



BOARD OF ADJUSTMENT MEETING MINUTES (April 13, 2015)

The Board of Adjustment convened in a meeting on April 13, 2015, 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, Ricardo De Camps, Stuart Hampton (Alternate), Michael Von Ohlen, Will Schnier (Alternate)

Board Members Absent – Vincent Harding and Bryan King
No Sign Cases - Cathy French (SRB)

Staff in Attendance: Leane Heldenfels, Diana Ramirez, Cindy Crosby (COA Attorney), John McDonald (Residential Review)

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 March 9, 2015

**Board Member Melissa Hawthorne motion to Approve the minutes for March 9, 2015 with correction to Item G-1; Board Member Michael Von Ohlen second on 7-0 vote;
APPROVED MINUTES FOR MARCH 9, 2015 WITH CORRECTION TO ITEM G-1.**

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NONE

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NONE

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

NONE

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

G-1 C15-2015-0038 David Piper for Zilker Neighborhood Association

The appellant has filed an application challenging the Planning and Review Department's staff memo stating Subchapter F, Article 3, Section 3.3.3 (C) "serves no purpose and is not interpretable".

Note: Subchapter F, Article 3, Section 3.3.3 (C), of the Land Development Code states:
"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. 50% of more of the area has a ceiling height of 7 feet or less."

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to May 11, 2015, Board Member Ricardo De Camps second on a 7-0 vote; POSTPONED TO MAY 11, 2015.

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

I-1 C15-2015-0013 Amanda Morrow 70 Pascal Lane

The applicant has requested variance(s) from:

A. Section 25-2-551 (B) (2) (Lake Austin (LA) District Regulations) to permit a permanent improvement within the shoreline setback other than a retaining wall, pier, wharf, boat-house, marina or driveway (required) in order to construct a mechanized access facility/tram (requested); and to

B. Section 25-2-551 (B) (5) (Lake Austin District Regulations) to permit development on land with a gradient that exceeds 35 percent, except for fences, driveways, road or utility that cannot be reasonably placed elsewhere or a pedestrian facility (required) in order to construct a mechanized access facility/tram (requested)

in a "LA", Lake Austin zoning district

Note: The applicant is requesting to use the Land Development Code prior to 7/2014 for an existing site plan currently under review.

Motion to Reconsider by Board Member Melissa Hawthorne, Board Member Ricardo De Camps second on a 7-0 vote; REQUEST RECONSIDERED; The public hearing was closed on Board Member Michael Von Ohlen motion to Grant as per site plan dated April 2, 2015 and Environmental Board recommendation, Board Member Stuart Hampton second on a 6-1 vote (Board member Jeff Jack nay); GRANTED AS PER SITE PLAN DATED APRIL 2, 2015 AND ENVIRONMENTAL BOARD'S RECOMMENDATION.

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

J-1 C15-2014-0134 Leticia Lopez 7336 Colony Park

The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 10 feet (requested) in order to maintain an existing carport constructed more than 10 years ago in an "SF-2", 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 PROVIDED MEETS LIFE SAFETY REPORT AND AUSTIN ENERGY REQUIREMENTS.

J-2 C15-2014-0136 Veronica Alvarado 7320 Hillcroft Drive

The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback

from 25 feet (required) to 10 feet (requested) in order to maintain a carport constructed more than 10 years ago in an “SF-2”, Family Residence zoning district.

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 PROVIDED MEETS LIFE SAFETY REPORT REQUIREMENTS.

**J-3 C15-2014-0160 Nicholas Crumpton
1211 W. St. Johns Avenue**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the side yard setback from 5 feet (required) to 1.2 feet (requested) for the 2-story accessory structure and stairs; and to

B. decrease the rear yard setback from 10 feet (required) to 5.3 feet (requested) for the 2-story accessory structure and stairs; and to

C. decrease the side yard setback from 5 feet (required) to 4.7 feet (requested) for the 1-story accessory structure; and from

D. Section 25-2-555 (Family Residence (SF-3) District Regulations) to decrease the rear yard setback of five feet for an accessory building that is not more than one story or 15 feet in height (required) to 4.9 feet (requested) for the 1-story accessory structure

in order to maintain two accessory structures constructed 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (Crestview)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Will Schnier second on a 7-0 vote; GRANTED PROVIDED MEETS LIFE SAFETY REPORT REQUIREMENTS.

**J-4 C15-2015-0002 Mary Gonzalez
1105 Brass Street**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) 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 an existing carport constructed more than 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (Govalle)

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 PROVIDED MEETS LIFE SAFETY REPORT REQUIREMENTS.

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2015-0034 Adhamh Findlay
4603 Placid Place**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to:

A. decrease the side yard setback from 5 feet (required) to 1.6 feet (requested) for the 2-story structure and stairs; and to

B. decrease the rear yard setback from 10 feet (required) to 2 feet (requested) for the overhang of the 1-story structure

in order to maintain both structures that were constructed more than 10 years ago in an “SF-2”, 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 PROVIDED MEETS LIFE SAFETY REPORT AND AUSTIN ENERGY REQUIREMENTS.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2014-0159 David Cancialosi for Susan Goff
2224 Parkway**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front setback from 25 feet (required) to 12 feet (requested) in order to maintain a recently reconstructed elevated deck for a single family home in a “SF-3”, Family Residence zoning district.

POSTPONED TO June 8, 2015 AT THE APPLICANT’S REQUEST

**L-2 C15-2014-0176 Augustina Gonzalez
2108 S.L. Davis Avenue**

The applicant has requested a variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 16 feet (requested) in order to maintain the recent expansion and enclosure of an existing porch in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

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

**L-3 C15-2015-0017 Jian Ku
7012 Quill Leaf Cove**

The applicant has requested variance(s) from 25-2-554 (*Single-Family Residence Standard Lot (SF-2) District Regulations*) to decrease the rear yard setback of five feet for an accessory building that is not more than one story or 15 feet in height (required) to 3 feet 10 inches (requested) in order to maintain a recently constructed 1-story accessory structure in an “SF-2”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that the side of the structure facing the fence be made of fire rated material or have fire rated materials added to it, Board Member Stuart Hampton second on a 7-0 vote; GRANTED WITH CONDITION THAT SIDE OF STRUCTURE FACING THE FENCE BE MADE OF FIRE RATED MATERIALS OR HAVE FIRE RATED MATERIAL ADDED TO IT.

**L-4 C15-2015-0018 Jim Bennett for Bob Herd
7909 Big View Drive**

The applicant has requested a variance(s) from Section 25-2-551(C) (2) (a) (*Lake Austin (LA) District Regulations*) to increase the maximum impervious cover from 20% (required) to 35.2% (requested) in order to construct a single family home in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition 15.2% of lot area be held and filtered naturally on-site via rainwater harvesting, rain gardens or other similar “green” infrastructure devices, Board Member Stuart Hampton second on a 6-1 vote (Board member Jeff Jack nay); GRANTED WITH CONDITION THAT 15.2% OF LOT AREA BE HELD AND FILTERED NATURALLY ON-SITE VIA USE OF RAINWATER HARVESTING, RAIN GARDENS OR SIMILAR “GREEN” INFRASTRUCTURE DEVICES.

**L-5 C15-2015-0030 Thomas Hall for Michael Craig
3132 Honey Tree Lane**

The applicant has requested a variance to Section 25-2-515 (*Rear Yard of a Through Lot*) to decrease the minimum through lot setback from 25 feet (required) to 10 feet (requested) in order to expand/remodel an existing residence in an “SF-2”, Family Residence zoning district.

The public hearing was closed on Board Member Ricardo De Camps motion to Grant with conditions that there be no vehicular access off Old Walsh Tarlton and that either the encroachment into the critical root zone be removed or the encroachment be constructed with pier and beam foundation, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITIONS THAT THERE BE NO VEHICULAR ACCESS FROM OLD WALSH TARLTON AND THAT EITHER THE ENCROACHMENT INTO THE CRITICAL ROOT ZONE BE REMOVED OR THE ENCROACHMENT BE CONSTRUCTED WITH PIER AND BEAM FOUNDATION.

**L-6 C15-2015-0033 William Hodge AIA for Patriot Builders LP
1609 JJ Seabrook Drive**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 49.74 feet (requested) in order to plat the property for the first time in its current configuration within a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (MLK)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition that there be only one single family home at this location, Board Member Sallie Burchett second on a 7-0 vote; GRANTED WITH CONDITION THAT THERE BE ONLY ONE SINGLE FAMILY HOME AT THIS LOCATION.

**L-7 C15-2015-0035 John Taylor Jackson for Kacee Jackson
2007 East 12th Street**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum street side yard from 15 feet (required) to 5 feet (requested) in order to construct a single family home next to an unimproved right of way in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

POSTPONED TO June 8, 2015 AT THE APPLICANT’S REQUEST

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2015-0040 Annie Laurie Grabiell for Christine Butler
1210 Castle Hill Street**

The applicant has requested a variance to Section 25-2-515 (*Rear Yard of a Through Lot*) to decrease the minimum through lot setback from 25 feet (required) to 13.5 feet (requested) in order to expand/remodel an existing residence in an “MF-3-NP”, Family Residence zoning district. (Old West Austin)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions for no Type 2 Short Term Rental and removal of portion of the existing drive from the carport to the garage that is within the critical root zone of the adjacent tree, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITIONS FOR NO TYPE 2 SHORT TERM RENTAL AND REMOVAL OF PORTION OF THE EXISTING DRIVE FROM THE CARPORT TO THE GARAGE THAT IS WITHIN THE CRITICAL ROOT ZONE OF THE ADJACENT TREE.

**M-2 C15-2015-0041 Troy Alexander for Anita Crase
4406 Avenue D**

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

- A. decrease the minimum lot width from 50 feet (required) to 37 feet (requested)
 - B. decrease the minimum lot size from 5,750 square feet (required) to 4,621 square feet (requested); and
 - C. increase the maximum impervious cover from 45% (required) to 55% (requested)
- in order to add 596 square feet to an existing 773 square foot house in an “SF-3-HD-NCCD-NP”, Family Residence – Historic Area – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant at 48% Impervious Coverage with condition that garage remains uninhabitable and does not become a dwelling unit , Board Member Ricardo De Camps second on a 7-0 vote; GRANTED AT 48% IMPERVIOUS COVERAGE WITH CONDITION THAT THE GARAGE REMAIN UNINHABITABLE AND DOES NOT BECOME A DWELLING UNIT.

**M-3 C15-2015-0042 Nick Mehl for Michael Francis
500 Lockhart Drive**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot size from 5,750 square feet (required) to 5,082 square feet (requested) in order to remodel and add onto an existing house in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

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.

**M-4 C15-2015-0043 Richard Weil for Robin Moore
4708 Colorado Crossing**

The applicant has requested a variance(s) from Section 25-2-551(C) (2) (a) (Lake Austin (LA) District Regulations) to:

A. increase the maximum impervious cover from 5% (required) to 15.5% (requested, 9.62% existing) on a 25-35% slope area; and to

B. increase from 10% (required) to 52.74% (requested, 52.45% existing) on a 15-35% slope area

in order to rebuild and expand an elevated deck area including the addition of stairs in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Ricardo De Camps motion to Postpone to May 11, 2015, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO MAY 11, 2015.

**M-5 C15-2015-0044 Kevin McKeown
3121 Ski Shores Terrance**

The applicant has requested a variance(s) from Section 25-2-1176 (A) (1) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) to increase the length a dock may extend from the shoreline from 30 feet (required) to 45 feet (requested, existing) in order to reconstruct a dock in a “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Sallie Burchett motion to Grant with condition that the dock not extended more than 30 feet into the lake when measured from the main and longest portion of the seawall of this lot, that portion that extends along approximately 90% of the width of the lot, Board Member Michael Von Ohlen second on a

7-0 vote; GRANTED WITH CONDITION THAT THE DOCK NOT EXTEND MORE THAN 30 FEET INTO THE LAKE WHEN MEASURED FROM THE MAIN AND LONGEST PORTION OF THE SEAWALL OF THIS LOT, THAT PORTION THAT EXTENDS ALONG APPROXIMATELY 90% OF THE WIDTH OF THE LOT.

**M-6 C15-2015-0045 Christopher Trickey for Ana Magee Stanton
3501 Taylors Drive**

The applicant has requested a variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 15 feet (requested) in order to erect an addition in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

The public hearing was closed on Board Member Will Schnier motion to Grant 15 foot setback on Macken Street with condition that the 25 foot front setback remain on Taylors Drive, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED 15 FOOT SETBACK ON MACKEN STREET WITH CONDITION THAT THE 25 FOOT FRONT SETBACK REMAIN ON TAYLORS DRIVE.

**M-7 C15-2015-0046 Geoff Gilbert for Tres Waters LLC
5605 Jeff Davis Avenue**

The applicant has requested a variance(s) from Section 25-2-1604 (C) (1) to permit the parking structure to be closer to the front lot line than the building facade in order to construct a garage in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood)

POSTPONED TO May 11, 2015 AT THE APPLICANT’S REQUEST

**M-8 C15-2015-0047 Martin Barrera for Josue Sanchez
2316 Santa Maria Street**

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

- A. decrease the front setback from 25 feet (required) to 13 feet (requested, existing); and to
- B. increase the building cover from 40% (required) to 55% (requested); and from
- C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted) to increase square footage from 2,300 square feet (required) to 2,850 square feet (requested); and to
- D. Section 2.7.1. (A) (1) (Side Wall Articulation) to decrease the sidewall articulation from 4 feet deep for at least 10 feet along the side property line (required) to 0 feet deep for 0 feet along the side property line (requested)

in order to construct an addition to an existing single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

NOTE: The Holly Neighborhood Plan allows for Small Lot Amnesty lots of 2,500 square feet or greater to be developed with a Single Family use, the area of this lot is 3,375 square feet. In

addition, the Neighborhood Plan allows for Small Lot Amnesty lots to have up to 65% impervious cover which the proposed use of this lot will meet.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to May 11, 2015, Board Member Ricardo De Camps second on a 7-0 vote; POSTPONED TO MAY 11, 2015.

**M-9 C15-2015-0052 Letty McGarrahan for Marcelo Vera
106 & 108 Comal Street**

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

- A. decrease the front setback from 25 feet (required) to 15 feet (requested); and to
 - B. decrease the rear setback from 10 feet (required) to 5 feet (requested); and to
 - C. decrease the side setback from 5 feet (required) to 3.5 feet (requested); and to
 - D. increase the building cover from 40% (required) to 55% (requested); and from
 - E. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted) to increase square footage from 2,300 square feet (required) to 2,500 square feet (requested)
- in order to construct a new single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

NOTE: The East Cesar Chavez Neighborhood Plan allows for Small Lot Amnesty lots of 2,500 square feet or greater to be developed with a Single Family use, the area of these combined lots is 3,820 square feet. In addition, the plan allows for Small Lot Amnesty lots to have up to 65% impervious cover which the proposed use of this lot will meet.

POSTPONED TO May 11, 2015 AT THE APPLICANT’S REQUEST

N. BOARD OF ADJUSTMENT NEW BUSINESS

**N-1 Citizen Guide Update, Brent Lloyd
Applicant instructions page, Bryan King**

The public hearing was closed on Board Member Jeff Jack motion to Approve the Community Guide and Appendices with minor typographical changes to be made and examples of evidence added to the Appendices Section and to include Board member Bryan King’s comments to the final BOA guidelines, Board Member Melissa Hawthorne second on a 7-0 vote; APPROVED THE COMMUNITY GUIDE AND APPENDICES WITH MINOR TYPOGRAPHICAL CHANGES TO BE MADE AND EXAMPLES OF EVIDENCE ADDED TO THE APPENDICES SECTION AND TO INCLUDE BOARD MEMBER BRYAN KING’S COMMENTS TO THE FINAL BOA GUIDELINES.

O. 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.

Note: Correction to item N-1