



**BOARD OF ADJUSTMENT**

**August 13, 2018**

**5:30PM**

**City Council Chambers**

**301 West 2<sup>nd</sup> 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** July 9, 2018 Draft Minutes

**A-2** Discussion and potential action on postponement and withdraw requests, including both previously postponed items from the July agenda and new items on this month's August agenda

**B. SIGNS NEW PUBLIC HEARINGS**

**B-1 C16-2018-0006 Albert Morales for Capital Architectural Sign, Inc.  
1165 Airport Boulevard**

**DENIED BY AUSTIN ENERGY (AE), THE PROPOSED SIGN LOCATION IS IN CONFLICT WITH AE FACILITIES AND CLEARANCES. APPLICANT/OWNER IS REQUIRED TO MEET AE CLEARANCE CRITERIA REQUIREMENTS FOR DISTANCES FROM AE FACILITIES. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. 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 a variance(s) to Section 25-10-191 (*Setback and Structural Requirements*):

- A. (E) to decrease the distance a sign support more than 36 inches in diameter must be set back from the street right-of-way from at least 12 feet (required) to 7.5 feet (requested); and to
- B. (F) (1) to increase the height of a sign that is within 12 feet of a street right-of-way from not more than 30 inches (required, permitted) to 66 inches (requested); and to
- C. (F) (2) to decrease clearance of a sign that is within 12 feet of a street right-of-way from at least 9 feet (required) to 0 feet (requested)

in order to erect a 96 inch diameter monument sign in a “CS-MU-NP”, General Commercial Services – Mixed Use - Neighborhood Plan zoning district. (MLK)

**C. SIGNS PREVIOUS POSTPONEMENTS**

**C-1 C16-2018-0003 Phil Moncada for Norwood Park Owners Association, Inc., LDG Development, LLC and Strategic Housing Finance Corp. (Greg Cervenka)  
1044 and 1030 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:

A. 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); and to

B. 25-10-103 (*Signs Prohibited in all Sign Districts*) (1) to permit an off-premise sign; and/or to

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)

**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 C15-2018-0031 Joshua Lien  
14000 Echo Lane**

**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 setback from 40 feet (required) to 21 feet 6 inches (requested) in order to complete a recently erected garage in a “LA”, Lake Austin zoning district.

**H-2 C15-2018-0033 David Ramos/Meredith Bradley, Ben May  
1016 Avondale Road**

**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:

A. Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum front setback from 25 feet (required) to 12 feet 6 inches (requested, existing\*); and to

B. decrease the minimum rear setback from 10 feet (required) to 5 feet (requested, existing\*); and to

C. Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) (F) (2) to exceed the additional length of a modified portion of a building's nonconforming wall by more than 25 feet (permitted) 32 feet (requested)

in order to add a second story to a portion of the first story footprint of an existing single family home in a "SF-3-NP", Family Residence zoning district. (South River City)

\*Note: the proposed addition will not increase the current building footprint or the current impervious cover of the site.

**H-3 C15-2018-0034 Vincent Huebinger for Dean Davidov  
610 1/2 Kenniston Drive (Aka 6919 1/2 Airport Road  
located at the Southeast corner of Airport Road and  
North Lamar 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 variance(s) from Section 25-2-839 (Telecommunication Towers) (D) (4) to change the appearance of a replacement tower by changing its location in a "CS-CO-NP-TOD", General Commercial Services – Conditional Overlay – Neighborhood Plan – Transit Oriented Development zoning district. (Highland)

**Note:** Section 25-2-839 (D) states that a telecommunication tower that complies with the requirements of this subsection is permitted in any zoning district provided (1) that the tower is a replacement for a functioning telecommunication tower.

H-4      C15-2018-0035      Bruce Aupperle PE for Skylark Partners II LP/Edward  
B. Frierson, AIA  
1704 Channel Road

**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 25-2-551 (*Lake Austin (LA) District Regulations*) (B) (1) (b) to decrease the shoreline setback from 25 feet (required) to 10 feet (requested) in order to erect a single family home in a “LA”, Lake Austin zoning district.

**I. INTERPRETATIONS PREVIOUS POSTPONEMENTS**

**NONE**

**J. INTERPRETATIONS RECONSIDERATIONS**

**NONE**

**K. INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**L. SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS**

L-1      C15-2017-0035      Donald and Amy Smith  
3207 Beverly Road

**AUSTIN ENERGY DOES NOT OPPOSE YOUR APPLICATION FOR THE ABOVE SPECIAL EXCEPTION; AUSTIN ENERGY HAS APPROVED THE PARTIAL PUBLIC UTILITY EASEMENT RELEASE, WHICH WAS PROCESSED THROUGH THE OFFICE OF REAL ESTATE SERVICES CITY OF AUSTIN (# F#9965-1805) WHICH RELEASES THE EASEMENT BELOW 15 FEET ABOVE GROUND LEVEL AND WILL ALLOW FOR THE 1940' ERA STRUCTURE TO BE UNENCUMBERED BY THE PLATTED PUE AND TO REMAIN AS USEABLE SPACE ON THE PROPERTY AND PROVIDED THAT ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE (NESC) AND OSHA. ALL REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (*Site Development Regulations*) to:

A. decrease the side setback from 5 feet (required) to 3.5 feet (requested, existing); and to

B. decrease the rear yard setback from 10 feet (required) to 3.5 feet (requested, existing)

in order to maintain detached accessory living space structure at this location for at least 10 years in a “SF-3-NP”, Family Residence – Neighborhood Plan - zoning district. (Windsor Road)

**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.**

**REQUESTING TO TABLE OR INDEFINTELY POSTPONE BY APPLCIANT**

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 C15-2018-0024 Jim Wittliff for Susan Pollo  
1219 Bickler Road**

**AUSTIN ENERGY DOES NOT OPPOSE YOUR 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.**

**REQUESTING POSTPONEMENT TO SEPTEMBER 10, 2018 BY APPLICANT**

The applicant has requested variance(s) to Section 25-2-774 (*Two-Family Residential Use*) (C) (5) to:

A) (a) to increase the size of a second dwelling from not to exceed 1,100 total square feet or a floor-to-area ration of .15 (1,542 for this lot), whichever is smaller (required) to 2,500 square feet (requested/); and to

B) (b) to increase the size of the 2nd story from 550 square feet (required/permitted) to 1,250 square feet (requested)

in order to erect a second dwelling unit behind the existing 1,050 square foot single family home in a “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (South River City)

**P. VARIANCE RECONSIDERATIONS**

**NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**R. NEW BUSINESS**

**R-1** Discussion and possible action on CodeNext Working Group Draft 3 recommendations to City Council

**R-2** July monthly activity report compiled by staff; discussion of content, format, additional information for August report, and format ideas for August report

**R-3** Announcements: (*Wednesday August 14, 9:30am, City Hall Board and Commission Room, Audit and Finance Council Committee meeting with Board of Adjustment June 2018 Resolution on the agenda for discussion of item #2 of the Resolution - provide independent legal counsel for the Board during Interpretation Appeal cases*); other announcements

**R-4** Future agenda new business items, requests; potential special called meeting and/or workshop requests, discussion

**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 Board Liaison Leane Heldenfels, Development Services, at 512-974-2202 or Board Secretary Diana Ramirez, Development Services, at 512-974-2241, for additional information; *TTY users route through Relay Texas at 711.***