



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
JOINT MEETING  
MINUTES  
(September 12, 2011)**

The Board of Adjustment/Sign Review Board convened in a regular meeting on September 12, 2011, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 5:40 p.m.

**Board Members in Attendance:** Jeff Jack (Chair), Heidi Goebel (Vice Chair), Melissa Hawthorne, Bryan King, Susan Morrison, Nora Salinas, Michael Von Ohlen, Cathy French (Sign Review Board)

**Board Member Absent:** none

**Staff in Attendance:** Susan Walker and Diana Ramirez, Greg Guernsey

**A. ACTION ITEM**

**A-2 Emergency Election of Officers**

**Board member Michael Von Ohlen motion to appoint Jeff Jack as Chairman and Heidi Goebel as Vice-Chair, Board Member Melissa Hawthorne second on 7-0 vote, GRANTED.**

**B. APPROVAL OF MINUTES August 8, 2011**

**Board member Bryan King motion to approve the minutes, Board member Michael Von Ohlen second on 7-1 vote (Melissa Hawthorne abstained), Approved.**

**C. SIGN REVIEW BOARD**

**C-1 C16-2011-0008 Kris Wu for David Ruehlman  
5701 West Slaughter Lane**

The applicant has requested a variance to increase the maximum allowable freestanding signs of Section 25-10-124 (B) from one freestanding sign to two freestanding signs in order to erect two freestanding signs for a Retail center in a “GR-CO”, Community Commercial – Conditional Overlay zoning district. (Scenic Roadway Sign District.)

The applicant has requested a variance to increase the maximum allowable sign face area of Section 25-10-124 (B) (b) from 64 square feet to 82.4 square feet for the first sign and from 64 square feet to 187.75 for the second sign in order to erect two freestanding signs for a Retail center in a “GR-CO”, Community Commercial – Conditional Overlay zoning district. (Scenic Roadway Sign District.)

**Postponed to October 10, 2011 (additional information – calculations) – Melissa Hawthorne abstained**

**C-2    C16-2011-0009            Gregory Keshishian for Chandon Ford  
2402 Guadalupe Street**

The applicant has requested a variance from the maximum sign face area of a projecting sign requirement of Section 25-10-133 (G) (2) from 35 square feet to 92 square feet in order to erect a projecting sign in a “CS-CO-NP”, Commercial Services – Conditional Overlay – Neighborhood Plan zoning district.

The applicant has requested a variance from the maximum distance that a projecting sign may extend requirement of Section 25-10-133 (G) (3) (a) from 6 feet to 8 feet in order to erect a projecting sign in a “CS-CO-NP”, Commercial Services – Conditional Overlay – Neighborhood Plan zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that the mural stays as is, mural addressing historic nature of the building must be done to comply with this variance and to implement a separation between top varsity sign and bottom tenant signs, Board Member Cathy French second on a 7-1 vote (Melissa Hawthorne abstained); GRANTED.**

**C-3    C16-2011-0010            Luis Garcia for David Doldning  
2610 West 10<sup>th</sup> Street**

The applicant has requested a variance to increase the maximum allowable sign face area requirement of Section 25-10-101 (G) (2) from 32 square feet to 50 square feet in order to erect a freestanding sign for a Public Educational Facility in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Plan)

The applicant has requested a variance to increase the maximum allowable sign height requirement of Section 25-10-101 (G) (3) from 6 feet above grade to 12 feet 6 inches above grade in order to erect a freestanding sign for a Public Educational Facility in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Plan)

**Postponed to October 10, 2011 (additional information, address lighting and location of sign, letter of support from neighbor) – Melissa Hawthorne abstained**

#### **D.    BOARD OF ADJUSTMENT RECONSIDERATION POSTPONEMENT**

**D-1    C15-2011-0065            Lindsey Lane  
2004 Goodrich Avenue**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3 feet 9 ½ inches in order to maintain screened porch in

order to change the use to create a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Neighborhood Plan) **Denied June 13, 2011**

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 feet in order to maintain an attached accessory structure in order to change the use to create a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Neighborhood Plan) **Denied June 13, 2011**

The applicant has requested a variance to increase the maximum allowable gross floor area of Section 25-2-774 (C) (7) (a) from 850 square feet to 1187 square feet in order to change the use of a building to create a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Neighborhood Plan) **Granted June 13, 2011**

**Postponed to October 10, 2011**

#### **E. BOARD OF ADJUSTMENT POSTPONEMENTS**

**E-1 C15-2010-0134 Jim Bennett for Fred Purcell  
12912 Park Drive**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 12 feet along the west property lines in order to maintain a solid fence for a single-family residence in an “SF-2”, Single-Family Residence zoning district.

**Board member Melissa Hawthorne motion to Postpone to January 9, 2012 for additional graphic information on the grade change from side to side of the existing fence to determine the fence height, Board member Michael Von Ohlen second on 4-3 vote (Board members Bryan King, Susan Morrison, Heidi Goebel nay); POSTPONED TO JANUARY 9, 2012 FOR ADDITIONAL GRAPHIC INFORMATION ON THE GRADE CHANGE FROM SIDE TO SIDE OF THE EXISTING FENCE TO DETERMINE THE FENCE HEIGHT.**

**E-2 C15-2011-0026 Jim Bennett for Ricardo Robles  
400 East 33<sup>rd</sup> Street**

The applicant has requested a variance from Ordinance #040826-58; Part 6 (7) (a) & (b) in order to allow 3 parking spaces to be located in the street side yard setback in order to maintain a two-story duplex residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. **GRANTED**

The applicant has requested a variance from Section 25-6 Appendix A to decrease the minimum off-street parking space requirement from 3 off-street parking spaces to 2 off-street parking spaces in order to maintain a two-story duplex residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. **DENIED**

The applicant has requested a variance from Ordinance #040826-58; Part 6 (7) (f) which states that a person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size. **DENIED**

The applicant has requested a variance from Ordinance #040826-58; Part 6 (3) (b) to decrease the minimum side street setback requirement (along East 33<sup>rd</sup> Street) from 25 feet to 15.4 in order to maintain a two-story duplex residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. **GRANTED**

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant setback variances and 1 parking variance with conditions to remove center front bedroom and install carport and driveway, move address of property if approved by City of Austin relocate recycling and trash containers to be screened, agree to residential parking permits on both the 33<sup>rd</sup> Street and Tom Green sides if approved by City of Austin, Board Member Susan Morrison second on a 7-0 vote; GRANTED SETBACK VARIANCES AND ONE PARKING VARIANCE WITH CONDITIONS TO REMOVE CENTER FRONT BEDROOM AND INSTALL CARPORT AND DRIVEWAY, MOVE ADDRESS OF PROPERTY IF APPROVED BY CITY OF AUSTIN, RELOCATE RECYCLING AND TRASH CONTAINERS TO BE SCREENED, AGREE TO RESIDENTIAL PARKING PERMITS ON BOTH THE 33<sup>RD</sup> STREET AND TOM GREEN SIDES IF APPROVED BY CITY OF AUSTIN.**

**E-3     C15-2011-0057             Sunee Conly  
   2402 Bryan Street**

The applicant has requested a variance to decrease the minimum through lot setback requirement of Section 25-2-515 from 25 feet to 1 feet in order to erect an attached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan) The Land Development Code states that for a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

**The public hearing was closed on Board Member Susan Morrison motion to Grant (1 foot setback); carport to remain open, not enclosed, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED (1 foot setback); carport to remain open, not enclosed.**

**E-4     C15-2011-0069             Larry Rolon  
   815 Keasbey Street**

The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 5 feet to 1.5 feet in order to maintain a accessory structure for an existing two-family residential use (garage apartment) in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock 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 0 feet in order to maintain a accessory structure for an existing two-family residential use (garage apartment) in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock 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 6 inches in order to maintain a 2<sup>nd</sup> story patio and stairway for an existing two-family residential use (garage apartment) in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

#### **WITHDRAWN BY APPLICANT**

**E-5     C15-2011-0075             Joel G. Hernandez for Alice L. Galindo  
2215 South 3<sup>rd</sup> 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 10.5 feet in order to rebuild an existing carport for a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan 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 rebuild an existing carport and breezeway for a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 61.6% in order to rebuild an existing carport for a duplex residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

**Postponed to October 10, 2011 (to reduce impervious coverage, need calculations)**

**E-6     C15-2011-0076             Kari Blachly for Dwight Monteith  
823 West 11<sup>th</sup> Street**

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 tree house and a portion of decking for a two-family residential use in an “MF-3”, Multi-Family Residence zoning district.

**Postponed to October 10, 2011 by applicant – working with Austin Engergy**

**E-7     C15-2011-0079             Nathan Johnson and Kristin Kavanagh  
4804 Broken Bow Pass**

The applicant has requested a variance to decrease the minimum side yard setback of Section 25-2-492 (D) from 5 feet to 0 feet along the east and west property lines in order to maintain an

accessory structure along each side yard property line for a single-family residence in an “SF-3”, Family Residence zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant the setback for west side only, friendly amendment fire rated structure, Board Member Nora Salinas second on a 7-0 vote; GRANTED THE SETBACK FOR WEST SIDE ONLY, FRIENDLY AMENDMENT FIRE RATED STRUCTURE.**

#### **F. BOARD OF ADJUSTMENT PUBLIC HEARINGS**

##### **F-1 C15-2011-0093 Jim Bennett for By the Lakes 9027 North Gate Blvd.**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 81 off-street parking spaces to 71 off-street parking spaces in order to remodel a portion of an existing commercial building to create a Restaurant use in a “GR-NP”, Community Commercial – Neighborhood Plan zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with friendly amendment that the restaurant use does not exceed 2,500 sq ft., Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED with friendly amendment that the restaurant use does not exceed 2,500 sq ft. .**

##### **F-2 C15-2011-0094 Pat Murphy 4201 Yucatan Lane**

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet in height to 8 feet in height in order to maintain a fence for a single-family residence in an “SF-2”, Single Family Residence zoning district. The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet. (Case C15-2008-0102 was approved on July 31, 2008 with the condition that the top two feet be changed to 90% open fence, but the variance has since expired.)

**The public hearing was closed on Board Member Bryan King motion to Postpone to October 10, 2011 need topography information, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO October 10, 2011 NEED TOPOGRAPHY INFORMATION.**

##### **F-3 C15-2011-0095 Sebastian and Lisa Deliberato 5705 Kempson Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 53% in order to erect a swimming pool for a single-family residence in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district.

**The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Susan Morrison second on a 6-1 vote (Board member Michael Von Ohlen nay); DENIED.**

**F-4     C15-2011-0096             Joseph T. Wells  
   1611 Woodlawn Blvd.**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0.5 feet in order to erect (reconstruct) a carport for a single-family residence in an “SF-3”, Family Residence zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with friendly amendment to add gutters and stay open on three sides of carport, Board Member Bryan King second on a 7-0 vote; GRANTED WITH FRIENDLY AMENDMENT TO ADD GUTTERS AND STAY OPEN ON THREE SIDES OF CARPORT.**

**F-5     C15-2011-0097             David Triche  
   3803 Duval Street**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 52% in order to add to an existing driveway in order to increase available parking area and add a turn around area for an existing duplex residence in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

The applicant has requested a variance to increase the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 8 feet in order to erect a portion of a solid fence for an existing duplex residence in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock 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 4 inches along the south property line in order to maintain a detached accessory building for an existing duplex residence in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock 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 0 feet along the north property line in order to maintain a hot water heater closet and from 5 feet to 2.3 in order to maintain an existing duplex residence and deck in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

**The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to October 10, 2011 , Board Member Bryan King second on a 7-0 vote; POSTPONED TO**



**OCTOBER 10, 2011 FOR ADDITIONAL INFORMATION DRAWING WITH MEASUREMENTS.**

**F-6     C15-2011-0098     Charles Fisher  
5809 Westmont Drive**

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

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Heidi Goebel second on a 6-1 vote Board member Bryan King nay); GRANTED.**

**F-7     C15-2011-0099     Nicole Folta Findeisen for Gary Bego  
801 ½ South 1<sup>st</sup> Street**

The applicant has requested a variance to increase the maximum height of a Communication Service Facility requirement of Section 25-2-804 (F) from 12 feet in height to 21 feet in height in order to erect a Communication Service Facility in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district. The Land Development Code states that a structure may not exceed 12 feet in height and must be set back at least 25 feet from a front or side street if the structure is located (1) in an “SF-6” or more restrictive zoning district; or (2) across a street from or adjacent to property that is zoned or used for a use permitted in an “SF-5” or more restrictive zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to October 10, 2011 staff needed to explain zoning , Board Member Bryan King second on a 7-0 vote; POSTPONED TO October 10, 2011 STAFF NEEDED TO EXPLAIN ZONING.**

**F-8     C15-2011-0100     Jim Bennett for Tom Cook  
1304 Alta Vista**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 2.50 feet in order to erect a carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant to add gutters and to not be enclosed, Board Member Nora Salinas second on a 7-0 vote; GRANTED TO ADD GUTTERS AND TO NOT BE ENCLOSED.**

**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 Planning & Development Review Department, at 974-2202 or Diana Ramirez at Planning & Development Review Department at 974-2241, for additional information; TTY users route through Relay Texas at 711.