

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

DATE: Monday, February 11, 2019

CASE NUMBER: C15-2018-0046

<input checked="" type="checkbox"/>	Brooke Bailey
<input checked="" type="checkbox"/>	William Burkhardt
<input type="checkbox"/>	Christopher Covo OUT
<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 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 checked="" type="checkbox"/>	Kelly Blume (Alternate) (for CC)
<input checked="" type="checkbox"/>	Ada Corral (Alternate) (for RM)

APPLICANT: Lila Nelson

OWNER: Frank Chef and Sharon Shuppert

ADDRESS: 1800 MARTIN LUTHER KING JR BLVD

VARIANCE REQUESTED: The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 0 feet (requested); and to

B. (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 30 feet (requested)

in order to erect a medical office and five multifamily residential units in an "LO-MU-V-NP", Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Note: the current zoning requires that one of the five multifamily units be designated as affordable.

**BOARD'S DECISION: POSTPONED TO November 8, 2018 (6:00PM) BY APPLICANT;
Nov 8, 2018 POSTPONED TO DECEMBER 10, 2018 REQUESTED BY APPLICANT;
Dec 10, 2018 The public hearing was closed on Board Member Eric Goff motion to**

Postpone to January 14, 2019, Board Member Melissa Hawthorne second on an 11-0 vote;
POSTPONED TO January 14, 2019. (RE-NOTICE)

RENOTIFICATION: The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 5 feet (requested) for the building and 0 feet (requested) for the proposed at-grade parking, landscaping, solid fence; and to

B. (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 33 feet (requested)

in order to erect a medical office and five multifamily residential units in an "LO-MU-V-NP", Limited Office - Mixed Use - Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Note: the current zoning requires that one of the five multifamily units be designated as affordable, further it would otherwise permit 40' height with 0' setback if these compatibility standards did not also have to be met.

BOARD'S DECISION: JAN 14, 2019 The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with conditions no balconies and no roof top terraces, Board Member Veronica Rivera second on an 8-3 vote (Board members Bryan King, Don Leighton-Burwell, James Valadez nay); MOTION FAILS DUE TO LACK OF VOTES, VARIANCE REQUEST DENIED.

EXPIRATION DATE: January 14, 2020

RECONSIDERATION REQUEST:

The applicant has requested variance(s) from:

- A. Section 492 (D) to increase the impervious cover from 70% (required/permitted) to 80% (requested); and to
- B. Section 25-2-1062 (*Height Limitations and Setbacks for Small Sites*) (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 5 feet (requested) for the building and 0 feet (requested) for the proposed at-grade parking, landscaping, solid fence; and to
- C. Section 25-2-1062 (*Height Limitations and Setbacks for Small Sites*) (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 33 feet (requested)
- D. Section 25-2-1064 (*Front Setback*) to decrease the front building line setback from a right of way if the tract on which the building is

constructed adjoins (SF-5) or more restrictive zoning from 25 feet (required) to 0 feet (requested) in order to erect a vertical mixed use building composed of medical office and multifamily residential uses in an "LO-MU-V-NP", Limited Office - Mixed Use - Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Board's Decision: February 11, 2019 Board Member Bryan King motion to reconsider the request, Board Member Melissa Hawthorne second on an 11-0 vote; RECONSIDERED REQUEST; Board Member Michael Von Ohlen motion to postpone to March 11, 2019 at request of applicant, Board Member Melissa Hawthorne second on an 11-0 vote; POSTPONED TO MARCH 11, 2019

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: property is located in transit corridor, structure is zoned more of a commercial field due to configuration adjacent to east is being built on that zoning along the corridor.
2. (a) The hardship for which the variance is requested is unique to the property in that: reduction compatibilities setback to 5ft along east property is alignment with residential structure, to have property capped out at 33ft height allows 1ft greater than residential property that could be built any day of the week on that property
(b) The hardship is not general to the area in which the property is located because: zoning MU went down the street and residential structure that hold more of commercial look in nature became next to property
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: as the structure will be built to the design standards 5ft setback same as residential structure to the rear will only be allowed as tall as 33ft.



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

