

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM-6

DATE: Monday December 12, 2022

CASE NUMBER: C15-2022-0088

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)

APPLICANT: Drew Padgett

OWNER: Homebound Texas Propco II

ADDRESS: 705 E 50TH ST

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the North Hyde Park NCCD Ord. #20050818-064, PART 7(Residential District)(2)(b) from setback requirements to increase the maximum setback from 30 feet (maximum allowed) to 40 feet 10 inches (requested) in order to erect a Single-Family home and ADU in an “SF-3-NCCD-NP”, Single-Family Residence-Neighborhood Conservation Combining District Neighborhood Plan zoning district. (North Hyde Park NCCD Neighborhood Plan).

Note: Ordinance No. 20050818-064 Part 7 Residential District. The following site development regulations apply in the Residential District. (2) Except as otherwise provided in Part 6 (General Provisions), on an avenue, Duval Street, Fairfield Lane, and the east-west streets of Duval Street:

- a. the minimum street yard setback is 25 feet; and
- b. the maximum street yard setback is 30 feet.

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 proposed project violates the NCCD overlay, setting a maximum building setback (front yard) of 30', in order to adhere to NCCD requirement, the project would violate a heritage Pecan ½ CRZ, the city reviewers made it clear the heritage Pecan would not be mitigated.
2. (a) The hardship for which the variance is requested is unique to the property in that: the space between the 25' and 30' range, between tree CRZ and the property line leaves them with 14' of frontage.
(b) The hardship is not general to the area in which the property is located because: the current home, as well as at least 2 others in a 500 radius violates the maximum setback ordinance.
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 neighborhood has varying degrees of consistency in setbacks.

Elaine Ramirez
Elaine Ramirez
Executive Liaison

Diana A. Ramirez for
Jessica Cohen
Madam Chair