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KINNEY AVE

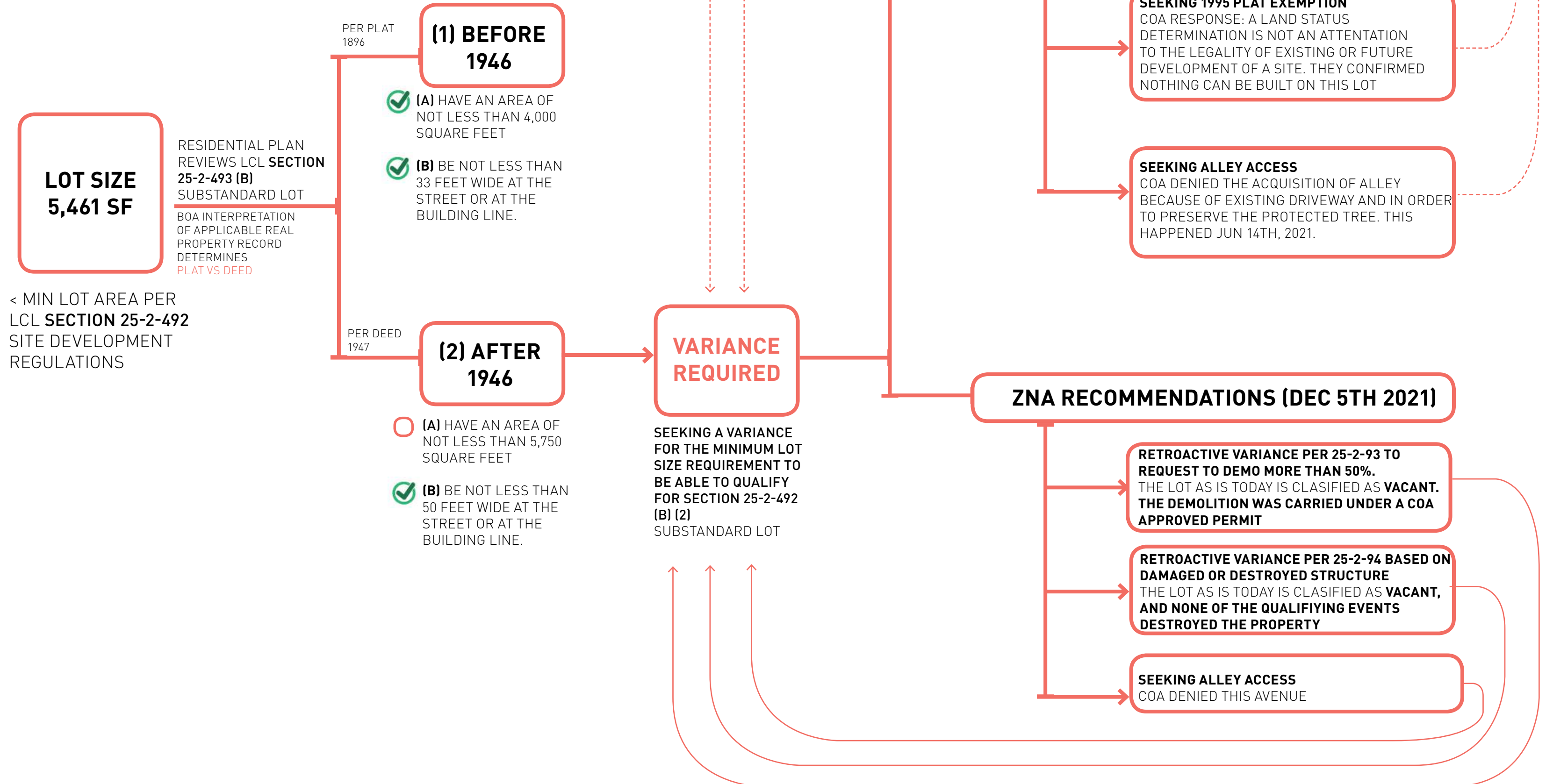
BOA Presentation Packet
Case Number 2021-000085 BA
April 4, 2022



VARIANCE REQUESTED

Owner and development team is seeking a variance request to allow for a new construction build on a substandard lot located at 1003 Kinney Ave. Austin, TX 78704. Current lot size is 5,461 SF and minimum allowable site to build is 5,750 SF.

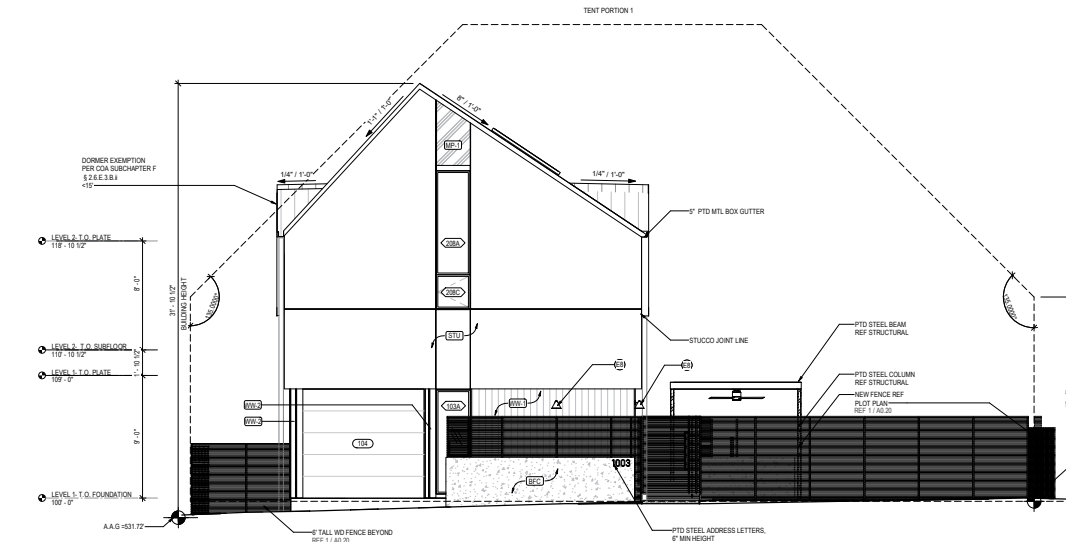
SUMMARIZED VARIANCE REQUEST PROCESS FOR 1003 KINNEY AV.



Approved by the Board of Adjustment on February 11, 2019

- (2) **Required Findings.** In order to grant a zoning variance, the Board must find that:
- (a) The zoning regulations applicable to the property do not allow for a reasonable use;
 - (b) The hardship for which the variance is requested is unique to the property and not general to the area in which the property is located; and
 - (c) 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 regulations to the zoning district in which the property is located.

THE PROPOSED USE IS AN SF-3 SINGLE FAMILY HOME (4 BEDROOMS + 3 FULL BATHROOMS). ATTACHED IS A MAP OF THE AREA WITH HIGHLIGHTED USES. SINGLE FAMILY HOMES ARE THE PREDOMINANT USE OF THE AREA. THE CURRENT DESIGN HAS NO OUTSTANDING COMMENTS FOR COA BUILDING PERMIT EXCEPT FOR THE REQUESTED VARIANCE



THE HARDSHIP IS THAT THE LOT IS TOO SMALL FOR ANY KIND OF DEVELOPMENT, AND IT HAS ALWAYS BEEN THIS WAY SINCE THE SUBDIVISION OF THE LAND IN TWO HALVES.

WE HAVE THE OPPORTUNITY TO PROVIDE HOUSING IN CENTRAL AUSTIN,
AN AREA THAT NEEDS THIS. WE HUMBL Y REQUEST THAT THE BOA DO NOT
ALLOW FOR THIS LOT TO REMAIN VACANT.

IN THE DOCUMENT
“A COMMUNITY’S
GUIDE TO THE CITY OF
AUSTIN’S BOARD OF
ADJUSTMENTS” CITES
AS EXAMPLES OF
UNIQUE HARDSHIPS A
LOT BEING TOO SMALL.
WHICH MEETS THIS
QUALIFICATION.

THE PROPOSED
DESIGN DOES
NOT ALTER THE
CHARACTER OF THE
AREA ADJACENT TO
THE PROPERTY, NOR
IT IMPAIRS THE USE OF
ADJACENT PROPERTY,
NOR IT IMPAIRS
THE PURPOSES OF
EXISTING ZONING

WE HAVE TALKED WITH
SEVERAL NEIGHBORS
WHO HAVE EXPRESSED
SUPPORT FOR THIS
PROJECT

HARDSHIP CRITERIA - A COMMUNITY'S GUIDE TO THE CITY OF AUSTIN'S BOARD OF ADJUSTMENTS

That said, the following guidelines are based on decisions of the Texas courts and the Board's experience over the years. ***In general, these are the factors the Board considers in determining whether a "hardship" exists:***

✓ A hardship cannot be personal, but must be based on unique physical features of the property for which the variance is sought.

— Courts have held that: "[A] hardship must not be self-imposed, nor financial only, and must relate to the very property for which a variance is sought, i.e. a condition unique, oppressive, and not common to other property."

— Common examples of hardship include lots with steep slopes, topographical restraints, **unusually small lot area**, or irregular lot shapes. Trees may constitute a hardship, if they are required to be preserved or if an applicant wants to preserve them.

— Personal circumstances, such as financial difficulties or troubles with neighbors, cannot be the sole basis for finding a hardship. An applicant may mention such factors, but should focus primarily on characteristics of the property itself.

✓ A hardship cannot be self-created.

— An applicant for a permit or site plan cannot claim a hardship based on conditions that he or she is responsible for creating.

— For example, if a structure is designed in a manner that fails to comply with regulations, the structure's non-compliance isn't a hardship. Or, if a landowner subdivides a lot into irregular pieces, he or she can't rely on their irregular shape to prove a hardship.

✓ A hardship must be unique to the property, not general to the area where it's located.

— If steep slopes or small lots are common to a particular area, then neither condition is sufficiently unique to constitute a hardship by itself.

WE HAVE AN UNUSUALLY SMALL LOT, WITH NO "RELAXATIONS" FROM THE SMALL LOT AMNESTY

THE LOT HAS ALWAYS BEEN A SUBSTANDARD LOT.
THAT IS NOT A SELF-MADE HARDSHIP

— If a lot is entitled under city code to "small lot amnesty," which automatically relaxes certain development regulations for small lots, then lot size alone should not be relied on as evidence of a hardship. Small lot amnesty was approved with the understanding that, with the exception of minimum lot area, development would meet other site development regulations.

— The City's regulations alone cannot be the hardship. For example, an applicant cannot request a height variance and claim that the restrictions on building height constitute a hardship. **The applicant must focus on unique features of his or her property.**

(b) Reasonable Use: Not "Highest & Best" Use

To grant a variance, the Board of Adjustment must also find that the regulation "does not allow for a reasonable use of property." As with hardship, there is no clear-cut answer to what constitutes reasonable use. However, the following guidelines are helpful:

✓ A property is not left with no reasonable use just because a regulation limits the size or design of a structure or increases development costs.

✓ A property does not need to be left completely undevelopable in order for the Board to find that a regulation does not allow for a reasonable use.

— Depriving a residential lot of amenities commonly associated with a residence may constitute a lack of reasonable use. However, as with all variances, there must be a hardship related to physical features of the property such that there is **no feasible alternative to accommodate the amenity without a variance.** And if an amenity requires increasing utilization of the site, **reducing the size and scale of the development should also be considered as a tradeoff for the amenity.**

— In general, the fact that a regulation reduces the potential profitability of an otherwise developable commercial or residential property does not constitute a lack of reasonable use.

WE ARE COMPLIANT WITH APPLICABLE REGULATIONS REGARDING SIZE OF DEVELOPMENT AND SUBCHAPTER F

IF THE BOARD DOES NOT GRANT A VARIANCE, THIS LOT IS UNBUILDABLE

DO WE REALLY WANT LESS HOUSING IN AUSTIN?

HARDSHIP CRITERIA - A COMMUNITY'S GUIDE TO THE CITY OF AUSTIN'S BOARD OF ADJUSTMENTS

(c) Area Character & Purpose of Regulations

In addition to the “hardship” and “no reasonable use” findings discussed above, the Board of Adjustment cannot grant a variance unless it finds that development under the variance would not:

- alter the character of the area adjacent to the property;
- impair the use of adjacent property that conforms with City regulations; or
- impair the purposes of the applicable zoning regulations.

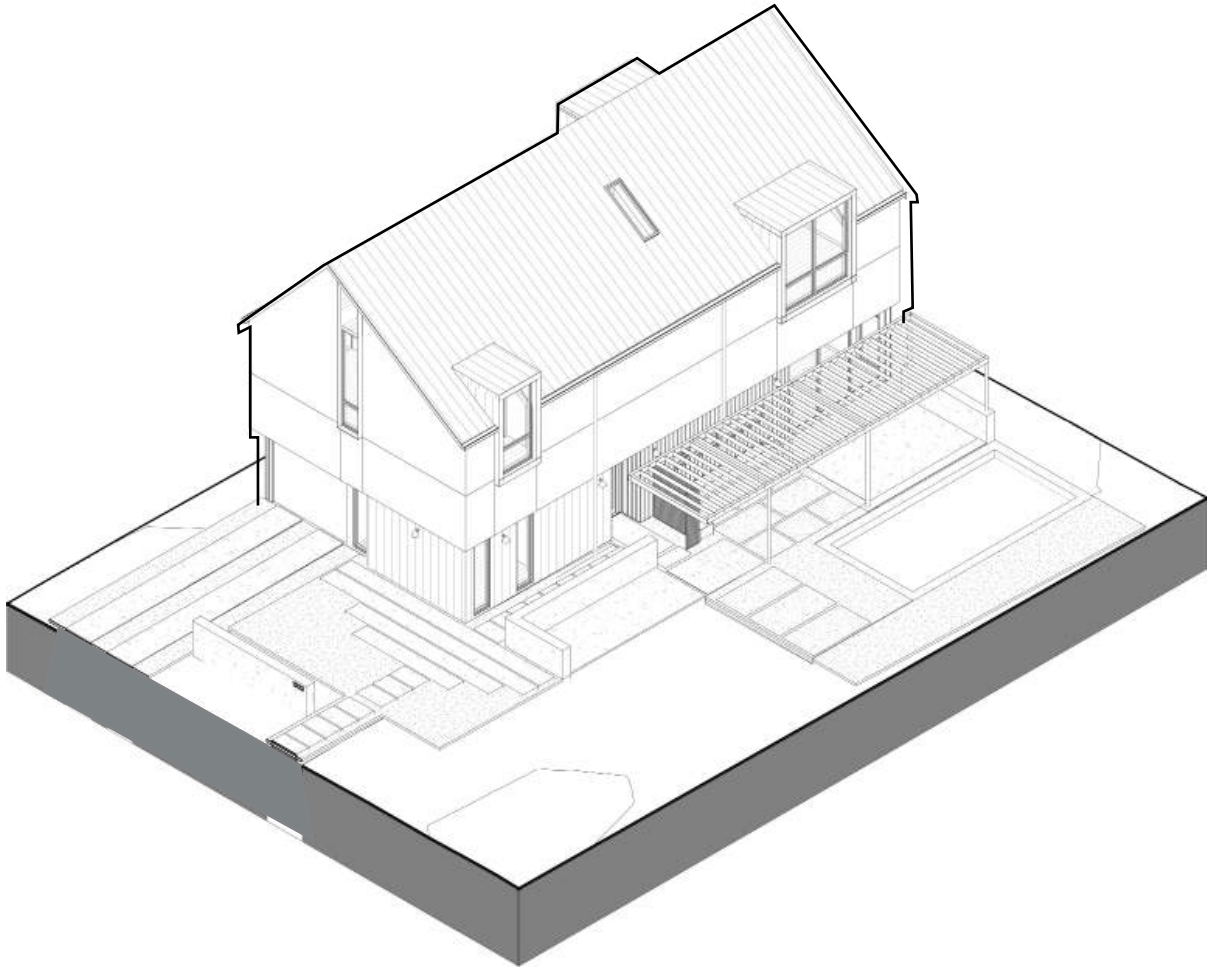
These criteria require the Board of Adjustment to consider the potential impacts of granting a variance on the surrounding area. An applicant should be able to show the Board that the variance will not significantly affect neighborhood character or harm adjacent properties. This can be done most effectively by photographs of the surrounding area, as well as letters or testimony from neighbors and, if possible, from the neighborhood association or neighborhood plan contact team.

While there are no hard and fast rules, many factors may result in altering area character. For example, increasing traffic to adjacent streets, reducing tree canopy, or diminishing privacy to adjacent properties could have the effect of altering area character. Development that exceeds the size and scale typical of properties in the vicinity may also alter area character.

An applicant should also be able to explain, in general terms, how the variance will not significantly impair the purpose of the regulation. For example, a residential setback restriction is intended to protect privacy, provide for open space, and avoid the aesthetic and safety concerns associated with over-crowding. An applicant requesting a setback variance, therefore, should be able to explain how decreasing the setback will not undermine those objectives. Appendix E summarizes the goals behind several important city regulations.

WE ARE PROPOSING
A SINGLE FAMILY
HOME CONSISTING OF
4 BED/3BATH WITHIN
A SF-3 ZONING AREA.
THIS IS NOT OUT OF
THE AREA CHARACTER
NOR ZONING
REQUIREMENTS FOR
THE NEIGHBORHOOD.
IT IS PERMISSIBLE
PER CODE TO
REQUEST VARIANCES
TO DEVELOPE
SUBSTANDARD LOTS.

PROPOSED DEVELOPMENT 2300 SF
FAR= 2,297 SF (42.1%)

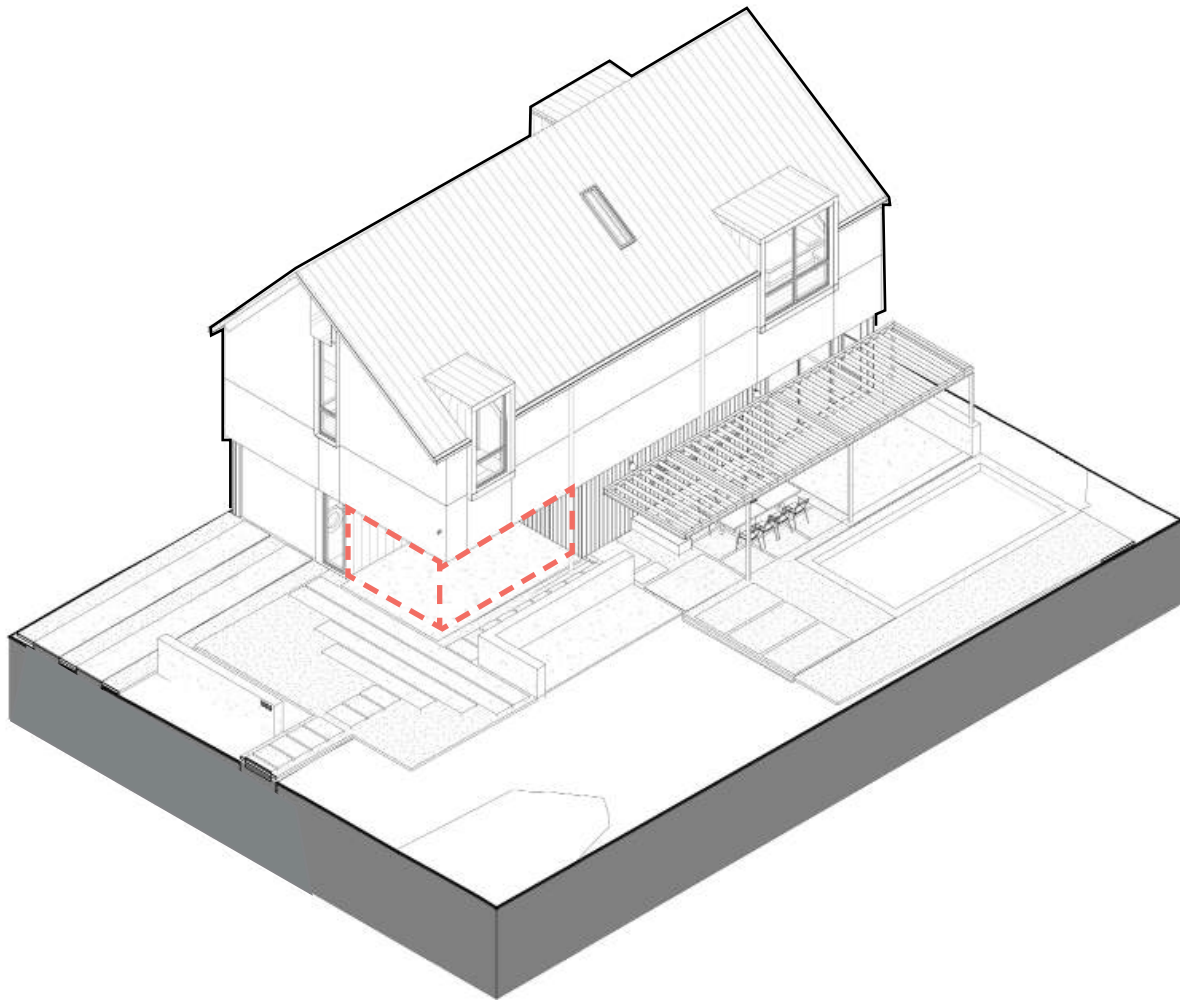


GROSS FLOOR AREA			
NAME	AREA	(25-2 f) DEDUCTION	CALCULATED AREA
1ST FLOOR CONDITIONED AREA - ADDED	1,014 SF	0 SF	1,014 SF
2ND FLOOR CONDITIONED AREA - ADDED	1,262 SF	0 SF	1,262 SF
GARAGE	221 SF	200 SF	21 SF
PORCH	105 SF	105 SF	0 SF
	2,602 SF		2,297 SF

CALCULATED F.A.R.				
PROPERTY AREA	ALLOWABLE		PROPOSED	
	FLOOR AREA	F.A.R.	FLOOR AREA	F.A.R.
5,461 SF	2,300 SF	42.1%	2,297 SF	42.1%

OPTION A
CODE COMPLIANT AND **ALREADY APPROVED BY COA BUILDING REVIEW**
PENDING VARIANCE APPROVAL

PROPOSED DEVELOPMENT 40% FAR
FAR= 2,150 SF (39.4%)

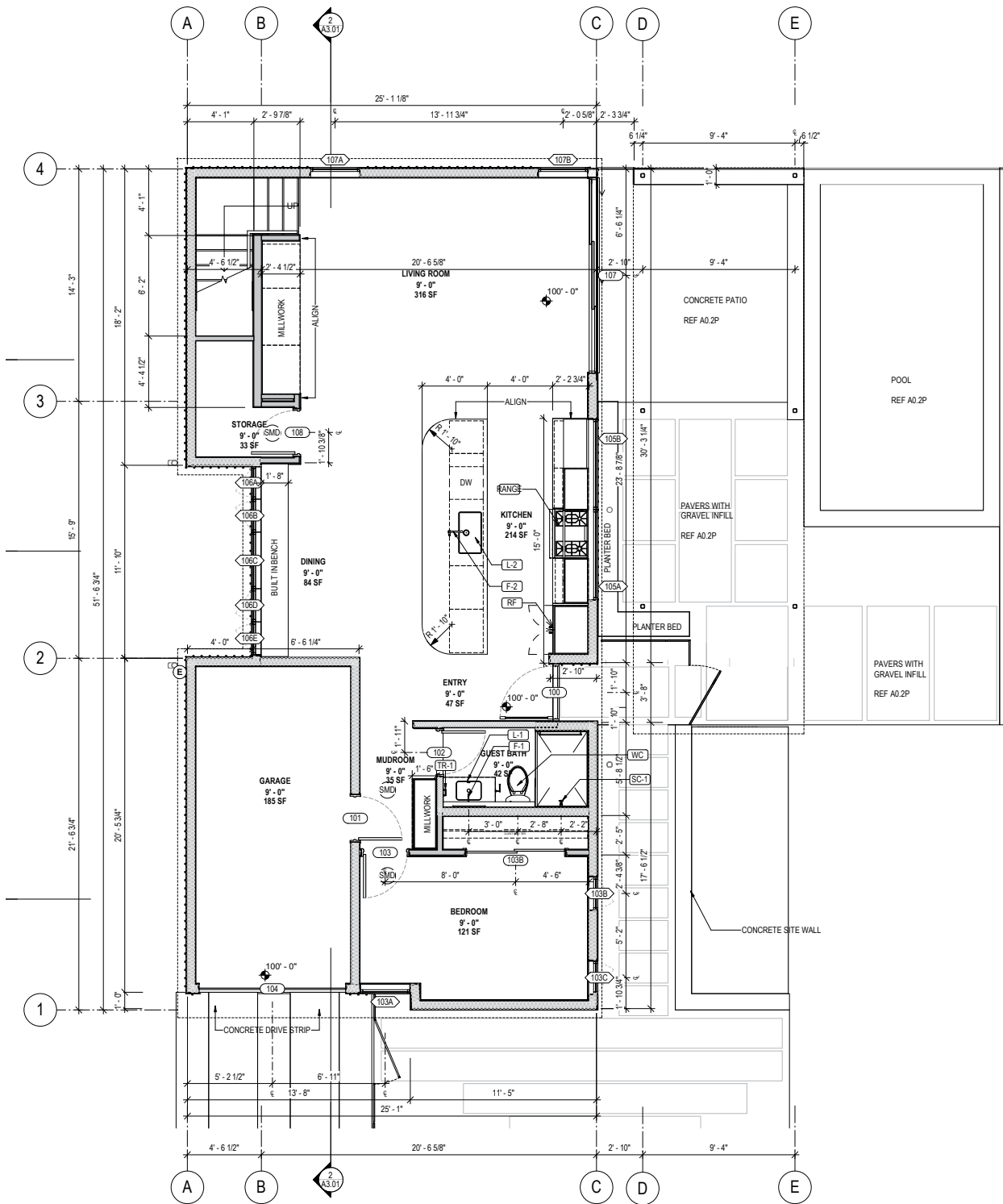


GROSS FLOOR AREA			
NAME	AREA	(25-2 f) DEDUCTION	CALCULATED AREA
1ST FLOOR CONDITIONED AREA - ADDED	776 SF	0 SF	776 SF
2ND FLOOR CONDITIONED AREA - ADDED	1,236 SF	0 SF	1,236 SF
GARAGE	259 SF	200 SF	59 SF
PORCH	279 SF	200 SF	79 SF
	2,550 SF		2,150 SF

CALCULATED F.A.R.				
PROPERTY AREA	ALLOWABLE		PROPOSED	
	FLOOR AREA	F.A.R.	FLOOR AREA	F.A.R.
5,461 SF	2,300 SF	42.1%	2,150 SF	39.4%

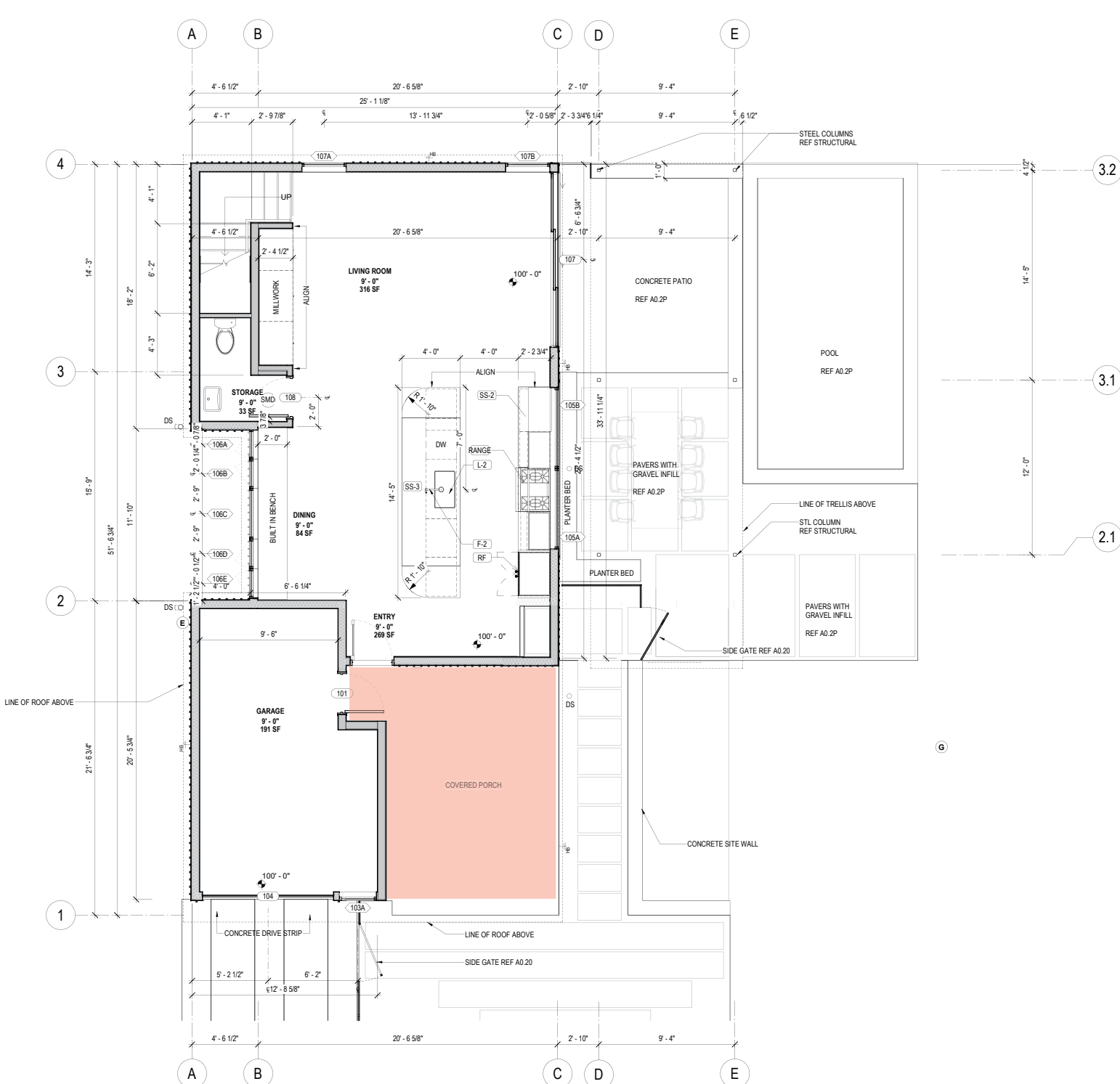
OPTION B
CODE COMPLIANT AND **WOULD NEED TO BE REVIEWED** BY THE COA
BUILDING REVIEW PENDING VARIANCE APPROVAL

PROPOSED DEVELOPMENT 2300 SF
FAR= 2,297 SF (42.1%)



OPTION A
CODE COMPLIANT AND **ALREADY APPROVED BY COA BUILDING REVIEW**
PENDING VARIANCE APPROVAL

PROPOSED DEVELOPMENT 40% FAR
FAR= 2,150 SF (39.4%)



OPTION B
CODE COMPLIANT AND **WOULD NEED TO BE REVIEWED** BY THE COA
BUILDING REVIEW PENDING VARIANCE APPROVAL

WHO WE ARE

- Molly Devco...**a different kind of development company.**
- Founded by a local team including award-winning architects and builders, the elements of design, quality, function and durability are FIRST and FOREMOST to us
- Most developers hire architects and builders and hamstring them in terms of design, materials and methods. Because we ARE the architects and builders, from the very first conversations and sketches the long-term livability, practicality and quality-of-life for homeowners are the center of our mission.

We also live in Austin and want to be proud of our work—not just at the closing table but for many years after. **Our work is our signature.**

WHY ARE WE ASKING FOR THIS VARIANCE?

- Molly Development Company was named after Molly, mother of one of our team members. Molly was an innovator, and like her, our team seeks to find resolutions for complex issues that face our city today. We look to provide innovative solutions for otherwise overlooked properties in order to provide homes filled with a quality of craft to sustain a quality life. Molly DevCo wants to contribute to the shaping of the City of Austin as a growing city. The spirit of Molly DevCo is infused with the interests and ideas of Molly herself to “create something good” in all we do.

We respectfully ask that the BOA grant a variance so this idea materializes in someone’s home.

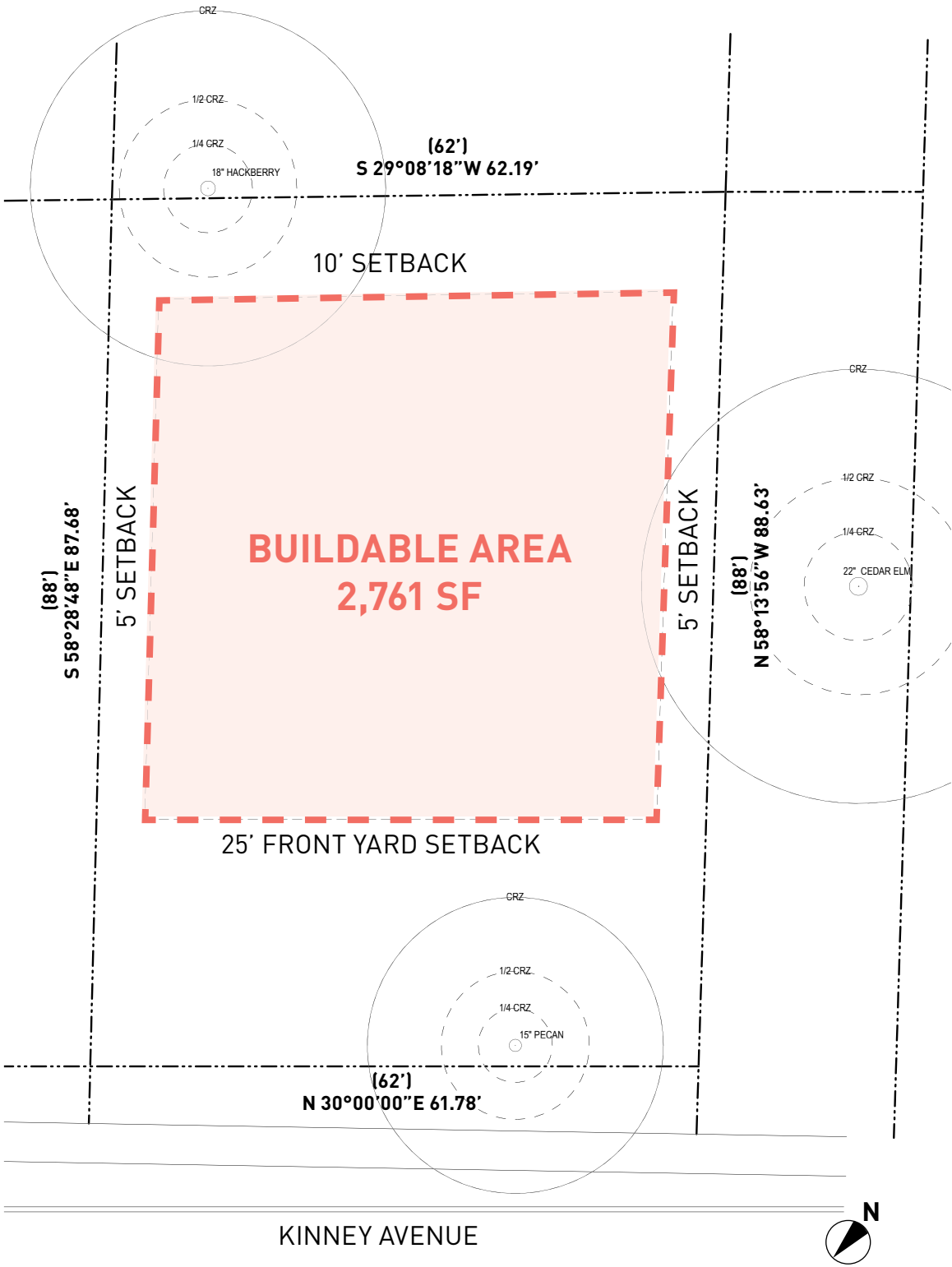


MOLLY WAS THE MOTHER OF ONE OF OUR FOUNDERS. SHE WAS AN AMAZING, INSPIRING AND GROUND-BREAKING WOMAN OF HER TIME. MOLLY WAS THE FIRST-GENERATION AMERICAN DAUGHTER OF IMMIGRANTS ESCAPING THE POGROMS OF EASTERN EUROPE. SHE WORKED IN RADIO AND THEN LIVE TELEVISION WHEN IT WAS A BRAND-NEW MEDIUM. SHE WORKED UNDERGROUND AT THE TOP-SECRET NEVADA NUCLEAR TEST SITE. MOLLY WAS CALIFORNIA'S FIRST LICENSED FEMALE PRIVATE DETECTIVE. SHE AND HER HUSBAND LIVED IN A HISTORIC RICHARD NEUTRA HOME IN THE SAN FRANCISCO BAY AREA. MOLLY CARED DEEPLY ABOUT CIVIL AND HUMAN RIGHTS. SHE WAS A COLLECTOR OF WONDERFUL PEOPLE AND INTERESTING OBJECTS.



VARIANCE REQUESTED DOCUMENTS

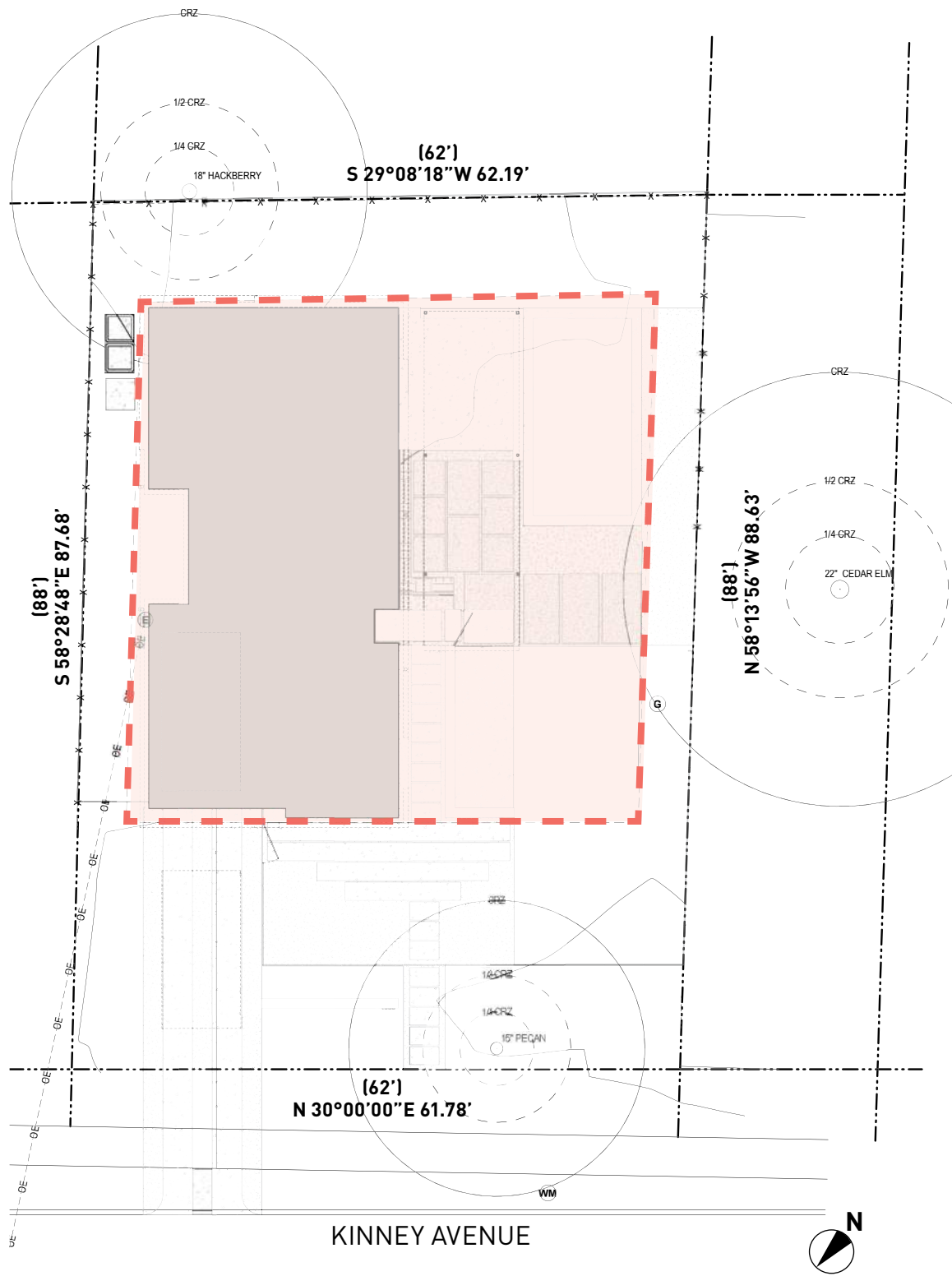
EXISTING VACANT SUBSTANDARD LOT



SECTION B.2.A MIN. LOT SIZE= 5,750 SF
EXISTING LOT SIZE= 5,461 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= 5,461 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 5,461 SF VARIANCE REQUESTED
SECTION B.2. B	
MINIMUM LOT WIDTH	50 FT - EXISTING 61'-7" COMPLIANT

RESIDENTIAL DESIGN STANDARDS - SF-3-NP

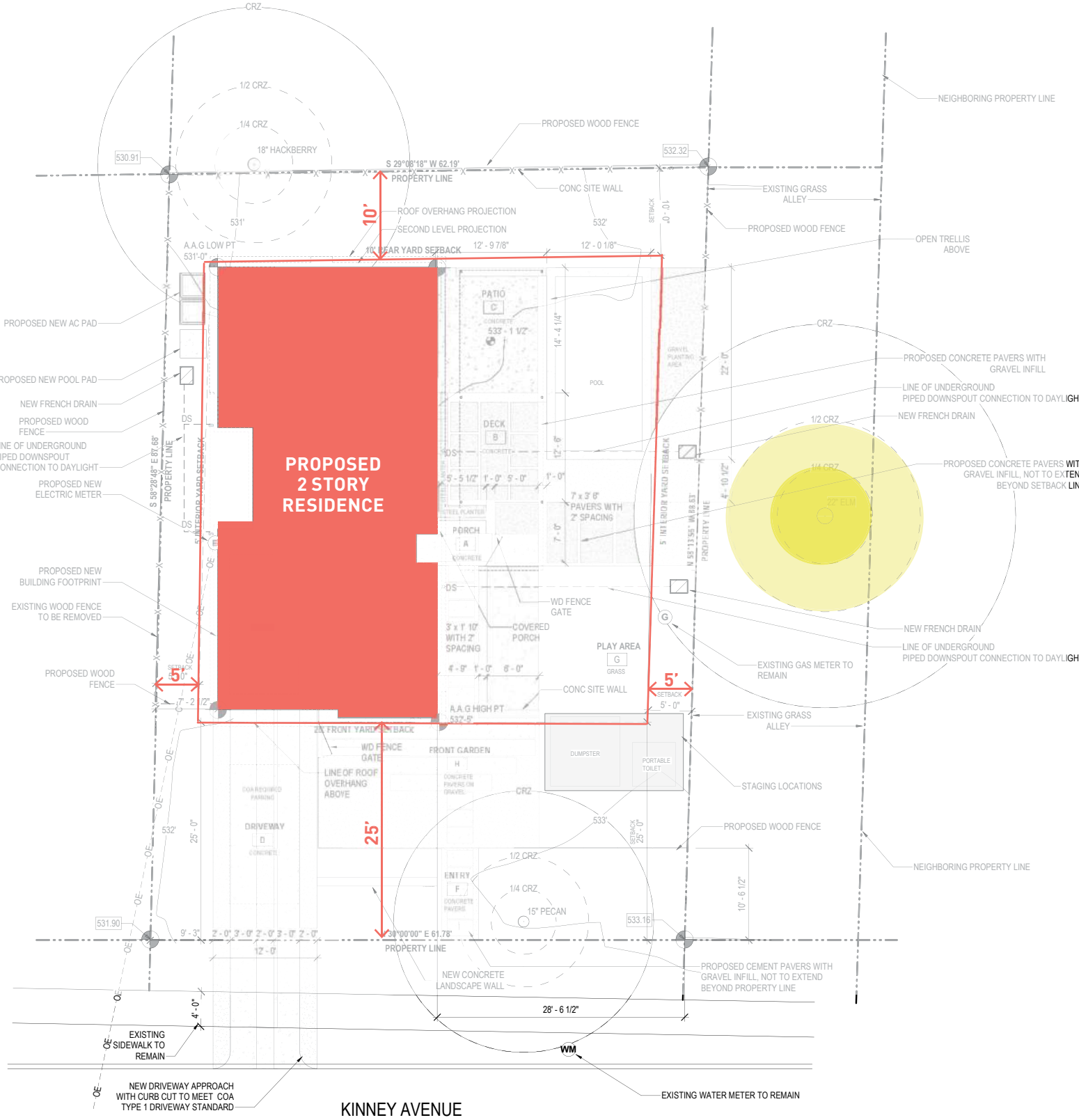
SETBACK PLANES	
SIDE - 15' ABOVE GRADE AT 45°	COMPLIANT
REAR - 15' ABOVE GRADE AT 45°	COMPLIANT
SIDE WALL ARTICULATION MAX 36' LENGTH	COMPLIANT

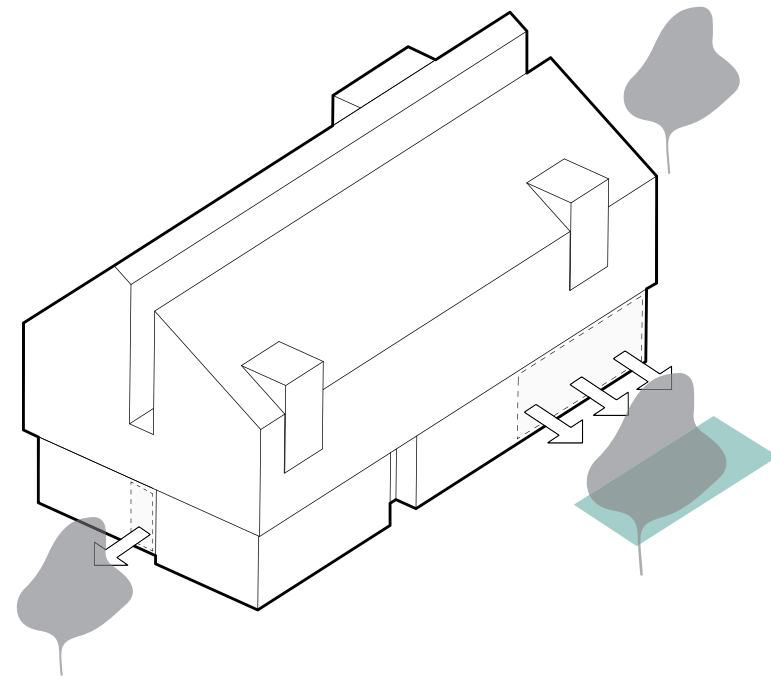
BUILDABLE AREA
TOTAL LOT AREA

	5,461 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.



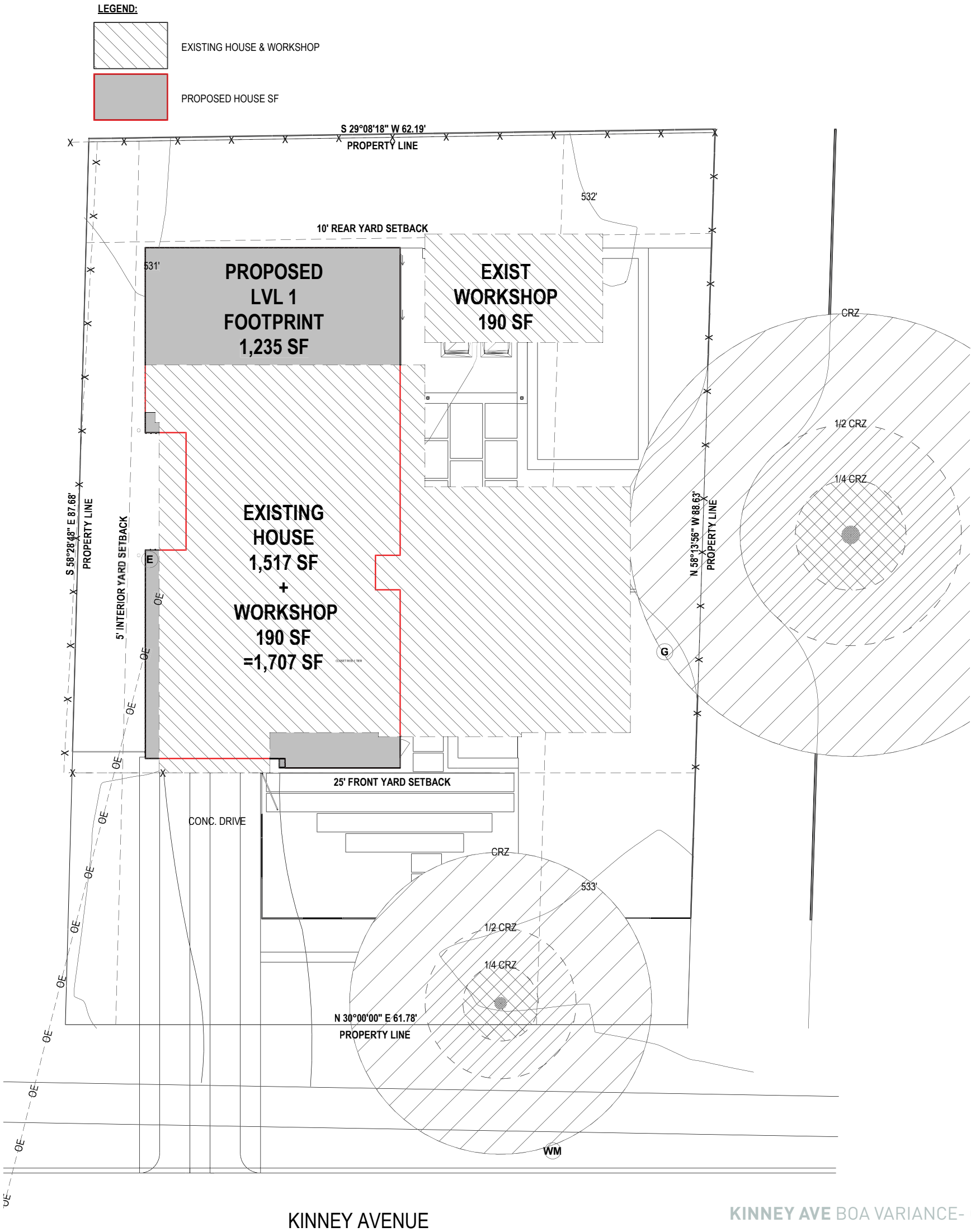


PROPOSED DESIGN
4BED 3 BATH
1 CAR GARAGE



EXTERIOR RENDERINGS

EXISTING HOUSE & PROPOSED
DEVELOPMENT COMPARISON



SITE PLAN
SCALE: NTS

KINNEY AVENUE

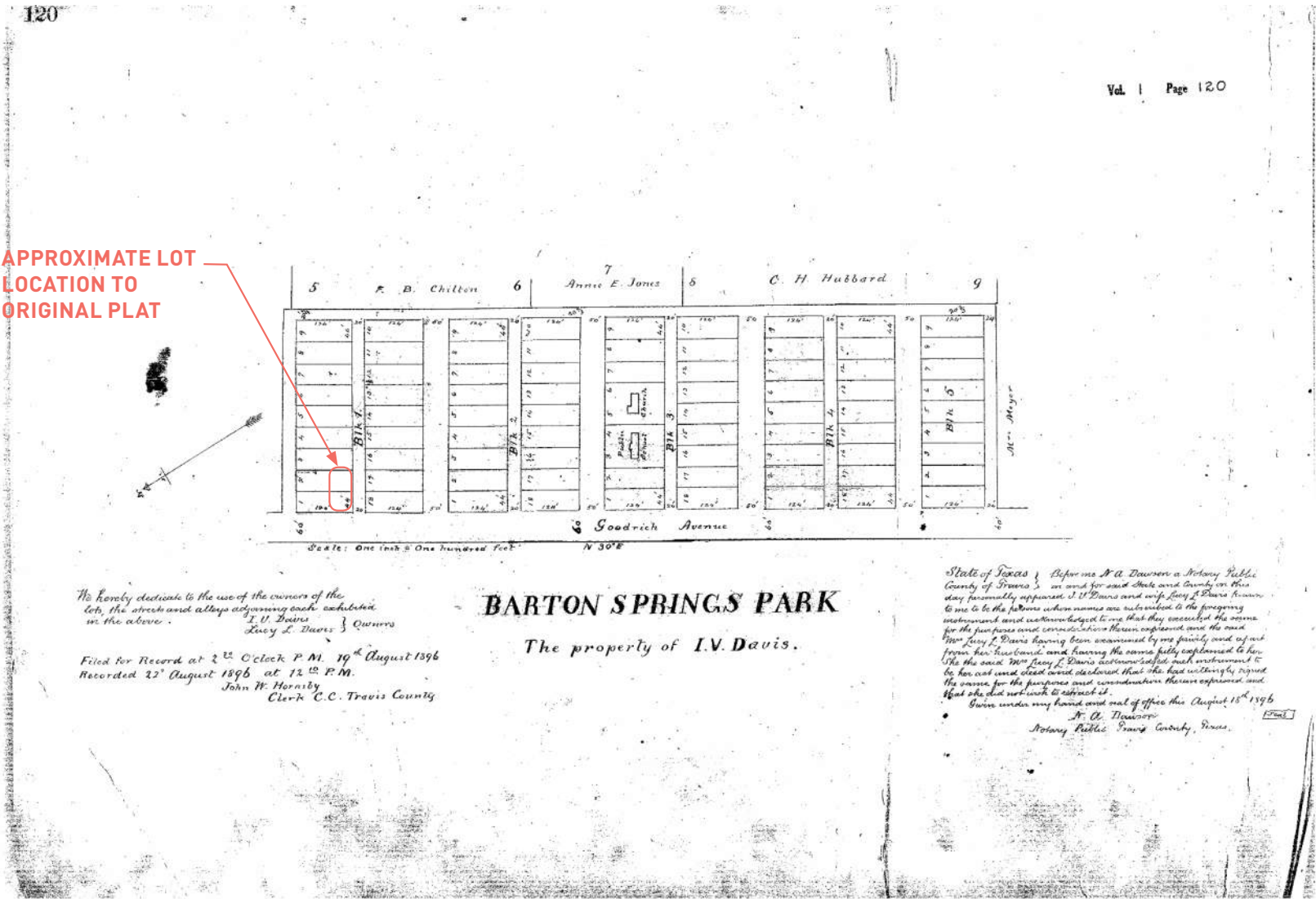
HARDSHIP

Conflicting code regulations and plat documentation
Due to conflicting information, **nothing can be built**
on 1003 Kinney Ave.

1003 KINNEY AVE LOT HISTORY

Owner team requested information via email on the original deed plat for the property from the Travis County Clerk Office. Original plat is dated from 1896 and 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

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

1 message

Servando Hernandez To: 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:

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.

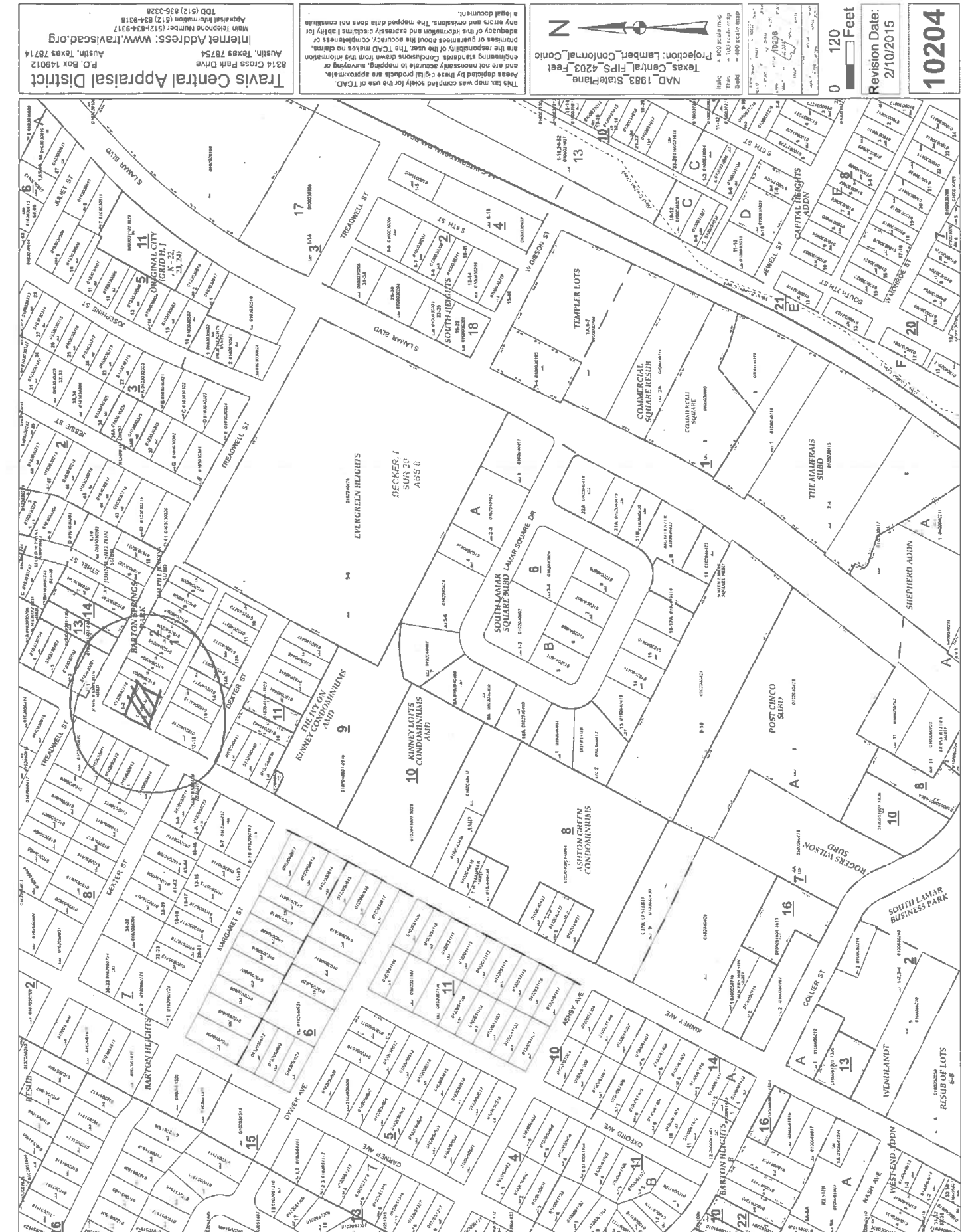
The parcel of land consists of five acres or less, and is described as being the **South 1/2 of Lots 1 & 2, Block 1, Barton Springs Park** in the current deed, recorded on **Feb 01, 1991**, in **Volume 11365, Page 624, Travis County Deed Records**. This parcel existed in its current configuration on 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:

- ☐ Legal Tract (Grandfather)
- ☐ 1987 Rule Exception
- ☐ Health/Safety Exception
- ☐ Other
- ☒ 1995 Rule Exception
- ☐ Five-Acre Exception

Section 1: Property Information

Geographic ID (Travis County):

—OR—

Tax Parcel Identification Number:

Location Address:

Subdivision Name:

Whole Lot #s: Partial Lot #s: Block #s:

Plat Book: Page: 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: Page: or Doc #:

County: Date:

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:

Firm:

Applicant Mailing Address:

City: State: Zip:

Email: Phone 1: Type 1:

Phone 2: Type 2: Phone 3: Type 3:

Section 4: Owner Information

☒ Same as Applicant Owner Name:

Firm:

Owner Mailing Address:

City: State: Zip:

Email: Phone 1: Type 1:

Phone 2: Type 2: Phone 3: Type 3:

Section 5: Signature

Applicant Signature

Month Day Year

SAVE

5062' 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

Size of Tap Made 3/4"

Size Service Made 3/4"

Size Main Tapped 24" C.I.

From Front Prop. Line to Curb Cock 13'

From South Prop. Line to Curb Cock 14'

Location of Meter FRONT

Type of Box ROUND

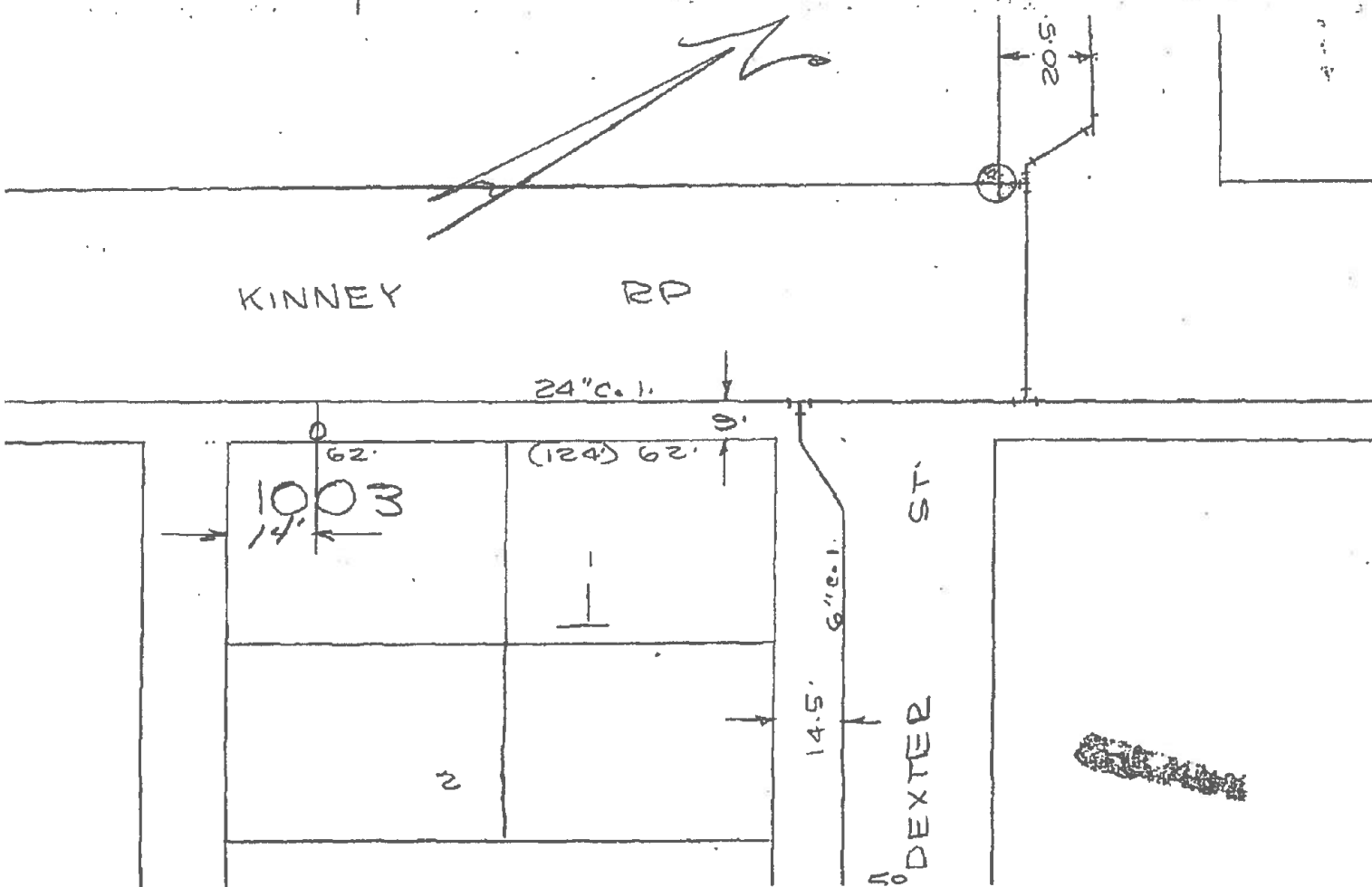
Depth of Main in St. 4'

Depth of Service Line 3'

From Curb Cock to Tap on Main 8'

Checked by Engr. Dept. 10-9-62 SNP

No. Fittings	Size	Price
11" Pipe	3/4" C.P.	2.55
Corp. Cock	3/4"	7.50
Cop. to Iron ell		1.00
Cop. to Cop. ell		1.10
Cop. to Iron Coupling		2.50
Cop. to Cop. Coupling		1.00
Angle Stop		1.10
Stop		2.50
Bushing	8" x 3/4" BRASS	
Nipples		
Service Clamp		
Valve		
Meter Box	ROUND	
Lock Lid		
Drain Tile		
Drain Tile Lid		
Stop & Drain		
Job No.	W 323-502	
Foreman	V. Pecora	



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 Brydson

Lot 5062' Block 1 Subdivision 3rd 1st Springs Plat No 100

Date of Connection 9-15-62

By City 3' S of NLL

By Plumber

Checked By Sennarino

Size Main 6" Depth 5' (Rock)

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

Stub Depth 4' Prop. Line 2'

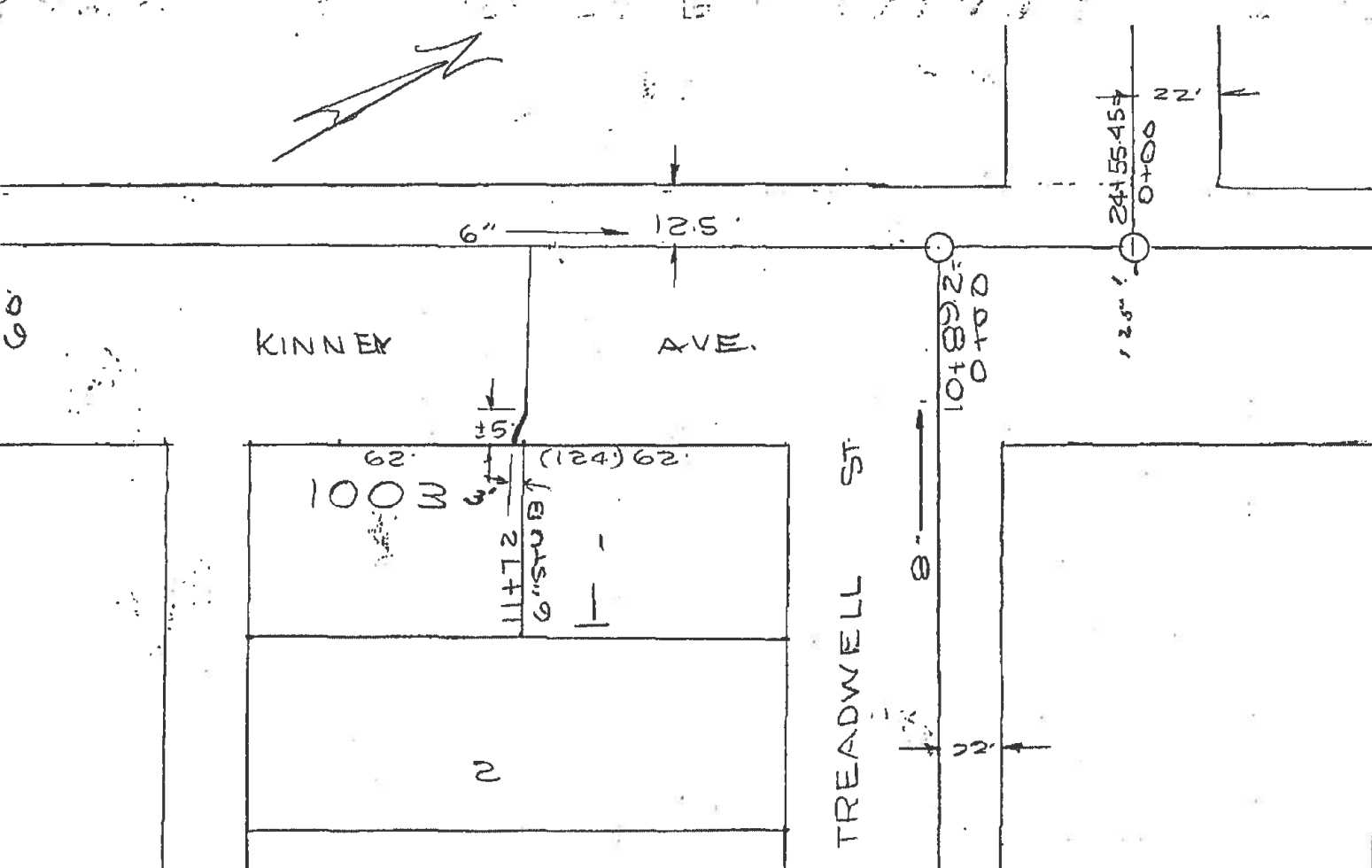
Stub Location N.L.L. @ 11+72

Book No. B 1241

Paving Cut No.

OK 9-11-62 R.S.M.D.

No. Fittings	Size	Price
15" Pipe	4" Can	2.55
5" Pipe	4" C.I.	7.50
2" Pipe	4" V.C.	1.00
3" Bends	4" Can	1.10
1 Reducers	TRANS 4"	2.50
Plugs		
Sand		
Gravel		
Remix		
Stoppers		
Castings		
Other		
Labor	4.0 - 9.0	150.00
Materials	1 - 9.0	1.50
Foreman	1 - 9.0	2.20
Total		468.35



03 DOC. NO.
91009012

FILM CODE
00004673193

5:00 PM 3622
5.00 IND
2 4 02/01/91
910090.12-DQC
17.93-CHK

WARRANTY DEED

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 120, Plat Records of Travis County, Texas.

This conveyance is expressly made and accepted subject to all valid and subsisting easements, 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, 1965, and under the laws of the State of Texas.

parcel number 01-0204-0217-0000

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. Horan
Martin F. Horan
Its Assistant Vice President

By Paul H. Wendler
Paul H. Wendler
Its 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. Horan, Assistant Vice President, and Paul H. Wendler, Vice President, on behalf of NCNB TEXAS NATIONAL BANK, Trustee of the Jewel Hatton Dodson Trust.

W. H. Thurman
Notary Public, State of Texas
MY COMMISSION EXPIRES: _____
(Printed name of Notary)

ADDRESS OF GRANTEE:

JOE B. MC ALISTER
1404 Oxford
Austin, Texas 78704

CHARGE TO: Gracy Title Company

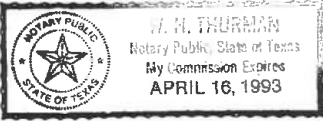
AFTER RECORDING RETURN TO:
Mr. Joe B. McAlister
1404 Oxford
Austin, Texas 78704

FILED
FEB 1 4 17 PM '91
DANA DELBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM
At the time of recording this instrument was found to be inadequate for the best photographic reproduction, because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
11365 0625

NOTARY SEAL



STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on
FEB 1 1991
Dana Delbeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

101-2477 PAGE 16

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That we, LEE FENNER and wife, CORA FENNER, of Travis County, Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good, valuable and sufficient consideration cash to us in hand paid by the Grantee hereinafter named, the receipt of all of which is hereby acknowledged and confessed, and for the payment of which no right or lien, express or implied, is retained;

HAVE GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto EDWIN BROWNLOW CLAGGETT, a single man, of Bexar County, Texas, all that certain lot, tract or parcel of land lying and being situated in Travis County, Texas, and known and described as follows, to-wit:

The South one-half (S. 1/2) of Lots Nos. One (1) and Two (2), in Block No. One (1), in the Barton Springs Park Addition to the City of Austin, Travis County, Texas, according to the map or plat of said Addition recorded in Book 1, at Page 120 of the Travis County Plat Records.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the Grantee above named, his heirs or assigns, forever. And we, the Grantors herein, do hereby bind ourselves, our heirs, executors and administrators, 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, subject, however, to all valid restrictions and easements which are of record applicable to the property hereby conveyed.

The Grantors herein are to pay all taxes on the above described property for the years up to and including the year 1961, and the Grantee herein is to assume the payment of the taxes for the year 1962, the same having been prorated as of the date of this deed.

EXECUTED this 16th day of June, A. D. 1962.

Lee Fenner
Lee Fenner

Cora Fenner
Cora Fenner

165
U.S. INT. REV. STAMPS CANCELLED

101-2477 PAGE 17

THE STATE OF _____
COUNTY OF _____

BEFORE ME, the undersig. _____, on this day personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing instrument, and acknowledged to me that _____ he executed the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF _____ the _____ day of _____, A. D., 19____.

NOTARY PUBLIC, IN AND FOR _____ COUNTY, _____.

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared - - LEE FENNER and CORA FENNER, his wife- - -, known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and the said CORA FENNER, wife of LEE FENNER, having been examined by me privily and apart from her husband, and having the same fully explained to her by me, she, the said CORA FENNER, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12th day of June, A. D., 1962.

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

July 13
1962

2467 390

AM-7-668-6636 * 1.25

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

125

That we, FRED J. SUBLETTE and wife, MARGARET SUBLETTE, of Travis County, Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good, valuable and sufficient consideration cash to us in hand paid by the Grantee hereinafter named, the receipt of all of which is hereby acknowledged and confessed, and for the payment of which no right or lien, express or implied, is retained;

HAVE GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto LEE FENNER and wife, CORA FENNER, of Travis County, Texas, all that certain lot, tract or parcel of land lying and being situated in Travis County, Texas, and known and described as follows, to-wit:

PARCEL NO. ONE: The North one-half (N. 1/2) of Lots Nos. One (1) and Two (2), in Block No. One (1), in the Barton Springs Park Addition to the City of Austin, Travis County, Texas, according to the map or plat of said Addition recorded in Book 1, at Page 120 of the Travis County Plat Records.

PARCEL NO. TWO: The South one-half (S. 1/2) of Lots Nos. One (1) and Two (2), in Block No. One (1), in the Barton Springs Park Addition to the City of Austin, Travis County, Texas, according to the map or plat of said Addition recorded in Book 1, at Page 120 of the Travis County Plat Records.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the Grantees above named, their heirs or assigns, forever. And we, the Grantors herein, do hereby bind ourselves, our heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said Grantees, their heirs and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof, subject, however, to all valid restrictions and easements which are of record applicable to the property hereby conveyed.

This deed is given to correct the property description of a deed by and to the same parties, dated September 23, 1947, of record in Volume 849, at Page 625, of the Travis County Deed Records.

EXECUTED this 23rd day of September, A. D. 1947

Fred J. Sublette

Margaret Sublette

2467 391

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared FRED J. SUBLETTE and MARGARET SUBLETTE, his wife, 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 consideration therein expressed, and the said MARGARET SUBLETTE, wife of FRED J. SUBLETTE, having been examined by me privily and apart from her husband, and having the same fully explained to her by me, she, the said MARGARET SUBLETTE, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 5 day of June, 1962.

Gene Therman

NOTARY PUBLIC, TRAVIS COUNTY, TEXAS.

Filed June 7 1962 at 3:00 P M

Recorded June 11 1962 at 9:00 A M

THE STATE OF TEXAS
County of Travis

I, MISS EMILIE LIMBERG, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within and foregoing Instrument of Writing, with its Certificate of Authentication, was filed for record in my office on the 7 day of June A.D. 1962 at 3 o'clock P. M. and duly recorded on the 11 day of June A.D. 1962 at 9 o'clock A. M. in the DEED Records of said County, in Book No. 2467, Pages 390 to 391 inclusive. WITNESS MY HAND and seal of the said County Court of said County, the date last above written.

MISS EMILIE LIMBERG
Clerk County Court, Travis County, Texas

Deputy.

KINNEY AVE BOA VARIANCE- CASE NUMBER 2021-000085 BA - April 4, 2022

22

mf
architecture

RECCOMENDATIONS PURSUED

1. SEEKING A 1995 PLAT EXEMPTION

2. SEEKING ALLEY ACCESS

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.



Ian Ellis <ian@ianmakes.com>

RE: 1003 Kinney Ave_attached COA Correspondence

1 message

McVea, Jhermaine Wed, Oct 6, 2021 at 1:19 PM
To: Ingrid Gonzalez Featherston
Cc: "Ian M. Ellis", Sarah Johnson "Thomas, Eric"
<Eric.Thomas@austintexas.gov>, Andrea Alvarez

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 [mailto:];
Sent: Wednesday, October 06, 2021 11:29 AM
To: McVea, Jhermaine < >;
Cc: Ian M. El; Sarah Johnson <S >; Andrea Alvarez
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 through the BOA. Reference email.



Ian Ellis <[REDACTED]>

RE: 1003 Kinney Avenue

1 message

Thomas, Eric <Eric.Thomas@austintexas.gov> Wed, Nov 17, 2021 at 10:55 AM
To: Ian Ellis [REDACTED]
[REDACTED].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](#).

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: Ian Ellis [REDACTED]
Sent: Wednesday, November 17, 2021 10:28 AM
To: Thomas, Eric [REDACTED]
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](#)

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, 1946. 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

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](#)

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. Correspondence included in email below.



Ingrid Gonzalez Featherston [redacted]

Zoning question

Ingrid Gonzalez Featherston [redacted] Tue, Jun 22, 2021 at 10:37 AM
To: "McBryde, Anthony" <Anthony.McBryde@austintexas.gov>
Alvarez [redacted], Sarah Johnson [redacted], Andrea [redacted]
Cc: Vince Heinz <vince.heinz@centralmex.com>

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



Zoning question
8 messages

McBryde, Anthony <Anthony.McBryde@austintexas.gov> Mon, Jun 21, 2021 at 8:45 AM
To: "in [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

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 <[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



[REDACTED]

Re: 1003 Kinney Avenue

1 message

Ian Ellis [REDACTED] Wed, Nov 10, 2021 at 5:09 PM
To: Lorraine Atherton <[REDACTED]>
Cc: Z [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 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.

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

210.606.7880
@ianellis

NEIGHBORHOOD ASSOCIATION CORRESPONDENCE

From: Ian Ellis [m]
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

[@ianellis](#)

2 attachments

 **Tax Parcel Map.pdf**
769K

 **EMAIL 1 Alley Vacate Denial.pdf**
126K

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.



RE: 1003 Kinney

1 message

Olsen, Dillon <Dillon.Olsen@austintexas.gov>
To: Ian Ellis

Mon, Jun 14, 2021 at 4:43 PM

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



Ian

RE: 1003 Kinney Ave - Grass Alley Question.

1 message

West, Samuel
To: Ian

Mon, Feb 1, 2021 at 2:08 PM

Ian,

I am 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 [m]
Sent: Monday, February 01, 2021 9:38 AM
To: West, Samuel <Samuel.West@austintexas.gov>
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



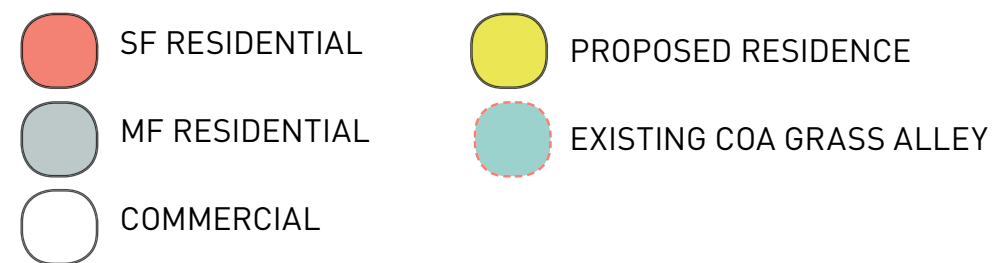
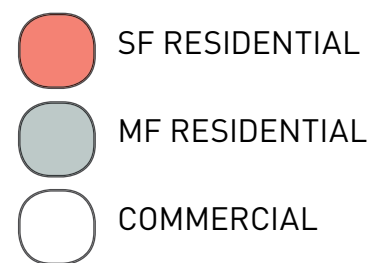
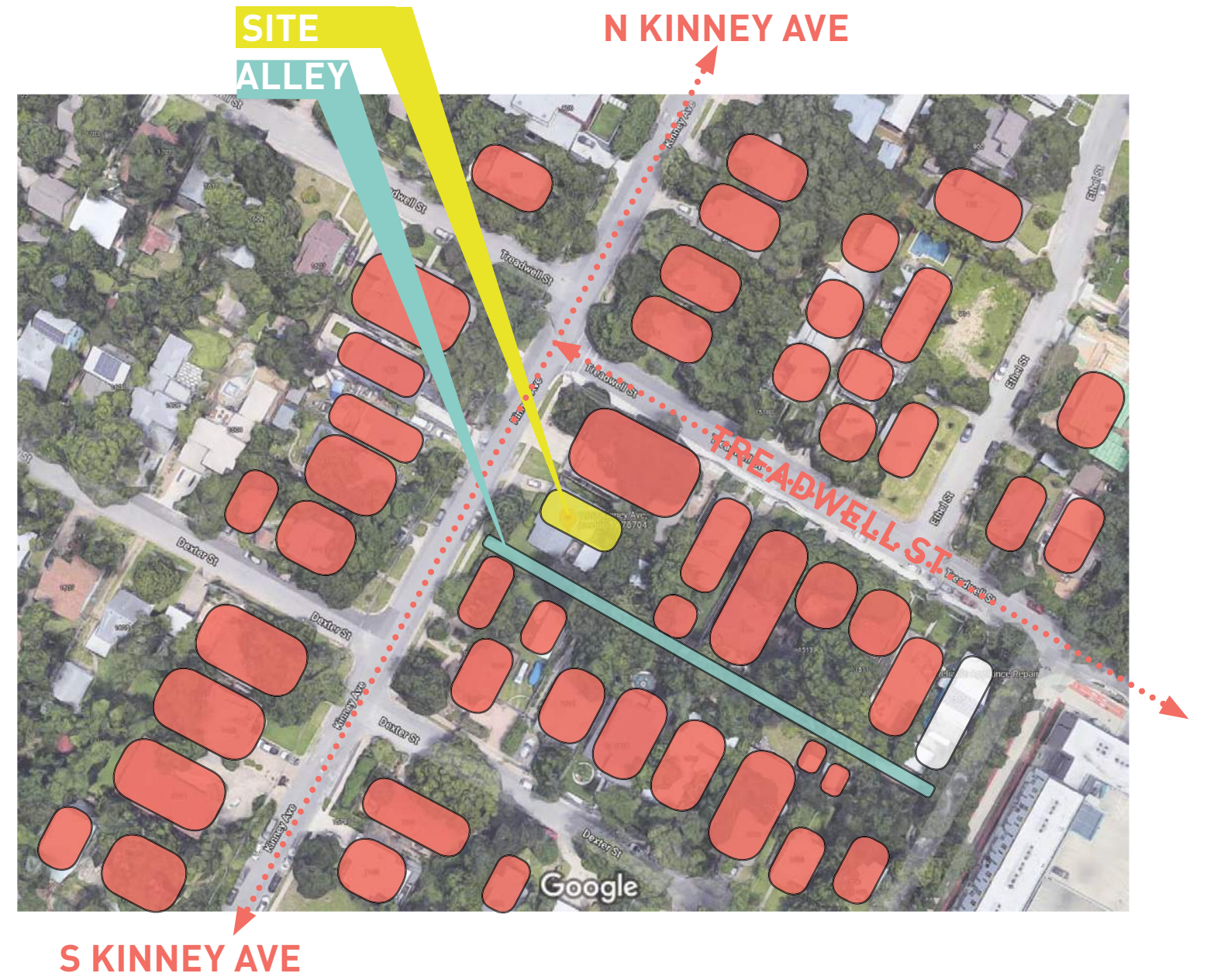
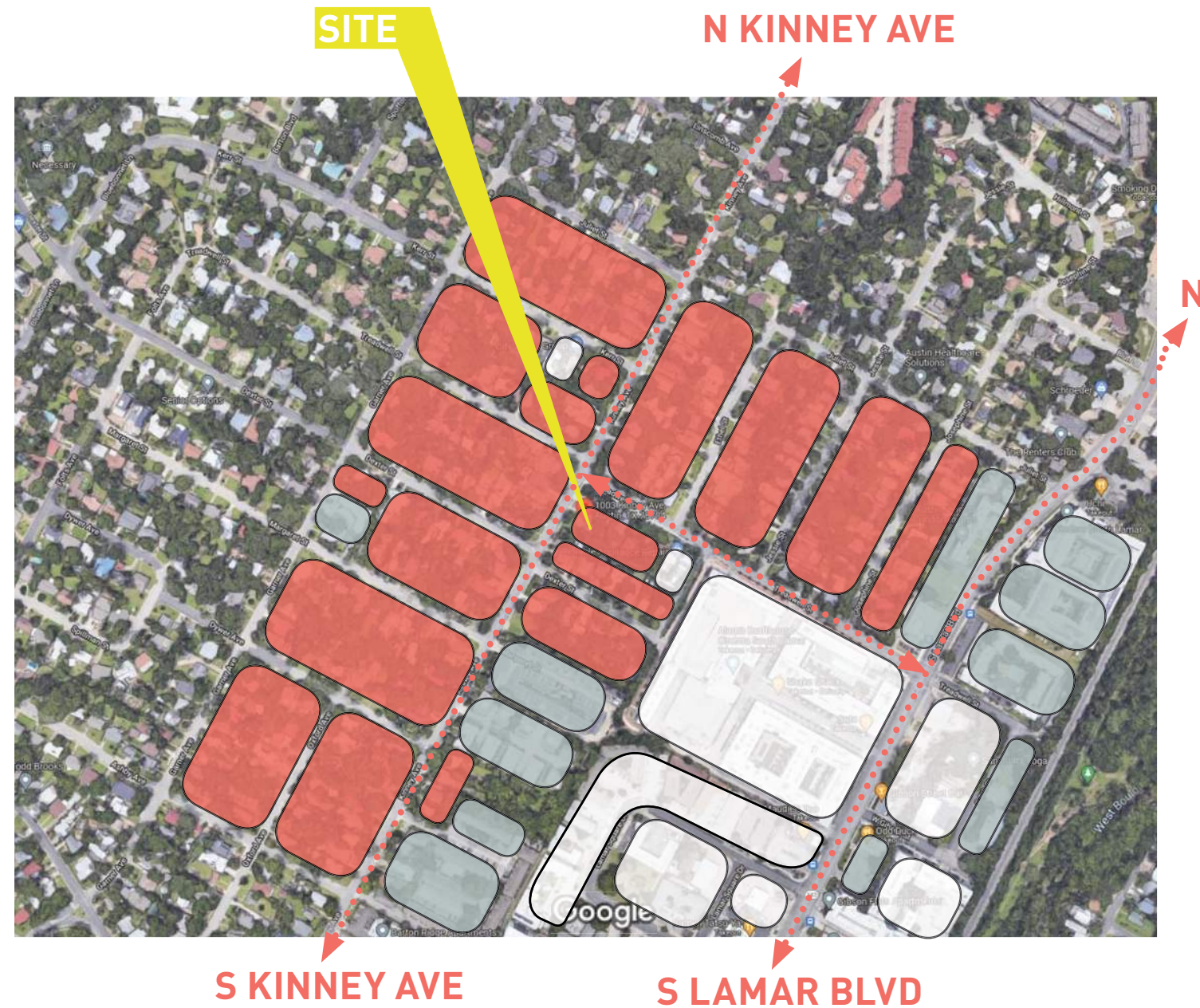
NEIGHBORHOOD CONTEXT

- 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

- 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



SITE MAPPING