

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
Item03

DATE: Monday March 10, 2025

CASE NUMBER: C15-2025-0005

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

APPLICANT: Maximiliano Martinez

OWNER: Death and Taxes

ADDRESS: 2136 7TH ST

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code,

▪ Section 25-6-471 (*Off-Street Parking*) (B) to reduce the minimum on-site accessible space from one (1) (required) to zero (0) (requested)

and

▪ Section 25-6-474 (Parking Facilities for Persons with Disabilities) (B) to reduce the minimum on-site accessible space from one (1) (required) to zero (0) (requested) in order to remodel an existing restaurant in a “CS-CO-MU-NP”, General Commercial Services-Conditional Overlay-Mixed Use-Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

Note: Per Land Development Code:

25-6-471 – OFF-STREET PARKING.

(A) *Except as provided in Subsection (B), off-street motor vehicle parking is not required. This article shall govern over a conflicting provision of this title or other ordinance, unless the conflicting provision is less restrictive. This article applies to all uses and to specific regulating plans, Transit Oriented Development areas (TODs), and Neighborhood Conservation Combining Districts (NCCDs) that incorporate this chapter by reference. A planned unit development (PUD) that includes specific off-site parking requirements controls over this article.*

(B) A minimum of one on-site accessible space is required. The minimum number of accessible spaces is calculated by taking 100 percent of the parking previously required for the use under Appendix A (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements) and using that result to determine the number of accessible parking spaces required under the Building Code.

Source: Section 13-5-97(f), (g) and (i); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; [Ord. No. 20231102-028](#), Pt. 41, 11-13-23.

25-6-474 - PARKING FACILITIES FOR PERSONS WITH DISABILITIES.

(A) A site must have:

- (1) a parking facility that is accessible to a person with disabilities;
- (2) routes of travel that connect the accessible elements of the site; and
- (3) the number of accessible parking spaces required by the Uniform Building Code that is based on a calculation that uses 100 percent of the parking spaces previously required for the use under Appendix A (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements).

(B) A minimum of one on-site accessible space is required on an accessible route. If no driveway is provided, a minimum of one on-street or off-site accessible space is required on an accessible route per Subsection [25-6-471\(D\)\(2\)](#). Sites that do not have dedicated motor vehicle parking spaces and no driveway access to, from, or through the site are exempt from providing on-site accessible spaces.

(C) A person may appeal the requirements of this section to the Board of Adjustment.

(D) A variance granted under Subsection (C) applies only to the use for which the variance was granted and does not run with the land on which the use is located.

(E) A variance granted under Subsection (C) must specify whether it includes bicycle parking and the amount of bicycle parking required. An applicant may also seek a waiver pursuant to Subsection (G) of [Section 25-6-477](#) (Bicycle Parking) to waive bicycle parking.

Source: Section 13-5-101; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104; [Ord. No. 20231102-028](#), Pt. 42, 11-13-23; [Ord. No. 20240201-035](#), Pt. 2, 2-12-24.

BOARD'S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Vice-Chair Melissa Hawthorne's motion to Postpone to May 12, 2025; Board member Michael Von Ohlen second on 10-0 votes; POSTPONED TO MAY 12, 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

Diana Ramirez for

Jessica Cohen
Madam Chair