

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-2-472, 25-2-473, AND 25-2-475 TO AUTHORIZE APPEALS AND VARIANCES FROM REQUIREMENTS OF A NEIGHBORHOOD CONSERVATION COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-472 (*Board of Adjustment Variance Authority*) is amended to read:

§ 25-2-472 BOARD OF ADJUSTMENT VARIANCE AUTHORITY.

The Board of Adjustment shall hear and decide a request for a variance from a requirement of this chapter, or a Neighborhood Conservation Combining District adopted under this chapter, except as otherwise provided by the Code.

PART 2. Subsection (A) of City Code Section 25-2-473 (*Variance Requirements*) is amended to read:

- (A) A variance from the requirements of this chapter, or a Neighborhood Conservation Combining District adopted under this chapter, may be granted under this division if, because of special circumstances of a property, the strict application of this chapter deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.

PART 3. City Code Section 25-2-475 (*Appeals*) is amended to read:

§ 25-2-475 APPEALS.

A person may appeal a decision of the building official regarding a site development regulation prescribed by this subchapter, or by a Neighborhood Conservation Combining District adopted under this chapter, to the Board of Adjustment. After an appeal is filed, the building official shall provide the board with a copy of documents regarding the matter that has been appealed.

PART 4. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Shirley A. Gentry
 Acting City Attorney City Clerk