



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
MEETING MINUTES
(March 10, 2014)**

The Board of Adjustment/Sign Review Board convened in a meeting on March 10, 2014, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 5:44 p.m.

Board Members in Attendance: Jeff Jack (Chair), Melissa Hawthorne (Vice Chair), Sallie Burchett, Bryan King, Fred McGhee, Michael Von Ohlen, Ricardo De Camps, Cathy French (SRB)

Staff in Attendance: Leane Heldenfels and Diana Ramirez

A APPROVAL OF MINUTES February 10, 2014

Board Member Michael Von Ohlen motion to Approve the minutes with corrections to add Board member Cathy French to the Attendance list; Board Member Bryan King second on 7-1 (Board member Sallie Burchett Abstained); APPROVED MINUTES WITH CORRECTIONS TO ADD BOARD MEMBER CATHY FRENCH TO THE ATTENDANCE LIST.

B. SIGN REVIEW BOARD

**B-1 C16-2014-0003 Jim Bennett for Robert Dillard
4410 East Riverside Drive**

Applicant has requested a variance to increase the maximum square footage requirement of Section 25-10-124 from 64 square feet in size to 498 square feet in size (448 square feet existing) to replace a 50 square foot panel at the top of an existing, permitted 35 foot high sign in an ERC-East Riverside Corridor - Scenic Roadway Sign District.

The public hearing was closed on Board Member Fred McGhee motion to Grant, Board Member Melissa Hawthorne second on a 6-2 vote (Board members Bryan King and Sallie Burchett nay); GRANTED.

**B-2 C16-2014-0004 Charles Cooke for University Christian Church
2007 University Avenue**

The applicant has requested a variance from Section 25-10-133 and Section 25-10-152 in order to remodel an existing, two-sided monument sign near the northwest corner of University Avenue and West 21st Street in order to improve, facilitate the updating of its messaging capabilities by installing LED displays within the sign structure in an CS-NP Commercial Services District (University Neighborhood Overlay).

POSTPONED TO APRIL 14, 2014 RE-NOTIFICATION NEEDED

C. INTERPRETATION

**C-1 C15-2014-0033 Ellis Winstanley for Margaret Gilbreth
2330 South Lamar Blvd.**

The appellant has filed an appeal challenging the Planning & Development Review Department's decision that proposed construction at 2330 South Lamar is not within the scope of alterations allowed to a legally non-complying structure under Section 25-2-963 (sometimes called the "Remodel Ordinance") and other provisions of Chapter 25-2.

POSTPONED TO APRIL 14, 2014 BY APPLICANT

D. BOARD OF ADJUSTMENT PUBLIC HEARING POSTPONEMENTS

**D-1 C15-2014-0002 Jennifer Garcia for Robert Lee
2002 Glen Allen**

The applicant has requested a variance to decrease the minimum compatibility setback for parking requirement of Section 25-2-1067 (H) from 21 feet to 0 feet in order to erect a multi-family residential use in an "MF-2", Multi-Family Residence zoning district.

The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1062 (D) from two stories and 30 feet to 3 stories and 34 feet 6 inches in order to erect a multi-family residential use in an "MF-2", Multi-Family Residence zoning district. The Land Development Code states that the height limitations for a structure are (1) two stories and 30 feet, if the structure is 50 feet or less from property: (a) in an "SF-5" or more restrictive zoning district, or (b) on which a use permitted in an "SF-5" or more restrictive zoning district is located. **WITHDRAWN BY APPLICANT**

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Fred McGhee second on a 4-3 vote (Board members Ricardo De Camps, Melissa Hawthorne and Sallie Burchett nay); DENIED.

**D-2 C15-2014-0005 Katherine Loayza for Todd Pearah
7501 North Lamar**

The applicant has requested variances from Sections 25-2-816 (B) (1) which

states an alternative financial services business use may not be located on a site that is within 1,000 feet of a site that contains another alternative financial services business use; 25-2-816 (B) (2) within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located; and 25-2-816 (C) an alternative financial services business use may be located only within a freestanding structure and may not be co-located in the same structure with other uses in order to maintain an alternative financial services business use in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district. (Highland Neighborhood Plan)

POSTPONED TO APRIL 14, 2014 BY STAFF

**D-3 C15-2014-0011 Jim Bennett for Carajean & Branch Archer
5219 Tortuga Trail**

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 Michael Von Ohlen motion to Postpone to April 14, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO APRIL 14, 2014.

**D-4 C15-2014-0014 Connie Leaverton
1806 Drake Avenue**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492(D) from 5’ to 2’ along the north property line in order to maintain an existing covered porch and 60 square foot shed in an SF-3-CO-NP Family Residence, Conditional Overlay, Neighborhood Plan zoning district. (South River City)

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 56% in order to maintain an existing single family residence in an SF-3-CO-NP Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (South River City)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 14, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO APRIL 14, 2014. RE-NOTIFICATION NEEDED

**D-5 C15-2014-0019 Adrianna Alter for Alvaro Bastidas
702 West Milton Street**

The applicant has requested a variance to decrease the minimum lot size requirement for a duplex residential use of Section 25-2-773 (B) (1) from 7,000 square feet to 6,986 square feet in

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.

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

**E-3 C15-2014-0034 Brian and Phyllis Patek
3801 Island Way**

The applicant has requested a **Special Exception** (25-2-476) to maintain a duplex structure in existence since 1974 in an LA Lake Austin District.

WITHDRAWN

F. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**F-1 C15-2013-0063 Joe Adams and Shelly C. Sheppard
8301 Briarwood Lane**

The applicant has requested a variance to decrease the minimum front yard setback requirement of Section 25-2-492 (D) from 25 feet to 5 feet (existing) in order to rebuild and enlarge an existing carport in an SF-3 Family Residence Zoning District.

The public hearing was closed on Board Member Bryan King motion to Postpone to April 14, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO APRIL 14, 2014. RE-NOTIFICATION NEEDED

**F-2 C15-2014-0025 Melissa Nelson
4904 Louis Avenue**

The applicant has requested a variance to decrease the minimum front yard setback requirement of Section 25-2-492 (D) from 25 feet to 15 feet in order to erect a new single family residence in an SF-3-NP, Family Residence Neighborhood Plan Zoning District (MLK-183 Neighborhood Plan).

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 14, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO APRIL 14, 2014. RE-NOTIFICATION NEEDED

**F-3 C15-2014-0026 Bruce Aupperle for Rod Roberts
3961 Westlake Drive**

Variance from Section 25-2-551 (B)(2) and (B)(5) permitting construction of a pedestrian incline elevator within the shoreline setback as a method of shoreline access in an LA - Lake Austin Zoning District.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 14, 2014, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO APRIL 14, 2014. RE-NOTIFICATION NEEDED

**F-4 C15-2014-0028 Daniel & Lynn Lepore
3707 Hidden Estates Drive**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 from 20 feet to 11 feet along the rear property line in order to maintain a

newly constructed 20 feet x 30 feet work shed built on a concrete slab for a single-family residence in an “RR” - Rural Residence Zoning District.

POSTPONED TO APRIL 14, 2014

**F-5 C15-2014-0029 Chrissy and Andrew Loehman
31 Marganita Crescent**

The applicant has requested a variance to the fence height requirement of Section 25-2-899 to construct an 8 foot fence (6 foot permitted) in an SF-3 NP Residence Zoning District (West Austin Neighborhood Group Plan).

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant as per drawing F5/7 – property line abutting Mopac, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED AS PER DRAWING F5/7 – PROPERTY LINE ABUTTING MOPAC.

**F-6 C15-2014-0032 Ryan Bollom for Eric Dexheimer
6015 Ponca Street Unit C**

The applicant is requesting a variance to decrease the minimum front setback of Section 25--2-492 from 25 feet to 5 feet in order to erect a single family residence on this flag shaped lot in an SF-3 NP Family Residence Zoning District (Montopolis).

The public hearing was closed on Board Member Bryan King motion to Postpone to April 14, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO APRIL 14, 2014.

**F-7 C15-2014-0035 Cayce Weems
403 San Saba Street**

The applicant has requested a variance to decrease the minimum 15 foot side street setback requirement (reduced to 14 feet per December 9, 2013 approved variance) and minimum 5 foot side yard requirement from Section 25-2-492 to permit the placement of a 816 square foot home 13 feet from the San Saba Street property line and placement of air conditioning equipment 2 feet from the east side property line in an SF-3NP Family Residence Zoning District (Holly).

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 14, 2014, Board Member Sallie Burchett second on a 6-1 vote (Board member Michael Von Ohlen Recused himself); POSTPONED TO APRIL 14, 2014.

**F-8 C15-2014-0036 Jim Bennett for Jack Archer
2600 West 49½ Street**

The applicant has requested a variance to decrease the minimum rear and side street setback requirements of Section 25-2-492 from 10 feet to 5 feet (existing) and from 15 feet to 12 feet (existing) to rebuild a carport in an SF-2 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.

**F-9 C15-2014-0037 George Ensle for Ricardo Rojo
 2411 East 2nd Street**

The applicant is requesting a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 from 10 feet to 6.8 feet (existing) in order to expand the footprint of 240 square foot, 1-car garage by 270 square feet and add a 2nd floor (not to exceed 550 square feet) to be used as an accessory apartment in an SF-3-NP Family Residence Zoning District (Holly).

POSTPONED TO APRIL14, 2014. RE-NOTIFICATION NEEDED

G. NEW BUSINESS – 2013 ANNUAL INTERNAL BOARD REVIEW

G-1 Boards Additions, Corrections, Additional Goals for 2014

Board Member Bryan King motion to Adopt the 2013 Annual Internal Report, Board Member Fred McGhee second on a 7-0 vote; ADOPTED THE 2013 ANNUAL INTERNAL REPORT.

H. 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 without corrections on April 14, 2014