

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
E-1

DATE: Monday December 14, 2020

CASE NUMBER: C15-2020-0053

Y ___ Brooke Bailey
 Y ___ Jessica Cohen
 Y ___ Ada Corral
 Y ___ Melissa Hawthorne
 - ___ VACANT
 Y ___ Don Leighton-Burwell
 - ___ Rahm McDaniel -OUT
 Y ___ Darryl Pruett
 Y ___ Veronica Rivera
 Y ___ Yasmine Smith
 Y ___ Michael Von Ohlen
 Y ___ Kelly Blume (Alternate)
 - ___ Martha Gonzalez (Alternate)
 - ___ Donny Hamilton (Alternate)

APPLICANT: Michael Gaudini

OWNER: Thomas Bercy

ADDRESS: 900 OLD KOENIG LN AND 5916 N. LAMAR BLVD.

VARIANCE REQUESTED: The applicant is requesting a variance(s) to decrease the required setback and increase the maximum allowable height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)

- a) (B) (2) reduce setback from 25 feet (minimum allowed) to 0 feet (requested)
- b) (C) (1) (b) increase height limit from 30 feet (maximum allowed) to 60 feet (requested)
- c) (C) (2) (b) increase height limit from 40 feet (maximum allowed) to 60 feet (requested) in order to erect Vertical Mixed Use project with on-site affordable units in a “CS-MU-V-CO-NP”, General Commercial Services – Mixed Use – Vertical Mixed Use - Conditional Overlay – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

Note: The Land Development Code Section 25-2-1063 (B) A person may not construct a structure 25 feet or less from property: (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(C) The height limitation for a structure are: (1) two stories and 30 feet, if the structure is 50 feet or less from the property: (b) on which a use is permitted in an "SF-5" or more restrictive zoning district; or (2) three stories and 40 feet if the structure is more than 50 feet and not more than 100 feet from property: (b) on which a use is permitted in an "SF-5" or more restrictive zoning district is located.

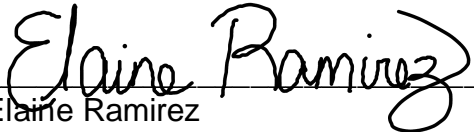
BOARD'S DECISION: BOA MEETING OCT 12, 2020

Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member Brooke Bailey seconds on an 11-0 vote; POSTPONED TO DECEMBER 14, 2020. DEC 14, 2020 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant with condition must meet AE requirements and setback variances only from Church, not residential properties, and Board Member Jessica Cohen seconds on a 10-0 vote; GRANTED WITH CONDITION MUST MEET AE REQUIREMENTS AND SETBACK VARIANCES ONLY FROM CHURCH, NOT RESIDENTIAL PROPERTIES.

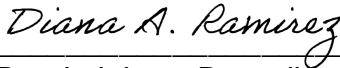
FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: city policy has consistently identified North Lamar as a major corridor in which increased housing is appropriate, including designating it a core transit corridor
2. (a) The hardship for which the variance is requested is unique to the property in that: the variance is necessary and warranted due to site constraints unique to the property

(b) The hardship is not general to the area in which the property is located because: the site constraints listed above are unique to the property, the applicant is requesting a variance from compatibility to the nearby church in order to account for these constraints
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 variance will allow the project to fulfill the City's vision for redevelopment along North Lamar Blvd by providing a mixed use project with affordable income restricted units, it will also maintain compatibility with nearby single family structures ensuring that the design is sensitive to neighborhood scale.



Elaine Ramirez
Executive Liaison



Don Leighton-Burwell
Chairman