



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
MEETING MINUTES
(January 13, 2014)**

The Board of Adjustment/Sign Review Board convened in a meeting on January 13, 2014, 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), Melissa Hawthorne (Vice Chair), Sallie Burchett, Bryan King, Fred McGhee, Michael Von Ohlen, Will Schnier and Stuart Hampton (Alternate)

Staff in Attendance: Susan Walker

Staff Absent: Diana Ramirez

A APPROVAL OF MINUTES December 9, 2013

Board Member Melissa Hawthorne motion to Grant with corrections to Items C-3 and C-7; Board Member Bryan King second on 7-0; GRANTED.

B. SIGN REVIEW BOARD

**B-1 C16-2014-0001 Jacob Dotson for Chantal Nieft
3804 S. Congress Avenue**

The applicant has requested a variance from the hazardous signs described and prohibited requirement of Section 25-10-23 (B) (7) in order to erect a sign that has less than nine feet of clearance and is located within a triangle formed by connecting the intersection point of two streets and the points 45 feet from the intersection point on the street frontage property line of each intersecting street in order to erect a sign in a "LI-CO-NP", Limited Industrial – Conditional Overlay – Neighborhood Plan zoning district. (Dawson Neighborhood Plan)

WITHDRAWN

C. INTERPRETATION POSTPONEMENT

**C-1 C15-2013-0121 Mark Vornberg for Tommy Siragusa
2100 Travis Heights Boulevard**

The appellant (Dick Clark + Associates) has filed an appeal, requesting an interpretation of whether the Planning and Development Department Director's determination to deny a permit application to add a new dwelling unit to the rear of an existing single-family residential use to create a two-family residential use at 2100 Travis Heights Blvd complies with the following code sections:

- 1.) Austin City Code 25-2 Subchapter F Article 3.3 (Gross Floor Area)
- 2.) Austin City Code 25-2-774 (Two-Family Residential Use)

The public hearing was closed on Board Member Bryan King motion to deny appeal and to uphold staff's determination, Board Member Sallie Burchett second on a 7-0 vote; APPEAL DENIED AND UPHOLD STAFF'S DETERMINATION.

D. BOARD OF ADJUSTMENT PUBLIC HEARING POSTPONEMENTS

**D-1 C15-2013-0092 Phil Moncada for Michael Kleinman
3107 E. Cesar Chavez Street**

The applicant has requested a variance to increase the maximum allowable fence height requirement of Section 25-2-899 (D) from 6 feet in height to 10 feet in height in order to erect a solid fence in a "GR-MU-CO-NP", Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan 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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant an 8 foot solid fence with a 2 feet hog wire on top total of 10 feet fence, Board Member Bryan King second on a 6-1 vote (Board Member Jeff Jack Nay); GRANTED AN 8 FOOT SOLID FENCE WITH A 2 FOOT HOG WIRE ON TOP TOTAL OF 10 FOOT FENCE.

**D-2 C15-2013-0119 Jim Bennett for Margaret and Ryan Dumont, James Coleman
3600, 3602, 3604 Rivercrest Drive**

The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

POSTPONED TO MAY 12, 2014 (NOTIFICATION REQUIRED)

**D-3 C15-2013-0120 Jim Bennett for Ricardo Vega
3015 Westlake Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (b) from 10% to 18.03% on a slope with a gradient of

more than 15% and not more than 25% in order to erect a single-family residence in an “LA”, Lake Austin zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (c) from 5% to 8.88% on a slope with a gradient of more than 25% and not more than 35% in order to erect a single-family residence in an “LA”, Lake Austin zoning district.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (B) (5) from 0% to 10.19% on a slope with a gradient that exceeds 35% in order to erect a single-family residence in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to February 10, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO February 10, 2014.

**D-4 C15-2013-0135 Jim Bennett for William Gurasich
7317 Morning View Court**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 5,591 square feet in order to erect a single family residence in an “SF-2”, Single-Family Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant the variance to the minimum lot size of 5,750 down to 5,591 with the stipulation that the house constructed on this lot could be no more than 2,000 sf feet total habitual area, Board Member Michael Von Ohlen second on a 6-1 vote (Board Member Sallie Burchett nay, Board Member Jeff Jack recused); GRANTED THE VARIANCE TO THE MINIMUM LOT SIZE OF 5,750 DOWN TO 5,591 WITH THE STIPULATION THAT THE HOUSE CONSTRUCTED ON THIS LOT COULD BE NO MORE THAN 2,000 SF FEET TOTAL HABITUAL AREA.

E. BOARD OF ADJUSTMENT PUBLIC HEARINGS

**E-1 C15-2013-0011 David Cancialosi for John Gordon Muir
1404 Rockcliff Road**

The applicant has requested a variance to decrease the minimum shoreline setback requirement of Section 25-2-551 (D) (1) (a) from 75 feet to 15 feet in order to erect a new single family residence in an “LA”, Lake Austin zoning district. (NOTE: This case was approved on 4-18-13 for a variance to remodel and erect an addition to a single-family residence but is now being built as a new construction single family residence.)

The public hearing was closed on Board Member Bryan King motion to Grant with previous findings for the new construction as per drawings 6 and 7, Board Member Michael Von Ohlen second on a 6-1 vote (Board member Jeff Jack nay); GRANTED

WITH PREVIOUS FINDINGS FOR THE NEW CONSTRUCTION AS PER DRAWINGS 6 AND 7.

**E-2 C15-2013-0122 Dan & Carla Siegle
4210 Avenue C**

The applicant has requested a special exception from Section 25-2-476 in order to maintain a two-family residential use 1.3 from the side property line (5 feet required) and .5 from the rear property line (5 feet required) in an “SF-3-HD-NCCD-NP”, Family Residence – Historic District – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (Hyde Park Neighborhood Plan)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant as per Special Exception regulations and Inspection Report (See 25-2-476), Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED AS PER SPECIAL EXCEPTION REGULATIONS AND INSPECTION REPORT (25-2-476).

**E-3 C15-2014-0002 Jennifer Garcia for Robert Lee
2002 Glen Allen**

The applicant has requested a variance to decrease the minimum compatibility setback for parking requirement of Section 25-2-1067 (H) from 21 feet to 0 feet in order to erect a multi-family residential use in an “MF-2”, Multi-Family Residence zoning district.

The applicant has requested a variance to increase the maximum compatibility height requirement of Section 25-2-1062 (D) from two stories and 30 feet to 3 stories and 34 feet 6 inches in order to erect a multi-family residential use in an “MF-2”, Multi-Family Residence zoning district. The Land Development Code states that the height limitations for a structure are (1) two stories and 30 feet, if the structure is 50 feet or less from property: (a) in an “SF-5” or more restrictive zoning district, or (b) on which a use permitted in an “SF-5” or more restrictive zoning district is located. **WITHDRAWN**

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to March 10, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO MARCH 10, 2014.

**E-4 C15-2014-0003 Richard Weiss for Christopher and Ann Coffin
3108 Wheeler Street**

The applicant has requested a variance to decrease the minimum side setback requirement of Section 25-2-492 (D) from 5 feet to 3.9 feet along the north property line in order to maintain a portion of a single family residence and from 5 feet to 3.5 feet along the south property line in order to maintain an accessory building for a single family residence in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Plan)

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

**E-5 C15-2014-0004 Jim Bennett for Eustolio Vasquez & Jose Castro
304 & 306 West Milton Street**

304 W Milton – The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 32 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 3,360 square feet in order to erect a single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

306 W Milton - The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet in width to 25 feet in width and to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 2,625 square feet in order to erect a single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

POSTPONED TO February 10, 2014

**E-6 C15-2014-0005 Katherine Loayza for Todd Pearah
7501 North Lamar**

The applicant has requested variances from Sections 25-2-816 (B) (1) which states an alternative financial services business use may not be located on a site that is within 1,000 feet of a site that contains another alternative financial services business use; 25-2-816 (B) (2) within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located; and 25-2-816 (C) an alternative financial services business use may be located only within a freestanding structure and may not be co-located in the same structure with other uses in order to maintain an alternative financial services business use in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district. (Highland Neighborhood Plan)

POSTPONED TO MARCH 10, 2014

**E-7 C15-2014-0006 Katherine Loayza for Nancy & Emilio Nicolas
4604 Ramsey 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 (along the south property line) in order to erect a single story accessory building 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 to 4 feet, Board Member Bryan King second on a 7-0 vote; GRANTED TO 4 FEET.

**E-8 C15-2014-0007 Anthony & Sylvan Pools, Joe Warwick for Rex L. Preis
6608 Via Correto Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 46.6% in order to maintain a swimming pool for a single-family residence in an “SF-2-NP”, Single-Family Residence – Neighborhood Plan zoning district. (West Oak Hill Neighborhood Plan)

POSTPONED TO February 10, 2014

**E-9 C15-2014-0008 Robert Thomas
911 Retama Street**

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 a total of 16 feet in height (solid fence on top of retaining wall) in order to erect a solid fence along a portion of the south and west property lines 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, Board Member Bryan King second on a 7-0 vote; GRANTED.

**E-10 C15-2014-0009 Tim McCabe
1601 West 39 ½ 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 15 feet (along Seiders Avenue) in order to erect a duplex residential use in an “MF-3”, Multi-Family Residence zoning district.

The public hearing was closed on Board Member Fred McGhee motion to Postpone to February 10, 2014, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO February 10, 2014.

**E-11 C15-2014-0010 Jim Bennett for Valla Diafari
2009 Lake Shore**

The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless, capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to February 10, 2014, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO February 10, 2014.

**E-12 C15-2014-0011 Jim Bennett for Carajeau & Branch Archer
5219 Tortuga Trail**

The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

POSTPONED TO MARCH 10, 2014

**E-13 C15-2014-0012 Jim Bennett for Jay & Martha Gamble
2921 Westlake Cove**

The applicants have requested a variance from Section 25-2-1174 (D) which states a retaining wall, bulkhead, or other erosion protection device may not capture or recapture land on a lake, unless capturing or recapturing the land is required to restore the land to the lesser of: (1) the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or (2) the lakeside boundary of the subdivided lot line.

The public hearing was closed on Board Member Bryan King motion to Grant to fill in slip straight across from corner to corner of slip, Board Member Michael Von Ohlen second on a 6-1 vote (Board member Melissa Hawthorne nay); GRANTED TO FILL IN SLIP STRAIGHT ACROSS FROM CORNER TO CORNER OF SLIP.

**E-14 C15-2014-0013 Rey Cedillos for Chun Phap Hoa Buddhist Temple
203 Provines Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 78% in order to pave a gravel parking lot for a religious assembly use in an "SF-2-NP", Single Family Residence – Neighborhood Plan zoning district. (North Lamar Neighborhood Plan)

The public hearing was closed on Board Member Fred McGhee motion to Postpone to February 10, 2014, Board Member Bryan King second on a 7-0 vote; POSPONED TO February 10, 2014.

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.