



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
REGULAR MEETING
MINUTES
(October 11, 2010)**

The Board of Adjustment convened in a regular meeting on October 11, 2010, 301 West 2nd 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, Michael Von Ohlen, Nora Salinas

Board Members Absent: Bryan King

Staff in Attendance: Susan Walker and Diana Ramirez

A. APPROVAL OF MINUTES [September 13, 2010](#) (revised)

The motion to approve the minutes from September 13, 2010 was approved with revisions to D-3, D-4 and D-5; Vote 7-0.

B SIGN REVIEW PUBLIC HEARING

**B-1 C16-2010-0006 Chandler Signs, Trisha Regan for Chick-fil-a
12901 North IH 35 Road**

The applicant has requested a variance to increase the maximum height of a freestanding sign requirement of Section 25-10-123 (B) (3) from 35 feet in height to 45 feet in height in order to erect a freestanding sign in a “CS-CO”, Commercial Services – Conditional Overlay zoning district.

Board Member Jeff Jack motion to Deny, Board Member Heidi Goebel second on a 2-6 vote (Board Members Von Ohlen, Salinas, Hawthorne, Heldenfels, Hammond, French nay), and Motion failed for lack of 5 affirmative votes.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Cathy French second on a 6-2 vote (Board Members Heidi, Jack nay); GRANTED

**B-2 C16-2010-0007 Susan Benz for Zach
202 South Lamar Boulevard**

The applicant has requested a variance to increase the maximum allowable wall sign requirement of Section 25-10-124 (D) to allow for several configurations of wall signs (banners), the maximum size to be a 48 foot X 50 foot (2400 square feet) wraparound banner on the east and north elevations in a “P”, Public zoning district. The Land Development Code allows a maximum of 10% of the building façade area for the first 15 feet of the building.

Applicant requested Postponement to February 14, 2010 to meet with the neighborhood associations; vote 8-0; POSTPONED TO February 14, 2010.

C. BOARD OF ADJUSTMENT POSTPONEMENTS

**C-1 C15-2010-0097 David Cancialosi for Jeff Lewis
2206 East 14th 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)

Applicant requested Postponement to November 8, 2010 to meet with neighborhood associations; vote 8-0; POSTPONED to November 8, 2010.

**C-2 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 Jeff Jack motion to POSTPONE TO November 8, 2010 requesting additional information drawings and dimensions, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO November 8, 2010.

**C-3 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 Michael Von Ohlen motion to POSTPONE TO November 8, 2010 requesting a clarification letter from Austin Energy and Austin Fire Department, Board Member Clarke Hammond second on a 7-0 vote; POSTPONED TO November 8, 2010.

D. BOARD OF ADJUSTMENT RECONSIDERATIONS

**D-1 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.

Board Member Leane Heldenfels motion to reconsider, Board member Clarke Hammond second on a 7-0 vote, RECONSIDERED; The public hearing was closed on Board Member Leane Heldenfels motion to Grant with condition that the storage shed be move if property sold, Board Member Clarke Hammond second on a 6-1 vote (Board Member Goebel nay); GRANTED.

E. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**E-1 C15-2010-0104 Vivian Loftin for David & Marcia Gadbois
6717 Bancroft Woods Drive**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from six feet to eight feet in order to erect a solid fence for a single-family residence in an “I-SF-2”, Interim – Single-Family Residence zoning district. 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 Michael Von Ohlen motion to Grant as per drawing E1/9, 8 feet to the rear and 6 feet to the front of property, Board Member Heidi Goebel second on a 7-0 vote; GRANTED.

**E-2 C15-2010-0105 Julie Ferguson
504 Sunset Circle**

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 screened porch for a 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 Michael Von Ohlen motion to Grant with conditions to add gutters, relocate gutters to allow flow away from property, porch to remain screened and not enclosed as per drawings E2/10, E2/11 and E2/12, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

**E-3 C15-2010-0106 Ricky C. Dowden for Larissa Hawk
1911 Cullen 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 4.3 feet in order to erect an addition to a single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Heidi Goebel motion to Grant with conditions to add gutters and a rainwater harvesting collection system directed to the rear of the property and limited to one story, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

**E-4 C15-2010-0107 Garry E. Adams
1400 West 51st 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 13 feet 9 inches in order to maintain an entryway of an enclosed porch for an existing 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 provided that the excess impervious coverage will be removed as stated and that the variance only applies to the current structure and not any future construction, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**E-5 C15-2010-0108 Rebecca Abdallah
613 Allen**

The applicant has requested a variance to decrease the minimum rear yard setback of Section 25-2-492 (D) from 10 feet to 5 feet in order to maintain and change the use of a building to create a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to POSTPONE TO November 8, 2010 requesting additional information on permit history,

parking, add variance for side setback, Board Member Clarke Hammond second on a 7-0 vote; POSTPONED TO November 8, 2010.

**E-6 C15-2010-0109 Jim Bennett for George Scott Mitchell
1211 Lorrain Street**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-513 (G) from 20 feet to 15 feet in order to erect an addition (covered porch) to a single family residence in an “MF-3-NP”, Multi-family Residence – Neighborhood Plan 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 10 feet in order to erect a second story addition to a single family residence and from 15 feet to 11 feet 9 inches in order to erect an accessory building (carport and guest house) in an “MF-3-NP”, Multi-family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to POSTPONE TO November 8, 2010 requesting additional information on elevations, existing footprint, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO November 8, 2010.

**E-7 C15-2010-0110 Betty J. Trent for Jeffrey L. Barger
2822 Wooldridge Drive**

The applicant has requested a variance to decrease the minimum through lot setback requirement of Section 25-2-515 from 25 feet to 15 feet (along Oakhurst Avenue) in order to erect a new duplex residential use with attached (by a breezeway) accessory building 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 .40 to 1.0 to .45 to 1.0 in order to erect a new duplex residential use with attached (by a breezeway) accessory building in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant only setback variance and Deny FAR variance, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED setback variance only.

**E-8 C15-2010-0111 Matthew J. Moore for Ann Pelton
906 East 56th 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 garage and second floor addition to a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to POSTPONE TO November 8, 2010 for complete findings and additional information and photos, 7-0 vote; POSTPONED TO November 8, 2010.

**E-9 C15-2010-0112 Doug Keating
5010 Finley Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 49% in order to maintain the existing garage and driveway layout for a single-family residence in an "SF-2", Single Family Residence zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to POSTPONE TO November 8, 2010 for better findings and better ways to decrease impervious coverage, Chair Leane Heldenfels requested information on gutters, 7-0 vote; POSTPONED TO November 8, 2010.

**E-10 C15-2010-0114 Richard Suttle Jr. for RGOI Investment Inc.
12914 Park Drive**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) in order to maintain approximately a 37 feet long section of solid fence that ranges in height from 6 feet to 15 feet along the east property line in an "SF-2", Single-Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with a condition that if the causes of the variance go away then it goes back to the standard fence height, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

**E-11 C15-2010-0115 Amelia Sondgeroth for Frank Fernandez
5715 Manor Road**

The applicant has request a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 32 off-street parking spaces to 24 off-street parking spaces for a Multi-family residential use in a "GR-MU-V-CO-NP", Community Commercial-Mixed Use-Vertical-Conditional Overlay-Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to POSTPONE TO November 8, 2010 requesting a restrictive covenant which states if no longer used for SMART Housing then parking will need to meet city code, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO November 8, 2010.

**E-12 C15-2010-0116 David Cancialosi for Willakaye Warren
3112 B White Rock**

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 in order to erect an addition to a single-family residence in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Leane Heldenfels motion to Grant, Board Member Clarke Hammond second on a 5-1 vote (Board Member Jeff Jack nay, Michael Von Ohlen left early); Motion failed for lack of 6 affirmative votes, DENIED (this item will be on the agenda for November 8, 2010).

**E-13 C15-2010-0117 Brian Evans
2714 East 3rd Street**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-513 (G) from 20 feet to 16 feet in order to maintain a covered porch for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition to remain open on all three sides, Board Member Leane Heldenfels second on a 6-0 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.

11-9-10 Corrections D-1, E-4, E-10