From: Heldenfels, Leane
To: Ramirez, Diana
Subject: C15-2018-0028, 809 Robert E. Lee/Azie Morton july late back up
Date: Monday, July 02, 2018 10:01:16 AM

From: [redacted]
Sent: Monday, July 02, 2018 8:46 AM
To: Heldenfels, Leane
Subject: Case Number: C15-2018-0028, 809 Robert E. Lee/Azie Morton

Dear Leane:

I am writing this email, because I received a BOA notice in the mail regarding the above referenced case number.

My name is Scott Trainer
My address is 900 Bluebonnet Lane, Austin, TX 78704
My phone is 512-965-1369

I am in favor of the requested desires for the BOA hearing. The change in the basement elevation is a minor change and the owner has the hardship of 2 street setbacks and extreme elevation. The owners desire to maintain a single family structure for their family is far better than some multi-family development.

Thank you,
Scott

Subchapter F

Gross Floor Area

This section is only required for projects located within the Residential Design and Compatibility Standards Ordinance Boundaries as defined and illustrated in Title 25-2 Subchapter F of the Land Development Code. The Gross Floor Area of each floor is measured as the area contained within the outside edge of the exterior walls.

		Existing Sq Ft	New/Added Sq Ft	Proposed Exemption (check article utilized)	Applied Exemption Sq Ft	Total Sq Ft
1st Floor			2,117			2,117 0.00
2nd Floor						0.00
3rd Floor						0.00
Area w/ ceilings > 15'				Must follow article 3.3.5		0.00
Ground Floor Porch* (check article utilized)				☐ Full Porch sq ft (3.3.3 A) ☐ 200 sq ft (3.3.3 A 2)		0.00
Basement			2,608	Must follow article 3.3.3B, see note below	2,608	0 0.00
Attic				Must follow article 3.3.3C, see note below		0.00
Garage**: (check article utilized)	Attached			☐ 200 sq ft (3.3.2 B 1)		0.00
	Detached			☐ 450 sq ft (3.3.2 A 1 / 2a) ☐ 200 sq ft (3.3.2 B 2a / 2b)		0.00
Carport**: (check article utilized)	Attached		576	☑ 450 sq ft (3.3.2 A 3) ☐ 200 sq ft (3.3.2 B 1)***	-450	126 SQFT 0.00
	Detached			☐ 450 sq ft (3.3.2 A 1)		0.00
Accessory Building(s) (detached)						0.00
Totals		0.00	0.00			0.00

TOTAL GROSS FLOOR AREA (add Total Sq Ft column) 0.00 2,243

(Total Gross Floor Area ÷ Lot Area) x 100 = 22% Floor-To-Area Ratio (FAR)

Is a sidewall articulation required for this project? Y (N)

(Yes, if: a wall, 15' tall or higher, within 9 feet of a side property line extends further than 36 feet in length per article 2.7.1)

Does any portion of the structure extend beyond a setback plane/exemption exhibit (aka "tent")? Y ~~N~~

(If Yes, indicate applicable section of Subchapter F and length of protrusion on the drawings.)

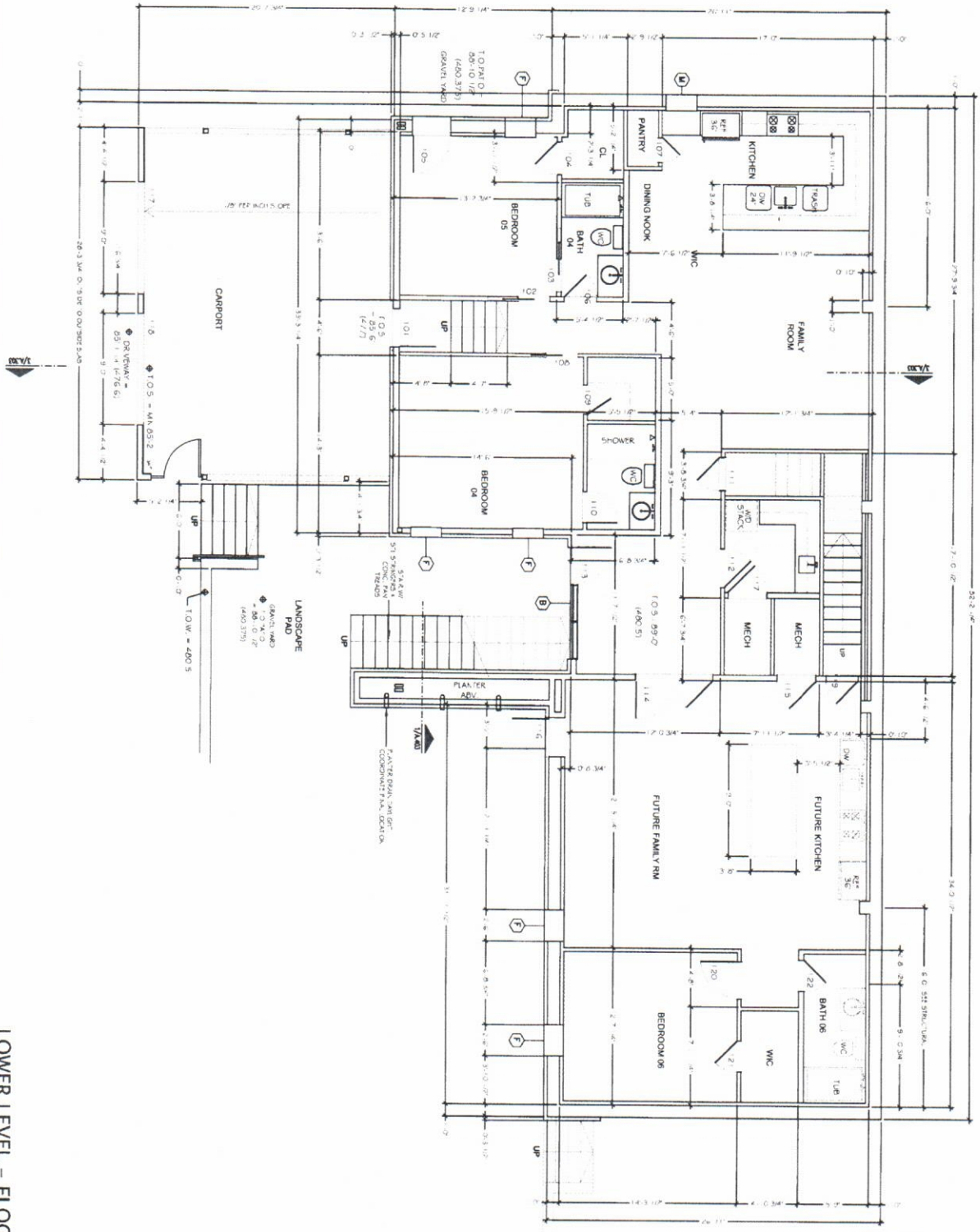
***Ground Floor Porch exemption:** A ground floor porch, including a screened porch, may be exempted, provided that the porch is not accessible by automobile and is not connected to a driveway; and the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

****Garage and carport exemptions (in relation to primary structure):** Exemptions must follow the code as outlined in Title 25-2 Subchapter F 3.3.2. Each amount listed (450 or 200) is the maximum exclusion allowed per the article designated. Note: Article 3.3.2 C, "An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements."

*****Ordinance article 3.3.2 B 1 is the only 200 sq ft exemption that may be combined with a 450 sq ft exemption. Otherwise only one 450 exemption or one 200 sq ft exemption may be taken.

Basement exemption: A habitable portion of a building that is below grade may be exempted if the habitable portion does not extend beyond the first-story footprint and is below natural or finished grade, whichever is lower; and it is surrounded by natural grade for at least 50% of its perimeter wall area and the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

Habitable Attic exemption: A habitable portion of an attic may be exempted if: 1) The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2) It is fully contained within the roof structure; 3) It has only one floor; 4) It does not extend beyond the footprint of the floors below; 5) It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6) Fifty percent or more of the area has a ceiling height of seven feet or less.



LOWER LEVEL - FLOOR PLAN

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

REGISTERED ARCHITECT ROBERT D. HILLPOT 20015 STATE OF TEXAS

4.30.18

CONSTRUCTION DRAWINGS CONSIST OF BOTH DRAWINGS AND SPECIFICATIONS. THIS IS FOR INTERIM REVIEW. NOT FOR BIDDING, PERMIT OR CONSTRUCTION PURPOSES, UNLESS ARCHITECT'S SEAL, SIGNATURE AND DATE APPEAR HEREON

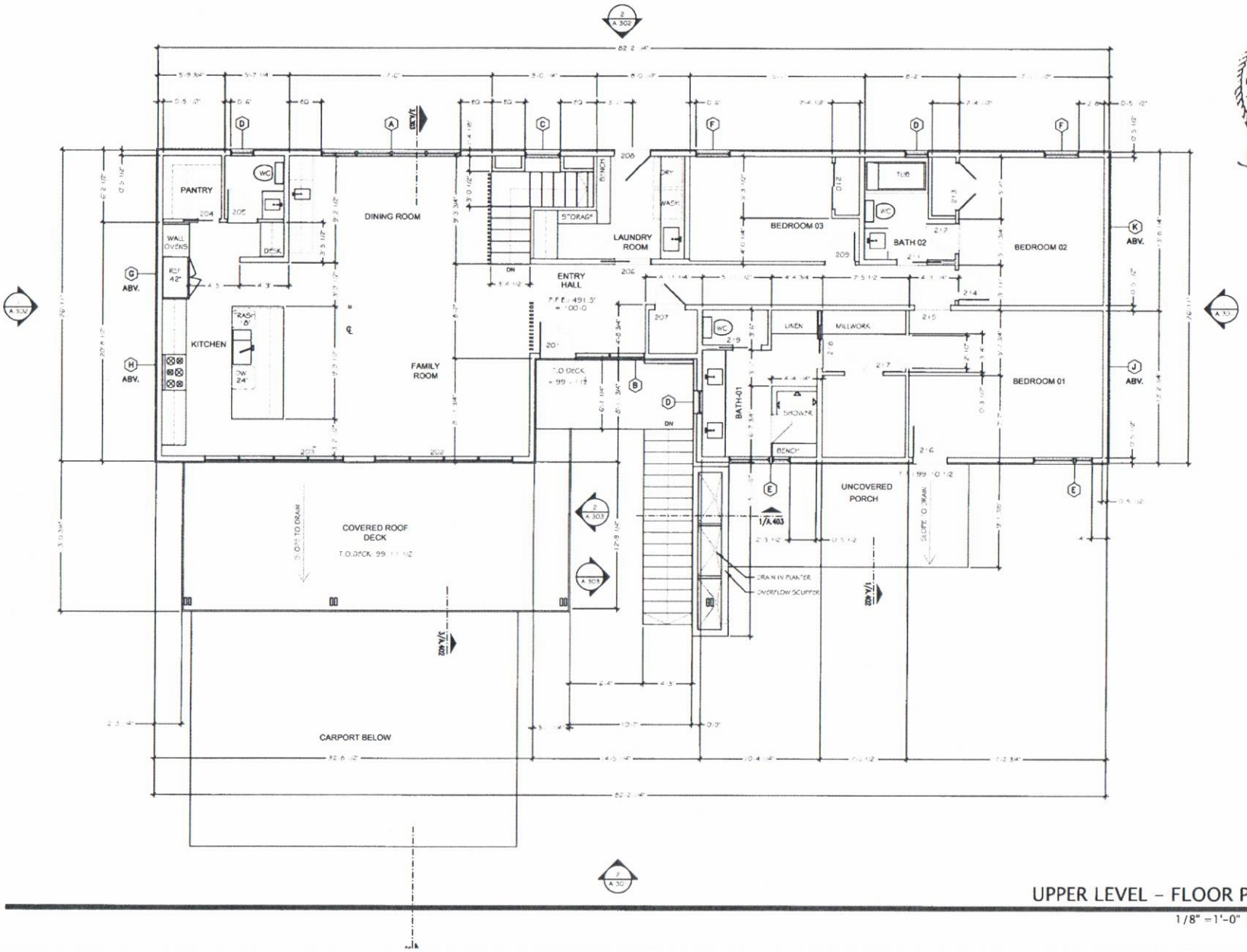
Sheet Number PERMIT.03

Project: 17_002

Date: 04.26.2018

809 Robert E. Lee Rd.
Austin, Texas

H03/34



UPPER LEVEL – FLOOR PLAN 1

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

REGISTERED ARCHITECT ROBERT D. FILLPOT 20051 STATE OF TEXAS

4.30.18

CONSTRUCTION DRAWINGS CONSIST OF BOTH DRAWINGS AND SPECIFICATIONS. THIS IS FOR INTERIM REVIEW. NOT FOR BIDDING, PERMIT OR CONSTRUCTION PURPOSES, UNLESS ARCHITECT'S SEAL, SIGNATURE AND DATE ARE ADDED.

Project: 17_002 809 Robert E. Lee Rd.

Date: 04.26.2018 Austin, Texas

Sheet Number PERMIT.04

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 website:
www.austintexas.gov/department/developmment-services

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

Case Number: C15-2018-0028, 809 Robert E. Lee/Azie Morton
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, Monday July 9th, 2018

CARY REYNOLDS
Your Name (please print)

☒ **I am in favor**
☐ **I object**

803 BARTON BLVD
Your address(es) affected by this application

Signature 6/30/18 *Date*

Daytime Telephone: 512 917-5000

Comments: I am in favor of allowing this variance. It is a sloping lot and this makes good sense. Please allow this property owner the flexibility to build his house the way he wants. THANKS!!

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent 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 seen by the Board at this hearing)
Fax: (512) 974-6305
Email: leane.heldenfels@austintexas.gov

H03/35

H03/36

Zilker Neighborhood Association

[redacted]
2009 Arpdale • Austin, TX 78704 • 512-447-7681

July 2, 2018

Re: Case C15-2018-0028
809 Azie Morton, Austin TX 78704

Chair William Burkhardt and Board of Adjustment Members:

The Zoning Committee of the Zilker Neighborhood Association has reviewed the variance request and the residential construction application for 809 Azie Morton. The plans submitted to the City state that the lot is 10,200 sf, which means it is limited to 4080 sf of gross floor area, as provided by the Subchapter F maximum of .4 FAR. The owners are proposing to demolish the existing duplex (less than 2,000 sf) and build an entirely new structure of 4850 or 5100 sf. (The gross floor area calculations in Exhibit A include 126 sf for a carport after an exemption of 450 sf. If the parking structure does not qualify as a carport, only 200 sf would be exempt).

The average elevation on the lot is 483.5 feet. The requested variance would raise the allowable height of a basement from 3 feet above the average elevation to 8.5 feet above the average, and it would allow the entire bottom level of the house to be excluded from the FAR calculation, as shown in Exhibit A. The floorplans submitted with case 2018-078013 PR (included in Exhibit A), show a three-bedroom house of 2117 sf on the top floor and another three-bedroom house of 2608 sf on the bottom (basement) floor. The dimensions are those of a 6-bedroom stealth dorm/duplex, the type of oversized structure that the ordinance was created to regulate. Pages 26-29 of the applicant's advance packet illustrate the increase in mass and its extension beyond the slope.

Based on those dimensions, the ZNA Zoning Committee has concluded that the requested variance meets none of the required findings. Specifically, the owners have not been denied reasonable use, and they have no qualifying hardship because:

1. The code allows them to build 4080 sf, which is reasonable, even for a duplex. The decision to build an extra 770 sf (4850—4080 = 770) is entirely their own.
2. If they choose to demolish the existing house and to build entirely new construction on a new foundation and much larger footprint, they relinquish their claim to any hardship related to maintaining the existing structure. New construction must meet current code.
3. The variance would impair the purpose of the regulations governing FAR exemptions, by permitting construction of a house that is 770 sf larger than the ordinance allows on a lot of that size and by leaving the door open for massive additions in the future.

Under the circumstances, the ZNA Executive Committee must oppose this variance. We request that the Board of Adjustment deny the variance.

ZNA appreciates your service to our community.

David Piper

David Piper,
President, Zilker Neighborhood Association

Summary of Neighborhood Communications and Support

809 Azie Morton BOA (7/9)

Letters Mailed w/ BOA support signature form ● Sent to our 19 immediate neighbors/property owners	● 7 returned with signature ● 1 Letter of Support from our neighbor (Lisa) who shares our back property line ● 0 responses of concern communicated to us
Social Media Reach Out of Neighbors ● Posted/sent heads up that we would be appearing in front of BOA, provided a link to the letter we sent to our neighbors, and contact info for us and Leane. Sent to: ○ Zilker Neighborhood Families Facebook Page ○ Friends of Zilker Message Board ○ Nextdoor Zilker West Message Board ○ Zilker Neighborhood Association Email List	● 2 responses/replies acknowledging support ● 9 likes on fb ● 1 Letter of support ● Response from Friend of Zilker Mary Sledd stating staying neutral position, that our case sounds reasonable ● 0 responses of concern communicated to us
Direct emailed asking for support ● ANC - President - Jeff Jack ● ANC - Immediate Past President - Mary Ingle ● ANC - South Central Sector - Patty Sprinkle ● ZNA - (Alias Email) - David Piper, Gary Hamilton, Bobby Rigney, Bill Neale	● 1 Response back from Patty Sprinkle (stating neutral position, that our case sounds reasonable) ● 0 responses of concern communicated to us
Conversations / informal discussions ● Conversations friends living in 78704, so collect additional signatures of support	● 10 additional signatures of support collected ● 0 rejections to sign or provide support

Variance 809 Azie Morton Road

Inbox ×

Lisa
to Leane.Heldenfels, me

Sat, Jul 7, 6:35 AM (2 days ago)

Dear Board of Adjustments,

I am writing to express my full support of Brandon and Kara David's variance request for their home at 809 Azie Morton Rd.

I own the property immediately behind Brandon and Kara, and due to our homes being nearly on top of one another, I appreciate how thoughtful they have been in their design. I also appreciate that they are respecting the original deed restrictions for the South Lund Park, A.D. Stenger section of Zilker by only building one story above ground level, and instead going through the additional expense of going down with their basement. Additionally, it's great that they intend to rebuild and keep the same mid-mod feel of the neighborhood.
My property and their property were both poorly planned, causing us to be on top of one another and presenting limitations on buildable space and house location options. Again, I approve their variance request because their basement addition allows them to add additional livable space without obstructing their neighbors' views or impacting the feel and vibe of our neighborhood!

We will have a better Austin if more property owners are as respectful to their neighborhoods as Brandon and Kara.

Sincerely,

Lisa Konetski King
903 Lund St.
512-496-3805

Gmail [redacted]

BOA Request for our home at 809 Azie Morton (Robert E Lee)

Patricia Sprinkle <[redacted]

Thu, Jul 5, 2018 at 10:01 AM

Hi -
Thank you for reaching out to me. It sounds like you have a good case to present before the BOA. The BOA is a fair group and if you stick to the facts, you'll most likely have success.
The South Central Coalition usually remains neutral in these types of cases unless there is a compelling public interest. That said, your request sounds reasonable to me. I assume you have letters of support from your nearby neighbors; this will help you the most.
Sorry I can't be of more assistance.
Best of luck to you.
Patty
On Jul 3, 2018, at 7:27 AM, Brandon David wrote:

July 6, 2018

Board of Adjustment
301 West 2nd Street, #1120
Austin, Texas 78701

RE: 809 Azie Morton Road, Variance Request

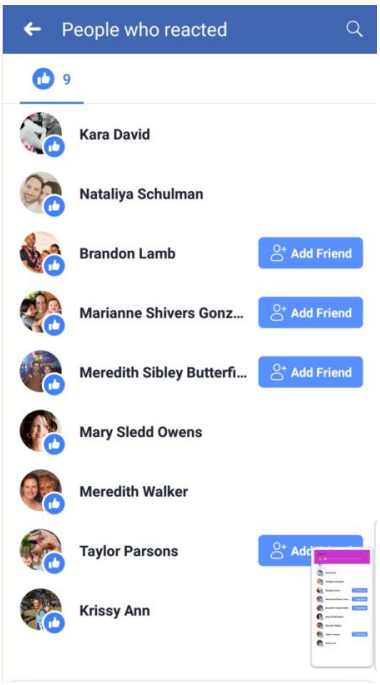
Dear Members of the Board:

We are neighbors of Brandon and Kara David and are writing in support of their variance request. We live off of Bluebonnet Lane, just down the road from the David's, and are very familiar with their house as we drive by it daily.

Our support is based on the fact that the design for their remodel will allow them to maintain the character of the existing home and therefore, of our neighborhood. In addition, the slope of their property and the corner-lot location of their home do present a unique hardship which prohibits them from implementing their design. We believe that the variance they are requesting should be granted so that the home's style can be preserved and also so that it can be made more livable by its current occupants.

Sincerely,

Maureen and Brandon Lamb



I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

By signing this form, I understand that I am declaring my support for the variance being requested.

Owner / Tenant	Name (Printed)	Address	Signature
Owner / Tenant	CHRIS YOST	1900 Frazier Ave. 78704	
Owner / Tenant	PATRICIA Yost	1904 Frazier Ave 78704	
Owner / Tenant	BRIAN REES	1700 Raven ST. B	
Owner / Tenant	Nick MILLER	1717 Toomer RD #108	
Owner / Tenant	Sara Larson	2016 Rabb Glen St Unit B	
Owner / Tenant			

I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

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Owner / Tenant	Name (Printed)	Address	Signature
Owner / Tenant	ANDRES TRASLAVINA	1515 HETHER, A 78704	
Owner / Tenant	Lisa Boucher	1515 hether, unit A 78704	Lisa D Boucher
Owner / Tenant	Jennifer Beckner	2002 Glen Allen St Austin 78704	Jennifer Beckner
Owner / Tenant	Alison Griffith	1508 Southport Dr. Austin, TX 78704	
Owner / Tenant	Kelsey Duncan	1508 Southport Dr. Austin, TX 78704	
Owner / Tenant			

I, Brandon & Kara David, am applying for a variance from the Board of Adjustment regarding Section RR2.SUBCHAPTER F: BASEMENT EXEMPTION B.2 of the Land Development Code. The variance would allow me the ability to still apply for the basement exemption by getting a variance to the following: section B. A habitable portion of a building that is below grade if: sub-section 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

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Owner / Tenant	Name (Printed)	Address	Signature
Owner / Tenant	Renee Ehrnstein	704 Garner Ave 78704	
Owner / Tenant			

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Case Number: C15-2018-0028, 809 Robert E. Lee/Azie Morton
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, Monday July 9th, 2018

RALPH L DALTON
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1901 KERR AVE
Your address(es) affected by this application

Ralph L Dalton — *Signature*
06/30/2018 — *Date*

Daytime Telephone: _____

Comments: Dangerous for turning on congested Azie Morton Rd. Extra elevation requested would make it hard to see oncoming traffic. "Basement" on hillside is actually another floor.

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent 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 seen by the Board at this hearing)
Fax: (512) 974-6305
Email: leane.heldenfels@austintexas.gov

H03/41

From: Heldenfels, Leane
To: Ramirez, Diana
Subject: c15-2018-0028, 809 Azie Morton Road/Robert E Lee july late back up
Date: Monday, July 09, 2018 11:43:41 AM

From: [redacted]
Sent: Saturday, July 07, 2018 6:35 AM
To: Heldenfels, Leane
Cc: [redacted]
Subject: Variance 809 Azie Morton Road

Dear Board of Adjustments,

I am writing to express my full support of Brandon and Kara David's variance request for their home at 809 Azie Morton Rd.

I own the property immediately behind Brandon and Kara, and due to our homes being nearly on top of one another, I appreciate how thoughtful they have been in their design. I also appreciate that they are respecting the original deed restrictions for the South Lund Park, A.D. Stenger section of Zilker by only building one story above ground level, and instead going through the additional expense of going down with their basement. Additionally, it's great that they intend to rebuild and keep the same mid-mod feel of the neighborhood.
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Lisa Konetski King
903 Lund St.
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