



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
(May 9, 2011)**

The Board of Adjustment convened in a regular meeting on May 9, 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), Heidi Goebel, Melissa Hawthorne (alternate), Jeff Jack, Bryan King, Michael Von Ohlen

Board Member Absent: Nora Salinas, Cathy French (Sign Review)

Staff in Attendance: Susan Walker, Maggie Heretakis, Keith Mars and Lynda Courtney

- A. Briefing on the Planning and Development Review Department Proposed FY 2012 Budget by Don Birkner
- B. APPROVAL OF MINUTES April 11, 2011

The motion to approve the minutes from April 11, 2011 was approved with corrections for item E-5.

C. BOARD OF ADJUSTMENT RECONSIDERATIONS

**C-1 C15-2011-0019 Todd Adams 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 Bryan King motion to Deny reconsideration request (no new information), Board Member Michael Von Ohlen second on a 5-1-1 vote (Board members Clarke Hammond nay and Melissa Hawthorne abstained); DENIED.

**C-2 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 Heidi Goebel motion to Deny, Board Member Bryan King second on a 5-1-1 vote (Board Members Clarke Hammond nay and Melissa Hawthorne abstained); Rescind original motion; Board Member Michael Von Ohlen motion to Grant reconsideration, Board Member Leane Heldenfels second on a 6-1 vote (Board Member Melissa Hawthorne abstain); GRANT reconsideration request. Board Member Michael Von Ohlen motion to Grant that 1st story at 5 feet and 2nd story at 10 feet, Board Member Bryan King second on a 7-0 vote; GRANTED.

D. BOARD OF ADJUSTMENT RECONSIDERATION POSTPONEMENT

**D-1 C15-2011-0010 Duc Van Tran
2007 A Leann 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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions to be non-habitable and storage use only and meet fire code if required, Board Member Bryan King second on a 7-0 vote; GRANTED WITH CONDITIONS TO BE NON-HABITABLE AND STORAGE USE ONLY AND MEET FIRE CODE IF REQUIRED.

E. BOARD OF ADJUSTMENT POSTPONEMENTS

**E-1 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. **March 9, 2011 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 10.3 feet in order to maintain a carport for a single-family residence in an “SF-2”, Single-Family Residence zoning district. **March 9, 2011 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 3.9 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. **March 9, 2011 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 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. **March 9, 2011 GRANTED**

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. **March 9, 2011 DENIED**

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

Postponed to June 13, 2011 due to notification error and additional information needed, height information from surveyor

**E-2 C15-2011-0004 Adela S Morales
6607 Cruz 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 1 1/2 feet along the west property line in order to maintain a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Montopolis Neighborhood Plan)

Postponed to July 11, 2011

**E-3 C15-2011-0012 Bernabe Hernandez Benitez
1100 Jolena Circle**

The applicant has requested a variance to decrease the minimum number of off-street parking spaces required from 4 spaces to 2 spaces in order to remodel existing attached garage to create living area for an existing duplex-residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. **WITHDRAWN**

**E-4 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.

The public hearing was closed on Board Member Jeff Jack motion to Deny (no hardship), Board Member Bryan King second on a 7-0 vote; DENIED.

**E-5 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 June 13, 2011

**E-6 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)

The public hearing was closed on Board Member Bryan King motion to Deny (applicant no show), Board Member Clarke Hammond second on a 7-0 vote; DENIED.

F. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**F-1 C15-2011-0027 James Pounds for Michael Benton
801 Avondale 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 12 feet in order to maintain a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement along the east property line from 5 feet (1.4 feet existing) to 2.9 feet in order to remodel an existing greenhouse/utility room into a bedroom for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 0 feet in order to erect a bath addition and patio over an existing deck and to maintain the deck in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The public hearing was closed on Board Member Bryan King motion to Grant as one story building only, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**F-2 C15-2011-0040 Robert Smith
2420 Lakehurst 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 4.7 feet in order to maintain an enclosed carport 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, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

**F-3 C15-2011-0041 Richard Weiss for Mike Sherrill
612 Upson**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 17 feet by enclosing a portion of an existing covered porch to create additional living area for a single-family residence in an “SF-3-NP”, 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 the existing 13 foot setback in order to add to and reconfigure an uncovered 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 Michael Von Ohlen motion to Grant with conditions single story and remainder of porch to remain open, Board Member Melissa

Hawthorne second on a 7-0 vote; GRANTED WITH CONDITIONS SINGLE STORY AND REMAINDER OF PORCH TO REMAIN OPEN.

**F-4 C15-2011-0042 Saul Corona Jr.
12332 Yarmont Way**

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 in order to complete and maintain a solid fence for a 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 Postpone to June 13, 2011 for topographic information needed, Board Member Clarke Hammond second on a 7-0 vote; POSTPONED to JUNE 13, 2011 Topographic information needed.

**F-5 C15-2011-0043 Jim Bennett for Kim Conner
3003 Hillview Road**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 62% in order to maintain a wooden deck and single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan 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 3 feet in order to maintain a wooden deck in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

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

**F-6 C15-2011-0044 Kelly Behrends
2515 East 5th Street**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 4 off-street parking spaces to 0 off-street parking spaces in order remodel to create a Personal Service (Hair Salon) use in a “GR-CO-MU-NP”, Community Commercial – Conditional Overlay – Mixed Use – Neighborhood Plan zoning district. The Land Development Code requires one space for each 275 square feet of gross floor area.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, 0 spaces provided that the entry up to mid portion of the side porch is paved, one owner operator, only for this use and for single family residence, Board Member Clarke Hammond second on a 7-0 vote; GRANTED, 0 spaces provided that the entry up to mid portion of the side porch is paved, one owner operator, only for this use and for single family residence.

**F-7 C15-2011-0045 Danny Waters
1100 Reagan Terrace**

The applicant has requested a variance from Section 25-2-774 (C) (2) (a) in order to remodel an existing single-family residence to create a two family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. The Land Development Code states that a two-family residential use must be located at least 15 feet to the rear of the principal structure.

The public hearing was closed on Board Member Bryan King motion to Grant 2nd unit dwelling in front of the lot, remain one story, 850 sq ft, maintain cottage like appearance, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED 2nd unit dwelling in front of the lot, remain single story, 850 sq ft, maintain “cottage like” appearance.

**F-8 C15-2011-0046 James Holland for Matthew F. Kreisle III
1512 Hardouin Avenue**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 52% in order to erect an open front porch, one additional off-street parking space and walkways to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Clarke Hammond motion to Grant, Board Member Michael Von Ohlen second; Rescind original motion; Motion to Postpone by applicant to June 13, 2011 to reduce impervious cover; POSTPONED.

**F-9 C15-2011-0047 Jimmy Odom for David Rogers
9118 Lantana Way**

The applicant has requested a variance to decrease the minimum rear yard setback from 8 feet (setback variance granted by Board of Adjustment under case number C15-2010-0152 on January 10, 2011) to 7 feet in order to maintain an attached pergola 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, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.

**F-10 C15-2011-0048 David Cancialosi for Richard Archer
3207 Churchill 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 feet in order to maintain a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 13, 2011, Board Member Bryan King second on a 7-0 vote; POSTPONED TO JUNE 13, 2011.

F-11 C15-2011-0049 David Cancialosi for Steven Mullins

3007 West Terrace

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 13.5 feet in order to maintain a carport for a 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 to remain open all 3 sides and one story, Board Member Leane Heldenfels second on a 7-0 vote; GRANTED WITH CONDITIONS TO REMAIN OPEN ALL 3 SIDES AND ONE STORY.

**F-12 C15-2011-0050 Terrie Thomas
3003 East 18 1/2 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 21.5 feet in order to rebuild an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, porch to remain open and no 2nd story balcony to be added, Board Member Leane Heldenfels second on a 7-0 vote; GRANTED, PORCH TO REMAIN OPEN AND NO 2ND STORY BALCONY TO BE ADDED.

**F-13 C15-2011-0052 Carolyn Aupperle
2608 Scenic Drive**

The applicant has requested a variance from Section 25-2-1176 (G) (1) in order to erect a private community park restroom facility within 100 feet from the shoreline setback in an “SF-3”, Family Residence zoning district. The Land Development Code states that except for a boat dock or a combined storage area on the water’s edge, a permanent structure, including a parking lot, must be set back at least 100 feet from the shoreline.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with 60 ft setback, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH 60 FT SETBACK.

**F-14 C15-2011-0053 Darrel and Betty Branhagen
1904 Riverview 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 3.9 feet along the west property line in order to remodel an accessory structure to create a Secondary Apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

The public hearing was closed on Board Member Bryan King motion to Grant as shown on drawing F14/10, Board Member Leane Heldenfels second on a 7-0 vote; GRANTED AS SHOWN ON DRAWING F14/10 .

**F-15 C15-2011-0054 Aaron McIntyre for Emily McIntyre
1404 Bouldin Avenue**

The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet to 38 feet (existing) in order to erect a second story and add a two story addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek 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.

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 4181.76 square feet (existing) in order to erect a second story and add a two story addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek 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.

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 (existing along the south property line) in order to erect a second story and add a two story addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek 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.

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 19.7 feet (existing) in order to erect a second story and add a two story addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Clarke Hammond second on a 6-1 vote (Board Member Heidi Goebel nay); GRANTED.

The applicant has requested a variance from Subchapter F; Article 2; Subsection 2.6 (D) (1) in order to protrude 3.5 feet into the side setback plane in order to erect a second story and add a two story addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Clarke Hammond second on a 5-2 vote (Board members Heidi Goebel and Jeff Jack nay); DENIED.

ADJOURNMENT

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