



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
(July 12, 2010)**

The Board of Adjustment convened in a regular meeting on July 12, 2010, 301 West 2nd Street in Austin, Texas.

Chair Leane Heldenfels called the Board Meeting to order at 5:34 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, Nora Salinas

Board Members Absent: Michael Von Ohlen

Staff in Attendance: Susan Walker and Diana Ramirez

A. Briefing on the Planning and Development Review Department Proposed FY 2011 Budget by Don Birkner

B. APPROVAL OF MINUTES June 14, 2010

The motion to approve the minutes from June 14, 2010, was approved 7-1, Board Member Melissa Hawthorne Abstained.

C. SIGN REVIEW PUBLIC HEARINGS

**C-1. C16-2010-0003 Jim Bennett for John Lewis
8701 Research Blvd.**

The applicant has requested a variance from the maximum freestanding sign height requirement of Section 25-10-123 (3) (a) from 35 feet (67 feet existing) to 61 feet in order to erect and remodel an existing freestanding sign in a “CS-CO-NP”, Commercial Services – Conditional Overlay – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Clarke Hammond second on an 8-0 vote; GRANTED.

**C-2. C16-2010-0004 Jim Bennett for W.B. Stringer
1135 West 6th Street**

The applicant has requested a variance to decrease the minimum setback requirement for a freestanding sign requirement of Section 25-10-191 (E) from 12 feet from the street right-of-way to 0 feet from the street right-of-way in order to erect a freestanding sign in a “CS-MU-CO-NP”,

Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Old West Austin Neighborhood Plan)

The public hearing was closed on Board Member Melissa Hawthorne motion to GRANT with conditions that the sign not exceed 4ft 8in in height, meet the requirements of 12-10-192, the design reviewed by staff for a break away feature , Board Member Nora Salinas second on an 8-0 vote; GRANTED.

D. INTERPRETATION RECONSIDERATION POSTPONEMENT

**D-1. C15-2010-0042 Nuria Zaragoza for Karen McGraw
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 closed on Board Member Leane Heldenfels motion to revise Item 1, upheld the Director’s determination per [letter date Jul y 12, 2010](#). Mike McHone is withdrawing plans and will comply with current requirements, Board Member Jeff Jack second on a 7-0 vote. Revised approval [letter dated July 23, 2010](#).

E. BOARD OF ADJUSTMENT POSTPONEMENTS

**E-1. 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)

E-1 WITHDRAWN

**E-2. C15-2010-0039 Benjamin T. White
4921 Bull Creek Road**

The applicant has requested a variance to maintain (i) the portion of the fence along the southern boundary of the property line adjacent to 2706, 2708 and 2712 West 49 ½ Street in their presently constructed condition in accordance with building permit numbers 2008-051644BP and 2009-029382BP and Section 25-2-899 (E) and (ii) the present height of 7 feet for the section of fence along the southern boundary of the property line adjacent to 2710 West 49 ½ Street in an “SF-1”, Single Family Residence Large Lot zoning district.

Postponed to September 13, 2010, scope has expanded and will need additional variances; an interpretation appeal may be submitted.

**E-3. 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 Leane Heldenfels motion to Grant conditions that carport remain open at all times, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**E-4. 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 Bryan King motion to Grant per E4/19, with conditions 3 on-site parking spaces, comply with tree preservation plan, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

**E-5. 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 Jeff Jack motion to Deny, Board Member Bryan King second on a 4-3 vote (Board Members Melissa Hawthorne, Nora Salinas, Leane Heldenfels, nay); DENIED.

**E-6. 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)

The public hearing was closed on Board Member Jeff Jack motion to Postpone to August 9, 2010 for additional information, pictures and drawings, tree preservation memo, Board Member Melissa Hawthorne second on a 6-1 vote (Board Member Clarke Hammond nay); POSTPONED August 9, 2010.

F. BOARD OF ADJUSTMENT RECONSIDERATION

**F-1. C15-2010-0044 Paula E. Griffin
6000 San Paablo 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 Deny reconsideration, Board Member Heidi Goebel second on a 6-1 vote (Board Member Clarke Hammond abstained); DENIED Reconsideration.

G. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**G-1. C15-2010-0066 Jeff Turner for Nicole Covert
2701 Scenic Drive**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 6 feet in order to erect a two car carport for an existing single-family residence in an “SF-3”, Family Residence zoning district. (*This variance was previously approved under Case # C15-2007-0071 on August 13, 2007.*)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with conditions that carport remain open, Board Member Bryan King second on a 6-1 vote (Board member Jeff Jack recused); GRANTED.

G-3. C15-2010-0068 Rick Luisi

2914 Beanna Street and 809 East 30th Street

The applicants have requested a variance to increase the maximum height of a freestanding fence requirement of Section 25-2-899(D) from 6 feet in height to 8 feet in height in order to maintain a solid fence around the side and rear property lines of the existing single-family residences in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Hancock Neighborhood Plan) The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.

The public hearing was closed on Board Member Bryan King motion to Grant only side street on Beanna Street and Denied rear variance request , Board Member Jeff Jack second on a 7-0 vote; GRANTED side street only.

G-4. C15-2010-0069 Jim Bennett for Mike Craddock 2709 East 13th 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 10 feet in order to erect a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

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-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

The applicant has requested a variance from the two-family residential use requirement of Section 25-2-774 (C) (2) which states that the second dwelling unit must be located at least 15 feet to the rear of the principal structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

The public hearing was closed on Board Member Leane Heldenfels motion to Grant per [site plan G4/18](#) minimal changes that can be made to accommodate tree protection, fire department requirements and other city staff required changes; front porches face 13th Street, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

G-5. C15-2010-0070 Jim Bennett for Melissa McPherson 7900 Creekmere Lane

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.5 feet along the north property line in order to maintain a single family residence in an “SF-2”, Family Residence zoning district.

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

G-6. C15-2010-0071 Joyce Hellstern 313 East 38th Street

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 feet in order to erect and complete a fence for a two-family residential use inside the property line along Tom Green Street and inside the building setback line of East 38th Street in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation

Combining District – Neighborhood Plan zoning district. (North University – Neighborhood Conservation Combining District)

The public hearing was closed on Board Member Bryan King motion to Grant with 2 ft. lattice on top of 6 ft fence, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**G-7. C15-2010-0072 Sylvia Cantu
605 Irma Drive**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 4.4 feet in order to complete and maintain an attached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Bryan King motion to Postpone to August 9, 2010 for additional information, pictures of adjacent houses, need hardship, area of character, Board Member Clarke Hammond second on a 6-1 vote (Board member Heidi Goebel abstained); POSTPONED to August 9, 2010.

**G-8. C15-2010-0073 Jim Bennett for Treaty Oak Bank
2109 Newfield Lane**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 24.6 feet in order to complete and maintain an existing duplex-residential use in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to increase the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from 0.4 to 1.0 to 0.61 to 1.0 in order to complete and maintain an existing duplex-residential use in an “SF-3”, Family Residence zoning district.

Applicant requested for Postponement to August 9, 2010 need to change notice language. The public hearing was closed on Board Member Bryan King motion to Postpone to August 9, 2010, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO August 9, 2010.

**G-9. C15-2010-0074 Joe Parham
7700 Mullen Drive**

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 feet in order to erect and attach a carport addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to August 9, 2010 for additional information, better drawings, pictures, exact measurements, Board Member Jeff Jack second on a 7-0 vote; POSTPONED to August 9, 2010.

**G-10. C15-2010-0075 Jim Bennett for The Griffin School
5000-5002 Martin Avenue**

The applicant has requested a variance from the minimum street paved width requirement of Section 25-2-832 (1) in order to remodel an existing Religious Assembly Use to create a Private

Secondary Educational Facility in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North Hyde Park Neighborhood NCCD) The Land Development Code states that a private secondary school must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.

The public hearing was closed on Board Member Leane Heldenfels motion to Postpone to August 9, 2010 for additional information clarity EMS/Fire Department life safety access, parking access, notify neighbor on 50th Street, Board Member Jeff Jack second on a 6-0 vote (Board member Melissa Hawthorne left early); POSTPONED to August 9, 2010.

**G-11. C15-2010-0076 Jim Bennett for The Griffin School
600 East 50th Street**

The applicant has requested a variance from the minimum street paved width requirement of Section 25-2-832 (1) in order to remodel an existing Religious Assembly Use to create a Private Secondary Educational Facility in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North Hyde Park Neighborhood NCCD) The Land Development Code states that a private secondary school must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.

The public hearing was closed on Board Member Leane Heldenfels motion to Postpone to August 9, 2010 for additional information, parking access, notify neighbor of 50th Street, Board Member Jeff Jack second on a 6-0 vote (Board member Melissa Hawthorne left early); POSTPONED to August 9, 2010.

**G-12. C15-2010-0077 Cheryl Silverman for Jackson Boyett
5500 Avenue G**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (60.77% existing) to 65.57% in order to erect an addition (850 square feet) to an existing Religious Assembly use in an “SF-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

The public hearing was closed on Board Member Jeff Jack motion to Postpone to August 9, 2010 for additional information, plan of existing building, Board Member Bryan King second on a 6-0 vote (Board member Melissa Hawthorne left early); POSTPONED to August 9, 2010.

**G-13. C15-2010-0079 Samantha Smoot
1602 Newning Avenue**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 8 feet in order to erect a Two-Family Residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The applicant has requested a variance from the Two-Family Residential Use requirement of Section 25-2-774 (C) (2) stating that the second dwelling unit must be located at least 15 feet to the rear of the principal structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet in order to maintain an accessory structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The public hearing was closed on Board Member Bryan King motion to Grant 17 x 32 building with 8 x 12 porch that doesn't exceed 8 ft front setback, north wall parallel to property line and limit the development to two dwelling units on two lots, Board Member Nora Salinas second on a 6-0 vote (Board member Melissa Hawthorne left early); GRANTED.

ADJOURN Chair Leane Heldenfels adjourned the meeting at 12:11 a.m. without objection.

Revised:

Melissa Hawthorne: Revised G-3 Only a portion of the variance was granted. Mr. King's motion was for the portion facing Breanna...Rear was denied.

Greg Guernsey: Revised D-1 Approval letter dated July 23, 2010

8/9/10 Jeff Jack Revised G-1 and G-10