

C152014-0121







Katie Van Dyk

From: Katie Van Dyk
Sent: Wednesday, April 02, 2014 1:57 PM
To: 'McDonald, John'
Subject: RE: Pool Equipment + Cover

I see. Ok, thanks. Just let me know if you have any communications with Greg, and we will plan to simply state that the pool equipment and cover are under review by the PDRD Director and his team.

Katie Van Dyk

Associate

kvandyk@mcleanhowardlaw.com

512.328.2008 phone

From: McDonald, John [mailto:John.McDonald@austintexas.gov]
Sent: Wednesday, April 02, 2014 1:56 PM
To: Katie Van Dyk
Subject: RE: Pool Equipment + Cover

Recently, I have had to remind several pool contractors and the ASPCA that pool equipment is not allowed in a yard setback. The case I was speaking to you about which never made it to the BOA stirred up some pool builders in ASPCA and they started contacting me about placing pool equipment in yard setbacks.

Respectfully,
John M. McDonald
Development Services Manager
Residential Plan Review/PDRD
974-2728 – Office
john.mcdonald@austintexas.gov

From: Katie Van Dyk [mailto:KVanDyk@mcleanhowardlaw.com]
Sent: Wednesday, April 02, 2014 1:51 PM
To: McDonald, John
Subject: RE: Pool Equipment + Cover

Thank you John, I was just about to follow up with you and check the progress. Below, you say "Residential Plan Review's decision not to allow pool equipment in a required yard (setback)"... does that mean that a decision has been made in a previous similar situation, or are you simply stating that because the pool equipment was cited for being in the setback, a contrary determination must be made in order to remedy that citation?

Thanks for the clarification. Please keep me posted on any information you get from Greg regarding this issue.

Katie Van Dyk

Associate

kvandyk@mcleanhowardlaw.com

512.328.2008 phone

From: McDonald, John [mailto:John.McDonald@austintexas.gov]
Sent: Wednesday, April 02, 2014 1:48 PM
To: Katie Van Dyk
Subject: RE: Pool Equipment + Cover

Katie,
I have asked Greg if he would entertain looking into Residential Plan Review's decision not to allow pool equipment in a required yard (setback). I did not get a chance to meet with him this morning, so it may be a while before he responds.

Respectfully,
John M. McDonald
Development Services Manager
Residential Plan Review/PDRD
974-2728 – Office
john.mcdonald@austintexas.gov

From: Katie Van Dyk [mailto:KVanDyk@mcleanhowardlaw.com]
Sent: Tuesday, April 01, 2014 5:49 PM
To: McDonald, John
Subject: Pool Equipment + Cover

Hi John,

Thank you for taking the time this afternoon to meet with me regarding the pool equipment and cover on 1307 Waller Street.

As we discussed, it's clear that there is a strong argument for considering the pool equipment as incidental to the pool, and treating both as exceptions to the "open yard" requirement under Section 25-2-513. We found two examples after a quick search on AMANDA of properties where the pool equipment is shown on the surveys as located within a required yard/setback. We also discussed the fact that many pool contractors fail to depict the pool equipment on their plans, reviewers fail to require it, and then in only very few situations will the City require a survey that shows the final, as-built location of any pool equipment and cover. Thus, it is difficult to know how many properties in Austin are in this same situation, with pool equipment with some type of cover over it, located in a required yard/setback.

Since I believe that we are in agreement about the equipment being incidental to the pool, the issue likely turns on the covering our client erected to protect and disguise the pool equipment. I explained to you the history; that when the equipment was uncovered, the neighbors to the south complained of the aesthetics of the exposed equipment. Then our client erected the cover and added a ladder and railing on top so that their small children could safely climb up on it, and the neighbors to the south again complained. If the real issue with the pool equipment and cover is the cover, please let me know whether some other type of screening would be permitted in the required yard/setback to disguise the equipment and maintain a safe backyard environment for our client's family and small children.

As you know, our rezoning case is scheduled before Planning Commission next Tuesday, April 8. We would appreciate your review of the code and the facts of this situation, and ask that you and Greg interpret Section 25-2-518 as permitting our client's pool equipment and cover, in its existing state, to remain on the property within the required 5-foot setback. In the alternative, I ask that you provide suggestions on how to bring the pool equipment and cover into compliance in accordance with your interpretation of Section 25-2-513.

I have included the two survey examples that we found today, which show pool equipment located in required yards/setbacks. I have also included photographs of the pool equipment and cover at issue. Thank you and Greg for your consideration and please let me know if you have any questions regarding my request for interpretation of Section 25-2-513.

Thank you,

Katie Van Dyk

ASSOCIATE

kvandyk@mcleanhowardlaw.com

Barton Oaks Plaza, Building II
901 South MoPac Expy | Ste 225
Austin, Texas 78746
512.328.2008 phone
512.328.2409 fax
www.mcleanhowardlaw.com

M&H

McLEAN & HOWARD, L.L.P.

Real Property Lawyers

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this information, you are notified that any use, dissemination, distribution, or copying of the communication is strictly prohibited.

From: "Walker, Susan" <Susan.Walker@austintexas.gov>
Date: January 9, 2013 1:20:40 PM CST
To: "T English" <t.english@cityofaustin.org>
Subject: RE: 1307 Waller St. IC variance verification

According to the permit...65% is allowed without a variance because you have small lot amnesty.

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536
From: T English [<mailto:t.english@cityofaustin.org>]
Sent: Tuesday, January 08, 2013 12:45 PM
To: Walker, Susan
Subject: Re: 1307 Waller St. IC variance verification

Susan,

Thank you for your prompt response. Can you tell me what does it mean that 65% IC is allowed? Does it mean that the current limit on this property is 65% IC?

Regards,
Toria

On Jan 8, 2013, at 12:14 PM, Walker, Susan wrote:

Toria,

The Board of Adjustment has not done a variance on this property. When I looked at the pool permit on AMANDA...it shows that 65% IC was allowed. There was no variance applied for.

To verify front yard parking you will need to ask a Planner in Residential Review to confirm.

If you have any further questions, please let me know.

Thanks!

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: T English [mailto:[REDACTED]]
Sent: Friday, January 04, 2013 2:41 PM
To: Walker, Susan
Subject: 1307 Waller St. IC variance verification

Hello Ms. Walker,

Amber Mitchell referred me to you for advisement on my efforts to comply with the residential parking requirement. My address is 1307 Waller St. Austin, TX 78702. First, I am hoping you can verify an impervious cover variance which my pool company obtained in 2011. Below is a link to the pool permits but I can't locate anything regarding the impervious cover variance. Second, I would like to confirm that there is no code prohibiting me from parking in my front yard (in an effort to comply with our two car parking requirement). We are not on the restricted parking map, and our Central East neighborhood plan does not appear to have any rules regarding this.

Pool

Permit: https://www.ci.austin.tx.us/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=10609255

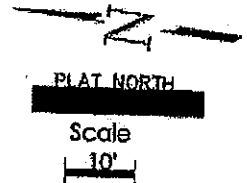
Neighborhood Plan: <http://austintexas.gov/page/neighborhood-planning-areas>

Parking Map: ftp://ftp.ci.austin.tx.us/npzd/Austingo/fyp_map.pdf

Thank you for your assistance,
Toria English
[REDACTED]

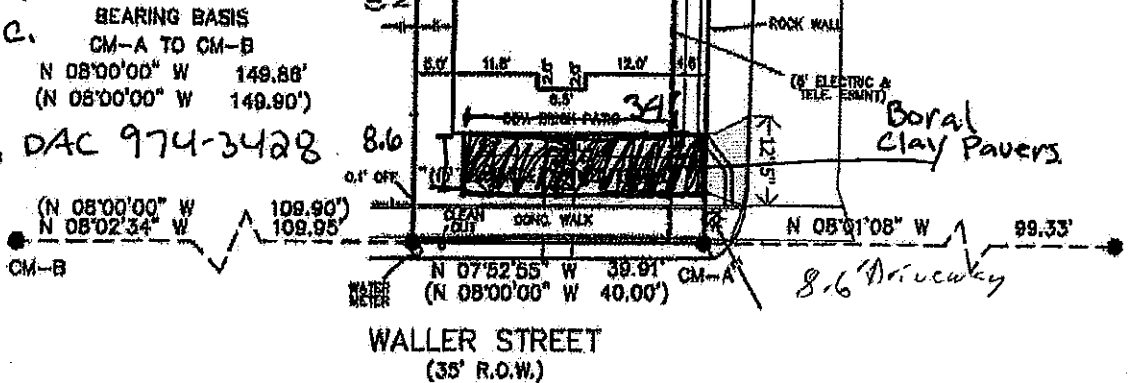
ASBUILT SURVEY
OF 1307 WALLER STREET, AUSTIN, TEXAS
LOT 4
RESUBDIVISION OF LOT 80 AND A PORTION OF LOT 48
JOSEPH LIMERICK SUBDIVISION OF OUTLOT 41, DIVISION "B"
DOCUMENT NO. 200800255

- MAP SYMBOLS:
- WROUGHT IRON FENCE
 - CHAIN LINK FENCE
 - WOOD BOARD FENCE
 - UTILITY LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - B.L. BUILDING LINE
 - 1/2" REBAR FOUND
 - 1/2" REBAR SET
 - IRON PIPE FOUND
 - CONTROL MONUMENT
 - () RECORD DATA FROM PLAT DDC NO. 200600255
 - D.E. DRAINAGE EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - ✱ POWER POLE
 - ◻ CALCULATED POINT UNABLE TO SET
 - ◻ FALLS UNDER POOL
 - ◻ PUMP HOUSE



1307 Waller St.
3/5/2013
LOT 3
34' x 8.6' area
shaded in survey
can use the pavers
as depicted on the

attached spec.
sheet.
Armitchuk, DAC 974-3428

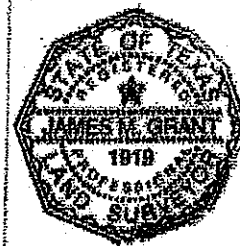


NOTE:
THIS LOT IS SUBJECT TO AN SIDEWALK
EASEMENT GRANTED TO THE CITY OF
AUSTIN PER DOC. NO. 2007152485.

HARRIS-GRANT SURVEYING, INC.
PO BOX 807 MANCHACA, TEXAS 78652
(512)444-1751 FAX (512) 444-6123

James M. Grant

JAMES M. GRANT R.P.L.S. 1919
DATE: JANUARY 24, 2013



§ 25-2-513 OPENNESS OF REQUIRED YARDS.

(A)

Except as otherwise provided in this section, a required yard must be open and unobstructed from finished grade to the sky. This restriction does not apply to a yard or part of a yard that is not required by this article.

(B)

A window sill, belt course, cornice, flue, chimney, eave, box window, or cantilevered bay window may project two feet into a required yard. The two foot limitation does not apply to a feature required for a passive energy design.

(C)

Uncovered steps or a porch or stoop that is not more than three feet above ground level may project three feet into a required yard.

(D)

A parking area may be located in a required yard, unless prohibited by Article 10 (Compatibility Standards).

(E)

In a townhouse and condominium residence (SF-6) or more restrictive district, a pool, including a swimming pool, reflecting pool, or fountain, may be located in a required yard.

(F)

Landscaping may be located in a required yard.

(G)

This subsection applies to a building located in a multifamily residence medium density (MF-3) or more restrictive district. A covered porch that is open on three sides may project five feet into a required front yard.

Source: Section 13-2-610; Ord. 990225-70; Ord. 031211-11; Ord. 040826-67.

can see why that would be the case. If we just handled everything by variances, our corridors would be lined with s.F.3 and other zoning that doesn't reflect what is there and figure out what variance they got to allow the particular thing there. This is always been a church, the neighborhood plan calls for this to be a civic use and that's the only sort of use that would be allowed by this zoning. I understand the fear about future uses, but frankly, both the neighborhood plan and this zoning would prohibit any use other than the civic

-- exact sort of civic use that has always been and contemplated by the neighborhood plan. In addition to that, what we have

-- we have an opportunity here to not only get water quality treatment for the runoff from the fellowship hall that they're providing but also an opportunity to provide treatment for the runoff from the adjacent site that is going down into blunt creek. It would actually be a benefit over what's there now. So I think it is a reasonable request.

>> Mayor leffingwell: Further discussion? All those in favor say aye. Opposed no. Passes on vote 5-2. Did you vote no? Passes on a vote of 4-3, with council members, tovo, martinez and morrison voting no. Council member martinez.

[14:29:19]

>> Martinez: When we have time concerns, we go past that time. It seems like this item 60 would be next in order. I'm asking for clarification.

Item 101 >> Mayor leffingwell: That is incorrect. Right now, 101 is set for time certain of 10:00 p.M. To 2:00 p.M., I think everyone has that understanding. They set these up with 5:00. 5:15.

>> The point is that it doesn't come up before that time. If we have gone past that time, we typically go back in numerical order of the agenda.

>> Mayor leffingwell: This has been our practice for a long time. And this item has priority since it is scheduled for 2:00. So we'll call up item 101.

>> Thank you, case c 14 for the property located at 1307 waller street. This is a zoning change to sf 4 a, zoning category which stands for single-family resident, small lot, with a conditional overlay. And that staff is recommending on this property. Property itself is 4,118 square feet. The staff recommendation was to grant the sf 4 a comp zoning with an impervious cover limit of 60% of the gross site area. Interior side yard setbacks, 5 feet. And the rear yard a minimum of 5 feet. The planning commission's recommendation was to vote to deny on a 7-0-1 vote. The sf 4 mp zoning. This case came forward as a result of some code citations that were issued on the property for exceeding impervious cover, parking compliance and the location of a pool house in the rear and side yard setbacks of the property. The property is developed with a single-family home and was part of originally an urban home subdivision that had a pervious cover limitation of 45%. At the time of construction, it was compliant with those limitations. Through time, there was a pool permit that was issued by my department. The pool permit actually exceeded that 45% limitation because my staff understood that this was a small lot. Under small lot amnesty it was allowed cover of 65%. That permit was issued. A second permit was issued after that, using the same assumption which boosted the impervious cover to about 63% on the property that allowed for parking to be located in the front yard of the house in a brick-paved area. To the rear of the property, there were two linear ribbon strips that were provided for parking on the back of the

property. That were removed. Parking was then put in the front so they could maintain the parking minimum parking requirement of two spaces. There was a desire by the homeowner to remove those from the rear lot because of the swimming pool and the adjacency to the lot to the rear. There was a pool building erected in violation without any permit or approval from my office for that structure that is really along the rear and crosses the rear property line and along the side. Tin roofed, has a structure to it. There has been also issued that have arisen about parking up the alley. Not necessarily within the paved alley, which runs along the southern portion of the property. But adjacent to the single-family home and the paved portion of the ally. And where parking would be on a river rock material that's half -- I would say about 5 feet in the alley area. And half on the private property owner's property. There are other structures that are along the alley that take access from the alley and park off of the alley. Just as this property would to the rear and the garage portion of the existing single-family home, which takes access and vehicles would be seen either on the urban strip off that alley or through the garages along the property. As I mentioned before, this is zoned single-family 4 is the proposed zoning request. The difference between that and an urban home category principally would probably be the impervious cover. Unique feature of the urban home regulations, that if this lot were actually smaller in size, to be only 3500 to 4,000 square feet in size, you would actually get more impervious cover of 65%, as allowed by our code. I don't know all the particulars in how that came about, back in the day when the urban home category was created, but that was something that would have been allowed by that. The owner is seeking, because of the errors made by my department, to seek a zoning change, also seek board of adjustment variances, as a remedy. And has worked very diligently, I think, with the neighborhood today. I think there was a meeting last week with regards to this to no avail, at this time. There was a question that came up at your work session a few weeks ago about a proposal by the property owner to dedicate some additional land to the city to be part of right-of-way. I've had a conversation with howard lazarus, and I believe the council is in receipt of a memo that -- whether or not he would accept that.

worked
diligently
with
neighbor-
hood

[14:36:00]

And his answer to me was: Not at this time. And I believe that was conveyed to each of your offices. So this is a difficult case. Certainly the zoning is one where it is single-family. And in that sense, s.F.3 generally allows for uses like duplexes or garage apartments. S.F.4 a would not. The issue here is the small size of the lot. And mistaken by my staff, it was not urban home but under small-lot amnesty. With that, I'll pause. I think the applicant has a presentation, and I believe you have 10 to 15 speakers.

>> Mayor leffingwell: Questions for staff?

>> Spelman: Brief one.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I suppose we have had a situation where the small lot dropping down to 45% for a slightly larger lot where that issue has come up before. Are you aware of a case like that?

>> I'm not aware of a case like that, but I'm sure there are many properties that are between 3,500 and 4,000 where they have taken advantage of that 65%.

>> Spelman: I just did the math. Is there a number

-- can you think of more than a few lots that are somewhere between 4,000 and 5,778 square feet?

>> Council member, not off the top of my head.

>> Spelman: These would not be small lots but relatively small lots that qualify for sf 3 zoning?

>> That is a possibility, yes. If the property owner was successful either through the planning process or dedicating that right-of-way to make that lot smaller, then certainly that is something that we would consider. But I'm not aware of another mechanism to address it, other than asking for a variance to relieve that.

[14:38:19]

>> Spelman: For example, one way to cure the problem is for the homeowner to dedicate part of the property to the public, making the property smaller, giving more allowed impervious coverage and therefore allowing the issue to be cured.

>> As I said, there might be an offer. He's not in a position to accept that. I will tell you the area they had suggested to dedicate was already part of the sidewalk easement that has been constructed on the property. So there is already a public right to actually cross private property through that sidewalk easement.

>> Spelman: The point I was getting at earlier, is there any other cases that have a similar condition as this. Too big for small-lot zoning and slightly too big and therefore the impervious amount is gone dramatically down.

>> I can't tell you where they are. I believe they exist.

>> Spelman: You haven't had an issue with this before, that you are aware of.

>> Not that I'm aware of.

>> Mayor leffingwell: We'll hear from the applicant. Are you representing the applicant?

>> I am, my name is torria english, I'm the property owner.

>> Mayor leffingwell: Torria english and is chad simon here? Chad? You have six minutes. Excuse me, seven minutes.

>> I want to first give you background on myself and to explain that I don't have development experience. I don't have real estate experience. I'm a stay-at-home mom of two young children. And after

– I'm glad it was already explained that we went through our pool company got the pool permit. Then it was over a year after that, that I found out on my own that we needed a second car parking requirement. The pool company actually requested that we pull up the parking strips because it was in close proximity of the pool. Our backyard, as you can imagine, is very small. And so once I understood that we have a two-car parking requirement to be in compliance and that we only have one car parking currently with the garage, I went down to the department assistance center and waited in line, talked to people about what I could do to get my home in compliance. So that, you know, where this adventure started. Amber mitchell, the development assistance center recommended that we put the parking in the front yard. It was, you know, we checked the central east neighborhood plan. It was an allowable option. And we checked with susan walker regarding the impervious cover, and at that time, I had no knowledge of an impervious cover limit on my home. Other than amber bringing it up to me and asking me to go to susan walker and reviewing the pool permit and understanding that I had small lot amnesty and was qualified for 65%. We went through a very long arduous process of installing the front driveway

and we spent significant amount of money, over \$20,000 making it look like it was an extension of our porch, so it would be within the character of the neighborhood and in the character of our home. And during that process, code compliance came out to review it twice and found no violations. During the process of the construction of the driveway. And we finalized the permits, they were approved. Code compliance came out again and identifies that we were not, in fact, qualified for small lot amnesty and that we were

-- we did have a 45% limit. At that time, we were threatened with a \$2,000 a day fine to resolve the situation. And that's when I just

-- you know, I went and got a lawyer because I realized I have no idea how to resolve this and I have no knowledge of the code and what is allowed. And they recommended as a long-term solution, the rezoning. I do feel that, you know, I appreciate that the city staff has admitted their errors, but I do feel that these errors did come about because of the size of my property, and that it doesn't necessarily fit perfectly in an s.F.3 box. It is actually a small lot, it is just not small enough. And I appreciate staff's recommendation to rezone to sf 4 a, which is more appropriate for the square footage of my home. I brought the

-- I was present

-- I am president of the neighborhood association. I brought this rezoning application before the neighborhood association, requested their support. Listened to concerns regarding precedent. Impervious cover concerns. And I took those seriously. We looked at impervious cover. We have done, you know, willing to do drainage study to make sure it won't negatively impact my neighbors. I went door-to-door talking to people to explain the situation and explain exactly what we were doing. These were improvements we had already made on our home. Nothing we were planning to develop. And the majority of the people were very supportive and very responsive. That's when I gathered the letters of support from these people that were unable to attend the neighborhood association meetings. And in February, the neighborhood association board decided to not accept these letters and also not follow-through and contact these people. So when you hear from the neighborhood association tonight, I ask that you just consider the fact that not

-- it is not representing fully the neighborhood itself. And that I did take the time to talk to my neighbors and did hear they supported it. The neighbors were less concerned with my property and more concerned with the fact that the city was, you know, giving permits and approving them and finalizing inspections and then turning around and saying that they were not valuable in terms of relying on them. And I do think that this is an issue. I'm not trying to go to council members and ask for a solution that occurred due to city error but a solution that occurred because my property did not fit into the s.F.3 requirements. It fits into the s.F.4 requirements. I guess

-- I just

-- I'm very nervous, obviously. But I do appreciate your time in considering that my intentions were very honest, and I do respect the laws and the codes that you have in place. And I did my best to try and follow them. I was intentionally trying to bring my home into compliance and I brought it further out of compliance. I just ask that you help me find a resolution to this. When you're making your decision tone,

-- tonight, I ask that you make it on the appropriateness of sf 4 a for my property and not necessarily based on the people that come here tonight stating that they're representing the neighborhood when

Worked
with
neighbor-
hood
and
gathered
support

Neighbor-
hood
association
ignored
neighbors
support

there are many people that have, you know signed support for me but are unable to make it because they're elderly and have small children. I myself, it is difficult for me to come tonight and get a baby-sitter for nine hours. And so I just ask that you consider that what the neighborhood wants, it makes sense for them to not want to set a precedent for everyone to have maximum impervious cover, but [beep] what we're adding is not a huge amount of actual impervious coverage. That we've added.

[14:47:12]

>> Mayor Jefferingwell: Yes, ma'am.

>> Thank you for your time.

>> Mayor Jefferingwell: Jeff Howard, donating time, Katie Van Dyke, Nathan Rayford. He's here. Caroline Simon. So you have up to 12 minutes.

>> Thank you Mayor. Good evening Council. My name is Jeff Powers. We're here on behalf of Jeff English. We have a powerpoint to call up. Thank you for your time and patience tonight. This is, as Greg mentioned, a staff error case. You have seen some of the staff error cases recently, unfortunately. I think a lot of it has to do with the very complicated code. I think your code is sometimes considered unusable. Nevertheless, it is a staff error. I think the way you have dealt with this in recent cases, sort of almost a guiding policy, perhaps is a reasonable zoning change that corrects a staff error is something that I think the city will entertain and consider and do. So what I want to share with you tonight is how S.F.A.C.O. That staff recommended is that reasonable zoning change. This is a picture of the house. It's a beautiful home, well maintained. This is a family that does a great job maintaining their house and great community servants as well. So as I stated reasonable zoning changing to correct staff error has been sort of the recent policy of the city. First thing I want to point out is S.F. 4a is single-family zoning. In fact, it is single-family small lot zoning for small lots in areas of moderate density. It is an infill option. As I was going through in a minute, S.F. 4a is compatible and consistent with the neighborhood plan. And the neighborhood plan recognizes that the existing pattern of development is small lots with high impervious coverage. Urban infill options complement that existing pattern. S.F. 4a is a reasonable option because it fixes the flaw that you were

-- flaw that you were alluding to Council member Spelman. It will result in less impervious

-- impervious coverage in this lot than on a 4,000 square foot lot. Less impervious coverage than would be allowed on a smaller lot. Tell not set a precedence because of the conditional overlay, certainly it is not a binding precedent. On the neighborhood plan, city has encouraged families. It sought to increase homeownership and sought to attract diverse homeowners and sought to increase the number of housing units and encourage density through the use of urban infill tools. The neighborhood plan actually contemplated and anticipated that there would be projects that would have more impervious cover on smaller lots. It wanted that result because it would increase homeownership and increase units. The neighborhood plan wanted 2600 square feet on 4,000 square foot lots for those goals. This is the excerpt from the neighborhood plan. Not only does the city encourage this type of project, and these type of

-- this family to move to East Austin. The city permitted the improvements as Greg pointed out.

[14:50:54]

[Beep] is that 12 minutes? .

>> Mayor leffingwell: Would you reset it for nine minutes, it was set only for three. You have quite a bit more time, should you need it.

>> Thank you. This outlines how the permits were done. Original building permit, 45% impervious coverage. Staff pool permit. In addition to 65% as noted as being allowed. The pool was also inspected. Not just permitted there was a subsequent inspection after the construction and they were approved. On the driveway permit, confirmation of 65% impervious coverage allowed. The driveway was permitted. Inspected approved during the city. During the inspection, the code compliance came out. It was during construction code compliance came out, said no violations. For your information, here's the original permit. Here's the pool permit. There's the note that says 65% impervious cover is allowed. You can see in the back of the house by the pool, the two strips that were discussed. There was a pump house that was put in, actually the pump house was put in and I think the pool equipment was in before construction was completed and it passed inspection as well. We recognize that the pump house issue is a separate issue not related to zoning, we'll have to get variance for that. Not sure the neighborhood has a huge issue with it. We'll have to address that separately. Here are some staff e-mails, again from susan walker, you can see the questions were asked. What is the impervious cover according to staff? According to the permit, 65% is allowed out of variance because you have small-lot amnesty. After that, driveway permit was issued, construction was completed. Here is evidence of the driveway permit being issued. These were reasonable improvements that the englishes sought. A pool for their children. A parking space to comply with parking requirements. They followed staff instructions. They obtained staff-required permits, passed inspections. You will hear, I think, perhaps from the neighborhood or from neighbors or individual neighbors a drainage issue. 45% plat note. There is a 45% plat note for impervious cover. That was put there in order to get a detention waiver, in order to satisfy drainage requirements. The property at the time, it was subdivided, had 7% impervious cover. The developer wanted to put up to 45% impervious coverage. Wanted to do a detention waiver. Put a plat note on it. It is not an agreement with the neighborhood or anything like that. It was an understanding in order to get a detention waiver. The e-mails are here that there are drainage issues. We have done a drainage study. It hasn't been reviewed by the city. It will need to be reviewed by the city. But the initial findings in the drainage is that there is no adverse drainage as a result of the existing impervious coverage. This is the recent memorial day rain. You can see, this is the neighbor's property across the alley. You can see that the water flows from both sides to the middle of the alley. It takes, follows the alley -- excuse me. It follows the alley to the street. And it flows from east to west. The driveway that is in the front yard that is at issue is actually downhill from that. And it actually is sloped so it flows straight into the street and not into the alley. So after city encouraged this type of development and this type of family, after the city permitted it, inspected it, they come along, said oops, we made an error. And they threatened here's a solution, fix it or you will start getting fined \$2,000 a day. A variance would be unlikely because the board of adjustment does not consider staff error a hardship. The chair jeff jackus said that. There are really no other solutions other than sfa 4 co. Is appropriate, it is single-family, the neighborhood plan is consistent with that. And I wanted to show you this slide in particular so you can see the difference between current zoning which is sf 3 urban home and zoning staff recommended to you. You can see that impervious cover is the only real issue minimum lot size, setbacks. The uses in sf 4

a it is more restrictive in sf 4 a than sf 3. The only difference is the impervious cover. That is the only difference. Here's the flaw in the urban home provision. We have talked about this. You go to 4,001 square feet, you lose 800 feet of impervious cover. No logical reason for that. Here's the math on the house. In this case, the englishes lose 743 square feet because it was too large. Sf 4 a conp is recommended by staff. They determined this is a reasonable zoning and that zoning is appropriate. Rezoning does not set a precedent in the sweet hill neighborhood. First of all, what you do tonight is not binding on a case that comes before you tomorrow. There is no such thing as a binding precedent. The conditional overlay restricts the sf 4 a and if you look at sweet hill, there is a wide variety of zoning categories in the neighborhood. There is m.F. , L.R., Csmu. It is a diverse central austin neighborhood. Let's see what this one says. Oh, and we heard some objections, as well. This is the whole area is sf 3 and sf 4 and I want to be clear, sometimes you have sf 2 next to sf 1. And sometimes you have sf 3 next to sf 2. We're proposing sf 4 next to sf 3. This is not unprecedented. This council did this recently a few months ago at 920 east 53rd street where they rezoned property that was sf 3 to sf 4 a and there was sf 3 all around it. It is not unprecedented or unusual. It is consistent with planning principles. This is a reasonable zoning request. And as a reasonable request, we think like perhaps the other cases and recent policy before you, this is maybe one where we can use the tool of zoning to correct the staff error and in that way, the city can honor its commitment. You know, a permit by a city ought to be a commitment that folks can rely on. If they can't rely on the permit, what can they rely on? This is an opportunity to honor the city's commitment with the reasonable zoning request. I will be happy to answer any questions you may have.

[14:58:25]

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: We will go to those in opposition. I have a special list made up by the people on the computer list. We'll go in the order on the paper list. Luisa brensmid. Luisa. Donating time to you is tracy witty and john file. So you have, it looks like nine minutes.

>> Thank you.

>> Greetings mayor, mayor pro tem, council members, I'm luisa brensmid, secretary of the sweet hill neighborhood association. I've lived in the sweet hill area for 19 years and resident of central east austin for 23 years. I love my neighborhood. I'm raising my small children in sweet hill and plan to retire there happily. I'm proud to be here representing our members in our beautiful historic area. I'm here to share with you that our neighborhood association is opposed to this rezoning and stands with the signatories of what will be a valid petition nearing 50%. And as you know, your planning commissioners voted 7-0-1 to deny in opposition to this rezoning for this property. That kind of unity is rare. The one abstention noted that he agreed with his colleagues about this case. Do I have

-- oh, thank you. 1307 waller is in the middle of sweet hills sf 3 residential core giant to the swedish hill historic district. It is one of four properties created reasubdivision in 2006 of regular lots and developed under the urban home designation. The applicants and their attorneys would have you believe they are robbed of the fair allotment of impervious coverage.

[15:00:34]

[One moment please for change in captioners]

>> ... Urban home regulations make it clear that their lot being subject to impervious cover of sf3 and 45%. Their subdivision notes appended to their deed specify impervious cover limit in square footage and the engineering report for their property stipulates their lot will maintain an impervious cover at or below 45%. Beyond that ms. English queries city staff whether she had impervious cover variance for her pool. Her language suggests she knew she only had 45% and she knew she would need a variance if she went over. In fact, last week she stated in our meeting she did think at the time she had 45% because she had sf3 zoning like everybody around her. In pursuing their multiple development projects distinguished appointed city staff instead to the urn signed erroneous pool permit rather than subdivision notes, urban home regulations and the developer construction permit all make it clear the high limit is 45%. The owner pool company issued a school permit and stated the parking strips were removed at the time the pool was constructed. In that case, the owner and the pool company should have filed a residential revision after issuance permit, to advise the city of that change. They did not. The applicant also stated in our meeting that the strips were removed because her pool company told her there are rules limiting proximity to parking to pools. I spoke with the person who designed their pool and filled out their permit and he stated there are no such rules an parking strips are removed when there is an impervious cover issue. Here we have the barbecue pool and pump house installed in 2011. As you can see, the pump house is inches from the utility pool and is, in fact, over the utility easement with no permissions from austin energy. The pump house is also located on the side lot line and over the rear property line.

[15:03:58]

>> Great. Thanks.

>> City residential reviewer supervisor kelly stillwell notes pump houses do need to follow setback requirements and this pump house in violation. The pump house and that is not in the proper location or on that limit. And then ms. English stated she didn't know what was removed from the backyard was required. She did she found it when she consulted a remodeling consultant to change the single car garage to a fourth bedroom. This zoning to our membership and neighborhood meeting, ms. English said she had no plans to convert her garage to living space or convert her property. She stated the relative moved out several months ago and there was no more need for remodel. However, there is now str one permit application open for this property. The first plan to replace both parking spaces was to make room for garage remodel was to excavate city right-of-way. They were stopped twice by code enforcement and apd, here is their front plan to concrete their front yard which faces sweet hill park and now they have important parking lot, they park illegally even though parking signs were erected and even asked repeatedly by the neighbors to stop. Is this what we had in mind by urban home. Parking in the front yard is not allowed in urban home except in a driveway leading to driveway or garage. Front yard is not to be counted for parking space at their urban home, yet they are. Current conditions at this property exceed reasonable use and rezoning of sf48 to have zone and impervious cover setback limits does not in any way make them reasonable. It is insistent with the city's zoning principles that exhort

staff and all of us to promote special treatment and exhort treatment and have undesirable presence. We need the city to uphold the land development code. If you uphold you will undermine the validity of the unfill option and the agreements you made with our neighborhood planning area to which you asked to accept more residential density, not to assess impervious cover. Keep in mind this rezoning would not be to accommodate more housing but to accommodate a pool, patio, planters, pump house, parking lot and the ms. English said they are giving up their quote some day the ability to have a duplex. Duplex requires 7,000 square foot. If there is anything we can agree on today, I think, that lot is not that large. Let me close by saying nothing like a compromise was proposed by the neighborhood by the applicants for the representative during the postponement period. Each proposal was a variation on the theme. We want to keep all. They offered no true concessions. Please indicate to the applicants rezoning out of their way out of egregious errors is not the precedent you want to state. Despite mr. Howard's assertion with sf4a without a conditional overlay is still in our name. The one he cites is not in our neighborhood at all and is 10,000 square feet. Pleads direct them towards a more reasonable solution which the sh and a board repeatedly offered them in our meeting and our communications. Restore front and side yard to impervious cover and we will work with you to maintain the improvement in the backyards. Thank you all for your time and attention. Good night. Oh, do you have any questions.

[15:07:52]

>> Mayor Leffingwell: Thank you. Bill my minor and set the timer for 3 minutes.

>> Good evening, mayor, mayor pro tem, council, my name is bill miner, a long time resident of sweet hill, past president and frequent participant on the sweet hill neighborhood association. I want to speak briefly about my concerns about the activities of the applicants

-- swede hill

-- of the applicants and their activities on the property, aggressively trying to secure support for rezoning at the expense of the neighborhood and the traditional commonsense and integrity that we value within our neighborhood membership. In january of this year, the board of directors was given this by ms. English and then the board of directors voted unanimously to recommend to the membership they not support the rezoning request. Ms. English as she spoke earlier went door to door canvassing the neighborhood asking residents to sign a letter reportedly from the neighborhood association board that indicated support, not opposition. And she did, in fact, represent to folks that she spoke to that the city wanted to tear out her pool and the fines for her code violation would cause her family to lose their home. The swede home neighborhood association board members distributed their actual recommendation on the zoning case to membership by email and hard copy. Nevertheless, ms. English brought 28 signed letters to the neighborhood association meeting when the rezoning issue came for a vote in february. She presented the letters to the secretary calling them absentee ballots and one of them counted in her favor. The secretary replied they could not be verified because they were unverified ballots. Traditionally the swede hill neighborhood association used voice vote only. On one occasion, in the 19 years' history of the neighborhood association has there been a written vote, where ballots were created with choices, written, distributed and counted by the board members. Never has therein there been a situation where an applicant wrote ballot language or distributed, collected and delivered ballots or proxy votes. February vote was delayed until march, while this was discussed,

subsequently the board met and decided to remain with the tradition of a voice vote. When that vote was held, the board members

-- the board and the members of the association overwhelmingly voted in opposition to the rezoning as you saw 24-4. Ms. English undeterred submitted the unauthorized letters to planning commission as a sign of neighborhood support. We do have the amp letter from the neighborhood association.

[15:11:18]

[Buzzer alarming] in your packet dated and signed and ...

>> Mayor Leffingwell: Thank you, bill.

>> Done. Thank you, sir.

>> Mayor Leffingwell: Shawn garrettson.

>> Good evening, mayor, mayor pro tem, council, my name is shawn garrettson, I am one of the four houses that was portrayed in that resubdivision, I think I am the only house of the four that still has the 1940s home. The other ones are new. I am also the vice president of the neighborhood association, so in a time when the applicant had some conflict of interest, I ran those meetings and those were a couple of meetings. As you can probably tell, I mean, this case is unfortunately a lot more than about zoning. You're probably in a situation where you are almost feeling like parents to figure out who said what and you are obviously hearing differences of opinion. I can tell you in my 15 years of experience of living in east austin and in working and being in leadership roles in different neighborhood associates, I never have seen something like this, never seen impropriety of a president, never seen the president of a neighborhood association represent herself

-- misrepresenting herself as was discussed and I find it repugnant. I also want to describe something that was described in their application as backup which is an easement that I granted to her

-- to the applicant and then also to another adjacent neighbor. When I bought my house

-- it is one of the older flag lots. The flag portion I did not have access to because there was a fence when I bought it that goes all the way down to the alley. The applicant asked me if I was interested in letting them have easement access. I said, yes, absolutely, let's work that out. I let both of the adjacent landowners have access to the easement. Just to show you how the applicant operates, nothing was signed, there was no payment exchanged. I went out of time on a business trip, came back and the fence was already built on my property. That's how they work. That's how they operate. It's a case of asking for forgiveness. I hope you understand that. I am also in the process of remodeling my house. I had a building permit that I let lapse two days ago, 180 days went by, I hadn't started it yet. That is a whole other issue but I want you to know, everybody does, as my architect walked me through the process, the first page of any architectural renderings shows the site area, impervious cover, et cetera. It is very, very clear. She's known that. Applicant known that since day one when they bought that house. So I hope you do understand our position. I hope that you do agree with us and understand that our process in getting the membership to vote is valid. I know they've tried to discredit that as well. So thank you very much for your time.

[15:14:14]

>> Thank you, paula reckon.

>> And my time is

-- I am sorry

--

>> Mayor Leffingwell: 3 minutes.

>> I have donated time.

>> Mayor Leffingwell: Not on the list I was given.

>> Electronically it should be donated time from Charles Repton around Steve Macon.

>> Mayor Leffingwell: We can go back to electronic and not use both lists. Your neighborhood folks submitted this list. If there is somebody that wants to donate their time, how about Rod Sidenberg, Steve Macon.

>> I will right here.

>> You have 6 minutes.

>> Thank you, thank you very much. Good evening, Mayor, Mayor Pro Tem and Council members. My name is Paula Repton. My husband lives at 1305B Amer Street, directly across and facing alleyway shared at 1307 Waller and we have a significant concern about the rezoning and our property and the Swede Hill neighborhood in general. First is the impervious cover on adjacent properties. A search of the TCAD shows within the boundaries of the neighborhood there are 38 lots below the SF3 minimum lot size of 5750 square feet, that is not surprising in an old East Austin neighborhood. However the applicants are using lot size to justify rezoning to SF4a, the fact is there are no other SF4a lots within our neighborhood but there are many lots like 1307 Waller. The applicant adding 17% more impervious cover has increased runoff but there are also three properties uphill and adjacent to the applicant, part of the subdivision you heard about from Shawn that could qualify for this benefit, since they were subdivided and built together as an urban home subdivision with 1307 Waller. The effect of an additional 17% has been obvious to us, but the greater threat will come as more owners come forward seeking the same special treatment, that the applicants are seeking in order to remedy the violation of the limits of zoning and their plat notes. Within the 200-foot radius, there are 8 properties on our block which are not standard SF3 lots. A cumulative effect of 65% for all would have a substantial impact on the drainage for everyone. Within the small footprint, we have to work with, my husband and I have thoughtfully landscaped with rock and gravel to hold and direct the accumulation of runoff during heavy downpours. That includes rock swells, French drains, guttering, and a rain barrel. Our downhill neighbor has a pier and beam foundation. He receives what we cannot contain during sustained heavy downpours. We are also concerned about misrepresentations by the applicant to city staff regarding the right-of-way we share. The handout contains emails from March to July 2013 showing the applicant repeatedly requesting to develop the formerly grassed part of the right-of-way with concrete, while acknowledging they couldn't use it for parking. Despite this a type one driveway was ultimately constructed in the right-of-way and used for parking. The alleyway changing to parking for up to the 8 properties that can access it would devalue our property substantially. Additionally, we have been impugned by the applicant of obstructing the right-of-way and access to their garage. However, the photos submitted you actually demonstrate the vehicles owned by us are parked in our private drive, not in the right-of-way. We have no desire to restrict anyone's access and you will note on the marked photo, there is enough right-of-way space to exit the single car garage when two cars present in our drive. Finally, as the only property that does not

have frontage on waller street, emergency vehicular access must come to us via the right-of-way. A standard fire truck with a ladder requires 21 and a half feet of width when the outriggers are deployed. Any reduction in the width of the alleyway for private use prevents a public safety issue for this city. Please consider these issues I have raised and deny the zoning as the planning commission recommends. And I will finish by saying that you will see subsequently on the petition opposing this zoning by the neighborhood, you will find names on that petition that have signed letters for ms. English when she initially went out with the letters. Upon walking the neighborhood, we learned what they were told and when they got the full picture, they said, yes, we would like to join your petition. So we currently have 49.8% and that includes having swede hill neighborhood within that 200-foot buffer. Thank you.

[15:19:51]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Ms. Recton, I have a question for you. The applicant -- where would you like the applicant to park her cars?

>> I would prefer it not be in the right-of-way, first and foremost.

>> Spelman: I got that part.

>> I think that's where the sticking point today in trying to come to some sort of agreement was.

>> Spelman: Okay.

>> That

-- for the neighborhood, the front parking is a big issue because it's

--

>> Spelman: Right in front of the front porch like that.

>> In the front porch, yes. I think the neighborhood would support them having a single garage and a variance for one

-- for having only one parking space.

>> Spelman: So if they had space for one car, not for two cars, that's okay with you?

>> Yes.

>> Spelman: If they have the second car, they will park in the street like other people do that?

>> A lot of neighbors do, and we do, too.

>> Spelman: I understand but you don't want it parked in front where the yard used to be and not in front of the right of way, I presume because it makes it difficult for you to get around the car for you to park in your own drive way. Is that right?

>> Currently it does not but what it does, the parking itself and the way they have developed it does increase their impervious cover in that area and that's right adjacent to the alleyway and when the rain is coming down hard, it

-- it literally flows over the driveway. Some of it goes towards the street. Some of it doesn't. Mr. Lazarus, the head of public works came out to assess the driveway with his engineer and said the driveway as constructed doesn't really drain as it should towards the street, that part of it is going back towards the east side and the slope is not

-- is not really what it should be.

[15:21:57]

>> Spelman: Not consistently draining from east to west?

>> Yes. And to say that

-- to say that the drainage is a problem now, it is, but the bigger, broader picture is the concern for more properties getting 65% in this residential core. People I talked to about the petition tell us stories about the water backing up their foundation. One older lady who lived around the corner, her foundation is crumbling from that type of effect. This is east austin, old infrastructure. Drainage should be of a high priority.

>> Spelman: If there were

-- the reason I start with the car because that seems to be the most difficult place. She has to put her car some place. She is putting it in the side yard. She paved the side yard because she wants some place to park the car. Parking in the street is not a problem for you?

>> It's not a problem for me. I categorize, selfishly as a property owner whose property faces this, the side parking is for egregious, not only for the precedent it settings because the driveway has been extended and there is along that north side of the driveway, there will be many

-- there will be opportunity for the other property owners to say, that's perfect. That's exactly what I need. And how is the city going to say no to that? And then we end up with an alley right-of-way just lined in cars. So that's part of the problem.

>> Spelman: Sure.

>> Personally, I don't have as much problem with the look of the parking in the front, but it is

-- it is not part of the urban home aesthetic that this neighborhood bought into and their car on the street would be much more accessible.

>> Spelman: Thank you very much.

>> Thank you.

>> Mayor Leffingwell: I think the next speaker is rodriguez sidenberg.

[15:24:05]

>> Thank you. Good evening. Rob.

>> Good evening.

>> I am rob sidenberg and I live a few houses away from 1307 waller and my wife eicodevelopped 1307 waller and the houses along the block base. I would like to provide the historical context, two of the main goals was to have the look and feel consistent with the neighborhood and not to change the zoning to satisfy not only ourselves but also our neighbors. We decided the best way to do that is get special lot infra classifications for the lots to increase density slightly well maintaining the family home character. With that came requirements. We felt none of those would affect our plans adversely. For example, covered porches, covered front porches were required in the urban lot. We always intended to provide ample front porches. The code stipulates parking is not permitted in the front yard. That, too, was fine with us, since for aesthetic reasons we intended to put the parking to the side or rear of the

houses. During the subdivision process we understood that given the size of the lots, there would be no relief when it came to impervious cover restrictions, that also was fine with us. We hired a civil engineer to investigate potential impacts on drainage and it was determined we were not subject to water detention because we were maintaining pre-existing flows. Our engineer requested a retention waiver that the project would result on quote neutral net effect on any downstream drainage systems. To maintain the zero net drainage impact as said, put in place maximum level impervious cover was entailed in a per lot basis and detailed on the approved and recorded plat. The applicant's attorney stated that, I think implied to a certain extent that we were trying to game the system a little bit by getting a detention waiver and so on and so forth but I would just have you note that prior to our resubdivision, there were actually two lots where there are now multiple lots and the impervious coverage that would have been allowed at that particular time was 7,454 square feet. Our final plat allowed for 7,175, so what we actually did by

-- by subdividing in such a way and agreeing to the impervious coverage restrictions as we agreed to allow actually less impervious cover than would have been allowed prior to our resubdivision, so I think it's very important that this be looked at as an entire subdivision. It is four lots all together. It wasn't and shouldn't be viewed in isolation. For example, 1309 waller, right next door is only 488 square feet over. So could they also donate 488 square feet in order to gain a greater

-- buzz was

-- impervious cover, and with that, I will finish, thank you for listening.

[15:27:12]

[Buzzer alarming]

>> Mayor Leffingwell: Thank you. Council member morrison.

>> Morrison: Mr. Sidenberg I have a question for you. I appreciate that history, because what I think I may have heard earlier was, oh, it said 45% impervious cover on the plat just because, well, they were just saying what it is for sf. You were saying there was a whole discussion about impervious cover when you actually did that subdivision, to have the urban home.

>> We had a civil engineer, water street engineering, matt moore, we studied what it was and so at that time on per lot basis impervious cover restrictions were given detailed. In fact, one lot, which is actually 4,139 square feet, the impervious coverage restrictions on that are 39%, not even 45. So I think it's a little dangerous to say, oh, just because we can get it to sf4, then we are entitled to 65% when all of this was looked at as a whole, correct with the civil engineer and back and forth with the city at that particular time.

>> Morrison: Holistically and for the point of ensuring the drainage and the runoff was going to be okay?

>> That certainly would be the issue, yes.

>> Morrison: All right. Thank you.

>> Thank you.

>> Mayor Leffingwell: Last speaker is rick mcgee and the clerk can mark off steven macon. He donated time to pull la rection. To paula.

>> You guys are putting in long hours. One thing that the first speaker mentioned is the planning commission voted 7-0-1 against the request. One thing to add to that is there were three cases in a row

that night that had staff errors and we were the third one. The first two went with the claimant, if that's the right term so I thought we would have lost due to the staff error but we won. So to you it is a zoning case, but to me it is about being a good neighbor. What constitutes a good neighbor? To be nice is nice, but to be a good neighbor is to be respectful. What does that mean? It means you follow the laws, you follow neighborhood guidelines and you don't do any harm. If you do harm, you take initiative, you work with your neighbors, you get city involved if necessary. You take initiative and you fix the problems.

Since I moved into the neighborhood

-- I am a new guy and have been there less than a year so I don't have the history that that people have here. I installed gutters and french drains and recontoured the shape of my land because I am two houses south of the hill of 1307 waller, so if there is going to be a drainage problem, I might be the recipient of the water but I am not complaining about that. That's what I should do as a good neighbor. I also work with paula and charlie and steve, neighbors uphill from me to coordinate drainage on the side of my property together as the good neighbor should do. The englishes haven't called me, haven't knocked on my door, haven't sent an email, haven't given me a tweet, not that's important. What they have done is bring things together formally for the neighborhood meetings and they've hired attorneys and tried to find a way to browbeat the staff for the staff to agreeing the staff is at fault, the staff should make a mistake. They should pay for any harm that's done. That's not what a good neighbor does. Planning commission made a good decision. I hope you talked to them and respect their views. And I think you know the right thing to do. Thanks for your time.

[15:31:08]

>> Mayor Leffingwell: We can have three minutes rebuttal from the applicant.

>> Thank you, mayor, I hope to not use all three minutes and toria english will use the balance of my time. This is the false narrative I was afraid we would hear. As for planning commission, the reason planning commission voted the way we did is we were told there would be a staff postponement and in fact we were told the staff would pull the item from the agenda. The applicant wasn't there.

Presentation wasn't prepared. The planning commission only heard one side of the story and that story was the same vilification that you have heard today. I was surprised when I heard there was no true concessions when just before we walked in here to hear this case, she acknowledged we were so close, there were real concessions made by my applicant through three meetings, meeting last week and in five hours negotiations today. Again, false narrative. I am going to let tori speak to some of the things that were said, one, mr. Garrettson and frankly I am troubled and we need to be careful about using words like "repugnant." I was at the neighborhood meeting that was in question, and, in fact, the neighborhood went against prior policy, ms. Brin smaid used this policy of accepting written proxy votes. We have emails to that effect. I am surprised the conduct of that neighborhood meeting. My client didn't act any way of shape repugnant. I can testify to that. There is no dispute there was a staff error.

There is no dispute there is a flaw in the urban home calculations. There is no dispute the plat note was a land use restriction and for a detention waiver and in fact the applicant could have done drainage study and paid the fee and had more impervious cover. The flat note was to justify the detention waiver. No dispute sf4a is a small lot in moderate zoning and no dispute the neighborhood plan encourages this on a 400 square lot and no dispute that the staff recommendation has less impervious cover coverage

Real concessions made by applicant during extensive negotiations

on a slightly larger lot and I will let ms. English address some of the other commentses.

[15:33:25]

>> Mayor Leffingwell: You have less than a minute.

>> Fire truck probably cannot sit down this

-- fit down this right-of-way space because it is bookended by telephone poles and the right-of-way that ms. Recton has is covered by boulders so she is not allowing the access to her neighbors down the alley. If she feels I am not allowing access, even though our space is open. The front yard parking drainage goes into the alleyway and out into the street. We haven't seen any evidence from neighbors, if there was evidence from neighbors that they have true damage to their homes due to impervious cover, we are happy to do a drainage study to see if it's due to our home. In terms of me misrepresenting the association

-- [buzzer alarming]

-- you can talk to any of those people that I talked to. Please talk to them directly and not through other people.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: That's all of the speakers. I will entertain a motion on item 101.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Not ready for a motion yet but I have a couple of questions if you don't mind. Both sides suggested that there had been a lot of conversation this evening. One, I think mr. Howard mentioned, five hours worth of conversation between the neighborhood and the applicant, and I would like somebody to explain to me what happened over that five hours and why we are still here, an hour later, after starting this case, if there has been five hours of discussion. Mr. Howard, are you around still?

Come on back. Did you actually talk to the neighborhood for five hours about this?

>> Back and forth, over a five year

-- five year. Five hour

-- over five hour period, obviously not continual five hours but over period of time, staff and some of the council staff facilitated the discussion and we had a lot of back and forth.

[15:35:36]

>> Spelman: And that was case to face between you and your client and ms. Brinsmaid and her neighbors or shuttling back and forth.

>> Shuttling back and forth.

>> And you had a mediator.

>> Yes, we did.

>> Spelman: Who is mediating?

>> Jerry rustoven from council member cole's office.

>> Spelman: Now we have to pay jerry overtime on that.

5 hours
of nego-
tiation
in day
of Council
meeting

>> Mayor Leffingwell: (Indiscernible) nevermind.

>> Spelman: Never mind. From your point of view, how close did you get to an agreement?

>> I am not entirely sure. There were

-- there were several times during the negotiations where we felt like that the issue was coming down to front yard parking or side yard parking, and my client expressed willingness to give up front yard parking in order to have side yard parking, even though my client has invested heavily in that side yard parking and my client offered to mitigate drainage impacts that there would be. But it wasn't entirely clear

-- there were different times during the negotiations where we thought maybe the neighborhood was proposing

-- or the neighbors, I should say, were proposing that might be an acceptable alternative but maybe there were terms and conditions. At the end, it was

-- that was withdrawn or maybe clarified it wasn't made.

>> Spelman: Critical issue that you seem to have been talking about is where can she park her car. Am I right?

>> Yes, we would pull up front yard if we can have the side yard.

>> Spelman: So you happen to be close by, and you seem to be party of this conversation. From your point of view, how close did you get to an agreement?

>> I have a feeling that mr. Rustoven was being optimistic and mr. Anderson as well. I thought we were pretty close, also. We did reach a point where we thought we would go off and talk about the deal. I am just going to get my notes. There was file amended plat to get the lot urban home designation under 4,000 square feet and then the restricted covenant co for the existing impervious cover but removing the front yard parking, restoring the parking in the rear, and restoring to vegetation and mitigating the drainage issues on the front and side yards, right.

[15:38:16]

>> Spelman: Would that have been acceptable to you and your neighbors.

>> And postpone the case until the resolution of the elements were seen through and I think there were some variances they would need that this would not control and that was, I think, the pump house, but it turns out that in the end, I believe the neighborhood stuck on no parking in the right-of-way for the emergency vehicle purposes but also they were restoring their second parking spot in the back and so they have one in the garage. They have one in the back. They didn't need a third, and I think that their side

-- but I

-- mr. Howard, he'll be here with the right-of-way parking because I think that was a real sticking point.

>> Spelman: Right-of-way parking meaning street in front or on the alleyway?

>> The right-of-way in the alleyway was a sticking point.

>> Spelman: Okay.

>> The

-- we thought the discussion was simply not putting parking in the back. I think there was some discussion about that at some point during the negotiations but we thought it was very simply, you know, what are the terms in which we can get parking on the side. We will

*Almost
reached
an agree-
ment*

-- we will eat all of the money

-- or my client will eat all of the money that she put in the front yard and pull it up but what are the terms to have parking on the side. I think parking in the back got confused as we talked about potential other solutions but it came down to can we park on the side.

>> Okay.

>> We don't need

-- just to clarify what ms. Brensmaid said, we don't need parking on the side, garage parking and parking in the back. We didn't need that. We were looking at parking on the side forgiving up on parking on the side.

>> I want to say thanks to jerry rustoven for working. I didn't mean to impugn you. I was just thinking there was a misunderstanding of the parking and restoring to the backyard.

[15:40:18]

>> Suggesting somebody is optimistic doesn't constitute impugment. Jerry doesn't seem to be offended, I think you are fine.

>> Thank you, jerry.

>> Jerry, do you want to weigh in on this? I am not naturally judge jury but it seems these people need a marriage counselor or judge jury than city council, somebody needs to cut the baby in half.

>> We spent many hours this afternoon. The deal on the table

-- and I felt we came pretty close

-- is the applicant would stall the zoning case, indefinitely, take out parking in the front. Put the parking strips in the back so they have the required two spaces, one in the garage, one in the back. In real life they didn't want to use the ones in the back because frankly the pool and they had children and the neighborhood was actually not using the space but wanted the space there so if the home was ever sold they would have the two required spaces. The neighborhood would not oppose the donation of the right-of-way, basically the sidewalk becoming right-of-way instead of being sidewalk easement which would give them what they need for the impervious cover. And the neighborhood would not oppose the variances for the pool pump house cover structure that's in the easements in the back, and then we got down to the parking on the side of the house which was really the sticking points. I think at that point everybody was in agreement to all of those terms, in addition to the drainage study on the water. When it got down to parking on the side, original offer is there would be

-- we found encroachment easement going back to council to allow them to use the parking space that's there today. There is a no parking sign in front of it but that's where they have been parking their car. It came down to, I think, in the end whether that parking encroachment easement was permanent or whether it would run with the property, in other words, the future owner could do it. We were talking about that at one time. At that point we broke for dinner. When we came back, there was not an agreement of what I said but that's what the talking points were. When we came back

-- I have to say that

-- when I came back the neighbor said they could not support the parking on the side at all, in other words, could not support the encroachment agreement and mr. Howard said his client only would accept if the parking on the side of the house was left permanent. So left permanent side parking and no

neighbor-
hood
withdrew
support
for crucial
piece in
agreement;

side parking. At that point we gave up.

[15:42:41]

>> Spelman: I understand, but there was an agreement that it didn't have to be in front of the house and they could tear up the brick driveway in a loop of the front yard.

>> Yes, the neighborhood wanted it out and they offered to take it out.

neighborhood and neighborhood support for pool equipment cover variance
>> Nobody is complaining about the pool and the pump house and they would support the pool in the pump house and the only question is where the heck can my car go?

>> Yes.

>> Spelman: Why can't the car go in the front

-- on the street?

>> It can. It can be parked on the street.

>> Spelman: Howard.

>> Well, first of all, that would

-- obviously you need another variance because you would have only one parking space. Secondly, it would diminish the value of the property because most people want to have the ability to park more -- two cars on the lot. So I think that, you know, this would compromise the value of the property, and so from my client's perspective, they built a very expensive driveway with permission and ask to pull that up and they don't get another parking space back. I think that parking in the street also has been the problem in that neighborhood for events. It's very near the U.T. Various facilities. It gets crowded and we've heard that there are plenty of people in the neighborhood who are maybe not here tonight, the concern they have is they want to see new projects have two car parking on the lots because they don't want parking in the street. And so, you know, our sense is, is there needs to be a compromise, a give and a take. If we give up front parking. What

-- what is there

-- what is there in exchange? And it seems like side parking would be the compromise. I am sorry, I answered your question too long.

>> Spelman: You did. That's true, but that's okay. We are where we are. The two parking strips in the back, are those ripped up?

[15:44:44]

>> Those are gone.

>> Spelman: Those are still gone. If you can put them back in as permanent parking spaces, I understand where Ms. English wouldn't want to park that, but it is close to the pool and she could park on the street. If she could park in the street rather than parking strips in the back, take out the brick work in the front, restore the side yard to something vegetative or nonimpervious cover, she can park her car wherever she's to, as long as either it is in the back or the street, sounds like we've got a deal. Can you live with that?

>> Well, I am not

-- I am not authorized to negotiate at the podium.

>> Spelman: I understand that.

>> I understand what you are saying.

>> Here she comes.

>> I want to say is side yard is pervious, not impervious cover. It is gravel. To clarify that point and it is not illegal. We have been ticketed and the ticket has been dismissed in municipal court. Just to clarify that. In terms of your proposal, the

-- the reason that we thought the side yard parking would be a good solution is because it's a way for the city

-- it's something that the city can offer us, because we know they can't offer us \$20,000 or whatever for their

-- for ... And not to mention the time and the process that I went through to do this and, yes, we do care about the value of our home. We are not aggressive landowners that are just trying to make a buck but we are trying to be responsibly using our properties. I have been at the neighborhood meetings and every time a developer comes, they say where is your parking. Can't park on the street. I don't believe the neighborhood in general

-- maybe these two people, it's in t pference, because it's not directly in front of their home, but in general, the neighborhood does not support parking on the street. ; But that said, the neighborhood is not here today and I do request if we have to pay, again, to remove front parking to relandscape our front yard, I do request the state offer us a side parking.

[15:47:16]

>> Spelman: You would have legal parking space in the back where the two strips used to be and I understand where gravel currently is. You could park there if you want to. You don't want to because it is too close to the pool but that would be legal parking space which would not diminish the value of your house because it would put two legal places to place your car. Does that make sense?

>> Do you think a person buying my home would feel that was a usable parking space, for their car?

>> Spelman: I don't know whether it would be or not but I think there is some people who

-- I don't know. But there would be two legal parking spaces, neither in the right-of-way.

>> It would meet the parking retirement. Is that what

-- the parking requirement?

>> Spelman: Yes, it would meet the legal parking requirement, and frankly, ms. English, with demand for houses in austin the way it is, you won't have any trouble at all selling this house. It will go very, very fast.

>> I am not planning on selling the house. I am planning on raising my children there. Just so everyone understands. But, again, the proposal is, for me, it's not a long term solution to the problem that we face with our yard. I mean, this issue arose because code compliance was called out to my home repetitive times and I have a new phobia of code compliance and I feel that my home. [Laughter] needs to be zone r zoned correctly.

>> Spelman: Join the club.

>> And I strongly do not feel the sf3 zoning is going to

-- if I kept that, I don't feel that that would prevent more error

-- you know, more errors coming up, more violations coming up in the future. And so that
-- that is why I
-- you know, I prefer that solution honestly
--
>> Spelman: I understand.
>>
-- Because I think a long-term solution that deals with the challenge of my property.

[15:49:17]

>> Spelman: That would be a long-term solution. It would be giving you two parking spaces. It would be legal and nobody is going to have any question further about the pool or any of the stuff you did in the backyard. Also, this whole problem goes away and you and your neighbor can start sharing sugar with one another and stop yelling and putting boulders in one another's way.
>> I don't know, after the people call police on you several times, I am not sure we can be friends again. I have to discuss any proposal with my husband. I have been calling him. He is out of town right now. We were going back and forth when we were negotiating. I am not making a decision on my own at the moment but I still believe that rezoning the best solution.
>> Spelman: I understand your point. Mr. Rustoven, if I can ask you a few questions
-- I would like to ask mr. Rustoven a few questions.
>> Mayor Leffingwell: I would like to interrupt and say, first of all, I believe this is set for first reading only but I have been handed a note
-- I want you to know this
-- that travis county is now under a tornado warning. They have reporting tornado in the ground in cedar park, lakeway residents, winds 70 miles an hour, and it's headed for austin, downtown austin. It will be here in a few minutes. I wanted to pass that on to you. [Laughter]
>> Spelman: I can't possibly top that, we will all duck under the seats in a minute but in the meantime, if I want to enact the agreement which I think the broad outlines are in front of this instrument here, what would I use?
>> I think the first to use the pass it on first reading with direction from the staff to continue talking to both sides with the terms of whatever deal you would like us to pursue. Not all of the things that have been discussed here are items that can be approved on second or third reading. Some are in the mid of process. Some are future council processes, possibly, but if you pass in first reading it will give us time to go and work on the work we need to do. We need direction from you on exactly you would like us to work on. So we could the ball root rolling on the
-- we could get the ball rolling on the processes.

[15:51:59]

>> Spelman: Let me issue you the starting point. So the motion then would be sf4a on first reading, only for purposes of keeping this discussion alive, not because we expect sf4a.
>> Correct.

>> Spelman: Second issue, direction to staff to try to pursue an agreement between the neighborhood and the applicant along the following lines: That the brick work in the front yard be removed and replaced with landscaping, that the concrete on the side yard be removed and replaced with something wh pervious, that legal parking spot be made available in the back of the house next to the pool and that -- this is the hard part

-- I don't know what instruments you can use but it's up to you to figure out. That's why we pay you the big bucks, jerry, that there would be some way whereby ms. English would be assured if she ever parked her car not in the back legal parking space but in front of the street, that nobody will call the code compliance people to try to ticket her car because of that. And in addition, that the neighborhood would support any variances necessary in order to culture all of the stuff that happened in the backyard. That seems roughly like the deal that you thought you almost had before dinner. Is that right?

>> Right, with the exception of the side parking, both sides were in disagreement about the side parking but with the exception of that, it was the deal that was outlined.

>> Okay. It seems to me the side parking is a luxury that ms. English can't afford in this case. She will either have to park in the back or park in the street. That will be my direction on council members if they would like to join in on this or come up with a better idea.

>> Mayor Leffingwell: Present a motion to close public hearing approve on first reading only.

>> Spelman: And issue that direction

--

>> Mayor Leffingwell: With directions for further negotiations. Is there a second.

>> Cole: I will second.

>> Mayor Leffingwell: Mayor pro tem seconds.

>> Tovo: Mayor.

>> Mayor Leffingwell: Discussion. Council member tovo.

[15:54:05]

>> Tovo: Mr. Rustoven, I have a question for you. In the course of the discussions about what was agreed on and not agreed on, I think I heard you say one point of agreement was that the

-- that there be a dedication of land to the city and that's how

-- and the impervious cover

-- becoming compliant with regard to impervious cover is going to thing on that.

>> I forgot to mention that in the motion, that was the essential crux of the whole deal is that they would be allowed to reduce the size of the lot by about the 100 square feet which would bring them into compliance with the 65% impervious cover without a need for the zoning case to be finalized.

>> However, I believe the applicant went down that route and the public works department said we have no need for property, nor do we want to accept it.

>> That ideas has been floated but a formal application has not been submitted.

>> But we did get a memo from the public works department director which I assume he will continue to standby, which is that I forgotten the language and I don't want to summarize it incorrectly but maybe you have it there and can do so for me, but I am not sure why

-- I am not sure what would have happened to render that previous opinion different.

>> Well

-- greg guernsey planning and department review, I spoke with public works and chuck said given the information he had at this time, this is his opinion. I think he was looking into public benefit that may have been offered, perhaps to deal with the drainage issue, he would reconsider that, but it is not a final, it said given what information he had which was not a lot, he was not inclined to accept it based on the information that I was able to get and presented to him prior to making that decision.

>> All right. Thank you, and if it appears that the application is going down that path again, then I guess I do have some follow-up questions about some of the language in that memo as part of our work session discussion, we did ask pretty specific questions about what was the process of evaluating the criteria and the kinds of donations, under what conditions does it make sense for the city to accept that, what kind of liability does the city have once it accepts it. So, again, if this the deal

-- if the action hinges on the donation of that land to the city, then I would like to have all of those questions answered, particularly those about liability in terms of city liability.

[15:56:42]

>> Mayor Leffingwell: Those in favor of the motion say aye.

>> Aye.

Motion to approve in first reading to allow more time for negotiation failed; rezoning denied
>> Opposed say no. Show of hands the ayes. Motion fails on a vote of 3-4, motion tovo, riley, martinez and riley voting no. So that's that. And morrison voting no. So that's that. The next case. Before we do that, our meeting by the rules has to end at 10:00 o'clock. It is now 10:00 o'clock. So if there is a motion to waive our rules and extend the meeting past 10:00 o'clock, this would be the time for that. Council member martinez so moves. Second by council member spelman. In favor say aye.

>> Aye.

>> Passes on a vote of 7-0. [Captioner lost power]

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>> tanglewood forest, tanglewood forest,.

>>>

>>>

[16:03:27]

>>> tanglewood forest.

>>>

>>>

>>>

>>

LISA BRUNER
DOC. # 2012166408

Waterloo Surveyors Inc. SURVEY PLAT

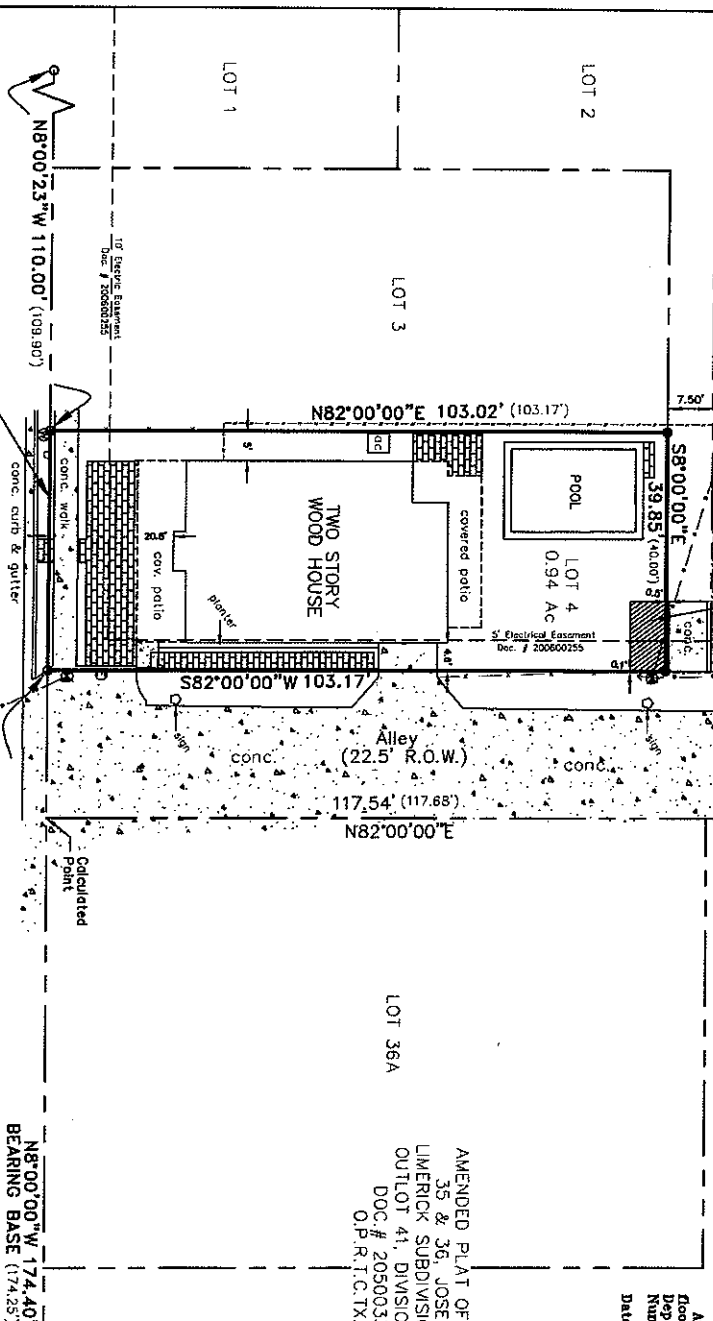
J14148

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category II & I Condition II Survey.

And I certify that the property shown hereon is NOT within a special flood hazard area as indicated by the Federal Insurance Admin. Department of HUD Flood Insurance Study and is not subject as per Map Number 48453C0465H Zone X. Dated: SEPTEMBER 28, 2014.
Dated this the 8th day of JULY, 2014.

LEGEND	
	WATER METER
	ELECTRIC MANHOLE
	ELECTRIC POLE
	OVERHEAD ELECTRIC
	GUY ANCHOR
	BRICK
	WOOD FENCE
	WROUGHT IRON FENCE
	SET 1/2 IRON ROD
	FOUND 1/2 IRON ROD
	FOUND 4324
	FOUND 4324
	RECORD CALL
	COMPOSITE DECKING

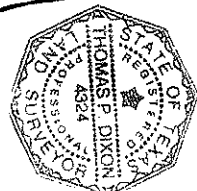


N8°00'00\"W 174.40'
BEARING BASE (174.25')

East 13th Street
80' R.O.W.

Waller Street
35' R.O.W.

OWNER:
BLAKE & TORIA ENGLISH
ADDRESS:
1307 WALLER STREET
AUSTIN, TX 78702



Thomas P. Dixon R.P.L.S. 4324

LEGAL DESCRIPTION:

LOT 4, RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49, JOSEPH LIMERICK SUBDIVISION OF OUTLOT 41, DIVISION "B", A SUBDIVISION IN TRAVIS COUNTY, AS RECORDED IN DOC. # 200800255 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TX (O.P.R.T.C.TX).

NOTE:

- (1) THE PROPERTY SURVEYED IS SUBJECT TO RESTRICTIONS AND EASEMENTS AS RECORDED IN DOCUMENT #200800255 O.P.R.T.C.TX & VOLUME 2, PAGE 683 OF THE DEED RECORDS OF TRAVIS COUNTY, TX.
- (2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENT RIGHTS AND RESTRICTIVE COVENANTS OF RECORD MAY APPLY INCLUDING RIGHTS AND RESTRICTIONS NOT SHOWN HEREON WHICH ARE NOT RECORDED IN THE PUBLIC RECORDS OF TRAVIS COUNTY, TX.

WATERLOO SURVEYORS INC.
P.O. BOX 180178
AUSTIN, TEXAS 78716-0718
Phone: 512-481-9802
www.waterlosurveyors.com
© Copyright 2014



6/12/14 City Council Agenda

Watershed) from interim-rural residence (I-RR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning, with conditions. Owner/Applicant: Dessau 21, Ltd. (Paul Joseph). Agent: Urban Design Group (John Noell). City Staff: Sherri Sirwaitis, 512-974-3057.

100. C14-2013-0147 -707 West Avenue Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 707 West Avenue (Shoal Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Owner: Cirrus Logic, Inc. (Thurman Case). Applicant: Armbrust & Brown, P.L.L.C. (Richard Suttle). City Staff: Heather Chaffin, 512-974-2122.
101. C14-2014-0003 - 1307 Waller Street - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1307 Waller Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence (small lot)-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To grant single family residence (small lot)-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning. Planning Commission Recommendation: To deny single family residence (small lot)-neighborhood plan (SF-4A-NP) combining district zoning. Owner: Blake and Toria English; Applicant: McLean & Howard, LP (Katie Van Dyk). City Staff: Heather Chaffin, 512-974-2122.
102. C14-2014-0025 - Briley's Upholstery Shop - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2117 and 2119 Northland Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-mixed use-conditional overlay (LO-MU-CO) combining district for Tract 2. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning for Tract 2. Owner/Applicant:

5/22/14 City Council
Transcript

have been withdrawn and will not be discussed. We will go into executive session now.

[09:18:32]

>> Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed legal issues related to item 63 and 65. We'll start with our consent zoning, but before we do, we want to announce that the t.l.f. Items are withdrawn and item 22, that's due to a posting error, and item 22 is also withdrawn.

>> Spelman: I have a paper on file recusing myself on item 7. I'm given to understand we don't need to reconsider the item, I just need to make that announcement.

>> Mayor Leffingwell: Show councilmember spelman recused on item number 7, please.

>> Good afternoon, mayor and council, greg guernsey, planning development and review. I'll go through our 2:00 items. I can offer for consent item number npa-2014-0007.01. 1005 prairie trail. That will be a discussion item. Item number 67, c 14-2014, 0026, also a discussion item. Item number 68, case c 14-2014-0003, 13007 waller street. I have an applicant request for postponement to june 26. This is their first request. Item number 69, c 14-2014-0025, at 2117 and 2119 northland drive, this is a staff requested postponement for june 12. Item 70, c 14-2014-0029, this is a staff requested POSTPONEMENT TO JUNE 12th. Item 71, c 14-2014-0035, for the property located at 4300 avenue g, this is to change the zoning to family residence, neighborhood conservation, neighborhood plan, to change conditions of zoning. The planning commission's recommendation was unanimously recommend the zoning. This is ready for concept approval on all three readings. Item 72, c 814-2007-0009.01 for the property at 8500 state highway 71 west, to zone to planned unit development, to change conditions of zoning. The planning commission recommendation was to grant the rezoning and this is ready for consent approval on first reading only.

[09:22:00]

>> Mayor Leffingwell: So the consent agenda is to postpone item 68 until june 26. Item 69 is postponed till june 12. Item 70 postponed until june 12. To close the public hearing and approve on all three readings items number

-- item number 71, and to close the public hearing and approve on first reading only item 72. Councilmember spelman moves approval. Councilmember cole seconds.

Discussion? All in favor say aye.

>> Aye.

Postpone-
ment
requested

Passed
in consent

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. We'll go back to our briefing. Change of plan. The time sensitive nature of number 5 and 6 has been resolved.

>> Good afternoon, mayor and councilmembers. We are about three-fourths through our briefing on project connect and the central corridor. I just have a few more slides. If you recall, just we were

-- we had just completed the definition of the project. We had identified essentially a capital cost of \$1.38 billion for the entire project from grove up to high land, annual operating and maintenance cost of \$22 million per year. We ready to move on to the funding approach and the governance discussion as well. The funding approach is graphically depicted in this slide here with two pots divided among

-- by the dashed line by city of austin resources that may be able to bible to help fund those two elements and capital metro funds. You will see the green arrows on the left indicate a potential general obligation bond that would fund the local match, matching that with the fta new starts dollar to fund the capital. And you do see some sources from the city of austin. The quarter cent funds that received from capital metro right now that will conclude shortly. A potential public improvement district is an option that we can investigate in the coming years moving forward as well as some parking revenue. A lot of that on that side also is combined with capital metro resources. Some fair revenue of course that would be generated, sales tax that is available, and also some section 5,307 that would free up dollars. That's fta federal transit administration funding. The capital funding approach is rather straightforward. It is essentially a 50% local match of the project with 50% being provided by the federal transit administration. The city of austin as we indicate in the prior slide is looking to be the lead local funding partner for that capital expenditure. And what we have identified in conversations before is the potential that local funds would come from a general obligation bond as you see noted here. In o&m side of the equation which is looking at capital metro as being the lead funding partner for that, but it is a partnership, again, formed by the city as well as capital metro that would include some long-term obligation and some

-- essentially reinforcing that partnership moving forward. Capital metro is doing its 20-year financial plan projections right now. They are incorporating the cost of this project into their long-term thinking and they are very willing to be able to move forward at this point in time, but I want to make sure you understand that is part of their conversation right now. The governance approach is one that we wanted to highlight as being the continuation of an interlocal agreement that was established around interlocal

-- around project connect last year. And we are

-- we looked at a number of different options with our governance swat team. We

that is, we've had discussion and there were concerns that were raised about this being referenced as a metropolitan park, which makes it sort of as a city wide destination and I understand that by virtue of being part of the overall town lake park, that it is technically a metropolitan park, but we want to be able to reflect in the master plan that we want this park to be considered as a district level park which is a much more localized park, so I would like to also add that to the motion, that the master plan reflect that issue.

>> Mayor Leffingwell: Additional direction accepted.

>> Cole: Mayor.

>> Mayor Leffingwell: Council member cole.

>> Cole: And I would also like to add that the work continue with the neighborhood association and the advisory group.

>> Mayor Leffingwell: More advice for this motion?

>> Cole: Friendly amendment, friendly direction.

>> Mayor Leffingwell: I will assume that's accepted. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 6-0 with council member riley off the dais. Council, on item 68, we we approved earlier on the consent agenda. [Applause] there was

-- there has been a request by some of the folks involved, I believe it is on the neighborhood side over the date of the postponement, so if there is a motion -- it was a unanimous vote, so anyone could make a motion to reconsider, we can hear their request for a different postponement date. Is there a motion?

[13:18:37]

>> Motion.

>> Mayor Leffingwell: Council member spelman moves to reconsider. Is there a second?

>> Second.

>> Mayor Leffingwell: Second by council member cole. So we will hear one person for 3 minutes and if there is a person on the other side to rebut you will have your 3 minutes afterwards.

>> Thank you. Good evening, mayor, mayor pro tem and council members

>> I am secretary of sweet hill and I would like to suggest that the hearing date be june 12 rather than june 26. I realize a month may be the normal period for the first postponement. Integer you to hear me out. We are asking for shorter delay because the applicant representatives seem to be spending the postponement period on other cases than the issue at hand. Instead exploring administrative approvals that result in an end are run around public stakeholders and this process. At the planning

Neighborhood
support
for 2
week
postpone-
ment,
negotiating
additional
postponement

commission, staff asked for second postponement so the applicant attorney, mr. Jeff howard could continue to seek other alternatives than argue the zoning case. They were denied. The commission voted 7-0-1 against the rezoning request and now this postponement request states that the applicants and their representatives wish to address the issues brought up by the opponents to this rezoning request. We have concerns about postponing this public hearing for four weeks so that mr. Howard can further attempt to arrange private administrative work arounds. We support a two-week delay and suggest in the interim they come talk to us about a compromise. We will welcome the opportunity and have reached out to the applicant's representative for a workable solution that might involve the property owner taking out the excess impervious they installed and a variance to keep the pool and pool equipment. That discussion can take place the next two weeks at june 12 and if progress has been made, we can request another postponement until june 26. We consider this a schedule that ensures productive discussion on both sides. Thank you for considering my request to set the hearing for june 12. In addition we request a time certain for no early votingier than 4:00 p.M. To am come date our neighbors who have a 9 to 5:00 p.M. Workday.

[13:20:50]

>> Mayor Leffingwell: What is your particular objection to the 26?

>> We would like to spend the next month before your july break and before august budget discussions so we can move this case along. There have been a lot of neighbors involved in this drainage issues and impervious issues for two years and there have been several postponement requests at planning commission. We feel those postponements were not spent productively and certainly none of them were spent talking to the neighborhood about compromises so we would like to set this to

-- postponement at two weeks to motivate the opponent

-- the applicant and their representatives to talk to us. We feel that we could commit to meeting with them in discussing compromises and we hope that they will do the same.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Three minutes for the applicant on the discussion on postponement.

>> Thank you, mayor, thank you, mayor. Good evening, council members, my name is jeff howard and I represent blake and toriah english who omi the home on 37 waller street and this is a staff error zoning case by way of background. This is the

First request for postponement

applicant's first request to postpone which as you know is universally granted. The postponement request is for less than the 60 days that the code would allow -- potentially allow for up to 60 days for an applicant. We asked for this postponement in order to as

-- as ms. Brensmaid said to address some of the issues that were raised at planning commission. The planning commission, unfortunately, we were informed that there would be a staff postponement. My client did not attend. The record was not complete, apparently, as the planning commission did not have all of the documents that indicated the staff error. So we would like the additional time to prepare our side of the story. I think you've probably been visited by the neighborhood in your offices. You probably have heard from them. We would like that same opportunity, to come and talk to you and give you our side of the story. We think 30 days is a reasonable amount of time for us to develop the record and to prepare our case.

No information that neighborhood was opposed to postponement

And given that this is a staff error case, we think it's fair and reasonable that the applicant be given a fair opportunity to present its case. Now, when I learned for the first time this afternoon that the neighbors were opposed to the postponement to june 26, we did meet and we did talk and I also asked my client if they would be available june 12. My client plans to be in houston that week. And I think it's very critical that my client be here as we learn from the planning commission. As far as neighborhood involvement, my client participated in three neighborhood meetings. We would just like the opportunity to have enough time to present our side of the case. You hear both sides of the case and there is a fair opportunity in this staff error case to be heard, and, again, my client won't be available on june 12. I will be happy to answer any questions you may have.

[13:24:00]

>> Mayor Leffingwell: Okay. Thank you. So council, I think we need to take some action on reconsider to either keep the june 26 date or change it to june 12th.

>> Tovo: I have a question for mr. Howard.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Mr. Howard, sorry to call you back up.

>> Yes, ma'am.

>> Tovo: As I understand, part of your reasoning is that you need time to meet with council to talk about your side

-- your client's side of the story. Had you scheduled any of those meetings before it appeared on the council agenda today?

>> I requested one, we will be requesting more next week.

>> Tovo: Okay. Because you did

-- I mean, I am just asking that question because I don't think you contacted my office about scheduling an appointment.

>> I have not.

>> Tovo: Before it appeared on today's agenda and certainly we have several weeks so a good likelihood you could get on the council appointments between now and June 12th.

>> Correct. I have not yet requested a meeting with you, council member.

>> Tovo: Okay. All right. Thank you.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: Jeff, while you are close-by, let me ask you a question. The representatives of the neighborhood have been telling me that they have had useful meetings with you but they haven't had an opportunity to talk to Mr. and Mrs. English. Is that accurate?

>> We have

-- my neighbor

-- my client has met with the neighborhood on three occasions in full neighborhood meetings. We have not had individual meetings with a smaller group. We did talk about doing that today and my client is willing to do that. He is happy to meet with the neighborhood and to put all of the issues on the table. Unfortunately, there were some preconditions that the neighborhood wanted in terms of meeting, and I just couldn't commit to those preconditions. We will certainly talk about them, put those issues on the table and happy to do that in the next 2 weeks and continue that prior to council hearing on June 26, if that's the will of the council.

[13:26:09]

>> Spelman: From your point of view, what were those preconditions?

>> The precondition was the removal of the driveway in the front.

>> Spelman: Okay. Ms. Brensma, can you come up for a second? It is usually good negotiating practice to not draw a line in the sand first before you talk to somebody. Would you insist on that driveway coming up before you sit and talk to Mr. and Mrs. English?

>> What we insisted on is that it be discussed. We wanted it brought and put on the table as an option.

>> Spelman: Okay.

>> I felt like our concerns were everything that happened after the pool permit, if there was a city staff error on the pool permit, the neighborhood can certainly understand that. Everything after the pool permit and the installation of the pump house, the setback, all of those things the neighborhood is willing to compromise on.

Everything after that we want on the table. We want them to be able to consider removing them.

Pool and
pool cover
off the
table for
removal;
neighbor-
hood
willing to
support
variances

>> Spelman: From your point of view, the pool is not on the table. The pool is -- the pool gets to stay?

>> Yes.

>> Spelman: Okay. If they need a variance in order to accommodate the pump house and coping around the pool, you are willing to support the applicant on that?

>> I can't speak from my entire neighborhood but I know from our neighborhood meetings that no one in the neighborhood is asking them or wants them to have to remove the pool or the pump house.

>> Spelman: So the pool is off the table but they would like the driveway to be on the table. Jeff, do you think you can talk to your client to meet with the neighbors?

>> I hope I was clear in our discussions. Yes, we will put that on the table. But I think what we were asked was to commit to taking it out, and so if that's not the case, then we are happy to meet and talk about that.

>> Spelman: It doesn't seem to be the case there right now. That's not the case from your point of view?

[13:28:14]

>> It's not the case.

>> Spelman: If that's not on the table, I personally would like if mr. And mrs. English can meet with a small group of neighbors between now and the 12th of June. If neither of them can make it on the 12th of June, I can understand how you would be unhappy about making a final decision on the case at that point. But I think it's

willing to
support
additional
postpone-
ment

-- it might be helpful way for us to get us to that meeting in the next 3 weeks if we postpone this only until the 12th [cell phone]. After the 12th, if the clients can't make it and there has been forward progress, I suspect the neighborhood will be happy with further postponement until the 26th. Is that accurate, ma'am?

>> That's accurate, thank you.

>> The only comment I would say I would be very concerned that the neighborhood would support a postponement on the 12th under those circumstances.

>> Spelman: If there has been a meeting I will support postponement on the 26th. I just want a meeting, so long as it is a reasonable meeting where both sides are willing to talk about both options, I am a happy guy and I will be the first person to make that motion.

>> Hopefully your colleagues will as well.

>> Spelman: I hope they agree with me. Thank you.

>> Mayor Leffingwell: It seems to me

-- this is very complicated. The not just a matter of meeting with the neighborhood. It's meeting with the staff. The staff may have an issue that takes time to resolve. It is a legal issue, really, and there is also the commitment that I just heard to meet with all of the council members to discuss the complexities of the case, and I am concerned that's too much to do, too much to do by the 12th, but I think if there is -- my preference would be to leave it at the 26th, but if there is a commitment to -- if it's not ready, to go ahead and postpone it from the 12th, I guess we can do that. It's an inconvenience. There is also the issue the client is going to be out of town. So it's hard to see -- if we want to go through the exercise of another postponement on the 12th, I guess we can do that.

[13:30:28]

>> Spelman: Thank you, mayor, I move to postpone until the 12th of june.

>> Cole: Second.

>> Mayor Leffingwell: Council member spelman moves to postpone until the 12th. Second by council member cole. Is there any discussion? All those in favor, say aye. Opposed say no? Passes 7-0. Okay, so now I guess we can take item 59 back off the table and it's been so long ago, mr. Guernsey, could you take no more than 30 seconds to bring us up to date on where we are right now. I know that's going to be a tough assignment for you, 30 seconds part, but ...

>> Guernsey: Council member spelman has put forward two options for you to consider that would deal with prospective expiration periods under 25-1-55-2, as I understand one would essentially take a staff recommenda eliminate, I guess, the progress sections

-- or keep the progress sections but eliminate paragraph h and the other would eliminate the progress sections and go back to a flat 9 concept ,which the planning commission was kind of looking for.

>> Mayor Leffingwell: This is an amendment to the main motion that's already on the table to approve division 3 and then I believe there is one amendment by council member morrison, one amendment that's already been approved.

>> Two, mayor.

>> Mayor Leffingwell: Two.

>> Morrison: The mga as amended and the fair notice block start.

>> Mayor Leffingwell: And the third amendment is the one that's pending, the so-called 9 years. All right. So were you speaking, council member? Who had the floor?

>> Spelman: Actually greg was speaking because

--

2013051820

4 PGS

4
tf

)
) KNOW ALL MEN BY THESE PRESENTS
)

)
) KNOW ALL MEN BY THESE PRESENTS
)

HOW WILL WE KNOW IF THESE PRESENTS

all that certain tract, piece, or parcel of land in the State of Texas, described as Lot 2 in Block 1, Subdivision of Lot 49, JOSEPH LIMERICK TRACT, a subdivision in Travis County, Texas as shown on Map 55 of the Official Public Records of Travis County, Texas, Austin, Texas, forming a rectangular tract with dimensions of 7.5' x 40.00' (hereinafter referred to as the "Tract")

all that certain tract, piece, or parcel of land in the State of Texas, described as Lot 2 in Block 1, Subdivision of Lot 49, JOSEPH LIMERICK TRACT, a subdivision in Travis County, Texas as shown on Map 55 of the Official Public Records of Travis County, Texas, Austin, Texas, forming a rectangular tract with dimensions of 7.5' x 40.00' (hereinafter referred to as the "Tract")

all that certain tract, piece, or parcel of land in the State of Texas, described as Lot 2 in Block 1, Subdivision of Lot 49, JOSEPH LIMERICK TRACT, a subdivision in Travis County, Texas as shown on Map 55 of the Official Public Records of Travis County, Texas, Austin, Texas, forming a rectangular tract with dimensions of 7.5' x 40.00' (hereinafter referred to as the "Tract")

all that certain tract, piece, or parcel of land in the State of Texas, described as Lot 2 in Block 1, Subdivision of Lot 49, JOSEPH LIMERICK TRACT, a subdivision in Travis County, Texas as shown on Map 55 of the Official Public Records of Travis County, Texas, Austin, Texas, forming a rectangular tract with dimensions of 7.5' x 40.00' (hereinafter referred to as the "Tract")

all that certain tract, piece, or parcel of land in the State of Texas, described as Lot 2 in Block 1, Subdivision of Lot 49, JOSEPH LIMERICK TRACT, a subdivision in Travis County, Texas as shown on Map 55 of the Official Public Records of Travis County, Texas, Austin, Texas, forming a rectangular tract with dimensions of 7.5' x 40.00' (hereinafter referred to as the "Tract")

all that certain tract, piece, or parcel of land in the State of Texas, described as Lot 2 in Block 1, Subdivision of Lot 49, JOSEPH LIMERICK TRACT, a subdivision in Travis County, Texas as shown on Map 55 of the Official Public Records of Travis County, Texas, Austin, Texas, forming a rectangular tract with dimensions of 7.5' x 40.00' (hereinafter referred to as the "Tract")

Easement

Grantor expressly reserves the right to use the easement tract described hereinabove for purposes not inconsistent with Grantee's use of the easement.

Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the easement herein granted to Grantee, or Grantee's successors and assigns, against every person whomsoever claiming, or to claim, the same or any part thereof.

THE STATE OF TEXAS)


COUNTY OF TRAVIS)


SEAN GARRETSON

3/5/2013
Date:

BEFORE ME, the undersigned authority, on this day personally appeared Sean Garretson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN UNDER MY HAND and seal of office this 5th day of March, AD. (Seal)


Notary Public in and For the State of Texas

My Commission Expires: 5/25/16



[ADDITIONAL SIGNATURE PAGE ON FOLLOWING PAGE]

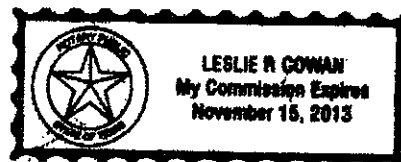
COUNTY OF TRAVIS

Date: _____

GIVEN UNDER MY HAND and seal of office this 13 day of March, AD. (Seal)

My Commission Expires: Nov. 15, 2013

COUNTY OF TRAVIS

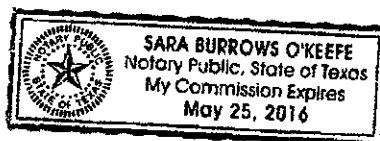


Date: _____

GIVEN UNDER MY HAND and seal of office this 8 day of March, 2013 AD. (Seal)

My Commission Expires: 5/25/16

My Commission Expires: 5/25/16



RET:
TORIA ENGLISH
1307 WALLER ST
AUSTIN TX 78702

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Mar 22, 2013 11:52 AM

2013051820

VANHOUSER: \$28.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS



City of Austin
Code Compliance Department
Summary of Complaint CC-2013-093003

COMPLAINT INFORMATION

Case Status: Active

Address: 1307 WALLER ST 78702

Legal Description: LOT 4 LIMERICK JOSEPH SUBD OLT 41 DIV B RSB LT 50 & PT 49

Property Owner(s):

Blake T and Toria J English - Owner
1307 Waller Street
Austin, Texas 78702-1050

Complaint Date: September 5, 2013

Complaint: citizen is concerned that the impervious cover is more than is allowed by the permit and if it is not would like to know why the city allowed it. there is an area not viewable to public as well.- front yard

Complainant: In order to maintain open communication with the public, the record pertaining to a complainant is withheld as our standard practice unless it is anonymous or the assigned investigator. If you desire the complainant record, an open record decision for withholding this record will be requested from the Texas State Attorney General's Office.

INSPECTION INFORMATION

Investigator Assignment(s)

Moses Rodriguez assigned on September 5, 2013

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
09/11/2013	Moses Rodriguez	Information Update
I did go to property observed side of house work being performed. I did inspect backyard they have a swimming pool. I did receive email from property owner concerning the small lot ordinance which allows them to be 65 percent of impervious cover. I will attach email from property owner. I did observe building permit 11 053807 pulled and notes made concerning the small lot ordinance 65 percent which would be 2682 square feet..		
09/23/2013	Moses Rodriguez	Insp / Violation(s) Found
09/24/2013	Moses Rodriguez	Information Update
I did meet with John McDonald and Robert Ortiz concerning possible violations on property. We did see the swimming pool house is on the easement. The swimming pool house is in the rear yard setback and the side yard setback. They are over the impervious cover since the permit for the pool was issue and error. They were issue a building permit for the swimming pool with 47 percent impervious cover. The 25 2 1406 is an amnesty that allows small lot of 4 000 square feet to qualify for 65 percent impervious cover. This lot size is 4 127 square feet. They don't meet the parking requirements for the property they need 2 parking spaces on the property. I will issue a notice of violation addressing these issues.		
10/01/2013	Moses Rodriguez	Send CV Notice

10/10/2013	Moses Rodriguez	Complainant Contacted
Went to property left card.		
10/14/2013	Moses Rodriguez	Information Update
I did receive letter from attorney saying they will apply for a variance. I will scan letter.		
10/22/2013	Moses Rodriguez	Owner Contacted
I did receive a email from Katie attorney asking for extension on property. I did grant extension to November 22, 2013.		
12/13/2013	Moses Rodriguez	Complainant Contacted
I did attach email.		
12/18/2013	Moses Rodriguez	Owner Contacted
I did attach email from attorney assistance Katie.		
01/14/2014	Moses Rodriguez	Follow-up Inspection
I did observe a zoning case in review ZC 14 001007.		
01/14/2014	Moses Rodriguez	Follow-up Inspection
I did speak to Katie attorney assistant 328 2008 they are going to get a zoning change first. Then they apply for a variance.		

VIOLATIONS

Land Use

Austin City Code Section: Site Development Regulations for Zoning Districts (§25-2-492)
 Violation: The swimming pool pump house is encroaching into the side yard setback and a minimum of 5 feet is required in a SF3 zoning district.
 Date Observed: 09/24/2013 Status: Not Cleared

Austin City Code Section: Site Development Regulations for Zoning Districts (§25-2-492)
 Violation: The swimming pool pump house is encroaching into the rear yard setback and a minimum of 10 feet is required in a SF3 zoning district.
 Date Observed: 09/24/2013 Status: Not Cleared

Austin City Code Section: Site Development Regulations for Zoning Districts (§25-2-492)
 Violation: This property is zoned SF3 and allows for maximum impervious cover of 45%.
 Date Observed: 09/24/2013 Status: Not Cleared

Structure Maintenance

NOTICES

Notice of Violation to Blake T and Toria J English (Owner)
 Mail sent certified 7012 1010 0002 5895 0063 on October 2, 2013
 Mail sent regular on October 2, 2013
 Received / signed by No Signature on October 7, 2013

6/7

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

Project
BP Number SP-06-5831R
Building Permit No. 06019542
Plat No. _____ Date 8-10-06
Reviewer Lynda Courtney

PRIMARY PROJECT DATA

Service Address 1307 Weller Street Tax Parcel No. _____
Legal Description Resubdivision of Lot 50 & portion of Lot 49
Lot 4 Block _____ Subdivision Joseph Limerick Subd., Outlot 41, Div. 'B' (Pending) Section _____ Phase _____
If in a Planned Unit Development, provide Name and Case No. SP-06-0202DS, CB-06-0061.0A
(attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work _____ Remodel (specify) _____
☒ New Residence Central East Austin NP
☐ Duplex _____
Garage ☒ attached ☐ detached _____ Addition (specify) _____
Carport ☐ attached ☐ detached _____
Pool ☐ _____ Other (specify) _____
SF-3-NP

Zoning (e.g. SF-1, SF-2...) SF-3 Urban Lot Designation Height of building 24'-0" ft. # of floors 2
Does this site have a septic system? ☐ Yes ☒ No If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.
Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet? ☐ Yes ☒ No
Does this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☐ No

VALUATIONS FOR REMODELS ONLY

Building \$ _____
Electrical \$ _____
Mechanical \$ _____
Plumbing \$ _____
Driveway & Sidewalk \$ _____
TOTAL \$ _____
(labor and materials)

DATA FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 4127 sq. ft.
Job Valuation \$ 200,000
(Labor and materials)
Total Job Valuation (remodels and additions) \$ _____
(Labor and materials)

PERMIT FEES
(For office use only)

	NEW/ADDITIONS	REMODELS
Building	\$ <u>845.00</u>	\$ _____
Electrical	\$ <u>140.00</u>	\$ _____
Mechanical	\$ <u>74.00</u>	\$ _____
Plumbing	\$ <u>95.00</u>	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Robert Seidenberg</u>	Telephone (h) <u>512-1280</u> (w) <u>222-2900</u>
BUILDER	Company Name <u>To be determined</u>	Telephone _____ Pager _____ FAX _____
DRIVEWAY /SIDEWALK	Contractor <u>" (TBD)</u>	Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____ Address _____	Telephone _____ City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:

____ telephone ☒ e-mail: robseidenberg@yahoo.com

You may check the status of this application at www.ci.austin.tx.us/development/pierivc.htm

Service Address 1307 Wallen StreetApplicant's Signature Robert ScullyDate 6/7/06**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 st floor conditioned area	sq. ft.	1032 sq. ft.
b. 2 nd floor conditioned area	sq. ft.	1051 sq. ft.
c. 3 rd floor conditioned area	sq. ft.	sq. ft.
d. Basement	sq. ft.	sq. ft.
e. Garage / Carport	sq. ft.	sq. ft.
<input checked="" type="checkbox"/> attached		
detached	sq. ft.	258 sq. ft.
f. Wood decks [must be counted at 100%]	sq. ft.	sq. ft.
g. Breezeways	sq. ft.	sq. ft.
h. Covered patios	sq. ft.	sq. ft.
i. Covered porches	sq. ft.	sq. ft.
j. Balconies	sq. ft.	398 sq. ft.
k. Swimming pool(s) [pool surface area(s)]	sq. ft.	143 sq. ft.
l. Other building or covered area(s)	sq. ft.	sq. ft.
Specify _____	sq. ft.	sq. ft.

TOTAL BUILDING AREA (add a. through l.) 2882 sq. ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable) 1688 sq. ft.
40.9 % of lot

(55% allowed for Urban Lots)

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	1688	sq. ft.
b. Driveway area on private property	154	sq. ft.
c. Sidewalk / walkways on private property		sq. ft.
d. Uncovered patios		sq. ft.
e. Uncovered wood decks [may be counted at 50%]		sq. ft.
f. Air conditioner pads	9	sq. ft.
g. Concrete decks		sq. ft.
h. Other (specify) _____		sq. ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.) 1851 sq. ft.
44.8 % of lot

Max 11.0
1851

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submission will be required.

APPLICANT'S SIGNATURE

[Signature]

DATE

6/7/06

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) *To be determined*

Rejection Notes/Additional Comments (for office use only):

1. B.P. cannot be approved until subdivision is recorded.
2. Provide 3 copies of architectural layout plan.
3. Include Austin Energy ESPA form, approved.
4. Sidewalk permit is a separate permit, and driveway.

*House under
2500 \$*

New SF home 3BR-3BA = $5\frac{5}{8}$ " meter

Bldg. coverage 1688 SF

Kramer Service Center
2412 Kramer Lane, Bldg. "C"
Austin, Texas 78758
(512) 505-7286



Austin Energy
Electric Service Planning Application (ESPA)
(Please Print or Type)

St. Elmo Service Center
4411-B Melanious Drive
Austin, Texas 78744
(512) 505-7500

For Residential or Single Commercial "SERVICE ONLY" under 150 amps 120 or 225 amps 307

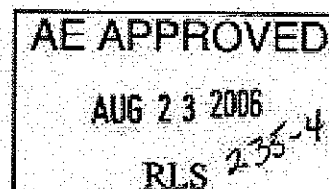
Customer Name	<u>Robert Seidenberg</u>	Phone	<u>512-4-1280</u>
Address	<u>1307 Walker Street</u>		
Legal Description	<u>Lot 4, Re-subdivision of Lot 50 and a portion of Lot 49</u> <u>Joseph Limerick Subdivision, Outlot 41, Division "B"</u>		
Lot	<u>4</u>	Block	<u>Commercial/Residential? Residential</u>

Service Main Size	<u>150</u>	(amps) Service Conductor	_____	(type & size)
Service Length	_____	(ft.) Number of Meters?	<u>1</u>	Multi-Fuel <input checked="" type="checkbox"/> N
Overhead/Underground?	<u>U</u>	Voltage	<u>120/240</u>	<input checked="" type="checkbox"/> Single-phase (1Ø) <input type="checkbox"/> Three-phase (3Ø)
Total Square Footage	<u>2641</u>	Total A/C Load	<u>2</u>	(# of units) <u>5</u> (Tons)
Largest A/C Unit	<u>3</u>	(Tons) LRA of Largest A/C Unit	_____	(amps)
Electric Heating	_____	(kW) Other	_____	(kW)

Comments: _____

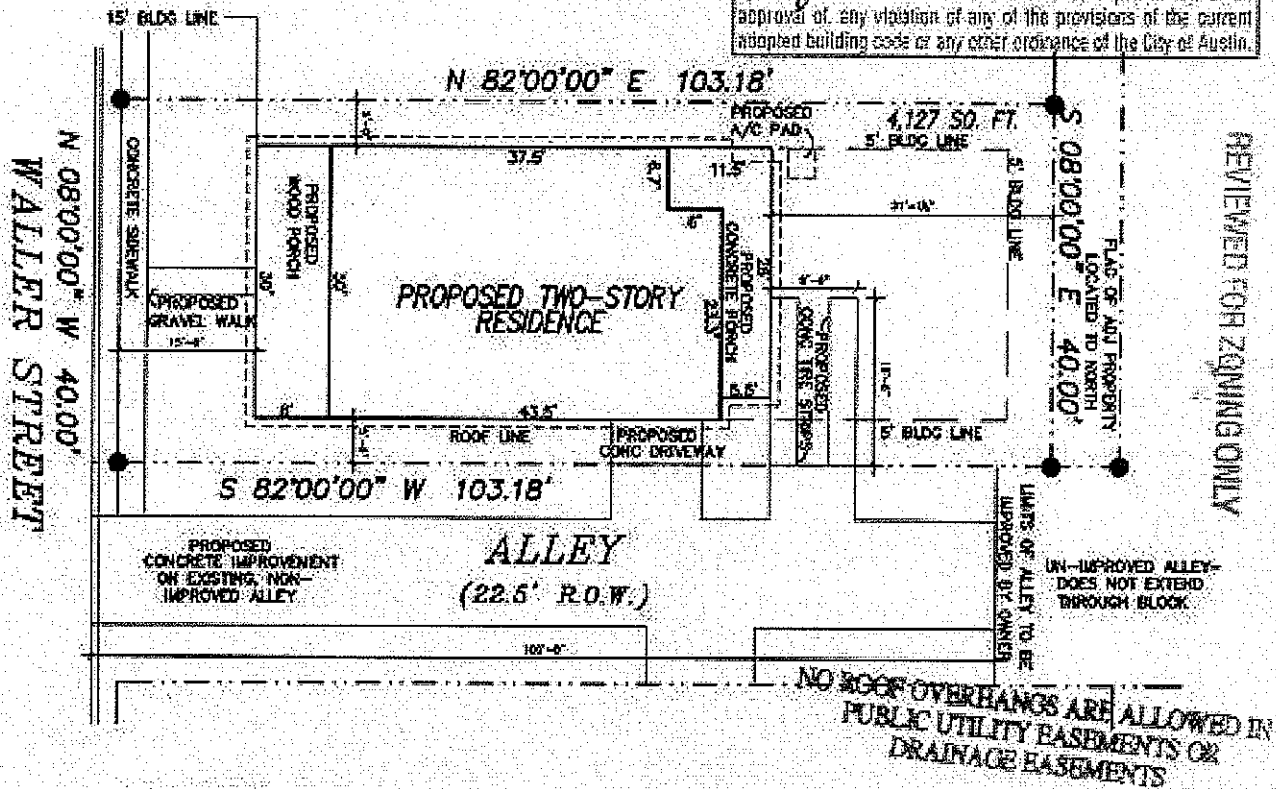
Robert Brett Pitt June 8, 2006 512-0777
ESPA Completed by (Signature & Print name) Date Phone
Dani Kelly 6/8/2006
AE Representative Date
Approved: ☒ Yes ☐ No (Remarks on back) Phone 505-71611

Application expires 90 days after date of Approval



CITY OF AUSTIN
APPROVED FOR PERMIT
Victoria Hsu, P.E.

Watershed Protection & Development Review Department
By *[Signature]* Date *8/30/06*
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.



LEGEND

The dripline of protected trees (19" dia. or greater measured at 4.5' above grade), must be enclosed with protective fencing before and throughout construction. No tree measuring 19" in diameter (or greater) may be removed without a TREE ORDINANCE REVIEW from the City of Austin. Call the Development Assistance Center for review: 512-357-0100

TOTAL LOT AREA: 4,127 SF
LIVING AREA: 1,032 SF
GARAGE AREA: 258 SF
PORCH AREA: 398 SF
CONCRETE DRIVEWAY: 154 SF
CONC WALK & A/C PAD: 9 SF

TOTAL BUILDING COVERAGE: 1,688 SF
TOTAL IMPERVIOUS COVERAGE: 1,688 SF

OWNER WILL BEAR THE EXPENSE OF ANY NECESSARY RELOCATION OF EXISTING UTILITIES TO CLEAR THE DRIVEWAY LOCATION AND/OR THE COST TO REPAIR ANY UTILITIES DAMAGED DURING CONSTRUCTION.

AE APPROVED

AUG 23 2006

RLS 235-4

SCALE: 1" = 20'

Prepared By:

Sentient Architecture, LLC

702 San Antonio St.

Austin, TX 78701

512-444-0777

Issue Date: 6/6/06

Robert Brett Pitt, AIA

PLOT PLAN

1307 Waller St.
Austin, TX 78702

Prepared For:

El Centro Group, Robert Se

1000 E. 19th Street

Austin, TX 78702

512-524-1260

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "A"

PR Number 11.053801 RA
Building Permit No. _____
Plat No. _____ Date 6.20.11
Reviewer [Signature]

PRIMARY PROJECT DATA

Service Address 1307 Walker Street Tax Parcel No. _____
Legal Description _____
Lot 4 Block _____ Subdivision _____ Section _____ Phase _____
If in a Planned Unit Development, provide Name and Case No. _____
(attach final approved copies of subdivision and site plan)
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.
Description of Work
____ New Residence _____ Remodel (specify) _____
____ Duplex _____
____ Garage _____ attached _____ detached _____ Addition (specify) _____
____ Carport _____ attached _____ detached _____
☒ Pool _____ Other (specify) _____
Zoning (e.g. SF-1, SF-2...) _____
- Height of Principal building _____ ft. # of floors _____ Height of Other structure(s) _____ ft. # of floors _____
- Does this site currently have water and wastewater availability? ☒ Yes _____ No. If no, please contact the
Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.
- Does this site have a septic system? _____ Yes ☒ No. If yes, for all sites requiring a septic field you must obtain an approved septic
permit prior to a zoning review.
Does this site have a Board of Adjustment ruling? _____ Yes ☒ No If yes, attach the B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet? _____ Yes ☒ No
Does this site front a paved street? ☒ Yes _____ No A paved alley? _____ Yes ☒ No
Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☒ Yes _____ No

**VALUATIONS FOR
REMODELS ONLY**

Building \$ _____
Electrical \$ _____
Mechanical \$ _____
Plumbing \$ _____
Driveway/
Sidewalk \$ _____
TOTAL \$ _____
(labor and materials)

**VALUATIONS FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size 4127 sq.ft.
Job Valuation - Principal Building \$ _____
(Labor and materials)
Job Valuation - Other Structure(s) \$ _____
(Labor and materials)
TOTAL JOB VALUATION
(sum of remodels and additions)
\$ 40000
(Labor and materials)

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ <u>33.00</u>	\$ _____
Electrical	\$ <u>34</u>	\$ _____
Mechanical	\$ <u>x</u>	\$ _____
Plumbing	\$ <u>34</u>	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Blake English</u>	Telephone (h) _____ (w) _____
BUILDER	Company Name <u>Only Pools</u>	Telephone _____ Pager _____ FAX _____
DRIVEWAY/ SIDEWALK	Contact/Applicant's Name <u>Stephen Smith</u>	Telephone _____
	Contractor _____	
CERTIFICATE OF OCCUPANCY	Name <u>Blake English</u>	Telephone <u>3726770</u>
	Address <u>1307 Walker Street</u>	City <u>Austin</u> ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:
____ telephone ____ e-mail:

You may check the status of this application at www.ci.austin.tx.us/development/permitr.htm

AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.


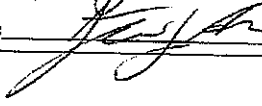
I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE  DATE 6/20/11

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) _____

Rejection Notes/Additional Comments (for office use only):

Service Address  1307 Walker Street
Applicant's Signature  Date 6/20/11

PERMIT APPLICATION "C"

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 st floor conditioned area	972	sq. ft.		sq. ft.
b. 2 nd floor conditioned area	1332	sq. ft.		sq. ft.
c. 3 rd floor conditioned area		sq. ft.		sq. ft.
d. Basement		sq. ft.		sq. ft.
e. Garage / Carport		sq. ft.		sq. ft.
<input checked="" type="checkbox"/> attached		sq. ft.		sq. ft.
<input type="checkbox"/> detached	280	sq. ft.		sq. ft.
f. Wood decks [must be counted at 100%]		sq. ft.		sq. ft.
g. Breezeways		sq. ft.		sq. ft.
h. Covered patios		sq. ft.		sq. ft.
i. Covered porches	42	sq. ft.		sq. ft.
j. Balconies	228	sq. ft.		sq. ft.
k. Swimming pool(s) [pool surface area(s)]	156	sq. ft.		sq. ft.
l. Other building or covered area(s)		sq. ft.	273	sq. ft.
Specify _____		sq. ft.		sq. ft.

TOTAL BUILDING AREA (add a. through l.) 1698 sq. ft. 273 sq. ft.

TOTAL BUILDING COVERAGE ON LOT (subtract, if applicable, b., c., d., k. and l. if uncovered)

1698 sq. ft.
41.1 % of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	1698	sq. ft.
b. Driveway area on private property	150	sq. ft.
c. Sidewalk / walkways on private property	147	sq. ft.
d. Uncovered patios		sq. ft.
e. Uncovered wood decks [may be counted at 50%]		sq. ft.
f. Air conditioner pads	4	sq. ft.
g. Concrete decks		sq. ft.
h. Other (specify) _____		sq. ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

1949 sq. ft.
47.2 % of lot

ONE STOP SHOP
505 Barton Springs
Austin, Texas 78701
(512) 974-2632 phone
(512) 974-9112 phone
(512) 974-9779 fax
(512) 974-9109 fax



Austin Energy
Electric Service Planning Application (ESPA)
For Residential and Commercial "SERVICE ONLY"
Under 350 amps 1 ϕ or 225 amps 3 ϕ

☒ Check this box if
this is for a
building permit
only.

(Please print or type. Fields left blank will be considered Not Applicable.)

Responsible Person for Service Request Cody Roris Phone _____
Email _____ Fax _____
Project Name _____ ☐ New Construction ☐ Remodeling
Project Address 1307 Walker Street OR
Legal Description _____ Lot _____ Block _____
Requested Service Duration: ☐ Permanent Service ☐ Construction Power/Temp Service
(Usually less than 24 months)
Who is your electrical service provider? ☒ AE ☐ Other _____

☐ Overhead or ☒ Underground Voltage RF ☒ Single-phase (1 ϕ) or ☐ Three-phase (3 ϕ)
Service Main Size(s) 30 (amps) Number of Meters? _____
AE Service Length _____ (ft.) Conductor _____ (type & size)
SqFt Per Unit _____ #Units _____ ☐ All Electric ☐ Gas & Electric ☐ Other _____
Total AC Load _____ (Tons) Largest AC unit _____ (Tons)
LRA (Locked Rotor Amps) of Largest AC Unit _____ (Amps)
Electric Heating _____ (kW) Other All structures/pools/etc.
must maintain a 10
horizontal clearance from
AE energized power lines.

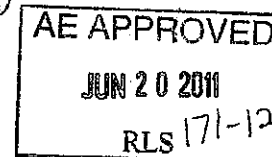
Comments: Swimming pool

ESPA Completed by (Signature & Print name) [Signature] Date 6/6/11 Phone _____

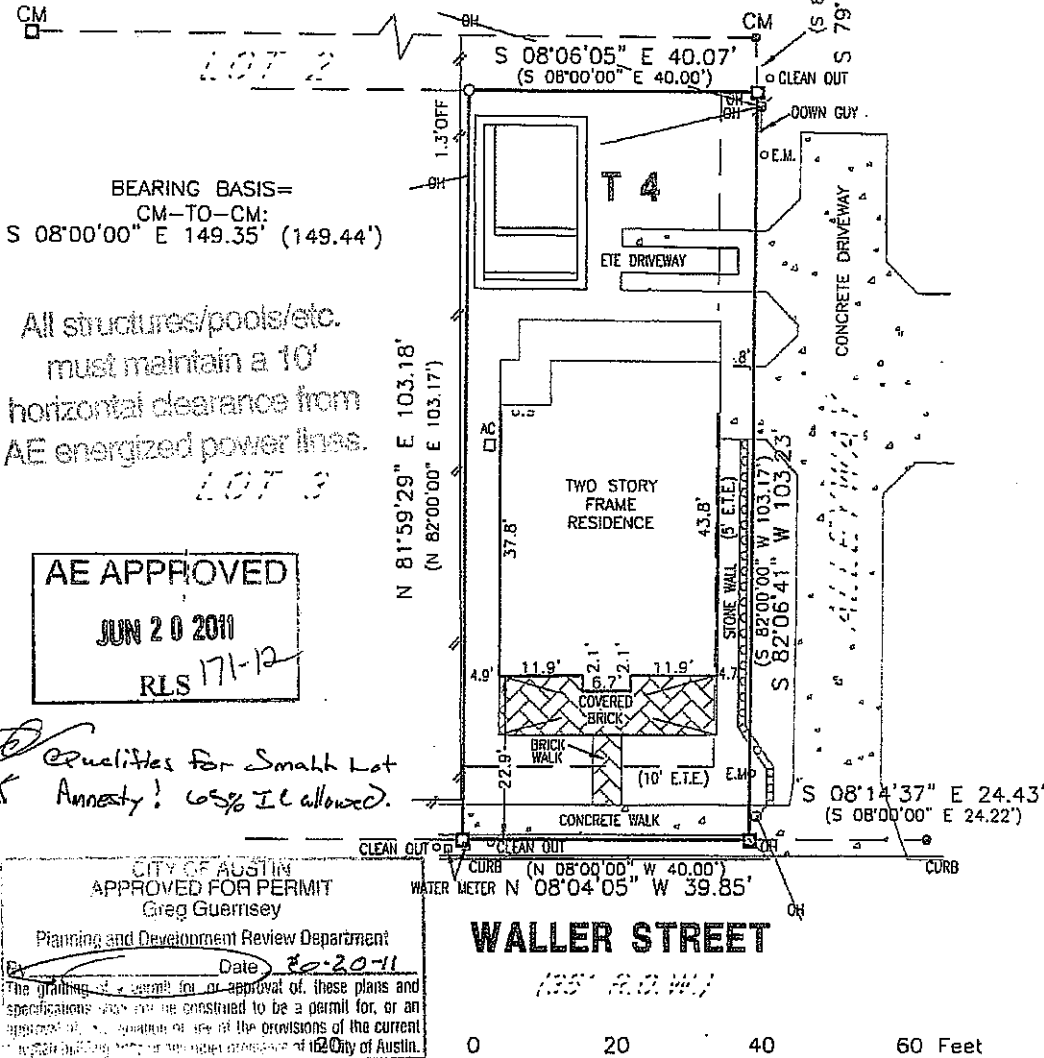
AE Representative _____ Approved: ☐ Yes ☐ No (Remarks on back) _____ Date _____ Phone _____

Application expires 180 days after date of Approval
(Any change to the above information requires a new ESPA)

Version 1.1.0.0



THE WEST 31.5' OF LOT 48
AND EAST 10.5' OF LOT 49,
OUTLOT 41, DIVISION B,
V.13328, P.2570



RESUBDIVISION OF LOT 50 AND A PORTION OF LOT 49, JOSEPH LIMERICK
SUBDIVISION OF OUTLOT 41, DIVISION "B"

SUBDIVISION LOT: 4 BLOCK: DOC.# 200600255 OFFICIAL PUBLIC RECORDS

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 1307 WALLER STREET

CITY: AUSTIN REFERENCE NAME

B&G Surveying, Inc.
Victor M. Garzo R.P.L.S.

Office 512-458-6969
Fax 512-458-9845

1404 West North Loop Blvd.
Austin, Texas 78756

REVISED: 3-8-10

TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED

IMPORTANT NOTICE
This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, at the time of this survey.

THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0165E DATED 1-4-01. IT IS REPRESENTED AS IN ZONE X. HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

FIELD WORK	ERNEST	1-24-08
CALCULATIONS	JED	1-28-08
DRAFTING	AW3	1-28-08
FINAL CHECK	JL	1-28-08
CORRECTIONS	AW3	1-28-08
UP DATE		