



## MEETING MINUTES (July 9, 2018)

The Board of Adjustment convened in a meeting on July 9, 2018, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:37 p.m.

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

**Board Members Absent:** Rahm McDaniel

**Board Staff in Attendance:** Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Brent Lloyd (Board Attorney)

**Other Staff in Attendance:** Greg Guernsey (Director, Planning and Zoning Department), Andy Linseisen (Board Executive Chair and Assistant Director Development Services Division), Christopher Johnson (Development Services Division Manager), and Christina Willingham (Development Services Division Senior Business Process 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 June 11, 2018 Draft Minutes

**Board Member Bryan King motions to approve the minutes for June 11, 2018, Board member Brooke Bailey seconds on 8-1 (Board member Melissa Hawthorne abstained, Christopher Covo and Veronica Rivera late); APPROVED MINUTES FOR JUNE 11, 2018**

**Postponement/withdraw requests from applicants, staff and interested parties for Item C-1 to Postpone to August 13, 2018, Items C-2, O-1 and O-7 to Withdraw, Board Member Bryan King motion to approve postponements/withdraw items as requested, Board member Don Leighton-Burwell second on 10-0 vote (Board member Christopher Cove late-no vote); APPROVED ALL POSTPONEMENTS/WITHDRAW AS REQUESTED.**

## **B. SIGNS NEW PUBLIC HEARINGS**

**B-1 C16-2018-0005 Jeff Rader for Matt Park/Stephanie Knapp  
8601 FM 2222 Road**

The applicant has requested a variance(s) to Section 25-10-124 (Scenic Roadway Sign District) (B) to increase the maximum number of freestanding signs on a lot from 1 (required/permitted) to 2 (requested) in order to install an additional freestanding externally illuminated monument sign/logo of the business located at this site in a "GO" General Office zoning district; Scenic Sign District.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Don Leighton-Burwell second on a 10-0-1 vote (Board Member Christopher Cove recused without cause); DENIED.**

## **C. SIGNS PREVIOUS POSTPONEMENTS**

**C-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)

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

**C-2 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/permited) 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.

**WITHDRAWN BY APPLICANT**

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

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

A) (a) to decrease 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/1,050 square feet existing primary home); and to

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

in order to permit a second dwelling unit to be added in the rear of this single lot in a “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (South River City)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 13, 2018, Board Member Melissa Hawthorne second on a 11-0 vote; POSTPONED TO AUGUST 13, 2018. (RE-NOTICE)**

**H-2 C15-2018-0027 William Rinehardt  
11117 County Down Drive**

The applicant has requested a variance to Section 25-2-492 (D) of the Site Development Regulations to increase maximum impervious cover from 45% (required/permitted) to 49.11% (requested, 46.81% existing) in order to add 240 square feet of additional impervious coverage to construct a swimming pool in an “SF-3”, Family 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.**

**H-3 C15-2018-0028 Brandon David and Richard Hamer for Brandon David  
809 Robert E Lee Road/Azie Morton Road**

The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.3(B)(2) to change the average elevation measurement for a basement exemption to increase from “a habitable portion of a building that is below grade if the finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines”, in this case 486.4 above average elevation (required/permitted) to 491.5 above average elevation (requested) in order to permit the basement area/square footage to be excluded from the allowable gross floor area of a new single family home in an “SF-3”, Single Family zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Bryan King second on an 8-3 vote (Board members Christopher Covo, Eric Goff, Veronica Rivera nay); DENIED.**

**H-4 C15-2018-0029 Vincent Huebinger for Hsu Chi Kao  
5300 ½ Middle Fiskville Road**

The applicant has requested a variance to Section 25-2-492 (Site Development Regulations) (D) to decrease the minimum front yard setback from 10 feet (required) to 4 feet (requested) in order to add auxiliary power equipment for a wireless telecommunication facility in a “CS-V-CO-NP” – General Commercial Services – Vertical – Conditional Overlay - Neighborhood Plan zoning district. (North Loop)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to add bollards on the subject property adjacent to the Middle Fiskville right of way, Board Member Veronica Rivera second on a 9-2 vote (Board members Bryan King, Kelly Blume nay); GRANTED WITH CONDITION TO ADD BOLLARDS ON THE SUBJECT PROPERTY ADJACENT TO THE MIDDLE FISKVILLE RIGHT OF WAY.**

**H-5 C15-2018-0030 Richard Suttle Jr. for Red Bluff Partners, LLC  
4701 Red Bluff Road**

The applicant is requesting a variance to Section 25-2-1064 to decrease the front building line setback of a least 25 feet from a right-of-way (required) 0 feet (requested) because the tract on which the building is constructed adjoins property that is in an urban family residence (SF-5) or more restrictive zoning district; or (b) on which a use permitted in an SF-5 or more restrictive district is located; and (2) fronts on the same street as the adjoining property in order to construct a hotel and restaurant in a “GR-MU-CO-NP”, Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Govalle)

**The public hearing was closed on Board Member Bryan King motion to Grant with a condition that the subject property owner continue to assist the owner of the adjacent property with requesting and coordinating the future repair, replacement, and/or upgrade of a City of Austin drainage structure/culvert located within an easement on the adjacent property along their property line, Board Member Don Leighton-Burwell second on an 11-0 vote; GRANTED WITH A CONDITION THAT THE SUBJECT PROPERTY OWNER CONTINUE TO ASSIST THE OWNER OF THE ADJACENT PROPERTY WITH REQUESTING AND COORDINATING THE FUTURE REPAIR, REPLACEMENT, AND/OR UPGRADE OF A CITY OF AUSTIN DRAINAGE STRUCTURE/CULVERT LOCATED WITHIN AN EASEMENT ON THE ADJACENT PROPERTY ALONG THEIR PROPERTY LINE.**

- 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 C15-2018-0004**

**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.

**WITHDRAWN BY APPLICANT**

**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.

**The public hearing was closed on Board Member Bryan King motion to Grant variances B and C only and Deny variance A provided construction of the proposed home and garage is limited to the shoreline and building setback buildable area shown and highlighted on the attached drawing submitted at the hearing by the applicant who was not opposed to this condition, Board Member James Valadez second on an 10-1 vote (Board member Don Leighton-Burwell nay); GRANTED VARIANCES B AND C ONLY AND DENY VARIANCE A PROVIDED CONSTRUCTION OF THE PROPOSED HOME AND GARAGE IS LIMITED TO THE SHORELINE AND BUILDING SETBACK BUILDABLE AREA SHOWN AND HIGHLIGHTED ON THE ATTACHED DRAWING SUBMITTED AT THE HEARING BY THE APPLICANT WHO WAS NOT OPPOSED TO THIS CONDITION.**

**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.)

**The public hearing was closed on Board Member Eric Goff motion to Grant with condition that the structure be revised to become a one story structure, Board Member Bryan King second on an 11-0 vote; GRANTED WITH CONDITION THAT THE STRUCTURE BE REVISED TO BECOME A ONE STORY STRUCTURE.**

**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 Grant with two conditions that were not opposed by the applicant:**

- 1) There will be no rooftop amenity; and**
- 2) the proposed structure will be limited in height, stories as illustrated in exhibits 3A and 3B (attached), Board Member Christopher Covo second on a 10-1 vote (Board member Bryan King nay); GRANTED WITH TWO CONDITIONS :**
  - 1) THERE WILL BE NO ROOFTOP AMENITY; AND**
  - 2) THE PROPOSED STRUCTURE WILL BE LIMITED IN HEIGHT, STORIES AS ILLUSTRATED IN EXHIBITS 3A AND 3B (ATTACHED).**

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

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 4 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 Melissa Hawthorne motion to Grant, Board Member Michael Von Ohlen second on a 9-2 vote (Board members Bryan King and Don Leighton-Burwell nay); GRANTED.**

**O-6 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).

**The public hearing was closed on Board Member Brooke Bailey motion to Grant with a condition to provide 12 onsite parking spaces plus 1 handicap size onsite parking space, Board Member Don Leighton-Burwell second on an 10-0-1 vote (Board member Bryan King abstained); GRANTED WITH A CONDITION TO PROVIDE 12 ONSITE PARKING SPACES PLUS 1 HANDICAP SIZE ONSITE PARKING SPACE.**



**O-7 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.

**WITHDRAWN BY APPLICANT**

**P. VARIANCE RECONSIDERATIONS**

**NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**R. NEW BUSINESS**

**R-1 Discussion and informational documents/briefing CodeNext sign regulations**

**DISCUSSION AFTER STAFF PRESENTATION BY CHRISTOPHER JOHNSON**

**R-2** Discussion and possible action on CodeNext Working Group recommendations for Draft 3 to City Council

**DISCUSSED, POSTPONED TO AUGUST 13, 2018**

**R-3** 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.

**DISCUSSION AFTER STAFF PRESENTATION BY ANDREW LINSEISEN AND CHRISTINA WILLINGHAM**

**R-4** Discussion of City Clerk Office Election Guidance for Boards and Commissions  
**DISCUSSED**

**R-5** Discussion and possible action on the Board's Annual Internal Review Report to Council

**Board Member Brooke Bailey motion to Approve, Board Member Veronica Rivera second on an 10-0 vote Board Member Melissa Hawthorne absent; APPROVED.**

**R-4** Announcements, future agenda new business requests

**R-4 ANNOUNCEMENT ITEM A, MEMO FROM ANDREW LINSEISEN RESPONDING TO THE BOARDS JUNE 2018 RESOLUTION TO COUNCIL REGARDING INTERETATION APPEALS; POTENTIALLY A FUTURE NEW BUSINESS ITEM**

**R-4 ANNOUNCEMENT ITEM B, MEMO FROM GREG GUERNSEY RESPONDING TO THE BOARDS JUNE 2018 NEW BUSINESS DISCUSSION REGARDING PENDING DRAFT 3 CODENEXT COMMENTS TO COUNCIL; POTENTIALLY INCLUDED IN FUTURE DISCUSSION AND POSSIBLE ACTION OF JULY 2018 NEW BUSINESS ITEM R-2 (SEE ABOVE)**

**S. ADJOURNMENT 10:55pm**

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.