

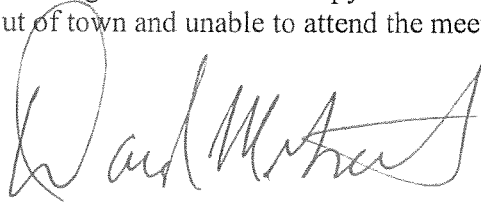
CS-205-0110

David Gottfried

To: David Hancock
Subject: RE: Request for Assistance

David,

Sorry for the delay in getting back to you on this. You have my support in your efforts to get your basement exemption from the FAR requirement. The calculation procedure seems very arbitrary as it applies to your lot. Plus, if you had to change or destroy the basement, that would affect the front facade which was a very important issue with the other affected parties. I have signed the attached copy of this email and you should feel free to present it to the BOA since I will be out of town and unable to attend the meeting in person. Let me know if you need anything else. Thanks. David



7/30/2015

David M. Gottfried
The Gottfried Firm, P.C.
West Sixth Place
1505 West Sixth Street
Austin, Texas 78703
Telephone 512.494.1481
Facsimile 512.472.4013

From: David Hancock [mailto:david.hancock@fallbrooktech.com]
Sent: Thursday, July 30, 2015 10:12 AM
To: David Gottfried
Subject: Re: Request for Assistance

David

Thank you and good point about destroying the basement would change the front facade.

I know from your other email that you are trying to get on vacation tomorrow; therefore, I do not want to take up a lot of your time. Would you be willing to print out this email exchange, sign it, scan / email it to me and I'll have our architects add it to the submission paperwork of our BOA application?

I'll forward our email exchange to Jean and try to get her support as well.

Thank you and enjoy your vacation,

David

From: David Gottfried <david@davidgottfriedlaw.com>
Date: Thursday, July 30, 2015 at 10:04 AM
To: David Hancock <david.hancock@fallbrooktech.com>
Subject: RE: Request for Assistance

David,

Sorry for the delay in getting back to you on this. You have my support in your efforts to get your basement exemption from the FAR requirement. The calculation procedure seems very arbitrary as it applies to your lot. Plus, if you had to change or destroy the basement, that would affect the front facade which was a very important issue with the other affected parties. Let me know if you need anything else. Thanks. David

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From: David Hancock [mailto:david.hancock@failorcocktech.com]
Sent: Tuesday, July 28, 2015 12:54 AM
To: David Gottfried
Subject: Request for Assistance

David

We have run into a snag with the city permitting process on our 1631 Palma Plaza design. I would like to ask your assistance in the form of support for our design and the exception we are seeking. I'll explain the situation briefly here, but I would like to call or come by to show you visual examples/drawings and make sure I'm very clear with you, so you can know what we are seeking from the city. Our hearing in front of the board of adjustments for the exception we are seeking is August 12th. Note: I'm in Amsterdam until August 5th, so perhaps a brief phone call is best sooner than later.

A recap of the situation is below.

First, the design of the house we submitted to the city is the same design that we showed the affected parties back in December (when we all agreed to change the deed, and reverse it provision about not alternating the structure at 1631 Palma to make it no longer a historically contributing property). To be clear, the design that we agreed with you, Mary and Jean on in December, and that we looked at when signing the Letter of Agreement that we all signed in May in your office, is still our design.

Here is our snag. We need for our basement to be exempt from FAR. For a basement to be exempt from FAR, it has to meet two criteria:

1. At least 50% of the 4 walls of the basement have to be covered by natural grade of the lot.
 - o Makes sense and is logical: If the majority of the basement walls are not covered by dirt, how can one call it a basement?
 - o We meet this criteria.
2. The front yard of the lot cannot be more than 3 feet below the main floor of the house.
 - o Makes sense and is logical: If a different portion of the basement can be seen from the front yard of the house, how can one call it a basement? It should be hidden from view from the front yard.
 - o You would think that we meet this criteria based on the layout of our house / main floor / basement. The front yard is about 15-24 inches below the main floor house.

However, the way the city measures #2 is quite different than their measurement that is the snag. The city says, to measure to meet criteria #2 we take 2 specific points in the front yard and measure them, average those two points, and then the average of those two points has to be no more than 2 feet below the main floor of the house. Approximately 90% of our front yard is less than 3 feet below the main floor of the house. Only the long, thin, western strip of the lot is more than 3 feet below the main floor of the house (where the city once was going to make an alley and the current driveway is located). By the way, there isn't any of the house that is going to be over 3 feet below the main floor (only the garage).

Well, as our luck would have it, one of the 2 points to measure for the average on criteria #2 is located in that far, thin, western strip of our lot. We have noted this as a "unique hardship of our lot" to meet the basement exemption on our Board of Adjustments application. Our point is that our front yard is less than 3 feet from the main floor of our house and only the unique nature of the western edge of our lot, where our house is not located, throws off the calculation.

Ironically, based on this odd measurement, if a house had a significant portion of its basement visible from the front yard (which would defeat the point of criteria #2 above for a basement exemption) but had a berm, or small hill on the far left and far right edges of their lot, in the perfect locations for where the city is measuring, they would meet criteria #2, even though when you stood in front of their house you could see a significant part of their basement. My point is, the city's criteria makes sense, their means to measure for it doesn't.

So, this is the issue that I would like to ask your support of our request for an exemption.

Do you have time to chat on the phone this week about this?

Thanks in advance,

David

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From: **David.Hancock71@gmail.com** david.hancock71@gmail.com
Subject: **Re: Request for Assistance**
Date: **July 30, 2015 at 10:30 AM**
To: **sjzone@sbcglobal.net**

Jean

Great and thank you! We are all doing well but worn thin. I have been traveling too much. Along those lines, I don't think I have told you yet, but Laura, Ivalea and I are moving to Amsterdam for 1 year. It is a temporary ExPat work assignment. We are pretty excited about it.

I'll be in Austin about every other month and I'll check on construction then. Also, I'll be paying one of the staff of my architecture firm some extra compensation to keep a close eye on the construction progress.

Finally, would you be willing to print out our email exchange, sign it, scan and email it or just USPS mail it for me?

If you choose USPS, please mail it to:

Alberto Rodriguez
MF Architecture
900 East 6th Street Suite 100
Austin TX 78702

Thanks !

David

From: Jean Stevens <sjzone@sbcglobal.net>
Date: Thursday, July 30, 2015 at 10:24 AM
To: David Hancock <david.hancock71@gmail.com>
Subject: Re: Request for Assistance

Good morning David.

I spoke with David G. this morning regarding your issue and I agree with his assessment. The OWANA Zoning Committee Chair is out of town but I will update her on the progress upon her return.

Hope all is well with you and your family.

Jean



Sent from my iPad

On Jul 30, 2015, at 10:14 AM, David Hancock <david.hancock71@gmail.com> wrote:

Hi Jean,

I hope you are well.

Can you please read through my email exchange with David Gottfried below and let me know if you can also support our BOA application for exemption? I went to David G first, because he is my only neighbor. Now, I would like to make sure you and I are aligned as well.

If any of the below is unclear or you want to discuss the matter via phone, I'm happy to do that.

Thanks,

David

From: David Gottfried <david@davidgottfriedlaw.com>

Date: Thursday, July 30, 2015 at 10:04 AM

To: David Hancock <david.hancock@fallbrooktech.com>

Subject: RE: Request for Assistance

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Sorry for the delay in getting back to you on this. You have my support in your efforts to get your basement exemption from the FAR requirement. The calculation procedure seems very arbitrary as it applies to your lot. Plus, if you had to change or destroy the basement, that would affect the front fascade which was a very important issue with the other affected parties. Let me know if you need anything else. Thanks. David

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A recap of the situation is below.

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the front yard of the house, how can one call it a basement? It should be hidden from view from the front yard.

- You would think that we meet this criteria based on the layout of our house / main floor / basement. The front yard is about 18-24 inches below the main floor house.

However, the way the city measures #2 is quite odd and it is their measurement that is the snag. The city says, to measure to meet criteria #2 we take 2 specific points in the front yard and measure them, average those two points, and then the average of those two points has to be no more than 3 feet below the main floor of the house. Approximately 90% of our front yard is less than 3 feet below the main floor of the house. Only the far, thin, western strip of the lot is more than 3 feet below the main floor of the house (where the city once was going to make an alley and the current driveway is located). By the way, there isn't any of the house that is going to be built in that thin western strip (only the garage).

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