



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD**

**May 12, 2014**

**5:30pm**

**CITY COUNCIL CHAMBERS**

**301 WEST 2<sup>ND</sup> STREET**

**AUSTIN, TEXAS**

\_\_\_ **Jeff Jack (Chair)**

\_\_\_ **Melissa Hawthorne (Vice Chair)**

\_\_\_ **Fred McGhee**

\_\_\_ **Sallie Burchett**

\_\_\_ **Michael Von Ohlen**

\_\_\_ **Bryan King**

\_\_\_ **Ricardo De Camps**

\_\_\_ **Cathy French (SRB only)**

\_\_\_ **Will Schnier (Alternate)**

\_\_\_ **Stuart Hampton (Alternate)**

**AGENDA**

**CALL TO ORDER – 5:30 P.M.**

**A. APPROVAL OF MINUTES**

**A-1 April 14, 2014**

**A-2 April 30, 2014 (Special called meeting)**

**B. SIGN REVIEW BOARD RECONSIDERATION**

**B-1 C16-2014-0004 Charles Cooke for University Christian Church  
2007 University Avenue**

The applicant has requested a variance from Section 25-10-133 (C) of University Neighborhood Overlay Zoning District Sign requirements to exceed the maximum sign area of 100 square feet to 146 square feet (existing); and from Section 25-10-133 (D) of the University Neighborhood Overlay Zoning District Sign requirements to permit a freestanding sign; and from Section 25-10-152 (B) 2.b. Non-Conforming Signs requirements to permit a change in the technology used to convey a message which is prohibited when altering a non-conforming sign in order to remodel an existing two-sided monument sign by installing LED displays within the two sign faces of the sign structure in an “CS-NP”, Commercial Services District. (University Neighborhood Overlay)

### **C. SIGN REVIEW PUBLIC HEARINGS**

**C-1 C16-2014-0006 Greg Farrar for Jack Gray  
517 South Lamar**

The applicant has requested a variance from Section 25-10-130 (B) of the Commercial Sign District Regulations in order to erect a second freestanding sign on the south end of this property which has 354 feet total street frontage on South Lamar Boulevard in an “CS-V”, Commercial Services – Vertical Mixed Use zoning district.

The Land Development Code states that for a lot with a total street frontage of more than 400 feet, 2 freestanding signs are permitted.

**C-2 C16-2014-0007 Bob Strobeck for Jim Clarke  
6001 Middle Fiskville Road**

The applicant has requested a variance from Section 25-10-123 (B) (3) of the Expressway Corridor Sign District Regulations to exceed the maximum sign height requirement from 35 feet to 50 feet in order to erect a new, freestanding sign structure in an “CS-MU-NP”, Commercial Services – Mixed Use – Neighborhood Plan zoning district. (Highland)

### **D. BOARD OF ADJUSTMENT PREVIOUSLY POSTPONED PUBLIC HEARING RECONSIDERATION**

**D-1 C15-2014-0002 Jennifer Garcia for Robert Lee  
2002 Glen Allen**

The applicant has requested a variance from Section 25-2-1067 (H) of the Design Regulations in Article 10. Compatibility Standards to decrease the minimum compatibility setback requirement from 21 feet to 0 feet in order to erect a multi-family residential use parking facility in an MF-2, Multi-Family Residence zoning district.

### **E. BOARD OF ADJUSTMENT PUBLIC HEARING RECONSIDERATIONS**

**E-1 C15-2014-0011 Jim Bennett for Carajean & Branch Archer  
5219 Tortuga Trail**

The applicants have requested a variance from Section 25-2-1174 (D) of the Structural Requirements for Docks, Bulkheads, and Shoreline Access to construct a bulkhead in an “LA”, Lake Austin zoning district.

The Land Development Code states that 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.

**E-2     C15-2014-0014            Connie Leaverton  
   1806 Drake Avenue**

The applicant has requested variances from Section 25-2-492 (D) of the Site Development Regulations to decrease the minimum side yard setback requirement from 5' to 2'; and decrease the minimum rear yard setback requirement from 10' to 1'; and increase the maximum impervious coverage limit from 45% to 56% in order to maintain an existing single family residence, covered patio and shed in an SF-3-CO-NP Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (South River City)

**E-3     C15-2014-0035            Cayce Weems  
   403 San Saba Street**

The applicant requested variances from Section 25-2-492 (D) of the Site Development Regulations to decrease the side street setback requirement from 14 feet (reduced from 15 feet per December 9, 2013 approved variance) to 13 feet; and to decrease the side yard requirement from 5 feet to 2 feet in order to place a 816 square foot home and air conditioning equipment on a lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district (Holly).

**F.       BOARD OF ADJUSTMENT PREVIOUSLY POSTPONED PUBLIC HEARINGS**

**F-1     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) of the Structural Requirements for Docks, Bulkheads, and Shoreline Access in order to construct a bulkhead in an "LA", Lake Austin zoning district.

The Land Development Code states that 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.

**F-2     C15-2014-0005            Katherine Loayza for Todd Pearah  
   7501 North Lamar**

The applicant has requested a variance from Section 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."; and from Section 25-2-816 (B) (2) which states, "An alternative financial services business use may not be located 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 from Section 25-2-816 (C) which states, "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)

**F-3     C15-2014-0028            Daniel & Lynn Lepore  
   3707 Hidden Estates Drive**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the rear yard setback requirement of from 20 feet to 11 feet in order to maintain a 20 feet deep, 30 feet wide shed in an “RR”, Rural Residence Zoning District.

**WITHDRAWN BY APPLICANT**

**F-4     C15-2014-0037            George Ensle for Ricardo Rojo  
   2411 East 2<sup>nd</sup> Street**

The applicant is requesting a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the minimum rear yard setback requirement of from 10 feet to 6.6 feet/6 feet eight inches (existing) in order to expand the footprint of an existing 240 square foot, 1-car garage by 270 square feet and add a 2nd floor (not to exceed 550 square feet) to be used as an accessory apartment in an SF-3-NP Family Residence Zoning District. (Holly)

**F-5     C15-2014-0039            Allison Marshall  
   2301 East Side Drive**

The applicant is requesting a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the front yard setback requirement from 25 feet to 7.4 feet (existing) in order to enclose an existing carport in an SF-2-NP Family Residence – Neighborhood Plan zoning district. (South River City)

**F-6     C15-2014-0040            Jim Bennett for Tim Smith  
   1610 Northwood Road**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to increase the maximum impervious cover limit from 45% to 56.6% (60.5% existing) in order to remodel an existing residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Road)

**F-7     C15-2014-0050            Austin Stowell for Edward S. Butler  
   1190, 1192, 1194, 1196, 1198 Navasota Street**

The applicant has requested variances from Section 25-2-779 (G) of the Small Lot Single-Family Residential Use requirements to decrease the rear through lot setback from 15 feet to 10 feet on the Waller Street property line; and from Section 25-2-779 (I) to decrease one of the interior side yard setbacks on each lot from 3.5 feet to 1 foot in order to construct a single family home and AC unit on each lot in an “CS-MU-CO-NCCD-NP”, Commercial Services - Mixed Use - Conditional Overlay - Neighborhood Conservation Combining - Neighborhood Plan (lots 1-3) and “CS-MU-CO-NP”, Commercial Services - Mixed Use - Conditional Overlay - Neighborhood Plan (lots 4-5) zoning district. (Central East Austin)

**F-8     C15-2014-0052           Carolyn Aupperle for Manny Farahani  
5221 Tortuga Trail**

The applicant has requested a variance from Section 25-2-1174 (D) of the Structural Requirements for Docks, Bulkheads, and Shoreline Access in order to extend a bulkhead and fill in the area of a former boat dock in an “LA”, Lake Austin zoning district.

The Land Development Code states that 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.

**F-9     C15-2014-0053           Carolyn Aupperle for Manny Farahani  
5225 Tortuga Trail**

The applicant has requested a variance from Section 25-2-1174 (D) of the Structural Requirements for Docks, Bulkheads, and Shoreline Access in order to extend a bulkhead and fill in the area of a former boat dock in an “LA”, Lake Austin zoning district.

The Land Development Code states that 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.

**WITHDRAWN BY APPLICANT**

**F-10   C15-2014-0054           Lisa Evert  
1600 Newton Street**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the front yard setback requirement from 25 feet to 14 feet in order to construct a single family home in an “SF-3”, Family Residence zoning district.

**F-11   C15-2014-0055           Richard Kooris  
902 West Live Oak Street**

The applicant has requested variances from Section 25-2-492 (D) of the Site Development Regulations to decrease the side yard setback requirement from 5 feet to 3 feet; and to increase the maximum impervious coverage limit from 45% to 49.7%; and to increase the maximum building coverage limit from 40% to 41%; and to decrease the minimum lot width from 50 feet to 41 feet; and to decrease the minimum lot size from 5,750 square feet to 5,179 square feet in order to address an anticipated property line dispute with a neighboring property owner and complete construction of a single family residence in an “SF-3”, Family Residence zoning district.

**G. BOARD OF ADJUSTMENT PREVIOUSLY POSTPONED SPECIAL EXCEPTION**

**G-1 C15-2014-0049 James R. Ferguson  
2327 Santa Rita Street**

The applicant has requested a **Special Exception** from Section 25-2-476 of the Special Exceptions requirements in order to maintain an existing carport 0 feet from the east side property line (5 feet required) and 12 feet from the front property line (25 feet required) in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

**H. BOARD OF ADJUSTMENT SPECIAL EXCEPTION**

**H-1 C15-2014-0070 Jim Bennett for Tim Smith  
1610 Northwood Road**

The applicant has requested a **Special Exception** from Section 25-2-476 of the Special Exceptions requirements in order to maintain an existing carport 1.8 feet/1 foot 6 inches from the rear property line (10 foot setback required) in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Road)

**I. BOARD OF ADJUSTMENT PUBLIC HEARINGS**

**I-1 C15-2013-0127 Dyan Gilliam for David Bruce Kruger  
1608 West Avenue**

The applicant has requested variances from Section 25-2-492 (D) of the Site Development Regulations to increase the maximum impervious cover limit from 45 % to 80.56% (existing); and decrease the rear setback from 10 feet to 0 feet: and decrease the side setback from 5 feet to 0 feet in order to maintain an expanded deck in an “SF-3”, Family Residence zoning district.

**I-2 C15-2014-0058 William G Farnum  
4813 Prairie Dunes Drive**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to increase maximum impervious cover from 45% to 55.9% (52% existing) in order to expand an existing concrete patio by 354 square feet in an “SF-3”, Family Residence zoning district.

**I-3      C15-2014-0059      Carolyn Aupperle for Lebarre Family LLC  
3821 & 3823 Westlake Drive**

The applicant has requested a variance from Section 25-2-1173 (D) of the Permit Required for Construction Regulations in Article 13, Docks, Bulkheads and Shoreline Access requirements in order to construct more than 2 boat docks in an "LA", Lake Austin zoning district.

The Land Development Code states that the director of the Planning and Development Review Department may not approve an application for a permit for the construction of more than two residential docks or other similar structures on a single lot zoned MF-1 or more restrictive, unless: 1) the lot was platted and recorded before August 26, 1976, and perpetual rights to use the water frontage of the lot were granted or conveyed to one or more owners of other lots in the subdivision before June 23, 1979; or 2) the Planning Commission has approved a site plan that clusters the residential docks on one or more lots in the subdivision.

**I-4      C15-2014-0060      Carolyn Aupperle for Douglas & Courtney Swanson  
901 River Road**

The applicant has requested a variance from Section 25-2-1173 (D) of the Permit Required for Construction requirements in Article 13, Docks, Bulkheads and Shoreline Access in order to construct more than 2 boat docks on these lots in an "LA", Lake Austin zoning district.

The Land Development Code states that the director of the Planning and Development Review Department may not approve an application for a permit for the construction of more than two residential docks or other similar structures on a single lot zoned MF-1 or more restrictive, unless: 1) the lot was platted and recorded before August 26, 1976, and perpetual rights to use the water frontage of the lot were granted or conveyed to one or more owners of other lots in the subdivision before June 23, 1979; or 2) the Planning Commission has approved a site plan that clusters the residential docks on one or more lots in the subdivision.

The applicant has also requested a variance from Section 25-2-1174 (D) of Structural Requirements in Article 13. Docks, Bulkheads, and Shoreline Access in order to erect a bulkhead across an existing cut-in boat slip, backfill, and re-vegetate the area on these lots in an "LA", Lake Austin zoning district.

The Land Development Code states that 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.

**I-5      C15-2014-0061      Carolina Cantu for Jeffrey K Skilling  
1202 Reagan Terrace**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the side street setback from 15 feet to 0 feet in order to erect a carport and storage area over an existing driveway in an "SF-3", Family Residence zoning district.

**I-6      C15-2014-0062      William Hodge for George H Blume  
2601 Canterbury Street**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the lot width requirement from 50 feet to 49 feet (existing) in order to re-subdivide a property in an “SF-3-NP” Family Residence zoning district. (Holly)

**I-7      C15-2014-0063      Jeff Moore for Alejandra Fredes  
6900 Gaur Drive**

The applicant has requested variances from Section 25-2-492 (D) of the Site Development Regulations to increase the maximum building coverage from 40% to 40.95% (38.57 existing); and increase the maximum impervious coverage from 45% to 46.84% (existing); and decrease the side yard setback from 5 feet to 1 foot 11 inches in order to erect a patio enclosure over an existing, partially covered concrete patio in an “I-SF-2”, Interim – Family Residence zoning district.

**I-8      C15-2014-0064      Sarah Crocker for Lorin & Staci Radtke  
3009 Westlake Drive**

The applicant has requested a variance from Section 25-2-551 (D) (1) (a) of the Lake Austin (LA) District Regulations to decrease the shoreline setback from 75 feet to 5 feet in order to construct a single family home, garage/workshop and carport around the perimeter of a lagoon and canal in an “LA”, Lake Austin zoning district.

**I-9      C15-2014-0065      Robert Turner  
5201 Tortuga Trail**

The applicant has requested variances from Section 25-2-963 (B) and (C) of the Modification and Maintenance of Noncomplying Structures requirements in order to remodel an existing home, including removal of all exterior walls and raising the existing finished floor elevation by more than one foot in an “LA”, Lake Austin zoning district.

The Land Development Code states that (A) Except as provided in Subsections (B), (C), and (D) of this section, a person may modify or maintain a noncomplying structure.

(B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:

(1) Demolition or removal of walls must comply with the following requirements: (a) No more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes. (b) Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements.

(2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.

(4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.

(C) Except as provided in Subsections (E) and (F), a person may not modify or maintain a noncomplying structure in a manner that increases the degree to which the structure violates a requirement that caused the structure to be noncomplying.

The applicant has also requested a variance to Section 25-2, Subchapter F: Residential Design and Compatibility Standards, 2.2. Building Height of Article 2: Development Standards from 32 feet to 33.5 feet in order to remodel an existing home, including removal of all exterior walls and raising the existing finished floor elevation by more than one foot in an “LA”, Lake Austin zoning district.

The Land Development Code states that except where these regulations are superseded, the maximum height for development subject to this Subchapter is 32 feet. Section 25-2-531 (Height Limit Exceptions) does not apply to development subject to this Subchapter, except for a chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy. Building height shall be measured under the requirements defined in Section 3.4.

**I-10 C15-2014-0066 Christine Chun  
57 Anthony Street**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the side setback from 5 feet to 1 foot in order to widen an existing 8 foot, 6 inches wide carport by 3 feet to become 11 feet 6 inches wide in an “SF-3- NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

**I-11 C15-2014-0067 Richard Moore for Paula R Moore  
5604 Spurflower Drive**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the side yard setback from 5 feet to 1 foot in order to maintain a wooden deck surrounding a swimming pool along the south property line of the lot in an “SF-2”, Family Residence zoning district.

**I-12 C15-2014-0068 Truc Nguyen  
815 Keasbey Street**

The applicant has requested variances to Section 25-2-492 (D) of the Site Development Regulations to decrease the minimum lot size requirement from 5,750 square feet to 2,295 square feet (existing); and decrease the minimum lot width requirement from 50 feet to 39.88 feet (existing); and decrease the front setback requirement from 25 feet to 19.5 feet (existing); and decrease the side setback requirement from 5 feet to 2 feet (existing) in order to re-subdivide the property and maintain an existing home and garage in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (Hancock)

**I-13    C15-2014-0069            Julie Hastings for Robert Chavez  
11423 North Lamar Blvd.**

The applicant has requested a variance from Section 25-2-1067 (G) (1) of the Design Regulations in Article 10, Compatibility Standards to decrease the minimum compatibility setback from 25 feet to 0 feet in order to construct 9 new parking spaces in an “LR”, Local Retail zoning district.

The Land Development Code states that unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

**J.        BOARD OF ADJUSTMENT NEW BUSINESS**

**J-1**    Discussion of notice from Austin Energy staff that City Council will be meeting from 10am until 6pm for a Budget/Tax Rate hearing(s) in our previously assigned meeting room 130 of the Town Lake Center building at 721 Barton Spring Road in July, August and September when the Council Chambers at City Hall will be unavailable due to remodeling. Therefore, we must move our meeting start time to 6:30pm earliest.

**K.        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 Leane Heldenfels 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.