

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM 04**

**DATE: Monday September 11, 2023**

**CASE NUMBER: C15-2023-0037**

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: Jim Wittliff**

**OWNER: Pinaki Ghosh**

**ADDRESS: 3013 ROYSTER AVE**

**VARIANCE REQUESTED** The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-943 (*Substandard Lot*) (B) (2) (a) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 5,172 square feet (requested), in order to erect a Single-Family residence in a “SF-2”, 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: The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with condition limited to 0.4 FAR; Board member Melissa Hawthorne seconds on 10-0 votes; GRANTED WITH CONDITION LIMITED TO 0.4 FAR.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this is a lot that was platted in 1946 and contains 5,172 square feet, various property owners have paid property taxes on this lot for 76 years, this is one of 29 lots platted in the A.L. Royster Addition subdivision plat.
2. (a) The hardship for which the variance is requested is unique to the property in that: for substandard lots that were recorded prior to March 14, 1946, LDC 25-2-943 (B)(1)(a) allows substandard lots to be as small as 4,000 sq ft, however this plat was recorded on April 5, 1946 (3 weeks later) and therefore must contain 5,750 sq ft, however the city of Austin did not begin regulating subdivisions in the ETJ until 1951, so there was no way of knowing this lot would not be buildable in the “future Austin” at the time it was platted.  
  
(b) The hardship is not general to the area in which the property is located because: this is the only one of the 29 platted lots with the A.L. Royster Addition plat that contains less than 5,750 sq ft.
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: will comply with all other requirements including setbacks, impervious cover, and floor to area ration, this lot has remained in its current size since 1946.



Elaine Ramirez  
Executive Liaison

 for \_\_\_\_\_

Jessica Cohen  
Madam Chair