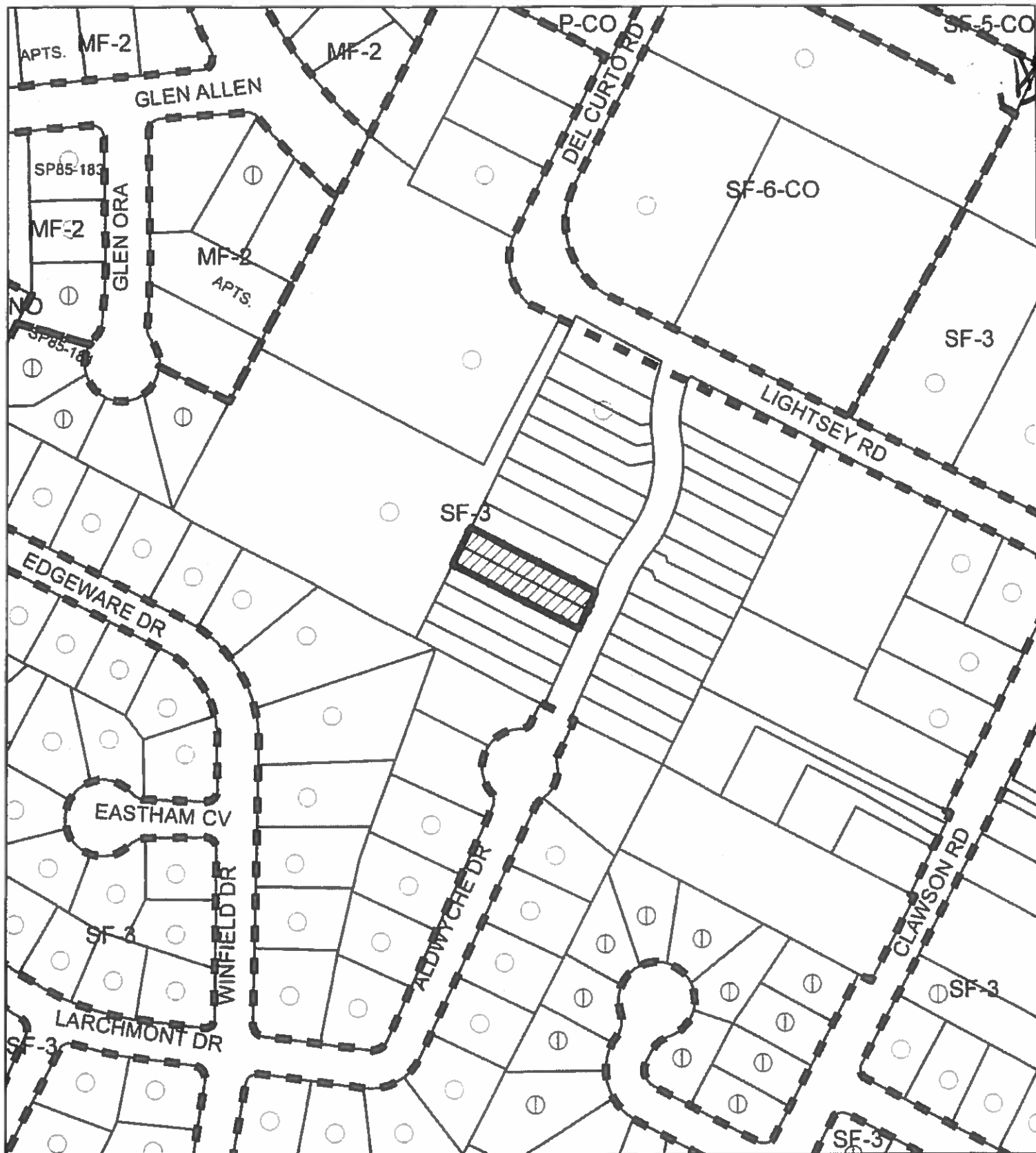




SUBJECT TRACT



ZONING BOUNDARY

PUBLIC NOTIFICATIONS

CASE#: C15-2016-0115

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.



H3
2

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: October 10, 2016

CASE NUMBER: C15-2016-0115

☐ Y ☐ Brooke Bailey
☐ Y ☐ Michael Benaglio
☐ Y ☐ William Burkhardt
☐ Y ☐ Eric Goff
☐ O ☐ Melissa Hawthorne OUT
☐ A ☐ Bryan King ABSTAIN
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ O ☐ Melissa Neslund OUT
☐ Y ☐ James Valadez
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Kelly Blume (Alternate)

APPLICANT: Kim Johnson

OWNER: South Lamar Neighborhood Assoc.

ADDRESS: 3206 ALDWYCHE DR

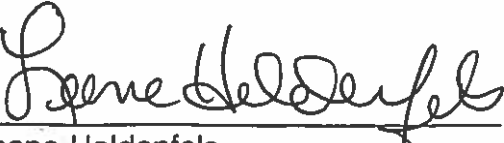
VARIANCE REQUESTED: The appellant has requested that the Board of Adjustment determine whether staff erred in its issuance of a building permit (BP- 2016-107075) for 3206 and 3208 Aldwyche Dr. to construct two new single family attached dwelling units with an arbor structure connecting the dwelling units in an "SF-3", Family Residence zoning district because the connecting structure proposed (arbor) does not meet Section 25-2-3 (B) 11 of the Land Development Code which requires connection of two single family attached dwelling units by either a common or abutting wall or by a carport, garage, or other structural element:

BOARD'S DECISION: POSTPONED TO NOVEMBER 14, 2016

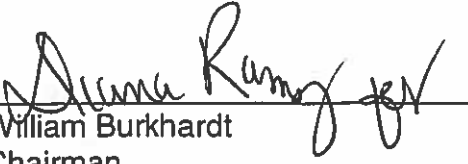
The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 14, 2016, Board Member Bryan King second on a 9-1 vote (Board member Eric Goff nay); **POSTPONED TO NOVEMBER 14, 2016.**

FINDING:

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:
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:
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

H3
3

C15-2016-0115 #3
-4

Heldenfels, Leane

From: Bryan King [REDACTED]
Sent: Thursday, October 06, 2016 3:38 PM
To: Heldenfels, Leane
Subject: Postponement request

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 respectfully 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: Heldenfels, Leane
To: Doni Allen ; kim.johnson.austin@gmail.com ; Bryan King ; GNDC ; Teresa Elliott ; Teresa Elliott ; Susan Brewer ; crfunh ; newcastle.homes ; Eric deYoung ; bfaust@outlook.com ; Jay Otto ; Rye, Stephen ; Delia Meave ; Ryan, Janae ; Ron Thrower ; Beth Turner ; Jewels Nickells ; astowell@drennergroupp.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:

Heldenfels, Leane

H3
5

From: Leah Bojo [REDACTED]
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 | [REDACTED] | www.drennergrouppc.com

From: Casey Giles [REDACTED]
Sent: Thursday, October 6, 2016 4:09 PM
To: Ross Wilson <ross@pswrealestate.com>; Matthew Welch <matthew.welch@pswrealestate.com>; Greta Goldsby <GGoldsby@drennergrouppc.com>; Leah Bojo <LBojo@drennergrouppc.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: " [REDACTED] " < [REDACTED] > " [REDACTED] " < [REDACTED] >
Cc: "McDonald, John" <John.McDonald@austintexas.gov>, "Word, Daniel" <Daniel.Word@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).



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

43
6

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 subdivison 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:

see attached

H3
1/1

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

H3/8

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).

9/13

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.

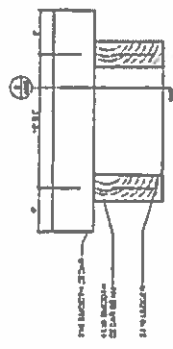
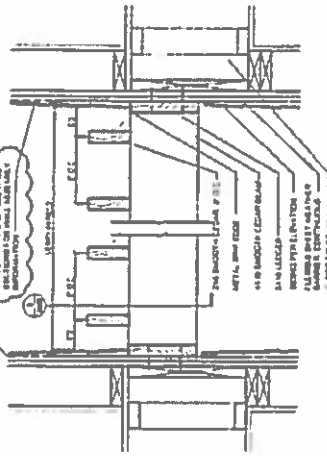
3. The interpretation will not grant a special privilege to one property inconsistent with other properties similarly situated in that:

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

PSW HOMES LLC
 2000 West 10th Street
 Suite 100
 Austin, TX 78703
 Tel: 512.345.1115
 Fax: 512.345.1115
 Email: info@pswhomes.com
 Website: www.pswhomes.com

PROJECT NO. 201600020
 SHEET NO. 1 OF 1
 DATE: 01/21/16

CITY OF AUSTIN
 DEVELOPMENT SERVICES DEPARTMENT
 APPROVED FOR PERMIT
 01/21/16
 The undersigned is a duly licensed Professional Engineer in the State of Texas and is hereby approving the plans and specifications for the construction of the above described project.



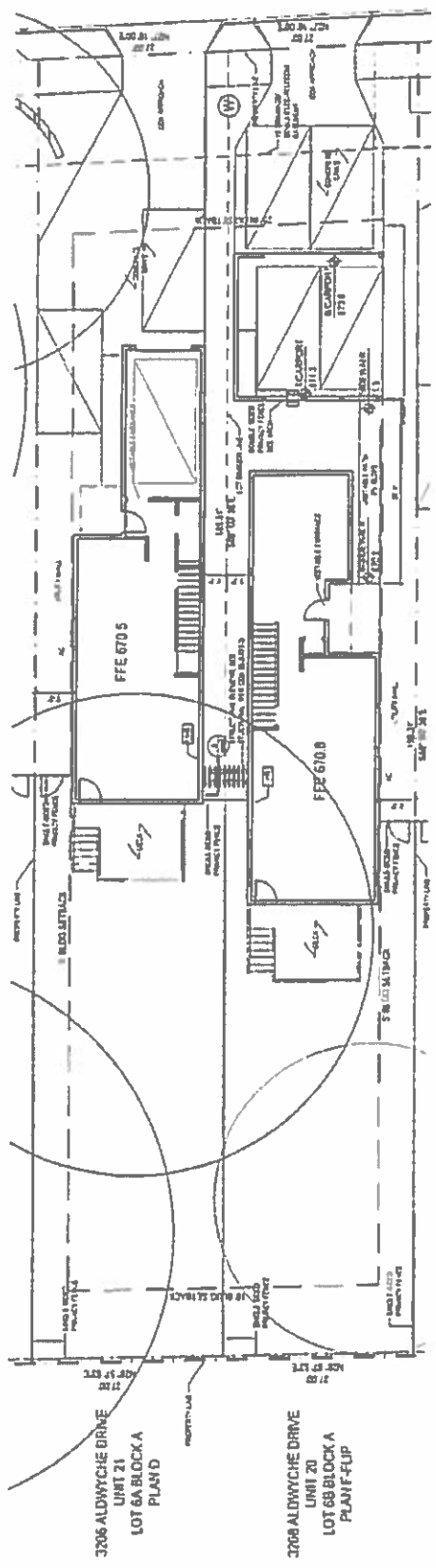
SECTION @ STRUCTURAL ELEMENT

SECTION @ STRUCTURAL ELEMENT

01/21/16

LOT 6 BLOCK A CALCULATIONS
 DRAINAGE
 TOTAL IMPERVIOUS
 1074 LOT AREA

LIGHTSEY TWO'S SECOND
 RESUBDIVISION OF LOT 20
 THEODORE LOW HEIGHTS
 DOC NO. 201600020



HOME SITE PLAN - LOT 6 BLOCK A

01/21/16

[illegible]

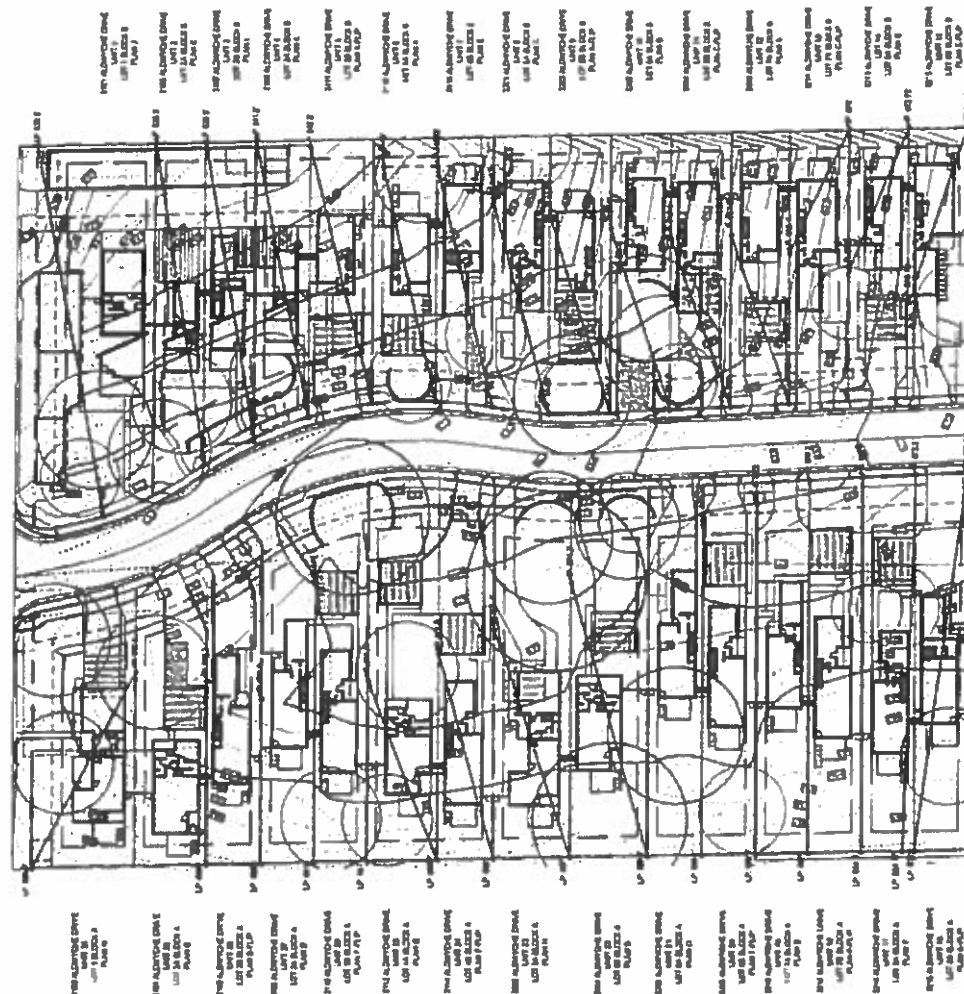
5061
13704
LIGHTSEY RIDGE
13704

10000 Highway 902
Austin, TX 78704

10-471 10-472
VEGETABLE PLANT
SLOPE WATER CROSS
10-473 10-474

EX-1

43
11

[illegible]

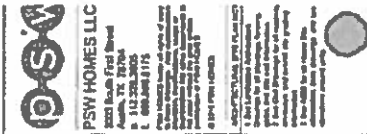
1 SITE PLAN

2/12/10

REVIEWED

JUN 13 2016

AUSTIN WATER UTILITY
CONSUMER SERVICE DIVISION - TAPS



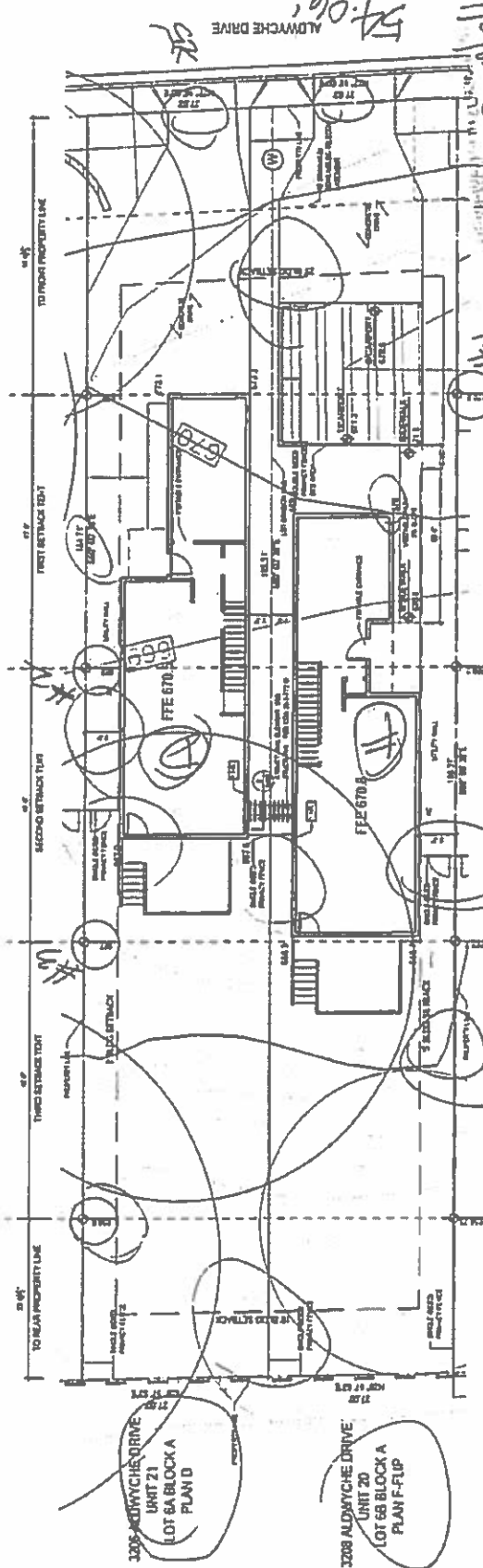
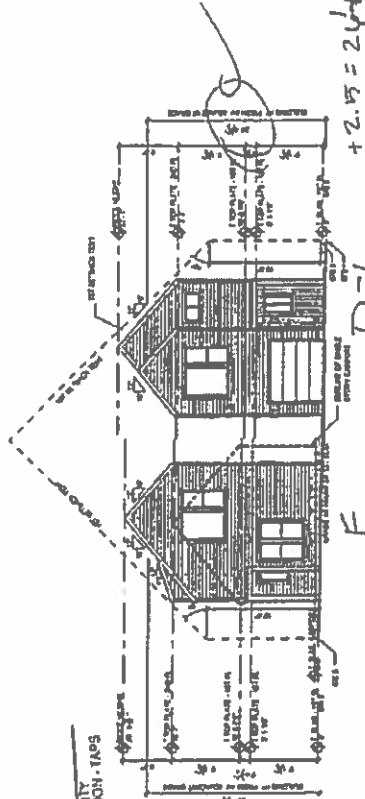
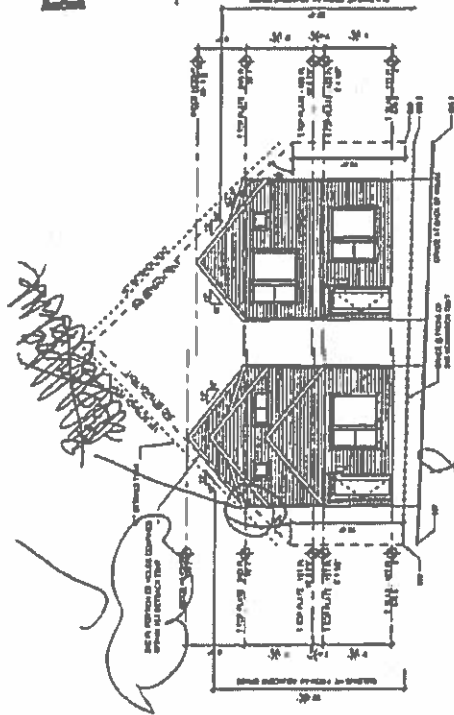
$+2.15 = 2'6\frac{1}{2}"$

AE APPROVED
JUN 13 2016
165-222
JGM

② FRONT ELEVATION (EAST)

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

③ BACK ELEVATION (WEST)



3208 ALDWYCHE DRIVE
UNIT 21
LOT 5A BLOCK A
PLAN D

3208 ALDWYCHE DRIVE
UNIT 20
LOT 5B BLOCK A
PLAN F-FLIP

$60'6" \times 67'0" = 667.5$

① SETBACK PLANE EXHIBIT

EX-3.1

12/23



PROJECT NAME:
PROJECT ADDRESS:
PROJECT CITY:
PROJECT STATE:
PROJECT ZIP:
PROJECT PHONE:
PROJECT FAX:
PROJECT EMAIL:
PROJECT WEBSITE:
PROJECT CONTACT:
PROJECT DATE:
PROJECT TIME:
PROJECT LOCATION:
PROJECT STATUS:
PROJECT COMMENTS:

3208 ALDWYCHE DRIVE
UNIT 20
LOT 5B BLOCK A
PLAN F-FLIP

Bryan King

From: "Camou, Juan" <Juan.Camou@austintexas.gov>

To: <bryan@bkradio.net>

Sent: Friday, September 02, 2016 2:54 PM

Subject: 3208+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

(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](#)

9/20/2016

NOTICE OF APPEAL INFORMATION

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



Planning and Development Review Department

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

Name

Kim Johnson

Street

2608 Del Canto #2

City

Austin

State

Zip

78704

Telephone

(512) 657-0675

E-Mail

Kim.Johnson.Austin@gmail.com

Date of Decision Being Appealed:

9/2/16

Permit Holder Contact Information

Name

609 West Lynn LP (William Doerr)

Street

2003 S 1st

City

Aus

State

Zip

78704

Telephone

512 762-4142

E-Mail

Bill.Ly@P6WRealEstate.com

Date Appeal is Filed:

9/2/16

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.

H3
15

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.

H3
16

DRENNER GROUP

H3
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.

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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)(11) 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)

43
19

AUG-13-2003 WED 10:51 AM HAYMONDS 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 Burton Springs Road
P.O. Box 1088, Austin, Texas 78767

July 8, 2002

Mr. Kipp Flores
Subas 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,

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

JLG:rvn

43
20

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) 974-2069.

Sincerely,

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

JLG:rvn



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

H3
22

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.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

H3
23

PUBLIC HEARING INFORMATION

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

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10, 2016

Brian Chappell
Your Name (please print)

3001 Del Canto Rd #29 Austin TX 78704

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 646 323 6165

Comments: Superficial as decorative is not structural
Single Family Attached requires a substantial
structural element

By attaching the two buildings we can
accommodate much needed AFFORDABLE
Family Housing. PSW is offering
1371 sq/ft @ \$449,000! structural attached

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned via: ✓

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088
1555 cost of
purchase

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

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

22/13

Heldenfels, Leane

From: Will Swetnam <[REDACTED]>
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

H3
25

Leane Heldenfels,

Please see attached response to the request for written comments on this 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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Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr.
Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, October 10, 2016

WILLIAM SWETNAM

Your Name (please print)

☐ I am in favor
☒ I object

2520 BLUEBONNET LN UNIT 61, AUSTIN TX 78707

Your address(es) affected by this application

Leane Heldenfels 10/10/2016
Signature Date

Daytime Telephone: 512 609 2107

Comments: Be looking over the permit folder it appears the applicant got approval from the city to proceed w/ the current design. I believe the city has indicated that the language of the City Code re "attached" properties is ambiguous. I believe the city should tighten up code language and then enforce the updated code on FUTURE projects.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned via:

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)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

26/H3

October 10, 2016
Re: 3206-3208 Aldwyche Drive
BOA Interpretation: C15-2016-0115

43
27

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

Heldenfels, Leane

From: Lorraine Atherton [REDACTED]
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

13
28

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

H3
29

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.

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

H3
30

H3
31

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

Heldenfels, Leane

From: Karen McGraw [REDACTED]
Sent: Sunday, October 09, 2016 7:27 PM
To: Heldenfels, Leane
Subject: Case G-1 C15-2016-0115 [REDACTED]

#3
32

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 "attached" results in development that undermines the SF3 zoning. 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.

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

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

Duplexes must be connected and appear as one building. 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 duplexes still have to be connected more substantially than these SF 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,

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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

LEANNE VENIER

Your Name (please print)

2601 DEL QURTO ROAD #101

Your address(es) affected by this application

Leanne Venier

Signature

Date

Daytime Telephone: 512-913-8767

Comments: Next door there are

2 enormous houses crammed onto a tiny lot, joined together by two by four the grand houses soon overtake and are very close to our driveway fence.

It makes us feel very crowded. Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned via:

This should never be allowed to

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)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

3/13

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10, 2016

Your Name (please print) BRYAN RING

☒ I am in favor
☐ I object

1809 LIGATSEY

Your address(es) affected by this application

1809 LIGATSEY

Signature

10/9/16

Date

Daytime Telephone:

Comments:

SF attached should
have substantial attachments
creating a connected structure
with display type massing,
SPACE HARBOR on Tralls
does not any attachment
is structural element made!

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Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

2/13

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

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10, 2016

Jane Roetman

Your Name (please print)

2513 Southland Dr

Your address(es) affected by this application

Jane Roetman

Signature

Date

Daytime Telephone: 512 444 5485

Comments: STOP HIGH DENSITY.

OUR NEIGHBORHOODS ARE IMPORTANT

HOW CAN THE LONG TIME RESIDENTS

SUPPOSED TO HANDLE THIS.

HOW ABOUT ROADS?

WATER?

QUALITY OF LIFE.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned via:

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)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

3/15/16

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, October 10, 2016

☒ I am in favor
☐ I object

Your Name (please print) South Central Coalition

PO 1114 FIDELITY DE AUSTIN TX 78701

Your address(es) affected by this application

Patricia Spivey

10-8-2016

Signature

Date

Daytime Telephone: 512-294-8303

Comments: The South Central Coalition
requests this appeal move forward.
Thank you for your assistance in this
matter.

Comments must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned via:

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)

Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

36/173

PUBLIC HEARING INFORMATION

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

Contact: Leane Heldenfels, 512-974-2202, leanc.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10, 2016

MK Shaw

Your Name (please print)

2601 Del Curoto Road #102

Your address(es) affected by this application

Austin TX 78704

MK Shaw

10/8/2016

Signature

Date

Daytime Telephone: 512/ 743-1556

Comments:

~~Next Door to me~~

Already Buile similar Next

to me - Don't do it AGAIN - it's

A joke - just Don't

and:

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leanc.heldenfels@austintexas.gov

3/1/13

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Contact: Leane Heldenfels, 512-974-2202, leanc.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10, 2016

William Stoughton
Your Name (please print)

☒ I am in favor
☐ I object

3200 South Oak Dr

Your address(es) affected by this application

[Signature]
Signature

10/8/16
Date

Daytime Telephone: (512) 789-6423

Comments:

The way single family attached is being interpreted is obviously not the intent of those who approved the code.

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leanc.heldenfels@austintexas.gov

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Heldenfels, Leane

H3
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From: Dan Ross <[REDACTED]>
Sent: Thursday, October 06, 2016 4:04 PM
To: Heldenfels, Leane
Subject: Case # C15-2016-0115, 3206 and 3208 Aldwyche Dr
[REDACTED]

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.

Heldenfels, Leane

From: Kelly Johnson Ilse [REDACTED]
Sent: Wednesday, October 05, 2016 2:26 PM
To: Heldenfels, Leane
Subject: Case #: C15-2016-0115 - Objection

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40

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

113
41

Heldenfels, Leane

From: Elena Howard <[REDACTED]>
Sent: Thursday, October 06, 2016 9:42 AM
To: Heldenfels, Leane
Subject: Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr.

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

Heldenfels, Leane

From: Danielle Reali <~~danielle.reali@gmail.com~~>
Sent: Wednesday, October 05, 2016 1:55 PM
To: Heldenfels, Leane
Subject: Case Number: C15-2016-0115, 3206 and 3208 Aldwyche Dr.

#3
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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 fit in 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

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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

Areta A. Cartwright

Your Name (please print)

☐ I am in favor

☐ I object

3204 Clawson Rd. Austin Tx 78704

Your address(es) affected by this application

10.4.16

Date

Leane Heldenfels

Signature

Daytime Telephone: 512.441.3540

Comments: single family Attached needs to have a common wall according to Code. A superficial landscape element doesn't meet this code requirement. Affordability is also a factor.

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Leane Heldenfels
P. O. Box 1088

Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10, 2016

Jan D. Cartwright

Your Name (please print)

3204 Clawson Rd. Austin TX 78704

Your address(es) affected by this application

Jan D. Cartwright A.I.A.

10.4.16

Date

Signature

Daytime Telephone: 512-441-3540

Comments: Single Family attached should have a substantial connection between homes--not just a landscape element. Code calls for a common wall--carport, passage, loggia or other STRUCTURAL element. Affordability is also important

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Fax: (512) 974-6305

Email: leaneheldenfels@austintexas.gov

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

Contact: Leane Heldenfels, 512-974-2202, lean.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, October 10, 2016

Patricia Fiske

Your Name (please print)

2601 DelCerto #103

Your address(es) affected by this application

Patricia Fiske

Signature

Date

Daytime Telephone: 512-326-8835

Comments: I look next door and see two-
by-laws joining houses - the
way that developer complied with
this ordinance.
Please don't let this happen
again.

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5/13

