

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

DATE: Monday August 10, 2020

**Item #: C-2
CASE NUMBER: C15-2020-0037**

Y Brooke Bailey
 Y Jessica Cohen
 Y Ada Corral
 Y Melissa Hawthorne
 Y William Hodge
 Y Don Leighton-Burwell
 Y Rahm McDaniel
 Y Darryl Pruet
 - Veronica Rivera OUT
 Y Yasmine Smith
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate)
 - Martha Gonzalez (Alternate)

APPLICANT: James Schissler

OWNER: Paul Stables c/o Cooee Yakka, LLC

ADDRESS: 43 IH 35 SVRD

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-6-472 (*Parking Facility Standards*) Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 15 spaces (required) to 11 spaces (requested) in order to erect a 5,820 sq. ft. Administrative Office Building in a “GR-MU-V-CO-NP”, Community Commercial – Mixed Use - Vertical Mixed Use building – Conditional Overlay – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

BOARD’S DECISION: **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member William Hodge seconds on an 11-0 vote; GRANTED.**

EXPIRATION DATE: August 10, 2021

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this is not a request for variance from a zoning regulations

2. (a) The hardship for which the variance is requested is unique to the property in that: the triangular shape of the remaining portions of the lots after TxDOT right of way purchase for IH-35 severely limits the size of the site and therefore the portion of the site that can be used for parking, the Waterfront Overlay also limits impervious cover to 70 percent well below the 90 percent allowed by zoning.

(b) The hardship is not general to the area in which the property is located because: other lots on the block are rectangular shaped whereas this site is the end of the block that had TxDOT right of way purchased for construction of IH-35; approximately 47.5 percent of the original lots was purchased by TxDOT, irregular lot.

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 site is on the IH-35 frontage road and is adjacent to commercial property, the site is zoned to allow administrative office use so will not affect the adjacent uses.

PARKING: (Additional criteria for parking variance only)

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because: the small administrative office building will not generate high traffic volumes and the location on IH-35 frontage road in downtown will facilitate alternate mobility options, a shower will be provided for tenant use to facilitate bicycle riding and alternate transportation options.
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: there are 11 parking spaces on the site so 73 percent of the required parking is provided
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective of this Ordinance because: the project includes a 10 foot wide shared use path along IH-35 frontage road to facilitate pedestrians and bicyclist access to the site from adjacent streets without entering the traffic lanes.
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: the zoning ordinance for the property restricts the allowable uses by listing over 30 prohibited uses, including medical offices, general retail sales, consumer convenience services, restaurants.


Elaine Ramirez
Executive Liaison

Diana Ramirez for

Don Leighton-Burwell
Chairman