

RE: Item R1 – Rules changes

Members of the Board of Adjustment,

I support changes to the Board of Adjustment rules and procedures that would allow the Board, instead of City staff, to make decisions about whether interpretation cases qualify for Board of Adjustment decisions, including whether the cases are timely and applicants have standing. The staff, as employees of the city, has a conflict of interest when making recommendations, so the actual decisions are better made by an independent volunteer board. For the same reason, the Board should have its own (not City) legal representation. I have attached information about two cases that I believe are relevant.

On a related issue, I wonder what has happened to the initiative to waive or lower costs for aggrieved parties to apply for interpretation cases.

1. 710 W 30th – PR case 2017-016804

In this case, the staff failed to notify the interested party that the permit was released and still would not extend the time to file an interpretation case. The Board should have discretion to override similar unreasonable staff decisions.

2. C15-2015-0039 heard at BOA on March 9, 2015

The Heritage Neighborhood filed a case that relied in part on regulations in 25-1. The case was accepted, heard, and discussed. Before the Board was about to vote, City Legal announced that issues related to 25-1 could not be considered. This should be a decision for the Board to interpret and applicants should be informed (before the meeting – not after the case is heard) if the case issues will not be considered.

Thank you for considering this!



Betsy Greenberg
3009 Washington Sq
Austin, TX. 78705

R01/2

From: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>
To: Jolene Kiobassa [REDACTED]
Sent: Monday, May 22, 2017 11:13 AM
Subject: RE: Fwd: [HeritageNA-steering] RE: 710 W 30th - Permit/Case: 2017-016804 PR

Hi Jolene – I spoke with Brent and he feels the code doesn't permit staff any flexibility on the due date to appeal the plan review approval decision, you could wait and appeal the building permit when it is taken out if you need more time - but it sounds like you have all the info you need to file the appeal of the plan review by due date 5/24.

We are sorry that the notice of the plan review decision was not sent to you timely as an interested party, but the code doesn't allow for exceptions.

Therefore, I will need the completed application(s) I sent last week and a check made out to the City of Austin for the application fee of \$2375.36 delivered to my mailbox on 1st floor behind receptionist by close of lobby (4:45p) on Wednesday.

Note: the issue(s) being appealed must be related to 25-2 to be heard by the Board.

Once I receive those items I will confirm receipt and will inquire if you'd like to request residential plan review to set up a meeting of the parties to resolve the issue(s) to make sure all parts of the appeal do need to go forward to the Board, can't be otherwise resolved with a revision. That meeting will only take place at your request after the appeal has been filed. But, I think it's a good interim step to take for both parties in case any issues can be resolved before going forward to the Board.

Take care – advise if you have any questions, concerns –

Leane Heldenfels, Planner Senior
Board of Adjustment Liaison
[City of Austin Development Services Department](#)
One Texas Center, 1st Floor, Development Assistance Center
505 Barton Springs Road
Office: 512-974-2202



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Betsy Greenberg [REDACTED] >

RE: 710 W 30th - Permit/Case: 2017-016804 PR

1 message

Layton, Emily <[REDACTED]> Thu, May 11, 2017 at 8:01 AM
To: Betsy Greenberg [REDACTED] "Word, Daniel" [REDACTED]

Betsy,

I apologize. It was an oversight on my part. I have quite a few interested parties at the moment and unfortunately this one slipped through the cracks.

The plans were approved on Thursday the 4th. Please let us know if you would like to appeal the administrative process.

Thank you.

Emily Layton, AIA

Planner Senior

[City of Austin Development Services Department](#)

One Texas Center, Residential Review 2nd Floor

505 Barton Springs Road

Office: 512-974-2522



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Please consider the environment before printing this email.

From: Betsy Greenberg [mailto:[REDACTED]]
Sent: Wednesday, May 10, 2017 1:37 PM
To: Layton, Emily; Word, Daniel
Subject: Re: 710 W 30th - Permit/Case: 2017-016804 PR

Could you tell me why I wasn't notified when this permit was approved?

Betsy Greenberg

Heritage NA

On Fri, Feb 24, 2017 at 11:32 AM, Betsy Greenberg [REDACTED] > wrote:

Ms. Layton,

Could you please include Heritage NA as an interested party on this case?

Betsy Greenberg

Treasurer, Heritage NA

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

NONE

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

**G-1 C15-2015-0039 Betsy Greenberg for Heritage Neighborhood Association
2910 Rio Grande**

The appellant has requested the Board of Adjustment interpret whether staff erred in issuing a building permit at 2910 Rio Grande Street because:

A. the garage that encroaches on 2910 Rio Grande does not qualify for an Exception from Compliance under Section 25-1-365, because a Certificate of Occupancy for the site has existed since 1983; and further that

B. staff determined that Section 25-2-961 (Noncomplying Structures Defined) and 963 (Modification and Maintenance of Noncomplying Structures) applies to the existing garage since a structure which pre-dates applicable site development regulations may remain in its current configuration, however this determination does not address questions of additional development occurring on the site.

The public hearing was closed on Board Member Will Schnier motion to Dismiss Item A as not applicable to the board's authority and Deny Item B, Board Member Vincent Harding second on a 6-1 vote (Board member Stuart Hampton nay); DISMISSED ITEM A AS NOT APPLICABLE TO THE BOARD'S AUTHORITY AND DENIED ITEM B.

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

**H-1 C15-2015-0005 William Hodge for Lark Miller
1210 Angelina Street**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the minimum size lot from 5,750 square feet (required) to 1,129 square feet (requested); and to

B. increase the impervious cover from 45% (required) to 56% (requested); and to

C. decrease the front yard setback from 25 feet (required) to 10 feet (requested);

in order to construct a single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

The public hearing was closed on Board Member Sallie Burchett motion to Grant Item A with a condition that site be limited to .4 FAR and Withdraw Items B & C by Applicant, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED ITEM A WITH CONDITION OF SITE LIMITED TO .4 FAR AND WITHDRAW OF ITEMS B AND C BY APPLICANT.