

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM09

DATE: Monday July 10, 2023

CASE NUMBER: C15-2023-0031

Y Thomas Ates
 Y Jessica Cohen
 Y Melissa Hawthorne
 Y Brian Poteet
 Y Marcel Gutierrez-Garza
 Y Margaret Shahrestani
 Y Richard Smith
 Y Janel Venzant
 Y Michael Von Ohlen
 - Nicholl Wade
 - Kelly Blume (Alternate)
 - Carrie Waller (Alternate)
 Y Suzanne Valentine (Alternate)

APPLICANT: Kefetew Selassie

OWNER: Kefetew Selassie

ADDRESS: 607 OAKLAND AVE

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:

- a) decrease the interior side yard setback from 5 feet (required) to 3 feet 3 inches (requested) **and**
- b) decrease the minimum rear yard setback from 10 feet (required) to 6 feet 9 inches (requested) in order to maintain a detached garage in a “SF-3-HD-NP”, Single-Family – Historic District-Neighborhood Plan zoning district (Old West Austin Neighborhood Plan)

BOARD’S DECISION: BOA MEETING JULY 10, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with a friendly amendment by Chair Jessica Cohen , no STR (Short-term Rental); Board member Melissa Hawthorne seconds on 10-0 votes; GRANTED WITH A FRIENDLY AMENDMENT NO STR (SHORT-TERM RENTAL).

FINDING:

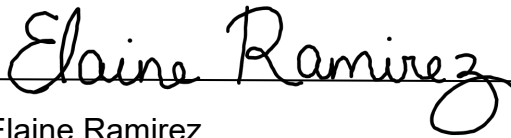
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: a) original sewer tap, located less than 2 ft from the detached garage left elevation (foundation structure), this affects/limits the side setback to approx. 3.3ft,

b) access to backyard, front-left corner of garage is approx. 5 ft from deck post, only access to the back side of the lot for utility repair and other tasks with small lift or crane, this affects/limits the rear setbacks

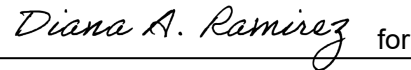
2. (a) The hardship for which the variance is requested is unique to the property in that: protecting critical root zone for 26"live oak located approx. 20ft from the front elevation of the rebuilt detached garage, this constraint limited to support approx. 6.0 ft rear setback (vs 10ft).

(b) The hardship is not general to the area in which the property is located because: original detached garage and other similar structure in the area are located with significantly less than 10ft setback.

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: better than before newly renovated detached garage has improved setback in the rear (6.9 ft vs 2ft) and no significant change to the side setback on the south side.



Elaine Ramirez
Executive Liaison

 for

Jessica Cohen
Madam Chair