

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
Item-8**

DATE: Monday August 8, 2022

CASE NUMBER: C15-2022-0060

____ Thomas Ates
____ Brooke Bailey
____ Jessica Cohen
____ Melissa Hawthorne
____ Barbara Mcarthur
____ Ryan Nill
____ Darryl Pruett
____ Agustina Rodriguez
____ Richard Smith
____ Michael Von Ohlen
____ Nicholl Wade
____ Kelly Blume (Alternate)
____ Carrie Waller (Alternate)
____ Marcel Gutierrez-Garza (Alternate)

APPLICANT: Victoria Haase

OWNER: CMCBH2 Company; LLC

ADDRESS: 1609 MATTHEWS LN

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code:

Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites)

- a) (B) (1) from setback requirements to decrease the setback from 25 feet (minimum allowed) to 7 feet (requested) on eastern property line and 13 feet (requested) on southern property line
- b) (C) (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 31 feet (requested) in order to erect a three (3) story Multi-Family/Townhouse style building in a “MF-2-CO”, Multi-Family Residence Low Density-Conditional Overlay zoning district.

Note: Section 25-2-1063 Height Limitations and Setbacks for Large Sites (B) in this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property. (1) in an urban family residence (SF-5) or more restrictive zoning district; (C) The height limitations for a structure are: (1) two stories and

30 feet, if the structure is 50 feet or less from property: (a) in an SF-5 or more restrictive zoning district;

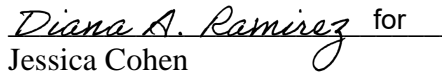
BOARD'S DECISION: July 11, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Barbara McArthur motions to postpone to August 8, 2022; Board member Nicholl Wade seconds on a 11-0 vote; POSTPONED TO AUGUST 8, 2022; Aug 8, 2022 POSTPONED TO SEPTEMBER 12, 2022 BY APPLICANT

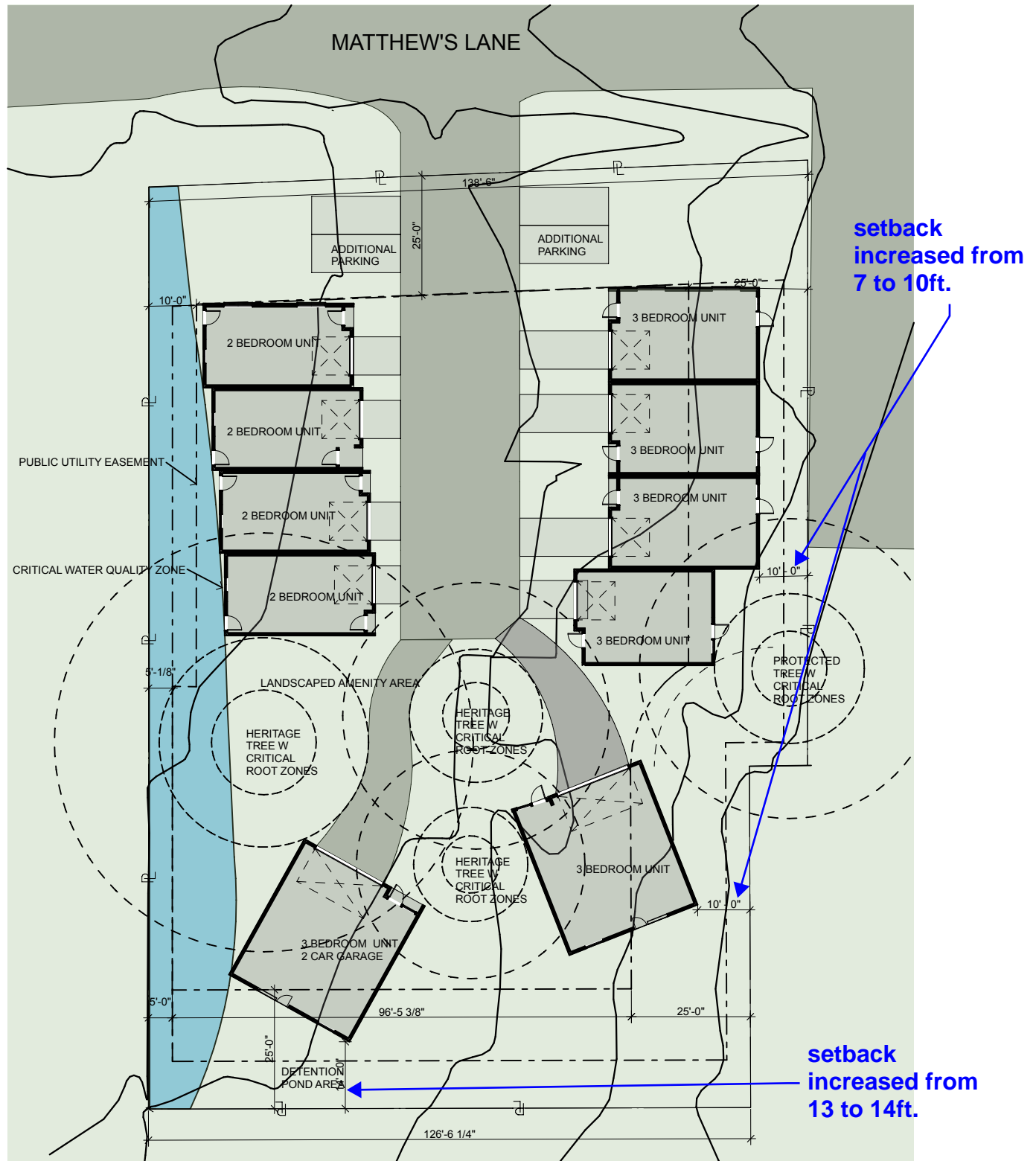
FINDING:

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



1

PRESENTATION SITE PLAN

SCALE: 1" = 30'

Heimsath
ARCHITECTS

2104 Greenwood Ave
Austin, Texas 78723

Tel. (512) 478-1621 www.heimsath.com

MATTHEWS TOWNHOUSES

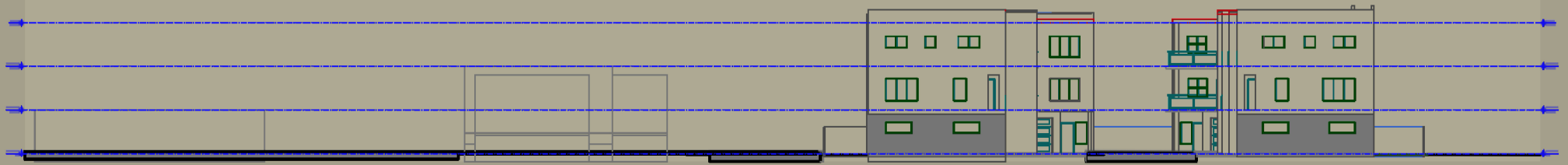
1609 MATTHEW'S LANE
AUSTIN, TX 78745

Conceptual Design - 08/14/2022

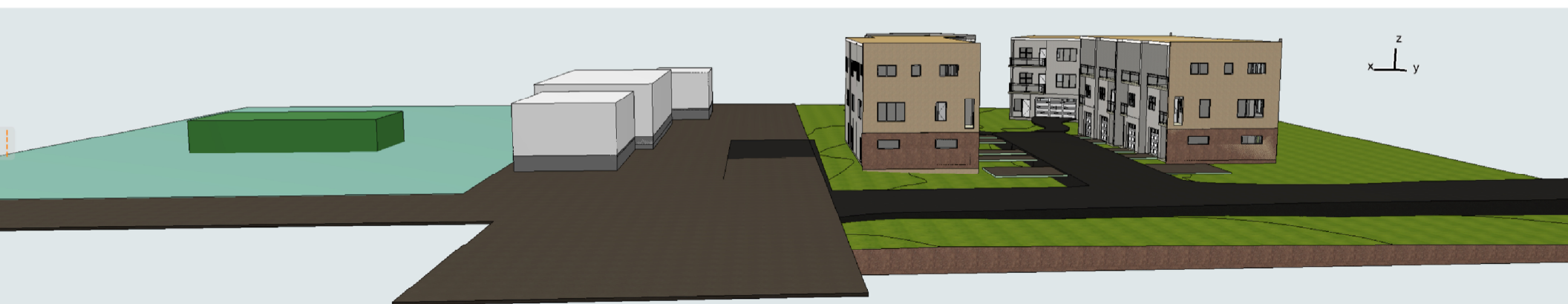












MEMORANDUM

DATE: August 26, 2022

TO: Members of the Board of Adjustment

FROM: Ron Thrower – Thrower Design, LLC

RE: C15-2022-0060 – 1609 Matthews Lane
Annexation and Zoning

We reviewed annexation and zoning of the properties in the area and want to have the Board be made aware of these findings as they are very relevant to the request of the Compatibility Waiver for 1609 Matthews Lane.

The area, being the subject tract and beyond was originally annexed into the Corporate Limits of the City of Austin on November 15, 1984. (See attached Ordinance 841115-LL). One of two scenarios happened regarding the actual zoning designation on the property upon annexation. Important to note that we, or city zoning staff, could not find any zoning history for the area.

- 1) Scenario 1 - Chapter 13-1 of the code in effect at that time was specific in that annexed lands were assigned an Interim-SR residence district and first height and area (See attached page from Code). In 1984, the new Code was adopted with an effective date of January 1985 – 6 weeks after the annexation. This new 1984 Code (which is still the Code today) converted the Interim-SR zoning to Interim-RR zoning. At some point this was converted to SF-2 zoning, when City Council converted all Interim zoned properties to permanent zoning.
- 2) Scenario 2 – Chapter 13-1 of the code at the time of annexation also gave Interim-AA zoning for properties that were subdivided and less than 1-acre. It's possible that this zoning was added to the site upon annexation as the tracts in the area were covered with a large 100-acre plat. This a remote possibility, though. With the 1984 Code, the Interim-AA zoning was converted to Interim-SF-2, which was then converted to SF-2, again, when City Council converted all Interim zoned properties to permanent zoning.

Had the property been annexed after January 1985 (under the 1984 Code), the property would have been "...assigned a zoning classification upon annexation which is appropriate to it's existing use...". See attached page from 1984 Code) If no use existed, the land would have likely been assigned Interim-SF-2 zoning.

The abutting commercial property was developed at least 1984 or earlier per aerials on City Property Profile (See attached 1984 aerial). Up to a point in time when the City Council converted Interim zoning to permanent zoning, the commercially developed property did not trigger compatibility. It is only because this conversion from Interim to permanent zoning that caused for the commercially developed property to trigger the compatibility standards. The SF-2 zoning that exists on the property today was not a part of a planned SF development on the property in any way. The current SF-2 zoning on the commercially used property is solely the byproduct of Council action to remove interim zoning on hundreds of properties around Austin.

ORDINANCE NO. 841115-LL

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF APPROXIMATELY 2,360 ACRES OF LAND IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; PROVIDING A SERVICE PLAN; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The hereinafter described land and territory, totalling approximately 2,360 acres, lying adjacent to and adjoining the City of Austin is hereby added and annexed to the City of Austin and said territory hereinafter described shall be included within the boundary limits of the City of Austin, and the present boundary limits of said City, at the various points contiguous to the area hereinafter described are altered and amended so as to include said area within the corporate limits of the City of Austin, said land being described in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. The said territory and area so annexed shall be a part of the City of Austin, and the property so added hereby shall bear its pro-rata of the taxes levied by the City of Austin, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Austin.

SECTION 3. The municipal services to be provided to the territory annexed by SECTION 1. hereof are set forth on the "Service Plan" attached hereto and made a part thereof as Exhibit "B".

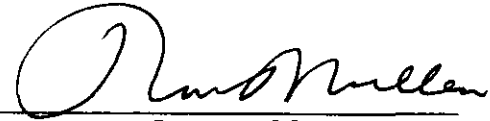
SECTION 4. Whereas an emergency exists concerning the safe, orderly and healthful growth and development of the City, and such emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this Ordinance become effective immediately upon its passage in order to assure the immediate preservation of the public peace, health, safety and general welfare both of the public residing within the City and the public residing adjacent to the City; therefore, the rule requiring the reading of an ordinance on three separate days is hereby suspended and this ordinance shall become effective

immediately upon its passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED

November 15, 1984

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§
§
§




Ron Mullen
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

WMc/saf

EXHIBIT "A"

C7a-83-017
Area to be Annexed
(2360 acres of land out
of The William Cannon
League No. 19, S.F. Slaughter
Survey No. 1, Theodore Bissel
Survey No. 18, F.M. Hodges
Survey No. 22, and The Walker
Wilson Survey No. 2, in
Travis County, Texas;
Portions of Congress Avenue,
Slaughter Lane, Cullen Lane,
Slaughter Creek Drive, Manchaca
Road, Unplatted Land, and those
subdivisions listed under
references)

FIELD NOTES

FIELD NOTES FOR TWO (2) TRACTS OF LAND,
THE TRACT OF LAND HEREINAFTER DESCRIBED
AS NUMBER ONE CONTAINING 46 ACRES OF
LAND BEING OUT OF AND A PART OF THE
WILLIAM CANNON LEAGUE NO. 19 IN TRAVIS
COUNTY, TEXAS; THE TRACT OF LAND
HEREINAFTER DESCRIBED AS NUMBER TWO
CONTAINING 2314 ACRES OF LAND BEING
OUT OF AND A PART OF THE WILLIAM CANNON
LEAGUE NO. 19, S.F. SLAUGHTER SURVEY
NO. 1, THEODORE BISSEL SURVEY NO. 18,
F.M. HODGES SURVEY No. 22, AND THE WALKER
WILSON SURVEY NO. 2 IN TRAVIS COUNTY,
TEXAS; EACH OF THE SAID TWO (2) TRACTS
OF LAND ARE TO BE TAKEN INTO AND MADE
A PART OF THE CITY OF AUSTIN, TRAVIS
COUNTY, TEXAS, AND EACH OF THE SAID
TWO (2) TRACTS OF LAND ARE MORE
PARTICULARLY DESCRIBED BY METES
AND BOUNDS AS FOLLOWS:

NUMBER ONE, BEGINNING at a point in the present corporate limit
line of the City of Austin as adopted by an ordinance dated August 16, 1973
and an ordinance dated August 7, 1980, which point of beginning is the
common corner of Lots 11 and 12, Block C, Sunridge South, a subdivision of
record in Book 76 at Page 380 of the Plat Records of Travis County, Texas,
for the northwest corner of the herein described tract of land;

THENCE, with said present corporate limit line of the City of
Austin as adopted by ordinance dated August 16, 1973, in an easterly
direction to a point in the west right-of-way line of Congress Avenue South
which point is in the present corporate limit line of the City of Austin as
adopted by ordinance dated April 12, 1973;

THENCE, continuing with said present corporate limit line of the City of Austin as adopted by ordinance dated April 12, 1973, same being said west right-of-way line of Congress Avenue South, in a southerly direction to a point in the north line of Dittmar Road West which point is in the present corporate limit line of the City of Austin as adopted by ordinance dated July 5, 1973;

THENCE, continuing with said present corporate limit line of the City of Austin as adopted by ordinance dated July 5, 1973, in a westerly direction to the east line of Meadowcreek Section 2, Phase 1, a subdivision of record in Book 71 at Page 30 of the Plat Records of Travis County, Texas, which point is in the present corporate limit line of the City of Austin as adopted by ordinance dated June 12, 1975;

THENCE, continuing with said present corporate limit line of the City of Austin, as adopted by ordinance dated June 12, 1975, and the aforesaid ordinance dated August 7, 1980, in a northerly direction to the point of beginning.

NUMBER TWO, BEGINNING at a point in the present corporate limit line of the City of Austin as adopted by ordinance dated December 8, 1983, which point of beginning is the southeast corner of Lot 2, Block B, Pheasant Run Section Two, a subdivision of record in Book 80 at Page 360 of the Plat Records of Travis County, Texas;

THENCE, with said present corporate limit line of the City of Austin as adopted by said ordinance dated December 8, 1983, and by ordinances dated August 27, 1981, November 14, 1974, September 20, 1973, December 23, 1968, November 16, 1972, November 18, 1976, February 21, 1975, May 17, 1979, February 23, 1978, December 8, 1983, October 18, 1979, June 12, 1975, July 5, 1973, April 12, 1973, and June 3, 1982, in a northerly, easterly, southerly, easterly and southerly direction to a point in the east line of Tom F. Dunnahoo Subdivision, of record in Volume 683 at Page 1 of the Deed Records of Travis County, Texas, same being a point in a line two hundred (200.00) feet west of and parallel to the west right-of-way line of Congress Avenue South, and which point is in the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the City of Austin, same being the east line of said Tom F. Dunnahoo Subdivision, in a northerly direction to the northeast corner of Lot 3 of Tom F. Dunnahoo Subdivision, same being the southeast corner of the E.K. Stegall Subdivision of record in Book 44 at Page 42 of the Plat Records of Travis County, Texas, for an interior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said E.K. Stegall Subdivision, in a westerly direction to the southwest corner of said Stegall Subdivision, which point is in the east line of Cullen Lane;

THENCE, continuing with the proposed corporate limit line of the City of Austin in a westerly direction crossing said Cullen Lane to the

southeast corner of that certain tract of land conveyed to Thelma Bills Anderson by warranty deed dated October 23, 1980, of record in Volume 7165 at Page 2126 of the Deed Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Anderson tract of land, N 89° 40' W 433.00 feet to the southwest corner of said Anderson tract of land, which point is in the east line of that certain tract of land conveyed to Abel J. Theriot by warranty deed dated November 6, 1963, of record in Volume 2685 at Page 398 of the Deed Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the east line of said Theriot tract of land, in a northerly direction to a point in a line five hundred (500.00) feet south of and parallel to the south line of Slaughter Lane, which point is in the west line of Barry Presley Subdivision, of record in Book 79 at Page 221 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said line five hundred (500.00) feet south of and parallel to the south line of Slaughter Lane, in a westerly direction to a point in the east line of that certain 117.47 acre tract of land conveyed to Mary Moore Seawright in a partition deed dated August 6, 1956, of record in Volume 1714 at Page 352 of the Deed Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the east line of said Seawright 117.47 acre tract of land, in a southerly direction with the following four (4) courses:

(1) S 20° 09' W 253.20 feet to an iron stake;

(2) S 20° 19' W 391.85 feet to an iron stake;

(3) S 20° 16' W 540.48 feet to an iron stake;

(4) S 20° 40' W to an iron stake for the southeast corner of said 117.47 acre tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the most southerly south line of said Seawright 117.47 acre tract of land, N 89° 49' W 1,599.89 feet to the southwest corner of said Seawright tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the most southerly west line of said Seawright tract of land, N 0° 36' E 979.07 feet to a point;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the most northerly south line of said Seawright tract of land, in a westerly direction with the following two (2) courses:

(1) N 89° 52' W 99.55 feet to a point;

(2) N 89° 36' E 993.92 feet to the most westerly southwest corner of said 117.47 acre tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the west line of the aforesaid Mary Moore Seawright tract of land, N 15° 47' E to the southeast corner of Lot D, Etta Chappell Estate Farm Tract Subdivision, of record in Book 8 at Page 60 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Lot D, Etta Chappell Estate Farm Tract Subdivision and the south line of Resubdivision of Tract C of the Etta Chappell Estate Farm Tract Subdivision, a subdivision of record in Book 76 at Page 226 of the Plat Records of Travis County, Texas, in a westerly direction to a point in the east line of Swanson's Ranchettes, a subdivision of record in Book 16 at Page 58 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east line of Swanson's Ranchettes, in a southerly direction to the southeast corner of Lot 3 of Swanson's Ranchettes;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Lot 3 in a westerly direction to the southwest corner of said Lot 3;

THENCE, in a westerly direction to the southeast corner of Swanson's Ranchettes No. 3, a subdivision of record in Book 47 at Page 37 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Swanson's Ranchettes No. 3, in a westerly direction to the southwest corner of said Swanson's Ranchettes No. 3;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the west line of said Swanson's Ranchettes No. 3, and the west line of the Resubdivision of a portion of Lot No. 3 Swanson's Ranchettes No. 2, a subdivision of record in Book 49 at Page 38 of the Plat Records of Travis County, Texas, N 0° 04' E to a point in a line five hundred (500.00) feet south of and parallel to the south line of Slaughter Lane;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said line five hundred (500.00) feet south of and parallel to the south line of Slaughter Lane, in a westerly direction to a point in the east line of Slaughter Creek Drive;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east line of Slaughter Creek Drive, in a

southerly direction to a point in the easterly prolongation of the south line of that certain tract of land conveyed to Earl L. Kanetzky by warranty deed dated October 26, 1973, of record in Volume 4752 at Page 960 of the Deed Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line and its easterly prolongation of said Kanetzky tract of land, in a westerly direction to a point in the east right-of-way line of the Missouri Pacific Railroad;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east right-of-way line of the Missouri Pacific Railroad, in a southerly direction to a point in the easterly prolongation of the south line of that certain tract of land conveyed to Crow-Gottesman-Shafer #4, a Texas limited partnership, by warranty deed dated January 7, 1983, of record in Volume 8116 at Page 134 of the Deed Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line and its easterly prolongation of said Crow-Gottesman-Shafer #4 tract of land, in a westerly direction to a point in the east line of Manchaca Road, also known as Farm-to-Market Road 2304;

THENCE, continuing with the proposed corporate limit line of the City of Austin, in a westerly direction to a point in the west line of said Manchaca Road, which point is in the east line of that certain tract of land conveyed to Realty Investment Corporation by warranty deed dated July 11, 1958, of record in Volume 1946 at Page 538 of the Deed Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said west line of Manchaca Road, in a northerly direction to the southeast corner of Ford Oaks, a subdivision of record in Book Z at Page 102 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line and its westerly prolongation of said Ford Oaks, in a westerly direction to a point in the east line of Ford Oaks Annex, a subdivision of record in Book 7 at Page 5 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east line of Ford Oaks Annex, in a southerly direction to the southeast corner of said Ford Oaks Annex, which point is in the north line of Drew Lane;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said north line of Drew Lane, in a westerly direction to the southwest corner of that certain tract of land conveyed to Charles W. McCausland, et ux, by warranty deed dated January 14, 1971, of record in Volume 3982 at Page 1541 of the Deed Records of Travis County, Texas, for the most southerly, southwest corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 0° 28' W 1282.90 feet to the northwest corner of that certain tract of land conveyed to Robert E. Ender, et ux, by warranty deed dated March 19, 1954 of record in volume 1441 at Page 167 of the Deed Records of Travis County, Texas, which point is in the south line of that certain tract of land conveyed to Gunn-Olson-Stordahl Joint Venture, a Texas Joint Venture Partnership, by warranty deed dated June 17, 1983, of record in Volume 8131 at Page 100 of the Deed Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Gunn-Olson-Stordahl tract of land, in a westerly direction to the southeast corner of Tanglewood Forest Section Four, Phase A, a subdivision of record in Book 83 at Page 57A of the Plat Records of Travis County, Texas, same being the most westerly, southeast corner of the South Austin Growth Corridor Municipal Utility District No. 1, and which point is the most westerly corner of the herein described tract of land to be annexed;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the most westerly, east line of said South Austin Growth Corridor Municipal Utility District No. 1, and its northerly prolongation, in a northerly direction to a point in the north line of Riddle Road;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said north line of Riddle Road, same also being a south line of said South Austin Growth Corridor Municipal Utility District No. 1, in an easterly direction with the following eight (8) courses:

- (1) S 56° 32' 30" E 447.96 feet to a point;
- (2) S 31° 29' 00" E 288.30 feet to a point;
- (3) S 19° 41' 00" E 91.56 feet to a point;
- (4) S 13° 11' 45" E 284.93 feet to a point;
- (5) S 24° 26' 00" E 107.22 feet to a point;
- (6) S 33° 24' 15" E 89.74 feet to a point;
- (7) S 47° 47' 15" E 249.31 feet to a point;

(8) S 66° 20' 00" E 230.64 feet to the southeast corner of Lot 19, Block T, Tanglewood Forest Section Two Phase B, a subdivision of record in Book 83 at Page 37 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the east line of said Tanglewood Forest Section Two Phase B, same also being an east line of the aforesaid South Austin Growth Corridor Municipal Utility District No. 1, in a northerly direction with the following six (6) courses:

- (1) N 22° 19' 15" E 161.62 feet to a point;
- (2) N 30° 47' 30" E 89.29 feet to a point;
- (3) N 29° 50' 00" E 133.07 feet to a point;
- (4) N 30° 24' 30" E 71.22 feet to a point;
- (5) N 30° 17' 15" E 163.11 feet to a point;

(6) N 29° 39' 30" E 61.74 feet to the most southerly corner of Lot 6, Block D, Tanglewood Forest Section Three, a subdivision of record in Book 82 at Page 314 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the southeast line of said Lot 6, Block D, Tanglewood Forest Section Three, in a northerly direction to a point in the southwest corner of Lot 4, Block D, of said Tanglewood Forest Section Three, for an exterior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Tanglewood Forest Section Three, in an easterly direction with the following seven (7) courses:

- (1) S 63° 41' 30" E 239.44 feet to a point;
- (2) S 64° 00' 00" E 48.26 feet to a point;
- (3) S 64° 06' 45" E 36.72 feet to a point;
- (4) S 64° 22' 30" E 439.60 feet to a point;
- (5) S 63° 31' 15" E 78.43 feet to a point;
- (6) S 63° 49' 15" E 168.88 feet to a point;

(7) S 85° 50' 00" E 341.43 feet to the intersection of the north line of New Slaughter Lane and the east line of Roxanna Drive, same being a point in a south line of the aforesaid South Austin Growth Corridor Municipal Utility District No. 1;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said south line of South Austin Growth Corridor Municipal Utility District No. 1, same also being the south line of Tanglewood Forest Section Six, a subdivision of record in Book 83 at Page 136C of the Plat Records of Travis County, Texas, in an easterly direction with the following three (3) courses:

- (1) S 85° 50' 00" E 161.85 feet to a point;
- (2) S 85° 48' 45" E 312.24 feet to a point;

(3) S 86° 02' 00" E 875.81 feet to a point in the west right-of-way line of Manchaca Road, also known as Farm-to-Market Road 2304;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the east line of said Tanglewood Forest Section Six, same also being said west right-of-way line of Manchaca Road, also known as Farm-to-Market Road 2304, in a northerly direction to the southeast corner of Castlewood Forest Section 5, a subdivision of record in Book 55 at Page 68 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Castlewood Forest Section 5, in a westerly direction to the southwest corner of Lot 1, Block D of said Castlewood Forest Section 5;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the west line of said Castlewood Forest Section 5, in a northerly direction to a point in the south line of Castlewood Forest Section 9, a subdivision of record in Book 67 at Page 82 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Castlewood Forest Section 9, in a westerly direction to the southwest corner of Lot 13, Block B of said Castlewood Forest Section 9, same being the southeast corner of Lot 12, Block I, Castlewood Forest Section 1, a subdivision of record in Book 42 at Page 27 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Castlewood Forest Section 1, in a westerly direction to the southwest corner of Lot 4, Block B, of said Castlewood Forest Section 1;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the west line of said Castlewood Forest Section 1, in a northerly direction to the southeast corner of Pheasant Run Section Two, same being the point of beginning.

SAVE AND EXCEPT that certain 69.13 acre tract of land described as tract three of the aforesaid South Austin Growth Corridor Municipal Utility District No. 1 which 69.13 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the proposed corporate limit line of the City of Austin, which point of beginning is the intersection of the north line of Castlewood Forest Section 5, a subdivision of record in Book 55 at Page 68 of the Plat Records of Travis County, Texas, and the west line of Manchaca Road, also known as Farm-to-Market Road 2304, which point of beginning is the southeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the north line of said Castlewood Forest

Section 5, in a westerly direction to a point in the east line of Lot 12, Block C, Castlewood Forest Annex 1457, a subdivision of record in Book 82 at Page 280 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the east line of said Lot 12, Block C, Castlewood Forest Annex 1457, N 31° 50' 45" E 30.00 feet to the northeast corner of said Lot 12, Block C;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the north line of said Castlewood Forest Annex 1457, in a westerly direction with the following six (6) courses:

- (1) N 58° 12' 15" W 363.43 feet to a point;
- (2) N 58° 13' 15" W 737.49 feet to a point;
- (3) S 32° 00' 00" W 30.00 feet to a point;
- (4) N 58° 14' 30" W 60.00 feet to a point;
- (5) N 32° 00' 00" E 30.00 feet to a point;

(6) N 58° 15' 30" W 138.13 feet for the southwest corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the east line of said Castlewood Forest Annex 1457, in a northerly direction with the following eight (8) courses:

- (1) N 30° 11' 15" E 615.72 feet to a point;
- (2) N 59° 22' 00" W 30.00 feet to a point;
- (3) N 30° 18' 00" E 2.03 feet to a point;
- (4) N 29° 59' 30" E 59.93 feet to a point;
- (5) N 30° 13' 00" E 2.04 feet to a point;
- (6) S 59° 22' 00" E 30.00 feet to a point;
- (7) N 30° 13' 15" E 452.18 feet to a point;

(8) N 44° 08' 45" E 82.56 feet to the southwest corner of Lot 3, Block I, of said Castlewood Forest Annex 1457 for an interior ell corner;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the most northerly south line of said Castlewood Forest Annex 1457, S 60° 06' 30" E 465.23 feet to the southeast corner of Lot 3, Block L, of said Castlewood Forest Annex 1457;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the west line of Tanglewood Forest Section One, Phase B, a subdivision of record in Book 82 at Page 391 of the Plat Records of Travis County, Texas, in a northerly direction with the following seven (7) courses:

- (1) N 29° 58' 30" E 204.74 feet to a point;
- (2) S 59° 30' 00" E 199.93 feet to a point;
- (3) N 29° 58' 15" E 193.26 feet to a point;
- (4) N 29° 59' 00" E 92.01 feet to a point;
- (5) N 59° 30' 00" W 199.87 feet to a point;
- (6) N 29° 59' 30" E 275.77 feet to a point;

(7) S 59° 34' 30" E 199.89 feet to a point in the west line of Tanglewood Forest Section Five, a subdivision of record in Book 83 at Page 648 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the west and north line of said Tanglewood Forest Section Five, in a northerly and an easterly direction with the following five (5) courses:

- (1) N 29° 59' 00" E 374.77 feet to a point;
- (2) S 61° 17' 45" E 569.18 feet to a point;
- (3) S 30° 20' 45" W 205.67 feet to a point;
- (4) S 60° 42' 15" E 23.27 feet to a point;

(5) S 60° 39' 30" E 299.95 feet to a point in the west line of Manchaca Road for the most easterly northeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said west line of Manchaca Road, in a southerly direction to the point of beginning.

FIELD NOTES: Louise Mays
01/19/84

APPROVED:

Marvin Shelton

Marvin Shelton, R.P.S.
Chief Surveyor
Department of Public Works

ReferencesSUBDIVISIONS TO BE ANNEXED

2-H-2949 Brownleaf Est. Resub. Lot 1 Blk. A & Lot 1 Block B
 2-A-679 Brownleaf Estates
 2-H-3201 Annette Acres
 2-C-6612 Beardslee Subd.
 2-H-6597 Thomas Bargsley Add.
 2-H-6298 Beaconridge VI-A
 2-H-3500 Chisholm Trail Estates
 2-H-5754 Kay Christian Carter Sub.
 2-H-4871 Sammie Carroll Sub.
 2-A-1103 Resub. of Tr. C, Etta Chappell Estate Farm Tract Sub.
 2-H-1861 Drew Lane Add.
 2-H-2327 Betty L. Davern Sub.
 2-H-1866 Damon "A"
 2-H-1104 Damon Sub.
 2-H-2279 Cogbill Sub.
 2-G-445 R.A. Nowlins Subd. of a portion of William Cannon League #19
 2-G-441 Resubd. of R.A. Nowlins Subd. of a por. of William Cannon Lea. #19
 2-G-279 Ford Oaks Sub.
 2-I-185 Ford Oaks Annex Subdivision
 2-H-2038 Swanson's Ranchettes
 2-C-3626 Swanson's Ranchette's No. 2
 2-C-7163 Resub. Lot, 1 & 100 Lot 2 Swanson's Ranchette's No. 2
 2-H-2207 Resub. Lot, 3 & Swanson's Ranchettes No. 2
 2-A-321 Elmwood Estates
 2-C-2654 Chas Hoffman Sub.
 2-C-5459 Greenleaf Estates Resub. Lot 14 Blk. B
 2-H-2955 Greenleaf Estates
 2-H-3529 Greenleaf Estates Sec. 2 1st Resub.
 2-A-835 Greenleaf Estates Sec. 2
 2-C-5043 Madden Addition
 2-H-4719 Malone Addition Sec. 2 Amended
 2-H-5401 Hemphill Acres
 2-H-2509 E.E. Hale Sub. No. 1
 2-H-3160 R.A. Nowlins Sub. Resub. Lot 1 of A Resub.
 2-B-508 T.Z. Evans Sub.
 2-C-1850 J.G. & Henry Fitzhugh Sub.
 2-C-1985 J.G. & Henry Fitzhugh Subdivision of 3 Acres of Lot 1
 2-H-6622 The Thomas Evers Sub.
 2-H-2024 E. Kovar Sub.
 2-H-2951 Wingard Addn.
 2-C-2801 Westwood Heights Sec. 1
 2-C-5227 E.K. Stegall Subdivision
 2-A-1563 Buckingham Estates Ph. 3 Sec. 4
 2-H-5673 Eula May Addition
 2-H-3500 Chisholm Trail Estates
 2-H-5363 Ronald Farrell Add.

EXHIBIT "B"**SERVICE PLAN****A. Police**

Patrolling, response to calls and other routine police services will be provided within 60 days of the effective date of annexation at a level substantially equivalent to the level of services provided to other areas of the city which are comparable in terms of population density and patterns of land utilization.

B. Fire

Fire protection will be provided within 60 days of the effective date of annexation at a level substantially equivalent to the level of services provided to other areas of the city which are comparable in terms of population, density and patterns of land utilization.

C. Emergency Medical Services

The existing level of service will continue to be provided to the area.

D. Solid Waste Collection

The same solid waste collection service now provided within the city will be extended to the annexed area within 60 days of the effective date of annexation.

E. Maintenance of water and wastewater facilities.

Routine maintenance of existing public water and wastewater facilities on the same basis as in the present city will be provided within 60 days of the effective date of annexation.

F. Maintenance of roads and streets

Routine maintenance of public roads and streets on the same basis as in the present city will be provided within 60 days of the effective date of annexation.

G. Maintenance of public parks, playgrounds, swimming pools, and any other Parks and Recreation Department facility or building.

The same standards and policies now used in the present city will be followed in maintaining the parks and recreation program and facilities in the enlarged city.

H. Capital Improvements

No capital improvements are necessary to provide municipal services to the area.

2-H-2479	T.H. Neal Addition
2-H-5813	Barry A. Presley Subd.
2-I-764	Etta Chappel Estate Farm Tract Subdivision
2-B-782	Texas Oaks
2-A-1583	Texas Oaks II
2-A-826	Castlewood Forest Sec. 1
2-H-3177	Castlewood Forest Sec. 2
2-B-504	Castlewood Forest Sec. 3
2-H-3508	Castlewood Forest Sec. 4
2-G-758	Castlewood Forest Sec. 5
2-G-794	Castlewood Forest Sec. 6
2-G-911	Castlewood Forest Sec. 7
2-H-5359	Castlewood Forest Sec. 8
2-G-1068	Castlewood Forest Sec. 9
2-A-877	Castlewood Forest Sec. 1, Resub. of Lots 4 & 5, Block B
2-I-705	Castlewood Forest Annex 1457
2-H-5451	Swanson's Ranchettes No. 2 1st Resub. of Lot 4
2-H-4863	Western Ridge Est. Resub. Lot 11-A
2-H-1641	Western Ridge Est. Sec. A
2-G-1273	Richard Powell Add.
2-C-3564	Ted Swanson, Jr. Add.
2-H-3164	Swanson's Ranchettes No. 3
2-H-1473	Swanson Gardens
2-A-852	Stroman Sub.
2-A-1244	Max Keilbar Sub. Sec. 2
2-H-5853	Max Keilbar Sub. Sec. 3
2-C-5942	Max Keilbar Sub. Annex
2-A-955	Max Keilbar Sub. Sec. 1
2-H-2266	P.F. Orr Sub.
2-B-396	Resub. of Lot 1, P.F. Orr Sub.
2-H-6120	Texas Oaks Sec. 1-A
2-H-6350	Texas Oaks Amending Plat of Lots 15 & 16 Blk. G
2-H-3429	Oak Valley
2-H-2420	Oak Valley Park
2-A-784	Oak Valley Park Sec. 2
2-G-767	Oak Valley Park Sec. 3
2-C-6101	Noble J. Smith Sub.
2-H-5005	Castlewood Forest Sec. 5 Resub Lot 13 Blk. E
2-H-1665	Ford Oaks Resub of Portion
2-C-2746	Ford Oaks Resub of Lot 2 Blk. "A"
2-H-1635	Ford Oaks Resub Portion Blk. "B"
2-C-1928	Ford Oaks Annex Lot 1
2-C-1927	Ford Oaks Annex Lots 2,3,4,5
2-C-5654	J.B. Ford's Resub of Ford Oaks Annex
2-H-3290	Ford Oak Resub Lot 14, Blk "A" FBS
2-C-5578	Resub Lot 22 Ford Oaks Annex
2-C-2187	Ford Oaks Annex Resub Lot 23
2-C-1945	Ford Oaks Annex Resub of S. 150' Lot 31
2-C-1930	Ford Oaks Annex Lot 32
2-C-2494	Ford Oaks Annex Resub Lot 36
2-H-1632	Ford Oaks Annex Sec. A
2-A-661	Ford Oaks Annex, Resub of part
2-B-564	Elmwood Est. Resub. Lots 15 & 16 Blk. F

2-C-4575 Elmwood Est. Resub Lot 1 & 10 Blk F
2-C-3939 Elmwood Est. Resub Lot 18 Blk F
2-C-3940 Elmwood Est A Sub of Lots 10 & 11 Blk D
2-C-4097 Elmwood Est. Resub. Lot 4 Blk D
2-C-5903 Elmwood Est. Resub Lot 18 Blk C

Reference Only

2-H-5630 2-A-1612
2-B-788 2-A-1403
2-I-763 2-A-1404
2-A-1588 2-A-1545
2-A-1563 2-A-1560

FF 999 (J)

FF 999 (K)

FF 999 (L)

FF 999 (M)

Austin Grid E-14-15

Austin Grid F-14-15

Austin Grid G-14-15

ya

c7a83017 2360

Code at the time of Annexation

ZONING

§ 13-2-23

repeal of this chapter shall not be passed except by an affirmative vote of at least three-fourths of all the members of the city council.

(c) (1) No amendment, supplement, change or repeal of any section of this chapter which has been legally rejected by both the city council and the planning commission shall be again considered either by the city council or the planning commission on an appeal or petition by an appellant or applicant before the expiration of eighteen (18) months from the date of final action by the city council.

(2) No application for an alteration or change in the use of or height and area regulations for lands or structures which has been withdrawn from consideration at either the planning commission or city council, on request of an applicant, shall be again considered by the planning commission or city council before the expiration of one year from the date of withdrawal.

(d) Any territory annexed to the city and brought within its corporate limits, either for full or limited purposes, and any unzoned state or federally owned land within the city which is transferred to private ownership, shall assume an interim classification as interim "SR" residence district, and first height and area district, pending determination of the property's initial permanent zoning in accordance with the provisions of state law and this chapter. Provided, however:

- (1) Where such annexed territory is located within one thousand (1,000) feet landward, measured horizontally, on either side of Lake Austin, from and parallel to the four hundred ninety-two and eight-tenths (492.8) foot topographic contour line, said contour line being the normal mean water level of Lake Austin, such annexed territory shall assume an interim classification as interim "LA" Lake Austin residence district, and interim first height and area district.
- (2) Where such annexed territory is an approved planned unit development, such annexed territory shall assume an interim classification as interim planned unit development (PUD) with a valid special permit.

- (3) Where such annexed territory is a "small lot subdivision" approved by the city planning commission as provided by chapter 13-3 of this Code, such annexed territory shall assume an interim classification as interim "A-1" small lot residence district, and first height and area district.
- (4) Where such annexed territory is a planned development area (PDA), subject to a planned development area agreement, such annexed territory shall assume an interim classification as interim "D" industrial district, and first height and area district, and shall continue to be subject to all conditions of the planned development area agreement covering said territory.

- (5) Where such territory is a lot, less than one acre in size, in a lawfully platted subdivision or in a preliminary plan approved by the planning commission prior to November 15, 1984, or in a preliminary plan filed prior to November 15, 1984 and in an approved out-of-district service area by a utility district, such annexed territory shall assume an interim classification as interim "AA" residence district, and first height and area district.

(e) Application for an alteration or change in the use of lands and buildings or for an alteration or change in the height and area regulations for such lands and buildings by any owner, or his agent, of such lands and buildings, shall be made to the city council, in writing, on a form provided by the city and approved by the city attorney. Each application shall be accompanied by plats and plans necessary to show the detail of the proposed alteration or change requested, together with the relation of such lands and buildings to all other property immediately adjoining such lands and located within two hundred (200) feet thereof, and the street address as well as an accurate legal description of the lands and buildings covered by such application. Each application shall be accompanied, at the time of filing, by the fee established by ordinance.

In addition, whenever renotification is required due to the granting of an applicant's request for postponement, rehearing or recon-

Supp. No. 4

Scenario 1 - Property was assigned Interim SR zoning

3585

Scenario 2 - Property was assigned Interim-AA zoning.

6570 ANNEXED LAND AND APPROPRIATE ZONING

Any territory annexed to the City and brought within its corporate limits, either for full or limited purposes, shall be assigned a zoning classification upon annexation which is appropriate to its existing use in accordance with the procedures required by state law and this Chapter, or shall be assigned an interim SF-2 classification pending determination of the property's initial permanent zoning in accordance with the procedures of state law and this chapter; provided, that where the territory annexed is subject to a Planned Development Area Agreement, the territory shall assume a base classification of interim "LI" Limited Industrial Services District and shall continue to be subject to all conditions of the Planned Development Area Agreement covering said territory; and provided further, where the territory annexed is an approved Planned Unit Development (PUD), the territory shall assume an interim classification of "PUD" subject to the approved site plan; provided further, where such annexed territory is located within one thousand (1,000) feet landward, measured horizontally, on either side of Lake Austin, from and parallel to the four hundred ninety-two and eight-tenths (492.8) foot topographic contour line, said contour line being the normal mean water level of Lake Austin, such annexed territory shall assume an interim classification as interim "LA" Lake Austin residence district; and provided further, where such annexed territory is a "small lot subdivision" approved by the Planning Commission as provided by Chapter 13-3 of this Code, such annexed territory shall assume an interim classification as interim "SF-4" single family residence district (small lot).

6600 PUBLIC NOTICE PROCEDURE

6610 TITLE AND PURPOSE

Sections 6600 through 6699 shall be known as the Public Notice Procedure. The purpose of this Procedure shall be to establish the minimum requirements for notice to be given with respect to procedural actions and public hearings required by the Zoning Regulations.

6620 PLANNING COMMISSION: CONDITIONAL USE PERMITS

Notice of public hearing for consideration of a Conditional Use Permit by the Planning Commission shall be given as follows:

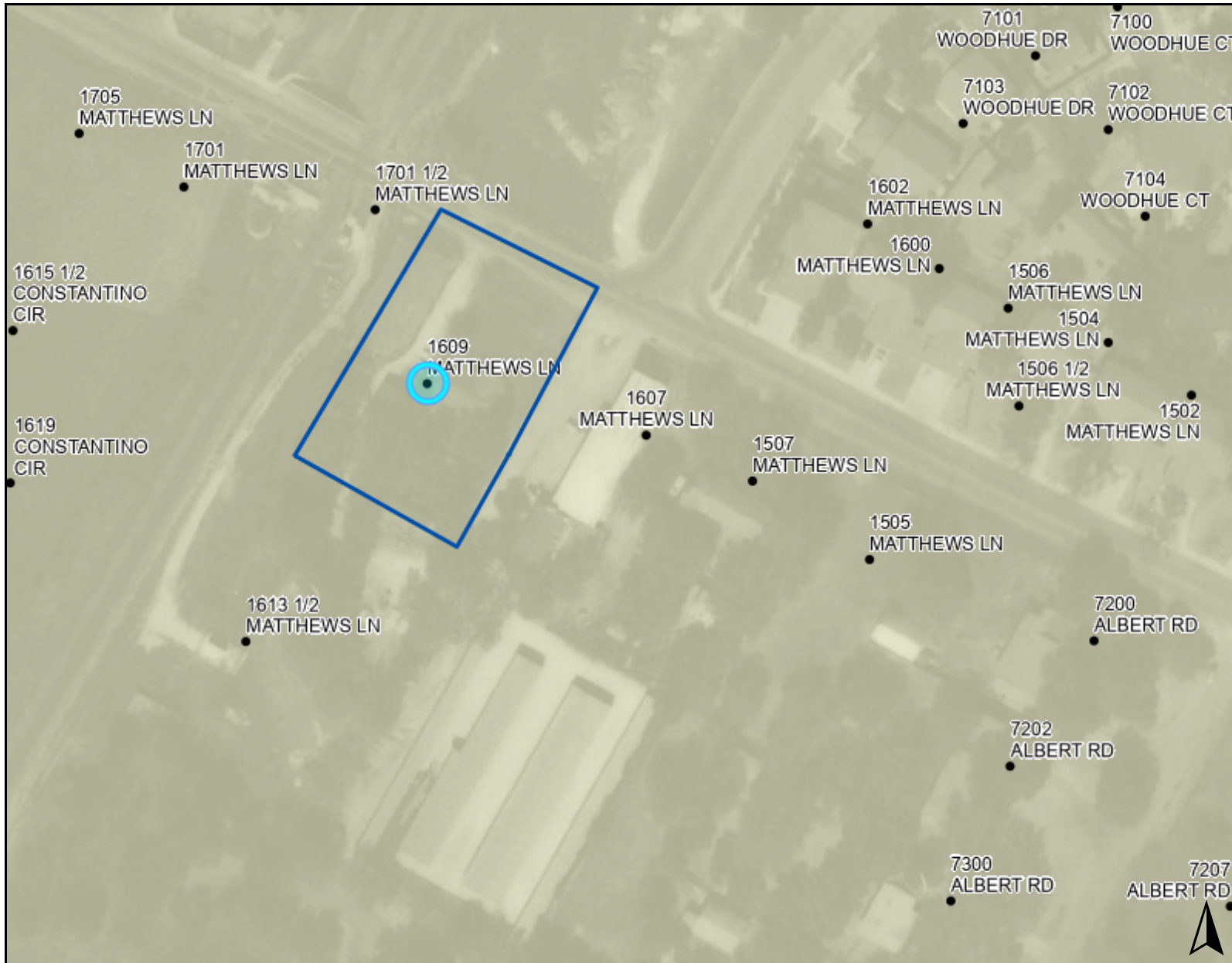
- a. Notice shall be given by mail to the applicant at least 10 days prior to the date of the hearing.
- b. Notice shall be given by mail to the owner of each site within 300 feet of the subject property at least 10 days prior to the date of the hearing.



Property Profile

1984 Aerial - 1609 Matthews Lane

ITEM 8/30



Legend

- Property
- Addresses
- Jurisdictions Fill
- Jurisdiction
- FULL PURPOSE

0 150 300 ft

8/26/2022

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

Notes

Victoria

From: Victoria
Sent: Wednesday, August 24, 2022 1:19 PM
To: Eugene Sutton
Subject: RE: 1609 Matthews Lane Board of Adjustment

Thank you Eugene.
Please let me know if you have questions about our request.
I hope you are well.

Victoria Haase



www.throwerdesign.com

512-998-5900 Cell
512-476-4456 Office

Mail: P.O. Box 41957
Austin, Texas 78745

From: Eugene Sutton [REDACTED]
Sent: Monday, August 8, 2022 5:52 PM
To: Victoria [REDACTED]
Subject: 1609 Matthews Lane Board of Adjustment

I spoke in favor of postponement until September and it was granted.

Eugene Sutton
5125274424

[Sent from AT&T Yahoo Mail on Android](#)

Victoria

From: Victoria
Sent: Tuesday, August 2, 2022 6:22 PM
To: Eugene Sutton
Cc: [REDACTED]
Subject: 1609 Matthews Lane Board of Adjustment - C15-2022-0060

Good Evening, Eugene –

The project for 1609 Matthews Lane is moving along in the early stages of site planning and site layout process has revealed challenges that have created pause at the moment in order to achieve a variance to the compatibility requirements for the eastern and southern portions of the lot.

The link below provides the application and associated documents for the request made in Case C15-2022-0060.

https://abc.austintexas.gov/public-search-other?t_detail=1&t_selected_foldernsn=12952784&t_selected_propertyrsn=697070

To summarize, the property has 3 Heritage and 1 protected tree, a 10ft utility easement, and Critical Water Quality Zone (CWQZ) that have created a hardship that is unique to this property. In order to design around these environmental features, a request has been made to reduce the 25ft compatibility setback to 10ft along the eastern property line and 14ft along the southern property line. Compatibility was intended to buffer single family uses from non-single family uses and building heights that are thought to be incompatible. The properties to the south and east are triggering compatibility standards on the proposed development, yet the properties are developed with commercial and industrial/warehouse uses which are not in need of the protections afforded by compatibility regulations.

A reduction in the compatibility requirements, as requested in the application, will not impact the privacy or use of the single family homes in the area since this site is not adjacent to single family used properties and is also located at a lower elevation than the single family uses that are in the vicinity.

After reviewing the information for this variance request, should you have questions or concerns, please reach out by email or phone to discuss.

The case will go before the Board of Adjustments on Monday, August 8th of which we have requested a postponement of the hearing to September 12th.

Please do not hesitate to reach out to me with questions, concerns, comments. I will make myself available.

Thank you,

Victoria Haase



www.throwerdesign.com

512-998-5900 Cell
512-476-4456 Office

Mail: P.O. Box 41957
Austin, Texas 78745

From: [REDACTED]
To: [Ramirez, Elaine](#)
Subject: Written comments in opposition to C15-2022-0060 for Board of Adjustment
Date: Wednesday, August 24, 2022 11:11:19 AM

*** External Email - Exercise Caution ***

Dear Ms. Ramirez,

I live nearby at 7507 Wynne Ln and wish to strongly object to the variance requested for 1609 Matthews Lane (C15-20200-00060). The agent and applicant have not proven that reasonable hardship would prevent them from construction of the 10 units with CO as originally agreed to a mere year earlier.

The claim that the four heritage trees on the property entails a unique hardship flies in the face of other properties have been developed with greater concentration of heritage and protected trees in the nearby areas.

There is nothing unusual about this particular property along side railroad tracks. One can look at google maps which shows a number of other developments and homes that were successfully built along side of railroad tracks.

The variance would harm/infringe on the property to the east if that individual wishes to convert from a commercial storage location into a single-family housing development that MLNA would support as appropriate for this location that is within the confines of a single family neighborhood.

My belief is that the Agent/Applicant have buyers regret from the original property purchase and subsequent failure to sell at higher price despite both an agreement with MLNA s well as the prior approved city council ruling.

Case History

This property was purchased in March 2021 by CMCBH2 Company LLC. Their initial zoning change request (C14-2021-0056) was opposed by the Matthews Lane Neighborhood Association (MLNA). With the assistance of Ann Kitchen's office the MF-3 (and 14 homes) request was reduced to MF-2-CO district zoning with the conditional overlay for a maximum of 10 dwelling units, on second and third readings. It was approved at the July 29, 2021 meeting. During the negotiations with the MLNA, CMCBH2 and Ms. Victoria Haase assured Council Member Kitchen's office and the ZAP that they were excited to build "really nice homes" within the setback and height requirements of MF-2-CO. Nothing was built. Shortly after the July 29, 2021, Council meeting, CMCBH2 put the property (with its new zoning) back on the market along with the building plans. It appears not to have sold and are now a variance is requested on the things they said were just fine a year ago

Again, thank you for accepting this document which is in opposition to the variance requested by Thrower Designs and the Applicant

Jeff Dickerson
MLNA outreach committee member

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 cybersecurity@austintexas.gov.

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-6

DATE: Monday July 11, 2022

CASE NUMBER: C15-2022-0060

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

APPLICANT: Victoria Haase

OWNER: CMCBH2 Company; LLC

ADDRESS: 1609 MATTHEWS LN

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code:

Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites)

- a) (B) (1) from setback requirements to decrease the setback from 25 feet (minimum allowed) to 7 feet (requested) on eastern property line and 13 feet (requested) on southern property line
- b) (C) (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 31 feet (requested) in order to erect a three (3) story Multi-Family/Townhouse style building in a “MF-2-CO”, Multi-Family Residence Low Density-Conditional Overlay zoning district.

Note: Section 25-2-1063 Height Limitations and Setbacks for Large Sites (B) in this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property. (1) in an urban family residence (SF-5) or more restrictive zoning district; (C) The height limitations for a structure are: (1) two stories and

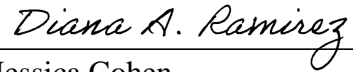
30 feet, if the structure is 50 feet or less from property: (a) in an SF-5 or more restrictive zoning district;

BOARD'S DECISION: July 11, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Barbara McArthur motions to postpone to August 8, 2022; Board member Nicholl Wade seconds on a 11-0 vote; POSTPONED TO AUGUST 8, 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

From: Victoria
To: [Ramirez, Elaine](#)
Cc: [Ramirez, Diana](#)
Subject: RE: REMINDER: August 8, 2022 PRESENTATION & Virtual Speaker Registration deadlines
Date: Monday, August 01, 2022 1:17:20 PM
Attachments: [image004.png](#)
[image006.png](#)
[image007.png](#)

*** External Email - Exercise Caution ***

Elaine –

We would like to request a postponement of this case to the September BOA hearing. More time is needed to produce renderings, as requested by Board Members.

Please advise if I should submit a formal request on letterhead (electronically) or if this will suffice.

Thank you,

Victoria Haase



www.throwerdesign.com

512-998-5900 Cell
 512-476-4456 Office

Mail: P.O. Box 41957
 Austin, Texas 78745

From: Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>
Sent: Monday, August 1, 2022 12:31 PM
Cc: Ramirez, Diana <Diana.Ramirez@austintexas.gov>
Subject: RE: REMINDER: August 8, 2022 PRESENTATION & Virtual Speaker Registration deadlines

Good afternoon Applicants on the Mon. August 8th, 2022 BOA mtg. Agenda,

If you are receiving this e-mail, I have not received your Presentation.

Please read this entire e-mail and note all deadlines

The deadline to submit the Presentation (must be submitted in PDF format or PowerPoint) is **TODAY, Monday, August 1st, before 3p.m.**
 You will need to submit a Presentation each month you go before the Board, even if you have gone the previous month(s)

Presentation: If you would like the Board to follow along with you as you are giving your presentation (You will have 5 minutes to hone in on the main aspects of the case as you are presenting the case to the Board), you will need to have your Presentation completed and sent to me in PDF format or PowerPoint to give to our City Technician as well as our BOA Board will have access to view this the week prior to the meeting **DO NOT send in a drop box, link, etc. as our systems do not support these formats.** The Deadline for this is **Monday, August 1st, before 3p.m.** No late Presentations or updated Presentations will be accepted after 3p.m. on Mon. Aug. 1st.

The Presentation will need to be labeled with the following information: **case #, address of project and name of Applicant speaking at the meeting.**
 You will need to submit a Presentation each month you go before the Board, even if you have gone the previous month(s)

The deadline for Applicants participating virtually (must be by deadline, no late virtual applicant/additional speakers will be able to register) is **TODAY, Monday, August 1st, before 3p.m.**

Applicants/Speaker Virtual registration: You have until **Monday, August 1st, before 3p.m.** to register if you would like to participate virtually. The following is for virtual speakers ONLY, e-mail me the following information and I will put you on the list to speak. **Deadline to register for virtual speakers is Monday, August 1st, before 3p.m.:**

If you will be speaking/giving presentation or be on the list for the Board to possibly call on you for questions I will need the following information:
No late virtual Speakers will be accepted after 3p.m. on Mon. 8/1/22.

1. Full name of speaker
2. Are you the applicant, owner, surveyor, architect, etc?
3. Are you the presenting the case to the Board (only one person can present case)
4. Address of BOA Case
5. Case #
6. A good phone number, if you have a landline this will be the best phone number to provide? It has to be the phone number that the Speaker will be calling from on Monday, August 8th, 2022 to speak at the meeting (it cannot be a different number, your call will not be accepted). Once you send me the number it cannot be changed, it is sent to City Clerk's office to accept the calls
7. E-mail Address, it will need to be an e-mail address that the Speaker will be able to easily access his/her e-mails?

If you want to attend the meeting in-person you may do so, **DO NOT** provide me information above. **Please make sure all persons wishing to speak in-person at the hearing, sign up and register in the BOA Registration book the day of the meeting, Mon. 8/8/2022 at City Hall –Council Chambers; doors should open at 5p.m. to the public.**

Due to limited contact you will not be able to speak with the Liaison(s) at Council Chambers, any questions you may have will need to be e-mailed to
Elaine.Ramirez@austintexas.gov

July 21, 2022

City of Austin
Board of Adjustments

RE: C15-2022-0060 – 1609 Matthews Lane

Dear Board Members,

This letter is intended to provide answers and information related to the questions brought forth during the hearing on July 11, 2022.

Regarding a few matters in need of clarification -

1. Development of 2-story townhomes on this site will NOT release this development from compliance with compatibility requirements. No matter if the units are one-story, two story, or three-story, a variance is still needed to achieve any development that is within 25ft of the eastern and southern property lines, including flatwork, driveways, and stormwater/detention infrastructure.
2. Reducing the compatibility setback does not equate to greater allowances of impervious cover and therefore will not increase the run-off from this site, as stated during public testimony. The site will be permitted, at most, 60% impervious cover per the MF-2 zoning district site development regulations.

Thrower Design met with the Matthews Lane Neighborhood Association on more than one occasion during the rezoning process. The Neighborhood Association requested a conditional overlay that would limit density to 6 dwelling units and limit height to 2-stories. The landowner was not agreeable and instead, there was a willingness to decrease the rezoning request from MF-3 to MF-2, which resulted in a decrease in impervious cover from 65% to 60% and a decrease in

the average density from 15 units to 12 units. City Council further prescribed a conditional overlay limiting density to 10 units, as it was determined to be the reasonable use of this property.

Limiting development to 2-stories was never communicated to the Neighborhood, City Staff, Commission or City Council at any time. In fact, during the Zoning and Platting Commission Public Hearing, there was dialogue regarding lack of agreement for limiting development to 2-stories and dialogue regarding the need for a compatibility setback variance from the Board of Adjustments, based on the commercial and industrial uses adjacent to the site in conjunction with other limiting factors.

I encourage all to listen to the video recording of the Zoning & Platting Commission hearing, accessible here: <https://austintx.new.swagit.com/videos/122312>

Particularly, take note of the following moments in the video:

1. 18:04, mention that the non-compliant, commercial, and industrial use of the adjacent properties warrants consideration of a compatibility variance.
2. 32:20, mention that 3-story development will not be intrusive because there aren't any single-family homes adjacent to the site, for which compatibility is intended to protect.
3. 44:20, Commissioner mention of Board of Adjustments variance.
4. 1:02:40, Commissioner mention of Board of Adjustments variance.

Per requests made by the Board on July 11th, the development team is assessing the impact of reducing the setback along the eastern property line from 7ft to 10ft and is also working on contextual elevations. Further, we will contact the Neighborhood Association and report back on all of these matters at the hearing on August 8th.

Thank you for your service and for your consideration of the facts for this case.

Sincerely,

A handwritten signature in black ink, appearing to be 'Victoria Haase', with a stylized, cursive-like script.

Victoria Haase

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0060

BOA DATE: July 11th, 2022

ADDRESS: 1609 Matthews Ln

COUNCIL DISTRICT: 5

OWNER: CMCBH2 Company LLC

AGENT: Victoria Haase

ZONING: MF-2-CO

LEGAL DESCRIPTION: LOT 1 RESUB OF PT OF LOT 1 FITZHUGH J G & HENRY SUBD

VARIANCE REQUEST: a) decrease the setback from 25 feet to 7 feet on eastern property line and 13 feet on southern property line b) increase the height limit from two (2) stories and 30 feet to three (3) stories and 31 feet

SUMMARY: erect multi-family/townhouse dwelling units

ISSUES: heritage trees, critical water quality zone and public utility easements

	ZONING	LAND USES
<i>Site</i>	MF-2-CO	Multi-Family
<i>North</i>	SF-6-CO; CS	Single-Family; Commercial Services
<i>South</i>	DR	Development Reserve
<i>East</i>	SF-2	Single-Family
<i>West</i>	MF-2	Multi-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Go Austin Vamos Austin 78745

Homeless Neighborhood Association

Matthews Lane Neighborhood Assn.

Neighborhood Empowerment Foundation

Onion Creek HOA

Preservation Austin

SELTexas

Sierra Club, Austin Regional Group

South Austin Neighborhood Alliance (SANA)



July 1, 2022

Thrower Design, LLC
P.O. Box 41957
Austin TX, 78704

Property Description: LOT 1 RESUB OF PT OF LOT 1 FITZHUGH J G & HENRY SUBD

Re: C15-2022-0060

Dear Victoria,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Sections 25-2-1063(B)(1) and 25-2-1063(C)(1)(a) at 1609 Matthews Lane.

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
Cody.Shook@austinenergy.com



CITY OF AUSTIN

Development Services Department

Permitting & Development Center

Phone: 512.978.4000

6310 Wilhelmina Delco Dr, Austin, Texas 78752

ITEM 8/42

Board of Adjustment General/Parking Variance Application

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

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

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

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

For Office Use Only

Case # C15-2022-0060 ROW # 12952784 Tax # 0418170402

Section 1: Applicant Statement

Street Address: 1609 Matthews Lane, Austin, TX 78745

Subdivision Legal Description:

LOT 1 RESUB OF PT OF LOT 1 FITZHUGH J G & HENRY SUBD AND
NW 11.99FT AV OF LOT 2 RESUB OF PT LT 1 FITZHUGH J G & HENRY SUBD

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

Outlot: _____ Division: _____

Zoning District: MF-2-CO

Council District: 5

I/We Thrower Design, LLC on behalf of myself/ourselves as
authorized agent for CMCBH2 COMPANY LLC affirm that on
Month May, Day 12, Year 2022, 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: Mulifamily/townhouse form dwelling units

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

1. 25-2-1063 (B) (1) (Height Limitations and Setbacks for Large Sites) - from setback requirements to decrease the minimum setback from 25ft (minimum/allowed) to 7ft (requested) from the eastern property line and to 13ft (requested) from the southern property line in order to erect a 3 story multifamily/townhouse style building.
2. 25-2-1063 (C)(1) (a) (Height Limitations and Setbacks for Large Sites) - to increase the height limit from 2 stories and 30ft (maximum allowed) to 3 stories and 31ft (requested) in order to erect a 3 story multifamily/townhouse style building 50ft or less from the eastern and southern property lines.

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 compatibility regulations were intended to buffer single-family uses from commercial uses.

The triggering properties to the east and south of the subject tract have longstanding commercial uses that are not in need of the protections that compatibility buffers were intended to provide. The buildable area lost with adherence to compatibility requirements, environmental features, and public utility easements, on a lot of this size and dimension undermines reasonable use of property adjacent to commercial and industrial/warehouse uses and a rail-road.

Hardship

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

The site has 4 hertiage/protected trees, critical water quality zone and public utility easements that push developable area towards the triggering properties. The location of the trees creates challenge for building placement while also adhering to compatibility setbacks and height limitaions.

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

This propety is uniquely situated along a rail-road track, adjacent to two properties that have compatibility-triggering zoning but have long established commercial and industrial/warehouse uses. Restricting development based on the triggering property's zoning rather than established use does not further the purpose of the compatibility standards.

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 adjacent, compatibility-triggering properties have long-standing commercial and industrial/warehouses uses that are not intended to be buffered by compatibility regulations. Further, the MF-2 zoning district regulations are classified as "commercial" development that also do not trigger compatibility regulations on adjacent commercial uses and zoning districts.

Parking (additional criteria for parking variances only)

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

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

n/a

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:

n/a

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

n/a

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

n/a

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: 06/09/2022

Applicant Name (typed or printed): Thrower Design, LLC

Applicant Mailing Address: PO Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

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: 06/09/2022

Owner Name (typed or printed): CMCBH2 COMPANY LLC

Owner Mailing Address: 3625 Bent Ridge Drive

City: Plano State: TX Zip: 75074

Phone (will be public information): (512) 476-4456

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: Thrower Design, LLC

Agent Mailing Address: PO Box 41957

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 476-4456

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).

A LAND TITLE SURVEY OF 0.604 ACRES (APPROXIMATELY 26,314 SQ. FT.), BEING ALL OF TRACT I AND TRACT II CONVEYED TO ISIDRA AGUIRRE RODRIGUEZ IN A WARRANTY DEED WITH VENDOR'S LIEN DATED DECEMBER 19, 2018 AND RECORDED IN DOCUMENT NO. 2018196197 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

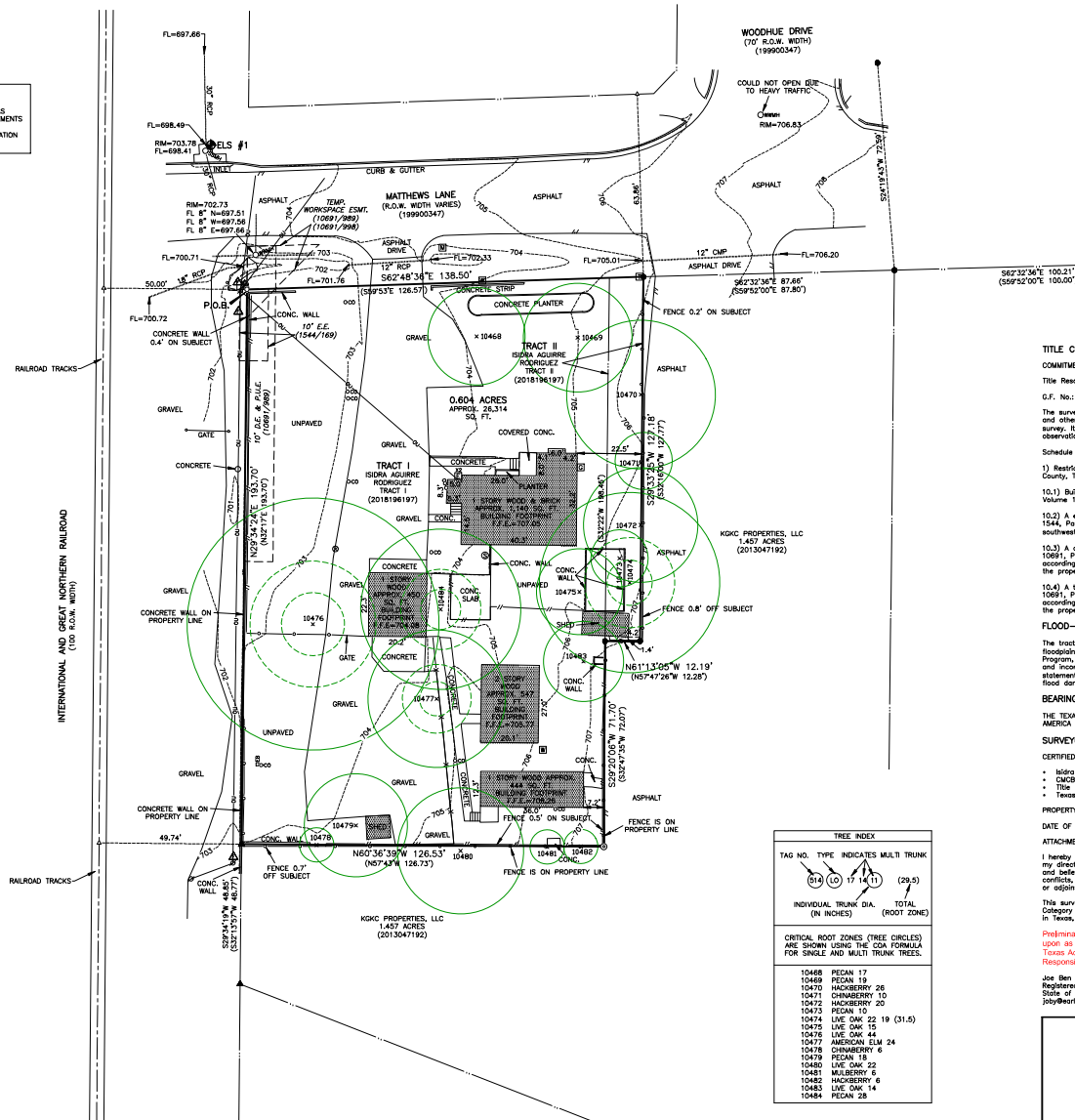


MANHOLE AND INLET NOTE:
THIS SURVEY SHOWS FIELD MEASURED SIZES AND DEPTHS AS OBSERVED FROM GROUND LEVEL OPENINGS. EXACT MEASUREMENTS AND DEPTHS, PARTICULARLY IN CRITICAL AREAS, SHOULD BE VERIFIED WITH UTILITY RECORD MAPS AND/OR FIELD VERIFICATION PRIOR TO FINAL PLANNING OR CONSTRUCTION.

BENCHMARK INFORMATION:
B.S. #1: MAG. NAIL WITH WASHER SET ON MOST NORTH NORTHEAST CORNER OF A CURB INLET, NORTH SIDE OF MATTHEWS LANE, JUST EAST OF THE RAILROAD TRACKS.
ELEVATION = 703.81'
VERTICAL DATUM: NAVD 83 (GEOID 128)



- LEGEND**
- 1/2" REBAR FOUND (OR AS NOTED)
 - 1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
 - ⊙ 1/2" IRON PIPE FOUND (OR AS NOTED)
 - ⊕ 2" ALUMINUM CHAIN LINK FENCE CORNER POST FOUND
 - ▲ HALF NAIL IN CONCRETE WALL FOUND
 - △ CALCULATED POINT
 - ⊕ CONTROL POINT/BENCHMARK LOCATION
 - ⊕ WATER METER
 - ⊕ WATER VALVE
 - ⊕ VENT PIPE
 - ⊕ SPRINKLER CONTROL VALVE
 - ⊕ UTILITY POLE
 - ⊕ GUY WIRE
 - ⊕ BOLLARD
 - ⊕ ELECTRIC UTILITY
 - ⊕ TELEPHONE RISER
 - ⊕ GAS METER
 - ⊕ UNDERGROUND GAS MARKER
 - ⊕ CLEANOUT
 - ⊕ STORM SEWER MANHOLE
 - ⊕ WASTEWATER MANHOLE
 - ⊕ MALBOX
 - ⊕ EDGE OF ASPHALT PAVEMENT
 - ⊕ OVERHEAD UTILITIES
 - ⊕ WIRE FENCE
 - ⊕ CHAIN LINK FENCE
 - ⊕ WOOD FENCE
 - ⊕ PUBLIC UTILITY EASEMENT
 - ⊕ ELECTRIC EASEMENT
 - ⊕ DRAINAGE EASEMENT
 - () RECORD INFORMATION



TITLE COMMITMENT NOTE

COMMITMENT FOR TITLE INSURANCE PREPARED BY:

Title Resources Guaranty Company

G.F. No.: T-142130 Effective Date: 01/08/21 Issued: 01/20/21

The surveyor has relied upon the referenced Commitment for Title regarding easements, restrictions, and other matters affecting this property. No additional research was done for the purpose of this survey. Items listed on words according to the commitment, followed by surveyor's notes and/or observations.

Schedule "B" Items contained therein and re-listed below were considered:

- 1) Restraints Covenants Volume 1220, Page 158 and Volume 1524, Page 72, Deed Records, Travis County, Texas. — Subject to, not platable
- 10.1) Building setback line(s) as provided in restrictions of record in Volume 1220, Page 158 and Volume 1524, Page 72, Deed Records, Travis County, Texas. — Does not affect
- 10.2) A electric transmission lines easement granted to the City of Austin as described in Volume 1544, Page 158 of the Real Property Records of Travis County, Texas. — Subject to, as shown, the southwest 2.5' of the easement lies within the railroad right-of-way
- 10.3) A drainage and public utility easement granted to the City of Austin as described in Volume 10681, Page 899 of the Real Property Records of Travis County, Texas. — Subject to, as shown, according to deed recorded in Volume 10214, Page 132, the grantor of this easement did not own the property over which the easement lies at the time the easement was executed.
- 10.4) A temporary working space easement granted to the City of Austin as described in Volume 10681, Page 898 of the Real Property Records of Travis County, Texas. — Subject to, as shown, according to deed recorded in Volume 10214, Page 132, the grantor of this easement did not own the property over which the easement lies at the time the easement was executed.

FLOOD-PLAIN NOTE:

The tract shown herein lies within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain), as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 484530589H, dated September 26, 2008, for Travis County, Texas, and incorporated areas. If the site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

BEARING BASIS:

THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SHANNON NORTH AMERICA NETWORK.

SURVEYOR'S CERTIFICATE:

CERTIFIED TO:

- Isidra Aguirre Rodriguez
- CMARCO Company, LLC
- Title Resources Guaranty Company
- Texas National Title, Inc.

PROPERTY ADDRESS: 1609 Matthews Lane, Austin, TX 78748

DATE OF SURVEY: 2/20/21

ATTACHMENTS: Maps and Bounds Description

I hereby certify that a survey of the property shown herein was actually made upon the ground under my direction and supervision on the date shown, and that to the best of my professional knowledge and belief, there are no apparent encroachments, overlapping of improvements, discrepancies, deed conflicts, visible utility lines or roads in place, except as shown herein, and that this property abuts or adjoins a dedicated road right-of-way or access easement, unless noted herein.

This survey was made substantially in accordance with the standards and conditions set forth for a Category 1A, Condition 2, TPSS Land Title Survey, based on the Manual of Practice for Land Surveying in Texas, 2019 Revised Thirteenth Edition, prepared by the Texas Society of Professional Surveyors.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document. (Per "The Board of Professional Engineering and Land Surveying" Texas Administrative Code, Title 22 - Part 29, General Rules of Procedure and Practices, Standards of Reasonableness and Rules of Conduct at §63.10)

Joe Ben Early, Jr.
Date
Registered Professional Land Surveyor
State of Texas No. 6016
jben@earlysurveying.com

TREE INDEX		
TAG NO.	TYPE	INDICATES MULTI TRUNK
10468	PECAN	17
10469	PECAN	19
10470	HACKBERRY	26
10471	CHINA BERRY	10
10472	HACKBERRY	20
10473	PECAN	10
10474	LIVE OAK	22
10475	LIVE OAK	15
10476	LIVE OAK	44
10477	AMERICAN CUM	24
10478	HACKBERRY	6
10479	PECAN	18
10480	LIVE OAK	22
10481	MALBERRY	6
10482	HACKBERRY	6
10483	LIVE OAK	14
10484	PECAN	28

CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

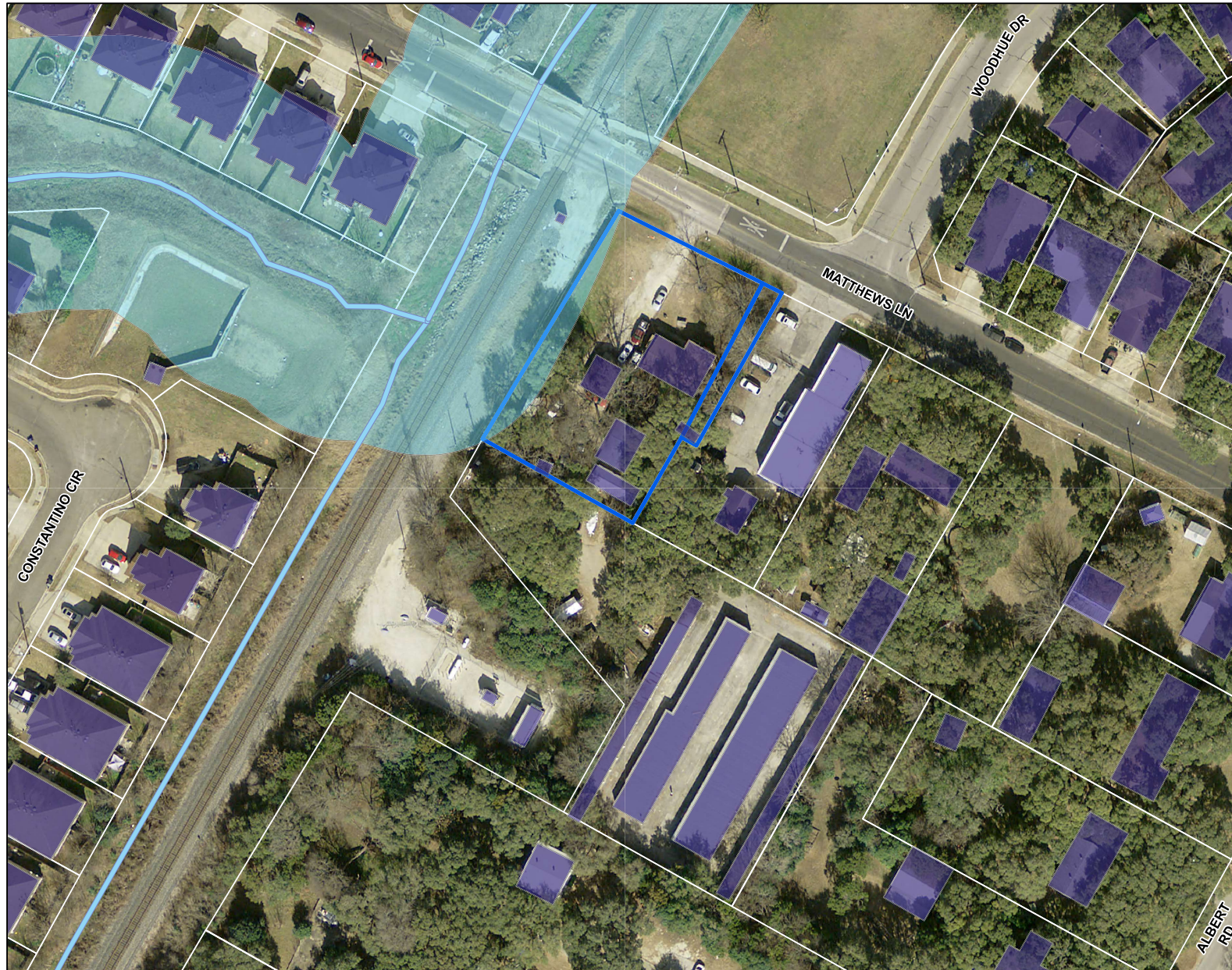
		PROJECT NO.: 1095-001
		DRAWING NO.: 1095-001-BASE
A LIMITED LIABILITY COMPANY		PLOT DATE: 02/23/21
P.O. BOX 92088 AUSTIN, TX 78709 512-262-9633 TBPRLS FIRM NO. 10194487		PLOT SCALE: 1" = 20'
Joe Ben Early, Jr. R.P.L.S. No. 6016		DRAWN BY: SHEET 01 OF 01

ITEM 8/47

1609 Matthews Lane
Austin, Texas 78745

Board of Adjustments
Variance Request Application Map
June 9, 2022

-  Subject Tracts
-  Creek Setbacks
-  Creeklines
-  Building Footprints (2017)



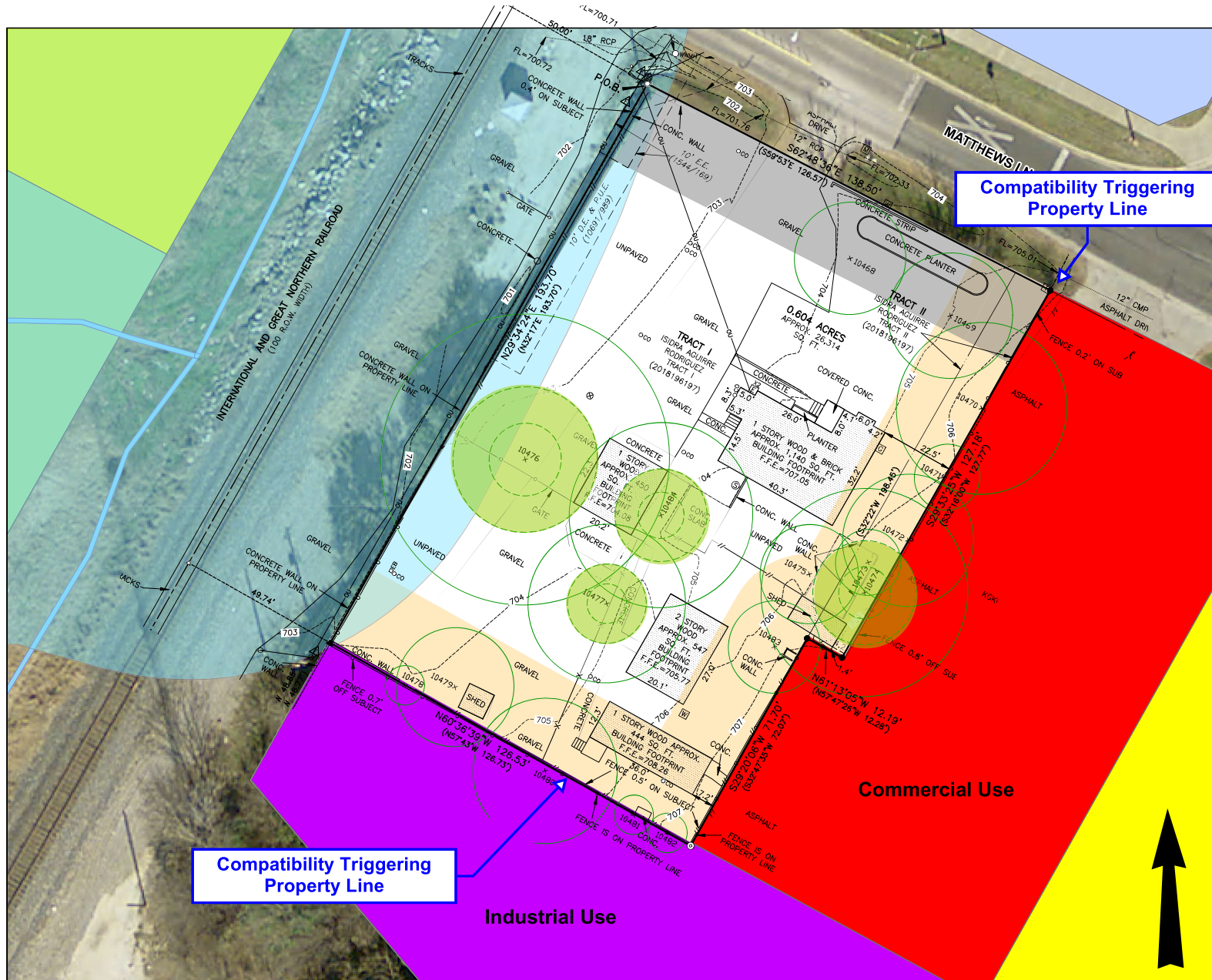
Throuwer Design LLC
LAND PLANNERS

P.O. BOX 41957, AUSTIN, TEXAS 78704 - 512/476-4456

0 125 250 500 Feet

C15-2022-0062
1609 Matthews Lane, 78745

Board of Adjustments
Constraints Map
June 23, 2022



- 25ft Front Setback
- Creeklines
- Creek Setbacks (CWQZ)
- 25ft Compatibility Setback
- Land Use Inventory
- Single Family
- Mobile Home
- Large Lot Single Family
- Multifamily
- Commercial
- Mixed Use
- Office
- Industrial
- Resource Mining/Extraction
- Civic
- Open Space
- Parking/Transportation
- Streets & Roads
- Utilities
- Undeveloped
- Water
- <all other values>







A photograph of a residential street under a clear blue sky. The street is paved with asphalt and has a double yellow line down the center. On the left side, there are green trees and a black metal fence. In the distance, a small, light-colored building with a sign that reads "AIRCRAFT" is visible. To the right of the building, there is a stop sign and a green sign with a bicycle symbol. A blue arrow points from the left side of the image towards the building in the distance.

Topographic grade change -
subject tract is downgrade from
existing single-family use.







Single Family Use,
Single Family Zoning

Commercial Use, Single
Family Zoning

Subject Tract →





Subject Tract





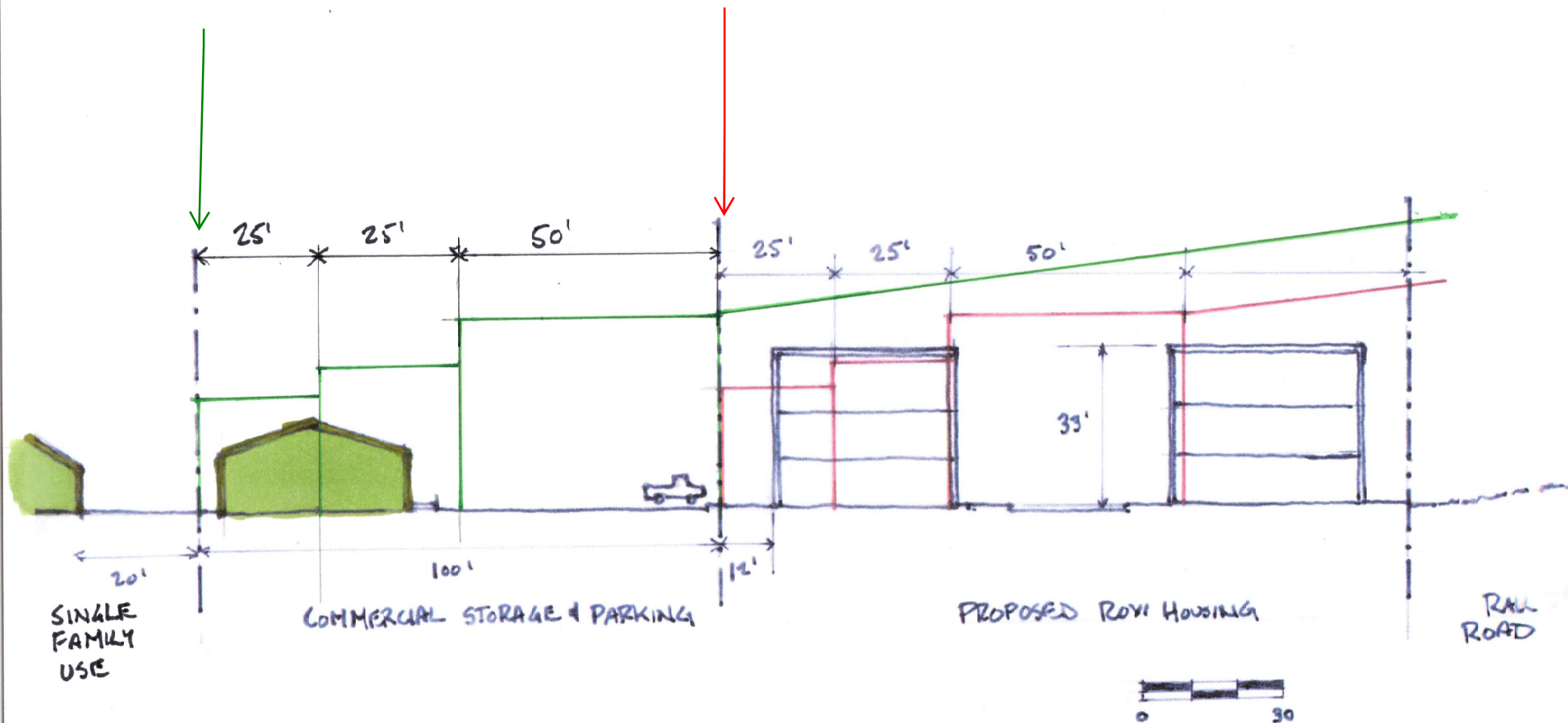
Buildable Area Calculations - 1609 Matthews Lane C15-2022-0060

	Site Area	Area Lost	% of whole
Overall Site	26,312.63		
With Compatibility setbacks		11,692	44%
Tree Critical Root Zones		2,528	10%
Critical Water Quality Zone		857	3%
Total Area Lost		15,077	57%

	Site Area	Area Lost	% of whole
Overall Site	26,312.63		
With regular setbacks		6,819	26%
Tree Critical Root Zones		2,528	10%
Critical Water Quality Zone		857	3%
Total Area Lost		10,204	39%

Compatibility Triggering
from Single Family
zoning and use.

Compatibility Height
Restrictions from Single
Family zoning and
COMMERCIAL use.



PUBLIC HEARING INFORMATION

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

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

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

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

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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

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

ITEM 8/63

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

For - Timberline Realty Group, LLC
Case Number: C15-2022-0060

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; July 11th, 2022

Bill Winterhagen
Your Name (please print)

☒ I am in favor
☐ I object

6908 Cherry Meadow Dr
Your address(es) affected by this application

Bill Winterhagen
Signature

7/7/22
Date

Daytime Telephone: *512-413-7113*

Comments:

If you will be using this form to comment, please return it via e-mail to:

Elaine Ramirez; 512-974-2202

Scan & Email to: Elaine.Ramirez@austintexas.gov

From: Absolute Stornlok
To: [Ramirez, Elaine](#)
Subject: Re: Question about Case Number C15-2022-0060
Date: Thursday, July 07, 2022 4:05:03 PM
Attachments: [image001.png](#)


*** External Email - Exercise Caution ***

Hello, my name is Kevin Chrane, I am the owner of the property at 1607 Matthews Lane, which is next door to the property at 1609 Matthews Lane that is the subject of case number C15-2022-0060.

I am writing to express my opposition to Variance Request A. This variance is asking to lessen the amount of distance that may be built upon, in relation to the edge of the property lines. The code is currently set at 25 feet. The applicant wants to lessen this distance to only 7 feet from the eastern property line, and 13 feet from the southern one. I felt that the requested distances are too close to the property border for building, especially the one requesting only 7 feet!

I would like to express my opposition to those items, am fine with the requests from Variance B.

Thank you for taking my opinion as the next door landowner into consideration,

Kevin Chrane
(512) 694-2046


On Thursday, July 7, 2022 at 03:25:22 PM CDT, Ramirez, Elaine <elaine.ramirez@austintexas.gov> wrote:

Yes!

Respectfully,

Elaine Ramirez

Planner Senior / Board of Adjustment Liaison

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Office: 512-974-2202

From: Ruth Lauer
To: [Ramirez, Elaine](#)
Subject: Written comments C15-2022-0060 for Board of Adjustment meeting
Date: Friday, July 08, 2022 3:26:53 PM

*** External Email - Exercise Caution ***

Ms. Ramirez,

Does the Board of Adjustment accept emailed objections? If so, here's mine. Thanks.

Case Number C15-2022-0060. 1609 Matthews Lane, 78745 BoA July 11, 2022

Name. Ruth Lauer

Addresses affected. 7309 Forest Wood Rd, 1504A and B Matthews Lane, 78745

Signature Ruth Lauer Date 7/8/22

Daytime telephone 512-228-8523

Comments:

I object to the variance requested for 1609 Matthews Lane (C15-20200-00060). Remember as a kid asking for something from your parents but trying to ask them separately? I think CMBH2 is doing that. They didn't get what they wanted from the ZAP so now they are asking the Board of Adjustment.

This property was purchased in March 2021 by CMCBH2 Company LLC. Their initial zoning change request (C14-2021-0056) was opposed by the Matthews Lane Neighborhood Association (MLNA). With the assistance of Ann Kitchen's office the MF-3 (and 14 homes) request was reduced to MF-2-CO district zoning with the conditional overlay for a maximum of 10 dwelling units, on second and third readings. It was approved at the July 29, 2021 meeting.

During the negotiations with the MLNA, CMCBH2 and Ms. Victoria Haase assured Council Member Kitchen's office and the ZAP that they were excited to build "really nice homes" within the setback and height requirements of MF-2-CO. Nothing was built. Shortly after the July 29, 2021, Council meeting, CMCBH2 put the property (with its new zoning) back on the market along with the building plans. It appears not to have sold and are now a variance is requested on the things they said were just fine a year ago.

One of the primary objections to the dense development of this site was the pluvial runoff problem. Decreasing the setbacks will increase this problem on the property, the railroad tracks, and downstream as it drains into Williamson Creek. The current drought makes this hard to imagine but longtime residents in that low lying area have had water in their homes, and the City has bought up many properties along the creek.

My other objection is that developers are "playing" the City of Austin and its residents. They have

enough money to pay Ron Thrower and Associates twice to mislead Ann Kitchen's office, neighbors, planning department staff, the ZAP and now the Board of Adjustment. They are now proposing larger 3 story buildings in an area of primarily one story homes. That is essentially the same as the original MF-3 zoning request, which the ZAP etc worked so hard to mitigate. If CMCBH2 had done their due diligence, then they knew the limitations of the property when they purchased it. I request that the Board of Adjustment deny this request in support of the work done by the ZAP, Ann Kitchen's office, the planning staff and neighbors.

Sent from [Mail](#) for Windows

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From: Michael Lubitz
To: [Ramirez, Elaine](#)
Subject: Variance requested for 1609 Matthews Lane
Date: Saturday, July 09, 2022 8:53:52 AM

*** External Email - Exercise Caution ***

Ms. Ramírez,

I live close to 1609 Matthews Lane at 7708 Forest Wood Road. I want to voice my objection to the variance requested for this property.

As I remember from about a year ago, this property was granted a zoning change. Their current request seems like a second chance, a way to chip away from the standards the community expressed and agreed to just one year ago.

There are ways to increase density without destroying a neighborhood's character.

Please hear me and do your best to deny the current request.

Best.

Michael Lubitz
512 698-4707

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From: Carmen King
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: Case Number C15-2022-0060. 1609 Matthews Lane, 78745 BoA July 11, 2022
Date: Monday, July 11, 2022 12:53:47 PM

*** External Email - Exercise Caution ***

Case Number C15-2022-0060. 1609 Matthews Lane, 78745 BoA July 11, 2022

Name: Carmen & Doug Wehmeier

Addresses affected. 7400 Albert Rd, 78745

Signature Date 7/10/22

Daytime telephone 415.290.2721

Comments:

I object to the variance requested for 1609 Matthews Lane (C15-20200-00060). Remember as a kid asking for something from your parents but trying to ask them separately? I think CMBH2 is doing that. They didn't get what they wanted from the ZAP so now they are asking the Board of Adjustment.

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problem. Decreasing the setbacks will increase this problem on the property, the railroad tracks, and downstream as it drains into Williamson Creek. The current drought makes this hard to imagine but longtime residents in that low lying area have had water in their homes, and the City has bought up many properties along the creek.

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Thank you,

--

Carmen Wehmeier

[REDACTED]

(415) 290-2721

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Board of Adjustment

1609 Matthews Lane C15-2022-0060

Background to case and discussions between Ms. Haase and the Matthews Lane Neighborhood Association: The parcel was purchased in March 2021 (per TCAD). The Developer requests demolition of single family home and accessory buildings, and a zoning change to MF-3 to build up to 14 condominiums. City staff recommend MF-2 and two-story limit and up to 12 units.

The 1609 Matthews Lane Zoning change request (C14-2021-0056) was discussed by the Matthews Lane Neighborhood Association (MLNA) Outreach Group on April 23 and May 14, 2021. The MLNA President, Eugene Sutton, approached Mr. Heimsath to discuss the project and was referred to Ms. Haase. Mr. Sutton contacted Ms. Haase to let her know that the MLNA was requesting a postponement of the case and to invite her to work with us in a non-adversarial way. MLNA began work on a valid petition opposing the zoning change.

Ms. Haase joined MLNA Outreach Group meeting on May 21, 2021, via Zoom. She shared images of current zoning and why owner thinks MF-3 is reasonable. MLNA committee stated that we seek a conditional overlay limiting density to 6 single family or duplex units; maximum of two-story; and a sidewalk along Matthews Lane. Our request is consistent with the Imagine Austin plan which puts dense developments along traffic corridors, not in the middle of neighborhoods. Traffic on Matthews Lane is already dangerous for pedestrians, bicycles and vehicles. The property is on low lying ground and subject to flooding (photos attached). The proximity to the railroad and heritage trees also restrict density. There are over 200 new homes going into the MLNA area, many are high-end condominium style homes. This project would not diversify housing options. We are disappointed that the buyer chose not to complete his due diligence and approach the NA before closing on property.

Ms. Haase stated that she couldn't understand the fear behind neighborhoods' responses to zoning changes. We responded that we weren't fearful; we believe that the area has unique assets and want to be part of changes that sustain the whole community.

June 19, 2021. Eugene Sutton shared the letter from Victoria Haase and his response to her. MLNA is supposed to be meeting with City Watershed people, Victoria and other city staff (see attached PDF with dates of other email and phone contacts).

Ken Craig, from Council Member Ann Kitchen's office, became involved in the back and forth between Ms. Haase, Mr. Heimsath and MLNA in June. The MF-2 CO Zoning change was finally approved by City Council on July 29, 2021.

RE: 1609 Matthews Lane

From: [REDACTED]

To: [REDACTED]

Date: Tuesday, August 3, 2021 at 11:56 AM CDT

Thank you, Eugene. I appreciate the coordination and efforts to communicate on the Neighborhood's part as well. I am glad that the issue of the blocked culvert was identified. Rectifying this should make a difference, even without infrastructure that will be build with this development.

If we do have the chance to work together again, I am glad to know that there is someone to effectively communicate with!

Victoria Haase

Thrower Design

www.throwerdesign.com

510 South Congress Avenue, Suite 207

Mail: P.O. Box 41957

Austin, Texas 78704

512-998-5900 Cell

512-476-4456 Office



7/28th

[ZAP]

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email's
with Victoria

From: Eugene Sutton <[REDACTED]>

Sent: Friday, July 30, 2021 3:37 PM

To: Victoria <[REDACTED]>

Subject: 1609 Matthews Lane

Good afternoon,

Our neighborhood and outreach group would like to thank you for your interactions and discussions regarding this rezoning case.

The final results should be a boon to the area and we appreciate the concern with drainage infrastructures.

Again, thanks to you all, and I know we shall be meeting on additional items in the future.

Eugene Sutton

Sent from Mail for Windows 10

ITEM 8/73

