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Thursday, July 7th, 2005, 7:00 pm
Howson Branch Library

EXECUTIVE COMMITTEE MEETING

Please Check Mailing Label for Renewal Date

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

West Austin Neighborhood Group



West Austin Neighborhood Group

Organized 1973

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

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

THE NEIGHBOR

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

June, 2005

President's Message
by Erik Everett Cary

All seems to be well in the 'hood -- please tell me if it's not. The possibility of the Austin State School being closed and the property sold by legislative directive appears to be dead. I thought it might be a good time for tips on how you can deal with brewing disputes before they boil over. Based upon my service on the executive committee, some recurrent themes have presented themselves. Whatever the problem, some general rules can be applied.

1) Know your neighbors. Many times, our first contact with a neighbor is a complaint. This should not be so. You should introduce yourself to all of your neighbors. Write down each neighbor's name and phone number and ask that they do the same. Tell them that if they ever have a problem with something you've done, to please give you a call. Don't mention complaints in this first meeting.

2) When a complaint situation arises (or if you already have one and you've waited) address the situation soon after it arises, but never when you're mad. Many times people "stew" about problems without even mentioning it to the neighbor and then when they do mention it, they are extremely upset. Whether the problem is a barking dog, noise from music, a party (or parties) that got out of control, or other irritating things, the issue should be addressed quickly, directly and politely. Sometimes just a statement like -- "I noticed your dog was upset last night, is everything o.k.?" may be enough.

3) After a reasonable period of time has passed after making the neighbor aware of the problem, you need to start a diary related to the issue. In other words, reduce the problem to a chronological listing of information. Write down the date that it occurred, your observations related to the issue and any other information that might be helpful. This information is critical to attorneys, police and courts, if the issue gets that far. You may also realize that the problem is not as bad as you thought.

4) After you have informally mentioned the problem to the neighbor and is has gone unaddressed, then you need to formally address the issue with them. It might be a good idea, to schedule a meeting time and

place to impress the importance of the issue. Again, be polite. Sometimes this is all that is needed to work out an agreement. Remember that if you yell, you lose. You will appear to be unreasonable. You should remember that the other person may not change their mind immediately, but may change their behavior to address the problem after the meeting is over. At the meeting, assume that the other person is unaware of the problem. Phrases such as, "How do you suggest we deal with this," "What can I do to help?," or "I thought you might not know," may be helpful. Always propose a solution, and offer to help or share in any expenses if you can.

5) If it looks like the formal meeting did not work, at this point it might be a good idea to discuss the issue with other neighbors, including the West Austin Neighborhood group. The issue may be a mutual problem with others and there is strength in numbers. If another neighbor has a relationship with the offending neighbor, that neighbor may be willing to act as an intermediary to attempt to resolve the issue. Again, it is always good to know your neighbors.

6) If the meetings do not work -- in other words the behavior or issue did not resolve itself -- then you need to put the issue down in writing. This is very important so that you will have proof of: 1) the nature of the dispute, 2) the fact that the issue was brought to the attention of the neighbor, and 3) the fact that the neighbor did not resolve the issue. If you believe that the behavior violates a law or ordinance, it is a good idea to refer to the law and provide a copy to the neighbor in the letter. This will help to prove your case that the offending neighbor has acted intentionally, knowingly or deliberately. You should send these letters by certified mail, return receipt requested, and by regular mail. You want the neighbor to get it and you want to be able to prove that you mailed it. Keep the "green" card and attach it to a copy of the letter. Seeing it in writing may persuade the neighbor to modify their behavior. It is a good idea to provide a copy of the letter to our local police liaison. Please stop by a meeting and get the most current information.

7) Before taking action with the courts or law enforcement, and depending on the nature of the dispute, it might be a good idea to suggest to the other neighbor that you

continued next page

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

would like to attempt mediation. Mediation is a non-binding legal alternative to the courts, where a neutral third party attempts to resolve the issue in a mutually acceptable manner. The neighborhood group can facilitate locating a mediator at a reasonable expense.

8) Depending upon the type of dispute, it may be appropriate to call the police. Resort to law enforcement only when the behavior clearly violates state law or a city ordinance. Thus, for a complaint about noise, it may be appropriate to call the police. However, the police will not likely help regarding a boundary dispute or other "civil" matters.

9) Once it becomes clear that your own "self-help" remedies (and perhaps the police, too) will not solve the problem, you should consider hiring a lawyer. A lawyer can tell you what remedies are available and the cost of exercising such remedies. If granted by the Courts, sometimes an injunction can do the trick. However, if the contemplated remedy is damages, the filing of lawsuit may not be a complete or speedy resolution. Also, the filing of a lawsuit will likely preclude a normal relationship with the neighbor.

10) Even if your decision is that you do not want to hire a lawyer, you may want to file a lawsuit on your own behalf, sometimes called a "pro-se" lawsuit. You can file this in "small claims court" or Justice Court without an attorney. In Texas, the lawsuit itself (or "pleading") can be done orally by explaining the basis for your lawsuit to the JP. The maximum amount of damages is generally \$5,000. At Court, you should never exaggerate your claims or damages, you should always provide documentation for each statement you make. It is always appropriate to bring pictures and an estimate of expenses from experts, if appropriate.

Hopefully, you won't have to use the Courts, lawyers and the police to resolve the dispute. Be a good neighbor.

PUBLIC HEALTH & SAFETY REPORT by August "Happy" Harris

Are you prepared? Peter Freeman, Public Health Educator with the City of Austin/ Travis County Health and Human Services Public Health Response Unit addressed WANG's meeting on June 6 and wants to make sure you are. His topic was health and safety preparedness. The Response Unit operates 2 mobile vans, used primarily for immunization projects and emergency response and also for educational process. We hope to have one available at the Annual Social on October 1 at Eilers Park.

The Unit's primary mission is to coordinate response by various agencies in the event of a natural or accidental disaster or an act of terrorism. It also can lead disease investigation, isolate and quarantine where necessary, distribute shots and disseminate information to the public and coordinate with the Federal Office of Emergency Management.

Public Health Preparedness

The Public Health Response Unit is charged with identifying emerging sick populations using a number of indicators. One aspect of emergency preparedness involves the stockpiling of vaccinations in the event of epidemic outbreaks. This stockpile, referred to as the Strategic National Stockpile, is controlled by the Centers for Disease Control (CDC). CDC has established a 12 hour time frame for delivery to stricken areas. There are 24 stockpile sites within the Austin Metro region. The exact location of those stockpiles is a closely guarded secret to protect the public.

On a personal level, you should take certain steps to protect yourself. Of utmost importance is to know and understand hazards. You should take steps to plan for emergencies – personally, for your family and your workplace. In planning for emergencies, you should have survival and first aid kits prepared with easy access. And lastly, you should maintain your health and a certain level of fitness to face adversity.

A good resource for all households is FEMA's guidebook to emergency preparedness which is free. Contact FEMA directly at 1.800.480.2520 to order the booklet or go to <http://www.fema.gov/areyouready/> for more information.

Volunteering

The Unit is in need of and encourages volunteers and have established the Capital Area Medical Reserve Corp which includes retired doctors and nurses. Non medical volunteers are also needed for a variety of activities. As a long term resource, volunteers are needed for dispensing sites and other activities at the time of an emergency. You are urged to contact the Austin / Travis County Health and Human Services Public Health Response Unit at 512.972.5419 or go to www.cityofaustin.org for more information or to offer your assistance.

HISTORY & PRESERVATION

WANG will be sponsoring a showing of the Heritage Society of Austin's 2005 Awards Ceremony Keynote Address. Make sure to

get the date and time in next month's newsletter or online at <http://www.deepedy.com/wang/>. The 44th annual Preservation Awards luncheon featured speaker Mayor Joseph. P. Riley of Charleston, South Carolina. Mayor Riley is a leading expert on preservation, urban design and livability issues and is a frequent speaker across the country on these topics. His presentation was immensely entertaining, unequivocally informative and ultimately inspiring, a must see for all who are interested in the preservation of the fabric of their neighborhood and community. Taped by the City of Austin, this is a "must see" for Austin.

3208 ENFIELD REPORT by Blake Tollett

A variance request (C15-03-075) was filed at this address in the summer of 2003 to maintain a balcony on the Dillman Street side of the property that had encroached into the required side yard setback. This variance request was denied by the Board of Adjustment and the balcony was ordered to be removed. In December 2003, the property owner made minor modifications to the balcony, converted the door access from the house into a window, and got a city inspector to reclassify the balcony as a passive solar design thus satisfying the code requirements. WANG felt this administrative interpretation of the building code was incorrect and worked with the City through all of 2004 and early 2005 to appeal the decision.

On May 12, 2005 the Board of Adjustment heard an administrative appeal filed by WANG requesting an interpretation of whether the City had made a correct application of the requirements of the Land Development Code when a City official decided that the balcony at 3208 Enfield was a feature required for passive energy design and therefore allowed to encroach into the side street required setback. The Board of Adjustment ruled that even though the balcony was the focus of a previously denied variance request, since there is no definition of passive energy design, and since the balcony roof shaded a window and the balcony floor shaded a doorway, the City inspector was within the Code in his interpretation. The Board suggested and the City agreed that a committee be authorized to set definitions for passive energy design.

West Austin Neighborhood Group

Minutes of Meeting

Monday, June 6, 2005, 7:00 PM
Howson Branch Library

Chair: Erik Cary, President

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

Guests and Visitors: Sara Madera, Spencer Nutting

Cary called the meeting to order.

Neighbor Presentations
Health & Safety: Peter Freeman with the City of Austin Health and Human Services made a lengthy presentation regarding health and safety preparedness. Because of the importance of the subject matter, his presentation is provided elsewhere.

Old Whole Foods Site: Mike Blizzard, representing a group opposed to a Planned Unit Development (PUD) at 6th and Lamar presented the organization's position regarding Schlosser Development's request on the old Whole Foods site at 6th and Lamar. The group represents a number of impacted neighbors and neighborhoods. Objections center primarily around Schlosser's attempt to circumvent zoning limitations and the inclusion of a proposed 120 foot office tower on site. The latter, they projected, would add dramatically to congestion already occurring as a result of the additional traffic brought in by the new Whole Foods Market facilities across the street. Their analysis suggested an additional 10,000 car trips per day would be added. Serna interjected that she works in the immediate vicinity and that, while she and her coworkers had made route adjustments, they had not been overly impacted by the congestion to which Blizzard alluded. Further, the site would not legally qualify for a PUD because it has insufficient acreage. If the PUD were in place, it would allow Schlosser to circumvent City compatibility requirements. This would have greatest impact on the residential neighborhood that lies immediately west of Lamar. They projected that \$1.1 million in taxable value would be lost to the local taxing authorities as a result of the loss of views from the construction of the tower based upon an average of \$40,000 per house that would be impacted. City staff had initially approved the PUD but after public outcry has elected to reconsider the matter. A hearing has been scheduled for June 21 before the Zoning and Platting Commission. Among the neighborhoods formally opposing are Austin Neighborhoods Council, Old West Austin, Zilker and several South Austin groups. In addition, businesses such as By George and Book People are opposing it because they are concerned congestion will drive away customers. Blizzard asked ExComm for WANG's support of their opposition.

Several members voiced the concern that it was outside the jurisdiction of WANG although we agreed that we needed to support our fellow neighborhood groups. Cary told Blizzard that it was customary to hear from both sides before we took a position and that Schlosser was not represented tonight to present their position. Consequently, we were not in a position to take a vote. Cannatti made a motion that we investigate through ANC. The vote was 11 – 1 in favor, Falk dissenting that it was out of our jurisdiction.

Because of the length of the two prior agenda items, Cary proposed that we move straight to Zoning. ExComm consented.

Zoning Committee: 3709 Windsor Road This involves a balcony on new construction that was within the setback. Tollett said that this case was different from 3208 Enfield in part because as the balcony was over a garage door, it could not be construed as a passive solar device. Danny Dishman presented on behalf of the homeowners. He acknowledged that the balcony was indeed within the setback and was a violation. He displayed the plans, which had been approved by City staff. It was apparent that the City had approved them in error. There was concern raised about the project architect. Girardeau made a motion to oppose the variance request and Cary seconded. The vote was 9-2-1 in favor of opposing the variance request.

Approval of Minutes: Cary motioned for an approval of the minutes of the May meeting. A motion was made and seconded and approval was unanimous

Old Business: 1. Annual Meeting Jewiss submitted the proposed budget for the Annual Meeting. Her submission included \$3,345 in expenses. They have decided that the best date is October 1 based upon the various fall conflicts. The event will be held at Eilers Park by Deep Eddy. It was suggested that the weather might cooperate and that it might be warm enough that children could swim. We might be able to use the restored bathhouse in the event that renovation are complete but EMS has consented to let us use its area in the event of inclement weather. Tollett was asked about sponsorships. He felt certain that he could increase sponsorships and that an increase in the price of advertising would work. He set an advertising goal of \$4,000 at \$475 to \$600 per sub-

mission. Serna expressed the hope that the cost of the extra newsletters would be covered. The Parks Grant may be the primary agenda item for WANG this year. We have numerous parks including Taylor's Slough, Deep Eddy, Reed park, West Enfield, Mayfield, Triangle and Shoal Creek, all which fall within our boundaries and all of which need extra support. Cannatti suggested brining the various park support groups in to the planning process. Cary suggested that each park support group have a booth at the meeting. Infrastructure was assigned the task of identifying the subject parks and their support groups.

2. 3714 Stevenson Spencer Nutting, a neighbor, addressed ExComm regarding his concerns over demolition of the house built in 1934. The property was purchased by Vickie Roan. The demolition permit had been granted and City staff had no objection. The item had been on the consent agenda for the Landmark Commission. Nutting said he arrived late to the Commission meeting and was unable to speak. He asked if WANG could do anything. Cary told him that it was too late in the process and that we would be involved only if there was a variance request. Harris told Nutting that the property likely met insufficient criteria under the City's new and more restrictive guidelines to be considered historic thus allowing it to be on the consent agenda.

Committee Reports: Due to the length of the meeting, no committee reports were made.

Treasurers Report: Treasurer Serna submitted her report for inclusion in the minutes. There is \$1,099 in Checking, \$3,143.53 in Savings, \$1,197.64 in the Oak Wilt Fund and there are 250 paid members.

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

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

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