

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM 02

DATE: Monday, December 9, 2024

CASE NUMBER: C15-2024-0028

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

APPLICANT: Haim Joseph Mahlof - Green Bay Remodeling Inc.

OWNER: Wendy Jo Peterson

ADDRESS: 1406 3rd ST

VARIANCE REQUESTED: The applicant is requesting the following variance(s) from the Land Development Code, Section 25-2-779 (*Small Lot Single-Family Residential Use*) from setback requirements to decrease the minimum front yard setback from 15 feet (required) to 5 feet (requested) in order to attach a second story deck in a “SF-4A-NP”, Single-Family - Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

BOARD’S DECISION: **September 9, 2024** The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen’s motion to postpone to October 14, 2024; Vice Chair Melissa Hawthorne second on 9-0 votes; **POSTPONED TO OCTOBER 14, 2024. OCTOBER 14, 2024 POSTPONED TO November 14, 2024, BY APPLICANT; November 14, 2024 Postponed to December 9, 2024 due to the absence of a sufficient number of Board Members required for a formal vote on each case; December 9, 2024** The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motion to Deny, Board member Jeffery Bowen seconds; a substitute motion was made by Madam Chair Jessica Cohen to Approve; Board member Thomas Ates seconds on 7-3 votes (Chair Jessica Cohen, Vice-Chair Melissa Hawthorne, Board members Bianca A Medina-Leal, Yung-ju Kim, Jeffery Bowen, Janel Venzant, Michael Von Ohlen nay); **DENIED.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: as this lot has limited outdoor space make it impractical for a typical residential use such as recreation or outdoor gathering.

2. (a) The hardship for which the variance is requested is unique to the property in that: due to the specific lot, lot size and with size of the house, there only two structures facing this street on this side that s the front setback, setback averaging is not allowed.

(b) The hardship is not general to the area in which the property is located because: the house is setback from the street in order to meet requirements and there is very little space other than the house on the lot.

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 proposed deck is designed to be in harmony with the existing architecture and style of the neighborhood, it will be constructed with materials and finishes the current house and other homes in the area.



Elaine Ramirez
Executive Liaison

Diana Ramirez for

Jessica Cohen
Chair