



**BOARD OF ADJUSTMENT
December 11, 2017
5:30PM
CITY COUNCIL CHAMBERS
301 WEST 2ND STREET
AUSTIN, TEXAS**

___ Brooke Bailey	___ Rahm McDaniel
___ William Burkhardt (Chair)	___ Veronica Rivera
___ Christopher Covo	___ James Valadez
___ Eric Goff	___ Michael Von Ohlen
___ Melissa Hawthorne (Vice Chair)	___ Kelly Blume (Alternate)
___ Bryan King	___ Martha Gonzalez (Alternate)
___ Don Leighton-Burwell	___ 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 November 13, 2017 Draft Minutes

B. SIGNS NEW PUBLIC HEARINGS

**B-1 C16-2017-0011 W. Roberts for G. Collins
2500 Walsh Tarlton Lane**

DENIED BY AUSTIN ENERGY - THE PROPOSED SIGN IS IN CONFLICT WITH EXISTING AE FACILITIES AND THE DEDICATED P.U.E. – 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 variance(s) to:

A. Article 6 – Regulations Applicable to Certain District, 25-10-124 (Scenic Roadway Sign District Regulations) (G) to increase the distance a sign support must be installed from the street right-of-way from 12 feet, or at least 25 feet from street pavement or cube located within the right-of-way, whichever is the lesser distance (required/permitted) to 4 feet 9 inches from street right-of-way (requested); and to

B. Article 9 – Setback and Structural Requirements, 25-10-191 (F) (1) to increase the maximum sign height for a sign within 12 feet of right-of-way from 30 inches (required) to 52 inches (requested)

in order to construct a new monument sign in an “GR-MU”, Community Commercial – Mixed Use zoning district, Commercial Sign District.

C. SIGNS PREVIOUS POSTPONEMENTS

NONE

D. SIGNS RECONSIDERATIONS

NONE

E. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

F. INTERPRETATIONS NEW PUBLIC HEARINGS

NONE

G. SPECIAL EXCEPTIONS NEW PUBLIC HEARINGS

NONE

H. VARIANCES NEW PUBLIC HEARINGS

**H-1 C15-2017-0061 Ron Thrower for Elwyn Carol Williams Jr.
7300 South Congress Avenue**

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 Article 10, Compatibility Standards Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) (B) (1 and 2) to decrease the distance that a structure can be constructed 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 .80 feet (requested) in order to construct a private drive that connects Meadow Lea Drive and South Congress Avenue within a condominium development in a “SF-6”, Townhouse and Condominium Residence zoning district.

**H-2 C15-2017-0064 Robert D. Ettinger
2515 Winsted 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) to Section 25-2 492 (D) (Site Development Regulations) to decrease the minimum lot width from 50 feet (required) to 45.3 feet (requested for lot 193) in order to complete an amended plat of the 2 lots which will enable the current house to be located entirely on lot192 and a new single family home to be built on the currently vacant lot 193 in a “SF-3NP”, Family Residence - Neighborhood Plan zoning district. (West Austin Neighborhood Group)

Note: 25-1-22 (Measurements) (C) of the Land Development Code requires that lot width be measured both at the front setback line (57.47 feet in this case) and at a distance 50 feet to the rear of the front setback line (45.3 feet in this case). A minimum of 50 feet is required for each point on the lot.

**H-3 C15-2017-0066 Ryan Lemmo for Nicholas Vaughan
2613 South 1st 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 25-2-1063 (Height Limitations and Setbacks for Large Sites) (B) (1 and 2) to decrease the distance a structure can be constructed from a property in a SF-5 or more restrictive zoning district and on which a use permitted in an SF-5 of more restrictive zoning district is located from 25 feet (required) to 13 feet (requested) in order to maintain a recently constructed accessory building for a veterinary medical use in a “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Dawson)

**H-4 C15-2017-0067 Jeff Mosley and Hector Avila for Sheila Stallings
702 Zennia Street**

DENIED BY AUSTIN ENERGY (AE) DUE TO APPLICANT FAILING TO RECEIVE WRITTEN APPROVAL FROM AE PRIOR FILING THEIR APPLICATION WITH BOARD OF ADJUSTMENT (BOA) AS REQUIRED ON BOA COMPLETENESS CHECKLIST. PLEASE CONTACT EBEN KELLOGG WITH AE PUBLIC INVOLVEMENT AND REAL ESTATE SERVICES AT 322-6050.

REQUESTING POSTPONEMENT TO JANUARY 8, 2018

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

- A. the minimum lot width from 50 feet (required) to 34 feet (requested, existing); and to
- B. the minimum lot size from 5,750 (required) to 2,584 (requested, existing)

in order to add a 2nd story accessory residential use to the current 1 story commercial use in a “CS-CO-NP”, General Commercial Services - Conditional Overlay - Neighborhood Plan zoning district. (North Loop)

I. INTERPRETATIONS PREVIOUS POSTPONEMENTS

NONE

J. INTERPRETATIONS RECONSIDERATIONS

**J-1 C15-2017-0051 Nikelle Meade for Reagan National Advertising, Inc.
2355 ½ SH 71 East**

AUSTIN ENERGY HAS NO COMMENT

The applicant has filed an appeal challenging staff's decision to reject a permit application to modify a nonconforming off-premise sign that according to Section 25-10-152 (Nonconforming Signs) (B) (2) staff believes would change the method or technology used to convey a message in a "CS", General Commercial Services. (Expressway Corridor Sign District)

K. INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE

L. SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS
NONE

M. SPECIAL EXCEPTIONS RECONSIDERTIONS
NONE

N. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE

O. VARIANCES PREVIOUS POSTPONEMENTS

O-1 C15-2017-0025 Phil Moncada for John Sanchez
916 Jewell Street

DENIED BY AUSTIN ENERGY (AE), PROPOSAL CONFLICTS WITH AE FACILITIES. APPLICANT/OWNER IS REQUIRED TO MEET AE CLEARANCE CRITERIA REQUIREMENTS FOR DISTANCES FROM AE FACILITIES. ALL IMPROVEMENTS AND COSTS ASSOCIATED WITH THE RELOCATION OR REMOVAL OF AE FACILITIES IS THE RESPONSIBILITY OF THE PROPERTY OWNER. 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 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)

O-2 C15-2017-0035 Kiki Osterman
3207 Beverly Road

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)

**O-3 C15-2017-0038 Aruna Chindalore
9101 Sautelle Lane**

AUSTIN ENERGY CONDITIONALLY DOES NOT OPPOSE REQUEST, BASED ON FORMAL APPROVAL OF THE PARTIAL RELEASE OF EASEMENT # 9897-1712 BY THE OFFICE OF REAL ESTATE FOR THE CITY OF AUSTIN. ALSO, 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.

REQUESTING POSTPONEMENT TO FEBRUARY 12, 2018

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.

**O-4 C15-2017-0047 Phil Moncada for Ryan Dumont and Hank Coleman
3602 & 3604 Rivercrest 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) (1) to increase the distance a dock may extend from the shoreline from 30 feet (required/permited) to 60 feet (requested) in order to construct a new dock in an “LA”, Lake Austin zoning district.

**O-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.

REQUESTING POSTPONEMENT TO JANUARY 8, 2018

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 22 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.

**P. VARIANCES RECONSIDERATIONS
NONE**

Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE

R. NEW BUSINESS

R-1 Update and possible action for CodeNEXT working group

R-2 Discussion and possible action regarding new Agenda

R-3 Discussion and update of Austin Energy variance comments

R-4 Discussion of January electronic version of the packet

S. 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.