

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

**DATE: Monday, March 9, 2020**

**CASE NUMBER: C15-2019-0068  
Item # P-4**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Jessica Cohen  
☐ Y ☐ Ada Corral  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ William Hodge  
☐ Y ☐ Don Leighton-Burwell  
☐ - ☐ Rahm McDaniel out  
☐ Y ☐ Darryl Pruet  
☐ Y ☐ Veronica Rivera  
☐ N ☐ Yasmine Smith  
☐ - ☐ Michael Von Ohlen out  
☐ Y ☐ Kelly Blume (Alternate)  
☐ Y ☐ Martha Gonzalez (Alternate)

**APPLICANT: Rodney Bennett**

**OWNER: Carl Frank**

**ADDRESS: 1213 TAYLOR ST**

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from Section 25-2-515 (Rear Yard of a Through Lot) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 14 feet 6 inches (requested) in order to erect detached garage with a 2nd FL Studio/Guest Room (not to be a Two-Family Use) SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**Note:** Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

**BOARD'S DECISION:** BOA Jan 13, 2020 **POSTPONED TO FEBRUARY 5, 2020 BY APPLICANT (RENOTICE)**

**RENOTICE:** The applicant is requesting a variance(s) from Section 25-2-515 (Rear Yard of a Through Lot) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 10 feet (requested) in order to erect detached garage with a 2nd FL Studio/Guest Room (not to be a Two-Family Use) SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.**

**BOARD'S DECISION: BOA FEB 5, 2020 FEB 5, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to March 9, 2020, Board Member Ada Corral seconds on a 9-0 vote; POSTPONED TO MARCH 9, 2020. MAR 9, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant with conditions that rear yard setback is at 15 feet and no short-term rental (STR), Board Member Jessica Cohen seconds on a 10-1 vote (Board member Yasmine Smith abstained); GRANTED WITH CONDITIONS THAT THE REAR YARD SETBACK IS AT 15 FEET AND NO SHORT-TERM RENTAL (STR).**

**EXPIRATION DATE: MARCH 9, 2021**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: not common to see a thru lot and often at times in looking at setback averaging would have 15 ft setback along that frontage
2. (a) The hardship for which the variance is requested is unique to the property in that: four heritage trees that make it difficult for placement  
  
(b) The hardship is not general to the area in which the property is located because: with four heritage trees
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: setback averaging is 15 ft in that façade and with addition no STR provision and to stay context of the home

  
Elaine Ramirez  
Executive Liaison

Diana Ramirez for  
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Don Leighton-Burwell  
Chairman