



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
JOINT MEETING
MINUTES
(May 14, 2012)**

The Board of Adjustment/Sign Review Board convened in a joint meeting on May 14, 2012, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 5:30 p.m.

Board Members in Attendance: Jeff Jack (Chair), Heidi Goebel (Vice Chair), Melissa Hawthorne, Susan Morrison, Michael Von Ohlen, Nora Salinas, Cathy French (SRB), Dan Graham (SRB), Will Schnier (Alternate) and Stuart Hampton (Alternate)

Board Members Absent: Bryan King (BOA), Cathy French (SRB) and Dan Graham (SRB)

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

A. APPROVAL OF MINUTES April 9, 2012 and April 19, 2012 (Special Called Meeting)

Board member Michael Von Ohlen motion to approve the minutes with corrections (Items C-2) for April 9, 2012, Board member Heidi Goebel second on 7-0 vote, GRANTED with corrections (Items C-2).

Board member Michael Von Ohlen motion to approve the minutes for April 19, 2012, Board member Heidi Goebel second on 7-0 vote, GRANTED.

B. SIGN REVIEW BOARD RECONSIDERATION

**B-1 C16-2012-0005 Sign Builders of America (Lee Williams) for Starbucks
11521 N FM 620**

The applicant has requested a variance from Section 25-10-124 (F) in order to allow the internal lighting of logos for wall signs and freestanding signs in a “GR-CO”, Community Commercial – Conditional Overlay zoning district. The Land Development Code states that internal lighting of signs is prohibited, except for the internal lighting of individual letters.

Board Member Melissa Hawthorne motion to Reconsider, Board Member Heidi Goebel second on a 7-0 vote, RECONSIDERED; The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Heidi Goebel second on a 7-0 vote; DENIED.

C. SIGN REVIEW BOARD

**C-1 C16-2012-0007 Jim Bennett for Jeff Askew
500 East Stassney Lane**

Variance Request(s): The applicant has requested a variance to increase the maximum allowable sign height requirement of Section 25-10-127 (B) (1) from 6 feet in height to 12 feet 6 inches in height in order to erect a freestanding sign for a Multi-Family use in an “MF-2-CO-NP”, Multi-Family – Conditional Overlay – Neighborhood Plan zoning district.

The applicant has requested a variance to increase the maximum allowable sign face area requirement of Section 25-10-127 (B) (2) from 35 square feet to 42 square feet in order to erect a freestanding sign for a Multi-Family use in an “MF-2-CO-NP”, Multi-Family – Conditional Overlay – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.

D. INTERPRETATION POSTPONEMENT

**D-1 C15-2012-0044 Nuria Zaragosa for Michael Said
1917 David Street**

Interpretation Request: The appellant (Nuria Zaragosa) has filed an appeal, requesting an interpretation of whether the Planning and Development Department Director’s determination to approve the proposed duplex residential use at 1917 David Street complies with the following code sections:

1) the proposed application does exceed the Land Development Code limitations placed on duplexes outlined in 25-2-555(D) which states on a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms;

2) the attic storage space does not meet the requirements of 25-2, Subchapter F, Section 3.3.3(C), which states, “A habitable portion of an attic, if: 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2. It is fully contained within the roof structure; 3. It has only one floor; 4. It does not extend beyond the footprint of the floors below; 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.) the proposed duplex does not meet the requirements of 25-2-773(D). More specifically, the common wall of the proposed duplex does not extend for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot and the two units do not share a common roof.

4.) The proposed project is not compatible with an SF-3 use.

5.) The proposed project does not meet 25-2, Subchapter F, Section 2.1, which states the maximum development permitted on a property is limited to 0.4 to 1.0 floor-to-area ratio.

6.) The proposed duplex does not have the proper amount of off street parking per Appendix A of 25-6. More specifically, the appellant states the project exceeds both 4,000 square feet and more than six bedrooms, so one off street parking space should be required for each bedroom.

7.) The propose project should have to meet the landscaping requirements outlined under Section 25-2-981(B)(3), which states a duplex residential use is subject to landscaping requirements if it exceeds 4,000 square feet of gross floor area or has more than six bedrooms.

The public hearing was closed on Board Member Heidi Goebel motion to grant recommendations that the board will take no action on the appeal based on the fact that the original applicant in this case has withdrawn their request for a building permit and therefore there is no longer an active development approval by the Director for this location. However, the board finds that the plans previously submitted for 1917 David Street were approved on an incorrect interpretation of Section 25-2-555 (D) of the Land Development Code with regard to what constitutes a “bedroom”. For this reason, the motion also includes the following recommendation for staff to consider when applying Section 25-2-555 in future cases. (1) A room designated on the floor plan of a residential duplex project should be considered a “Bedroom” for the purposes of determining the number of bedrooms allowed under section 25-2-555(D) of the Land Development Code if: (A) the room is a minimum of 70 square feet in area and is not a kitchen, bathroom, garage, utility room, common living area or common circulation space (halls or stairs), (B) the room is configured so that it is or is capable of being a private space separated from all other areas of the building by a permanent door or doors, and (C) if all designated “bedrooms” shown on the plans have access to bathrooms only through shared common living areas also accessible from these rooms and no shown bedroom has direct access to any of the bathrooms. (2) It is recognized that an interpretation relies on the specifics of a case. Because the original project permit application has been withdrawn, an interpretation at this time is not applicable. However it is the Board’s hope that this recommendation, will be used by the Director when considering what constitutes a bedroom with regard to future projects meeting the requirements of Section 25-2-555, Board Member Susan Morrison second on a 7-0 vote; GRANTED.

E. BOARD OF ADJUSTMENT RECONSIDERATION

**E-1 C15-2012-0014 Richard Suttle for Tim Finley
110 East 2nd Street and 111 East 3rd Street**

The applicant has requested a variance to decrease the minimum off-street loading facility requirement of Section 25-6-592 from eight off-street loading spaces to three off-street loading spaces in order to erect a Hotel use in a “CBD-CURE”, Central Business District – Central Urban Redevelopment Combining District Area

Board Member Michael Von Ohlen motion to Reconsider, Board Member Heidi Goebel second on a 7-0 vote; GRANTED RECONSIDERATION; Board Member Heidi Goebel motion to Grant, 3 loading spaces (2- 55 footers and 1- 30 footer), Board Member Will Schnier second on a 2-5 votes (Board members Jeff Jack, Michael Von Ohlen, Nora Salinas, Stuart Hampton, Susan Morrison nay, Board Member Melissa Hawthorne recused); DENIED; the public hearing was closed on Board Member Michael Von Ohlen motion to Grant 4 loading spaces (2- 55 footers and 2- 30 footers), Board Member Will Schnier second on a 7-0 vote; GRANTED, 4 LOADING SPACES (2- 55 FOOTERS AND 2- 30 FOOTERS) WITH A PUBLIC RESTRICTIVE COVENANT BETWEEN THE CLIENT AND THE CITY OF AUSTIN WITH REGARDS TO MANAGING THE TIME OF USE OF THE DOCKS AND THE ISSUE OF LAUNDRY .

F. BOARD OF ADJUSTMENT POSTPONEMENTS

**F-1C15-2012-0037 James & Ingrid Smith
2611 Garrettson Drive**

The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 4 off-street parking spaces to 2 off-street parking spaces in order to maintain the garage enclosure for additional living area for each unit of a duplex-residential use in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Melissa Hawthorne second on a 7-0 vote; DENIED.

**F-2C15-2012-0038 Isidora Gonzales
2016 Payne Avenue**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% allowable to 53% in order to complete the construction of an accessory building in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant 48.6 Impervious Cover, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED 48.6 IMPERVIOUS COVER.

**F-3C15-2012-0041 Charlie Nohra for Rosemary Follis
2201 East Ben White Boulevard**

The applicant has requested a variance to decrease the minimum separation distance from an adult-oriented business and a public park requirement of Section 25-2-801 (D) (2) from 1,000 feet to 863.65 feet in order to create an adult-oriented business in a “CS-1-NP”, Commercial-Liquor Sales – Neighborhood Plan zoning district. The Land Development Code states that an adult-oriented business may not be located on a lot that is within 1,000 feet of a lot on which a school, church, public park or playground, or licensed day-care center is located.

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Susan Morrison second on a 7-0 vote; DENIED.

G. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**G-1 C15-2012-0046 Jessica Spotts and Mary Lou York
8112 Baywood Drive #A**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 46.2% in order to maintain an uncovered deck for a duplex-residential use in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions for deck to not be covered, no additional deck on Unit B, no commercial business except what is allowed for residential use, Board Member Heidi Goebel second on a 7-0 vote; GRANTED WITH CONDITIONS FOR DECK TO NOT BE COVERED, NO ADDITIONAL DECK ON UNIT B, NO COMMERCIAL BUSINESS EXCEPT WHAT IS ALLOWED FOR RESIDENTIAL USE.

**G-2 C15-2012-0047 Robert Walker
1415 Alguno Road**

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 4.9 feet in order to maintain a detached garage/shed for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Melissa Hawthorne second on a 7-0 vote; GRANTED.

**G-3 C15-2012-0049 Charla Hart
228 Lessin Lane**

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 along the north and west property lines in order to maintain a fence for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Dawson Neighborhood Plan)

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

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that on the west side not to be extended any further that shown on plan G3/7,

and when triangular building is finished shed in back shall be removed, Board Member Susan Morrison second on a 7-0 vote; GRANTED WITH CONDITIONS THAT ON THE WEST SIDE NOT TO BE EXTENDED ANY FURTHER THAT SHOWN ON PLAN G3/7, AND WHEN TRIANGULAR BUILDING IS FINISHED SHED IN BACK SHALL BE REMOVED.

**G-4 C15-2012-0050 Julia Webber for Adela Ben-Yaker
1512 West 29th Street**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 56% in order to maintain impervious coverage for a two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

POSTPONED TO JUNE 11, 2012

**G-5 C15-2012-0051 Xiaomei Zhou & Andrew Seelye
3400 Lakeside Drive**

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 fence along the west property line for a single-family residence in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district. (University Hills Neighborhood Plan)

The applicant has requested a variance from the side yard setback requirement of Section 25-2-492 (D) from 5 feet to 0 feet along the east and west property lines in order to rebuild a deck for a single-family residence in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district. (University Hills Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Melissa Hawthorne second on a 7-0 vote; GRANTED.

**G-6 C15-2012-0053 Adam Creasy
7808 Rutgers 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 erect an attached carport for a single-family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Crestview Neighborhood Plan)

The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to June 11, 2012, Board Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JUNE 11, 2012 (Board member Heidi Goebel recused).

**G-7 C15-2012-0054 Michele Rogerson Lynch for Russ Eppright
503 West Martin Luther King Jr. Blvd.**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 10 feet to 5 feet (along San Antonio Street) in order to erect an electric transformer vault required for development of a commercial project in a “CS”, Commercial Services zoning district.

POSTPONED TO JUNE 11, 2012

**G-8 C15-2012-0055 Donnie Gerault for Michael Hopkins
3005 Brass Buttons Trail**

The applicant has requested a special exception from Section 25-2-476 (B) (3) (a) in order to maintain a two story single family residence .4 feet from the north property line and 2 feet from the south property line instead of the required 5 feet in an “LA”, Lake Austin zoning district.

The applicant has requested a special exception from Section 25-2-476 (B) (3) (a) in order to maintain a wood deck for a single family residence 0 feet from the north and south property lines instead of the required 5 feet in an “LA”, Lake Austin zoning district.

Board Member Michael Von Ohlen motion to Postpone to June 11, 2012 due to not having the Life Safety inspection conducted by the time of the hearing and concerns on back yard access over adjacent property without an access easement from adjacent property owners, Board Melissa Hawthorne second on a 7-0 vote; POSTPONED TO JUNE 11, 2012 DUE TO NOT HAVING THE LIFE SAFETY INSPECTION CONDUCTED BY THE TIME OF THE HEARING AND CONCERNS ON BACK YARD ACCESS OVER ADJACENT PROPERTY WITHOUT AN ACCESS EASEMENT FROM ADJACENT PROPERTY OWNERS.

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.