

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**Item 10**

**DATE: Monday October 10, 2022**

**CASE NUMBER: C15-2022-0002**

-  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: Rao Vasamsetti**

**OWNER: 5413 Guadalupe LLC**

**ADDRESS: 5413 GUADALUPE STREET**

**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 Interior Side Yard Setback from 5 feet (required) to 4 feet (requested), in order to erect a three story condominium in a “MF-4-CO-NP”, Multi-Family-Conditional Overlay-Neighborhood Plan zoning district (North Loop Neighborhood Plan).

**BOARD’S DECISION: BOA MEETING JUNE 13, 2022 APPLICANT NO SHOW - The public hearing was closed by Madam Chair Jessica Cohen, Board member Jessica Cohen motions to postponed to July 11, 2022; Board member Brooke Bailey seconds on a 11-0, vote; POSTPONED TO JULY 11, 2022. JULY 11, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Jessica Cohen motions to postpone to September 12, 2022; Board member Melissa Hawthorne seconds on a 11-0 vote; POSTPONED TO SEPTEMBER 12, 2022.**

**RENOTICE -VARIACE 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):**

a) (C) (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 30 feet (requested) for a building located 50-ft or less from property in an SF-5 or more restrictive zoning district

b) (C) (2) (a) from height limitations to increase the height limit from three (3) stories and 40 feet (maximum allowed) to four (4) stories and 40 feet (requested) and

**Section 25-2-1064 (Front Setback):**

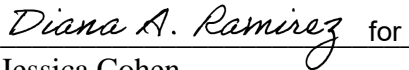
c) (1) (a) to decrease the front setback from 25 feet (minimum required) to 15 feet (requested) on a tract that adjoins property in an SF-5 or more restrictive zoning district and fronts on the same street in order to erect a Multi-Family building in a “MF-4-CO”, Multi-Family Residence Moderate-High Density-Conditional Overlay zoning district.

**BOARD’S DECISION: BOA September 12, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postpone to October 10, 2022; Board member Melissa Hawthorne second on 11-0 vote; POSTPONED TO OCTOBER 10, 2022. October 10, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve only variances A and C; Board member Melissa Hawthorne second on 9-0 vote; GRANTED ONLY VARIANCES A AND C.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the by-right base zoning requirements alone provide a vast reduction to the buildable and reasonable use of the property.
2. (a) The hardship for which the variance is requested is unique to the property in that: they estimated that a more typical lot of the size would have a site utilization of about 50% with the base zoning and compatibility zoning applied, whereas this property has a reduce ability of only 37%, because of the left over nature of the property configuration.  
  
(b) The hardship is not general to the area in which the property is located because: typical properties adjacent to SF lots would still be able to yield a reasonable built area however because of the unique shape of this lot.
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: all relief variance requested is proposed to be resolved on-site and proposes to have a reduced impact of the development to the surrounding properties.

  
Elaine Ramirez  
Executive Liaison

  
Jessica Cohen  
Madam Chair