



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

The Board of Adjustment convened in a meeting on March 13, 2017, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:39 p.m.

Board Members in Attendance: William Burkhardt (Chair), Eric Goff, Melissa Hawthorne (Vice-Chair), Bryan King, Don Leighton-Burwell, Rahm McDaniel, Melissa Neslund, James Valadez, Kelly Blume (Alternate); Pim Mayo (Alternate); Martha Gonzalez (Alternate)

Board Members absent: Brooke Bailey

Board Members not able to serve due to lack of city clerk training: Michael Von Ohlen, Veronica Rivera

**Staff in Attendance: Leane Heldenfels, Diana Ramirez
Brent Lloyd and Lee Simmons (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. APPROVAL OF MINUTES

A-1 Draft minutes – February 13, 2017

Board Member Melissa Hawthorne motions to approve the minutes for February 13, 2017, Board Member Melissa Neslund seconds on 9-0 (Board members Eric Goff and Bryan King late); APPROVED MINUTES FOR February 13, 2017.

Postponement/withdrawal requests from applicants, staff and interested parties for Items C-1, F-1, L-1, and L-4 to Postpone to April 10, 2017 and Items G-1, L-2 and L-3 to Withdraw, Board Member Melissa Hawthorne motion to approve postponements/withdrawals as requested, except for Item L-1, Board member Bryan King second on 11-0 vote; APPROVED POSTPONEMENTS/WITHDRAWALS EXCEPT FOR ITEM L-1.

B. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

NONE

C. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**C-1 C15-2017-0012 Joe Del Rio
2006 Canterbury 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 an enclosed carport and shed that have been at this location for at least 10 years in a "SF-3-NP", Family Residence - Neighborhood Plan zoning district. (Holly)

POSTPONED TO APRIL 10, 2017 BY THE APPLICANT

D. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

E. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

F. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**F-1 C16-2017-0002 Rodney Bennett and Ann B. Lewis for Michael M. Boyle
2935 East Highway 71**

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

- A. (1. B.) increase the maximum sign area from 64 square feet (permitted) to 104 square feet (requested); and to
- B. (2.) increase the maximum sign height from 12 feet (permitted) to 24 feet (requested)

in order to add a freestanding sign within a “CS-CO”, General Commercial Services, Conditional Overlay zoning district. (Scenic Sign District)

POSTPONED TO APRIL 10, 2017 BY THE APPLICANT

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

**G-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)

WITHDRAWN BY APPLICANT

**H. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS
POSTPONEMENTS**

NONE

I. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

**J. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS
POSTPONEMENTS**

NONE

K. BOARD OF ADJUSTMENT RECONSIDERATIONS

NONE

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 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 east 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. decrease the minimum lot size from 5,750 square feet (required/permitted) to 5,500 square feet (requested, existing); and to

D. decrease the maximum building cover from 40% (required/permitted) to 41% (requested, existing); and to

E. decrease the maximum impervious cover from 45% (required/permitted) to 52% (requested, existing); and to

F. Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot area for a two-family residential use from standard lot size of 5,750 square feet (required) to 5,540 square feet (requested, existing); and to

G. (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 for use as a 2nd dwelling unit in a “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to April 10, 2017 (last postponement), Board Member Melissa Neslund second on a 10-1 vote (Board member Bryan King nay); POSTPONED TO APRIL 10, 2017 (LAST POSTPONEMENT).

**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)

WITHDRAWN BY APPLICANT

**L-3 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 8.5 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)

WITHDRAWN BY APPLICANT

**L-4 C15-2017-0007 Sergio Lozano-Sanchez for Richard Kooris
1615 and 1617 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 APRIL 10, 2017 BY STAFF, CALCULATION ERROR ON NOTICE

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2017-0011 Donna D. Carter for James O. Hill
1134 Chicon Street**

The applicant has requested variance(s) to Section 25-2-773 (B) (1) (Duplex Residential Use) to decrease the minimum lot size for a duplex use from 7,000 square feet (required) to 6,834 square feet (requested) in order to create a duplex in a “MF-4-NP”, Multi-Family Residence - Neighborhood Plan zoning district. (Central East Austin)

NOTE: this variance was approved by the Board at their 9/14/15 hearing, however that variance expired 9/14/16 since no subsequent application using the approval was made within a year of the approval date.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member James Valadez second on an 11-0 vote; GRANTED.

**M-2 C15-2017-0013 Robert Turner
5201 Tortuga Trail**

The applicant has requested a variance(s) to Section 25-2-1176 (A) (3) (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) to construct a dock from not closer than 10 feet to the side property line (required, permitted) to 0 feet (requested) in order to construct a boat dock in the “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED.

**M-3 C15-2017-0015 Sudhakar Allada
911 West 22nd Street**

The applicant has requested variance(s) to Section 25-6-601 (A) (Parking Requirements for University Neighborhood Overlay District) to reduce the number of required parking spaces from 21 spaces (required, 60% of the spaces required by Appendix A) to 8 spaces (requested) in order to erect a 20 unit, 62 bedroom multi-family use in a “MF- 4 - CO - NP” Multifamily Residence Medium Density – Conditional Overlay - Neighborhood Plan zoning district. (West University, Outer West Campus)

The public hearing was closed on Board Member Eric Goff motion to Postpone to April 10, 2017, Board Member Rahm McDaniel second on a 10-1 vote (Board member Bryan King nay); POSTPONED TO APRIL 10, 2017.

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 APRIL 10, 2017

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

Board Member Melissa Hawthorne motion to Grant with revisions, Board Member Bryan King second on an 11-0 vote; GRANTED WITH REVISIONS

N-3 Discussion and possible action on Reconsideration Rules

Board Member Bryan King motion to Grant with revisions to Section 4(e) of the Reconsideration rules, Board Member Melissa Hawthorne second on an 9-2 vote (Board members Eric Goff and Rahm McDaniel nay); GRANTED WITH REVISIONS TO SECTION 4(e) OF THE RECONSIDERATION RULES and Board Member Bryan King motion to Grant with revisions to Section 4(d) of the Reconsideration rules, Board Member Don Leighton-Burwell second on an 11-0 vote; GRANTED WITH REVISIONS TO SECTION 4(d) OF THE RECONSIDERATION RULES.

N-4 Discussion of date of possible presentation CodeNEXT

POSTPONED TO APRIL 10, 2017

N-5 Discussion and possible action with respect to personal electronic devices in executive session

Board Member Melissa Hawthorne motion to establish a procedure to provide receptacle to collect all recording devices prior to executive sessions, Board Member Melissa Neslund second on an 11-0 vote; TO ESTABLISH A PROCEDURE TO PROVIDE RECEPTACLE TO COLLECT ALL RECORDING DEVICES PRIOR TO EXECUTIVE SESSIONS.

O. ADJOURNMENT 8:00 PM

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.