

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM08**

**DATE: Monday August 14, 2023**

**CASE NUMBER: C15-2023-0027**

\_\_\_\_ Thomas Ates  
 \_\_\_\_ Jessica Cohen  
 \_\_\_\_ Melissa Hawthorne  
 \_\_\_\_ Brian Poteet  
 \_\_\_\_ Marcel Gutierrez-Garza  
 \_\_\_\_ Margaret Shahrestani  
 \_\_\_\_ Richard Smith  
 \_\_\_\_ Janel Venzant  
 \_\_\_\_ Michael Von Ohlen  
 \_\_\_\_ Yung-ju Kim  
 \_\_\_\_ Kelly Blume (Alternate)  
 \_\_\_\_ VACANT (Alternate)  
 \_\_\_\_ Suzanne Valentine (Alternate)

**APPLICANT: JP Sullivan**

**OWNER: Mayo C Cuellar**

**ADDRESS: 1305 6TH STREET**

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 47 feet (requested), in order to subdivide a residential lot in a SF-3-NP", Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

**BOARD'S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR; July 10, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Chair Jessica Cohen motions to postpone to August 14, 2023; Board member Michael Von Ohlen seconds on -10-0 votes; POSTPONED TO AUGUST 14, 2023. Aug 14, 2023 POSTPONED TO September 11, 2023 BY APPLICANT**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
  - (b) The hardship is not general to the area in which the property is located because:

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:

A handwritten signature in purple ink that reads "Elaine Ramirez". The signature is written in a cursive style and is positioned above a horizontal line.

Elaine Ramirez  
Executive Liaison

A handwritten signature in black ink that reads "Diana A. Ramirez". The signature is written in a cursive style and is positioned above a horizontal line. To the right of the signature, the word "for" is written.

Jessica Cohen  
Madam Chair

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM06**

**DATE: Monday July 10, 2023**

**CASE NUMBER: C15-2023-0027**

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

**APPLICANT: JP Sullivan**

**OWNER: Mayo C Cuellar**

**ADDRESS: 1305 6TH STREET**

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**BOARD'S DECISION:** BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR; July 10, 2023 The public hearing was closed by Madam Chair Jessica Cohen, Chair Jessica Cohen motions to postpone to August 14, 2023; Board member Michael Von Ohlen seconds on -10-0 votes; POSTPONED TO AUGUST 14, 2023.

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
  - (b) The hardship is not general to the area in which the property is located because:

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:

*Elaine Ramirez*

Elaine Ramirez  
Executive Liaison

*Diana A. Ramirez* for \_\_\_\_\_

Jessica Cohen  
Madam Chair

**From:** [REDACTED]  
**To:** [Ramirez, Elaine](#)  
**Subject:** RE: REMINDER: August 14, 2023 Advanced Packet deadline  
**Date:** Tuesday, July 25, 2023 4:14:28 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image003.png](#)

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External Email - Exercise Caution

Elaine,

We are requesting a postponement of our BOA case to Sept 11, 2023. The Bouldin Creek neighborhood association can not give their recommendation on our case prior to our scheduled August meeting.

Thanks,

**JP Sullivan, PE**  
President



1914 W 36<sup>th</sup> St  
Austin, Texas 78731  
[REDACTED] [REDACTED]

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**From:** Ramirez, Elaine <Elaine.Ramirez@austintexas.gov>  
**Sent:** Tuesday, July 25, 2023 2:11 PM  
**To:** [REDACTED]  
**Subject:** RE: REMINDER: August 14, 2023 Advanced Packet deadline

Hi JP,  
Type up a simple short sentence or two requesting a Post Ponement to the September 11, 2023 BOA meeting and state reason why? E-mail it to me before 3pm on Monday, August 14, 2023.



*Respectfully,*  
*Elaine Ramirez*  
Planner Senior/Board of Adjustment Liaison  
[Development Services Department](#)  
6310 Wilhelmina Delco Drive  
P.O. Box 1088, Austin, TX 78767  
Office: 512-974-2202

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**From:** JP Sullivan [REDACTED]  
**Sent:** Tuesday, July 25, 2023 1:22 PM  
**To:** Ramirez, Elaine <[Elaine.Ramirez@austintexas.gov](#)>  
**Cc:** Ramirez, Diana <[Diana.Ramirez@austintexas.gov](#)>  
**Subject:** RE: REMINDER: August 14, 2023 Advanced Packet deadline

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
ITEM06**

**DATE: Monday June 12, 2023**

**CASE NUMBER: C15-2023-0027**

\_\_\_\_ Thomas Ates  
\_\_\_\_ Jessica Cohen  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Brian Poteet  
\_\_\_\_ Agustina Rodriguez  
\_\_\_\_ Margaret Shahrestani  
\_\_\_\_ Richard Smith  
\_\_\_\_ Janel Venzant  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nicholl Wade  
\_\_\_\_ Kelly Blume (Alternate)  
\_\_\_\_ Carrie Waller (Alternate)  
\_\_\_\_ Marcel Gutierrez-Garza (Alternate)

**APPLICANT: JP Sullivan**

**OWNER: Mayo C Cuellar**

**ADDRESS: 1305 6TH STREET**

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 47 feet (requested), in order to subdivide a residential lot in a SF-3-NP", Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

**BOARD'S DECISION: BOA MEETING JUNE 12, 2023 POSTPONED TO JULY 10, 2023  
DUE TO NOTIFICATION ERROR**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
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:

Elaine Ramirez

Elaine Ramirez  
Executive Liaison

Diana A. Ramirez for

Jessica Cohen  
Madam Chair

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2023-0027

**BOA DATE:** June 12<sup>th</sup>, 2023

**ADDRESS:** 1305 S. 6<sup>th</sup> St

**COUNCIL DISTRICT:** 9

**OWNER:** Mayo Cuellar

**AGENT:** JP Sullivan

**ZONING:** SF-3-NP (Bouldin Creek)

**LEGAL DESCRIPTION:** LOT 15-16 & S 10 FT OF LOT 17 SOUTH HEIGHTS PLUS 1/2 OF VAC ALLEY

**VARIANCE REQUEST:** decrease the minimum lot width from 50 feet to 47 feet

**SUMMARY:** subdivide the lot

**ISSUES:** original subdivision created 25 ft. wide lots, site is ineligible for a Land Status Determination and cannot be redeveloped without first being platted. Site cannot be platted without variance from minimum lot width.

|              | ZONING  | LAND USES     |
|--------------|---------|---------------|
| <i>Site</i>  | SF-3-NP | Single-Family |
| <i>North</i> | SF-3-NP | Single-Family |
| <i>South</i> | SF-3-NP | Single-Family |
| <i>East</i>  | SF-3-NP | Single-Family |
| <i>West</i>  | SF-3-NP | Single-Family |

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bouldin Creek Neighborhood Plan Contact Team  
 Bouldin Creek Zoning Committee  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Perry Grid 614  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 South Central Coalition





May 30, 2023

May 18, 2023

JP Sullivan, PE  
1000 S 50<sup>th</sup> St, Ste D  
Austin, TX 78751

Property Description: S 85 FT OF LOT 10 FOX SCHMIDT SUBD

**Re: C15-2022-0027**

Dear JP,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2-492 at 1305 S 6<sup>th</sup> St.

**Austin Energy does not oppose the request**, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

[https://library.municode.com/tx/austin/codes/utilities\\_criteria\\_manual?nodeId=S1AUENDECR\\_1.10.0CLSARE](https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE)

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

**Cody Shook, Planner II**

Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
(512) 322-6881  
[Cody.Shook@austinenergy.com](mailto:Cody.Shook@austinenergy.com)



# Adjustment General/Parking Variance Application

Board 7/16

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

## WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

## For Office Use Only

Case # **C15-2023-0027** ROW # **13133033** Tax # **0100031204**

## Section 1: Applicant Statement

Street Address: 1305 S 6th St

Subdivision Legal Description:

LOT 15-16 & S 10 FT OF LOT 17 SOUTH HEIGHTS PLUS 1/2 OF VAC ALL

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3-NP (Bouldin Creek) Council District: **9**

~~I/We~~ JP Sullivan ~~on behalf of myself/ourselves~~ as

authorized agent for \_\_\_\_\_ affirm that on

Month April, Day 24, Year 2023, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: Subdivide

Type of Structure: \_\_\_\_\_

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-492

SF-3 Minimum Lot Width of 50 ft to be reduced to 47 ft.

## Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Site is ineligible for Land Status Determination, and can not be redeveloped without first being platted. Site cannot be platted without variance from minimum lot width.

### Hardship

a) The hardship for which the variance is requested is unique to the property in that:

Original Subdivision created 25 ft wide lots. Lots throughout the block have since been combined (often in portions thereof) via deeds but not resubdivided. City Alley to the rear of property was vacated and deeded to adjacent land owners.  
Site is landlocked and cannot obtain further land to meet 50 ft minimum width.

b) The hardship is not general to the area in which the property is located because:

Many tax parcels are greater than 50 ft and would be able to plat without variance.