



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
JOINT MEETING
MINUTES
(October 8, 2012)**

The Board of Adjustment convened in a regular meeting on October 8, 2012, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 5:30 p.m.

Board Members in Attendance: Jeff Jack (Chair), Sallie Burchett, Melissa Hawthorne, Bryan King, Fred McGhee, Michael Von Ohlen, Nora Salinas

Board Members Absent: none

Staff in Attendance: Susan Walker, Diana Ramirez, John McDonald

A. ACTION ITEM

A-1 Election of Officers

Board member Bryan King motion to re-appoint Jeff Jack as Chairman and appoint Melissa Hawthorne as Vice-Chair, Board Member Michael Von Ohlen second on 6-0 vote (Fred McGhee not present).

B. APPROVAL OF MINUTES September 17, 2012

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with correction for Item C-3, Board Member Melissa Hawthorne second on a 6-1 vote (Board member Sallie Burchett abstained); GRANTED WITH CORRECTION FOR ITEM C-3.

C. BOARD OF ADJUSTMENT PUBLIC HEARING POSTPONEMENTS

**C-1 C15-2012-0069 Ann Kitchen for Primrose Kitchen
1800 A Jentsch Court**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.6 feet in order to maintain a sunroom addition to a duplex residential use in an "SF-3", 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 0.415 to 1.0 in order to maintain a sunroom addition to a duplex residential use 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 51% in order to maintain a sunroom addition to a duplex residential use in an “SF-3”, Family Residence zoning district.

POSTPONE REQUEST TO NOVEMBER 13, 2012 PER STAFF

**C-2 C15-2012-0092 John and Teddy Kinney
3305 Lafayette Avenue**

The applicant has requested a variance from Section 25-2-1604 (C) (1) and (2) in order to maintain a parking structure with an entrance that faces the front yard to be closer to the front lot line than the building façade of the principal structure and to exceed 50 percent of the width of the principal structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade of the principal structure; and if the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50 percent of the width of the principal structure, measured parallel to the front lot line.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 13, 2012, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO NOVEMBER 13, 2012.

**C-3 C15-2012-0100 Lisa Gray
4708 Bull Creek**

The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet to 49.51 feet in order to subdivide one lot into two lots and erect a single-family residence on each lot in an “SF-2”, Single-Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Nora Salinas second on a 6-1 vote (Board member Jeff Jack nay); GRANTED.

**C-4 C15-2012-0104 Jeffrey Bullard for Larry Broder
512 Bouldin Avenue**

The applicant has requested a variance to decrease the minimum lot area requirement of Section 25-2-773 (B) (1) from 7,000 square feet to 6,975 square feet in order to remodel a single-family residence to create a duplex residential use in an “MF-3-NP”, Multi-Family Residence Medium Density – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to remain in the same envelope and footprint, no more than 1500 square feet,

Board Member Nora Salinas second on a 7-0 vote; GRANTED WITH CONDITION TO REMAIN IN THE SAME ENVELOPE AND FOOTPRINT, NO MORE THAN 1500 SQUARE FEET.

**C-5 C15-2012-0105 Jim Bennett for Albert Garcia
11615 Buttonwood 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 4 inches 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 increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet in height to 6 feet 6 inches in height in order to 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 Grant, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

D. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**D-1 C15-2012-0111 Pablo Serna for Will Fowler
3312 Beverly Road**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-774 (B) from 7,000 square feet to 6,795 square feet in order to erect a Two-Family Residential use 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 5 feet in order to erect a Two-Family Residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan 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 14 feet 2 inches in order to erect a Two-Family Residential use 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 November 13, 2012 (Re-notification), Board Member Nora Salinas second on a 7-0 vote; POSTPONED TO NOVEMBER 13, 2012 (RE-NOTIFICATION).

**D-2 C15-2012-0114 David Cancialosi for Frank Stabile
84 Pascal Lane**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (a, b & c) from 35% to 48% on a slope with a gradient of 15 percent or less; from 10% to 37% on a slope with a gradient of more than 15 percent and not more than 25 percent; and from 5% to 62% on a slope with a gradient of more than 25

percent and not more than 35 percent in order to erect a single-family residence in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2012, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO NOVEMBER 13, 2012.

**D-3 C15-2012-0115 Hallie Ferguson
611 Bouldin Avenue**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from fifteen feet to three feet in order to erect a rainwater collection tank for a single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from five feet to four feet in order to erect a rainwater collection tank for a 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 contingent upon document from the City Arborist that this is the best location for rainwater tank and condition that setback is only for this use, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED CONTINGENT UPON DOCUMENT FROM THE CITY ARBORIST THAT THIS IS THE BEST LOCATION FOR RAINWATER TANK AND CONDITION THAT SETBACK IS ONLY FOR THIS USE.

**D-4 C15-2012-0116 Frank Meece for Janet Council
8504 B Red Willow 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 10 feet in order to erect a single-family residence in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Michael Von Ohlen second on a 6-0 vote (Board member Melissa Hawthorne off the dias); DENIED.

**D-5 C15-2012-0117 Benigno Meneses for Maria Castillo
2104 Wagon Crossing Path**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 11.1 feet in order to maintain an addition to 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 Grant, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.

**D-6 C15-2012-0118 Paul Guidry for Julia Morton
1188 Coletto 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 2 feet in order to erect a detached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood Neighborhood Plan)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2012, Board Member Bryan King second on a 7-0 vote; POSTPONED TO November 13, 2012.

**D-7 C15-2012-0119 ELPI Constantinou
2400 West 7th Street**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from six feet to eight feet in order to maintain a solid fence along the west property line 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 an 8 foot fence up to front of house, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED AN 8 FOOT FENCE UP TO FRONT OF HOUSE.

**D-8 C15-2012-0120 David Gates
1704 Karen Avenue**

The applicant has requested a variance from Section 25-2-1604 in order to erect a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade.

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-9 C15-2012-0121 Terry Enlow for Katherine Holton
4900 Mendoza 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 4.3 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 Bryan King motion to Grant, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.

**D-10 C15-2012-0122 David Cancialosi for Justin McCoy
4915 Avenue G**

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 maintain an existing garage for a single-family residence in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North Hyde Park Neighborhood Plan)

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 existing garage for a single-family residence in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North Hyde Park Neighborhood Plan)

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.

**D-11 C15-2012-0123 Jim Bennett for SuMa Pizza, LLC (Rosa Santis)
1103 East 6th Street**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6; Appendix A from 8 off-street parking spaces to 0 off-street parking spaces in order to remodel an existing commercial building to create a Restaurant use in a “TOD-NP”, Transit Oriented Development – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that the restaurant cannot have late hours permit and must have alley access at the rear of the site for loading, Board Member Nora Salinas second on a 6-1 vote (Board Member Bryan King nay); GRANTED WITH CONDITIONS THAT THE RESTAURANT CANNOT HAVE LATE HOURS PERMIT AND MUST HAVE ALLEY ACCESS AT THE REAR OF THE SITE FOR LOADING.

**D-12 C15-2012-0124 Jim Bennett for Jack & Ann Swingler
3801 Stevenson Avenue**

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 a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group Neighborhood Plan)

The applicant has requested a variance from Section 25-2-1604 in order to erect a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning

district. (West Austin Neighborhood Group Neighborhood Plan) The Land Development Code states that a parking structure with an entrance that faces the front yard may not be closer to the front lot line than the building façade.

POSTPONED TO November 13, 2012

**D-13 C15-2012-0125 Rodney Palmer for Catherine Corcoran
3301 Thousand Oaks Cove**

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 erect an addition to 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 25 feet on Thousand Oaks Cove and Walsh Tarlton Lane, 5 feet on the rear setback, and 10 feet on the side yard setback, Board Member Michael Von Ohlen second on a 7-0 vote;
GRANTED 25 FEET ON THOUSAND OAKS COVE AND WALSH TARLTON LANE, 5 FEET ON THE REAR SETBACK AND 10 FEET ON THE SIDE YARD SETBACK.**

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.