

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM08

DATE: Monday July 10, 2023

CASE NUMBER: C15-2023-0028

Y Thomas Ates
 Y Jessica Cohen
 Y Melissa Hawthorne
 Y Brian Poteet
 Y Marcel Gutierrez-Garza
 Y Margaret Shahrestani
 A Richard Smith (**ABSTAINED**)
 Y Janel Venzant
 Y Michael Von Ohlen
 - Nicholl Wade
 - Kelly Blume (Alternate)
 - Carrie Waller (Alternate)
 Y Suzanne Valentine (Alternate)

APPLICANT: Jeremy Siltala

OWNER: Terry Eaton and Robert Williams III

ADDRESS: 900 NORTH LOOP BLVD

VARIANCE REQUESTED: LDC:

The applicant is requesting a variance(s) from the Land Development Code:
Article 10, Compatibility Standards, Division 2 –Development Standards,

1. Section 25-2-1062 (*Height Limitations and Setbacks for Smaller Sites*) (C) from setback requirements to:
 - a. decrease the interior side setback from 17.5 feet (required) to 5 feet (requested) on the side property lines, **and**
 - b. decrease the rear setback from 17.5 feet (required) to 11 feet (requested) on north side **for existing structure** on the site that is 64 feet in width/street frontage.
 - c. decrease the interior side setback from 17.5 feet (required) to 0 feet (requested) on west property line for a **proposed sidewalk**.

2. Section 25-2-1067 (*Design Regulations*) (H) from setback requirements to decrease the interior side setback from 9 feet (required) to 5 feet (requested) for parking on the site that is 64 feet in width/street frontage in order to maintain existing structure and parking lot in a “LO-MU-NP”, Limited Office-Mixed Use-Neighborhood Plan Zoning District (Brentwood Neighborhood Plan).

Note: Section 25-2-1062 Height Limitations and Setbacks for Smaller Sites

(A) This section applies to a site that has:

- (1) an area that does not exceed 20,000 square feet; and
- (2) a street frontage that does not exceed 100 feet.

(C) If a site has a street frontage that is more than 50 feet, but that does not exceed 100 feet, the side and rear setback requirements are as follows:

<u>Length of Street Frontage (Feet)</u>	<u>Side and Rear Setback (Feet)</u>
50.01 to 52.50	15.0
52.51 to 54.99	15.5
55.00 to 57.50	16.0
57.51 to 59.99	16.5
60.00 to 62.50	17.0
62.51 to 64.99	17.5
65.00 to 67.50	18.0
67.51 to 69.99	18.5
70.00 to 72.50	19.0
72.51 to 74.99	19.5
75.00 to 77.50	20.0
77.51 to 79.99	20.5
80.00 to 82.50	21.0
82.51 to 84.99	21.5
85.00 to 87.50	22.0
87.51 to 89.99	22.5
90.00 to 92.50	23.0
92.51 to 94.99	23.5
95.00 to 97.50	24.0
97.51 to 99.99	24.5
100	25.0

Section 25-2-1067 Design Regulations

(H) If a site on which a parking area or driveway is constructed is less than 125 feet wide, the width and setback for the parking area or driveway must comply with the following schedule:

<u>Total Site Width</u>	<u>Setback for Driveway</u>	<u>Avg. Parking Width</u>	<u>Setback for Parking</u>
0 to 52.99'	45'	5'	0'
53 to 55.99'	46'	6'	1'
56 to 58.99'	47'	7'	2'
59 to 61.99'	48'	8'	3'
62 to 64.99'	49'	9'	4'
65 to 67.99'	50'	10'	5'

Continues to 124.99'

BOARD'S DECISION: BOA MEETING JULY 10, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Board member Melissa Hawthorne seconds on -9-0-1 votes (Board member Richard Smith abstains); GRANTED.


FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: a site plan is currently in review for the subject property to pave existing parking area, add required sidewalk and landscape improvements in accordance with commercial site standards.

2. (a) The hardship for which the variance is requested is unique to the property in that: due to the lot size/width, configuration of existing structures and associated infrastructure required parking, sidewalk and landscape improvements cannot be placed elsewhere on the site in strict compliance with the single family residential compatibility setbacks.

(b) The hardship is not general to the area in which the property is located because: other lots within Skyland subdivision are larger and allow strict compliance with compatibility setbacks.

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 owner seeks to use the existing building and associated infrastructure as an office building to serve neighborhood or community needs in accordance with the commercial (LO-MU) zoning.



Elaine Ramirez
Executive Liaison



Jessica Cohen
Madam Chair