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Scheduled Meeting Disclosure Information:

In accordance with City of Austin Ordinance 20160922-005, responsibility of written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question as defined within City Code 4-8-2 for compensation on behalf of another person. Development Services Department has elected to implement an electronic survey as the methodology to provide the opportunity to record information as required of the department under Section 4-8-8 (E) of the City Code. Individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions included in the department survey available at the following link: [DSD Survey](#). Please note that all information provided is subject to public disclosure via DSD's open data portal.

For more information please visit:

[Click here to view City of Austin Ordinance 2016-0922-005](#)

[City Clerk's website](#)

[City Clerk's FAQ's](#)

From: [REDACTED]
Sent: Wednesday, July 05, 2017 9:53 AM

To: [REDACTED]
CC: [REDACTED]

Subject: FW: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

Good Morning, we understand that Mr. Roig may be out of the office. Could we ask for your assistance with these matters as the BOA guidelines include some involved deadlines on the appeal process?

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371
 [REDACTED]



From: [REDACTED]
 Sent: Wednesday, July 5, 2017 9:40 AM
 To: [REDACTED]
 Subject: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

Division Manager Roig,

I am the Applicant/Agent on record with the City of Austin for the 2005 Manana St site development application SP-2017-0082D. The Director has optioned our site plan application review to the BOA for hearing. We are requesting a "Health and Safety" inspection of the property in accordance with the attached BOA Community Guidebook provided by Ms. Heldenfels, and in conformance with LDC 25-2-476.

Please advise of actions necessary for scheduling this inspection, thanks!

Kindest Regards,

Rick Rasberry, CESSWI
 Lake Austin Boat Dock & Shoreline Permits
 512-970-0371
 [REDACTED]



[REDACTED]
 Sent: Thursday, June 29, 2017 2:06 PM
 [REDACTED]

Subject: RE: 2005 Manana St BOA Process

Hi Rick - I am attaching the BOA application and neighbor support petition form for your use on your potential upcoming case (you can also create your own letter to get signatures of support, if you prefer – you don't have to use this form). Here is a link to those forms online, I've heard from other customers that sometimes the auto fill feature of the applications doesn't work on this attached version, so they say you have to open it from our website:

http://www.austintexas.gov/sites/default/files/files/Planning/Applications_Forms/boa-general-variance-application.pdf

Once I receive the completed/signed application along with check for the fee of \$2,375.36 for residential zoned and a survey/drawing(s) showing existing, proposed, and surrounding structures (including parking and other impervious cover) then I can put your case on the next available agenda, currently the Board's 8/14 meeting **until 7/11** and then we'll start in-taking for the 9/18 meeting.

We have a map plan view on our GIS that can help you portray surrounding structures. See link to Property Profile map below under suggested evidence.

I will have to charge a \$582.40 re-notification fee if for some reason the variance application changes after the 1st required public notice has been mailed, so please endeavor to be clear and thorough about all of the variances you are requesting and advise from what sections of the Zoning ordinance you are applying for on the 1st page of the application. If you have not already done so, consider receiving a paid zoning consultation from residential review for your site/proposed structure prior to application to ensure you're asking for all the variances needed for your project. I've included a copy of the application for that consultation, and here's a link to it:

http://www.austintexas.gov/sites/default/files/files/Planning/Applications_Forms/res_review_consult_req_form.pdf

You can drop these items to my mailbox anytime the lobby is open from 8a-4:45p weekdays – you don't have to sign in for me during walk in hours of 9a-12p to drop off unless you'd like to go over questions that have arisen. The Board meets every 2nd Monday and I can put 16 new cases on each agenda before I have to roll to the next agenda or you can also request the 9/18 meeting when you make application if that date is preferable to you. It's always best to get your application in as soon as you can as the agenda order is made up by the order cases are received.

You can also mail these items to:

Leane Heldenfels
Board of Adjustment Liaison
City of Austin
1st Floor – Development Assistance Center
505 Barton Springs Road
Austin, TX 78704

I'll advise when I've received your application what agenda your case has been assigned to, then once you're assigned to an agenda you can forward your application and survey/drawing(s) to eben.kellogg@austinenergy.com for his review (separate from other AE reviews you may have received for subdivision or building permit review, submit to him for review even if you're not asking for a height or setback variance just so your case won't show up on his report as not reviewed – then the Board may postpone it). Let Eben know which agenda your case has been assigned to when you contact him.

Then you can start to email this strongly suggested evidence that they Board almost always likes to see on every case:

photos of the site and area (in addition to showing what is currently there, consider superimposing the type/height/scale of structure in the location that you'd like to build it);

neighbor and neighborhood association support (we will send an official notice 10 days prior to the hearing to property owners and utility customers 500 feet from the site, so it's good to contact these people and groups ahead of that being mailed, you can find neighborhood association contact information on our community registry on the online Property Profile map:

<http://www.austintexas.gov/GIS/PropertyProfile/>

Click on address search and see the community registry information listed. You can also use this map plan view to show the Board the surrounding structures required in the initial submittal. The owner info for surrounding properties is

taken from Travis County Appraisal District records/map if you want to refer to that site to find that information – we will do the mailing, but just if you want to see whom will be getting the notice;

tree and topo info - there is an elevation contour/topo info and tree canopy map plan view on the GIS viewer as well – though the Board often likes to see a tree survey to show root zones of existing trees in addition to canopy area;

elevations and floorplans of your proposed structure (or sketch drawing)of proposed – these don't have to be of a technical level to meet building permit application requirements, but for display purposes for the Board to get a better idea of your proposal;

cover letter to explain any extenuating circumstances (try to keep these out of the findings part of the application, keep those findings to just physical aspects/constraints/issues of the lot);

any other evidence you feel might help the Board understand your case, the physical hardship involved.

This suggested evidence can be emailed as a PDF or several PDFs up until 2 Mons prior to the hearing, so 7/31 for the 8/14 hearing (9/5 for the 9/18 meeting). If you have made revisions to your application (findings, agent, additional request, revised request, etc) send me a revised PDF of the final application on this date, too.

All evidence submitted will be reproduced into a 8 ½ x 11 black and white advance packet for the Board. If you'd like the Board to see anything in either full color or larger format, submit 9 sets of that info to my mailbox by same due date.

On Tuesday 8/1 (or 9/6)send me a PDF of all the final evidence (often times applicants make changes/revisions/additions - so now I just want a pdf of all the various final versions of evidence submitted so I'm sure I'm sending the Board the most up to date version of everything).

Then, you will need to prepare to present the case at the hearing. You will have 5 minutes to hone in on the main aspects of the case, you might want to save all of your evidence to a usb flash drive and we have an AV staff person that can help you project it and scroll through it as you speak.

The hearing will take place at City Hall Council Chambers starting at 5:30, though often times new cases aren't heard until after 7:30 pm and as late as 11pm, so eat before you come and bring work/reading material and don't worry if you don't arrive right at 5:30. We can validate parking for the garage below the building.

We will post an agenda and all of your evidence on the Board and Commission website after 10am on the Friday before the hearing at: [austintexas.gov/click on government/click on Boards and Commissions/click on Board of Adjustment, view website/click on agendas folder to the left of the page/click on correct agenda](http://austintexas.gov/click-on-government/click-on-Boards-and-Commissions/click-on-Board-of-Adjustment-view-website/click-on-agendas-folder-to-the-left-of-the-page/click-on-correct-agenda) – make a copy if you'd like to take it to the meeting to follow along, we don't have extra copies at the meeting – also, look at the back up for your case. Here's a link to that webpage as well:

http://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm

You can also look at this site to view old meeting videos to get yourself used to the way the meeting is run, the surroundings so you'll be prepared.

Within the backup see if anything is missing, if there is anything missing or new after 7/31 (or 9/5), bring 15 copies of it to the hearing. We also provide the Board a late back up packet that shows them all of the items received between when their packet is produced and noon the day of the hearing (mostly the public notice response forms), We download this late back up, too, but it won't show up on the website until after 4pm that day, so your copy at the meeting is probably best way to stay updated on what's been received on your case.

On the Tuesday after the hearing send me a PDF of any new evidence shown or submitted at the hearing (power point, revised or new evidence). Note that a high percentage of the time the Board postpones a case for various reasons, so you might want to count on at least one postponement in terms of your timeline planning for your project.

Then, once a 10 day period of reconsideration has passed (any interested party can request reconsideration of the Board's action within 10 days of the hearing), then we'll issue a decision sheet on your case that you can print out and include with any building permit or other application(s) you may have pending with the City. You can access the decision sheet at the website 2 Mondays after the hearing (so 8/28 for the 8/14 hearing or 10/2 for the 9/18 meeting) at: Austintexas.gov/click on development/click on Public search/input address and click submit/click on BA case/scroll down and view attachments, open and print the latest date DS (we do one after each postponement/action). Here's a link to that webpage as well:

https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp

Take care – advise of questions you may have after reviewing this material.

Leane Heldenfels

Board of Adjustment Liaison

[City of Austin Development Services Department](#)

One Texas Center, 1st Floor, Development Assistance Center

505 Barton Springs Road

Office: 512-974-2202



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Nos gustaría escuchar de usted. Por favor, tome un momento para [completar nuestra encuesta](#)

From: [REDACTED]
Sent: Thursday, June 29, 2017 1:41 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: 2005 Manana St BOA Process

Hi Leane,

Ms. Robinson has directed us (I'm Owner's Agent but Owner copied here) to contact you for the process. Could you kindly send us the application, process conditions, and fee structure so we can get this going with you?

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371
[REDACTED]



From: [REDACTED]

Sent: Thursday, June 29, 2017 12:22 PM

To: [REDACTED]

Cc: [REDACTED]

At: [REDACTED]

<[\[REDACTED\]](#)>

Av: [REDACTED]

<[\[REDACTED\]](#)>

Subject: RE: COA Variance Fee Invoices 2005 Manana St Appeal to Boards/Commissions

Rick,

Please see below...

Thanks,

Beth

From: Rick [REDACTED]

Sent: Wednesday, June 28, 2017 2:39 PM

Subject: COA Variance Fee Invoices 2005 Manana St Appeal to Boards/Commissions

Ms. Robinson,

Thank you for the detailed response and we would respectfully request the following items at this time, as follows:

1. COA Fee invoice for the Board of Adjustment application and variance process?
[Leane Heldenfels invoices and schedules when the applicant comes in with a complete application. LUR is not involved in the BOA process.](#)
2. COA Fee invoice for the Land Use Commission application and variance process (You noted that this "may be required")?
[If/when a variance is required, LUR invoices the variance fee and notification fee.](#)
3. Provide commensurate adjustments to the AMANDA data system allowing Applicant reasonable time to pay all required and essential COA fees per #1 and #2 above, and involve variance application(s) submittal(s) per COA procedures -- AMANDA currently classifies the project "inactive" with other fees purportedly due for "re-activation"?
[A variance will not waive the re-activation fee. However, if all other comments are cleared \(except those related to what needs a public hearing\), the tolling provision would apply, and the application would not expire.](#)

Kindest Regards,

Rick Rasberry, CESSWI

Rick Rasberry

From: [REDACTED]
Sent: Thursday, August 17, 2017 3:20 PM
To: [REDACTED]
Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

Leane,

We understand that the City's processing check-list for the "appeal application" may not necessarily call for an inspection based on the way COA has established the "form" for receiving information per 25-1-183. We do believe, however, that this communication should be shared with the law department as we believe the Board will want to know about the existing life safety conditions. This e-mail will represent our final request asking COA for inspection at 2005 Manana Street per 25-2-476 in good faith to share with the Board on 9/18/17.

I'm available to answer any other questions at this time.

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371
 [REDACTED]



From: Heldenfels, Leane [mailto:Leane.Heldenfels@austintexas.gov]
Sent: Thursday, August 17, 2017 2:46 PM
To: [REDACTED]
Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

You can apply for a life safety inspection for a structure that is covered by the building code (not sure if a bulkhead is covered by the building code), but I can confirm that the City does not require (different than formally denying your request) a life safety inspection for your pending interpretation appeal application. I'm not denying your right to ask for a life safety inspection/permit for any structures covered by the building code on your property, we just don't require it for this application.

Leane

From: [REDACTED]
Sent: Thursday, August 17, 2017 2:40 PM
To: Heldenfels, Leane
Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

Leane,

Please confirm that COA is formally denying the applicant's request for Safety Inspection at the 2005 Manana Street property regarding these "appeal" matters?

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371
rick@rickrasberry.com

From: [REDACTED]
Sent: Thursday, August 17, 2017 2:35 PM
To: [REDACTED]
Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

2nd, that "health and safety" conditions do not apply to the interpretation appeal you have filed.
I don't think we'll need legal staff to weigh in on that (what is, isn't a requirement of filing an application to appeal a staff interpretation).

Leane

From: [REDACTED]
Sent: Thursday, August 17, 2017 2:31 PM
To: Heldenfels, Leane
Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

Hi Leane,

Could you please forward this request to the law department for review and consideration – not sure if your saying that **COA will not perform the requested safety inspection** or that you believe that the "health and safety" conditions may not apply in this situation?

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
512-970-0371
rick@rickrasberry.com

From: [REDACTED]
Sent: Thursday, August 17, 2017 2:13 PM

[REDACTED]

Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

The Special exception is only for structural setback encroachments, not for bulkhead construction/determination.

Leane

From: Rick Rasberry [REDACTED]
Sent: Thursday, August 17, 2017 1:58 PM

To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

Hi Leane,

We believe that the application we presented on July 7, 2017 per LDC 25-1-183 would not limit the Board's power to act per LDC 25-192. The Board's action on an application per LDC 25-1-215 may in fact provide for approval of a "special exception", and the information we provided on the responsible director's "form" for the appeal per 25-1-183 should not be construed as limiting the appeal to "interpretation" only.

Considering the situational decision making options afforded to the Board, we would respectfully request that the "building official or responsible director" inspect the property now and identify any/all "health and safety" concerns. I'm available to answer any other questions at this time and we look forward to receiving the inspection results.

Kindest Regards,

Rick Rasberry, CESSWI
Lake Austin Boat Dock & Shoreline Permits
 512-970-0371
 [REDACTED]



From: Heldenfels, Leane [REDACTED]
Sent: Thursday, August 17, 2017 1:01 PM

Subject: RE: 2005 Manana St BOA Process -- Safety Inspection 25-2-476

Hi Mr. Rasberry – no health/life safety inspection is required for an interpretation appeal that you've applied for. The life safety inspection is only required as part of a Special Exception setback variance case.
 FYI –

Leane Heldenfels, Planner Senior
Board of Adjustment Liaison
[City of Austin Development Services Department](#)
 One Texas Center, 1st Floor, Development Assistance Center
 505 Barton Springs Road
 Office: 512-974-2202