



**BOARD OF ADJUSTMENT
MEETING MINUTES
(May 8, 2017)**

The Board of Adjustment convened in a meeting on May 8, 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), Eric Goff, Bryan King, Don Leighton-Burwell, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate), Pim Mayo (Alternate)

Board Members absent: Melissa Hawthorne (Vice-Chair), Rahm McDaniel, Martha Gonzalez (Alternate)

**Staff in Attendance: Leane Heldenfels
Brent Lloyd (COA Attorney)
Staff absent: Diana Ramirez**

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 – April 10, 2017

Board Member Brooke Bailey motions to approve the minutes for April 10, 2017, Board Member Bryan King seconds on 10-0; APPROVED MINUTES FOR April 10, 2017.

Postponement/withdrawal requests from applicants, staff and interested parties for Items E-1, L-1 and L-5 to Postpone to June 12, 2017 and Item L-3 to Withdraw, Board Member

Bryan King motion to approve postponements as requested, Board member Don Leighton-Burwell second on 10-0 vote; APPROVED ALL POSTPONEMENTS/WITHDRAWALS.

B. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

NONE

C. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**C-1 C15-2016-0071 La Sonia Y. Knight
7100 Siepel 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 10 feet (requested, existing) in order to maintain a carport constructed at least 10 years ago in an “SF-2”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant the Special Exception under Section 25-2-476, Board Member Bryan King second on a 10-0 vote; GRANTED THE SPECIAL EXCEPTION UNDER SECTION 25-2-476.

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)

POSTPONED TO JUNE 12, 2017 BY APPLICANT

F. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NONE

**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

**K-1 C15-2016-0084 Scott Jacobs
2003 Arpdale Street**

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

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

E. increase 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 5,500 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.

Board Member Eric Goff motion to reconsider the request, Board Member Brooke Bailey second on a 2-8 vote (Board Members Brooke Bailey, William Burkhardt, Kelly Blume, Bryan King, Don Leighton-Burwell, Pim Mayo, James Valadez, Michael Von Ohlen nay); DENIED.

**K-2 C15-2017-0005 Wenkai Chen
1211 Cedar Avenue**

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

A. decrease the side yard setback from 5 feet (required) to 2 feet 5 and 5/8 inches (requested); and to

B. decrease the minimum lot size from 5,750 square feet (required) to 1,594 square feet (requested); and to

C. decrease the minimum lot width from 50 feet (required) to 13.6 feet (requested, existing)

in order to erect a 904 square foot single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut)

Note: The Chestnut Neighborhood Plan permits a single family home to be built on a tract of land as small as 2,500 square feet but not smaller as proposed, therefore the variance requested is from the Land Development Code not the Neighborhood Plan.

Subchapter F, Residential Design and Compatibility Standards of the Land Development Code will permit 4:1 FAR or 2,300 square feet which this application currently meets.

This tract does have Land Status that exempts it from platting.

Board Member Eric Goff motion to reconsider the request, Board Member Brooke Bailey second on a 2-8 vote (Board Members William Burkhardt, Kelly Blume, Bryan King, Don Leighton-Burwell, Pim Mayo, Veronica Rivera, James Valadez, Michael Von Ohlen nay); DENIED.

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.

POSTPONED TO JUNE 12, 2017 BY APPLICANT

**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 Eric Goff motion to postpone to June 12, 2017, Board Member Michael Von Ohlen second on a 10-0 vote; POSTPONED TO JUNE 12, 2017.

**L-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)

WITHDRAWN BY APPLICANT

**L-4 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)

The public hearing was closed on Board Member Brooke Bailey motion to postpone to June 12, 2017, Board Member James Valadez second on a 10-0 vote; POSTPONED TO JUNE 12, 2017.

**L-5 C15-2017-0018 David Hartman for Hardeman Family Joint Venture, Ltd.
1301 West Koenig Lane**

The applicant has requested variance(s) from Article 10, Compatibility Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large 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 25 feet (required) to 5 feet (requested, to allow for potential 8 foot concrete sidewalk within 12 foot Public Sidewalk, Recreational and Trail Easement required by Parks and Recreation Department); and to

B. (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. (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); and to

D. 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)

in order to erect an apartment in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Brentwood)

Note: subject tract is undergoing rezoning approval to a multifamily designation by Council at their late April, May meetings, the pending zoning designation requires the fence variance #D above.

POSTPONED TO JUNE 12, 2017 BY APPLICANT

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2017-0021 Phil Moncada for Jon J. Notarthomas
2400 Wilson Street**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the rear yard setback from 10 feet (required) to 3 feet (requested, existing) for the partially covered elevated deck/egress structure and to 7 feet (requested, existing) for the accessory dwelling structure; and to

B. Section 25-2-555 (Single Family Residence District Regulations) (B) to decrease the rear yard from 5 feet (required) to 0 feet (requested, existing) for the storage structure on concrete blocks; 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 8 feet (requested/existing)

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

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant Item A only, Items B and C are withdrawn, Board Member Pim Mayo second on a 10-0 vote; GRANTED ITEM A ONLY, ITEMS B AND C ARE WITHDRAWN.

**M-2 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)

The public hearing was closed on Board Member Michael Von Ohlen motion to postpone to June 12, 2017, Board Member Eric Goff second on a 9-1 vote (Board member William Burkhardt abstained); POSTPONED TO JUNE 12, 2017.

**M-3 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 postpone to June 12, 2017, Board Member Bryan King second on a 10-0 vote; POSTPONED TO JUNE 12, 2017.

N. BOARD OF ADJUSTMENT NEW BUSINESS

- N-1** Update Re: action on fees charged for Interpretation cases and all other cases.
- N-2** CodeNEXT Working group update.
- N-3** Discussion and possible action on a Board workshop for general Board of Adjustment information.

N-4 Upcoming joint P&Z meetings/CodeNEXT Code Talk topics:

Mon 5/8 (our meeting date, maybe they can watch video on ATXN archive if interested)

CodeTalk: Affordability, Town Lake Center, 721 Barton Springs Rd, 6-8pm .

Wed 5/31 CodeTalk: Mobility, City Hall, 6-8pm

Wed 6/7 CodeTalk: Permit and Processing, City Hall, 6-8pm

N-5 Invitation to attend Joint Planning/ZAP Commission Meetings on CodeNEXT scheduled for Tuesday 5/30 at City Hall at 6pm.

N-6 Discussion and possible action on Budget.

N-7 Update on Bylaws and Rules

O. ADJOURNMENT 8:30pm

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.