

SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION (SRCC)
REVIEW POLICY & PROCESS for VARIANCE, WAIVER & MODIFICATION REQUESTS

REVISED 4/12/11

A. PRELIMINARY ASSESSMENT

1. APPLICANT (one seeking OR considering a variance, waiver or modification request, herein referred to as "Request") contacts the SRCC Zoning & Planning Committee (ZPC) co-chairs, Jean Mather 444-4153 or Teresa Griffin 444-6914, to discuss the Request. As needed, ZPC may schedule a meeting with APPLICANT, possibly on site, and may invite potentially impacted neighbors to expedite understanding of Request. APPLICANT must bring to the meeting, copies of relevant information, including, as appropriate, Request application, relevant calculations, site plan, photos of APPLICANT'S property and photos of adjacent property.
2. ZPC will provide APPLICANT with a copy of this Request Review Policy & Process with the attached City of Austin Land Development Code Variance Requirements (LDC 25-2-471 through 25-2-474) prior to this meeting.
3. ZPC advises APPLICANT of its recommendation to be taken to the neighborhood organization, if a formal Request application moves forward.

B. NEIGHBORHOOD RECOMMENDATION

1. If APPLICANT decides to move forward with a formal Request application, APPLICANT should inform ZPC. The City will send SRCC a notification of the application, the case number, and the date of the appropriate City Board or Commission hearing. If time allows, SRCC will put the case on the agenda of the next regularly scheduled monthly General Membership meeting (1st Monday). If there is not a regular SRCC meeting prior to the APPLICANT'S scheduled Board or Commission hearing, the ZPC and President may take several actions:
 - a. Schedule the case for the next scheduled SRCC Executive Committee meeting (every 3rd Monday)
 - b. Solicit the SRCC Executive Committee to review and vote on the case via email
 - c. Solicit a postponement of the hearing date by the reviewing Board or Commission until after SRCC's next regular meeting.
2. If the Request application is to be considered at SRCC's regular monthly membership meeting, it will have a place on the agenda, which is posted on the SouthRiverAustin@yahoogroups.com list serve approximately one week prior to the meeting date.
3. Procedural review at the SRCC meeting will be as follows:
 - a. ZPC makes succinct presentation of the Request and findings (3 minutes max.)
 - b. APPLICANT may add comments (3 minutes max.)
 - c. ZPC makes a motion. Followed by a second to the motion, ZPC guides discussion and Q&A. (3 minutes max.)
 - d. ZPC restates the motion with amendments, as appropriate.
 - e. SRCC leads the vote of eligible members.

C. NOTIFICATION

1. ZPC prepares draft letter to appropriate Board or Commission reporting SRCC's vote on the Request, and sends to SRCC President.
2. President sends final letter to appropriate Board or Commission with copies to the Executive Committee and ZPC co-chairs.
3. ZPC makes arrangements to have SRCC attendees at the Board or Commission hearing, as deemed necessary.

SRCC's policy is to follow the City's regulations for reviewing variance requests, as found in the City of Austin Land Development Code, Section 25-2-471 through 25-2-474 as shown below:

"SUBCHAPTER C. USE AND DEVELOPMENT REGULATIONS.

ARTICLE 1. GENERAL PROVISIONS.

§ 25-2-471 INTERPRETATION GUIDELINES.

The Planning Commission may, by resolution, adopt guidelines for the interpretation by the building official of yard and setback requirements in instances where geometric shape, dimensions, or topography make the literal interpretation of the requirements impractical.

Source: Section 13-2-613; Ord. 990225-70; Ord. 031211-11.

§ 25-2-472 BOARD OF ADJUSTMENT VARIANCE AUTHORITY.

The Board of Adjustment shall hear and decide a request for a variance from a requirement of this chapter, except as otherwise provided by the Code.

Source: Section 13-2-833 (1); Ord. 990225-70; Ord. 031211-11.

§ 25-2-473 VARIANCE REQUIREMENTS.

- (A) A variance from the requirements of this chapter may be granted under this division if, because of special circumstances of a property, the strict application of this chapter deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- (B) A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or on the district in which the property is located.

Source: Section 13-2-830; Ord. 990225-70; Ord. 031211-11.

§ 25-2-474 REQUIRED FINDINGS.

- (A) *The Board of Adjustment may grant a variance from a requirement if it determines that:*
 - (1) *the requirement does not allow for a reasonable use of property;*
 - (2) *the hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; and*
 - (3) *development under the variance does not:*
 - (a) *alter the character of the area adjacent to the property;*
 - (b) *impair the use of adjacent property that is developed in compliance with the City requirements; or*
 - (c) *impair the purposes of the regulations of the zoning district in which the property is located.*
- (B) *The Board may grant a variance from a loading facility or off-street parking if, in addition to the findings required by Subsection (A), the Board determines that:*
 - (1) *current or anticipated traffic volume generated by the use of the property or a nearby property does not reasonably require strict compliance with and enforcement of the requirement from which a variance is requested;*
 - (2) *development under the variance does not result in parking or loading on public streets that interferes with the free flow of traffic on the streets; and*
 - (3) *development under the variance does not create a safety hazard or any other condition that is inconsistent with the objectives of the Code.*
- (C) *A variance granted under Subsection (B) applies only to the use for which the variance was granted and does not run with the land on which the use is located.*

Source: Section 13-2-834; Ord. 990225-70; Ord. 031211-11."