



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 164'

NOTIFICATIONS




CASE#: C15-2016-0061
LOCATION: 3104 E 13th Street

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0061
LOCATION: 3104 E 13th Street



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1" = 89'

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**CITY OF AUSTIN
Board of Adjustment
Decision Sheet (SPECIAL EXCEPTION)**

DATE: Monday, August 8, 2016

CASE NUMBER: C15-2016-0061

☒ Y Brooke Bailey
☒ Y Michael Benaglio 2nd the Motion
☒ Y William Burkhardt
☒ Y Eric Goff
☒ Y Melissa Hawthorne
☒ Y Bryan King (Motion to Grant)
☒ Y Don Leighton-Burwell
☐ - Rahm McDaniel (OUT)
☒ Y Melissa Neslund
☒ Y James Valadez
☒ Y Michael Von Ohlen
☒ Y Kelly Blume (Alternate)

OWNER/APPLICANT: Nanette DiNunzio

ADDRESS: 3104 13TH ST

VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease side yard setback from 5 feet (required) to 1 foot (requested, existing) in order to maintain a detached garage constructed at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood)

BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Michael Benaglio second on a 11-0 vote; GRANTED.
EXPIRATION DATE: August 8, 2017

25-2-476 SPECIAL EXCEPTIONS.

- (A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.
- (B) The Board shall grant a special exception under Subsection (A) of this section if:
- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more zoning district;
 - (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
 - (3) the Board finds that:
 - (a) the violation has existed for:
 - (i) at least 25 years; or
 - (ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2016;

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- (b) the use is a permitted use or a nonconforming use;
- (c) the structure does not share a lot with more than one other primary residence; and
- (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

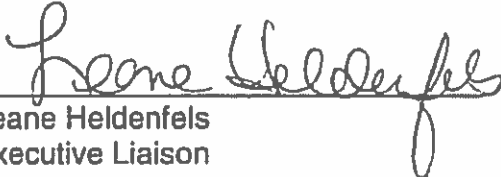
(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;


(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

Tabor Law Firm, PC

ATTORNEYS AND COUNSELORS AT LAW

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August 18, 2016

Via email leane.heldenfels@austintexas.gov

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: C15-2016-0061 Request for reconsideration
3104 E. 13th Street, Austin, TX 78702

Dear Ms. Heldenfels:

As you know, this firm represents Thomas Henderson, the homeowner at 3106 E. 13th Street, Austin, Texas 78702 and the movant in the appeal/request for reconsideration of the special exception granted in the action referenced above at 3104 E. 13th Street on August 8, 2016. On behalf of Mr. Henderson, I respectfully request a reconsideration of your initial decision for a number of reasons.

Most importantly, we have evidence to present that will show the assumptions upon which the Board voted, and granted, the special exception, are incorrect. Specifically, the structure in question has not been an existing structure for at least 10 years as is required for the special exception to be granted. Beginning in 2007: 1) The roof was raised significantly and replaced; 2) The overall footprint of the structure approximately tripled; and 3) The walls were extended an additional amount toward Mr. Henderson's property to further encroach on his five-foot easement. And all of the work was done without a permit.

I was not retained to assist in this appeal until after the August 8, 2016 hearing. As a result, there is also evidence that is relevant to the issues being considered in this matter that, despite my best efforts, I cannot obtain, evaluate, and present to this panel by the appeal deadline of Thursday, August 18, 2016.

RELIEF SOUGHT. The only relief sought by Mr. Henderson is to have the five-foot easement enforced between any structure on the property at 3104 E. 13th Street and his property at 3106 E. 13th Street.

REGULATION AT ISSUE. The regulation under scrutiny and governing the current property reads as follows:

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
August 18, 2016

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25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before

June 6, 2016;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code; or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(c) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.

BOARD RULING on August 8, 2016.

K-1 C15-2016-0061 Nanette DiNunzio
3104 East 13th Street

The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease side yard setback from 5 feet (required) to 1 foot (requested, existing) in order to maintain a detached garage constructed at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood)

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
August 18, 2016

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The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Michael Benaglio second on a 11-0 vote; GRANT.

THE BOARD ERRORS.

SUMMARY. Our evidence will show that material modifications were made to the structure in question in 2007 - 2009 by applicant's husband, Gerard Verdaart. These modifications were believed to have been made without any permits from the City of Austin. These facts disqualify applicant for the special exception she wrongfully obtained on August 8, 2016.

DISCUSSION. We note that the regulation above is mandatory and requires the board to grant the special exception if they find that all of the enumerated criteria are met. However, the evidence we can now present and could present in the future if allowed additional time to pursue this motion for reconsideration, will clearly demonstrate that the structure in question does NOT meet all of those criteria and, therefore should not have been granted the special exception on August 8, 2016.

The supporting evidence offered to you by the applicant is misleading, incomplete and in some instances simply wrong.

MLS LISTINGS.

There are six MLS listings for 3104 E. 13th Street, Austin, Texas 78702 from the time it was built until it was purchased by applicant August 8, 2006. See Exhibit 1.

1. no garage carport
2. no garage carport
3. no garage carport
4. no garage
5. detached garage
6. no garage*

*notes state a garage/studio. This is the listing when applicant purchased home August 8, 2006.

The Board's reliance on one (erroneous) notation of six MLS listings that there is a detached garage on the property is insufficient to carry the day, especially in light of the true facts. A Multiple Listing Service (MLS) is a subscription service used by Realtors to facilitate selling homes. As explained by Texas Real Estate Broker Patti Bridges, CCIM, MLS is not a binding legal document. When asked what criteria was determined to allow a realtor to check any particular item for inclusion on a listing, Mrs. Bridges' response was to check a box on the form. It is clear that in 2003, the person completing the MLS form might not have imagined a time when a house might exist without a garage, or perhaps wanted to inflate the attractiveness of this listing by checking "detached garage." However, that feature was not checked in any of the other five MLS listing for this house, nor was it included in the buyer's disclosure statement notice when the applicant purchased this home on August 8, 2006.

Ms. Leane Heldenfels
Senior Planner, City of Austin
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SELLER'S DISCLOSURE NOTICE.

Exhibit 2 is the Seller's Disclosure Notice for the August 8, 2006 purchase by applicant. That document also checks "no" for both "garage" and "carport" on page 1. On page 2, under Section 2, it asks, "Are you (Seller) aware of any defects or malfunctions in any of the following?: (Mark Yes (Y) if you are aware and No (N) if you are not aware.) Under "Other structure Components", "yes" is marked for: **"Detached storage building roof leaks in heavy rains in certain areas."**

As you know, the consequences of failure to disclose by a Seller of material characteristics of a property or structure enables the buyer to sue the seller for fraud, damages, or to set aside the sale of property.

TESTIMONY ATTACHED / UNSWORN DECLARATION/TESTIMONY

The following are sworn declarations which have the same force and effect as sworn affidavits under the law in Texas, stating that alterations were made to the existing structure which is the subject of this controversy. The sworn declarations are by long time neighbors living on both sides of 3104 E. 13th Street. Declaration of James Rivers (3106 E. 13th Street), *See* Exhibit 3, Declaration of Ronald Hunter (3100 E. 13th Street), *See* Exhibit 4, and Declaration of Thomas Henderson, *See* Exhibit 5.

With all due respect, it is ridiculous to call this building a garage. It is behind what appears to have been either a wash stand, popular until the 1950's to cover a washer and a ringer for clothes' washing, a carport, or a combination of both. The original structure was altered and expanded to approximately three times its original size. The aerial views provided from Google Earth clearly show that the structure materially changed in 2007 - 2009. It was rebuilt and the apparently rusted roof was replaced.

James Rivers lives next door to the applicant and her husband and has lived there since December 23, 1995. He mows lawns for many people in the neighborhood and has for many (20+) years. James mowed the lawns of several of the previous owners of applicant's home before they bought it. James recalls the structure shown in the Henderson family photo taken in approximately 2003. Although never used as a carport, there was an open area in the front that could have covered a small car, extending out over the driveway for about six feet. This open area is visible from the Henderson family photograph in the attached Powerpoint. The shed portion of the building was attached and behind the carport area. It was small, about 6 - 8 feet wide and about 3 feet deep for storage. The structure was built like a wash shed that housed a wash tub, a ringer, and a clothes line.

James is familiar with the dimensions of the wash shed because he mowed the previous owner's yard and helped her (an older lady) remove a wasp nest from inside the store room. James was often asked by the applicant's husband, Gerard Verkaart, to help him remodel the house at 3104. James was enlisted to help Gerard do demolition, to stack or gather the building materials for loading into the trailer and then would travel with Gerard to the city dump to dump the load. James would also assist Gerard in unloading new building materials, usually into the screened in porch, or would hand

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Senior Planner, City of Austin
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materials up to Gerard, as when Gerard was replacing the roof. James also assisting Gerard digging trenches when Gerard was leveling the house.

Gerard began his work remodeling the front of the house after the purchase in August of 2006. James helped Gerard remove all of the wood from the house, stack it and haul it to the dump, so that Gerard could install new siding on the house and the studio extension. James recalls assisting Gerard with at least six loads of building material debris that were taken to the city dump.

In 2007 - 2008, Gerard first removed the carport portion of the shed. The second photograph of the garden shows the larger, extended walls on the shed and the building with new siding and the front door covered up. The new doors are french doors opening up on the side of the building into the backyard. Gerard extended the building by at least two feet on all sides with the wood frame, then closed in the building. He bought a lot of cement and would extend the slab from the inside after the wooden frame of the building had been put into place. That last thing he asked James to do on the shed remodel was to help him remove the rusty metal roof. Both the house and the shed had a metal roof and they didn't like the way it sounded when it rained.

Gerard needed James' help to when he removed the tin because with the carport gone, he had no where to stand. The expanded studio was now so close to the property line, Gerard had to hand James the sheets of metal as James stood on a ladder on his side of the fence, and then James would drop the sheets of tin back over the fence on Gerard's side. Once the tin had been removed, Gerard placed insulation down and put on a new raised roof. The photos submitted show the old roof line at the bottom of the new roof.

James said that the work with Gerard was a welcomed distraction during this time because his sister, Nettie, was suffering with throat and brain cancer. James would take her to treatment and stay with her all day, until 3 or 4 in the afternoon on treatment days, 2 - 3 times a week. He looked forward to coming home and seeing what work Gerard had done. He was so concerned and overwhelmed with the fact that his sister was dying of cancer, he did not consider the fact that Gerard was building his shed closer and closer to their fence. The easement problem was made worse when, following the survey requested by Mr. Henderson in December 2015, the property lines were adjusted slightly in Mr. Henderson's favor and Gerard was even farther over on the Henderson property than he thought!

James knows that the shed had a new roof because he handed the new roofing material up to Gerard when Gerard put the new roof on the shed. James knows that the shed was greatly extended in size because James could mow between the wash shed and the fence when the previous neighbors lived there and after Gerard extended the size of the shed, James could no longer fit between there. James is certain that the footprint of the original shed was increased by at least two feet on either side.

James also stated that in conversations with Code enforcement officials, they indicated that it was clear that when they compared the placement of applicant's shed to the placement of other shed's built during the same or similar time period on the street, they believed that the shed had been

Ms. Leane Heldenfels
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moved over or expanded.

James can hear Gerard walking on the deck between the shed and the house and he heard him at odd hours carrying computers, monitors, etc. back into the house before the inspectors were due to arrive. All of the antennae were also removed.

Ronald Hunter has similar recollections. He remembers clearly, after growing up next door to 3104 and playing in the backyard of the applicant's home, that the wash shed was absolutely expanded in 2007 - 2009.

The final, objective evidence are the Google Earth photos submitted. The 2006 aerial photo shows the rusted, worn tin room. The 2009 photo shows a bigger building with a new roof (a roof that matches the roof color on the new screened in porch). The building is NOT the same. The storage building of which we speak is hardly recognizable when compared to the original. The applicant has planted a forest to obscure the view of construction without permits behind the foliage. The applicant has, with all due respect, misled this Board and should not be granted this special exception.

REBUTTAL TO APPLICANT'S EVIDENCE.

ATTACHMENT 1: TACD Records for 3104 E. 13th Street showing a detached garaged dating back to 1952.

This is a composite tax report of all of the historic information regarding the applicant's property. While it is true that the property was alleged to have been built in 1952, it is not true that the notation that there is a detached garage there establishes that it also or that it also was there in 1952. Travis County didn't start tracking this kind of data until at least the 1970's. The unusual instance of a studio/storage unit on a property where one would expect a detached garage to be does not make it so, especially in light of actual photographs showing this was a small wash shed/carport and not a detached garage, at least not until applicant's husband expanded and remodeled it in 2007 - 2009.

Respectfully, without an expert that can interpret the meaning of the items on the TACD records, it should not be used as truth of the matters asserted by applicant. It is not conclusive proof of that which she alleges.

ATTACHMENT 2: City of Austin 1984 Aerial Photograph Allegedly showing detached garage.

I have submitted aerial photographs from Google Earth time stamped 2006 and 2009, both showing a structure in the same spot. The first is the tin roof carport/shed visible in the Henderson family photo taken in 2003. The second in the remodeled detached shed in 2009. All of the buildings, likely even the one in the City of Austin photo, are in the same place, generally speaking. This does not prove 1) that they are all detached garages, 2) that they are all the same detached garage 3) that they were not materially altered in 2007 - 2009. Unless the same building/structure/detached garaged is in the same spot for 10 years, UNCHANGED, the applicant

Ms. Leane Heldenfels
Senior Planner, City of Austin
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loses.

ATTACHMENT 3: MLS listing for 3104 E. 13th Street for 2006 showing a garage/studio included with property.

Please refer to my discussion above and the material regarding the six MLS listings for this property in Exhibit 1 and the *Sellers Disclosure Notice* in Exhibit 2 which clearly state there is no garage or carport in either, but rather a storage shed with a leaky roof.

ATTACHMENT 4: Special Inspection report stating that detached garage is verified to exist since 2003.

Applicant's husband, Gerard Verkaart, is a contractor and could have manipulated the remodel to mask the new work done. Part of the structure has been there for a very long time. Part of the structure was added on in 2007 - 009. I do not know what the inspector reviewed and cannot address the specifics of this item without more information.

ATTACHMENT 5: Photo taken by Code Enforcement Officer Dickens on December 18, 2015, clearly showing this structure is visible from the street (no camouflage attempted by us).

There are trees more than twice the height of the house obscuring almost all of the view between street and the backyard. What or if they are hiding is a conclusion I leave for you to draw.

PERMITS. As of this writing, I have not been able to confirm that there are any permits from the City of Austin allowing improvements to the "Studio" behind the "carport" in the applicant's yard or any certificates of occupancy. Because it is obvious that material changes have been made to this structure, it clearly does not meet the letter of the law for the special exception granted at the August 8, 2016 Board meeting. There is no way this building can be claimed to be the same building that existing 10 years ago. ALL of the credible evidence says otherwise.

There is also no evidence that applicant's husband has pulled permits for any project unless he was forced to do so.

NO CREDIBLE SUPPORT FROM THE NEIGHBORHOOD ASSOCIATIONS. Further, one Board member stated his reliance on the support of the neighborhood associations and one reason he voted for the applicant. However, the so-called "support" from the neighborhood associations should also be disregarded. As indicated in the attached statements, these meetings were held WITHOUT any notice to all of the stakeholders, specifically to Thomas Henderson or James Rivers, who live at 3106 E. 13th. Also, no notice was given of the meeting to Ronald Hunter, who is also a neighbor of the applicant. The applicant is reported to have made misleading statements, including false and inflammatory statements against Mr. Henderson. She also did not tell the truth or give both sides of the controversy when speaking to the neighborhood associations, as reported to my clients.

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Senior Planner, City of Austin
Planning & Developing Review Department
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There were also two neighborhood associates combined in this meeting, McKinley Heights and Homewood Heights. The subject property is in McKinley Heights. However, most of those in attendance were from Homewood Heights. Also, most of those in attendance were not familiar with the parties or with the property in question. Most of those in attendance do not know Mr. Henderson personally. As such, no weight should be given to whatever "evidence" was submitted from the neighborhood associations.

The fact that an officer of the court, an attorney, would stoop to this level and take half-truths to the neighborhood associations should cast doubt on the veracity of all of her testimony. This kind of *ex parte* communication might occur if one did not know the rules of court; however, it is inexcusable when committed by a licensed and practicing attorney employed, no less, by the Texas Attorney General.

SUMMARY

On behalf of my client, Thomas Henderson, I respectfully request that the Board vote to reconsider their previous decision and to give us the opportunity to present additional evidence regarding the granting of this special exception. The evidence is controverted and the applicant is not entitled to the exception she was granted because the structure was materially modified, by raising the roof and expanding the footprint, tripling the size. There is also further evidence that could be provided to you if you would grant us the opportunity to move forward to a reconsideration hearing and present that information to you before September 28 for your consideration at that time.

If you have any questions or require additional information, please call. With kindest personal regards, I remain

Very truly yours,



Catherine Tabor

/clt

Enclosures: Check #1179 to City of Austin for \$582.40
Supporting Exhibits

cc: Thomas Henderson
file

I/13

Tabor Law Firm, PC

ATTORNEYS AND COUNSELORS AT LAW

August 18, 2016

Via email leane.heldenfels@austintexas.gov

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: C15-2016-0061 *Request for reconsideration*
3104 E. 13th Street, Austin, TX 78702

Exhibit 1

Patti Bridges CCIM

Broker - Bridges Real Estate Group
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Map

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1 / 1 Exterior Front

ML#: **521333** Area: **5** Status: **X/RES**
Address: **3104 E 13TH ST** List Price: **\$62,900**
City: **Austin, TX, 78702** County: **Travis**
PID: **02101509170000** Map: **586 N**
Subdiv: **MCKINLEY HEIGHTS**
Legal: **LOT 3 BLK 3 OLT 26 DIV B MCKINLEY H**
ISD: **Austin ISD**
Elem A: **Campbell** Elem B: **Campbell**
Mid/Int: Jr HS: **Kealing**
9/HS: Sr HS: **McCallum**
Type: **House/Fee-Simple** SqFt: **672/Tax Re**
Beds: **2** M/O Bds: **2/0** \$/SqFt: **\$93.60**
Baths: **1** F/H Bths: **1/0** Yr Built: **1952/Resa**
Stories: **1** Living: **1** Dining: **/Breakfast**
Acres: **0.00** Land SQ: Lot Size: **45.00 X 11!**
Pool: **No** Spa: Sprinkler:

General Information

Garage:
Lot Desc: **Level**
Roof: **Composition Shingle** Bldr Nm:
Construct: **Frame** Foundation: **Pie**
Mstr Main: **Yes** Faces: **South** FEMA: **No**
Flooring: **Vinyl Sheet, Wood** Fireplace:
Appl/Equip: **Range-Free Standing**
View: **No View** Fence: **Chain Link**
Wtrfrt: **No** Wtr Accss:

Additional Information

S Restrict: **None**

Fore/REO:

Utility Information

Heat: **Central Heat, Natural Gas** Sewer: **City at Street**
A/C: **Central Air** Water: **City**
Utilities: **Electricity on Property, Natural Gas on Property**

Financial Information

Est Tax: **\$806** Act Tax: Tax Year: **1999** Tax Rate:

Property Information

Directions: **AIRPORT JUST PAST MLK (SO.) 13TH ON WEST SIDE.**

Remarks: **NICE HARDWOOD FLOORS, BIG FRONT PORCH, NEW PAINT INSIDE & OUT NEW C-AIR AND HEAT, COVERING, QUIET STREET WITH LOTS OF TREES, CARPORT HAS LOTS OF STORAGE. JOHNS MOBI**

Click on the arrow to view History

MLS #	Address	Type	Price	Chg Type	Effective	Chg Info	Chg E
521333	3104 E 13TH ST	RES	\$62,900	Expired	11/10/99	A->X	11/10

Checked 0

Print

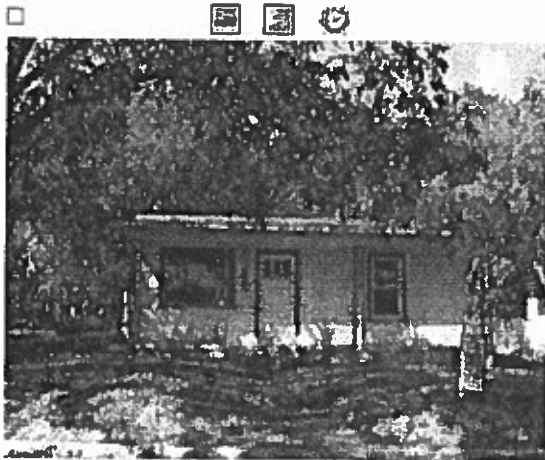
Patti Bridges CCIM

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Map

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1 / 1 Exterior Front

ML#: 524221 Area: 5 Status: X/RES
Address: 3104 E 13TH ST List Price: \$62,900
City: Austin, TX, 78702 County: Travis
PID: 02101509170000 Map: 586 N
Subdiv: MCKINLEY HEIGHTS
Legal: LOT 3 BLK 3 OLT 26 DIV B MCKINLEY H
ISD: Austin ISD
Elem A: Campbell Elem B: Campbell
Mid/Int: Jr HS: Kealing
9/HS: Sr HS: McCallum
Type: House/Fee-Simple SqFt: 672/Tax Re
Beds: 2 M/O Bds: 2/0 \$/SqFt: \$93.60
Baths: 1 F/H Bths: 1/0 Yr Built: 1952/Resa
Stories: 1 Living: 1 Dining: /Breakfast
Acres: 0.00 Land SQ: Lot Size: 45.00 X 11!
Pool: No Spa: Sprinkler:

General Information

Garage: Lot Desc: Level
Roof: Composition Shingle Bldr Nm:
Construct: Frame Foundation: Pie
Mstr Main: Yes Faces: South FEMA: No
Flooring: Vinyl Sheet, Wood Fireplace:
Appl/Equip: Range-Free Standing
View: No View Fence: Chain Link
Wtrfrt: No Wtr Accss:

Additional Information

S Restrict: None Fore/REO:
Utility Information
Heat: Central Heat, Natural Gas Sewer: City at Street
A/C: Central Air Water: City
Utilities: Electricity on Property, Natural Gas on Property

Financial Information

Est Tax: \$806 Act Tax: Tax Year: 1999 Tax Rate:

Property Information

Directions: AIRPORT JUST PAST MLK (SO.) 13TH ON WEST SIDE.

Remarks: NICE HARDWOOD FLOORS, BIG FRONT PORCH, NEW PAINT INSIDE & OUT NEW C-AIR AND HEAT, COVERING, QUIET STREET WITH LOTS OF TREES, CARPORT HAS LOTS OF STORAGE. JOHNS MOBI

Click on the arrow to view History

MLS #	Address	Type	Price	Chg Type	Effective Chg Info	Chg E
524221	3104 E 13TH ST	RES	\$62,900	Expired	12/14/99 A->X	12/14

Checked 0 Print

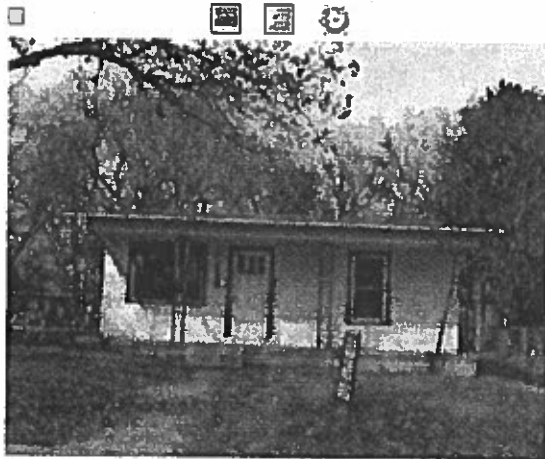
Patti Bridges CCIM

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Map

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1 / 1 Exterior Front

ML#: 529790	Area: 5	Status: X/RES
Address: 3104 E 13TH ST		List Price: \$62,900
City: Austin, TX, 78702		County: Travis
PID: 02101509170000		Map: 586 N
Subdiv: MCKINLEY HEIGHTS		
Legal: LOT 3 BLK 3 OLT 26 DIV B MCKINLEY H		
ISD: Austin ISD		
Elem A: Campbell	Elem B: Campbell	
Mid/Int:	Jr HS: Kealing	
9/HS:	Sr HS: McCallum	
Type: House/Fee-Simple	SqFt: 672/Tax Re	
Beds: 2	M/O Bds: 2/0	\$/SqFt: \$93.60
Baths: 1	F/H Bths: 1/0	Yr Built: 1952/Resa
Stories: 1	Living: 1	Dining: /Breakfast
Acres: 0.00	Land SQ:	Lot Size: 45.00 X 11!
Pool: No	Spa:	Sprinkler:

General Information			
Garage:			
Lot Desc:	Level		
Roof:	Composition Shingle	Bldr Nm:	
Construct:	Frame	FEMA:	No
Mstr Main:	Yes	Fireplace:	
Floors:	Vinyl Sheet, Wood	Fence:	Chain Link
Appl/Equip:	Range-Free Standing	Wtr Accs:	
View:	No View		
Wtrfrt:	No		
Foundation: Pie			
Additional Information			
S Restrict: None			
Fore/REO:			
Utility Information			
Heat:	Central Heat, Natural Gas	Sewer:	City at Street
A/C:	Central Air	Water:	City
Utilities: Electricity on Property, Natural Gas on Property			
Financial Information			
Est Tax:	\$806	Act Tax:	
		Tax Year:	1999
		Tax Rate:	
Property Information			
Directions: AIRPORT JUST PAST MLK (SO.) 13TH ON WEST SIDE.			
Remarks: NICE HARDWOOD FLOORS, BIG FRONT PORCH, NEW PAINT INSIDE & OUT NEW C-AIR AND HEAT, COVERING, QUIET STREET WITH LOTS OF ??? TREES, CARPORT HAS LOTS OF STORAGE. JOHNS M 789-5810 ???			

Click on the arrow to view History

Checked 0 Print

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Broker - Bridges Real Estate Group
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FILE

Map

Back to Results [Previous](#) · [Next](#) · 4 of 6



ML#: 533462	Area: 5	Status: S/RES
Address: 3104 E 13TH ST		List Price: \$62,900
City: Austin, TX, 78702		County: Travis
PID: 02101509170000		Map: 586 N
Subdiv: MCKINLEY HEIGHTS		
Legal: LOT 3 BLK 3 OLT 26 DIV B MCKINLEY H		
ISD: Austin ISD		
Elem A: Campbell		Elem B: Campbell
Mid/Int:		Jr HS: Kealing
9/HS:		Sr HS: McCallum
Type: House/Fee-Simple		SqFt: 672/Tax Re
Beds: 2	M/O Bds: 2/0	\$/SqFt: \$93.60
Baths: 1	F/H Bths: 1/0	Yr Built: 1952/Resale
Stories: 1	Living: 1	Dining: /Breakfast
Acres: 0.00	Land SQ:	Lot Size: 45.00 X 11!
Pool: No	Spa:	Sprinkler:

General Information			
Garage:			
Lot Desc:	Level		
Roof:	Composition Shingle	Bldr Nm:	
Construct:	Frame		Foundation: Pie
Mstr Main:	Yes	Faces: South	FEMA: No
Flooring:	Vinyl Sheet, Wood	Fireplace:	
Appl/Equip:	Range-Free Standing		
View:	No View	Fence:	Chain Link
Wtrfrt:	No	Wtr Accss:	
Additional Information			
S Restrict:	None	Fore/REO:	
Utility Information			
Heat:	Central Heat, Natural Gas	Sewer:	City at Street
A/C:	Central Air	Water:	City
Utilities:	Electricity on Property, Natural Gas on Property		
Financial Information			
Est Tax:	\$894	Act Tax:	Tax Year: 1999
			Tax Rate:
Property Information			
Directions: AIRPORT JUST PAST MLK (SO.) 13TH ON WEST SIDE.			
Sold Date: 04/10/2000		Sold Price: \$62,900	

Click on the arrow to view History

Checked 0 Print

Patti Bridges CCIM

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Map

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ML#: 734446 Area: 5 Status: S/RES
Address: 3104 E 13TH ST List Price: \$69,900
City: Austin, TX, 78702 County: Travis
PID: 02101509170000 Map: 586 N
Subdiv: MCKINLEY HEIGHTS
Legal: LOT 3 BLK 3 OLT 26 DIV B MCKINLEY H
ISD: Austin ISD
Elem A: Campbell Elem B: Campbell
Mid/Int: Jr HS: Kealing
9/HS: Sr HS: McCallum
Type: House/Fee-Simple SqFt: 672/Tax Re
Beds: 2 M/O Bds: 2/0 \$/SqFt: \$104.02
Baths: 1 F/H Bths: 1/0 Yr Built: 1952/Resa
Stories: 1 Living: 1 Dining: /Breakfast
Acres: Land SQ: Lot Size: 45.00 X 111
Pool: No Spa: Sprinkler:

1 / 1

General Information			
Garage:	/Detached		
Lot Desc:	Level		
Roof:	Composition Shingle		Bldr Nm:
Construct:	Frame		Foundation: Pie
Mstr Main:	Yes	Faces: South	FEMA: No
Flooring:	Vinyl Sheet, Wood		Fireplace:
Rooms:	Bedroom/Office		
Kitchen:	Breakfast Bar		
Appl/Equip:	Range-Free Standing		
Interior:	Security System - Owned		
View:	No View		Fence: Partial
Wtrfrt:	No		Wtr Accss:
Exterior:	Porch-Open		
Additional Information			
S Restrict:	None		Fore/REO:
Utility Information			
Heat:	Central Heat, Natural Gas		Sewer: City at Street
A/C:	Central Air		Water: City
Utilities:	Electricity on Property		
Financial Information			
Est Tax:	\$1,004	Act Tax:	Tax Year: 2003
			Tax Rate: 2.572
Property Information			
Directions: AIRPORT JUST PAST MLK SOUTH 13TH ST. ON WEST SIDE			
Sold Date: 11/21/2003		Sold Price: \$69,500	

Click on the arrow to view History

Checked 0 Print



MLS: 4213614 Area: 5 Status: S/RES
 Address: 3104 E 13th ST List Price: \$159,900
 City: Austin, TX, 78702 County: Travis
 PID: 02101509170000 Map: 586 N
 Subdiv: McKinley Heights
 Legal: Lot 3 Blk 3 Olt 26 Div B McKinley Heights
 ISD: Austin ISD
 Elem A: Campbell Elem B: N/A
 Mid/Int: N/A Jr HS: Kealing
 9/HS: N/A Sr HS: McCallum
 Type: House/Fee-Simple SQFT: 672/Tax Record
 Beds: 2 M/O Bd: 2/0 \$/SF: \$237.95
 Baths: 1 F/H Bth: 1/0 Yr Built: 1952/Resale
 Living: 1 Stories: 1 Dining: 1/Breakfast Area
 Acres: 0.120 Lnd SQ: Lot Size: 45 x 115
 Pool: No Spa:

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General Information

Garage: Lot Desc: FEMA: No
 Roof: Composition Shingle Faces: Bldr Nm: Foundation: Pier & Beam
 Construct: Frame
 Mstr Main: Yes /None
 Flooring: Wood Fireplaces:
 View: No View Wtr Accss:
 Wtrfrt: No Fore/REO:
 Sale Restrict: None

Utility Information

Heat: Central Heat, Natural Gas Sewer: City at Street
 A/C: Central Air Water: City
 Utilities: Electricity on Property, Natural Gas on Property

Financial Information

HOA Name: Est Tax: \$1,787 Tax Year: 2005
 HOA Fee: Act Tax: Tax Rate: 2.7423
 Exempt: Homestead Possess:
 Financing: Cash, Conventional, FHA, VA Pref Title:

Showing Information

Show: Call First - Go Access: Animal(s) on Property
 Lockbox: Lockbox/Porch Security: Sign: Yes
 Directions: MLK E, right on Harvey, Left on 13th
 Ag Remarks: Fabulous house in hot McKinley Heights. Minutes to downtown and Mueller development. Updated and ready to go. Large front porch, hardwood flrs, screened back porch, custom kitchen cabinets, garage/studio, landscaped, big window in living room.

Office Information

List Agent: 474023/Lisa Munoz Ag Phone: (512) 293-5551 Ag Fax: 512-306-1340
 List Office: 1384/Hindsite 20/20 Real Estate Inv Off Phone: (512) 795-4400 Sub Ag: 3%
 List Ag 2: LA 2 Phone: Buy Ag: 3%
 Own Name: HOOBLER STACY Bonus:
 Occupant: Owner List Date: 05/12/2006
 Ag Email: LisaMunoz@RealtyAustin.com Exp Date:
 Intrmdry: VarComm: OLP: \$169,900
 BA: 509534/Albert Saenz Sold Price: \$162,500
 BO: 0991/Keller Williams Realty Sold Date: 08/08/2006
 Terms: Conventional Pend Date: 07/14/2006
 Repairs: New Loan: \$132,500

MLS #	Address	Type	Price	Chg Type	Effective Chg Info	Chg Date	DOMCD
4213614	3104 E 13th ST	RES	\$162,500	Sold	08/08/06 (\$162,500)	08/08/06	49
4213614	3104 E 13th ST	RES	\$159,900	Pending	07/19/06 PB->P	07/19/06	49
4213614	3104 E 13th ST	RES	\$159,900	Pending	07/14/06 A->PB	07/14/06	49
4213614	3104 E 13th ST	RES	\$159,900	Back On Market	07/06/06 P->A	07/06/06	41
4213614	3104 E 13th ST	RES	\$159,900	Pending	07/06/06 PB->P	07/06/06	41
4213614	3104 E 13th ST	RES	\$159,900	Pending	06/29/06 A->PB	06/29/06	41
4213614	3104 E 13th ST	RES	\$159,900	Price Decrease	06/16/06 \$165,000->\$159,900	06/16/06	28
4213614	3104 E 13th ST	RES	\$165,000	Price Decrease	06/13/06 \$169,900->\$165,000	06/13/06	25
4213614	3104 E 13th ST	RES	\$169,900	Back On Market	06/08/06 PB->A	06/08/06	20
4213614	3104 E 13th ST	RES	\$169,900	Pending	06/01/06 A->PB	06/01/06	20
4213614	3104 E 13th ST	RES	\$169,900	New	05/12/06 I->A	05/12/06	0
734446	3104 E 13TH ST	RES	\$69,500	Sold	11/21/03 (\$69,500)	11/21/03	19
734446	3104 E 13TH ST	RES	\$69,900	Pending	11/14/03 A->P	11/14/03	19
734446	3104 E 13TH ST	RES	\$69,900	Back On Market	10/27/03 T->A	10/27/03	1
734446	3104 E 13TH ST	RES	\$69,900	Temporarily Off Market	10/22/03 A->T	10/22/03	1
734446	3104 E 13TH ST	RES	\$69,900	New	10/21/03 I->A	10/21/03	0

<u>533462</u>	3104 E 13TH ST	RES	\$62,900	Sold	04/10/00 (\$62,900)	04/10/00	20
<u>533462</u>	3104 E 13TH ST	RES	\$62,900	Pending	03/13/00 A->PB	03/13/00	20
<u>533462</u>	3104 E 13TH ST	RES	\$62,900	New	02/22/00 I->A	02/22/00	0
<u>529790</u>	3104 E 13TH ST	RES	\$62,900	Expired	02/22/00 A->X	02/22/00	25
<u>529790</u>	3104 E 13TH ST	RES	\$62,900	Back On Market	02/20/00 T->A	02/20/00	23
<u>529790</u>	3104 E 13TH ST	RES	\$62,900	Temporarily Off Market	02/18/00 A->T	02/18/00	23
<u>529790</u>	3104 E 13TH ST	RES	\$62,900	Back On Market	02/17/00 P->A	02/17/00	22
<u>529790</u>	3104 E 13TH ST	RES	\$62,900	Pending	02/08/00 A->P	02/08/00	22
<u>529790</u>	3104 E 13TH ST	RES	\$62,900	New	01/17/00 I->A	01/17/00	0
<u>527052</u>	3104 E 13TH ST	RES	\$62,900	Expired	01/16/00 A->X	01/16/00	33
<u>527052</u>	3104 E 13TH ST	RES	\$62,900	New	12/14/99 I->A	12/14/99	0
<u>524221</u>	3104 E 13TH ST	RES	\$62,900	Expired	12/14/99 A->X	12/14/99	23
<u>524221</u>	3104 E 13TH ST	RES	\$62,900	Back On Market	11/29/99 P->A	11/29/99	8
<u>524221</u>	3104 E 13TH ST	RES	\$62,900	Pending	11/18/99 A->P	11/18/99	8
<u>524221</u>	3104 E 13TH ST	RES	\$62,900	New	11/10/99 I->A	11/10/99	0
<u>521333</u>	3104 E 13TH ST	RES	\$62,900	Expired	11/10/99 A->X	11/10/99	28
<u>521333</u>	3104 E 13TH ST	RES	\$62,900	Back On Market	11/06/99 P->A	11/06/99	24
<u>521333</u>	3104 E 13TH ST	RES	\$62,900	Pending	11/01/99 A->P	11/01/99	24
<u>521333</u>	3104 E 13TH ST	RES	\$62,900	New	10/08/99 I->A	10/08/99	0

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Search Criteria

MLS Number is 4213614

Selected 1 of 1 result.

Patti Bridges CCIM

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Map

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Exterior Front : Bright
welcoming home!

ML#: **4213614** Area: **5** Status: **S/RES**
Address: **3104 E 13th ST** List Price: **\$159,900**
City: **Austin, TX, 78702** County: **Travis**
PID: **02101509170000** Map: **586 N**
Subdiv: **Mckinley Heights**
Legal: **Lot 3 Blk 3 Olt 26 Div B Mckinley Heights**
ISD: **Austin ISD**
Elem A: **Campbell** Elem B: **N/A**
Mid/Int: **N/A** Jr HS: **Kealing**
9/HS: **N/A** Sr HS: **McCallum**
Type: **House/Fee-Simple** SqFt: **672/Tax Re**
Beds: **2** M/O Bds: **2/0** \$/SqFt: **\$237.95**
Baths: **1** F/H Bths: **1/0** Yr Built: **1952/Resa**
Stories: **1** Living: **1** Dining: **1/Breakfas**
Acres: **0.12** Land SQ: Lot Size: **45 x 115**
Pool: **No** Spa: Sprinkler:

Virtual Tour Link

General Information

Garage:
Roof: **Composition Shingle** Bldr Nm:
Construct: **Frame** Foundation: **Pie**
Mstr Main: **Yes** Faces:
Flooring: **Wood** FEMA: **No**
Master: **None** Fireplace:
View: **No View** Fence: **Partial, Privacy**
Wtrfrt: **No** Wtr Accss:

Additional Information

S Restrict: **None** Fore/REO:

Utility Information

Heat: **Central Heat, Natural Gas** Sewer: **City at Street**
A/C: **Central Air** Water: **City**
Utilities: **Electricity on Property, Natural Gas on Property**

Financial Information

Est Tax: **\$1,787** Act Tax: Tax Year: **2005** Tax Rate: **2.742**

Property Information

Directions: **MLK E, right on Harvey, Left on 13th**

Remarks: **Fabulous house in hot McKinley Heights.Minutes to downtown and Mueller development.Updated go.Large front porch,hardwood flrs,screened back porch,custom kitchen cabinets,garage/studio,l window in living room.**

Sold Date: **08/08/2006**

Sold Price: **\$162,500**

Click on the arrow to view History

MLS #	Address	Type	Price	Chg Type	Effective Chg Info	Chg C
4213614	3104 E 13th ST	RES	\$162,500	Sold	08/08/06 (\$162,500)	08/08

Checked 0

Print

Tabor Law Firm, PC

ATTORNEYS AND COUNSELORS AT LAW

Ex 22

August 18, 2016

Via email leane.heldenfels@austintexas.gov

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: C15-2016-0061 *Request for reconsideration*
3104 E. 13th Street, Austin, TX 78702

Exhibit 2

23



TEXAS ASSOCIATION OF REALTORS®
SELLER'S DISCLOSURE NOTICE
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Section 5.008, Property Code requires a seller of residential property of not more than one dwelling unit to deliver a Seller's Disclosure Notice to a buyer on or before the effective date of a contract. This form complies with and contains additional disclosures which exceed the minimum disclosures required by the Code.

CONCERNING THE PROPERTY AT 3104 E 13th Street,
Austin, Tx. 78702-2506

THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE BUYER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER, SELLER'S AGENTS, OR ANY OTHER AGENT.

Seller ☒ is ☐ is not occupying the Property. If unoccupied (by Seller), how long since Seller has occupied the Property?
☐ or ☐ never occupied the Property

Section 1. The Property has the items marked below: (Mark Yes (Y), No (N), or Unknown (U).)

*Note: This notice does not establish which items will or will not be conveyed.
The terms of a contract will determine which items will and will not be conveyed.*

Item	Y	N	U
Cable TV Wiring	X		
Carbon Monoxide Det.		X	
Ceiling Fans	X		
Cooktop	N	X	
Dishwasher		X	
Disposal		X	
Exhaust Fans			
Fences	X		
Fire Detection Equip.	X		
French Drain			X
Gas Fixtures	X		

Item	Y	N	U
Gas Lines (Nat/LP)	X		
Hot Tub		X	
Intercom System		X	
Microwave	X		
Outdoor Grill	X		
Oven		X	
Patio/Decking	X		
Plumbing System	X		
Pool		X	
Pool Equipment		X	
Pool Maint. Accessories		X	

Item	Y	N	U
Pool Heater		X	
Public Sewer System	X		
Rain Gutters	X		
Range/Stove	X		
Roof/Attic Vents	X		
Sauna		X	
Spa		X	
Trash Compactor		X	
TV Antenna		X	
Washer/Dryer Hookup	X		
Window Screens	X		

Item	Y	N	U	Additional Information
Central A/C	X			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>1</u>
Wall/Window AC Units		X		number of units: _____
Attic Fan(s)			X	if yes, describe: _____
Evaporative Coolers		X		number of units: _____
Central Heat	X			<input type="checkbox"/> electric <input checked="" type="checkbox"/> gas number of units: <u>1</u>
Other Heat		X		if yes, describe: _____
Fireplace & Chimney		X		<input type="checkbox"/> woodburning (no.) <input type="checkbox"/> mock (no.) other: _____
Carport		X		<input type="checkbox"/> attached <input type="checkbox"/> not attached
Garage		X		<input type="checkbox"/> attached <input type="checkbox"/> not attached
Garage Door Openers		X		number of units: _____ number of remotes: _____
Satellite Dish & Antenna	X			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from <u>NO CONTROLS</u>
Security System	X			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from _____
Water Heater	X			<input type="checkbox"/> electric <input checked="" type="checkbox"/> gas <input type="checkbox"/> other: _____ number of units: _____
Water Softener		X		<input type="checkbox"/> owned <input type="checkbox"/> leased from _____
Underground Lawn Sprinkler		X		<input type="checkbox"/> automatic <input type="checkbox"/> manual areas covered: _____
Septic / On-Site Sewer Facility		X		if yes, attach information About On-Site Sewer Facility (TAR-1407)

(TAR-1406) 4-26-04 Initialed by: Seller: KE SK and Buyer: _____ Page 1 of 4

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Concerning the Property at 3104 E 13th Street,
Austin, Tx. 78702-2506

Water supply provided by: ☒ city ☐ well ☐ MUD ☐ co-op ☐ unknown ☐ other: _____

Was the Property built before 1978? ☒ yes ☐ no ☐ unknown

(If yes, complete, sign, and attach TAR-1906 concerning lead-based paint hazards).

Roof Type: Shingles Age: unknown (approximate)

Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)?

☐ yes ☐ no ☒ unknown

Are you (Seller) aware of any of the items listed in this Section 1 that are not in working condition, that have defects, or are in need of repair? ☐ yes ☒ no If yes, describe (attach additional sheets if necessary): _____

Section 2. Are you (Seller) aware of any defects or malfunctions in any of the following?: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Item	Y	N
Basement		<input checked="" type="checkbox"/>
Ceilings		<input checked="" type="checkbox"/>
Doors		<input checked="" type="checkbox"/>
Driveways		<input checked="" type="checkbox"/>
Electrical Systems		<input checked="" type="checkbox"/>
Exterior Walls		<input checked="" type="checkbox"/>

Item	Y	N
Floors		<input checked="" type="checkbox"/>
Foundation / Slab(s)		<input checked="" type="checkbox"/>
Interior Walls		<input checked="" type="checkbox"/>
Lighting Fixtures		<input checked="" type="checkbox"/>
Plumbing Systems		<input checked="" type="checkbox"/>
Roof		<input checked="" type="checkbox"/>

Item	Y	N
Sidewalks		<input checked="" type="checkbox"/>
Walls / Fences		<input checked="" type="checkbox"/>
Windows		<input checked="" type="checkbox"/>
Other Structural Components	<input checked="" type="checkbox"/>	

If the answer to any of the items in Section 2 is yes, explain (attach additional sheets if necessary): DETACHED
STORAGE BUILDING ROOF LEAKS IN HEAVY RAINS IN CERTAIN AREAS.

Section 3. Are you (Seller) aware of any of the following conditions: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Condition	Y	N
Aluminum Wiring		<input checked="" type="checkbox"/>
Asbestos Components		<input checked="" type="checkbox"/>
Diseased Trees: <input type="checkbox"/> oak wilt <input type="checkbox"/> _____		<input checked="" type="checkbox"/>
Endangered Species/Habitat on Property		<input checked="" type="checkbox"/>
Fault Lines		<input checked="" type="checkbox"/>
Hazardous or Toxic Waste		<input checked="" type="checkbox"/>
Improper Drainage		<input checked="" type="checkbox"/>
Intermittent or Weather Springs		<input checked="" type="checkbox"/>
Landfill		<input checked="" type="checkbox"/>
Lead-Based Paint or Lead-Based Pt. Hazards		<input checked="" type="checkbox"/>
Encroachments onto the Property		<input checked="" type="checkbox"/>
Improvements encroaching on others' property		<input checked="" type="checkbox"/>
Located in 100-year Floodplain		<input checked="" type="checkbox"/>
Present Flood Insurance Coverage (If yes, attach TAR-1414)	<input checked="" type="checkbox"/>	
Previous Flooding into the Structures		<input checked="" type="checkbox"/>
Previous Flooding onto the Property		<input checked="" type="checkbox"/>
Previous Fires		<input checked="" type="checkbox"/>
Previous Foundation Repairs		<input checked="" type="checkbox"/>

Condition	Y	N
Previous Roof Repairs		<input checked="" type="checkbox"/>
Other Structural Repairs		<input checked="" type="checkbox"/>
Radon Gas		<input checked="" type="checkbox"/>
Settling		<input checked="" type="checkbox"/>
Soil Movement		<input checked="" type="checkbox"/>
Subsurface Structure or Pits		<input checked="" type="checkbox"/>
Underground Storage Tanks		<input checked="" type="checkbox"/>
Unplatted Easements		<input checked="" type="checkbox"/>
Unrecorded Easements		<input checked="" type="checkbox"/>
Urea-formaldehyde Insulation		<input checked="" type="checkbox"/>
Water Penetration		<input checked="" type="checkbox"/>
Wetlands on Property		<input checked="" type="checkbox"/>
Wood Rot		<input checked="" type="checkbox"/>
Active Infestation of termites or other wood-destroying insects (WDI)		<input checked="" type="checkbox"/>
Previous treatment for termites or WDI		<input checked="" type="checkbox"/>
Previous termite or WDI damage repaired		<input checked="" type="checkbox"/>
Termite or WDI damage needing repair		<input checked="" type="checkbox"/>

(TAR-1406) 4-26-04

Initialed by: Seller: RP and Buyer: _____

Page 2 of 4

Produced with ZipForm™ by RE FormsNet, LLC 18025 Fifteen Mile Road, Clinton Township, Michigan 48035 www.zipform.com

Kristal Cain &

11/25

Concerning the Property at 3104 E 13th Street,
Austin, Tx. 78702-2506

If the answer to any of the items in Section 3 is yes, explain (attach additional sheets if necessary): _____

Section 4. Are you (Seller) aware of any item, equipment, or system in or on the Property that is in need of repair, which has not been previously disclosed in this notice? ☐ yes ☒ no If yes, explain (attach additional sheets if necessary): _____

Section 5. Are you (Seller) aware of any of the following (Mark Yes (Y) if you are aware. Mark No (N) if you are not aware.)

- | Y | N | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at the time. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Homeowners' associations or maintenance fees or assessments. If yes, complete the following:
Name of association: _____
Manager's name: _____ Phone: _____
Fees or assessments are: \$ _____ per _____ and are: <input type="checkbox"/> mandatory <input type="checkbox"/> voluntary
Any unpaid fees or assessment for the Property? <input type="checkbox"/> yes (\$ _____) <input type="checkbox"/> no
If the Property is in more than one association, provide information about the other associations below or attach information to this notice. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following:
Any optional user fees for common facilities charged? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, describe: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any lawsuits or other legal proceedings directly or indirectly affecting the Property. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any condition on the Property which materially affects the health or safety of an individual. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any repairs or treatments, other than routine maintenance, made to the Property to remediate environmental hazards such as asbestos, radon, lead-based paint, urea-formaldehyde, or mold.
If yes, attach any certificates or other documentation identifying the extent of the remediation (for example, certificate of mold remediation or other remediation). |

If the answer to any of the items in Section 5 is yes, explain (attach additional sheets if necessary): _____

Section 6. Do you (Seller) have a survey of the Property available for review? ☒ yes ☐ no If yes, a copy of the survey ☐ is ☒ is not attached.

I/26

Concerning the Property at 3104 E 13th Street,
Austin, Tx. 78702-2506

Section 7. Within the last 4 years, have you (Seller) received any written inspection reports from persons who regularly provide inspections and who are either licensed as inspectors or otherwise permitted by law to perform inspections? ☒ yes ☒ no If yes, attach copies and complete the following:

Inspection Date	Type	Name of Inspector	No. of Pages
11/03			

Note: A buyer should not rely on the above-cited reports as a reflection of the current condition of the Property. A buyer should obtain inspections from inspectors chosen by the buyer.

Section 8. Check any tax exemption(s) which you (Seller) currently claim for the Property:

☒ Homestead ☐ Senior Citizen ☐ Disabled ☐ Disabled Veteran ☐ Agricultural ☐ Wildlife Management
☐ Other: _____ ☐ Unknown

Section 9. Have you (Seller) ever received proceeds for a claim for damage to the Property (for example, an insurance claim or a settlement or award in a legal proceeding) and not used the proceeds to make the repairs for which the claim was made? ☐ yes ☒ no If yes, explain: _____

Seller acknowledges that the statements in this notice are true to the best of Seller's belief and that no person, including the broker(s), has instructed or influenced Seller to provide inaccurate information or to omit any material information.

Kristal Cain
Signature of Seller _____ Date _____
Printed name: Kristal Cain

Stacy Hoobler 5.11.06
Signature of Seller _____ Date _____
Printed name: Stacy Hoobler

NOTICES TO BUYER:

The Texas Department of Public Safety maintains a database that the public may search, at no cost, to determine if registered sex offenders are located in certain zip code areas. To search the database, visit www.txdps.state.tx.us. For information concerning past criminal activity in certain areas or neighborhoods, contact the local police department.

If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.

This Seller's Disclosure Notice was completed by Seller as of the date signed. The brokers have relied on this notice as true and correct and have no reason to believe it to be false or inaccurate. YOU ARE ENCOURAGED TO HAVE AN INSPECTOR OF YOUR CHOICE INSPECT THE PROPERTY.

The undersigned Buyer acknowledges receipt of the foregoing notice.

Signature of Buyer _____ Date _____ Signature of Buyer _____ Date _____
Printed name: _____ Printed name: _____

(TAR-1406) 4-26-04

Initialed by: Seller: IC SH and Buyer: _____

Page 4 of 4
Kristal Cain &

Produced with ZipForm™ by RE FormsNet, LLC 18025 Fifteen Mile Road, Clinton Township, Michigan 48035 www.zipform.com

Tabor Law Firm, PC

ATTORNEYS AND COUNSELORS AT LAW

11/27

August 18, 2016

Via email leane.heldenfels@austintexas.gov

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: C15-2016-0061 *Request for reconsideration*
3104 E. 13th Street, Austin, TX 78702

Exhibit 3

IJ
28

Cause No. C15-2016-0061

Thomas Henderson,	}	BEFORE THE CITY OF AUSTIN
Petitioner,	}	
v.	}	PLANNING & DEVELOPING REVIEW
	}	DEPARTMENT
Nanette DiNunzio,	}	
Respondent	}	

**Declaration of James Rivers,
in Support of Motion for Reconsideration**

I, James Rivers, declare:

My name is James Rivers. We moved into the house at 3106 E. 13th Street on December 23, 1995 in time to celebrate Christmas there. I still live at the same address.

The neighbor to the west, at 3104 E. 13th Street, had a structure referred to as a wash shed. It looked like a small carport. It had a sink and an old fashioned was tub inside. Originally, from the door, walking inside, it was about 6 - 8 feet wide and 3 feet deep. The inside area was used for storage. It was never used for a carport.

One of the things I do is mow lawns. I have mowed the lawns for several of the previous owners of 3104 E. 13th Street. I also did odd jobs for the older lady who lived there before the current owners bought the house. I know what the wash shed looked like because I helped the previous neighbor clear out a wasp nest that was inside.

I also was able to mow between our property line and the outside of the wash shed with my old small mower (2.2 mower). Where the new building is now, there is no way I could fit with my mower in that space and mow.

Before the current owners bought this house, there was NO studio in the back. There was closed in storage inside of the wash shed, but the building at the back of the property that is there now WAS NOT THERE when they bought the house in 2006.

After the new owner bought the house, Gerard Verkaart (the husband) asked me to help him from time to time with remodel work. This was during 2007 - early 2009. I helped remove old material and put new material in place so that he could complete the work. He started working in the front of the house and he would ask me to help him when he did demolition and to stack building material waste so it could be hauled to the dump. Over time, I helped Gerard with at least six loads of this kind of construction debris that was taken to the dump.

When Gerard bought supplies, I would help unload supplies onto the screened-in porch. I

also helped with hauling off the materials after we had collected a whole load. For example, he removed all of the wood from the house and replaced it with siding. I helped him remove the wood, stack it for removal, and haul it away. I helped him shovel dirt when he dug trenches to level the house.

II
29

In about late 2007 - 2008, he tore down the front "carport" portion of the wash shed and built a new structure from the original building. I helped him remove the tin roof and stack it for disposal at the dump just as I had for the wood on the main house when he prepared it for putting on the new siding. After he removed the wood, he placed siding on the wall where the door had been on the front of the building. Gerard also put on new ply wood, insulation, and roll on roof paper (that look like shingles.) After Gerard expanded the walls out on either side, he would make cement and carry by wheelbarrow inside to expand the slab out to meet the expanded walls. He expanded the slab footprint by about 2 feet on either side of the building.

We removed all of the old tin and wood from the wash shed. The building was so close to the fence, I stood on a fence on my side and Gerard would hand the pieces of tin to me, and then I would drop them back on his side of the fence for disposal. Then, Gerard extended the footprint of the slab on either side by at least two feet: (the original size was about 6 - 8 feet wide and 3 feet deep). As I said, I could mow between the wash shed and the fence when it was owned by the last owner but can no longer do that because the new building is so close to the fence. Then Gerard built a new, raised roof on the building in the backyard. The roof on the new building looks like the roof on the new screened-in porch in the backyard. The roof line of the old building is along the line of the fasteners holding the horizontal material onto the vertical siding.

I remember going to the dump at least six times. He took a long electrical cord and attached it to a multiple plug device to get electricity out to the new building. It doesn't have electricity as far as I can tell without all of the extension cords.

The only building that was ever next door at 3104 W 13th Street besides the house was the wash shed. I helped Gerard tear parts of it down, saw him extend the slab by two feet on each side and build a new building, enclosing the carport portion in the front.

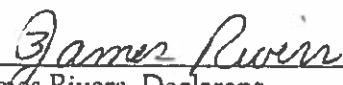
I believe the neighbors were watching TV in the new building in the backyard. I could hear them laughing sometimes in the evening while watching. There were many extension cords providing electricity to the new building and multiple outlet extenders plugged into the extension cords. Before time for the inspection, I saw and heard Gerard carrying computers, monitors, etc. back into the house at odd hours. I can hear him walking on the deck in their backyard.

When the Code inspectors were out, they compared the placement of the shed at 3104 to the location of wash sheds/carports at other houses in the neighborhood built about the same time. The Code enforcement people said they could tell the building had been moved toward our property line. The orange markers are still there from their inspection.

My sister Nettie lived here, too, and was receiving treatment for throat and brain cancer until her death in 2013. I would take her to her treatments and sit with her while she waited. I was not home everyday but was happy for the distraction to work with Gerard because it was so upsetting to watch a family member suffer with cancer. I would often walk over and see what progress Gerard made upon returning home on days I was with my sister at her treatments.

Also, the applicant did not give us notice they were discussing the easement dispute with the neighborhood associations. We learned from friends in attendance of the negative and incorrect things said about us at these meetings by the applicant. We had many people seek us out and ask if they were talking about our house, because they did not believe Thomas Henderson would ever "use his celebrity to bully" as he was said to have done. It is not fair that we did not get to tell our side of the story at these neighborhood association meetings and that the applicant did not tell the truth about the real issues involved.

The neighborhood meeting was a combined meeting of McKinley Heights and Homewood Heights neighborhoods. Our home is in McKinley Heights. My understanding is that most of those in attendance at the neighborhood association meeting were from Homewood Heights. Those residents do not know me or Thomas, and do not know this neighborhood or any of the details about this dispute. No notice was posted about the meeting like it usually is.


James Rivers, Declarant
August 18, 2016

Tabor Law Firm, PC

ATTORNEYS AND COUNSELORS AT LAW

11/31

August 18, 2016

Via email leane.heldenfels@austintexas.gov

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: C15-2016-0061 *Request for reconsideration*
3104 E. 13th Street, Austin, TX 78702

Exhibit 4

IJ
32

Cause No. C15-2016-0061

Thomas Henderson,	}	BEFORE THE CITY OF AUSTIN
Petitioner,	}	
v.	}	PLANNING & DEVELOPING REVIEW
	}	DEPARTMENT
Nanette DiNunzio	}	
Respondents	}	

**Declaration of Ronald Hunter,
in Support of Motion for Reconsideration**

I, Ronald Hunter, declare:

My name is Ronald Hunter. We moved into the house at 3100 E. 13th Street in 1970 when my family moved back to Austin from Seattle, which is next door to 3104 E. 13th Street. I lived there until approximately 2010, but the property is still owned by my family. I am still at the house frequently.

The Gorden family lived at 3104 E. 13th St. at the time we moved in next door. I grew up playing in their home and in their backyard. There was an open storage shed in the back and a basketball goal on the front of it. It had a large canopy over the front. It was a three wall open shed in the front. The shed was about six feet by about three feet. The open carport was about six feet where one car would barely fit under it.

The structure we are all discussing was a three wall open shed with a small closed in area in the back for storage. It was never large enough to be called a detached garage. It was barely large enough to be called a carport. In 2009, Gerard Verkaart, applicant's husband closed it in. The existing structure as it appears today was not there and did not exist at the time the applicant purchased the house on August 8, 2006.

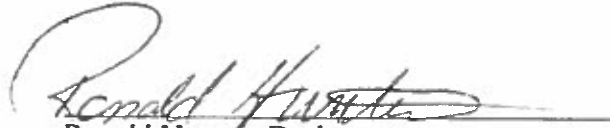
Charles Hines owned the lot at 3106 before the Henderson's purchased it. The Henderson's built a house and moved in at the end of 1995.

Gerard Verkaart is a very difficult neighbor. Previous owners had a deck that was up to my property line. I had no problem with the placement because we had no fence. The owners of the house were college girls. They were friendly with my family and were good neighbors. The next owner did not have the house for very long. Then, in August, 2006, the applicant and her husband bought the house. Gerard built a screened in porch on the deck. Almost immediately after moving in, he also started pushy inquiries about wanting to buy my house. After telling him I was not interested in selling it, he put up a privacy fence. Because Gerard put up a privacy fence, the City forced me to put up a privacy fence on my property, which is a double lot.

Shortly thereafter, Gerard called Code enforcement and made a complaint about a small pile of debris I had in the backyard. I removed the debris, completed every action item asked of me by the city. As soon as I received my clearance, I told the City inspector I wanted to file a complaint because Gerard's deck and screened in porch were ON my property line. Code enforcement agreed and forced him to remove his screened in porch on the west side of his house. However, although we was ordered to do so by the City, he has NOT removed the deck that violates the five-foot setback.

My next activity with Gerard involved complaints about my dog barking at night at the possums. Gerard called and complained to the police and even recorded the dog barking. At this time, there are no remaining possums. However, he continued calling the police, making false reports that I was under-feeding my dog. I showed the police office my robust dog and he agreed that the dog was not underfed. I asked the policeman to tell Gerard to leave my dog alone, to stop feeding my dog, and to stay on his side of the privacy fence he was so eager to build.

neighborhood associations.


Ronald Hunter, Declarant

August 18, 2016

Tabor Law Firm, PC

ATTORNEYS AND COUNSELORS AT LAW

11
34

August 18, 2016

Via email leane.heldenfels@austintexas.gov

Ms. Leane Heldenfels
Senior Planner, City of Austin
Planning & Developing Review Department
Development Assistance Center
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: C15-2016-0061 *Request for reconsideration*
3104 E. 13th Street, Austin, TX 78702

Exhibit 5

11
35

Thomas Henderson,	}	BEFORE THE CITY OF AUSTIN
Petitioner,	}	
v.	}	PLANNING & DEVELOPING REVIEW
	}	DEPARTMENT
Nanette DiNunzio,	}	
Respondent	}	

**Declaration of Thomas Henderson,
in Support of Motion for Reconsideration**

I, Thomas Henderson, declare:

My name is Thomas Henderson. I bought this home at 3106 E. 13th Street for my mother in 1995. We've had several neighbors before our current neighbors. My sister, Nettie, lived there after our mother passed away in 2003. She was mentally ill. My brother James lives there now and is not knowledgeable on easements or setbacks. However, he did cut the yard next door for many years before our current neighbors moved in (at 3401). He was able to mow front to back of the house inside along the fence line on the 3401 side of the fence and there was an easement (5 ft) at that time. Our current neighbor is a contractor. Not sure if he is a licensed contractor, but that's what he does for work from our observation. Most contractors know what an easement and setback is.

We believe our neighbors were using this structure for a business and entertainment. Since we filed this complaint, our neighbor has put up a tarp so no one can see his alterations prior to inspection. This structure is less than on foot from my property line and inches from my fence. I spent \$500 for a survey. When the property line was laid out, the neighbor's roof was overhanging on our property by at least a foot. When the neighbor saw this, he immediately climbs up on the structure and saws it back (on foot) in one day. What's interesting is he stayed home while the survey was being done that day.

Our neighbors know they are out of compliance; my neighbors got permits and altered the permits by drawing lines into easements. What's clear about all this is that my neighbor never closed permits or received final inspections or Certificates of Occupancy on any building permit, as far as I know. For them to claim hardship is a joke. I have build 7 homes in East Austin; I have rehabilitated dozens of properties. I know the rules and never break them. I restored the stadium at Old Anderson High School. I grew up in East Austin. I'm not sure if Gentrification is an issue here but I do think my neighbors think they are smarter and more clever than us people.

Ignorance is not part of the Board of Adjustments. Our neighbor camouflaged this building, I believe on purpose. You drive down 13th Street and look at 3104. The driveway is completely camouflaged. You cannot see this building at all. We believe our neighbors were/are running a

business out of this illegal structure. I'm sure they never suspected an intelligent owner to call them on this illegal building. I fear if that structure catches fire it will burn down my fence and maybe my homestead. There is no hardship for a premeditated breaking of building rules. "He is a contractor, there is no hardship for a slabbed structure inches from my fence. Our neighbors pulled permits but knew inspections would not be approved. I believe his wife will come before you because she's a lawyer. It's her husband that's the contractor and culprit of this issue. My prayer is that the board of adjustments will see this for what it is, an illegal structure 4 feet into the easement of neighbor. Safety for my homestead is imperative as well. My family has been in Austin for 150 years and I have lived in Austin for 63 years. Please hold these neighbors accountable.

The only remedy I seek is for you to enforce the 5 foot easement against all structures on the neighbor's property at 3104 E. 13th Street.

Highlights:

- Property is in violation of City Easement and/or Setback policy
- Permits for property were never filed correctly or completely
- Permits needed (Electrical Etc.) were never filed.
- Permits filed were never closed or received Final Inspection
- Certificate of Occupancy was never applied for and/or received
- Homeowner is contractor and well aware of Easement and Setback policy

Thank you.

/s/ *Thomas Hollywood Henderson*
Thomas "Hollywood" Henderson, Declarant
August 18, 2016

April 2006

Carpot at 3104 E 13th Street

Legend

📍 3104 E 13th St

📏 Line Measure 2008 back of out building to front of Henderson home

3104 E 13th St 3104 E 13th St

Google earth

Image © 2006

50 ft



Appeal of Special Exception granted to 3104 E. 13th Street Austin, TX

On behalf of Petitioner,
Thomas Henderson
C15-2016-0061

3/15

We respectfully request a Rehearing in this case.

We have significant NEW evidence showing the building in question was significantly expanded in 2007 - 2009, without a permit, and does NOT meet the criteria for a special exception as granted on August 8, 2016.

The structure at issue was
not in existence for 10 years
between date of purchase
by applicant on 8/8/06 and
hearing 8/8/16

The existing structure was extended, remodeled and roof raised/replaced by 2009.

Work was done between approximately 2007 and 2009

With material changes,
criteria for the
mandatory exception
granted at the 8/8/2016
hearing are NOT met.

4/4

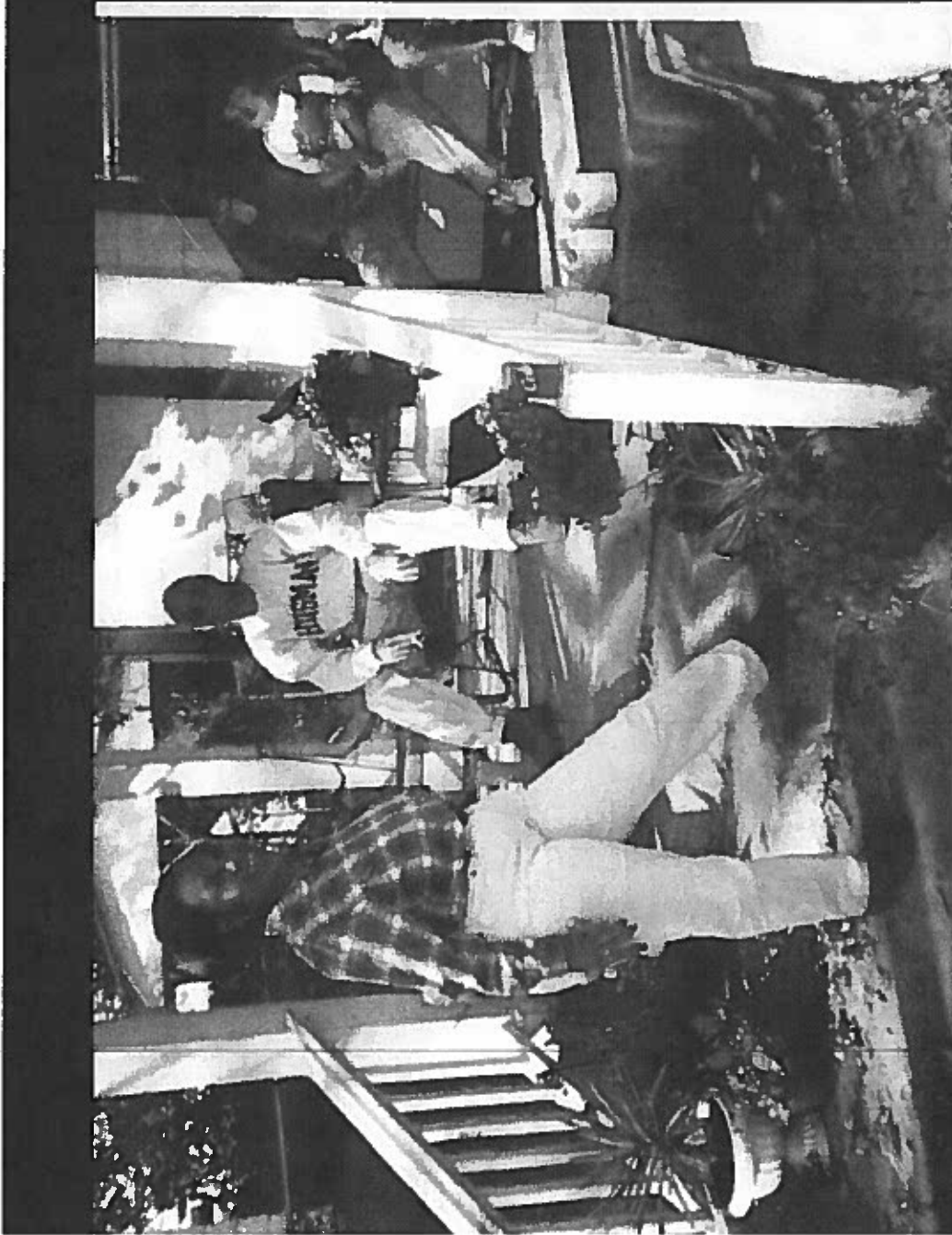


Photo of
Henderson home
with wash shed in
background top
left

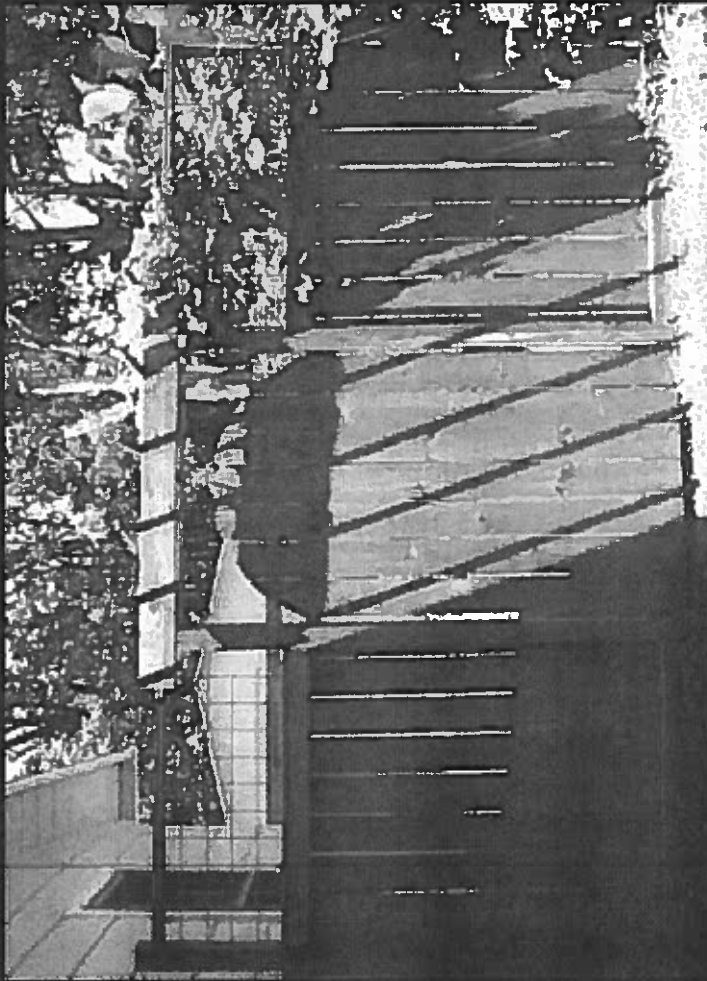
Photo taken in 2003. Note
metal roof, open carport area
and storage area behind it.
James Rivers (L) and Thomas
Henderson (R) on front
porch.

Wash shed

From Google Images



II
43



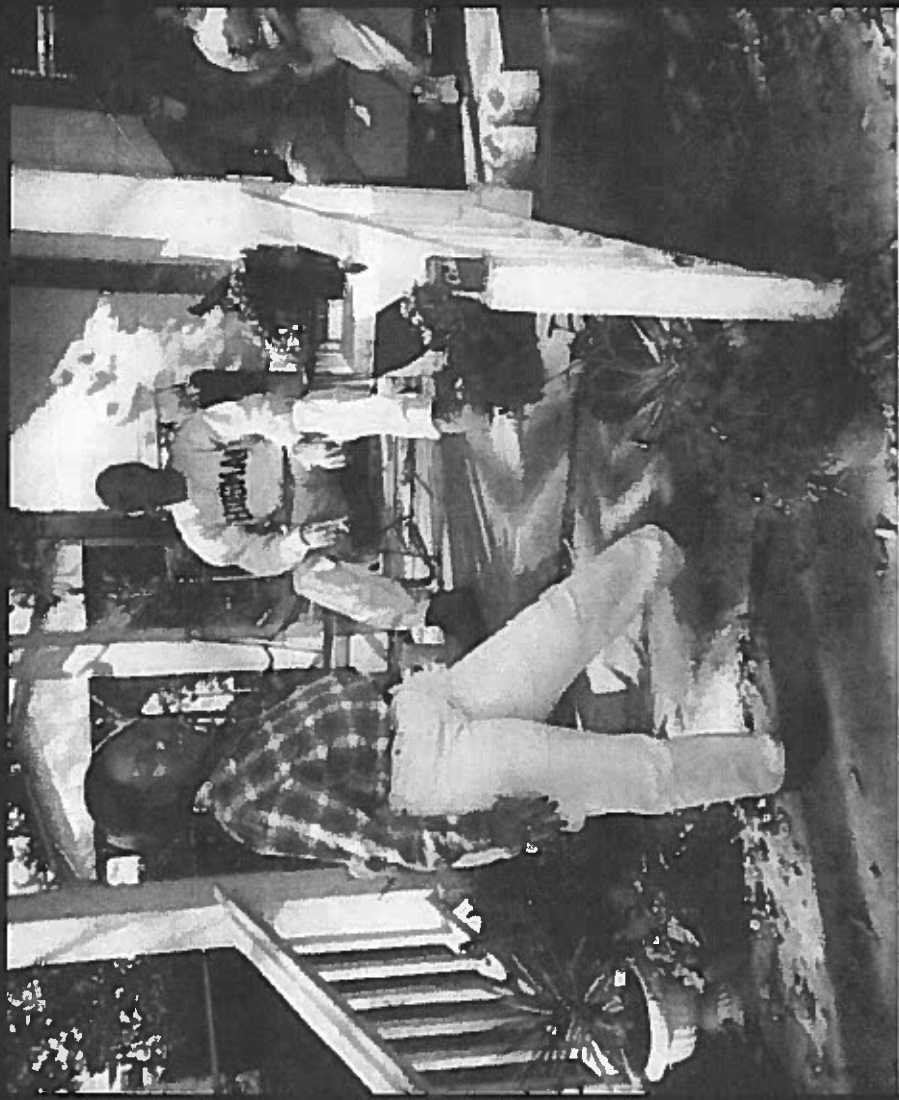
MLS Photo posted May 11, 2006.

3104 E. 13th purchased 8/8/06

By applicant

44/47

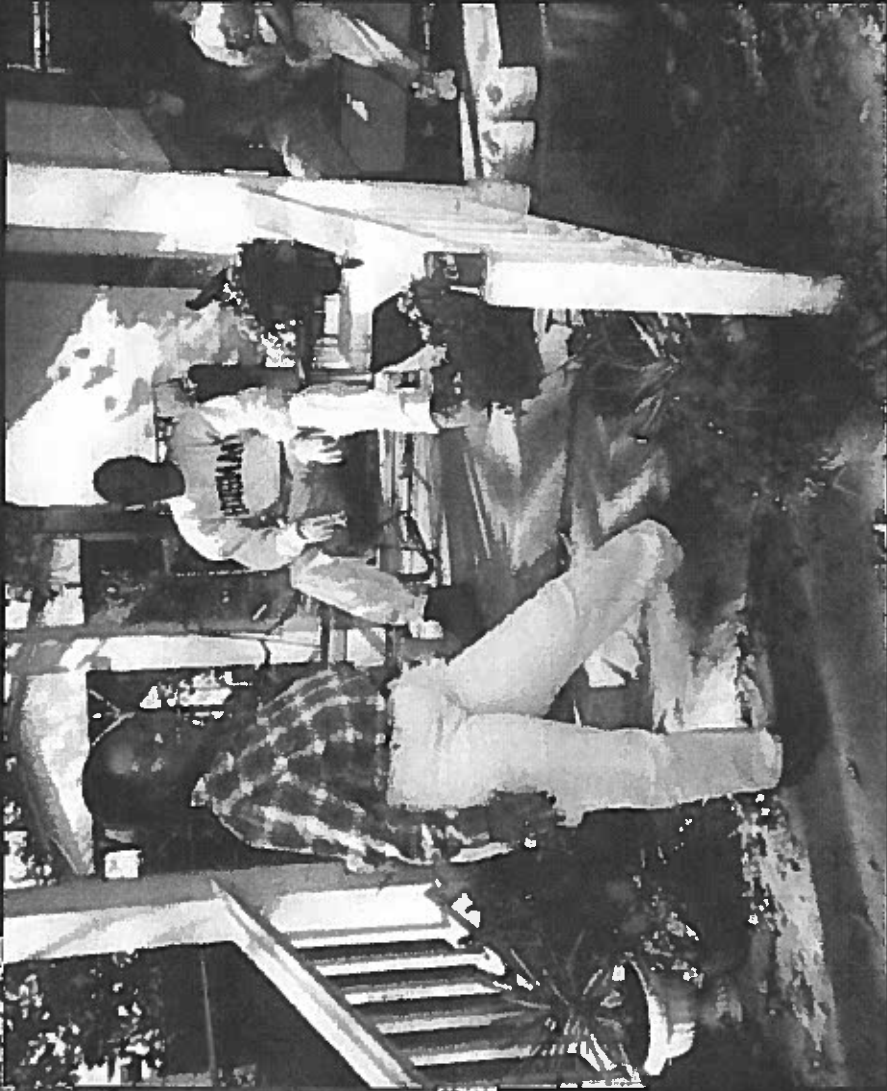
4/5



Note identical roof line



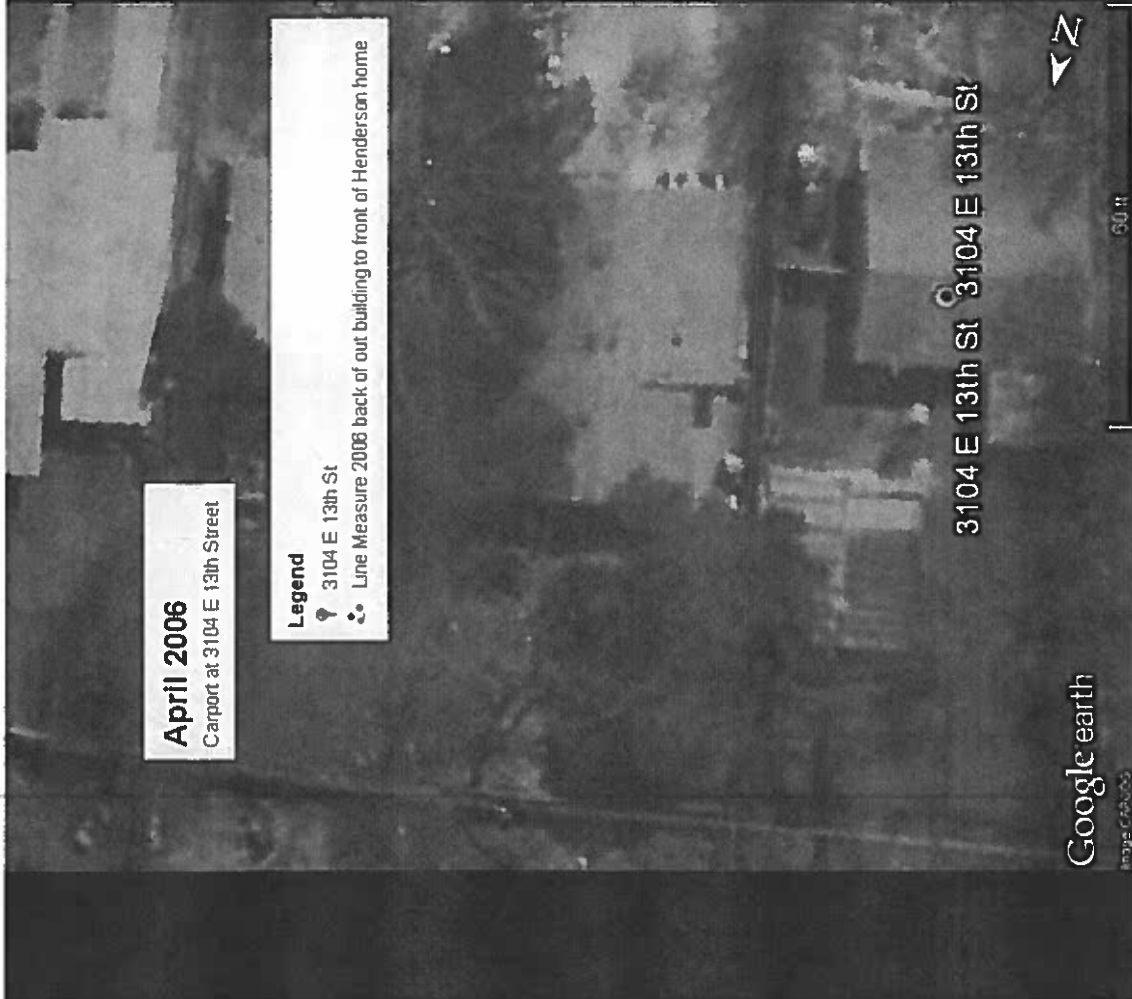
Note identical roof line



II
46

Google Earth 2006 of 3104 E. 13th Street Austin, TX

Tin roof on wash shed /
carport



April 2006

Carport at 3104 E 13th Street

Legend

📍 3104 E 13th St

📏 Line Measure 2006 back of out building to front of Henderson home

3104 E 13th St 3104 E 13th St



50 ft

Google earth

Images ©2006

47

Google Earth 2009 of 3104 E. 13th Street Austin, TX

Note new structure and
new roof in 2009



FI
48

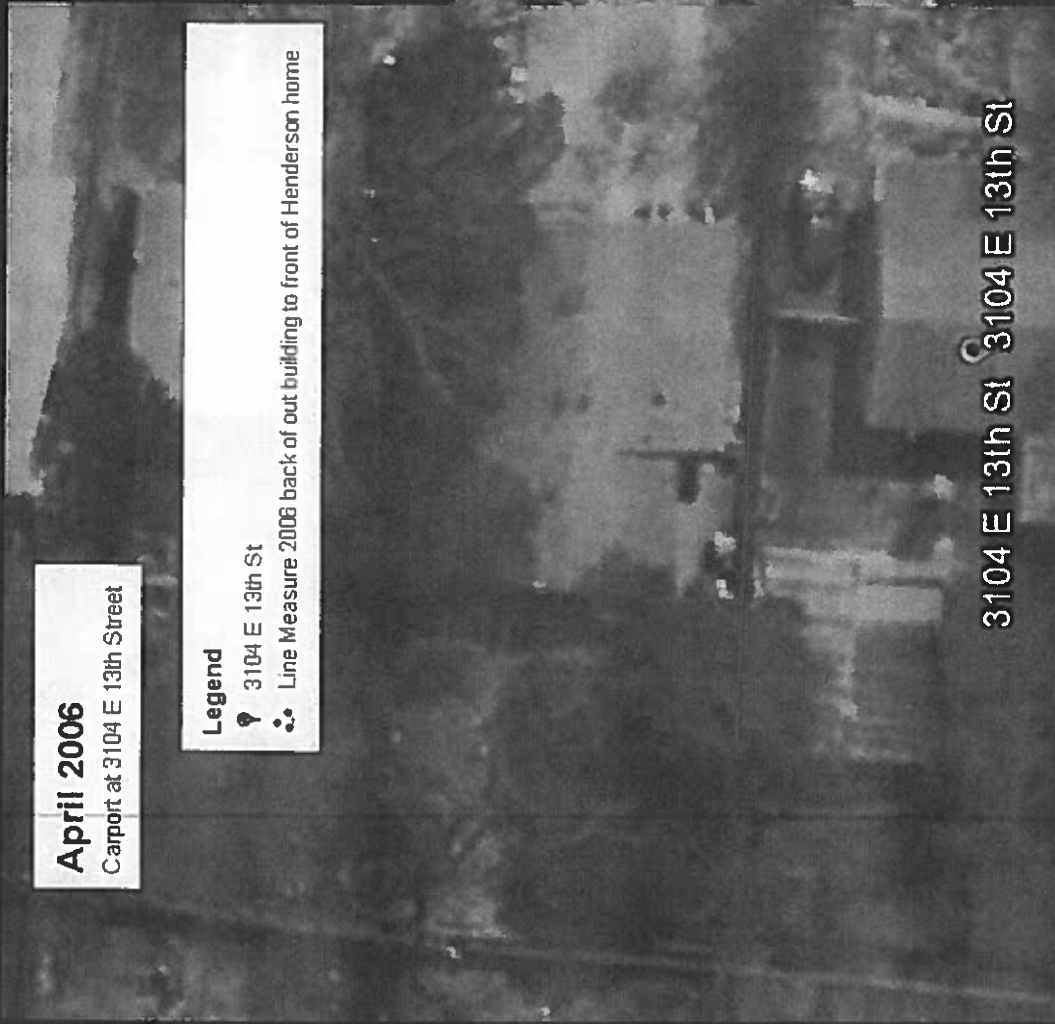
April 2006

Carport at 3104 E 13th Street

Legend

📍 3104 E 13th St

⋯ Line Measure 2008 back of out building to front of Henderson home



3104 E 13th St 3104 E 13th St

Feb 2009

Carport at 3104 E 13th Street

Legend

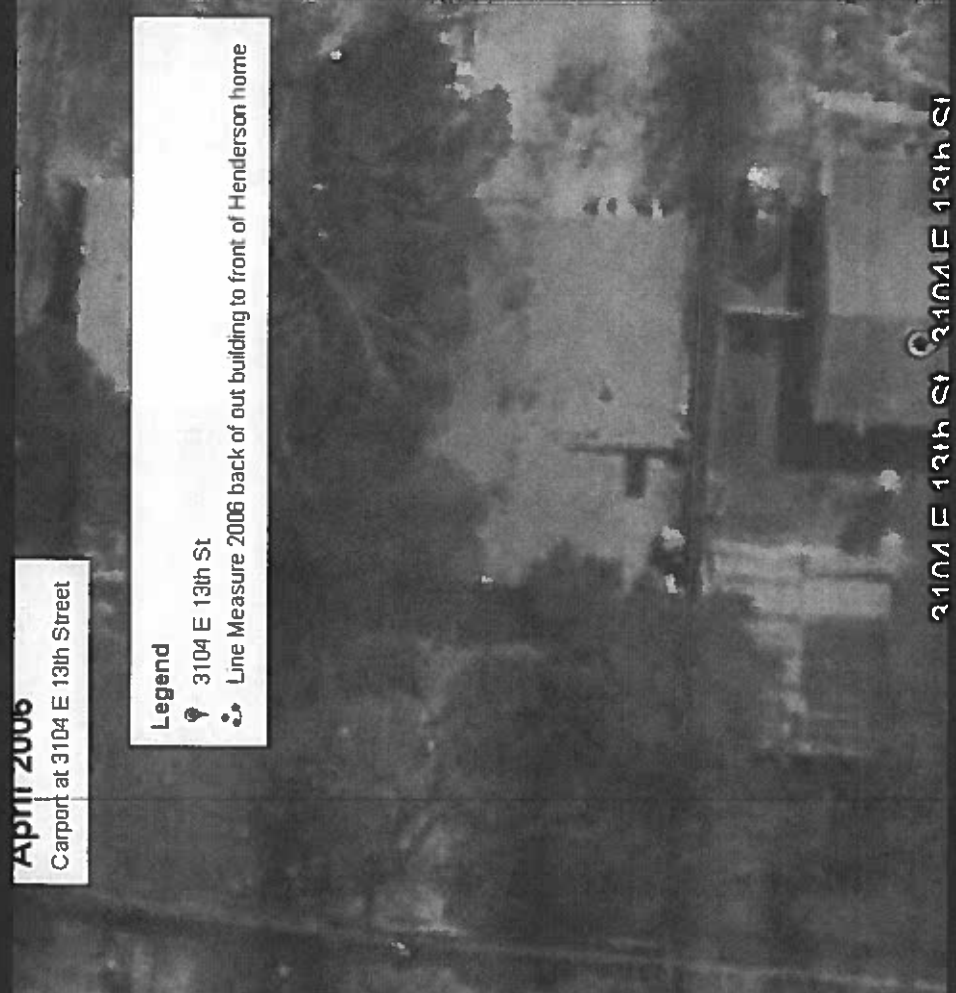
📍 3104 E 13th St



3104 E 13th St 3104 E 13th St

FI
49

Feb 09



April 2006
Carport at 3104 E 13th Street

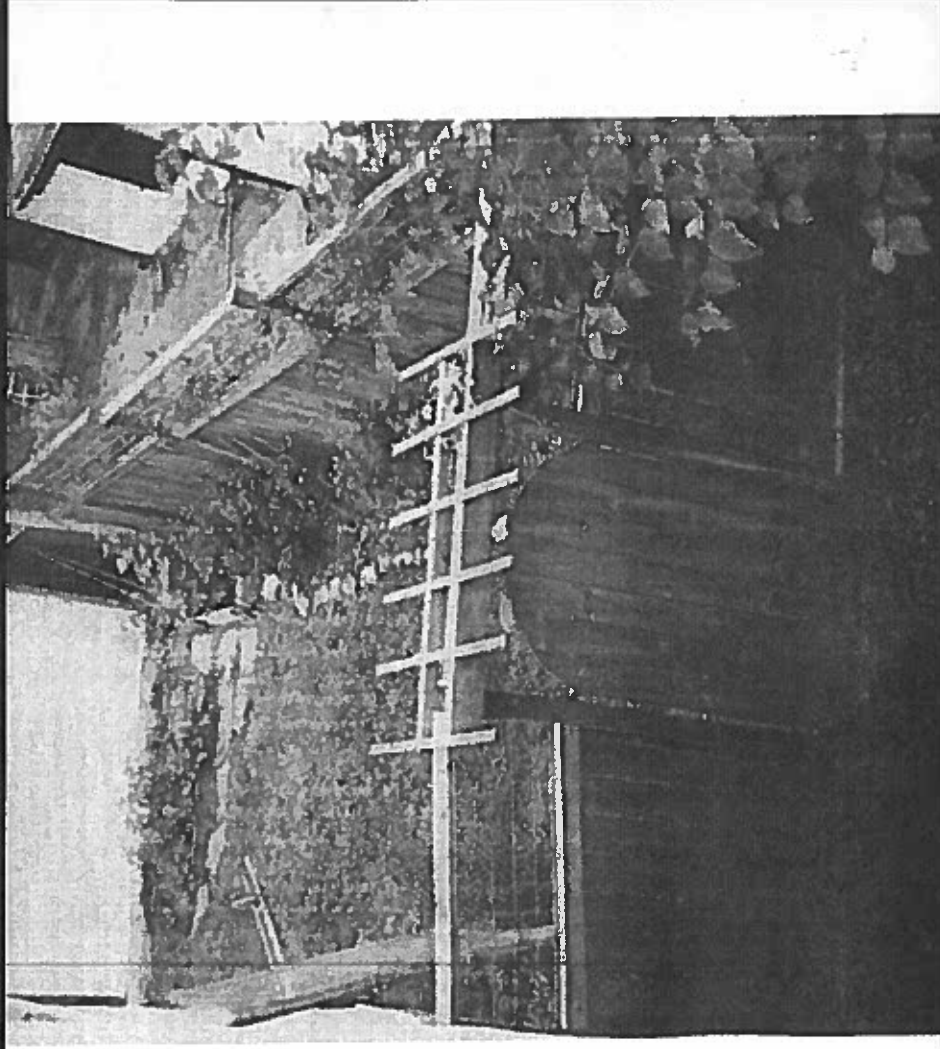
Legend
● 3104 E 13th St
● Line Measure 2006 back of out building to front of Henderson home

11/51



Special exception FAILS: This is NOT a building existing 10 or more years in its original form.

A new structure was built onto the old structure and was illegally improved without a permit from the City of Austin. New significantly raised roof is clearly evident.



2007 - 2009
Remodel started.
Carport removed,
siding placed on
former front of
shed, wall
expansion began,
new French doors
facing into yard.
Not a detached garage.
No access for a car

F/53

James Rivers assisted
applicant's husband in
removing materials from
the old shed for the
remodel in 2007 - 2009.

See Exhibit 3

52/51



This shows where the roof was raised from the original roof on the shed, at the point where the vertical metal is attached to the horizontal siding.

Access points for multiple power extension cords from the house, satellite for TV and a large AC unit.

IV/55

II/52



Ronald Hunter lived next door to the applicant's house since the 1970's and remembers the 2007 - 2009 remodel of the shed.

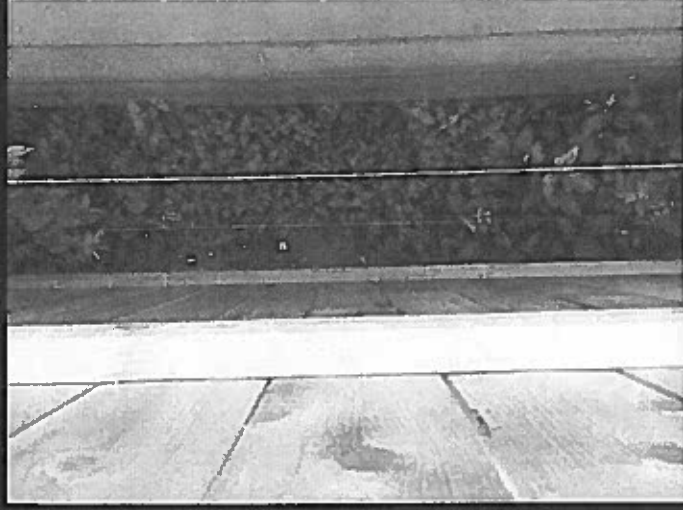
See Exhibit 4

5/5/17

Property line

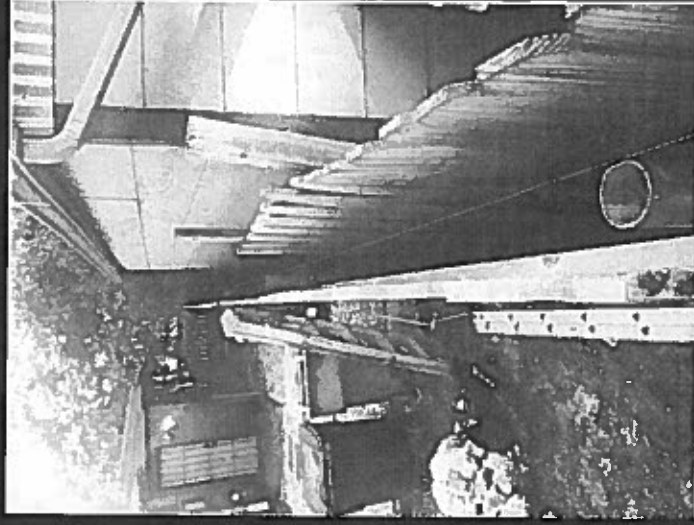
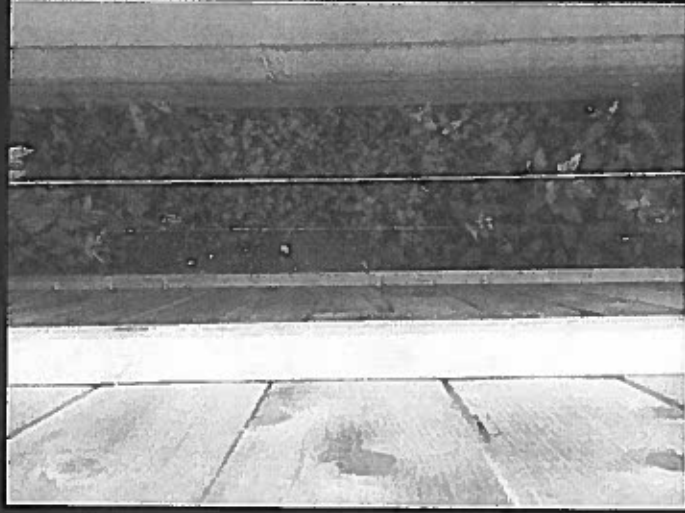
Distance between Mr.
Henderson's fence and
building in violation of
5' setback

3104 and 3106 E. 13th
Street



F
58

Property line
Distance between Mr.
Henderson's fence and
building in violation of
5' setback
3104 and 3106 E. 13th
Street



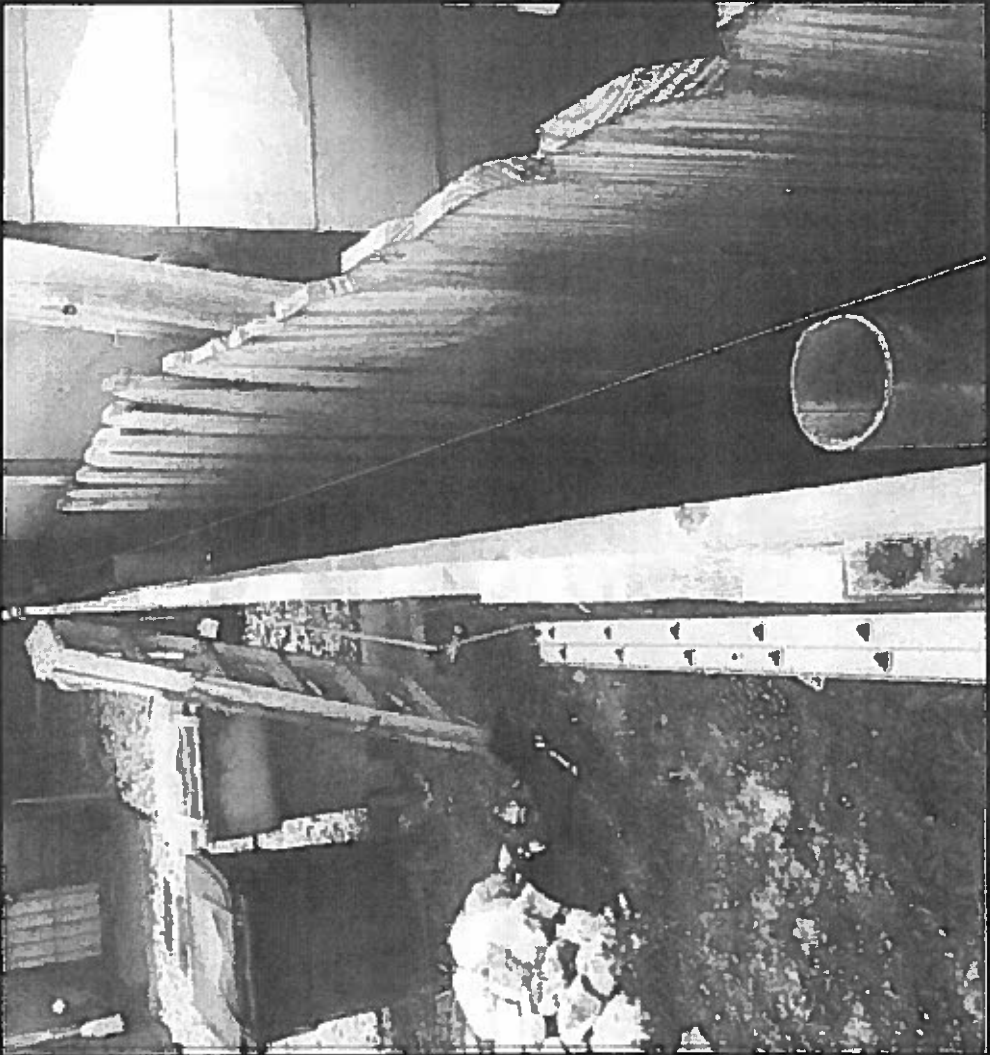
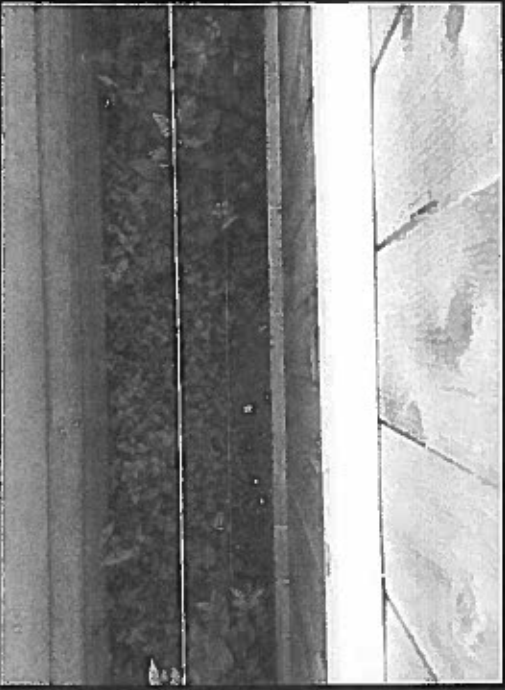
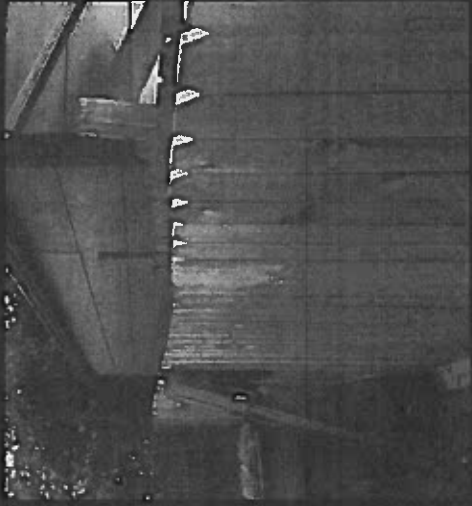
15/15

Mr. Henderson's fence from his
yard

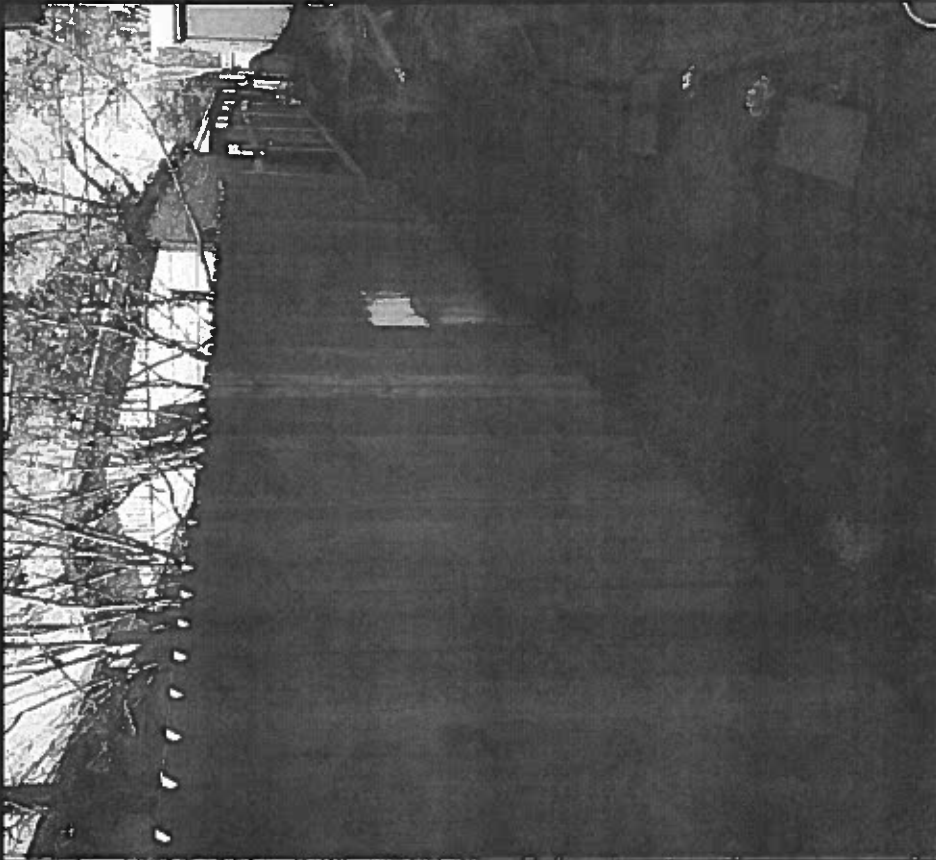


FI
60

5/19



*New fence construction from Mr.
Henderson's yard*



I/
62

MLS Listings for this home:

5 of 6 say NO garage

Sellers Disclosure refers to a "leaky roof" on storage building

F/S
5/3

Sworn Seller's 2006
disclosure's statement to
applicant: NO GARAGE.
NO CARPORT.

Consequence of false statement on Seller's
Disclosure Statement is cause of action for fraud.

F13

**Sworn Seller's 2006
disclosure's statement to
applicant: "Detached
storage building roof
leaks in heavy rains in
certain areas."**

Consequence of false statement on Seller's
Disclosure Statement is cause of action for fraud.

F/S

Applicant fixed the leaky
roof.
Without a permit.

5/26

(He thought you wouldn't
notice.)

5/15

Applicant expanded the size
of the storage shed x 2 - 3.
And then enclosed it.
Moving the nonconforming
building even closer to the
property line.

The only remedy sought by
Mr. Henderson is a 5 foot
easement on all buildings at
3104 E. 13th Street.

We respectfully request the opportunity to present the new evidence we have in a rehearing to the Board on September 28, 2016.

Thank you.

2/10/16

Heldenfels, Leane

From: Cathy Tabor [REDACTED]
Sent: Thursday, August 18, 2016 2:38 PM
To: Thomas Henderson
Cc: Heldenfels, Leane
Subject: RE: appeal

11

Leane--

Current owners purchased on August 8, 2016.

Au revoir et bonne journee

Cathy

Catherine Tabor
Past Governor, GRAMMY Texas Chapter
Tabor Law Firm, PC
(512) 708-8584 phone
(512) 233-5363 fax

[REDACTED] <http://tinyurl.com/TaborLawFirmPCFacebook>, www.twitter.com/taborlaw

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person.

From: Thomas Henderson [mailto:tehenderson@earthlink.net]
Sent: Thursday, August 18, 2016 1:57 PM
To: Cathy Tabor
Subject: Fwd: appeal

Sent from my iPhone

Begin forwarded message:

From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov<<mailto:Leane.Heldenfels@austintexas.gov>>>
Date: August 18, 2016 at 12:14:55 PM EDT
To: Thomas HENDERSON <[REDACTED]>
Subject: RE: appeal

I am - I will add your 2009 property line info to your appeal once I receive it from Cathy later today. Were current owners the same owners as in 2009 work?
Leane

-----Original Message-----

From: Thomas HENDERSON [mailto:tehenderson@earthlink.net]
Sent: Thursday, August 18, 2016 11:05 AM
To: Heldenfels, Leane

Heldenfels, Leane

From: Franchot Rivers <[REDACTED]>
Sent: Thursday, August 18, 2016 2:29 AM
To: Thomas HENDERSON
Subject: 3104 Permit Application 2007
Attachments: 3104 Permit Application 2007.pdf

TH

Thomas,

Please see the attached permit application for neighbors at 3104 E. 13th St. As you can see one application had an 8 page attachment which included a drawing of their covered patio. It is apparent that they drew a line indicating they were going to be violating the 5 foot easement that is abutting your fence line.

Also if you want to view all the permits submitted, I have those listed on page one. Simply go to "City of Austin Permit Search" in your web browser and then type in any one of the permit numbers and you will gain access to their applications, that were never closed or fully approved.

Franchot

AUSTIN TEXAS GOV

AIRPORT

LIBRARY

AUSTIN ENERGY

AUSTIN WATER

CONVENTION

I/73

PERMIT #15

PERMITS/CASES

PUBLIC INFORMATION

Public Search

Issued Construction Permits

REGISTERED USERS

New Registration

Update Registration

Permit Assign and Pay

My Permits/Cases

My Licenses

Request / Cancel / View Inspections

My Escrow Accounts

Reports

Login

HELP

Web Help

FEEDBACK

Contact PDR

#.	Permit/Complaint	Case Number	Description	Sub Type	Work Type	Project Name	Status	Related Folders
1	2008-038349 EP	2008-038349 EP	Upgrade electrical service to residence	Residential	Upgrade	3104 E 13TH ST	Final	No
2	2007-170212 EP	2007-170212 EP	new covered porch with electrical	R- 434 Addition & Alterations	Addition	3104 E 13TH ST	Final	Yes
3	2007-170212 BP	2007-170212 BP	new covered porch with electrical covered patio - demolition of old patio and addition of new patio	R- 434 Addition & Alterations	Addition	3104 E 13TH ST	Final	Yes
4	2007-168729 PR	2007-168729 PR	covered patio - demolition of old patio and addition of new patio	R- 434 Addition & Alterations	Addition	addition of covered patio in rear of house, demolition of old patio	Approved	Yes

Back

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "A"

BP Number 2007-168729RA
Building Permit No. 07-170212 B
Plat No. _____ Date 11/30/07
Reviewer JB

PRIMARY PROJECT DATA

Service Address 3104 E 13TH STREET Tax Parcel No. _____
Legal Description
Lot 3 Block 3 Subdivision OUT 26 DIV B MCKINLEY HEIGHTS 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
____ Remodel (specify) _____
____ New Residence
____ Duplex
____ Garage attached detached
____ Carport attached detached
____ Pool
____ Addition (specify) Covered Porch
____ 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? 1 Yes ____ No

VALUATIONS FOR
REMODELS ONLY

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

VALUATIONS FOR NEW CONSTRUCTION
OR ADDITIONS ONLY

X Lot Size 5221 sq. ft.
Job Valuation - Principal Building \$ _____
(Labor and materials)
X Job Valuation - Other Structure(s) \$ 4000. -
(Labor and materials)
TOTAL JOB VALUATION
(sum of remodels and additions)
\$ 4000
(Labor and materials)

PERMIT FEES
(For office use only)

NEW/ADDITIONS REMODELS

Building \$ 33 - \$ _____
Electrical \$ 34 - \$ _____
Mechanical \$ _____ \$ _____
Plumbing \$ _____ \$ _____
Driveway
& Sidewalk \$ _____ \$ _____
TOTAL \$ _____ \$ _____

OWNER / BUILDER INFORMATION

OWNER X Name Narsetto D. Nurzya Telephone (h) _____
BUILDER X Company Name Nauvble Dillmore Telephone (w) _____
Contact/Applicant's Name _____ Pager _____
FAX _____
DRIVEWAY/
SIDEWALK Contractor _____ Telephone _____
CERTIFICATE OF OCCUPANCY Name _____ Telephone _____
Address _____ City _____ 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/permit.html

CITY OF AUSTIN RESIDENTIAL PERMIT APPLICATION "C"

11
75

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.

5221

	Existing	New / Addition
a. 1 st floor conditioned area	5221 672 sq.ft.	sq.ft.
b. 2 nd floor conditioned area	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.
attached	sq.ft.	sq.ft.
x detached	386 sq.ft.	sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.	sq.ft.
g. Breezeways	168 sq.ft.	sq.ft.
h. Covered patios	(144) sq.ft.	270 270 sq.ft.
i. Covered porches	sq.ft.	sq.ft.
j. Balconies	sq.ft.	sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.	sq.ft.
l. Other building or covered area(s)	93 sq.ft.	sq.ft.
Specify <u>Storage</u>		
TOTAL BUILDING AREA (add a. through l.)	1319 sq.ft.	270 sq.ft.

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

40% = 2088
1589 sq.ft.
30.4% 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)	1589 sq.ft.
b. Driveway area on private property	240 sq.ft.
c. Sidewalk / walkways on private property	72 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.)

328
45% = 2349
328 sq.ft.
6.3% of lot
36.5%

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"

11/76

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 Narsetto D. Nunzio X DATE 12/4/07

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) Homeowner
(AFFIDANT SIGNED)

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

1. PLOT PLAN - OKAY
2. Pictures showing old porch is detached from house
3. Home owner AFFIDANT - OKAY
OKAY TO PERMIT - VIOLATIONS ON PROPERTY - Homeowner AFFIDANT
- Jim Gobel 12/7/07

Service Address _____

Applicant's Signature _____

Date _____

Kramer Service Center
2412 Kramer Lane, Bldg. "C"
Austin, Texas 78758
(512) 505-7206



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

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

ELC

For Residential or Small Commercial "SERVICE ONLY" under 350 amps 1Ø or 225 amps 3Ø

X Customer Name GERARD VERKAART Phone 512 300 3526

X Address 3104 E 18TH ST

Legal Description _____

Lot _____ Block _____ Commercial/Residential? R

Service Main Size _____ (amps) Service Conductor _____ (type & size)

Service Length _____ (ft.) Number of Meters? _____ Multi-Fuel Y N

Overhead/Underground? _____ Voltage _____ ☐ Single-phase (1Ø) ☐ Three-phase (3Ø)

Total Square Footage _____ Total A/C Load _____ (# of units) _____ (Tons)

Largest A/C unit _____ (Tons) LRA of Largest A/C Unit _____ (amps)

Electric Heating _____ (kW) Other _____ (kW)

Comments: _____

ESPA Completed by (Signature & Print name) _____

Date _____

Phone _____

AE Representative _____

Date _____

Approved: ☐ Yes ☐ No (Remarks on back)

Phone 924-9112

Application expires 90 days after date of Approval

All structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

AE APPROVED

DEC 04 2007

338-207

JGM

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

I1
78

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 3104 E 13TH ST

Applicant's Signature [Signature]

Date 09/12/2007

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

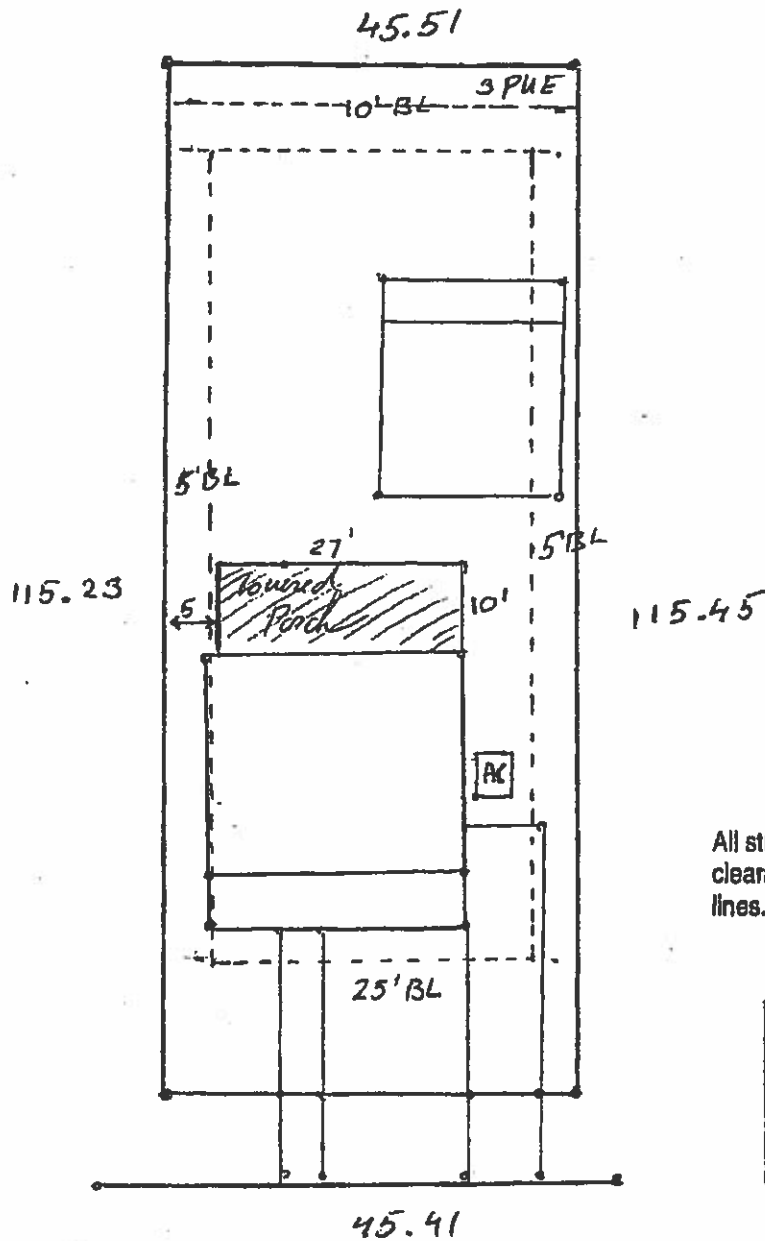
	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	<u>672</u> sq.ft.	_____ sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	_____ sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	_____ sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	_____ sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	_____ sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	_____ sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	_____ sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	_____ sq.ft.
V. Garage		
k. _____ attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	_____ sq.ft.
l. <input checked="" type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	<u>386 - 450 = 0</u> sq.ft.	_____ sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq.ft.	_____ sq.ft.
VII. TOTAL	<u>672</u> sq.ft.	_____ sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	<u>672</u> sq. ft.
GROSS AREA OF LOT	_____ sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	<u>12.97</u> %

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less

[H] = new



1 INCH = 20'
SCALE

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
DEC 04 2007
338-207
JGM

3104 E 13TH ST REVIEWED FOR ZONING 01111

CITY OF AUSTIN
APPROVED FOR PERMIT
Victoria Hsu, P.E.
Watershed Protection & Development Review Department
By SH Date 2/7/07
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 building code or any other ordinance of the City of Austin.



CITY OF AUSTIN
Neighborhood Planning and Zoning Department
RESIDENTIAL DEMOLITION PERMIT APPLICATION

11/80

BP-07- _____	PR-07- _____	NRD-07- _____	HDP-07- _____
REFERRED BY: _____			
<input type="checkbox"/> RELEASE PERMIT			
<input type="checkbox"/> DO NOT RELEASE PERMIT			
<input type="checkbox"/> PENDING HLC REVIEW			
Historic Preservation Officer _____			Date _____

A ☐ TOTAL or ☒ PARTIAL Demolition of the ☐ Single Family Residence, ☐ Duplex, ☐ Tri-plex
or ☐ Other located at: 3104 E 13TH ST

PARTIAL DEMOLITION ONLY - Identify (specify location North, South, East West, etc.)
the exterior wall(s), roof or portion of wall(s) and roof to be demolished.

Courtyard Porch in back of house

Applicant: <u>Grand Verhaant</u>	Owner: <u>Nanette Dillon</u>
Address: <u>3104 E 13TH ST</u>	Address: <u>3104 E 13TH ST</u>
City: <u>Austin</u>	City: <u>Austin</u>
State: <u>TX</u> ZIP: <u>78702</u>	State: <u>TX</u> ZIP: <u>78702</u>
Phone: (512) 300 3526 Fax: ()	Phone: (512) 300 3526 Fax: ()
E-mail: <u>gverhaant@shglobal.net</u>	E-mail: _____

Please submit the following to complete this application:

- ☒ Site Plan or Survey showing the street address, location of structure on site and dimensions of the structure. Clearly identify the structure(s) or portion of the structure(s) to be demolished. Plan not to exceed 8 1/2" x 14"
- ☒ Certified Tax Certificates-Travis Co. Tax Assessor's Office-5501 Airport Boulevard, 854-9473 Copies will NOT be accepted - If Tax Certificate is in a name other than the current owner, proof of ownership must be shown through connecting documents
- ☒ Photographs - showing the structure(s) or portion of the structure(s) proposed for demolition. Digital photographs are acceptable
- ☐ \$25 Fee per application for Historic Preservation Office Review

IMPORTANT: Verify with Watershed Protection and Development Review Department (Development Assistance Center) that new construction will be permitted at this location before filing for a Residential Demolition Permit.

Once the Historic Preservation Office has reviewed the property for historic significance, a demolition permit may be obtained from the Permit Center, 2nd Floor, One Texas Center, 505 Barton Springs Road. Additional fees will be assessed at that time.

RESIDENTIAL DEMOLITION PERMIT APPLICATION

PAGE 2

1. ☒ No ☐ Yes - Will the proposed work require the use of City right-of-way? If "Yes" a Right of Way Management (Rowman) Application must be approved prior to any such activity. Applications may be obtained in the Watershed Protection and Development Review located on the 8th floor at One Texas Center 974-7180, or at <http://www.ci.austin.tx.us/rowman/index.cfm>
2. ☒ No ☐ Yes - Is the structure currently tied onto water and/or sewer services provided by the City of Austin? Please contact 494-9400 for water and sewer service information.
3. ☒ No ☐ Yes - Will the proposed work require the removal of a protected size tree or impact the critical root zone as defined within the City of Austin tree protection ordinance? If "Yes" a Tree Ordinance Review Application must be approved by the City Arborist prior to any such activity. Applications may be obtained in the Development Assistance Center, One Texas Center 974-6370. Any demolition or relocation work, which results in damage or destruction of a protected tree without authorization is a City ordinance violation. Additional information may be obtained from the City Arborist, 974-1876, or at <http://www.ci.austin.tx.us/trees/>

CERTIFICATION

I hereby certify that I am the owner of the above described property. I am respectfully requesting processing and approval of the above referenced permit(s) review.

☒ I hereby authorize the Applicant listed on this application to act on my behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application, OR

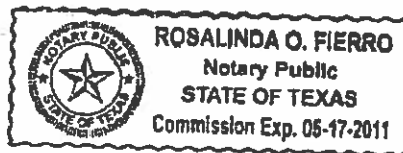
☐ As owner of the above described property, I hereby file as the Applicant for the processing and presentation of this request. I shall be the principal contact with the City in processing this application.

Rosette DiNunzio
Owner's Signature

12/6/07
Date

Sworn and subscribed before me this 6th day of Dec, 2007

Rosalinda O. Fierro
Notary Public in and for the State of Texas



My commission expires on:

Notary without Bond

I certify that the information provided is true and correct to the best of my knowledge and is an accurate reflection of my intentions for the property. I understand that any omission or incorrect information herein will render this application and any permit obtained invalid. I agree to comply with the requirements in all applicable codes. I understand that any substantial modifications or additions to this application can mean the requirement of an additional review.

I understand that no work may begin prior to review by the Historic Preservation Office and issuance of the demolition permit by the Permit Center. I understand that the Historic Preservation Office review does not imply approval of the demolition permit, and that if the structure(s) is determined to be potentially historic as defined by §25-11-214 of the City of Austin Land Development Code, additional review by the Historic Landmark Commission may be required.

[Signature]
Applicant's Signature

12/07/2007
Date

Heldenfels, Leane

IX
82

From: Thomas HENDERSON <[REDACTED]>
Sent: Thursday, August 18, 2016 10:28 AM
To: Heldenfels, Leane
Subject: Fw: 3104 Permit Application 2007
Attachments: 3104 Permit Application 2007

On attached my neighbor KNEW he had built in easement. The dotted lines show it. He finished in 2009. Please share with board members. Thomas Henderson

FJ
8/3

ITEMS RECEIVED AFTER
Aug 18, 2016
RECONSIDERATION
DEADLINE

Heldenfels, Leane

From: Thomas HENDERSON <[REDACTED]>
Sent: Tuesday, August 23, 2016 2:22 AM
To: Heldenfels, Leane
Subject: RE: appeal

11/8/4

Leane, did the board know Gerarrd was the associations president. I feel the board delaying the hearing gave my neighbors an advantage. I filed a couple months before the 10 year exemption date. Funny how they set date for hearing on exact 10 years purchase date. That was unfair. They changed the foot print tremendously. I believe our appeal will show their development for additional living space in 2009 instead of an attached garage. It was never ever an attached garaged. The set back was about 3 feet when they purchased the house. We found this in new docs. He moved that foot print 2 feet more into the easement. Please forward this to board. Thomas Henderson

-----Original Message-----

>From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
>Sent: Aug 22, 2016 2:41 PM
>To: Thomas Henderson <[REDACTED]>
>Subject: RE: appeal

>
>No that I know of. You can generate a list of property owners within a certain radius of your home or your neighbor's home on the Travis County Appraisal District's website. We use this list to generate our notice labels that go out to owners w/I 500' of neighbors property, we also send to utility account holders w/I 500' of neighbors address based on Austin energy account info.

>FYI -
>Leane

>

>-----Original Message-----

>From: Thomas Henderson <[REDACTED]>
>Sent: Monday, August 22, 2016 2:19 PM
>To: Heldenfels, Leane
>Subject: Re: appeal

>
>Can I buy a stick on label list of every homeowner in the McKinley Heights area????

>

>Sent from my iPhone

>

>> On Aug 19, 2016, at 11:07 AM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

>>

>> We'll have to see how the Board interprets all the new/clarified evidence. They'll be mostly looking at what you're presenting about the structure pre/post year of 2006 rather than a specific date in 2006.

>> Take care,

>> Leane

>>

>> -----Original Message-----

>> From: Thomas Henderson <[REDACTED]>
>> Sent: Thursday, August 18, 2016 2:16 PM
>> To: Heldenfels, Leane
>> Subject: Re: appeal

Heldenfels, Leane

From: Thomas HENDERSON [REDACTED]
Sent: Friday, August 26, 2016 6:35 PM
To: Heldenfels, Leane
Cc: [REDACTED]
Subject: RE: appeal

11/8/16

Leane, 1304 E. 13th st. was purchased 8/8/2006. That structure was constructed in 2009. The delay of this hearing to the 10 year exemption DATE wasn't fair to me AND MY PROPERTY RIGHTS. I filed complaint in May or June. The reason the BOA's hands were tied was because they allowed the hearing delay. Maybe not on purpose but this is a fact. It prejudiced my claim and case. I have property rights too. They delayed hearing to 10 year date. This clearly goes against me a 11-0 vote and one of the board members bragged it was the exact 10 year time and their hands were tied. No, my hand and rights were tied by the delay. I appeal that delay and want my filing date to be honored. Be fair to my property rights. Did board know Gerrard is the contact person for the neighborhood association. I have issued a petition for signatures. Thomas Henderson.....Please forward to board. THANKS LEANE

-----Original Message-----

>From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
>Sent: Aug 22, 2016 2:41 PM
>To: Thomas Henderson <[REDACTED]>
>Subject: RE: appeal

>
>No that I know of. You can generate a list of property owners within a certain radius of your home or your neighbor's home on the Travis County Appraisal District's website. We use this list to generate our notice labels that go out to owners w/ 500' of neighbors property, we also send to utility account holders w/ 500' of neighbors address based on Austin energy account info.

>FYI -
>Leane

>
>-----Original Message-----

>>From: Thomas Henderson [REDACTED]
>>Sent: Monday, August 22, 2016 2:19 PM
>>To: Heldenfels, Leane
>>Subject: Re: appeal

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>
>>Sent from my iPhone

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>> We'll have to see how the Board interprets all the new/clarified evidence. They'll be mostly looking at what you're presenting about the structure pre/post year of 2006 rather than a specific date in 2006.

>> Take care,
>> Leane

>>
>> -----Original Message-----

>> From: Thomas Henderson [REDACTED]

Heldenfels, Leane

From: Gerard Verkaart <g.verkaart@gmail.com>
Sent: Friday, September 09, 2016 7:07 PM
To: Heldenfels, Leane
Cc: Nanette DiNunzio; Gerard Verkaart
Subject: Homeowners Response
Attachments: C15-2016-0061 Homeowners Response to Motion for Reconsideration of Boards
Unanimous Granting of Special Exception.pdf

11/86

Leane,

We have been trying send this response but because of the file size of the color photos it gets rejected.

I will send the photos separately to see if that will work:

Good Afternoon Leane,

Attached please find our Response to Mr. Henderson's Motion for Reconsideration of the Board's unanimous grant of special exception for our detached garage at the hearing on August 8, 2016. The attached photographs are included as part of our response in the PDF; however, the color photographs make it easier for the viewer to see that the affidavit submitted by Mr. Henderson's brother, James Rivers, wherein he avers that he assisted in extending the concrete slab of this structure by two feet, is simply incorrect. I would appreciate it if the Board members could see the color photos of the concrete slab on either side which clearly show the slab is uniform throughout, and not extended by us, or Mr. Rivers, for that matter. His affidavit is rife with incorrect information, but this seems the only pertinent point, and the photos prove the falsity of that statement.

Please let me know if there is anything else I should do.

Thank you once again,

Nanette DiNunzio

11/8/16

September 9, 2016

Re: C15-2016-0061

Dear Board of Adjustments,

We incorporate by reference our previous submission of evidence to this Board prior to and at the August 8, 2016 meeting.

On August 8, 2016, this matter was considered by the Board of Adjustments, and a special exception was granted by unanimous vote. At the hearing, the Board heard from all interested parties, and all parties were present, including Mr. Henderson and his brother James Rivers, the occupants of the home at 3106 E. 13th Street, as well as Ronald Hunter, who does not live at or own the home at 3100 E. 13th Street, but nevertheless testified at the hearing on August 8, 2016.

The Board made its decision based on the all the evidence before it, and found that it had evidence before it showing that the applicant had met the letter of the law, there was no reason to think there was any additional evidence to the contrary, that the public record is ample that the structure has been there 10 years, and that the structure at issue has been at the same location for 10 years. These were all statements made on the record by various Board members at the public hearing. The Board placed on the record the fact that the homeowner and the structure met all the requirements of Code section 25-2-476, and that once the requirements of 25-2-476 are met, the action by the Board is non-discretionary. Based upon these factors, the Board made its unanimous decision.

Mr. Henderson was clearly not happy with the Board's decision, and even made threats to the homeowner on his way out of the hearing. As a result, we were asked to wait to leave the hearing until Mr. Henderson had vacated the premises, and the parking garage, and the security personnel advised us to accept an escort to our vehicle, which we did. We have not yet made a police report because we do not wish to escalate this matter, and Mr. Henderson made a written apology to us the next day. Given the stress caused by this matter, we are eager to put it behind us.

Mr. Henderson made a lengthy submission to support his request for reconsideration; however, there is no new information in his submission to support reconsideration. Nothing he submits counters the irrefutable and voluminous evidence that the structure at issue has existed, and existed in the same place and configuration, for over ten years. In fact, Mr. Henderson submits an additional MLS listing from 2003 and the Seller's disclosure from 2006 which are additional evidence that this structure existed since at least 2003, prior to our purchase of our home.

The 2003 and 2006 MLS listings list the structure as a detached garage. The 2006 Seller's disclosure lists the structure as a storage building, which is how we have utilized it since we purchased the home, given that it has no suitable garage door. The Life Safety inspector that inspected and submitted their report prior to these proceedings found that the

“detached garage” existed per City of Austin GIS evidence in its present configuration and setting since at least 2003. The evidence was clear at the August 8, 2016 hearing, and remains clear today.

11/88

The only additional information Mr. Henderson offers is the affidavits of Ronald Hunter and James Rivers. Mr. Hunter does not live at 3100 E. 13th Street, and does not own that property. He has not lived at 3100 E. 13th Street in the ten years we have lived next door to that property, nor has anyone else. Although a dog is kept in the yard, no one lives there and the house is in a state of disrepair. Despite this, Mr. Hunter did testify at the August 8, 2016 hearing, and testified that he could not remember when the structure at issue was enclosed; therefore, his affidavit to the contrary should not be considered at this point. Finally, his affidavit makes several untrue statements, including that we wanted to buy his property (he doesn't own 3100 E. 13th St., and we have no interest in purchasing it from the owner of record, Georgetta Bryant); and that our “deck” violates the five foot setback. This is demonstratively untrue, and the rest of his statements should be taken with a grain of salt.

The affidavit of James Rivers is likewise filled with incorrect statements. Mr. Rivers was present at the August 8, 2016 hearing, but choose not to testify. His self-serving statements in his affidavit should not be grounds for reconsideration. He makes the statement that there was “closed in storage” when we bought the house in 2006. This is true—the current structure. The rest of his statement is largely irrelevant and/or untrue. He states that he assisted in extending the concrete slab of the structure at issue by two feet. This didn't happen, and it would be clearly discernible to the Life Safety inspector if that was the case. Mr. Rivers makes an incorrect statement when he swears to this, and we have included photos of the existing concrete slab to demonstrate that.

It has become clear that Mr. Henderson has a problem with us living in our home; however, this is not grounds for reconsideration of the special exception that was granted on August 8, 2016. Although veiled and not so veiled “accusations” of gentrification have been lodged against us as a result of this process, the truth is much more mundane: we bought a home in Austin that we could afford, in a neighborhood that was welcoming until Mr. Henderson moved next door in 2015, and that was close to our work so that we wouldn't add to the traffic congestion plaguing Austin. The home when we purchased it had the current house and detached storage/garage building, in their current configurations and settings. We have committed no code violations, intentionally or otherwise, and have been good and engaged neighbors. We see no basis for reconsideration of the Board's unanimous decision to grant us a special exception for this structure that has irrefutably been in its current configuration and setting for over ten years, and does not pose a hazard to life, health, or public safety.

Finally, Mr. Henderson's attorney accuses me of making ex parte statements to our neighborhood association. Ex parte statements are statements made to the tribunal when the other party is not present. A neighborhood association meeting is not this Board, the tribunal in this matter, and the meetings of the neighborhood association are public and can be attended by anyone in the neighborhood. Mr. Henderson apparently does not attend the

neighborhood association meetings, but he is invited. Furthermore, due to my work schedule, I do not, and have not attended the neighborhood association meetings. Therefore, Mr. Henderson's attorney is incorrect several issues when she cast her aspersions on my professional conduct.

FI
89

Sincerely,

Nanette DiNunzio

Nanette DiNunzio & Gerard Verkaart
Homeowners and Applicants
3104 E. 13th St.
Austin Texas 78702

Attachments:

Attachment 1: Picture of concrete slab in structure showing that no "2 foot" extension on concrete slab was undertaken, as incorrectly sworn to by Mr. James Rivers. The slab is clearly uniform throughout, and is the original concrete slab. This picture shows the slab on the west side of the structure. The Life Safety inspector who made the determination that this structure existed in its present configuration since at least 2003 would have noticed if the concrete slab was extended by 2 feet on either side; however, this photo and the next clearly show that Mr. Rivers makes an incorrect statement when he swears that the concrete slab was extended by 2 feet on either side in 2007, *and that he assisted in the work*. This never happened, and the photos show that.

Attachment 2: Picture of concrete slab in structure showing no "2 foot" extension. This picture shows the concrete slab on the east side of the structure, which is the side Mr. Henderson complains of. Clearly no extension. Mr. Rivers tendered incorrect sworn testimony to this Board.

Attachment 3: Picture of the shed at 3106 E 13th Street, which violates the 5 foot setback. We haven't complained of this structure.

Attachment 4: Picture of unoccupied (except by dog in yard) property at 3100 E 13th Street. Although Mr. Hunter does not live there, or have ownership interest in the property, he has sworn to numerous incorrect statements in his affidavit in support of Mr. Henderson's motion for reconsideration. Nevertheless, Mr. Hunter, a person with no discernible interest in this matter, had the opportunity to be heard at the hearing on August 8, 2016, and testified that he could not recollect when the current detached garage/storage building on our property came into being. His affidavit does not give grounds for reconsideration at this point.

Heldenfels, Leane

From: Gerard Verkaart [REDACTED]
Sent: Friday, September 09, 2016 7:45 PM
To: Heldenfels, Leane
Cc: Nanette DiNunzio; Gerard Verkaart
Subject: Attachments
Attachments: IMG_20160905_085529.jpg

El
90

Hi Leane,

This is photo 1, I referred to in my earlier email.

Thank you,

Nanette



Heldenfels, Leane

From: Gerard Verkaart [REDACTED]
Sent: Friday, September 09, 2016 7:47 PM
To: Heldenfels, Leane
Subject: attachments
Attachments: IMG_20160905_085349.jpg

11
92

Hi Leane,

This is photo 2, I referred to in my earlier email.

Thank you,

Nanette



Heldenfels, Leane

From: Gerard Verkaart [REDACTED]
Sent: Friday, September 09, 2016 7:52 PM
To: Heldenfels, Leane
Cc: Nanette DiNunzio; Gerard Verkaart
Subject: Attachments
Attachments: IMG_20160320_173728.jpg

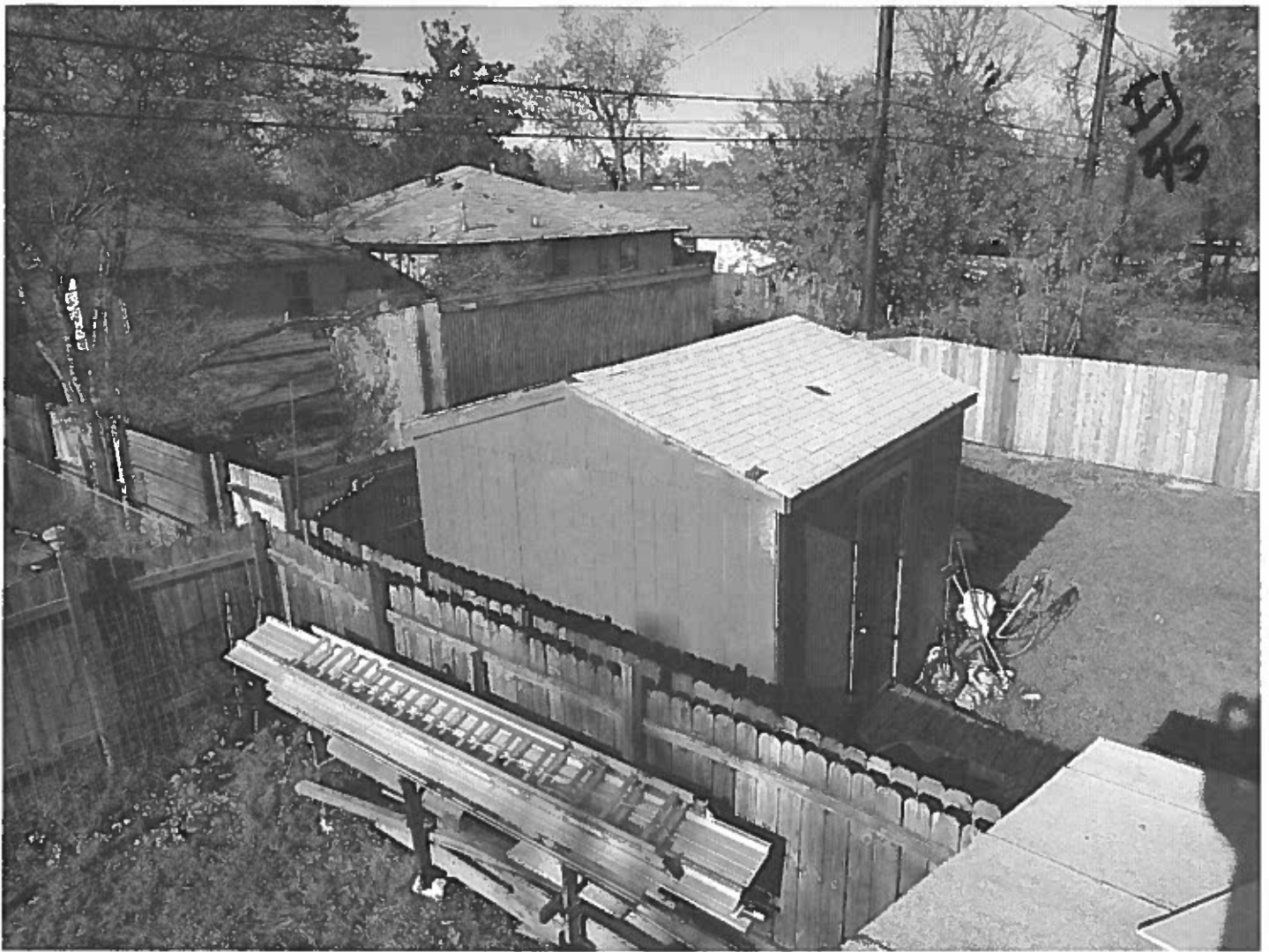
11/94

Hi Leane,

This is photo 3, I referred to in my earlier email.

Thank you,

Nanette



Heldenfels, Leane

From: Gerard Verkaart <[REDACTED]>
Sent: Friday, September 09, 2016 7:50 PM
To: Heldenfels, Leane
Cc: Nanette DiNunzio; Gerard Verkaart
Subject: Attachements
Attachments: IMG_20160321_073336.jpg

Il
96

Hi Leane,

This is photo 4, I referred to in my earlier email.

Thank you,

Nanette



Heldenfels, Leane

From: Nanette Dinunzio <[REDACTED]>
Sent: Tuesday, September 13, 2016 6:20 PM
To: Heldenfels, Leane; Nanette Dinunzio; gerard verkaart
Subject: Re: Letter from Mr. Henderson to our Neighbors with Petition
Attachments: DearNeighborsfromMcKinleyHeights.docx

11/28

Dear Leane,

Yes, please, and I have attached my husband's letter to the neighborhood association to be included as well.

We will not attend the meeting of the neighborhood association this evening. We have heard enough untrue statements from Mr. Henderson. He apparently intends to attend with a lot of supporters to sign a petition. If these supporters do not live in our neighborhood, they can sign a petition, but will not be able to vote in McKinley Heights neighborhood association matter, according to bylaws governing the association.

Along those lines, given the defamatory statements spread around by Mr. Henderson regarding my husband and myself, we are concerned about the hearing on September 26, 2016. My husband has a remodeling business; I am a lawyer. We have both worked very hard on our stellar professional reputations. Both of our professions depend on reputation. I have been a licensed member of the Texas bar in good standing since 2002, and have spent my entire career in public service. I have worked hard to practice law with integrity and service to my State. My husband has never advertised, but has built his business from the ground up through enthusiastic word of mouth. Mr. Henderson is using his pique regarding a detached garage to sully our professional reputations, although neither one of us has appeared in this matter in a professional capacity, but rather as homeowners. I hope that Mr. Henderson and his supporters will not be given a public forum to once again attack our professional reputations at the hearing. His accusations that I appeared as an attorney and lied to the Board members is untrue, and the documents prove it. Yet he continues his public attacks.

As I understand it, the only relevant information for reconsideration would be new hard evidence that this structure does not date back 10 years. The documents submitted by Mr. Henderson confirm that this structure appeared on MLS listings as far back as 2003, as a detached garage, which is exactly how we purchased it. His additional evidence buttresses the truth of this matter: the detached garage structure dates at least as far back as 2003, as found by the City inspector as part of the Life Safety inspection done as part of this special exception application process.

At the hearing, I testified that when we first viewed the property in the spring of 2006, and purchased it in the summer of 2006, the detached garage was there. While I could not speak from personal knowledge prior to that, the City records, including photographs, plats, and the City inspector's report, dated the structure even earlier. There is no issue here, and no new hard evidence that refutes the paper record, and we hope that we will not be subjected to more public defamatory comments as a result of a public hearing.

Thank you again for your assistance,

Nanette

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99

From: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Sent: Tuesday, September 13, 2016 2:47 PM
To: Nanette Dinunzio
Subject: RE: Letter from Mr. Henderson to our Neighbors with Petition

Would you like me to include this in the Board's advance packet for the 9/28 meeting (your email below and the attachments)?

Sorry for all the bad actions, emotions the case has stirred up –
Leane

From: Nanette Dinunzio [<mailto:ndinunzio@hotmail.com>]
Sent: Tuesday, September 13, 2016 8:55 AM
To: Heldenfels, Leane; gerard verkaart; Nanette Dinunzio
Subject: Letter from Mr. Henderson to our Neighbors with Petition

Dear Leane,

Attached please find the letter Mr. Henderson sent with a petition to all our neighbors. While it is his right to communicate with the neighbors, he has also chosen to fill the letter with defamatory statements against my husband and me in both professional and personal capacities. We are private individuals, and spreading untrue information about us that could hurt our professional lives and ability to earn a living should not be done.

At the hearing it was implied that we had done something wrong by buying our house and seeking a special exception for a building that was there when we bought it: gentrification and then building without a permit. We bought our house from two professors, both of whom, incidentally, are white, and make more than we do. We did not displace anyone. We bought our house with the existing garage structure--we did not build without a permit, no matter how much Mr. Henderson makes that accusation. If we are not wanted in East Austin, or Austin for that matter, we will move on.

Thank you,

Nanette DiNunzio

11/100

Dear Neighbors from McKinley Heights,

Perhaps you are confused by the fact that our garage is on the neighborhood meeting agenda again after the Board of Exemptions approved the special exception for our garage unanimously with 11-0 vote at the public hearing on August 8, 2016. The reason for this is as follows: An interested party can request that the Board reconsider its decision if there is hard evidence that the decision was based on incorrect information. The Board does not have discretion under the law applying to special exceptions: if the structure has been in its current location for more than 10 years, and does not present a risk to the safety of adjacent property, the Board must grant a special exception for these long-standing structures. As any Austinite knows, our City is peppered with structures that have been there for a long time, but technically are not in compliance with current code. It seems the City in its wisdom determined that is made sense to make some allowance for these structures.

At the hearing on August 8, 2016, the Board reviewed City records, including photographs from 1984 that the City maintains. It also reviewed the MLS listing from the spring of 2006, when we purchased our home. The MLS listing clearly lists a detached garage. Finally, the City reviewed the Life Safety Inspection, wherein the City inspector came out this year, and determined that the detached garage on our property had been in the same place and configuration since 2003, before we purchased the home.

Mr. Henderson was at the hearing with his brother, James, and his attorney. His belief is that we built a home extension. This is not the case, and the City records and the property itself demonstrate that fact.

Let me start with a short introduction and correcting a couple of points that have been brought up in the letter from Mr. Henderson

We bought our house in 2006 as first time home buyers; the sale included our house and a detached enclosed garage/studio. (4 walls and a roof). When we build a new back porch behind our house I heard about the 5 ft. setback rule and asked the inspector on site if the fact that the garage was about 1 ft. from the property line was a problem, he said no as long as it is on the plat, I went to the city and sat down with a consultant and we went through the file, all was OK since there was a long track record in pictures and tax record. Since 1953 taxes were paid on the garage. For the previous ten years that we lived next door to Mr. Henderson's brother, James Rivers, and his sister, they never complained about the structure. Mr. Henderson came by occasionally in those years--he never said a word.

I would like to add that for the last couple of months I checked in person, while walking around Hyde Park and East Austin, the information I got from the City that garages and other structures within the current 5 ft. setback are very common. There are also houses that do not conform with the 5 ft. setback. The historic explanation for this is obvious: On the narrow lots in Hyde Park and our neighborhood, the garages were typically built right at the end of the driveway,

usually 1 to 2 ft from the property line. There are hundreds if not thousands of these structures to be found in Austin and neighbors in those houses have no problem with it at all.

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In fact, Mr. Henderson himself has a structure on his property about $\frac{1}{4}$ of the size of our garage that is not in compliance with the side yard setback rule or the utility setback in the back of the structure. I never noticed until recently, do not care, and did not see a reason to call code enforcement on this structure.

We attempted to discuss this with Mr. Henderson when this suddenly became an issue in the fall of 2015. Mr. Henderson cancelled the appointment to meet with us and went directly to Code Enforcement. Initially Code Enforcement said we were in violation of the setback because they took Mr. Henderson's complaint as true on its face, including the untrue allegation that we had recently built the structure without permits, but after a meeting with then Director Carl Smart of Code Enforcement and other Code Enforcement officers, they told us that they had reviewed City records and determined that the structure was there for more than 10 years, and explained to us how to apply for a special exception for the structure. We did so, and the Board's ruling on August 8, 2016 is the result.

In the open letter to the neighborhood association Mr. Henderson states that I was willing to move the building 4 ft., but that is incorrect information. I did tell him that we were considering plans to build an addition to the back of the house and it would be possible that the garage would not be part of that.

Mr. Henderson talks further in the letter about his rights as a homeowner and we respect those rights but Mr. Henderson forgets that we also have rights as homeowners that need to be respected.

Let me make absolutely clear that all of the garage is on our property. The only argument I have heard from Mr. Henderson, other than the incorrect statement that the garage leans on his fence, is that if our garage burns down his privacy fence would get damaged. The Life Safety inspection by the City is part of the special exception application, and the inspector made a determination that there is no safety risk to our property or our neighbors. This is all part of the public record.

There are other incorrect/untrue statements in the open letter. One is that I called the police a lot on neighbors; not true, I can't remember the last time I had to call the police after the trouble with Chester's were behind us. The incident Mr. Henderson talks about is well known in our street. The problem was not that his sister parked on the wrong side of the street, but rather the fact that up until about 2 years ago there were "no parking signs" on both sides of our street, and no car was allowed to park along the street except for Sundays. This was a badly implemented way to keep nightclub guests from parking up our street. Someone on our street was irritated with two cars that were parked in front of his house that made it impossible to put the garbage and recycling cans out in front. To solve the issue the police were called to ticket these cars, and in the interest of fairness, instead of just ticketing the 2 cars involved, all cars

parked on 13th St. at the time were ticketed. That is the correct story about this incident. I never called the police on parking violations, and 911 calls are public record.

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There are other incorrect statements on paper; for example, the fact that we enlarged the garage 3 ft on either side. This is also not true. It is very easy to prove that we did not change the size nor configuration of the garage, and the City inspector that was recently in the garage for the Life Safety inspection confirmed that.

Mr. Henderson makes other incorrect statements: the central one being that the garage was not there when we bought the house. No one has to take our word for it that we didn't: it is a fact of very public records (plural) that we did not. We have tolerated a lot of abuse and untrue statements as part of Mr. Henderson's efforts to get this garage demolished. We have been patient, but these statements include public statements accusing us of dishonesty in both personal and professional capacities. Untrue public statements that will negatively impact our livelihoods, and may cause us monetary harm, should not be thrown around without regard for their truth, by Mr. Henderson or anyone acting on his behalf.

Neighbors of McKinley Heights, all detailed information is in the public record: please rely on information that was generated from a thorough Life Safety inspection from the City and the information the Board pulled from the City archives and MLS records. Please fact check personal and other information being brought forward for truthfulness before endorsing it.

I will not personally attend the meeting this month. Given what transpired at the public hearing, and the fact that my wife and I were advised to wait until Mr. Henderson left the premises, and to accept an armed security guard escort to our vehicle, and the overriding concern for the safety of ourselves and our neighbors over defending ourselves over baseless accusations regarding a harmless garage that wouldn't hurt a fly, it doesn't seem wise to attend.

I will just close by saying that this has been a very unpleasant episode for my wife and I, and we look forward to putting it behind us, and moving forward with our neighbors in continuing to contribute in making McKinley Heights a great place to live in Austin, Texas.

Thanks,

Gerard

Heldenfels, Leane

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103

From: Nanette Dinunzio ~~<ndinunzio@att.net>~~
Sent: Tuesday, September 13, 2016 8:55 AM
To: Heldenfels, Leane; gerard verkaart; Nanette Dinunzio
Subject: Letter from Mr. Henderson to our Neighbors with Petition
Attachments: Thomas Henderson letter to Neighbors.pdf; Thomas Henderson Petition with Letter to Neighbors.pdf

Dear Leane,

Attached please find the letter Mr. Henderson sent with a petition to all our neighbors. While it is his right to communicate with the neighbors, he has also chosen to fill the letter with defamatory statements against my husband and me in both professional and personal capacities. We are private individuals, and spreading untrue information about us that could hurt our professional lives and ability to earn a living should not be done.

At the hearing it was implied that we had done something wrong by buying our house and seeking a special exception for a building that was there when we bought it: gentrification and then building without a permit. We bought our house from two professors, both of whom, incidentally, are white, and make more than we do. We did not displace anyone. We bought our house with the existing garage structure--we did not build without a permit, no matter how much Mr. Henderson makes that accusation. If we are not wanted in East Austin, or Austin for that matter, we will move on.

Thank you,

Nanette DiNunzio

Thomas Henderson

3106 E. 13th Street
Austin, TX 78702
(512) 656-5611
cathy@taborlaw.com

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9/5/2016

Open Letter to McKinley Heights Neighbors,

Gerard, I helped my mom buy 3106 East 13th street, Austin, TX 78702 in 1995. Our family has owned that property for more than 20 years. My mom passed away in 2003. Both my sister Nettie, who was severely mentally ill, and my brother, James, who is a day worker and cuts yards in the neighborhood, lived there. James has even worked for you. A couple years ago I put the property in my name. I met you and your wife in passing and all was good.

I noticed your home extension was only one foot from my property line. You are a contractor and know all of us who own homes have 5-foot easement setbacks between our property line and our closest building to our neighbor's property line. You and I had a discussion that your home extension was violating the set-back rule. YOU SAID YOU WERE GONNA MOVE IT MORE TO THE CENTER OF YOUR PROPERTY. I ASKED, "WHEN?" YOUR RESPONSE WAS, "NOT FOR A WHILE."

I OWN THE PROPERTY AT 3106 EAST 13TH STREET. I have property rights. You are in violation of MY property rights. Your win at Austin City Hall doesn't mean much to me. As a man who claims to care about McKinley Heights as the McKinley Heights Neighborhood Association contact person, your actions toward your neighbor to the west and to me have shown you to be deceptive and you act as if you are above the law. You are one foot from my property line with a permanent structure. You owe me my rightful 5-foot setback.

I will help you demolish 4 feet of your home extension and you can build into your center yard and out of my rightful set back. I invite all of my neighbors to come by 3106 East 13th street to see what this neighbor of mine has done. If this illegal structure catches on fire, it will burn down my fence and possibly my home. Another thing, I put up a new fence. Guess what my neighbor did? His old fence is leaning on my new fence. You gotta see it to believe it.

I understand he calls the police on a lot of our neighbors. My sister parked in front of my house on the wrong side of the street. He called the police and she got a ticket. He doesn't practice

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what he represents or preaches. His front yard ignores city setbacks by planting grass all the way to the curb. If you pass 3104 East 13th Street, he has camouflaged the eastside of his house so you can't see it from the street. On a technicality, he won at City Hall because he and his wife just flat lied about the origins of this home extension. YOU HAVE TO SEE IT TO BELIEVE WHAT MY NEIGHBOR HAS DONE TO MY FAMILY'S PROPERTY RIGHTS. I THINK THEY ARE HAPPY THAT THEIR HOME EXTENTION IS ONE FOOT FROM MY FENCE AND THEY GOT AWAY WITH IT. Therein lies the problem.

I will use all of my resources FOREVER to get him 5 feet from my HOMESTEAD. I write to you so there can be no lies concerning this issue. The 5 foot set back is for safety. Just because you claim a 10-year exemption doesn't make it right or true. Especially if you walk around like you are concerned with our neighborhood's safety and future and your actions reveal, instead, that clearly you are not. I am not a liar. Gerard told me he was going to move the building off my fence but not right away. I hope he's a man of his word. When you drive by 3104 East 13th Street, you can't see what he's done. But, my west gate opens and I can show you what our "neighborhood security guy" has done. My brother James is there most of the time and can walk you back so you can see how violated my property line and set back has been violated. COME BY. THOMAS HOLLYWOOD HENDERSON YOUR NEIGHBOR. CALL IF YOU LIKE 512 656 5611. Or email my attorney, Cathy Tabor (cathy@taborlaw.com).

How you can help:

Attend the McKinley Heights Neighborhood Association Meeting on Tuesday, September 13, 2016 and voice your support for me. Address: Space12 / 3121 E 12th St - Austin, TX. Time: 7:00 p.m. <http://www.mckinleyheights.net/events/2016-09-13/>. We will have petitions there to sign.

Attend the Board of Adjustment meeting at City Hall on Wednesday, September 28, 2016 at 5:30 and sign in as a speaker in favor of me. Case No. C-15-2016-0061, Address: 301 W 2nd St, Austin, TX, 78701

If you have already received a letter from me with a petition, mail in your petition to me or email it to cathy@taborlaw.com (or fax to 512.233.5363) so we RECEIVE IT by September 12, 2016. If you did not receive a petition and would like to sign one in favor of me, please ask my brother James for another copy or email Cathy and she will email one to you. Thank you, neighbor, for your support.

Warm regards,

Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

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TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION

DATE: August 29, 2016

FROM: Thomas "Hollywood" Henderson

My name is Thomas Henderson. I'm the son of Violet Faye Henderson and I am an Overton family member. I am also the Thomas Henderson who played for the Dallas Cowboys. I attended L.L.Campbell, UJH, Kealing and Old Anderson High School. In 1995, I co-signed on a home for my mom at 3106 East 13th street. She passed away in 2003. Since that time, it's been the family homestead.

A couple years ago I put the home in my name and it's my homestead. Each of us homeowners have property rights. No one can build a permanent structure within 5 feet of your property line. My neighbors at 3104 E. 13th street built a structure **ONE** foot from my property line. Nanette and Jerard are their names. I understand that a homeowners meeting was held and most of you voted to support their violation of my 5 foot easement property rights.

Problem is, they didn't invite me to the meeting. They came to city hall saying all of you approved their violation of my property rights. I am also the Thomas Henderson who restored Old Anderson High school's football field and track. Our family has been in east Austin for 160 years. I am asking for your support on this issue. They have built a nearly 500 square foot building up against my fence. Our law and codes say a 5 foot easement is required between everyone's buildings and their neighbor's property. They delayed the first hearing so a 10-year exemption would apply. I had filed against them two months before this exemption. The Board of Adjustments voted 11-0 against me, never considering all of Nanette and Jerard's violations and the FACT that my case was filed before their 10 year exemption came into play. I am sure if they got your vote, they didn't tell you who you were voting for or against. They are dishonest neighbors. He's a contractor and she's an attorney. They knew better and know better. I'm enclosing a petition that I hope you will sign and support MY property rights. All our property rights are the same. The CITY thinks you support them, partially based on the "support" of the neighborhood association. Maybe you do. My hope is that now that you know the whole story you will support me. Enclosed please find a petition and a self-addressed envelope with a stamp. Please sign saying you support me and mail it ASAP.

Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Name

Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

C15-2016-0061

Heldenfels, Leane

From: Cathy Tabor [REDACTED]
Sent: Wednesday, September 14, 2016 2:07 PM
To: Heldenfels, Leane
Cc: Cathy Tabor; Thomas Hollywood Henderson (tehenderson@earthlink.net)
Subject: Thomas Hollywood Henderson Letter, part 2 / appeal for 3104 e.13th St. Exemption reconsideration
Attachments: 20160914130051657.pdf

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10/7

Leane,

This is the first of two letters sent by Mr. Henderson to the addresses of folks in the McKinley Heights Neighborhood Association. Three of the neighbors included handwritten letters of support, which are included. There are 37 in support of Mr. Henderson, which would be 37 against granting the exemption to 3104 E. 13th St.
(Auto correct created a typo on the last email. It is E 13th not English)

Please include this in our evidence if the request for reconsideration is granted.

Au revoir et bonne journee

Cathy

Catherine Tabor
Past Governor, GRAMMY Texas Chapter
Tabor Law Firm, PC
(512) 708-8584 phone
(512) 233-5363 fax
<http://tinyurl.com/TaborLawFirmPCFacebook>, www.twitter.com/taborlaw

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From: Robert Smith [REDACTED]
Sent: Wednesday, September 14, 2016 1:15 PM
To: Cathy Tabor
Subject: Hollywood Letters 3

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108

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION

DATE: August 29, 2016

FROM: Thomas "Hollywood" Henderson

My name is Thomas Henderson. I'm the son of Violet Faye Henderson and I am an Overton family member. I am also the Thomas Henderson who played for the Dallas Cowboys. I attended L.L.Campbell, UJH, Kealing and Old Anderson High School. In 1995, I co-signed on a home for my mom at 3106 East 13th street. She passed away in 2003. Since that time, it's been the family homestead.

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

Yes I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

R. Gregg
Name

3013 E. 18th
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

7/10/9

My name is Thomas Henderson. I'm the son of Violet Faye Henderson and I am an Overton family member. I am also the Thomas Henderson who played for the Dallas Cowboys. I attended L.L. Campbell, UJH, Kealing and Old Anderson High School. In 1995, I co-signed on a home for my mom at 3106 East 13th street. She passed away in 2003. Since that time, it's been the family homestead.

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Thomas "Hollywood" Henderson

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☒ I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

☐ I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Charles Black 3207 East 17th
Name Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION

DATE: August 29, 2016

FROM: Thomas "Hollywood" Henderson

11/10

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

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.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Emma Rowe
Name

3021 E. 17th St, Austin TX 78702
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

Heldenfels, Leane



From: Cathy Tabor [REDACTED]
Sent: Wednesday, September 14, 2016 2:07 PM
To: Heldenfels, Leane
Cc: Cathy Tabor; Thomas Hollywood Henderson (tehenderson@earthlink.net)
Subject: Thomas Hollywood Henderson Letter, part 2 / appeal for 3104 e.13th St. Exemption reconsideration
Attachments: 20160914130051657.pdf

Leane,

This is the first of two letters sent by Mr. Henderson to the addresses of folks in the McKinley Heights Neighborhood Association. Three of the neighbors included handwritten letters of support, which are included. There are 37 in support of Mr. Henderson, which would be 37 against granting the exemption to 3104 E. 13th St. (Auto correct created a typo on the last email. It is E 13th not English)

Please include this in our evidence if the request for reconsideration is granted.

Au revoir et bonne journee

Cathy

Catherine Tabor
Past Governor, GRAMMY Texas Chapter
Tabor Law Firm, PC
(512) 708-8584 phone
(512) 233-5363 fax
[REDACTED] <http://tinyurl.com/TaborLawFirmPCFacebook>, www.twitter.com/taborlaw

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person.

From: Robert Smith [REDACTED]
Sent: Wednesday, September 14, 2016 1:15 PM
To: Cathy Tabor
Subject: Hollywood Letters 3

Heidenfels, Leane

11/12

From: Cathy Tabor [REDACTED]
Sent: Wednesday, September 14, 2016 1:37 PM
To: Heidenfels, Leane
Cc: Cathy Tabor; Thomas Hollywood Henderson (tehenderson@earthlink.net)
Subject: Thomas Hollywood Henderson Letters 1
Attachments: 20160914125613691.pdf

Leane,

This is one of two letters sent by Mr. Henderson to the addresses of folks in the McKinley Heights Neighborhood Association. Please include this in our evidence if the request for reconsideration is granted.

Also, as we discussed, I need to request a continuance to present our case on the merits. I have additional info in my computer which cannot be accessed until the electrical problem at my office is resolved. As we discussed, late yesterday morning, my battery backup began to release white smoke. After that, power to my computer shut off. I need additional time within which to repair the electrical outlet at my office, replace the battery backup and trouble shoot the actual computer. I want to be able to submit all of the relevant information on Mr. Henderson's case before the Board that is not accessible from my computer currently. Thank you so much. If you have questions, please call me at 512.619.3601.

Au revoir et bonne journee

Cathy

Catherine Tabor
Past Governor, GRAMMY Texas Chapter
Tabor Law Firm, PC
(512) 708-8584 phone
(512) 233-5363 fax

[REDACTED], <http://tinyurl.com/TaborLawFirmPCFacebook>, www.twitter.com/taborlaw

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From: Robert Smith [REDACTED]
Sent: Wednesday, September 14, 2016 1:14 PM
To: Cathy Tabor
Subject: Hollywood Letters 1

Thomas Henderson

TX
113

3106 E. 13th Street
Austin, TX 78702
(512) 656-5611
cathy@taborlaw.com

9/5/2016

Open Letter to McKinley Heights Neighbors,

Gerard, I helped my mom buy 3106 East 13th street, Austin, TX 78702 in 1995. Our family has owned that property for more than 20 years. My mom passed away in 2003. Both my sister Nettie, who was severely mentally ill, and my brother, James, who is a day worker and cuts yards in the neighborhood, lived there. James has even worked for you. A couple years ago I put the property in my name. I met you and your wife in passing and all was good.

I noticed your home extension was only one foot from my property line. You are a contractor and know all of us who own homes have 5-foot easement setbacks between our property line and our closest building to our neighbor's property line. You and I had a discussion that your home extension was violating the set-back rule. YOU SAID YOU WERE GONNA MOVE IT MORE TO THE CENTER OF YOUR PROPERTY. I ASKED, "WHEN?" YOUR RESPONSE WAS, "NOT FOR A WHILE."

I OWN THE PROPERTY AT 3106 EAST 13TH STREET. I have property rights. You are in violation of MY property rights. Your win at Austin City Hall doesn't mean much to me. As a man who claims to care about McKinley Heights as the McKinley Heights Neighborhood Association contact person, your actions toward your neighbor to the west and to me have shown you to be deceptive and you act as if you are above the law. You are one foot from my property line with a permanent structure. You owe me my rightful 5-foot setback.

I will help you demolish 4 feet of your home extension and you can build into your center yard and out of my rightful set back. I invite all of my neighbors to come by 3106 East 13th street to see what this neighbor of mine has done. If this illegal structure catches on fire, it will burn down my fence and possibly my home. Another thing, I put up a new fence. Guess what my neighbor did? His old fence is leaning on my new fence. You gotta see it to believe it.

I understand he calls the police on a lot of our neighbors. My sister parked in front of my house on the wrong side of the street. He called the police and she got a ticket. He doesn't practice



11
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what he represents or preaches. His front yard ignores city setbacks by planting grass all the way to the curb. If you pass 3104 East 13th Street, he has camouflaged the eastside of his house so you can't see it from the street. On a technicality, he won at City Hall because he and his wife just flat lied about the origins of this home extension. YOU HAVE TO SEE IT TO BELIEVE WHAT MY NEIGHBOR HAS DONE TO MY FAMILY'S PROPERTY RIGHTS. I THINK THEY ARE HAPPY THAT THEIR HOME EXTENTION IS ONE FOQT FROM MY FENCE AND THEY GOT AWAY WITH IT. Therein lies the problem.

I will use all of my resources FOREVER to get him 5 feet from my HOMESTEAD. I write to you so there can be no lies concerning this issue. The 5 foot set back is for safety. Just because you claim a 10-year exemption doesn't make it right or true. Especially if you walk around like you are concerned with our neighborhood's safety and future and your actions reveal, instead, that clearly you are not. I am not a liar. Gerard told me he was going to move the building off my fence but not right away. I hope he's a man of his word. When you drive by 3104 East 13th Street, you can't see what he's done. But, my west gate opens and I can show you what our "neighborhood security guy" has done. My brother James is there most of the time and can walk you back so you can see how violated my property line and set back has been violated. COME BY. THOMAS HOLLYWOOD HENDERSON YOUR NEIGHBOR. CALL IF YOU LIKE 512 656 5611. Or email my attorney, Cathy Tabor (cathy@taborlaw.com).

How you can help:

Attend the McKinley Heights Neighborhood Association Meeting on Tuesday, September 13, 2016 and voice your support for me. Address: Space12 / 3121 E 12th St - Austin, TX. Time: 7:00 p.m. <http://www.mckinleyheights.net/events/2016-09-13/>. We will have petitions there to sign.

Attend the Board of Adjustment meeting at City Hall on Wednesday, September 28, 2016 at 5:30 and sign in as a speaker in favor of me. Case No. C-15-2016-0061, Address: 301 W 2nd St, Austin, TX, 78701

If you have already received a letter from me with a petition, mail in your petition to me or email it to cathy@taborlaw.com (or fax to 512.233.5363) so we RECEIVE IT by September 12, 2016. If you did not receive a petition and would like to sign one in favor of me, please ask my brother James for another copy or email Cathy and she will email one to you. Thank you, neighbor, for your support.

Warm regards,

Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson



TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

11/5

My name is Thomas Henderson. I'm the son of Violet Faye Henderson and I am an Overton family member. I am also the Thomas Henderson who played for the Dallas Cowboys. I attended L.L.Campbell, UJH, Kealing and Old Anderson High School. In 1995, I co-signed on a home for my mom at 3106 East 13th street. She passed away in 2003. Since that time, it's been the family homestead.

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

SMH
.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

SETH M. LIST
Name

3011 E. 16th STREET
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

II
176

THOMAS,

HAPPY TO SUPPORT YOU IN YOUR
PURSUIT TO ENFORCE YOUR PROPERTY
RIGHTS.

IT'S SHITTY, WHAT THEY'RE DOING.
ADMITTEDLY, I DON'T ATTEND THE
HOMEOWNERS MEETINGS FOR OUR
NEIGHBORHOOD AND YOUR LETTER
MADE ME REALIZE I PROBABLY
SHOULD.

I CAN'T TOTALLY MAKE UP FOR
THE SITUATION YOU'VE FOUND YOURSELF
IN, BUT AS A RELATIVELY "NEW
KID ON THE BLOCK", I CAN ONLY
MAKE MY BEST EFFORT TO GET
INVOLVED NOW TO HELP PROTECT
THE RIGHTS OF FAMILIES LIKE YOURS
WHO HAVE BEEN HERE FOR
GENERATIONS.

KEEP ME POSTED. WISHING
YOU THE BEST.

SETH

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

TH

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

☒ I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

☐ I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Mark Turner
Name

3011 E 14 1/2 St, Austin, TX 78702
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

Mr. Henderson

My Name is Mark Turner

I live at

3011 E 18¹/₂ St

St 825-3272

Let me know how I
may help you.

I can attend meetings if
available

Good luck

II
118

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION

DATE: August 29, 2016

FROM: Thomas "Hollywood" Henderson

I
11/9

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

YES ✓ I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

~~..... X DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)~~

GILES DALRYMPLE
Name

3004 G 18 1/2 ST, AUSTIN, TX, 78702.
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

I/20

Dear Mr Henderson,

May I first congratulate you on standing up for your rights & for writing to your community for help.

I also feel I have had my rights in this same issue breached.

The property behind mine built a 3rd storey observation deck without getting consent from the neighbours. I have to stare at his ugly deck every morning & listen to his music he insists on playing loudly for everyone to "enjoy".

Good on you and I hope you get it resolved.

Regards

Giles Dalrymple

704 E 18th 1/2 St, Austin, TX 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

3001 E. 16th
AUSTIN, TX
78703
F1
121

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Thomas "Hollywood" Henderson

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.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Unity Hill Missionary Baptist Church
3001 E 16th Street

Unity Hill Missionary Baptist Church
3001 E 16th Street

Name

Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

3007 E. 16th
Austin, TX
78703
II
122

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

.....☒.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....☐.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Marika Lewis Thompson

Name

Address

3007 E. 16th ST

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

11/23

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

.....☒.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....☐.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Mrs. Edna Gregory
Name

3011 East 17th
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

FI
124

My name is Thomas Henderson. I'm the son of Violet Faye Henderson and I am an Overton family member. I am also the Thomas Henderson who played for the Dallas Cowboys. I attended L.L.Campbell, UJH, Kealing and Old Anderson High School. In 1995, I co-signed on a home for my mom at 3106 East 13th street. She passed away in 2003. Since that time, it's been the family homestead.

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

.....*P*.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Jenny Grayson
Name

3106 E. 14th St.
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

II
125

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

YES.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

[Signature]
Name

3107 E 16th ST. Austin TX 78702
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

12/1

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

✓
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.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Leora Blaylock Robinson 1405 *Swingwood Dr.*
Name Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION

DATE: August 29, 2016

FROM: Thomas "Hollywood" Henderson

11/12/16

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Oliver Meek
Christina Topolino
Name

3102 E. 14TH ST
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

11/22

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

yes.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes)

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Nanda Chapman *3006 E. 14th St*
Name Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION

DATE: August 29, 2016

FROM: Thomas "Hollywood" Henderson

FI
129

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.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Nayven Hunt

Name

1305 McKinley Ave.

Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

3202 E. 17th St
Austin TX 78721
1/130

My name is Thomas Henderson. I'm the son of Violet Faye Henderson and I am an Overton family member. I am also the Thomas Henderson who played for the Dallas Cowboys. I attended L.L.Campbell, UJH, Kealing and Old Anderson High School. In 1995, I co-signed on a home for my mom at 3106 East 13th street. She passed away in 2003. Since that time, it's been the family homestead.

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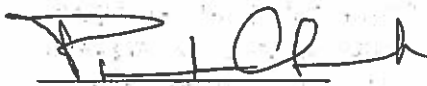
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.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)


Name

3202 E 17th St, Austin 78721
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION

DATE: August 29, 2016

FROM: Thomas "Hollywood" Henderson

11/13/16

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.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Sam's Bray
Name

3107 East 14th St. ATX, 78702
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TO: MCKINLEY HEIGHTS NEIGHBORHOOD ASSOCIATION
DATE: August 29, 2016
FROM: Thomas "Hollywood" Henderson

3104 E. 16th St
Austin, TX
78702
E1
132

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Thomas "Hollywood" Henderson

Thomas "Hollywood" Henderson

✓
.....I SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (Yes) *you are all wrong this is a violation*

.....I DO NOT SUPPORT THOMAS HENDERSON AND HIS PROPERTY RIGHTS IN MCKINLEY HEIGHTS (No)

Mylene Manor +
Name *Guarita Manor*

3104 E. 16th St. 78702
Address

Return to: Thomas Henderson, 3106 East 13th Street, Austin, Texas 78702

TV
133

C15-2016-0061

ORIGINAL CASE INFO



Special Exception

CITY OF AUSTIN

Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

11/134

Board of Adjustment
General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. If more space is required, please complete Section 6 as needed. All information is required (if applicable).

For Office Use Only

Case # C15-2016-006 ROW # 11530313 Tax # 0210150917

TCADV

Section 1: Applicant Statement

Street Address: 3104 E. 13th St. Austin, TX 78702

Subdivision Legal Description:

LOT 3 BLK 3 OLT 26 DIV B MCKINLEY HEIGHTS

Lot(s): 3 Block(s): 3

Outlot: 26 Division: B

Zoning District: SF-3-NP (Rosewood)

We Nanette DiNunzio on behalf of myself/ourselves as authorized agent for

Month April, Day 21, Year 2016, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: Keep

Type of Structure: Garage, detached

II
135

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
Code Enforcement received a complaint and based on that informed us that we need to seek a hardship exception from Austin City Code section 25-2-292 to keep the 64 year old garage.

SE

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

SE This structure was sited 64 years ago when this lot was developed. At the time, the lot on the left side of the property was undeveloped, and continued in that undeveloped condition for many years. As some point, a house was moved to the lot next door. Last December, the son of the original homeowner on the next door lot got a bee in his bonnet about our 64 year old garage. Code Enforcement told us we need a hardship exception to keep the structure. Ironically, the complaining next door neighbor has an accessory building that violates the current setbacks abutting our lot as well, we just aren't the complaining types.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

SE Many homes in our subdivision of McKinley Heights have accessory buildings that violate the current 5 foot setbacks. Because of the way Code Enforcement works in our city, the structures are fine until someone complains, at which point the homeowner has to apply for the hardship exception and incur the costs of the inspections, and perhaps tearing down the structure if the permits aren't granted. This is going to cause great disruption and unnecessary expense.

b) The hardship is not general to the area in which the property is located because:

SE Our garage was so situated to allow access from our driveway. Other neighbors in our neighborhood no doubt have their own stories. This neighborhood isn't wealthy, so the disruption that will be caused our elderly neighbors having to deal with tearing down decades-old structures, which is costly, and the additional loss of property tax revenue, as the value of the properties will necessarily decline, doesn't seem ideal.

II
134

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

6E This garage was erected at the same time as the house, and years before our neighbor moved a house onto his lot (and an accessory building that violates the 5 foot setback abutting our lot). The structure conforms to the style of the house on the lot, and is used as a garage for the house, causing no additional traffic or noise for our neighborhood. The neighbor next door originally said he couldn't build his fence, which is ludicrous, as the garage doesn't encroach on his lot. Furthermore, he has since built his fence.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

11/13/16

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Nanette DiNunzio Date: 04/21/2016

Applicant Name (typed or printed): Nanette DiNunzio

Applicant Mailing Address: 3104 E. 13th St.

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 475-4654

Email (optional – will be public information): _____

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Nanette DiNunzio Date: 04/21/2016

Owner Name (typed or printed): Nanette DiNunzio

Owner Mailing Address: 3104 E. 13th St.

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 475-4654

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

I filled out the application according to instructions that were provided to me from the Board of Adjustment Liaison. Please let me know if the application is in any way not complete or inadequate. We would hate to incur the expense of tearing down this structure, and the great loss of property value. This structure has not been a problem for 64 years, and is very much in keeping

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Additional Space (continued)

with the neighborhood overall. Although our neighbor claimed he couldn't build a fence because of it, that never made sense, as the structure, while not in compliance with the current 5 foot setback, is nowhere near his lot, and he has since built the fence. He also made other unsubstantiated and false claims about the garage, and frankly, has been able to use Code Enforcement to harass us for over half a year. We don't agree with using Code Enforcement to harass our neighbors when no one's health or safety, or, for that matter, property values are being negatively impacted. However, there are many non-complying structures in our neighbor, including on our neighbor's lot, which technically violate the setback requirements. Generally, these structures have been there for decades. It makes no sense to use Code Enforcement in this way when our neighbor is also riddled with potholes, dangling wires, unoccupied structures that are vermin-infested (including our other next door neighbor, and unoccupied house with a dog that has been slowly decaying over the ten years we have lived in our house). Our neighborhood has many health and safety code enforcement issues that have been unaddressed for years--our 64-year-old detached garage, which has been maintained, is not one of them.

SE

SAVE

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25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
- (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
- (3) the Board finds that:
 - (a) the violation has existed for:
 - (i) at least 25 years; or
 - (ii) at least 10 years, if the application for a special exception is submitted on or before

June 6, 2016; 2017

- (b) the use is a permitted use or a nonconforming use;
 - (c) the structure does not share a lot with more than one other primary residence; and
 - (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code;
- or
- (iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

- (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
- (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
- (3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.



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1984 Aerial

2003 Aerial

CITY OF AUSTIN DEVELOPMENT WEB MAP



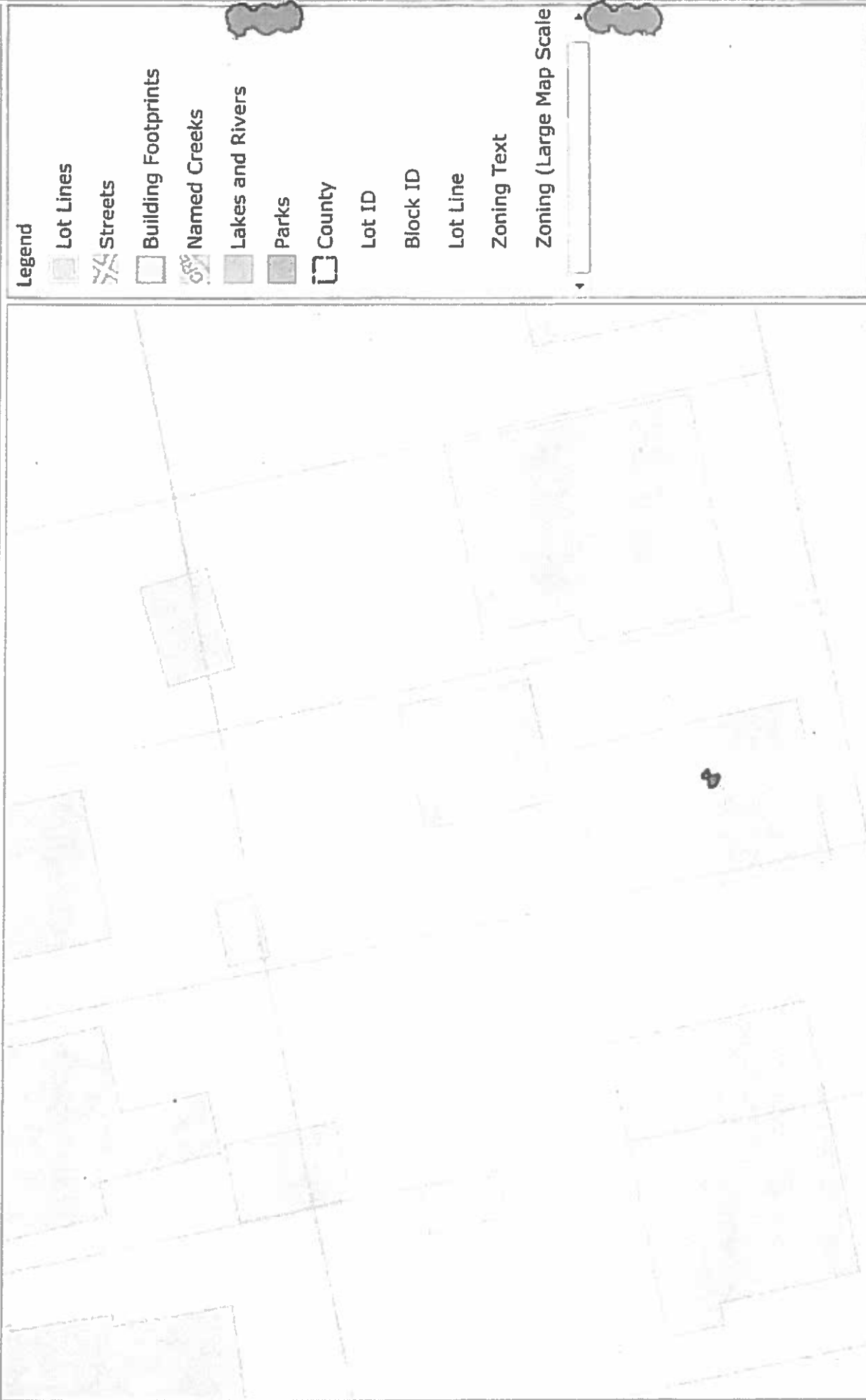
Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County
- Lot ID
- Block ID
- Lot Line
- Zoning Text
- Zoning (Large Map Scale)
- Zoning (Small Map Scale)
- Not Classified
- Single Family (SF)
- Multi-family (MF)
- Mobile Home (MH)
- AG, DR, RR, LA
- CBD, DMU

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

2/1/11

CITY OF AUSTIN DEVELOPMENT WEB MAP



THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

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SPECIAL EXCEPTION INSPECTION



FI
143

Address:	3104 E. 13 th
Permit Number:	2016-063395
Property Owner Requesting Special Exception:	Nanette DiNunzio

Special Exception Requested:

Detached garage in side yard setback / no evidence that the garage was recently rebuilt evidence exit structure was maintained

Date Structure was originally constructed: verified to exist since 2003 COA GIS

Date of Inspection:	9-8-2015
Building Official or designated representative	Tony Hernandez
X	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property
	The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection:

C15-2016-0061

Heldenfels, Leane

From: Thomas HENDERSON [REDACTED]
Sent: Sunday, June 05, 2016 6:00 PM
To: Heldenfels, Leane
Subject: Fw: Board of adjustment meeting
Attachments: Board of adjustment meeting

#144

3104

Hi Leane, Email is all i'm capable of. I hear my neighbor at 1304 East 13th is having a hearing on June 13th. My writing in caps is not screaming. I laid out the facts and my brothers will be attending to represent me and my family. My neighbors wife is an attorney. So what, rules are rules. Everything I've written is true. All things being equal I believe they are wrong and deserves no relief. Her husband is a contractor and builder. he built this structure inches from my fence. Thomas Henderson. sorry for the CAPS

Heldenfels, Leane

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From: Thomas HENDERSON
Sent: Sunday, June 05, 2016 5:12 PM
To: franchot
Subject: Board of adjustment meeting

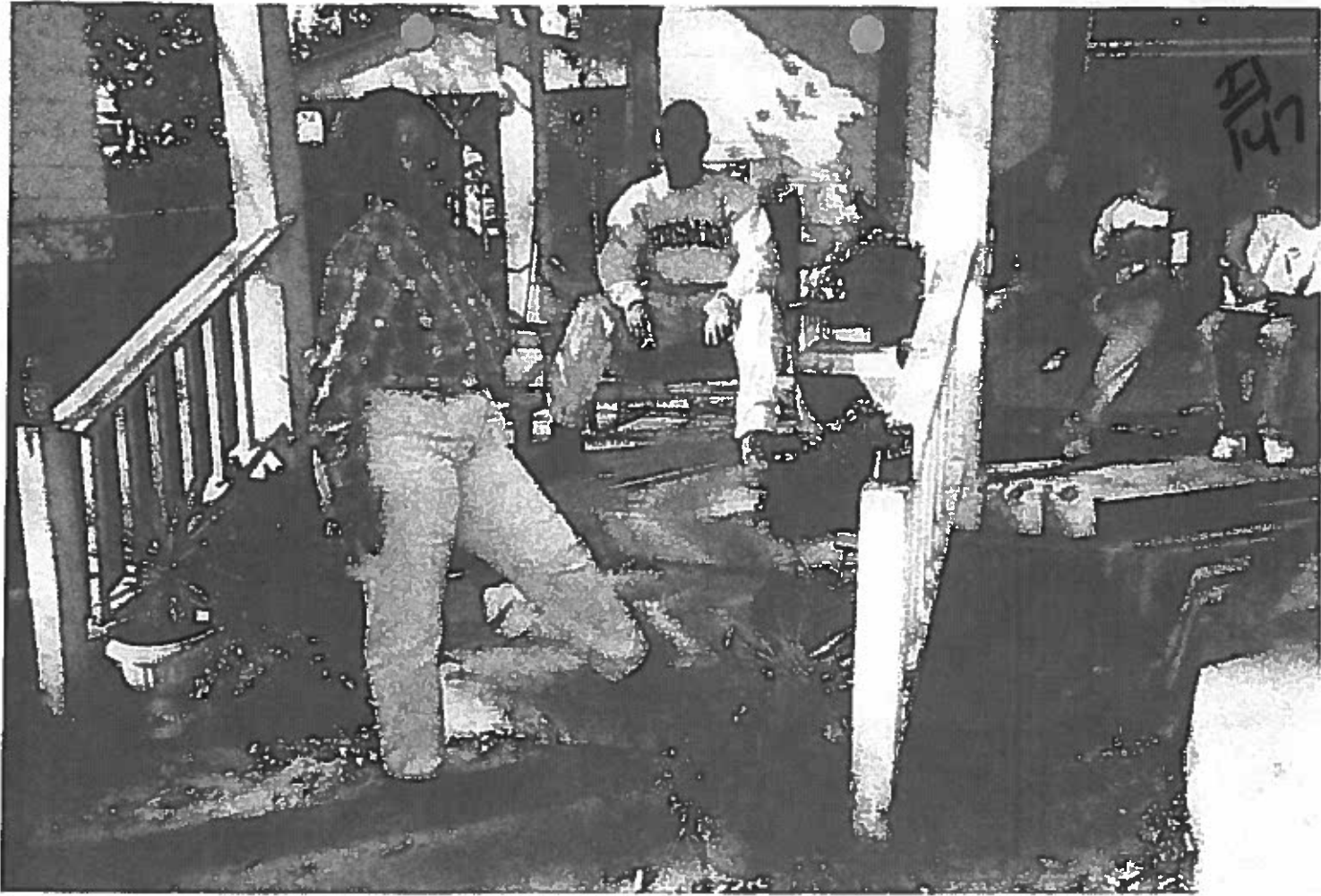
I BOUGHT THIS HOME FOR MY MOM IN 1995. WE'VE HAD SEVERAL NEIGHBORS BEFORE OUR CURRENT NEIGHBORS. MY SISTER NETTIE LIVED THERE AFTER OUR MOTHER PASSED AWAY IN 2003. SHE WAS MENTALLY ILL. MY BROTHER JAMES LIVES THERE AND IS NOT KNOWLEDGABLE ON EASEMENTS OR SET BACKS. BUT, HE CUT THAT YARD NEXT DOOR FOR MANY YEARS BEFORE OUR CURRENT NEIGHBORS MOVED IN. HE COULD MOW UP AND BACK IN THE EASEMENT. OUR CURRENT NEIGHBOR IS A CONTRACTOR. NOT SURE HE'S A LICENSED CONTRACTOR BUT THAT'S WHAT HE DOES FOR WORK FROM OUR OBSERVATION. MOST CONTRACTORS KNOW WHAT AN EASEMENT AND SET BACK IS. WE BELIEVE OUR NEIGHBORS WERE USING THIS STRUCTURE FOR A BUSINESS AND ENTERTAINMENT. SINCE WE FILED THIS COMPLAINT OUR NEIGHBOR HAS PUT UP A TARP SO NO ONE CAN SEE HIS ALTERATIONS PRIOR TO AN INSPECTION. THIS STRUCTURE IS LESS THAN ONE FOOT FROM MY PROPERTY LINE AND INCHES FROM MY FENCE. I SPENT 500.00 FOR A SURVEY. WHEN THE RED STRING WAS PLACED MY NEIGHBORS ROOF OVER HANG WAS A FOOT OVER MY PROPERTY LINE. HE JUMPS UP THERE A SAWS IT BACK IN ONE DAY. WHATS INTERESTING IS HE STAYED HOME THAT WHOLE DAY WHILE SURVEY WAS BEING DONE. OUR NEIGHBOR KNOWS THEY ARE OUT OF ORDER. MY NEIGHBORS GOT PERMITS AND ACTUALLY ON PERMITS DREW LINES INTO EASEMENT. WHAT'S CLEAR ABOUT ALL THIS IS THAT MY NEIGHBORS NEVER CLOESD PERMITS OR GOT FINAL INSPECTIONS OR CERTIFICATES OF OCCUPANCY"COO",ON ANY BUILDING PERMIT. FOR THEM TO CLAIM HARDSHIP IS A JOKE. I HAVE BUILT 7 HOMES IN EAST AUSTIN. I HAVE REHABILITATED DOZENS OF PROPERTIES. I KNOW THE RULES AND NEVER BREAK THEM. I RESTORED THE STADIUM AT OLD ANDERSON HIGH SCHOOL. I GREW UP IN EAST AUSTIN. NOT SURE GENTRIFICATION IS AN ISSUE HERE BUT I DO THINK MY NEIGHBORS THINK THEY ARE SMARTER AND MORE CLEVER THAN US PEOPLE. IGNORANCE ISNT PART OF THE BOARD OF ADJUSTMENTS. OUR NEIGHBOR CAMOUFLAGED THIS BUILDING. I BELIEVE ON PURPOSE. YOU DRIVE DOWN 13TH STREET AND LOOK AT 1304 EAST 13TH STREET, THE DRIVEWAY IS COMPLETELY CAMOUFLAGED. YOU CAN NOT SEE THIS BUILDING AT ALL. OUR NEIGHBORS DID THAT ON PURPOSE. OUR NEIGHBORS,WE BELIEVE WERE RUNNING A BUSINESS OUT OF THE ILLEGAL STRUCTURE. I'M SURE THEY NEVER SUSPECTED AN INTELLIGENT OWNER TO CALL THEM ON THIS ILLEGAL BUILDING. I FEAR IF THAT STRUCTURE CATCHES FIRE IT WILL BURN DOWN MY FENCE AND MY HOMESTEAD. THERE IS NO HARDSHIP FOR A PREMEDITATED BREAKING OF BUILDING RULES."HE'S A CONTRACTOR'. THERE IS NO HARDSHIP FOR A SLABBED STRUCTURE INCHES FROM MY FENCE. OUR NEIGHBOR PULLED PERMITS BUT KNEW INSPECTIONS WOULD NOT BE APPROVED. I BELIEVE HIS WIFE WILL COME BEFORE YOU BECAUSE SHE'S A LAWYER. IT'S HER HUSBAND THAT'S THE CONTRACTOR AND CULPIT OF THIS. MY PRAYER IS THAT THE BOARD OF ADJUSTMENTS WILL SEE THIS FOR WHAT IT IS. ILLEGAL STRUCTURE 4 FEET IN EASEMENT OF NEIGHBOR. SAFETY FOR MY HOMESTEAD IS IMPERATIVE AS WELL. MY FAMILY HAS BEEN IN AUSTIN FOR OVER 150 YEARS. I HAVE LIVED IN AUSTIN 63 YEARS. PLEASE HOLD THESE NEIGHBORS ACCOUNTABLE. THANK YOU. THOMAS HOLLYWOOD HENDERSON

Heldenfels, Leane

From: Thomas HENDERSON [REDACTED]
Sent: Wednesday, June 08, 2016 8:18 PM
To: Heldenfels, Leane; Rodriguez, Moses
Subject: Fw: Pic of Neighbors Shed
Attachments: Pic of Neighbors Shed

11
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Leane, this is 8 years ago when it was a car port and laundry shed. The building is 5-6 years old. pictures don't lie. This original shed respected the easement. Sorry for blowing up your email. Thomas



Heldenfels, Leane

From: Thomas HENDERSON [REDACTED]
Sent: Wednesday, June 08, 2016 7:58 PM
To: Heldenfels, Leane; Rodriguez, Moses
Subject: Fw: Other pic INCHES FROM PROPERTY LINE.
Attachments: Other pic

11
147

Leane and Moses, My fence is cedar. His is junk. IS THE BUILDING TOO CLOSE TO MY PROPERTY LINE? THE RED STRING ON THE GROUND IS THE SURVEY STRING. THOMAS HENDERSON. MORE TO COME. BUILDING HAS NOT BEEN THERE 10 YEARS. I HAVE 5 WITNESSES.

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Heldenfels, Leane

From: Thomas Henderson [REDACTED]
Sent: Thursday, June 09, 2016 1:22 PM
To: Heldenfels, Leane; moresrodriguez@austintexas.gov
Subject: Fwd: Here are dates and facts from city files. Please include.

Sent from my iPhone

Begin forwarded message:

From: Franchot Rivers [REDACTED]
Date: June 9, 2016 at 2:01:15 PM EDT
To: Thomas HENDERSON [REDACTED]
Reply-To: Franchot Rivers [REDACTED]

There are four permits that were filed by our neighbors. All permits that were issued were filed with the intent of removing the current patio structure and replacing it with rebuilt patio. A covered patio is totally different than putting up a new building complete with plumbing, electrical and air conditioning. They never intended to put up a covered patio, This was deceptive from the start and an attempt to dupe the city code office. The oldest permit filed was dated 11-30-2007 (Approx 8.5 years ago). This is considerably less than 10 years:

Permit Application Dates

11-30-2007 -

12-07-2007

12-07-2007

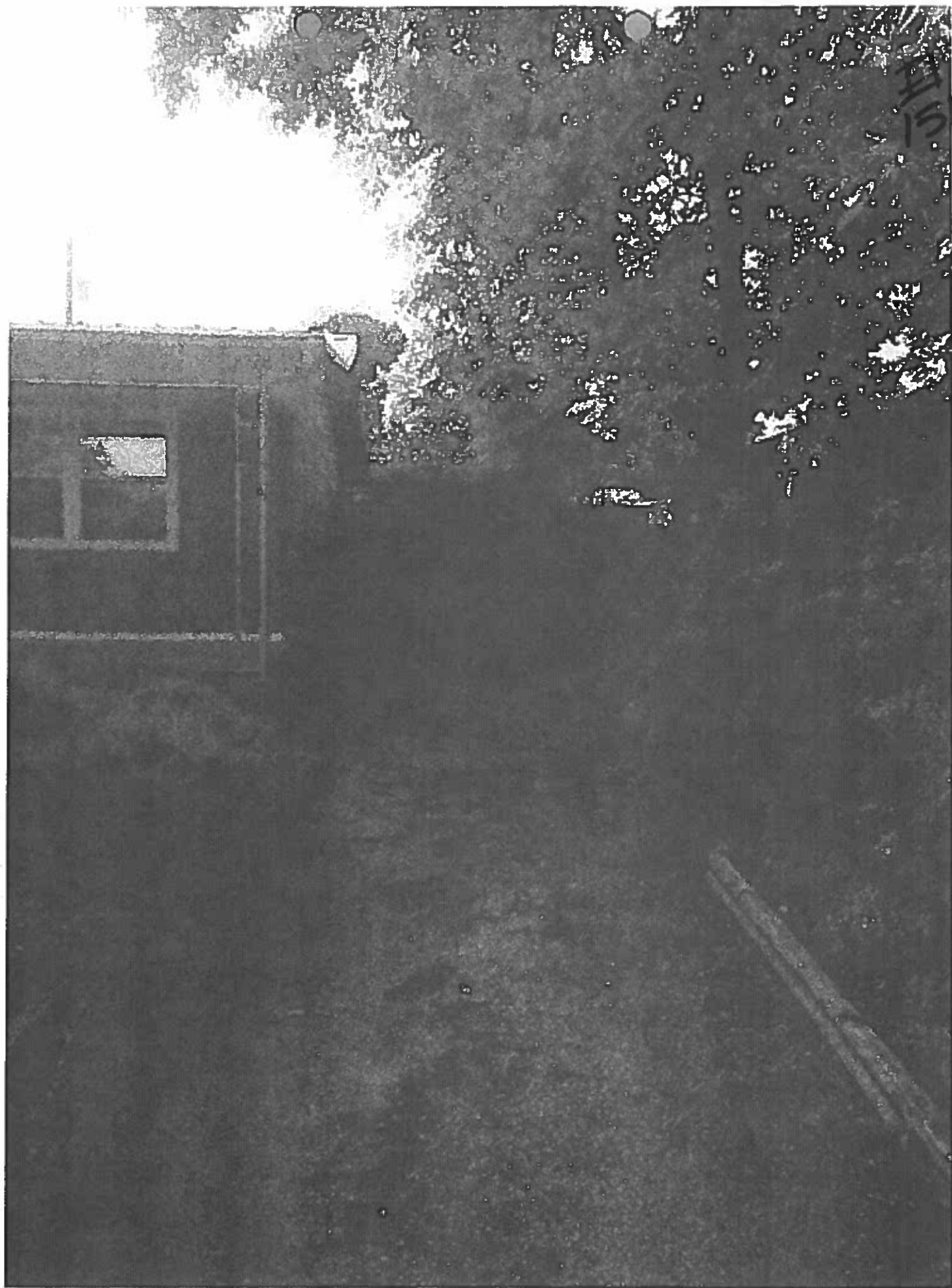
05-20-2008

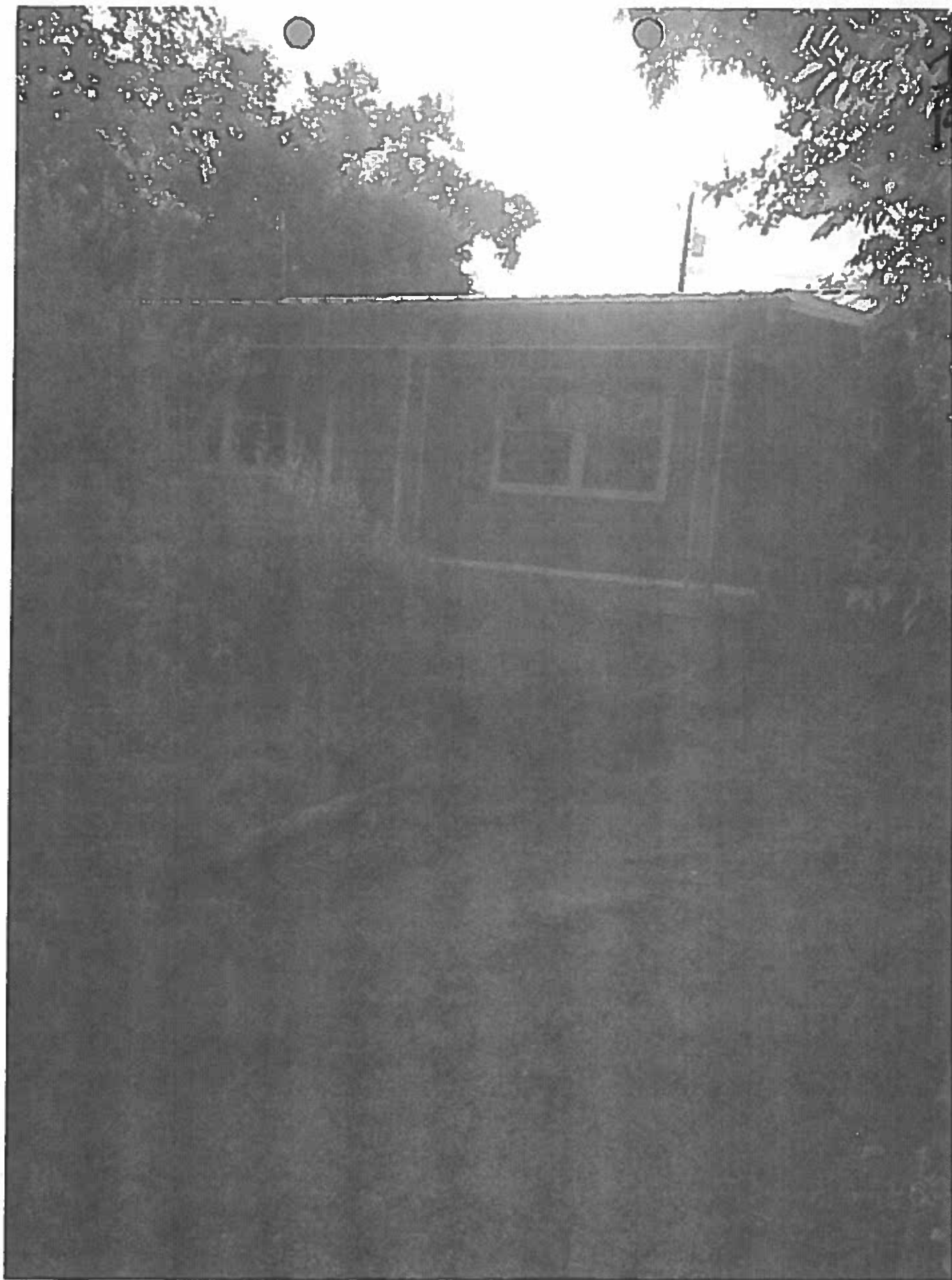
Heldenfels, Leane

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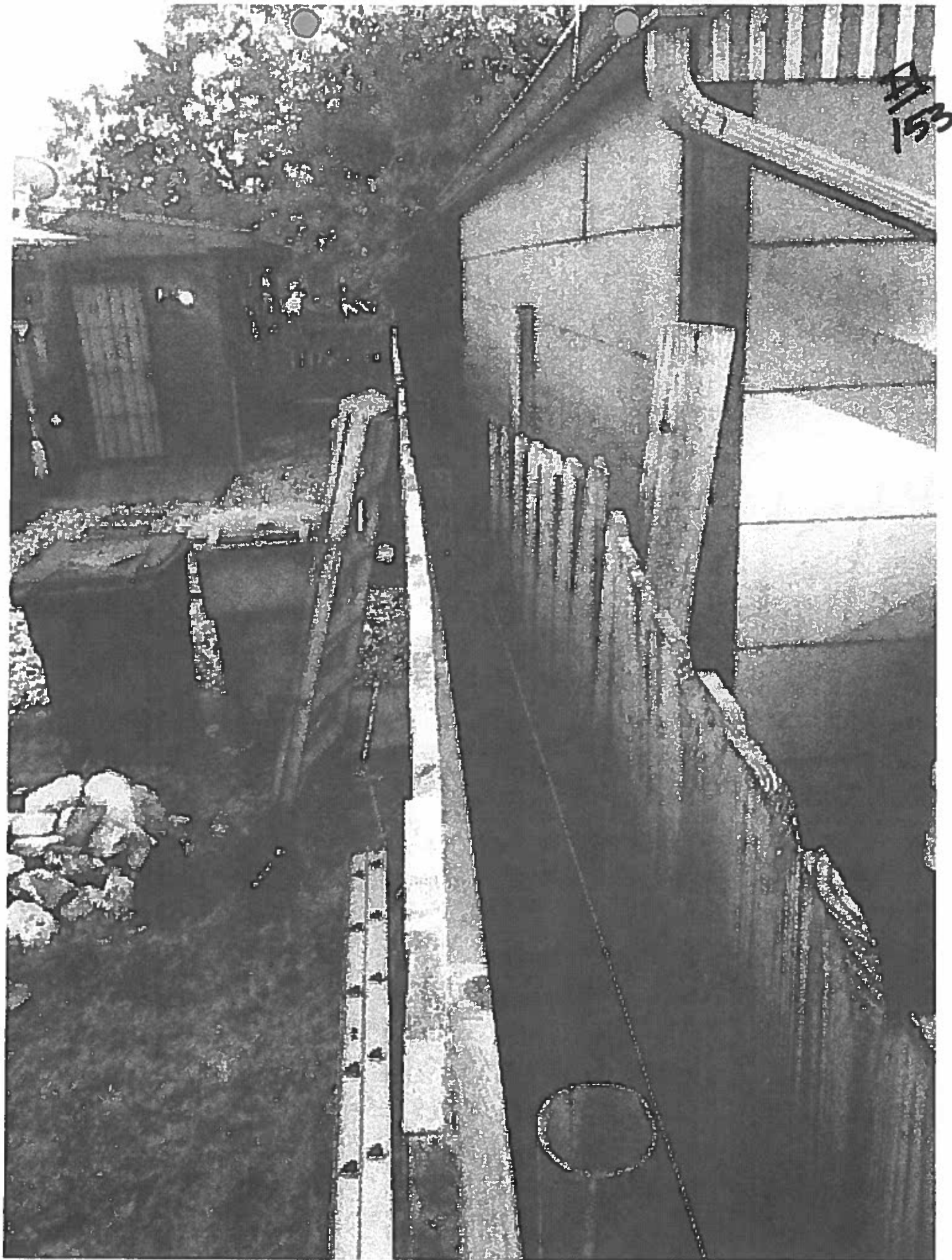
From: thomas henderson [REDACTED]
Sent: Wednesday, June 08, 2016 9:31 PM
To: Heldenfels, Leane
Subject: camoflodged the building from street view. brown fence and trees. guilty

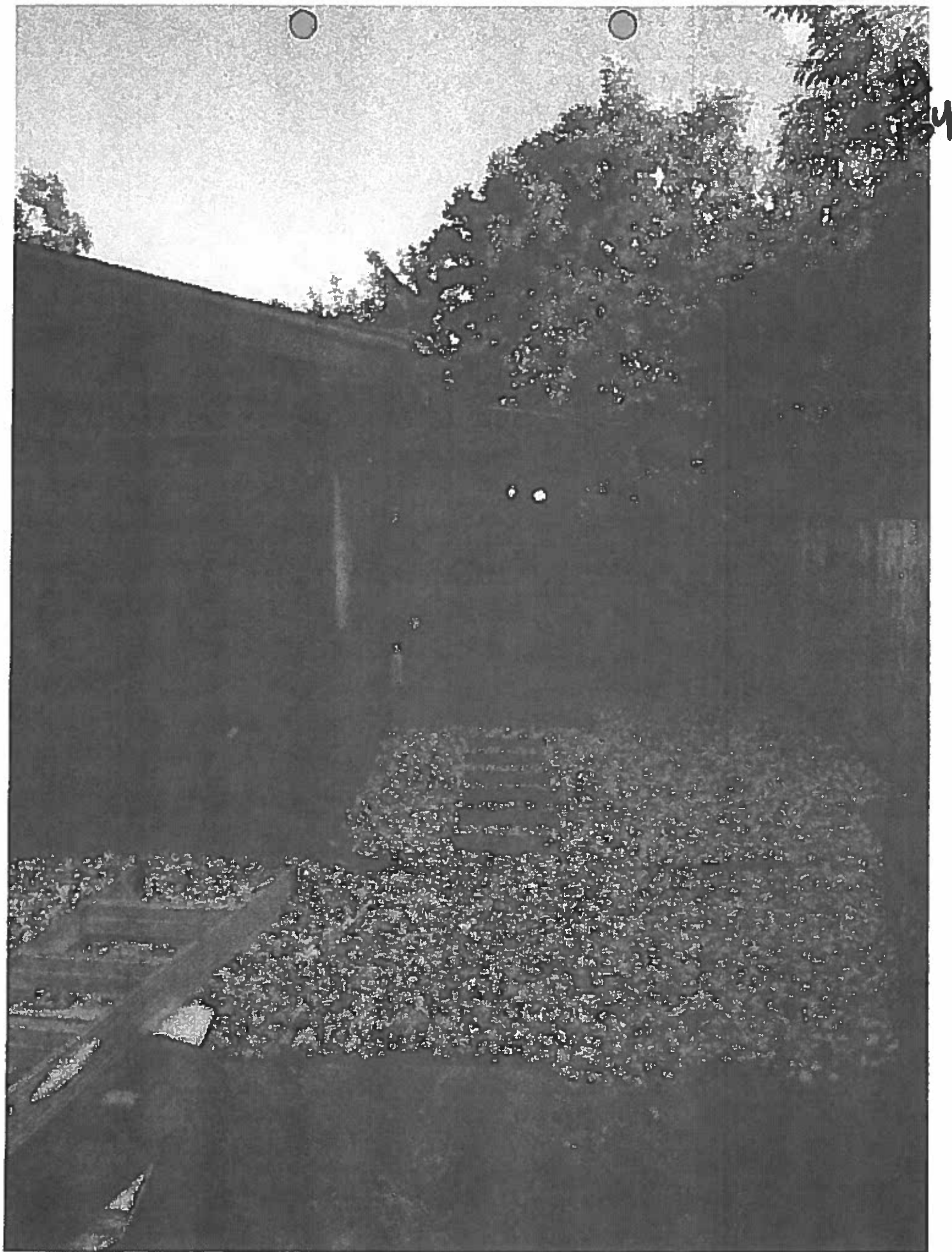




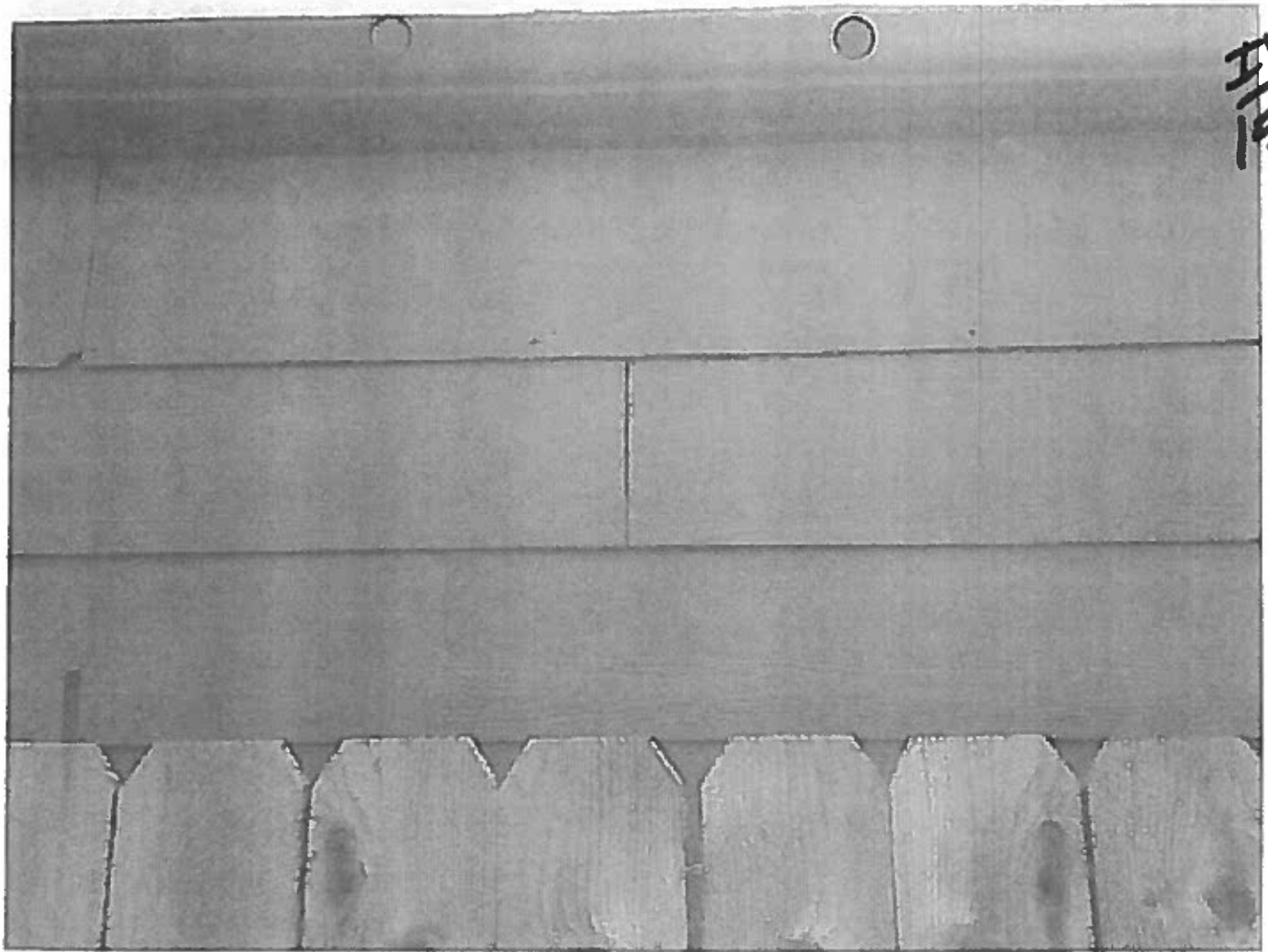


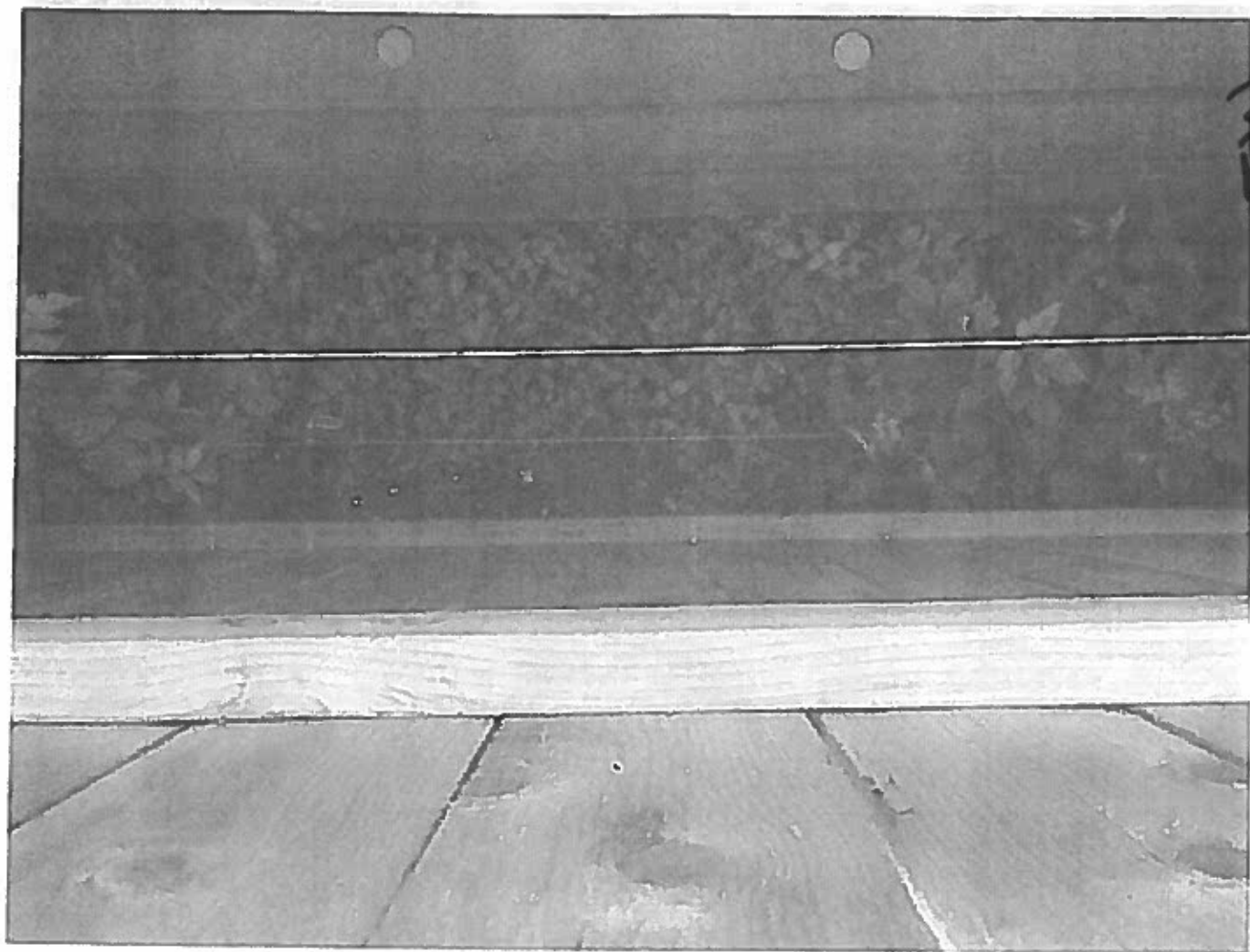
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