

§ 25-1-212 - REPORT.

- (A) For an application for a variance or special exception requiring consideration by the Board of Adjustment, the building official shall prepare and file a report with the board not later than the 11th day before the public hearing.
- (B) For an application for a variance requiring consideration by the Land Use Commission, the responsible director shall prepare and file a report with the Land Use Commission not later than the 11th day before the public hearing.
- (C) The building official shall make a report described in this section available to the public when the report is filed with the Board of Adjustment or Land Use Commission.
- (D) This subsection applies to an application for a zoning variance or special exception for property zoned as a family residence (SF-3) or more restrictive district.
  - (1) The building official shall waive the application fee if the official determines that the variance or special exception is supported by the notice owners of 80 percent or more of the property located within 300 feet of the property for which the variance is sought.
  - (2) An applicant who seeks a fee waiver must:
    - (a) obtain the signature of each notice owner who supports the variance or special exception, on a form provided by the building official; and
    - (b) submit the completed form to the building official.

Source: Section 13-1-281 and 13-1-282; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20080110-106; Ord. 20110526-098.



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/page/development-assistance-applications#boa>

Once I receive the completed/signed application along with check for the fee of **\$3,230.24** 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 Th 11/8 hearing (a Th instead of Mon due to Veterans Day Observance on the 2<sup>nd</sup> Mon of that month, City Hall not open for public hearings/meetings on the usual Monday meeting day for that month). Or, as an alternative you can also request the Mon 12/10 hearing date if you prefer, as long as that application and required material are submitted no later than 11/13.

Display map of surrounding structures is **required** for application: 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 notes.

You can also submit a credit card payment or an electronic check payment and completed application and required information online by first registering at Austin + Build Connect site:

<https://austintexas.gov/page/austin-build-connect-abc>

After registering you can make application for a Board of Adjustment general and/or parking variance. Once the application is made and the pdf of the application form and separate pdfs of the required drawings are submitted, email me and I will confirm receipt of those items in our software system that will then allow you to go back in, open your account and pay your pending bill with your credit card. Once that payment is made/approved, I will see that in our software and be able to email you to confirm your hearing date.

A note to all applicants, I will have to charge a **re-notification** fee of **\$258.96** if for some reason the variance application changes after the 1st required public notice has been mailed, so be as clear and thorough about all of the variances you are requesting on your application form and advise from what sections of the Zoning ordinance you are applying for and provide all relevant numerical figures regarding your case.

After completing the application, if you don't want to file it online or prefer to do so in person, you can drop off a check for the fee and the completed application and required survey/drawings to my mailbox anytime the lobby is open from 8a-4:45p weekdays – you **do not** have to sign in for me during **walk in hours of 9a-12p** to drop off **unless you'd like** to go over questions you have about your case.

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 a certain meeting when you make application if a certain 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. Please **reply to that email and attach a non-edit protected pdf of the application and required material(s) not larger than 10mb each.** You can send 20mb attachment(s) per email, so this may take a couple of separate emails to achieve depending on the size of your information. We will add packet page numbers to this information, that is why it **needs to not be password protected.**

**Once you're assigned to an agenda** forward your required info (application and survey/drawing(s) to [eben.kellogg@austinenergy.com](mailto:eben.kellogg@austinenergy.com) for his review (this is a separate review from other AE reviews you may have/need to receive in the future for other applications like subdivision or building permit plan review). Please, 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 will postpone it). Let Eben know which agenda your case has been assigned to when you send him your email, he'll follow up as his time permits with questions or concerns he has about your application and he'll send a letter with his conditional approval a week before the hearing unless his schedule get delayed and then it will be not later than the Friday before the hearing.

After forwarding an electronic copy of the application and required info to Eben, then you can start to email me the strongly suggested evidence that the Board 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;

draft 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 an editable, unprotected PDF or several PDFs each up to 10mb in size as an attachment(s) up to 20mb in size (might take you a couple of emails to send me all) up until 2 Mons prior to the hearing, so Mon 10/29 for the 11/8 meeting (or Mon 11/26 for the 12/10 hearing). If you have made revisions to your application (findings, agent, additional request, revised request, etc) also 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 member that use paper packets, the other members who prefer electronic packet will see all the information in the pdf format that you provide. If you'd like the paper packet Board members to see anything in either full color or larger format, submit **6 sets** of that info **to my mailbox** anytime the lobby is open by **same due date**.

Then, you will need to start preparing for your presentation of the case at the hearing. You will have 5 minutes to hone in on the main aspects of the case, you should save all of your evidence to a usb flash drive and we'll have an AV staff person present at the hearing that will help you project all your images as you speak, you will be given a remote that will let you scroll through the images as you speak as well. Think of it like a slide show you're using to tell your neighbors about the property – all the good and bad things that you've encountered when you've tried to move forward with adding the structure(s) to it. What have you learned along the way.

The hearing will take place at City Hall Council Chambers starting at 5:30. We can validate parking for the garage below the building so bring up your parking stub when you come.

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

NOTE: 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 better prepared for the proceedings, more at ease.

Within the backup see if anything is missing, if there is anything missing or new after 10/29 (or 11/26 for the 12/10 meeting), **bring 14 copies of it directly to the hearing and save it to your USB portal drive.** We provide the Board a late back up packet that shows them all of the items received between when their packet deadline occurred/was produced up until 10am the day of the hearing (mostly the public notice response forms and Neighborhood Associations responding to either the email generated by our software or the mailed notice ). We upload this late back up, too, but it won’t show up on the Board’s website until after 3pm that day of the hearing, **so do plan on going back to the Board’s website after 3pm the day of the hearing and looking at all the back-up - that is probably best way to stay updated, be prepared for what has been received and what the Board is seeing regarding your case.**

On the **Tuesday after the hearing** send me an editable PDF(s) up to 10mb in size each of any **new evidence** that was **shown or submitted at the hearing** (power point, revised and/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 or aggrieved party can request reconsideration of the Board’s action within 10 days of the hearing), 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.

This decision sheet will become part of the public information on your case, so you'll be able to also access it at the Public Search page of the City website/development tab 2 Mondays after the hearing (so 11/26 for the 11/12 meeting or 12/24 for the 12/10 meeting if your case gets postponed.

Here is a link to that page:

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://abc.austintexas.gov/web/permit/public-search-other>

## **Leane Heldenfels**

*Planner Senior – Board of Adjustment Liaison*

City of Austin Development Services Department

One Texas Center, 505 Barton Springs Road, 1st Floor, Development Assistance Center

Walk-in hours 9a-12p M-F

Office: 512.974.2202 Cell: 512.567.0106 (*personal, for meeting day & after hours emergency use only*)





## Order of Packet, case material

1. **Agenda** - take a look and advise if you will need to recuse from voting on any item. If recusing with cause we'll need to send you a form to sign in advance of the meeting, if recusing without cause we should be able to arrange for an alternate to serve in your place on the item. The case description on agenda is the same as case description that is sent in public notices 10 days prior to the hearing.
2. **Austin Energy Report** – each case is reviewed prior to the meeting, you can ask for a case to be postponed on the beginning of the meeting if you don't want to proceed hearing it without Austin Energy approval, or you can condition any vote on Austin Energy comments being met. Applicants are responsible for sending their case information to Austin Energy prior to the hearing.
3. **Cases** – separated by blue paper; numbered in upper right corner with agenda item number and page number.
4. **Case Order** – location map used in the public notice; area map if provided by applicant, not required in the application; decision sheets from past Board action; application and material submitted by applicant with application (we don't intake new material closer than 12 days prior to the hearing so public can view/have access to all materials Board is seeing); correspondence or items from staff, previous cases or files for the address; opposition or support letters from neighborhood associations and neighbors in date order received. If the applicant wants the Board to see any item in either full color or large format, you'll notice that this information has been slipped into the case. We make a pdf of this material for the case file for public review.
5. **At Hearing** – if there is new information that is created sooner than 12 days prior to the hearing that the applicant would like the Board to consider, they can bring 15 sets of that info to the hearing and we'll distribute prior to testimony and keep one copy for case file. Applicants often also bring a usb travel drive with all their case info on it so they can project the images they want to call the Board's attention to as they testify.
6. **Retaining Packet materials** – you can put materials in recycle containers on the dais or save for your records. Next month you will have a repeat of information on any postponed case. Set aside and leave on the dais any full color/larger format slip in materials on postponed cases and we'll reuse for next month.
7. **Binder** – you can bring a large binder to keep materials organized throughout the meeting, but the City cannot provide one for you.
8. **Electronic Packet** – hopefully we'll be trained by the next meeting to show you how to log in as guests at the Council Chamber and view the case materials online at the Board and Commission website. One advantage will be that you'll be able to see items in full color (if that's the way they were submitted) vs. the black and white reproduction that the paper copy requires. Another advantage is you'll be able to scroll into and out of documents so the size/scale of what's provided won't matter as much as the paper packet that can be hard to read at small scale, unclear reproduction quality. We'll transition so you'll have both to go by, hopefully at next meeting 8/10 (remember we meet every 2<sup>nd</sup> Monday of the month).