

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-5

DATE: Monday June 14, 2021

CASE NUMBER: C15-2021-0033

☐Y ☐ Thomas Ates
☐N ☐ Brooke Bailey
☐N ☐ Jessica Cohen
☐Y ☐ Melissa Hawthorne
☐N ☐ Don Leighton-Burwell
☐Y ☐ Rahm McDaniel
☐N ☐ Darryl Pruett
☐Y ☐ Agustina Rodriguez
☐- ☐ Michael Von Ohlen
☐Y ☐ Nicholl Wade
☐- ☐ Vacant
☐- ☐ Kelly Blume (Alternate)
☐N ☐ Carrie Waller (Alternate)
☐- ☐ Vacant (Alternate)

APPLICANT: Mark Zupan

OWNER: Christopher Affinito

ADDRESS: 221 LESSIN LN

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 12 feet (requested) in order to erect Multi-Family-Condominiums in an "SF-6-NP", Condominium residence-Neighborhood Plan zoning district. (Dawson Neighborhood Plan)

BOARD'S DECISION: BOA meeting April 12, 2021 cancelled; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; June 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Rahm McDaniel motions to Grant; Board Member Melissa Hawthorne seconds on a 5-5 vote (Board members Brooke Bailey, Jessica Cohen, Don Leighton-Burwell, Darryl Pruett, Carrie Waller nay); MOTION FAILS; DENIED.

FINDING:

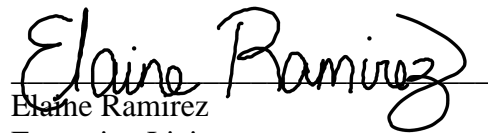
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: SF-6 zoning allows 1 unit per 3,500 SF on site area, based on the site area of approx. 63,597 sf, this property is entitled to 18 condominium residential units, due to the high concentration of heritage trees and valuable "less than heritage" trees, floodplain, and the fact that the

property is a through lot, both front and rear of the property face a street, creating additional building setbacks, would only be able to build 14 condo units on this property without creating a larger, attached condo building that would look inconsistent with the character of the neighborhood

2. (a) The hardship for which the variance is requested is unique to the property in that: most properties in the area are much smaller, are zoned SF-3, are not in the floodplain and have a lower concentration of valuable and heritage trees, this property is also unique in that the front and rear both face a street, creating a double front setback which further restricts development compared to other lots.

(b) The hardship is not general to the area in which the property is located because: other lots in the area do not face a street on three sides and are subject to smaller building setbacks, the combination of these additional setbacks, the floodplain along the western side, and high concentration of valuable trees

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: contrary to altering the character of the area, granting this variance will actually preserve the character of the area, because it will allow to build detached houses and duplexes as opposed to a townhome or apartment-style development, in order to achieve the unit count allowed by zoning, if this property were not a through lot, would be able to design a development that both conforms with current zoning and with the character of the neighborhood.


Elaine Ramirez
Executive Liaison

Diana Ramirez for
Jessica Cohen
Chairman