

# 6708 Bridge Hill CV

# 6708 BRIDGE HILL CV

- The Development Officer and the Building Official have both confirmed the original single family principal and accessory structures completed in 1989 with a Certificate of Occupancy were not subject to “LA” zoning requirements because the plat was initiated before annexation.
- The only impervious cover added by me as current owner of 6708 Bridge Hill Drive is the 290 sq. ft. front entry/master closet addition in 2022.

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- Neither the City, nor Appellant, nor me, as owner of 6708 Bridge Hill Drive, know exactly how much impervious cover was developed at the time of the Certificate of Occupancy. Official records were not kept at that time and Appellant relies on a survey done before pool and patio construction were added and before the C of O, leading to speculation and assumptions based upon what can be seen from old aerial photography.

# 6708 BRIDGE HILL CV

- The Building Official has made no error in interpreting the applicable zoning requirements: what was there in 1989 is grandfathered (as well as what was built in 1984 on the Appellant's lot). The Building Official has gathered the best available information as to how much impervious cover was on the site after the Certificate of Occupancy was issued and has stated that is the maximum amount that is allowed upon completion of the remodel project. A development plan has been presented that fulfills the stated maximum allowed Impervious Cover determined by the Building Official.

# 6708 BRIDGE HILL CV

- As the owner I accept that I must account for improvements made by my predecessors and limit the impervious cover on my lot based on what the Building Official has determined was grandfathered in 1989. This will likely require removing some or all of the circle drive added by my predecessor.
- The Building Official has determined from all the available surveys and aerial photography that 12,811 sq. ft. of impervious cover was the minimum amount developed at the time of the Certificate of Occupancy in 1989. Appellant speculates that it was less, but concedes his argument is based upon assumptions of how much decking was added after the McMinn survey was completed and before the Certificate of Occupancy was issued.

# 6708 BRIDGE HILL CV

- The Holt Carson survey of 2021 shows there was 14,860 sq. ft. of impervious cover before the 290 sq. ft. front entry addition was done in 2022 on my lot. The Building Official has determined this will need to be reduced before a Certificate of Occupancy can be issued for the work under the current permits. I am aware of this determination and have prepared a plan to reduce or remove altogether the circular drive and the additional square footage to needed comply with the Building Official's determination.

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- The Building Official has not erred in its determination as to how the Code should apply the LA zoning requirements to the remodel of an existing grandfathered home and Appellant has not raised any error in the Building Official's determination of the proper application of "LA" zoning rules to this existing residential property. Appellant's only point of error is the Building Official's determination of how much impervious cover was existing in 1989. Appellant has conceded that no one knows that answer exactly and that it is a matter for speculation based upon assumptions of what one is seeing on 35 year old aerial photos.

# 6708 BRIDGE HILL CV

- Appellant claims “excessive impervious cover” on my lot is harming the value of his property. Appellant’s lot is virtually the same size as mine and he admits to current impervious cover of 15,546 sq. ft. Under the Building Official’s determination, my lot will have several thousand square feet less at completion. Appellant has suffered no injury.



# Appellant – Ulterior motive

- Please see content of email from July 11, 2024 on the next slide:
- Appellant is not truly concerned with the amount of impervious cover on my lot, only with a very specific part of the impervious cover. Since my project began, he has tried to stop my construction in order to gain a view angle from his back patio that he is not entitled to and that was never afforded his property. Since the time that these houses were constructed there have been two trees on my property between our homes, obstructing the view angles from both of our properties. These trees were removed to facilitate the demolition of my previous pool and patio and their removal allowed for a greater angle of view. My renovation will lead to a less obstructed view for both properties as the new construction will be within the previously existing tree canopies. Appellant is using the ruse of “excessive impervious cover” and wasting City of Austin resources in an effort to obtain something to which he has no right.
- I would also like to point out that, while both parties involved readily admit that the total of existing impervious cover are just estimates as no definitive record exists, the City of Austin has no motive to arrive at their total allowable impervious cover square footage. However, the Appellant and their team have an ulterior and definite motive as explained above.

## ITEM02/10-PRESENTATION/OWNER

Content of email July 11, 2024:

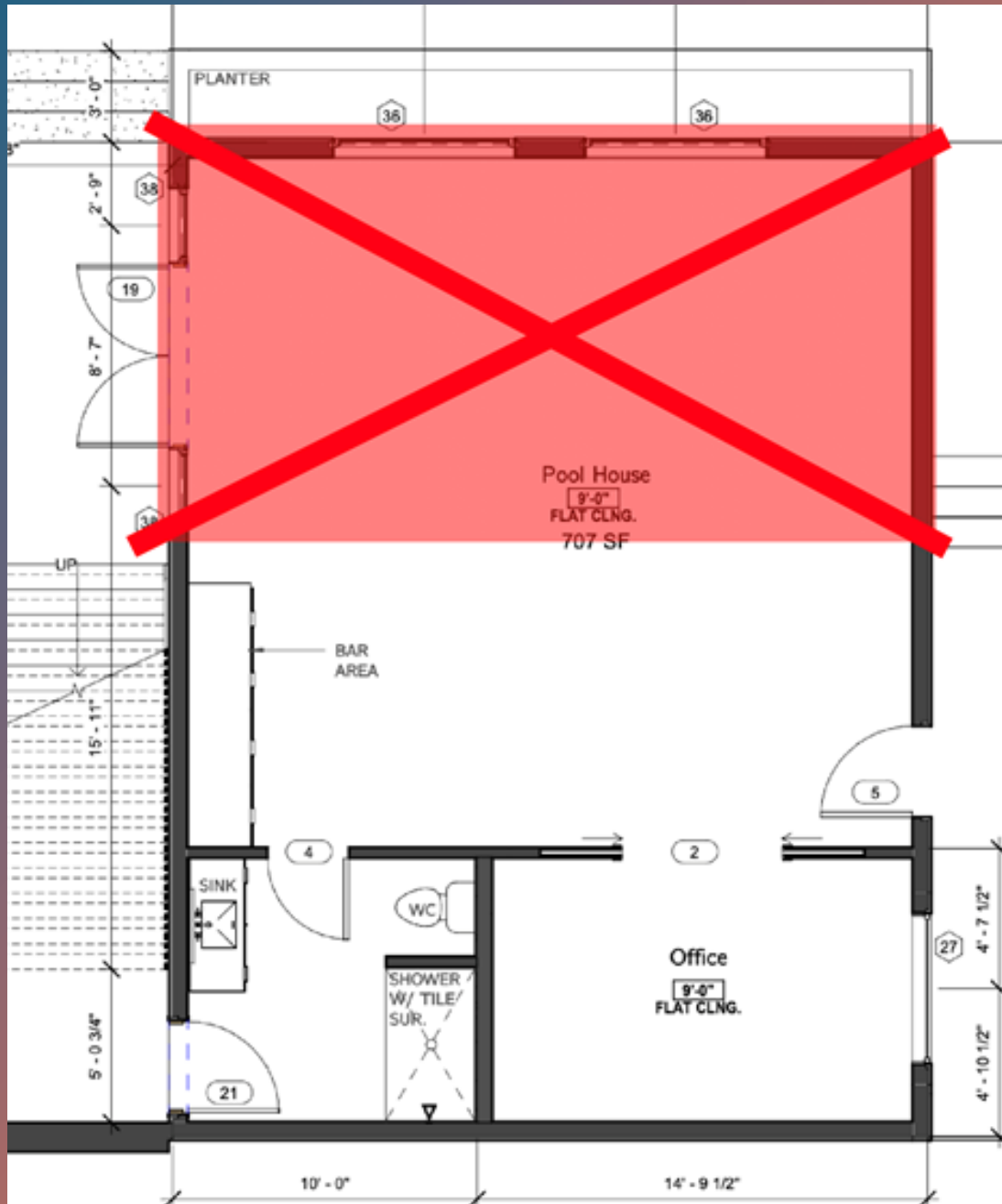
Hi Christy,

Tomorrow is our last day to file a formal appeal against your reactivated permit. Attached is a draft of our appeal along with a copy of the 1989 survey performed by Michael McMinn as well as his recent Impervious Cover Study. This study shows that the "original construction" IC for your property (with the 1990 pool) is **11,270 square feet**. He is still finalizing the "estimated pool deck" based on historic satellite photos, so this number may change slightly. We are also preparing to file a lawsuit against the City of Austin, naming you as a party. This lawsuit will seek an injunction against your construction and will bring an "ultra vires" claim against the city for allocating additional IC to your property without Board of Adjustments approval.

**Rather than escalating this further, I would like to propose a settlement:** If you reduce your expansion by 12 feet, we will not file the appeal or lawsuit. And I will inform both the city and the HOA that this matter is resolved from my perspective and ask them to disregard all previous communications.

However, if we don't reach an agreement today (July 11th), we will file our appeal tomorrow and our lawsuit next week. If you're interested, let's discuss this ASAP on a call?

-Warren



# Trees between the properties showing historical obstruction of view

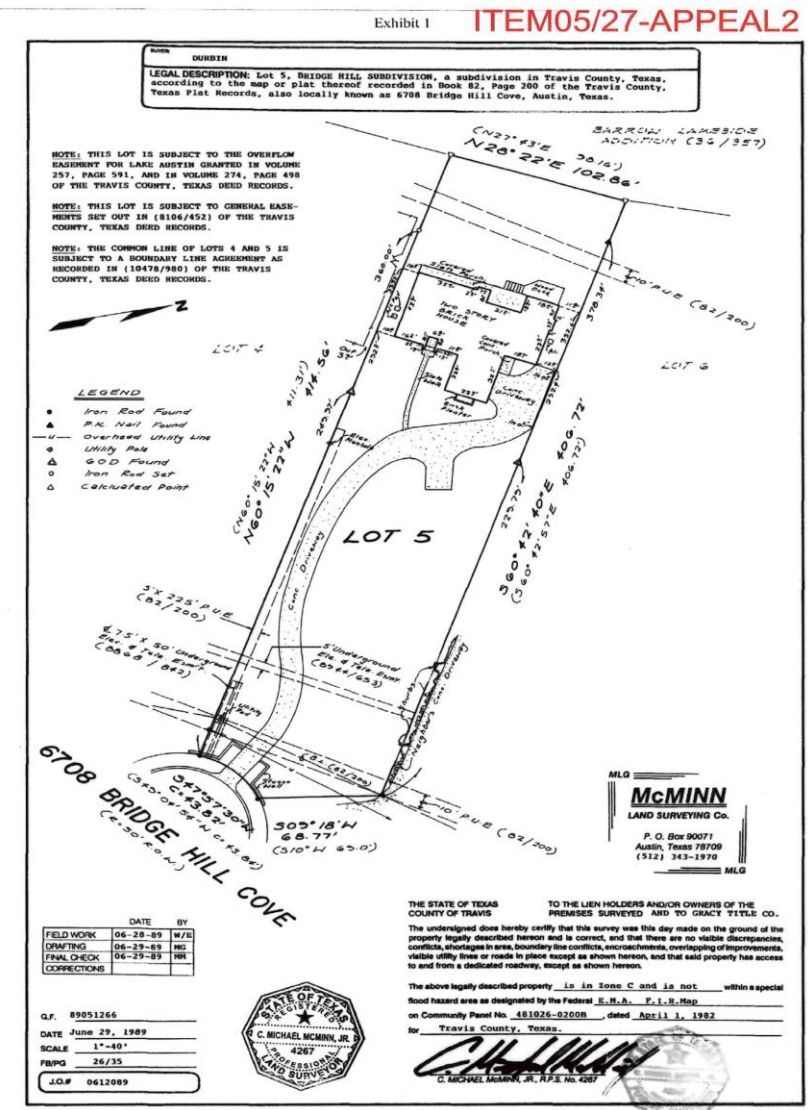
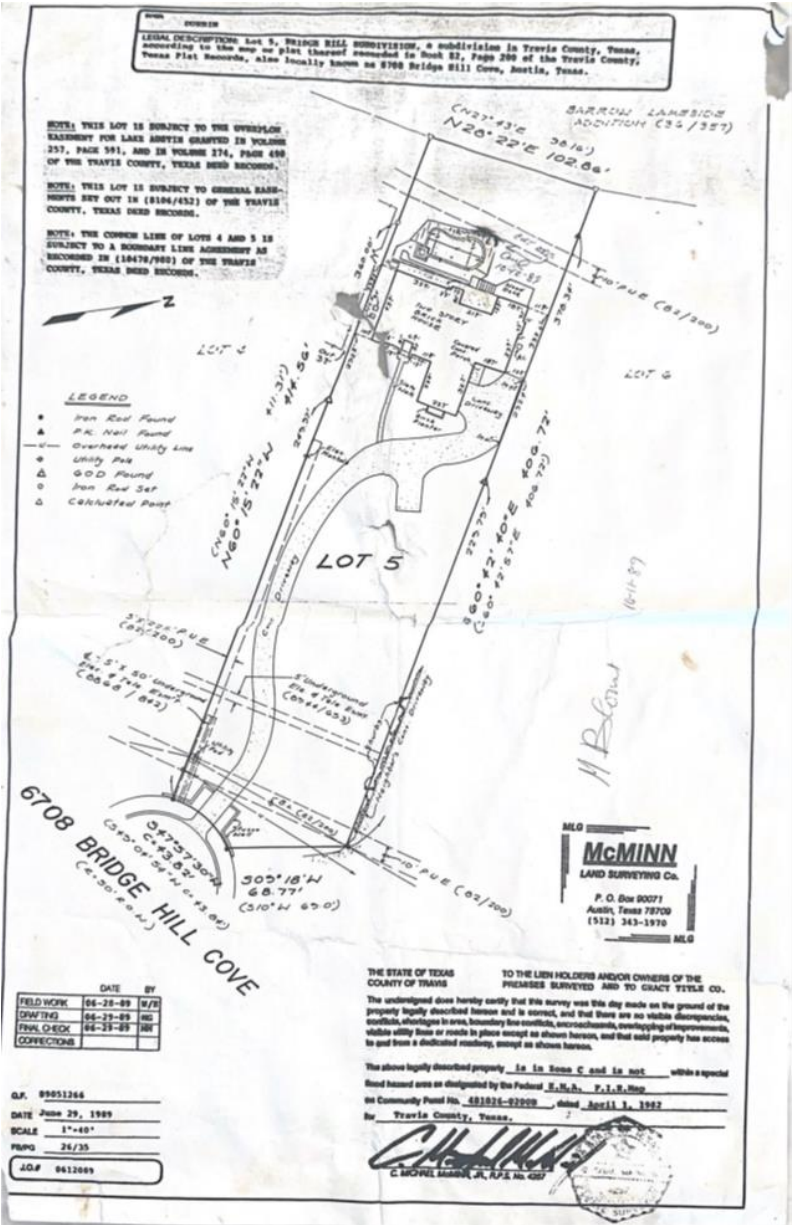


## Appellant's submitted information differences

- On several occasions, the Appellant has submitted differing versions of drawings or sketches in order to support his argument. The first picture is the original 1989 survey with the estimated pool and decking plan included showing the deck completely surrounding the pool. This survey was in the possession of the Appellant but was not submitted. The surveyor admits that it is only an estimate based upon what he believed was going to be the submitted plan for the pool and deck as well as old aerial photographs, but the actual plan does not exist. Appellant instead submitted a survey without the estimated pool and deck plan included (second picture) allowing for interpretation on what may have existed. The next photo is a sketch submitted by the Appellant showing a different version of the pool and deck with a much smaller footprint than is shown on the original survey. Next to that, we see a third version of the same area, also submitted by the Appellant, with a different footprint for the estimated decking around the pool. I do not believe that anyone would build a pool deck in the manner proposed in this drawing and I believe that it is an adjustment made by the Appellant to account for the decking seen in the aerial photo from 2013. It is also clear in this aerial photo that there is a large tree canopy and the decking around the pool is completely obscured. I would also like to point out that during a conversation with the previous owners, they stated that the decking completely surrounded the pool when it was demolished in 2014 to build the new pool deck.

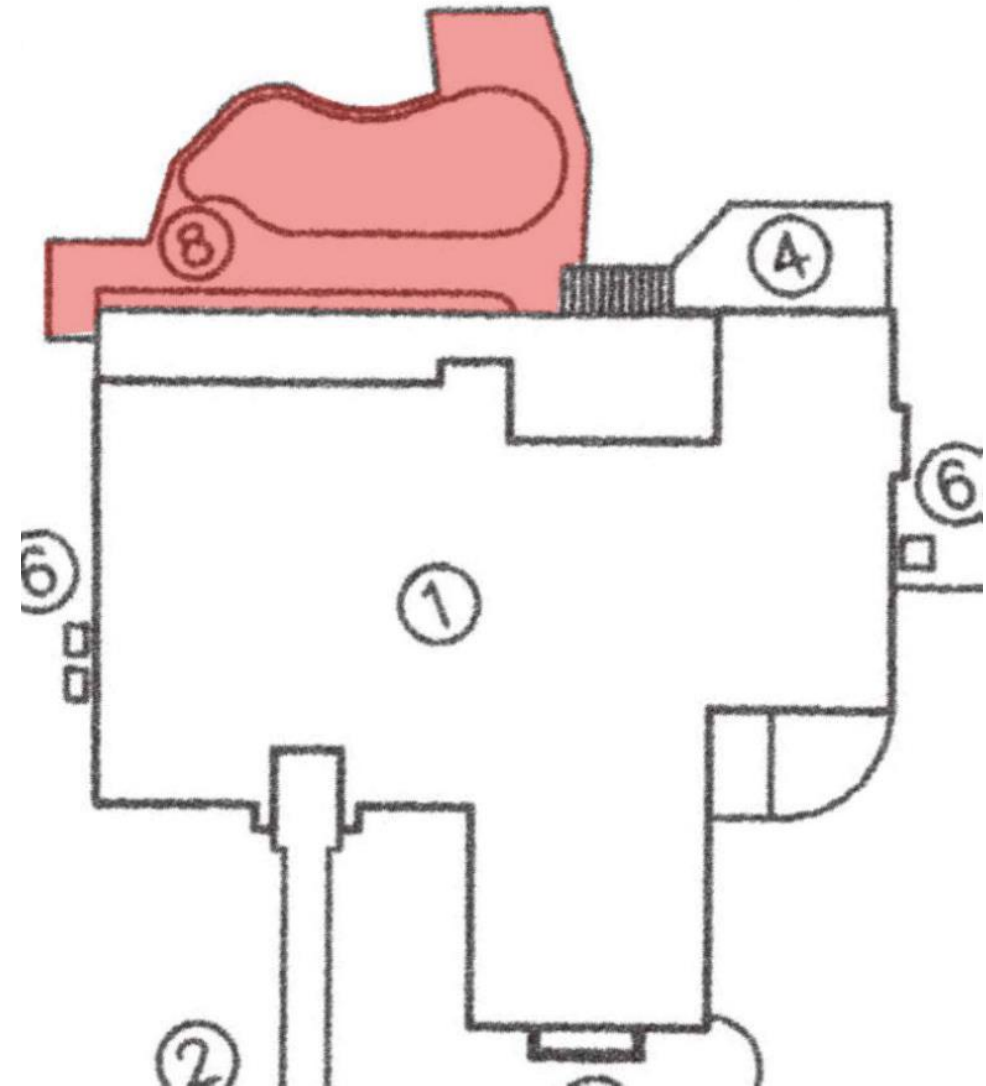
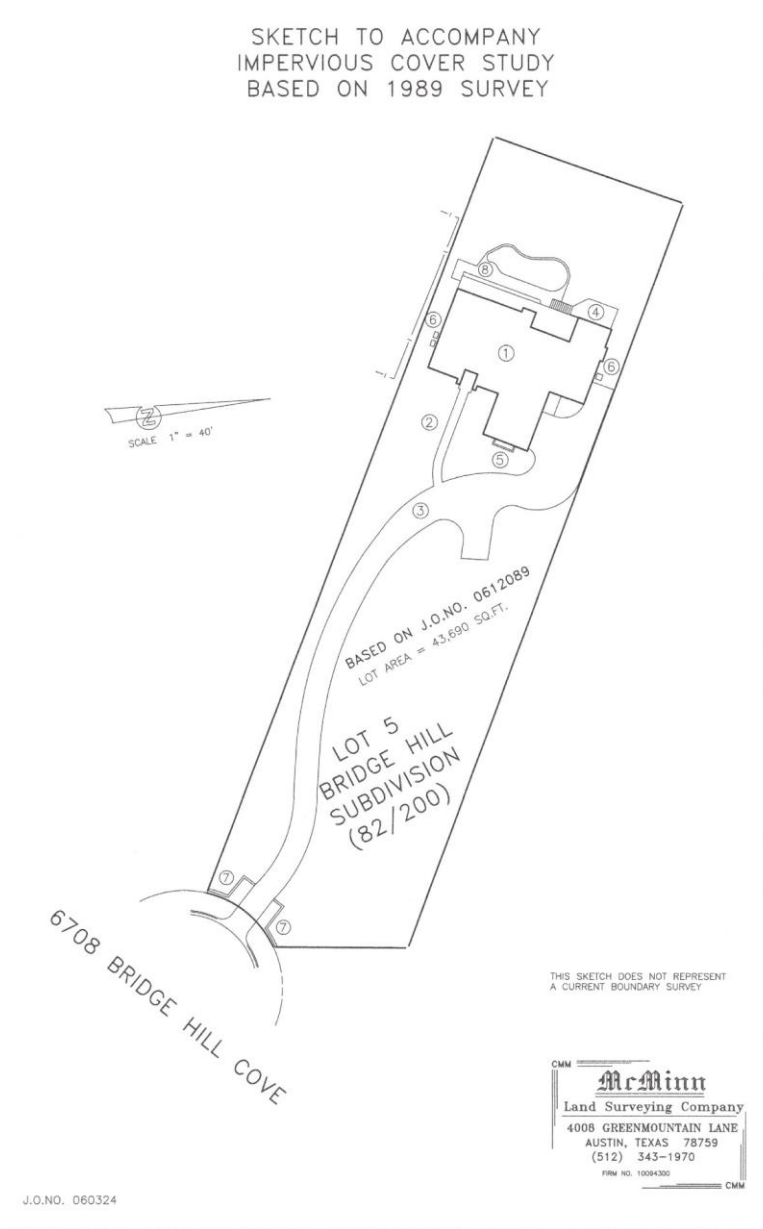


Appellant's submitted information differences



# Appellant's submitted information differences

ITEM02/14-PRESENTATION/OWNER



Appellant's submitted information differences





ACTUAL PREVIOUSLY EXISTING  
VIEW

This photograph from before demolition shows the actual obstruction from the trees as well as the outline of the renovation that will be constructed well within the previous tree canopy.





ACTUAL PREVIOUSLY EXISTING  
VIEW

This photograph taken before demolition and removal of the trees shows the actual obstruction from the trees. The renovation will not extend out any further than the railing shown.



ACTUAL PREVIOUSLY EXISTING  
VIEW

Photo showing previously existing view from Appellant patio blocked by trees as well as showing the approximate height of the renovation.



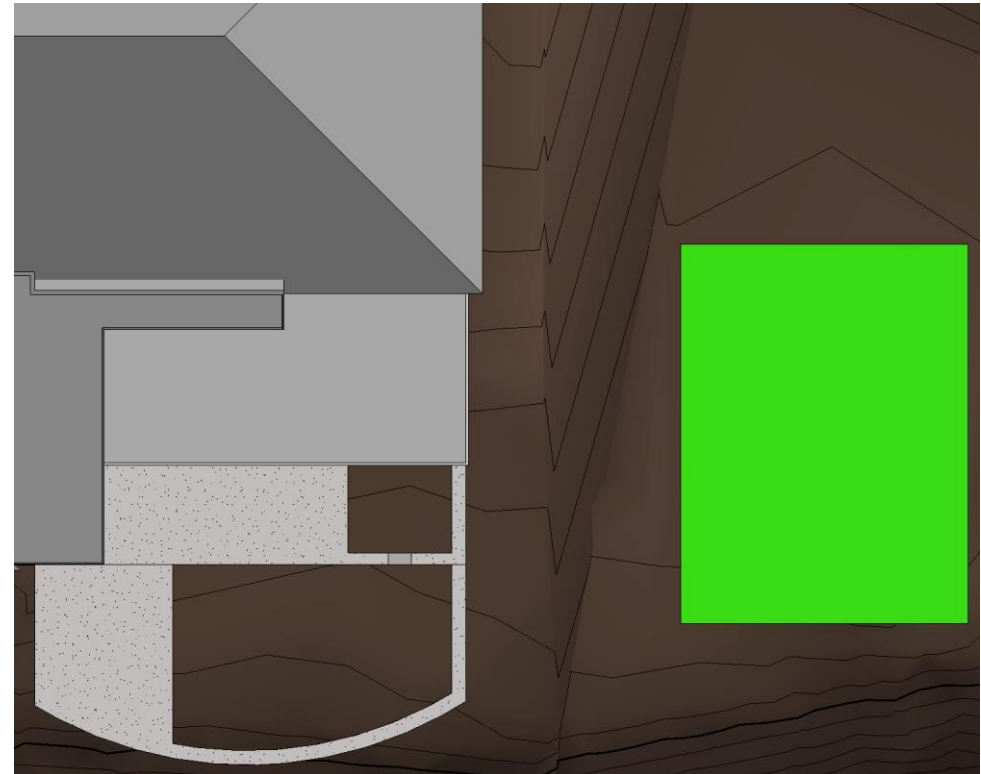
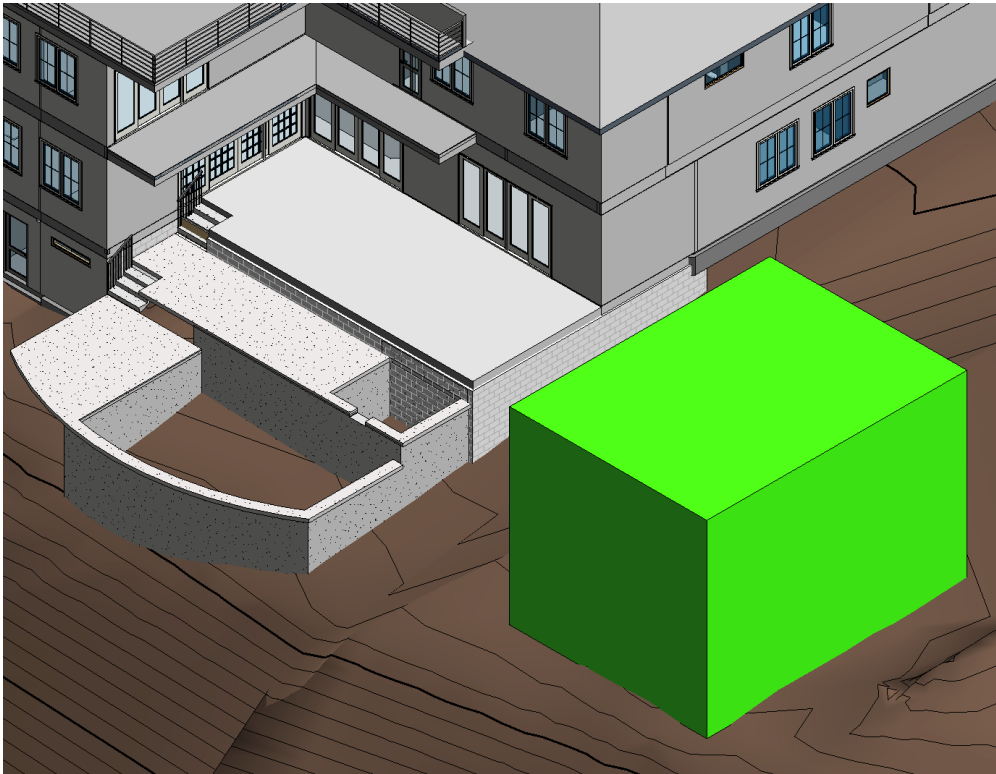
## COMMUNICATION

**Comments from Appellant in various emails and communications. These clearly show he knew he couldn't gain his desired view without taking a different path or having my project cancelled.**

- Building regulations in Austin do not protect sight lines and existing views of neighbors (from Appellant letter to Bridge Hill Cove neighbors)
- It should be obvious to everybody that a mature oak tree with lake views through the branches is a very different view (from Appellant letter to Bridge Hill Cove neighbors)
- Void all ACC decisions from the past 12 months, requiring resubmission and new approvals of any underlying plans (from Appellant request for comments to new Bridge Hill Cover HOA document. My project was the only approval in the past 12 months)

APPELLANT PROJECT TO EXTEND WELL BEYOND MY RENOVATION

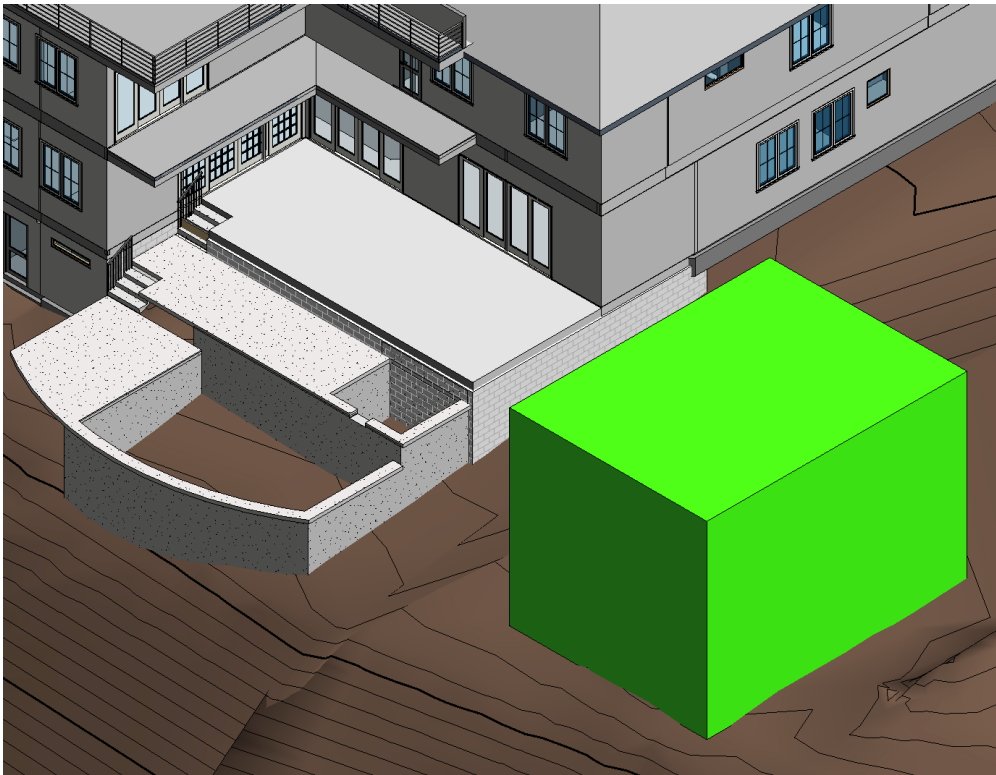
From Appellant original letter to my neighborhood





## HISTORY OF EXAGERRATION

**Letter to Neighborhood**

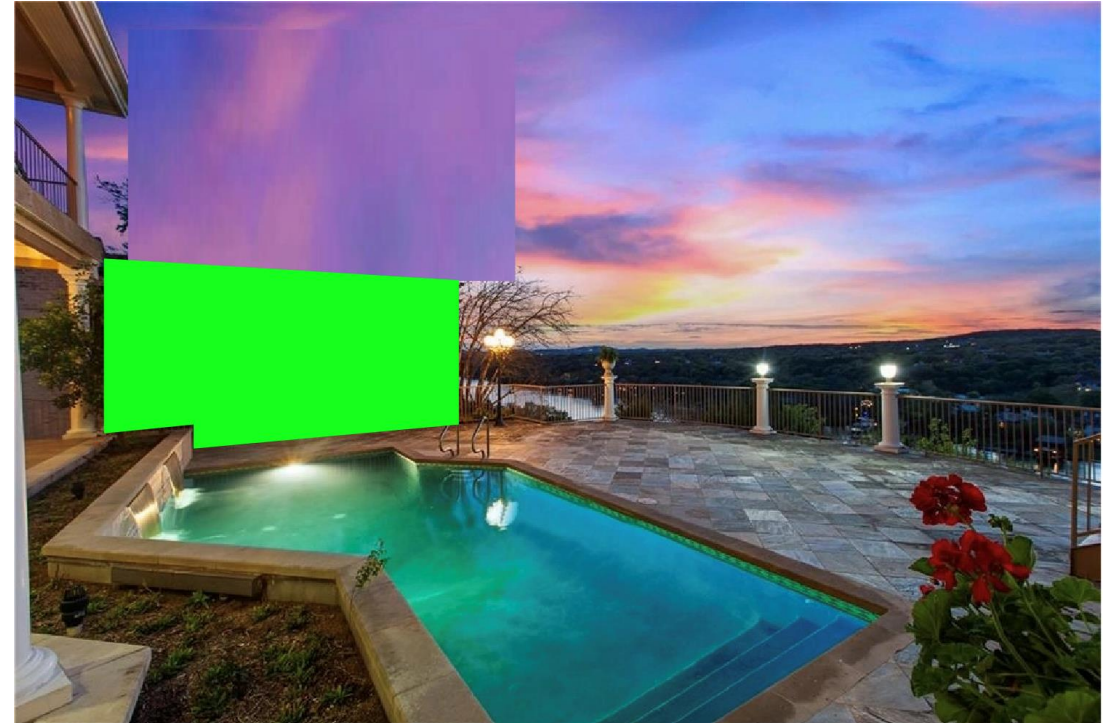


**Submission to Board of Adjustment**



## HISTORY OF EXAGERRATION

Appellant did an exceptionally bad job of photoshopping. Not only did he put my addition literally on his patio instead of behind the trees, which will be replaced, but he also attempted to blur out where the tree canopies were very obviously much higher than my cabana will be.



## POT AND KETTLE

In Appellants Reconsideration form, he cites, on several occasions, the allowable IC of 11,408SF whereas the City has determined, and the Board of Adjustment previously agreed, that the allowable IC is actually 12,811 SF

Appellant cites non-remedy of the previous unpermitted construction. Previous unpermitted construction was remedied and agreed upon during a hearing for re-instatement of the building permit.

Appellant cites special treatment in allowing the agreed upon amount of IC. Appellant's lot is nearly identical in size and has approximately 2,000 more square feet of impervious cover, yet he feels as if I am getting the special treatment. His project is currently under a stop work order due to excessive impervious cover and additional code violations which should preclude him from making the argument that he is attempting to make.

Current permit at 6708 Bridge Hill Cv and current building plan will result in a reduction of almost 2,000 square feet of Impervious Cover on the property. Reducing the amount of impervious cover on a lot partially zoned LA would seem to fall squarely within the intent of the zoning regulations,



# CONCLUSION

- The Appellant has wasted City of Austin time and resources by using a ruse of concern for the environment and eco-system of the Lake Austin watershed. He has weaponized this system to personally gain a view to which he was never entitled. Appellant has argued that the City of Austin is unable to do their job correctly and that his paid consultants are the only ones that have come up with the right answer. All involved fully admit that no one truly knows the correct amount of impervious cover that should be allowed on my property, but there are several things that we all know are factual:
- The amount of impervious cover on my property will be reduced by almost 2,000 square feet at the end of my project as compared to when the project started.
- Appellant will have approximately 2,000 square feet more impervious cover on his lot which is almost identical in size to mine. Although Appellant's building permit is on hold at the present time for questions regarding his allowable impervious cover based on a sealed survey from 1997, constructing unpermitted additional impervious cover and various code violations. **There is also a posted stop work order on his project, yet he continues to proceed with his construction.**
- Only one side of this dispute has a motive for determining their total of allowable impervious cover on my project. The City of Austin gains nothing by determining the total that they deemed acceptable other than the fact that the agreed upon total is a reduction from the current existing amount. However, the Appellant has a very obvious motive for arriving at their number which has been shown in this presentation.



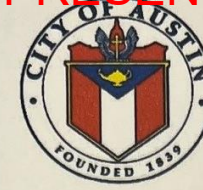
# CONCLUSION

- This process has been incredibly burdensome and costly. He has managed to keep my project on hold for six (6) months with meritless accusations all in the pursuit of something to which he is not entitled.
  
- **Under separate cover, I have included the following:**
  - Appellant letter to Bridge Hill Cove neighborhood
  - My response to Appellant letter to neighborhood
  - Appellant response
  - My letter to the City of Austin citing Appellant's current code violations
  - City letter to Appellant citing code violations

# CODE VIOLATIONS

Copy of the letter from the City of Austin  
for notice of code violations on  
Appellant's property

ITEM02/26-PRESENTATION/OWNER



To: Warren Konkel  
From: Steve Leitch, DSD (Division Manager, Expedited Plan Review)  
Date: September 9, 2024  
Re: Code Complaint - 2024-102565 CC

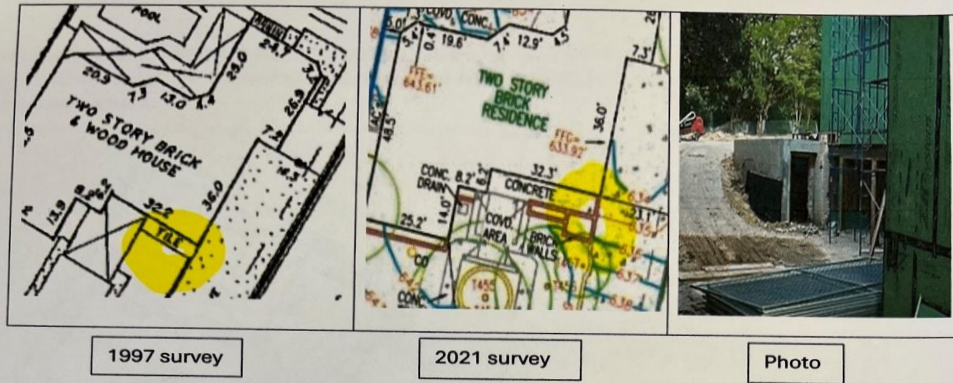
Following an onsite inspection of the property conducted by myself, Todd Wilcox, Building Official, Tim Taylor, Chief Building Inspector, Scott Cochran, Building Inspections Division Manager, Dale Donahue, Environmental Compliance Supervisor, and Brian Eberwine, Code Inspector, I am providing this memo as supplementary information to help you evaluate methods of achieving compliance with regulations at issue in the above-referenced code enforcement case, which was initiated on August 13, 2024,. Please feel free to contact me if you have questions regarding this matter.

After review of the approved plans, photographs, prior surveys of the property, and a visit to the construction site, we have identified 4 areas of concern at 6706 Bridge Hill Cove.

First, the scope of renovation to the structure has evolved from the plans which were approved in 2022, under case number PR-2022-066047. Changes include an expanded basement and garage, altered window sizes and locations, an expanded balcony and a trellis above the pool deck. There is also ongoing mechanical work without an active mechanical permit.

Second, a portion of the basement, which projects north and east from the footprint of the residence, is not depicted on either, the 1997 or the 2021 surveys, and it is also not depicted in the plans which were approved as part of PR-2022-066047 (see snip from surveys and photo of structure below). This area may represent additional impervious coverage.



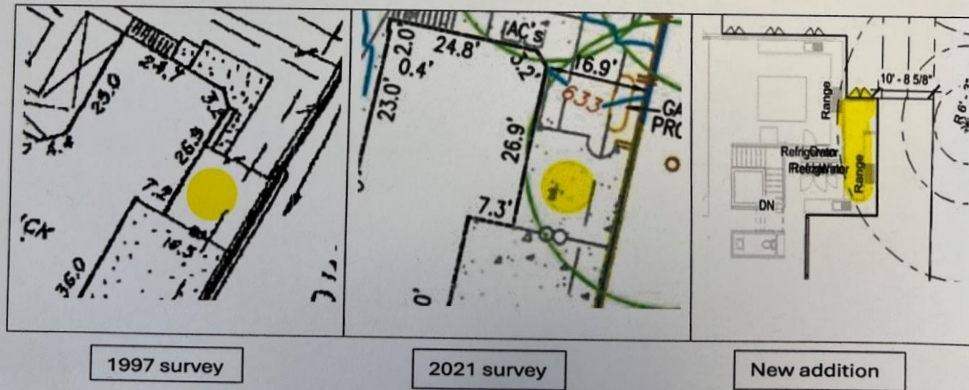


1997 survey

2021 survey

Photo

Third, the 2021 survey and the plans approved as part of PR-2022-066047 show the driveway continuing farther west along the side of the house than was depicted in the 1997 survey. The current project includes an addition to the structure over a portion of that additional driveway. This driveway area, and the structure addition over it, appear to represent additional impervious coverage from the 1997 survey, but are represented as existing impervious coverage in the plans approved as part of PR-2022-066047 (see snips of surveys and approved plans below).



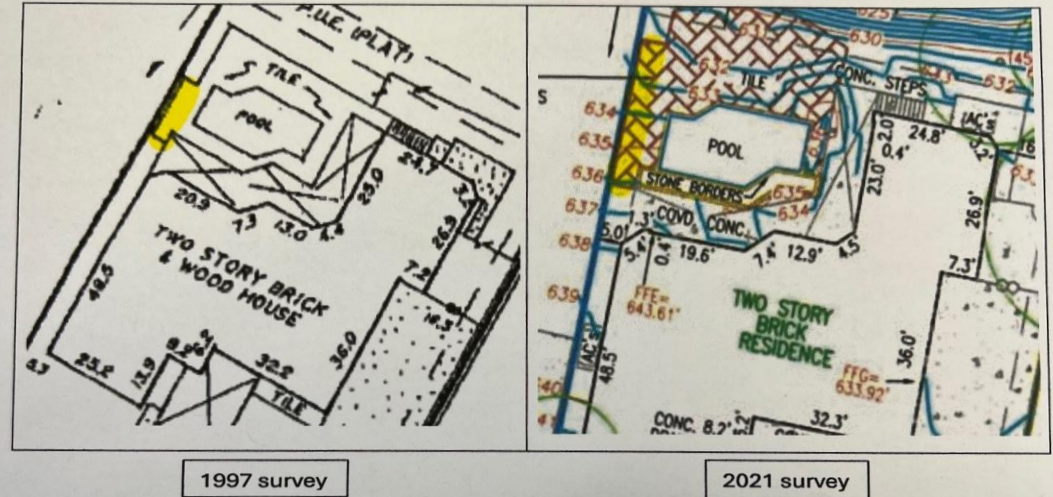
1997 survey

2021 survey

New addition

Fourth, the pool deck has expanded since the 1997 survey, including the portion of it within the side yard setback. A permit to, "repair, replace and enlarge existing pool deck" was secured in 2001 (2001-013119 BP). However, no inspections were logged, and that permit is Expired. There is a note in our system associated with the permit which reads, "IC-15237=34%. The portion of the wood deck that is encroaching into the sideyard must not be removed to maintain the non-

complying status...25-2-963(D)". The plans approved as part of PR-2022-066047 for the current project show 15,697 square feet of impervious cover pre-development and 15,546 square feet post-development.



1997 survey

2021 survey