



BOARD OF ADJUSTMENT/SIGN REVIEW BOARD

June 9, 2014

5:30pm

CITY COUNCIL CHAMBERS

301 WEST 2ND 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 May 12, 2014

B. SIGN REVIEW BOARD RECONSIDERATIONS

NO CASES

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

**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. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NO CASES

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NO CASES

**F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS
POSTPONEMENTS**

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NO CASES

**H. BOARD OF ADJUSTMENT RECONSIDERSTION PREVIOUS
POSTPONEMENTS**

**H-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.

**H-2 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.

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

I-1 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.

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

J-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)

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

K-1 C15-2014-0083 Scott Weatherford 2005 Karen Avenue

The applicant has requested a **Special Exception** under Section 25-2-476 in order to maintain an existing carport in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood)

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

L-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.

**L-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)

**L-3 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)

**L-4 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.

**L-5 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.

**L-6 C15-2014-0056 Mike McHone for Sidney Lock
 4300 Avenue G**

The applicant has requested a variance from Subchapter F; Article 2; Subsection 2.1 of the Maximum Development Permitted standards to increase the floor to area ratio requirement of from .4 to 1 to .59 to 1 (.49 to 1 existing) in order to remodel the interior space of one structure and expand the existing 2nd story of another structure at a Bed and Breakfast Residential use in an “SF-3-H-HD-NCCD”, Family Residence – Historic Landmark – Historic Area - Neighborhood Conservation Combining District zoning district. (Hyde Park)

WITHDRAWN BY APPLICANT

**L-7 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)

**L-8 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.

**L-9 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.

L-10 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.

L-11 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)

**L-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)

POSTPONED

**L-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.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2013-0114 Emilio Surita
2920 Garwood Street**

The applicant has requested a variance from Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed the average height of six feet or a maximum height of seven feet for a solid fence constructed along the property line in order to maintain an 8 foot tall stone fence along 37 feet eight inches of the front/Garwood Street property line and along two feet of the side/Ramos Street property line in an “SF-3-NP”, Family Residence, Neighborhood Plan zoning district. (Govalle)

**M-2 C15-2014-0071 Mark Jumper
2617 Bridle Path**

The applicant has requested a variance from:

Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed the average height of six feet or a maximum height of seven feet for a solid fence constructed along a property line; and Section 25-2-899 (E) (2) (*Fences as Accessory Uses*) to not meet the written consent required when a solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and a structure,

including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool in order to maintain an 8 foot tall, solid wood fence along the property line without receiving written consent from all neighboring property owners in an “SF-3-NP”, Single Family Residence, Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-3 C15-2014-0072 Wesley Parks for Bob Parks
2612 Carnarvon Lane Unit B**

The applicant has requested a variance from Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.2 (*Building Height*) from 32 feet (required) to 42' 9" (existing) in order to enclose a 2nd story balcony to be used as closet space in an “SF-3-NP”, Family Residence zoning district. (St. Edwards)

**M-4 C15-2014-0073 Martha Davies
900 Jewell Street**

The applicant has requested variances to Section 25-2-492 (D) (*Site Development Regulations*) to: decrease the minimum lot size from 5,750 square feet (required) to 3,707 square feet (existing); and decrease the minimum front setback from 25 feet (required) to 19 feet (existing); and decrease the side setback from 5 feet (required) to 4 feet 4 inches (existing); and decrease the street side setback from 15 (required) feet to 9 feet 9 inches (existing); and decrease the rear setback from 10 feet (required) to 0 feet (existing) in order to expand the footprint of an existing, non-complying residential structure with a 6 foot x 32.3 foot addition and retain shed located along the rear property line in an “SF-3-NP”, Family Residence zoning district. (Bouldin)

**M-5 C15-2014-0075 Adrian & Catia James
6702 Troll Haven**

The applicant has requested a variance from Section 25-2-551 (D) (1) (a) (*Lake Austin District Regulations*) to decrease the shoreline setback from 25 feet (required) to 0 feet (existing) in order to enclose 226 square feet of an existing 2nd story deck area in an “LA”, Lake Austin zoning district.

**M-6 C15-2014-0076 Tracy Allison for Sidney Mourning
1806 West 29th Street**

The applicant has requested variances from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the side yard setback from 5 feet (required) to 0 feet (existing) in order to maintain a carport structure that has existed on the property since 2007 in an “SF-3-NP”, Family Residence, Neighborhood Plan zoning district. (Windsor Road)

**M-7 C15-2014-0078 Phil Moncada for Kristin Schenet
15412 Echo Hills Drive**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to: decrease the side yard setback from 5 feet (required) to 1 foot (requested) along the southwest property line; and decrease the side yard setback from 5 feet (required) to 3 feet (requested) along the northeast property line; and decrease the rear yard setback from 10 feet (required) to 9 feet (requested) in order to maintain existing HVAC equipment along the southwest side of the property, pool equipment along the northeast side of the property, and a deck along the rear of the property in an “SF-3”, Family Residence zoning district.

**M-8 C15-2014-0079 Jon Wright
1805 West 37th Street**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to: decrease the front setback from 25 feet (required) to 18 feet (existing); and decrease the side setback from 5 feet (required) to 4.5 feet (existing) in order to expand the existing primary structure and remodel the accessory structure for use as a second dwelling unit in an “SF-3”, Family Residence zoning district.

**M-9 C15-2014-0082 Wesley Haynie for Fairis Denice Wicks
4701 Creekwood Road**

The applicant has requested variances to Section 25-2-492 (D) (*Site Development Regulations*) to: decrease the minimum lot size from 5,750 (required) to 3,902 square feet (requested); and decrease the minimum lot width from 50 feet (required) to 35 feet (requested); and decrease the front setback from 25 feet (required) to 15 feet (requested); and decrease the maximum impervious cover limit from 45% (required) to 65% (requested); and decrease the maximum building cover limit from 40% (required) to 55% (requested) in order to subdivide the property and construct a single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (MLK)

**M-10 C15-2014-0084 Ken Johnson for Clay & Mollie Duckworth
919 West 29th Street**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to: decrease the front setback from 25 feet (required) to 18 feet (requested); and decrease the side street setback from 15 feet (required) to 8 feet (requested); in order to move a structure onto the lot in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (West University)

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-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 re-assigned meeting room 130 of the Town Lake Center building at 721 Barton Spring Road in 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.

N. 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 512-974-2202 or Diana Ramirez at Planning & Development Review Department at 512-974-2241, for additional information; TTY users route through Relay Texas at 711.