



City of Austin
Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

October 7, 2015

Dr. Fred L. McGhee, Ph.D.
2316 Thrasher Lane
Austin, TX 78741

Re: Appeal of Rosewood Courts decision by the Historic Landmark Commission

Dear Dr. McGhee:

Sorry for the delay in my response. I am following up on your appeal of the Historic Landmark Commission's failed motion to initiate a historic zoning case on Rosewood Courts. Please be advised that the Land Development Code governs appeals from Commission actions. Section 25-11-247 of the Land Development Code specifies the decisions of the Historic Landmark Commission which may be appealed by an interested party:

"[A]n interested party may appeal an action of the commission under §25-11-243 (Action on a Certificate of Appropriateness) or §25-11-244 (Action on a Certificate of Demolition or Removal), or an action of the building official under §25-11-245 (Issuance of Certificate by Building Official) to the Land Use Commission."

The Historic Landmark Commission entertained a motion to initiate a historic zoning case on Rosewood Courts; however, that motion failed to pass by a quorum vote. The vote by the commission was 3-3-1.

The failed motion by the Historic Landmark Commission does not fall under any of the definitions of actions set forth in the Land Development Code as appealable decisions. There was no action on: 1) a Certificate of Appropriateness; 2) on an application for demolition or relocation; or 3) an action by the Building Official regarding the issuance of an application for a Certificate of Appropriateness, demolition, or relocation. The Historic Landmark Commission has discretionary authority to initiate historic zoning cases where appropriate; their failure to do so does not provide the remedy of appeal under the City Code.

If you would like to further discuss the concerns stated in your letter or your appeal request please contact me via my email address at greg.guernsey@austintexas.gov or by phone at 512-974-2387.

Sincerely,

Gregory I. Guernsey, AICP, Director
Planning and Zoning Department

xc. Jerry Rusthoven, Zoning Manager
Steve Sadowsky, Historic Preservation Officer