



BOARD OF ADJUSTMENT
February 12, 2018
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 January 8, 2018 Draft Minutes

B. SIGNS NEW PUBLIC HEARINGS

B-1 C16-2018-0001 Clive Hartsfield for Micah Dowdy
12901 North IH 35 Bldg 14

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) to Section 25-10-123(B)(3)(Expressway Corridor Sign District Regulations) to increase the maximum allowable sign height from 35 feet (required/permitted) to 42 feet (requested) in order to replace an existing sign with a new, higher sign at this site in the Expressway Corridor Sign District within a “CS-CO”, General Commercial Services – Conditional Overlay zoning district.

C. SIGNS PREVIOUS POSTPONEMENTS

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

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 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.

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 C15-2018-0005 Kristina and Evan Baehr
2605 West 8th 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 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 0.44 to 1.0 (requested) in order to add a 37 square foot elevated hallway to connect the main portion of the home to an existing detached air conditioned living space previously built as an art studio located above the garage in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

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 C15-2017-0035 David 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, WITHIN THE DEDICATED P.U.E. OWNER/APPLICANT MUST OBTAIN LICENSE AGREEMENT WITH THE CITY OF AUSTIN, OFFICE OF REAL ESTATE. PLEASE CONTACT ORES AT 512-974-7196.

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 to
- 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-2 C15-2017-0038 Aruna Chindalore
9101 Sautelle 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. THE PARTIAL RELEASE OF EASEMENT # 9897-1712 WAS APPROVED.

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

- A. decrease the street side yard setback from 15 feet (required) to .5 feet (requested, existing/recently constructed); and to
- B. increase the impervious cover from 45% (required) to 46.9% (requested, existing/some recently constructed); 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/previously constructed)

in order to permit a recently constructed meditation studio and previously constructed/older gazebo to remain in a “SF-2”, Family Residence zoning district.

**O-3 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 21.7 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.

**O-4 C15-2017-0065 Chris Paladino
4013 Clawson 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.

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/permitted) to 35 feet (requested) in order to subdivide the current lot into 2 lots and build 2 new single

family homes and 2 new second dwelling units on each lot in a “SF-3”, Family Residence zoning district.

**O-5 C15-2017-0067 Jeff Mosley and Hector Avila for Sheila Stallings
702 Zennia Street**

DENIED BY AUSTIN ENERGY (AE), CURRENT CONDITIONS CONFLICT 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:

- A. Section 25-2 492 (D) (Site Development Regulations) to decrease the minimum lot width from 50 feet (required) to 34 feet (requested, existing); and to
- B. decrease the minimum lot size from 5,750 (required) to 2,584 (requested, existing); and to
- C. decrease the minimum front setback from 10 feet (required) to 8.4 feet (requested, 1st floor existing); and to
- D. Article 10, Compatibility Standards, Section 25-2-1062 (Height Limitations and Setbacks for Small Sites) (B) to decrease the minimum distance from property in a urban family residence (SF-5) or more restrictive district or which a use permitted in SF-5 or more restrictive zoning district is located that a person may construct a structure from 15 feet (required) to 11.7 feet (requested) on the east side property line

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

**O-6 C15-2017-0068 Jessica Braun for Garden Villas Roots, LP
1116 East 3rd 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:

- A. Section 25-2-774 (A) (*Two-Family Residential Use*) to decrease the minimum lot area from that equivalent to a standard lot, or in this case 5,750 square feet (required) to 3,450 square feet (requested); and to
- B. Section 25-2-774 (C) (5) (*Two-Family Residential Use*) to increase floor-to-area ratio of .15 to 1 (required) to .20 to 1 (requested); and to
- C. Section 25-2-1406 (5) (d) (*Ordinance Requirements*) to allow a lot that is aggregated with other property to form a site to be disaggregated

in order to allow a new single family home and additional dwelling unit (ADU) on each lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

**O-7 C15-2018-0001 Tricia and David Ciccocioppo
1608 Cedar 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. 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 Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum impervious cover from 45% (required/permitted) to 49% (requested) in order to erect a new two-story accessory dwelling unit in a SF-3-NP, Family Residence zoning district. (Chestnut)

**O-8 C15-2018-0003 Adelaida J. Rodriguez
2111 East 9th 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:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot width from 50 feet (required) to 45 feet (requested, existing); and to

B. Section 25-2-774 (B) (Two-Family Residential Use) to decrease the minimum lot area from 5,750 square feet (required) to 5,644.35 square feet (requested, existing); and to

in order to erect a new single family residence and a second dwelling unit (ADU) in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

**O-9 C15-2018-0004 Nikelle Meade for Eveann Investment LP
4303 Victory Drive, 2106, 2108 and 2110 W. Ben White
Blvd., 2111 Fort View 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.

ALL EXISTING ELECTRIC FACILITIES AND EASEMENTS THAT ARE AFFECTED BY THE PROPOSED DEVELOPMENT WILL NEED TO BE RELOCATED, RELEASED OR REPLACED AT THE EXPENSE OF THE OWNER/APPLICANT.

THE OWNER/APPLICANT WILL NEED TO CONTACT BRIAN COKELEY OF AUSTIN ENERGY SOUTH DESIGN, AT (512) 505-7681, TO DISCUSS RELOCATION OF EXISTING FACILITIES AND PERMANENT ELECTRIC SERVICE AND ELECTRIC SERVICE DESIGN, DURING THE ANTICIPATED SITE PLAN REVIEW PROCESS.

The applicant has requested variance(s) from Article 10, Compatibility Standards:

A. Section 1063 (B) (Height Limitations and Setbacks for Large Sites) 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 0 feet (requested); and to

B. Section 1063 (C) (1) (Height Limitations and Setbacks for Large Sites) to increase the required height limitation for a structure that is 50 feet or less from property in a SF-5 or more restrictive zoning district or permitted use from two stories and 30 feet (required) to three stories and 40 feet (requested); and to

C. Section 25-2-1067 (G) (Design Regulations) to permit a parking area or driveway 25 feet or less from a lot that is in an SF-5 or more restrictive district or on which a use permitted in an SF-5 or more restrictive district is located

in order to erect a three-story office building, screening wall and detached three-story parking structure on five tracts in a “GR”, Community Commercial zoning district, a “LO-CO”, Limited Office - Conditional Overlay zoning district, and a “NO-MU-CO”, Neighborhood Office – Mixed Use – Conditional Overlay 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 in regards to the Zucker Report on BOA

R-3 Discussion and possible action with respect to Robert Kleeman letter dated October 31, 2017, with presentations by Mr. Kleeman and Fred Lewis Attorney and City Attorney

R-4 Discussion and possible action of independent counsel and bylaw revision progress

R-5 Approved BOA meeting schedule for 2018

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.

