



**BOARD OF ADJUSTMENT  
MARCH 14, 2016  
5:30pm  
City Council Chambers  
301 WEST 2<sup>ND</sup> 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 7<sup>th</sup> Street**

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 34<sup>th</sup> 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.

**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**

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**

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 2<sup>nd</sup> 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 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. 8<sup>th</sup> 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)

**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)

**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  
**WITHDRAWN BY APPLICANT**

**L-4    C15-2016-0001        Phil Moncada for Pendelton Plus, LLC  
1126 Gunter Street**

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.

**L-5    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.

**L-6    C15-2016-0011        Jeffery Bridgewater  
   3406 East 17<sup>th</sup> Street**

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

A. (B) 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); and to

B. (C) (1) increase the height limitation for a structure from two stories and 30 feet, if the structure is 50 feet or less from property in an SF-5 or more restrictive zoning district (required) to two stories and 32 feet (requested)

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

**L-7    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

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)

**APPLICANT REQUESTING POSTPONEMENT TO APRIL 11, 2016**

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)

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)

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

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**

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**

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**

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**

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.



