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Austin, Texas 78703

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*April 7th, 2003, 7:00 pm  
Howson Branch Library*

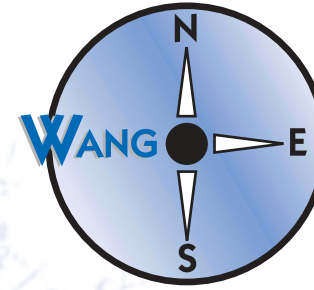
**EXECUTIVE COMMITTEE MEETING**

*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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Past President

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Background Photo of Lime Kiln #PICA24140,  
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# THE NEIGHBOR

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

March, 2003

**President's Message  
March 2003**

Greets all:

After getting feedback from a number of you on last month's message, I was surprised to learn that my mom and wife are not the only readers of this message! Who'd a thunk it? With the possibility of a more expansive readership than previously anticipated, I'll try to provide some useful information here.

With all the remodeling and new construction we've had recently, this would be a good time to review some of the "zoning basics" that apply to remodeling and development in our neighborhood. Our zoning rights and responsibilities have a direct effect on our property values because they allow us to preserve the quality and character of West Austin and protect it from deterioration.

Why do zoning requirements matter? Because the protect what we have. As the economic value of our property increases, there will be increasing pressure to build bigger, badder and more expensive houses in our neighborhood. On the other hand, those of us who chose to live here because of the charm, character and/or convenience of living in West Austin don't want to see unchecked development ruin what made us move here in the first place. In addition, as larger homes and developments are built and property values (and taxes) increase, it becomes more difficult to afford living here. God willing, we'll all be able to retire, grow old and still be able to pay property taxes here indefinitely. But not everyone can afford to stay and pay if our property values continue to spiral up.

(Now before you jump to any conclusions, this is not a socialist manifesto. But instead of seeing my "home" as a pure economic play, I see the value of my home as being the place where I can raise my family, see my friends, enjoy Austin's recreational and entertainment opportunities, grow old(er) and hopefully retire.)

What follows is my attempt to summarize the main zoning issues as I understand them. I can't certify complete correctness, nor have I attempted to address other requirements relat-

ing to building permits, site plans, etc. But I hope this helps those of you who are curious.

**1. Introduction to Zoning**

Zoning districts were established to promote compatible land use within the City limits and to control development density. Zoning districts typically set restrictions on building height, bulk layout, impervious cover, fence height, etc. Austin has 16 residential zoning districts and 21 commercial zoning districts. SF-3 "Family Residence" is the predominant zoning district for West Austin, though there are also some commercial properties along Exposition and Lake Austin Boulevard.

**2. Zoning Rights**

As a property owner, you are ENTITLED to the land uses that are defined by the zoning for your property. From a historical perspective, the restrictions on land use provided in the zoning districts (such as impervious cover) were intended to be an absolute upper bound on property use, and were never intended to define an sort of "average" use definition. So when you purchase an SF-3 zoned property, you have the right to make the following uses of your property:

You can build a single family house (or a duplex if the lot is 7000 sq. ft) that is up to 35' in height and that is as close as the minimum setbacks allow (front yard 25', street side yard 15', interior side yard 5', rear yard 10'). In addition, the building can cover up to 40% of the property, and the total impervious coverage can be up to 45% of the property. If you build any fences on the property line, the fence may be 6' in average height, but may be a maximum of eight feet in height if the fence is located on or within the building setback lines.

There are also certain permitted uses for an SF-3 zoned property. For example, authorized residential uses for SF-3 zoning include Single-family Residential, Lodging-house Residential (Owner occupied B&B) and Retirement Housing (small site). Civic uses for SF-3 zoning include Communication Service Facility, Day Care Services (limited), Group Home, Class I (General), School and Religious Assembly.

**3. Zoning Responsibilities**

In general, property owners are required to comply with the current rules if they wish to expand and/or improve their property. In addition,

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

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tion to use limitations provide by zoning laws, deed restrictions may also limit use of a property. Deed restrictions are considered "private" matters and are not enforced by the City. Normally deed restrictions deal with the character of the neighborhood and can be enforced by neighborhood associations or private citizens in civil court.

If a property owner wishes to exceed the allowed zoning uses or requirements, he or she must obtain a "variance" or zoning change before making any changes on the property. A property owner wishing to have an exception from the current zoning restrictions can file a variance request with the City. One needs to go before the Board of Adjustment for a zoning variance, at which point neighborhood input is permitted, as described below. No construction is permitted until a variance is granted and/or an appeal is completed.

Though not required by city ordinance, a property owner wishing to develop his or her property can often smooth the process by working with potentially affected neighbors early on in the design phase to address any concerns the neighbors have about the proposed construction/development. In addition, the property owner would be well advised to work with the affected neighborhood organization in advance of the hearing. Property owners should also be sensitive to compatibility concerns in proposing any expansions or development that are not consistent with the surrounding neighborhood structures. Getting the affected neighbors on board is just being a good neighbor.

#### 4. Zoning Protections

Prior to the Board of Adjustment hearing (described above), notices of the variance request are sent to residents within 300' of the property and to any organization having an interest in the application (such as a neighborhood organization). If an affected resident or neighborhood organization objects to the variance request, that objection should be presented at the Board of Adjustment hearing. Objections may be presented by filing out the objection form provided with the notice and delivering it to the Board.

A request for reconsideration must be filed in writing by the denied applicant or a person that has standing within 7 days after the Board's decision. It is our understanding that a request for reconsideration can only be filed by the property owner in question, property owners within 300' of the property or an officer of affected environmental or neighborhood organization.

Any interested party aggrieved by a decision of the Board of Adjustment may appeal the Board's decision to a District Court. The

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### WANG Executive Committee Meeting Minutes March 3, 2003

**Attending Board Members:** Michael Cannatti, Joyce Basciano, Joe Bennett, Erik Cary, Stephen Griffith, Hal Katz, Kenneth Pfluger, Michael Falk, Albert Almanza, and Blake Tollett

**Guests:** Ann Scott, Francis Slaughter Lynn Sanders, Fred Clark, Dr. & Mrs. George Edwards, Margaret Henkels, and several other neighbors were in attendance.

**Austin Public Library Foundation Presentation:** Representatives from the Austin Public Library Foundation ("APLF"), a non-profit organization, discussed plans for Austin's library system. In addition to being a public advocacy group for increased funding to the Austin Public Library system, APLF is working with the Dell Foundation on the Wired for Youth program to place public internet access in all of Austin's Libraries. Another project that APLF is advocating is a new and enlarged downtown public library modeled after the central Nashville, Tennessee library. WANG residents can visit APLF's website at [austnlibrary.org](http://austnlibrary.org) to find out more about their group and how we can help, including making a donation.

#### Approval of Minutes

The minutes from the March 2003 meeting were approved.

#### Committee Reports

**Zoning** — Good Shepherd Church B Dr. George Edwards reports that the Windsor-Exposition Neighborhood Group ("WENG") continues to negotiate with the Good Shepherd Church and its architect. Dr. Edwards is encouraged by the Church's response. WENG remains concerned about on-campus parking, the drop-off location for the school, and the size of the proposed second fellowship hall which may exacerbate parking concerns.

2608 West 7th Street (Maudies) — Blake Tollett reports that the variance requested by Mr. Joe Draker of Draker Enterprises (Maudies) to decrease the off-street parking requirement from 72 off-street parking spaces to 61 off-street parking spaces in order to expand the size of the restaurant into the space formerly occupied by the previous Laundromat has been indefinitely delayed. Blake notes that if the delay exceeds 60 days there will be a need for Mr. Draker to renotify the neighbors of his request.

2418 Scenic - The owner, through his agent, is requesting a variance from a 25 foot front set-back to a zero foot set back. In March, the Board voted in favor of opposing the proposed variance. Blake reports that the requested variance was denied, but that it is up for reconsideration.

2201-2205 Exposition — Owner is Exposition West Joint Venture. Variances have been requested to 1) decrease the minimum front street setback requirement from 25 feet to 0 feet for Lots 1B and 2A in order to maintain a single-family attached residential use on each lot in an SF-3 zoning district; 2) decrease the minimum lot width requirement from 25 feet to 15 feet for Lots 1B and 2A in

order to maintain a single-family residence; and 3) decrease the minimum rear yard setback requirement from 10 feet to 0 feet for Lots 1B and 2A in order to maintain a single-family residence. Several neighbors indicated that they were opposed to the proposed changes. Terry Irion, representing the developer, indicated that the changes were merely to effect a change in ownership from a condominium regime to that of individual home ownership. The Board voted (6-3) to oppose the variance, with Erik Cary and Mike Cannatti abstaining from the vote.

2007 McCall Road (Dill School property) — Owner is Austin Public Schools (Jack Kinkel). The applicant had proposed to apply for a change of use from public school to a private French primary school, Lycee Français Austin (LFA). For reasons that are not entirely clear, the school appears to have decided to back out of the proposed move.

Corner of Bridle Path and Exposition — Neighbor Lynn Sanders is concerned about a truck that has been parked near the corner of the intersection. The truck is legally parked, but presents a danger to traffic. WANG will ask the City's engineering department to extend the "no parking" zone all the way to the intersection.

**Communications** — It was noted that substantial improvements have been made, and are continuing to be made, on the website. The committee gives a special thanks to Michael Cannatti for his hard work on the web-site.

**Liaison** — No report.

**Membership Committee** — No report.

**Transportation Committee** — MoNac is in the process of printing up questionnaires for distribution to neighbors residing within four houses of MoPac with regard to sound barriers. The City council will likely be asked to take up the issue of sound barriers — possibly in April. WANG voted to support MoNac's efforts with a \$35 donation to help defray costs in connection with printing the flyers.

**Historic Preservation Committee** — Joe Bennett reports that he is continuing to work on color maps to assist with strategy issues in Historic Preservation efforts and the identification of houses greater than 50 years of age.

**Infrastructure B** The committee discussed concerns relating to the loss of CC's Coffee and Holiday House at the Tarrytown Center and an update was provided on activity relating to the neighborhood plan.

**Nominating** — Albert Almanza was in attendance at the executive committee meeting and introduced himself as a new member of the executive committee.

**Treasurer's Report** — It has been reported that the checking account balance is \$3,144.25; savings account balance is \$3,172.22; oak wilt account balance is \$1,194.57, and membership is currently 346.

#### New Business

Francis Slaughter brought up concerns regarding parking issues at the corner of Stamford Lane and Windsor Road. Ms. Slaughter reported that cars park as close to the intersection as they can. Ms. Slaughter is to get in touch with the engineering department for the City of Austin to report the issue.



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**Tony and Barbara Ruiz — Owners**  
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petition must be submitted within ten (10) days after the date the decision is filed in the Board's office (Local Government Code 211.011).

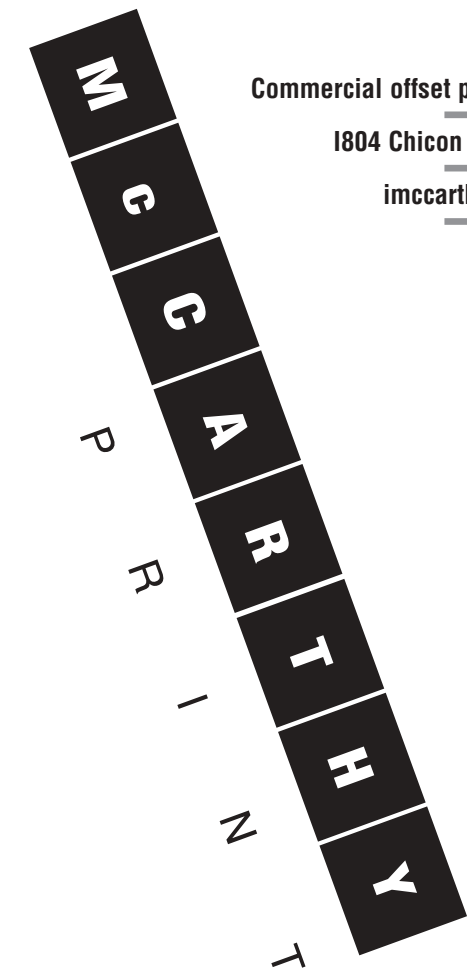
In addition, a "petition" procedure requires a super majority of the City Council to approve a zoning change. Under this procedure, neighbors within a 200' radius of the property in question who protest a zoning change can file a "petition" with the City Council. If a written protest against a proposed rezoning, signed by 20% or more of either the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such rezoning shall not become effective except by the favorable vote of three-fourths of all members of the Council.

If you think that a property owner has committed a zoning violation, you can contact Zoning Code Enforcement by calling 974-2875. You should be prepared to provide a specific property address and to specify your concern. Violations can be reported anonymously. The City will follow up a zoning violation with a verbal notice. If no action taken, a written notice will be sent. Finally, a court date will be set if no action is taken. A court can fine up to \$2000/day for noncompliance.

For more detailed information, see the "Zoning 101 presentation handouts" on the Austin Neighborhoods Council web site at [www.ancweb.org/docs/Zoning%20101%20Handout.pdf](http://www.ancweb.org/docs/Zoning%20101%20Handout.pdf).

As always, please feel free to contact me on matters of neighborhood concern.

**Michael Rocco Cannatti**  
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### MEMBERSHIP DRIVE

Take care of your neighborhood! Please take forms to your friends and neighbors and ask them to join WANG. An active membership will be a strong voice that's heard when critical issues are debated.

- Yes, I want to join WANG.
- I want to renew my WANG membership.

I have enclosed:

- \$20 household membership
- \$10 student/senior membership

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