



**SPECIAL CALLED MEETING - INTERPRETATION  
MEETING MINUTES  
(March 4, 2014)**

**The Board of Adjustment/Interpretation convened in a meeting on March 4, 2014, One Texas Center, 505 Barton Springs Road, 3<sup>rd</sup> Floor- Rm 325, Austin, Texas.**

**Chair Jeff Jack called the Board Meeting to order at 7:00 p.m.**

**Board Members in Attendance: Jeff Jack (Chair), Melissa Hawthorne (Vice Chair), Bryan King, Fred McGhee, Michael Von Ohlen, Sallie Burchett, Ricardo De Camps**

**Staff in Attendance: Leane Heldenfels**

**A. INTERPRETATION**

**A-1 C15-2014-0038      Betsy Greenberg  
3110 Grandview Street**

The appellant has requested the Board of Adjustment to interpret whether staff erred in issuing a building permit at 3110 Grandview Street because:

- 1) The tent was incorrectly drawn on the building permit plans so the house may not fit within the requirements for it; and
- 2) The lot is 49 feet wide and does not meet minimum lot width for construction of a single family home in an SF3-CO-NP Family Zoning District.

**BOARD'S DECISION: 1<sup>st</sup> Motion: The public hearing was closed on Board Member Michael Von Ohlen motion to Deny the minimum lot width portion of the applicant's request, Board Member Melissa Hawthorne second on 7-0 vote; DENIED THE MINIMUM LOT WIDTH PORTION OF THE APPLICANT'S REQUEST; 2<sup>ND</sup> Motion: Board member Michael Von Ohlen motion to Grant request that the tent was incorrectly drawn on the building permit plans so the house may not fit within the requirements for it, Board Member Bryan King second on a 7-0 vote; GRANTED REQUEST THAT THE TENT WAS INCORRECTLY DRAWN ON THE BUILDING PERMIT PLANS SO THE HOUSE MAY NOT FIT WITHIN THE REQUIREMENTS FOR IT; and Board Member Michael Von Ohlen accepted an amendment to the motion from Chairman Jeff Jack that: Appeal #1 The delineation of the "tent" under Subchapter F-Findings for the applicant**

with regard to the drawings used to determine if the proposed project met the requirement of Subchapter F for establishing the buildable “tent” volume.

1. There is reasonable doubt or difference of interpretation as to the specific intent of the regulations:

A. Staff has interpreted the code language that the “front of the house” is the side of the house that has driveway access. This property abuts two streets and is a through lot. Staff’s interpretation therefore is that Owen street is the “front of the lot” based on section 25-1-21 of the code which addresses through lots establishing the “lot line abutting the street that provides the primary access to a lot”.

The “front of the house” is not defined in the text of Subchapter F, but in the accompanying graphic it is indicated that it is where a “front porch” is located. A front porch is usually the location of the front door of the house, the entry that the public has access to the house from the public street. The site plan for this project clearly shows a porch facing Grandview which would be consistent with the graphics that accompany the text of the Subchapter F. Therefore a front porch that is located along with the front door would indicate the front of the house. And the street address of the house located on a through lot should be considered as indicating the front of the house. And in a previous case that came before the Board of Adjustment on a similar issue, the Board interpreted the intent of Subchapter F is that the “front” of the house is the side of the house with the traditional public access regardless of where the driveway is located on the property

Therefore the correct interpretation should have been that for establishing the starting point for measuring the lot portions applicable to Subchapter F, the side of the house facing Grandview Street is the location of the front of the house for establishing the “building line” required by the Subchapter F.

B. Staff has also interpreted the code language that the “building line” establishing the first portion of the “tent” requirement starts at the face of the detached garage facing Owen street as shown on sheet A1/5 of the permit documents included in this case’s backup documents.

The “building line” language in Subchapter F states that the “building line means a line that is parallel to the front of the lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any projections into the front yard setback.”

Staff’s interpretation that the detached garage as the starting point for establishing the building line is inconsistent with the code calling for the front building line to be associated with the “principal residential structure” which is the house and not the detached garage.

Therefore even if the front of the lot was considered to be the Owen street side of the lot the, point of beginning for establishing the “front” of the house would have to be the portion of the house, the principal residential structure, closest to Owen street and not established by the detached garage.

From these two findings the Board of Adjustment finds that the permit that was issued for this property was in error and the correct action of the staff should have been to reject this permit application.

2. The resulting interpretation of the Board of Adjustment will not grant a special privilege to one property inconsistent with the other properties or uses similarly situated.

The Board of Adjustment ruling in this case is consistent previous Board rulings and is consistent with the intent of Subchapter F so that they will be no special privilege granted by this ruling.

3. The resulting interpretation of the Board of Adjustment would clearly permit a use in character with the uses enumerated for the various districts and with the objective of the zoning district in questions

Staff in response to request for clarification of the motion, Chairman Jeff Jack confirmed, Bryan King 2<sup>nd</sup> on a 7-0 vote; Clarified that the interpretation findings will apply in future cases of residential review with a through lot, further that per the current 911 addressing standards that the street of the though lot that is addressed from will be determined to be the front of the lot, Vice-Chair Melissa Hawthorne requested amendment to the motion that the Board be provided what the process, addressing standards are for 911, Chairman Jeff Jack accepted the amendment.

## **ADJOURNMENT**

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***Approved without corrections on April 14, 2014***