



**BOARD OF ADJUSTMENT
MEETING MINUTES
(February 13, 2017)**

The Board of Adjustment convened in a meeting on February 13, 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, Don Leighton-Burwell, Rahm McDaniel, Melissa Neslund, James Valadez, Michael Von Ohlen; Kelly Blume (Alternate)

Staff in Attendance: Leane Heldenfels, Diana Ramirez, Greg Guernsey, Carl Wren, Daniel Word, Juan Camou, Jose Roig, Brent Lloyd and Alecia 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 –January 9, 2017

Board Member Bryan King motions to approve the minutes for January 9, 2017, Board Member Brooke Bailey seconds on 9-0 (Board members James Valadez and Michael Von Ohlen late); APPROVED MINUTES FOR January 9, 2017.

Postponement/withdrawal requests from applicants, staff and interested parties for Items L-1, L-2 and M-1, Board Member Melissa Hawthorne motion to approve postponements/withdrawals as requested, except for Item L-2, Board member Bryan King second on 9-0 vote (Board members James Valadez and Michael Von Ohlen late); APPROVED POSTPONEMENTS/WITHDRAWALS EXCEPT FOR ITEM L-2.

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)

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 10-0 vote (Board Member James Valadez late); GRANTED THE SPECIAL EXCEPTION UNDER SECTION 25-2-476.

C. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

NONE

D. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

E. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

F. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**F-1 C16-2017-0001 Craig Dilley for Four Season Hotel (David Green)
98 San Jacinto Boulevard**

The applicant has requested a variance(s) to:

A. Section 25-10-131 (C) (Additional Freestanding Signs Permitted) to increase the maximum number of freestanding signs permitted from two (required/permitted) to 3 (requested); and to

B. Section 25-1-191 (F) (Sign Setback Requirements) to decrease the setback for a sign greater than 30 inches in height that has a clearance of less than 9 feet from 12 feet (required/permitted) to 0 feet (requested)

in order to add a freestanding monument sign within a “CBD”, Central Business zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Rahm McDaniel second on a 10-1 vote (Board member William Burkhardt nay); DENIED.

**G. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS
PREVIOUS POSTPONEMENT**

**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 Don Leighton-Burwell motion to Reconsider the request, Board Member James Valadez second on a 5-6 vote (Board members voting aye were Brooke Bailey, Melissa Hawthorne, Don Leighton-Burwell, James Valadez, Michael Von Ohlen; Board members voting nay were Michael Benaglio, William Burkhardt, Eric Goff, Rahm McDaniel, Melissa Neslund, Kelly Blume; Board member Bryan King Abstained); DENIED RECONSIDERATION REQUEST.

**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)

The public hearing was closed on Board Member Michael Benaglio motion to Deny Appeal, Board Member James Valadez second on a 10-1 vote (Board member Don Leighton-Burwell nay); DENIED APPEAL.

I. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

J. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

**J-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)

The public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member Rahm McDaniel second on a 10-1 vote (Board member Melissa Hawthorne nay); DENIED.

K. BOARD OF ADJUSTMENT RECONSIDERATIONS

NONE

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2016-0083 Bridgette Brown
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/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)

WITHDRAWN BY APPLICANT

**L-2 C15-2016-0084 Scott Jacobs
2003 Arpdale Street**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to 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.

Board Member Brooke Bailey motion to Postpone to March 13, 2107, Board Member Melissa Hawthorne second on a 9-0 vote; POSTPONED to March 13, 2017.

**L-3 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)

Board Member Melissa Hawthorne motion to Postpone to March 13, 2017, Board Member Eric Goff second on a 10-1 vote (Board member Bryan King nay); POSTPONED TO MARCH 13, 2017.

**L-4 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/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)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 10, 2017, Board Member Don Leighton-Burwell second on a 11-0 vote; POSTPONED TO APRIL 10, 2017.

**L-5 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/permitted) to 5.5 feet above that intersection point (requested) in order 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)

The public hearing was closed on Board Member Rahm McDaniel motion to Postpone to March 13, 2017, Board Member Melissa Hawthorne second on a 11-0 vote; POSTPONED TO MARCH 13, 2017.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2017-0007 Sergio Lozano-Sanchez for Richard Kooris
1615 South 2nd Street**

The applicant has requested a variance(s) from Section 25-2-776 (B) (Condominium Residential use) to decrease the minimum site area for each condominium from at least 3,500 square feet (required/permitted) to 3,310 square feet in order to construct 8 condominium units in an “SF-5-CO-NP”, Urban Family Residence – Conditional Overlay - Neighborhood Plan zoning district. (Bouldin Creek)

POSTPONED TO MARCH 13, 2017 DUE TO NOTIFICATION ERROR

N. BOARD OF ADJUSTMENT NEW BUSINESS

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

POSTPONED TO MARCH 13, 2017

N-2 Discussion and possible action on language in Bylaw amendment proposal

POSTPONED TO MARCH 13, 2017

N-3 Discussion and possible action on Reconsideration Rules

POSTPONED TO MARCH 13, 2017

N-4 Discussion and possible action on the Code Next Board Review, information session

CODE NEXT MEETING ON MARCH 4, 2017 9:00A.M – 12:00PM, Location TBD

O. ADJOURNMENT 10:38PM

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.