



CITY OF ROUND ROCK
STAFF REPORT

TO: Zoning Board of Adjustment (ZBA) Members

FROM: Alice Guajardo, Senior Planner

DATE: February 4, 2026

SUBJECT: Administrative Appeal – Zoning Interpretation of 601 Broken Bow Dr

LOCATION: The site is located at 601 Broken Bow Dr; generally located on the southwest corner Broken Bow Dr and Frontier Trl. Case No. ZB26-000000

TIMELINE:

- 10/23/2025: Code Enforcement finds unpermitted attached roof structure out of compliance with Zoning and Development Code
- 10/24/2025: Letter sent to homeowner by Code Enforcement noting violation and providing 10 days to comply.
- 10/27/2025: Letter received by homeowner
- 12/09/2025: Due to homeowner inaction, demand letter issued by City Attorney giving homeowner until December 19th to remove the unpermitted structure. In the letter, the addition was incorrectly labeled as an accessory structure. Even if it was as an accessory structure, it would still be in violation of the Code as it was unpermitted.
- 12/11/2025: Upon request by homeowner, City staff agrees to grant homeowner an extension for compliance to January 9th due to holidays in order to either remove structure or obtain building permit
- 12/15/2025: Open Record's Request submitted by homeowner; fulfilled same day by CORR
- 12/24/2025: Formal Zoning Interpretation requested by homeowner in accordance with Sec. 10-4 of the Zoning and Development Code.
- 01/02/2026: Interpretation letter from Zoning Administrator emailed to homeowner
- 01/05/2026: Homeowner's disagreement of Zoning Administrator's interpretation emailed to City Attorney; homeowner requests extension of compliance deadline to January 31st; extension denied by City Attorney

01/09/2026: Homeowner submitted building permit requesting work be accepted as built; permit denied by CORR

01/13/2026: Homeowner requests an Appeal of the Zoning Interpretation Letter from the Zoning Administrator in accordance with Sec. 10-67 of the Zoning and Development Code.

A request has been made for an appeal to a zoning interpretation issued by the city Zoning Administrator, Bradley Dushkin, concerning an unpermitted, attached roofed structure on a residential property. The appeal contests the determination that the structure must adhere to the required residential setbacks per the Zoning and Development Code.

The property is a residential lot located at 601 Broken Bow Dr. The site is zoned SF-2 (Single-Family – Standard Lot). The structure in question is an open-covered patio supported by 4x4 posts. It appears to be built with 2x6 rafters at 24" on-center. It is physically attached to the side of the primary residence. The structure, which was constructed without a permit, was identified as a violation to the Development Code by Code Enforcement; subsequent review by the Planning and Development Services Department led to the interpretation issued on January 2, 2026.

Section 2-26 of the Zoning & Development Code specifies a 20-foot building setback from the Right-of-way (ROW) for primary structures. The code does not distinguish between corner lot frontage and mid-block frontage for these setback requirements.

The subject property's recorded plat establishes a 10-foot minimum building setback.

In accordance with standard zoning principles, structures physically attached to a primary dwelling are legally treated as part of that dwelling, therefore, not being considered "detached accessory structures".

Because the structure is attached to the house, staff find it cannot be classified as an accessory structure. It must be regulated as part of the primary residence.

While the current code requires a 20-foot setback, staff acknowledge that the property was platted before this standard was established. Since the subdivision plat requires a minimum 10-foot setback, that will hold in this situation.

The structure currently encroaches into the minimum 10-foot setback. Modifications are required to bring the structure into compliance with the plat's requirements.

Staff recommend that the Zoning Board of Adjustment uphold the Zoning Administrator's interpretation:

- The structure is part of the primary residence due to its attachment.
- The 10-foot plat setback is the applicable minimum standard.
- A building permit is mandatory to ensure structural safety and easement verification (no structures are allowed to encroach easements).

LIST OF EXHIBITS

- **Exhibit A**: Aerial map
- **Exhibit B**: Front view
- **Exhibit C**: Side view
- **Exhibit D**: Interpretation by Zoning Administrator
- **Exhibit E**: Appeal request





Exhibit B

10/23/2025



Exhibit C

12/08/2025



ROUND ROCK TEXAS
PLANNING AND DEVELOPMENT SERVICES

Mayor
Craig Morgan

Mayor Pro-Tem
Kristin Stevens

Councilmembers
Michelle Ly
Rene Flores
Melissa Fleming
Frank Ortega
Hilda Montgomery

City Manager
Brooks Bennett
City Attorney
Stephanie L. Sandre

January 2, 2026

Mr. Gabriel Lightbourn
601 Broken Bow Dr
Round Rock, TX 78664

Dear Mr. Lightbourn,

I am writing in response to your request for a Zoning Interpretation regarding the roofed structure on the side of your house at 601 Broken Bow Drive.

After consulting with Code Enforcement, Planning, and Building Inspections, I have determined that because the roofed structure in question is attached to the house, it shall be treated as part of the house and not a separate accessory structure. Therefore, it is subject to the setbacks that apply to the house.

According to Section 2-26 of the Zoning & Development Code, this would entail a 20-foot building setback from the right-of-way (ROW). It is important to note that the Code does not distinguish between corner lots with frontage on two ROWs or mid-block lots with frontage on only one ROW, so this setback applies to both the north side of the property facing Broken Bow Drive and the east side of the property facing Frontier Trail.

However, this subdivision was platted and the home built before the 20-foot setback was established, and the subdivision plat requires a minimum ten-foot building setback for the house. The ten-foot setback will hold in this situation, and the roofed structure must be modified to meet it.

Further, a building permit must be obtained from our office for any modification to this structure, or for any new construction. Our Building Inspections staff need to verify that the structure meets setbacks, doesn't encroach easements, and any structural elements are designed and built properly.

Sincerely,

Brad Dushkin, AICP
Director of Planning and Development Services

Exhibit D

cc: James Shine, Building Official
Margie Lopez, Code Enforcement Manager
Susan Brennan, Planning Manager

Exhibit D

Cecilia Chapa

From: Lightbourn,Gabriel <GLightbourn@penskeautomotive.com>
Sent: Tuesday, January 13, 2026 11:55 AM
To: PDS Intake; Alice Guajardo; Veronica Chandler; Dalton Dueitt; Cecilia Chapa
Cc: Jeffrey Brooks; G Lightbourn; Savina McCarter
Subject: URGENT – Request for Board of Adjustment Appeal Form – Zoning Interpretation 1/2/26 – 601 Broken Bow Dr

Some people who received this message don't often get email from glightbourn@penskeautomotive.com. [Learn why this is important](#)

Good morning,

I am attempting to file an appeal of the zoning interpretation issued to me on **January 2, 2026** regarding my property at **601 Broken Bow Drive**. I have been unable to reach staff by phone.

I am formally requesting the official **Board of Adjustment Appeal Form for zoning interpretation appeals** so I can ensure the appeal is filed within the required timeframe.

I hereby file this notice as a formal appeal of the zoning interpretation issued on **January 2, 2026**, regarding the property located at **601 Broken Bow Drive, Round Rock, Texas**. This filing is intended to preserve my right to appeal within the required timeframe. Supporting exhibits and the completed Board of Adjustment appeal form will be submitted as soon as they are made available.

Please email me the correct form today or advise how I may immediately submit a protective appeal.

Thank you,

Gabriel Lightbourn
601 Broken Bow Drive
512 529 6952
glightbourn@penskeautomotive.com
glight32@gmail.com

Exhibit E

PENSKE/CARS
Buy or Sell Your Car Online.
PenskeCars.com