

2/08/11

February 8, 2011

Mr. Greg Guernsey, Director  
Planning & Development Review  
City of Austin  
P. O. Box 1088  
Austin, Texas 78767

RE: 2102 E. 13<sup>th</sup> Street

Dear Mr. Guernsey,

We are the owners of Unit B associated with the "Condo" duplex development located at 2102 E. 13<sup>th</sup> Street. As you are aware, this two-unit development is a product of a developer who has since left town, and the development is undergoing continuing difficulties in attempting to reach resolution for the finalization of Unit A. This letter is intended as a supplement to our previous letter regarding the property, dated June 29, 2010.

We purchased Unit B in 2007 and were issued a Certificate of Occupancy (CO) for a single-family home, as this was the only method of securing the right of occupancy after the closing on the property. This CO was vetted through the proper City of Austin process and signed off on by all City of Austin personnel, including the City of Austin Inspectors who had clear and real knowledge of the situation. Since 2007, the Unit A construction has started and stopped, the current Building Permits for which have lapsed even though the Unit is now complete.

The abutting Unit A has not been occupied and currently is seeking a resolution to matters associated with the Land Development Code that are preventing a clear Certificate of Occupancy from being issued for Unit A. Please allow me to

reiterate our position regarding the endeavor of procuring Unit A Certificate of Occupancy within the "Condo" duplex project boundary.

- 1) It is our hope that Unit A's difficulties can be swiftly resolved so that the owners of Unit A may obtain a Certificate of Occupancy. To this end, we have thus far fully cooperated with Unit A's owners' attempts to work with the City of Austin to resolve this matter. We are in support of the current solution that has been proposed to the Board of Adjustment (the solution which will be revisited by the Board on February 14, 2011).
- 2) As owners with a vested interest in the "Condo" duplex property, we reserve the right to review any and all material information provided to the City of Austin, as this information is directly associated with the Condominium Regime and directly affects our financial investment. Any material information provided to the City of Austin without the consent of all the landholders within the project is not considered to be accurate information by us until all property owners have agreed and signed off on the material.
- 3) All applications to secure approval for building permits, variances, or the like, must require the signature of all parties within the "Condo" duplex project, as any building permit, variance, or the like, directly affects our financial investment.
- 4) Our Unit B has a CO issued for the structure. This CO is for a Single-Family home. This CO is legal in every aspect of the City of Austin and can not be terminated or revoked at anytime as this CO was issued as such with full knowledge of the City of Austin building permit review staff and inspectors. We are legally occupying our Unit B consistent with all City of Austin rules, regulations, ordinances, requirements, policies, and interpretations.
- 5) Unit B should never be compromised by any action associated with any permit, variance, or the like, for any effort, now or in the future, to gain acceptance of the City of Austin for the issuance of a CO for Unit A.

2/08/11

- 6) That the current or future CO for Unit B can not be revoked at any time based on any cause or action by the City of Austin if a determination is made that any past or future permit may have been issued in error. This directly affects our financial investment for which the City of Austin has responsibility, culpability, and liability if a determination is made, now or in the future, that any permit may have been issued in error.

It is with this expressed intent that we want to once again notify and disclose to the City of Austin our position on the matter associated with any permitting or representation for any work associated with any permitting, variances, or the like, to bring the entire 2102 E. 13<sup>th</sup> Street "Condo" duplex project to full development as has always been intended. It is not our intent to harm or burden the Unit A property in anyway. Rather, we are protecting our interest to the degree that any home owner would, and want to continue to work with the current and future owner, as well as the City of Austin, to bring this project to completion without affecting our investment.

Should you have any questions, or need further clarification of our position, please contact us directly.

Sincerely,

Jeff & Tania Culbertson

2102 E 13<sup>th</sup> Street, Unit B

Austin, TX 78702

512-215-2739

512-698-4539

[tculbertson@mail.utexas.edu](mailto:tculbertson@mail.utexas.edu), [jeff.culbertson@gmail.com](mailto:jeff.culbertson@gmail.com)

## Walker, Susan

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**From:** Tania Culbertson [tculbertson@mail.utexas.edu]  
**Sent:** Wednesday, February 09, 2011 9:43 PM  
**To:** Benavidez, Sylvia; Walker, Susan  
**Cc:** Jeff Culbertson; A. Ron Thrower; Michael Collins  
**Subject:** BOA Reconsideration: 2102 E 13th Street

**Attachments:** BOA\_21411.pdf; ATT3214385.txt



BOA\_21411.pdf (43 KB)  
ATT3214385.txt (236 B)

Hello Sylvia and Susan,

It is our understanding that Mike Collins and Marie Wilson (one of the owners of Unit A) will be appearing before the BOA this coming Monday to ask for reconsideration of the Board's initial denial of the requested variances for 2102 E 13th Street. Jeff and I will be in attendance in support of the requested variances, and I have attached a letter (intended as a supplement to our letter of June 29, 2010) once again expressing our position as owners of Unit B as well as our support of Unit A's efforts to reach a resolution with the City.

Please let us know if you have any questions regarding the letter, and we'll look forward to seeing you on the 14th. I hope you're both well and that the new year is treating you kindly so far (despite the cold weather!).

All the best,

Tania Culbertson  
The University of Texas School of Law  
J.D. expected 2012  
512-698-4539

## Walker, Susan

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**From:** Aubrey Word [aword@rsgroof.com]  
**Sent:** Thursday, February 10, 2011 10:25 PM  
**To:** Walker, Susan  
**Subject:** Case #C15-2011-0003

Ms. Walker,

My husband and I wanted to send you a formal correspondence concerning the property at 3106 Grandview. We currently live at 3104 Grandview and want to voice our opposition to the variance request currently being discussed. Although we knew that a house would be built next to ours, what is now being proposed is excessive. We love the Heritage neighborhood and do not wish to see something built that is so against the principles of those who live here. We are very disappointed that we cannot attend the hearing Monday night. We hope to send a proxy to read a prepared statement for us.

Thank you so much for your time.

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