



## MEETING MINUTES (September 10, 2018)

The Board of Adjustment convened in a meeting on September 10, 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:** William Burkhardt (Chair), Christopher Covo (late), Eric Goff, Melissa Hawthorne (Vice Chair), Bryan King, Don Leighton-Burwell, Rahm McDaniel (late), James Valadez, Michael Von Ohlen, Kelly Blume (Alternate)

**Board Members Absent:** Brooke Bailey and Veronica Rivera  
**Alternates unable to attend:** Martha Gonzalez and Pim Mayo

**Board 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. Discussion and/or Approval Items

- A-1 Approval of Minutes - August 13, 2018 Draft Minutes  
**Board Member Bryan King motion to approve the minutes for August 13, 2018, Board Member Melissa Hawthorne second on 7-0-1 (Alternate Member Kelly Blume Abstained; Board Members Christopher Covo and Rahm McDaniel late); APPROVED MINUTES FOR August 13, 2018**
- A-2 Austin Energy Comments
- A-3 Discussion and action on postponement and withdraw requests  
**Board Member Bryan King motion to postpone agenda items C-1, C-2, H-2 and H-5 to October 8, 2018 and to withdraw item O-2, Board Member Eric Goff second on 9-0 vote (Board Member Rahm McDaniel late); APPROVED AS REQUESTED.**

#### B. SIGNS NEW PUBLIC HEARINGS **NONE**

#### 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**

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)

**POSTPONED TO OCTOBER 8, 2018 BY APPLICANT (RE-NOTICE REQUIRED)**

**C-2 C16-2018-0006 Albert Morales for Capital Architectural Sign, Inc.  
1165 Airport Boulevard**

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

**POSTPONED TO OCTOBER 8, 2018 BY STAFF (RE-NOTICE REQUIRED)**

**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 C15-2018-0036 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, existing) 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: no conflict exists between the Land Development Code and the NCCD in regard to MF-5 minimum lot size.

**The public hearing was closed on Board Member Michael Von Ohlen motion to postpone to October 8, 2018, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO OCTOBER 8, 2018.**

**H-2 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) to 42 (requested, top of cupola) in order to complete construction of a boat dock within the “LA” Lake Austin Residence zoning district.

Note: A 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.

**POSTPONED TO OCTOBER 8, 2018 BY STAFF (RE-NOTICE REQUIRED)**

**H-3 C15-2018-0038 Dewey Poteet  
6306 Sprucewood Cove**

The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 2 – Development Standards, Section 2.6. – Setback Planes (E) (Exceptions) 3. b. (i) to change from a gables or shed roof style (permitted/excepted) to a hipped roof style (requested) to overhang the setback plane of this parcel in order to erect a single family home in a “SF-2”, Single-Family Residence Standard Lot zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition not to install floor or stairs in the lightwell/tower and make windows operable, Board Member Christopher Covo second on a 9-1 vote (Board member Bryan King nay); GRANTED WITH CONDITION TO NOT TO INSTALL FLOOR OR STAIRS IN THE LIGHTWELL/TOWER AND MAKE WINDOWS OPERABLE.**

**H-4 C15-2018-0039 Hector Avila for A New Hope Investments, LLC  
4201 Clawson Road**

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 4,320 square feet (requested, existing); and to

B. decrease the minimum lot width from 50 feet (required) to 40 feet (requested, existing)

in order to erect a new single family residence limited to .4 floor to area ratio in a “SF-3”, Family Residence zoning district.

Note: this property does meet exception from platting/land status requirements, however it does not meet sub-standard lot requirements since it was deed divided into its current configuration after 1946, therefore the lot size and width must meet current zoning requirements before permits for a new home can be issued on it.

These variances were granted by the Board on April 9, 2018 with a condition that the proposed development be limited to .4 FAR. However, that request erroneously listed the lot size as 4,361 square feet due to a survey error which has now been corrected as part of a pending subdivision application currently under review for this property.

**The public hearing was closed on Board Member Bryan King motion to Grant with same findings from April 2018 decision, Board Member Melissa Hawthorne second on a 10-0 vote; GRANTED WITH SAME FINDINGS FROM APRIL 2018 DECISION.**

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

The applicant has requested variance(s) to Ordinance 20120112-086 Part 7, (Residential District) (7) 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)

**POSTPONED TO OCTOBER 8, 2018 BY STAFF (RE-NOTICE REQUIRED)**

**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 ratio 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)

**The public hearing was closed on Board Member Michael Von Ohlen motion to postpone to October 8, 2018, Board Member Rahm McDaniel second on an 8-1 vote (Board members Don Leighton-Burwell nay, Melissa Hawthorne no vote-left early) ; POSTPONED TO OCTOBER 8, 2018.**

**O-2 C15-2018-0034 Vincent Huebinger for Dean Davidov  
610 ½ Kenniston Drive (Aka 6919 ½ Airport Road located at the  
Southeast corner of Airport Road and North Lamar Boulevard)**

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.

**WITHDRAWN BY APPLICANT**

**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

**DISCUSSED, Board Member Bryan King motion to postpone action to October 8, 2018, Board Member Michael Von Ohlen second, with no objection, POSTPONED ACTION TO OCTOBER 8, 2018**

**R-2** August monthly activity report compiled by staff

**DISCUSSED, CONTINUED TO OCTOBER 8, 2018, August and September Board activity will be added/edited**

**R-3** Announcements

**Board member Bryan King announced his follow up communication with staff regarding the BOA DSD webpage that includes past case listings and related map**

**R-4** Discussion of future agenda new business items, requests; and of potential special called meeting and/or workshop requests

**Add New Business discussion items to the October 8 Agenda:**

- 1) **Discussion of the BOA Application (2018, 19 Fee Schedule)**
- 2) **Discussion of the BOA Application required information**
- 3) **Discussion of BOA staff case review, notice errors, case back up**
- 4) **Discussion of additional elements, capabilities to add to the BOA DSD webpage and map**
- 5) **Discussion of DSD project to post residential plan review administrative memos to website**
- 6) **Discussion of 2019 meeting schedule**

**S. ADJOURNMENT 7:40pm**

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.*