



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
REGULAR MEETING
MINUTES
(November 8, 2010)**

The Board of Adjustment convened in a regular meeting on November 8, 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), Heidi Goebel, Melissa Hawthorne (alternate), Jeff Jack, Bryan King, Nora Salinas, Michael Von Ohlen

Staff in Attendance: Susan Walker
Staff Absent: Diana Ramirez

A. APPROVAL OF MINUTES October 11, 2010

The motion to approve the minutes from October 11, 2010 was approved with revisions to item numbers D-1, E-4, E-10; Vote 7-0.

B. BOARD OF ADJUSTMENT POSTPONEMENTS

**B-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)

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.

**B-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.

POSTPONED to December 13, 2010 (re-notification to modify variance request “to 5’ ” instead of “to 11’ ” and additional information needed, date of annexation and when carport was built); Board member Melissa Hawthorne needed as an alternate, Clarke Hammond recused; POSTPONED TO December 13, 2010

**B-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 Jeff Jack motion to Deny, Board Member Heidi Goebel second on a 3-4 vote (Board members Michael Von Ohlen, Nora Salinas, Leane Heldenfels, Clarke Hammond nay); DENIED.

**B-4 C15-2010-0108 Rebecca Abdallah
613 Allen**

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 maintain and change the use of an accessory building to create a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle 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 4.8 feet in order to maintain and change the use of an accessory 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 Grant with condition limited to one single family residence on lot, Board Member Heidi Goebel second on a 7-0 vote; GRANTED.

**B-5 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 front street setback requirement of Section 25-2-492 (D) from 25 feet to 22 feet (existing) in order to erect a second story addition to a single-family residence in an “MR-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 in an “MF-3-NP”, Multi-family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant as per approved plans shown 10’ setback for bay window area only and elevations, Board Member Jeff Jack second on a 7-0 vote; GRANTED.

**B-6 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)

POSTPONED to December 13, 2010

**B-7 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.

POSTPONED to December 13, 2010

**B-8 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 Grant with conditions that the Restrictive Covenant be amended per the language provided; Affordable Housing Management will anticipate and delegate where the overflow parking will occur and when it should be needed; this amendment will run with this property and this right will not be transferable to additional or other properties , Board Member Leane Heldenfels second on a 7-0 vote; GRANTED.

**B-9 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 Michael Von Ohlen motion to Grant, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

C. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**C-1 C15-2010-0118 Kristine E. Vasquez
8101 Alophia 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 3.5 feet in order to erect an open trellis/pergola for an existing single-family residence in an “PUD”, Planned Unit Development zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that the height not to be taller than gutter of the house, Board Member Bryan King second on a 7-0 vote; GRANTED.

**C-2 C15-2010-0119 David Cancialosi for David and Jan Schimsk
6706 Troll Haven**

The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (B) from 25 feet to 8 foot 3 ½ inches at the closest point along the rear property line and from 25 feet to 6 feet 11 ½ inches at the closest point along the side property line in order to remodel (relocate existing stairs and install a ground level spa) and maintain the single-family residence in an “LA”, Lake Austin zoning district.

The applicant has requested a variance to increase the allowable impervious coverage requirement of Section 25-2-551 (D) (1) (B) from 35% (63.4% existing) to 50% in order to

remodel (relocate existing stairs and install a ground level spa) and maintain the 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 conditions that the variances apply only to outdoor spa and exterior building features such as balconies or stairs as per plans presented and building perimeter to remain the same, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**C-3 C15-2010-0120 Lawrence McGuire for Leslie Moore
1501 South 1st Street**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 from 16 off-street parking spaces to 5 off-street parking spaces in order to remodel and erect an addition to an existing Restaurant use in a “CS-MU-V-CO-NP”, Commercial Services – Mixed Use – Vertical – Conditional Overlay – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

POSTPONED to December 13, 2010 by applicant

**C-4 C15-2010-0121 Juan Valera for Carmen Valera
1708 East 6th Street**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6-611 from 9 off-street parking spaces to 4 off-street parking spaces in order to remodel to create a Restaurant use in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Bryan King motion to Postpone to December 13, 2010 to see if parking can be found in a 1,000 radius, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO DECEMBER 13, 2010.

**C-5 C15-2010-0122 R. Dave Considine
1801 Princeton 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 feet 2 inches along the west property line in order to maintain an accessory building for a 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 Michael Von Ohlen motion to Grant, Board Member Jeff Jack second on a 7-0 vote (Board member Heidi Goebel recused, Melissa Hawthorne in support); GRANTED.

**C-6 C15-2010-0123 Sarah Cheatham for Elvira Sandoval
2502 Webberville Road**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 16 off-street parking spaces to 7 off-street parking spaces in order to remodel to create a Food Sales use with Restaurant (Limited) in a “CS-CO-MU-NP”, Commercial Services – Conditional Overlay – Mixed Use – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

The public hearing was closed on Board Member Clarke Hammond motion to Postpone to December 13, 2010 to have applicant find additional parking, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO DECEMBER 13, 2010.

**C-7 C15-2010-0125 Jonathan Perlstein for Flex Realty
1308 Concho**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3.7 feet in order to reconstruct an existing non-complying single-family residence in its previous location in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

The public hearing was closed on Board Member Leane Heldenfels motion to Grant with condition that it must meet parking requirements-easement in place for access to this lot if needed, Board Member Clarke Hammond second on a 6-1 vote (Board Member Clarke Hammond nay); GRANTED.

**C-8 C15-2010-0126 Jim Bennett for Ken McWilliams
2514 Harris Blvd.**

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 south property line in order to maintain a porte-cochere and from 5 feet to 0 feet in order to maintain and erect a second story addition to an existing accessory structure for a single-family residence in an “SF-3”, Family Residence zoning district.

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 second story addition to an existing accessory structure for a single-family residence in an “SF-3”, Family Residence zoning district.

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 the existing impervious coverage on a lot for a single-family residence in an “SF-3”, Family Residence zoning district.

POSTPONED BY APPLICANT TO January 10, 2011

**C-9 C15-2010-0127 Jim Wittliff for Robert T. Brandt
5512 Evans**

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 6,250 square feet in order to maintain a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

POSTPONED TO December 13, 2010 (Additional variance needed -side yard setback)

**C-10 C15-2010-0128 Paul Hensen for Ingrid Broadrick
6308 Nasco 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 19 feet in order to erect a carport for an existing single-family residence in an “SF-2”, Single Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that carport remain open and remain one story, add gutters, 16’ deep carport is the maximum, move storage building out of setback and PUE from side and rear, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**C-11 C15-2010-0129 A. Ron Thrower
1010 East Cesar Chavez**

The applicant has requested a variance to increase the maximum front yard setback for a Neighborhood Mixed Use Building requirement of Section 25-2-1504 (A) (6) from 10 feet to 30 feet in order to remodel an existing building in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district.

The applicant has requested a variance from Section 25-2-1504 (C) (3) in order to decrease the minimum awning percentage on the ground floor façade from 50% to 15% in order to remodel an existing building in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that the building façade of a neighborhood mixed use building must have awnings along at least 50% of the length of the ground floor façade; and

The applicant has requested a variance from Section 25-2-1504 (C) (4) in order to decrease the minimum door or window requirement on the ground floor façade from 50% to 10% in order to remodel an existing building in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. The Land Development Code states that the building façade of a neighborhood mixed use building must have at least 50% of the wall area of the ground floor façade must consist of doors or windows with a visible light transmittance rating of 0.6 or higher.

The public hearing was closed on Board Member Bryan King motion to Grant with condition that the awnings go on the residential structures only, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.

**C-12 C15-2010-0130 Tracy Weems
2518 Harris Blvd.**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 48.25% in order to add a roof/cover over a portion of an existing deck 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 to remain open and remain one story, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**C-13 C15-2010-0131 Anna R. Lauri for Sam Shore
5614 Adams 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 2.8 feet (existing) in order to remodel and change the use of an existing accessory structure to create a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

The public hearing was closed on Michael Von Ohlen motion to Grant, Board Member Nora Salinas 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.

Approval with Correction C-5; recused instead of abstained 12-13-10