



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

The Board of Adjustment convened in a regular meeting on December 13, 2010, 301 West 2nd Street in Austin, Texas.

Chair Leane Heldenfels called the Board Meeting to order at 5:37p.m.

Board Members in Attendance: Leane Heldenfels (Chair), Clarke Hammond (Vice-Chair), Heidi Goebel, Melissa Hawthorne (alternate), Jeff Jack, Bryan King, Nora Salinas

Board Member Absent: Michael Von Ohlen

Staff in Attendance: Susan Walker and Diana Ramirez

A. APPROVAL OF MINUTES November 8, 2010

The motion to approve the minutes from November 8, 2010 was approved with corrections to item number C-5; Vote 7-0.

B. BOARD OF ADJUSTMENT POSTPONEMENTS

**B-1 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 5 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 Melissa Hawthorne motion to Grant with condition that carport must be kept open on 3 sides, no addition above carport, Board Member Nora Salinas second on a 6-1 vote (Board member Clarke Hammond recused himself); GRANTED.

**B-2 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 Heidi Goebel motion to Grant with condition that structure 1st floor is to be 17' from property line not second floor, Board Member Melissa Hawthorne second on a 7-0 vote GRANTED.

**B-3 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 50% 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 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 0.5 to 1.0 in order to maintain an existing single-family residence and accessory structure in an "SF-2", Single-Family Residence zoning district. **(THIS VARIANCE NOT NEEDED)**

The public hearing was closed on Board Member Clarke Hammond motion to Deny 1st variance, second variance was withdrawn (variance not needed), Board Member Bryan King second on a 4-3 vote (Board members Melissa Hawthorne, Nora Salinas, Leane Heldenfels nay); DENIED.

**B-4 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)

The public hearing was closed on Board Member Jeff Jack motion to Deny due to applicant not showing up for the 2nd time, Board Member Clarke Hammond second on a 6-1 vote (Board Member Melissa Hawthorne nay); DENIED.

**B-5 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 Melissa Hawthorne motion to Grant with condition that maximum seating area is 750 square feet and existing structure remain, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**B-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)

POSTPONED to January 10, 2011

**B-7 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 change the use to create a duplex residential use in an “SF-3-NP”, Family Residence – 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 4.6 feet along the south property line in order to change the use to create a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

The public hearing was closed on Board Member Bryan King motion to Grant with condition that written documentation of joint access easement is obtained within 30 days, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

C. BOARD OF ADJUSTMENT RECONSIDERATIONS

**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)

The public hearing was closed on Board Member Bryan King motion to Deny the reconsideration request, Board Member Leane Heldenfels second on a 4-2-1 Vote (Board

members Bryan King , Leane Heldenfels, Clarke Hammond, Heidi Goebel ayes, Board Members Jeff Jack and Nora Salinas nay, Melissa Hawthorne abstained); DENIED.

**C-2 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)

CASE WITHDRAWN BY APPLICANT

D. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**D-1 C15-2010-0132 Mike Collins for Tamara Dozler
2102 East 13th Street**

The applicant has requested a variance to increase the maximum floor-to-area requirement of Subchapter F; Article 2: Development Standards; Subsection 2.1 from 0.4:1.0 to 0.59:1.0 in order to maintain structures and change the use to create a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance from the duplex residential use common roof and common wall connection requirement of Section 25-2-773 (D) in order to maintain structures and change the use to create a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. The Land Development Code states that (1) the two dwelling units must have a common floor and ceiling or a common wall, which may be a common garage wall, that (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments and (2) must have a common roof.

The public hearing was closed on Board Member Jeff Jack motion to Deny, Board Member Heidi Goebel second on a 4-3 vote (Board Member Melissa Hawthorne, Nora Salinas, Heidi Goebel nay); DENIED.

**D-2 C15-2010-0133 Erin Haggerty & Collin DeLamar
6100 Amber Pass**

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 maintain a solid fence for a single-family residence in an "SF-3", Family Residence zoning district.

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

**D-3 C15-2010-0134 Jim Bennett for Fred Purcell
12912 Park 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 4.46 feet along the west property line in order to maintain a garage for a single-family residence in an "SF-2", Single-Family Residence 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 10.3 feet in order to maintain a carport for a single-family residence in an "SF-2", Single-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 3.9 feet along the east property line in order to maintain a carport for a single-family residence in an "SF-2", Single-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 4.9 feet along the west property line in order to maintain a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to decrease the side yard setback requirement of Section 25-2-492 (D) from 5 to 0 feet along the east and west property line in order to maintain a swimming pool, deck and stairs for a single-family residence in an "SF-2", Single-Family Residence zoning district.

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 ½ feet along the east and west property lines in order to maintain a solid fence for a single-family residence in an "SF-2", Single-Family Residence zoning district.

POSTPONED to February 14, 2011 (for additional information, show permit of what was built, topographic map, calculations of impervious coverage); Board member Clarke Hammond motioned, Board member Jeff Jack seconded; Vote 7-0; POSTPONED TO February 14, 2011

**D-4 C15-2010-0135 Ron Van Sickle for Rebecca Robinson
1102 West 22 ½ Street**

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 6,481 square feet in order to erect a new duplex-

residential use in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-773 (B) (2) from 50 feet to 49.75 feet in order to erect a new duplex-residential use in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant as per site plan D4/13, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**D-5 C15-2010-0136 Joe and Paula Salahi
10100 Parkfield Drive**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from six feet in height to eight feet in height in order to maintain a solid fence (along Cripple Creek Drive) for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan 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 Bryan King motion to Grant, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**D-6 C15-2010-0137 Shelby & Nicole Spradling
6008 Roxbury Lane**

The applicant has requested a variance in increase the maximum fence height requirement of Section 25-2-899 (D) from six feet to seven feet in order to maintain a solid fence along side property line 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 of a maximum height of seven feet.

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Heidi Goebel second on a 6-1 vote (Jeff Jack nay); DENIED.

**D-7 C15-2010-0138 James Sylvana for Keturah Havey
1504 Northridge 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 9 feet in order to maintain a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Park 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 feet in order to maintain a carport for a single-family

residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Park Neighborhood Plan) **SECOND VARIANCE WITHDRAWN – NOT NEEDED**

POSTPONED to January 10, 2011; (need additional information, findings/hardship, any other alternates to relocate carport); Board member Bryan King motioned; Melissa Hawthorne seconded; Vote 7-0; POSTPONED TO January 10, 2011

**D-8 C15-2010-0140 Manuel Garcia
4711 Red Bluff Road**

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 6 inches along the east property line in order to move a single family residence onto the lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

POSTPONED to January 10, 2011 (need to consult with Arborist and re-subdividing the two lots); Board member Clarke Hammond motioned; Vote 7-0; POSTPONED TO January 10, 2011

**D-9 C15-2010-0141 Steve Womble for Philip & Lauren Siegel
1611 Watchhill Road**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 51% in order to maintain a single-family residence and guest house and existing impervious coverage 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 3.5 feet (at the closest point) in order to maintain a guest house in an “SF-3”, Family Residence zoning district.

POSTPONED to January 10, 2011 (need additional information, calculations); Vote 7-0; POSTPONED TO January 10, 2011

**D-10 C15-2010-0142 Manny Duarte for Son Thai
850 East Rundberg Lane**

The applicant has requested a variance from Subchapter E: Design Standards and Mixed Use; Section 2.2.3; Urban Roadways: Sidewalks and Building Placement; in order to maintain existing sidewalk due to existing utilities and existing grades in order to maintain and complete and existing Retail Center in a “GR”, Community Commercial zoning district.

The applicant has requested a variance from Subchapter E: Design Standards and Mixed Use; Section 3.2.2; Glazing on Building Facades; from the north, east and south sides of the building in order to maintain and complete and existing Retail Center in a “GR”, Community Commercial zoning district.

The applicant has requested a variance from Subchapter E: Design Standards and Mixed Use; Section 2.6.2 (A); Mechanical Screening; from the north, east and south sides of the building in order to maintain and complete and existing Retail Center in a “GR”, Community Commercial zoning district.

The applicant has requested a variance from Subchapter E: Design Standards and Mixed Use; Section 3.2.3; Shade and Shelter; in order to build 4 foot wide canopy for new building and to maintain and complete and existing Retail Center in a “GR”, Community Commercial zoning district.

POSTPONED to January 10, 2011 (need additional information and someone from site plan and inspections); Vote 7-0; POSTPONED to January 10, 2011

**D-11 C15-2010-0143 David Herndon
2903 & 2907 Tarry Trail**

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 replace a 6 foot wooden fence with an 8 foot stone fence for a single-family residence in an “SF-3”, Family Residence zoning district. The Land Development Code states that a fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet. (C15-2009-0069 was approved by Board of Adjustment on 7-13-2009 for same request but has since expired)

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

**D-12 C15-2010-0144 Aubrey Carter for Lambeth Townsend
1408 Hartford 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 0 feet in order to erect a detached 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 Deny, Board Member Jeff Jack second on a 7-0 vote; DENIED.

**D-13 C15-2010-0145 Allen E Clauss
3013 Edgewater Drive**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet (4.8 existing) to 4.8 feet in order to rebuild portions of an existing non-complying walls and erect a second story addition to an existing single-family residence in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Heidi Goebel motion to Grant, Board Member Clarke Hammond 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 on Jan 11,2011: B-2, B-3, B-4, C-1 by Diana Ramirez