



**BOARD OF ADJUSTMENT**  
**April 9, 2018**  
**4:30PM**  
**CITY COUNCIL CHAMBERS**  
**301 WEST 2<sup>ND</sup> 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**

**A0. NEW BUSINESS**

- A0-1** Update and possible action for CodeNEXT working group
- A0-2** Discussion and possible recommendation relating to requirements for administrative appeals, including current procedures and revisions proposed for inclusion in CodeNEXT
- A0-3** Discussion and possible action in regards to the Zucker Report on BOA
- A0-4** Discussion of the law on conflicts of interest, as it relates to request for outside counsel.
- A0-5** Update and possible action to cancel previously approved meeting of November 12, 2018 meeting date (due to Veteran's Day City Holiday will require Holiday

Pay for ATXN, CTM staff) and approve change of meeting date and time to Thursday, November 8, 2018 as only meeting date choice for the regular November meeting other than Monday, November 5, 2018 at 6:00 pm that was previously rejected.

**A0-6** Discussion and possible action of Election of officers

**A0-7** Discussion in regards to timely response to agenda related email

**A. APPROVAL OF MINUTES**

**A-1** March 12, 2018 Draft Minutes and Workshop

**B. SIGNS NEW PUBLIC HEARINGS**

**B-1 C16-2018-0003 Richard T. Suttle for Washoe Company  
414 West Martin Luther King Boulevard/  
1901, 1903, 1907 San Antonio 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(s) to Section 25-10-133 (University Neighborhood Overlay Zoning) to:

1. (F) to allow the proposed wall signs above the second floor of the building to be electric and affixed (requested) rather than non-electric and engraved, cut into the building surface or otherwise inlaid to become part of the building (required); and to

2. (G) (2) to increase the sign area of a projecting sign from 35 square feet each (required, permitted) to 39, 46 and 50 square feet for 3 projecting signs (requested)

in a “CS-NP”, General Commercial Services - Neighborhood Plan and “GR-NP”, Community Commercial - Neighborhood Plan zoning district. (University Neighborhood Overlay, Inner)

**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 C15-2018-0011 Blayne and Stacey Mozisek  
1706 Norris 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 25-2-492 (D) (Site Development Regulations) to decrease the minimum rear yard setback from 10 feet (required) to 1.7 feet (requested, previous 1-story storage structure) in order to maintain a recently constructed 237 square foot 2-story (more than 15 feet tall) storage and playhouse structure in a “SF-3”, Family Residence zoning district.

(Note: The Land Development Code permits accessory structures up to 15’ in height to be 5 feet from the rear property line in a single family zoning district, however the structure in consideration exceeds that height limitation.)

**H-2 C15-2018-0012 William Mass and Nancy Hellman, David Webber  
1605 S 3<sup>rd</sup> 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) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum front yard setback from 25 feet (required) to 15 feet (requested, 16 feet existing) in order to construct a new single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin)

**H-3 C15-2018-0013 Hector Avila for A New Hope Investments, LLC  
4201 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) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum lot area from 5,750 square feet (required) to 4,361 square feet (requested. existing); and to
- B. decrease the minimum lot width from 50 feet (required) to 40 feet (requested, existing)

in order to erect a new single family residence in a “SF-3”, Family Residence zoning district.

(Note: This property does meet exception from platting/land status requirements, however it does not meet sub-standard lot requirements since it was deed divided into its current configuration after 1946, therefore the lot size and width must meet current zoning requirements before permits for a new home can be issued on it.)

**H-4 C15-2018-0014 Rodney Bennett for Denise Crain  
3401 Blue Jay 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 applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum front yard setback from 40 feet (required) to 25 feet (requested) in order to erect a new single family home in a “LA”, Lake Austin Residence zoning district.

**I. INTERPRETATIONS PREVIOUS POSTPONEMENTS**

**I-1 C15-2015-0147 Robert Kleeman  
8901 West Highway 71**

**AUSTIN ENERGY HAS NO COMMENT.**

The appellant has filed an appeal challenging a Land Use Determination and related development approvals made in connection with the approval of an outdoor amphitheater located at LifeAustin Church, 8901 West State Highway 71, including decisions to classify the use as “religious assembly” and to subsequently approve Site Plan No. SP-2011-0185C, an associated restrictive covenant, and a building permit. The appellant disagrees that, among other things, the Land Use Determination and related development approvals incorrectly treat various outdoor activities held at educational and religious assembly facilities as part of the principal use rather than as temporary activities subject to City Code Section 25-2-921(C) in an “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

**I-2 C15-2015-0168 Robert Kleeman  
8901 West Highway 71**

**AUSTIN ENERGY HAS NO COMMENT.**

The appellant has requested that the Board of Adjustment interpret whether staff erred in making an administrative decision to approve site plan correction number 12 to the current site plan of this property (SP-2011-185C (R1)), thereby authorizing construction of a disc golf course and outdoor dog park at this church facility in a “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

**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 C15-2017-0067**

**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-2 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 DARREN VICKNAIR OF AUSTIN ENERGY SOUTH DESIGN, AT (512) 505-7636, 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.

**O-3 C15-2018-0006 Patrick Ousey for Murray Williams  
1710 Bouldin 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.**

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

- A) decrease the minimum side setback from 5 feet (required) to 1 foot 10 inches (requested, existing on 1st floor); and to
- B) decrease the minimum rear setback from 10 feet (required) to 2 feet (requested, existing on 1st floor)

in order to reconstruct an existing accessory 1940's era structure that is currently used as a pool house and add a 2nd floor of additional living space while keeping the original footprint in a SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**O-4 C15-2018-0009 David Cancialosi for Phillip Cameron  
6705 Pixie Cove**

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**THE PROPOSED POOL SHOWN ON THE PLAN WILL REQUIRE AN ADDITIONAL POOL PERMIT, BY AE'S DISTRIBUTION CONSTRUCTION TEAM, TO ENSURE THAT IT MEETS AE CLEARANCE REQUIREMENTS WITH AND FROM ALL EXISTING AND NEW AE ELECTRIC FACILITIES.**

The applicant has requested variance(s) to:

- A. Section 25-2-492 (d) to decrease the required side yard setback from 10 feet (required) to 4 feet 10 inches (requested, existing); and to
- B. Section 25-2-551 (B) (1) (b) to decrease the shoreline setback from 25 feet (required) to 14 feet 6 inches (requested, existing); and to
- C. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (required, permitted) to 52.5 percent (requested, 56 percent existing)

in order to reconstruct a single family residence with covered patio area and add a swimming pool in a "LA", Lake Austin zoning district.

Note: Section 25-2-551 (B) and (C) of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

**O-5 C15-2018-0010 Sean Little  
1500 Princeton 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.**

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 15 feet (requested) in order to construct a carport in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Crestview)

**P. VARIANCES RECONSIDERATIONS**

**P-1 C15-2017-0054 Rick Rasberry for Dustin Donnell  
1615 Westlake Drive**

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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.

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS**  
**NONE**

**R. 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.