

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday July 09, 2018

CASE NUMBER: C15-2018-0029

<input type="checkbox"/>	Y	Brooke Bailey
<input type="checkbox"/>	Y	William Burkhardt
<input type="checkbox"/>	Y	Christopher Covo
<input type="checkbox"/>	Y	Eric Golf
<input type="checkbox"/>	Y	Melissa Hawthorne
<input type="checkbox"/>	N	Bryan King
<input type="checkbox"/>	Y	Don Leighton-Burwell
<input type="checkbox"/>	-	Rahm McDaniel (OUT)
<input type="checkbox"/>	-	Martha Gonzalez (Alternate)
<input type="checkbox"/>	Y	Veronica Rivera
<input type="checkbox"/>	Y	James Valdez
<input type="checkbox"/>	Y	Michael Von Ohlen
<input type="checkbox"/>	N	Kelly Blume (Alternate)
<input type="checkbox"/>	-	Pim Mayo (Alternate)

APPLICANT: Vincent G Huebinger

OWNER: Hsu Chi Kao

ADDRESS: 5300-1/2 MIDDLE FISKVILLE RD

VARIANCE REQUESTED: The applicant has requested a variance to Section 25-2-492 (Site Development Regulations) (D) to decrease the minimum front yard setback from 10 feet (required) to 4 feet (requested) in order to add auxiliary power equipment for a wireless telecommunication facility in a "CS-V-CO-NP" – General Commercial Services – Vertical – Conditional Overlay - Neighborhood Plan zoning district. (North Loop)

BOARD'S DECISION: BOA meeting July 9, 2018 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to add bollards on the subject property adjacent to the Middle Fiskville right of way, Board Member Veronica Rivera second on a 9-2 vote (Board members Bryan King, Kelly Blume nay); GRANTED WITH CONDITION TO ADD BOLLARDS ON THE SUBJECT PROPERTY ADJACENT TO THE MIDDLE FISKVILLE RIGHT OF WAY. EXPIRATION DATE: JULY 9, 2019

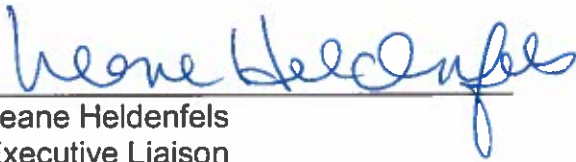
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the code requires a 10' front street setback on an irregular shape tract, which is not usable for any other land except wireless telecommunications
2. (a) The hardship for which the variance is requested is unique to the property in that: the physical characteristics of the property consist of roadway frontage on the front

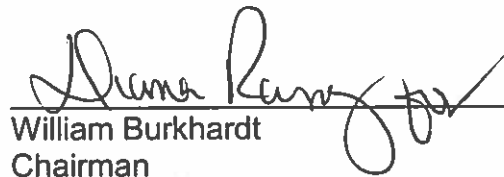
side railroad frontage on the rear side, and a triangular shape on the edge of platted lot, making it a hardship due to the physical characteristics of the legal lot

(b) The hardship is not general to the area in which the property is located because: the tract has setbacks that will prohibit full deployment of the emergency backup generator for communications during power outages and compliance with the additional ground space necessary for a second carrier within the existing setbacks.

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: other tracts in the immediate area employ large 1-2 story commercial structures that extend to the property lines, our variance request includes smaller unmanned equipment cabinets and a generator both of which will be screened from the public right of way by landscaping required by code.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman