



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

The Board of Adjustment convened in a meeting on April 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, Don Leighton-Burwell, Melissa Neslund, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate)

In Late: Eric Goff and Rahm McDaniel

Board Member absent: Melissa Hawthorne (Vice-Chair)

Staff in Attendance: Leane Heldenfels, Diana Ramirez, 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 MINUTES – March 14, 2016

Board Member Brooke Bailey motions to approve the minutes for March 14, 2016, Michael Benaglio second on 8-0; APPROVED MINUTES FOR March 14, 2016.

Postponement requests from applicants, staff and interested parties for Items F-1 and F-2 to Postpone to June 13, 2016 and Item M-1 to Withdraw A, B, C and to Postpone Item D Indefinitely; Item M-5 to Postpone to May 9, 2016 due to sign posting error motion to approve by Board member Melissa Neslund, Brooke Bailey second on a 8-0 vote.

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**D-1 C16-2016-0005 Mark Rocke for Lorenzo Rivera Jr.
615 West Slaughter Lane**

The applicant has requested a variance(s) to Section 25-10-124 (Scenic Roadway Sign District Regulations):

A. (D) to permit a wall sign area greater than 10 percent of the façade area of the first 15 feet of the building (required) 20 percent (requested); and to

B. (F) to permit internal lighting of the logo portion of a wall sign

in order to erect a new wall sign in a “GR-CO” Community Commercial – Conditional Overlay zoning district. (Scenic Roadway Sign District)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Michael Benaglio second on a 8-0 vote; GRANTED.

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 JUNE 13, 2016

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)

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

NONE

NONE

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

K-2 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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 9, 2016, Board Member Eric Goff second on a 10-0 vote; POSTPONED TO MAY 9, 2016 (NEED INSPECTION REPORT)

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)

The public hearing was closed on Board Member Eric Goff motion to Postpone to June 13, 2016, Board Member Melissa Neslund second on a 10-0 vote; POSTPONED TO JUNE 13, 2016.

L-2 C15-2016-0021 Nikelle Meade for Mariposa Real Estate, LLC, John Falcon 3338 Paisano Trail

The applicant has requested a variance(s) from Section 25-2-832 (*Private Schools*) (1), of Division 3 – Civic Uses to decrease the minimum paved width of a street that the site must be located on from at least 40 feet (required) to varying width of from 16.65 feet – 17.5 feet (requested/existing) in order to erect a private primary and secondary school in a “SF-2”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that this is for only a primary school and less than 200 students and Withdraw the secondary school request, Board Member Melissa Neslund second on a 10-0 vote;

GRANTED WITH CONDITONS THAT THIS IS FOR ONLY A PRIMARY SCHOOL AND LESS THAN 200 STUDENTS AND TO WITHDRAW THE SECONDARY SCHOOL REQUEST.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0026 Rodney Bennett for Stoney Barton
3607 Robbins Road**

The applicant has requested a variance(s) to Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) to:

A. (1) to increase the distance a dock can extend from the shoreline from no greater than 30 feet (required/permitted) to 42.5 feet (requested, existing); and to

B. (3) to decrease the distance a dock can be constructed from no closer than 10 feet from the side property line (required) to 0 feet (requested, existing); and to

C. (4) (a) to increase the width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances from 20% if the shoreline width exceeds 70 feet (required/permitted) to 31 feet and 10 inches or 32% of this 100 foot wide lot (requested, existing); and to

D. (9) to increase the number of motorboats anchored, moored or stored on a dock from 2 for a principal residential use utilizing an individual dock that is not part of a cluster dock (required/permitted) to 4 (requested, existing)

in order to reconstruct a boat dock in an “LA”, Lake Austin zoning district.

WITHDRAWN ITEMS A, B, C AND POSTPONE ITEM D INDEFINITELY

**M-2 C15-2016-0030 William Vansickle for Tyson Tuttle
608 Baylor Street**

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 1.25 feet (requested) in order to construct a rainwater harvesting system in a “SF-3- H- HD - NP”, Family Residence – Historic - Neighborhood Plan zoning district. (Old West Austin)

The public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member Michael Benaglio second on a 10-0 vote; DENIED.

**M-3 C15-2016-0032 Maureen McCormack
1205 Richcreek Road**

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

- A. decrease the minimum rear yard setback from 10 feet (required) to 7 feet (requested, existing); and to
- B. decrease the minimum side yard setback from 5 feet (required) to 4.9 feet (requested, existing); and to
- C. increase the maximum impervious cover from 45% (required) to 58.2% (requested, existing)

in order to change the use of an accessory structure built in 2008 to a 2nd dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview)

Note: the rear setback and impervious cover variances were 1st approved when the structure was constructed in 2008, however that variance does not apply to the proposed change of use of the structure from accessory studio to 2nd dwelling unit.

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 C15-2016-0035 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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 13, 2016, Board Member Eric Goff second on a 10-0 vote; POSTPONED TO JUNE 13, 2016.

**M-5 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)

The public hearing was closed on Board Member Melissa Neslund motion to Postpone to May 9, 2016, Board Member Brooke Bailey second on a 8-0 vote; POSTPONED TO MAY 9, 2016. (SIGN POSTING ERROR, NEED TO RE-POST SIGN)

**M-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

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 Eric Goff motion to Postpone to May 9, 2016, Board Member Michael Von Ohlen second on a 10-0 vote; POSTPONE TO MAY 9, 2016.

**M-7 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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to May 9, 2016, Board Member Brooke Bailey second on a 10-0 vote; POSTPONED TO MAY 9, 2016.

**M-8 C15-2016-0042 Donna Bahara and Bess Giannakakis
1001 East Riverside Drive**

The applicant has requested variance(s) to Section 25-2-782 (J) (General Requirements for a Bed and Breakfast Use) to permit a bed and breakfast residential use outside the principal structure on the lot in order to add an additional bedroom within an existing detached structure to an existing bed and breakfast use in a “SF-3”, Family Residence zoning district

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

**M-9 C15-2016-0043 Agustina Rodriguez for Eliseo Rodrigues
83 Pedernales Street**

The applicant has requested variance(s) from Section 25-2-735 (D) (Festival Beach Sub-district Regulations) to increase the maximum impervious coverage from 40 percent (required) to 43 percent (requested) in order to build a single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

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.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 ELECTION OF OFFICERS

Board Member Michael Von Ohlen motion to re-appoint William Burkhardt as Chair and Melissa Hawthorne as Vice-Chair; Brooke Bailey second on a 10-0 vote; GRANTED William Burkhardt Chair and Melissa Hawthorne Vice-Chair.

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.