



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

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

William Burkhardt called the Board Meeting to order at 5:52 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Christopher Covo, Eric Goff, Bryan King, Don Leighton-Burwell, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate) and Martha Gonzalez (Alternate)

Board Members Absent: Melissa Hawthorne (Vice-Chair) and Rahm McDaniel

**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

A0. NEW BUSINESS

A0-1 Update and possible action for CodeNEXT working group

POSTPONED TO APRIL 9, 2018

A0-2 Discussion and possible recommendation relating to requirements for administrative appeals, including current procedures and revisions proposed for inclusion in CodeNEXT

DISCUSSED; POSTPONED TO APRIL 9, 2018 AND POTENTIALLY A SPECIAL CALLED MEETING PRIOR TO APRIL 9

A0-3 Discussion and possible action in regards to the Zucker Report on BOA

POSTPONED TO APRIL 9, 2018

A0-4 Discussion of the law on conflicts of interest, as it relates to request for outside counsel.

DISCUSSED; POSTPONED TO APRIL 9, 2018 AND POTENTIALLY A SPECIAL CALLED MEETING PRIOR TO APRIL 9

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 Monday, November 5, 2018 at 6:00 pm (not our regular 5:30 pm start time).

DISCUSSED; POSTPONED TO APRIL 9, 2018

A. APPROVAL OF MINUTES

A-1 February 12, 2018 Draft Minutes

Board Member Brooke Bailey motions to approve the minutes for February 12, 2018, Board member Bryan King seconds on 10-0-1 (Board member James Valadaz off the dais – no vote); APPROVED MINUTES FOR February 12, 2018.

Postponement/withdrawal requests from applicants, staff and interested parties for Items H-3 and O-3 to Postpone to April 9, 2018, Board Member Bryan King motion to approve postponements/withdrawal as requested, Board member Michael Von Ohlen second on 10-0-1 vote (Board Member James Valadez off dais - no vote); APPROVED ITEMS ALL POSTPONEMENTS/WITHDRAWALS AS REQUESTED.

B. SIGNS NEW PUBLIC HEARINGS

**B-1 C16-2018-0002 Edward Johnson
507 West 23rd Street**

The applicant has requested a variance(s) to Section 25-10-133 (University Neighborhood Overlay Zoning) to:

1. (F) allow a sign to be placed above the second floor of a building that is electric and not engraved, cut into the building surface or otherwise inlaid to become part of the building in order to add 1) one 4th - 6th story electric projecting sign attached to the North side of the building and 2) one top floor electric building sign attached to the South side of the building and 3) one electric building sign attached to the West side of the building above the second floor; and to

2. (G) (2) to increase the sign area of a projecting sign from 35 square feet (required, permitted) to 100 square feet (requested)

within a “GO-CO-NP”, General Office – Conditional Overlay – Neighborhood Plan and “GO-NP”, General Office – Neighborhood Plan zoning district. (University Neighborhood Overlay, Inner)

Note: Section 25-10-133 (F) currently reads, ”No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.”

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant Item 1.1 for the proposed projecting blade sign on the north side of the building and Grant Item 2 limited to 50 square feet per side for the projecting blade sign on the north side of the building only, Board Member Veronica Rivera second on an 11-0 vote; GRANTED ITEM 1.1 FOR THE PROPOSED PROJECTING BLADE SIGN ON THE NORTH SIDE OF THE BUILDING AND GRANTED ITEM 2 LIMITED TO 50 SQUARE FEET PER SIDE FOR THE PROJECTING BLADE SIGN ON THE NORTH SIDE OF THE BUILDING.

C. SIGNS PREVIOUS POSTPONEMENTS

**C-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 Bryan King motion to Grant to 40 feet high, Board Member Michael Von Ohlen second on an 6-5 vote (Board members Brooke Bailey, Eric Goff, Don Leighton-Burwell, Kelly Blume and Martha Gonzalez nay) ; GRANTED TO 40 FEET HIGH.

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 C15-2018-0006 Patrick Ousey for Murray Williams
1710 Bouldin Avenue**

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)

The public hearing was closed on Board Member Veronica Rivera motion to Postpone to April 9, 2018, Board Member Bryan King second on a 9-2 vote (Board members William Burkhardt and James Valadez nay); POSTPONED TO APRIL 9, 2018.

**H-2 C15-2018-0008 Norma Yancy for Adam Walker
1109 Travis Heights Boulevard**

The applicant has requested a variance(s) from Section 25-2-1604 (C) for a parking structure with an entrance that faces the front yard abutting public right of way:

1) (1) to permit the parking structure to be closer to the front lot line than the building façade (required), in this case to instead be 12 feet 3 inches closer (requested); and to

2) (2) to permit a parking structure that is less than 20 feet behind the building façade to have a width that does not exceed 50% of the width of the building façade, or 16 feet two and a quarter inches, in this case (required, permitted) to 78.3%, or 25 feet 11 and three quarter inches (requested)

in order to construct a 2 story detached garage with 1st floor parking area built below grade with a smaller footprint (17 feet wide instead of 24 feet) 2nd floor living space above built at grade in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (South River City)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Christopher Covo second on a 4-7 vote (Board members Brooke Bailey, William Burkhardt, Bryan King, Don Leighton-Burwell, Veronica Rivera, James Valadez, Kelly Blume nay) ; MOTION FAILS DUE TO LACK OF VOTES; DENIED.

**H-3 C15-2018-0009 David Cancialosi for Phillip Cameron
6705 Pixie Cove**

The applicant has requested variance(s) to 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 or 3,814 square feet (required, permitted) to 50 percent or 5,450 square feet (requested, 53.1 percent or 5,792 square feet existing) in order to reconstruct a single family residence and covered patio area and add a swimming pool in a "LA", Lake Austin zoning district.

Note: This section 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.

POSTPONED TO APRIL 9, 2018

**H-4 C15-2018-0010 Sean Little
1500 Princeton Avenue**

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 9, 2018, Board Member Bryan King second on an 11-0 vote; POSTPONED TO APRIL 9, 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 C15-2017-0038 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 Grant Items A and C and to Deny Item B, Board Member Martha Gonzalez second on an 11-0 vote; GRANTED ITEMS A, C AND TO DENY ITEM B.

**O-2 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 Grant with condition that roof deck remain open, Board Member Brooke Bailey second on a 7-4 vote (Board members Bryan King, Don Leighton-Burwell, James Valadez and Martha Gonzalez nay); MOTION FAILS DUE TO LACK OF VOTES, DENIED.

**O-3 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 APRIL 9, 2018

**O-4 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 Grant with conditions that no interior staircase in garage or exterior staircase outside of garage, Board Member Veronica Rivera second on a 10-0-1 vote (Board member Christopher Covo recused without cause); GRANTED WITH CONDITIONS THAT NO INTERIOR STAIRCASE IN GARAGE OR EXTERIOR STAIRCASE OUTSIDE OF GARAGE.

P. VARIANCES RECONSIDERATIONS

NONE

Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

R. ADJOURNMENT 9:01 PM

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.