

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM 05

DATE: Monday September 11, 2023

CASE NUMBER: C15-2023-0038

Y Thomas Ates (D1)
 - VACANT (D2)
 Y Jessica Cohen (D3)
 Y Yung-ju Kim (D4)
 Y Melissa Hawthorne (D5)
 Y Jeffrey Bowen (D6)
 Y Janel Venzant (D7)
 - Margaret Shahrestani (D8) OUT
 Y Brian Poteet (D9)
 Y Michael Von Ohlen (D10)
 Y Marcel Gutierrez-Garza (M)
 Y Kelly Blume (Alternate) (M)
 Suzanne Valentine (Alternate) (M)
 VACANT (Alternate) (M)

APPLICANT: Dennis Gross

OWNER: Kara Salmanson

ADDRESS: 4207 CAT MOUNTAIN DR

VARIANCE REQUESTED: The applicant is requesting a Special Exception variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to:

- a) decrease the minimum interior side yards setback from 5 feet (required) to 0 feet (requested) and
- b) decrease the minimum rear yard setback from 10 feet (required) to 0 feet (requested) in order to maintain an uncovered wood deck that was built approx. 28 years ago in an “SF-3”, Single-Family Residence zoning district.

BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Board member Melissa Hawthorne seconds on 10-0 votes; GRANTED-SPECIAL EXCEPTION.

25-2-476 SPECIAL EXCEPTIONS.

- (A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under [Chapter 25-2 \(Zoning\)](#) if the board finds that the special exception meets the requirements of this section.
- (B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 15 years, if the application for a special exception is submitted on or before June 16, 2013;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under [Chapter 25-2, Article 8](#) (*Noncomplying Structures*).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.



Elaine Ramirez
Executive Liaison

 for _____

Jessica Cohen
Madam Chair