



**BOARD OF ADJUSTMENT**

**February 8, 2016**

**5:30pm**

**City Council Chambers  
301 WEST 2<sup>ND</sup> STREET  
AUSTIN, TEXAS**

\_\_\_ Brooke Bailey

\_\_\_ Michael Benaglio

\_\_\_ William Burkhardt (Chair)

\_\_\_ Eric Goff

\_\_\_ Melissa Hawthorne (Vice Chair)

\_\_\_ Don Leighton-Burwell

\_\_\_ Melissa Neslund

\_\_\_ James Valadez

\_\_\_ Michael Von Ohlen

\_\_\_ Kelly Blume (Alternate)

\_\_\_ Rahm McDaniel (Alternate)

**AGENDA**

**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-1 APPROVAL OF MINUTES – January 11, 2016**

**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**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND**

**OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

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
- B. (2) increase the sign height from 6 feet above grade at the base of the sign (required, permitted) to 21feet 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.

**ITEM A WITHDRAWN BY APPLICANT; ITEM B & C APROVED @ 12/14/15 MEETING**

**D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS**

**D-1 C16-2016-0002 Nick Fowlkes for Chris Oaltman  
11712 North Lamar Boulevard**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested a variance (s) to:

- A. Section 25-10-23 (B) (9) (*Hazardous Signs Described and Prohibited*) to permit a sign that does not comply with 25-10-191 (Sign Setback Requirements); and to
- B. Section 25-10-103 (*Signs Prohibited in the Public Right-of-way*) to permit a sign to be placed within the public right-of-way; and to
- C. Section 25-10-130 (F) (2) (a) (*Commercial Sign District Regulations*) to increase the allowable area from .7 square feet for each linear foot of street frontage (required, 122.65 square feet permitted) to 1.5314 square feet per linear foot of street frontage (requested, 268 square feet); and to

- D. (b) to increase sign size other than multi-tenant from 200 square feet (required, permitted) to 268 square feet (requested, existing); and to
- E. Section 25-10-131 (C) (*Additional Freestanding Signs Permitted*) to decrease the street frontage requirement from 400 feet (required, permitted) to 175 feet (requested, existing); and to
- F. Section 25-10-191 (f) (2) (*Sign Setback Requirements*) to decrease the clearance requirements for a sign within 12 feet of the public right-of-way from 9 feet (required, permitted) to 8 feet 1 inch (requested, existing)
- in order to replace a 2<sup>nd</sup> freestanding sign on this lot with 175.22 feet of frontage in a Commercial Sign District within a “CS-CO”, General Commercial Services - Conditional Overlay zoning district. (Commercial Sign District)

**D-2 C16-2016-0003 Dan Vantreeck for Chris Ezell  
9312 Brodie Lane**

**AUSTIN ENERGY CONDITIONALLY APPROVES REQUEST PROVIDED OWNER/APPLICANT PROCEEDS WITH AUSTIN ENERGY LICENSE AGREEMENT FOR KNOWN ENCROACHMENTS WITHIN PLATTED EASEMENTS. ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested a variance (s) to Section 25-10-191 (F) Article 10 (Sign Setback Requirements) to increase the allowable height for a sign within 12 feet of the public right-of-way from 30 inches (required, permitted) to 4 feet or 48 inches (requested) in order to erect a new monument sign in a “PUD”, Planned Unit Development zoning district.

**E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS**

**NONE**

**F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS**

**F-1 C15-2015-0147 Robert Kleeman  
8901 West Highway 71**

**AUSTIN ENERGY HAS NO COMMENT**

The appellant has filed an appeal challenging a Land Use Determination and related development approvals made in connection with the approval of an outdoor amphitheater located at LifeAustin Church, 8901 West State Highway 71, including decisions to classify the use as “religious assembly” and to subsequently approve Site Plan No. SP-2011-0185C, an associated

**REQUESTING POSTPONEMENT TO APRIL 11, 2016**

## AUSTIN ENERGY HAS NO COMMENT

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.

## AUSTIN ENERGY HAS NO COMMENT

**REQUESTING POSTPONEMENT TO APRIL 11, 2016**

**NONE**

**NONE**

## **I. BOARD OF ADJUSTMENT RECONSIDERATIONS**

**I-1 C15-2016-0002 Phil Moncada for Irina Malakhova  
3004 Locke Lane**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

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.

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

**NONE**

## **K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS**

**K-1 C15-2016-0009 Mark Lakins Jr. for Juan Gonzalez  
2607 East Cesar Chavez Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP(S) ARE RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, 512-505-7604, AS SHE WILL PROVIDE YOU DIRECTION TO RELOCATE YOUR NEW SERVICE DROP.**

The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the side yard setback from 5 feet (required) to 0 feet (requested, existing) in order to maintain a carport and storage structure

constructed at least 10 years ago in an “CS-CO-MU-NP”, General Commercial Services – Conditional Overlay – Mixed Use - Neighborhood Plan Zoning District. (Holly)

**K-2    C15-2016-0015            Josephina Ochoa  
8006 Colony Loop Drive**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 19 feet (requested, existing) in order to maintain a carport constructed at least 10 years ago in an “SF-2”, Family Residence Zoning District.

**L.        BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS**

**L-1    C15-2015-0106            Michael Kane for Joe Ross  
1516 Kinney Avenue**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

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 5,548 square feet (requested) in order to construct a single family home in an “SF-3”, Family Residence zoning district.

**REQUESTING POSTPONEMENT TO MARCH 14, 2016**

**L-2    C15-2015-0171            David Cancialosi for Martha Jenkins  
3505 Rivercrest Drive**

**DENIED BY AUSTIN ENERGY (AE); THE PROPOSED STRUCTURE IS IN CONFLICT WITH AE CLEARANCE CRITERIA REQUIREMENTS AND FACILITIES. OWNER/APPLICANT MUST OBTAIN WRITTEN APPROVAL OF CONFLICT RESOLUTION FROM AE PRIOR TO BOA APPROVAL. PLEASE CONTACT EBEN KELLOGG WITH AE PUBLIC INVOLVEMENT AND REAL ESTATE SERVICES AT 322-6050.**

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.

**L-3     C15-2015-0172             John A. Latham  
   502 West Longspur Boulevard**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. – NOTED, THE 7.5’ PUE ON PLAT.**

A. 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 294 spaces (required) to 265 spaces (requested, existing) in order to provide additional dumpsters, security fence and a playground on this multi-family site in a “MF-2, MF-3 – NP” Multifamily Residence Low Density – Multifamily Medium Density - Neighborhood Plan zoning district. (North Lamar) **(GRANTED Item A on December 14, 2015)**

B. The applicant has requested variance(s) to Section 25-2-1067 (F) (Design Regulations) of Article 10, Compatibility Standards to reduce the distance an intensive recreational use including swimming pool, tennis court, ball court or playground may not be constructed from 50 feet or less from an adjoining property (required) to 0 feet (requested) in order to construct a playground on this multi-family site in a “MF-2, MF-3 – NP” Multifamily Residence Low Density – Multifamily Medium Density - Neighborhood Plan zoning district. (North Lamar)

**L-4     C15-2016-0012             David Cancialosi  
   206 San Marcos Street**

**DENIED BY AUSTIN ENERGY (AE); THE PROPOSED STRUCTURE IS IN CONFLICT WITH AE CLEARANCE CRITERIA REQUIREMENTS AND FACILITIES. OWNER/APPLICANT MUST OBTAIN WRITTEN APPROVAL OF CONFLICT RESOLUTION FROM AE PRIOR TO BOA APPROVAL. PLEASE CONTACT EBEN KELLOGG WITH AE PUBLIC INVOLVEMENT AND REAL ESTATE SERVICES AT 322-6050.**

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

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.

## **M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS**

**M-1 C15-2016-0011 Jim Bennett for Jeffery Bridgewater  
3406 East 17<sup>th</sup> Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

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 18 new dwelling units in an “MF-3- NP”, Multifamily residence medium density – Neighborhood Plan zoning district. (MLK)

**M-2 C15-2016-0014 Richard Hughes for Jeff Bullard  
1612 West 11<sup>th</sup> Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 17.4 feet (requested, 6 feet 8 ½ inches existing 1st story) in order to add a 2nd story addition to an existing single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Old West Austin)

**M-3 C15-2016-0016 Lucy Begg for Kevin Fagan  
111 Attayac Street**

**AUSTIN ENERGY DOES NOT OPPOSE YOUR VARIANCE REQUESTS, PROVIDED ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH**



**AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. NOTED, THE CUSTOMER AT 1301 EAST 2ND STREET IS SERVED OVER AND ACROSS YOUR PROPERTY. BOTH SERVICE DROPS WILL BE RELOCATED, PRIOR TO OBTAINING A BUILDING PERMIT. IT IS RECOMMENDED, THAT YOU CONTACT AUSTIN ENERGY'S DESIGN LEAD, JIM ROWIN, AT 512-505-7665, (ST. ELMO SERVICE CENTER) WHO WILL BE ABLE TO DELINEATE THE CLEARANCE REQUIREMENTS OF AUSTIN ENERGY, NESC AND OSHA.**

The applicant has requested variance(s) to:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 3 feet (requested, existing); and to
- B. decrease the rear yard setback from 10 feet (required) to 5 feet (requested); and to
- C. decrease the minimum lot size from 5,750 square feet to 1,650 square feet; and to
- D. Section 25-2, Sub Chapter F, Section 2.6 (B) (Rear Setback Plane) to waive the rear setback plane requirement for the 2nd floor; and to
- E. Section 25-6, Transportation, Appendix A (Parking Schedule) to decrease the minimum number of spaces from 2 required to 1 (requested)

in order to add a second story to an existing single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

Note: The Holly Neighborhood Plan permits a single family home to be built on a lot as small as 2,500 square feet. In addition, the 80% Urban Core parking reduction has been applied.

**M-4 C15-2016-0018 Mike McHone for William Thorgersen  
915 West 22<sup>nd</sup> Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested variance(s) to Section 25-6-601 (A) (Parking Requirements for University Neighborhood Overlay District) to reduce the number of required parking spaces from 7 spaces (required, 60% of the 12 spaces required by Appendix A) to 1 space (requested) in order to erect a student housing co-op in a "MF-4 – CO - NP" Multifamily Residence Medium Density – Conditional Overlay - Neighborhood Plan zoning district. (West University, Outer West Campus)

Note: Multi-family uses can apply administratively to only provide 40% of spaces required by Appendix A (5 spaces for this site) if the use participates in a car sharing program or sets aside 10% of the dwelling units on the site to house persons whose household income is less than 50 % of the median income.

**M-5    C15-2016-0019                      Mike McHone for First Choice Property  
2502 Nueces Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested variance(s) to Section 25-6-601 (A) (Parking Requirements for University Neighborhood Overlay District) to reduce the number of required parking spaces from 79 spaces (required, 60% of the 131 spaces required by Appendix A) to 40 spaces (requested) in order to erect a 253 bed high-rise multi-family use in a “MF- 4 – NP” Multifamily Residence Medium Density - Neighborhood Plan zoning district. (West University, Outer West Campus)

Note: Multi-family uses can apply administratively to provide 40% of spaces required by Appendix A (52 spaces for this site) if the use participates in a car sharing program or sets aside 10% of the dwelling units on the site to house persons whose household income is less than 50 % of the median income.

## **N.        BOARD OF ADJUSTMENT NEW BUSINESS**

**N-1    Review draft revised Board Rules (Brent Lloyd)**

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

## **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.