

Heldenfels, Leane

From: James Cooper ~~James.Cooper@Austin.Texas.gov~~
Sent: Monday, July 14, 2014 9:20 AM
To: Heldenfels, Leane
Subject: RE: Case Number: C15-2014-0068, 85 Keasby St.

Leane,

I could not find online where I could download a copy of the "written objection form"; so I think I have missed that option for today's meeting. I know you are busy, but I just wanted to let you know the owners have had a small crew on site almost every day for 3 or 4 weeks doing inside work. Appears they are continuing to build out the interior, both floors, without regard to permitting issues or lack of inspections. Maybe they are just doing some cosmetic work, don't know, but I figure there is nothing anybody can do now; once they get the requested variance, it may appear to the city that the building was always in its current duplex-style configuration (even though the current request for variance indicates a house above a garage, there is no garage now).

As for me, I just have to let this go; give another round to out of town investors changing our neighborhoods. I hope you have a good day.

Thanks,
James

From: Heldenfels, Leane [mailto:Leane.Heldenfels@austintexas.gov]
Sent: Tuesday, June 17, 2014 10:32 AM
To: James Cooper
Subject: RE: Case Number: C15-2014-0068

They postponed again, the Board wanted him to submit a subdivision plat and have initial written comments returned showing all deficiencies before he returned to them. They suggested he contact a surveyor and or/land use attorney to get the process started. He has contacted several attorney's but I don't think anyone has been interested in taking on his case so far, I have heard from his surveyor and he is drafting a subdivision plat of the 3 lots involved. But, I don't think he's submitted it for comment/review yet.

I don't think it will be heard again in July, either.

In regard to the ability for him to keep the ground floor as a separate living unit, he would need to meet the requirements for a duplex – I don't know if he has enough parking availability for that (regardless of his legal lot status). But, he hasn't asked for that variance (yet), just the lot related issues for a single family residence.

If you want to turn in a written objection of the build out of the 1st floor as a 2nd dwelling unit, that would call attention to the situation that the Board may not otherwise know of.

I can't recall if you did this (sent in written objection based on 2 living units being developed) when the case was first noticed – sorry if you already have, but if you haven't you can send it via email and I'll add it to the case.

Take care,
Leane

From: James Cooper [mailto:James.Cooper@Austin.Texas.gov]
Sent: Monday, June 16, 2014 7:02 PM
To: Heldenfels, Leane
Subject: RE: Case Number: C15-2014-0068

Leane,

I am curious how the second hearing turned out; was there a final ruling? Do they get to keep the ground floor garage as a separate built-out living space?

Thanks,
James

From: Heldenfels, Leane [mailto:Leane.Heldenfels@austintexas.gov]
Sent: Monday, May 12, 2014 4:11 PM
To: James Cooper
Subject: RE: Case Number: C15-2014-0068

I'm just not sure when all occurred – it must have occurred w/o permit and now current owner is trying to get all items permitted/closed. Current owner has never listed it as anything but single family, but I understand your concern – especially due to all the changes occurring w/o permits. Hard to keep on top of these things that happen so quickly, glad they got caught up now and are having to go through the process – don't know what Board will think of all the variances, most likely they'll ask him to clarify some information on his application and postpone until next month – they'll have similar questions that you have.

Take care –
Leane

From: James Cooper [mailto:jwcooper@austin.tn.com]
Sent: Monday, May 12, 2014 3:16 PM
To: Heldenfels, Leane
Subject: RE: Case Number: C15-2014-0068

I can understand that the survey mentioned a garage due to its age; however, it is also clear the new owners came from out of town and immediately enclosed the existing garage and would have completely converted the garage to a second living space if the city of Austin had not stepped in and halted the process. They then continued exterior work of the garage, completing the trim and stone façade; I can only assume that since they continue to spend money on its outer appearance (unable to determine interior status) that they expected to resume with their plans for two separate living spaces (one on top of the other). Therefore their claim that they were unaware of the property not meeting city code requirements could be suspicious considering they knew enough to employ a contractor to erect walls and update plumbing and electrical systems. According to their application, Section 3 "Area Character", they claim no "alteration to the external structure" and therefore no impact on the neighborhood; I suppose that depends on how you define alteration and neighborhood impact.

The bottom line is that all 'changes' to the property occurred AFTER the new owners purchased the property and that there had always been a garage on the lower level of the structure with the single living space on the top.

Thank you very much for your time to reply; I greatly appreciate the information.
James Cooper
(512).302.1124

From: Heldenfels, Leane [mailto:Leane.Heldenfels@austintexas.gov]
Sent: Monday, May 12, 2014 2:45 PM
To: James Cooper
Subject: RE: Case Number: C15-2014-0068

The applicant's application didn't state garage, but the survey did – the survey was a few year old and didn't take into account changes to the structure that have occurred.

I am attaching the development rules for duplex use that would need to be followed before a 2nd utility connection could be obtained for the home. This owner advises that he plans to use it as a single family home, but hard to tell if a

future owner will try to convert to a duplex – they would have to meet the requirements (or new ones that may be approved) as well.

I will print out your email for the Board's packet tonight –

Take care,

Leane Heldenfels

Board of Adjustment Liaison

City of Austin

From: James Cooper [mailto:jwcooper@cityofaustin.gov]

Sent: Monday, May 12, 2014 9:29 AM

To: Heldenfels, Leane

Subject: Case Number: C15-2014-0068

I am a neighbor to the residence seeking a variance; case number C15-2014-0068. I suggest the current request for variance is not valid because it states: "maintain the existing home and garage".

It is obvious that there is no longer a "Garage", since it was immediately enclosed and is partitioned as a two bedroom residence complete with cut limestone façade, front door and two windows. If the new owners are given this variance with the existing wording "house with garage", then I suspect it will be interpreted as acceptance of the 'duplex' style build-out that the new owners have already achieved without any city review or permits.

I will however give the benefit of the doubt to the new owners that their interpretation of 'single family residence' led them to believe that even as they were creating a duplex style build-out in the garage space, that they may have interpreted that as allowing only members of their own 'family' to live in the converted garage and the existing living space above. Whether it is 'willful blindness' to the city of Austin regulations or a misunderstanding of the phrase 'single family residence', this should not excuse them leave in place the results of their work and therefore create a "multiple family duplex" with the additional parking congestion and noise this would bring to our already narrow and crowded street. We already have a bus stop on the corner attracting additional parked cars, a 'stealth dorm' half a block away with over flow parking on our street and we are a 'pass through' for traffic around the intersection of 45th and Red River (some at high speed).

This is very small lot with a history of issues and the neighbors have been patient and tolerant, but please do not allow this property to evolve into a two story duplex. The new owner's plans could change at any time; if the property is sold (in the near future) with its current configuration of two living spaces, then there will be no returning it to its original state. What is allowed to happen today, will impact the future of this property and surrounding residents for years to come.

Thank you for time and attention.

James Cooper

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