

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, January 12, 2015

CASE NUMBER: C15-2015-0011

Y Jeff Jack - Chair
 Y Michael Von Ohlen
 Y Melissa Whaley Hawthorne - Vice Chair
 Y Sallie Burchett
 Y Ricardo De Camps
 Y Brian King
 Y Vincent Harding

APPLICANT: David, King
OWNER: Darrell C., Parker

ADDRESS: 904 JESSIE ST

VARIANCE REQUESTED: The applicant has requested the Board of Adjustment to interpret whether staff erred in issuing a building permit at 904 Jessie Street because:

- A. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, the plans submitted do not appear to be drawn to the outer edge of the wood framing; and
 - B. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 2. A.3., the plans submitted measure the full length of the entire carport which is not needed in calculating the north side opening; and
 - C. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 2. A.3, the plans submitted allow an exemption even though the north side is obstructed by a covered entryway
- in the permit plan review application to construct a single family home at this lot in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: The public hearing was closed on Chair Jeff Jack motion to close the public hearing. Chair Jack asked Vice Chair Melissa Hawthorne to serve as chair for the following motions:

- A. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, the plans submitted do not appear to be drawn to the outer edge of the wood framing;

Motion by Jeff Jack to affirm city staff and appellants position that the correct way to determine the gross floor area of a plan is to measure from the outside of the exterior wall finish to the outside of the exterior wall finish. Passed on a 7-0 vote

B. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 2. A.3., the plans submitted measure the full length of the entire carport which is not needed in calculating the north side opening; and

Motion by Jeff Jack to affirm city staff's interpretation on the correct way to measure the length of a carport wall with the stipulation that the adjacent parking space have a minimum dimension of 8'- 6" wide by 17' deep. Passed on a 7-0 vote

C. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 2. A.3, the plans submitted allow an exemption even though the north side is obstructed by a covered entryway

Motion by Jeff Jack to reverse the city staff's interpretation with the following interpretation.

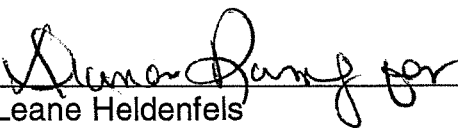
That if a carport has a garage door on a side that is not counted toward one of the two sides that must be open, then a wall of the house parallel to the open side of the carport must have at least a 20 foot separation from the carport if the carport and adjacent house walls are in line with each other.

It is the finding of the Board that there is reasonable doubt or difference of interpretation as to the specifics of the intent of the regulations, the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated and granting the appeal would permit a use in character with the rules of the district in questions.

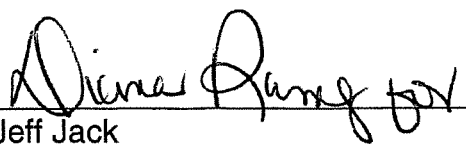
Passed by a vote of 7-0

FINDING:

It is the finding of the Board that there is reasonable doubt or difference of interpretation as to the specifics of the intent of the regulations, the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated and granting the appeal would permit a use in character with the rules of the district in questions.



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman