

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM05

DATE: Monday January 8, 2024

CASE NUMBER: C15-2024-0003

Y Thomas Ates (D1)
 - VACANT (D2)
 Y Jessica Cohen (D3)
 Y Yung-ju Kim (D4)
 Y Melissa Hawthorne (D5)
 - Jeffery Bowen (D6) -- ABSTAINED
 Y Janel Venzant (D7)
 Y Margaret Shahrestani (D8)
 Y Brian Poteet (D9)
 Y Michael Von Ohlen (D10)
 Y Marcel Gutierrez-Garza (M)
 - Kelly Blume (Alternate) (M)
 - Suzanne Valentine (Alternate) (M)
 - VACANT (Alternate) (M)

APPLICANT: Richard Suttle

OWNER: DC-2422, LLC

ADDRESS: 2408, 2410, 2414, 2418, 2422, 2428 E 7TH 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): (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 35 feet (requested), **(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 45 feet (requested) **and (c)** (C) (3) (a) from height limitations to increase the height limit from 40 feet plus one foot for each 10 feet of distance (maximum allowed) to 58 feet (requested), in order to erect an Office building in a “CS-CO-NP”, General Commercial Services-Conditional Overlay-Neighborhood Plan zoning district (Govalle Neighborhood Plan).

Note: The Land Development Code Section 25-2-1063 Height Limitations and Setbacks for Large Sites

(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.

(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.

(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.

BOARD'S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve; Board member Michael Von Ohlen seconds on 9-0-1 (Board member Jeffery Bowen abstained) votes; GRANTED.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the subject property is uniquely shaped as a shallow wedge having a long narrow angled configuration with approximately 255.8 linear feet running west to east adjacent to East 7th Street, with an average depth of approximately 91.8 feet running north to south with the short leg 64 feet deep.
2. (a) The hardship for which the variance is requested is unique to the property in that: the shallow wedge shape is a result of a very significant right of way dedication required by the city to shift East 7th St from the original city grid of 150' deep to its current configuration.

(b) The hardship is not general to the area in which the property is located because: the unique configuration of the site provides very little room for development so the additional 5' and removal of the story limitation would allow for a better mixed-use project.
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 variance request is for only an additional 5' with the removal of the story limitation.



Elaine Ramirez
Executive Liaison



Jessica Cohen
Madam Chair