



**BOARD OF ADJUSTMENT**  
**October 9, 2017**  
**5:30PM**  
**CITY COUNCIL CHAMBERS**  
**301 WEST 2<sup>ND</sup> STREET**  
**AUSTIN, TEXAS**

\_\_\_ Brooke Bailey  
 \_\_\_ William Burkhardt (Chair)  
 \_\_\_ Christopher Covo  
 \_\_\_ Eric Goff  
 \_\_\_ Melissa Hawthorne (Vice Chair)  
 \_\_\_ Bryan King  
 \_\_\_ Don Leighton-Burwell

\_\_\_ Rahm McDaniel  
 \_\_\_ Veronica Rivera  
 \_\_\_ James Valadez  
 \_\_\_ Michael Von Ohlen  
 \_\_\_ Kelly Blume (Alternate)  
 \_\_\_ Martha Gonzalez (Alternate)  
 \_\_\_ Pim Mayo (Alternate)

**AGENDA**

**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 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 September 18, 2017

**B. SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS**

B-1 C15-2017-0035 Kiki Osterman  
 3207 Beverly Road

**REQUESTING POSTPONEMENT TO DECEMBER 11, 2017**

**SPECIAL EXCEPTION IS DENIED BY AUSTIN ENERGY (AE), DUE TO CONSTRUCTED STRUCTURE BEING IN CONFLICT WITH AE FACILITIES AND CLEARANCE REQUIREMENTS. OWNER/APPLICANT MUST OBTAIN LIENSE AGREEMENT WITH THE CITY OF AUSTIN, OFFICE OF REAL ESTATE.**

**IN ORDER TO RESOLVE THE CONFLICT WITH AE CLEARANCES -  
OWNER/APPLICANT MUST OBTAIN WRITTEN APPROVAL OF CONFLICT  
RESOLUTION FROM EBEN KELLOGG, 512-322-6050, AUSTIN ENERGY - PUBLIC  
INVOLVEMENT/REAL ESTATE, SERVICES, AND PRIOR TO A BOA APPROVAL**

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)

**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**

**NONE**

**H. INTERPRETATION PREVIOUS POSTPONEMENTS**

**NONE**

**I. INTERPRETATION NEW PUBLIC HEARINGS**

**NONE**

**J. RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**K BOARD OF ADJUSTMENT RECONSIDERATIONS**

**NONE**

**L. PREVIOUS POSTPONEMENTS**

**L-1 C15-2017-0037 Henry Juarez for Sal Martinez  
3012 & 3014 East 14<sup>th</sup> ½ Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

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)

**L-2 C15-2017-0038 Aruna Chindalore  
9101 Sautelle Lane**

**REQUESTING POSTPONEMENT TO DECEMBER 11, 2017**

**DENIED BY AUSTIN ENERGY - THE STRUCTURE BUILT IS IN CONFLICT WITH THE DEDICATED P.U.E. – PLEASE CONTACT THE OFFICE OF REAL ESTATE, CITY OF AUSTIN TO REQUEST FULL RELEASE OR PARTIAL RELEASE OF THE PORTION OF THE STRUCTURE THAT ENCUMBERS THE P.U.E. (512)-974-7196 – OWNER/APPLICANT MUST OBTAIN WRITTEN APPROVAL OF CONFLICT RESOLUTION FROM EBEN KELLOGG, 512-322-6050, AUSTIN ENERGY - PUBLIC INVOLVEMENT/REAL ESTATE, SERVICES, AND PRIOR TO A BOA APPROVAL**

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.

**L-3 C15-2017-0040 A. Ron Throver for Aaron Levy  
7513 Cooper Lane**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE YOU WITH DIRECTION FOR THE RELOCATION OF SERVICE DROP.**

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.

**L-4 C15-2017-0045 Guillermo Sach Sanchez  
2017 East 11<sup>th</sup> Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE YOU WITH DIRECTION FOR THE RELOCATION OF SERVICE DROP.**

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 5,588 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)

**L-5 C15-2017-0046 Richard Weiss  
1303 East Cesar Chavez Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE YOU WITH DIRECTION FOR THE RELOCATION OF SERVICE DROP.**

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)

**L-6 C15-2017-0050 Margaret Saunders for David Rudick  
4008 Avenue C**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE YOU WITH DIRECTION FOR THE RELOCATION OF SERVICE DROP.**

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)

**M. NEW PUBLIC HEARINGS**

**M-1 C15-2017-0044 Simha Behar  
1105 Plymouth**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

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 7 feet (requested, existing) in order to permit an existing carport built in 1997 to remain in a “SF-2”, Family Residence zoning district.

**M-2 C15-2017-0048 David Cancialosi for Valla Djafari  
2009 Lakeshore Drive**

**AUSTIN ENERGY DOES NOT OPPOSE YOUR APPLICATION FOR THE REQUESTED VARIANCES, PROVIDED THAT ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT LANDOWNER'S/DEVELOPER'S EXPENSE.**

**THE FINAL GRADE OF THE ROAD (DRIVEWAY) MUST MEET THE REQUIRED CLEARANCES FOR AE FACILITIES AND THOSE OF OUR FRANCHISED ATTACHMENTS. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ANY COSTS OF RAISING LINES AND ATTACHMENTS.CONDITIONAL TO THIS APPROVAL, AN ELEVATION PROFILE OF THE PROPOSED STEEL DECKED DRIVEWAY IS REQUESTED FOR REVIEW BY OUR OFFICE. IF THE OWNER/ DEVELOPER IS PROPOSING GATED FENCE AT THE ENTRANCE THAT IS UNDER OUR FACILITIES, AN LICENSE AGREEMENT WITH AUSTIN ENERGY WILL BE REQUIRED.**

**ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT LANDOWNER'S/DEVELOPER'S EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE DIRECTION FOR THE RELOCATION OF THE NEW SERVICE DROP.**

The applicant has requested variance(s) to:

- A. Section 25-2-492 (Site Development Regulations) (D) to reduce the minimum rear setback from 20 feet (required) to 10 feet (requested, 0 feet existing); and to
- B. Section 25-2-492 (Site Development Regulations) (D) to reduce the street side setback from 25 feet (required) to 5 feet (requested, 0 feet existing); and to
- C. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (required) to 66 percent (requested, 74 percent existing); and to
- D. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (b) increase the maximum impervious cover on a slope with a gradient of more than 15 percent but not more than 25 percent from 10 percent (required) to 88 percent (requested, 0 percent existing); and to
- E. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from 5 percent (required) to 9 percent (requested, 0 percent existing); and to
- F. Section 25-2-551 (Lake Austin District Regulations) (E) (2) to permit development on a slope with a gradient of more than 35 percent which is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs from 0 percent (required) to 31 percent (requested, 0 percent existing)

in order to erect a new 2 story residence, pool, deck, guest house, patio and detached garage in a “LA”, Lake Austin zoning district.

**M-3 C15-2017-0052 John Schexnayder  
709 West Gibson Street**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

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 7 feet (required, up to 8 feet permitted with adjacent signatures) to 11 feet for a 32 foot portion along the South 3rd St. side of the property (requested) in order to maintain an 11 year old solid privacy fence on a corner lot with a above ground swimming pool and deck in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin)

**M-4 C15-2017-0053 Jessica Ozmun for B. Lee  
2303 Quarry Road**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE YOU WITH DIRECTION FOR THE RELOCATION OF SERVICE DROP**

The applicant has requested a variance to Section 25-2-515 (Rear Yard of a Through Lot) to decrease the minimum through lot setback from 25 feet (required) to 16 feet (requested, existing flatwork) in order to construct a detached garage, screened porch and bath in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-5 C15-2017-0054 Rick Rasberry for Dustin Donnell  
1615 Westlake Drive**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A):

- A. (2) to increase the distance a dock may extend from no more than 20 percent of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline, or in this case 28.1 feet (required, permitted) to 30 feet (requested); and
- B. (4) (a) to increase the width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, from 25.7 feet (required, permitted) to 30 feet (requested)

in order to construct a new boat dock within the “LA” Lake Austin Residence zoning district.

**M-6 C15-2017-0055 Travis Flake for Scott Way  
3515 East 12<sup>th</sup> Street and 1198 EM Franklin**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested a variance to Section 25-2-1444 (Cottage Regulations):

- A. (D) to increase the maximum driveway width in a front yard or street yard from 12 feet (required, permitted) to 18 feet (requested, existing flatwork) on both lots; and to
- B. (G) (2) to decrease the minimum front porch width from 50 percent of the width of the front façade, in this case 18 feet for this 36 foot front facade (required) to 17 feet (requested, existing) on the E.M. Franklin Ave. lot; and to
- C. (G) (2) to decrease the minimum front porch width from 50 percent of the width of the front façade, in this case 16 feet for this 31 foot front facade (required) to 11 feet (requested, existing) on the E. 12th St. lot

in order to subdivide this parcel into two cottage lots with existing homes in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (MLK, East MLK Combined)

**N. NEW BUSINESS**

- N-1** Discussion and possible action of AE review process added to the BOA Rules of Procedures
- N-2** Discussion and possible to approve new agenda template
- N-3** Update on Bylaws Amendment, Interpretation Appeal fee recommendation at Audit and Finance, and independent Board counsel request.
- N-4** Discussion and possible action CodeNext Draft 2 Board comments

**O. ADJOURNMENT**

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.