



BOARD OF ADJUSTMENT

June 11, 2018

5:30PM

**City Council Chambers
301 West 2nd Street
AUSTIN, TEXAS**

___ Brooke Bailey

___ William Burkhardt (Chair)

___ Christopher Covo

___ Eric Goff

___ Melissa Hawthorne (Vice Chair)

___ Bryan King

___ Don Leighton-Burwell

___ Rahm McDaniel

___ Veronica Rivera

___ James Valadez

___ Michael Von Ohlen

___ Kelly Blume (Alternate)

___ Martha Gonzalez (Alternate)

___ 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

A. APPROVAL OF MINUTES

A-1 May 14, 2018 Draft Minutes

B. SIGNS NEW PUBLIC HEARINGS

**B-1 C16-2018-0003 Phil Moncada for Greg Cervenka
1044 Norwood Park Boulevard**

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 25-10-123(B)(3)(Expressway Corridor Sign District Regulations) to increase the maximum allowable sign height from 35 feet (required/permitted) to 50 feet (requested, existing) in order to erect a sign at this site in the Expressway Corridor Sign District within a “CH-NP”, Commercial Highway Services – Neighborhood Plan zoning district. (Heritage Hills)

C. SIGNS PREVIOUS POSTPONEMENTS

NONE

D. SIGNS RECONSIDERATIONS

NONE

E. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

F. INTERPRETATION NEW PUBLIC HEARINGS

NONE

G. SPECIAL EXCEPTION NEW PUBLIC HEARINGS

NONE

H. VARIANCES NEW PUBLIC HEARINGS

**H-1 C15-2018-0022 Jim Wittliff for Paul C & Lisa P H Lin
4004 Valley View**

AUSTIN ENERGY DOES NOT OPPOSE YOUR APPLICATION FOR THE ABOVE VARIANCE AND CONDITIONALLY APPROVES THIS REQUEST, PROVIDED THAT ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE (NEC) AND OSHA. ALL REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. THE OWNER/APPLICANT WILL NEED TO CONTACT CHRISTIAN POPE OF AUSTIN ENERGY DESIGN SOUTH, AT (512) 505-7674 OR CHRISTIAN.POPE@AUSTINENERGY.COM) TO DETERMINE THE PERMANENT AE, NEC AND OSHA CLEARANCE REQUIREMENTS AND THE DURING-CONSTRUCTION TEMPORARY CLEARANCE REQUIREMENTS FOR THE PROPOSED DORMITORY BUILDING SHOWN, WHICH IS CLOSER THAN 10 FEET MEASURED HORIZONTALLY FROM THE OUTERMOST PART OF ANY EXISTING AE OVERHEAD FACILITIES THAT LIE TO THE NORTH OF THE SUBJECT TRACT.

The applicant has requested a variance(s) from Section 25-2-831 (College or University) (B) of Article 4 – Additional Requirements for Certain Uses, Division 3 – Civic Uses to

decrease the minimum paved width of a street that this use must be located on from at least a 40 feet of paved width (required) to 30 feet of paved width (requested/existing on Valley View) in order to erect a new 7,400 square foot university dormitory for 20 students, an accessory use of the Texas Health Sciences University located directly behind the subject tract at 4005 Manchaca Road (located in an “LO”, Limited Office zoning district) that is located in a “SF-3”, Family Residence zoning district (subject tract).

**H-2 C15-2018-0025 Stella Offner and Len Sullivan
1307 East 29th 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 16.4 feet (requested/existing uncovered porch) in order to erect a porch cover to an existing in a “SF-3 - NP”, Family Residence – Neighborhood Plan zoning district. (Cherrywood)

**H-3 C15-2018-0026 Nick Mehl for Jennifer Todd and William Goynes
1210 Angelina 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:

- A. decrease the minimum lot area from 5,750 square feet (required) to 1,138 square feet (requested/existing); and to
- B. decrease the minimum lot width from 50 feet (required) to 24.5 feet (requested/existing); and to
- C. increase the maximum impervious cover from 45 percent (required) to 65 percent (requested); and to
- D. decrease the side yard setback from 5 feet (required) to 3 feet (requested); and to

E. Section 25-6, Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 1 space (requested)

in order to erect a new single family home in a “SF-3-NP” Family Residence - Neighborhood Plan zoning district. (Central East Austin)

NOTE: The Central East Austin neighborhood plan allows new construction of a single family home on a 2,500 square foot or larger lot, however this lot is smaller than 2,500 square feet (1,138 square feet) and does not qualify for that small lot amnesty section of the plan which includes impervious cover of 65% as requested. This lot is located within the area that qualifies for exemption of additional parking space for an additional dwelling unit up to 1100 square feet in size or .15 of the lot area (171 square feet for this lot), however the applicant is proposing a new primary dwelling unit which requires 2 parking spaces.

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 C15-2017-0047 Phil Moncada for Ryan Dumont/Hank Coleman
3602 and 3604 Rivercrest 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 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (1) to increase the distance a dock may extend from the shoreline from 30 feet (required/permitted) to 60 feet (requested) in order to construct a new dock in an “LA”, Lake Austin zoning district.

**O-2 C15-2017-0067 Jeff Mosely/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-3 C15-2018-0009 David Cancialosi for Phillip Cameron
6705 Pixie Cove**

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 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-4 C15-2018-0017 Richard Suttle for Seamless 290 West DE LTD and Seamless GCW LTD
1303, 1307, 1311 and 1401 South Lamar Blvd.**

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 CHRISTIAN POPE OF AUSTIN ENERGY SOUTH DESIGN, AT (512) 505-7674, TO DISCUSS THE 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) 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.

**O-5 C15-2018-0019 Lauren & Joe Cunningham and Linda Sullivan, Clean Tag Permits for Parker Estes
101 East North Loop**

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 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)

**O-6 C15-2018-0023 Nikelle Meade for Housing Authority City of Austin
2126 Goodrich 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.

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 CHRISTIAN POPE OF AUSTIN ENERGY SOUTH DESIGN, AT (512) 505-7674, TO DISCUSS THE 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) 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.

P. VARIANCE 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.

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

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

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.

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.