



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

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

William Burkhardt called the Board Meeting to order at 5:33 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Michael Benaglio, Eric Goff, Melissa Hawthorne (Vice-Chair), Bryan King, 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), Diana Ramirez (City Staff), Cindy Crosby (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 – July 11, 2016

Board Member Bryan King motions to approve the minutes for July 11, 2016, Board Member Kelly Blume second on 11-0; APPROVED MINUTES FOR JULY 11, 2016.

Postponement requests from applicants, staff and interested parties for Items F-1, F-2, L-3, L-6, and M- 6 to postpone to September 28, 2016 and Item M-1 to postpone to February 13, 2017 and Item L-2 to withdraw, Board Member Michael Von Ohlen motion to approve postponements/withdrawal as requested; Eric Goff second on 10-1 (Board member Bryan King nay); APPROVED POSTPONEMENTS/WITHDRAWAL.

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 SEPTEMBER 28, 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 SEPTEMBER 28, 2016 BY APPLICANT

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-2 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)

Board Member Melissa Hawthorne motion to reconsider request, Board Member Brooke Bailey second on a 10-1 vote (Board member Bryan King nay); RECONSIDER REQUEST; The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to September 28, 2016, Board Member Michael Von Ohlen second on a 11-0 vote; POSTPONED TO SEPTEMBER 28, 2016.

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 10 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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Brooke Bailey second on a 8-3 vote (Board members Eric Goff, Melissa Hawthorne and Melissa Neslund nay); DENIED.

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2016-0061 Nanette DiNunzio
3104 East 13th 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 1 foot (requested, existing) in order to maintain a detached garage constructed at least 10 years ago in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

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

**K-2 C15-2016-0089 Marie Rose Caesar
2011 Alta Vista 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 side yard setback from 5 feet (required) to 4.7 feet (requested, existing) in order to maintain a detached garage constructed at least 10 years ago in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

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.

**K-3 C15-2016-0094 Norma Yancey for Kathleen Dorran
7311 Grover 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 side yard setback from 5 feet (required) to 4.8 feet (requested, existing) in order to maintain a detached garage constructed at least 10 years ago and change the use to second dwelling unit in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview)

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.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 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 September 28, 2016, Board Member Eric Goff second on a 6-5 vote (Board members Brooke Bailey, William Burkhardt, Bryan King, Don Leighton-Burwell, Kelly Blume nay); POSTPONED TO SEPTEMBER 28, 2016.

**L-2 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)

WITHDRAWN BY APPLICANT

**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 SEPTEMBER 28, 2016 BY APPLICANT

**L-4 C15-2016-0075 Ron Thrower for Donovan & 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); and to

D. decrease the minimum street side yard setback from 15 feet (required/permitted) to 5.5 feet (requested, existing)

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

The public hearing was closed on Board Member Brooke Bailey motion to Postpone to September 28, 2016, Board Member Michael Von Ohlen second on a 11-0 vote; POSTPONED TO SEPTEMBER 28, 2016.

**L-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 Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 11-0 vote; GRANTED.

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

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.

POSTPONED TO SEPTEMBER 28, 2016 BY APPLICANT

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0084 Scott Jacobs
2003 Arpdale 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 4.4 feet (requested, existing); and to

B. decrease the minimum rear setback from 10 feet (required/permitted) to 5.5 feet (requested, existing); and to

C. Section 25-2-774 (Two-Family Residential Use) (C) (2) (a) to decrease the minimum distance a second dwelling unit must be located from the primary structure from 10 feet (required) to 6 feet (requested/existing)

in order to permit occupancy of an existing accessory structure and covered deck for use as a 2nd dwelling unit in a “SF-3”, Family Residence zoning district.

POSTPONED TO FEBRUARY 13, 2017 BY APPLICANT (RE-NOTICE NEEDED)

**M-2 C15-2016-0085 Eric DeYoung for Stone Park Trust
3959 Westlake Drive**

The applicant has requested variance(s) to Section 25-2-551 (C) (3) (Lake Austin District Regulations) for a lot included in a subdivision plat recorded before April 22, 1982 or a tract that is not required to be platted to:

A. (a) increase the maximum impervious cover on a slope with a gradient of 15% or less from 35% (required/permitted) to 49.53 (requested/ 62.31% existing); and to

B. (c) increase the maximum impervious cover on a slope with a gradient of more than 25% and not more than 35% from 5% (required/permitted) to 10.09% (requested, 12.04% existing); and to

C. (E) (2) to permit development on a slope with a gradient of more than 35%, which is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs from 0% (required/permitted) to 26.3% (requested, existing)

in order to close/final existing open permits taken out by prior owners of this address after removing 3,870 square feet of existing impervious cover in a “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Bryan King motion to Postpone to September 28, 2016, Board Member Brooke Bailey second on a 11-0 vote; POSTPONED TO SEPTEMBER 28, 2016.

**M-3 C15-2016-0086 Michael S. Melfi for Jose L. Rios
1106 Mansell Avenue**

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

A. decrease the minimum lot area from 5,750 square feet (required) to 3,515 square feet (requested), and to;

B. decrease the minimum lot width from 50 feet (required) to 36.80 feet (requested); and to

C. increase the maximum impervious cover from 45% (required) to 65% (requested)

in order to create a new lot and erect a new single family residence in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (MLK- 183)

Note: The MLK-183 neighborhood plan for this area allows for small lot amnesty for existing legal lots over 2,500 square feet, however this parcel was deed divided in 1965 and never had utilities so it does not qualify for land status exemption as a legal lot. Therefore, these variances are sought in order for the owner to file a subdivision plat of the parcel thereby creating a legal lot. The neighborhood plan also allows for 65% impervious cover for lots 3,500 square feet or less, however this lot will be 3,515 square feet and did not exist as a legal lot in 2002 when the neighborhood plan was established.

The public hearing was closed on Board Member Bryan King motion to Grant with condition to limit to .4 FAR, Board Member Michael Von Ohlen second on a 11-0 vote; GRANTED WITH CONDITION TO LIMIT TO .4 FAR.

**M-4 C15-2016-0087 Greg Smith and William Faust
2001 & 2003 South Lamar Boulevard**

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 0 feet (requested) in order to construct four additional climate controlled self-storage units in an “CS-V”, General Commercial Services – Vertical Mixed Use and “CS-MU-V-CO”, General Commercial Services – Mixed Use – Vertical Mixed Use - Conditional Overlay zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to October 10, 2016, Board Member Brooke Bailey second on a 11-0 vote; POSTPONED TO OCTOBER 10, 2016. (RE-NOTIFICATION NEEDED)

**M-5 C15-2016-0090 Bill Bucuk for Patrick Dixson and Sharon Watkins
1103 West 45th 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 2.5 feet (requested, existing); and to
- B. decrease the minimum rear setback from 10 feet (required/permitted) to 6.1 feet (requested, existing); and to
- C. decrease the minimum front setback from 25 feet (required/permitted) to 19.8 feet (requested, existing); and to
- D. decrease the minimum lot width from 50 feet (required/permitted) to 47 feet (requested, existing); and to
- E. decrease the minimum lot size from 5,750 square feet (required/permitted) to 2, 269 square feet (requested, existing)
- F. Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 1 space (requested, 0 existing)

in order to erect a new single family home in a “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Postpone to September 28, 2016, Board Member Brooke Bailey second on a 11-0 vote; POSTPONED TO SEPTEMBER 28, 2016. (RE-NOTIFICATION NEEDED)

**M-6 C15-2016-0092 Gabriel Hovdey for Steve Edel
1418 Frontier Valley Drive**

The applicant has requested variance(s) from Section 25-2-1205 (Site Development Regulations for Mobile Home Parks) of Article 14, Mobile Homes and Tourist or Trailer Camps to:

A. (2) decrease the minimum site area per dwelling unit from 4,500 square feet per unit (required) to 3,567 square feet per unit (requested); and to

B. (3) decrease the minimum side yard from 15 feet (required) to 5 feet (requested)

in order to create new 10 mobile home spaces in an “MH-NP”, Mobile Home Residence – Neighborhood Plan zoning district. (Montopolis)

POSTPONED TO SEPTEMBER 28, 2016 BY APPLICANT

**M-7 C15-2016-0093 Phil Moncada for Agustin Zavaleta
2911 East 3rd Street**

The applicant has requested a variance(s) to 25-2-773 (*Duplex Residential Use*) to:

A. (B) (1) to decrease the minimum lot size for a duplex residential use from 7,000 square feet (required) to 5,785 square feet (requested); and to

B. (B) (2) to decrease the minimum lot width from 50 feet (required) to 46 feet (requested)

in order to erect a duplex on this lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle)

The public hearing was closed on Board Member Bryan King motion to Grant Item A to 6,785 square feet and Grant Item B, Board Member Michael Von Ohlen second on a 11-0 vote; GRANTED ITEM A TO 6,785 SQUARE FEET AND GRANTED ITEM B.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Review of the draft Bylaws of the Board of Adjustment

POSTPONED TO SEPTMEBER 28, 2016

O. ADJOURNED 9:10 PM

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.