



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION
[REDACTED]
[REDACTED]

October 9th, 2024

Jessica Cohen
Chair, City of Austin Board of Adjustment
301 West 2nd Street
Austin, Texas 78701

Re: Case No. C15-2024-0025 / 6708 Bridge Hill Cove

Dear Ms. Cohen:

I represent Christy May, owner of 6708 Bridge Hill Cove (the “Property”). Ms. May was issued two building permits in March of 2024, to construct a new cabana under Permit No. 2023-129658BP and a new swimming pool under Permit No. 2023-129659BP. Ms. May’s next-door neighbor, Mr. Konkel complained that her permits exceeded allowed impervious cover. The Building Official investigated and initially ordered a hold be placed on Ms. May’s permits while they did further investigations. On June 21, 2024, the Building Official determined the Property was allowed 12,811 square feet of impervious cover based upon the fact that the residential subdivision project in which the Property was located was initiated prior to annexation and that to the best of the Building Official’s determination, the original project used 12,811 square feet of impervious cover. The Building Official advised that the holds were lifted, and that Ms. May was free to continue construction provided her finished project did not exceed 12,811 square feet of impervious cover or 13,811 square feet with an approved Redevelopment Exception.

By omission and error, the ABC connect online record of the permit status of the pool permit was not returned to “active,” as was the cabana permit, but was left as showing to be on “hold,” although Ms. May and Mr. Konkel had notice that both the cabana permit and the pool permit holds were lifted.

Next-door neighbor Mr. Warren Konkel filed an appeal to the Building Official’s decision with the Board of Adjustment, on July 11, 2024, appealing the June 21 decision to lift the hold on the cabana permit. The appeal addressed the seminal issue of the total allowed impervious cover on the May Lot proposed by construction of both the pool permit and the cabana permit. Mr. Konkel, however, objected to hearing the appeal on both permits and requested a postponement of the hearing originally scheduled for August 12, 2024, to September 9, 2024. Mr. Konkel filed a separate appeal with the Board on August 7, 2024 challenging the decision made on June 21 regarding maximum allowable impervious cover under the Pool Permit. There is some confusion as to whether City staff, the Board of Adjustment, or Mr. Konkel requested the postponement. It was also unclear whether the reason for the postponement was because the two appeals were not being consolidated at the same hearing or if it was because there were less than eleven members present to hear and decide the case on August 12.

Sprouse Shrader Smith PLLC
October 9, 2024
Page 2

For whatever reason, the hearing on August 12 was postponed to September 9, 2024. It is clear Ms. May did not request the postponement of the Board's consideration of the validity of her two permits from the originally scheduled August 12, 2024, hearing date.

The Board of Adjustment did consider the validity of both of Ms. May's permits at the September 9 Board of Adjustment hearing. After due consideration, the Board denied the appeal with respect to both Cabana Permit 2023-129658BP and Pool Permit 2023-129659BP, by a vote of eight members to deny the appeal and one member voting not to deny the appeal.

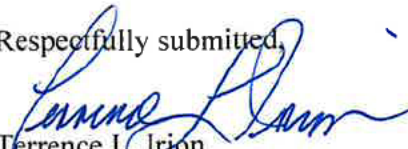
The State Zoning and Enabling Act, Chapter 211, Local Government Code, provides in Section 211.010(d) that the Board shall set a reasonable time for the appeal hearing and give public notice of the hearing and due notice to the parties in interest. The Board is required to decide the appeal at the next available meeting for which notice can be provided and not later than the sixtieth day after the day the appeal is filed.

The date of the Board of Adjustment hearing on Case No. C15-2024-0025 was September 9, 2024. This hearing date was on the sixtieth day after the Cabana Permit appeal was filed, and thirty-one days after the Pool Permit appeal was filed.

The reconsideration hearing you have scheduled is past the sixtieth day for both appeals and is accordingly barred by state law. The Board of Adjustment lost jurisdiction to reconsider its official determination on the Cabana Permit on September 10, 2024, and lost its jurisdiction to reconsider its official final determination on the Pool Permit on October 8, 2024.

Accordingly, Ms. May respectfully requests that reconsideration item C15-2024-0025 be removed from your October 14th agenda, as the Board no longer has jurisdiction to reconsider its final decision with respect to the appeal of both the Cabana Permit and the Pool Permit of September 9, 2024.

Respectfully submitted,



Terrence L. Irion

cc: Brent Lloyd
Development Officer
Development Services Department

cc: Christy May