

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-3**

DATE: Monday November 09, 2020

CASE NUMBER: C15-2020-0065

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

APPLICANT: Joel Nolan

OWNER: Sarah Haynie

ADDRESS: 3708 ROBINSON AVE

VARIANCE REQUESTED: The applicant is requesting variance(s) from the Land Development Code, Section 25-2-774 (Two-Family Residential Use) (C) (2) (a) which requires an Accessory Dwelling Unit to be located at least 10 feet to the rear or side of the principal structure, to 6 ft. 7 in. from the principal structure (requested) in order to erect a Two-Family Residential Use in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan)

Note: Per LDC the second Dwelling Unit must be contained in a structure other than the principal structure and a) must be located at least 10 feet to the rear or side of the principal structure; or b) above a detached garage.

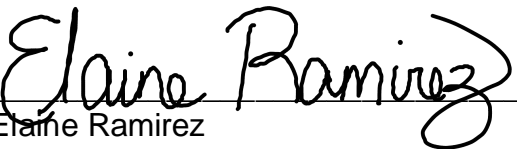
BOARD'S DECISION: The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant with conditions as per drawing D-3/9, No Short-term rental (STR), 1 hr. fire rating on portion less than 10 ft. and Impervious coverage to 42%, Board Member Veronica Rivera seconds on an 11-0 vote; **GRANTED WITH CONDITIONS AS PER DRAWING D-3/9,**

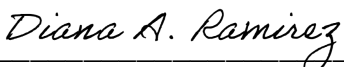
NO SHORT-TERM RENTAL (STR), 1 HR. FIRE RATING ON PORTION LESS THAN 10 FT. AND IMPERVIOUS COVERAGE TO 42%.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: building an accessory building joining utilization of an existing structure while protecting a protected tree in the back yard make it difficult to comply with the lot separation distance.
2. (a) The hardship for which the variance is requested is unique to the property in that: location of an existing structure to protect tree is impossible to connect them all and maintain a balance.

(b) The hardship is not general to the area in which the property is located because: location of the garage already is there as well as tree.
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: as ADU will likely provide screening from all use along IH35 and is a modest request.


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

