

PUBLIC HEARING INFORMATION

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

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

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

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

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

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 website:
www.austintexas.gov/department/development-services

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. **All comments received will become part of the public record of this case.**

Case Number: C15-2017-0024, 11400 Hilltop St.
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, June 12th, 2017

SAM L. ALLEN
Your Name (please print)

11403 TRUDRANHEADLE AUSTIN TX 78753
Your address(es) affected by this application

Sam L. Allen Signature **6-2-2017** Date

Daytime Telephone: **512-835-7127**

Comments: **NO COMMENT WILL NOT ATTEND MEETING.**

Comments must be returned by **10 am 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
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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

Fax: (512) 974-6305
Email: leane.heldenfels@austintexas.gov

I am in favor
 I object

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I am in favor
 I object

JOHN A. FIELD
Your Name (please print)

11301 HILLTOP STREET

John A. Field
Your address(es) affected by this application

6-3-17
Date

512-836 6071
Signature

Daytime Telephone: _____

Comments: _____

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

Public Hearing: Board of Adjustment, June 12th, 2017

JAMES L. HETCHWORTH

Your Name (please print)

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

11305 Hilltop St. Austin, TX. 78753

Your address(es) affected by this application

James Hetchworth

Signature

Date

Daytime Telephone: 512 836-9511

Comments: *I am against the variance*

because many long term residents

have spent a lot of money to make

required corrections to their property

even if those items had been there

since before Annovation a Rule should

apply equally to everyone

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

C01/18

9 June 2017

Board of Adjustment
c/o Leane Heldenfels
leane.heldenfels@austintexas.gov

To the Honorable Commissioners of the Board of Adjustment of the City of Austin

Case Number: C15-2017-0024 (11400 Hilltop St., Austin, Texas 78753)

Summary: The Board of Directors of the Walnut Creek Neighborhood Association has voted to oppose the Request for a Special Exception in Case Number C15-2017-0024. 11400 Hilltop St. resides within the boundaries of the Walnut Creek Neighborhood Association

1.
The boundaries of the Walnut Creek Neighborhood Association (WCNA) are West Braker on the south x Yager on the north x N. Lamar Blvd. on the west x IH35 service road on the south. The WCNA is registered in the Community Registry of the City of Austin under Planning ID 85. This is a longstanding organization with community support (approximately 140 dues-paying members). Our general meetings and monthly meetings have been attended by CM Pool and by District 7 staff members.
2.
At its regular monthly meeting (1st Wednesday of each month, Santorini Café, 11800 North Lamar, 6:30 to 8:00 pm, no meeting will be held on 5 July 2017) on Wednesday, 7 June 2017, the Board of Directors of the WCNA voted to approve a motion to oppose the Request for a Special Exception in Case Number C15-2017-0024. There are 9 members on the Board, and a quorum is 5 according to the WCNA bylaws. 7 members were in attendance, and the vote was 6-0 to approve the motion to oppose, with 1 abstention. A physical record of the attending Board members exists.
3.
The Board was asked to take a position by individuals living within the boundaries of the Association. These individuals resided both in close proximity to 11400 Hilltop St. and at a distance from this property. After gathering public input, the Board approved the motion to oppose.
4.
The basis for the opposition to the Request for a Special Exception is as follows.
 - (a) Granting this Special Exception will alter the character of the area (§25-2-476, B(3)(d)(i)). The setback along, inter alia, Hilltop and Hunters Lane has been stringently observed over the years, giving the neighborhood the orderly atmosphere that the neighborhood desires. A variance should have been sought when the subject structure was built, and it seems likely that such a request would

not have been successful. The continued presence of the structure will alter the character of the area because it has already demonstrably done so.

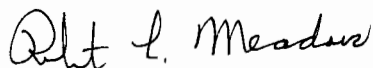
- (b) Granting this Special Exception grants a special privilege that is inconsistent with other properties in the area (§25-2-476, B(3)(d)(iii)). There are two aspects to this.
- (i) As noted in 4(a), the setback has been observed in this area, and other similarly situated and nearby properties have not been granted the special privilege of intruding into the setback.
 - (ii) The Amnesty is itself a special privilege that was denied to Mr. Motl at 11304 Hunters Lane. Notwithstanding the recent nature of the Amnesty, a failure to enforce the setback in the present case, while enforcing the setback against Mr. Motl, seems to constitute the grant of a special privilege that is inconsistent with other properties.

5.

The WCNA does not reflexively oppose property owner petitions for upzonings or variances. For example, the WCNA explicitly and affirmatively supported the request for a variance in Case Number C15-2014-0069 (this brought approximately 8 AT&T service vehicles into the neighborhood) and supported the GR-to-CS upzoning in Case Number C14-2014-0114 (Sheahan Center, 11712 N. Lamar). Other examples are available.

Thus, the Board of Directors of the Walnut Creek Neighborhood Association respectfully requests that the Request for a Special Exception in Case Number C15-2017-0024 not succeed.

Best regards,



Robert L. Meadows
President, 2017-2018, Walnut Creek Neighborhood Association
512 633 1459


WCNA, PO Box 82746, Austin, Texas 78708-2746

sent to Leane Heldenfels as a pdf file on Friday, 9 June 2017