

**BOARD OF ADJUSTMENT****March 11, 2019****5:30 PM****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	___ 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. CITIZEN COMMUNICATION**

The first four (4) speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding **items not posted on the agenda.**

**B. DISCUSSION AND REQUESTED ACTION ITEMS**

**B-1** Staff requests approval of February 11, 2019 draft minutes

**B-2** Discussion of Austin Energy Report and action on any items posted on this Agenda that staff recommends denying

**B-3** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda

**C. SIGNS NEW PUBLIC HEARINGS**  
**NONE**

**D. SIGNS PREVIOUS POSTPONEMENTS**  
**NONE**

**E. SIGNS RECONSIDERATIONS**  
**NONE**

**F. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS**  
**NONE**

**G. INTERPRETATION NEW PUBLIC HEARINGS**  
**NONE**

**H. SPECIAL EXCEPTION NEW PUBLIC HEARINGS**  
**NONE**

**I. VARIANCES NEW PUBLIC HEARINGS**

**I-1 C15-2019-0010 Janis J. Smith for Eduardo Margain**  
**3009 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 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 62 feet (requested) in order to replace a 70 foot long boat dock in an "LA" Lake Austin Residence zoning district.

**I-2 C15-2019-0011 Hector Avila for Jeremy Anderson**  
**1504 East Lane**

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## **INSPECTION TO REQUEST A SUITABLE LOCATION FOR YOUR ELECTRIC SERVICE AT [AELECTRICSPOTS@AUSTINENERGY.COM](mailto:AELECTRICSPOTS@AUSTINENERGY.COM)**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 15 feet(requested) in order to erect a single family home in a “SF-2” Family Residence zoning district.

**I-3      C15-2019-0012      Josh Westheimer  
1802 Cloverleaf Drive**

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The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 10.2 feet (requested) in order to maintain a carport in a “SF-3-NP” Family Residence zoning district. (Windsor Park)

**I-4      C15-2019-0013      Dave Anderson for North Central Catholic School  
9400 Neenah Avenue**

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The applicant has requested a variance from 25-2-Subchapter E (Design Standards and Mixed Use), Section 2.3. (Connectivity Between Sites) 1. (Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity) B. (Standards) 1. (Vehicular and Pedestrian Connections Between Sites)

A.      a. to not provide either private drive or public street connections to existing private drives or public streets on adjacent sites or stub-outs if connections are not feasible; and to

B.      b. where a public street is adjacent to the property line, to not provide direct pedestrian and bicycle access from that street to a customer entrance

in order to amend the connectivity portion of the site plan at this address in a GO-CO (General Office – Conditional Overlay) zoning district.

**I-5      C15-2019-0014      Tracey Merino for Granada Lane, LLC  
411, 601 E Powell Lane and 410,500,502,504,508,602,  
And 610 Wonsley**

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**THE EXISTING ELECTRIC FACILITIES ON THIS SITE WILL NEED TO BE REMOVED AND RELOCATED AT THE EXPENSE OF THE OWNER/APPLICANT. THE EXECUTION OF EASEMENT RELEASES, WHICH WILL HINDER THE PROPOSED DEVELOPMENT PROJECT, IF NOT CARRIED OUT.**

The applicant has requested variance(s) from Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)

A..      (B) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 25 feet (required) to 15 feet (requested); and to

B.      (C) 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 31 feet (requested)

in order to erect a multifamily residential use in an “MF-4-NP”, Multifamily Residence Moderate-High Density - Neighborhood Plan zoning district. (Georgian Acres)

**J.      INTERPRETATIONS PREVIOUS POSTPONEMENTS  
NONE**

**K.      INTERPRETATIONS RECONSIDERATIONS  
NONE**

**L.      INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS  
NONE**

**M.      SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS  
NONE**

**N.      SPECIAL EXCEPTIONS RECONSIDERATIONS  
NONE**

**O. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS**  
**NONE**

**P. VARIANCES PREVIOUS POSTPONEMENTS**

**P-1 C15-2019-0004 Thomas Conyers for Douglas E. Oldmixon  
1604 Juliet Street**

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The applicant has requested variance(s) to Section 25-2-492 (D) to decrease the minimum rear setback from 10 feet (required) to 5 feet (requested) in order to erect a garage with a second dwelling unit above in an “SF-3”, Family Residence zoning district.

**P-2 C15-2019-0005 Joshua Inscoe for Andrew Milam  
7309 Bennett Avenue**

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The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (C) (2) to allow a second dwelling unit that should be located to the rear or side of the principal structure (required) to instead be located to the front of the principal structure (requested) in order to erect a new primary dwelling unit behind the existing dwelling unit “SF-3-NP”, Family Residence zoning district. (St. John)

Note: the existing dwelling unit size is below the 1,100 square foot maximum size permitted for an additional dwelling unit on this lot.

**P-3 C15-2019-0009 Leah M. Bojo for Halil Berberoglu  
608 Elmwood Place**

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**WHEN YOU SUBMIT YOUR SITE PLAN FOR FURTHER REVIEW, I WOULD ADVISE THE CUSTOMER TO CONTACT AUSTIN ENERGY DESIGN NORTH, BRIAN VAN DYKE. AT PH. 512-505-7247, REGARDING UPGRADES TO THE EXISTING ELECTRIC FACILITIES OR THE INSTALLATION OF NEW ELECTRIC FACILITIES FOR THIS DEVELOPMENT.**

The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot area from 8,000 square feet (required) to 6,929 square feet (requested/existing); and to
- B. decrease the minimum lot width from 50 feet (required) to 48.53 feet (requested); and to
- C. decrease the side street setback from 15 feet (required) to 0 feet (requested, 5.6' existing); and from
- D. Section 25-2-563 (Multifamily Residential Use) (B) to decrease the minimum site area from 7,800 square feet (required) to 6,929 square feet (requested)

in order to erect a 7 unit multifamily structure with three one-bedroom and four two-bedroom units in a "MF-4-NP" Multifamily Residence Moderate-High Density - Neighborhood Plan zoning district. (Hancock)

**Q. VARIANCE RECONSIDERATIONS**

**Q-1 C15-2019-0008 David Cancialosi for Quincy Lee  
1515 Manana Street**

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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) (1) to increase the dock length 30 feet (required) to 44 feet (requested, existing) in order to reconstruct an existing 50 foot long boat dock in an "LA" Lake Austin Residence zoning district.

**R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS**

**R-1 C15-2018-0046 Lila Nelson for Frank Chef and Sharon Shuppert  
1800 E. Martin Luther King Jr. Boulevard**

**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. 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).**

**WHEN YOU SUBMIT YOUR SITE PLAN FOR FURTHER REVIEW, I WOULD ADVISE THE CUSTOMER TO CONTACT AUSTIN ENERGY DESIGN NORTH, BRIAN VAN DYKE. AT PH. 512-505-7247, REGARDING UPGRADES TO THE EXISTING ELECTRIC FACILITIES OR THE INSTALLATION OF NEW ELECTRIC FACILITIES FOR THIS DEVELOPMENT.**

The applicant has requested variance(s) from:

A. Section 492 (D) to increase the impervious cover from 70% (required/permitted) to 80% (requested); and to

B. Section 25-2-1062 (Height Limitations and Setbacks for Small Sites) (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 5 feet (requested) for the building and 0 feet (requested) for the proposed at-grade parking, landscaping, solid fence; and to

C. Section 25-2-1062 (Height Limitations and Setbacks for Small Sites) (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 40 feet (requested)

D. Section 25-2-1064 (Front Setback) to decrease the front building line setback from a right of way if the tract on which the building is constructed adjoins (SF-5) or more restrictive zoning from 25 feet (required) to 0 feet (requested)

in order to erect a vertical mixed use building composed of medical office and multifamily residential uses in an "LO-MU-V-NP", Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

## **S. NEW BUSINESS**

**S-1** Working group suggested revisions to Board Rules including discussion, Legal staff comment, and potential action

**S-2** Discussion of the February 11, 2019 Board activity report

**S-3** Discussion and possible action of adopted 2018, 19 BOA fees

(WORKING GROUP: Michael Von Ohlen, Christopher Covo, Rahm McDaniel, Eric Goff)

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

- S-4 Discussion and possible action of the BOA application and required information (WORKING GROUP: Bryan King)

<http://austintexas.gov/page/development-assistance-applications#boa>

<http://www.austintexas.gov/page/development-assistance-applications#boa>

- S-5 Discussion and possible action 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), see case coversheet for new 2019 cases**

- S-6 Discussion and possible action 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>

- S-7 Discussion and possible action of progress DSD has made on the project to post residential plan review administrative memos to DSD website

- S-8 Discussion and possible action to approve a meeting schedule for the upcoming year 2019 for 2<sup>nd</sup> Mondays except for November 1<sup>st</sup> Thursday the 7<sup>th</sup>.

- S-9 Announcements

- S-10 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

## T. 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.*