

Appeal of Improperly Approved Permits: 6706 Bridge Hill Cove

Demonstrating Errors in the 2022 Permit and 2025 Revision Plan

Case Number: C15-2025-0041

Appealed Permit Numbers: 2022-083202

Board of Adjustment Hearing Date: November 10, 2025

Presenter: Christy May

Address of Presenter: 6708 Bridge Hill Cove, Austin, TX

Prepared for the City of Austin Board of Adjustment



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 side yard 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.

- Steve Leitch letter to Warren Konkel, September 9, 2024



1997 survey

2021 survey

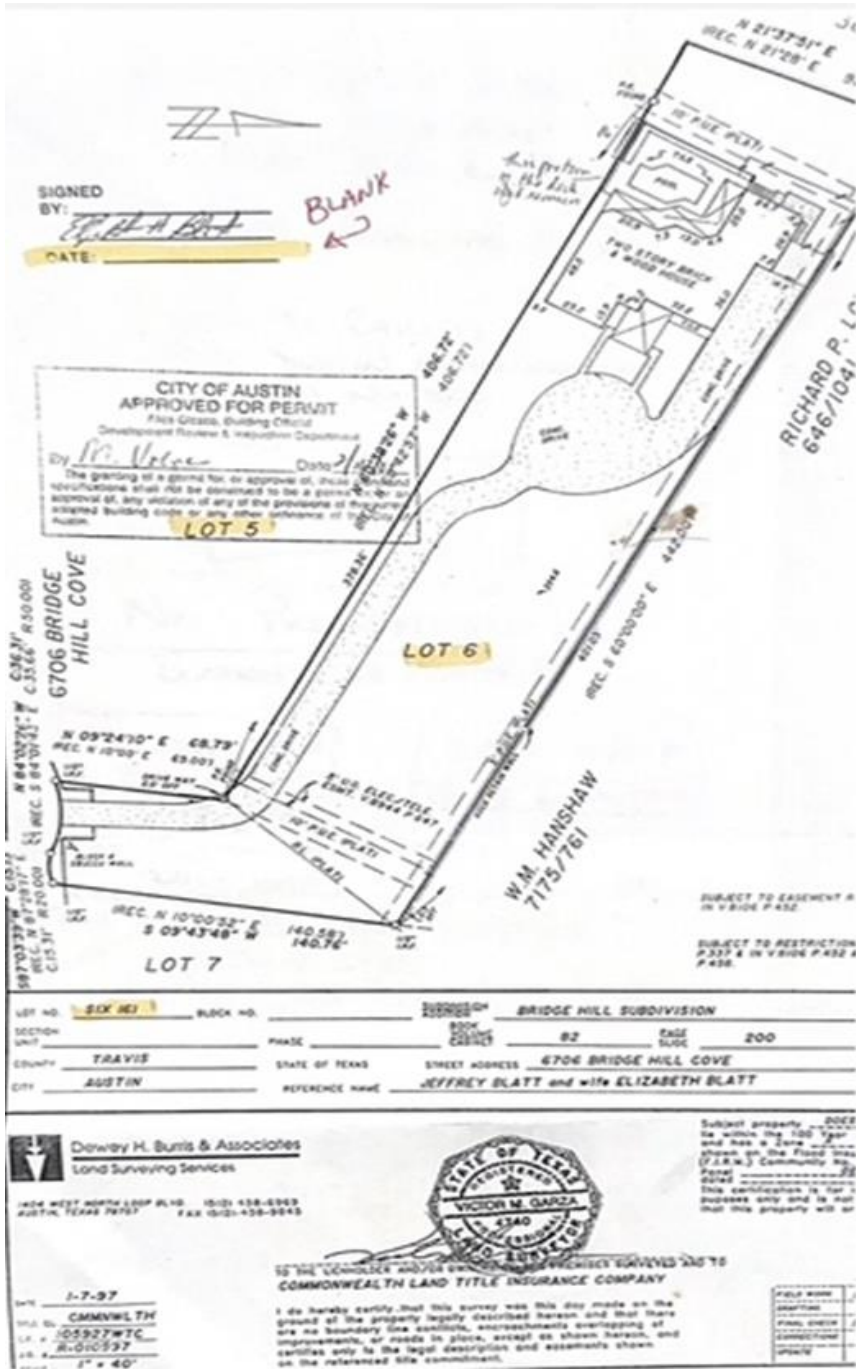
*LAST LEGAL NON-COMPLYING STATUS

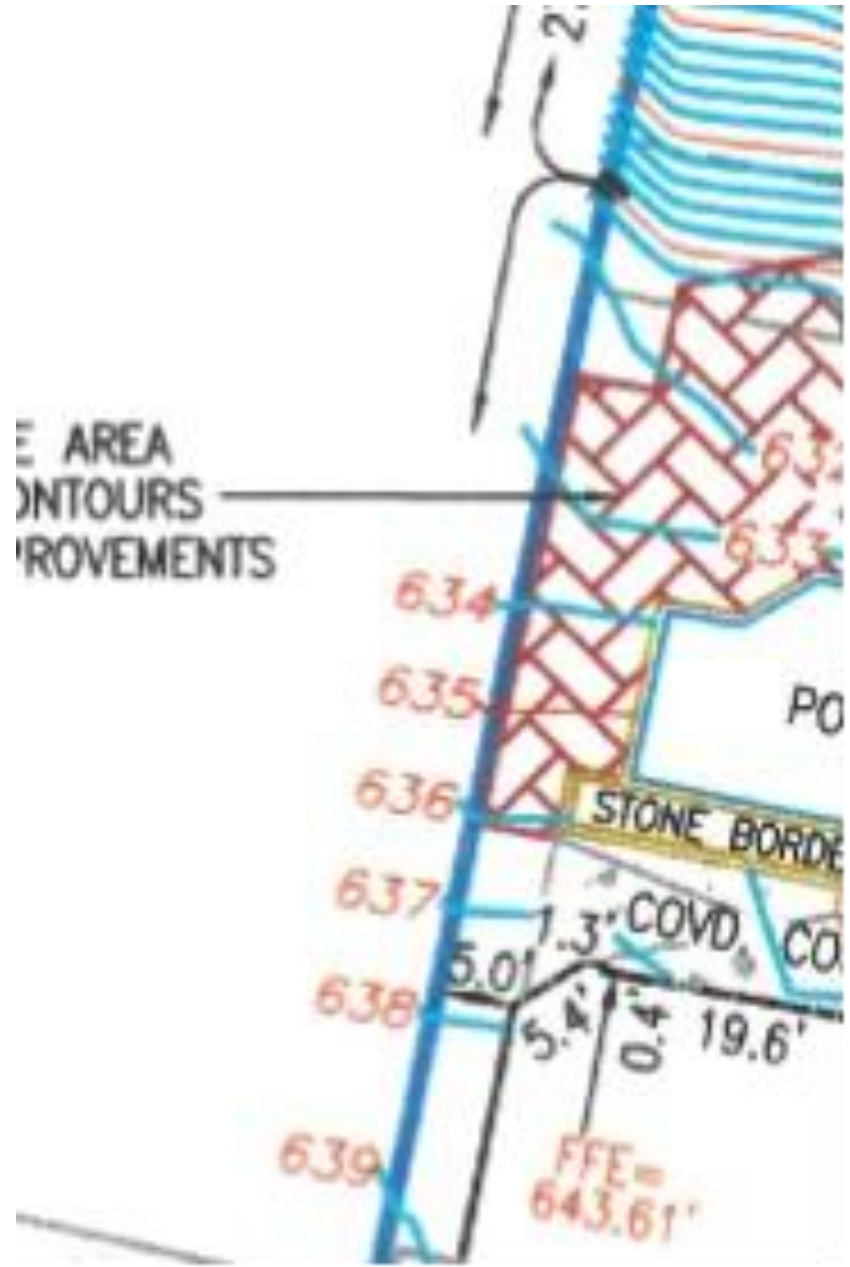
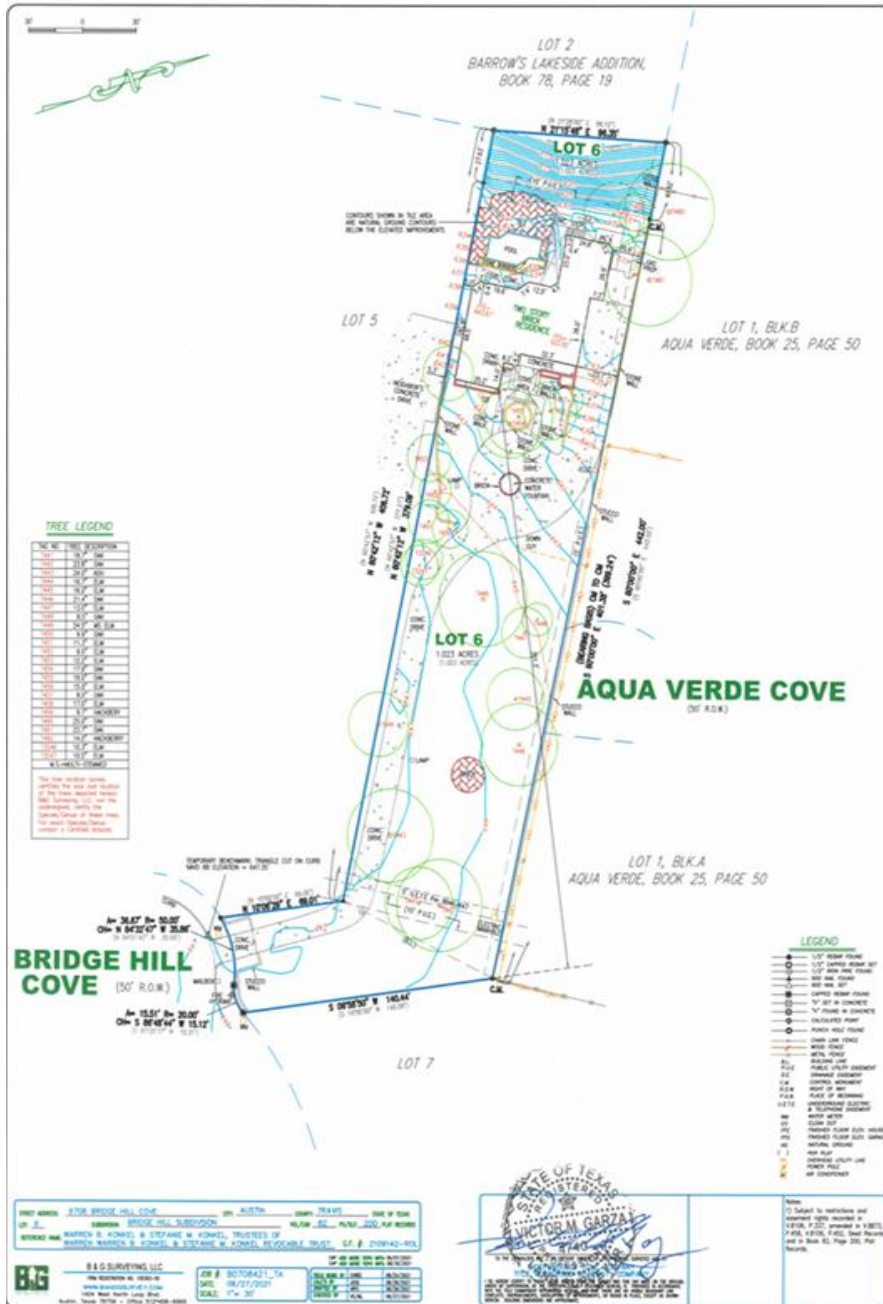
EXPIRED PERMITS = LOSS OF GRANDFATHERED STATUS

2001 permit expired with no inspections and was never lawfully completed.

Austin's Land Development Code makes it clear that when a permit expires, the authorization ends and vesting tied to that permit/project does not continue.

The 2022 Permit improperly assumed continued grandfathered status based upon expired 2001 permit and non-permitted improvements after 2001





ADDED SQUARE FOOTAGE IN THE SETBACK = LOSS OF GRANDFATHERED STATUS

2001 permit proposed “repair, replace, and enlarge pool deck.” But it did not approve extending the length of the patio in the setback to the zero (0) foot setback line (see Slide #4). What was built after the 2001 permit expired was never permitted by the City and was never legal non-complying.

City code 25-2-963 (Modifying and Maintaining Non-Complying Structures) subsection (E)(1)(a) provides that modifications of a non-complying structure may not extend further into the required side yard setback than the existing non-complying portion of the building.

City code 25-2-963 (Modifying and Maintaining Non-Complying Structures) subsection (c) “except as provided for in subsections E and F, a person may not modify or maintain a non-complying structure in a manner that increases the degree to which the structure violated a requirement that caused the structure to be non-complying.”

The exceptions of subsection (F) do not apply to this permit because:

- a) The elevation of the patio deck changed more than one (1) foot vertically (LDC 25-2-963 B(2))
- b) The encroachment of the pool deck extends further into the required setback than the last legal non-complying improvements in 1997.
- c) The additional length of the modified portion exceeds what is allowed by this subsection (See comments by Alyssa Mayfield’s comment on next slide)

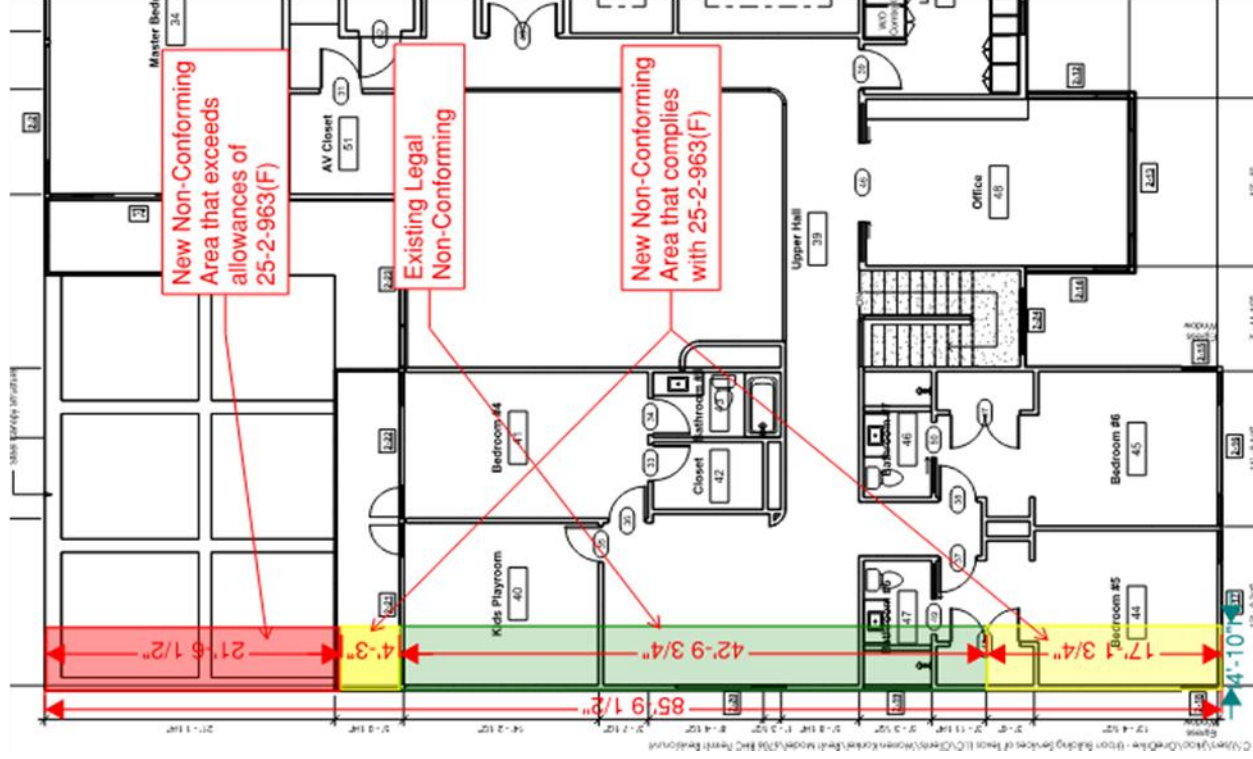
Residential Zoning Review - Alyssa Mayfield -

RZ01. The steel structure cannot be built as it does not comply with the code below.

25-2-963 F (2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.

The exhibit you provided was including new square footage as existing non-complying square footage to increase the length of the structure further than is allowed per the code.

Please see exhibit below that shows steel structure is more than the allowed additional length.



THE CITY OF AUSTIN LDC 25-2-963 STATES “replacement of an original foundation may not change the finished floor elevation by more than one (1) foot in either direction.”



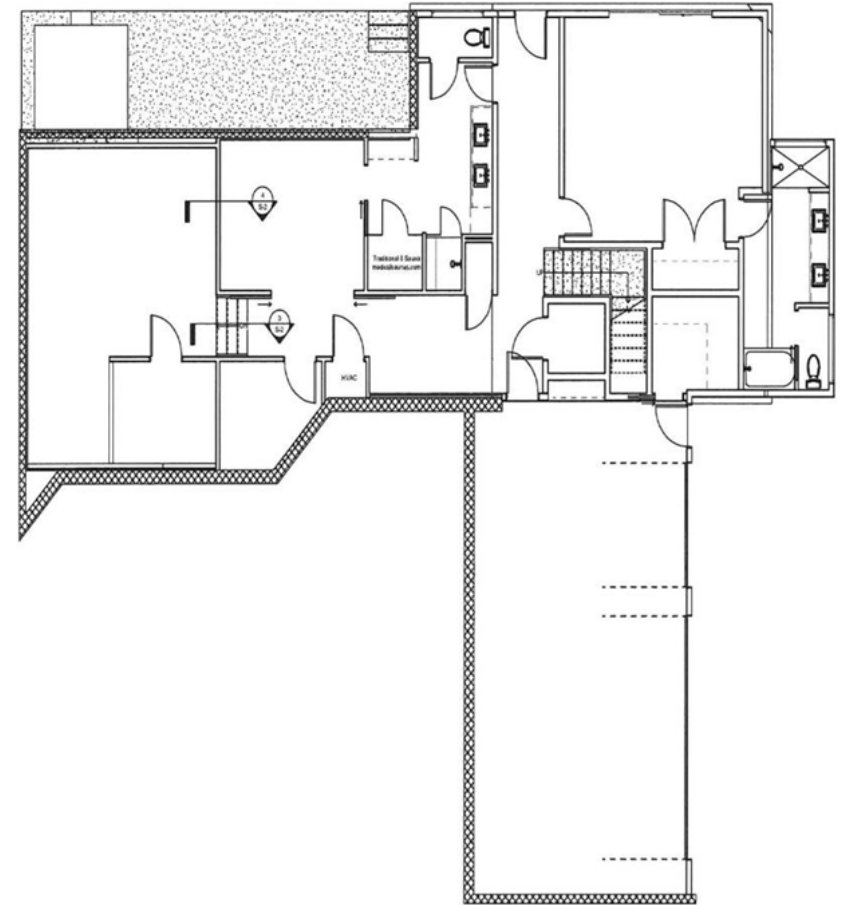
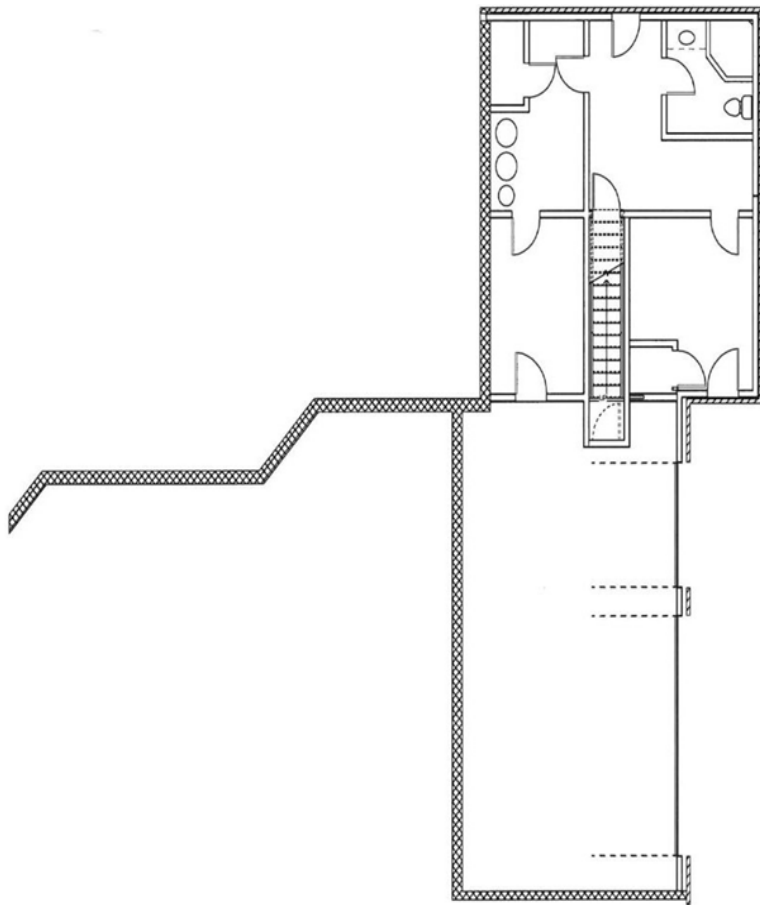
QUOTE FROM STEVE LEITCH – SEPTEMBER 23, 2025

“The portion of the deck that exists today was a part of the original patio, so it maintained non-complying status”

Photos from 2021 clearly show that the elevations have changed by greater than one (1) foot

EXPANSION OF LIVING SPACE WITHIN THE SIDE YARD SETBACK

-Permit clearly shows a basement living space was added where crawl space existed previously under a single elevation pool deck.



A SECOND STORY WAS ADDED TO THE FIRST FLOOR ALREADY IN THE SETBACK INCREASING HEIGHT AND VISUAL IMPACT
PORTIONS OF THE FIRST AND SECOND FLOOR PATIOS WERE ENCLOSED AND CONVERTED INTO HABITABLE LIVING SPACE



PER AUSTIN LDC 25-2-963 "MODIFICATIONS MAY NOT INCREASE THE NON-COMPLIANCE OR ITS IMPACT ON NEIGHBORING PROPERTIES"



*This photo shows a multi-level patio deck with steel trellis and balcony on the third level (including basement workout room).

All in the side yard setback.

REVISION PLAN INCREASES THE IMPACT ON NEIGHBORING PROPERTIES





City of Austin Residential Permit Application

Master Comment Report

Property: 6706 BRIDGE HILL CV

Case #: 2022-066047 PR

Cycle #: 1

Original Application Date: May 9, 2022

Application Expiration: December 4, 2028

Comment-report Sent: March 18, 2025

Coordinating Reviewer: Alyssa Mayfield

Coordinator's Contact: alyssa.mayfield@austintexas.gov

Residential Zoning Review - Alyssa Mayfield -

RZ01. Missing dimensions on floor plans. Provide dimensions on all floor plans.

RZ02. Steel canopy cannot be in setback.

RZ03. Outdoor kitchen cannot be in setback.

RZ04. Additions look to extend further than the existing impervious cover. Please verify the existing areas of impervious cover that are proposed to be built over.

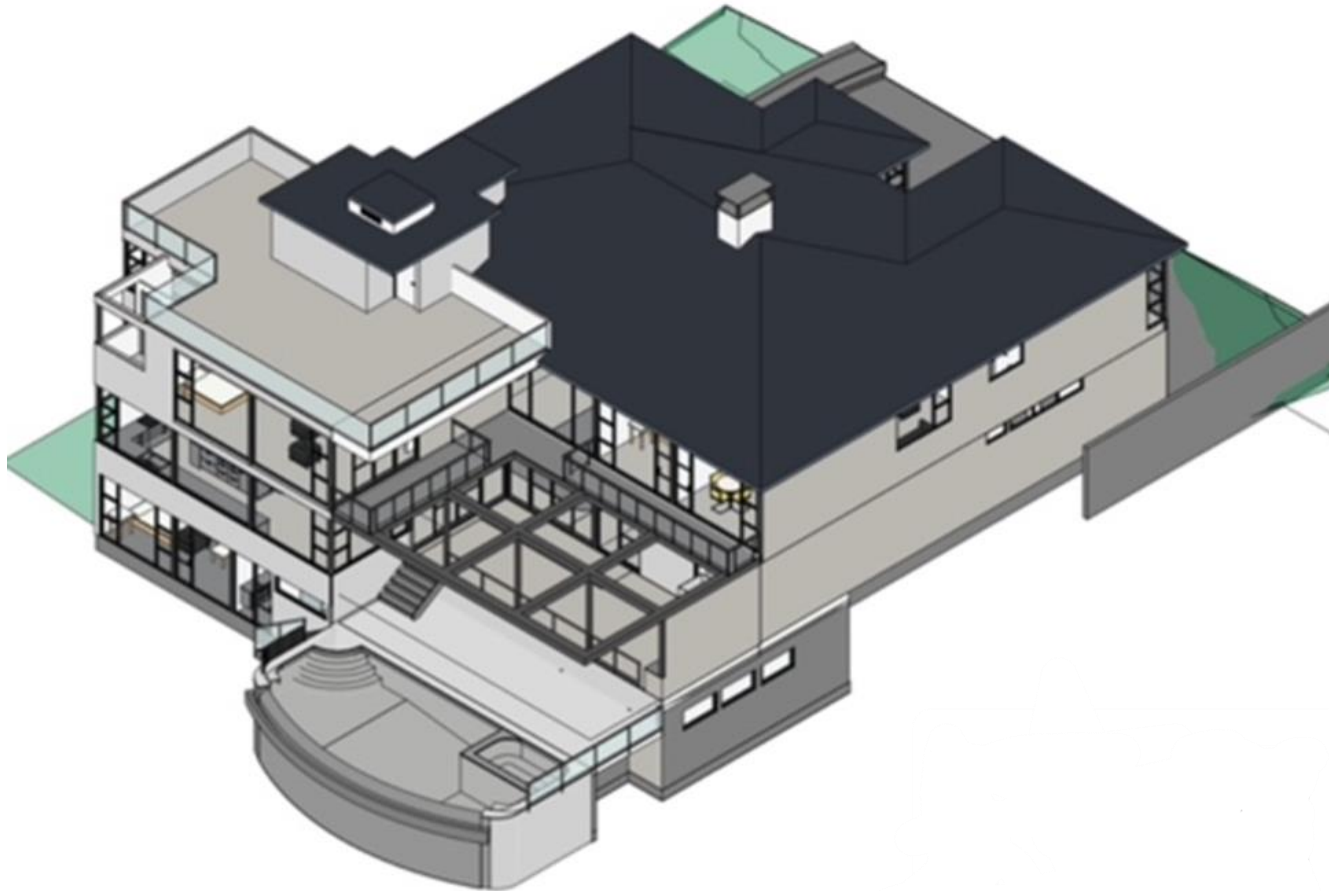
RZ05. Pool is not over existing impervious cover so it is not able to be approved as is.

RZ06. Some of the sheets have the existing approval stamp. Please submit plans without the approval stamp.

RZ07. Over impervious cover. Can reduce areas of existing IC, but cannot add new IC in other areas.

PROPOSED ABOVE GROUND POOL ENCROACHES INTO THE SETBACK. NO STRUCTURE EXISTED IN THIS LOCATION ON THE 1997 SURVEY; NOTHING IS GRANDFATHERED IN THIS LOCATION. THE DESCRIPTION ON THE CITY PORTAL STATES - "New pool over existing pool deck"

*POOL COPING WILL EXCEED ALLOWABLE IMPERVIOUS COVER ON PROPERTY



THE ADDITION OF LARGE NEW WINDOWS WITHIN THE SETBACK (REVISION PLAN) – ABSENT FROM BOTH THE ORIGINAL STRUCTURE AND THE 2022 PERMIT – FURTHER INTENSIFIES THE IMPACT ON THE NEIGHBORING PROPERTY BY INCREASING VISIBILITY AND REDUCING PRIVACY.

-The City erred in not requiring an as-built survey on a major remodel addition of a legal non-complying structure, which would have caught that the site plan the permit holder submitted to the City inaccurately stated the entire house was 2-story, when a seventeen (17) foot length of the front portion of the home that encroached into the side yard setback was only one (1) story and is not allowed by LDC 25-2-963 F (1) (b).



KEY ISSUES

Added unpermitted square footage within the setback from 1997 legal non-complying status prior to 2022 permit.

Elevation changes increased structure mass and visual impact in the required setback.

Approval of a Vertical Expansion – specifically, a second-story addition built atop an existing structure that already encroaches into the required setback, intensified the nonconformity.

Living space created in the setback - basement under patio, enclosed covered patios on two levels and added second story in the front of the house

City's review erred in not requiring an as-built survey, and failed to review historical records

Revision Plan – The injury to the neighboring property is compounded significantly with the approval of the steel roof structure, upper patio, outdoor kitchen with a solid wall and additional intrusive windows in the added second story bedroom and basement rooms within the setback.

Violation of the intent of noncomplying structure code

Unequal enforcement and fairness issues

“A permit to expand the pool deck was approved in 2001; although no inspections were carried out, we can honor the approval of the additional impervious cover.” *Quote from Leitch to Konkel - October 22, 2024

CITY REVIEW ERRORS

City's failure to review Historical Records (2024 Discovery)

When the City investigated the property in 2024 for code violations, they found internal notes referencing a note in the system regarding the approval of a 2001 permit (See Steve Leitch email from September 9, 2024). This note is directly relevant to the property and nonconforming status of the structure. It seems reasonable to expect that staff reviewing the 2022 permit should have examined existing records and notes related to the property. This demonstrates that the information was already in the city's records and could have/should have been discovered during the 2022 process. The failure to do so constitutes a significant breach of due diligence that directly contributed to the improper approval of the permit.

A site visit would have revealed the permit holder provided the City an inaccurate and incorrect site plan of the legal non-complying (grandfathered) structure. Instead of an As-Built survey, the Building Official relied on this drawing which was highly misleading.

The absence of such a survey undermines the ability to determine whether the proposed modifications comply with code. Specifically, Residential Plan Review guidelines state that plans must be drawn to scale and include a sealed boundary survey showing all existing improvements, as well as a finished floor sealed elevation survey of the existing and proposed construction. The use of a drawing instead of required surveys indicates a failure to adhere to established permitting procedures.

In a January 27, 2025, email to Christy May, Steve Leitch acknowledged that no floor elevations were depicted in the plans and that staff "did not ask for them" because they viewed the project as a reduction in noncompliance—while also admitting it was "impossible to know that the proposed elevations are different." This reasoning is fundamentally flawed, as the 2022 plans clearly show **two distinct patio elevations**, more than a foot apart from each other, within the **side yard setback** where only one level previously existed. Approving multiple elevations where a single level had been grandfathered **increased the degree of noncompliance**, in direct violation of **Section 25-2-963** of the Land Development Code.



AI American Institute
BD of Building Design
CREATED BY
Office: 212-791-8271 (US/INTL)
Email: aia@urban.com
www.aia.com

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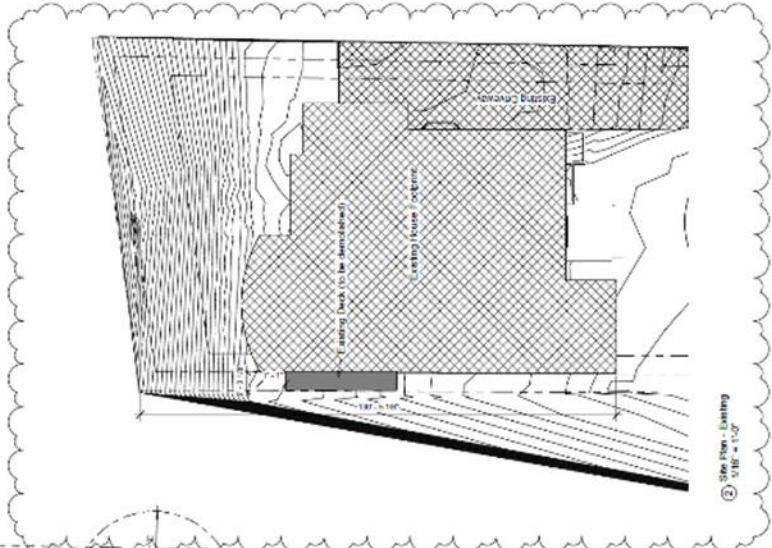
PROJECT INFORMATION
Home Addition + Remodel
Warren & Stefanie Konkel
6706 Bridge Hill Cove, Austin TX 78746

DATE: 01/11/2019
BY: [Signature]
PROJECT NO.: [Number]
MAP SCALE: [Scale]
DATE: 01/11/2019
BY: [Signature]

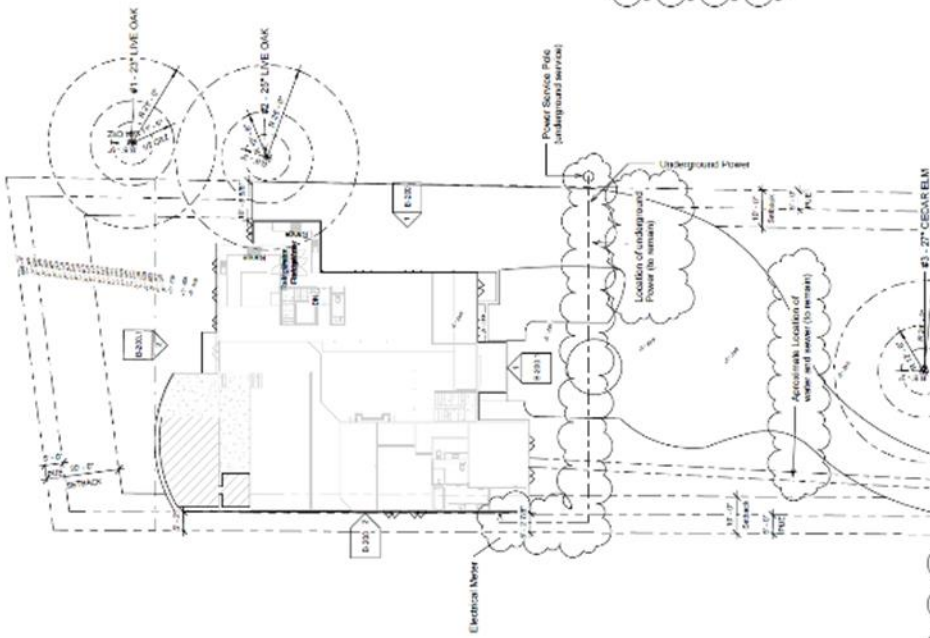
B-002

Site Area Schedule (Existing)		Site Area Schedule (Proposed)	
Driveway + Flatwork	9,393 SF	Driveway + Flatwork	9,402 SF
House Slab	6,497 SF	House Slab	6,608 SF
Pool/Spa	406 SF	Pool/Spa	406 SF
Pool Deck to be Demolished	101 SF	Total IC	15,546 SF
Total IC	15,697 SF		

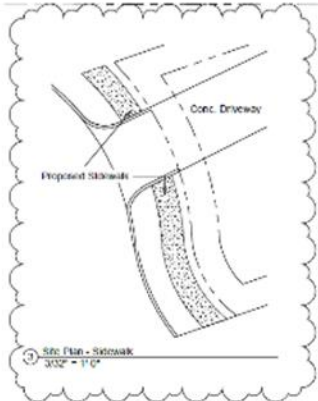
- Tree Legend**
- 23' Live Oak
 - 25' Live Oak
 - 27' Live Oak
 - 23-31' Adonias Ash
 - 22' Live Oak
 - 19' Live Oak
 - 24' Live Oak
 - 24-26' Crap Myrtle
 - 25-28' Crap Myrtle
 - 25-28' Crap Myrtle
 - 29-29' Crap Myrtle
 - 24-26' Crap Myrtle
 - 25-28' Crap Myrtle
 - 29-29' Crap Myrtle
 - 24-26' Crap Myrtle
 - 25-28' Crap Myrtle



Site Plan - Existing
1/11/19 - 11/19



Site Plan
1/11/19 - 11/19



Site Plan - Schematic
1/11/19 - 11/19

Note: If the water or sewer main need to be replaced, contractor is to contact the city at 512.955.3500 for a permit process.

City of Austin
REVIEWED FOR CODE COMPLIANCE

ERRORS IDENTIFIED

Expired permit was relied upon. Expired permits cannot be cured by the passage of time.

Added square footage in setback

Changed elevation and mass

Living space addition in setback

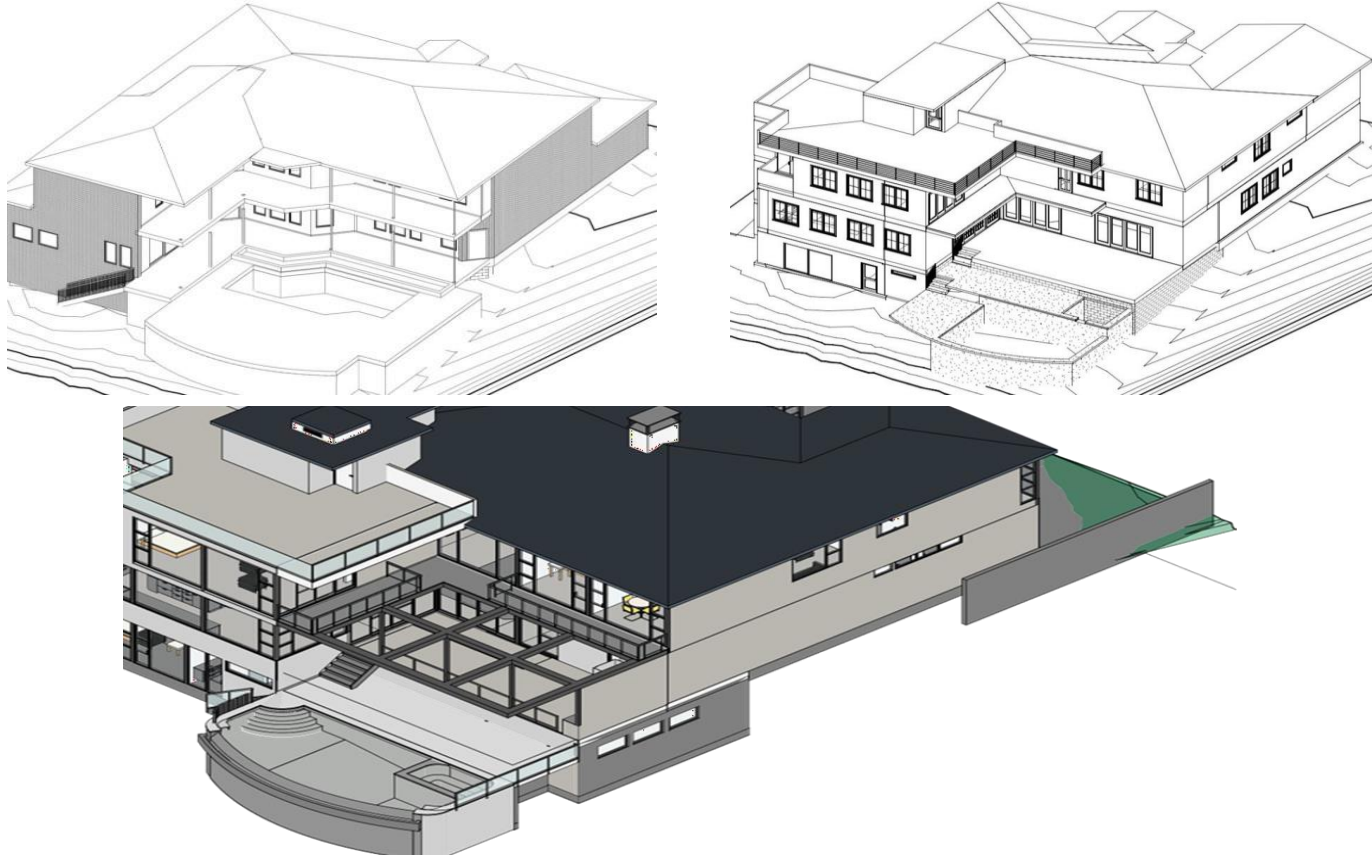
Review and survey failures

Misinterpretation of code intent

Inconsistent enforcement and fairness

This case is not about one patio. It is about maintaining integrity in the City's enforcement of its own laws. This is a precedent setting enforcement failure. Allowing this violation to persist, not only undermines the City's code enforcement system, but it unfairly burdens neighboring property owners who must live with the impacts of a structure that has no lawful basis. Appellant respectfully requests that the Board of Adjustment reverse the administrative decision re-instating Building Permit number 2022-083202 and require compliance with the current ten (10) foot zoning setback.

EVOLUTION OF 6706 BRIDGE HILL CV



EXCESSIVE ALLOWANCE FOR MODIFICATION OF A NON-COMPLYING STRUCTURE

