

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: AGGRIEVED PARTY'S STATEMENT

C15-2011-0110
TP-0125070317
ROW-1065942

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STREET ADDRESS: 3704 Bonnell Drive, Austin, TX 78731
LEGAL DESCRIPTION: Subdivision – Mount Bonnell Terrace Section 3
Lot 1 Block E Outlot --- Division ---
ZONING DISTRICT: SF-3

WE Sarah Lynn Hill and John Deigh on behalf of ourselves affirm that on the 15th Day of September, 2011, hereby apply for an interpretation hearing before the Board of Adjustment.

On the 21st day of October we hereby revise our Aggrieved Party's Statement of September 15, 2011 to delete the appeals we previously labeled Appeal #3 and Appeal #4. Appeals #1 and #2 are retained, although we have made changes to our arguments and to some of the addenda based upon information obtained and research performed since we filed our original application on the 15th day of September, 2011.

We appeal the August 26, 2011 decision of Greg Guernsey of the Planning and Development Review Department to "approve for permit" the building plans for 3704 Bonnell Drive, attached as Exhibit Ex1; alleging error was made in the decision by an administrative official.

Appeal #1:

We assert that error was made by the administrative official relating to the calculation of Floor-to-Area Ratio (FAR) as same relates to ceiling height greater than 15 feet.

Planning and Development Review Department interpretation is: the areas of the proposed structure that have a ceiling height greater than 15 feet do not need to be counted twice when calculating the Gross Floor Area (GFA) of the structure under the provisions of Article 3, Section 3.3 of the Land Development Code Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards ("McMansion" Ordinance), because the requirement to double-count such areas does not appear in the current electronic and printed versions of the McMansion Ordinance. As a result, the Department accepted David Weekley Homes' calculated GFA of 4,537 square feet for the structure, attached as Exhibit Ex2. Since the Lot Area is 11,683 square feet, the resulting Floor-to-Area Ratio (FAR) is 38.83% (4,537 / 11,683). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the areas of the proposed structure that have a ceiling height greater than 15 feet do need to be counted twice when calculating the Gross Floor Area

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of the structure under the provisions of Article 3, Section 3.3 of the McMansion Ordinance. This requirement was Subsection 3.3.3 of the McMansion Ordinance that became effective October 1, 2006, relevant sections attached as Exhibit Ex3. The requirement does not appear in the current electronic and printed versions of the Ordinance, relevant sections attached as Exhibit Ex4, due to a staff error, but this does not mean the requirement was deleted. It was already in effect before the Ordinance was amended in 2008, and it remains in effect because the 2008 amendments did not strike or amend the requirement, and because PDRD staff have continued to apply the requirement to other applications.

The plans submitted by the applicant show that the family room and foyer have ceiling heights between 20 and 22 feet (section of first floor layout showing this attached as Exhibit Ex5). Based on the dimensions shown on the plans, these areas have a combined floor area of at least 450 square feet. Properly double-counting these floor areas would increase the GFA from 4,537 to at least 4,987 square feet. This means the FAR would increase from 38.83% to at least 42.69% ($4,987 / 11,683$), which exceeds 40% - the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to "approve for permit" by its interpretation and should follow our interpretation and recalculate the GFA of the structure to properly count twice the areas that have ceiling heights over 15 feet. The application should be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

When the McMansion Ordinance became effective on October 1, 2006 under Ordinance No. 20060928-022, approved by the City Council on September 28, 2006 (item 22 on the City Council meeting agenda), Article 3 contained a subsection 3.3.3 which read as follows: "An area with a ceiling height greater than 15 feet is counted twice." There is no dispute about this fact.

When the 2006 McMansion Ordinance was amended by the City Council on June 18, 2008, the matter was item 93 on the meeting agenda (a description of item 93, the action taken, and a list of the work papers and other backup documentation provided for the matter is attached as Exhibit Ex6). The requirement to double-count an area with a ceiling height greater than 15 feet was inadvertently omitted from the Draft Ordinance, (see Part 14 of attached Exhibit Ex8), due to a staff error.

That this was an error was first brought to our attention on September 8, 2011 by RDCC Commissioner Karen McGraw. That evening aggrieved party Ms. Hill looked at the City Council materials for item 93 on the June 18, 2008 agenda, and saw that the error

occurred in the Draft Ordinance whose footer identified Brent Lloyd as the "responsible attorney." On September 12, 2011 she called Brent Lloyd to discuss this and he said that she was the first person to bring this matter to his attention. He said that before taking any action he would need to do some research to see whether there had been any discussion of amending or striking the requirement before the 2008 amendments were made. On September 14, 2011 Mr. Lloyd told Ms. Hill that he had not found any discussion of the requirement, that the Ordinance did not properly strike the requirement, and that the omission of the requirement from the Ordinance was an unintentional error.

To summarize, the Draft Ordinance was correct, in that it did not strike or amend the requirement. Based on changes made to other, unrelated, provisions of Section 3.3 of Article 3, the requirement to double-count an area with a ceiling height greater than 15 feet should have been renumbered from subsection 3.3.3 to subsection 3.3.5. However, due to a staff error the requirement was not included in the Draft Ordinance. This error was carried over to the Executed Ordinance (see Part 14 of attached Exhibit Ex7). As a result, the current electronic and print versions of Article 3, Section 3.3 of the McMansion Ordinance do not mention the requirement (see attached Exhibit Ex4).

The work papers and other backup documentation provided for the City Council meeting do not mention any discussion of changing or deleting this requirement by any person or group. These documents are not attached as there is no dispute about this fact. They do not mention any discussion of this requirement at all, so the clear intent was to retain the requirement. In addition, because the requirement was already in effect, and because it was not struck or amended in the Ordinance approved by the City Council, we believe it remains in effect – even though it does not appear in current electronic or print versions of the Ordinance.

The Draft Ordinance is dated June 12, 2008, and reflects the recommendations made by the Task Force and Planning Commission as of that date. Brent Lloyd and Jessica Kingpetcharat-Bittner made a presentation to the Council at the June 18, 2008 public hearing and afterwards, Ordinance No. 20080618-093 was approved with two amendments – neither related to the requirement to double-count areas with ceiling heights greater than 15 feet (see second paragraph of Exhibit Ex6).

There is confusion and uncertainty among City staff regarding when they noticed the requirement was no longer in the Ordinance and regarding whether/when they actually stopped applying the requirement to count twice areas with ceiling heights over fifteen feet. To this day, Residential Permit Application "D" – the form used for providing Gross Floor Area information used in the FAR calculation – contains lines for entering the GFA of first, second, and third floor areas with ceiling heights over 15 feet. (See attached Exhibit EX9.) In addition, on May 4, 2011, the date of the first RDCC hearing that dealt with 3704 Bonnell Drive, Ms. Hill searched for information on the City's website about the McMansion Ordinance and found a three-page summary, first two pages attached

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as Exhibit EX10, that included on page 2 the statement "Areas with ceiling heights of greater than 15 feet (included by counting the square footage twice)". At the time the owner of 3704 Bonnell Drive also believed that areas with such high ceilings had to be counted twice because in his April 13, 2011 application to the RDCC, pertinent part attached as EX11, he said that vaulting a ceiling to a height above 15 feet adds to the FAR. This exhibit also shows that the Gross Floor Area calculated for 3704 Bonnell Drive on April 13, 2011 was 5,442 square feet.

Subsequently, in a discussion with Ms. Benavidez of the RDCC on May 23, Ms. Hill mentioned the requirement and was told that PDRD didn't apply the requirement any more, and that the change had occurred "a couple of weeks" before. That evening Ms. Hill checked the McMansion summary on the City's website, first two pages attached as EX12, and found it had been changed to omit the requirement. That week the PDRD reviewed the application for Bonnell Drive and made some changes to the owner's FAR calculations that included no longer counting twice the areas with ceiling heights greater than 15 feet. The revised Residential Permit Application "D", dated May 26, 2011 and attached as Ex13, shows the revised Gross Floor Area is 5,007 square feet (a reduction of 435 square feet). On May 31, 2011 the aggrieved parties spoke to Mr. McDonald about this change and he told us that the requirement had "mysteriously" disappeared when the McMansion Ordinance was amended in 2008. At the time we did not know that the disappearance was an error, we just thought that Mr. McDonald didn't know the reasons for removing the requirement.

The interpretation that we are currently appealing relates to an August 26, 2011 application for 3704 Bonnell Drive in which an administrative decision was also made to not count twice areas with ceiling heights over 15 feet. (The earlier application was withdrawn when the August application was submitted.) As mentioned earlier, we first realized the disappearance of the requirement was due to error during a September 8, 2011 conversation with Ms. McGraw, and Mr. Lloyd was first made aware of its disappearance by Ms. Hill in a September 12, 2011 conversation. We asked for information that would tell us when the PDRD changed their practice with regard to this requirement, and on September 27, 2011 Mr. Lloyd responded via email, attached as Exhibit EX14, that he would check with Mr. McDonald but was not aware of any such memos.

On the evening of September 28, 2011 the aggrieved parties submitted a Public Information Request under the Texas Open Records Act, attached as Exhibit EX15, requesting information that we felt would resolve this issue. On October 10, 2011, in response to this request, Mr. McDonald emailed us some material. The only document he sent that relates to the requirement to count twice areas with ceilings higher than 15 feet was a copy of a September 9, 2009 email from himself to Mr. Lloyd, attached as EX16. In this email to Mr. Lloyd, Mr. McDonald had copied and pasted language from Residential Permit Application "D" that gave instructions for calculating the gross floor area of the second and third floor of a structure, including the lines for second and third

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floor areas with ceiling heights greater than 15 feet. But Mr. McDonald did not comment on the lines about ceiling height. Instead, he told Mr. Lloyd that the McMansion Ordinance had changed the way second floor balconies are treated in the GFA calculation, but that "the residential application was never changed to reflect this." We think that Mr. McDonald would also have commented on the language about ceiling height if he had thought at the time that the requirement to count twice areas with ceilings greater than 15 feet was no longer in the law.

In an October 14, 2011 email to Ms. Hill, attached as Exhibit EX17, Mr. McDonald says that he "did not find any emails to Mr. Lloyd on ceiling heights greater than 15' are to be counted twice. More than likely these were verbal communications via telephone in and around September of 2009." However, as stated earlier, when Ms. Hill told Mr. Lloyd about the issue on September 12, 2011, Mr. Lloyd said that no one had ever previously told him of the issue. And on October 14, 2011, Mr. Lloyd told Ms. Hill in a telephone conversation that he had nothing responsive with regard to our Public Information Request and that he didn't think he knew "anything about the glitch" until Ms. McGraw and Ms. Hill brought it to his attention in September [2011].

Due to a staff shortage, the PDRD was not able to respond to the second part of our Public Information Request, which consisted of reviewing residential permit application files subject to McMansion to obtain information that would show when PDRD changed their practice with regard to the requirement to count twice areas with ceiling heights over 15 feet. So, Ms. Hill began reviewing applications that had been heard at RDCC hearings in 2010 and 2011, and also looked at some residential permit applications submitted in 2011 that had not gone to the RDCC. The information reviewed is public information posted on the City's online permit database and on the RDCC meeting website. It is available to anyone with a computer and an internet connection. Ms. Hill found several applications processed between late 2009 and August 2011 where, based on the information entered on Residential Permit Application "D", areas with ceiling heights greater than 15 feet were counted twice. And, based on the floor plans and elevations in the files, the applications reviewed that did *not* show areas with ceiling heights greater than 15 feet on Application "D" also did not appear to have such areas. This was obviously not an exhaustive search through all available files (that would have been physically impossible), but it shows that the PDRD has continued to apply the requirement to count twice areas with ceiling heights greater than 15 feet at least through August 2011. The only exception we know of is the case of 3704 Bonnell Drive.

The results of Ms. Hill's review are shown in attached exhibit EX18.

Recent events related to restoring the requirement to count twice areas with ceiling heights greater than 15 feet:

- 9/7/2011 RDCC hearing: Commissioners ask PDRD staff to draft an amendment that would restore the requirement to the Ordinance

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- 9/20/2011 Codes & Ordinances Subcommittee meeting: Ms. McGraw makes a Citizen Communication about the error made in 2008 and the need to restore the requirement to the Ordinance
 - 10/5/2011 RDCC hearing: Commissioners receive draft amendment from staff and direct that it be forwarded to the C&O Subcommittee
 - 10/18/2011 C&O Subcommittee meeting: Members discuss draft amendment from RDCC and we understand it was forwarded to the Planning Commission
2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: our interpretation would require that the terms of the McMansion Ordinance be properly applied to this application.

The Department's interpretation grants a special privilege to this property by ignoring a requirement of the Land Development Code that has been in effect since October 1, 2006, and that they have continued to apply to other applications through August of this year.

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Appeal #2

We assert that error was made by the administrative official regarding the calculation of Floor-to-Area Ratio (FAR) as same relates to habitable attic space in new construction.

Background: Under the McMansion Ordinance the Gross Floor Area (GFA) of an unfinished attic is ignored – and so the attic has no impact on the Floor-to-Area Ratio (FAR) – unless the attic is over five feet in height and is enclosed by walls. (See McMansion Ordinance subsections 3.3.1 and 3.3.4 in attached Exhibit Ex4, and selected definitions from Land Development Code 25-1-21, attached as Exhibit Ex19, for definitions of Enclosed, GFA, and FAR; and for exemption from GFA, under McMansion, of enclosed areas five feet or less in height.) But, unless it qualifies for the habitable attic exemption of subsection 3.3.3.C of the Ordinance, when the attic, or a portion of the attic, is turned into habitable space its GFA must be included when calculating the FAR of the structure.

The portions of subsection 3.3.3 that relate to the habitable attic exemption state the following:

3.3.3. . . . attics that meet the following requirements shall be excluded from the calculation of gross floor area:

- C. A habitable portion of an attic, if:
 - 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
 - 2. It is fully contained within the roof structure;
 - 3. It has only one floor;
 - 4. It does not extend beyond the footprint of the floors below;
 - 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
 - 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

In April 2011 the owner and his representatives submitted a residential permit application for a single family home that is nearly identical to the home in the plans submitted and approved on August 26, 2011. Because the FAR for the earlier plan exceeded 40%, the applicant applied to the RDCC for a modification that would allow a FAR increase. In May the applicants invited us to meet with them at a model home site in Round Rock to view the model on which their proposed structure was based. The photographs which we took onsite (attached as Exhibit Ex20), are of the 4-bedroom version that they showed us (Model 1), and a version of the Lundy in which a fifth bedroom has been added on the second floor over the master bath (Model 2). Model 2 matches, in its placement of the fifth bedroom, the version in the applicant's earlier and current plans. In order to add bedroom 5 to the second floor of the 4-bedroom model – to create his earlier plan – the applicant had to erect three exterior second-floor walls and raise

the roof over the bedroom/bathroom area. In addition, inspection of the photographs clearly shows that a version of the Lundy that has been expanded to include a fifth bedroom on the second floor is obviously more massive than the 4-bedroom version. That is, Model 2 is clearly more massive than Model 1.

The earlier plan was presented at the May 4, June 1, and July 6 RDCC hearings. Nine neighbors within 300 feet of the property filed objections with the RDCC believing the house to be too large for its lot and incompatible with the neighborhood, and one filed an approval. The Highland Park West Balcones Area Neighborhood Association (HPWBANA) devoted its entire June 20 meeting to a discussion of the plans following presentations by the owner and a neighbor who objected to the plans. Afterward, the HPWBANA board voted to object to the plans and filed its objection with the RDCC. At its July 6 hearing the RDCC voted to deny the application for a FAR increase. The neighbors, HPWBANA and the RDCC all felt the house was too large for its lot and in comparison to properties within 300 feet of the lot. (Letters from neighbors and HPWBANA are attached as Exhibit Ex26.)

The plans submitted by the owner and approved by the Director on August 26 are nearly identical to the plans that were objected to by the neighbors and neighborhood association and denied by the RDCC. The footprint of the house and garage are unchanged, the layouts and gross floor areas of the finished rooms and the garage are unchanged. The only difference is the owner has increased the mass of his 5-bedroom structure by raising the roof and extending the second floor exterior wall on either side of that bedroom and bathroom 4. (Attached exhibits EX21 and Ex22 show the additional mass added when moving from either the 4-bedroom Lundy or the 5-bedroom Lundy to the house in the owner's current plans.) This change, the owner contends, encloses bedroom 5 and bathroom 4 in an attic that qualifies for a habitable attic exemption under subsection 3.3.3.C of the McMansion Ordinance.

Planning and Development Review Department (PDRD) interpretation is: The structure in the August 26, 2011 application for 3704 Bonnell Drive qualifies for a habitable attic exemption under subsection 3.3.3.C of the McMansion Ordinance (see Background, above).

The condition that we assert has not been met is subsection 3.3.3.C.5. On August 29 the supervisor of the PDRD told us in person that the area identified as "habitable attic space" adds no additional mass to the structure because it fits inside the building envelope, or "tent." On September 27 Brent Lloyd told us that he had discussed the issue with PDRD staff, and the explanation he gave for their assuming the area adds no additional mass to the structure was that, "PDRD has consistently interpreted this language to prohibit use of the exemption for any increase in mass to existing structures—i.e., attic finish-outs. It does not apply to new construction, where an applicant simply revises his or her project during plan review. This

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makes sense, because there is no way to add “additional mass to the structure” unless there is an actual structure on the ground.”

Based on the habitable attic exemption, and David Weekley Homes’ calculations, 570 square feet of attic floor with a ceiling under 7 feet in height, and 374 square feet of attic floor with a ceiling over 7 feet in height (a total of 944 square feet of “habitable” attic space) has been excluded from the calculation of the Gross Floor Area (GFA) of the structure (see attached Exhibit Ex16). The PDRD accepted David Weekley Homes’ calculated GFA of 4,537 square feet for the structure (see attached Exhibit Ex2 and Exhibit Ex16), their claimed lotsize of 11,683 square feet, and their resulting Floor-to-Area Ratio (FAR) of 38.83% (4,537 / 11,683). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying for a modification to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the area identified as “habitable attic space” in the application does not qualify for a habitable attic exemption under subsection 3.3.3.C, because it adds mass to the structure and so does not satisfy the requirements of subsection 3.3.3.C.5.

Section 3.1 of the McMansion Ordinance provides that the “buildable area” (aka building envelope or tent) is the area in which development subject to the Ordinance may occur, and subsection 2.6.E provides limited exceptions under which a structure may extend outside the buildable area. We would agree with Mr. McDonald that the attic *would* add mass to the structure if it could not be built without making use of one of the exceptions of subsection 2.6.E.

However, structures of varying size and shape – i.e., of varying mass – can fit inside the tent, and so we do not agree that no other test should be applied – or indeed that no test at all should be applied to new construction. Three additional tests are suggested here.

The applicant claims that the habitable attic space is the highest habitable portion of a section of the building, but not the highest habitable portion of the entire building. Our arguments apply to that sort of habitable attic space. They require comparing the habitable attic space to the remainder of the proposed structure. They are not meant to be applied to habitable attic space that is the highest habitable portion of an entire building.

Impact of roof on mass or bulk of house: when considering habitable attic space over a section of a house, we propose that the PDRD should compare the scale of the attic roof to the scale of the roof over the (other) main living areas of the house. If an attic roof is built to a larger scale,

it will be out of proportion to the other main roof areas of the house, and more noticeable – thus drawing attention to its bulk.

An examination of the floor layouts in attached Exhibit Ex0 shows the claim is that the habitable attic space is being created inside an attic that covers the following rooms on the first floor of the structure: the study, the master-bath, and the owner's retreat.

Test number 1: Visual inspection of the front and rear elevations of the house in attached Exhibit Ex0 reveals what appears to be a full two-story house. The roof ridge over the habitable attic space (left side of the front elevation) is about *18 inches below* the roof ridge over the main (central) portion of the house, and is about *18 inches above* the roof ridge over bedroom 3 (right side of the front elevation). (These measurements were made using large format to-scale plans.) This means a more detailed examination of the building plan is warranted.

Test number 2: Further inspection of the information on the to-scale elevations of the house, the floor layouts, and the framing plans revealed that:

- a. The ridge of the habitable attic roof is above the *first-floor* master-bath; and
- b. The roof ridges over the two story section of the house are over the *second-floor* upstairs hallway, bathroom 2, the learning center, and bedroom 3; and
- c. The finished ceiling of the first-floor master-bath is ten feet below the level of the finished ceilings of the second-floor rooms listed in item b., above.

Putting this together with the information from Test number 1, we see that the finished ceiling of the master-bath (the first-floor room underneath the ridge of the habitable attic) is *ten feet below* the finished ceilings of the second-floor rooms listed in item b., above. And yet, the ridge of the habitable attic roof is about *18 inches below* the ridge of the roof over the main (central) portion of the house, and is about *18 inches above* the ridge of the roof over bedroom 3 (right side of front elevation).

Based on this information, the habitable attic space over the one-story section of the house is much more massive than the attic space over the two-story section of the house. It adds mass to the structure since it is disproportionately large compared to the attic over the two-story section of the house.

Test number 3: The width and length of a roof are constrained by the width and length of the portion of the house that it covers, but the slope can vary. As the slope increases, the height of the roof ridge increases, and the roof becomes more visible, making the entire structure appear more massive and bulky. So, to determine the scale of a roof one needs to look at its slope. The floor layouts and the roof plan of the house can be examined to determine the different

roof sections and the areas of the house covered by each one. The roof plan should also be consulted to determine the slopes of the different sections of roof. The front roof plan will provide information about how the attic would affect the street view of the house, while the side and rear roof plans provide information about how the attic would affect next-door and back-yard neighbors.

Application to proposed structure and the gable end attic under dispute: We examined the roof plan and floor layouts submitted with the application, focusing on sections of roof over the main living areas of the home and over the attic, noting the sections of roof that slope the same directions as the habitable attic roof. In both the front and rear of the house the slope of the habitable attic roof is greater (steeper) than the slope of the roof over the main living areas of the home. (Exhibits Ex24 and Ex25 show the Front and Rear roof plans and identify the roof slopes over different rooms in the house.) From this we conclude that the attic roof is built on a more massive scale than the roof over the rest of the house, and so the attic adds mass to the house.

How would the height of the attic roof change if the slope were reduced to match the slope of the attic over the main portions of the house? Using the large format to-scale elevations we determined that the ridge of the habitable attic roof is 13.5 feet above the finished floor of the attic. If the slope of the rear attic roof were reduced from its current 5.5 : 12 to match the 4 : 12 slope over the main living areas in the rear of the house (see rear slopes on Exhibit Ex25) its height would be only 9.8 feet ($9.8 = 13.5 \times (4 / 5.5)$). That is, the ridge of the habitable attic roof would be 3.7 feet *lower* if the attic roof were built on the same scale as the attic over the main living areas of the house.

Based on the results of this test, the habitable attic space over the one-story section of the house is more massive than the attic space over the two-story section of the house. It adds mass to the structure since it is disproportionately large compared to the attic over the two-story section of the house. For this reason this space is not eligible for the habitable attic exemption.

In this case a 5-bedroom house deemed incompatible in scale and bulk by the RDCC, by the neighbors, and by the local neighborhood association (HPWBANA), has been altered to *increase* its mass, but the administrative decision made by the Director resulted in treating the structure as though its mass had been reduced to that of a 4-bedroom house. We believe this happened because the Director did not apply a reasonable standard to determine whether the habitable attic space added additional mass to the structure.

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Under Section 2.1 of the McMansion Ordinance the maximum allowable Gross Floor Area (GFA) of the structure is 40% of the lotsize, or 4,673 square feet (0.4 x 11,683). With the habitable attic exemption the GFA is 4,537 square feet. Denying the 944 square foot habitable attic exemption would clearly increase the GFA to an amount in excess of the 4,673 square feet permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to "approve for permit" by its interpretation and should follow our interpretation, deny the habitable attic exemption because the habitable attic space increases the mass of the structure, recalculate the GFA and the resulting FAR (GFA / lotsize). The application should then be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

The intent of the McMansion Ordinance is explained in Section 1.1:

"This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods."

In this case, we believe that the Planning and Development Review Department has focused only on whether the additional space fits inside the "tent" or acceptable buildable area, but that standard does not help to determine whether Subsection 3.3.3.C.5 is satisfied.

Instead, the Department needs to think about the goal of "... ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods." Refusal to grant the habitable attic exemption when creation of the habitable attic adds additional mass to the structure is in furtherance of this second goal. It is intended to prevent abuse of the habitable attic exemption. Why else would that requirement be there? The Department must not ignore this requirement when dealing with new construction, but must find a reasonable way to determine when this requirement is met.

2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: Our interpretation requires the application of a reasonable method of determining when habitable attic space adds additional mass to a structure.

Because the Department is not applying a reasonable and meaningful interpretation of the requirement "adds no additional mass to the structure" when dealing with habitable attic exemptions for new construction, it is giving preferential treatment to new construction when compared to a remodel of an existing structure on a neighboring property. For example, suppose there are two adjacent identically sized lots. One contains an existing house – the 4 bedroom version of the Lundy – and the other is an empty lot. The owner of the empty lot wants to build the 5-bedroom version of the Lundy, but the FAR for that plan exceeds 40% and the RDCC denies an application for a variance. So the builder changes his plan to the one submitted by the applicant, claims a habitable attic exemption, and with the reduced FAR is able to build his new house without applying for a variance to the RDCC. The owner of the existing 4-bedroom Lundy sees this happen and decides to remodel his house to match the new construction. But the owner of the existing property is not eligible for the habitable attic exemption because conversion of the 4-bedroom Lundy to the applicant's proposed plan requires the addition of considerable mass to the structure. As a result, the FAR of the proposed remodel exceeds 40% and the owner of the existing home must apply for a variance to the RDCC.

Because the Department is not applying a reasonable and meaningful interpretation of the requirement "adds no additional mass to the structure" when dealing with habitable attic exemptions for new construction it is giving preferential treatment to builders of new construction compared to people who already live in the surrounding neighborhood because it dilutes the protection that the McMansion Ordinance affords the surrounding properties and neighborhood by creating situations where increasing the mass and bulk of new construction actually causes the non-exempt Gross Floor Area – the GFA used in the FAR calculation – to decrease, exempting the properties from review by the RDCC, and allowing oversized structures that are incompatible with the surrounding neighborhood to be built.

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AGGRIEVED PARTY CERTIFICATE – We affirm that our statements contained in the complete application are true and correct to the best of our knowledge and belief.

Signed S. Lynn Hill

Printed: Sarah Lynn Hill

Signed John Deigh

Printed: John Deigh

Mailing Address: 3701 Mount Bonnell Road

City, State & Zip: Austin, TX 78731-5730

Phone: 512-371-1254

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Required Addenda Included:

- Letter to Board of Adjustment stating appellant meets the requirements as an Interested Party as listed in Section 25-1-131(A) and (B) of the Land Development Code, including all information required under 25-1-131(C).
- Notice of Appeal emailed on August 31, 2011 to John McDonald, Supervisor of the Planning and Development Review Department
- Site Plan/Plot Plan drawn to scale, showing present construction and location of existing structures on adjacent lots
- Existing Site Plan drawn to scale for 3704 Bonnell Drive
- Site Plan – Final Grade, showing proposed construction at 3704 Bonnell Drive

Addenda included supporting our argument:

Exhibit	Description
Ex0	Copy of the Application materials submitted to the Planning and Development Review Department for 3704 Bonnell Drive, including David Weekley Homes' calculation of the Gross Floor Area (GFA) and the Floor-to-Area Ratio (FAR); "approved for permit" by Greg Guernsey.
Ex1	Site Plan – Final Grade Approved for Permit by Greg Guernsey on 8/26/11
Ex2	David Weekley Homes' calculation of Gross Floor Area showing first floor areas with ceiling heights over 15 feet were not counted twice. Also shows lot size of 11,683 sf and Floor-to-Area Ratio of 38.83%
Ex3	Relevant portions of Executed Ordinance 20060928-022 (McMansion Ordinance approved by the City Council on September 28, 2006, which became effective October 1, 2006). Subsection 3.3.3 of Article 3 of the Executed Ordinance reads as follows: "An area with a ceiling height greater than 15 feet is counted twice."
Ex4	Relevant sections of current electronic/print version of McMansion Ordinance
Ex5	Section of first floor layout showing 20 foot ceiling in family room and 22 foot ceiling in foyer
Ex6	Summary of Item 93 – 6/18/2008 City Council Meeting. This is the item on the June 18, 2008 agenda where the Council approved Ordinance 20080618-093. It includes a list of Work Papers and Other Backup Documentation for the amendments to the McMansion Ordinance. These documents are posted on the City Council's webpage under item 93 for the 6/18/2008 City Council meeting.
Ex7	Relevant portions of Executed Ordinance 20080618-093. This is the ordinance that, due to a clerical error, inadvertently omitted the requirement to double-count areas with a ceiling height greater than 15 feet. See Part 14 of the Executed Ordinance. This part does not amend or strike the existing subsection 3.3.3; it is written as though the McMansion Ordinance being amended did not already include a subsection 3.3.3.

Exhibit	Description
Ex8	Relevant portions of 2008 Draft Ordinance (Part 14 contains original error that was carried over to Part 14 of the Executed Ordinance)
Ex9	Current City of Austin Residential Permit Application "D" used for Gross Floor Area (GFA) and Floor Area Ratio (FAR) information and calculations
Ex10	5/4/2011 summary of McMansion provisions from CoA website including requirement to count twice areas with ceiling heights greater than 15 feet.
Ex11	Material from owner's 4/13/2011 application to RDCC showing he believed ceilings higher than 15 feet increase the FAR
Ex12	5/23/2011 summary of McMansion provisions from CoA website. Requirement to count twice areas with ceiling heights greater than 15 feet is gone.
Ex13	5/26/2011 Application "D" for 3704 Bonnell Drive revised by PDRD to no longer count twice areas with ceiling heights greater than 15 feet.
Ex14	9/27/2011 email from Brent Lloyd re memos about PDRD practice with regard to counting twice areas with ceilings higher than 15 feet.
Ex15	9/28/2011 Public Information Request under Texas Open Records Act
Ex16	9/9/2009 email from Mr. McDonald to Mr. Lloyd about language on Application "D" for second floor balconies
Ex17	10/14/2011 email from Mr. McDonald to Ms. Hill in response to Public Information Request
Ex18	Results of Ms. Hill's review of applications submitted to RDCC in 2010 and early 2011; and of a sample of residential permit applications submitted to PDRD in 2011 that did not go to RDCC
Ex19	Definitions from LDC 25-1-21
Ex20	Photographs of 4-Bedroom and 5-Bedroom versions of the Lundy in Round Rock (Models 1 and 2, respectively)
Ex21	Proposed structure showing additional mass added in an attempt to qualify for habitable attic exemption (compared to Model 2)
Ex22	Proposed structure showing additional mass added in an attempt to qualify for habitable attic exemption (compared to Model 1)
Ex23	Habitable Attic area exempted from Gross Floor Area and FAR calculations; calculated by David Weekley Homes. Exempted area is shaded dark gray.
Ex24	Front roof plan for 3704 Bonnell Drive, identifying roof slopes over different areas of the house
Ex25	Rear roof plan for 3704 Bonnell Drive, identifying roof slopes over different areas of the house
Ex26	Letters from neighbors and HPWBANA objecting to earlier plans for 3704 Bonnell Drive when they were being reviewed by the RDCC

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CITY OF AUSTIN
LETTER TO BOARD OF ADJUSTMENT
INTERPRETATIONS
AGGRIEVED PARTY'S STANDING TO APPEAL

STREET ADDRESS: 3704 Bonnell Drive, Austin, TX 78731
LEGAL DESCRIPTION: Subdivision – Mount Bonnell Terrace Section 3
Lot 1 Block E Outlot --- Division ---
ZONING DISTRICT: SF-3

WE Sarah Lynn Hill and John Deigh on behalf of ourselves are providing this letter to confirm our Standing to Appeal Status

We meet the requirements as an Interested Party as listed in Section 25-1-131(A) of the Land Development Code because we are the record owners of property within 500 feet of the site of the proposed development and occupy a primary residence on that property. Our property shares a back lot line with the property in the application.

Section 25-1-131(B) does not apply because we have not communicated an interest in a matter that is the subject of a public hearing.

We meet the requirements of Section 25-1-131(C) because we communicated an interest in the August 26, 2011 Planning and Development Review Department's Administrative Decision to "Approve for Permit" the building plans for the above property – by sending emails to Mr. John McDonald, Supervisor of the Department, on August 29 and 30, by meeting with him in person on August 29, and by emailing him a written Notice of Appeal, as required by Section 25-1-183, on August 31, 2011. We also had previously corresponded with Mr. McDonald about issues surrounding the Floor-to-Area Ratio calculations for this property in May, and June, and about building plans for this property in July and early August. This previous correspondence was conducted via email and telephone. All information required under 25-1-131(C) is included in the enclosed copy of the Notice of Appeal that we emailed to Mr. McDonald on August 31, 2011.

AGGRIEVED PARTY SIGNATURES

Signed S. Lynn Hill Printed: Sarah Lynn Hill

Signed John Deigh Printed: John Deigh

Mailing Address: 3701 Mount Bonnell Road

City, State & Zip: Austin, TX 78731-5730

Phone: 512-371-1254

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CASE 2011-077075 PR; Address 3704 Bonnell Drive

Notice of Appeal of 8-26-2011 Administrative Decision by the Planning and Development Review Department to "Approve for Permit" the building plans for the above case

Submitted to Mr. John McDonald, Supervisor of the Planning and Development Review Department.

Submitted by Sarah Lynn Hill and John Deigh on August 31, 2011

Mr. McDonald advised us that our notice of appeal could be submitted by emailing the required information to him, and that no special form is required.

Required information:

1. Name, address, and telephone number of the appellants:

Sarah Lynn Hill and John Deigh
3701 Mount Bonnell Road
Austin, TX 78731-5730
512-371-1254 (home)

2. Name of the applicant: William Clark

3. Decision being appealed:

Planning and Development Review Department's Administrative Decision to "Approve for Permit" the building plans for 3704 Bonnell Drive (Case 2011-077075 PR)

4. The date of the decision: 8-26-2011

5. A description of the appellants' status as an interested party:

We are the record owners of property within 500 feet of the site of the proposed development and occupy a primary residence on that property. Our property shares a back lot line with the property in the application.

A history of our communication of interest in this matter with Mr. John McDonald, Supervisor of the Planning and Development Review Department (required to establish our status):

The applicant previously applied to the RDCC for a variance that would allow him to exceed the 40% F.A.R. limitation of Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards of the Land Development Code, commonly known as the "McMansion" Ordinance (Case 2011-031138 PR) for a building at the same address as in the current case (2011-077075 PR). We objected to the previous application and spoke at three different RDCC hearings on the matter (May 4, June 1, and July 6). A part of the applicant's argument in that case was that he had a similar plan (that he did not want to build) that he thought satisfied the 40% F.A.R. limitation. The limitation was supposedly satisfied by treating a portion of the second floor --

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including bedroom 5 and bathroom 4 – as exempt habitable attic space (attic space excluded from the F.A.R. calculation under Section 3.3.3.C of the Ordinance).

We initially communicated our concern about the F.A.R. calculations and the claim to have a habitable attic space exemption to Mr. McDonald via email on May 20. In that email we explained our concerns and our need to prepare for the June 1 RDCC hearing. We asked for a meeting with RDCC staff to go over the F.A.R. calculations in both of the applicant's plans. This email also included our name, mailing address, and phone number. Mr. McDonald reviewed the plans and spoke to us about them on May 31. The applicant revised his plans after the June 1 RDCC hearing and continued to claim a habitable attic exemption for plans he did not want to build. We emailed Mr. McDonald about these new plans on June 27, explaining our concerns and need to prepare for the July 6 RDCC hearing. He reviewed and discussed them with us on June 28. In both the May 31 and June 28 conversations he told us that in his opinion the habitable attic exemption did not apply because bedroom 5 and bathroom 4 were part of the second floor in all of the applicant's plans, not part of attic space, but he also cautioned us that the habitable attic space provisions were a controversial issue within his office. The RDCC denied the application in case 2011-031138 PR for the plan the applicant wanted to build (the one *without* the attic exemption) on July 6. We subsequently inquired about the status of the building plans on July 26, and on August 4 Mr. McDonald told us via email that the applicant had not appealed the decision and he understood them to be redesigning the plans to meet the 40% F.A.R. requirement.

Late on Friday, August 26, we checked the City's online permit database and found that the current case 2011-077075 PR had been submitted by the applicant and approved on that same day by Residential Zoning Reviewers (Mr. McDonald's staff). Early on August 29 (Monday) we sent an email to Mr. McDonald communicating our concerns that information in the database made it appear that a plan *larger* than the one denied by the RDCC had been approved. We met with Mr. McDonald that afternoon. At that meeting we found that the newly submitted plans were the plans the applicant had previously *not* wanted to build – the plans Mr. McDonald had reviewed, at our request, on June 28 (with minor changes – the addition of a small balcony and some windows – that did not affect the F.A.R.), but that Mr. McDonald had (after discussion with his supervisor), reversed his prior position and decided to grant the habitable attic exemption requested by the applicant. We discussed our reasons for thinking this decision was wrong and also pointed out that the exempted space had increased the mass of the structure – a further reason for not granting the habitable attic exemption. Mr. McDonald confirmed that the plan would exceed the 40% F.A.R. limitation if the exemption were not granted, then checked and told us that the applicant had not yet paid for the building permit. We informed him of our intention to appeal Residential Zoning's approval of 2011-077075 PR and he gave us a list of the information to be included in the notice of appeal and said we could file it by emailing the information to him. On August 30 Mr. McDonald provided us with a copy of the building plans for 2011-077075 PR and we sent him an email summarizing our August 29 meeting with him and confirming our intention to appeal.

6. Reasons the appellant believes the decision does not comply with the requirements of this title:

We believe that the F.A.R. of the plan submitted in Case 2011-077075 PR exceeds the 40% limitation of the McMansion Ordinance, and so it should not have been approved by Residential Zoning Review. We believe this because we believe that the habitable attic exemption of section 3.3.3.C should not have been granted, and, as noted above, in our meeting on Monday, August 29, Mr. McDonald confirmed that the plan exceeds the 40% limitation if the habitable attic exemption of section 3.3.3.C is not allowed.

First, we believe that bedroom 5 and bathroom 4 are part of the second floor, not part of an attic, and therefore not eligible for the habitable attic exemption. The applicant's designating bedroom 5 and bathroom 4 as the only finished portion of the second floor that is habitable attic space has no basis other than his interest in finding floor space that might be exempted from the F.A.R. calculation. That there are interior walls separating these two rooms from the rest of the finished part of the second floor is not a basis for excluding other finished portions of the second floor, continuous with these rooms, from being habitable attic space, for an interior wall can exist within an attic. Roof coverage is also not a basis for excluding other finished portions of the second floor continuous with bedroom 5 and bathroom 4 from being habitable attic space, for a section of roof that covers a portion of these two rooms also covers portions of other finished rooms on the second floor. To be able to determine whether floor space is habitable attic space exempt from the F.A.R. calculation because it is habitable attic space fifty percent or more of which has a ceiling height of less than 7 feet, one has to be able to determine the boundaries of the habitable attic space for the purpose of doing the calculation. However, there is no way of determining these boundaries.

Second, even if these rooms were treated as attic space, it would not be true that the space could be ignored – for the space fails to meet one of the conditions in the Ordinance for ignoring habitable attic space. The condition it fails to meet is that the space “adds no additional mass to the structure.” (See section 3.3.3.C.5.) Adding this space, regardless of how it is treated, adds mass to the structure.

In the plan submitted to the RDCC under Case 2011-031138 PR, the mass required for these rooms was created by making a large rectangular bump-out in the middle of the roof of the south-facing section of the house, directly over the first-floor master bath. In that case, the rooms were treated as part of the second floor and their square footage was included in the F.A.R. calculation. The F.A.R. exceeded the 40% limitation of the Ordinance, and the RDCC denied the application for those plans on July 6.

In the plan for Case 2011-077075 PR just approved by Residential Zoning Review – the approval that we are appealing – the applicant took the plan denied by the RDCC and added additional mass to the structure by adding new triangular bump-outs on the east and west sides of bedroom 5 and bathroom 4, and raising portions of the roof on the south side of the house to

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cover the new bump-outs. He claims that in the modified plan a portion of the second floor that includes bedroom 5, bathroom 4, and the area under the new roof is habitable attic space that qualifies for the exemption of the Ordinance (section 3.3.3.C) and can be ignored when calculating the F.A.R. We say that bedroom 5 and bathroom 4 continue to be part of the second floor, not attic space. However, even if they are treated as attic space, section 3.3.3.C.5 is not satisfied with regard to bedroom 5, bathroom 4 and the area under the new roof, because the modifications that create this new space add additional mass to the structure.

Pictures and/or drawings will help to illustrate our arguments. In the June 28, 2011 statement that we submitted to the RDCC for their July 6 hearing we explained that adding bedroom 5 to the structure, however it is treated, adds mass to the structure. To illustrate our argument our statement included photographs of the 4-bedroom and 5-bedroom versions of a David Weekley model home on which the applicant's plan is based. That statement can be found on the RDCC website in the backup material posted for the July 6 hearing. We can also provide copies of this statement and/or the photographs on request.

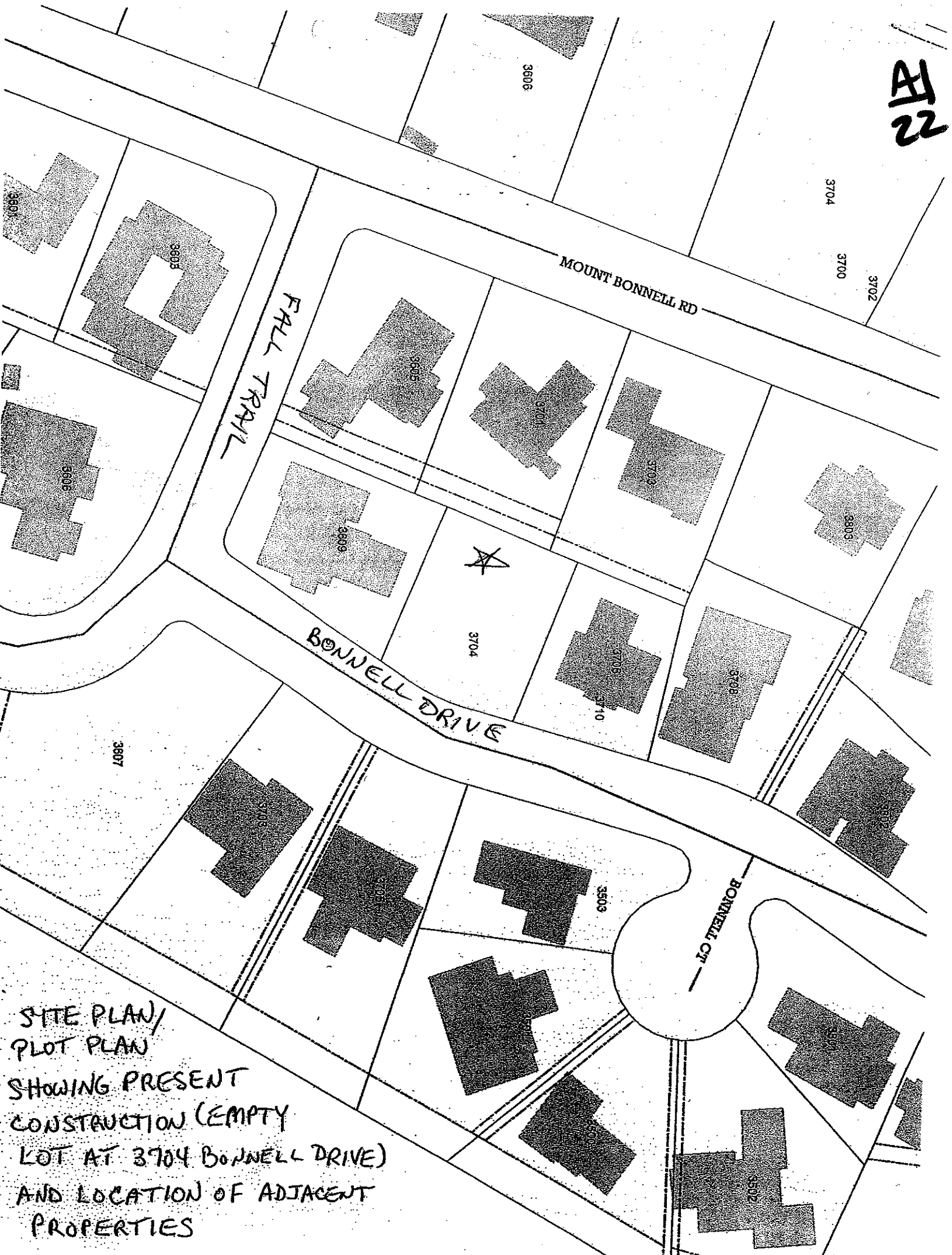
It is also instructive to compare the plans submitted in cases 2011-033138 PR and 2011-077075 PR. The layout of all first and second-floor rooms, and their square footages, are the same in both plans. And the exterior elevations are the same – with the exception of the area on the south section of the second-story that surrounds bedroom 5 and bathroom 4. It is easy to see – especially when viewing the south elevation (labeled “left” in the plans) – that the structure in 2011-077075 PR has more mass than the structure in 2011-033138 PR. Mr. McDonald's department should have copies of both sets of plans.

Finally, we believe that the terms of the Ordinance should be interpreted and applied with an understanding of the underlying purpose of the Ordinance. As explained in section 1.1 of the Ordinance, “The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.”

The plan submitted in 2011-031138 PR exceeded the 40% F.A.R. limitation of the Ordinance, and so the RDCC was required to rule on the compatibility of the proposed plan. At its July 6 hearing the RDCC denied the application, determining that the plan was too massive in comparison with nearby properties, and with several members making strong statements about the incompatibility of that plan with the neighborhood. The new plan submitted in 2011-077075 PR is nearly identical to the plan that was denied – except that one section of the new plan is more massive than the old plan. It is obvious to us that the RDCC would not consider the new plan to be compatible with the neighborhood.

We do not believe that the habitable attic exemption was adopted in order to allow applicants to decrease the size of their F.A.R. by increasing the mass of their house.

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SITE PLAN/
PLOT PLAN
SHOWING PRESENT
CONSTRUCTION (EMPTY
LOT AT 3704 BONNELL DRIVE)
AND LOCATION OF ADJACENT
PROPERTIES

EXISTING SITE PLAN

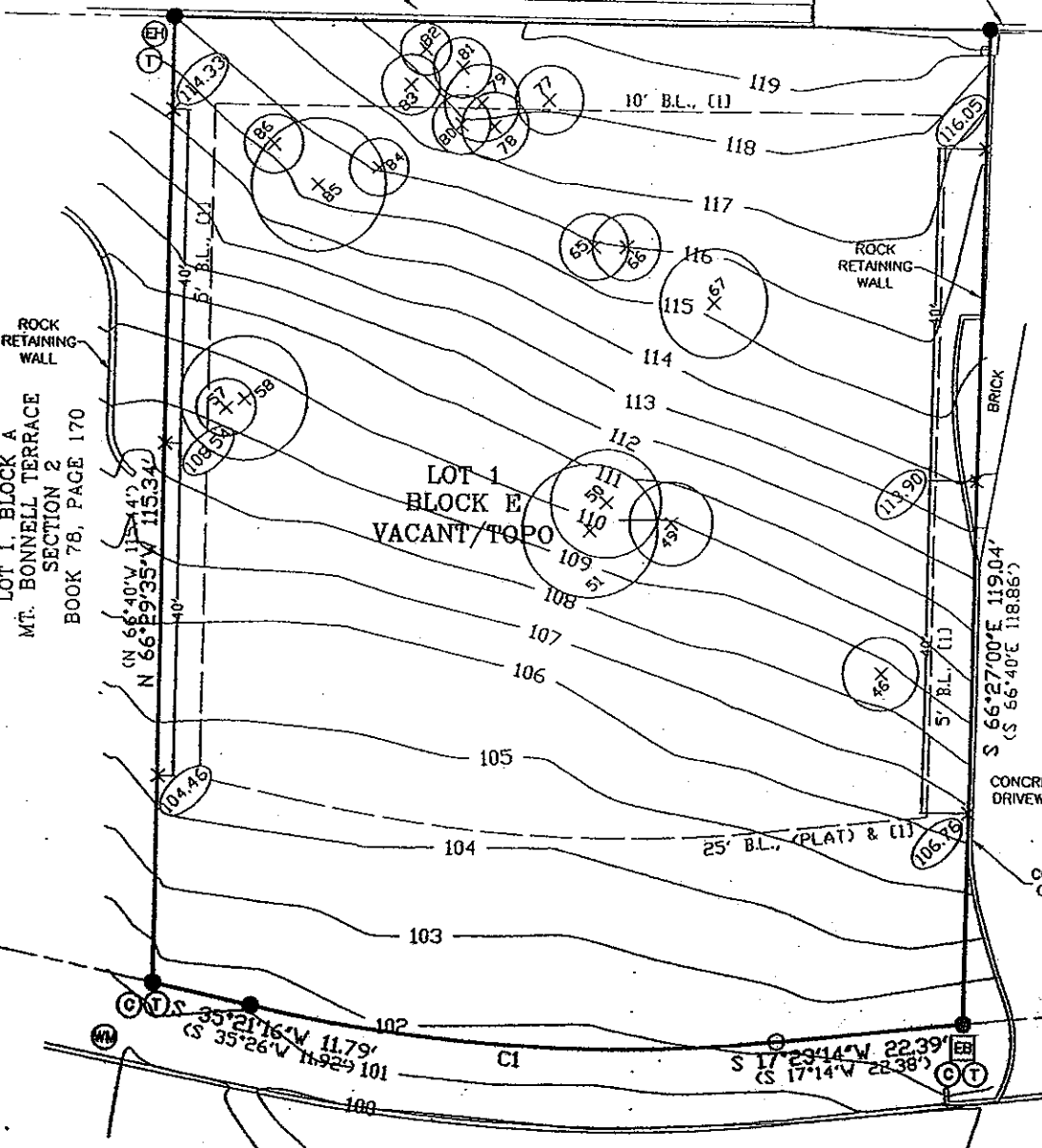
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SCALE: 1"=20'

LOT 2, BLOCK E
MT. BONNELL TERRACE
SECTION 1
BOOK 31, PAGE 10

LOT 3, BLOCK E
MT. BONNELL TERRACE
SECTION 1
BOOK 31, PAGE 10

BEARING BASIS
(N 23°20'E 97.00')
N 23°20'00"E 97.04'



TREE#	SIZE/TYPE
46	9' MTN LAUREL
49	10' LIVE OAK
50	13' LIVE OAK
51	16' LIVE OAK
57	7' LIVE OAK
58	15' LIVE OAK
65	8' LIVE OAK
66	8' LIVE OAK
67	13' LIVE OAK
77	8' LIVE OAK
78	8' LIVE OAK
79	9' LIVE OAK
80	7' LIVE OAK
81	7' LIVE OAK
82	6' LIVE OAK
83	7' LIVE OAK
84	7' LIVE OAK
85	16' LIVE OAK
86	7' LIVE OAK

LOT 2
BLOCK E
BOOK 78,
PAGE 172

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION
(1) BUILDING LINE PER CITY OF AUSTIN ZONING ORDINANCE.
EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY NATIONAL INVESTORS TITLE INSURANCE COMPANY PER COMMITMENT G.F. #1101881-ARB, EFFECTIVE FEBRUARY 2, 2011; SCHEDULE B, PARAGRAPH 10.
LOT 1 IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: BOOK 78, PAGE 172 PLAT RECORDS OF TRAVIS COUNTY, TEXAS; VOLUME 6661, PAGE 502 AND VOLUME 12947, PAGE 502 DEED RECORDS OF TRAVIS COUNTY, TEXAS.
LOT 1 IS SUBJECT TO SANITARY SEWER EASEMENT RECORDED IN VOLUME 4647, PAGE 74 DEED RECORDS OF TRAVIS COUNTY, TEXAS AS STATED IN BOOK 78, PAGE 172 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.
ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

3704 BONNELL DRIVE
(50' R.O.W.)

LEGEND

- EB ELEC. BOX
- WM WATER METER
- T TELE. PED.
- C CAT.V. PED.
- EH ELEC. MANHOLE
- IRON ROD FND.
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
- X SPOT ELEVATION
- B.L. BUILDING LINE

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

LOT No. 1 BLOCK E
SECTION 3 PHASE TRAVIS
COUNTY, TEXAS
CITY AUSTIN

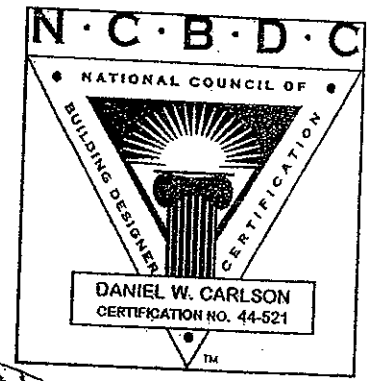
SUBDIVISION / ADDITION MT. BONNELL TERRACE
Book 78 Page(s) 172
Volume PLAT RECORDS
Document No. WILLIAM D. CLARK AND CLAUDIA J. CLARK
Reference:

By: JA/MA Date: 2/21/11
FIELD WORK MDL
DRAWING MDL
SURVEY DATE: 2/21/11
Job No. 02B15611
SCALE: 1"=20'

CITY OF AUSTIN
 APPROVED FOR PERMIT
 Greg Guernsey
 Planning and Development Review Department
 By _____ Date 8-26-11
 the granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

THE SEAL ON THIS PAGE PERTAINS ONLY TO THE AFFIRMATION OF THE COMPLIANCE OF THESE PLANS TO THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN

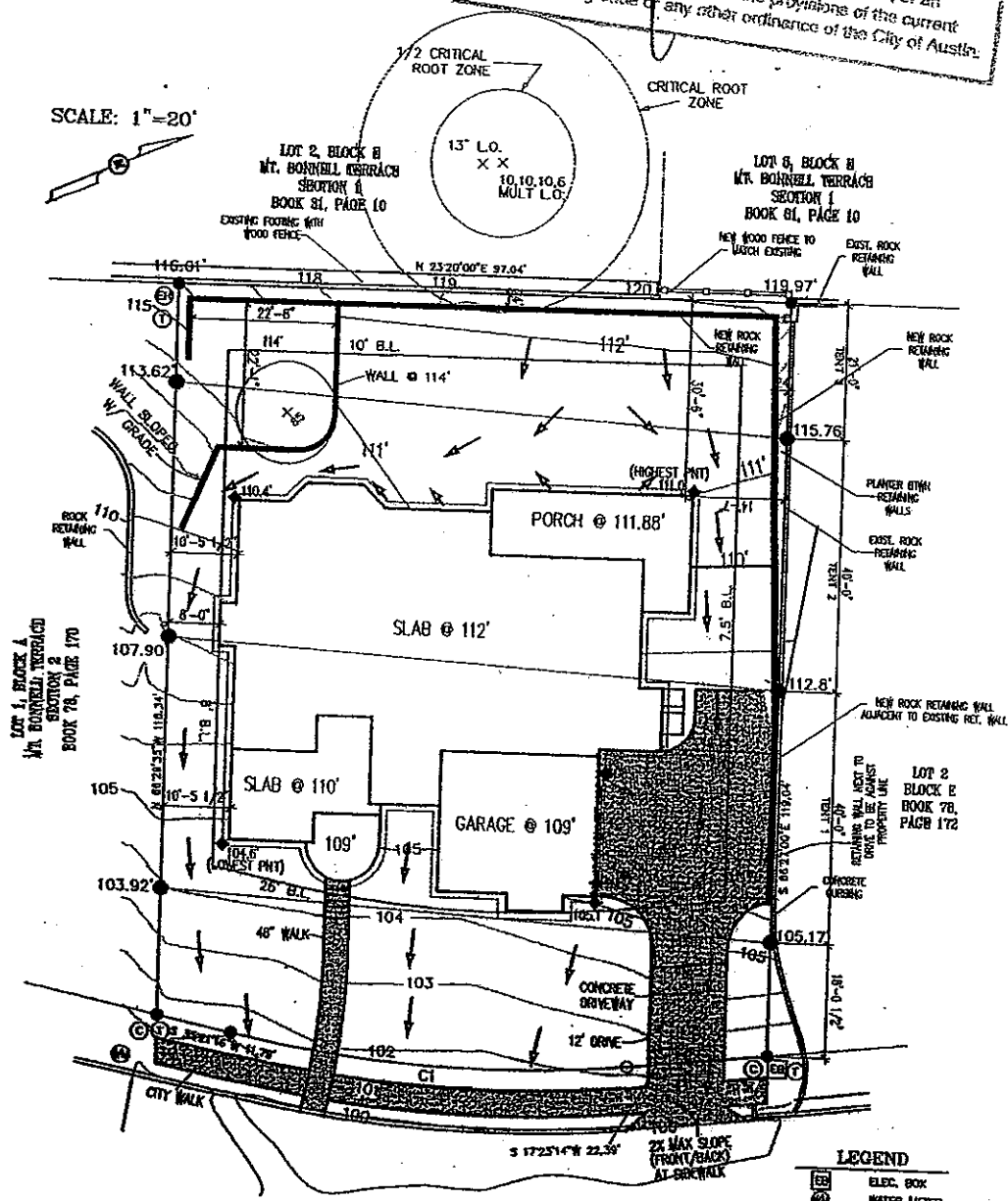
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Daniel W. Carlson
 AVERAGE CORNERS

111.0'
 104.6'
 215.6' / 2 = 107.8'

SCALE: 1"=20'



- LEGEND
- WOOD FENCE
 - WIRE FENCE
 - CHAIN LINK FENCE
 - UTILITY LINE
 - WROUGHT IRON FENCE
 - A/C UNIT
 - ELEC. TRANS.
 - ELEC. BOX
 - ELEC. METER
 - WATER METER
 - SBC BOX
 - SEWER
 - GAS METER
 - WATER METER
 - TELE. PED.
 - CATV. PED.
 - ELECT. MANHOLE
 - TELE. COM.
 - IRON ROD FND.
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
 - SPINDLE FND.
 - SPINDLE SET
 - NAIL FND.
 - NAIL SET
 - PIPE FND.
 - PIPE SET
 - UTILITY POLE
 - FIRE HYDRANT
 - LIGHT STANDARD
 - SPOT ELEVATION
 - B.L.
 - D.E.
 - PILE

- LEGEND
- ELEC. BOX
 - WATER METER
 - TELE. PED.
 - CATV. PED.
 - ELECT. MANHOLE
 - IRON ROD FND.
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
 - SPOT ELEVATION
 - BUILDING LINE

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

3704 BONNELL DRIVE
 (50' R.O.W.)

↓ = LINE OF RUNOFF DRAINAGE

SITE PLAN - FINAL GRADE
 scale: 1"=30'

NORTH
 3688-
 PLT PLAN

MOUNT BONNELL TERRACE
 3704 Bonnell Drive
 Austin TX 78721

Proj No.: 2023
 Job No.:

Lot: 1
 Blk: E

David Weekley Homes
 IMM/CJ 3/AJ Scale 1"=20'

© Weekley Homes LP, 2008
 The measurements, dimensions, and other specifications, shown on this document, are guidelines for construction use only. The actual construction of the building is the responsibility of the contractor.

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EXHIBIT Ex0

Copy of the Application materials submitted to the Planning and Development Review Department for 3704 Bonnell Drive, including David Weekley Homes' calculation of the Gross Floor Area (GFA) and the Floor-to-Area Ratio (FAR), "approved for permit" by Greg Guernsey

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CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "A"

BP Number 051150
Building Permit No. 1111
Plat No. 1111 Date 8-26-11
Reviewer ER

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PRIMARY PROJECT DATA

Service Address 3704 Bonnell Drive Tax Parcel No. 011111
Legal Description
Lot 1 Block E Subdivision Mount Bonnell Terrace Section 3 Phase —
If in a Planned Unit Development, provide Name and Case No. _____
(attach final approved copies of subdivision and site plan)
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.
Description of Work
☒ New Residence _____ Remodel (specify) 3/4 5/5
☐ Duplex _____
☒ Garage ☒ attached ☐ detached _____ Addition (specify) 2nd floor
☐ Carport ☐ attached ☐ detached _____
☐ Pool _____ Other (specify) Garage
Zoning (e.g. SF-1, SF-2...) _____
- Height of Principal building 25-6 1/2 ft. # of floors 2 Height of Other structure(s) N/A ft. # of floors N/A
- Does this site currently have water and wastewater availability? ☐ Yes ☒ No. If no, please contact the
Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.
- Does this site have a septic system? ☐ Yes ☒ No. If yes, for all sites requiring a septic field you must obtain an approved septic
permit prior to a zoning review.
Does this site have a Board of Adjustment ruling? ☐ Yes ☒ No If yes, attach the B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet? ☒ Yes ☐ No
Does this site front a paved street? ☒ Yes ☐ No A paved alley? ☐ Yes ☒ No
Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☒ Yes ☐ No

**VALUATIONS FOR
REMODELS ONLY**

Building \$ _____
Electrical \$ _____
Mechanical \$ _____
Plumbing \$ _____
Driveway/
Sidewalk \$ _____
TOTAL \$ _____
(labor and materials)

**VALUATIONS FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size 11,683 sq.ft.
Job Valuation - Principal Building \$ 602,625
(Labor and materials)
Job Valuation - Other Structure(s) \$ N/A
(Labor and materials)
TOTAL JOB VALUATION
(sum of remodels and additions)
\$ 602,625
(Labor and materials)

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>William D. & Claudia Clark</u>	Telephone (h) <u>512-750-8316</u> (w) _____
BUILDER	Company Name <u>David Weekley Homes</u>	Telephone <u>512-821-8816</u>
	Contact/Applicant's Name <u>Lisa Ahart - Project Coordinator</u>	Pager _____ FAX <u>512-372-8725</u>
DRIVEWAY/ SIDEWALK	Contractor <u>Delta Concrete & Construction</u>	Telephone <u>512-666-0334</u>
CERTIFICATE OF OCCUPANCY	Name <u>William D. & Claudia Clark</u>	Telephone <u>512-750-8316</u>
	Address <u>3704 Bonnell Drive</u>	City <u>Austin</u> ST <u>TX</u> ZIP <u>78731</u>

If you would like to be notified when your application is approved, please select the method:

☐ telephone ☒ e-mail: lahart@dwhomes.com

You may check the status of this application at www.ci.austin.tx.us/development/picrivr.htm

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "B"

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CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE

Lisa Ahart

DATE 8/17/11

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

Lisa Ahart - Project Coordinator - David Weekley Homes
1021

Rejection Notes/Additional Comments (for office use only):

- No Time. See email
- Artic. exempt. Permitted
in per J. M. D. 8/17/11

Service Address 3704 Bonnell Drive

Applicant's Signature

Lisa Ahart

Date

8/17/11

Lisa Ahart - David Weekley Homes

RESIDENTIAL PERMIT APPLICATION "C"

3704 Bonnell Drive

A1
28

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 st floor conditioned area	sq.ft.	*	2667	sq.ft.
b. 2 nd floor conditioned area	sq.ft.	*	1853	2449
c. 3 rd floor conditioned area	sq.ft.		N/A	sq.ft.
d. Basement	sq.ft.		N/A	sq.ft.
e. Garage / Carport	sq.ft.	*	567	sq.ft.
<input checked="" type="checkbox"/> attached	sq.ft.		N/A	sq.ft.
detached	sq.ft.		N/A	sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.		N/A	sq.ft.
g. Breezeways	sq.ft.		N/A	sq.ft.
h. Covered patios	sq.ft.		N/A	sq.ft.
i. Covered porches	sq.ft.	*	470	sq.ft.
j. Balconies	sq.ft.		N/A	sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.		N/A	sq.ft.
l. Other building or covered area(s)	sq.ft.		139	sq.ft.
Specify <u>Masonry Ledge</u>				

TOTAL BUILDING AREA (add a. through l.)

N/A

sq.ft.

5716

sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract, if applicable, b., c., d., k. and f. if uncovered)

3863

sq.ft.

33.13

% of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	*3863	sq.ft.
b. Driveway area on private property	*1107	sq.ft.
c. Sidewalk / walkways on private property	*107	sq.ft.
d. Uncovered patios	N/A	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	N/A	sq.ft.
f. Air conditioner pads	*32	sq.ft.
g. Concrete decks	N/A	sq.ft.
h. Other (specify)	*25	sq.ft.

Door Landings

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

5134

sq.ft.

43.94

% of lot

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 3704 Bonnell Drive

Applicant's Signature Lisa Ahart - Lisa Ahart
Project Coordinator - David Weekley Homes Date 8/17/14

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	<u>2667</u> ✓ sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	<u>0</u> sq.ft.
c. TOTAL (add a and b above)	sq.ft.	<u>2667</u> sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	<u>1503</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	<u>0</u> sq.ft.
f. TOTAL (add d and e above)	sq.ft.	<u>1503</u> sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	<u>N/A</u> sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	<u>N/A</u> sq.ft.
i. TOTAL (add g and h above)	sq.ft.	<u>N/A</u> sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	<u>N/A</u> sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	<u>367</u> ✓ sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	<u>N/A</u> sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	<u>N/A</u> sq.ft.
VII. TOTAL	sq.ft.	<u>4537</u> sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

4537 sq. ft.

GROSS AREA OF LOT

11,683 sq. ft.

FLOOR AREA RATIO (gross floor area / gross area of lot)

38.83 %

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

A1
30

03
14

- NOTE: THE AREA SHALL BEAT AN COMBINATION OF SECTION 11.14.15 FOR ONE OF THE FOLLOWING:
1. THE ROCK ISLAND 2. IT IS FULLY CONTAINED WITHIN THE ROCK STRUCTURE
 3. IT IS THE HIGHEST POINT OF THE AREA AND IS A GRASSY HILL OR LESS THAN 500' IN HEIGHT
- NOTE: TO SATISFY THE REQUIREMENT THAT THIS AREA OF THE HIGHEST ELEVATION FOR ROCK OR HAZARDOUS MATERIAL SHALL BE FULLY CONTAINED BEHIND A ROCK STRUCTURE, THE HIGHEST POINT OF THE AREA IS 500' IN HEIGHT.
- THIS HAZARDOUS MATERIAL OF THE AREA IS 500' IN HEIGHT AND IS 500' IN SIZE.

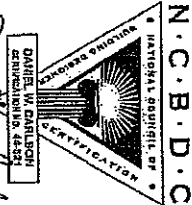
CALCULATIONS:

FRONT ATTIC UNDER 7'-	172 SF
REAR ATTIC UNDER 7'-	398 SF
TOTAL AREA UNDER 7'-	570 SF
TOTAL AREA OVER 7'-	374 SF
TOTAL EXCEPT AREAS -	944 SF

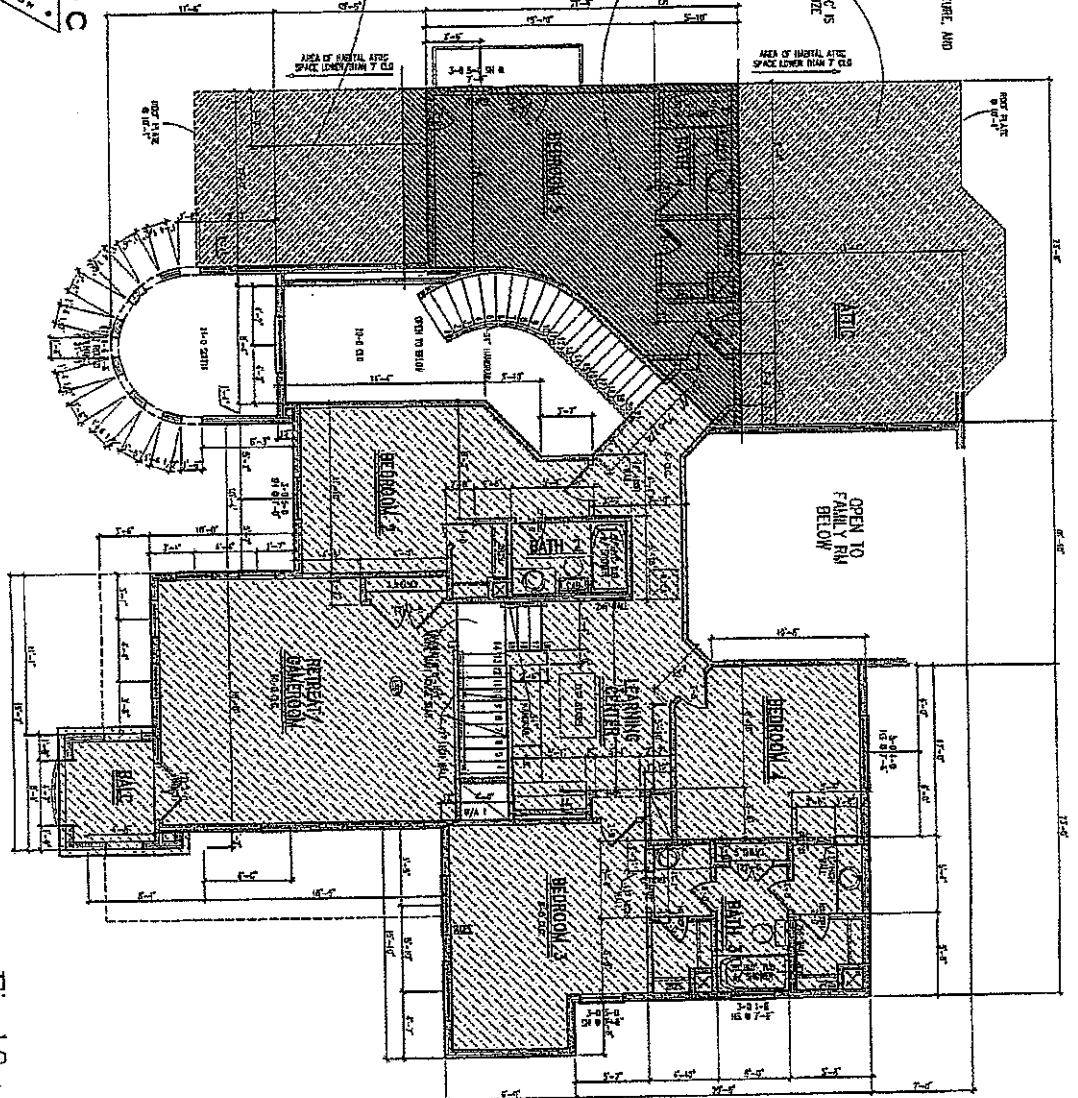
TOTAL FLOOR 2 AREA COVERED BY ROOF -	2447 SF
TOTAL EXEMPT AREAS -	944 SF
FLOOR 2 F.A.R. -	<u>1503 SF</u>

THIS INAPPROPRIATE PERIOD OF THE AILING IS
USUALLY 7' HIGH, AND IS 122 ST IN SIZE

CITY OF ASTORIA CALCULATIONS			
F.A.R.	IPR CHARGE	BASE CHARGE	WATER
40	42.00		41.00
700.00	700.00	700.00	
165.00		27.00	
410.00			
1.00	10.00	10.00	
30.00	30.00	10.00	
30.00	30.00	60.00	
100.00	100.00		
30.00	30.00		
20.00	20.00		
150.00	150.00	150.00	
150.00	150.00		
110.00	110.00	110.00	
20.00	20.00	20.00	



THE SEAL ON THIS PAGE PERTAINS ONLY TO THE ATTIRMATION OF THE COMPLIANCE OF THESE PLANS TO THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN



SECOND FLOOR F.A.R. AREAS

Final Set

NORTH
3688-B
PLN-3
LUNDY
BOY, AUSTIN

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

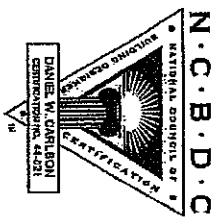
Proj. No:	Lat:	1
2023	Blk:	E
Job No:	Sect:	3
1122		

David Weekley Homes	
MM/CL3/AJ	Scale: 1/8" = 1'-0"
Date: 02/26/08	Rev: 7/21/11

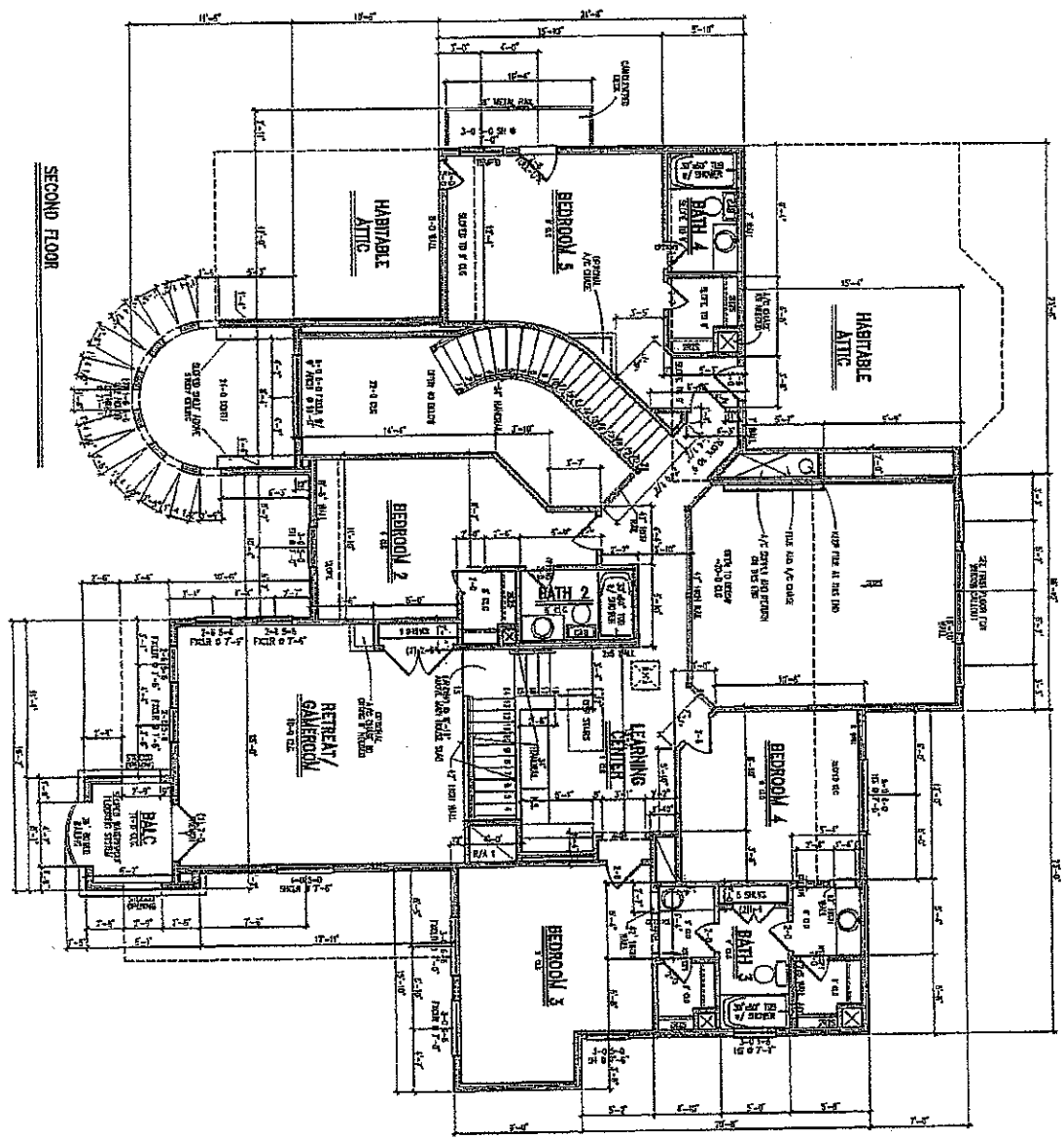
©Trasky Homes LP, 2008
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A1
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D.W. Carlson



NOTE: ALL 2ND FLR. CEILING HEIGHTS
9'-0" UNLESS NOTED OTHERWISE

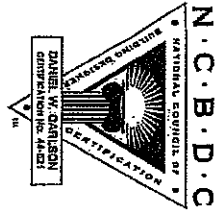
TYP. FRAMING: 2X6 EXTERIOR PERIMETER WALL
UNLESS NOTED OTHERWISE, 16" O.C.

Final Set
08/05/11

NORTH 3688-B PLAN-2 LUNDSY BDR. AUSTIN	MOUNT BONNELL TERRACE 3704 Bonnell Drive Austin, TX 78731	Proj. No.: 2023	Lot: 1 Blk: E Sect: 3	David Weekley Homes MM/CL3/AJ Date: 02/26/08 Scale: 1/8" = 1'-0" Rev: 7/21/11	© Weekley Homes LP, 2008 The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document is not to be relied on as a representation of what the completed structure will look like.
		Job No.: 1122			

133

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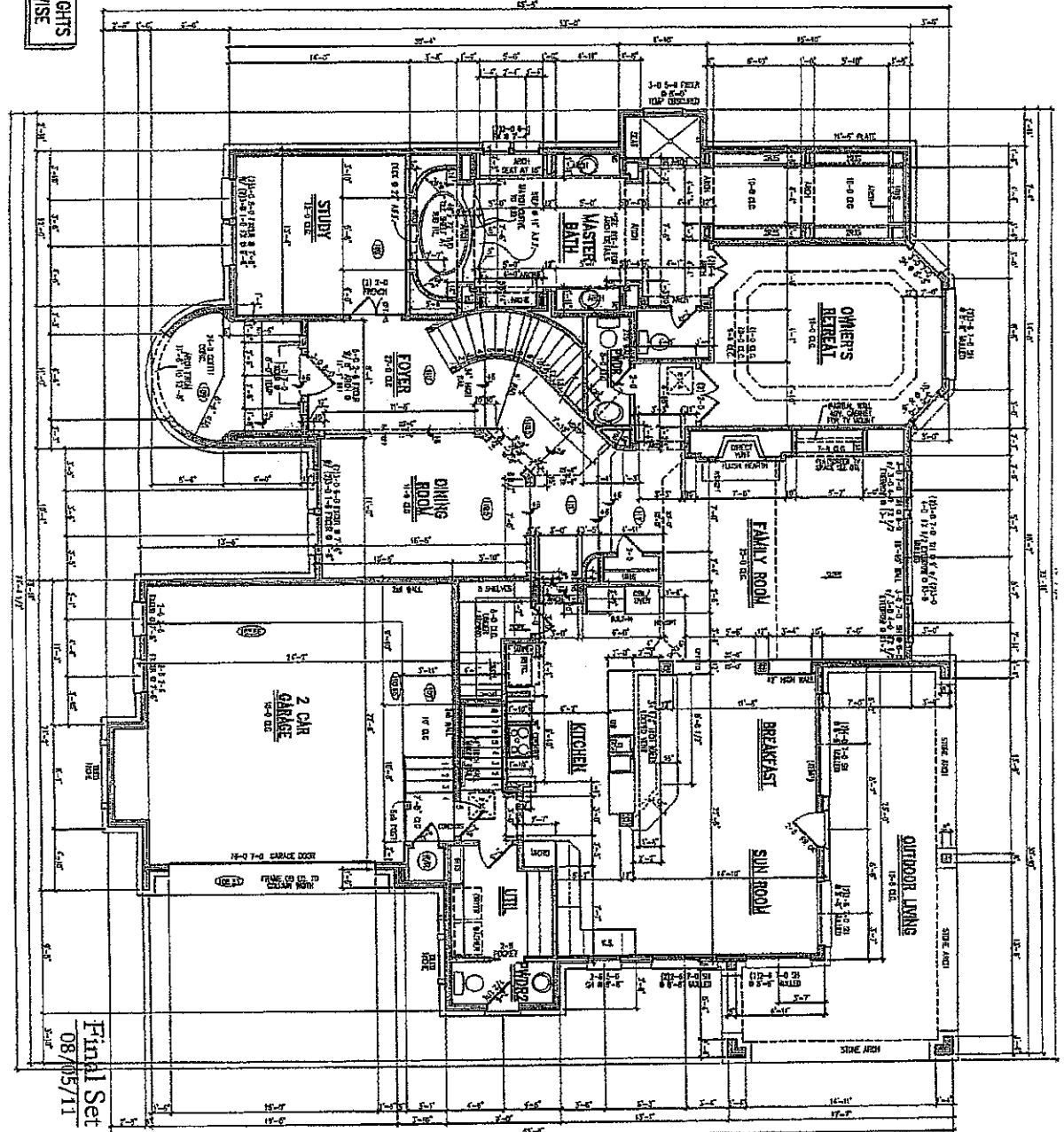


David Weekley

1"= 16' O.C.
1"= 16' O.C.
1"= 16' O.C.

NOTE: ALL 2ND FLR. CEILING HEIGHTS 10'-0" UNLESS NOTED OTHERWISE

FLOOR PLAN



Final Set
08/05/11

NORTH
3688-B
PLN-1
LUNDY

MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No: 2023
Job No: 1122
Lot: 1
Blk: E
Sect: 3

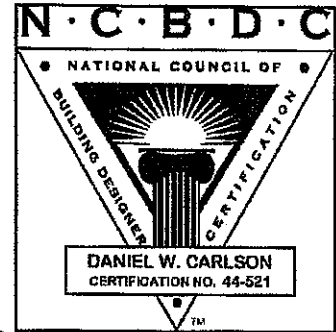
David Weekley Homes
MM/CL3/AJ
Scale: 1/8" = 1'-0"
Date: 02/26/08
Rev: 7/21/11

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CITY OF AUSTIN
 APPROVED FOR PERMIT
 Greg Guemsey
 Planning and Development Review Department
 By [Signature] Date 8-26-11
 the granting of a permit for, or approval of, those plans and
 specifically is not to be construed to be a permit for, or an
 approval of any violation of any of the provisions of the current
 adopted building code or any other ordinance of the City of Austin.

THE SEAL ON THIS PAGE PERTAINS
 ONLY TO THE AFFIRMATION OF THE
 COMPLIANCE OF THESE PLANS TO THE
 RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS FOR THE CITY OF AUSTIN

A
 34



Daniel W. Carlson
 AVERAGE CORNERS

111.0'
 104.6'
 215.6' / 2 = 107.8'

LEGEND

- WOOD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- UTILITY LINE
- WROUGHT IRON FENCE
- A/C UNIT
- ELEC. TRANS.
- ELEC. BOX
- ELEC. METER
- WATER METER
- SEC. BOX
- SEWER
- GAS METER
- WATER METER
- TELE. PED.
- C.A.T.V. PED.
- ELECT. MANHOLE
- TELE. CON.
- IRON ROD FND.
- 1/2" IRON ROD W/
PLASTIC CAP STAMPED
"ALL POINTS" SET
- SPINDLE FND.
- SPINDLE SET
- NAIL FND.
- NAIL SET
- PIPE FND.
- PIPE SET
- UTILITY POLE
- FIRE HYDRANT
- LIGHT STANDARD
- SPOT ELEVATION
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT

LEGEND

- ELEC. BOX
- WATER METER
- TELE. PED.
- C.A.T.V. PED.
- ELECT. MANHOLE
- IRON ROD FND.
- 1/2" IRON ROD W/
PLASTIC CAP STAMPED
"ALL POINTS" SET
- SPOT ELEVATION
- B.L. BUILDING LINE

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'38" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

3704 BONNELL DRIVE
 (50' R.O.W.)

↓ = LINE OF RUNOFF DRAINAGE

SITE PLAN - FINAL GRADE

scale: 1"=30'

Final Set
 08/05/11

NORTH
 3688-B
 PLT PLAN 3
 LUNDY
 BOT. AUSTIN

MOUNT BONNELL TERRACE
 3704 Bonnell Drive
 Austin, TX 78731

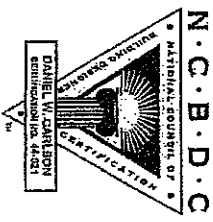
Proj. No.:
 2023
 Lot: 1
 Blk: E
 Job No.:
 1122
 Sect: 3

David Weekley Homes
 MM/CL3/AJ
 Date: 02/26/08
 Scale: 1"=30'
 Rev: 7/21/11

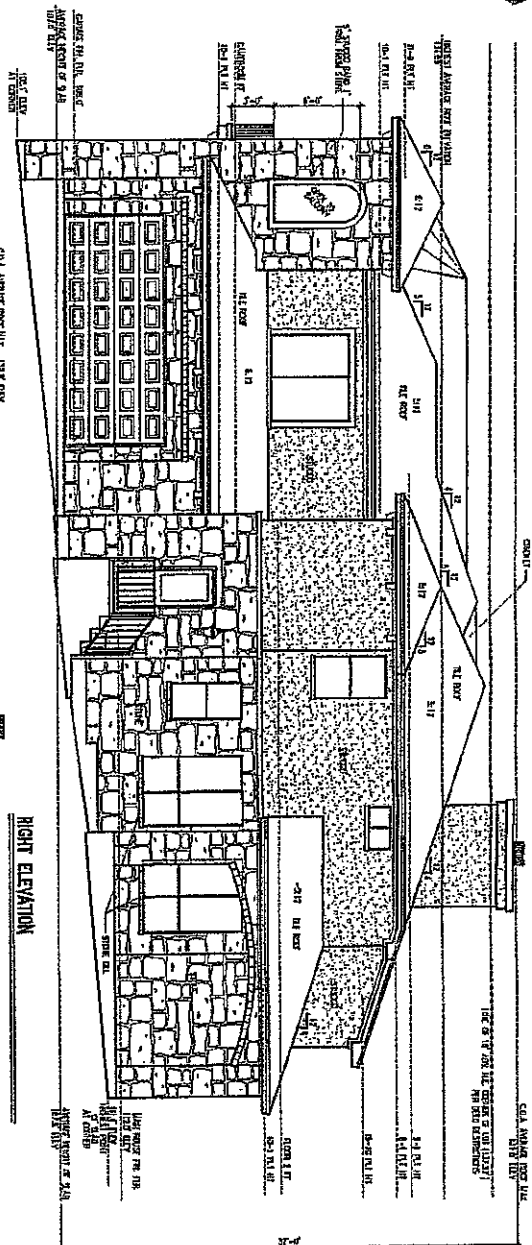
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AI
35

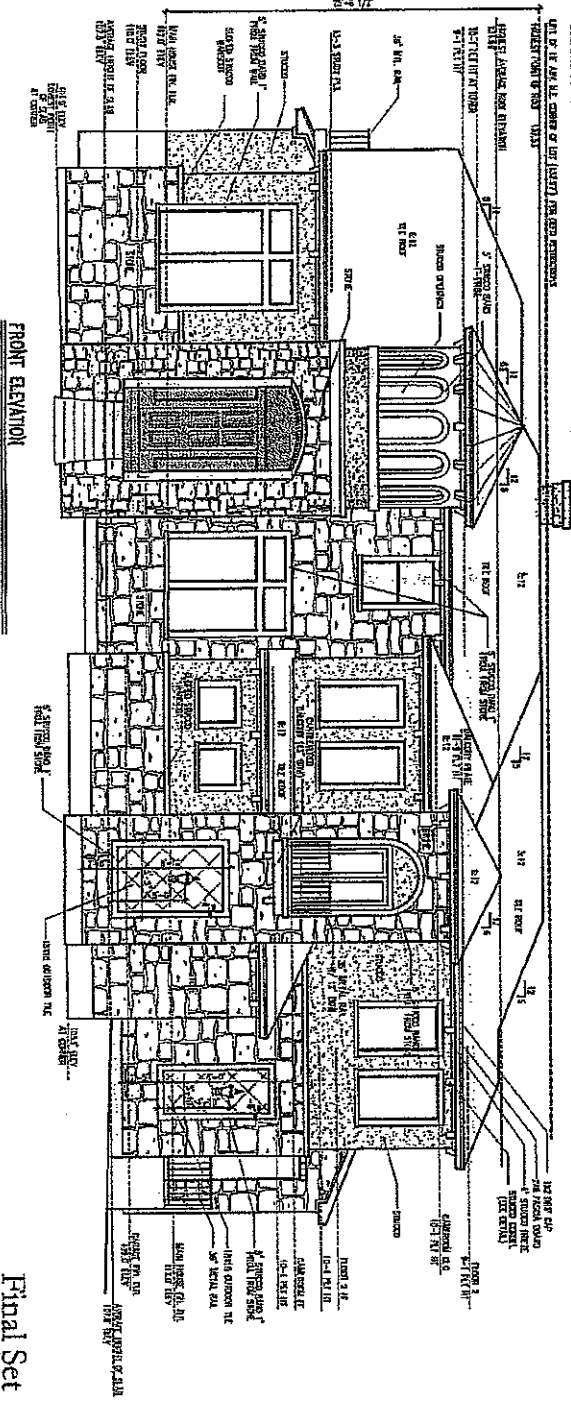
David Weekley



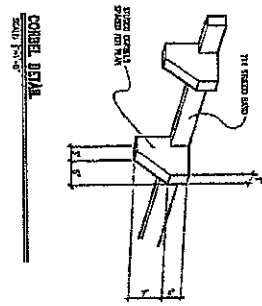
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RIGHT ELEVATION



FRONT ELEVATION



CORNER DETAIL

Final Set
08/05/11

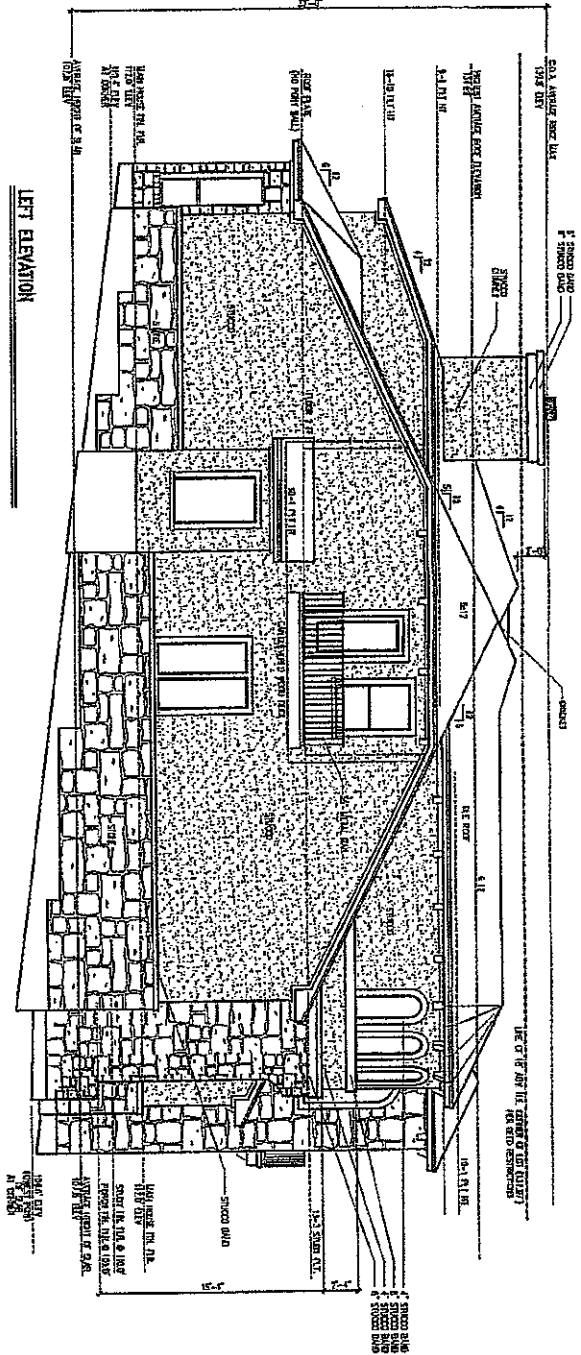
MOUNT BONNELL TERRACE
3704 Bonnell Drive
Austin, TX 78731

Proj. No.: 2023
Job No.: 1122
Lot: 1
Blk: E
Sect: 3

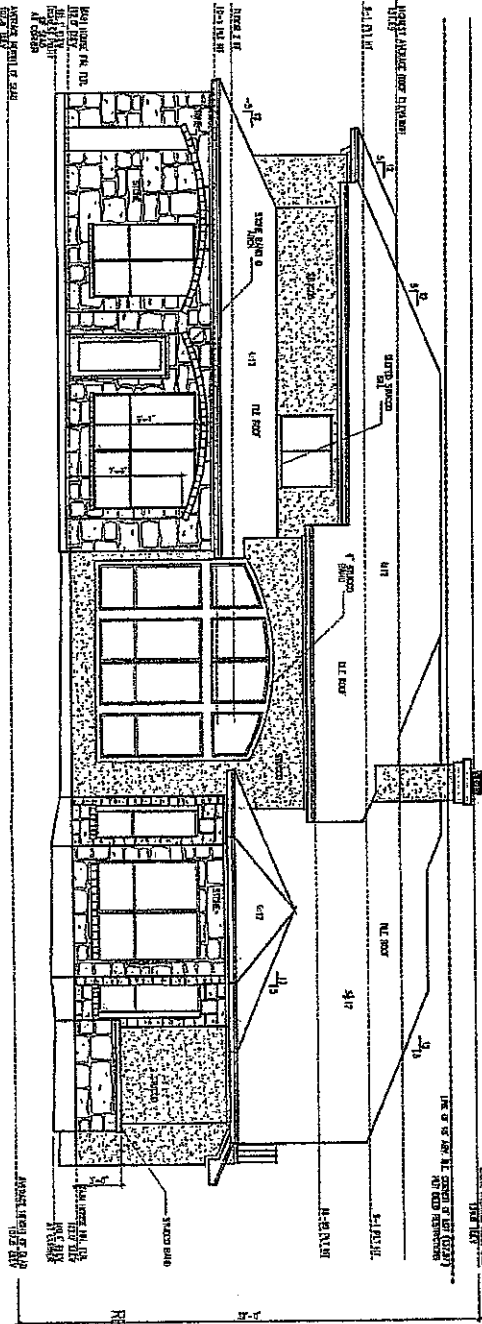
David Weekley Homes
MM/CL3/AJ
Date: 02/26/08
Scale: 1/8" = 1'-0"
Rev: 7/21/11

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2/13/11

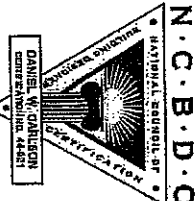


LEFT ELEVATION



REAR ELEVATION

D.W.C.



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Final Set
08/05/11

NORTH
3688-B
ELEV 2
LUNDY
IRON, AUSTIN

MOUNT BONNELL TERRACE
3704 Bonnell Terrace
Austin, TX 78731

Proj: No. 2023
Job No. 1122
Lot: 1
Blk: E
Sect: 3

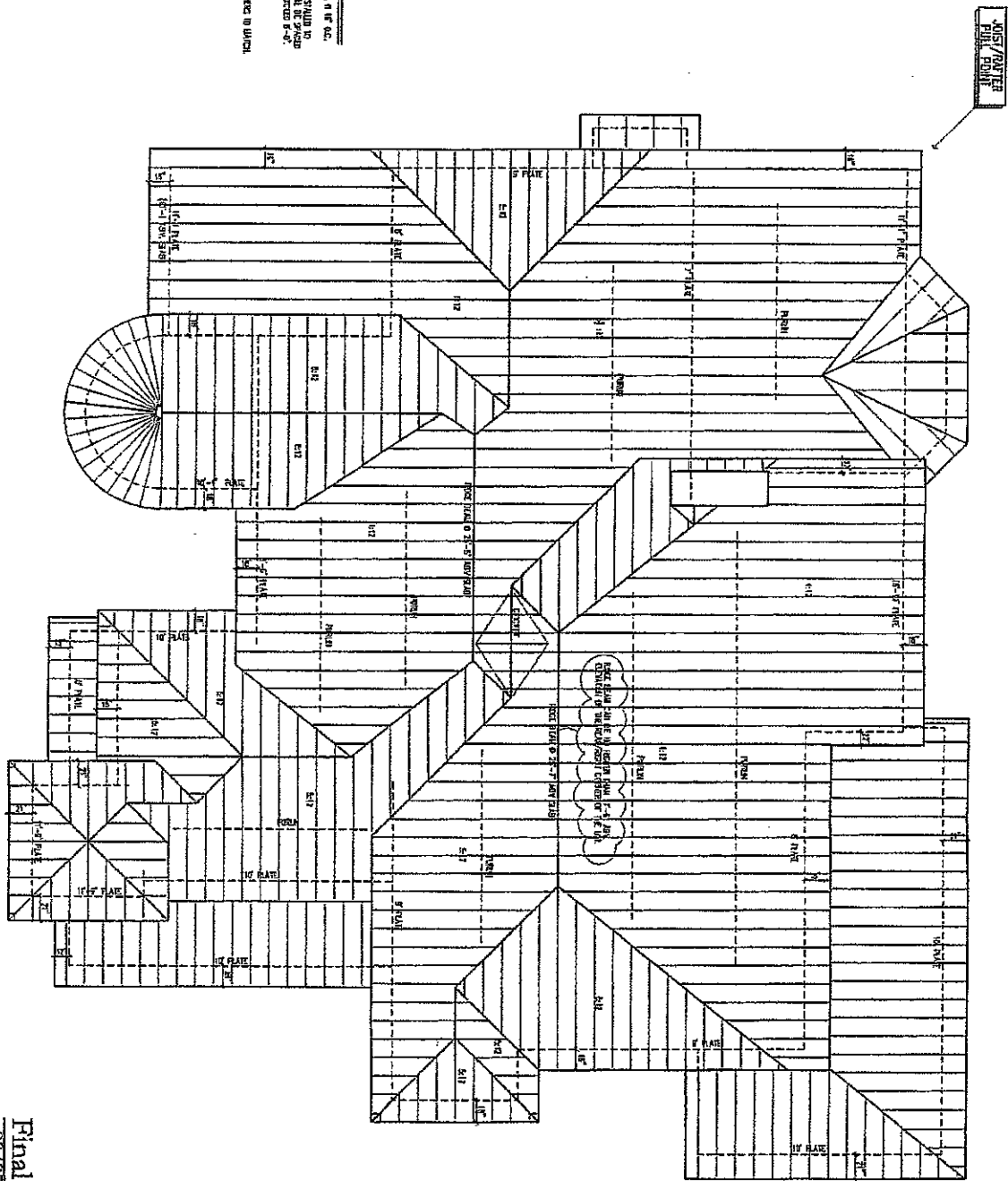
David Weekley Homes
MM/CL 3/AJ
Date 02/26/08
Scale: 1/8" = 1'-0"
Rev: 7/21/11

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RS: THE HIGHEST TOWER OF THIS ROOF MORE THAN 17'-6" HIGHER THAN THE RIM OF THE LOT, MAKE SURE WHEN I MEET THAT YOU CONTROL THE HEIGHTS FOR OTHER ELEVATION-READING DEVICE.

CENTRAL TEXAS ROOF PLAN

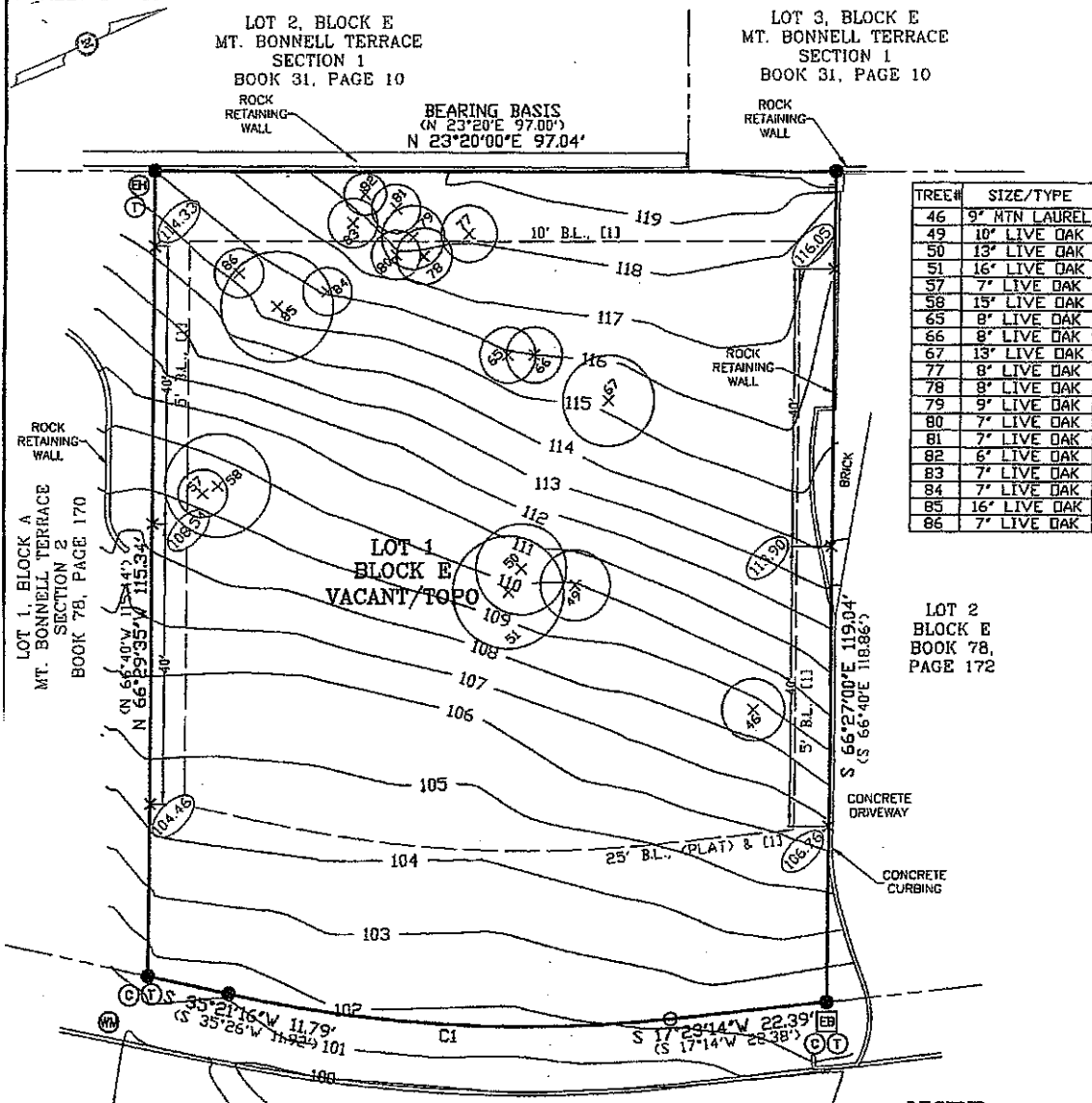
RECEIVED BY THE COMMISSION BY TELETYPE MESSAGE FROM THE UNITED STATES DEPARTMENT OF COMMERCE, WASHINGTON, D.C., MAY 11, 1942, 10:00 A.M. (U.S. DEPARTMENT OF COMMERCE, WASHINGTON, D.C., MAY 11, 1942, 10:00 A.M.)



Final Set
08/05/11

NORTH LUNDY 3688-B RFP-1 DOT LIST#	 	Proj. No.: 2023	Lot: 1	David Weekley Homes The measurements, dimensions, and other specifications, shown on this document, are preliminary for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like. © Wesley Homes LP, 2023
		Job No.: 1122	Blk: E	
3704 Bonnell Drive				
Austin, TX 78731				

SCALE: 1"=20'



TREE#	SIZE/TYPE
46	9' MTN LAUREL
49	10' LIVE OAK
50	13' LIVE OAK
51	16' LIVE OAK
57	7' LIVE OAK
58	15' LIVE OAK
65	8' LIVE OAK
66	8' LIVE OAK
67	13' LIVE OAK
77	8' LIVE OAK
78	8' LIVE OAK
79	9' LIVE OAK
80	7' LIVE OAK
81	7' LIVE OAK
82	6' LIVE OAK
83	7' LIVE OAK
84	7' LIVE OAK
85	16' LIVE OAK
86	7' LIVE OAK

LOT 2
BLOCK E
BOOK 78,
PAGE 172

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION

[1] BUILDING LINE PER CITY OF AUSTIN ZONING ORDINANCE

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY NATIONAL INVESTORS TITLE INSURANCE COMPANY PER COMMITMENT G.F. #1101881-ARB, EFFECTIVE FEBRUARY 2, 2011; SCHEDULE B, PARAGRAPH 10.

LOT 1 IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: BOOK 78, PAGE 172 PLAT RECORDS OF TRAVIS COUNTY, TEXAS; VOLUME 6661, PAGE 1502 AND VOLUME 12947, PAGE 502 DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 1 IS SUBJECT TO SANITARY SEWER EASEMENT RECORDED IN VOLUME 4647, PAGE 274 DEED RECORDS OF TRAVIS COUNTY, TEXAS AS STATED IN BOOK 78, PAGE 172 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

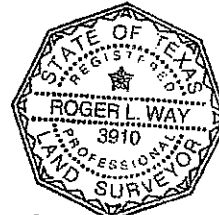
LOT No. 1 BLOCK E SUBDIVISION / ADDITION MT. BONNELL TERRACE
SECTION 3 PHASE PLAT RECORDS
COUNTY, TEXAS
CITY AUSTIN Reference: WILLIAM D. CLARK AND CLAUDIA J. CLARK

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR
NATIONAL INVESTORS TITLE INSURANCE COMPANY / PLAINSCAPITAL BANK

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.



ALL POINTS SURVEYING
1714 FORTVIEW ROAD - SUITE 200
AUSTIN TX. 78704
TELE: (512) 440-0071 - FAX: (512) 440-0199



Roger L. Way

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

LEGEND

- EB ELEC. BOX
- WM WATER METER
- T TELE. PED.
- CH C.A.T.V. PED.
- EH ELEC. MANHOLE
- IR IRON ROD FND.
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
- X SPOT ELEVATION
- B.L. BUILDING LINE

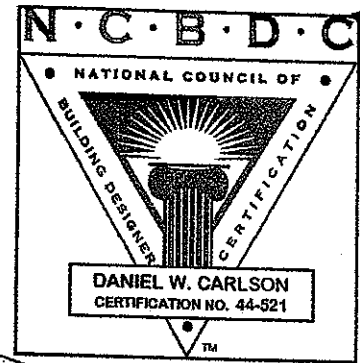
FIELD WORK JA/AA Date: 2/21/11
DRAFTING MDL
SURVEY DATE: 2/21/11
Job No. 02B15611
SCALE: 1"=20'

EXHIBIT
EX1

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guernsey
Planning and Development Review Department
By *[Signature]* Date 8-26-11
the granting of a permit, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

THE SEAL ON THIS PAGE PERTAINS ONLY TO THE AFFIRMATION OF THE COMPLIANCE OF THESE PLANS TO THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN

A/39



Daniel W. Carlson
AVERAGE CORNERS

111.0'
104.6'
 $215.6' / 2 = 107.8'$

LEGEND

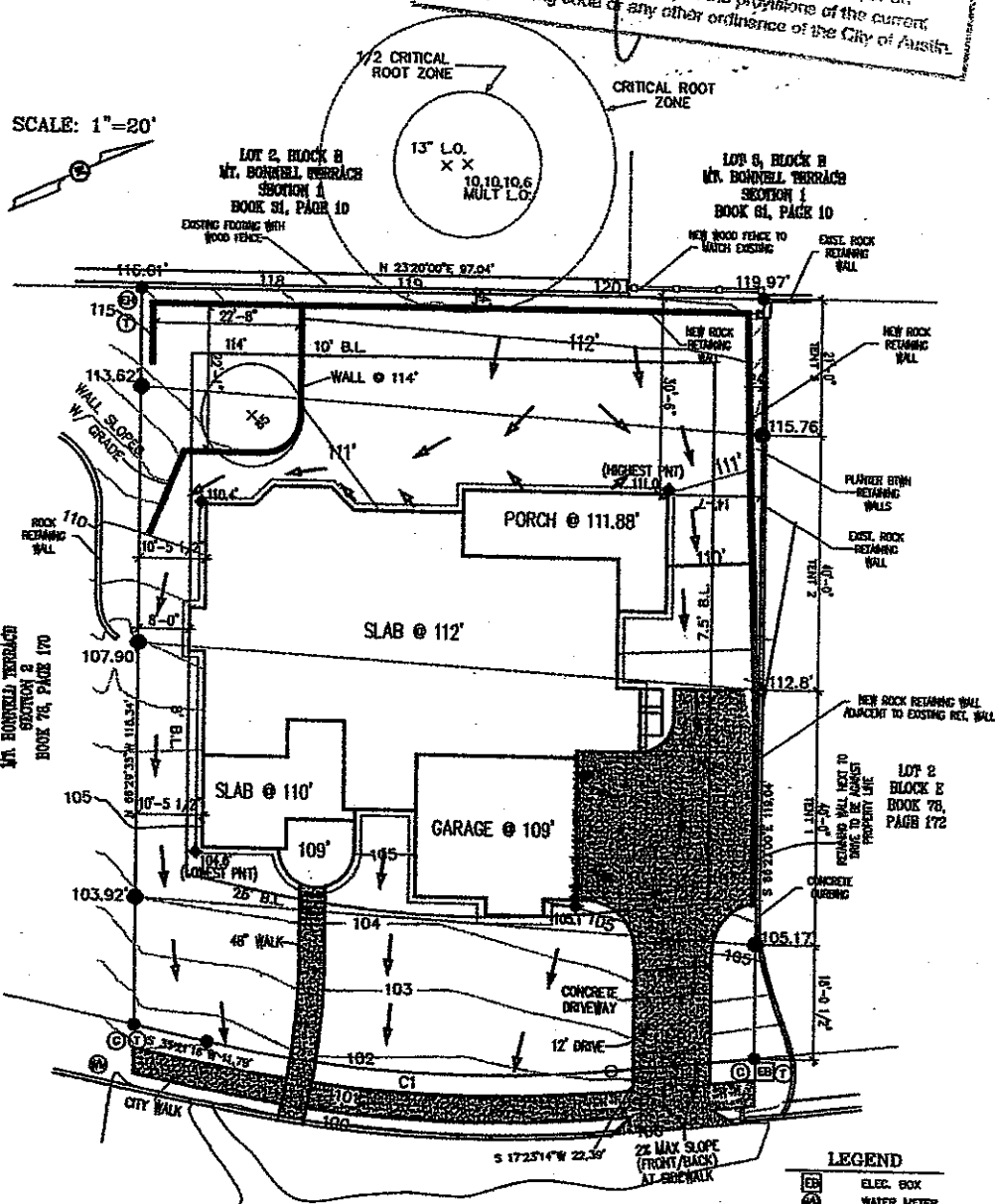
- WOOD FENCE
- - - WIRE FENCE
- - - CHAIN LINK FENCE
- - - UTILITY LINE
- - - WROUGHT IRON FENCE
- AC A/C UNIT
- ET ELEC. TRANS.
- EB ELEC. BOX
- EM ELEC. METER
- WM WATER METER
- SBC SBC BOX
- S SEWER
- GM GAS METER
- WM WATER METER
- TELE. PED.
- CATV. PED.
- EM ELECT. MANHOLE
- TELE. COM.
- IRON ROD FND.
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
- SPINDLE FND.
- SPINDLE SET
- NAIL FND.
- NAIL SET
- PIPE FND.
- PIPE SET
- UTILITY POLE
- FIRE HYDRANT
- LIGHT STANDARD
- X SPOT ELEVATION
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT

LEGEND

- EB ELEC. BOX
- WM WATER METER
- TELE. PED.
- CATV. PED.
- EM ELECT. MANHOLE
- IRON ROD FND.
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "ALL POINTS" SET
- SPOT ELEVATION
- B.L. BUILDING LINE

Curve	Radius	Length	Chord	Chord Bearing
C1	199.73'	63.50'	63.23'	S 26°33'39" W
(C1)	(199.73')	(63.44')	(63.18')	(S 26°20' W)

SCALE: 1"=20'



3704 BONNELL DRIVE
(50' R.O.W.)

↓ = LINE OF RUNOFF DRAINAGE

SITE PLAN - FINAL GRADE

scale: 1"=30'

Final Set

NORTH 3688-B PLT PLAN 3 BOUL. AUSTIN	MOUNT BONNELL TERRACE 3704 Bonnell Drive Austin, TX 78731	Proj. No.: 2023	Lot: 1	David Weekley Homes	MM/CL3/AJ	Scale: 1"=30'	Date: 02/26/08	Rev: 7/21/11
		Job No.: 1122	Blk: E Sect: 3					

© Teckley Homes L.P. 2008
The measurements, dimensions, and other specifications shown on this document are guidelines for construction use only. The actual specifications of the finished structure may vary. This document may not be relied on as a representation of what the completed structure will look like.

STATE OF TEXAS
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

EXHIBIT Ex 2

A1
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TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 3704 Bonnell Drive

Applicant's Signature [Signature] - Lisa Ahart Date 8/17/14
Project Coordinator - David Weekley Homes

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1 st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	2667 ✓ sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	0 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	2667 sq.ft.
II. 2 nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	1503 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	0 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	1503 sq.ft.
III. 3 rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	N/A sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	N/A sq.ft.
i. TOTAL (add g and h above)	sq.ft.	N/A sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	N/A sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	367 ✓ sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	N/A sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	N/A sq.ft.
VII. TOTAL	sq.ft.	4537 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	
	4537 sq. ft.
GROSS AREA OF LOT	11,683 sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	38.83 %

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- b. It only has one floor within the roof structure
- c. It does not extend beyond the foot print of the floors below
- d. It is the highest habitable portion of the building; and
- e. Fifty percent or more of the area has a ceiling height of seven feet or less.

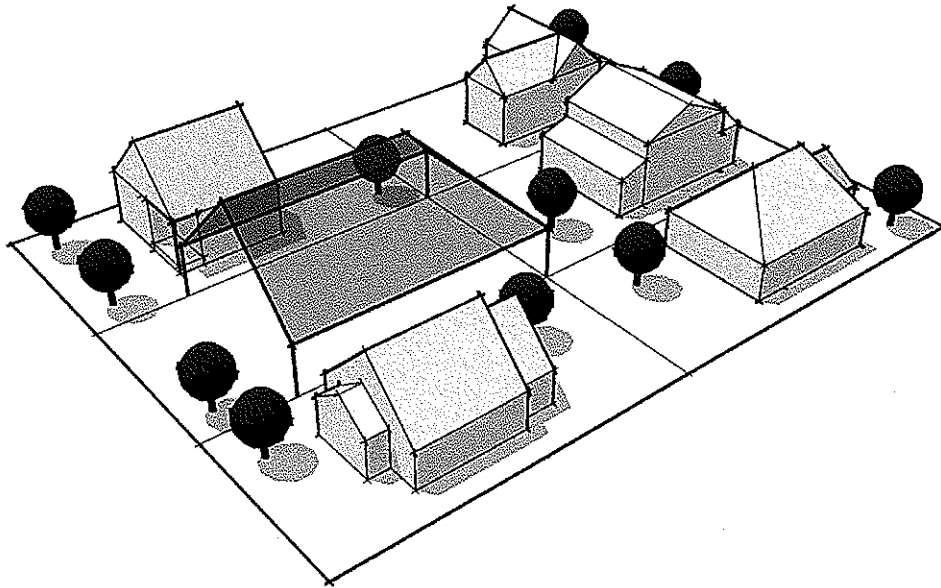
**Exhibit
Ex 3**

Attachment A

A/41

SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS

Austin, Texas



**APPROVED BY THE CITY COUNCIL
ON SEPTEMBER 28, 2006**

**BASED ON THE JUNE 22, 2006
CITY COUNCIL ORDINANCE AND
SUBSEQUENT AMENDMENTS**

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SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS

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ARTICLE 3: DEFINITIONS AND MEASUREMENT

3.1. BUILDABLE AREA

In this Subchapter, BUILDABLE AREA means the area in which development subject to this Subchapter may occur, and which is defined by the side and rear setback planes required by this Subchapter, together with the area defined by the front, side, and rear yard setbacks and the maximum height limit.

3.2. BUILDING LINE

In this Subchapter, BUILDING LINE means a line that is parallel to the front lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any allowed projections into the front yard setback. See Figure 21.

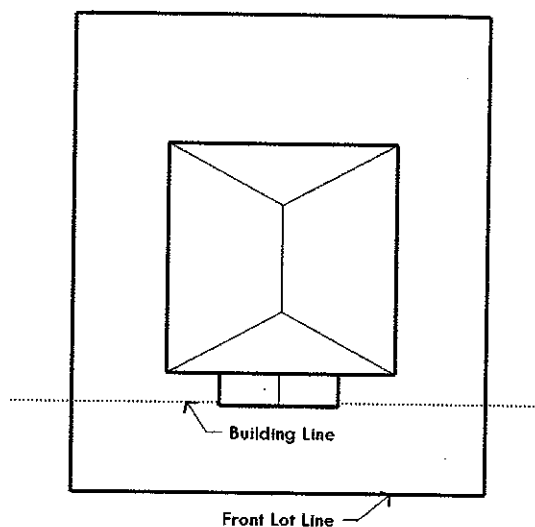


Figure 21: Building Line

3.3.1. The following shall be included in the calculation of gross floor area:

- A. The portion of a second or third story of a building that is covered by a roof, including a porch, portico, breezeway, passageway, or corridor;
- B. A mezzanine or loft; and
- C. The covered portion of a parking area, except for:
 - 1. Up to 450 square feet of:
 - a. A detached rear parking area that is separated from the principal structure by not less than 10 feet; or
 - b. A parking area that is open on two or more sides, if it does not have habitable space above it; and
 - 2. Up to 200 square feet of an attached parking area if it used to meet the minimum parking requirement.

3.3.2. The following shall be excluded from the calculation of gross floor area:

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- A. A ground floor porch, including a screened porch;
- B. A habitable portion of a building that is below grade if:
 - 1. It does not extend beyond the first-story footprint; and
 - 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines; and
- C. A habitable portion of an attic, if:
 - 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
 - 2. It is fully contained within the roof structure;
 - 3. It has only one floor;
 - 4. It does not extend beyond the footprint of the floors below;
 - 5. It is the highest habitable portion of the building; and
 - 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.3.3. An area with a ceiling height greater than 15 feet is counted twice.

3.4. HEIGHT

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows:

- 3.4.1. Height shall be measured vertically from the average of the highest and lowest grades adjacent to the building to:
 - A. For a flat roof, the highest point of the coping;
 - B. For a mansard roof, the deck line;
 - C. For a pitched or hip roof, the average height of the highest gable; or
 - D. For other roof styles, the highest point of the building.
- 3.4.2. The grade used in the measurement of height for a building or setback plane shall be the lower of natural grade or finished grade, except height shall be measured from finished grade if:
 - A. The site's grade is modified to elevate it out of the 100-year floodplain; or
 - B. The site is located on the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.
- 3.4.3. For a stepped or terraced building, the height of each segment is determined individually.

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- 3.4.4. The height of a structure other than a building is measured vertically from the ground level immediately under the structure to the top of the structure. The height of a fence on top of a retaining wall is measured from the bottom of the retaining wall.
- 3.4.5. A maximum height is limited by both number of feet and number of stores if both measurements are prescribed, regardless of whether the measurements are conjoined with "or" or "and."

3.5. NATURAL GRADE

3.5.1. In this Subchapter, NATURAL GRADE is:

- A. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature; or
- B. For a site with a grade that was legally modified before October 1, 2006, the grade that existed on October 1, 2006.

3.5.2. Natural grade is determined by reference to an on-ground survey, City-approved topographic map, or other information approved by the director. The director may require an applicant to provide a third-party report that shows the natural grade of a site.

Exhibit
Ex 4

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SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS.

ARTICLE 1: GENERAL PROVISIONS.

§ 1.1. INTENT.

This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 1.2. APPLICABILITY.

Except as provided in Section 1.3, this Subchapter applies to property that is:

1.2.1. Within the area bounded by:

- A. Highway 183 from Loop 360 to Ben White Boulevard;
- B. Ben White Boulevard from Highway 183 to South Interstate Highway 35;
- C. South Interstate Highway 35 from Ben White Boulevard to William Cannon Drive;
- D. William Cannon Drive from South Interstate Highway 35 to Manchaca Road;
- E. Manchaca Road from William Cannon Drive to Ben White Boulevard;
- F. Ben White Boulevard from Manchaca Road to Loop 360;
- G. Loop 360 from Ben White Boulevard to Loop 1;
- H. Loop 1 from Loop 360 to the Colorado River;
- I. The Colorado River from Loop 1 to Loop 360; and
- J. Loop 360 from the Colorado River to Highway 183; and

[[Click here to view Map](#)]

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

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ARTICLE 2: DEVELOPMENT STANDARDS.

§ 2.1. MAXIMUM DEVELOPMENT PERMITTED.

The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (*Measurements*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.2. BUILDING HEIGHT.

Except where these regulations are superseded, the maximum building height for development subject to this Subchapter is 32 feet. Section 25-2-531 (*Height Limit Exceptions*) does not apply to development subject to this Subchapter, except for a chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy. Building height shall be measured under the requirements defined in Section 3.4.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 2.3. FRONT YARD SETBACK.

A. Minimum Setback Required. The minimum front yard setback required for development subject to this Subchapter is the lesser of:

1. The minimum front yard setback prescribed by the other provisions of this Code; or
2. The average front yard setback, if an average may be determined as provided in subsection B. below.

B. Average Front Yard Setback. The following rules apply for purposes of the setback calculation required by paragraph A.2:

1. A front yard setback is the distance between the front lot line and the closest front exterior wall or building façade of the principal residential structure located on the lot.
2. Except as provided in paragraph 3, average front yard setback is determined using the front yard setback of the four principal residential structures that are: (a) built within fifty feet of the front lot line; and (b) closest to, and on the same side of the block, as the property subject to the setback required by this section.

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conditionally approve the modification contingent upon subsequent issuance of a certificate of appropriateness by the Historic Landmark Commission under Section 25-11-243. The applicant must include a copy of the approved modification with the application for a certificate of appropriateness.

2. If both a modification from the requirements of this Subchapter and a non-binding recommendation from the Historic Landmark Commission are sought, the Residential Design and Compatibility Commission may not approve a modification for a structure located in the National Register Historic District before the Historic Landmark Commission issues its recommendation.

D. Appeals. An interested party may appeal the Residential Design and Compatibility Commission's decision to the City Council.

E. Board of Adjustment May Grant Variances. This subsection does not prohibit the Board of Adjustment from granting a variance from a requirement of this Subchapter under Section 25-2-473 (*Variance Requirements*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20070830-089; Ord. 20080618-093.

§ 2.9. MODIFICATIONS WITHIN NEIGHBORHOOD PLAN (NP) COMBINING DISTRICTS.

Under Section 25-2-1406 of the Code, an ordinance zoning or rezoning property as a neighborhood plan (NP) combining district may modify certain development standards of this Subchapter.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

ARTICLE 3: DEFINITIONS AND MEASUREMENT.

§ 3.1. BUILDABLE AREA.

In this Subchapter, BUILDABLE AREA means the area in which development subject to this Subchapter may occur, and which is defined by the side and rear setback planes required by this Subchapter, together with the area defined by the front, side, and rear yard setbacks and the maximum height limit.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 3.2. BUILDING LINE.

In this Subchapter, BUILDING LINE means a line that is parallel to the front lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any allowed projections into the front yard setback. See Figure 21.

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Click here for Figure 21: Building Line

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 3.3. GROSS FLOOR AREA.

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (*Definitions*), with the following modifications:

3.3.1. In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4.

3.3.2. Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter:

A. Up to 450 square feet of:

1. A detached rear parking area that is separated from the principal structure by not less than 10 feet;

2. A rear parking area that is 10 feet or more from the principal structure, provided that the parking area is either:

a. detached from the principal structure; or

b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or

3. A parking area that is open on two or more sides, if:

i. it does not have habitable space above it; and

ii. the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport.

B. Up to 200 square feet of:

1. An attached parking area if it used to meet the minimum parking requirement; or

2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either:

a. detached from the principal structure; or

b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width.

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C. An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements.

3.3.3. Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

A. A ground floor porch, including a screened porch, provided that:

1. the porch is not accessible by automobile and is not connected to a driveway; and
2. the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

B. A habitable portion of a building that is below grade if:

1. The habitable portion does not extend beyond the first-story footprint and is:
 - a. Below natural or finished grade, whichever is lower; and
 - b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1.a.
2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

C. A habitable portion of an attic, if:

1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.3.4. An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height. For purposes of this subsection:

A. Area is measured on the outside surface of the exterior walls; and

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B. Height is measured from the finished floor elevation, up to either:

1. the underside of the roof rafters; or
2. the bottom of the top chord of the roof truss, but not to collar ties, ceiling joists, or any type of furred-down ceiling.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 3.4. HEIGHT.

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows:

3.4.1. Height shall be measured vertically from the average of the highest and lowest grades adjacent to the building to:

- A. For a flat roof, the highest point of the coping;
- B. For a mansard roof, the deck line;
- C. For a pitched or hip roof, the gabled roof or dormer with the highest average height; or
- D. For other roof styles, the highest point of the building.

3.4.2. The grade used in the measurement of height for a building or setback plane shall be the lower of natural grade or finished grade, except height shall be measured from finished grade if:

- A. The site's grade is modified to elevate it out of the 100-year floodplain; or
- B. The site is located on the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.

3.4.3. For a stepped or terraced building, the height of each segment is determined individually.

3.4.4. The height of a structure other than a building is measured vertically from the ground level immediately under the structure to the top of the structure. The height of a fence on top of a retaining wall is measured from the bottom of the retaining wall.

3.4.5. A maximum height is limited by both number of feet and number of stories if both measurements are prescribed, regardless of whether the measurements are conjoined with "or" or "and."

3.4.6. The habitable portion of a basement that is below natural grade and the habitable portion of an attic do not count toward the number of stories for purposes of Section 25-2-773(B)(5)

(*Duplex Residential Use*) if the area satisfies the requirements for an exemption from gross floor area under subsections 3.3.2.B-C of this Subchapter.

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Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 3.5. NATURAL GRADE.

3.5.1. In this Subchapter, NATURAL GRADE is:

- A. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature; or
- B. For a site with a grade that was legally modified before October 1, 2006, the grade that existed on October 1, 2006.

3.5.2. Natural grade is determined by reference to an on-ground survey, City-approved topographic map, or other information approved by the director. The director may require an applicant to provide a third-party report that shows the natural grade of a site.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

EXHIBIT
Ex 5

AL
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RETAINS
OF THE
TO THE
ABILITY
AUSTIN

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* FAMILY ROOM HAS 20' CEILING
FOYER HAS 22' CEILING

PERIMETER WALL
16" O.C.

R. CEILING HEIGHTS
NOTED OTHERWISE

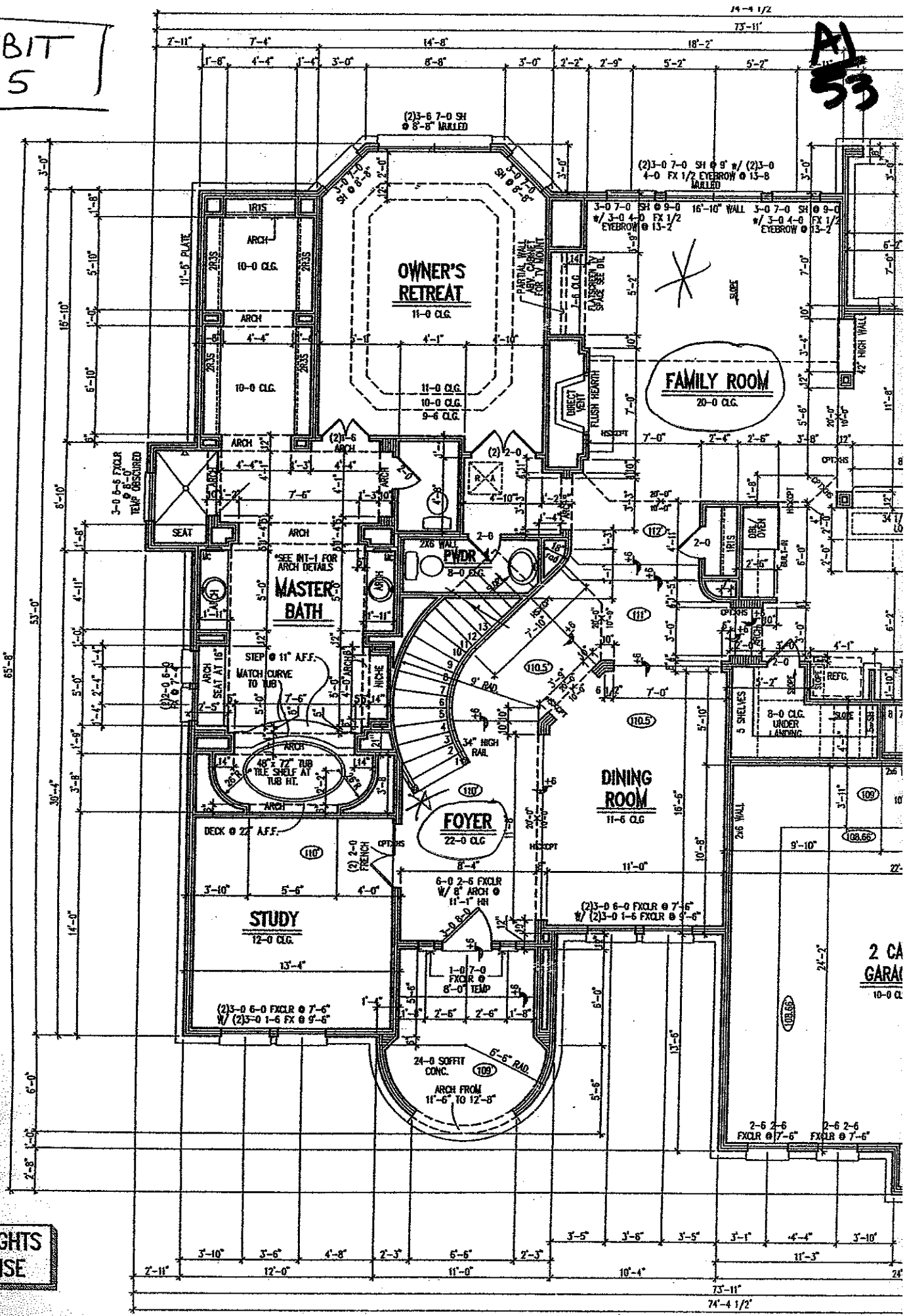


Exhibit
Ex 6 A
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Item 93 - June 18, 2008

Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards), commonly referred to as the "McMansion" ordinance, and the related sections of city code regarding compatibility and to single family and duplex site development standards and procedures. Reviewed by the Planning Commission.

The public hearing was closed and Ordinance No. 20080618-093 was approved as amended on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote. The amendments were: to correct a typo on page 10 to state that a sidewall articulation is required when the structure is an "average distance of less than 9 feet" rather than "9 feet or less;" and to include an uncodified section directing the City Manager to conform the drawings to the revised code language.

Executed Ordinance

 Ordinance No. 20080618-093, PDF, 651kb *see Exhibit Ex 7*


Work Papers and Other Backup Documentation

 20080618-093, Affidavit of Publication, PDF, 38kb

 20080618-093, Agenda Backup (Affordability Impact Statement), PDF, 66kb

 20080618-093, Agenda Backup (AIA Statement), PDF, 3.9mb

 20080618-093, Agenda Backup (Attic Exemption (Draft Memo)), PDF, 41kb

 20080618-093, Agenda Backup (Draft Ordinance), PDF, 71kb *see Exhibit Ex 8*

 20080618-093, Agenda Backup (Recommendation for Council Action), PDF, 55kb

 20080618-093, Agenda Backup (Stakeholder Recommendations), PDF, 30kb

 20080618-093, Agenda Backup (Task Force Recommendations), PDF, 120kb

 20080618-093, Agenda Late Backup Part 1 of 2, PDF, 41kb

 20080618-093, Agenda Late Backup Part 2 of 2, PDF, 952kb

ORDINANCE NO. 20080618-093

Exhibit
EX7

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AN ORDINANCE AMENDING CITY CODE SECTION 25-2-773 RELATING TO DUPLEX HEIGHT REQUIREMENTS; AMENDING CITY CODE SECTION 25-2-1051 RELATING TO DESIGN STANDARDS AND MIXED USE; AMENDING CITY CODE SECTION 25-2-1406 RELATING TO NEIGHBORHOOD PLAN COMBINING DISTRICTS; AND AMENDING CITY CODE CHAPTER 25-2, SUBCHAPTER F RELATING TO RESIDENTIAL DESIGN AND COMPATABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsections (B) and (D) of City Code Section 25-2-773 (*Duplex Residential Use*) are amended to read

§ 25-2-773 DUPLEX RESIDENTIAL USE.

(B) For a duplex residential use:

- (1) minimum lot area is 7,000 square feet,
- (2) minimum lot width is 50 feet,
- (3) maximum building cover is 40 percent;
- (4) maximum impervious cover is 45 percent, and
- (5) maximum building height is the lesser of

(a) 30 feet, or

(b) two stories, except that an attic or basement does not count as a story for purposes of this subsection if it satisfies the requirements for an exemption from gross floor area under Subsections 3 3 2 and 3 4 6 of Subchapter F (*Residential Design and Compatibility Standards*)

(D) The two dwelling units are subject to the following requirements

(1) The two units must have a common [wall or] floor and ceiling or a common wall, which may be a common garage wall, that

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approval criteria in subsection B of this section, it shall conditionally approve the modification contingent upon subsequent issuance of a certificate of appropriateness by the Historic Landmark Commission under Section 25-11-243. The applicant must include a copy of the approved modification with the application for a certificate of appropriateness. [A local, state, or national historic landmark, if the modification would adversely impact the landmark's historic status,]

2. If both a modification from the requirements of this Subchapter and a non-binding recommendation from the Historic Landmark Commission are sought, the Residential Design and Compatibility Commission may not approve a modification for a structure located in the National Register Historic District before the Historic Landmark Commission issues its recommendation. [A "contributing structure," as defined in Section 25-2-351 (*Contributing Structure Defined*), or a contributing structure in a National Register historic district, if the modification would adversely impact its status as a contributing structure, or

- ~~3. A property listed as Priority 1 or Priority 2 on the City's most current survey of historic assets, if the modification would adversely impact the property's architectural integrity or change its priority rating.]~~



PART 14. Section 3.3 (*Gross Floor Area*) of City Code Chapter 25-2, Subchapter F is amended to amend Subsections 3.3.1 and 3.3.2, and to add new Subsections 3.3.3 and 3.3.4, to read

3.3. GROSS FLOOR AREA

3.3.1 In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4 [has the meaning assigned by Section 25-1-21 (*Definitions*), with the following modifications:

~~3.3.1~~ The following shall be included in the calculation of gross floor area:

- A. The portion of a second or third story of a building that is covered by a roof, including a porch, portico, breezeway, passageway, or corridor,

~~B~~ — A mezzanine or loft, and]

3.3 2 Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter [~~C — The covered portion of a parking area, except for~~]

A. [1-] Up to 450 square feet of.

1. [a-] A detached rear parking area that is separated from the principal structure by not less than 10 feet, [or]

2 A rear parking area that is 10 feet or more from the principal structure, provided that the parking area is either

a detached from the principal structure, or

b attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width, or

3 [b-] A parking area that is open on two or more sides, if

i it does not have habitable space above it, and

ii the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport

B. [2-] Up to 200 square feet of

1. An [an] attached parking area if it used to meet the minimum parking requirement, or [-]

2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either

a detached from the principal structure, or

b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width

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C An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements.

3.3.3 [3.3.2] Porches, basements, and attics that meet the [The] following requirements shall be excluded from the calculation of gross floor area.

A A ground floor porch, including a screened porch, provided that,

1 the porch is not accessible by automobile and is not connected to a driveway, and

2 the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

B. A habitable portion of a building that is below grade if

1 The habitable portion [It] does not extend beyond the first-story footprint[,] and is

a Below natural or finished grade, whichever is lower, and

b Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1 a.

2 The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines[, and].

C A habitable portion of an attic, if

1 The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater,

2 It is fully contained within the roof structure;

3 It has only one floor,

4 It does not extend beyond the footprint of the floors below,

5 It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure, and

6 Fifty percent or more of the area has a ceiling height of seven feet or less

3 3 4 An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height For purposes of this subsection

A. Area is measured on the outside surface of the exterior walls; and

B Height is measured from the finished floor elevation, up to either

1. the underside of the roof rafters; or

2 the bottom of the top chord of the roof truss, but not to collar ties, ceiling joists, or any type of furred-down ceiling

PART 15. Section 3 4 (*Height*) of City Code Chapter 25-2, Subchapter F is amended to amend Subsection 3 4 1, and to add new a Subsection 3 4 6, to read:

3.4. HEIGHT

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows:

3 4 1 Height shall be measured vertically from the average of the highest and lowest grades adjacent to the building to

A. For a flat roof, the highest point of the coping,

B For a mansard roof, the deck line;

C. For a pitched or hip roof, the gabled roof or dormer with the highest average height [~~the average height of the highest gable~~], or

D For other roof styles, the highest point of the building

3.4.6 The habitable portion of a basement that is below natural grade and the habitable portion of an attic do not count toward the number of stories for purposes of Section 25-2-773(B)(5) (*Duplex Residential Use*) if the area satisfies the requirements for an exemption from gross floor area under subsections 3 3 2 B-C of this Subchapter

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PART 16. The city council directs the city manager to conform the pictures in City Code Chapter 25-2, Subchapter F, to the code text amendments adopted by this ordinance See. Exhibit A (*Corrected Drawings to Replace Figures 12, 18, 19, and 20 in City Code Chapter 25-2, Subchapter F*)

PART 17. This ordinance takes effect on June 29, 2008.

PASSED AND APPROVED

_____, June 18 _____, 2008 §
 §
 § _____
 Will Wynne
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk

Exhibit A
Ex 8 61

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING CITY CODE SECTION 25-2-773 RELATING TO
2 DUPLEX HEIGHT REQUIREMENTS; AMENDING CITY CODE SECTION 25-
3 2-1051 RELATING TO DESIGN STANDARDS AND MIXED USE; AMENDING
4 CITY CODE SECTION 25-2-1406 RELATING TO NEIGHBORHOOD PLAN
5 COMBINING DISTRICTS; AND AMENDING CITY CODE CHAPTER 25-2,
6 SUBCHATER F RELATING TO RESIDENTIAL DESIGN AND
7 COMPATABILITY.
8

9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 PART 1. Subsections (B) and (D) of City Code Section 25-2-773 (*Duplex Residential*
12 *Use*) are amended to read:
13

14 § 25-2-773 DUPLEX RESIDENTIAL USE.
15

16 (B) For a duplex residential use:

- 17
18 (1) minimum lot area is 7,000 square feet;
19
20 (2) minimum lot width is 50 feet;
21
22 (3) maximum building cover is 40 percent;
23
24 (4) maximum impervious cover is 45 percent; and
25
26 (5) maximum building height is the lesser of:

27
28 (a) 30 feet; or
29

30 (b) two stories, except that an attic or basement does not count as a story for
31 purposes of this subsection if it satisfies the requirements for an exemption from gross
32 floor area under Subsections 3.3.2 and 3.4.6 of Subchapter F (*Residential Design and*
33 *Compatibility Standards*).
34

35 (D) The two dwelling units are subject to the following requirements:

36 (1) The two units must have a common [wall or] floor and ceiling or a common
37 wall, which may be a common garage wall, that:

★
PART 14. Section 3.3 (*Gross Floor Area*) of City Code Chapter 25-2, Subchapter F is amended to amend Subsections 3.3.1 and 3.3.2, and to add new Subsections 3.3.3 and 3.3.4, to read:

3.3. GROSS FLOOR AREA

3.3.1. In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4. [has the meaning assigned by Section 25-1-21(Definitions), with the following modifications:

3.3.1. ~~The following shall be included in the calculation of gross floor area:~~

A. ~~The portion of a second or third story of a building that is covered by a roof, including a porch, portico, breezeway, passageway, or corridor;~~

B. ~~A mezzanine or loft; and]~~

3.3.2. Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter [C. The covered portion of a parking area, except for]:

A.[1.] Up to 450 square feet of:

1. ~~[a.]~~ A detached rear parking area that is separated from the principal structure by not less than 10 feet; ~~[or]~~

2. A rear parking area that is 10 feet or more from the principal structure, provided that the parking area is either:

a. detached from the principal structure; or

b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or

3. ~~[b.]~~ A parking area that is open on two or more sides, if:

i. it does not have habitable space above it; and

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- 1 ii. the open sides are clear and unobstructed for at least 80%
2 of the area measured below the top of the wall plate to
3 the finished floor of the carport.

4
5 B.[2.] Up to 200 square feet of:

- 6
7 1. An ~~[an]~~ attached parking area if it used to meet the minimum parking
8 requirement; or [-]
9
10 2. A garage that is less than 10 feet from the rear of the principal
11 structure, provided that the garage is either:
12
13 a. detached from the principal structure; or
14
15 b. attached by a covered breezeway that is completely open on all
16 sides, with a walkway not exceeding 6 feet in width and a roof
17 not exceeding 8 feet in width.
18

19 C. An applicant may receive only one 450-square foot exemption per site under
20 paragraph A. An applicant who receives a 450-square foot exemption may
21 receive an additional 200-foot exemption for the same site under paragraph
22 B, but only for an attached parking area used to meet minimum parking
23 requirements.
24

25 3.3.3.[3.3.2.] Porches, basements, and attics that meet the [The] following
26 requirements shall be excluded from the calculation of gross floor area:
27

28 A. A ground floor porch, including a screened porch, provided that:
29

- 30 1. the porch is not accessible by automobile and is not connected to a
31 driveway; and
32
33 2. the exemption may not exceed 200 square feet if a porch has habitable
34 space or a balcony above it.
35

36 B. A habitable portion of a building that is below grade if:
37

- 38 1. The habitable portion [H] does not extend beyond the first-story
39 footprint[;] and is:
40
41 a. Below natural or finished grade, whichever is lower; and

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b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1.a.

2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines[;and].

C. A habitable portion of an attic, if:

1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.3.4 An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height. For purposes of this subsection:

A. Area is measured on the outside surface of the exterior walls; and

B. Height is measured from the finished floor elevation, up to either:

1. the underside of the roof rafters; or
2. the bottom of the top chord of the roof truss, but not to collar ties, ceiling joists, or any type of furred-down ceiling.

PART 15. Section 3.4 (*Height*) of City Code Chapter 25-2, Subchapter F is amended to amend Subsection 3.4.1, and to add new a Subsection 3.4.6, to read:

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- 3.4.6. The habitable portion of a basement that is below natural grade and the habitable portion of an attic do not count toward the number of stories for purposes of Section 25-2-773(B)(5) (*Duplex Residential Use*) if the area satisfies the requirements for an exemption from gross floor area under subsections 3.3.2.B-C of this Subchapter.

PASSED AND APPROVED

COA Law Department
Responsible Att'y: Brent Lloyd

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

**Exhibit
Ex 9
A1
66**

**TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.**

Service Address _____

Applicant's Signature _____

Date _____

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	_____ sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	_____ sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	_____ sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	_____ sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	_____ sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	_____ sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	_____ sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	_____ sq.ft.
V. Garage		
k. _____ attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	_____ sq.ft.
l. _____ detached (subtract 450 square feet if more than 10 feet from principal structure)	_____ sq.ft.	_____ sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)		
	_____ sq.ft.	_____ sq.ft.
VII. TOTAL		
	_____ sq.ft.	_____ sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	_____ sq. ft.
GROSS AREA OF LOT	_____ sq. ft.
FLOOR AREA RATIO (gross floor area /gross area of lot)	_____ sq. ft.

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

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Development Regulations

Exhibit
Ex 10

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RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS

Site development regulations for single-family, duplexes, and other non-multi-family residential development (the "McMansion Ordinance" and changes to the City's duplex regulations) went into effect on October 1, 2006 and additional revisions went into effect June 18, 2008.

WHERE DO THE REGULATIONS APPLY?

The McMansion Ordinance does not apply to every property within the City. It applies only within specific boundaries (generally, greater central Austin). The Mueller Planned Unit Development is exempt from the regulations. Properties zoned SF-4A are also exempt unless they are adjacent to properties zoned SF-1, SF-2 and SF-3.

However, the changes to the City's duplex regulations apply throughout the entire city and are not limited to a specific area.

Generally, the McMansion ordinance places additional regulations on single-family structures, two-family structures and duplex structures to limit bulk and volume of residential structures. Please see the rest of this website and the Frequently Asked Questions web page for further details.

WHAT RESIDENTIAL STRUCTURES ARE SUBJECT TO THE McMANSION ORDINANCE?

- Single-family
- Small-lot single-family
- Single-family attached
- Duplex
- Two-family (a main residence and a secondary dwelling unit)
- Secondary apartment (neighborhood planning tool)
- Urban home (neighborhood planning tool)
- Cottage lot (neighborhood planning tool)

WHAT DOES THE McMANSION ORDINANCE DO?

The McMansion Ordinance


- > Limits the size of new and remodeled structures to the greater of
 - 2,300 square feet or
 - 0.4 to 1 Floor-to-Area-Ratio (FAR) (the limit applies to the combined square footage of all residential units on a lot)

To figure out what an 0.4 FAR means for your property, simply multiply your total lot size by 0.4. For example, an 0.4 FAR applied to a 10,000 square foot lot would yield an allowable 4,000 square feet of gross floor area)

- > Adds provisions to the City's definition of gross floor area that explain how square footage must be calculated for

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- 
- Second and third story covered porches (included in your square footage)
 - Basements meeting certain criteria (excluded in your square footage)
 - Garages and other parking areas (included after a certain amount)
 - Areas with ceiling heights of greater than 15 feet (included by counting the square footage twice)
 - Mezzanines and lofts (included)
 - Habitable attic spaces meeting certain criteria (excluded)

Otherwise, gross floor area means the total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The height of the finished floor is measured from the finished floor elevation to either the underside of the roof rafters or to the bottom of the top chord of the roof truss.

> Adds a building envelope requirement, created by side and rear setback planes, so that all structures on a site must fit within this envelope (there is an allowance for remodels; some building features are allowed to protrude through the setback planes)

> Adds a side wall articulation requirement, though the side wall articulation requirement does not apply to new construction or an addition or remodel that is less than 2,000 square feet in gross floor area and less than 32 feet in height

> Changes how height is measured for uses subject to the McMansion ordinance so that it is measured vertically from the average of the highest and lowest grades adjacent to the building

> Changes the maximum height

- From 35 feet to 32 feet for single-family, small-lot single-family, single-family attached, bed and breakfast (group 1 and group 2) residential structures
- From 30 feet to 32 feet for duplexes
- From 30 feet to 32 feet for two-family residential structures
- (The 35 foot height limit stays in effect for urban home and cottage lot special uses.)
- (The 30 foot height limit stays in effect for secondary apartment special uses.)

> Decreases the minimum rear yard setback from 10 feet to 5 feet for a secondary dwelling unit if the lot abuts an alley

> Establishes minimum front yard setbacks that are slightly different than the setbacks prescribed previously in the City's Land Development Code

> Allows neighborhoods within the 'McMansion boundary' modify the McMansion Ordinance

Other changes approved with the McMansion Ordinance that also went into effect on October 1, 2006

CITY OF AUSTIN

CASE # 2011-031138R

PLAN REVIEW #

10574558

TPH 01-2507-0317

APPLICATION TO THE RESIDENTIAL DESIGN
AND COMPATIBILITY COMMISSION (RDCC)

GENERAL MODIFICATION WAIVER

STREET ADDRESS: 3704 BONNELL DRIVE AUSTIN TX 78731

LEGAL DESCRIPTION: Subdivision - MT. BONNELL TERRACE

Lot(s) 1 Block E Outlot - Division SECTION 3

LAND STATUS DETERMINATION CASE NUMBER (if applicable) _____

I/We JIM ENHAUS on behalf of myself/ourselves as authorized agent for

DAVID WEEKLEY HOMES affirm that on 4/13, 2011

hereby apply for a hearing before the Residential Design and Compatibility Commission for modification Section 2.8.1. of up to 25% increase in one or more of the following:

- ☒ Maximum Floor to area ratio .4 or Gross floor area 2300 sq ft.
Maximum Linear feet of Gables protruding from setback plane
Maximum Linear feet of Dormers protruding from the setback plane

Waive or modify the side wall articulation requirement of Section 2.7.

Side Wall Length Articulation

(Please describe request. Please be brief but thorough).

★ THE PRELIMINARY PLAN (NOT INCLUDED) HAD A FLAT 15' CEILING IN THE LIVING ROOM AND HAD BEDROOM 5 TUCKED IN UNDER THE ROOF. HOWEVER, THE HOMEOWNER HAS ASKED US TO VAULT THE CEILING IN THE FAMILY ROOM, AND ADD A WINDOW TO THE FRONT OF BRS, SO THEY CAN SEE THE DOWNTOWN SKYLINE. DOING THIS ADDS TO THE FAR. FROM THE ALLOWABLE 4673.2 (40%) in a SF3 zoning district. TO 5442 (46.6%) FOR NEW CONSTRUCTION

Note: Certificate of Appropriateness: H (Historic) or HD (Historic Designation) - case goes to RDCC first. National Register Historical District (NRHD) Overlay: without H or HD - case goes to Historic Landmark Commission first.

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**CITY OF AUSTIN
APPLICATION TO THE RESIDENTIAL DESIGN
AND COMPATIBILITY COMMISSION**

GENERAL MODIFICATION WAIVER

REASONABLE USE:

1. The Residential Design and Compatibility Standards Ordinance applicable to the property does not allow for a reasonable use because:

★ ANY VAULTED CEILING ADDS TO THE FAR, AND CONVERTING A HABITABLE ATTIC AREA TO A REGULAR FLOOR AREA ALSO ADDS TO THE FAR, EVEN THOUGH IT DOES NOT ADD TO THE LIVING SPACE, IMPERVIOUS COVERAGE, OR BUILDING COVERAGE.

REQUEST:

2. The request for the modification is unique to the property in that:

THERE ARE INCREDIBLE VIEWS FROM THE FRONT OF THIS HOME TO DOWNTOWN AUSTIN. ADDING A WINDOW ON THE FRONT OF THE HOME, WILL ALLOW THE HOMEOWNER TO ENJOY THESE VIEWS.

AREA CHARACTER:

3. The modification will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

ALLOWING THE VAULTED CEILING IN THE FAMILY ROOM WILL NOT BE EVIDENT WHATSOEVER ON THE OUTSIDE, SINCE IT IS SIMPLY ADDING NON-HABITABLE ATTIC SPACE TO THE FAMILY ROOM. ALLOWING ANOTHER WINDOW TO BE ADDED TO THE FRONT OF THE HOUSE WILL NOT AFFECT ANY NEIGHBORS. THE UPPER ROOF LINES (RIDGES) ARE STILL THE SAME. ALL THIS WOULD DO IS CONVERT A 5:12 PITCHED ROOF INTO A WALL WITH A WINDOW.

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RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS

Site development regulations for single-family, duplexes, and other non-multi-family residential development (the "McMansion Ordinance" and changes to the City's duplex regulations) went into effect on October 1, 2006 and additional revisions went into effect June 18, 2008.

WHERE DO THE REGULATIONS APPLY?

The McMansion Ordinance does not apply to every property within the City. It applies only within specific boundaries (generally, greater central Austin). The Mueller Planned Unit Development is exempt from the regulations. Properties zoned SF-4A are also exempt unless they are adjacent to properties zoned SF-1, SF-2 and SF-3.

However, the changes to the City's duplex regulations apply throughout the entire city and are not limited to a specific area.

Generally, the McMansion ordinance places additional regulations on single-family structures, two-family structures and duplex structures to limit bulk and volume of residential structures. Please see the rest of this website and the Frequently Asked Questions web page for further details.

WHAT RESIDENTIAL STRUCTURES ARE SUBJECT TO THE McMANSION ORDINANCE?

- Single-family
- Small-lot single-family
- Single-family attached
- Duplex
- Two-family (a main residence and a secondary dwelling unit)
- Secondary apartment (neighborhood planning tool)
- Urban home (neighborhood planning tool)
- Cottage lot (neighborhood planning tool)

WHAT DOES THE McMANSION ORDINANCE DO?

The McMansion Ordinance

- Limits the size of new and remodeled structures to the greater of

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- 2,300 square feet or
- 0.4 to 1 Floor-to-Area-Ratio (FAR) (the limit applies to the combined square footage of all residential units on a lot)
- To figure out what an 0.4 FAR means for your property, simply multiply your total lot size by 0.4. For example, an 0.4 FAR applied to a 10,000 square foot lot would yield an allowable 4,000 square feet of gross floor area)
- **Adds provisions to the City's definition of gross floor area that explain how square footage must be calculated for**

Language
about
ceilings
over 15
feet
deleted

- Second and third story covered porches (included in your square footage)
- Basements meeting certain criteria (excluded in your square
- Garages and other parking areas (included after a certain amount)
- Mezzanines and lofts (included)
- Habitable attic spaces meeting certain criteria (excluded)
- Otherwise, gross floor area means the total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas. The height of the finished floor is measured from the finished floor elevation to either the underside of the roof rafters or to the bottom of the top chord of the roof truss.

New
Language

- **Adds a building envelope requirement, created by side and rear setback planes, so that all structures on a site must fit within this envelope (there is an allowance for remodels; some building features are allowed to protrude through the setback planes)**
- **Adds a side wall articulation requirement, though the the side wall articulation requirement does not apply to new construction or an addition or remodel that is less than 2,000 square feet in gross floor area and less than 32 feet in height**
- **Changes how height is measured for uses subject to the McMansion ordinance so that it is measured vertically from the average of the highest and lowest grades adjacent to the building**
- **Changes the maximum height**
 - From 35 feet to 32 feet for single-family, small-lot single-family, single-family attached, bed and breakfast (group 1 and group 2) residential structures
 - From 30 feet to 32 feet for duplexes
 - From 30 feet to 32 feet for two-family residential structures
- (The 35 foot height limit stays in effect for urban home and cottage lot special uses.)
- (The 30 foot height limit stays in effect for secondary apartment special uses.)
- **Decreases the minimum rear yard setback from 10 feet to 5 feet for a secondary dwelling unit if the lot abuts an alley**
- **Establishes minimum front yard setbacks that are slightly different than the setbacks prescribed previously in the City's Land Development Code**
- **Allows neighborhoods within the 'McMansion boundary' modify the McMansion Ordinance**

RESIDENTIAL PERMIT APPLICATION "D" FLOOR AREA RATIO INFORMATION

Exhibit
EX13

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TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Site Address 3704 Raynell Drive

Applicant's Signature [Signature]

Date 5/26/11

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

I. 1st Floor Gross Area

Existing

New / Addition

a. 1st floor area (excluding covered or uncovered finished ground-floor porches)

sq.ft. 2667 sq.ft.

b. 1st floor area with ceiling height over 15 feet.

sq.ft. 2667 sq.ft.

c. TOTAL (add a and b above)

sq.ft. 2667 sq.ft.

II. 2nd Floor Gross Area See note 1 below

d. 2nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)

sq.ft. 1973 sq.ft.

e. 2nd floor area with ceiling height > 15 feet.

sq.ft. 1973 sq.ft.

f. TOTAL (add d and e above)

sq.ft. 1973 sq.ft.

III. 3rd Floor Gross Area See note 1 below

g. 3rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).

sq.ft. n/a sq.ft.

h. 3rd floor area with ceiling height > 15 feet

sq.ft. sq.ft.

i. TOTAL (add g and h above)

sq.ft. sq.ft.

IV. Basement Gross Area

j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.

sq.ft. n/a sq.ft.

V. Garage

k. attached (subtract 200 square feet if used to meet the minimum parking requirement)

sq.ft. 367 sq.ft.

l. detached (subtract 450 square feet if more than 10 feet from principal structure)

sq.ft. n/a sq.ft.

VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)

sq.ft. n/a sq.ft.

VII. TOTAL

sq.ft. 5007 sq.ft.

Map 4673.2	TOTAL GROSS FLOOR AREA (add existing and new from VII above) 5007 sq. ft.
owner by 334	GROSS AREA OF LOT 11,683 sq. ft.
	FLOOR AREA RATIO (gross floor area / gross area of lot) .428 sq. ft.

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

Revised Code

Exhibit
Ex 14
A1
74

Tue, September 27, 2011 4:41:50 PM

RE: 3704 Bonnell Drive BoA Appeal
From: "Lloyd, Brent"
<Brent.Lloyd@austintexas.gov>t
To: S Lynn Hill <s-lynn-hill@sbcglobal.net>

Hi Lynn –

I will definitely check with John, as you are entitled to request copies of any department memos addressing these issues. However, I am not aware of any such memos. More often than not, issues of code interpretation are addressed with individual reviewers or in informal staff meetings.

Thanks,

Brent D. Lloyd
Assistant City Attorney
(512) 974-2974

From: S Lynn Hill [mailto:s-lynn-hill@sbcglobal.net]
Sent: Tuesday, September 27, 2011 3:57 PM
To: Lloyd, Brent
Subject: Re: 3704 Bonnell Drive BoA Appeal

Hi Brent,

Thanks for this information. I have a couple of requests for more information:

(1) When we talked yesterday you told me that in late 2008 or early 2009 the requirement to double-count areas with ceiling heights over 15 feet was still being applied when John McDonald started to work in the PDRD. You said that the 2008 amendments made many changes to the McMansion Ordinance, and that different reviewers were doing different things, that there was a lot of confusion and inconsistencies for a while after the 2008 amendments were passed, but John looked into things and instructed the staff to stop applying the double-counting rule. Would you please send me a copy of the memo or instructions that John issued to PDRD staff about this?

(2) I understand that there is a lot of turnover of staff in the PDRD, so if they have a consistent interpretation of the condition "adds no additional mass to the structure" this interpretation must also be found in a memo or instructions to PDRD staff. Would you please send me a copy of that memo or those instructions?

Again, thanks very much,
Lynn Hill
3701 Mount Bonnell Road
371-1254 (home)

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75Exhibit
Ex 15

E-mail successfully sent!

Thank you for your input. Your suggestions are an important part of the Austin City Connection. We will respond to your comment, question, or suggestion as soon as possible.

Here is your message:

Your Name: S Lynn Hill

Mailing Address: 3701 Mount Bonnell Road Austin, TX 78731-5730

Phone: 512-371-1254

Fax:

Your e-mail address: S-LYNN-HILL@SBCGLOBAL.NET

Subject: Request for Information from Planning and Development Review Department

I am requesting: Copies of the following Record(s)

Please state your document request below: We are requesting the following records from the City of Austin Planning and Development Review Department (PDRD): 1. Any and all memoranda, emails, and writings of any kind by City staff, including but not limited to those authorized by John McDonald (Planner Principal, PDRD) and Greg Guernsey (Director, PDRD) relating to the interpretation of or direction to the application of the provisions of Article 3 of the "McMansion" Ordinance from its enactment in 2006 to the present. 2. Copies of all completed City of Austin Residential Permit Applications "A" and "D", and all completed City of Austin Residential Design and Compatibility Commission Decision Sheets (if any) for each residential construction permit application submitted on or after June 29, 2008, where the construction is located within and applicable to the Residential Design and Compatibility Standards Ordinance Boundary, and where either Residential Permit Application "D" shows that there are one or more floor areas with ceiling heights over 15 feet, or the floor plans submitted with the application show that there are one or more areas with ceiling heights over 15 feet.

Comments:

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P.O. Box 1088, Austin, TX 78767 (512) 974-2000

Exhibit
Ex 16 A
76

2nd floor balconies

Wednesday, September 09, 2009 3:40:01 PM

From: "McDonald, John" <John.McDonald@austintexas.gov>

To: "Lloyd, Brent" <Brent.Lloyd@ci.austin.tx.us>

Brent,

My staff has brought several cases to my attention that included second floor balconies. Staff has been counting the second floor balconies towards gross floor area, and they are being challenged on it by designers. It appears from the latest ordinance that second floor balconies do not count towards gross floor area, but they did in the previous McMansion ordinance. I attached the latest ordinance that has second floor areas covered by a roof struck through (See 3.3.1 (A & B)).

Also, our residential application was never changed to reflect this. See a pasted section of the residential application below.

II. 2nd Floor Gross Area See note [1] below

a. 2nd floor area *(including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)*

b. 2nd floor area with ceiling height > 15 feet.

c. **TOTAL** *(add d and e above)*

III. 3rd Floor Gross Area See note 1 below

d. 3rd floor area *(including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).*

e. 3rd floor area with ceiling height > 15 feet

f. **TOTAL** *(add g and h above)*

Since the written language of Subchapter F in the Land Development Code excludes these second and third floor areas it appears that these areas should no longer count towards gross floor area, regardless of what the residential application states. Let me know if this is correct.

JMM

Exhibit
Ex 17 A1
77

Fri, October 14, 2011 9:27:52 AM

RE: PIR #10312

From: "McDonald, John" <John.McDonald@austintexas.gov>

To: S Lynn Hill <s-lynn-hill@sbcglobal.net>

Cc: "Carvell; Kyle" <Kyle.Carvell@austintexas.gov>; "Johnson; Carla" <Carla.Johnson@austintexas.gov>; "Guernsey; Greg" <Greg.Guernsey@austintexas.gov>; "Lloyd; Brent" <Brent.Lloyd@austintexas.gov>; "Benavidez, Sylvia" <Sylvia.Benavidez@austintexas.gov>

Ms. Hill,

All memorandums relating to Article 3 that I'm aware of have been submitted. I will forward the request for the March 3, 2010 and April 7, 2010 RDCC hearing to Sylvia Benavidez who facilitates that board and will have copies of any related documents. In addition, I will forward the request for the March 14, 2011 RDCC hearing as well. Possibly one if not all of the staff interpretations on the March and April 2010 meetings have been overturned by my department. No policy memorandum was written when these interpretations were overturned. I brief my staff accordingly in team meetings on such matters as I have already explained.

I can get you a copy of the application that is currently under a rules posting when I return on Tuesday, October 18th.

There is no response to provide for the September 9, 2009 email to Mr. Lloyd. I did not find any emails to Mr. Lloyd on ceiling heights greater than 15' are to be counted twice. More than likely these were verbal communications via telephone in and around September of 2009. Often times responses to emails are also verbal communications in person or via telephone. I do not document every verbal communication. In addition, Mr. Lloyd's responses to me can be "Attorney-Client Privileged" information which has to be screened before they can be released and the screening takes some time.

Respectfully,

John M. McDonald

Planner Principal

Residential Review/PDRD

974-2728 - Office

john.mcdonald@austintexas.gov

Exhibit
Ex 18 A)
78

**Application Files Reviewed by Aggrieved Parties where
Areas with Ceiling Heights Greater than 15 Feet were Counted Twice**

Applicants Applied to RDCC for a Modification to Allow a FAR Increase

Street Address	Date of Residential Permit Application "D"	Ceiling Height Over 15 Feet	PDRD Approval
802 Cardinal Lane	12/11/2009 3/18/2010	72 sf 64 sf	N/A revised 3/18/2010
1801 Riverview*	12/4/2009 1/9/2011	580.7 sf N/A	N/A withdrawn 2/2010 1/21/2011
2846 San Gabriel	7/4/2010 1/6/2011	122 sf 122 sf	N/A revised 2/10/2011
2634 Deerfoot Trail**	2/12/2010 11/30/2010	130 sf 130 sf	N/A withdrawn 12/8/2010
504 East Annie	2/14/2011 4/25/2011	122 sf 52 sf	N/A revised 6/6/2011

*1801 Riverview: 12/4/2009 application would not have gone to RDCC if area with ceiling height greater than 15 feet had not been counted twice. Application withdrawn, revised to eliminate areas with ceiling heights greater than 15 feet, and new plan submitted 1/9/2011 did not go to RDCC.

**2634 Deerfoot Trail: Actual applications not attached to online permit database or RDCC meeting site. Data taken from RDCC meeting minutes and online permit database.

Applicants Did Not Apply to RDCC for a Modification to Allow a FAR Increase***

Street Address	Date of Residential Permit Application "D"	Ceiling Height Over 15 Feet	PDRD Approval
4206 Cat Mountain ****	2/4/2011	69 sf	3/25/2011
7213 Lamplight Lane	7/17/2011	55 sf	8/18/2011

*** These applications were found by searching the City's online permit database for R-101 single family residential construction in zip code 78731 with application dates in 2011

****4206 Cat Mountain: Reviewer corrected Gross Floor Area of garage; did not change Gross Floor Area with ceiling height over 15 feet.

Above data is public information available on the City of Austin website to anyone with an internet connection.

A1
79

**Application Files Reviewed by Aggrieved Parties with
No Areas with Ceiling Heights Over 15 Feet per
Residential Permit Application "D", Floor Plans or Elevations**

Applicants Applied to RDCC for a Modification to Allow a FAR Increase

Street Address	Date of Application
3311 Clearview Drive	11/16/2009
1403 Wathen Ave	1/7/2010
3503 Winsome Court	6/11/2010
2318 West 8 th St #B	2/22/2010
700 Landon Lane	9/15/2010
3002 Kerbey Lane	12/27/2010
2822 Wooldridge Drive	11/5/2011
2102 East 13 th Street	1/6/2011
1512 Hardouin Street	2/7/2011

Applicants Did Not Apply to RDCC for a Modification to Allow a FAR Increase*

Street Address	Date of Application
7630 Parkview Circle	4/8/2011
4605 Greystone Drive	5/6/2011
2710 W 49 th Street	7/7/2011
4305 Edgemont Drive	8/19/2011
5010 N Fresco Drive	8/22/2011
2802 W 44 th Street	9/29/2011
3928 Balcones Drive	1/14/2011
7709 Mesa Drive	1/14/2011
1903 W 38 th Street	9/15/2011
3903 Balcones Drive	1/31/2011
4401 Deepwoods Drive	7/12/2011
4305 Edgemont Drive	7/14/2011

*These applications were found by searching the City's online permit database for R-101 single family residential construction in zip code 78731 with application dates in 2011

Above data is public information available on the City of Austin website to anyone with an internet connection.

**Application Files Reviewed by Aggrieved Parties where
Areas with Ceiling Heights Greater than 15 Feet were NOT Counted Twice**

**A1
80**

Street Address	Date of Residential Permit Application "D"	Ceiling Height Over 15 Feet	PDRD Approval
3704 Bonnell Drive	4/13/2011 <i>See Exhibit Ex 11</i>	shown on floor plan and included in applicant's GFA calculation	N/A GFA calculation revised by PDRD in May
3704 Bonnell Drive	5/26/2011 <i>See Exhibit Ex 13</i>	shown on floor plan not included in PDRD GFA calculation	N/A withdrawn
3704 Bonnell Drive	8/26/2011 <i>See Exhibit Ex 2</i>	shown on floor plan not included in PDRD GFA calculation	8/26/2011

The applicants counted twice the areas with ceiling heights over 15 feet in their original 4/13/2011 Gross Floor Area calculation, but the PDRD revised the calculation on 5/26/2011 to count these areas only once. This property and the PDRD calculation are the subject of this BoA appeal.

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 802 CARDINAL CIRCLE AUSTIN TX 78704

Applicant's Signature [Signature]

Date 2011-12-11

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	1890 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	72 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	1962 sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	2408 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	0 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	2408 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	0 sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	0 sq.ft.
i. TOTAL (add g and h above)	sq.ft.	0 sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	0 sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	388 sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	— sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	0 sq.ft.
VII. TOTAL	sq.ft.	4758 sq.ft.

max 3835 #	TOTAL GROSS FLOOR AREA (add existing and new from VII above)	4758 sq. ft.
	GROSS AREA OF LOT	9587 sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)		0.50 sq. ft.

OVER 923 #

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

Jan. 20, 2010 (Revised)

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

**A1
82**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 802 CALDI. Ave. (Apt)

Applicant's Signature [Signature]

Date 2010-01-20

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

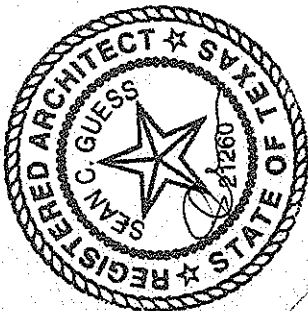
	Existing	New / Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches) <u>porch with habitable space & balcony</u>	sq.ft.	<u>1902</u> sq.ft.
b. 1 st floor area with ceiling height over 15 feet. <u>Above 15 ft</u>	sq.ft.	<u>64</u> sq.ft.
c. TOTAL (add a and b above)	sq.ft.	<u>1966</u> sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	<u>2208</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	<u>0</u> sq.ft.
f. TOTAL (add d and e above)	sq.ft.	<u>2208</u> sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	sq.ft.
i. TOTAL (add g and h above)	sq.ft.	sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	<u>388</u> sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	sq.ft.
VII. TOTAL	sq.ft.	<u>4662</u> sq.ft.

<u>net</u> <u>3835</u>	TOTAL GROSS FLOOR AREA (add existing and new from VII above)	<u>4662</u> sq. ft.
	GROSS AREA OF LOT	<u>4687</u> sq. ft.
<u>OVER 827 *</u>	FLOOR AREA RATIO (gross floor area / gross area of lot)	<u>0.49</u> sq. ft.

* RDCC waiver request - Feb. 3, 2010

- ¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.
- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
 - b. It only has one floor within the roof structure
 - c. It does not extend beyond the foot print of the floors below
 - d. It is the highest habitable portion of the building, and
 - e. Fifty percent or more of the area has a ceiling height of seven feet or less.

the exemption may not exceed 200^{sq} if a porch has habitable space or a balcony above it. (3.3.3(2))



Tree No.	Description
1001	1001-1002
1003	1003-1004
1005	1005-1006
1007	1007-1008
1009	1009-1010
1011	1011-1012
1013	1013-1014
1015	1015-1016
1017	1017-1018
1019	1019-1020
1021	1021-1022
1023	1023-1024
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1843	1843-1844
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1847	

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 1801 Riverview St

Applicant's Signature [Signature]

Date 12-4-09

AJ
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CROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	1155.2 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	533.2 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	1688.4 sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	491.6 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	47.5 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	539.1 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	696.5 sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	0 sq.ft.
i. TOTAL (add g and h above)	sq.ft.	696.5 sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	0 sq.ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	0 sq.ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	0 sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	0 sq.ft.
VII. TOTAL	sq.ft.	2,924 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	2,924 sq. ft.
GROSS AREA OF LOT	5890 sq. ft.
FLOOR AREA RATIO (gross floor area /gross area of lot)	49.7 sq. ft.

Increase of 572# (Ceiling height over 15')

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS ORDINANCE BOUNDARY AREA.

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Service Address 1801 RIVERVIEW *

Applicant's Signature [Signature]

Date 1/19/2011

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq. ft.	557.7 sq. ft.
b. 1 st floor area with ceiling height over 15 feet. *	sq. ft.	0 sq. ft.
c. TOTAL (add a and b above)	sq. ft.	557.7 sq. ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq. ft.	891.5 sq. ft.
e. 2 nd floor area with ceiling height > 15 feet. *	sq. ft.	0 sq. ft.
f. TOTAL (add d and e above)	sq. ft.	891.5 sq. ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq. ft.	891.5 sq. ft.
h. 3 rd floor area with ceiling height > 15 feet	sq. ft.	0 sq. ft.
i. TOTAL (add g and h above)	sq. ft.	891.5 sq. ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq. ft.	— sq. ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq. ft.	— sq. ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	sq. ft.	— sq. ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq. ft.	— sq. ft.
VII. TOTAL	sq. ft.	2,340.7 sq. ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

2,340.7 sq. ft.

GROSS AREA OF LOT

5,980.4 sq. ft.

FLOOR AREA RATIO (gross floor area / gross area of lot)

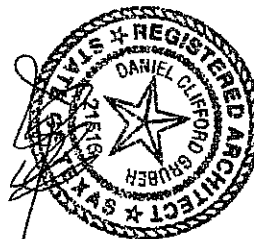
39.3% sq. ft.

*Plans completely revised from 12/4/2009 application. No ceiling height over 15 feet per reused layouts and elevations.

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of 7 feet or less

1/12



Legend:

- EM ELECTRIC METER
- PP POWER POLE
- P BURIED POWER LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- ELEVATION MARKER
- EXISTING STRUCTURES TO BE REMOVED
- ROOFLINE
- SETBACK LINES

Floor to Area Ratio:

Floor	First Floor	Second Floor	Third Floor
Gross Area	657.7 sq. ft.	801.5 sq. ft.	881.5 sq. ft.
Total Gross Area	2,340.7 sq. ft.		
Gross Area of L.C.	5,000.4 sq. ft.		
Ratio	38.8 %		

All structures etc. must maintain 7'5" clearance from AE enlarged power lines. Enforced by AE & NESC codes.

Building Coverage and Impervious Cover:

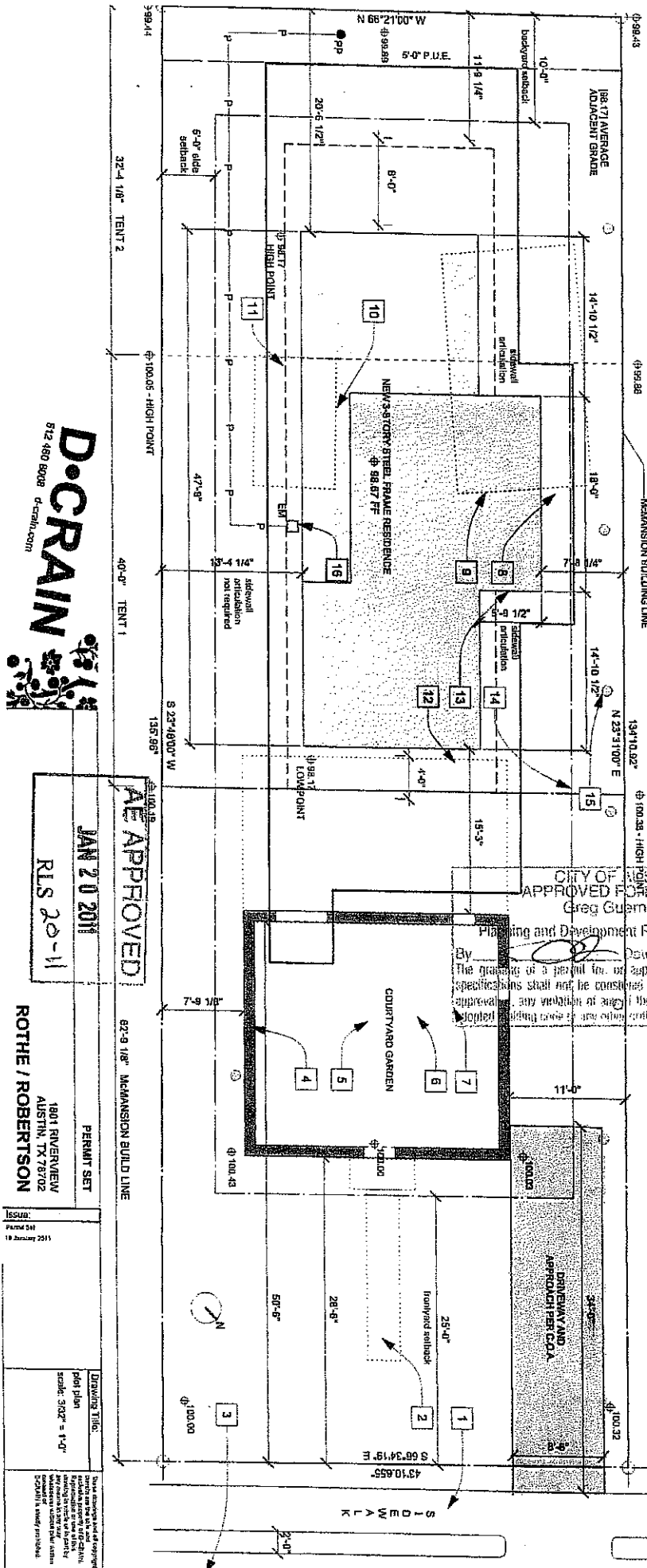
Total Building Coverage on Lot	Total Impervious Cover	Total Impervious Cover
866.1 sq. ft.	328.4 sq. ft.	1,424.1 sq. ft.
(15.1 %)		(24.3 %)

East Ocean Chausse Neighborhood
 Lot Size: approx. 5,000.4 sq. ft.
 Zoning: SF-3
 Maximum Building Coverage: 40% (2,000.2 sq. ft.)
 Maximum Impervious Cover: 45% (2,250.2 sq. ft.)
 Maximum Building Height: 32'-0"

- Site Plan Keynotes:**
- Existing sidewalk to remain.
 - Existing concrete walkway to be removed.
 - Runway front is 29'-6" wide.
 - Existing stone walls remain as garden walls.
 - Demolish existing roof and floor. Exposed grade and reestablish soils.
 - Roof line shown dashed.
 - Building footprint.
 - 1'-0" below grade.
 - Existing shed to be removed.
 - Existing concrete pad to be removed.
 - 40'-0" Tent section inlets.
 - Existing addition to original house to be removed.
 - Side wall articulation 5'-5".
 - Side wall.
 - Trees to remain (over 18" diameter) TYP.
 - Utility meter.

- Site Plan General Notes:**
- The dimensions on this plan are based on the face of finish surfaces. All dimensions are to be shown on the face of finish surfaces, unless otherwise noted.
 - No storm sewage pipes or manholes are present within 10' of property boundaries.
 - There is less than 1'-0" of grade changes across the entire site within 10' of property boundaries.
 - Shaded areas indicate wetland areas.

LOT 2, DUTCHMAN TOWNE LANE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT OF THE TRAVIS COUNTY RECORDS OF TRAVIS COUNTY, TEXAS.



1801 Riverview

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

A1
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TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 2846 San Gabriel

Applicant's Signature [Signature] Date 7-14-10

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq. ft.	<u>1179</u> sq. ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq. ft.	_____ sq. ft.
c. TOTAL (add a and b above)	_____ sq. ft.	_____ sq. ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft) Stairwell & Light Shaft	<u>550</u> sq. ft.	<u>1182</u> sq. ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq. ft.	<u>122</u> sq. ft.
f. TOTAL (add d and e above)	_____ sq. ft.	<u>1304</u> sq. ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq. ft.	_____ sq. ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq. ft.	_____ sq. ft.
i. TOTAL (add g and h above)	_____ sq. ft.	_____ sq. ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq. ft.	_____ sq. ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq. ft.	_____ sq. ft.
l. <input checked="" type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure) 654 - 204 (Denia) = 450 #	<u>0</u> sq. ft.	_____ sq. ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq. ft.	_____ sq. ft.
VII. TOTAL	<u>550</u> sq. ft.	<u>2483</u> sq. ft.

<u>may allowed</u> <u>2600 #</u>	TOTAL GROSS FLOOR AREA (add existing and new from VII above)	<u>3033</u> sq. ft.
	GROSS AREA OF LOT	<u>6500</u> sq. ft.
	FLOOR AREA RATIO (gross floor area / gross area of lot)	<u>46.7</u> %

Over FAR - 433 #

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below

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TY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Property Address 2846 San Gabriel, Austin, TX 78705

Applicant's Signature [Signature]

Date 1-6-12

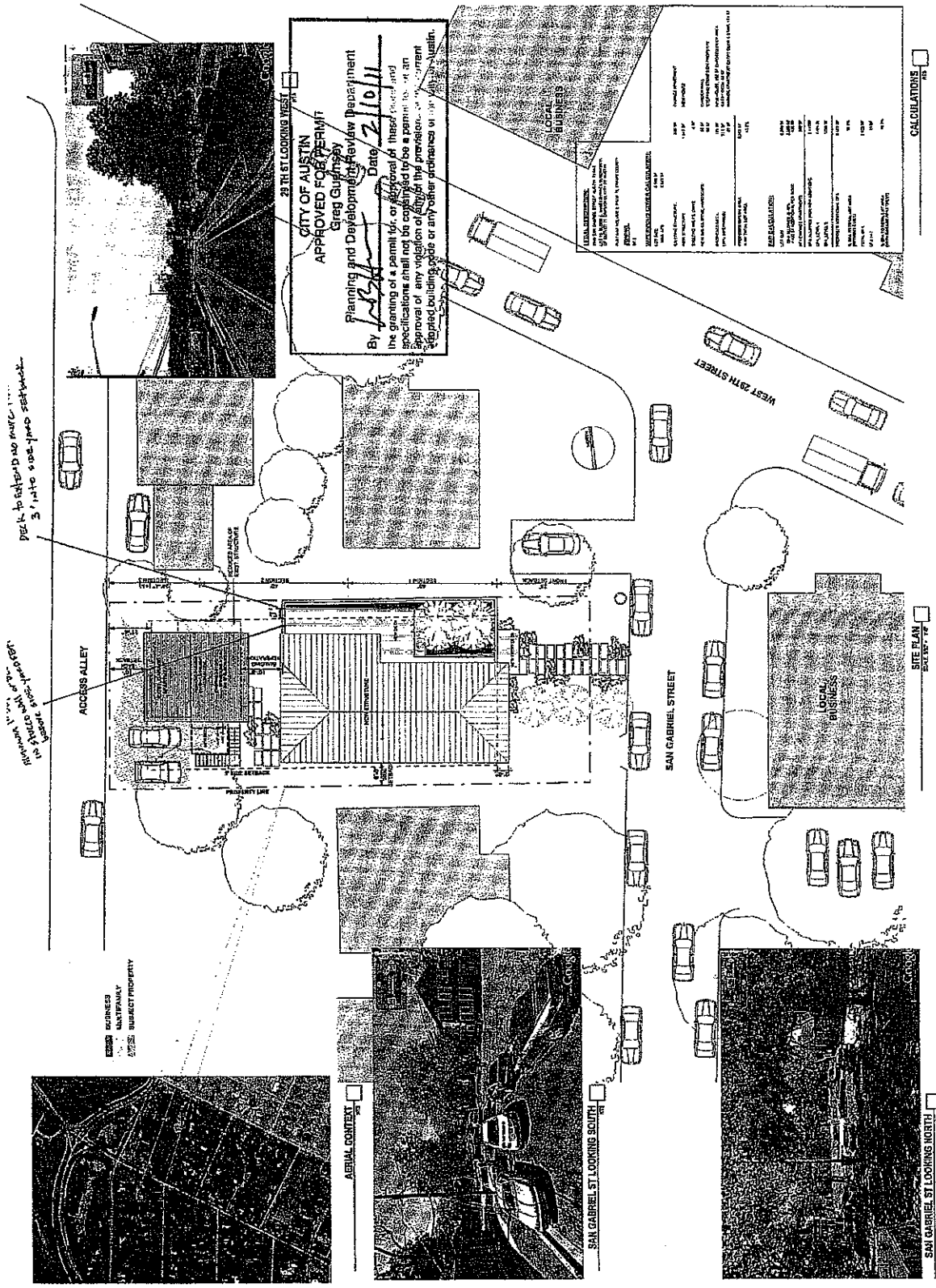
GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1 st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)		1179
b. 1 st floor area with ceiling height over 15 feet.		
c. TOTAL (add a and b above)		
II. 2 nd Floor Gross Area See note 1 below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	550	1182
e. 2 nd floor area with ceiling height > 15 feet.		122
f. TOTAL (add d and e above)		1304
III. 3 rd Floor Gross Area See note 1 below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).		
h. 3 rd floor area with ceiling height > 15 feet		
i. TOTAL (add g and h above)		
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.		
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)		
l. <input checked="" type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	0	
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)		
VII. TOTAL	550	2483

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	
GROSS AREA OF LOT	3033 sq. ft.
	6500 sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	46.7% sq. ft.

a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- b. It only has one floor within the roof structure
- c. It does not extend beyond the foot print of the floors below
- d. It is the highest habitable portion of the building; and
- e. Fifty percent or more of the area has a ceiling height of seven feet or less



2846 San Gabriel

2634 DEER FOOT TRAIL



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FOLDER DETAILS

Permit/Case File Name	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Application Date	Issue Date	Expiration Date
2010-102071 PR	2010-102071 PR	Partially-demolish section of rear wall, to accommodate new 2-story addition. Remodel: Complete interior remodel of 1st floor; remodel of master bedroom and bath on 2nd floor. Addition: 1st-floor - family room (relocate walls) expand breakfast room and add covered porch and screened porch. 2nd-floor - add new master closet area, and new air-conditioned storage area.	R- 434 Addition & Alterations	Addition and Remodel	2634 DEERFOOT TRL	Approved	Nov 30, 2010	Dec 8, 2010	May 29, 2011

Related Folders: [Yes](#)

FOLDER INFO

Value

Information Description

Smart Housing	No
Building Valuation Remodel	36000
Electrical Valuation Remodel	7000
Will Addition have Electrical Work ?	Yes
Mechanical Valuation Remodel	5200
Will Addition have Mechanical Work ?	Yes
Plumbing Valuation Remodel	3600
Will Addition have Plumbing Work ?	Yes
Total Valuation Remodel	51800
Total Job Valuation	90700
Is this property in MUD ?	No
Current Zoning for Building	SF-3
Name of Neighborhood Plan	BARTON HILLS
Subdistrict	NONE
Status	PLANNING UNDERWAY/APPROVED TO BEGIN
Is Historical Review Required?	No
1704 Flag?	No
Is this a Legal Lot ?	Yes
Is there a Cut & Fill in excess of 4 ft	No
Building Height (in feet)	23

9/17

2634 DEERFOOT TRAIL

one has a septic system:

Subject to RD&C Requirements

Maximum FAR allowed

Floor Area Ratio (FAR)

NO
RESIDENTIAL DESIGN STANDARDS

0.4

3987628410471668507677013144813873854

Existing 1 Fl Area

Existing 1 Fl Area-Ceiling Ht over 15'

Existing 1 Fl Area-Ceiling Ht 15' or less

Existing Total 1 Fl Gross Area

Existing 2 Fl Area

Existing 2 Fl Area-Ceiling Ht over 15'

Existing 2 Fl Area-Ceiling Ht 15' or less

Existing Total 2 Fl Gross Area

Existing 3rd Fl Area

Existing 3 Fl Area-Ceiling Ht over 15'

Existing 3 Fl Area-Ceiling Ht 15' or less

Existing Total 3rd Fl Gross Area

Existing Basement Gross Area

Existing Garage attached

Existing Garage detached

Existing Carport

Existing Total Sq Ft

New/Addn 1 Fl Area

New/Addn 1 Fl Area-Ceiling Ht over 15'

New/Addn 1 Fl Area-Ceiling Ht 15' or less

New/Addn Total 1 Fl Gross Area

New/Addn 2 Fl Area

New/Addn 2 Fl Area-Ceiling Ht over 15'

New/Addn 2 Fl Area-Ceiling Ht 15' or less

New/Addn Total 2 Fl Gross Area

New/Addn 3 Fl Area

New/Addn 3 Fl Area-Ceiling Ht over 15'

New/Addn 3 Fl Area-Ceiling Ht 15' or less

New/Addn Total 3 Fl Gross Area

New/Addition Basement Gross Area

New/Addition Garage attached

New/Addition Garage detached

New/Addition Carport

New/Addition Total Sq Ft

Total Gross Floor Area

1192

130

1192

1322

1369

0

1369

130

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512

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209

2634 DEERFOOT TRAIL

Gross Site Area of Lot
 Total Number of Driveways
 Driveway Width 1
 Driveway Width 2
 Total Number of Sidewalks
 Certificate of Occupancy to be Issued
 Code Year
 Code Type

9053 ✓
 1
 27
 0
 1
 Yes
 2006
 International Residential Code

PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dir	Suite Type	Suite Number	City	State	Zip	Legal Desc
2634		DEERFOOT	TRAIL				AUSTIN	TX	78704	Lot: 9 Block: A Subdivision: THE OAKS OF BARTON

Lot: 9 Block: A Subdivision: THE OAKS OF BARTON

PEOPLE DETAILS

Desc.	Organization Name	Address	City	State	Postal	Phone1
Applicant	Bill Stone & Associates LLC (Bill Stone)	4866 TRAVIS OAKS DR	Marble Falls	TX	78654-3347	(512)784-6375
Homeowner	(Dylan & Marissa Hester)	2634 DEERFOOT TRL	AUSTIN	TX	78704	(512)

PROCESSES AND NOTES

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
Plan Review Administration	Open				Residential Zoning Reviewers	0
Tree Ordinance Review	Open				Michael Embesi (974-1876)	0
Residential Revision After Issuance	Open	Dec 8, 2010				0
Residential Zoning Review	Approved	Dec 8, 2010	Nov 30, 2010	Dec 8, 2010	Brent Hendricks (974-2413)	4

Back

9/2 A

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION "A"

A1
93

Br Number 2011-010926 R
 Building Permit No. _____
 Plat No. _____ Date 2-14-2011
 Reviewer Edward Vigil

PRIMARY PROJECT DATA

Service Address 504 East Annie St. Tax Parcel No. 785584

Legal Description
 Lot 8 Block _____ Subdivision Roy C Archer Section _____ Phase _____

If in a Planned Unit Development, provide Name and Case No. _____
 (attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work _____ Remodel (specify) _____
☒ New Residence _____
 Duplex _____ Addition (specify) _____
 Garage _____ attached _____ detached _____
☒ Carport ☒ attached _____ detached _____
 Pool _____ Other (specify) _____

Zoning (e.g. SF-1, SF-2...) SF3

- Height of Principal building 30 ft. # of floors 2 Height of Other structure(s) N/A ft. # of floors _____

- Does this site currently have water and wastewater availability? ☒ Yes _____ No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.

- Does this site have a septic system? _____ Yes ☒ No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.

Does this site have a Board of Adjustment ruling? _____ Yes ☒ No If yes, attach the B.O.A. documentation

Will this development require a cut and fill in excess of 4 feet? _____ Yes ☒ No

Does this site front a paved street? ☒ Yes _____ No A paved alley? _____ Yes ☒ No

Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☒ Yes. _____ No

VALUATIONS FOR REMODELS ONLY

Building \$ _____
 Electrical \$ _____
 Mechanical \$ _____
 Plumbing \$ _____
 Driveway/
 Sidewalk \$ _____
 TOTAL \$ _____
 (labor and materials)

VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size 6,000 sq. ft.
 Job Valuation - Principal Building \$ 410,000
 (Labor and materials)
 Job Valuation - Other Structure(s) \$ N/A
 (Labor and materials)
 TOTAL JOB VALUATION
 (sum of remodels and additions)
 \$ 410,000
 (Labor and materials)

PERMIT FEES (For office use only)

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>JON LUDWIG</u>	Telephone (h) <u>303 522 7983</u> (w) <u>303 522 7983</u>
BUILDER	Company Name <u>CLAYTON LITTLE</u>	Telephone <u>477 1727</u>
	Contact/Applicant's Name <u>PAUL CLAYTON</u>	Pager _____ FAX <u>477 1729</u>
DRIVEWAY/ SIDEWALK	Contractor <u>PCW CONSTRUCTION, CONTACT ROLONDO</u>	Telephone <u>(512) 233-6161</u>
CERTIFICATE OF OCCUPANCY	Name <u>JON LUDWIG</u>	Telephone <u>303 522 7983</u>
	Address <u>5406 Avenue H</u> City <u>AUSTIN</u> ST <u>TX</u> ZIP _____	

If you would like to be notified when your application is approved, please select the method:

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

**41
94**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 504 EAST ANNIE

Applicant's Signature _____

Date with 2-14-11 Application A

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	1,796 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	122 sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	1,918 sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	852 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	N/A sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	852 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	N/A sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	N/A sq.ft.
V. Garage		
k. _____ attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	N/A sq.ft.
l. _____ detached (subtract 450 square feet if more than 10 feet from principal structure)	_____ sq.ft.	_____ sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq.ft.	_____ sq.ft.
VII. TOTAL	_____ sq.ft.	2,770 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	<u>2,770</u> sq. ft.
GROSS AREA OF LOT	<u>6,000</u> sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	<u>.4616</u> sq.

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

**AJ
95**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 504 E. ANNIE ST. AUSTIN, TX 78704

Applicant's Signature Tom Hurt (Tom Hurt)

Date 4-25-2011

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	0 sq.ft.	1711 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	26 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	1737 sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	841 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	26 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	867 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	142 sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	- sq.ft.
i. TOTAL (add g and h above)	sq.ft.	142 sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	- sq.ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	- sq.ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	- sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	- sq.ft.
VII. TOTAL	sq.ft.	2746 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	2746 sq. ft.
GROSS AREA OF LOT	6,000 sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	.458 sq. ft.

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

215

A 1.02

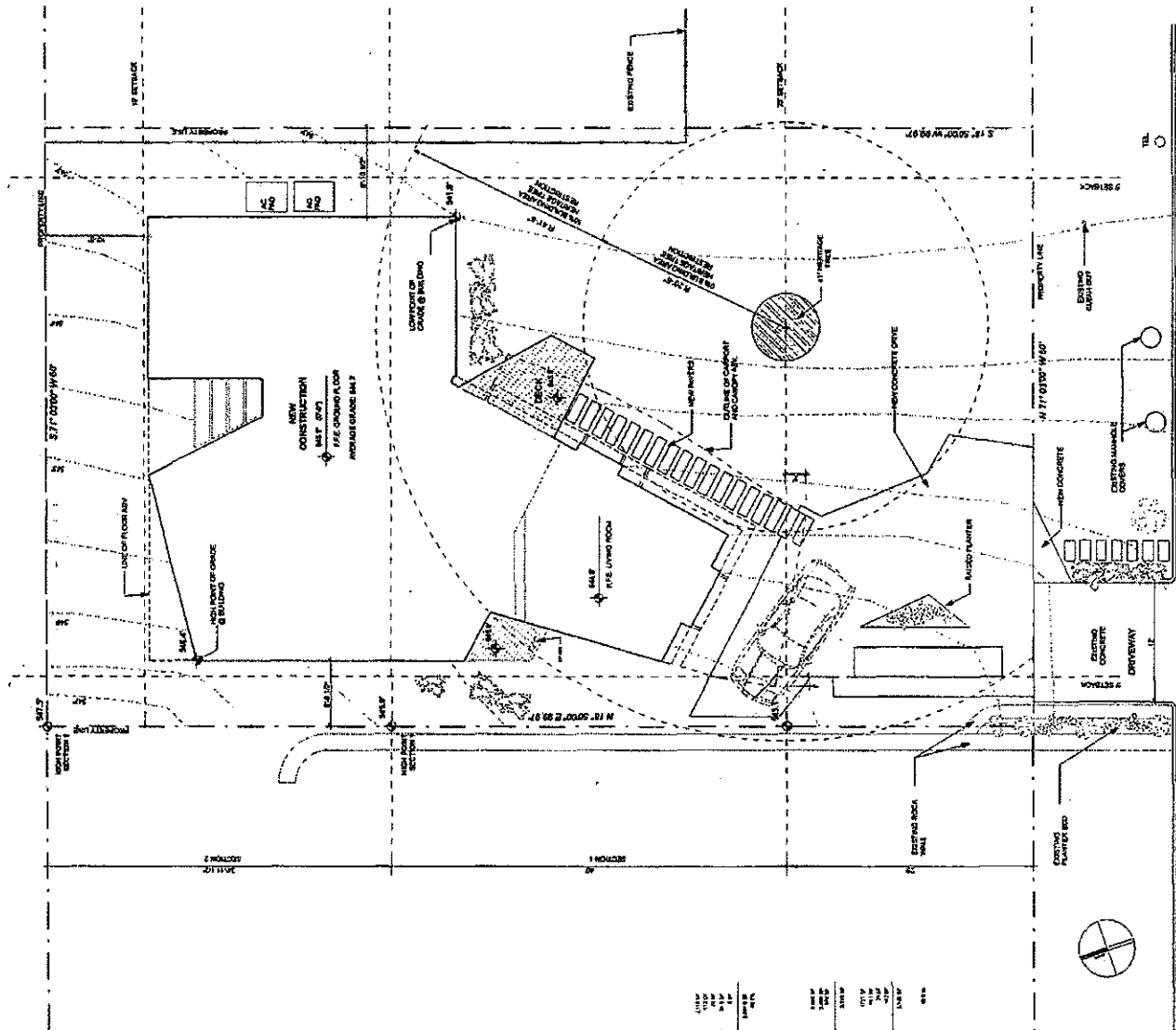
SITE PLAN 1

ANNIE STREET

HURT PARTNERS ARCHITECTS
 409 West 14th Street Austin Texas 78701
 P: 512.473.0130
 F: 512.473.0130
 www.hurtpartners.com

LUDWIG RESIDENCE
 504 East Annie Street
 Austin, Texas 78701
 Project No. 1000000000
 Date: 06/20/11

SITE PLAN
 1
 SCALE: 1/8" = 1'-0"



504 EAST ANNIE

LOCAL DISCREPANCIES

NO DISCREPANCIES FOUND

REVISIONS

NO.	DATE	DESCRIPTION
1	06/20/11	ISSUED FOR PERMIT

MEASUREMENTS

NO.	DATE	DESCRIPTION
1	06/20/11	ISSUED FOR PERMIT

REMARKS

ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF THE LOT.

CITY OF AUSTIN
APPROVED FOR PERMIT
Greg Guemsey
Planning and Development Review Department

By WJG Date 6/21/11

the granting of a permit for, or approval of these plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

A1
97

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 4206 Cat Mountain Drive

Applicant's Signature _____

Date 04 Feb 2011

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft. <u>3357</u>	sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft. <u>69</u>	sq.ft.
c. TOTAL (add a and b above)	sq.ft. <u>3426</u>	sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft. <u>766</u>	sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft. <u>0</u>	sq.ft.
f. TOTAL (add d and e above)	sq.ft. <u>766</u>	sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft. <u>0</u>	sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft. <u>0</u>	sq.ft.
i. TOTAL (add g and h above)	sq.ft. <u>0</u>	sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft. <u>0</u>	sq.ft.
V. Garage		
k. <u>X</u> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft. <u>721</u>	sq.ft. <u>521</u>
l. <u> </u> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft. <u>0</u>	sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft. <u>0</u>	sq.ft.
VII. TOTAL	sq.ft. <u>4913</u>	sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	<u>4913</u> <u>4713</u> sq. ft.
GROSS AREA OF LOT	<u>12,284</u> sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	<u>39.999%</u> sq. ft.

38.37

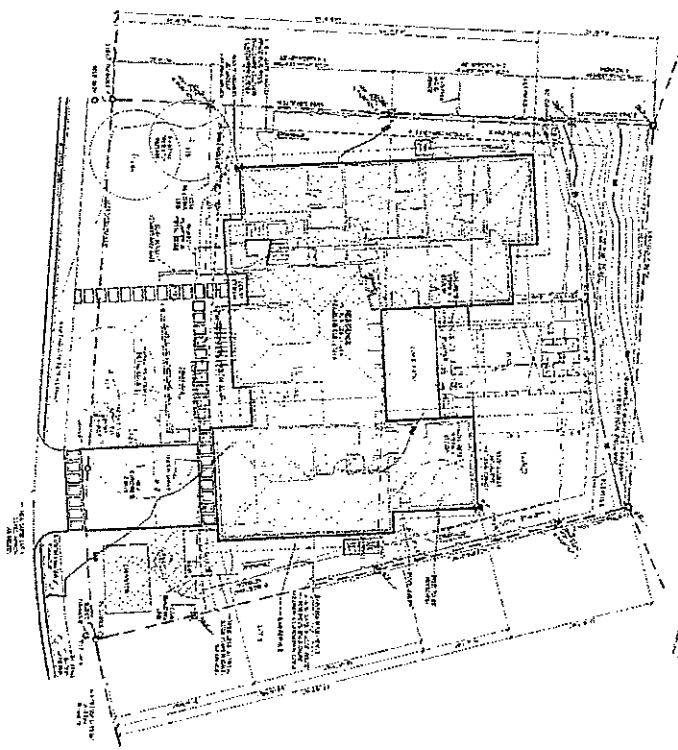
¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- b. It only has one floor within the roof structure
- c. It does not extend beyond the foot print of the floors below
- d. It is the highest habitable portion of the building; and
- e. Fifty percent or more of the area has a ceiling height of seven feet or less.

18A

4206 CAT MOUNTAIN

CAT MOUNTAIN DRIVE



CITY OF AUSTIN
APPROVED FOR PERMIT
Grag Guernsey
Planning and Development Review Department
By [Signature] Date 3-25-06
The grading or a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Austin Zoning Ordinance or any other ordinance of the City of Austin.

TABLE 1: PERMITS REQUIRED

PERMIT TYPE	REQUIRED
Grading	Yes
Water	Yes
Landscaping	Yes
Other	Yes

GENERAL NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE AND THE CITY OF AUSTIN DEVELOPMENT CODE.
2. THE GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN DEVELOPMENT CODE.
3. THE WATER SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN DEVELOPMENT CODE.
4. THE LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN DEVELOPMENT CODE.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN DEVELOPMENT CODE.

SITE PLAN



DATE: 3/25/06
BY: [Signature]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/1/06 BY 60322 UCBAW/STP

CITY OF AUSTIN - PERMITS DIVISION
DATE: 3/25/06
BY: [Signature]

CITY OF AUSTIN - PERMITS DIVISION
DATE: 3/25/06
BY: [Signature]

TABLE 2: PERMIT FEES

PERMIT TYPE	FEES
Grading	\$1,000
Water	\$500
Landscaping	\$250
Other	\$100

100%
A-1
100%
100%

A CUSTOM RESIDENCE FOR:
LEE & GLYNIS WOOD
4206 CAT MOUNTAIN DRIVE
AUSTIN, TEXAS

CGAPARTNERS
CORNERSTONE GROUP ARCHITECTS
100%
100%
100%

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 7213 Lamplight Lane Austin 78731

Applicant's Signature [Signature]

Date 7/17/14

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq. ft.	2347 sq. ft.
b. 1 st floor area with ceiling height over 15 feet.	sq. ft.	55 sq. ft.
c. TOTAL (add a and b above)	sq. ft.	2402 sq. ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq. ft.	1091 sq. ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq. ft.	sq. ft.
f. TOTAL (add d and e above)	sq. ft.	sq. ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq. ft.	sq. ft.
h. 3 rd floor area with ceiling height > 15 feet	sq. ft.	sq. ft.
i. TOTAL (add g and h above)	sq. ft.	sq. ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq. ft.	sq. ft.
V. Garage 415 - 200 = 215		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq. ft.	215 sq. ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq. ft.	sq. ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)		
	sq. ft.	sq. ft.
VII. TOTAL		
	sq. ft.	3708 sq. ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

GROSS AREA OF LOT

FLOOR AREA RATIO (gross floor area / gross area of lot) 36.3% sq. ft.

Lot Size = 10,200 sq. ft. x 0.40 = 4,080 Max GFA Allowed

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

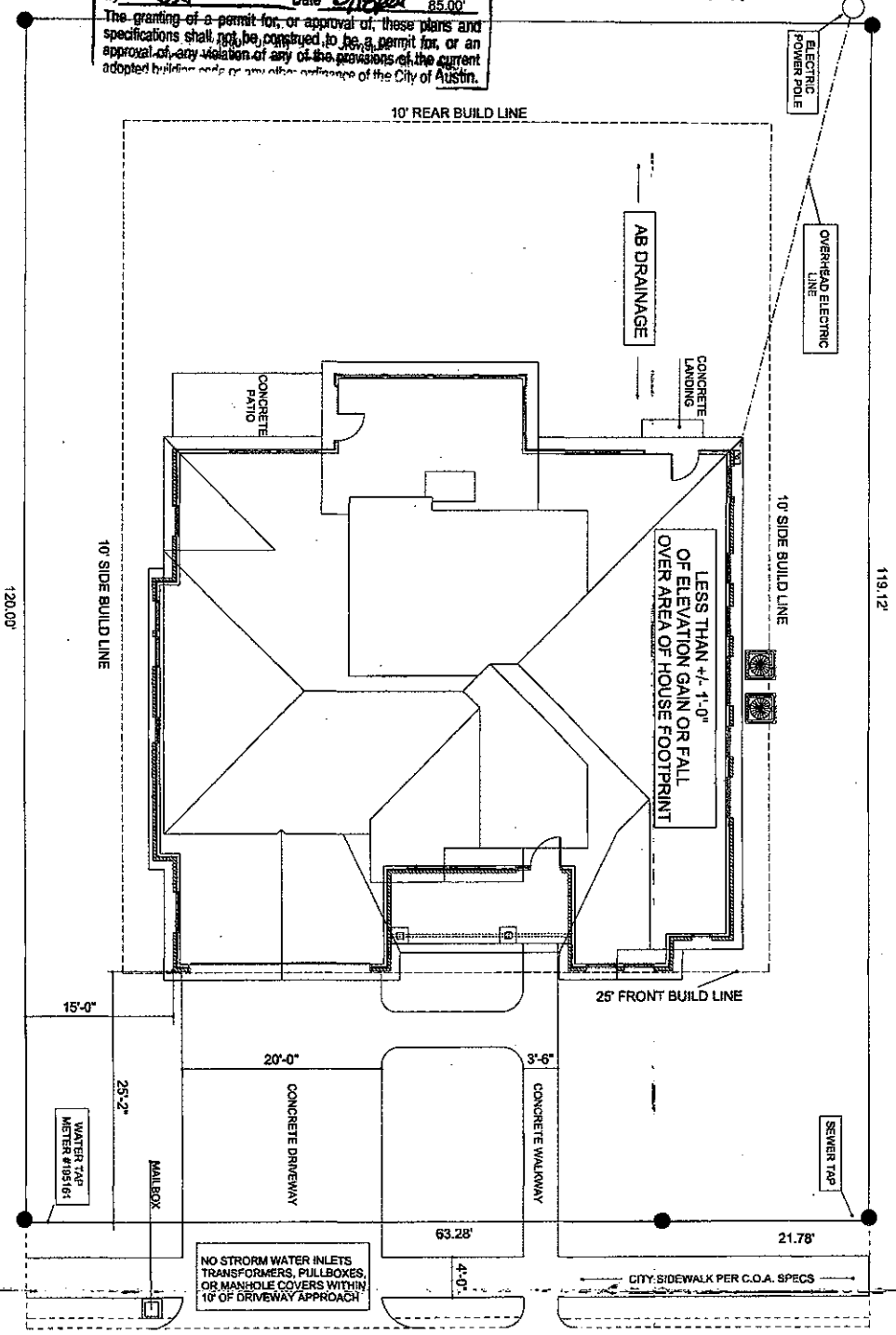
- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

CITY OF AUSTIN
 APPROVED FOR PERMIT
 Greg Quemesey
 Planning and Development Review Department
 By QA Date 8/18/2011 85.00'

The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

QA
 REVIEWED FOR ZONING ONLY
 8/18/2011

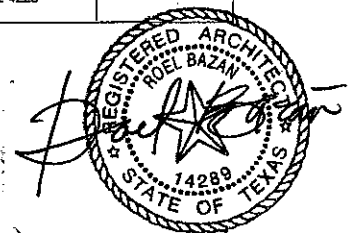
1/100



Page 10	SITEPLAN	Wagner Residence 7213 Lamplight Lane Austin TX 78731	Version	Date	DawsonLupul Builders 5929 Balcones Drive Austin TX 78731 512-452-4228	Architectural Seal
	SCALE: 1"=15'		Review Set	6-29-11		
	Lamplight Project		Permit Set	7-5-11		

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
 JUL 07 2011
 RLS 188-13



7213 LAMPLIGHT LANE

7/6/2011

Exhibit
Ex 19
A/
101

CHAPTER 25-1. GENERAL REQUIREMENTS AND PROCEDURES.

ARTICLE 2. DEFINITIONS; MEASUREMENTS.

§ 25-1-21 DEFINITIONS.

Unless a different definition is expressly provided, in this title:

[Definitions relevant to our Board of Adjustment Interpretation Appeal are shown.]

(37) ENCLOSED means a roofed or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding eight feet in height.

(39) FLOOR AREA RATIO means the ratio of gross floor area to gross site area.

(43) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.

[Section 3.3 of the McMansion Ordinance in attached Exhibit Ex4 modifies the above definition of Gross Floor when it is used for purposes of that Ordinance.]

(44) GROSS SITE AREA means the total site area.

Source: Sections 13-1-22, 13-2-1, 13-2-401, 13-2-435, and 13-5-61; Ord. 990225-70; Ord. 990805-46; Ord. 000309-39; Ord. 000406-85; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.

VERSIONS OF THE LUNDY IN ROUND ROCK

Exhibit
Ex20

A1
102



MODEL 1 2104 PARK PLACE CIRCLE 4-Bedroom



MODEL 2 2124 PARK PLACE CIRCLE 5-Bedroom
PHOTOGRAPHS

Exhibit 1
Ex 21

PROPOSED STRUCTURE WITH LEFT ELEVATION MARKED
TO SHOW ADDITIONAL MASS ADDED IN AN ATTEMPT TO
QUALIFY FOR HABITABLE ATTIC EXEMPTION
COMPARED TO MODEL 2

Final Set
08/05/11

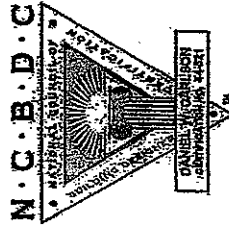
North
3688-B
ELY-2
KUNBY
1001 ALBERTA

MOUNT BONNELLE TERRACE
3704 Bonnell Terrace
Austin, TX 78731

Prof. No.: 2023
Lot: 1
Bk: E
Sect: 3

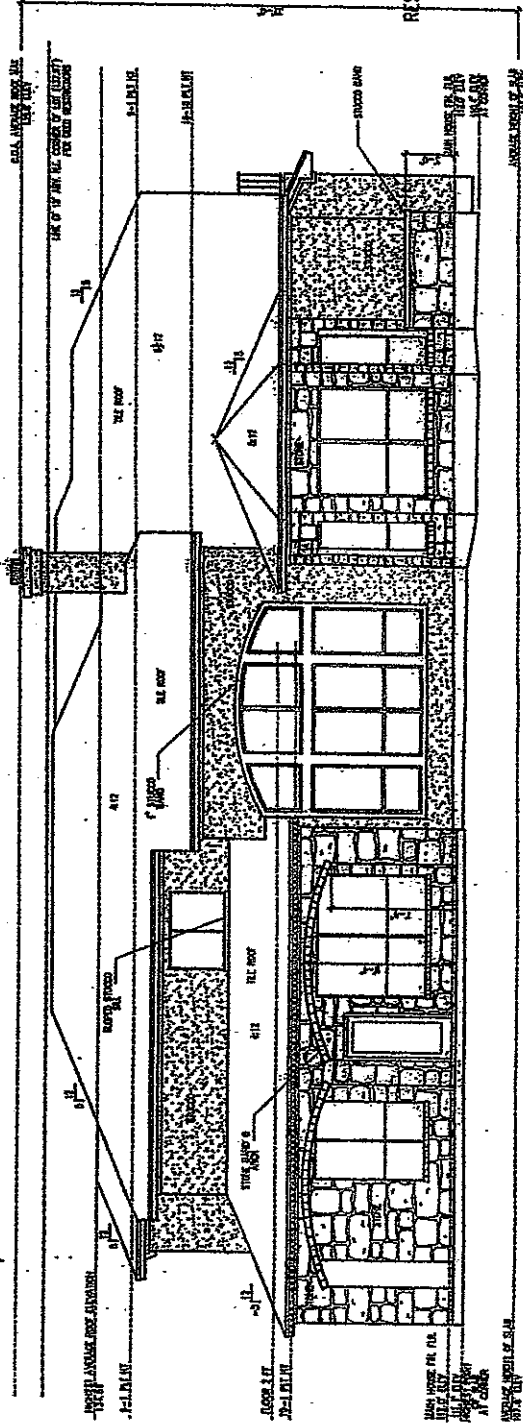
David Weekley Homes
MM/ECE/3/AJ
Scale: 1/8" = 1'-0"
Date: 02/26/08
Rev: 7/21/11

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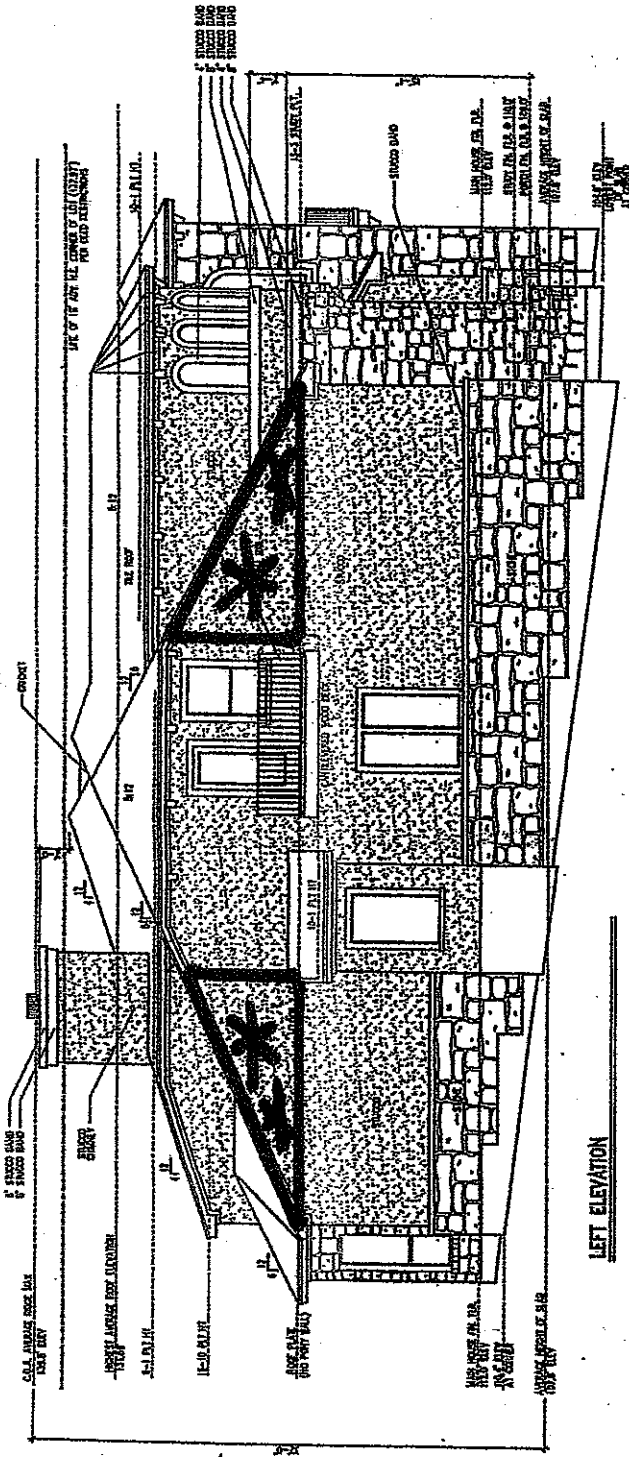


THE SEAL ON THIS PAGE PERTAINS
ONLY TO THE AFFIRMATION OF THE
COMPLIANCE OF THESE PLANS TO THE
RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS FOR THE CITY OF AUSTIN

D.W.C.



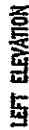
REAR ELEVATION



LEFT ELEVATION

*
ADDITIONAL
MASS
ADDED

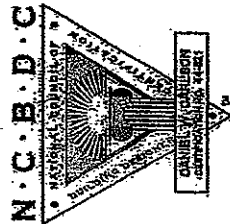
ADDITIONAL
MASS
ADDED



PROPOSED STRUCTURE WITH LEFT AND REAR ELEVATIONS
MARKED TO SHOW ADDITIONAL MASS ADDED IN AN ATTEMPT
TO QUALIFY FOR HABITABLE ATTIC EXEMPTION
COMPARED TO MODEL 1

Final Set
08/05/11

A1
104
Exhibit
Ex 22



THE SEAL ON THIS PAGE PERTAINS ONLY TO THE AFFIRMATION OF THE COMPLIANCE OF THESE PLANS TO THE CONFIDENTIAL DESIGN AND COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN

MOORE BONNETT TERRACE
3704 BONNETT TERRACE
AUSTIN, TX 78731

Prof No:	2023	Lab No:	1-22
		Site	3

David Wesley Holmes

©Feeling Homes L.P. 2008

FRONT ROOF PLAN
 3704 BOWWELL DRIVE
 SLOPES FROM RIDGES TO FRONT EAVES
 BR2 + GAMEROOM = 4:12
 GAMEROOM + LEARNING-
 CENTER + BR3 = 5:12
 HABITABLE
 ATTIC = 6:12

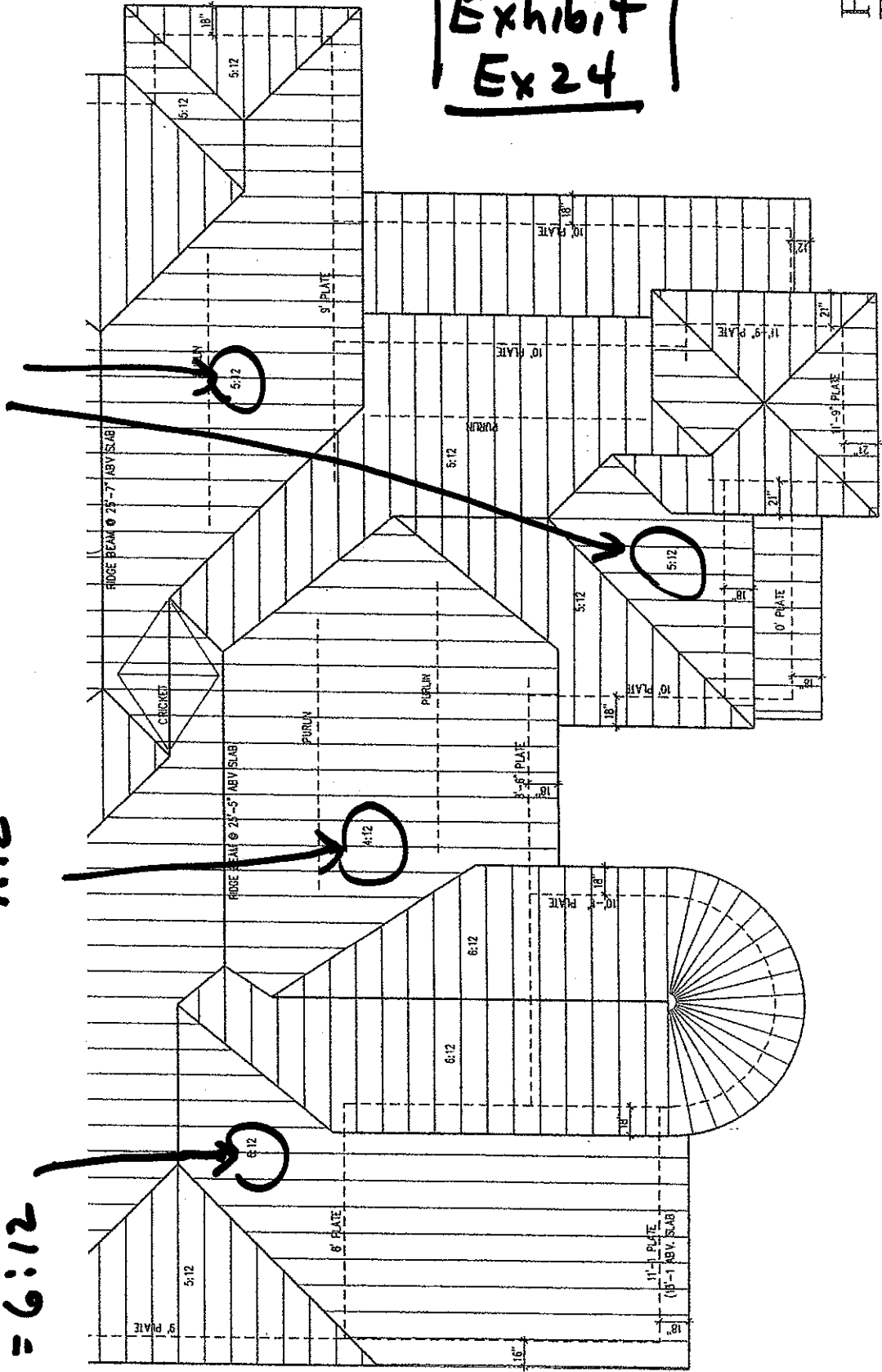


Exhibit
 Ex 24

Final
 08/05/

101A
 106

REAR ROOF PLAN
 3704 BONNELL DRIVE
 SLOPES FROM RIDGES TO REAR EAVES

BR4 + BATH3 + FAMILY ROOM
 + LEARNING CENTER
 = 4:12

HABITABLE
 ATTIC
 5.5:12

JOIST/RAFTER
 PULL POINT

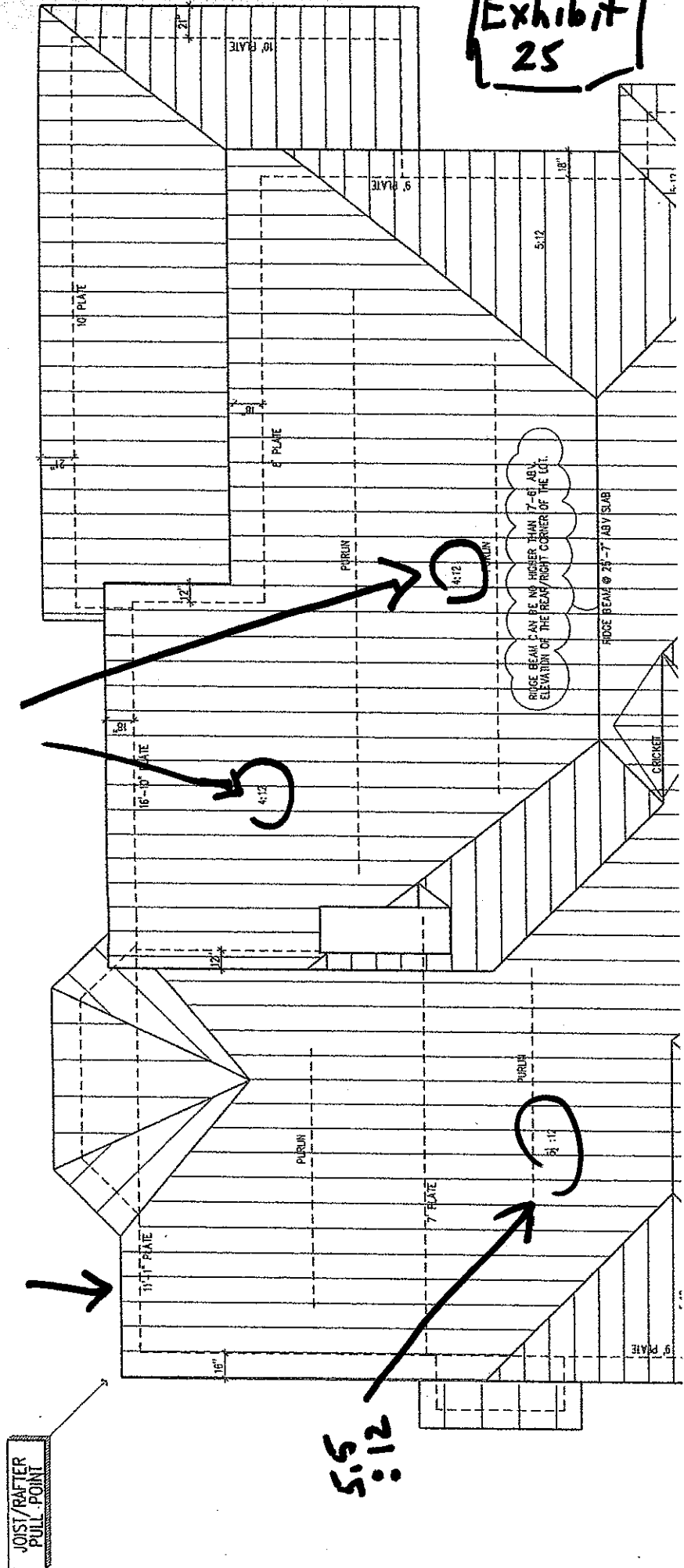


Exhibit
 25

10/14

A1
108

EXHIBIT Ex26

Copies of letters from neighbors and HPWBANA objecting to earlier plans for 3704 Bonnell Drive when the plans were being reviewed by the RDCC.

Case Number: 2011-031138R
Address: 3704 Bonnell Drive
Contact: Sylvia Benavidez
Public Hearing: July 6, 2011
Residential Design & Compatibility Commission

We object.

Date: June 28, 2011

Sarah Lynn Hill and John Deigh
3701 Mount Bonnell Road

S. Lynn Hill
John Deigh

We own and reside at 3701 Mount Bonnell Road, and we share a back lot line with the property in the application. We oppose the variance because, as indicated by its F.A.R. of 43%, the proposed house is too large for the size of the lot, as well as in comparison to other nearby homes, and we are concerned about preserving the integrity of the neighborhood.

Lynn spoke in opposition to the application at the May 4 hearing and again at the June 1 hearing. On June 1 the hearing was again postponed, to July 6. On June 20 our neighborhood association (HPWBANA) had a board meeting at which the applicants distributed copies of a revised plan, and John and the applicants discussed their respective viewpoints before the board.

Since the May 4 hearing we have made a good faith effort to understand the original proposed and preliminary plans, the revised proposed plan and the new "non-variance" plan, as well as the information in the application for variance. Our neighbor Tom Shelton has joined us in this effort.

Based on Travis County tax records, the size of the empty lot is 11,586 square feet. A new home of 4,634 square feet (40% of the lot size) could be built there without a variance, but the owner wants a two-story 5,007 square foot house, which would have a F.A.R. of 43%. Also, based on the proposed plan, two rooms on the first floor, with about 450 square feet of floor space, have a ceiling height of 20 feet. So the true "volume" or "mass" of the proposed house appears to be comparable to a two-story 5,400+ square foot house (a house with a F.A.R. exceeding 46.5%).

AI
110

The applicants prepared F.A.R. calculations for 15 homes within a 300 foot radius of the empty lot, and their calculations show that all 15 homes have a F.A.R. of 38% or less. In fact, 12 of the homes have a F.A.R. of less than 30%, two have a F.A.R. of 33%, and one has a F.A.R. of 38%. For a visual illustration of this we color-coded a plat map from the Travis Central Appraisal District, which shows the location of the different properties in relation to the empty lot. We also created a chart that compares the size of the empty lot, and the square footage of the proposed house, to the lot and home sizes of each of the 15 nearby properties. (See attached map and chart.) We believe the map and chart show that the proposed house would not be "compatible in scale and bulk" with the existing homes in the neighborhood.

We think that if the applicants believed the proposed home to be compatible in scale and bulk with the Bonnell Drive streetscape they could easily have provided a model or artist's rendering to show how the home would look on the lot, between the existing homes on either side. They have not done so. Instead they have provided photographs of neighboring homes along with a photograph of the empty lot. Also, Lynn has asked Jim Einhaus more than once about the height of the homes on either side of the lot, and his answer was that he did not know. If he does not know this he cannot know if the proposed home is compatible with those existing homes.

The empty lot is rectangular in shape, and the application shows the owner is leveling the land before building begins, so the shape and slope of the land are not causing construction issues that require a variance. Also, the variance is not about changing the placement of the house to preserve trees. The sole issue seems to simply be one of volume and square footage of the house. Despite repeated meetings, the owner doesn't seem interested in changing the plans to comply with the city's standard.

The applicants in their applications, at the hearings, and at the HPWBANA board meeting have argued that they have preliminary or "non-variance" plans (that they do not want to use) that have a F.A.R. no greater than 40%. As we understand it, their current argument is that one

41

change to the non-variance plan (adding a window to the front of bedroom 5) increases the F.A.R. to an unacceptable percentage. But they say this change does not affect neighbors so the homeowners should be allowed to build the proposed plan in the current application.

However, the premise of this argument is false. Their "non-variance" plan does *not* have an acceptable F.A.R.

On May 31 we discussed the applicants' preliminary plan materials and their methodology for calculating the F.A.R. with John McDonald, Supervisor in the Watershed Protection and Development Review Department. Mr. McDonald explained that the applicants understated the F.A.R. of their preliminary plan, in part because they incorrectly treated bedroom 5 as attic space. Today, John discussed their new "non-variance" plan with him, and he told John that in this plan as well they are incorrectly treating bedroom 5 as attic space. According to Mr. McDonald, Bedroom 5 is part of the second floor in all of the applicants' plans, and as such its square footage cannot be ignored in any of them.

For the July 6 hearing the applicants claim their "non-variance" plan has a F.A.R. of less than 40%. They claim that in this plan the area under the eaves surrounding bedroom 5 plus the area of bedroom 5 can be ignored because it is habitable attic space that meets all of the requirements of section 3.3.3.C of the Ordinance.

But this argument is incorrect because – as confirmed by Mr. McDonald – bedroom 5 is part of the second floor, not part of an attic, so the F.A.R. is at least as much as the proposed plan.

However, even if bedroom 5 were treated as attic space, it would not be true that the space could be ignored – for it fails to meet one of the conditions in the Ordinance for ignoring habitable attic space. The condition it fails to meet is that the space "adds no additional mass to the structure." (See section 3.3.3.C.5.) Adding this space, regardless of how it is treated, adds mass to the structure. (See attached photographs.)

A1
112

The applicants' proposed and "non-variance" plans are versions of a Weekley model called the Lundy. The attached photographs, which we took at the model home site in Round Rock where we met with the applicants, show a 4-bedroom version of the Lundy (Model 1) and a version of the Lundy in which a fifth bedroom has been added on the second floor over the master bath (Model 2). Model 2 matches, in its placement of the fifth bedroom, the version in the applicants' plans. As inspection of these photographs shows, adding this fifth bedroom to the second floor adds mass to the structure.

A version of the Lundy that has been expanded to include a fifth bedroom on the second floor is obviously more massive than the 4-bedroom version and so it cannot satisfy the requirement of section 3.3.3.C.5. This means the square footage of bedroom 5 cannot be ignored. As a consequence, the "non-variance" version has a F.A.R. that is at least as great as the F.A.R. of the proposed plan.

FAR CALCULATIONS FOR HOUSES ^{AI} WITHIN 300' OF SUBJECT LOT 113

FAR ≤ 30%

FAR 31% - 35%

FAR 36% - 40%

FAR > 40%



12507	Revision Date 8/24/2005	0 100 Feet	<table border="1"> <tr> <td>1000</td> <td>1000</td> <td>1000</td> </tr> <tr> <td>1000</td> <td>1000</td> <td>1000</td> </tr> <tr> <td>1000</td> <td>1000</td> <td>1000</td> </tr> </table>	1000	1000	1000	1000	1000	1000	1000	1000	1000	<p>NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet Projection: Lambert_Conformal_Conic</p> <p>3</p>	<p>Travis Central Appraisal District 8314 Cross Park Drive Austin, Texas 78754</p> <p>Internet Address: www.traviscad.org</p> <p>Main Telephone Number (512) 834-0317 Appraisal Information (512) 834-0318 TDD (512) 836-3325</p>
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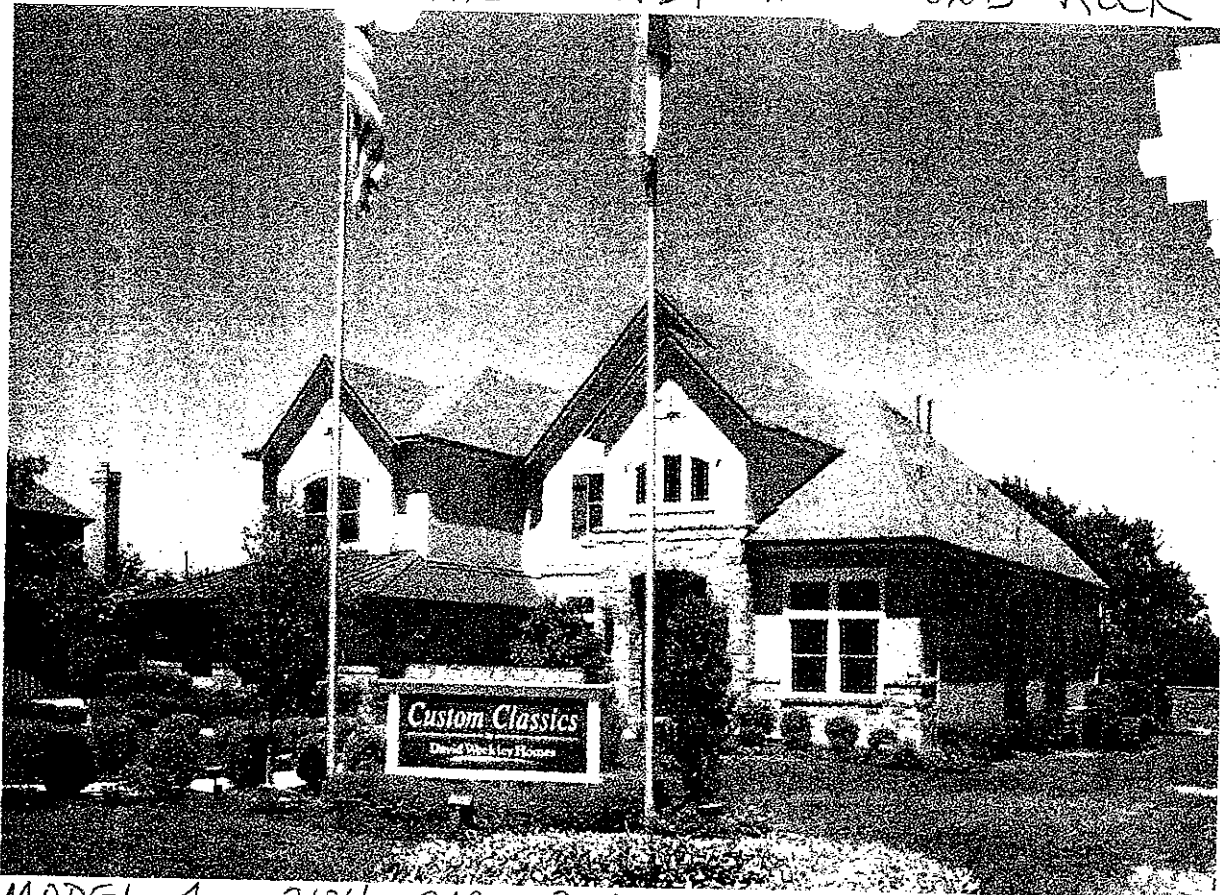
MAP

Property	Address	Lot Area in square feet	F.A.R. Square Feet	Lot area of empty lot compared to other lots	Home size of proposed home compared to other homes
1	3609 Fall Trail	12,999	4,301	33%	
2	3704 Bonnell Dr	11,586	5,007	43%	16% bigger
3	3710 Bonnell Dr	9,830	2,735	28%	83% bigger
4	3708 Bonnell Dr	13,944	4,066	29%	23% bigger
5	3802 Bonnell Dr	12,468	3,414	27%	47% bigger
6	* 3703 Bonnell Dr	45,943	7,626	17%	34% smaller
7	3705 Bonnell Dr	19,578	3,418	17%	46% bigger
8	3503 Bonnell Ct	13,168	3,510	27%	43% bigger
9	3501 Bonnell Ct	17,300	3,987	23%	26% bigger
10	3606 Fall Trail	24,099	4,735	20%	6% bigger
11	3603 Mt Bonnell Rd	15,549	4,245	27%	18% bigger
12	3605 Mt Bonnell Rd	15,932	5,207	33%	4% smaller
13	3701 Mt Bonnell Rd	15,577	2,685	17%	86% bigger
14	3703 Mt Bonnell Rd	16,263	3,343	21%	50% bigger
15	3803 Mt Bonnell Rd	16,392	6,278	38%	20% smaller
16	3603 Alta Ct	18,331	3,773	21%	33% bigger

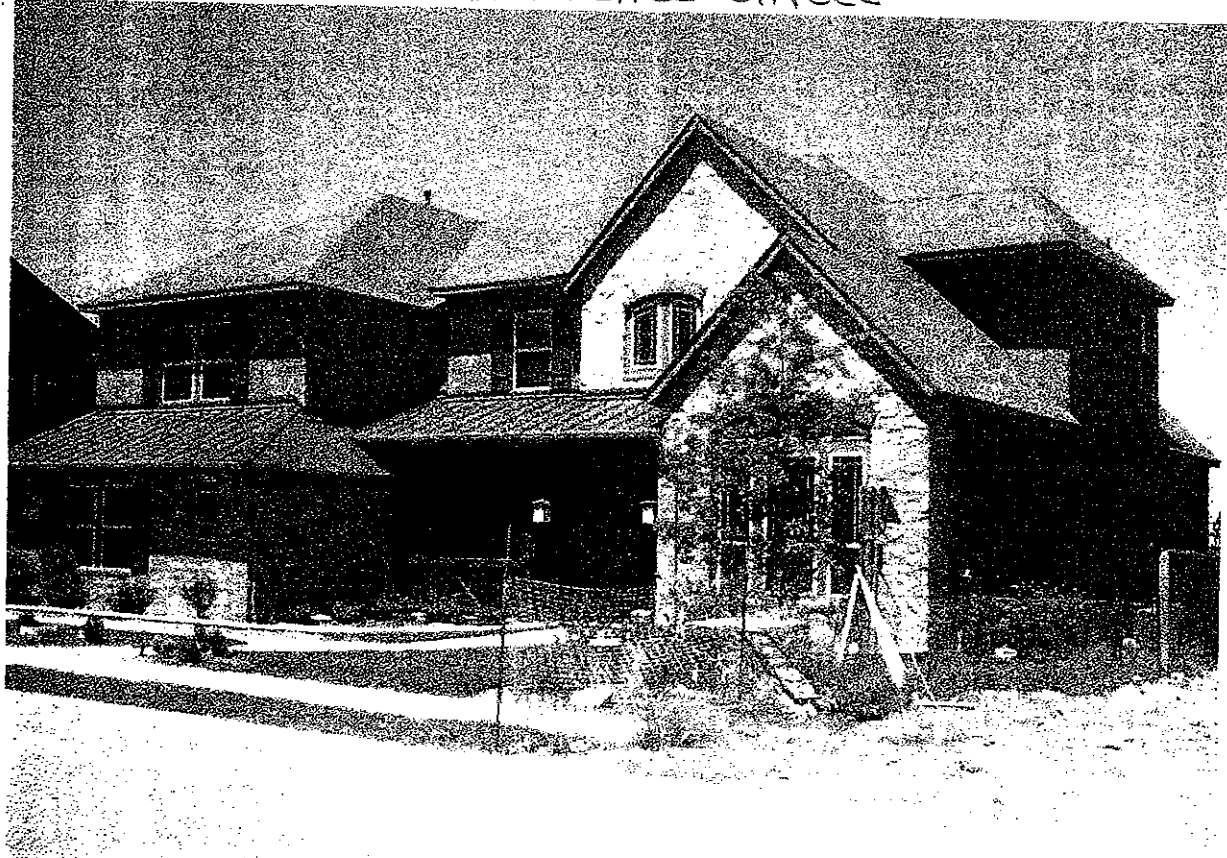
This is empty lot

*Lot 6 is on a double-lot with 45,943 square feet. The applicant calculated a FAR of 29% for this property based on the size of one of the lots. Otherwise, the Lot Areas, F.A.R. Square Feet and F.A.R. percentages are taken from page C1/46 of the application submitted for the June 1 RDCC hearing. Using this information, Lynn Hill calculated the comparisons of the lot areas and home sizes that are shown above.

A1
115



MODEL 1 2104 PARK PLACE CIRCLE



MODEL 2 2124 PARK PLACE CIRCLE

PHOTOGRAPHS



AI
116

June 29, 2011

Sylvia Benavidez
Austin Residential Zoning Review
505 Barton Springs Road
Austin, TX 78704

Re: 3704 Bonnell Drive (Case 2011-031138 PR)

Ms. Benavidez,

Please pass along to the RDCC that the Highland Park West Balcones Area Neighborhood Association (HPWBANA) has voted 6 to 3 to oppose the variance request at 3704 Bonnell Drive (Case 2011-031138 PR).

We appreciated the opportunity to include the landowner and a neighbor at our recent meeting on Monday, June 20 to better understand the issues surrounding this request. We also appreciated the surrounding neighbors sending us their opinions via letter and email.

Ultimately, the NA believes that the lot owner has other viable options for the property. We feel the project could be completed with the landowner's desires in mind while staying within the limits of the ordinance. In addition, widespread opposition by the neighbors was an important factor in our decision. In general, the neighbors expressed concern about the size of the project. Most of the surrounding homes are under 4,000 sq. ft. In addition, the proposed FAR of the proposed project is much greater than those of the surrounding homes.

One point brought up at the meeting was that a home of similar size could be built within the ordinance and without requiring a variance. While we acknowledge that this may be the case, the majority of the board felt that it was offset by the precedent that would result if the variance were granted.

We respectfully ask the Commission to deny the variance request.

A representative from HPWBANA will attend the Commission's meeting on July 6, 2011. A copy of this letter will be sent to those who attended our neighborhood meeting.

Sincerely,

Andrea Torres, HPWBANA President
4601 Highland Terrace 78731
512-302-4294
andreatorres11@yahoo.com

Highland Park West Balcones Area NA ~ P. O. Box 26101 ~ Austin, TX 78755

AJ
117

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: 2011-031138R
ADDRESS 3704 Bonnell Drive
Contact: Sylvia Benavidez, 974-2522
Public Hearing: May 4, 2011
Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

HOLTON BURNS
Your Name (please print)

3710 Bonnell DR 78731
Your address(es) affected by this application

[Signature] 5-20-11
Signature Date

Comments: There is a reason for the
memorandum Law -
putting a huge house to the very
edge of a small lot decreases
the integrity of the neighborhood

If you use this form to comment, it may be returned to:
City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, TX 78767-8810

Number: 2011-031138R: Address: 3704 Bonnell Drive
Contact: Sylvia Benavidez
Public Hearing: July 6, 2011 : Residential Design & Compatibility Commission

I Object: Holton Burns (Homeowner 3710 Bonnell Drive) Holton L. Burns JUNE, 2011
Holton Burns: My Address: Homeowner 3710 Bonnell Drive, Austin, Texas 787831

Send to:

City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, Texas 78767-8810

Dear Silvia,

1. I, Holton Burns am the record owner of the property (3710 Bonnell Drive in Austin, Texas) and have a vested financial interest to maintain my property's intrinsic value. Building a Mc Mansion next door to my home will deteriorate that "value" whether it is due to lost view, feeling cramped, stuck with a high imposing structure next door or a combination of such as a result of a builder being granted a variance to city code.
2. The neighborhood is not a Mc Mansion area, each property is suited to the homes built on it, come and see for yourself if you have any doubt.
3. The city has passed ordinances to protect properties from development which aggravates the feel and relationship of one structures set back vs. another structures setback in order to prevent opposition to development and leave shadows imposed upon a neighbors home among other qualified reasons of the ordinance.
4. I am asking the city to carefully review the plans of 3704 Bonnell Drive and then conclude that the home exceeds and impacts current regulations and the neighbors who border to subject tract.
5. As a north neighbor of subject tract with the city to the South and East portions of my lot will no longer be afforded a city view, nor be granted direct sunlight in the middle morning.
6. I will likely end up looking at a drawn curtain rather than down the Balcones Valley out towards downtown Austin which was "the" reason why I bought the home I currently own.
7. I share a side property with 3704 Bonnell Drive and hope the city will pay increased attention to that fact. I am not someone on the other side of the public street or around the corner I am next door to this petition for variance.
8. In particular the proposed house would be incompatible in size with the other properties in the neighborhood and it will dwarf my own home.

HB

2. **AI**
119
9. 3704's design as proposed is 83% larger than mine and we share roughly the same size lot!
 10. The disparity in size between the homes which wrap around and share the border of this lot will be striking particularly when compared with mine.

AKH

JUNE, 2011

3704 BONNELL DRIVE - VARIANCE

A1
120

ROBERT BONE
3503 Bonnell Court, Austin, TX 78731
512-374-9550 . rbone@law.utexas.edu

June 16, 2011

City of Austin
Sylvia Benavidez
PO Box 1088
Austin, TX 78767

RE: Case Number 2011-031138PR - 3704 Bonnell Drive
Sylvania Benavidez, Contact (512-974-2522)
Public Hearing July 6, 2011
Residential Design and Compatibility Commission

Dear Sir/Madam:

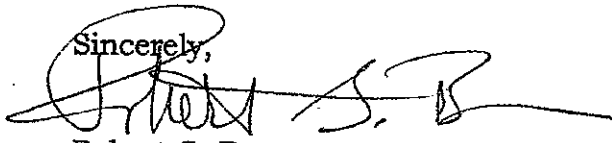
I am writing in opposition to the request for a variance for the above-listed property. The lot in question is diagonally across from the house my wife and I own, at 3503 Bonnell Court. My wife Elizabeth Schultz submitted a separate letter comprehensively reviewing the reasons for our opposition. I write separately to make clear that I too oppose the request and to add some thoughts of my own.

Elizabeth's letter describes the impact that granting the application will have on the neighborhood. The proposed home is simply out of proportion to the lot, and its FAR makes clear just how poorly it fits the Bonnell Drive neighborhood.

Most important, the applicants have offered no sufficient reason to grant the variance. At the previous hearings, they cited the view of the UT Tower and a desire for rooms for a growing family and visiting relatives. If that's enough to qualify for a variance, then the FAR requirement is meaningless. Everyone who wants to build a large home on a small lot could offer comparable reasons, and the McMansion ordinance would be rendered ineffectual. This can't be what the City of Austin intended.

I urge you to deny the application.

Sincerely,



Robert G. Bone

cc: HPWBANA

A1
121

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: 2011-031138R
ADDRESS 3704 Bonnell Drive
Contact: Sylvia Benavidez, 974-2522
Public Hearing: May 4, 2011
Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Robert Radebaugh
Your Name (please print)

3500 Bonnell Ct
Your address(es) affected by this application

[Signature] 6/4/2011
Signature Date

Comments: The proposed improvements are of
a size inconsistent with other homes in the
neighborhood. This is exacerbated by the small lot
on which this will be constructed. This will
have way too much impervious cover leaving no
yard. All other homes in the neighborhood have
good size yards

If you use this form to comment, it may be returned to:
City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, TX 78767-8810

ELIZABETH SCHULTZ
3503 Bonnell Court, Austin, TX 78731
512-374-9550 . easdirect@gmail.com

AL
122

City of Austin
Sylvia Benavidez
PO Box 1088
Austin, TX 78767

RE: Case Number 2011-031138PR
3704 Bonnell Drive
Sylvania Benavidez, Contact (512-974-2522)
Public Hearing July 6, 2011
Residential Design and Compatibility Commission

Dear Sir/Madam:

I am writing in opposition to the request for variance for the above-listed property pending before the Residential Design and Compatibility Commission. The lot in question is diagonally across from the house my husband and I own, at 3503 Bonnell Court. The neighborhood is characterized by pleasant homes and spacious, treed yards. The hillside setting provides a sense of spaciousness, and also affords privacy. The houses are typically sited with sensitivity to the land.

My husband and I moved to our Bonnell Court home a year-and-a-half ago when we relocated from Boston, Massachusetts. When we were house-hunting, people told us, with pride in their city, that Austin's "McMansion" ordinance restricted the construction of oversized homes on undersized lots. This sounded to me like a sensible restriction – one that would preserve Austin's neighborhoods, and maintain consistent and appropriate size and scope in residential construction.

Since buying our house, we have learned that restrictions also apply to cutting and trimming trees. This also makes sense to me, both esthetically and ecologically. The restrictions also seem consistent with the "McMansion" ordinance – preserving Austin's greenscape for current and future generations to enjoy.

The lot in question is under-sized for the neighborhood. Frequently, people who visit us or with whom we have conversations on the street comment to the effect that the lot is really too small to build much of a house on.

AI
123

In fact, we now find that only one lot among the fifteen cited in the application for variance is smaller. On the other hand, if the variance is granted, only three houses would be larger. To me, this would seem to be the essence of "oversized house on undersized lot."

The lot itself is pleasantly treed and sloping. It's my understanding that in order to construct the house, extensive excavation would basically chop a chunk out of the lot. Retaining walls would be required on one, if not all three sides. The house would be constructed on the newly-leveled lot. This scoop-and-plunk approach is inconsistent with a neighborhood in which the houses generally make creative use of their hillside sites.

I have attended both meetings of the Residential Design and Compatibility Commission that dealt with this matter. During neither did I hear the owner or the builder present any compelling reason for the committee to grant the variance.

What the owners have said is that they love the views of the city which the lot affords, and they love the very large house they want to build there.

Most people who've bought or built a house understand this. When my husband and I were house-hunting, there were several other properties we might have considered, but our bank-account was several hundred-thousand dollars too small. These owners want to build a huge house, but their lot is several thousand square feet too small.

Surprisingly, the owners don't seem concerned that by building such a large house on such a small lot, they will be altering for the worse the grace and spaciousness that typify Bonnell Drive.

As for their claim that unless they get the variance, they'll be denied maximum enjoyment of the view the lot affords, I imagine that every one of the neighbors could tell a story about having a better view of the city and the UT Tower if only they could cut down a tree or two, or extend their deck, or add an additional story to their house. But we live in a community, and by upholding the community's values, we all benefit.

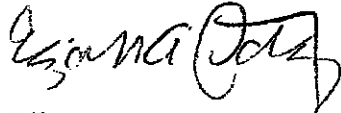
The owners purchased the lot several months ago. The language on their deed has not changed since then, and the city regulations stipulating the ratio of house-to-lot have not become more restrictive. In buying a too-small lot for their too-big house, they assumed the risk that they would not be able to build. The neighborhood doesn't owe them their "dream house" any more than the city of Austin does.

Schultz - 3

AI
124

Upholding the letter and spirit of the McMansion ordinance and the ordinances protecting greenery seems good for Austin. Certainly in this case, it would be good for preserving the character and aesthetics of a neighborhood. So far, the owners have shown little interest in compromise. I urge you to deny their application for variance.

Sincerely,



Elizabeth A. Schultz

CC: HPWBANA

AL
125

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: 2011-031138R

ADDRESS 3704 Bonnell Drive

Contact: Sylvia Benavidez, 974-2522

Public Hearing: ~~May 4, 2011~~ July 6, 2011

Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

WAYNE EDWARDS

Your Name (please print)

3501 BONNELL CT, AUSTIN TX 78731 (within 300 ft of site)
Your address(es) affected by this application

Wayne Edwards
Signature

6/8/11
Date

Comments:

The (Flower to Area) is apparently 43% more than the 40% limit in
and far above the average of only 35% in the area.

Also it is questionable on whether the height meets deed restrictions

The mass of the house appears to be comparable with a 5400
sq.ft. house which would not be compatible with homes on
either side. Thank you for considering my comments

If you use this form to comment, it may be returned to:

City of Austin

Sylvia Benavidez

P.O. Box 1088

Austin, TX 78767-8810

AI

126

☐ I am in favor
☒ I object

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

AL
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Case Number: 2011-031138R

ADDRESS 3704 Bonnell Drive

Contact: Sylvia Benavidez, 974-2522

Public Hearing: ~~May 4, 2011~~ July 6, 2011

Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object (w)

JEANIE + COLEY COWDEN

Your Name (please print)

3708 BONNELL DR. 78731

Your address(es) affected by this application

Janie Cowden & Coley Cowden 6-17-11

Signature

Date

Comments: The proposed home is grossly
over sized for our neighborhood. And
is most assuredly not compatible
in scale and look to our street and
other structures in the area.

It is not consistent with the streetscape of
the properties in the vicinity.

It is not consistent with the massing, scales
and proximity of structures located on either side or
behind the development.

If you use this form to comment, it may be returned to:

City of Austin

Sylvia Benavidez

P.O. Box 1088

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

AL
128

Case Number: 2011-031138R
ADDRESS 3704 Bonnell Drive
Contact: Sylvia Benavidez, 974-2522
Public Hearing: May 4, 2011
Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Tom Shelton
Your Name (please print)

3703 MT. Bonnell Road
Your address(es) affected by this application

Tom Shelton 6-9-11
Signature Date

Comments: Comments on Attached sheet
Thank you



If you use this form to comment, it may be returned to:
City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, TX 78767-8810

Case Number: 2011-031138R: Address: 3704 Bonnell Drive:
Contact: Sylvia Benavidez
Public Hearing : July 6, 2011: Residential Design & Compatibility Commission

I Object--- Tom Shelton
Tom Shelton-My address 3703 Mt.Bonnell Rd.

A1
129

Dear Madam/Sir,

I share a back lot line with the property in the application and I have cast a vote of "no" regarding the variance on the FAR restriction. I have spent close to a month and a half trying to learn as much about the situation as possible, educating myself on reason for the law, meeting with owner/builder several times, gathering information from Sylvia Benavidez, meeting with several neighbors, and have found absolutely no other reason for the owner's request other than he wants to build a very large home on the 2nd smallest lot in the neighborhood.

If the owner had been looking to build slightly closer to the property line to save several oak trees for example--I would be wholeheartedly for his exception to the Ordinance. I don't know why the McMansion law exists if not for cases like this.

There are 15 homes within 300 feet of the property that is the subject of the variance request however, there are 4 homes that form a sort of "U" around the proposed lot that would be most impacted by the construction--myself (3703 Mt. Bonnell Road), the home of Lynn Hill/John Deigh, the home of Holton Burns (directly next door to the lot), and Cornelia and Tom LeMond (3705 Bonnell DR.) The LeMonds live directly across the street from the lot, Lynn/John and I share the back lot line, and Mr. Burns lives directly next door. And we all object to the application for the variance.

I think it is very important to mention Holton Burns. He is out of the country working on a project and obviously has not been able to attend either of the two hearings or meet with the neighbors but is very concerned with this matter and has voted "no" by email. Mr. Burns could end up being the most affected as he is the direct next door neighbor. By the simple gesture of dropping a note off with his current house-sitter, I was able to get his email and have emailed him 7-10 times regarding this matter.

At the RDCC hearing, the owner Mr. Clark has specifically mentioned Lynn Hill as being really the main opponent of the proposed variance. Except for the RDCC form letter being sent to Mr. Burns from the City, I am very curious as to whether the owner has made any effort to contact Mr. Burns (as I have) seeing as he may be more affected than Lynn Hill and perhaps, a more vocal opponent of the variance. As I mentioned above, Mr. Burns home, my home, the LeMonds, and Lynn/John's home are the four that directly form a "U" shape around the vacant lot.

For some factual perspective, it was shocking to take a look at the sheet provided by builder to the City Commission regarding the surrounding homes and their square footage, their lot size, and their FAR's.

A1
130

1. The proposed home is the 2nd smallest lot of the 15 lots yet would have the 4th largest square footage.
2. My house for some perspective is on a lot approximately 40% larger, and has four bedrooms. The proposed home would have 5 bedrooms and would be a whopping 50% larger than mine!
3. The house built on 2 combined lots down the street from proposed home only has a 29% FAR. And this is calculated on the square footage of just one lot, not two!
4. None of the 15 homes have a FAR in excess of 40%. In fact, 80% of the homes have a FAR of less than 30%, and only one has a FAR as large as 38%.

As the commission knows by now, there have been numerous meetings between the owner/builder/designer and Lynn Hill, John Deigh and I. I think all sides have been very cordial and truly been interested in the viewpoints of both sides. We have looked at many house plans and even traveled to Round Rock to see a model home similar the one proposed home. However, the end result of every single meeting is exactly the same. The owner wants us to vote "yes" so he can have a huge home on this small lot and so he can also have a view of the UT tower and perhaps a pool.

My personal viewpoint from all these meetings could best be described as confusion. I'm wondering why all the neighbors are being asked to vote "yes" on the variance when all of these issues could have totally been avoided from the start and could still quickly and easily still be solved.

While it is in what I think is a nice neighborhood, this lot has been vacant a long time due to its unique size. I still can't understand why with a large family (and wanting pool also) that this small lot was chosen. And for a view of the UT tower, why weren't height restrictions, FAR restrictions looked into before the purchase?

I wouldn't dare presume to tell anyone what lot to buy, what house to build, etc. But I just can't understand this proposed house on this lot when you can venture to the surrounding neighborhoods of Tarrytown and Old Enfield to see hundreds, if not thousands of wonderful homes built on lots of this size. There are too many to count 3 or 4 bedroom bungalow style, ranch style, stone houses, cottage style homes that look fantastic and actually fit the lot. I thought the reason for this ordinance and for deed restrictions were to preserve the integrity of the neighborhood as I so often see it stated.

Not only could all this have been avoided but another thing that could solve this whole matter and it's an issue which never, ever seems to be brought up at the meetings with owner---simply re-draw the plans to match all the requirements. It was strange to be standing in the model home and being asked to vote yes when all the rooms in the model home dwarf the size of the rooms in my own house!

At the last hearing, the RDCC mentioned that letters such as this can be very helpful. Time is very limited at the hearings so I wanted to address a few comments that have been made towards my neighbors.

A1
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First, the owner of proposed house said "he thinks that basically we don't want a house being built on the lot." This could not be further from the truth. We just feel strongly about the rules set up to preserve the neighborhood. We don't feel like there should be an exception unless for a good reason...one besides just wanting a huge house.

Second, the owner mentioned at the RDCC meeting "how he saw this lovely lot, how he has four kids and one on the way, how he went to UT and wants a view of the tower, how he wants to be a great neighbor" and so on. I won't put words into my neighbors mouths (and Holton on one side is out of the country) but this was very upsetting to me particularly when we don't all have time to speak. Each and every one of us had that same first impression when we saw our future lot, I also went to UT and love the tower, and we all have families and friends that we are excited when they can share our house with us. I just think it's wrong for any one neighbor should claim that they have some sort of moral high ground above the rest of the neighbors for purposes of applying for a variance.

Third, in his June 1 presentation to the commission, the owner has told the commission he has bent over backwards to accommodate us and spent all this time trying to meet with us, and he has tried to do everything he can, and so on. I found these comments extremely surprising (and sort of rude towards one particular neighbor) as the above ones. My neighbor Lynn Hill (and to a lesser extent, myself) have:

- Met with Sylvia Benavidez and other city employees downtown to understand FAR and other development issues
- Hired and met with Geologist to find out impact the cut on land will disturb the balcones fault line
- Traveled up for about 3 hours one evening out to Round Rock to see a model home of what they propose to build
- Met with owner and or builder on lot to see the height of home/impact on trees
- Countless hours speaking to other neighbors
- Corresponded on about ten emails back and forth with neighbor out of country Holton Burns
- Researched deed restrictions with survey and title companies, and with the Travis County Clerk's real property public database

Sorry for the length but I knew the commission had wanted the viewpoint of some of the other neighbors and I thought some of the personal comments at the hearing had not painted a full picture of the situation.

Thank you,

Tom Shelton

5/15

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Case Number: C15-2011-01110 - 3704 Bonnell Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 27th, 2011

SARAH LYNN HILL John Deigh
Your Name (please print)

☒ I am in favor
☐ I object

3701 MT BONNELL ROAD
Your address(es) affected by this application

A. Lynn Hill
Signature
Date 10/21/2011

Daytime Telephone: 512 371-1254

Comments: THE BOARD SHOULD CONSISTENTLY
AND FAIRLY ENFORCE THE MCMAUSLAND
ORDINANCE AND REMEMBER ITS
DUTY. DO NOT PROVIDE
LOPP HOLES!

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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PUBLIC HEARING INFORMATION

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Case Number: C15-2011-0110 - 3704 Bonnell Drive
Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

ROBERT G. BONNEL
Your Name (please print)

☒ I am in favor
☐ I object

3503 BONNELL ST. AUSTIN
Your Address(es) affected by this application

78731

[Signature]
Signature

10/18/11
Date

Daytime Telephone: 512-232-5562

Comments: I SUPPORT THE APPEAL OF
MS. HILL AND MR. DEGL AND OPPOSE
THE PROJECT AS PLANNED. THE HOUSE
IS TOO BIG FOR THE LOT.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

7/13

PUBLIC HEARING INFORMATION

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Robert S Radebaugh
Your Name (please print)

3500 Bonnell CT

Your address(es) affected by this application

Just D Radebaugh
Signature

10/17/2011
Date

Daytime Telephone: 512-346-9983 x115

Comments: Given the very small lot size the mass of this proposed house does not conform with the surrounding neighborhood. To approve this on a technicality would set a bad precedent. There is a reason surrounding property owners are so overwhelmingly opposed to this development

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

☒ I am in favor
☐ I object

FILE

PUBLIC HEARING INFORMATION

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Philip & Kristie Kiser

Your Name (please print)

3710 Bonnell Dr. 78731

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 210-845-9218

10/17/2011
Date

Comments:

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

11/13

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Case Number: C15-2011-0110 – 3704 Bonnell Drive
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, October 27th, 2011

John Thomas "Tom" Shelton
Your Name (please print)

☒ I am in favor
☐ I object

3703 MT. Bonnell Road
Your address(es) affected by this application

Susan Walker 10-16-11
Signature Date

Daytime Telephone: 453-5949

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

5/13

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Case Number: C15-2011-0110 – 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Your Name (please print)

PATRICIA S. ECKE

☒ I am in favor
☐ I object

Your address(es) affected by this application

3803 MT BONNELL Rd, Austin TX

Signature

Patricia S. Ecker

Date

17 Oct 2011

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

4/13

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Elizabeth Schultz

Your Name (please print)

3503 Bonnell Ct. Austin TX 78731

Your address(es) affected by this application

Elizabeth Schultz

Signature

10/18/11

Date

Daytime Telephone: 512-374-9550

Comments: I support the appeal by Mrs. Hill and Mr. Desha.

It is important to reiterate that this will be the fifth largest house on the third smallest lot. If it's so important to the owners to have such a huge house, they should never have bought such a small lot.

If you use this form to comment, it may be returned to:

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Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

☒ I am in favor
☐ I object

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

John Thomas "Tom" Shelton

Your Name (please print)

☒ I am in favor
☐ I object

3703 Mt Bonnell Road

Your address(es) affected by this application

Tom Walker

Signature

10-17-11

Date

Daytime Telephone: 512-453-5949

Comments:

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088