



**MEETING MINUTES
(May 14, 2018)**

The Board of Adjustment convened in a meeting on May 14, 2018, Austin Energy Town Lake Center Building, 721 Barton Springs Road, Assembly Room 130, Austin, Texas.

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

Board Members in Attendance: William Burkhardt (Chair), Christopher Covo, Melissa Hawthorne (Vice-Chair), Bryan King, Don Leighton-Burwell, Rahm McDaniel, Veronica Rivera, James Valadez, Kelly Blume (Alternate), Martha Gonzalez (Alternate), Pim Mayo (Alternate)

Board Members Absent: Brooke Bailey, Eric Goff, Michael Von Ohlen

Staff in Attendance: Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary)

Andy Linseisen (Board Executive Chair), Joey De La Garza and Christina Willingham, Development Services Department Business Process Specialist and Senior Specialist Alecia Mosadomi (Board Attorney)

Gregory Hand and Edward Rosas, Development Services Department IT Manager and IT Specialist

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 April 9, 2018 Draft Minutes

Board Member Melissa Hawthorne motions to approve the minutes for April 9, 2018, Board member Bryan King seconds on 11-0; APPROVED MINUTES FOR April 9, 2018.

Postponement/withdrawal requests from applicants, staff and interested parties for Items H-1, H-3, O-2 to Postpone to June 11, 2018, Items O-1 and O-3 to Postpone to July 9, 2018 and Items C-1, I-1, I-2, and O-4 to Withdraw, Board Member Veronica Rivera motion to approve postponements/withdrawals as requested except for Items O-2 and O-3 pulled for further discussion, Board member Don Leighton-Burwell second on 11-0 vote (Board member Melissa Hawthorne abstained on Items C-1, H-1 and H-3); APPROVED ALL POSTPONEMENTS/WITHDRAWALS AS REQUESTED EXCEPT FOR ITEMS O-2 AND O-3 PULLED FOR FURTHER DISCUSSION.

B. SIGNS NEW PUBLIC HEARINGS

**B-1 C16-2018-0004 Daniel Smith for OSF Congress, LP
2701 South Congress Avenue**

The applicant has requested a variance(s) to:

A. Section 25-10-103 (1) (Signs Prohibited in all Sign Districts) to permit a sign on Lot 1 to advertise a business located on Lot 2 (requested); and to

B. Section 25-10-130 (F) (2) (b) (Commercial Sign District Regulations) to increase the allowable square footage for a sign other than a multi-tenant from the lesser of 200 square feet or .7 square feet for each linear foot of street frontage (in this case the one lot that the sign will be placed on has 52.65 feet of frontage) from 36.86 square feet of signage (required/permitted) to 104.5 square feet of signage (requested)

in order to add one new freestanding pole/pylon sign that serves both lots, the two businesses at this address within a “CS-MU-V-NP”, General Commercial Services – Mixed Use – Vertical Mixed Use – Neighborhood Plan zoning district (St. Edwards) and within a Commercial Sign District.

Note: the combined frontage for both lots at this address is 150.31 square feet which would permit 105 square feet of signage if the frontages were combined.

The public hearing was closed on Board Member Veronica Rivera motion to Postpone to July 9, 2018, Board Member Bryan King second on a 10-1 vote (Board member Martha Gonzalez nay); POSTPONED TO July 9, 2018.

C. SIGNS PREVIOUS POSTPONEMENTS

**C-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)

WITHDRAWN BY APPLICANT

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 C15-2018-0017 Richard Suttle for Seamless 290 West DE LTD and Seamless GCW LTD
1303, 1307, 1311 and 1401 South Lamar Blvd.**

The applicant has requested variance(s) to Article 10, Compatibility Standards, Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*) (C) (3) to increase the allowed height of a structure that is more than 100 feet but not more than 300 feet from property along the south and west property lines that is zoned SF-5 or more restrictive, from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive from 50 feet (required, permitted) to 60 feet (requested) in order to construct a mixed use structure in a “CS-V”, General Commercial Services - Vertical Mixed Use and “CS-V-CO”, General Commercial Services – Vertical Mixed Use - Conditional Overlay zoning district.

POSTPONED TO JUNE 11, 2018 BY APPLICANT

H-2 C15-2018-0019 Lauren & Joe Cunningham and Linda Sullivan, Clean Tag Permits for Parker Estes 101 East North Loop

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to Section 25-6, Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 7 spaces (required) to 5 spaces (requested, existing including 1 handicapped) in order to remodel the interior of an existing structure and change the use from Administrative Office (1 space per 275 square feet, grandfathered non-conforming) to Art Workshop (1 space per 500 square feet) in a “CS-CO-NP” General Commercial Services – Conditional Overlay - Neighborhood Plan zoning district. (North Loop)

The public hearing was closed on Board Member Bryan King motion to Postpone to June 11, 2018, Board Member Rahm McDaniel second on an 11-0 vote; POSTPONED TO June 11, 2018.

H-3 C15-2018-0023 Nikelle Meade for Housing Authority City of Austin 2126 Goodrich Avenue Unit 220

The applicant has requested variance(s) to Section 25-2-562 (*Multifamily Residence Medium Density (MF-3) District Regulations*) (B) (3) in Article 3 – Additional Requirements For Certain Districts, Division 1 – Residential Districts to decrease the minimum site area for each dwelling unit from 1,800 square feet for each dwelling unit with two or more bedrooms to (required) to 1,600 square feet (requested) in order to erect 120 mixed income level S.M.A.R.T housing units in a “MF-3” zoning district.

POSTPONED TO JUNE 11, 2018 BY APPLICANT

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)

WITHDRAWN BY APPLICANT

**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)

WITHDRAWN BY APPLICANT

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 C15-2018-0004 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 JULY 9, 2018

**O-2 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 on addition request to postpone from neighboring property of owner with applicant opposed, Board Member Christopher Covo motion to hear case, Board Member Don Leighton-Burwell second on an 5-6 vote (Board members William Burkhardt, Melissa Hawthorne, Bryan King, Veronica Rivera, James Valadez, Pim Mayo nay); DENIED TO HEAR CASE DUE TO LACK OF VOTES, POSTPONED TO JUNE 11, 2018

**O-3 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.)

After discussion on the applicant’s request to postpone, Board Member Bryan King motion to hear case, Board Member Martha Gonzalez second on an 4-7 vote (Board members William Burkhardt, Christopher Covo, Melissa Hawthorne, Don Leighton-Burwell, Veronica Rivera, James Valadez, Pim Mayo nay); DENIED TO HEAR CASE DUE TO LACK OF VOTES, POSTPONED TO JULY 9, 2018

**O-4 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)

WITHDRAWN BY APPLICANT

**P. VARIANCES RECONSIDERATIONS
NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**

R. NEW BUSINESS

R-1 Discussion and possible action relating to requirements by which the Board is involved with administrative appeals, and of conflicts of interest, as it relates to request for outside counsel.

DISCUSSED, POSTPONE TO JUNE 11, 2018

R-2 Discussion and informational documents regards to CodeNext sign regulations

DISCUSSED, POSTPONE TO JUNE 11, 2018

R-3 Discussion and possible action on CodeNext Working Group recommendations for Draft 3 to Land Use Commissions

POSTPONE TO JUNE 11, 2018

R-4 Staff response to Board request for accounting of variance case types and interpretation appeal applications, inquiries received by Andy Linseisen, Board Executive Chair, Assistant Director of the Development Services Division, City of Austin.

DISCUSSED, POSTPONE TO JUNE 11, 2018

S. ADJOURNMENT 7:28PM

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.