



**MEETING MINUTES
(February 12, 2018)**

The Board of Adjustment convened in a meeting on February 12, 2018, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:33 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Eric Goff, Melissa Hawthorne (Vice-chair), Bryan King, Don Leighton-Burwell, Rahm McDaniel, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate)

Board Members Absent: Christopher Covo

**Staff in Attendance: Leane Heldenfels and Diana Ramirez
Lee Simmons - 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 January 8, 2018 Draft Minutes

Board Member Melissa Hawthorne motions to approve the minutes for January 8, 2018, Board member Brooke Bailey seconds on 8-0-1 (Board member Michael Von Ohlen abstains, Eric Goff late – no vote); APPROVED MINUTES FOR JANUARY 8, 2018.

Postponement/withdrawal requests from applicants, staff and interested parties for Item O-9 to Postpone to March 12, 2018, Item O-5 to Postpone to April 9, 2018 and O-1 to Postpone to August 13, 2018 and Item C-1 to be Withdrawn, Board Member Don Leighton-Burwell motion to approve postponements/withdrawal as requested, Board member Michael Von Ohlen second on 10-0 vote (Board Member Eric Goff

late - no vote); APPROVED ITEMS ALL POSTPONEMENTS/WITHDRAWALS AS REQUESTED.

B. SIGNS NEW PUBLIC HEARINGS

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

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.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to March 12, 2018, Board Member Veronica Rivera second on an 6-5 vote (Board members William Burkhardt, Eric Goff, Don Leighton-Burwell, James Valadez, and Michael Von Ohlen nay); POSTPONED TO MARCH 12, 2018.

C. SIGNS PREVIOUS POSTPONEMENTS

**C-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 curb 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.

WITHDRAWN

**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

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 12, 2018, Board Member Bryan King second on an 11-0 vote; POSTPONED TO MARCH 12, 2018.

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

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)

POSTPONED TO AUGUST 13, 2018

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

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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 12, 2018, Board Member Melissa Hawthorne second on an 11-0 vote; POSTPONED TO MARCH 12, 2018.

**O-3 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 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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 12, 2018, Board Member Melissa Hawthorne second on an 6-5 vote (Board members Brooke Bailey, Bryan King, Don Leighton-Burwell, Rahm McDaniel and James Valadez nay); POSTPONED TO MARCH 12, 2018.

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

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.

**The public hearing was closed on Board Member Brooke Bailey motion to Grant with conditions that garage on both units stay as one story with no habitable space, and that subdivision be compliant with the South Lamar flood mitigation plan (10% capture) even though single family use is proposed and this would not otherwise be required, and that a screened area for all receptacles behind the property line be planned for at subdivision and added at construction, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED WITH CONDITIONS THAT:
1) GARAGE ON BOTH UNITS STAY AS ONE STORY WITH NO HABITABLE SPACE, AND THAT
2) SUBDIVISION BE COMPLIANT WITH THE SOUTH LAMAR FLOOD MITIGATION PLAN (10% CAPTURE) EVEN THOUGH SINGLE FAMILY USE IS PROPOSED AND THIS WOULD NOT OTHERWISE BE REQUIRED, AND THAT
3) A SCREENED AREA FOR ALL TRASH RECEPTACLES BEHIND THE PROPERTY LINE BE PLANNED FOR AT SUBDIVISION AND ADDED AT CONSTRUCTION.**

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

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)

POSTPONED TO APRIL 9, 2018

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

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant A and C only and to Deny B, Board Member Melissa Hawthorne second on a

10-1 vote (Board member Bryan King nay); GRANT A AND C ONLY AND TO DENY B.

**O-7 C15-2018-0001 Tricia and David Ciccocioppo
1608 Cedar Avenue**

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)

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Don Leighton-Burwell second on an 8-3 vote (Board members William Burkhardt, Eric Goff and Michael Von Ohlen nay); DENIED.

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

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)

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

**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**

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.

POSTPONED TO MARCH 12, 2018

P. VARIANCES RECONSIDERATIONS

NONE

Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

R. NEW BUSINESS

R-1 Update and possible action for CodeNEXT working group

DISCUSSED – TABLE UNTIL DRAFT 3 IS RELEASED

R-2 Discussion and possible action in regards to the Zucker Report on BOA

DISCUSSED

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

POSTPONED – NO DATE SET

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

DISCUSSED

R-5 Approved BOA meeting schedule for 2018

APPROVED 11-0

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.