

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday, May 8, 2017**

**CASE NUMBER: C15-2017-0016**

☒ Y ☐ Brooke Bailey  
☒ Y ☐ William Burkhardt  
☒ Y ☐ Eric Goff  
☐ - ☐ Melissa Hawthorne (ABSENT)  
☒ Y ☐ Bryan King  
☒ Y ☐ Don Leighton-Burwell  
☐ - ☐ Rahm McDaniel (ABSENT)  
☒ Y ☐ Veronica Rivera  
☒ Y ☐ James Valadez  
☒ Y ☐ Michael Von Ohlen  
☒ Y ☐ Kelly Blume (Alternate)  
☐ - ☐ Martha Gonzalez (Alternate) (ABSENT)  
☒ Y ☐ Pim Mayo (Alternate)

**OWNER/APPLICANT: Omer Bisen**

**ADDRESS: 608 ST JOHNS AVE**

**VARIANCE REQUESTED:** The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) to decrease the required setback from a property in an urban family residence (SF-5) or more restrictive zoning district or on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 0 feet (requested); and to

B. (D) to increase the allowed height of a structure 50 feet or less from property in an SF-5 or more restrictive zoning district or on which a use permitted in an SF-5 or more restrictive zoning district is located from 2 stories and 30 feet (required) to 3 stories and 35 feet (requested)

in order to erect a multifamily structure in a "TOD-NP", Transit Oriented Development - Neighborhood Plan zoning district. (Highland)

**BOARD'S DECISION:** April 10, 2017 The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to May 8, 2017, Board Member Pim Mayo second on an 11-0 vote; POSTPONED TO MAY 8, 2017. MAY 8, 2017 the public hearing was closed on Board Member Brooke Bailey motion to postpone to June 12, 2017, Board Member James Valadez second on a 10-0 vote; POSTPONED TO JUNE 12, 2017.

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
  - (b) The hardship is not general to the area in which the property is located because:

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

  
Leane Heldenfels  
Executive Liaison

  
William Burkhardt  
Chairman

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A. (B) to decrease the required setback from a property in an urban family residence (SF-5) or more restrictive zoning district or on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 0 feet (requested); and to

B. (D) to increase the allowed height of a structure 50 feet or less from property in an SF-5 or more restrictive zoning district or on which a use permitted in an SF-5 or more restrictive zoning district is located from 2 stories and 30 feet (required) to 3 stories and 35 feet (requested)

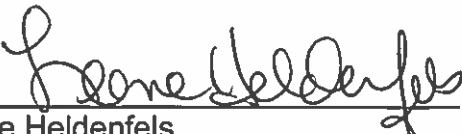
in order to erect a multifamily structure in a "TOD-NP", Transit Oriented Development - Neighborhood Plan zoning district. (Highland)

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**FINDING:**

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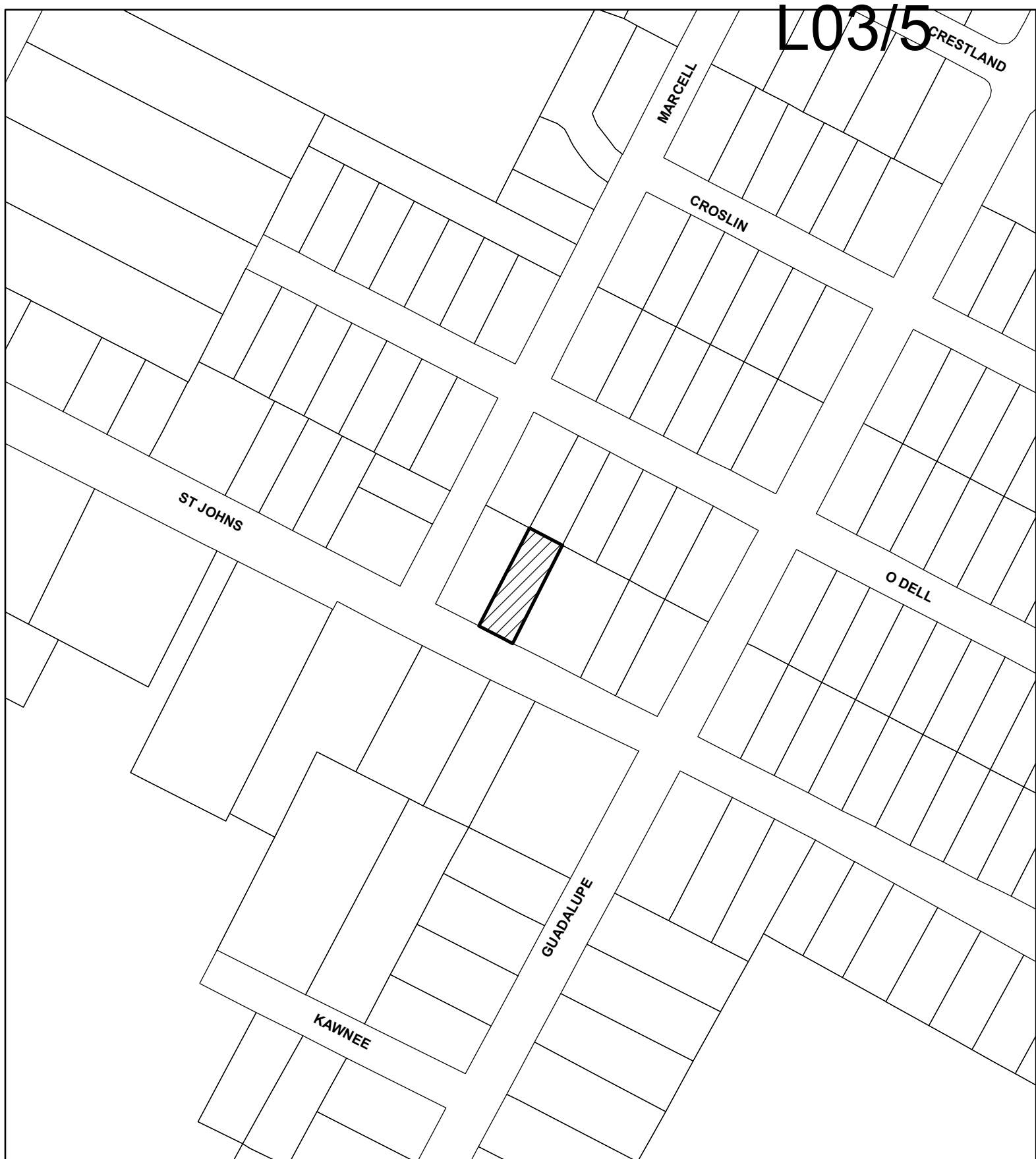
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
\_\_\_\_\_  
Leane Heldenfels  
Executive Liaison

  
\_\_\_\_\_  
William Burkhardt  
Chairman



L03/5



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2017-0016  
LOCATION: 608 W St. Johns Ave.



1" = 167'

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.



## 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

**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 # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 608 W St. Johns, LLC

Subdivision Legal Description:

LOT 8, BLOCK 13, SILVERTON HEIGHTS SECTION 2

Lot(s): 8 Block(s): 13

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: Live/Work, Lamar Blvd/Justin TOD

I/We Omer Bisen on behalf of myself/ourselves as  
authorized agent for 608 W. St. Johns, LLC affirm that on  
Month February, Day 9, 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: multifamily

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

1. Variance from side yard setbacks in 25-2-1062 (B).
2. Variance from height limitation in 25-2-1062 (C) and (D).

## 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:

Compatibility standards apply to all properties within the TOD District (TOD Regulating Plan 4.2.10). Compatibility standards for setbacks triggered by a property outside the TOD District shall not be waived (TOD Regulating Plan 4.3.2.B.3.b). The rear setback (affected by property outside the TOD) and front setback are in compliance. The applicant is seeking a compatibility waiver to the side yard setbacks and the height. Without a waiver, the only allowable use of the TOD Live/Work parcel is a single family residence or duplex. Live/Work has a minimum density requirement of 17 units/acre. This cannot be achieved due to compatibility restrictions.

### Hardship

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

The TOD zoned all three properties -- the Subject Property and the two adjacent properties that trigger compatibility -- as Live/Work which allows 35 feet of height. If a compatibility variance is not provided, then the rezoning of these three tracts within the TOD to Live/Work will serve no purpose and the intended residential densities will be prohibited.

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

A number of nearby parcels are similar in shape, being narrow lots with Live/Work zoning. Those with adjacent residential uses will face similar restrictions. The hardship creates an endless loop for these properties in the TOD which are zoned Live/Work: without the variance none of these properties can achieve the use that was planned. In addition, St. John's Avenue has been designated as a Pedestrian Priority Street within the TOD Regulating Plan.



## 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:

The owners of the properties adjacent to the Subject Property do not live in these houses; there is no homestead exemption for them. They are rentals and will likely be sold for redevelopment. Moreover, this variance would actually meet the purpose of the regulations by allowing the property to be redeveloped according to the TOD Regulating Plan.

## 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:

No parking variance is being sought by the Applicant.

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:

No parking variance is being sought by the Applicant.

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

No parking variance is being sought by the Applicant.

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

No parking variance is being sought by the Applicant.

### 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: 08/10/2016

Applicant Name (typed or printed): Omer Bisen, Member, 608 W St. Johns, LLC

Applicant Mailing Address: 13740 Research Blvd, Ste M5

City: Austin State: Texas Zip: 78750

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: 2/27/2017

Owner Name (typed or printed): Omer Bisen, Member, 608 W St. Johns, LLC

Owner Mailing Address: 13740 Research Blvd, Ste M5

City: Austin State: Texas Zip: 78750

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

### Section 6: Additional Space (if applicable)

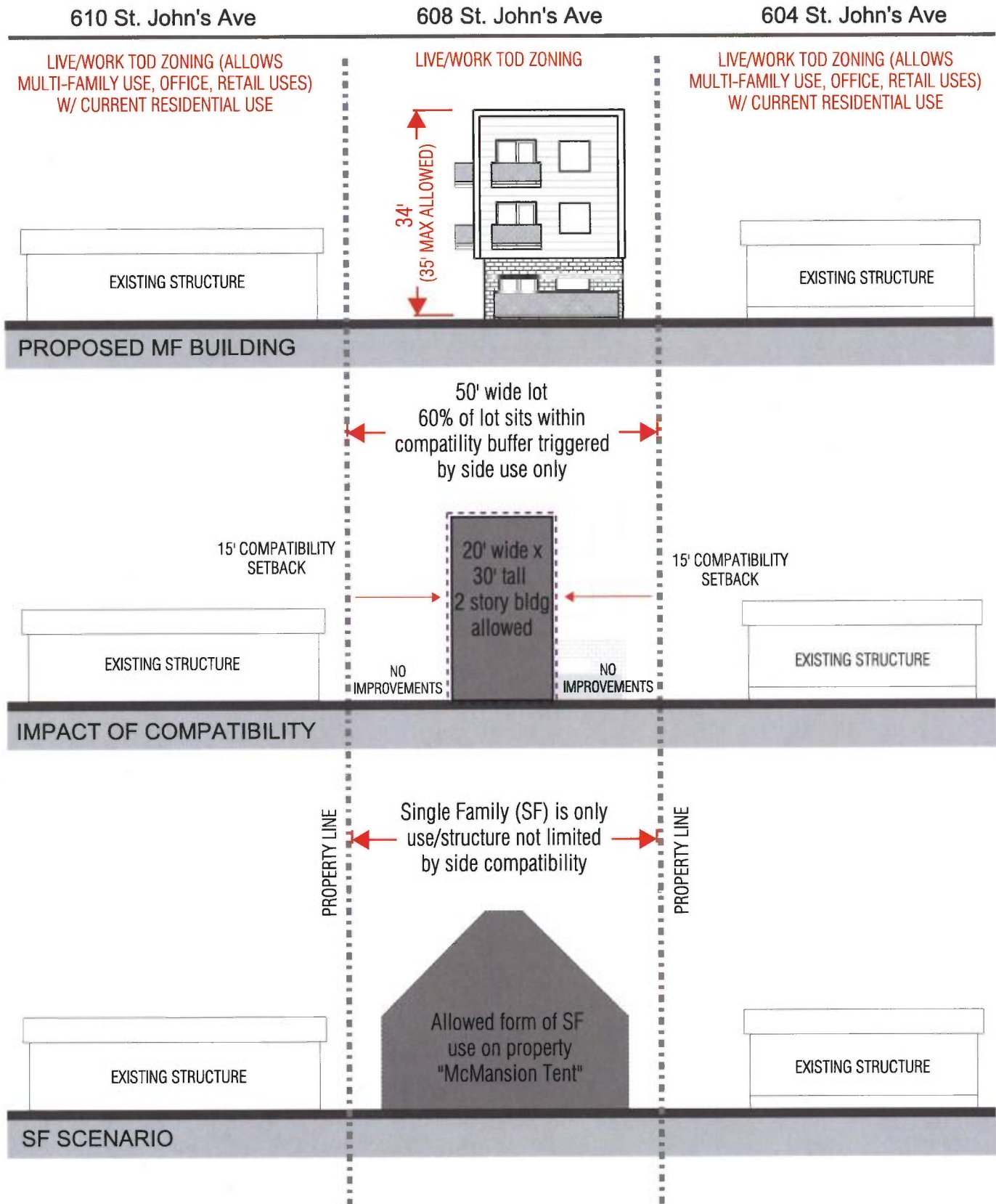
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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## COMPATIBILITY STUDY OF ST. JOHN'S LIVE/WORK PROPERTIES



TRV

2016091537

2 PGS

**General Warranty Deed**

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers and interest in real property before it is filed for record in the public records: you Social Security number or driver's license number.**

Date: June 10, 2016

Grantor(s): Mustafa Okandan

Concur Investments, LLC

Grantor's Mailing Address: 13740 Research Blvd. Ste:M5 Austin, TX 78750

Grantee: 608 W St. Johns, LLC

Grantee's Mailing Address: 13740 Research Blvd. Ste:M5 Austin, TX 78750

Consideration: Ten Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged.

Property (including any improvements):

Legal Description: **LOT 8 BLK 13 SILVERTON HEIGHTS SEC 2**

Property ID: 235197

Address: 608 W. St. Johns Avenue Austin, TX 78752

Reservations from Conveyance: None.

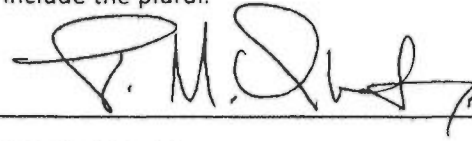
Exceptions to Conveyance and Warranty: Liens described as part of the Consideration and any other liens described in this deed is being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate that affects the property.

Grantors, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to the Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

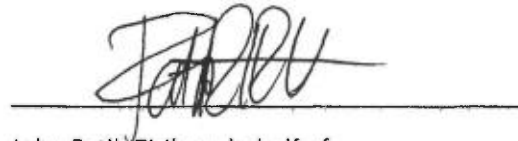
RETURN  
JOHN ZIRIH  
13740 RESEARCH BLVD STE M5  
AUSTIN TX 78750



When the context requires, singular nouns and pronouns include the plural.



Mustafa Okandan



John Fatih Zirih on behalf of  
ConcurInvestments, LLC

# ACKNOWLEDGEMENT

STATE OF TEXAS §

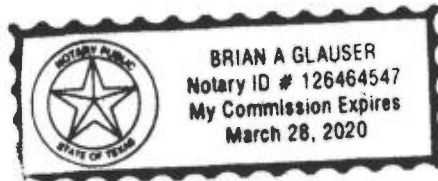
§

COUNTY OF Williamson §

This instrument was acknowledged before me on the 10 day of June, 2016 by Mustafa Okandan and John Fatih Zirih.



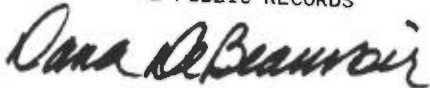
Notary Public, State of Texas



Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

## FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Jun 10, 2016 04:30 PM

2016091537

RODRIGUEZA: \$30.00

Dana DeBeauvoir, County Clerk  
Travis County TEXAS





TRV  
2 PGS

2016091537

L03/13

### General Warranty Deed

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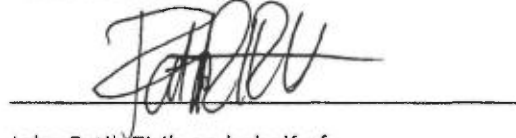
Grantors, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to the Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

RETURN  
JOHN ZIRIH  
13740 RESEARCH BLVD STE M5  
AUSTIN TX 78750

When the context requires, singular nouns and pronouns include the plural.



Mustafa Okandan



John Fatih Zirih on behalf of  
ConcurInvestments, LLC


### ACKNOWLEDGEMENT

STATE OF TEXAS §

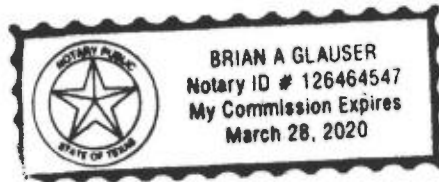
§

COUNTY OF Williamson §

This instrument was acknowledged before me on the 10 day of June, 2016 by Mustafa Okandan and John Fatih Zirih.



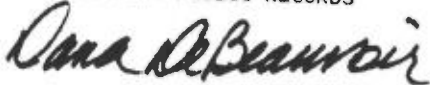
Notary Public, State of Texas



Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

### FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Jun 10, 2016 04:30 PM

2016091537

RODRIGUEZA: \$30.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS









City of Austin  
Zoning Map

This project is for informational purposes only and does not constitute a final decision. The City of Austin reserves the right to change the zoning map at any time without notice. The zoning map is subject to change without notice. The zoning map is subject to change without notice. The zoning map is subject to change without notice.

Overlay Districts

Pending Zoning Cases

0 470

Feet

940

1,410



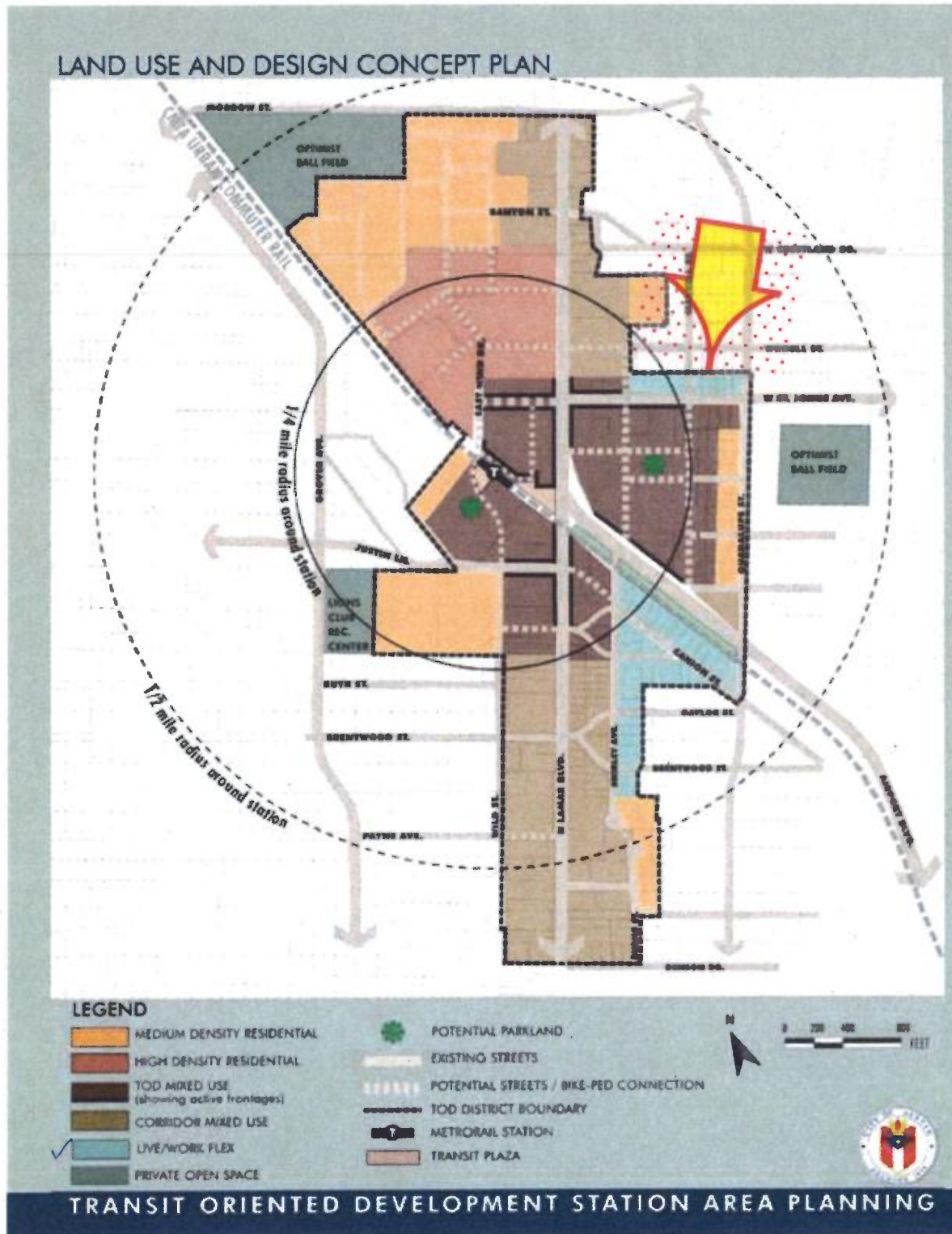
K28  
Date: 5/29/2015





Article 2: Land Use and Building Density  
 Section 2.3. Transit-Oriented Development Subdistricts  
 Subsection 2.3.9. Land Use Summary Table

Figure 2-1: Lamar/Justin Station Area Plan TOD Subdistricts





## 608 W St Johns

Write a description for your map.

Legend

608 W St Johns Ave

Marcell St

L03/18



400 ft

Guadalupe St

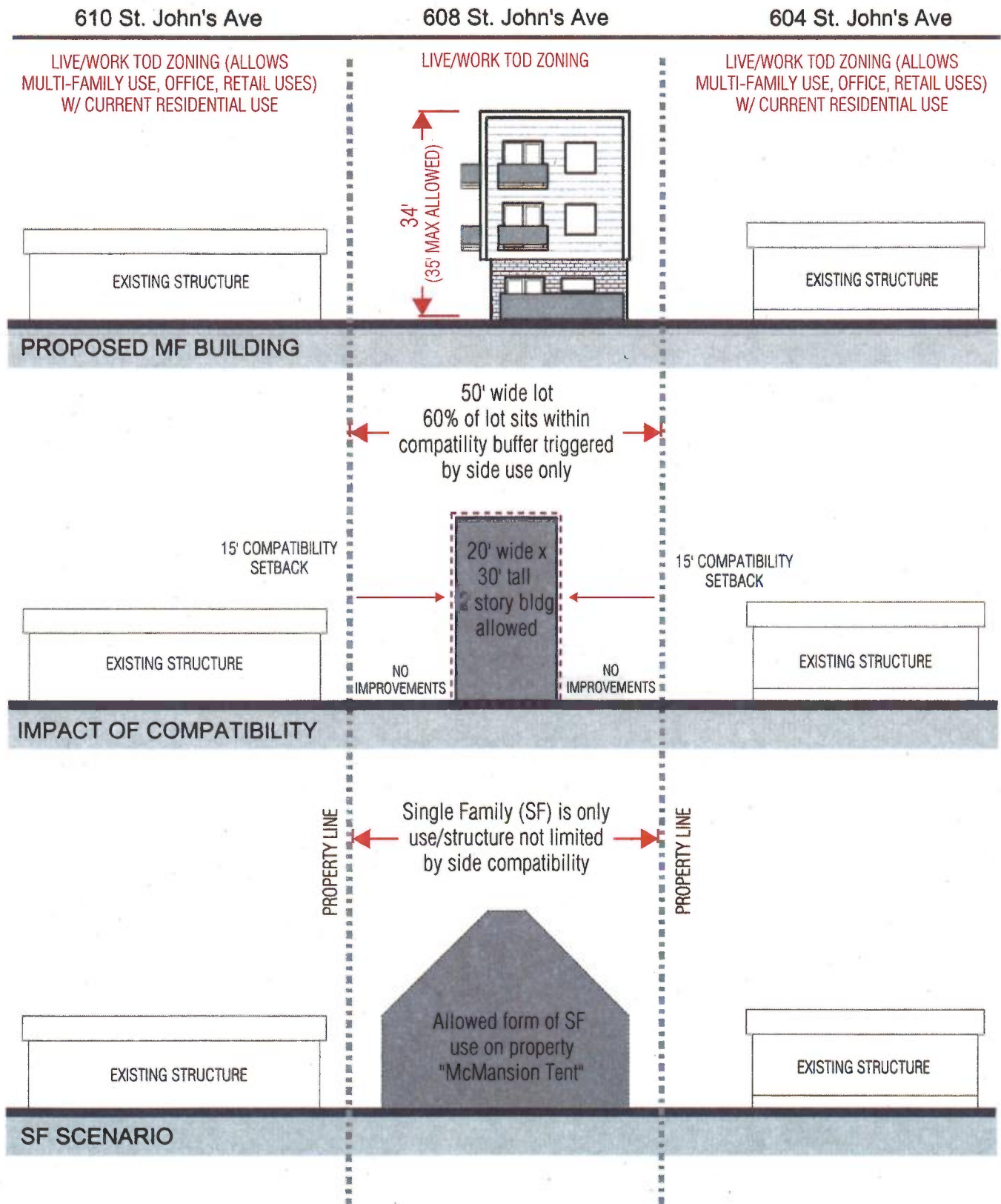
Kawnee Dr

Google earth

© 2016 Google

© SPOT IMAGE





## COMPATIBILITY STUDY OF ST. JOHN'S LIVE/WORK PROPERTIES

TAX CERTIFICATE  
Bruce Elfant  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

L03/20  
NO 2258005

ACCOUNT NUMBER: 02-3310-0711-0000

PROPERTY OWNER:

608 W ST JOHNS LLC  
13740 RESEARCH BLVD STE M5  
AUSTIN, TX 78750-1834

PROPERTY DESCRIPTION:

LOT 8 BLK 13 SILVERTON HEIGHTS SEC  
2

ACRES

.1644 MIN%

.000000000000 TYPE

SITUS INFORMATION: 608 W ST JOHNS AVE

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2016	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2016 \$5,124.93

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2016 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

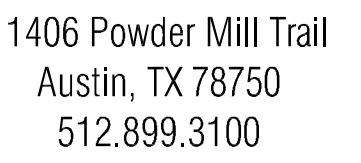
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 02/01/2017

Fee Paid: \$10.00

Bruce Elfant  
Tax Assessor-Collector

By: 





www.designopa.com

**Multi-family Housing**  
608 St. Johns Avenue, Austin, Texas

NOT FOR  
CONSTRUCTION

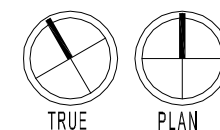
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JOB NO.:	201616
PHASE:	CD REVIEW
DRAWN:	LE
CHECKED:	djg
DATE:	03/27/2017

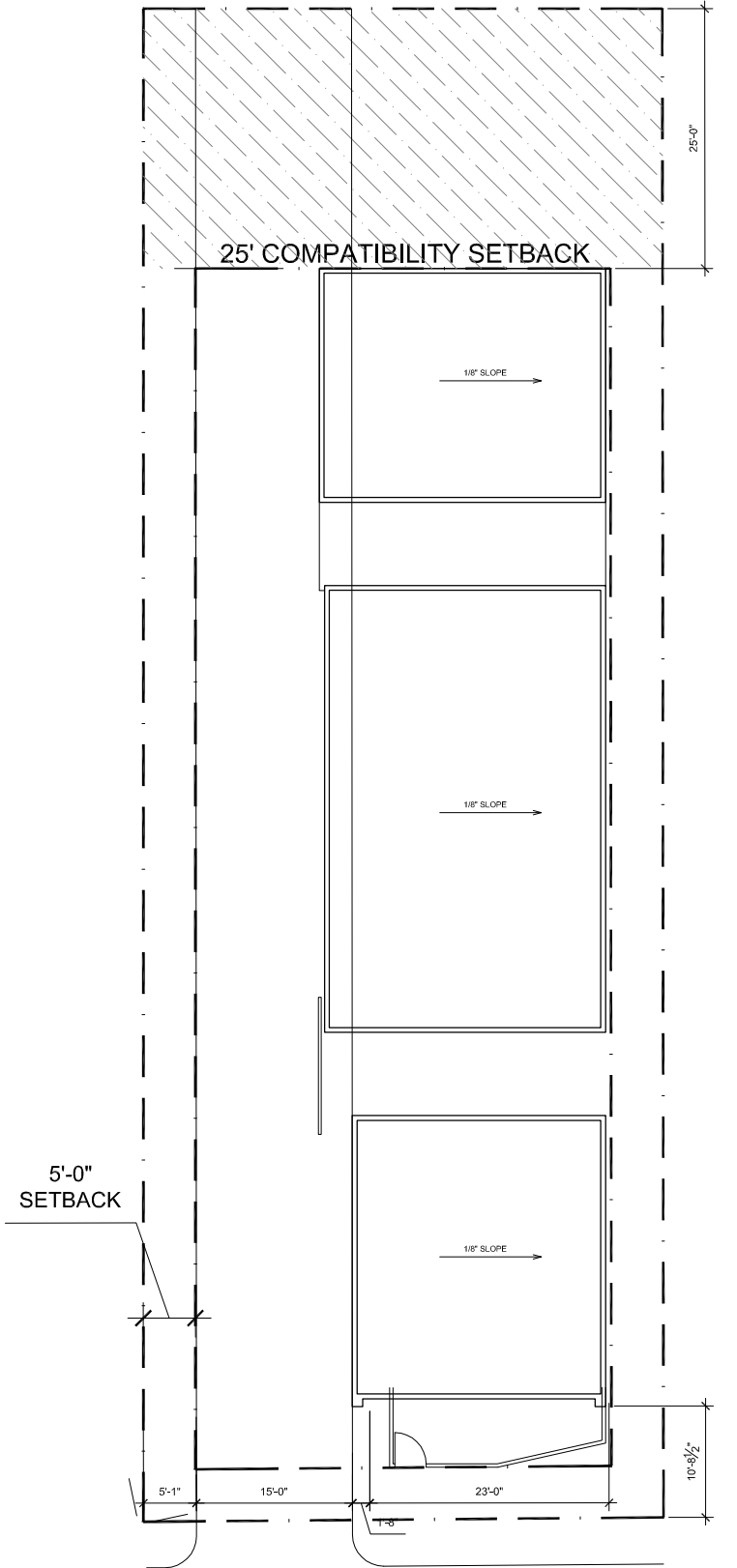
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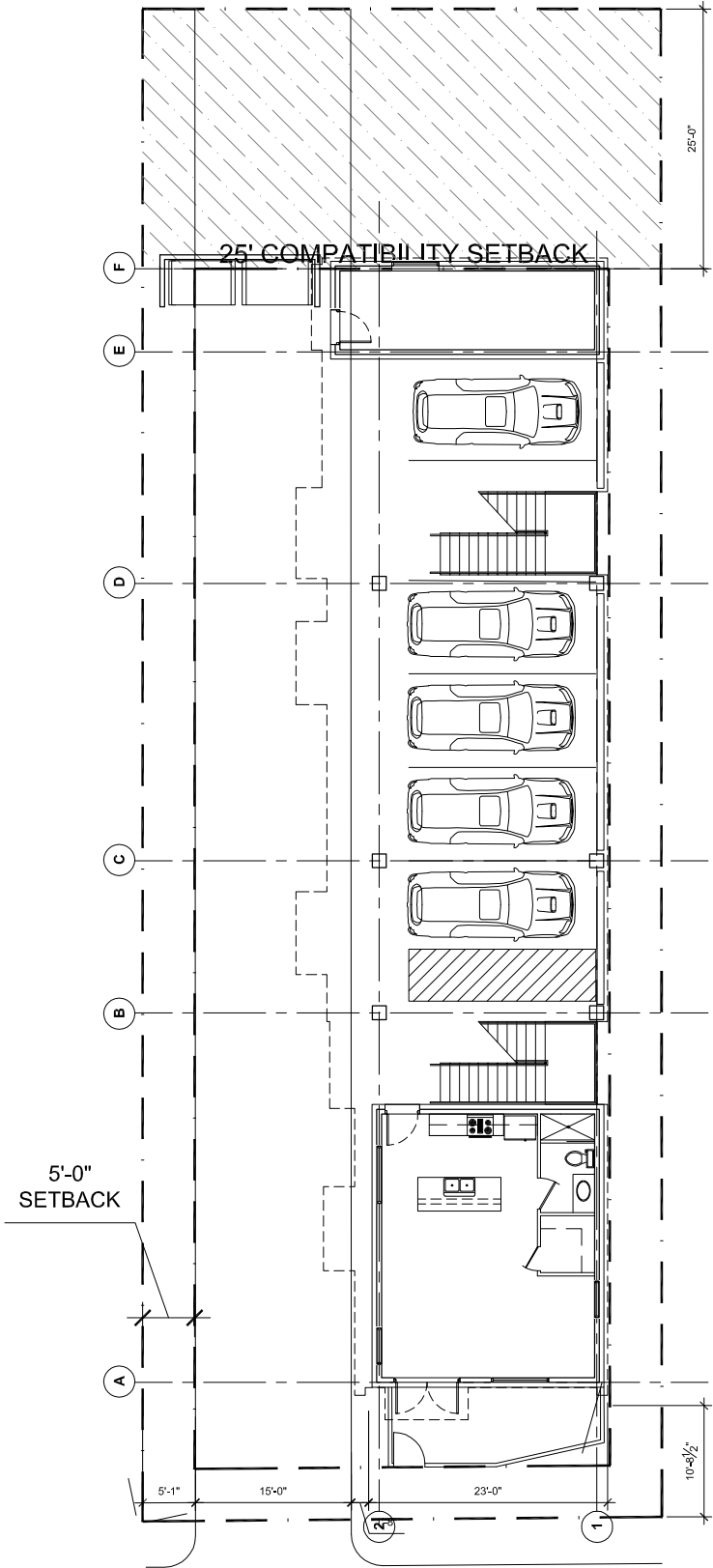
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SCALE : 1/8" = 1'-0"



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Plotted: November 15, 2016 - 3:38pm



2 | ROOF PLAN  
SCALE: 1/8" = 1'-0"  
TRUE PLAN



1 | SITE PLAN  
SCALE: 1/8" = 1'-0"  
TRUE PLAN

PARKING			
UNIT TYPE	SPACE(S)/ UNIT	# UNITS	SPACES REQ'D
Live/Work	1	1	1
One Bedroom	1.5	5	7.5
Two Bedrooms	2	1	2
			11
60% Reduction			6
Reduce 1 space for lockable bicycle parking			5
ZONING INFO			
Acres		0.1644	
Minimum # units per acre		17.0	
FAR		2:1	
Maximum Height (in feet)		35	
Front Setback (in feet)		0	
Side Setback (in feet)			
Rear Setback (in feet)		25	
Maximum Impervious Cover		95%	

11406 Powder Mill Trail  
Austin, TX 78750  
512.899.3100  
www.designopa.com

Multi-family Housing  
608 St. Johns Avenue, Austin, Texas

NOT FOR  
CONSTRUCTION

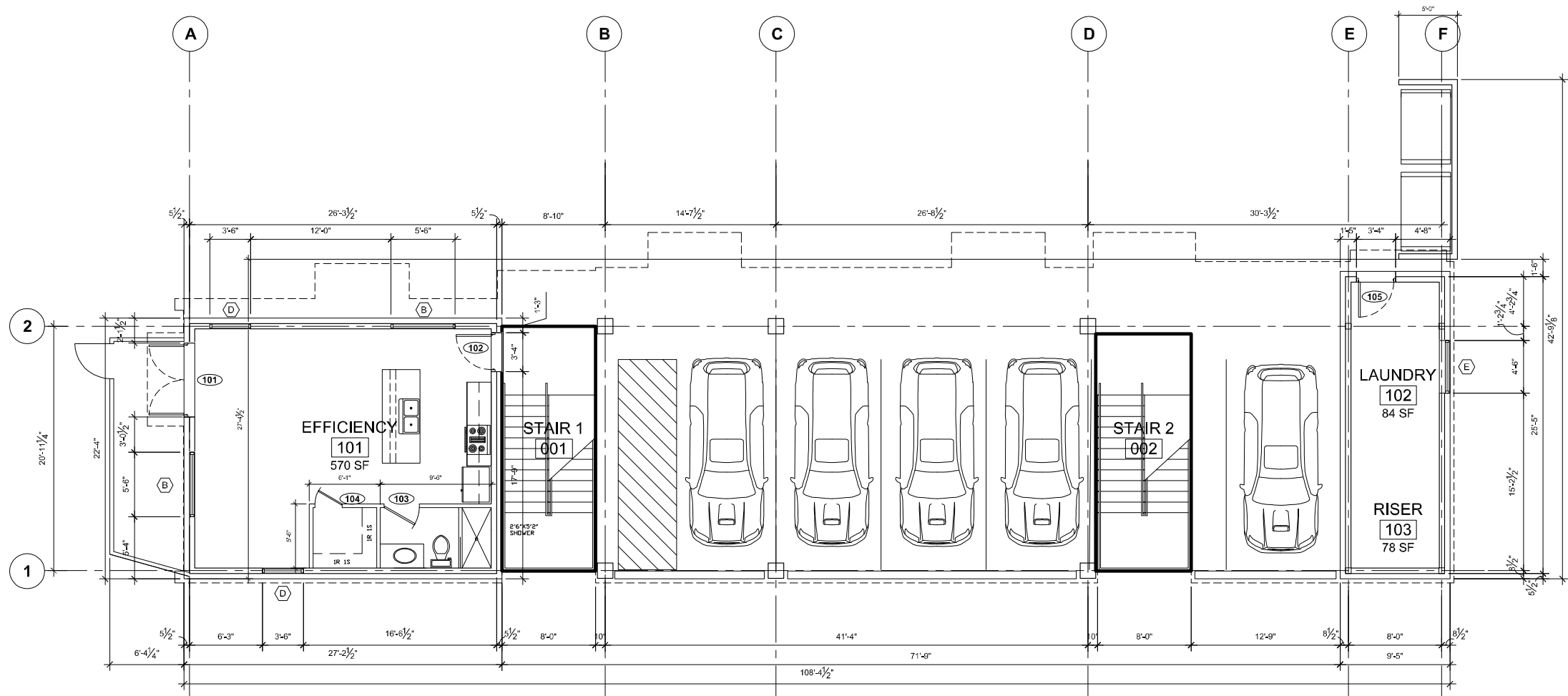
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JOB NO.:	201616
PHASE:	CD REVIEW
DRAWN:	LE
CHECKED:	dg
DATE:	11/15/2016

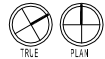
A100  
SITE PLAN



File Name: 201616\_A101.dwg  
File Path: Z:\OIPA ARCHITECTURE\2016\201616\_608StJohnsCAD\1  
Plotted: November 15, 2016 - 12:14pm



1 FIRST FLOOR PLAN  
SCALE : 3/16" = 1'-0"



REVISIONS		NO.	DATE	DESCRIPTION	BY

11406 Powder Mill Trail  
Austin, TX 78750  
512.899.3100  
www.designopa.com

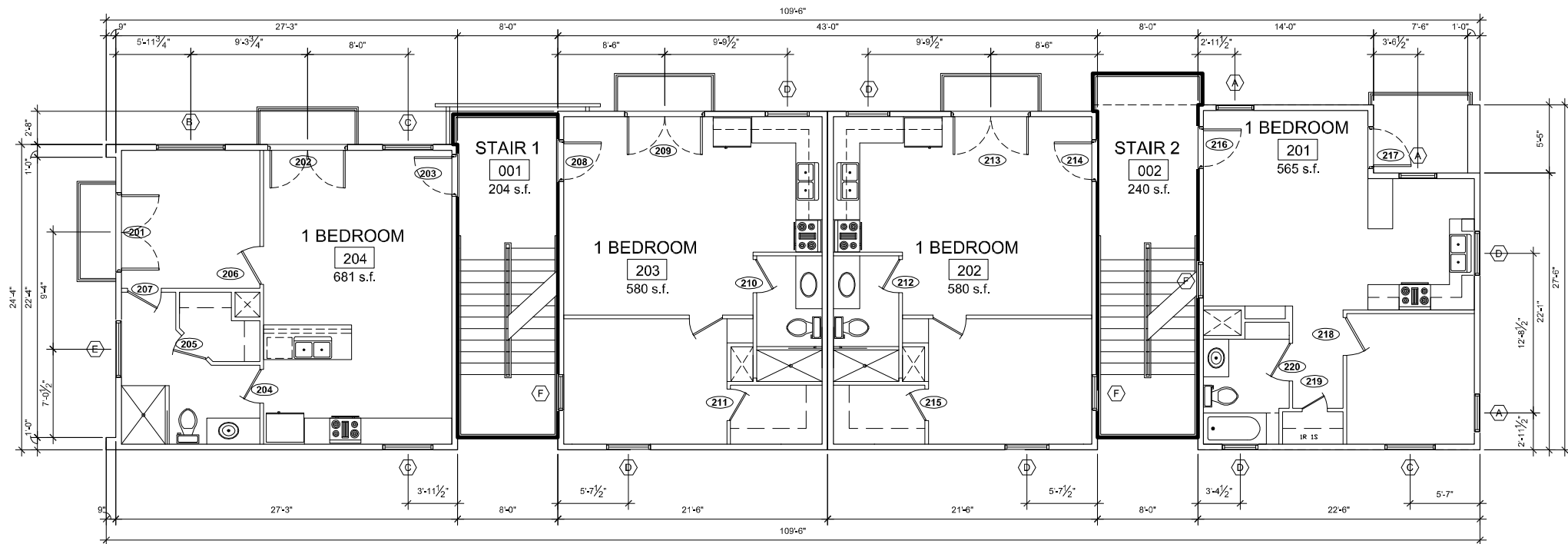
Multi-family Housing  
608 St. Johns Avenue, Austin, Texas

NOT FOR  
CONSTRUCTION

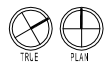
JOB NO.:	201616
PHASE:	CD REVIEW
DRAWN:	LE
CHECKED:	qg
DATE:	11/15/2016

A101  
FIRST FLOOR PLAN & RCP

File Name: 201616\_A101.dwg  
File Path: Z:\OIPA ARCHITECTURE\2016\201616\_608StJohnsCAD\  
Plotted: November 15, 2016 - 12:17pm



1 SECOND FLOOR PLAN  
SCALE : 3/16" = 1'-0"



L03/24

REVISIONS		NO.	DATE	DESCRIPTION	BY

11406 Powder Mill Trail  
Austin, TX 78750  
512.899.3100  
[www.designopa.com](http://www.designopa.com)

Multi-family Housing  
608 St. Johns Avenue, Austin, Texas

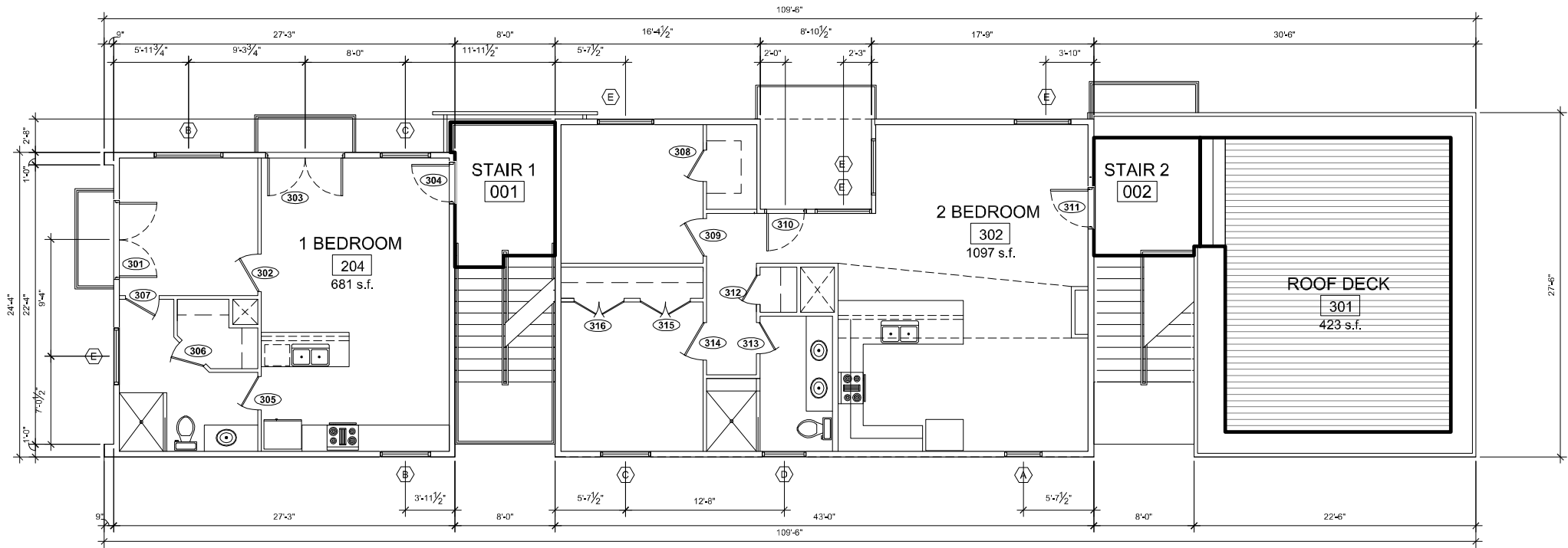
NOT FOR  
CONSTRUCTION

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JOB NO.:	201616
PHASE:	CD REVIEW
DRAWN:	LE
CHECKED:	dg
DATE:	11/15/2016

A102  
SECOND FLOOR PLAN & RCP

File Name: 201616\_A101.dwg  
File Path: Z:\OIPA ARCHITECTURE\2016\201616\_608StJohnsCAD\1  
Plotted: November 15, 2016 - 12:20pm



1 | THIRD FLOOR PLAN  
SCALE : 3/16" = 1'-0"  
TITLE PLAN

L03/25

REVISIONS		NO.	DATE	DESCRIPTION	BY

11406 Powder Mill Trail  
Austin, TX 78750  
512.899.3100  
www.designopa.com

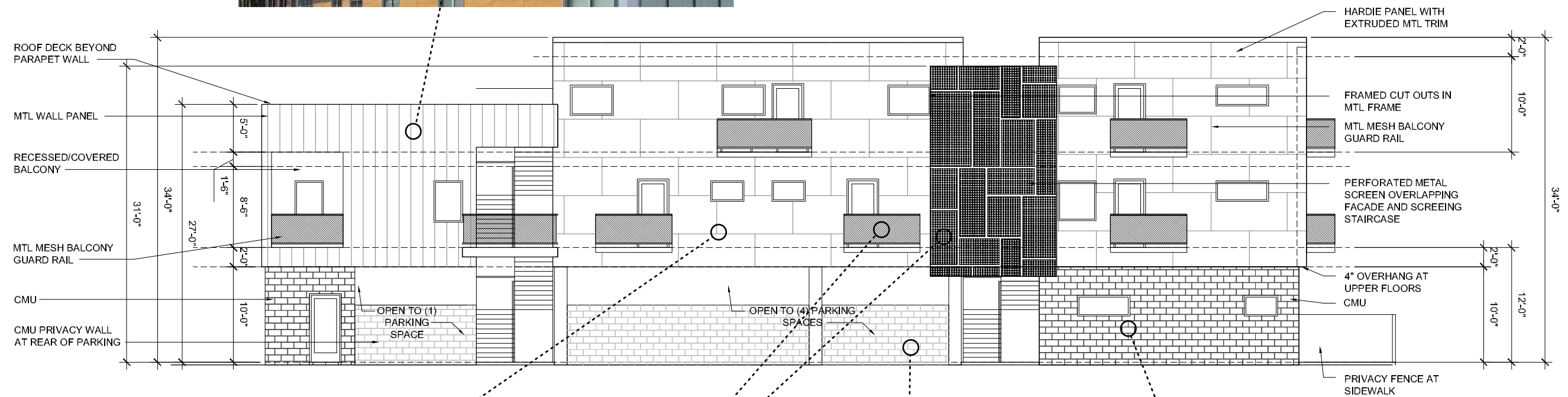
Multi-family Housing  
608 St. Johns Avenue, Austin, Texas

NOT FOR  
CONSTRUCTION

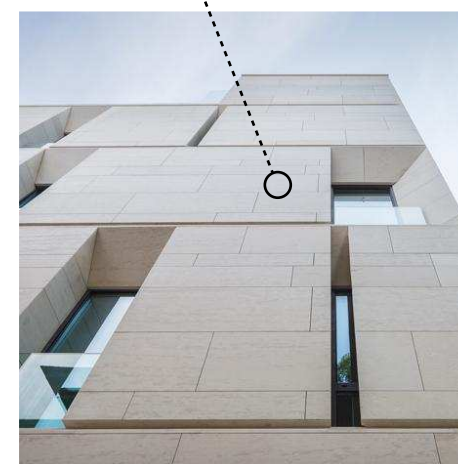
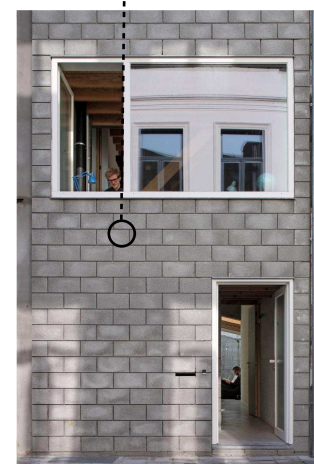
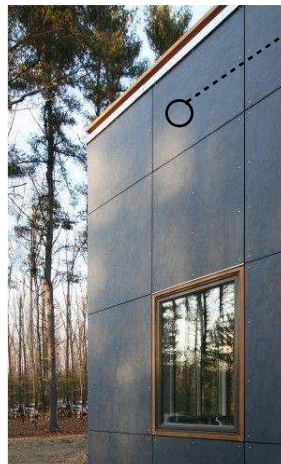
JOB NO.:	201616
PHASE:	CD REVIEW
DRAWN:	LE
CHECKED:	dg
DATE:	11/15/2016

A103  
THIRD FLOOR PLAN & RCP

# 608 St. Johns | MATERIALS CONCEPT BOARD

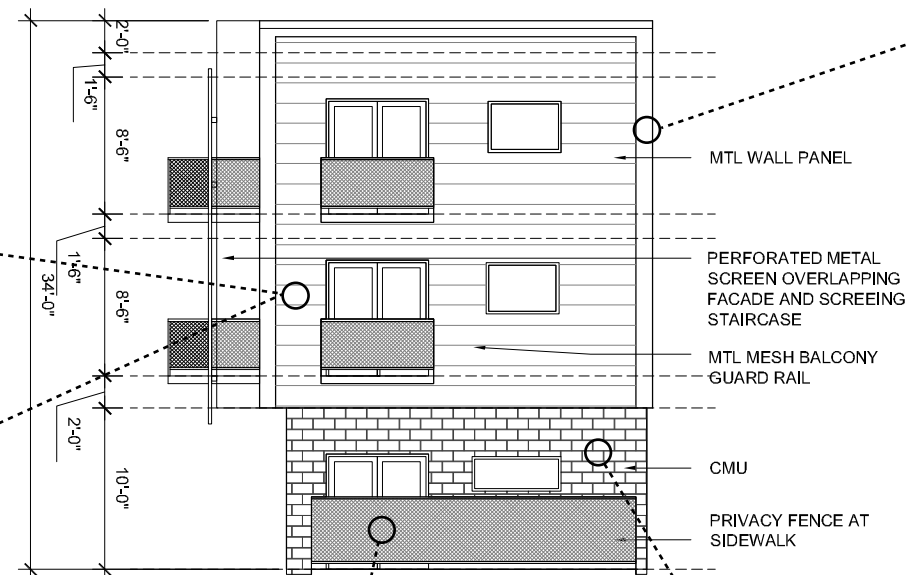
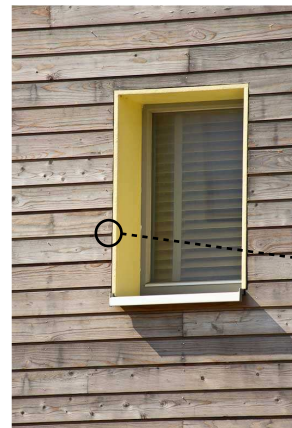


1 | WEST ELEVATION  
SCALE: 1/8" = 1'-0"

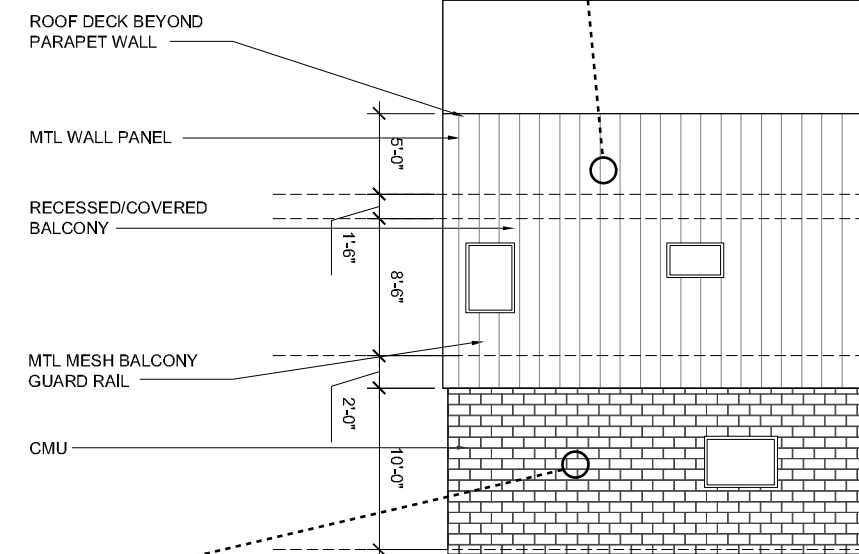




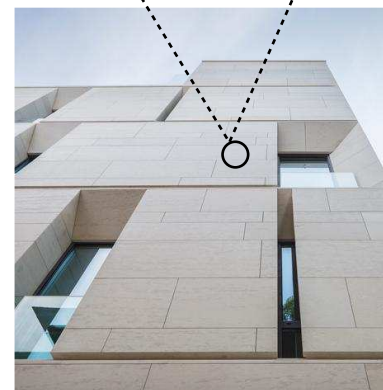
# 608 St. Johns | MATERIALS CONCEPT BOARD



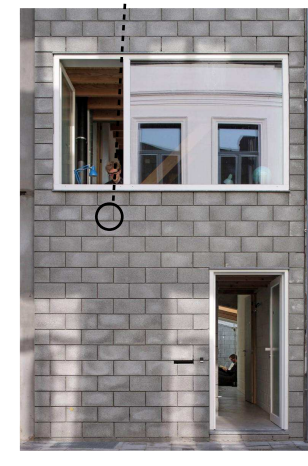
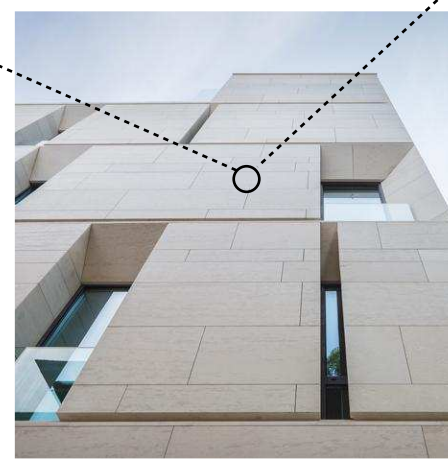
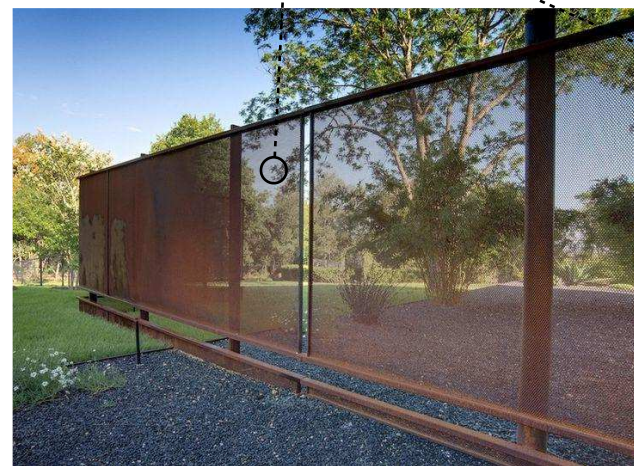
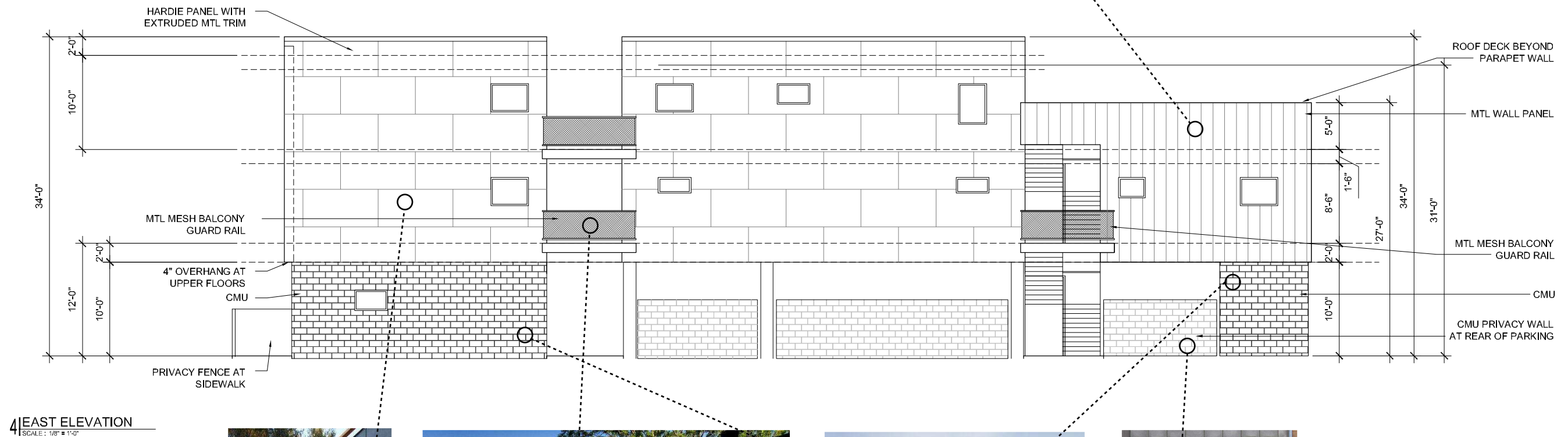
2 | SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



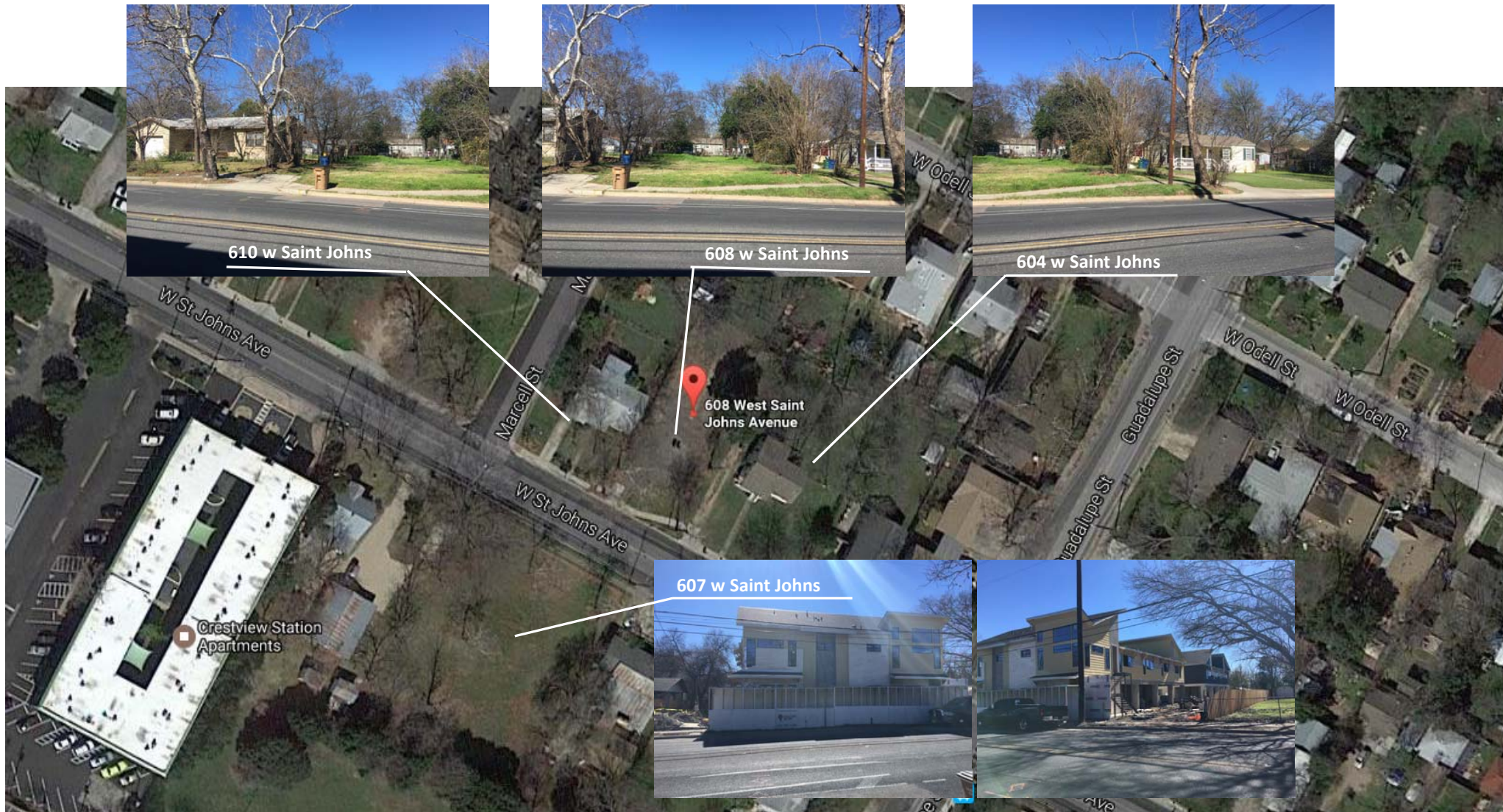
3 | NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



# 608 St. Johns | MATERIALS CONCEPT BOARD







## Highland

### St. Johns

St. John's is a very important land use issue in the Highland Neighborhood. Nearly all the lots on St. Johns were created for single-family uses. These properties have always been used as single-family homes and this condition still exists today.

St. John's has had a significant amount of traffic for some time. The last time that St. John's was analyzed it was determined to carry about 9,000 vehicle trips a day. The Highland neighborhood stakeholders believe that the traffic on St. Johns is increasing. Some of this is due to general increases in traffic in Austin, and some appears to be related to the closure of the Anderson Lane exit on IH-35. The neighborhood stakeholders are concerned that with this increasing amount of traffic, St. Johns is becoming incompatible with low-density single-family land uses. The stakeholders are further concerned that if low-density single-family is not viable, but it is the only land use that is allowed, properties will not be invested in, and they will deteriorate.

The vision for St. Johns is to encourage investment in the properties on the street by allowing some higher density residential uses that will be viable for the long term, while also ensuring that those uses are compatible with adjacent single-family homes. The plan also recommends small office uses at intersections, as well as a node of neighborhood serving retail.

#### *Townhouses and Condominiums*

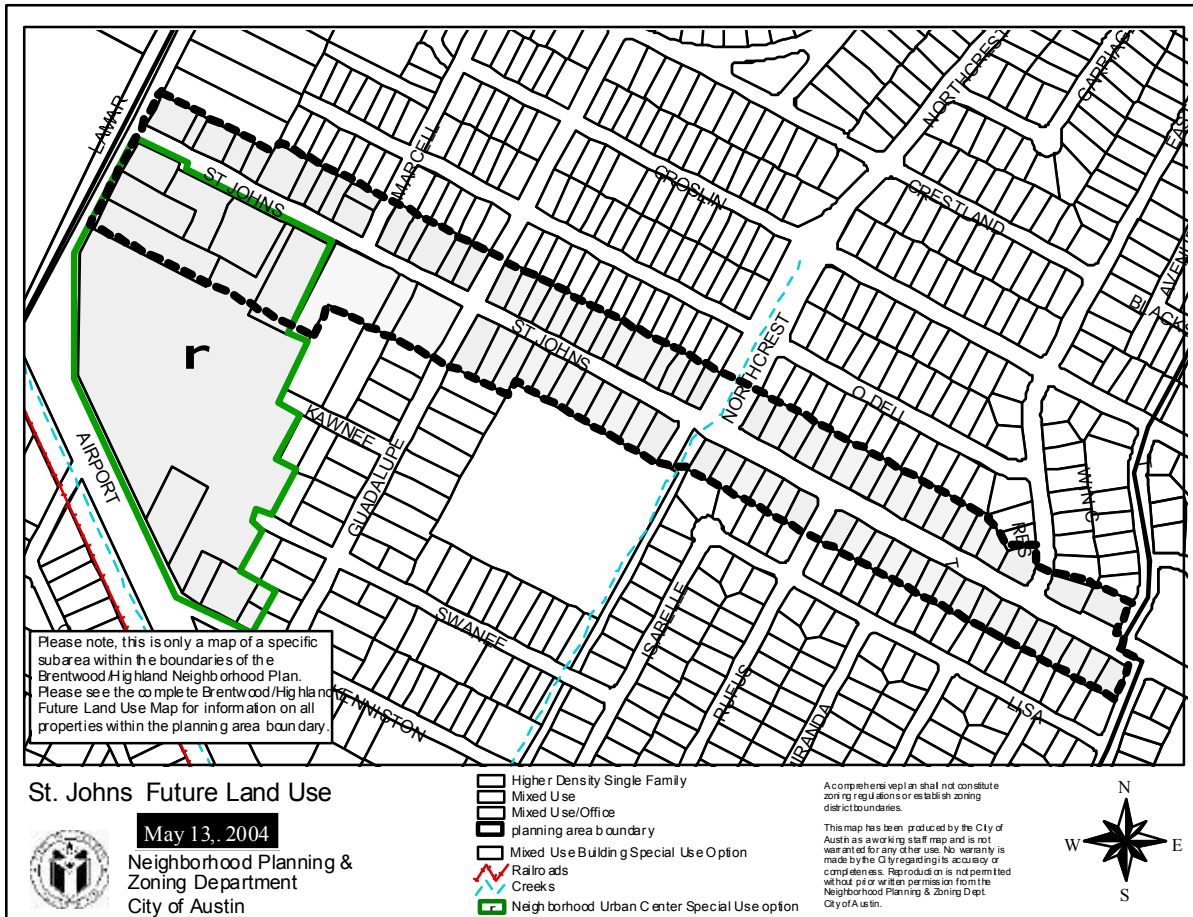
The Future Land Use Map designates all of the mid-block properties on St. Johns as High-Density Single Family. The desired land use for mid-block properties is for small-scale townhouses and condominiums



*This is an example of the type of townhouses that are desired on St. Johns.*



## Brentwood/Highland Combined Neighborhood Plan



**Brentwood/Highland Combined Neighborhood Plan****Guadalupe Mixed Residential Area**

The Guadalupe mixed-residential area is along Guadalupe between Kenniston and St. Johns, as well as the smaller streets off of Guadalupe, which include Kenniston, Swanee, and Kawnee. This area currently has a mix of single-family and multi-family uses. The existing single-family is primarily duplexes, and the existing multi-family is primarily small buildings with 3 or 4 units rather than large buildings or complexes. The vision for this area is to encourage re-development, a diversity of housing types, and residents that have diverse incomes, ages, and lifestyles. It is very important to stress that the plan recommends maintaining the existing character and scale of the area.

The Future Land Use Map designates this area as a mix of High-Density Single-Family and Multi-Family. However, the FLUM specifically attempts to prevent numerous adjoining multi-family properties in order to prevent the possibility of large apartment buildings and complexes. The plan also strongly suggests that new multi-family developments in this area follow the design guidelines for multi-family projects. These guidelines help ensure that multi-family developments will be consistent with adjacent single-family uses (Urban Design Objective 3, page 116).

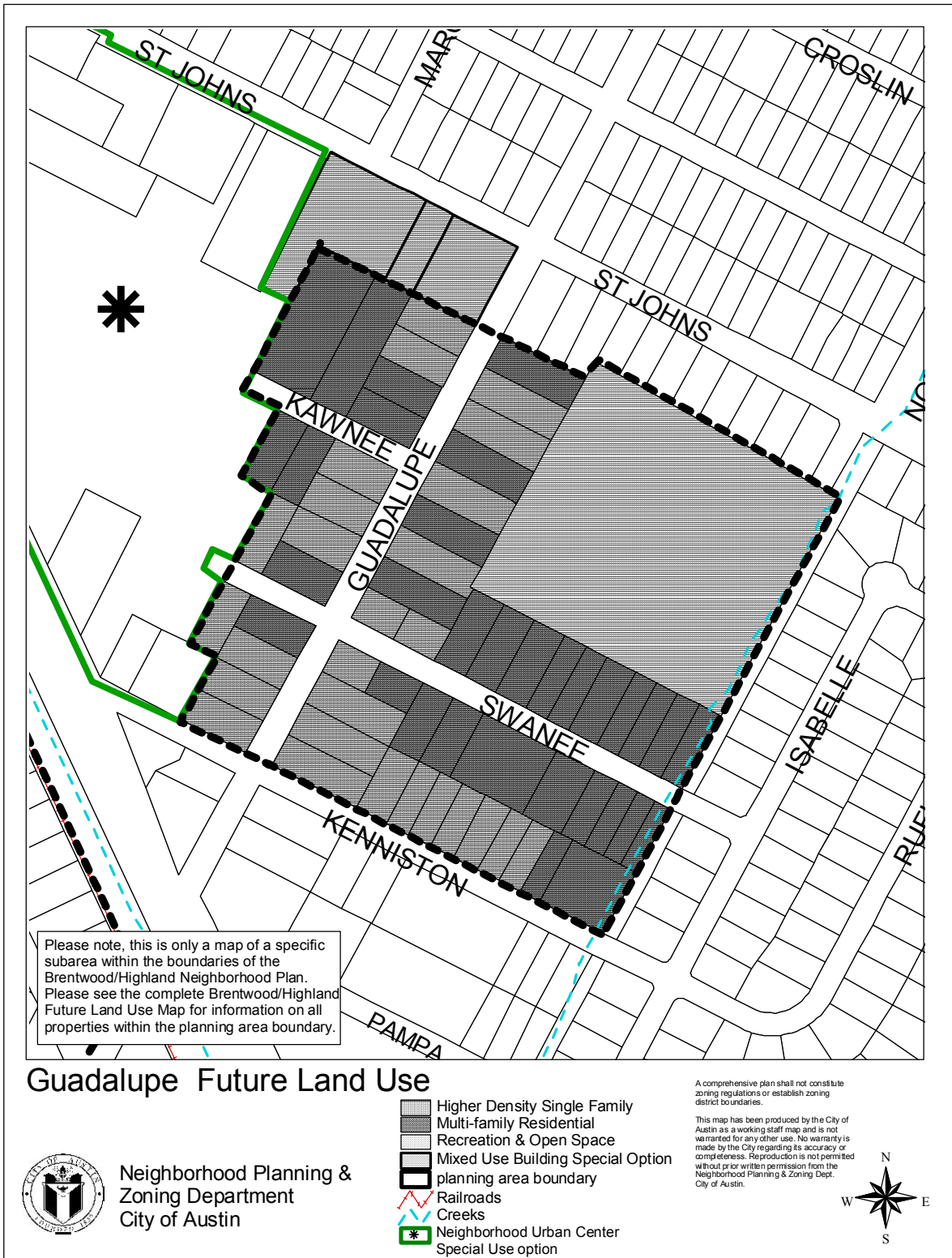


*This triplex is example of the type of small multi-family that currently exists in the area.*



*This recently constructed four-unit apartment building is an example of the type of small multi-family that is in keeping with the current scale and character of the area.*

## Brentwood/Highland Combined Neighborhood Plan





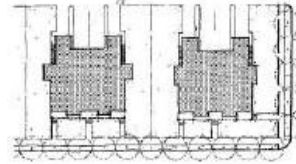
## Brentwood/Highland Combined Neighborhood Plan

**OBJECTIVE 3:** Redevelopment of multi-family residential projects should be compatible with adjacent single-family areas.

**Guideline 3.1:** Multi-family buildings less than 100 feet in width on any street facing side are more in keeping with the scale of the neighborhood. Building facades that express the interior organization of suites or structural bays relate better to the scale of single-family houses.



**Guideline 3.2:** Landscaped front yards with porches or balconies and a walkway connecting the building to the street sidewalk are neighborhood characteristics. Front doors and windows facing the street encourage neighborliness and enhance security by putting “eyes on the street”. Ground floor suites should have exterior doors facing the street.



**Guideline 3.3:** Multi-family developments in or facing a single-family area, should mirror scale and feel of homes.

**Guidelines 3.4:** Parking lots along the street detract from the pedestrian-oriented character of the neighborhood. Locate parking lots to the side or behind the building, or buffer the lot from street view by a fence or hedge, low enough to screen the cars but allowing visibility for security, helps to preserve the quality of the streetscape.



**Guideline 3.5:** Service areas for trash disposal, air conditioners, and utility meters are best located behind the building or screened from public view.



**From:** [Alex Papavasiliou](#)  
**To:** [Ramirez, Diana](#); [Heldenfels, Leane](#)  
**Subject:** Please support Agenda Item M-5 C15-2017-0016  
**Date:** Monday, April 10, 2017 11:03:59 AM  
**Attachments:** [brent-highland-np excerpts.pdf](#)

---

Diana and Leane, please forward the following remarks to the commissioners .

Commissioners,

The compatibility setback variance request is a sensible request and should be approved as proposed as there are multiple reasons to support the request; I will highlight three. The alternative is probably a duplex where each unit will be priced at \$500,000 or greater. Lastly, this is a small step to enhance the land use near one of the most visible red line stops.

- Compatibility setbacks have discouraged the achievement of stated goals in our Neighborhood Plan, please see excerpts from our Neighborhood Plan below (associated pages attached). Compatibility Setbacks also prohibit the realization of TOD zoning, thus what is the point of having a base zoning if it cannot be utilized?

- Land Use Goals of Brentwood/Highland NP (pg. 48)

- The neighborhood stakeholders are concerned that with this increasing amount of traffic, **St. Johns is becoming incompatible with low-density single-family land uses. The stakeholders are further concerned that if low-density single-family is not viable**, but it is the only land use that is allowed, properties will not be invested in, and they will deteriorate.
    - **The vision for St. Johns is to encourage investment in the properties on the street by allowing some higher density residential uses that will be viable for the long term**, while also ensuring that those uses are compatible with adjacent single-family homes.
    - **The Future Land Use Map designates all of the mid-block properties on St. Johns as High-Density Single Family. The desired land use for mid-block properties is for small scale townhouses and condominiums**

- Compatibility setbacks force property owners to pursue larger projects by

acquiring lots that have a less intensive use but have a more intensive zoning. This leads to larger scale projects, which is counter to the Neighborhood Plan goals. This explicitly called out on page 54 for the area immediately adjacent to St. Johns, but the goal is still applicable.

- The area immediately south of St Johns, the Guadalupe Mixed Residential Area (pg. 54) states:
  - The vision for this area is to encourage re-development, a diversity of housing types, and residents that have diverse incomes, ages, and lifestyles. It is very important to stress that the plan recommends maintaining the existing character and scale of the area.
  - ***the FLUM specifically attempts to prevent numerous adjoining multi-family properties in order to prevent the possibility of large apartment buildings and complexes.***
- Lastly, the proposed design is in keep in of Urban Design Objective 3 (pg. 123)
  - **OBJECTIVE 3:** Redevelopment of multi-family residential projects should be compatible with adjacent single-family areas.
    - **Guideline 3.1:** Multi-family buildings less than 100 feet in width on any street facing side are more in keeping with the scale of the neighborhood. Building facades that express the interior organization of suites or structural bays relate better to the scale of single-family houses.
    - **Guideline 3.2:** Landscaped front yards with porches or balconies and a walkway connecting the building to the street sidewalk are neighborhood characteristics. Front doors and windows facing the street encourage neighborliness and enhance security by putting “eyes on the street”. Ground floor suites should have exterior doors facing the street.
    - **Guideline 3.3:** Multi-family developments in or facing a single-family area, should mirror scale and feel of homes.

Many thanks for your service.

--

Alex Papavasiliou  
512.791.0823



## PUBLIC HEARING INFORMATION

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

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

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

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

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices)

Written comments must be submitted to the contact person listed on the board or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

**Case Number:** C15-2017-0016, 608 W. St. Johns

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, April 10th, 2017

Darien Clary

Your Name (please print)

617 W. Odell Street

Your address(es) affected by this application

[Signature]

Signature

April 10, 2017

Date

Daytime Telephone: 512-507-1565

Comments: I have great concern for the variance requested. Extra units in the 3rd story requested by the developer will make very little impact on achieving TOD goals, yet will negatively affect us permanent residents (voters & homeowners) whose properties share a fence line with any of the TOD lots along St. Johns; loss of privacy w/ balconies & windows looking over our private property, loss of sky view, security lights shining onto properties, etc. The design is in no way compatible w/ the aesthetic of the neighborhood - it is a large box that serves to isolate future residents rather than integrate them into the fabric of our community. Additional units will exacerbate traffic congestion on the overburdened 2-lane street. Also, the variance request for a 0-ft setback is in direct opposition to the City's goals to mitigate the urban heat island effect, as there will be no place for trees to shade the street. Also, how is a street w/ no trees pedestrian friendly? This contradicts the TOD goal. Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:

**Mail:** City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed. prior to the hearing to be received timely)

**Fax:** (512) 974-6305

**Email:** [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

L03/37

## PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2017-0016, 608 W. St. Johns

Contact: Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

Public Hearing: Board of Adjustment, April 10th, 2017

KAREN H. CLARY  
Your Name (please print)

☐ I am in favor  
☒ I object!

617 W. O'Dell

Your address(es) affected by this application

Karen H. Clary  
Signature

Date

Daytime Telephone: 512-852-0853

Comments: OBJECTION: A 3 story apartment building built on a single family sized lot is not a compatible use for this block. IT WOULD DESTROY THE QUALITY OF LIFE FOR the adjoining households and lower real estate values for owners of single family homes, especially an O'Dell where we live. Our quality of life matters, too!

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed. prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

L03/38

## PUBLIC HEARING INFORMATION

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- is the record owner of property within 500 feet of the subject property or proposed development; or
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**Case Number:** C15-2017-0016, 608 W. St. Johns

**Contact:** Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, April 10th, 2017

James H. Clary  
Your Name (please print)

617 W. Odell

Your address(es) affected by this application

James H. Clary 4/7/2017  
Signature Date

Daytime Telephone: 210-241-7771

Comments: Approval of this request would set a dangerous precedent for the adjacent surrounding single family residential neighborhood. It would continue the degradation of quality of life of permanent residents (voters) and only support those transient tenants & developers (non-voters) at the expense of a neighborhood environment & quality of life.

Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:

**Mail:** City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed. prior to the hearing to be received timely)

**Fax:** (512) 974-6305

**Email:** [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

L03/39

**From:** [kirsten.sorensen](#)  
**To:** [Heldenfels, Leane](#)  
**Subject:** Concerns Regarding Construction on 608 W Saint Johns Ave  
**Date:** Friday, April 07, 2017 5:41:58 PM

---

Hi Leane,

I live at 610 W Saint Johns Ave, right next door to the proposed construction at 608 W Saint Johns Ave, C15-2017-0016. I rent next door, and have plans to stay there long term per our agreement with our landlord, unless the development in the neighborhood continue to the point that living there will feel unsustainable.

I have a lot of concerns regarding the proposed construction, that I'll try to lay out here as best I can.

- 7 units with 5 parking spaces means that everyone will park on Marcell street, which is the my house borders. There is already an excess of parking on that street, as it's the only side street between Lamar and Guadalupe, and it draws traffic from the light rail, small businesses on Saint Johns, as well as the Buddhist center across the street. Due to the bicycle lane on Saint Johns, there is no street parking available elsewhere, including on Guadalupe. A 10 unit condo is in development right across the street, which I am certain will add to an already limited parking situation.
- The entire block is residential, single story homes. A 3-story unit next door will severely limit our privacy, and since our bedroom faces that lot, I have a lot of concerns about noise due to the inevitable comings and goings of however many people will live in those units. It also appears that the drive would be right next to our bedroom window, if the current curb cut is any indication. I also worry about security with the potential high turnover of residents, if they are apartments and not condos.
- We have full sunlight in our back yard, which I currently use in order for a backyard vegetable garden plot that adds significantly to our household food consumption. I've been growing from this garden for three years. Most food plants that grow in Texas require full sunlight. A 3-story unit next door will completely block our available sunlight, which will inhibit our ability to continue to do so.

I appreciate attention to these concerns, and hope that it will be considered when taking into account whether or not to grant the variance requested.

Regards,

Kirsten Sorensen



**From:** [Carrie Thompson](#)  
**To:** [Heldenfels, Leane](#)  
**Subject:** Case #C15-2017-0016 (W St. Johns)  
**Date:** Friday, April 07, 2017 12:19:46 PM

---

Hello, Ms. Heldenfels,

I appreciate the opportunity to comment and hope that my concerns about this requested variance will be heard and respected by the Board.

I am a homeowner on W Odell Street, the street behind St. Johns (my property backs up to a home on St. Johns).

I was not informed about St. Johns being designated TOD when I bought the home in 2014, and only later even learned what the TOD designation could mean for me down the line. I've been very worried about what would happen to my quality of life and property values if the lot behind me were to turn into a two-story multi-use building or restaurant, etc.

So, you can imagine my concern to hear that the City is considering allowing THREE story buildings!

I heartily object to this proposed variance. Though I will only be indirectly affected by this specific site, the precedent would undoubtedly affect me at some point. We are already concerned about the potential issues caused by the two-story buildings likely to go in, which will eliminate the privacy we sought in buying our homes with large back yards. But a third story overlooking my yard and small 1947 house, would make my back yard and home feel like a scary place. As a single woman, living in a high-crime neighborhood, I already feel unsafe much of the time.

Please consider the quality of life in this struggling neighborhood and help us to make it a place that people are proud to live and where they can feel secure in their ownership. Please say "no" to this requested variance.

We, in Highland, feel disproportionately neglected by the City and ask that this be a step in changing that.

Thank you for your service and consideration,  
Carrie Thompson  
619 W Odell Street (Highland Neighborhood)  
512-645-5533

## PUBLIC HEARING INFORMATION

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**Case Number:** C15-2017-0016, 608 W. St. Johns

**Contact:** Leane Heldenfels, 512-974-2202, [lean.heldenfels@austintexas.gov](mailto:lean.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, April 10th, 2017

Rosalio T. Chapa

Your Name (please print)

624 O'Dell St

Your address(es) affected by this application

Rosalio T Chapa

Signature

Date

4-3-17

Daytime Telephone: 512-4526389

Comments:

**Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:**

**Mail:** City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088  
(Note: mailed comments must be postmarked by the Wed. prior to the hearing to be received timely)

**Fax:** (512) 974-6305

**Email:** [lean.heldenfels@austintexas.gov](mailto:lean.heldenfels@austintexas.gov)

L03/42

## PUBLIC HEARING INFORMATION

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**Case Number: C15-2017-0016, 608 W. St. Johns**

**Contact: Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)**

**Public Hearing: Board of Adjustment, April 10th, 2017**

R.T. + Nickie CHAPA

Your Name (please print)

622 W O'Dell st

Your address(es) affected by this application

R.T. Chapa Nickie Chapa 4-3-17

Signature

Date

Daytime Telephone: 512-452-6389

Comments:

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**Mail:** City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

L03/43

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**Case Number: C15-2017-0016, 608 W. St. Johns**

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

*Robert Russin*

Your Name (please print)

*620 West Odell St Austin 78752*

Your address(es) affected by this application

*Robert F. Russin*

Signature

Date

Daytime Telephone: *512-422-9785*

Comments: *The proposal is for 3 stories. That is too high. Other buildings/homes are only 1 story. People will be taking into neighbors' yards. Much less privacy. Also increased traffic on St. Johns + around the neighborhood. Limit the height + parking.*

**Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:**

**Mail:** City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed. prior to the hearing to be received timely)

**Fax:** (512) 974-6305

**Email:** [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

L03/44



## PUBLIC HEARING INFORMATION

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**Case Number: C15-2017-0016, 608 W. St. Johns**

**Contact:** Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

*Mary Valente*

Your Name (please print)

*620 West O'Dell St. Austin 78552*

Your address(es) affected by this application

*4/3/2017*

Signature

Date

Daytime Telephone: *512-422-9319*

Comments: *The plan is not in keeping with the rest of the neighborhood. At 3 stories high residents of the building will be looking down into the yards of all surrounding homes, this is a privacy intrusion. If more buildings of this design - all the way to the sidewalk, it will eventually create a wind tunnel effect. Also will tend to increase congestion on St. John's and surrounding streets with more cars.*

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Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088

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**Fax:** (512) 974-6305

**Email:** [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

L03/45

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**Case Number: C15-2017-0019, 304 W. Milton St.**

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

CAROLINE CHAMBERLAIN

*Your Name (please print)*

1512 EVA ST AUSTIN TX 78704

*Your address(es) affected by this application*

Leane T. Chamberlain 4-4-2017

*Signature*

*Date*

Daytime Telephone: (512) 815-0021

Comments: Whoever built out the 2nd floor space

illegally did so with the knowledge that they were  
violating the original variance request. The lot  
is simply too small to accommodate the current  
square footage and so I oppose granting a new  
variance. Please require the owners to return the  
house to the size/configuration allowed in the  
original 2014 variance. Thank you!

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**Mail:** City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

L03/46

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**Case Number: C15-2017-0019, 304 W. Milton St.**

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

GARZA DAVID TRIPPE / Nan A. Broussard  
Your Name (please print)

☐ I am in favor  
☒ I object

401 W MONROE ST. 78704

Your address(es) affected by this application

David Trippe Garza / [Signature]  
Signed

4/3/2017

Date

Daytime Telephone: 512-442-6262

Comments: *APPEALED to further congestion to an already overly congested neighborhood. Further limitations to lot size encourages congestion and the illegal actions that resulted in the problem of 304. They should be made to follow the rules that are designed to protect the integrity of the neighborhood. Especially as they do not live in the structure and do not suffer from their illegal building but protected from the violation only 2 years ago. In addition they were paying only 1/2 the taxes. Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be sent via: the property owner and no hotel takes on their short term rental. We will eventually object.*

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

L03/47

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**Case Number: C15-2017-0016, 608 W. St. Johns**

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

*Leane Heldenfels*

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Your Name (please print)

609 Wodebell St Austin TX 78714

Your address(es) affected by this application

*Leane Heldenfels*

4/8/17

Signature

Date

Daytime Telephone: 512 905 2146

Comments: *See Attachment*

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**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

L03/48



The requested variance for 608 W St Johns Ave is not in keeping with the intent of the TOD Live/Work NP zoning because: see (p. 5 & 6 of application-Hardship & Area Character)

1. The individual small lot sizes are only amenable to duplex development or small secondary dwellings, not more than SF3. The "hardship" the developers argue "should be specific to the property for which the variance is being requested," and their argument is not.

The TOD Live/Work NP zoning is only for the north side of the 600 and 700 block of W St Johns Ave, and these lots all back up to single family or duplex housing that is not included in the TOD zoning change. Currently, there is not even a single two story building located on any lot on the north side of St Johns Ave. from Guadalupe St to Lamar Blvd.

2. Area Character: Their argument that a 3 story, 7 unit apartment building with only 5 parking spaces "will not alter the character of the area adjacent to the property" and "will not impair the purpose of regulations of the zoning district in which the property is located" is invalid.

As owners or utility account holders within 500 ft. of 608 W St Johns Ave., we do not agree that the area character is not impaired by the proposed plan which is not consistent with the Live/Work Flex TOD Intent as outlined in Articles 3 and 4. This area is also zoned a Pedestrian Priority Street and Marcel St is the only side street between Lamar and Guadalupe. Already, Marcel St serves as a major pedestrian connection from all the housing north of W St Johns Ave.

Allowing the requested variance would establish an incompatible precedent for all future development of this 2 block Live/Work Flex TOD zone.

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**Case Number: C15-2017-0016, 608 W. St. Johns**

**Contact:** Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

*Billy Joe Harvard*

Your Name (please print)

*605 West Odell St*

Your address(es) affected by this application

*Billy Joe Harvard*

Signature

*4 B-17*

Date

Daytime Telephone:

Comments: *See Attachment*

**Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:**

**Mail:** City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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**Fax:** (512) 974-6305

**Email:** [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

L03/50

The requested variance for 608 W St Johns Ave is not in keeping with the intent of the TOD Live/Work NP zoning because: see (p. 5 & 6 of application-Hardship & Area Character)

1. The individual small lot sizes are only amenable to duplex development or small secondary dwellings, not more than SF3. The "hardship" the developers argue "should be specific to the property for which the variance is being requested," and their argument is not.

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**Case Number: C15-2017-0016, 608 W. St. Johns**

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

*Jesse Castro*

Your Name (please print)

*603 West Odell St, Austin*

Your address(es) affected by this application

*[Signature]*

Signature

*4/8/17*

Date

Daytime Telephone:

Comments:

*See Attached*

**Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:**

**Mail:** City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed. prior to the hearing to be received timely)

**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

L03/52

The requested variance for 608 W St Johns Ave is not in keeping with the intent of the TOD Live/Work NP zoning because: see (p. 5 & 6 of application-Hardship & Area Character)

1. The individual small lot sizes are only amenable to duplex development or small secondary dwellings, not more than SF3. The "hardship" the developers argue "should be specific to the property for which the variance is being requested," and their argument is not.

The TOD Live/Work NP zoning is only for the north side of the 600 and 700 block of W St Johns Ave, and these lots all back up to single family or duplex housing that is not included in the TOD zoning change. Currently, there is not even a single two story building located on any lot on the north side of St Johns Ave. from Guadalupe St to Lamar Blvd.

2. Area Character: Their argument that a 3 story, 7 unit apartment building with only 5 parking spaces "will not alter the character of the area adjacent to the property" and "will not impair the purpose of regulations of the zoning district in which the property is located" is invalid.

As owners or utility account holders within 500 ft. of 608 W St Johns Ave., we do not agree that the area character is not impaired by the proposed plan which is not consistent with the Live/Work Flex TOD Intent as outlined in Articles 3 and 4. This area is also zoned a Pedestrian Priority Street and Marcel St is the only side street between Lamar and Guadalupe. Already, Marcel St serves as a major pedestrian connection from all the housing north of W St Johns Ave.

Allowing the requested variance would establish an incompatible precedent for all future development of this 2 block Live/Work Flex TOD zone.

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**Case Number: C15-2017-0016, 608 W. St. Johns**

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

Sam Goldson

Your Name (please print)

608 W. St. Johns Ave

Your address(es) affected by this application

[Signature]

Signature

4/8/17

Date

Daytime Telephone: \_\_\_\_\_

Comments: See Attachment

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**Fax:** (512) 974-6305

**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

L03/54



The requested variance for 608 W St Johns Ave is not in keeping with the intent of the TOD Live/Work NP zoning because: see (p. 5 & 6 of application-Hardship & Area Character)

1. The individual small lot sizes are only amenable to duplex development or small secondary dwellings, not more than SF3. The "hardship" the developers argue "should be specific to the property for which the variance is being requested," and their argument is not.

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**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, April 10th, 2017**

Derek Zorniak

Your Name (please print)

604 W ST. Johns Ave

Your address(es) affected by this application

[Signature]

Signature

4/8/17

Date

Daytime Telephone: \_\_\_\_\_

Comments: See Attached

Concerned about cars backing out into cyclists.

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L03/56

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**Public Hearing: Board of Adjustment, April 10th, 2017**

Jennifer Lowry  
Your Name (please print)

☐ I am in favor  
☒ I object

604 W. SAINT JOHNS AVENUE

Your address(es) affected by this application

[Signature]  
Signature

4/8/2017  
Date

Daytime Telephone: 512-797-1856

Comments: As the property owner adjacent to this project, I strenuously object to the height and set back variance requested. This will encroach on my property - construction and construction crews will be trespassing on my property. The building itself will overbear on my one-story home. The seven unit project is also way too large for the lot size.

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Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088

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**Email:** [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

103/58

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**Case Number:** C15-2017-0016, 608 W. St. Johns

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, April 10th, 2017

JACK + MARSHA LEE HOWARD

Your Name (please print)

610 W Saint Johns Ave 78152

Your address(es) affected by this application

Marsha Lee Howard

Signature

4-8-17

Date

Daytime Telephone: 512-923-8110

Comments: See Attachment

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L03/59

The requested variance for 608 W St Johns Ave is not in keeping with the intent of the TOD Live/Work NP zoning because: (p. 5 & 6 of application-Hardship & Area Character)

1. The individual small lot sizes are only amenable to duplex development or small secondary dwellings, not more than SF3. The "hardship" they argue "should be specific to the property for which the variance is being requested," and their argument is not.

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2. Area Character: Their argument that a 3 story, 7 unit apartment building with only 5 parking spaces "will not alter the character of the area adjacent to the property" and "will not impair the purpose of regulations of the zoning district in which the property is located" is invalid.

\* As owner of the adjacent corner property of 610 W St Johns Ave for 18 plus years, even though not under "homestead" exemption, it is family occupied and provides affordable housing for family members and have no plans on selling.

This area is also zoned a Pedestrian Priority Street and Marcel St is the only side street between Lamar and Guadalupe. Already, Marcel St serves as a major pedestrian connection from all the housing north of W St Johns Ave.

We do not agree that the area character is not impaired and the proposed plan is not consistent with the Live/Work Flex TOD Intent as outlined in Articles 3 and 4.

Allowing the requested variance would establish a precedent for all future development of this Live/Work Flex TOD.

*M. L. H.*



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**Case Number:** C15-2017-0016, 608 W. St. Johns

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, April 10th, 2017

**Michael Gallo IV**

Your Name (please print)

☐ I am in favor  
☒ I object

**611 west ocell st**

Your address(es) affected by this application

**7021/12**

Signature

Daytime Telephone:

**512-789-8989**

Date

**4/9/17**

Comments:

**Please see attachment.**

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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**Fax:** (512) 974-6305

**Email:** [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

L03/61

The requested variance for 608 W St Johns Ave is not in keeping with the intent of the TOD Live/Work NP zoning because: see (p. 5 & 6 of application-Hardship & Area Character)

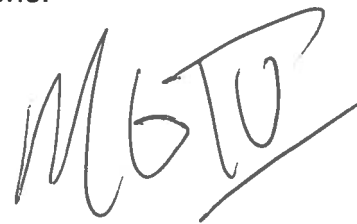
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A handwritten signature in black ink, appearing to be 'MGTU' with a stylized flourish underneath.

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**Contact: Leane Heldenfels, 512-974-2202, [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)**

**Public Hearing: Board of Adjustment, April 10th, 2017**

*Marty McCracken*

Your Name (please print)

*602 W St Johns Ave*

Your address(es) affected by this application

*Marty McCracken*

Signature

Date

Daytime Telephone: *512-517-1351*

Comments: *\* See Attachment*

*Water drainage concerns*

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**Fax:** (512) 974-6305

**Email:** [leaneheldenfels@austintexas.gov](mailto:leaneheldenfels@austintexas.gov)

L03/63



The requested variance for 608 W St Johns Ave is not in keeping with the intent of the TOD Live/Work NP zoning because: see (p. 5 & 6 of application-Hardship & Area Character)

1. The individual small lot sizes are only amenable to duplex development or small secondary dwellings, not more than SF3. The "hardship" the developers argue "should be specific to the property for which the variance is being requested," and their argument is not.

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★ As owners or utility account holders within 500 ft. of 608 W St Johns Ave., we do not agree that the area character is not impaired by the proposed plan which is not consistent with the Live/Work Flex TOD Intent as outlined in Articles 3 and 4. This area is also zoned a Pedestrian Priority Street and Marcel St is the only side street between Lamar and Guadalupe. Already, Marcel St serves as a major pedestrian connection from all the housing north of W St Johns Ave.

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**Case Number:** C15-2017-0016, 608 W. St. Johns

**Contact:** Leane Heldenfels, 512-974-2202, [leane.heldenfels@austintexas.gov](mailto:leane.heldenfels@austintexas.gov)

**Public Hearing:** Board of Adjustment, April 10th, 2017

**Kirsten Sorensen**

*Your Name (please print)*

**610 W Saint Johns Ave 78752**

*Your address(es) affected by this application*

**John Sorenson**

*Signature*

**4/9/17**

*Date*

**Daytime Telephone: 360-271-6558**

**Comments:**

*See Attached*

**Comments must be returned by noon the day of the hearing in order to be seen by the Board at this hearing. They may be returned via:**

**Mail:** City of Austin-Development Services Department/ 1st Floor  
Leane Heldenfels  
P. O. Box 1088  
Austin, TX 78767-1088

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LS



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**Public Hearing: Board of Adjustment, April 10th, 2017**

☐ I am in favor  
☐ I object

*Matia Greza Soto*  
Your Name (please print)

*608 W. D dell St.*  
Your address(es) affected by this application

*Matia Greza Soto*  
Signature

*4/10/2017*  
Date

Daytime Telephone: \_\_\_\_\_

Comments: *See Attached*

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**Public Hearing: Board of Adjustment, April 10th, 2017**

*Ray Henderson*

Your Name (please print)

*7210 Marcell St.*

Your address(es) affected by this application

*Ray Henderson*

Signature

Date

Daytime Telephone: *512-454-4384*

Comments: *See Attached*

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— R H



Information  
Presented at  
Meeting on  
May 8, 2017

**Stephen Oliver**

**From:** Stephen Oliver  
**Sent:** Saturday, May 6, 2017 8:52 AM  
**To:** [REDACTED]  
**Cc:** James Clary; Jennifer Lowry  
Whellan, Michael  
**Subject:** RE: 608 St. John's Design Discussion Meeting

Good morning everyone,

Thank you all for taking time out of your schedule to meet at Kick Butt Coffee on April 19<sup>th</sup>. I'm glad we had the opportunity to discuss the project in more detail. I wanted to put down in writing the areas of concern which we have heard as well as some of our solutions that we feel can better the project going forward. We recognize that the changes to the project that the Owners are agreeable to may not resolve each of your concerns. However, we do value the chance to make a project that is more agreeable in various aspects as well as answer many questions as to why we have asked for variance, what the code dictates, and what the vision for St. John's entails within the TOD Regulating Plan.

**The areas of concern that we have heard voiced (in no specific order):**

1. Privacy – views into adjacent yards
2. Impact of parking on adjacent streets
3. Size of Building and proximity to property lines
4. Number of Units (Density)
5. All Residential vs Mixed Use (true Live/Work)
6. Contemporary Design
7. Roof deck – Outdoor Amenity space
8. Landscaping/Screening
9. Condo vs. Rental
10. Trash pickup

**The following items were clarified:**

1. Any development of the property (regardless of quantity of units) requires a variance, as the approved uses of the Live/Work zoning that this block of St. John's is zoned triggers compatibility standards. The compatibility requirements dictating setback and allowed height are due to the residential use (not the current zoning) of the properties to either side of 608 St. John's.
2. The property was designed with a proposed 5' interior side setbacks. We have the required 25'-0" rear setback in place. The building has a 5' front sidewalk and 7' landscaping zone as required by the TOD code.
3. The project is in full compliance with design standards related to the rear SF-3 zone properties.
4. We have a screened trash area. We will not be placing small blue bins for each unit out on the street. We will be working with City review staff to make sure our trash pickup complies with city code and service recommendations.

**The following are solutions that the Owner is agreeable to address some of these concerns:**

1. Remove Rear Roof Deck facing the SF-3 zoned properties behind 608 St. John's. We do think reorienting the roof deck facing towards St. John's may be worth considering as it is important for residential developments to have types of spaces where neighbors can meet each other. If it had to be removed to gain your support this is an agreeable condition though.
2. Remove west facing balconies. Units would have "Juliet Window" type opening instead. This doesn't allow someone to be outside the building on a building. They are a railing condition immediately against French or sliding doors.

3. Owner will work with the adjoining neighbors for improved landscaping and fencing. These improvements may be beyond what is required in the code. It is anticipated that additional and denser plantings are incorporated at the property perimeter. Vehicular screening would be located on the west property line at least 6' to 8' tall. Possibly it is constructed of masonry. If it is agreed that wood fence is more appropriate then each side of the fence will receive the wood siding so that it is of higher quality.
4. The residential units will be for sale.
5. Reduce the number of units from 7 to 6 unit "Dr.Ömer Bisen" <omer.bisen@concurinvest.com>s, while maintaining the same amount of total building square footage and 3 stories at the portion fronting St. John's. The Owner's preference is to keep 7 units as proposed but would agree if it was absolutely necessary to reduce to 6 units. Two units would effectively be combined to form larger (more "family friendly") units.
6. Owner is willing to look further into the idea that the ground floor unit would be work space such as small office/retail. It is uncertain as to whether or not this can be actually achieved but the Owner is willing to see what the implications would be for the site plan process and leasing/sale of the space.

**The following items are not agreeable by the Owner:**

1. Reducing the number of units to less than 7 AND the associated square footage of the removed units.
2. Removal of the 3<sup>rd</sup> floor.
3. Changing the exterior "style" of the building from Contemporary to something more traditional.

We look forward to the presentation at the Board of Adjustment next week. If you have any further questions between now and Monday, please don't hesitate to call or email me. I greatly appreciate each of your efforts to make a better project and to work together to areas where we can find agreement.

Regards,  
Stephen Oliver

Stephen Oliver, AIA  
Principal  
OPA Design Studio, Inc.  
PO Box 170341  
Austin, TX 78717  
(512) 899-3100 (Office)



**VISIT OUR NEW WEBSITE**

[www.designopa.com](http://www.designopa.com)



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From: Stephen Oliver  
Sent: Wednesday, April 19, 2017 7:40 PM

Subject: Re: 608 St. John's Design Discussion Meeting