

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday, August 13, 2018**

**CASE NUMBER: C15-2017-0035**

Y  Brooke Bailey  
 Y  William Burkhardt  
 Y  Christopher Covo  
 Y  Eric Goff  
 Y  Melissa Hawthorne  
 Y  Bryan King  
 Y  Don Leighton-Burwell  
 Y  Rahm McDaniel  
 Y  Veronica Rivera  
 Y  James Valadez  
 Y  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**

**RENOTICE: Aug 13, 2018**

**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 to

**B. decrease the rear yard setback from 10 feet (required) to 3.5 feet (requested, existing)**

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

**BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Eric Goff second on an 11-0 vote; GRANTED.**

**EXPIRATION DATE: 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;

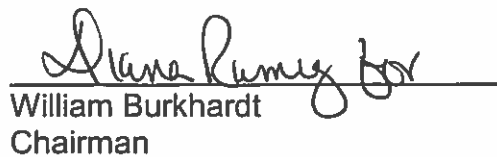
(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(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

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