

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-1

DATE: May 9, 2022

CASE NUMBER: C15-2022-0042

☐ 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: Felicia Foster

OWNER: Valentin Bohorov

ADDRESS: 2212 TRAILSIDE DR

VARIANCE REQUESTED: The appellant has filed an appeal challenging staff's interpretation of Chapter 25-2, Subchapter F (*Residential Design and Compatibility Standards*) of the Land Development Code in connection with disapproval of a permit application for construction of a single-family home at the above-referenced address. The primary basis of the appeal is calculation of gross floor area for a "habitable attic" under the Land Development Code, in particular, requirements in Section 3.3 of Subchapter F. The appellant contends that staff incorrectly applies provisions related to the calculation of ceiling height for exempt space as applied to a two-story residence in an "SF-3", Single-Family zoning district.

***Note:** Subchapter F: Residential Design and Compatibility Standards, Article 3 Definitions and Measurement, 3.3 Gross Floor Area, 3.3.3 Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area: (C) A habitable portion of an attic if:*

- 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;*
- 2. It is fully contained within the roof structure;*
- 3. It has only one floor;*
- 4. It does not extend beyond the footprint of the floors below:*

5. *It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and*
6. *Fifty percent or more of the area has a ceiling height of seven feet or less.*

BOARD'S DECISION: BOA MEETING MAY 9, 2022. The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to deny the appeal request and uphold City staff's interpretation; Board Member Melissa Hawthorne seconds on a 10-0 vote; APPEAL DENIED AND UPHOLD CITY STAFF'S INTERPRETATION.

FINDING:

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:
2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because:
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:


Elaine Ramirez
Executive Liaison

Diana Ramirez for

Jessica Cohen
Madam Chair