

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

DATE: Monday, March 11, 2019

CASE NUMBER: C15-2018-0046

Y Ada Corral
 Y William Burkhardt
 - Christopher Covo OUT
 Y Eric Goff
 Y Melissa Hawthorne
 Y Bryan King
 Y Don Leighton-Burwell
 - Rahm McDaniel OUT
 Y Martha Gonzalez (Alternate) (for RM)
 Y Veronica Rivera
 Y James Valadez
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate) (for CC)
 - VACANT (Alternate)

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

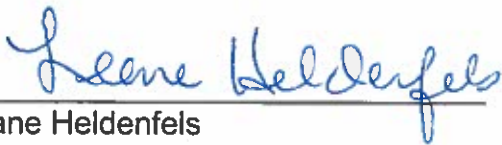
constructed adjoins (SF-5) or more restrictive zoning from 25 feet (required) to 0 feet (requested) in order to erect a vertical mixed use building composed of medical office and multifamily residential uses in an "LO-MU-V-NP", Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning 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, March 11, 2019 The public hearing was closed on Board Member Bryan King motion to Grant Option B, with height limitations to two-story and 33 feet, and setback to 15 feet, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED OPTION B, WITH HEIGHT LIMITATIONS TO TWO-STORY AND 33 FEET, AND FRONT SETBACK TO 15 FEET.

EXPIRATION DATE: March 11, 2020

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the current use of 1800 E MLK is single family, zoning was approved by City Council on Sept 20, 2018 to LO-MU-V-NP, MLK is a major transit corridor and the single family use of this lot is no longer viable, the reasonable use includes office and residential units
2. (a) The hardship for which the variance is requested is unique to the property in that: the property to the east is zoned Commercial MF-3 and was vacant when the owner of 1800 E MLK purchased the property and began the zoning process, then the builder developed SF use which triggered the compatibility issue
(b) The hardship is not general to the area in which the property is located because: the property is most affected today by the existence of a SF use in the middle of the area is the subject 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: property across the street developed as commercial property, size and residence next door are somewhat similar



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

