



**BOARD OF ADJUSTMENT
MEETING MINUTES
(December 11, 2017)**

The Board of Adjustment convened in a meeting on December 11, 2017, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:35 p.m.

Board Members in Attendance: 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.

**Staff in Attendance: Leane Heldenfels and Liz Johnston, Lee Simmons - City Attorney
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 November 13, 2017 Draft Minutes

Board Member Bryan King motions to approve the minutes for November 13, 2017, Board member James Valadez seconds on 8-2 (Board members William Burkhardt and Veronica Rivera abstained, Eric Goff late); APPROVED MINUTES FOR November 13, 2017.

Postponement/withdrawal requests from applicants, staff and interested parties for Items B-1, H-4 and O-5 to Postpone to January 8, 2018 and Items O-2 and O-3 to Postpone to February 12, 2018 and Item O-1 to Withdraw, Board Member Don Leighton-Burwell motion to approve postponements/withdrawal as requested, Board member Bryan King second on 10-0 vote (Board Member Eric Goff no vote, late); APPROVED ITEMS ALL POSTPONEMENTS/ WITHDRAWAL.

B. SIGNS NEW PUBLIC HEARINGS

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

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.

POSTPONED TO JANUARY 8, 2018 (Board member Melissa Hawthorne abstain)

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**

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.

The public hearing was closed on Board Member Eric Goff motion to Grant with condition to explore traffic calming for streets on subject property and public streets this property is connecting to, Board Member Rahm McDaniel second on an 11-0 vote; GRANTED WITH CONDITION TO EXPLORE TRAFFIC CALMING FOR STREETS ON SUBJECT PROPERTY AND PUBLIC STREETS THIS PROPERTY IS CONNECTING TO.

**H-2 C15-2017-0064 Robert D. Ettinger
2515 Winsted Lane**

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.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Brooke Bailey second on an 11-0 vote; GRANTED.

**H-3 C15-2017-0066 Ryan Lemmo for Nicholas Vaughan
2613 South 1st Street**

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)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with condition to move doors away from facing neighboring properties, Board Member Brooke Bailey second on an 9-2 vote (Board members James

Valadez and Don Leighton-Burwell nay); GRANTED WITH CONDITION TO MOVE DOORS AWAY FROM FACING NEIGHBORING PROPERTIES.

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

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)

POSTPONED TO JANUARY 8, 2018

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**

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)

The public hearing was closed on Board Member Bryan King motion to Deny the Reconsideration Request, Board Member Rahm McDaniel second on an 11-0 vote; DENIED.

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

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)

WITHDRAWN

O-2 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 FEBRUARY 12, 2018

O-3 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 FEBRUARY 12, 2018

- O-4 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/permited) to 60 feet (requested) in order to construct a new dock in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Bryan King motion to Postpone Indefinitely, Board Member second on a 10-1 vote (Board member William Burkhardt nay); POSTPONED INDEFINITELY (UNTIL ENVIRONMENTAL BOARD HAS MADE A RULING).

- 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 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.

POSTPONED TO JANUARY 8, 2018 (Re-notification needed)

- P. VARIANCES RECONSIDERATIONS
NONE**

- Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**

R. NEW BUSINESS

R-1 Update and possible action for CodeNEXT working group

MEET IN DECEMBER, MORE COMMENTS IN JANUARY 2018

R-2 Discussion of January electronic version of the packet

BOA STAFF WILL CONTINUE TO PROVIDE PAPER PACKETS

S. ADJOURNMENT 7:45PM

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.