

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM03

DATE: Monday October 9, 2023

CASE NUMBER: C15-2023-0039

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

OWNER/APPLICANT: James McCloskey

ADDRESS: 12501 ONDARA DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from Impervious Cover requirements to increase from 45% (maximum allowed) to 54.9% (requested) (53% existing), in order to erect a swimming pool to an existing Single-Family residence in an “SF-2”, Single-Family Residence zoning district.

BOARD’S DECISION: **The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve; Board member Jessica Cohen seconds on 9-0 votes; GRANTED.**

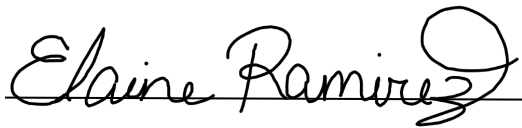
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: there is a concrete easement that is located on the property that is concreated as opposed to other easements in the adjacent properties, and in the original permit review in 2017, that concrete was not counted towards the impervious cover limitations of the lot, 25-2-556 A, B, and D allow for an alleviation of impervious cover for lots SF-2 and SF-3 lots that are adjacent to open space that are not highly developed, should this have been a inner city subdivision, this would’ve been an administrative remedy and would not have been required to come to the BOA and had it originally been counted it and would’ve known at the time of purchase.

2. (a) The hardship for which the variance is requested is unique to the property in that: the easement in the adjacent area are not concreated solely this one and this goes back to the detention pond and makes the request de minimis.

(b) The hardship is not general to the area in which the property is located because: the easement is concreated and the other ones are not, it makes an odd configuration, also in cul-de-sac which makes for an odd configuration, a circular bite out of the front of the lot, where upon other lots in the area have a standard rectangular shape.

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 improvements will be placed behind his lot, will drain to the detention pond, has approval from the homeowners association and few of the majority of the neighbors and is of moderate size, the request in de minimis.



Elaine Ramirez
Executive Liaison



Jessica Cohen
Madam Chair