

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

DATE: Monday March 11, 2019

CASE NUMBER: C15-2019-0005

N Ada Corral
 N William Burkhardt
 - Christopher Covo OUT
 Y Eric Golf
 Y Melissa Hawthorne
 N Bryan King
 N Don Leighton-Burwell
 - Rahm McDaniel OUT
 Y Martha Gonzalez (Alternate) (for RM)
 Y Veronica Rivera
 N James Valadez
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate) (for CC)
 - VACANT (Alternate)

APPLICANT: Joshua Inscoe

OWNER: Andrew Milam

ADDRESS: 7309 BENNETT AVE

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (C) (2) to allow a second dwelling unit that should be located to the rear or side of the principal structure (required) to instead be located to the front of the principal structure (requested) in order to erect a new primary dwelling unit behind the existing dwelling unit "SF-3-NP", Family Residence zoning district. (St. John)

Note: the existing dwelling unit size is below the 1,100 square foot maximum size permitted for an additional dwelling unit on this lot.

BOARD'S DECISION: BOA Feb 11, 2019 The public hearing was closed on Board Member Brooke Bailey motion to postpone to March 11, 2019, Board Member Don Leighton-Burwell second on a 10-0 vote; POSTPONED TO MARCH 11, 2019. March 11, 2019 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Martha Gonzalez second on a 6-5 vote (Board members Ada Corral, William Burkhardt, Bryan King, Don Leighton-Burwell, James Valadez nay); DENIED.


EXPIRATION DATE: MARCH 11, 2020

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: they do not take into account maintaining the original house on the property to maintain the character of the existing neighborhood.
2. (a) The hardship for which the variance is requested is unique to the property in that: they wanting to build the primary residence in the back of the lot and count the front house as the ADU, this will allow them to preserve the original house, it's a narrow shape of the lot, the area of character would adversely impact by putting ADU in the front in order to build 2 story ADU and to maintain the neighborhood character the unit wouldn't need to be located to the rear
(b) The hardship is not general to the area in which the property is located because: the original house located on the property has been maintained and is in good condition, many of the houses in the neighborhood are not so fortunate, they would like to continue to maintain the house in its current form
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: they are looking to add to the neighborhood and not degrade the character, this is why they are leaving the current or future use because they will adhere to all current setbacks.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman