

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-1

DATE: Monday November 8, 2021

CASE NUMBER: C15-2021-0056

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

APPLICANT: Andrea Hamilton

OWNER: Chase & Andrea Hamilton

ADDRESS: 3006 GLENVIEW AVE

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/office in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Windsor Road 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 JULY 12, 2021 POSTPONED TO AUG 9, 2021 AE DENIAL; Aug 9, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to October 11, 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Board Member Brooke Bailey nay); POSTPONED TO October 11, 2021; Oct 11, 2021-POSTPONED TO NOVEMBER 8, 2021 BY BOARD MEMBERS (Due to not enough Board Members present at the meeting)-re-notification needed

VARIANCE REQUEST: RENOTICE-The applicant is requesting a variance(s) from the Land Development Code, Section(s):

- a) 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)
- b) Subchapter F Residential Design and Compatibility Standards, Article 3, 3.3.2 (A) (1) (Gross Floor Area) for a detached parking area to decrease the minimum distance requirement from the principal structure from 10 feet (required) to 5 feet (requested) in order to erect a detached garage/office in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Windsor Road Neighborhood Plan)

Note: a) Per LDC 25-2-515 Rear Yard of A Through Lot - For a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

a) Per LDC Subchapter F, RDCC, Article 3, 3.3.2 (A) (1) (Gross Floor Area) - A detached rear parking area that is separated from the principal structure by not less than 10 feet.

BOARD’S DECISION: BOA November 8, 2021 The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve with conditions to add one-hour fire rating wall between garage and house in order to decrease the separation and that the stairs be noncombustible construction, and friendly amendment that portion of stairs and landing on house side be made of steel, stairs and landing on side of garage can be wood; Board Member Rahm McDaniel seconds on a 11-0 vote; GRANTED WITH CONDITIONS TO ADD ONE-HOUR FIRE RATING WALL BETWEEN GARAGE AND HOUSE IN ORDER TO DECREASE THE SEPARATION AND THAT THE STAIRS BE NONCOMBUSTIBLE CONSTRUCTION AND FRIENDLY AMENDMENT THAT PORTION OF STAIRS AND LANDING ON HOUSE SIDE BE MADE OF STEEL, STAIRS AND LANDING ON SIDE OF GARAGE CAN BE WOOD.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this is an older established neighborhood that had an existing garage structure at the rear and as it is a through lot and most consistently on the street and secondary structure are located with a 10ft setback, proposed location is consistent with placement and other accessory structures on the street and where the location of garage was previously situated
2. (a) The hardship for which the variance is requested is unique to the property in that: a non-compliant structure and was removed in order to accommodate and current code, need to replace structure with limitation of through lot, there can be no grandfathering on the structure of the existing structure setback.
 (b) The hardship is not general to the area in which the property is located because: most lots don’t have frontage on two street, while this particular section does most accommodates attempt setback and placement of structure closer to house and its intend is being met with requirement that the wall on the garage structure, facing the house has one-hour rating and that the stairs within 10 foot require setback be of non-combustible construction.
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 the structure will be in

alignment with other structures consistent along the street and be in design consistent with the structure on lot.

Elaine Ramirez
Elaine Ramirez
Executive Liaison

Diana A. Ramirez
Jessica Cohen
Madam Chair