



**BOARD OF ADJUSTMENT
MEETING MINUTES
(July 10, 2017)**

The Board of Adjustment convened in a meeting on July 10, 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, Kelly Blume (Alternate)

Board Member Absent: Michael Von Ohlen

**Staff in Attendance: Leane Heldenfels and Diana Ramirez
Alecia Mayberry (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 – June 12, 2017 and June 19, 2017 (Special called meeting)

Board Member Melissa Hawthorne motions to approve the minutes for June 12, 2017 and June 19, 2017 (Special Called meeting), Board Member Brooke Bailey seconds on 11-0; APPROVED MINUTES FOR June 12, 2017 and June 19, 2017 (Special Called Meeting).

Postponement/withdrawal requests from applicants, staff and interested parties for Items B-2, M-1 and M-4 to Postpone to August 14, 2017 and Item C-1 to Postpone to October 9, 2017, Board Member Melissa Hawthorne motion to approve postponements as requested, Board member Bryan King second on 11-0 vote; APPROVED ALL POSTPONEMENTS.

B. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**B-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 6 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 Bryan King motion to Grant the Special Exception under Section 25-2-476, Board Member Brooke Bailey second on an 11-0 vote; GRANTED THE SPECIAL EXCEPTION UNDER SECTION 25-2-476

**B-2 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 AUGUST 14, 2017 BY APPLICANT

C. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**C-1 C15-2017-0035 David Cancialosi for Kiki Osterman
3207 Beverly Road**

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 setback from 5 feet (required) to 3.5 feet (requested, existing); and from
- B. decrease the rear yard setback from 10 feet (required) to 3.4 feet (requested, existing)

in order to maintain a detached accessory living space at this location for at least 10 years in a “SF-3-NP”, Family Residence – Neighborhood Plan - zoning district. (Windsor Road)

POSTPONED TO OCTOBER 9, 2017 BY APPLICANT

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
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 C15-2017-0016 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) (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

A. 8 feet (requested) on the east property line for first 46 feet measured from the St. Johns Avenue property line; and

B. 5 feet (requested) on the remainder of the east property line; and

C. 5 feet (requested) along the west property line

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 Rahm McDaniel motion to Grant with condition as per memo dated 7/10/17, Board Member Melissa Hawthorne second on a 11-0 vote; GRANTED WITH CONDITION AS PER MEMO DATED 7/10/17

**L-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. 1814 Kenwood Avenue to decrease the side yard setback on the northern property line from 5 feet (required) to 1.1 feet (requested, existing) for an accessory structure and from 5 feet (required) to 0 feet (requested, existing) for a carport and to decrease the rear yard setback from 10 feet (required) to .7 feet (requested, existing) for an accessory structure; and at

B. 1816 Kenwood Avenue to decrease the side yard setback on the northern property line from 5 feet (required) to 1.4 feet (requested, existing) for an accessory structure and to decrease the rear yard setback from 10 feet (required) to .6 feet (requested, existing) for an accessory structure; and at

C. 1820 Kenwood Avenue to decrease the side yard setback on the northern property line from 5 feet (required) to 3.4 feet (requested, existing) for an accessory structure and to decrease the rear yard setback from 10 feet (required) to .5 feet (requested, existing) for an accessory structure

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

Discussion of procedural postponement due to Austin Energy denial was closed on Board Member Brooke Bailey motion to postpone to August 14, 2017, Board Member Bryan King second on an 8-3 vote (Board members Christopher Covo, Eric Goff and Melissa Hawthorne nay); POSTPONED TO AUGUST 14, 2017

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2017-0025 Phil Moncada for John Sanchez
916 Jewell 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 5 feet (requested, existing home) in order to permit a new single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin)

POSTPONED TO AUGUST 14, 2017 BY APPLICANT

**M-2 C15-2017-0031 Brandon & Maureen Lamb
2005 Bluebonnet Lane**

The applicant has requested variance(s) to Section 25-2, Sub Chapter F – Residential Design and Compatibility Standards, Article 3 – Definitions and Measurements, Section 3.3.2. A. 3. to reduce the number of open sides required for a parking area to be excluded from gross floor area from 2 (required) to 1 (requested) in order to maintain a recently added garage door to an existing carport in an “SF-3”, Family Residence zoning district.

Discussion was closed on Board Member Bryan King motion to postpone to August 14, 2017, Board Member Melissa Hawthorne second on a 10-1 vote (Board member Christopher Covo nay); POSTPONED TO AUGUST 14, 2017 (RE-NOTIFICATION REQUIRED)

**M-3 C15-2017-0032 Mary Neuburger
4606 Avenue C**

The applicant has requested a variance to Ordinance #20120112-087, North Hyde Park Neighborhood Conservation-Neighborhood Plan Combining District, Part 4, Part 6 (General Provisions), 11:

- A. c. i. Driveways, to allow a driveway located in a front yard for a residential use, to exceed a width of 12 feet from the driveway apron to the building setback line (required) to be 16 feet (requested); and to
- B. d. (i) (a) Parking, to allow the existing one parking space to suffice even though a 300 square foot addition has been made; and to
- C. d. (iii) Parking, to allow more than 25 percent width of front yard be improved with a required parking space (required), 32 percent (requested); and to
- D. (v) allow one space (requested) rather than two spaces (required) per dwelling for a single family use in the residential district

in order to add 300 square feet of living space to a single family residence in a “SF-3-NCCD - NP”, Family Residence – Neighborhood Plan zoning district. (Hyde Park)

Note: Requests B. and D. are needed if existing parking is approved. Requests A. and D. are needed if proposed parking expansion is approved.

Per section 11. c. (v) of the NCCD ordinance, double driveways at the front of a building that existed on February 1, 2005 may continue to serve the existing residence even if additional square footage is added to the residence.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Items B and D only, Board Member Rahm McDaniel second on an 11-0 vote; GRANTED ITEMS B and D ONLY

**M-4 C15-2017-0037 Henry Juarez for Sal Martinez
3012 & 3014 East 14th ½ Street**

The applicant has requested variance(s) to Section 25-2-943 (D) (Substandard Lot) to permit a substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirements (required) to be disaggregated (requested) in order to permit a new single family home on each lot and one additional dwelling unit on one lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

POSTPONED TO AUGUST 14, 2017 BY APPLICANT

**M-5 C15-2017-0038 Aruna Chindalore
9101 Sautelle Lane**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the street side yard setback from 15 feet (required) to .5 feet (requested, existing); and to

B. increase the impervious cover from 45% (required) to 46.9% (requested, existing); and to

C. Section 25-2-515 (Rear Yard of Through Lot) to decrease the through lot rear yard from 25 feet (required) to 10 feet (requested, existing)

in order to permit a recently constructed meditation studio and older gazebo in a “SF-2”, Family Residence zoning district.

Discussion was closed on Board Member Melissa Hawthorne motion to postpone to August 14, 2017, Board Member Bryan King second on a 11-0 vote; POSTPONED TO AUGUST 14, 2017

M-6 C15-2017-0039 Christian Krahenbuhl

12301 Eagle Rock

The applicant has requested a variance(s) from Section 25-2-899 (D) and (E) (Fences as Accessory Uses) to increase the fence height permitted from an average of 6 feet, maximum height of seven feet (required, permitted) to 8 feet (requested) in order to maintain a recently constructed solid privacy fence on a corner lot in an “SF-2”, Family Residence zoning district.

Note: there is a grade change of at least two feet between the street and this property that would permit the 8’ solid fence, however because this is a corner lot City of Austin owner signature could not be obtained as required.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Bryan King second on a 9-2 vote (Board members William Burkhardt and Eric Goff nay); GRANTED

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Discussion and possible action on Annual Internal Review Report

Board Member Melissa Hawthorne motion to Approve, Board Member Brooke Bailey second on an 11-0 vote; APPROVED

N-2 Workshop Monday July 17, 2017, provide Leane.heldenfels@austintexas.gov questions and topics of discussion by end of day Wednesday July 12, 2017.

DISCUSSED

N-3 Update Re: Retreat

DISCUSSED

N-4 Status on Rules and Bylaws Re: Audit and Finance

DISCUSSED AND POSTPONED TO AUGUST 14, 2017

N-5 Possible action on Election of Officers

Board Member Bryan King motion to re-appoint William Burkhardt as Chair and Melissa Hawthorne as Vice-Chair; Brooke Bailey second on an 11-0 vote; RE-APPOINTED William Burkhardt -Chair and Melissa Hawthorne -Vice-Chair

O. ADJOURNMENT 7:21 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.