



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
(June 14, 2010)**

The Board of Adjustment convened in a regular meeting on June 14, 2010, 301 West 2nd Street in Austin, Texas.

Chair Leane Heldenfels called the Board Meeting to order at 5:33 p.m.

Board Members in Attendance: Leane Heldenfels (Chair), Clarke Hammond (Vice-Chair) Cathy French (SRB only), Heidi Goebel, Melissa Hawthorne (Alternate), Jeff Jack, Bryan King, Michael Von Ohlen, Nora Salinas

Staff in Attendance: Susan Walker and Diana Ramirez

A. APPROVAL OF MINUTES

Approval of minutes April 12, 2010 and May 10, 2010

The motion to approve the minutes from April 12, 2010, was approved with no objections. The motion to amend the minutes from May 10, 2010, amended by Board Member Bryan King, Item A.1 #1 and amended by Board Member Jeff Jack Item C-4 ([revised minutes May 10, 2010](#)), Board Member Clarke Hammond Abstained.

B. SIGN REVIEW POSTPONEMENTS

**B-1. C16-2010-0002 Jim Bennett for Schnip Company
9012 Research Blvd.**

The applicant has requested a variance to increase the maximum number of freestanding signs requirement of Section 25-10-131 from three (existing) to four freestanding signs for an existing Retail use in an "LI", Limited Industrial zoning district.

The public hearing was closed on Board Member Leane Heldenfels motion to Grant with conditions per [letter dated June 10, 2010](#) from US Properties, Inc. amended #1 just lettering, #4 light to be reduced 30 minutes after sunset and Added Item #6 to participate in Amber Alert system, Board Member Clarke Hammond second on a 7-1 vote (Heidi Goebel nay); GRANTED.

C. BOARD OF ADJUSTMENT POSTPONEMENTS

C-1. C15-2010-0009 Paul Rolke

812 Edgecliff Terrence

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6 feet for a 15 foot existing section of the residence and from 10 feet to 0 feet for the deck in order to erect an addition to and change the use of an existing duplex residential use to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **MOTION TO GRANT BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER WHALEY, VOTE 7-0; GRANTED ON APRIL 12, 2010**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (63% existing) to 48% in order to erect an addition to and change the use of an existing duplex residential use to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **MOTION TO POSTPONE BY BOARD MEMBER WHALEY, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; POSTPONED TO JUNE 14, 2010; June 14, 2014 the public hearing was closed on Board Member Leane Heldenfels motion to Grant conditions upon site plan and must meets Water Front Overlay Travis Heights Neighborhood Sub district and an underground rainwater collection system be installed, Board Member Bryan King second on a 7-0 vote; GRANTED.**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 5,681 square feet in order to erect an addition to an change to the use of an existing duplex residential use to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **MOTION TO GRANT BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; GRANTED ON APRIL 12, 2010**

The applicant has requested a variance to increase the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from .4 to 1.0 to .49 to 1.0 in order to maintain (209 square feet) and add (281 square feet) in order to erect an addition to and change the use of an existing duplex residential use to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **MOTION TO POSTPONE BY BOARD MEMBER WHALEY, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; POSTPONED TO JUNE 14, 2010; WITHDRAWN BY APPLICANT**

**C-2. C15-2010-0014 Roger Diaz for Quander Management LLC
2015 Manor Road**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 62 parking spaces to 35 parking spaces in order to maintain a Restaurant use and deck area in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. **WITHDRAWN BY APPLICANT**

**C-3. C15-2010-0032 Akash Sharma
74 Julius Street**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1462 from 5,750 square feet to 5,040 square feet in order to maintain and change the use of an

existing building to create a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 21 feet in order to maintain the existing single-family residence and to change the use of an existing building to create a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.1 feet in order to maintain and change the use of an existing building to create a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

The applicant has requested a variance to decrease the minimum through lot setback requirement of Section 25-2-515 from 25 feet to 13.1 (along Pedernales Street) feet in order to maintain and change the use of an existing building to create a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

The public hearing was closed on Board Member Bryan King motion to Grant with conditions to limit 675 square feet on rear property and ingress/egress take off Pedernales Street, Board Member Heidi Goebel second on a 7-0 vote; GRANTED.

**C-4. C15-2010-0038 Jon Noterthomas
2400 Wilson Street**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6 feet 7 ¾ inches to building and to 3 feet 4 ¼ inches to the stair/landing from the property line in order to remodel an existing accessory structure to create a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Dawson Neighborhood Plan)

The applicant has requested a variance to decrease the minimum separation requirement of Section 25-2-774 (C) (2) (a) from 15 feet to 8 feet 10 inches in order to remodel an existing accessory structure to create a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. The Land Development Code states that the second dwelling unit must be located at least 15 feet to the rear of the principal structure. (Dawson Neighborhood Plan)

The applicant has requested a variance from Section 25-2-774 (C) (4) in order to have an entrance 6 feet 7 ¾ inches from the property line in order to remodel an existing accessory structure to create a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.. The Land Development Code states that the second dwelling unit may not have an entrance within 10 feet of a lot line. (Dawson Neighborhood Plan)

This item should not be posted on agenda - Postponed at the May 10, 2010 meeting to July 12, 2010 to see if building could be located to conform with setback requirements.

**C-5. C15-2010-0041 Jae Park
1808 and 1810 Springdale Road**

The applicant has requested a variance from the minimum compatibility setback requirement of Section 25-2-1063 (B) (2) from 25 feet to 0 feet in order to construct a drive-thru Restaurant use (with drive-in service) and detention pond in an “GR-MU-CO-NP”, Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that a person may not construct a structure 25 feet or less from property on which a use permitted in an “SF-5” or more restrictive zoning district is located. (MLK Neighborhood Plan)

The applicant has requested a variance from the minimum compatibility setback requirement of Section 25-2-1067 (G) from 25 feet to 0 feet in order to construct a drive-thru Restaurant use (with drive-in service) in a “GR-MU-CO-NP”, Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that 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 on which a use permitted in an “SF-5” or more restrictive zoning district is located. (MLK Neighborhood Plan)

The public hearing was closed on Board Member Jeff Jack motion to Deny (Applicant didn't show up at meeting), Board Member Michael Von Ohlen second on a 7-0 vote; DENIED

**C-6. C15-2010-0044 Paula E. Griffin
6000 San Paublo Court**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 0 feet in order to maintain and screen-in an existing deck for a single-family residence in an “SF-2”, Single Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant deck only, Board Member Jeff Jack second on a 7-0 vote; GRANTED deck only.

**C-7. C15-2010-0046 Michael Vacek for Celia Thrash
5705 Avenue G**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to attach a carport and porch to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Highland Neighborhood Plan)

The applicant has requested a variance from Section 25-2-1604 (C) (1) which states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade in order to attached a carport to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Highland Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 12, 2010 for more information and drawings, need hardship, Board Member Bryan King second on a 7-0 vote; POSTPONED TO JULY 12, 2010.

**C-8. C15-2010-0051 Ben Heimsath for Lane Northcut
4600 Manchaca Road**

The applicant has requested a variance from the maximum compatibility height requirement of Section 25-2-1063 (C) (2) from three stories and 40 feet to 87 feet (to the peak of the spire only) in order to erect an addition to a Religious Assembly use in an “SF-3”, Family Residence zoning

district (proposed “LO”, Limited Office zoning district). The Land Development Code states the height limitations for a structure are three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property in an “SF-5” or more restrictive zoning district.

The applicant has requested a variance from the maximum compatibility height requirement of Section 25-2-1063 (C) (3) from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from property zoned “SF-5” or more restrictive to 48 feet (to ridge peak of sanctuary) in order to erect an addition to a Religious Assembly use in an “SF-3”, Family Residence zoning district (proposed “LO”, Limited Office zoning district).

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Clarke Hammond second on a 6-1 vote (Jeff Jack nay); GRANTED.

D. INTERPRETATION RECONSIDERATION

D-1. C15-2010-0042 Karen McGraw for Nuria Zaragoza 1915 A David Street

The applicant has filed an administrative appeal, requesting an interpretation of whether the Planning and Development Department Director’s determination that: 1) the property qualifies as a remodel of a two-family use; 2) the property is developed with a two-family residential use; 3) the occupancy limit of twelve (12) unrelated adults is grandfathered, and the gross floor area and the number of bedrooms on the site did not increase; and 4) a room not labeled as a bedroom is not a bedroom and does not trigger Section 25-2-511 (Dwelling Unit Occupancy Limit) and does not have to meet life safety requirements as a sleeping area; is correct.

The public hearing was reconsidered by Board Member Bryan King motion to Reconsider, Board Member Clarke Hammond second on a 7-0 vote; RECONSIDERED.

The public hearing was closed on Board Member Bryan King motion to Postponed to July 12, 2010, Board Member Jeff Jack second on 7-0 vote; POSTPONED TO JULY 12, 2010.

E. BOARD OF ADJUSTMENT PUBLIC HEARINGS

E-1. C15-2010-0052 Javier R. Olvera 3417 Minnie Street

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to maintain a two-story open porch for a single-family residence in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with an amendment for porch never be enclosed , Board Member Nora Salinas second on a 6-1 vote (Bryan King nay); GRANTED.

E-2. C15-2010-0053 J.R. Threadgill 2001 South 1st Street

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 20 feet in order to erect a single-family residence in a “CS-MU-V-CO-NP” zoning district.

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 5 feet in order to erect a single-family residence in a “CS-MU-V-CO-NP” zoning district.

The public hearing was closed on Board Member Jeff Jack motion to Postponed to July 12, 2010 for additional information, elevation and topography plans , Board Member Heidi Goebel second on a 7-0 vote; POSTPONED TO JULY 12, 2010.

**E-3. C15-2010-0054 Jim Bennett for Fred & Jennifer Myers
1101 West 31st Street**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet along the north property line in order to allow the construction of a single family residence (existing historic structure to become accessory dwelling for the new single family residence) in an “SF-3”, Family Residence zoning district. (This variance was previously approved on 8-10-1998 under case # C15-98-075.)

The public hearing was closed on Board Member Leane Heldenfels motion to Grant with conditions not to be rented, not to be two family residences, accessory dwelling only, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**E-4. C15-2010-0055 Virginia Velez
9415 Quail Meadow Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 57% in order to maintain existing impervious coverage for a duplex-residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Austin Civic Association Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postponed to July 12, 2010 for better findings on lot, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO JULY 12, 2010.

**E-5. C15-2010-0056 Steven Cates for Steve Harding
2116 Christoff Loop**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 5,475 square feet (existing) in order to complete and maintain a single-family residence in an “SF-2”, Single-family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Clarke Hammond second on a 6-1 vote (Jeff Jack nay); GRANTED.

BOARD MEMBER BRYAN KING TO EXTEND PAST 10:00 PM, ALL IN FAVOR

**E-6. C15-2010-0057 Jim Bennett for Melinda Marlow
1811 Alta Vista Avenue**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 1 foot in order to maintain a second floor addition to an existing

accessory building in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions to comply with building code, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**E-7. C15-2010-0058 Allen Clauss
3013 Edgewater Drive**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5.9 feet in order to maintain an accessory structure for a single-family residence in an “LA”, Lake Austin zoning district.

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 7.6 feet in order to maintain an accessory structure for a single-family residence in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with an amendment provided that the structure be brought up to code at any way that is needed structures within a setback, Board Member Leane Heldenfels second on a 6-1 vote (Bryan King nay); GRANTED.

**E-8. C15-2010-0059 Roberto Romero
3218 Bruce Drive**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 9 feet in order to complete and maintain a screened-in porch for an existing single-family residence in an “SF-3”, Single-Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Jeff Jack second on a 7-0 vote; GRANTED.

**E-9. C15-2010-0060 Carlos & Kelly Gonzalez
1700 South 6th Street**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to erect a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet along the north property line in order to erect a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

Postponed to July 12, 2010 due to notification error migrating information from GIS to AMANDA.

**E-10. C15-2010-0061 David Cancialosi for Matt Seidel
915 Redd Street**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 5,497 square feet in order to subdivide one lot into two lots in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Clarke Hammond second on a 7-0 vote; DENIED.

**E-11. C15-2010-0062 David Cancialosi for Dierk McWilliams
5905 Grover**

The applicant has requested a variance from the Duplex Residential use requirements of 25-2-773 (D) (1) to decrease the minimum common wall requirement from 75 feet to 21 feet in order to maintain an existing duplex-residential use in an “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

The applicant has requested a variance to the side wall articulation requirement of the Residential Design and Compatibility Standards requirement; Subchapter F; Article 2; Subsection 2.7 in order to maintain an existing duplex-residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan) The Land Development Code states that a side wall of a building that is more than 15 feet high and is an average distance of less than nine feet from an interior lot line must have a sidewall which may not extend in an unbroken plan for more than 36 feet along a side lot line without a sidewall articulation.

The public hearing was closed on Board Member Bryan King motion to Grant with an amendment that landscaping plan be completed per site plan, Board Member Jeff Jack second on a 7-0 vote; GRANTED.

**E-12. C15-2010-0064 Reagan Rives
1400 Preston Avenue**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5 feet in order to erect a two-family residential use in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Clarke Hammond second on a 4-3 vote (Jeff Jack, Bryan King, Heidi Goebel nay); DENIED.

**E-13. C15-2010-0065 Manny Duarte for Shakti Kalsa
221 Park Lane**

The applicant has requested a variance to maximum number of rooms requirement of Section 25-2-783 (A) in order to maintain an existing Bed and Breakfast Residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan” zoning district. (Fairview NCCD) The Land Development Code states that a bed and breakfast residential use structure may contain (1) one room for each 500 square feet of gross floor area within the structure if the owner resides in the structure; and (2) one room for each 700 square feet of gross floor area within the structure if the owner resides in another residential structure on the lot.

VARIANCE WITHDRAWN PER APPLICANT

The applicant has requested a variance to decrease the minimum spacing requirement for a Bed and Breakfast Residential use of Section 25-2-782 (I) from 1,000 feet to 300 feet in order to maintain an existing Bed and Breakfast Residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan” zoning district. (Fairview NCCD)

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.

ADJOURNMENT

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Susan Walker at Watershed Protection and Development Review Department, at 974-2202 or Diana Ramirez at Watershed Protection and Development Review Department at 974-2241, for additional information; TTY users route through Relay Texas at 711.

Revised: Case C15-2010-0009 - 812 Edgecliff terrace
Heidi added the condition that an underground rainwater collection system be installed per applicant's testimony