

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM04**

**DATE: Monday July 10, 2023**

**CASE NUMBER: C15-2023-0025**

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: Charles Dunigan**

**OWNER: Paul Le**

**ADDRESS: 6506 HERGOTZ LANE**

**VARIANCE REQUESTED:**

The applicant is requesting a variance(s) from the Land Development Code: Section 25-2-943  
(*Substandard Lot*)

a) (B) (2) (a) to decrease the minimum Lot Size requirements from 5,750 square feet  
(required) to 4,177 square feet (requested)

**and**

b) (B) (2) (b) to decrease the minimum Lot Width requirements from 50 feet (required) to  
44 feet (requested), in order to erect a Single-Family residence in a “SF-3-NP”, Single-Family  
zoning district.

***Note: 25-2-943 SUBSTANDARD LOT***

*(B) A substandard lot may be used for a single-family residential use if the use is permitted in the  
zoning district in which the lot is located and the lot complies with the requirements of this  
subsection.*

*(2) A substandard lot recorded in the county real property records after March 14,1946 must:*

*(a) have an area of not less than 5,750 square feet; and*

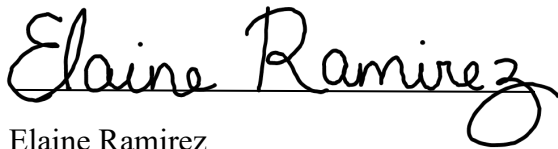
*(b) be not less than 50 feet wide at the street or at the building line.*

**BOARD’S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023  
DUE TO NOTIFICATION ERROR; JULY 10, 2023 The public hearing was closed by**

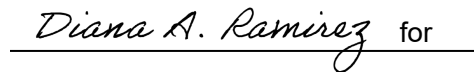
**Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with condition to limit to 0.4 FAR; Board member Melissa Hawthorne seconds on -10-0 votes; GRANTED WITH CONDITION TO LIMIT TO 0.4 FAR.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the City reviews deemed this lot substandard due to lot size and because there isn't record of this lot being platted prior to 1946, the city divided the original lot with a street ROW and the resulting lot does not meet the criteria for a substandard lot outlined in 25-2-943(B).
  
2. (a) The hardship for which the variance is requested is unique to the property in that: the original larger property was divided the city ROW but the documentation of the lot platting does not show record of this replat. This resulted in a lot that has a current land determination status of a Legal Tract, meets lot size requirements to be a substandard lot (pre 1946) but does not meet the criteria of 25-2-943(B).  
  
(b) The hardship is not general to the area in which the property is located because: the land status and platting of nearby properties in the general area varies and there are homes built on other properties.
  
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 adjacent property is undeveloped to the west side and a home has been demolished on the adjacent property to the east.



Elaine Ramirez  
Executive Liaison



Jessica Cohen  
Madam Chair