

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

**DATE: Monday December 12, 2022**

**CASE NUMBER: C15-2022-0087**

Y  Thomas Ates  
 Y  Brooke Bailey  
 Y  Jessica Cohen  
 -  Melissa Hawthorne  
 -  Barbara Mcarthur  
 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: Samuel, Bernard**

**ADDRESS: 1303 HARVEY 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 Front Yard Setback from 25 feet (required) to 10 feet 4 inches (requested), in order to remodel a front porch deck in a “SF-3-NP”, Single-Family- Neighborhood Plan zoning district (Rosewood Neighborhood Plan).**

**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 seconds on 10-0 votes; GRANTED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the 25’ foot yard setback lands 5ft inside of the house structure
2. (a) The hardship for which the variance is requested is unique to the property in that: original construction of the property was done under previous code allowing the structure and front deck to be built in an area within 25’ setback as it exists in current code, deck built on top of original concrete porch from 1947.  
(b) The hardship is not general to the area in which the property is located because: front porch is consistent with placement an relation to setbacks to homes in Mckinley Heights and on Harvey Street.

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 square footage of the existing deck was not changed in the current front deck remodel.

*Elaine Ramirez*

Elaine Ramirez  
Executive Liaison

*Diana A. Ramirez* for \_\_\_\_\_

Jessica Cohen  
Madam Chair