

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday July 9, 2018

CASE NUMBER: C15-2018-0011

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

OWNER/APPLICANT: Blaine & Stacy Mozisek

ADDRESS: 1706 NORRIS DR

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum rear yard setback from 10 feet (required) to 1.7 feet (requested, previous 1-story storage structure) in order to maintain a recently constructed 237 square foot 2-story (more than-15 feet tall) storage and playhouse structure in a "SF-3", Family Residence zoning district.

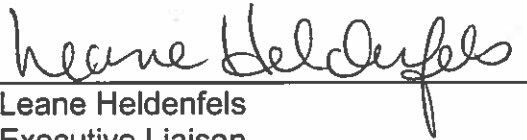
(Note: The Land Development Code permits accessory structures up to 15' in height to be 5 feet from the rear property line in a single family zoning district, however the structure in consideration exceeds that height limitation.)

BOARD'S DECISION: April 9, 2018 POSTPONED TO MAY 14, 2018 BY APPLICANT; May 14, 2018 After discussion on the applicant's request to postpone, Board Member Bryan King motion to hear case, Board Member Martha Gonzalez second on an 4-7 vote (Board members William Burkhardt, Christopher Covo, Melissa Hawthorne, Don Leighton-Burwell, Veronica Rivera, James Valadez, Pim Mayo nay); DENIED TO HEAR CASE DUE TO LACK OF VOTES, POSTPONED TO JULY 9, 2018; July 9, 2018 The public hearing was closed on Board Member Eric Goff motion to Grant with condition that the structure be revised to become a one story structure, Board Member Bryan King second on an 11-0 vote; GRANTED WITH CONDITION THAT THE STRUCTURE BE REVISED TO BECOME A ONE STORY STRUCTURE.

EXPIRATION DATE: July 9, 2019

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the original footprint of the current structure described herein has existed to 6/61993 (earliest documented existence of structure) and the structure's location was within the 10 foot setback.
2. (a) The hardship for which the variance is requested is unique to the property in that: Four large live oak trees and present in the rear of the property, one of these trees is a protected heritage tree, nearly the entire rear of the property is encompassed by the critical root zone of these trees.
(b) The hardship is not general to the area in which the property is located because: while there are many trees in the area, few are protected heritage trees; this provides other properties within the neighborhood have the ability to place accessory structures
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 playhouse/tool shed will not alter the character of the surrounding properties as many accessory structures exist within the neighborhood, many of them within the 10' setback



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman