

**From:** [REDACTED]  
**To:** [Ramirez, Elaine](#)  
**Subject:** FW: 1401 East Third  
**Date:** Monday, May 11, 2020 2:34:48 PM

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My original email to City staff questioning the construction at 1401 E 3<sup>rd</sup>.

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**From:** [REDACTED]  
**Sent:** Wednesday, January 24, 2018 1:02 PM  
**To:** [DSD Help](#)  
**Cc:** [REDACTED]  
**Subject:** 1401 East Third

This message is from Jeff Thompson. [ bc-jeffrey.thompson@austintexas.gov ]

I sit on the Planning Commission and one of the residents in my district asked me about a new house going up at 1401 E 3rd Street, 78702.

It appears to have approved plans for less than the required set back, but there was never a BOA hearing or other variance. Can you please explain how they are allowed to build so close to another house and within the set back?

Jeffrey Thompson  
Boards and Commissions

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**From:** [REDACTED]  
**Subject:** FW: 1401 E 3rd Street  
**Date:** Monday, May 11, 2020 2:42:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[D5619B4E5E1648509A9623C8BE4D07E6.png](#)  
[8FF5708083434FEA868AB1891DEEC906.png](#)

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Several weeks later I'm still chasing the issue. You can see from the pictures that the development is still in early stages. The response is : inspector will notice.

To be told now that the inspector didn't raise the issue early enough is frustrating.

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**From:** [REDACTED]  
**Sent:** Friday, March 2, 2018 4:13 PM  
**To:** [REDACTED]  
**Subject:** Fwd: 1401 E 3rd Street

Jeff Thompson  
Planning Commission D3

Begin forwarded message:

**From:** "Johns, Renee" <[Renee.Johns@austintexas.gov](mailto:Renee.Johns@austintexas.gov)>  
**Date:** March 2, 2018 at 3:00:04 PM CST  
**To:** "Thompson, Jeffrey - BC" <[bc-Jeffrey.Thompson@austintexas.gov](mailto:bc-Jeffrey.Thompson@austintexas.gov)>, "Olsen, Dillon" <[Dillon.Olsen@austintexas.gov](mailto:Dillon.Olsen@austintexas.gov)>  
**Subject:** RE: 1401 E 3rd Street

Jeffrey,

Two things:

1. If it is too close, this will be called out by the inspector associated with this project-DeeAnn Afra
2. Fences are not always the determination of a lot line. Again, this inspector will look for this.

**Renee Johns**

*Planner Senior – Expedited Review*

[City of Austin Development Services Department](#)

One Texas Center, 505 Barton Springs Road, 7th Floor

Office: 512.974.2260



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**Scheduled Meeting Disclosure Information:**

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**From:** Thompson, Jeffrey - BC

**Sent:** Friday, March 02, 2018 9:59 AM

**To:** Johns, Renee <[Renee.Johns@austintexas.gov](mailto:Renee.Johns@austintexas.gov)>; Olsen, Dillon  
<[Dillon.Olsen@austintexas.gov](mailto:Dillon.Olsen@austintexas.gov)>

**Subject:** Re: 1401 E 3rd Street

But the foundation is easily less than 5 ft from the property line. Here is a picture of the actual building.



Jeff Thompson  
District 3  
Planning Commissioner

Office: 512-314-1830

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**From:** Johns, Renee  
**Sent:** Thursday, March 1, 2018 3:41:33 PM  
**To:** Thompson, Jeffrey - BC; Olsen, Dillon  
**Subject:** RE: 1401 E 3rd Street

Jeffrey,

This is an approved plan and there is a projection into the 5 foot setback. This is a common concern, but the code does allow for eaves and other incidentals to project 2 ft. into any setback, LDC 25-2-513 B. If you look at sheet A201, you can see the elevation view of the proposed residence. On this elevation, you can see the footprint of the building stops at the 5 ft. setback and the eaves project into the setback. Again this is an allowed and common design.

I hope this answers your question.

### **Renee Johns**

*Planner Senior – Expedited Review*

[City of Austin Development Services Department](#)

One Texas Center, 505 Barton Springs Road, 7th Floor

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**From:** Thompson, Jeffrey - BC

**Sent:** Thursday, March 01, 2018 3:08 PM

**To:** Johns, Renee <[Renee.Johns@austintexas.gov](mailto:Renee.Johns@austintexas.gov)>; Olsen, Dillon  
<[Dillon.Olsen@austintexas.gov](mailto:Dillon.Olsen@austintexas.gov)>

**Subject:** 1401 E 3rd Street

Hi Dillon,

I'm looking into a case on behalf of a district 3 constituent. She is concerned that

the house being built at 1401 E 3rd does not have a 5 foot side setback.

Looking at the plan (2017-043148 PR), it clearly shows that the house encroaches on the 5 foot set back line.

Can you tell me if this is in fact an approved plan and if so can you please explain why?

Thank you so much for your time.

Jeff Thompson  
District 3  
Planning Commissioner

Office: 512-314-1830

Jeffrey Thompson  
Boards and Commissions

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Jeffrey Thompson  
Boards and Commissions

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Jeffrey Thompson  
Boards and Commissions

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**From:** Ron Thrower  
**To:** [Ramirez, Elaine](#)  
**Subject:** RE: BOA Case C15-2020-0020  
**Date:** Monday, May 11, 2020 5:04:38 PM  
**Attachments:** [image001.png](#)

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\*\*\* External Email - Exercise Caution \*\*\*

Elaine,

Making sure the below got to BOA Membnrs for this case on for tonight. Let me know please.

Be smart. Be safe. Be kind.

**Ron Thrower**



[REDACTED]  
510 South Congress, Suite 207  
**Mail:** P.O. Box 41957  
Austin, Texas 78704

512-476-4456 office  
512-731-2524 cell



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**From:** Ron Thrower  
**Sent:** Monday, May 11, 2020 12:55 PM  
**To:** Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>  
**Subject:** BOA Case C15-2020-0020

Elaine,

Can you please forward this to all Board Members –



Board of Adjustment members,

For full disclosure, I am a registered Lobbyist with the City of Austin. I am not working for any paying client on this case, and none of my questions or comments are meant to be taken as lobbying. My questions and comments are only to gain clarity to the situation.

We were asked to review the materials for the above referenced case. While this does appear to be a surveying error, it would be helpful to understand a few items for this case:

1. Has the survey for which the error occurred been made public?
2. The new survey finds the property to be wider at the alley by 0.44' (33.97' from Building Permit set vs 34.41' from updated survey). The new survey only reflects the encroachments to the side setback but does not reflect distances to Navasota Street Right-of-way. In theory, with the building designed at 13'-10" in width coupled with the 2.77' setback of the building on the east property line, the distance to the Navasota Street Right-of-way on the southern end of the building should be +/-17.81'. Can this be verified?
3. Does the decreased setback create a fire hazard? Are non-combustible materials used along the eastern property line? Is the house sprinkled?
4. The building plans reflects two 36" doors opening outward on the east side of the proposed house. Did no one notice that the door did not open completely or was too close to the fence (assuming it is on the property line. No documentation appears to exist in the records showing the location of the fence.)

Again, this appears to be a surveyor error and it is unfortunate that it has reached this point. While it would be nice to have answers to the questions herein, we support any decision the BOA may reach for this case.

Be smart. Be safe. Be kind.

## Ron Thrower



510 South Congress, Suite 207

**Mail:** P.O. Box 41957

Austin, Texas 78704

512-476-4456 office

512-731-2524 cell



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**From:** Susan Benz  
**To:** [Ramirez, Elaine](#)  
**Cc:** [REDACTED]  
**Subject:** Fwd: BOA Case # C15-2020-0020 - I object  
**Date:** Tuesday, May 12, 2020 9:28:33 AM

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\*\*\* External Email - Exercise Caution \*\*\*

Elaine,

Good morning. I've just read the email from Jeff Thompson (below) who served many years on our neighborhood plan contact team. The fact that he pointed out the error in the layout of the foundation to the City early on and several times and no action was taken by Code Enforcement or Building Inspection is extremely unfortunate. My personal belief is that this case should be investigated as to where the failure to enforce the code took place so that it can be avoided again.

Please convey the message to the Board of Adjustment that the East Cesar Chavez Neighborhood Plan Contact Team is even more strongly opposed to any variance or waiver given to this project.

Most sincerely,

Susan Benz  
 Business Rep and Treasurer  
 East Cesar Chavez Neighborhood Plan Contact Team

**Susan Benz | Benz Resource Group**

1101 - B E 6th St - Medina Street Entrance  
 Austin, TX 78702  
 512-220-9542

*Keep Calm and Carry On ... and wash your hands!*

----- Forwarded message -----

**From:** Amy Thompson <[REDACTED]>  
**Date:** Mon, May 11, 2020 at 11:24 PM  
**Subject:** Fwd: BOA Case # C15-2020-0020 - I object  
**To:** David Brearley <[REDACTED]>, Susan Benz  
 <[b\[REDACTED\]](#)>, Pamela Colloff <[REDACTED]>

----- Forwarded message -----

**From:** Thompson, Jeffrey - BC <[REDACTED]>  
**Date:** Mon, May 11, 2020 at 1:22 PM  
**Subject:** BOA Case # C15-2020-0020 - I object  
**To:** Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
**Cc:** Amy Thompson <[REDACTED]>

I would like to strongly state my objection to the request for relief from set back requirements at 1401 E. 3<sup>rd</sup>. My neighbor Amy Thompson (no relation) pointed out the property to me early in its construction. It was clear from viewing the property that the builders were not abiding by the standard setback.

I wrote to City staff alerting them of the situation in January 2018 when the project was simply a foundation on the ground. Over the next weeks I sent several emails including photos of setback infringement. Each time I was assured by staff that if there were errors they would be caught at inspection.

I support changes to City code that will allow more and denser housing, especially in our City Core. I have also supported changes that allow streamlining of approval to make development easier. But I have never supported relaxation of laws that were intended to ensure the safety of our residents. To waive those requirements now would simply be allowing the creation of substandard housing because the developer and City made mistakes and do not want to pay the price for them.

Jeff Thompson

1408 Willow Street

Austin, TX 78702

Jeffrey Thompson  
Boards and Commissions

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**From:** Pamela Colloff  
**To:** [Ramirez, Elaine](#)  
**Cc:** [REDACTED]  
**Subject:** opposition to request in BOA Case # C15-2020-0020  
**Date:** Monday, May 11, 2020 11:49:08 AM

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\*\*\* External Email - Exercise Caution \*\*\*

Dear Ms. Ramirez:

I would like to express my strenuous opposition to the request for a setback variance in BOA Case # C15-2020-0020. My primary residence is located within 500 feet of 1401 E. 3rd Street, which is the property in question.

The structure at 1401 E. 3rd virtually abuts the neighboring property. The foundation is clearly FAR less than 5 feet from the property line.

This is an obvious fire hazard. It is not hard to imagine how a small fire could quickly consume multiple structures given their current proximity to each other. Allowing such a set back variance would be a clear danger to public safety, both for residents and first responders.

I would encourage you to look at this property in person, since it will immediately become clear to you--in ways that words and measurements cannot--why this is a hazard to our entire neighborhood.

I urge you to reject the request for a setback variance in BOA Case # C15-2020-0020. Thanks very much for considering this request.

Best wishes,

Pamela Colloff  
1305 E. 2nd Street  
Austin TX 78702

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