



AL
1

**BOARD OF ADJUSTMENT
MEETING MINUTES
(February 8, 2016)**

The Board of Adjustment convened in a meeting on February 8, 2016, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:25 p.m.

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

Staff in Attendance: Leane Heldenfels, Diana Ramirez, Brent Lloyd (COA Attorney), Lynda Courtney (City Staff) and Greg Guernsey (City Staff)

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

Board Member Melissa Hawthorne motion to Approve the minutes for January 11, 2016, Brooke Bailey second on 10-0; **APPROVED MINUTES FOR January 11, 2016.**

Postponement requests from applicants, staff and interested parties for Items M-4 and M-5 to March 14, 2016, Items F-1 and F-3 to April 11, 2016, Items L-1, L-2, L-3 and L-4 to May 9, 2016, motion to Approve postponements by Board member Michael Von Ohlen, Brooke Bailey second on a 10-0 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**

AZ

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**

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

A/3

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 2nd 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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant Item E only and Deny Items A, B, C, D, and F, Board Member Melissa Hawthorne second on a 8-2 vote (Board Members William Burkhardt and Eric Goff nay); GRANTED ITEM E ONLY AND DENY ITEMS A, B, C, D, AND F.

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

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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 8-1 vote (Board member Rahm McDaniel nay, Board Member Eric Goff off the dias); GRANTED.

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**

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 restrictive covenant, and a building permit. The appellant disagrees that, among other things, the Land Use Determination and related development approvals incorrectly treat various outdoor activities held at educational and religious assembly facilities as part of the principal use rather

than as temporary activities subject to City Code Section 25-2-921(C) in an "RR-NP", Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

A/4

POSTPONED TO APRIL 11, 2016 BY APPLICANT

**F-2 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

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.

The public hearing was closed on Board Member Don Leighton-Burwell motion to Grant appeal, Board Member Brooke Bailey second on a 5-5 vote (Board members Eric Goff, Melissa Hawthorne, Melissa Neslund, James Valadez, Rahm McDaniel nay); vote failed, DENIED.

**F-3 C15-2015-0168 Robert Kleeman
8901 West Highway 71**

The appellant has requested that the Board of Adjustment interpret whether staff erred in making an administrative decision to approve site plan correction number 12 to the current site plan of this property (SP-2011-185C (R1)), thereby authorizing construction of a disc golf course and outdoor dog park at this church facility in a "RR-NP", Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

POSTPONED TO APRIL 11, 2016 BY APPLICANT

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

**H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS
POSTPONEMENTS**

NONE

A/5

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-1 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.

Board Member Melissa Hawthorne motion to Reconsider request, Board Member Michael Von Ohlen second on a 10-0 vote; **RECONSIDERED REQUEST**; the public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member Eric Goff second on a 10-0 vote; **DENIED**.

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**

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 10-0 vote; **GRANTED**.

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

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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 10-0 vote; **GRANTED**.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

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

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.

POSTPONED TO MAY 9, 2016 BY APPLICANT

**L-2 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 MAY 9, 2016 BY APPLICANT

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

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)

POSTPONED TO MAY 9, 2016 BY APPLICANT

A/C

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

A/7

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 "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 MAY 9, 2016 BY APPLICANT

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

M-1 C15-2016-0011 Jim Bennett for Jeffery Bridgewater
3406 East 17th Street

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)

The public hearing was closed on Board Member Brooke Bailey motion to Postpone to March 14, 2016, Board Member Eric Goff second on a 10-0 vote; POSTPONED TO MARCH 14, 2016.

M-2 C15-2016-0014 Richard Hughes for Jeff Bullard
1612 West 11th Street

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)

1/8

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 10-0 vote; GRANTED.

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

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.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 14, 2016, Board Member Melissa Neslund second on a 10-0 vote; POSTPONED TO MARCH 14, 2016.

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

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.

POSTPONED TO MARCH 14, 2016 BY APPLICANT

1/9/16

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

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.

POSTPONED TO MARCH 14, 2016 BY APPLICANT

N. BOARD OF ADJUSTMENT NEW BUSINESS

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

POSTPONED TO MARCH 14, 2016 BY BOARD

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

POSTPONED TO MARCH 14, 2016 BY BOARD

ADD ITEMS BELOW ON THE NEXT MONTH'S AGENDA AS NEW BUSINESS:

- 1. CONSISTENCY WITH APPLICATION MATERIAL**
- 2. PDF FROM APPLICANTS**
- 3. CREATE A REVISED CHECKLIST**
- 4. 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.

