

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Board of Adjustment Meeting

April 15, 2024

Submitted By:

Staff

Agenda Item:

Public hearing, discussion, and possible action on a request for a variance under Section 107-492 of the City's Code of Ordinances to reduce the depth of the rear yard from 20 feet to 10 feet at 2409 Vance Lane in order to construct an accessible bathroom and bedroom on the first floor of the main structure and construct a pool

Description:

The applicant is the authorized agent for the property at 2409 Vance Lane and is seeking a variance from Section 107-76 (d) of the City's Code of Ordinances, which states:

Sec. 107-76. – Minimum required depth and width of yards.

(d) The rear yard of each lot shall have a minimum depth of 20 feet...

The applicant explains in their letter to the Board of Adjustment Chair that this Variance request arose from the need to provide an accessible bathroom and bedroom (Guest Suite) on the first floor for an aging parent who cannot climb stairs. They are also looking to add a pool to the property.

2409 Vance Lane abuts 2507 Stratford Drive, which is located in the City of Austin, to the rear.

Analysis for Considering Approval of a Variance:

The City's Zoning Code (Chapter 107 of the City's Code of Ordinances) has established criteria for the evaluation of variances to zoning regulations. Section 107-492 (a) of the Zoning Code states the following:

(a) The board may authorize upon appeal, in specific cases, such variances from the terms of this chapter, where the board finds that the variance 1) will not be contrary to the public interest, 2) where, owing to special conditions, literal enforcement of the provisions of this

chapter will result in unnecessary hardship, and 3) the spirit of this chapter will be observed and substantial justice done.

Section 107-492 (c) of the Zoning Code states the following:

(c) Prior to granting a variance in a residential district, in concert with the findings required in subsection (a), the board must find that:

- (1) A special individual reason makes the literal enforcement of this chapter result in an unnecessary hardship;*
- (2) Granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to adjoining properties or the neighborhood, or be otherwise detrimental to the public welfare;*
- (3) The granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to the property in the area;*
- (4) There are special circumstances or conditions such as topography, natural obstructions, aesthetic or environmental considerations affecting the land involved such that the strict application of the provisions of this chapter would impose an unnecessary hardship which is created by the literal enforcement of the provisions of this chapter;*
- (5) The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter;*
- (6) If applicable, there is sufficient water and wastewater capacity and fire service available to serve the applicant's land as developed under the variance without detriment to the other property within the city; and*
- (7) The circumstances or conditions from which relief is sought are not solely of an economic nature.*

The City's Zoning Code has also established the following additional criteria for the evaluation of variances to zoning regulations. Section 107-492(e) of the Zoning Code states the following:

(e) In considering a variance as applied to a structure, the board may, in addition to other relevant considerations, consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:

- (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under V.T.C.A., Tax Code, § 26.01;*
- (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;*

- (3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;*
- (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or*
- (5) The municipality considers the structure to be a nonconforming structure.*

Requested Action:

Staff requests that the Board of Adjustment review the facts presented in this case and decide whether to grant the Variance Request.

Fiscal Impacts:

N/A

Attachments:

BOA Rules of Procedure

Variance Request Application from Applicant

Staff Report

Letter of Request for Variance from Applicant

Exhibits A-D relating to the Letter from Applicant

Existing Survey of 2409 Vance Lane

Proposed Site Plan for 2409 Vance Lane

Notice of BOA Hearing

BOA Finding of Fact Form for a Special Exception