

Zilker Neighborhood Association

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August 4, 2015

Re: 1516 Kinney, C15-2015-0106

Dear Ms. Heldenfels.

The zoning committee of the Zilker Neighborhood Association (ZNA) has reviewed the variance request for 1516 Kinney to decrease the minimum lot size from 5750 to 5548 square feet. The applicant has not demonstrated a hardship that meets the Board of Adjustment criteria. The application is also inappropriate for a court of last resort, such as the Board of Adjustment, in that there are other remedies besides this variance that would restore the lot to a buildable size. We have concluded that the variance would grant special privileges that are not available to other properties in the area. The ZNA Executive Committee therefore requests that the Board of Adjustment deny the variance. Our findings are listed below.

Reasonable use: The zoning regulations allowed reasonable use before the rear portion of the property was sold in 2010 (see attached). Although a previous owner did sell off the rear 36 feet of the lot in 1962, it was never officially replatted, and the lot was subsequently reassembled into the original 7715-square-foot parcel, large enough to build a duplex under current code. The current owner attempted to profit from the sale of a portion of the property, but he neglected to inform himself of the city's minimum requirements before selling the entire 36 feet and before demolishing the existing house. Note the warning #2 on the second page (attached) of the demolition application, under "Consent, Authorizations, and Signatures": "2. It is important to verify with the Development Assistance Center (DAC) that new construction will be permitted on the property at this location PRIOR to filing this application." The owner signed it. It is his failure to exercise due diligence, not the zoning regulations, that caused the undersized condition of the property. The owner can remedy his mistake by purchasing 202 square feet from one of his neighbors.

Hardship: The existence of lots that do not meet the minimum lot size under current code is not unique to this property. A few substandard lots with fifties-era houses near 1516 Kinney are: 1602 Garner (5640sf), 1706 Collier (5616sf), and 1704 Collier (5546sf). In addition, a section of the Barton Heights subdivision to the north consists mostly of lots that are about 25 feet wide and do not meet the minimum lot size. These lots were designed to be sold in pairs to create a buildable lot. Much of the northern portion of the neighborhood was developed in this manner, with homeowners buying two or three or more modular lots to create home sites.