

CITY OF AUSTIN
Board of Adjustment
Decision Sheet

DATE: Monday June 08, 2020

CASE NUMBER: C15-2020-0022

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

APPLICANT: Michael Synowiec

OWNER: Michael Synowiec

ADDRESS: 305 45TH ST

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code:

- a) **Section 25-2-492 (Site Development Regulation and NCCD requirements) to decrease the minimum lot size of 5,750 sq. ft. (required) to 1,985 sq. ft. (requested)**
- b) **Section 25-2-492 (Site Development Regulations and NCCD requirements) to decrease the minimum Lot Width from 50 ft. to 39 ft.**
- c) **Section 25-6 (Parking Requirements Appendix A) to decrease required parking spaces of 2 spaces (Required) to 1 space (requested) in order to remodel and add a 2nd FL addition to a Single-Family residence in an "SF-3-HD-NCCD-NP", Single-Family Residence-Neighborhood Conservation Combining District Neighborhood Plan zoning district. (Hyde Park NCCD Neighborhood Plan)**

Note: NCCD Ordinance No.'s 20020131-20 and 20120112-086. Increase in parking requirements is triggered by 2nd FL. Addition.

BOARD'S DECISION: June 8,2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member Brooke Bailey seconds on an 10-1 vote (Board member Darryl Pruett nay); GRANTED.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: lot was subdivided before March 1946 deadline and was developed before this period, because of this very limited lot size impervious cover is insufficient for additional parking, under a more standard lot size, all items would be really attainable without a variance.
2. (a) The hardship for which the variance is requested is unique to the property in that: lot was subdivided before March 1946 deadline and was developed before this period, as well as having Water/Wastewater service.

(b) The hardship is not general to the area in which the property is located because: there are multiple lots within the Hyde Park NCCD which face similar hardships, many lots were subdivided before 1946 and are smaller than the minimum 5500 required by current 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: area character should not be affected at all, this possibility was already analyzed in detail and confirmed, when the HLC gave them a Certificate of Appropriateness for proposed elevations.

PARKING: (Additional criteria for parking variance only)

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because: a reduction in parking would not increase anticipated traffic volumes
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: the existing single parking space has not created situations where parking on public streets is required, which interfere with traffic, 45th St does not allow nor have space for on-street parking
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective of this Ordinance because: the existing space has not created any safety hazard.
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: the only reason that they are requesting the parking variance is to meet all necessary regulations for the addition, there is no other use or need for it to run with the site.

Elaine Ramirez
Elaine Ramirez
Executive Liaison

Diana Ramirez
Don Leighton-Burwell
Chairman