



**MEETING MINUTES  
(June 11, 2018)**

The Board of Adjustment convened in a meeting on June 11, 2018, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:35 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)**

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

**Alternate Members Absent: Martha Gonzalez, Pim Mayo**

**Staff in Attendance: Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Lee Simmons (Board 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**

**A. APPROVAL OF MINUTES**

**A-1 May 14, 2018 Draft Minutes**

**Board Member Bryan King motions to approve the minutes for May 14, 2018, Board member Don Leighton Burwell seconds on 7-3-0 (Board members Brooke Bailey, Eric Goff and Michael Von Ohlen abstained); APPROVED MINUTES FOR May 14, 2018**

**Postponement/withdraw requests from applicants, staff and interested parties for Items H-1, O-5 to Postpone to July 9, 2018, Items O-1 and O-2 to Postpone to August 13, 2018 and Item O-6 to Withdraw, Board Member Michael Von Ohlen**

**motion to approve postponements/withdraw as requested except for Items O-2 pulled for further discussion, Board member Brooke Bailey second on 10-0 vote; APPROVED ALL POSTPONEMENTS/WITHDRAW AS REQUESTED EXCEPT FOR ITEM O-2 PULLED FOR FURTHER DISCUSSION**

**B. SIGNS NEW PUBLIC HEARINGS**

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

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)

**The public hearing was closed on Board Member Brooke Bailey motion to Postpone to July 9, 2018, Board Member Eric Goff second on a 10-0 vote; POSTPONED TO July 9, 2018 (RE-NOTICE)**

**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**

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).

**POSTPONED TO JULY 9, 2018 BY NEIGHBORHOOD ASSOCIATION AND ADJACENT NEIGHBORS**

**H-2 C15-2018-0025 Stella Offner and Len Sullivan  
1307 East 29<sup>th</sup> 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 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)  
**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to not enclose porch, Board Member Don Leighton-Burwell second on a 10-0 vote; GRANTED WITH CONDITION TO NOT ENCLOSE PORCH**

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

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.

**The public hearing was closed on Board Member Brooke Bailey motion to Postpone to July 9, 2018, Board Member Michael Von Ohlen second on a 10-0 vote; POSTPONED TO July 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 C15-2017-0047 Phil Moncada for Ryan Dumont/Hank Coleman  
3602 and 3604 Rivercrest Drive**

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/permited) to 60 feet (requested) in order to construct a new dock in an "LA", Lake Austin zoning district.

**POSTPONED TO AUGUST 13, 2018 BY APPLICANT**

**O-2 C15-2017-0067 Jeff Mosely/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)

**Board Member Brooke Bailey motion to Table until applicant resolves Austin Energy issue, Board Member Michael Von Ohlen second on a 10-0 vote; TABLE UNTIL APPLICANT RESOLVES AUSTIN ENERGY ISSUE ( RE-NOTICE)**

**O-3 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.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 9, 2018, Board Member Bryan King second on a 10-0 vote; POSTPONED TO July 9, 2018**

**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.**

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.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 9, 2018, Board Member Veronica Rivera second on a 10-0 vote; POSTPONED TO July 9, 2018**

**O-5 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)

**POSTPONED TO JULY 9, 2018 BY STAFF (RE-NOTICE)**

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

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.

**WITHDRAWN BY APPLICANT**

**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.  
**After discussion Board Member Michael Von Ohlen motion to approve resolution, Board Member Bryan King second on 8-1-1 vote (Board member Veronica Rivera nay and Eric Goff abstained)**
- R-2** Discussion and informational documents regards to CodeNext sign regulations  
**DISCUSSED, REQUEST FORMAL PRESENTATION**
- R-3** Discussion and possible action on CodeNext Working Group recommendations for Draft 3 to City Council  
**DISCUSSED**
- 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, REQUEST ADDITIONAL PRESENTATION**
- R-5** Announcements, future agenda new business requests  
**NONE**

**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.