

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM04

DATE: Monday December 9, 2024

CASE NUMBER: C15-2024-0040

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

APPLICANT: Leah Bojo

OWNER: Chris Affinito

ADDRESS: 600 CUMBERLAND RD

VARIANCE REQUESTED

The applicant is requesting a variance(s) from the Land Development Code: Article 3, Additional Requirements for Certain Districts, Division 5 –Combining and Overlay Districts,

Section 25-2-654 (*Density Bonus ETOD (DBETOD) Combining District Regulations:*

- (H) Compatibility Requirements (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 feet (maximum allowed) to 2 feet -4 27/32 inches – 5 feet 6 inches (requesting)
- (H) Compatibility Requirements (4) (a) from compatibility buffer to decrease the from 25 feet (minimum width allowed) to 2 feet -4 27/32 inches – 5 feet -6 inches (requesting),

in order to erect a Condominium Residential Building in a “GR-V-ETOD, DBETOD and GR-ETOD-DBETOD”, Community Commercial-Vertical Mixed-Use Building-Equitable Transit-Oriented Development and Community Commercial-Equitable Transit-Oriented Development-Density Bonus ETOD.

Note: The Land Development Code Section 25-2-654 (Density Bonus ETOD (DBETOD) Combining District Regulations

- (A) This section applies to a property with density bonus ETOD (DBETOD) combining district zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance.
- (H) Compatibility Requirements.
- (1) A building is not required to comply with Article 10 (Compatibility Standards) in Subchapter C.
- (2) In this subsection,
- (a) TRIGGERING PROPERTY means a site:
- (i) with at least one dwelling unit but less than four dwelling units; and
- (ii) is zoned urban family residence (SF-5) district or more restrictive; and
- (b) STRUCTURE includes a portion of a structure.
- (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 feet.
- (4) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.
- (a) The minimum width of a compatibility buffer is 25 feet.
- (b) A compatibility buffer must comply with [Section 25-8-700](#) (Minimum Requirements for Compatibility Buffers).


BOARD'S DECISION: November 14, 2024 Postponed to December 9, 2024 due to the absence of a sufficient number of Board Members required for a formal vote on each case; POSPONED TO JANUARY 13, 2025

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
Executive Liaison

 for

Jessica Cohen
Madam Chair