

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM03

DATE: Monday December 11, 2023

CASE NUMBER: C15-2023-0047

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

APPLICANT: Donna Carter

OWNER: Lynn Sherman

ADDRESS: 3505 GREENWAY

VARIANCE REQUESTED The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from: **a)** setback requirements to decrease the minimum front yard setback from 25 feet (required) to 23 feet (requested) and **b)** impervious coverage requirements to increase I.C. from 45% (maximum allowed) to 54.5% (requested) in order to remodel, maintain and add an addition to an existing 2 story Single-Family residence in a “SF-2-CO-NP”, Single-Family-Combined Overlay-Neighborhood Plan zoning district (Hancock Neighborhood Plan).

BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with conditions to provide rainwater capture and as per page Item03/9; Board member Maggie Shahrestani seconds on 10-0 votes; GRANTED WITH CONDITIONS TO PROVIDE RAINWATER CAPTURE AND AS PER PAGE ITEM03/9.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the subject property provides access to the adjacent property reducing a significant portion of

the impervious cover needs of the neighbor and reduces the right of way curb cuts in the subdivision, while under the current LDC interpretations, bears 100% of the impervious cover limitation, due to the terrain and the original historic estate construction, drainage structures (counted as impervious cover) are required to control runoff from not only 3505 Greenway, but other utility easements and uphill lots in the subdivision.

2. (a) The hardship for which the variance is requested is unique to the property in that: the building and driveway were permitted and constructed i) under the 1981 City Code and 1883 LDC; ii) on a legal lot created as part of a re-subdivision of a historic estate that memorialized the historic driveway connecting the estate home on Hampton way Greenway

(b) The hardship is not general to the area in which the property is located because: 1) The hardship is the result of the additive effect of COA LDC changes that are in conflict with the original development agreements that are particular to the subject property; 2) Natural site conditions, drainage and protected trees in close proximity to the house exacerbate the ability to remove landscape walls and their stabilizing walks as an impervious cover mitigation.
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: (as per page Item03/9 – see attachment)



Elaine Ramirez
Executive Liaison



Jessica Cohen
Madam Chair

easement is omitted from the calculation. Similarly, with landscape paving added over the years, current impervious is slightly less than 45% when the Easement is omitted (*Exhibit 7, Existing Conditions Site Plan*). The currently proposed plan (*Exhibit 8, Current Proposed Site Plan*) adds some new impervious cover but it, too, remains below the 45% max when the Easement area is omitted from the calculation.

At this time, the Applicant requests, as part of the variance, that the following be allowed:

1. the entire land area associated with the city utility records (10,982 SF – as used to determine Owner’s drainage fee) will be used as the “Size of the lot” for building calculation purposes.
2. The area of the easement as defined in the recorded Perpetual Driveway Easement and confirmed by survey document (1,063.7 SF) NOT be included when calculating the impervious coverage for proposed maintenance, additions and renovations of the existing residence on the subject property, based on the City Code of 1981, Section 13-2-126
3. Confirm that a portion of the existing carport in the carport setback that is no longer recognized by the LDC may remain, and that a small expansion of the carport into the front setback be allowed.

The applicant understands that only the stipulations allowed under the 1981 City Code and the subsequent 1982 amendments governing the joint use driveway and site calculations relating to the driveway are governing, therefore, the removal of some impervious cover installed on other areas of the property over the past 40 years may be required to be configured to be more aligned with the originally permitted building and contemporaneous landscaped site plan.