

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**Item 6**

**DATE: Monday September 12, 2022**

**CASE NUMBER: C15-2022-0043**

Y  Thomas Ates  
 Y  Brooke Bailey  
 Y  Jessica Cohen  
 Y  Melissa Hawthorne  
 Y  Barbara McArthur  
 Y  Darryl Pruett  
 -  Richard Smith (no vote)  
 -  Agustina Rodriguez (out)  
 Y  Michael Von Ohlen  
 Y  Nicholl Wade  
 Y  Kelly Blume (Alternate)  
 Y  Carrie Waller (Alternate)  
 -  Marcel Gutierrez-Garza (Alternate)

**APPLICANT: Lisa Gray**

**OWNER: Red Door LLC**

**ADDRESS: 509 E 38TH ST**

**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 9 feet (requested) in order to maintain an existing Single-Family residence in a “SF-3-CO-NP”, Single-Family-Conditional Overlay-Neighborhood Plan zoning district (Hancock Neighborhood Plan)**

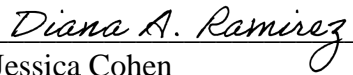
**BOARD’S DECISION: BOA MEETING MAY 9, 2022 POSTPONED TO JUNE 13, 2022 BY STAFF (AE DENIAL) AND THE NEIGHBORS ALSO REQUESTED A POSTPONEMENT UNTIL THEY SPEAK WITH THE APPLICANT; June 13, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postponed to July 11, 2022; Board member Brooke Bailey seconds on an 11-0, vote; POSTPONED TO JULY 11, 2022. JULY 11, 2022 POSTPONED TO AUGUST 8, 2022 BY APPLICANT; Aug 8, 2022 Due to lack of board members applicant requests to postpone, Chair Jessica Cohen motions to postpone to September 12, 2022; Board member Melissa Hawthorne second on 9-0 vote; POSTPONED TO September 12, 2022. The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve with condition that the variance is contingent on the original structure remaining, Board member Melissa Hawthorne second on 10-0 vote (Board member**

**Richard Smith no vote); GRANTED WITH CONDITION THAT THE VARIANCE IS CONTINGENT ON THE ORIGINAL STRUCTURE REMAINING.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the lot is 14,027 with a 1954 home, the lot size is large enough to allow a subdivision but for this site the placement of the existing 1954 hoe would be 10 inches into the new required setback.
  
2. (a) The hardship for which the variance is requested is unique to the property in that: the property is twice the size of many other lots in the area and has frontage on two streets, the placement of the existing home built in 1954 is just 10 inches from a placement that would allow reasonable and legal use of the property (subdivision).  
  
(b) The hardship is not general to the area in which the property is located because: this lot is large (about twice the size as most lots) and has frontage on 2 streets – two characteristics many of the area properties do not have, the original placement of the 1954 home is only 8 inches away from a placement that would not require a variance.
  
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: once the property is subdivided it will be more similar to size and surrounding lots in the area.

  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Madam Chair