



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
JOINT MEETING MINUTES
(November 14, 2013)**

The Board of Adjustment convened in a meeting on November 14, 2013, 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), Melissa Hawthorne (Vice Chair), Sallie Burchett, Bryan King, Fred McGhee, Michael Von Ohlen, Stuart Hampton (Alternate)

Board Members Absent: Nora Salinas

Staff in Attendance: Susan Walker and Diana Ramirez

A APPROVAL OF MINUTES October 14, 2013

Board Member Melissa Hawthorne motion to Grant; Board Member Michael Von Ohlen second on 5-2 vote (Board Members: Sallie Burchett Abstained, Fred McGhee late); GRANTED.

B. BOARD OF ADJUSTMENT RECONSIDERATIONS

**B-1 C15-2013-0076 Zach Reich
5515 Duval Street**

The applicant has requested a variance to increase the maximum gross floor area requirement of Section 25-2-1463 (7) (a) from 850 square feet to 1534 square feet in order to maintain and remodel a secondary apartment use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan) **DENIED**

The applicant has requested a variance to increase the maximum gross floor area requirement on the second story of a secondary apartment use requirement of Section 25-2-1463 (7) (b) from 550 square feet to 767 square feet in order to maintain and remodel a secondary apartment use in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan) **DENIED**

The applicant has requested a variance to decrease the minimum entrance from a property line for a secondary apartment requirement of Section 25-2-1463 (C) (4) from 10 feet to between 9.9

feet and 10 feet in order to maintain and remodel a secondary apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan) **GRANTED**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-1463 (D) from 45% to 48% in order to maintain and remodel a secondary apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan) **DENIED**

Board Member Michael Von Ohlen motion to Reconsider request, Board Member Melissa Hawthorne second on a 6-1 vote (Board member Fred McGhee Late); RECONSIDERED REQUEST. The public hearing was closed on Board Member Bryan King motion to Grant only the variance to decrease the minimum entrance from a property line for a secondary apartment and Deny all other variance requests, Board Member Melissa Hawthorne second on a 6-1 vote (Board member Fred McGhee late); GRANTED ONLY THE VARIANCE TO DECREASE THE MINIMUM ENTRANCE FROM A PROPERTY LINE FOR A SECONDARY APARTMENT AND DENY ALL OTHER VARIANCE REQUESTS.

C. BOARD OF ADJUSTMENT PUBLIC HEARING POSTPONEMENTS

**C-1 C15-2013-0081 Jeff Pegalis
2910 Zeke Bend**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 10.4 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 Postpone to December 9, 2013, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO DECEMBER 9, 2013.

**C-2 C15-2013-0096 Patrick King Masonry for Joseph Kurth
2009 Alta Vista 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 0 feet (along the south property line) in order to erect a carport and accessory structure for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 9, 2013, Board Member Bryan King second on a 7-0 vote; POSPTONED TO DECEMBER 9, 2013.

**C-3 C15-2013-0097 Cayce Weems
403 San Saba Street**

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 in order to move a single-family residence onto the lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly 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 9 feet in order to move a single-family residence onto the lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

The public hearing was closed on Board Member Sallie Burchett motion to Grant, Board Member Bryan King second on a 6-1 vote (Board member Michael Von Ohlen recused); GRANTED.

**C-4 C15-2013-0099 Melynda Nuss & Jose Skinner
2308 S. 2nd 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 1.5 feet (along the south property line) in order to erect an outdoor staircase for an accessory structure 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 10 feet to 4.5 feet (at the closest point) in order to erect an outdoor staircase and maintain a portion of an existing accessory structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

POSTPONED TO DECEMBER 9, 2013 AS PER APPLICANT

**C-5 C15-2013-0100 Eduardo Nunez for Nathan New
8016 Tahoe Parke Circle**

The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 35% to 37.8% in order to erect a covered patio for a single-family residence in an “SF-1”, Single-Family Residence (Large Lot) zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 40% to 43.6% in order to erect a covered patio for a single-family residence in an “SF-1”, Single-Family Residence (Large Lot) zoning district.

POSTPONED TO DECEMBER 9, 2013 (RE-NOTIFICATION NEEDED)

**C-6 C15-2013-0104 Karen Burke
8101 West Highway 71**

**D-1 C15-2013-0090 Clay and Mollie Duckworth for Duckworth Property Holdings
2847 Shoal Crest 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 10 feet (along West 29th Street) in order to relocate a single family residence on a lot in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (West University 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 11 feet (along Shoal Crest Avenue) in order to relocate a single family residence on a lot in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (West University Neighborhood Plan)

The applicant has requested a variance from Subchapter F; Article 2; Subsection 2.6 in order to project 2 feet into the side setback plane along the east property line in order to relocate a single family residence on a lot in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (West University Neighborhood Plan)

WITHDRAWN BY APPLICANT

**D-2 C15-2013-0092 Phil Moncada for 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 – 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.

POSTPONED TO DECEMBER 9, 2013 BY APPLICANT

**D-3 C15-2013-0102 Viola & Wilbert Brown
6805 Hillcroft Drive**

The applicant has requested a special exception from Section 25-2-476 in order to maintain a carport 18 feet 3 inches from the front property line (25 is required) 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-4 C15-2013-0103 Phil Moncada Consulting for Jessica Yates
3315 Bridle Path**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (50.71% existing) to 53.07% in order to rebuild an existing outdoor patio and partial cover on fireplace and seating area for a single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

POSTPONED TO DECEMBER 9, 2013 BY APPLICANT

**D-5 C15-2013-0110 Jose Minjares
7216 Hillcroft 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 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 Postpone to December 9, 2013, Board Member Bryan King second on a 7-0 vote; POSTPONED TO DECEMBER 9, 2013.

**D-6 C15-2013-0111 Jim Bennett for Robert and Kate Hersch
2602 Wooldridge Drive**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 9 feet in order to maintain an addition 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 Bryan King motion to Grant with condition to be in line with bottom wall and have gutters, Board Member Fred McGhee second on a 7-0 vote; GRANTED WITH CONDITION TO BE IN LINE WITH BOTTOM WALL AND HAVE GUTTERS.

**D-7 C15-2013-0112 Mary Jane Garza
6006 Dunbury 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 12 feet in order to maintain an attached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Park Neighborhood Plan)

The applicant has requested a variance from Section 25-2-1604 (C) which states that a parking structure with an entrance that faces the front yard (1) may not be closer to the front lot line than the building façade and (2) if the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50% of the width of the principal structure, measured parallel to the front lot line in order to maintain an attached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Park Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 9, 2013, Board Member Bryan King second on a 7-0 vote; POSTPONED TO DECEMBER 9, 2013.

**D-8 C15-2013-0113 Hugh Perry Builders for Wallis Goodman and Shelley Sallee
5201 Beverly Hills 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 12.7 feet in order to rebuild an existing detached garage with a two story detached garage in an “SF-3”, 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 4.9 feet in order to rebuild an existing detached garage with a two story detached garage in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition to build in same footprint, Board Member Michael Von Ohlen second on a 6-1 vote (Board member Jeff Jack nay); GRANTED WITH CONDITION TO BUILD IN SAME FOOTPRINT.

**D-9 C15-2013-0115 Gregory Brooks and Neal B. Kassanoff
4201 Wilshire Parkway**

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

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 9, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO DECEMBER 9, 2013.

**D-10 C15-2013-0116 Jim Bennett for Chelsea R. Taylor
914 Koerner Lane**

The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet to 49.53 feet in order to remodel an existing accessory building for a two-family residential use in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district.

The applicant has requested a variance to decrease the minimum lot area requirement of Section 25-2-774 (B) from 7,000 square feet to 6,250 square feet in order to remodel an existing accessory building for a two-family residential use in a “CS-MU-CO-NP”, Commercial Services – Mixed Use – Conditional Overlay – 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-11 C15-2013-0117 Toby & Paige Lasley
4704 Rosedale 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 4 feet 6 inches along the north property line in order to erect a second story to a single family residence in an "SF-3", 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 1 foot along the south property line in order to erect a 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 with condition if slope of carport roof changed to slope to adjacent property then gutters and downspouts would be installed, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITION IF SLOPE OF CARPORT ROOF CHANGED TO SLOPE TO ADJACENT PROPERTY THEN GUTTERS AND DOWNSPOUTS WOULD BE INSTALLED.

**D-12 C15-2013-0118 Michael Gatto for Walter Moreau
1015 W. William Cannon Drive**

The applicant has requested a variance from the minimum off-street parking requirement of Section 25-6, Appendix A in order to provide 54 parking spaces for 123 efficiency multi-family residential units in order to allow the construction of additional units. (On March 11, 2002 a variance was issued under case number C15-02-023 to allow 40 parking spaces for 88 efficiency multi-family residential units.)

The public hearing was closed on Board Member Bryan King motion to Grant with condition that no on street parking on William Cannon based on current use continuing, Board Member Stuart Hampton second on a 7-0 vote; GRANTED WITH CONDITION THAT NO ON STREET PARKING ON WILLIAM CANNON BASED ON CURRENT USE CONTINUING.

**D-13 C15-2013-0119 Jim Bennett for Margaret and Ryan Dumont, James Coleman
3600, 3602, 3604 Rivercrest Drive**

The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to January 13, 2014, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JANUARY 13, 2013.

**D-14 C15-2013-0120 Jim Bennett for Ricardo Vega
3015 Westlake Drive**

The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (a) from 75 feet to 5 feet in order to erect a single-family residence in an "LA", Lake Austin zoning district. **GRANTED**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (b) from 10 percent to 16.7 percent in order to erect a single-family residence in an "LA", Lake Austin zoning district. The Land Development Code states that impervious coverage may not exceed 10 percent on a slope with a gradient of more than 15 percent and not more than 25 percent. **POSTPONED TO DECEMBER 9, 2013**

The public hearing was closed on Board Member Bryan King motion to Grant the variance to decrease the minimum shoreline setback with regard to inlet only and Postpone the variance to increase the maximum impervious coverage to December 9, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED THE VARIANCE TO DECREASE THE MINIMUM SHORELINE SETBACK WITH REGARD TO INLET ONLY AND TO POSTPONED THE VARIANCE TO INCREASE THE MAXIMUM IMPERVIOUS COVERAGE TO DECEMBER 9, 2013.

E. DISCUSSION AND ACTION ITEMS

E-1 Board of Adjustment/Sign Review Board Meeting Schedule for 2014

Board Member Fred McGhee motion to Grant the BOA/SRB schedule for 2014 (See E-2), Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED THE BOA/SRB SCHEDULE FOR 2014 (SEE E-2).

E-2 Reschedule (dates) meeting location (optional dates)

Board Member Fred McGhee motion to Grant these meeting dates for July 14, 2014, August 11, 2014, September 8th, 2014 to be held at TLC Room 102, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED THESE MEETING DATES FOR JULY 14, 2014, AUGUST 11, 2014, SEPTEMBER 8TH, 2014 TO BE HELD AT TLC 721 BARTON SPRINGS RD- Assembly Rm. 130

MEETING DATES	CANCELLED DATES
January 13, 2014	
February 10, 2014	
March 10, 2014	
April 14, 2014	

May 12, 2014	
June 9, 2014	
July 14, 2014	Council Chambers CLOSED due RENOVATIONS(Sch.TLC Assembly Rm 130)
August 11, 2014	Council Chambers CLOSED due RENOVATIONS (Sch. TLC Assembly Rm 130)
September 8, 2014	Council Chambers CLOSED due RENOVATIONS (Sch. TLC Assembly Rm 130)
October 13, 2014	
November 10, 2014	
December 8, 2014	

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.

Note- APPROVED ON 12/9/13 WITH CORRECTIONS: Items D-11, D-12, D-14