

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**RECONSIDERATION**  
**ITEM-8**

**DATE: Monday December 12, 2022**

**CASE NUMBER: C15-2022-0061**

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

**APPLICANT: Nikelle Meade**

**OWNER: Cortlandt Chalfant**

**ADDRESS: 1401 E 3RD ST**

**VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section(s) 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum interior side yard setback from 5 feet (required) to 2.77 feet (requested) in order to complete a Single-Family residence in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)**

**BOARD’S DECISION: JULY 11, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postpone to September 12, 2022; Board member Melissa Hawthorne seconds on a 10-1 vote (Board member Barbara Mcarthur nay); POSTPONED TO SEPTEMBER 12, 2022. POSTPONED TO OCTOBER 10, 2022 BY APPLICANT**

**VARIANCE REQUEST: RENOTICE-**The applicant is requesting a variance(s) from the Land Development Code, Section(s) 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum street side yard setback from 15 feet (required) to 10 feet (requested) in order to complete a Single-Family residence and accessory dwelling unit in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**BOARD’S DECISION: POSTPONED TO NOVEMBER 14, 2022** The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve with conditions that the project not deviate from rendering on drawing Item 6/11 and floor plan Item 6/10 and a friendly amendment to limit to 0.4 FAR; Board member Melissa Hawthorne second on 9-0-1 vote (Board member Marcel Gutierrez-Garza abstained); **GRANTED WITH CONDITIONS THAT THE PROJECT NOT DEVIATE FROM RENDERING ON DRAWING ITEM 6/11 AND FLOOR PLAN ITEM 6/10 AND A FRIENDLY AMENDMENT TO LIMIT TO 0.4 FAR.**

**RECONSIDERATION REQUEST: Dec 12, 2022** The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to reconsider the case; Board member Brooke Bailey seconds on 9-1 votes (Board member Marcel Gutierrez-Garza abstains); **RECONSIDERED.**

Board member Michael Von Ohlen motions to remove the .4 FAR condition that was previously approved at the November 14, 2022 meeting; and to approve the original drawings and elevation plans, the rest of the conditions and original findings that were previously approved at the November 14, 2022 meeting; Board member Brooke Bailey seconds on 8-2 votes (Board members Marcel Gutierrez-Garza and Agustina Rodriguez abstains).

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the regulations only permit a structure approximately 15’ in width and 32% buildable area on the lot, this width does not adequately allow for the functional layout of interior rooms and forces the creation of a structure that does not blend in well with the community standard.
2. (a) The hardship for which the variance is requested is unique to the property in that: it results from the property being a substandard lot that is 35 feet wide located on a corner lot subject to 15 foot street side yard setback.  
  
(b) The hardship is not general to the area in which the property is located because: other lots in the area that are either substandard lots or corner lots are able to achieve the 40% building coverage allowable by the zoning regulations.
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: it is common for structures to be

located in the setbacks in this neighborhood including many structures within 10' or less of the street.

*Elaine Ramirez*  
Elaine Ramirez  
Executive Liaison

*Diana A. Ramirez* for  
\_\_\_\_\_  
Jessica Cohen  
Madam Chair