

2008 B Rabb Glen St. Austin, Texas, 78704

512 970-0884

Board of Adjustment

August 9, 2021

Case No. C15-2021-0067

Agenda item E-5

Address: 2003 Arpdale Street, Austin Texas 78704

Applicant: Scott Jacobs, Owner

Board Members

I am writing to register my Non-opposition to this variance requests in support of the Zilker Neighborhood Association position that is dependent on the granting of this variance to the minimum lot size ONLY and without any additional increase in entitlements for this property.

But I feel that a bit of history of this situation is in order. As I recall the owner of this property submitted a variance request about 5 years ago to allow for encroachments of an accessory building into the side and rear setbacks. These variances were objected to by ZNA as it was apparent that if granted, they would be the initial steps to allowing an ADU on this sub-standard lot. However, this request was denied by the B of A.

Fast forward to 2021 where the owner now has sought to do "repair" work on the property and has run into "work without a permit" issues and now seeks a variance to the minimum lot size and initially other variances that would have opened the door to being able to accomplish the construction of an ADU which was denied to him years ago under the cover of needing this variance due to the issue of the "work without a permit" problem!

So it is understandable why the ZNA position of Non- opposition to a lot variance is reasonable if the variance is ONLY for the purpose of dealing with the "work without a permit" issue.

But as a member of the Board of Adjustment for 6 years, I do not recall such variances coming before us to allow for repair work that was stopped due to an issue with a "work without a permit" problem that then led to staff requesting the owner to get a variance for other code issues? So, in all those years I believe that there was never a stop work issued for "repair" work that then the construction permit was tied to variances that could have granted increase entitlements unrelated to the repairs being done.

Therefore, I have an additional question about this situation that I think the Board needs to consider. Is this due to a change in staff procedures or is this situation unique and has never happened before (no stop work orders for repair work on sub-standard lots before this case) or were the initial variances requested in this case an opportunity to obtain what was denied years ago?

Thanks

Jeff