

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**H-2**

**DATE: Monday May 9, 2022**

**CASE NUMBER: C15-2022-0032**

☐ Y ☐ Thomas Ates  
☐ - ☐ Brooke Bailey OUT  
☐ Y ☐ Jessica Cohen  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Barbara McArthur  
☐ - ☐ Rahm McDaniel OUT  
☐ Y ☐ Darryl Pruett  
☐ Y ☐ Agustina Rodriguez  
☐ - ☐ Richard Smith OUT  
☐ Y ☐ Michael Von Ohlen  
☐ - ☐ Nicholl Wade OUT  
☐ Y ☐ Kelly Blume (Alternate)  
☐ Y ☐ Carrie Waller (Alternate)  
☐ Y ☐ Marcel Gutierrez-Garza (Alternate)

**APPLICANT: David Cancialosi**

**OWNER: Cody Stavig**

**ADDRESS: 2904 RIVERCREST DR**

**VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section(s):**

- a) **25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum front yard setback from 40 feet (required) to 25 feet (requested) and**
- b) **25-2-963 (Modification and Maintenance of Non-Complying Structures) (E) (1) (b) to increase the height from 23 feet 8 inches (allowed) to 24 feet 1 inch (requested) in order to remodel an existing non-complying Single-Family residence in a "LA", Lake Austin zoning district.**

**Note: Land Development Code, Section 25-2-963 (E) A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if: (1) the increase is made to a portion of the building that: (b) complies with the yard setback requirements of this title.**

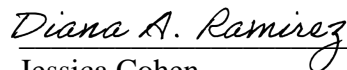
**BOARD'S DECISION: BOA MEETING APRIL 11, 2022**

**POSTPONED TO MAY 9, 2022 DUE TO AE DENIAL; May 9, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve; Board Member Michael Von Ohlen seconds on a 10-0 vote; GRANTED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the lot is substandard in LA zoning, existing structure that has a 25ft SB and extensive remodel and original placement of the house and setback of adjacent houses is in alignment for the street.
2. (a) The hardship for which the variance is requested is unique to the property in that: is an older structure built prior to LA zoning being in lot a zoning existing structure within 40 feet setback with setback of 25 feet standard residential setback.  
  
(b) The hardship is not general to the area in which the property is located because: has several remodel permits on existing noncomplying structure.
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: setback will be where it is now and will be an overall reduction in IC from 50% to 35% which is a benefit to the drinking water and better situation overall.

  
Elaine Ramirez  
Executive Liaison

 for \_\_\_\_\_  
Jessica Cohen  
Madam Chair