



# PUBLIC NOTIFICATIONS

CASE#: 015-2016-0115

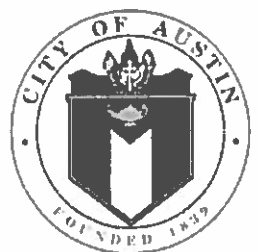


 SUBJECT TRACT  
 ZONING BOUNDARY

1" = 166.67'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

G/1

## Board of Adjustment Interpretations Application Appeal of an Administrative Decision

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case # C15-2016-0115 ROW # 11605972 Tax # 0404090339

### Section 1: Applicant Statement

Street Address: 3206 & 3208 Aldwyche Drive

Subdivision Legal Description:

Lightsey 2

Lot(s): Lots 6A & 6B

Block(s): Block A

Outlot: \_\_\_\_\_

Division: Lightsey 2 subdivision SF-3

Zoning District: SF-3

I/We Kim Johnson, president on behalf of myself/ourselves as  
authorized agent for South Lamar Neighborhood Association affirm that on  
Month September, Day 20, Year 2016, hereby apply for an interpretation  
hearing before the Board of Adjustment.

Development Services Department interpretation is:

GT  
2

see attached

I feel the correct interpretation is:

see attached

## Section 2: Findings

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 supporting documents.

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

see 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:

see attached

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

see attached

6/3

### Section 3: 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.

Applicant Signature: [Signature] Date: 09/20/2016

Applicant Name (typed or printed): Kim Johnson for South Lamar Neighborhood Association

Applicant Mailing Address: 2608 Del Curto #2

City: Austin, TX 78704 State: TX Zip: 78704

Phone (will be public information): (512) 657-0675

Email (optional – will be public information): \_\_\_\_\_

### Section 4: Owner Information

Owner Name: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### Section 5: Agent Information

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

---

---

---

---

---

---

---

---

---

---

*Section 1: Applicant Statement*

*Development Services Department interpretation is:*

Single Family Attached buildings may qualify as such with only a superficial or decorative attachment such as trellis or grape arbor, and that such attachment somehow comprises a structural element.

*We feel the correct interpretation is:*

Single Family Attached requires a substantial structural element to form the attachment. Chapter 25-1-21 (8) defines "attached" as "having one or more common walls or being joined by a covered porch, loggia, or passageway." 25-2-3 (B) 11 requires connection of the two dwelling units, if not by "common or abutting walls," then "by a carport, garage, or other structural element", that is significant to the integrity of the buildings. )

A trellis or grape arbor is at best a decorative or landscape feature. It is clearly not a structural element, as the removal of such a non-integral feature would not compromise the structural integrity of either dwelling. It could easily be removed, post-construction, and have no effect on the remaining structures' integrity.

*Section 2 Findings:*

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

Single Family Attached Residential allows for subdividing a 7000 sq ft or greater site into two lots, with one lot being as small as 3000 sq ft. The entire site must contain two buildings attached in a meaningful - not superficial - way, by using a structural element such as a common wall, covered porch, loggia, or passageway per the definition of "attached", per LDC Section 25-1-21(8). Section 25-2-3 B (11) which speaks to "connection... by a common wall, carport, garage, or other structural element". A grape arbor or trellis does not create the type of connection that rises to the level of a structural element between two single family dwellings.

*2. An appeal of this interpretation would clearly permit a use which is in character with the uses enumerated for the various zones and with the objective of the zone in question because:*

A variety of acceptable structural attachment methods are available to all who choose to build Single Family Attached properties.

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

All properties would be subject to the same guidelines for "attachment", delineated in the Code definitions, as clarified by this interpretation.

15/5

6/5



REVIEWED

JUN 13 2016

AUSTIN WATER UTILITY  
CONSUMER SERVICE DIVISION - TAPS



PSW HOMES LLC  
2003 South First Street  
Austin, TX 78704  
P. 512.326.3505  
F. 512.326.3505  
E. 512.326.3505

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

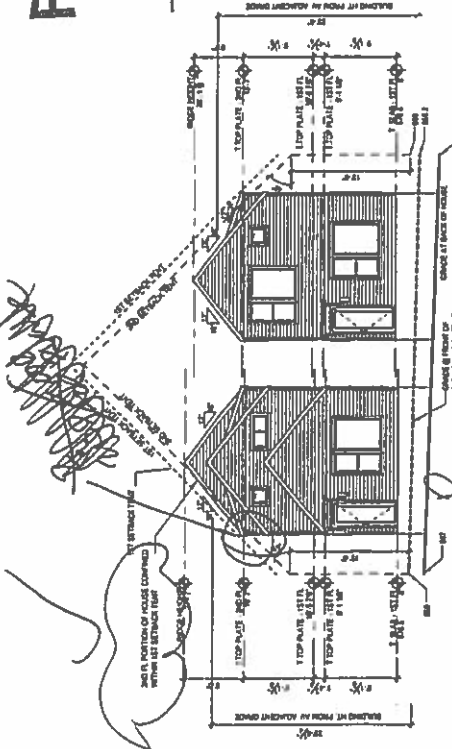
1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.

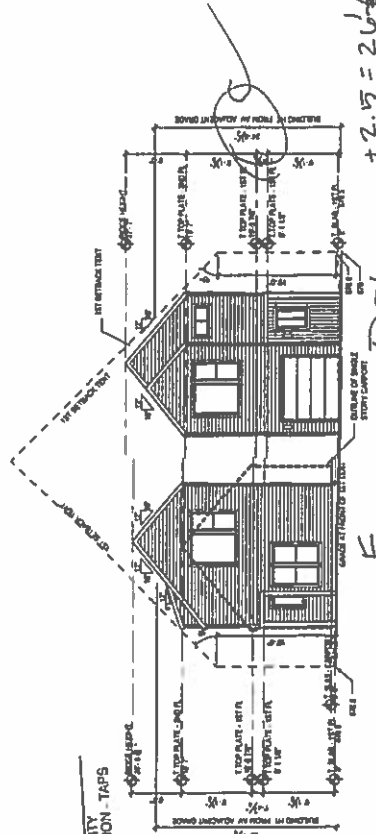
1. See Austin Water Utility for all utility requirements and restrictions.  
2. See Austin Water Utility for all utility requirements and restrictions.  
3. See Austin Water Utility for all utility requirements and restrictions.



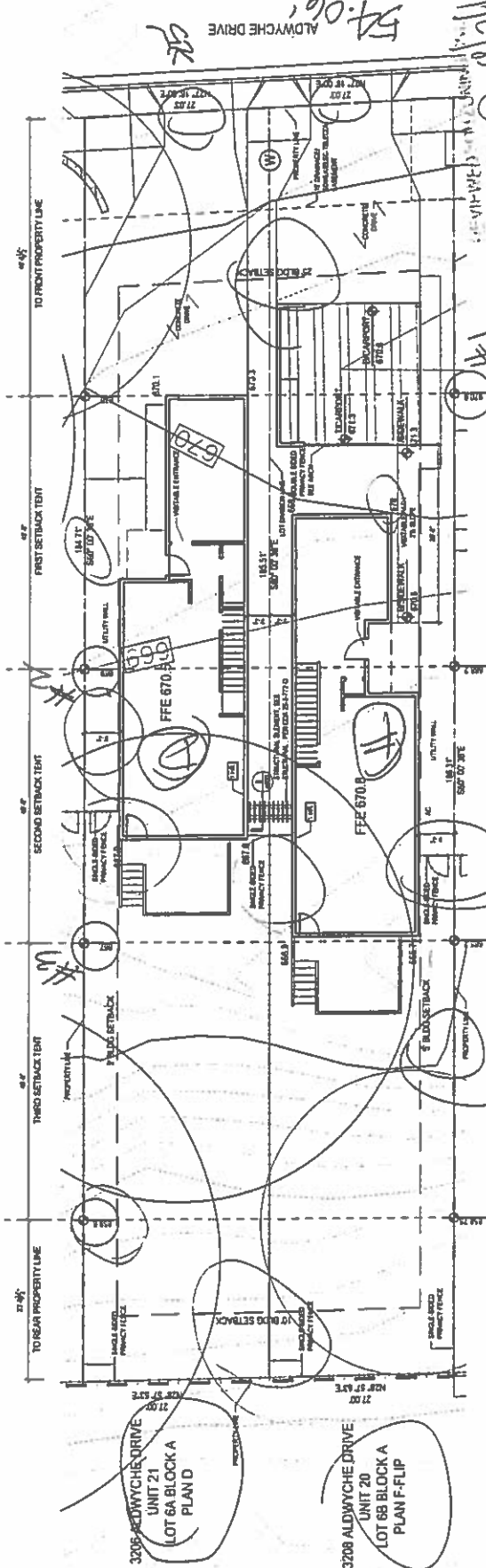
3 BACK ELEVATION (WEST)

All pools must maintain 5' horizontal clearance from water's edge to UG electric lines

2 FRONT ELEVATION (EAST)



AE APPROVED  
JUN 13 2016  
JCM



60' x 10' = 607.5  
2

1 SETBACK PLANE EXHIBIT

EX-3.1

15





**Bryan King**

---

From: "Camou, Juan" <Juan.Camou@austintexas.gov>  
To: <bryan@bkradio.net>  
Sent: Friday, September 02, 2016 2:54 PM  
Subject: 3206+3208 ALDWYCHE DR

The residential permit application for the address listed above has been approved.

Juan P. Camou  
Engineering Associate C  
Development Services Department  
[juan.camou@austintexas.gov](mailto:juan.camou@austintexas.gov)  
(512)-974-2621 office



We want to hear from you. Please take a few minutes to complete our online customer survey:

[Commercial Plan Review - English Survey](#)

[Residential Plan Review - English Survey](#)

Nos gustaría escuchar de usted. Por favor, tome un momento para completar nuestra encuesta:

[Comerciales - Encuesta en Español](#)

[Residencial - Encuesta en Español](#)

# NOTICE OF APPEAL INFORMATION

Austin City Code 25-1-461 (see page 2 of 2 for appeal process)



## Planning and Development Review Department

6/10

Address of Property in Question

3206 & 3208 Aldwyche

Permit Number

2016-107075 BP

Appellant Filing Appeal

South Lamar Neighborhood Association

Relationship to Property Listed

Community Registry NA

Appellant's status as Interested Party

Property within SLNA Boundaries

Appellant Contact Information

Permit Holder Contact Information

Name

Kim Johnson

Name

609 West LUND LP (William Doerr)

Street

2608 Del Canto #2

Street

2003 S 1st

City

Austin

State

Zip

78704

City

Aus

State

Zip

78704

Telephone

(512) 657-0675

Telephone

512 762-4142

E-Mail

Kim.JOHNSON.AUSTIN@gmail.com

E-Mail

Billy(@)PSWrealstate.com

Date of Decision Being Appealed:

9/2/16

Date Appeal is Filed:

9/21/16

Decision being appealed: (use additional paper as required)

Challenge of Single Family attachment does not  
comply w/ code

see interpretation attachment

Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25)

see interpretation attachment

### BELOW FOR CITY USE ONLY

Hearing Date:

Board or Commission:

Action on Appeal:

Date of Action

Form Bldg 100 Page 1 of 2

The applicant must complete page 2 of 2 and sign before this application of appeal is complete. The application will not be processed unless the applicant reads and signs page 2 of 2.

*Section 1: Applicant Statement*

*Development Services Department interpretation is:*

Single Family Attached buildings may qualify as such with only a superficial or decorative attachment such as trellis or grape arbor, and that such attachment somehow comprises a structural element.

*We feel the correct interpretation is:*

Single Family Attached requires a substantial structural element to form the attachment. Chapter 25-1-21 (8) defines "attached" as "having one or more common walls or being joined by a covered porch, loggia, or passageway." 25-2-3 (B) 11 requires connection of the two dwelling units, if not by "common or abutting walls," then "by a carport, garage, or other structural element", that is significant to the integrity of the buildings. )

A trellis or grape arbor is at best a decorative or landscape feature. It is clearly not a structural element, as the removal of such a non-integral feature would not compromise the structural integrity of either dwelling. It could easily be removed, post-construction, and have no effect on the remaining structures' integrity.

*Section 2 Findings:*

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

Single Family Attached Residential allows for subdividing a 7000 sq ft or greater site into two lots, with one lot being as small as 3000 sq ft. The entire site must contain two buildings attached in a meaningful - not superficial - way, by using a structural element such as a common wall, covered porch, loggia, or passageway per the definition of "attached", per LDC Section 25-1-21(8). Section 25-2-3 B (11) which speaks to "connection... by a common wall, carport, garage, or other structural element". A grape arbor or trellis does not create the type of connection that rises to the level of a structural element between two single family dwellings.

*2. An appeal of this interpretation would clearly permit a use which is in character with the uses enumerated for the various zones and with the objective of the zone in question because:*

A variety of acceptable structural attachment methods are available to all who choose to build Single Family Attached properties.

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

All properties would be subject to the same guidelines for "attachment", delineated in the Code definitions, as clarified by this interpretation.

6/11

# DRENNER GROUP

6/12

Greta E. Goldsby  
512.807-2909 DIRECT  
ggoldsby@drennergroupp.com

September 28, 2016

## VIA ELECTRONIC MAIL

City of Austin, Members of Board of Adjustment  
c/o Leane Heldenfels, Board of Adjustment Liaison

Dear Chairman Burkhardt and Members of the Board of Adjustment,

We represent and are writing to you on behalf of Lightsey Two, LP, the owner of the below-referenced Property.

We are in receipt of the Board of Adjustment Interpretations Application (Appeal for Administrative Decision) (the "Appeal") submitted by Kim Johnson, president of the South Lamar Neighborhood Association, relating to a building permit issued for the construction of single family attached residential homes on properties having an address of 3206 & 3208 Aldwyche Drive, Austin, Texas (the "Property").

In the Appeal, Ms. Johnson asks the Board of Adjustment to limit the interpretation of "Single Family Attached Residential" to the definition of "attached" in the General Definitions of the City of Austin Land Development Code (the "Code" or "LDC"), Chapter 25-1-21(8): "Attached: when used with reference to two or more buildings, means having one or more common walls or being joined by a covered porch, loggia, or passageway." However, this definition is a "general definition", as the lead-in at the beginning of Chapter 25-1-21 states: "Unless a different definition is expressly provided, in this title [25]."

The term "Single Family Attached Residential" is specifically described and defined in Chapter 25-2-3(B)(11) as "the use of a site for two dwelling units, each located on a separate lot, that are constructed with common or abutting walls or connected by a carport, garage, or *other structural element*" (emphasis added). Therefore, this section (Chapter 25-2-3(B)(11)) would expressly expand and control over the general definition of "attached" in Chapter 25-1-21.

Therefore, the Applicant's suggestion in the Appeal that "structure" be modified by "that is significant to the integrity of the buildings" is not only unnecessary, it is contrary to and more restrictive than the definition of "structure" in the Code. A "structure" is defined in Chapter 25-1-21(113) as "a building of any kind, or a piece of work artificially built-up or composed of parts joined together in a definite manner." A trellis is made up of 2 beams and purlins that span between the beams. The beams are therefore structural members, as they are supporting the purlins. A trellis or covered walkway is therefore a structure, as defined by the Code.

3/3

For these reasons, the City's prior determination (as set forth in a memorandum dated July 8, 2002 signed by Janet L. Gallagher, Deputy Building Official of Watershed Protection & Development Review Department, a copy of which is attached hereto) that "an arbor constitutes a connection between single-family attached residence," is consistent with the description of use set forth in Chapter 25-2-3(B)(1) and Chapter 25-1-21(8) in that (i) a trellis or arbor joins two dwellings in a definite manner (see definition of "structure" above) and (ii) a trellis or arbor connecting two buildings creates a passageway between the two dwellings.

As stated above, the City has allowed connections including trellis, arbors, and other "structures" that connect the dwellings to constitute and satisfy the requirements in Code relating to "Single Family Attached Residential" dwellings for many years. Therefore, to make this conclusion going forward would have the unintended effect of making numerous existing homes legally non-conforming.

We appreciate your consideration to the matters contained in this letter.

Should you have any questions or comments, please do not hesitate to let us know.

Very truly yours,



Greta Goldsby

cc: Leah Bojo (of the Firm)  
Steve Drenner (of the Firm)  
Matthew Welch (via electronic mail)  
Ross Wilson (via electronic mail)

15/1

AUG-13-2003 WED 10:51 AM HAMMONDS HOMES

FAX NO. 5123318870

P. 02/02



## City of Austin

Founded by Congress, Republic of Texas, 1839  
Watershed Protection and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

July 8, 2002

Mr. Kipp Flores  
Sabas Flores, A.I.A.  
11776 Jollyville Road, Suite 100  
Austin, Texas 78759

Dear Mr. Flores:

It has been determined by the Building Official of the City of Austin that an arbor constitutes a connection between single-family attached SF3 residences. The arbor must be constructed twice as long as it is wide.

If you have further questions regarding this matter, please contact me at (512) 974-2089.

Sincerely,

Daniel L. Gallagher, Deputy Building Official  
Watershed Protection and Development Review Department

JLG: rvm

AUG-13-2003 WED 10:51 AM HAMMONDS HOMES

FAX NO. 5123318870

P. 02/02



## City of Austin

Founded by Congress, Republic of Texas, 1839  
Watershed Protection and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

July 8, 2002

Mr. Kipp Flores  
Sabas Flores, A.I.A.  
11776 Jollyville Road, Suite 100  
Austin, Texas 78759

Dear Mr. Flores:

It has been determined by the Building Official of the City of Austin that an arbor constitutes a connection between single-family attached SF3 residences. The arbor must be constructed twice as long as it is wide.

If you have further questions regarding this matter, please contact me at (512) 974-2089.

Sincerely,

Janet L. Gallagher, Deputy Building Official  
Watershed Protection and Development Review Department

JLG:rvn

3/15





# **Development**

CITY OF AUSTIN  
SERVICES DEPARTMENT

3/16

One Texas Center | 505 Barton Springs Road, Austin, Texas 78704 | Phone: 512.978.4000

## **MEMORANDUM**

**TO:** Board of Adjustment

**FROM:** John M. McDonald, Development Services Manager

**DATE:** September 27, 2016

**SUBJECT:** C15-2016-0115

An appeal of the building official's administrative decision to approve a building permit at 3206/3208 Aldwyche for the construction of a new single-family attached residential use was filed on September 21, 2016.

Single-family attached residential use is defined in 25-2-3(B)(11) of the Land Development Code (LDC) and is a permitted use in SF-3 districts.

*SINGLE-FAMILY ATTACHED RESIDENTIAL use is the use of a site for two dwelling units, each located on a separate lot, that are constructed with common or abutting walls or connected by a carport, garage, or other structural element.*

The term "attached" is defined in 25-1-21(8) of the Land Development Code (LDC).

*ATTACHED, when used with reference to two or more buildings, means having one or more common walls or being joined by a covered porch, loggia, or passageway.*

The appeal is challenging the Development Services Department interpretation of 25-2-3 (B)(11) on the grounds that a "trellis" or "grape arbor" does not constitute a structural element.

In response to the points raised in the appeal, staff finds that the term "structural element" to be inherently vague and undefined in the LDC. This makes enforcement of any particular definition difficult to defend and fraught with inconsistency. In such instances, staff relies on past precedent to provide guidance.

Related to single-family attached residential use, staff finds a long-standing interpretation issued in 2002 (attached) that specifically allows for an arbor to be used as the connection between the two dwelling units of a single-family attached residential use. Additionally, staff research has found multiple cases involving new single-family attached subdivisions where a trellis or similar connection was approved.

Del Curto Place, S. Lamar NPA,  
2004

Rose Glen, S. Manchaca NPA,  
2008



CITY OF AUSTIN  
**Development**  
SERVICES DEPARTMENT

6/17

One Texas Center | 505 Barton Springs Road, Austin, Texas 78704 | Phone: 512.978.4000

---

Salem Center, S. Manchaca  
NPA, 2010

Blarwood Forest, Garrison Park NPA,  
2011

Bouldin Meadows, Galindo  
NPA, 2010

Enclave at Westgate, 2012

Cima Homes, 2014

Given the consistent application of the code, staff believes that it is appropriate to continue allowing a "trellis" or "arbor" to serve as the required attachment between dwelling units for a single-family attached residential use.



## City of Austin

Founded by Congress, Republic of Texas, 1839  
Watershed Protection and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

July 8, 2002

Mr. Kipp Flores  
Sabas Flores, A.L.A.  
11776 Jollyville Road, Suite 100  
Austin, Texas 78759

Dear Mr. Flores:

It has been determined by the Building Official of the City of Austin that an arbor constitutes a connection between single-family attached SF3 residences. The arbor must be constructed twice as long as it is wide.

If you have further questions regarding this matter, please contact me at (512) 974-2089.

Sincerely,

Janet L. Gallagher, Deputy Building Official  
Watershed Protection and Development Review Department

JLG:rvn

6/18