

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
(RECONSIDERATION REQUEST)

DATE: Monday, December 10, 2018

CASE NUMBER: C15-2018-0036

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

APPLICANT: Gregg Andrulis

OWNER: 2713 Hemphill Park, LLC

ADDRESS: 2711 HEMPHILL PARK

VARIANCE REQUESTED: The applicant has requested variance(s) to Ordinance 040826-58 (North University Neighborhood Conservation Combining District – Neighborhood Plan) Part 7, (1) to decrease the minimum lot size from 8,000 square (required) to 7,772 square feet (requested, existing) in order to erect a multi-family residence in a “MF-5-NCCD-NP”, Multifamily Residence High Density – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

Note: no conflict exists between the Land Development Code and the NCCD in regard to MF-5 minimum lot size.

BOARD’S DECISION: BOA MEETING SEPT 10, 2018 The public hearing was closed on Board Member Michael Von Ohlen motion to postpone to October 8, 2018, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO OCTOBER 8, 2018.

VARIANCE REQUESTED: The applicant has requested variance(s) to Ordinance 040826-58 (North University Neighborhood Conservation Combining District – Neighborhood Plan) Part 7, (1) to decrease the minimum lot size from 8,000

square (required) to 7,772 square feet (requested) in order to erect a multi-family residence in a "MF-5-NCCD-NP", Multifamily Residence High Density – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

Note: There is no conflict between the Land Development Code and the NCCD in regard to MF-5 minimum lot size, both require 8,000 square feet. The lot size above is according to a sealed survey of the property, however the Travis County Appraisal District property detail information describes the property as having 7,763 square feet. The Board typically just approves variances based on a sealed survey when one is available.

BOARD'S DECISION: October 8, 2018 POSTPONED TO November 8, 2018 (6pm) BY APPLICANT; Nov 8, 2018 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions as per letter O01/49, Board Member Rahm McDaniel second on a 9-1 vote (Board member Don Leighton-Burwell nay); **GRANTED WITH CONDITIONS AS PER LETTER O01/49.**

RECONSIDERATION REQUEST: The appellant, North University Neighborhood Association, asks the Board of Adjustment to reconsider the applicant's request variance(s) to Ordinance 040826-58 (North University Neighborhood Conservation Combining District –Neighborhood Plan) Part 7, (1) to decrease the minimum lot size from 8,000 square (required) to 7,772 square feet (requested) in order to erect a multi-family residence in a "MF-5-NCCD-NP", Multifamily Residence High Density – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

Note: There is no conflict/different between the Land Development Code and the NCCD in regard to MF-5 minimum lot size, both require 8,000 square feet.

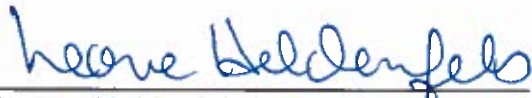
BOARD'S DECISION: December 10, 2018 Board Member Melissa Hawthorne motion to reconsider the request, Board Member Bryan King second on a 9-2 vote (Board members Christopher Cover and Eric Goff abstained); **REQUEST RECONSIDERED.** The public hearing was closed on Board Member Bryan King motion to Grant with conditions as per letter P-1/1 and same findings from November 8, 2018 meeting, Board Member Veronica Rivera second on a 11-0 vote; **GRANTED WITH CONDITIONS AS PER LETTER P-1/1 AND SAME FINDINGS FROM November 8, 2018 MEETING.**

EXPIRATION DATE: December 10, 2019


FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: LDC 25-2-492 (D) states that for the MF-5 base zoning district the minimum lot size is 8,000 SF, the subject property is comprised of 7,772 sf.

2. (a) The hardship for which the variance is requested is unique to the property in that: property is zoned for a dense multi-family use (MF-5) but lacks the minimum required area to develop for a multi-family use.
(b) The hardship is not general to the area in which the property is located because: other properties on Hemphill Park between Guadalupe and 29thSt zoned MF-5 and MF-6 are less than 8,000 sf and are currently supporting multi-family use.
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: the property proximity to the University of Texas makes it an excellent candidate for high density student housing and vast majority of properties on Hemphill Park between 27th St and 29th St are currently supporting multi-family uses similar to the proposed project.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

