

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**Interpretation**  
**A-1**

**DATE: July 13, 2022**

**CASE NUMBER: C15-2022-0051**

Y  Thomas Ates  
 N  Brooke Bailey  
 N  Jessica Cohen  
 R  Melissa Hawthorne RECUSED  
 -  Barbara Mcarthur OUT  
 N  Ryan Nill  
 -  Darryl Pruett OUT  
 Y  Agustina Rodriguez  
 N  Richard Smith  
 Y  Michael Von Ohlen  
 Y  Nicholl Wade  
 Y  Kelly Blume (Alternate)  
 Y  Carrie Waller (Alternate)  
 Y  Marcel Gutierrez-Garza (Alternate)

**APPELLANT: Stuart Hersh**

**OWNER: TDC Griffin Windsor Owner, LLC**

**ADDRESS: 5900 WESTMINSTER DR**

**VARIANCE REQUESTED:** The appellant has filed an appeal challenging staff’s interpretation of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) of the Land Development Code in connection with approval of a Site Plan application for construction of a Vertical Mixed-Use (VMU) development at the above-referenced address. The appellant contends that the Site Plan does not meet the Land Development Code, Subchapter E Sections 1.1, 1.5, 2.1, 2.2, 2.8, 3.1, 4.1, and 4.3 in a “GR-V-CO-NP”, Community Commercial-Vertical Mixed Use-Conditional Overlay-Neighborhood Plan zoning district (Windsor Park Neighborhood Plan).

*Note: Subchapter E: Design Standards and Mixed Use, Article 1 – General Provisions, Article 2 – Site Development Standards, Article 3 – Building Design Standards, and Article 4 – Mixed Use:*

**Article 1 – General Provisions**

- 1.1 General Intent
- 1.5 Alternative Equivalent Compliance

**Article 2 – Site Development Standards**

- 2.1 Intent
- 2.2 Relationship of Buildings to Streets and Walkways
- 2.8 Shade and Shelter

**Article 3 – Building Design Standards**

- 3.1 Intent

**Article 4 – Mixed Use**

- 4.1 Intent and
- 4.3 Vertical Mixed Use Buildings

**BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to deny the appeal request and uphold City staff’s interpretation; Board member Marcel Gutierrez-Garza seconds on a 7-4 vote (Board members Brooke Bailey, Jessica Cohen, Ryan Nill, Richard Smith nay, Melissa Hawthorne recused); APPEAL DENIED-UPHELD STAFF’S INTERPRETATION.**

**FINDING:**

1. There is a reasonable doubt of difference of interpretation as to the specific intent of the regulations or map in that:
2. An appeal of use provisions could clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question because:
3. The interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated in that:

  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Madam Chair