

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday, February 12, 2018

CASE NUMBER: C15-2017-0035

____ Brooke Bailey
____ William Burkhardt
____ Christopher Covo
____ Eric Goff
____ Melissa Hawthorne
____ Bryan King
____ Don Leighton-Burwell
____ Rahm McDaniel
____ Veronica Rivera
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)
____ Martha Gonzalez (Alternate)
____ Pim Mayo (Alternate)

APPLICANT: David Osterman

OWNER: David Osterman

ADDRESS: 3207 BEVERLY RD

VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the side setback from 5 feet (required) to 3.5 feet (requested, existing); and from

B. decrease the rear yard setback from 10 feet (required) to 3.4 feet (requested, existing)

in order to maintain a detached accessory living space at this location for at least 10 years in a "SF-3-NP", Family Residence – Neighborhood Plan - zoning district. (Windsor Road)

BOARD'S DECISION: July 10, 2017 POSTPONED TO OCTOBER 9, 2017 BY APPLICANT; Oct. 9, 2017 POSTPONED TO DECEMBER 11, 2017; DEC 11, 2018 POSTPONED TO FEBRUARY 12, 2018; Feb 12, 2018 POSTPONED TO AUGUST 13, 2018

25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

- (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
- (3) the Board finds that:
 - (a) the violation has existed for:
 - (i) at least 25 years; or
 - (ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2017;
 - (b) the use is a permitted use or a nonconforming use;
 - (c) the structure does not share a lot with more than one other primary residence; and
 - (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code;

or

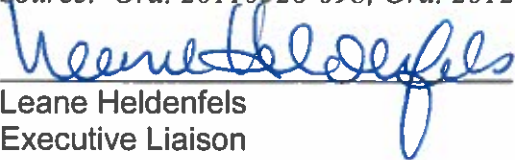
(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:


- (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
- (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
- (3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman