

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
Item 5

DATE: Monday October 10, 2022

CASE NUMBER: C15-2022-0066

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

APPLICANT: Richard Suttle

OWNER: Clarks Village, LP

ADDRESS: 1116, 1110, 1112, 1114, 1118-1124 W. 6th Street, 1128-1130 W. 6th Street, 605-607 Blanco Street

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code:

Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)

- 1. For triggering property at 608 Baylor St**
 - a) (B) (1) from setback requirements to decrease the setback from 25 feet (minimum allowed) to 15 feet (requested)**
 - b) (C) (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet for a structure 50 feet or less from property zoned SF-5 or more restrictive (maximum allowed) to 60 feet and no limitation on the number of stories (requested)**
 - c) (C) (2) (a) from height limitations to increase the height limit from three (3) stories and 40 feet for a structure more than 50 feet but less than 100 feet from property zoned SF-5 or more restrictive (maximum allowed) to 60 feet and no limitation on the number of stories (requested)**
 - d) (C) (3) (a) to increase allowed height from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive (maximum allowed) to 60 feet (requested)**

2. For triggering property at 611 Blanco St
 - a) (C) (2) (a) from height limitations to increase the height limit from three (3) stories and 40 feet for a structure located more than 50 feet but not more than 100 feet from property zoned SF-5 or more restrictive (maximum allowed) to 45 feet and no limitation on the number of stories (requested)
 - b) (C) (3) to increase the height for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet (maximum allowed) to 50 feet plus one foot for each 10 feet of distance in excess of 100 feet, and to 60 feet for property more than 200 feet from property zoned SF-5 or more restrictive (requested)
3. For triggering property at 612 Blanco St
(C) (3) to increase allowed height from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive (maximum allowed) to 45 feet plus one foot for each 10 feet of distance in excess of 100 feet on property less than 250 feet from SF-5 or more restrictive zoned, and to 60 feet on property located more than 250 feet from property zoned SF-5 or more restrictive (requested)

in order to erect a Mixed Use project in a “CS-MU-V-CO-NP”, General Commercial Services-Mixed Use-Vertical Mixed Use-Conditional Overlay-Neighborhood Plan Zoning District (Old West Austin Neighborhood Plan).

Note: Section 25-2-1063 Height Limitations and Setbacks for Large Sites

(B) in this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property.

(1) in an urban family residence (SF-5) or more restrictive zoning district;

(C) The 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

(3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or

(4) for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Darryl Pruett motions to Approve with conditions as per Exhibit A-Compatibility Standard Variances; Board member Brooke Bailey seconds with a friendly amendment to tie image from presentation 5/31 on 9-0 vote; GRANTED WITH CONDITIONS AS PER EXHIBIT A – COMPATIBILITY STANDARD VARIANCES

AND WITH A FRIENDLY AMENDMENT TO TIE IMAGE FROM PRESENTATION 5/31.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: The city has designed this site as being on a Core Transit Corridor with a combination of MU and VMU zoning marking it as an appropriate location for achieving a mixed use development, this reasonable use is undermined by site constraints including preservation of on-site historical structures, preservation of large trees and a significant (+/35') grade change from southwest to northeast across the site, the proposed mixed-use project is envisioned with more reasonably distributed density that focuses height in the inner portions of the property and implements stepped setbacks along all property edges, the mass of the building and intensity of use decrease at each vertical floor to provide a project with size and scale fitting the character of the neighborhood and its adjacent properties, supported by the Old West Austin Neighborhood Association (OWANA).

2. (a) The hardship for which the variance is requested is unique to the property in that: the constraints described above uniquely impact the property undermining its reasonable use, the requested variances would provide the property exceptions to compatibility restrictions impacting the site, the relief provided by the variances directly addresses the constraints identified above and would allow a project that saves large trees, retains the on-site historic structures in the manner approved by the Historic Landmark Commission and maintains a character and scale appropriate for the neighborhood.

(b) The hardship is not general to the area in which the property is located because: the limitations to reasonable use of the property are related to the unique physical characteristics of the property described above and are not general to the area, topographic constraints experienced by the subject property are unique as there are no similarly zoned properties along the W 5th St or W 6th St corridors that are burdened with the same combination of topography and up gradient, compatibility-triggering properties.

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 variances will be granted relief from compatibility standards trigger by the unique site constraints allowing the project to utilize the full entitlements envisioned by zoning districts, the scale and massing of the proposed project preserve the character of the existing neighborhood.


Elaine Ramirez
Executive Liaison

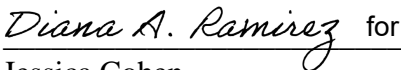
 for
Jessica Cohen
Madam Chair

Exhibit "A"

Compatibility Standards Variances

The applicant is requesting a variance to 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)

Triggering property at 608 Baylor Street

25-2-1063(B)

Restriction - 0' - 25' offset: no build setback

Proposed – 0' - 15' offset: no build setback (Reduce setback by 10')

25-2-1063(C1)

Restriction – 0' to 50' offset – 30' or 2 stories

Proposed 15' - 50' to offset- 55' and 6 story limit (Height limit adjustment of +25' and allowance for 4 additional stories)

25-2-1063(C2)

Restriction – 50' – 100' offset: 40' or 3 stories

Proposed - 50' - 100' offset: 55' and 6 story limit (Height limit adjustment of +15' and allowance for 3 additional stories)

25-2-1063(C3)

Restriction - 100' to 300' offset, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet = 40' to 60' max @ 300'

Proposed 100' - 250' offset: 55' no stepping (Height limit adjustment varies from +15' to +0')

Proposed 250' - 300' offset: 55' no stepping (Height limit adjustment of 0' to -5', with stepping max height is 55' at 250')

Triggering property at 611 Blanco Street

25-2-1063(B)

Restriction - 0' - 25' offset: no build setback

Proposed – No change

25-2-1063(C1)

Restriction – 0' to 50' offset – 30' or 2 stories

Proposed – No change

25-2-1063(C2)

Restriction – 50' – 100' offset: 40' or 3 stories

Proposed - 50' - 100' offset: 45' and 5 story limit (Height limit adjustment of +5' and allowance for 2 additional stories)

25-2-1063(C3)

Restriction - 100' to 300' offset, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet = 40' to 55' max @ 250'

Proposed 100' - 150' offset: 50' plus one foot for each 10 feet of distance in excess of 100 feet 55' (Height limit adjustment of +10')

Proposed 150' - 300' offset: 55' no stepping (Height limit adjustment of +10' to -5', with stepping max height at 250' is 55')

Triggering property at 612 Blanco Street

25-2-1063(B)

Restriction - 0' - 25' offset: no build setback

Proposed – No change

25-2-1063(C1)

Restriction – 0' to 50' offset – 30' or 2 stories

Proposed – No change

25-2-1063(C2)

Restriction – 50' – 100' offset: 40' or 3 stories

Proposed – No change

25-2-1063(C3)

Restriction - 100' to 300' offset, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet = 40' to 55' max @ 250'

Proposed 100' - 200' offset: 45' plus one foot for each 10 feet of distance in excess of 100 feet (Height limit adjustment of +5')

Proposed 200' - 300' offset: 55' no stepping (Height limit adjustment of +5' to -5', with stepping max height at 250' is 55')