



**BOARD OF ADJUSTMENT
MEETING MINUTES
(September 18, 2017)**

The Board of Adjustment convened in a meeting on September 18, 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 (late), William Burkhardt (Chair), Christopher Covo, Eric Goff, Bryan King, Don Leighton-Burwell, Rahm McDaniel, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate), Pim Mayo (Alternate - partial at the beginning of meeting)

Board Member Absent: Melissa Hawthorne

**Staff in Attendance: Leane Heldenfels and Diana Ramirez
Liz Johnston, Beth Robinson, Donna Galati, Dr. Brent Bellinger 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 August 14, 2017

Board Member Bryan King motions to approve the minutes for August 14, 2017, Board member Michael Von Ohlen seconds on 11-0; APPROVED MINUTES FOR August 14, 2017.

B. SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

NONE

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

NONE

I. INTERPRETATION NEW PUBLIC HEARINGS

**I-1 C15-2017-0043 Rick Rasberry for Gail Findlay
2005 Manana Street**

The appellant has filed an appeal challenging staff decision that the retaining walls, bulkhead, and other erosion protection devices at this location were not constructed prior to January 1, 1984. The appellant disagrees and argues that these structures and features were built prior to that date at this location in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member James Valadez second on an 11-0 vote; DENIED.

J. RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

K. BOARD OF ADJUSTMENT RECONSIDERATIONS

**K-1 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)

Board Member Bryan King motion to grant the reconsideration request, Board Member Don Leighton-Burwell second on an 11-0 vote; GRANTED RECONSIDERATION REQUEST; the public hearing was closed on Board Member Michael Von Ohlen motion to grant one (1) loading space at 55 feet long with conditions that the space be parallel to the alley, no parking on the alley, no trucks larger than 55 feet 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 James Valadez second on an 9-2 vote (Board members Bryan King and Pim Mayo nay); GRANTED ONE (1) LOADING SPACE AT 55 FEET LONG WITH CONDITIONS THAT THE SPACE BE PARALLEL TO THE ALLEY, NO PARKING ON THE ALLEY, NO TRUCKS LARGER THAN 55 FEET 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.**

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 DECEMBER 11, 2017 BY APPLICANT

**L-2 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 Grant, Board Member Veronica Rivera second on an 11-0 vote; GRANTED.

**L-3 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 OCTOBER 9, 2017 BY APPLICANT

**L-4 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 October 9, 2017, Board Member James Valadez second on an 11-0 vote; POSTPONED TO OCTOBER 9, 2017.

M. NEW PUBLIC HEARINGS

**M-1 C15-2017-0045 Guillermo Sach Sanchez
2017 East 11th Street**

The applicant has requested variance(s) to Section 25-2-774 (*Two-Family Residential Use*) (B) to decrease the minimum lot area from 5,750 square feet (required) to 5,622 square feet (requested/existing) in order to permit a second dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

The public hearing was closed on Board Member Bryan King motion to Postpone to October 9, 2017, Board Member Rahm McDaniel second on an 11-0 vote; POSTPONED TO OCTOBER 9, 2017. (RENOTIFICATION REQUIRED)

**M-2 C15-2017-0046 Richard Weiss
1303 East Cesar Chavez Street**

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

- A. 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 18 feet (required) to 5 feet (requested) along the rear property line; and to
- B. 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 18 feet (required) to 5 feet (requested) along the rear and east property lines

in order to erect a new 2 story residence and reconstruct and existing 2 story residence in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (East Cesar Chavez)

The public hearing was closed on Board Member Bryan King motion to Postpone to October 9, 2017, Board Member Don Leighton-Burwell second on an 11-0 vote; POSTPONED TO OCTOBER 9, 2017.

**M-3 C15-2017-0047 Phil Moncada for Ryan Dumont and Hank Coleman
3602 & 3604 Rivercrest Drive**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (1) to increase the distance a dock may extend from the shoreline from 30 feet (required/permitted) to 60 feet (requested) in order to construct a new dock in an “LA”, Lake Austin zoning district.

POSTPONED TO NOVEMBER 13, 2017 BY APPLICANT

**M-4 C15-2017-0049 Janis J. Smith for Taylor Kitsch
8818 Big View Drive #1**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (1) to increase the distance a dock may extend from the shoreline from 30 feet (required, permitted) to 45 feet (requested) in order to construct a new dock in an “LA”, Lake Austin zoning district.

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

**M-5 C15-2017-0050 Margaret Saunders for David Rudick
4008 Avenue C**

The applicant has requested variance(s) to Ordinance 20120112-086 Part 8, (Residential District) (7) to decrease the minimum lot size for a two-family residential use that is permitted in the Residential District from 7,000 square feet (required) to 5,964 square feet (requested) in order to erect a new two-story 850 square foot accessory dwelling unit in an “MF-4–HD-NCCD-NP”, Multi-Family Residence Moderate - High Density – Historic Area – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

The public hearing was closed on Board Member Eric Goff motion to Postpone to October 9, 2017, Board Member Brooke Bailey second on an 11-0 vote; POSTPONED TO OCTOBER 9, 2017.

N. NEW BUSINESS

N-1 Discussion and possible action of AE review process to added to the BOA Rules of Procedures

Board member Eric Goff will provide new wording regards to the AE review process for the Board to consider adding to the Rules and Procedures.

N-2 Discussion and possible action to rearrange order of cases on the agenda

Board Member Bryan King motion to change the order of cases on the agenda to move all new cases to the front and all postponed cases to the end of the agenda, Board Member Michael Von Ohlen second on an 11-0 vote. A new revised template will be provided in the draft minutes by staff for Board approval.

O. ADJOURNMENT at 9:41 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.