

**Ramirez, Elaine**

---

**From:** Jim Wittliff [REDACTED]  
**Sent:** Wednesday, July 07, 2021 10:11 AM  
**To:** Ramirez, Elaine  
**Cc:** Amir Kalantari  
**Subject:** Re: REMINDER: Speaker Registration Deadline for Mon. July 12, 2021 BOA. mtg.

Elaine,

Austin Energy estimates it will take up to 23 weeks (5.75 months) to move the overhead line. Therefore, I think this BOA hearing will need to be postponed until the first BOA hearing date of 2022. I will pay the \$302.64 renotification fee, but I am paying it under protest, because this is Austin Energy's delay, not ours or the property owner's. It doesn't seem fair that the property owner needs to pay because Austin Energy has such ridiculously long timeframes to move a simple wire.

Please tell the Board that Austin Energy's schedule requires us to postpone this case until the January 2022 hearing date.

Thank you,

Jim Wittliff

---

**From:** "Ramirez, Elaine" <Elaine.Ramirez@austintexas.gov>  
**Date:** Tuesday, July 6, 2021 at 2:06 PM  
**To:** Jim Wittliff <[REDACTED]>  
**Subject:** RE: REMINDER: Speaker Registration Deadline for Mon. July 12, 2021 BOA. mtg.

Hi Jim the Board will not want to move forward without an approval from AE. Do you have a date or month on when this approval could take place?

The reason asking is they are not going to grant a Postponement each month, the Board is going to want a date. And if it is more than 60 days then a re-notice will need to be sent out, which include a re-notice fee that needs to be paid of **\$302.<sup>64</sup>**

I think it is best you request a Postponement but with a date set as well. These are our next available BOA mtgs.

BOA Mtg. Schedule 2021  
(BOA meets on the 2<sup>nd</sup> Monday of the Month)  
Aug. 9  
Sept. 13  
Oct. 11  
Nov. 8  
Dec. 13

**Respectfully,**  
**Elaine Ramirez**  
*Planner Senior / Board of Adjustment Liaison*  
City of Austin Development Services Department  
6310 Wilhelmina Delco Dr, Austin, Texas 78752  
**Office:** 512-974-2202



**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

*Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)*

---

**From:** Jim Wittliff [REDACTED]  
**Sent:** Tuesday, July 06, 2021 1:30 PM  
**To:** Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>  
**Subject:** Re: REMINDER: Speaker Registration Deadline for Mon. July 12, 2021 BOA. mtg.

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

Elaine, My BOA powerpoint presentation is attached. However, I am confused regarding whether the Board can act on this case, since Austin Energy stated that an overhead electric line will need to be rerouted before AE can recommend approval of the variance. AE only recently provided a cost to relocate the line, which our client has to pay to AE before they will do the work.

Should this case be postponed again until the overhead electric line is rerouted?

Jim Wittliff

---

**From:** "Ramirez, Elaine" <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
**Date:** Tuesday, July 6, 2021 at 12:41 PM  
**Cc:** "Ramirez, Diana" <[Diana.Ramirez@austintexas.gov](mailto:Diana.Ramirez@austintexas.gov)>  
**Subject:** REMINDER: Speaker Registration Deadline for Mon. July 12, 2021 BOA. mtg.

Good afternoon Applicants on the Mon. July 12<sup>th</sup>, 2021 BOA mtg. Agenda, Regardless if you went before the Board last month or previous months, I will still need you to register to speak at the meeting, if you do not register you will not be able to call in and the Board can either Postpone or Deny your case.

Also the deadline for Presentations was yesterday, but because it was a City Holiday, IT is giving us to 3p.m. today to turn in all Presentations, please e-mail me your Presentation as well before 3p.m. today along with Speaker Registration information.

**Please read this entire e-mail**



The deadline to submit Speaker Information (who will speak at the meeting and/or available for questions) is **Tuesday, July 6<sup>th</sup>, before 3p.m.**

# D-1/3-LATE BACKUP

## July 12<sup>th</sup> BOA Deadlines

Please make sure that when submitting the Advanced Packet and the Presentation that each is labeled as such

The deadline for Opposition and Support letters is **Mon. July 12<sup>th</sup>, before 9:00a.m.**

**Applicant Speaker Registration:** If you will be speaking/giving presentation or be on the list for the Board to possibly call on you for questions I will need the following information:

**No late Speakers will be accepted** after 3p.m. on Tues. July 6<sup>th</sup>.

1. Name of speaker (Primary) to give presentation on BOA Case, are you the applicant, Homeowner, Land Surveyor, Architect, etc. I will need the primary speaker listed as Primary.
2. Addtl. possible Speakers name(s) and who they are
3. Address of BOA Case
4. Case #
5. A good phone number, if you have a landline this will be the best phone number to provide? It has to be the phone number that the Speaker will be calling from on Monday July 12<sup>th</sup>, 2021 to speak at the meeting (**it cannot be a different number, your call will not be accepted**). Once you send me the number it cannot be changed, it is sent to City Clerk's office to accept the calls
6. E-mail Address, it will need to be an e-mail address that the Speaker will be able to easily access his/her e-mails?

**Please note:** Any late support that will be accepted after this deadline date of June 25<sup>th</sup>, 2021 will **only** be for Opposition and Support letters for this case. Support and Opposition Letters can be received up to Monday, July 12<sup>th</sup>, **before 9a.m.** in order for the Board to have access to them during the meeting. Anything after the deadline will not be viewed by the Board but will be added to the BCIC website.

Respectfully,

Elaine Ramirez

Planner Senior / Board of Adjustment Liaison

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Office: 512-974-2202



**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

## 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 10 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/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

**Case Number: C15-2020-0038**

**Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)**

**Public Hearing: Board of Adjustment; July 12<sup>th</sup>, 2021**

*Your Name (please print)*

BHN HAY  
2201 Woodmont

☒ I am in favor  
☐ I object

*Your address(es) affected by this application*

*Signature*

*Date*

Daytime Telephone:

Comments:

D-1/4-LATE BACKUP

**If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to COVID-19 and social distancing):**

Elaine Ramirez

Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)



## 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:

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 10 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/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

**Case Number: C15-2020-0038**

**Contact:** Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

**Public Hearing: Board of Adjustment; July 12<sup>th</sup>, 2021**

ADREN MCKENZIE

*Your Name (please print)*

2505 Enfield Rd. #9 78703

*Your address(es) affected by this application*

1

Signature \_\_\_\_\_

Daytime Telephone: 512 923 2790

**Comments:**

**If you use this form to comment, it must currently be returned via email (as we do not have access to our mail due to COVID-19 and social distancing):**

Elaine Ramirez

Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

~~D-1/5-LATE BACKUP~~

**Ramirez, Elaine**

---

**From:** Molly Nefkens [REDACTED]  
**Sent:** Wednesday, July 07, 2021 9:30 PM  
**To:** Ramirez, Elaine  
**Subject:** Comments for hearing on case # C15-2020-0038

Hi Elaine,

Please include these comments in the hearing relating to case# C15-2020-0038:

We are the owners of 1403 Possum Trot Street. We are not opposed to the new owners of 1409 Possum Trot creating 2 lots from the current single lot. We understand that the stand alone single dwelling at the back of the property is currently not in compliance with the city's 10 foot set back regulation, and that this will be overlooked in creating the additional lot. This is not a problem so long as this 5 foot set back is not viewed by owner or city as a precedent which can be perpetuated should construction or renovations take place now or in the future. If this new variance allows the owners to bypass city mandated set back distances in the future for new construction or for renovations, then we do oppose this variance.

Sincerely,

Molly & Mike Nefkens  
650-644-5053

On Jul 7, 2021, at 7:31 AM, Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote:

Good morning Molly,

As stated before the Applicant's contact information is there in case the public has further questions and wishes to contact the applicant to gather more information.

If you have any support comments or opposition comments you want the Board to read/see you can forward that to me and label as such. As stated on the Notice you will need to submit that to me before 9a.m., Monday, 7/12 in order for the Board to view it at the meeting.

**Respectfully,**

**Elaine Ramirez**

*Planner Senior / Board of Adjustment Liaison*

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

**Office:** 512-974-2202

<image001.png>

# D-1/7-LATE BACKUP

**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

*Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)*

---

**From:** Molly Nefkens [m [REDACTED]]  
**Sent:** Tuesday, July 06, 2021 6:44 PM  
**To:** Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
**Subject:** Re: case # C15-2020-0038, 1409 Possum Trot Street

Okay, thanks. The documents only show phone numbers of the applicants but not emails. Is it okay if I phone them to make inquiries? And are you able to pass along my comments to the hearing on the 12th or I must I provide my comments via a different path?

Thanks,

Molly

On Jul 6, 2021, at 4:38 PM, Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote:

Hi Molly,  
If you have questions on what the applicant is proposing to do, you can contact them directly. Applicant contact information is on the Notice for anyone that may have further questions for them. The Liaisons are not Plan Reviewers so we do not know what they are proposing to do, in other words we are not part of the Plan Review process.

**Respectfully,**  
**Elaine Ramirez**  
*Planner Senior / Board of Adjustment Liaison*  
City of Austin Development Services Department  
6310 Wilhelmina Delco Dr, Austin, Texas 78752  
**Office:** 512-974-2202  
<image001.png>

**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

*Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)*

---

**From:** Molly Nefkens [m [REDACTED]]  
**Sent:** Tuesday, July 06, 2021 3:44 PM  
**To:** Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
**Subject:** Re: case # C15-2020-0038, 1409 Possum Trot Street

Hi Elaine,

## D-1/8-LATE BACKUP

Thanks for the link with further info about this variance request. I need a little help further understanding if this petitioner wants to do construction (does not appear so) or if they are merely asking to divide the lot and leave things as-is? We would be fine with this, but not fine with anything that would establish a precedent for any future construction on this lot. In other words, fine to leave things as-is and divided the lot into 2 parcels, but if later renovations or construction occur, those improvements must meet current code.

Can you please advise if I am understanding this correctly?

Thanks,

Molly

On Jul 6, 2021, at 12:27 PM, Ramirez, Elaine  
<[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)> wrote:

Hi Molly,  
You can view all that is submitted for the above case at the following link [https://www.austintexas.gov/cityclerk/boards\\_commissions/meetings/15\\_1.htm](https://www.austintexas.gov/cityclerk/boards_commissions/meetings/15_1.htm), it is item # D-1. Once you have taken a look you can e-mail your Support or Opposition for this case.

**Please note:** Any late support, Support and Opposition Letters can be received up to Monday, July 12<sup>th</sup>, **before 9a.m.** in order for the Board to have access to them during the meeting. Anything after the deadline will not be viewed by the Board but will be added to the BCIC website.

**Respectfully,**  
**Elaine Ramirez**  
*Planner Senior / Board of Adjustment Liaison*  
City of Austin Development Services Department  
6310 Wilhelmina Delco Dr, Austin, Texas 78752  
**Office:** 512-974-2202  
<image001.png>

**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

---

**From:** Molly Nefkens [m]  
**Sent:** Tuesday, July 06, 2021 11:01 AM  
**To:** Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](mailto:Elaine.Ramirez@austintexas.gov)>  
**Subject:** case # C15-2020-0038, 1409 Possum Trot Street



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

Hi Elaine,

I am the homeowner at 1403 Possum Trot Street and understand there will be a hearing on July 12th regarding approving a new rear setback for the property at 1409 Possum Trot Street. I investigated this issue online but am still unsure of what is being decided. Is this a ruling to allow the setback to remain as it is outside of the 10 foot minimum requirement or is the city asking the new owner to come into compliance and remove the dwelling to make it within the 10 foot setback requirement?

We would not seek to have the new owner remove any existing structures, however we are opposed to allowing additional construction that would be less than the code allowance of 10 feet minimum setback. And, we are opposed to any decision which would allow future construction the right to a reduced setback. Are you able to help us better understand what is being asked for by the new owner of this property?

I am traveling outside the country at the time of the Monday July 12th hearing and will not be able to join by zoom to hear/participate, so any advance information you are able to provide is appreciated.

Thanks and best regards,

Molly Nefkens  
650-644-5053

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

Wednesday, July 07, 2021

Hi Elaine,

Please include these comments in the hearing relating to case# C15-2020-0038:

We are the owners of 1403 Possum Trot Street. We are not opposed to the new owners of 1409 Possum Trot creating 2 lots from the current single lot. We understand that the stand alone single dwelling at the back of the property is currently not in compliance with the city's 10 foot set back regulation, and that this will be overlooked in creating the additional lot. This is not a problem so long as this 5 foot set back is not viewed by owner or city as a precedent which can be perpetuated should construction or renovations take place now or in the future. If this new variance allows the owners to bypass city mandated set back distances in the future for new construction or for renovations, then we do oppose this variance.

Sincerely,

Molly & Mike Nefkens  
650-644-5053