



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
JOINT MEETING
MINUTES
(November 13, 2012)**

The Board of Adjustment/Sign Review Board convened in a joint meeting on November 13, 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 (Vice Chair), Bryan King, Fred McGhee, Michael Von Ohlen, Nora Salinas, Cathy French (SRB only)

Staff in Attendance: Susan Walker, Diana Ramirez

A. APPROVAL OF MINUTES October 8, 2012

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Michael Von Ohlen second on a 8-0 vote; GRANTED.

B. SIGN REVIEW BOARD

**B-1 C16-2012-0016 Ty Robbins for Darden Restaurants
109 West Anderson Lane**

The applicant has requested a variance to increase the maximum sign height requirement of a freestanding sign requirement of Section 25-10-123 (B) (2) (a) from 35 feet above frontage street pavement grade (existing at 48' 6") to 45' 4" above frontage street pavement grade in order to replace a cabinet on an existing freestanding sign in a "CS-NP", Commercial Services – 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 8-0 vote; GRANTED.

C. BOARD OF ADJUSTMENT PUBLIC HEARING POSTPONEMENTS

**C-1 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 Bryan King motion to Deny, Board Member Michael Von Ohlen second on a 7-0 vote; DENIED.

**C-2 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.

POSTPONED TO DECEMBER 10, 2012 PER APPLICANT

**C-3 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 Michael Von Ohlen motion to Grant, Board Member Nora Salinas second on a 7-0 vote; GRANTED.

**C-4 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 Michael Von Ohlen motion to Deny, Board Member Fred McGhee second on a 7-0 vote; DENIED.

**C-5 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.

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. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**D-1 C15-2011-0067 Derjane Ho
3901 Becker Avenue**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 11.5 feet (along E 39th Street) in order to rebuild an existing garage in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. **GRANTED SIDE STREET SETBACK**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 5 feet to 2.9 feet in order to rebuild an existing garage in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. **DENIED REAR YARD SETBACK**

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant only the side street setback variance and Deny the rear yard setback, Board Member Fred McGhee second on a 7-0 vote; GRANTED ONLY THE SIDE STREET SETBACK VARIANCE AND DENIED THE REAR YARD SETBACK.

**D-2 C15-2012-0099 John & Alisa Jenna for Alisa Buster and Patrick Durbin
8202 Easter Cove**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 24 feet (previously granted by the Board of Adjustment on August 13, 2012 indicating incorrect dimension from the property line) to 13.5 feet in order to maintain a

carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Wooten Neighborhood Plan)

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 maintain a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Wooten Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that carport must remain open on all 3 sides, Board Member Fred McGhee second on a 7-0 vote; GRANTED WITH CONDITION THAT CARPORT MUST REMAIN OPEN ON ALL 3 SIDES.

**D-3 C15-2012-0127 Katerina Smolenkova for Quest Wall Street, Ltd.
9027 North Gate Blvd.**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 81 off-street parking spaces to 71 off-street parking spaces in order to remodel a portion of an existing commercial building to create a Restaurant use in a “GR-NP”, Community Commercial – Neighborhood Plan zoning district. (Note: This variance was approved on September 12, 2011 with the condition that the restaurant use does not exceed 2,500 square feet, but has since expired)

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-4 C15-2012-0128 John Hussey for Tressa Granger Piekarz
1204 Valdez Drive**

The applicant has requested a variance from Section 25-2-1463 (C) (2) (a) in order to erect a secondary dwelling unit that is not at least 15 feet to the rear of the principal structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Montopolis Neighborhood Plan) The Land Development Code states that a secondary apartment must be located at least 15 feet to the rear of the principal structure.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to January 14, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JANUARY 14, 2013.

**D-5 C15-2012-0129 William Gula
3310 Robinson Avenue**

The applicant has requested a variance to decrease the minimum side and rear setback requirements of Section 25-2-492 (D) from 5 feet to 0 feet in order to maintain a detached wooden deck along the north and west property lines for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

POSTPONED TO DECEMBER 10, 2012 DUE TO NOTIFICATION ERROR

**D-6 C15-2012-0130 Nathan Maulding & Lacey Duke for Hemmasi Majid,
Seyed Miri
2507 East 16th Street**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1406 (5) (a) from 2,500 square feet to 1,876 square feet in order to erect a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut 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 8 feet in order to erect a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

POSTPONED TO DECEMBER 10, 2012

**D-7 C15-2012-0132 Elaine Davis
2814 Gonzales**

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 along the east property line in order to maintain a detached accessory building for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

The applicant has requested a special exception from Section 25-2-476 in order to maintain a two story single-family residence 4.3 feet from the west property line instead of the required 5 feet from the property line in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle 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-8 C15-2012-0133 Pablo Toboada for Tony Browning
1800 Holly 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 4 inches along the east property line in order to maintain a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 10, 2012, Board Member Bryan King second on a 7-0 vote; POSTPONED TO December 10, 2012.

**D-9 C15-2012-0134 David and Stephanie Moll
1510 Piedmont Avenue**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 55% in order to maintain a single-family residence and accessory structures in an “Sf-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan)

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 west property line for a covered patio; from 5 feet to 4 feet 9 inches along the west property line for the detached accessory structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan)

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 feet 10 inches along the north property line in order to maintain a detached accessory building in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.85 along the east property line in order to maintain the single-family residential structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan)

Note: These variances were approved on 12-14-09 (Case #C15-2009-0124) but have since expired.

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 C15-2012-0135 Jim Bennett for Grit and Grace
4112 Medical Parkway**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 88 off-street parking spaces to 19 off-street parking spaces in order to remodel the second floor of a commercial building to expand a Cocktail Lounge use in a “CS-1”, Commercial – Liquor Sales zoning district.

POSTPONED TO February 11, 2013 PER APPLICANT

**D-11 C15-2012-0136 Jim Bennett for Earl Wukasch
4205 Avenue H**

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 6,250 square feet in order to erect a single-family residence (primary structure) in order to create a two-family residential use in a “SF-3-HD-

NCCD-NP”, Family Residence – Historic District – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant with condition to remain a single story and same FAR, Board Member Melissa Hawthorne second on a 6-1 vote (Board Member Jeff Jack nay); GRANTED WITH CONDITION TO REMAIN A SINGLE STORY AND SAME FAR.

**D-12 C15-2012-0137 Maggie McIntosh for Jeff Anderson
4101 Avenue A**

The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 40% to 43.4% in order to remodel to add a roof and screen in an existing wood deck for a single-family residence in an “SF-3-HD-NCCD-NP”, Family Residence – Historic District – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to December 10, 2012, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO DECEMBER 10, 2012.

E. DISCUSSION AND ACTION

E-1 Board of Adjustment/Sign Review Board Meeting Schedule for 2013

BOARD MEMBERS VOTED TO APPROVE THE FOLLOWING DATES:

MEETING DATES	CANCELLED DATES
January 14, 2013	
February 11, 2013	
March 11, 2013	
April 8, 2013	
May 13, 2013	
June 10, 2013	
July 8, 2013	
August 12, 2013	
September 16, 2013 (Monday)	September 9, 10, 11 (budget meeting)
October 14, 2013	
November 13, 2013 (Wednesday)	November 11, 2013 (holiday)
December 9, 2013	

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.