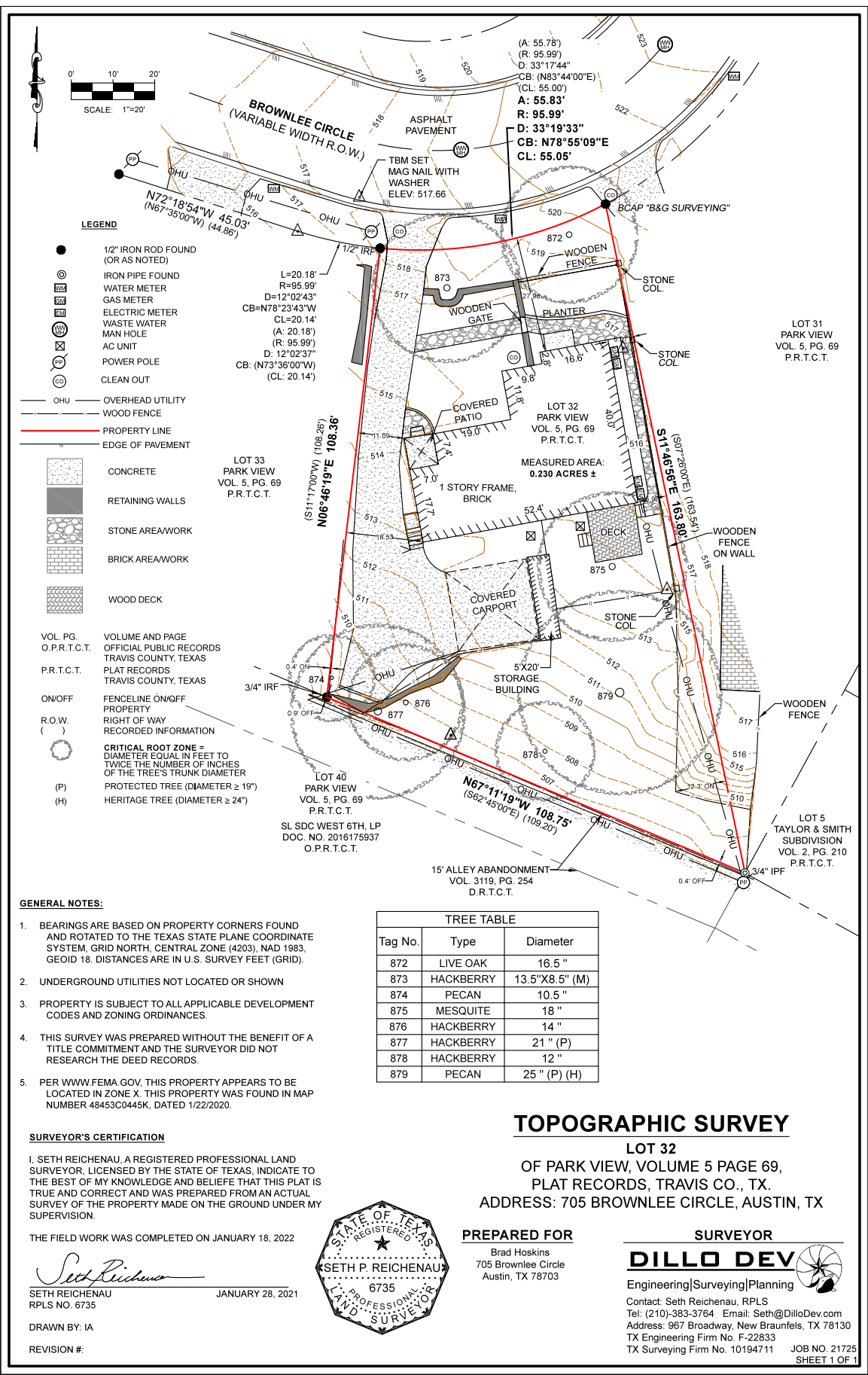
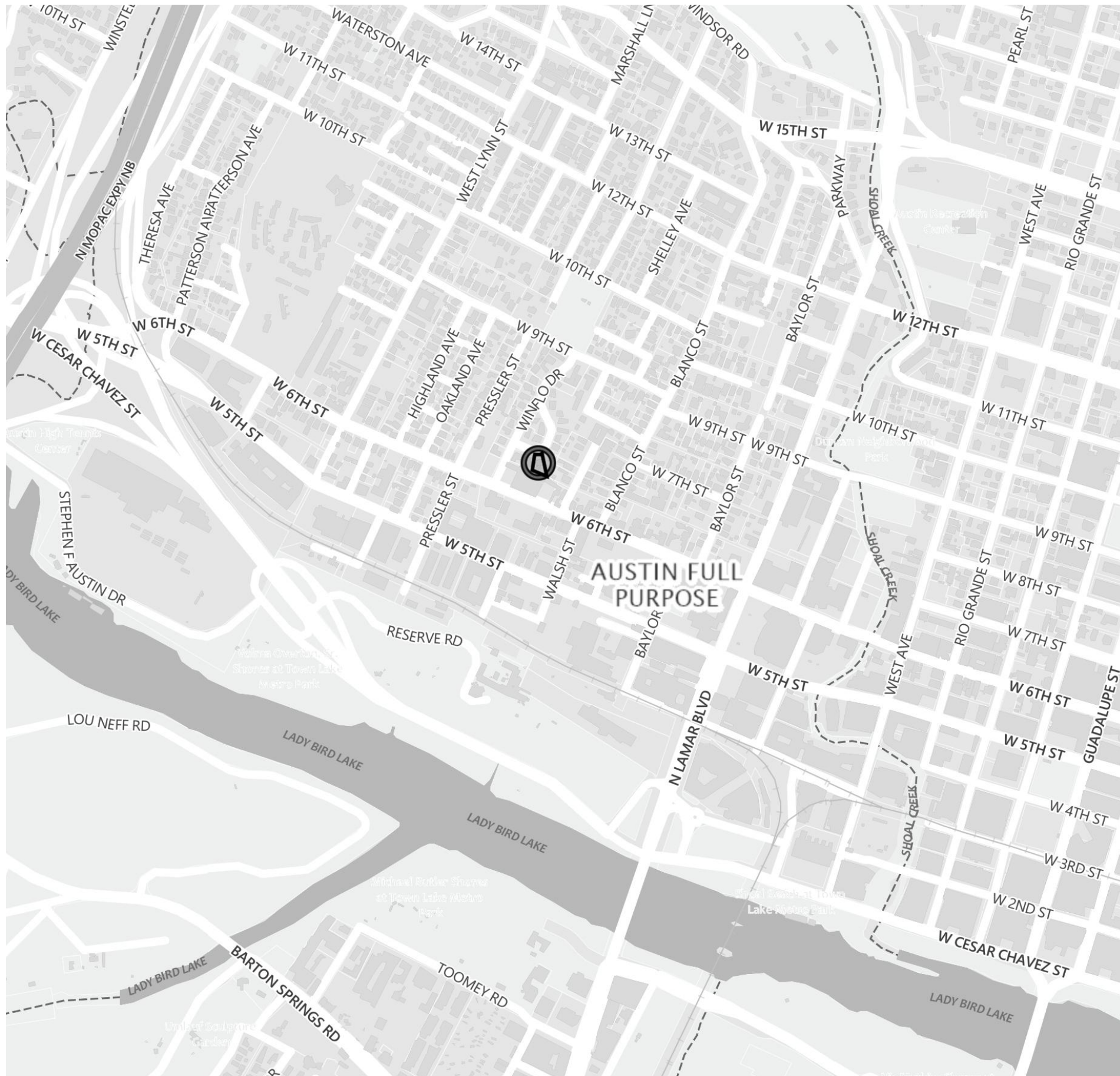


705 BROWNLEE CIRCLE
VARIANCE REQUEST: IMPERVIOUS COVER & FAR



Required Findings

Reasonable Use:

The zoning regulations applicable to the property do not allow for a reasonable use because: The zoning regulations do permit a reasonable use via MF-3 Zoning, a zoning that the clients received via a many months-long arduous re-zoning process, against the preferences of the neighborhood, to accommodate what the newly enacted HOME ordinance now nearly fully accommodates. The owners, with the anticipated support of the neighborhood, wish to adhere to SF-3 use that reflects the lower impact build that was always their intent. The intended use's zoning does not allow for a reasonable use because:

A: Impervious Cover: The impervious cover limit of the desired SF-3 use (.45) provides inadequate hardscape needed for one of the residents, confined to a wheelchair, to access the majority of the site.

Note: The owners are committed to the use of pervious concrete for the driveway and parking areas which will lessen the impact of the variance request.

B: Square Footage: The overall design of the home does comply with the gross square footage permissible under the new HOME ordinance, however, the FAR of the primary unit exceeds the single-unit limit due to the square footage required for a van-accessible 2-car garage, an elevator and associated landings on multiple floors.

Hardship:

A) *The hardship for which the variance is requested is unique to the property in that:* The clients are required to have a zoning they don't prefer, and that the neighborhood doesn't want, in order to comply with the basic accessibility clearances needed to accommodate the multi-generational home, with a unit for live-in medical help, that was always the intent and that is now accommodated by the new HOME ordinance.

B) *the hardships is not general to the area in which the property is located because:* The only area on the site that accommodates the garage, its access, turning radii, the elevator, stair, and the required landings and their clearances, is behind the existing structure which necessitates more driveway coverage to access.

Area Character:

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: We believe that the granting of this will not only not impair, but will uphold and be compatible with the SF-3 zoning in the area of the neighborhood.

Members of the Board of Adjustments

Our son, Peter, uses a wheelchair at all times and requires around the clock medical supervision. He is currently unable to live in or even visit our home in Rollingwood, which is located on an extremely steep slope and on multiple levels. Redeveloping our property at 705 Brownlee allows us to have a completely accessible home with space for our multi-generational blended family and caregivers as needed.

From the beginning, our intention has been to build more of a family compound than an apartment building, We have gone forward with a design which meets compatibility setbacks, does not significantly alter the footprint of the existing dwelling and respects the character of the neighborhood. Adding an additional dwelling unit to our lot in Old West Austin allows our family to live together close to our city's vibrant core.

In October of 2022 we proposed re-zoning this property to allow us to rebuild an existing carport as a garage and add a third unit to the site as a second story above the existing duplex that would be served by the addition of an elevator. At that time, there was no provision to allow for three units on a lot zoned SF3, so in January of 2023, Planning Commission recommended approval to change the zoning from SF-3 to MF-3. As you can see in the Commission's hour long deliberation at that meeting (case 34 at <https://austintx.new.swagit.com/videos/196522>) both our neighbors who had opposed the zoning change and the commissioners themselves all seemed to agree that our project SHOULD be allowed under SF Zoning [PREVIOUS CASE: C14-2022-0084 - 705 Brownlee Circle Rezone] but our land development code made that impossible.

In the time since this was approved, the HOME code amendments have passed which do allow development of up to 3-units on single family property. Furthermore, over the course of the design and permitting process for MF-3, it has become clear that the project will be subject to cost and infrastructure requirements under the commercial permitting process that are intended for larger developments and not small lot, 3-Unit developments like this one.

We would like to be able to seek permitting for the project under the HOME act, however, two of the regulations in HOME are prohibitive to our desired use, and we are here to ask that the property instead be subject to the limits in the comparable MF-3 Zoning due to the previously established hardship:

#1) Impervious Cover: [ORD # 20231207-001: 25-2-773: (B) (7)]

Requesting permission to increase the impervious cover limit from 45% permissible under SF-3 / HOME to 65% which would be permissible under MF-3.

- The additional 20% provides much needed hardscape, driveway, and parking areas, all of which are critical to the needs of a family with a son in a wheelchair, as well as the turning / parking requirements of an accessible van.
- Our neighbors had previously cited concerns about additional on-street parking. Our design allows for two more off-street parking spaces.
- Diagrams are attached on the following pages showing the current impervious cover, the proposed under MF-3, and the allowable under SF-3.

#2) Limit one unit FAR to .4: [ORD # 20231207-001: 25-2-773: (E) (4) (b)]

Requesting permission to up this limit from 40% to 50% [1000SF] (there is no single unit limit in MF-3).

- With lot size of 10,000 SF, HOME caps the maximum single unit size on this property at 4,000 SF.
- The intent of the original rezoning was to develop the property as a multigenerational home with a fully accessible third unit (Unit C) on the second story. The design of Unit C incorporates the following:
 - An elevator (& landings) that connects all levels so Peter has access to the entire Unit takes up 80 SF / Floor
 - A van accessible garage. Under MF-3, garages are not counted as floor area, while under SF-3, they are counted. The 2-car garage with room for a van-accessible parking spot and circulation takes up 640 SF.
 - Oversized circulation spaces, turning radii, hallway widths, door widths, etc. due to accessibility requirements, as compared to standard residential takes up an estimate 120 SF throughout the home
 - Elevator & associated landings: 80 SF x 4 (Basement, Ground, 2nd Floor, Rooftop) = **320 SF**
 - 2 Car, van accessible garage & circulation = **640 SF**
 - Increased circulation space as required by accessibility needs = **120 SF**
 - Total: 1,080 SF**
- With the amount of accessible / multigenerational space required to meet the intent of the original re-zoning, the amount of living space needs to be reduced in order to stay under the 40% limit in HOME.
- The total FAR of the property does NOT need to change, just the maximum percentage of Unit C.

In summary, we previously received approval for rezoning our property to MF-3. Now we would like to develop it under SF-3 (HOME), however two stipulations of SF-3 HOME are prohibitive and would not apply under MF-3




Thank you for your consideration

IMPERVIOUS COVER ANALYSIS

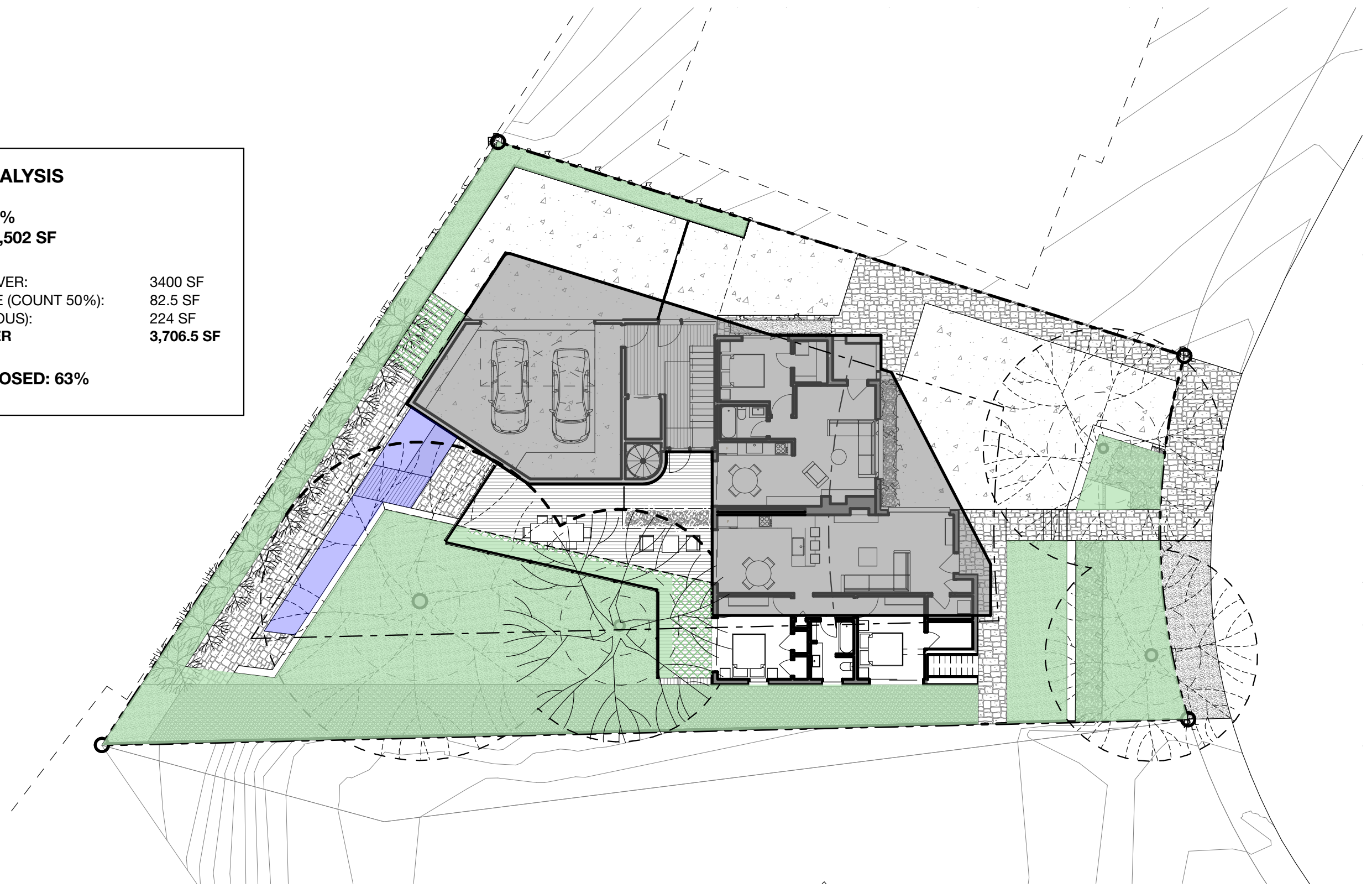
LOT AREA: 10,003 SF

IMPV COVER LIMIT MF-3: 65%

MAX IMPERVIOUS COVER: 6,502 SF

	PERVIOUS GROUND COVER:	3400 SF
	DECK COVERING GRADE (COUNT 50%):	82.5 SF
	POOL (COUNTED PERVIOUS):	224 SF
	TOTAL PERVIOUS COVER	3,706.5 SF

IMPERVIOUS COVER PROPOSED: 63%




IMPERVIOUS COVER ANALYSIS

LOT AREA: 10,003 SF

IMPV COVER LIMIT SF-3: 45%

MAX IMPERVIOUS COVER: 4,501.3 SF

	PERVIOUS GROUND COVER:	5226 SF
	DECK COVERING GRADE (COUNT 50%):	55.5 SF
	POOL (COUNTED PERVIOUS):	224 SF
	TOTAL PERVIOUS COVER	5,505.5 SF

IMPERVIOUS COVER PROPOSED: 44.96%

