

**Summary of the Special Called Board Meeting  
Angus Valley Area Neighborhood Association  
February 4, 2016**

**ABOUT THE SPECIAL MEETING:**

The AVANA board held a special meeting at the Brookdale North Austin Senior Living Facility, 5310 Duval Road, at 6:00 p.m. on February 4, 2016, to discuss a public hearing for a proposed resubdivision that lies within the declared boundaries of the Angus Valley Area Neighborhood Association.

Board members in attendance: Stacey Peterson, Rodger Barnes, Marcia, Kirkland, Deliese Kennedy, George McCullough, and Laura Arbilla. Board members absent: Laura Burkhart, Liz Makey, Judy Schani, Edward Wells, and Dan Wittliff. Approximately 38 Angus Valley residents were present.

Marcia Kirkland, Treasurer, presented the treasurer's report. At the General meeting in November 2015 the balance was \$1,081.31. Membership dues/donations of \$428 and .14 interest had been added, bringing the cash balance on hand to \$1509.45.

Deliese Kennedy, Secretary, presented a preliminary draft of the Minutes of the Annual General Meeting for reviewing prior to their approval at our next General Meeting.

During the special meeting, the board discussed how to respond to the city who has written asking whether our Neighborhood Association is in favor or objects to the proposed resubdivision of Lot 7, Block A, Angus Valley Number 2, which lies within AVANA's declared boundaries.

Many aspects of the case were discussed including the fact that the applicant is now proposing to resubdivide the lot into only three lots, all of which will be over the 12,000 sq. ft. required in the deed restrictions. Prior to the meeting, Stacey had polled the board members and had received a variety of initial responses including some who felt we should withhold our approval of the resubdivision in order to make a statement about other aspects of the development including adverse impact on flooding in the neighborhood and to draw attention to how the builder does not seem to be abiding by the original deed restrictions which, among other things, specifies that "a minimum of 40% of the exterior walls . . . be constructed of masonry." The point was made that if the neighborhood allows a builder to build outside of the parameters of the deed restrictions, a precedent will be set and we will have no footing to prevent such violations from happening in the future. Some believed that while the city may ignore our opposition based on private deed restrictions, it should be brought to the surface anyway in the form of opposing the resubdivision.

Stacey pointed out that we are not a Homeowners Association, but only a Neighborhood Association that does not have the power to enforce deed restrictions. Furthermore, neither the AVANA Board nor the Association has legal standing with regard to the enforcement of or recovery

of damages resulting from the violation of private deed restrictions because we are not named as an entity those restrictions. However, as the City of Austin has asked for our opinion on the resubdivision of this property, we do have the right to voice our support of or objection to it in the context of the upcoming public hearing on this case.

After much discussion, Laura Arbilla made a motion that AVANA should inform the neighborhood of the public hearing for this resubdivision via yahoo email group and website, encouraging individuals to fill out the form FOR or AGAINST the proposed resubdivision and to attend the public hearing where they may have the opportunity to express their views on the case. The hearing is scheduled to be heard by the Zoning and Platting Commission on February 16, 2016, at City Hall Council Chambers, 301 West 2<sup>nd</sup> Street beginning at 6:00 p.m. The motion was seconded and it passed unanimously.

George McCullough made a motion that AVANA object to the resubdivision of the lot for the following reasons that were articulated by residents in attendance:

- the increase of impervious cover may worsen the flooding of streets, properties, and homes in the neighborhood including Bull Run having to be blocked by police during heavy rains
- the potential for negatively impacting water pressure in the neighborhood
- the potential for changing the unique character of our neighborhood by increasing density and reducing lot sizes
- because the developer seems to have disregarded the existing deed restrictions for required percentage of masonry and setbacks
- because the neighborhood does not want to set a precedent of ignoring deed restrictions
- because traffic will be increased near an elementary school

Marcia Kirkland seconded the motion and it passed unanimously.

Several people voiced their preference that only one additional house be built rather than two, and that the developer could improve matters by adding additional masonry to bring the dwelling into compliance with the deed restrictions.

Neighbors were reminded how to sign up for the yahoo email group. Rodger Barnes made a motion to adjourn. The motion was seconded and the meeting was adjourned.

***This draft summary was prepared by Stacey Peterson, President on 2/5/16***

***It will be reviewed and amended by the other Board Members and used by the Secretary who will prepare the official minutes.***