



**MEETING MINUTES
(October 8, 2018)**

The Board of Adjustment convened in a meeting on October 8, 2018, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:35 p.m.

Board Members in Attendance: 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

Board Staff in Attendance: Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Brent Lloyd (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 REQUESTED ACTION ITEMS

- A-1 Staff requests approval of September 10, 2018 draft minutes
Board Member Michael Von Ohlen motion to approve the minutes for September 10, 2018, Board Member Melissa Hawthorne second on 10-0-1 (Board Member Veronica Rivera Abstained); APPROVED MINUTES FOR September 10, 2018**
- 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
Board Member Bryan King motion to postpone agenda items H-1, H-4, O-3 to November 8, 2018 (6:00pm) and to withdraw items C-1 and O-1, Board Member Brooke Bailey second on an 11-0 vote; APPROVED AS REQUESTED.**

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Rahm McDaniel second on a 10-1 vote (Board member Christopher Covo nay); DENIED.

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)

WITHDRAWN BY APPLICANT

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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Rahm McDaniel second on a 11-0 vote; GRANTED.

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.

POSTPONED TO November 8, 2018 (6:00PM) BY STAFF (RE NOTICE NEEDED)

**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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to limit to .4 FAR, Board Member Don Leighton-Burwell second on an 11-0 vote; GRANTED WITH CONDITION TO LIMIT TO .4 FAR.

**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)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that no expansion be added within the setback and no height addition within the setback, Board Member Veronica Rivera second on an 11-0 vote; GRANTED WITH CONDITIONS THAT NO EXPANSION BE ADDED WITHIN THE SETBACK AND NO HEIGHT ADDITION WITHIN THE SETBACK.

**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.

POSTPONED TO November 8, 2018 (6:00PM) BY APPLICANT

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)

WITHDRAWN BY APPLICANT

**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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant as per drawing provided by applicant, Board Member Christopher Covo

second on an 11-0 vote; GRANTED AS PER DRAWING PROVIDED BY APPLICANT.

**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.

POSTPONED TO November 8, 2018 (6pm) BY APPLICANT

**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.

The public hearing was closed on Board Member Rahm McDaniel motion to Postpone to November 8, 2018, Board Member Christopher Covo second on an 11-0 vote; POSTPONED TO NOVEMBER 8, 2018.

**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.

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to November 8, 2018, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO NOVEMBER 8, 2018. (APPLICANT NO SHOW)

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

R-2 August and September Board activity report

DISCUSSED, CONTINUED TO November 8, 2018 (ACTIVITY WILL BE ADDED/EDITED)

R-3 Discussion of adopted 2018, 19 BOA fees

<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>

DISCUSSED ON A WORKING GROUP

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>

DISCUSSED; POSTPONED TO NOVEMBER 8, 2018

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)

DISCUSSED; POSTPONED TO NOVEMBER 8, 2018

- 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>

DISCUSSED; POSTPONED TO NOVEMBER 8, 2018

- R-7** Discussion of progress DSD has made on the project to post residential plan review administrative memos to DSD website

DISCUSSED; POSTPONED TO NOVEMBER 8, 2018

- R-8** Discussion of proposed BOA 2019 meeting schedule, not able to confirm until December meeting

DISCUSSED

- 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 8:06PM

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*.