

Heldenfels, Leane

From: Lorraine Atherton [REDACTED]
Sent: Friday, August 05, 2016 5:26 PM
To: Heldenfels, Leane
Subject: BoA Agenda M-1, C15-2016-0084, 2003 Arpdale
Attachments: 2003ArpdaleBoA letter.pdf

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Hello, Leane.

This is regarding the variance requested at 2003 Arpdale, C15-2016-0084, item M-1 on the Board of Adjustment agenda for August 8. The attached PDF contains my personal letter of opposition to the variances, a history of the property, and a copy of an aerial photo, for a total of 5 pages. Please let me know if I will have to provide copies for the Board members.

I would be very grateful if you would include these pages in the Board's backup material and in the file for this case.

Many thanks,

Lorraine Atherton
2009 Arpdale
(512-447-7681)

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Lorraine Atherton
2009 Arpdale, Austin, TX 78704

August 5, 2016

Board of Adjustment
City of Austin Watershed Protection and
Development Review Dept.

Re: Variance requests C15-2016-0084, 2003 Arpdale

Dear Chairman and Board Members:

As a homeowner on Arpdale Street, I am opposed to the variances requested by Scott Jacobs at 2003 Arpdale, C15-2016-0084, to allow an outbuilding remodeled without permits to be occupied as an accessory dwelling unit.

Dimensions of the property and variances required

Based on the photographs, survey, and site plan submitted by the owner, this lot is 5514 square feet and the impervious cover is more than 60%. City Code 25-2-492 (Site development regulations) requires a minimum lot size of 5750 sf and limits this site to 45% impervious cover.

I alerted the owner and City staff to these errors on August 1 and suggested that the variance application be withdrawn, corrected to reflect the actual lot size and other dimensions, and reposted with all the variances that will be required. If the application is not withdrawn by August 8, I request that the Board of Adjustment deny the requested variances because of the substandard lot size.

Deed restrictions and single-family status

I have owned and occupied the property at 2009 Arpdale since 1983. The same deed restrictions that apply to my property apply to 2003 Arpdale. In 1939, those restrictions prohibited the use of any outbuildings as residences, and they are still in effect. I have not found any other properties in this subdivision in violation of that deed restriction. According to the documentation listed in the attached history of the property, the Travis Central Appraisal District and the City of Austin have no record of the existence of a garage or other outbuilding at 2003 Arpdale, and the property has never been classified as anything other than a single-family residence.

Construction and use of the structure

The attached aerial photo from 1966 shows a small outbuilding in the back corner of the lot. Aerial photos from 1984 and 1987 show the same structure. No aerial photos or surveys are available between 1987 and 1997. The earliest evidence of an addition to the small outbuilding is the 1997 aerial photo supplied by Mr. Jacobs. Regardless of when the addition was built, it is clear to me that it was not used as a separate dwelling before the property was sold in 2007, less than 10 years ago. The owners shared the house with two other persons, they were all listed on the same mailbox at the front door, and some of them appeared to be related.

My recollection of the remodeling of 2003 Arpdale is that the house was "re-roofed" three times in the three or four years following the sale. A great deal of work was done under CoA building permit 07-141411, dated August 6, 2007. Several color aerial photos are available

from this period, beginning in 2006. They show a series of changes to the outbuilding, including the eastward extension of the roof over the deck.

Finally, TCAD recorded the sale to Jacobs in December 2012, and the CoA issued a permit for "window replacement" in January 2013. Again, from the street, it looked to me like the window replacement required a great deal of work on other parts of the property. When it was eventually completed, I was no longer able to tell who was living in the house, or if anyone was living there. It soon became clear that at least part of the property was being used as a commercial short-term rental. The attached history also lists the code enforcement cases from May 27, 2014, to March 22, 2016.

To summarize, I request that the Board deny the variances requested by Scott Jacobs at 2003 Arpdale, C15-2016-0084, first because the application contains errors that when corrected will require additional variances to satisfy the applicant's desire to create a second dwelling on his substandard lot; second, because the deed restrictions prohibit the use desired by the applicant; third, because the applicant has not established that the desired use existed before he purchased the property less than five years ago; and finally, because the application meets none of the required findings regarding reasonable use, hardship, and area character.

Thank you for your attention and for your service on the Board of Adjustment.

Sincerely yours,



Lorraine Atherton
2009 Arpdale
Austin, TX 78704

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2003 Arpdale, History

(compiled by Lorraine Atherton, 2009 Arpdale)

- 1939 Records of Travis County, Vol. 621, page 408, De Rance C. Rabb, Restrictive covenants for Rabb Inwood Hills subdivision. Filed July 17, 1939.
"1. No . . . residence shall be constructed on said premises other than one detached single family dwelling, constructed of frame, brick or rock; the floor space to occupy not less than eight hundred square feet; shall not exceed two stories in height, with one, two or three car garage. . . note exception: a two family dwelling will be permitted of same construction above mentioned, the floor space to occupy not less than 1400 square feet."
"3. No trailer, basement, tent, shack, garage, barn or other out-building shall be erected or placed on said premises herein conveyed as a temporary or permanent residence."
- 1949 Web site of Travis Central Appraisal District (TCAD), property information for 2003 Arpdale (downloaded July 27, 2016). TCAD disclaimer: The Travis Central Appraisal District makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of this information and expressly disclaims liability for any errors and omissions
1-family dwelling, 1049 square feet, built 1949, no garage or accessory building listed.
- 1950 Web site of City of Austin (CoA), water and wastewater connection permits for 2003 Arpdale, dated Jan. 25, 1950.
- 1954 CoA, "frame addn to res," May 14, 1954.
- 1966 aerial photo, Feb. 4, 1966, showing roof of small structure (size of one-car garage, carport, or shed) in back corner, aligned with west side of house
- 1984 aerial photo showing roof of small structure, same as 1966. Area east of structure is obscured by a tree, could be uncovered deck but there are no shadows indicating a building.
- 1987 aerial photo showing possible construction on back of house. Outline of garage or shed roof is not visible.
- 1990 TCAD, deed transaction, and CoA permits, 2003 Arpdale sold to Carrasco and Miller, May 1, 1990.
CoA permits for rebuild electric service, connect AC, gas test, plumbing inspection, install water heater in existing single-family residence, issued Oct. 23-25, 1990.
- 1997 aerial photo showing new circular driveway, flat roof on southwest corner of house, and extended roof on back structure.
CoA permit to replace breaker box, issued Oct. 7, 1997.
- 2003 aerial photo (color), Feb. 28, 2003, clearly shows differences in roof materials.
- 2006 aerial photo (color), Jan. 31, 2006, clearly shows differences in roof materials, extension of covered deck with highly reflective material.
- 2007 CoA land status determination requested by Gino Fuentes, issued Jan. 10, 2007.
TCAD, deed transaction, Carrasco and Miller to Gino Fuentes, Feb. 13, 2007.
TCAD, deed transaction, Fuentes to St. Johns Properties LLC, July 3, 2007. Survey also dated July 3, 2007, shows rectangular lot 55 × 100 feet.
CoA permit to "re-roof existing 1-story single-family res" issued Aug. 6, 2007.
TCAD, property information for 2003 Arpdale (July 27, 2016), 1-family dwelling, 430 square feet added to 1st floor in 2007, 102 square feet "porch open 1st f" built in 2007.

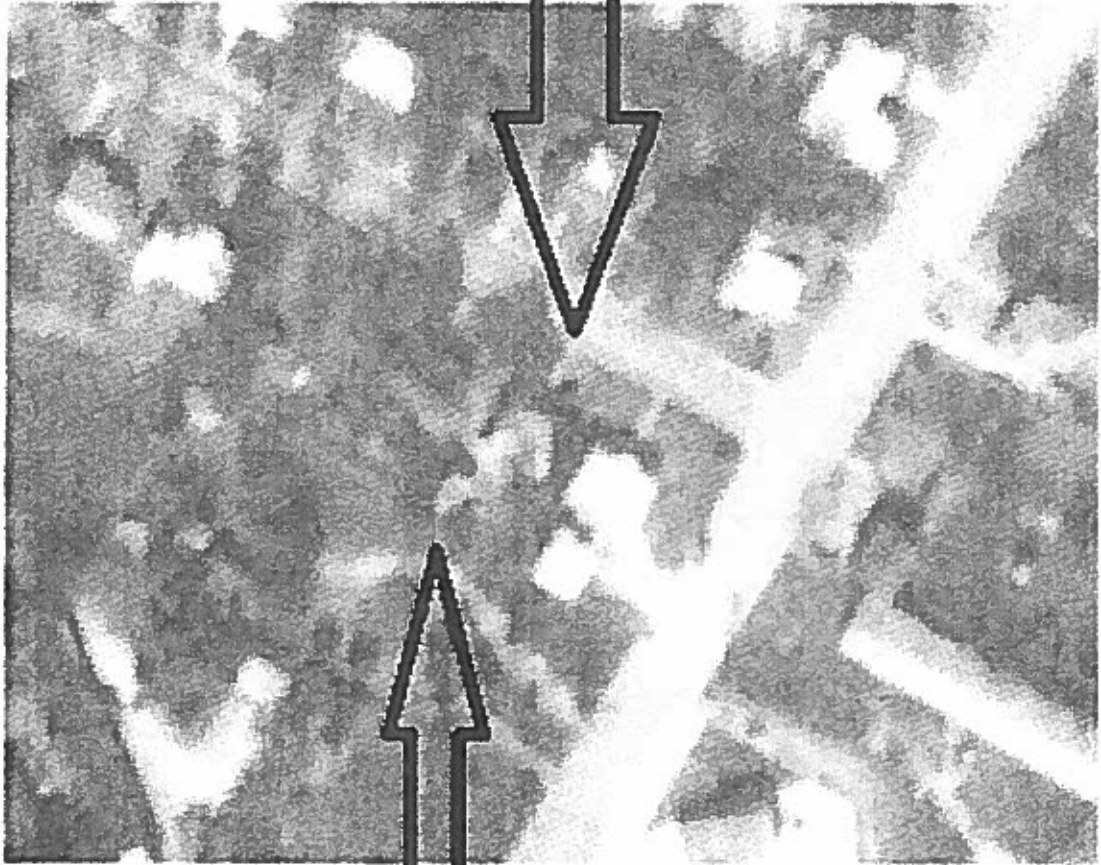
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- 2008 aerial photo (color). Jan. 31, 2008, showing new roof, tree still in front yard, change in deck material.
CoA tree removal permit, including photo of driveway and front of house. Application Aug. 25, 2008, approved May 13, 2009.
- 2009 aerial photo (color), Jan. 31, 2009, showing new roof, no tree, back yard fully built out.
aerial photo (color). Nov. 24, 2009, showing highly reflective material on covered deck.
- 2011 aerial photo (color), March 9, 2011, showing extension of covered deck and change in roofing material.
- 2012 TCAD, deed transaction, St. Johns Properties LLC to Scott Jacobs, Dec. 11, 2012.
- 2013 CoA permit for window replacement issued Jan. 14, 2013.
- 2014 Code Enforcement #2014-054367 CC, Structure condition complaint May 27, 2014.
Violation found and CV notice June 16, 2014. Voluntary compliance Aug. 15, 2014.
Code Enforcement #2014-057985 CC, Land use violation complaint June 3, 2014.
CoA permit to operate a Type 1 short-term rental issued July 18, 2014, expired Aug. 5, 2016.
Code Enforcement #2014-077692 CC, Work without permit complaint July 23, 2014.
aerial photo (color), Oct. 2, 2014, shows extension of deck covering with highly reflective material.
- 2015 aerial photo (color), July 13, 2015, shows extension of deck covering with highly reflective material.
Code Enforcement #2015-097060 CC, Land use violation complaint Aug. 11, 2015.
Code Enforcement #2015-097846 CC, Structure condition complaint Aug. 12, 2015.
Code Enforcement #2015-126466 CC, Land use violation complaint Oct. 19, 2015.
- 2016 Code Enforcement #2016-011910 CC, Land use violation complaint Feb. 4, 2016.
Austin Water violation, plumbing permit, issued Feb. 16, 2016.
Code Enforcement #2016-017415 CC, Land use violation complaint Feb. 18, 2016.
Violation found March 2, 2016. Contact performed and AH warning prep March 18, 2016.
Code Enforcement #2016-022576 CC, Land use violation complaint March 1, 2016.
Code Enforcement #2016-030858 CC, Land use violation complaint March 19, 2016.
Code Enforcement #2016-031406 CC, Land use violation complaint March 21, 2016.
Code Enforcement #2016-031290 CC, Land use violation complaint March 21, 2016.
Code Enforcement #2016-031964 CC, Work without permit complaint March 22, 2016.
CoA residential permit application, submitted by Jacobs May 25, 2016, with site plan based on 2007 survey. Master Comment Report issued June 27, 2016, requiring variances to change use from single family to two family.

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aerial photo, Feb. 4, 1966
(print M1-174, Texas Natural
Resources Information System)

2003 Arpdale



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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are **not required to attend**. However, if you do attend, you have the opportunity to **speak FOR or AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

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Case Number: C15-2016-0084, 2003 Arpdale St.

Contact: Leane Heldenfels, 512-974-2202, leanc.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 8th, 2016

Mark Bentley

Your Name (please print)

2429 Anna Arbor Ave # B2

Your address(es) affected by this application

Mark Bentley

Signature

Daytime Telephone: 512-461-5375

Date

8/4/2016

☒ I am in favor
☐ I object

Comments:

Comments must be returned by noon the day of the hearing in order for the Board to see them at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leanc.heldenfels@austintexas.gov

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Heldenfels, Leane

From: [REDACTED]
Sent: Monday, August 01, 2016 3:33 PM
To: Heldenfels, Leane
Subject: Case #C15-2016-0084
Attachments: Case Number C15_2016_0084.pdf

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RE: Case Number C15-2016-0084, 2003 Arpdale St
Public Hearing: Board of Adjustment, August 8th, 2016
Contact: Leane Heldenfels

Leane,

Attached I submit my **objection** to the land development code variance for the above mentioned case and address. It is unacceptable to bend the law for Scott Jacobs. He has no regards for his neighbors and just this past weekend his short term rental brought more people honking horns and partying loudly in the middle of the night. Unfortunately his neighbors bedroom window is very close. I don't know how they get any sleep.

Please respond to confirm receipt of the attachment.

Enjoy your day!
Annette Gardner
2006 Arpdale St

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Case Number: C15-2016-0084, 2003 Arpdale St.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 8th, 2016

Margaret McNeil
Your Name (please print)

☐ I am in favor
☒ I object

2005 Arpdale
Your address(es) affected by this application

Margaret McNeil
Signature

Date

Daytime Telephone: (830) 379-1606

Comments: I bought my house in 2009 at the expectation that there are seasons for zoning advancements and that they would be enforced. I did not expect the neighbor to move out and turn his residence into an unimproved short term rental w/ many complaints & violations on land. As the neighbor unquestionably not effected I oppose all variance especially related to how close the structure can be to my house. I am more concerned by the environmental effects of unapproved cover. Comments must be returned by noon the day of the hearing in order for the Board to see them at this hearing. They may be sent via: ~~than any~~ those that ostensibly would be caused

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels by the structure being demolished

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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PUBLIC HEARING INFORMATION

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Case Number: C15-2016-0084, 2003 Arpdale St.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 8th, 2016

HELEN WEST

Your Name (please print)

2003 ARPDAL

Your address(es) affected by this application

Leane Heldenfels

Signature

Date

Daytime Telephone: 210/862-8092

Comments:

I have no problem with
now do I object to the
variances I sought by
Mr. Jacobson.

Comments must be returned by noon the day of the hearing in order for the Board to see them at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

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