



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
JOINT MEETING  
MINUTES  
(May 13, 2013)**

**The Board of Adjustment/Sign Review Board convened in a joint meeting on May 13, 2013, 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)-(Only attended 1<sup>st</sup> portion of the meeting), Sallie Burchett, Bryan King, Fred McGhee, Michael Von Ohlen, Nora Salinas, Stuart Hampton (Alternate), Will Schnier (Alternate for 2 cases)**

**Board Members Absent: Cathy French, Melissa Hawthorne (only attended 1<sup>st</sup> portion of meeting)**

**Staff in Attendance: Susan Walker and Diana Ramirez**

**A. APPROVAL OF MINUTES March 11, 2012**

**The public hearing was closed on Board Member Bryan King motion to Grant with corrections for items B1 and F5; Board Member Melissa Hawthorne second on 7-0 vote (Board Members: Jeff Jack, Nora Salinas, Bryan King, Fred McGhee, Melissa Hawthorne, Sallie Burchett, Will Schnier – Aye; Board Members: Cathy French absent, Michael Von Ohlen Late); GRANTED.**

**B. SIGN REVIEW BOARD POSTPONEMENTS**

**B-1 C16-2013-0001 Jim Bennett for Cielo Realty Partners  
4410 East Riverside Drive**

The applicant has requested a variance to increase the maximum number of freestanding signs requirement of Section 25-10-124 (B) from one freestanding sign to two freestanding signs for a General Retail use in a “GR”, Community Commercial zoning district. (Scenic Sign District)

**WITHDRAWN BY APPLICANT**

**C. SIGN REVIEW BOARD**

**C-1    C16-2013-0008            Brian Lumbatis for Dan Madden  
415 West Martin Luther King Jr.**

The applicant has requested a variance to increase the maximum height of a freestanding sign requirement of Section 25-10-129 (G) (1) from 6 feet in height to 25 feet in height in order to erect a sign for a Restaurant use in an “DMU”, Downtown Mixed Use zoning district.

**The public hearing was closed on Board Member Sallie Burchett motion to Deny, Board Member Bryan King second on a 7-0 vote (Board Members: Jeff Jack, Will Schnier, Nora Salinas, Bryan King, Fred McGhee, Melissa Hawthorne, Sallie Burchett – AYE; Michael Von Ohlen late); DENIED.**

**C-2    C16-2013-0009            R.W. Duggan III for Schlosser Development Corp.  
405 North Lamar & 907 West 5<sup>th</sup> Street**

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 “DMU”, Downtown Mixed Use zoning district.

**The public hearing was closed on Board Member Fred McGhee motion to Grant, Board Member Nora Salinas second on a 7-0 vote (Board Members: Jeff Jack, Will Schnier, Nora Salinas, Bryan King, Fred McGhee, Stuart Hampton, Sallie Burchett; Board Member: Michael Von Ohlen-Late, Melissa Hawthorne-Recused); GRANTED.**

**D.    BOARD OF ADJUSTMENT RECONSIDERATIONS**

**D-1    C15-2013-0028            Lindsey Lane  
2004 Goodrich Avenue**

The applicant has requested a special exception from Section 25-2-476 (B) (a) (ii) of the Land Development Code in order to maintain a side yard setback of 3 feet 9 inches instead of the required 5 feet in order to maintain a screened porch in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. The Land Development Code states that the Board shall grant a special exception if the Board finds that the violation has existed for at least 15 years if the application for a special exception is submitted on or before June 6, 2013.

**The public hearing was closed on Board Member Bryan King motion to Deny Reconsideration request, Board Member Fred McGhee second on a 7-0 vote; DENIED RECONSIDERATION REQUEST.**

**E.    BOARD OF ADJUSTMENT PUBLIC HEARING POSTPONEMENTS**

**E-1    C15-2012-0135            Jim Bennett for Grit and Grace**

### **4112 Medical Parkway**

The applicant has requested a variance from Section 25-6-501 (C) to increase the minimum distance between an off-site parking facility and the use that it serves from 1,000 feet to 1,200 feet in order to provide 69 of the required 88 parking spaces off site in order to remodel the second floor of a commercial building to expand a Cocktail Lounge use in a “CS-1”, Commercial – Liquor Sales zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 10, 2013, Board Member Bryan King second on a 7-0 vote; POSTPONED TO JUNE 10, 2013.**

**E-2      C15-2012-0142      Jim Bennett for Kevin Smith  
2710 and 2712 East 12<sup>th</sup> Street**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an “SF-3” district and adjoins a lot that is (i) zoned “SF-3”; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Fred McGhee second on a 6-1 vote (Board Members: Stuart Hampton, Michael Von Ohlen, Nora Salinas, Fred McGhee, Melissa Hawthorne, Sallie Burchett – Aye; Bryan King - Nay, Jeff Jack - Recused); GRANTED.**

**E-3                      C15-2013-0023      Efren Mercado  
12509 Cortaro Cove**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 3 feet 8 inches in order to maintain an accessory structure (gazebo/cabana) for a single-family residence in an “SF-2”, Single-Family Residence zoning district.

The applicant has requested a variance to increase the maximum height of a solid fence requirement of Section 25-2-899 (D) from 6 feet to 7 feet 4 inches at the highest point in order to maintain a solid fence for 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 as per drawing E3/14, Board Member Fred McGhee second on a 7-0 vote; GRANTED AS PER DRAWING E3/14.**

**E-4      C15-2013-0024      Scott Turner for Getsemani Pentacostal Church**

## **2501 East 4<sup>th</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 5 feet in order to erect a single family residence on a lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

**The public hearing was closed on Board Member Bryan King motion to Grant as per exhibit E4/30 (western side yard setback 5 feet and eastern side yard setback 15 feet), Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED AS PER EXHIBIT E4/30 (WESTERN SIDE YARD SETBACK 5 FEET AND EASTERN SIDE YARD SETBACK 15 FEET).**

**E-5     C15-2013-0026             Bryan Ennenga for Allison Sallee  
6703 Leprechaun Drive**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-551 (D) (3) (a) from 35% (36.98% existing) to 40.2% in order to erect a swimming pool for a single-family residence in an “LA”, Lake Austin zoning district.

**The public hearing was closed on Board Member Bryan King motion to Grant at 37% Impervious Coverage, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED AT 37% Impervious Coverage.**

## **F.     INTERPRETATION**

**F-1     C15-2013-0048             P. Michael Hebert for Kevin Cutsinger & Russ Cole  
718, 720 and 722 Harris Avenue**

The applicant has filed an administrative appeal alleging that the Planning and Development Review Department’s decision to issue building permits for the construction of duplexes at 718, 720 & 722 Harris Avenue violates City Code Section 25-2-3(4).

**The public hearing was closed on Board Member Michael Von Ohlen motion to Deny appeal and to Uphold staff’s interpretation, Board Member Melissa Hawthorne second on a 7-0 vote; DENIED APPEAL AND UPHELD STAFF’S INTERPRETATION.**

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

**G-1     C15-2013-0035             Randall Owen for Brent McGrath & Deirdre Sanborn  
2005 Bluebonnet Lane**

The applicant has requested a variance to increase the maximum floor to area ratio of Subchapter F; Article 2; Subsection 2.1 from 0.4 to 1.0 to 0.439 to 1.0 in order to erect a detached garage in the front 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 Fred McGhee second on a 7-0 vote; DENIED.**

**G-2 C15-2013-0036 Darby Noonan for Luis Sentis & Adela Ben-Yakar  
1512 West 29<sup>th</sup> Street**

The applicant has requested a variance to decrease the minimum separation requirement of Section 25-2-774 (C) (2) (a) from 15 feet to 4 inches in order to erect an addition to an existing two-family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

**POSTPONE TO JUNE 10, 2013**

**G-3 C15-2013-0037 Robert O’Mahony for Jeff Breitenstein  
12229 Tanglewild Drive**

The applicant has requested a variance to increase the maximum height of a solid fence requirement of Section 25-2-899 (D) from six feet to eight feet for a wood privacy fence and to nine feet for a stucco privacy wall for a single-family residence in an “RR”, Rural 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.

**The public hearing was closed on Board Member Bryan King motion to Grant as per drawing G3/6, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED AS PER DRAWING G3/6.**

**G-4 C15-2013-0038 Damon Faigle  
8800 Ampezo Trail**

The applicant has requested a variance to increase the maximum height of a solid fence requirement of Section 25-2-899 (D) from 6 feet above grade to 8 feet above grade (at the highest point) in order to erect a fence (along Cortina Drive) 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.

**The public hearing was closed on Board Member Bryan King motion to Postpone to June 10, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JUNE 10, 2013 (APPLICANT NO SHOW).**

**G-5 C15-2013-0039 William Hodge AIA for Hemmasi Majid (Seyed Miri)  
2507 East 16<sup>th</sup> Street**

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1406 (5) (a) from 2,500 square feet to 1,876 square feet in order to erect a single-family

residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

**POSTPONED TO JUNE 10, 2013**

**G-6 C15-2013-0040 Jeremy Broadhead & Kristen Anderson  
1300 Chicory Cove**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 6 ½ feet in order to maintain a detached accessory building for a single family residence in an “SF-2”, Single-Family Residence zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 10, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO JUNE 10, 2013.**

**G-7 C15-2013-0041 Michael & Leann Gillette  
3207 Rivercrest Drive**

The applicant has requested a variance to increase the maximum impervious cover requirement of Section 25-2-551 (C) (3) (a) from 20% to 32% in order to erect a swimming pool for a single family residence in an “LA”, Lake Austin zoning district. The Land Development Code states that the impervious cover may not exceed 20 percent on a slope with a gradient of 25 percent or less.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Nora Salinas second on a 6-1 vote (Board member Jeff Jack nay); GRANTED.**

**G-8 C15-2013-0042 Nick Moya for Catherin Abston  
1605 Forest Hill 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 8 ½ feet in order to complete the construction of a detached 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 the front street setback to 14 ½ feet, Board Member Nora Salinas second on a 7-0 vote; GRANTED THE FRONT STREET SETBACK TO 14 ½ FEET.**

**G-9 C15-2013-0044 Linda L. Beam for Travis Mellard  
3620 Josh Lane**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% (45.66%) to 47.88% in order to erect a

swimming pool and spa for a single-family residence in an “I-SF-2”, Interim – Single-Family Residence zoning district.

**POSTPONED TO JUNE 10, 2013**

**G-10 C15-2013-0045 David Cancialosi for Richard Esselstyn  
608 Academy Drive**

The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 5 feet 2 inches 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 public hearing was closed on Board Member Bryan King motion to Grant, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED.**

**G-11 C15-2013-0046 Starwood Pools for John & Rebecca Grubenman  
4008 Lob Cove**

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 47.07% in order to erect a swimming pool for a single-family residence in an “SF-2”, Single-Family Residence zoning district.

**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.**

**G-12 C15-2013-0047 Lucy Begg & Robert Gay  
64 Navasota 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 3 feet in order to maintain and remodel an addition to a single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district.

**POSTPONED TO JUNE 10, 2013 (RE-NOTIFICATION REQUIRED)**

**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.