

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0003  
1307 Waller

**P.C. DATE:** May 13, 2014  
April 8, 2014

**ADDRESS:** 1307 Waller Street

**AREA:** 4,118 square feet

**OWNER:** Blake and Toria English

**AGENT:** McLean & Howard, LLP (Katie Van Dyk)

**FROM:** SF-3-NP

**TO:** SF-4A-NP

**NEIGHBORHOOD PLAN AREA:** Central East Austin

**TIA:** N/A

**WATERSHED:** Waller Creek

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends single family residence (small lot)-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning. The conditional overlay would include the following:

1. Impervious cover shall be limited to 60% of gross site area.
2. Interior side yard shall be a minimum of 5 feet.
4. Rear yard shall be a minimum of 5 feet.

### **PLANNING COMMISSION RECOMMENDATION:**

May 13, 2014: *TO DENY SF-4A-NP ZONING. (7-0-1) [D. CHIMENTI-1<sup>ST</sup>, S. OLIVER-2<sup>ND</sup>, B. ROARK-ABSTAINED]*

April 8, 2014: *GRANTED POSTPONEMENT REQUEST BY APPLICANT TO MAY 13, 2014 ON CONSENT (9-0). [R. HATFIELD- 1<sup>ST</sup>, A. HERNANDEZ- 2<sup>ND</sup>]*

### **ISSUES:**

This rezoning request has been filed by the Applicant in response to Code violations filed on the property in September 2013. Code violations were issued regarding excess impervious cover, parking compliance, and the location of a pool pump house in rear and side yard setbacks. While some of these issues may be addressed by rezoning, others may be addressed by Code Compliance, Board of Adjustment, or other avenues. It appears that the property owners obtained permits from the City of Austin for most of the improvements that triggered the Code violations. However, Staff errors on those permits led the owners to believe their property would be permitted 65% impervious cover, instead of 45%. Development on the property currently stands at 61.8% impervious cover.

### **DEPARTMENT COMMENTS:**

**Description.** 1307 Waller Street is located on the east side of Waller Street between East 13<sup>th</sup> and East 14<sup>th</sup> Streets. The property is developed with a single family residence and zoned SF-3-NP. Immediately to the south of the property is an alley, and duplexes and single family residences are located across the alley. The rest of the block, to the east and north, is also developed with residences. These properties are also zoned SF-3-NP. Across

Waller Street, to the west, are Swede Hill Park and more residences, zoned SF-3-NP. Please refer to ***Exhibits A and B (Zoning Map and Aerial View)***.

**History.** The subject property is part of a four lot resubdivision completed in 2006. The plat includes notes regarding lot sizes, maximum impervious coverage, and applicable regulations. The subject property was platted as 4,127 square feet, with 1,857 square feet of impervious cover permitted—45%, the amount allowed in SF-3 zoning. The plat also stated that the lots would be developed under LDC Section 25-2-1424, Urban Home regulations.

Urban Home regulations provide reduced setbacks, lot size, and increased impervious cover. The increased impervious cover limit of 65%, however, is only available to properties between 3,500 and 4,000 square feet. At 4,000 square feet, the limit returns to 45%. Urban Home regulations were incorporated in this area as part of the Central East Austin Neighborhood Plan (OCEAN). Since the subject property is more than 4,000 square feet, it benefits from the setback and lot size aspects of Urban Home regulations, but not the impervious cover regulations.

Urban Home regulations are not the same as Small Lot Amnesty (LDC Section 25-2-1406), which is also available in the OCEAN neighborhood. However, Small Lot Amnesty was designed for older, existing small lots. Small-Lot Amnesty also has identical impervious cover provisions as the Urban Home regulations. Consequently, the recently platted property is not affected by Small Lot Amnesty.

A building permit was issued in November 2006, and the single family residence was constructed from 2006-2008. City records show the impervious cover at time of permitting was 44.8%. In June 2011, a building permit was issued to add a swimming pool. The permit states that 47% impervious cover was permitted because the reviewer incorrectly believed the property qualified for Small Lot Amnesty (65% impervious cover). The approved permit did not include the pool pump house structure, which is located in the rear and side yard setbacks. Aerial photos of the property do not make it clear when the pool pump house was constructed, but it was shown on surveys dated January, 2013. Please refer to ***Exhibits C and D (Building Permit Exhibit and Pool Permit Exhibit)***.

In March 2013, the property owner obtained approval for a driveway/parking area to be located in the front yard area. City records do not show a cumulative analysis of impervious cover being included at this stage of review. Please refer to ***Exhibit E (Driveway/Parking Permit Exhibit)***.

In addition to these permitted improvements, other changes and additions have been made that did not require permits. These include removal of driveway parking strips in the backyard area and addition of a 65 square foot open brick patio on the north side of the house. A current survey of the property shows that the property has 61.8% impervious cover. Please refer to ***Exhibit F (Current Survey)***.

**Neighborhood.** The subject property is located in the Central East Austin Neighborhood Plan area and the Swede Hill Neighborhood area more specifically. There has been a great deal of neighborhood interest in the rezoning request, and the Swede Hill Neighborhood Association has issued a letter stating opposition to the SF-4A-NP request. This letter and other correspondence are attached in ***Exhibit G (Correspondence)***.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single family residences
<i>North</i>	SF-3-NP	Single family residences
<i>South</i>	SF-3-NP	Duplexes, Single family residences
<i>East</i>	SF-3-NP	Single family residences
<i>West</i>	SF-3-NP	Public park, Single family residences

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Waller Street	40'	23'	Local	Yes, east side	N/A	N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Del Valle Community Coalition  
PODER  
Swede Hill Neighborhood Association  
Waller Creek Conservancy  
East 12th Street Business/Property Owner Association  
Oakwood Neighborhood Association  
United East Austin Coalition  
OCEAN

**CITY COUNCIL DATE/ACTION:**

*June 12, 2014:*

*May 22, 2014:* Postponed on consent to June 26, 2012 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote. A motion to reconsider item 68 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote. There was a motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to postpone this item to June 12, 2014. The motion passed on a vote of 7-0.

*May 1, 2014:* Granted postponement request by staff to May 22, 2014 on consent (7-0). L. Morrison- 1<sup>st</sup>, M. Martinez- 2<sup>nd</sup>]

**ORDINANCE READINGS: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>****ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

**STAFF RECOMMENDATION:**

Staff recommends single family residence (small lot)-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning. The conditional overlay would include the following:

1. Impervious cover shall be limited to 60% of gross site area.
2. Interior side yard shall be a minimum of 5 feet.
4. Rear yard shall be a minimum of 5 feet.

This recommendation provides the same physical development standards as SF-3-NP under the Urban Home regulations currently applied to the property, except for the 45% impervious cover limit. Staff recommendation would also eliminate the option of several residential land uses that are permitted in SF-3-NP, but prohibited in SF-4-NP. This recommendation would prohibit Bed & breakfast (Group 1), Duplex residential, Retirement housing (small site), Single-family attached residential, and Two-family residential. (Single-family residential is prohibited and replaced with Small Lot single-family residential.

Compliance with the 45% impervious cover limit would require the removal of almost all improvements made to the property since issuance of the original permit in 2006. This includes significant items—a swimming pool and driveway/parking area-- that were permitted in error by City Staff. Staff's recommendation does not allow for addition of impervious cover, and does not grant any other benefit beyond those granted by SF-3-NP zoning.

*Zoning should allow for a reasonable use of the property.*

If the property were to remain SF-3-NP, it would no longer comply with impervious cover regulations of that zoning classification. It is City policy to resolve existing noncompliance issues, and the remedies available through the zoning process are limited. This limited version of SF4-CO-NP does not regress the property back to 45% development, but is a more realistic 60% goal for impervious cover.

**SITE PLAN**

1. This property is subject to Urban Home development standards. [LDC 25-2-1424]

**TRANSPORTATION**

2. Additional right-of-way may be required at the time of subdivision and/or site plan.
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Waller Street.
5. There are existing sidewalks along the east side of Waller Street. The sidewalk is located on the subject property in a public easement.
6. Capital Metro bus route no. 6 is available within 1/4 mile of this property along E. 12th Street.

**ENVIRONMENTAL**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at



512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

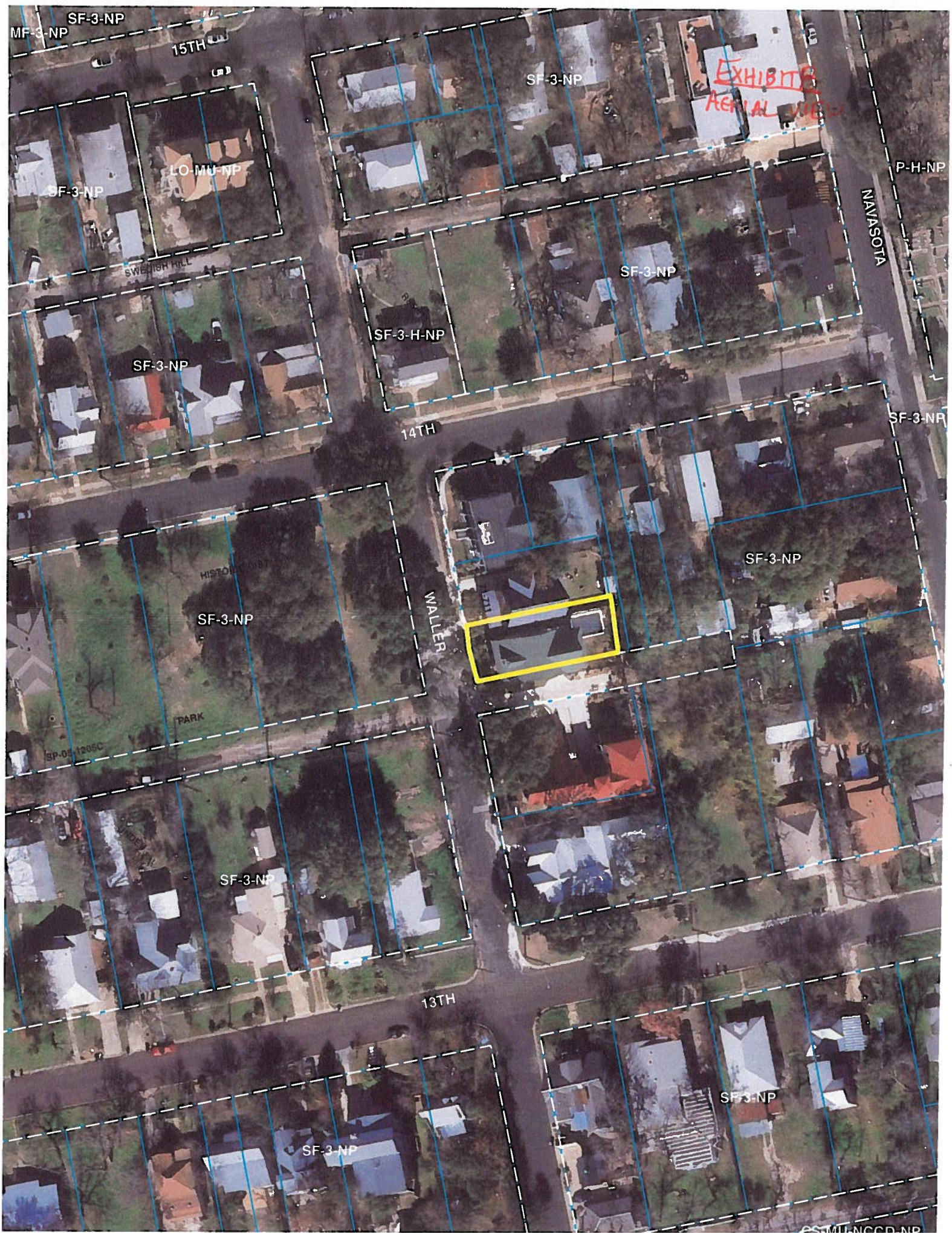
#### WATER UTILITY

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

P-H-NP







SF-3-NP  
MF-3-NP

15TH

SF-3-NP

EXHIBIT B  
AERIAL VIEW

LO-MU-NP

SF-3-NP

SWEDISH HILL

SF-3-H-NP

SF-3-NP

P-H-NP

NANSOTA

SF-3-NP

14TH

SF-3-NP

HISTORIC DISTRICT

SF-3-NP

SF-3-NP

WALLER



SP-05-1205C

PARK

SF-3-NP

13TH

SF-3-NP

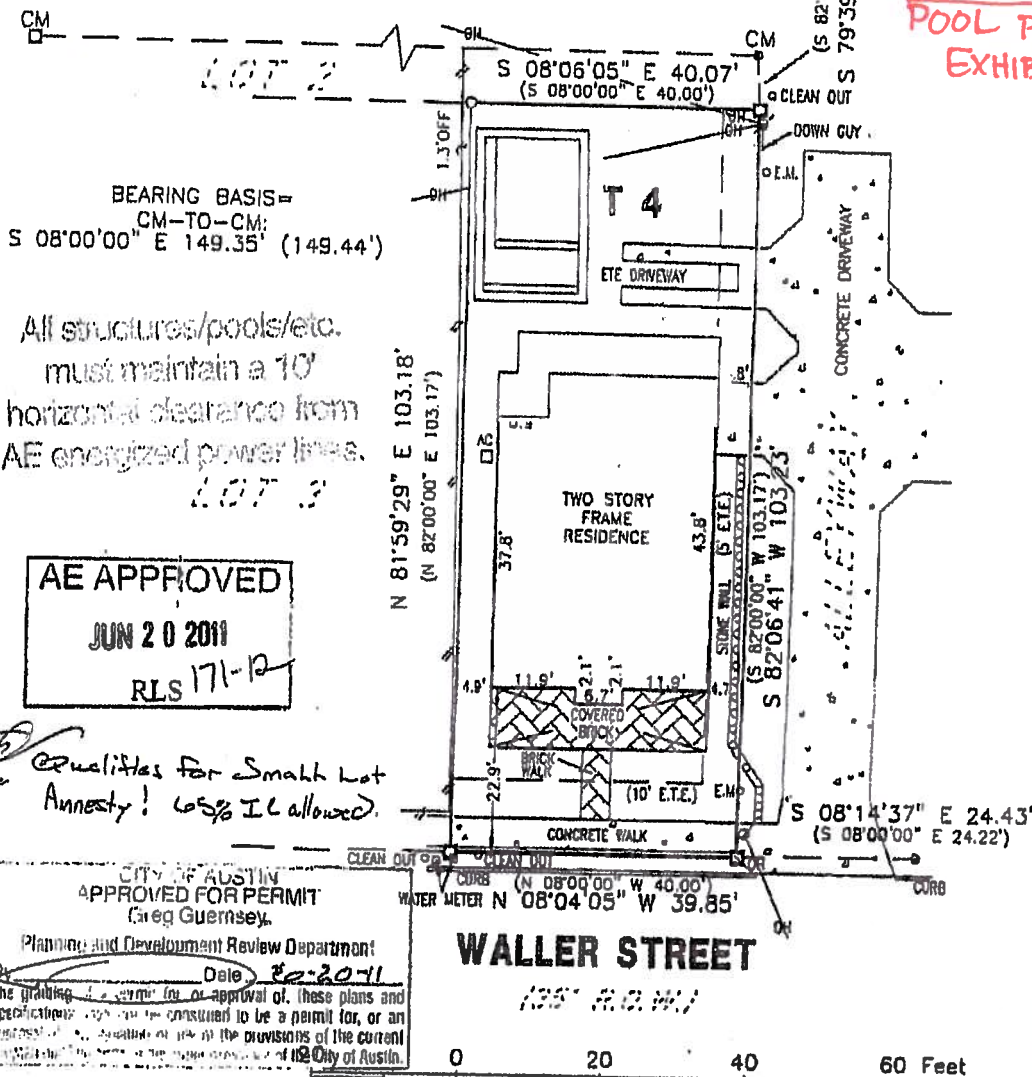
SF-3-NP

ESTABLISHED NP



THE WEST 31.5' OF LOT 49  
AND EAST 10.5' OF LOT 49,  
OUTLOT 41, DIVISION B,  
M13328, P.2570

EXHIBIT D  
POOL PERMIT  
EXHIBIT



AE APPROVED  
JUN 20 2011  
RLS 171-12

Qualifies for Small Lot  
Annexity! 65% IL allowed.

CITY OF AUSTIN  
APPROVED FOR PERMIT  
Greg Guernsey,  
Planning and Development Review Department  
Date 6-20-11  
The granting of a permit by or approval of these plans and specifications does not constitute to be a permit for, or an endorsement of, the construction of the project or the divisions of the current plat. The City of Austin.

WALLER STREET

0 20 40 60 Feet

RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49, JOSEPH LIMERICK  
SUBDIVISION OF OUTLOT 41, DIVISION "B"  
SUBMISSION  
LOT: 4 BLOCK: DOC: 200600255 OFFICIAL PUBLIC RECORDS  
COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1307 WALLER STREET  
CITY: AUSTIN REFERENCE NAME

B&G Surveying, Inc.

Victor M. Garza R.P.L.S.

Office 512-458-6669  
Fax 512-458-9845

1404 West North Loop Blvd.  
Austin, Texas 78756

REVISED: 3-8-10



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 01656 DATED 1-4-01. IT IS REPRESENTED AS IN ZONE X. HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

REVISED: 3-8-10

DATE 1-28-08

JOB # 80108108\_TA

SCALE 1"= 20'

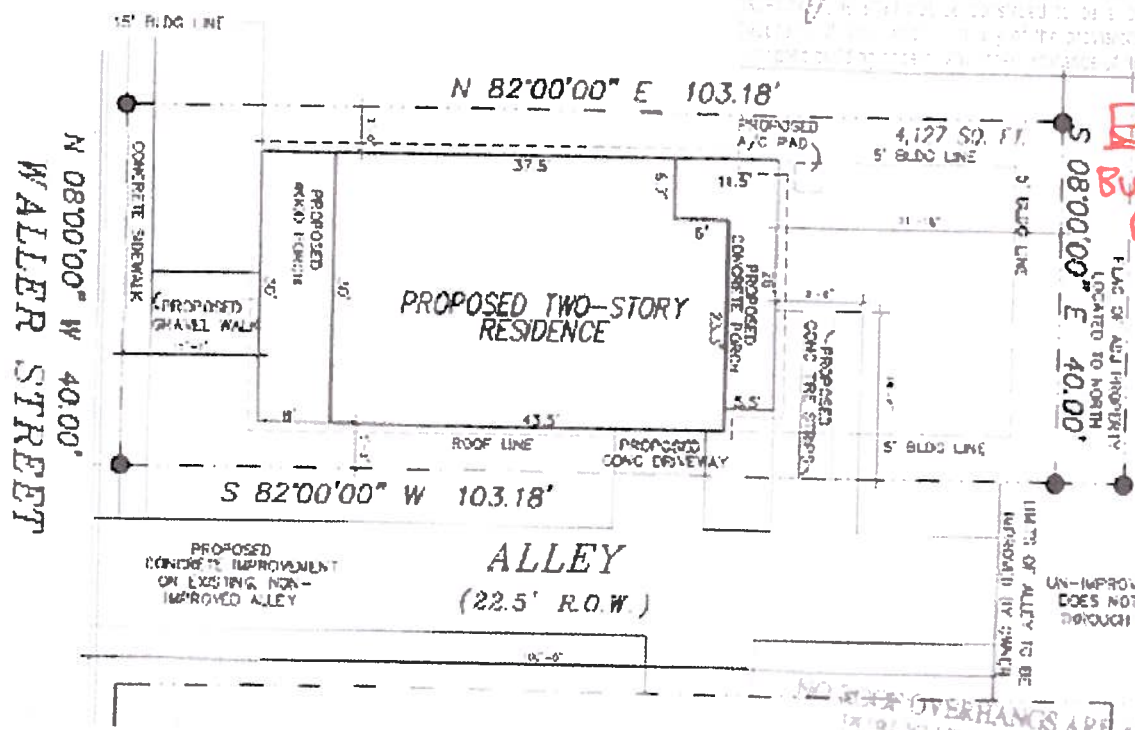
TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

IMPORTANT NOTICE

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, at the time of this survey.

FIELD WORK	ERNEST	1-24-08
CALCULATIONS	JEO	1-28-08
DRAFTING	AW3	1-28-08
FINAL CHECK	ML	1-28-08
CORRECTIONS	AW3	1-28-08
UP DATE		

CITY OF AUSTIN  
 APPROVED FOR PERMIT  
 N. City Engineer  
 Date 6/30/06



**EXHIBIT C**  
**BUILDING PERMIT**  
**EXHIBIT**

**LEGEND**

The dripline of protected trees  
 9" dia. (measured at 4.5' above grade) must be enclosed with protective fencing before any work is done.  
 TREE NUMBER & LOCATION (measured from the center of the tree) may be removed from the site.  
 Street Address Center

TOTAL LOT AREA: 4127 SF  
 URBAN LOT DESIGNATION  
 LIVING AREA: 1032 SF  
 GARAGE AREA: 258 SF  
 PORCH AREA: 398 SF  
 CONCRETE DRIVEWAY: 154 SF  
 CONC WALK & A/C PAD: 9 SF  
 TOTAL BUILDING COVERAGE: 1688 SF  
 TOTAL IMPERVIOUS COVERAGE: 185 SF

**AE APPROVED**  
 AUG 23 2006  
 RLS 2-5-4

SCALE: 1" = 20'

Prepared By:  
 Robert Architecture, LLC  
 1000 E. 13th Street  
 Austin, TX 78701  
 512-574-1280

**PLOT PLAN**  
 1307 Waller St.  
 Austin, TX 78702

Prepared For:  
 El Centro Group, Robert Se  
 1000 E. 13th Street  
 Austin, TX 78702  
 512-574-1280

**ASBUILT SURVEY**  
OF 1307 WALLER STREET, AUSTIN, TEXAS  
LOT 4  
RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49  
JOSEPH LIMTRICK SUBDIVISION OF OUTLOT 41, DIVISION "D"  
DOCUMENT NO. 200800255

**MAP SYMBOLS:**

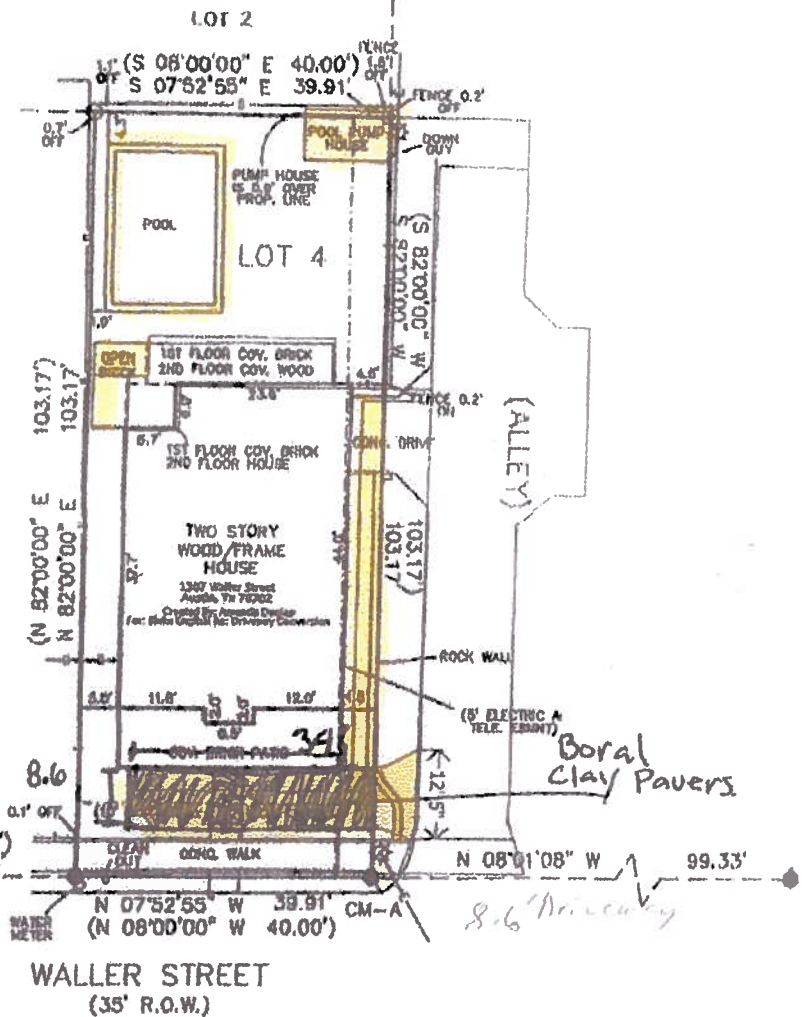
- WROUGHT IRON FENCE
- CHAIN LINK FENCE
- WOOD BOARD FENCE
- UTILITY LINE
- P.U.C. PUBLIC UTILITY EASEMENT
- B.L. BUILDING LINE
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- IRON PIPE FOUND
- CONTROL MONUMENT
- RECORD DATA FROM PLAT DOC. NO. 200800255
- DRAINAGE EASEMENT
- R.O.W. RIGHT-OF-WAY
- POWER POLE
- CALCULATED POINT
- UNABLE TO SET
- FALLS UNDER POOL PUMP HOUSE

**EXHIBITE**  
**DRIVEWAY/PARKING**  
**PERMIT EXHIBIT**

PLAT NORTH  
Scale  
10'

1307 Waller St.  
3/5/2013  
LOT 3  
34' x 8.6' area  
shaded in survey  
can use the pavers  
as depicted on the  
attached spec.  
sheet.  
Alamitahall, DAC 974-3428

**BEARING BASIS**  
CM-A TO CM-B  
N 08°00'00" W 149.88'  
(N 08°00'00" W 149.90')  
N 08°00'00" W 109.90'  
N 08°02'34" W 109.95'  
CM-B



**NOTE:**  
THIS LOT IS SUBJECT TO AN SIDEWALK  
EASEMENT GRANTED TO THE CITY OF  
AUSTIN PER DOC. NO. 2007152495.

**HARRIS-GRANT SURVEYING, INC.**  
PO BOX 807 MANCHACA, TEXAS 78852  
(512)444-1781 FAX (512) 444-6123

*James M. Grant*

JAMES M. GRANT R.P.L.S. 1919  
DATE: JANUARY 24, 2013





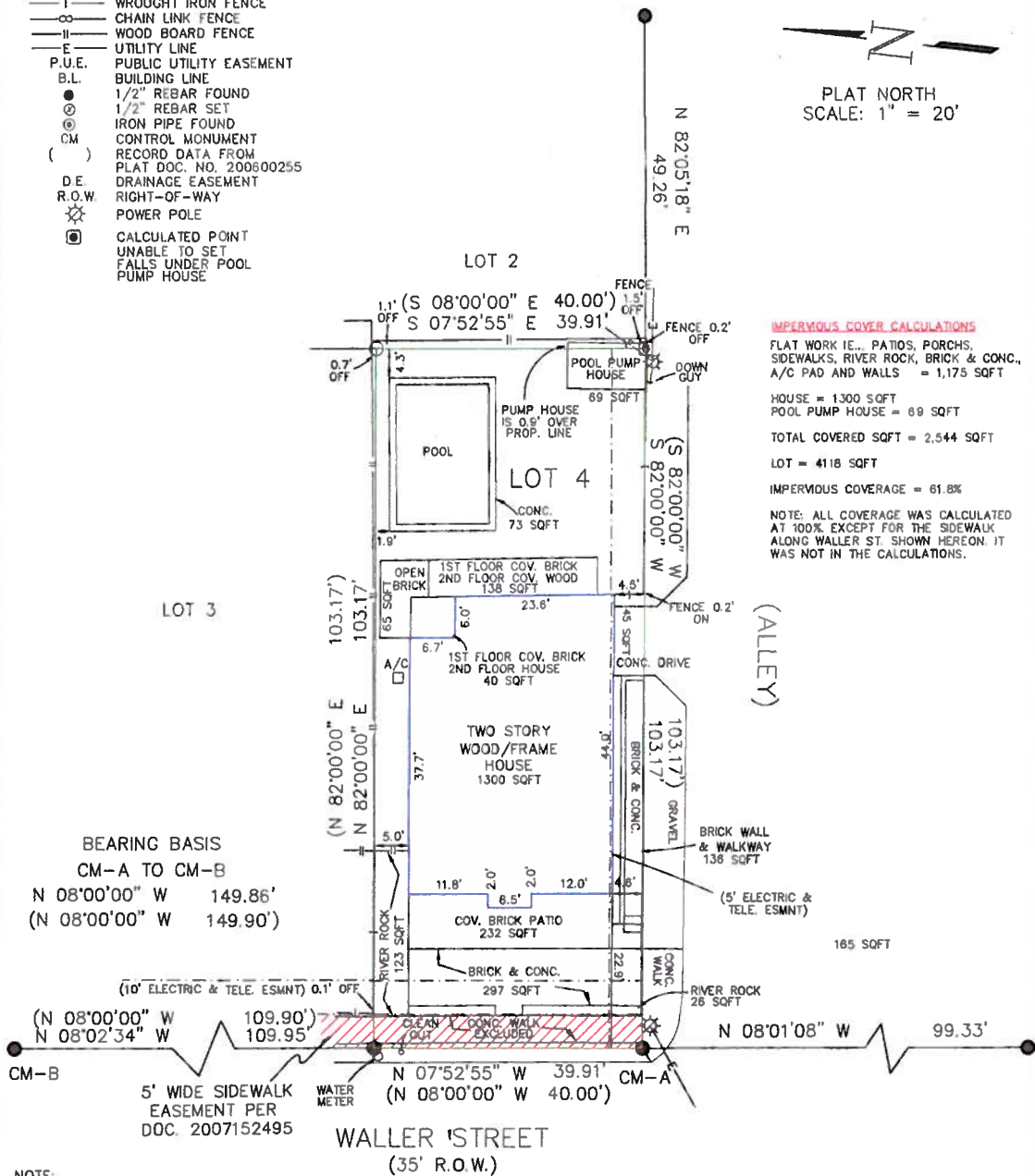
**ASBUILT SURVEY**  
OF 1307 WALLER STREET, AUSTIN, TEXAS  
LOT 4  
RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49  
JOSEPH LIMERICK SUBDIVISION OF OUTLOT 41, DIVISION "B"  
DOCUMENT NO. 200600255

**EXHIBIT F**  
**CURRENT SURVEY**

- MAP SYMBOLS:**
- I — WROUGHT IRON FENCE
  - CHAIN LINK FENCE
  - WOOD BOARD FENCE
  - E — UTILITY LINE
  - P.U.E. — PUBLIC UTILITY EASEMENT
  - B.L. — BUILDING LINE
  - — 1/2" REBAR FOUND
  - ⊙ — 1/2" REBAR SET
  - ⊙ — IRON PIPE FOUND
  - CM — CONTROL MONUMENT
  - ( ) — RECORD DATA FROM PLAT DOC. NO. 200600255
  - D.E. — DRAINAGE EASEMENT
  - R.O.W. — RIGHT-OF-WAY
  - ⊛ — POWER POLE
  - ⊙ — CALCULATED POINT
  - ⊙ — UNABLE TO SET
  - ⊙ — FALLS UNDER POOL
  - ⊙ — PUMP HOUSE



PLAT NORTH  
SCALE: 1" = 20'



**NOTE:**  
THIS LOT IS SUBJECT TO A SIDEWALK  
EASEMENT GRANTED TO THE CITY OF  
AUSTIN PER DOC. NO. 2007152495.

**HARRIS-GRANT SURVEYING, INC.**  
PO BOX 807 MANCHACA, TEXAS 78652  
(512)444-1781 FAX (512) 444-6123

*James M. Grant*

JAMES M. GRANT R.P.L.S. 1919  
DATE: FEBRUARY 20, 2014 REVISED MARCH 10, 2014  
FINAL REVISION DATE: MARCH 26, 2014

C:\CARL D\2013\44275



MCCAN & HOWARD LLP

Barton Oaks Plaza, Building 11  
901 South MoPac Expressway  
Suite 225  
Austin, TX 78746  
phone 512.528.2008  
fax 512.528.2109  
[www.mccanhowardlaw.com](http://www.mccanhowardlaw.com)

EXHIBIT G  
CORRESPONDENCE

December 27, 2013

Greg Guernsey  
Planning & Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

via hand delivery

RE: Rezoning request for 1307 Waller Street, Austin, Texas 78702 (the "Property"), from SF-3 to SF-4A

Dear Mr. Guernsey:

We represent Toria and Blake English ("Client") in the above-referenced rezoning request. Our Client is requesting a rezoning from SF-3 to SF-4A based on the size of the subdivided lot that comprises the Property. Under the City of Austin Code ("Code"), the SF-3 district designation is intended for a lot that is a minimum of 5,750 square feet, and the SF-4A district designation is intended for a lot that is a minimum of 3,600 square feet. Because the Property is 4,127 square feet, the appropriate zoning for the Property is SF-4A.

Additionally, the fact that the Property is larger than 4,000 square feet means that it qualifies for neither small lot amnesty (Code Section 25-2-1406) nor the urban home special use designation (Code Section 25-2-1424), and SF-4A is the only land use alternative for such a small lot. In 2006, our Client's predecessor applied for and received a permit to construct the home on the Property, which permit designated the Property as "SF-3 *Urban Lot Designation*". Further, in 2011, our Client applied for and received a permit to construct a swimming pool on the Property, which permit noted that the Property "Qualifies for Small Lot Amnesty. 65% IC allowed." Our Client relied on the City's confirmation that 65% impervious cover was permitted on the Property and now wishes to conform the actual zoning of the Property to the current understanding, and use, of the Property.

Please do not hesitate to contact our office if you have any questions regarding our Client's rezoning request.

Sincerely,

Katie Van Dyk

Enclosure: City of Austin Rezoning Application



## Chaffin, Heather

---

**From:** Guernsey, Greg  
**Sent:** Wednesday, February 12, 2014 7:55 AM  
**To:** Allen Quigley  
**Cc:** Rusthoven, Jerry; Chaffin, Heather  
**Subject:** RE: Concerning the Rezoning of 1307 Waller Street, Austin TX 78702

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Allen:

I will pass your comments onto the City's zoning case manager, Ms. Heather Chaffin and her supervisor, Mr. Jerry Rusthoven. If you have questions about the specifics of this case, please contact Ms. Chaffin at (512) 974-2122.

Greg

-----Original Message-----

**From:** Allen Quigley [REDACTED]  
**Sent:** Tuesday, February 11, 2014 8:15 PM  
**To:** Guernsey, Greg  
**Subject:** Concerning the Rezoning of 1307 Waller Street, Austin TX 78702

Dear Mr. Guernsey,

My wife and I were recently brought to the attention of the rezoning request at 1307 Waller St, Austin TX (to SF4).

We both oppose the application for SF4 zoning at 1307 Waller Street. We want to maintain the integrity of the neighborhood and keep the current zoning designation. Parking should be kept out of the front yard. It sets a precedent that is unsightly and it also impedes on impervious cover restrictions.

We were unable to make tonight's meeting but wanted to voice our concern. Please let me know if you have any questions.

Sincerely,

Allen F. Quigley and Brittany Valera  
1003 E. 13th St.  
Austin TX 78702

## Chaffin, Heather

---

**From:** Paula Reckson [mailto:preckson@gmail.com]  
**Sent:** Thursday, February 13, 2014 1:23 PM  
**To:** Chaffin, Heather  
**Subject:** C14-2014-0003  
**Attachments:** C14-2014-0003.pdf

Hi Heather -

I am checking with you to get an update on the above mentioned case and to provide some additional background information. There was supposed to be a SHNA membership vote last night on the Board's unanimous recommendation to oppose the zoning request. However, the vote was postponed until the next meeting due to a procedural dispute. The next meeting is March 4th.

While there isn't a requirement for an impervious cover survey in the zoning process, there are some IC issues that impact the drainage from this property and the willful addition of non-permitted IC should be considered in my opinion.

Attached is the plot plan taken from the pool permit in 2011. I added a color-coded overlay of total added impervious cover, both permitted and non-permitted projects. The original IC calculation at construction was 1,851 s.f. or 44.8%. Using the numbers from the pool permit application and the front parking application, 565 s.f., or 13.7%, was added with those two projects. I have calculated the IC added by the two non-permitted projects, those being the approximate 72 s.f. brick patio at the northeast corner of the house and the approximate 186 s.f. sidewalk and walled planter on the east side of the house (both within the 5' side setbacks). That added 6.25% to impervious cover. They are now at approximately 64.75% total IC. Their attorney stated they are at 59 to 60% when asked at the meeting.

The precedent scenario is twofold. Their lot is not substantially different than other lots in Swede Hill and therefore why grant an SF4a to a lot surrounded by SF3 lots. They are claiming ignorance of the restrictions on their property, even though the builder had conversations with them about parking rules, setbacks, and impervious cover. Neighbors are getting the picture that maybe you can do what you want and then claim ignorance when asking the city for relief from violations. Secondly, while urban core in-fill is a valuable tool, increasing impervious cover increases the runoff to adjacent properties. Our lot and two others are the recipient of the runoff when a significant rainfall occurs, and East Austin's aged infrastructure has limited capacity to handle increased drainage.

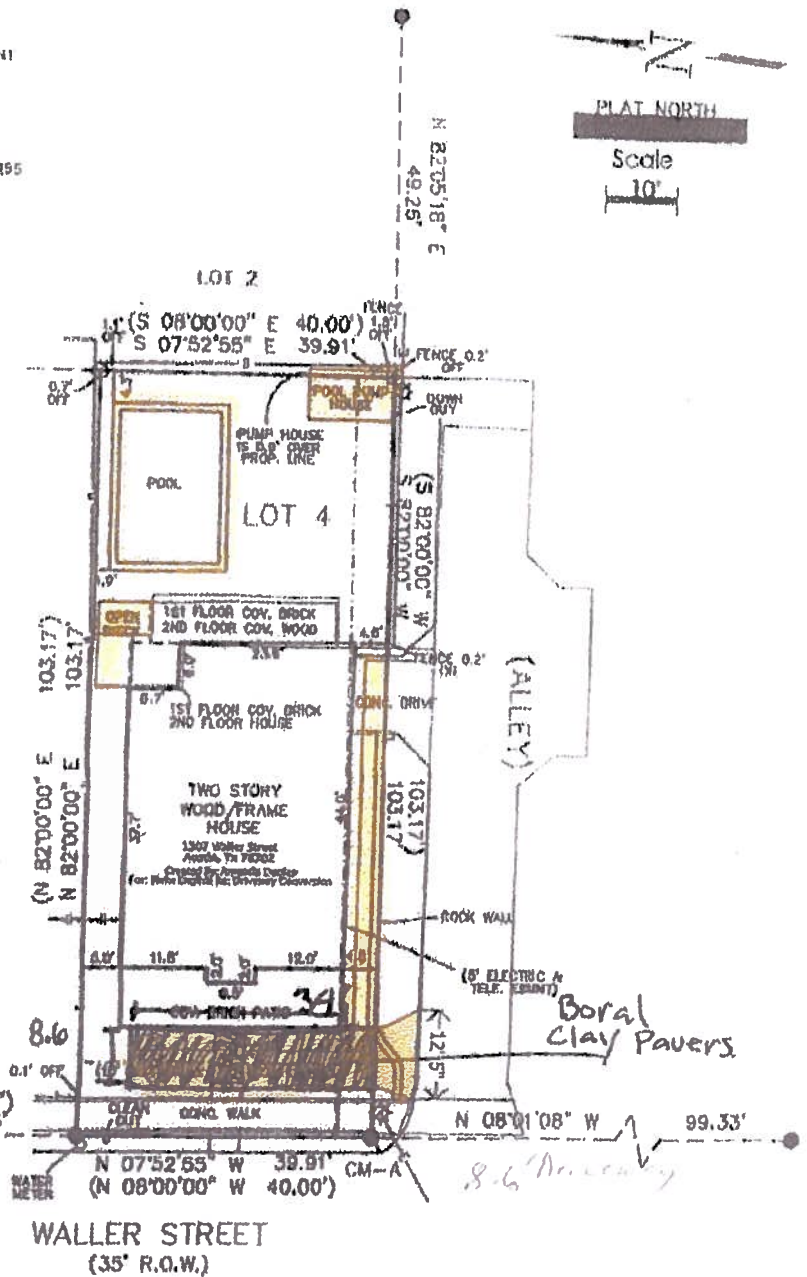
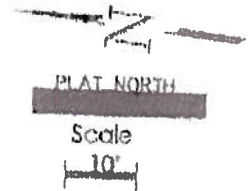
Thanks for your time in reading this, and the staff's consideration of these details.

Regards,  
Paula Reckson  
1305 B Waller Street

**ASBUILT SURVEY**  
OF 1307 WALLER STREET, AUSTIN, TEXAS  
LOT 4  
RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49  
JOSEPH LIMTRICK SUBDIVISION OF OUTLOT 41, DIVISION "B"  
DOCUMENT NO. 200600255

**MAP SYMBOLS:**

- WROUGHT IRON FENCE
- CHAIN LINK FENCE
- WOOD BOARD FENCE
- UTILITY LINE
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- D.L. BUILDING LINE
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- UNABLE TO SET
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1307 Waller St.  
3/5/2013  
LOT 3  
34' x 8.6' area  
Shaded in survey  
Can use the pavers  
as depicted on the  
attached spec.  
sheet.

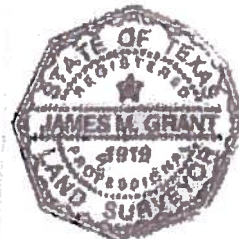
BEARING BASIS  
CM-A TO CM-B  
N 08°00'00" W 149.88'  
(N 08°00'00" W 149.90')  
Almitchall, DAC 974-3428

NOTE:  
THIS LOT IS SUBJECT TO AN SIDEWALK  
EASEMENT GRANTED TO THE CITY OF  
AUSTIN PER DOC. NO. 2007152495.

HARRIS-GRANT SURVEYING, INC.  
PO BOX 807 MANCHACA, TEXAS 78652  
(512)444-1781 FAX (512) 444-6123

*James M. Grant*

JAMES M. GRANT R.P.L.S. 1919  
DATE: JANUARY 24, 2013



As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Kevin Smith

ADDRESS: 1004 E 13<sup>th</sup>

SIGNATURE: [Signature]

1/21/14

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

The board of directors (the "Board") of the above-referenced Association is providing this letter in order to show its support for the application submitted by Blake and Toria English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

On October 1, 2013, the Owners received a Notice of Violation from the City of Austin Code Compliance Department citing issues on the Property related to impervious cover and required setbacks. The Owners and their attorney met with the Code Compliance Inspector and determined that a zoning change or a variance, or both, would resolve the issues on the Property. The Owners submitted the rezoning application on December 27, 2013.

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Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Ada Smith

ADDRESS:

1005 E. 13th St.

SIGNATURE:

Ada Smith

February \_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Tim Lehmann

ADDRESS: 1200 E. 13<sup>th</sup> St.

SIGNATURE: 

February 08, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Christine French

ADDRESS: 702 E. 13th St

SIGNATURE: Ch French

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

*via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)*

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Todd J Ruff

ADDRESS:

817 East 13th St.

SIGNATURE:



February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors



As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Myer Kaplan

ADDRESS: 909 E 13<sup>th</sup> St

SIGNATURE: Myer Kaplan

February 8, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

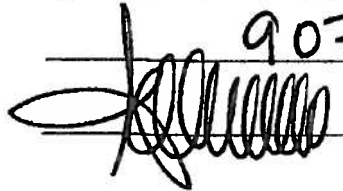
PRINTED NAME:

Ann del Llano

ADDRESS:

907 E. 13<sup>th</sup> St., Austin, TX 78702

SIGNATURE:



February 7, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,



SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Sam Lockett  
ADDRESS: 907 E. 13th, Austin, TX 78702  
SIGNATURE: [Signature]  
February 7, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to greg.guernsey@ci.austin.tx.us

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Alejandro Rothbaum

ADDRESS: 1201 E 13<sup>th</sup> St

SIGNATURE: 

February 29, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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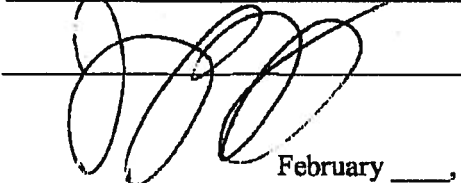
Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: JERRY LONG

ADDRESS: 1009 E 14th St

SIGNATURE: 

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

ADDRESS:

SIGNATURE:

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: BIGNOLET Thierry

ADDRESS: 1206 OLANDER Street

SIGNATURE: 

February 28, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Deborah H. English

ADDRESS: 906 East 13th St

SIGNATURE: Deborah H. English

February \_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors



As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Ricky Mourci

ADDRESS:

806 1/2 E. 13th St

SIGNATURE:

Ricky Mourci

February \_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Gretchen Burk

ADDRESS: 1206 Olander St., 78702

SIGNATURE: Gretchen Burk

January 28<sup>th</sup>  
February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Brad Hodgson

ADDRESS: 1012 E 14th St Austin, TX 78702

SIGNATURE: Brad Hodgson

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

RE: Neighborhood support from the Swede Hill Neighborhood Association (the "Association") for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

The board of directors (the "Board") of the above-referenced Association is providing this letter in order to show its support for the application submitted by Blake and Toria English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

On October 1, 2013, the Owners received a Notice of Violation from the City of Austin Code Compliance Department citing issues on the Property related to impervious cover and required setbacks. The Owners and their attorney met with the Code Compliance Inspector and determined that a zoning change or a variance, or both, would resolve the issues on the Property. The Owners submitted the rezoning application on December 27, 2013.

The lot encompassing the Property is 4,127 square feet. Because the City of Austin Code states that SF-3 lots have a minimum lot size of 5,750 square feet, and SF-4A lots have a minimum lot size of 3,600 square feet, the Association has concluded that SF-4A is the appropriate zoning district for the Property. Additionally, rezoning the Property to SF-4A is consistent with the character of the neighborhood. Thus, the Board, acting on behalf of the Association, supports the Owners' rezoning request and is prepared to support the Owners at Planning Commission and City Council.

Please feel free to contact the Board if you have any questions.

Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Amber Hodgson

ADDRESS: 1012 E 14th Austin TX 78702

SIGNATURE: 

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: CHUCK KRAUER

ADDRESS: 1007 E. 14TH ST., AUSTIN 78702

SIGNATURE: [Signature]

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors



As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME:

Judith Miller

ADDRESS:

904 E. 13th St.

SIGNATURE:

[Handwritten Signature]

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Rick Antoine

ADDRESS: 901 E. 13<sup>th</sup> St.

SIGNATURE: Rick Antoine

February \_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: LARRY VAUGHN

ADDRESS: 1000 E 14th St

SIGNATURE:   
1/24/14

February \_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors



As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Joanna R Vaughn

ADDRESS: 1008 E. 14 ST Austin 78702

SIGNATURE: Joanna R Vaughn

February \_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

via email to [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

FEBRUARY 11, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

RE: Swede Hill Resident support for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

As a resident of Swede Hill, I am providing this letter in order to show my support for the application submitted by Blake and Toria English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

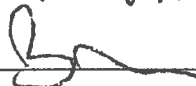
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Sincerely,

PRINTED NAME: BARRY R. SUSANNA KUBOW

ADDRESS: 1701 Barton Springs Rd. Austin TX 78702

SIGNATURE:  SUSANNA KUBOW

1 / DA, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME: Delores H. G. R. H. A. I.

ADDRESS: 906 R. 1131 1307 Waller

SIGNATURE: Delores H. G. R. H. A. I.

As a resident of Sw

...ing this letter.

PRINTED NAME:

ADDRESS:

SIGNATURE:

Greg Guernsey  
Planning and Deve  
City of Austin  
505 Barton Spring  
Austin, Texas 787

RE: Neighbor  
rezoning  
"Property"

Dear Mr. Guerns

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Brooklyn, NY 11232

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\_\_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME: Ron Merz

ADDRESS: 1307 Navasota St.

SIGNATURE: Ron Merz

January 26, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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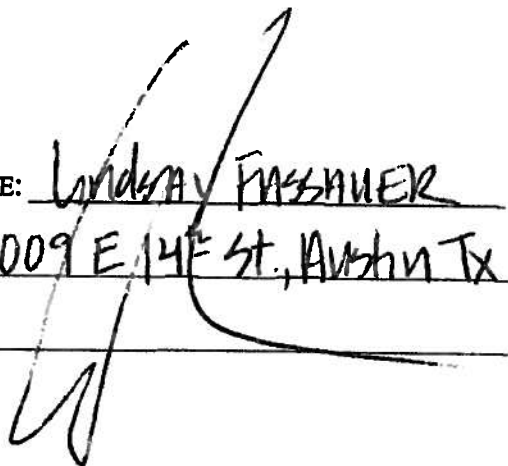
PRINTED NAME:

Lindsay FASSAUER

ADDRESS:

1009 E 14<sup>th</sup> St., Austin TX 78702

SIGNATURE:



As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Blake English

ADDRESS: 711 E. 13th St. Austin, TX 78702

SIGNATURE: [Signature]

February 2, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

*via email to [greg.guernsey@city.austin.tx.us](mailto:greg.guernsey@city.austin.tx.us)*

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors

As a resident of Swede Hill, I support the SHNA Board signing this letter.

PRINTED NAME: Valerie Colwell

ADDRESS: 411 East 12th St. #102

SIGNATURE: Valerie Colwell

February 3, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

*via email to [greg.guernsey@city.austin.tx.us](mailto:greg.guernsey@city.austin.tx.us)*

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Sincerely,

SWEDE HILL NEIGHBORHOOD ASSOCIATION  
Board of Directors



## Chaffin, Heather

---

**From:** Guernsey, Greg  
**Sent:** Monday, March 24, 2014 8:42 AM  
**To:** Paula Reckson; Chaffin, Heather  
**Cc:** Rusthoven, Jerry  
**Subject:** RE: C14-2014-0003

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you, Paula. I will also copy the City's case manager, Ms. Heather Chaffin with your comments.

Greg

**From:** Paula Reckson [mailto:[Paula.Reckson@gmail.com](mailto:Paula.Reckson@gmail.com)]  
**Sent:** Monday, March 24, 2014 8:21 AM  
**To:** Guernsey, Greg  
**Subject:** C14-2014-0003

Mr. Guernsey:

As the owners of 1305 B Waller Street we are immediately adjacent to the property involved in the above mentioned case. We are across the alley ROW which serves as a common driveway for five residential units, and which has the potential use of three additional residential units.

We join the Swede Hill Neighborhood Association's opposition to granting a re-zoning to this property in order to solve the repeated violations of the LDC. We request the same scrutiny and respect for our neighborhood codes that is given to other neighborhoods across the city. The east side has great challenges as it continues to revitalize its neighborhoods. Increasing maximum impervious cover above what is determined during development requires a strong justification. Special use overlays are designed to aid revitalization efforts by allowing infill for more residential units, a justification that has been adopted by the city. However, to exceed impervious cover limits for the purpose of pools, alternate parking spaces, and patios is not justified.

Regarding the case above, we would not oppose a variance on the pool and pool equipment setback violation.

However, we do oppose a change of zoning and ask that the city mitigate the substantial increase in impervious cover by requiring the removal of the un-permitted back yard patio and side yard walkway and steps adjacent to the ROW. Also we ask that the excavation of the ROW for an illegal parking space be restored to the previous vegetation.

The front yard parking space permitted by the city is of great concern to many neighbors who feel it sets a bad precedent for this SF-3 historic neighborhood. An alternate solution would be a variance on the required number

of parking spaces from two to one. That area could then be restored to the vegetation that previously existed at the entrance to this Urban Home.

Thank you for considering these options.

Charles and Paula Reckson  
1305 B Waller Street  
406-396-1511

**Chaffin, Heather**

---

**From:** Rick McGee <rpmcgee1214@gmail.com>  
**Sent:** Monday, March 24, 2014 9:21 AM  
**To:** Chaffin, Heather  
**Subject:** Case # C14-2014-0003

Hello,

I am writing you regarding Case #C14-2014-0003. My wife and I live at 1000 E 13th Street (the corner of Walker and 13th) two houses down the street from the property requesting rezoning.

We oppose the rezoning and urge you to do the same. We are concerned with water runoff from increased impervious cover, and do not want to set a precedent for other property owners to follow.

Kind regards,

Rick and Kim McGee  
1000 E 13th Street  
Austin, Tx 78702

## Chaffin, Heather

---

**From:** Steven Macon [mailto:smacon@austin.tx.com]  
**Sent:** Thursday, March 27, 2014 10:04 PM  
**To:** Chaffin, Heather; Guernsey, Greg; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC  
**Subject:** Case: #C14-2014-0003

**To:** Heather Chaffin, Greg Guernsey, City Of Austin Planning Commissioners  
**Re:** Case #C14-2014-0003 / 1307 Waller Street, Austin TX 78702  
**Application for zoning change to be heard by Planning Commission April 8, 2014.**

My name is Steven Macon. I own and live at 1305A Waller Street - next door and down hill from the referenced property in case #C14-2014-0003. My property has been directly and negatively impacted by the violations of impervious coverage and setbacks by the property owners of 1307 Waller - and permitted in error by the City of Austin. The multiple errors by City Of Austin permitting & inspection in combination with aggressive property owners determined to get exactly what they wanted has led to this unfortunate and damaging situation. As such - I am not interested in a "quick fix" or convenient solution for the City Of Austin - rather I am interested in respecting the underlying intent of city code restrictions on impervious coverage and setbacks.

I am strongly opposed to the request for a zoning change of this property as a means of addressing the impervious coverage violations.

Referencing a recent similar situation with the Adams House Bed & Breakfast and proposed amendment to the Hyde Park Neighborhood Conservation Combining District - Commissioner Danette Chimenti said "I don't like the precedent where staff just comes and says, 'well, we are going to amend the NCCD because we made a mistake.' I think that would be a mistake." Ex-Officia member Jeff Jack said "We often have issues with mistakes happening in permitting. And if we use this technique to solve them, we'll have a real problem". Addressing the violations of impervious coverage at 1307 Waller by simply changing the zoning will set a bad precedent for the neighborhood and completely ignores the underlying issue / concerns of impervious coverage and setbacks.

The referenced property was created as part of a re-subdivision in 2006. This re-subdivision in 2006 and zoning overlay of Urban Home was done with a drainage study supporting the 45% impervious coverage. This re-subdivision was exempted from the regulation of peak storm water flows with detention facilities based on this drainage study. I believe this drainage study needs to be respected - or if there is cause to question the validity of this study - then a new drainage study should be conducted. Until it is established that there is no significant drainage issue created by the impervious coverage violation at 1307 Waller - I will remain strongly opposed to any "quick fix" allowing for impervious coverage of >45% as established by the 2006 drainage study. I am strongly concerned about the aesthetics of this added impervious coverage. I don't believe converting a front yard to parking with near complete concrete coverage respects the intent of the Urban Home overlay on this property.

Regarding the setback violation of the pool equipment - there is absolutely no "hardship" that justifies the placement of this equipment in the setback. Any responsible, moderately informed property owner should understand the constraints of setbacks on property - as should any reputable pool construction company - and certainly any City Of Austin inspector approving a final permit. I believe this equipment should be relocated within the confines of the property and in compliance with impervious cover.

Lastly - I am strongly opposed to a zoning change on this property from the perspective of allowing any additional building coverage, any additional impervious coverage beyond what is deemed appropriate per drainage study (45% per the study done in support of re-subdivision) and I'm opposed to any reduced setback restrictions beyond current SF3 with Urban Home overlay.

As a tax paying property owner I expect the City Of Austin to be consistent in it's code enforcement, cognizant of precedent and respectful of core concerns that form the basis for restrictions.

Steven Macon  
1305A Waller Street

Swede Hill Neighborhood Association  
Louisa C. Brinsmade, Secretary  
1000 East 15<sup>th</sup> St.  
Austin, TX 78702  
512-350-9501  
[lcb@grandetx.com](mailto:lcb@grandetx.com)

RECEIVED

MAR 31 2014

Planning & Development Review

Greg Guernsey  
Planning & Development Review Department  
505 Barton Springs Rd.  
Austin, TX 78704

March 25, 2014

Re: rezoning application for 1307 Waller Street

Dear Mr. Guernsey:

This letter is to inform you that the Swede Hill Neighborhood Association (SHNA) members voted recently on whether to support the rezoning application submitted by Toria and Blake English for their property at 1307 Waller St. After many months of discussion and debate, our SHNA members voted overwhelmingly to oppose the change in zoning requested by the Englishes from the current SF-3 to SF-4A. Out of 28 members present, only 4 voted to support the zoning change. 24 members voted to oppose.

Several issues were raised by our members during discussions, the main concern being that this rezoning would set a precedent for increased impervious cover and intense density that is uncharacteristic of our predominately SF-3 neighborhood.

The property's impervious cover limits were set during subdivision in 2006 and were based on a drainage study performed by the developer. The owners' plat clearly lists the impervious cover limit of 45%. The owners currently have over 60% impervious cover on their property.

We request that the Planning & Development Staff inform the Planning Commissioners of the SHNA vote to oppose the rezoning and respectfully suggest that Staff come up with an alternate course to solve the impervious cover issues created on this property.

Sincerely,



Louisa C. Brinsmade  
Secretary, Swede Hill Neighborhood Association

Cc: Planning Commission Board Members,  
Heather Chaffin

April 2, 2014

City of Austin  
Planning & Development Dept.  
Heather Chafin  
505 Barton Springs Road  
Austin, TX 78704

RE: C14-2014-0003 Rezoning Request  
1307 Waller Street

TO: PLANNING COMMISSIONERS:

We, the owners and residents of 1305 Waller Street, Unit B, are immediately adjacent to the above-referenced property in Swede Hill and oppose the request for rezoning. The Swede Hill Neighborhood Association Board of Directors and the Association at large have overwhelmingly voted against the proposed zoning change, primarily because it would set undesirable precedents in the core of our SF-3 neighborhood. It would be the first single-family lot zoned SF-4a in Swede Hill (and in the entire planning area of Central East). It would also establish a precedent for which egregiously exceeding existing development entitlements is not a violation of city code but the best approach for securing rezoning that otherwise would not be achieved. We, as owners, would like to avoid these precedents and believe the facts of this case as outlined below show this rezoning request to be an unwarranted solution to the problem.

Summary of events related to this property:

- Parcel was re-subdivided and platted on Waller between 13th and 14th streets in 2005. Re-subdivision document clearly states "Impervious Cover Limit" as 1,857 sf (44.8%) for Lot 4. Document notes exemption from Section 1.2.2.G of the city of Austin Drainage Criteria Manual by setting maximum impervious coverage at 45%. See engineering report.
- Home was completed in 2008 with an Urban Home designation, purchased by Blake and Toria English in 2010.
- Swimming pool built in 2011 with permit indicating small lot amnesty even though lot exceeds 4,000 sf. Pool equipment built on rear and side lot lines, violating setbacks. One required parking space shown on permit removed from back yard. Brick patio added without permit. New impervious coverage for pool and equipment \_\_\_\_\_.
- Attempt to create parking space in alley ROW in 2012 adjacent to side lot line, 6' x 40', halted twice by the city while preparing to pour concrete in this area without permit. Informed by city they could not park in ROW.
- Obtained permit in 2013 to construct front yard parking space, despite questions raised by city staff on amount of impervious cover being permitted. Used the presence of a permit to do un-permitted concrete work in side setback along ROW for sidewalk/steps and wall. Installed granite and gravel and began parking in alley ROW.

- Traffic Engineering Division responded by approving no-parking signs, per Steven Romero, and APD coordinated via Officer William Torres, to ticket illegal parking once signs are installed.
- February 2014 survey states 57.8%, however at least two calculation errors are identified on survey for the front parking space and side walkway/steps, which when corrected yields 61.8% (2,547 sf). Survey corrected to 61.8%.

This property, as the applicants and their counsel suggest, is not a property in search of the right zoning/designation to fit a lot size that they characterize as unusual. Along with three adjacent re-subdivided parcels, this property was developed under the Urban Home designation permitted in SF-3, SF-5, SF-6, and MF-1 through MF-6 zoning districts but not in SF-4a. This property would not exist at all had Urban Home not been an option for the builder in SF-3 and had he not specifically subdivided to create a legal-sized lot under the Urban Home designation. The Urban Home designation is noted on the re-subdivision notes attached to their deed, as is the requirement that the property be developed according to Urban Home regulations in 25-2-1244 of the LDC. Special uses such as Urban Home are intended to help revitalize neighborhoods by providing opportunities to increase the number of living units that can be legally developed, not to enable unrestrained impervious cover.

The property as built complied with the LDC and was in no need of a new/more appropriate designation. The property as the owners have repeatedly modified it in direct violation of the LDC, subdivision notes, and conditional overlay is in search of a quick and painless justification for all that has been done. To grant SF-4a to a property that would not have existed but for its SF-3 zoning and Urban Home entitlements would be to flout the accommodations the neighborhood made in supporting Urban Home and set a precedent that invites all other property owners—regardless how large their lots-- to follow suit and avail themselves of 65% impervious coverage.

Drainage and runoff are substantial factors in the planning, permitting, and development of property within the urban core. Over the past three years the impervious cover next door has grown from 44.8% to 61.8%. As an adjacent down slope property owner we have taken steps to mitigate runoff during episodes of heavy rain. In our opinion the city should require reduction of the additional impervious coverage by eliminating the front parking and un-permitted side walkway/steps, the un-permitted patio, and the ROW parking area, restoring those areas to original vegetation and restricting any further increase in impervious coverage. Variances could be granted for setback violations on the pool equipment and the elimination of one off street parking space requirement. The city should not use rezoning as a political solution to resolve multiple violations on this lot. We strongly urge you to deny this re-zoning request.

Charles and Paula Reckson

1305 B Waller Street

plreckson@gmail.com



**Chaffin, Heather**

---

**From:** Lynne Smith [carollynnesmith@hotmail.com]  
**Sent:** Wednesday, April 02, 2014 10:47 AM  
**To:** Chaffin, Heather  
**Subject:** Zoning case # C14-2014-0003

I am a member of the Swede Hill Neighborhood Association. I live at 1006 East 13th Street.

I object to the zoning change requested for 1307 Waller St.

I was unable to sign the neighborhood petition regarding opposition to this zoning change. I understand that the petition is being submitted in the next day or so. I wish to have my name added to that petition.

Thank you for your consideration.

Carol Lynne Smith  
1006 East 13th St.  
Austin, Tx. 78702  
(512)296-9447

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

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: C14-2014-0003

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Apr 8, 2014, Planning Commission  
May 1, 2014, City Council

**Matt Bowman**

Your Name (please print)

1011 East 15th

Your address (not affected by this application)

*Matt Bowman*

Signature

4-1-14

Date

Daytime Telephone:

512-264-1954

Comments:

☐ I am in favor  
☒ I object

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

# **Photos of 1307 Waller**

















307  
WALLER











**Original Residential Building  
Permit Application (2006)  
showing 44.8% Impervious  
Cover**

# CITY OF AUSTIN RESIDENTIAL PERMIT APPLICATION

6/7

*Project*

AP Number BP-06-5831R  
 Building Permit No. 06019542  
 Plat No. \_\_\_\_\_ Date 8-10-06  
 Reviewer Lynda Courtney

## PRIMARY PROJECT DATA

Service Address 1307 Wollen Street Tax Parcel No. \_\_\_\_\_  
 Legal Description Resubdivision of Lot 50 & portion of Lot 49  
 Lot 4 Block \_\_\_\_\_ Subdivision Joseph Limerick Subd., Outlot 41, Div. "B" (Pending) Section \_\_\_\_\_ Phase \_\_\_\_\_  
 If in a Planned Unit Development, provide Name and Case No. SP-06-0202DS, CB-06-0061-0A  
*(attach final approved copies of subdivision and site plan)*  
 If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.  
 Description of Work Central East Austin NP Remodel (specify) \_\_\_\_\_  
☒ New Residence \_\_\_\_\_  
☐ Duplex \_\_\_\_\_  
☐ Garage ☒ attached ☐ detached Addition (specify) \_\_\_\_\_  
☐ Carport ☒ attached ☐ detached \_\_\_\_\_  
☐ Pool \_\_\_\_\_ Other (specify) \_\_\_\_\_  
SF-3-NP  
 Zoning (e.g. SF-1, SF-2) SF-3 Urban Lot Designation Height of building 24'-8" ft. # of floors 2  
 Does this site have a septic system? ☐ Yes ☒ No If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.  
 Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentation  
 Will this development require a cut and fill in excess of 4 feet? ☐ Yes ☒ No  
 Does this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☐ No

## VALUATIONS FOR REMODELS ONLY

Building \$ \_\_\_\_\_  
 Electrical \$ \_\_\_\_\_  
 Mechanical \$ \_\_\_\_\_  
 Plumbing \$ \_\_\_\_\_  
 Driveway  
 & Sidewalk \$ \_\_\_\_\_  
 TOTAL \$ \_\_\_\_\_  
 (labor and materials)

## DATA FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 4127 sq.ft.  
 Job Valuation \$ 200,000  
 (Labor and materials)  
 Total Job Valuation (remodels and additions)  
 \$ \_\_\_\_\_  
 (Labor and materials)

## PERMIT FEES (For office use only)

	NEW/ADDITIONS	REMODELS
Building	\$ <u>245.00</u>	\$ _____
Electrical	\$ <u>140.00</u>	\$ _____
Mechanical	\$ <u>74.00</u>	\$ _____
Plumbing	\$ <u>45.00</u>	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

## OWNER / BUILDER INFORMATION

OWNER	Name <u>Robert Seldenberg</u>	Telephone (h) <u>512-1280</u> (w) <u>228-2900</u>
BUILDER	Company Name <u>To be determined</u>	Telephone _____
	Contact/Applicant's Name _____	Pager _____
DRIVEWAY /SIDEWALK	Contractor <u>" (TBD) "</u>	FAX _____
		Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____	Telephone _____
	Address _____	City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:

☐ telephone ☒ e-mail: robseidenberg@yahoo.com

You may check the status of this application at [www.ci.austin.tx.us/development/permvr.htm](http://www.ci.austin.tx.us/development/permvr.htm)

Service Address 1307 Wallen StreetApplicant's Signature Robert ScullyDate 6/7/06**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 <sup>st</sup> floor conditioned area	sq.ft.	<u>1032</u> sq.ft.
b. 2 <sup>nd</sup> floor conditioned area	sq.ft.	<u>1051</u> sq.ft.
c. 3 <sup>rd</sup> floor conditioned area	sq.ft.	sq.ft.
d. Basement	sq.ft.	sq.ft.
e. Garage / Carport	sq.ft.	sq.ft.
<input checked="" type="checkbox"/> attached	sq.ft.	<u>258</u> sq.ft.
<input type="checkbox"/> detached	sq.ft.	sq.ft.
f. Wood decks (must be counted at 100%)	sq.ft.	sq.ft.
g. Breezeways	sq.ft.	sq.ft.
h. Covered patios	sq.ft.	sq.ft.
i. Covered porches	sq.ft.	sq.ft.
j. Balconies	sq.ft.	<u>398</u> sq.ft.
k. Swimming pool(s) (pool surface area(s))	sq.ft.	<u>143</u> sq.ft.
l. Other building or covered area(s)	sq.ft.	sq.ft.
Specify _____	sq.ft.	sq.ft.

**TOTAL BUILDING AREA** (add a. through l.) 2882 sq.ft.

**TOTAL BUILDING COVERAGE ON LOT** (subtract b., c., d., and k. if applicable) 1688 sq.ft.  
40.9 % of lot

**IMPERVIOUS COVERAGE**

(55% allowed for Urban Lots)

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>1688</u> sq.ft.
b. Driveway area on private property	<u>154</u> sq.ft.
c. Sidewalk / walkways on private property	sq.ft.
d. Uncovered patios	sq.ft.
e. Uncovered wood decks (may be counted at 50%)	sq.ft.
f. Air conditioner pads	<u>9</u> sq.ft.
g. Concrete decks	sq.ft.
h. Other (specify) _____	sq.ft.

**TOTAL IMPERVIOUS COVERAGE** (add a. through h.) 1851 sq.ft.  
44.8 % of lot

*Handwritten:*  
 1851  
 44.8

CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submission will be required.

APPLICANT'S SIGNATURE *Robert S. Smith* DATE 4/7/06

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) To be determined

Rejection Notes/Additional Comments (for office use only):

1. B.P. cannot be approved until subdivision is recorded.
2. Provide 3 copies of architectural layout plan.
3. Include Austin Energy ESPA form, approved.
4. Sidewalk permit is a separate permit, and driveway.

*House under  
2500 sq ft*

New SF home 3BR-3BA =  $5\frac{1}{8}$ " meter  
Bldg. coverage 1688 sf



Kramer Service Center  
2412 Kramer Lane, Bldg. "C"  
Austin, Texas 78753  
(512) 505-7205



**Austin Energy**  
**Electric Service Planning Application (ESPA)**  
(Please Print or Type)

St. Elmo Service Center  
4411-B Menard Drive  
Austin, Texas 78744  
(512) 505-7500

*For Residential or Small Commercial "SERVICE ONLY" under 350 amps 1Ø or 225 amps 3Ø*

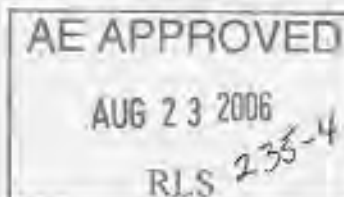
Customer Name	<u>Robert Seidenberg</u>	Phone	<u>524-1180</u>
Address	<u>1307 Walker Street</u>		
Legal Description	<u>Lot 4, Resubdivision of Lot 50 and a portion of Lot 49</u> <u>Joseph Limerick Subdivision, Outlot 41, Division "B"</u>		
Lot	<u>4</u>	Block	<u>Commercial/Residential? Residential</u>

Service Main Size	<u>150</u>	(amps) Service Conductor	_____ (type & size)
Service Length	_____ (ft.)	Number of Meters?	<u>1</u> Multi-Fuel <input checked="" type="radio"/> N
Overhead/Underground?	<u>U</u>	Voltage	<u>120/240</u> <input checked="" type="checkbox"/> Single-phase (1Ø) <input type="checkbox"/> Three-phase (3Ø)
Total Square Footage	<u>2641</u>	Total A/C Load	<u>2</u> (# of units) <u>5</u> (Tons)
Largest A/C unit	<u>3</u> (Tons)	LRA of Largest A/C Unit	_____ (amps)
Electric Heating	_____ (kW)	Other	_____ (kW)

Comments: \_\_\_\_\_

<u>Robert Brett Pitt</u> ESPA Completed by (Signature & Print name)	<u>June 8, 2006</u> Date	<u>444-0777</u> Phone
<u>Dani Keily</u> AE Representative	<u>6/8/06</u> Date	
Approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Remarks on back)	Phone <u>505-7611</u>	

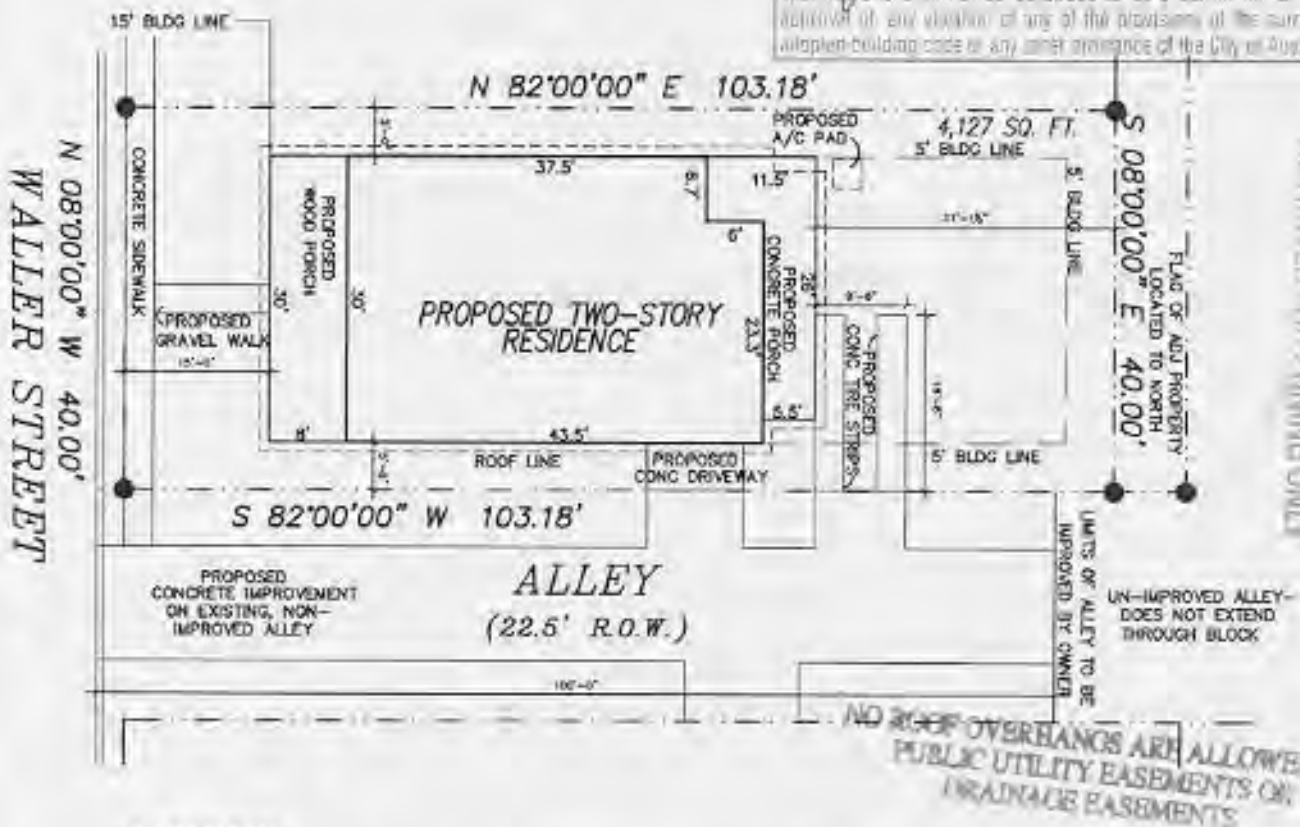
**Application expires 90 days after date of Approval**



CITY OF AUSTIN  
APPROVED FOR PERMIT  
Victoria Hou, P.E.

Worksheet Protection & Development Review Department  
By *[Signature]* Date *8/30/06*  
The granting of a permit for or approval of these plans and specifications shall not be construed to be a permit for or an approval of, and violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

REVIEWED FOR ZONING ONLY



LEGEND

The dripline of protected trees (19" dia. or less measured at 4.5' above grade), must be enclosed with protective fencing before and throughout construction. Tree measuring 7" in diameter (or greater) may be removed without notice. CITY ENGINE REVIEW from the City of Austin Planning & Development Assistance Center for review.

TOTAL LOT AREA: 4127 SF  
URBAN LOT DESIGNATION  
LIVING AREA: 1032 SF  
GARAGE AREA: 258 SF  
PORCH AREA: 398 SF  
CONCRETE DRIVEWAY: 154 SF  
CONC WALK & A/C PAD: 9 SF  
TOTAL BUILDING COVERAGE: 1688 SF  
TOTAL IMPERVIOUS COVERAGE: 1851 SF

AE APPROVED  
AUG 23 2006  
RLS 235-4

SCALE: 1" = 20'

Prepared By:

Sentient Architecture, LLC  
702 San Antonio St.  
Austin, TX 78701  
512-444-0777

Issue Date: 6/6/06  
Robert Brett Pitt, AIA

PLOT PLAN  
1307 Waller St.  
Austin, TX 78702

Prepared For:

El Centro Group, Robert Se  
1000 E. 13th Street  
Austin, TX 78702  
512-524-1280

**Pool Permit Application  
(2011) showing City  
determination that 65%  
Impervious Cover Permitted  
and Qualifies for Small Lot  
Amnesty**

CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION "A"

PR Number 11.053801 RA  
Building Permit No. \_\_\_\_\_  
Plat No. \_\_\_\_\_ Date 6.20.11  
Reviewer [Signature]

PRIMARY PROJECT DATA

Service Address 1307 Valler Street Tax Parcel No. \_\_\_\_\_  
Legal Description \_\_\_\_\_  
Lot 4 Block \_\_\_\_\_ Subdivision \_\_\_\_\_ Section \_\_\_\_\_ Phase \_\_\_\_\_

If in a Planned Unit Development, provide Name and Case No. \_\_\_\_\_  
(attach final approved copies of subdivision and site plan)

**If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.**

Description of Work \_\_\_\_\_ Remodel (specify) \_\_\_\_\_  
\_\_\_\_ New Residence \_\_\_\_\_  
\_\_\_\_ Duplex \_\_\_\_\_  
\_\_\_\_ Garage \_\_\_\_\_ attached \_\_\_\_\_ detached \_\_\_\_\_ Addition (specify) \_\_\_\_\_  
\_\_\_\_ Carport \_\_\_\_\_ attached \_\_\_\_\_ detached \_\_\_\_\_  
☒ Pool \_\_\_\_\_ Other (specify) \_\_\_\_\_

Zoning (e.g. SF-1, SF-2...) \_\_\_\_\_  
- Height of Principal building \_\_\_\_\_ ft. # of floors \_\_\_\_\_ Height of Other structure(s) \_\_\_\_\_ ft. # of floors \_\_\_\_\_  
- Does this site currently have water and wastewater availability? ☒ Yes ☐ No. **If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.**  
- Does this site have a septic system? ☐ Yes ☒ No. **If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.**

Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentation  
Will this development require a cut and fill in excess of 4 feet? ☐ Yes ☒ No  
Does this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☒ No  
Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☒ Yes ☐ No

VALUATIONS FOR  
REMODELS ONLY

Building \$ \_\_\_\_\_  
Electrical \$ \_\_\_\_\_  
Mechanical \$ \_\_\_\_\_  
Plumbing \$ \_\_\_\_\_  
Driveway/  
Sidewalk \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_  
(labor and materials)

VALUATIONS FOR NEW CONSTRUCTION  
OR ADDITIONS ONLY

Lot Size 4127 sq.ft.  
Job Valuation - Principal Building \$ \_\_\_\_\_  
(Labor and materials)  
Job Valuation - Other Structure(s) \$ \_\_\_\_\_  
(Labor and materials)  
**TOTAL JOB VALUATION**  
(sum of remodels and additions)  
\$ 40000  
(Labor and materials)

PERMIT FEES

(For office use only)

	NEW/ADDITIONS	REMODELS
Building	\$ <u>23,100</u>	\$ _____
Electrical	\$ <u>34</u>	\$ _____
Mechanical	\$ <u>x</u>	\$ _____
Plumbing	\$ <u>34</u>	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Blake English</u>	Telephone (h) _____ (w) _____
BUILDER	Company Name <u>Coly Pools</u>	Telephone _____ Pager _____ FAX _____
DRIVEWAY/ SIDEWALK	Contact/Applicant's Name <u>Stephen Smith</u>	Telephone _____
	Contractor _____	Telephone _____
CERTIFICATE OF OCCUPANCY	Name <u>Blake English</u>	Telephone <u>372-6170</u>
	Address <u>1307 Valler Street</u>	City <u>Austin</u> ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:  
\_\_\_\_ telephone \_\_\_\_ e-mail: \_\_\_\_\_

**You may check the status of this application at [www.ci.austin.tx.us/development/pierivr.htm](http://www.ci.austin.tx.us/development/pierivr.htm)**

AUSTIN  
RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

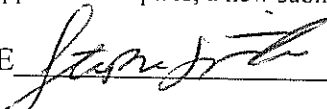
I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

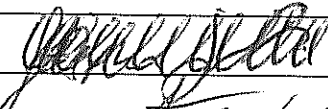
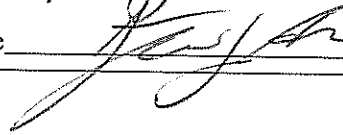
I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE  DATE 6/20/11  
HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) \_\_\_\_\_

**ejection Notes/Additional Comments (for office use only):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Service Address  1307 Walker Street  
Applicant's Signature  Date 6/20/11

PERMIT APPLICATION "C"

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition
a. 1 <sup>st</sup> floor conditioned area	992	sq.ft.	
b. 2 <sup>nd</sup> floor conditioned area	1332	sq.ft.	
c. 3 <sup>rd</sup> floor conditioned area		sq.ft.	
d. Basement		sq.ft.	
e. Garage / Carport		sq.ft.	
<input checked="" type="checkbox"/> attached	280	sq.ft.	
<input type="checkbox"/> detached		sq.ft.	
f. Wood decks [must be counted at 100%]		sq.ft.	
g. Breezeways		sq.ft.	
h. Covered patios		sq.ft.	
i. Covered porches	42	sq.ft.	
j. Balconies	228	sq.ft.	
k. Swimming pool(s) [pool surface area(s)]	156	sq.ft.	
l. Other building or covered area(s)		sq.ft.	273
Specify _____		sq.ft.	

TOTAL BUILDING AREA (add a. through l.) 1698 sq.ft. 273 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract, if applicable, b., c., d., k. and f. if uncovered)

1698 sq.ft.  
41.1 % of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	1698	sq.ft.
b. Driveway area on private property	150	sq.ft.
c. Sidewalk / walkways on private property	147	sq.ft.
d. Uncovered patios		sq.ft.
e. Uncovered wood decks [may be counted at 50%]		sq.ft.
f. Air conditioner pads	4	sq.ft.
g. Concrete decks		sq.ft.
h. Other (specify) _____		sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.) 1949 sq.ft.  
47.2 % of lot

ONE STOP SHOP  
505 Barton Springs  
Austin, Texas 78701  
(512) 974-2632 phone  
(512) 974-9112 phone  
(512) 974-9779 fax  
(512) 974-9109 fax



Austin Energy  
**Electric Service Planning Application (ESPA)**  
***For Residential and Commercial "SERVICE ONLY"***  
***Under 350 amps 1 $\phi$  or 225 amps 3 $\phi$***

☒ Check this box if  
this is for a  
building permit  
only.

(Please print or type. Fields left blank will be considered Not Applicable.)

Responsible Person for Service Request	<u>Co. by Peris</u>	Phone	_____
Email	_____	Fax	_____
Project Name	_____	<input type="checkbox"/> New Construction	<input type="checkbox"/> Remodeling
Project Address	<u>1307 Walker Street</u>	OR	
Legal Description	_____	Lot	_____ Block _____
Requested Service Duration:	<input type="checkbox"/> Permanent Service <input type="checkbox"/> Construction Power/Temp Service (Usually less than 24 months)		
Who is your electrical service provider?	<input checked="" type="checkbox"/> AE <input type="checkbox"/> Other _____		

<input type="checkbox"/> Overhead or <input checked="" type="checkbox"/> Underground	Voltage	<u>RF</u>	<input checked="" type="checkbox"/> Single-phase (1 $\phi$ ) or <input type="checkbox"/> Three-phase (3 $\phi$ )
Service Main Size(s)	<u>30</u>	(amps)	Number of Meters? <u>1</u>
AE Service Length	_____	(ft.)	Conductor _____ (type & size)
SqFt Per Unit	_____	#Units	<input type="checkbox"/> All Electric <input type="checkbox"/> Gas & Electric <input type="checkbox"/> Other _____
Total AC Load	_____	(Tons)	Largest AC unit _____ (Tons)
LRA (Locked Rotor Amps) of Largest AC Unit	_____	(Amps)	
Electric Heating	_____	(kW)	Other _____

All structures/pools/etc.  
(kW)  
must maintain a 10'  
horizontal clearance from  
AE energized power lines.

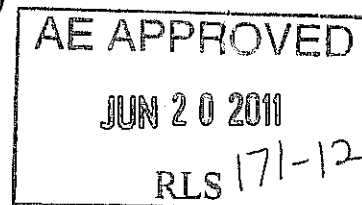
Comments: Swimming Pool

ESPA Completed by (Signature & Print name) [Signature] Date 6/6/11 Phone \_\_\_\_\_

AE Representative \_\_\_\_\_ Approved: ☐ Yes ☐ No (Remarks on back) \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_

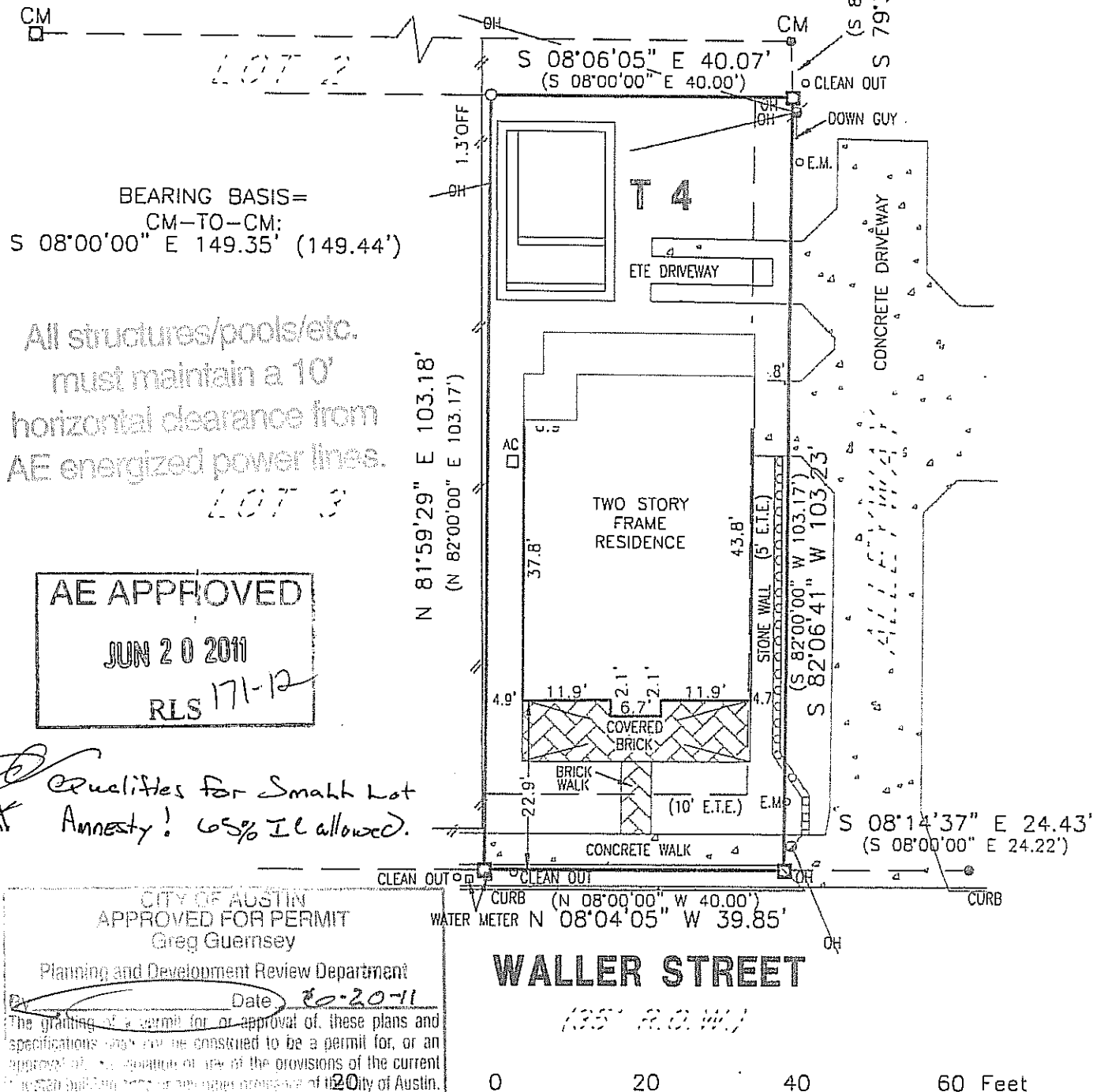
**Application expires 180 days after date of Approval**  
(Any change to the above information requires a new ESPA)

Version 1.1.0.0





THE WEST 315' OF LOT 48  
AND EAST 105' OF LOT 49,  
OUTLOT 41, DIVISION B,  
M13228, P.2570



CITY OF AUSTIN  
APPROVED FOR PERMIT  
Greg Guernsey

Planning and Development Review Department

By [Signature] Date 6-20-11  
The granting of a permit for or approval of these plans and specifications shall not be construed to be a permit for, or an approval of, the location or use of the provisions of the current City of Austin.

WALLER STREET

(125' R.O.W.)

0 20 40 60 Feet

RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49, JOSEPH LIMERICK  
SUBDIVISION OF OUTLOT 41, DIVISION "B"

SUBDIVISION LOT: 4 BLOCK:            DOC.# 200600255 OFFICIAL PUBLIC RECORDS  
COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1307 WALLER STREET  
CITY: AUSTIN REFERENCE NAME           

B&G Surveying, Inc.

Victor M. Garza R.P.L.S.

Office 512\*458-6969  
Fax 512\*458-9845

1404 West North Loop Blvd.  
Austin, Texas 78756

REVISED: 3-8-10



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0165E DATED 1-4-01. IT IS REPRESENTED AS IN ZONE X. HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

**IMPORTANT NOTICE**

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, at the time of this survey.

FIELD WORK	ERNEST	1-24-08
CALCULATIONS	JED	1-28-08
DRAFTING	AW3	1-28-08
FINAL CHECK	ML	1-28-08
CORRECTIONS	AW3	1-28-08
UP DATE		

REVISED: 3-8-10

DATE 1-28-08  
JOB # 80108108\_TA  
SCALE 1"= 20'

**Email Correspondence with  
Susan Walker of PDRD  
Confirming 65% Impervious  
Cover Permitted**

**From:** "Walker, Susan" <[Susan.Walker@austintexas.gov](mailto:Susan.Walker@austintexas.gov)>  
**Date:** January 9, 2013 1:20:40 PM CST  
**To:** "T English" [REDACTED]  
**Subject:** RE: 1307 Waller St. IC variance verification

According to the permit...65% is allowed without a variance because you have small lot amnesty.

**Susan Walker**  
**Senior Planner**  
**Planning & Development Review Department**  
**Phone: 512-974-2202**  
**Fax: 512-974-6536**  
**From:** T English [REDACTED]  
**Sent:** Tuesday, January 08, 2013 12:45 PM  
**To:** Walker, Susan  
**Subject:** Re: 1307 Waller St. IC variance verification

Susan,  
Thank you for your prompt response. Can you tell me what does it mean that 65% IC is allowed? Does it mean that the current limit on this property is 65% IC?

Regards,  
Toria

On Jan 8, 2013, at 12:14 PM, Walker, Susan wrote:

Toria,

The Board of Adjustment has not done a variance on this property. When I looked at the pool permit on AMANDA...it shows that 65% IC was allowed. There was no variance applied for.

To verify front yard parking you will need to ask a Planner in Residential Review to confirm.

If you have any further questions, please let me know.

Thanks!

**Susan Walker**  
**Senior Planner**  
**Planning & Development Review Department**  
**Phone: 512-974-2202**  
**Fax: 512-974-6536**

**From:** T English [REDACTED]  
**Sent:** Friday, January 04, 2013 2:41 PM  
**To:** Walker, Susan  
**Subject:** 1307 Waller St. IC variance verification

Hello Ms. Walker,

Amber Mitchell referred me to you for advisement on my efforts to comply with the residential parking requirement. My address is 1307 Waller St. Austin, TX 78702. First, I am hoping you can verify an impervious cover variance which my pool company obtained in 2011. Below is a link to the pool permits but I can't locate anything regarding the impervious cover variance. Second, I would like to confirm that there is no code prohibiting me from parking in my front yard (in an effort to comply with our two car parking requirement). We are not on the restricted parking map, and our Central East neighborhood plan does not appear to have any rules regarding this.

Pool

Permit: [https://www.ci.austin.tx.us/devreview/b\\_showpublicpermitfolderdetails.jsp?FolderRSN=10609255](https://www.ci.austin.tx.us/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=10609255)

Neighborhood Plan: <http://austintexas.gov/page/neighborhood-planning-areas>

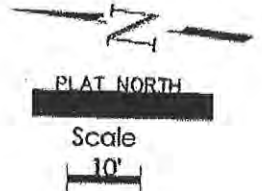
Parking Map: [ftp://ftp.ci.austin.tx.us/npzd/Austingo/fyp\\_map.pdf](ftp://ftp.ci.austin.tx.us/npzd/Austingo/fyp_map.pdf)

Thank you for your assistance,  
Toria English  
415-640-0426

# **Driveway Plans Approved by Amber Mitchell of DAC**

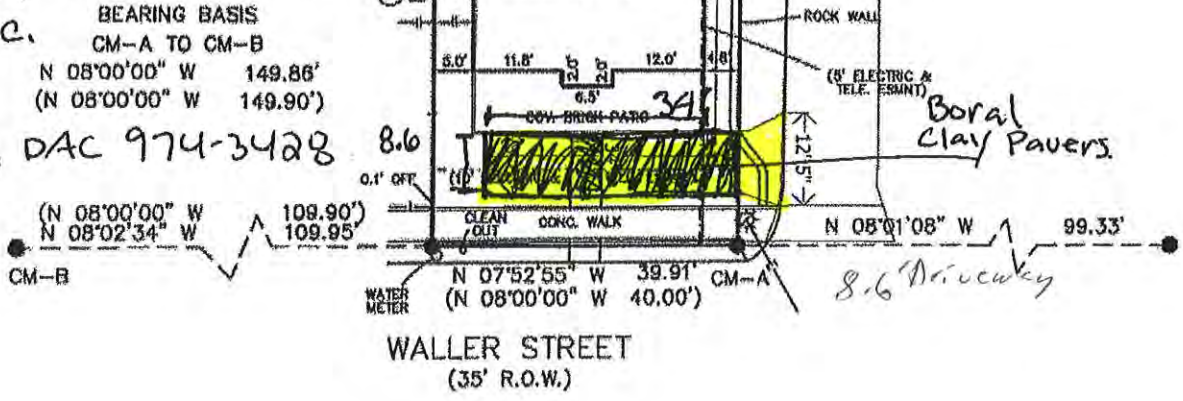
**ASBUILT SURVEY**  
 OF 1307 WALLER STREET, AUSTIN, TEXAS  
 LOT 4  
 RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49  
 JOSEPH LIMERICK SUBDIVISION OF OUTLOT 41, DIVISION "B"  
 DOCUMENT NO. 200600255

- MAP SYMBOLS:
- I — WROUGHT IRON FENCE
  - OO — CHAIN LINK FENCE
  - II — WOOD BOARD FENCE
  - E — UTILITY LINE
  - P.U.E. PUBLIC UTILITY EASEMENT
  - B.L. BUILDING LINE
  - 1/2" REBAR FOUND
  - ⊙ 1/2" REBAR SET
  - ⊙ IRON PIPE FOUND
  - ⊙ CONTROL MONUMENT
  - ( ) RECORD DATA FROM PLAT DOC. NO. 200600255
  - D.E. DRAINAGE EASEMENT
  - R.O.W. RIGHT-OF-WAY
  - ⚡ POWER POLE
  - ⊙ CALCULATED POINT UNABLE TO SET FALLS UNDER POOL PUMP HOUSE



1307 Waller St.  
 3/5/2013  
 LOT 3  
 34' x 8.6' area  
 shaded in survey  
 can use the pavers  
 as depicted on the

attached spec.  
 sheet.  
 Almitahili, DAC 974-3428



NOTE:  
 THIS LOT IS SUBJECT TO AN SIDEWALK  
 EASEMENT GRANTED TO THE CITY OF  
 AUSTIN PER DOC. NO. 2007152495.

HARRIS-GRANT SURVEYING, INC.  
 PO BOX 807 MANCHACA, TEXAS 78652  
 (512)444-1781 FAX (512) 444-6123

*James M. Grant*

JAMES M. GRANT R.P.L.S. 1919  
 DATE: JANUARY 24, 2013



# **Driveway Permit Issued**

## **August 30, 2013**



## FOLDER DETAILS

**PUBLIC  
INFORMATION**

[illegible]

## FOLDER INFO

## My Licenses

My Licenses	Information Description	Value
Request / Cancel / View Inspections	Smart Housing?	No
	Driveway Inspection	Yes
	Usage Category	7000
My Escrow Accounts	Total Number of Driveways	1
	Total Linear Footage of Curbs/Gutters	0
	Driveway Width 1	12
Reports		

## PROPERTY DETAILS

Login

Login										
	Number	Pre.	Street	Street Type	Dir	Suite Type	Suite Number	City	State Zip	Legal
HELP	1300-1319		WALLER	STREET						

**HELP**

Web Help

[illegible]

## FEEDBACK

Contact PDR

Lot: 4 Block: Subdivision: JOSEPH LIMERICK SUBDIVISION, A RESUBDIVISION OF LOT 50 & PORTION OF LOT 49 OF OU

## PEOPLE DETAILS

Desc.	Organization Name	Address	City	State	Postal
Right-Of-Way Contractor	Arrowhead Concrete, Inc	12224 ROXIE DR SUITE B2	Austin	TX	78729

## FOLDER FEE

Fee Description	Fee Amount	Balance
Excavation/Concrete Permit Fee - Transportation	\$35.00	\$0.00
Driveway Inspection Fee - PDR	\$67.50	\$0.00
Driveway Inspection Fee - Transportation	\$7.50	\$0.00

Development Services Surcharge	\$2.70	\$0.00
--------------------------------	--------	--------

## PROCESSES AND NOTES

Process Description	Status	TOD	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
203 Driveway Prepour	Pass		Sep 5, 2013	Sep 5, 2013	Sep 5, 2013	Ernesto Gomez (512-974-1596)	1
204 Final Driveway	Pass			Sep 10, 2013	Sep 11, 2013	Ernesto Gomez (512-974-1596)	2
207 DS TCO Occupancy	Open					Ernesto Gomez (512-974-1596)	0
Right-Of-Way Admin	Open						0

## FOLDER ATTACHMENT

Description	Detail
Approved Plan	<a href="#">View Attachment</a>
Details/Specs for Boral Pavers	<a href="#">View Attachment</a>
Layout	<a href="#">View Attachment</a>
Memo from Amber Mitchell	<a href="#">View Attachment</a>
Waiver	<a href="#">View Attachment</a>

[Back](#)

[PAY ONLINE](#)   [CALENDAR](#)   [MEDIA CENTER](#)   [FAQ](#)   [CONTACT US](#)   [SITE MAP](#)

# **Current Survey of Property showing 61.8% Impervious Cover**

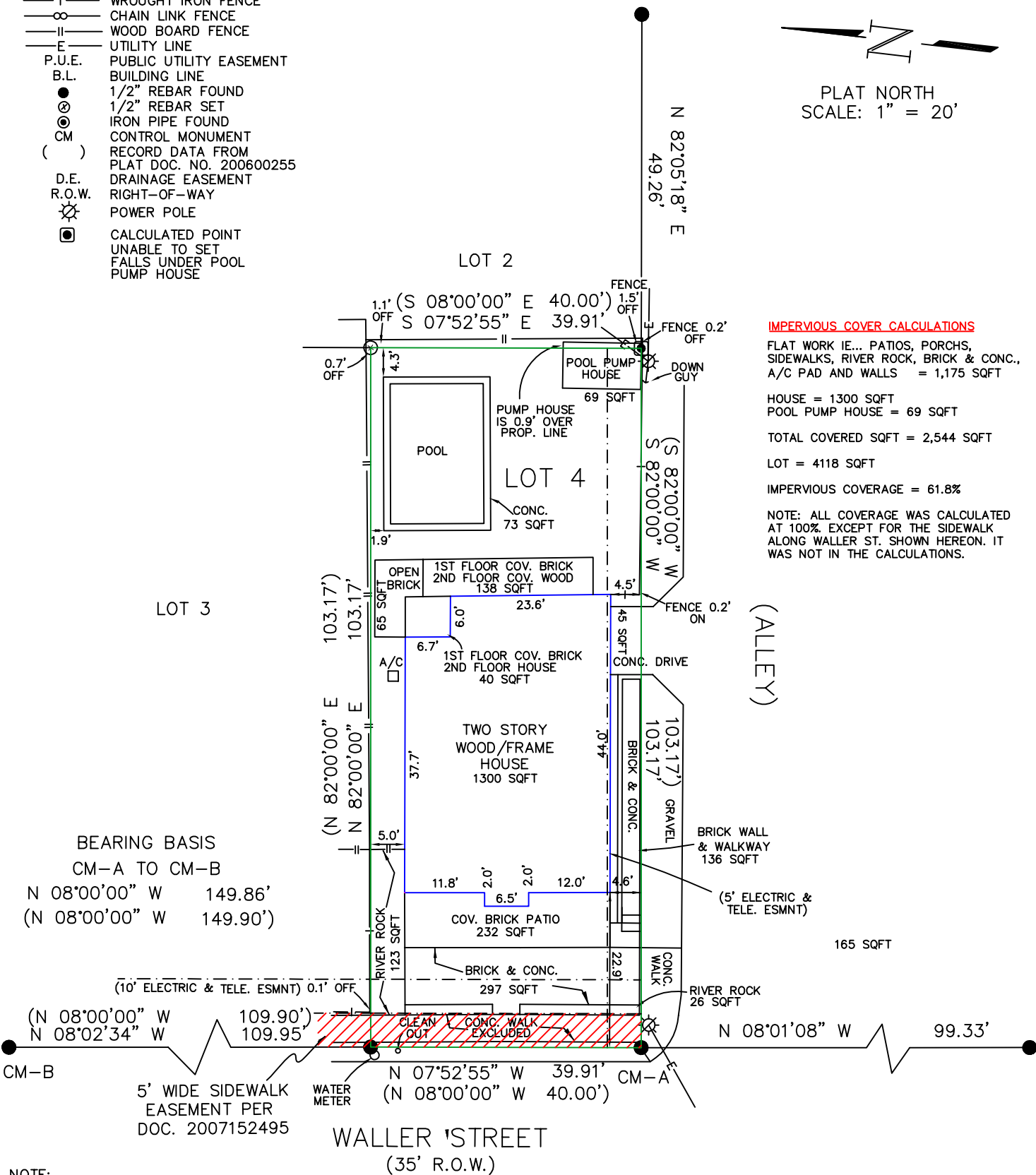
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- R.O.W. RIGHT-OF-WAY
- ⊗ POWER POLE
- CALCULATED POINT UNABLE TO SET FALLS UNDER POOL PUMP HOUSE



PLAT NORTH  
SCALE: 1" = 20'



IMPERVIOUS COVER CALCULATIONS

FLAT WORK IE... PATIOS, PORCHS,  
SIDEWALKS, RIVER ROCK, BRICK & CONC.,  
A/C PAD AND WALLS = 1,175 SQFT

HOUSE = 1300 SQFT  
POOL PUMP HOUSE = 69 SQFT

TOTAL COVERED SQFT = 2,544 SQFT

LOT = 4118 SQFT

IMPERVIOUS COVERAGE = 61.8%

NOTE: ALL COVERAGE WAS CALCULATED  
AT 100%. EXCEPT FOR THE SIDEWALK  
ALONG WALLER ST. SHOWN HEREON. IT  
WAS NOT IN THE CALCULATIONS.

BEARING BASIS

CM-A TO CM-B

N 08°00'00" W 149.86'  
(N 08°00'00" W 149.90')

NOTE:  
THIS LOT IS SUBJECT TO A SIDEWALK  
EASEMENT GRANTED TO THE CITY OF  
AUSTIN PER DOC. NO. 2007152495.

HARRIS-GRANT SURVEYING, INC.  
PO BOX 807 MANCHACA, TEXAS 78652  
(512)444-1781 FAX (512) 444-6123

JAMES M. GRANT R.P.L.S. 1919  
DATE: FEBRUARY 20, 2014 REVISED MARCH 10, 2014  
FINAL REVISION DATE: MARCH 26, 2014

C:\CARL D\2013\44275

**Letters in Support from 20  
Individual Swede Hill  
Property Owners (not related  
to SHNA)**

*April 15 / 14*, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

RE: Swede Hill Resident support for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

As a resident of Swede Hill, I am providing this letter in order to show my support for the application submitted by Blake and Toria English (the "Owners") requesting a rezoning of the Property from SF-3 to SF-4A.

On October 1, 2013, the Owners received a Notice of Violation from the City of Austin Code Compliance Department citing issues on the Property related to impervious cover and required setbacks. The Owners and their attorney met with the Code Compliance Inspector and determined that a zoning change or a variance, or both, would resolve the issues on the Property. The Owners submitted the rezoning application on December 27, 2013.

The lot encompassing the Property is 4,127 square feet. Because the City of Austin Code states that SF-3 lots have a minimum lot size of 5,750 square feet and SF-4A lots have a minimum lot size of 3,600 square feet, I conclude that SF-4A is the appropriate zoning district for the Property. Additionally, rezoning the Property to SF-4A is consistent with the character of the neighborhood. Thus, I support the Owners' rezoning request.

Sincerely,

PRINTED NAME:

*Mary A. Bess*

ADDRESS:

*910 E. 13<sup>th</sup>*

SIGNATURE:

*Mary A. Bess*



FEBRUARY 11, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME: BARRY R. SUSANNA LUBEE

ADDRESS: 1307 WALLER ST AUSTIN TX 78702

SIGNATURE:  SUSANNA LUBEE

1 / DA \_\_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

Deborah H. Grant

ADDRESS:

906 Roubidoux St.

SIGNATURE:

Deborah H. Grant

\_\_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME: Ron Merz

ADDRESS: 1307 Navasota St.

SIGNATURE: Ron Merz

January 26, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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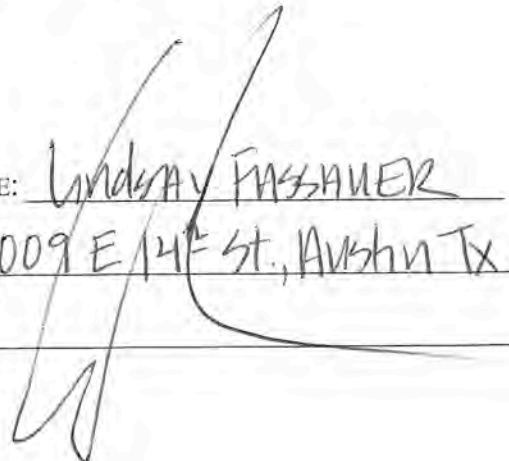
PRINTED NAME:

LINDSAY FASSAUER

ADDRESS:

1009 E 14th St, Austin Tx 78702

SIGNATURE:





\_\_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

RE: Swede Hill Resident support for rezoning request for the property located at 1307 Waller Street, Austin, Texas 78702 (the "Property")

Dear Mr. Guernsey:

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Sincerely,

PRINTED NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Ada Smith

1005 E. 13<sup>th</sup> St.

Ada Smith

1/21/, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

KEVIN SMITH -

ADDRESS:

1004 E 12<sup>th</sup>

SIGNATURE:

[Signature]  
PRESIDENT - EMPIRICAL DEVELOPMENT



\_\_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

ADDRESS:

SIGNATURE:

817 E 13th St  
Todd J. Kerff

Feb 8<sup>th</sup>, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME: Myer Kaplan

ADDRESS: 909 E 13<sup>th</sup> St

SIGNATURE: Myer Kaplan

February 7, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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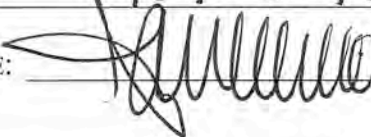
PRINTED NAME:

Ann del Llano

ADDRESS:

907. E. 13th, Austin Tx 78702

SIGNATURE:



January 29, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME: Alejandro Rothbaum

ADDRESS: 1201 E 13<sup>th</sup> St.

SIGNATURE: 

January 20<sup>th</sup>, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

Ricky Moura

ADDRESS:

806 1/2 E. 13<sup>th</sup> St

SIGNATURE:

Ricky Moura



JAN 27th, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME: CHRIS KRAGER

ADDRESS: 1007 E. 14TH, AUSTIN 78702

SIGNATURE: \_\_\_\_\_



Jan. 22, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

Tworith Hiller

ADDRESS:

904 E. 13th St.

SIGNATURE:

Tworith Hiller

Jan. 24, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

*Joanna Vaughn*

PRINTED NAME: Larry & Joanna Vaughn

ADDRESS: 1008 E. 14 St, Austin 78702

SIGNATURE: *Larry D. Vaughn*

Jan. 20, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

RICK ANTOINE

ADDRESS:

904 E. 13<sup>th</sup> S.

SIGNATURE:

Rick Antoine

\_\_\_\_\_, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

Jennifer Khakela

ADDRESS:

810 E. 13<sup>th</sup> St. 78702

SIGNATURE:





January 24, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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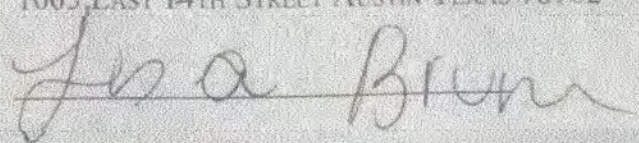
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Sincerely,

PRINTED NAME: LISA BRUNER

ADDRESS: 1005 EAST 14TH STREET AUSTIN TEXAS 78702

SIGNATURE:

A handwritten signature in cursive script, appearing to read "Lisa Bruner", written over a horizontal line.



2/11, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

Brooks Calaver

ADDRESS:

911 E 13<sup>th</sup> St Austin TX 78702

SIGNATURE:

[Signature]



Feb 10, 2014

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

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Sincerely,

PRINTED NAME:

Nathan Wreyford

ADDRESS:

1204 San Bernard, Austin TX 78702

SIGNATURE:

Nathan Wreyford

# **Photos of Adjacent Property during heavy rain showing No Drainage Issues**

















**SHNA January Meeting  
Minutes, Draft SHNA  
February Meeting Minutes  
where Vote was Postponed  
until Board discussed Voting  
Method (subsequently, no  
absentee ballots accepted),  
March SHNA Meeting  
Minutes**

## **Swede Hill Neighborhood Association Meeting January 7, 2014**

Carver Library Meeting Rm#2

7pm-8:30pm

SHNA meetings are every first Tuesday of the month at Carver Library in the meeting rooms, except for February, which is the second Tuesday, February 11.

Next SHNA meeting: second Tuesday in February 11th.

### **Upcoming Events:**

MLK Community March and Festival: Monday, January 20, 9am-3pm. Celebration begins on the University of Texas campus at the MLK statue, with kick-off speeches, then a march to the front steps of the Capitol for more speakers. March begins again shortly after 10:30am along MLK Blvd east to the historic Huston-Tillotson University on Chalmers and East 7th (just east of Comal), where there will be music, kids activities, food, and more until 3pm.

African-American Cultural Heritage District kick-off on February 1, going to be a tour that leads to the Oakwood cemetery. Please email SHNA Vice-President Sean Garretson for details: [sean@pegasusplanninganddevelopment.com](mailto:sean@pegasusplanninganddevelopment.com).

### **SHNA 1/7/14 Meeting Notes**

**[Note: brackets indicate Louisa Brinsmade/Secretary's notes]**

Meeting commences 7:00pm

#### **Agenda item #1**

Notice of plan to subdivide 1012 East 15th St. into 2 SF-3 lots. Architect Chris Krager present.

The request is to divide 1012 E. 15th into two SF3 lots. Each lot will be approximately 4,000sf and will have a 2-story, 2,200sf house. The minimum lot size required for an urban lot is 3,500sf. One residence will be on 15th, the other on Navasota. The decision to allow the division of the current lot lies with the Planning Commission and is non-discretionary; no vote is required, so the developer is not seeking a letter of support from SHNA. Swede Hill resident Chris Krager is the project architect.

#### **Agenda item #2**

Request for zoning change from SF-3 to SF-4a at 1307 Waller St. Applicants Toria and Blake English

Blake English: Our lot currently qualifies for a zoning change. We are not required to have neighborhood support. The application was submitted on December 7, 2013, and the Planning Commission votes on it.

Toria English gives history of improvements on the property leading to zoning change request:

\* Aug 2011, pool installation begins. The city granted the permit despite the increase of impervious cover limit of 45% on property due to amnesty for small lot size.

\* One year later, the city reviewed the property; notified us that we did not qualify for amnesty as the lot is over the maximum size.

Rick McGee: Why would this zoning change be good for the neighborhood?

Blake: It brings our house under compliance of the city's zoning laws.

Toria: Our house is under zoning that is prior to the McMansion ordinance. Minimum size is 3600 sq ft and our lot is just over 4000 sq ft. Our lot size meets the minimum for SF-4a, and the maximum building coverage is 55%. Upward, we are limited to McMansion ordinance to 35 ft. So, we qualify for the higher zoning.

Rick: Again, how is this good for the neighborhood?

Blake: It brings us into compliance.

Hunt Andre (SHNA board member): Why seek a zoning change, why not go for a variance to fix the existing problem?

Toria: The city wants a long-term solution, not a band-aid (variance). Our lot doesn't fit into the current zoning. The new zoning would give more lenient setbacks. Right now, it's 15ft for the side, and 10ft for the rear.

Tracy Witte: Which part of the house has the setback issue?

Toria: Our pool equipment is too close to the property line.

Rob Seidenberg (resident and developer of Swede Hill Row subdivision, where the applicants and their immediate neighbors reside): Are you seeking rezoning for the other properties in the subdivision?

Toria: No.

Rob: SHNA needs to contend with this issue, as part of its role. I don't want a brawl here, but we should deal with the problem that has not been dealt with yet. I don't want this opportunity to pass without mentioning it. I mean, there's 26 pages of documents about codes, emails to the city and between neighbors, and a city code enforcement officer sitting next to us in uniform, after all.

[Present at the meeting is City of Austin Code Enforcement Officer Moses Rodriguez is present at the request of Charlie and Paula Reckson and Steve to speak to the amount of code violations and parking violations in the alleyway easement at 1307 Waller.]

There has been a lot of contention over this property between you and the neighbors and I think we should talk about it. I also think the neighborhood association board should take a more active role in disagreements like this, providing mediation and more forums for discussing problems between property owners.

[More discussion, some of it missed here.]

Charlie Reckson (1309B Waller St, shares alleyway/driveway with 1307 Waller home): This whole thing evolved over parking. We live over the alleyway. When they (the Englishes) put in the pool, they removed one of their necessary parking spots (SF-3 requires 2 off-street parking spaces). They parked on the streets, no problem. But it created a problem, because how are they going to fix the parking? They wanted to put their parking in the alley easement, but it is not allowed. Toria knows that. They were stopped by the city from putting concrete on the side, so, they put parking in the front of the house in their front yard. No problem: now they have parking. So, what are they doing? They are parking in the alley right-of-way! Every day since Christmas, they have been parking in the right-of-way. The police are not going to tow until there is signage. Now, because they won't use their existing parking, or the street, the city is putting signs in. We don't want that.

They refused to talk to us about this problem. This is a lose-lose situation - they won't talk. One of the signs will be in Steve's front yard (Steven Macon, 1309A Waller, shares alleyway/driveway with 1307 Waller home), and the other is in the alley right-of-way where they've been parking.

We don't want a parking lot back there. We have been unable to work with these people. They are in compliance with the parking requirements now, but won't even use it!

I have asked Suzanne McBee and her husband Barry (1303 Waller) to help as mediators between us and the Englishes. I asked her today so we'll see what happens.

Blake: You have been complaining since the pool went in. This is not just about the parking.

[1307 Waller owners, and 1309 Waller owners argue back and forth about personal emails sent to each, and phone calls to code compliance and the police over the parking space in the alley, and the pool equipment house.]

Toria: If we want to have a neighborhood meeting about parking in the alley easement, we can do that, but that is not why we're here today. To get back to the zoning case: We went to the city to get a permit for the pool, and they approved it, and I got a confirmation from the city that I had 65% imp cover. Everything else came after their mistake. We're trying to fix their mistake.

Blake: The parking in front is adequate to qualify for two parking spaces.



Arthur Anton: Not only does the impervious cover increase with SF-4, but the amount of building is increased as well. So, what about getting the variance to avoid other Swede Hill residents from trying to get the increased zoning as well?

Rob: Everyone was told they could not park in the easement. We went over it, and we said "you can't park there, you can't park there," several times. Also, there is a specific impervious cover limit set for each lot, and it was set at the time of development. The city didn't look at the subdivision plans before approving the 65% on Toria's house. The impervious cover for each lot is based on our drainage study.

Rick (to Toria and Blake English): Are you doing a drainage study? I would be more supportive of your proposal. I have had a lot of bad experiences with drainage problems coming from other houses onto my property, so I'm familiar.

Toria: We would consider it.

Tracy (to Toria and Blake English): I have to be honest with you. I don't want someone next door to my property getting 65% impervious cover. My concern is, what's to prevent other property owners from coming to the neighborhood and saying "gimme, gimme?"

Steve Macon (to Toria and Blake English): I'm concerned about the combative refusal to share with your neighbors what you're planning. I have all the public records pertaining to this because you have refused to talk about it. I have to say, talking to us could have prevented a lot of these problems from happening.

Rick (to Toria and Blake English): It seems like a lot of this comes down to parking in the alleyway easement. Will you stop parking in the easement?

Blake: No.

Toria: No.

Sean Garretson (SHNA Vice President): No?

Toria (To Code Enforcement Officer Rodriguez): Is parking in the easement illegal?

Torres: The police will not tow you without signage. When the signs go up, you will be towed.

Kirsten Siegfried (SHNA board member): Are you seeking a letter of support from the SHNA? The bylaws are vague about how that would be written.

Rob: I believe you should give the neighborhood enough time for everyone to read about the issues prior to a vote.

Tracy: Should disseminate the information to all of the neighbors and not just those who are on the list. (Paper handout, house to house).

Sean: Any pros and cons list should be sent out by the other board members.

Charlie: I think we should have a list of pros and cons.

Sean: When is the planning commission meeting on your application?

Toria: We don't know yet, but it will be soon.

### **Agenda item #3**

#### Updating the Bylaws

Kirsten: I need volunteers to help with this effort. I need a commitment of 4-6 hours over the next 3-6 months. I'm sending around a sign-up sheet.

Kris Bowen: Per the current bylaws, do any amendments to the bylaws need to be approved?

Kirsten: Yes, by a vote at the general meeting. We won't be ready for a vote for at least a half dozen neighborhood meetings.

Sean: Will you please gather feedback from us at meetings before the vote?

Kirsten: Yes, I will. One of the things I noticed that we don't have in our bylaws that other prominent neighborhoods have are: voting details, explanations, neighborhood boundaries, conflict of interest clauses, and voting rights.

Toria: What about criteria for agenda items?

Kris: And a definition section would be good.

### **Agenda item #4**

#### Update on neighborhood parking issues

Sean: A group called the 12th st. Business Owners Association is literally a loose association of business owners in the neighborhood. Mostly comprised of African-American business owners. Rob and I joined the group years ago. Before we joined, they asked the city to look at the

parking issues on East 12th, specifically the bike lanes that took up parking spaces.

Rob and I attended a meeting a few months ago, we had a discussion about what we wanted the city to look at for East 12th St.

[Some more discussion here about why this group exists, what it's purpose is, and if it is a viable group. Also, some discussion over Greg Smith's role as the city's representative performing the parking study.]

For this parking study, the city wanted to do a baseline analysis - entire African-American Cultural Heritage District (state designated), runs from East 7th to MLK, and I-35 to Airport Blvd. It's a big area. So, they did an analysis, and looked at on-street parking from 4-8pm, for 3-4 days. Very low counts in our immediate area, 3-4 cars at a time, on two block length on our streets near Swede Hill. They did this study for the entire African-American Cultural Heritage District.

[Some discussion between Sean and Tracy regarding how many and which hours of the day the study took into account.]

Sean: Another meeting of the 12th St. Business Owners Association scheduled for next Tuesday. Someone from OCEAN should attend that meeting.

We're trying to understand the parking issues in our area - there are reductions in parking all over the area. I think the study is being performed to get a baseline now, and then see what's going to be added to that with developments that are coming.

Tracy: There are new parking reductions in the NCCD, and Greg Smith is proposing even more radical parking requirement reductions. So, what's to stop him from saying, no one is parking on this side street, let's count that towards this business' parking requirements.

[More discussion about where the list of parking issue requests handed out at our meeting came from - the 12th St. Business Association, or Greg Smith?]

Kris Bowen: Do we take this information to ANC East or the ANC body?

Rob: This doesn't seem to be a list associated with any particular group, so it's a little casual and ad hoc to give this to the city.

## **Agenda item #5**

Update on December Urban Renewal Board meeting:

Sean: The December meeting was cancelled.

Update on December Austin Neighborhood Council meeting:

Kirsten: The December ANC meeting was cancelled.

**Meeting ends at 8:30pm.**



Shna meeting  
2/11/14

Item 1

Action Item: 1307 Waller zoning change

Sean Garretson (Vice President SHNA Board) synthesizes the item for a vote: Applicant is seeking a rezoning of 1307 Waller from SF-3 to SF-4A. Vote is whether the neighborhood supports the zoning change.

Toria English (SHNA Board President and Applicant): We went over our impervious cover limit, from 45% to about 60%. We thought we had small lot amnesty, We went to the City for the application for the pool installation. We verified the small lot amnesty lot with them. We also bricked the front to create another parking space that's required. The City came out and said we are too large for small lot amnesty. We want a zoning change to SF4A from SF-3 to bring us into compliance with the City.

We don't need neighborhood support, but I would like neighborhood support. I went around the neighborhood to answer questions, and I was able to garner support.

[Introduces her attorney Jeffrey Howard of McLean and Howard Law to explain her application to the Planning Commission]

Jeffrey Howard Applicant's attorney): In 2001-2002 CEANP (Central East Austin Neighborhood Plan), it goes back to that, gave infill options to promote infill and moderate density. There are two tools: small lot amnesty (for existing lots), and urban home special use (new lots). And SF-4A is an infill option. In 2006, the property was subdivided, took two lots and turned it into four. That was done under the urban home tool that allows a small SF-3. All four lots are under 5,000 sq ft. One lot is under 4,000 sq ft.

Urban Home has a flaw. It allows for 65% imp cover but only if your lot is 4,000 sq ft or less, with no room on margins. It penalizes someone who has a lot that's over 4,000 sq ft. By having a slightly larger lot, you get so much less impervious cover - 45%.

We have three options:

1. Amend the code
2. Ask for variance – usually granted based on hardships, steep slopes, unusual lot configuration, large tree. They don't grant zoning variances where a zoning change could be.
3. Ask for a zoning change. SF-4A is appropriate here. It matches characteristics, and very few lots qualify for it in this neighborhood.

[At this point, Sean Garretson reviews the meeting the SHNA board had to discuss this zoning change and reports to the members present that the board opposes the zoning change and is recommending a “no” vote.]

Kirsten Siegfried (SHNA Board member): My concern is that Rob determined the impervious cover for each of those lots when they were developed and determined them based on a drainage study. Flooding is my main concern.

Rob Seidenberg (SHNA member and developer of said subdivision): A specific number of impervious cover was allotted each lot. Another oversight by the City is that they didn't check the subdivision files. On the actual subdivision, issues of water retention, and potential additional retention when the other lots behind were to be developed were taken into account. Those other lots are being developed right now.

Jeffrey Howard: The impervious cover limits were based on the zoning. It was the development Detention Waiver - Rob got one based on zoning. If we can correct the zoning, we can correct the impervious cover issues, revise our plat - not to waive the detention, but to address it.

Kirsten: How would you do that?

Jeffrey Howard: We would go to an engineer and say here is where that runoff goes and is some kind of detention required or not?

Sean Garretson: I think we have to go back to the issue of the zoning, though the impervious cover issue is important.

Paula Reckson (SHNA member and property owner adjacent to Applicant): I'm one of the best people to speak to the impervious cover and drainage issues. We live downhill and next door to the Englishes. Rob (Seidenberg) did some work with us to help out our neighbors to the east. The Englishes constructed a French drain to the east into a pop-off drain to handle their runoff, and installed some concrete to stop the erosion in the back of their yard. So, there's already a drainage problem that we're all having to deal with.

Sean Garretson: I spoke with Heather Chapman, the City's case manager on this zoning case recently. This item will be presented March 6, before the Planning Commission. She doesn't know what the staff recommendation is going to be, and she also said she has some more questions. Specifically, she wants the documentation as to when applications were submitted for the pool and the driveway.

Tracy Witte (SHNA member): That SF-4A zoning is not just for houses within that small crack that you're describing. I think it's a bad idea to set a precedent with this zoning change.

Mr. McBee (SHNA member): What happens if nothing is approved?

Jeffrey Howard: The city could start an enforcement action, assess fines, until - I don't know - the impervious cover is removed.

Suzanne McBee (SHNA member): So there's no consequences for the City.

Paula Reckson: The pool company put the pool pump in the setback.

Toria English: We're not talking about the setbacks

Rob Seidenberg: What about financial hardship?

Jeffrey Howard: No, that's not a consideration.

Charlie Reckson (SHNA member and property owner adjacent to Applicant): How did the city make this mistake?

Jeffrey Howard: I don't know.

Toria English: There were cement parking lines in our backyard, and the pool company removed it, but we didn't know a second parking space was a requirement (for our house).

Rick McGee (SHNA member and property owner two houses downhill from Applicant): Has there been any action taken to address the question of drainage?

Toria English: The city has reviewed it. They determined that there is no issue.

[unidentified questioner]: How much impervious cover is on the property right now?

Jeffrey Howard: I think we're certain that we're under 65% impervious cover.

Kirsten Siegfried: I think this issue has taken up more than the time allotted and we need to bring it to a vote.

Sean Garretson: I agree.

[Arguments begin over the method of voting, specifically whether to count the letters Toria English wrote and showed neighbors, asking them to sign on as supporters. She asks the board to consider the letters to be absentee ballots. The SHNA Secretary Louisa Brinsmade notes they must be verified and that the method of gathering them is questionable considering they were gathered by the applicant, are not in ballot form, and are letters that appear to give SHNA Board support to the zoning. Sean Garretson, Kirsten Siegfried note that the Board disseminated notices that the Board opposes the zoning change around the same time that Ms. English was disseminating letters that made it appear the SHNA Board approved the zoning change. Then begins a discussion over whether absentee voting is an acceptable Swede Hill neighborhood practice. Two instances where it has been used are recounted. Mike Tolleson (SHNA member) notes that a "voice vote" is the neighborhood standard and tradition. Mr. Tolleson then calls for a voice vote of just those present at the meeting. Ms. English opposes that method and asks for her signed letters to be counted. She also asks that we vote by ballot so that she may have a record of the vote. Arguments continue until Sean Garretson announces that he doesn't believe we will be able to vote on this action item at this meeting, rather the Board should postpone the vote until March 4. In the meantime, the SHNA Board will discuss the issue of voting methods, make a decision before the March meeting and notify the neighbors when that decision is made.]

Agenda Item #2

Pending sales of lots on East 12th ST. to Butler Equity Holdings Ltd for construction of five-story vertical mixed use buildings - Austin Stowell.

Kirsten: Austin can't make it, but I can describe what happened at the URB (Urban Renewal Board). The first lot (Tract 3) is 1120 East 12th. The URB is recommending that the city sell the lot to Butler Equity Holdings. The second lot is on East 12th and Angelina (Tract 5). Same thing – the URB is recommending selling to Butler Equity Holdings. Both site plans for both lots call for a 5-story mixed use building - 48 apt units on Angelina and East 12<sup>th</sup>, and 36 on Navasota and East 12th. Austin Stowell told me he is planning to market those apartments to medical students.

There were two bids for Tract 3, and three bids for Tract 5. The URB chose Butler for both of those lots, and is recommending the City Council approve sale of these lots to Butler at this Thursday's City Council meeting. [The City Council postponed their vote on the sale of the lots until Thursday February 27.]

Rob Seidenberg (SHNA member and Bidder on Tract 5): At the risk of sounding like a disgruntled loser, the NCCD allows for a 40% reduction in required parking. Which means they will be providing 40% less parking than they might need.

Arthur Anton (SHNA member): Retail and residential require a certain amount of reduction. So the NCCD allows for a 20% parking reduction.

Rob Seidenberg: Parking is expensive - sometimes a lot more is made than needed. I do want to point this out - this bid is based on a 40% reduction in parking, not 20% as in city code.

Michael Young: Those parking space numbers are also based on the number of parking spaces in the street, in the neighborhoods behind a development. This development will get to claim those as part of their spaces, as will several other developers - claiming the same spots several times over several developments.

Kirsten Siegfried: The ingress and egress is on Navasota and Angelina, in our neighborhood, not on East 12th.

[unidentified questioner]: Is this a done deal?

Sean Garretson [SHNA Board Vice President and Bidder on Tract 5 with Rob Seidenberg]: It is not, in fact. Staff is not entirely happy with this plan.

Kirsten Siegfried: These are 60-foot buildings with 10 ft. setback. This is very close to our single-family homes.

Sean Garretson: Neighborhood is interested in owner-occupied buildings, but they did not submit that - they submitted them for rental.

Tracy Witte: Eureka Holdings - is proposing a much smaller development.

[Argument ensues between Sean Garretson and Tracy Witte over describing the bid from Eureka Holdings to the gathered members. Discussion ends with recommendation from several SHNA Board Members that we gather for a meeting to discuss next steps on this item.]



### 3. Hotel/Restaurant/Bakery on East 12<sup>th</sup> (10 minutes) Danika Boyle

Danika Boyle: We are wrapping up Phase 1 of fundraising, and getting to permitting stage. We were wanting to raise the money first, but investors starting asking use to start the permitting process. Hopefully we'll begin February/March, and break ground in January/February 2015.

We're pretty far along. It's designed "exteriorally", but not the interior. This is a really important project to me: this is a purpose-build. I've always wanted to design a boutique hotel, gardens, subtleties, with quietude, a chateau-model.

The learning curve is quite steep, but the industry has seen my deck, and major hoteliers are liking the model.

We're working on a cross-shaped design – "Mies van der Rohe" style - light in certain places. We didn't want a wall facing 12th. We wanted extensive grounds and gardens.

With management, it's been about finding the right partner. We're excited, and selective about who takes over control of that.

Bakery and retail front would be on Olander. The NCCD doesn't allow entrances on East 12th. So, it's on Olander. We're going to rent off-lot parking.

During development, we'll put in a pop-up bakery on Olander side. It would not be a hard structure. We want to hear from you all - about what you want in our bakery, etc.. [Danika has bakery concept pictures.]

It will be 18 months from now when we would start. We can distribute the list of items we would offer in the bakery pod, with a manicured lawn, chairs, a walk-up counter. We'll come up with our top 10 hot items for the menu in the next 3-4 months.

Sean Garretson: Temporary pod?

Danika Boyle; No food park, just one pop-up bakery.

Sean: What about the height of your hotel?

Danika Boyle: We can go up to 60 feet, but we're only at 50 feet, because, in part, we want gardens. We have a 16 foot differential at East 12th, so that will provide the plinth, if you will. Will Schnier is our engineer.

We would like to have an art exhibit space and salon that's open to the public. Next to that would be the motor court and lobby. The first floor starts at the alley (off Olander), and about 20 ft from the back are the gardens. We're about 180 feet wide, so at 60 ft in would be the terrace, with three rooftop cabins tucked in the middle at the highest point, and rooftop gardens as well. Looking at event space also, but only small events, and no live music.

We'll have 60 rooms. That will maximize our ability to have a return as well a return on the programs we want to provide.

Danika Boyle: We want special event permitting only for parking. We're sensitive to the neighborhood - we'll take care of the people around us. We'll have 64 parking spaces, minus the 20% reduction allowed under the NCCD, and for the overflow we're doing valet parking at off-site location.

My goal is to have guests approach the property and park their car, or have their car parked for them by the valet.

We'll have a site development plan by April. We're in the design stage of that.

We're not dev it to the maximum use. We could have 5-6 stories, but we don't want that.

Sean Garretson: Will you please send the bakery concept pictures and information to Kirsten?

Danika Boyle: I will.

#### Item #3

Purple Martin birdhouse proposal for Swede Hill Park by Joanna Vaughn

Joanna Vaughn:

There is a class on purple martin houses on February 15, if anyone wants to go.

According to the bylaws, we will have to have a vote on anything more expensive than \$200, so we'll have to vote next month, but we've probably missed the scouts. [Purple Martins send out "scouts" for nesting areas in the weeks prior to the onset of spring weather.]

We do have a year before they come again. Martins like open space - there has to be 25 feet of open space around their houses.

We will meet with whomever is interested to discover what to recommend to SHNA next month.

#### Agenda Item #4

Code Next Community Character Update by Kris Bowen

Kris Bowen: I'm glad we had so many people here tonight. It's a good cross-cut of people who are building, residents who've lived here a long time, etc.

Code Next Community Character is concerned with parking, setbacks and density. Those are the three main things they're going to look at and make decisions on what the neighbors want. They will put that into a report that goes to CODE Next, and then goes as a recommendation to City Council.

Sean Garretson: CODE Next modifies our current code to codify new city plan.

Kris Bowen: CODE Next is interested in hearing from the neighborhood. So, they are engaging the neighborhood by putting up a DIY neighborhood mapping kit. Not limited to neighborhood associations, but it's something relevant for all the new development coming up. If the board deems it necessary to do a DIY kit, or a committee that would be engaged towards doing a DIY kit, then that could be used by CODE Next to represent our neighborhood and what we want to see in terms of code and development.

CODE Next is the entity that is responsible for gathering neighborhood input. Ultimately East 12th Street is a blank slate. It shouldn't be just single-family home owners; it should be like the meeting tonight, a cross-cut of people who are excited about what's happening.

Sean Garretson: The timeline is that it could take two years to gather all this information. The City Council will vote on this. This is your opportunity to get your input in.

Kris Bowen: Saturday February 15th is the cut off date to sign up for optional training. I'm not sure if that's our last opportunity to participate in the CODE Next project.

Kirsten Siegfried: I've gone to a few CODE Next meetings. It is supposed to be a rewriting of all development code to make it simpler to everyone – residents and developers.

Our neighborhood is a poster-child for the overlays of development code, causing all kinds of confusion.

8:30pm [End of Meeting]

SHNA Meeting minutes  
March 4 2014

Meeting begins 7pm  
Sean Garretson, SHNA Vice President presiding

A. Approval of February SHNA meeting minutes  
Charlie Reckson: Motion to pass  
Paula Reckson: Seconds motion  
Motion passed.

Announcement regarding Swede Hill Park as a “pets on-leash” park  
Notable comment from Sean: There's perhaps a movement to have an off leash park in Swede Hill.

Agenda Item #1:  
Update on the Dell Medical School construction by Jim Walker, Director of Sustainability for the University of Texas  
Phone: 512-475-6549  
Website: [uttexas.edu/operations/construction](http://uttexas.edu/operations/construction), click on Dell Medical School to see the most current information.

Jim Walker:

We were here several months ago. I'm a sort of neighborhood liaison - I'd like to come every few months, or every month to give you all an update.

In early Feb, UT accepted the vision and the price range for the buildings. That was the last hurdle to moving forward. Now, we'll be moving fast to open Winter 2017. The first activity you will see will be March 24 with the Red River realignment. We're straightening out Red River.

We will straighten Red River all the way out by 2019. Red River will be closing for several months beginning soon, and then reopen by the new year in 2015.

In April, you will see major site work. We will be relocating trees along the creek. Some heritage trees are not viable to move, so there will be trees lost. (Check the UT website for more information on the trees along the creek.)

In June, the tennis courts will go out along Trinity. Then, there will be major construction zone until 2016 or 2017.

Aundre Dukes is responsible for making sure that all parking for crews is in UT garages. We do not expect to see crews parking outside the garages.



Our main contractors will be required to tell their subs where to park. They are not allowed to park in your neighborhood. Look for cars parking here, and people hopping in a truck and driving back across the highway.

The Erwin center will come down. I don't know when. That will be Phase Three of the construction of the medical school. We're currently in Phase One. We've known it had to come down; it's 40 yrs old, and it costs too much to maintain. But, there's not another place to play UT basketball - so it will be a while before it comes down. It could be 6-12 years. It will come down when UT Athletics has a new place to play basketball.

Sean: By the way, I heard there will be a major league soccer stadium near Disch Faulk field.

Jim: That's the first I've heard of that. That's LOT 104. There's another major structure garage on the horizon for construction and that's one of the primary spots.

So, keep your ears to the ground. I don't work in Athletics, but the first flag for knowing when the Erwin Center is coming down will be when Athletics announces that they have a new place to play basketball.

On our construction projects and parking in the neighborhoods, we had a pilot project in Blackshear. APD gave out 30 parking tickets, for parking too close to intersections and other violations, and that was very successful there. We're thinking of extending that to Swede Hill for UIL.

We realize it's going to be a major traffic problem on Red River for a while. Red River will be closed from March/April to the end of this year. The reason for that is that we're putting in a ton of utilities, and upgrading utilities at 15<sup>th</sup> Street. We'll be taking up the northernmost lane for much of the time. And moving some of the trees. Also, there will be something closing all of 15th for an extended period of time.

Rob: The northern most lane is a major arterial for those exiting I-35.

Jim: Yes, but construction equipment needs to exit from the site into that lane, so that adds some hassle. We're also working with the Erwin Center on how people can continue to use the Center during this construction. We have tons of traffic, pedestrians, and ADA compliance issues.

Louisa Brinsmade: Is there any talk of providing housing for your medical students?

Jim: No. We're launching a new housing study to see what the university's direction should be for housing students. We're looking at West Campus, and at what our moral and ethical responsibilities are for undergraduate students. We don't have any graduate or medical

residence housing.

People at the Blacklands Neighborhood Association brought that up – the issue of medical resident and faculty housing.

The new Dean of the medical school will lead the effort on that, and we don't know yet whether he will take that on, or what direction he will want to move in.

Question: What about protecting or improving Waller Creek?

Jim: As for Waller Creek, we're going to be in the creek replacing the bridges and working on it. It will be a large construction zone. What it looks like now is not what it's going to look like in the end. We're going to restore the creek, doing "green" landscaping to restore Waller Creek to a good eco-system state.

Question: What about the historic buildings at 19<sup>th</sup> Street?

Jim: All the historic buildings there will stay.

Question: What about the height of the new hospital and the view of the capitol building?

Jim: The hospital will get taller in the future. The old hospital is owned and run by Central Health. They've started their strategic plan about what will happen to it. I don't know what that is yet.

Item #2:

Update on the City Council approval of the sale of Tracts 3 and 5 to Butler Equity by Louisa Brinsmade and Hunt Andre

No notes here since the SHNA Secretary, Louisa Brinsmade, was giving the presentation.

Important Note: The URB may be finalizing the sale contract with Butler Equity at their meeting on March 24.

Item #3:

CODE Next update by Kris Bowen

Kris: This is the second time I've brought this to the neighborhood meeting. We'll be able to directly send our comments, pictures, and maps, to the CODE Next team, who will alter the city's Land Development Code throughout the City of Austin. I went to the Community Character

in a Box workshop. They gave us the neighborhood's DIY box, and put it into three different steps:

Step One: We were given a large map - we are to put colored dots on it to signify strengths, weaknesses and opportunities in Swede Hill. We can also mark things outside of our neighborhood on this map. Then, we turn that map in to the CODE Next team.

Step Two: We get groups of 3-4 neighbors together to take photos of interesting locations in our neighborhood. Using a Smart Phone, activate your location service for your photos and take pictures. When you upload those photos to the CODE Next email address, your photos and where you took them will be sent to them.

Step Three: We are to send our comments from groups and individuals on the CODE Next Comments form. We will put our names and addresses and contact information on those forms, and submit it to make sure our data is taken in by the CODE next team.

Due date: April 27, photos, maps, and comments are due before that date. Let's break off after this meeting, and compile all the information I've gotten, and I'll answer questions.

The photos can be pictures of homes from a lawful viewpoint, structures and businesses that identify your neighborhood. Take pictures of streetscapes and sidewalks - our neighborhood has a big opportunity to have a voice on that aspect. For instance, the power lines on East 11th and East 12<sup>th</sup> Street prevent us from becoming a walking corridor. If we can signal to them that burying these power lines are a huge priority for us, that would be good for the neighborhood.

Item #4: Action item on rezoning case at 1307 Waller St.

Toria English (Applicant): In January I requested a letter of support from the neighborhood for our rezoning application from SF-3 to SF4a which would increase our impervious cover limits from 45% to 65%. The (SHNA) Board has expressed their opposition for the reason of setting a precedent. My lawyer expressed that another owner would have to go through another application.

I want to apologize that my gathering letters of support prompted my Board members to cancel the absentee ballot for this vote. And that's something we should discuss at another general meeting. That was a negative externality that happened.

Sean: The bylaws committee will definitely address the voting issue.

(Sean calls for a voice vote)

Vote Count

Ayes (to support): 4

Nays (not to support): 24

The SHNA Members vote not to support the zoning change.



**Emails from SHNA Board  
Member Casting Absentee  
Votes and Accepting Absentee  
Votes from other Neighbors**

**From:** Louisa Brinsmade <[redacted]@grandcra.com>

**Date:** July 1, 2013 12:43:59 PM CDT

**To:** Toria & Blake English <[redacted]>

**Subject:** Fwd: Re: Question

Hey Toria:

Here is an email from Betsy Christian, owner of 1002 East 15th st. She would like to record a "yea" vote for the variance proposed for 1003 (1005?) East 15th St. for the granny flat John wants to build.

I will not be able to attend the meeting, as you know. Please record my "yea" vote as well.

Thank you!

Louisa

**From:** Betsy Christian <[redacted]>

**Date:** July 1, 2013 10:33:49 AM CDT

**To:** Louisa Brinsmade <[redacted]>

**Subject:** Re: Question

Ah, just figured out which house this is. I thought it was the giant tall house three houses down on the north side. Now I see on Google maps which house it is. That sounds fine to me. Can I give you my proxie to vote in favor of the variance?

Hope to see you soon!

Betsy

On Jul 1, 2013, at 10:24 AM, Louisa Brinsmade <[redacted]> wrote:

Hi Betsy!

Yes, that is the house across the street from yours, left of the garage apt. That's John Goldstone's house. He wants to build a granny flat to rent out, or to inhabit when he's in town. He is an attorney, and he travels all over, then comes back to Austin and couch-surfs, essentially. I suspect he would like to be able to have a regular place to be.

John is a conscientious guy, has not built a McMansion on that lot, rather, he renovated the existing property. I am in favor of this variance because it's in line with my approval of a "compact city" plan for downtown Austin. I love the idea of granny flats, in general, to provide more, affordable downtown rental property for young people.

However... If you do not approve of such things, and feel that a smaller setback, or granny flat, erodes our single family home neighborhood, you can object at the neighborhood meeting, or even at the city level.

I will not be able to attend this month's meeting as we are leaving town, so let me know how it goes.

All my best,  
Louisa

Quoting Betsy Christian <[REDACTED]>:

Hi, Louisa (and Bill if I could find email),

I see on the Swede Hill agenda that there is a zoning variance request. Is that for the giant house on our side of the street? Do you know any details? What's your position?

Best,

Betsy

Begin forwarded message:

From: Swede Hill <[REDACTED]>  
Subject: Agenda for SHNA 7/2 Meeting  
Date: June 30, 2013 3:01:31 PM CDT  
To: Swede Hill <[REDACTED]>  
Bcc: [REDACTED]

Hello neighbors,

Please find attached the agenda for the upcoming Swede Hill Neighborhood Association meeting. The meeting will be held on Tuesday July 2nd at 7pm in the Carver Library, Room 2.

Thank you,  
Toria

#### AGENDA 7/2

1. Neighborhood meeting signs- Gretchen Janzow will propose design, purchase and posting of signs, which will notify residents of SHNA's meetings. (10 min)
2. 1005 E. 15th Street variance- John Goldstone is requesting a variance from rear setback to be reduced from 10 feet to 5 feet. He plans to build an ~1100 sq. ft. apartment. (10 min)

3. SHNA Board nominations- Nominations of potential board members to serve for a one year term, to be voted upon in August. No prior experience necessary! (10 min)
4. Update on recent URB, OCEAN and ANC activities. (5 min)
5. Parking and Circulation Task Force update- Recommendations include:
  - a. do not pursue the parking benefit district or the residential parking permit, at this time
  - b. focus on the Event Parking and pursue discussions with the city to obtain "No special event" parking regions
  - c. invite decision-makers/community relations directors from UT and Central Health to discuss our concerns about construction workers parking and ultimately create binding documents that details UT's plans for parking during construction; pursue UT potentially paying for signage or sidewalk painting that is aesthetically pleasing
  - d. attempt to get a seat at the table during discussions with UT regarding their overall master plan and the Med School planning efforts
  - e. discuss OCEAN's Capital Improvement Program (CIP) related to safety concerns with traffic calming and sidewalks.
  - f. focus on the following regions: E 14th and E 13th from I-35 to Navasota, and then from Navasota to Comal; and intersection of 14th and Waller and the corridor from Denny's up Navasota to E 12th. (30 min)



**From:** "Andrew Roberts" <[redacted]>  
**Date:** January 15, 2014 7:36:29 PM CST  
**To:** "'Louisa Brinsmade'" <[redacted]m>  
**Cc:** "'Toria English'" <[redacted]>  
**Subject:** RE: absentee voting

Thanks Lousia!

Andrew

-----Original Message-----

From: Louisa Brinsmade [redacted]  
Sent: Wednesday, January 15, 2014 5:18 PM  
To: [redacted]  
Cc: Toria English  
Subject: RE: absentee voting

Hi Andrew:

Long time no see! I hope you guys are well and happy...

Please feel free to do either of these two:

1. Send your vote preference on paper with a proxy neighborhood resident who is going to the February 11th meeting, signed, with your address and contact info on it.
2. Or, you may deliver your paper vote to my house at 1000 East 15th Street (corner of Waller), signed, with your address, etc., and I will bring it to the meeting and drop it in the ballot box for you.

Let me know if you have any questions, or concerns!

All my best,  
Louisa C. Brinsmade  
512-350-9501

[redacted]

---

[Budget.com](#): Official Site

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<http://thirdpartyoffers.netzero.net/TGL3265/52d71ba1ee0cc1ba1144fmp03duc>

**City of Austin Permitted Uses  
Table showing SF-3 Less  
Restrictive than SF-4A**

# ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)

P = Permitted Use C = Conditional Use Permit -- = Not Permitted

RESIDENTIAL USES	LA	RR	SF-1	SF-2	SF-3	SF-4A	SF-4B	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P		
Bed & Breakfast (Group 1)	--	--	P	P	P	P	--	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--
Bed & Breakfast (Group 2)	--	--	--	--	P	P	--	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	
Condominium Residential	--	--	--	--	P	P	--	--	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	C	P	P	--	P	P	--	--	--	--	--	--	--	--	--	--	
Conservation Single Family Residential	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		
Duplex Residential	--	--	--	--	P	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	
Group Residential	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	--	--	--	--	--	--	--	--		
Mobile Home Residential	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	--	--	--	--	--	C	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	
Multifamily Residential	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		
Retirement Housing (Small Site)	--	--	--	--	P	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		
Retirement Housing (Large Site)	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		
Single-Family Attached Residential	--	--	--	--	P	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		
Single-Family Residential	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	--	1	P	--	C	3	4	
Small Lot Single-Family Residential	--	--	--	--	--	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		
Townhouse Residential	--	--	--	--	P	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	C	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	
Two-Family Residential	--	--	--	--	P	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Short-Term Rental <sup>13</sup>	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
COMMERCIAL USES	LA	RR	SF-1	SF-2	SF-3	SF-4A	SF-4B	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P		
Administrative and Business Offices	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	C	P	P	P	P	P	P	P	P	P	1	--	2	--	3	4		
Agricultural Sales and Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	P	P	P	P	P	P	P	1	--	--	--	3	4		
Alternative Financial Services <sup>12</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	--	--	C	--	P	--	--	--	--	--	--	--	--	--	--			
Art Gallery	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	--	--	--	3	4		
Art Workshop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	1	--	--	--	3	4		
Automotive Rentals	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	C	C	C	--	P	P	P	P	P	P	1	--	2	--	3	4		
Automotive Repair Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	P	P	P	P	P	P	1	--	2	--	3	4		
Automotive Sales	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	C	C	C	--	P	P	P	P	P	P	1	--	--	--	3	4		
Automotive Washing (of any type)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	C	C	C	--	P	P	P	--	P	P	1	--	2	--	3	4		
Bail Bond Services <sup>10</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	PC	PC	PC	--	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	--	--	--	--	--			
Building Maintenance Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	1	--	--	--	3	4		
Business or Trade School	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	C	P	P	C	P	P	P	P	P	P	1	--	--	--	3	4		
Business Support Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	C	P	P	P	P	P	P	P	P	P	1	--	--	--	3	4		
Campground	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	--	--	--	P	1	--	--	--	3	4		
Carriage Stable	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	--	--	--	C	--	--	P	--	--		
Cocktail Lounge	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	C	--	--	C	C	--	--	--	--	--	--	--	--	--		
Commercial Blood Plasma Center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P5	P5	P5	--	--	--	--	--	--	--	--	--		
Commercial Off-Street Parking	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	C	C	C	--	P	P	P	--	P	P	1	--	2	--	3	4		
Communications Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	C	P	P	P	P	P	P	P	P	P	1	--	2	--	3	4		
Construction Sales and Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	P	P	P	1	--	--	--	3	4			
Consumer Convenience Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	C	P	P	--	P	P	P	--	P	P	1	--	2	--	3	4		
Consumer Repair Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	C	P	P	--	P	P	P	--	P	P	1	--	--	--	--	--		
Convenience Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	P	P	P	P	P	1	--	--	--	3	4		
Drop-Off Recycling Collection Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P6	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	P4		
Electronic Prototype Assembly <sup>15</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	CP	CP	P	P	P	P	P	P	P	--	--	--	--	--			
Electronic Testing <sup>16</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	CP	CP	P	P	--	P	P	P	P	--	--	--	--	--			
Equipment Repair Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	P	P	1	--	--	--	3	4			
Equipment Sales	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	1	--	--	--	3	4		
Exterminating Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	C	P	P	P	--	P	P	1	--	--	--	3	4		
Financial Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	C	P	P	--	P	P	P	P	P	1	--	2	--	3	4		
Food Preparation	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	P	P	P	P	P	1	--	2	--	3	4			
Food Sales	--	--	--	--	--	--																																		

1-Refers to 25-2-602 (13-2-225); 2-Refers to 25-2-622 (13-2-226); 3-Refers to Subchapter B, Art. 2, Div 5; 4 Refers to 25-2-624 (13-2-227); 5-Refers to 25-2-803 (13-2-233); 6-Subject to 25-2-805 (13-2-224); 7-Subject to 25-2-839 (13-2-235 & 13-2-273); 8-Refers to 25-2-842; 9-Refers to 25-2-863; 10-Subject to 25-2-177 & 25-2-650; 11-Subject to 25-2-587 (D); 12-Subject to 25-2-816; 13-Permitted in MU and V combining districts, subject to 25-2, Subchapter E, Art. 4, Subsec. 4.2.1.C;

# **Land Development Code Provisions Governing Urban Home Special Use**



[Print](#)

## Austin City Code

**ARTICLE 2. URBAN HOME SPECIAL USE.****§ 25-2-1421 APPLICABILITY OF ARTICLE.**

This article applies to an urban home special use.

*Source: Ord. 000406-81; Ord. 031211-11.*

**§ 25-2-1422 URBAN HOME PERMITTED IN CERTAIN ZONING DISTRICTS.**

An urban home special use is permitted in the following zoning districts:

- (1) family residence (SF-3) district;
- (2) urban family residence (SF-5) district;
- (3) townhouse and condominium residence (SF-6) district;
- (4) multifamily residence limited density (MF-1) district;
- (5) multifamily residence low density (MF-2) district;
- (6) multifamily residence medium density (MF-3) district;
- (7) multifamily residence moderate-high density (MF-4) district;
- (8) multifamily residence high density (MF-5) district;
- (9) multifamily residence highest density (MF-6) district; and
- (10) mixed use (MU) combining district.

*Source: Ord. 000406-81; Ord. 031211-11; Ord. 041118-57.*

**§ 25-2-1423 COMMUNITY OPEN SPACE.**

For an urban home special use development of more than eight lots, 250 square feet of community open space for each lot is required.

*Source: Ord. 000406-81; Ord. 031211-11.*

**§ 25-2-1424 URBAN HOME REGULATIONS.**

(A) For an urban home special use:

- (1) the minimum lot size is 3,500 square feet;
- (2) the minimum lot width is 35 feet;
- (3) the maximum height of a structure is 35 feet;

- (4) the minimum street side yard setback is 10 feet;
- (5) the minimum interior side yard setback is 5 feet;
- (6) the minimum rear yard setback is 5 feet;
- (7) the maximum building coverage is 55 percent; and
- (8) the maximum impervious coverage is:
  - (a) the percentage prescribed by the zoning base district site development regulations; or
  - (b) for a lot with an area of not more than 4,000 square feet, 65 percent.

(B) Except as otherwise provided in this subsection, the minimum front yard setback is 20 feet.

(1) If urban home special uses are proposed for the entire length of a block face, the minimum front yard setback is 15 feet.

(2) For an urban home special use that adjoins a legally developed lot with a front yard setback of less than 25 feet, the minimum front yard setback is equal to the average of the front yard setbacks applicable to adjoining lots.

(C) For an urban home special use with a front driveway:

- (1) the garage, if any, must be at least five feet behind the front facade of the principal structure; and
- (2) for a garage within 20 feet of the front facade, the width of the garage may not exceed 50 percent of the width of the front facade.

(D) The maximum driveway width in a front yard or street side yard is:

- (1) 12 feet; or
- (2) if the driveway serves two or more dwelling units;
  - (a) 18 feet for a one-way driveway; or
  - (b) 24 feet for a two-way driveway.

(E) Other than in a driveway, parking is not permitted in a front yard of an urban home special use.

(F) The main entrance of an urban home special use must face the front lot line, except on a flag lot.

(G) A covered front porch at entry level is required for an urban home special use, except on a flag lot.

- (1) The minimum depth of the porch is five feet.
- (2) The minimum width of the porch is 50 percent of the width of the building facade.

(H) Two hundred square feet of private open space is required for each dwelling.

*Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.*

# **Code Compliance Complaints reports showing No Violations**



# City of Austin

## Code Compliance Department

### Summary of Complaint CC-2013-028044

#### COMPLAINT INFORMATION

**Case Status:** Closed

**Address:** 1307 WALLER ST 78702

**Legal Description:** LOT 4 LIMERICK JOSEPH SUBD OLT 41 DIV B RSB LT 50 & PT 49

**Property Owner(s):**

Blake T and Toria J English - Owner  
1307 Waller Street  
Austin, Texas 78702-1050

**Complaint Date:** March 21, 2013

**Complaint:** work without a permit

**Complainant:** Assigned Investigator

#### INSPECTION INFORMATION

**Investigator Assignment(s)**

Alicia Tovar assigned on March 21, 2013

**Case Log**

DATE	STAFF NAME	ACTION TAKEN
03/20/2013	Alicia Tovar	Inspection Performed
Made initial inspection with Officer W. Torres. APD received a complaint regarding work without permits on the possible creation of a driveway next to the Alley(ROW).		
There were workers on site preparing the ground for the pouring of cement. They stated that the owner had the permits to do the work.		
Spoke to the owner, Toria Englishe, she stated that she received a clearance from Amber Mitchell, COA DAC Rep. stating that she can landscape her own yard.		
Photos taken.		
03/21/2013	Alicia Tovar	No Violation(s) Found/ Insp
Placed DAC information in documents. Closed file.		

#### VIOLATIONS

**Land Use**

**Structure Maintenance**



## NOTICES

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# City of Austin

## Code Compliance Department

### Summary of Complaint CC-2013-062414

#### COMPLAINT INFORMATION

**Case Status:** Closed

**Address:** 1307 WALLER ST 78702

**Legal Description:** LOT 4 LIMERICK JOSEPH SUBD OLT 41 DIV B RSB LT 50 & PT 49

**Property Owner(s):**

Blake T and Toria J English - Owner  
1307 Waller Street  
Austin, Texas 78702-1050

**Complaint Date:** June 14, 2013

**Complaint:** pouring concrete in the entire front lawn and the side of the house.

The permit that the caller saw only includes the front not the side. caller also stated this is the city ROW it's an alley.

**Complainant:** Anonymous

#### INSPECTION INFORMATION

**Investigator Assignment(s)**

Edgar Hinojosa assigned on June 14, 2013

**Case Log**

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
06/19/2013	Edgar Hinojosa	Inspection Performed
On 6/19/2013 (2:15 PM) visited site, observed foundation layout for flat concrete work. Permit 2013 - 054838 DS currently active. No inspection have been approved, but are required as part of the permit. Complaint came in as anonymous. Photos taken.		
06/21/2013	Edgar Hinojosa	No Violation(s) Found/ Insp

#### VIOLATIONS

**Land Use**

**Structure Maintenance**

#### NOTICES

**Emails with Adjacent  
Neighbors regarding one  
Neighbor's Attempt to Block  
Alley Access with Fence**

**From:** Lisa Bruner [redacted]  
**Date:** December 17, 2012 11:09:57 AM CST  
**To:** T English [redacted]  
**Subject:** Re: Waller St. alley

Hi Toria,

I finally got my permits!! Apparently there were multiple calls from a neighbor about code violations during the first week after we bought the house, so these all had to be dealt with prior to getting the permits. For this reason, I am eager to build a privacy fence in our back corner. :)

I am sure you read my last email to Barbara. I had a long talk with the developer who just purchased that big lot behind us. He happened to be on Shawn's back porch when I was there, so Shawn introduced us. He says that without a doubt, he will have access to his property thru the back alley. He seems to be a seasoned developer and he says he will take over the cause. I have his email somewhere, and I when I find it I will introduce you to him.

Our next trip to to Austin will be mid- January and we plan on putting in a privacy fence at that time. We will be removing the old wire fence and putting up something more attractive along the back and side property lines.

I hope all is well with you and your family! Merry Christmas!

-lisa

On Mon, Dec 17, 2012 at 8:26 AM, T English [redacted] wrote:  
Hello Barbara,

Thank you for touching base with us. My husband and I still have a strong opinion that the alley needs to be cleared by the city so that residents can maintain it in a proper manner. Because of years of neglect, the overgrowth is a health hazard as well as an environmental hazard. As we've discussed, the area is a breeding ground for mosquitos, increasing the risk of west nile infection and it is also a breeding ground for feral cats. Both the mosquitos and the cats are out there every night even in the winter. My four year old welts up from the mosquito bites so I know every time he is bitten. Environmentally, the bamboo growing in the alley is aggressive to native plants and is encroaching on our property. It is very labor intensive to keep that type of bamboo contained.

I appreciate that you are trying to be fair to all neighbors but a desired 'view' does not trump health and environmental concerns. If this was a person's backyard, I would have the same expectations for maintenance.

Kind regards,  
Toria



On Dec 17, 2012, at 8:50 AM, Boswell, Barbara wrote:

Hello Ladies,

Please let me know after the holiday, how you all would like me to proceed. The initial complaint was about "mosquitoes", which at this time, is not an issue.

Happy holiday,  
-Barbara

Barbara Boswell  
Code Compliance Inspector  
Central East District  
wk: 974.9028 fax: 974.9049  
[barbara.boswell@austintexas.gov](mailto:barbara.boswell@austintexas.gov)  
"Preserving Austin's Quality of Life"

**From:** Lisa Bruner [mailto:]  
**Sent:** Thursday, December 06, 2012 10:29 AM  
**To:** Boswell, Barbara  
**Cc:** T English  
**Subject:** Re: Waller St. alley

Thanks Barbara!

I am actually from Austin, but have been living in SF for a while. I am looking forward to moving back. :)

I would like to either have alley access to my property, *or* purchase the part of the alley adjacent to my property so that I can control the bamboo myself. I understand that some of the neighbors on the end want to keep the alley blocked off but it seems that if this is the case, the city should either maintain the portion behind my lot or sell it to me so that I can maintain it. Feel free to access the alley from my lot. The house is currently unoccupied as we wait for permits.

Thanks!  
Lisa Bruner

On Thu, Dec 6, 2012 at 7:43 AM, Boswell, Barbara <[Barbara.Boswell@austintexas.gov](mailto:Barbara.Boswell@austintexas.gov)> wrote:  
Hello there,  
Going to get started on this. I will try and get out there either today or tomorrow, take more pictures and finding a medium. Welcome to Austin!  
Barbara

Barbara Boswell  
Code Compliance Inspector  
Central East District  
wk: 974.9028 fax: 974.9049  
[barbara.boswell@austintexas.gov](mailto:barbara.boswell@austintexas.gov)  
"Preserving Austin's Quality of Life"

**From:** Lisa Bruner [mailto: ]  
**Sent:** Wednesday, December 05, 2012 4:27 PM  
**To:** T English  
**Cc:** Boswell, Barbara  
**Subject:** Re: Waller St. alley

Thanks Toria,  
Barbara, I just left you a voice mail. My phone number is 512-771-4376.  
Thanks!  
Lisa

On Wed, Dec 5, 2012 at 2:21 PM, T English < > wrote:  
Hello Barbara- I spoke with Lisa Bruner, the northern adjacent property owner, and she will be in touch with you shortly. I'm copying her on this email. Just let me know if you need anything further.  
Regards,  
Toria

On Dec 3, 2012, at 8:05 AM, T English wrote:

> Hello Barbara- I was able to obtain this plat map off of the travis county website ([http://www.traviscad.org/property\\_search.html](http://www.traviscad.org/property_search.html)). It shows that the extension of our alley is city property and not private property. If this is the case, would the city initially clear it out and then have the adjacent property owner maintain it? Or would it be the adjacent property owner who would have to clear it out?  
> Thank you,  
> Toria English  
> Ph: 415-640-0426  
> <13th and Waller Sub Division Plat Map.pdf>

**From:** Lisa Bruner <[lisa@northtexasplanning.com](mailto:lisa@northtexasplanning.com)>  
**Date:** December 5, 2012 11:30:11 AM CST  
**To:** T English <[tjenglish@gmail.com](mailto:tjenglish@gmail.com)>  
**Subject:** Re: hey neighbor

Hi Toria!

Thanks for the update. I actually made a request with the city to clear out the alley after our last email conversation, and I got a call back from a fellow with code compliance who explained that the city cannot clear out the alley behind our house because there is no way to access it, since they are not allowed on the concrete driveway. I offered that they come through our yard, but he said they are not allowed to do that either, for insurance reasons. I asked if we could clean it out ourselves, and he said we can only do that if we buy the alley from the city. So, I called the city real estate office and was told that I can apply (which requires a non-refundable \$1,000), but most likely I won't be allowed to purchase the alley because nobody else owns their adjacent portions, even the part at the end that is concreted. So, I was pretty confused. The city technically owns the alley and the concreted part, but they are not allowed to access it or maintain it? And Paula told the company that we hired that she would call the city if we tried to clear it.

I don't want to upset Paula, but I do want to clear at least half of the bamboo away from our property line, for all of the reasons you mention. So yea, please put me in touch with the fellow you were speaking with. I finally have a meeting set up with the permit department to resolve the old permit issue so it will be coming to Austin Wed. night next week to hopefully get that wrapped up. I will take a look at the alley and try to set up a meeting with the code compliance guys.

Thanks!  
Lisa

On Tue, Dec 4, 2012 at 8:07 PM, T English <[tjenglish@gmail.com](mailto:tjenglish@gmail.com)> wrote:

Hi Lisa- Here's the bamboo update. I've met with a very nice investigator from the Code Compliance Dept. and technically the city is responsible for maintaining half of the alleyway and the adjacent property owners are responsible for maintaining the other half (I guess they're responsible for the middle half, it doesn't make any sense). So, they are proposing that they clear out half of the bamboo, in the interest of accommodating both my and Paula's interests, though neither of us are adjacent property owners (yes, Paula intercepted the city workers when they were surveying the alleyway). They did say that if you, as an adjacent property owner, request that the alleyway be cleared (so that you can access your property via the alleyway or to limit the spread of the bamboo, in addition to my request to limit the mosquito infestation) then they would be required to clear the entire alleyway. Let me know if that's your preference, and I'll put you in touch with the person that I'm working with. I think that if there is any possibility you that you would want to use the alleyway in the future, either to access your backyard or for it to be included in your property footprint, it would be easier to reestablish it now versus later. But if you don't want to deal with it right now, I'm happy to have the city clear at least half of it out.

Thanks,  
Toria

On Nov 18, 2012, at 5:07 PM, Lisa Bruner wrote:

Ah great! Thanks! I'm glad the city was responsive. I wish the permit department was that responsive. :) They have told us that there is now a 45 day turnaround on initial reviews for life safety permits, which is the only method for closing the expired permit from 1988. Hopefully Paula is OK with the city clearing the alley.  
-Lisa

On Sun, Nov 18, 2012 at 7:04 AM, T English <[REDACTED]> wrote:  
Bamboo update-

Blake chopped up the bamboo on your property just along the chicken wire. We also called the city to clear out the bamboo in the alley behind your property. Mosquitos, stray cats and bamboo encroachment were our main reasons. They were very responsive, they just need to verify the property lines before they cut anything. We let the neighbors know so they are aware that you didn't make the call.

Talk to you soon,

-Toria

On Nov 14, 2012, at 5:43 PM, Lisa Bruner <[REDACTED]> wrote:

Hi Toria,

I'm glad to the yard and trees are looking better. I wish I could see it myself. I have seen photos. :)

That fine about the fence. Thanks for letting me know. It is a bit of a mess along the side fence with weeds, vines and bamboo but I told the guys not to clean it up until I could be there to figure out what was coming from our yard. Another neighbor in our back corner, Paula Reckson, actually told them to stop clearing out the bamboo and vines in our south west property line because it was sort of a foliage "shield" for the neighbors, so I told them not to clean out that whole fence line, just in case. Paula sent me a nice email too. I totally understand about foliage.

The bamboo is a problem though. It seems to be originating from the alley behind our back property line, and I think that we will build a trench to keep it from spreading further into our yard. I have heard horror stories about bamboo growing under houses and breaking pipes. ugh. Anyway, if Blake wants to clear out that whole property line when you move the fence back, that would be great! The tree guy told me that we need to start aggressively fighting the bamboo.

Yes, add me to the distribution list please.

Thanks!

Lisa

On Wed, Nov 14, 2012 at 3:06 PM, T English <[REDACTED]> wrote:

Hi Lisa,

The yard and the tree look great! I wanted to let you know that we plan to move our fence back to your property line in case you were thinking you need one there. That four feet is technically Sean's land to access utilities, but he doesn't mind that it's part of our yard. Our fence was there originally, like the Doyle's, but we decided we needed a buffer to keep the weeds and the bamboo out. Speaking of bamboo, my husband Blake saw a few stalks in your yard and is happy to take his machete to it if you want, that stuff is very invasive and usually requires a trench to prevent encroachment, but so far the machete has kept it at bay on our side.

that's the update for now. oh, did you want me to add your email to the neighborhood association distribution list? the hot topic this week is whether to add more trees to our park.

Toria

On Nov 6, 2012, at 12:21 PM, Lisa Bruner wrote:

Go Giants! I love Chez Mama too.

We just returned from a brief trip to Austin for the FFF fest, but our renovations are still on hold with the city until they can clear up that old permit.

My business in Austin is a little sign and graphics shop on North Loop Blvd, North Loop Sign & Graphics Shop. I am also a full time designer at the Academy of Art here in San Francisco.

We had a tree expert come out, and he has recommended trimming all of the small junk trees away from the large oak, and trimming back dead branches, to help it thrive. I just wanted to let you know, since there will be guys climbing up there with chainsaws. I know you love the tree too. I told them about the owl, so they will not disturb the nest, if they see it.

-Lisa

On Mon, Oct 22, 2012 at 7:58 PM, Toria <[REDACTED]> wrote:

Love Potrero hill! Chez mama is the only restaurant we really really miss. And those yummy cupcakes next door. We lived in mission bay/soma right on the water. Tell your husband the food trailers here will entertain his taste buds, and the BBQ is enough to make anyone happy.



I hear ya on the permit, we ran into that issue on the first house we tried to buy here. Hopefully it will be no problem to close. Just let us know if you need referrals on any services- inspection, painters, lawn care etc. Even though our house was new, we seemed to have needed everything. Can I ask, what is your business here? My husband works for silicon valley bank and I'm a stay at home mom (used to work at blackrock). We moved here on a whim, to have our second baby, and honestly we haven't looked back.

-Toria

On Oct 22, 2012, at 11:25 AM, Lisa Bruner <[REDACTED]> wrote:

Hi Toria!

Thanks so much for your email. My daughter, Ruby, really enjoyed the photos and is excited about the owl family in our tree. It really is a great lot, and a terrific neighborhood and I am looking forward to living there, though it will be another 3 and 1/2 years before we can actually move in. For now, we live in Potrero Hill, which is also a great neighborhood, but I really do miss Austin a lot. I'm glad to hear that you moved from SF and are happy with your choice. I am always trying to give Kris this kind of information. :) I own another home and a small business in Austin, so I am pretty connected, but he feels a little nervous about moving to Texas from San Francisco.

We are paused on the renovations while we try to deal with a building permit the previous owners pulled 12 years ago, but never properly closed. Once we get that re-opened, re-inspected and brought up to code, and the re-closed, we will have the green light to proceed with our repairs. We will definitely take care of the big tree. We will be around in the beginning of Nov for a few days, so feel free to stop by if you see us tinkering around the yard.

Thanks,  
Lisa

On Sat, Oct 20, 2012 at 6:46 AM, T English <[REDACTED]> wrote:

Hi Lisa and Kris- we are your neighbors at 1307 Waller st. and our yard backs up to your yard. We have a four year old boy named Cruz and a two year old boy named Augustine and they will be happy to have a new friend near by. In fact, Cruz just asked for your daughter's name. Thank you for your letter, we are excited to have new owners on that property, it's such a nice piece of land and we were worried about that big live oak tree! We wanted to let your daughter know that a mama owl lives in that big tree and she has babies every spring. This year, she had six babies and we think they all survived. Attached is a picture of the mama. While I was looking for that picture, I found a picture of the wood duck (on top of the Doyle's house) who has babies in a tree in the park every year. This year the ducks had 12 babies who, once they are hatched, drop from the tree and run behind our houses never to be seen again. And I'm also including a picture of another backyard friend, who is no longer with us, but definitely has family members running around.

We wish you the best of luck in your renovations, we know it is a lot of work and our boys are very entertained by the construction. So the noise of hammers becomes a trade off of quiet little

boys intently watching out the window.

I should also mention that I am the new president of the Swede Hill Neighborhood association, so just let me know if you would like to be added to our distribution list. The east side is undergoing a big change right now, with lots of development of empty lots and we are trying our best to encourage positive community development.

We also moved from San Francisco to Austin, 2 yrs. ago, and we have been very happy with our decision. We are sure you will be too.

Regards,

Toria & Blake English

**From:** [REDACTED]  
**Date:** November 16, 2012, 9:44:13 AM CST  
**To:** <[REDACTED]>  
**Cc:** <[REDACTED]>  
**Subject:** RE: Was thinking..

So you have singularly decided to act on behalf of 7 other property owners? Unbelievable. Perhaps we'll discuss with all vested property owners at the next SHNA meeting – and you can explain your “perceived” empowerment to act on behalf of everyone. You get what you give in this world. I am furious.

**From:** Blake English [REDACTED]  
**Sent:** Thursday, November 15, 2012 9:20 PM  
**To:** Macon, Steven  
**Cc:** Toria Riccio  
**Subject:** Re: Was thinking..

I'm uncertain as to what I would have to talk to you about. The alleyway is not common or private property, it's city property. The city's neglect of maintenance related to this property is negatively impacting my property and matters involving my property are not subject to community approval.

Blake

On Nov 15, 2012, at 4:14 PM, <[REDACTED]> wrote:

Any efforts to clear that alley will need to be supported by all vested parties. I'm not supportive of that under any circumstances. If you have concerns on “encroachment” you need to address that with Sean. Just as no one will singularly make any decision regarding fencing, there will be no singular decision regarding clearing that brush. Feel free to stop by if you'd like to discuss further.

---

**From:** Blake English  
**Sent:** 11/15/2012 1:02 AM  
**To:** Toria English  
**Cc:** [REDACTED]  
**Subject:** Re: Was thinking..

We looked at your drawing and we don't want a fence directly on the alleyway. Our preference is to have the non-native/invasive plants (bamboo, china berry and ligustrum) that are in the alley

removed. We have a call into the city to clear the bamboo because it's encroaching on our property via the Garretson property.

More importantly there are two other properties, in addition to the Bruner's, that have the right to use the alley to access their backyards.

If you want to prevent people from walking through, the easiest cheapest and legal way to go about it would be to have the Lindquist's put up a fence across the end of their property bordering the alley.

Blake

On Nov 14, 2012, at 11:42 PM, Toria English <[REDACTED]> wrote:

Forwarding your drawing to Blake.

-Toria

Begin forwarded message:

**From:** Steven Macon <[REDACTED]>

**Date:** November 14, 2012, 6:58:06 PM CST

**To:** Toria Riccio <[REDACTED]>

**Subject:** Re: Was thinking..

Yes - Lisa Bruner. Paula tells me she is very nice! Attached is what I'm thinking. It actually doesn't even meet up with your property - it would extend to meet the intersection of the Bruner and the Garretson property. Take a look. I'll probably send this to Lisa and Sean. Thanks!

<13-14th Alley.pdf>

On Nov 14, 2012, at 4:58 PM, Toria Riccio wrote:

Hi Steve,

I've been in touch with our new neighbors and they still have a lot of work planned. I prefer to wait until they finish before making any changes to the back of the alley.

Thanks,

Toria

On Nov 10, 2012, at 1:26 PM, Steven Macon wrote:

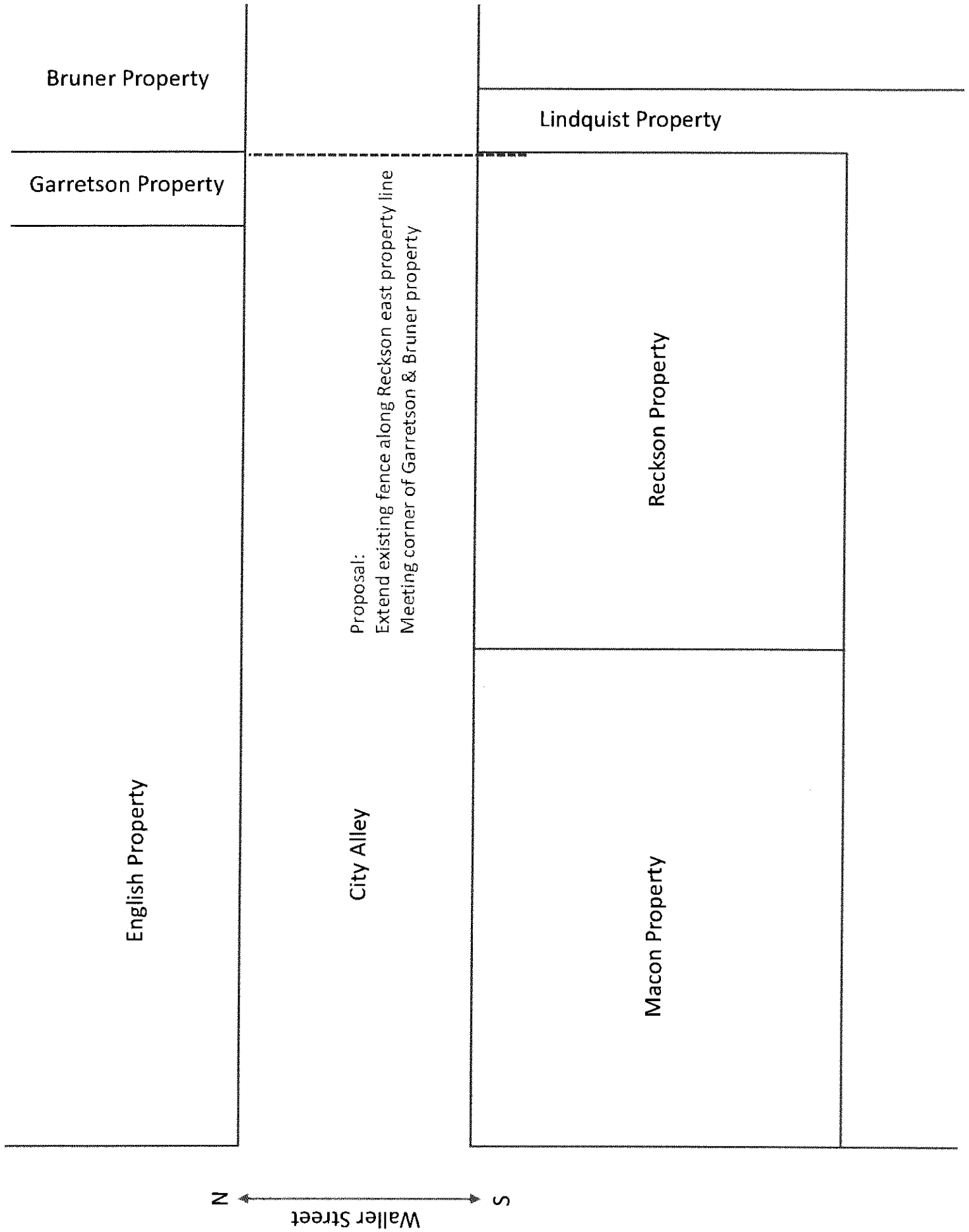
Toria -

I've always thought the fence along Paula & Charlie's property would be better extending to meet up with your backyard fence. There's been a number of times random people walk thru back there - so I think it would make our properties more secure and aesthetically I've always thought it would look better. I was a little taken aback yesterday when I notice the "clear-cutting" they did on the property behind you - would love to block that view. I think I've come up with a way to create a gate for you to access your garbage cans. I was going to draw it up and send you. It's technically city property - but I don't think anyone would ever say anything. Luis could build it. Next time I see you outside I'll explain what I'm thinking. Let me know your thoughts.

Thanks.

Steve & Ollie.





# **Letter and Photos regarding Parking Areas on Adjacent Property**

**THE GOTTFRIED FIRM**  
A PROFESSIONAL CORPORATION

WEST SIXTH PLACE  
1505 WEST SIXTH STREET  
AUSTIN, TEXAS 78703

PHONE  
512-494-1481

FAX  
512-472-4013

June 2, 2014

Officer William Torres 2287  
Austin Police Department  
Region 3 District Representatives

Re: Parking Dispute Regarding Blake and Toria English

Dear Officer Torres:

Thank you for your time last week. The purpose of this letter is to provide you with some additional information and photographs that might be helpful to you as determine the necessary signage for the Waller street alleyway between 13<sup>th</sup> and 14<sup>th</sup> streets.

The first photograph below reflects the portion of the Right of Way at issue relating to my clients, Toria and Blake English, who reside at 1307 Waller Street in the City of Austin. As shown in this photograph, the complaining neighbor's vehicle is parked in the Right of Way which extends about 5 feet on either side of the improved/paved alleyway. The second photograph shows my clients' car parked along their property line without obstructing any part of the alleyway. My clients parking of their vehicle on their side yard does not impede any use of the improved/paved alleyway due to the vehicle's placement between a telephone pole, and an inclined driveway approach, both of which cause a narrowing of the width of the usable Right of Way. This narrowing of the usable Right of Way space holds true for the entire length of the Right of Way space adjacent to their property due to the placement of a second telephone pole at the property's east end. This fact is evidenced in the first photograph below.

The third and fourth photographs show boulders and landscaping which have been installed by the complaining neighbors and are in the Right of Way. The placement of these boulders impedes my clients' ability to back out of their garage by blocking a previously accessible portion of the Right of Way and would impede the ability of large vehicles to use this portion of the Right of Way.

As shown in the first and fifth photographs, the complaining neighbors park their vehicles at the very end of their driveways and in the Right of Way space, on their side of the improved/paved alleyway, which prohibits my client egress from their garage (placement of the

boulders in the Right of Way require my client to utilize the complaining neighbors' driveway to exit their garage and the alleyway).

It is our hope and expectation that the City of Austin and the Austin Police Department are not going to succumb to the incessant complaining of these neighbors over an issue that is not a matter of the public's safety, the public's access to City of Austin property, nor infringes upon the fair use of the complainants' properties; specifically when these same neighbors are purposefully and frequently restricting my clients' fair use of their property. However, if the City of Austin and the Austin Police Department want to install additional unnecessary signage along a residential alleyway for the sole purpose of ticketing and towing vehicles belonging to property adjacent homeowners, we respectfully request that it do so equitably and in a non-discriminatory manner, without regard to the level of badgering by the complainant.

Thank you in advance for your consideration.

Very truly yours,

David M. Gottfried

Enclosures















# **Private Easement between Sean Garretson and Blake and Toria English**





NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

## Easement

THE STATE OF TEXAS                    )  
  )   KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF TRAVIS                    )

SEAN GARRETSON (hereinafter called "Grantor"), with a mailing address of 1003 E. 14th Street, Austin, Texas 78702, in consideration of two-thousand dollars (\$2,000.00) and other good and valuable consideration paid to the undersigned Grantor by BLAKE T. & TORIA J. ENGLISH (hereinafter called "Grantee") with a mailing address of 1307 Waller Street, Austin, Texas 78702, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, transfer, and convey to said Grantee, its successors, and assigns, a perpetual easement and right of way through and across the following described real property in Travis County, Texas to wit:

All that certain tract, piece, or parcel of land lying and being situated in the County of Travis, State of Texas, described as Lot 2 of RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49, JOSEPH LIMERICK SUBDIVISION OF OUTLOT 41, DIVISION B, a subdivision in Travis County, Texas according to the plat recorded in Document No. 200600255 of the Official Public Records of Travis County, Texas, known locally as 1003 East 14<sup>th</sup> Street, Austin, Texas, forming a rectangle at the Southeasterly portion of Lot 2 with approximate dimensions of 7.5' x 40.00' (hereinafter called the "easement tract").

Said easement and right-of-way shall include the right to enter, access, use, inspect, install fencing, repair, maintain, replace, and upgrade fencing within the easement tract as defined hereinabove as necessary to allow grantee to use the easement tract.

The easement includes the rights expressed herein and also specifically includes the right of ingress and egress across the easement tract as defined hereinabove for the purpose of using the easement tract.

TO HAVE AND TO HOLD the above described easement, Grantee shall have such other rights and benefits necessary and /or convenient for the full enjoyment and use of the rights herein granted.

Grantee will maintain such easement in a state of good repair, condition, and efficiency so that no unreasonable damages will result from its use to Grantor's premises or adjacent property. This easement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

### Easement

Grantor expressly reserves the right to use the easement tract described hereinabove for purposes not inconsistent with Grantee's use of the easement.

Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the easement herein granted to Grantee, or Grantee's successors and assigns, against every person whomsoever claiming, or to claim, the same or any part thereof.

THE STATE OF TEXAS

COUNTY OF TRAVIS


)  
)  
)

  
SEAN GARRETSON

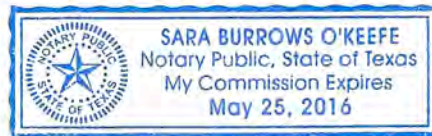
3/5/2013  
Date:

BEFORE ME, the undersigned authority, on this day personally appeared Sean Garretson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN UNDER MY HAND and seal of office this 5<sup>th</sup> day of March, AD. (Seal)

  
Notary Public in and For the State of Texas

My Commission Expires: 5/25/16



[ADDITIONAL SIGNATURE PAGE ON FOLLOWING PAGE]



**Easement**

THE STATE OF TEXAS )

COUNTY OF TRAVIS )

Blake T. English  
BLAKE T. ENGLISH

Date: 3/13/13

BEFORE ME, the undersigned authority, on this day personally appeared Blake T. English, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN UNDER MY HAND and seal of office this 13 day of March, AD. (Seal)

Leslie R Cowan  
Notary Public in and For the State of Texas

My Commission Expires: Nov. 15, 2013

THE STATE OF TEXAS )

COUNTY OF TRAVIS )



Toria J. English  
TORIA J. ENGLISH

Date: 3/8/13

BEFORE ME, the undersigned authority, on this day personally appeared Toria J. English to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN UNDER MY HAND and seal of office this 8 day of March, 2013 AD. (Seal)

Sara Burrows O'Keefe  
Notary Public in and For the State of Texas

My Commission Expires: 5/25/16

My Commission Expires: 5/25/16



# **Photos of Alley ROW and Parking Areas on Properties Adjacent to ROW**































