

# E-1/1-LATE BACKUP

**From:** Molly Nefkens  
**To:** [Ramirez, Elaine](#)  
**Subject:** Comments for hearing on case # C15-2020-0038, July 11, 2022  
**Date:** Saturday, July 02, 2022 2:06:30 PM

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Hi Elaine,

We have submitted comments regarding this property before (see below) and remain opposed to decreasing the rear yard set back from 10 feet (required, per code) to the requested 5 feet (not to code). The statement on the latest city mailed letter states that the purpose of this variance is to “maintain an existing duplex”. We do not understand why decreasing the set back helps the owner with maintainance. As well, it appears that perhaps the duplex was not built to code originally (is this possible?). We are also wondering about why this issue is being revisited when it was already taken up a year ago?

I believe granting variances for reducing set backs establishes an undesirable precedent for our neighborhood. As we are all aware, Austin has undone explosive growth, and new construction is happening all around us. We rely on the city to enforce our city codes with new construction. I live at 1403 Possum Trot St. and recently finished construction on my own home. We were expected to follow ALL city codes, and did so. The home next to me at 1401 Possum Trot St. is planning to undergo demolition and rebuild, and the home across the street at 2501 Inwood Place is for sale and will almost surely undergo an extensive remodel if not complete demolition. We would not be in agreement with construction at either of these two locations not following set back codes, and we are not in agreement with 1409 Possum Trot St. being granted a variance allowing further encroachment against the shared property line with 1405 Possum Trot Street.

If there is new information or new codes this time around, different from this request from year ago, please help us understand the differences so we may be better informed about this issue. We are likely to be traveling and unable to attend the scheduled meeting in person, but we would like to know our comments will be provided to the Board of Adjustment.

Thank you for your time and help in this matter,

Molly & Mike Nefkens  
1403 Possum Trot Street  
650-644-5053

Begin forwarded message:

**From:** Molly Nefkens <[m \[REDACTED\]](#)>  
**Subject:** Comments for hearing on case # C15-2020-0038  
**Date:** July 7, 2021 at 9:30:06 PM CDT  
**To:** "Ramirez, Elaine" <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>

Hi Elaine,

Please include these comments in the hearing relating to case# C15-2020-0038:

We are the owners of 1403 Possum Trot Street. We are not opposed to the new owners of 1409 Possum Trot creating 2 lots from the current single lot. We understand that the stand alone single dwelling at the back of the property is currently not in compliance with the city's 10 feet set back regulation, and that this will be overlooked in creating the additional lot. This is not a problem so long as this 5 foot set back is not viewed by owner or city as a precedent which can be perpetuated should construction or renovations take place now or in the future. If this new variance allows the owners to bypass city mandated set back distances in the future for new construction or for renovations, then we do oppose this variance.

Sincerely,

Molly & Mike Nefkens  
650-644-5053

On Jul 7, 2021, at 7:31 AM, Ramirez, Elaine  
<[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote:

Good morning Molly,

As stated before the Applicant's contact information is there in case the public has further questions and wishes to contact the applicant to gather more information.

If you have any support comments or opposition comments you want the Board to read/see you can forward that to me and label as such. As stated on the Notice you will need to submit that to me before 9a.m., Monday, 7/12 in order for the Board to view it at the meeting.

**Respectfully,**

**Elaine Ramirez**

*Planner Senior / Board of Adjustment Liaison*

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

**Office:** 512-974-2202

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**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation

# E-1/3-LATE BACKUP

with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

*Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)*

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**From:** Molly Nefkens [REDACTED]  
**Sent:** Tuesday, July 06, 2021 6:44 PM  
**To:** Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
**Subject:** Re: case # C15-2020-0038, 1409 Possum Trot Street

Okay, thanks. The documents only show phone numbers of the applicants but not emails. Is it okay if I phone them to make inquiries? And are you able to pass along my comments to the hearing on the 12th or I must I provide my comments via a different path?

Thanks,

Molly

On Jul 6, 2021, at 4:38 PM, Ramirez, Elaine  
<[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote:

Hi Molly,  
If you have questions on what the applicant is proposing to do, you can contact them directly. Applicant contact information is on the Notice for anyone that may have further questions for them. The Liaisons are not Plan Reviewers so we do not know what they are proposing to do, in other words we are not part of the Plan Review process.

**Respectfully,**

**Elaine Ramirez**

*Planner Senior / Board of Adjustment Liaison*

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

**Office:** 512-974-2202

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# E-1/4-LATE BACKUP

**From:** Molly Nefkens [REDACTED]  
**Sent:** Tuesday, July 06, 2021 3:44 PM  
**To:** Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
**Subject:** Re: case # C15-2020-0038, 1409 Possum Trot Street

Hi Elaine,

Thanks for the link with further info about this variance request. I need a little help further understanding if this petitioner wants to do construction (does not appear so) or if they are merely asking to divide the lot and leave things as-is? We would be fine with this, but not fine with anything that would establish a precedent for any future construction on this lot. In other words, fine to leave things as-is and divided the lot into 2 parcels, but if later renovations or construction occur, those improvements must meet current code.

Can you please advise if I am understanding this correctly?

Thanks,

Molly

On Jul 6, 2021, at 12:27 PM, Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote:

Hi Molly,  
You can view all that is submitted for the above case at the following link [https://www.austintexas.gov/cityclerk/boards\\_commissions/meetings/15\\_1.htm](https://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm), it is item # D-1. Once you have taken a look you can e-mail your Support or Opposition for this case.

**Please note:** Any late support, Support and Opposition Letters can be received up to Monday, July 12<sup>th</sup>, **before 9a.m.** in order for the Board to have access to them during the meeting. Anything after the deadline will not be viewed by the Board but will be added to the BCIC website.

Respectfully,

**Elaine Ramirez**

*Planner Senior / Board of Adjustment Liaison*

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

**Office:** 512-974-2202

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**From:** Molly Nefkens

[REDACTED]

[REDACTED] 01 AM

**To:** Ramirez, Elaine

<[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>

**Subject:** case # C15-2020-0038, 1409 Possum Trot Street

\*\*\* External Email - Exercise Caution \*\*\*

Hi Elaine,

I am the homeowner at 1403 Possum Trot Street and understand there will be a hearing on July 12th regarding approving a new rear setback for the property at 1409 Possum Trot Street. I investigated this issue online but am still unsure of what is being decided. Is this a ruling to allow the setback to remain as it is outside of the 10 foot minimum requirement or is the city asking the new owner to come into compliance and remove the dwelling to make it within the 10 foot setback requirement?

We would not seek to have the new owner remove any existing structures, however we are opposed to allowing additional construction that would be less than the code allowance of 10 feet minimum setback. And, we are opposed to any decision which would allow future construction the right to a reduced setback. Are you able to help us better understand what is being asked for by

## E-1/6-LATE BACKUP

the new owner of this property?

I am traveling outside the country at the time of the Monday July 12th hearing and will not be able to join by zoom to hear/participate, so any advance information you are able to provide is appreciated.

Thanks and best regards,

Molly Nefkens  
650-644-5053

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**From:** Molly Nefkens  
**To:** [Ramirez, Elaine](#)  
**Subject:** Re: Comments for hearing on case # C15-2020-0038, July 11, 2022  
**Date:** Friday, July 08, 2022 3:37:30 PM

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Hi Elaine,

Okay, now I get it. I did not realize you are not supposed to have dialog with citizens, and that I have to take my questions to either the applicant or the board- sorry that I did not understand this.

To clarify, we want to submit a comment on case #C15-2020-0038 stating we **are not** opposed to subdividing the lot at 1409 Possum Trot and allowing the existing duplex at the back of the property, which is not code compliant due to set back measurements, to remain as-is at 5' from the lot line. However, we would also like to include that we **would be opposed** to any new construction now or in the future that did not conform to the currently required 10' set back.

Thank you,

Molly and Mike Nefkens

On Jul 8, 2022, at 11:59 AM, Molly Nefkens <[REDACTED]> wrote:

Hi Elaine,

Thanks for your reply. Do you have name and a phone number for me to call a COA Residential Plan Reviewer please?

Also, I am still wondering why this is being revisited when the city reviewed this exactly a year ago, and residents gave input then? What is different from then to now?

Again I am wondering if a phone call between us might the quickest way to get the information I am seeking?

Let me know when we might be able to speak today.

Molly

On Jul 8, 2022, at 9:10 AM, Ramirez, Elaine  
<[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote: