



**BOARD OF ADJUSTMENT
MEETING MINUTES
(January 11, 2016)**

The Board of Adjustment convened in a meeting on January 11, 2016, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:30 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Michael Benaglio, Eric Goff, Melissa Hawthorne (Vice-Chair), Don Leighton-Burwell, Melissa Neslund, James Valadez, Rahm McDaniel (Alternate)

Board Member absent –Michael Von Ohlen and Kelly Blume (Alternate)

Staff in Attendance: Leane Heldenfels, Cindy Crosby (COA Attorney), Lynda Courtney (City Staff)

Staff member 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

A0. BOARD OF ADJUSTMENT NEW BUSINESS

Board member Melissa Hawthorne motion to table Items A0-1, A0-2, A0-3 and A0-4 to the end of the agenda, Michael Benaglio second on 9-0 vote.

A0-1 Review draft revised Board Rules (Brent Lloyd)

NO ACTION, POSTPONED TO FUTURE MEETING

A0-2 Discussion of fees charged to neighborhood associations for Interpretation cases; Potential resolution to Council

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NO ACTION, POSTPONED TO FUTURE MEETING

A0-3 Discussion of fee waiver and evidence requests for Special Exception cases that expires June 2016; Potential resolution to Council

Board Member Melissa Hawthorne motions to extend Special Exception to one year, Board Member Melissa Neslund second on a 9-0 vote.

A0-4 Calendar conflict with Council Meeting on September 12, 2016 – Council Chambers and Boards and Commission not available on September 12, 2016; Boards and Commission room available for Tuesday, September 20, 2016, if Council Work session doesn't run past 5pm; Council Chambers is available for Wednesday, September 28th and Thursday, 29th from 5pm-11pm; OTC Room 325 is available for September 12, 2016 after 7pm; Austin Energy, 721 Barton Springs Road, TLC Assembly Room 130 available for September 12th from 5pm-11pm

Board Members voted to reschedule the September 12th meeting to September 28th at 5:30pm at the Council Chambers.

A-1 APPROVAL OF MINUTES – December 14, 2015

Board Member Melissa Hawthorne motion to Approve the minutes for December 14, 2015 with a correction to Item D-1, Brooke Bailey second on 9-0; **APPROVED MINUTES FOR December 14, 2015 WITH A CORRECTION TO ITEM D-1.**

Postponement requests from applicants, staff and interested parties for Items C-1, L-5, M-6 to February 8, 2016, Item L-3 to March 14, 2016, Item J-1 to June 13, 2016, motion to Approve postponements by Board member Melissa Hawthorne, Eric Goff second on a 9-0 vote; Item L-2 to March 14, 2016 motion to Approve postponement by Board member Eric Goff, Rahm McDaniel second on 9-0 vote.

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

**C-1 C16-2015-0015 Maggie Star for Luke Padwick
13435 Highway 183 North**

The applicant has requested a variance (s) to:

A. Section 25-10-130 (G) (1) (Commercial Sign District Regulations) to increase the sign height from 30 feet above frontage street pavement grade (required, permitted) to 35 feet (requested); and to

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B. (2) increase the sign height from 6 feet above grade at the base of the sign (required, permitted) to 21 feet 4 inches (requested); and to

C. Section 25-10-131 (D) (Additional Freestanding Signs Permitted) to increase the number of signs permitted on a lot fronting on two streets from one freestanding sign on each street (required) to 2 signs on Anderson Mill Road (requested)

in order to construct an emergency center sign in addition to an existing freestanding sign on Anderson Mill Road at this site in a Commercial Sign District within a "GR-CO", Community Commercial - Conditional Overlay zoning district.

POSTPONED TO FEBRUARY 8, 2016 BY APPLICANT

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**D-1 C16-2016-0001 Jim Bennett for A. Bonanchi
2901 West Anderson Lane**

The applicant has requested a variance(s) to Section 25-10-130 (G) (Commercial Sign District Regulations) to increase the maximum sign height from 30 feet (required/permitted) to 35 feet (requested, feet existing) in order to modify an existing sign in an "GR-V", Community Commercial - Vertical Mixed Use Building zoning district.

The public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member Brooke Bailey second on a 7-2 vote (Board Members Melissa Hawthorne and Eric Goff nay); **DENIED.**

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NONE

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

**F-1 C15-2015-0167 Leon Barish
305 East 34th Street**

The appellant has requested the Board of Adjustment to interpret whether staff erred in approving a site plan (SP 2014-0169C) for The Steck House Apartments, 305 E. 34th Street because:

A. per Section 25-2-1052 (A)(2) and Ordinance 040826-58 (North University Neighborhood Conservation Combining District - Neighborhood Plan) Part 7, (6) the compatibility setback was not applied correctly; and because

B. per Section 25-6, Appendix A, the approved parking spaces were not calculated correctly

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for proposed new multi-family structures in a "MF-3- H- NCCD-NP" Multi-Family Residence Medium Density – Historic – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

Board Member Melissa Neslund motion to Deny appeal and uphold staff's decision on Item A, no action on Item B as it was withdrawn by the applicant, Board Member Eric Goff second – Motion Failed on a 6-3 vote (Board Members William Burkhardt, Melissa Hawthorne and Don Leighton-Burwell nay); the public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to February 8, 2016, Board Member Brooke Bailey second on a 8-1 vote (Board member Eric Goff nay); POSTPONED TO FEBRAURY 8, 2016.

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-1 C15-2015-0148 Justin Cofield
5412 & 5414 Northdale Drive**

The applicant has requested variance(s) to Section 25-2-513 (G) (Openness of Required Yards) to increase the maximum distance a covered porch that is open on three sides may project into a required front yard from 5 feet (required, permitted) to 8 feet (requested) in order to retain a recently constructed covered front porch open on three sides in a "SF-2-NP", Family Residence – Neighborhood Plan zoning district. (Pecan Springs – Springdale)

Board Member Rahm McDaniel motion to Reconsider request, Board Member Melissa Neslund second on a 9-0 vote; RECONSIDERED REQUEST; The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Rahm McDaniel second on a 9-0 vote; GRANTED.

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**J-1 C15-2015-0107 James Coak for Julia Esparza
4502 Merle Drive**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from:

AL/S

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 0 feet (requested, existing); and to

B. Section 25-2-555 (B) to decrease the rear yard setback from 5 feet (required) to 0 feet (requested, existing)

in order to maintain a detached second dwelling unit constructed at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (South Manchaca)

POSTPONED TO JUNE 13, 2016 BY APPLCIANT TO RESOLVE PENDING AUSTIN ENERGY ISSUES

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2015-0099 Bill Davis
5400 Fairmont Circle**

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 side yard setback from 5 feet (required) to 0 feet (requested) in order to maintain storage sheds constructed at least 10 years ago in an "SF-3-NP", Family Residence Zoning District. (Westgate)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Brooke Bailey second on a 9-0 vote; GRANTED.

**K-2 C15-2016-0007 Darlene Crawford
7101 Townsborough 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 16 feet (requested) in order to maintain a garage constructed at least 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 Brooke Bailey second on a 9-0 vote; GRANTED.

**K-3 C15-2016-0008 Jean Sensat
6220 Boxcar Run**

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 6.5 feet (requested) in order to maintain a carport constructed at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan Zoning District. (Garrison Park)

A/C

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Brooke Bailey second on a 9-0 vote; GRANTED.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2015-0127 George Rodenbusch
1014 E. 8th Street**

The applicant has requested variance(s) to Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 4 spaces (required) to 0 spaces (requested) in order to change use from single family to triplex in a "MF-3-NP", Multi-Family Residence Medium Density - Neighborhood Plan zoning district. (Central East Austin)

The public hearing was closed on Board Member Eric Goff motion to Postpone to March 14, 2016, Board Member Melissa Neslund second on a 9-0 vote; POSTPONED TO MARCH 14, 2016.

**L-2 C15-2015-0143 Phil Moncada for Lee Ann Concienne
2805 Warren Street Unit B**

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

- A. increase the maximum impervious cover from 45% (required/permitted) to 55.85% (requested); and to
- B. decrease the side setback from 5 feet (required) to 0 feet (requested); and to
- C. decrease the rear setback from 10 feet (required) to 0 feet (requested); and to
- D. decrease the front setback from 25 feet (required) to 2 feet (requested)

in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

POSTPONED TO MARCH 14, 2016 BY APPLICANT

**L-3 C15-2015-0146 William L. Hodge for Daniel Chieng
2805 Rivercrest Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 32 feet (requested) in order to construct a single family home in "LA", Lake Austin Residence zoning district

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POSTPONED TO MARCH 14, 2016 BY APPLICANT

**L-4 C15-2015-0150 Tracy Perkins
1502 Kinney Avenue**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 4.6 feet (requested, existing); and to

B. Decrease the rear yard setback from 10 feet (required) to 9.5 feet (requested/existing); and to

C. Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot area from 7,000 square feet (required) to 6,674 square feet (requested/existing)

in order to create a second dwelling unit by remodeling an existing accessory structure in a "SF-3", Family zoning district.

Note: A Special Exception was previously approved for the side setback encroachment of the accessory structure, however addition of a 2nd sink to create the second dwelling unit constitutes a change in use/remodel and negates the Special Exception. In addition, because the house was built in 1945 prior to the establishment of parking requirements, 2 spaces for the 2nd dwelling unit are required and will be provided via tandem spaces in the driveway but no space(s) for the primary dwelling unit are required.

The public hearing was closed on Board Member Eric Goff motion to Grant Item A and B only with condition no expansion of footprint and only existing structure interior remodel permitted and Item C Withdrawn, Board Member (?) second on a 9-0 vote; GRANTED ITEM A AND B ONLY WITH CONDITION NO EXPANSION OF FOOTPRINT AND ONLY EXISTING STRUCTURE INTERIOR REMODEL PERMITTED AND ITEM C WITHDRAWN.

**L-5 C15-2015-0171 David Cancialosi for Martha Jenkins
3505 Rivercrest Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 15 feet (requested) in order to construct a single family home in "LA", Lake Austin Residence zoning district.

POSTPONED TO FEBRUARY 8, 2016 BY APPLICANT TO RESOLVE PENDING AUSTIN ENERGY ISSUES

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0001 Phil Moncada for Pendelton Plus, LLC
1126 Gunter Street**

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

A. decrease the minimum front yard setback from 25 feet (required) to 15 feet (requested); and to

B. decrease the minimum lot width from 50 feet (required) to 0 feet (requested, lot depth does not extend 75 feet needed to measure width at that point as required – see note below)

C. decrease the side street setback from 15 feet (required) to 13 feet (requested, existing) for the existing home on Lot 2

in order to create a new, additional lot pending subdivision approval and construct a new single family home on that new lot while maintaining existing home on the existing lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle)

Note: Section 25-1-22 (C) (Measurements) defines lot width as a measurement made at the front setback line and at a distance of 50 feet to the rear of the front setback line.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 14, 2016, Board Member Eric Goff second on a 8-1 vote (Board Member Brooke Bailey nay); POSTPONED TO MARCH 14, 2016.

**M-2 C15-2016-0002 Phil Moncada for Irina Malakhova
3004 Locke Lane**

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

A. decrease the minimum front yard setback from 25 feet (required) to 4.6 feet (requested); and to

B. decrease the minimum side yard setback from 5 feet (required) to 0 feet (requested)

in order to maintain a recently constructed carport in a “SF-3”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member Eric Goff second on a 8-1 vote (Board member Melissa Hawthorne nay); DENIED.

**M-3 C15-2016-0003 Phil Moncada for Jeffrey Capra
3301 Perry Lane**

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The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum street side yard setback from 15 feet (required) to 0 feet (requested) in order to install a rainwater harvesting system for a new single family home in a "SF-3", Family Residence – zoning district.

The public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member Brooke Bailey second on a 8-1 vote (Board member Melissa Hawthorne nay); DENIED.

**M-4 C15-2016-0005 Phil Moncada for John Luke Sanchez
1300 Morgan Lane**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 0 feet (requested) in order to construct a single family home on each lot in a "SF-3", Family Residence – Neighborhood Plan zoning district.

Note: Section 25-1-22 (C) (*Measurements*) defines lot width as a measurement made at the front setback line and at a distance of 50 feet to the rear of the front setback line.

POSTPONEMENT REQUESTED TO MARCH 14, 2016 BY APPLICANT ON A 9-0 VOTE.

**M-5 C15-2016-0006 Mitchell Whiddon
4704, 4706, 4800 and 4802 Sunset Trail**

The applicant has requested variance(s) from 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) in order to construct parking for a multi-family use in an "MF-2-CO-NP", Multifamily residence low density – Conditional Overlay – Neighborhood Plan zoning district. (Westgate)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Melissa Neslund second on a 9-0 vote; GRANTED.

**M-6 C15-2016-0012 David Cancialosi
206 San Marcos Street**

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

A. decrease the minimum rear yard setback from 10 feet (required, permitted) to 1.8 feet (requested); and to

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B. decrease the minimum side yard setback from 5 feet (required, permitted) to 1.3 feet (requested); and to

C. increase the maximum impervious cover from 45% (required, permitted) to 73% (requested)

in order to add a master suite addition to this existing home on a 2,420 square foot lot in a a "SF-3", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

NOTE: the East Cesar Chavez neighborhood plan allows for 65% impervious cover for lots between 2,500 square feet and 3,500 square feet in size, this lot is slightly smaller.

POSTPONED TO FEBRUARY 8, 2016 BY APPLICANT TO RESOLVE PENDING AUSTIN ENERGY ISSUES

**M-7 C15-2016-0013 Shaney Clemmons for Hanoch Patt
3005 Scenic Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum impervious cover from 45% (required, permitted) to 64% (requested, 75% existing) in order to add a pool and decking to an existing home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant 60.5% Impervious coverage, Board Member Melissa Neslund second on a 9-0 vote; GRANTED 60.5% IMPERVIOUS COVERAGE.

N. 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.

