

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM09

DATE: Monday December 9, 2024

CASE NUMBER: C15-2024-0037

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

APPLICANT: Charles Harrell

OWNER: John Steven Rubin

ADDRESS: 4521 MERLE DR

VARIANCE REQUESTED The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-773 (*Duplex, Two-Unit, and Three-Unit Residential Uses*) (C) (3) (b) for Garage Placement of a parking structure not closer to the front lot line than the front most exterior wall of the first floor of the building façade (required) to the parking structure located in front of the most exterior wall (requested) in order to maintain an existing Carport in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (South Manchaca Neighborhood Plan)

Note: 25-2-773 - DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.

(A) To the extent of conflict, this section supersedes the base zoning district regulations.

(B) For a duplex, two-unit, and three-unit residential use:

(1) minimum lot area is 5,750 square feet;

(2) minimum front yard setback is 15 feet;

(3) minimum rear yard setback is:

(a) the base zoning district minimum rear yard setback; or

(b) five feet when the lot is adjacent to:

(i) an alley; or

(ii) another lot with a use that is permitted in a multifamily base zoning district or less restrictive base zoning district;

(4) minimum street-side yard setback for a lot located on a corner and:

- (a) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or
- (b) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line;
- (5) minimum number of street-facing entrances is one;
- (6) maximum building coverage is 40 percent; and
- (7) maximum impervious cover is 45 percent.

(C) Design Standards Applicable to Duplex, Two-Unit, and Three-Unit Residential Use.

(1) Porches.

- (a) A porch that is open on three sides may project into the front yard and include a roof.
- (b) A porch that projects into the front yard must be at least 15 feet from the front lot line.
- (c) A porch roof or overhang must be at least 13 feet from the front lot line.

(2) Impervious Cover and Parking Placement.

- (a) Impervious cover in a front yard may not exceed 40 percent.
- (b) The director may waive front yard impervious cover limitations if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.
- (c) Not more than four parking spaces may be located in the front street yard, or for a corner lot, not more than four parking spaces may be located in the front street yard and side street yard combined.

(3) Garage Placement.

(a) In this subdivision,

(i) **BUILDING FACADE** means the front-facing exterior wall or walls of the first floor of the residential structure closest to the primary street, and the term excludes the building facade of the portion of that structure designed or used as a parking structure.

Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.

(ii) **PARKING STRUCTURE** means an attached or detached garage or carport.

(b) A parking structure may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade.

(c) If a parking structure with an entrance that faces a front yard abutting public right-of-way is less than 20 feet behind the building facade, the width of the parking structure may not exceed the width of the building facade as measured parallel to the front lot line.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; [Ord. No. 20231102-028](#), Pt. 12, 11-13-23; [Ord. No. 20231207-001](#), Pt. 8, 12-18-23.

BOARD'S DECISION: January 13, 2025 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen's motion to Approve; Chair Jessica Cohen second on 10-0 votes; GRANTED.

FINDING:

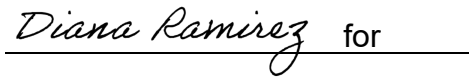
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the shape of the lot is narrow and the driveway allows parking for the units located at the back of the lot, the existing carport in front of the house has been existing since prior to 2007, the house was transitioned in 2003.
2. (a) The hardship for which the variance is requested is unique to the property in that: the layout of the units on the narrow lot is unique to this particular lot, and it doesn't affect anyone else, carport was existing prior to the transitioning of the property to current owner.

(b) The hardship is not general to the area in which the property is located because: this hardship does not affect the general area; it is specific to the lot and this been in existence since 2007.

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 carport is located fully on the lot and in no way affects adjacent conforming property and has been in existence since prior to 2007.



Elaine Ramirez
Executive Liaison



Jessica Cohen
Chair