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**BOARD OF ADJUSTMENT
MEETING MINUTES
(July 11, 2016)**

The Board of Adjustment convened in a meeting on July 11, 2016, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:30 p.m.

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

Staff in Attendance: Leane Heldenfels (City staff), Diana Ramirez (City Staff), Brent Lloyd (COA Attorney)

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 – June 13, 2016

Board Member Melissa Hawthorne motions to approve the minutes with corrections to Item L-4 for June 13, 2016, Board Member Bryan King second on 10-0-1 (Board member Rahm McDaniel late); **APPROVED MINUTES FOR JUNE 13, 2016.**

Postponement requests from applicants, staff and interested parties for Items F-1, F-2, L-2, M-2 and M-4 to postpone to August 8, 2016 and Item L-4 to postpone to October 10, 2016 and Item L-1 to withdraw, Board Member Melissa Hawthorne motion to approve postponements/withdrawal as requested except for Item M-4 after further discussion of Item M-4 Board vote to hear case; Don Leighton-Burwell second on 11-0; **APPROVED POSTPONEMENTS/WITHDRAWAL EXCEPT FOR ITEM M-4.**

B. SIGN REVIEW BOARD RECONSIDERATIONS

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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 AUGUST 8, 2016 BY APPLICANT; BOARD WILL NOT ENTERTAIN ADDITIONAL POSTPONEMENTS BEYOND AUGUST 8, 2016

**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 AUGUST 8, 2016 BY APPLICANT; BOARD WILL NOT ENTERTAIN ADDITIONAL POSTPONEMENTS BEYOND AUGUST 8, 2016

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

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NONE

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-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 Rahm McDaniel motion to Deny reconsideration request, Board Member Eric Goff second on a 7-4 vote (Board members Brooke Baily, Michael Benaglio, Melissa Hawthorne, Bryan King nay); **DENIED RECONSIDERATION REQUEST.**

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

NONE

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2016-0072 Martin Butler
6100 Nasco 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 0 feet (requested, existing) in order to maintain a shed 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 Bryan King second on a 11-0 vote; **GRANTED.**

**K-2 C15-2016-0080 Patrick W. O'keefe
1101 Garner Avenue**

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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 street side yard setback from 15 feet (required) to 0 feet (requested, existing) in order to maintain a portico and carport 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 C15-2015-0106 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.

WITHDRAWN BY APPLICANT

**L-2 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)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to August 8, 2016, Board Member Bryan King second with no Objections; POSTPONED TO AUGUST 8, 2016.

**L-3 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

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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.

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Don Leighton-Burwell second on a 11-0 vote; DENIED.

**L-4 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.

POSTPONED TO OCTOBER 10, 2016 BY APPLICANT

**L-5 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

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square foot structure from office to cocktail lounge use in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district. (Central East Austin)

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Don Leighton-Burwell second on a 9-2 vote (Board members Eric Goff and Michael Von Ohlen nay); **DENIED.**

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0074 Shaw Hamilton for Bradley Bechtol
2402 South 2nd Street**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front setback from 25 feet (required/permitted) to 11.6 feet (requested, front setback average for block 21.6 in order to construct a single family home in an “SF-3”, Family Residence – zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant to 14 feet, Board Member Melissa Hawthorne second on a 11-0 vote; **GRANTED TO 14 FEET.**

**M-2 C15-2016-0075 Ron Thrower for Jessica Crowley
2215 Willow Street**

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

A. decrease the minimum side setback from 5 feet (required/permitted) to 1.5 feet (requested, existing); and to

B. decrease the minimum rear setback from 10 feet (required/permitted) to .75 feet (requested, existing); and to

C. decrease the minimum front setback from 25 feet (required/permitted) to 19.5 feet (requested existing)

in order to remodel a single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

POSTPONED TO AUGUST 8, 2016 BY APPLICANT

**M-3 C15-2016-0077 Gregory Millard for Swiki Anderson
1604 West Lane**

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

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- A. decrease the front yard setback from 40 feet (required) to 15 feet (requested); and to
- B. decrease minimum lot width from 100 feet (required) to 48.7 feet (requested, measured at 40 foot front setback line); and to
- C. decrease the minimum side setback on north side of lot from 10 feet (required) to 5 feet (requested); and to
- D. Section 25-2-551(C) (3) (Lake Austin District Regulations) to increase the maximum impervious cover from 35% (required for slope gradient of 15% or less) to 38% (requested)

in order to construct a single family home in a "LA", Lake Austin zoning district.

Note: this variance request was approved by the Board March 9, 2015, however that variance expired one year after that date prior to permits being issued at the site.

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

**M-4 C15-2016-0078 Mark Rogers (Guadalupe Neighborhood Development Corp.)
705 Lydia Street**

The applicant has requested variance(s) from Section 25-2-1461 Secondary Apartment (Special Use Infill Options - Secondary Apartments) to decrease the minimum lot area from 5,750 square feet (required) to 4,131 square feet (requested) in order to build a new single family residence and second dwelling unit on this lot 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 8-3 vote (Board members William Burkhardt, Bryan King, Melissa Neslund nay); DENIED.

**M-5 C15-2016-0081 Nikelle Meade for Journeyman Austin Holdings
1000 North Lamar Boulevard**

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 off-street loading spaces from 1 space (required) to 0 spaces (requested) in order to erect a 4-story office building (2 stories office space, 2 stories parking) in a "CS-MU-V-CO-NP", General Commercial Service – Mixed Use – Vertical Mixed Use – Conditional Overlay - Neighborhood Plan zoning district. (Old West Austin)

The public hearing was closed on Board Member Bryan King motion to Postpone to August 8, 2016, Board Member Brooke Bailey second on a 10-0-1 vote (Board member Melissa Hawthorne off the dias); POSTPONED TO AUGUST 8, 2016.

**M-6 C15-2016-0082 Howard Smith for Daniel Graham
2100 East 14th Street**

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The applicant has requested variance(s) from Section 25-2-774 (C) (5) (a) (Two-Family Residential Use) to increase the maximum size of a second dwelling unit from 1,100 square feet (required/permitted) to 1,356 square feet (requested) in order to add a second dwelling unit behind a new primary home that is a recreation of the original primary home, identical on the exterior per plans approved by the Historic Land Commission, in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut)

Note: A variance with a condition that historic zoning be obtained for the primary house was approved 9/8/2014. During remodel/expansion of the existing house, the remaining 2 walls of the house collapsed. Therefore, retaining the historic zoning condition of the variance was no longer possible.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 8, 2016, Board Member Bryan King second on a 10-1 vote (Board member Michael Benaglio nay); POSTPONED TO AUGUST 8, 2016.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Discussion of fees charged for Interpretation cases; Potential resolution to Council

POSTPONED TO September 28, 2016 WITH NO OBJECTIONS AND TO ADD ALL FEES TO DISCUSSION NOT JUST FOR INTERPRETATION CASES TO September 28, 2016.

N-2 Consistency with application material

BRENT LLOYD WILL PROVIDE INFORMATION VIA GUIDEBOOK TO BOARD MEMBERS

N-3 Create a revised checklist

BRENT LLOYD WILL PROVIDE INFORMATION VIA GUIDEBOOK TO BOARD MEMBERS

N-4 Annual Internal Review Report

Board Member Bryan King motion to Grant, Board Member Brooke Bailey second on a 11-0 vote; GRANTED; Recommended to provide to Council as written.

N-5 Review of the draft revised Board Rules; Potential Adoption

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Board Member Melissa Hawthorne motion to Grant revised Board Rules with additional changes as discussed, Board Member Bryan King second; GRANTED REVISED BOARD RULES WITH ADDITIONAL CHANGES AS DISCUSSED; 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.

