

NOTICE OF APPEAL INFORMATION

Austin City Code ARTICLE 7. APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND ADJUSTMENTS.

Division 1. Appeals

(see page 2 of 2 for appeal process)



Planning and Development Review Department

Address of Property in Question

1807 Stamford Ln., Austin, TX 78703

Permit Number

2012-036829-PR

Appellant Filing Appeal

Andrea Stovall

Relationship to Property

Property Owner

Appellant's status as Interested Party

Property Owner

Appellant Contact Information

Name

Andrea Stovall

Street

1807 Stamford Lane

City

Austin, TX 78703

State

Zip

Telephone

512-426-3514

E-Mail

mrandsrstoall@gmail.com

Permit Holder Contact Information

Name

Max Reshetnikov

Street

2206 Trail of the Madrones

City

Austin, TX 78746

State

Zip

Telephone

512-659-5140

E-Mail

mr78704@gmail.com

Date of Decision Being Appealed:

7-12-2012

Date Appeal is Filed:

7-25-2012

Decision being appealed: (use additional paper as required)

The July 12, RDCC decision to deny a general modification waiver to increase allowable FAR in order to build a 132 square-foot, un-airconditioned, accessory structure to serve as bathroom and storage for the swimming pool in the backyard. RDC ordinance, Subchapter F section 2.8.1 allows for a waiver to increase the allowable FAR by up to 25%, provided specific design criteria are met.

Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25)

The proposed structure complies with the stated intention of the RDC ordinance, Subchapter F and with every single stated "approval criteria" in subchapter F, section 2.8.2B to be granted a waiver from the RDCC. Further, the reasons cited by the denying commissioners are not germane nor appropriate to the stated intent nor the design criteria outlined in Subchapter F. The Chairman of the RDCC went on record, before the vote, stating the denying commissioners' reasons for denial were inappropriate to the RDCC approval criteria. One commissioner denied the request, saying that the case would be more appropriately heard by the Board of Adjustments as a hardship issue. The other denying commissioner cited her concern that in the future, the Austin City Council "may turn this whole town into a hotel," and that this proposed structure might create a desirable vacation rental. Neither one of these commissioners' concerns were voiced during the first meeting with RDCC.

BELOW FOR CITY USE ONLY

Hearing Date:

Board or Commission:

Action on Appeal:

Date of Action

Form Bldg 101 Page 1 of 2

The applicant must complete page 2 of 2 and sign before this application of appeal is complete. The application will not be processed unless the applicant reads and signs page 2 of 2.

Appeal Process

You may appeal by following the following Land Development Code requirements. You must complete the form with all information required as listed below.

ARTICLE 7. APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND ADJUSTMENTS.

Division 1. Appeals.

§ 25-1-181 STANDING TO APPEAL.

- (A) A person has standing to appeal a decision if:
 - (1) the person is an interested party; and
 - (2) a provision of this title identifies the decision as one that may be appealed by that person.
- (B) A body holding a public hearing on an appeal shall determine whether a person has standing to appeal the decision.

Source: Section 13-1-250; Ord. 990225-70; Ord. 030828-65; Ord. 031211-11.

§ 25-1-182 INITIATING AN APPEAL.

An interested party may initiate an appeal by filing a notice of appeal with the responsible director or building official, as applicable, not later than:

- (1) the 14th day after the date of the decision of a board or commission; or
- (2) the 20th day after an administrative decision.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 031211-11.

§ 25-1-183 INFORMATION REQUIRED IN NOTICE OF APPEAL.

The notice of appeal must be on a form prescribed by the responsible director or building official and must include:

- (1) the name, address, and telephone number of the appellant;
- (2) the name of the applicant, if the appellant is not the applicant;
- (3) the decision being appealed;
- (4) the date of the decision;
- (5) a description of the appellant's status as an interested party; and
- (6) the reasons the appellant believes the decision does not comply with the requirements of this title.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

By signing this document, I attest to having read and understand my rights as granted by the Land Development Code for the process for appealing a stop work order, remove or restore order, revocation, or suspension.

7-25-2012

Andrea Stovall



Date:

Printed Name:

Signature:

Addendum to application for Appeal to July 12 RDCC ruling on general modification waiver for 11807 Stamford Ln., Austin, TX 78703

The owners of 1807 Stamford Lane want to have a bathroom that would be both within earshot and within sight of the pool for the safety of children. Without this, each time a young child needs to go to the bathroom, every child would need to stop swimming and go outside the pool safety fence so that the supervising parent could go inside the house with the child. Or, even if a person needing to go to the bathroom is old enough to go alone, the interior floor surfaces and short staircase on the way to the inside bathroom are slippery when wet and risky.

It only takes one injury to warrant this general modification waiver that would allow building this 132 sq foot accessory structure, which because it is under 200 sq ft, does not require a building permit per city code. The possibility of adding a pool-accessible bathroom within the existing house was thoroughly considered and it was determined that it is not reasonable to do so because it would require trenching a sewer line either through the critical roots zones of 2 Heritage trees and /or through the slab and structural beams of the house. We presented the waiver request to the RDCC on two occasions. The first presentation to RDCC, June 4, focused on design compatibility issues, as this is what the ordinance states is required to obtain a waiver to increase allowable FAR. This first presentation resulted in a postponement as the RDCC requested that we return with more supporting material showing that the bathroom could not be accommodated within the existing house. The second presentation to RDCC on July 12, addressed 3 issues: unique need, design compatibility, and the problems of adding a pool-accessible bathroom within the existing house (per RDCC's request.) This resulted in a denial, with 2 (of 5) commissioners voting against the waiver.

The proposed structure complies with the stated intention of the RDC Ordinance, Subchapter F and with every single stated "approval criteria" in subchapter F section 2.8.2B to be granted a waiver by the RDCC:

1. It is a separate structure and doesn't add any bulk to the existing house.
2. It is not visible from the street and therefore does not impact the streetscape.
3. It is visible to only 2 neighbors, both of whom have written letters of support.
4. It is situated far from property lines and doesn't block light, air flow, nor views for any neighbors.
5. It is built into retaining walls, which greatly helps it visually blend in.
6. It is designed in the architectural style of the house and is in harmony with the architectural styles of the neighborhood. And, many houses in the vicinity have accessory structures and/or are over FAR.
7. It would not be air-conditioned and would therefore not have any impact on street parking.
8. The resulting FAR would remain under .5
9. It solves a unique need, including people's safety. And, this need cannot be satisfied within the existing footprint of the house.
10. This bathroom would not set a precedent. It is in fact following a precedent as the Subchapter F code allows for granting a waiver to a project with a reasonable need and with a reasonable and harmonious design.