

AGENDA



Thursday, January 29, 2009

Item(s) to Set Public Hearing(s)
RECOMMENDATION FOR COUNCIL ACTION**Item No. 31**

Subject: Set a public hearing to consider an appeal by Andy Martin, representing AJHSCCM LP, of the Zoning and Platting Commission's decision allowing construction of buildings on a slope with a gradient of greater than 25% on property located at 9716 FM 2222, Austin, TX. (Suggested date and time: February 12, 2009, 6:00 p.m., at Austin City Hall, 301 West Second Street)

Fiscal Note: There is no anticipated fiscal impact. A fiscal note is not required.

For More Information: George Zapalac, 974-2725; Lynda Courtney, 974-2810

Boards and Commission Action: Approval of this environmental variance was recommended by the Environmental Board on August 18, 2008 and recommended by the Zoning and Platting Commission on November 18, 2008.

This request is for an appeal of an environmental variance on a previously approved Hill Country Roadway Ordinance Site Plan allowing construction of duplexes on 25%+ slopes not shown on the original site plan located at 9716 FM 2222, Austin, TX and discovered during initial clearing of the site.

This project complies with all site plan requirements. Staff recommended approval of the environmental variance, and the Environmental Board voted to recommend approval of the variance on August 20, 2008. The Zoning and Platting Commission concurred, and approved the variance on November 18, 2008.

Mr. Martin, representing the neighboring landowner, whose project is known as the Tumbleweed Hill Project, is appealing the Zoning and Platting Commission's decision to approve the variance, on the basis that the applicant failed to meet the criteria for approval of the variance. Another concern stated in the appeal is that the site plan does not provide a joint use access easement to his client's property.

Staff recommends denial of the appeal as the site plan complies with all applicable requirements, and Title 25 does not provide standing to appeal environmental variances.