

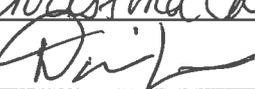
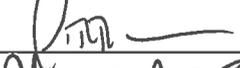
PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

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	SIGNATURE	PRINTED NAME	ADDRESS
1		Jonathan Donaruma	1904 Inverness Blvd
2		Dylan Williams	1710 Saint Albans Blvd
3	Christina Carson	Christina Carson	1708 St. Albans Blvd
4		DAVID JONES	1706 St. Albans Blvd
5	Thomas Edwards	Thomas Edwards	1300 St. Albans Blvd
6		LINDA RYNCAUME	5218 Kings Hwy.
7	Dianna Groves	Dianna Groves	5219 Kings Hwy.
8	Monika Wagner	Monika Wagner	1707 St Albans
9	Susan L Hickman	Susan Hickman	1802 St. Albans
10		ZACH BLAIR	1709 Fair Oaks
11		CECILIA MIRELES	1709 FAIR OAKS DR
12		JOHN THORNE-THOMSEN	1902 INVERNESS BLVD
13	Meila W Thorne-Thomsen	Meila W Thorne-Thomsen	1902 Inverness Blvd
14	Alanna Dayton	Alanna Dayton	1905 Inverness Blvd
15			

DATE: 02/10/2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

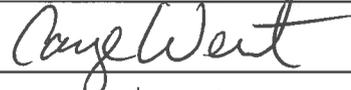
PETITION

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Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		Dave Chakos	1807 Inverness Blvd
2		CARYE WEST	1807 Inverness Blvd
3		BEN CROSS	1709 INVERNESS
4	 <small>Ben Chinisci</small>		5211 St Georges Grm.
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DATE: 02-02-2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

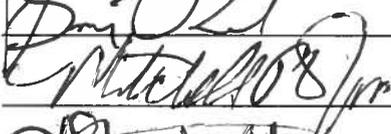
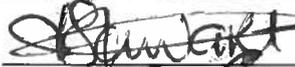
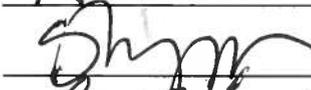
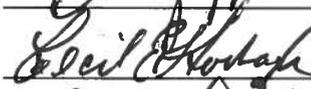
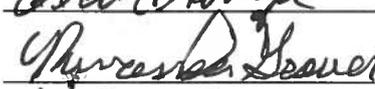
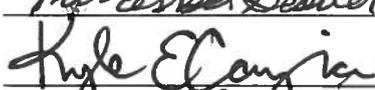
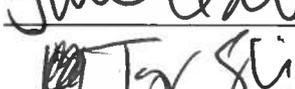
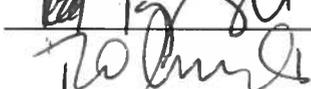
PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		BRYAN PAUL	1906 INVERNESS
2		MITCHELL P. EPPS	1907 SAINT ALBANS
3		MURIEL STEWART	1905 ST ALBANS
4		DEANNA CRENSHAW	1807 ST. ALBANS
5		KATHRYN FISCHER	1801 ST ALBANS
6		SHAYNA BLACKMAR	1705 ST ALBANS
7		CECIL HARBAUGH	1703 ST. ALBANS
8		MIRIAM A GROVER	5229 Kings Highway
9		Kyle Canzian	5223 Kings Hwy
10		DANIEL BENNIS	5221 Kings Hwy
11		June Clark	5214 Kings Highway
12		David A. Stein	1901 St. Albans Blvd
13		R. Olmedo	1704 Inverness
14			
15			

DATE: 02/10/2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		STANLEY REEDER	1907 S Alibans Blvd. 787
2		PEEP LAJA	5403 KINGS HWY
3		Kate David	5407 Kings Hwy
4		Jorge L Farias	5505 Kings Hwy
5		Brad Kuhn	5307 Kings Hwy
6		DONNA ACUNIV	5502 Kings Hwy
7		Jacob Mill	1705 Brittany
8		Zachary Torres	5404 Kings Hwy
9		David A. Stein	1900 Inverness Blvd
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DATE: 02/02/2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		GREGORY DAYTON	1905 INVERNESS BLVD AUSTIN TX
2		Skye Best	1800 Inverness Blvd.
3		Merry Fischer	1706A Brittany Blvd
4		Jeantair Horvillac	1706 Inverness Blvd
5		Wayne Jasienowski	1701 Inverness Blvd
6		Elizabeth Cogwin	1705 Inverness Blvd
7		Martha Teague	1711 Inverness Blvd
8		Ashley Wall	1803 Inverness Blvd
9		Brian Andrade	1804 Inverness Blvd
10		Carolyn McCormick	5401 Kings Hwy
11		Jillian	5401 Kings Hwy
12		William Barjaks	1808 Inverness Blvd.
13		James Chambers	1903 Inverness BLVD
14		PHILIP M. COCITRAN	1900 St. Albans Blvd
15		NANCY BUSSEY	1804 St. Albans Blvd

DATE: 02/10/2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		John S. Loera	1906 ST. ALBANS BL 78745
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DATE: 02.16.2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

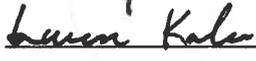
PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		ANTONY Ferrucci	1703 Inverness Blvd. Austin, TX 78745
2		LAUREN KAHAN	1703 Inverness Blvd. Austin, TX 78745
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DATE: 02.25.2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

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SIGNATURE

PRINTED NAME

ADDRESS

	SIGNATURE	PRINTED NAME	ADDRESS
1	<i>Maxine Phillips</i>	MAXINE PHILLIPS	1801 Inverness Blvd
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DATE: 2.25.19

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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01.20.2017
P 9:40 AM
E.M.

SIGNATURE

PRINTED NAME

ADDRESS

1	<i>Elizabeth M. Mosley</i>	ELIZABETH M. MOSLEY	1802 INVERNESS BLV
2	<i>George E. Mosley</i>	GEORGE E. MOSLEY	AUSTIN, TX 78745

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14 _____

15 _____

DATE: 02.25.2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		Jill Pakoyl	1704 Inverness Blvd
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DATE: 02.26.2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

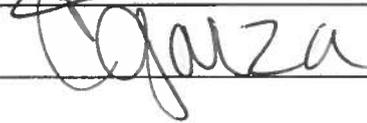
PETITION

Address of
Rezoning Request: 1907 Inverness Blvd

File Number: C14-2018-0141

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	SIGNATURE	PRINTED NAME	ADDRESS
1		Stacy Cross	1709 Inverness Blvd
2		Ben Cross	1709 Inverness Blvd
3		C Garza	1707 Inverness
4			
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DATE: 02.26.2019

CONTACT NAME: GREGORY DAYTON
PHONE NUMBER: (512) 888 - 9655

PETITION

Case Number:

C14-2018-0141

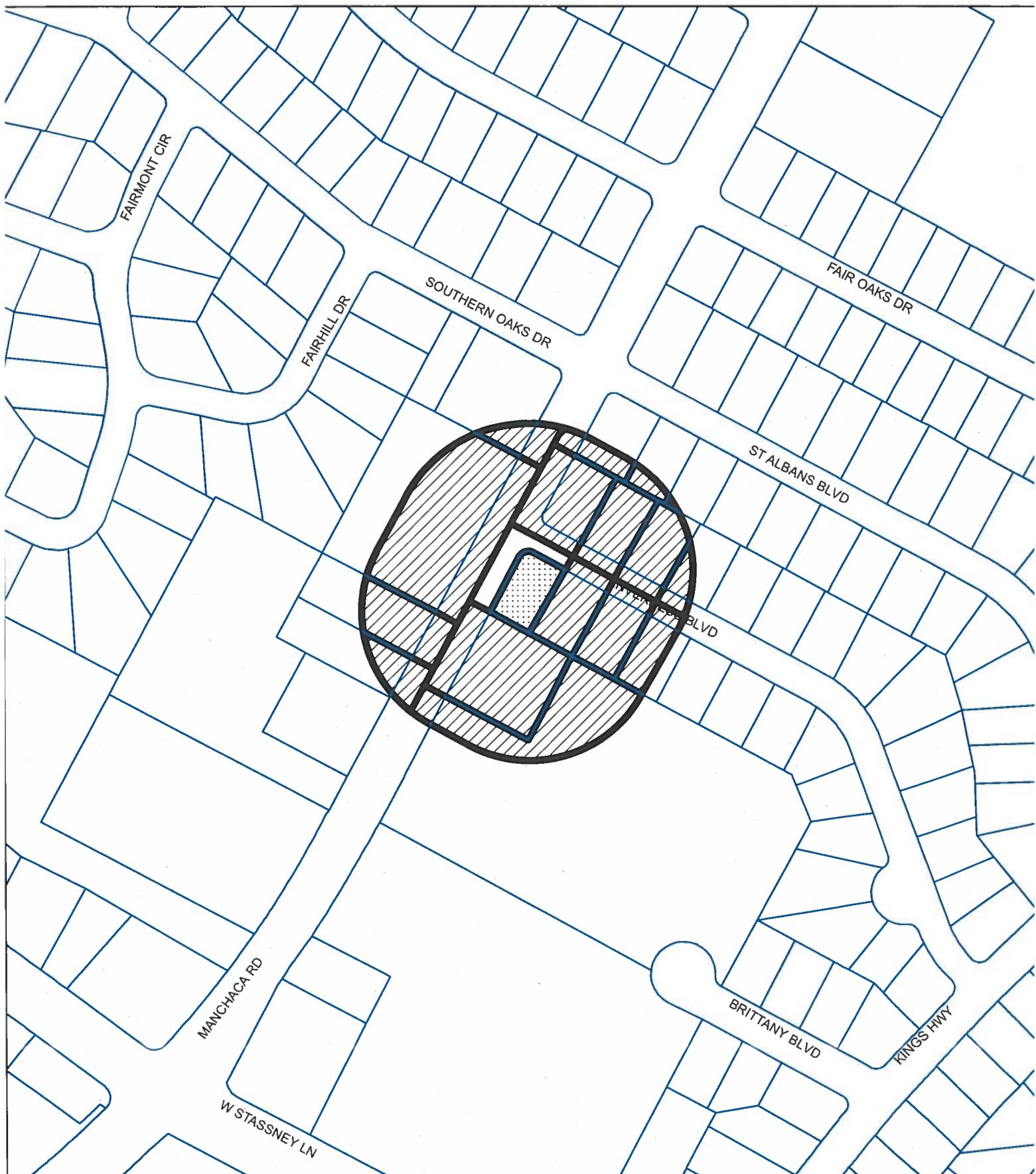
Date: 2/13/2019

Total Square Footage of Buffer: 198322.9698

Percentage of Square Footage Owned by Petitioners Within Buffer: 33.34%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0411130927	1902 INVERNESS BLVD 78745	2017 THORNE-THOMSEN FAMILY TRUST	yes	9900.01	4.99%
0411131003	1903 INVERNESS BLVD 78745	CHAMBERS JAMES N JR	yes	10355.35	5.22%
0414110101	5318 MANCHACA RD 78745	CROCKETT CENTER PARTNERSHIP	no	43305.89	0.00%
0411130903	1903 ST ALBANS BLVD 78745	CROUCH WILLIAM C & JORDAN C	no	198.19	0.00%
0411131002	1905 INVERNESS BLVD 78745	GREGORY & ALANNA DAYTON REVOCABLE LIVING TRUST	yes	10296.62	5.19%
0411130901	1907 ST ALBANS BLVD 78745	EPPS MITCHELL P & STACEY C REEDER	yes	4298.90	2.17%
0411130928	1904 INVERNESS BLVD 78745	DONARUMA JONATHAN RALPH	yes	10368.34	5.23%
0413140214	5401 MANCHACA RD 78745	KAF II DEVELOPMENT COMPANY	no	27239.64	0.00%
0412110905	5300 MANCHACA RD 78745	MACAULEY MARK A	no	4996.21	0.00%
0411130929	1906 INVERNESS BLVD 78745	PAUL BRYAN & JENNIFER	yes	15601.78	7.87%
0411130926	1900 INVERNESS BLVD 78745	STEIN DAVID A & LEIGH H	yes	3425.67	1.73%
0411130902	1905 ST ALBANS BLVD 78745	STEWART ROBERT CHARLES & MURIE MURIEL RADISSON-STEWART	yes	1874.16	0.95%
0413140213	5413 MANCHACA RD 78745	TPI CHANNINGS MARK LTD	no	25101.43	0.00%
0414110103	5408 MANCHACA RD 78745	ZAPDAK INC	no	5962.65	0.00%
0414110102	5404 MANCHACA RD 78745	ZAPDAK INC	no	11644.62	0.00%
0411131004	1901 INVERNESS BLVD 78745	ZAPFFE CARL	no	6974.47	0.00%
Total				191543.92	33.34%



PETITION

Case#: C14-2018-0141



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1" = 200'

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



January 22, 2019 Planning Commission Agenda Question and Answer Report

- 14. Rezoning:** [C14-2018-0141 - 1903 Inverness Zoning Change; District 5](#)
Location: 1903 Inverness Boulevard, Williamson Creek Watershed; South Manchaca Combined (South Manchaca) NP Area
Owner/Applicant: Marquee Investments, LLC (Alex Bahrami)
Agent: Austex Building Consultants (Jonathan Perlstein)
Request: SF-3-NP to LO-MU-NP
Staff Rec.: **Recommended**
Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

Question: Commissioner McGraw

Could you send the NP document that shows the Transition Zone? Is this part of the FLUM?

Is this why there was no city sponsored meeting?

I see that the next door neighbor objects. Did others weigh in?

Answer: Staff

Link to the Character District Map (also known as the FLUM) for the South Manchaca NP Area.

ftp://ftp.ci.austin.tx.us/npzd/Austingo/SACNPChar_districts.pdf

The rezoning to LO-MU-NP is allowed within the Neighborhood Transition District (as info, it allows for the SF-5, SF-6, MF-1, MF-2, MF-3, NO and LO base districts), so there is not a change in the Character District Map, and hence, not a requirement for a City sponsored meeting.

Staff has been in contact with the adjacent and across Inverness Boulevard neighbors.

Question: Commissioner McGraw

So when you say the neighbors have been in contact, do you know whether they support this? Are there any other reply sheets?

Answer: Staff

Two other adjacent neighbors have provided response sheets as of this morning and are opposed to the rezoning ([link to late backup](#)). Staff is in the process of answering emails from a group of residents on Inverness Boulevard.

February 26, 2019 Planning Commission Agenda Q&A Report

- 6. Rezoning:** C14-2018-0141 - 1907 Inverness Zoning Change; District 5
Location: 1907 Inverness Boulevard, Williamson Creek Watershed ; South Austin Combined (South Manchaca) NP Area
Owner/Applicant: Marquee Investments, LLC (Alex Bahrami)
Agent: Austex Building Consultants (Jonathan Perlstein)
Request: SF-3-NP to LO-MU-NP
Staff Rec.: **Recommended**
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Planning and Zoning Department

Question: Commissioner McGraw

The staff states that the property was used for a commercial use for many years. Is that suggesting that after a certain amount of time that an illegal use becomes legal? I have always thought that a use established without proper zoning and permits is illegal. I don't know of any situation where a single family use was legal for commercial unless it was previously zoned commercial or constructed prior to 1931.

Also, there is a comment that the pavement existed by 1986 and is likely non-conforming. this would mean it was placed there legally at some point. Same comments as above.

Both of these situations are illegal. I know the neighbors have brought this up, but why would staff use this as a basis for recommending a zoning change?

Answer: Staff

- 1) As explanation, I am conveying information about a previous use of the property.
- 2) I am conveying information that the parking lot existed in 1986, based on aerial photography taken that year. Council adopted the Comprehensive Watershed Ordinance in 1986 and established site plan requirements at that time. Impervious cover in place before adoption of the Comprehensive Watershed Ordinance is considered grandfathered, hence my response that the parking area is likely a non-conforming structure.
- 3) The basis for Staff's recommendation of the Applicant's request is its location in the Neighborhood Transition character district which encourages small scale offices of the adopted Neighborhood Plan.

Rhoades, Wendy

From: McGraw, Karen - BC
Sent: Tuesday, February 26, 2019 1:47 PM
To: Walters, Mark
Cc: Rivera, Andrew; Rhoades, Wendy
Subject: Re: 1907 Inverness

Mark,

Thanks for getting back to me. My understanding is that the commercial uses on this particularly lot has been operated without zoning or permits.

Karen McGraw
District 9 Planning Commissioner

On Feb 26, 2019, at 1:27 PM, Walters, Mark <Mark.Walters@austintexas.gov> wrote:

Karen,

I wasn't heavily involved with the plan's development since I live in the area and due to conflict of interest concerns I could not directly participate and nobody who worked on the plan still works for the City. That said, from reading the plan and talking to my wife (who represented our household in the planning process) I can discuss as to why the Neighborhood Transition (NT) was applied to houses abutting Manchaca Road. The main reasons were that some houses along Manchaca are already being used for some small-scale retail/office uses and that the participants recognized that these emerging uses represented the changing character of the roadway, and combined with heavy traffic volumes, made the location less than ideal for the past SF uses. Also, there was a recognition that many of the uses (small-scale commercial, live-work housing and middle-density, smaller scaled housing) allowed in the zoning districts allowed in NT could be a benefit and contribute to a more complete community. The introductory paragraphs in the plan regarding NT discuss this in greater detail.

Neighborhood Transition character districts, along with Neighborhood Nodes, border the Residential Core along arterial roadways. Primarily residential, these areas consist of clusters of duplexes, fourplexes, and apartment buildings, along with small-scaled offices and neighborhood-serving businesses. Neighborhood Transition districts create a buffer between Residential Core districts and more intense character districts or busy roads. Many of these districts are located along Imagine Austin Activity Corridors.

Neighborhood Transition districts in particular present an opportunity to incorporate more missing middle housing types that are compatible with the neighborhood. The missing middle refers to duplexes and other housing types, such as row houses, bungalow courts and other housing types compatible with the existing neighborhood, that provide options between the scale of single-family houses and mid-rise apartments or condos. As Austin's population grows and its demographics change, these housing types provide the opportunity to accommodate

growth in walkable neighborhoods while respecting neighborhood character. The variety of housing types in the missing middle promote multi-generational communities, providing options for young people and for older generations to age in place. (*South Austin Combined Neighborhood Plan*, p. 53)

Here is a link to the plan: ftp://ftp.ci.austin.tx.us/npzd/Austingo/SACNP_FINAL.pdf. The NT discussion starts on p. 53.

Mark

From: Rhoades, Wendy
Sent: Monday, February 25, 2019 4:46 PM
To: McGraw, Karen - BC <bc-Karen.McGraw@austintexas.gov>
Cc: Walters, Mark <Mark.Walters@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: FW: 1907 Inverness

Karen,
Mark Walters (copied here) was involved in the creation of the South Austin NP and may be able to provide additional explanation about how the neighborhood transition character district was developed.

Wendy

From: McGraw, Karen - BC
Sent: Monday, February 25, 2019 4:01 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: 1907 Inverness

Wendy,

Thanks for your answers. I had forgotten that pre 1985 impervious cover is exempted.

Since this did not trigger a plan amendment, can you find a staff member who participated in the neighborhood plan and can speak to why the transition zone was placed on existing viable homes?

Thanks,

Karen McGraw
District 9 Planning Commissioner

On Feb 25, 2019, at 12:25 PM, Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Commissioner McGraw,

February 19, 2019

City of Austin
Planning & Zoning Department
P.O. Box 1088
Austin, Texas 78767-1088

Re: Notices from the City of Austin

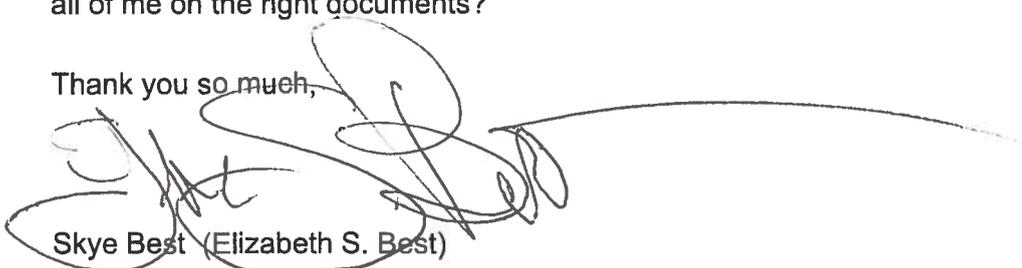
Dear City of Austin,

I am not sure what is happening in the records division. However, I have clearly been the recorded owner and a residence of 1800 Inverness Blvd., Austin, Texas, 78745 since August of 2017. For some reason, you keep on sending letter to me addressed Sophie Rogers.

Since I am paying the absorbent financially clenching real estate taxes, very involved in the recent attempts regarding the rezoning of 1907 Inverness Boulevard and immersed into the community, I would very-very much appreciate you helping to resolve the ownership-residence corrections .

Please let me know what needs to be done for both Travis County and the City of Austin to have all of me on the right documents?

Thank you so much,



Skye Best (Elizabeth S. Best)
1800 Inverness Blvd.
Austin, Texas 78745
425-466-2060
Studio4llc@gmail.com

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Monday, February 25, 2019 11:22 AM
To: 'Miss Best'; John Thorne-Thompson; 'Greg Dayton'
Subject: RE: OBJECTION: Rezoning of 1907 Inverness C14-2018-0141

All,

Please see my responses below and let me know if there are additional questions.

Sincerely,
Wendy Rhoades

From: Miss Best [mailto:studio4llc@gmail.com]
Sent: Monday, February 25, 2019 12:05 AM
To: John Thorne-Thomsen <jthornethomsen@gmail.com>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Craig, Ken <Ken.Craig@austintexas.gov>; Greg Dayton <gregory.dayton@gmail.com>; Mendoza, Richard [AW] <Richard.Mendoza@austintexas.gov>; John Donaruma <donaruma01@gmail.com>; Dave Chakos <dchakos@gmail.com>; Merila Thorne-Thompson <merila.walker@gmail.com>; Mitch Epps <mitch_epps1@hotmail.com>; Jennifer Paul <jengauldingpaul@gmail.com>; bryan paul <tbryanpaul@gmail.com>; Alanna Gold <gold.alanna@gmail.com>; Flores, Yvette - BC <bc-Yvette.Flores@austintexas.gov>; DeHoyosHart, Angela - BC <bc-Angela.DeHoyosHart@austintexas.gov>; Kazi, Fayez - BC <bc-Fayez.Kazi@austintexas.gov>; Kenny, Conor - BC <BC-Conor.Kenny@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; McGraw, Karen - BC <bc-Karen.McGraw@austintexas.gov>; Teich, Ann - BC <BC-Ann.Teich@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; Seeger, Patricia - BC <bc-Patricia.Seeger@austintexas.gov>; Shieh, James - BC <bc-James.Shieh@austintexas.gov>; Burkhardt, William - BC <bc-William.Burkhardt@austintexas.gov>; Schissler, James - BC <bc-James.Schissler@austintexas.gov>; Schneider, Robert - BC <BC-Robert.Schneider@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>
Subject: Re: OBJECTION: Rezoning of 1907 Inverness C14-2018-0141

Dear Wendy,

I would like to further support John's letter with my attached letter to the City of Austin Planning Commission & City Council. To date there is no facts or findings to support a rezone of 1907 Inverness Blvd. Until we have fair and reasonable factual information that fully supports a rezone to best serve our neighborhood, I request the rezone be denied. The basis for Staff's recommendation of the Applicant's request is its location in the Neighborhood Transition character district which encourages small scale offices of the adopted Neighborhood Plan. Adjacent residents have a valid petition in opposition to anything other than SF-3-NP. The Applicant, the Staff and the Neighborhood have the opportunity to present their position regarding the Applicant's rezoning request of NO-MU-NP to the Planning Commission and City Council.

If there is some person(s) or other substantial reason that factually can prove substantial reasons to support a rezone today for one single family home that is not even contiguous to other commercial properties, please submit the information to us. Until the existing zoned commercial properties are revitalized and prove prosperous, sustainable and retail/restaurant influencers that make a positive impact, show significant interest in providing goods & services to our neighborhood, I do not understand why the Planning Commission or City Council would approve a rezone for a single family house on a pure residential street to spread already challenged commercial services.

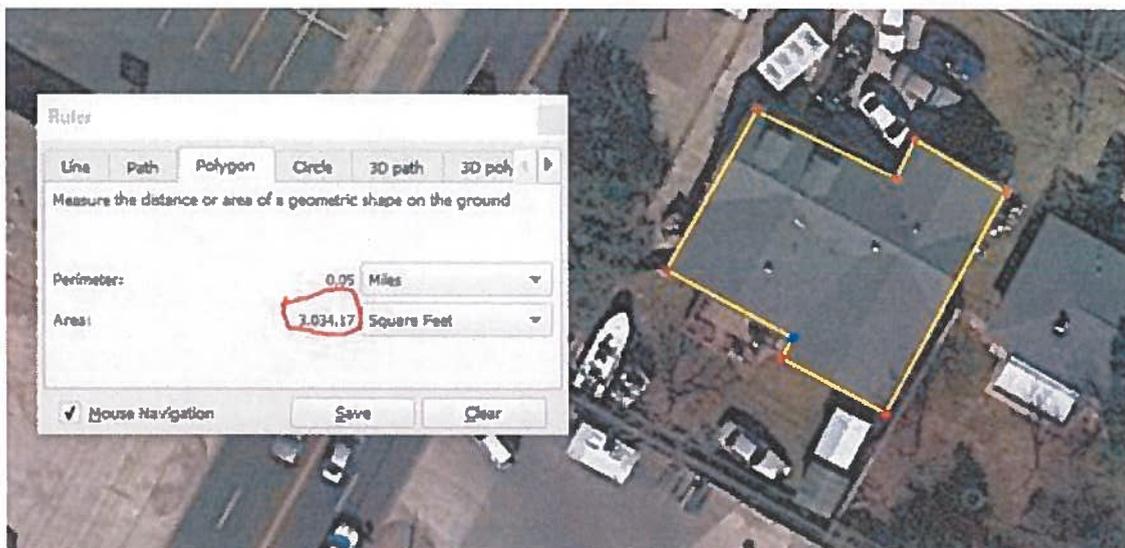
Let's have smart growth! Let's have conscious growth! Let's support retailers & services that add vitality to our neighborhood. Let's encourage and support retail property owners to transition their property into a vital retail hub first. Imagine Austin is about thriving & vitality and each layer of each neighborhood having character, design and consciousness on how the plan is implemented. Austin deserves the best!

Thanks
Skye Best (Elizabeth S. Best)
18000 Inverness Blvd.

On Fri, Feb 22, 2019 at 3:49 PM John Thorne-Thomsen <jthornethomsen@gmail.com> wrote:

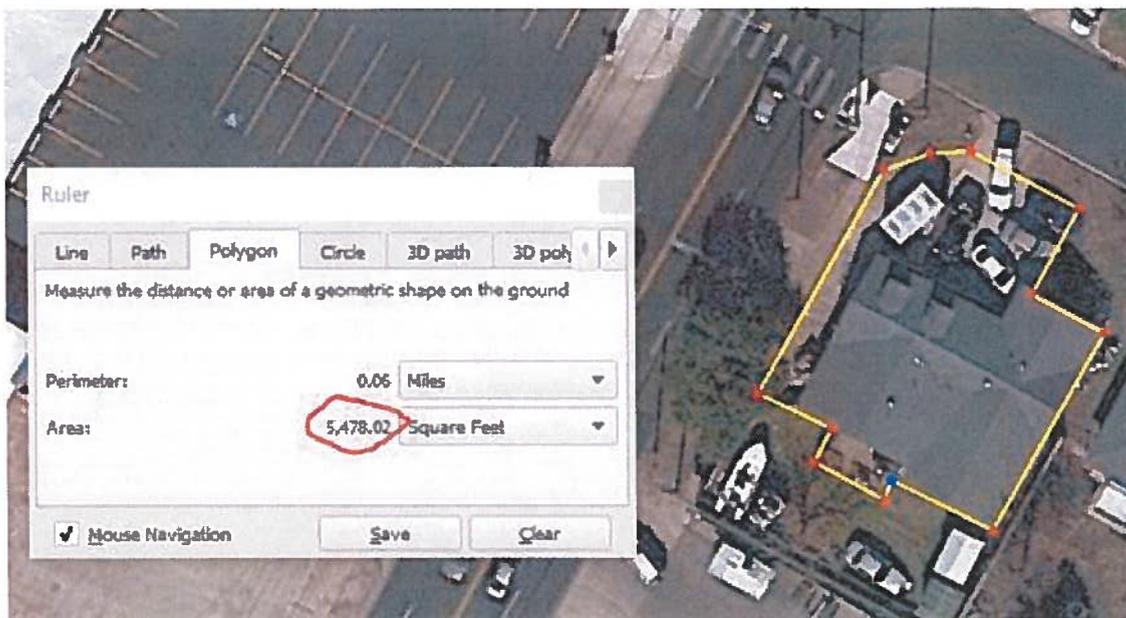
Ms. Rhoades-

Thank you again for your attention to this case. I have a few questions and wanted to offer the justification/basis of the concerns I raised earlier this morning. For reference, this is how I estimated the building coverage and impervious cover at 1907 Inverness. I've marked up an image from Google Earth dated 1/13/2018 (attached as 1907 Building Coverage).



I did my best to outline the building extents and found approximately 3500 sf for the building footprint. Taking the 8050 sf listed on Travis CAD's website, I estimate the building coverage to be $3500/8050 = 37\%$, which is greater than that allowed for in both the NO and SF-3 zoning designations.

Similarly, I did my best to outline the impervious cover on the property using the same image from Google Earth (attached as 1907 Impervious Coverage):



Again, taking the lot size from Travis CAD's website, I estimate the impervious cover as $5478/8050 = 68\%$, which is also greater than the impervious coverage allowed in both the NO and SF-3 zoning designations. My understanding from the Applicant is that a survey of the lot by Registered Surveyor is underway (or about to be) and that will establish the amount of impervious cover.

My questions are as follows:

- Is there a formal mechanism to request the rezoning application be tabled or dismissed pending receipt of a survey and/or a remediation plan for the outstanding code violations? The Neighborhood can request that the rezoning application be postponed until such time as a survey is provided to me and the Applicant. A postponement request can either be to a date certain (the Planning Commission meets the 2nd and 4th Mondays of each month) or an indefinite postponement which is undefined, but between (approximately) 2 ½ months and 6 months from the date of its postponement. Relatedly, granting an indefinite postponement allows for the case to return to the Commission within 6 months and requires re-notification to the residents.
- Can I bring supporting documentation to the meeting on Tuesday? If so, what formats are appropriate for that documentation? Paper copies can be distributed to the Planning Commission membership. If you would like to distribute paper copies, please bring 18 sets to the meeting. You can also bring a thumb drive or CD, and the City's audiovisual staff will display the information on a large screen that is viewed by the Commission and the audience.
- I don't quite understand the purpose of the upcoming vote. Is the council reconsidering its recommendation to the city council? The Planning Commission will hear a presentation from Staff first. The Applicant then has the opportunity to outline his request for rezoning, and then those in the audience who are in favor of the rezoning, and those in opposition to the rezoning have the opportunity to address the Commission. Below is a link to tomorrow night's agenda; page 9 of the agenda outlines the speaking order and upcoming Planning Commission meeting dates. The Commission deliberates on the information presented and positions in favor / opposition to the rezoning and issues a recommendation to the City Council.

<http://www.austintexas.gov/edims/document.cfm?id=315270>

- What are the next steps after the planning commission's vote? Will the case be forwarded to the city council? Yes, this case is currently scheduled to be reviewed by Council on Thursday, March 7th at 2 p.m. Is that dependent of the planning commission vote? The Council takes into consideration the Applicant's request, the Staff recommendation, the Neighborhood's position (especially the valid petition of 33.34%), and makes a final decision on the case. Please note that if the Planning Commission postpones this case, then the case will be postponed at Council, so that the Planning Commission has the opportunity to make a recommendation on the case.

Thanks,

John

On Fri, Feb 22, 2019 at 2:07 PM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Mr. Dayton,

Thank you for speaking with me earlier today. The code violations must be addressed by the owner whether or not the rezoning application is approved by Council. The owner must still obtain permits from the City's Development Services Department for the work done without permits (dormers, window and door replacement, as outlined in the August 27, 2018 Notice of Violation). Relatedly, even if the property is successfully rezoned to NO-MU-NP, a rezoning is not a permit issued by the City. Approval of a property's rezoning takes the form of a rezoning ordinance that is signed by the Mayor, City Attorney and City Clerk, and doesn't "cure" the permit issue described above or authorize the owner to proceed with work without permits. The code violations are "closed" by the Austin Code Department after the permitting issues have been resolved.

I have previously requested a survey of the property from Mr. Perlstein, but not received it yet. At the time Mr. Perlstein amended his rezoning request to NO-MU-NP, I reiterated the 60% maximum impervious cover and his response was that the impervious cover was over 50% but less than 60%.

I am meeting with Mr. Perlstein next Tuesday afternoon to further emphasize the need for the property survey and plan to resolve the permitting issues. As a note, it is within the Planning Commission's purview to direct the Applicant to resolve or have resolution of the permitting issues underway prior to their action or Council consideration of the case. Again, whether or not the Applicant's rezoning request is successful at Council, the Owner must still resolve the code violations.

Lastly, the valid petition in opposition to anything other than SF-3-NP zoning results in the need for 9 of 11 Council votes in favor of rezoning to anything other than SF-3-NP.

Please let me know if you have further questions.

Sincerely,

Wendy Rhoades

From: Greg Dayton [mailto:gregory.dayton@gmail.com]
Sent: Friday, February 22, 2019 9:03 AM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: Fwd: OBJECTION: Rezoning of 1907 Inverness C14-2018-0141

Ms. Rhoades,

I just left you a voicemail about the case and was hoping we could speak today about the zoning application change (LO to NO) as well as the concerns that John Thorne-Thomsen expressed in the attached email.

Thanks,

Greg Dayton

512.827.6200

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

From: John Thorne-Thomsen <jthornethomsen@gmail.com>
Date: Fri, Feb 22, 2019 at 7:14 AM
Subject: Re: OBJECTION: Rezoning of 1907 Inverness C14-2018-0141
To: Greg Dayton <gregory.dayton@gmail.com>
Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>, <bc-yvette.flores@austintexas.gov>, <bc-angela.dehoyoshart@austintexas.gov>, <bc-Fayez.Kazi@austintexas.gov>, <BC-Conor.Kenny@austintexas.gov>, <bc-Karen.McGraw@austintexas.gov>, <bc-James.Schissler@austintexas.gov>, <BC-Robert.Schneider@austintexas.gov>, <bc-Patricia.Seeger@austintexas.gov>, <BC-Todd.Shaw@austintexas.gov>, Shieh, James - BC <bc-James.Shieh@austintexas.gov>, Jeff Thompson <bc-Jeffrey.Thompson@austintexas.gov>, <bc-William.Burkhardt@austintexas.gov>, <richard.mendoza@austintexas.gov>, John Donaruma <donaruma01@gmail.com>, Dave Chakos <dchakos@gmail.com>, Merila Thorne-Thompson <merila.walker@gmail.com>, Skye Best <Studio4llc@gmail.com>, Mitch Epps <mitch_epps1@hotmail.com>, Jennifer Paul <jengauldingpaul@gmail.com>, bryan paul <tbryanpaul@gmail.com>, Alanna Gold <gold.alanna@gmail.com>, <bc-Greg.Anderson@austintexas.gov>, <BC-Ann.Teich@austintexas.gov>, <ken.craig@austintexas.gov>

Hello Ms. Rhoades, Mr. Craig and members of the planning commission,

I am writing to follow up on Mr Dayton's point regarding the outstanding code violations at 1907 Inverness Blvd. The Notice of Violation from the Austin Code Department is publicly available; please find it attached. The notice was filed on August 27, 2018 and pertains to unpermitted work performed including a recommendation to "obtain required permits for the addition of the dormers, window and door replacements, and any other work performed that requires a permit." According to the Austin Build and Connect website, there have been no subsequent permits filed. How does this outstanding violation get reconciled with the application to rezone the property? Will the property owner have to address the violations named in the Notice? Does the property owner have plans to address these issues?

For context, please find satellite imagery of the property from Google Earth. This first image is dated February 2016 (also attached as 1907 Inverness Before), note the absence of the dormers listed in the notice:



The second image is dated January 2017 (also attached as 1907 Inverness After). I've circled the dormers in yellow, and also an addition in red:



I also searched the Austin Build and Connect website for permits filed in 2016 and 2017 and found none pertaining to this work or otherwise. Per the recommendation in the Notice of Violation, is this addition and changes to the interior/exterior of the house subject to a building plan review, and HVAC/electrical/plumbing inspections?

Furthermore, has the landowner demonstrated that the property adheres to the zoning restrictions with respect to maximum building coverage, maximum impervious cover and maximum floor area ratio? A rough estimation based on the Google imagery suggests that the house is now approximately 3500 square feet and the overall impervious cover is around 5500 square feet. Per the Travis Central Appraisal District's numbers, the lot is 8050 square feet. Thus, a quick back of the envelope calculation suggests that the building coverage is >35% and the impervious cover is approaching 70%.

Given the outstanding code compliance issue and the extent of the work done to the property, shouldn't the property owner have a duty to remediate this property prior to approval of his rezoning application?

Please forgive me if this concern has been already addressed. Thanks,

John Thorne-Thomsen, PE

1907 Inverness Blvd

On Sat, Feb 9, 2019 at 11:55 PM Greg Dayton <gregory.dayton@gmail.com> wrote:

Wendy and Planning Commission Representatives:

We wanted to give you an update on the status of our questions and concerns after reviewing the case back-up notes posted on the Austin.gov website.

Following the postponement of the January 22nd hearing and our introduction with Johnathan Perlstein, the owners of properties adjacent and near 1907 Inverness Blvd met and agreed that we are still in **OBJECTION** of the property being rezoned. We have worked to gather additional support of our position in the form of a petition which we will deliver to Wendy Rhoades on Monday. This petition has the signatures of property owners from Inverness Blvd., St. Albans Blvd., Kings Highway, Brittnay Blvd., and Fair Oaks Dr. **The owners who signed the petition are requesting that the Planning Commission deny the zoning change at 1907 Inverness so that it remain SF-3.**

Please include the following in the case back-up materials for the review of the planning and zoning representatives: The forthcoming petition, this email, and any other emails sent since January 22 and before the February 12 hearing in objection to this zoning change.

Also, the back-up materials included comments about the "Psychic Business" that operated in that home before the current owner took possession. It is our understanding that this was an unpermitted business that was shut down by the city. Further, it was a business that seemed to be more of a hobby for the previous owner than an income-generating business. Specifically, we did not see any foot traffic that could be identified as customers.

Why we Object:

1. *Neighborhood safety* - Due to the substantial number of uses that could be permitted under the LO-MU designation, we strongly protest the rezoning of 1907 Inverness Blvd and insist it remain SF-3. It is clear to us that what could begin as an insurance office and living space might quickly become something different and less stable for our community.

2. *Truthfulness and intent*: Following the January 22 meeting, Wendy Rhoades introduced the neighborhood owners in attendance to the representative of Marquee Investments, Mr. Johnathan Perlstein. Mr. Perlstein assured us that a tenant was in negotiation to live and work out of 1907 Inverness Blvd (one who was a State Farm agent and would only see a few clients a month - this seems counterintuitive). At that time, we pointed out that the property was listed for sale online and there was a large for sale sign from a commercial realtor posted on the property. Mr. Perlstein said that was a mistake and the property was not for sale. However, since that meeting, the property has been continuously listed for sale as a commercial space both online and the for sale sign remains (the listing was updated as recently as February 5, 2019 by the realty company "Commercial Market Exchange": <https://www.loopnet.com/Listing/1907-Inverness-Blvd-Austin-TX/14081542/> - screenshot attached as pdf as well as photo of sign). Therefore, we do not believe in the assurances of the owner or their representatives. Further, this discrepancy in the facts leads us to doubt the integrity and intentions of Marquee Investments.

3. *Current ownership, commercial zoning, and a lack of stability* - The following is a list of properties and the tenants of the owners of Marquee Investments that was culled from the Travis Central Appraisal District, Austin Zoning Records, and internet research:

- 2105 Justin Lane, 78757 - Justin Plaza. Costmetics & beauty company, State Farm Insurance, AA, 2 salons, auto title, surveying company, barber shop, nail salon,
- 1705 Bench Mark Dr, 78728 - two contracting companies
- 15307 Ginger St, 78728 - warehouse property [for sale by Commercial Market Exchange](#) which [listed 1907 Inverness as a commercial property for sale](#)
- 11102 Bluff Bend Dr, 78753 - commercial warehouse - Austin Countertops
- 11020 Bluff Bend Dr, 78753 - commercial lot adjacent to 11102 Bluff Bend used by Austin Countertops
- 2711 Kelly Ln, 78660 - warehouse space [also for sale by Commercial Market Exchange](#) that has [listed 1907 Inverness as a commercial property for sale](#).
- 201 W. Powell Lane, 78753 - lawn maintenance company,
- 1934 Rutland Dr, 78758 - Paris Hookah Lounge
- 2801 East 5th Street, 78702 - dog grooming business
- Corner of West 5th & Congress in 2015/2016. The owners Proposed strip club at this location and a site plan application was submitted to the city by [Aus-Tex Consulting](#). (the company contracted by

Marquee investments to coordinate 1907 Inverness zoning change). Currently home to Shiner's Saloon

- 103 W. 5 St - office
- 4605, 4607, 4609 N Interstate HY 35 TX 75751 - A children's science academy, empty lot, and the Royal Hookah Cafe.
- 9558 HY 290 78724 - empty lot, second to the west from Reservoir Ct
- 9701 E HY 290 78724 - empty lot on east side of Reservoir Ct and Frontage road
- 9705 Reservoir Ct, 78724 - lot adjacent to 9701 E HY 290. Formerly Pink Monkey Caberet adult club.
- 9704 Reservoir Ct, 78724 - empty lot across from 9705 Reservoir Ct.
- 9570 Reservoir Ct, 78724 - empty lot at corner of Reservoir Ct and 290 frontage road.
- 704 W St. Johns Ave 78752 - Visible Style Hair Salon
- 7205 N Lamar Blvd, 78752 - DC Tatts (tattoo shop), Happy Clouds (head shop/smoke shop), Queen Eyebrow Threading, Beauty Salon
- Property ID 267821 - empty lot
- Property ID 267822 - empty lot
- 401 FM RD 685, 78660 - Commercial lot with shopping at front (am/pm Grocery), and warehouse space behind it early learning center, sign shop, boxing gym, tire shop, wrestling gym.
- 15505 I-35, 78660 - car sales
- Property ID 821836 - empty lot

We don't have an issue with Marquee Investments using their resources to develop properties. And we also understand that not all of these businesses could operate on an LO-MU property but we list Marquee Investment's properties and tenants to illustrate the wide net that an investment company casts when finding tenants (and, by extension, buyers of the property). However, we do not want to see this lot rezoned and opened for the many types of uses that fall under the LO-MU code - we have no doubt that the highest bidder will win the day and the desires of the community will not be a driving concern of Marquee Investments' owners. Further, we object to the uncertainty that may come with a commercial lot as opposed to the stability and certainty of an SF-3 residential lot, no matter who the owner may be. Finally, we see a possibility where this building is razed and the lot left empty until a commercial buyer is found at the right price. We base this on the fact that the building has some outstanding code violations.

Also, in looking over the above list, it is important to note that Marquee Investments has two of their other properties listed for sale with Commercial Exchange Market. Again, we find it hard to believe in any promises made by the owners as to the immediate and future use of the property.

4. *Availability of commercial property in the surrounding neighborhood.* There are numerous available and/or vacant commercial spaces on Manchaca Rd. and W Stassney La. The following are all less than 0.5 miles from 1907 Inverness and the adjacent bus stop. This search was done in one afternoon and without the benefit of a realtor's aid. We simply walked the neighborhood, took notes, and checked the city and county records:

1. 1500 W Stassney La (see attached photos): formerly AAA News Inc. Zoned CS-V-LR-NP. apx. 14,000 sq ft, total. [Travis CAD - ID 511151](#)
2. 1604-1606 W Stassney La (see attached photos): 18,500 sf warehouse space listed as Stassney Business Center for lease on [LoopNet](#). [Travis CAD - ID 319736](#)
3. 2056 W Stassney La (see attached photos). Building is vacant - [City Zoning profile is blank](#) zoned as SM Store according to Travis CAD records. Building was submitted to Austin 311 for graffiti removal apx. 5 months ago (ID [18-00237957](#)). [Travis CAD - ID 511103](#)
4. 5700 Manchaca Road - Cherry Creek Plaza main building. [Three spaces listed on LoopNet for lease](#) : a) Suite 300 - retail (4000 sf) [currently City of Austin Municipal Court]. b) Suite 240 - Standard Retail (11,292-22,585 sf) currently retail, owner willing to divide. [Currently Thrift Town] c) Suite 310 - Office/Retail (900 sf). [Currently used as bakery kitchen but not for direct sale]. [Travis CAD - ID 319824](#)
5. 5608 Manchaca Rd (see attached photos). Formerly Subway currently empty and part of Cherry Creek Plaza Partnership. Note the commercial "For Lease" sign for food truck spaces. There is only one food truck in Cherry Creek Plaza [Travis CAD - ID 319826](#)
6. 2007 West Stassney Rd (see attached photos). Building is currently empty - food truck in front. part of Cherry Creek Plaza Partnership [Travis CAD - ID 319827](#)
7. 4908 Manchaca Rd. There is an office space for lease on [LoopNet](#), This property was purchased in late 2017 and renovated. The lease space is still available. [Travis CAD - ID 51013](#)
8. 5316 Manchaca Rd. Part of Crocket Square where Strange Brew was located. There is a for lease sign in front (directly across from the for sale sign for 1907 Inverness Blvd. See attached photos. [Travis CAD - ID 511072](#)

Further, we have several vape shops, a tattoo shop, sever barber shops and hair salons, a title loan broker, and a pawn shop in the neighborhood. We don't see the need for more of these types of businesses but worry that that this is the kind of "Storefront Retail/Office" that Marquee Investments and Commercial Market Exchange are marketing in the sale listing referenced above and attached. And we do have some empty buildings that investors are not in a hurry to rent out or sell, instead taking the loss as a write-off. Again, we don't want to see that happen on our street.

5. *Parking and Street Safety.* Parking has been a chronic issue for all residents in this area of Manchaca Road. However, for those of us across the street from Crocket Square, we have a unique problem. When Austin favorite Strange Brew was open, the overflow parking landed directly across the street on Inverness Blvd. We also have ACC students that park on our street since we are the closest side street to the South Austin ACC Campus on the east side of Manchaca. And Since Austin Java opened across the street, the parking on Inverness has gotten worse (see attached photos). With the old Strange Brew space under renovation and [expected to be occupied by "Captain Quackenbush's Coffeehouse and Bakery"](#) soon, this problem will only intensify. Adding a commercial lot at 1907 Inverness, even if there are 4-6 available spaces on the property, will make a difficult problem even more dangerous. We don't have sidewalks on Inverness and a lot of children (infant - high school) and adult pedestrian traffic. During afternoon rush hour, Inverness, St. Albans, and Fair Oaks experience a high volume of traffic as people headed south will cut through our neighborhood to get to Stassney La. *Add in commercial traffic coming and going from a*

property that faces Inverness Blvd, not Manchaca, we have serious concerns for the safety of our families and all that come through our neighborhood.

Given the number of lots that have available or unused space, and the lack of affordable housing in South Austin, as well as our interest in keeping our neighborhood safe, we don't see the logic in changing the zoning of 1907 Inverness Blvd. In this case, the South Austin Neighborhood Combined Plan would not meet its stated vision if 1907 is rezoned. The vision: "Create a complete community that is mobile and interconnected; compact, accessible, and affordable; natural and sustainable; healthy, safe, creative, and engaged." As outlined above, rezoning 1907 Inverness would negatively impact the residential character of our neighborhood, likely reduce the affordability of housing in the immediate neighborhood (by removing an SF-3); it would not be healthy or safe for the residents or South Austin at large, would degrade neighborhood safety and diminish the a growing community that has been building since ground was broken in 1967.

It is with this additional information and wider context that we urge the staff to change their position from "Recommend" to "Not Recommended. We will be in attendance on Tuesday and plan to formally address the Planning Commission with our wishes that 1907 Inverness Blvd remain SF-3.

Thank you for your time. We look forward to seeing you on Tuesday.

Greg Dayton

1905 Inverness Blvd

Neighborhood Opposition to Rezone of Single Family Residential to Office, Mixed Use/other

Objection Location: 1907 Inverness Blvd

Applicant: Landlord/Investor/Developer: Alex Bahrami, Marquee Investments, LLC

On November 9, 2018, the Owner / Applicant, Marquee Investments, LLC (Alex Bahrami) filed a rezoning application requesting LO-MU-NP zoning. Planning Commission meeting was to take place on January 22nd, 2019. Neighborhood & Marquee Investments mutually agreed to postpone hearing to:

February 26, 2019. The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

Primary Neighborhood Objections:

- Current site has significant code violations and other former/current ownership have/allowed to be constructed without permits. To date these code violations have not been corrected that may result in safety or any other unknown issues (fact support letter to city from John Thorne-Thomsen, February 22, 2019).
 - Applicant/Marquee Investments is saying they want a zone change to lease to a State Farm Insurance agent whom also wants to live + work out of the dwelling. However, already under current code 25-2-900 - Home Occupation (see attached), we can find nothing that prohibits the agent from conducting his/her business under the existing code definitions (austintexas.gov -search "Home Occupations")
 - Applicant/Marquee told the neighborhood that they were only leasing the property, not selling the property. We researched and found a listing that the property is advertised for sale & referencing the property was in the process of a "rezone". To date, we have been getting conflicting answers. (fact support letter to city from Gregory Dayton 2-11-2019)
 - Research on existing commercial space vacancy & business health/wealth in the/close like type neighborhood was accomplished by our neighborhood. We found that many of the commercial businesses overall were struggling & many commercial spaces, including multi-family, continue to be vacant/experiencing hardships or most do not represent prosperous commercial businesses (fact support letter to city - letter from Gregory Dayton 2-11-2019)
 - Stores like Trader Joes/other specialty or grocery stores, sporting goods, clothing stores, pet food stores, etc. do significant studies to determine if a neighborhood is ready in city growth plans for their products & services. These retailers pay special attention to growing transition neighborhoods. Filling in space with churches, pawn shops, quick pay loans, goodwill, insurance companies & vapor shops proves the neighborhood has yet to have the demand by retailer influencers that build community retail shoppable hubs that serve the neighborhood. There is no current
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need to further spread commercial lands. Also, fill ins do nothing to add to the vitality of the demographic/psychographics of our neighborhood. (fact support to city-all businesses are physically visible, most with for lease signs posted on properties)

- If the 1907 Inverness is allowed to be rezoned, with the property having no ingress/egress directly onto Manchaca, in essence Inverness will become a commercial street. Our vehicle traffic has picked up considerably over the last year and Austin Java, the college and other businesses have been trying to use our street as a parking facility. Our street is not set up to be a parking facility. (testimony in writing from Gregy Dayton has been submitted & more letters can be secured).
- Currently Inverness has no proper sidewalks, striping or any safety installations to accommodate safety related issues for the impact of commercial businesses to the street. Safety 1st, we have grade school level students, children & elders in wheelchairs using the streets daily.

Please support conscious growth for our neighborhood!

We all know that Austin is growing. Let's just make it conscious growth. It makes absolutely no sense to trigger any commercial re-zone of any residential properties on Inverness Blvd. The existing commercial properties along Manchaca **are not** overall: thriving, proving financial success, providing products & services for the majority of the neighborhood (minus schools, library & bus stop) and the design of our neighborhood should be considered to serve the majority, not one developer/investor/property owner or one (1) tenant. To date, most of the commercial properties look worn out/worn down. Let's first have the existing commercial space prove it's vitality & transformation!

Please accept my apologies in advance if I am misunderstanding the attached Home Occupation criteria & signage provided on the Texas Government website. Otherwise, to date, I have heard, nor seen, any substantial, fair or reasonable information to support a rezone to a commercial property at this time on Inverness Blvd. More than anything, there is a necessity for the house to be right sized to conform to laws &, corrected and restored to a safe home for our neighborhood.

Respectfully Yours,

(Skye)

Legal Owner Resident: Elizabeth S. Best (Skye)



1800 Inverness Blvd. , Austin, Texas 78745

Studio4llc@gmail.com



City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTINCODE DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2017-082578

Via Certified Mail #7017 2680 0001 1442 4030

August 27, 2018

BAHRAMI BEHZA
7117 AVIGNON DR
ROUND ROCK TX 78661

RE: 1907 INVERNESS BLVD AUSTIN TX 78745
Locally known as 1907 INVERNESS BLVD AUSTIN TX 78745
Legally described as LOT 1 BLK G DEER PARK SEC 3
Zoned as SF-3-NP
Parcel Number 0411131001

Dear BAHRAMI BEHZA:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at (512)974-2345 or Erica.Thompson@austintexas.gov. Please reference **case number** CV-2017-082578. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m.

Para obtener más información, llame al (512)974-2345 o envíe un correo electrónico a Erica.Thompson@austintexas.gov. Por favor, consulte caso número CV-2017-082578. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m.

Sincerely,

Erica Thompson, Austin Code Officer
City of Austin Code Department

VIOLATION REPORT

Date of Notice: August 27, 2018

Code Officer: Erica Thompson
Case Number: CV-2017-082578
Property Address: 1907 INVERNESS BLVD AUSTIN TX 78745
Locally known as 1907 INVERNESS BLVD AUSTIN TX 78745
Zoned as SF-3-NP

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: LAND USE

Austin City Code Section: Building Permit Requirement (§25-12-241 [2012 IRC R105.1])
Description of Violation: Residential construction performed without required permit(s).
Date Observed: 07/05/2017
Timeframe to Comply: 20 Day(s)
Recommended Resolution: Obtain required permits for the addition of the dormers, window and door replacements, and any other work performed that requires a permit.

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 512-978-4000. You can also visit <http://www.austintexas.gov/department/development-services> for more information.

IMPORTANT INFORMATION

Failure to Correct

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

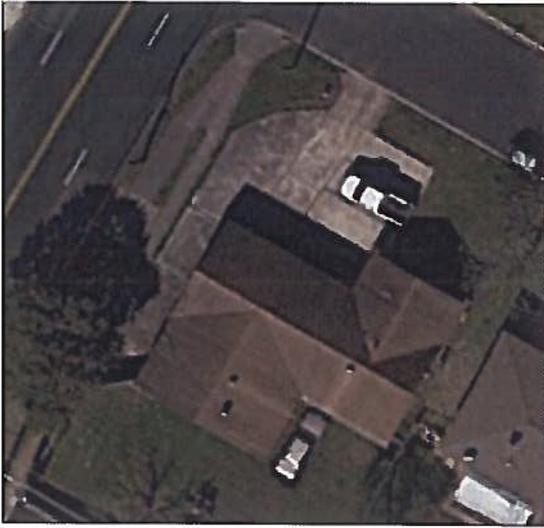
According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must

execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Austin Code Department office no later than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the office at 1520 Rutherford Lane. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

Complaints

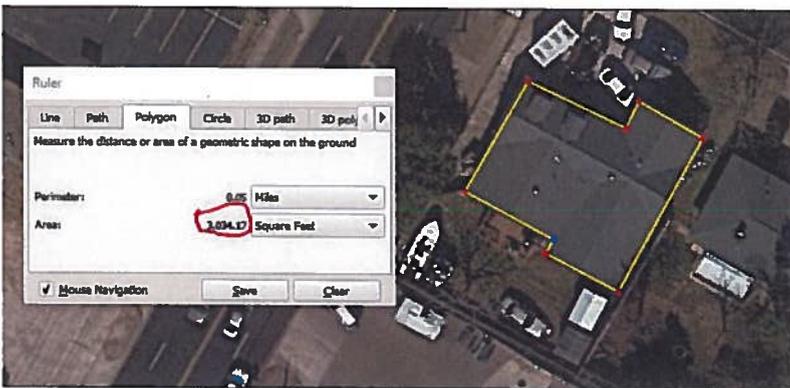
You may file a written complaint or commendation regarding an Austin Code Department Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767**



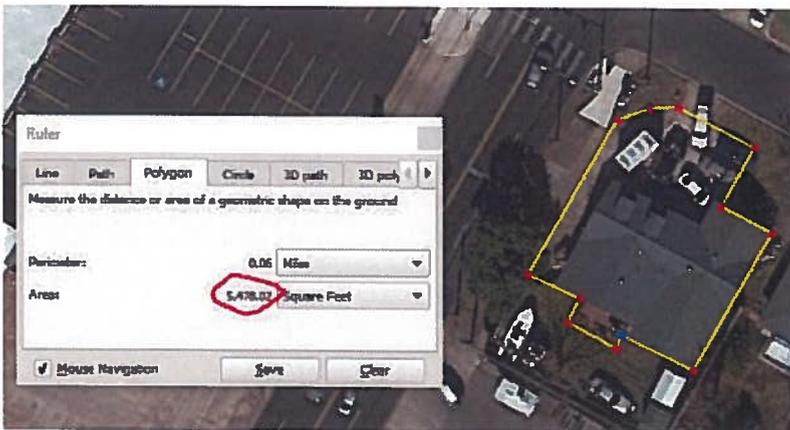
2/2016 – Google Earth



1/2017 – Google Earth



$$3,034\text{sf}/8,050\text{sf} = 38\%$$



$$5,478\text{sf}/8,050\text{sf} = 68\%$$

§ 25-2-900 - HOME OCCUPATIONS.

- (A) A home occupation is a commercial use that is accessory to a residential use. A home occupation must comply with the requirements of this section.
- (B) A home occupation must be conducted entirely within the dwelling unit or one accessory garage.
- (C) Participation in a home occupation is limited to occupants of the dwelling unit, except that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is provided for that person.
- (D) The residential character of the lot and dwelling must be maintained. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.
- (E) A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.
- (F) The sale of merchandise directly to a customer on the premises is prohibited.
- (G) Equipment or materials associated with the home occupation must not be visible from locations off the premises.
- (H) A home occupation may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or garage.
- (I) Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited.
- (J) Advertising a home occupation by a sign on the premises is prohibited, except as provided under Section 25-10-156 (*Home Occupation Signs*). Advertising the street address of a home occupation through signs, billboards, television, radio, or newspapers is prohibited.

- (K) The following are prohibited as home occupations:
- (1) animal hospitals, animal breeding;
 - (2) clinics, hospitals;
 - (3) hospital services;
 - (4) contractors yards;
 - (5) dance studios;
 - (6) scrap and salvage services;
 - (7) massage parlors other than those employing massage therapists licensed by the state;
 - (8) restaurants;
 - (9) cocktail lounges;
 - (10) rental outlets;
 - (11) equipment sales;
 - (12) adult oriented businesses;
 - (13) recycling centers;
 - (14) drop-off recycling collection facilities;
 - (15) an activity requiring an H-occupancy under Chapter 25-12, Article 1 (*Uniform Building Code*);
 - (16) automotive repair services; and
 - (17) businesses involving the repair of any type of internal combustion engine, including equipment repair services.

Source: Section 13-2-260; Ord. 990225-70; Ord. 990520-38; Ord. 031211-11; Ord. 20090827-032.

§ 25-10-156 - HOME OCCUPATION SIGNS.

- (A) A home occupation that is allowed under Section 25-2-900 (*Home Occupations*) may display one on-premise sign if the following requirements are met:
- (1) The home occupation sign and the principal structure associated with the home occupation must both directly front a Core Transit Corridor or Future Core Transit Corridor. *- note: property is not located on a CTC or FCTC*
 - (2) The home occupation sign may not exceed:
 - (a) for a sign that is placed on or attached directly to the ground, six square feet in area and three feet in height, as measured from the lower of natural or finished grade adjacent to the principal structure; or
 - (b) for a sign attached to a monopole of four feet in height and up to 12 inches in diameter, three square feet in area and four feet in height, with the height of both the pole and the sign measured from the lower of natural or finished grade adjacent to the principal structure.
 - (3) If an electric home occupation sign is used, the sign must be:
 - (a) non-illuminated or externally illuminated;
 - (b) energy efficient, as determined by Austin Energy; and
 - (c) compliant with International Dark Sky standards for pollution reduction.
- (B) A home occupation sign permitted under this section must be removed if the home occupation ceases to be used or fails to comply with the requirements of this section or Section 25-2-900 (*Home Occupations*).

Source: 20090827-032; Ord. No. 20170817-072, Pt. 18, 8-28-17.

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Wednesday, February 27, 2019 6:32 PM
To: 'Miss Best'
Cc: 'Gregory Dayton'; John Thorne-Thompson; Dave Chakos
Subject: RE: Why Rezone 1907 Inverness Blvd. - Now?
Attachments: Core Transit Corridors Map and List.doc

Miss Best,

Please see my responses below.

I also received a letter from you on Friday, February 22nd stating that the public hearing notices were addressed to Sophie Rogers. I checked the TCAD records and see that you are the current owner and that Ms. Rogers previously lived at this address. I also contacted Austin Energy and was able to confirm that your name was listed on an account with City of Austin Utilities (from which the City generates its address lists for development review cases, such as this rezoning case). I believe that the address list generated at the time the Notice of Filing was mailed on November 21, 2018 did not reflect your name due to a property transaction with the Rogers in 2017 (still, that's quite a gap in time to recompiling data). The same address list generated in November 2018 was used for the public hearing notices sent on January 11th and February 14th. If there are any future notices, I'll request that the address list be re-compiled and it should produce an updated notification list.

Sincerely,
Wendy Rhoades

From: Miss Best [mailto:studio4llc@gmail.com]
Sent: Monday, February 25, 2019 3:44 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: John Thorne-Thomsen <jthornethomsen@gmail.com>; Craig, Ken <Ken.Craig@austintexas.gov>; Greg Dayton <gregory.dayton@gmail.com>; Mendoza, Richard [AW] <Richard.Mendoza@austintexas.gov>; John Donaruma <donaruma01@gmail.com>; Dave Chakos <dchakos@gmail.com>; Merila Thorne-Thompson <merila.walker@gmail.com>; Mitch Epps <mitch_epps1@hotmail.com>; Jennifer Paul <jengauldingpaul@gmail.com>; bryan paul <tbryanpaul@gmail.com>; Alanna Gold <gold.alanna@gmail.com>; Flores, Yvette - BC <bc-Yvette.Flores@austintexas.gov>; DeHoyosHart, Angela - BC <bc-Angela.DeHoyosHart@austintexas.gov>; Kazi, Fayez - BC <bc-Fayez.Kazi@austintexas.gov>; Kenny, Conor - BC <BC-Conor.Kenny@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; McGraw, Karen - BC <bc-Karen.McGraw@austintexas.gov>; Teich, Ann - BC <BC-Ann.Teich@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; Seeger, Patricia - BC <bc-Patricia.Seeger@austintexas.gov>; Shieh, James - BC <bc-James.Shieh@austintexas.gov>; Burkhardt, William - BC <bc-William.Burkhardt@austintexas.gov>; Schissler, James - BC <bc-James.Schissler@austintexas.gov>; Schneider, Robert - BC <BC-Robert.Schneider@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>
Subject: Why Rezone 1907 Inverness Blvd. - Now?

Dear Wendy, City Council & Planning Commission,
I sincerely apologize for this misunderstanding of not clearly representing my professional credentials. I am absolutely not against Austin growing and expanding our retail, and services that serve my immediate neighborhood. That is one of the main reasons I moved to Austin and bought my house where it resides. I consult developers/property owners, retailers, restaurants, hospitality and mixed use developers locally & across the USA. I have also been a keynote speaker at prestigious national events that are attended by city officials, architects, attorneys and all other business representatives associated with city development & growth.

You can find my profile on LinkedIn and I would be happy to provide full case studies to you of my collaboration with Mayors, Planning Commissioners & City Officials in merchandising our cities to sustain its vitality & build its financial returns. <https://www.linkedin.com/in/elizabethbest4retail/>

for over 20 years, I have worked with every type of commercial property from mixed use, multi-family, retail, industrial, office and corporate facilities. All I would like to see is that we don't just sprawl commercial or trigger the gate for this one house with so many outstanding safety issues, unless it makes good business sense right now, the right way.

Please address my specific questions (I have reattached my letter & addendum's) as to why we need to change the zoning on 1907 Inverness Blvd. when it looks like the current codes already allow a small office/owner occupied tenant to conduct its business? The Applicant has requested rezoning due to the possibility that the proposed use exceeds the terms of the home occupation ordinance. Please note that the signage for home occupations is permitted only on designated Core Transit Corridors and Future Core Transit Corridors, and Manchaca Road has not been as designated as either type of roadway (please refer to the attachment). Also, why is this particular house being triggered under the huge umbrella of commercial expansion when we have existing commercial properties that are not thriving & need to first go through a transition? There are commercial zoned properties in the immediate vicinity, however, the Owner filed a rezoning application for this particular lot on November 9, 2018. The City's Land Development Code requires that Staff issue a recommendation on a rezoning application within 28 days of filing, and thereafter schedule the case for review by the Land Use (Planning) Commission. Given the December and January holidays, I scheduled this case for consideration by the Planning Commission on January 22, 2019. Why are we making a purely residential street into a commercial street when its not ready? The rezoning only applies to this particular lot, not adjacent properties on Inverness. I checked with one of the planners who was involved in developing the Neighborhood Plan in 2012-2014, and he reported that the main reasons for the creation of the Neighborhood Transition (NT) character district was that some houses along Manchaca were already being used for some small-scale retail/office uses and that the plan participants recognized that these emerging uses represented the changing character of the roadway, and combined with heavy traffic volumes, made the location less than ideal for the past single family uses. Also, there was a recognition that many of the uses (small-scale commercial, live-work housing and middle-density, smaller scaled housing) allowed in the zoning districts allowed in NT could be a benefit and contribute to a more complete community. The introductory paragraphs in the plan regarding NT discuss this in greater detail, as excerpted below:

Neighborhood Transition character districts, along with Neighborhood Nodes, border the Residential Core along arterial roadways. Primarily residential, these areas consist of clusters of duplexes, fourplexes, and apartment buildings, along with small-scaled offices and neighborhood-serving businesses. Neighborhood Transition districts create a buffer between Residential Core districts and more intense character districts or busy roads. Many of these districts are located along Imagine Austin Activity Corridors.

Neighborhood Transition districts in particular present an opportunity to incorporate more missing middle housing types that are compatible with the neighborhood. The missing middle refers to duplexes and other housing types, such as row houses, bungalow courts and other housing types compatible with the existing neighborhood, that provide options between the scale of single-family houses and mid-rise apartments or condos. As Austin's population grows and its demographics change, these housing types provide the opportunity to accommodate growth in walkable neighborhoods while respecting neighbor-hood character. The variety of housing types in the missing middle promote multi-generational communities, providing options for young people and for older generations to age in place. (*South Austin Combined Neighborhood Plan*, p. 53)

Thanks so much,

Elizabeth S. Best (Skye)
1800 Inverness Blvd.

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Tuesday, January 22, 2019 5:00 PM
To: 'Miss Best'
Subject: RE: Inverness Blvd - Case #C14-20180141

Thank you Miss Best. I have copied your postponement request for the Planning Commission membership.

Wendy Rhoades

From: Miss Best [mailto:~~skye@skyebest.com~~]
Sent: Tuesday, January 22, 2019 4:44 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: Inverness Blvd - Case #C14-20180141

Dear Ms. Rhoades,

Thank you so much for discussing the above referenced case number. This letter serves as a formal request for postponing the Public Hearing until the following month for the following reasons:

1. Fair Council: Due to the holidays, mail service may have been delayed. Public Notice is post dated January 11th, I returned from the Winter holiday on January 14th and the letter arrived on January 18th, 2019, right before a holiday weekend. There has been no reasonable time for our street/neighborhood in a reasonable populated forum to initiate fair discussion or share an informative meeting.
2. Findings: There is no description or specific use code to identify the type of business that will occupy the premises which does not allow the property owners to understand the impact on the street for any reasons that made adversely effect the quality of life on Inverness Blvd. We need adequate time to discuss any concerns or questions we may have with or neighbors.
3. Timing: The Public Hearing is directly after a national holiday, which statistically and historically is known to be a day that many citizens may not be available or attend the meeting. In addition, we do not have reasonable time to research, investigate or create adequate questions to be addressed for any zoning changes, for any reasonable or non-reasonable reasons.

(Skye) Elizabeth S. Best
1800 Inverness Blvd.
Austin, Texas 78745



Rhoades, Wendy

From: Aus-Tex Building Consultants <austexba@gmail.com>
Sent: Friday, February 08, 2019 11:05 PM
To: Rhoades, Wendy
Cc: Rivera, Andrew; Alex Bahrami
Subject: Re: For PC 2-12-2019 C14-2018-0141 1907 Inverness Zoning Change

Wendy,

Thank you for the call for this project. I am going to request a postponement until the next planning commission meeting as I was waiting for the residents to contact me regarding this project as we discussed in the last hearing and now got word that there are new residents opposing the zoning change, and will need more time to prepare for this case, in coming up with a solution which makes everyone happy. I have been out of town for business and will not have enough time to get back and meet with the residents by the hearing date. Upon getting back, I will contact the residents and Mr. Bahrami and I will meet with them on site to try and come up with a solution for this, by the next hearing date.

Regards,
Jonathan Perlstein

↳ February 26, 2019

On Thu, Feb 7, 2019 at 11:24 AM Aus-Tex Building Consultants <austexba@gmail.com> wrote:
Wendy,

I gave everyone my email address and contact number I haven't received anything from anybody yet, have they been in contact with you?

I would've thought I'd receive correspondence by now because I don't have any of their contact information.

Regards,
Jonathan

Sent from my iPhone

> On Feb 7, 2019, at 11:10 AM, Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

>

> Jonathan,

> Attached is the updated Staff report prepared for next week's Commission meeting which includes additional correspondence received from neighbors on Inverness. Have you been able to meet with the neighbors on Inverness yet? If not, my suggestion is to meet with them and Alex Bahrami before next Tuesday's meeting.

> Please let me know if you have any questions.

> Wendy

>

> <Scanned from a Xerox Multifunction Printer.pdf>

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Wednesday, April 17, 2019 6:05 PM
To: Greg Dayton; Alanna Gold; Craig, Ken; John Thorne-Thomsen
Subject: RE: 1907 Inverness Blvd - April 23 Hearing
Attachments: C14-2018-0141 1986 aerial.pdf

All,

Thanks for the update. The Applicant has not indicated an intent to amend the rezoning request and return to the LO-MU-NP zoning district, and I don't anticipate that there will be any impacts to the current hearing schedule. The NO-MU zoning district permits a smaller set of land uses than LO-MU.

Here are a couple of different general scenarios regarding impervious cover. If all of the impervious cover that exists today was in place before 1986, then it may be considered a legal, non-complying structure and would be grandfathered under any zoning district (SF-3, NO-MU, etc.). On the other hand, if impervious cover (flatwork, other new structures, building addition), was added after 1986, then it is not grandfathered and the Applicant will need to remove at least the portion that isn't grandfathered in order to clear that portion of the code violation. A general comparison between the 1986 aerial (attached) and the March 2019 survey indicates new impervious cover has been added along the rear half of the property and that portion would not be grandfathered.

If the property is successfully rezoned to NO-MU-NP, then the impervious cover limit is 60% and all but 1.2% of the non-grandfathered impervious cover becomes permitted by the zoning district. If the SF-3-NP zoning on the property is maintained, then the Owner will need to remove impervious cover that is not grandfathered, even though that figure may exceed the maximum of 45% allowed by the zoning district.

I am checking in again with the Code Department representative covering this case to find out if the Applicant is currently attempting to work on resolving the Code violations. As of April 1st, the Applicant had not been in contact with Code.

Please see my answers to questions from John Thorne-Thomsen's email inserted below:

Ms Rhoades,

Greg forwarded an email that he and Alanna sent regarding the survey that Marquee Investments submitted on 1907 Inverness. In addition to the questions Alanna asked, I have a few more that I would like some clarification on:

The survey lists the total lot area as 8,467 square feet, but the tax assessor's office lists it as 8040 square feet. Is there a way to reconcile these two values? I'm unsure how to account for the difference between these two figures, but expect that a survey is more accurate than TCAD records. Typically, the difference would be accounted for by right-of-way acquisition or an exclusive use utility easement, but I don't find that to be the situation on this lot. One of our concerns is the impervious cover/building area, so this concern would be relevant to that discussion.

My other question about the survey pertains to the set back lines. The survey shows the front setback along Inverness and the setback along Manchaca, but none along the back of the lots or the eastern/southeastern boundary. The setback lines along Inverness and Manchaca on the survey are taken from the recorded subdivision plat of Lot 1, Block G of Deer Park Section 3. On the plat, there aren't setbacks along the interior

and rear setback lines shown on this lot or on other lots in this Deer Park section. However, zoning setbacks also apply, and the SF-3 district requires a 5' interior setback. If the southernmost corner of the building was built sometime in 2016 (as we're arguing), shouldn't it have to be at least 5' clear of the property line? It's being shown at 4.2'. Yes, a portion of the building encroaches into the required 5' interior setback, by 10 inches. The Board of Adjustment considers variances to encroachments that occur within 5' of a property line.

Thanks,
John

Sincerely,
Wendy Rhoades

From: Greg Dayton [mailto:greg.dayton@gmail.com]

Sent: Wednesday, April 17, 2019 9:20 AM

To: Alanna Gold <gold.alanna@gmail.com>, Craig, Ken <Ken.Craig@austintexas.gov>

Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Greg Dayton <greg.dayton@gmail.com>

Subject: Re: 1907 Inverness Blvd - April 23 Hearing

Ms. Rhoades,

In addition to Alanna's question about how the failure to meet the 60% impervious cover requirement affects the zoning application, did the applicant or Mr. Perlstein address the code violations? As I understand the situation, the planning commission expects not only the survey on Tuesday but a plan from the applicant to remedy the code issues.

I spoke with Ken Craig this morning and Cc'd him on this email at his request.

Thanks,

Greg Dayton

On Tue, Apr 16, 2019 at 3:24 PM Alanna Gold <gold.alanna@gmail.com> wrote:

Wendy,

Thanks for the update. In one of our correspondence you stated "I have previously requested a survey of the property from Mr. Perlstein, but not received it yet. At the time Mr. Perlstein amended his rezoning request to NO-MU-NP, I reiterated the 60% maximum impervious cover and his response was that the impervious cover was over 50% but less than 60%."

Given that the survey indicates that the impervious cover exceeds 60%, what will happen with the filing in its current state? Will they need to refile using the other MU designation as they originally applied for? Will this impact the hearing schedule for next week? Also, please note that Mr. Perlstein has not reached out to us in regards to a meeting.

Thank you,

Alanna

On Tue, Apr 16, 2019 at 3:09 PM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Mr. Dayton,

I received a survey of the property from Mr. Perlstein and it is attached. I visited with him very briefly at the One Texas Center about two weeks ago and he mentioned that he was going to meet with the Inverness neighbors on a Thursday before next Tuesday's Planning Commission meeting (I don't recall if he specified which Thursday). Did he contact you about such a meeting and did one occur?

I am in the process of updating the backup to be forwarded to the Planning Commission and it will be uploaded to the Planning Commission website by this Friday afternoon. The backup can be obtained by clicking on the link below, and then clicking on the "View Meeting Documents" icon on the left side of the page.

<http://www.austintexas.gov/planningcommission>

The case is scheduled for the April 25th City Council agenda, however Staff is requesting postponement to May 9th so that there is adequate time to update the backup materials after next Tuesday's Planning Commission meeting. The postponement memo will be attached at the end of the backup material.

Sincerely,

Wendy Rhoades

From: Greg Dayton [mailto:~~greg.dayton@gmail.com~~]
Sent: Tuesday, April 16, 2019 11:38 AM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Alanna Gold <~~alanna.gold@gmail.com~~>
Subject: 1907 Inverness Blvd - April 23 Hearing

Ms. Rhoades,

I hope all is well with you. I am checking in on the status of the rezoning case and would like to know if you have any information for us. We are planning to attend the hearing with our neighbors this coming Tuesday.

-
Thanks,

-
Greg Dayton



MEMORANDUM

TO: Mayor and City Council

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

DATE: April 9, 2019

SUBJECT: C14-2018-0141 – 1907 Inverness Zoning Change
Request for Postponement (District 5)

Staff is requesting a postponement of the above-referenced rezoning case to May 9, 2019. The Planning Commission is scheduled to review this case on April 23, 2019.

If you need additional information, please contact Assistant Director, Jerry Rusthoven, at 512-974-3207.

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

xc: Spencer Cronk, City Manager
J. Rodney Gonzales, Assistant City Manager

Rhoades, Wendy

From: John Thorne-Thomsen <~~jthornethomsen@gmail.com~~>
Sent: Thursday, April 18, 2019 9:22 PM
To: Alanna Gold
Cc: Rhoades, Wendy; greg.anderson@austintexas.gov; Flores, Yvette - BC; DeHoyosHart, Angela - BC; Kazi, Fayez - BC; Kenny, Conor - BC; McGraw, Karen - BC; Schissler, James - BC; Schneider, Robert - BC; Seeger, Patricia - BC; Shaw, Todd - BC; Shieh, James - BC; Thompson, Jeffrey - BC; Burkhardt, William - BC; Mendoza, Richard [AW]; Craig, Ken; Anderson, Greg - BC; Teich, Ann - BC; John Thorne-Thompson; Greg Dayton; Merila Walker; bryan paul; Jennifer Paul; Skye Best; John Donaruma; Dave Chakos
Subject: Re: OBJECTION: Rezoning of 1907 Inverness C14-2018-0141

Planning Commission Members and Ms. Rhoades,

I am writing to elaborate on Alanna's email with respect to the unpermitted addition, specifically with respect to its quality, workmanship and the suitability of its foundation. As I mentioned at the meeting in February, I am a licensed professional engineer in the state of Texas, specializing in civil and structural engineering. While my current work relates to telecommunications infrastructure, I have worked in residential structural design in the past. Based on the photos Alanna attached in her email and observations I have made, I believe that the foundation on the addition is substandard.

As can be seen in photos 1 and 2, the foundation underneath the southern/southeastern part of the house does not appear to be slab on grade -- the concrete post block in the first photo would not fit under the siding if there were a slab foundation. The erosion underneath the siding in photo 2 would be extremely unlikely with a slab foundation as well. If this is indeed some sort of post and beam foundation, the installation of siding all the way to grade is not an appropriate design; there is little or no ventilation of the crawlspace, water infiltration does not appear to have been considered, and there are multiple access points for pests.

Furthermore, the addition already appears to be settling. The rear wall is not plumb, the roof ridgeline is sagging, and as can be seen in Alanna's fifth photo, the trim on corner of the building is beginning to tear apart, and the siding is showing evidence of deflection. In light of the visible settlement of the foundation, and in the absence of design documentation or even a permit, it is my opinion that this is an inadequate foundation.

Also, according to the survey submitted to Ms Rhoades, the addition appears to be too close to the property boundary: the corner is 4.2' from the property line, while the minimum setback on that side is 5'. This would also presumably be an issue to getting this property back into compliance.

Lastly, considering the poor workmanship on the dormers that can be seen from the street, the shingles that have blown off the roof and seals around building envelope penetrations evident in Alanna's third and sixth photos, I am also concerned about the adequacy of the framing, roofing, electrical, plumbing and HVAC work done on the addition and throughout the rest of the house.

In total, the required remediation on this property may be substantial.

I spoke with Erica Thompson, the Code Department contact listed on the Notice of Violation, this afternoon. She informed me the code complaint enforcement is on hold pending resolution of this rezoning application. Per the notice of violation, the property owner must bring this structure into compliance in a timely fashion or risk fines, "suspension or cancellation of existing site plan, permit or certificate of occupancy" or in

the case of "dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties." I do not believe that a property that could lose its certificate of occupancy or be ordered demolished is a good candidate for a rezoning application.

Given the potentially extensive remediation and the severity of the possible consequences from the city Code Department on this property I request the **Planning Commission deny this rezoning application** so the code violations may be addressed. Rezoning this property as it currently stands will not serve to improve our neighborhood or community, nor will letting this property languish in disrepair. I believe the code violations should be assessed fully and addressed prior to considering the suitability of this property for the rezoning application.

Thank you again for your time,

John Thorne-Thomsen, PE
1902 Inverness

On Thu, Apr 18, 2019 at 2:44 PM Alanna Gold <[alanna@...m](mailto:alanna@...)> wrote:

Wendy and Planning Commission Representatives:

We wanted to give you an update on the status of our questions and concerns regarding 1907 Inverness Blvd C14-2018-0141.

Following the postponement of the February 26th meeting due to the applicant not present, and in anticipation of the hearing on April 23rd, we want to inform you that the owners of properties adjacent and near 1907 Inverness Blvd met and agreed that we are still in **OBJECTION** of the property being rezoned. Not only are the concerns from an email dated February 9th (below) still applicable, but we have additional concerns about the safety of property due to the code violations and the general state of the house. As you can see, in the attached photos, the quality of the construction is evident through the lack of supportive foundation that unpermitted extension (photos 1 & 2). In addition, the owners have not maintained the exterior of the house in sometime, with roof singles laying by the front door (photo 3), large weeds and an unkempt lawn (photo 4 & 5), and improper drainage from the home/ rat entrance (photo 6). The drainage that comes from the house when occupied flows onto our property (1905 Inverness Blvd) and the applicant was informed of this on January 22nd. This, in addition to other reason outlined by Greg Dayton on February 9th, leads us to the conclusion that the home is unsafe, and that the applicant doesn't have the best interest of the neighborhood in mind. No progress has been made to improve the home and add value to the neighborhood. The only activity seen in the past nine months was the survey being completed, which was requested by Ms. Rhodes for the application. Also, please note, that according to the updated survey submitted by the applicant, the amount of impervious cover exceeds the maximum allowed under the NO-MU designation.

Given this, I would argue that given the recent increase in our property taxes as of April, 2019, the value of our homes would be impacted by the general appearance and status of this unoccupied structure and not accurately reflected in the market value assessed by the City of Austin. Also, this will be the fourth time that we've come down to City Hall, and hope that we're able to make progress on this matter on Tuesday, and that the applicant will be present and we can finally move forward with this matter.

Based on the these factors, along with the factors outlined by Greg Dayton in February, **we urge you to deny the applicant's request to rezone the property.**

Thank you,

Alanna Dayton

Email from Greg Dayton on February 9th

We have worked to gather additional support of our position in the form of a petition which we will deliver to Wendy Rhoades on Monday. This petition has the signatures of property owners from Inverness Blvd., St. Albans Blvd., Kings Highway, Brittnay Blvd., and Fair Oaks Dr. **The owners who signed the petition are requesting that the Planning Commission deny the zoning change at 1907 Inverness so that it remain SF-3.**

Please include the following in the case back-up materials for the review of the planning and zoning representatives: The forthcoming petition, this email, and any other emails sent since January 22 and before the February 12 hearing in objection to this zoning change.

Also, the back-up materials included comments about the "Psychic Business" that operated in that home before the current owner took possession. It is our understanding that this was an unpermitted business that was shut down by the city. Further, it was a business that seemed to be more of a hobby for the previous owner than an income-generating business. Specifically, we did not see any foot traffic that could be identified as customers.

Why we Object:

1. *Neighborhood safety* - Due to the substantial number of uses that could be permitted under the LO-MU designation, we strongly protest the rezoning of 1907 Inverness Blvd and insist it remain SF-3. It is clear to us that what could begin as an insurance office and living space might quickly become something different and less stable for our community.

2. *Truthfulness and intent*: Following the January 22 meeting, Wendy Rhoades introduced the neighborhood owners in attendance to the representative of Marquee Investments, Mr. Johnathan Perlstein. Mr. Perlstein assured us that a tenant was in negotiation to live and work out of 1907 Inverness Blvd (one who was a State Farm agent and would only see a few clients a month - this seems counterintuitive). At that time, we pointed out that the property was listed for sale online and there was a large for sale sign from a commercial realtor posted on the property. Mr. Perlstein said that was a mistake and the property was not for sale. However, since that meeting, the property has been continuously listed for sale as a commercial space both online and the for sale sign remains (the listing was updated as recently as February 5, 2019 by the realty company "Commercial Market Exchange": <https://www.loopnet.com/Listing/1907-Inverness-Blvd-Austin-TX/14081542/> - screenshot attached as pdf as well as photo of sign). Therefore, we do not believe in the assurances of the owner or their representatives. Further, this discrepancy in the facts leads us to doubt the integrity and intentions of Marquee Investments.

3. *Current ownership, commercial zoning, and a lack of stability* - The following is a list of properties and the tenants of the owners of Marquee Investments that was culled from the Travis Central Appraisal District, Austin Zoning Records, and internet research:

- 2105 Justin Lane, 78757 - Justin Plaza. Costmetics & beauty company, State Farm Insurance, AA, 2 salons, auto title, surveying company, barber shop, nail salon,
- 1705 Bench Mark Dr, 78728 - two contracting companies
- 15307 Ginger St, 78728 - warehouse property [for sale by Commercial Market Exchange](#) which [listed 1907 Inverness as a commercial property for sale](#)
- 11102 Bluff Bend Dr, 78753 - commercial warehouse - Austin Countertops
- 11020 Bluff Bend Dr, 78753 - commercial lot adjacent to 11102 Bluff Bend used by Austin Countertops

- 2711 Kelly Ln, 78660 - warehouse space [also for sale by Commercial Market Exchange](#) that has [listed 1907 Inverness as a commercial property for sale](#).
- 201 W. Powell Lane, 78753 - lawn maintenance company,
- 1934 Rutland Dr, 78758 - Paris Hookah Lounge
- 2801 East 5th Street, 78702 - dog grooming business
- Corner of West 5th & Congress in 2015/2016. The owners Proposed strip club at this location and a site plan application was submitted to the city by [Aus-Tex Consulting](#). (the company contracted by Marquee investments to coordinate 1907 Inverness zoning change). Currently home to Shiner's Saloon
- 103 W. 5 St - office
- 4605, 4607, 4609 N Interstate HY 35 TX 75751 - A children's science academy, empty lot, and the Royal Hookah Cafe.
- 9558 HY 290 78724 - empty lot, second to the west from Reservoir Ct
- 9701 E HY 290 78724 - empty lot on east side of Reservoir Ct and Frontage road
- 9705 Reservoir Ct, 78724 - lot adjacent to 9701 E HY 290. Formerly Pink Monkey Caberet adult club.
- 9704 Reservoir Ct, 78724 - empty lot across from 9705 Reservoir Ct.
- 9570 Reservoir Ct, 78724 - empty lot at corner of Reservoir Ct and 290 frontage road.
- 704 W St. Johns Ave 78752 - Visible Style Hair Salon
- 7205 N Lamar Blvd, 78752 - DC Tatts (tattoo shop), Happy Clouds (head shop/smoke shop), Queen Eyebrow Threading, Beauty Salon
- Property ID 267821 - empty lot
- Property ID 267822 - empty lot
- 401 FM RD 685, 78660 - Commercial lot with shopping at front (am/pm Grocery), and warehouse space behind it early learning center, sign shop, boxing gym, tire shop, wrestling gym.
- 15505 I-35, 78660 - car sales
- Property ID 821836 - empty lot

We don't have an issue with Marquee Investments using their resources to develop properties. And we also understand that not all of these businesses could operate on an LO-MU property but we list Marquee Investment's properties and tenants to illustrate the wide net that an investment company casts when finding tenants (and, by extension, buyers of the property). However, we do not want to see this lot rezoned and opened for the many types of uses that fall under the LO-MU code - we have no doubt that the highest bidder will win the day and the desires of the community will not be a driving concern of Marquee Investments' owners. Further, we object to the uncertainty that may come with a commercial lot as opposed to the stability and certainty of an SF-3 residential lot, no matter who the owner may be. Finally, we see a possibility where this building is razed and the lot left empty until a commercial buyer is found at the right price. We base this on the fact that the building has some [outstanding code violations](#).

Also, in looking over the above list, it is important to note that Marquee Investments has two of their other properties listed for sale with Commercial Exchange Market. Again, we find it hard to believe in any promises made by the owners as to the immediate and future use of the property.

4. Availability of commercial property in the surrounding neighborhood. There are numerous available and/or vacant commercial spaces on Manchaca Rd. and W Stassney La. The following are all less than 0.5 miles from 1907 Inverness and the adjacent bus stop. This search was done in one afternoon and without the benefit of a realtor's aid. We simply walked the neighborhood, took notes, and checked the city and county records:

1. 1500 W Stassney La (see attached photos): formerly AAA News Inc. Zoned CS-V-LR-NP. apx. 14,000 sq ft, total. [Travis CAD - ID 511151](#)
2. 1604-1606 W Stassney La (see attached photos): 18,500 sf warehouse space listed as Stassney Business Center for lease on [LoopNet](#). [Travis CAD - ID 319736](#)

3. 2056 W Stassney La (see attached photos). Building is vacant - [City Zoning profile is blank](#) zoned as SM Store according to Travis CAD records. Building was submitted to Austin 311 for graffiti removal apx. 5 months ago (ID [18-00237957](#)). [Travis CAD - ID 511103](#)
4. 5700 Manchaca Road - Cherry Creek Plaza main building. [Three spaces listed on LoopNet for lease](#) : a) Suite 300 - retail (4000 sf) [currently City of Austin Municipal Court]. b) Suite 240 - Standard Retail (11,292-22,585 sf) currently retail, owner willing to divide. [Currently Thrift Town] c) Suite 310 - Office/Retail (900 sf). [Currently used as bakery kitchen but not for direct sale]. [Travis CAD - ID 319824](#)
5. 5608 Manchaca Rd (see attached photos). Formerly Subway currently empty and part of Cherry Creek Plaza Partnership. Note the commercial "For Lease" sign for food truck spaces. There is only one food truck in Cherry Creek Plaza [Travis CAD - ID 319826](#)
6. 2007 West Stassney Rd (see attached photos). Building is currently empty - food truck in front. part of Cherry Creek Plaza Partnership [Travis CAD - ID 319827](#)
7. 4908 Manchaca Rd. There is an office space for lease on [LoopNet](#), This property was purchased in late 2017 and renovated. The lease space is still available. [Travis CAD - ID 51013](#)
8. 5316 Manchaca Rd. Part of Crocket Square where Strange Brew was located. There is a for lease sign in front (directly across from the for sale sign for 1907 Inverness Blvd. See attached photos. [Travis CAD - ID 511072](#)

Further, we have several vape shops, a tattoo shop, sever barber shops and hair salons, a title loan broker, and a pawn shop in the neighborhood. We don't see the need for more of these types of businesses but worry that that this is the kind of "Storefront Retail/Office" that Marquee Investments and Commercial Market Exchange are marketing in the sale listing referenced above and attached. And we do have some empty buildings that investors are not in a hurry to rent out or sell, instead taking the loss as a write-off. Again, we don't want to see that happen on our street.

5. *Parking and Street Safety.* Parking has been a chronic issue for all residents in this area of Manchaca Road. However, for those of us across the street from Crocket Square, we have a unique problem. When Austin favorite Strange Brew was open, the overflow parking landed directly across the street on Inverness Blvd. We also have ACC students that park on our street since we are the closest side street to the South Austin ACC Campus on the east side of Manchaca. And Since Austin Java opened across the street, the parking on Inverness has gotten worse (see attached photos). With the old Strange Brew space under renovation and [expected to be occupied by "Captain Quackenbush's Coffeeshouse and Bakery"](#) soon, this problem will only intensify. Adding a commercial lot at 1907 Inverness, even if there are 4-6 available spaces on the property, will make a difficult problem even more dangerous. We don't have sidewalks on Inverness and a lot of children (infant - high school) and adult pedestrian traffic. During afternoon rush hour, Inverness, St. Albans, and Fair Oaks experience a high volume of traffic as people headed south will cut through our neighborhood to get to Stassney La. ***Add in commercial traffic coming and going from a property that faces Inverness Blvd, not Manchaca, we have serious concerns for the safety of our families and all that come through our neighborhood.***

Given the number of lots that have available or unused space, and the lack of affordable housing in South Austin, as well as our interest in keeping our neighborhood safe, we don't see the logic in changing the zoning of 1907 Inverness Blvd. In this case, the South Austin Neighborhood Combined Plan would not meet its stated vision if 1907 is rezoned. The vision: "Create a complete community that is mobile and interconnected; compact, accessible, and affordable; natural and sustainable; healthy, safe, creative, and engaged." As outlined above, rezoning 1907 Inverness would negatively impact the residential character of our neighborhood, likely reduce the affordability of housing in the immediate neighborhood (by removing an SF-3); it would not be healthy or safe for the residents or South Austin at large, would degrade neighborhood safety and diminish the a growing community that has been building since ground was broken in 1967.

It is with this additional information and wider context that we urge the staff to change their position from "Recommend" to "Not Recommended. We will be in attendance on Tuesday and plan to formally address the Planning Commission with our wishes that 1907 Inverness Blvd remain SF-3.

Thank you for your time. We look forward to seeing you on Tuesday.



1907 Photo 1



1907 Photo 2



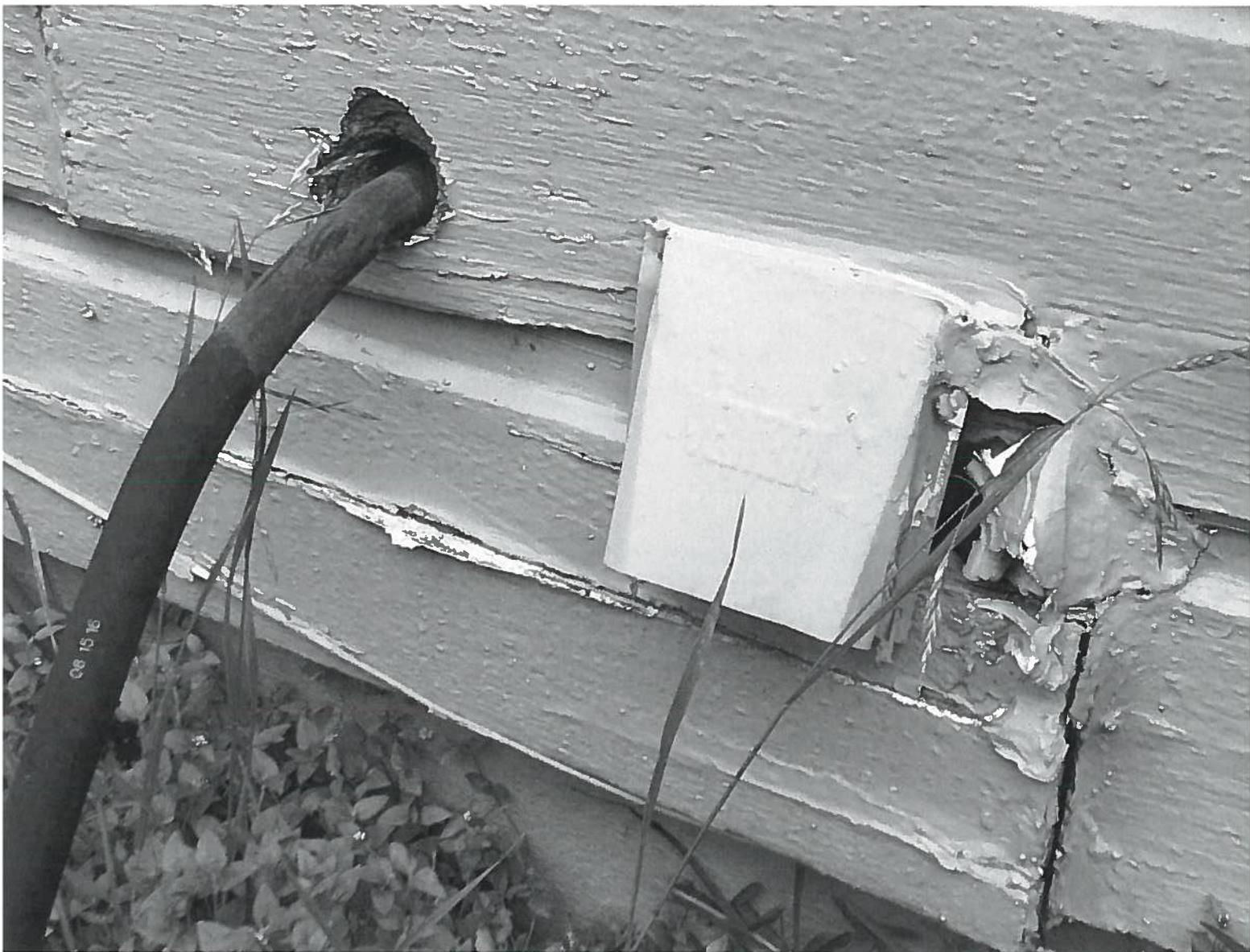
Photo 3
1907 Roof Shingles



1907
Photo 4
Appearance and Upkeep

1907 Photo 5
Appearance and Upkeep





1907 Photo 6
Improper Drainage and
Rat entrance

April 23, 2019 Planning Commission Q&A Report

7. **Rezoning:** [C14-2018-0141 - 1907 Inverness Zoning Change; District 5](#)
Location: 1907 Inverness Boulevard, Williamson Creek Watershed; South Austin Combined (South Manchaca) NP Area
Owner/Applicant: Marquee Investments, LLC (Alex Bahrami)
Agent: Austex Building Consultants (Jonathan Perlstein)
Request: SF-3-NP to NO-MU-NP, as amended
Staff Rec.: **Recommended**
Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

Question: Commissioner Schneider

- Since this was last before the PC, have there been discussions between the neighbors and the owner/developer? What has been the outcome of those discussions?
- There were concerns raised that there may be numerous code violations at the proposed property, have those concerns been addressed?
- Has there been a change in the opposition to the proposed change from the neighbors? Is there a valid petition in place and if so can you explain what that means for approval at the PC or the council?

Answer: Staff

1. Discussions between the Owner and Agent and the neighbors have not occurred since the last Planning Commission meeting on February 26, 2019.
2. The Owner and Agent provided a survey of the Property with impervious cover figures (61.2% of the property), but to my knowledge they have not done background work to start addressing the code violations, and have not been in contact with the Code Department.
3. The neighbors remain opposed to the proposed rezoning to the NO-MU-NP district. The valid petition remains at 33.34% and is informational to the Planning Commission. At final readings of the rezoning ordinance at Council, 9 out of 11 Council members must vote in favor of the rezoning change to NO-MU-NP in order for the case to be approved. This case is listed on Council's April 25th agenda, however, Staff is requesting postponement to May 9th in order to have adequate time to re-compile the backup that will be forwarded to Council.

Rhodes, Wendy

From: Aus-Tex Building Consultants aus-tex-bc@gmail.com
Sent: Wednesday, May 08, 2019 1:00 PM
To: Rhodes, Wendy
Subject: 1907 Inverness

Austin City Council,

I am the representative of this case, would please like to postpone the May 9th City Council Meeting, as I will be out of state at my daughters graduation.

My requested postponement date is June 6th 2019.

Regards,
Jonathan Perlstein

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