

C15-2016-0124 3 (0131)

Heldenfels, Leane

From: Meade, Nikelle [REDACTED]
Sent: Monday, December 12, 2016 9:29 AM
To: Heldenfels, Leane
Subject: Request for Postponement - Agenda Items I-2 and L-4 (2510 and 2530 S. Congress)

F2/4/1
29

Good morning, Leane.

By this email and on behalf of the applicant in Case No. C15-2016-0131 (Agenda Item I-2, Interpretation; 2510 S. Congress Ave. and 2530 S. Congress) and Case No. C15-2016-0124 (Agenda Item L-4, Variance Request, 2510 S. Congress Ave.), we are requesting a 1-month postponement of both cases. We are awaiting documentation pertinent to the Board's review of these cases but that is not being created by us and is not yet in our possession, and we do not have it as of this morning. We expect to have it within approximately 1 week, so we do not anticipate needing any future postponements.

If you have any questions or need any additional information from me, please let me know.

Thank you.

Nikelle Meade
Partner

HUSCH BLACKWELL LLP
111 Congress Avenue, Suite 1400
Austin, TX 78701-4093
Direct: 512.479.1147
Fax: 512.226.7373
Nikelle.Meade@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

Named a first-tier national real estate law firm by U.S. News-Best Lawyers in 2016.

PUBLIC HEARING INFORMATION

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

During a public hearing, you may continue an application or denial of a specific date more than 60 days before the hearing.

A board or commission standing to appeal to the City Council can appeal to the City Council. An interested owner of the property can appeal to the board or commission. A developer can appeal to the board or commission. A neighborhood activist can appeal to the board or commission. A neighborhood activist can appeal to the board or commission.

A notice of public hearing will be available at the City Clerk's Office, 1100 N. Lamar, Austin, TX 78704.

For additional information, visit our website at www.austintexas.gov/development.

12-5-16 AAS

CONTINUING COVERAGE AUSTIN DEVELOPMENT

City braces for unveiling of CodeNext

First draft of rewrite of Austin development rules due in January.

By Nolan Hicks
nhicks@statesman.com

When it comes to shaping Austin's breakneck growth, the city's development code determines basically everything: What fits where, how tall a building can

be, how many apartments will fit, the number of parking spaces a restaurant will need.

And virtually everyone agrees it's rife with problems.

Neighborhood activists complain that the 3-decade-old, 1,300-page code — amended more than 800 times — is full of loopholes developers use to build projects that shouldn't be allowed. Builders complain that it's so convoluted and full of contradictions,

neighborhood activists can tie up projects for years, exacerbating Austin's housing crunch.

Come January, city officials will take the first steps toward replacing it — rolling out the first draft of their top-to-bottom rewrite, known as CodeNext — according to a schedule set by the City Council last month. A yearlong process of hearings, forums, rewrite

CodeNext continued on A6

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Case Number: C15-2016-0131, 2530 and 2510 S. Congress Ave.
Contact: Leanne Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, December 12, 2016

Mary L. Lindholm
Your Name (please print)

2506 Euclid Avenue - Austin 78704
Your address (es) affected by this application

Mary L. Lindholm 12-08-16
Signature Date

Daytime Telephone: (512) 447-8505

Comments: Reference partial copy of 12-05-16 Austin American Statesman article on CodeNext and land. The developer should not be allowed to build a project that does not comply with current land development code. This project not only impacts the Church at 2530 S Congress, but the adjoining neighborhood on Euclid Ave as well.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leanne Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Tuesday prior to the hearing to ensure timely delivery)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

PUBLIC HEARING INFORMATION

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

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

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

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, December 12, 2016

Your Name (please print) W. J. J. J.

☐ I am in favor
☒ I object

Your address (es) affected by this application 2501 Euclid Ave, Austin, TX 78706

W. J. J. J.

Signature

12-4-2016

Daytime Telephone: 512-441-1087

Comments:

I have lived at this address for 17 years.
The church at 2530 South Congress has
been a church and a good neighbor this
entire time - and, I understand many
years before my move here.
They did their property deconv
petition under the religious assembly use
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Leane Heldenfels

P. O. Box 1088

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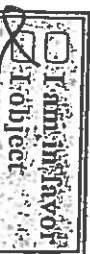
Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Your Name (please print)

Heldi Armstrong



Your address(es) affected by this application

2403 Forest Ave 78704

Signature

Date

Daytime Telephone:

512 431 3853

Comments:

Note: all comments received will become part of the public record of the case.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

ANUEL ODDYKE
Your Name (please print)

2403 FOREST AVE
Your address(es) affected by this application

Signature *[Signature]* **Date** 11/29/16

Daytime Telephone: 512-707-2738

Comments:

☒ I am in favor
☐ I object

Note: all comments received will become part of the public record of the case.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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

Public Hearing: Board of Adjustment, December 12, 2016

Megan Schiele

Your Name (please print)

2407 Forest Ave Austin TX

Your address(es) affected by this application

☐ I am in favor
☒ I object

Daytime Telephone:

Signature

(512) 784 957

11/28/16
Date

Comments:

Note: all comments received will become part of the public record of the case.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934
Or scan and email to leane.heldenfels@austintexas.gov

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Oliver Bernhardt

Your Name (please print)

2107 Forest Ave

Your address(es) affected by this application

[Signature]

Signature

11/25/16

Date

Daytime Telephone: *(503) 516-8023*

Comments: *The land use laws/regulations are to protect the neighborhood. As a land owner and member of the neighborhood, I do not want development necessary here public*

Note: all comments received will become part of the public record of the case.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, December 12, 2016

Ted Finkbeiner

Your Name (please print)

2505 Wilson St Austin 78704

Your address(es) affected by this application

Leanne Heldenfels

Signature

11.27.16

Date

Daytime Telephone: 512 914 0648

Comments:

Four stories is too high.

☒ In Favor
☐ Not Object

Note: all comments received will become part of the public record of the case.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Leanne Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leanne.heldenfels@austintexas.gov

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

Public Hearing: Board of Adjustment, December 12, 2016

MARY (Lynn) LINDHOLM

Your Name (please print)

2506 Euclid Avenue Austin, TX 78704

Your address(es) affected by this application

Mary (Lynn) Lindholm 11-23-16

Signature

Date

Daytime Telephone: (512) 442-8505

Comments:

Any variances that are not in compliance with city code regulations should be turned down.

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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

Public Hearing: Board of Adjustment, December 12, 2016

CHARLES R. LINDHOLM

Your Name (please print)

☐ I am in favor
☒ I object

2506 Euclid Avenue - Austin, TX 78704

Your address(es) affected by this application

Charles R. Lindholm 11-23-16

Signature

Date

Daytime Telephone: _____

Comments: _____

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Leane Heldenfels

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

MEKQA M32122

Your Name (please print)

251/50610 AC

Your address(es) affected by this application

Melba Myer

Signature

Daytime Telephone:

11/22/16

Date

Comments:



Note: all comments received will become part of the public record of the case.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, December 12, 2016

Your Name (please print)

2511 Eucha Ave

Your address(es) affected by this application

Leane Meryke

Signature

11/30/16
Date

Daytime Telephone:

Comments:



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

Public Hearing: Board of Adjustment, December 12, 2016

William McKenna
Your Name (please print)

2503 Euclid Ave 78704
Your address(es) affected by this application

Will Miller *11/22*
Signature Date

Daytime Telephone: *512-751-4777*

Comments: *Have the existing code.*

| |
|-----------------------------------------------|
| <input type="checkbox"/> I am in favor of |
| <input checked="" type="checkbox"/> I object. |

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Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, December 12, 2016

Fred Macburn

Your Name (please print)

2503 Euclid

Your address(es) affected by this application

Fred Macburn

Signature

Date

Daytime Telephone:

Comments: *This is a significant departure from existing code that will permanently reduce property value, due to, among other things, increased chance of flooding, destruction of foundation support (poorly in this area are slab foundations), noise light links and smells. Also the developer has made false statements to the Neighborhood Council.*

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123

PUBLIC HEARING INFORMATION

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Your Name (please print) Daniel E. Coe

☐ I am in favor
☒ I object

Your address(es) affected by this application 2403 Everid Ave

Daytime Telephone: 356 216 0289 Signature [Signature] Date 11/22/16

Comments:

This would cause more noise, more
traffic, more trash, and less
privacy in our neighborhood.

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Todd Preston

Your Name (please print)

2513 Euclid Ave

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone *(512) 442 5259*

Date

11/21/16

Comments:

will be no privacy in buildings behind building

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

Public Hearing: Board of Adjustment, December 12, 2016

Jacob Daniel Apodaca

Your Name (please print)

2421 Euclid Ave Austin TX 78704

Your address(es) affected by this application

Jacob Daniel Apodaca 11/21/2016

Signature

Date

Daytime Telephone: 512 731-0269

Comments:

Initially my wife and I were excited about having a boutique hotel around the block from our house. As time goes on it is becoming clear they will not be good neighbors. Please see attached comments.

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P. O. Box 1088

Austin, TX 78767-1088

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To: City of Austin – Planning & Development Review Department
Attn: Leane Heldenfels
From: Jacob Daniel Apodaca, Resident of Austin (represented by City Council District 3)
Date: November 21, 2016
Re: Case Number C15-2016-0131, 2510 S. Congress Ave.
Public Hearing, Board of Adjustment, December 12, 2016

I2
46
J.D.A.

Please see attached document written June 28, 2016 for background information.

Initially, my wife and I were in complete support of the Guest House Hotel on South Congress. We thought they would be good neighbors and play by the rules. But evidently, this is not the case. They knew what the rules were when they bought the property, yet since then, they have asked for variance after variance—and the City of Austin has granted these variances. If they had built according to the existing regulations, we would not have had an issue.

Apparently, after Guest House bought the property and represented themselves as wanting to work with the neighbors to minimize their impact on their residential neighbors, they now want to have things their own way, because they seem have a sense of entitlement. Or maybe that was their plan all along: pretend to care about the neighbors, then sneak in everything they want through the back door. And their back door will loom ominously over our back yard. As one of the few property owners adjacent to the proposed Guest House hotel, we will be impacted more than almost anyone else in this city.

On Monday, October 10, 2016, I attended a neighborhood meeting where representatives of the Guest House said they wanted to work with the neighbors. Neither the owners nor the developers have ever set foot on our property to explain their plans to us. Instead, we get the impression that they are working behind closed doors with the City of Austin to get their way. We have no clue as to what the current plan entails because it seems to change with every mailing we receive from the City of Austin.

My attorney, Keith Taniguchi, has represented my family for over 25 years. He recently settled (with HEB) the case where HEB and the City of Austin (both parties equally culpable) flooded our home with 1,500 gallons of greasy sewage and caused over \$6,000 worth of damage to our property. Keith told me: "This is the way it is; welcome to the new Austin where people with money feel like they can do anything, and City of Austin will bend over backwards to give them anything they want because they feel entitled and they have money." Unfortunately, I think he is right.

When the City of Austin and HEB flooded out our home, my City Council representative, Pío Rentería, did not make the time to meet with me and didn't seem to care about our house being flooded out with nasty, greasy sewage. In fact, although his aide returned my many phone calls, I was never able to meet or talk to Pío. I don't think he cares, and neither does the City of Austin.

If I were a homeless goose named Homer, maybe Pío might stand up for the concerns of my family and our neighbors—whether it's about the nightmarish sewage flood or the coming flood of light, noise, and invasion of privacy that Guest House will bring with all their variances granted by the City of Austin.

Written on 6/28/2016 in preparation for presentation to COA Planning Commission meeting.

I2
47

My name is Jacob Daniel Apodaca. My wife Julia and I have lived on Euclid Ave. for 30 years. We own two houses (2421 and 2423 Euclid Ave). Several years ago we connected both houses into one larger home. We have always loved our neighborhood and hope to retire there.

South Congress looked very differently when my wife and I first moved into the Dawson neighborhood 30 years ago. We knew the area would change. Over time the abandoned buildings and spaces were filled with hotels, restaurants, small businesses, which we welcome and greatly appreciate.

I am here today because my family and I think it is important to have a good relationship with all of our neighbors. Until recently, we had a wonderful relationship with most of our neighbors.

On December the 19th 2014 that changed. Our house was flooded 3 different times in 24 hours with approximately 1,500 gallons of raw sewage which was caused by HEB and the COA. HEB was a good neighbor and hired an adjuster to assess the damage and have offered to pay for part of the damage. COA claimed sovereign immunity and has refused to pay for any of the damages even though the COA workers admitted the problem was a botched waste water drainage pipe replacement in front of our house several years ago.

Again I bring this up, because we would like to have good relationships with our neighbors.

My wife and I welcome the Guesthouse Hotel on South Congress, but we cannot support the request for a variance from 50ft. to 25 ft. for the setback from our property line. We have not had the opportunity to meet any representatives from the Guesthouse Hotel, but my family hopes that they will be good neighbors. We also hope that the City of Austin will do the right thing this time, and not be a bad neighbor to us.

Again my family and I do not support the request for a variance and hope the COA treats us better than they did on 2014.

2/13

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Michael Bland

Your Name (please print)

☐ I am in favor
☒ Object

2411 Euclid Ave #A, Austin TX 78704

Your address(es) affected by this application



11/28/16

Signature

Date

Daytime Telephone: 810-903-9347

Comments:

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P. O. Box 1088

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

Public Hearing: Board of Adjustment, December 12, 2016

MARA RODRIGUEZ
Your Name (please print)

2411 Euclid Ave, #A, Austin TX 78704
Your address(es) affected by this application



[Signature] 11/20/16
Signature Date

Daytime Telephone: 417-454-8928

Comments:

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2/15

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This project is Not amenable to this area!!

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Is Anyone Actually READING These?
Case Number: C15-2016-0133, 2510 S. Congress Ave.
Contact: Leanne Heldenfels, 512-974-2202, leanne.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, December 12, 2016

Carole M. Miller
Your Name (please print)

2406 Euclid Ave ATX 78704
Your address(es) affected by this application

Carole M. Miller 11/20/2016
Signature Date

Daytime Telephone: 512 689 6443

Comments: I strongly OBJECT to the variances requested by this project. What is point of having codes for building in place if not for protecting existing homeowners and businesses (who DID comply w/bldg. codes) from intrusive and incompatible projects?
Too Many variances being requested. He needs to build according to regulations we all have to abide by.
Note: all comments received will become part of the public record of the case.

If you use this form to comment, it may be returned to:
City of Austin-Planning & Development Review Department/ 1st Floor
Leanne Heldenfels
P. O. Box 1088
Austin, TX 78767-1088
Or fax to (512) 974-2934
Or scan and email to leanne.heldenfels@austintexas.gov

12/15

PUBLIC HEARING INFORMATION

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Margaret Preston

Your Name (please print)

2513 Euclid

Your address(es) affected by this application

Margaret Preston 11/20/16

Signature

Date

Daytime Telephone:

Comments:



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2513

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Margaret Preston
Your Name (please print)

2513 Guadalupe

Your address(es) affected by this application

Margaret Preston 11/20/16
Signature Date

Daytime Telephone: _____

Comments: _____



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P. O. Box 1088

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12/15

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

FRANK ERERICKS

Your Name (please print)

2505 EUGENE AVE. UNIT B

Your address(es) affected by this application

[Signature]

Signature

11/20/16

Date

Daytime Telephone: 512-751-0211

Comments: NOT COMPATIBLE NEXT

TO A RESIDENTIAL NEIGHBORHOOD

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P. O. Box 1088

Austin, TX 78767-1088

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2/15

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Case Number: C15-2016-0131, 2510 S. Congress Ave.

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

Public Hearing: Board of Adjustment, December 12, 2016

Albert Rodriguez

Your Name (please print)

2509 Euclid AVE 78704

Your address(es) affected by this application

Albert Rodriguez

Signature

11/20/2016

Date

Daytime Telephone: 512-367-0946

Comments:



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4115

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

Public Hearing: Board of Adjustment, December 12, 2016

JORDAN FEINER

Your Name (please print)

2600 EUCLID AVE 78704

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512.680.8088

1/30/16

Date

Comments: you cannot allow this property and the expansion of Austin to corrupt our neighborhood. One that has stood in the middle of all this growth and still remained a FAMILY neighborhood

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

Public Hearing: Board of Adjustment, December 12, 2016

Your Name (please print) Mary Sapp

Your address(es) affected by this application 2501 E. Luecke Ave. Austin, TX 78706

☐ I am in favor
☒ I object

Signature Mary Sapp Date 11-19-2016

Daytime Telephone: 512-441-1087

Comments: Re: Developer:

Please respect the environmental quality of this area.

Board - Please maintain the

compatibility requirement.

Thank you -

Respectfully,

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