

McCarthy Print.
Your marketing
multi-tool.

www.mccarthyprint.com
512.479-8938 • f 512.494.8540

M C C A R T H Y
P R I N T

Lucy's BOATYARD

on Lake Austin

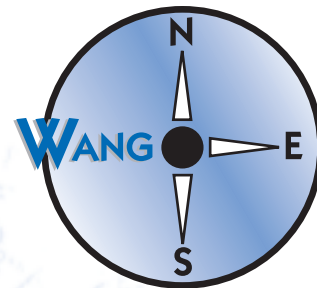
Seafood Specialties - Great Burgers
Fresh Salads - Authentic Italian Pizza

IN YOUR NEIGHBORHOOD
NEXT TO HULA HUT
ON LAKE AUSTIN BLVD.
651-0505

Check Out Our New Menu Items!

Monday, May 2nd, 2005, 7:00 pm
Howson Branch Library
EXECUTIVE COMMITTEE MEETING
Please Check Mailing Label for Renewal Date

West Austin Neighborhood Group
P.O. Box 5722
Austin, Texas 78763-5722



West Austin Neighborhood Group

Organized 1973

*"To preserve our neighborhood
and protect it from deterioration."*

BOARD OF DIRECTORS

Erik Cary
President

Gwen Jewiss
President-Elect

Selina Serna
Treasurer

August "Happy" Harris III
Secretary

Blake Tollett
Assistant Secretary

Michael Cannatti
Past-President

COMMITTEE MEMBERS

Joyce Basciano
Joseph Bennett
George Edwards
Michael Falk
Jim Girardeau
Stephen Griffith
Hal Katz
Ken Pfluger
Susan Pascoe

HONORARY COMMITTEE MEMBERS

Mary Arnold
Sinclair Black
Hon. Lloyd Doggett
Hon. Will Wynn

Background Photo of Lime Kiln #PICA24140,
Austin History Center, Austin Public Library

THE NEIGHBOR

P.O. Box 5722 • Austin, Texas 78763-5722

April, 2005

**Wang Announces 2005 Central Austin
Transportation Summit**

The West Austin Neighborhood Group is pleased to present the 2005 Central Austin Transportation Summit. The Summit will be held Saturday, April 30 at Casis Elementary School, 2710 Exposition Blvd., from 9:00AM to 11:00AM. Refreshments will be provided by our generous sponsors.

Bryker Woods, Highland Park West Balcones, Oakmont Heights, Old Enfield, Pemberton and Tarrytown neighbors and businesses are invited to come learn about the future of transportation and its impact in our immediate area in the days to come. We encourage all of you to come hear from the Austin-San Antonio Rail District, Capital Metro, Central Texas Regional Mobility Authority, City of Austin and the Texas Department of Transportation. This is a rare and unique opportunity to learn about your ability to get around Austin as our city and region change and grow. You will also learn how each of these entities is involved in the planning and implementation process. After all presentations are complete, there will be a brief question and answer session from the audience.

We encourage your participation, your comments and suggestions so that we as your neighborhood representatives, regardless of the neighborhood you live in, can better understand your needs and serve as your advocates in the transportation planning process.

For more information contact wang@deepeddy.com

**Development - Problems and Solutions
Drama and Compromise on Stamford Lane**

by Mike Cannatti

Stamford Lane has become one of the most popular spots for new home construction in West Austin. However, our sleepy little street has been feeling just a little bit "stressed" of late with four new homes being built on our street alone (including one by yours truly). As some of you may have heard, there was a variance dispute concerning one of the new homes on our street. While there has been a good ending for this particular variance dispute, there were some things that we all learned in this process that others could learn from. Accordingly, I will now tell a little story about a hypothetical new

home or remodel project in which any similarity to any real life situation is entirely imaginary, coincidental or otherwise unintentional. This story attempts to illustrate one preferred way for a developer to undertake a new home construction project, but also offers cautionary advice on the limits of neighborhood input.

Tips for the Developer: A developer can make a good first impression by sending a letter of introduction to the nearby neighbors with information about himself and his plans for the project, perhaps including a phone number where he can be reached. This is a very nice touch that can create goodwill, especially since most developer don't seem to bother.

At some point before construction starts, the developer should also provide information to the neighbors about the general layout of the building along with a drawing of what the building will look like. The neighbors should not be given a right of approval or rejection over the plans, but by disclosing this information, the developer can learn important information about the property that is known to the neighbors, such as the location of property lines, easements, or other special features of the property that are not appreciated by the new owner. Another benefit of such early disclosure is that, very often, any misplaced fears about the new construction can be allayed by simply talking with the neighbors about the project beforehand. Such information should be sent to all neighbors within 300 feet. Many developer feel that there is no upside to early disclosure because they routinely encounter resistance to their plans. While there may be initial resistance, the effort to communicate with the neighbors on the front end really can make a difference in the long run because neighbors will respect and accommodate a builder who has respected and accommodated them. If a developer genuinely wants neighborhood support for a project, nothing is more important than early contact and complete information.

The developer should also try to understand the neighborhood's position by looking at the proposed development as if you lived next door. This may provide insight into why neighbors are fighting to protect their most significant financial and emotional investment, especially since a developer who completes an unattractive project won't likely be staying, while the neighborhood residents will have to live with it.

continued next page

Be sure to visit our website at <http://www.deepeddy.com/wang/>!

Before matters reach an impasse, a developer should consider putting himself in the homeowner's shoes by assuming that he would have to live next to the project for a long time, while the developer will be finished with it and gone in one or two years. In many cases, good planning, patience and effective presentation can still gain neighborhood support. In either case, the importance of a homeowner's concerns about his home and neighborhood should not be discounted or trivialized.

Tips for the Neighbors: Neighbors who live near a new home or remodel project will very often want any project to be compatible with the existing "look and feel" of the street. However, neighbors need to understand that property owners have property rights, too. If a project complies with the City's zoning requirements and does not violate any private deed restriction requirements, there really are no legal limits on what the developer does with his property. In these situations, neighbors may invoke "neighborliness" concerns to convince the developer to respect the look and feel of the street, but such considerations of morality are not included in the land development code.

Assuming there are no applicable private deed restriction rights, neighbors have little or no say over the aesthetics of how a code-compliant property is developed. However, once the developer violates the code requirements (e.g., exceeds the impervious cover or setback requirements), then the variance request process gives the neighbors (including all property owners within 300 feet) an opportunity to voice their concerns and objections to the development. To the extent that one of the variance criteria is whether the proposed variance alters the character of the area, the neighbor concerns about the overall design can come into play. On the other hand, neighbors occasionally overplay their concerns about the development's aesthetics when opposing a variance request.

Resolving Disagreements: Disputes between developers and neighborhoods often become emotional. The developer's profits are at risk, and some developers lose perspective when they become emotionally involved with their projects. The neighborhood can also become emotional about their homes, property values, and quality of life. It may be difficult to defuse such emotions, but a genuine effort at compromise will go a long way toward rebuilding goodwill on the street.

On Stamford Lane, we are happy to report that a satisfactory compromise was reached between the developer and the neighbors. In exchange for neighbor support for the variance request, the developer agreed to deed restrict his adjacent property to make any

development fit in with the street. There may still be some hard feelings here, but nothing that a few beers won't help cure.

President's Message

by Erik Cary

Austin State School Update

The so called Rider 55 Report from Health and Human Services is finally out. This is the report that made recommendations on whether state schools for the disabled should be closed. The final report's conclusions are largely the same as the preliminary report that we discussed last month. The report said that the Austin State School has the "lowest barriers to closure" in all analyzed categories as compared with the other state schools. The report, however recommend against the closure of any of the state schools largely for economic reasons. Based upon WANG's survey results indicating that the neighborhood would like for the facility to remain open, we are hopeful that the legislature will not go against the consultant's recommendations.

Bio-terrorism in Tarrytown?

I hope this flashy headline didn't scare you too much and of course we hope to never face this. However, we are planning to have Peter Freeman, who is with our local health department's Public Health Preparedness and Response to Bioterrorism program, with us at our May 2, 2005 meeting at 7:00 p.m. at Howson Library. Mr. Freeman is expected to talk about how it would respond to a biological emergency in our area and what they are doing to protect us from any such threats. Please join us for what looks to be an interesting discussion.

West Austin Neighborhood Group Minutes of Meeting

Monday, April 4, 2005, 7:00 PM
Howson Branch Library

Chair: Erik Cary, President

Attending: Basciano, Bennett, Cannatti, Cary, Girardeau, Harris, Jewiss, Keig, Pascoe, Pfluger, Serna, Tollett

Guests and Visitors: Lawrence Cranberg, Sara Madera, Richard Viktorin, Yvonne Lim Wilson, and David Zeitoff

Cary called the meeting to order.

Approval of Minutes:

Cary motioned for an approval of the minutes of the March meeting. Pascoe noted that she was not chair of Liaison but that Cary was. Cary was encouraged by Pascoe and members of ExComm to attend future ANC meetings as Pascoe cannot vote on behalf of WANG. Cannatti requested that we consider increasing the size of the font for the minutes as printed in the newsletter. Pfluger said that the printing company made adjustments to the layout but that he would speak with them. The Minutes of the March meeting were approved with correction by unanimous consent.

Old Business: None

New Business: Neighbor Participation. Serna had circulated the names of several new Members who had indicated an interest in becoming involved. She asked that WANG develop a protocol to make sure that newcomers and interested parties are put in contact with the committees in which Members expressed an interest.

Communications Committee: Chairman Pfluger requested minutes and the President's letter within a week to expedite the process of getting newsletters out. He asked ExComm for more and varied submissions. Cary noted that Katz was trying to get a series of health and safety tips for print.

Membership Committee: No report.

Liaison Committee: No report.

Nominating Committee: No report.

Transportation Committee:

1. MoNAC Position Statement: Chairman Harris requested that ExComm review and vote on MoNAC's position statement. The key difference between this position statement and that of several years ago is that HOV lanes have been reclassified as Managed Lanes, HOV's being a subset of Managed Lanes. Cannatti asked if there was a way to confirm that the reference to "neighborhood plans" in the MoNAC position statement encompassed WANG's neighborhood plan, or alternatively, that some language be changed by MoNAC to include neighborhoods without neighborhood plans already in place pointing out in agreement with other members of ExComm that several of our neighborhoods don't have formal neighborhood plans and may not for some time. ExComm agreed that it was critical that the neighborhoods remain as essential stakeholders in the future of the MoPac corridor. Pfluger wanted noted for the record that he would like to see MoPac "lidded" as he had seen done successfully in Seattle. He believed it to

be a viable option to issues with the MoPac corridor. The suggestion was made that Pfluger bring that idea to the attention of the TxDOT consulting engineers. Cary read the MoNAC position statement into the record and called for a vote:

POSITION STATEMENT ON MOPAC

- No additional homes or land should be given to expand MoPac. Our neighborhoods have sacrificed enough for this freeway.
- MoPac should be depressed below ground level due to noise, safety, and environmental concerns. Construction of additional surface or elevated lanes or ramps is unacceptable.
- If the freeway is not depressed below ground level, then noise and accident barriers must be constructed now. Initial funding for barriers was allocated years ago, yet nothing has been done.
- Any proposal to change MoPac must include a detailed and accurate analysis of the impact on traffic flow through residential areas, and must be consistent with neighborhood plans. Government agencies must work with neighborhoods surrounding the freeway to minimize existing cut-through traffic through the neighborhoods.
- Any proposal to change MoPac must not degrade water quality or cause additional flooding in the Shoal Creek or Johnson Creek watersheds.
- It is time to make mass transit, including light rail and commuter rail, an effective alternative to automobile transportation in Austin. This will reduce traffic pressure on all major roadways, including MoPac.

Jewiss motioned in favor with the friendly amendment added by Cannatti. The motion was seconded by a number of members. ExComm voted unanimously to support MoNAC's position statement.

2. WANG Transportation Summit: Harris updated the information on the summit. It is planned for Saturday, April 30 from 9:00 to 11:00 at Casis. He noted that Casis had not yet responded so the location could not yet be confirmed. He planned on having speakers from ASA Rail, Cap Metro, the City, TxDOT and perhaps the new consulting engineer being hired by TxDOT to review and make recommendations on the older sections of MoPac. He added that TxDOT has selected the engineer but they have yet to agree to contract terms and that it likely wouldn't be engaged until after the April 30 seminar. Jewiss suggested that comment cards be available at the event. It was also suggested that membership tables be set up.

3. 45th Street Improvements: Cary advised that the City was about to undergo a major 15 month renovation of 45th Street that would include the replacement of underground utilities. A unanimous sigh was heard and comparisons to a number of prolonged

and painful experiences about prior projects were made by those assembled.

4. Orphan Sidewalks: Pfluger asked for an endorsement of the position statement he drafted to be taken to ANC to garner wide-spread support. While there is support from City staff, he was advised that he needed to approach other stakeholders, primarily builders, about the position statement. Pascoe said that in order to go forward at ANC, the position statement would need to be much more specific. Cary asked that Pfluger put the position statement in a form suitable to be taken to ANC and bring it back to ExComm for a vote.

Historic Committee: Chairman Bennett reported that the committee had met to discuss the various forms of protection that were available including NCCD, local historic, national historic, neighborhood plans and deed restrictions. The easiest to have in place are deed restrictions but that would take neighbors agreeing to restrictive covenants. Cannatti added that the more restrictions, the more dissent would take place. They agreed that there would be little uniformity across the entirety of the neighborhoods. Cannatti suggested that a real estate attorney come to a meeting to advise WANG how the process works and how to go about getting neighborhood restrictions put in place, perhaps setting up a template that neighbors could use. A number of names were offered by ExComm. Cary pointed out that City enforcement of deed restrictions has been lax. Basciano added that folks have to decide what they want the character of their neighborhoods to be. Cannatti noted that deed restrictions manage new and future construction. Pascoe suggested that design guidelines might be appropriate but Bennett noted that Hyde Park is really struggling with that issue now.

Infrastructure Committee: No report

Zoning Committee:

Chairman Tollett added into the record the variance requests at 2306 W 8th and 3211 Bridle Path were granted by the Board of Adjustment over the objections of the WANG ExComm, and the variance request at 1807 Stamford was granted subject to an agreement with the neighbors. Etheridge House This house is in Pemberton. The consensus was that WANG would provide assistance to Pemberton if requested. Pascoe said that she would take the offer back and see. 3208 Enfield

With some dissent, a motion was brought to the floor to pursue the appeal of the current ruling on the "passive solar device" i.e. balcony. The majority of ExComm supported the pursuit of this noting that City staff had allowed this to go forward under the apparent encouragement of senior City staff despite the original ruling that the addition must be removed. The City Manager has given WANG the opportunity to appeal because of improper notification. The majority felt that this was a terrible precedent and could undermine all future easements and restrictions. The City has requested a \$360 filing fee. Tollett will seek to have it waived as it was the City's error that made the appeal necessary. Cary noted that the pursuit of the matter and the use of WANG funds was within the scope of WANG's mission statement. The vote was called, the motion made by Cannatti and seconded by Pascoe. ExComm voted 9-1 with 1 abstention in favor of pursuing an appeal. A second vote for the use of neighborhood funds was then taken and passed 9-2.

Treasurers Report: Treasurer Serna reported that there was \$1557.29 in Checking, \$3,143.53 in Savings, \$1,197.64 in the Oak Wilt Fund and that there were 269 paid members. After a brief discussion, a motion was made to close the savings account when the reserve dips below the no fee minimum. The motion was made, seconded and was unanimous.

Adjournment: There being no further new business, Cary adjourned the meeting.

Join WANG!
P.O. Box 5722
Austin, TX 78763-5722