PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

TERENCE GRIEDER
Your Name (please print)

☐ **I am in favor**
☒ **I object**

406 W. 35th ST. A.T 78705
Your address(es) affected by this application

Terence Grieder — 9/17/16
Signature — *Date*

Daytime Telephone: 512-916-8961

Comments: I OBJECT ON THE GROUNDS THAT THIS PLEASANT UPSCALE AREA IS NOT OF PARTICULAR HISTORIC VALUE. SOME INDIVIDUAL HOUSES MAY QUALIFY FOR HISTORIC DESIGNATION, BUT TO REDUCE PROPERTY TAX INCOME TO THE CITY WHOLE SALE WILL ONLY AGGRAVATE NON-AFFORDABILITY FOR THE MOST STRUGGLING CITIZENS OF AUSTIN.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PDRD/CHPO
SEP 28 2016

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Amanda Brown
Your Name (please print)

☐ **I am in favor**
☒ **I object**

3402 Cedar St, Austin TX 78705
Your address(es) affected by this application

Amanda C Brown — 09-28-2016
Signature — *Date*

Daytime Telephone: 214-695-9219

Comments: my husband + I feel that the homes that are too large + expensive for the area. It is near downtown & campus + should therefore be dense + affordable. Zoning for this area should allow for, if the owner so chooses, redevelopment renovation

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Barkley Houses John Barkley
Your Name (please print)

☒ **I am in favor**
☐ **I object**

3117 Guadalupe
Your address(es) affected by this application

John Barkley 9/24/16
Signature *Date*

Daytime Telephone: 512-472-2123

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

John Barkley
Your Name (please print)

☒ **I am in favor**
☐ **I object**

3118 Wheeler 78705
Your address(es) affected by this application

Signature

9/24/16
Date

Daytime Telephone: 512-472-2123

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

FRAN ADAMS
Your Name (please print)

☒ **I am in favor**
☐ **I object**

3405 G GUADALUPE
Your address(es) affected by this application

Signature — 9-23-16 *Date*

Daytime Telephone: 512-451-5005

Comments: please preserve this neighborhood before it is too late. There are so many beautiful + historic homes + the atmosphere of the entire neighborhood is a treasure.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

DR. J. W. STACY
Your Name (please print)

☑ **I am in favor**
☐ **I object**

3001 CEDAR #214
Your address(es) affected by this application

Signature — 9-26-16 *Date*

Daytime Telephone: 830-926-6011

Comments: YOUR PROJECT LOCATION DESCRIPTION APPEARS INCORRECT. THE SHADED AREA ON YOUR MAP, INCLUDING HEMPHILL PARK, LIES BETWEEN SPEEDWAY ON THE EAST AND GUADALUPE ON THE WEST, NOT SPEEDWAY WEST AND DUVAL EAST.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PDRD/CHPO
SEP 28 2016

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

ROBERT KALER
Your Name (please print)

☐ **I am in favor**
☑ **I object**

207 E 34TH ST
Your address(es) affected by this application

Signature — 9.22.16 *Date*

Daytime Telephone: 512.799.8614

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PDRD/CHPO
SEP 28 2016

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Carol Journeay
Your Name (please print)

☐ **I am in favor**
☒ **I object**

207 East 34th St.
Your address(es) affected by this application

Carol Journeay — *Signature*

9/22/2016 — *Date*

Daytime Telephone: 512 478 8614

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PDRD/CHPO
SEP 28 2016

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Kevin Pruitt
Your Name (please print)

☑ **I am in favor**
☐ **I object**

122 Laurel Lane
Your address(es) affected by this application

Signature

9/22/16
Date

Daytime Telephone: 512-750-4235

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PDRD/CHPO
SEP 28 2016

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-2016-0053
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Eileen Gill
Your Name (please print)

☑ **I am in favor**
☐ **I object**

122 Laurel Lane
Your address(es) affected by this application

Signature — 9/22/16 *Date*

Daytime Telephone: 512-217-0674

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

PDRD/CHPO
SEP 28 2016

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 14 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/development.**

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): LHD-2016-0014 PR-2016-083733
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Historic Landmark Commission, August 22, 2016

Cleveland R. Burke, Attorney for John C. Mayes

Your Name *(please print)*

☐ I am in favor
☑ I object

3912 Avenue G, Austin, Texas, 78751

Your address(es) affected by this application

Cleveland R. Burke — 8/18/16

Signature — Date

Comments: Mr. Mayes objects to the issuance of a building permit in this case. Applicant seeks to construct a garage apartment pursuant to a variance granted by the Board of Adjustment in Case No. C-15-2016-0600. Mr. Mayes has appealed that decision in the lawsuit styled *John C. Mayes v. Board of Adjustment of the City of Austin, Texas*, Cause No. D-1-GN-003234 in the 201st District Court of Travis County, Texas, which is currently pending. A copy of Mr. Mayes's petition (without exhibits) is enclosed herewith. This proceeding is premature and may ultimately be moot, because the garage might never be constructed if the variance is overturned. Alternatively, if the Applicant moves forward on construction in reliance on the contested variance, Mr. Mayes will be forced to seek a tear-down of the structure if the variance is overturned. The Commission should wait to hear the Application until the appeal is finally resolved.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

7/21/2016 4:50:24 PM
Velva L. Price
District Clerk
Travis County
D-1-GN-16-003234
Ruben Tamez

D-1-GN-16-003234

CAUSE NO. _____

JOHN C. MAYES, *Plaintiff,*	§ § §	IN THE DISTRICT COURT OF
v.	§ §	TRAVIS COUNTY, TEXAS
BOARD OF ADJUSTMENT OF THE CITY OF AUSTIN, TEXAS, *Defendant.*	§ § §	201ST _____ JUDICIAL DISTRICT

VERIFIED ORIGINAL PETITION FOR WRIT OF CERTIORARI AND APPLICATION FOR INJUNCTIVE RELIEF

TO THE HONORABLE DISTRICT COURT:

Pursuant to Texas Local Government Code § 211.011, Plaintiff John C. Mayes ("Mayes") files this Original Petition for Writ of Certiorari and Application for Temporary Injunction complaining of the Board of Adjustment of the City of Austin, Texas (the "Board"). The Board acted illegally and clearly abused its discretion by: denying Mayes's request for reconsideration of the Board's decision granting a setback variance; refusing to consider evidence submitted in support of the request for reconsideration; approving the variance based upon an alleged hardship different than the one advanced by the applicant; and approving the variance based on an alleged hardship that was self-imposed. Mayes requests that the Court reverse the Board's decision granting the variance and render a judgment denying the variance. Alternatively, Mayes requests that this Court reverse the Board's decision granting the variance and remand this proceeding to the Board with instructions to hear Mayes's request for reconsideration. Mayes also requests that the Court issue an order staying the decision to grant the variance or, alternatively, a mandatory injunction ordering the Board to stay its decision pending final resolution of this appeal.

I.

II. DISCOVERY CONTROL PLAN

1. Mayes intends to conduct discovery under Level 2. *See* Tex. R. Civ. P. 190.3.

III. PARTIES

2. Mayes is an individual residing in Travis County, Texas.

3. The Board is an established board of the City of Austin (the "City") and may be served with process by serving the City Clerk, Jannette S. Goodall, Austin City Hall, 301 West 2nd Street, Suite 1120, Austin, Texas 78701.

IV. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this proceeding under Texas Local Government Code § 211.011. Mayes is a "person aggrieved" by the Board's decision granting the setback variance, because his property abuts the affected property line. *See* Tex. Local Gov't Code § 211.011(a)(1). Mayes is the person most impacted by the Board's illegal decision to grant the variance allowing development of the subject property in a manner inconsistent with the City's ordinances.

5. Venue is mandatory here because the Board is a political subdivision located in Travis County, Texas. *See* Tex. Civ. Prac. & Rem. Code § 15.0151. Venue is also proper in Travis County because this is where all or a substantial part of the acts or omissions giving rise to Mayes's claims occurred and where the Board maintains its principal office. *See id.* § 15.002(a).

V. NATURE OF RELIEF

6. Mayes seeks non-monetary relief pursuant to Texas Local Government Code § 211.011. *See* Tex. R. Civ. P. 47.

VI. BACKGROUND

A. The Application for Variance and the Initial Hearing

7. This dispute arises from an application for a variance (the "Application") filed with the Board by architect Lotte Vehko (the "Applicant") on behalf of William and Sarah Bircher. The Birchers are the owners of the subject property located at 3913 Avenue F, Austin, Texas, 78751 (the "Bircher Property"), which sits at the southeast corner of the intersection of Avenue F and 40th Street in the Hyde Park neighborhood. City Ordinance No. 020131-20 Part 8, 1 (*Site Development Standards Table*) imposes a minimum rear setback of 10 feet on the Property. The Applicant sought a variance to allow the construction of a two-story garage apartment (the "Garage") only 3 feet 6 inches from the rear lot line of the Bircher Property. The purpose of placing the Garage in the proposed location would be to permit access from 40th Street rather than Avenue F (which would not require a setback variance), and to align the Garage with the porte-cochere (*i.e.*, pass-through carport) already located within the rear setback.

8. Mayes is the owner of the Covert House, which is a City of Austin Historic Site located at 3912 Avenue G, Austin, Texas, 78751 (the "Mayes Property"). The rear of the Mayes Property abuts the rear of the Bircher Property. If built in the location proposed by Applicant, the Garage would loom over the swimming pool and outdoor recreation area situated in the rear of the Mayes Property, thereby causing substantial harm to Mayes's use and enjoyment of his property and its value.

9. Among other things, an applicant for a variance must demonstrate that there exists a hardship that is unique to the property and that, due to the zoning regulation at issue, does not allow for a reasonable use of the property. In the Application, the Applicant claimed a hardship on the following basis:

> The driveway comes onto the property from 40th Street, and passes through a porte-cochere at the rear of the house. The posts supporting the porte-cochere restrict the maneuverability of standard-sized vehicles, and the location of the trees prevents locating the garage within the setbacks in a way that would accommodate that restriction.

A review of the site plan submitted with the Application reveals that, in fact: (1) there is only one relatively small tree (not protected by City ordinance) blocking access to the Garage from Avenue F; and (2) the post that allegedly restricts the turning radius to access the Garage supports a second-story added by the Birchers to their home – *not the porte-cochere.*

10. The Board's initial hearing (the "Initial Hearing") on the Application took place on June 13, 2016.[1] On June 7, 2016, Mayes left the country for an extended period of time. Although notice of the Initial Hearing was mailed to him, it arrived without his knowledge on or about the time that he departed, so Mayes was unaware of the Initial Hearing until after the it occurred.

11. At the Initial Hearing, the Applicant argued a subtly but materially different ground for hardship than was set forth in the Application, stating that there is column located "a couple of feet south of when you come through the carport that makes it a little bit difficult to navigate." When questioned by Commissioner Brian King why the Garage could not be placed further to the north and west (outside of the rear setback and the critical root zone of a tree on the south property line), the Applicant stated that the column *at the corner of the porch located to the south of the porte-cochere* (the "South Column") would restrict access to the Garage such that "the turning radius of the Garage doesn't work if it gets any further west." Commissioner Brooke Bailey expressed concern that the Board had not heard from the neighbor to the east (*i.e.*, Mayes), who would be principally affected by the variance. Commissioner Michael Von Ohlen,

[1] Videos of the Initial Hearing on June 13, 2015 and the Reconsideration Hearing on July 11, 2016, along with documentation related to those meetings, are available on the City's website at: http://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm (last visited July 21, 2016)

who repeatedly described himself as a "pro-property rights kind of guy," responded by assuring Commissioner Bailey and the other Board members that the Hyde Park Neighborhood Association would have objected to the variance if any adjacent neighbors had an issue, implying that Mayes's failure to appear at the hearing reflected his consent to the Application. At no time did the Board address or consider the objection filed by Joe and Toni Van Gompel, whose home is located caddy corner to the southeast corner of the Bircher Property on which the Garage would be built.

12. The primary concern raised by several Board members was the proposed placement of the Garage within the critical root zone of a tree located near the south line of the Bircher Property. At one point, Board member Melissa Hawthorne got confused and believed that the south lot line of the Bircher Property was actually the rear of the property (which requires a 10-foot setback) and that the east lot line was the side of the property (which only requires a 5-foot setback), apparently because the Bircher Property sits on a corner lot. Although other Commissioners corrected her misunderstanding, Commissioner Hawthorne came up with the notion that, if the Board were to consider the south lot line the rear (instead of the side) of the property, then the Garage would comply with the 10-foot setback applicable to rear lot lines if the Garage were moved 5 feet to the north.[2]

13. Thereafter, Commissioner Hawthorne proposed a motion to approve the variance allowing the Garage to be placed only 3 feet 6 inches from the Mayes Property line with the condition that the Garage move 5 feet to the north to minimize the impact on the neighbor to the south and the critical root zone near south line of the Bircher Property. The motion was

[2] Besides being a blatant misapplication and ad hoc revision of a City ordinance, this interpretation would result in a inadequate *front* setback (which must be at least 25 feet) on the new "front" of the house as envisioned by Commissioner Hawthorne.

approved by a 10-1 vote, and the variance was granted. In its "Decision Sheet," the Board found that the rear setback applicable to the Bircher Property does not allow reasonable use because:

> garage apartments are common in Hyde Park, and this property is typical of older homes in the area with the specific configuration of porte-cochere on the east property line and large trees in the back, *providing additional 5 feet setback from what would be considered the rear*, giving 3 ½ feet setback on the east provides to house behind and allows use for the porte-cochere in its existing location.

(emphasis added). The Board also found hardship based on "the location of the porte-cochere and large trees to the rear of the house." Notably, the Board did *not* find hardship based on the column located several feet to the south of the porte-cochere.

B. The 2008 Remodel of the Birchers' House and Construction of the South Column

14. Contrary to the Board's findings, the basis of the hardship and the restricted turning radius claimed by Applicant was *not the porte-cochere*; it was the column located nearly 8 feet to the south of the porte-cochere supporting the southeast corner of the second-story addition to the Birchers' home. This distinction is critical. What the Applicant failed to share with the Board, and what the Board failed to consider, was that the offending column (the "South Column") that caused the alleged hardship was *put there by the Birchers based upon the Applicant's own architectural plans* during prior renovations completed in 2008 and/or 2009. If the Board had properly understood and considered the Application (including the site plan), the effect of the Bircher's prior remodel, and the Applicant's statements at the Initial Hearing describing the actual cause of the restricted turning radius, the Board would have determined that the basis of the alleged hardship was not the basis upon which the variance was granted, but rather a situation that the Birchers had themselves created.

15. On March 21, 2008, the Birchers filed a Residential Building Permit Application (the "Building Permit Application") with the City, which was later approved. The Building

Permit Application contains architectural plans showing the changes later made by the Birchers to the existing structure. The Birchers remodeled the existing car port into a porte-cochere, and in the process narrowed its width by expanding their house by 5 feet 6 inches to the east (*i.e.*, toward the property line with Mayes) in order to build a staircase to a new second-story addition. The addition extended 7 feet 9 inches to the south and 12 feet 5 inches to the east beyond the existing footprint of the first floor of the home. The addition was supported by a new column on its southeast corner (*i.e.*, the South Column), creating a covered porch on the ground level of the southeast corner of the house. Thus, by narrowing the width of the porte-cochere and installing the South Column to support their second-story addition, the Birchers (based on the Applicant's own design) created the very same obstruction that the Applicant later claimed was a hardship requiring a variance. In spite of all this, the architectural plans provided for two parking spaces located outside of the 10-foot rear setback line, *in the same location that the Applicant now asserts is inaccessible due to the South Column.* In other words, what the Applicant claimed was a hardship was actually the very situation that the Birchers themselves designed and created with the help of the Applicant.

C. The Request for Reconsideration and the Reconsideration Hearing

16. Mayes first learned of the Application, the Initial Hearing, and the granting of the variance on June 18, 2016, when he received an email from his neighbor who had appeared to contest the variance at the Initial Hearing. On June 23, 2016, Mayes timely submitted a request for reconsideration (the "Request for Reconsideration") pursuant to Article 4(G) of the Rules of Procedure for the Board of Adjustment and Sign and Review Board (the "Board Rules").[3]

[3] A true and correct copy of the Board Rules is attached hereto as **Exhibit 1**. The Board Rules are also available on the City of Austin's website at: www.austintexas.gov/edims/document.cfm?id=134658 (last visited July 21, 2016).

17. In the Request for Reconsideration, Mayes explained that he was out of the country at the time of the Initial Hearing and would be through July 2016. Mayes stated that he emphatically objected to the variance and sought to correct the Board's false assumption that his failure to appear at the Initial Hearing demonstrated his consent to the variance. Mayes requested that the Board reconsider its decision to grant the variance because he did not have an opportunity to object at the Initial Hearing. Mayes pointed out that proposed structure was not consistent with the Hyde Park neighborhood, and that the objection filed by the Van Gompels was never even considered at the Initial Hearing. Mayes also submitted several pieces of new or clarifying evidence, including the Birchers' Building Permit Application conclusively showing that the Birchers' alleged hardship was self-imposed.

18. Unfortunately, the City liaison (the "Liaison") responsible for uploading the submissions of interested parties to the Board's website and distributing those materials to the Board in an "advance packet" ahead of the hearing made several errors with respect to Mayes's Request for Reconsideration. First, she inadvertently omitted from the advance packet page 2 of the 3-page Request for Reconsideration (which contained the heart of Mayes's substantive arguments) and three of the four supporting attachments, including the Building Permit Application. Second, the Liaison initially failed to post page 2 of the Request for Reconsideration to the Board's website and did not correct this error until Mayes's counsel pointed it out to her only one or two business days before the hearing. Third, it appears from the documents posted on the Board's website that the Liaison attached the *Applicant's* filing to *Mayes's* Request for Reconsideration where his supporting evidence should have been, then uploaded Mayes's supporting evidence as a separate document. The end result was that the Commissioners failed to receive or review Mayes's complete Request for Consideration and

supporting evidence before the hearing, and the "backup" submissions and evidence posted to the Board's website at the time of the hearing were incoherent and confusing.[4] None of these problems were caused by Mayes, who properly and timely submitted his Request for Reconsideration and supporting evidence well in advance of the hearing.

19. Unfortunately, none of the Board members appeared to be aware of these issues or the items missing from their advance packets when they showed up for the Reconsideration Hearing. To make matters worse, the Board's computer system was down during the hearing, so none of the Board Members could access the Request for Reconsideration and supporting evidence online. Mayes's counsel brought print-outs of the Request for Reconsideration to the hearing, which were distributed to the Board. But before the hearing could even begin, Commissioner Von Ohlen became visibly upset and expressed exasperation at what he believed to be the submission of late-filed evidence. Commissioner Von Ohlen complained that he only had 20 pages of backup in the advance packet he received the prior week, but now he was being asked to consider "well over 80 pages" of new backup. Commissioner Von Ohlen stated: "This is like when lawyers really bother me with a bunch of paper and you don't have time to digest it. And I'm not prepared to deal with this right now."[5]

20. Board Chairman William Burkhardt then interjected and asked the City attorney to weigh in, which Chairman Burkhardt suggested "might solve [Commissioner Von Ohlen's] problem." Assistant City Attorney Brent Lloyd then stated his opinion that Mayes did not have

---

[4] After repeated complaints by the Commissioners at the Reconsideration Hearing regarding the "late-filed" backup, the Liaison eventually spoke up late in the hearing to clarify that the backup was timely filed and to acknowledge that the advance packets provided to the Board were missing page 2 of the Request for Reconsideration and three of the four supporting attachments. By that time, however, the damage was already done.

[5] This was a recurring theme throughout the Reconsideration Hearing. In subsequent discussions regarding a motion to postpone the hearing, Commissioner Melissa Hawthorne suggested: "To bring in 80-plus pages of late backup, I mean, it's almost like it was on purpose." Later, speaking against a motion to postpone the hearing, she stated that nothing in the 2-page excerpt of the Request for Reconsideration provided in her advance packet would cause her to change her mind, though she could not say for certain whether something in "the 80 pages I got tonight" might alter her decision to grant the variance.

standing to file the Request for Reconsideration based on his interpretation of the Board Rules. Specifically, Article 4(G)(1) of the Board Rules provides: "A request to reconsider may be filed by any person having original standing." Ex. 1, Board Rules Art. 4(G)(1). After acknowledging that "original standing" was not defined in the Rules, Lloyd opined at length that, based on his "experience" and general understanding of the legal concept of standing, the only person with original standing to file a request for reconsideration in a variance case is the applicant itself. Lloyd expressed this opinion despite the fact that the Board's own community guidebook (the "Board Guidebook")[6] – which Lloyd himself helped draft – explicitly states: "Either side—*i.e.*, an applicant or "interested party"—may request RECONSIDERATION of the Board's decision to either grant or deny a variance." *See* Ex. 2, Board Guidebook, App'x G at 4. Upon hearing this, several Commissioners disagreed with Lloyd's interpretation and pointed out that the Board had consistently allowed other interested parties to seek reconsideration in the past. When Commissioner Von Ohlen weighed in, he returned to the allegedly "late-filed" backup: "I would've probably had a different feeling [regarding Mayes's standing] if I'd have had this information last week when my packet was delivered, but to walk in the door today to present it, and ask us to act on it immediately, I think is a big stretch."

21. Chairman Burkhardt then suggested that, in fact, the Rules *did* expressly state that, for a variance or special exception, only the landowner or their agent has original standing. However, as he later acknowledged, the Rules he referred to were *proposed amendments to the Rules*, which were set on the Agenda to be considered for adoption later in the hearing. Thus,

[6] The full name of the Board Guidebook is: "A Community Guide to the City of Austin's Board of Adjustment: Practical Tips for Zoning Variances, Special Exceptions, and Administrative Appeals." A true and correct copy of the Board Guidebook is attached hereto as **Exhibit 2**. The Board Guidebook is also available on the City's website at: https://www.austintexas.gov/sites/default/files/files/Planning/Applications_Forms/Board_of_Adjustment_Guidebook__July_2015_.pdf (last visited July 21, 2016)

Chairman Burkhardt was apparently suggesting that Board apply a new rule that had not even been adopted yet and, as it turns out, was ultimately rejected by the Board later that evening.

22. Following this confusing series of events, Commissioner Rahm McDaniel made a motion to deny the Request for Reconsideration. Commissioner McDaniel stated that the basis for his motion was that allowing reconsideration would be "opening Pandora's Box. We do a lot of variances here, and if we're going to be changing the circumstances under which we hear a reconsideration, we should look at the rules first before we, sort of, create them on the fly." Commissioner King pointed out that he still did not have the full Request for Reconsideration, which was missing pages. When a full copy of Request for Reconsideration was offered to him, Commissioner King declined, stating: "I'm not going to digest it now."

23. After a motion to postpone the hearing on the Request for Reconsideration failed, the Board voted on Commissioner McDaniel's motion to deny reconsideration without having considered any of the new evidence timely submitted by Mayes. Four Commissioners voted against the motion, and 7 Commissioners voted in favor. Chairman Burkhardt then declared that the Request for Consideration was denied without a hearing. Mayes's counsel was never allowed to speak, and Mayes never had any opportunity for the Board to hear his objections to the variance and to consider the evidence that should have led the Board to deny it.

VII. REQUEST FOR WRIT OF CERTIORARI

A. Judicial Review under Texas Local Government Code § 211.011

24. Texas Local Government Code § 211.011(a) permits an "aggrieved" person to appeal a board of adjustment's decision that is "illegal in whole or in part" by filing a petition for writ of certiorari with the district court. The court may grant the writ directing the board to prepare a verified return that "concisely state[s] any pertinent and material facts that show the

grounds of the decision under appeal." *Id.* § 211.011(c)-(d). The writ may also require the board to produce certified copies of the documents relied upon to make the decision. *Id.* § 211.011(d).

25. The petition must specify the grounds on which the board of adjustment's decision is illegal. *Id.* § 211.011(a). To establish illegality, the plaintiff must "present 'a very clear showing of abuse of discretion.'" *City of Dallas v. Vanesko*, 189 S.W.3d 769, 771 (Tex. 2006) (quoting *City of San Angelo v. Boehme Bakery*, 190 S.W.2d 67, 71 (1945)). A board abuses its discretion if it "acts without reference to any guiding rules or principles or clearly fails to analyze or apply the law correctly." *Id.*

B. The Board's Decision to Deny the Request for Reconsideration was Illegal and a Clear Abuse of Discretion.

26. The Board's denial of the Request for Reconsideration without a hearing was illegal and a clear abuse of discretion because the Board failed to consider any evidence and to follow its own Rules and Guidebook in reaching its decision.

27. First, from the discussion at the Reconsideration Hearing, it is apparent that at least some of the Commissioners denied the Request for Reconsideration based on the City attorney's erroneous advice that Mayes lacked standing. Board Rule Art. 4(G)(1) states that "[a] request for reconsideration may be filed by any person having original standing." Ex. 1, Board Rule Art. 4(G)(1). The Board Guidebook provides: "Either side—i.e., an applicant or "interested party"—may request RECONSIDERATION of the Board's decision to either grant or deny a variance." Ex. 2, Board Guidebook, App'x G at 4. As the Austin Court of Appeals recently stated, "when determining whether an entity has acted arbitrarily or capriciously, '[t]he major factor that runs throughout [the] ... review ... is that parties must be able to know what is expected of them in the administrative process.'" *Nat'l Media Corp. v. City of Austin*, No. 13-12-00188, 2014 WL 4364815, *1 (Tex. App.—Austin Aug. 27, 2014, no pet.) (mem. op.)

(quoting *Starr County v. Starr Indus. Servs., Inc.*, 584 S.W.2d 352, 356 (Tex. Civ. App.—Austin 1979, writ ref'd n.r.e.) (determining that Texas Water Quality Board acted arbitrarily and capriciously when it denied permit based on requirements that had not been previously proposed by Board)). Mayes had standing to appear at the original variance hearing, therefore he had "original standing" to seek reconsideration. *See* Ex. 1, Board Rule Art. 4(G)(1). Not only is this the only logical reading of the Rule, it is also consistent with the Board's admitted prior practice and with its own Board Guidebook advising community citizens of Board practice and procedures. *See* Ex. 2, Board Guidebook, App'x G at 4. Moreover, the fact that the Board on the same day considered an amendment to its Rules that would have *changed* the standing requirements to pursue reconsideration (AND ACTUALLY REJECTED SUCH AMENDMENT) clearly indicates that the existing Board Rules specifically authorized Mayes to seek reconsideration and that the advice given by the City attorney to the contrary was wrong. There would have been no reason to change the Board Rules to provide what was already (according to Lloyd) prohibited.

28. Second, it is apparent that many of the Commissioners voted to deny the Request for Reconsideration under the mistaken belief that Mayes's Request for Reconsideration and supporting documents were not timely filed. As the Liaison acknowledged at the Reconsideration Hearing, this was not the case. But because of her mistake in uploading the documents and in preparing the Board's advance packets, many of the Commissioners determined that the hearing should not be postponed and that Request for Reconsideration should be denied without hearing.

29. Third, none of the Commissioners actually considered the full Request for Reconsideration and the new evidence filed by Mayes. Board Rule Art. 4(G)(3) provides:

> The Board *shall review the request and shall, on the basis of the written material submitted by the applicant in support of the request*, determine whether to reconsider the matter because of an error in its original determination or on the basis of new or clarified evidence not presented to the Board at the original hearing that might affect its determination.

Ex. 1, Board Rules Art. 4(G)(3) (emphasis added). Despite this mandate, and most likely due to the Liaison's failure to properly submit Mayes's Request for Reconsideration and supporting attachments to the Board, the Commissioners freely admitted that they did not and could not have possibly reviewed those documents prior to denying the Request for Reconsideration.

30. Finally, the Board denied the Request for Reconsideration without a hearing, even though a sufficient number of Commissioners voted to hear the Request for Reconsideration. Four Commissioners voted against the motion to deny the Request for Reconsideration without hearing. Ex. 1, Board Rule Art. 4(G)(3) provides: "The affirmative vote of *four* members of the Board shall be necessary to reconsider a matter, which shall then be heard immediately following the Board's decision to reconsider." (emphasis added). Thus, despite the fact that four Commissioners voted against the motion to deny (and thus in favor of) hearing the Request for Reconsideration, Chairman Burkhardt declared the Request for Reconsideration denied without a hearing in violation of the Board Rules.

31. By misinterpreting and failing to follow its own Rules, the Board acted illegally and clearly abused its discretion when it denied the Request for Reconsideration without considering any of Mayes's timely filed evidence. This Court should reverse the Board's decision denying the Request for Reconsideration and render a judgment denying the variance for the reasons set forth below. Alternatively, this Court should reverse the Board's decision denying the Request for Reconsideration and remand this proceeding to the Board with

instructions to hear the Request for Reconsideration and consider the new evidence submitted by Mayes.

C. The Board's Decision to Grant the Variance was Illegal and a Clear Abuse of Discretion.

32. Had the Board properly considered the new evidence submitted by Mayes, the only possible correct decision would have been to deny the variance.

33. To approve a variance from a zoning requirement, the Board must make the following findings:

> (1) the requirement does not allow for a reasonable use of property;
>
> (2) the hardship for which the variance is requested is unique to the property and is not generally a characteristic of the area in which the property in which the property is located; and
>
> (3) development under the variance does not:
>
> > (a) alter the character of the area adjacent to the property;
> >
> > (b) impair the use of adjacent property that is developed in compliance with the City requirements; or
> >
> > (c) impair the purposes of the regulations of the zoning district in which the property is located.

Austin City Code § 25-2-474; *see also* Ex. 1, Board Rules Art. 3(B)(1).

34. A hardship in support of a zoning variance "'must not be self-imposed'." *Ferris v. City of Austin*, 150 S.W.3d 514, 522 (Tex. App.—Austin 2004, no pet.) (quoting *Town of S. Padre Island v. Cantu*, 52 S.W.3d 287, 290 (Tex. App.—Corpus Christi 2001, no pet.)). The Board recognizes this rule in multiple places in the Board Guidebook, which advises that a hardship "cannot be self-created" and that "[a]n applicant for a permit or site plan cannot claim a hardship based on conditions that he or she is responsible for creating." Ex. 2, Board Guidebook at 7, 9, and 10.

35. As evidenced by the Building Permit Application that Mayes submitted to the Board but was not considered, the Birchers created their own hardship when they chose to narrow the west side of the porte-cochere by 5 feet 6 inches and to build a second story supported by the South Column 7 feet 9 inches off of the house, thereby restricting their ability to access a garage located outside of the 10-foot rear setback. The Applicant, who designed the remodel herself, was less than candid with the Board when she failed to reveal that: (1) the Birchers constructed the obstruction that they now assert prevents them from complying with the rear setback; and (2) the Birchers' original site plan approved by the City in 2008 contained parking spaces in the same exact location that they now claim is inaccessible. In addition to omitting these key facts, the Applicant actually misrepresented the nature of the obstruction to the Board in her Application when she stated that the "posts supporting the porte-cochere" – not the South Column supporting the new second story of the house – "restrict the maneuverability of standard-sized vehicles." Although the Applicant acknowledged that the offending column was "a couple of feet" south of the porte-cochere at the Initial Hearing, this fact apparently never registered with the Board, which found that the "location of the porte-cochere" constituted the hardship.

36. Because the Birchers' alleged hardship is self-imposed, their Application must be denied. This Court should reverse the Board's decision granting the variance and render judgment denying the variance.

VIII. APPLICATION FOR STAY OR TEMPORARY INJUNCTION

37. Mayes also requests that the Court issue an order staying the Board's decision to grant the variance or, alternatively, a mandatory, temporary injunction ordering the Board to stay its decision pending final resolution of this appeal.

38. The purpose of a temporary injunction is to preserve the status quo pending a trial on the merits. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). A writ of certiorari issued under Texas Local Government Code § 211.011 does not stay the underlying proceedings before the board of adjustment, but "the court may grant a restraining order if due cause is shown." Tex. Local Gov't Code § 211.011(c). Due cause exists for this Court to stay the Board's decision granting the variance or to issue a mandatory, temporary injunction ordering the Board to stay its decision while this appeal is pending. If the Birchers move forward with construction of their Garage and the Board's decision is reversed or rescinded, it is likely that the Birchers would then be required to demolish some or all of a newly constructed Garage or that they will argue that they should be permitted to continue building within the setback because of their reliance on the Board's prior decision.

39. Mayes is also entitled to a temporary injunction under the Texas Civil Practices and Remedies Code and general principals of equity. *See* Tex. Civ. Prac. & Rem. Code § 65.011. Texas Civil Practices Remedies Code § 65.011 provides, in relevant part, that a writ of injunction may be issued if:

> (1) the applicant is entitled to the relief demanded and all or part of the relief requires the restraint of some act prejudicial to the applicant;
>
> (2) a party performs or is about to perform or is procuring or allowing the performance of an act relating to the subject of pending litigation, in violation of the rights of the applicant, and the act would tend to render the judgment in that litigation ineffectual;
>
> (3) the applicant is entitled to a writ of injunction under the principles of equity and the statutes of this state relating to injunctions; [or]
>
> ***
>
> (5) irreparable injury to real or personal property is threatened, irrespective of any remedy at law.

Generally, an applicant for an injunction must show that it: (1) has a probable right to permanent relief against the defendant; (2) is faced with a probable, imminent, and irreparable injury if no injunction is granted; and (3) has no adequate remedy at law. See *Butnaru*, 84 S.W.3d at 204; *Synergy Ctr., Ltd. v. Lone Star Franchising, Inc.*, 63 S.W.3d 561, 567 (Tex. App. —Austin 2001, no pet.). Harm is irreparable and an applicant has no adequate remedy at law if its damages cannot be measured with reasonable certainty. *Butnaru*, 84 S.W.3d at 204; *Synergy*, 63 S.W.3d at 567.

40. Based on the arguments set forth above and the evidence Mayes will submit at the hearing on this application, Mayes will demonstrate a probable right to relief on this appeal. Allowing the variance to remain in effect makes it highly probable that the Birchers will start construction on the Garage in the immediate future. This would prejudice Mayes's right to enforce the setback, render any relief granted by this Court ineffectual, and cause irreparable harm to the value, use, and enjoyment of the Mayes's property. If the Garage is constructed and allowed to remain, the damages to Mayes and his property would highly difficult to measure with any certainty.

41. Accordingly, Mayes respectfully requests that this Court stay the Board's decision granting the variance or, alternatively, issue a mandatory, temporary injunction ordering the Board to stay its decision until this appeal is finally resolved.

IX. PRAYER

42. Mayes respectfully requests that the Court grant him the following relief:

1) A writ of certiorari directing the Board to prepare and produce to the Court and to Mayes's undersigned counsel the following:

   a) A verified return that concisely states any pertinent and material facts that show the grounds for its decision to grant the Application and to deny the Request for Reconsideration; and

b) Certified copies of:

i. Videos and transcripts of those portions of the Initial Hearing held on June 13, 2016 and the Reconsideration Hearing held on July 11, 2016 in which the Board discussed the Application, the Request for Reconsideration, and any amendments or proposed amendments to the Board Rules; and

ii. All written materials in the Board's record related to the Application, the Request for Reconsideration, the Initial Hearing, and the Reconsideration Hearing, including but not limited to the Application, the Request for Reconsideration, all "backup" and other evidence submitted by any party in connection with the Application and/or Request for Reconsideration, the Agendas and the Minutes for the Initial Hearing and the Reconsideration Hearing, the Decision Sheets issued by the Board in connection with its decisions on the Application and the Request for Reconsideration, and any other documents relevant to the Board's consideration of the Application and the Request for Reconsideration;

2) An order staying the Board's decision granting the variance or, alternatively, a mandatory, temporary injunction ordering the Board to stay its decision pending final resolution of this appeal;

3) A judgment reversing the Board's decision granting the Application and:

a) Rendering a judgment denying the Application; or

b) alternatively, remanding this proceeding to the Board with instructions to conduct a hearing on Mayes's Request for Reconsideration; and

4) All such other and further relief to which Mayes is justly entitled.

Respectfully submitted,

WALLER, LANSDEN,
DORTCH AND DAVIS, LLP

By: */s/ Eric J. Taube*
Eric J. Taube
State Bar No. 19679350
Cleveland R. Burke
State Bar No. 24064975
100 Congress Avenue, Suite 1800
Austin, Texas 78701
Telephone: (512) 685-6400
Facsimile: (512) 685-6417
eric.taube@wallerlaw.com
cleveland.burke@wallerlaw.com

ATTORNEYS FOR PLAINTIFF
JOHN C. MAYES

DECLARATION OF JOHN C. MAYES

Pursuant to Texas Civil Practices and Remedies Code § 132.001, Plaintiff John C. Mayes makes the following declaration in support of the foregoing Original Petition for Writ of Certiorari and Application for Injunctive Relief:

"My name is John C. Mayes, my date of birth is November 23, 1964, and my address is 3912 Avenue G, Austin, Texas, 78751. I declare under penalty of perjury that the facts stated in the foregoing Original Petition for Writ of Certiorari and Application for Injunctive Relief are true and correct."

John C. Mayes, Declarant

July 21, 2016
Date

4840-1956-3829.1

I.

II. DISCOVERY CONTROL PLAN

1. Mayes intends to conduct discovery under Level 2. *See* Tex. R. Civ. P. 190.3.

III. PARTIES

2. Mayes is an individual residing in Travis County, Texas.

3. The Board is an established board of the City of Austin (the "City") and may be served with process by serving the City Clerk, Jannette S. Goodall, Austin City Hall, 301 West 2nd Street, Suite 1120, Austin, Texas 78701.

IV. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this proceeding under Texas Local Government Code § 211.011. Mayes is a "person aggrieved" by the Board's decision granting the setback variance, because his property abuts the affected property line. *See* Tex. Local Gov't Code § 211.011(a)(1). Mayes is the person most impacted by the Board's illegal decision to grant the variance allowing development of the subject property in a manner inconsistent with the City's ordinances.

5. Venue is mandatory here because the Board is a political subdivision located in Travis County, Texas. *See* Tex. Civ. Prac. & Rem. Code § 15.0151. Venue is also proper in Travis County because this is where all or a substantial part of the acts or omissions giving rise to Mayes's claims occurred and where the Board maintains its principal office. *See id.* § 15.002(a).

V. NATURE OF RELIEF

6. Mayes seeks non-monetary relief pursuant to Texas Local Government Code § 211.011. *See* Tex. R. Civ. P. 47.

DECLARATION OF JOHN C. MAYES

Pursuant to Texas Civil Practices and Remedies Code § 132.001, Plaintiff John C. Mayes makes the following declaration in support of the foregoing Original Petition for Writ of Certiorari and Application for Injunctive Relief:

"My name is John C. Mayes, my date of birth is November 23, 1964, and my address is 3912 Avenue G, Austin, Texas, 78751. I declare under penalty of perjury that the facts stated in the foregoing Original Petition for Writ of Certiorari and Application for Injunctive Relief are true and correct."

John C. Mayes, Declarant

July 21, 2016
Date

4840-1956-3829.1

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 14 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/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): LHD-2016-0010 PR-2016-062483 Error! Reference source not found.
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Historic Landmark Commission, Sept 26, 2016

Matt Deslogc (Friends of Hyde Park)
Your Name *(please print)*

☒ **I am in favor**
☐ **I object**

representative of Neighborhood Assn.
Your address(es) affected by this application

Signature

7/27/16
Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Review
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

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 14 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/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): LHD-2016-0014 PR-2016-083733
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Historic Landmark Commission, Sept. 26, 2016

Matt Deslage
Your Name *(please print)*

☒ **I am in favor**
☐ **I object**

representative of Friends of Hyde Park
Your address(es) affected by this application

Signature

9/27/16
Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): LHD-2016-0010 PR-2016-062483 Error! Reference source not found.
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Historic Landmark Commission, Sept 26, 2016

Matt Desloge
Your Name *(please print)*

☒ **I am in favor**
☐ **I object**

4300 Ave D
Your address(es) affected by this application

Signature

9/27/16
Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Review
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810

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 14 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/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): LHD-2016-0014 PR-2016-083733
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Historic Landmark Commission, Sept. 26, 2016

Trinity Church of Austin
Your Name *(please print)*

☑ **I am in favor**
☐ **I object**

4001 Speedway
Your address(es) affected by this application

Steel Watt
Signature

9/19/2016
Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): NRD-2016-0061 PR-2016-089186
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Dustin Reid
Your Name *(please print)*

☐ **I am in favor**
☒ **I object**

1603 Palma Plaza
Your address(es) affected by this application

Signature

9/21/2016
Date

Comments:
This is an attractive property in a historical neighborhood. It should be preserved to maintain the spirit of the neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): NRD-2016-0061 PR-2016-089186
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Bobby Covington
Your Name *(please print)*

☐ **I am in favor**
☒ **I object**

1603 Palma Plaza
Your address(es) affected by this application

Signature

9/20/2016
Date

Comments: Please preserve our neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): NRD-2016-0061 PR-2016-089186
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

Michael Buls
Your Name *(please print)*

☑ **I am in favor**
☐ **I object**

1626 Enfield Rd / 1300 W Lynn
Your address(es) affected by this application

Signature

9/21/16
Date

Comments: There is no historical significance in the older property at 1618 Parma Plaza. A modern multi unit property would better serve the community

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): NRD-2016-0061 PR-2016-089186
Contact: Steve Sadowsky, 512-974-6454
Public Hearing: Sept. 26, 2016, Historic Landmark Commission

DON WILLIAMS
Your Name *(please print)*

☐ **I am in favor**
☐ **I object**

1605 PALMA PLAZA
Your address(es) affected by this application

Signature

9/24/16
Date

Comments: I am concerned that demolishing this rather charming structure and building something of different character will negatively affect the feel of our neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0570 PR-2016-096197
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Mo Scallan
Your Name *(please print)*

☐ **I am in favor**
☒ **I object**

2804 OAK CREST 78704
Your address(es) affected by this application

Mo Scallan 9/25/16
Signature Date

Comments: MJ's house is one of the most pleasant looking old houses in the neighborhood. Her years of keeping that corner beautiful will not be forgotten by many. Developers don't seem to care or respect keeping the neighborhood - neighborhood-ie, only building large scale, mostly unattractive abodes, that also price the locals out of their homes.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0638 PR-16-105598
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Rebecca Rosenberg
Your Name *(please print)*

☐ **I am in favor**
☒ **I object**

1114 Tillery St. 78702
Your address(es) affected by this application

Signature

9.24.16
Date

Comments: No more gentrification.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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.ci.austin.tx.us/development**.

PDRD/CHPO
SEP 28 2016

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0604 PR-2016-098910
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

MELANIE MARTINEZ
Your Name *(please print)*

☐ **I am in favor**
☒ **I object**

1208 + 1214 NEWNING AVE.
Your address(es) affected by this application

Signature: Melanie Martinez
Date: 9-21-16

Comments:
The size, scale, materials of the planned development is incompatible with the historic character of Fairview Park and detracts from our quality of life, aesthetically, and contributes to a loss of affordability of our neighborhood. ~~and also~~ We have been trying to create a National Register District but every new bldg. like this sacrifices another shred of our sense of place.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

PDRD/CHPO
SEP 28 2016

Case Number(s): HDP-2016-0441 PR-2016-038
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

☐ **I am in favor**
☑ **I object**

Keria Prince
Your Name *(please print)*

1908 A E 22nd St Austin, TX 78722
Your address(es) affected by this application

Keria Prince 09/26/16
Signature Date

Comments: No way. Thanks but no thanks. Please STOP the Gentrification of East Austin. Please don't let them demolish this like they did the Church 2000 We as residents are still in shock. Don't let them destroy the neighborhood & force long time residents out. Been in area since Oct 2002. This is the only home my 3 kids know. Please don't let it happen. We are begging for your help City of Austin. Please Do the Right Thing. Just Say NO!!

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0569 PR-2016-096303
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Timotea Cortinez
Your Name *(please print)*

☐ **I am in favor**
☑ **I object**

808 W. Elizabeth St., Austin, Tx. 78704
Your address(es) affected by this application

Timotea Cortinez — 9/15/16
Signature — Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 8 2016

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0602 PR-2016-098927
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Eudelia Lindsey
Your Name *(please print)*

☒ **I am in favor**
☐ **I object**

2606 E 3rd
Your address(es) affected by this application

Eudelia Lindsey — Signature
9/19/16 — Date

Comments: When we went to the historical record/land mark survey meeting last week, we were told that E 3rd was not being considered as historical area but E 2nd was.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0566 PR-2016-096246
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Mary Jacobs
Your Name *(please print)*

☑ **I am in favor**
☐ **I object**

2018 Ford St.
Your address(es) affected by this application

Mary Jacobs — Sept 18 2016
Signature — Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0569 PR-2016-096303
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Solis Tomas
Your Name *(please print)*

☑ **I am in favor**
☐ **I object**

801 Jewell St
Your address(es) affected by this application

Signature

Sept. 19-16
Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0568 PR-2016-096293
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Diane Kramer
Your Name *(please print)*

☐ **I am in favor**
☒ **I object**

4204 Sinclair Ave 78756
Your address(es) affected by this application

Signature Date

Comments: This house is a classic Rosedale cottage seemingly in good repair with a fine metal roof. I see no reason it should be demolished. It no doubt would be replaced with some larger or a different architectural style neither of which reflect the Rosedale Neighborhood. Enough houses have been torn down!

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

September 26, 2016 Historic Landmark Commission

LARRI GAYE DONDEE

Your Name *(please print)*

☐ I am in favor
☒ I object

5000 DeLopes

Your address(es) affected by this application

Signature

9/18/16

Date

Comments: Please stop allowing the denigration of our neighborhood. I love all the oldness and have had enough of the dividing the land and building gigantic houses. What's about affordability?? We need to preserve as much of old Austin as we can

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

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 14 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.ci.austin.tx.us/development**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-2016-0626 PR-2016-104511
Contact: Steve Sadowsky, 512-974-6454
Public Hearing:
September 26, 2016 Historic Landmark Commission

Moses Arnold IV
Your Name *(please print)*

☐ I am in favor
☑ I object

2002 Cornell #1103 Austin, TX 78702
Your address(es) affected by this application

Moses Arnold IV — Signature
09-19-16 — Date

Comments: No thanks

If you use this form to comment, it may be returned to:
City of Austin
Planning and Zoning Department
Steve Sadowsky
P. O. Box 1088
Austin, TX 78767-8810
Fax Number: (512) 974-9104

PDRD/CHPO
SEP 28 2016

LOC Structural
Structural Engineers Firm No. F4756
Project Management

STRUCTURAL CONDITION ASSESSMENT

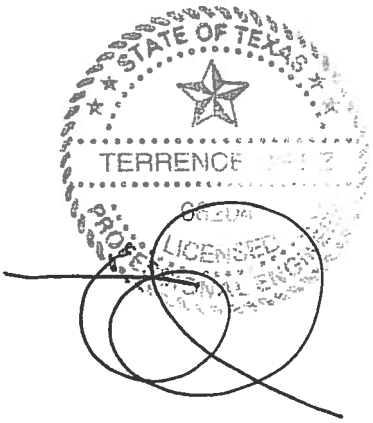
Existing Residence
2011 Chestnut
Austin, Texas 78722

Prepared for:

Mr. Timothy Kellogg
5330 Norwest Trail
Corpus Christie, TX 78410
(512)633-8982

SUBMITTED BY:

LOC *STRUCTURAL DIV., INC.*
P.O. BOX 151450
AUSTIN, TEXAS 78715
(512) 499-0908



September 26, 2016

TO/rd
Copy: file
C:\Admin\Reports\Structural Condition Assessments\2016\Kellogg Residence.doc

INTRODUCTION:

Dear Mr. Kellogg,

As requested, we have performed a structural condition assessment of the existing residence at the referenced address. LOC was not involved with the design or construction of the residence, and no construction documents were available for review. The following is a summary of our findings:

DESCRIPTION:

The residence is a one story wood framed structure with a "pier and beam" wood framed floor structure supported on shallow CMU and concrete footings and cedar stump piers.

There is a garage slab-on-grade addition and a small "pier and beam" room addition behind the garage.

The gable profile structure consists of 2X4 rafters and ceiling joists at the main house supported by load bearing shiplap walls.

The additions have load bearing 2X4 stud walls and 2X6 rafters and ceiling joists.

STRUCTURAL CONDITION:

The general condition of the main house is very poor with the following structural defects noted:

- The existing foundation is not level and is severely rotted, termite damaged and extensively deteriorated and is considered structurally deficient and non code compliant.
- The existing load bearing wall systems have extensive termite and water damage due to no vapor barrier and flashing systems and are considered structurally defective and require total replacement.
- The existing roof structure is non code compliant and exhibits excessive deflection.
- The stone veneer around the front and north side of the residence was added directly to the existing exterior siding and is not anchored to the exterior wall system. There is also no proper wall flashing and considered defective.

TO/rd
Copy: file
C:\Admin\Reports\Structural Condition Assessments\2016\Kellogg Residence.doc

- The slab-on-grade foundation of the garage addition is cracked, uneven, and has no perimeter grade beam supporting the exterior load bearing walls is non-code compliant and considered structurally defective.
- The roof addition behind the garage addition is severely water and termite damaged, including the pier and beam foundation system which does not have code specified crawl space clearances. This foundation is considered non code compliant and structurally defective.

CONCLUSION:

Based on our aforementioned observations, it is my opinion that the original house and later additions are structurally defective and not suitable for rehabilitation without total structural replacement. I understand that the house is scheduled to be relocated and it is my recommendation that the original portion of the house movers stabilize the house as required before relocation.

CLOSURE:

This structural review consisted of a structural condition assessment only.
Neither the review nor the report is intended to cover comprehensive architectural, site, mechanical or electrical systems. Furthermore, the client shall agree to limit LOC Consultants' liability to the client and to all parties involved with the referenced project due to hidden conditions except for negligent acts, due to Professional Engineer's errors, omissions and opinions, such that the total aggregate liability to all those named shall not exceed the Professional Engineer's total fee for service rendered on this review.

Please notify LOC by registered letter within two weeks of this date stating objections to or questions regarding the information contained in this letter. If none are received, it is concluded that no exceptions are taken regarding the professional opinion rendered or the liability statement. If there are any questions or if I can be of further assistance, please call.

Respectfully Submitted,

Terrence Ortiz
President
LOC Structural Division, Inc

TO/rd
Copy: file
C:\Admin\Reports\Structural Condition Assessments\2016\Kellogg Residence.doc

1808 E 22 ST Place No. 5192 — ID 15647

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Craftsman	ca. 1920	Roof material replaced	None visible	No previous local designations; Recommended eligible as a local landmark; Recommended contributing to a local historic district	No previous NRHP designations; Recommended individually eligible for the NRHP; Recommended contributing to a NRHP district

1902 E 22 ST Place No. 5255 — ID 15833

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	No style	1937	Fenestration altered, Porch altered, Windows replaced, Doors replaced	Side addition	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1904 E 22 ST Place No. 5253 — ID 15829

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House	No style	1988	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1905 B E 22 ST Place No. 6244 — ID 18909

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Minimal Traditional	1951	None visible	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1907 E 22 ST Place No. 6242 — ID 18897

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House	No style	2014	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1908 E 22 ST Place No. 5248 — ID 15813

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Duplex House - Bungalow	No style	ca. 2006	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

2000 E 22 ST Place No. 5245 — ID 15799

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Religious - Church	Modern	1967	Torn down April 2016	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

2004 E 22 ST Place No. 5244 — ID 15798

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Ranch	Ranch D1	1964	Doors replaced	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

2008 E 22 ST Place No. 5243 — ID 15797

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	No style	1987	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

2012 E 22 ST Place No. 5241 — ID 15793

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Duplex House	No style	2004	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

2100 E 22 ST Place No. 5238 — ID 15780

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	No style	1930	None visible	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

2101 E 22 ST Place No. 6241 — ID 18891

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Duplex House	No style	1972	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

	1618 E 6 ST Place No. 1136						ID 3566
	Type Commercial - Commercial Block - Two-part commercial block	Stylistic influences No style	Year built 1920	Alterations Doors replaced, Windows replaced, Fenestration altered	Additions Side addition	Previous and recommended local designations No previous local designations; Recommended contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended contributing to a NRHP district
	1620 E 6 ST Place No. 1132						ID 3553
	Type Commercial - Auto Repair Shop	Stylistic influences No style	Year built 1977	Alterations None visible	Additions None visible	Previous and recommended local designations No previous local designations; Recommended non-contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended non-contributing to a NRHP district
	1648 E 6 ST Place No. 1130						ID 3544
	Type Industrial - Industrial Fabrication Facility	Stylistic influences No style	Year built 1977	Alterations None visible	Additions None visible	Previous and recommended local designations No previous local designations; Recommended non-contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended non-contributing to a NRHP district
	1700 E 6 ST Place No. 1128						ID 3539
	Type Commercial - Commercial Box	Stylistic influences No style	Year built 1956	Alterations Porch altered	Additions Front addition	Previous and recommended local designations No previous local designations; Recommended contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended contributing to a NRHP district
	1701 E 6 ST Place No. 3725						ID 11281
	Type Commercial - Commercial Block - One-part commercial block	Stylistic influences No style	Year built 1977	Alterations None visible	Additions None visible	Previous and recommended local designations No previous local designations; Recommended non-contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended non-contributing to a NRHP district
	1702 B E 6 ST Place No. 1126						ID 3529
	Type Residential - Single-Family House - Modified Hipped-Roof Square-Plan	Stylistic influences National Folk	Year built 1920	Alterations None visible	Additions None visible	Previous and recommended local designations No previous local designations; Recommended eligible as a local landmark; Recommended contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended individually eligible for the NRHP; Recommended contributing to a NRHP district
	1705 E 6 ST Place No. 3727						ID 11283
	Type Residential - Single-Family House - L-Plan	Stylistic influences Folk Victorian	Year built 1900	Alterations Doors replaced	Additions None visible	Previous and recommended local designations No previous local designations; Recommended eligible as a local landmark; Recommended contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended individually eligible for the NRHP; Recommended contributing to a NRHP district
	1706 E 6 ST Place No. 1124						ID 3523
	Type Residential - Single-Family House - Bungalow	Stylistic influences Craftsman	Year built 1925	Alterations None visible	Additions None visible	Previous and recommended local designations No previous local designations; Recommended contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended contributing to a NRHP district
	1707 E 6 ST Place No. 3731						ID 11296
	Type Vacant	Stylistic influences No style	Year built No date	Alterations None visible	Additions None visible	Previous and recommended local designations No previous local designations; Recommended non-contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended non-contributing to a NRHP district
	1708 E 6 ST Place No. 1122						ID 3516
	Type Residential - Single-Family House - Bungalow	Stylistic influences No style	Year built 1920	Alterations Porch altered	Additions None visible	Previous and recommended local designations No previous local designations; Recommended contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended contributing to a NRHP district
	1709 E 6 ST Place No. 3729						ID 11290
	Type Residential - Single-Family House - L-Plan	Stylistic influences Folk Victorian	Year built 1905	Alterations Doors replaced, Windows replaced, Exterior wall materials replaced	Additions None visible	Previous and recommended local designations No previous local designations; Recommended contributing to a local historic district	Previous and recommended NRHP designations No previous NRHP designations; Recommended contributing to a NRHP district

D5

1180 NAVASOTA ST Place No. 4034 — ID 12200

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Hipped-Roof Square-Plan	National Folk	ca. 1910	Exterior wall materials replaced, Doors replaced, Roof material replaced	Multiple additions, Side addition, Rear addition	No previous local designations; Recommended not eligible for a local designation	No previous NRHP designations; No NRHP recommendations

1182 NAVASOTA ST Place No. 4033 — ID 12195

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	No style	1920	Doors replaced, Windows replaced, Exterior wall materials replaced, Porch altered	Rear addition	No previous local designations; Recommended not eligible for a local designation	No previous NRHP designations; No NRHP recommendations

1184 NAVASOTA ST Place No. 4032 — ID 12194

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Craftsman	1930	Exterior wall materials replaced, Windows replaced, Fenestration altered, Doors replaced	Side carport addition	No previous local designations; Recommended not eligible for a local designation	No previous NRHP designations; No NRHP recommendations

1186 NAVASOTA ST Place No. 4031 — ID 12191

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Tudor Revival, Craftsman	1939	Windows replaced, Doors replaced	Rear addition	No previous local designations; Recommended not eligible for a local designation	No previous NRHP designations; No NRHP recommendations

1188 NAVASOTA ST Place No. 4041 — ID 12222

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House	No style	2016	None visible	None visible	No previous local designations; Recommended not eligible for a local designation	No previous NRHP designations; No NRHP recommendations

1191 NAVASOTA ST Place No. 4195 — ID 12685

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Institutional - Office	Ranch	1950	None visible	None visible	No previous local designations; Recommended eligible as a local landmark	Previously listed individually on the NRHP; No further NRHP recommendations

1195 NAVASOTA ST Place No. 4193 — ID 12679

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Craftsman	1936	Windows replaced, Exterior wall materials replaced, Porch altered, Doors replaced	None visible	No previous local designations; Recommended not eligible for a local designation	No previous NRHP designations; No NRHP recommendations

1195 1/2 NAVASOTA ST Place No. 4192 — ID 12677

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House	No style	2002	None visible	None visible	No previous local designations; Recommended not eligible for a local designation	No previous NRHP designations; No NRHP recommendations

1208 NAVASOTA ST Place No. 4581 — ID 13835

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - L-Plan	Folk Victorian	1920	Windows replaced, Doors replaced	Rear addition	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1300 NAVASOTA ST Place No. 4597 — ID 13889

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Minimal Traditional	1925	Exterior wall materials replaced, Doors replaced	Rear addition	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

D19

1307 NAVASOTA ST Place No. 4823 — ID 14570

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House	No style	ca. 2000	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1308 NAVASOTA ST Place No. 4596 — ID 13887

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Craftsman	1939	Windows replaced, Doors replaced	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1705 E M L KING JR BLVD Place No. 4517 — ID 13641

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Modified Hipped-Roof Square-Plan	Craftsman	1930	Exterior wall materials replaced	Rear addition	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1707 E M L KING JR BLVD Place No. 4516 — ID 13632

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Craftsman	1935	Doors replaced, Porch altered	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

D27

1709 E M L KING JR BLVD Place No. 4515 — ID 13631

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Commercial	No style	1980	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1710 E M L KING JR BLVD Place No. 5095 — ID 15381

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Minimal Traditional	1940	Porch altered, Doors replaced	Side addition	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1800 E M L KING JR BLVD Place No. 5094 — ID 15371

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House	No style	ca. 1990	Doors replaced, Windows replaced	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1801 E M L KING JR BLVD Place No. 4509 — ID 13611

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	No style	1935	Doors replaced, Windows replaced, Exterior wall materials replaced	Rear addition	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1803 E M L KING JR BLVD Place No. 4508 — ID 13610

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Craftsman	1930	Doors replaced, Windows replaced, Porch altered	Rear addition	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1804 E M L KING JR BLVD Place No. 5092 — ID 15369

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House	Craftsman	2003	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

1805 E M L KING JR BLVD Place No. 4507 — ID 13607

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	Craftsman	1930	Doors replaced, Windows replaced, Porch altered	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1814 E M L KING JR BLVD Place No. 5135 — ID 15493

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Modified Hipped-Roof Square-Plan	National Folk	1927	Windows boarded, Doors replaced	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1814 E M L KING JR BLVD Place No. 5091 — ID 15368

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Residential - Single-Family House - Bungalow	National Folk	1927	Windows boarded, Doors replaced	None visible	No previous local designations; Recommended contributing to a local historic district	No previous NRHP designations; Recommended contributing to a NRHP district

1814 E M L KING JR BLVD Place No. 5090 — ID 15367

Type	Stylistic influences	Year built	Alterations	Additions	Previous and recommended local designations	Previous and recommended NRHP designations
Commercial - Commercial Strip	Modern	ca. 1965	None visible	None visible	No previous local designations; Recommended non-contributing to a local historic district	No previous NRHP designations; Recommended non-contributing to a NRHP district

Sadowsky, Steve

From: Kalila [redacted]
Sent: Monday, September 26, 2016 4:42 PM
To: Sadowsky, Steve
Subject: Fwd: input for hearing on demolition tonight! thanks for including this-
Attachments: City of Austin.docx

Planning and Zoning Department

Case Number HDP-2016-0570 PR-2016-096197

Steve Sadowsky

Austin, Texas 78767

Dear Planning and Zoning Department,

I am a neighbor near 2630 Oak Crest, which has been designated for demolition or removal from our neighborhood. This house has been in the neighborhood for about 75 years and is one of 3 similar homes that was built by a single stonemason who also lived on the street.

Too often, the history of a neighborhood is simply wiped clean as newer larger homes with more square footage and less land take their place. The lot in question also has 10 mature pecan trees and an open space that was full of poppies each year, and many other wildflowers as the seasons progressed. I would like to voice my objection to this "progress" and suggest that we reconsider how the history and the next steps for this property can be combined in a way that both allows for change and retains what is precious about this unique street in South Austin. Thank you for including my input. I was hoping to come to the hearing this evening but cannot due to family obligations.

Thank-you,

Kalila Homann

2709 Oak Crest Avenue

Austin, Texas 78704

512-441-8334