



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
ANNOTATED AGENDA
December 14, 2009 5:30 P.M.
CITY COUNCIL CHAMBERS
301 WEST 2ND STREET
AUSTIN, TEXAS**

Leane Heldenfels (chair)
~~Elyse Hammond~~ (vice-chair)
~~Rafael Salinas~~ (SRB only)
~~Michael Ohlen~~

City Staff Present:
Susan Walker
Diana Ramirez

Members Present:

AGENDA

CALL TO ORDER

PUBLIC HEARINGS:

A. SIGN REVIEW PUBLIC HEARING

1. **C16-2009-0009** **Norma Pena Raven**
12989 North US 183 Highway Building B-100

The applicant has requested a variance to increase the maximum number of allowable freestanding signs from one to two in order to erect a second freestanding sign for an Automotive Sales use in a “GR”, Community Commercial zoning district.

POSTPONED TO January 11, 2010

2. **C16-2009-0010** **Part A, C16-2009-0010 Part B, C16-2009-0010 Part C, C16-2009-0010 Part D, C16-2009-0010 Part E**
William Schkade
6400 and 6406 North Lamar Blvd.

6400 N Lamar: The applicant has requested a variance to increase the maximum number of freestanding signs on a lot from one to two in order to erect a second sign for a commercial property in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district.

DENIED

6406 N Lamar: The applicant has requested a variance to increase the maximum sign face area of a freestanding sign from 7 square feet to 56 square feet in order to erect a freestanding sign for a commercial property in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district. **GRANTED FOR 27 SQUARE FEET**

**MOTION TO DENY VARIANCE FOR 6400 N LAMAR BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; DENIED;
MOTION TO APPROVE VARIANCE FOR 27 SQUARE FEET FOR 6406 N LAMAR BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; GRANTED AT 27 SQUARE FEET.**

B. BOARD OF ADJUSTMENT POSTPONEMENTS

1. [C15-2009-0104](#) Part A, [C15-2009-0104](#) Part B, [C15-2009-0104](#) Part C, [C15-2009-0104](#) Part D, [C15-2009-0104](#) Part E, [C15-2009-0104](#) Part F, [C15-2009-0104](#) Part G, [C15-2009-0104](#) Part H

**Brian McNulty
1016 West Milton Street**

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 1 foot in order to maintain a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet in order to maintain a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

MOTION TO APPROVE BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER SALINAS, VOTE 6-1 (BOARD MEMBER JACK NAY); GRANTED

2. [C15-2009-0119](#) Part A, [C15-2009-0119](#) Part B

**Jim Bennett for Thomas E. and Elsbeth Robinson
6208 Cat Mountain Cove**

The applicant has requested a variance to decrease the existing non-complying impervious coverage from 62.3% to 56.3% for an existing single-family residence which exceeds the maximum allowable impervious coverage requirement of Section 25-2-492 (D) of 45% in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to maintain an existing non-complying rear yard setback of 6 inches in order to maintain an existing sports court which requires a minimum 10 foot rear yard setback as per Section 25-2-492 (D) in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to maintain an existing non-complying side yard setback of 1.8 feet in order to maintain an existing sports court which requires a minimum of 5 feet as per Section 25-2-492 (D) in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to increase the existing non-complying floor-to-area ratio of Subchapter F; Article 2: Subsection 2.1 from 0.4 to 1.0 (.48 to 1.0 existing) to 0.54 to 1.0 in order to maintain and erect an addition to an existing single-family residence in an “SF-3”, Family Residence zoning district.

MOTION TO POSTPONE TO January 11, 2010 BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HELDENFELS, VOTE 7-0; POSTONED TO January 11, 2010 FOR BETTER FINDINGS.

3. C15-2009-0120 Part A, C15-2009-0120 Part Neil Loewenstern
6000 Woodview Avenue

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 20 feet in order to maintain a carport for an existing single-family residence in an “SF-2”, Single Family Residence zoning district.

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet in order to maintain a carport for an existing single-family residence in an “SF-2”, Single Family Residence zoning district.

MOTION TO APPROVE BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER JACK, VOTE 7-0; GRANTED FRONT SETBACK AND SIDE AS PER B3/22, 1' FROM SIDE PROPERTY LINE

4. C15-2009-0124 Loretta Turner
1510 Piedmont Avenue

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-774 (B) from 7,000 square feet to 6,700 square feet in order to maintain a two-family residential structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **DENIED**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 55% in order to maintain a two-family residential structure and accessory structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **GRANTED**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet along the west property line for a covered patio; from 5 feet to 4 feet 9 inches along the west property line for the two-family residential structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **GRANTED**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 8 feet in order to maintain a two-family residential structure and from 5 feet to 4 feet 10 inches in order to maintain a detached accessory building in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **GRANTED**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.85 in order to maintain the single-family residential structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **GRANTED**

MOTION TO DENY 1ST VARIANCE MINIMUM LOT SIZE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN AND MOTION TO APPROVE 2ND, 3RD, 4TH AND 5TH VARIANCE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; DENIED 1ST VARIANCE, GRANTED 2ND, 3RD, 4TH, 5TH VARIANCES

**5. C15-2009-0128 David Cancialosi for Thomas Fagerberg
907 Rio Grande**

The applicant has requested a variance from the required off-street parking requirement of Section 25-6 Appendix A from 11 off-street parking spaces to 5 off-street parking spaces in order to change the use of a Multi-Family Residential use to an Office use in an “LO”, Limited Office zoning district.

WITHDRAWN BY APPLICANT

**6. C15-2009-0132 Ken Blevins
1427 Dexford Drive**

The applicant has requested a variance to decrease the minimum right-of-way width from 60 feet to 50 feet in order to erect a Community Recreation use in an “SF-2-CO”, Single Family Residence – Conditional Overlay zoning district. The Land Development Code states that vehicular access from a dedicated street with a right-of-way at least 60 feet wide for the length of the adjacent block face is required.

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A Schedule B from 27 off-street parking spaces to 7 off-street parking spaces in order to erect a Community Recreation use in an “SF-2-CO”, Single-Family Residence – Conditional Overlay zoning district.

MOTION TO APPROVE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0; GRANTED WITH CONDITIONS UPON FIRELANE, SIDEWALKS, OTHER SITE PLAN REQUIREMENTS.

C. BOARD OF ADJUSTMENT RECONSIDERATION POSTPONEMENT

1. [C15-2009-0103](#) Part A, [C15-2009-0103](#) Part B, [C15-2009-0103](#) Part C, [C15-2009-0103](#) Part D, [C15-2009-0103](#) Part E

Sarah Crocker for Vairea Properties, Ltd.
1804 West 6th Street

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-555 (B) from 5 feet to 8 inches in order to construct a new accessory building for a duplex-residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Old West Austin Neighborhood Plan)

MOTION TO APPROVE BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HAMMOND, VOTE 5-2 (BOARD MEMBERS KING AND GOEBEL NAY); DENIED DUE TO NOT ENOUGH VOTES

D. BOARD OF ADJUSTMENT PUBLIC HEARINGS

1. [C15-2009-0127](#) Jason Fortney for William Taylor
3517 Josh Lane

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (50.3% existing) to 52.7% in order to erect a swimming pool for a single-family residence in an “I-SF-2”, Interim – Single-Family Residence zoning district.

WITHDRAWN

2. [C15-2009-0129](#) David Canialosi for Ron Eldridge
4714 Duval Street

The applicant has requested a variance from Section 25-2-963 (D) (1) (b) in order to allow the increase in height of a non-complying wall due to an existing interior side yard setback encroachment in order to erect an addition to a single-family residence in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. The Land Development Code states that a person may modify a building that is a non-complying structure based on a yard setback requirement of this title if: (1) the modified portion of the building: (b) unless located in a street side yard, is not greater in height than the existing non-complying portion of the building.

MOTION TO APPROVE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER GOEBEL, VOTE 7-0, GRANTED WITH CONDITIONS TO ADD GUTTERS

3. [C15-2009-0130](#) Part A, [C15-2009-0130](#) Part B, [C15-2009-0130](#) Part C, [C15-2009-0130](#) Part D

Ronald Barnett

3105 Pleasant Run Place

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2 feet in order to maintain a detached carport for an existing single-family residence in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 0 feet in order to maintain an attached wood deck for an existing single-family residence in an “SF-3”, Family Residence zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 67% for an existing single-family residence in an “SF-3”, Family Residence zoning district.

MOTION TO DENY (APPLICANT NO SHOW) BY BOARD MEMBER HAMMOND, SECONDED BY BOARD MEMBER KING, VOTE 7-0; DENIED

**4. C15-2009-0135 Victoria Bounds for Philip Bounds
10833 Olympia Fields Loop**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (47.9% existing) to 49.18% in order to erect a swimming pool for a single-family residence in an “I-SF-2”, Interim – Single – Family Residence zoning district.

MOTION TO APPROVE BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0, GRANTED

**5. C15-2009-0137 Michael Canney
2504 Little John Lane**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to one foot in order to maintain a carport for an existing single-family residence in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district. (St. Edwards Neighborhood Plan)

MOTION TO POSTPONE TO January 11, 2010 BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER KING, VOTE 6-1 (BOARD MEMBER GOEBEL NAY), POSTPONED TO January 11, 2010 TO MEET WITH NEIGHBOR ASSOCIATIONS, BETTER HARDSHIP, PICTURE OF TREES ON PLOT PLAN

**6. C15-2009-0138 Christian Bingham for William Bingham
612 East 43rd**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 8.2 feet in order to erect an addition to an existing non-

complying single-family residence in an “SF-3-CO-NP”, Family Residence – Conditional Overlay - Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

MOTION TO POSTONE TO January 11, 2010 BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0; POSTPONED TO January 11, 2010

7. **C15-2009-0139** **Joe Futch Jr. for Linda Bradshaw**
4804 Gypsy Cove

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 0 feet in order to maintain a screened porch for a single-family residence in an “SF-2”, Single-Family Residence zoning district.

MOTION TO APPROVE BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0; GRANTED

8. **C15-2009-0140** **Patrick Howell**
1201 Stobaugh Street

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 11.5 feet in order to maintain a detached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **GRANTED**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to .9 feet in order to maintain a detached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **GRANTED**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2.4 feet in order to maintain a detached accessory building in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan) **DENIED**

MOTION TO APPROVE 1st and 2nd VARIANCE, DENY 3RD VARIANCE BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0; GRANTED WITH CONDITIONS TO ADD GUTTERS AND NEVER TO BE ENCLOSED

9. **C15-2009-0141** **Jin Bennett for Lisa Rogers**
3904 Berryhill Way

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 5.2 feet in order to erect a second story addition to a

portion of an accessory structure in an “SF-3”, Family Residence zoning district. (The Board of Adjustment approved a variance on 5-11-2009 to erect the second story to the existing structure.)

MOTION TO POSTPONE TO January 11, 2010, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0; POSTPONED TO January 11, 2010

**10. C15-2009-0142 Jim Bennett for Ford Smith
608 South Lamar Blvd.**

The applicant has requested a variance to decrease the minimum compatibility setback requirement of Section 25-2-1063 (B) (1) from 25 feet to 13 feet 6 inches in order to maintain a storage building for a Food Sales use in a “CS”, Commercial Services zoning district. The Land Development Code states that a person may not construct a structure 25 feet or less from property in an Urban Family Residence “SF-5” or more restrictive zoning district.

MOTION TO APPROVE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0; GRANTED

**11. C15-2009-0144 Patricia McAllister
1914 West 36th Street**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 12.8 feet in order to erect an addition to a single-family residence in an “SF-3”, Family Residence zoning district.

MOTION TO APPROVE BY BOARD MEMBER KING, SECONDED BY BOARD MEMBER VON OHLEN, VOTE 7-0, GRANTED

**12. C15-2009-0145 Christian Bingham
702 Meriden Lane**

The applicant has requested a variance to extend beyond the setback plane requirement of Subchapter F; Subsection 2.6 (by 2.8 feet) in order to erect a second story addition to an existing single-family residence in an “SF-3”, Family Residence zoning district. The Land Development Code states that a structure may not extend beyond a setback plane measured at an inwardly sloping 45-degree angle beginning at a horizontal line 15 feet directly above the side property line.

MOTION TO APPROVE BY BOARD MEMBER VON OHLEN, SECONDED BY BOARD MEMBER HAMMOND, VOTE 7-0; GRANTED

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 4 days before the meeting date. Please call

Susan Walker at Watershed Protection and Development Review Department, at 974-2202 or Diana Ramirez at Watershed Protection and Development Review Department at 974-2241, for additional information; TTY users route through Relay Texas at 711.