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**BOARD OF ADJUSTMENT
MEETING MINUTES
(October 10, 2016)**

The Board of Adjustment convened in a meeting on October 10, 2016, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:36 p.m.

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

Board Member absent: Melissa Hawthorne (Vice-Chair) and Melissa Neslund

Staff in Attendance: Diana Ramirez (City Staff), Brent Lloyd (COA Attorney); John McDonald and Daniel Word (City Staff, DSD, Residential Plan Review)

City staff absent: Leane Heldenfels

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 – September 28, 2016

Board Member Bryan King motions to approve the minutes for September 28, 2016, Board Member Brooke Bailey second on 10-0; **APPROVED MINUTES FOR September 28, 2016.**

Postponement/withdrawal requests from applicants, staff and interested parties for Items G-1 and K-2 postpone to November 14, 2016 and L-1 postpone to December 12, 2016 and Item H-1 and L-2 to be withdrawn, Board Member Michael Von Ohlen motion to approve postponements/withdrawals as requested, except for Item L-2 rejected the withdrawal request and Item L-1 applicant/neighborhood association opposed to postponement; Don

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Leighton Burwell second on 10-0 vote; Board member Bryan King Abstains for Item G-1 only, APPROVED POSTPONEMENTS/WITHDRAWALS EXCEPT FOR ITEMS L-1 and L-2.

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

**C-1 C16-2016-0007 Doni Allen for Bradley Scott
9518 Hotel Drive**

The applicant has requested a variance(s) to Section 25-10-131 (Additional Freestanding Signs Permitted):

A. (C) to increase the maximum number of freestanding signs on a lot with more than 400 feet of street frontage from 2 (required/permitted) to 6 (requested); and to

B. (D) to increase the maximum number of freestanding signs on a lot fronting on two streets from 2 signs (required/permitted) to 6 signs (requested)

in order to install 4 additional freestanding signs (2 existing) on this parcel within a "AV" Aviation Services zoning district.

The public hearing was closed on Board Member Eric Goff motion to postpone to December 12, 2016, Board Member Don Leighton Burwell second on a 10-0 vote; POSTPONED TO DECEMBER 12, 2016.

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

**G-1 C15-2016-0115 South Lamar Neighborhood Association, Kim Johnson
3206 and 3208 Aldwyche Drive**

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The appellant has requested that the Board of Adjustment determine whether staff erred in its issuance of a building permit (BP- 2016-107075) for 3206 and 3208 Aldwyche Dr. to construct two new single family attached dwelling units with an arbor structure connecting the dwelling units in an "SF-3", Family Residence zoning district because the connecting structure proposed (arbor) does not meet Section 25-2-3 (B) 11 of the Land Development Code which requires connection of two single family attached dwelling units by either a common or abutting wall or by a carport, garage, or other structural element.

POSTPONED TO NOVEMBER 14, 2016

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

**H-1 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)

WITHDRAWN BY APPLICANT

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 C15-2016-0102 Susan Brewer for Teresa C. Elliott
402 West Annie 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:

- A. decrease rear yard setback from 10 feet (required) to 4.6 feet (requested, existing); and to
- B. decrease the side yard setback from 5 feet (required) to 3 feet (requested, existing)

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in order to maintain a second dwelling unit and deck erected at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin) >>

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant the special exception with condition to provide a smoke detector, Board Member Bryan King second on a 10-0 vote; GRANTED WITH CONDITION TO PROVIDE A SMOKE DETECTOR.

**K-2 C15-2016-0104 Andres and Melinda Trevino
2117 Gaston Place 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); and to

decrease the side yard setback from 5 feet (required) to 2 feet (requested, existing)

in order to maintain a carport and greenhouse erected at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Windsor Park)

POSTPONED TO NOVEMBER 14, 2016

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 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. decrease 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)

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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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Rahm McDaniel second on a 10-0 vote; DENIED.

**L-2 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.

Board members rejected the withdrawal request by applicant, the public hearing was closed on Board Member Bryan King motion to Postpone to November 14, 2016, Board Member Eric Goff second on a 10-0 vote; POSTPONED TO NOVEMBER 14, 2016.

**L-3 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 26.37% (requested, existing)

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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 Grant with conditions as per the proposed IC reduction map provided and to install 5,000 gallon rainwater harvesting and to leave driveway with sand gravel underneath brick pavers in place, Board Member Michael Von Ohlen second on a 10-0 vote; APPROVED WITH CONDITIONS AS PER THE PROPOSED IC REDUCTION MAP PROVIDED AND TO INSTALL 5,000 GALLON RAINWATER HARVESTING AND TO LEAVE THE DRIVEWAY WITH SAND GRAVEL UNDERNEATH THE BRICK PAVERS IN PLACE.

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

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 0 feet (requested); and to

B. (C) (1) increase the height limitation from two stories and 30 feet, if the structure is 50 feet or less from property in an SF-5 or more restrictive district (required/permitted) to 6 stories and 60 feet (requested); and to

C. (C) (2) increase the height limitation from three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property in an SF-5 or more restrictive zoning district (required/permitted) to 6 stories and 60 feet (requested)

in order to erect apartments 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 Eric Goff motion to Grant, Board Member Rahm McDaniel second on a 7-3 vote (Board members Brooke Bailey, Bryan King, Kelly Blume nay); VOTE FAILS; DENIED.

**L-5 C15-2016-0100 Jay Otto for Shawn Breedlove
3312 Robinson Avenue**

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 20 feet (requested) in order to complete construction of a new single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek)

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The public hearing was closed on Board Member Bryan King motion to Postpone to November 14, 2016, Board Member Brooke Bailey second on a 10-0 vote; POSTPONED TO NOVEMBER 14, 2016.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0101 Delia Meave for Craig & Stephanie Niedermeier
1174 Navasota Street**

The applicant has requested variance(s) to Section 25-2-1424 (Urban Home Regulations) to:

A. (A) (6) decrease the minimum rear yard setback from 5 feet (required/permitted) to 3 feet 4 inches (requested/existing); and to

B. (B) decrease the minimum front setback from 20 feet (required/permitted) to 10 feet (requested); and to

in order to attach a new 2nd story and new front porch, expand the 1st floor footprint and maintain an existing shed for a single family home in a "SF-3-NP", – Family Residential - Neighborhood Plan zoning district. (Central East Austin)

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Michael Von Ohlen second on a 10-0 vote; GRANTED.

**M-2 C15-2016-0103 Janae Ryan for Robert Hinojosa
Arabian Trails public right of way behind the parcels at
11910, 11928, 12006, 12018, 12032 Research Boulevard**

The applicant has requested a variance(s) from Section 25-2-899 (D) (Fences as Accessory Uses) to increase the fence height permitted from an average of 6 feet, maximum of 7 feet (required/permitted) to 10 feet (requested) in order to construct a solid privacy fence within the un-zoned Arabian Trails public right of way directly behind the last 5 feet of the parcels at 11910, 11928, 12006, 12018 and 12032 Research Blvd. in a "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 10-0 vote; GRANTED.

**M-3 C15-2016-0105 Ron Thrower for Joanne O'Neil
1800 A Jentsch Court**

The applicant has requested a variance to:

A. Section 25-2-492 (D) (Site Development Requirements) to decrease the minimum rear yard setback requirement from 10 feet (required) to 6.6 feet (requested); and to

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B. increase the maximum impervious cover from 45% (required/permitted) to 51% (requested); and to

C. Subchapter F – Residential Design and Compatibility Standards, Article 2 – Development Standards, Subsection 2.1 (Maximum Development Permitted) to increase the maximum floor to area ratio from 0.4 to 1.0 (required) to 0.415 to 1.0 (requested)

in order to maintain a sunroom addition in a “SF-3- NP”, Family Residence – Neighborhood Plan zoning district. (South Manchaca)

Note: these variances were previously granted by the Board at their 12/10/12 hearing but expired when permit for the associated work expired.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Eric Goff second on a 10-0 vote; GRANTED.

**M-4 C15-2016-0111 Austin Stowell for Margaret Magness
904 Ethel Street**

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 4,994.57 square feet (requested, existing); and to

B. decrease the front setback from 25 feet (required) to 15 feet (requested, existing); and to

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

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

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to November 14, 2016, Board Member Bryan King second on a 9-1 vote (Board member Eric Goff nay); POSTPONED TO NOVEMBER 14, 2016.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Discussion of meeting start time

POSTPONE TO NOVEMBER 14, 2016

Brent will assist with language to be able to adjust meeting start time.

DISCUSSION ITEMS TO BE ADDED TO NOVEMBER 14, 2016 AGENDA

- 1. Move up Special Exception items to the beginning of the agenda**
- 2. Respect to voting (if vote is denied, can a board member make a substitute motion)**

O. ADJOURNMENT

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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 2 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.

