



**BOARD OF ADJUSTMENT
MEETING MINUTES
(October 9, 2017)**

The Board of Adjustment convened in a meeting on October 9, 2017, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:36 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Christopher Covo, Eric Goff, Melissa Hawthorne, Bryan King, Don Leighton-Burwell, Rahm McDaniel, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume -For Item M-3 only (Alternate).

Staff in Attendance: Leane Heldenfels and Diana Ramirez
Alecia Mayberry, City 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 September 18, 2017

Board Member Bryan King motions to approve the minutes for September 18, 2017, Board member Brook Bailey seconds on 9-1 (Board member Melissa Hawthorne and Kelly Blume Abstained); APPROVED MINUTES FOR SEPTEMBER 18, 2017.

Postponement/withdrawal requests from applicants, staff and interested parties for Items B-1 and L-2 to Postpone to December 11, 2017, Items L-1 to Postpone to November 13, 2017, Board Member Melissa Hawthorne motion to approve postponements/withdrawal as requested except L-1, Board member Eric Goff

**second on 11-0 vote; APPROVED ITEMS ALL POSTPONEMENTS/
WITHDRAWAL EXCEPT FOR L-1.**

B. SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

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

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)

POSTPONED TO DECEMBER 11, 2017

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 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)

The public hearing was closed on Board Member Veronica Rivera motion to Postpone to November 13, 2017, Board Member Eric Goff second on a 7-4 vote (Board members William Burkhardt, Bryan King, Don Leighton-Burwell, James Valadez nay); POSTPONED TO NOVEMBER 13, 2017.

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

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.

POSTPONED TO DECEMBER 11, 2017

**L-3 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 Michael Von Ohlen motion to Grant with condition that where the compatibility setback is decreased to 5 feet or less an evergreen vegetated buffer be provided, Board Member Veronica Rivera second on a 10-1 vote (Board member Bryan King nay); GRANTED WITH CONDITION THAT WHERE THE COMPATIBILITY SETBACK IS DECREASED TO 5 FEET OR LESS AN EVERGREEN VEGETATED BUFFER BE PROVIDED.

**L-4 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 5,588 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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that the lot does not exceed 45% impervious cover or .4 floor to area ratio and no short-term rental on the entire property, Board Member Veronica Rivera second on a 10-1 vote (Board member Bryan King nay); GRANTED WITH CONDITIONS THAT THE LOT DOES NOT EXCEED 45% IMPERVIOUS COVER OR .4 FLOOR TO AREA RATIO AND NO SHORT-TERM RENTAL ON THE ENTIRE PROPERTY.

**L-5 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 an 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 Michael Von Ohlen motion to Grant as drawing provided dated 10/9/17, Board Member Christopher Covo second on a 11-0 vote; GRANTED AS DRAWING PROVIDED DATED 10/9/17.

**L-6 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 Michael Von Ohlen motion to Deny, Board Member Bryan King second on an 11-0 vote; DENIED.

M. NEW PUBLIC HEARINGS

**M-1 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 Postpone to November 13, 2017, Board Member Melissa Hawthorne second on a 11-0 vote; POSTPONED TO NOVEMBER 13, 2017.

**M-2 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 November 13, 2017, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO NOVEMBER 13, 2017.

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

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant as per drawing M03/12, Board Member Bryan King second on a 10-1 vote (Board member Don Leighton-Burwell nay, Board member William Burkhardt recused); GRANTED AS PER DRAWING M03/12.

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

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that the detached garage remain non-habitable, Board Member Bryan King second on a 11-0 vote; GRANTED WITH CONDITION THAT THE DETACHED GARAGE REMAIN NON-HABITABLE.

**M-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.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 13, 2017, Board Member Eric Goff second on an 9-2 vote (Board members Bryan King and Don Leighton-Burwell nay); POSTPONED TO NOVEMBER 13, 2017.

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

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)

The public hearing was closed on Board Member Bryan King motion to Granted variance A only with condition that the existing footprint and building envelope (1 one-story and 1 two-story) as per drawing M06/8 remain as is with the exception that porch extensions are permitted; Denied variances A & B, Board Member Eric Goff second on an 11-0 vote; GRANTED VARIANCE A ONLY WITH CONDITION THAT THE EXISTING FOOTPRINT AND BUILDING ENVELOPE (1 ONE-STORY AND 1 TWO-STORY) AS PER DRAWING M06/8 REMAIN AS IS WITH THE EXCEPTION THAT PORCH EXTENSIONS ARE PERMITTED; DENIED VARIANCES A & B.

N. NEW BUSINESS

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

POSTPONED TO November 13, 2017

- N-2 Discussion and possible action to approve new agenda template

DISCUSSED – STAFF WILL USE NEW AGENDA TEMPLATE STARTING NEXT MONTH’S MEETING

- N-3 Update on Bylaws Amendment, Interpretation Appeal fee recommendation at Audit and Finance, and independent Board counsel request.

DISCUSSED

- N-4 Discussion and possible action CodeNext Draft 2 Board comments

DISCUSSED, PRIOR CODENEXT WORKING GROUP TO RECONVENE

ADD NEW BUSINESS ITEMS ON NEXT MONTH’S AGENDA:

ADOPT MEETING SCHEDULE FOR 2018

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.