

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Interpretation Appeal**  
**Decision Sheet**  
**C-1**

**DATE:** February 8, 2021

**CASE NUMBER:** C15-2021-0009

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

**APPLICANT:** Robert Levinski

**OWNER/APPELLANT:** Mary Ingle

**ADDRESS:** 314 and 316 W 34TH ST

**VARIANCE REQUESTED:** The appellant has filed an appeal challenging staff decision in regards to the number of parking spaces.

Base requirements is 2 parking spaces + 3 for the 3 new total bathrooms being added, which is then reduced to 4 parking spaces because of Urban Roadways Parking Reduction, Section 25-6-478 (A). The appellant disagrees and argues that these two properties lack the requisite number of parking spaces, based on application of Part 6, Section 7 (J) of the NCCD ordinance in an "SF-3-NCCD-NP", Single-Family-Neighborhood Conservation Combining District-Neighborhood Plan zoning district.

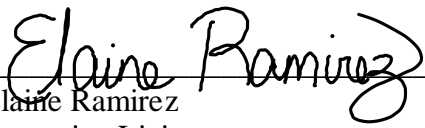
Note: Please reference North University Neighborhood Conservation Combining District, Ordinance No. 040826-58, PART 6 (7) Appellant is referring to (J) and Staff is referring to (K), page 22 of 46.

**BOARD'S DECISION:** Feb 8, 2021 BOA meeting **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Rahm McDaniel motions to Grant the appellant's appeal; Board Member Jessica Cohen seconds on a 10-0 vote; GRANTED APPELLANT'S**

**APPEAL - The Board finds that the correct Interpretation is that the 20% Urban Core parking reduction applies only to those parking spaces required by 25-6 Appendix A and the additional parking requirement imposed under paragraph J of the NCCD applies if a Two-Family or Duplex Residential Use contains at least 5 bathrooms even if one (1) or both of the buildings comprising the Use contains fewer than 5 bathrooms-City Staff has only required 2 additional parking spaces in violation of the NCCD and City Staff has misapplied the Urban Core parking reduction to a zoning requirement and the initial interpretation is the correct one.**

**FINDING:**

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that: City Staff has only required two additional parking spaces in violation on the NCCD, city staff has misapplied the Urban Core parking reduction in granting parking reduction to zoning requirement.
2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because: consistent application of the NCCD
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that: the granting of the new interpretation will not grant a special privilege to previous interpretation by city staff would have granted privilege by creating a loophole to avoid compliance with the NCCD.

  
Elaine Ramirez  
Executive Liaison

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Diana Ramirez for  
Don Leighton-Burwell  
Chairman