

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM 5**

**DATE:** Monday November 14, 2022

**CASE NUMBER:** C15-2022-0082

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

**APPLICANT:** Brian Wills

**OWNER:** Justin and Joy Hirsch

**ADDRESS:** 2406 SWEETBRUSH DR

**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 (adjacent to Matthews Dr) from 25 feet (required) to 10 feet (requested) in order to erect an attached Garage/Guest House/Addition in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (West Austin Neighborhood Group)

*Note: Per LDC 25-2-515 Rear Yard of Through Lot for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.*

**BOARD'S DECISION:** **The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve; Board member Brooke Bailey second on 10-0 vote; GRANTED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: property was planned with RC on 1955 that requires residence to front Sweetbrush Dr and specifically calls out a 25ft front building line setback on Sweetbrush dr and a 10ft rear building on Matthews Dr, Lot 13 is an irregular shape lot platted in 1968 with restrictions requiring residences on Sweetbrush Dr and establishes a 10 feet rear setback.

2. (a) The hardship for which the variance is requested is unique to the property in that: lot 13 is an irregular shaped lot and contains several large heritage and protected trees and topography is an irregular shape lot as well.  
  
(b) The hardship is not general to the area in which the property is located because: lot 13 is the only lot between Sweetbrush Dr and Matthews Dr without allowable 10 feet setback from Matthews Dr.
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: multiple surrounding properties contain structures nearer than 25 feet to Matthews Dr.



Elaine Ramirez  
Executive Liaison



Jessica Cohen  
Madam Chair