## C15-2016-0115

From:

Bryan King

Sent:

Thursday, October 06, 2016 3:38 PM

To: Subject: Heldenfels, Leane Postponement request 01

Leane,

I just realized the two regular board members will be unavailable for the 10/10 hearing.

Melissa Hawthorn announced at the September meeting that she would not be attending the October BOA meeting.

Since I will likely be presenting, we will then be two members short. We only have one alternate at present. Thus we would only have a panel of 10 members instead of 11.

Since this is an important code interpretation matter, the South Lamar Neighborhood Association believes it would be best for a full board hear the case.

Since Melissa is very sharp on code matters, it would be helpful to have her present.

In addition, our SLNA president, Kim Johnson had to leave town due to his mother going into the hospital. Therefore we respectively request a postponement until a full board is present to hear the case.

Thank you in advance, Bryan King for SLNA

The information transmitted herein is intended only for the person or entity to which it is addressed, and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender by hitting reply and destroy all copies of this document.

---- Original Message -----From: <u>Heldenfels</u>, Leane

To: <u>Doni Allen</u>; <u>kim.johnson.austin@gmail.com</u>; <u>Bryan King</u>; <u>GNDC</u>; <u>Teresa Elliott</u>; <u>Teresa Elliott</u>; <u>Susan Brewer</u>; <u>crfunh</u>; <u>newcastle homes</u>; <u>Eric deYoung</u>; <u>bfaust@outlook.com</u>; <u>Jay Otto</u>; <u>Rye, Stephen</u>; <u>Delia Meave</u>; <u>Ryan, Janae</u>;

Ron Thrower; Beth Turner; Jewels Nickells; astowell@drennergroup.com

Cc: McDonald, John; Word, Daniel; Johnston, Liz; Wren, Carl

Sent: Thursday, October 06, 2016 2:48 PM

Subject: FW: September 28 Board of Adjustment agenda, back up

Greetings 10/10 Board of Adjustment Applicants:

Please see attached meeting agenda and AE report.

If you would like to request to have your case postponed or withdrawn from the Board's agenda please reply to just me, not all, and advise.

Please print out a copy of the agenda for your use at Monday's hearing as we will not have paper copies at the hearing.

The agenda and case back up are also posted online at the Board's website:

61

From:

Will Swetnam

Sent:

Monday, October 10, 2016 11:53 AM

To:

Heldenfels, Leane

Subject:

Case C15-2016-0115, 3206 and 3208 Aldwyche Dr... OBJECT

Attachments:

Comments\_on\_3206-3208\_Aldwyche\_OPPOSE.pdf

Leane Heldenfels,

Please see attached response to the request for written comments on ths case.

I currently live at 2520 Bluebonnet LN, Unit 61, Austin, TX 78704.

I understand that other properties have been built w/ arbors or other similar features as the "attachment" in the area, and feel that this sets precedent for the approval (which PSW has already received from the city) for the permit under question.

I feel that \*IF\* there is any ambiguity in the code language that the language should be corrected first, and that FUTURE projects be held to that updated code.

I feel that this PSW project should continue as permitted, avoiding any construction delays.

Thank you for your consideration of my thoughts on this issue.

- Will Swetnam

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Daytime Telephone: 5/2 609 0/07

Signature

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- appearing and speaking for the record at the public hearing;
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| Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.  Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr.  Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov  Public Hearing: Board of Adjustment, October 10, 2016  Willed And Swell and in favor  Your Name (please print)  | Written combefore or at a board or com Case Number received will Case Number Contact:  Public H.  Your Name (# 2552 R |
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Mail: City of Austin-Development Services Department/ 1st Floor Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

K: (512) 974-6305

Email: leane.heldenfels@austintexas.gov



61

October 7, 2016
Re: Board of Adjustment, Reinterpretation Appeal 3206-3208 Aldwyche, C15-2016-0115

Chairman and Members of the Board of Adjustment:

The Executive Committee of the Zilker Neighborhood Association (ZNA) has voted to support the South Lamar Neighborhood's appeal of staff's interpretation of LDC 25-2-3 B11, regarding the "Single Family Attached" requirement to connect two dwelling units with a structural element. Here's why I, as a member of ZNA, think this case is so important.

"Single Family Attached" originally meant a single structure divided into two units (a duplex). "Shared wall" was all that was required to describe it in the code. Allowing single structures to be divided into two units is an efficient way for a city to provide for infill, infrastructure, and maintenance of a diverse housing stock. Over the decades, however, the definition of "shared wall" was stretched to include a shared parking area, which was then stretched to include any covered area. By 2002, when an unnamed "Building Official" determined that an "arbor" was an allowable connection, the original intent of a single structure divided into two units was completely lost. An arbor, at least, is still a covered walkway. A trellis is nothing more than a decorative lattice, something to be attached to the side of an arbor. The structures on Aldwyche are not single-family attached. They are two separate dwellings on separate substandard lots requiring separate infrastructure and city services forever.

The refusal to acknowledge the meaning of the word "structural" is just one of many tactics used to circumvent the clear intent of the code, essentially allowing staff to rewrite zoning ordinances administratively, without a public process or the approval of any land use commission or the City Council. As a resident of the Zilker Neighborhood, which is mostly built out, I feel that we are all sinking into a swamp of administrative precedent, being sucked ever farther from solid ground. "Solid ground" can be defined as a zoning code designed to match construction with the available infrastructure. The problem is even more acute in this part of the South Lamar Neighborhood, where the most basic urban infrastructure for drainage, curb and gutter, streets and sidewalks, emergency services and utilities is lacking.

Austin's development process is divided into three disconnected phases: subdivision, zoning, and construction. Usually the infrastructure that a developer will be required to provide is determined when the land is subdivided, but the developer is not required to submit plans for the actual construction, and the Planning Commission is required to approve anything that meets current code in the broadest sense. The infrastructure requirements are based on the zoning district, but the City Council is required to decide zoning cases without benefit of any actual plans from the developer. In the end, all the assumptions and calculations of infrastructure made during the subdivision and zoning processes can evaporate when staff reinterprets a seemingly trivial section of code, like LDC 25-2-3 B11, to double the density of new construction.

The specific code citations are different, but that is what happened several years ago

when this same developer built a project in Zilker. Today, the residents and neighbors are suffering the consequences of inadequate drainage and excessive impervious cover because different staff interpreted various sections of code differently between the subdivision approval and the final building permit approvals.

61 23

Please help us reclaim this small patch of solid ground by rejecting the staff interpretation of LDC 25-2-3 B11 and requiring that any structural element serving as an attachment must be integral to the single-family structure.

Sincerely yours,
Lorraine Atherton
Member, Executive Committee
of the Zilker Neighborhood Association

From:

Lorraine Atherton

Sent:

Monday, October 10, 2016 10:00 AM

To:

Heldenfels, Leane

Subject:

Trellis appeal, 3206-3208 Aldwyche, C15-2016-0115

**Attachments:** 

Aldwych trellis appeal.docx

34

Good morning, Leane.

Please find attached a letter of support for the code interpretation case on tonight's BoA agenda, 3206-3208 Aldwyche, C15-2016-0115.

If possible, please include it in the Board's late backup, and in the case file.

Thank you.

L. Atherton

(512-447-7681)

October 10, 2016

Re: 3206-3208 Aldwyche Drive

BOA Interpretation: C15-2016-0115

## Members of the Board of Adjustment:

The Single Family Attached issue has come to our attention, because it could affect every neighborhood in the City. It appears that the intent of the code is being stretched; Single Family Attached is being used to carve up administratively parcels of land into smaller lots, which have and will impact the unsuspecting, adjacent property owners due to the lack of a public process.

Single Family Attached is being used to create 2 units on a lot, which should be considered a duplex that requires a shared wall. In order to avoid this shared wall requirement, Single Family Attached may be "attached" by way of nonfunctional structural element such as a trellis. This is an example of where form and function defy logic. Moreover, this Single Family Attached designation defies definition and the code's intent; it is being duplicitously used. If we are going to have administrative decisions made by City staff about the code and its application, then the code must be precise in meaning, functionality, and intent.

We request that a thoughtful interpretation be made by the Board of Adjustment to define exactly what single family attached means, what functional structural elements it encompasses, and how it is different from a duplex (2 units on a residential lot), or remove the current determination of *Single Family Attached* from the code. Thank you for your attention to this matter.

Respectfully,

Mary Ingle ANC President



From:

Karen McGraw

Sent:

Sunday, October 09, 2016 7:27 PM

To:

Heldenfels, Leane

Subject:

Case G-1 C15-2016-0115

34

Leane, Please forward my comments to the Board Members.

Thanks,

I urge the Board to clarify this situation in a way that respects the current code and character of SF3 neighborhoods.

The current interpretation of <u>"attached"</u> results in development that <u>undermines the SF3 zoning</u>. The resulting development appears much more like SF4A zoning, with stand alone houses on lots as small as 3,000 square feet, than adjacent complying SF3 development.

<u>Single Family Attached Use</u> has become a convenient way to achieve small lot developments foisted on adjacent unsuspecting homeowners <u>without a public zoning change</u>, notice and hearing procedure.

This <u>likely escalates property values</u> of existing nearby SF3 homes on 5,750 minimum complying lots.

<u>Duplexes must be connected and appear as one building.</u> The zoning code used to define a duplex as a house that has been divided into two units and that still maintains the character of single family development. This language has morphed over the years, but <u>duplexes still have to be connected more substantially than these SF</u> Attached homes.

I understand that Single Family Attached use was created in the 1980s to allow a developer with a large volume of unsold property to sell each side of a duplex separately. If this began as a way to sell sides of a duplex, how did it become a tool for stand alone houses on small lots?

The "attachment" as currently interpreted, is not essential to the buildings, effectively allowing them to be separate structures. Should the simple "attachment" fail in a windstorm, rot away, or not be desired by the residents, it is doubtful that the city would pursue a case to reconstruct the "attachment" to ensure that the intent is continued. The buildings would clearly survive the removal of this "structure". Thus, this loophole simply facilitates separate houses on smalls lots.

I suggest that you rule in two ways:

- 1) that the attachment must follow that required for a duplex, at the very least.
- 2) that Single-family Attached use requires a zoning change or at least a variance, to require a public notice, comment process and hearing to determine whether it is appropriate where planned, prior to allowing this use in existing SF3 zoned areas.

Thank you,

## 61 21

## PUBLIC HEARING INFORMATION

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P. O. Box 1088

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(512) 974-6305

Email: leanc.heldenfels@austintexas.gov

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Mail: City of Austin-Development Services Department/ 1st Floor Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

ax: (512) 974-6305

Email: leanc.heldenfels@austintexas.gov

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

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

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

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

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

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

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

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## 611

## PUBLIC HEARING INFORMATION

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

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

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

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

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;
   and:
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Written comments must be submitted to the contact person listed on the notice Comments: Simple Daytime Telephone: Your Name (please print) received will become part of the public record of this case. Case Number; and the contact person listed on the notice. All comments board or commission, or Council; the scheduled date of the public hearing; the before or at a public hearing. Your comments should include the name of the a substantial connection between homes-not STRUCTURAL element Common wall - carport Dassage Үү<del>ң</del>г addr<del>çss(</del>қs) affected bylthis application just a landicape element. Code calls for a also importure Public Hearing: Board of Adjustment, October 10, 2016 Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr. D. Cartwright Clawson Rd. Austin TX 612-441-3540 Family attached should have Signature 78704 VI am in favor ☐ I object

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to the hearing to be received timely)

ax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

From:

Leah Bojo

Sent:

Thursday, October 06, 2016 5:03 PM

To:

Heldenfels, Leane; Lloyd, Brent

Cc:

'Matthew Welch'; Casey Giles; Ross Wilson; Greta Goldsby

Subject:

FW: Postponement request for interpretation appeal at 3206, 3208

Aldwyche/c15-2016-0115

Hello Leane.

We object to this postponement request. The code specifies in 25-1-187 that development is not permitted during an appeal and that an approved plan or permit is suspended on the timely filing of an appeal of the plan or permit. Then, 25-1-188 states that a hearing will be scheduled for the first available meeting for which notice can be timely provided. That is the 10/10 meeting and we would like to proceed on that date. The Rules of Procedure state that the reasons for postponement are that additional evidence is needed, alternate solutions need further examination, or evidence presented at the hearing needs further examination

Please let us know if you need more information. Thanks! Leah

Leah M. Bojo, Sr Land Use & Policy Manager

Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704

512-807-2918 direct | 1-512-665-1570 cell | ##



From: Casey Giles

Sent: Thursday, October 6, 2016 4:09 PM

To: Ross Wilson <ross@pswrealestate.com>; Matthew Welch <matthew.welch@pswrealestate.com>; Greta Goldsby

<GGoldsby@drennergroup.com>; Leah Bojo <LBojo@drennergroup.com>

Subject: Fwd: Postponement request for interpretation appeal at 3206, 3208 Aldwyche/c15-2016-0115

----- Forwarded message -----

From: Heldenfels, Leane < Leane. Heldenfels@austintexas.gov >

Date: Thu, Oct 6, 2016 at 3:53 PM

Subject: Postponement request for interpretation appeal at 3206, 3208 Aldwyche/c15-2016-0115

To: "0"

Cc: "McDonald, John" < John, McDonald@austintexas.gov >, "Word, Daniel" < Daniel. Word@austintexas.gov >, "Usud Brant" shront lloyd@austintexas.gov >,

"Lloyd, Brent" < brent.lloyd@austintexas.gov >

See below request for postponement of the above matter to the 11/14 hearing.

You can reply and advise that you do not object to the request and then don't have to appear Monday; or you can be present at the beginning of the hearing to note your objection to the request (you can also reply to this email and advise why you do/don't object to the request and I can include that info in the Board's late back up packet along with the request below).

From:

Dan Ross **◆** 

Sent:

Thursday, October 06, 2016 4:04 PM

To:

Heldenfels, Leane

Subject:

Case # C15-2016-0115, 3206 and 3208 Aldwyche Dr

G-1 34

## Hi Leane,

I'm reaching out to you in re regarding the appeal of the of case number C15-2016-0115, 3206 an 3208 Aldwyche Drive. I live in the neighborhood and am also building a new home at this location. Duplexes will depreciate the land and home values in the area so I strongly object to this appeal.

Please let me know if there is anything further you need from me.

### Thanks

Dan Ross Director of Business Development T. 508 683 2558 C. 774 327 7920 45 Perseverance Way Hyannis, MA 02601

## Statement of Confidentiality

The contents of this e-mail message and any attachments are confidential and are intended solely for the addressee. The information may also be legally privileged. This transmission is sent in trust, and the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or at 508.683.2500 and delete this message and its attachments, if any.

From:

Elena Howard <

Sent:

Thursday, October 06, 2016 9:42 AM

To:

Heldenfels, Leane

Subject:

Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr.

G) 31

## Hi Leane,

I received a letter in the mail regarding an appeal of the permits to a new construction project on Aldwyche Drive: Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr. I do NOT approve the appeal to revoke permits for this project. I believe that single family style homes with NO shared walls are MUCH better and more beneficial to the neighborhood than a duplex style, shared wall type community. The best use of the land and the most beneficial to neighbors would be single family homes. Please include my comments to OBJECT this appeal during the hearing next week.

Confirm receipt please when you receive my email.

### Thanks!

Elena Howard 3001 Del Curto Rd #12 Austin TX, 78704

From:

Kelly Johnson Ilse

Sent:

Wednesday, October 05, 2016 2:26 PM

To:

Heldenfels, Leane

Subject:

Case #: C15-2016-0115 - Objection

G-1 38

Leane,

I received a notice about an appeal of case number C15-2016-0115 for 3206 and 3208 Aldwyche Drive since I live across the street.

I object this appeal. I think that detached homes without shared walls fit in much better with the neighborhood and they would attract more families and long term residents of the community.

I've seen other communities with the same type of connection between two homes (some right across Lightsey at Barton Skyway), and I don't see an issue with it there.

Thanks for your time, please let me know if this email will suffice or if you need anything else for my objection.

Kelly

Kelly Ilse (512) 484-3663

From:

Danielle Reali <

Sent:

Wednesday, October 05, 2016 1:55 PM

To:

Heldenfels, Leane

Subject:

Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr.

G1 39

## Hello Leane,

I am contacting you regarding the appeal of the of case number C15-2016-0115, 3206 an 3208 Aldwyche Drive. I live in the community across the street and I **OBJECT** this appeal. I am in favor of single family residences instead of a duplex. I don't see the problem with 2 dwellings with a connecting structure of an arbor. I think they will fitin better with the surrounding neighborhoods.

Please confirm you did receive this and if there is anything else that needs to be done.

To confirm, I OBJECT this appeal. Thank you in advance for your time.

## Danielle

Danielle Reali 3001 Del Curto, #10 Austin, TX 78704 512-809-5922