

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM-4**

**DATE: Monday December 12, 2022**

**CASE NUMBER: C15-2022-0086**

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

**OWNER/APPLICANT: Ryan McElroy**

**ADDRESS: 5212 EVANS AVE**

**VARIANCE REQUESTED**

**The applicant is requesting a variance(s) from the Land Development Code:**

- a) Section 25-2-943 (Substandard Lot) (D) which states that a substandard lot that is aggregated with other property to form a site may not be disaggregated to form a site that is smaller than the minimum lot area requirement (required) in order to allow the two platted substandard lots to be disaggregated and developed separately under the Small Lot Amnesty provisions of the adopted North Loop Neighborhood Plan (requested)**
- b) Section 25-2-1406 (Ordinance Requirements) from two properties aggregated (existing) to disaggregate (requested) in order to separate the current lot into two lots of its original plat and develop separately under the Small Lot Provisions of the adopted North Loop NP in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (North Loop Neighborhood Plan).**

**Note: Per Land Development Code:**

**25-2-943 (Substandard Lot) (D) A substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirement.**

**25-2-1406 (5) for a single-family residential use or a secondary apartment special use on an existing legal lot:**

**(a) may reduce the required minimum lot area to 2,500 square feet;**

- (b) may reduce the required minimum lot width to 25 feet; and
- (c) for a lot with an area of ,000 square feet or less, may increase the maximum impervious cover to 65 percent; and
- (d) a lot that is aggregated with other property to form a site may not be disaggregated to satisfy this subsection.

**BOARD'S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with a friendly amendment to tie footprint Item4/14 to this approval; Board member Agustina Rodriguez seconds on 10-0 votes; GRANTED WITH A FRIENDLY AMENDMENT TO TIE FOOTPRINT ITEM4/14 TO THIS APPROVAL.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: these lots were legally platted and seeking a reinstatement of the original plat.
2. (a) The hardship for which the variance is requested is unique to the property in that: these lots were legally platted early in Austin's history, had house not been built over the property line or had it been removed prior to 2007, or had the new building permit application been submitted before March 2016, the lots could have been developed with the entitlements the original plat provided.  
(b) The hardship is not general to the area in which the property is located because: there are very few of these narrow lots remaining between these large commercial districts that are designated at MU in the FLUM that are not ready being used as commercial, multifamily, or two family residential.
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: the variance requested will adhere to the area character, the area is a mix of single family residential, two family residential and multifamily.



Elaine Ramirez  
Executive Liaison

 for

Jessica Cohen  
Madam Chair