



MEETING MINUTES
(April 9, 2018)

The Board of Adjustment convened in a meeting on April 9, 2018, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 4:45 p.m.

Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Christopher Covo, Eric Goff (late 5:08pm), Melissa Hawthorne (Vice-Chair), Bryan King, Don Leighton-Burwell, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate)

Board Members Absent: Rahm McDaniel

**Staff in Attendance: Leane Heldenfels and Diana Ramirez (late 5:15pm)
Daniel Word, Greg Guernsey, Susan Barr, Andy Linseisen - COA staff
Brent Lloyd - 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

DISCUSSED; POSTPONED TO MAY 14, 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 MAY 14, 2018

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

DISCUSSED; POSTPONED TO MAY 14, 2018

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

DISCUSSED; POSTPONED TO MAY 14, 2018

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.

Board Member Michael Von Ohlen motions to approve the meeting date to November 8, 2018, Board member Melissa Hawthorne seconds on 11-0; APPROVED MEETING DATE OF NOVEMBER 8, 2018.

A0-6 Discussion and possible action of Election of officers

Board Member Michael Von Ohlen motions to maintain William Burkhardt as Chair and Melissa Hawthorne as Vice-Chair, Bryan King seconds, 11-0; APPROVED WILLIAM BURKHARDT AS CHAIR AND MELISSA HAWTHORNE AS VICE-CHAIR.

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

DISCUSSED; POSTPONED TO MAY 14, 2018

A. APPROVAL OF MINUTES

A-1 March 12, 2018 Draft Minutes and Workshop

Board Member Bryan King motions to approve the minutes for March 12, 2018, Board member Brook Bailey seconds on 9-0-1 (Board member Melissa Hawthorne abstained, Eric Goff – late); APPROVED MINUTES FOR March 12, 2018.

Postponement/withdrawal requests from applicants, staff and interested parties for Items B-1, O-2, O-4, H-1 to Postpone to May 14, 2018, Item O-1 to Postpone to June 11, 2018 and O-3 to Withdraw, Board Member Bryan King motion to approve postponements/ withdrawal as requested except for Item O-4, Board member Christopher Covo second on 11-0 vote except for item B-1, 10-0-1, Board member Melissa Hawthorne abstain; APPROVED ALL POSTPONEMENTS/WITHDRAWALS AS REQUESTED EXCEPT FOR ITEM O-4 PULLED FOR FURTHER DISCUSSION.

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**

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)

POSTPONED TO MAY 14, 2018

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**

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.)

POSTPONED TO MAY 14, 2018

**H-2 C15-2018-0012 William Mass and Nancy Hellman, David Webber
1605 S 3rd Street**

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)

The public hearing was closed on Board Member Brooke Bailey motion to Postpone to May 14, 2018, Board Member Bryan King second on an 11-0 vote; POSTPONED TO MAY 14, 2018.

**H-3 C15-2018-0013 Hector Avila for A New Hope Investments, LLC
4201 Clawson Road**

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.)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant limited to .4 FAR, Board Member Veronica Rivera second on an 11-0 vote; GRANTED LIMITED TO .4 FAR.

**H-4 C15-2018-0014 Rodney Bennett for Denise Crain
3401 Blue Jay Lane**

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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED.

I. INTERPRETATIONS PREVIOUS POSTPONEMENTS

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

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)

Board Member Melissa Hawthorne motion to Postpone to May 14, 2018, Board Member Michael Von Ohlen second on an 9-1 vote (Board member Bryan King nay, Board member Eric Goff late); POSTPONED TO May 14, 2018.

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

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)

Board Member Melissa Hawthorne motion to Postpone to May 14, 2018, Board Member Michael Von Ohlen second on an 9-1 vote (Board member Bryan King nay, Board member Eric Goff late); POSTPONED TO May 14, 2018.

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**

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 JUNE 11, 2018

**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**

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 MAY 14, 2018

**O-3 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)

WITHDRAWN BY APPLICANT

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

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.

After discussion of request to postpone from neighboring property owners with applicant opposed Board Member Bryan King motion to Postpone to May 14, 2018, Board Member Christopher Covo second on an 11-0 vote; POSTPONED TO MAY 14, 2018.

**O-5 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 Grant with two conditions that the existing garage cannot be converted to habitable space and constructed per design submitted on 05/22, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED WITH TWO CONDITIONS THAT THE EXISTING GARAGE CANNOT BE CONVERTED TO HABITABLE SPACE AND CONSTRUCTED PER DESIGN SUBMITTED ON 05/22.

P. VARIANCES RECONSIDERATIONS

**P-1 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.

Board Member Veronica Rivera motion to Grant the Reconsideration request, Board Member Christopher Covo second on a 9-2 vote (Board members Brooke Bailey and Bryan King nay); RECONSIDERATION REQUEST GRANTED. The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions to increase length of boat dock to 28.1 feet and to increase width of boat dock to 27 feet and that the second story of boat dock cannot be enclosed as per letter P01/4 dated 3/20/18, Board Member Christopher Covo second on a 9-2 vote (Board members Bryan King and James Valadez nay); GRANTED WITH CONDITIONS TO INCREASE LENGTH OF BOAT DOCK TO 28.1 FEET AND TO INCREASE WIDTH OF BOAT DOCK TO 27 FEET AND THAT THE SECOND STORY OF BOAT DOCK CANNOT BE ENCLOSED AS PER LETTER P01/4 DATED 3/20/18.

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**

R. ADJOURNMENT 9:45PM

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.