

City of Windcrest



**AGENDA**

**BOARD OF ADJUSTMENT MEETING**

**JULY 13, 2020**

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**CITY COUNCIL CHAMBERS @ 8601 MIDCROWN**

**6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT A CITY OF WINDCREST BOARD OF ADJUSTMENT MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 13<sup>th</sup> DAY OF JULY 2020, STARTING AT 6:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE BOARD MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE BOARD OF ADJUSTMENT RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF JULY 13, 2020, AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JULY 14, 2020, AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETING**

The City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. In compliance with Americans with Disabilities Act, the City of Windcrest will provide reasonable accommodations for persons attending the meeting. To better serve you, requests should be received 48 hours prior to the meeting. Please contact the City Secretary's Office, at 210-655-0022 ext. 2150 or Fax 210-655-8776, or 711 Texas Relay.

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Discussion and Action**
- V. Citizens to be Heard**

- a) Citizens may address the Board of Adjustment on topics not on the agenda for no more than three (3) minutes.
- b) Citizens shall also have the opportunity to address the Board of Adjustment during consideration of posted agenda items for no more than six (6) minutes.
- c) Only a maximum of four (4) members of the public will be permitted in the City Council Chambers at a time. All attendees will be required to be screened for present signs of COVID-19 prior to entering City Hall.
- d) Four (4) hours prior to the meeting, an email to the city secretary at [citysecretary@windcrest-tx.gov](mailto:citysecretary@windcrest-tx.gov) is required to be added to the attendee list to ensure proper physical distance seating inside and outside City Council Chambers.
- e) An email statement may be sent to the City Secretary @ [citysecretary@windcrest-tx.gov](mailto:citysecretary@windcrest-tx.gov) which may be read into the meeting to the Board of Adjustment. Statements will be provided to the Board and available to the public not in attendance after the meeting.
- f) A Board Member may make a statement of specific factual information in response to an

inquiry made by a member of the public, or a recitation of existing policy in response to an inquiry made by a member of the public.

## VI. Public Hearing

### *Opening of Public Hearing*

- a) Public Hearing on to receive comments on a variance request to Code of Ordinances Article II. Sec. 103-58 (b)(12). A request of an accessory building which the proposed location affects the setbacks of the property located at 8321 Windway Dr. and more particularly described as BCAD Property #343484.

### *Closing of Public Hearing*

## VII. Items for Individual Consideration/Action

- a) Discussion of and action on a variance request to Code of Ordinances Article II. Sec. 103-58 (b)(12). A request of an accessory building which the proposed location affects the the setbacks of the property located at 8321 Windway Dr. and more particularly described as BCAD Property #343484.

## VIII. General Announcements & Future Agenda Items Requested

*Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.*

## Adjournment

*The Board of Adjustment reserves the right to retire into executive session whenever it is considered necessary and legally justified under the Texas Government Code, Subchapter D, Sections 551.071 et. seq. including, but not limited to, consultation with attorney, real property, prospective gifts, personnel matters, exclusion of witness, security devices, and economic development matters.*

*It is anticipated that members of other city boards, commissions and committees may attend the meeting in numbers that may constitute a quorum of such other city boards, commissions and committees, so that notice is hereby given that the meeting is also a meeting of the other city boards, commissions and committees whose members are in attendance. The members of the other city boards, commissions and committees may participate in discussions which occur at the meeting, but no action will be taken by the other boards, commissions and committees whose members are in attendance.*

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Board of Adjustment of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two (72) hours prior to the meeting on July 13, 2020.

By:



Rachel C. Dominguez, City Secretary



**City of Windcrest**  
**8601 Midcrown**  
**Windcrest TX, 78239**

**City Secretary: Rachel C. Dominguez**  
E-mail Address: rdominguez@windcrest-tx.gov

**Phone Number: 210-655-0022 x2150**

**Notice of a Board of Adjustment Public Hearing Regarding Permit #200512001**

You are invited to attend a public hearing regarding the Board of Adjustment request described below because you are an owner of property within 200 feet of this property or a representative of a registered neighborhood association. At the hearing, you will have the opportunity to express your support or opposition to the request. You may also submit written comments on the form below or to the City Secretary Office listed above by mail or email no later than 4:00 pm the day prior to the scheduled hearing on **JULY 13, 2020**.

Meeting Location: **8601 MIDCROWN, CITY OF WINDCREST CITY HALL, CITY COUNCIL CHAMBERS - 78239**

Date and Time: **MONDAY, JULY 13, 2020 - 6:00 PM (may be considered after this time)**

The City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. In compliance with Americans with Disabilities Act, the City of Windcrest will provide reasonable accommodations for persons attending the meeting. To better serve you, requests should be received 48 hours prior to the meeting. Please contact the City Secretary's Office, at 210-655-0022 ext. 2150 or Fax 210-655-8776, or 711 Texas Relay.

**BOARD OF ADJUSTMENT REQUEST**

|                                  |                                     |
|----------------------------------|-------------------------------------|
| <b>SUBJECT PROPERTY ADDRESS:</b> | 8321 WINDWAY                        |
| <b>LEGAL DESCRIPTION:</b>        | SINGLE FAMILY DWELLING              |
| <b>REQUEST:</b>                  | ACCESSORY BUILDING SETBACK VARIANCE |

**Board of Adjustment Response Form – Permit # 200512001**

You may use either this form to submit comments to the Office of the City Secretary at 8601 Midcrown Windcrest, Texas, 78239 or you may email your comments to the email address listed above. Include your name and address. Comments are due by 4:00 p.m. of the day PRIOR to the scheduled hearing on July 13, 2020. Please note that all information submitted to the City is subject to the Public Information Act and may be disclosed pursuant to an open record request.

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

( ) In Favor

( ) In Opposition

Comments: \_\_\_\_\_

Property Owner's Signature (required) \_\_\_\_\_



**City of Windcrest**  
**8601 Midcrown**  
**Windcrest TX, 78239**

**Administrador del Caso: Rachel C. Dominguez**

**Número de teléfono: 210-655-0022x2150**

Dirección de correo electrónico: rdominguez@windcrest-tx.gov

**AVISO DE UNA AUDIENCIA PÚBLICA DE LA JUNTA DE AJUSTE SOBRE EL CASO #200512001**

Usted está invitado a asistir a una audiencia pública con respecto a la solicitud de la Junta de Ajuste que se describe a continuación porque usted es propietario de una propiedad dentro de los 200 pies de esta propiedad o un representante de una asociación de vecinos registrada. En la audiencia, tendrá la oportunidad de expresar su apoyo u oposición a la solicitud. También puede enviar comentarios por escrito en el formulario a continuación o en la Oficina de la Secretaría de la Ciudad mencionada anteriormente por correo postal o electrónico a más tardar a las 4:00 pm del día anterior a la audiencia programada para **el 13 de julio de 2020**.

Lugar de la reunión: **8601 MIDCROWN, CITY OF WINDCREST CITY HALL,  
CITY COUNCIL CHAMBERS - 78239**

Fecha y hora: **LUNES, JULIO 13, 2020 - 6:00 PM (puede considerarse después de esta hora)**

*El Centro de Desarrollo y Servicios Empresariales tiene acceso para sillas de ruedas. Los espacios de estacionamiento accesibles se encuentran en los lados norte y sur del edificio. Ayudas y servicios auxiliares están disponibles bajo petición. Intérpretes para sordos deben ser solicitados cuarenta y ocho (48) horas antes de la reunión llamando al (210) 207-7720 V/TTY para asistencia. Intérpretes de idioma español están disponibles en la reunión. Estos servicios están disponibles de forma gratuita para nuestros ciudadanos.*

**SOLICITUD DE JUNTA DE AJUSTE**

|                                               |                                                 |
|-----------------------------------------------|-------------------------------------------------|
| <b>DIRECCIÓN DE LA PROPIEDAD EN CUESTIÓN:</b> | 8321 WINDWAY DRIVE                              |
| <b>DESCRIPCIÓN LEGAL:</b>                     | VIVIENDA UNIFAMILIAR                            |
| <b>SOLICITUD:</b>                             | VARIANZA DE REEMBOLSO DE EDIFICIO DE ACCESORIOS |

**Formulario de respuesta de la Junta de Ajuste - Caso # 200512001**

Puede usar este formulario para enviar comentarios a la Oficina del Secretario de la Ciudad al 8601 Midcrown Windcrest, Texas, 78239, o puede enviar sus comentarios por correo electrónico a la dirección de correo electrónico que figura arriba. Incluya su nombre y dirección. Los comentarios se deben enviar antes de las 4:00 p.m. del día ANTES de la audiencia programada. Tenga en cuenta que toda la información enviada a la Ciudad está sujeta a la Ley de Información Pública y puede ser divulgada de conformidad con una solicitud de registro abierto.

Nombre: \_\_\_\_\_ Teléfono: \_\_\_\_\_

Dirección: \_\_\_\_\_

☐ A Favor

☐ En Oposición

Comentarios: \_\_\_\_\_

Firma dueño de propiedad (requerido) \_\_\_\_\_

# WINDCREST

TEXAS

## Universal Development Application

(Please use separate application for each submittal)

- |                                                         |                                                 |                                              |
|---------------------------------------------------------|-------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Land Use Amendment             | <input type="checkbox"/> Land Study             | <input type="checkbox"/> Replat              |
| <input type="checkbox"/> Thoroughfare Amendment         | <input type="checkbox"/> Final Plat             | <input type="checkbox"/> Amending Plat       |
| <input type="checkbox"/> Zoning Change (choose one)     | <input type="checkbox"/> Preliminary Plat       | <input type="checkbox"/> Minor Plat          |
| <input type="checkbox"/> Straight Zoning                | <input type="checkbox"/> Specific Use Permit    | <input type="checkbox"/> Vacating Plat       |
| <input type="checkbox"/> PUD (Planned Unit Development) | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Site Plan           |
| <input checked="" type="checkbox"/> Variance            | <input type="checkbox"/> Exception              | <input type="checkbox"/> Tree Removal Permit |

Project Name: ACCESSORY BUILDING  
Total Acres: \_\_\_\_\_ Survey Name: \_\_\_\_\_ Abstract No.: \_\_\_\_\_  
Project Location (address): 8321 WINDWAY DR, WINDCREST TX 78239  
Current Zoning: R2 Current Use: (FORMERLY RV PARKING) # of Lots/Units: 1 For Commercial/Industrial: \_\_\_\_\_  
Proposed Zoning: R2 Proposed Use: HOBBIES Please Circle One: SF MF COMM IND OTHER  
Total Proposed Sq. Ft. \_\_\_\_\_

### Applicant Information:

Property Owner Name: ANTHONY PRICE  
Address: 8321 WINDWAY DR. City: WINDCREST St/Zip: TX 78239  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Applicant (if different than Owner): \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ St/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ St/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Authorization:** By signing this application, you hereby grant Staff access to your property to perform work related to your application. Also, you waive the statutory time limits in accordance with Section 211, 212 and 245 of the Texas Local Government Code.

Owner's Signature

ANTHONY J. PRICE

Typed/Printed Name

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity herein stated. Given under my hand and seal on this 13th day of June, 2020.

Notary Public



### City of Windcrest Use Only

Project No.: \_\_\_\_\_

Total Fees: \_\_\_\_\_

Payment Method: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Accepted by: \_\_\_\_\_

## 8321 Windway Drive – Request for a Building Permit Variance

Our home is located in the R2 Residential District of Windcrest. The map on page 3 will show that there are three widely separated zones in this R2 District, each one being quite different in style from the other two. R2 is defined by the City of Windcrest as the “Duplex and Apartment District”, whereas R1 is called the “One Family Dwelling District” (which comprises by far the greater portion of Windcrest’s residential area).

Unfortunately, the R2 Duplex and Apartment District nomenclature is applicable to only two of the three R2 zones. At the northwest corner of the city are the Windcrest Apartments and the Tradewind Apartments, so that is clearly the R2 Apartment Zone. To the southeast along Walzem near the Episcopal Church is a block of single-story homes with some extra parking spaces, which must presumably be the Duplex Zone. Both those R2 zones being multi-family, they are a valid contrast to the R1 district’s single-family identity.

However the third R2 zone - where we live – seems to be a misfit, having been overlooked altogether by the R2 definition and - as we shall see in a moment - by the R2 building codes. This third R2 zone (probably the largest of the three in terms of size and population) is not multi-family at all and consists of entirely different residential layouts from the other R2 zones. Our “Misfit R2 Zone” is single-family like R1 but contains Garden Houses and Town Houses, unlike R1 and unlike the Duplex and Apartment zones of R2. It is probably worthy of its own designation within Windcrest, for example “R3 Town and Garden House District”, if for no other reason than to let people who drive through it or who live in it, know that it represents a very special category of Windcrest living.

But all this is just background information for the reader of this petition. In a moment we’ll get into the building code dilemma, but first a quick definition of the housing that our “Misfit R2 Zone” contains: Single-family town houses, of which there are three clusters on Fenwick Drive, are homes that share common side walls with their neighbors (thus they have no side yards at all), and are one- or two-story buildings with unique architectural styles. Single family garden houses, which comprise all the remaining homes in our zone, are more like R1 homes in concept, but are built on smaller plots of land. Presumably, there were at one time some building codes for these town and garden houses of Windcrest but if so, they are not available on the city website. Instead, the overall R2 building codes that also apply to our “misfit” zone are quite similar to those of lower-density R1.

This petition relates to our garden home at 8321 Windway Drive, where we had hopes of constructing an accessory building at the rear of our property, to replace the unsightly RV parking space that a former owner had constructed. The Google photo of our alley on page 4 shows our brown RV area in the foreground, and beyond that the accessory buildings of our two neighbors to the west – all being adjacent to the alley. Page 5 is a copy of our property survey, showing the RV parking area at the alley. Using this survey as an example, one can see the pattern that has been followed by the garden house construction in our area. Instead of the minimum 10-foot side yards required by R1 and R2 buildings (resulting in at least 20 feet between houses), the garden houses have a minimum of 5 feet between houses. This 5-foot buffer strip is provided by each garden house on its east side boundary,

as shown in our survey; on the west side of each garden house is a 5-foot buffer strip provided by the neighboring house, and so on down the blocks. At the west side of each lot, the main houses, and their accessory buildings (if any), are built right onto the west side lot lines. To illustrate this, please refer to the BCAD (Bexar County Appraisal District) map on page 6, which shows faint outlines of the same buildings that are in the google photo on page 4 (the pink one is us; the others are blue).

Adjacent to the 20-foot-wide alley, garden home accessory buildings have been constructed right up to their rear property lines, since there is no city easement there, and that is what we wish to do with our new building as well (note: not all garden homes have accessory buildings, because many of them have swimming pools in their rear sections instead).

Here is a comparison of existing R1 and R2 codes and the Garden House reality, as best we understand them (we are not including Town House details, being unsure of those):

| Item                       | R1            | R2            | Garden House             |
|----------------------------|---------------|---------------|--------------------------|
| Lot size                   | 10KSF min     | 10KSF min     | 5KSF min                 |
| Residential density        | Single family | Not specified | Single family            |
| Side yards (side setbacks) | 10 ft min     | 10 ft min     | 5 ft min (one side only) |
| Setback from rear lot line | 3 ft          | 3 ft          | none                     |
| Fence height               | 6 ft max      | 6 ft max      | 8ft max*                 |

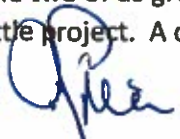
\*This is the only spec I could find that specifically mentions Garden Houses, where fences can apparently be higher because the lack of rear setbacks makes privacy more difficult!

Anyway, our first request for a building permit contained the narrative on page 7. In answer to this we received the brief reply shown on Page 8 (3 ft setbacks required and max building size just 144 SF with roof height of 9 ft), and I was charged \$55 before I could even submit a response! I replied per pages 9 and 10, explaining that the R2 codes did not seem to relate to the reality of garden houses and that we planned to build a masonry accessory building instead of the 144 SF shed that had been assumed by the inspector.

Please see the next response from the Permits Department, on page 11, in which the reviewer says that a masonry building is OK but must be set back 10 feet from all lot lines!

Well, I realize a building inspector's job is to see that new buildings comply with existing codes. Although I tried to explain that the R2 codes were at odds with our neighborhood buildings, this effort fell on deaf ears. I attempted on many occasions to arrange a meeting with the inspector to seek guidance on how to resolve the impasse, but I was steadfastly ignored. Later, after reading practically everything on the City website, I learned that there is a Board of Adjustment which might be able to help. We surely hope so.

The two of us greatly appreciate your consideration of a Building Permit Variance for our little project. A check for \$35 is enclosed.

  
Anthony Price

  
Elizabeth Price

1 JUNE 2020

R2 APARTMENT ZONE



SCALE: 1" = 400'

**CITY OF WINDCREST**  
**ZONING MAP**  
**JUNE 2018**

R2 TOWN & GARDENHOUSE ZONE

R2 DUPLEX ZONE

**LEGEND**

- "B1" NEIGHBORHOOD BUSINESS DISTRICT
- "B2" BUSINESS DISTRICT
- "B3" BUSINESS DISTRICT
- "O1" PROFESSIONAL OFFICE DISTRICT
- "R1" ONE FAMILY DWELLING DISTRICT
- "R2" DUPLEX AND APARTMENT DISTRICT
- "TR1" TEMPORARY ONE FAMILY DWELLING DISTRICT

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**YOUNG PROFESSIONAL RESOURCES®**  
 8209 Roughrider Drive, Suite 101  
 Windcrest, TX 78239  
 Tel. (210) 590-9215 Fax (210) 590-9346  
 Registration No. F-6635

## Google Maps Windcrest, Texas



Image capture: Oct 2018 © 2020 Google



Street View

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20' ALLEY

N 88°59'52" E 50.00'(PLAT)

N 88°59'52" E 50.00'(FIELD)

CALCULATED COR.

CALC. COR.

WO. FNC. 0.8' IN

WO. FNC. 0.8' IN

BRICK WALL

REMAINING PORTION OF LOT 40  
N 01°00'08" W 115.60'(FIELD)

LOT 39

REMAINING PORTION OF LOT 40

N 01°00'08" W 115.60'(FIELD)

EAST 14' OF LOT 40  
AND ALL OF LOT 41  
AND THE WEST 6'  
OF LOT 42  
BLOCK 62

RESIDENCE

BRICK COLUMN

BRICK WALL

BRICK PLANTER

CONC.

CONC.

BRICK

CONC.

CONC.

LOT 41

S 01°01'00" E 115.60'(FIELD)

REMAINING PORTION OF LOT 42

LOT 43

S 88°59'52" W 50.03'(FIELD)

S 88°59'52" W 50.00'(PLAT)

(BEARING BASIS)

50.12' TO FIR  
50.00' (BCAD)

CONC. CURB

WINDWAY DR.

(USPS: WINDWAY DR.)

(60' R.O.W., ASPHALT PAVEMENT)

(PLATTED AS: WINDWAY DRIVE)



1" = 20'  
GRAPHIC SCALE

0 10 20

\* EAST 14' OF LOT 40 AND  
ALL OF LOT 41, AND THE  
WEST 6' OF LOT 42

THE SURVEY IS HEREBY ACCEPTED WITH THE DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, ENCROACHMENTS, PROTRUSIONS, OR OVERLAPPING OF IMPROVEMENTS SHOWN.

LEGEND:

- WOOD FENCE
- CHAIN LINK FENCE
- BARBED WIRE FENCE
- WROUGHT IRON FENCE
- ⊗ = POWER PILE
- ⊙ = FIRE HYDRANT
- ⊙ = END 1/2" IRON ROD
- = SET 1/2" IRON ROD

INSURED: ANTHONY J. PRICE AND ELIZABETH C. PRICE

ADDRESS: 8321 WINDWAY DR.

TITLE COMPANY: CAPITAL TITLE

G.F. NO.: 18-392153-SA

LOT: \*

BLOCK: 62

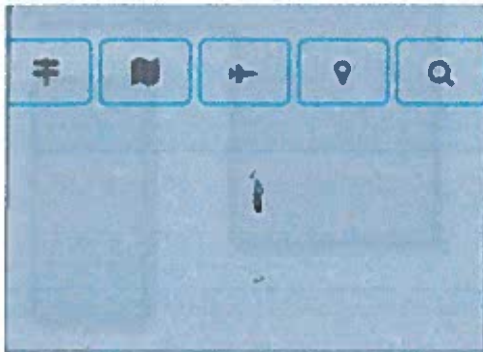
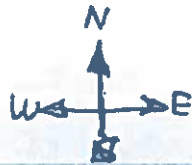
N.C.B.: --

SUBDIVISION: WINDCREST UNIT 17

CITY: SAN ANTONIO

COUNTY: BEXAR

STATE: TEXAS



← 20' ALLEY →

Proposed Accessory Bldg

EXTRA GARAGE  
352 SF  
(BLAD)

BATH HOUSE  
466.5 SF  
(BLAD)

20' 240 SF 12'  
Existing Curbs

GARAGE

LOO

GARAGE

GARAGE

343482

343483

343484

8313  
WINDWAY

8317  
WINDWAY

8321  
WINDWAY

115.6'

6m  
20ft

+ Show Search Results

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## 8321 Windway - Building Permit Application – Narrative

To Whom It May Concern:

April 20, 2020

The attached application is for a permit to remodel an area off the alley to the north and rear of our property, that is presently an RV storage enclosure. The goal is to replace the enclosure with a pottery workshop having an excavated concrete foundation, Hardie-plank siding, and an offset-gable roof. Attached drawings were prepared on Chief Architect software which provides floor plans, foundation and wall elevations, and 3D renderings that allow a building to be viewed from any angle as either (1) a completed structure with foundation, walls and roof; (2) as a "Doll House" without roof (to better inspect interior features); or (3) as a framed structure without inner or outer wall and roof cladding. Samples of each type of view are included with this application, and more complete studies are available to the Windcrest inspector and the building contractor on the owner's personal computer at the job site.

Because the terrain has considerable slope adjacent to the alley (as illustrated in one of the attachments), several concerns needed to be addressed in the building's design:

- A. Prevention of flooding in the event of extensive rainfall (the alley serves as the shared drainage canal for this part of Windway and Fenwick Drives).
- B. Keeping the roof peak from exceeding 11 feet above grade (the presumed height limit for a constructed masonry outbuilding), while providing sufficient south-facing roof for future solar panels at a pitch close to 30°, for optimal insolation in this part of Texas.
- C. Providing sufficient workshop headroom (9') for comfortable working conditions.

To meet all three criteria, the building will have two floor levels - a higher level at the entrance to block rainwater from the interior, and a 2-ft lower level for the rest of the workshop to provide a normal ceiling height inside. The pottery kiln will be installed on the entrance slab, which will be roofed over but otherwise open to the outdoors. The pottery wheel and all other operations such as trimming and glazing will take place on the lower level. This will also include cleanup, where clay residue will be extracted from the wash water via three settling tanks, and clear water will be pumped in batches back up to the garden beds. There will be no connection to the city sewer, nor water runoff to the alley other than rainwater (but the lower level slab will have 3 floor-drainage points into the alley in case of roof damage and flooding). Two openable windows on the south side will provide emergency egress to the garden. The building will have winter and summer climate control, and its own 230v/115v electrical supply panel.

Prior to foundation excavation, the various public utilities will be contacted to see whether any underground piping goes through the site. It is highly unlikely that there is any such risk since many of the homes in this block have backyard swimming pools in their alley vicinities, with much deeper excavations. Water supply and sewage are visually well clear of the area, and electric supply is overhead. The only real concern is the supply of gas by CPS.

We plan to use a city-approved contractor for the construction and would appreciate some recommendations for a small job like this. A sample bid request letter is attached for comments. We plan to use Ron Davila for the electrical work, who we have known for many years.

Respectfully submitted,

Anthony Price

8321 Windway Dr.  
Windcrest TX 78239



Permit and address must be posted and visible from the street. Plans to be onsite.

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## PLAN REVIEW

**Project Name:** SFR, detached workshop

**Valuation \$**

**Project Address:** 8321 Windway

**Permit #**

☐ OK to issue

☒ Return for corrections

☒ Building Permit

☐ HVAC Permit

☐ Electrical Permit

☐ Plumbing Permit

☐ TDLR Registration #

☐ Other

### Reviewer Comments:

Structure must be atleast 10' from main house and 3' from all property lines.

Size of structure can not exceed 144 square feet and 9' in finished height above grade.

This is a partial review. Full review pending location and size for structure that meets requirements. Other items needed are electric layout, framing, and engineer approval for existing foundation.

Section 103-58

Final approval of the permit application is contingent upon review and approval from all required city departments  
Construction to comply with all current state and local codes and ordinances  
Failure to discover all code violations through the city's review process does not relieve the designer/architect and contractor from the responsibility of producing a product in total compliance with all requirements of the currently adopted International Code Series, the NEC, and local ordinances.

**Reviewer:** Bealor 3170

**Date:** 5.4.2020

## AJP Business

---

**From:** AJP Business [REDACTED]  
**Sent:** Sunday, May 10, 2020 10:31 AM  
**To:** 'Alicia Fullen'  
**Cc:** 'Rachel Dominguez'; 'Edward DeHoyos'  
**Subject:** RE: 8321 WINDWAY-PLAN REVIEW

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Ms Fullen,

Thank you for your email and attachment. I will drop off a check for \$55 to the city offices on Monday. Meanwhile I very much regret having omitted some important details from the original proposal, and apologize for that:

a. Our garden house is located in the R2 district of Windcrest, not R1 as the reviewer may have assumed. Unfortunately the existing Windcrest building codes for R2 appear not to have been corrected in accordance with the actual garden houses that were built in the 1970s. Today's R2 codes are still the same as the original R1 codes requiring, for example, two 10-ft side yards with 10,000SF minimum lot sizes, and 3-ft setbacks for accessory buildings. What actually got built here, however (including our garden house and many like it) have just one 5' side yard on the east side (with a gable overhang easement for the adjacent house), and lot sizes between 5,000 and 6,000SF (ours is around 5780SF), and there is no building setback at all on the west side. In other words, the main and accessory buildings to the west are situated right on the lot lines. Attached is a BCAD outline map for our property, and the two homes west of ours that each have an accessory building sited at the junction of the alley and their west lot lines. This is how we are hoping to replace the unsightly brown enclosure that you can see in the two attached GOOGLE photos. One photo faces east and the other west, showing the neighboring accessory buildings as well as the brown enclosure at our place.

b. Accessory building size and roof height: When Richard Herr was at our home about a year ago to inspect the new climate control equipment, we had a brief discussion about the pottery workshop that I was hoping to build for my wife. He may not remember this, but he did mention that if we purchased and installed a metal shed then it could only be 144SF max and have a maximum roof height above grade of 9 ft. He also said if we constructed a masonry building then it could be larger and have a higher roof, but he did not mention any maximum dimensions. Unfortunately 144 sq. ft is just not large enough for a pottery workshop with wheel, kiln, cleanup area, workbench, and storage cabinets, so we have been saving funds all year for a masonry building instead. There is sufficient room at the back of our lot in the former vehicle storage area for a 12 x 20 building, provided we can construct it on the lot lines like our neighbors' accessory buildings were constructed.

As for a masonry accessory building's maximum roof height, I have been guessing that it should probably be 11 feet or so. I don't know where that number came from - perhaps from observing the height of ours and other garage roofs. I have searched the online Windcrest

ordinances but cannot find any mention of a masonry accessory building's maximum dimensions in either R1 or R2 specifications. Nevertheless, we do want to construct a masonry building, which we assume would mean a reinforced concrete foundation with stem walls supporting framed walls and roof, using fireproof insulation and external cladding, with roofing material to match our main house. For the outer wall cladding we would prefer 8" Hardie planking, which would be painted light beige to blend with the brick veneer of the garage walls, but if that cement-impregnated material is not considered to be "masonry" in Windcrest then we would be willing to use brick veneer instead, though we're doubtful of matching the brick designs of the 1970s.

So the important questions from us are: (1) what defines a masonry accessory building in Windcrest; (2) would an 11-foot roof peak be acceptable; and (3) could we build on our west side and alley lot lines, as others have done in the past?

I apologize once again for not pointing out these important questions in the original narrative, but hope that our goal is now clearer. We await your further comments, with thanks in advance.

By the way, the utility companies have given us the 'all clear' for excavation at the proposed job site, including a CPS visitor who marked the gas line location and wrote 'CPS CLR' on the asphalt itself.

Sincerely,

Anthony Price  
8321 Windway Dr.

-----Original Message-----

From: Alicia Fullen <afullen@windcrest-tx.gov>

Sent: Friday, May 8, 2020 1:21 PM

To: [REDACTED]

Cc: Rachel Dominguez <rdominguez@windcrest-tx.gov>; Edward DeHoyos <ddehoyos@windcrest-tx.gov>

Subject: FW: 8321 WINDWAY-PLAN REVIEW

Hello Mr. Price,

As per our conversation on 05/08/2020, please find the Review Notes from the Inspector. There will be a review fee of \$55.00 that will need to be paid before submittal of corrections to inspector. Thank you for your patience.

Thank you and if you have further questions, please call Monday at 210-655-0022 ext 2430



Permit and address must be posted and visible from the street. Plans to be onsite.

## PLAN REVIEW

Project Name: Residential

Valuation \$

Project Address: 8321 Windway

Permit #

☐ OK to issue

☒ Return for corrections

☒ Building Permit

☐ HVAC Permit

☐ Electrical Permit

☐ Plumbing Permit

☐ TDLR Registration #

☐ Other

Reviewer Comments:

Applicant is requesting a permit to build an accessory building (workshop with a kiln) in an R-2 zoning.

Per Windcrest Zoning, Division 2, Sec. 113-110:

d. All accessory buildings shall be set-back not less than ten feet from the main dwelling and not less than three feet from all lot lines and shall not occupy any portion of easements if placed on permanent foundation. If portable the three-foot setback applies. Masonry buildings shall not be less than ten feet from all lot lines and shall not occupy any portion of easements.

e. Excluding masonry buildings, buildings will not exceed 144 square feet of interior space nor nine feet in height (above grade level). The term "grade level" is defined as the highest point of elevation of the finished surface of the ground, paving, or sidewalk between the main structure and the property line.

In an R-2 District any use allowed in an R-1 District is allowed (accessory building okay).

Final approval of the permit application is contingent upon review and approval from all required city departments.

Construction to comply with all current state and local codes and ordinances.

Failure to discover all code violations through the city's review process does not relieve the designer/architect and contractor from the responsibility of producing a product in total compliance with all requirements of the currently adopted International Code Series, the NEC, and local ordinances.

Reviewer: Bealor 2708

Date: 5/15/20

15 June 2020

Hello Neighbors,



We are Tony and Beth Price at 8321 Windway. Your house and ours share access to the same Windcrest alleyway that services this block of Windway and Fenwick. We have enjoyed meeting some of you during our morning walks or at the wonderful block parties that used to be a feature of this neighborhood before the virus came along. We would love to meet the rest of you too.

Since moving here from Seguin a couple of years ago, we have dreamed of pulling down the ugly brown fenced area behind our house, that was apparently used by someone for vehicle storage in the past. We want to replace it with a small accessory building so that Beth can pursue her hobby of pottery making, as she has done for the past 20 years or so. We requested a building permit for this purpose, but have run into a snag because the building codes that now apply to our part of the R2 residential district are quite different from the Windcrest codes that existed when all of these garden houses were built in the 1970s. We have therefore applied for a variance from the City's Board of Adjustment that would – if granted - allow us to construct our accessory building right at the edge of our west side lot line and the alley, like the many existing accessory buildings or swimming pool walls that were constructed in the past and still line the alleyway. If we cannot get the variance then we will leave the old fence where it is and forget about the accessory building because if we have to include a setback from the side and rear lot lines, then the building would be too small for its intended purpose.

This is what we imagine the accessory building to look like, as seen from the alley where the brown fence is presently located. The long windows on three sides would actually be opaque glass blocks to let in some ambient light.



It is possible that the City may send you a letter too, asking whether you object to the proposed building project. Of course you can object if you want to, but we would be grateful if you would collectively give us the green light to proceed with this project. If all goes well, we would hope to start construction around October when the weather is cooler; the job should take around three weeks to complete. During the construction we would make our garage available to the contractor for storing the materials, and we would insist that they do not block the alley except for an occasional hour or so, such as when a cement truck comes to pour the foundation, or lumber and steel are delivered. Nevertheless there may be construction noise from time to time that could bother you, but we will do our best to have it kept to a minimum.

In the meantime, do come and visit us over the next few days for a coffee and chat so we can show you the proposed site and explain more about what we hope to accomplish. We can easily maintain social distancing as recommended by the COVID-19 precautions.

Sincerely,

Tony and Beth

cc: City Secretary ✓



### Building Permit Application

Date: 4/20/2020

Permit # 200512001

Project Address: 8321 WINDWAY DRIVE, WINDWAY 78239

Owner/Tenant Name: ANTHONY PRICE Address: SAME AS ABOVE

Legal Description:

Proposed Use: HOBBY WORKSHOP Lot/Track \_\_\_\_\_ Block \_\_\_\_\_ Section \_\_\_\_\_ Addition \_\_\_\_\_ outside Zoning 260  
Square Footage: INSIDE 227

Front Set Back: N/A Side Set Back: NIL Rear Set Back: NIL

TYPE OF ( ) New Residential\* ( ) New Commercial\* ( ) Demolition ( ) Fire Sprinkler\* ( ) Other  
PERMIT: (☒) Residential Addition\* ( ) Commercial Addition\* ( ) Driveway\* ( ) Foundation\* ( ) Pool\*  
(☒) Residential Remodel\* ( ) Commercial Remodel\* ( ) Fence\* ( ) Sidewalk\* ( ) Sign\*

\* AT LEAST 2 FULL SETS OF PLANS ARE REQUIRED UPON SUBMITTAL

Description of Work: CONSTRUCT WORKSHOP IN PARTIAL EXCAVATED  
AREA OF PROPERTY ADJACENT TO ALLEY. WORKSHOP SIDING  
8" HARDIE PLANK ON CONCRETE FOUNDATION. Valuation of Work: \$12,500 EST.

Contractor: \_\_\_\_\_ Address: \_\_\_\_\_

City/ State/Zip

Business Phone & Fax

Cell Number

#### COMMERCIAL PROJECTS ONLY

TDLR NUMBER: \_\_\_\_\_ (If valuation is > \$50,000) Texas Accessibility Standards (ADA 800-803-9202)

( ) A copy of the asbestos survey for the area(s) to be renovated / demolished has been included with this permit application. This survey has been done in accordance with the Texas Asbestos Health Protection Rules (TAHPR) and the National Emissions Standards for Hazardous Air Pollutants (NESHAP).

If there is no survey submitted, then as the owner / operator of the renovation / demolition site, I understand that it is my responsibility to have this asbestos survey conducted in accordance with Texas Asbestos Health Protection Rules (TAHPR) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) prior to renovation / demolition permit being issued by the City of Windcrest.

*This permit becomes null and void if work or construction authorized is not commenced in ninety (90) days, or if construction or work is suspended or abandoned for a period of sixty (60) days at any time after work is commenced.*

*I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel provisions of any other state or local law regulating construction or the performance of construction*

Signature of Contractor or Authorized Agent \_\_\_\_\_ Printed Name \_\_\_\_\_ Company \_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner (If Builder) \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

City Official Comments: \_\_\_\_\_

Refer to Building Inspector and Fire Marshall comment sheets.

Plans Reviewed & Approved By \_\_\_\_\_

Date \_\_\_\_\_

Permit Fee: \_\_\_\_\_ Plan Check Fee: \_\_\_\_\_ Permit Fee Total: \_\_\_\_\_

## 8321 Windway - Building Permit Application – Narrative

To Whom It May Concern:

April 20, 2020

The attached application is for a permit to remodel an area off the alley to the north and rear of our property, that is presently an RV storage enclosure. The goal is to replace the enclosure with a pottery workshop having an excavated concrete foundation, Hardie-plank siding, and an offset-gable roof. Attached drawings were prepared on Chief Architect software which provides floor plans, foundation and wall elevations, and 3D renderings that allow a building to be viewed from any angle as either (1) a completed structure with foundation, walls and roof; (2) as a "Doll House" without roof (to better inspect interior features); or (3) as a framed structure without inner or outer wall and roof cladding. Samples of each type of view are included with this application, and more complete studies are available to the Windcrest inspector and the building contractor on the owner's personal computer at the job site.

Because the terrain has considerable slope adjacent to the alley (as illustrated in one of the attachments), several concerns needed to be addressed in the building's design:

- A. Prevention of flooding in the event of extensive rainfall (the alley serves as the shared drainage canal for this part of Windway and Fenwick Drives).
- B. Keeping the roof peak from exceeding 11 feet above grade (the presumed height limit for a constructed masonry outbuilding), while providing sufficient south-facing roof for future solar panels at a pitch close to 30°, for optimal insolation in this part of Texas.
- C. Providing sufficient workshop headroom (9') for comfortable working conditions.

To meet all three criteria, the building will have two floor levels - a higher level at the entrance to block rainwater from the interior, and a 2-ft lower level for the rest of the workshop to provide a normal ceiling height inside. The pottery kiln will be installed on the entrance slab, which will be roofed over but otherwise open to the outdoors. The pottery wheel and all other operations such as trimming and glazing will take place on the lower level. This will also include cleanup, where clay residue will be extracted from the wash water via three settling tanks, and clear water will be pumped in batches back up to the garden beds. There will be no connection to the city sewer, nor water runoff to the alley other than rainwater (but the lower level slab will have 3 floor-drainage points into the alley in case of roof damage and flooding). Two openable windows on the south side will provide emergency egress to the garden. The building will have winter and summer climate control, and its own 230v/115v electrical supply panel.

Prior to foundation excavation, the various public utilities will be contacted to see whether any underground piping goes through the site. It is highly unlikely that there is any such risk since many of the homes in this block have backyard swimming pools in their alley vicinities, with much deeper excavations. Water supply and sewage are visually well clear of the area, and electric supply is overhead. The only real concern is the supply of gas by CPS.

We plan to use a city-approved contractor for the construction and would appreciate some recommendations for a small job like this. A sample bid request letter is attached for comments. We plan to use Ron Davila for the electrical work, who we have known for many years.

Respectfully submitted,

Anthony Price

8321 Windway Dr.  
Windcrest TX 78239



Permit and address must be posted and visible from the street. Plans to be onsite.

## PLAN REVIEW

**Project Name:** SFR, detached workshop

**Valuation \$**

**Project Address:** 8321 Windway

**Permit #**

☐ OK to issue

☒ Return for corrections

☒ Building Permit

☐ HVAC Permit

☐ Electrical Permit

☐ Plumbing Permit

☐ TDLR Registration #

☐ Other

### Reviewer Comments:

Structure must be atleast 10' from main house and 3' from all property lines.

Size of structure can not exceed 144 square feet and 9' in finished height above grade.

This is a partial review. Full review pending location and size for structure that meets requirements. Other items needed are electric layout, framing, and engineer approval for existing foundation.

Section 103-58

Final approval of the permit application is contingent upon review and approval from all required city departments.

Construction to comply with all current state and local codes and ordinances.

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**Reviewer:** Bealor 3170

**Date:** 5.4.2020



Permit and address must be posted and visible from the street. Plans to be onsite.

## PLAN REVIEW

**Project Name:** Residential

**Valuation \$**

**Project Address:** 8321 Windway

**Permit #**

☐ OK to issue

☒ Return for corrections

☒ Building Permit

☐ HVAC Permit

☐ Electrical Permit

☐ Plumbing Permit

☐ TDLR Registration #

☐ Other

### Reviewer Comments:

Applicant is requesting a permit to build an accessory building (workshop with a kiln) in an R-2 zoning.

Per Windcrest Zoning, Division 2, Sec. 113-110:

d. All accessory buildings shall be set-back not less than ten feet from the main dwelling and not less than three feet from all lot lines and shall not occupy any portion of easements if placed on permanent foundation. If portable the three-foot setback applies. Masonry buildings shall not be less than ten feet from all lot lines and shall not occupy any portion of easements.

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**Reviewer:** Bealor 2708

**Date:** 5/15/20



# CITY OF WINDCREST

## FIRE DEPARTMENT AND EMERGENCY MANAGEMENT



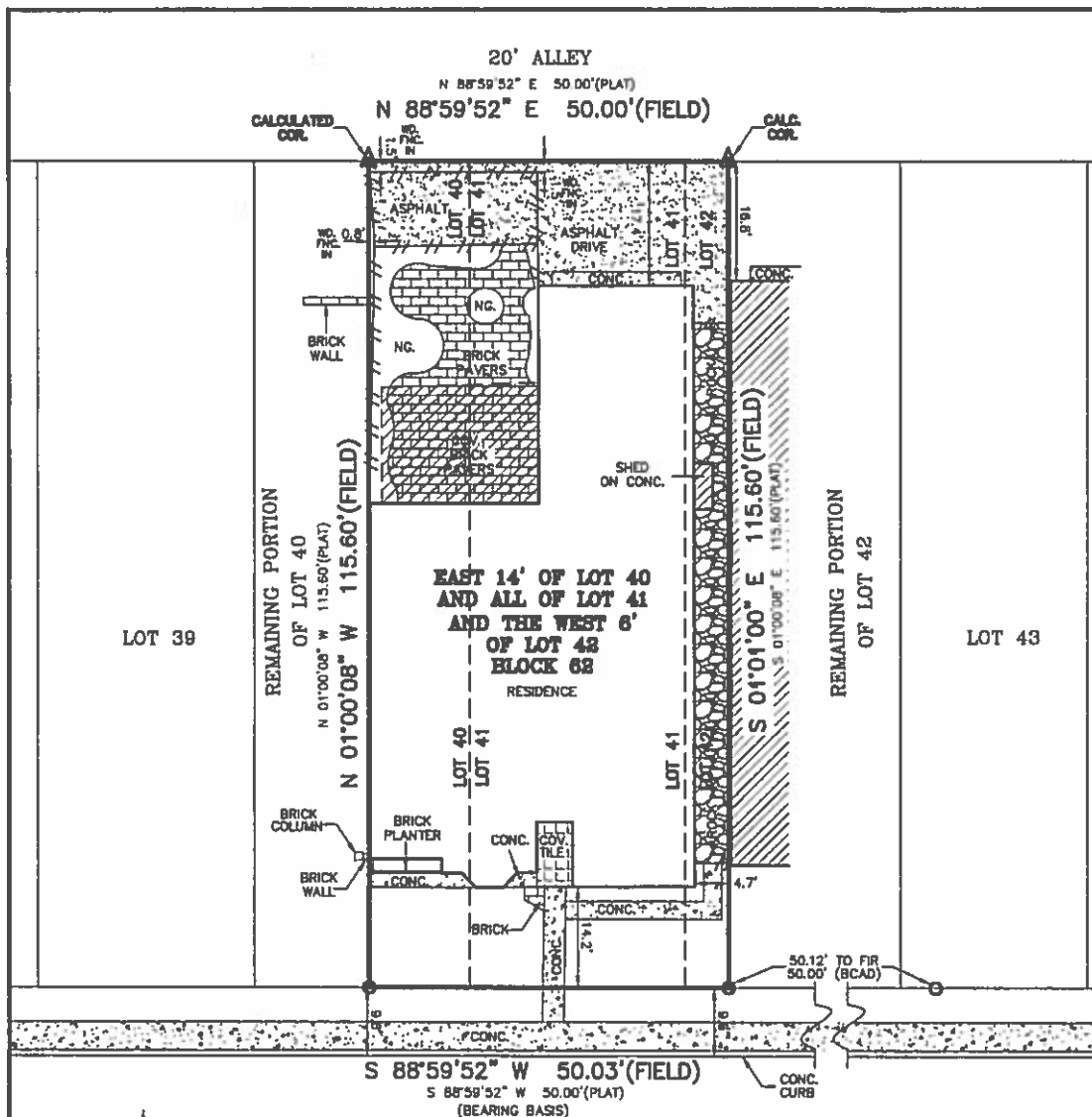
05-19-2020

Plans Review for 8321 Windway Dr.

The following items need to be addressed for the proposed workshop at 8321 Windway Dr.

1. No plans for ventilation over the kiln area were submitted.
2. Needs a carbon monoxide alarm in the kiln area.
3. The Kiln needs to be at least 18 inches from non-combustible surfaces and 36 inches from combustible surfaces.
4. Need a mounted and charged 10 lbs. dry chemical ABC fire extinguisher.
5. The kiln must be mounted on a concrete floor at least 2 inches thick and extend 12 inches beyond the kiln.

Tim Zelenak  
Fire Marshal



**WINDWAY DR.**  
(USPS: WINDWAY DR.)  
(60' R.O.W., ASPHALT PAVEMENT)  
(PLATTED AS: WINDWAY DRIVE)

\* EAST 14' OF LOT 40 AND  
ALL OF LOT 41, AND THE  
WEST 6' OF LOT 42

THE SURVEY IS HEREBY ACCEPTED WITH THE DISCREPANCIES,  
CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES,  
ENCROACHMENTS, PROTRUSIONS, OR OVERLAPPING OF  
IMPROVEMENTS SHOWN.

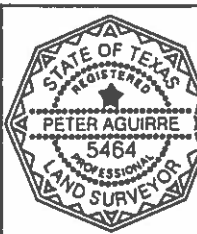
|                                                                                                                                           |                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| INSURED: ANTHONY J. PRICE AND ELIZABETH C. PRICE                                                                                          | ADDRESS: 8321 WINDWAY DR.                                      |
| TITLE COMPANY: CAPITAL TITLE                                                                                                              | G.F. NO.: 18-392153-SA                                         |
| LOT: 40                                                                                                                                   | BLOCK: 62                                                      |
| SUBMISSION: WINDCREST UNIT 17                                                                                                             | N.C.B.: --                                                     |
| CITY: SAN ANTONIO                                                                                                                         | COUNTY: BEXAR                                                  |
| STATE: TEXAS                                                                                                                              |                                                                |
| PLAT RECORDED IN: VOLUME 6200 PAGES 119                                                                                                   | DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS                   |
| RESTRICTIVE COVENANTS AS SHOWN ON SCHEDULE "B" ITEM 1 OF THE REFERENCED TITLE COMMITMENT; REFER TO TITLE COMMITMENT FOR ADDITIONAL ITEMS. |                                                                |
| VOLUME 5547 PAGE 39 DEED RECORDS OF BEXAR COUNTY, TEXAS                                                                                   | VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |
| VOLUME 13897 PAGE 1849 REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS                                                                       | VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |
| VOLUME 13918 PAGE 98 REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS                                                                         | VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |
| VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS                                                                            | VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |
| VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS                                                                            | VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |
| VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS                                                                            | VOLUME -- PAGE -- REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |

| LEGEND: |                    |
|---------|--------------------|
| --X--   | WOOD FENCE         |
| ---X--- | CHAIN LINK FENCE   |
| -X-X-   | BARBED WIRE FENCE  |
| ---X--- | WROUGHT IRON FENCE |
| ---X--- | FND FENCE POST     |
| ⊗       | POWER POLE         |
| ⊙       | FIRE HYDRANT       |
| ⊙       | FND 1/2" IRON ROD  |
| ⊙       | SET 1/2" IRON ROD  |
| X       | SET "X" ON CONC.   |



**AS-BUILT SURVEY NOTES**

- UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND ITEMS OR ENCUMBRANCES ARE NOT LOCATED BY THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND/OR FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION OR PLATTING PURPOSES.
- THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND REPORT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
- ADJACENT PROPERTY INFO. FOR GENERAL REFERENCE USE ONLY.

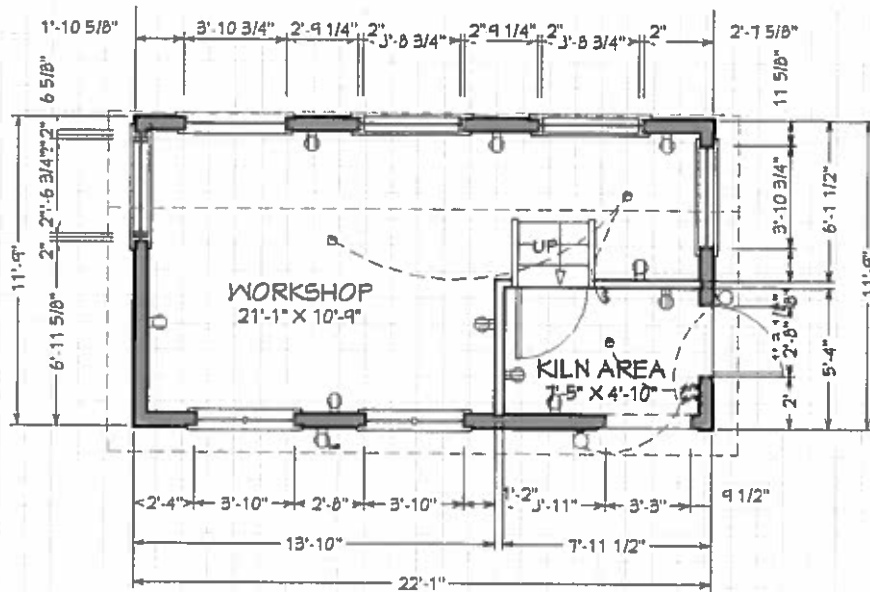


STATE OF TEXAS  
COUNTY OF BEXAR

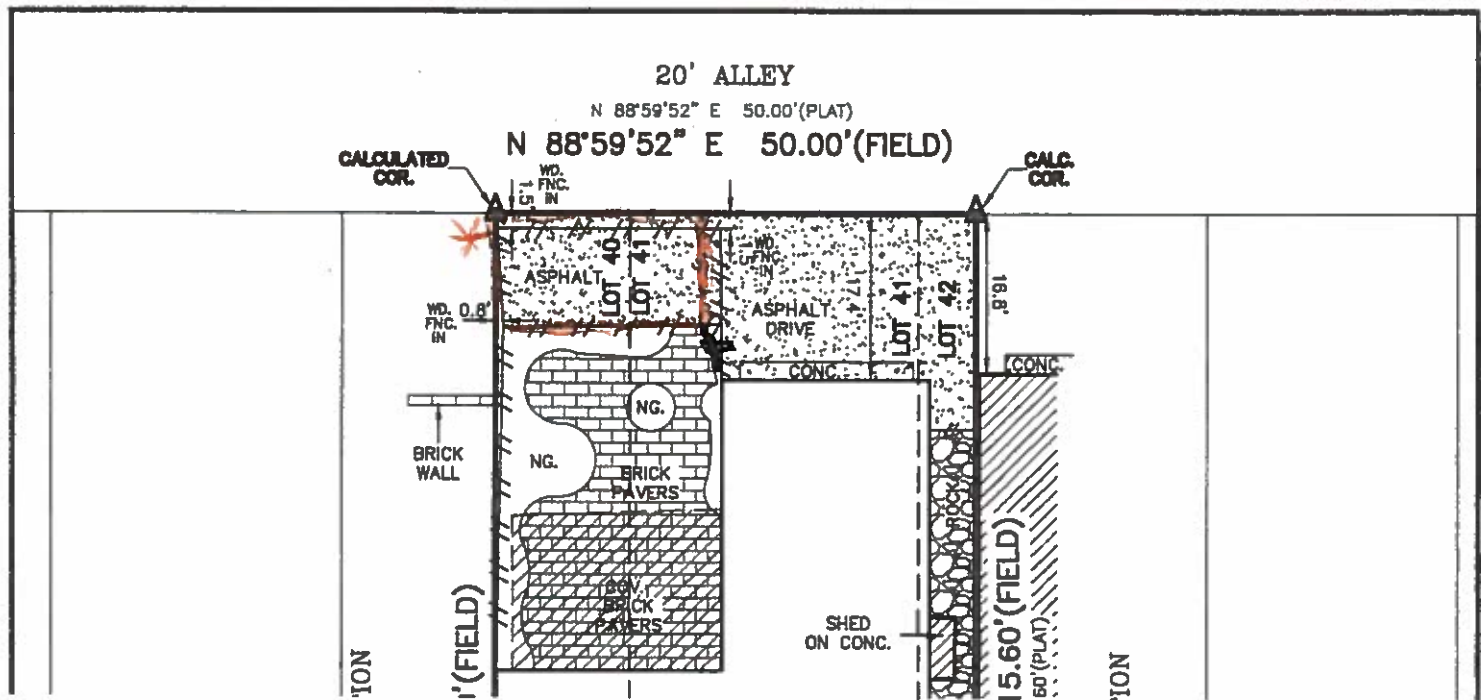
I HEREBY CERTIFY THAT THE ABOVE DRAWING IS A TRUE DEPICTION OF CURRENT FIELD CONDITIONS AND THERE ARE NO ENCROACHMENTS OF BUILDINGS EXCEPT AS SHOWN ABOVE ACCORDING TO A SURVEY MADE ON THE GROUND OF THE PROPERTY COMPLETED UNDER MY SUPERVISION ON THIS, THE 14TH DAY OF DECEMBER 2018, A.D.

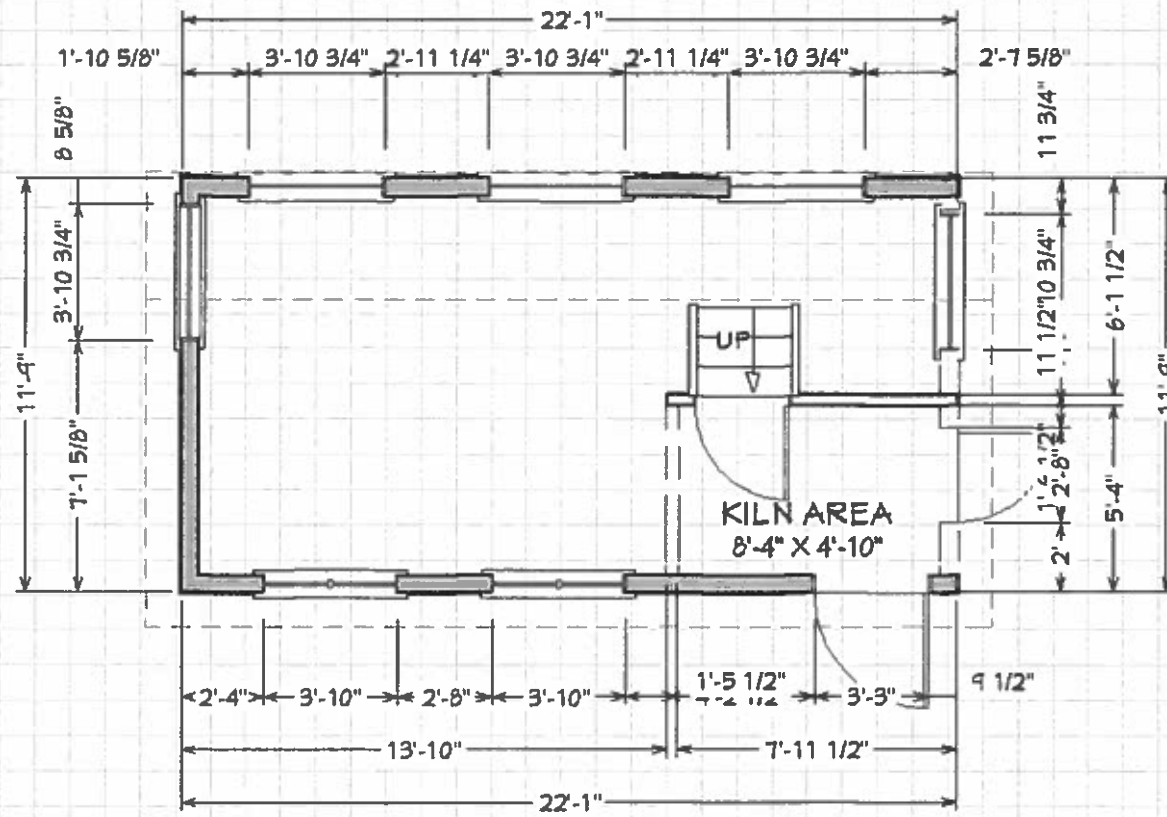
*Peter A. Aguirre*  
PETER A. AGUIRRE, R.P.L.S. 5464

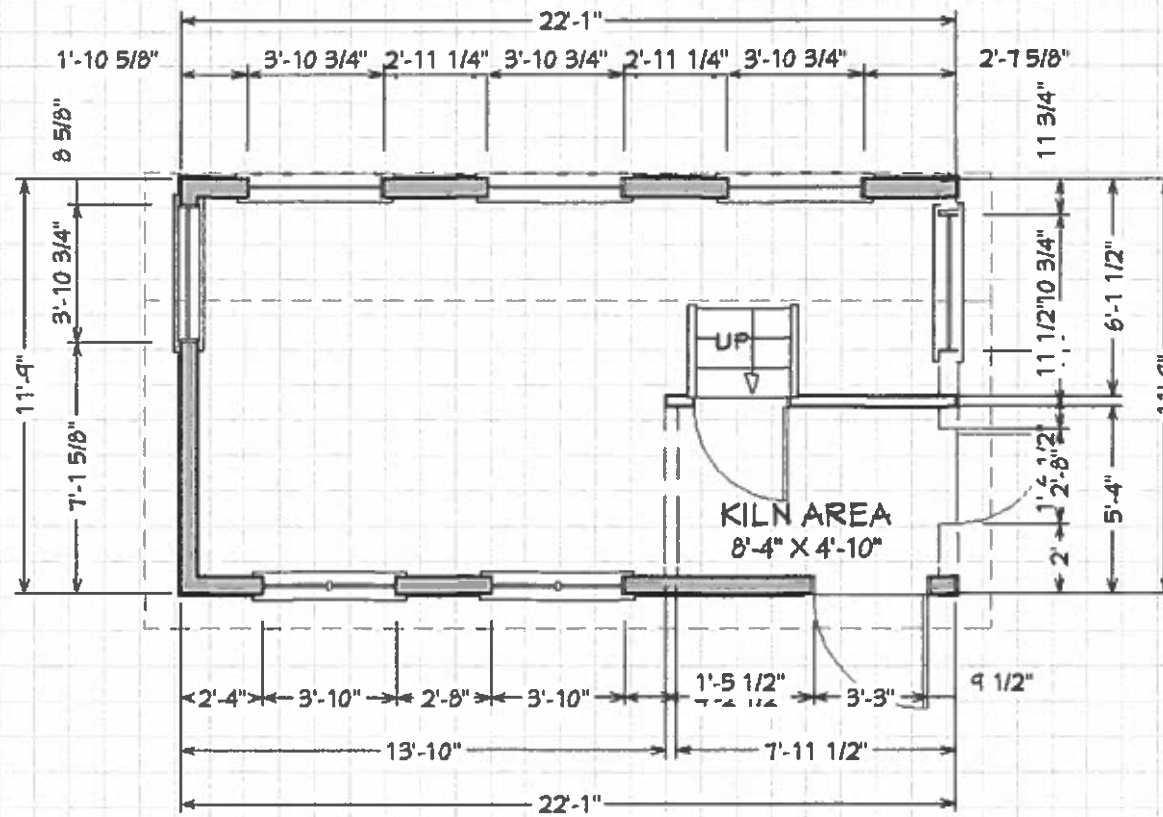
P.O. BOX 220044  
SAN ANTONIO, TX 78220  
PHONED: 210-534-6700  
TEXAS FIRM NO. 10190300



PROPOSED CONSTRUCTION  
AREA  
22' x 11'8"





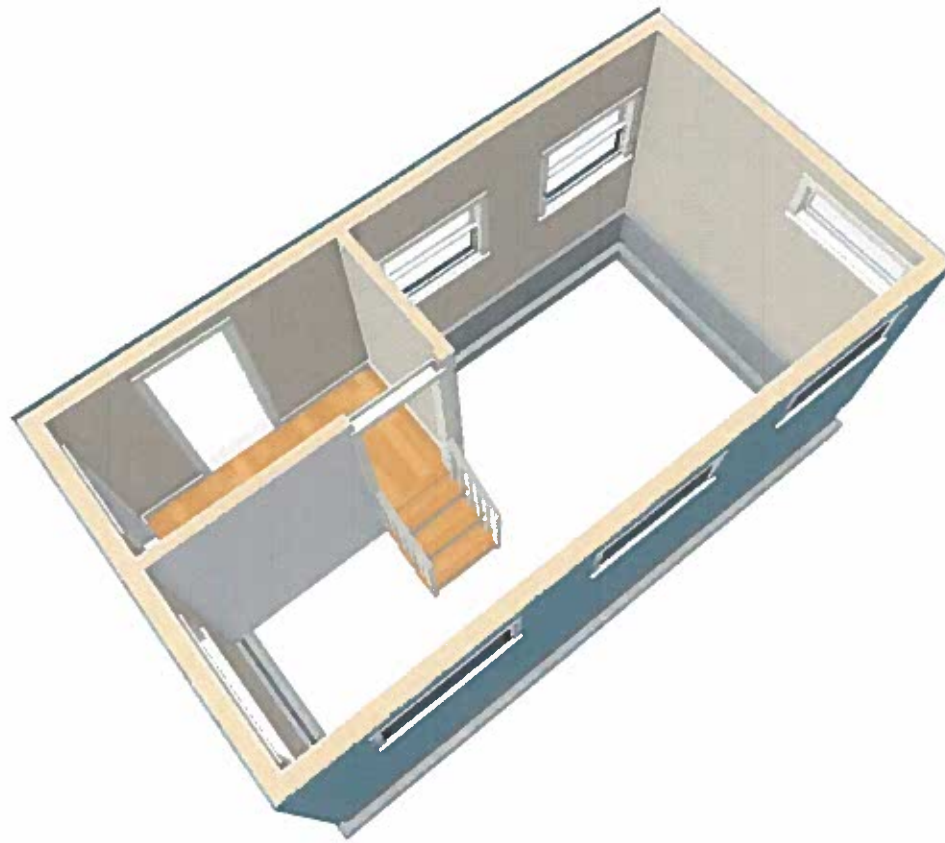




VIEW FROM INSIDE PROPERTY  
SHOWING 2 LEVELS OF FLOOR



VIEW FROM ALLEY



DOLLHOUSE VIEW OF WORKSHOP



FRAMING VIEW



Elevation View

Roof peak is 10.8'  
above grade.

