

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**ITEM05**

**DATE: Monday March 11, 2024**

**CASE NUMBER: C15-2024-0010**

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)  
 -  Brian Poteet (D9) - **ABSTAINED**  
 Y  Michael Von Ohlen (D10)  
 Y  Marcel Gutierrez-Garza (M)  
 -  Kelly Blume (Alternate) (M)  
 -  Suzanne Valentine (Alternate) (M)  
 -  VACANT (Alternate) (M)

**APPLICANT: Marek Hnizda**

**OWNER: Guadalupe Heights, LLC (Laxman Patil)**

**ADDRESS: 5413 GUADALUPE ST**

**VARIANCE REQUESTED:** The applicant is requesting the following 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) (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
  - (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)
- **Section 25-2-1064 (*Front Setback*):**
  - (b) & (2) 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 **and**
- **Section 25-2-1067 (*Design Regulations*):**

(G) (1) & (2) decrease driveway/parking setback from 25 feet (required) to 0 (zero) feet

in order to erect a Multi-Family building in a “MF-4-CO”, Multi-Family Residence Moderate-High Density-Conditional Overlay zoning district.

*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.*

**Section 25-2-1064 Front Setback**

*A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed:*

- (1) Adjoins property:*
  - a. In an urban family residence (SF-5) or more restrictive zoning district; or*
  - b. On which a use permitted in a SF-5 or more restrictive district is located; and*
- (2) Fronts on the same street as the adjoining property.*

**Section 25-2-1067 Design Regulations**

*(G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is:*

- (1) in a SF-5 or more restrictive zoning district; or*
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.*

**BOARD’S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen’s motion to approve; Board member Melissa Hawthorne second on 8-0-2 (Board member Brian Poteet and Jeffery Bowen abstaining) votes; GRANTED.**

**FINDING:**

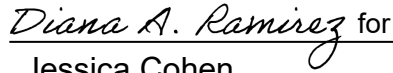
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the by-right base zoning requirements alone provide a vast reduction to the buildable and reasonable use of the property
2. (a) The hardship for which the variance is requested is unique to the property in that: due to the unique shape of property they have 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, where as this property due to its shape and location, it has a steep disadvantage it’s ability of only 37%.  
  
(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 they are unable to do so.
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 is proposed to be resolved on-site and proposes to have a reduced impact of the development to the surrounding properties while still conforming to many of the compatibility and zoning requirements.



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Elaine Ramirez  
Executive Liaison



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Diana A. Ramirez for  
Jessica Cohen  
Chair