

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM-7**

**DATE: Monday December 12, 2022**

**CASE NUMBER: C15-2022-0089**

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

**APPLICANT: Tyler Rush**

**OWNER: Mark Pearson**

**ADDRESS: 1202 9TH ST,, 900 Blanco St., 901 Shelley Ave.**

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code:  
**Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1062 (*Height Limitations and Setbacks for Smaller Sites*) (C) from setback requirements to decrease the interior side setback from 15 feet (required) to 5 foot base zoning setback (requested) and the rear setback from 15 feet (required) to 10 foot base zoning setback (requested) in order to relocate/remodel and addition of a historical two-story garage in a “MF-4-HD-NP”, Multi-Family-Historical District-Neighborhood Plan Zoning District (Old West Austin Neighborhood Plan).**

*Note: Section 25-2-1062 Height Limitations and Setbacks for Smaller Sites*

*(A) This section applies to a site that has:*

*(1) an area that does not exceed 20,000 square feet; and*

*(2) a street frontage that does not exceed 100 feet.*

*(C) If a site has a street frontage that is more than 50 feet, but that does not exceed 100 feet, the side and rear setback requirements are as follows:*

*Length of Street Frontage (Feet)*

*Side and Rear Setback (Feet)*

<i>50.01 to 52.50</i>	<i>15.0</i>
<i>52.51 to 54.99</i>	<i>15.5</i>
<i>55.00 to 57.50</i>	<i>16.0</i>
<i>57.51 to 59.99</i>	<i>16.5</i>
<i>60.00 to 62.50</i>	<i>17.0</i>
<i>62.51 to 64.99</i>	<i>17.5</i>
<i>65.00 to 67.50</i>	<i>18.0</i>
<i>67.51 to 69.99</i>	<i>18.5</i>
<i>70.00 to 72.50</i>	<i>19.0</i>
<i>72.51 to 74.99</i>	<i>19.5</i>
<i>75.00 to 77.50</i>	<i>20.0</i>
<i>77.51 to 79.99</i>	<i>20.5</i>
<i>80.00 to 82.50</i>	<i>21.0</i>
<i>82.51 to 84.99</i>	<i>21.5</i>
<i>85.00 to 87.50</i>	<i>22.0</i>
<i>87.51 to 89.99</i>	<i>22.5</i>
<i>90.00 to 92.50</i>	<i>23.0</i>
<i>92.51 to 94.99</i>	<i>23.5</i>
<i>95.00 to 97.50</i>	<i>24.0</i>
<i>97.51 to 99.99</i>	<i>24.5</i>
<i>100</i>	<i>25.0</i>

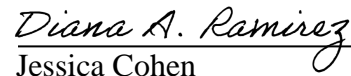
**BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Brooke Bailey motions to approve; Board member Michael Von Ohlen seconds on 9-1 votes (Board member Richard Smith nay); GRANTED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: there are three existing historic contributing structures to the Castle Hill Historic District that are protected from demolition, there are currently located within the compatibility setback on the north side of the site, the Castle Hill Historic District Design Standards do not allow additions to obscure or block the historic structures from the public street view. The combination of this 1/3 rule and the north compatibility setback of 15’ only allows for a small (7sf) sliver of development.
2. (a) The hardship for which the variance is requested is unique to the property in that: the three historic structures are protected from demolition and additions must be in compliance with the Castle Hill Historic District Design Standards, there are three public streets, (Blanco St, W 9<sup>th</sup> St, Shelley Ave) that surround the site which limits addition location per Castle Hills Historic District restrictions.  
 (b) The hardship is not general to the area in which the property is located because: it is the only property in the Castle Hill Historic District that faces three public streets (non-alley) with three contributing historic structures that are protected from demolition, other properties in the historic district have only one or two street frontages, allowing for a historically compliant addition to the rear of the structure, there is no real rear to the property which is very unique within the district.

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 property is bounded on the east, south, west sides by public streets, the proposed change results in the structures being further away from the adjacent single family residence and has been approved and received a certificate of appropriateness by the Historic Landmark Commission.

  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Madam Chair