



**BOARD OF ADJUSTMENT
January 9, 2017
5:30PM
CITY COUNCIL CHAMBERS
301 WEST 2ND STREET
AUSTIN, TEXAS**

___ Brooke Bailey	___ Don Leighton-Burwell
___ Michael Benaglio	___ Rahm McDaniel
___ William Burkhardt (Chair)	___ Melissa Neslund
___ Eric Goff	___ James Valadez
___ Melissa Hawthorne (Vice Chair)	___ Michael Von Ohlen
___ Bryan King	___ Kelly Blume (Alternate)

AGENDA

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 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. APPROVAL OF MINUTES

A-1 Draft minutes – December 12, 2016

B. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

B-1 C15-2016-0104 Andres and Melinda Trevino
2117 Gaston Place Drive

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

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)

REQUESTING POSTPONEMENT TO FEBRUARY 13, 2017 BY STAFF

C. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**C-1 C15-2016-0116 Ricky Arocha for Beatrice Arocha
1215 Holly Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

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 0 feet (requested, existing) in order to maintain a carport that has been at this location for at least 10 years in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (East Cesar Chavez)

D. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

E. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

F. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NONE

G. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

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

AUSTIN ENERGY HAS NO COMMENT

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.

REQUESTING POSTPONEMENT TO February 13, 2017 BY STAFF DUE TO NOTIFICATION ERROR

H. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

**H-1 C15-2016-0131 Nikelle Meade for David Krug
2510 and 2530 SOUTH CONGRESS AVENUE**

AUSTIN ENERGY HAS NO COMMENT

The appellant asks the Board of Adjustment to reverse staff’s determination that a religious assembly use exists on a neighboring property located at 2530 South Congress Avenue which triggers the site development standards in Subchapter C., Article 10 (*Compatibility Standards*) of the Land Development Code. The staff determination under appeal was made in review of a site plan application (File No. SP-2015-0300C) requesting to construct a new hotel at 2510 South Congress Avenue, located in an “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan and “GR-V-CO-NP”, Community Commercial – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Dawson)

I. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

J. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

**J-1 C15-2016-0087 William Faust for Greg Smith
2001 & 2003 South Lamar Boulevard**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE

The applicant has requested variance(s) from Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards to:

1. (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
2. (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
3. (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 an apartment building 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.

REQUESTING TO WITHDRAW BY APPLICANT

K BOARD OF ADJUSTMENT RECONSIDERATIONS

**K-1 C15-2016-0125 B.J. Cornelius for Nona Niland
2110 Haskell Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested); and to
- B. Section 25-2-893 (B) (7) (Accessory uses for a Principal Residential Use) to allow storage of a recreational vehicle on the property that is not located within an enclosed building or is not screened from public view by either a solid wood or masonry fence

in order to erect a metal trellis and use solid wood fence on three sides, existing trees and metal planters with bamboo as RV screening at a single family residence in a “SF-3-NP”, Family Residence, Neighborhood Plan zoning district. (Holly)

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2016-0083 Bridgette Brown
7504 Creston Lane**

AUSTIN ENERGY CONDITIONALLY DOES NOT OPPOSE REQUEST PROVIDED OWNER/APPLICANT PROVIDES AUSTIN ENERGY WITH A LICENCE AGREEMENT FOR FENCE TO BE WITHIN OUR EASEMENT AND IT HAS BEEN MADE TO BE REMOVABLE, AS WELL AS ANY PROPOSED AND EXISTING IMPROVEMENTS MUST BE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested a variance(s) from Section 25-2-899 (Fences as Accessory Uses) to permit a solid fence to be constructed in excess of six feet average height or a maximum height of seven feet (required/permitted) to 8 feet average height (requested) in order to maintain a recently constructed 8 foot solid privacy fence in an “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Highland)

**L-2 C15-2016-0122 Ted McConaghy for Brendan Gilyan
6711 East Ben White**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

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 250 spaces (required) to 235 spaces (requested) in order to add a 89 room hotel to the site with an existing 138 room hotel (proposed total of 227 rooms) in a “LI-CO-NP”, Limited Industrial Services – Conditional Overlay - Neighborhood Plan zoning district. (Southeast)

**L-3 C15-2016-0124 Nikelle Meade for David Krug
2510 South Congress Avenue**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND

OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE

The applicant has requested variance(s) from Article 10, Compatibility Standards:

- A. Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*) (B) to increase the required setback from a property in an urban family residence (SF-5) or more restrictive zoning district or on which a use permitted in SF-5 or more restrictive zoning district is located from 25 feet (required/permitted) to 0 feet (requested); and to
- B. Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*) (C) (1) to increase the allowed height of a structure 50 feet or less from property 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 2 stories and 30 feet (required/permitted) to 5 stories and 60 feet (requested); and to
- C. Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*) (C) (2) to increase the allowed height of a structure more than 50 feet and not more than 100 feet from property 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 3 stories and 40 feet (required/permitted) to 5 stories and 60 feet (requested); and to
- D. Section 25-2-1064 (*Front Setback*) to increase the minimum front building line setback from at least 25 feet from a right-of-way if the tract on which the building is constructed adjoins property in an SF-5 or more restrictive zoning district or on which a use permitted in a SF-5 or more restrictive district is located and fronts on the same street as the adjoining property (required/permitted) to 0 feet (requested); and to
- E. Section 25-2-1067 (*Design Regulations*) (F) to permit an intensive recreational use, excluding a multi-use trail and including a swimming pool, tennis court, ball court, or playground to be constructed 50 feet or less (requested) from adjoining property 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; and to
- F. Section 25-2-1067 (*Design Regulations*) (H) to decrease minimum setback distance of the driveway from adjacent properties to be constructed on a site less than 125 wide from 15 feet (required/permitted) to 5 feet (requested)

in order to erect a hotel and swimming pool in a “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan and a “GR-V-CO-NP”, Community Commercial – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Dawson)

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2017-0001 Doug Kurtz for Julie Hale
10012 Barbrook Drive**

AUSTIN ENERGY HAS NO COMMENT – OUTSIDE OF SERVICE AREA

The applicant has requested a variance to increase the maximum impervious cover from 45% (required/permitted) to 48.9% (requested) in order to maintain a recently constructed pool with

decking, grotto/slide landing area and equipment pad in a “SF-2”, Family Residence zoning district.

**M-2 C15-2017-0004 Bruce Griffing and Debra Monticciolo
700 Bouldin Avenue**

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The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.3 (Gross Floor Area – Porch, basement and attic exemptions) (B) (2) to increase the level the first story is above the average elevation at the intersections of the minimum front yard setback line and the side property lines from 3 feet above that intersection point (required/permitted) to 5.5 feet above that intersection point (requested) in order to be able to exclude the basement area from the calculation of gross floor area in the construction of a new single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

REQUESTING POSTPONEMENT TO February 13, 2017 BY STAFF DUE TO NOTIFICATION ERROR

N. BOARD OF ADJUSTMENT NEW BUSINESS

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

N-2 Discussion of language in Bylaw amendment proposal

N-3 Discussion of adding specific plans as a condition

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 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.