

## EXISTING CONDITIONS

AUSTIN • TEXAS • 78701  
(P)512.476.1812 (F)512.476.1819  
ARCHITECTURE PRESERVATION PLANNING

**SHERMAN RESIDENCE**

TEXAS REGISTRATION NUMBER 40007  
DONNA CARTER

ISSUE DATE  
06 October 2023

ISSUE DATE:  
06 October 2023

PRELIMINARY  
NOT FOR CONSTRUCTION  
THIS DOCUMENT IS RELEASED FOR  
THE PURPOSE OF INTERIM REVIEW. IT  
IS NOT TO BE USED FOR PERMITTING  
OR FOR REGULATORY APPROVAL,  
PERMIT OR CONSTRUCTION.  
DONNA CARTER  
TEXAS REGISTRATION NUMBER #8207

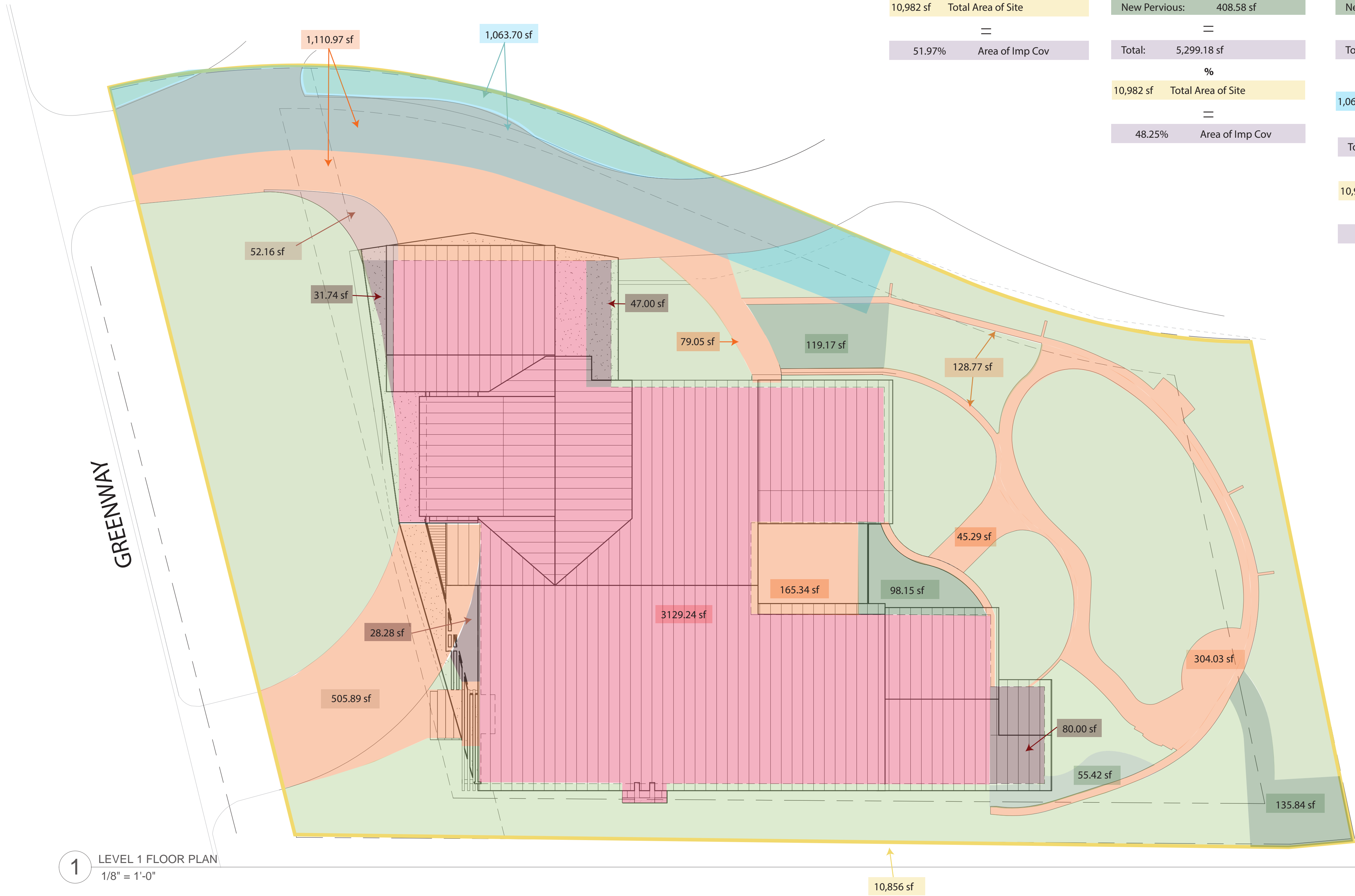
Proposed Site Plan  
**SHERMAN RESIDENCE**

3505 GREENWAY ST.  
AUSTIN, TEXAS 78705

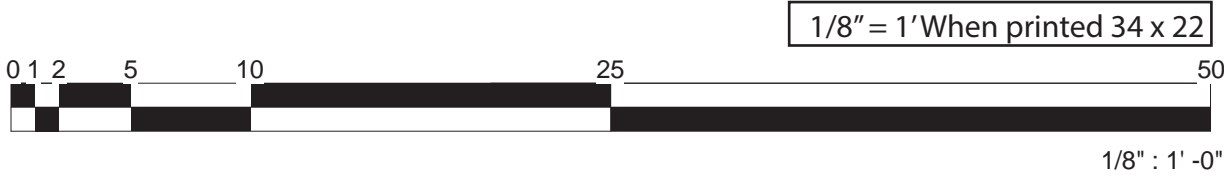
CARTER • DESIGN  
ASSOCIATES  
817 WEST ELEVENTH STREET  
AUSTIN • TEXAS • 78701  
(P) 512.476.1812 (F) 512.476.1819  
ARCHITECTURE • PRESERVATION • PLANNING

04/2023 2:10:35 PM T:\202116\_Sherman Residence\202116\_Sherman Residence\_0306\_Greenway St - Sherman Residence.dwg

1 LEVEL 1 FLOOR PLAN  
1/8" = 1'-0"



3,129.24 sf	Existing - Buildings Imp Cov	3,129.24 sf	Existing - Buildings Imp Cov	3,129.24 sf	Existing - Buildings Imp Cov
+		+		+	
2,339.34 sf	Existing - Site Imp Cov	2,339.34 sf	Existing - Site Imp Cov	2,339.34 sf	Existing - Site Imp Cov
+		+		+	
80.44 sf	Imp Cov Addition - Site	80.44 sf	Imp Cov Addition - Site	80.44 sf	Imp Cov Addition - Site
+		+		+	
158.74 sf	Imp Cov Addition - Buildings	158.74 sf	Imp Cov Addition - Buildings	158.74 sf	Imp Cov Addition - Buildings
=		=		=	
Total Imp Cov: 5,707.76 sf		Total Imp Cov: 5,707.76 sf		Total Imp Cov: 5,707.76 sf	
%		%		%	
10,982 sf	Total Area of Site	New Pervious: 408.58 sf		New Pervious: 408.58 sf	
=		=		=	
51.97%	Area of Imp Cov	Total: 5,299.18 sf		Total: 5,299.18 sf	
		%		%	
		10,982 sf	Total Area of Site	1,063.70 sf	Easement
		=		=	
		48.25%	Area of Imp Cov	Total: 4,235.48 sf	
				%	
				10,982 sf	Total Area of Site
				=	
				38.56%	Area of Imp Cov



## EXHIBIT 8

### PROPOSED SITE PLAN



REVISIONS:		
NO	REFERENCE	ISSUED

**NOT FOR CONSTRUCTION**

**PRELIMINARY**

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**DONNA CARTER**  
**TEXAS REGISTRATION NUMBER #8207**

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**SHERMAN  
RESIDENCE**

3505 GREENWAY ST.  
AUSTIN, TEXAS 78705

# A406



## JOINT-USE DRIVEWAY AT 3505 GREENWAY

### **1. OVERVIEW.**

The driveway that runs along the common boundary between 3505 and 3509 Greenway<sup>1</sup> has been in existence for up to 110+ years. Today, what remains of this driveway is jointly used by the resident owners of both addresses<sup>2</sup> for ingress and egress to Greenway Street pursuant to a perpetual easement and right-of-way agreement (hereinafter the “Perpetual Driveway Easement”). The driveway extends from Greenway Street through the lot that is 3505 Greenway and, at its rear, onto the lot that is 3509 Greenway. The portion that burdens 3505 Greenway is for the joint use of both addresses (the “joint-use driveway”), and the portion that burdens 3509 Greenway is for its exclusive use. Importantly, as addressed further below, 3505 Greenway fronts on Greenway Street, and 3509 Greenway fronts upon the easement.

At the time 3505 and 3509 Greenway were subdivided into existence and were acquired by the builder/developer who developed both properties and put the Perpetual Driveway Easement in place to accommodate their odd configuration and size limitations, the Austin City Code expressly exempted joint-use driveways having the exact, narrow fact pattern described above from the lot area, open space, yard area, coverage and other requirements imposed by what are now known as “zoning districts.”<sup>3</sup>

That exemption must continue to apply to the joint-use driveway at 3505 Greenway today; otherwise, an unconstitutional regulatory taking of real property interests has occurred, involving the real property interests of both property owners,<sup>4</sup> their collective investments therein, and their reasonable expectations thereto – all of which are derived from a narrowly tailored set of code provisions that were drafted to address their unique fact situation.

### **2. BACKGROUND.**

- Originally, the interior of Greenway Circle (where 3505 and 3509 Greenway are now located) was part of a single, unsubdivided estate lot owned by the developer of the neighborhood – Dr. J.R. Bailey. Around 1910, Dr. Bailey constructed his home on the unsubdivided estate lot<sup>5</sup> (the “Bailey estate”) and extended a driveway from what is now Hampton Road on the east side of Greenway Circle, under and through a porte cochere attached to the home,<sup>6</sup> and out the back of the property to the west.

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<sup>1</sup> The name of the street is actually “Greenway” without any other identifiers, although it often is appended with the word “Street.” Nevertheless, for purposes of this memo and to avoid confusion with other terms using a reference to “Greenway”, the street, itself, will be referred to as “Greenway Street”.

<sup>2</sup> It is worth noting that 3505 and 3509 Greenway are still owned by the families who developed them: 3505 being the residence of the Sherman family, and 3509 being the residence of the Hoffman family.

<sup>3</sup> At the time, they were referred to as “height and area districts.” *See* the Code of the City of Austin, 1981, Sec. 13-2-126(a).

<sup>4</sup> “An easement is an interest in land in the possession of another.” Restatement of the Law of Property. Section 450 (1944). *See also*, Marcus Cable Associates, L.P. v. Krohn, 90 SW3d 697, 700 (Tex. 2002); Stephen F. Austin State Univ. v. Flynn, 228 353, 358 (Tex. 2007).

<sup>5</sup> *See* “Beau Site: A Case Study” attached as **Exhibit A**. *See also* Ordinance No. 040826-56, Exhibit A, p.22.

<sup>6</sup> *See* porte cochere photos attached as **Exhibit B**.



- As depicted in aerial photographs from the Austin History Center, dated 1940 and 1958 (which are the earliest that could be located),<sup>7</sup> the driveway extended from the Bailey home, out the back of the property between where 3505 and 3509 Greenway exist today, and onto Greenway Street.
- On March 27, 1979, the south portion of the interior of Greenway Circle that constituted what remained of the Bailey estate was subdivided into five (5) separate lots,<sup>8</sup> including 3505 and 3509 Greenway (Lots 2 and 1, respectively) and the Bailey home (Lot 5). Notably, as part of the subdivision process, the northern boundary between 3505 and 3509 Greenway was platted to follow the curves of the driveway that still extended from the Bailey home's porte cochere to Greenway Street.<sup>9</sup>
- Then, as preparation for the development of 3505 and 3509 Greenway began, the driveway's joint use between the two adjacent properties was memorialized in the Perpetual Driveway Easement, which was executed by the builder/developer on September 13, 1983, and filed in the Travis County records on September 16, 1983.<sup>10</sup>
- The Building Permit for 3509 Greenway (No. 1983-010192 BP) was issued the same day that the Perpetual Driveway Easement was filed in the Travis County records – September 16, 1983.
- The Building Permit for 3505 Greenway (No. 1983-022728 BP) was issued several weeks later on November 2, 1983, and the Driveway & Sidewalk Permit for 3505 Greenway was issued the same day.<sup>11</sup> Notably, the Driveway & Sidewalk Permit referenced under its "Conditions" the Perpetual Driveway Easement and the driveway's permitted width(s) as follows:
  - i) *Perpetual Esmt\* Agreement 3509 Greenway St.*; and
  - ii) *Driveway 16'/17'*.
- During the development process, the owners of 3505 and 3509 Greenway (*i.e.*, the Shermans and the Hoffmans, respectively) decided to replace the driveway's asphalt surface with more permeable concrete pavers. As part of that process, they worked with their builder/developer to prorate the cost for the resurfacing according to those portions of the driveway that would be used and useful to each residence. To that end, they evenly divided the cost associated with the front portion of the driveway which benefits both residences, and the Hoffmans assumed the total cost of the rear portion which solely benefits their residence at 3509 Greenway. This

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<sup>7</sup> See aerial photographs depicting driveway from the Austin History Center, dated 1940 and 1958, attached as **Exhibit C**. In each photo, the driveway runs from the second entrance to the Bailey estate off Hampton Road on the right side of the photo, through the back of the property and its tree cover (under the word "DRIVEWAY"), and out on the eastern extent of the property to Greenway Street. The 1958 aerial photo most clearly depicts the driveway running under and through the porte cochere on the south side of the Bailey home.

<sup>8</sup> See the plat map of the "Kenneth E. Knight Resubdivision of Par Lot 7, Beau Site" attached as **Exhibit D**.

<sup>9</sup> See map of Greenway Circle after the referenced subdivision, which is attached as **Exhibit E**. See also photos taken during the construction of 3505 and 3509 Greenway attached as **Exhibit F** that record the continued existence of the driveway through the interior of Greenway Circle from Greenway Street to the Bailey estate's porte cochere. Eventually, the owners of the Bailey estate removed the portion of the driveway that extended into what was then the backyard of Lot 5.

<sup>10</sup> See Perpetual Driveway Easement attached as **Exhibit G**.

<sup>11</sup> See Driveway & Sidewalk Permit No. 1983-022728-DS attached as **Exhibit H**.

process was memorialized in a color-coded joint site plan that was used for the resurfacing project.<sup>12</sup> Notably, it presciently followed the same method of prorated cost-sharing for joint-use driveway improvements that are imposed by the provisions of the Austin City Code today.<sup>13</sup>

### **3. SECTION 13-2-126 OF THE AUSTIN CITY CODE OF 1981.**

Section 13-2-126 of the City Code of 1981 and its predecessor Section 45-33 of the City Code of 1967, which contained the same pertinent provisions,<sup>14</sup> were in effect from before the subdivision of 3505 and 3509 Greenway out of the Bailey estate, and through the execution of the Perpetual Driveway Easement, the completion of the development of 3505 and 3509 Greenway, and the resurfacing of the joint driveway with more permeable material.

Section 13-2-126 of the City Code of 1981 contains two subsections – Subsections (f) & (h) – that collectively exempt the joint-use driveway shared by 3505 and 3509 Greenway from lot area, open space, yard area, coverage and other requirements imposed by what are now known as “zoning districts.”

#### **a. Subsection (f) – 3505 & 3509 Greenway were developed in complete accord with it.**

Subsection (f) of 13-2-126 of the City Code of 1981 provides as follows:

“Where two or more buildings are erected on one or more lots and an easement is provided for access to the buildings . . . , the buildings on the first lot . . . which abut on a street shall front upon the street and not upon then easement, but all other buildings to the rear of the same shall front upon the easement.”<sup>15</sup>

3505 and 3509 Greenway were developed in complete accord with this provision:

- i) the buildings on 3505 and 3509 Greenway were developed on different lots (*i.e.*, more than one);
- ii) an easement was provided to 3509 Greenway for access to its residence (*i.e.*, the Perpetual Driveway Easement);
- iii) 3505 Greenway fronts upon the street and not on the easement;<sup>16</sup> and
- iv) 3509 Greenway fronts upon the easement.<sup>17</sup>

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<sup>12</sup> See Photos of the referenced joint site plan attached as **Exhibit I**.

<sup>13</sup> See *e.g.*, Austin City Code, Sections 13-3-148 and 25-6-418 (both entitled “Cost-Sharing for Joint-Use Driveway Improvements”).

<sup>14</sup> Relative to the provisions of 13-2-126 of the City Code of 1981 cited in this memo, the wording of Section 13-2-126 and its predecessor, Section 45-33 of the City Code of 1967, are the same -- the only exception being an updated chapter reference.

<sup>15</sup> The Code of the City of Austin, 1981, Sec. 13-2-126(f). This provision has been a part of the City of Austin’s ordinance from at least 1937. See Ordinance No. 370729-001, pp. 21-22.

<sup>16</sup> See photos attached as **Exhibit J**.

<sup>17</sup> See photos attached as **Exhibit K**.



**b. Subsection (h) – Exempts the joint-use driveway from lot area, open space, yard area, coverage and other requirements.**

Subsection (h) of 13-2-126 of the City Code of 1981 provides in pertinent part as follows:

***“An easement or right-of-way as described in this section shall not be included as part of the lot area . . . required under Chapter 13-2 or of the lot size, open space, yard areas . . . and other requirements of the height and area district in which the property is located.”***<sup>18</sup>

Notably, the “other requirements” referenced above included “coverage requirements.”<sup>19</sup> Moreover, during the development of 3505 and 3509 Greenway, the referenced requirements became the “Revised Zoning Regulations” of a new Chapter 13-2A, which included impervious cover and other “Site Development Regulations” for the City’s “Residential Districts”<sup>20</sup> that ultimately became the zoning districts of today.

Since the Perpetual Driveway Easement preserves both an easement and right-of-way for the joint-use driveway shared by 3505 and 3509 Greenway,<sup>21</sup> the sole requirement for an exemption from lot area, open space, yard area, coverage and other requirements under Subsection (h) of 13-2-126 has been more than met.

**c. Reliance on Subsection (j) is further evidence of reliance on 13-2-126 of the Austin City Code of 1981.**

Another indication that Section 13-2-126 of the Austin City Code of 1981 was relied upon in the development and construction of 3505 Greenway is the 20-foot set back line utilized for the carport, which is reflected on the site plan for 3505 Greenway<sup>22</sup> and is consistent with Subsection (j) of Section 13-2-126 as it read at the time the house was permitted and constructed.

#### **4. JOINT-USE DRIVEWAYS ARE FAVORED BY CITY POLICY.**

Joint-use driveways are desired and encouraged by stated City policy to this day. Some of the best evidence of this is found in Section 7 of the City’s *Transportation Criteria Manual*, entitled “Driveways,” which expressly provides as follows:

- ***“Best practice is to consolidate driveways with the use of joint use driveways during the redevelopment of existing property and the new development of vacant land”***<sup>23</sup> – notably, both cited development types were involved in the development of 3505 and 3509 Greenway and their joint-use driveway.

<sup>18</sup> The Code of the City of Austin, 1981, Sec. 13-2-126(h) (*emphasis added*). The omitted last sentence of Subsection (h) provided as follows, which was relevant to 3509 Greenway: “Buildings facing on such easement or right-of-way shall be considered to front on a public street for the purpose of designation of front street line setback.”

<sup>19</sup> See e.g., The Code of the City of Austin, 1981, Sec. 13-2-127(a)(4) & (b)(1)c. (pertaining to a “First Height and Area District”, which ultimately became one of the single-family zoning districts of today).

<sup>20</sup> See Ordinance No. 840301-S, Exhibit A, Sections 2175 to 2179.

<sup>21</sup> Perpetual Driveway Easement attached as **Exhibit G**.

<sup>22</sup> See site plan for 3505 Greenway attached as **Exhibit L**.

<sup>23</sup> Id. at Section 7.6.0, entitled “Access Management,” ¶2 (*emphasis added*).

- “***New joint use driveways are encouraged*** and will require a permanent joint use access easement and/or unified development agreement.”<sup>24</sup>
- “***Joint use driveways*** provide direct access to adjacent properties through a single driveway. This method of driveway placement is recognized as driveway consolidation and ***should be used as much as possible***.”<sup>25</sup>
- “The authority allowing for use of shared driveways is provided in LDC”<sup>26</sup> [*i.e.*, the City of Austin’s Land Development Code].

If the rules that incentivize the development of joint-use driveways are not enforced over time, the foregoing City policies will be undermined. And, perhaps more importantly, since they often require or involve the establishment of interlocking real property interests between the dominate estate that is burdened by the driveway and the servient estate that has easement and/or right-of-way rights therein, the legal implications for the City to “change the rules” after everything is place may well be costly from a monetary standpoint, as well.

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<sup>24</sup> Id at Section 7.6.4, entitled “Joint Use Driveways,” subpart B (*emphasis added*).

<sup>25</sup> Id at Section 7.6.4, entitled “Joint Use Driveways” (*emphasis added*).

<sup>26</sup> Id at Section 7.6.4, entitled “Joint Use Driveways,” subpart B.



## **Exhibit A**

## Hancock Neighborhood Association

Preserving the Hancock Neighborhood in Austin, Texas

 Search...


[Home](#) [About](#) [Meetings](#) [Events](#) [News](#) [Join](#) [Contacts](#) [History](#) [Documents](#) [References](#)

[Home](#) . [History](#) . The Hancock Neighborhood: An Urbane Oasis

### Beau Site: A Case Study

Submitted by admin on Sat, 09/24/01 at 1:15:36

By John G. Bordie

The area presently designated as Beau Site in City records encompasses the residential group between Harris Boulevard to the south, 38th Street to the north, Red River Ave. to the east and Waller Creek to the west. **The area has a complex history that is marked by land speculation, loan defaults, re-capitalization and shrewd development planning. Some of the speculators and developers were individuals of honor and character, others were quite the opposite.**

Beau Site's origins can be traced to the original state land Patent 163 V.2. State of Texas to Masillon Farley on March 1, 1849 that granted him Lots 6 & 9 of block Con the City of Austin plat; Lots 7 & 8 were granted to Farley a few days later. Lots 20, 21, U, & 29 had been granted to Farley in late 1848 and were sold to Jos. C. Swisher in January, 1849.

Swisher purchased lots 6 ft 9 in April 1849 for \$130. All of these lots were sold by Swisher to Francis Dietrich in April, 1850 for \$1500. The increase in value by a factor of 11 within one year testifies to the land boom then underway within the state subsequent to the conclusion of the war with Mexico. After the death of Dietrich, the lots were passed to his wife Sarah E. Dietrich as community property. She married J. W. Whipple in 1863 and the lots, valued at \$8000 were transferred to both their names. These lots were posted as surety for a \$13,775 dollar loan to William A. Blackbum who was trustee for Anna J. Robards. There were complications and loan default sales during the next six years. A quit claim to Whipple for lots 6, 9, 29 was filed in June 1875 by J.W. Hannig who had acquired a lien. Robards transferred the other property to Hannig in July 1875 (filed September 18791). Sometime prior to June 1877, Whipple had sold 3/8ths of an acre from lot 6 to J.B. Rector. Whipple sold the acreage remaining of the original property to Rector in May 1889 for \$5640. This property was sold in April 1890 to Johnson, Ross and Terrell for \$6250 before the founding of the Austin Country Club which would be located at its north boundary.

Beau Site subdivision was developed by Dr. J.R. Bailey around 1910. Dr. Bailey was one of the two individuals who worked out the formula for Novocaine when World War I prevented access to the German product. Bailey and the other developers of Beau Site viewed the location as being ideal for an exclusive community possessed of substantial attractions for those with the desire for space, proximity to a socially prestigious venue, and a taste for discreet elegance. Lot sizes were, and still are, quite large. Several lots were substantially larger than one acre and a number were greater than two acres. It was intended that such lots were to be for the construction of estate-sized structures. Primarily located on 37th Street, Hampton Road, and Greenway, these lots reflected the space sizes of other estates in the adjacent community such as the 2.5-acre site on Fairfax Walk north of 32nd Street. The exclusive nature of Beau Site was underscored by its apparent isolation from the remainder of the city. 38th Street and Harris Avenue both stopped at Water Creek. No bridges crossed the creek at those locations until the late 1950s. Greenway was not opened to 38th Street until the mid 1970s. Access to Beau Site was limited to the east end of 37th Street at Red River and the south end of Hampton at Harris.

The cost of such large size lots would necessarily restrict the nature of development in the area but the developers established a series of deed restrictions and conditions incumbent on ownership for the future purchasers of the lots. This was intended to keep the area exclusively residential. As early as the 1920s, deed restrictions began to appear which reflected concern that non-residential commerce might be poised to invade. Deed restrictions forbidding such commerce became extremely common at that time. Many restrictions simply ban commercial business: "no commercial business" being a common phrase in many deeds. During the 1930s and 1940s such a direct statement seemed to be insufficient as more powerful, specific and inclusive restrictions began to be used: "no trade, manufacturing, or mercantile establishment: no commercial garage; no livery stable would be permitted and no animals may be kept." Reflecting a 1920s view of proper commerce "no liquor [is] to be manufactured or sold within the area."

This desire to maintain the area exclusively residential is found in those deed restrictions which state that land is sold for residential lots only, and that all "structures [are] to be single family units for residential purposes only." To maintain the up-scale values of the neighborhood there could be "no subdivisions of existing units, no building to be closer than 25 feet to front of lot; and all structures [are] to be constructed of brick, stone, or concrete." Surprisingly, given the goals of the developers, the framers of these restrictions were not very good at predicting future real estate values because one of the common restrictions is that "no house [is] to cost less than \$5000."

There were further urban planning views regarding the nature of residential construction in order to maintain the exclusive coherent appearance of the neighborhood "all residences must face the front of the lot, garages must be kept, cars must be garaged; no motorcycles or three wheeled vehicles, no trailers shall be permitted." Similar limitations were imposed to maintain the physical broad sweep of avenues and boulevards. One exception to the view that the area was to be a network of such boulevards is Greenway. Inset into the urban plan at the corner of 35th Street and Hampton Road is the blue and white tile street marker identifying Greenway as Green Way, the path to the golf course. There was also a public footpath from Hampton to 38th street east of 822 37th Street that was the shortcut to the golf course before Greenway was cut through to 38th Street.

A downside to these restrictions were those which emphasized race: during the 1920s and 1930s such restrictions excluded blacks; this was modified somewhat during the 1940s when the restrictions read "only Caucasians" to reside. The restrictions limited residence but not ownership by certain races.

To ensure that such restrictions would be observed many deeds state "It shall be lawful for anyone in Beau Site to sue for damages in case of violation of these restrictions." Street names in the Beau Site area reflected the conventions of the times. 37th Street was originally Oakview Avenue and was renamed during the 1930s citywide renaming of east-west streets. Oakview then ended at Hampton Road. The segment between Hampton and Greenway is shown on city plats as a continuation of Hampton Road which, in turn, continues northward from its intersection with Greenway. The south end of Greenway, according to the 1932 Austin Mayoral proclamation, begins at the corner of 35th and Hampton and has its north terminus at 3700 Greenway. Perhaps for postal address clarity the plat names were modified to their present configuration



during the 1940s.

Hanis Avenue and Hams Park Avenue were named for Sidon J. Hanis, a turn of the century developer in the area. Residents along those streets might reconsider the honor since Harris had many problems with his financiers. The last deed to mention him in the early 1900s states process could not be served as S. J. Harris had gone to Cochise County, Arizona Territory! Cochise County is the location of Tombstone and its famous cemetery.

◀ OUT OF THE ORDINARY: THE HISTORY OF HANCOCK CENTER

up

Ad<nowledgements >

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3594 reads

## **Exhibit B**













## **Exhibit C**



ITEM03/37

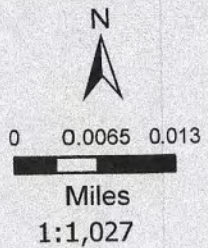


DRIVEWAY



## 3505 Greenway - 1940 Black and White Imagery

23 March 2023



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





23 March 2023

## 3505 Greenway - 1958 aerial photo



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## **Exhibit D**

SEE BOA APPLICATION  
EXHIBITS 1 and 1A

## **Exhibit E**



# 3505 & 3509 Greenway and Greenway Circle





## **Exhibit F**







## Exhibit G

SEE BOA APPLICATION  
EXHIBIT 2



## **Exhibit H**



# City of Austin

## DRIVEWAY & SIDEWALK PERMIT

ITEM03/47  
3920735  
3920735

**PERMIT NO:** 1983-022728-DS  
3505 GREENWAY

**Type:** RESIDENTIAL  
**Issue Date:** 11/02/1983

**Status:** Final  
**Expiration Date:** 10/25/1984

LEGAL DESCRIPTION: LOT 2 KNIGHT KENNETH E RESUB OF PT LT 7 BEAU SITE		SITE APPROVAL	
DESCRIPTION: Res. Driveway & Sidewalk-2 Stry Frm Res W/Mas & Att Carport	WORK PERMITTED: New	ISSUED BY:	

Total Number of Driveways:

Number of Lanes Affected:

Driveway width 1:

Number of Days Lanes Affected:

Driveway width 2:

Number of Structures Affected:

Total linear Sqft of all Driveways:

Number of days Structures Affected:

Total Number of Sidewalks:

Total Linear SqFt Of All Curbs And Gutters:

<u>Contact</u>	<u>TELEPHONE</u>
----------------	------------------

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Paid Date</u>	<u>Fee Description</u>	<u>Fee Amount</u>	<u>Paid Date</u>
Building Permit Fee	\$40.00	11/02/1983			
<b>Total Fees:</b>	<b>\$40.00</b>				

<u>Inspection requirements</u>	
Driveway Inspection	Sidewalks Inspection

<u>Conditions:</u> Driveway 16/17/No Letter Req On Drainage Perptual Esmt• Agreement 3509 Greenway St. Water Tap#G31422 Sewer Tap#109019 To Set Over
---

BY ACCEPTING OR PAYING FOR THIS PERMIT YOU ARE DECLARING THAT YOU ARE THE OWNER OR AUTHORIZED BY THE OWNER THAT THE DATA SUBMITTED AT THE TIME OF APPLICATION WAS TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATION SUBMITTED HEREWITH.

Section 25-11-94 E.XPIRATION AND EXTENSION OF PERMIT(Active Permits will expire 180 days at 11 :59:59 pm after date of last inspection performed.)

<u>Type</u>	<u>Date</u>	<u>Status</u>	<u>Comments</u>	<u>Inspector</u>
202 Final Sidewalk	10/25/1984	Pass	MIGRATED FROM PIER.	



# City of Austin

## DRIVEWAY & SIDEWALK PERMIT

ITEM03/48  
3920735  
3920735

### AUSTIN TRANSPORTATION DEPARTMENT (ATD)

#### RIGHT OF WAY (ROW) PERMIT CONDITIONS

***\*\*The permit conditions outlined below apply to ALL Right of Way Management permits unless otherwise noted on your permit and/or traffic control***

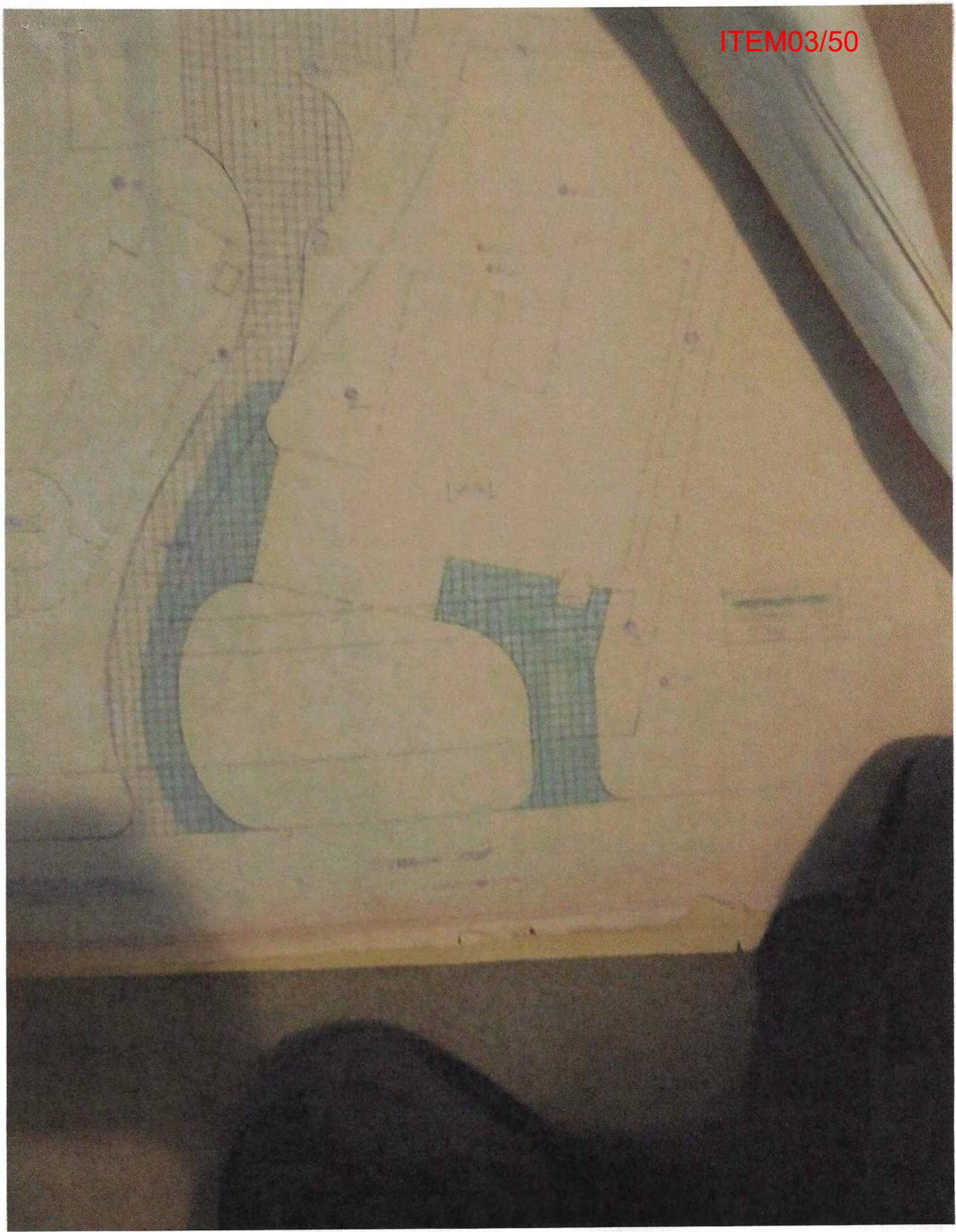
#### All Permit Types:

1. Permittee shall provide the following entities with specific dates, location, and dimension of work area, as applicable:
  - a. Austin 3-1-1 (512-974-2000) a minimum of three (3) business days prior to ROW closures. Be prepared to provide permit number and closure information. (See our Division Memo and Mobility Guideline 04, Providing Notification, for additional guidance on submitting notification to Austin 3-1-1.)
  - b. ATD Meter Shop for removal/protection of paystations and meters: 512-660-3293.
  - c. ATD Sign Shop for removal/protection of signage: 512-974-4089.
  - d. Austin Fire Department for all alley work: [AFDAllev@austintexas.gov](mailto:AFDAllev@austintexas.gov)
  - e. Austin Resource Recovery for Central Business District alley work: [ARR.CBD@austintexas.gov](mailto:ARR.CBD@austintexas.gov)
  - f. Downtown Austin Alliance for emergency and long-term stationary work within the Central Business District (area outlined in red): 512-469-1766.
  - g. If police officers employed by agencies other than the City of Austin will be used to assist in directing traffic, applicant must notify [APDSpecialEvents@austintexas.gov](mailto:APDSpecialEvents@austintexas.gov) at least three days prior to work with the name(s) and agency of the police officers to be employed, along with the date, time, and location where the officer(s) will be working.
2. All traffic control must be:
  - a. In compliance with the current versions of the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and the Transportation Criteria! Manual (TCM);
  - b. Set and maintained by Competent Trained Traffic Control Personnel or Barricade Company;
  - c. Removed from the ROW after approved work hours, returning ROW to full use.
3. City Officials and Inspectors must be allowed to inspect the right of way work zone.
4. ROW work must not conflict with:
  - a. Special events as listed here - [austintexas.gov/citystage](http://austintexas.gov/citystage).
  - b. Existing temporary traffic control in the area.
5. ROW work must comply with the Sound Ordinance per Chapter 9-2-3. ROW work must not make noise audible to an adjacent business or residence between 10:30pm and 7:00am or operate a machine that separates, gathers, grades, loads, or unloads sand, rock, or gravel within 600 feet of a residence, church, hospital, hotel, or motel between 7:00pm and 6:00am, except for installation of concrete authorized by a separate non-peak hour concrete pour permit issued under City Code section 9-2-21. ROW work must maintain local access to all properties.
6. ROW work must maintain ADA compliant paths at all times.
7. Insurance and Bond must remain active and on file with ROW Management for the duration of the permit, as applicable.
8. Site contact must be available on a 24-hour basis, at a current phone number and e-mail.
9. Permit must be placed on dash of vehicles if parking space is permitted, as applicable.
10. Permitted parking does NOT allow for:
  - a. Parking of personal vehicles.
  - b. Occupancy of handicap, taxi, ride hailing, car share, valet, emergency, or other restricted parking zones.
11. Permittee is responsible for any costs incurred by the City to restore condition of the ROW.
12. Violations will be subject to penalties as provided for by law.
13. Use COA Standard Details, as applicable:
  - a. For Trench and Street Repair- Series 1100
  - b. For Traffic Controls - Series 804S

**Permittee must adhere to all applicable local, state, and federal laws and regulations, including conditions of this permit. Permittee is responsible for actions performed under this permit. Permit and applicable standard detail(s) and/or traffic control plan must remain on site at all times. Only competent persons trained in traffic control shall set traffic control devices. Notify Austin 3-1-1 - (512)974-2000 - to report lane and sidewalk closures. Notify Right of Way Management - (512) 974-7180 - if conflicts exist prior to starting work. Failure to comply with permit conditions may result in delays, penalties, or red tag of job. SEE ADDITIONAL PERMIT CONDITIONS AT <http://bit.ly/2y5uz0k>.**



## Exhibit I



## **Exhibit J**







ITEM03/53





## Exhibit K







ITEM03/56









## Exhibit L



