



**BOARD OF ADJUSTMENT
MAY 9, 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. APPROVAL OF MINUTES

A-1 Draft minutes-April 11, 2016

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NONE

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NONE

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

**J-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)

**J-2 C15-2016-0023 Emma Guerrero Nunez
2613 East 2nd 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)

WITHDRAWN BY APPLICANT

**J-3 C15-2016-0033 Maureen McCormack
1205 Richcreek Road**

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 1.75 feet (requested, existing) in order to maintain a carport constructed at least 10 years ago in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview)

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2016-0037 Alexandra Jashinsky for Stephen Greenberg
1511 Eva Street**

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

A. Section 25-2-492 (D) (Site Development Regulations) to decrease side yard setback from 5 feet (required) to 1.2 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 an accessory barn/garage structure constructed at least 10 years ago in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin)

**K-2 C15-2016-0057 Joydale Guyton
7019 Colony Loop 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 front yard setback from 25 feet (required) to 0 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**

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 JUNE 13, 2016 OR JULY 11, 2016

**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.

REQUESTING POSTPONEMENT TO JUNE 13, 2016

**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)

REQUESTING POSTPONEMENT TO JULY 11, 2016

**L-4 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. increase the maximum impervious cover from 45% (required/permitted) to 53% (requested); and to

E. 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

F. 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 small lots as small as 2,500 square feet and for those small lots permits up to 65% impervious cover. Because the subject lot is smaller than 2,500 square feet it does not receive these administratively approved exemptions.

**L-5 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.

**L-6 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.

**L-7 C15-2016-0039 Farooq Balaparya
 2529 Winsted Lane**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum rear yard setback from 10 feet (required) to 7 feet (requested, existing) in order to maintain a 2 story additional living space detached structure, recently constructed without a 2nd kitchen/sink, in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**L-8 C15-2016-0040 Lisa Schiller
 1103 East 2nd Street**

The applicant has requested variance(s) to:

A. 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 892 square feet (requested); and to

B. Section Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 – Maximum Development Permitted to increase the floor-to-area ratio from .4 to 1 (required/permitted) to .6 to 1 (requested)

in order to add a second dwelling unit above a new garage structure in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

**L-9 C15-2016-0041 Vince Huebinger for Muazaz Younes
 3200 Clawson Road**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the street frontage lot width from 50 feet (required) to 45 feet (requested) in order to subdivide this property into three lots in a “SF-3”, Family Residence zoning district.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0027 Achal Dhruva
 3405 Clearview 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 50% (requested) in order to maintain single family home and pool in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-2 C15-2016-0045 LA48-84, LLC for Aileen and Lee Krasner
 70 Julius Street**

The applicant has requested variance(s) to Section 25-2-774 (B) (*Two-Family Residential Use*) to decrease the standard lot size from 5,750 square feet to 5,098 square feet in order to build a new single family home and second dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly, Festival Beach Waterfront Overlay)

Note: Section 25-2-943 (*Substandard Lot*) of the Zoning Ordinance permits lots configured prior to March 15, 1946 (which this lot would meet) to be smaller than 5,750 square feet for construction of a single family home, but that exemption does not to allow a second dwelling unit/two-family residential use proposed.

**M-3 C15-2016-0046 Christopher Landgraf
11400 Hattery Lane**

The applicant has requested a variance(s) from Section 25-2-899 (E) (*Fences as Accessory Uses*) to allow an 8 foot fence without consent of each owner of property that adjoins a section of the fence that exceeds a height of six feet when there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties in order to maintain an 8 foot solid privacy fence along the property line of this lot in an “PUD”, Planned Unit Development zoning district. (Avery Ranch)

**M-4 C15-2016-0048 Jim Witliff for Charles Newman
1605 Brackenridge Street**

The applicant has requested a variance to Section 25-2-515 (*Rear Yard of a Through Lot*) to decrease the minimum through lot setback from 25 feet (required) to 5 feet (requested, 0 feet existing) in order to reconstruct a detached garage in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

**M-5 C15-2016-0049 Jordan French
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
- 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); and to
- D. increase the minimum lot size from 5,750 square feet (required, permitted) to 2,420 square feet (requested, existing)

in order to add a master suite addition to this existing home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

NOTE: The East Cesar Chavez neighborhood plan allows a single family home on lots of 2,500 square feet or more, however this lot is slightly smaller. Further the plan allows for 65% impervious cover for small lots, but this lot cannot use that higher amount due to it's smaller than small lot size.

**M-6 C15-2016-0050 Matthew Garcia for Walt Penn
2200 Matthews Drive**

The applicant has requested a variance(s) from Section 25-2-1604 (C) (1) to permit the parking structure to be closer to the front lot line than the building façade in order to construct a detached carport in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-7 C15-2016-0051 Fayez Kazi for Gino Troy
1309 East 7th Street**

The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 9 spaces (required, which per 25-6-611 is 60% of that prescribed for the proposed use) to 1 space (requested, 1 handicapped space is provided) in order to change the use of an existing 1,554 square foot structure from office to cocktail lounge use in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district. (Central East Austin)

**M-8 C15-2016-0052 Rodney Bennett for Tim Hill
3701 South Green Trails**

The applicant has requested a variance(s) from Section 25-2-899 (D) (*Fences as Accessory Uses*) to increase the fence height permitted from 6 feet average or a maximum of seven feet (required) to 8 feet for the fence sections and 9 feet 7 inches for the brick columns (requested) in order to maintain solid privacy fence along the property line of this lot in an “SF-3”, Family Residence zoning district.

**M-9 C15-2016-0053 Alvaro Bastidas
702 West Milton Street**

The applicant has requested variance(s) from Section 25-2-773 (B) (1) (*Duplex Residential Use*) to decrease the minimum lot size from 7,000 square feet (required) to 6,986 square feet (requested) in order to erect a duplex in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin)

Note: a variance for duplex lot size was granted by the Board in 3/10/2014 for this lot that expired 3/10/2015, a year before plan review application was made in March of 2016.

**M-10 C15-2016-0054 Alice Arteberry for Michael and Aubrey Word
3104 Grandview Street**

The applicant has requested a variance to Section 25-2-515 (*Rear Yard of a Through Lot*) to decrease the minimum through lot setback from 25 feet (required) to 15 feet (requested) in order to erect a new detached garage with 2nd story accessory dwelling unit in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West University)

**M-11 C15-2016-0055 Jeff B. Mills
4609 Avenue G**

The applicant has requested a variance to Ordinance #20050818-064 (North Hyde Park Neighborhood Conservation-Neighborhood Plan), Part 7, 1 to decrease the minimum lot width from 50 feet (required) to 41 feet (requested) in order to erect a single family residence in a “SF-3-NCCD - NP”, Family Residence – Neighborhood Plan zoning district. (Hyde Park)

Note: this lot was in its current configuration prior to March 15, 1946, however a deed of that configuration was not filed until after that date and therefore the lot could not meet Section 25-2-943 Substandard Lot exemption for single family residential use of lots.

**M-12 C15-2016-0056 David Murray
4902 Gladeview Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum rear setback from 10 feet (required) to 9 feet 4 inches (requested, existing) in order to remodel an existing detached accessory structure to become a 2nd dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South Manchaca)

**M-13 C15-2016-0058 Angelica Norton for Leslie Buck
4605 Highland Terrace**

The applicant has requested a variance(s) from Section 25-2-899 (D) (*Fences as Accessory Uses*) to increase the average height allowed for a solid fence from 6 feet (required) to 7 feet (requested) in order to erect a 7 foot tall concrete privacy fence along the property line of this lot in an “SF-2”, Family Residence zoning district.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Review and possible approval of the 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 One year Extension (to 6/2017) of Special Exception to Planning Commission 5/10/2016
and Council 5/19/16

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.