

Steve Marcie & Norma Marcie
3220 Park Hills Dr
Rollingwood, TX 78746

December 26, 2023

Rollingwood Board of Adjustment
403 Nixon Dr
Rollingwood, TX 78746

Dear Rollingwood Board of Adjustment Chair,

Paragraph 1 of section 107-491(a) in part II, chapter 107, article V, division 3, of the city's code of ordinances states that the Board of Adjustment may grant a special exception to permit the reconstruction of a nonconforming structure that has been damaged by fire or other causes. We are respectfully requesting a special exception from section 107-36 (Driveways) for our nonconforming driveway that is not 5' from the property line. This driveway replaced the previous damaged, larger nonconforming driveway that was not 5' from the property line.

Section 107-491(c) stipulates that prior to granting the special exception, the Board of Adjustment must make findings that:

1. *It is empowered to grant the special exception:* Paragraph 1 of section 107-491(a) in part II, chapter 107, article V, division 3, of the city's code of ordinances gives the Board of Adjustment the power to grant a special exception in a case where a nonconforming structure has been damaged through fire or other natural means. The nonconforming driveway had cracks caused by natural means (settling of the property, age of the material since it was originally poured in the 1980's, and continually having been subjected to alternating extreme heat and cold over its life) – please see exhibit 3 showing large cracks visible from the earliest images of the property available in Google street view, and exhibits 4, 5, & 6 of photos from our home inspection performed in February, 2020 showing some of the many cracks in the original driveway. Based on this, the Board of Adjustment is empowered under chapter 107 to grant this special exception.
2. *The public convenience and welfare will not be substantially or permanently injured in the granting of the special exception:* The previous nonconforming structure existed since the early 1980's at this location and had not caused any injury to the convenience or welfare of the public – and as such – rebuilding the structure in its location would not either. This is the finding that has been determined by staff in prior special exception requests by other residents (e.g., 3203 Pickwick Ln, Board of Adjustment hearing date 5/25/22). In addition, the public convenience and welfare will be enhanced through the granting of this special exception because while the replacement driveway goes to the same point at the property line as the previous driveway which had been in place since the early 1980's, it has several design improvements which afford positive effects from a drainage standpoint for our neighbors at 3218 Park Hills Dr and neighbors down the hill from us on Pleasant Dr. The neighbors at 3218 Park Hills Dr wrote a letter of support which you can find as exhibit 7.

3. *The grant of the special exception will not adversely affect the public health, convenience, safety or general welfare:* The previous nonconforming structure existed since the early 1980's at this location and had not adversely affected the public health, convenience, safety, or general welfare – and as such – rebuilding the structure in its current location would not either. This is the finding that has been determined by staff in prior special exception requests by other residents (e.g., 3203 Pickwick Ln, Board of Adjustment hearing date 5/25/22). In addition, the public health, convenience, safety or general welfare will be enhanced through the granting of this special exception because while the replacement driveway goes to the same point at the property line as the previous driveway which had been in place since the early 1980's, it has several design improvements which afford positive effects from a drainage standpoint for our neighbors at 3218 Park Hills Dr and neighbors down the hill from us on Pleasant Dr. The neighbors at 3218 Park Hills Dr wrote a letter of support which you can find as exhibit 7.

Plans for the reconstruction of our home were finalized and submitted to the City of Rollingwood on 7/15/21. Demolition of the home was done during the week of 9/20/21. The home was demolished but the driveway was not – please see exhibits 1 and 2 showing post-demolition photos from 11/10/21 of the framing for the foundation pour which show the original non-conforming driveway.

In February of 2023, the construction of the home was mostly complete and work on the hardscaping began. After a thorough review of all options, it became clear that the best design was the existing driveway that was never demolished. However, that existing driveway was damaged through natural means.

The contractor doing our hardscaping refused to pour over the existing driveway because of all the cracks in it. They said if they were to pour over the existing cracked driveway, it would only be a short time before cracks began to make their way to the surface. A decision was made at that point to remove the damaged existing driveway and reconstruct it to fix all the cracks.

When we reconstructed the driveway, we made decisions that, while costly, a) reduced the non-conformity of the structure, and b) significantly improved drainage. Specifically:

1. we shortened the length of the non-conforming driveway that extends back on the side of the house by approximately 7 ½ feet
2. we sloped the southernmost side of the driveway down toward our property instead of leaving it flat as it had been for the last several decades
3. we added a grate with a drain to carry the water from the bottom of the driveway over to the side and back toward our retention system instead of leaving it to flow onto the front yard of 3218 Park Hills as it had been for the last several decades
4. we added a curb at the southernmost edge of the driveway which further directs the water from the driveway back toward our retention system instead of leaving it to flow onto the front yard of 3218 Park Hills Dr as it had been for the last several decades

Our neighbors across the street at 3221 Park Hills Dr are Sandra and Thom Farrell who have been present for the entirety of our construction. Thom has graciously offered to serve as a reference who can verify the facts of this case.

Thank you for your consideration.

With regards,

Steve Marcie /s/