

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM03

DATE: Monday January 8, 2024

CASE NUMBER: C15-2023-0051

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: Linda Sullivan

OWNER: Suzanne McFayden-Smith (Lotus Management Trust)

ADDRESS: 4400 WATERFORD PL

VARIANCE REQUESTED:

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-551 (*Lake Austin District Regulations*) (C) (2); **(a)** increase the maximum impervious cover on a slope with a gradient of 25 percent or less from 20 percent (maximum allowed) to 47.4 percent (requested) and **(b)** increase the maximum impervious cover on a slope with a gradient of 25 percent and not more than 35 percent from 10 percent (maximum allowed) to 17.8 percent (requested), in order to remodel an uncovered wood deck in a “LA” and “DR”, Lake Austin and Development Reserve zoning district.

Note: 25-2-551 Lake Austin (LA) District Regulations

(C) This subsection specifies lot width and impervious cover restrictions in a Lake Austin (LA) district.

(2) For a lot included in a subdivision plat recorded after April 22, 1982, impervious cover may not exceed:

(a) 20 percent, on a slope with a gradient of 25 percent or less;

(b) 10 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or

(c) if impervious cover is transferred under Subsection (D), 30 percent.

For the above address the Subdivision Plat was recorded on January 27, 1986

BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Madam Chair Jessica Cohen motions to approve to increase the maximum impervious

cover on a slope with a gradient of 25 percent or less to 38.6 percent and approve no increase but to allow the removal and replacement of the current impervious cover that is on a slope with the gradient of 25 percent and not more than 35 percent and tie to the presentation documentation Item03/8; Board member Micheal Von Ohlen seconds on 10-0 votes; GRANTED TO INCREASE THE MAXIMUM IMPERVIOUS COVER ON A SLOPE WITH A GRADIENT OF 25 PERCENT OR LESS TO 38.6 PERCENT AND APPROVE NO INCREASE BUT TO ALLOW THE REMOVAL AND REPLACEMENT OF THE CURRENT IMPERVIOUS COVER THAT IS ON A SLOPE WITH THE GRADIENT OF 25 PERCENT AND NOT MORE THAN 35 PERCENT AND TIE TO THE PRESENTATION DOCUMENTATION ITEM03/8.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: an existing two-story uncovered wooden deck was approved for construction and now needs extensive reconstruction beyond basic repair and maintenance, the deck serves exterior doors and in order to remove and reconstruct the deck new building permits would be required.
2. (a) The hardship for which the variance is requested is unique to the property in that: the existing structures on the property were permitted and constructed prior to current impervious coverage restrictions and can not be maintained or altered under current code.

(b) The hardship is not general to the area in which the property is located because: the deck on the rear of the residence cannot be reduced in size or maintained in a safe condition without permits.
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 existing footprint and character of the residence will be maintained and not changed in anyway from the original construction, as per presentation document Item 3/8.



Elaine Ramirez
Executive Liaison



Jessica Cohen
Madam Chair