



BOARD OF ADJUSTMENT

April 8, 2019

5:30 PM

**City Council Chambers
301 West 2nd Street
AUSTIN, TEXAS**

___ William Burkhardt (Chair)

___ Jessica Cohen

___ Ada Corral

___ Eric Goff

___ Melissa Hawthorne (Vice Chair)

___ Don Leighton Burwell

___ Rahm McDaniel

___ Darryl Pruett

___ Veronica Rivera

___ Yasmine Smith

___ Michael Von Ohlen

___ Kelly Blume (Alternate)

___ Martha Gonzalez (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 March 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

**G-1 C15-2019-0018 Ronald Sawey
2311 Shoal Creek Boulevard**

AUSTIN ENERGY HAS NO COMMENT

The applicant has filed an appeal challenging the Land Use Determination of 2311 Shoal Creek Blvd. as a single family residence use in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West University)
The applicant maintains that the use is either club/lodge or group residential.

H. SPECIAL EXCEPTION NEW PUBLIC HEARINGS

NONE

I. VARIANCES NEW PUBLIC HEARINGS

**I-1 C15-2019-0015 Michael Kane for Vanessa Tate
910 Berrywood 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 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 20 (requested) in order to reconstruct a carport in a “SF-2” Family Residence zoning district.

**I-2 C15-2019-0016 Jim Wittliff for Alvin Momin
13414 Harrisglenn Drive**

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The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a “GR” Community Commercial zoning district.

**I-3 C15-2019-0017 Elizabeth Carey
1301 S 5th Street**

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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) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum lot area from 5,750 square feet (required) to 3,150.44 square feet (requested, existing); and to
- B. decrease the minimum lot width from 50 feet (required) to 46.33 feet (requested, existing); and to
- C. decrease the front setback from 25 feet (required) to 20.3feet (requested, existing); and to
- D. decrease the rear setback from 10 feet (required) to 9.3 feet (requested, existing)
- E. decrease the side street setback from 15 feet (required) to 13.3 feet (requested, existing)

in order to convert the current garage/storage space into living space in a “SF-3-NP”, Family Residence zoning district. (Bouldin)

**I-4 C15-2019-0019 Jim Wittliff for Alvin Momin
12401 Tech Ridge Boulevard**

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The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a “GR” Community Commercial zoning district.

**I-5 C15-2019-0020 Jarrod E. Cunningham
3804 Counselor Drive**

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The applicant has requested a variance(s) from Section 25-2-899 (D) (Fences as Accessory Uses) to increase the fence height permitted from an average of 6 feet, maximum of 7 feet (required/permitted) to 8 feet (requested) in order to replace an existing solid privacy fence in an “SF-2” Family Residence zoning district.

**I-6 C15-2019-0021 Sandra Wilson
3004 Bonnie 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 a variance(s) from Section 25-2-899 (D) and (E) (Fences as Accessory Uses) to increase the fence height permitted from an average of 6 feet, maximum height of 7 feet (required, up to 8 feet permitted with adjacent signatures) to 8 (requested) in order to maintain a recently constructed fence on a corner lot with swimming pool in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin)

**J. INTERPRETATIONS PREVIOUS POSTPONEMENTS
NONE**

K. INTERPRETATIONS RECONSIDERATIONS

NONE

L. INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

M. SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS

NONE

N. SPECIAL EXCEPTIONS RECONSIDERTIONS

NONE

O. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

P. VARIANCES PREVIOUS POSTPONEMENTS

**P-1 C15-2019-0009 Leah M. Bojo for Halil Berberoglu
608 Elmwood Place**

WITHDRAWN BY APPLICANT

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:

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)

**P-2 C15-2019-0013 Dave Anderson for North Central Catholic School
9400 Neenah Avenue**

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 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.

**P-3 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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WHEN YOU SUBMIT YOUR SITE PLAN FOR FURTHER REVIEW, PLEASE 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 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 30feet (required, permitted) to three stories and 38.9 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)

Q. VARIANCE RECONSIDERATIONS

**Q-1 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)

R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS **NONE**

S. NEW BUSINESS

S-1 Discussion and possible action regarding Board Rules Resolution to City Council

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

S-3 Discussion and possible action of adopted 2018, 19 BOA fees
(WORKING GROUP: Michael Von Ohlen, Rahm McDaniel, Eric Goff)
<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>

S-4 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
25-1-212 (REPORT), see case coversheet for new 2019 cases

S-5 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-6 Discussion and possible action of progress DSD has made on the project to post residential plan review administrative memos to DSD website
- S-7 Discussion and possible action of Election of officers
- S-8 Announcements
- S-9 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*.