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EXECUTIVE COMMITTEE MEETING

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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."*

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

May, 2004

**President's Message
May 2004**

Howdy all!

Finally, we have some decent temperatures that any self-respecting "May" in Texas needs. So with temperatures rising, let's talk taxes! This is sort of a tradition for this message to chat taxes in May. It seems that Spring brings out the tax loonies. Not only are the loonies at the legislature finding new ways to spend Special Session money to discuss school finance, but also we face the loony property assessment notices that were mailed out recently announcing property appraisals for our neighborhood. Ever sensitive to the rising tax burden we carry for living in God's neighborhood, we strive to stay on top of tax news affecting you.

Hospital District Passes, and Should Lower Taxes

First, the good news. The Hospital District proposition passed, which by even the most conservative estimates should mean lower taxes for us in the "inner city" for at least a while (unless of course the County property taxes are raised to match what we currently pay).

Protesting Your Property Appraisal

More good news. This is the time of year for property owners to protest property valuations to the appraisal review board. You may protest if you disagree with any of the actions the appraisal district has taken on your property. You may discuss your concerns about your property value, exemptions, and special appraisal in an informal session with an impartial panel of your fellow citizens, called an appraisal review board (ARB). 2004 Proposed Values are now online (www.traviscad.org/search.htm) and you can compare the valuations for other comparable properties to support your protest. The Travis County ARB often informally reviews your protest with you to try to solve problems before a formal hearing. **INDEED, IT IS NOT UNUSUAL FOR LOWER PROPERTY VALUE TO BE GRANTED DURING AN INFORMAL REVIEW IF YOU TAKE THE TIME TO CHALLENGE YOUR APPRAISAL IN PERSON AND AGREE TO WAIVE YOUR FORMAL HEARING.**

The state provides details about how to protest your property value for property taxes at www.window.state.tx.us/taxinfo/proptax/remedy04/remedy04_6.html. For additional information concerning taxpayer's rights, remedies and responsibilities, see <http://www.window.state.tx.us/taxinfo/proptax/re>

[medy04/index.html](http://www.window.state.tx.us/taxinfo/proptax/remedy04/index.html).

Be sure to deliver (not just mail) your protest to the Appraisal Review Board before the May 31 deadline, which is the last day for property owners to file a protest with the ARB (or by the 30th day after the notice of appraised value is delivered, whichever is later). Yours truly was burned here when the Post Office gave my otherwise timely protest a post mark date after last year's deadline. Grrr!

National Register District Protection

Old news, but good news. Another way to protect property values in West Austin would be to have our neighborhood (or parts of it) qualify as a National Register District in the National Register of Historic Places, which is the nation's official list of historic properties worthy of preservation. Listing in the register is an honor and carries no direct restrictions. A common misconception is that houses in an historic district cannot be remodeled or demolished. This is not correct. Under Federal law, owners of private property listed in the National Register are free to maintain, manage, or dispose of their property as they choose provided that there is no Federal involvement. Owners have no obligation to open their properties to the public, to restore them or even to maintain them, if they choose not to do so.

Benefits of registration include:

- Recognition for historic importance of the Deep Eddy Heights area to our community,
- Increased property values (think of increased personal wealth),
- Additional protection from federal activities (think of MoPac),
- Eligibility for tax credits of 20 percent for the approved rehabilitation of income producing properties (including duplexes, apartments and dwellings converted to office uses) (think of renovating Deep Eddy Pool or Cabaret),
- Qualification for Federal grants for historic preservation, when funds are available.

Over the past year, WANG met with neighbors from the Deep Eddy Heights area to discuss the possibility of applying for National Register protection for the Deep Eddy portion of our neighborhood. Some the neighbors expressed concern about the possibility that the City's Historic Landmark Commission might consider a listing on the National Register historic commission as part of its determination of whether to deny a demolition permit. However, as discussed below, it appears that the Historic Landmark Commission is no longer following this policy,

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

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

and the City is striving to find a solution to this perceived problem.

Historic Preservation Task Force Recommendations

Potentially, the best news is last! As you may know, Austin is one of the only major cities in the country that does not have a local historic district overlay zoning program that can be used to preserve historic neighborhoods. In the absence of having such a neighborhood preservation tool, neighborhoods have instead pursued historic zoning for individual properties. This has resulted in some high-profile cases, including DeWitt C. Greer House in Pemberton Heights and the three houses on West Lynn in Old West Austin.

To address concerns that the Historic Landmark Commission has been abusing the historic zoning procedures, the City Council formed an ad hoc city Historic Preservation Task Force (HPTF) to address the situation. The Task Force was charged with restricting the criteria for historic designation, reducing the size and scope of tax abatements, reducing the Historic Landmark Commission's role in the historic-zoning process, and crafting a local historic district program.

In April, the HPTF presented its final written report to the City Council. An excellent summary from the Austin Chronicle is provided at www.austinchronicle.com/issues/dispatch/2004-04-02/pols_feature2.html. While there are a variety of interesting issues contained in the written report, the most interesting (at least for purposes of the "tax" theme of this message) are the recommendations concerning the local historic districts. The HPTF Report supports providing financial incentives, specifically a freeze on appraised values for at least five years, only for owners who reinvest in those districts by rehabilitating their properties, even if those structures are not themselves historic (that is, "contributing" to the district). The Report also endorsed a one-time tax break for property owners to encourage the creation of new districts – which would most likely require the participation of at least 50% of the property owners. This 50% participation requirement is unusual, but might very well be interesting for our neighborhood. However, the HPTF Report did not fully address the larger questions of how local historic districts would actually be created and defined, and by whom, and according to what criteria. Though not entirely clear, it appears that the HPTF Report would impose a 75-year age requirement for individual or historic district designation, which certainly seems too high. Hopefully, we can convince the city leaders that 1929 should not be the cut-off date for identifying historic properties worth saving or assisting.

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

Michael Rocco Cannatti

338-9100 or mike@hamiltonterre.com

WANG Executive Committee Meeting Minutes May 3, 2004

Attending Board Members: Joyce Basciano, Erik Cary, Linda Dickens, Selena Serna, Jim Girardeau, Blake Tollett, Susan Pascoe, Gwen Jewiss, Mike Cannatti, Hal Katz, Ken Pfluger, Michael Falk, and Stephen Griffith.

Guests: Sara Madera, Ann Swingler, Ms. Edwards, Tina Contros, Sarah Crocker, and Lesley Airth.

I. Call to Order

Mike Cannatti called the meeting to order at 7:00pm, May 3, 2004.

II. Member Communications

Travis County Hospital District

Hal Katz presented an overview of the Travis County Hospital District; summarized in the April WANG newsletter. The WANG board decided not to formally endorse the creation of the Hospital District.

Austin State School

On 4/22/04, State Senator Gonzalo Barrientos held a meeting at the Austin State School to discuss potential closing of the School. The State Legislature has authorized a feasibility study to evaluate the viability of the remaining units in MHMR's State School system. Concern exists that this study may be used to support closing the Austin State School in 2005-2007. The study is due by the end of June, 2004. With the guidance of Senator Barrientos' office, three committees formed to help support efforts to keep the School open:

Research Committee, responsible for tracking the feasibility study and developing data to support keeping the school open

Public Support Committee, responsible for contacting organizations that have an interest in keeping the School open

Communications Committee, responsible for generating information for public consumption in support of the school

WANG Board Member Michael Falk will serve on the Public Support Committee.

III. Approval of Minutes

The minutes from the WANG meeting in April were approved. Mike Cannatti made a motion to approve the minutes. Ken Pfluger seconded the motion and it passed 13-0.

IV. Committee Reports Communications

No news.

Liaison

Envision Central Texas, in its final report, has included that existing neighborhood plans should be respected. The WANG area does not have a formal plan.

Membership

Membership stands at 275. WANG Board members will canvass the neighborhood and distribute informational flyers as an effort to increase exposure of WANG and boost membership. Sending a "last issue" card and calling residents who drop out will be used as efforts to retain members.

Transportation

Update on Capital Metro Bus Stop Accessibility Project

This project includes the addition of bus pads at various bus stops in the neighborhood, as well as repairs of some existing sidewalks and addition of a few blocks of sidewalk on Windsor Road. Travis Hausmann, the Capital Metro Project Manager on this project, provided this update. Written notification to all appropriate property owners has been given. There was quite a high response, with the majority of the respondents asking for clarification on the extent and timing of work at specific locations. There were several requests for specific timing to work around property owners being out of town; all of these requests have been met. A notice to proceed was issued to the contractor on April 19, 2004, and is expected to be complete by the end of June 2004.

MOPAC and Westover

A neighbor has requested that WANG become involved with traffic problems at the corner of Westover and MOPAC. During rush hours, vehicles from Southbound MOPAC exit, go straight across Westover, and then continue back onto MOPAC. WANG will discuss remedies to this traffic issue with TxDOT. Proposals include better enforcement of the existing stop signals, or the creation of a traffic barrier requiring either a left or right turn after exiting MOPAC south.

Historical Designation

No news

Infrastructure

No news

Nominating

Dr. George Edwards was presented by the nominating committee as a potential board member.

Bylaws

No news

Zoning

C15-04-030
601 Upson & 522 Atlanta Street; Atlanta

Street Development Corporation, owner; 750-7508; Jim Bennett, agent, 282-3079

The applicant has requested a variance to increase the maximum impervious coverage requirement from 45% to 50% for 601 Upson Street (Lot 8A) and from 45% to 58% for 522 Atlanta Street (Lot9A) in order to erect a two-family residential use on each lot in an SF-3 zoning district.

A compromise proposal was presented to the Board of Adjustments by neighbors in the area: A variance to increase the maximum impervious coverage requirement of Section 25-2-492(D) for 601 Upson Street (Lot 8A) and 522 Atlanta Street (Lot 9A) if the properties are developed for single-family residential use.

The Board of Adjustments will consider this case at its May meeting.

C15-04-041

3801 Stevenson Avenue; Jack and Ann Swingler, owners, (830) 825-9003; Tina Contros, agent, 371-3175, agent

The applicant has requested a variance to decrease the minimum front street setback requirement from 25 feet to 12 feet 3 inches in order to erect an addition to a single-family residence in an SF-3 zoning district.

After discussion with the applicant, and contingent upon the following modifications and conditions of the proposed variance request: that the proposed incursion into the front yard setback be no greater than 7 feet six inches; that the incursion be specified for the garage only; and that the incursion be a single story structure, the ExComm of WANG voted 9 to 4 to lift their previously stated opposition to the variance request.

C15-04-053

Agent: Richard Suttle 435-2310

Address Of Requested Interpretation: 1906 Scenic Drive

Interpretation Requested: An administrative appeal, requesting an interpretation of whether the Building Official's decision to allow a retaining wall within the five-foot interior side yard setback at 1906 Scenic Drive is correct. The appeal asserts that the Building Official with the WP & DR Department made an incorrect interpretation of Section 25-1-21(94) of the LDC, "SETBACK LINE means a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a yard and governing the placement of structures and uses on the lot". The appeal also asserts that the Building Official's interpretation of Section 25-1-21(107) of the LDC, "STRUCTURE means a building of any kind, or a piece of work artificially built-up or composed of parts joined together in a definite manner" is incorrect.

WANG is on record as supporting the neighbor. This appeal will be considered at the May Board of Adjustment Meeting.

Balcony at 3208 Enfield

Janet Gallagher of the City said the homeowner had verbally agreed to remove the balcony completely. She told them that if they did not the City would go to Municipal Court to force them.

V. Treasurer's Report

Account balances: \$ 2,129.76 checking, \$1,196.63 Oak Wilt, \$3181.17 Savings. 275 paid members.

VI. Old Business

No News.

VII. New Business

No News.

VII. Adjourn

The meeting was adjourned by Mike Cannatti at 8:50 pm. Minutes recorded by Jim Girardeau.

Sara Madera
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