



January 27, 2020

Todd O'Neill  
809 Norwalk Ln  
Austin TX, 78703

Property Description: LOT 61 MARLTON PLACE SEC 1

**Re: C15-2020-0001**

Dear Todd,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider variance(s) from the following section of the land development code.

Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.2 (Gross Floor Area) (B) (1) - to allow an attached parking area [carport] that does not meet the minimum parking requirement to be exempted (160 sq. ft.) from the Gross Floor Area calculation for this site; In order to complete an addition of a bedroom and carport in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (West Austin Neighborhood Plan)

Austin Energy does not oppose variance requested, provided any proposed and existing improvements are following AE clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

(see - Page 92) - 1.10.0 Clearance and Safety Requirements.

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Eben Kellogg, Property Agent**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6050

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2020-0001

**BOA DATE:** February 5, 2020

**ADDRESS:** 809 Norwalk Ln.

**COUNCIL DISTRICT:** 10

**OWNER:** Todd O'Neill

**AGENT:** N/A

**ZONING:** SF-3-NP (WANG)

**LEGAL DESCRIPTION:** LOT 61 MARLTON PLACE SEC 1

**VARIANCE REQUEST:** allow a carport that does not meet the minimum parking requirement to be exempted from Gross Floor Area.

**SUMMARY:** remodel and addition of a bedroom and a carport

**ISSUES:** one parking space per TCM is 8 ½ x 17 and 25' Spanish Oak tree in front yard

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Central West Austin Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Neighborhood Empowerment Foundation

Preservation Austin

SELTexas

Save Barton Creek Assn.

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources

Tarrytown Alliance

Tarrytown Neighborhood Association

West Austin Neighborhood Group

I-1/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2020-0001

LOCATION: 809 NORWALK LANE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 333'



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

**WARNING: Filing of this appeal stops all affected construction activity.**

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case # C15-2020-0001 ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 809 Norwalk Lane

Subdivision Legal Description:

Marlton Place Section One

Lot(s): 61 Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: \_\_\_\_\_

I/We Todd O'Neill on behalf of myself/ourselves as  
authorized agent for Todd O'Neill affirm that on  
Month November, Day 4, Year 2019, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☒ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: an additional one bedroom and car port

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

A variance from the Land Development Code Chapter 25-2, Subchapter F, 3.3.2. B 1:  
To allow an attached parking area [carport] that does not meet the minimum parking  
requirement to be exempted from the Gross Floor Area calculation for the site.

## Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Because the carport does not meet the zoning regulation, the compressed carport cannot be  
excluded from the gross floor area even though it will function as a carport for the family's  
smaller car.

### Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The existing portion of the house was built in 1949. The facade and layout of the 1949 house  
only allow for a "carport" that is 12' in length, which is below the 17' required length to be  
considered a carport for purposes of gross floor area exclusion. There is a 25" Spanish Oak in  
the front yard and the CRZ is limiting the positioning of a carport.

b) The hardship is not general to the area in which the property is located because:

Not all lots have a 1949 home positioned near the front yard setback and have a 25" spanish  
oak situated as close to the house as the original 1949 home is situated.

**Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The house will adhere to the existing front yard setback. The south side yard setback will adhere to the 5 foot setback requirement.

**Parking (additional criteria for parking variances only)**

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Todd O'Neill Digitally signed by Todd O'Neill  
Date: 2019.11.04 18:13:49 -06'00' Date: 11/04/2019

Applicant Name (typed or printed): Todd O'Neill

Applicant Mailing Address: 809 Norwalk Lane

City: Austin State: Texas Zip: 78703

Phone (will be public information): (512) 923-5170

Email (optional – will be public information): [REDACTED]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Todd O'Neill Digitally signed by Todd O'Neill  
Date: 2019.11.04 18:14:17 -06'00' Date: 11/04/2019

Owner Name (typed or printed): Todd O'Neill

Owner Mailing Address: 809 Norwalk Lane

City: Austin State: Texas Zip: 78703

Phone (will be public information): (512) 923-5170

Email (optional – will be public information): [REDACTED]

**Section 5: Agent Information**

Agent Name: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 6: Additional Space (if applicable)**

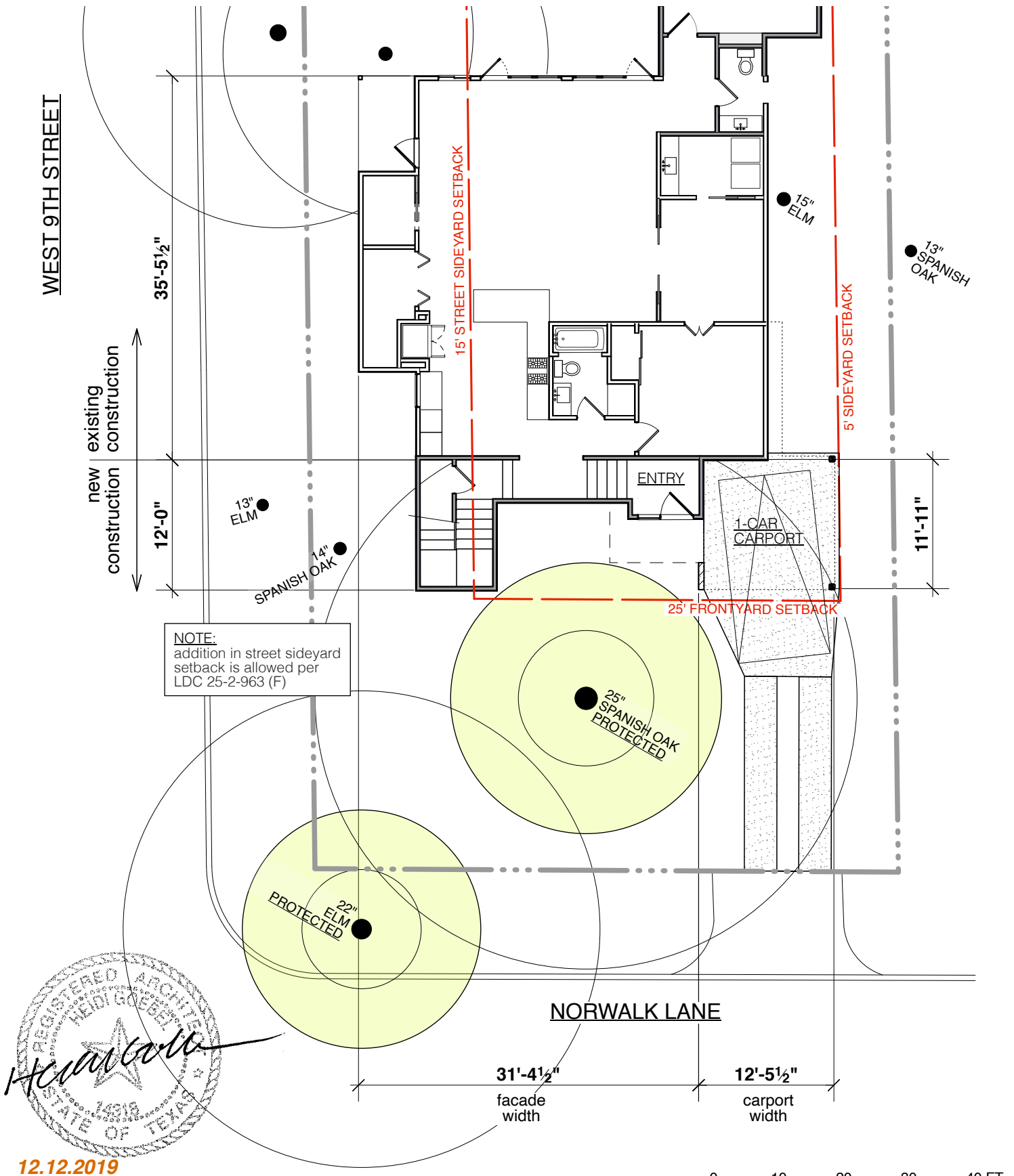
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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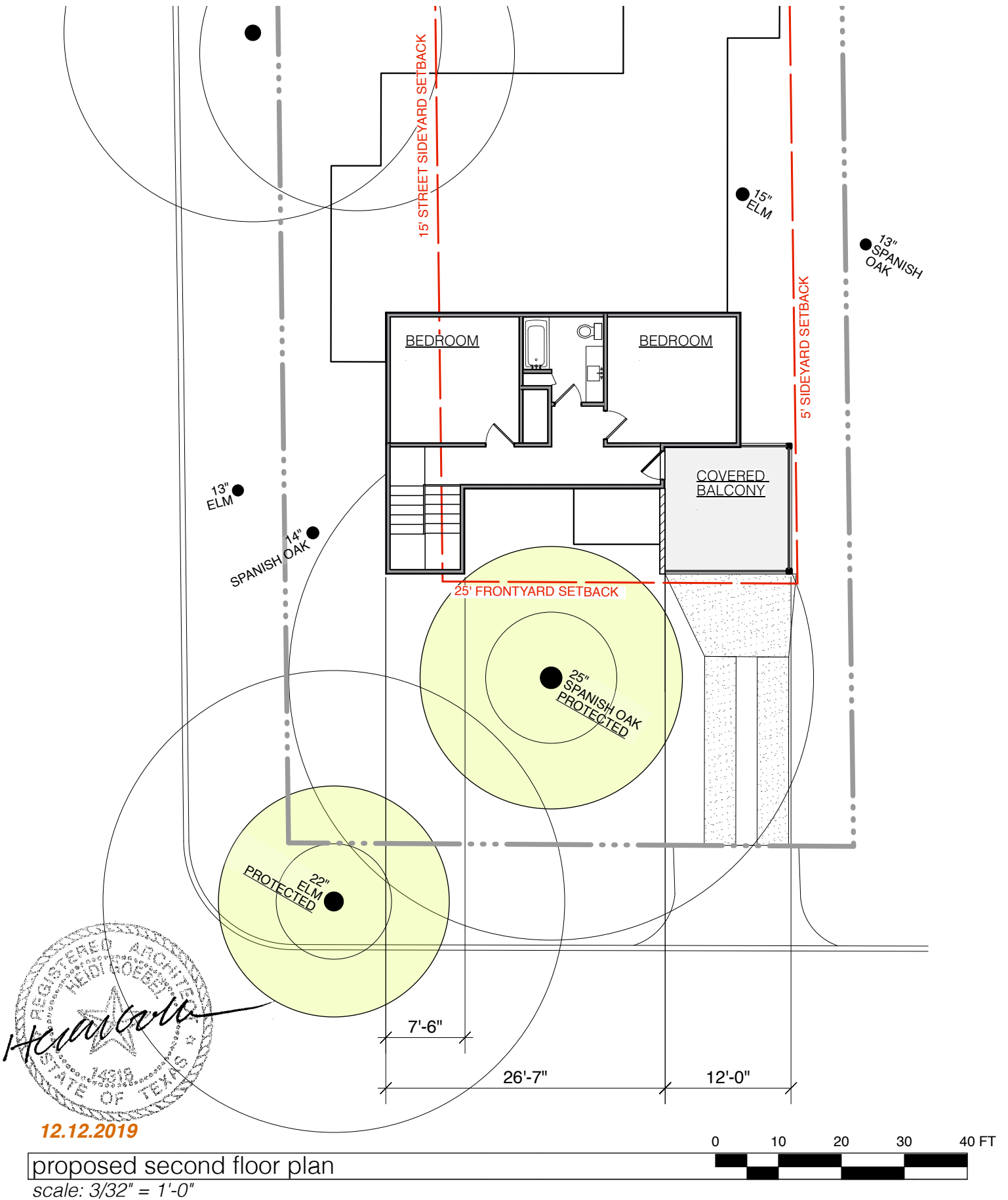
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proposed first floor plan  
scale: 3/32" = 1'-0"

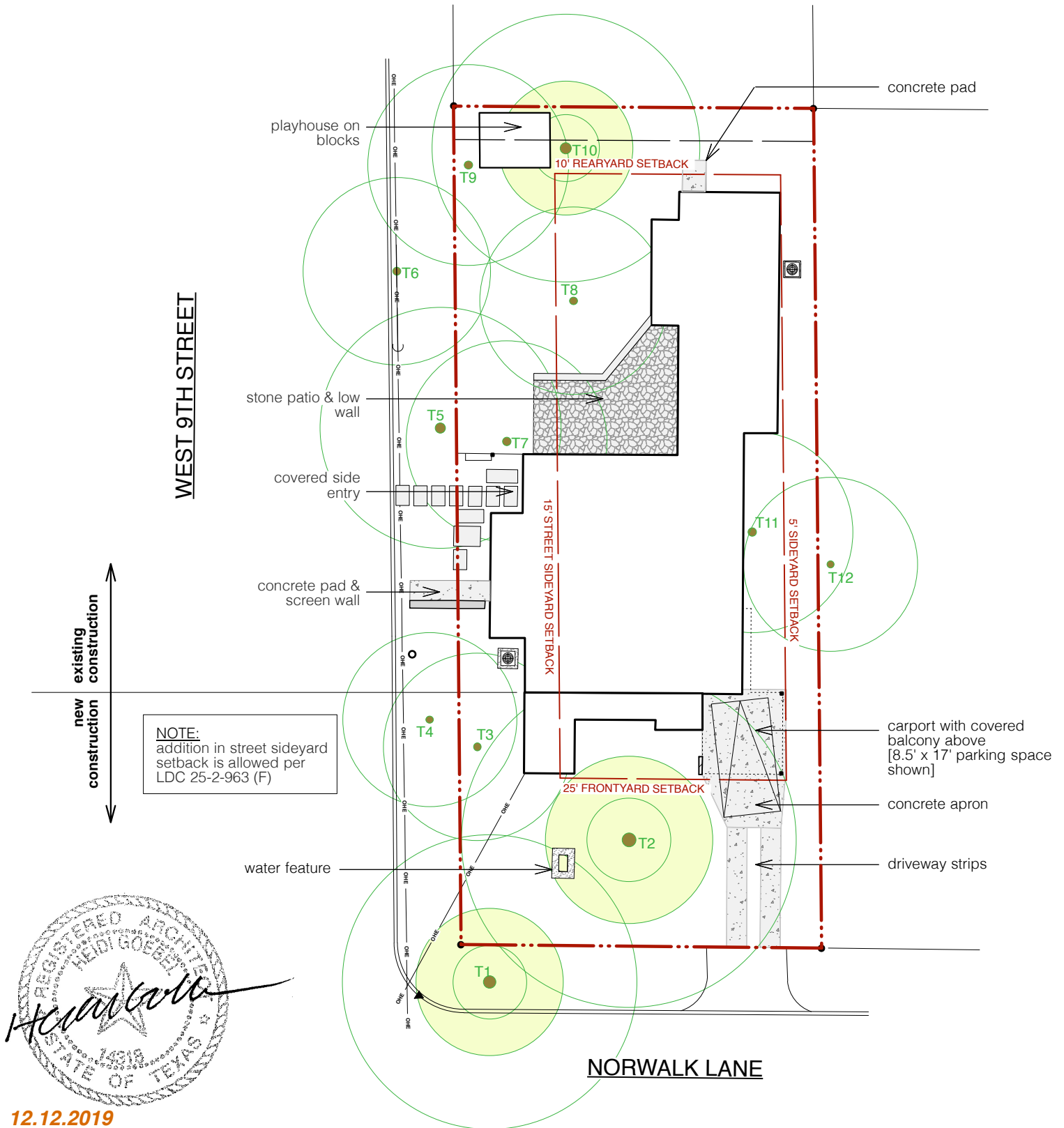




12.12.2019

proposed second floor plan

scale: 3/32" = 1'-0"



proposed site plan

scale on full size sheet: 1" = 10'

scale on reduced sheet: 1" = 20'

## property information

zoning: SF-3-NP [West Austin Neighborhood Group - Central West Austin Combined NPA]  
 legal description: Lot 61, Marlton Place, Section One [vol. 4, page 10]  
 tax ID: 110467  
 geographic ID: 0111070710  
 lot size: 6,740 s.f., per survey dated 12.19.2018 provided by owner

## site calculations

**building coverage 2368 (35.13%)**

EXISTING:  
 1-story house: 1898  
 covered side entry: 44  
 playhouse: 88  
 PROPOSED:  
 addition - 1st floor: 180  
 1-car carport: 158

**impervious coverage 3024 (44.87%)**

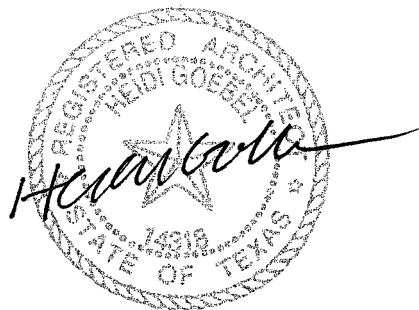
building coverage: 2368  
 EXISTING:  
 concrete driveway strips: 108  
 stone patio in backyard: 302  
 stone wall in backyard: 22  
 concrete pad & screen wall in sideyard: 20  
 playhouse: 88  
 concrete pad in rear yard: 16  
 AC pads: 18  
 PROPOSED:  
 concrete driveway apron: 82

**gross floor area 2682 (39.79%)**

EXISTING:  
 1-story house: 1898  
 covered side porch: 0 [44 sf exempted]  
 PROPOSED:  
 addition - 1st floor: 180  
 addition - 2nd floor: 604  
 1-car carport: 0 [158 sf exempted]

## tree table

#1	22"	Elm Tree
#2	25"	Spanish Oak
#3	14"	Spanish Oak
#4	13"	Elm Tree
#5	18"	Spanish Oak
#6	14"	Spanish Oak
#7	15"	Elm Tree
#8	14"	Spanish Oak
#9	15"	M.S. Elm Tree
#10	20"	Spanish Oak
#11	15"	Elm Tree
#12	13"	Spanish Oak



12.12.2019



Todd O'Neill

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## Support of my variance request

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**Cynthia Zak** <[REDACTED]>

Wed, Jan 15, 2020 at 4:33 PM

To: Todd O'Neill &lt;[REDACTED]&gt;

Sounds wonderful Todd... I totally support this! And... So pleased you're keeping the aesthetics of your property in mind 😊.

Cynthia Zak  
902 Norwalk Ln, Austin, TX 78703

On Wed, Jan 15, 2020 at 11:00 AM Todd O'Neill <[REDACTED]> wrote:

Hi Neighbors -

You will sooner receive a notice in the mail that we have requested a variance for construction on our house. After 12 years of continuing to grow our home as our family grows, we are finally looking to start the final phase. This will move the kids bedrooms upstairs and convert one of the bedroom downstairs into a carport. However, the carport does not meet the city's standards for size (its not long enough) so we are not able to deduct it from the gross footage of the house like we would if it were standard size. We can not make it standard size because we would need to build into the front yard setback. I think that you will find that we are working with the characteristics of the yard and taking measures to move our 1949 house off of the critical root zone of our beautiful spanish oak that sits prominently in our front yard. I'm happy to share the renderings from the architect and think that it fits the neighborhood well.

I have reviewed this variance with the West Austin Neighborhood Group (WANG) and they have verbally agreed to not oppose this request.

Please email me back if you support this request and I will include this in our supporting documentation.

Thanks in advance!

Todd



Todd O'Neill

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## Support of my variance request

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**Gloria Souhami** - [REDACTED]

Thu, Jan 16, 2020 at 7:41 AM

To: Todd O'Neill &lt;[REDACTED]&gt;

Hi Todd, good luck. You have my support

Sent from my iPhone

On Jan 15, 2020, at 11:18 PM, Todd O'Neill <[REDACTED]> wrote:

Hi Gloria -

See below and thanks!

----- Forwarded message -----

From: **Todd O'Neill** <[REDACTED]>  
Date: Wed, Jan 15, 2020 at 10:59 AM  
Subject: Support of my variance request  
To: Todd O'Neill <[REDACTED]>

Hi Neighbors -

You will sooner receive a notice in the mail that we have requested a variance for construction on our house. After 12 years of continuing to grow our home as our family grows, we are finally looking to start the final phase. This will move the kids bedrooms upstairs and convert one of the bedroom downstairs into a carport. However, the carport does not meet the city's standards for size (its not long enough) so we are not able to deduct it from the gross footage of the house like we would if it were standard size. We can not make it standard size because we would need to build into the front yard setback. I think that you will find that we are working with the characteristics of the yard and taking measures to move our 1949 house off of the critical root zone of our beautiful spanish oak that sits prominently in our front yard. I'm happy to share the renderings from the architect and think that it fits the neighborhood well.

I have reviewed this variance with the West Austin Neighborhood Group (WANG) and they have verbally agreed to not oppose this request.

Please email me back if you support this request and I will include this in our supporting documentation.

Thanks in advance!

Todd

<C15-2020-0001\_809 Norwalk Ln Draft Notice.pdf>





I-1/13

## NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

Este aviso es para informarle que hemos recibido una solicitud para una varianza dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

**Mailing Date:** January 30, 2020

**Case Number:** C15-2020-0001

Please be advised that the City of Austin has received an application for a variance from the Land Development Code.

<b>Applicant:</b>	Same as Owner
<b>Owner:</b>	Todd O'Neill, (512) 923-5170
<b>Address:</b>	809 NORWALK LN; LOT 61 MARLTON PLACE SEC 1

**Variance Request(s):** The applicant is requesting a variance(s) from the LDC Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.2 (*Gross Floor Area*) (B) (1) to allow an attached parking area [carport] that does not meet the minimum parking requirement to be exempted (160 sq. ft.) from the Gross Floor Area calculation for this site in order to complete an addition of a bedroom and carport in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (West Austin Neighborhood Plan)

*Note: Carport is 12 feet deep, it is not meeting the definition of a parking spot per TCM of a parking spot being 8 ½ x 17, therefore it is not meeting a parking area that can be exempted from Gross Floor Area.*

This application is scheduled to be heard by the **Board of Adjustment** on **February 10<sup>th</sup>, 2020**. The meeting will be held at **City Hall Council Chambers**, 1<sup>st</sup> Floor, 301 West 2<sup>nd</sup> Street **beginning at 5:30 PM**.

*\*To see where on the agenda/when this item will be heard, on the Monday prior to the hearing go to the Board's website (start at [www.austintexas.gov](http://www.austintexas.gov), then click on government, then click on Boards and Commissions, then highlight Board of Adjustment and click on view website, then click on Agendas) and find this hearing agenda/case order there. The Board will vote on postponement and withdraw requests at the beginning of the hearing, as close to 5:30pm possible.*

**You are being sent this notice** because City Ordinance requires **that all property owners and utility account holders within 500 feet of the proposed development** and affected neighborhood organizations **be notified** when an application is scheduled for a **public hearing**.

**You are not required to respond to this notice**, however if you have any questions concerning this application, please contact **Elaine Ramirez** of the Development Services Department at 512-974-2202 or [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov) and refer to the Case Number at the top right of this notice.

You may also find information on this case at our website: <https://www.austintexas.gov/department/development-services>  
At this page click on the words Public Search, then input the case number above and click submit. Open the BA case by clicking on the title then scroll down to attachments to find the information submitted.

If you do wish to respond to this notice follow instructions provided on the following page.

For additional information on the City of Austin's land development process, please visit our website:

<https://www.austintexas.gov/department/development-services>



## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

**Case Number: C15-2020-0001**

**Contact: Elaine Ramirez, 512-974-2202**

**Public Hearing: Board of Adjustment, February 10<sup>th</sup>, 2020**

Jason Reese

*Your Name (please print)*

2405 W. 9<sup>th</sup> St., Austin, TX 78703

*Your address(es) affected by this application*

J. Reese

*Signature*

512-968-4005

*Daytime Telephone:*

1/18/2020

*Date*

*Comments: Every neighbor who I've spoken with about this project are thrilled and beyond supportive of this project. The O'Neil's are a great family and I'm happy to hear that they are undertaking this fun project to improve the appeal of the neighborhood.*

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

City of Austin-Development Services Department/ 1st Floor

Elaine Ramirez

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

1-1/14





Todd O'Neill &lt;[REDACTED]&gt;

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## Support of my variance request

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**Julia Heskett**

Wed, Jan 15, 2020 at 4:06 PM

To: Todd O'Neill &lt;[REDACTED]&gt;

Ok, by me.

Julia Heskett  
512-517-3309  
805 Norwalk Lane

> On Jan 15, 2020, at 10:59 AM, Todd O'Neill <[REDACTED]> wrote:  
>



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**C15-2020-0001\_809 Norwalk Ln Draft Notice.pdf**

47K



Todd ONeill

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## Support of my variance request

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**Laurie Bell**

Wed, Jan 15, 2020 at 11:04 AM

To: Todd ONeill

Hi Todd, this is your 'across the street neighbor' Laurie Bell. I have absolutely no problem with anything you are doing. One request however....could you put silencers on the hammers? :)~

On Wed, Jan 15, 2020 at 11:00 AM Todd ONeill [REDACTED] wrote:

Hi Neighbors -

You will sooner receive a notice in the mail that we have requested a variance for construction on our house. After 12 years of continuing to grow our home as our family grows, we are finally looking to start the final phase. This will move the kids bedrooms upstairs and convert one of the bedroom downstairs into a carport. However, the carport does not meet the city's standards for size (its not long enough) so we are not able to deduct it from the gross footage of the house like we would if it were standard size. We can not make it standard size because we would need to build into the front yard setback. I think that you will find that we are working with the characteristics of the yard and taking measures to move our 1949 house off of the critical root zone of our beautiful spanish oak that sits prominently in our front yard. I'm happy to share the renderings from the architect and think that it fits the neighborhood well.

I have reviewed this variance with the West Austin Neighborhood Group (WANG) and they have verbally agreed to not oppose this request.

Please email me back if you support this request and I will include this in our supporting documentation.

Thanks in advance!

Todd

--

*Laurie Bell*



Todd O'Neill &lt;[REDACTED]&gt;

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## Support of my variance request

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**Mark Stewart** <[REDACTED]>

Wed, Jan 15, 2020 at 5:39 PM

To: Todd O'Neill &lt;[REDACTED]&gt;

Todd,

I am very much in favor of upgrading the existing houses in the area and will support your application. I think single family houses on our street are far preferable to what the city may allow under a new land use code. Good luck with your project.

Mark T Stewart  
803 Norwalk LN  
Austin Texas 78703  
Mobile (512) 415-4377

Sent from my iPad

On Jan 15, 2020, at 4:09 PM, Todd O'Neill <[REDACTED]> wrote:

[Quoted text hidden]

&lt;C15-2020-0001\_809 Norwalk Ln Draft Notice.pdf&gt;



Todd O'Neill &lt;toddoneill78@gmail.com&gt;

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## Support of my variance request

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**O'Farrell, Robert**

To: Todd O'Neill &lt;

Wed, Jan 15, 2020 at 11:40 AM

Todd,

I am your neighbor at 804 Norwalk and 808 Norwalk and I am in full support of your plan. Please let WANG know that they can reach out to me if they need anything further but I look forward to you adding space to your home.

Thanks,

Robert O'Farrell

**From:** Todd O'Neill**Sent:** Wednesday, January 15, 2020 11:00 AM**To:** Todd O'Neill <**Subject:** [EXTERNAL] Support of my variance request

Hi Neighbors -

You will sooner receive a notice in the mail that we have requested a variance for construction on our house. After 12 years of continuing to grow our home as our family grows, we are finally looking to start the final phase. This will move the kids bedrooms upstairs and convert one of the bedroom downstairs into a carport. However, the carport does not meet the city's standards for size (its not long enough) so we are not able to deduct it from the gross footage of the house like we would if it were standard size. We can not make it standard size because we would need to build into the front yard setback. I think that you will find that we are working with the characteristics of the yard and taking measures to move our 1949 house off of the critical root zone of our beautiful spanish oak that sits prominently in our front yard. I'm happy to share the renderings from the architect and think that it fits the neighborhood well.

I have reviewed this variance with the West Austin Neighborhood Group (WANG) and they have verbally agreed to not oppose this request.

Please email me back if you support this request and I will include this in our supporting documentation.

Thanks in advance!

Todd

*Achieve Ambitions*

## One of the 2019 World's Most Ethical Companies®

Jones Lang LaSalle

For more information about how JLL processes your personal data, please click [here](#).

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