



**BOARD OF ADJUSTMENT
MEETING MINUTES
(August 14, 2017)**

The Board of Adjustment convened in a meeting on August 14, 2017, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:35 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Christopher Covo, Eric Goff, Bryan King, Don Leighton-Burwell, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate), Martha Gonzalez (Alternate), Pim Mayo (Alternate)

Board Member Absent: Melissa Hawthorne, Rahm McDaniel, Veronica Rivera

Staff in Attendance: Leane Heldenfels and Diana Ramirez
Brent Lloyd (COA Attorney) and Greg Guernsey (COA)

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 – July 10, 2017

Board Member Bryan King motions to approve the minutes for July 10, 2017, Board member Eric Goff seconds on 9-2 (Board members Martha Gonzalez and Pim Mayo Abstained); APPROVED MINUTES FOR JULY 10, 2017.

A-2 Draft minutes – July 17, 2017 (Workshop)

Board Member Bryan King motions to approve the minutes for July 17, 2017 (Workshop), Board member Eric Goff seconds on 8-3 (Board members Michael Von

Ohlen, Martha Gonzalez and Eric Goff Abstained); APPROVED MINUTES FOR JULY 17, 2017 (Workshop).

Postponement/withdrawal requests from applicants, staff and interested parties for Items H-1 and H-2 to Postpone to January 8, 2018, Items L-1 and L-4 to Postpone to September 18, 2017, Item L-5 to Postpone to October 9, 2017 and Item L-2 to Withdrawn, Board Member Michael Von Ohlen motion to approve all postponements/withdrawal as requested, Board member Brooke Bailey second on 11-0 vote; APPROVED ALL POSTPONEMENTS/WITHDRAWAL.

B. SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**B-1 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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant the Special Exception under Section 25-2-476 with condition that no structure is built on the slab that backs up to the back of the fence, Board Member James Valadez second on an 11-0 vote; GRANTED THE SPECIAL EXCEPTION UNDER SECTION 25-2-476 WITH CONDITION THAT NO STRUCTURE IS BUILT ON THE SLAB THAT BACKS UP TO THE BACK OF THE FENCE.

C. NEW SPECIAL EXCEPTIONS

NONE

D. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

E. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

F. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NONE

G. INTERPRETATION RECONSIDERATIONS PREVIOUS POSTPONEMENT

NONE

H. INTERPRETATION PREVIOUS POSTPONEMENTS

**H-1 C15-2015-0147 Robert Kleeman
8901 West Highway 71**

The appellant has filed an appeal challenging a Land Use Determination and related development approvals made in connection with the approval of an outdoor amphitheater located at LifeAustin Church, 8901 West State Highway 71, including decisions to classify the use as “religious assembly” and to subsequently approve Site Plan No. SP-2011-0185C, an associated restrictive covenant, and a building permit. The appellant disagrees that, among other things, the Land Use Determination and related development approvals incorrectly treat various outdoor activities held at educational and religious assembly facilities as part of the principal use rather than as temporary activities subject to City Code Section 25-2-921(C) in an “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

POSTPONED TO JANUARY 8, 2018 BY APPLICANT

**H-2 C15-2015-0168 Robert Kleeman
8901 West Highway 71**

The appellant has requested that the Board of Adjustment interpret whether staff erred in making an administrative decision to approve site plan correction number 12 to the current site plan of this property (SP-2011-185C (R1)), thereby authorizing construction of a disc golf course and outdoor dog park at this church facility in a “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

POSTPONED TO JANUARY 8, 2018 BY APPLICANT

I. INTERPRETATION NEW PUBLIC HEARINGS

NONE

J. RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

K BOARD OF ADJUSTMENT RECONSIDERATIONS

NONE

L. PREVIOUS POSTPONEMENTS

**L-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 SEPTEMBER 18, 2017 BY APPLICANT

**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)

WITHDRAWN BY APPLICANT

**L-3 C15-2017-0031 Brandon & Maureen Lamb
2005 Bluebonnet Lane, Unit A**

The applicant has requested a variance from Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Subsection 2.1 (*Maximum Development Permitted*) to increase the maximum floor to area ratio from 0.4 to 1.0 (required, permitted) to 0.439 to 1.0 (requested) in order to maintain a recently added garage door to an existing carport (which created a 3 wall structure that does not comply with the gross floor area exemption) in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition as per Zilker Neighborhood Association letter (L03/56), Board Member Eric Goff second on a 10-1 vote (Board member Don Leighton-Burwell nay); GRANTED WITH CONDITION AS PER ZILKER NEIGHBORHOOD ASSOCIATION LETTER (L03/56).

**L-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 SEPTEMBER 18, 2017 BY APPLICANT

**L-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.

POSTPONED TO OCTOBER 9, 2017 BY APPLICANT

M. NEW PUBLIC HEARINGS

**M-1 C15-2017-0034 Casey Giles for Ryan Diepenbrock
1600 and 1606 South 1st Street**

The applicant has requested variance(s) to Article 10, Compatibility Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) to:

- A. (B) to allow a concrete or equivalent pedestrian walkway structure up to the south property line within the 25 foot setback from property in an urban family residence 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
- B. (C) (1) to increase the allowed height of a structure that is 50 feet or less from property along the south property line that is either 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 4 stories and 55' (requested); and to
- C. (C) (2) to increase the allowed height of a structure that is more than 50 feet and not more than 100 feet or less from property along the south property line that is either 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 4 stories and 55' (requested); and to
- D. (C) (3) to increase the allowed height of a structure that is more than 100 feet but not more than 300 feet from property along the south and west property lines that is zoned SF-5 or more restrictive, from 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 from 3 stories and 40 feet (required, permitted) to 4 stories and 55 feet (requested)

in order to construct a 4-story mixed use structure in a "CS-MU-V-CO-NP", General Commercial Services – Mixed Use – Vertical Mixed Use - Conditional Overlay - Neighborhood Plan zoning district. (Bouldin)

The public hearing was closed on Board Member Michael Von Ohlen motion to postpone to September 18, 2017, Board Member Bryan King second on an 11-0 vote; POSTPONED TO SEPTEMBER 18, 2017.

**M-2 C15-2017-0040 A. Ron Thrower for Aaron Levy
7513 Cooper Lane**

The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1063 (Height Limitations and Setbacks for Large 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 25 feet (required) to 2 feet (requested) in order to erect a private drive for 30 unit

condominium use in a “SF-6-CO”, Townhouse and Condominium Residence – Conditional Overlay zoning district.

The public hearing was closed on Board Member Bryan King motion to postpone to September 18, 2017, Board Member Don Leighton Burwell second on an 11-0 vote; POSTPONED TO SEPTEMBER 18, 2017.

**M-3 C15-2017-0041 Marc Bergeron
1701 Treadwell Street**

The applicant has requested a variance to Section 25-2-492 (D) (Site Development Requirements) to increase the maximum impervious cover from 45% (required/permitted) to 48.5% (requested) in order to maintain a recently remodeled garage as a 2nd dwelling unit in a “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant 46.5% impervious coverage with condition to install an 800 gallon rain water tank, Board Member James Valadez second on a 10-1 vote (Board member William Burkhardt nay); GRANTED 46.5 IMPERVIOUS COVERAGE WITH CONDITION TO INSTALL AN 800 GALLON RAIN WATER TANK.

**M-4 C15-2017-0042 Richard Suttle Jr. for Washoe Company
414 W MLK Jr. Blvd. & 1901, 1903 San Antonio Street**

The applicant has requested variance(s) to Section 25-6, Appendix A (Tables of Off-Street Parking and Loading Requirements), Schedule C – Off-Street Loading Requirement, to reduce the number of required loading spaces from 3 loading spaces (required) to 1 loading space (requested) in order to erect a hotel with accessory uses in a “GR-NP”, Community Commercial -Neighborhood Plan and “CS-NP”, General Commercial Services – Neighborhood Plan zoning district. (West University, Inner West Campus Sub-District)

The public hearing was closed on Board Member Bryan King motion to Grant one (1) loading space at 80 feet long with condition that the space be parallel to the alley and that the operation of a Hotel-Motel use on the Property be pursuant to conditions of SP-2016-0357C, and shall be subject to the following:

- a) **Establishment of loading dock policies by the hotel to ensure that deliveries are scheduled by appointment;**
- b) **Deliveries to the loading dock are to be scheduled at off-peak times (peak hours are 7-9 AM and 4-6 PM Monday-Friday), to the maximum extent possible to minimize potential traffic, bike and pedestrian conflicts;**
- c) **A hotel employee/attendant must be present at all deliveries to guide truck on the loading dock to ensure safe maneuvering in the alley; and**
- d) **Hotel laundry (sheets, towels, etc.) shall be cleaned on the site except for off-site dry cleaning and specialty items, Board Member Michael Von Ohlen second on a 10-1 vote (Board member Kelly Blume nay); GRANTED ONE (1) LOADING**

SPACE AT 80 FEET LONG WITH CONDITION THAT THE SPACE BE PARALLEL TO THE ALLEY AND THAT THE OPERATION OF A HOTEL-MOTEL USE ON THE PROPERTY BE PURSUANT TO CONDITIONS OF SP-2016-0357C, AND SHALL BE SUBJECT TO THE FOLLOWING:

A) ESTABLISHMENT OF LOADING DOCK POLICIES BY THE HOTEL TO ENSURE THAT DELIVERIES ARE SCHEDULED BY APPOINTMENT;
B) DELIVERIES TO THE LOADING DOCK ARE TO BE SCHEDULED AT OFF-PEAK TIMES (PEAK HOURS ARE 7-9 AM AND 4-6 PM MONDAY-FRIDAY), TO THE MAXI The public hearing was closed on Board Member Bryan King motion to Grant one (1) loading space at 80 feet long with condition that the space be parallel to the alley and that the operation of a Hotel-Motel use on the Property be pursuant to conditions of SP-2016-0357C, and shall be subject to the following:

a) Establishment of loading dock policies by the hotel to ensure that deliveries are scheduled by appointment;
b) Deliveries to the loading dock are to be scheduled at off-peak times (peak hours are 7-9 AM and 4-6 PM Monday-Friday), to the maximum extent possible to minimize potential traffic, bike and pedestrian conflicts;

c) A hotel employee/attendant must be present at all deliveries to guide truck on the loading dock to ensure safe maneuvering in the alley; and

d) Hotel laundry (sheets, towels, etc.) shall be cleaned on the site except for off-site dry cleaning and specialty items, Board Member Michael Von Ohlen second on a 10-1 vote (Board member Kelly Blume nay); GRANTED ONE (1) LOADING SPACE AT 80 FEET LONG WITH CONDITION THAT THE SPACE BE PARALLEL TO THE ALLEY AND THAT THE OPERATION OF A HOTEL-MOTEL USE ON THE PROPERTY BE PURSUANT TO CONDITIONS OF SP-2016-0357C, AND SHALL BE SUBJECT TO THE FOLLOWING:

A) ESTABLISHMENT OF LOADING DOCK POLICIES BY THE HOTEL TO ENSURE THAT DELIVERIES ARE SCHEDULED BY APPOINTMENT;

B) DELIVERIES TO THE LOADING DOCK ARE TO BE SCHEDULED AT OFF-PEAK TIMES (PEAK HOURS ARE 7-9 AM AND 4-6 PM MONDAY-FRIDAY), TO THE MAXIMUM EXTENT POSSIBLE TO MINIMIZE POTENTIAL TRAFFIC, BIKE AND PEDESTRIAN CONFLICTS;

C) A HOTEL EMPLOYEE/ATTENDANT MUST BE PRESENT AT ALL DELIVERIES TO GUIDE TRUCK ON THE LOADING DOCK TO ENSURE SAFE MANEUVERING IN THE ALLEY; AND

D) HOTEL LAUNDRY (SHEETS, TOWELS, ETC.) SHALL BE CLEANED ON THE SITE EXCEPT FOR OFF-SITE DRY CLEANING AND SPECIALTY ITEMS.

MUM EXTENT POSSIBLE TO MINIMIZE POTENTIAL TRAFFIC, BIKE AND PEDESTRIAN CONFLICTS;

C) A HOTEL EMPLOYEE/ATTENDANT MUST BE PRESENT AT ALL DELIVERIES TO GUIDE TRUCK ON THE LOADING DOCK TO ENSURE SAFE MANEUVERING IN THE ALLEY; AND

D) HOTEL LAUNDRY (SHEETS, TOWELS, ETC.) SHALL BE CLEANED ON THE SITE EXCEPT FOR OFF-SITE DRY CLEANING AND SPECIALTY ITEMS.

N. NEW BUSINESS

N-1 Status on Bylaws Re: Audit and Finance

DISCUSSED

N-2 Discussion of AE review process to added to the BOA Rules of Procedures

DISCUSSED – ITEM TO REMAIN ON THE NEXT AGENDA FOR POSSIBLE ACTION

**ADD ITEM TO NEXT AGENDA:
DISCUSSION AND POSSIBLE ACTION – REARRANGE ORDER OF CASES AT THE BEGINNING OF MEETING**

O. ADJOURNMENT AT 8:46 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.