

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-7

DATE: Monday August 9, 2021

CASE NUMBER: C15-2021-0074

Y Thomas Ates
 Y Brooke Bailey
 Y Jessica Cohen
 Y Melissa Hawthorne
 Y Barbara McArthur
 Y Rahm McDaniel
 - Darryl Pruett (out – no show)
 Y Agustina Rodriguez
 Y Richard Smith
 - Michael Von Ohlen (out)
 Y Nicholl Wade
 Y Kelly Blume (Alternate)
 - Carrie Waller (Alternate)
 _____ Vacant (Alternate)

OWNER/APPLICANT: Sean O'Brien

ADDRESS: 5607 HIGHLAND CREST DR

VARIANCE REQUESTED: The applicant is requesting variance(s) from the Land Development Code, Section 25-2-773 (*Duplex Residential Use*) (B) (5) (b) from two stories (maximum allowed) to three stories (requested) in order to erect a Duplex Residential use in an "SF-3", Single-Family Residence zoning district.

BOARD'S DECISION: BOA JULY 12, 2021 **The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Postpone to August 9, 2021; Board Member Carrie Waller seconds on a 11-0 vote; POSTPONED TO AUGUST 9, 2021. Aug 9, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Rahm McDaniel motions to Grant; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED.**

FINDING:

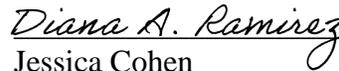
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: due to the side slope grade change of this particular lot, the foundation is stair stepped, therefore each unit of a duplex would start at dramatically different defined elevations roughly 12 feet of difference, section 25-2-773 to mean that the entire structure must be only two stories, the site slope means that two, two story units cannot be built on this lot, it is

reasonable to be able to build within the envelope of the lot regardless of if the use is duplex or single family

2. (a) The hardship for which the variance is requested is unique to the property in that: the property has a side slope grade change from one property line to another of 16 feet, when a duplex is next to another on this kind of a site, the total structure becomes 3 stories, this hardship is unique to this site grade, 3 story duplex was previously on this site before burned down.

(b) The hardship is not general to the area in which the property is located because: majority of the sites in the city have gentle or no grade change, this site has severe grade change.
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: the previous structure was similar in size and was there for 40 plus years and the proposed structure fits under the tent requirement of the code.


Elaine Ramirez
Executive Liaison

 for
Jessica Cohen
Chair