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Development Regulations

Exhibit
Ex12

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RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS

Site development regulations for single-family, duplexes, and other non-multi-family residential development (the "McMansion Ordinance" and changes to the City's duplex regulations) went into effect on October 1, 2006 and additional revisions went into effect June 18, 2008.

WHERE DO THE REGULATIONS APPLY?

The McMansion Ordinance does not apply to every property within the City. It applies only within specific boundaries (generally, greater central Austin). The Mueller Planned Unit Development is exempt from the regulations. Properties zoned SF-4A are also exempt unless they are adjacent to properties zoned SF-1, SF-2 and SF-3.

However, the changes to the City's duplex regulations apply throughout the entire city and are not limited to a specific area.

Generally, the McMansion ordinance places additional regulations on single-family structures, two-family structures and duplex structures to limit bulk and volume of residential structures. Please see the rest of this website and the Frequently Asked Questions web page for further details.

WHAT RESIDENTIAL STRUCTURES ARE SUBJECT TO THE McMANSION ORDINANCE?

- Single-family
- Small-lot single-family
- Single-family attached
- Duplex
- Two-family (a main residence and a secondary dwelling unit)
- Secondary apartment (neighborhood planning tool)
- Urban home (neighborhood planning tool)
- Cottage lot (neighborhood planning tool)

WHAT DOES THE McMANSION ORDINANCE DO?

The McMansion Ordinance

- Limits the size of new and remodeled structures to the greater of

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- 2,300 square feet or
- 0.4 to 1 Floor-to-Area-Ratio (FAR) (the limit applies to the combined square footage of all residential units on a lot)
- To figure out what an 0.4 FAR means for your property, simply multiply your total lot size by 0.4. For example, an 0.4 FAR applied to a 10,000 square foot lot would yield an allowable 4,000 square feet of gross floor area)
- **Adds provisions to the City's definition of gross floor area that explain how square footage must be calculated for**
 - Second and third story covered porches (included in your square footage)
 - Basements meeting certain criteria (excluded in your square)
 - Garages and other parking areas (included after a certain amount)
 - Mezzanines and lofts (included)
 - Habitable attic spaces meeting certain criteria (excluded)
 - Otherwise, gross floor area means the total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas. The height of the finished floor is measured from the finished floor elevation to either the underside of the roof rafters or to the bottom of the top chord of the roof truss.
- **Adds a building envelope requirement, created by side and rear setback planes, so that all structures on a site must fit within this envelope (there is an allowance for remodels; some building features are allowed to protrude through the setback planes)**
- **Adds a side wall articulation requirement, though the the side wall articulation requirement does not apply to new construction or an addition or remodel that is less than 2,000 square feet in gross floor area and less than 32 feet in height**
- **Changes how height is measured for uses subject to the McMansion ordinance so that it is measured vertically from the average of the highest and lowest grades adjacent to the building**
- **Changes the maximum height**
 - From 35 feet to 32 feet for single-family, small-lot single-family, single-family attached, bed and breakfast (group 1 and group 2) residential structures
 - From 30 feet to 32 feet for duplexes
 - From 30 feet to 32 feet for two-family residential structures
- (The 35 foot height limit stays in effect for urban home and cottage lot special uses.)
- (The 30 foot height limit stays in effect for secondary apartment special uses.)
- **Decreases the minimum rear yard setback from 10 feet to 5 feet for a secondary dwelling unit if the lot abuts an alley**
- **Establishes minimum front yard setbacks that are slightly different than the setbacks prescribed previously in the City's Land Development Code**
- **Allows neighborhoods within the 'McMansion boundary' modify the McMansion Ordinance**

Language
about
ceilings
over 15
feet
deleted

New
Language

RESIDENTIAL PERMIT APPLICATION "D" FLOOR AREA RATIO INFORMATION

Exhibit
EX13

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Property Address 3704 Russell Drive

Applicant's Signature [Signature]

Date 5/26/11

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	<u>2667</u> sq.ft.
b. 1 st floor area with ceiling height over 15 feet	_____ sq.ft.	_____ sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	<u>2667</u> sq.ft.
II. 2nd Floor Gross Area See note 1 below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	<u>1973</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	<u>1973</u> sq.ft.
III. 3rd Floor Gross Area See note 1 below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	<u>n/a</u> sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	<u>n/a</u> sq.ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	<u>367</u> sq.ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	_____ sq.ft.	<u>n/a</u> sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq.ft.	<u>n/a</u> sq.ft.
VII. TOTAL	_____ sq.ft.	<u>5007</u> sq.ft.

<u>Map 4673.2</u>	TOTAL GROSS FLOOR AREA (add existing and new from VII above)
	<u>5007</u> sq. ft.
	GROSS AREA OF LOT
	<u>11,683</u> sq. ft.
<u>val by 334</u>	FLOOR AREA RATIO (gross floor area / gross area of lot)
	<u>.428</u> sq. ft.

1. If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- b. It only has one floor within the roof structure
- c. It does not extend beyond the foot print of the floors below
- d. It is the highest habitable portion of the building; and
- e. Fifty percent or more of the area has a ceiling height of seven feet or less.

Revised CADU

Exhibit
Ex 14

Tue, September 27, 2011 4:41:50 PM

RE: 3704 Bonnell Drive BoA Appeal

From: "Lloyd, Brent"

<Brent.Lloyd@austintexas.gov>

To: S Lynn Hill <s-lynn-hill@sbcglobal.net>

Hi Lynn –

I will definitely check with John, as you are entitled to request copies of any department memos addressing these issues. However, I am not aware of any such memos. More often than not, issues of code interpretation are addressed with individual reviewers or in informal staff meetings.

Thanks,

Brent D. Lloyd

Assistant City Attorney

(512) 974-2974

From: S Lynn Hill [mailto:s-lynn-hill@sbcglobal.net]

Sent: Tuesday, September 27, 2011 3:57 PM

To: Lloyd, Brent

Subject: Re: 3704 Bonnell Drive BoA Appeal

Hi Brent,

Thanks for this information. I have a couple of requests for more information:

(1) When we talked yesterday you told me that in late 2008 or early 2009 the requirement to double-count areas with ceiling heights over 15 feet was still being applied when John McDonald started to work in the PDRD. You said that the 2008 amendments made many changes to the McMansion Ordinance, and that different reviewers were doing different things, that there was a lot of confusion and inconsistencies for a while after the 2008 amendments were passed, but John looked into things and instructed the staff to stop applying the double-counting rule. Would you please send me a copy of the memo or instructions that John issued to PDRD staff about this?

(2) I understand that there is a lot of turnover of staff in the PDRD, so if they have a consistent interpretation of the condition "adds no additional mass to the structure" this interpretation must also be found in a memo or instructions to PDRD staff. Would you please send me a copy of that memo or those instructions?

Again, thanks very much,

Lynn Hill

3701 Mount Bonnell Road

371-1254 (home)



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E-mail successfully sent!

**Exhibit
Ex 15**

Thank you for your input. Your suggestions are an important part of the Austin City Connection. We will respond to your comment, question, or suggestion as soon as possible.

Here is your message:

Your Name: S Lynn Hill

Mailing Address: 3701 Mount Bonnell Road Austin, TX 78731-5730

Phone: 512-371-1254

Fax:

Your e-mail address: S-LYNN-HILL@SBCGLOBAL.NET

Subject: Request for Information from Planning and Development Review Department

I am requesting: Copies of the following Record(s)

Please state your document request below: We are requesting the following records from the City of Austin Planning and Development Review Department (PDRD): 1. Any and all memoranda, emails, and writings of any kind by City staff, including but not limited to those authorized by John McDonald (Planner Principal, PDRD) and Greg Guemsey (Director, PDRD) relating to the interpretation of or direction to the application of the provisions of Article 3 of the "McMansion" Ordinance from its enactment in 2006 to the present. 2. Copies of all completed City of Austin Residential Permit Applications "A" and "D", and all completed City of Austin Residential Design and Compatibility Commission Decision Sheets (if any) for each residential construction permit application submitted on or after June 29, 2008, where the construction is located within and applicable to the Residential Design and Compatibility Standards Ordinance Boundary, and where either Residential Permit Application "D" shows that there are one or more floor areas with ceiling heights over 15 feet, or the floor plans submitted with the application show that there are one or more areas with ceiling heights over 15 feet.

Comments:

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P.O. Box 1088, Austin, TX 78767 (512) 974-2000

Exhibit
Ex 16

2nd floor balconies

Wednesday, September 09, 2009 3:40:01 PM

From: "McDonald, John" <John.McDonald@austintexas.gov>

To: "Lloyd, Brent" <Brent.Lloyd@ci.austin.tx.us>

Brent,

My staff has brought several cases to my attention that included second floor balconies. Staff has been counting the second floor balconies towards gross floor area, and they are being challenged on it by designers. It appears from the latest ordinance that second floor balconies do not count towards gross floor area, but they did in the previous McMansion ordinance. I attached the latest ordinance that has second floor areas covered by a roof struck through (See 3.3.1 (A & B)).

Also, our residential application was never changed to reflect this. See a pasted section of the residential application below.

II. 2nd Floor Gross Area See note [1] below

- a. 2nd floor area *(including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)*
- b. 2nd floor area with ceiling height > 15 feet.
- c. **TOTAL** *(add d and e above)*

III. 3rd Floor Gross Area See note 1 below

- d. 3rd floor area *(including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).*
- e. 3rd floor area with ceiling height > 15 feet
- f. **TOTAL** *(add g and h above)*

Since the written language of Subchapter F in the Land Development Code excludes these second and third floor areas it appears that these areas should no longer count towards gross floor area, regardless of what the residential application states. Let me know if this is correct.

JMM

Exhibit
Ex 17

Fri, October 14, 2011 9:27:52 AM

RE: PIR #10312

From: "McDonald, John" <John.McDonald@austintexas.gov>

To: S Lynn Hill <s-lynn-hill@sbcglobal.net>

Cc: "Carvell; Kyle" <Kyle.Carvell@austintexas.gov>; "Johnson; Carla" <Carla.Johnson@austintexas.gov>; "Guernsey; Greg" <Greg.Guernsey@austintexas.gov>; "Lloyd; Brent" <Brent.Lloyd@austintexas.gov>; "Benavidez, Sylvia" <Sylvia.Benavidez@austintexas.gov>

Ms. Hill,

All memorandums relating to Article 3 that I'm aware of have been submitted. I will forward the request for the March 3, 2010 and April 7, 2010 RDCC hearing to Sylvia Benavidez who facilitates that board and will have copies of any related documents. In addition, I will forward the request for the March 14, 2011 RDCC hearing as well. Possibly one if not all of the staff interpretations on the March and April 2010 meetings have been overturned by my department. No policy memorandum was written when these interpretations were overturned. I brief my staff accordingly in team meetings on such matters as I have already explained.

I can get you a copy of the application that is currently under a rules posting when I return on Tuesday, October 18th.

There is no response to provide for the September 9, 2009 email to Mr. Lloyd. I did not find any emails to Mr. Lloyd on ceiling heights greater than 15' are to be counted twice. More than likely these were verbal communications via telephone in and around September of 2009. Often times responses to emails are also verbal communications in person or via telephone. I do not document every verbal communication. In addition, Mr. Lloyd's responses to me can be "Attorney-Client Privileged" information which has to be screened before they can be released and the screening takes some time.

Respectfully,

John M. McDonald

Planner Principal

Residential Review/PDRD

974-2728 - Office

john.mcdonald@austintexas.gov

**Application Files Reviewed by Aggrieved Parties where
Areas with Ceiling Heights Greater than 15 Feet were Counted Twice**

Applicants Applied to RDCC for a Modification to Allow a FAR Increase

Street Address	Date of Residential Permit Application "D"	Ceiling Height Over 15 Feet	PDRD Approval
802 Cardinal Lane	12/11/2009 3/18/2010	72 sf 64 sf	N/A revised 3/18/2010
1801 Riverview*	12/4/2009 1/9/2011	580.7 sf N/A	N/A withdrawn 2/2010 1/21/2011
2846 San Gabriel	7/4/2010 1/6/2011	122 sf 122 sf	N/A revised 2/10/2011
2634 Deerfoot Trail**	2/12/2010 11/30/2010	130 sf 130 sf	N/A withdrawn 12/8/2010
504 East Annie	2/14/2011 4/25/2011	122 sf 52 sf	N/A revised 6/6/2011

*1801 Riverview: 12/4/2009 application would not have gone to RDCC if area with ceiling height greater than 15 feet had not been counted twice. Application withdrawn, revised to eliminate areas with ceiling heights greater than 15 feet, and new plan submitted 1/9/2011 did not go to RDCC.

**2634 Deerfoot Trail: Actual applications not attached to online permit database or RDCC meeting site. Data taken from RDCC meeting minutes and online permit database.

Applicants Did Not Apply to RDCC for a Modification to Allow a FAR Increase***

Street Address	Date of Residential Permit Application "D"	Ceiling Height Over 15 Feet	PDRD Approval
4206 Cat Mountain ****	2/4/2011	69 sf	3/25/2011
7213 Lamplight Lane	7/17/2011	55 sf	8/18/2011

*** These applications were found by searching the City's online permit database for R-101 single family residential construction in zip code 78731 with application dates in 2011

****4206 Cat Mountain: Reviewer corrected Gross Floor Area of garage; did not change Gross Floor Area with ceiling height over 15 feet.

Above data is public information available on the City of Austin website to anyone with an internet connection.

**Application Files Reviewed by Aggrieved Parties with
No Areas with Ceiling Heights Over 15 Feet per
Residential Permit Application "D", Floor Plans or Elevations**

Applicants Applied to RDCC for a Modification to Allow a FAR Increase

Street Address	Date of Application
3311 Clearview Drive	11/16/2009
1403 Wathen Ave	1/7/2010
3503 Winsome Court	6/11/2010
2318 West 8 th St #B	2/22/2010
700 Landon Lane	9/15/2010
3002 Kerbey Lane	12/27/2010
2822 Wooldridge Drive	11/5/2011
2102 East 13 th Street	1/6/2011
1512 Hardouin Street	2/7/2011

Applicants Did Not Apply to RDCC for a Modification to Allow a FAR Increase*

Street Address	Date of Application
7630 Parkview Circle	4/8/2011
4605 Greystone Drive	5/6/2011
2710 W 49 th Street	7/7/2011
4305 Edgemont Drive	8/19/2011
5010 N Fresco Drive	8/22/2011
2802 W 44 th Street	9/29/2011
3928 Balcones Drive	1/14/2011
7709 Mesa Drive	1/14/2011
1903 W 38 th Street	9/15/2011
3903 Balcones Drive	1/31/2011
4401 Deepwoods Drive	7/12/2011
4305 Edgemont Drive	7/14/2011

*These applications were found by searching the City's online permit database for R-101 single family residential construction in zip code 78731 with application dates in 2011

Above data is public information available on the City of Austin website to anyone with an internet connection.

**Application Files Reviewed by Aggrieved Parties where
Areas with Ceiling Heights Greater than 15 Feet were NOT Counted Twice**

Street Address	Date of Residential Permit Application "D"	Ceiling Height Over 15 Feet	PDRD Approval
3704 Bonnell Drive	4/13/2011 <i>See Exhibit Ex 11</i>	shown on floor plan and included in applicant's GFA calculation	N/A GFA calculation revised by PDRD in May
3704 Bonnell Drive	5/26/2011 <i>See Exhibit Ex 13</i>	shown on floor plan not included in PDRD GFA calculation	N/A withdrawn
3704 Bonnell Drive	8/26/2011 <i>See Exhibit Ex 2</i>	shown on floor plan not included in PDRD GFA calculation	8/26/2011

The applicants counted twice the areas with ceiling heights over 15 feet in their original 4/13/2011 Gross Floor Area calculation, but the PDRD revised the calculation on 5/26/2011 to count these areas only once. This property and the PDRD calculation are the subject of this BoA appeal.

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 802 CARDINAL CANYE AUSTIN TX 78704

Applicant's Signature [Signature]

Date 2011-12-11

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1 st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	1890 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	72 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	1962 sq.ft.
II. 2 nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	2408 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	0 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	2408 sq.ft.
III. 3 rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	0 sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	0 sq.ft.
i. TOTAL (add g and h above)	sq.ft.	0 sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	0 sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	388 sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	— sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	0 sq.ft.
VII. TOTAL	sq.ft.	4758 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

GROSS AREA OF LOT

FLOOR AREA RATIO (gross floor area / gross area of lot)

4758 sq. ft.

9587 sq. ft.

0.50 sq. ft.

max 3835 #
OVER 923 #

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

Jul. 20, 2010 (Revised)

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 802 CARDINAL AVE (A-2)

Applicant's Signature [Signature]

Date 2010-01-20

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches) Porch with habitable space or balcony	sq.ft.	1902 sq.ft.
b. 1 st floor area with ceiling height over 15 feet. Above it →	sq.ft.	64 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	1966 sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	2208 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	0 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	2208 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	sq.ft.
i. TOTAL (add g and h above)	sq.ft.	sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	388 sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	sq.ft.
VII. TOTAL	sq.ft.	4662 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	4662 sq. ft.
GROSS AREA OF LOT	4687 sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	0.49 sq. ft.

* RDCC waiver request - Feb. 3, 2010

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- b. It only has one floor within the roof structure
- c. It does not extend beyond the foot print of the floors below
- d. It is the highest habitable portion of the building; and
- e. Fifty percent or more of the area has a ceiling height of seven feet or less.

* the exemption may not exceed 200^{sq} if a porch has habitable space or a balcony above it. (3.3.3(2))

CITY OF AUSTIN
 RESIDENTIAL PERMIT APPLICATION "D"
 FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 1801 Riverview St
 Applicant's Signature [Signature] Date 12-4-09

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1 st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	1155.2 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	533.2 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	1,688.4 sq.ft.
II. 2 nd Floor Gross Area See note 1 below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	491.6 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	47.5 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	539.1 sq.ft.
III. 3 rd Floor Gross Area See note 1 below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	696.5 sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	0 sq.ft.
i. TOTAL (add g and h above)	sq.ft.	696.5 sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	0 sq.ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	0 sq.ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	0 sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	0 sq.ft.
VII. TOTAL	sq.ft.	2,924 sq.ft.

<div> TOTAL GROSS FLOOR AREA (add existing and new from VII above) <div>2924</div> sq. ft. </div>
<div> GROSS AREA OF LOT <div>5880</div> sq. ft. </div>
<div> FLOOR AREA RATIO (gross floor area / gross area of lot) <div>49.7</div> sq. ft. </div>

Increase of 572 sq ft (Ceiling Height over 15')

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- a. It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- b. It only has one floor within the roof structure
- c. It does not extend beyond the foot print of the floors below
- d. It is the highest habitable portion of the building; and
- e. Fifty percent or more of the area has a ceiling height of seven feet or less.

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 1801 RIVERVIEW *

Applicant's Signature [Signature]

Date 1/19/2011

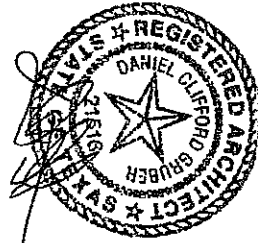
GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft.	557.7 sq.ft.
b. 1 st floor area with ceiling height over 15 feet. *	sq.ft.	2 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	557.7 sq.ft.
II. 2nd Floor Gross Area See note 1 below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	891.5 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet. *	sq.ft.	2 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	891.5 sq.ft.
III. 3rd Floor Gross Area See note 1 below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	891.5 sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	2 sq.ft.
i. TOTAL (add g and h above)	sq.ft.	891.5 sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	— sq.ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	— sq.ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	— sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	— sq.ft.
VII. TOTAL	sq.ft.	2,340.7 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	2,340.7 sq. ft.
GROSS AREA OF LOT	5,880.4 sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	39.8% sq. ft.

*Plans completely revised from 12/4/2009 application. No ceiling height over 15 feet per revised layouts and elevations.

- a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.
- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
 - It only has one floor within the roof structure
 - It does not extend beyond the foot print of the floors below
 - It is the highest habitable portion of the building; and
 - Fifty percent or more of the area below the roof structure is open to the sky



Legend:

□	EM	ELECTRIC METER
●	PP	POWER POLE
—	P	BURIED POWER LINE
—	P.U.E.	PUBLIC UTILITY EASEMENT
—		ELEVATION MARKER
—		EXISTING STRUCTURES TO BE REMOVED
—		ROOFLINE
—		SETBACK LINES

Floor to Area Ratio:

Floor	Area	Ratio
First Floor	557.7 sq. ft.	591.5 sq. ft.
Second Floor	557.7 sq. ft.	591.5 sq. ft.
Third Floor	557.7 sq. ft.	591.5 sq. ft.
Total Area	1673.1 sq. ft.	1774.5 sq. ft.
Ratio		38.8 %

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

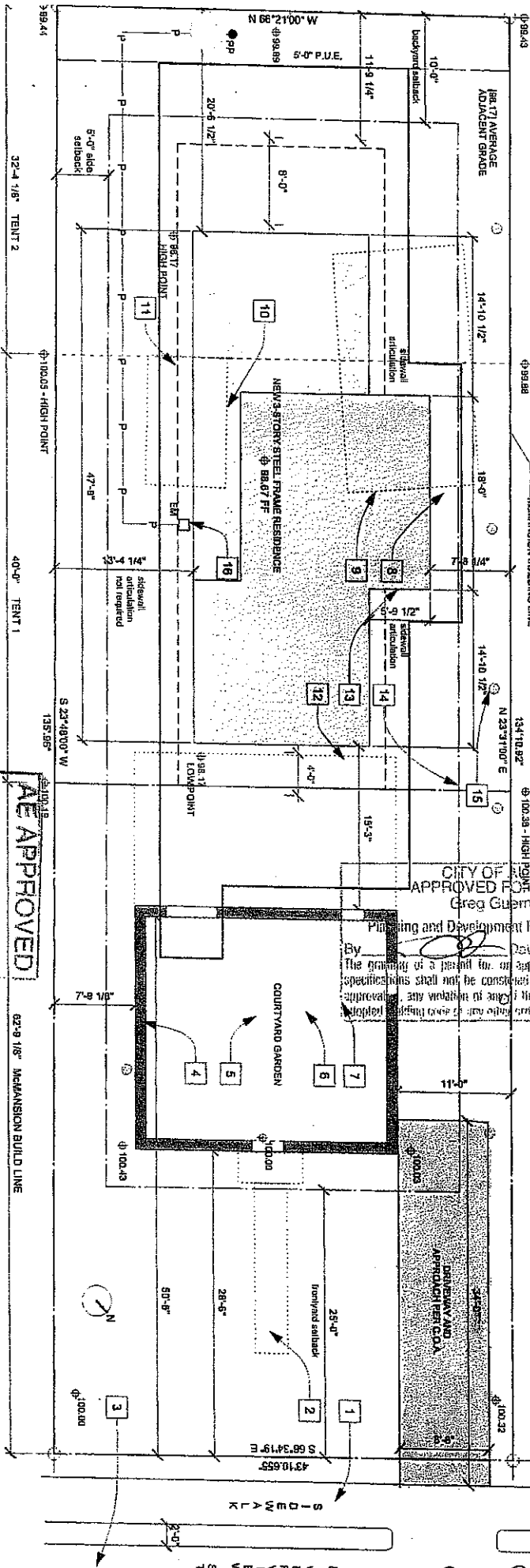
Building Coverage and Impervious Cover:

Building	Total Impervious Covering on Lot	Total Impervious Covering on Lot
Proposed	328.4 sq. ft.	1,424.1 sq. ft.
Existing	328.4 sq. ft.	1,424.1 sq. ft.
Total	656.8 sq. ft.	2,848.2 sq. ft.

East Coast Climate Neighborhood
 Lot Size: approx. 5,880.4 sq. ft.
 Zoning: SFC-3
 Maximum Building Coverage: 40% (2,352.1 sq. ft.)
 Maximum Impervious Cover: 45% (2,646.1 sq. ft.)
 Maximum Building Height: 32'-0"

- Site Plan Notes:**
- Existing sidewalk to remain.
 - Existing concrete walkway to be removed.
 - Riverway Street is 29'-6" wide.
 - Existing stone wall remains as garden wall.
 - Demolish existing roof and floor. Exposed grade and rebar/cob.
 - Roof has stone deck.
 - Building footprint.
 - 1'-10" below grade.
 - Existing concrete pad to be removed.
 - 40'-0" Tent section remains.
 - Existing addition to original house to be removed.
 - Sidewalk articulation 6'-5".
 - Setback.
 - Trees to remain (over 15' diameter) TYP.
 - Utility meter.

- Site Plan General Notes:**
- This drawing is the final and based off of the final plan. All dimensions are to face of finish surfaces. All dimensions are to face of finish surfaces. All dimensions are to face of finish surfaces.
 - No storm sewer, hole or manhole are present within 10' of property boundaries.
 - There is less than 1'-0" of grade changes across the length and width of property.
 - Shaded area indicates air conditioned space.
- Legal Description:**
 LOT 2, CL 7, D.W. O. TOWNE LAKE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 12, PAGE 31, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



D. CRAIN
 512 480 8008 dcrain.com

AE APPROVED
 JAN 20 2011
 RLS 20-11

PERMIT SET
 1801 RIVERVIEW
 AUSTIN, TX 78702
 ROTHE / ROBERTSON

Drawing Title:
 Plot plan
 scale: 3/32" = 1'-0"
 Date: 1/16/2011
 Drawn by: [Signature]
 Checked by: [Signature]
 Approved by: [Signature]

1801 Riverview

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 2846 San Gabriel

Applicant's Signature [Signature]

Date 7-14-10

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	<u>1179</u> sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	_____ sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	_____ sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft) <u>Stairwell & Light Shaft</u>	<u>550</u> sq.ft.	<u>1182</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	<u>122</u> sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	<u>1304</u> sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	_____ sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	_____ sq.ft.
V. Garage		
k. <u> </u> attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	_____ sq.ft.
l. <u> </u> <input checked="" type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure) <u>654 - 204 (Denio) = 450 #</u>	<u>0</u> sq.ft.	_____ sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq.ft.	_____ sq.ft.
VII. TOTAL	<u>550</u> sq.ft.	<u>2483</u> sq.ft.

<u>may allowed</u>	TOTAL GROSS FLOOR AREA (add existing and new from VII above)	<u>3033</u> sq. ft.
	GROSS AREA OF LOT	<u>6500</u> sq. ft.
<u>2600 #</u>	FLOOR AREA RATIO (gross floor area / gross area of lot)	<u>46.7</u> %

Over FAR - 433 #

If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below

TY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
ROOM AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS ORDINANCE BOUNDARY AREA.

Address 2846 San Gabriel, Austin, TX 78705

Applicant's Signature [Signature]

Date 1-6-12

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	1179 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	_____ sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	_____ sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	550 sq.ft.	1182 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	122 sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	1304 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	_____ sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	_____ sq.ft.
V. Garage		
k. _____ attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	_____ sq.ft.
l. <input checked="" type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	0 sq.ft.	_____ sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq.ft.	_____ sq.ft.
VII. TOTAL	550 sq.ft.	2483 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

GROSS AREA OF LOT

FLOOR AREA RATIO (gross floor area / gross area of lot)

3033 sq. ft.

1600 sq. ft.

46.7 % sq/ft

a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less

SAN CARLOS ST / CHICAGO NORTH

2846 San Gabriel



2634 DEER FOOT TRAIL

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Find

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PUBLIC INFORMATION

Public Search

Issued Permit Report

REGISTERED USERS

New Registration

Update Registration

My Permits/Cases

My Licenses

Request / Cancel / View Inspections

My Escrow Accounts

Reports

Login

HELP

Web Help

FEEDBACK

Email Us

FOLDER DETAILS

Permit/Case File Name	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Application Date	Issue Date	Expiration Date
2010-102071 PR	2010-102071 PR	Partially-demolish section of rear wall, to accommodate new 2-story addition. Remodel: Complete interior remodel of 1st floor, remodel of master bedroom and bath on 2nd floor. Addition: 1st-floor - family room (relocate walls) expand breakfast room and add covered porch and screened porch. 2nd-floor - add new master closet area, and new air-conditioned storage area.	R-434 Addition & Alterations	Addition and Remodel	2634 DEERFOOT TRL	Approved	Nov 30, 2010	Dec 8, 2010	May 29, 2011

Related Folders: [Yes](#)

FOLDER INFO

Information Description	Value
Smart Housing	No
Building Valuation Remodel	36000
Electrical Valuation Remodel	7000
Will Addition have Electrical Work ?	Yes
Mechanical Valuation Remodel	5200
Will Addition have Mechanical Work ?	Yes
Plumbing Valuation Remodel	3600
Will Addition have Plumbing Work ?	Yes
Total Valuation Remodel	51800
Total Job Valuation	90700
Is this property in MUD ?	No
Current Zoning for Building	SF-3
Name of Neighborhood Plan	BARTON HILLS
Subdistrict	NONE
Status	PLANNING UNDERWAY/APPROVED TO BEGIN
Is Historical Review Required?	No
1704 Flag?	No
Is this a Legal Lot ?	Yes
Is there a Cut & Fill in excess of 4 ft	No
Building Height (in feet)	23

2634 DEERFOOT TRAIL

DATE ISSUED & SEPIUS SYSTEM:

Subject to RD&C Requirements

Maximum FAR allowed

Floor Area Ratio (FAR)

Existing 1 Fl Area

Existing 1 Fl Area-Ceiling Ht over 15'

Existing 1 Fl Area-Ceiling Ht 15' or less

Existing Total 1 Fl Gross Area

Existing 2 Fl Area

Existing 2 Fl Area-Ceiling Ht over 15'

Existing 2 Fl Area-Ceiling Ht 15' or less

Existing Total 2 Fl Gross Area

Existing 3rd Fl Area

Existing 3 Fl Area-Ceiling Ht over 15'

Existing 3 Fl Area-Ceiling Ht 15' or less

Existing Total 3rd Fl Gross Area

Existing Basement Gross Area

Existing Garage attached

Existing Garage detached

Existing Carport

Existing Total Sq Ft

New/Addn 1 Fl Area

New/Addn 1 Fl Area-Ceiling Ht over 15'

New/Addn 1 Fl Area-Ceiling Ht 15' or less

New/Addn Total 1 Fl Gross Area

New/Addn 2 Fl Area

New/Addn 2 Fl Area-Ceiling Ht over 15'

New/Addn 2 Fl Area-Ceiling Ht 15' or less

New/Addn Total 2 Fl Gross Area

New/Addn 3 Fl Area

New/Addn 3 Fl Area-Ceiling Ht over 15'

New/Addn 3 Fl Area-Ceiling Ht 15' or less

New/Addn Total 3 Fl Gross Area

New/Addition Basement Gross Area

New/Addition Garage attached

New/Addition Garage detached

New/Addition Carport

New/Addition Total Sq Ft

Total Gross Floor Area

NO

RESIDENTIAL DESIGN STANDARDS

0.4

39876284104716668507677013144813873854

1192

130

1192

1322

1369

0

1369

130

0

0

0

0

0

512

0

0

1964

398

0

398

398

209

0

209

209

0

0

0

0

0

0

0

0

607

3610

1192 Floor 1

+130 >15' Floor 1

+1369 Floor 2

+512 garage

-200 garage exemption

+398 new Floor 1

+209 new Floor 2

3,610 Total GFA

÷ 9,053 lotsize

= 39,876284% FAR

✗

2634 DEERFOOT TRAIL

Gross Site Area of Lot
 Total Number of Driveways
 Driveway Width 1
 Driveway Width 2
 Total Number of Sidewalks
 Certificate of Occupancy to be Issued
 Code Year
 Code Type

9053 ✓

1
 27
 0
 1
 Yes
 2006

International Residential Code

PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dir	Suite Type	Suite Number	City	State	Zip	Legal Desc
2634		DEERFOOT	TRAIL				AUSTIN	TX	78704	Lot: 9 Block: A Subdivision: THE OAKS OF BARTON

Lot: 9 Block: A Subdivision: THE OAKS OF BARTON

PEOPLE DETAILS

Desc.	Organization Name	Address	City	State	Postal	Phone1
Applicant	Bill Stone & Associates LLC (Bill Stone)	4866 TRAVIS OAKS DR	Marble Falls	TX	78654-3347	(512)784-6375
Homeowner	(Dylan & Marissa Hester)	2634 DEERFOOT TRL	AUSTIN	TX	78704	(512)

PROCESSES AND NOTES

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
Plan Review Administration	Open				Residential Zoning Reviewers	0
Tree Ordinance Review	Open				Michael Embesi (974-1876)	0
Residential Revision After Issuance	Open	Dec 8, 2010				0
Residential Zoning Review	Approved	Dec 8, 2010	Nov 30, 2010	Dec 8, 2010	Brent Hendricks (974-2413)	4

Back

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "A"

Br Number 2011-010926 R
Building Permit No. _____
Plat No. _____ Date 2-14-2011
Reviewer Edward Vigil

PRIMARY PROJECT DATA

Service Address 504 East Annie St. Tax Parcel No. 785584
Legal Description
Lot 8 Block _____ Subdivision Roy C Archer Section _____ Phase _____
If in a Planned Unit Development, provide Name and Case No. _____
(attach final approved copies of subdivision and site plan)
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.
Description of Work _____ Remodel (specify) _____
☒ New Residence
____ Duplex _____
____ Garage _____ attached _____ detached _____ Addition (specify) _____
☒ Carport ☒ attached _____ detached _____
____ Pool _____ Other (specify) _____
Zoning (e.g. SF-1, SF-2...) SF3
- Height of Principal building 30 ft. # of floors 2 Height of Other structure(s) N/A ft. # of floors _____
- Does this site currently have water and wastewater availability? ☒ Yes _____ No. If no, please contact the
Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.
- Does this site have a septic system? _____ Yes ☒ No. If yes, for all sites requiring a septic field you must obtain an approved septic
permit prior to a zoning review.
Does this site have a Board of Adjustment ruling? _____ Yes ☒ No If yes, attach the B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet? _____ Yes ☒ No
Does this site front a paved street? ☒ Yes _____ No A paved alley? _____ Yes ☒ No
Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? ☒ Yes _____ No

**VALUATIONS FOR
REMODELS ONLY**

Building \$ _____
Electrical \$ _____
Mechanical \$ _____
Plumbing \$ _____
Driveway/
Sidewalk \$ _____
TOTAL \$ _____
(labor and materials)

**VALUATIONS FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size 6,000 sq.ft.
Job Valuation - Principal Building \$ 410,000
(Labor and materials)
Job Valuation - Other Structure(s) \$ N/A
(Labor and materials)
TOTAL JOB VALUATION
(sum of remodels and additions)
\$ 410,000
(Labor and materials)

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>JON LUDWIG</u>	Telephone (h) <u>303 522 7983</u> (w) <u>303 522 7983</u>
BUILDER	Company Name <u>CLAYTON LITTLE</u>	Telephone <u>477 1727</u>
	Contact/Applicant's Name <u>PAUL CLAYTON</u>	Pager _____ FAX <u>477 1729</u>
DRIVEWAY/ SIDEWALK	Contractor <u>PCW CONSTRUCTION, CONTACT ROLONDO</u>	Telephone <u>(512) 233-6161</u>
CERTIFICATE OF OCCUPANCY	Name <u>JON LUDWIG</u> Address <u>5406 Avenue H</u>	Telephone <u>303 522 7983</u> City <u>AUSTIN</u> ST <u>TX</u> ZIP _____

If you would like to be notified when your application is approved, please select the method:

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 504 EAST ANNIE

Applicant's Signature _____

Date with 2-14-11
Application A

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New / Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	1,796 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	122 sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	1,918 sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	852 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	N/A sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	852 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	N/A sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	N/A sq.ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	N/A sq.ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	_____ sq.ft.	_____ sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	_____ sq.ft.	_____ sq.ft.
VII. TOTAL	_____ sq.ft.	2,770 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

2,770 sq. ft.

GROSS AREA OF LOT

6,000 sq. ft.

FLOOR AREA RATIO (gross floor area /gross area of lot)

.4616 sq.

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

**CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION**

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 504 E. ANNIE ST. AUSTIN, TX 78704

Applicant's Signature Tom Hurt (Tom Hurt)

Date 4-25-2011

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	0 sq.ft.	1711 sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft.	26 sq.ft.
c. TOTAL (add a and b above)	sq.ft.	1737 sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft.	841 sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft.	26 sq.ft.
f. TOTAL (add d and e above)	sq.ft.	867 sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft.	142 sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft.	- sq.ft.
i. TOTAL (add g and h above)	sq.ft.	142 sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft.	- sq.ft.
V. Garage		
k. attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft.	- sq.ft.
l. detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft.	- sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft.	- sq.ft.
VII. TOTAL	sq.ft.	2746 sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)	2746 sq. ft.
GROSS AREA OF LOT	6,000 sq. ft.
FLOOR AREA RATIO (gross floor area / gross area of lot)	.458 sq. ft.

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 4206 Cat Mountain Drive

Applicant's Signature _____

Date 04 Feb 2011

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	Existing	New / Addition
I. 1 st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	sq.ft. 3357	sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	sq.ft. 69	sq.ft.
c. TOTAL (add a and b above)	sq.ft. 3426	sq.ft.
II. 2 nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	sq.ft. 766	sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	sq.ft. 0	sq.ft.
f. TOTAL (add d and e above)	sq.ft. 766	sq.ft.
III. 3 rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	sq.ft. 0	sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	sq.ft. 0	sq.ft.
i. TOTAL (add g and h above)	sq.ft. 0	sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	sq.ft. 0	sq.ft.
V. Garage		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	sq.ft. 721	sq.ft.
l. <input type="checkbox"/> detached (subtract 450 square feet if more than 10 feet from principal structure)	sq.ft. 0	sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)	sq.ft. 0	sq.ft.
VII. TOTAL	sq.ft. 4913	sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

GROSS AREA OF LOT

FLOOR AREA RATIO (gross floor area / gross area of lot)

1913 4713 sq. ft.

12,284

sq. ft.

39.999%

sq. ft.

38.37

- ¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.
- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
 - It only has one floor within the roof structure
 - It does not extend beyond the foot print of the floors below
 - It is the highest habitable portion of the building; and
 - Fifty percent or more of the area has a ceiling height of seven feet or less.

CGAPARTNERS a division of CGA-Partnership
CORNERSTONE GROUP ARCHITECTS
PROVIDING QUALITY ARCHITECTURAL DESIGN SERVICES

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION "D"
FLOOR AREA RATIO INFORMATION

TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY
STANDARDS ORDINANCE BOUNDARY AREA.

Service Address 7213 Lamplight Lane Austin 78731

Applicant's Signature [Signature]

Date 7/17/14

GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.

	<u>Existing</u>	<u>New Addition</u>
I. 1st Floor Gross Area		
a. 1 st floor area (excluding covered or uncovered finished ground-floor porches)	_____ sq.ft.	<u>2347</u> sq.ft.
b. 1 st floor area with ceiling height over 15 feet.	_____ sq.ft.	<u>55</u> sq.ft.
c. TOTAL (add a and b above)	_____ sq.ft.	<u>2402</u> sq.ft.
II. 2nd Floor Gross Area See note ¹ below		
d. 2 nd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	_____ sq.ft.	<u>1091</u> sq.ft.
e. 2 nd floor area with ceiling height > 15 feet.	_____ sq.ft.	_____ sq.ft.
f. TOTAL (add d and e above)	_____ sq.ft.	_____ sq.ft.
III. 3rd Floor Gross Area See note ¹ below		
g. 3 rd floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	_____ sq.ft.
h. 3 rd floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
IV. Basement Gross Area		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	_____ sq.ft.
V. Garage <u>415 - 200 = 215</u>		
k. <input checked="" type="checkbox"/> attached (subtract 200 square feet if used to meet the minimum parking requirement)	_____ sq.ft.	<u>215</u> sq.ft.
l. _____ detached (subtract 450 square feet if more than 10 feet from principal structure)	_____ sq.ft.	_____ sq.ft.
VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)		
	_____ sq.ft.	_____ sq.ft.
VII. TOTAL	_____ sq.ft.	<u>3708</u> sq.ft.

TOTAL GROSS FLOOR AREA (add existing and new from VII above)

GROSS AREA OF LOT

FLOOR AREA RATIO (gross floor area / gross area of lot) 36.3% sq. ft.

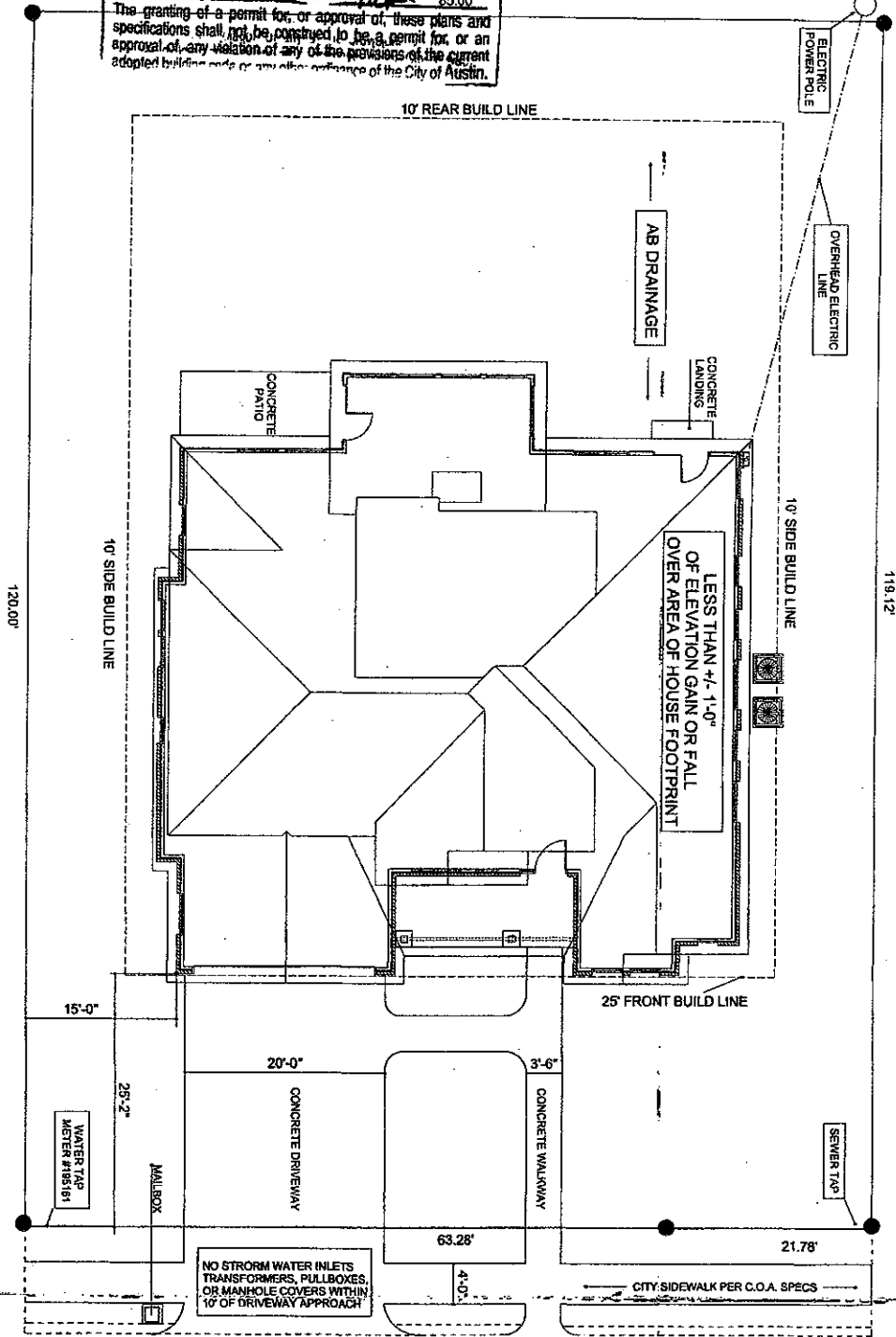
Lot Size = 10,200 sq. ft. x 0.40 = 4,080 Max GFA Allowed

¹ If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

CITY OF AUSTIN
 APPROVED FOR PERMIT
 Greg Gummey
 Planning and Development Review Department
 By QA Date 6/12/2011 85.00'

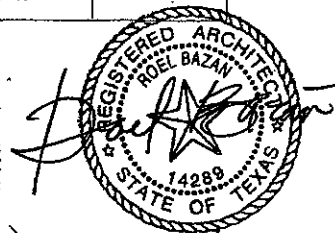
QA
 8/16/2011
 REVIEWED FOR ZONING ONLY



Page 10	SITEPLAN	Wagner Residence 7213 Lamplight Lane Austin TX 78731	Version Review Set Permit Set	Date 6-29-11 7-5-11	DawsonLupul Builders 5929 Balcones Drive Austin TX 78731 512-452-4228	Architectural Seal
	SCALE: 1"=15'					
	Lamplight Project					

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

AE APPROVED
 JUL 07 2011
 RLS 188-13



7213 LAMPLIGHT LANE

7/6/2011

Exhibit
Ex 19

CHAPTER 25-1. GENERAL REQUIREMENTS AND PROCEDURES.

ARTICLE 2. DEFINITIONS; MEASUREMENTS.

§ 25-1-21 DEFINITIONS.

Unless a different definition is expressly provided, in this title:

[Definitions relevant to our Board of Adjustment Interpretation Appeal are shown.]

(37) ENCLOSED means a roofed or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding eight feet in height.

(39) FLOOR AREA RATIO means the ratio of gross floor area to gross site area.

(43) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.

[Section 3.3 of the McMansion Ordinance in attached Exhibit Ex4 modifies the above definition of Gross Floor when it is used for purposes of that Ordinance.]

(44) GROSS SITE AREA means the total site area.

Source: Sections 13-1-22, 13-2-1, 13-2-401, 13-2-435, and 13-5-61; Ord. 990225-70; Ord. 990805-46; Ord. 000309-39; Ord. 000406-85; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.

VERSIONS OF THE LUNDY IN ROUND ROCK

Exhibit
Ex 20



MODEL 1 2104 PARK PLACE CIRCLE 4-Bedroom



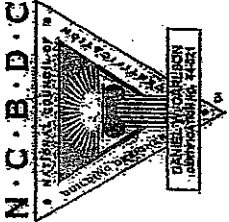
MODEL 2 2124 PARK PLACE CIRCLE 5-Bedroom
PHOTOGRAPHS



PROPOSED STRUCTURE WITH LEFT ELEVATION MARKED
TO SHOW ADDITIONAL MASS ADDED IN AN ATTEMPT TO
QUALIFY FOR HABITABLE ATTIC EXEMPTION
COMPARED TO MODEL 2

Final Set
08/05/11

Exhibit
Ex 21



THE SEAL ON THIS PAGE PERTAINS ONLY TO THE AFFIRMATION OF THE COMPLIANCE OF THESE PLANS TO THE DENTAL DESIGN AND COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN

© Peckay Haines, LP 2003

David Weekley Homes	MMWC3/AJ	Scale 1/8" = 1'-0"	Date 02/26/08	Rev: 7/21/11
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Lot 1	Brk E	Sheet 3
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Job No: 2023
1422

3704 BONNET TERRACE
AUSTIN, TX 78731

NORTH
3688-B
LV-2
UNEX
AUG 11 1968

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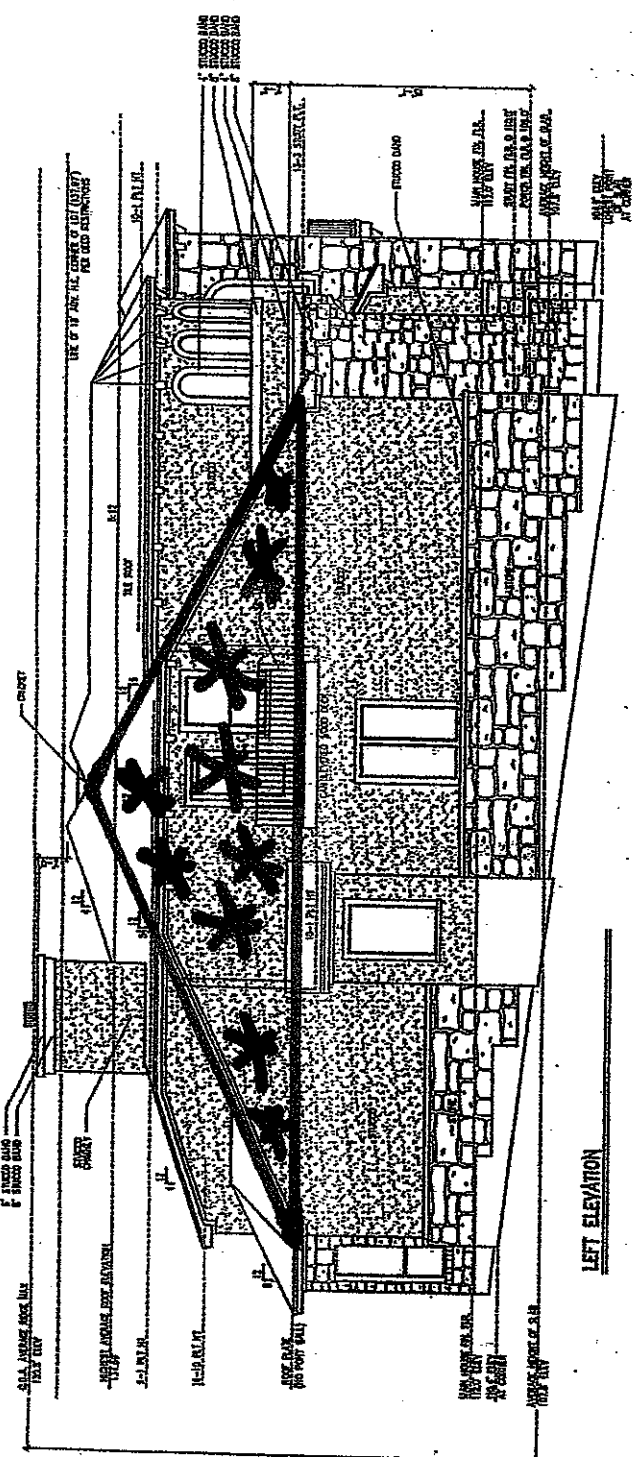
David Weekley Homes
 Scale: 1/8" = 1'-0"
 Date: 7/21/17

Sheet 1 of 3
 Date: 7/21/17

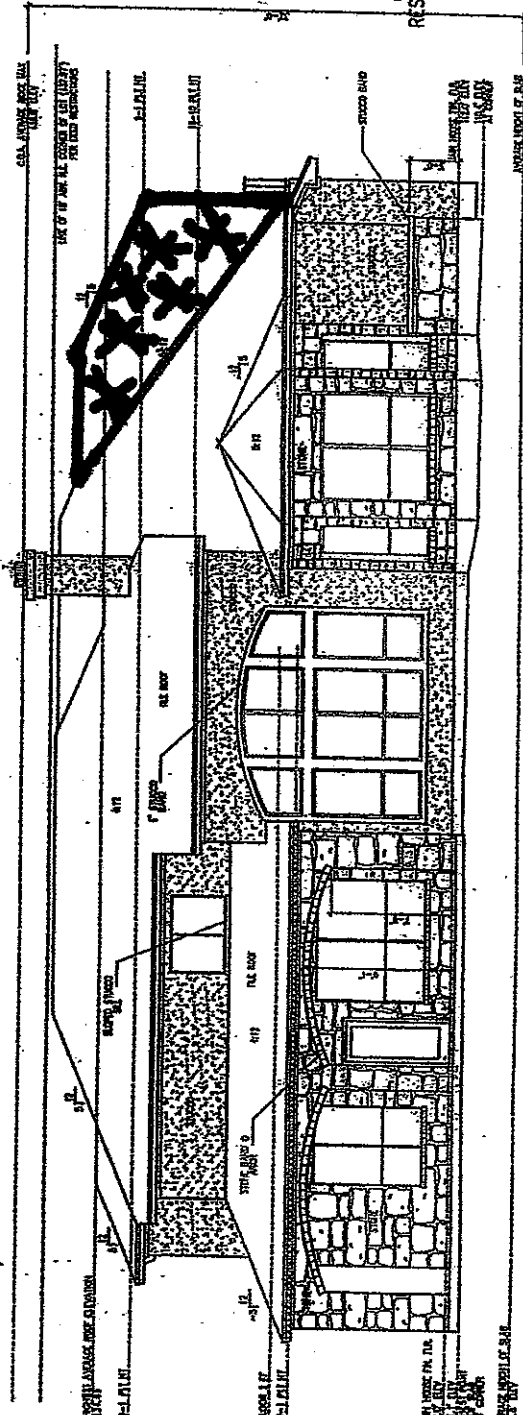
3704 Bonnell Terrace
 Austin, TX 78731

Final Set
 08/05/11

22x22
 19x14



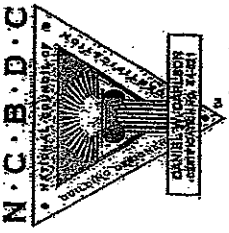
LEFT ELEVATION



REAR ELEVATION

PROPOSED STRUCTURE WITH LEFT AND REAR ELEVATIONS
 MARKED TO SHOW ADDITIONAL MASS ADDED IN AN ATTEMPT
 TO QUALIFY FOR HABITABLE ATTIC EXEMPTION
 COMPARED TO MODEL 1

*
 ADDITIONAL
 MASS
 ADDED



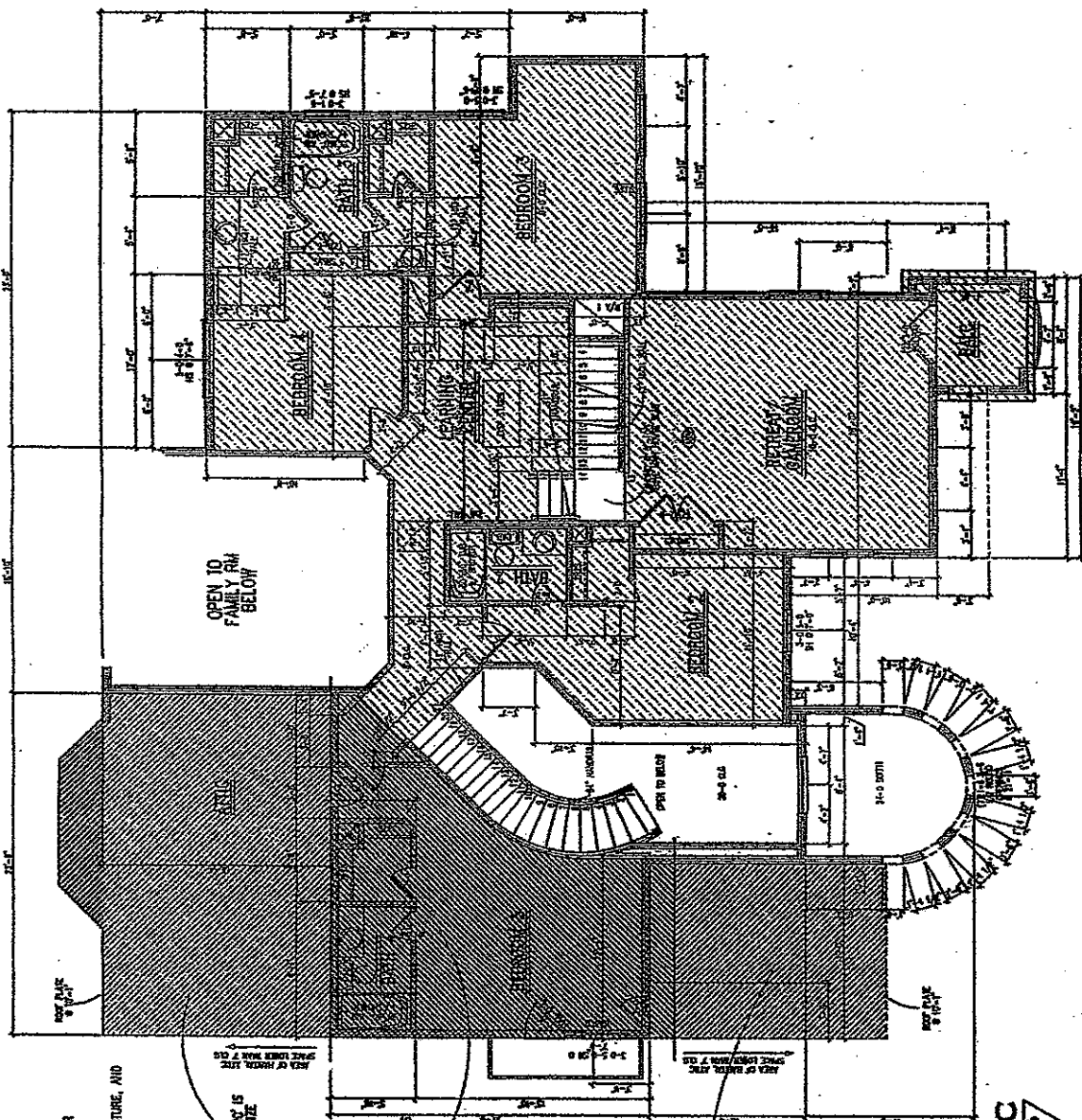
THE SEAL ON THIS PAGE PERTAINS
 ONLY TO THE AFFIRMATION OF THE
 COMPLIANCE OF THESE PLANS TO THE
 RESIDENTIAL DESIGN AND COMPATIBILITY
 STANDARDS FOR THE CITY OF AUSTIN

NORTH
3688-B
PLN-3
TUNED
BOY AUSTIN

SECOND FLOOR F.A.R. AREAS

EXHIBIT
EX 23

* Habitable Attic Area Exempted from Gross Floor Area and FAR calculation is on the left side of second floor shaded dark gray.



DANIEL M. CARLSON
CERTIFICATION NO. 841837

NOTE: THIS AREA SHALL MEET ALL CONDITIONS OF SECTION 33.06 AS FOLLOWS:

1. THE ROOF ABOVE IT IS NOT A TYPE OF WARMED ROOF, AND HAS A SLOPE OF 3:12 OR GREATER
2. IT IS FULLY CONTAINED WITHIN THE ROOF STRUCTURE
3. IT HAS ONLY ONE FLOOR
4. IT DOES NOT EXTEND BEYOND THE FOOTPRINT OF THE FLOOR BELOW
5. IT IS THE HIGHEST VISIBLE PORTION OF THE BUILDING AND HAS NO ADDITIONAL ROOF TO THE STRUCTURE
6. SIX OR MORE OF THE AREA HAS A CEILING HEIGHT OF SEVEN FEET OR LESS.

NOTE: TO SATISFY THE REQUIREMENT THAT THIS AREA OF THE HIGHEST HABITABLE PORTION OF THE BUILDING, NO ATTIC ABOVE THIS FLOOR WILL BE HABITABLE. SUCH ATTIC SPACE WILL EITHER BE TRUSSES OR BE LESS THAN 5' IN HEIGHT.

THIS VARIABLE PORTION OF THE ATTRIC IS UNDER 7 INCH, AND IS 3500 SF IN SIZE

CALCULATIONS:

FRONT ATTIC UNDER 7'-	172 SF
REAR ATTIC UNDER 7'-	398 SF
TOTAL AREA UNDER 7'-	570 SF
TOTAL AREA OVER 7'-	374 SF
TOTAL EXEMPT AREAS -	944 SF

TOTAL FLOOR 2 AREA COVERED BY ROOF-- 2447 SF
TOTAL EXEMPT AREAS -- --944 SF
FLOOR 2 F.A.R.-- 1503 SF

THIS HABITABLE PORTION OF THE ATTIC IS UNDER 7' HIGH AND IS 172 SF IN SIZE

CITY OF AUSTIN CALCULATIONS			
	P.A.R.	AMP. COVERAGE	MIN. COVERAGE
	40	40.00%	40.00%
CITY OF AUSTIN			
STAY ALIVE	288.5	288.5	185.5
FLIGHT 1	150.5		
FLIGHT 2	107.5		
TOTAL	446.5		
F. PORN	107.5		107.5
R. PORN	54.5		54.5
GARAGE	307.5		197.5
SCREENPLAYS	107.5		
PERMIT	107.5		
NO. LICENSES	3		
DRIVE LICENSE	63.5		63.5
TOTAL AREA	450.5	63.5	185.5
LOT AREA	1083.5	1083.5	1083.5
OTHER CALCULATION	288.5	43.5%	100%

FRONT ROOF PLAN
 3704 BOWNELL DRIVE
 SLOPES FROM RIDGES TO FRONT EAVES
 BR2 + GAMEROOM = 4:12
 GAMEROOM + LEARNING CENTER + BR3 = 5:12
 HABITABLE ATTIC = 6:12

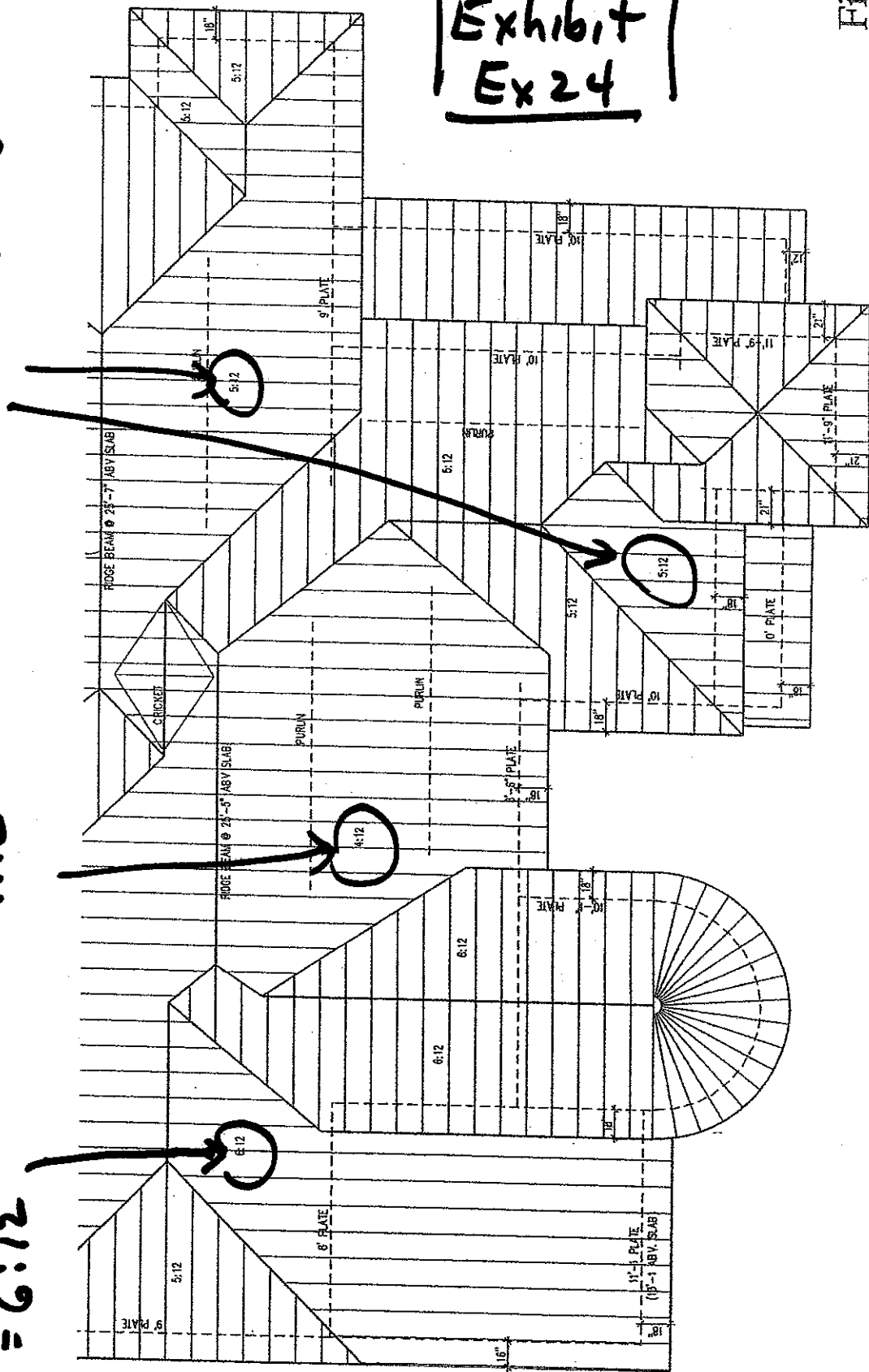


EXHIBIT Ex26

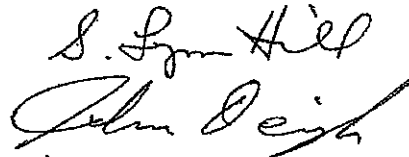
Copies of letters from neighbors and HPWBANA objecting to earlier plans for 3704 Bonnell Drive when the plans were being reviewed by the RDCC.

Case Number: 2011-031138R
Address: 3704 Bonnell Drive
Contact: Sylvia Benavidez
Public Hearing: July 6, 2011
Residential Design & Compatibility Commission

We object.

Date: June 28, 2011

Sarah Lynn Hill and John Deigh
3701 Mount Bonnell Road



We own and reside at 3701 Mount Bonnell Road, and we share a back lot line with the property in the application. We oppose the variance because, as indicated by its F.A.R. of 43%, the proposed house is too large for the size of the lot, as well as in comparison to other nearby homes, and we are concerned about preserving the integrity of the neighborhood.

Lynn spoke in opposition to the application at the May 4 hearing and again at the June 1 hearing. On June 1 the hearing was again postponed, to July 6. On June 20 our neighborhood association (HPWBANA) had a board meeting at which the applicants distributed copies of a revised plan, and John and the applicants discussed their respective viewpoints before the board.

Since the May 4 hearing we have made a good faith effort to understand the original proposed and preliminary plans, the revised proposed plan and the new "non-variance" plan, as well as the information in the application for variance. Our neighbor Tom Shelton has joined us in this effort.

Based on Travis County tax records, the size of the empty lot is 11,586 square feet. A new home of 4,634 square feet (40% of the lot size) could be built there without a variance, but the owner wants a two-story 5,007 square foot house, which would have a F.A.R. of 43%. Also, based on the proposed plan, two rooms on the first floor, with about 450 square feet of floor space, have a ceiling height of 20 feet. So the true "volume" or "mass" of the proposed house appears to be comparable to a two-story 5,400+ square foot house (a house with a F.A.R. exceeding 46.5%).

The applicants prepared F.A.R. calculations for 15 homes within a 300 foot radius of the empty lot, and their calculations show that all 15 homes have a F.A.R. of 38% or less. In fact, 12 of the homes have a F.A.R. of less than 30%, two have a F.A.R. of 33%, and one has a F.A.R. of 38%. For a visual illustration of this we color-coded a plat map from the Travis Central Appraisal District, which shows the location of the different properties in relation to the empty lot. We also created a chart that compares the size of the empty lot, and the square footage of the proposed house, to the lot and home sizes of each of the 15 nearby properties. (See attached map and chart.) We believe the map and chart show that the proposed house would not be "compatible in scale and bulk" with the existing homes in the neighborhood.

We think that if the applicants believed the proposed home to be compatible in scale and bulk with the Bonnell Drive streetscape they could easily have provided a model or artist's rendering to show how the home would look on the lot, between the existing homes on either side. They have not done so. Instead they have provided photographs of neighboring homes along with a photograph of the empty lot. Also, Lynn has asked Jim Einhaus more than once about the height of the homes on either side of the lot, and his answer was that he did not know. If he does not know this he cannot know if the proposed home is compatible with those existing homes.

The empty lot is rectangular in shape, and the application shows the owner is leveling the land before building begins, so the shape and slope of the land are not causing construction issues that require a variance. Also, the variance is not about changing the placement of the house to preserve trees. The sole issue seems to simply be one of volume and square footage of the house. Despite repeated meetings, the owner doesn't seem interested in changing the plans to comply with the city's standard.

The applicants in their applications, at the hearings, and at the HPWBANA board meeting have argued that they have preliminary or "non-variance" plans (that they do not want to use) that have a F.A.R. no greater than 40%. As we understand it, their current argument is that one

change to the non-variance plan (adding a window to the front of bedroom 5) increases the F.A.R. to an unacceptable percentage. But they say this change does not affect neighbors so the homeowners should be allowed to build the proposed plan in the current application.

However, the premise of this argument is false. Their "non-variance" plan does *not* have an acceptable F.A.R.

On May 31 we discussed the applicants' preliminary plan materials and their methodology for calculating the F.A.R. with John McDonald, Supervisor in the Watershed Protection and Development Review Department. Mr. McDonald explained that the applicants understated the F.A.R. of their preliminary plan, in part because they incorrectly treated bedroom 5 as attic space. Today, John discussed their new "non-variance" plan with him, and he told John that in this plan as well they are incorrectly treating bedroom 5 as attic space. According to Mr. McDonald, Bedroom 5 is part of the second floor in all of the applicants' plans, and as such its square footage cannot be ignored in any of them.

For the July 6 hearing the applicants claim their "non-variance" plan has a F.A.R. of less than 40%. They claim that in this plan the area under the eaves surrounding bedroom 5 plus the area of bedroom 5 can be ignored because it is habitable attic space that meets all of the requirements of section 3.3.3.C of the Ordinance.

But this argument is incorrect because – as confirmed by Mr. McDonald – bedroom 5 is part of the second floor, not part of an attic, so the F.A.R. is at least as much as the proposed plan.

However, even if bedroom 5 were treated as attic space, it would not be true that the space could be ignored – for it fails to meet one of the conditions in the Ordinance for ignoring habitable attic space. The condition it fails to meet is that the space "adds no additional mass to the structure." (See section 3.3.3.C.5.) Adding this space, regardless of how it is treated, adds mass to the structure. (See attached photographs.)

The applicants' proposed and "non-variance" plans are versions of a Weekley model called the Lundy. The attached photographs, which we took at the model home site in Round Rock where we met with the applicants, show a 4-bedroom version of the Lundy (Model 1) and a version of the Lundy in which a fifth bedroom has been added on the second floor over the master bath (Model 2). Model 2 matches, in its placement of the fifth bedroom, the version in the applicants' plans. As inspection of these photographs shows, adding this fifth bedroom to the second floor adds mass to the structure.

A version of the Lundy that has been expanded to include a fifth bedroom on the second floor is obviously more massive than the 4-bedroom version and so it cannot satisfy the requirement of section 3.3.3.C.5. This means the square footage of bedroom 5 cannot be ignored. As a consequence, the "non-variance" version has a F.A.R. that is at least as great as the F.A.R. of the proposed plan.

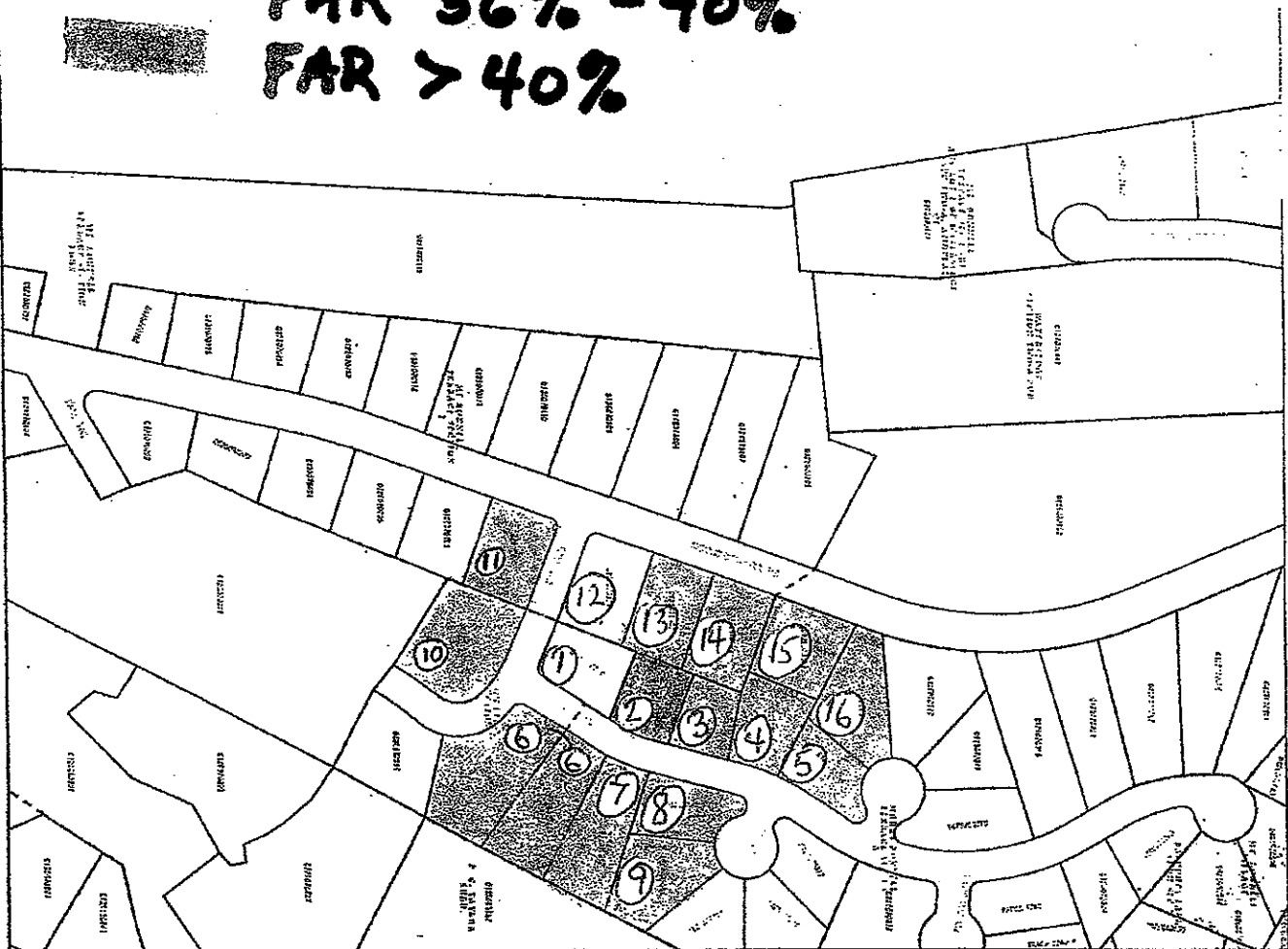
FAR CALCULATIONS FOR HOUSES WITHIN 300' OF SUBJECT LOT

FAR ≤ 30%

FAR 31% - 35%

FAR 36% - 40%

FAR > 40%



12507	Revision Date 8/24/2005	0 100 Feet	<table border="1"> <tr> <td>12507</td> <td>12507</td> <td>12507</td> </tr> <tr> <td>12507</td> <td>12507</td> <td>12507</td> </tr> <tr> <td>12507</td> <td>12507</td> <td>12507</td> </tr> </table>	12507	12507	12507	12507	12507	12507	12507	12507	12507	NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet Projection: Lambert_Conformal_Conic	Travis Central Appraisal District 8314 Cross Park Drive Austin, Texas 78754 Internet Address: www.traviscad.org Main Telephone Number (512) 634-9317 Appraisal Information (512) 634-9318 TDD (512) 636-3328
				12507	12507	12507								
12507	12507	12507												
12507	12507	12507												

MAP

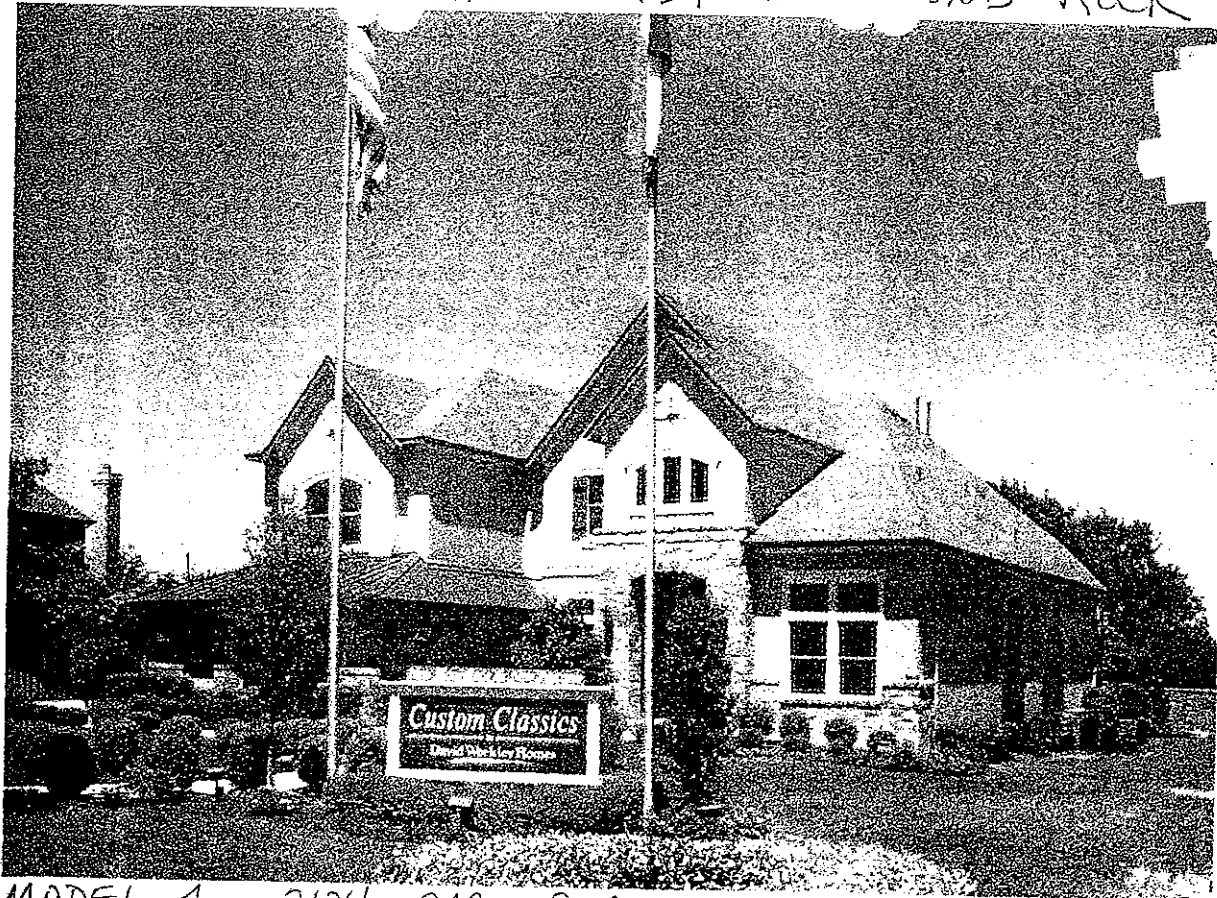
Property	Address	Lot Area in square feet	F.A.R. Square Feet	Lot area of empty lot compared to other lots	Home size of proposed home compared to other homes
1	3609 Fall Trail	12,999	4,301	33%	
2	3704 Bonnell Dr	11,586	5,007	43%	
3	3710 Bonnell Dr	9,830	2,735	28%	11% smaller
4	3708 Bonnell Dr	13,944	4,066	29%	16% bigger
5	3802 Bonnell Dr	12,468	3,414	27%	83% bigger
6 *	3703 Bonnell Dr	45,943	7,626	17%	23% bigger
7	3705 Bonnell Dr	19,578	3,418	17%	47% bigger
8	3503 Bonnell Ct	13,168	3,510	27%	34% smaller
9	3501 Bonnell Ct	17,300	3,987	23%	46% bigger
10	3606 Fall Trail	24,099	4,735	20%	43% bigger
11	3603 Mt Bonnell Rd	15,549	4,245	27%	26% bigger
12	3605 Mt Bonnell Rd	15,932	5,207	33%	6% bigger
13	3701 Mt Bonnell Rd	15,577	2,685	17%	18% bigger
14	3703 Mt Bonnell Rd	16,263	3,343	21%	4% smaller
15	3803 Mt Bonnell Rd	16,392	6,278	38%	86% bigger
16	3603 Alta Ct	18,331	3,773	21%	50% bigger
				29% smaller	20% smaller
				37% smaller	33% bigger

This is empty lot

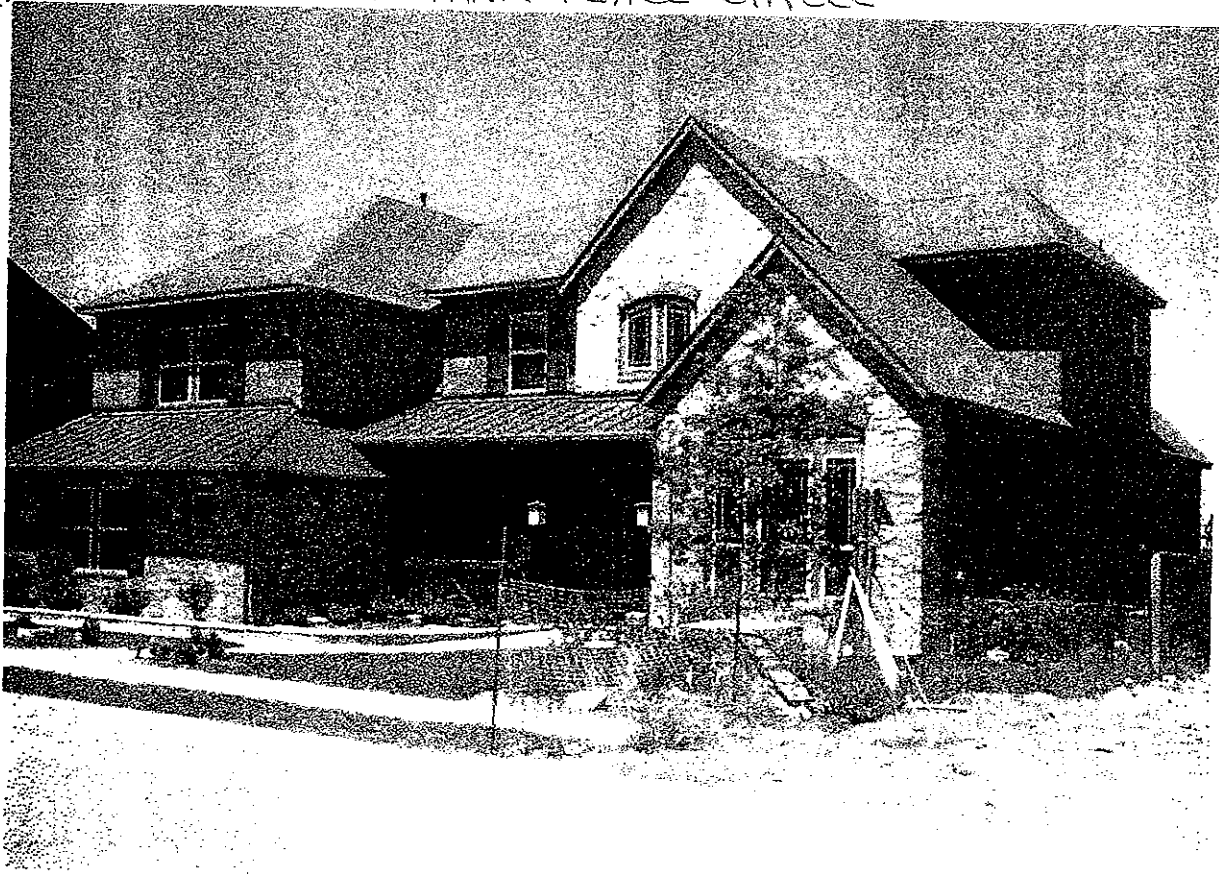
* Lot 6 is on a double-lot with 45,943 square feet. The applicant calculated a FAR of 29% for this property based on the size of one of the lots. Otherwise, the Lot Areas, F.A.R. Square Feet and F.A.R. percentages are taken from page C1/46 of the application submitted for the June 1 RDCC hearing. Using this information, Lynn Hill calculated the comparisons of the lot areas and home sizes that are shown above.

12

VERSIONS OF THE LUNDY IN WOOD AND ROCK



MODEL 1 2104 PARK PLACE CIRCLE



MODEL 2 2124 PARK PLACE CIRCLE

PHOTOGRAPHS



June 29, 2011

Sylvia Benavidez
Austin Residential Zoning Review
505 Barton Springs Road
Austin, TX 78704

Re: 3704 Bonnell Drive (Case 2011-031138 PR)

Ms. Benavidez,

Please pass along to the RDCC that the Highland Park West Balcones Area Neighborhood Association (HPWBANA) has voted 6 to 3 to oppose the variance request at 3704 Bonnell Drive (Case 2011-031138 PR).

We appreciated the opportunity to include the landowner and a neighbor at our recent meeting on Monday, June 20 to better understand the issues surrounding this request. We also appreciated the surrounding neighbors sending us their opinions via letter and email.

Ultimately, the NA believes that the lot owner has other viable options for the property. We feel the project could be completed with the landowner's desires in mind while staying within the limits of the ordinance. In addition, widespread opposition by the neighbors was an important factor in our decision. In general, the neighbors expressed concern about the size of the project. Most of the surrounding homes are under 4,000 sq.ft. In addition, the proposed FAR of the proposed project is much greater than those of the surrounding homes.

One point brought up at the meeting was that a home of similar size could be built within the ordinance and without requiring a variance. While we acknowledge that this may be the case, the majority of the board felt that it was offset by the precedent that would result if the variance were granted.

We respectfully ask the Commission to deny the variance request.

A representative from HPWBANA will attend the Commission's meeting on July 6, 2011. A copy of this letter will be sent to those who attended our neighborhood meeting.

Sincerely,

Andrea Torres, HPWBANA President
4601 Highland Terrace 78731
512-302-4294
andreatorres11@yahoo.com

Highland Park West Balcones Area NA ~ P. O. Box 26101 ~ Austin, TX 78755

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: 2011-031138R

ADDRESS 3704 Bonnell Drive

Contact: Sylvia Benavidez, 974-2522

Public Hearing: May 4, 2011

Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Holtan Burns

Your Name (please print)

3710 Bonnell Dr 78731

Your address(es) affected by this application

[Signature]

Signature

5-20-11

Date

Comments: There is a reason for the
commission Law -

putting a huge house to the very
edge of a small lot decreases
the integrity of the neighborhood

If you use this form to comment, it may be returned to:

City of Austin

Sylvia Benavidez

P.O. Box 1088

Austin, TX 78767-8810

Number: 2011-031138R: Address: 3704 Bonnell Drive
Contact: Sylvia Benavidez
Public Hearing: July 6, 2011 : Residential Design & Compatibility Commission

I Object: Holton Burns (Homeowner 3710 Bonnell Drive) Holton L. Burns JUNE, 2011
Holton Burns: My Address: Homeowner 3710 Bonnell Drive, Austin, Texas 787831

Send to:

City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, Texas 78767-8810

Dear Silvia,

1. I, Holton Burns am the record owner of the property (3710 Bonnell Drive in Austin, Texas) and have a vested financial interest to maintain my property's intrinsic value. Building a Mc Mansion next door to my home will deteriorate that "value" whether it is due to lost view, feeling cramped, stuck with a high imposing structure next door or a combination of such as a result of a builder being granted a variance to city code.
2. The neighborhood is not a Mc Mansion area, each property is suited to the homes built on it, come and see for yourself if you have any doubt.
3. The city has passed ordinances to protect properties from development which aggravates the feel and relationship of one structures set back vs. another structures setback in order to prevent opposition to development and leave shadows imposed upon a neighbors home among other qualified reasons of the ordinance.
4. I am asking the city to carefully review the plans of 3704 Bonnell Drive and then conclude that the home exceeds and impacts current regulations and the neighbors who border to subject tract.
5. As a north neighbor of subject tract with the city to the South and East portions of my lot will no longer be afforded a city view, nor be granted direct sunlight in the middle morning.
6. I will likely end up looking at a drawn curtain rather than down the Balcones Valley out towards downtown Austin which was "the" reason why I bought the home I currently own.
7. I share a side property with 3704 Bonnell Drive and hope the city will pay increased attention to that fact. I am not someone on the other side of the public street or around the corner I am next door to this petition for variance.
8. In particular the proposed house would be incompatible in size with the other properties in the neighborhood and it will dwarf my own home.

HHZ

- 3.
9. 3704's design as proposed is 83% larger than mine and we share roughly the same size lot!
 10. The disparity in size between the homes which wrap around and share the border of this lot will be striking particularly when compared with mine.

AKH
JUNE, 2011

3704 BONNELL DRIVE - VARIANCE

ROBERT BONE
3503 Bonnell Court, Austin, TX 78731
512-374-9550 . rbone@law.utexas.edu

June 16, 2011

City of Austin
Sylvia Benavidez
PO Box 1088
Austin, TX 78767

RE: Case Number 2011-031138PR - 3704 Bonnell Drive
Sylvania Benavidez, Contact (512-974-2522)
Public Hearing July 6, 2011
Residential Design and Compatibility Commission

Dear Sir/Madam:

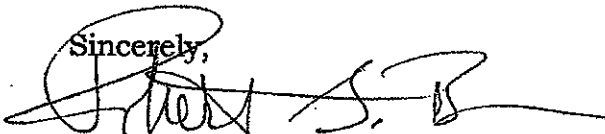
I am writing in opposition to the request for a variance for the above-listed property. The lot in question is diagonally across from the house my wife and I own, at 3503 Bonnell Court. My wife Elizabeth Schultz submitted a separate letter comprehensively reviewing the reasons for our opposition. I write separately to make clear that I too oppose the request and to add some thoughts of my own.

Elizabeth's letter describes the impact that granting the application will have on the neighborhood. The proposed home is simply out of proportion to the lot, and its FAR makes clear just how poorly it fits the Bonnell Drive neighborhood.

Most important, the applicants have offered no sufficient reason to grant the variance. At the previous hearings, they cited the view of the UT Tower and a desire for rooms for a growing family and visiting relatives. If that's enough to qualify for a variance, then the FAR requirement is meaningless. Everyone who wants to build a large home on a small lot could offer comparable reasons, and the McMansion ordinance would be rendered ineffectual. This can't be what the City of Austin intended.

I urge you to deny the application.

Sincerely,



Robert G. Bone

cc: HPWBANA

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: 2011-031138R
ADDRESS 3704 Bonnell Drive
Contact: Sylvia Benavidez, 974-2522
Public Hearing: May 4, 2011
Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Robert Radebaugh
Your Name (please print)

3500 Bonnell Ct
Your address(es) affected by this application

[Signature]
Signature

6/4/2011
Date

Comments: The proposed improvements are of
a size inconsistent with other homes in the
neighborhood. This is exacerbated by the small lot
on which this will be constructed. This will
have way too much impervious cover leaving no
yard. All other homes in the neighborhood have
good size yards

If you use this form to comment, it may be returned to:
City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, TX 78767-8810

ELIZABETH SCHULTZ
3503 Bonnell Court, Austin, TX 78731
512-374-9550 . easdirect@gmail.com

City of Austin
Sylvia Benavidez
PO Box 1088
Austin, TX 78767

RE: Case Number 2011-031138PR
3704 Bonnell Drive
Sylvania Benavidez, Contact (512-974-2522)
Public Hearing July 6, 2011
Residential Design and Compatibility Commission

Dear Sir/Madam:

I am writing in opposition to the request for variance for the above-listed property pending before the Residential Design and Compatibility Commission. The lot in question is diagonally across from the house my husband and I own, at 3503 Bonnell Court. The neighborhood is characterized by pleasant homes and spacious, treed yards. The hillside setting provides a sense of spaciousness, and also affords privacy. The houses are typically sited with sensitivity to the land.

My husband and I moved to our Bonnell Court home a year-and-a-half ago when we relocated from Boston, Massachusetts. When we were house-hunting, people told us, with pride in their city, that Austin's "McMansion" ordinance restricted the construction of oversized homes on undersized lots. This sounded to me like a sensible restriction – one that would preserve Austin's neighborhoods, and maintain consistent and appropriate size and scope in residential construction.

Since buying our house, we have learned that restrictions also apply to cutting and trimming trees. This also makes sense to me, both esthetically and ecologically. The restrictions also seem consistent with the "McMansion" ordinance – preserving Austin's greenscape for current and future generations to enjoy.

The lot in question is under-sized for the neighborhood. Frequently, people who visit us or with whom we have conversations on the street comment to the effect that the lot is really too small to build much of a house on.

In fact, we now find that only one lot among the fifteen cited in the application for variance is smaller. On the other hand, if the variance is granted, only three houses would be larger. To me, this would seem to be the essence of "oversized house on undersized lot."

The lot itself is pleasantly treed and sloping. It's my understanding that in order to construct the house, extensive excavation would basically chop a chunk out of the lot. Retaining walls would be required on one, if not all three sides. The house would be constructed on the newly-leveled lot. This scoop-and-plunk approach is inconsistent with a neighborhood in which the houses generally make creative use of their hillside sites.

I have attended both meetings of the Residential Design and Compatibility Commission that dealt with this matter. During neither did I hear the owner or the builder present any compelling reason for the committee to grant the variance.

What the owners have said is that they love the views of the city which the lot affords, and they love the very large house they want to build there.

Most people who've bought or built a house understand this. When my husband and I were house-hunting, there were several other properties we might have considered, but our bank-account was several hundred-thousand dollars too small. These owners want to build a huge house, but their lot is several thousand square feet too small.

Surprisingly, the owners don't seem concerned that by building such a large house on such a small lot, they will be altering for the worse the grace and spaciousness that typify Bonnell Drive.

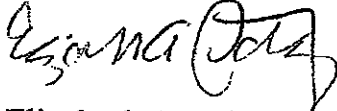
As for their claim that unless they get the variance, they'll be denied maximum enjoyment of the view the lot affords, I imagine that every one of the neighbors could tell a story about having a better view of the city and the UT Tower if only they could cut down a tree or two, or extend their deck, or add an additional story to their house. But we live in a community, and by upholding the community's values, we all benefit.

The owners purchased the lot several months ago. The language on their deed has not changed since then, and the city regulations stipulating the ratio of house-to-lot have not become more restrictive. In buying a too-small lot for their too-big house, they assumed the risk that they would not be able to build. The neighborhood doesn't owe them their "dream house" any more than the city of Austin does.

Schultz - 3

Upholding the letter and spirit of the McMansion ordinance and the ordinances protecting greenery seems good for Austin. Certainly in this case, it would be good for preserving the character and aesthetics of a neighborhood. So far, the owners have shown little interest in compromise. I urge you to deny their application for variance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elizabeth A. Schultz", with a stylized flourish at the end.

Elizabeth A. Schultz

CC: HPWBANA

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Case Number: 2011-031138R

ADDRESS 3704 Bonnell Drive

Contact: Sylvia Benavidez, 974-2522

Public Hearing: ~~May 4, 2011~~ July 6, 2011

Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

WAYNE EDWARDS

Your Name (please print)

3501 Bonnell Ct, Austin TX 78731 (within 300 ft of site)
Your address(es) affected by this application

Wayne Edwards

Signature

6/8/11

Date

Comments:

The (Floor-to-Area) is apparently 43% more than the 40% limitation
and far above the average of roughly 35% in the area.

Also it is questionable on whether the height meets deed restrictions

The mass of the house appears to be comparable with a 5400
sq.ft. house which would not be compatible with homes on
either side. Thank you for considering my comments

If you use this form to comment, it may be returned to:

City of Austin

Sylvia Benavidez

P.O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, TX 78767-8810

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Case Number: 2011-031138R

ADDRESS 3704 Bonnell Drive

Contact: Sylvia Benavidez, 974-2522

Public Hearing: ~~May 4, 2011~~ July 6, 2011

Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object (w)

JEANIE + COLEY COWDEN

Your Name (please print)

3708 BONNELL DR. 78731

Your address(es) affected by this application

Janie Cowden & Coley Cowden 6-17-11

Signature

Date

Comments: The proposed home is grossly
over sized for our neighborhood. And
is most assuredly not compatible
in scale and bulk to our street and
other structures in the area.

It is not consistent with the street scene of
the properties in the vicinity.

It is not consistent with the massing, scales
and proximity of structures located on either side or
behind the development.

If you use this form to comment, it may be returned to:

City of Austin

Sylvia Benavidez

P.O. Box 1088

Austin, TX 78767-8810

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Case Number: 2011-031138R
ADDRESS 3704 Bonnell Drive
Contact: Sylvia Benavidez, 974-2522
Public Hearing: May 4, 2011
Residential Design and Compatibility Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Tom Shelton
Your Name (please print)

3703 Mt. Bonnell Road
Your address(es) affected by this application

Tom Shelton 6-9-11
Signature Date

Comments: Comments on Attached sheet
Thank you

If you use this form to comment, it may be returned to:
City of Austin
Sylvia Benavidez
P.O. Box 1088
Austin, TX 78767-8810

Case Number: 2011-031138R: Address: 3704 Bonnell Drive:
Contact: Sylvia Benavidez
Public Hearing : July 6, 2011: Residential Design & Compatibility Commission

I Object--- Tom Shelton
Tom Shelton-My address 3703 Mt. Bonnell Rd.

Dear Madam/Sir,

I share a back lot line with the property in the application and I have cast a vote of "no" regarding the variance on the FAR restriction. I have spent close to a month and a half trying to learn as much about the situation as possible, educating myself on reason for the law, meeting with owner/builder several times, gathering information from Sylvia Benavidez, meeting with several neighbors, and have found absolutely no other reason for the owner's request other than he wants to build a very large home on the 2nd smallest lot in the neighborhood.

If the owner had been looking to build slightly closer to the property line to save several oak trees for example--I would be wholeheartedly for his exception to the Ordinance. I don't know why the McMansion law exists if not for cases like this.

There are 15 homes within 300 feet of the property that is the subject of the variance request however, there are 4 homes that form a sort of "U" around the proposed lot that would be most impacted by the construction--myself (3703 Mt. Bonnell Road), the home of Lynn Hill/John Deigh, the home of Holton Burns (directly next door to the lot), and Cornelia and Tom LeMond (3705 Bonnell DR.) The LeMonds live directly across the street from the lot, Lynn/John and I share the back lot line, and Mr. Burns lives directly next door. And we all object to the application for the variance.

I think it is very important to mention Holton Burns. He is out of the country working on a project and obviously has not been able to attend either of the two hearings or meet with the neighbors but is very concerned with this matter and has voted "no" by email. Mr. Burns could end up being the most affected as he is the direct next door neighbor. By the simple gesture of dropping a note off with his current house-sitter, I was able to get his email and have emailed him 7-10 times regarding this matter.

At the RDCC hearing, the owner Mr. Clark has specifically mentioned Lynn Hill as being really the main opponent of the proposed variance. Except for the RDCC form letter being sent to Mr. Burns from the City, I am very curious as to whether the owner has made any effort to contact Mr. Burns (as I have) seeing as he may be more affected than Lynn Hill and perhaps, a more vocal opponent of the variance. As I mentioned above, Mr. Burns home, my home, the LeMonds, and Lynn/John's home are the four that directly form a "U" shape around the vacant lot.

For some factual perspective, it was shocking to take a look at the sheet provided by builder to the City Commission regarding the surrounding homes and their square footage, their lot size, and their FAR's.

1. The proposed home is the 2nd smallest lot of the 15 lots yet would have the 4th largest square footage.
2. My house for some perspective is on a lot approximately 40% larger, and has four bedrooms. The proposed home would have 5 bedrooms and would be a whopping 50% larger than mine!
3. The house built on 2 combined lots down the street from proposed home only has a 29% FAR. And this is calculated on the square footage of just one lot, not two!
4. None of the 15 homes have a FAR in excess of 40%. In fact, 80% of the homes have a FAR of less than 30%, and only one has a FAR as large as 38%.

As the commission knows by now, there have been numerous meetings between the owner/builder/designer and Lynn Hill, John Deigh and I. I think all sides have been very cordial and truly been interested in the viewpoints of both sides. We have looked at many house plans and even traveled to Round Rock to see a model home similar the one proposed home. However, the end result of every single meeting is exactly the same. The owner wants us to vote "yes" so he can have a huge home on this small lot and so he can also have a view of the UT tower and perhaps a pool.

My personal viewpoint from all these meetings could best be described as confusion. I'm wondering why all the neighbors are being asked to vote "yes" on the variance when all of these issues could have totally been avoided from the start and could still quickly and easily still be solved.

While it is in what I think is a nice neighborhood, this lot has been vacant a long time due to its unique size. I still can't understand why with a large family (and wanting pool also) that this small lot was chosen. And for a view of the UT tower, why weren't height restrictions, FAR restrictions looked into before the purchase?

I wouldn't dare presume to tell anyone what lot to buy, what house to build, etc. But I just can't understand this proposed house on this lot when you can venture to the surrounding neighborhoods of Tarrytown and Old Enfield to see hundreds, if not thousands of wonderful homes built on lots of this size. There are too many to count 3 or 4 bedroom bungalow style, ranch style, stone houses, cottage style homes that look fantastic and actually fit the lot. I thought the reason for this ordinance and for deed restrictions were to preserve the integrity of the neighborhood as I so often see it stated.

Not only could all this have been avoided but another thing that could solve this whole matter and it's an issue which never, ever seems to be brought up at the meetings with owner---simply re-draw the plans to match all the requirements. It was strange to be standing in the model home and being asked to vote yes when all the rooms in the model home dwarf the size of the rooms in my own house!

At the last hearing, the RDCC mentioned that letters such as this can be very helpful. Time is very limited at the hearings so I wanted to address a few comments that have been made towards my neighbors.

First, the owner of proposed house said "he thinks that basically we don't want a house being built on the lot." This could not be further from the truth. We just feel strongly about the rules set up to preserve the neighborhood. We don't feel like there should be an exception unless for a good reason...one besides just wanting a huge house.

Second, the owner mentioned at the RDCC meeting "how he saw this lovely lot, how he has four kids and one on the way, how he went to UT and wants a view of the tower, how he wants to be a great neighbor" and so on. I won't put words into my neighbors mouths (and Holton on one side is out of the country) but this was very upsetting to me particularly when we don't all have time to speak. Each and every one of us had that same first impression when we saw our future lot, I also went to UT and love the tower, and we all have families and friends that we are excited when they can share our house with us. I just think it's wrong for any one neighbor should claim that they have some sort of moral high ground above the rest of the neighbors for purposes of applying for a variance.

Third, in his June 1 presentation to the commission, the owner has told the commission he has bent over backwards to accommodate us and spent all this time trying to meet with us, and he has tried to do everything he can, and so on. I found these comments extremely surprising (and sort of rude towards one particular neighbor) as the above ones. My neighbor Lynn Hill (and to a lesser extent, myself) have:

- Met with Sylvia Benavidez and other city employees downtown to understand FAR and other development issues
- Hired and met with Geologist to find out impact the cut on land will disturb the balcones fault line
- Traveled up for about 3 hours one evening out to Round Rock to see a model home of what they propose to build
- Met with owner and or builder on lot to see the height of home/impact on trees
- Countless hours speaking to other neighbors
- Corresponded on about ten emails back and forth with neighbor out of country Holton Burns
- Researched deed restrictions with survey and title companies, and with the Travis County Clerk's real property public database

Sorry for the length but I knew the commission had wanted the viewpoint of some of the other neighbors and I thought some of the personal comments at the hearing had not painted a full picture of the situation.

Thank you,

Tom Shelton

PUBLIC HEARING INFORMATION

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

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

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

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

SKRATT LYNN HILL Johanna Deigh
Your Name (please print)

☒ I am in favor
☐ I object

3701 MT BONNELL ROAD

Your address(es) affected by this application

A. Lynn Hill [Signature] 10/21/2011
Signature Date

Daytime Telephone: 512 371-1254

Comments: THE BOARD SHOULD CONSIDER
AND FAIRLY ENFORCE THE MCMAHON
ORDINANCE AND REMEMBER ITS
INTEREST. DO NOT PROVIDE
LODP HOLES!

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

FORREST G. BONNE
Your Name (please print)

3503 BONNELL G. AUSTIN
Your Address(es) affected by this application

78731

10/18/11
Date

512-232-5562
Daytime Telephone

I support the appeal of
Comments:

Ms. Hill and Mr. DeGard oppose
the project as planned. The house
is too big for the lot.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Robert S Radebaugh

Your Name (please print)

3500 Bonnell CT

Your address(es) affected by this application

Robert S Radebaugh

Signature

Date

Daytime Telephone: 512-346-9983 x115

Comments: Given the very small lot size the mass of this proposed house does not conform with the surrounding neighborhood. To approve this on a technicality would set a bad precedent. There is a reason surrounding property subject are so overwhelmingly opposed to this development

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Philip & Kristie Kiser

Your Name (please print)

☒ I am in favor
☐ I object

3710 Bonnell Dr. 78731

Your address(es) affected by this application

[Signature]

Signature

10/17/2011

Date

Daytime Telephone:

210-845-9218

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2011-0110 – 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

John Thomas "Tom" Shelton # ☒ I am in favor
☐ I object

Your Name (please print)

3703 MT. BONNELL ROAD

Your address(es) affected by this application

Don Walker

Signature

Date

Daytime Telephone: 453-5949

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Your Name (please print) PATRICIA S. ZUREK

☒ I am in favor
☐ I object

3803 MT BONNELL Rd, Austin TX

Your address(es) affected by this application

Patricia S. Zurek 17 Oct 2011

Signature

Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2011-0110 -- 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Elizabeth Schultz

Your Name (please print)

☒ I am in favor
☐ I object

3503 Bonnell Ct, Austin 78731

Your address(es) affected by this application

Elizabeth Schultz

Signature

10/18/11
Date

Daytime Telephone: 512-374-9550

Comments: *I support the appeal by Mrs. Hill and Mr. DeSola.*

It is important to reiterate that this will be the fifth largest house on the third smallest lot. If it's so important to the owners to have such a huge house, they should never have bought such a small lot.

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City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

John Thomas "Tom" Shelton

Your Name (please print)

☒ I am in favor
☐ I object

3703 MT Bonnell Road

Your address(es) affected by this Application

Tom Walker

Signature

10-17-11

Date

Daytime Telephone: 512-453-5949

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088



To: Mr. Jeff Jack, Chair and
Members of the Board of Adjustment

From: John M. McDonald, Planner Principal
Planning and Development Review Department

Date: October 27, 2011

Re: An Administrative Appeal Request
Case No. C15-2011-0110
Section 3.3.3 (C)(5) of Subchapter F; Residential Design and Compatibility
Standards

Mr. John Deigh and Sarah Lynn Hill (the "Appellants") have filed an administrative appeal, requesting an interpretation of whether the Planning and Development Review Department's Director properly applied and interpreted the provisions of Section 3.3.3(C)(5) to exempt sections of a building under Article 3 of Subchapter F (Residential Design and Compatibility Standards).

The related provisions and the one under question are as follows:

SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS.

ARTICLE 3: DEFINITIONS AND MEASUREMENT.

§ 3.3. GROSS FLOOR AREA.

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (*Definitions*), with the following modifications:

3.3.3. Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

C. A habitable portion of an attic, if:

1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;

5. It is the highest habitable portion of the building, **or a section of the building**, and adds no additional mass to the structure; and

6. Fifty percent or more of the area has a ceiling height of seven feet or less.

***Special Note: Exhibits A and B (attached) which are staff memorandums can be helpful in understanding the six criteria above.**

Any proposed design for new construction can exempt all of the highest habitable area as long as it meets the six requirements or sections of the proposed building. The provision in 3.3.3(C)(5) that speaks to adding additional mass to the structure has no reference point as it relates to new construction, as long as the other five criteria are met.

The language that speaks to prohibiting additional mass in Section 3.3.3(C)(5) more directly applies and is the intent of the ordinance to allow a person to finish out existing attic space or storage space where the mass already exists within a building and the six criteria can be met.

FINDINGS

Staff does not believe there is reasonable doubt or difference of interpretation as to the specific intent of the regulations, because any design for new construction can have attic space or sections of the proposed building that would meet the six criteria for being exempt from gross floor area calculations.

Staff believes the use provisions clearly permit the use which is in character with the uses enumerated for the various zones and with the objective of the zone in question because all one and two-family dwellings must meet both the site development regulations of the base zoning district, along with the provisions of Section 3.3.3(C)(5).

The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated; in that, all proposed designs for one and two-family new construction must meet the provisions of Section 3.3.3(C)(5).

If you have any questions, please contact me at 974-2728 or by e-mail at john.mcdonald@austintexas.gov.

cc: Greg Guernsey, Director, PDRD
Brent Lloyd, Law Department
Donald Birkner, Assistant Director, PDRD
Kathy Haught, Division Manager, PDRD
Chris Johnson, Development Assistance Center Manager, PDRD
Susan Walker, Planner Senior, PDRD



MEMORANDUM

TO: Residential Review

FROM: Erica Eichert, Supervisor, Residential Review
Watershed Protection and Development Review Department

DATE: 4/4/2007

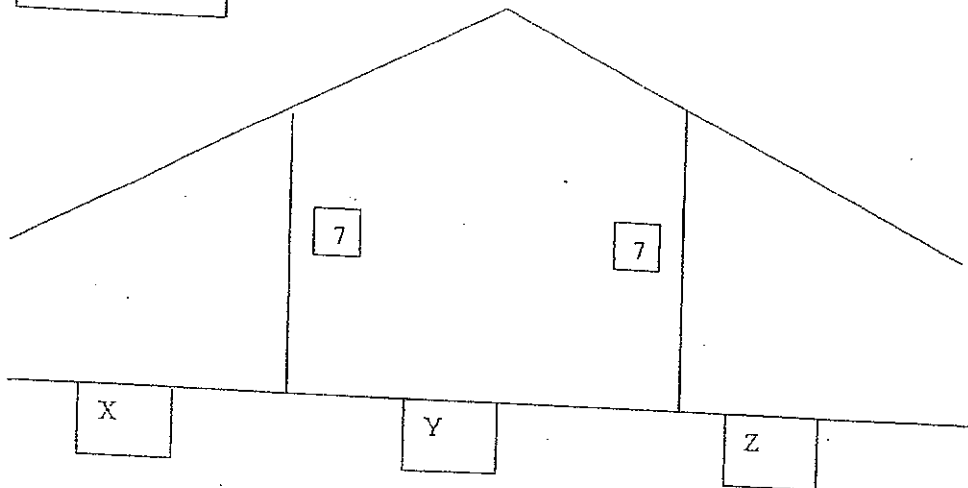
SUBJECT: Attic Space and Gross Floor Area

Unfinished, non-habitable attic spaces accessed with pull-down stairs or ladders are not counted towards the gross floor area of a building. These areas may only be used for storage and no walls are permitted in these areas, unless counted towards gross floor area.

Attic storage accessed through an interior door will be counted as gross floor area until the space reaches a clear height of 6' or less.

When determining whether a habitable portion of an attic qualifies for the gross floor area exemption, the entire attic floor space is counted towards the area of the attic. In the example below, $X + Z$ must be greater than Y to qualify as "habitable attic."

Typical Section



Erica Eichert, Supervisor, Residential Review
Watershed Protection and Development Review Department



MEMORANDUM

TO: American Institute of Architects- Austin

THRU: Residential Review Planners and Residential Inspectors

FROM: Daniel Word, Planner II, Residential Review Division
Watershed Protection and Development Review Department

DATE: July 29, 2008

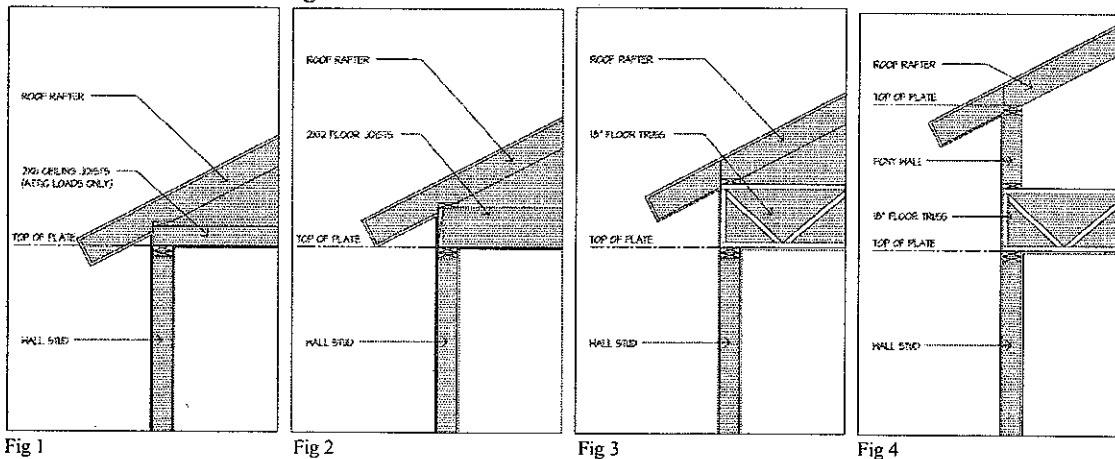
SUBJECT: Habitable Attics and Gross Floor Area

Section 3.3.3 (C) of Subchapter F, commonly referred to as the "McMansion" ordinance, allows for the exclusion of a habitable portion of an attic from the gross floor area measurement prescribed in the Land Development Code if:

1. The roof above is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

Under the second provision, the space must be "fully contained within the roof structure." For the purposes of implementing Subchapter F of the Land Development Code, this is interpreted to mean that the attic space is contained between the underside of the roof rafters and the top of the ceiling joists, floor joists, or floor truss, provided that the finished floor of the attic space does not drop below the height of the ceiling joists, floor joists, or floor truss at the intersection with the exterior walls. This is to prevent the floor surface within the attic space to be artificially lowered in order to gain additional ceiling height that would not otherwise be present.

Please refer to the following sketches for further clarification:



Figures 1, 2, and 3 are examples of acceptable construction methods that would qualify as being "fully contained within the roof structure." Figure 4 is a sketch of an unacceptable construction method for the purpose of qualifying as being "fully contained within the roof structure." This attic area would not qualify for exclusion from the calculation of gross floor area.

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Wayne Edwards

Your Name (please print)

3501 Bonnell Ct. Austin TX 78731

Your address(es) affected by this application

Wayne Edwards

Signature

10/17/11

Date

Daytime Telephone: 512-467-2714

Comments:

The mess on back of the house
is even messier than that the RDC denied
Some notes have 20' ft plus ceilings which are
to bulk and height. but are not within as twice
14 sq. ft. The fronting of bedrooms 4x5
as "habitable" little expansion" is invisible
in calculations for the 1406 is not fair.
Thank you for your consideration

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

☒ I am in favor
☐ I object

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Case Number: C15-2011-0110 - 3704 Bonnell Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, October 27th, 2011

Donna P. Edgar Secretary
Your Name (please print) Hill Country West Balcones
Area Neighborhood Assoc.

☒ I am in favor
☐ I object

my home address is 5409 Highland Crest Dr. however I am on "vacation"
Your address(es) affected by this application party because I am secretary of HCBANA.

Susan Walker
Signature

Date

Daytime Telephone: 512-452-7596

Comments: The neighborhood association, HCBANA, has met with both parties, heard each side and had lengthy discussions. HCBANA has written a letter opposing this house, stating that the proposed plan violates both the qualitative and quantitative measures of the RDEG (Urbanization Ordinance). We support the position of Susan Hill, John Deigh and the nine nearby neighbors, all of whom do not wish to see this building plan go forward.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
INTERPRETATIONS
PART I: AGGRIEVED PARTY'S STATEMENT

C15-2011-0110
TP-0125070317
ROW-10659412

RECEIVED

SEP 15 2011

CITY OF AUSTIN

STREET ADDRESS: 3704 Bonnell Drive, Austin, TX 78731

LEGAL DESCRIPTION: Subdivision – Mount Bonnell Terrace Section 3

Lot 1 Block E Outlot --- Division ---

ZONING DISTRICT: SF-3

WE Sarah Lynn Hill and John Deigh on behalf of ourselves affirm that on the 15th Day of September, 2011, hereby apply for an interpretation hearing before the Board of Adjustment.

We appeal the August 26, 2011 decision of Greg Guernsey of the Planning and Development Review Department to "approve for permit" the building plans for 3704 Bonnell Drive, attached as Exhibit Ex1; alleging error was made in the decision by an administrative official.

Appeal #1:

We assert that error was made by the administrative official relating to the calculation of Floor-to-Area Ratio (FAR) as same relates to ceiling height greater than 15 feet.

Planning and Development Review Department interpretation is: the areas of the proposed structure that have a ceiling height greater than 15 feet do not need to be counted twice when calculating the Gross Floor Area (GFA) of the structure under the provisions of Article 3, Section 3.3 of the Land Development Code Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards ("McMansion" Ordinance), because the requirement to double-count such areas does not appear in the current electronic and printed versions of the McMansion Ordinance. As a result, the Department accepted David Weekley Homes' calculated GFA of 4,537 square feet for the structure, attached as Exhibit Ex2. Since the Lot Area is 11,683 square feet, the resulting Floor-to-Area Ratio (FAR) is 38.83% (4,537 / 11,683). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the areas of the proposed structure that have a ceiling height greater than 15 feet do need to be counted twice when calculating the Gross Floor Area of the structure under the provisions of Article 3, Section 3.3 of the McMansion Ordinance. This requirement was Subsection 3.3.3 of the McMansion Ordinance that became effective October 1, 2006, attached as Exhibit Ex3. The requirement does not appear in the current electronic and printed versions of the Ordinance, attached as Exhibit Ex4, due to a clerical error, but this does not mean the requirement was deleted. It was already in effect before the

Ordinance was amended in 2008, and it remains in effect because the 2008 amendments did not strike or amend the requirement.

The plans submitted by the applicant show that the family room and foyer have ceiling heights between 20 and 22 feet (section of first floor layout showing this attached as Exhibit Ex5). Based on the dimensions shown on the plans, these areas have a combined floor area of at least 450 square feet. Properly double-counting these floor areas would increase the GFA from 4,537 to at least 4,987 square feet. This means the FAR would increase from 38.83% to at least 42.69% ($4,987 / 11,683$), which exceeds 40% - the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to "approve for permit" by its interpretation and should follow our interpretation and recalculate the GFA of the structure to properly count twice the areas that have ceiling heights over 15 feet. The application should be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

When the McMansion Ordinance became effective on October 1, 2006 under Ordinance No. 20060928-022, attached as Exhibit Ex3, approved by the City Council on September 28, 2006 (item 22 on the City Council meeting agenda), Article 3 contained a subsection 3.3.3 which read as follows: "An area with a ceiling height greater than 15 feet is counted twice." There is no dispute about this fact.

When the 2006 McMansion Ordinance was amended by the City Council on June 18, 2008, the matter was item 93 on the meeting agenda (a description of item 93, the action taken, and a list of the work papers and other backup documentation provided for the matter is attached as Exhibit Ex6). The requirement to double-count an area with a ceiling height greater than 15 feet was inadvertently omitted from the Draft Ordinance prepared by Brent Lloyd of the CoA Law Department for the meeting, (see Part 14 of attached Exhibit Ex10), due to a clerical error. The Draft Ordinance was correct, in that it did not strike or amend the requirement. Based on changes made to other, unrelated, provisions of Section 3.3 of Article 3, the requirement to double-count an area with a ceiling height greater than 15 feet should have been renumbered from subsection 3.3.3 to subsection 3.3.5. However, due to a clerical error the requirement was not included in the Draft Ordinance. This error was carried over to the Executed Ordinance (see Part 14 of attached Exhibit Ex7). As a result, the current electronic and print versions of Article 3, Section 3.3 of the McMansion Ordinance do not mention the requirement (see attached Exhibit Ex4). We have discussed this matter with Brent Lloyd, and on September 14, 2011 he told us that he agrees that the Ordinance did not

strike the requirement, and that the omission of the requirement from the Ordinance was an unintentional error.

The work papers and other backup documentation provided for the City Council meeting (attached as Exhibit Ex8 through Exhibit Ex15) do not mention any discussion of changing or deleting this requirement by any person or group. They do not mention any discussion of this requirement at all, and so the clear intent was to retain this requirement. In addition, because the requirement was already in effect, and because it was not struck or amended in the Ordinance approved by the City Council, it remains in effect – even though it does not appear in current electronic or print versions of the Ordinance.

The work papers and backup for the City Council meeting include amendment tracking sheets – last revised on June 12, 2008 – that document the recommendations from both the Task Force and the Planning Commission (attached Exhibit Ex12 and Exhibit Ex13). The Draft Ordinance is dated June 12, 2008, and reflects the recommendations in these documents. The work papers also include a presentation about the proposed amendments that was made by Brent Lloyd and Jessica Kingpetcharat-Bittner to the Council at the June 18, 2008 public hearing (Exhibit Ex15). Afterwards, Ordinance No. 20080618-093 was approved with two amendments – neither related to the requirement to double-count areas with ceiling heights greater than 15 feet (see second paragraph of Exhibit Ex6).

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: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: our interpretation would require that the terms of the McMansion Ordinance be properly applied to this application.

The Department's interpretation grants a special privilege to this property by ignoring a requirement of the Land Development Code that has been in effect since October 1, 2006.

Appeal #2

We assert that error was made by the administrative official regarding the calculation of Floor-to-Area Ratio (FAR) as same relates to habitable attic space in new construction.

Planning and Development Review Department interpretation is: The proposed structure qualifies for a habitable attic exemption under Subsection 3.3.3.C of the McMansion Ordinance, because it satisfies the conditions set out in Subsections 3.3.3.C.1 through 3.3.3.C.6 (see attached Exhibit Ex4). The condition under dispute is Subsection 3.3.3.C.5, which states, "It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure." On August 29 the supervisor of the Department told us that the area identified as "habitable attic space" adds no additional mass to the structure because it fits inside the building envelope, or "tent."

Based on the habitable attic exemption, and David Weekley Homes' calculations, 570 square feet of attic floor with a ceiling under 7 feet in height, and 374 square feet of attic floor with a ceiling over 7 feet in height (a total of 944 square feet of "habitable" attic space) has been excluded from the calculation of the Gross Floor Area (GFA) of the structure (see attached Exhibit Ex16). As a result, the Department accepted David Weekley Homes' calculated GFA of 4,537 square feet for the structure (see attached Exhibit Ex2 and Exhibit Ex16). Since the Lot Area is 11,683 square feet, the resulting Floor-to-Area Ratio (FAR) is 38.83% ($4,537 / 11,683$). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the area identified as "habitable attic space" in the application does not qualify for a habitable attic exemption under Subsection 3.3.3.C, because we believe that it adds mass to the structure and so does not satisfy the requirements of Subsection 3.3.3.C.5. We feel that saying the area adds no mass to the structure because it fits inside the "tent" is meaningless, because the entire structure must fit inside the tent, with or without the habitable attic exemption. Structures of varying size and shape can fit inside the tent, and it is not correct to say that all of these structures have the same mass.

The Department should apply a reasonable and meaningful interpretation of the condition "adds no additional mass to the structure" before determining that the condition is satisfied. In the case of an existing house that is being remodeled, a comparison can clearly be made to the mass of the actual house without the habitable attic space to the mass of the house with the proposed habitable attic space. In the case of new construction a more subtle judgment call is needed, but that does not mean a reasonable attempt to make such a judgment is not required. In the current case, the proposed structure is a variant of a standard David Weekley Homes model called the Lundy, and we feel that a reasonable judgment about whether the proposed habitable attic space adds additional mass to the standard model can be reached by comparing the proposed structure to this standard. In this case there are two versions of the Lundy that can be used for comparison and we feel that the proposed structure is more massive than either version of the Lundy.

The applicants invited us to meet with them at a model home site in Round Rock to view the model on which their proposed structure is based. The photographs which we took onsite (attached as Exhibit Ex17), are of the 4-bedroom version that they showed us (Model 1), and a version of the Lundy in which a fifth bedroom has been added on the second floor over the master bath (Model 2). Model 2 matches, in its placement of the fifth bedroom, the version in the applicant's plans. In order to add bedroom 5 to the second floor the applicant had to erect three exterior second-floor walls and raise the roof over the bedroom/bathroom area. In addition, inspection of the photographs clearly shows that a version of the Lundy that has been expanded to include a fifth bedroom on the second floor is obviously more massive than the 4-bedroom version. That is, Model 2 is clearly more massive than Model 1.

The applicant previously applied to build a 5-bedroom model like Model 2, but the Floor-to-Area Ratio (FAR) of that plan exceeded the 40% maximum allowed under Section 2.1 of the McMansion Ordinance. The applicant applied to the Residential Design and Compatibility Commission (RDCC) for a variance to be allowed to build the house, and the RDCC denied the application 5-1 on July 6, 2011 because the house was much larger than, and incompatible with, most of the nearby houses. The applicant still wants his five bedroom house, but needs it to be treated as though it has the FAR of a 4-bedroom house; i.e., as though it has the FAR of a house like Model 1. So, one check that the Planning and Development Review Department might make is to see whether bedroom 5 and bathroom 4 can be added to Model 1 without increasing the mass of Model 1. The proposed structure fails this test.

The structure currently proposed by the applicant is more massive than either Model 1 or Model 2. To create the area that is now called habitable attic space the applicant essentially took Model 2, and added new attic space on the front and rear sides of the fifth bedroom/fourth bathroom, further increasing the mass of the structure. This can clearly be seen by comparing the Left Elevation of the proposed structure in the applicant's plans to Model 2. It is also instructive to see where additional mass was added to the Left and Rear Elevations to convert Model 1 into the applicant's proposed structure. We have included exhibits that show where the additional mass was added to the Left Elevation of Model 2 (attached Exhibit Ex18), and to the Left and Rear Elevations of Model 1 (attached Exhibit Ex19), in order to create the applicant's proposed structure. It is obvious in the latter that quite a lot of attic space, especially sized and shaped to enclose the fifth bedroom and fourth bathroom had to be added to Model 1 in order to create the needed "habitable attic space."

What we have in this case is a situation where a structure deemed incompatible in scale and bulk by the RDCC, the neighbors and the local neighborhood association (HPWBANA) has been altered to increase its mass. The Planning and Development Review Department was aware of the RDCC's decision and had a folder on the denied plan. And yet the Department has deemed that the changes do not add additional mass to the structure, and further that they qualify the structure for a habitable attic exemption that results in the structure being treated as though it has the mass of a 4-bedroom house. We believe this happened because the Department did not apply a reasonable standard to determine whether the habitable attic space added additional mass to the structure.

Under Section 2.1 of the McMansion Ordinance the maximum allowable Gross Floor Area (GFA) of the structure is 40% of the lotsize, or 4,673 square feet (0.4 x 11,683). With the habitable attic exemption the GFA is 4,537 square feet. Denying the 944 square foot habitable attic exemption would clearly increase the GFA to an amount in excess of the 4,673 square feet permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to "approve for permit" by its interpretation and should follow our interpretation, deny the habitable attic exemption because the habitable attic space increases the mass of the structure, recalculate the GFA and the resulting FAR (GFA / lotsize). The application should then be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

The intent of the McMansion Ordinance is explained in Section 1.1:

"This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods."

In this case, we believe that the Planning and Development Review Department has focused on whether the additional space fits inside the "tent" or acceptable buildable area. But of course all construction must fit inside the tent, so that standard does not help to determine whether Subsection 3.3.3.C.5 is satisfied.

Instead, the Department needs to think about the goal of "...ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods." Refusal to grant the habitable attic exemption when creation of the habitable attic adds additional mass to the structure is in furtherance of this second goal. It is intended to prevent abuse of the habitable attic exemption. Why else would that requirement be there? The Department must not ignore this requirement when dealing with new construction, but must find a reasonable way to determine when this requirement is met.

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: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.

3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: Our interpretation requires that a reasonable method of determining when habitable attic space adds additional mass to a structure be applied to both new construction and additions when existing structures are remodeled.

Because the Department is not applying a reasonable and meaningful interpretation of the requirement "adds no additional mass to the structure" when dealing with habitable attic exemptions for new construction, it is giving preferential treatment to new construction when compared to a remodel of an existing structure on a neighboring property. For example, suppose there are two adjacent identically sized lots. One contains an existing house – the 4 bedroom version of the Lundy – and the other is an empty lot. The owner of the empty lot wants to build the 5-bedroom version of the Lundy, but the FAR for that plan exceeds 40% and the RDCC denies an application for a variance. So the builder changes his plan to the one submitted by the applicant, claims a habitable attic exemption, and with the reduced FAR is able to build his new house without applying for a variance to the RDCC. The owner of the existing 4-bedroom Lundy sees this happen and decides to remodel his house to match the new construction. But the owner of the existing property is not eligible for the habitable attic exemption because, as we saw earlier, conversion of the 4-bedroom Lundy to the applicant's proposed plan requires the addition of considerable mass to the structure. As a result, the FAR of the proposed remodel exceeds 40% and the owner of the existing home must apply for a variance to the RDCC.

Because the Department is not applying a reasonable and meaningful interpretation of the requirement "adds no additional mass to the structure" when dealing with habitable attic exemptions for new construction it is giving preferential treatment to builders of new construction compared to people who already live in the surrounding neighborhood because it dilutes the protection that the McMansion Ordinance affords the surrounding properties and neighborhood by creating situations where increasing the mass and bulk of new construction actually causes the non-exempt Gross Floor Area – the GFA used in the FAR calculation – to decrease, exempting the properties from review by the RDCC, and allowing oversized structures that are incompatible with the surrounding neighborhood to be built.

Appeal #3

We assert that error was made by the administrative official regarding the decision to "approve for permit" the application as same relates to various errors, omissions and/or irregularities with the application.

Planning and Development Review Department interpretation is: Everything is in order for the application to be "approved for permit."

We feel the correct interpretation is: there are errors, omissions and/or irregularities due to plans for Cuts over 4 feet that have not been properly reviewed; plans to build a fence on neighboring property when they have been expressly told that they cannot; and misinformation about a protected live oak on our property whose protected root zone extends onto the applicant's property.

- A. **With regard to cuts over 4 feet**, the paper application submitted by the applicant says that the development will require a cut and fill in excess of 4 feet (see Residential Permit Application "A" in attached Exhibit Ex0). However, the CoA online permit database says the development will *not* require a cut and fill in excess of 4 feet. In addition, a site plan showing the proposed areas where cuts will be made was not submitted to the Planning and Development Review Department. (It is absent from attached Exhibit Ex0.) However, inspection of the Site Plan – Final Grade (attached Ex1) shows that the finished grade behind the proposed house will range from a relative height of 110.4 feet to 112 feet, while the Existing Site Plan (attached as part of the "Required Addenda") shows that the existing grade behind the proposed house ranges from a relative height of 112 feet to 120 feet. So some of the cuts to be made will be at least 8 feet deep (8 feet is the difference between 120 feet high point on existing grade down to 112 feet high point on final grade.)

Per a September 7 email from Kevin Autry, Engineer in the Development Assistance Center, a cut of over 4 feet requires its own Zoning Review, and Building Permit, and at that time he had not seen any paperwork related to this. On September 8 Ms. Hill asked Sylvia Benavidez in the Planning and Development Review Department whether she could correct the online permit database to show that a cut of over 4 feet will be made. Ms. Benavidez responded that she could not make the change. Further, she said that the Department should not have approved the application before the review required for cuts over 4 feet was completed, and that we should add an appeal about this matter to our Board of Adjustment Interpretation Appeal (this document). She also referenced Land Development Code 25-8-341A. We checked with Brent Lloyd, attorney in the CoA Law Department to see whether we should file such an appeal, and he advised us to

include it. A site plan showing the proposed cuts needs to be filed, and the proper Zoning Review needs to be performed.

- B. **With regard to plans to build a fence on neighboring property:** The Site Plan – Final Grade, attached as Exhibit Ex1, shows a structure labeled “New Wood Fence to Match Existing” *behind* the back property line – constructed entirely on Lot 3, Block E, Mt. Bonnell Terrace Section 1 (street address 3703 Mount Bonnell Road). This lot belongs to Mr. Tom Shelton, who told Jim Einhaus of David Weekley Homes, in writing more than two months ago, that the applicant could not build a fence on Mr. Shelton’s property. Mr. Einhaus replied that the plan would be corrected but it is still in error. This proposed new fence should not be relied on by the CoA as proof that the applicant is building any fence that may be required in this spot. In addition, if workers view these plans and mistakenly start to clear the area for the fence they will destroy several Texas Mountain Laurels that Mr. Shelton has planted in that area. These plans need to be corrected.
- C. **With regard to misinformation about the protected live oak on our property:** Our property (Lot 2, Block E, Mt. Bonnell Terrace Section 1) shares a back lot line with the applicant’s property. A live oak is protected when the diameter at a height of 4.5 feet above the ground equals at least 19 inches. If there are multiple stems (ours has 4 stems), the diameter is deemed to be the sum of the largest diameter stem, plus one half the sums of the smaller diameter stems. On the Site Plan – Final Grade (a paper document) the four stems are properly shown as three 10” stems and a 6” stem, and circles representing the critical root zone and ½ critical root zone of our live oak are shown. However, the tree is misidentified on the plan as a 13” live oak when it is actually a 23” live oak ($23" = 10" + 0.5 \times (10" + 10" + 6")$). Further, the CoA online permit database says there are no protected trees with a diameter of 19” or more. The Site Plan – Final Grade should be corrected to show that the tree has a 23” diameter, and the online permit database needs to be corrected to show that there is a protected tree with a diameter of 19” or more. This correction is needed to properly document the tree, to ensure that any required reviews are properly performed now, or in the future.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to “approve for permit” by its interpretation and should follow our interpretation, and should withdraw or deny the approval until the above problems are corrected.

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

The Planning and Development Review Department did not recognize the above problems and approved the application for permit.

We believe that the application should not have been approved for permit while these problems existed.

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: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: our interpretation is that the Planning and Development Review Department should ensure that all is in order with an application before approving it for permit.

Appeal #4

We assert that error was made by the administrative official regarding the calculation of Floor-to-Area Ratio (FAR) as same relates to habitable attic space in new construction – because we believe that bedroom 5 and bathroom 4 are part of the second floor, not part of an attic.

Planning and Development Review Department interpretation is: The proposed structure qualifies for a habitable attic exemption under Subsection 3.3.3.C of the McMansion Ordinance, because it satisfies the conditions set out in Subsections 3.3.3.C.1 through 3.3.3.C.6 (see attached Exhibit Ex4). The condition under dispute is Subsection 3.3.3.C.5, which states, “It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure.” On August 29 the supervisor of the Department told us that an area containing bedroom 5 and bathroom 4 was sectioned off and identified as “habitable attic space.” He pointed to the following language in Subsection 3.3.3.C.5, “or a section of the building.”

Based on the habitable attic exemption, and David Weekley Homes’ calculations, 570 square feet of attic floor with a ceiling under 7 feet in height, and 374 square feet of attic floor with a ceiling over 7 feet in height (a total of 944 square feet of “habitable” attic space) has been excluded from the calculation of the Gross Floor Area (GFA) of the structure (see attached Exhibit Ex16). As a result, the Department accepted David Weekley Homes’ calculated GFA of 4,537 square feet for the structure (see attached Exhibit Ex2 and Exhibit Ex16). Since the Lot Area is 11,683 square feet, the resulting Floor-to-Area Ratio (FAR) is 38.83% ($4,537 / 11,683$). Based on this calculation the FAR does not exceed 40%, and the applicant can proceed without applying to the Residential Design and Compatibility Commission (RDCC).

We feel the correct interpretation is: the area identified as “habitable attic space” in the application does not qualify for a habitable attic exemption under Subsection 3.3.3.C, because we believe that bedroom 5 and bathroom 4 are part of the second floor, not part of an attic, and therefore not eligible for the habitable attic exemption. The applicant’s designating bedroom 5 and bathroom 4 as the only finished portion of the second floor that is habitable attic space has no basis other than his interest in finding floor space that might be exempted from the F.A.R calculation. That there are interior walls separating these two rooms from the rest of the finished part of the second floor is not a basis for excluding other finished portions of the second floor, continuous with these rooms, from being habitable attic space, for an interior wall can exist within an attic. Roof coverage is also not a basis for excluding other finished portions of the second floor continuous with bedroom 5 and bathroom 4 from being habitable attic space, for a section of roof that covers a portion of these two rooms also covers portions of other finished rooms on the second floor. To be able to determine whether floor space is habitable attic space exempt from the F.A.R. calculation, one has to be able to determine what the boundaries of the alleged habitable attic space are for the purpose of doing the calculation, and there is no way of determining these boundaries in the applicant’s plan.

Bedroom 5 and bathroom 4 are two finished rooms on the second floor of the proposed house that are continuous with the other rooms on that floor. The McMansion ordinance is to be interpreted by applying the 2006 IRC definitions of certain terms. The 2006 IRC defines *attic* as “the unfinished space between the ceiling joists of the top story and the roof rafters”, and it defines *habitable space* as “a space in a building for living, sleeping, eating, or cooking”. The applicant proposes to build a new house on an empty lot. He is not remodeling an already existing house. Any attic space in a plan for a new house must be unfinished by the IRC definition. Bedroom 5 and Bathroom 4 are finished rooms. They are enclosed by walls and have ceilings below the roof rafters. Therefore, neither room is a portion of an attic (i.e., an unfinished space), and the floor area of each must then be included in the calculation of the GFA. The only intelligible meaning that can be given to the expression ‘habitable portion of an attic’ in 3.3.3 is one in which the expression applies to an already existing attic in a house that an applicant plans to remodel and whose remodeling plans include converting this attic into a room or rooms for living, sleeping, eating, or cooking. In that case, an attic already exists that the applicant intends to convert into habitable space, so one can locate the unfinished space that would be used, upon conversion, for living, sleeping, eating or cooking, and the floor area of that attic would, if the other conditions in 3.3.3 were met, be exempt from the calculation of the GFA. Because Mr. Clark is proposing to build a new house, there is no existing attic that he would be converting. Hence, the expression ‘habitable portion of an attic’ in 3.3.3 does not apply to his plans. The floor areas of Bedroom 5 and Bathroom 4 in his plans are not exempt from being calculated as part of the GFA by subsection 3.3.3.

Under Section 2.1 of the McMansion Ordinance the maximum allowable Gross Floor Area (GFA) of the structure is 40% of the lotsize, or 4,673 square feet (0.4 x 11,683). With the habitable attic exemption the GFA is 4,537 square feet. Denying the 944 square foot habitable attic exemption would clearly increase the GFA to an amount in excess of the 4,673 square feet permitted under Section 2.1 of the McMansion Ordinance.

We are asking the Board of Adjustment to find that the Planning and Development Review Department made an error in its decision to “approve for permit” by its interpretation and should follow our interpretation, deny the habitable attic exemption because bedroom 5 and bathroom 4 are not part of an attic, recalculate the GFA and the resulting FAR (GFA / lotsize). The application should then be denied if the recalculated FAR exceeds the maximum amount of development permitted under Section 2.1 of the McMansion Ordinance. (The applicant would still have the ability to apply to the RDCC for a modification allowing a FAR increase.)

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations in that:

The term habitable attic space is not defined in either the 2006 International Residential Code, nor in the CoA Land Development Code, and based on various discussions we have participated in there appears to be confusion about this term. In addition, on June 28, Mr. McDonald – Supervisor in the Planning and Development Review Department –

told us that the issue of determining whether a habitable space was part of an attic or part of a floor was controversial within the Department.

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: This item is not applicable to this appeal. The appeal relates to zoning regulations that do not affect the use of the property.
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: Our interpretation requires a reasonable interpretation of the terms attic and habitable space be applied when determining whether an area is or is not habitable attic space.

Required Addenda Included:

- Letter to Board of Adjustment stating appellant meets the requirements as an Interested Party as listed in Section 25-1-131(A) and (B) of the Land Development Code, including all information required under 25-1-131(C).
- Notice of Appeal emailed on August 31, 2011 to John McDonald, Supervisor of the Planning and Development Review Department
- Site Plan/Plot Plan drawn to scale, showing present construction and location of existing structures on adjacent lots
- Existing Site Plan drawn to scale for 3704 Bonnell Drive
- Site Plan – Final Grade, showing proposed construction at 3704 Bonnell Drive

Addenda included supporting our argument:

Exhibit	Description
Ex0	Copy of the Application materials submitted to the Planning and Development Review Department for 3704 Bonnell Drive, including David Weekley Homes' calculation of the Gross Floor Area (GFA) and the Floor-to-Area Ratio (FAR); "approved for permit" by Greg Guernsey.
Ex1	Site Plan – Final Grade Approved for Permit by Greg Guernsey on 8/26/11
Ex2	David Weekley Homes' calculation of Gross Floor Area showing first floor areas with ceiling heights over 15 feet were not counted twice. Also shows lot size of 11,683 sf and Floor-to-Area Ratio of 38.83%
Ex3	Executed Ordinance 20060928-022 (McMansion Ordinance approved by the City Council on September 28, 2006, which became effective October 1, 2006). Subsection 3.3.3 of Article 3 of the Executed Ordinance reads as follows: "An area with a ceiling height greater than 15 feet is counted twice."
Ex4	Current electronic/print version of the McMansion Ordinance
Ex5	Section of first floor layout showing 20 foot ceiling in family room and 22 foot ceiling in foyer
Ex6	Summary of Item 93 - June 18, 2008 City Council Meeting. This is the item on the June 18, 2008 agenda where the Council approved Ordinance 20080618-093. It includes a list of Work Papers and Other Backup Documentation for the amendments to the McMansion Ordinance. These documents are posted on the City Council's webpage under item 93 for the June 18, 2008 City Council meeting.
Ex7	Executed Ordinance 20080618-093. This is the ordinance that, due to a clerical error, inadvertently omitted the requirement to double-count areas with a ceiling height greater than 15 feet. See Part 14 of the Executed Ordinance. This part does not amend or strike the existing subsection 3.3.3; it is written as though the McMansion Ordinance being amended did not already include a subsection 3.3.3.

Included Work Papers and Backup Documentation for item 93 of the June 18, 2008 City Council Meeting supporting our argument:

Exhibit	Description
Ex8	AIA Statement (Contains comment Regarding Task Force Recommendation 21 – Gross Floor Area section 3.3)
Ex9	Attic Exemption (Draft Memo)
Ex10	Draft Ordinance (Part 14 contains original error that was carried over to Part 14 of the Executed Ordinance)
Ex11	Recommendation for Council Action
Ex12	Stakeholder Recommendations
Ex13	Task Force Recommendations
Ex14	Late Backup Part 1 of 2 (Additional amendments discussed at June 18, 2008 meeting)
Ex15	Late Backup Part 2 of 2 (Presentation made at June 18, 2008 meeting)

Additional addenda included supporting our argument:

Exhibit	Description
Ex16	Habitable Attic area exempted from Gross Floor Area and FAR calculations; calculated by David Weekley Homes. Exempted area is shaded dark gray.
Ex17	Photographs of 4-Bedroom and 5-Bedroom versions of the Lundy in Round Rock (Models 1 and 2, respectively)
Ex18	Proposed structure showing additional mass added in an attempt to qualify for habitable attic exemption (compared to Model 2)
Ex19	Proposed structure showing additional mass added in an attempt to qualify for habitable attic exemption (compared to Model 1)