



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
MEETING MINUTES  
(April 14, 2014)**

**The Board of Adjustment/Sign Review Board convened in a meeting on April 14, 2014, City Council Chambers, 301 West 2nd Street, Austin, Texas.**

**Chair Jeff Jack called the Board Meeting to order at 5:40 p.m.**

**Board Members in Attendance: Jeff Jack (Chair), Melissa Hawthorne (Vice Chair), Sallie Burchett, Bryan King, Fred McGhee, Ricardo De Camps, Stuart Hampton (Alternate), Cathy French (SRB)**

**Board Member Absent: Michael Von Ohlen**

**Staff in Attendance: Leane Heldenfels, Diana Ramirez, Christopher Johnson, Greg Guernsey and Steve Sadowsky**

**A APPROVAL OF MINUTES**

**A-1 March 4, 2014 - Special called meeting**

**A-2 March 10, 2014**

**Board Member Melissa Hawthorne motion to Approve the minutes for March 4, 2014 (Special Called Meeting) and March 10, 2014; Board Member Bryan King second on 7-0-1 (Board member Fred McGhee off the dais); APPROVED MINUTES FOR MARCH 4, 2014 (SPECIAL CALLED MEETING) AND MARCH 10, 2014.**

**B. SIGN REVIEW BOARD PREVIOUS POSTPONMENTS**

**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 the University Neighborhood Overlay Zoning District Sign regulations to exceed the maximum sign area requirement from 100 square feet to 146 square feet (existing); and from Section 25-10-133 (D) of the University Neighborhood Overlay Zoning District Sign regulations to permit a freestanding sign; and from Section 25-10-152 (B) 2.b. of the Nonconforming Sign regulations to permit a change in technology used to convey a message within an existing, non-complying

sign in order to add an LED display within the sign face area of an existing sign in an “CS-NP”, Commercial Services – Neighborhood Plan zoning district. (University Neighborhood Overlay)

**The public hearing was closed on Board Member Bryan King motion to Grant as per B1/7 letter with a change that the signage be for on site activities and red LED only, Board Member Melissa Hawthorne second on a 8-0 vote; GRANTED AS PER B1/7 LETTER WITH A CHANGE THAT THE SIGNAGE BE FOR ON SITE ACTIVITIES AND RED LED ONLY.**

#### **C. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONMENTS**

**C-1 C15-2014-0033 Ellis Winstanley for Margaret Gilbreth  
2330 South Lamar Blvd.**

The applicant has filed an appeal challenging the Planning & Development Review Department’s decision that proposed construction at 2330 South Lamar is not within the scope of alterations allowed to a legally non-complying structure under Section 25-2-963 of the Modification and Maintenance of Noncomplying Structures regulations (sometimes called the “Remodel Ordinance”) and other provisions of Chapter 25-2 of the Zoning Ordinance in an “CS”, Commercial Services zoning district.

**The public hearing was closed on Board Member Melissa Hawthorne motion to Deny the appeal, Board Member Bryan King second on a 7-0 vote; DENIED THE APPEAL.**

#### **D. BOARD OF ADJUSTMENT RECONSIDERATIONS**

**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 Compatibility Design Regulations to decrease the compatibility setback requirement for parking from 21 feet to 0 feet in order to erect a multi-family residential use next to a single family residential zoned and used property in an “MF-2”, Multi-Family Residence zoning district.

**POSTPONED TO MAY 12, 2014**

#### **E. BOARD OF ADJUSTMENT PREVIOUS POSTPONMENTS**

**E-1 C15-2013-0063 Joe Adams and Shelly C. Sheppard  
8301 Briarwood Lane**

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 5 feet (existing) in order to rebuild and enlarge an existing carport, covered walkway and covered patio in an “SF-3”, Family Residence zoning district.

**The public hearing was closed on Board Member Bryan King motion to Grant with conditions that the carport remain open on all three sides, not to be enclosed as habitable space, Board Member Melissa Hawthorne second on a 6-1 vote (Board member Jeff Jack nay); GRANTED WITH CONDITIONS THAT THE CARPORT REMAIN OPEN ON ALL THREE SIDES, NOT TO BE ENCLOSED AS HABITABLE SPACE.**

**E-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)

**POSTPONED TO MAY 12, 2014**

**E-3     C15-2014-0011             Jim Bennett for Carajean & Branch Archer  
5219 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.

**The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Stuart Hampton second on a 3-4 vote (Board Members Jeff Jack, Bryan King, Fred McGhee, Sallie Burchett nay); DENIED.**

**E-4     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 side yard setback requirement from 5 feet to 2 feet (existing); and to decrease the rear yard setback requirement from 10 feet to 1 foot (existing); and to increase the maximum impervious coverage limit from 45% to 56% (existing) in order to maintain a single

family residence, covered patio and shed in an “SF-3-CO-NP”, Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (South River City)

**The public hearing was closed on Board Member Melissa Hawthorne motion to Grant the impervious coverage and the existing shed at current location, to Deny the side yard and rear yard setback for the patio roof as per marked up drawing E4/9, Board Member Bryan King second on a 7-0 vote; GRANTED THE IMPERVIOUS COVERAGE AND THE EXISTING SHED AT CURRENT LOCATION AND TO DENY THE SIDE YARD AND REAR YARD SETBACK FOR THE PATIO ROOF AS PER MARKED UP DRAWING E4/9.**

**E-5     C15-2014-0025             Melissa Nelson  
4904 Louis Avenue**

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 15 feet in order to erect a single family residence in an “SF-3-NP”, Family Residence Neighborhood Plan Zoning District. (MLK-183 Neighborhood Plan)

**The public hearing was closed on Board Member Fred McGhee motion to Grant, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.**

**E-6    C15-2014-0026       Bruce Aupperle for Rod Roberts**  
**3961 Westlake Drive**

The applicant has requested a variance from Section 25-2-551 (B) (2) of the Lake Austin (LA) District Regulations in order to construct a pedestrian incline elevator within the shoreline setback in an LA - Lake Austin zoning district.

The Land Development Code states that a permanent improvement is prohibited in a shoreline setback area, except for a retaining wall, pier, wharf, boat-house, or marina, or a driveway to the structures.

The applicant has requested a variance from Section 25-2-551 (B) (5) of the Lake Austin (LA) District Regulations in order to construct a pedestrian incline elevator on a portion of a lot that exceeds 35 percent gradient in an LA - Lake Austin zoning district. The Land Development Code states that development is prohibited on land with a gradient that exceeds 35 percent. This prohibition does not apply to a fence, driveway, and road or utility that cannot be reasonably placed elsewhere, or a pedestrian facility.

**The public hearing was closed on Board Member Fred McGhee motion to Grant, Board Member Ricardo De Camps second on a 6-1 vote (Board Members Jeff Jack nay); GRANTED.**

**E-7     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.

**The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to May 12, 2014 (need tree locations with dimensions from shed), Board Member Bryan King second on a 7-0 vote; POSTPONED TO MAY 12, 2014 (NEED TREE LOCATIONS WITH DIMENSIONS FROM SHED).**

**E-8     C15-2014-0032             Ryan Bollom for Eric Dexheimer  
6015 Ponca Street Unit C**

The applicant has requested a variance from Section 25--2-492 (D) of the Site Development Regulations to decrease the front setback requirement from 25 feet to 15 feet in order to erect a single family residence on a flag shaped lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district (Montopolis).

**The public hearing was closed on Board Member Sallie Burchett motion to Grant as per layout E8/20 15 feet setback for only unconditioned workshop portion of structure, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED AS PER LAYOUT E8/20 15 FEET SETBACK FOR ONLY UNCONDITIONED WORKSHOP PORTION OF STRUCTURE.**

**E-9     C15-2014-0035             Cayce Weems  
403 San Saba Street**

The applicant has requested a variance 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).

**The public hearing was closed on Board Member Sallie Burchett motion to Grant with conditions to provide solid fence between neighbors, remove shed, relocate air conditioner condensates unit and plant a 9” caliper hardwood tree; Board Member Fred McGhee second on a 4-3 vote (Board members Bryan King, Melissa Hawthorne, Stuart Hampton nay); DENIED.**

**E-10    C15-2014-0037             George Ensle for Ricardo Rojo  
2411 East 2<sup>nd</sup> Street**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the rear yard setback requirement from 10 feet to 6.8 feet (existing) in order to expand the footprint of an existing 240 square foot garage by 270 square feet and add a 2nd floor not to exceed 550 square feet to be used as an accessory apartment not to exceed a total 815 square feet of living space in an “SF-3-NP”, Family Residence Zoning District. (Holly)

**The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to May 12, 2014, Board Member Fred McGhee second on a 7-0 vote; POSTONED TO MAY 12, 2014.**

**F. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONMENTS**

**F-1 C15-2014-0031 Teresa Figg for Susie Kang  
9106 Shepard Drive**

The applicant has requested a **Special Exception** from Section 25-2-476 of the General Provisions Regulations in order to maintain an existing detached frame garage 4.5 feet from the street side property line (15 feet required) and 5.9 feet from the rear property line (10 feet required) in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Lamar Combined)

**The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Fred McGhee second on a 7-0 vote; GRANTED.**

**G. BOARD OF ADJUSTMENT SPECIAL EXCEPTIONS**

**G-1 C15-2014-0046 Daphne Hoffacker  
12206 West Cow Path**

The applicant has requested a **Special Exception** from Section 25-2-476 of the General Provisions Regulations in order to maintain one existing shed 4.7 feet (5 feet required) from the north side property line and a second existing shed 4.2 feet (5 feet required) from the south side property line located in an “SF-1”, Family Residence zoning district.

**The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.**

**G-2 C15-2014-0049 James R. Ferguson  
2327 Santa Rita Street**

The applicant has requested a **Special Exception** from Section 25-2-476 of the General Provisions Regulations 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)

**The public hearing was closed on Board Member Fred McGhee motion to Postpone to May 12, 2014, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO MAY 12, 2014.**

**H. BOARD OF ADJUSTMENT PUBLIC HEARINGS**

**H-1 C15-2014-0039 Allison Marshall  
2301 East Side Drive**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the front yard setback requirement of from 25 feet to 10 feet (existing) in order to enclose an existing carport to create a garage in an “SF-2-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

**The public hearing was closed on Board Member Bryan King motion to Postpone to May 12, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO MAY 12, 2014.**

**H-2 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); and to decrease the rear yard setback requirement from 10 feet to 0 feet (existing) in order to remodel an existing residence and retain a covered concrete patio in an “SF-3-NP” Family Residence – Neighborhood Plan zoning district. (Windsor Road)

**The public hearing was closed on Board Member Bryan King motion to Postpone to May 12, 2014, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO MAY 12, 2014.**

**H-3 C15-2014-0041 James Harig  
12505 Cortaro Cove**

The applicant has requested a variance from Section 25-2-899 of Fences as Accessory Uses to increase the maximum fence height requirement of from 6 feet to 8 feet in order to construct an 8 foot fence in an “SF-2”, Family Residence zoning district.

**The public hearing was closed on Board Member Fred McGhee motion to Grant as per drawing H3/4 with 8’ fence stopping in line with front elevation of house, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED AS PER DRAWING H3/4 WITH 8’ FENCE STOPPING IN LINE WITH FRONT ELEVATION OF HOUSE.**

**H-4 C15-2014-0042 Anne Watson Allison  
3110 Harris Park Avenue**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the front yard setback requirement of from 25 feet to 15 feet (previously existed/demolished); and to Section 25-2-1604 (C) 1 of Garage Placement to permit a parking structure in front of (proposed) rather than behind (required) the façade of a primary structure in order to erect a detached garage with 2<sup>nd</sup> story accessory dwelling unit in an “SF-3-H-CO-NP”,



Family Residence – Historic – Conditional Overlay Combining – Neighborhood Plan zoning district. (Hancock)

**The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Fred McGhee second on a 7-0 vote; GRANTED.**

**H-5    C15-2014-0043            Simon and Melinda Wallace  
1194 Chestnut Avenue**

The applicant has requested a variance from Section 25-2 Subchapter F, Article 2.6 (E) 4 a. and b. of Exceptions to permit gables and dormers to be located in the rear yard (proposed) rather than the side yard (required) of the subject lot in order to erect a 2<sup>nd</sup> story addition to an existing single family residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

**The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED.**

**H-6    C15-2014-0045            Todd Thompson  
2602 La Ronde**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Regulations to decrease the front yard setback from 25 feet to 18 feet in order to maintain a carport in an “SF-2”, Family Residence Zoning District.

**The public hearing was closed on Board Member Melissa Hawthorne motion to Grant as constructed per survey H6/13 with carport roof posts inside the front street set back line, Board Member Fred McGhee second on a 7-0 vote; GRANTED AS CONSTRUCTED PER SURVEY H6/13 WITH CARPORT ROOF POSTS INSIDE THE FRONT STREET SET BACK LINE.**

**H-7    C15-2014-0047            Matthew Powers for John Downes  
1193 ½ San Bernard Street**

The applicant has requested a variance from Section 25-2-774 (C) 2 (a) of Two-Family Residential Use to permit a second dwelling unit to be located in front of the principal structure in order to remodel an existing 1,092 square foot dwelling unit, reducing it to 814 square feet for use as a second dwelling unit, and construct a new principal residential structure 30 feet to the rear of the existing structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

**The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Fred McGhee second on a 7-0 vote; GRANTED.**

**H-8    C15-2014-0050            Austin Stowell for Edward S. Butler  
1190, 1192, 1194, 1196, 1198 Navasota Street**



The applicant has requested a variance from Section 25-2-779 (G) of Small Lot Single- Family Residential Use standards 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 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)

**The public hearing was closed on Board Member Fred McGhee motion to Postpone to May 12, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO MAY 12, 2014.**

**H-9 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.

**POSTPONED TO MAY 12, 2014 REQUEST OF APPLICANT**

**H-10 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.

**POSTPONED TO MAY 12, 2014 REQUEST OF APPLICANT**

**H-11 C15-2014-0054 Lisa Evert  
1600 Newton Street**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Standards 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.

**POSTPONED TO MAY 12, 2014 REQUEST OF APPLICANT**

**H-12 C15-2014-0055 Richard Kooris  
902 West Live Oak Street**

The applicant has requested a variance from Section 25-2-492 (D) of the Site Development Standards 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.

**The public hearing was closed on Board Member Fred McGhee motion to Postpone to May 12, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO MAY 12, 2014.**

**H-13 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 2<sup>nd</sup> 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)

**The public hearing was closed on Board Member Bryan King motion to Postpone to a Special Called Meeting or next Regular Meeting, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO A SPECIAL CALLED MEETING OR NEXT REGULAR MEETING.**

**I. BOARD OF ADJUSTMENT NEW BUSINESS**

**J. 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.

#### **MEETING SUMMARY**

	<b>GRANTED</b>	<b>POSTPONED</b>	<b>WITHDRAWN</b>	<b>DENIED</b>	<b>TOTAL CASES</b>
<b>JANUARY</b>	<b>8</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>20</b>
<b>FEBRUARY</b>	<b>13</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>18</b>
<b>MARCH</b>	<b>6</b>	<b>13</b>	<b>1</b>	<b>1</b>	<b>21</b>
<b>APRIL</b>	<b>15</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>29</b>
<b>Total</b>	<b>42</b>	<b>39</b>	<b>4</b>	<b>3</b>	<b>88</b>