

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

**DATE: Thursday, November 7, 2019**

**CASE NUMBER: C15-2019-0056**

Y  Brooke Bailey  
 Y  Jessica Cohen  
 -  Ada Corral  
 -  Melissa Hawthorne  
 Y  William Hodge  
 Y  Don Leighton-Burwell  
 -  Rahm McDaniel  
 Y  Darryl Pruett  
 Y  Veronica Rivera  
 Y  Yasmine Smith  
 Y  Michael Von Ohlen  
 Y  Kelly Blume (Alternate)  
 Y  Martha Gonzalez (Alternate)  
 -  Denisse Hudock (Alternate)

**APPLICANT: Eric Scheibe**

**OWNER: Jerad Kolarik**

**ADDRESS: 1400 OLTORF STREET**

**VARIANCE REQUESTED: The applicant is requesting a variance(s) from the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards:**

**a. to decrease the minimum setback requirement from Section 25-2-1063 (B) (2) (Height Limitations and Setbacks from Large Sites) from 25 feet to 0 feet along the south property line**

**Note: The Land Development Code states that a person may not construct a structure 25 feet or less from property on which a use permitted in an SF-5 or more restrictive zoning district is located.**

**b. to increase the maximum compatibility height requirement of Section 25-2-1063 (C) (1) and (2) (Height Limitations and Setbacks for Large Sites) to 45 feet in height in order to erect a 45 foot Office/Retail use in a "CS", General Commercial Services zoning district.**

**Note: The Land Development Code height limitations for a structure are: (1) two stories and 30 feet, if the structure is 50 feet or less from property: (a) in an SF-5**

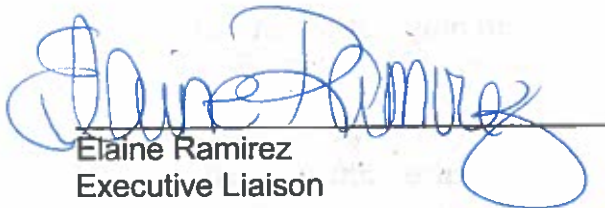
or more restrictive zoning district; or (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; or (2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property; (a) in an SF-5 or more restrictive zoning district; or (b) on which a use permitted in an SF-5 or more restrictive zoning district is located.

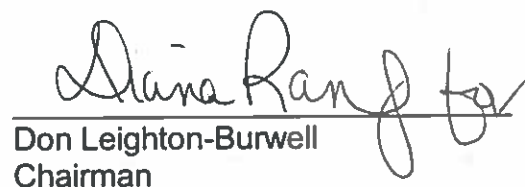
**BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to November 7, 2019, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO November 7, 2019. Nov 7, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member Brooke Bailey seconds on a 10-0 vote; GRANTED.**

**EXPIRATION DATE: November 7, 2020**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the property is zoned CS and the adjacent lot to the southwest is zoned SF-3.
2. (a) The hardship for which the variance is requested is unique to the property in that: property is adjacent to a property to the southwest that is currently zoned SF-3 in floodplain will likely never be built on as it is located completely within the CWQZ on W Bouldin Creek.  
(b) The hardship is not general to the area in which the property is located because: All other properties in the region of West Oltorf have more room to construct as they are not limited by (1) a CWQZ that consumes over half the lot total area, (2) compatibility setbacks from a vacant and undevelopable city owned lot located in W Bouldin Creek.
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 lot to the southwest zoned SF-3 will likely never be built on as it is completely located with the CWQZ and is owned by the city

  
Elaine Ramirez  
Executive Liaison

  
Don Leighton-Burwell  
Chairman