

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM03

DATE: Monday September 8, 2025

CASE NUMBER: C15-2025-0018

Y Thomas Ates (D1)
 Y Bianca A Medina-Leal (D2)
 Y Jessica Cohen (D3)
 Y Yung-ju Kim (D4)
 Y Melissa Hawthorne (D5)
 - Niccolo A Sacco (D6) OUT-RESIGNED
 Y Sameer S Birring (D7)
 Y Margaret Shahrestani (D8)
 Y Brian Poteet (D9)
 - Michael Von Ohlen (D10) OUT
 Y Jeffery L Bowen (M)
 Y Corry L Archer-mcclellan (Alternate) (M)
 - Suzanne Valentine (Alternate) (M) OUT-UNAVAILABLE
 - VACANT (Alternate) (M)

APPLICANT: Gary Cooley

OWNER: Gary Cooley

ADDRESS: 3123 EDGEWATER DR

VARIANCE REQUESTED: The applicant is requesting the following variance(s) from the Land Development Code:

- Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum rear yard setback (south side) from 20 feet (required) to 10 feet (requested)
- Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum interior side yard setback (west side) from 10 feet (required) to 5 feet (requested)
- Section 25-2-551 (*Lake Austin (LA) District Regulations*) (C) (3) (a) from impervious coverage requirements to increase from 35% (maximum allowed) to 45 % (requested)

in order to erect an attached 2-car garage and expand existing kitchen of an existing legal non-complying Single-Family residence in a “LA”, Lake Austin zoning district.

Note: This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or is a legal tract exempt from the requirement to plat.

For the above address the Subdivision Plat was recorded on December 9, 1958

Land Development Code Section 25-2-551 Lake Austin (LA) District Regulations

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

(3) For a lot included in a subdivision plat recorded before April 22, 1982, or a tract that is not required to be platted, impervious cover may not exceed:

- (a) 35 percent, on a slope with a gradient of 15 percent or less;
- (b) 10 percent, on a slope with a gradient of more than 15 percent and not more than 25 percent;
- (c) 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or
- (d) 40 percent, if impervious cover is transferred under Subsection (D).

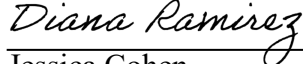
BOARD'S DECISION: The public hearing was closed by Chair Jessica Cohen, Vice Chair Melissa Hawthorne's motion to Approve 45% Impervious cover and approve side and rear setback as requested, an amendment was made by Board member Maggie Shahrestani to approve 42.5% Impervious cover, Board member Brian Poteet second on 8-2 vote, Motion failed; 2nd amendment was made by Bianca Medina-Leal to approve 42% Impervious coverage and 300-gallon rainwater capture, Vice Chair Melissa Hawthorne second on 10-0 vote, GRANTED; MAIN MOTION WITH 2ND AMENDMENT TO APPROVE SIDE AND REAR SETBACK WITH 42% IMPERVIOUS COVER AND 300-GALLON RAINWATER CAPTURE..

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the subdivision occurred in the late 50s and likely zoned SF-2 at the time it was configured and is a smaller lot and not actually subdivided in alignment with the LA one acre limitation.
2. (a) The hardship for which the variance is requested is unique to the property in that: applying LA zoning impervious cover and setback rules on smaller lots that were not really designed for that and due to the subdivision that occurred in the late 50s, the original garage as there was placed on the adjacent parcel so it makes it hard to improve the lot.

(b) The hardship is not general to the area in which the property is located because: as the house is set further back on the lot, making an addition rather difficult because of the front yard setback also required and LA zoning and there is an existing driveway that would be in alignment with this proposed addition and it does take out some existing impervious cover and allows for the placement.
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: as the garage addition will be consistent with the architectural style and the roof line, the rear setback is already 10 feet and all the adjacent property owners have been consulted about the project and are in alignment with the vision.


Elaine Ramirez
Executive Liaison

 for
Jessica Cohen
Madam Chair