



**BOARD OF ADJUSTMENT**  
**October 8, 2018**  
**5:30PM**  
**City Council Chambers**  
**301 West 2<sup>nd</sup> Street**  
**AUSTIN, TEXAS**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| ___ Brooke Bailey                  | ___ Rahm McDaniel               |
| ___ William Burkhardt (Chair)      | ___ Veronica Rivera             |
| ___ Christopher Covo               | ___ James Valadez               |
| ___ Eric Goff                      | ___ Michael Von Ohlen           |
| ___ Melissa Hawthorne (Vice Chair) | ___ Kelly Blume (Alternate)     |
| ___ Bryan King                     | ___ Martha Gonzalez (Alternate) |
| ___ Don Leighton-Burwell           |                                 |

**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**

**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 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**

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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**

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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**

**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 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**

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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**

**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) 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**

**DENIED BY AUSTIN ENERGY (AE) DUE TO APPLICANT FAILING TO RECEIVE WRITTEN APPROVAL FROM AE PRIOR FILING THEIR APPLICATION WITH BOARD OF ADJUSTMENT (BOA) AS REQUIRED ON BOA COMPLETENESS CHECKLIST. PLEASE CONTACT EBEN KELLOGG WITH AE PUBLIC INVOLVEMENT AND REAL ESTATE SERVICES AT 322-6050. –**

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

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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

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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**

**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 AND WILL ALSO BE SUBJECT TO AE DESIGN NORTH.**

**ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. ALL EXISTING ELECTRIC FACILITIES AND EASEMENTS THAT ARE ADVERSELY AFFECTED BY THE PROPOSED DEVELOPMENT PROJECT, WILL NEED TO BE RELOCATED AND REPLACED AND AT THE COST OF THE OWNER/APPLICANT.**

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**

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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

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY ROPOSED 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. IF OUR SERVICE IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE CONTACT AUSTIN ENERGY’S SPOT AND CONDUIT INSPECTION TO REQUEST A SUITABLE LOCATION FOR YOUR ELECTRIC SERVICE AT [AELECTRICSPOTS@AUSTINENERGY.COM](mailto:AELECTRICSPOTS@AUSTINENERGY.COM).**

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
- R-4** Discussion of the BOA application and required information
- R-5** Discussion of BOA staff case review, notice errors, case back up
- R-6** Discussion of additional elements to potentially add to the BOA DSD webpage and map
- 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*.