

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday August 12, 2019

CASE NUMBER: C15-2019-0029

Y Brooke Bailey
 Y Jessica Cohen
 - Ada Corral OUT
 Y Melissa Hawthorne
 N William Hodge
 Y Don Leighton-Burwell
 Y Rahm McDaniel
 N Darryl Pruet
 Y Veronica Rivera
 N Yasmine Smith
 - Michael Von Ohlen OUT
 Y Kelly Blume (Alternate)
 - Martha Gonzalez (Alternate) OUT
 Y Denisse Hudock (Alternate)

APPLICANT: David Cancialosi

OWNER: Alex Tynberg

ADDRESS: 2710 SCENIC DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-1176 (A) (3) (Site Development Regulations for Docks, Marinas, and other Lakefront Uses) to reduce the Interior Setback requirement from 10 feet (required), 9 feet 5 inches (existing) to 0 feet (requested) from the South side property line in order to erect a Boat Dock in a "SF-3-NP", Single-Family – Neighborhood Plan zoning District (West Austin Neighborhood Plan). The Land Development Code states that a dock may not be constructed closer than 10 feet to the side property line, regardless of the side yard setback generally applicable within the base zoning district.

BOARD'S DECISION: BOA meeting July 8, 2019 **The public hearing was closed by Chair William Burkhardt, Board Member Don Leighton-Burwell motion to Deny, Board Member Darryl Pruet second on a 6-4 vote (Board members Ada Corral, Melissa Hawthorne, Yasmine Smith and Michael Von Ohlen nay); DENIED**

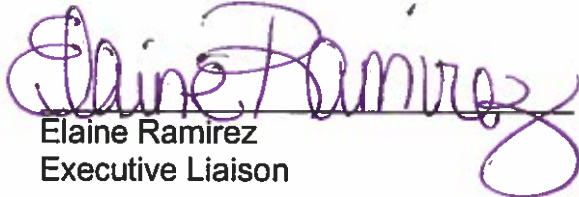
RECONSIDERATION REQUEST: **Aug 12, 2019 Board Member Melissa Hawthorne motion to hear reconsideration request, Board Member Rahm McDaniel second on an 11-0 vote; The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motion to Grant as per drawing Q-1/24, Board**

Member Jessica Cohen second on a 8-3 vote (Board members William Hodge, Darryl Pruet and Yasmine Smith nay); DENIED.

EXPIRATION DATE: August 12, 2020

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: while there is an expansion on the proposed dock, larger dock would be allowed along the perimeter frontage but with protected trees on site and the amount of drench environmental concern in island located in channel behind, this is the best location for dock where it is
2. (a) The hardship for which the variance is requested is unique to the property in that: all of these items combined are usually not found on one single postage stamp not with an island behind it.
(b) The hardship is not general to the area in which the property is located because: other properties, with boat slips, rare to see location that could not see cut out boat slips, try to capture land back, this case proposed not only smaller expansion what is permitted by code it also promises restoration of the bulk head which along the lace are actually causing more erosion with wave, to see restoration is a happy thing.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: dock location is in existence gives it a better ability to get out of actual space of the slip and setback request been decreased to 4 feet on ground side and structure above will setback another 2 feet above that.


Elaine Ramirez
Executive Liaison


William Burkhardt
Chairman