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**BOARD OF ADJUSTMENT
MEETING MINUTES
(June 13, 2016)**

The Board of Adjustment convened in a meeting on June 13, 2016, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:35 p.m.

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

Board Member absent: Rahm McDaniel

Staff in Attendance: Leane Heldenfels (City staff), David Sorola (COA Attorney)

Staff absent: Diana Ramirez,

EXECUTIVE SESSION (No public discussion)

The Board of Adjustment 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 DRAFT MINUTES – May 9, 2016

Board Member Brooke Bailey motions to approve the minutes for May 9, 2016, Board Member Melissa Hawthorne second on 11-0; APPROVED MINUTES FOR May 9, 2016.

Postponement requests from applicants, staff and interested parties for Items F-1 and F-2 to postpone to July 11, 2016 and Items J-1 (condition with no further postponements), L-1 (condition with no further postponements) and L-3 to postpone to August 8, 2016, Board Member Michael Von Ohlen motion to approve postponements as requested; Melissa Hawthorne second on 11-0; APPROVED POSTPONEMENTS.

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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

**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)

POSTPONED TO JULY 11, 2016 BY APPLICANT

**F-2 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 JULY 11, 2016 BY APPLICANT

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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 C15-2015-0107 James Coak for Julia Esparza
4502 Merle Drive**

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 the side yard setback from 5 feet (required) to 0 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 a detached second dwelling unit constructed at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (South Manchaca)

POSTPONED TO AUGUST 8, 2016 BY APPLICANT WITH CONDITION NO FURTHER POSTPONEMENTS

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2016-0063 Jay C. and Jayne S. Crawford
3205 McElroy 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 side yard setback from 5 feet (required) to 3.2 feet (requested, existing) in order to maintain a detached accessory living space constructed at least 10 years ago in an "SF-2", Family Residence zoning district.

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The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Bryan King second on a 11-0 vote; GRANTED.

**K-2 C15-2016-0066 Sidney B. Grief for Marjory Butler
8500 Valleyfield 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:

- A. decrease the front yard setback from 25 feet (required) to 10 feet 9 inches (requested, existing); and to
- B. decrease the west side setback from 5 feet (required) to 2 feet (requested, existing); and to
- C. decrease the east side setback from 5 feet (required) to 0 feet (requested, existing)

in order to maintain a carport, greenhouse, storage structure and covered side entrance constructed at least 10 years ago in an "SF-3", Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Bryan King second on a 11-0 vote; GRANTED.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2016-0011 Jeffery Bridgewater
3406 East 17th 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 three 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)

POSTPONED TO AUGUST 8, 2016 BY APPLICANT WITH CONDITION NO FURTHER POSTPONEMENTS

**L-2 C15-2016-0016 Lucy Begg for Kevin Fagan
111 Attayac Street**

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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 minimum lot size from 5,750 square feet to 1,650 square feet; and to

C. increase the maximum impervious cover from 45% (required/permitted) to 53% (requested); and to

D. Section 25-6, Transportation, Appendix A (Parking Schedule) to decrease the minimum number of spaces from 2 required to 1 (requested); and to

in order to add a second story to an existing single family home making the total square footage of the house not more than 1,100 square feet 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.

Subchapter F of the Land Development Code permits up to 2,300 square feet of living space, however applicant is restricting living space to 1,100 square feet.

The public hearing was closed on Board Member Bryan King motion to Grant Items A, B, C, and D with condition of add .4 FAR, Board Member Melissa Hawthorne second on a 11-0 vote; GRANTED ITEMS A, B, C, AND D WITH CONDITION OF ADD .4 FAR.

**L-3 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 AUGUST 8, 2016 BY APPLICANT

L-4 C15-2016-0019 Mike McHone for First Choice Property

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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.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant for 37 spaces and 160 beds, Board Member Michael Von Ohlen second on a 10-1 vote (Board member Don Leighton-Burwell nay); **GRANTED FOR 37 SPACES FOR 160 BEDS.**

**L-5 C15-2016-0035 Joel M. Wixon P.E. for Herman Cardenas
8401, 8403, 8409, 8313 South 1st Street**

The applicant has requested variance(s) to 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 or on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 20 feet (requested); and to

B. (C) (1) increase the height and story 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 three stories and 36 feet (requested); and to

C. (C) (2) increase the height and story limitations from three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property in a SF-5 or more restrictive zoning district (required) to three stories and 45 feet (requested); and to

D. 1067 (G) (Design Regulations) to decrease the distance a parking or driveway area may be constructed from a lot in an SF-5 or more restrictive zoning district or on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 0 feet (requested)

in order to construct new multi-family dwelling units in an "LR-MU-CO and SF-6-CO", Neighborhood Commercial – Mixed Use – Conditional Overlay and Multifamily residence highest density - Conditional Overlay zoning district.

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The public hearing was closed on Board Member Michael Von Ohlen motion to Grant for south side of property only and Item D to 10 feet with conditions as per handout/drawing of pages 10 and 11 and pedestrian/bicycle connection to the adjacent neighborhood and elimination of parking area over root zone of heritage area, Board Member Bryan King second on a 11-0 vote; **GRANTED FOR SOUTH SIDE OF PROPERTY ONLY AND ITEM D TO 10 FEET WITH CONDITIONS AS PER HANDOUT/DRAWING OF PAGES 10 AND 11 AND PEDESTRIAN/BICYCLE CONNECTION TO THE ADJACENT NEIGHBORHOOD AND ELIMINATION OF PARKING AREA OVER ROOT ZONE OF HERITAGE AREA.**

**L-6 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 **(WITHDRAWN BY APPLICANT)**

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)

The public hearing was closed on Board Member Bryan King motion to Grant Item B only with condition to increase the FAR to .44 and condition that additional FAR be located within ADU, Board Member Michael Von Ohlen second on a 11-0 vote; **GRANTED ITEM B ONLY WITH CONDITION TO INCREASE THE FAR TO .44 AND CONDITION THAT ADDITIONAL FAR BE LOCATED WITHIN ADU.**

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0060 Lotte Vehko for Sara and William Bircher
 3913 Avenue F**

The applicant has requested variance(s) to Ordinance 020131-20 Part 8, 1 (*Site Development Standards Table*) to decrease the minimum rear yard setback from 10 feet (required/permitted) to 3 feet 6 inches (requested) in order to erect a new two-story garage with apartment in an “SF-3-H-HD-NCCD-NP”, Family Residence – Historic Landmark - Historic Area – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition to move garage forward 5 feet north towards 40th Street from current location on the plan, Board Member Michael Von Ohlen second on a 10-1 vote (Board member Bryan

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King nay); **GRANTED WITH CONDITION TO MOVE GARAGE FORWARD 5 FEET NORTH TOWARDS 40TH STREET FROM CURRENT LOCATION ON THE PLAN.**

**M-2 C15-2016-0067 Steven Buffum P.E. for Geraldine Timmermann
10017 Middle Fiskville Road**

The applicant has requested variance(s) to Section 25-2, Sub Chapter E, Section 4.2.1. (D) 6 b and c (Mixed Use Zoning Districts) to decrease the minimum site area for each dwelling unit from 1,600 square feet for each efficiency dwelling unit and 2,000 square feet for each one bedroom dwelling unit and 2,400 square feet for a dwelling unit with two or more bedrooms or 185,600 square feet for the 142, 938 square feet of this property zoned LO and then 800 square feet for each efficiency unit, 1,000 square feet for each one bedroom unit and 1,200 square feet for each two or more bedroom unit or 102,000 square feet for the 141,819 square feet of this property zoned CS, a total minimum site area of 287,600 square feet (required) to a total minimum site area of 284,757 square feet (requested) in order to erect a 172-unit S.M.A.R.T housing, senior living, multi-family complex with 0 efficiency units, 58 one bedroom units and 114 two or more bedroom units on a property that is 42,662 square feet less in minimum site area required in a "LO-MU-V-CO-NP", Limited Office – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan and 39,819 square feet in surplus of minimum site area required in a "CS-MU-V-CO-NP", General Commercial Services – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to provide a surplus of 39,819 square feet of site area within the CS zoned portion of the tract, Board Member Brooke Bailey second on a 11-0 vote; GRANTED WITH CONDITION TO PROVIDE A SURPLUS OF 39,819 SQUARE FEET OF SITE AREA WITHIN THE CS ZONED PORTION OF THE TRACT.

**M-3 C15-2016-0068 John R. Terwilliger
902 Wayside Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum side setback from 5 feet (required) to .8 (requested) in order to remodel and expand existing carport structure the is currently 4.2 feet from side property line in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 11-0 vote; GRANTED.

**M-4 C15-2016-0069 Linda Sullivan for Michael and Wendy Tita
5905 Tumbling Circle**

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

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A. decrease the minimum side setback from 5 feet (required/permitted) to 0 feet (requested); and to

B. decrease the minimum rear setback from 10 feet (required/permitted) to 0 feet (requested)

in order to secure a permit to construct an elevated deck that was originally built at this location in 1986 in an "SF-3", Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Brooke Bailey second on a 9-2 vote (Board members Don Leighton-Burwell, William Burkhardt nay); GRANTED.

**M-5 C15-2016-0070 Nicole Blair for Mitchell Oringer
1504 East 13th Street**

The applicant has requested variance(s) to Section 25-2-947 (B) (2) (*Non-Conforming Use Regulations Group*) to increase the percentage of the value of the structure before improvement that a person may improve, enlarge, or structurally alter a structure from 20 percent of the value of the structure before improvement or \$43, 600 (required, allowed) to 275 percent or \$600,000 (requested) in order to remodel an existing duplex to the rear of the property and expand and remodel an existing single family home in the front of the property in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Central East Austin)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 11-0 vote; GRANTED.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Review and possible approval of the draft revised Board Rules (Brent Lloyd)

Board Member Bryan King motion to Postpone to July 11, 2016, Board Member Eric Goff second; POSTPONED TO JULY 11, 2016 WITH NO OBJECTIONS.

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.

