



**BOARD OF ADJUSTMENT  
MEETING MINUTES  
(November 13, 2017)**

**The Board of Adjustment convened in a meeting on November 13, 2017, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.**

**Melissa Hawthorne called the Board Meeting to order at 5:35 p.m.**

**Board Members in Attendance: Brooke Bailey, Christopher Covo, Eric Goff, Melissa Hawthorne (Vice-Chair, served as chair), Bryan King, Don Leighton-Burwell, Rahm McDaniel, James Valadez, Michael Von Ohlen, Kelly Blume.(Alternate) and Pim Mayo (Alternate).**

**Board members Absent: William Burkhardt (Chair) and Veronica Rivera**

**Staff in Attendance: Leane Heldenfels and Brett Lloyd, City Attorney, Liz Johnston**

**Staff Absent: Diana Ramirez**

**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 October 9, 2017 Draft Minutes**

**A-2 October 26, 2017 Draft Minutes – Special Called Meeting**

**Board Member Bryan King motions to approve the minutes for October 9, 2017 and October 26, 2017, Board member James Valadez seconds on 9-0 (Board members Christopher Covo and Michael Von Ohlen late); APPROVED MINUTES FOR October 9, 2017 and October 26, 2017.**

**Postponement/withdrawal requests from applicants, staff and interested parties for Items B-1to Withdraw and O-3 and O-5 to Postpone to December 11, 2017, Board Member Rahm McDaniel motion to approve postponements/withdrawal as requested, Board member Brooke Bailey second on 10-0 vote (Board Member Michael Von Ohlen late); APPROVED ITEMS ALL POSTPONEMENTS/WITHDRAWAL.**

**B. SIGNS NEW PUBLIC HEARINGS**

**B-1 C16-2017-0007 National Western Life Insurance/Texas Custom Signs  
10801 North MoPac Expressway NB**

The applicant has requested a variance to Section 25-10-124 (F) (*Scenic Roadway Sign District Regulations*) to permit internal lighting of a logo in order to include an illuminated logo in a wall sign in a “NBG”, North Burnet Gateway zoning district. (Scenic Roadway Sign District)

**WITHDRAWN BY APPLICANT**

**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 C15-2017-0058 Robbie Moseley  
2801 Down Cove**

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, permitted) to 9 feet 1 inch (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 an 8 foot solid fence, however because this is a corner lot the adjacent City of Austin owner signature could not be obtained as required. However, the grade change and adjacent owner signatures would only permit maximum of 8 feet height, not the additional 1 foot requested.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant fence to 7 feet with condition that pergola be separated, taken off top of the fence, Board Member Don Leighton-Burwell second on a 8-3 vote (Board members Brooke Bailey, Bryan King and James Valadez nay); DENIED.**

**H-2 C15-2017-0059 Lisa Laughlin Boyd  
1806 Lakeshore Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Standards) to decrease the front yard from 40 feet (required) to 20 feet (requested, 25 feet existing) in order to add a 290 square foot additional one car garage and storage structure in a “SF-2”, Family Residence zoning district. (Lake Austin Overlay)

Note: in 2012 when the original house and one car garage building permit plan was reviewed and permit issued the zoning of the property was SF-2 and front setback was 25 feet. However, in 2014 the Lake Austin Overlay, Section 25-2-647, was established the property now must meet LA front setback of 40 feet.

**The public on Board Member hearing was closed Michael Von Ohlen motion to Grant, Board Member Bryan King second on a 9-2 vote (Board members Don Leighton-Burwell and Rahm McDaniel nay); GRANTED.**

**H-3 C15-2017-0060 Rachel Forster and Adnan Prcic  
5203 Martin Avenue**

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 11 feet (requested) in order to add a 2<sup>nd</sup> dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Loop)

**The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Don Leighton-Burwell second on a 11-0 vote; GRANTED.**

**I. INTERPRETATIONS PREVIOUS POSTPONEMENTS  
NONE**

**J. INTERPRETATIONS RECONSIDERATIONS  
NONE**

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

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Rahm McDaniel second on a 9-2 vote (Board members James Valadez and Bryan King nay); GRANTED.**

**O-2 C15-2017-0044 Simha Behar  
1105 Plymouth**

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.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant front yard setback to 14 feet, not 7 feet as requested, and condition that carport remain open on all 3 sides, Board Member Christopher Covo second on a 10-1 vote (Board member Don Leighton-Burwell nay); GRANTED FRONT YARD SETBACK TO 14 FEET, NOT 7 FEET AS REQUESTED, AND CONDITION THAT CARPORT REMAIN OPEN ON ALL 3 SIDES.**

**O-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 DECEMBER 11, 2017 BY APPLICANT**

**O-4 C15-2017-0048 David Cancialosi for Valla Djafari  
2009 Lakeshore Drive**

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.

**The public hearing was closed on Board Member Bryan King motion to Postpone to January 8, 2018, Board Member Michael Von Ohlen second on a 11-0 vote; POSTPONED TO January 8, 2018.**

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

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.

**POSTPONED TO DECEMBER 11, 2017 BY STAFF**

**P. VARIANCES RECONSIDERATIONS  
NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS  
NONE**

**R. NEW BUSINESS**

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

**POSTPONED TO January 8, 2018 with no objections**

**R-2** Discussion and possible action to approve new agenda template

**Board Member Bryan King motion to Approve new agenda template, Board Member Michael Von Ohlen second, APPROVED with no objection**

**R-3** Discussion and possible action to adopt a meeting schedule for the upcoming year 2018

**Board Member Bryan King motion to Approve Meeting schedule for 2018, Board Member Brooke Bailey second, APPROVED with no objection**

**ADD NEW:**

**R-1 CodeNEXT working group update and possible action**

**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.