



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
REGULAR MEETING  
MINUTES  
(September 13, 2010)**

The Board of Adjustment convened in a regular meeting on September 13, 2010, 301 West 2<sup>nd</sup> Street in Austin, Texas.

Chair Leane Heldenfels called the Board Meeting to order at 5:30 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

**Board Members Absent:** Nora Salinas

**Staff in Attendance:** Susan Walker and Diana Ramirez

**A. APPROVAL OF MINUTES [August 9, 2010](#) (revised)**

**The motion to approve the minutes from August 9, 2010, was approved with revisions C2 vote 7-0, C-3 Heidi Goebel abstained, C6 and C7 added recommended by Fire Safety.**

**B SIGN REVIEW PUBLIC HEARING**

**B-1 C16-2010-0005 Mark Pullin  
5301 W. Duval Road**

The applicant has requested a variance to increase the maximum number of freestanding signs requirement of Section 25-10-131 (C) from two freestanding signs to three freestanding signs in order to erect a third freestanding sign for a Congregate Living use in a “GO-CO”, General Office – Conditional Overlay zoning district.

**The public hearing was closed on Board Member Melissa Hawthorne motion to GRANT with conditions that sign is limited to 11 feet in height, 60 square feet in sign face area, and no additional LED lighting, Board Member Clarke Hammond second on a 8-0 vote; GRANTED.**

**C. BILLBOARD REGISTRATION REVOCATION**

**C-1 2008 078298 TR 8600 West US 290 Highway**

Consider a request by Code Compliance Department (CCD) pursuant to Section 25-10-236 (Revocation and Suspension) on CCD's request to revoke the off-premise sign registration for property located at 8600 West US 290 Highway.

**John Foster attorney requested a POSTPONEMENT to complete open records request, Board Member Michael Von Ohlen denied the request, Board Member Bryan King second on a 8-0 vote; DENIED; Board Member Jeff Jack motion to UPHOLD the Code Compliance Department's (CCD) decision and revoke the off premise sign registration, Board Member Heidi Goebel second on a 5-3 vote (Board Members Cathy French, Clarke Hammond, Michael Von Ohlen nay), DENIED; Board Member Michael Von Ohlen motion to SUSPEND for 180 days, Board Member Clarke Hammond second on a 8-0 vote, SUSPENDED for 180 days.**

**C-2 2009 112444 TR 2009 Airport Boulevard**

Consider a request by Code Compliance Department (CCD) pursuant to Section 25-10-236 (Revocation and Suspension) on CCD's request to revoke the off-premise sign registration for property located at 2009 Airport Boulevard.

**John Foster attorney requested a POSTPONEMENT to complete open records request, Board Member Michael Von Ohlen denied the request, Board Member Bryan King second on a 8-0 vote; DENIED; Board Member Jeff Jack motion to UPHOLD the Code Compliance Department's (CCD) decision and revoke the off premise sign registration, Board Member Heidi Goebel second on a 5-3 vote (Board Members Cathy French, Clarke Hammond, Michael Von Ohlen nay), DENIED; Board Member Michael Von Ohlen motion to SUSPEND for 180 days, Board Member Clarke Hammond second on a 8-0 vote, SUSPENDED for 180 days.**

**D. BOARD OF ADJUSTMENT POSTPONEMENTS**

**D-1 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 and (iii) the present height of 8 feet of those sections of fence along the eastern and northern boundaries of the property line adjacent to 4918 Finley, 4920 Finley and 4925 Bull Creek Road, respectively, in accordance with building permit number 2008-051644BP in an "SF-1", Single Family Residence Large Lot zoning district.

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

**D-2 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 GRANT, Board Member Clarke Hammond second on a 6-1 vote (Board Member Heidi Goebel abstained); GRANTED.**

**D-3 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 2 feet 4 inches 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 Heidi Goebel motion to GRANT with conditions for carport to remain open on all sides, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.**

**D-4 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 62.8% in order to erect an addition (290 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 Bryan King motion to GRANT 63% Impervious coverage (290 Square feet) with conditions per Site Plan with modifications of the restrooms configuration and letter agreement from the land owners for additional parking, and that the two existing restrooms if demolished utilize only for storage, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.**

**D-5 C15-2010-0081 Josh Rash  
2846 San Gabriel Street**

The applicant have requested a variance to decrease the minimum lot size requirement of Section 25-2-774 (B) from 7,000 square feet to 6,500 square feet (existing) in order to remodel an existing duplex residential use to create a two-family residential unit and erect a single family residence on a lot in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (West University Neighborhood Plan)

**The public hearing was closed on Board Member Michael Von Ohlen motion to GRANT with conditions that secondary floor is used for habitable space and ground floor garage used as non habitable, Board Member Clarke Hammond second on a 6-1 vote (Board Member Bryan King nay); GRANTED.**

**D-6 C15-2010-0083 Frank Peter Anzalone**

### **6117 Harrogate 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 9 inches in order to maintain an accessory building for an existing single-family residence in an “SF-2”, Single Family Residence zoning district.

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

**D-7 C15-2010-0092 Juan Macias for Gordon Murphy  
808 Rutherford Pl**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet in order to erect a second story addition to an existing single-family residence 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 front street setback requirement of Section 25-2-492 (D) from 25 feet to 19.25 feet (with a front porch of 5 feet) in order to erect a second story addition to an existing single-family residence 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, Board Member Clarke Hammond second on a 6-1 vote (Board Member Jeff Jack nay); GRANTED.**

**D-8 C15-2010-0094 David Ruiz for Tricia Wilson  
12012 Bryony Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 48% in order to erect a covered patio for an existing single-family residence in a “PUD”, Planned Unit Development zoning district.

**WITHDRAWN by applicant**

### **E. BOARD OF ADJUSTMENT RECONSIDERATIONS**

**E-1 C15-2010-0067 Adriana Montero  
4705 Harmon Avenue**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet in order to maintain two accessory structures in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan” zoning district. (North Loop 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 in order to maintain an accessory structure along

the south property line in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan” zoning district. (North Loop Neighborhood Plan)

The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 40% to 42.9% in order to maintain two accessory structures in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan” zoning district. (North Loop Neighborhood Plan)

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 56.1% in order to maintain two accessory structures in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan” zoning district. (North Loop Neighborhood Plan)

**Board Member Jeff Jack motion to reconsider, Board member Melissa Hawthorne second on a 7-0 vote; The public hearing was closed on Board Member Bryan King motion to GRANT with conditions to remain open and non-habitable and to remove two parking spaces in front to reduce impervious coverage, Board Member Clarke Hammond second on a 6-1 vote (Board Member Heidi Goebel nay); GRANTED.**

**E-2 C15-2010-0073 Jim Bennett for Allen McAden  
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. – **(Approved 8-9-2010)**

The applicant has requested a variance to increase the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from 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. **(Reconsideration request is to reduce floor to area ratio from 0.61 to 1.0 to 0.495 to 1.0)**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-773 (B) (1) from 7,000 square feet to 6,942 square feet in order to complete and maintain an existing duplex-residential use in an “SF-3”, Family Residence zoning district. – **(Approved 8-9-2010)**

**WITHDRAWN (floor to area variance) by applicant**

## **F. INTERPRETATION**

**F-1 C15-2010-0088 Benjamin T White  
4921 Bull Creek**

The applicant is appealing a City staff interpretation of Section 25-2-899 (E) of the Austin City Code. The City has issued a notice of intent to suspend of a building permit (2008-0051644-BP) for an 8 foot high fence at the above address. The Code allows a fence to be 6 feet in height unless certain conditions are met. These conditions include the written consent of adjoining property owners that adjoin the eight foot section and that there is a change in grade of at least

two feet with 50 feet of the boundary adjoining the properties or a structure exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation.

**The public hearing was closed on Board Member Michael Von Ohlen motion to UPHOLD Staff's interpretation and to DENY applicant's appeal, Board Member Clarke Hammond second on a 7-0 vote; UPHOLD staff's interpretation and DENIED applicant's appeal.**

## **G. BOARD OF ADJUSTMENT PUBLIC HEARINGS**

### **G-1 C15-2010-0089 Jim Bennett for Paul and Gloria Devere 1901 Alegria**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 12 feet 5 inches in order to erect a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

**The public hearing was closed on Board Member Michael Von Ohlen motion to GRANT with conditions that 12 feet 5 inches goes to corner of the porch and rear carport is 15 feet from the property line on Camino Real, Board Member Leane Heldenfels second on a 6-1 vote (Board Member Heidi Goebel nay); GRANTED.**

### **G-2 C15-2010-0095 Sunny Vela 7000 Bennett and Booker Street**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 9 feet to bay window (11 feet from the wall) in order to maintain a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (St. Johns Neighborhood Plan)

**The public hearing was closed on Board Member Michael Von Ohlen motion to GRANT, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.**

### **G-3 C15-2010-0096 David Cancialosi for Gary Aitcheson 1511 West 30<sup>th</sup> 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 1.5 feet in order to maintain an existing two-family residential use in an "SF-3", Family Residence zoning district.

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 west property line in order to maintain an existing 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 with conditions to not increase in height and to add gutters not to allow water to drain on west and south side, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.**

### **G-4 C15-2010-0097 David Cancialosi for Jeff Lewis**

**2206 East 14<sup>th</sup> Street**

The applicant has requested a variance to increase the maximum floor-to-area ratio of Subchapter F; Article 2; Subsection 2.1 from 0.4 to 1.0 to 0.62 to 1.0 in order to maintain a duplex residential use with a two-story detached accessory building in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 53% in order to maintain a duplex residential use with a two-story detached accessory building in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

**The public hearing was closed on Board Member Jeff Jack motion to POSTPONE TO October 11, 2010 requesting for high level staff to attend meeting on a 7-0 vote; POSTPONED TO October 11, 2010.**

**G-5 C15-2010-0098 Peter Von Wupperfeld  
11633 Sweet Basil 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 7.5 feet in order to erect a patio and cover for an existing single-family residence in an “SF-6”, Townhouse and Condominium Residence zoning district.

**The public hearing was closed on Board Member Bryan King motion to GRANT with conditions as shown on exhibit G5/7, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.**

**G-6 C15-2010-0099 Laurie Worsham  
1105 Norwalk 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 19.8 feet in order to erect an attached carport to an existing single-family residence in an “SF-3”, Family Residence zoning district.

**The public hearing was closed on Board Member Bryan King motion to GRANT with conditions that carport remains open 3 sides, nothing built on top of encroaching area, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.**

**G-7 C15-2010-0102 Maria Teresa Lopez  
6700 B Circle S Road**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 11 feet in order to erect a carport for an existing duplex-residential use in an “SF-3”, Family Residence zoning district.

**The public hearing was closed on Board Member Bryan King motion to POSTPONE to October 11, 2010 for better findings and additional information, photos, Board Member Michael Von Ohlen second on a 6-1 vote (Board member Clarke Hammond recused); POSTPONED to October 11, 2010.**



**G-8 C15-2010-0103 Jonathan R. Neslund for Robert L. Trimble  
2505 Longview**

The applicant has requested a variance from the University Neighborhood Overlay (UNO) requirement of Section 25-2-754 (H) (3) requiring that the ground floor of a building be no more than five feet higher or lower than an adjacent public street sidewalk. The applicant is requesting to be 19.5 feet higher than an adjacent public street sidewalk in order to erect a multi-family residential use in an “MF-4-CO-NP”, Multi-Family Residential Moderate-High Density - Conditional Overlay – Neighborhood Plan zoning district. (West University Neighborhood Plan)

The applicant has requested a variance from the University Neighborhood Overlay (UNO) requirement of Section 25-2-761 requiring that a transformer room or utility vault must be adjacent to and accessible from the alley in order to erect a multi-family residential use in an “MF-4-CO-NP”, Multi-Family Residential Moderate-High Density - Conditional Overlay – Neighborhood Plan zoning district. (West University Neighborhood Plan)

**The public hearing was closed on Board Member Jeff Jack motion to POSTPONE to October 11, 2010 for additional information, presentation, drawings and photos, letters from CAMPAC and UNO, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED to October 11, 2010.**

**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.

***10/12/10 – Revisions to items D-3, D-4 and D-5 as per Board Member Jeff Jack at BOA meeting Oct 11, 2010***