

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**D-1**

**DATE:** Monday June 14, 2021

**CASE NUMBER:** C15-2020-0083

\_\_\_Y\_\_\_ Thomas Ates  
\_\_\_Y\_\_\_ Brooke Bailey  
\_\_\_Y\_\_\_ Jessica Cohen  
\_\_\_Y\_\_\_ Melissa Hawthorne  
\_\_\_Y\_\_\_ Don Leighton-Burwell  
\_\_\_Y\_\_\_ Rahm McDaniel  
\_\_\_Y\_\_\_ Darryl Pruett  
\_\_\_Y\_\_\_ Agustina Rodriguez  
\_\_\_-\_\_\_ Michael Von Ohlen  
\_\_\_Y\_\_\_ Nicholl Wade  
\_\_\_-\_\_\_ Vacant  
\_\_\_-\_\_\_ Kelly Blume (Alternate)  
\_\_\_Y\_\_\_ Carrie Waller (Alternate)  
\_\_\_-\_\_\_ Vacant (Alternate)

**APPLICANT:** Daniel Salazar

**OWNER:** Enez Salinas

**ADDRESS:** 2810 GONZALES ST

**VARIANCE REQUESTED:** The applicant is requesting variance(s) from the Land Development Code, Section 25-2-774 (Two-Family Residential Use) (C) (2) (a) for a Two-Family Residential use location at least 10 feet to the rear or side of the principal structure (required) to 5 feet (requested) in order to erect a Secondary Dwelling Unit in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

Note: Per LDC the second Dwelling Unit must be contained in a structure other than the principal structure and must be located at least 10 feet to the rear or side of the principal structure

**BOARD’S DECISION:** **BOA MEETING JAN 11, 2021 Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES. February 8, 2021 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Brooke Bailey motions to postpone to March 8, 2021; Board Member Darryl Pruett seconds on a 10-0 vote; POSTPONED TO MARCH 8, 2021. March 8, 2021 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to April 12, 2021 Board Member Rahm McDaniel seconds on a 10-0 vote; POSTPONED TO APRIL 12, 2021. (RENOTIFICATION NEEDED)**

**VARIANCE REQUESTED: RENOTICE** APRIL 12, 2021 The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 4 feet 6 inches (requested) in order to erect a Secondary Dwelling Unit in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

**BOARD’S DECISION:** April 12, 2021 cancelled; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; June 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Rahm McDaniel motions to Grant with condition that the wall adjacent to rear be fire rated; Board Member Nicholl Wade seconds on a 10-0 vote; **GRANTED WITH CONDITION THAT THE WALL ADJACENT TO REAR BE FIRE RATED.**

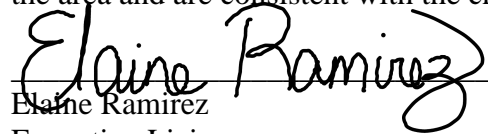
**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the location of a large heritage tree on the property and the configuration of the lot.

2. (a) The hardship for which the variance is requested is unique to the property in that: the unusual circumstances in that it’s an error by city staff, combined with unique location of a tree.

(b) The hardship is not general to the area in which the property is located because: the unusual circumstances in that it is an error by city staff, combined with unique location of a tree.

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: ADU is not a privilege that is unusual to the area and are consistent with the character of the neighborhood.

  
Elaine Ramirez  
Executive Liaison

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Diana Ramirez for  
Jessica Cohen  
Chairman