



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
REGULAR MEETING
MINUTES
(March 14, 2011)**

The Board of Adjustment convened in a regular meeting on March 14, 2011, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Vice Chair Clarke Hammond called the Board Meeting to order at 5:30p.m.

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

Board Member Absent: Leane Heldenfels (Chair), Michael Von Ohlen

Staff in Attendance: Susan Walker and Maggie Heretakis

CALL TO ORDER – 5:30 P.M.

A. SIGN REVIEW BOARD PUBLIC HEARINGS

**A-1 C16-2011-0001 Marty Strickland for CKE Restaurants, Inc.
609 West Slaughter Lane**

The applicant has requested a variance from Section 25-10-124 (F) in order to allow the internal lighting of logos for wall signs and freestanding signs for a Restaurant use in a “GR-CO”, Community Commercial – Conditional Overlay zoning district. (Scenic Roadway Sign District) The Land Development Code states that internal lighting of signs is prohibited, except for the internal lighting of individual letters.

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

**A-2 C16-2011-0002 Marty Strickland for CKE Restaurants, Inc.
3201 Bee Caves Road #175**

The applicant has requested a variance from Section 25-10-124 (F) in order to allow the internal lighting of logos for wall signs and freestanding signs for a Restaurant use in a “GR”, Community Commercial zoning district. (Scenic Roadway Sign District) The Land Development Code states that internal lighting of signs is prohibited, except for the internal lighting of individual letters.

The public hearing was closed on Board Member Jeff Jack motion to Deny, Board Member Heidi Goebel second on a 5-2 vote (Board members Melissa Hawthorne and Cathy French nay); DENIED.

**A-3 C16-2011-0003 Jim Bennett for Discount Tires
13000 North IH 35**

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

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant 40 feet above frontage street, Board Member Nora Salinas second on a 6-1 vote (Board member Jeff Jack nay); GRANTED.

B. INTERPRETATIONS

**B-1 C15-2011-0014 Mity Myhr Clay, Jonathan D. Kutner Jr.
4605 Avenue B**

An interested party has filed an administrative appeal, requesting an interpretation of whether the Planning and Development Department Director’s determination of the North Hyde Park Neighborhood Conservation Combining District that: 1) two driveways are permitted in front of the duplex residence; 2) carports are permitted on the front of the building; is correct.

Board Member Heidi Goebel motion to Deny standing, Board Member Clarke Hammond second on a 2-4 vote (Board Members, Jeff Jack, Nora Salinas, Bryan King, Melissa Hawthorne nay); based on vote 2-4, standing was GRANTED. The public hearing was closed on Board Member Heidi Goebel motion to Grant appeal and reverse the decision of the department, Board Member Jeff Jack second on a 4-2 vote (Board member Nora Salinas and Clarke Hammond nay); DENIED

**B-2 C15-2011-0022 David Bole, Eric Smith
1204 West 9th Street**

An interested party has filed an administrative appeal, requesting an interpretation of whether the Planning and Development Department Director’s determination of where the front lot line was established on a through lot at 1204 W. 9th Street (Case Number PR-2011-001967) in order to utilize set back averaging. The relevant sections of the Land Development Code are 25-1-21(40)(c) {Front Lot Line for a through lot}, Section 25-2-515 (Rear Yard of a Through Lot) and Section 2.3(B)(3) (Average Front Yard Setback) of Subchapter F.

Board Member Heidi Goebel motion to Deny standing, Board Member Clarke Hammond second on a 2-4 vote (Board Members, Jeff Jack, Nora Salinas, Bryan King, Melissa Hawthorne nay); based on vote 2-4, standing was GRANTED. The public hearing was

closed on Board Member Heidi Goebel motion to Grant appeal and reverse the decision of the department, Board Member Bryan King second on a 5-1 vote (Board member Clarke Hammond nay); Automatic Postponement to April 11, 2011 due to vote 5-1.

C. BOARD OF ADJUSTMENT POSTPONEMENTS

**C-1 C15-2010-0126 Jim Bennett for Ken McWilliam
2514 Harris Boulevard**

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 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.

Note: These variances were approved by the Board of Adjustment on May 8, 1995, under case #C15-95-028 but have since expired.

The public hearing was closed on Board Member Jeff Jack motion to Grant, Board Member Melissa Hawthorne second on a 6-0 vote; GRANTED.

**C-2 C15-2011-0006 David Whitworth
4709 Avenue F**

The applicant has requested a variance from Ordinance #20050818-064; Part 7; (10) in order to decrease the minimum attached garage setback from 60 feet to 25 feet in order to erect a single-family residence in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Heidi Goebel motion to Grant a 35 feet for garage, Board Member Bryan King second on a 6-0 vote; GRANTED.

D. EXTENSION OF TIME

**D-1 C15-2010-0025 Jim Wittliff for Velia Urrutia
1115 Austin Highlands Boulevard**

The applicant has requested an EXTENSION OF TIME for a variance that was GRANTED on March 8, 2010 to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 7.7 feet in order to maintain a carport for an existing single-family residence in an "SF-3", Family Residence zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Bryan King second on a 6-0 vote; GRANTED.

E. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**E-1 C15-2010-0011 David Cancialosi for Rob Adams
4310 Avenue H**

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 a two-story accessory building for a single-family residence in an “SF-3-HD-NCCD”, Family Residence – Neighborhood Conservation Combining District 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 in order to maintain wooden deck and stairway for a single-family residence and two story detached accessory building in an “SF-3-HD-NCCD”, Family Residence – Neighborhood Conservation Combining District 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 0.52 to 1.0 in order to maintain a single family residence and accessory building in an “SF-3-HD-NCCD”, Family Residence – Neighborhood Conservation Combining District.

Postponed to April 11, 2011 by applicant

**E-2 C15-2011-0005 Sam R. Perry for Larry Faulkner
5310 Western Hills 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 12 feet 10 inches in order to replace an existing carport for a single-family residence in an “SF-3”, Family Residence 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 4 inches in order to replace an existing carport 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 Grant as per new plan, Board Member Melissa Hawthorne second on a 6-0 vote; GRANTED.

**E-3 C15-2011-0016 Jim Bennett for Ben Garza III
102 East 52nd 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 6,000 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)

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Melissa Hawthorne second on a 6-0 vote; GRANTED.

**E-4 C15-2011-0017 Bobby Ugiansky
4901 Lambs 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 5 feet 8 inches in order to maintain a carport for a single-family residence in an "SF-3", Family Residence zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with conditions that carport remain open on all three sides, Board Member Clarke Hammond second on a 6-0 vote; GRANTED.

**E-5 C15-2011-0018 David Cancialosi for Remi Barbier
3409 Mount Barker**

The applicant has requested a variance from the side street setback requirement of Section 25-2-492 (D) from 15 feet to 2 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 Bryan King motion to Deny, Board Member Jeff Jack second on a 6-0 vote; DENIED.

**E-6 C15-2011-0019 David Cancialosi for Steven McLean
6105 Yorkbridge Circle**

The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 20% (existing 38.4%) to 42% in order to erect an addition to a single-family residence in an "I-RR", Interim Rural Residence zoning district.

The public hearing was closed on Board Member Heidi Goebel motion to Grant, Board Member Jeff Jack second on a 5-1 vote (Board member Bryan King nay); Automatic Postponement to April 11, 2011 due to vote 5-1.

**E-7 C15-2011-0020 Deborah York
8615 Verona Trail**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (49% existing) to 52% in order to complete a covered deck 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 1 foot along the north property line in order to maintain a

detached accessory building 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 Grant existing 49% impervious cover to maintain storage and deck, Board Member Melissa Hawthorne second on a 6-0 vote; GRANTED (49% impervious cover).

**E-8 C15-2011-0021 David Cancialosi for Elizabeth Whitmer
2704 Townes 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 24.1 feet in order to erect a second story addition to an existing non-complying accessory (garage) building 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 4.8 feet in order to erect a second story addition to an existing non-complying accessory (garage) building in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Melissa Hawthorne second on a 6-0 vote; GRANTED.

F. CONSIDERATION AND ACTION

F-1 Approval of Revised Board of Adjustment and Sign Review Bylaws

Board Member Melissa Hawthorne motion to Grant, Board Member Clarke Hammond second on a 6-0 vote; GRANTED

F-2 Meeting Schedule for 2011

Board Member Melissa Hawthorne motion to Grant, Board Member Bryan King 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.

4-11-11 Revised B-1 and B-2 (added “based on vote 2-4, standing was GRANTED”)