

B:1

From: Margo Pflum
To: Heldenfels, Leane
Subject: Case # c16-2017-0011 2500 Walsh Tarlton Lane - I object
Date: Saturday, December 02, 2017 4:19:25 PM

I object to any increase in signage height and variance. This is a residential neighborhood and larger signs are unsightful.

Please do not grant any variances.

Thank you,
Margo Pflum
2508 Sutherland St.
78746

512-970-5053

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: C15-2017-0061, 7300 South Congress Ave.

Contact: Leane Heldenfels, 512-974-2202

Public Hearing: Board of Adjustment, December 11th, 2017

PATRICIA A. CAMPBELL
Your Name (please print)

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

7200 BROKEN ARROW LN, AUSTIN, TX 78765
Your address(es) affected by this application

Patricia A Campbell 3 Dec 17
Signature Date

Daytime Telephone: 512-444-0459

Comments: NO access to Meadowlea

This is a quiet neighborhood. Don't need more cars speeding along Meadowlea or apartment buildings people going thru our neighborhood, when they wanted to open up the apartment at Barton Branch Blueberry it was stopped. Need some compensation.

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent by:

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 in time to be seen by the Board at this hearing)

Fax: (512) 974-6305

E-mail: leane.heldenfels@austintexas.gov

H-1

H-1

Heldenfels, Leane

To: leane_heldenfels@sbcglobal.net
Subject: FW: Case No. C15-2017-0061

From: Joan Judy [mailto:
Sent: Monday, December 11, 2017 8:31 AM
To: Heldenfels, Leane
Subject: RE: Case No. C15-2017-0061

Morning Leane:

I would like for my comments below to be submitted as my concern/comment in response to the variance request. Thank you for all of your assistance in this matter.

Joan Judy
7607 Loganberry Drive
Austin 78745
(512) 789-1455

From: Joan Judy
Sent: Friday, December 08, 2017 12:06 PM
To: Heldenfels, Leane
Cc: 'Dot Aikman'
Subject: RE: Case No. C15-2017-0061

Morning Leane:

Thanks so much for the information. We will refer to your recommendations regarding the neighborhoods participation in the hearing as well.

I did want to bring it to your attention that according to the Board's Rules of Procedure, (D) Public Notice, the applicant is required to post a sign describing the requested action no less than 10 days prior to the hearing date. There is no sign on Meadow Lea Drive or on S. Congress. I have attached a photo of the Meadow Lea street end.

And finally, I want to voice my concern regarding the requested variance. I disagree with the applicant's description in the Area Character section. The variance will not improve vehicular and pedestrian connectivity from interior/existing neighborhood to S. Congress. I do not believe that a developer of a new development should characterize an existing neighborhood without input from that neighborhood. The agreement would better be that the new development would benefit from the connectivity. Our neighborhood would change greatly and not in a good way, with a new connection for the thousands of cars seeking relief from other overcrowded east-west arteries.

Thank you for your consideration.

Joan Judy
7607 Loganberry Drive
(512) 789-1455

H-1

From: [Stephan Koga](#)
To: [Heldenfels, Leane](#)
Subject: C15-2017-0061 Resident Comment
Date: Thursday, December 07, 2017 8:28:31 AM
Attachments: [C15-2017-0061.pdf](#)

To whom it may concern:

I'm a resident in the affected neighborhood and I have attached my form and objections to changes in the variance.

I object to changing the variance:

- 1) There are zoning and construction codes for a reason. It's a dangerous precedent to acquiesce to all the developer's requests without a proper analysis of the environmental impact first. Austin does not need to repeat the Onion Creek floods or the flooding that occurred in Houston because developers were allowed to build however they like. Reducing the offset to under a foot, will result in more impervious cover and may result in property damage to existing residential homes without a proper offset that is maintained for drainage.
- 2) All of our residential homes must maintain a minimum 15 foot building line and there is no reason to reduce this variance to under a foot, the 25 foot zoning should be maintained.
- 3) There is no need to extend a public road for private use. The condos will already have access to S. Congress and private access to our neighborhood is not necessary. There are already two thru streets on Ditmar and Cloudview. Instead a fence should be constructed around the entire condominium complex to ensure privacy in both our neighborhood and the condos.
- 4) The additional traffic will lead to more speeding and accidents, due to the lack of speed bumps there is already excessive speeding that occurs on Lunar and this will exacerbate the problem.

Stephan Kirichenko

7305 Loganberry Dr

Austin, TX 78745

H-1

From: [Ruth Gardner-Loew](#)
To: [Heldenfels, Leane](#)
Subject: Case Number C15-2017-0061, 7300 So. Congress Ave
Date: Wednesday, December 06, 2017 6:02:36 PM

Enclosed, please find my signed copy registering my objection to the implementation of this project. I have written my comments on the form, but will repeat them here.

"The only parties that will benefit from this variance are the developer and the property owners. Our neighborhood residents will only reap the negative results of increased traffic, noise, pollution, danger to the children. We work hard to maintain a quiet, safe neighborhood and should not have to forfeit it for so property owners and promoters who have no interest in our quality of life can make money with no regard for how our lives will be changed by their acts of greed.

Ruth Gardner-Loew
Writer/Editor - Healthy Living Consultant

The greatest medicine is teaching people how not to need it.

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- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C15-2017-0064, 2515 Winsted Lane

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

Public Hearing: Board of Adjustment, Monday December 11th, 2017

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

Your Name (please print) Breanna Braton

Your address(es) affected by this application 2508 Winsted Ln 2404 Sharon Ln

Signature Breanna Braton Date 12/11/17

Daytime Telephone: _____

Comments: Concern about neighborhood density

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent by either:

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

H-2

A-2

From: [Blake](#)
To: [Heldenfels, Leane](#)
Cc: [WANG ExCom](#)
Subject: C15-2017-0064; 2515 Winsted Lane
Date: Tuesday, December 05, 2017 8:19:37 PM

5 December 2017

Leane Heldenfels, Liaison
Board of Adjustment
City of Austin, Texas

Board of Adjustment:

The Board of Directors (BoD) of West Austin Neighborhood Group (WANG) met with the applicant in the above referenced variance request at our regularly scheduled monthly meeting on 5 December 2017. After discussion and deliberation the BoD of WANG voted unanimously to not oppose the requested variance.

It was noted that this minor adjustment to the property lines had generated no known close by neighbor concerns and the the resultant vacant lot would allow for an infill development.

As always, thank you for your service to the City.

Sincerely;
Blake Tollett, Zoning
West Austin Neighborhood Group

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: C15-2017-0064, 2515 Winsted Lane
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, Monday December 11th, 2017

Charles Batey
Your Name (please print) I am in favor
 I object

2404 Sharon Ln.
Your address(es) affected by this application

Ch Batey 12/2/2017
Signature Date

Daytime Telephone: 512.532.5279

Comments: Neighborhood is already densely populated, so I do not agree with reducing minimum lot size to add another single family home.

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing. They may be sent by either:

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

J1



LAW DEPARTMENT

MEMORANDUM

To: Chair William Burkhardt
Board of Adjustment

From: Brent D. Lloyd
Assistant City Attorney

Date: October 25, 2017

Subject: **Brief in Support of Development Services Department
Case No. C15-2017-0051 [Reagan National Advertising Appeal]**

Before you now is the above-referenced appeal, filed on behalf of Reagan National Advertising, Inc., which asks the Board to overturn a decision by the Development Services Department (“DSD”) rejecting Reagan’s applications to convert existing off-premise signs into digital billboards.

In support of DSD, we recommend that the Board uphold staff’s decision rejecting these applications on the following grounds:

1. **Billboards are “non-conforming” uses and may not be modified to change the technology used to display a message.**

The City of Austin, like many cities across the state and nation, has prohibited the installation of new off-premise signs since 1983.¹ Off-premise signs, commonly called “billboards,” are signs used to display commercial advertising not directly associated with the property where the sign is located.²

¹ Ordinance No. 831027-L.

² See City Code § 25-10-4(9) (defines “off-premise sign” as “a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person,

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Existing billboards, which predate adoption of the 1983 ban, are deemed to be legally “non-conforming” and may continue to be operated subject to certain basic restrictions intended to limit the extent to the signs may be expanded or modified. Of particular relevance to this case is Section 25-10-152(B)(2)(b), which specifically prohibits “chang[ing] the method or technology used to convey a message” on a non-conforming sign.

Since Reagan’s billboards were not digital in 1983, and have never been approved for conversion to digital technology, DSD was correct to deny the applications at issue in this appeal. Accordingly, the BOA should reject the appeal and uphold staff’s decision. To rule otherwise would violate the letter and spirit of this Code provision and impermissibly allow expansion of a non-conforming use.

Additionally, it should be noted that the City Council has previously considered the question of whether to amend Chapter 25-10 (*Sign Regulations*) to allow digital billboards and chose not to do so. While it is Council’s legislative prerogative to reconsider the issue, the BOA cannot amend the Code through interpretation as Reagan’s appeal essentially requests.

2. The BOA does not have jurisdiction over Reagan’s constitutional challenge to the City’s sign regulations, which are lawful under well-established federal and state court precedents.

In asking the BOA to reverse staff’s determination, Reagan argues that the City’s regulation of off-premise advertising is unconstitutional under the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). Reagan’s arguments on this issue repeat arguments made in its civil suit against the City of Austin, which is currently pending in federal court.

The constitutionality of City ordinances is not within the BOA’s authority to adjudicate, so we ask that the Board decline to address this issue. For the record, however, Reagan’s arguments are legally incorrect for the following reasons:

- In its 2015 *Reed* decision, the Supreme Court invalidated the Town of Gilbert’s sign ordinance on the grounds that the Town of Gilbert’s regulation of non-commercial and on-premise signs were impermissibly tied to the content of the sign in violation of the First Amendment.

institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.”)

Examples of such “content-based” regulation included categorizing signs as “Ideological” or “Political.”

- The issues in *Reed* did not pertain to off-premise advertising, which the Supreme Court has previously held may be banned altogether or regulated differently than non-commercial or on-premise signs.
- *Reed* did not overturn the Supreme Court’s prior precedents on off-premise advertising or alter the Court’s well-settled jurisprudence on “commercial speech,” which affords commercial advertising a lesser degree of First Amendment protection than noncommercial speech.
- For these reasons, the vast majority of federal and state courts around the country have held that the *Reed* decision does not apply to distinctions between off-premise and on-premise signs. This includes the Austin Court of Appeals, which specifically held in *Auspro v. TxDOT* that the *Reed* case does not affect the regulation of commercial speech or off-premise advertising.

For these reasons, the City’s regulations relating to off-premise advertising are constitutional and not subject to the holding in *Reed v. Town of Gilbert*.

cc Board of Adjustment Members
Lee Simmons
Leanne Heldenfels
Christopher Johnson
Amber Mitchell

0-3

From: [CLMD Land Management](#)
To: [Gowri Chindalore](#)
Subject: RE: Variance request #M-5 C15-2017-0038 for 9101 Sautelle Lane
Date: Wednesday, November 29, 2017 12:18:22 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi Gowri,

It was nice meeting with you too! You're most welcome! I have received the transmittal letter which completes your application packet. Thank you so much for the well wishes! Have a great day!

Kind Regards,

Jacquelyn Caldwell

Property Agent
City of Austin, Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704
512-974-7149
Email: landmanagement@austintexas.gov



From: Gowri Chindalore !
Sent: Wednesday, November 29, 2017 11:15 AM
To: CLMD Land Management <LandManagement@austintexas.gov>
Subject: RE: Variance request #M-5 C15-2017-0038 for 9101 Sautelle Lane

Hi Jacquelyn!

It was very nice meeting you this morning ... it is always nice to meet the people in person!
Thank you very much for all your help!!

Enclosed is the transmittal letter with my signature ... please let me know if you need any other information ...

Thanks again ... and hope you feel better soon!
-:gowri

From: Gowri Chindalore
Sent: Tuesday, November 21, 2017 2:48 PM
To: 'CLMD Land Management' <LandManagement@austintexas.gov>

From: [Gowri Chindalore](#)
To: [Broden, Wendi](#); [AE GIS Services](#)
Cc: [Long, Robert](#)
Subject: RE: ticket # TS1774400713 - request
Attachments: [image001.png](#)
[image002.png](#)

Thank you Wendi!!

From: Broden, Wendi [<mailto:Wendi.Broden@austinenergy.com>]
Sent: Monday, October 02, 2017 9:04 AM
To: Gowri Chindalore <gowri.chindalore@nxp.com>; [AE GIS Services](#)
 <AEGISServices@austinenergy.com>
Cc: Long, Robert <Robert.Long@austinenergy.com>
Subject: RE: ticket # TS1774400713 - request

Staff has discussed and we will be able to approve the easement release request when it comes to us. Please let Robert know if you have any questions. He is cc'ed on this email. Thanks

From: Gowri Chindalore [L](#)
Sent: Friday, September 29, 2017 1:36 PM
To: Broden, Wendi; [AE GIS Services](#)
Cc: Long, Robert
Subject: RE: ticket # TS1774400713 - request

You are right on Wendi ... the structure that crosses the PUE is on the Hillside Terrace ... and it goes over the PUE by about 5' ... there are no other violations of PUE anywhere else in the lot ... And yes, I am sincerely requesting release for that small area only ... about 10-12 feet along the hillside terrace ... nowhere else ...

Thanks
-:gowri

From: Broden, Wendi [<mailto:Wendi.Broden@austinenergy.com>]
Sent: Friday, September 29, 2017 1:33 PM
To: Gowri Chindalore <gowri.chindalore@nxp.com>; [AE GIS Services](#)
 <AEGISServices@austinenergy.com>
Cc: Long, Robert <Robert.Long@austinenergy.com>
Subject: RE: ticket # TS1774400713 - request

Thank you for the clarification. So you are not looking for a partial release of the PUE along Escarpment? You are only interested in a partial release on Hillside Terrace? Are you only wanting that portion released around the building?

From: Gowri Chindalore [L](#)
Sent: Friday, September 29, 2017 12:25 PM
To: Broden, Wendi; [AE GIS Services](#)
Cc: Long, Robert