

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
D-2**

**DATE: Monday December 14, 2020**

**CASE NUMBER: C15-2020-0076**

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

**APPLICANT: Ben May**

**OWNER: Gina & Peyton Hill**

**ADDRESS: 1605 BRACKENRIDGE STREET**

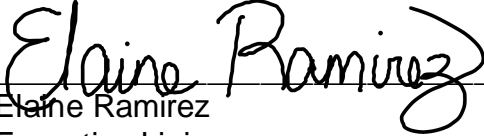
**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 5 feet (requested) in order to erect a detached garage with ADU in a “SF-3-NP” Single-Family Residence – Neighborhood Plan zoning district (South River City Neighborhood Plan).

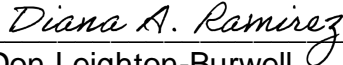
**Note:** *Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.*

**BOARD’S DECISION:** BOA MEETING DEC 14, 2020 **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant with condition if ADU (Accessory Dwelling Unit) is built above the garage, No STR (Short-term rental), Board Member Brooke Bailey seconds on a 10-0 vote; GRANTED WITH CONDITION IF ADU (ACCESSORY DWELLING UNIT) IS BUILT ABOVE THE GARAGE, NO STR (SHORT-TERM RENTAL)**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: there are 8 structures along the west side of Drake Ave that do not meet the current setback regulations and cannot be used for setback averaging because it's not a principal residential structure as the variance was approved previously
2. (a) The hardship for which the variance is requested is unique to the property in that: some structures along the street have existing non-conforming conditions this structure will be moved relocated to actually make the conditions  
  
(b) The hardship is not general to the area in which the property is located because: most of the other structures along Drake Ave that do not comply with the current setback regulations are in good conditions, the garage is in poor condition
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: will be providing a reduced setback, providing better fire distancing safety from the adjacent properties and better alignment structures along the street.

  
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Elaine Ramirez  
Executive Liaison

  
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Don Leighton-Burwell  
Chairman