

C15-2010-0060

Prior Variance Approved,  
No Building Permit  
Issued

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, April 12, 2010**

**CASE NUMBER: C15-2010-0037**

☐ Y ☐ Jeff Jack  
☐ Y ☐ Michael Von Ohlen **Motion to GRANT**  
☐ Y ☐ Nora Salinas  
☐ - ☐ Bryan King **absent**  
☐ Y ☐ Leane Heldenfels, Chairman  
☐ Y ☐ Clarke Hammond, Vice Chairman **2<sup>nd</sup> the Motion**  
☐ Y ☐ Heidi Goebel  
☐ Y ☐ Melissa Whaley

**APPLICANT: Bob Ward**

**OWNER: Charley Mansfield**

**ADDRESS: 2012 HAMILTON AVE**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum lot area requirement of Ordinance #011213-42; Part 4 (1) from 2,500 square feet to 2,122 square feet in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

**BOARD'S DECISION:** MOTION TO GRANT BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0; WITH CONDITIONS TO REMAIN AFFORDABLE HOUSING FOR 90 YEARS, CONTINGENT ON C10/18; CONDITIONALLY ONE STORY 540 SQ FT HOME

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: zoning regulation do not allow a reasonable use because although they allow for construction on lots of 2,500 sf or more, they do not allow construction on this lot which has 2,283 sf (2,122 sq per TCAD). Constructing a small house on this lot is reasonable because the difference in size is 217 sq (378 sq per TCAD).
2. (a) The hardship for which the variance is requested is unique to the property in that: The hardship for which the variance is requested is that there are many lots in the area below the 2,500 sq minimum with homes. Legal lots less than 2,500 sq that are vacant are almost unique. This property is a vacant legal lot that formerly had a house on it and should be able to have a similar house on it again  
  
(b) The hardship is not general to the area in which the property is located because: most lots are of typical size, 5,750 sq or larger

3. 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 proposed improvements will be designed and be of a scale to blend with existing properties, the adjacent area has a mixture of small and moderate sized homes, this lot will be developed with a small house.

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Susan Walker  
Executive Liaison

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Leane Heldenfels  
Chairman