

BoA 2003 ruling

- In 2003 the BoA ruled that a duplex designed with 12 bedrooms was not appropriate in an SF3 district as it would not be compatible with the character of the SF3 District and that Group Residential Use was not appropriate.

Group Residential Use

- Staff has incorrectly defined the use of the proposed remodel as Two-Family while grandfathering it for 12 occupants.
- (4) GROUP RESIDENTIAL use is the use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.

SF3 Character

- § 25-2-57 FAMILY RESIDENCE (SF-3) DISTRICT DESIGNATION.
- Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.
- Two-Family Use was not permitted for many years and then was again permitted in SF3 in 1998. This concept would reasonably apply to Two-Family uses in SF3 districts. Therefore the 2003 Ruling would also apply.

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

Herman Thun Barbara Aybar Frank Fuentes Betty Edgemond
 Chair Vice-Chair
 Laurie Virkstis Dorothy Richter Leane Heldenfels Wanda Penn

DATE: April 14, 2003

CASE NUMBER: C15-03-0²15

APPLICANT: Ara Merjanian

ADDRESS: 3207 Hampton Road

Interpretation
 VARIANCE REQUESTED: A reconsideration of the Board of Adjustment's denial of an appeal of an interpretation of the Land Development Code as applied to an administrative approval for the construction of a duplex at 3207 Hampton Road. The appellant requests that the Board reconsider the denial and approve the appeal because the Board erred in its determination.

BOARD'S DECISION: On a vote of 4-1 the Board granted the Applicant's appeal agreeing with the Applicant's interpretation of sections 25-2-57, and 25-2-3 (B) (3) and (B) (4) of the City Code.

FINDING:

1. There is a reasonable doubt or difference of interpretation as to the specific intent of the regulations; the City staff incorrectly or incompletely interpreted sections 25-2-57 and 25-2-3 (B) (3) and (B) (4) in concluding that a duplex containing 6 or more bedrooms per dwelling unit maintain single-family neighborhood characteristics and should not be classified as group residential.
2. Upholding the appeal will correct a prohibited design, scale, and use which would then allow for a use, which is in character with the uses enumerated for the various zones and with the objectives enumerated for Single Family 3 zoning districts, the zoning district in question.
3. Upholding the appeal will not grant a special privilege to one party inconsistent with other properties or uses similarly situated. In fact, the current permit allowing the construction of a duplex with more than 6 bedrooms per dwelling unit grants special privileges by allowing development that is out of character and incompatible with single-family neighborhood standards for Single Family 3 zoning districts as well as existing designs, scales, and uses.


 Michael J. Heitz, Executive Secretary


 Herman Thum, Chairman

- “This (ruling) is not a retroactive application of a new ordinance (which would be a violation of HB 1704 provisions) but rather a correct interpretation of current law.”
- Ara Merjanian, appellant

BoA 2010 Ruling

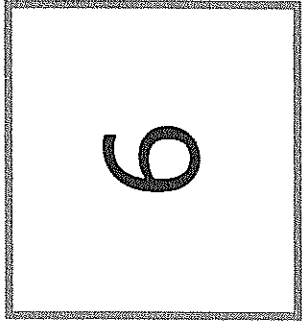
- The BoA should rule now that the intent of that decision would reasonably also apply to a Two-Family use in an SF-3 District.

Dwelling Unit Occupancy Limit

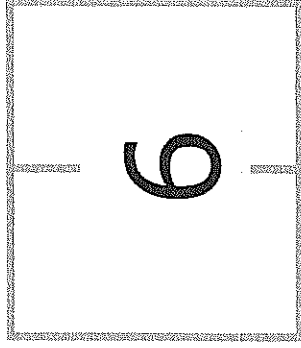
- Under 25-2-511 . . . not more than 4 unrelated persons 18 years of age or older may reside in the principal structure, and not more than 2 unrelated persons 18 years of age or older may reside in the second dwelling unit unless:

Occupancy as Determined by BOA Ruling

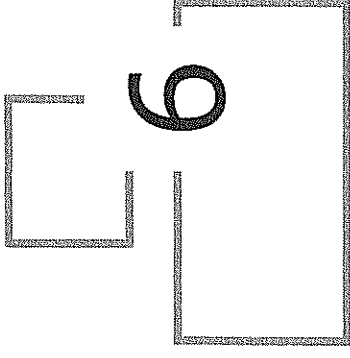
Single Residence



Duplex

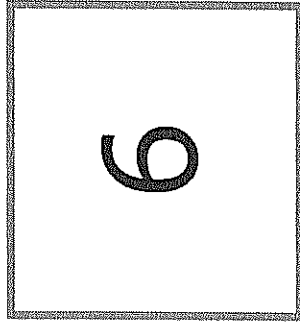


Two-Family

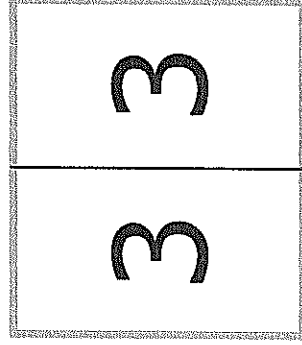


After 25-2-511

Single Residence



Duplex



Two-Family

