

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

**DATE: Monday September 13, 2021**

**CASE NUMBER: C15-2021-0080**

\_\_\_ - \_\_\_ Thomas Ates OUT  
\_\_\_ - \_\_\_ Brooke Bailey OUT  
\_\_\_ Y \_\_\_ Jessica Cohen  
\_\_\_ Y \_\_\_ Melissa Hawthorne  
\_\_\_ Y \_\_\_ Barbara McArthur  
\_\_\_ Y \_\_\_ Rahm McDaniel  
\_\_\_ Y \_\_\_ Darryl Pruett  
\_\_\_ Y \_\_\_ Agustina Rodriguez  
\_\_\_ Y \_\_\_ Richard Smith  
\_\_\_ Y \_\_\_ Michael Von Ohlen  
\_\_\_ Y \_\_\_ Nicholl Wade  
\_\_\_ Y \_\_\_ Kelly Blume (Alternate)  
\_\_\_ Y \_\_\_ Carrie Waller (Alternate)  
\_\_\_ - \_\_\_ Vacant (Alternate)

**APPLICANT: Micah King**

**OWNER: Darius Fisher**

**ADDRESS: 74 SAN SABA ST Unit 2**

**VARIANCE REQUESTED: ):** The applicant is requesting a variance(s) from the Land Development Code Section 25-2-492 (*Site Development Regulations*) from:

a) setback requirements to decrease the minimum Rear Yard Setback from 10 feet (required) to 2.1 feet (requested)

b) setback requirements to decrease the minimum Interior Side Yard Setback from 5 feet(required) to 3.9 feet (requested)

and from 25-2-735 (Festival Beach Subdistrict Regulations) from

c) impervious cover requirements to increase from 40% (maximum allowed) to 41.38% (requested), (existing 47.8%), in order to maintain a 2nd FL deck on rear accessory structure in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (Holly Neighborhood Plan).

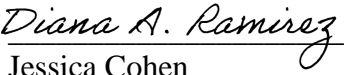
*Note: 25-2-735 (Festival Beach Subdistrict Regulations) (A) This section applies in the Festival Beach subdistrict of the WO combining district. (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is: 1) 40 percent*

**BOARD'S DECISION: Aug 9, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to September 13, 2021; Board Member Thomas Ates seconds on a 10-0 vote; POSTPONED TO September 13, 2021. Sept 13, 2021 the public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Grant as per drawing E-3/17 and Impervious cover as proposed; Board Member Melissa Hawthorne seconds on a 11-0 vote; GRANTED AS PER DRAWING E-3/17 AND IMPERVIOUS COVER AS PROPOSED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: would preclude being able to preserve an existing deck for upstairs rear residential unit, which increases the fire safety for residents by providing a secondary point of egress in case of emergency and which increases the quality of life for residents, the deck is set back approx. 10 ft from the originally platted lot line of the property to the rear, and the side of the deck is in line with the side of the existing structure from circa 1930 which it serves
2. (a) The hardship for which the variance is requested is unique to the property in that: options for where to place the deck are constrained by the locations of the old existing residential structures, the size and configuration of the property, and by the need to provide a gap between the existing houses and the property line was unclear due to the vacated rear alleyway and misplaced fence at the rear of the property and the location of the existing rear structure.  
  
(b) The hardship is not general to the area in which the property is located because: other properties in the area a rear deck with outdoor living space could be provided without encroaching onto the rear setback, the existing rear unit is in close proximity to the rear property line but has existed there for approx. 90 years, and there is a vacated former alleyway at the rear of the property
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: its common for structures to be placed in rear and side setback in this part of town in this area and decks design is consistent with area character.

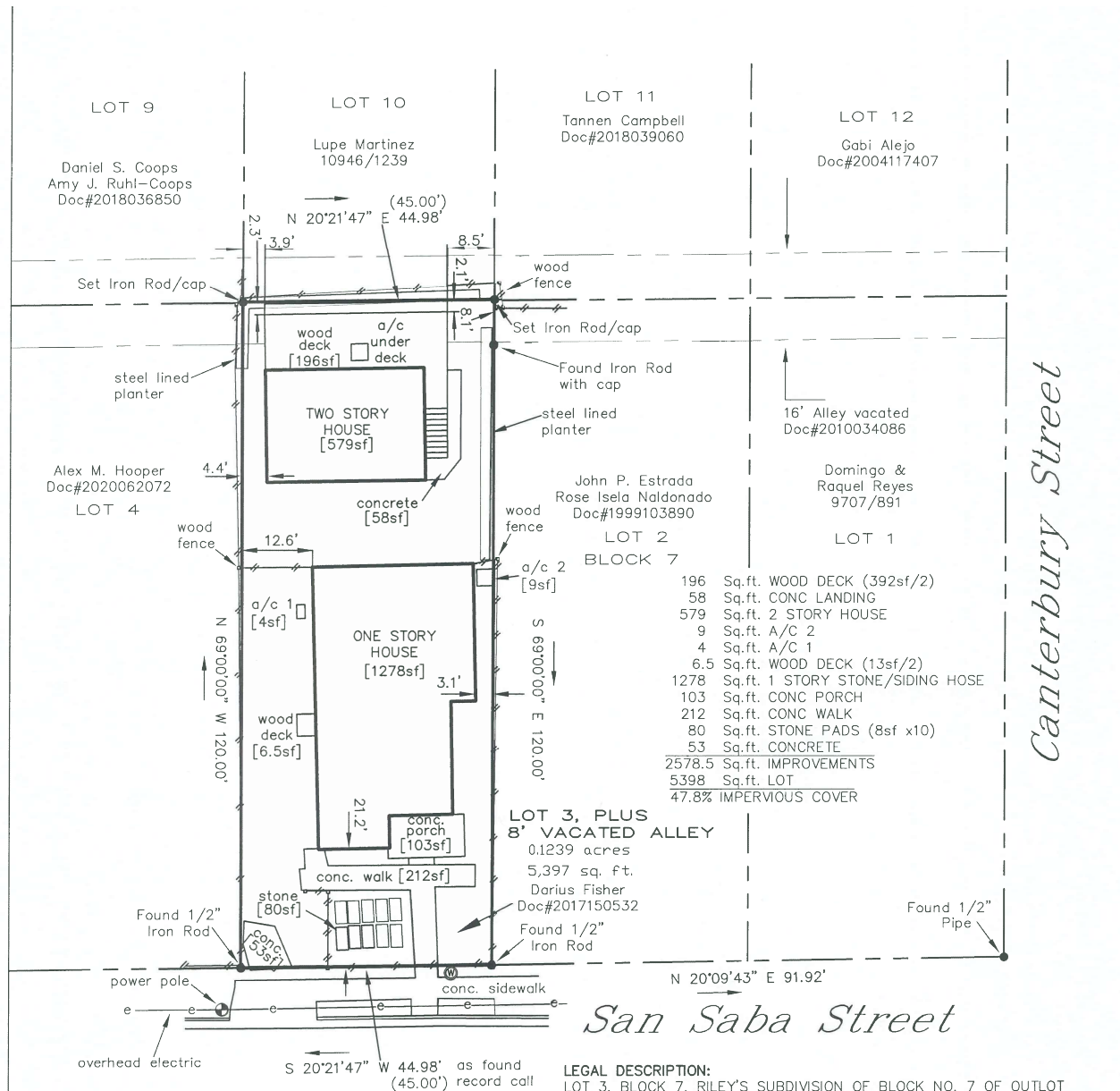
  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Chair

OWNER:  
DARIUS FISHER  
ADDRESS:  
74 SAN SABA STREET

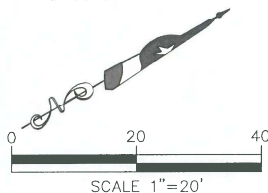
Waterloo Surveyors Inc.  
**SURVEY PLAT**  
Impervious Cover Survey

As-Is Survey



196	Sq.ft. WOOD DECK (392sf/2)
58	Sq.ft. CONC LANDING
579	Sq.ft. 2 STORY HOUSE
9	Sq.ft. A/C 2
4	Sq.ft. A/C 1
6.5	Sq.ft. WOOD DECK (13sf/2)
1278	Sq.ft. 1 STORY STONE/SIDING HOSE
103	Sq.ft. CONC PORCH
212	Sq.ft. CONC WALK
80	Sq.ft. STONE PADS (8sf x10)
53	Sq.ft. CONCRETE
2578.5	Sq.ft. IMPROVEMENTS
5398	Sq.ft. LOT
47.8%	IMPERVIOUS COVER

**NOTE:**  
THIS SURVEY WAS PERFORMED  
WITHOUT THE BENEFIT OF A  
TITLE COMMITMENT AND OTHER  
EASEMENTS, RESTRICTIONS  
AND CONDITIONS MAY APPLY



State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey. IS NOT  
And I certify that the property shown hereon                      within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per Map Number: 48453C0465K  
Zone: X Dated: 01/22/2020  
Dated this the 10TH day of NOVEMBER 2020.  
Impervious cover added this the 30th day of JUNE, 2021

Thomas P. Dixon R.P.L.S. 4324

