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November 9, 2015

Leanne Heldenfels

Leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustments, November 9, 2015

Re: Case Number: C15-2015-0128, 1701 Toomey Road

Dear Ms. Heldenfels,

I am writing to express my support of the variance request of Casa De Luz.

I am the owner of a Condominium in BartonPlace down the road (1600 Barton Springs RD, Unit 1107) and I was also part of the development team that originally created BartonPlace. I believe that most residents of BartonPlace, like myself, view Casa De Luz as a community amenity that should be supported in it's current configuration without a requirement to add on-site parking.

Thank you for your consideration

Daytime Phone: (512) 699-8028

Sincerely,



Larry Warshaw

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2015-0128, 1701 Toomey Road
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, November 9th, 2015

Mario A. Rivas

Your Name (please print)

1600 Barton Springs Road, Unit 1301

Your address(es) affected by this application

Mario Rivas

Signature

11/07/15
Date

Daytime Telephone: 512.422.1643

Comments: The parking on Toomey road is a real issue that affects the quality of life in the neighborhood. I believe requesting a waiver from the required 46 spot to zero is excessive; however, I would welcome a compromise that would require 20 to 24 spots. I would like to add that the property at 1701 Toomey is a valuable part of our city neighborhood

Note: all comments received will become part of the public record of this case

If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor
 Leane Heldenfels
 P. O. Box 1088
 Austin, TX 78767-1088
 Fax: (512) 974-6305
 Scan & Email to: leane.heldenfels@austintexas.gov

Heldenfels, Leane

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From: Doug Keenan <[REDACTED]>
Sent: Saturday, November 07, 2015 10:18 AM
To: Heldenfels, Leane
Subject: Case Number: C15-2015-0128, 1701Toomey Road
Attachments: Variance Approved BP Unit 1604.pdf; Variance Approved BP Unit 3104.pdf

Leane,

I live at Barton Place Condos and also lease a second Unit at same condos. Attached is my approval as to Unit 1604 and another approval as to my 2nd property owned at this same location.

The restaurant and school are both beneficial to the community. I hope that the City will allow them to thrive at their current location.

Let me know if you have questions.

Thank you,

Doug Keenan

Case Number: C15-2015-0128, 1701 Toomey Road

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My name is: Douglas R Keenan. I am in favor of the variance for Casa De Luz and Integrity Academy.
My secondary address affected by this application is 1600 Barton Springs Rd., Unit 3104. Daytime telephone number is 512)416-9369.

Signature *Douglas R Keenan*

Date: Nov. 6, 2015

Comments: I am familiar with the grounds of the restaurant and school and am in favor of the Variance.

Heldenfels, Leane

From: Kim Smith <[REDACTED]>
Sent: Friday, November 06, 2015 11:33 AM
To: Heldenfels, Leane
Subject: Casa de Luz parking

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I am writing as a concerned neighbor and patron of Casa de Luz. I object to the proposal to require Casa de Luz to provide parking spaces. This would destroy the ambiance and beauty of the entry into the restaurant, add more pavement, and remove lots of beautiful trees and landscaping. Street parking and a huge parking lot already exist right across the street from Casa de Luz. Also, many of the customers walk to the restaurant from their residences nearby.

If the city really wants to do something that would benefit everyone in that area, improving the existing parking area by paving some of the gravel areas, or making an underground parking area with more spaces would be great. The electrical poles could be removed, underground utilities added, sidewalks could be added, and landscaping could be improved to add some shade producing large trees and xeriscape plants. Let's try to add more green and beauty to our city, not take it away.

Street parking on Twoomy should be removed because the road is not wide enough with the parking for two cars to pass each other safely. We need to turn this area in the a pedestrian friendly beautiful neighborhood instead of requiring more pavement to be added.

Please contact me with comments or questions.

Kim Smith
(512) 328-8815

Heldenfels, Leane

From: HeatherD [REDACTED]
Sent: Friday, November 06, 2015 10:49 AM
To: Heldenfels, Leane
Subject: C15-2015-0128, 1701 Toomey Road

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Case Number: C15-2015-0128, 1701 Toomey Road
Public Hearing: Board of Adjustments, November 9, 2015

Your name Heather DiChiara

I am in favor of granting the variance request by Casa de Luz. I believe requiring Casa de Luz to offer parking in such limited space would be both a hindrance on the center as well as the residents in this area of South Austin, like myself. The lush gardens and quiet atmosphere are a wonderful respite to the sometimes chaotic city life. To demand they remove this, as well as student classrooms, in order to create parking will ruin the environment they have worked so hard to create.

In addition, we do not need additional parking spots in this area. This will only encourage more people to want to drive in the first place, which as a city we should not be promoting. Toomey/Sterzing Road is already a small street with much congestion, and to add the additional traffic would only cause more headaches, as well as safety concerns to residents. Those who are regulars of Casa de Luz realize the parking concerns in our area and commute accordingly. Those trying to enjoy Zilker Park have numerous other options when it comes to parking. I don't think Casa de Luz residents using these spaces is that big of an issue, especially since they probably spend less time in those spaces than those using the trail/park. They are mindful of the issues in our area and are respectful neighbors, unlike other businesses in the area.

I urge the board to please consider my comments and grant this variance.

Sincerely,

Heather DiChiara

1600 Barton Springs Road, Unit 6307

Austin, TX 78704

(813) 416-7399

Heldenfels, Leane

From: j [REDACTED] on behalf of John Simmerman [REDACTED]
Sent: Friday, November 06, 2015 9:52 AM
To: Heldenfels, Leane
Subject: Comments on Case Number: C15-2015-0128

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Case Number: C15-2015-0128, 1701 Toomey Road
Attention: Leanne Heldenfels
Public Hearing: Board of Adjustments, November 9, 2015

We are in favor of granting a variance to waive the parking requirements for our neighbors Casa de Luz. My partner and I own a condo at Barton Place a "couple doors" down on Toomey from this wonderful establishment that does so much good in our community. There is more than enough parking readily available currently on the street and in the nearby lot. There is absolutely no reason to force this business to provide onsite parking, which would likely destroy the viability of their business and have a negative impact on our environment along Toomey. Please grant this variance.
Respectfully,

--
John D. Simmerman, MS
President, Co-Founder
Advocates for Healthy Communities, Inc.
Active Towns Initiative

[REDACTED]
John's Facebook Page **Twitter: @johnsimmerman** **LinkedIn**
p: 512-645-0134 c: 808-937-4101

Active Towns Facebook Page
www.activetowns.org



Case Number: C15-2015-0128, 1701 Toomey Road
Contact: Leanne Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustments, November 9, 2015

John Killough I am in favor of the adjustment
1600 Barton Springs Rd. #4101
Austin, TX 78704



512-476-3688

Casa de Luz - this is the kind of establishment for which adjustments should be allowed.

email leane.heldenfels@austintexas.gov

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Heldenfels, Leane

From: Lorraine Atherton [REDACTED]
Sent: Wednesday, November 04, 2015 11:25 AM
To: Heldenfels, Leane
Cc: David King
Subject: C15-2015-0128 Reconsideration
[REDACTED]

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Hello, Leane.

Please accept the following comments for submittal to the Board of Adjustment regarding the reconsideration request for C15-2015-0128 (Casa de Luz). I am submitting these comments as the Zilker Neighborhood Association member who spoke on behalf of ZNA at the October hearing on this case.

I have read the reconsideration request submitted on Oct. 21, 2015, by the agent for the owner of 1701 Toomey, regarding C15-2015-0128. The request contains no new information that was not presented to the Board at the hearing, and it describes no error in the Board's determination.

Many of the statements regarding the Zilker Neighborhood Association are not accurate, but the important point is that they are irrelevant to the merits of the variance request and to the reconsideration request.

At the hearing, the owner's agent submitted to the Board a page from the ZNA newsletter containing ZNA's variance policy, in the form of an FAQ: *"I want to build something that does not comply with city code. Will ZNA support my request for a variance? ZNA encourages all neighbors to comply with city ordinances. ZNA does not support variances unless the property has a unique physical feature that qualifies as a hardship under city code. Under state law, personal or financial circumstances do not qualify."* This ZNA policy therefore is not new to the Board.

If the Board wishes, I can testify, as a member of the ZNA executive committee, to our numerous attempts over the last 15 years to discuss code compliance issues with the owner and to the owner's consistent refusals to talk about anything other than the quality of the food at his restaurant.

ZNA's policies and history, however, did not seem to have any bearing on the Board's decision on Oct. 12, 2015, nor should they.

Please deny this reconsideration request.

Thank you for your service.

Lorraine Atherton

ZNA Zoning Committee member and ZNA newsletter editor