

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM04

DATE: Monday January 8, 2024

CASE NUMBER: C15-2024-0001

Y Thomas Ates (D1)
 - VACANT (D2)
 Y Jessica Cohen (D3)
 Y Yung-ju Kim (D4)
 Y Melissa Hawthorne (D5)
 - Jeffery Bowen (D6) -- ABSTAINED
 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: Rodney Bennett

OWNER: Asim Dhital

ADDRESS: 8315 BURRELL DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 14 feet (requested), in order to erect a Carport to an existing 1 story Single-Family residence in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (Wooten 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 that carport remain open on all 3 sides and provide gutters on the interior yard side setback of the carport; Board member Melissa Hawthorne seconds on 9-0-1 votes (Board member Jeffery Bowen abstained); GRANTED WITH CONDITIONS THAT CARPORT REMAIN OPEN ON ALL 3 SIDES AND PROVIDE GUTTERS ON THE INTERIOR SIDE YARD SETBACK OF THE CARPORT.

FINDING:

1. The Zoning regulations applicable to the property do not allow for reasonable use because: it does not take into consideration the character of the neighborhood, specifically the amount of non-conforming carports in the setback.
2. (a) The hardship for which the variance is requested is unique to the property in that: if a carport were to be built any place else, it would require the driveway to be relocated over the critical root zone of a heritage tree and also has irregular shape of the lot that limits their ability to located it elsewhere.

(b) The hardship is not general to the area in which the property is located because: there are other carports that are in the front setback on Burrell Drive.
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: there are at minimum 3 carports on Burrell that are in same situation, and therefore the area of character will remain the same.



Elaine Ramirez
Executive Liaison



Jessica Cohen
Madam Chair