



## MEMORANDUM

**TO:** Board of Adjustment

**FROM:** Daniel Word, Principal Planner, Residential Review Division

**DATE:** February 26, 2014

**SUBJECT:** Appeal of Building Official's Interpretation Regarding 3110 Grandview St

### Case Summary

An application was submitted to Residential Review on August 14, 2013 proposing to construct a new two-story single-family residence with a one-story detached garage at 3110 Grandview St. The permit application was approved on December 18, 2013 and the subsequent building permit was activated on December 26, 2013.

The appellant had registered as an "interested party" in accordance with the Austin City Code on or about August 22, 2013. The appellant was notified of the administrative decision to approve the building permit request on December 18, 2013. The appeal was delivered to the City of Austin on or about January 13<sup>th</sup>, 2014.

### Arguments

The appellant raises two issues regarding the approval of the building permit in the appeal form provided to the City of Austin. Firstly, the minimum lot width required per Austin City Code 25-2 is questioned, with the subject lot being 49 feet wide. Secondly, the appellant raises concern that the "setback planes" related to Austin City Code 25-2 Subchapter F (McMansion Ordinance) are drawn incorrectly.

In relation to the first argument, the property is zoned SF-3-CO-NP and is located in the Heritage Subdistrict of the West University Neighborhood Plan Area. Per Austin City Code 25-2-492, the minimum lot width in a SF-3 district is 50 feet. However, the subject property was platted in the current configuration in 1903 and as such, the property is considered a "substandard lot" in accordance with Austin City Code 25-1-21 and 25-2-943. Accordingly, the minimum lot width applicable to the subject lot is 33 feet as it was platted before March 15, 1946.

In addition, the West University Neighborhood Plan, under Ordinance #040826-57 Part 3, adopted "small-lot amnesty" in accordance with Austin City Code 25-2-1406. "Small-lot amnesty" lowers the minimum lot size for existing legal lots with single-family residential use to 25 feet.

Regarding the second argument put forth by the appellant, the “building line” as defined in Austin City Code 25-2 Subchapter F Article 3.2 is a line that is “parallel to the front lot line ...where the structure is closest to the front lot line”. The subject property is a “through lot” for which Austin City Code 25-1-21 defines the front lot line as “the lot line abutting the street that provides the primary access to a lot”. The driveway for the property takes access to Owen Street and there is no driveway access proposed to Grandview Street.

**Staff Interpretation**

In this case, the subject lot meets the minimum lot width requirements provided for a “substandard lot” and under “small-lot amnesty”. Additionally, the “building line” is drawn in accordance with Subchapter F (McMansion) since the lot line abutting Owen Street is considered the “front lot line” by the Austin City Code.

Based on the findings above, staff respectfully requests the board uphold the decision of the building official to approve the building permit for the subject property.

For your consideration,

Daniel Word  
Principal Planner, Residential Review Division  
Planning and Development Review Department

## **Austin City Code References**

### **25-1-21:**

- (41) FRONT LOT LINE means:
- (a) for an interior lot, the lot line abutting the street;
  - (b) for a corner lot, the lot line designated as the front lot line by a subdivision or parcel map, or, if none, the shorter lot line abutting a street;
  - (c) for a through lot, the lot line abutting the street that provides the primary access to the lot

(115) SUBSTANDARD LOT means a lot or tract recorded by deed or plat that does not comply with current area, width, or depth requirements, but that complied with the requirements in effect when it was placed on record.

### **25-2-943:**

(B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.

(1) A substandard lot recorded in the county real property records before March 15, 1946 must:

- (a) have an area of not less than 4,000 square feet; and
- (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:
  - (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;
  - (ii) not more than 150 feet in length; and
  - (iii) maintained for access by the property owner.

### **25-2-1406:**

An ordinance zoning or rezoning property as a NP combining district:

(5) for a single-family residential use or a secondary apartment special use on an existing legal lot:

- (a) may reduce the required minimum lot area to 2,500 square feet;
- (b) may reduce the required minimum lot width to 25 feet; and
- (c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent;

### **25-2 Subchapter F Article 3.2:**

In this Subchapter, BUILDING LINE means a line that is parallel to the front lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any allowed projections into the front yard setback.