



**BOARD OF ADJUSTMENT /INTERPRETATION
MEETING MINUTES (Special Called Meeting)
(December 1, 2014)**

The Board of Adjustment convened in a special called meeting on December 1, 2014, One Texas Center, 505 Barton Springs Road, 3rd Floor, Room 325, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 7:15 p.m.

Board Members in Attendance: Jeff Jack (Chair), Melissa Hawthorne (Vice Chair), Sallie Burchett, Ricardo De Camps, Vincent Harding, Bryan King, Will Schnier (Alternate), Stuart Hampton (Alternate),

Board Members absent: Michael Von Ohlen

Staff in Attendance: Leane Heldenfels and David Sorola (COA Attorney)

Staff Absent: Diana Ramirez

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. INTERPRETATION RECONSIDERATION

**A-1 C15-2014-0146 Brent and Valerie Hunt for BVM Crossfit
6711 Burnet Lane**

The owner of the use at this site has asked the Board to reconsider its recent decision in favor of an appeal challenging the Planning and Development Review Department’s Land Use Determination that Personal Improvement Services is a more appropriate use definition than Outdoor Sports and Recreation for the use at this site in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Brentwood)

The public hearing was closed on Board Member Vincent Harding motion to Reconsider the request, Board Member Will Schnier second on a 2-5 vote (Board members Stuart Hampton, Ricardo De Camps, Bryan King, Sallie Burchett, Jeff Jack nay); DENIED.

B. INTERPRETATION PREVIOUS POSTPONEMENT

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

The applicant has filed an appeal challenging the Planning and Development Review Department's Land Use Determination that a sober living facility (as described in the appeal application) would be classified as a Group Home, Class 1 (General) if it had fewer than 15 residents.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone per applicant and staff request to February 9, 2015 to decide on meeting date, Board Member Ricardo De Camps second on a 7-0 vote; POSTPONED TO FEBRUARY 9, 2015 TO DECIDE ON MEETING DATE TO HEAR THE APPLICATION.

C. NEW INTERPRETATION

**C-1 C15-2014-0158 Katherine Loayza for Todd Pearah
7501 North Lamar Blvd.**

The applicant has filed an appeal challenging the Planning and Development Review Department's Land Use Determination regarding legal, nonconforming status of the use at this site in a "TOD-NP", Transit Oriented Development – Neighborhood Plan zoning district. (Brentwood/Highland Combined)

The public hearing was closed on Board Member Melissa Hawthorne motion to deny appeal and to affirm staff's determination, Board Member Sallie Burchett second on a 6-1 vote (Board member Bryan King nay); APPEAL DENIED AND AFFIRM STAFF'S DETERMINATION.

**C-2 C15-2014-0174 Gardner Summer, Zilker Neighborhood Association
2015 Goodrich Avenue**

The applicant has requested the Board of Adjustment to interpret whether staff erred in issuing a building permit at 2015 Goodrich Avenue because:

A. per Section 25-2-496 (D) (Site Development Regulations) the actual lot size is in question; and

B. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3.the plans for the first and second floor appear to be drawn to the outer edge of the wood framing and not the outside surface of the exterior walls; and

C. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 3. Porches, basements and attics that meet the following requirements shall be excluded from the calculation of gross floor area:
c. A habitable portion of an attic, if: 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2. It is fully contained within the roof structure; 3. It has only one floor; 4. It does not extend beyond the footprint of the floors below; 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6. Fifty percent or more of the area has a ceiling height of seven feet or less. The applicant asserts that the building permit plans for construction show:

1. The dormers are not fully contained within the roof structure contrary to requirement #2; and
2. The dormers add additional mass to the structure contrary to requirement #5; and
3. The third floor deck (called a “roof deck” in the habitable attic plans) is accessible from the “habitable attic”, which while the deck itself would not be subject to McMansion FAR, the fact that it exists supports the contention that the habitable attic is actually a third floor rather than a fully contained attic; and

D. per Section 25-2-496 (D) (Site Development Regulations) the application has differing methods of calculating impervious cover for the lot in the plans submitted and approved for a permit to construct a single family home in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Jeff Jack motion to Postpone to December 8, 2014, Board Member Ricardo De Camps second on a 7-0 vote; POSTPONED TO December 8, 2014.

D. DISCUSSION ITEMS

D-1 Packet order, addition of application checklist

Order of packet:

- 1. Map**
- 2. Reconsideration, Postponement letters**
- 3. Application, correspondence from applicant**
- 4. Graphics, photos**
- 5. City Action, correspondence**
- 6. Support/Opposition letters**

Board would like to see a scaled vicinity map added to requirements of application and would like to have a graphic correspond with each part of the variance request (see old packets to see how this had been done in the past). Staff will work on creating a application summary checklist for the applicant to fill out as part of the application to clarify the various elements of their request.

ADJOURNMENT - 9:15 PM

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