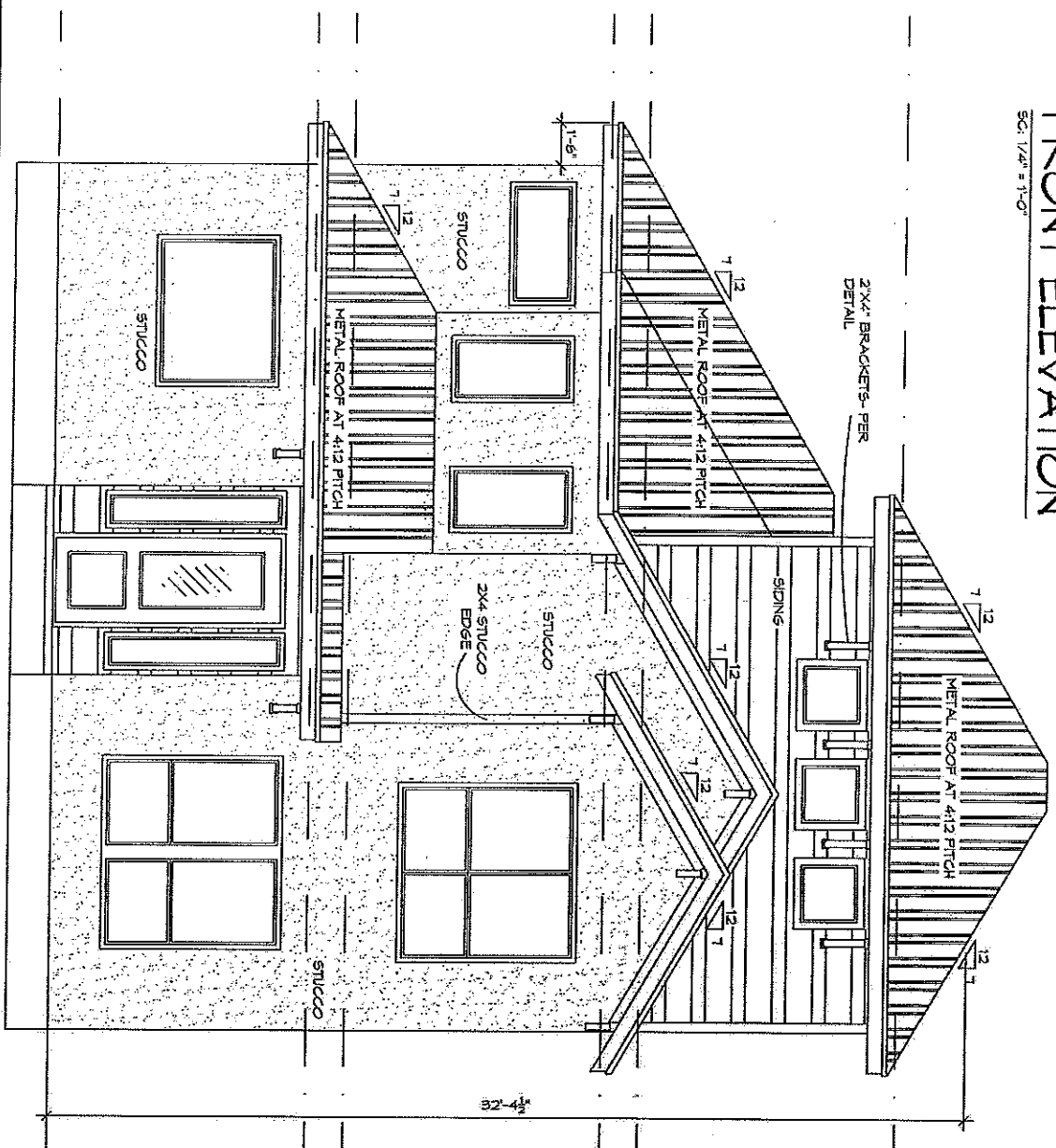
NUMBER	DESCRIPTION	DATE
1	PERMIT	11.24.13

**Elevations**  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]  
 A105  
 SCALE: 1/4" = 1'-0"



# FRONT ELEVATION

SC: 1/4" = 1'-0"



**BARRON CUSTOM DESIGN, LLC**  
 Felicia Barron, Principal  
 312.426.7078  
 barroncustomdesign.com  
 fdb@barroncustomdesign.com



**ION CONSTRUCTORS**  
 Jon Suley 312.461.1121  
 jon@ionconstructors.com

**12TH ST. CITY HOMES**  
 PLAN #6  
 2436 sq. ft.

NUMBER	DESCRIPTION	DATE
1	PERMIT	11.24.15

## Elevations

DESIGNED BY: **A104**  
 CHECKED BY: **SCALE 1/4" = 1'-0"**



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 Revised

CASE # C15-2014-0050  
# \_\_\_\_\_

**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: 1198, 1196, 1194, 1192, 1190 Navasota St 78702 (See Attachment B)

LEGAL DESCRIPTION: Subdivision - Anderson Hill

Lot(s) 1-5 Block B Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Austin Stowell on behalf of myself/ourselves as authorized agent for  
Butler Family Partnership, LTD affirm that on \_\_\_\_\_, 2014,

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

(check appropriate items below)

☒ X ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN

Small lot single family homes on through lots

and amend Section 25-2-779 such that

the rear setback along Waller Street is 10 feet.

Lots 1-3: CS-MU-CO-NCCD-NP Lots 4&5: CS-MU-CO-NP  
in a \_\_\_\_\_ 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.**

## PUBLIC HEARING INFORMATION

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

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

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/development](http://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:** C15-2014-0050; 1191, 1193, 1195, 1197, and 1199 Waller

**Contact:** Leane Heldenfels, 512-974-2202

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

Your Name (please print)

KEVIN SMITH

☐ I am in favor  
☒ I object

Your address(es) affected by this application

1200 1202 1204 COTTON ST



Signature

4/4/14  
Date

Daytime Telephone:

512. 964. 3864

Comments:

I object based on an application  
a consensus by the City. I  
applied for a site upon setback  
requirements for 1200 Cotton St. and was  
permitted by a Board of Adjustment and  
did not realize the loss. Equat application  
4 hrs. needs should apply.

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

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

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 # 15-2014-0050  
# 11104017

**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: 1198,1196,1194,1192,1190 Navasota St 78702 (See Attachment B)

LEGAL DESCRIPTION: Subdivision - Anderson Hill

Lot(s) 1-5 Block B Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Austin Stowell on behalf of myself/ourselves as authorized agent for  
Butler Family Partnership, LTD affirm that on \_\_\_\_\_, 2014.

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

(check appropriate items below)

☒ X ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN

Small lot single family residential on through lots

Section 25-2-515

Lots 1-3: CS-MU-CO-NCCD-NP Lots 4&5: CS-MU-CO-NP  
in a \_\_\_\_\_ district.  
(zoning district)

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# City of Austin

9-1-1 Addressing & GIS



March 31, 2014

12<sup>TH</sup> & WALLER LP  
10300 METROPOLITAN DR  
AUSTIN, TX 78758

RE: Address Change Notification for Tax parcel # 0208060706

Thank you for contacting our office regarding your address. Our office has received your Address Change Request form and check #611034. This is to notify you that effective today, the appropriate address for locating the service access to your property is below. The old addresses below are incorrect and should no longer be used.

OLD ADDRESS	NEW ADDRESS	TAX PARCEL
1199 WALLER ST	1198 NAVASOTA ST	0208060710
1197 WALLER ST	1196 NAVASOTA ST	0208060709
1195 WALLER ST	1194 NAVASOTA ST	0208060708
1193 WALLER ST	1192 NAVASOTA ST	0208060707
1191 WALLER ST	1190 NAVASOTA ST	0208060706

The Austin/Travis County 9-1-1 system will be updated and the US Postal Service and Travis Central Appraisal District (TCAD) will be informed of this address change.

In addition to these courtesy notifications, our address change database is online for the following agencies to reference and update their data accordingly.

- United States Postal Service 1-800-275-8777
- Travis Central Appraisal District 834-9317
- Travis County Voter Registration 854-4454
- Time Warner Cable 485-5555
- AT&T 1-800-464-7928
- Texas Gas Service 1-800-700-2443
- Austin Energy 494-9400

The Post Office will continue to deliver mail sent to your former address for at least one year. This period is normally sufficient to change printed matter, notify correspondents and correct telephone listings. Do not fill out a Change of Address form from the Post Office. The Post Office requests you update the address numbers on your mailbox to this assigned 9-1-1 address as soon as possible after receiving this notification. Your address must be posted in a manner which is plainly legible and visible from the street fronting the property. Emergency Services prefers house numbers be a minimum of 4 inches in height, reflective and in contrast to their background. This must be done by the effective date to ensure that delivery and emergency service providers can locate the property.

Please note our address change notifications only update the location/service address, not the mailing address. The property owner will need to contact the entities directly to update their mailing address. While we make our address change data available, this does not ensure that your records have been updated in their system. If you need verification that their records have been updated, contact them directly.

It is the property owner's responsibility to notify all tenants of the address change by providing a copy of this letter to update their services as needed.

I wish to thank you for your cooperation. If you have any questions concerning this notice, please call me.

Sincerely,

*Dolores Huerta*

Dolores Huerta

9-1-1 Addressing/GIS Services  
Communications and Technology Management  
City of Austin  
512-974-6437  
Dolores.Huerta@austintexas.gov

**Heldenfels, Leane**

C15-2014-0050

**From:** Watson, Jewels ~~mailto:jwatson@winstead.com~~  
**Sent:** Monday, March 31, 2014 4:13 PM  
**To:** Heldenfels, Leane  
**Subject:** RE: A few more things

The language on this notice works.

Thank you for your help on this.

Jewels Watson, Jr Project Manager  
Winstead PC | 401 Congress Ave., Ste. 2100 | Austin, Texas 78701  
512.370.2874 direct | 512.370.2850 fax |  
~~mailto:jwatson@winstead.com~~ | [www.winstead.com](http://www.winstead.com)

---

**From:** Heldenfels, Leane [<mailto:Leane.Heldenfels@austintexas.gov>]  
**Sent:** Monday, March 31, 2014 12:25 PM  
**To:** Watson, Jewels  
**Subject:** RE: A few more things

Got it – thanks.

Here's my current notice w/ new addresses.

I'm also asking legal if we could just list both the through lot section and the small lot section as a way to cover all the bases, opinions on what's necessary – so I'll let you know what I hear back on that – it was a good thing you asked to review it! It uncovered a lot of issues –  
Leane

---

**From:** Watson, Jewels ~~mailto:jwatson@winstead.com~~  
**Sent:** Monday, March 31, 2014 12:04 PM  
**To:** Heldenfels, Leane  
**Subject:** RE: A few more things

See revised page 2 attached and the new Attachment B.

Jewels Watson, Jr Project Manager  
Winstead PC | 401 Congress Ave., Ste. 2100 | Austin, Texas 78701  
512.370.2874 direct | 512.370.2850 fax |  
~~mailto:jwatson@winstead.com~~ | [www.winstead.com](http://www.winstead.com)

---

**From:** Heldenfels, Leane [<mailto:Leane.Heldenfels@austintexas.gov>]  
**Sent:** Monday, March 31, 2014 11:43 AM  
**To:** Watson, Jewels  
**Subject:** RE: A few more things

Yes – do that and include the official address change notice as attachment.

Thanks –

Leane

---

**From:** Watson, Jewels ~~mailto:jwatson@winstead.com~~  
**Sent:** Monday, March 31, 2014 11:41 AM

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  Mail Address 606 W. 11th  
City, State & Zip Austin, TX 78701  
Printed Austin Stowell Phone 512.294.8468 Date 2/24/13

**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  Mail Address PO Box 9190  
City, State & Zip Austin, TX 78766  
Printed Butler Family Partnership Phone 512 329 7500 Date 2-24-14

## ATTACHMENT A

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

The zoning regulations on the property do not allow for a reasonable use of the site because the percentage of the lot currently subject to mandatory setbacks would render the lots undevelopable. The property consists of five lots situated on one block bound on the north by E. 12<sup>th</sup> Street, the east by Navasota Street, the south by Catalpa Street and the west by Waller Street. The property is zoned CS-MU-CO-NCCD-NP (Lots 1-3) and CS-MU-CO-NP (Lots 4-5). The site is being developed with detached small lot single family homes. The applicant is requesting that the property not be subject to Section 25-2-515 *Rear Yard of a Through Lot* and that in lieu of the otherwise applicable rear yard setbacks, a 10-foot rear yard setback be imposed on the property.

The lots that are located within the E. 12<sup>th</sup> Street NCCD are subject to a 15-foot front yard setback requirement imposed by the NCCD, while the lots that are located outside of the NCCD will be developed under the small lot single family regulations allowable with the MU overlay and are subject to the 15-foot minimum front yard setback described in Section 25-2-779. Because these lots have frontage on both Navasota Street and Waller Street, the lots are considered Through Lots. Per City Code Section 25-2-515 *Rear Yard of a Through Lot* a rear yard must comply with the minimum requirements applicable to a front yard. Therefore, all five lots would be subject to both a 15-foot rear yard setback and a 15-foot front yard setback. If these lots were to be developed without the imposition of the through lot requirement, both the NCCD and non NCCD lots would be subject to a 5-foot rear setback. The increase in rear setback from 5-feet to 15-feet on the properties raises the percentage of the lot subject to setbacks from 27% to 41%. The imposition of mandatory setbacks on 41% of each lot would render the lots undevelopable.

Therefore, the applicant is requesting a reduction in the through lot rear yard setback regulations from 15-feet to 10-feet for all five lots. The reduction from 15-feet to 10-feet decreases the percentage of the lots subject to mandatory the setback requirements on the site from 41% to 34%. It is important to note that these lots were acquired from the City of Austin. When the City of Austin marketed these lots, the lots within the NCCD were noted as being subject to a 5-foot rear yard setback, not a 15-foot setback, and there was no mention of a 15-foot setback on the non NCCD lots.

### **2) The hardship for which the variance is requested is unique to the property in that:**

The property for which the variance is requested is unique for four reasons: 1) The lots that are located within the NCCD are the only lots within the NCCD that are subject to the through lot regulations of the City Code; 2) The Urban Renewal Plan and the NCCD envisioned a

## ATTACHMENT A

revitalization and increase in density for the area. The requirement to have a 15-foot front yard and rear yard setback significantly impacts the product that can be built on these lots and diminishes the vision for the area; 3) Due to the location of the lots within a stand-alone block, the City Code provisions related to setback averaging are not applicable to this site; and 4) Due to the size of the lots, a 15-foot front yard and 15-foot rear yard setback would render the lots undevelopable.

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

The requesting property is made up of a single block containing the only lots in the area that are subject to the through lot regulations.

**4) 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 requested variance will not have an impact on the character of the area, nor the adjacent conforming property. The requested variance will implement a 10-foot rear setback for the properties. Properties located within the NCCD to the east and west of the site along E. 12<sup>th</sup> Street are all subject to a 5-foot rear yard setback. The lots to the north of the property are within a separate sub-district of the NCCD and are subject to a 10-foot front yard setback. The remainder of the property to the south of the site contains a mix of zoning ranging from SF-3 to MF-3 and LO, each of the surrounding zoning districts contains a 10-foot rear yard setback. The five lots requesting a variance are located on a single block surrounded by right-of-way on all four sides, therefore will not have a negative impact on an adjacent property owner. The overall area is slated for redevelopment as envisioned by the Urban Renewal Plan, as well as the NCCD. Thus, the request will not impair the purpose of the envisioned setbacks or the character of the area.

## Heldenfels, Leane

**From:** Watson, Jewels ~~Project Manager~~  
**Sent:** Friday, March 21, 2014 11:29 AM  
**To:** Heldenfels, Leane  
**Subject:** RE: A few more things 1191 Waller / C15-2014-0050

Hi Leane,

To answer your questions below I've copied a chart showing the Building Coverage and the Impervious Cover percentages. Currently the addresses are on Waller Street but we are in the process of changing them to Navasota. You can see the new addresses below.

Lot	Block			IC		BC	
				IC Limit	Actual	BC Limit	Actual
1	B	1199 Waller	1198 Navasota	65%	48.35	60%	37.92
2	B	1197 Waller	1196 Navasota	65%	51.96	60%	43.15
3	B	1195 Waller	1194 Navasota	65%	52.07	60%	43.24
4	B	1193 Waller	1192 Navasota	45%	44.6	40%	38.2
5	B	1191 Waller	1190 Navasota	45%	44.09	40%	32.9

15' Front Building line on Navasota

10' to Rear of the house (Rear Garage) on Waller

Currently a 10' Elec. And Telecom easement on Waller that dictates the 10' setback to slab  
5' Rear Yard is reqmt. Per zoning

Please let me know if you need anything else. We are still working on the neighborhood letters.

Thank you

Jewels Watson, Jr Project Manager  
Winstead PC | 401 Congress Ave., Ste. 2100 | Austin, Texas 78701  
512.370.2874 direct | 512.370.2850 fax |  
~~jwatson@winstead.com~~ | [www.winstead.com](http://www.winstead.com)

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**From:** Heldenfels, Leane [<mailto:Leane.Heldenfels@austintexas.gov>]  
**Sent:** Monday, March 17, 2014 5:10 PM  
**To:** Watson, Jewels  
**Subject:** A few more things

Hi Jewels – now that I'm doing the notice for your case on Waller, can you provide me w/:

- 1) Building cover % for each lot – impervious cover is provided, but not building cover – maybe it's written elsewhere on a plan, but I can't find it on the lot/plan sheets. They'll ask about it if it's not shown, even if it wasn't a comment.
- 2) What is the impervious cover limit for each lot, I can see that they vary from 44-52%, but don't see what the limit is.
- 3) What street are the lots varying from (all are 15' to 10, but from Waller or Navasota.

Thanks –  
Leane

CITY OF AUSTIN – PLANNING AND DEVELOPMENT REVIEW DEPARTMENT  
RESIDENTIAL PLAN REVIEW APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: 2013-123379 PR  
CASE MANAGER: Paul Yadro PHONE #: 512-974-3553  
1193, 1195  
PROJECT NAME: 1199 WALLER ST \*\*\*SMART HOUSING\*\*\*  
LOCATION: Lot: 1 Block: B Subdivision: ANDERSON HILL SUBDIVISION (SMART H)

SUBMITTAL DATE: Monday, November 25, 2013  
FINAL REPORT DATE: December 10, 2013

**STAFF REPORT:**

**\* Print this report and present it at the time of update submittal. \***

This report includes all staff comments received to date concerning your most recent residential permit application submittal. The comments may include requirements, recommendations, or information.

The application will be approved when all comments from each review discipline have been addressed. However, until this happens, your application is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager or the appropriate reviewer(s).

**Requirements:**

- Write a separate letter or use this report to explain how each comment is being addressed and to note any questions you may have addressed with the reviewer.
- Submit update in 3 separate, assembled and stapled sets – correctly sized, and to-scale according to original intake requirements.
- Label any additional reviewer-specific paperwork accordingly.
- If information on the application is required or needs to be revised, you must provide these new sheets.
- If revisions of the site plan are required, the small format set must be re-stamped by Austin Energy and Austin Water Utility – as necessary.

**Update Fees and Submittal:**

You are advised to submit all requested information to clear these comments one (1) time. If there are comments remaining to be addressed on this comment report, it will be REJECTED and you will incur a review update fee (\$342.00 plus 4% development surcharge) on all subsequent update submittals. Invoices will use the billing information obtained during Intake. The fee must be paid at the Cashier on the first (1st) floor of the One Texas Center (OTC) before the update will be accepted. Your update must be formally submitted to the Residential Intake desk on the second (2nd) floor of the OTC during Intake hours (MWF 8a – 11p, W 1p – 3p).

**Update Deadline (LDC 25-1) and extensions:**

It is the responsibility of the applicant or his/her agent to update this application. The final update to clear all comments must be submitted by the application expiration date. Otherwise, the application will automatically expire. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline. Contact your case manager to request an extension. Note that an extension may be granted only one (1) time and must be requested prior to expiration.

**Online Reference:**

Your project information is available online:

<http://www.austintexas.gov/page/interactive-development-review-permitting-and-inspection>

**REVIEWERS:**

Paul Yadro

## Residential Zoning Review - Paul Yadro - 512-974-3553

I have reviewed the above noted application and have the following comments that must be addressed before a permit will be released:

- ① Subject property is a through lot and per LDC 25-2-515 – the rear yard setback is the same as the front yard setback. In addition, per LDC 25-1-21 (41) - a front line for a through lot is the lot line abutting the street that provides the primary access to the lot. The setbacks for this property are 15 feet for both the front and rear yard setbacks, 10 feet for a street side yard setback, and 5 feet an interior side yard setback.
2. Staff suggests increasing the scale of the plot plan to 1"=10' to make plan review easier and enhance interpretation of the plot plan when in the field and going through the inspection process.
- ③ The plot plan submitted and proposed building footprint does not comply with the required setbacks for this property. The garage is encroaching into the front yard setback. Plans will have to be revised or the applicant must seek a Board of Adjustment Variance. 25-2-779
4. The property has multiple 10 foot easement (electric and telecom) lines along the property lines adjacent to the adjacent Right-of-Ways. The plot plan must be revised to correctly depict and label the existing 10 foot easements as platted and recorded with the Anderson Hill Subdivision.
5. No encroachments of structures (which includes eaves and roof overhangs) are allowed within the 10 feet (electric and telecom) easements on the subject property. Plans must be revised and approved by Austin Energy prior to Final Approval of this Plan Review.
6. Contact/visit Mr. Jerome (Jerry) Mendez in the Development Assistance Center (Austin Energy Representative/BPSA Reviewer) prior to submitting any UPDATES for this Plan Review to verify that revisions and changes to plans are acceptable and receive Austin Energy's approval via an updated BPSA Form from Austin Energy.
7. Provide and label a benchmark (spot elevation) on the plot plan for reference.
8. On the plot plan provide the high and low elevations (values) adjacent to the grade of the structure (label them as high adjacent grade and low adjacent grade and include the elevation value) and provide the average adjacent grade (AAG) on the building elevations with its elevation value labeled.
- ⑨ On at least one building elevation depict the structure's maximum height per LDC – 25-1-21-47. Note: Max. Bldg. Height is limited to 35 feet for this structure.
10. On the floor plans and the building elevations provide (label as FFE = ###.##) the finish floor elevations.
11. On the building elevations provide (label off to the side) the AAG value, FFEs values, top plate values, and the maximum height of the structure per 25-1-21-47 (on at least one of the building elevations).
- ⑫ On the floor plans (both floors as it applies) provide/depict any and all covered or uncovered porches, patios, decks, roof decks, and balconies and include/label their square-footages.
13. For submittal of next update: submit 3 complete plan sets (2 full-size sets and 1 small-size set or 3 complete plan set on 11"x17" sheets) drawn to scale and 2 copies of Master Comment Report for this Plan Review.
14. When submitting next Update, make for certain to submit revisions that will address all comments. Do not piecemeal (submitting multiple updates to address rejection comments) your Updates because as of October 1, 2013 new Residential Review Fees have gone into effect for Plan Reviews and Plan Review Updates. As of October 1, 2013, the combined plan review fee covers the initial review and one (1) update. Note: After a Plan Review receives two rejections; a Plan Review Update Fee (\$342 + 4% Development Services Surcharge Fee) is automatically generated and must be paid before submitting future Updates. If you have unpaid fees on a Plan

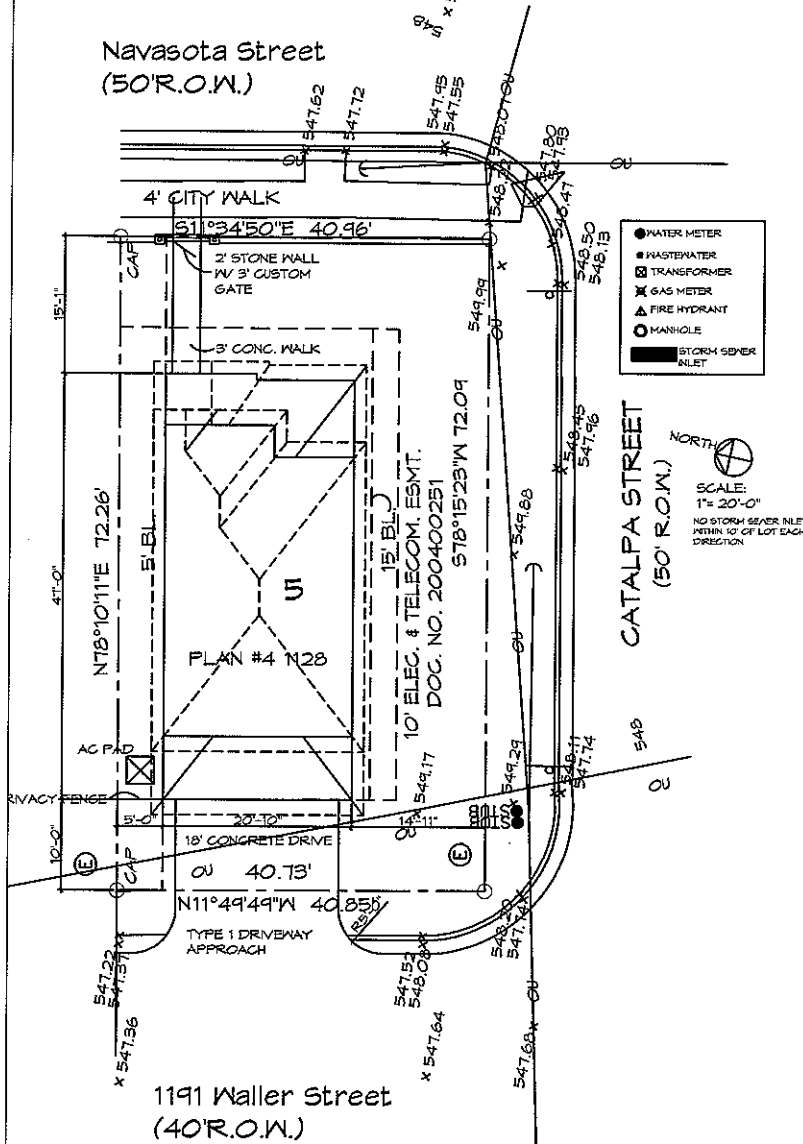


Review Application and attempt to submit Updates, our Intake Staff will not accept your Update and revised plans until any unpaid fees are paid.

15. Staff will hold the plans and application as submitted in our office. If you have questions regarding the comments or would like to make an appointment with the Coordinating Reviewer, please contact Paul Yadro at [Paul.Yadro@austintexas.gov](mailto:Paul.Yadro@austintexas.gov) or via phone at 512-974-3553.



Navasota Street  
(50' R.O.W.)



1191 Waller Street  
(40' R.O.W.)

### Legal Description

Subdivision	Anderson Hill
Lot	5
Block	B
Address	1191 Waller St.
Plan Number	#4-1128
Date	11.21.13

### Plan Footage Calculations

	Heated	Unheated
1st floor	517	
Front porch		35
Side porch		
Garage		421
2nd floor	611	
Master deck		
Rear deck		
3rd floor		
Open Deck		
Total Heated:	1128	
Total Unheated:		456
Slab		972
Total Project:		1583

### Site Footage Calculations

Lot Size	2953
Allowable IC (45%)	1328
Slab	972
Drive	180
Walk	81
Other	wall 60
AC Pad	9
Total	1302
Imp. Cover %	44.09%

### Plan Options for this Address Only

1. Brushed Chrome Hardware
2. Stained Front door

EXCLUSIVELY MARKETING BY



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## Site Plan

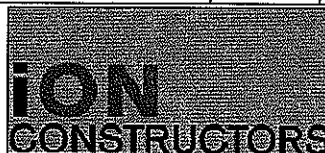
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CHECKED BY: FBF

SCALE: 1" = 20'-0"



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DESIGN, LLC**  
Felicia Foster, Principal  
512.626.7078  
barroncustomdesign.com  
felicia@barroncustomdesign.com

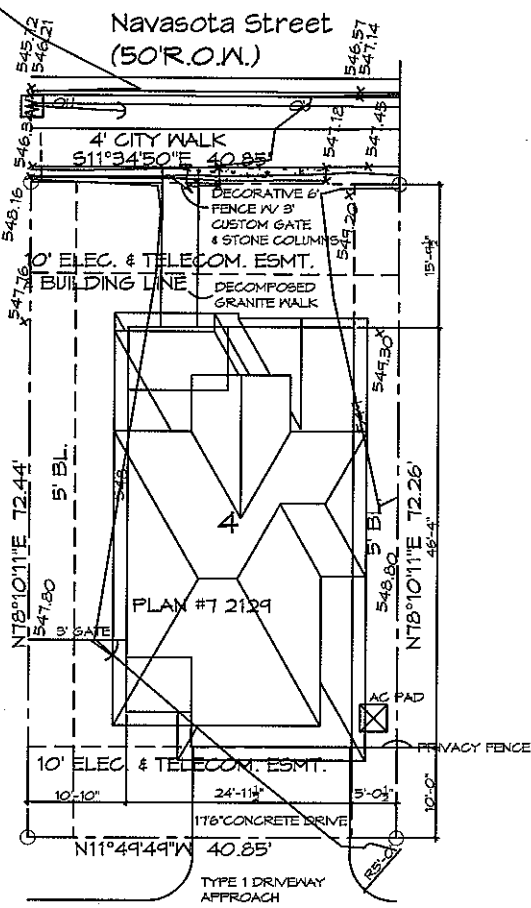


Jon Smiley 512.402.1122  
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- WATER METER
- WASTEWATER
- ⊠ TRANSFORMER
- ⊗ GAS METER
- ▲ FIRE HYDRANT
- MANHOLE
- STORM SEWER INLET



SCALE:  
1" = 20'-0"  
NO STORM SEWER INLET  
WITHIN 10' OF LOT EACH  
DIRECTION



1193 Waller Street  
(40' R.O.W.)

### Legal Description

Subdivision	Anderson Hill
Lot	4
Block	B
Address	1193 Waller St.
Plan Number	#7- 2129
Date	11.21.13

### Plan Footage Calculations

	Heated	Unheated
<b>1st floor</b>	652	
Porch 1		77
Porch 2		43
Garage		359
<b>2nd floor</b>	1024	
Porch 3		43
<b>3rd floor</b>	453	
Porch 4		202
<b>Total Heated:</b>	2129	
<b>Total Unheated:</b>		724
<b>Slab</b>		1131
<b>Total Project:</b>		2481

### Site Footage Calculations

Lot Size		2959
Allowable IC (45%)		1332
Slab		1131
Drive		176
Walk	Granite	0
Other	Stone columns	4
AC Pad		9
<b>Total</b>		1320
<b>Imp. Cover %</b>		44.60%

### Plan Options for this Address Only

1. Brushed Chrome Hardware
2. Stained Front door
3. Residential Elevator Pit
4. Outdoor kitchen at Porch 4

NUMBER:	DESCRIPTION:	DATE:
1	BSPA	11.21.13
2	PERMIT	11.22.13



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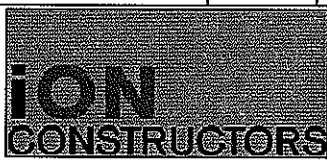
## Site Plan

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CHECKED BY: **FBF**

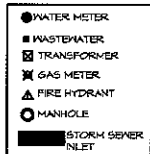
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Felicia Foster, Principal  
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felicia@barroncustomdesign.com

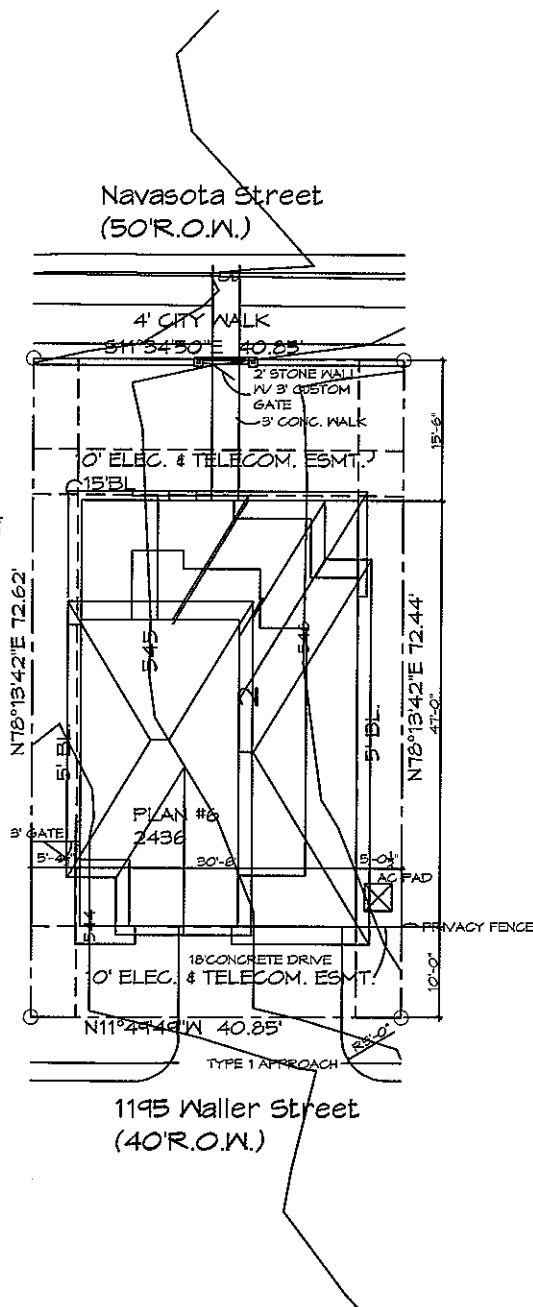


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SCALE:  
1" = 20'-0"

NO STORM SEWER INLET  
WITHIN 10' OF LOT EACH  
DIRECTION



Legal Description	
Subdivision	Anderson Hill
Lot	3
Block	B
Address	1195 Waller St.
Plan Number	#6- 2436
Date	11.21.13

Plan Footage Calculations		
	Heated	Unheated
1st floor	942	
Porch 1		27
Porch 2		51
Garage		415
2nd floor	1283	
Porch 3		27
Porch 4		63
3rd floor	211	
Porch 5		156
Total Heated:	2436	
Total Unheated:		739
Slab		1283
Total Project:		3175

Site Footage Calculations		
Lot Size		2967
Allowable IC (65%)		1928
Slab		1283
Drive		180
Walk		45
Other	wall	28
AC Pad		9
Total		1545
Imp. Cover %		52.07%

#### Plan Options for this Address Only

1. Brushed Chrome Hardware
2. Stained Front door
3. Residential Elevator Pit
4. Outdoor kitchen at 3rd floor Deck

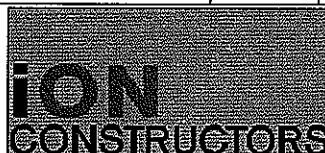


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NUMBER:	DESCRIPTION:	DATE:
1	BSPA	11.21.13
2	PERMIT	11.22.13

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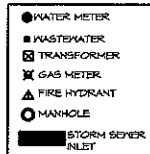
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## Site Plan

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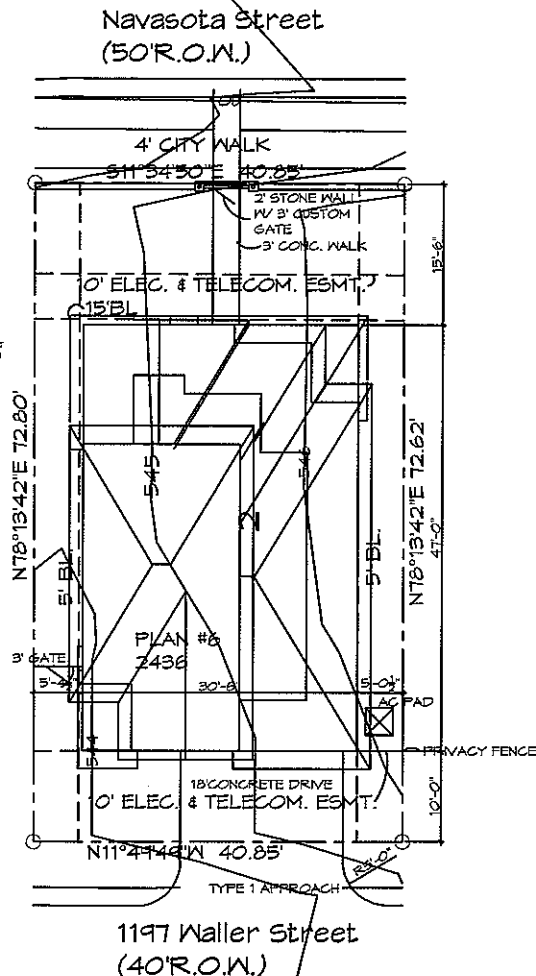
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SCALE: 1" = 20'-0"



SCALE:  
1" = 20'-0"

NO STORM SEWER INLET  
WITHIN 10' OF LOT EACH  
DIRECTION



Legal Description	
Subdivision	Anderson Hill
Lot	2
Block	B
Address	1197 Waller St.
Plan Number	#6- 2436
Date	11.21.13

Plan Footage Calculations		
	Heated	Unheated
1st floor	942	
Porch 1		27
Porch 2		51
Garage		415
2nd floor	1283	
Porch 3		27
Porch 4		63
3rd floor	211	
Porch 5		156
Total Heated:	2436	
Total Unheated:		739
Slab		1283
Total Project:		3175

Site Footage Calculations		
Lot Size		2973
Allowable IC (65%)		1932
Slab		1283
Drive		180
Walk		45
Other	wall	28
AC Pad		9
Total		1545
Imp. Cover %		51.96%

Plan Options for this Address Only	
1. Brushed Chrome Hardware	
2. Stained Front door	
3. Residential Elevator Pit	
4. Outdoor kitchen at 3rd floor Deck	



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Site Plan

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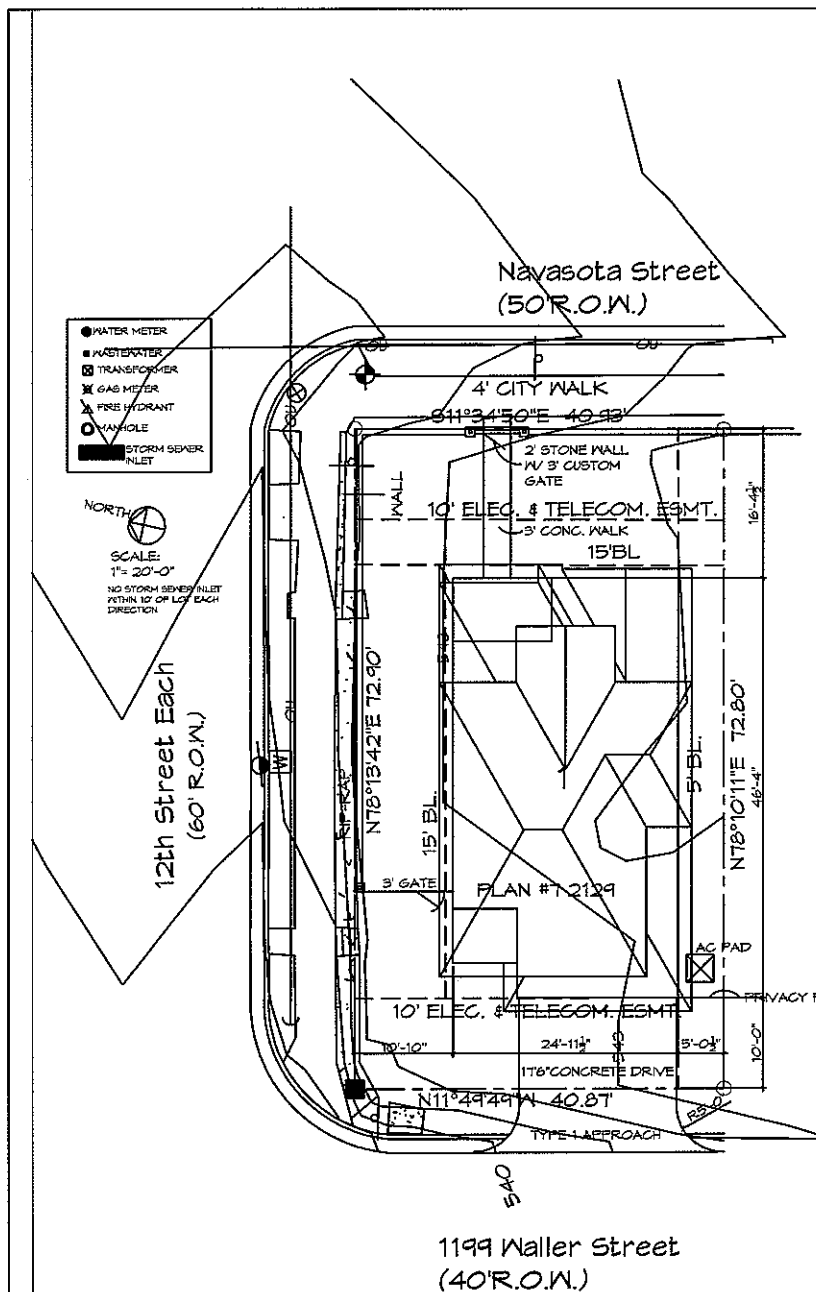
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Legal Description	
Subdivision	Anderson Hill
Lot	1
Block	B
Address	1199 Waller St.
Plan Number	#7- 2129
Date	11.21.13

Plan Footage Calculations		
	Heated	Unheated
1st floor	652	
Porch 1		77
Porch 2		43
Garage		359
2nd floor	1024	
Porch 3		43
3rd floor	453	
Porch 4		202
Total Heated:	2129	
Total Unheated:		724
Slab		1131
Total Project:		2481

Site Footage Calculations		
Lot Size		2982
Allowable IC (65%)		1938
Slab		1131
Drive		176
Walk		60
Other	Wall	66
AC Pad		9
Total		1442
Imp. Cover %		48.35%

#### Plan Options for this Address Only

1. Brushed Chrome Hardware
2. Stained Front door
3. Residential Elevator Pit
4. Outdoor kitchen at Porch 4



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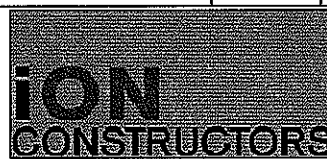
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SCALE: 1" = 20'-0"

## Site Plan

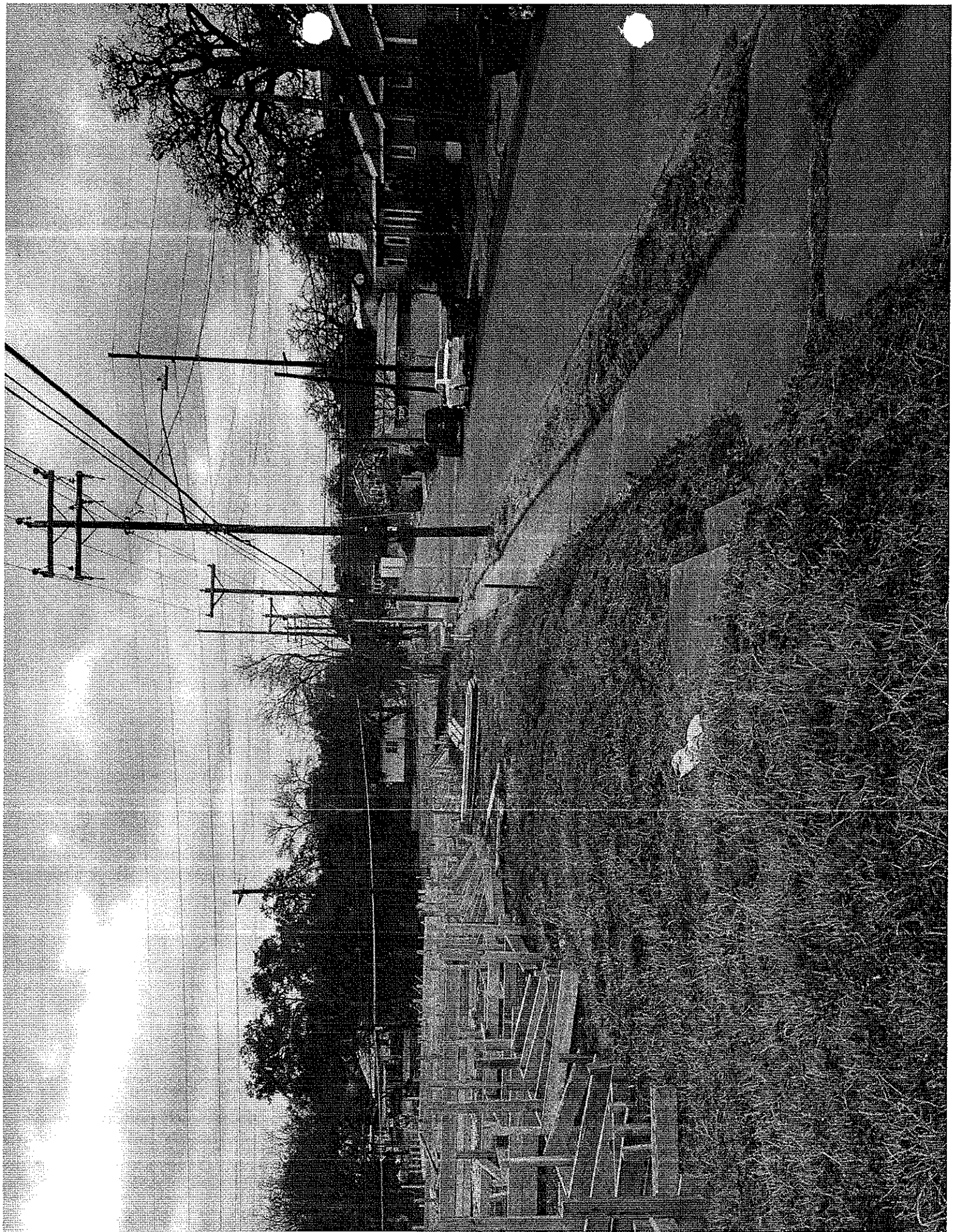


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felicia@barroncustomdesign.com



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## Heldenfels, Leane

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**From:** Watson, Jewels <j.watson@winstead.com>  
**Sent:** Monday, March 17, 2014 11:18 AM  
**To:** Heldenfels, Leane  
**Subject:** FW: 12th and Waller BOA  
**Attachments:** 33075693060 1199 Waller.doc; 33072869081 1193 Waller.doc; 33074252091 1195 Waller.doc; 33075210032 1197 Waller.doc; 33071047021 1191 Waller.doc; Plan 4 Elevations.pdf; Plan 6 Elevations.pdf; Plan 7 Elevations.pdf

Hi Leane,

I copied your list below so you can see my responses for each. Please let me know if you get this as I have a lot attached not sure if it's too large.

- 1) Letter(s) of support from neighboring property owners – Still Working on this
- 2) Letter(s) of support from neighborhood association – Still Working on this
- 3) Photos showing existing conditions, trees on the lots – See Hightail File

Some questions I have about the information you've submitted:

- 1) Have you gone through a residential site plan, sketch plan review? Do you have any comments in writing from that review that you can forward to me. Just want to make sure we're covering everything potentially needed to avoid any need for a 2<sup>nd</sup> BOA hearing in the future. See attached
- 2) I notice ac pads w/in all of the yards, those will need to be included as part of your variance request as well – not permitted in any yard area. I will add that to the request.
- 3) Do you have any elevation sheets that we could add to the packet to show height, how the structures will look (not a requirement, but they may ask to see it and might save you a postponement). See attached the 3 different plans elevations
- 4) List of proposed building materials (see reason above, #3). These are listed on the elevations attached.
- 5) It might be more clear/clarify things if you provide a list by lot of which variances you're asking for, if you proceeded with the building plans shown. We will have to write the notice language/agenda up in this way (per lot), even though the findings can be made for all the lots combined (the way you've currently written attachment A. See below

### Lot 1- Plan 7 (1199 Waller)

- Reduction in the through lot rear yard setback regulations from 15-feet to 10-feet

### Lot 2-Plan 6 (1197 Waller)

- Reduction in the through lot rear yard setback regulations from 15-feet to 10-feet

### Lot 3-Plan 6 (1195 Waller)

- Reduction in the through lot rear yard setback regulations from 15-feet to 10-feet

### Lot 4-Plan 7 (1193 Waller)

- Reduction in the through lot rear yard setback regulations from 15-feet to 10-feet

### Lot 5-Plan 4 (1191 Waller)

- Reduction in the through lot rear yard setback regulations from 15-feet to 10-feet



