



**BOARD OF ADJUSTMENT
MEETING MINUTES
(June 12, 2017)**

The Board of Adjustment convened in a meeting on June 12, 2017, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:33 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Christopher Covo, Eric Goff, Melissa Hawthorne, Bryan King, Don Leighton-Burwell, Rahm McDaniel, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate)

**Staff in Attendance: Leane Heldenfels and Diana Ramirez
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 – May 8, 2017

**Board Member Melissa Hawthorne motions to approve the minutes for May 8, 2017, Board Member Brooke Bailey seconds on 11-0 (Board member Rahm McDaniel Late);
APPROVED MINUTES FOR May 8, 2017.**

**Postponement/withdrawal requests from applicants, staff and interested parties for Items C-3 and M-2 to Postpone to July 10, 2017 and Items E-1 and L-5 to Withdraw, Board Member Brooke Bailey motion to approve postponements/withdrawals as requested, Board member Melissa Hawthorne second on 11-0 vote (Board member Rahm McDaniel late);
APPROVED ALL POSTPONEMENTS/WITHDRAWALS.**

B. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

NONE

C. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**C-1 C15-2017-0024 Carlos Acevedo
11400 Hilltop 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 front yard setback from 25 feet (required) to 17 feet (requested, existing) in order to maintain a carport that has been at this location for at least 10 years in a “SF-1”, Family Residence Large Lot zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to July 10, 2017, Board Member Brooke Bailey second on an 11-0 vote; POSTPONED TO JULY 10, 2017. RENOTIFICATION REQUIRED

**C-2 C15-2017-0027 Ryan Green
2404 Santa Rita 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 2 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. (Holly)

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 an 11-0 vote; GRANTED THE SPECIAL EXCEPTION UNDER SECTION 25-2-476.

**C-3 C15-2017-0029 Paloma Efron
4412 Barrow Avenue**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the side yard setback from 5 feet (required) to 4.7 feet (requested, existing); and to
- B. decrease the rear yard setback from 10 feet (required) to 9.7 feet (requested, existing)

in order to maintain an accessory structure that has been at this location for at least 10 years in a “SF-3-CO-NP”, Family Residence - Neighborhood Plan zoning district. (Hancock)

POSTPONED TO JULY 10, 2017 BY APPLICANT

D. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

E. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

**E-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)

WITHDRAWN BY APPLICANT

F. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**F-1 C16-2017-0003 Ray Oujesky for Bell Steiner Ranch, LLC
4800 Steiner Ranch Boulevard**

The applicant has requested a variance(s) to Section 25-10-127 (Multifamily Residential Sign District Regulations) to:

A. (B. 1.) increase the maximum sign height from 6 feet (permitted) to 8 feet 8 ½ inches (requested/existing); and to

B. (B. 2.) increase the maximum sign area from 35 square feet (permitted) to 60 square feet (requested/existing)

in order to replace the face of an existing freestanding sign that was originally installed without permits and is located within the City of Austin 2-mile Extraterritorial Jurisdiction. (Multifamily Sign District)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 9-2 vote (Board members Eric Goff and Rahm McDaniel nay); GRANTED.

G. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS PREVIOUS POSTPONEMENT

NONE

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 C15-2017-0008 Patricia & William Schaub
804 Winflo Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot size for a multi-family residential use from 8,000 square feet (required) to 7,353.87 square feet (requested, existing in order to erect 3 residential units in one structure in a “MF-3-NP”, Multifamily Residence Medium Density zoning district. (Old West Austin)

Note: Section 25-2-943 of the Land Development Code permits Substandard Lots for single family use if configured prior to March 14, 1946. The subject lot was configured in 1948 and proposes a multifamily use; therefore the substandard lot section of the Code does not apply. Further, the Old West Austin Neighborhood Plan only provides small lot amnesty for single family use.

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Don Leighton-Burwell second on a 7-4 vote (Board members Eric Goff, Rahm McDaniel, Veronica Rivera, Michael Von Ohlen, nay; Note: Christopher Covo meant to vote Nay); DENIED.

**L-2 C15-2017-0014 Terrence & Christine Moline
205 San Saba Street**

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

A. decrease the minimum lot width requirement from 50 feet (required) to 0 feet* (requested, existing), and to

B. decrease the minimum lot size requirement from 5,750 square feet (required) to 2,107 square feet (requested, existing); and to

C. increase impervious cover from 45% (required, permitted) to 65% (requested); and to

D. decrease front yard setback from 25 feet (required) to 11 feet (requested, 10 feet existing including front porch); and to

E. Subchapter F, Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.6 (Setback Planes), A. Side and B. Rear Setback Plane increase the amount from not to exceed 3 feet (required) to not exceed 6 feet (requested)

in order to reconstruct a single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

The public hearing was closed on Board Member Brooke Bailey motion to Grant to limit FAR to .5:1 and as per the revised drawings L02/3-L02/15, Board Member Bryan King second on an 11-0 vote; GRANTED TO LIMIT FAR TO .5:1 AND AS PER THE REVISED DRAWINGS L02/3-L02/15.

**L-3 C15-2017-0016 Omer Bisen
608 West St. Johns Avenue**

The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) to decrease 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 15 feet (required) to 0 feet (requested); and to

B. (D) 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) to 3 stories and 35 feet (requested)

in order to erect a multifamily structure in a “TOD-NP”, Transit Oriented Development - Neighborhood Plan zoning district. (Highland)

Board Member Michael Von Ohlen motion to postpone to July 10, 2017, Board Member Veronica Rivera second on a 10-1 vote (Board member Christopher Covo nay); POSTPONED TO JULY 10, 2017. RENOTIFICATION REQUIRED

**L-4 C15-2017-0018 David Hartman for Hardeman Family Joint Venture, Ltd.
1301 West Koenig Lane**

The applicant has requested variance(s) to:

A. Section 25-2-899 (Fences as Accessory Uses) (D) to increase the height of a solid fence constructed along a property line from an average height of six feet or maximum height of seven feet (required/permitted) to eight feet average (requested); and to

B. Article 10, Compatibility Standards, 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) to 4 stories and 45 feet (requested); and to

C. Article 10, Compatibility Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) (C) (3) to increase the allowed height of a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive (required) to 45 feet (requested)

in order to erect a multi-family residence in a “MF-6-CO-NP”, Multifamily Residence Highest Density – Conditional Overlay - Neighborhood Plan zoning district. (Brentwood).

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant as per exhibit L04/36 and with conditions to require that any dumpster or trash receptacles along the Woodrow Avenue side of the building be located inside or abutting the parking garage; and to require that lighting along the side of the garage that faces neighboring homes on Woodrow Avenue be screened; and to limit the building closest to neighboring residential single family homes on Woodrow Avenue as per exhibit L04/40 (between 50-100’ of the existing west property line) to maximum 3 stories, Board Member Rahm McDaniel second on an 11-0 vote (Board member Don Leighton-Burwell recused); GRANTED AS PER EXHIBIT L04/36 AND WITH CONDITIONS TO REQUIRE THAT ANY DUMPSTER OR TRASH RECEPTACLES ALONG THE WOODROW AVENUE SIDE OF THE BUILDING BE LOCATED INSIDE OR ABUTTING THE PARKING GARAGE; AND TO REQUIRE THAT LIGHTING ALONG THE SIDE OF THE GARAGE THAT FACES NEIGHBORING HOMES ON WOODROW AVENUE BE SCREENED; AND TO LIMIT THE BUILDING CLOSEST TO NEIGHBORING RESIDENTIAL SINGLE FAMILY HOMES ON WOODROW AVENUE AS PER EXHIBIT L04/40 (BETWEEN 50-100’ OF THE EXISTING WEST PROPERTY LINE) TO MAXIMUM 3 STORIES.

**L-5 C15-2017-0022 Aaron McGarry
2210 S 2nd Street**

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

- A. decrease the front yard setback from 25 feet (required) to 1.5 feet (requested); and to
- B. decrease the side setback from 5 feet (required) to 1 foot (requested)

in order to permit a carport in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin)

WITHDRAWN BY APPLICANT

**L-6 C15-2017-0023 Vincent G. Huebinger for Michael Osborne
5111 Eilers Avenue**

The applicant has requested a variance(s) from:

- A. 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 paved width (required) to 30 feet paved width (requested/existing); and to
- B. Section 25-2-1062 (Height Limitations and Setbacks for Small Sites) (B) (1) to decrease the distance a structure can be located from 15 feet or less (required) to 0 feet (requested, existing)

in order to establish a private primary education facility with parking in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant as per the Fire Department letter L06/38 and site plan L06/39, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED AS PER THE FIRE DEPARTMENT LETTER L06/38 AND SITE PLAN L06/39.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0018 Mike McHone for William Thorgersen
915 West 22nd Street**

The applicant has requested variance(s) to Division 9, University Neighborhood Overlay District Requirements, Section 25-2-754 (Use Regulations) (G) to permit on-site surface parking in order to erect a 27 bed group residential use in a “MF-4-CO-NP”, Multifamily Residence Medium Density – Conditional Overlay – Neighborhood Plan zoning district. (West University, Outer West Campus)

Note: September 28, 2016 the Board approved a variance to reduce the number of required parking spaces to 3 on-site and 4 off-site spaces. These spaces were depicted as surface parking and a revised findings request in the back up refers to requesting approval of surface parking, however the notice and agenda language did not include the required code reference that is now included in this request.

The public hearing was closed on Board Member Rahm McDaniel motion to Grant with the same findings as approved on September 28, 2016, Board Member Melissa Hawthorne second on an 10-1 vote (Board member Bryan King nay); GRANTED WITH THE SAME FINDINGS AS APPROVED ON September 28, 2016.

**M-2 C15-2017-0026 Ron Thrower for Eric Behrens
1814, 1816, 1820 Kenwood Avenue**

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

A. at 1814 Kenwood Avenue to decrease the side yard setback from 5 feet (required) to 1.1 feet (requested, existing) and decrease the rear yard setback from 10 feet (required) to .7 feet (requested, existing); and at

B. 1816 Kenwood Avenue to decrease the side yard setback from 5 feet (required) to 1.4 feet (requested, existing) and decrease the rear yard setback from 10 feet (required) to .6 feet (requested, existing); and at

C. 1820 Kenwood Avenue to decrease the side yard setback from 5 feet (required) to 3.4 feet (requested, existing) and decrease the rear yard setback from 10 feet (required) to .5 feet (requested, existing)

in order to permit an amended plat in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

POSTPONED TO JULY 10, 2017 BY APPLICANT

**M-3 C15-2017-0028 B.J. Cornelius for Sylvia W. Sharplin
910 Baylor Street**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 20 feet (requested) in order to permit subdivision of an existing lot in a “SF-3-HD-NP”, Family Residence - Historic Area - Neighborhood Plan zoning district. (Old West Austin)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Eric Goff second on an 11-0 vote, GRANTED.

M-4 C15-2017-0030 Tom Hatch for Cassandra Ramirez

2800 Prado Street

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the street side yard setback from 15 feet (required) to 6 feet (requested) in order to permit a new single family home and 2nd dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle)

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

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Update Re: action on fees charged for Interpretation cases and all other cases.
DISCUSSED

N-2 CodeNEXT Working group report, possible action.
SPECIAL CALLED MEETING SCHEDULE FOR JUNE 19, 2017 AT COUNCIL CHAMBERS AT 5:30PM

N-3 Discussion and possible action on a Board workshop for general Board of Adjustment information.
WORKSHOP SCHEDULED FOR JULY 17, 2018 AT COUNCIL CHAMBERS AT 5:30PM

N-4 Discussion and possible action on Budget.
DISCUSSED

N-5 Update on Bylaws and Rules
DISCUSSED, UPDATED WITH WORDING SUBMITTED BY BRYAN KING; VOTE UNANIMOUS

O. ADJOURNMENT 9:59PM

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.