

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-4

DATE: Monday July 11, 2022

CASE NUMBER: C15-2022-0047

Y Thomas Ates
 Y Brooke Bailey
 Y Jessica Cohen
 Y Melissa Hawthorne
 Y Barbara Mcarthur
 Y Ryan Nill
 Y Darryl Pruett
 - Agustina Rodriguez OUT
 - Richard Smith OUT
 Y Michael Von Ohlen
 Y Nicholl Wade
 - Kelly Blume (Alternate) N/A
 Y Carrie Waller (Alternate)
 Y Marcel Gutierrez-Garza (Alternate)

APPLICANT: Christian Gutierrez

OWNER: Steven Walker

ADDRESS: 4522 CASWELL AVE

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum Rear Yard Setback from 10 feet (required) to 5 feet (requested), in order to remodel a Garage/Studio in a “SF-3-NCCD-NP”, Single-Family-Neighborhood Conservation Combining District-Neighborhood Plan zoning district (Hyde Park Neighborhood Plan).

BOARD’S DECISION: BOA MEETING JUNE 13, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Jessica Cohen motions to postponed to July 11, 2022; Board member Michael Von Ohlen seconds on an 11-0, vote; POSTPONED TO JULY 11, 2022. JULY 11, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with condition no STR (Short-term rental); Board member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH CONDITION NO STR (SHORT-TERM RENTAL).

FINDING:

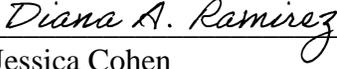
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the existing building (original 1920’s garage) is encroaching over the rear yard setback.

2. (a) The hardship for which the variance is requested is unique to the property in that: the protected trees (5 trees) critical root zone would be impacted by the renovation process if we were to move the structure outside the rear yard setback to comply with current setback restriction.

(b) The hardship is not general to the area in which the property is located because: it applies to the specific locations of the protected tree critical root zones in that particular lot and location.

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: they will renovate the structure with the same architectural features present in the existing structure to preserve its historic value.


Elaine Ramirez
Executive Liaison

 for
Jessica Cohen
Madam Chair