



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
(June 13, 2011)**

The Board of Adjustment convened in a regular meeting on June 13, 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, Nora Salinas, Michael Von Ohlen

Board Member Absent: Cathy French (Sign Review)

Staff in Attendance: Susan Walker, Maggie Heretakis, Greg Guernsey, Jerry Rusthoven

A. APPROVAL OF MINUTES May 9, 2011

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

B. INTERPRETATION RECONSIDERATION

**B-1 C15-2011-0038 Leslie Rosenstein
6621 Argentia Road**

The applicant has filed an administrative appeal, requesting an interpretation of whether the Planning and Development Review Director's determination that a residential structure rented for a short period of time is classified as single family residential use is correct.

Board Member Jeff Jack's motion to reconsider; Board Member Michael Von Ohlen's 2nd, on a vote of 7-0, GRANT TO RECONSIDER. The public hearing was closed on Board Member Bryan King's motion to Uphold the interpretation that a residential structure rented for a short period of time is not a hotel/motel land use and Overturn the interpretation that it is classified as a single-family use; with the further ruling that, based on Section 25-2-3(A), the code does not provide for a transient residential use, which is determined to be any occupation for a period of less than 10 days. Board Member Michael Von Ohlen 2nd on a 6-1 vote (Board Member Leane Heldenfels nay; Board Member Clarke Hammond recused).

C. BOARD OF ADJUSTMENT RECONSIDERATION

**C-1 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 JULY 11, 2011 DUE TO NOTIFICATION ERROR

D. BOARD OF ADJUSTMENT POSTPONEMENTS

**D-1 C15-2010-0134 Jim Bennett for Fred Purcell
12912 Park Drive**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 12 feet along the 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 SEPTEMBER 12, 2011 BY APPLICANT

**D-2 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 AUGUST 8, 2011

**D-3 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 Deny, Board Member Bryan King second on a 7-0 vote; DENIED.

**D-4 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 impervious cover at 45.8% and friendly amendment limit to lot configuration as hardship, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED IMPERVIOUS COVER AT 45.8% AND FRIENDLY AMENDMENT LIMIT TO LOT CONFIGURATION AS HARDSHIP.

**D-5 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 Grant with conditions limit the first floor, north –facing windows to two, install air conditioning units on the south side of the property, install surface and sub-surface water flow mitigation features including the following: slope the front yard away from the property, build a lip on the north side of the driveway to help direct water flow, install 6” gutters with downspouts, install a French drain in the driveway, install a buried water pipe down the side of the house to carry water to the back of the lot, build a rock-lined surface channel down the north side of the house and 18” eaves and 6” gutter along North side of property only, Board Member Bryan King second on a 7-0 vote; GRANTED WITH CONDITIONS LIMIT THE FIRST FLOOR, NORTH –FACING WINDOWS TO TWO, INSTALL AIR CONDITIONING UNITS ON THE SOUTH SIDE OF THE PROPERTY, INSTALL SURFACE AND SUB-SURFACE WATER FLOW MITIGATION FEATURES INCLUDING THE FOLLOWING: SLOPE THE FRONT YARD AWAY FROM THE PROPERTY, BUILD A LIP ON THE NORTH SIDE OF THE DRIVEWAY TO HELP

DIRECT WATER FLOW, INSTALL 6" GUTTERS WITH DOWNSPOUTS, INSTALL A FRENCH DRAIN IN THE DRIVEWAY, INSTALL A BURIED WATER PIPE DOWN THE SIDE OF THE HOUSE TO CARRY WATER TO THE BACK OF THE LOT, BUILD A ROCK-LINED SURFACE CHANNEL DOWN THE NORTH SIDE OF THE HOUSE AND 18" EAVES AND 6" GUTTER ALONG NORTH SIDE OF PROPERTY ONLY .

E. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**E-1 C15-2011-0065 Lindsey Lane
2004 Goodrich 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 3 feet 9 ½ inches in order to maintain screened porch in order to change the use to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Neighborhood Plan) **Denied**

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 an attached accessory structure in order to change the use to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Neighborhood Plan) **Denied**

The applicant has requested a variance to increase the maximum allowable gross floor area of Section 25-2-774 (C) (7) (a) from 850 square feet to 1187 square feet in order to change the use of a building to create a two-family residential use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Neighborhood Plan) **Granted**

The public hearing was closed on Board Member Clarke Hammond motion to Grant only the third variance, to allow for an increase in gross floor area that reflects the building as built without the porch and storage additions, the 1st and 2nd variance are Denied. Board Member Michael Von Ohlen second on a 7-0 vote (Heidi Goebel recused); GRANTED ONLY THE THIRD VARIANCE, TO ALLOW FOR AN INCREASE IN GROSS FLOOR AREA THAT REFLECTS THE BUILDING AS BUILT WITHOUT THE PORCH AND STORAGE ADDITIONS

**E-2 C15-2011-0055 Allison Carr for Andrew A Bergad
1100 E 8th Street**

The applicant has requested a variance from the minimum off-street parking requirement of Section 25-6 from 3 off-street parking spaces to 2 off-street parking spaces in order to erect a Secondary Apartment in an "LO-H-NP", Limited Office – Historic – Neighborhood Plan (proposed "SF-3-H-NP") zoning district.

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) in order to allow an existing covered wood deck to remain for an

existing single-family residence in an “LO-H-NP”, Limited Office – Historic – Neighborhood Plan (proposed “SF-3-H-NP”) zoning district.

POSTPONED TO JULY 11, 2011 TO PROVIDE MORE INFORMATION, PICTURES, SUPPORT LETTERS FROM NEIGHBORS

**E-3 C15-2011-0056 Genaro Bondoc, Jr.
8508 Devine Lane**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 5 feet to 3 feet in order to maintain an accessory structure 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 2 feet (along the south property line) in order to maintain an accessory structure 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 Deny, Board Member Bryan King second on a 7-0 vote; DENIED.

**E-4 C15-2011-0057 Rocky and Sunee Conly
2402 Bryan Street**

The applicant has requested a variance to decrease the minimum through lot setback requirement of Section 25-2-515 from 25 feet to 0 feet in order to erect an attached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan) The Land Development Code states that for a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

POSTPONE TO SEPTEMBER 12, 2011 TO PROVIDE MORE INFORMATION, TREE INFORMATION

**E-5 C15-2011-0058 Bryan Joseph Danna
1107 Kinney Avenue**

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 1,488 square feet in order to erect a single-family residence on a lot in an “SF-3”, Family Residence zoning district.

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

**E-6 C15-2011-0059 Elaine Andersen for Michael Issa
5601 Joe Sayers Avenue**

The applicant has requested a variance from Section 25-2-1463 (C) (2) (a) requiring a secondary apartment to be located at least 15 feet to the rear of the principal structure in order to erect a residence to the rear of a proposed secondary apartment in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant that front house stays as is based on drawing E6/12, Board Member Heidi Goebel second on a 7-0 vote; GRANTED THAT FRONT HOUSE STAYS AS IS BASED ON DRAWING E6/12.

**E-7 C15-2011-0060 Uffe B. & Allision Petersen
2206 West 11th 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 ½ feet in order to erect an addition of a landing and stairs 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 Michael Von Ohlen motion to Grant based on drawing E7/9, Board Member Jeff Jack second on a 7-0 vote; GRANTED BASED ON DRAWING E7/9.

**E-8 C15-2011-0061 Michael Stabenfeldt for David Stojanik
5800, 5801, 5805, 5809, 5813, 5817, 5821, 5825, 5828, 5829
Gentle Breeze Terrace**

The applicants have requested a variance to increase the maximum allowable fence height requirement of Section 25-2-899 (D) from 6 feet in height to 8 feet in height in order to erect a solid fence along the rear and side street property lines in an “SF-2”, Single-Family Residence zoning district.

POSTPONED TO JULY 11, 2011 TO PROVIDE MORE INFORMATION FOR EVERY ADDRESS ON THIS APPLICATION AND HARDSHIP FOR EVERY LOT

**E-9 C15-2011-0062 John Carter Shanklin for Allison Robert Ockey
1201 Exposition Boulevard, 1206 Norwalk Lane A, 1206
Norwalk Lane B, 1210 Norwalk 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 15 feet in order to erect one-story detached condominium units on each lot in an “MF-3-NP”, Multi-Family-Neighborhood Plan zoning district.

POSTPONED TO JULY 11, 2011

**E-10 C15-2011-0063 Alphonso Dryer for Wilfred Navarro
2601 E 7th Street**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 in order to not provide the additional 7 off-street parking spaces required to change the use from a Food Sales use (take-out restaurant) to a Restaurant (Limited) use in a “CS-CO-MU-NP”, Commercial Services – Conditional Overlay – Mixed Use – Neighborhood Plan zoning district.

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

**E-11 C15-2011-0064 Christina Prikryl
1718 Morrow Street**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet (4.9 existing) to 4.4 feet in order to erect an addition to 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 Leane Heldenfels second on a 7-0 vote; GRANTED.

**E-12 C15-2011-0066 Sidney R. Bowen for City of Austin (Cynthia Jordan)
704 West Cesar Chavez Street**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 400 off-street parking spaces to 200 off-street parking spaces in order to erect a Cultural Services Use in a “P” Public zoning district. The Land Development Code requires one parking space for each 500 square feet for a Cultural Services Use.

POSTPONED TO JULY 11, 2011

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 Planning & Development Review Department, at 974-2202 or Diana Ramirez at Planning & Development Review Department at 974-2241, for additional information; TTY users route through Relay Texas at 711.