

November 3, 2025

Re: Letter Opposing Reconsideration C15-2025-0035

Dear Members of the Board of Adjustment,

We oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

We are the owners of 308 E 34th St, which is within 500 feet of 205 E 34th St, and 310 E. 34th Street.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,



Terry McGinty and Leon Barish

308 and 310 E 34th Street

Austin, TX 78705

Emails: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025

ITEM09/2-LATE BACKUP OPP

Dear Members of the Board of Adjustment,

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

My wife and I own and live at 209 E 34th St, "two doors down" from 205 E 34th St (and within 500 feet).

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

Michael Riley

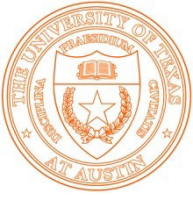
Address: 209 E 34th St, Austin, TX 78705

Email: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025



DEPARTMENT OF ENGLISH
THE UNIVERSITY OF TEXAS AT AUSTIN
204 W 21st Street B5000 • Austin, TX 78712
(512) 471-4991 • Fax: (512) 471 4909

November 3, 2025

Dear Members of the Board of Adjustment,

I'm writing to oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St). I support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler, and I'm asking that you deny this reconsideration request and let your prior decision stand.

I'm the property owner and utility account holder at 203 E 34th Street, which puts me well within 500 feet of the property in question.

Your October 13 decision was unanimous. It came after extensive public testimony and hours of deliberation. You got it right the first time when you determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (it's effectively four units, not three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

Here's the thing: the reconsideration request doesn't present any new evidence or show procedural error. Making design changes after the hearing doesn't constitute valid grounds for reconsideration. The permit holder's proper next step is to submit a new, compliant application that's consistent with your ruling—not to ask you to overturn a unanimous and well-reasoned decision.

Please deny this reconsideration and maintain your October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

A handwritten signature in red ink that reads "Frederick Luis Aldama".

Frederick Luis Aldama, The Jacob & Frances Sanger Mossiker Chair in the Humanities, UT Austin

Address: 203 34th Street, Austin TX 78705

Email: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025

Dear Members of the Board of Adjustment:

I support the appeal C15-2025-0035.

I am the [property owner / utility account holder] at [your address], which is within 500 feet of 205 E 34th St. The application for 205 E 34th St raises multiple compliance issues under the North University NCCD-NP and the Land Development Code. I therefore strongly support the appeal for the following reasons:

1) NCCD purpose

The North University NCCD-NP was adopted by City Council to “protect the original buildings and development patterns of the neighborhood,” and it states that “New residential development should respect traditional patterns.” The proposed project does not respect those patterns.

2) Non-compliance with NCCD standards and incomplete application

The submittal does not demonstrate compliance with key NCCD requirements, including at minimum:

- Front-setback averaging
- Principal-to-principal side setbacks (10')
- FAR limit (0.40)
- Height limit (30')

The application also contains errors and omissions, preventing reviewers and the public from verifying compliance from the plan set as submitted.

3) NCCD controls where it differs from base code and other ordinances.

Sitting Council Members have publicly stated that when an NCCD contains a provision that differs from base zoning, the NCCD controls ([see Council Member Zo Qadri, May 6, 2024, Hyde Park Neighborhood Association](#)). The BOA has likewise held that more-restrictive NCCD provisions supersede conflicting code sections ([C15-2021-0009](#)). City staff should enforce the NCCD and require a complete, compliant submittal before approval.

4) HOME three-unit standards and unit count concerns.

Separately, the project does not meet three-unit residential standards under §25-2-773 (HOME). In particular, the FAR of the project appears to be 0.92 well over the 0.65 cap for three units. In addition, the approved plans enable construction of a four-unit project. The rear “one-unit” building is identical to the front two-unit building and could easily be built as two units. Four units are not permitted on SF-3 lots.

5) Process and transparency.

Several neighbors did not receive the required demolition notice. Registered interested parties requested meetings with staff at the start of the application but were told staff

ITEM09/5-LATE BACKUP OPP

would not meet on substantive issues. After the PR permit was approved, neighbors asked that any code interpretations be posted to explain the approval; no interpretations or comments appeared on the AB+C portal or in response to specific emails. This made meaningful public review difficult.

Request.

Please sustain the appeal, reverse the administrative approval of Permit 2025-072930 PR, and deny the plan set and application in full. Any future proposal should be treated as a new application that must demonstrate full compliance with SF-3-NCCD-NP and the Land Development Code.

Thank you for your consideration.

Sincerely,

Jolene Hudson

Address: 301 East 34th Street, Unit 104, Austin, TX 78705

Email: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

ITEM09/6-LATE BACKUP OPP

Dear Members of the Board of Adjustment,

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

I am the property owner at 301 E 35th Street Austin Texas 78705, which is within 500 feet of 205 E 34th St.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

Douglas M Plummer

Address: 301 E 35th Street Austin Texas 78705

Email: d [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025

ITEM09/7-LATE BACKUP OPP

Dear Members of the Board of Adjustment,

We oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journey and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

We are the property owners at 3306 Grooms Street, which is within 500 feet of 205 E 34th St.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

Brian & Laura Aldred and Molly Aldred

Address: 3306 Grooms Street

Email: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025

ITEM09/8-LATE BACKUP OPP

Dear Members of the Board of Adjustment,

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

I am the property owner at 1101 W. 34th St, # 206, Austin, TX 78705, which is within 500 feet of 205 E 34th St.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

Michelle Mace

Address: 1101 W. 34th St, # 206, Austin, TX 78664 Email: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025

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 development or change. 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 is required.

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 web site: www.austintexas.gov/dsd

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. 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: C15-2025-0035
Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov
Public Hearing: Board of Adjustment; November 10th, 2025

CYNTHIA WILKINSON
Your Name (please print)

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

200 EAST 34TH STREET
Your address(es) affected by this application

Cynthia Wilkinson
Signature

11/05/25
Date

Daytime Telephone: [REDACTED]

Comments: I oppose the reconsideration request submitted by the permit holder for C15-2025-0035. I support the Board's October 13 unanimous decision concerning the appeal.

If you will be using this form to comment, please return it in PDF format via e-mail to:

Elaine Ramirez; 512-974-2202
Scan & Email to: elaine.ramirez@austintexas.gov

ITEM09/10-LATE BACKUP OPP

Dear Members of the Board of Adjustment,

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask the Board to deny the reconsideration request and allow the prior decision to stand.

I am a property owner on 33rd Street, but not within 500 feet of 205 E 34th.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units
- Fails to meet required front and side setbacks un the North University NCCS; and
- Exceeds the allow floor-area ratio (FAR) under PP25-2-773

I would also comment that I've seen no evidence that no parking requirements on Central Austin properties nor the ready availability of Uber-like services have resulted in fewer cars being owned and parked on the streets. It is difficult to drive a ordinary car through those streets, let alone a fire truck or garbage truck.

Janet Beinke
207 W 33rd St
Austin, TX 78705

ITEM09/11-LATE BACKUP OPP

Nov 6 2025

To the Members of the Board of Adjustment,

I would like to express my opposition to the Board reconsidering the submission by the permit holder for Case C15-2025-0035 (205 E 34th St.) I support the Board's October 13 decision granting the appeal filed by Robert Kaler & Carol Journey. I respectfully ask the Board to deny the reconsideration request and allow the prior decision to stand.

I am a property owner and resident in the North University Neighborhood of which 205 E 34th St. is a part. The property in question is covered under the North University's NCCS.

The October 13 decision was made unanimously. There was much public testimony and several hours of deliberation after which it was decided that proposed project at 205 E 34th St:

- Exceeds the allowed number of units
- Fails to meet required front and side setbacks and other aspects in the North University NCCS; and
- Exceeds the allowable floor-area ratio (FAR) under PP25-2-773

It is my understanding that not only failing to abide by the Board's decision; the permit holder has modified the submission for reconsideration to comply even less with the North University NCCS than previously submitted. In addition, there is no allowance for any parking in an area already hard pressed to accommodate the number of vehicles regularly present although I understand this may not be something the board needs to consider.

For these reasons, I respectfully ask and hope that the Board will allow their previous decision to stand.

Michael R Marcom

████████████████████

ITEM09/12-LATE BACKUP OPP

November 6, 2025

Dear Members of the Board of Adjustment,

RE: Case Number: C15-2025-0035

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 unanimous decision granting the appeal filed by Carol Journey and myself, Robert (Bob) Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

Thank you for your time and consideration concerning this matter.

Respectfully,


Robert Kaler

207 East 34th Street, Austin, TX 78705

[REDACTED]

[REDACTED]

ITEM09/13-LATE BACKUP OPP

November 5, 2025


Dear Members of the Board of Adjustment,

RE: Case Number: C15-2025-0035

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 unanimous decision granting the appeal filed by myself and Robert (Bob) Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

Thank you for your time and consideration concerning this matter.

Respectfully,


Carol Journey

207 East 34th Street, Austin, TX 78705

██████████

████████████████████

Dear Members of the Board of Adjustment,

We oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journey and Robert Kaler. We respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

We are the property owners at 303 E 35th St., which is within 500 feet of 205 E 34th St.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

John Lacy and Marianne Mulrey

Address: 303 E 35th St.

Email: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025

ITEM09/15-LATE BACKUP OPP

Nov 6 2025

To the Members of the Board of Adjustment,

I would like to express my opposition to the Board reconsidering the submission by the permit holder for Case C15-2025-0035 (205 E 34th St.) I support the Board's October 13 decision granting the appeal filed by Robert Kaler & Carol Journeay. I respectfully ask the Board to deny the reconsideration request and allow the prior decision to stand.

I am a property owner and resident in the North University Neighborhood of which 205 E 34th St. is a part. The property in question is covered under the North University's NCCD.

The October 13 decision was made unanimously. There was much public testimony and several hours of deliberation after which it was decided that proposed project at 205 E 34th St:

- Exceeds the allowed number of units;
- Fails to meet required front and side setbacks and other aspects in the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under LDC25-2-773

It is my understanding that not only failing to abide by the Board's decision; the permit holder has modified the submission for reconsideration to comply even less with the North University NCCD than previously submitted. In addition, there is no allowance for any parking in an area already hard pressed to accommodate the number of vehicles regularly present although I understand this may not be something the board needs to consider.

For these reasons, I respectfully ask and hope that the Board will allow their previous decision to stand.

Michael R Marcom
3107 Hemphill Park
Austin, Texas 78705



ITEM09/16-LATE BACKUP OPP

Dear Mrs. Ramirez

Please accept this letter opposing the reconsideration and supporting the Board's unanimous October 13 decision for BOA Case C15-2025-0035 (205 E 34th St). Greatly appreciated if you could confirm receipt of my letter and its inclusion in the BOA packet.

Thank you.

Carole LeClair and James Miller
209 W 33rd
Austin, Texas 78705



ITEM09/17-LATE BACKUP OPP

Dear Members of the Board of Adjustment,

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

I am the property owner at 301 E. 34th St., Unit 102, which is within 500 feet of 205 E 34th St.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

Gary Thompson

Address: 2915 Cherry Lane, Austin, TX 78703

Email: [REDACTED]t

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025

ITEM09/18-LATE BACKUP OPP

November 8, 2025

Board of Adjustment – City of Austin
c/o Elaine Ramirez (elaine.ramirez@austintexas.gov)

Re: Support for Appeal – BOA Case# C15-2025-0035

BOA Case Address: 205 E 34th St. Austin, TX 78705

Dear Members of the Board of Adjustment,

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

I am the property owner at 206 E 33rd St., which is within 500 feet of 205 E 34th St.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

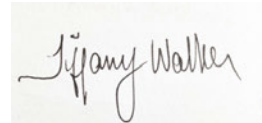
- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,



Tiffany E. Walker
206 East 33rd St.
Austin, TX 78705

BOA Case #: C15-2025-0035
Case Address: 205 E 34th St, Austin, TX 78705
Hearing Date: November 10, 2025

BOA Case Number C15-2025-0035

Case Address: 205 E. 34th St., Austin, Texas, 78705

Public Hearing: Board of Adjustment November 10, 2025

Pamela Bell, Ph.D., President

North University Neighborhood Association (NUNA)

3500 Speedway, Austin 78705



DATE: November 9, 2025

Letter Opposing Reconsideration Request

I oppose the reconsideration appeal submitted by the permit holder Kateryna Juschenko for the property at 205 E. 34th Street, Case # BOA C15-2025-0035 and want the Oct 13th decision by the BOA Board to be maintained.

Further, I am dismayed that City staff is allowing the developer to file new plans for “Expedited Review” for this property (2025-140201 PR) while at the same time requesting the Board’s reconsideration of its decision on October 13, 2025 of this same property. Again, the Expedited Review excludes neighbors and who have a significant stake in the outcome from public participation in the permit approval process.

I remind City staff that they have an obligation to follow the Residential Design and Compatibility Standards in the Land Development Code:

This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

In addition, I find it ludicrous that in this reconsideration request the developer wants the BOA to address the policy issue of counting attic space toward FAR using alternative language favoring developers, including members of the Infill Builders Coalition who are deeply interested in this. If the third floor is not needed, then remove it from the plans as it makes the development tower over existing traditional homes, making it conflict with the LDC requirement that “new development is compatible in scale and bulk with existing neighborhoods.” Why all the fuss over space that the developer claims will not be used as living space? In addition, the third-floor windows can be removed as a cost savings.

I respectfully request that the Board of Adjustment DENY the request for a reconsideration of its October 13, 2025 decision.

Respectfully,

A handwritten signature in black ink that reads "Pamela J. Bell". The signature is written in a cursive style and is placed over a light green rectangular background.

November 9, 2025

ITEM09/20-LATE BACKUP OPP

Dear Members of the Board of Adjustment,

I oppose the reconsideration request submitted by the permit holder for Case C15-2025-0035 (205 E 34th St) and support the Board's October 13 decision granting the appeal filed by Carol Journeay and Robert Kaler. I respectfully ask that the Board deny the reconsideration request and allow the prior decision to stand.

I am the utility account holder at 206 E. 34th St Apt B, which is within 500 feet of 205 E 34th St.

The October 13 decision was unanimous and made after extensive public testimony and hours of deliberation. It correctly determined that the proposed project at 205 E 34th St:

- Exceeds the allowed number of units (effectively four units rather than three);
- Fails to meet required front and side setbacks under the North University NCCD; and
- Exceeds the allowable floor-area ratio (FAR) under § 25-2-773.

The reconsideration request does not present any new evidence or procedural error. Post-hearing design changes are not valid grounds for reconsideration. The proper next step for the permit holder is to submit a new, compliant application consistent with the Board's prior ruling—not to overturn a unanimous and well-reasoned decision.

Please deny the reconsideration and maintain the Board's October 13 decision sustaining the appeal and reversing the permit approval for 205 E 34th St.

Thank you for your continued service and consideration.

Sincerely,

Pendy Lall

Address: 206 E. 34th St Apt B, Austin TX. 78705

Email: [REDACTED]

BOA Case #: C15-2025-0035

Case Address: 205 E 34th St, Austin, TX 78705

Hearing Date: November 10, 2025