



**BOARD OF ADJUSTMENT**

**December 10, 2018**

**5:30 PM**

**City Council Chambers**

**301 West 2<sup>nd</sup> 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)

\_\_\_ Ada Corral (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 November 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**

**B-1 C16-2018-0007 Bragg Smith, Phoenix Property Company for Jason Runnels, 26<sup>th</sup> St & Nueces PO LTD Partnership**

The applicant has requested a variance(s) to Section 25-10-133 (University Neighborhood Overlay Zoning) (F) to allow 2 electrified/LED backlit projecting wall signs to be affixed to the subject building above the second floor (requested) rather than be non-electric and engraved, cut into the building surface or otherwise inlaid to become part of the building when located above the second floor (required) in a “CS-NP”, General Commercial Services - Neighborhood Plan, Community Commercial - Neighborhood Plan and “MF-4-NP”, Multifamily residence moderate-high density - Neighborhood Plan, zoning district. (University Neighborhood Overlay, Inner)

**B-2 C16-2018-0008 Jason Thumlert for Capital Metropolitan Transit Authority  
901 East 5<sup>th</sup> Street**

The applicant has requested a variance(s) to Section 25-10-133 (University Neighborhood Overlay Zoning):

A. (C) to exceed 100 square feet of sign area (required/permitted) with 150 square feet of sign area for 3 signs (requested); and to

B. (F) to allow an electrified wall sign to be affixed to the subject building above the second floor (requested) rather than providing a non-electric and engraved, cut into the building surface or otherwise inlaid to become part of the building when located above the second floor (required)

in order to provide signage for a mixed use building in a “TOD-CURE-NP”, Transit Oriented District/Plaza Saltillo – Central Urban Redevelopment - Neighborhood Plan zoning district. (East Cesar Chavez)

**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 C15-2018-0048 Jerry Perales for Tuan Minh Bui  
11902 Hornsby Street**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot width from 50 feet (required\*) to 35 feet (requested) in order to re-subdivide the lot to create two single family home spaces and add one more additional dwelling unit for a total of two plus a primary home in an “SF-1”, Family Residence zoning district.

\*Note: the Land Development Code requires that lot width be measured at both the 25 foot front setback and then again at a point another 50 feet back or 75 feet from front property line.

**H-2 C15-2018-0050 Alex Finnell  
2003 Tillostson Avenue**

The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot size from 5,750 square feet (required) to 5,382 square feet (requested) in order to permit a second dwelling unit to be added to this existing lot in an “SF3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

**H-3 C15-2018-0051 Terry Roth for John Savage, Mount Bonnell Shores  
Colorado Crossing  
4704 Colorado Crossing**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (1) to increase the dock length 30 feet (required) to 39.4 feet (requested, existing) in order to reconstruct a neighborhood association day boat and swim dock in an “LA” Lake Austin Residence 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 C15-2018-0037 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-2 C15-2018-0042 Lotte Vehko for Ben Reid  
4214 Avenue B**

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)

**O-3 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, 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-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.

**O-5 C15-2018-0047 David Cancialosi for Mark Kristen  
3201 Westlake Drive**

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.

**P. VARIANCE RECONSIDERATIONS**

**P-1 C15-2018-0036 Gregg Andrulis for 2713 Hemphill Park, LLC  
2713 Hemphill Park**

The appellant, North University Neighborhood Association, asks the Board of Adjustment to reconsider the applicant’s request 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/different between the Land Development Code and the NCCD in regard to MF-5 minimum lot size, both require 8,000 square feet.

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS**  
**NONE**

**R. NEW BUSINESS**

- R-1** Working group suggested revisions to Board Rules including discussion, Legal staff comment, and potential action
- R-2** November Board activity report
- R-3** Discussion of adopted 2018, 19 BOA fees  
<http://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](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 and possible action to approve a meeting schedule for the upcoming year 2019.
- R-9** Discussion item regarding ability to add an “Citizens Communications” item to future agendas
- R-10** Announcements – New Alternate member: Ada Corral
- R-11** Discussion of future agenda new business items, staff requests and 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*.