

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
F-2**

DATE: Monday February 14, 2022

CASE NUMBER: C15-2021-0100

☐ Y ☐ Thomas Ates
☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Barbara McArthur
☐ - ☐ Rahm McDaniel OUT
☐ N ☐ Darryl Pruett
☐ A ☐ Agustina Rodriguez ABSTAINED
☐ Y ☐ Richard Smith
☐ Y ☐ Michael Von Ohlen
☐ - ☐ Nicholl Wade OUT
☐ Y ☐ Kelly Blume (Alternate)
☐ A ☐ Carrie Waller (Alternate) ABSTAINED
☐ - ☐ Marcel Gutierrez-Garza (Alternate)

OWNER/APPLICANT: Ian Ellis

ADDRESS: 1003 KINNEY AVE

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code: Section 25-2-943 (B) (2) (a) (Substandard Lot) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 5,464 square feet (requested), (TCAD records show 5,740 sq. ft.) in order to erect a Single-Family residence with a Pool in a “SF-3”, Single-Family zoning district.

Note: 25-2-943 SUBSTANDARD LOT (B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection. (2) A substandard lot recorded in the county real property records after March 14, 1946 must: (a) have an area of not less than 5,750 square feet.

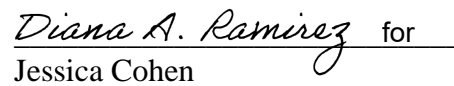
BOARD’S DECISION: BOA MEETING NOV 8, 2021 The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to December 13, 2021; Board Member Darryl Pruett seconds on a 9-0-2 vote (Board members Agustina Rodriguez and Carrie Waller Abstained); POSTPONED TO DECEMBER 13, 2021. Dec 13, 2021 Madam Chair Jessica Cohen motions to Postpone the remaining cases to January 10, 2022 at City Hall due to technical difficulties –internet issues; Board Member Rahm McDaniel seconds on a 11-0 vote; POSTPONED TO JANUARY 10, 2022 DUE TO

TECHNICAL DIFFICULTIES-INTERNET ISSUES; Jan 10, 2022 BOA meeting cancelled due to not having a quorum present at meeting, case will auto be scheduled and re-notified to February 14, 2021; Feb 14 The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to postpone to March 14, 2022; Board Member Brooke Bailey seconds on an 8-1-2 vote (Board members Darryl Pruett nay, Agustina Rodriguez and Carrie Waller abstained); POSTPONED TO MARCH 14, 2022.

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:


Elaine Ramirez
Executive Liaison

 for
Jessica Cohen
Madam Chair

February 24, 2022
RE: 1003 Kinney, lot-size variance, Case C15-2021-0100
February 14 Agenda item F2

To: Zilker Neighborhood Association
c/o Lorraine Atherton & Zilker Neighborhood Association Zoning Committee
via email [REDACTED]

Zilker Neighborhood Association Zoning Committee:

Thank you for allowing us the opportunity to continue correspondence on our open case regarding the lot located at 1003 Kinney Ave. We hope to continue the conversation with your committee to come to a resolution that both our parties can stand behind in our presentation to the BOA in March.

Per your website, your committee meets the first Monday of each month which is March 7th for the upcoming meeting. Could we attend this meeting via zoom to discuss how to proceed?

Below we've outlined a draft response to your letter provided to the BOA dated December 5, 2021. We'd like for you to review our outline of responses below and follow up with a meeting with your committee to discuss in person (virtually) how to proceed together.

We look forward to your response and are flexible with meetings times so please do let us know when we could next meet with the committee.

Thank you,
Ian M. Ellis, AIA, NCARB, RID
Architect + Project Manager / Interior Designer / R&D
210.606.7880
[REDACTED]

REFERENCED CODE OUTLINE & RESPONSES

25-2-943- SUBSTANDARD LOT (COA [Link](#)):**COA Supervisor Eric Thomas** (*Reference email dated November 17, 2021*)

Recommended we review the section of code 25-2-943 Substandard Lot requirements since we may meet subsection 1 requirements for a lot size min. of 4,000 SF and platted prior to March 15, 1946 or subsection 2 min. lot size of 5,750 and platted after March 15, 1946.

Owner/Architect Findings:

Lot was originally platted at its current size/location in 1896 and per county Tax records (Reference email dated November 9th from Servando Hernandez of the Travis County Clerk's Office), the original plat from 1896 still stands since it was not re-platted after that date, even though it has been sold numerous times throughout the years. The governing plat date is from 1896 and therefore we would meet requirements under section 25-2-943-(B)(1) qualifying us for a variance request to build on this lot.

25-2-963 MODIFICATION AND MAINTENANCE OF NON-COMPLYING STRUCTURES (COA [Link](#))**ZNA Representative Lorraine Atherton Recommendation** (*Reference letter dated December 5, 2021*)

Proposing we adhere to code section 25-2-963 in which owner of lot would need to preserve 50% of original structure to rebuild or propose an addition to the existing structure.

Owner/Architect Findings:

Per COA interpretation, the lot in question is considered a vacant lot. A survey of the site indicates it as such and is what was submitted to the COA under the original building permit. Adhering to a code section regarding preservation of an existing structure does not apply, since there is no existing structure on the site. Per BOA previous rulings, each submitted case is reviewed on its own merit regardless of precedent at other lots.

25-2-964- RESTORATION AND USE OF DAMAGED OR DESTROYED NONCOMPLYING STRUCTURES (COA [LINK](#))**ZNA Representative Lorraine Atherton Recommendation** (*Reference letter dated December 5, 2021*)

Proposing that the lot and previous structure be considered non-complying and that new construction be limited to same building footprint, gross floor area, and interior volume per code section outlined in link.

Owner/Architect Findings:

Per the COA interpretation, the lot in question is considered a vacant lot. A survey of the site indicates it as such and is what was submitted to the COA under the original building permit. The proposed code section 25-2-964 also does not apply since the existing structure was not damaged or destroyed due to fire, explosion, flood, tornado, riot act, or accident as the code outlines.

ZNA CRITIQUE PER SUBMITTED LETTER DATED DECEMBER 5, 2021

ZNA Representative Lorraine Atherton Recommendation (*Reference letter dated December 5, 2021*)

"The ZNA Zoning Committee has concluded that there is no hardship in this case that meets the Board of Adjustment criteria, and that the applicants had a reasonable-use option had they just followed the code. Finally, the requested variance would grant special privileges that are not available to other properties in the area. As in other nearby cases, ZNA has recommended that the applicants pursue other remedies to allow reasonable use or to increase the area of the parcel. These are listed on page. 5. We therefore request that the Board of Adjustments deny the variance."

“The ZNA Zoning Committee does not support variances that would set a precedent for small lot development in this area. The demolition of the previous house in violation of 25-2-963 has removed the possibility of negotiating the remodeling of an existing structure within the code. The hardship described by the applicants is self-imposed, and remedies other than a variance remain to be pursued including:

1. It may be possible to request a retroactive variance from 25-2-963 (B) 1a to allow demolition of more than 50% of the structure, but that still lacks a qualifying hardship.
2. The LLC could also try to qualify under 25-2-964 by providing evidence that the destruction of the house was caused by some event beyond their control. That would need administrative approval only and would not require a variance. ZNA’s understanding of the code is that both 25-2-963 and 964 limit the reconstruction of the structure to the previous dimensions (in this case, a house of 1,188 SF).
3. The best option for the applicants remains acquisition of a strip 3 feet 4 inches wide along the alley with an easement that prohibits all private construction (including flatwork and fences) and private use (including parking). The only purpose would be to allow the owners to meet minimum lot size. They could then build a new house to the maximum FAR and impervious cover under current code without encroaching on the alley. It would not require a variance.

Owner/Architect Findings:

Per the ZNA Recommendation, we are pursuing our only avenues to build on the lot which is the request of a variance under code section 25-2-943 for building on a substandard lot. We meet the qualifications for hardship of a substandard lot and humbly request the approval of a variance that is allowed per code section 25-2-943 on this lot.

Special privileges that are outlined per ZNA email dated December 5, 2021 quantify the requested exemptions as special privileges, which are not special since these are allowed per the code of any proposed addition/new construction project that must adhere to subchapter F within the city of Austin.

The ZNA mentions scale of surrounding neighborhood, and per the back up information included by Owner/Architect team, the existing neighborhood scale includes multi-family and condo structures on the same street as single family residential. The adjacent single-family home is taller than the proposed compliant design by the Owner/Architect team. The ZNA recommendation is subjective and not based on allowable code requirements when detailing “special privileges” that should or should not be allowed to be built on a lot since these are available to all existing and new construction projects.

Per ZNA Committee, their original intent is to “not support the development of small lot development in the neighborhood”. This is contrary to the COA need to develop and build single family housing in a housing market in need for more housing. Their findings under items 1 & 2 to request a variance under the code section 25-2-963 & 964 do not apply since the lot should be considered vacant. Even if the given code sections were to apply, the existing structure did not meet requirements of that section since it was demolished with a COA approved demolition permit and not due to any unforeseen cause. A retroactive approval of a variance per that section would be disingenuous.

Item 3 per the ZNA recommends the acquisition of a strip of land to allow the substandard lot to meet the min. lot size of 5,750 SF. As we have shown at previous BOA hearings and demonstrated with our back up information, the attempt to acquire and build on a portion of the alley was not allowed per the COA correspondence attached.

This now brings us back to the original request to build on a substandard lot with the approval of the variance requested and recommended per the code under section 25-2-943. This lot from its origination in 1896 to current vacant status per COA definition will always remain a substandard lot, whether it is approved today or acquired by other individuals at another time, a variance request under 25-2-943 would be required in any case to develop on this lot. If development is not allowed on the lot today with the resources that our team has been able to research and present, we would be passing along a hardship of resources and time to any single-family residence purchasee who would then need to go through the same process to likely the same outcome leaving a vacant lot in the heart of Austin.

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☐ Y ☐ Agustina Rodriguez
☐ - ☐ Richard Smith **(OUT)**
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Nicholl Wade
☐ Y ☐ Kelly Blume (Alternate)
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☐ - ☐ Vacant (Alternate)

OWNER/APPLICANT: Ian Ellis

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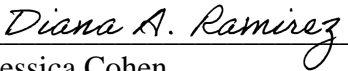
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Elaine Ramirez
Executive Liaison

 for
Jessica Cohen
Madam Chair

RE: 1003 Kinney Avenue

1 message

Lorraine Atherton

Mon, Nov 22, 2021 at 2:03 PM

To: Ian Ellis

Cc: z

We did not request a conversation, and we do not need to meet in person.

Out of respect for everyone's time, our zoning committee's practice has been to review variance applications in writing only and to request documents that may be needed to determine whether there is a qualifying hardship. If we do not find a qualifying hardship, we prefer to notify the applicants as soon as possible so that they have time to revise their application. That process works because normally we are asked to review variance requests before the application is submitted. In this case, although we did not have access to the complete application before the hearing, it seemed clear to us that there was no qualifying hardship. The rest of the documentation that you have provided seems to confirm that.

If you have new evidence to present, please let us know after Thanksgiving, early in December.

L. Atherton

For the zoning committee

From: Ian Ellis [mailto:]**Sent:** Monday, November 22, 2021 10:50 AM**To:** Lorraine Atherton**Cc:** z**Subject:** Re: 1003 Kinney Avenue

Received - thank you.

Would you still like to meet before the holidays this week, or should your email and attachments suffice as the conversation you were requesting?

Ian M. Ellis, AIA, NCARB, RID

Architect + Project Manager / Interior Designer / R&D

On Mon, Nov 22, 2021 at 10:11 AM Lorraine Atherton <[REDACTED]> wrote:

Mr. Ellis,

Attached is the ZNA zoning committee's decision on your variance request, along with Code sections 25-2-963 and 964, which we believe apply to the circumstances at 1003 Kinney.

Thank you for allowing us to review the facts of this case.

L. Atherton

For the zoning committee

From: Ian Ellis [mailto:[REDACTED]]
Sent: Wednesday, November 17, 2021 11:51 AM
To: Lorraine Atherton
Cc: [REDACTED]
Subject: Re: 1003 Kinney Avenue

Please see attached from the Building Review staff - they have determined a variance is required as explained in their emails.

Please let us know days, times, locations (or virtual) of when you'd like to meet with us to discuss further if you still prefer to do so.

Ian M. Ellis, AIA, NCARB, RID
Architect + Project Manager / Interior Designer / R&D

210.606.7880

On Wed, Nov 10, 2021 at 5:09 PM Ian Ellis <[REDACTED]> wrote:

| Lorraine,

Thanks for the response and documents! Feel free to call me Ian, and please let me know if you have a preference as to how I may address you.

To begin, I want to say we truly weren't aware a meeting with ZNA would be customary or required, so our apologies for missing out on that. We did however sincerely introduce ourselves to some of the neighbors, and I have personally contacted those that provided support and opposition letters for our hearing. We're definitely not trying to sneak anything past anyone - our team's reputation in Austin is simply too good to tarnish.

As for 1001 Kinney, we already had those documents and confirmed with COA that their home's construction was indeed not subject to a BOA variance as you have noted. Oddly enough, if you add 1001 and 1003's property areas, you don't get back to the original amount of the whole lot. Property is funny that way... Similarly, we already had the Land Status Determination for our property, which COA has already seen. So the question of why do we need a variance vs why did 1001 not need one has already been posed to the COA review staff.

One particular thing to note is that the property was never subdivided after the original 1896 plat - we confirmed this with the Country Records department, and with doing deed transaction and title searches back to the original sale of the land. The property was however sold as 2 separate tax parcels, which does not trigger re-plat, does not constitute a resubdivision, nor is it an amendment to the original plat. All of this information COA has as well. Tax parcel map is attached here for your reference, showing the only resubdivided lots of Block 1.

You had also asked specifically if the City would vacate, abandon, or sell the alley. They will not, and attached is the email from their department detailing that. Similarly, even if they could vacate, abandon, or sell a portion of the alley to us, we would not be able to build or use it for access, due to the protected tree, and I am certain we would be met with significant opposition from other neighbors that want to preserve the alley as it currently is. It's really nice, I totally understand how pleasant it is to be able to walk from a back yard through there at any time.

Our Building Permit Reviewer is unfortunately no longer working in that role, so I have already escalated these questions from the Board to his supervisors, Eric Thomas and Susan Barr. They have already watched the BOA hearing and were pretty confused themselves as to what the board was suggesting, so they will be meeting Tuesday to discuss whether or not they still believe a Variance is required. I will provide you with an update of their conversation once it's available.

Thanks again for your time and the considerate email.

210.606.7880

On Wed, Nov 10, 2021 at 4:27 PM Lorraine Atherton <[REDACTED]> wrote:

Mr. Ellis,

Before we set up a meeting, please gather the information requested by Vice Chair Hawthorn and the other board members.

For your convenience, we have attached the section of code that VC Hawthorn referenced, section 25-2-4, along with the 2019 land status determination for your property (including the 1962 water service permit), and the 2006 residential permit application approved for 1001 Kinney.

The 1962 water service permit confirms that both properties, 1001 and 1003 Kinney, were in their current configuration (5,456 sf each) in 1962, meeting the requirements of 25-2-4(C), and that they must have been subdivided simultaneously. The demolition and building permits approved for 1001 Kinney in 2006 raise the questions, Why did the City approve the new construction at 1001 Kinney without a variance, and why is a variance now required in apparently identical circumstances at 1003 Kinney?

Given this evidence, we are inclined to agree with VC Hawthorn that a variance probably should not be required.

Please bring this up with your case manager and ask for a written explanation (code interpretation letter) that you can submit to the Board of Adjustment. If the case manager decides that 1003 Kinney does not need a variance, then there is no reason for us to meet. If the case manager sticks with the variance requirement, the ZNA zoning committee (not to mention the BoA) will want to understand why.

Thanks,

Lorraine Atherton

For the ZNA Zoning Committee

From: ZNA Secretary [mailto:[REDACTED]]

Sent: Tuesday, November 9, 2021 1:15 PM

To: Bill Neale; Bruce Wiland; Gary Hamilton; 'Lorraine Atherton'

Subject: FW: 1003 Kinney Avenue

fyi.

Dave

From: Ian Ellis [mailto:]

Sent: Tuesday, November 9, 2021 12:11 PM

To:

Cc: Ingrid Gonzalez Featherston; Sarah Johnson; Andrea Alvarez; Matt Fajkus; Mark harries; Wes Wigginton

Subject: 1003 Kinney Avenue

Lorraine,

Thank you for participating in the hearing regarding our proposed variance to construct a new home at 1003 Kinney. As encouraged by your testimony and the Board, we would be happy to meet with you and the association to discuss our project, hear you out, and answer any questions you may have.

I was hoping we would have time to meet and talk after the hearing but we missed you on your way out - if this is not the best contact information, please let us know where to send communications.

CC'd here is the team for this project including the architect, builder, and co-owners.

Are there any days/times that are already scheduled that we could join to meet, or would you prefer to schedule a special time? We are happy to chat in person, or over zoom if that's preferred.

We understand the next ZNA executive committee meeting is December 6, and we could attend and chat then as well if you prefer.

Please let us know how you would like to proceed.

Thanks very much,

Ian and team.

Ian M. Ellis, AIA, NCARB, RID

Architect + Project Manager / Interior Designer / R&D

210.606.7880

@

F-2/13

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-1**

DATE: Monday November 8, 2021

CASE NUMBER: C15-2021-0100

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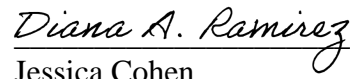
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Elaine Ramirez
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Jessica Cohen
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ADVANCED PACKET TABLE OF CONTENTS:

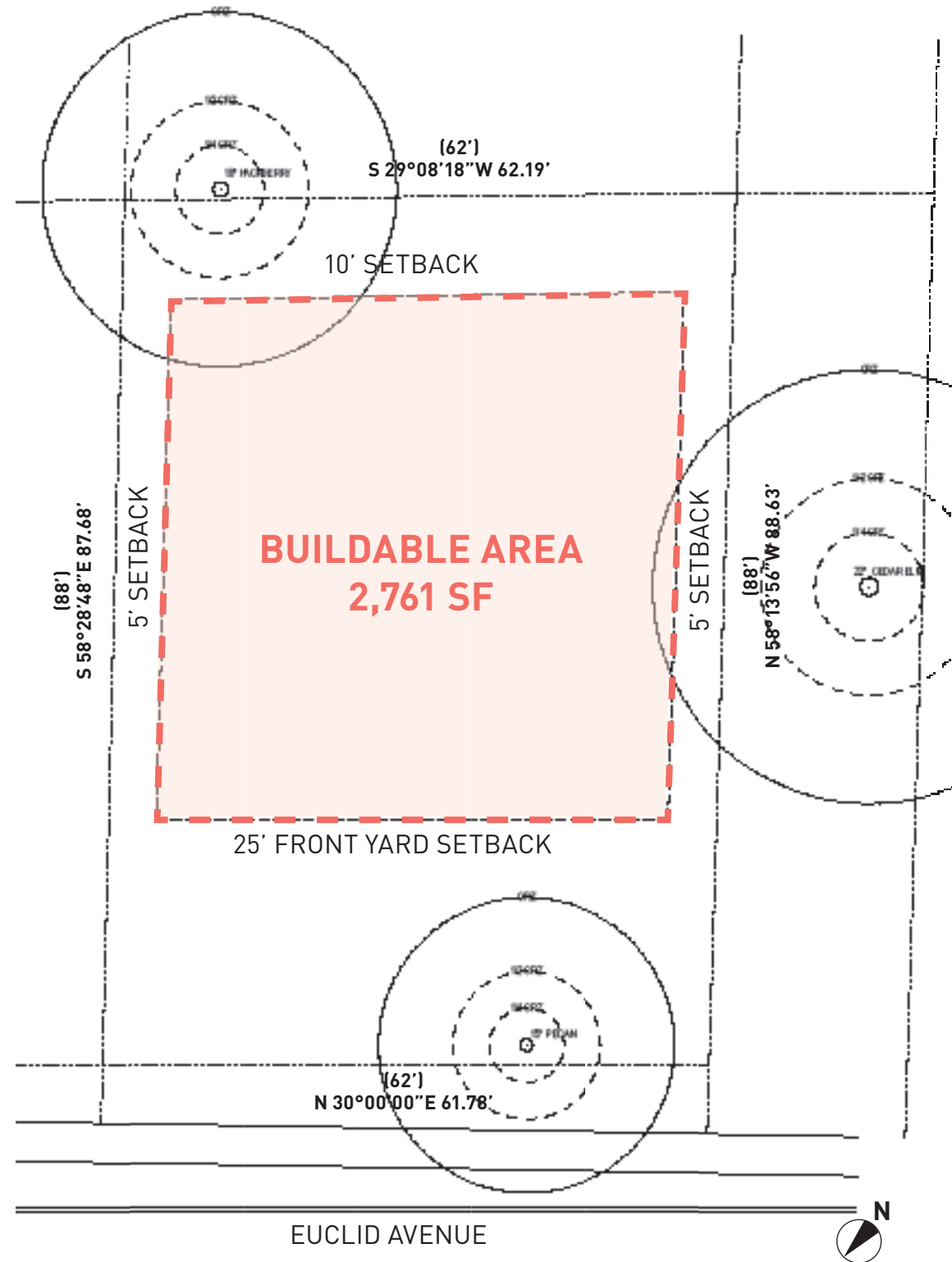
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2. PROPOSED DEVELOPMENT	PG 2-3
3. PROPOSED DEVELOPMENT RENDER	PG 4
4. NEIGHBORHOOD ASSOCIATION CORRESPONDENCE	PG 5-6
5. 1003 KINNEY AVE LOT HISTORY	PG 7-13
6. COA CORRESPONDENCE DURING EXPEDITED REVIEW	PG 14
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KINNEY AVE

BOA Advanced Packet
Case Number 2021-000085 BA
November 19, 2021



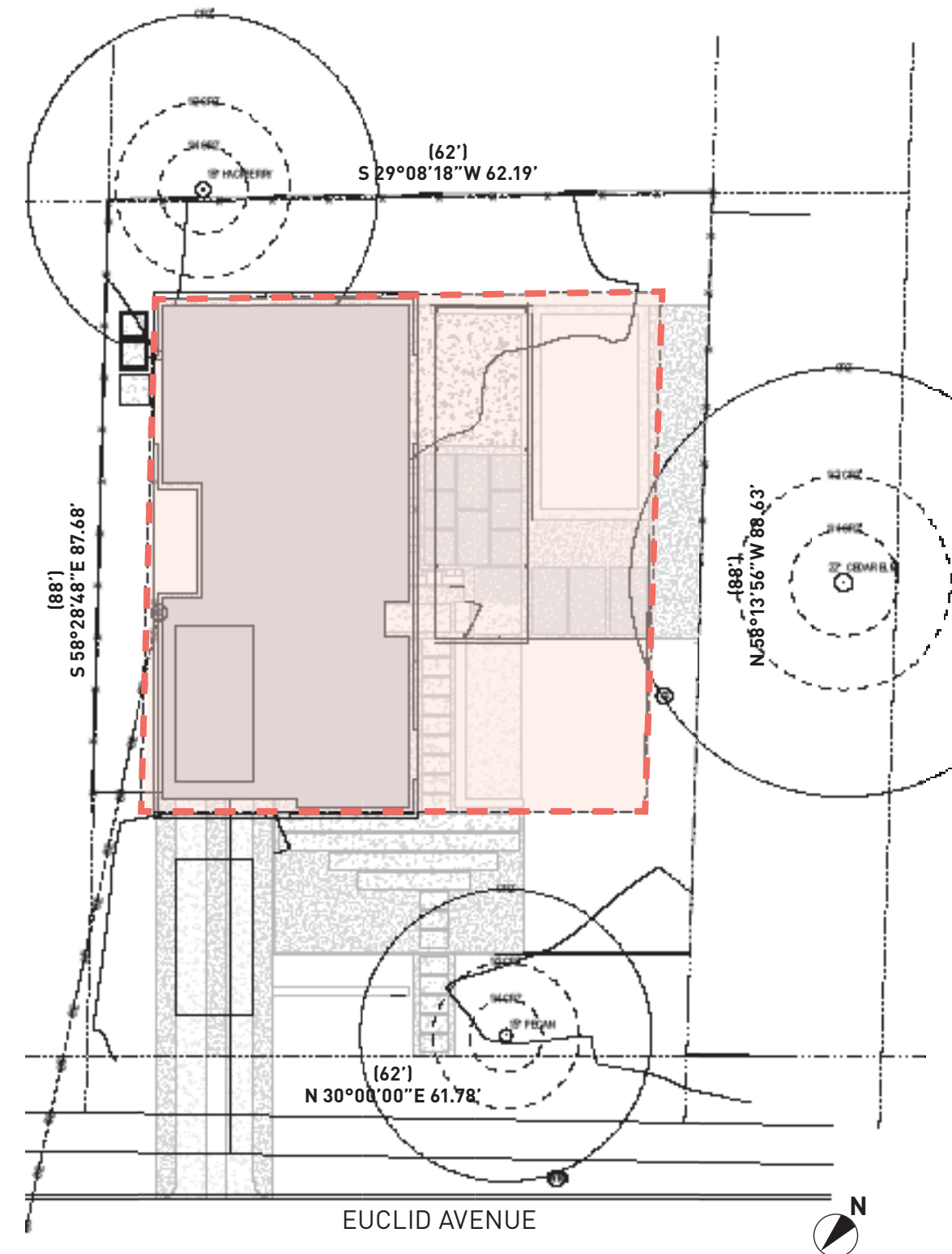
EXISTING VACANT SUBSTANDARD LOT



SECTION B.2.A MIN. LOT SIZE= 5,750 SF
EXISTING LOT SIZE= 5,464 SF

HARDSHIP DEMONSTRATED IN LOT SIZE NOT BEING MIN. LOT SIZE REQUIRED FOR DEVELOPMENT. NEIGHBORING PROPERTY OF SAME SIZE WAS LAST DEVELOPED IN 2007. REFERENCE SITE ORIGINAL DEED AND SUBSEQUENT DEED UPDATES.

PROPOSED DEVELOPMENT



SECTION B.2.A MIN. LOT SIZE= 5,750 SF
EXISTING LOT SIZE= 5,464 SF

PROPOSED DEVELOPMENT

Proposed development of a two story residence with single car garage and a 4 bedroom 3 bathroom home is designed to maintain the neighborhood scale. The design does not push the limits of the McMansion tent like neighboring properties, and rather sets a lower datum by having lower floor to floor heights in order to reduce to overall scale of the home. The home design also does not infringe on the protected tree in the alley, and was designed to maximize the preservation of this tree canopy and view. Design as proposed meets all code standards and during expedited review did not require additional comment responses or clarifications. This urban infill home is providing much needed density within the Central Austin core fabric. As one supportive neighbor comments, the design does not propose an ADU nor does it try to utilize attic exemptions to increase the overall SF of the home and scale of the home so that it fits in better as a Single Family Residence on this street. Below are the applicable zoning codes that are design is compliant with.

SETBACKS & HEIGHT*

*** TOTALS AND PERCENTAGES LISTED APPLY TO OUR EXISTING SUBSTANDARD LOT AREA

MAXIMUM HEIGHT	35'
MINIMUM SETBACKS	
FRONT YARD	25'
INTERIOR SIDE YARD	5'
REAR YARD	10'

ZONING
SUBSTANDARD LOT- § 25-2-943 B.2

SECTION B.2. A	
MINIMUM LOT SIZE	5,750 SQ FT - EXISTING 5,464 SF VARIANCE REQUESTED

SECTION B.2. B	
MINIMUM LOT WIDTH	50 FT - EXISTING 61'-7" COMPLIANT

RESIDENTIAL DESIGN STANDARDS - SF-3-NP

SETBACK PLANES	
SIDE - 15' ABOVE GRADE AT 45°	COMPLIANT
REAR - 15' ABOVE GRADE AT 45°	COMPLIANT

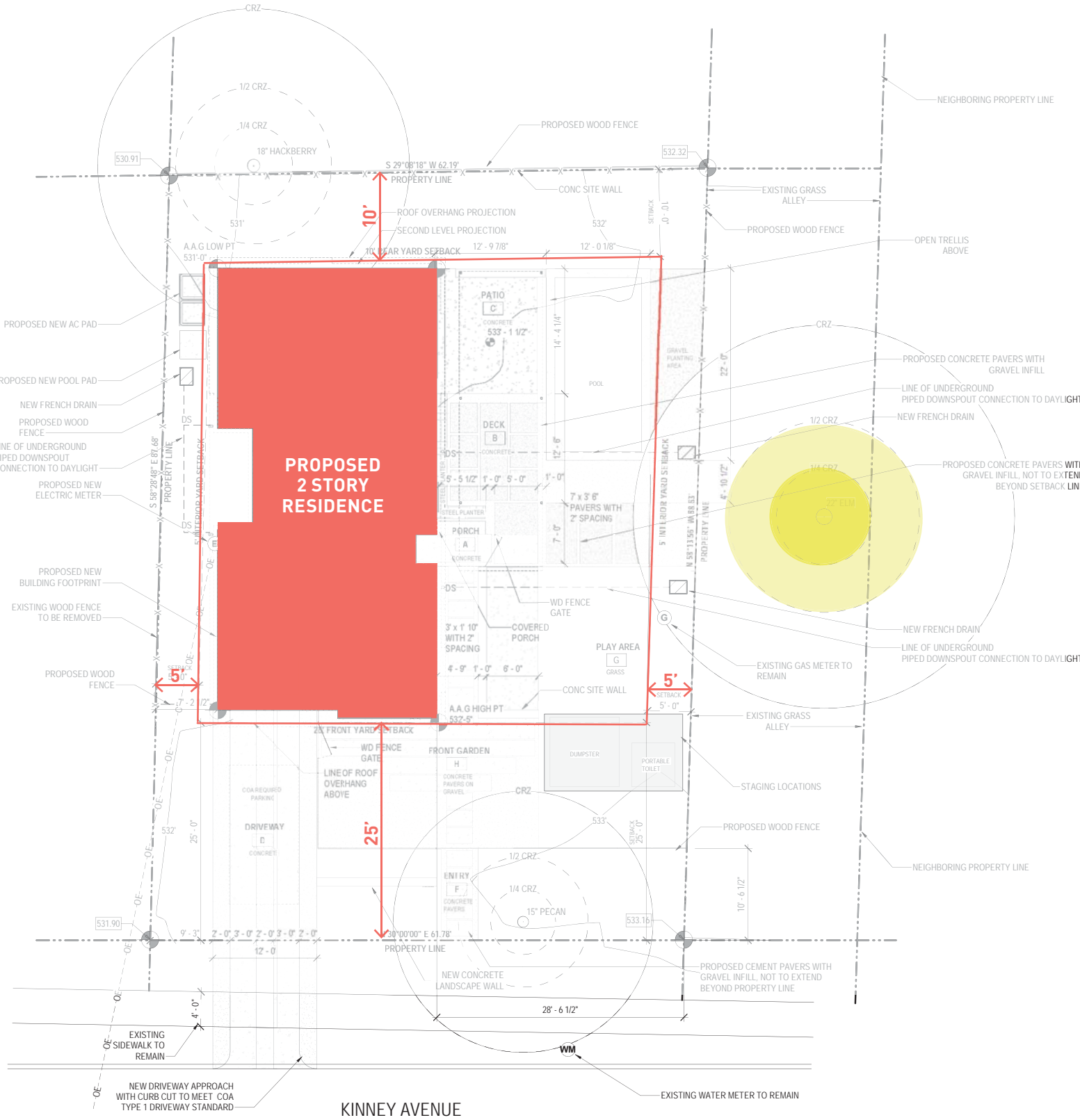
SIDE WALL ARTICULATION MAX 36' LENGTH	COMPLIANT
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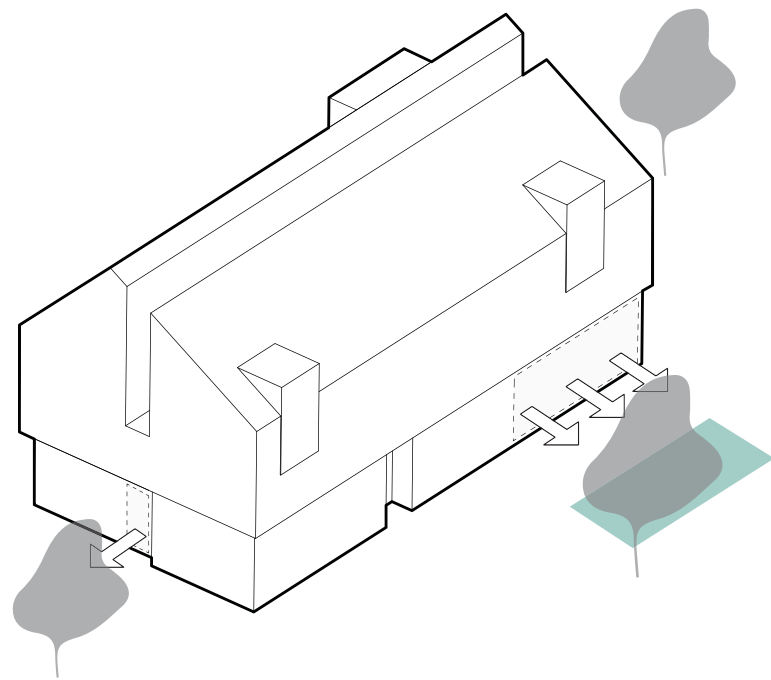
BUILDABLE AREA
TOTAL LOT AREA

	5,464 SF	
IMPERVIOUS COVER - 45%	2,394 SF (43.8%)	COMPLIANT
FAR (ZONING 25-2 § 2.1)	2,297 SF (> 2300 SF)	COMPLIANT
** CALCULATION BASED ON GREATER OF .4:1 OR 2,300 SF		
1ST FLOOR CONDITIONED	1,014 SF	
2ND FLOOR CONDITIONED	1,262 SF	
GARAGE	221 SF (EXEMPT -200 SF)	
PORCH	105 SF (EXEMPT)	
TOTAL	2,297 SF	COMPLIANT

VARIANCE REQUEST

OWNER TEAM IS REQUESTING A VARIANCE REQUEST TO BUILD ON A SUBSTANDARD LOT. OUR EXISTING LOT SQUARE FOOTAGE DOES NOT CURRENTLY ALLOW FOR CONSTRUCTION WITHOUT APPROVAL OF A VARIANCE REQUEST. PROPOSED DESIGN AS INDICATED ON LEFT IS COMPLIANT WITH ALL COA ZONING AND BUILDING CODE AND COA STAFF IS READY TO APPROVE PERMIT PENDING BOA APPROVAL. SUPPLEMENT INFORMATION IS GIVEN THROUGHOUT PRESENTATION OUTLINING NEIGHBORING PROPERTY THAT WAS CONSTRUCTED ON IN PREVIOUS YEARS IN ADDITION TO OUR LOT TECHNICALLY MEETING LAND STATUS DETERMINATION EXEMPTIONS.





PROPOSED DESIGN
4BED 3 BATH
1 CAR GARAGE



EXTERIOR RENDERINGS

NEIGHBORHOOD ASSOCIATION CORRESPONDENCE

Owner team has corresponded with Neighborhood Association and requested their formal comments regarding next steps as it is related to developing the property. See provided email. Neighborhood Association recommends that our team follow the BOA recommendation to explore the route of seeking a land status determination.

The Neighborhood Association also provided additional information to the other half of our original whole lot. Information for adjacent property also included development of that substandard lot in 2007. Adjacent lot is of the same size and dimension as 1003 Kinney Avenue. One of the neighborhood recommendations in addition to seeking a land status determination was reviewing the potential of acquiring the alley. This was denied by the COA. See COA correspondence.

On Wed, Nov 10, 2021 at 4:27 PM Lorraine Atherton wrote:

Mr. Ellis,

Before we set up a meeting, please gather the information requested by Vice Chair Hawthorn and the other board members.

For your convenience, we have attached the section of code that VC Hawthorn referenced, section 25-2-4, along with the 2019 land status determination for your property (including the 1962 water service permit), and the 2006 residential permit application approved for 1001 Kinney.

The 1962 water service permit confirms that both properties, 1001 and 1003 Kinney, were in their current configuration (5,456 sf each) in 1962, meeting the requirements of 25-2-4(C), and that they must have been subdivided simultaneously. The demolition and building permits approved for 1001 Kinney in 2006 raise the questions, Why did the City approve the new construction at 1001 Kinney without a variance, and why is a variance now required in apparently identical circumstances at 1003 Kinney?

Given this evidence, we are inclined to agree with VC Hawthorn that a variance probably should not be required.

Please bring this up with your case manager and ask for a written explanation (code interpretation letter) that you can submit to the Board of Adjustment. If the case manager decides that 1003 Kinney does not need a variance, then there is no reason for us to meet. If the case manager sticks with the variance requirement, the ZNA zoning committee (not to mention the BoA) will want to understand why.

Thanks,

Lorraine Atherton

For the ZNA Zoning Committee



Re: 1003 Kinney Avenue
1 message

Ian E [REDACTED]

Wed, Nov 10, 2021 at 5:09 PM

To: Lorraine Atherton [REDACTED]

Cc: [REDACTED]

Lorraine,

Thanks for the response and documents! Feel free to call me Ian, and please let me know if you have a preference as to how I may address you.

To begin, I want to say we truly weren't aware a meeting with ZNA would be customary or required, so our apologies for missing out on that. We did however sincerely introduce ourselves to some of the neighbors, and I have personally contacted those that provided support and opposition letters for our hearing. We're definitely not trying to sneak anything past anyone - our team's reputation in Austin is simply too good to tarnish.

As for 1001 Kinney, we already had those documents and confirmed with COA that their home's construction was indeed not subject to a BOA variance as you have noted. Oddly enough, if you add 1001 and 1003's property areas, you don't get back to the original amount of the whole lot. Property is funny that way... Similarly, we already had the Land Status Determination for our property, which COA has already seen. So the question of why do we need a variance vs why did 1001 not need one has already been posed to the COA review staff.

One particular thing to note is that the property was never subdivided after the original 1898 plat - we confirmed this with the Country Records department, and with doing deed transaction and title searches back to the original sale of the land. The property was however sold as 2 separate tax parcels, which does not trigger re-plat, does not constitute a resubdivision, nor is it an amendment to the original plat. All of this information COA has as well. Tax parcel map is attached here for your reference, showing the only resubdivided lots of Block 1.

You had also asked specifically if the City would vacate, abandon, or sell the alley. They will not, and attached is the email from their department detailing that. Similarly, even if they could vacate, abandon, or sell a portion of the alley to us, we would not be able to build or use it for access, due to the protected tree, and I am certain we would be met with significant opposition from other neighbors that want to preserve the alley as it currently is. It's really nice, I totally understand how pleasant it is to be able to walk from a back yard through there at any time.

Our Building Permit Reviewer is unfortunately no longer working in that role, so I have already escalated these questions from the Board to his supervisors, Eric Thomas and Susan Barr. They have already watched the BOA hearing and were pretty confused themselves as to what the board was suggesting, so they will be meeting Tuesday to discuss whether or not they still believe a Variance is required. I will provide you with an update of their conversation once it's available.

Thanks again for your time and the considerate email.

Ian M. Ellis, AIA, NCARB, RID
Architect + Project Manager / Interior Designer / R&D

210.606.7880
@ianellis

NEIGHBORHOOD ASSOCIATION CORRESPONDENCE

From: Ian Ellis [REDACTED]
Sent: Tuesday, November 9, 2021 12:11 PM
To: [REDACTED]
Subject: 1003 Kinney Avenue

Lorraine,

Thank you for participating in the hearing regarding our proposed variance to construct a new home at 1003 Kinney. As encouraged by your testimony and the Board, we would be happy to meet with you and the association to discuss our project, hear you out, and answer any questions you may have.

I was hoping we would have time to meet and talk after the hearing but we missed you on your way out - if this is not the best contact information, please let us know where to send communications.

CC'd here is the team for this project including the architect, builder, and co-owners.

Are there any days/times that are already scheduled that we could join to meet, or would you prefer to schedule a special time? We are happy to chat in person, or over zoom if that's preferred.

We understand the next ZNA executive committee meeting is December 6, and we could attend and chat then as well if you prefer.

Please let us know how you would like to proceed.

Thanks very much,

Ian and team.

Ian M. Ellis, AIA, NCARB, RID
Architect + Project Manager / Interior Designer / R&D

210.606.7880
[@ianellis](#)

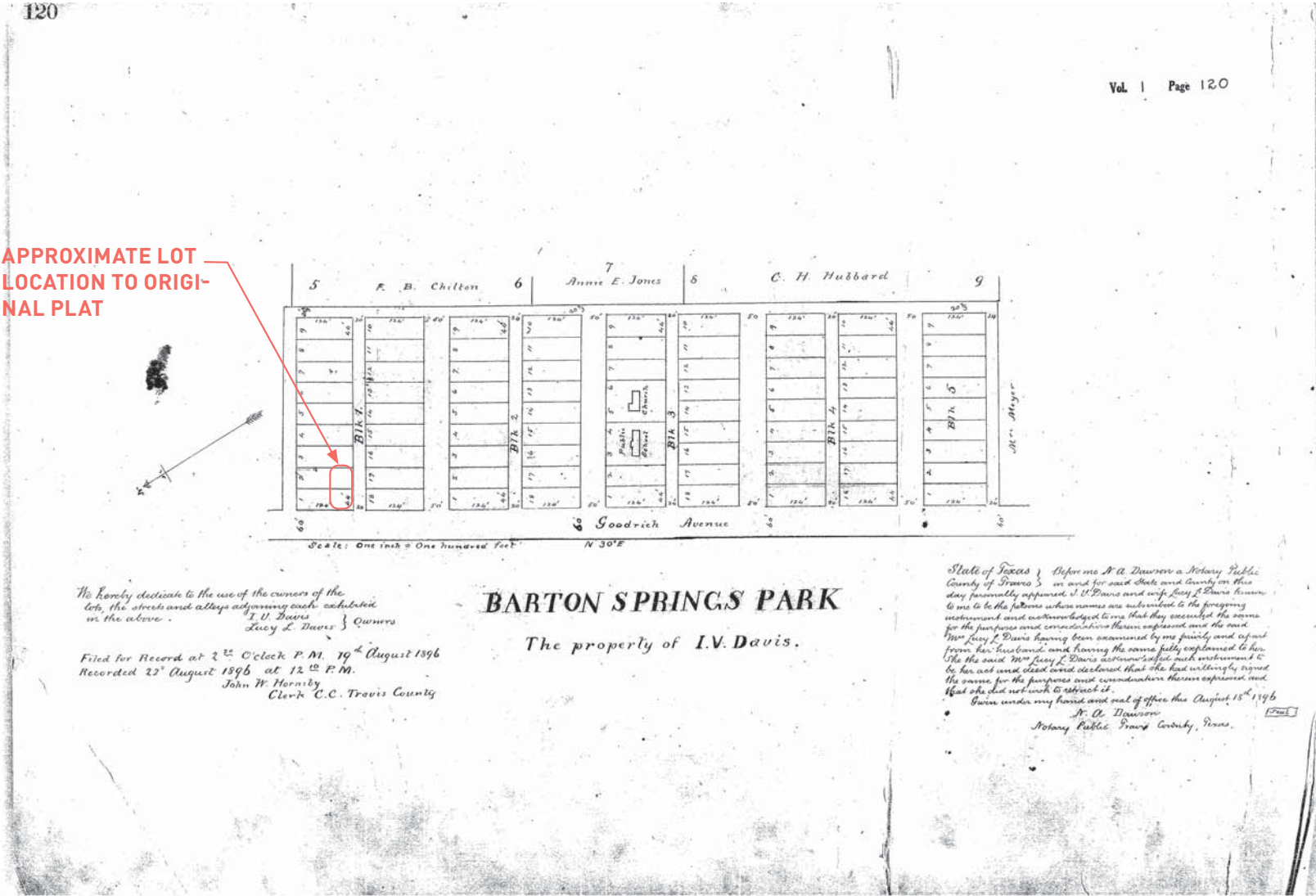
2 attachments

-  Tax Parcel Map.pdf
769K
-  EMAIL 1 Alley Vacate Denial.pdf
126K

1003 KINNEY AVE LOT HISTORY

Owner team requested information via email on the orginal deed plat for the property from the Travis County Clerk Office. Original plat is dated from 1896 anc can be seen below. Highlighted lot in question can be seen below.

Travis County Clerk’s Office and contact Servando Hernandez were able to confirm that the property has never been replatted or amended and that the deed and subsequent deed updates still reference the lot as the original plat. This finding is in conflict with the survey, as the survey only shows the property as a 1/2 lot.



ian Ellis <ian@ianmakes.com>

RE: [CAUTION EXTERNAL] 1003 Kinney Ave: Plat Record History Request

1 message

Servando Hernandez [redacted]
To: "ian@ianmakes.com" [redacted]

Tue, Nov 9, 2021 at 12:07 PM

Good morning

Per our earlier conversation, your property at 1003 Kinney avenue have not been replated or amended. Your deed/previous deeds and a deed filed in volume-4048 page-157 in(1971) still refence the property in as the current deed. In the original plat recorded in volume-1 page-120 of the plats recording in Travis County.

Servando Hernandez

Research Department

Travis County Clerk’s Office

5501 Airport Blvd. Ste. B100

Austin, TX 78751

512-854-9188 ext. 32005

From: Servando Hernandez
Sent: Tuesday, November 9, 2021 10:08 AM
To: i [redacted]
Subject: RE: [CAUTION EXTERNAL] 1003 Kinney Ave: Plat Record History Request

Good Morning

Thank you for reaching out to the Travis County Clerk’s Office. I am not sure what you meant by plat history, usually plats stay the same regardless if you cut the lot in half or a variation of. The only way that the plat changes are if the lot was (replated/amended). If the deed still references the original volume/page (Volume-1 Page-120) then it was never replated or amended. If you have any question please contact us at 512-854-9188. Thanks

Servando Hernandez

Research Department





**City of Austin
Development Services Department
Land Status Determination
1995 Rule Platting Exception**

February 25, 2019

File Number: **C8I-2019-0044**

Address: **1003 KINNEY AVE**

Tax Parcel I.D. #0102040217 Tax Map Date: 02/10/2015

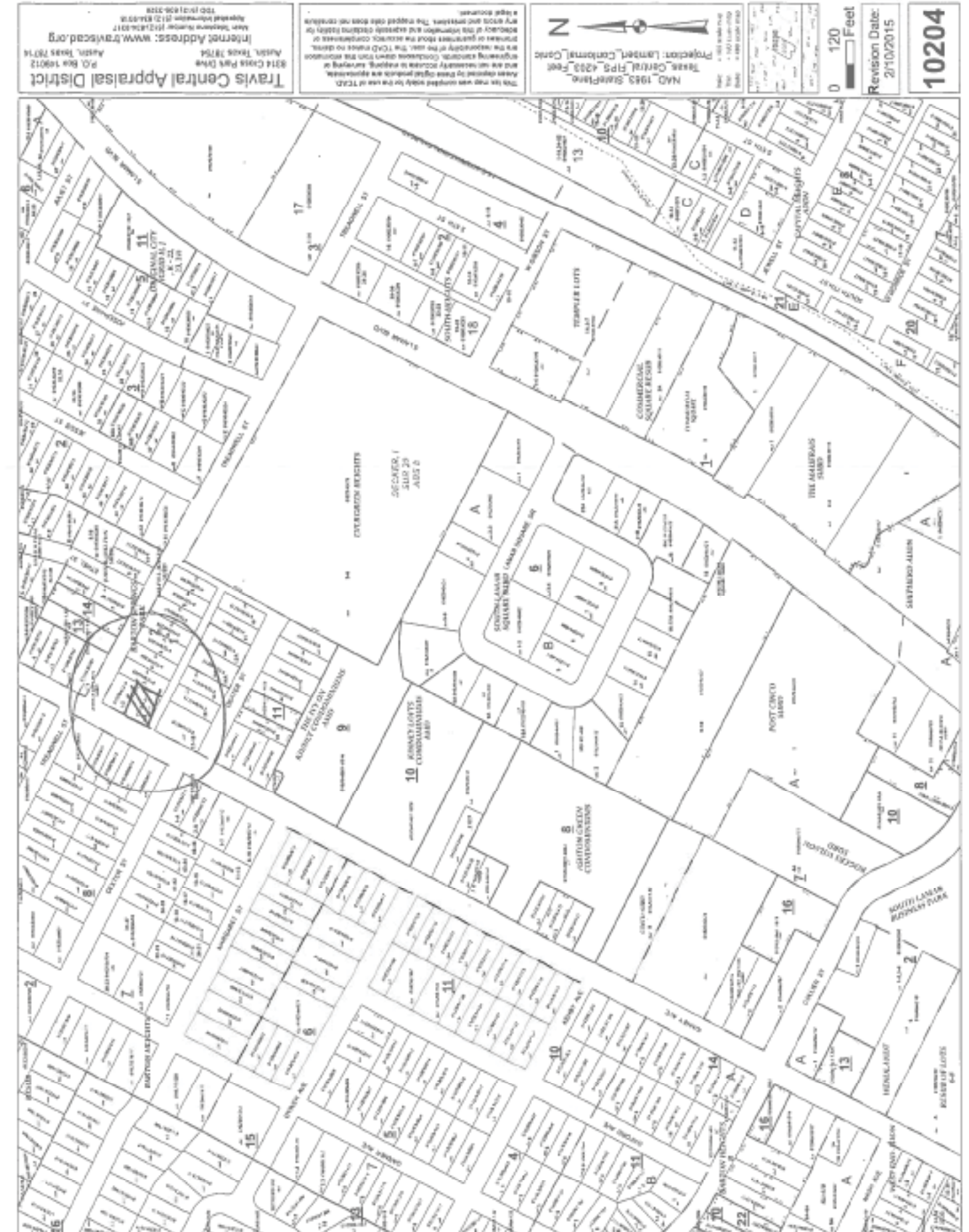
The Development Services Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being the **South 1/2 of Lots 1 & 2, Block 1, Barton Springs Park** in the current deed, recorded on **Feb 01, 1991**, in **Volume 11365, Page 624**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Feb 01, 1991**, in **Volume 11365, Page 624**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water service on Jul 18, 1962**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas
**Michelle Casillas, Representative of the Director
Development Services Department**





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

Land Status Determination Application

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.

All information is required (if applicable).

For Office Use Only

Grandfather/Exception Date: _____
 Application Accepted By: _____
 Case Manager: _____

- | | | |
|---|--|---|
| <input type="radio"/> Legal Tract (Grandfather) | <input type="radio"/> 1987 Rule Exception | <input type="radio"/> Health/Safety Exception |
| <input type="radio"/> Other | <input checked="" type="radio"/> 1995 Rule Exception | <input type="radio"/> Five-Acre Exception |

Section 1: Property Information

Geographic ID (Travis County): 0102040217

—OR—

Tax Parcel Identification Number: 102132

Location Address: 1003 Kinney Ave

Subdivision Name: Barton Springs Park

Whole Lot #s: _____ Partial Lot #s: S 1/2 Lots 1&2 Block #s: 1

Plat Book: 1 Page: 120 County: _____

—OR if no subdivision—

Acres: _____ Out of (survey): _____ In (county): _____

Section 2: Deed Information

Deed conveying tract to current owner is filed for Record in (if no Volume/Page, use Document No.):

Volume: 11365 Page: 0624 or Doc #: 91009012

County: TRAVIS Date: 02/01/1991

Deed pre-dating (grandfather date or exception date) is filed for Record in:

Volume: _____ Page: _____ or Doc #: _____

County: _____ Date: _____

Section 3: Applicant/Agent Information

Applicant Name: Joe B. McAlister

Firm: _____

Applicant Mailing Address: 2112 Eva

City: Austin State: TX Zip: 78704

Email: [REDACTED] Phone 1: (512) 983-2038 Type 1: Mobile

Phone 2: _____ Type 2: Select Phone 3: _____ Type 3: Select

Section 4: Owner Information

☒ Same as Applicant Owner Name: _____

Firm: _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Phone 1: _____ Type 1: Select

Phone 2: _____ Type 2: Select Phone 3: _____ Type 3: Select

Section 5: Signature

[Signature]
 Applicant Signature

February 7 2019
 Month Day Year

SAVE

50 62' of 142 WATER SERVICE PERMIT Austin, Texas EMM No 30990

Block-1

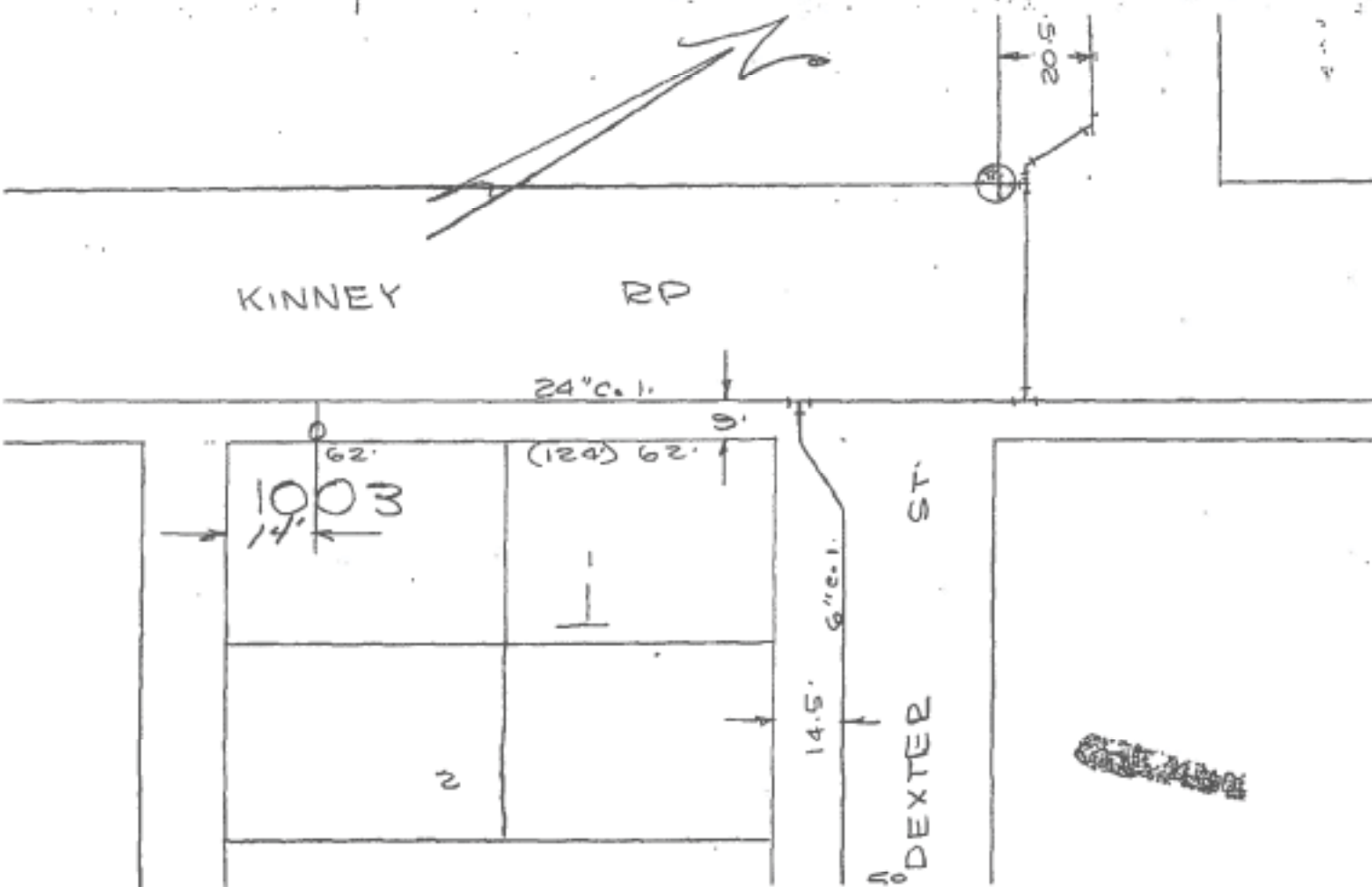
Received of E B CLAGETT Date 7-18-62

Address 1003 Kinney Ave

Amount Fifty dollars and No/100 : 50.00

Plumber Size of Tap 3/4

Date of Connection 9-7-62	No. Fittings 11	Size 3/4" C.P.
Size of Tap Made 3/4"	Corp. Cock	
Size Service Made 3/4"	Cop. to Iron ell	
Size Main Tapped 24" C.I.	Cop. to Cop. ell	
From Front Prop. Line to Curb Cock 13'	Cop. to Iron Coupling	
From South Prop. Line to Curb Cock 14'	Cop. to Cop. Coupling	
Location of Meter FRONT	Angle Stop	
Type of Box ROUND	Stop	
Depth of Main in St. 4'	Bushing 8"x3/4" BRASS	
Depth of Service Line 3'	Nipples 1"	
From Curb Cock to Tap on Main 8'	Service Clamp	
Checked by Engr. Dept. 10-9-62 SMP	Valve	
	Meter Box ROUND	
	Lock Lid	
	Drain Tile	
	Drain Tile Lid	
	Stop & Drain	
	Job No. W 323-502	
	Foreman V. Weaver	



SANITARY SEWER SERVICE PERMIT Austin, Texas No 38118

Received of E B Clagett Date 7-18-62

Address 1003 Kinney Ave

Amount Fifty dollars and No/100 : 50.00

Builder or Owner Plumber Brylson

Lot 50 62' Block 1 Subdivision 1st 7th Springs Plat No 100

Date of Connection 9-15-62

By City 3' S of NLL

By Plumber

Checked By Samaniego

Size Main 6" Depth 5' (Reck)

Main Assign. 12 1/2' E of W R

Stub Depth 4' Prop. Line 2'

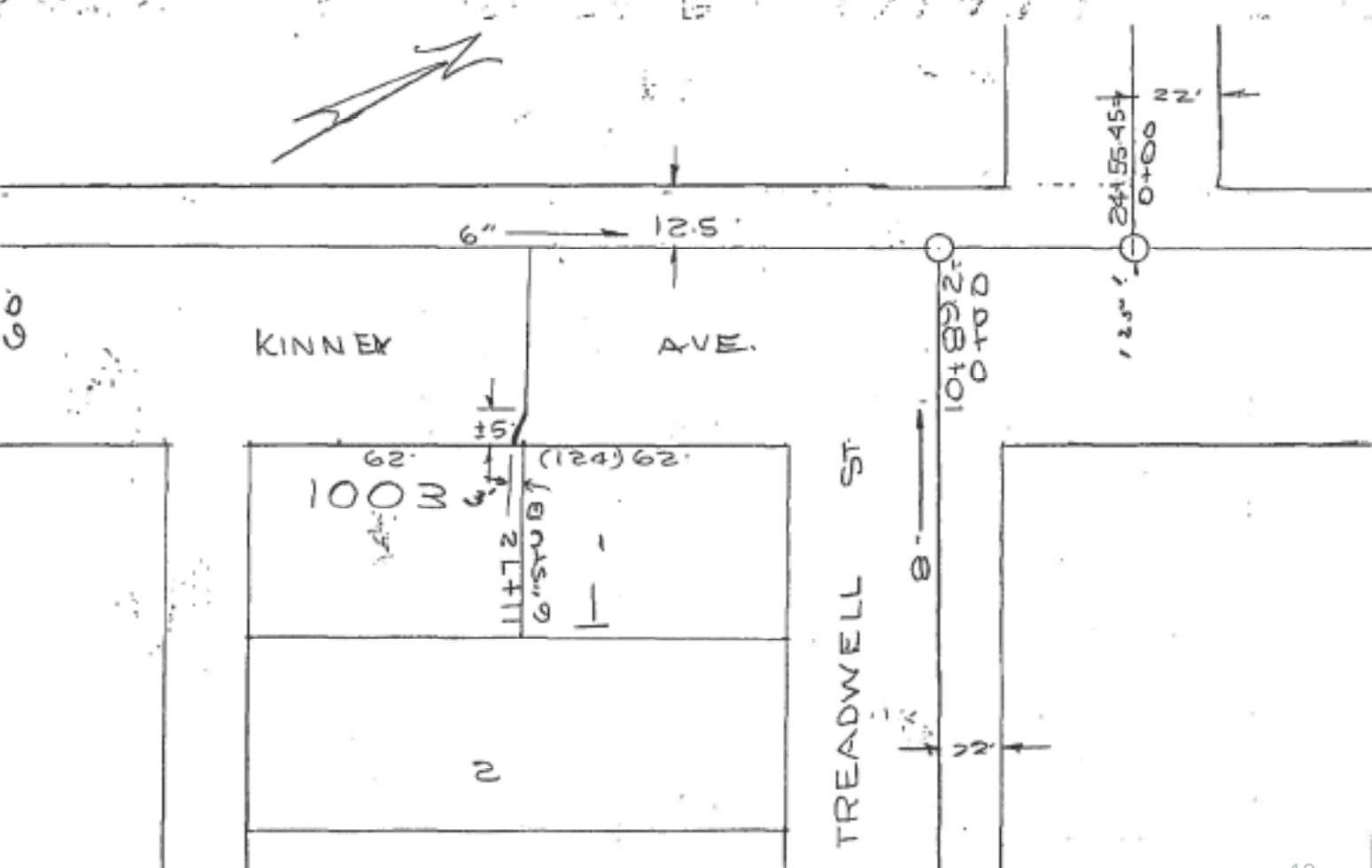
Stub Location NLL @ 11+72

Book No. B 1241

Paving Cut No.

OK 9-11-62 SMP

No. Fittings	Size	Price
15' Pipe 4" C.I.	2.55	
5' Pipe 4" C.I.	7.50	
2' Pipe 4" V.C.	1.00	
3 Bends 4" C.I.	1.10	
1 Reducers TRANS 4"	2.50	
Plugs		
Sand		
Gravel		
Remix		
Stoppers		
Castings		
Other		
Labor: 4.0 - 8.00		
Materials 1 - 80		
Foreman 1 - 80		
Total		468.35



03 DOC. NO.
91009012

FILM CODE
00004673193

500
100

WARRANTY DEED

7:00 PM 3/23
2 4 02/01/91
718978.12-000
07.73-046

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

That NCNB TEXAS NATIONAL BANK TRUSTEE OF THE JEWEL HATTON DODSON TRUST, successor in interest to the fiduciary appointments of The Austin National Bank, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto JOE B. MC ALISTER of the County of Travis and State of Texas, all of the following described real property in Travis County, Texas, to-wit:

South 1/2 of Lots 1 & 2, Block 1, BARTON SPRINGS PARK, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 1, page 139, Plat Records of Travis County, Texas.

This conveyance is expressly made and accepted subject to all valid and subsisting agreements, restrictions, reservations, covenants and conditions relating to said property, to the extent the same are valid and enforceable against said property, as same are shown by instruments filed of record in the office of the County Clerk of Travis County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantee, his heirs and assigns forever; and Grantor does hereby bind itself and its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor; provided, however, that this warranty shall not create any personal, individual or corporate obligations on the part of NCNB Texas National Bank, its officers or employees and the warranty of the Grantor is specifically limited to the extent permitted under the Jewel Hatton Dodson Trust creating the fiduciary relationship by trust instrument dated August 10, 1988, and under the laws of the State of Texas.

parcel number 01-0204-0213-0600

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
11365 0624

EXECUTED this the 1st day of February, 1991.

NCNB TEXAS NATIONAL BANK, Trustee of
the Jewel Hatton Dodson Trust
By Martin F. Moran
Assistant Vice President
By Paul H. Wendler
Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 1st day of February, 1991 by Martin F. Moran, Assistant Vice President, and Paul H. Wendler, Vice President, on behalf of NCNB TEXAS NATIONAL BANK, Trustee of the Jewel Hatton Dodson Trust.

W. L. TEBBACH
Notary Public, State of Texas
MY COMMISSION EXPIRES _____
(Printed name of Notary)

ADDRESS OF GRANTEE:
JOE B. MC ALISTER
1404 Oxford
Austin, Texas 78704

NOTARY SEAL



CHARGE TO: Gracy Title Company

AFTER RECORDING RETURN TO:
Mr. Joe B. McAlister
1404 Oxford
Austin, Texas 78704

FILED
Feb 1 4 21 PM '91
DANIELLE DUNN
COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDING INFORMATION
At the time of recording this instrument was
found to be in compliance with the following provisions:
1. The instrument was properly executed and acknowledged.
2. The instrument was properly recorded.
3. The instrument was properly indexed.
4. The instrument was properly filed.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
11365 0625

RECORDING INFORMATION
At the time of recording this instrument was
found to be in compliance with the following provisions:
1. The instrument was properly executed and acknowledged.
2. The instrument was properly recorded.
3. The instrument was properly indexed.
4. The instrument was properly filed.



AL 12-0220	2002	•	120
AL 12-0221	2005	•	125

KNOW ALL MEN BY THESE PRESENTS:

165
U.S. INT. REV. STAMPS CANCELLED

Jana Brown
NOTARY PUBLIC, IN AND FOR TRAVIS
COUNTY, TEXAS

PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & **ARCHITECT-** SARAH JOHNSON, AIA, RID
KINNEY AVE BOA VARIANCE - CASE NUMBER 2021-000085 BA - November 19, 2021

COA CORRESPONDENCE DURING EXPEDITED REVIEW

The Owner Team was able to locate a land status determination for the property that was submitted and approved for the 1995 Rule Platting Exception submission dated February 25, 2019. Reference next page for Land Status Determination documentation.

Owner Team confirmed with new COA reviewer that although we have documentation of a previous land status determination on the lot, they are still requiring us to request a variance through the BOA. Reference email.



From: Ian Ellis <ian@ianmakes.com>

RE: 1003 Kinney Ave_ attached COA Correspondence

1 message

[Redacted] Wed, Oct 6, 2021 at 1:19 PM
To: "Thomas, Eric"

Good afternoon,

I confirmed with my Zoning Supervisor Eric Thomas that a variance indeed will be required for this lot. The lot was configured in 1962.

Jhermaine McVea
Zoning Plans Examiner, Expedited Plan Review
City of Austin Development Services Department
6310 Wilhelmina Delco Dr, Austin, Texas 78752
Office: 512-974-2314



Please contact my direct supervisor with any kudos or concerns at Adam.Smith@austintexas.gov.

PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

From: Ingrid Gonzalez Featherston [Redacted]
Sent: Wednesday, October 06, 2021 11:29 AM
To: McVea, Jhermaine <Jhermaine.McVea@austintexas.gov>
Cc: Ian M. Ellis [Redacted]
Subject: 1003 Kinney Ave_ attached COA Correspondence

*** External Email - Exercise Caution ***

Jhermaine,

Attached you will find the correspondence we had with Anthony McBryde regarding our lot requirements for a substandard lot. We wanted to clarify with him any applicable codes and zoning regulations that would apply in addition to setbacks, FAR requirements, and subchapter F requirements. During this correspondence it was not mentioned to us that a BOA variance would be required to develop the lot. In addition to the correspondence we've also attached the original plat that was reviewed at our meeting this morning. We do not have any further updated plats from the property on hand.

We'd like to clear this comment internally as we are in compliance with our proposed building design with the small updates that were shared at today's expedited review meeting. Please let us know the next steps after you meet internally with your team. Looking forward to hearing from you.

Thank you,
Ingrid



Ingrid Gonzalez Featherston, AIA, NOMA, RID
Senior Design Architect

Matt Fajkus Architecture
512.432.5137



COA CORRESPONDENCE POST EXPEDITED REVIEW

Owner Team confirmed with new COA reviewer that although we have documentation of a previous land status determination on the lot approved from February 25, 1995, they are still requiring us to request a variance

1



Ian Ellis <ian@ianmakes.com>

RE: 1003 Kinney Avenue

1 message

Thomas, Eric <Eric.Thomas@austintexas.gov> Wed, Nov 17, 2021 at 10:55 AM
To: Ian <ian@ianmakes.com>
Cc: "Barr, Susan" <Susan.Barr@austintexas.gov>

Hi Ian,

Yes, the email sent this morning may serve as a written explanation/letter that you can reference at the next Board of Adjustment meeting.

You are correct in reading the email to mean that a single family residence cannot be built on the property without a variance. It is possible that a neighbor could purchase the lot and use a Unified Development Agreement to develop the new parcel as a single site, but I do not see any way the lot could be developed as a single site without a variance.

Thank you,

Eric Thomas
Residential Zoning Plans Examiner Supervisor, Residential Review
City of Austin Development Services Department
6310 Wilhelmina Delco Dr, Austin, Texas 78752
Office: 512-974-7940



Please contact my direct supervisor with any kudos or concerns at susan.barr@austintexas.gov

PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

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From: Ian Ellis <ian@ianmakes.com>
Sent: Wednesday, November 17, 2021 10:28 AM
To: Thomas, Eric <Eric.Thomas@austintexas.gov>
Subject: Re: 1003 Kinney Avenue

*** External Email - Exercise Caution ***

Eric,

Thanks for taking a look at this and for explaining the logic. Does your email satisfy the requested Code Interpretation Letter from the Zilker Neighborhood Association?

Also, as we discussed during our phone call last week, could you please confirm that a variance is required to build *anything* on this property currently? Without a variance, the lot would remain vacant - currently due to the variance requirement, there is no possible way to have a reasonable use of the property, or to build a single family home, without the Board of Adjustment's approval of the minimum lot size variance.

Ian M. Ellis, AIA, NCARB, RID
Architect + Project Manager / Interior Designer / R&D

210.606.7880
[@ianellis](mailto:ianellis@ianmakes.com)

On Wed, Nov 17, 2021 at 10:12 AM Thomas, Eric <Eric.Thomas@austintexas.gov> wrote:

Good morning Ian,

This email is in regards to your Residential Plan Review application #21-144210 for [1003 Kinney Avenue](#).

At the Board of Adjustment meeting on November 8, 2021, it was suggested that a "legal tract" determination, also



known as a Land Status Determination, could negate the need for a variance from the requirements of the City of Austin's Land Development Code (LDC) section 25-2-943 *Substandard Lot*. All a Land Status Determination does is exempt a particular tract from the requirement to submit a plat; it does not attest to the legality of existing or future development on the property.

The current lot contains roughly 5,450 square feet of area. 5,750 square feet is the minimum lot area for the zoning classification per LDC section 25-2-492 *Site Development Regulations*. Since this lot does not meet the minimum lot size requirements of 25-2-492, Residential Plan Review looks at section 25-2-943 *Substandard Lot* to see if the lot qualifies for the 4,000 minimum lot size.

The original plat shows two lots with a total area of 10,912 square feet. The earliest deed on record, showing the two current small lots, is from September of 1947. The date a substandard lot needs to be recorded with the County, so that it qualifies under the provisions of LDC section 25-2-943 (B)(1), is March 15, 1948. Since the earliest deed record is from September of 1947, the minimum lot area requirement is 5,750 square feet per item (B) (2) of 25-2-943. Because of this, a variance to minimum lot size is required in order to develop the property for a single family use.

Thank you,

Eric Thomas

Residential Zoning Plans Examiner Supervisor, Residential Review

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Office: 512-974-7940



Please contact my direct supervisor with any kudos or concerns at susan.barr@austintexas.gov

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Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to

COA CORRESPONDENCE REQUESTING ZONING INFORMATION

Owner and Architect Team originally contacted the city of Austin to research applicable zoning information to the property. COA contact Anthony McBryde provided information on small lot amnesty and substandard lot, but no additional information on how to move forward if the lot were to be developed. Owner and Architect team also provided original plat to COA for further clarification of lot requirements, but no clarificaiton was provided. Cor-respondence included in email below.

mfarchitecture

Ingrid Gonzalez Featherston <ingrid@mfarchitecture.com>

Zoning question

Ingrid Gonzalez Featherston <[redacted]> Tue, Jun 22, 2021 at 10:37 AM
[redacted]

Anthony,

To follow up on the original plat, we have confirmed that it is prior to 1946. See attached. The property was originally platted in 1896. Since my previous email was assuming we were prior to 1946, could you provide answers to whether subchapter F will still apply on a substandard lot and if we have any leeway on impervious coverage?

Thank you,
Ingrid



Ingrid Gonzalez Featherston, AIA, NOMA, RID
Senior Design Architect

Matt Fajkus Architecture

512.432.5137
900 E 6 St, #100, Austin

Executive Board Member | ACE Mentor Program of Austin
Executive Board Member | NOMA of Central TX

[Quoted text hidden]

1-120 Plat.pdf
137K

mfarchitecture

Ingrid Gonzalez Featherston <ingrid@mfarchitecture.com>

Zoning question

8 messages

McBryde, Anthony <[redacted]> Mon, Jun 21, 2021 at 8:45 AM
To: [redacted]

Hello,

You wrote:

Hi,

I'd like to confirm whether our lot located at 1003 Kinney Ave would be eligible for small lot amnesty? Would this increase our FAR to 2,350 SF? Would this also increase the allowable impervious coverage on the lot? Current zoning allows 45%. Below are the calculations based on our zoning of SF-3. If you could confirm the small lot applicability and whether an increase in Impervious Coverage is allowed that would be a great help!

1003 Kinney Avenue

Zoning: SF-3 (ADU Reduced Parking allowed)

Lot Size: **5,461 SF**

Max 40% Bldg Coverage/FAR (0.4:1)= **2,184 SF**

Max 45% Impervious Coverage= **2,457 SF**

Response:

The min. lot size for SF3 Zoning is 5750 sq. ft. your lot is less than the min. meaning it is a "Substandard Lot" depending on when the property was recorded in the County will determine if construction is possible. Small Lot Amnesty is granted to properties within certain Neighborhood Plans (NP), your property is not within a NP.

See below:


- § 25-2-943 - SUBSTANDARD LOT.

- (A)
A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.
- (B)
A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.
- (1)
A substandard lot recorded in the county real property records before March 15, 1946 must:
- (a)
have an area of not less than 4,000 square feet; and
- (b)
be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:
- (i)
not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;
- (ii)
not more than 150 feet in length; and

COA CORRESPONDENCE REQUESTING ALLEY ACCESS

Owner team originally requested for the COA to vacate the alley and allow for our property to use it as vehicle access to the property. This was denied per the email to the right. They also requested the removal of a protected tree within the alley to allow for vehicular access and use of the alley, but this too was denied. See email correspondence below.

One of the neighborhood recommendations in addition to seeking a land status determination was reviewing the potential of acquiring the alley. This was denied by the COA. See COA correspondence.



lan Ellis <ian@ianmakes.com>

RE: 1003 Kinney

1 message

Olsen, Dillor [redacted]

Mon, Jun 14, 2021 at 4:43 PM

To: Ian Ellis [redacted]

Hey Ian,

Thank you for your patience with this – I discussed the potential alley upgrade with a few coworkers.

It appears that since there is already a curb-cut and driveway within the private property, removal of a Protected Tree (by impact) in a currently natural area within the City ROW cannot be considered necessary to use/access the property.

The proposed removal would likely be rejected in review, as reasonable use/access isn’t inhibited by the Protected Tree.

I hope this helps, and please let me know if you have questions going forward.

Thank you,

Dillon Olsen | Environmental Review Specialist Sr
City Arborist Program, Community Tree Preservation Division
City of Austin Development Services Department
6310 Wilhelmina Delco Dr, Austin, Texas 78752
Office: (512)974-2515





lan Ellis <ian@ianmakes.com>

RE: 1003 Kinney Ave - Grass Alley Question.

1 message

West, Samuel [redacted]

Mon, Feb 1, 2021 at 2:08 PM

To: Ian Ellis [redacted]

Ian,

I is my understanding if a vacation of right of way is requested everyone who touches the right of way has a say in the request.

The Public Works Department is asked if we would vacate the right of way. In this case we would object to the right of way being vacated because it is use for access.

The Public Works Department has no plans to improve the alley.

I hope this answers your questions.

Thank you

Samuel West
City of Austin
Public Works Department
Office of City Engineer
Project Coordinator
512-974-8775

From: Ian Ellis [mailto:[redacted]]

Sent: Monday, February 01, 2021 9:38 AM

To: West, Samuel [redacted]

Subject: Re: 1003 Kinney Ave - Grass Alley Question.

Sam,

Thanks again for the call and discussion on this alley Friday.

SUPPLEMENT INFORMATION

- VIEWS LOOKING TOWARDS E SIDE OF KINNEY AVENUE
- 2-STORY AND 1-STORY HOMES ARE THE STANDARD
- MIXTURE OF NEW CONSTRUCTION AND EXISTING ORIGINAL HOMES



NEIGHBORHOOD CONTEXT

- VIEWS LOOKING TOWARDS E SIDE OF KINNEY AVENUE (TO ROW) & W SIDE OF KINNEY (BOTTOM ROW)
- SOME VACANT LOTS ON KINNEY AVE
- MULTI-FAMILY ON KINNEY AVE TOWARDS INTERSECTION OF MARGARET ST & KINNEY AVE

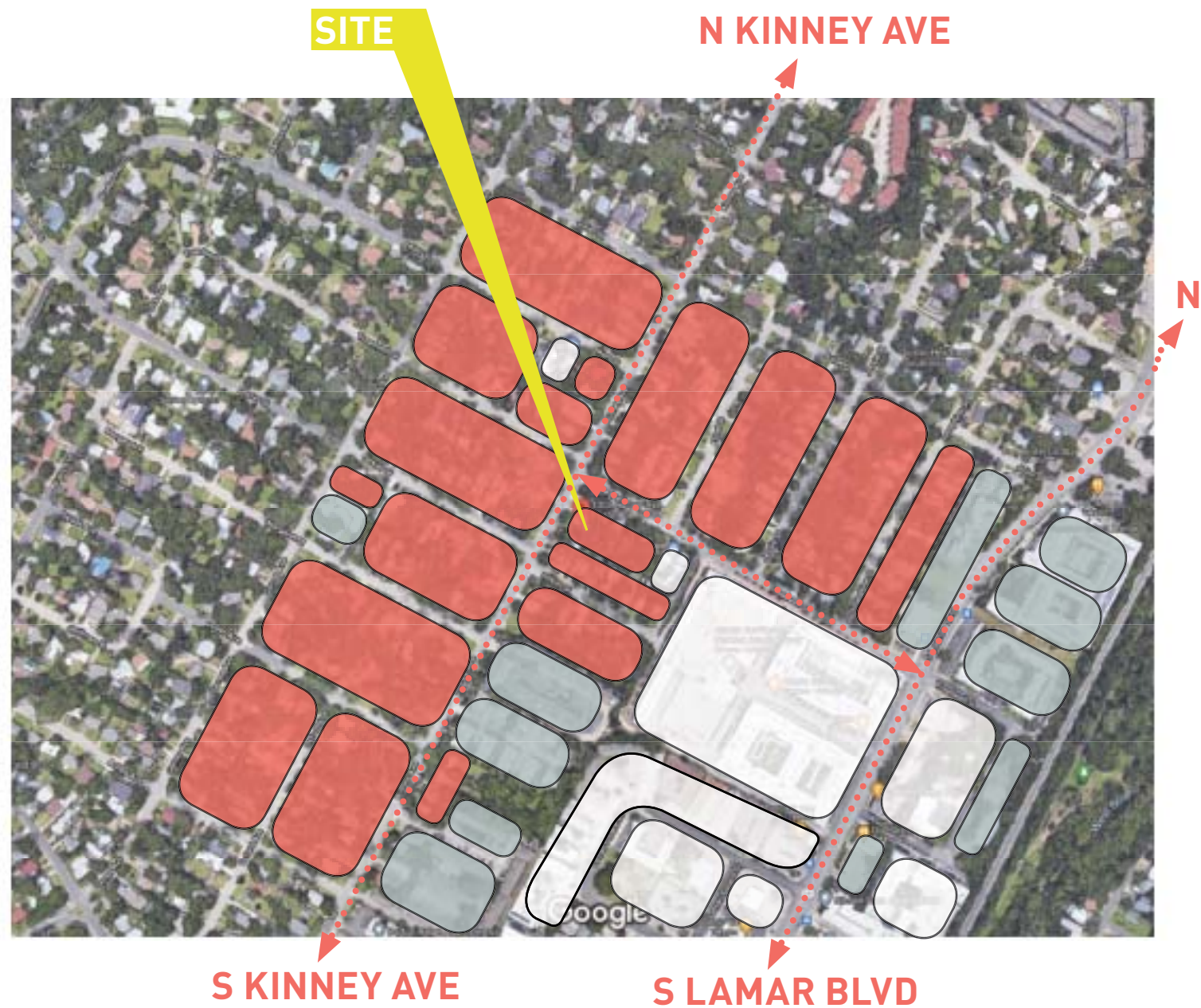





NEIGHBORHOOD CONTEXT

21
PRESENTERS: DEVELOPER- IAN M. ELLIS, AIA, NCARB, RID & ARCHITECT- SARAH JOHNSON, AIA, RID
KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - November 19, 2021

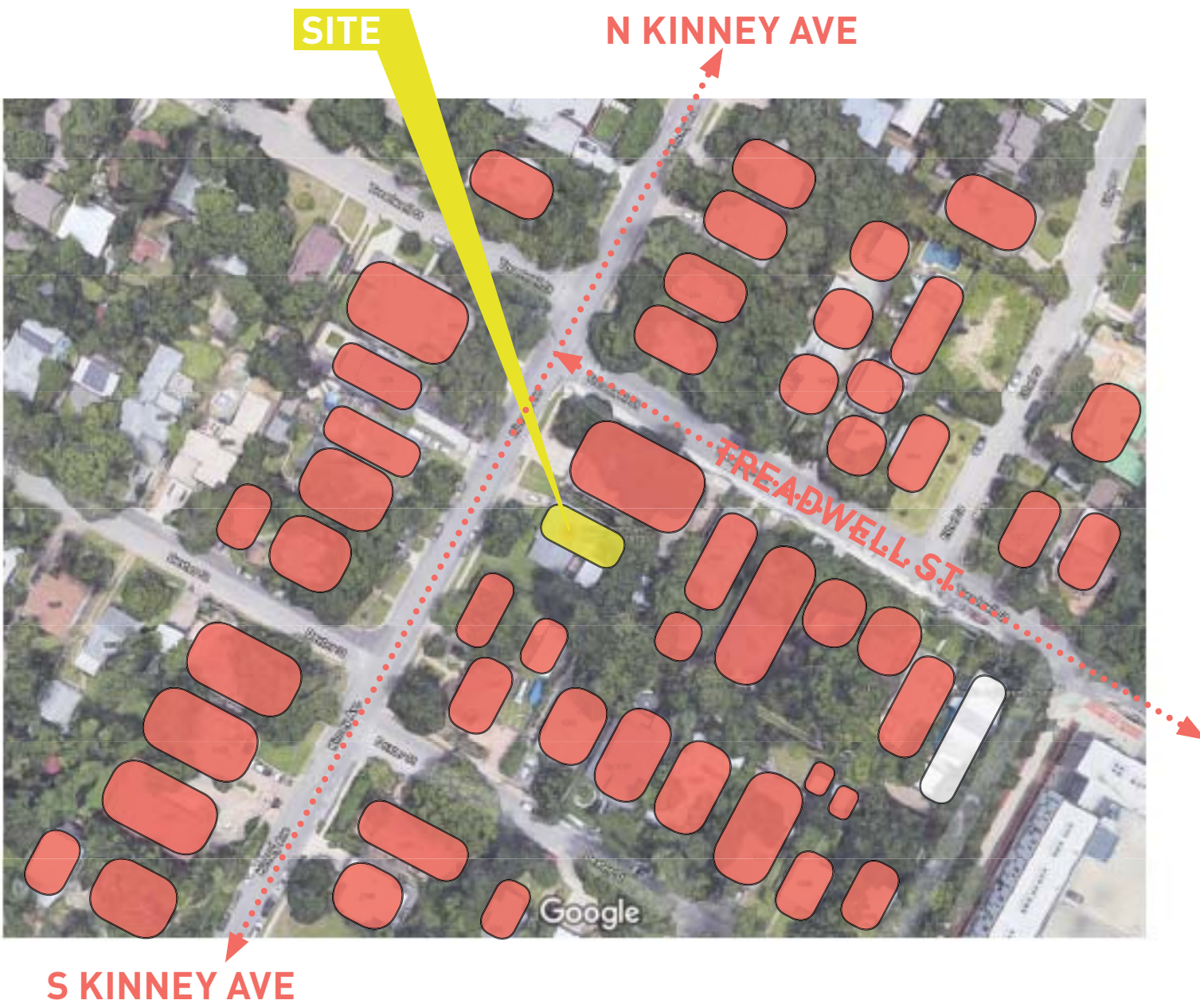


- DEVELOPMENT PROPOSED AT 1003 KINNEY AVE IS ADJACENT TO NEARBY S LAMAR UNION
- MIXED USE DEVELOPMENT CAN BE FOUND AT S LAMAR UNION AS WELL AS ON THE S END OF KINNEY AVENUE AT THE MARGARET ST. INTERSECTION
- PROPOSED DEVELOPMENT AT 1003 KINNEY AVE WOULD MAINTAIN CURRENT NEIGHBORHOOD CONTEXT AND SCALE IN TERMS OF BUILDING HT AND SCALE



-  SF RESIDENTIAL
-  MF RESIDENTIAL
-  COMMERCIAL

SITE MAPPING



-  SF RESIDENTIAL
-  MF RESIDENTIAL
-  COMMERCIAL
-  PROPOSED RESIDENCE

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0100

BOA DATE: November 8th, 2021

ADDRESS: 1003 Kinney Ave

COUNCIL DISTRICT: 5

OWNER: Ian Ellis

AGENT: N/A

ZONING: SF-3

LEGAL DESCRIPTION: S 1/2 OF LOT 1-2 BLK 1 BARTON SPRINGS PARK

VARIANCE REQUEST: decrease minimum lot size from 5,750 square feet to 5,464 square feet

SUMMARY: erect a Single-Family residence and pool

ISSUES: property's boundaries have changed over time, undeveloped COA alley

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-Family
<i>North</i>	SF-3	Single-Family
<i>South</i>	SF-3	Single-Family
<i>East</i>	SF-3	Single-Family
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Friends of Zilker
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Perry Grid 614
 Preservation Austin
 SELTexas
 Save Our Springs Alliance
 Sierra Club, Austin Regional Group
 South Central Coalition
 TNR BCP – Travis County Natural Resources
 Zilker Neighborhood Association



October 26, 2021

Ian Ellis
1003 Kinney Ave
Austin TX, 78704

Property Description: S 1/2 OF LOT 1-2 BLK 1 BARTON SPRINGS PARK

Re: C15-2021-0100

Dear Ian,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from § 25-2-943 - SUBSTANDARD LOT (B) (2) to allow for the development of a single-family home on a 5,464 square-foot lot.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

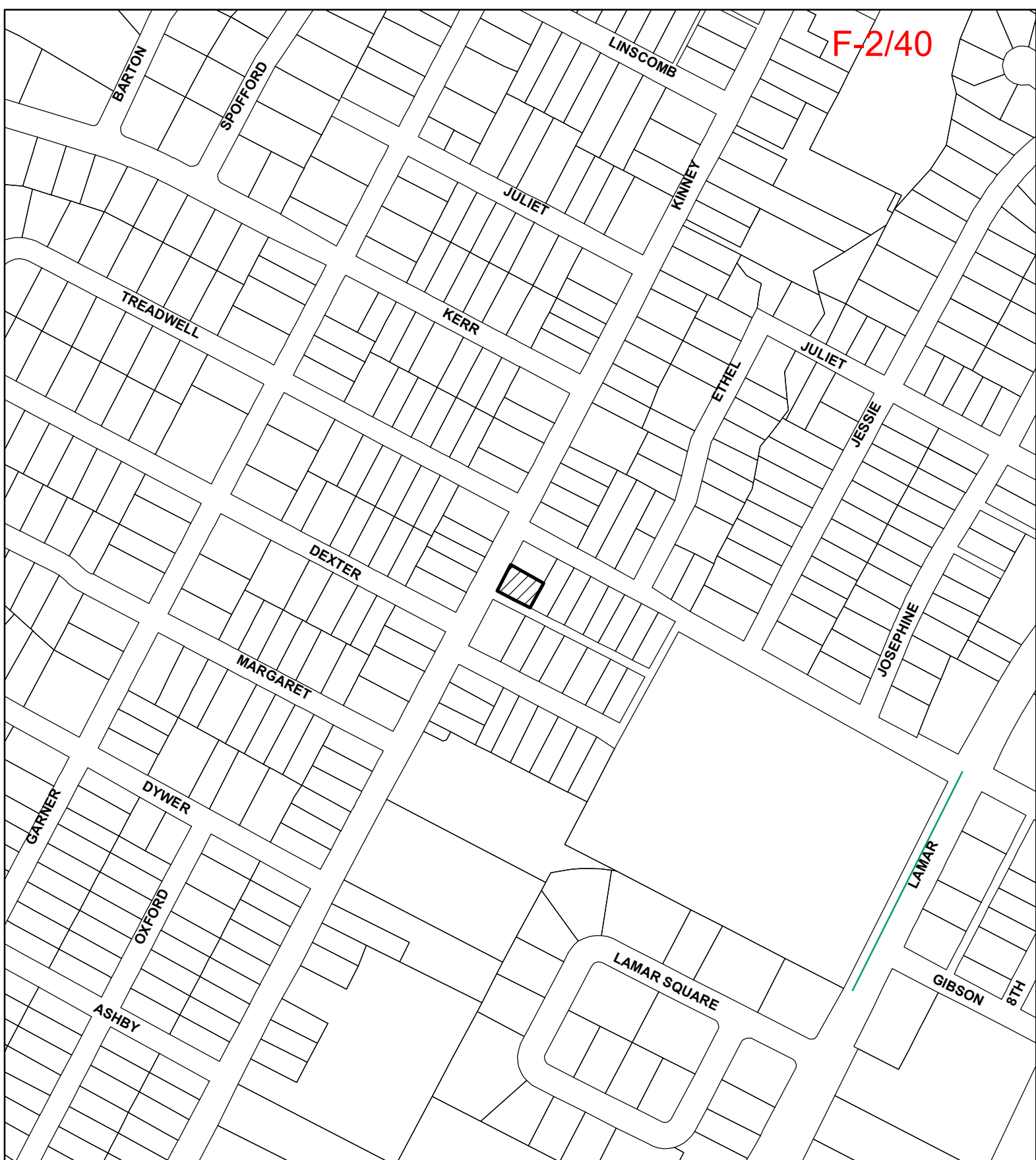
Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0100

LOCATION: 1003 KINNEY AVENUE

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.



1" = 292'



CITY OF AUSTIN

Development Services Department

Permitting & Development Center

Phone: 512.978.4000

6310 Wilhelmina Delco Dr, Austin, Texas 78752

F-2/41

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: 1003 KINNEY AVENUE, AUSTIN, TX 78704

Subdivision Legal Description:

S 1/2 OF LOT 1-2 BLK 1 BARTON SPRINGS PARK BARTON SPRINGS PARK, RESUB OF
(C8S-61- ?) LOTS 1*

Lot(s): 1-2 Block(s): 1

Outlot: _____ Division: _____

Zoning District: SF-3

I/We Ian Ellis, Property Owner/Partner Molly Devco on behalf of myself/ourselves as
authorized agent for Molly Devco, Property Owner affirm that on
Month October , Day 7 , Year 2021 , 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: SINGLE FAMILY RESIDENCE WITH POOL, NEW CONSTRUCTION

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

“§ 25-2-943 - SUBSTANDARD LOT. (B) (2) A substandard lot recorded in the county real property records after March 14, 1946 must: (a) have an area of not less than 5,750 square feet;” TCAD shows the lot as 5,740sqft, our survey shows the lot as 5,464sqft. Requesting variance to allow the existing lot size for SF-3 zoning to construct a new single-family residence. Expedited review has already occurred, this is our only outstanding comment to clear.

Section 2: Variance Findings

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

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

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

Reasonable Use

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

The property is currently surveyed as 5,464sqft (TCAD shows 5,740sqft) and currently zoned for SF-3. SF-3 minimum lot size is 5,750sqft, resulting in this being a substandard lot. Previously it was occupied with a single family home and detached artisan's studio. We intend to build a new single family home with a pool.

Hardship

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

This property's boundaries and areas have changed over time, and is unusual in that it is adjacent to a non-improved COA alley that cannot be developed privately for alley access, and will not be developed by COA (previous site plan exemption request confirmed this). At one time previously, it was likely this lot was larger, and would have met the minimum 5,750sqft area for SF-3 and to not be considered a substandard lot.

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

While there are other substandard lots in the area that have received BOA approval (904 Ethel, about a block away, for example), not all properties in this neighborhood are impacted by an adjacent undeveloped COA alley AND slightly under the 5,750sqft minimum while proposing to keep the same use, same zoning.

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 proposed home is of reasonable size, proportion, conforms with Subchapter F, and is not striving to max out every exemption possible. It is a single-family residence with a yard and pool, strategically tucked into the corner of the site away from the adjacent COA alley and the proptected Cedar Elm tree within the alley. The proposed home does not include a third story occupiable roof terrace or habitable attic, keeping the scale similar to the adjacent homes and maintaining a yard that is approachable for the walkable nature of the street.

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:

NOT APPLICABLE

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:

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

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: OCT 7, 2021

Applicant Name (typed or printed): Ian Ellis

Applicant Mailing Address: 507 Walsh Street

City: Austin State: TX Zip: 78703

Phone (will be public information): 2106067880

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: OCT 7, 2021

Owner Name (typed or printed): Ian Ellis - Partner, Molly Devco

Owner Mailing Address: 507 Walsh Street

City: Austin State: TX Zip: 78703

Phone (will be public information): 2106067880

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).

We will be providing a visual package of the proposed and existing conditions, as well as the survey, plat, and plot plan with 3D renderings of the proposed construction. In addition, we will be providing backup commentary from COA Anthony McBryde regarding the substandard lot findings. Please reference Building Permit Application Case #2021-144210 PR



1° = 20'-0"

- mf

www.mfarchitecture.com



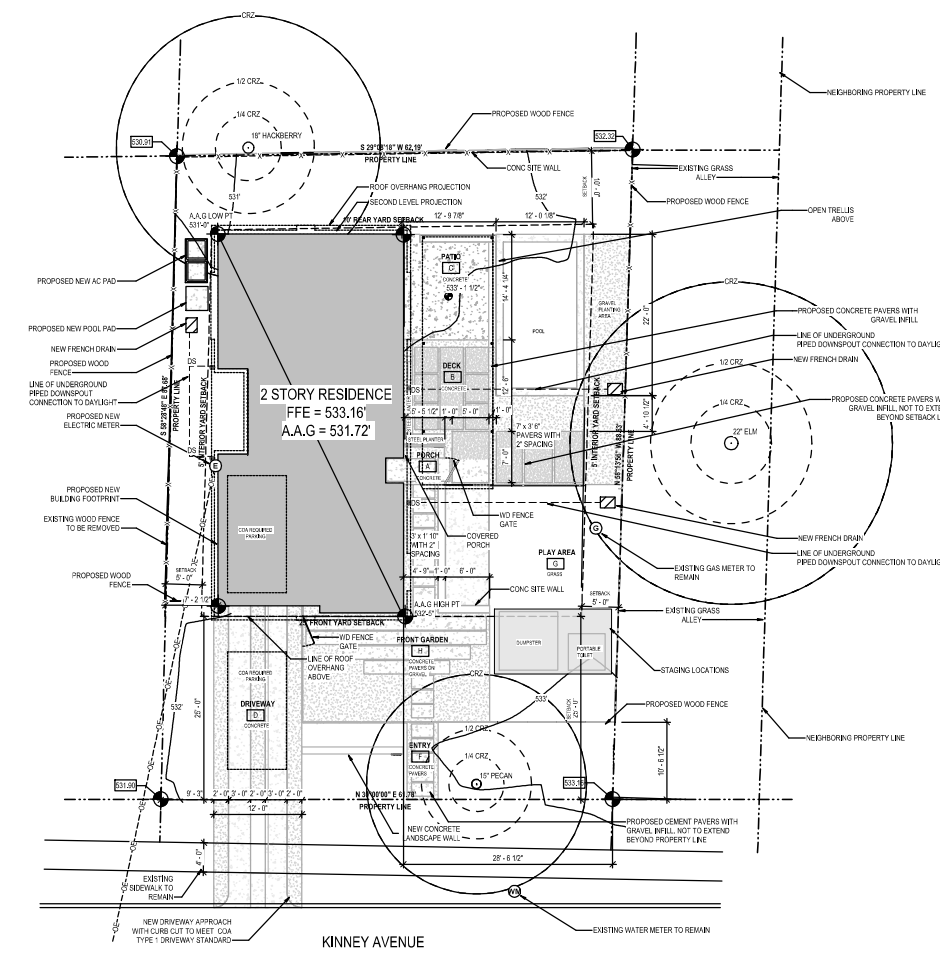
 Matthew L. Fajkus

 08.10.2021

SHEET PRINT DATE: 09/10/2021

PROJECT NUMBER:
21139
CURRENT PHASE:
PERMIT

A0.1P
*mf*architecture



1 PLOT PLAN
1/8" = 1'-0"
NORTH

GENERAL NOTES:
1. DO NOT SCALE DRAWINGS. EXPLICIT DIMENSION SHALL HAVE PRECEDENCE OVER SCALE. THESE DOCUMENTS HAVE BEEN FORMATTED TO BE PRINTED ON 24" X 36" SHEET SIZES. DRAWINGS PRINTED AT OTHER SIZES ARE NOT NECESSARILY TO SCALE.
2. GENERAL CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND ALL OTHER EXISTING CONDITIONS PRIOR TO THE COMMENCEMENT OF THE WORK AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
3. CONTRACTOR TO NOTIFY THE ARCHITECT IN WRITING IN THE EVENT OF A DISCREPANCY BETWEEN THE DRAWINGS AND THE FIELD CONDITIONS. IF IN THE COURSE OF CONSTRUCTION A STRUCTURAL ISSUE EXISTS WHICH IMAGINES THAT AS INDICATED ON THE DRAWINGS, THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE ARCHITECT. SHOULD THE CONTRACTOR FAIL TO FOLLOW THIS PROCEDURE, THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY AND LIABILITY ARISING THERE FROM.
4. ANY DAMAGE TO EXISTING AND OR NEW WORK IN PLACE BY THE CONTRACTOR'S OR SUBCONTRACTOR'S NEGLIGENCE SHALL BE REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
5. ALL NOTES ARE APPLICABLE TO ALL TRADES AND RESPECTIVE CONTRACTORS. ALL NOTES TO BE REVIEWED AND APPLIED TO RELATED BUILDING COMPONENTS. ALL SHEETS ARE TO BE REVIEWED AND ALL APPLICABLE NOTES TO BE APPLIED.

GENERAL SITE PLAN NOTES:
1. REFERENCE SITE SURVEY FOR ADDITIONAL INFORMATION NOT SHOWN ON SITE PLAN.
2. ARCHITECTURAL SITE PLAN FOR COORDINATION PURPOSES ONLY. REFER TO CIVIL, LANDSCAPE / HIRSCAPE DRAWINGS FOR ALL DRIVEWAYS, SITE WALLS, PLANTERS, PATHS, WATER FEATURES, ETC. AND ADDITIONAL SITE DESIGN REQUIREMENTS AND ADDITIONAL INFORMATION.
3. REFERENCE TREE PROTECTION PLAN FOR EXISTING TREES TO REMAIN AND PROTECTION REQUIREMENTS.
4. CITY SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET (0.2%); PROHIBITED DRAWINGS OR SWALES SHALL BE CONSTRUCTED TO ENSURE DRAINAGE AWAY FROM THE STRUCTURE. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED A MINIMUM OF 1/4 INCH PER FOOT (2%) AWAY FROM THE BUILDING.
5. SURVEYOR SHALL LOCATE ALL BUILDINGS & ORIENTATIONS OF BUILDING BASED ON ARCHITECT'S DIGITAL FILE.

F.A.R. NOTES:
1. PLANTER BEDS NOT INCLUDED IN F.A.R. CALCULATIONS.
2. PORCH AREAS COMPLY WITH 250-330A AND ARE FULLY DEDUCTED FROM F.A.R. CALCULATIONS.
3. THE PROPOSED ALLOWABLE F.A.R. OF 202.5% FOR THE PROPERTY IS PERMITTED UNDER SUBCHAPTER F, SECTION 2.5- MAXIMUM DEVELOPMENT PERMITTED.

PLAN LEGEND

[Pattern]	STAGING AREA
[Pattern]	PROPOSED BUILDING FOOTPRINT
[Pattern]	PROPOSED NEW CONC PAVING
[Pattern]	WOOD DECK
[Pattern]	GRAVEL
[Symbol]	FENCE
[Symbol]	OVERHEAD POWER LINE

SYMBOLS LEGEND

[Symbol]	NEW/RELOCATED ELECTRICAL METER
[Symbol]	EXISTING WATER METER
[Symbol]	EXISTING GAS METER LOCATION
[Symbol]	WASTEWATER CLEANOUT

TOTAL BUILDING AREA

Name	Area
COVERED PORCH	105 SF
GARAGE	221 SF
LEVEL 1, CONDITIONED	1,914 SF
LEVEL 2, CONDITIONED	1,262 SF
TOTAL BUILDING AREA	2,802 SF

IMPERVIOUS COVER

NAME	AREA	IMPERVIOUS FACTOR	IMPERVIOUS AREA
AC PAD	6 SF	100%	6 SF
CONCRETE PATIO	263 SF	100%	263 SF
COVERED PORCH	105 SF	100%	105 SF
DRIVEWAY	155 SF	100%	155 SF
LEVEL 1, CONDITIONED	1,014 SF	100%	1,014 SF
PAVERS	505 SF	100%	505 SF
POOL COVERING	63 SF	100%	63 SF
POOL PAD	15 SF	100%	15 SF
SITE WALL	49 SF	100%	49 SF
GARAGE	221 SF	100%	221 SF
TOTAL IMPERVIOUS COVER	2,396 SF		2,396 SF

IMPERVIOUS COVER PERCENTAGE

PROPERTY AREA	ALLOWABLE	PROPOSED
AREA	2,457 SF	2,396 SF
RMP %	49%	43.8%

GROSS FLOOR AREA

NAME	AREA	GROSS DEDUCTION	CALCULATED AREA
1ST FLOOR CONDITIONED AREA-ADDED	1,014 SF	0 SF	1,014 SF
2ND FLOOR CONDITIONED AREA-ADDED	1,262 SF	0 SF	1,262 SF
GARAGE	221 SF	209 SF	21 SF
PORCH	105 SF	105 SF	0 SF
	2,602 SF		2,297 SF

CALCULATED F.A.R.

PROPERTY AREA	ALLOWABLE	PROPOSED
FLOOR AREA	2,390 SF	2,297 SF
F.A.R.	42.1%	42.1%

TREE SCHEDULE

NUM	TYPE	TRUNK DIAM	CRZ DIAM	CRZ AREA	CRZ IMPACT	IMPACT %
NOT PROTECTED						
10" PECAN	PECAN	10"	30'-0"	707 SF	43 SF	6.1%
18" HACKBERRY	HACKBERRY	18"	36'-0"	1,017 SF	123 SF	12.1%
PROTECTED						
22" ELM	ELM	22"	44'-0"	1,530 SF	12 SF	0.8%

mf
MATT FARKUS ARCHITECTURE, LLC
900 EAST 6TH STREET
SUITE 100
AUSTIN, TX 78702
TEL: 512.243.5213
www.mfarchitecture.com

PROJECT TITLE
KINNEY AVE. RESIDENCE
3003 KINNEY AVE
AUSTIN, TX 78704



SEAL
These documents were prepared and/or issued by me or under my direct supervision and on my behalf. I am a duly licensed and registered professional architect in the State of Texas.
Copyright © 2021 Matt Farkus Architecture

SHEET PRINT DATE: 06/10/2021

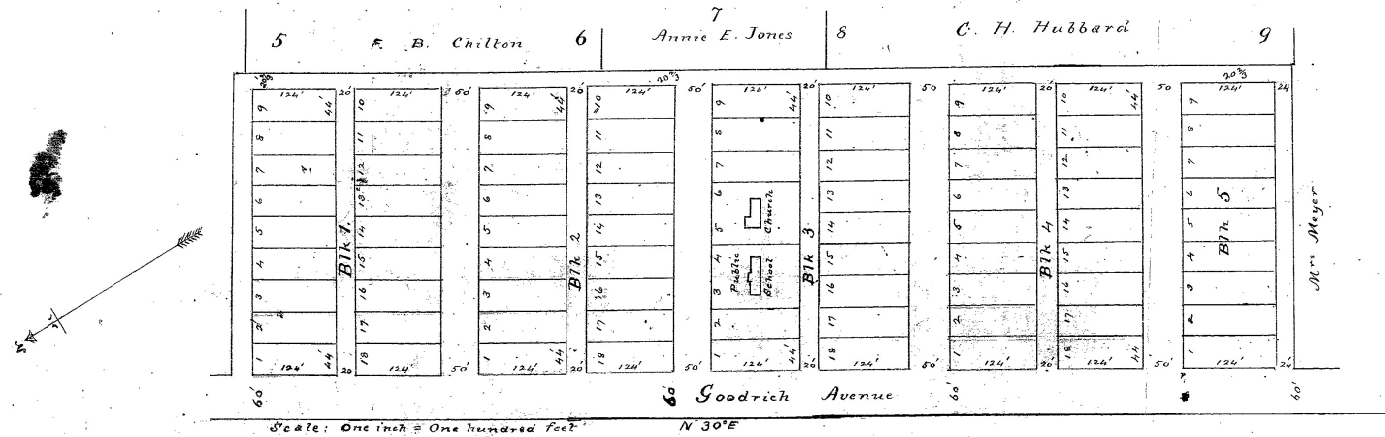
REVISIONS

Date	Description

PROJECT NUMBER:
21139
CURRENT PHASE:
PERMIT

DRAWING TITLE:
**PLAN, DEMO AND
PLOT**

SHEET INFORMATION
A0.2P
mfarchitecture



We hereby dedicate to the use of the owners of the
lots, the streets and alleys adjoining each exhibited
in the above.
I. V. Davis } Owners
Lucy L. Davis }

Filed for Record at 2³⁰ O'clock P. M. 19th August 1896
Recorded 22nd August 1896 at 12⁰⁰ P. M.
John W. Hornsby
Clerk C. C. Travis County

BARTON SPRINGS PARK

The property of I. V. Davis.

State of Texas } Before me N. A. Dawson a Notary Public
County of Travis } in and for said State and County on this
day personally appeared I. V. Davis and wife Lucy L. Davis known
to me to be the persons whose names are subscribed to the foregoing
instrument and acknowledged to me that they executed the same
for the purposes and considerations therein expressed and the said
Mrs. Lucy L. Davis having been examined by me privately and apart
from her husband and having the same fully explained to her
she the said Mrs. Lucy L. Davis acknowledged such instrument to
be her act and deed and declared that she had willingly signed
the same for the purposes and considerations therein expressed and
that she did not wish to retract it.

Given under my hand and seal of office this August 18th 1896

N. A. Dawson
Notary Public Travis County, Texas.

Sub



architecture

KINNEY AVE

BOA Variance Package
October 6th, 2021



VARIANCE REQUEST

SETBACKS & HEIGHT*

*** TOTALS AND PERCENTAGES LISTED APPLY TO OUR EXISTING SUBSTANDARD LOT AREA

MAXIMUM HEIGHT **35'**

MINIMUM SETBACKS

FRONT YARD	25'
INTERIOR SIDE YARD	5'
REAR YARD	10'

ZONING

SUBSTANDARD LOT- § 25-2-943 B.2

SECTION B.2. A
MINIMUM LOT SIZE 5,750 SQ FT - **EXISTING 5,464 SF VARIANCE REQUESTED**

SECTION B.2. B
MINIMUM LOT WIDTH 50 FT - **EXISTING 61'-7" COMPLIANT**

RESIDENTIAL DESIGN STANDARDS - SF-3-NP

SETBACK PLANES		
SIDE - 15' ABOVE GRADE AT 45°		COMPLIANT
REAR - 15' ABOVE GRADE AT 45°		COMPLIANT
SIDE WALL ARTICULATION MAX 36' LENGTH		COMPLIANT

BUILDABLE AREA

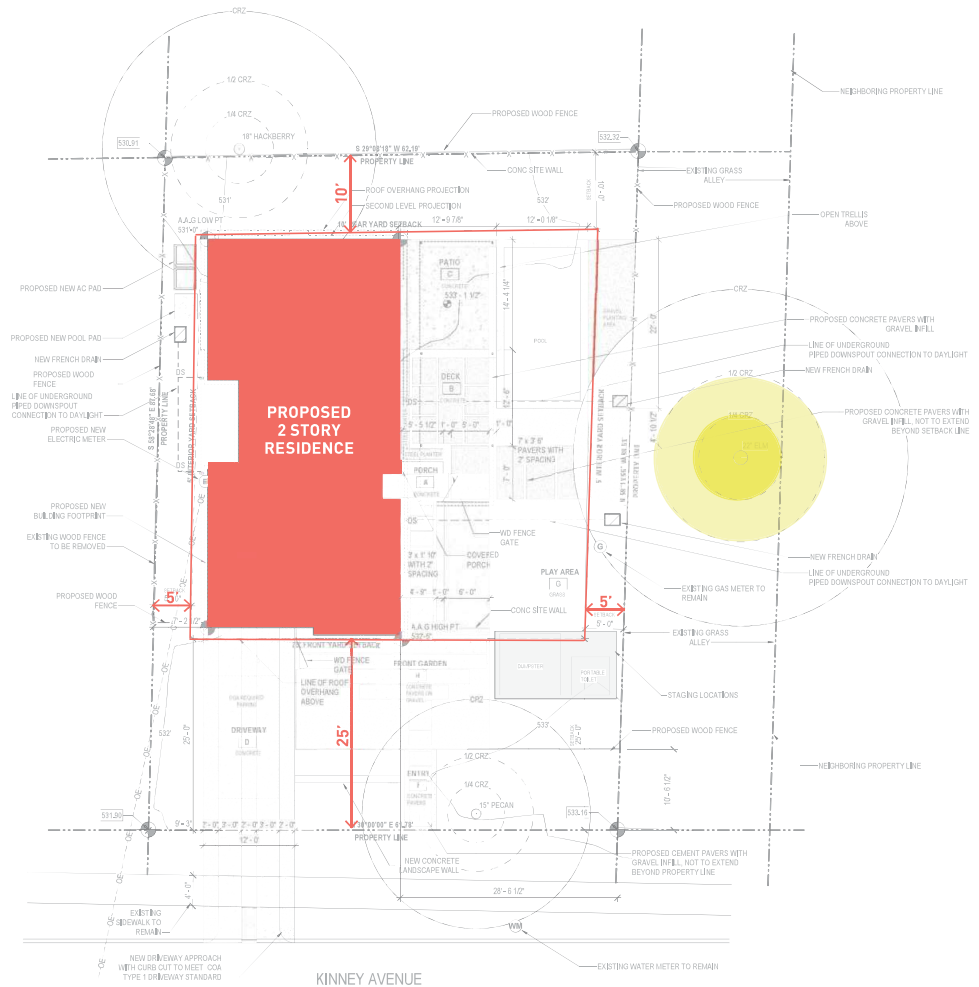
TOTAL LOT AREA **5,464 SF**

IMPERVIOUS COVER - 45%	2,394 SF (43.8%)	COMPLIANT
FAR (ZONING 25-2 § 2.1)	2,297 SF (> 2300 SF)	COMPLIANT

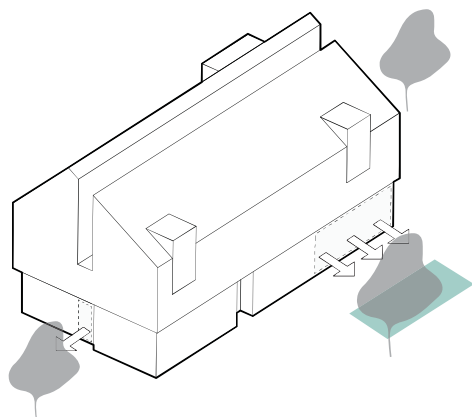
** CALCULATION BASED ON GREATER OF 4:1 OR 2,300 SF

1ST FLOOR CONDITIONED	1,014 SF
2ND FLOOR CONDITIONED	1,262 SF
GARAGE	221 SF (EXEMPT -200 SF)
PORCH	105 SF (EXEMPT)

TOTAL	2,297 SF	COMPLIANT
-------	-----------------	-----------



PROPOSED MASSING

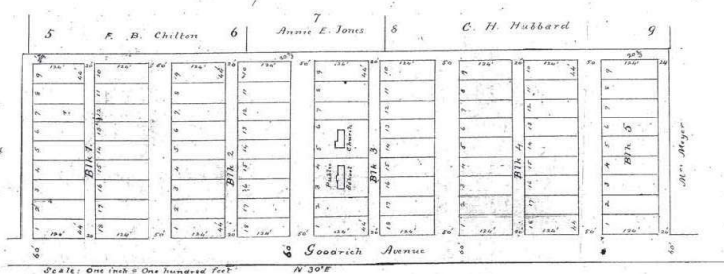


PROPOSED DESIGN
4BED 3 BATH
1 CAR GARAGE



EXTERIOR RENDERINGS

VARIANCE
SUPPORT
DOCUMENTATION



The hereby declare to the use of the owners of the
lot, the streets and alleys adjoining each subdivided
in the above.

I, V. Davis
Lucy E. Davis } Owners

Filed for Record at 2¹² O'clock P.M. 19th August 1896
Recorded 13th August 1896 at 12¹² P.M.
John W. Hovatt
Clerk C.C. Travis County

BARTON SPRINGS PARK

The property of I.V. Davis.

State of Texas } Before me A. A. Davenport a Notary Public
County of Travis } in and for said State and County on this
day personally appeared I. V. Davis and wife Lucy E. Davis known
to me to be the persons whose names are subscribed to the foregoing
instrument and acknowledged to me that they executed the same
for the purposes and considerations therein expressed and the said
I. V. Davis having been examined by me privately and in secret
from her husband and having the same fully explained to her
she the said Lucy E. Davis acknowledged such instrument to
be her and said dead husband's deed and that she willingly
consented to the same for the purposes and considerations therein expressed and
that she did not wish to retract it.
Given under my hand and seal of office this August 18th 1896
A. A. Davenport
Notary Public Travis County, Texas.

- GENERAL NOTES
1. DO NOT SCALE DRAWINGS. EXPLICIT DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE. THESE DOCUMENTS HAVE BEEN FORMATTED TO BE PRINTED ON A4 X 8" SHEET SIZES. DRAWINGS PRINTED AT OTHER SIZES ARE NOT NECESSARILY TO SCALE.
 2. GENERAL CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND ALL OTHER EXISTING CONDITIONS PRIOR TO THE COMMENCEMENT OF THE WORK AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
 3. CONTRACTOR TO NOTIFY THE ARCHITECT IMMEDIATELY IN THE EVENT OF A DISCREPANCY BETWEEN THE DRAWINGS AND THE FIELD CONDITIONS. IF IN THE COURSE OF CONSTRUCTION A STRUCTURAL ISSUE EXISTS WHICH DISAGREES WITH THAT AS INDICATED ON THE DRAWINGS, THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE ARCHITECT. SHOULD THE CONTRACTOR FAIL TO FOLLOW THIS PROCEDURE, THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY AND LIABILITY ARISING THERE FROM.
 4. ANY DAMAGE TO EXISTING AND OR NEW WORK IN PLACE BY THE CONTRACTOR'S OR SUBCONTRACTOR'S NEGLIGENCE SHALL BE REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
 5. ALL NOTES ARE APPLICABLE TO ALL TRADES AND RESPECTIVE CONTRACTORS. ALL NOTES TO BE REVIEWED AND APPROVED TO RELATED BUILDING COMPONENTS. ALL SHEETS ARE TO BE REVIEWED AND ALL APPLICABLE NOTES TO BE APPLIED.



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PROJECT TITLE
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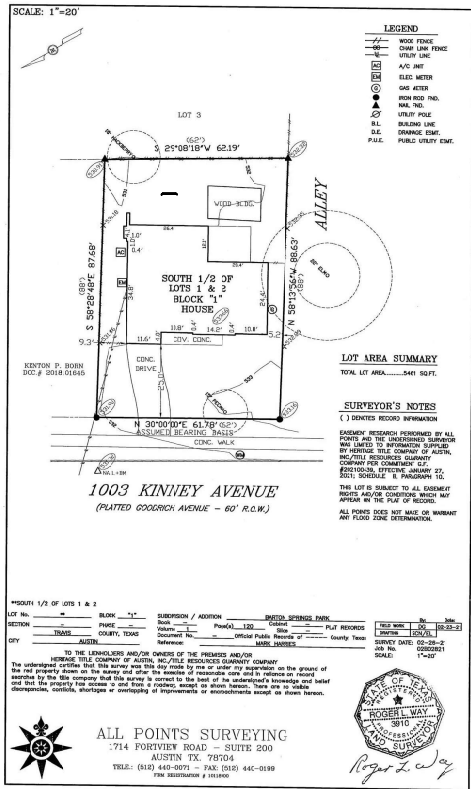
SHEET PRINT DATE: 06/10/2021

REVISIONS	
Date	Description

PROJECT NUMBER:
21139
CURRENT PHASE:
PERMIT

DRAWING TITLE
SURVEY

A0.1P
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1

AS BUILT SURVEY

1"=20'



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PROJECT NUMBER:
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DRAWING TITLE:
PLAN, DEMO AND PLOT

A0.2P
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- GENERAL NOTES
- DO NOT SCALE DRAWINGS. DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE. THESE DOCUMENTS HAVE BEEN FORMATTED TO BE PRINTED ON 8 1/2" X 11" SHEET SIZES. DRAWINGS PRINTED AT OTHER SIZES ARE NOT NECESSARILY TO SCALE.
 - GENERAL CONTRACTOR SHALL VERIFY ALL CONDITIONS AND ALL OTHER EXISTING CONDITIONS PRIOR TO THE COMMENCEMENT OF THE WORK AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
 - CONTRACTOR TO NOTIFY THE ARCHITECT IMMEDIATELY IN THE EVENT OF A DISCREPANCY BETWEEN THE DRAWINGS AND THE FIELD CONDITIONS. IN THE COURSE OF CONSTRUCTION A STRUCTURAL ISSUE EXISTS WHICH DISAGREES WITH THAT AS INDICATED ON THE DRAWINGS, THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE ARCHITECT. SHOULD THE CONTRACTOR FAIL TO FOLLOW THIS PROCEDURE, THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY AND LIABILITY ARISING THERE FROM.
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 - ALL NOTES ARE APPLICABLE TO ALL TRADES AND RESPECTIVE CONTRACTORS. ALL NOTES TO BE REVIEWED AND APPROVED TO RELATED BUILDING COMPONENTS. ALL SHEETS ARE TO BE REVIEWED AND ALL APPLICABLE NOTES TO BE APPLIED.

- GENERAL SITE PLAN NOTES
- REFERENCE SITE SURVEY FOR ADDITIONAL INFORMATION NOT SHOWN ON SITE PLAN.
 - ARCHITECTURAL SITE PLAN FOR COORDINATION PURPOSES ONLY. REFER TO CIVIL, LANDSCAPE / Hardscape DRAWINGS FOR ALL OPENING, SITE WALLS, PLANTERS, PATHS, WATER FEATURES, ETC. AND ADDITIONAL SITE DESIGN REQUIREMENTS AND ADDITIONAL INFORMATION.
 - REFERENCE TREE PROTECTION PLAN FOR EXISTING TREES TO REMAIN AND PROTECTION REQUIREMENTS.
 - LOT SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 6" INCHES WITHIN THE FIRST 10 FEET (0.2%) PROPOSED DRAINAGE OR SWALES SHALL BE CONSTRUCTED TO ENSURE DRAINAGE AWAY FROM THE STRUCTURE. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED A MINIMUM OF 1/4" INCH PER FOOT (0.4%) AWAY FROM THE BUILDING.
 - SURVEYOR SHALL LOCATE ALL BUILDINGS & CONSTRUCTION OF BUILDING BASED ON ARCHITECT'S DIGITAL FILE.

- F.A.U. NOTES
- PLANTER BEDS NOT INCLUDED IN F.A.U. CALCULATIONS.
 - PORCH AREAS COMPLY WITH 25-30% AND ARE FULLY DEDUCTED FROM F.A.U. CALCULATIONS.
 - THE PROPOSED ALLOWABLE F.A.U. OF 280 SF FOR THE PROPERTY IS PERMITTED UNDER SUBCHAPTER F, SECTION 21-144 MINIMUM DEVELOPMENT PERMITTED.

PLAN LEGEND

[Pattern]	STAGING AREA
[Pattern]	PROPOSED BUILDING FOOTPRINT
[Pattern]	PROPOSED NEW CONC PAVING
[Pattern]	WOOD DECK
[Pattern]	GRAVEL
[Line]	FENCE
[Line]	OVERHEAD POWER LINE

- SYMBOLS LEGEND**
- NEW/LOCATED ELECTRICAL METER
 - EXISTING WATER METER
 - EXISTING GAS METER LOCATION
 - WASTEWATER CLEANOUT

TOTAL BUILDING AREA		
Name	Area	
COVERED PORCH	105 SF	
GARAGE	221 SF	
LEVEL 1-CONDITIONED	1,014 SF	
LEVEL 2-CONDITIONED	1,262 SF	
TOTAL BUILDING AREA	2,802 SF	

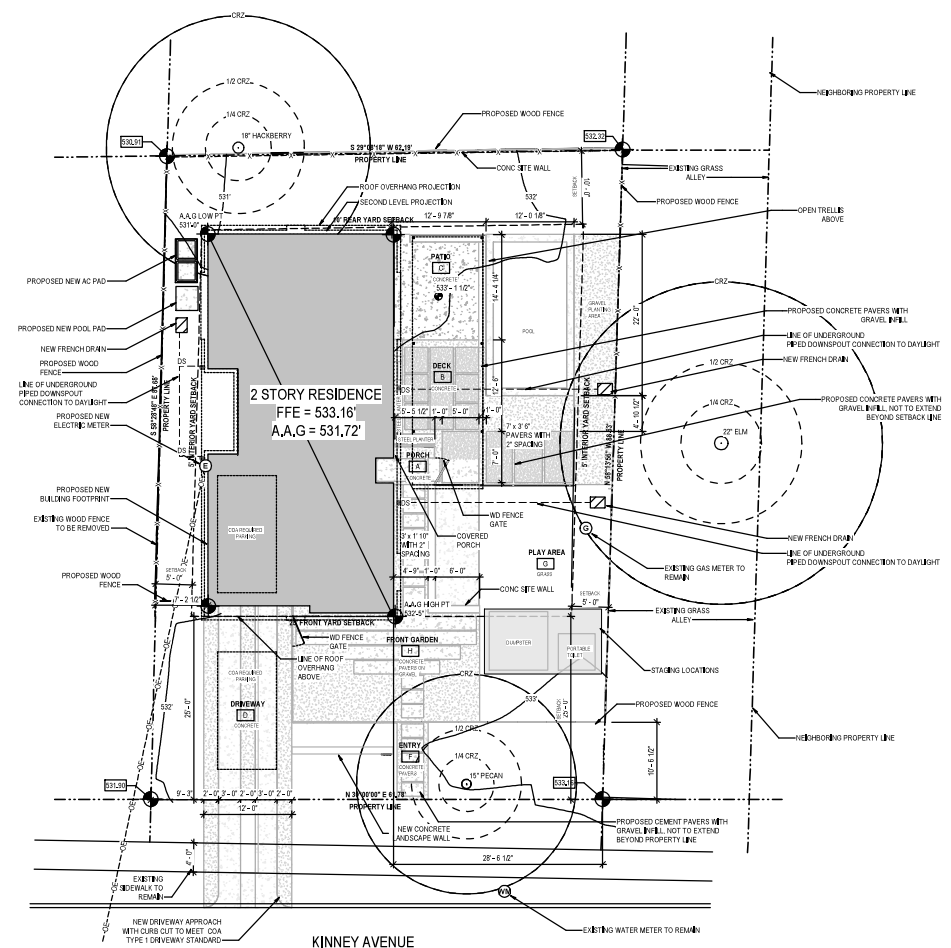
IMPERVIOUS COVER			
NAME	AREA	IMPERVIOUS FACTOR	IMPERVIOUS AREA
AC PAD	9 SF	100%	9 SF
CONCRETE PATIO	263 SF	100%	263 SF
COVERED PORCH	105 SF	100%	105 SF
DRIVEWAY	180 SF	100%	180 SF
LEVEL 1-CONDITIONED	1,014 SF	100%	1,014 SF
PAVERS	505 SF	100%	505 SF
POOL COVER	63 SF	100%	63 SF
POOL PAD	15 SF	100%	15 SF
SITE WALL	49 SF	100%	49 SF
GARAGE	221 SF	100%	221 SF
TOTAL IMPERVIOUS COVER	2,384 SF		2,384 SF

IMPERVIOUS COVER PERCENTAGE			
PROPERTY AREA	ALLOWABLE	PROPOSED	
5,461 SF	2,457 SF	2,384 SF	43.9%

GROSS FLOOR AREA			
NAME	AREA	CRZ/9 DEDUCTION	CALCULATED AREA
1ST FLOOR CONDITIONED AREA-ADDED	1,014 SF	0 SF	1,014 SF
2ND FLOOR CONDITIONED AREA-ADDED	1,262 SF	0 SF	1,262 SF
GARAGE	221 SF	200 SF	21 SF
PORCH	105 SF	105 SF	0 SF
	2,602 SF		2,307 SF

CALCULATED F.A.R.			
PROPERTY AREA	ALLOWABLE	PROPOSED	
5,461 SF	2,380 SF	2,307 SF	42.1%

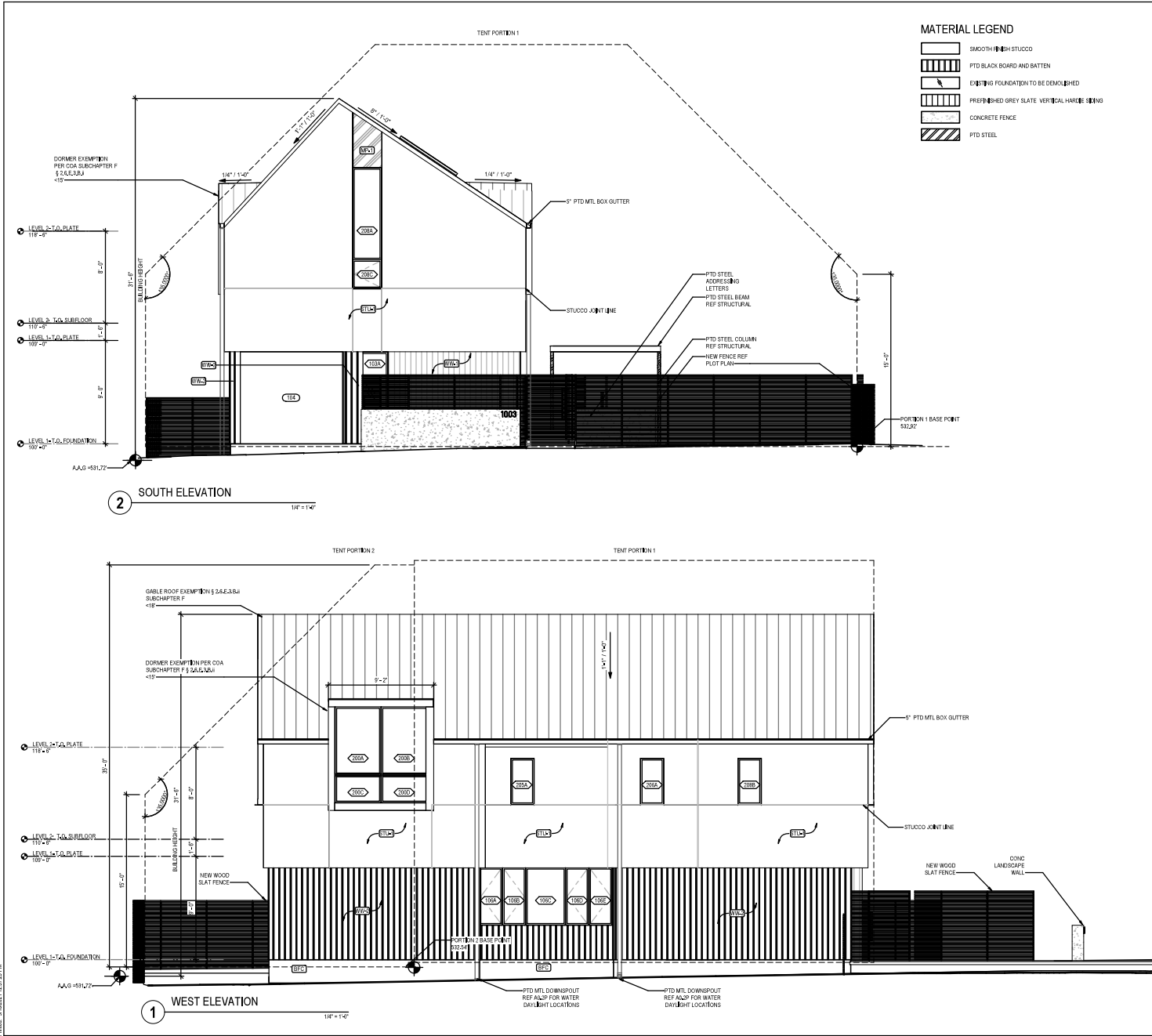
TREE SCHEDULE						
NUM	TYPE	TRUNK DBH	CRZ DBH	CRZ AREA	CRZ IMPACT	IMPACT %
107	PROTECTED					
10"	PECAN	10"	30'-0"	707 SF	43 SF	6.1%
18"	HACKBERRY	18"	30'-0"	1,017 SF	123 SF	12.1%
	PROTECTED					
22"	ELM	22"	44'-0"	1,520 SF	12 SF	0.8%



1 PLOT PLAN

1/8" = 1'-0"

NORTH



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REVISIONS	Description

PROJECT NUMBER:
21139
CURRENT PHASE:
PERMIT

DRAWING TITLE:
**ELEVATIONS,
BUILDING**

A2.0P
mfarchitecture

PRESENTING TO BOA:
PROJECT DEVELOPER TEAM- IAN M. ELLIS, AIA, NCARB, RID
PRINCIPAL ARCHITECT- SARAH JOHNSON, AIA, RID

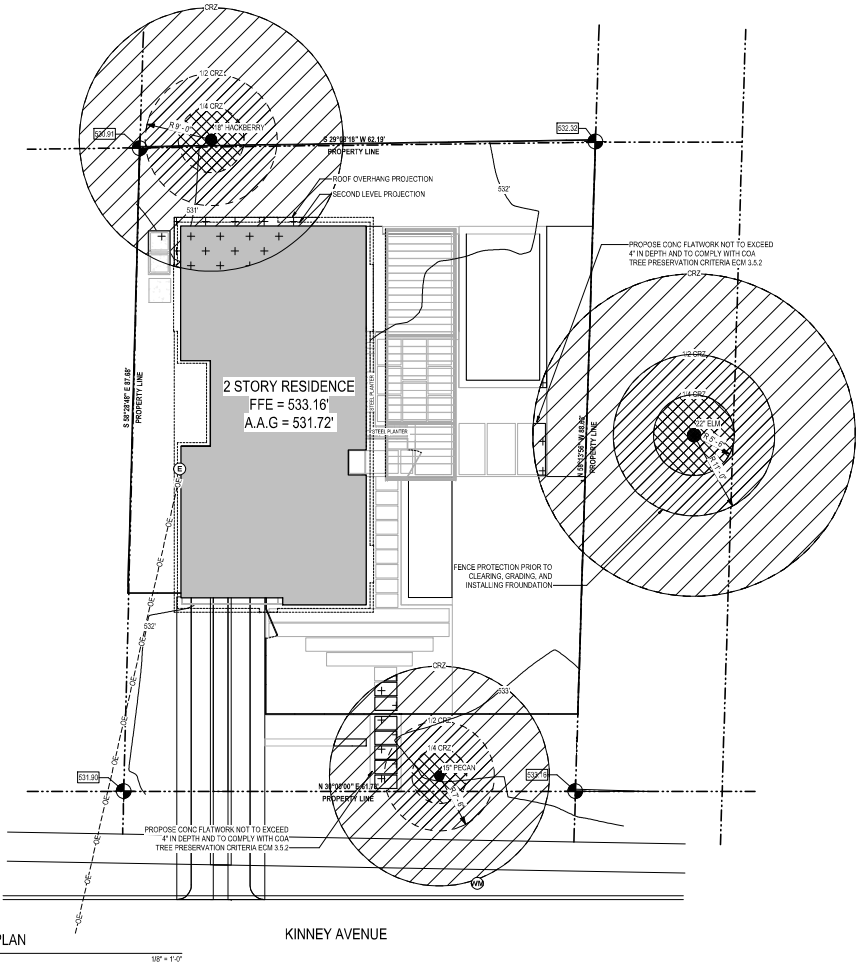
KINNEY AVE

BOA Variance Package
Case Number 2021-000085 BA
October 21, 2021



TREE PLAN LEGEND

- BUILDING FOOTPRINT
- TREE MULCH PROTECTED, AREA REFERENCE CITY OF AUSTIN
- TREE PROTECTION NOTES FOR COMPLETE INFORMATION
- CRZ ENCROACHMENT, REFERENCE CITY OF AUSTIN
- TREE PROTECTION FENCE, REFERENCE CITY OF AUSTIN
- TREE TO REMAIN
- TREE TO BE REMOVED



- GENERAL NOTES:
- DO NOT SCALE DRAWINGS. EXPLICIT DIMENSION SHALL HAVE PRECEDENCE OVER SCALE. THESE DOCUMENTS HAVE BEEN FORMATTED TO BE PRINTED ON 24\"/>

- GENERAL TREE AND NATURAL AREA PROTECTION NOTES:
- REFERENCE CITY OF AUSTIN TREE PROTECTION STANDARDS FOR COMPLETE INFORMATION AND REQUIREMENTS.
 - UTILITIES IN 12\"/>

TREE SCHEDULE

NUM	TYPE	TRUNK DIAM	CRZ DIAM	CRZ AREA	CRZ IMPACT	IMPACT %
NOT PROTECTED						
15' PECAN	PECAN	15"	30' - 0"	707 SF	43 SF	6.1%
18' HACKBERRY	HACKBERRY	18"	36' - 0"	1,017 SF	123 SF	12.1%
PROTECTED						
22' ELM	ELM	22"	44' - 0"	1,520 SF	12 SF	0.8%

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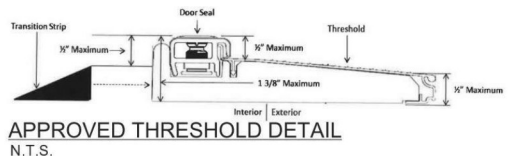
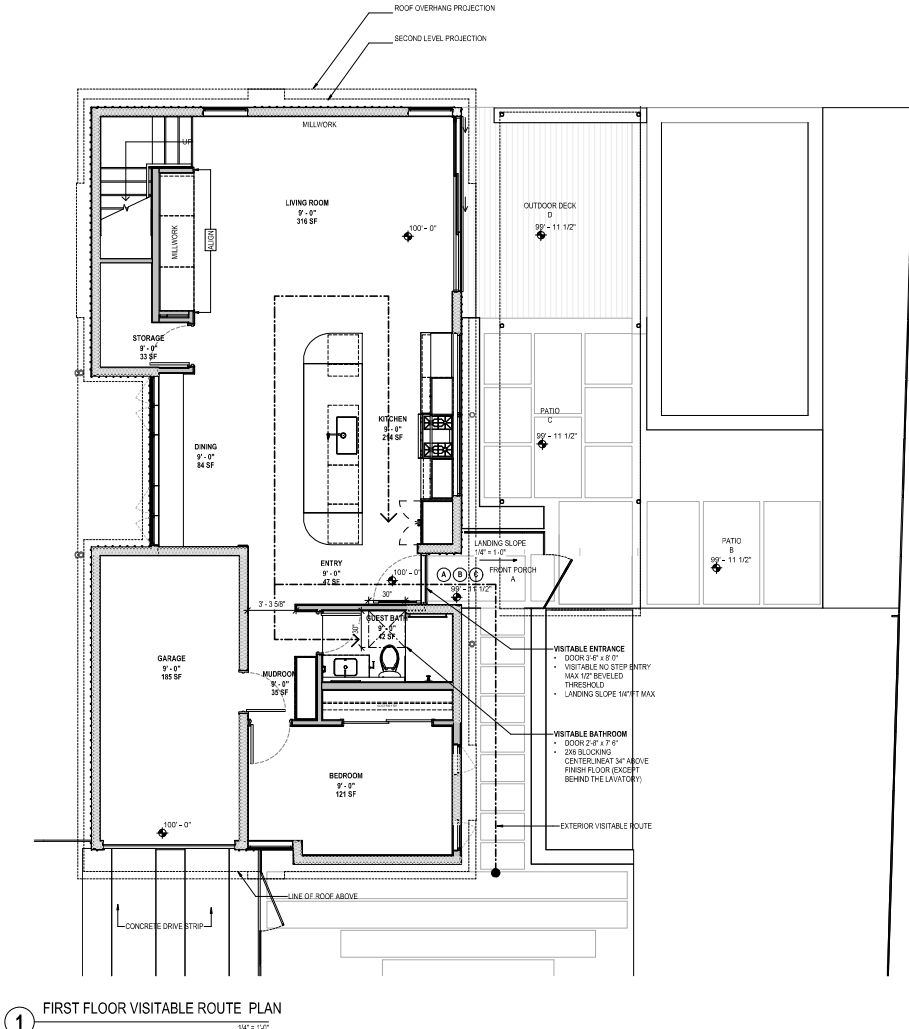
PROJECT NUMBER:
21139

CURRENT PHASE:
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DRAWING TITLE:
PLAN, TREE PROTECTION

A0.4P

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2 VISIBILITY THRESHOLD
1/8" = 1'-0"

GENERAL NOTES:
1. DO NOT SCALE DRAWINGS. EXPLICIT DIMENSION SHALL HAVE PRECEDENCE OVER SCALE. THESE DOCUMENTS HAVE BEEN FORMATTED TO BE PRINTED ON 24" X 36" SHEET SIZES. DRAWINGS PRINTED AT OTHER SIZES ARE NOT NECESSARILY TO SCALE.
2. GENERAL CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND ALL OTHER EXISTING CONDITIONS PRIOR TO THE COMMENCEMENT OF THE WORK AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
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VISITABILITY NOTES
(REFER TO ORDINANCE NO. 20140130-021 - SECTION R320 AND BUILDING CRITERIA MANUAL SECTION 4.4.7 FOR ADDITIONAL REQUIREMENTS)

VISITABLE BATHROOMS (R320.3): A VISITABLE DWELLING MUST HAVE AT LEAST ONE BATHROOM GROUP OR HALF BATH ON THE FIRST FLOOR THAT MUST HAVE THE FOLLOWING:
• MIN. CLEAR OPENING OF 30"
• DOOR SHALL NOT IMPEDED 30/30" CLEAR FLOOR SPACE
• LATERAL 2X8 OR LARGER WOOD BLOCKING MUST BE INSTALLED FLUSH WITH THE STUD EDGES OF BATHROOM WALLS. AND THE BLOCKING MUST HAVE A CENTERLINE 34" FROM AND PARALLEL TO THE INTERIOR FLOOR LEVEL, EXCEPT FOR THE PORTION OF THE WALL LOCATED DIRECTLY BEHIND THE LAVATORY

VISITABLE LIGHT SWITCHES, RECEPTACLES, AND ENVIRONMENTAL CONTROLS (R320.4): THE FIRST FLOOR OF A VISITABLE DWELLING MUST HAVE THE FOLLOWING:
• LIGHT SWITCHES AND ENVIRONMENTAL CONTROLS NO HIGHER THAN 48" ABOVE THE INTERIOR FLOOR LEVEL
• OUTLETS AND RECEPTACLES MINIMUM 15" ABOVE INTERIOR FLOOR LEVEL EXCEPT FOR FLOOR OUTLETS

A. VISITABLE BATHROOM ROUTE (R320.3): A BATHROOM GROUP OF HALF BATH DESIGNATE FOR VISITABILITY ON THE FIRST FLOOR MUST BE ACCESSIBLE BY A ROUTE WITH A MINIMUM CLEAR PATHWAY OF 30" BEGINNING AT THE VISITABLE ENTRANCE AND CONTINUING THROUGH THE LIVING ROOM, DINING ROOM AND KITCHEN. EXCEPTION: A VISITABLE ROUTE IS NOT REQUIRED THROUGH A SPLIT LEVEL OR SUNKEN FLOOR, IF AN ALTERNATIVE ROUTE IS AVAILABLE.
B. VISITABLE DWELLING ENTRANCE ROUTE: A DWELLING MUST BE ACCESSIBLE BY AT LEAST ONE NO STEP ENTRANCE AND A DOOR WITH A MINIMUM CLEAR OPENING 30". THE ENTRANCE MAY BE LOCATED AT THE FRONT, REAR, OR SIDE, OR IN THE GARAGE OR CARPORT OF THE DWELLING.
C. EXTERIOR VISITABLE ROUTE (R320.3): AN ENTRANCE THAT COMPLES WITH R320.3 VISITABLE DWELLING ENTRANCE MUST BE ACCESSIBLE USING A ROUTE WITH A GROSS SLOPE OF NO GREATER THAN TWO PERCENT (1:50) THAT ORIGINATE FROM A GARAGE, DRIVEWAY, PUBLIC STREET, OR PUBLIC SIDEWALK. AN EXTERIOR ROUTE THAT INCLUDES A RAMP MUST COMPLY WITH THE RESIDENTIAL CODE.

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**PLAN,
VISITABILITY**

A0.5P

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