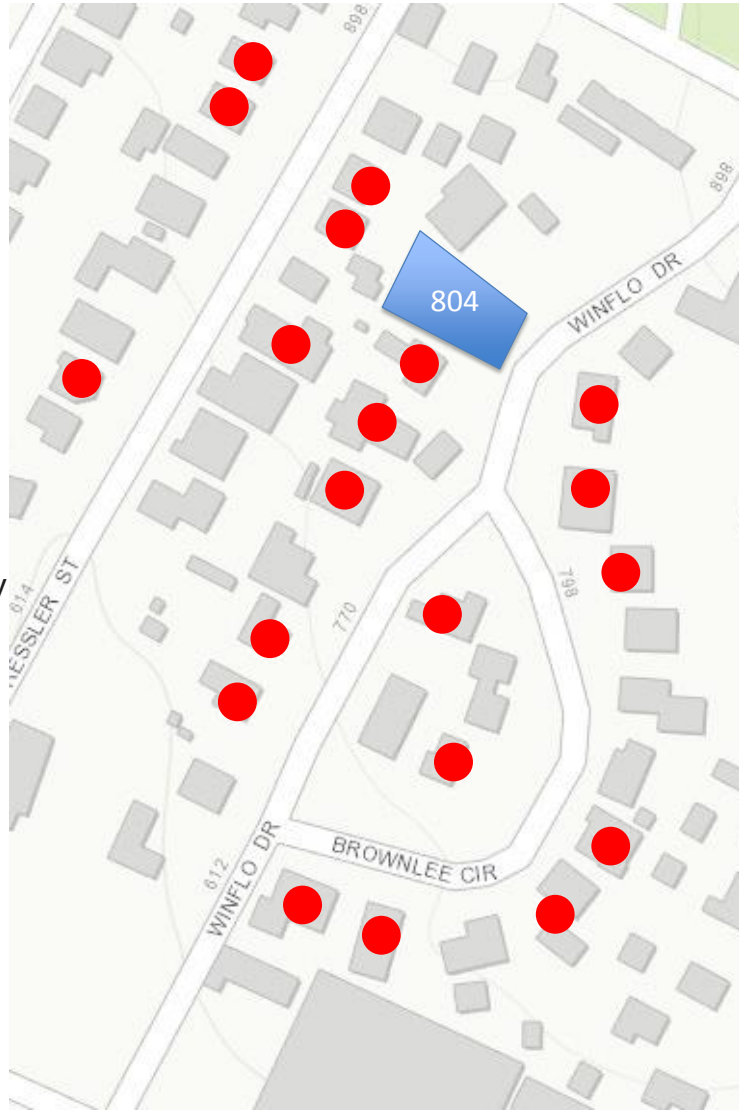
L01/17

LETTERS OR MESSAGES FROM THESE OWNERS ARE OPPOSED TO THE VARIANCE FOR 804 WINFLO DRIVE:

1. 802 Winflo Drive - Ellen Justice and Eric Leibrock - Interested Party
2. 800 Winflo Drive - Mike Banghart - Interested Party
3. 803 Winflo Drive - Mike Banghart
4. 700 Winflo Drive - Bret Strauss
5. 702 Winflo Drive - James Robbins
6. 716 Brownlee Circle - Gerald and Kim Harter
7. 702 Brownlee Circle - Mary Blackley
8. 701 Brownlee Circle - Clark and Angie Bickley
9. 707 Brownlee Circle - Gabriel and Elizabeth Krajicek
10. 709 Brownlee Circle - Nancy Garrett
11. 717 Brownlee Circle - Chris Schorre and Julie Paasche – Interested Party
12. 804 Pressler Street - Perry Heitman and Todd Canon
13. 807 Pressler Street - Brian Birzer
14. 801 Winflo Drive - Ginger Ellen Scott
15. 1301 West 9 1/2 Street - Peggy Pickle - Interested Party
16. 809 Pressler Street, Sisto Ramirez
17. 703 Brownlee Circle, Kim Overton
18. 802 Pressler Street, Pedro Pablo Elizondo
19. 706 Winfo Drive, Jay Bunda
20. 703 Pressler Street, Jessica Hymowitz (Wassenaar)
21. 812 Winflo Drive, #C Kaysee Goodell
22. 700 Pressler Street, Denise Younger



TO: leane.heldenfels@austintexas.gov

Subject: Single-Family uses; C15-2017-0008/ 2017-000005BA

Commissioners,

This map shows that the vast majority of properties surrounding 804 Winflo Drive are used as Single-Family. And, the three multi-family properties that are in the "uphill" section of the Park View Subdivision are all on very large lots.

Ellen Justice and Eric Leibrock, 802 Winflo Drive

L01/19

All YELLOW properties have SINGLE-FAMILY USE, according to Travis CAD.

All NON-YELLOW properties have MULTI-FAMILY USE.

These multi-family properties are on very large lots

"A" is a 4-plex on an 11,535 sq. ft. lot (living area 2,368).
"B" is a triplex on an 11,227 sq. ft. lot (living area 2,446).
"C" is a triplex on an 8,900 sq. ft. lot (living area 2,016).

Three property ID numbers gave no results and are marked "?"

REPLY TO ZONING PRESENTATION that was in favor of the variance for 804 Winflo Drive, April 10 hearing

Mr. McHone stated that a lot legally platted before March 1, 1984 is a legal and conforming lot. He maintained that the 8,000 square foot size requirement for a multi-family site would not apply to such a property. But, this exception/amnesty/grandfathering <u>would not apply to 804 Winflo Drive since It did not have multi-family zoning until February 1985</u>. Case C14-84-158.

And, Greg Guernsey, the head of Zoning and Planning at the Development Services Department, has determined that the substandard lot section of the Land Development Code only applies for single-family and commercial uses, and not for the multi-family use proposed for 804 Winflo Drive.

http://www.austintexas.gov/edims/document.cfm?id=11988

See Page 2, Louis and Frieda Gerhardt by Leon J. Barish, From "SF-3" to "MF-3."

Mr. McHone also relied on an argument that the single-family zoning of 804 Winflo had been converted to multi-family zoning when other "B"-classified properties were converted to multi-family zoning, before March 1, 1984. But, 804 Winflo Drive was never a "B" property (better known as Multi-Family) before March 1, 1984. (See the zoning map POSTED on 9-2-85, which shows that 804 Winflo was classified as "A"). It was not Multi-Family until Ordinance No. 85 0228-B was passed and approved on Feb. 28, 1985.

The Gerhardts likely applied for the change in their zoning to accommodate an uncle who built the six-unit condominium at 806 Winflo Drive, next door to them.

This information was attached to the notice of the Board of Adjustment hearing on April 10, 2017 (minus the comments italicized and in red):

"Section 25-2-943 of the Land Development Code permits Substandard Lots for single family use if configured prior to March 14, 1946. The subject lot was configured in 1948 *as an "A" residence (better known as SF-3)* and *currently* proposes a multifamily use; therefore the substandard lot section of the Code does not apply. Further, the Old West Austin Neighborhood Plan only provides small lot amnesty for single family use."

Ellen Justice and Eric Leibrock, 802 Winflo Drive

L01/21

C14-84-158

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 85 0228-B

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: LOT 6, PARK VIEW SUBDIVISION, LOCALLY KNOWN AS 804 WINFLO, FROM "SF-3" FAMILY RESIDENCE TO "MF-3" MULTI-FAMILY RESIDENCE (MEDIUM DENSITY); SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from "SF-3" Family Residence to "MF-3" Multi-Family Residence (Medium Density) on the property described in File C14-84-158, to-wit:

> Lot 6, Park View Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 5, Page 69 of the Plat Records of Travis County, Texas,

locally known as 804 Winflo in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. This application for rezoning was filed prior to the effective date of Chapter 13-2A of the Austin City Code of 1981, at which time the property was zoned "A" Residence, First Height and Area District, and the applicant sought rezoning to "B" Residence, First Height and Area District. Notwithstanding the rezoning herein to "MF-3" Multi-Family Residence (Medium Density), the property owner shall be permitted to obtain a building permit subject to the provisions of Chapter 13-2 and as permitted under a zoning classification thereunder of "B" Residence, First Height and Area District, in accordance with the provisions of Section 1051 of Chapter 13-2A of the Austin City Code of 1981.

PART 4. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED §
§
§
February 28, 1985 §

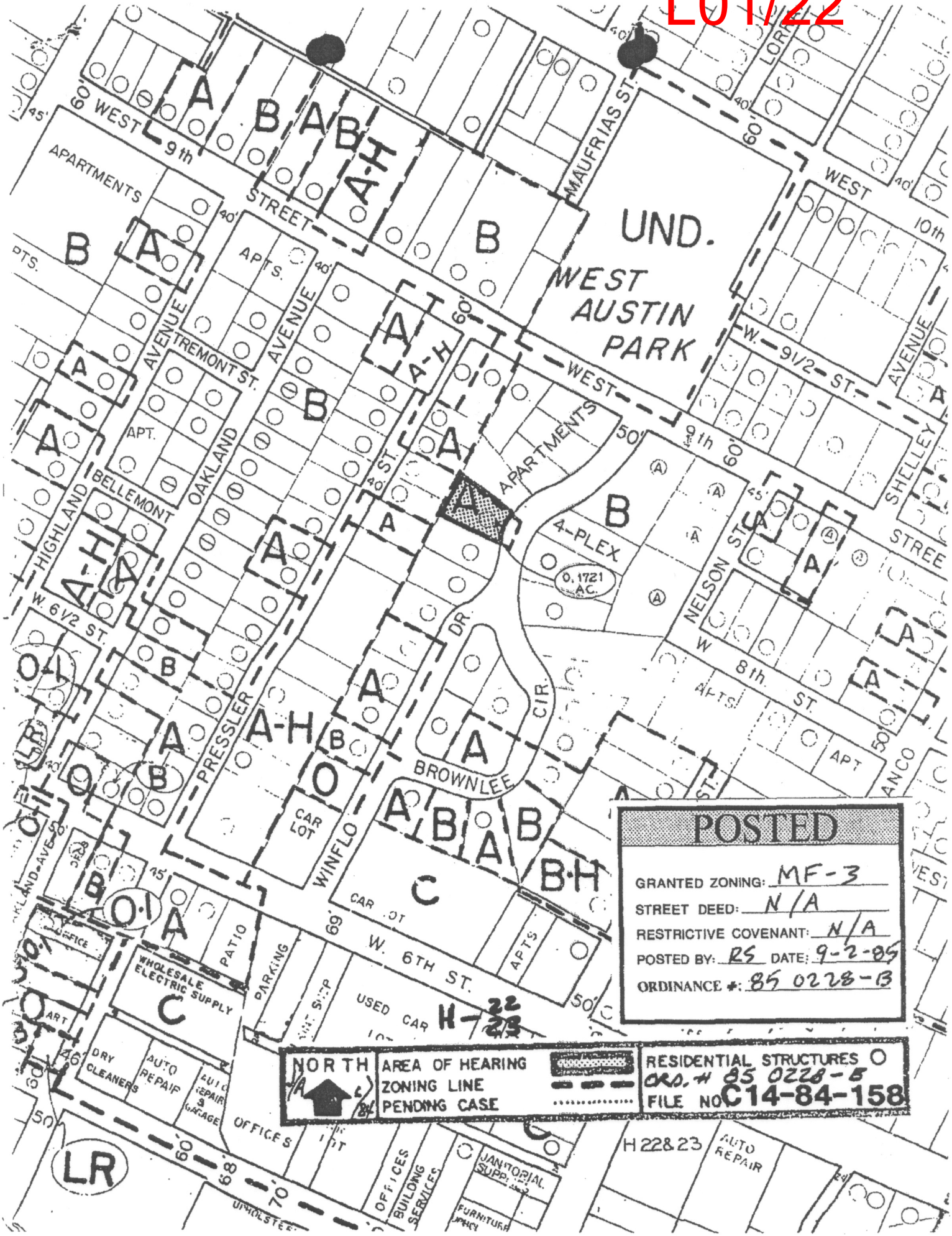
Ron Mullen
Mayor

APPROVED: Paul C. Isham
Paul C. Isham
City Attorney

ATTEST: James E. Aldridge
James E. Aldridge
City Clerk

AFM/saf

L01/22



POSTED

GRANTED ZONING: MF-3

STREET DEED: N/A

RESTRICTIVE COVENANT: N/A

POSTED BY: RS DATE: 9-2-85

ORDINANCE #: 85 0228-B

NORTH

AREA OF HEARING

ZONING LINE

PENDING CASE

RESIDENTIAL STRUCTURES

ORD. # 85 0228-B

FILE NO C14-84-158

H-22/23

L01/23

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 124 '

NOTIFICATIONS

CASE#: C15-2017-0008

LOCATION: 804 Winflo Drive

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

L01/24

CITY OF AUSTIN

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment
General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field: Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # C15-2017-0008 ROW # 11654981 Tax # 0108031128 TCAD

Section 1: Applicant Statement

Street Address: 804 Winflo Drive

Subdivision Legal Description:

Lot 6, Park View Subdivision, Travis County Texas, Plat of Record, Volume 5, Page 69, PRTCT

Lot(s): 6 Block(s):

Outlot: Division:

Zoning District: MF-3-NP (old west austin)

I/We Javier Barajas, P.E. on behalf of myself/ourselves as authorized agent for Patricia M. and William G. Schaub affirm that on Month January, Day 5, Year 2017, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

- Erect Attach Complete Remodel Maintain Other:

Type of Structure: 3 Two-story Multifamily Residential Units (Single Building 4,299.67 GFA)

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Title 25 - Land Development Code, Section 25-2-943, Substandard Lot

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

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

The zoning regulations allow for the use; however, the lot does not meet the minimum lot size required per the zoning designation (MF-3 minimum lot size requirement is 8,000 square-feet). The intended use will be multi-family.
A subdivision plat was created, approved and recorded in 1948 (Park View). The lot has been in the same configuration since it was platted in 1948 and is 7,353.87 square-feet in size.

Hardship

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

It is the only lot that is surrounded by other MF-3 and MF-4 lots used as multi-family that does not meet the minimum lot size requirement as assigned under the MF-3 designation by the City Ordinance. The zoning designation placed on the property does not allow us to fully utilize the MF-3 guidelines because the lot does not meet the minimum lot size requirement by only 646.13 square-feet. See "Section 6, Additional Space" of this application for more information.

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

Surrounding area developments include tracts Zoned MF-3 and MF-4 that are less than 8,000 square-feet in size and are multi-family (Triplex and Fourplex) residential use.

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

All adjacent lots, with the exception of the lot coincident and to the south, on Winflo Drive are multi-family use lots. The proposed development will be in harmony with the area adjacent to the property, will not impair the use of adjacent conforming property and will not impair the regulations of the zoning district. Harmony with properties adjacent and to the north will be based on use; adjacent condos and/or apartment use. Harmony with properties adjacent and to the south will be architectural as well as scale.

Parking (additional criteria for parking variances only)
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

n/a. parking requirements are met.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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

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

Section 3: Applicant Certificate

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

Applicant Signature: Date: 1-6-2017

Applicant Name (typed or printed): Patricia M. and William G. Schaub

Applicant Mailing Address: 3440 Normandy Avenue

City: Dallas State: Texas Zip: 75205

Phone (will be public information):

Email (optional – will be public information):

Section 4: Owner Certificate

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

Owner Signature: Date: 1-6-2017

Owner Name (typed or printed): Patricia M. and William G. Schaub

Owner Mailing Address: 3440 Normandy Avenue

City: Dallas State: Texas Zip: 75205

Phone (will be public information):

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Javier Barajas, P.E.

Agent Mailing Address: 5811 Blue Bluff Road

City: Austin State: Texas Zip: 78724

Phone (will be public information): (512) 913-5080

Email (optional – will be public information):

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Hardship a) continued. The 804 plat adjoins an unused buffer of land that measures approximately 565 square-feet. This undeveloped parcel is surveyed as part of 806, but its elevation differs from the rest of 806 by virtue of an 18" retaining wall that frames it away from the rest of the property and attaches it to 804 . It also matches the elevation of 804 and provides a combined area of

Additional Space (continued)

928 square-feet. Please see attached pictures.

We wish it to be known that we have been neighbors and homeowners at 806 Winflo for more than 12 years, and presently own the majority of the building's units. Concurrent with the approved project at 804, we intend to make additional and substantial improvements at 806 Winflo within the next year. These include a newly paved parking lot, new siding, extensive landscaping and other beautifications, in accordance with OWANA and City of Austin guidelines.

In closing, we also wish it to be known that we intend to remain active and present in the neighborhood. We have always occupied a unit at 806 Winflo. The tenants that live in our other units are our neighbors; we choose them with care and experience little turnover in our building. We will reside at 804 Winflo upon its completion and will continue to have the same care and concern for them as well as for our other neighbors in Old West Austin.

Sincerely,

Patti and Greg Schaub

SAVE

CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment
General/Parking Variance Application

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Lot(s): 6 Block(s): _____

Outlot: _____ Division: _____

Zoning District: MF-3-NP

I/We Mike McHone on behalf of myself/ourselves as authorized agent for Patricia M. and Willaim G. Schaub affirm that on Month December, Day 19, Year 2016, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

◉ Erect ○ Attach ○ Complete ○ Remodel ○ Maintain ○ Other: _____

Type of Structure: 3 Two-story Multifamily Residential Units (Single Building 4,299.67 GFA)

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City: Dallas State: Texas Zip: 78724

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 4: Owner Certificate

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

Owner Signature: _____ Date: _____

Owner Name (typed or printed): Patricia M. Schaub

Owner Mailing Address: 3440 Normandy Avenue

City: Dallas State: Texas Zip: 75205

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Mike McHone

Agent Mailing Address: P.O.Box 8142

City: Austin State: Texas Zip: 78713

Phone (will be public information): (512) 554-8440

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

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