



BOARD OF ADJUSTMENT
November 8, 2018
6:00 PM
City Council Chambers
301 West 2nd 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 October 8, 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

NONE

C. SIGNS PREVIOUS POSTPONEMENTS

NONE

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 C15-2018-0042 Lotte Vehko for Ben Reid
4214 Avenue B**

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.

The applicant has requested variance(s) to Ordinance 020131-20 Part 8, (Residential District) 10. A. to decrease the minimum setback from a property line facing an avenue, Duval Street or the south side of West 39th St. from 60 feet (required) 33 feet (requested) in order to construct a new detached two car garage with second floor living space in a SF-3-HD-NCCD-NP, Family residence – historic district – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (Hyde Park)

**H-2 C15-2018-0047 David Cancialosi for Mark Kristen
3201 Westlake 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(s) from Section 25-2-551 to reduce the Lake Austin Shoreline Setback from 75-feet (required) to 5-feet (proposed) shoreline setback around an existing slough to accommodate a remodel and repair by replacement of the existing single-family residence and accessory structures in the 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

NONE

M. SPECIAL EXCEPTIONS RECONSIDERTIONS

NONE

N. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

O. VARIANCES PREVIOUS POSTPONEMENTS

**O-1 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-2 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-3 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 AEELECTRICSPOTS@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.

**O-4 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, and Section 25-2-1062 (C) (Height Limitations and Setbacks for Small Sites) to decrease the minimum side and rear setback from an SF-5 or more restrictive property from 22.0 feet (required) to 5 feet (requested) 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.

**O-5 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.

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 October 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>
<http://www.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*.