

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: APPLICANT'S STATEMENT
(Please type)

C15-2013-021
TP-0304020308
ROW-11036142

STREET ADDRESS: 2100 Travis Heights Blvd

LEGAL DESCRIPTION: Subdivision –

Travis Heights

Lot (s) 5 Block 20 Outlot _____ Division _____

ZONING DISTRICT: SF-3

WE Dick Clark + Associates on behalf of ourselves as authorized Agent

for Tommy Siragusa and Angella Emmett at 2100 Travis Heights Blvd affirm

that on The 16th Day of October, 2013, hereby apply for an interpretation hearing before the Board of Adjustment.

Planning and Development Review Department interpretation is:

That the LDC 25-2 Subchapter F – Article 3.3. Basement exemption does not apply to the Gross Floor Area of a Second Dwelling Unit.

I feel the correct interpretation is:

That all of the LDC 25-2 Subchapter F – Article 3.3 Gross Floor Area exemptions apply to Gross Floor Area of a Second Dwelling Unit.

NOTE: The board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable findings statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

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

The Base Code and the Definition of Gross Floor Area has been modified by LDC 25-2 Subchapter F – Article 3.3 to include exemptions for Parking Areas, Porches, Basements and Attics. The language written in LDC 25-2 Subchapter F then controls over the definition of Gross Floor Area including exemptions for Parking Areas, Porches, Basements and Attics.
(See BOA Interpretation Addendum No. 1 – attached)

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: _____

We are not asking the city to do anything new or different. We are not asking for a Variance for this site. We are changing the use from Single Family Residential to a Two-Family Residential Use by adding a Second Dwelling Unit. Our site meets the requirements set forth for all exemptions taken in LDC 25-2 Subchapter F – Article 3.3.

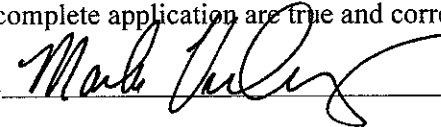
(See BOA Interpretation Addendum No. 2 – attached)

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: _____

We are not asking for a special privilege to this property. If anyone, within the Subchapter F jurisdiction, can claim a Garage or a Porch exemption on a Second Dwelling Unit, then why is someone denied claiming a Basement exemption on a Second Dwelling Unit if all of these exemptions are written in the same Subarticle?

(See BOA Interpretation Addendum No. 3 – attached)

APPLICANT/AGGRIEVED PARTY CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Printed Mark Vornberg, DC+A

Mailing Address 207 W. 4th Street

City, State & Zip Austin, TX 78701 Phone 512.472.4980

OWNER'S CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Printed Tommy Siragusa

Mailing Address 2100 Travis Heights Boulevard

City, State & Zip Austin, TX 78704 Phone 512.426.5485



N



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0121
 LOCATION: 2100 Travis Heights Blvd.



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Tommy Siragusa & Angella Emmett
2100 Travis Hts Blvd
Austin, Texas 78704

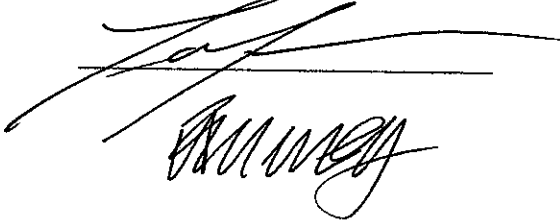
Date: October 14, 2013

Subject: Letter of Authorization

We, the owners of 2100 Travis Hts. Blvd, here by give permission to **Dick Clark and Associates** to obtain permits and all necessary entitlements to construct a Second Dwelling Unit to our single-family residence.

Sincerely,

Tommy Siragusa

The image shows two handwritten signatures in black ink. The top signature is a cursive signature that appears to be 'Tommy Siragusa'. Below it is another cursive signature that appears to be 'Angella Emmett'. Both signatures are written over a horizontal line.



Date: 10.15.13

To: City of Austin
Board of Adjustment
Planning and Development Review
505 Barton Springs Road
Austin, TX 78704

RE: Interpretation Application for 2100 Travis Heights Boulevard
Legal: Lot: 5 Block: 20 Subdivision: Travis Heights

Property Owners: Tommy Siragusa & Angella Emmett
Authorized Agent: Mark Vornberg, Dick Clark + Associates
207 W. 4th Street
Austin, TX 78701
512.472.4980

Dear Ms. Walker,

The Owners of 2100 Travis Heights Boulevard wish to add a Second Dwelling Unit to the rear of their lot. This is a common use in the neighborhood, including the neighbors on each side of the property.

Plan Review has approved other previous Second Dwelling Unit applications using the LDC 25-2 Subchapter F standards (commonly referred to as McMansion). Specifically, Subchapter F – Article 3.3 that dictates Gross Floor Area. We are not asking for a Variance for this site.

We respectfully request an Interpretation from the Board of Adjustments on whether the basement exemption laid forth in the LDC 25-2 Subchapter F – Article 3.3. is applicable to a Second Dwelling Unit.

Sincerely,

Mark Vornberg

Senior Associate / Authorized Agent
vornberg@dcarch.com

Tommy Siragusa & Angella Emmett

Owners / Applicants



SUPPORTING DOCUMENTS FOR 2100 TRAVIS HEIGHTS BOULEVARD

Date of Application: 10.16.13

From: Mark Vornberg, Dick Clark + Associates
207 W. 4th Street
Austin, TX 78701
512.472.4980

Project Name: 2100 Travis Heights Boulevard
Legal: Lot: 5 Block: 20 Subdivision: Travis Heights
File Number: 2013-082167 PR

BOA Interpretation Addendum No. 1

INTERPRETATION CONFLICT: EXEMPTIONS ON SECOND DWELLING UNIT

- A. This site is within the Applicability of the Subchapter F jurisdiction. Article 1.2.1.
- B. Subchapter F standards supersede over LDC 25-2-774 Two-Family Residential. Article 1.2.2.
- C. The exemptions in Article 1.3. do not include language that exempts Second Dwelling Units from the Subchapter F standards.
- D. The definition of Gross Floor Area is modified by Subchapter F – Article 3.3 to include exemptions for Parking Areas, Porches, Basements and Attics.
- E. The language written in LDC 25-2 Subchapter F then controls over the definition of Gross Floor Area including exemptions for Parking Areas, Porches, Basements and Attics.
- F. We are not asking for a Variance to go over the 850 sq ft of Gross Floor Area restricted by LDC 25-2-774 Two-Family Residential. The definition of Gross Floor Area includes exemptions for Second Dwelling Units. Our Single-Story Second Dwelling Unit has a total of 807 sq. ft. and a Basement.



BELOW HAS REFERENCES TAKEN DIRECTLY FROM THE LAND DEVELOPMENT CODE.

A. LDC 25-2 Subchapter F – Article 1.2.1.

 § 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](#)]

B. LDC 25-2 Subchapter F – Article 1.2.2.

1.2.2. Used for a:


- A. Bed and breakfast (group 1) residential use;
- B. Bed and breakfast (group 2) residential use;
- C. Cottage special use;
- D. Duplex residential use;
- E. Secondary apartment special use;
- F. Single-family attached residential use;



- G. Single-family residential use;
- H. Small lot single-family residential use;
- I. Two-family residential use;
- J. Urban home special use;
- K. Club or lodge;
- L. Daycare services (general and limited);
- M. Family homes;
- N. Group homes (general and limited);
- O. Condo residential;
- P. Retirement housing (small and large site); or
- Q. Townhouse residential.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. 20100805-051.

C. LDC 25-2 Subchapter F – Article 1.3.

 § 1.3. EXCEPTIONS.

1.3.1. This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1), single-family residence standard lot (SF-2) district, or family residence (SF-3) district.

1.3.2. This Subchapter does not apply to 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.

1.3.3. This Subchapter does not apply to uses listed in subsections 1.2.2(K)-(Q) of Section 1.2 if an applicant has agreed, in a manner prescribed by the director, to comply with the requirements of Chapter 25-2, Article 10 (*Compatibility Standards*).

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

D. LDC 25-2 Subchapter F – Article 3.3.



§ 25-1-21 DEFINITIONS.

(44) **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.

§ 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:

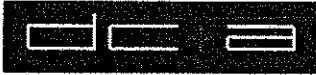
- i. it does not have habitable space above it; and
- ii. the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport.

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.

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
- 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.

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



Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. 20130425-105.

E: LDC 25-2-774 Two-Family Residential Use.



§ 25-2-774 TWO-FAMILY RESIDENTIAL USE.

- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a two-family residential use the minimum lot area is 7,000 square feet.
- (C) The second dwelling unit:
 - (1) must be contained in a structure other than the principal structure;
 - (2) must be located:
 - (a) at least 15 feet to the rear of the principal structure; or
 - (b) above a detached garage;
 - (3) may be connected to the principal structure by a covered walkway;
 - (4) may not have an entrance within 10 feet of a lot line;
 - (5) unless the second dwelling unit has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
 - (6) may not exceed a height of 30 feet, and is limited to two stories; and
 - (7) may not exceed a gross floor area of:
 - (a) 850 total square feet; or
 - (b) 550 square feet on the second story, if any.
- (D) Impervious cover for the site may not exceed 45 percent.
- (E) Building cover for the site may not exceed 40 percent.
- (F) Other than in a driveway, parking is prohibited in the front yard.

Source: Section 13-2-255; Ord. 990225-70; Ord. 000511-108; Ord. 000831-65; Ord. 031211-11; Ord. 041118-59.



BOA Interpretation Addendum No. 2

INTERPRETATION CONFLICT: EXEMPTIONS ON SECOND DWELLING UNIT

We are not asking the city to do anything new or different. We are not asking for a Variance for this site. We are changing the use from Single Family Residential to a Two-Family Residential Use by adding a Second Dwelling Unit.

Our site meets the requirements set forth for all exemptions taken below in LDC 25-2 Subchapter F – Article 3.3.

The ground floor porch is

1. Not accessible by automobile and is not connected to a driveway
2. The exemption taken does not exceed 200 sq. ft.

The habitable portion of our building is below grade because:

1. It does not extend beyond the First-Story footprint
 - a. It is below the natural or finished grade (whichever is lower)
 - b. It is surrounded by natural grade for at least 50% of its perimeter wall.
2. The finish floor of the first floor is not more than 3' above the average elevation at the intersections of the minimum front yard setback and the side property lines.



BOA Interpretation Addendum No. 3

INTERPRETATION CONFLICT: EXEMPTIONS ON SECOND DWELLING UNIT

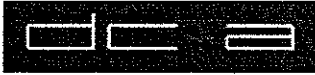
Plan Review has approved other Second Dwelling Unit applications using the Subchapter F standards. Specifically Subchapter F – Article 3.3 that allows exemptions to Gross Floor Area. Explicitly, they have allowed exemptions for Parking Areas and Porches. Article 3.3.3 includes the language for both Porches and Basement exemptions together within the same Subarticle.

Taken from the LDC 25-2 Subchapter F – Article 3.3.3:

- “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.”

If anyone, within the Subchapter F jurisdiction, can claim a Garage or a Porch exemption on a Second Dwelling Unit, then why is someone denied claiming a Basement exemption on a Second Dwelling Unit if they are written within the same Subarticle?

We are not asking the city for a special privilege to this property. Our site is located currently a Single Family Residence in the middle of multiple neighbors with Two-Family Residential.



With what is written in the Land Development Code, and described above, this Single-Story Second Dwelling Unit is designed within regulations set forth by the Land Development Code that governs the Gross Floor Area calculations over a wide area of the City of Austin.

Sincerely,

Mark Vornberg

Senior Associate

vornberg@dcarch.com

IMPERVIOUS COVER

SITE AREA:	7,035 SQ FT
ALLOWABLE BUILDING COVER:	(40.0%): 2,814 SQ FT
EXISTING BUILDING COVER:	(22.3%): 1,569 SQ FT
NEW ADDITION BUILDING COVER:	(13.8%): 967 SQ FT
TOTAL PROPOSED BUILDING COVER:	(36.1%): 2,536 SQ FT
ALLOWABLE IMPERVIOUS COVER:	(45.0%): 3,166 SQ FT
EXISTING IMPERVIOUS COVER:	(30.1%): 2,117 SQ FT
NEW ADDITION IMPERVIOUS COVER:	(14.7%): 1,036 SQ FT
TOTAL PROPOSED IMPERVIOUS COVER:	(44.8%): 3,153 SQ FT

BUILDING COVER BREAKDOWN:

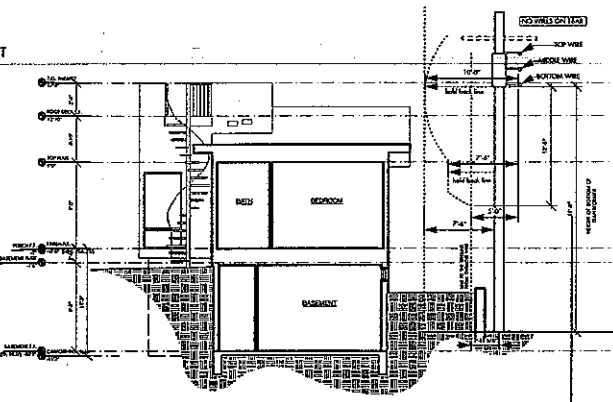
EXISTING HOUSE:	1,128 SQ FT
APARTMENT:	807 SQ FT
COVERED PARKING/GARAGE:	347 SQ FT
EXISTING PATIO (COVERED):	94 SQ FT
EXISTING DECK:	160 SQ FT
NEW PATIO:	160 SQ FT
NEW DECK:	
BALCONY:	

F.A.R. CALCULATIONS

EXISTING HOUSE:	1,128 SQ FT	
APARTMENT:	807 SQ FT	
PORCH:	(EXEMPTION)	481 SQ FT [-200 SQ FT]
BASEMENT:	(EXEMPT)	556 SQ FT [-556 SQ FT]
GARAGE:	(EXEMPTION)	347 SQ FT [-200 SQ FT]
TOTAL PROPOSED:	2,363 SQ FT	[0.336]
TOTAL ALLOWED:	2,814 SQ FT	[0.400]

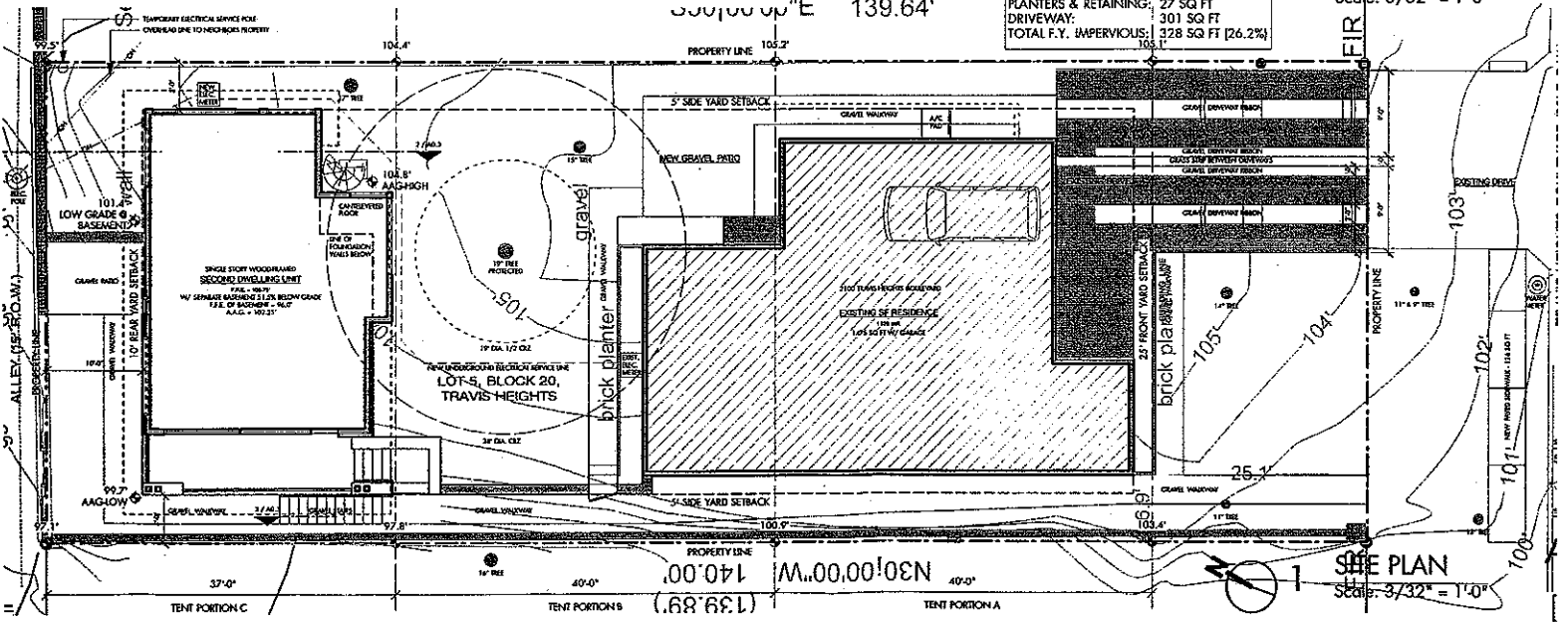
SITE BREAKDOWN:

EXIST. DRIVEWAY:	397 SQ FT
NEW DRIVEWAY:	11 SQ FT
NEW STAIR:	30 SQ FT
EXIST. UNCOVERED PATIO:	18 SQ FT
NEW UNCOVERED PATIO:	6 SQ FT
EXIST. UNCOVERED DECK @ 50%:	
NEW UNCOVERED DECK @ 50%:	
AC PADS:	9 SQ FT
EXIST. RETAINING WALLS/PLANTERS:	113 SQ FT
NEW RETAINING WALLS/PLANTERS:	33 SQ FT



FRONT YARD IMP. COVER CALC.:
 FRONT YARD AREA: 1250 SQ FT
 PLANTERS & RETAINING: 27 SQ FT
 DRIVEWAY: 301 SQ FT
 TOTAL F.Y. IMPERVIOUS: 328 SQ FT [26.2%]

2 SITE SECTION
 Scale: 3/32" = 1'-0"



SITE PLAN
 Scale: 3/32" = 1'-0"

ADDRESS:
2100 TRAVIS HEIGHTS BOULEVARD
AUSTIN, TEXAS 78704

LEGAL DESCRIPTION:
LOTS, BLOCK 20, TRAVIS HEIGHTS, A SUBDIVISION
IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE
MAP OR PLAT OF RECORD IN BOOK 3, PAGE 15,
PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

- T1 12" Spanish Oak
- T2 13" Hackberry
- T3 17" Pecan
- T4 18" Cedar
- T5 18" Pecan
- T6 15" Pecan
- T7 16", 13", 12" & 11" Cedar
- T8 11" Pecan
- T9 14" Pecan
- T10 13" Pecan
- T11 10" Pecan
- T12 11" & 8" Pecan
- T13 13" Pecan

SCALE
1" = 20'

- LEGEND
- 1/2" ROUND IRON ROD FIR
 - 1/2" ROUND IRON PIPE FIP
 - UTILITY LINE
 - WOOD FENCE
 - CHAIN LINK FENCE

NOTE:
THIS SURVEY WAS PERFORMED
WITHOUT THE BENEFIT OF A
TITLE COMMITMENT AND OTHER
RIGHTS AND RESTRICTIONS MAY
APPLY.

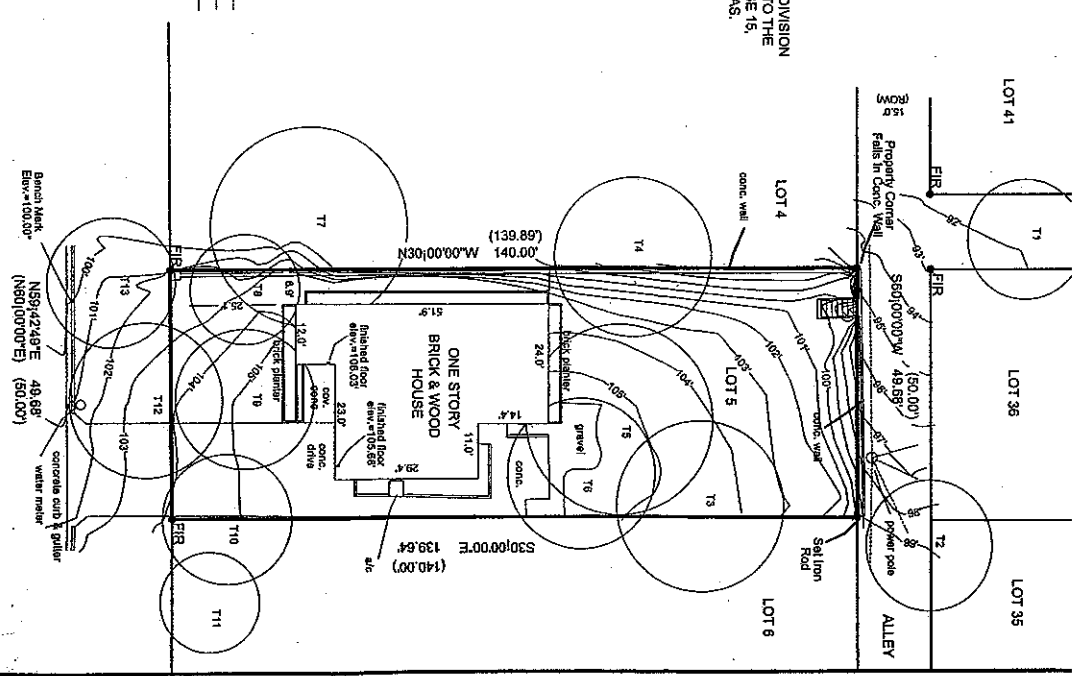
State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the
property legally described hereon and is correct, and this survey substantially
complies with the current Texas Society of Professional Surveyors Standards and
Specifications for a Category Comdat&R Survey.

And I certify that the property shown hereon
is NOT within a special flood
hazard area as identified by the Federal Insurance Adm. Department of HUD Flood
hazard boundary map revised as per 5/26/2008 Map Number: 48453C0805H
Zone: X Date: _____

Called this the _____ 24th day of _____ JUNE _____, 2013.

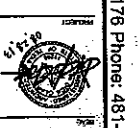
Travis Heights Blvd.
(80' ROW)



Thomas P. Dixon R.P.L.S. 4324
P.O. Box 160176, Austin, Texas 78716-0176 Phone: 481-9602

EXISTING SURVEY
A01a

2100 TRAVIS HEIGHTS
AUSTIN, TEXAS 78704



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