



**BOARD OF ADJUSTMENT
MEETING MINUTES
(December 9, 2013)**

The Board of Adjustment convened in a meeting on December 9, 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, Will Schnier (Alternate)

Staff in Attendance: Susan Walker and Diana Ramirez

A APPROVAL OF MINUTES November 14, 2013

Board Member Melissa Hawthorne motion to Grant with corrections to Items D-11, D-12 and D-14; Board Member Bryan King second on 5-1-1 vote (Board Members: Will Schnier Abstained, Michael Von Ohlen late); GRANTED.

B. BOARD OF ADJUSTMENT PUBLIC HEARING POSTPONEMENTS

**B-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 Fred McGhee motion to Deny, Board Member Bryan King second on a 7-0 vote; DENIED.

**B-2 C15-2013-0084 Jeff Layne
1312 Meriden Lane**

The applicant has requested a variance from the garage placement requirement of Section 25-2-1604 (C) (1) in order to erect a front facing carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin 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.

WITHDRAWN BY APPLICANT

**B-3 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.

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

**B-4 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)

WITHDRAWN BY APPLICANT

**B-5 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) **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 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)
GRANTED TO 7 FEET

The public hearing was closed on Board Member Bryan King motion to Deny the side yard setback variance and Grant the rear yard setback to 7 feet, Board Member Melissa Hawthorne second on a 7-0 vote; DENIED THE SIDE YARD SETBACK VARIANCE AND GRANTED THE REAR YARD SETBACK TO 7 FEET.

B-6 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 37.9% 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% (42.41% existing) to 44.54% in order to erect a covered patio for a single-family residence in an “SF-1”, Single-Family Residence (Large Lot) zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant 37% Building coverage and Grant 43.5 Impervious coverage, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED 37% OF BUILDING COVERAGE AND GRANTED 43.5 OF IMPERVIOUS COVERAGE.

**B-7 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.

WITHDRAWN BY APPLICANT

**B-8 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 Deny, Board Member Melissa Hawthorne second on a 7-0 vote; DENIED.

**B-9 C15-2013-0115 Gregory Brooks and Neal B. Kassaroff
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.

WITHDRAWN BY APPLICANT

**B-10 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.

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 JANUARY 13, 2014 BY APPLICANT

C. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**C-1 C15-2013-0068 Phil Moncada for Jose Gomez
304 W. Grady Drive**

The applicant has requested a special exception from Section 25-2-476 in order to maintain a detached accessory structure 4.9 feet along the east property line (5 feet is required) in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition that the kitchen is removed, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED WITH CONDITION THAT THE KITCHEN IS REMOVED.

**C-2 C15-2013-0123 Tom Gibbons
7701 Bixler Drive**

The applicant has requested a special exception from Section 25-2-476 in order to maintain a carport 0 feet from the side street property line (15 feet is required) in an “SF-3”, Family Residence zoning district.

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

**C-3 C15-2013-0124 Bart Whatley for Randall Soileau
506 Bellevue Place**

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 along the west property line in order to erect a second floor addition to an existing single-family residence and from 5 feet to 3 feet along the west property line in order to remodel a porch step sidewall over 3 feet in height for a single-

family residence in an “SF-3-H-CO-NP”, Family Residence – Historic – Conditional Overlay - Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 48% in order to remodel and erect an addition to a single-family residence in an “SF-3-CO-NP”, Family Residence – Historic – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

The applicant has requested a variance to increase the maximum floor to area ratio requirement of Subchapter F; Article 2; Subsection 2.1 from .4 to 1.0 to .44 to 1.0 in order to remodel and erect an addition and maintain an existing basement in an “SF-3-CO-NP”, Family Residence – Historic – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

The public hearing was closed on Board Member Sallie Burchett motion to Grant with condition that basement is used for storage and not for habitable, Board Member Bryan King second on a 7-0 vote; GRANTED WITH CONDITION THAT BASEMENT IS USED FOR STORAGE AND NOT HABITABLE.

**C-4 C15-2013-0125 J. Chris Wood for Designer Updates, LLC
506 West 51st Street**

The applicant has requested a variance to increase the maximum gross floor area of a secondary apartment use requirement of Section 25-2-1463 (7) (a) from 850 square feet to 923 square feet in order to complete the construction of a secondary apartment use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

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

**C-5 C15-2013-0126 Michele Malooly
3401 Windsor Road**

The applicant has requested a special exception from Section 25-2-476 in order to maintain a carport 1.8 feet from the side property line (5 feet is required) in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

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.

**C-6 C15-2013-0128 Arash Saeedi
903 Herndon Lane**

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 5,000 square feet in order to erect an addition and remodel an existing single-family residence in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance from Section 25-2-492 (D) to maintain a noncomplying rear yard setback of 4.5 feet (10 feet required) in order to erect an addition and remodel an existing 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 limited to 2,000 sq. ft., Board Member Fred McGhee second on a 7-0 vote; GRANTED WITH CONDITIN LIMIT TO 2,000 SQ.FT.

**C-7 C15-2013-0129 Chadwick Fox for Jeri D. Pickett
3409 Catalina Drive**

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 erect a solid fence along the north side and rear property line in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Riverside/Oltorf Combined Neighborhood Plan)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition that the fence is 6 feet with 2 feet open 4:1 ratio on top, Board Member Bryan King second on a 6-1 vote (Board Member Jeff Jack nay); GRANTED WITH CONDITON THAT THE FENCE IS 6 FEET WITH 2 FEET OPEN 4:1 RATIO ON TOP.

**C-8 C15-2013-0130 Kip Richmond for K Square PSP
3224 Tamarron Boulevard Unit B**

The applicant has requested a variance from Section 25-2-773 (B) (4) in order to maintain an impervious coverage of 49% (45% allowed) in order to remove a portion of the driveway and add an additional garage bay for a duplex residential use in an “SF-3”, Family Residence zoning district.

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

**C-9 C15-2013-0131 Scott & Chelsea Buchholtz
2701 Bonnie Road**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 6.3 feet in order to erect an addition to an existing single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin 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.

**C-10 C15-2013-0133 Darby Pearson for Robert Sanchez
4811 Palisade Drive**

The applicant has requested a variance from Section 25-2-551 (D) (3) (a) to maintain an existing impervious coverage of 56.3% (35% allowed) on a slope with a gradient of 15% or less in order to erect a garage with second story accessory dwelling in an “LA”, Lake Austin zoning district.

The applicant has requested a variance from Section 25-2-551 (D) (3) (b) to maintain an existing impervious coverage of 19.2% (10% allowed) on a slope with a gradient of more than 15% and not more than 25% in order to erect a garage with second story accessory dwelling in an “LA”, Lake Austin zoning district.

The applicant has requested a variance from Section 25-2-551 (D) (3) (c) to maintain an existing impervious coverage of 18% (5% allowed) on a slope with a gradient of more than 25% and not more than 35% in order to erect a garage with second story accessory dwelling in an “LA”, Lake Austin zoning district.

The applicant has requested a variance from Section 25-2-551 (B) (5) to maintain an existing impervious coverage of 8.1% (0% allowed) on a slope with a gradient that exceeds 35% in order to erect a garage with second story accessory dwelling in an “LA”, Lake Austin zoning district. This prohibition does not apply to a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a pedestrian facility.

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

**C-11 C15-2013-0134 James H. Schultz for Jennifer Scott
3704 Pappy’s Way**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 42.87% to 45% in order to erect a swimming pool for a single family residence in an “SF-1”, Single-Family Residence Large Lot zoning district.

The public hearing was closed on Board Member Fred McGhee motion to Grant with condition to add 500 gallon rainwater catchment system, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITON TO ADD 500 GALLON RAINWATER CATCHMENT SYSTEM.

**C-12 C15-2013-0135 Jim Bennett for William Gurasich
7317 Morning View Court**

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 5,591 square feet in order to erect a single family residence in an “SF-2”, Single-Family Residence zoning district.

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

Approved on January 13, 2014 with corrections C-3 and C-7