

June 7, 2010

Director Sara Hensley
Parks Department
Chair Linda Guerrero
Parks Board
City of Austin
3204 Farifax Walk
Austin, Texas 78705

Re: 2700 Edgewater Drive, Austin, Texas 78733; SP-2010-0082D

Dear Director Hensley and Chair Guerrero:

This request is for approval by you of an after-the-fact site plan permit for the existing bulkhead at this address for the reasons which follow:

1. This after-the-fact site plan permit is requested because, as applicant, my wife and I lost our appeal to the Building and Fire Code Board of Appeals for a determination that we in fact had all required permits for the existing bulkhead. As a result of the loss of that appeal our single-family residential building permit No.2009-032257BP has been suspended since April 6, 2010. We have lost two months of construction and have paid two additional months of interest carried on our construction loan which expires in February of next year. If we thought there was any doubt about the validity of the existing bulkhead site plan we would not have poured our slab and risked putting our family home construction project in this financial jeopardy. We believed that the bulkhead site plan was approved in 2007 and was a final non-appealable permit for the following reasons:

a. The original site plan exemption application to "repair/replace existing bulkhead" filed on January 10, 2007 showed the location of the existing dilapidated bulkhead. (Please see Attachment #1).

b. The January 10, 2007 site plan exemption application was denied for the reason that "this bulkhead is beyond repair" and which had a staff note attached to it which instructed that we "provide a site plan". (See Attachment #2).

c. I spoke with Randy Scott and told him that my site plan exemption application was denied and asked how to get a site plan approved quick enough to construct the new bulkhead while the lake was still down. Mr. Scott told me to use a standard approved prototype and gave me the schematic design attached hereto as Attachment #3.

d. Mr. Scott told me to take the Attachment #3 back to John McDonald which I did, and received approval of a permit to build the bulkhead under a site plan exemption evidenced by the transmittal letter to John McDonald dated January 28, 2007 (Attachment #4) and the site plan exemption approval dated February 1, 2007, both of which documents are attached hereto as Attachment #5.

e. The second site plan exemption request was signed by John McDonald on January 31, 2007 and issued on February 1, 2007. It indicated that Mr. McDonald was signing off for "site plan" and "environmental review", which told me that the prototype exhibit I had received from Mr. Scott and tendered to Mr. McDonald satisfied whatever earlier requirement was noted for a site plan on January 10. A copy of Mr. McDonald's sign-off indicating that he was approving the application for site plan and environmental review is attached hereto as Attachment #6.

f. No additional drawing was given to show the location of the bulkhead after it was resubmitted in late January. Only the design of the bulkhead referenced in Attachment #3 was given at that time.

Several years passed before we were able to get our building plans finalized and our loan approved. The original plan, which was permitted in April of 2009, made use of some cantilevered overhangs that were re-designed for cost containment and the building permit was revised in late December of 2009.

It was only after the slab was poured in March of 2010 that we were told the building permit would be suspended until a "new" site plan permit was issued for the bulkhead.

I now realize that my neighbor's efforts to stop me from building on my lot just happened to dovetail with an effort by this Board to promote a new ordinance making it unlawful under any circumstances to "capture or recapture land on the main body" of Lake Austin. I have been caught in the middle of this issue on a bulkhead which I built three years ago with apparent plan permit approval and when there was no clear prohibition against recapturing eroded land area behind a bulkhead. My complaining neighbor, Mr. Rodewald, is under investigation for a bulkhead extended further into the lake between 1996 and 2004 without permits. To date, I have always tried to do what was correct and legal in the eyes of the city as well as the good of the lake, while my neighbor has faced no consequences for doing work without any permits. I, and my wife, however, am now facing the loss of our property if we default on a construction loan for a permitted and approved house that we can't build.

My appeal to you is this:

1. Approve my bulkhead site plan for the existing bulkhead, which I was told was approved in June of 2007, after its completion. (See Attachment #7). I must get under construction again on the house to keep from defaulting on the loan.

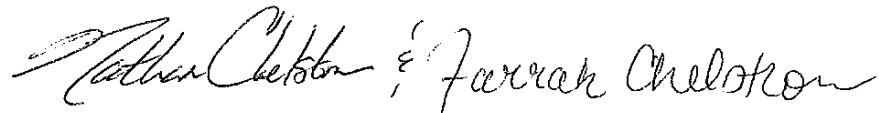
2. The bulkhead was built three and a half years ago with permits; was inspected multiple times; and released. Planning and Development Review says that the staff that released

the bulkhead permit was not properly trained and didn't follow procedures. I should not have to pay such a heavy price for their mistakes. Three years ago I could have easily fixed this problem; however, today my family would have to go through unsustainable financial damage to modify the existing bulkhead, as this would include re-designing, re-engineering, and re-placement of my already existing and permitted house.

3. The existing bulkhead, as described by Richard Luevano P.E., is structurally sound and does not pose any risk of failure or detriment to the lake. (See Attachment #8)

4. The existing bulkhead was placed in such a way that lines up with the upstream bulkhead and provides a better shoreline for the lake than what previously existed, especially for the purposes of navigational safety.

Sincerely,

A handwritten signature in cursive script that reads "Nathan Chelstrom & Farrah Chelstrom". The signature is written in black ink and is positioned centrally below the word "Sincerely,".

Nathan and Farrah Chelstrom
1008 Castile Road, Unit B
Austin, Texas 78746
(512) 293-9313