

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
F-2

DATE: Monday May 09, 2022

CASE NUMBER: C15-2022-0040

☐ Y ☐ Thomas Ates
☐ - ☐ Brooke Bailey OUT
☐ Y ☐ Jessica Cohen
☐ Y ☐ Melissa Hawthorne
☐ A ☐ Barbara McArthur ABSTAINED
☐ - ☐ Rahm McDaniel OUT
☐ Y ☐ Darryl Pruett
☐ Y ☐ Agustina Rodriguez
☐ - ☐ Richard Smith OUT
☐ Y ☐ Michael Von Ohlen
☐ - ☐ Nicholl Wade OUT
☐ Y ☐ Kelly Blume (Alternate)
☐ Y ☐ Carrie Waller (Alternate)
☐ Y ☐ Marcel Gutierrez-Garza (Alternate)

OWNER/APPLICANT: Ned McDaniel

ADDRESS: 305 E ST ELMO RD

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-601 (*Industrial Park (IP), Major Industry (MI), and Limited Industrial Services (LI) District Regulations*) from setback requirements to decrease the minimum Rear Yard Setback from 25 feet (required) to 18 feet (requested), in order to complete an Urban agricultural growing facility in a “LI-NP”, Limited Industrial Services-Neighborhood Plan (East Congress Neighborhood Plan).

Note: Per LDC 25-2-601 Industrial Park (IP), Major Industry (MI), and Limited Industrial Service (LI) District Regulations (A) This section applies in an industrial park (IP), major industry (MI), or limited industrial services (LI) district. (2) 25 feet, if adjacent to property zoned as or used for a use permitted in an MF-1, MF-2, MF-3, MF-4, MF-5, MF-6, or MH district

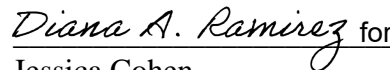
BOARD’S DECISION: May 9, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve; Board Member Melissa Hawthorne seconds on a 9-0-1 vote (Board member Barbara McArthur abstained); **GRANTED.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: LI zoning does allow for reasonable use, the city's changes to the zoning of the adjacent property has negatively impacted the original zoning use.
2. (a) The hardship for which the variance is requested is unique to the property in that: the city changed the zoning to the adjacent property which negatively impacted original zoning use of no rear setback requirement, there is an implied rear setback restriction of 25ft based on recent change of zoning and city's storm drain retention wall encroaches on rear property which reduces the land use.

(b) The hardship is not general to the area in which the property is located because: my understanding of LI zoning of the property had no rear setback requirements, and that zoning of no rear setback be grandfathered.
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 property adjacent is a mobile home park with a street right of way between the rear property line and the nearest neighbors structure, any future development of that land will have a restrictive setback based on the height of the proposed structure, the combined setbacks should provide plenty of cushion from any impact this structure may have with adjacent property.


Elaine Ramirez
Executive Liaison


Diana A. Ramirez for
Jessica Cohen
Madam Chair