

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
Item10

DATE: Monday December 9, 2024

CASE NUMBER: C15-2024-0045

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)
 - VACANT (Alternate) (M) **OUT**
 Y Suzanne Valentine (Alternate) (M)
 - VACANT (Alternate) (M)

APPLICANT: Justin Belmore

OWNER: Justin Belmore

ADDRESS: 913 CAPITOL CT

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*) (B) (1) to decrease the minimum lot size from 5,750 square feet (required) to 5, 158 square feet (requested) in order to complete a Two-Unit Residential in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Brentwood 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.*

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: December 9, 2024 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen's motion to Approve; Vice Chair Melissa Hawthorne seconds on 10-0 votes; GRANTED.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the zoning restriction as applied to the property interferes with the reasonable use of the property considering the unique setting of the property in its environment.
2. (a) The hardship for which the variance is requested is unique to the property in that: the irregular shape of lot and platted in 1916, long before the City adopted the minimum lot standards, this lot is located on a cul-de-sac which causes the shape to be triangle and slightly smaller in area than the other lots within the sub-division.

(b) The hardship is not general to the area in which the property is located because: of the remaining 20 residential lots within the Capitol Ct subdivision, 6 lots are impacted by the cul-de-sac and only 3 have a lot area below 5,750 sq.ft.
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 original Capitol Court subdivision was comprised of 33 single family lots, since platting 11 single family lots were rezoned to commercial.



Elaine Ramirez
Executive Liaison

Diana Ramirez for _____

Jessica Cohen
Chair