



**BOARD OF ADJUSTMENT
MARCH 14, 2016
5:30pm
City Council Chambers
301 WEST 2ND STREET
AUSTIN, TEXAS**

___ Brooke Bailey	___ Rahm McDaniel
___ Michael Benaglio	___ Melissa Neslund
___ William Burkhardt (Chair)	___ James Valadez
___ Eric Goff	___ Michael Von Ohlen
___ Melissa Hawthorne (Vice Chair)	___ Kelly Blume (Alternate)
___ Don Leighton-Burwell	

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 – February 8, 2016

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**D-1 C16-2016-0004 Miller Blueprint Company- Luci Miller
1000 East 7th 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 a variance (s) to Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (D) to permit a freestanding sign within a “TOD-NP” Transit Oriented Development – Neighborhood Plan zoning district.

Note: The regulating plan for the Plaza Saltillo Transit Oriented Development Station Section 4.8.2 requires that signs within the district meet the University Neighborhood Overlay Zoning District Sign requirements noted in the request above.

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

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

AUSTIN ENERGY HAS NO COMMENT

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

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.

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

NONE

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

NONE

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

NONE

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2016-0010 Tom Hurt for Sam Hurt
1209 Newning 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 a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to decrease rear yard setback from 10 feet (required) to 7 feet (requested, existing) in order to maintain a 2-story accessory structure and studio constructed at least 10 years ago in an "SF-3- NCCD - NP", Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Fairview Park/South River City)

**K-2 C15-2016-0020 James Kidwell
5704 Wynona 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 a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease front yard setback from 25 feet (required) to 20 feet (requested, existing) in order to maintain a carport constructed at least 10 years ago in an “SF-2”, Family Residence zoning district.

**K-3 C15-2016-0023 Emma Guerrero Nunez
2613 East 2nd 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 a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease 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 “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

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

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

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:

- 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)

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

WITHDRAWN BY APPLICANT

**L-4 C15-2016-0001 Phil Moncada for Pendelton Plus, LLC
 1126 Gunter 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 25-2-492 (D) (Site Development Regulations) to

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

The applicant has requested variance(s) from Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards to:

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.

APPLICANT REQUESTING POSTPONEMENT TO APRIL 11, 2016

**L-8 C15-2016-0018 Mike McHone for William Thorgersen
915 West 22nd 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.

**L-9 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.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0004 SV Triangle LP for Jeffrey Howard
4517 Triangle Avenue**

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

- A. decrease the minimum street side yard setback from 15 feet (required) to 0 feet (requested); and to
- B. Decrease the interior side yard setback from 5 feet (required) to 0 feet (requested); and to
- C. Decrease the minimum rear yard setback from 10 feet (required) to 0 feet (requested); and to
- D. Decrease the minimum front yard setback from 15 feet (required) to 0 feet requested); and to
- E. Increase the maximum impervious cover from 80% (required, permitted) to 86% (requested)

in order to construct a 206 unit congregate care facility and underground parking in a “MF-6”, Multifamily Residence Highest Density zoning district.

**M-2 C15-2016-0021 Nikelle Meade for Mariposa Real Estate, LLC, John Falcon
3338 Paisano Trail**

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) from Section 25-2-832 (*Private Schools*) (1), of Division 3 – Civic Uses to decrease the minimum paved width of a street that the site must be located on from at least 40 feet (required) to varying width of from 16.65 feet – 17.5 feet (requested/existing) in order to erect a private primary and secondary school in a “SF-2”, Family Residence zoning district.

M-3 C15-2016-0022

**Miguel Gonzales for Joseph Malone, JJ & B Investments
2600 Sol Wilson 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 width from 50 feet (required) to 47 feet (requested, existing) in order to construct a single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

M-4 C15-2016-0025

**Patricia and Walter John Kneten
4815 Red River 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 RECCOMENDED 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 variance(s) from:

A. Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum impervious cover from 45% (required/permitted) to 51% (requested); and to

B. decrease the south side yard setback from 5 feet (required) to 2 feet (requested); and to

C. Section 25-2-774 Two-Family Residential use (*Secondary Apartment Regulations*) (C) (5) (b) to increase the maximum square feet on a 2nd story from 550 (required/permitted) to 735 square feet (requested, existing)

in order to move a new primary single family structure to this lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop)

M-5 C15-2016-0031

**Jason Link for Ellen Anderson Logan, Trustee
5033 D US 290 Highway West**

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, Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 64 spaces (required) to 57 spaces (requested) in order to attach additional storage space to this restaurant space in a “GR-NP” Community Commercial - Neighborhood Plan zoning district. (East Oak Hill)

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

N-3 Consistency with application material

N-4 PDF from applicants

N-5 Create a revised checklist

N-6 Sub-committee to be created to address these issues

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.