



BOARD OF ADJUSTMENT/SIGN REVIEW BOARD

November 10, 2014

5:30pm

CITY COUNCIL CHAMBERS

301 WEST 2ND STREET

AUSTIN, TEXAS

___ Jeff Jack (Chair)
___ Melissa Hawthorne (Vice Chair) ___ Cathy French (SRB only)
___ Vincent Harding ___ Will Schnier (Alternate)
___ Sallie Burchett ___ Stuart Hampton (Alternate)
___ Michael Von Ohlen
___ Bryan King
___ Ricardo De Camps

AGENDA

CALL TO ORDER – 5:30 P.M.

EXECUTIVE SESSION (No public discussion)

The Board of Adjustment/Sign Review Board will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Board of Adjustment/Sign Review Board may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

A APPROVAL OF MINUTES

A-1 October 13, 2014

A-2 October 27, 2014 (special called meeting)

B. SIGN REVIEW BOARD RECONSIDERATIONS

**B-1 C16-2014-0012 Wes Mendell for Lou Gambertoglio
605 Davis Street**

The applicant has requested a variance to Section 25-10-129 (F) (Downtown Sign District Regulations) to increase the allowable wall signage from 1,158 square feet (required) to 2,259.9 square feet (requested) in order to add wall signage to a building to be constructed in a “CBD-WO”, Central Business – Waterfront Overlay zoning district.

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**D-1 C16-2014-0013 Wes Mendell for John Rosato
222 West Avenue**

The applicant has requested a variance to Section 25-10-124 (B) (*Scenic Roadway Sign District Regulations*) to increase the number of freestanding signs from 1 (required) to 2 (requested) in order to erect new signage at the Seaholm Power Plant Development located in a “DMU-CURE-CO-H” Downtown Mixed Use – Central Urban Redevelopment - Conditional Overlay – Historic Landmark zoning district.

**D-2 C16-2014-0014 Matthew Satter for Josiah Starnfeld
504 West 38th Street**

The applicant has requested variance(s):

A. Section 25-10-127 (B) (1) (*Multifamily Residential Sign District Regulations*) to increase the height for one freestanding sign from 6 feet (required) to 12 feet (requested) and;

B. Section 25-10-191 (F) (*Sign Setback Requirements*) decrease the distance a sign can be located from the right of way from 12 feet (required) to 2 feet (requested);

in order to add a freestanding sign to a site in a “NO-V-NCCD-NP”, Neighborhood Office – Vertical Mixed Use Building – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

**D-3 C16-2014-0015 Maggie Star and Sara Evans
3508 South Lamar Blvd.**

The applicant has requested a variance to Section 25-10-130 (F) (2) (c) (*Commercial Sign District Regulations*) to increase the maximum sign area for a freestanding multi-tenant sign from 250 square feet (required) to 301 square feet (requested, 278 square feet existing) in order to add an additional tenant sign in a “CS” General Commercial Services zoning district.

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NO CASES

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

F-1 C15-2014-0144 Mat Gorman for Katie Van Dyk

The appellant has filed an appeal challenging the Planning & Development Review Department's decision that the Land Use Determination for Group Home, Class 1 is more appropriate than Residential Treatment for the use proposed which includes greater than 15 residents.

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NO CASES

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

**H-1 C15-2014-0112 Holly Kincannon
3102 Lafayette**

The applicant requested and was approved for variance(s) with conditions to:

A. Section 25-2-1463 (C) (5) (*Secondary Apartment Regulations*) to decrease the driveway requirement from 1 drive (required) to 0 drive (requested, existing); and;

B. Section 25-6-593 (C) (*Provisions for Property in the Central Urban Redevelopment (CURE) Combining District Area*) of Article 7, Off-street parking and Loading to decrease the parking space requirement from 80% of the parking spaces required by Appendix A, 3 spaces (required) to 2 spaces (requested, existing) in order to erect a second dwelling unit in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek);

C. Reconsideration Variance Request: The applicant has requested removal of conditions of prior approval and a variance to Section 25-2-1463 (C) (5) (*Secondary Apartment Regulations*) to increase the driveway width from 9' minimum and not more than 12' (required) to 18 feet (requested) in order to erect a second dwelling unit which can be rented in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek).

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-1 C15-2014-0117 Miranda Wylie and Alex Wright
1106 Algarita Avenue**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the side yard setback from 5 feet (required) to 1 foot (requested) in

order to maintain an elevated, fenced deck and stairs in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

**I-2 C15-2014-0123 Brandon Testa for John Forsythe
205 Attayac Street Unit B**

The applicant has requested a variance to Section 25-2-492 (D) (Site Development Regulations):

- A. to decrease the minimum front yard setback from 25 feet (required) to 5 feet (requested) and;
- B. to decrease the minimum lot size from 5,750 square feet (required) to 2,280 square feet (requested);
- C. decrease the minimum lot width from 50 feet (required) to 47.50 feet (requested)

in order to construct a single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

**I-3 C15-2014-0135 Michael Benitez for Agustin Zavaleta
2911 East 3rd Street**

The applicant has requested a variance(s) to Section 25-2-492 (D) (Site Development Regulations)

- A. to decrease the minimum lot width from 50 feet (required) to 47 feet (requested) and;
- B. to decrease the minimum lot size from 5,750 (required) to 3,392.5 square feet (requested)

in order to subdivide the property into two lots and construct a second dwelling unit on the new lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle).

The applicant has requested a variance to Section 25-2-774 (B) and (C) (7) (Two-family Residential Use)

- C. to decrease the minimum lot area from 7,000 square feet (required) to 5,785 square feet (requested) and;
- D. to increase the gross floor area of the second dwelling unit from 850 square feet (required) to 1,200 square feet (requested)

in order to construct a two family residential use on an existing lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle).

**J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS
POSTPONEMENTS**

NONE

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2014-0150 Fidel Renteria
8105 Colony Loop**

The applicant has requested Special Exception(s) under Section 25-2-47 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*);

- A. to decrease the front yard setback from 25 feet (required) to 3 feet (requested) and to;
- B. to decrease the rear setback from 10 feet (required) to 9.5 feet (requested);

in order to maintain an existing carport in the front yard area and 300 square foot shed in the rear yard area, both structures constructed more than 10 years ago in an “SF-2”, Family Residence Zoning District.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2014-0093 Michael Padavic
900 South 1st Street**

The applicant has requested variance(s) along the 908 South 1st Street side of the lot(s) (no variances requested for the 909 South 2nd Street side of the lot(s)), from

- A. Section 25-2-1063 (B) (*Height Limitations and Setbacks for Large Sites*) of Article 10, Compatibility Standards to decrease the distance that a structure can be constructed from property on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 5 feet (requested); and from
- B. Section 25-2-1063 (C) (*Height Limitations and Setbacks for Large Sites*) of Article 10, Compatibility Standards to increase the maximum height limitation from 2 stories and 30 feet on the portion of the building that is 50 feet from SF-5 or more restrictive zoning and 3 stories and 40 feet on the portion of the building that is 50-100 feet from SF-5 or more restrictive zoning (required) to 4 stories and 45 feet (requested); and from
- C. Section 25-2-1064 (*Front Setback*) of Article 10, Compatibility Standards; to decrease the front building setback line from 25 feet from a right-of-way (required) to 10 feet (requested)

in order to construct a multi-family use and related parking facility in an “GR-MU-V-CO-NP”, Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district. (Bouldin Creek).

WITHDRAWN

**L-2 C15-2014-0100 Kasi Painter for Spencer Gibb
4905 Avenue G**

The applicant has requested a variance from Section 25-2-899 (*Fences as Accessory Uses*) and from NCCD-NP Ordinance 20050818-064, Part 6. General Provisions, 4. (*Fences*):

A. to increase the maximum height from 7 feet while maintaining an average of 6 feet and 4 feet (required, respectively) to 6 feet 6 inches (requested) and;

B. to increase the solid material ratio of from 1 to 1.5 (required) to a ratio of 1 to 1 or solid (requested);

in order to maintain a solid wood fence in the front yard setback in a “SF-3-NP-NCCD”, Family Residence – Neighborhood Plan – Neighborhood Conservation Combining District zoning district.

The Hyde Park NCCD-NP states a fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.

**L-3 C15-2014-0102 Chris Kobitz
410 East Annie**

The applicant has requested a variance to Section 25-2-774 (7) (b) (*Two-Family Residential Use*) to increase the maximum size of a second story from 550 square feet (required) to 621 square feet (requested) in order to remodel the upper level of an existing garage storage space in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

**L-4 C15-2014-0111 Phyllis Patek
3801 Island Way**

The applicant has requested variance from Section 25-2-551 (D) (3) to increase the maximum impervious cover on a slope with a gradient of 15% or less from 35% (required) to 97% (requested) in order to remodel an existing structure and attached guest house, drive, and walkways that account for 86% impervious cover on the site; add a pool; and change the use from duplex to single family in a “LA”, Lake Austin zoning district.

**L-5 C15-2014-0125 Eric Scheibe for Kary Aycock
1400 West Oltorf**

The applicant has requested variance(s) to Section 25-2-1064 (Front Setback) of Article 10, Compatibility Standards in Subchapter C, Use and Development Standards to decrease the minimum front building line setback from a right of way from 25 feet (required) to 0 feet (requested); and to Section 25-2-1067 (Design Regulations) (H) of Article 10, Compatibility Standards in Subchapter C, Use and Development Standards to decrease the minimum side setback for parking from 14 feet to 0 feet (requested) and to decrease the minimum side setback for driveways from 9 feet (required) to 0 feet (requested) in order to construct a commercial

building, walkway, deck, driveway and parking area in a “CS”, Commercial Services zoning district.

WITHDRAWN

**L-6 C15-2014-0127 Bruce Aupperle for Valla Djafari
2009 Lake Shore**

The applicant has requested a variance to Section 25-2-1176 (D) (2) (*Regulations*) of Article 13. Docks, Bulkheads, and Shoreline Access to increase the allowable width of a dock from no greater than 20 percent of the shoreline width (providing a 10.2 foot boat dock, required) to 27.65 percent of the shoreline width (providing a 14 foot boat dock, requested) in order to erect a boat dock on this 50.64 foot wide lot in an “LA”, Lake Austin zoning district.

The applicant is requesting to use the Land Development Code in effect prior to 7/2014 for the site plan of this property which is currently under review.

**L-7 C15-2014-0128 Bruce Aupperle for Michael and Bob Herd
7900 Big View**

The applicant has requested a variance(s) from:

A. Section 25-2-1176 (D) (1) (*Regulations*) of Article 13. Docks, Bulkheads, and Shoreline Access to decrease the distance a dock may be constructed or altered within 10 feet of a side property line from not closer than (10) feet to the side property line (required) to 0 feet (requested); and from

B. Section 25-2-1176 (D) (2) (*Regulations*) of Article 13. Docks, Bulkheads, and Shoreline Access to increase the allowable width of a dock from no greater than 20 percent of the shoreline width (providing a 20.5 foot boat dock, required) to 27.6 percent of shoreline lot width (providing a 27 feet 10 inch dock, requested);

in order to reconstruct a boat dock on this 102 foot, 10 inch wide lot in an “LA”, Lake Austin zoning district.

The applicant is requesting to use the Land Development Code in effect prior to 7/2014 for the site plan of this property which is currently under review.

**L-8 C15-2014-0137 Bruce Aupperle for Greenshores on the Lake
6901 Greenshores**

The applicant has requested a variance from Section 25-2-1176 (D) (2) (*Regulations*) in Article 13. Docks, Bulkheads, and Shoreline Access to increase the allowable width of a dock from no greater than 20 percent of the shoreline width (providing a 14 foot wide boat dock, required) to 56.4 percent of the shoreline width (providing a 39.5 foot boat dock, requested, existing) in order to reconstruct a boat dock on this 70 foot wide lot an “LA and “P”, Lake Austin and Public zoning district.

The applicant is requesting to use the Land Development Code in effect prior to 7/2014 for the site plan of this property which is currently under review.

**L-9 C15-2014-0138 Bruce Aupperle for Gamble and Martha Palmer
2921 Westlake Cove**

The applicant has requested a variance(s) to:

A. Section 25-2-1176 (B) (2) (*Regulations*) of Article 13. Docks, Bulkheads, and Shoreline Access to increase the distance a dock can extend from the shoreline from no greater than 30 feet (required) to 42 feet (requested); and to

B. Section 25-2-1176 (D) (2) (*Regulations*) of Article 13. Docks, Bulkheads, and Shoreline Access to increase the allowable width of a dock from no greater than 20 percent of the shoreline width (providing a 20 foot boat dock, required) to 27 percent of the shoreline width (providing a 28 foot boat dock, requested);

in order to erect a boat dock on this 105 foot width lot in an “LA”, Lake Austin zoning district.

The applicant is requesting to use the Land Development Code in effect prior to 7/2014 for the site plan of this property which is currently under review.

**L-10 C15-2004-0139 Bruce Aupperle for David and Rona Baizer
1904 Scenic Drive**

The applicant has requested a variance(s) to:

A. Section 25-2-1176 (A) (1) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) to permit a dock to not extend greater than 30 feet from shoreline (required) to 66 feet from shoreline (requested); and to;

B. Section 25-2-1176 (A) (3) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) to decrease the distance a dock may be constructed from not closer than 10 feet to the side property line (required) to 0 feet from the side property line (requested); and to

C. Section 25-2-1176 (A) (4) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) to increase the allowable width of a dock, including all access and appurtenances, from 14 feet if the shoreline width is no greater than 70 feet (required) to 14 feet plus 5 feet for concrete pier (requested, existing)

in order to reconstruct a boat dock on a 50.89 foot lot in an “LA”, Lake Austin zoning district.

**L-11 C15-2014-0143 Drew Tate for Robert Buford
2104 Winsted Lane**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*):

- A. to decrease the minimum lot size from 5,750 (required) to 5,567 (requested); and
- B. to decrease the minimum front setback from 25 feet (required) to 15 feet (requested); and
- C. to decrease the minimum rear setback from 10 feet (required) to 5 feet (requested); and
- D. to decrease the minimum side setback from 5 feet (required) to 3 ½ feet (requested); and
- E. to decrease the street side yard from 15 feet (required) to 10 feet (requested); and
- F. to increase the maximum building coverage from 40% (required) to 55% (requested); and
- G. to increase the maximum impervious coverage from 45% (required) to 65% (requested)

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

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2014-0151 Vick Faust for Kimberly Cavendish
1414 Eva Street**

The applicant has requested a variance from Section 25-2-782 (I) to decrease the distance of a bed and breakfast from another bed and breakfast from 1,000 feet (required) to 941 feet (requested) in order to establish a Bed and Breakfast in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**M-2 C15-2014-0152 David Cancialosi for Bryan Follett
5600 and 5602 Craggy Point**

The applicant has requested a variance(s) from Section 25-2-551 (2) (*Lake Austin District Regulations*)

- A. to increase the maximum impervious cover on a slope with a gradient of 15% to 25% from 10 % (required) to 23% (requested, existing); and
- B. to increase the maximum impervious cover on a slope with a gradient of 25% to 35% from 5% (required) to 29% (requested, existing)

in order to demolish two existing single family residences on two separate lots and construct one new single family residence on the two combined lots in a “LA”, Lake Austin zoning district.

**M-3 C15-2014-0153 David Cancialosi for Ginny Catania
903 Ethel Street**

The applicant has requested a variance from Section 25-2, Subchapter F. Residential Design and Compatibility Standards, Article 2 (*Development Standards*) Section 2.1 (Maximum Development Permitted) to increase the maximum amount of development permitted on a property from the greater of 0.4 to 1.0 floor-to-area ratio (required) to 0.44 to 1.0 floor-to-area ratio (requested) in order to install a garage door and frame in sidewalls of an existing carport in a “SF-3”, Family Residence zoning district.

**M-4 C15-2014-0154 Jim Herbert for Donald D Williams
95 Navasota Street**

The applicant has requested a variance from Section 25-6-593 (C) (*Provisions for Property in the Central Urban Redevelopment (CURE) Combining District Area*) of Article 7, Off-street parking and Loading to decrease the parking space requirement from 80% of the parking spaces required by Appendix A, 6 spaces (required) to 1 handicapped size space (requested) in order to remodel an existing 1,920 square foot automotive shop to become a professional office in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (East Cesar Chavez)

**M-5 C15-2014-0155 Jose Benitez for Maribel Arce
6405 Virgo Lane**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 0 feet (requested) in order to maintain a carport in a “SF-2”, Family Residence zoning district.

**M-6 C15-2014-0156 J. Patrick Roeder for Kathryn Pigman/Laura Roeder
2009 Riverview Unit B**

The applicant has requested a variance from Section 25-2-492 (D) (Site Development Regulations) to decrease the front setback from 25 feet (required) to 18 feet (requested) in order to construct a 847 square foot single family home on legal, small lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

N. DISCUSSION AND ACTION ITEMS

N-1 Approval of Board of Adjustment/Sign Review Board Meeting Schedule for 2014 (see schedule included in packet)

O. BOARD OF ADJUSTMENT NEW BUSINESS

O-1 Discussion of adding a table/additional column to the existing case tally table in the minutes to show how many cases that come to the Board involve staff error as part of the case either in the testimony, application or evidence.

P. 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 Leane Heldenfels at Planning & Development Review Department, at 512-974-2202 or Diana Ramirez at Planning & Development Review Department at 512-974-2241, for additional information; TTY users route through Relay Texas at 711.