



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
REGULAR MEETING
MINUTES
(April 11, 2011)**

The Board of Adjustment convened in a regular meeting on April 11, 2011, City Council Chambers, 301 West 2nd Street, Austin, Texas.

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

Board Members in Attendance: Leane Heldenfels (Chair), Clarke Hammond (Vice Chair), Cathy French (Sign Review), Heidi Goebel, Jeff Jack, Bryan King, Nora Salinas, Michael Von Ohlen

Staff in Attendance: Susan Walker and Diana Ramirez

A. APPROVAL OF MINUTES March 9, 2011 and March 14, 2011

The motion to approve the minutes from March 9, 2011 was approved.

The motion to approve the minutes from March 14, 2011 was approved with corrections for items B-1 and B-2.

B. SIGN REVIEW BOARD PUBLIC HEARINGS

**B-1 C16-2011-0004 Don Cliver for Trent L. Garrett
10515 MoPac Expressway**

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 “NBG”, North Burnet Gateway zoning 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 Michael Von Ohlen motion to Grant, Board Member Clarke Hammond second on a 7-1 vote (Board member Bryan King nay); GRANTED.

C. BOARD OF ADJUSTMENT RECONSIDERATIONS

**C-1 C15-2011-0010 Duc Van Tran
2007 A Leeann 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 14 inches in order to maintain an addition to a single-family residence in an “SF-3”, Family Residence zoning district.

Board member Leane Heldenfels motion to reconsider, Board Member Clark Hammond second on a 5-2 (Board members Bryan King, Heidi Goebel nay); RECONSIDER. The public hearing was closed on Board Member Michael Von Ohlen motion to postpone to May 9, 2011 for better findings and to obtain letter from adjacent property owner, Board Member Jeff Jack second on a 7-0 vote; POSTPONED to May 9, 2011.

D. INTERPRETATION POSTPONEMENT

**D-1 C15-2011-0022 David Bole for 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.

The public hearing was closed on Board Member Bryan King motion to Grant, 15 feet setback front and back, build within the McMansion tent, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.

E. BOARD OF ADJUSTMENT POSTPONEMENTS

**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.

The public hearing was closed on Board Member Bryan King motion to Grant with current use (accessory building), Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.

**E-2 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. **GRANTED March 9, 2011**

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. **DENIED March 9, 2011**

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. **DENIED March 9, 2011**

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. **GRANTED March 9, 2011**

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. **DENIED March 9, 2011**

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. **GRANTED east side only March 9, 2011; POSTPONED to April 11, 2011, west side only**

The public hearing was closed on Board Member Heidi Goebel motion to Postpone to May 9, 2011 to provide additional information clear graphics of the fence and update height variance requested, sealed survey measured on both sides, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO MAY 9, 2011. (RE-NOTIFICATION REQUIRED)

**E-3 C15-2010-0150 Elvira Escobar
2016 Jesse E Segovia Street**

The applicant has requested a variance from Section 25-2-1463 (C) (2) (a) in order to remodel an existing accessory building to create a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. The Land Development Code states that a secondary apartment must be located at least 15 feet to the rear of the principal structure. *(Note: This variance was approved on 12-8-2008 under case # C15-2008-0145 but has since expired.)*

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

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 2 feet in order to maintain a carport/garage in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **The public hearing was closed on Board Member Leane Heldenfels motion to Deny, Board Member Michael Von Ohlen second on a 7-0 vote; DENIED.**

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 one carport/garage and from 5 feet to 1 foot in order to maintain another carport in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **The public hearing was closed on Board Member Leane Heldenfels motion to Grant the variance 5 feet to 1 foot and Deny the variance 5 feet to 3 feet, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED 5 feet to 1 foot and DENIED 5 feet to 3 feet.**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 47% in order to maintain a single-family residence, secondary apartment and accessory structures in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **The public hearing was closed on Board Member Leane Heldenfels motion to Deny, Board Member Michael Von Ohlen second on a 7-0 vote; DENIED.**

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 feet in order to maintain a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **The public hearing was closed on Board Member Leane Heldenfels motion to Grant, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.**

APPROVED WITH CONDITIONS TO ADD GUTTERS TO CARPORT; REMAIN OPEN ALL 3 SIDES

**E-4 C15-2011-0002 Shaw Hamilton for Mark Kudela
1403 W 45th Street**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 2,110 square feet in order to erect a single-family residence in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet to 34.97 feet in order to erect a single-family residence in an “SF-3”, 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 21 feet in order to erect 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 Nora Salinas second on a 7-0 vote; DENIED.

**E-5 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 40% Building Coverage, Board Member Jeff Jack second on a 7-0 vote; GRANTED 40% Building Coverage.

F. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**F-1 C15-2011-0026 Jim Bennett for Ricardo Robles
400 East 33rd Street**

The applicant has requested a variance from Ordinance #040826-58; Part 6 (7) (a) & (b) in order to allow 3 parking spaces to be located in the street side yard setback in order to maintain a two-story duplex residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The applicant has requested a variance from Section 25-6 Appendix A to decrease the minimum off-street parking space requirement from 3 off-street parking spaces to 2 off-street parking spaces in order to maintain a two-story duplex residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The applicant has requested a variance from Ordinance #040826-58; Part 6 (7) (f) which states that a person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size.

The applicant has requested a variance from Ordinance #040826-58; Part 6 (3) (b) to decrease the minimum side street setback requirement (along East 33rd Street) from 25 feet to 15.4 in

order to maintain a two-story duplex residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

POSTPONED TO MAY 9, 2011

**F-2 C15-2011-0015 Jon G. Fahey
1181 Pandora 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 14 feet in order to erect a detached accessory building (garage) for an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. *(This variance was previously approved on May 11, 2009 under case number C15-2009-0035, but has since expired.)*

WITHDRAWN

**F-3 C15-2011-0023 Phil Moncada for Auspro Enterprises, LP; Michael Kleinman
3107 E. Cesar Chavez Street**

The applicant has requested a variance to increase the maximum allowable fence height requirement of Section 25-2-899 (D) from 6 feet in height to 12 feet in height in order to erect a solid fence in a “GR-MU-CO-NP”, Community Commercial – Mixed Use – Conditional Overlay – Mixed Use 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. **POSTPONED TO MAY 9, 2011 (NOTIFICATION ERROR)**

**F-4 C15-2011-0024 Walter Moreau for M. Station Housing, LP
2918 E. Martin Luther King Jr. Blvd.**

The applicant has requested a variance from Section 25-2-1067 (F) in order to erect a childcare facility with a playground within 25 feet of a lot zoned “SF-5” or more restrictive. The Land Development Code states that an intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property: (1) in an “SF-5” or more restrictive zoning district; or (2) on which a use permitted in an “SF-5” or more restrictive zoning district is located.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions to operate only from 7am to 6pm Monday-Friday, no lighting and add planting to satisfy adjacent neighbors, Board Member Clarke Hammond second on a 7-0 vote; GRANTED with conditions to operate only from 7am to 6pm Monday-Friday, no lighting and add planting to satisfy adjacent neighbors.

**F-5 C15-2011-0025 Adam Talianchich & Ashley Menger
2005 East 16th Street**

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 5 inches along the west property line in order to

complete the construction of a 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 Grant, Board Member Bryan King second on a 7-0 vote; GRANTED.

**F-6 C15-2011-0028 Guadalupe Ortiz
1310 Vargas 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 4.54 feet in order to erect and maintain an addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Montopolis Neighborhood Plan)

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

**F-7 C15-2011-0029 Ernest Hughes for Antonio Giustino
2106 Rabb Glen 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 5 feet (existing) in order to remodel to convert an existing attic space in an existing accessory structure to create a personal office space in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Heidi Goebel motion to Grant with condition no plumbing in the 2nd floor, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED with conditions no plumbing in the 2nd floor.

**F-8 C15-2011-0031 Alexander Blunt
4013 Avenue D**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet in height to 8 feet in height along the south and east property lines in order to erect a solid fence in an “SF-3-HD-NCCD” zoning district. A solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of 7 feet.

The public hearing was closed on Board Member Bryan King motion to Grant east property line (alley way) only and Applicant omitted variance for south property line, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED east property line only.

**F-9 C15-2011-0032 Ryan Tyler
1209 Cotton 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 4 ½ feet in order to erect a two story single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin 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 20.5 feet in order to erect a two story single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin 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.

**F-10 C15-2011-0033 Christopher Johns for Bradley Coburn
1704 Exposition Boulevard**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 65% in order to maintain an addition for use as a Duplex Residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Plan)

The applicant has requested a variance to decrease the maximum common wall requirement of Section 25-2-773 (D) (1) from 52 feet to 15.1 feet in order to maintain an addition for use as a Duplex Residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Plan) **POSTPONED TO MAY 9, 2011 for additional information, better findings and show ways to decrease impervious coverage**

**F-11 C15-2011-0034 Jim Bennett for Thomas E, Taylor
1605 Newfield Lane**

The applicant has requested 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 two-story accessory building 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 4-3 vote (Board members Jeff Jack, Bryan King and Heidi Goebel nay); DENIED.

**F-12 C15-2011-0035 Hugh Randolph for Serge & Kerry Ugarte
2511 Janice Drive**

The applicant has requested a variance to increase the maximum allowable impervious coverage requirement of Section 25-2-492 (D) from 45% (54.1% existing) to 49.5% in order to rebuild an existing one story front porch 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 Michael Von Ohlen second on a 7-0 vote; GRANTED.

**F-13 C15-2011-0036 Trung Nguyen and Loris Tran
2801 West 45th Street**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.7 feet in order to remodel and maintain a structure to create a guest house 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 4.5 feet in order to remodel and maintain a structure to create a guest house in an “SF-2”, Single-Family Residence zoning district.

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-893 (D) from 10,000 square feet to 9,810 square feet in order to remodel and create a guest house in an “SF-2”, Single-Family Residence zoning district.

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

ADJURNED 10:45PM

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 minutes E-5 Building Coverage instead of IC