



BOARD OF ADJUSTMENT

October 8, 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)

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. DISCUSSION AND REQUESTED ACTION ITEMS

A-1 Staff requests approval of September 10, 2018 draft minutes

A-2 Discussion of Austin Energy Report and action on any items posted on this Agenda that staff recommends denying

A-3 Staff and Applicant requests for postponement and withdraw of items posted on this Agenda

B. SIGNS NEW PUBLIC HEARINGS

**B-1 C16-2018-0005 J. Schalliol for Ryan Zimmerman
9800 and 9910 Slaughter Creek Drive**

The applicant has requested a variance to Section 25-10-124 (B) (Scenic Roadway Sign District Regulations) to permit a freestanding sign that is

A. (1) (b) greater than 64 square feet (required, permitted), measuring 287 square feet (requested/existing); and that is

B. (2) not to exceed 12 feet in height (required/permitted), measuring 60 feet in height (requested/existing); and that is

C. (F) completely internally illuminated (requested/existing), instead of having just the individual letters illuminated (required/permitted)

in order to maintain an existing, un-permitted pylon sign in a “CS-CO”, Commercial Services – Conditional Overlay zoning district. (Scenic Roadway Sign District)

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**

REQUEST TO WITHDRAW BY APPLICANT

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)

**C-2 C16-2018-0006 Albert Morales for Roberta Swischuk
1165 Airport Boulevard**

The applicant has requested a variance(s) to Section 25-10-191 (Setback and Structural Requirements):

A. (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 36 inches (requested); and to

B. (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 2 feet (requested)

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

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 C15-2018-0043 Alecia Browner
3906 Manchaca Road**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum side yard setback from 5 feet (required) to 2.1 feet (requested) along the south property line in order to maintain a recently erected fabric and steel cantilevered shade structure for the parking area of an office building in a “LO-MU”, Limited Office – Mixed Use zoning district.

**H-2 C15-2018-0044 Hector Avila for VB Endeavors, LLC
2104 Winsted Lane**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot size from 5,750 square feet (required) to 5,547 square feet (requested) in order to construct a single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin)

**H-3 C15-2018-0045 Alexandra Jashinsky for Stephen Greenberg
1511 Eva Street**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum side yard setback from 5 feet (required) to 4.5 feet (requested) in order to maintain a 205 square foot living space addition in the rear northeast portion of the lot containing a 1930 era single family home located in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin)

**H-4 C15-2018-0046 Lila Nelson for Frank Chef and Sharon Shuppert
1800 E. Martin Luther King Jr. Boulevard**

The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 0 feet (requested); and to

B. (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 30 feet (requested)

in order to erect a medical office and five multifamily residential units in an “LO-MU-V-NP”, Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Note: the current zoning requires that one of the five multifamily units be designated as affordable.

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 C15-2018-0024 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 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)

**O-2 C15-2018-0035 Bruce Aupperle PE for Skylark Partners II LP/Edward
B. Frierson, AIA
1704 Channel Road**

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.

**O-3 C15-2018-0036 Gregg Andrulis for 2713 Hemphill Park, LLC
2713 Hemphill Park**

The applicant has requested variance(s) to Ordinance 040826-58 (North University Neighborhood Conservation Combining District –Neighborhood Plan) Part 7, (1) to decrease the minimum lot size from 8,000 square (required) to 7,772 square feet (requested) in order to erect a multi-family residence in a “MF-5-NCCD-NP”, Multifamily Residence High Density – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

Note: There is no conflict between the Land Development Code and the NCCD in regard to MF-5 minimum lot size, both require 8,000 square feet. The lot size above is according to a sealed survey of the property, however the Travis County Appraisal District property detail information describes the property as having 7,763 square feet. The Board typically just approves variances based on a sealed survey when one is available.

**O-4 C15-2018-0037 Kathleen Huff
3117 Westlake Drive**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A)(6) to increase the dock height from not more than 30 feet (required, permitted) to 45 feet (requested, top of cupola) in order to complete a boat dock within the “LA” Lake Austin Residence zoning district.

Note: The Land Development Code states that a boat dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.

**O-5 C15-2018-0040 Jeffrey Ragsdale
4913 Avenue G**

The applicant has requested variance(s) to Ordinance 20120112-086:

A. Part 6, (General Provisions) 9. To provide 23 feet (requested) of maneuverability perpendicular to a parking area including an alley instead of 25 feet (required); and to

B. Part 7, (Residential District) 1. to increase the minimum rear yard setback from 10 feet (required) to 4.5 feet (requested); and to

C. Part 7, (Residential District) 1. b. to increase the maximum height for an accessory structure or secondary dwelling unit from 25 feet from ground level (required, permitted) to 25.5 feet (requested); and to

D. Part 7, (Residential District) 4. to decrease the minimum lot size for a two-family residential use from 7,000 square feet (required) to 6,582 (requested, existing)

in order to complete a second story 483 square foot garage apartment in an “SF-3 – NCCD - NP”, Single-Family Residence –Neighborhood Conservation Combining District-Neighborhood Plan zoning district. (North Hyde Park)

Note: Part 7, (Residential District) 8.of this NCCD Ordinance permits the minimum setback from an alley for an accessory building or the rear dwelling unit of a two-family residential use that is not more than 20 feet in height to be 5 feet, however the two-family residential use proposed is 4.5 feet from the rear property line and is 25.5 feet in height as noted in the request(s) above.

**P. VARIANCE RECONSIDERATIONS
NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**

R. NEW BUSINESS

- R-1** Working group suggested revisions to Board Rules including presentations, discussion, and potential action
- R-2** August and September Board activity report
- R-3** Discussion of adopted 2018, 19 BOA fees
<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>
- R-4** Discussion of the BOA application and required information
<http://austintexas.gov/page/development-assistance-applications#boa>
- R-5** Discussion of BOA staff case review, notice errors, case back up
https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25_LADE_CH25-1GEREPR
25-1-212 (REPORT)
Post application standard template (LH)
- R-6** Discussion of additional elements to potentially add to the BOA DSD webpage and map
<http://austintexas.gov/department/online-tools>

<http://www.arcgis.com/home/webmap/viewer.html?webmap=15c11c8910ef4221863ae2f2099df2ae&extent=-98.0051,30.1567,-97.4798,30.4149>
- R-7** Discussion of progress DSD has made on the project to post residential plan review administrative memos to DSD website
- R-8** Discussion of proposed BOA 2019 meeting schedule, not able to confirm until December meeting
- R-9** Announcements
- R-10** Discussion of future agenda new business items, staff requests and of potential special called meeting and/or workshop requests

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* or email Board Liaison Leane Heldenfels, Development Services, at 512-974-2202/leane.heldenfels@austintexas.gov or Board Secretary Diana Ramirez, Development Services, at 512-974-2241/diana.ramirez@austintexas.gov, for additional information; *TTY users route through Relay Texas at 711.*

