

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

**DATE: Monday May 13, 2019**

**CASE NUMBER: C15-2019-0026**

<input checked="" type="checkbox"/>	Ada Corral
<input checked="" type="checkbox"/>	William Burkhardt
<input checked="" type="checkbox"/>	Darryl Pruett
<input checked="" type="checkbox"/>	Eric Goff
<input checked="" type="checkbox"/>	Melissa Hawthorne
<input checked="" type="checkbox"/>	Yasmine Smith
<input checked="" type="checkbox"/>	Don Leighton-Burwell
<input checked="" type="checkbox"/>	Rahm McDaniel
<input type="checkbox"/>	Martha Gonzalez (Alternate)
<input checked="" type="checkbox"/>	Veronica Rivera
<input checked="" type="checkbox"/>	Jessica Cohen
<input checked="" type="checkbox"/>	Michael Von Ohlen
<input type="checkbox"/>	Kelly Blume (Alternate)
<input type="checkbox"/>	Alternate (Vacant)

**APPLICANT: Jay Dupont**

**OWNER: Melissa Wise**

**ADDRESS: 2800 RIVERCREST DR**

**VARIANCE REQUESTED:** The applicant has requested variance(s) to Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (required, permitted) to 41 percent (requested) in order to remodel and provide an addition to a single family residence in a "LA", Lake Austin zoning district.

**Note:** This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

**BOARD'S DECISION: MAY 13, 2019 BOA MEETING** The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on an 11-0 vote; **GRANTED.**

**EXPIRATION DATE: May 13, 2020**

**FINDING:**

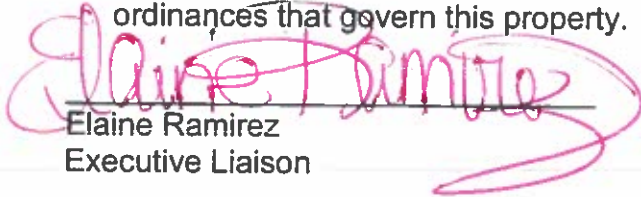
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the tract is zoned LA and can be developed under section 25-2-551, this is an irregular shaped, small lot and does not meet the minimum lot size for LA zoning,

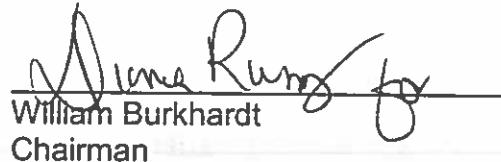
this property was platted long before the LA regulations were adopted and thus qualifies for legal lot status.

2. (a) The hardship for which the variance is requested is unique to the property in that: the majority of the lots in this subdivision are larger and allow for more site area to be calculated in the impervious cover calculations, being a small lot that was platted prior to the regulations, and the 2004 construction (under a 2004 variance) the existing development has "legal non-complying" status and thus regulated by 25-2-963, "remodel ordinance" if additions to the property are desired.

(b) The hardship is not general to the area in which the property is located because: the slightly irregular shape of the lot is one of the smallest lots in the subdivision, it cannot meet the LA site development regulations due to its size, minimum lot size for LA zoning is 1 acre, (43,560 sq.ft) this is .26 acres, approximately 75% smaller than current zoning regulations.

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: all other adjacent properties are developed as single family, the remodel/additions will be consistent with what is already developed and conform to all other sections of the ordinances that govern this property.

  
Elaine Ramirez  
Executive Liaison

  
William Burkhardt  
Chairman