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**BOARD OF ADJUSTMENT
MEETING MINUTES
(January 9, 2017)**

The Board of Adjustment convened in a meeting on January 9, 2017, 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, Melissa Hawthorne (Vice-Chair), Bryan King (late), Don Leighton-Burwell, Rahm McDaniel, James Valadez,

Board members Absent: Melissa Neslund, Michael Von Ohlen and Kelly Blume (Alternate)

Staff in Attendance: Leane Heldenfels, Diana Ramirez, Daniel Word, Jose Roig (City Staff), Brent Lloyd and Alicia Mayfield (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 –December 12, 2016

Board Member Eric Goff motions to approve the minutes for December 12, 2016 with correction to Item E-1, Board Member Brooke Bailey seconds on 8-0 (Board member Bryan King late); **APPROVED MINUTES FOR December 12, 2016 with correction to Item E-1.**

Postponement/withdrawal requests from applicants, staff and interested parties for Items B-1, G-1, H-1, J-1, L-2, L-3, M-2 Board Member Melissa Hawthorne motion to approve postponements/withdrawals as requested, except for Item G-1; Board member Eric Goff second on 8-0 vote (Board member Bryan King late); **APPROVED POSTPONEMENTS/WITHDRAWALS EXCEPT FOR ITEM G-1.**

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B. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**B-1 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 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**

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)

The public hearing was closed on Board Member Bryan King motion to Grant the Special Exception under Section 25-2-476, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED THE SPECIAL EXCEPTION UNDER SECTION 25-2-476.

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

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

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.

Board Member Melissa Hawthorne motion to postpone to February 13, 2017 due to notification error, Board Member James Valadez second on an 7-1 vote (Board member Eric Goff nay); POSTPONED TO FEBRUARY 13, 2017.

H. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

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

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)

POSTPONED TO FEBRUARY 13, 2017 DUE TO LACK OF FULL BOARD

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**

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.

WITHDRAWN RECONSIDERATION REQUEST BY APPLICANT

K BOARD OF ADJUSTMENT RECONSIDERATIONS

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

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)

Board Member Melissa Hawthorne motion to reconsider request, Board Member Michael Benaglio second on a 9-0 vote; RECONSIDERED REQUEST. The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to February 13, 2017 due to lack of a full board, Board Member Brooke Bailey second on a 9-0 vote; POSTPONE TO FEBRUARY 13, 2017 DUE TO LACK OF A FULL BOARD.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

L-1 C15-2016-0083 Bridgette Brown

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7504 Creston Lane

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/permited) 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)

The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to February 13, 2017, Board Member Rahm McDaniel second on a 9-0 vote; POSTPONED TO FEBRUARY 13, 2017.

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

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)

POSTPONED TO FEBURARY 13, 2017 DUE TO LACK OF A FULL BOARD

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

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/permited) 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/permited) 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/permited) 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

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in a SF-5 or more restrictive district is located and fronts on the same street as the adjoining property (required/permited) 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/permited) 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)

POSTPONED TO FEBURARY 13, 2017 DUE TO LACK OF A FULL BOARD

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

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

The applicant has requested a variance to increase the maximum impervious cover from 45% (required/permited) 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.

The public hearing was closed on Board Member Eric Goff motion to Grant with condition to provide 150 gallons of rainwater harvesting and as per M1/15 the calculations of the rainwater harvesting, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED WITH CONDITION TO PROVIDE 150 GALLONS OF RAINWATER HARVESTING PER DOCUMENT M1/15.

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

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/permited) 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)

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POSTPONED 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

POSTPONED TO FEBRUARY 13, 2017

N-2 Discussion of language in Bylaw amendment proposal

POSTPONED TO FEBRUARY 13, 2017

N-3 Discussion of adding specific plans as a condition

NEED TO SPECIFY IF A PLAN OR DOCUMENT IS A CONDITION OF THE APPROVED VARIANCE WITH A PAGE NUMBER, WILL BE INCLUDED WITH THE APPROVED DECISION SHEET INTO OUR AMANDA SYSTEM.

O. ADJOURNMENT 7:31PM

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.

