



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

**The Board of Adjustment/Sign Review Board convened in a meeting on July 14, 2014, Town Lake Center, 721 Barton Springs Road Room 130, 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, Vincent Harding, Bryan King, Michael Von Ohlen, Will Schnier (Alternate), Cathy French (SRB)**

**Board Members absent: Ricardo De Camps**

**Staff in Attendance: Leane Heldenfels and Brent Lloyd (COA Attorney)**

**Staff Absent: Diana Ramirez**

**A APPROVAL OF MINUTES**

**A-1 June 9, 2014**

**Board Member Melissa Hawthorne motion to Approve the minutes for June 9, 2014; Board Member Bryan King second on 8-3 (Board members Vincent Harding, Sallie Burchett and Cathy French abstained); APPROVED MINUTES FOR June 9, 2014.**

**B. SIGN REVIEW BOARD RECONSIDERATIONS**

**NO CASES**

**C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS**

**NO CASES**

**D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS**

**D-1 C16-2014-0010 Jim Bennett for Chris Donohoe  
501 East Oltorf Street**

The applicant has requested a variance to Section 25-10-127 (E) Article 7 (Regulations Applicable to Certain Sign Districts) to increase the allowable sign square footage from 35 square feet (required) to 329 square feet (requested) in order to install wall signage in an “MF-6 - NP”, Multi-Family Residence – neighborhood Plan zoning district. (South River City)

**The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Michael Von Ohlen second on a 6-0 vote (Board members Melissa Hawthorne and Will Schnier recused); DENIED.**

#### **E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS**

**NO CASES**

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

**NO CASES**

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

**NO CASES**

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

**H-1 C15-2014-0059 Carolyn Aupperle for Lebarre Family LLC  
3821 & 3823 Westlake Drive**

The applicant has requested a variance to Section 25-2-1173 (D) of the Permit Required for Construction Regulations in Article 13, Docks, Bulkheads and Shoreline Access 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.

**POSTPONED TO AUGUST 11, 2014**

#### **I. BOARD OF ADJUSTMENT RECONSIDERATIONS**

**I-1 C15-2014-0052 Carolyn Aupperle for Manny Farahani  
5221 Tortuga Trail**

The applicants have requested a variance from Section 25-2-1174 (D), Article 13 Docks, Bulkhead, and Shoreline Access (*Structural Requirements*) to permit an existing cut-in boat slip to be filled in and the area re-vegetated in an “LA”, Lake Austin zoning district.

The Land Development Code 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.

**Board Member Michael Von Ohlen motion to Reconsider the request, Board Member Will Schnier second on a 7-0 vote; Granted to reconsider request; the public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Sallie Burchett second on a 5-2 vote (Board Members Bryan King and Vincent Harding nay); DENIED. Board Member Melissa Hawthorne motion to Rescind Denial vote, Re-open the public hearing for additional testimony, Board Member Sallie Burchett second on a 7-0 vote; RESCINDED DENIAL VOTE, RE-OPEN THE PUBLIC HEARING FOR ADDITIONAL TESTIMONY; the public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 6-1 vote (Board member Bryan King nay); GRANTED.**

**I-2      C15-2014-0066      Christine Chun  
57 Anthony Street**

The applicant has requested a variance to Section 25-2-492 (D) (*Site Development Standards*) to reduce the side setback from 5 feet to 1 foot in order to widen an existing carport in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

**NO MOTION TO RECONSIDER – DENIED**

**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 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 Michael Von Ohlen motion to Grant with condition that the special exception inspection report to meet building code requirements, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITION THAT THE SPECIAL EXCEPTION INSPECTION REPORT TO MEET BUILDING CODE REQUIREMENTS.**

**J-2      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 19 feet from the front property line (25 feet required) in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood)

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

**K.      BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS**

**K-1      C15-2014-0089              Richard Hughes for Edward Lewis  
1007 West Milton Street**

The applicant has requested a Special Exception from Section 25-2-476 (Special Exception) in order to maintain an existing carport 4 feet from the side property line (5 feet required) in an “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Bouldin)

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

**K-2      C15-2014-0091              Elena Espinel  
7631 Rockpoint Drive**

The applicant has requested a Special Exception from Section 25-2-476 (*Special Exceptions*) in order to maintain an existing deck 6.5 feet from the rear property line (10 feet required) in an “SF-3”, Family Residence 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.**

**K-3      C15-2014-0094              Peter Squier for Rick and Debbie Mincher  
4503 Small Drive**

The applicant has requested a Special Exception from Section 25-2-476 (Special Exceptions) in order to maintain an existing deck and gazebo 6.5 feet from the rear property line (10 feet required) in an “SF-2”, Family Residence zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that the special exception inspection report to meet Building Code requirements, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITION THAT THE SPECIAL EXCEPTION INSPECTION REPORT TO MEET BUILDING CODE REQUIREMENTS.**

**K-4      C15-2014-0097              Martha Davies**

## **900 Jewell Street**

The applicant has requested a Special Exception from Section 25-2-476 (Special Exceptions) in order to maintain a shed 1 foot from the rear property line (5 feet required) in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**The public hearing was closed on Board Member Bryan King motion to Postpone to August 11, 2014, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO AUGUST 11, 2014.**

### **L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS**

#### **L-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)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 11, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO AUGUST 11, 2014.**

#### **L-2 C15-2014-0050 Austin Stowell for Edward S. Butler 1190 and 1192 Navasota Street**

The applicant has requested a variance: from Section 25-2-779 (G) to decrease the rear through lot setback from 15 feet to 10 feet on the Waller Street property line of each lot; and from Section 25-2-779 (I) to decrease one of the interior side yard setbacks from 3.5 feet to 1 foot on each lot in order to construct a single family home and AC unit on each lot in a CS-MU-CO-NP Commercial Services - Mixed Use - Conditional Overlay - Neighborhood Plan zoning district. (Central East Austin)

**The public hearing was closed on Board Member Will Schnier motion to Grant with conditions that the Air Condition unit is permitted on the side yard setback, and 1 unit meets 80% of MFI threshold, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITIONS THAT THE AIR CONDITION UNIT IS PERMITTED ON THE SIDE YARD SETBACK AND 1 UNIT MEETS 80% OF MFI THRESHOLD.**

#### **L-3 C15-2014-0054 Lisa Evert 1600 Newton Street**

**WITHDRAWN**

**POSTPONED TO AUGUST 11, 2014**

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.

**POSTPONED TO AUGUST 11, 2014**

**L-6     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)

**The public hearing was closed on Board Member Will Schnier motion to Postpone to August 11, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO AUGUST 11, 2014.**

**L-7     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 19.9 feet (existing); and decrease the side setback from 5 feet (required) to 4.4 feet (existing); and decrease the street side setback from 15 (required) feet to 9.8 feet (existing); in order to expand the footprint of an existing residential structure and retain an existing shed in an “SF-3-NP”, Family Residence zoning district. (Bouldin) 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)

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



**L-8    C15-2014-0076            Tracy Allison for Sidney Mourning  
1806 West 29<sup>th</sup> 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)

**POSTPONED TO August 11, 2014**

**L-9    C15-2014-0082            Wesley Haynie for Fairis Denise 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)

**The public hearing was closed on Board Member Bryan King motion to Grant only to decrease the minimum lot size and to decrease minimum lot width with condition to consult with arborist, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED ONLY TO DECREASE THE MINIMUM LOT SIZE AND TO DECREASE MINIMUM LOT WIDTH WITH CONDITION TO CONSULT WITH ARBORIST.**

**L-10   C15-2014-0084            Ken Johnson for Clay & Mollie Duckworth  
919 West 29<sup>th</sup> 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 9 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)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 11, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO AUGUST 11, 2014.**

**M.    BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS**

**M-1    C15-2014-0086            Linda Johnston for Theodore Siff  
604 West 11<sup>th</sup> Street**



Section 25-2, Subchapter F. 2.4 (*Rear Yard Setback*) to decrease the minimum rear setback from 5 feet (required) to 2 feet (existing); and to Section 25-2-774 (C) (6) (*Two-family Residential Use*) to increase the maximum height from 2 stories (required) to 3 stories (existing); and to Section 25-2-774 (C) (7) (a) (*Two-family Residential Use*) to increase the maximum square footage from 850 square feet (required) to 1030 square feet (existing); in order to maintain and existing structure formerly used as an office space to be used as a secondary apartment in an “DMU-H”, Downtown Mixed Use – Historic zoning district.

**POSTPONED TO AUGUST 11, 2014**

**M-2 C15-2014-0087 Jim Bennett for Dagmar Grieder  
518 East Live Oak Street**

The applicant has requested a variances from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum side setback on one side of the lot from 5 feet (required) to 4.2 feet (existing) in order to add a 2nd story addition to an existing structure in an “SF-3-NP”, Single Family Residence, Neighborhood Plan zoning district. (South River City)

**The public hearing was closed on Board Member Bryan King motion to Grant with conditions limited to buildable area per drawing (A.1.1) M2/10 and no short term rental Type 2, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITIONS LIMITED TO BUILDABLE AREA PER DRAWING (A.1.1) M2/10 AND NO SHORT TERM RENTAL-TYPE 2.**

**M-3 C15-2014-0088 Jim Bennett for Scott McNearney  
1001 South 3<sup>rd</sup> Street**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum front setback from 25 feet (required) to 0 feet (requested) in order to construct a carport and covered walkway in an “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Bouldin Creek)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that the carport remain open on three sides, Board Member Melissa Hawthorne second on a 6-1 vote (Board member Will Schnier nay); GRANTED WITH CONDITION THAT THE CARPORT REMAIN OPEN ON ALL THREE SIDES.**

**M-4 C15-2014-0090 Matt Fajkus for Sabrina Bradley  
1900 Weset 40<sup>th</sup> Street**

The applicant has requested a variance to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum street side yard setback from 15 feet (required) to 10 feet (requested) in order to expand the existing structure in an “SF-3”, Family Residence zoning district.

**The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to August 11, 2014, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO AUGUST 11, 2014.**

**M-5    C15-2014-0092            Paul Balmuth for Mary Murchison  
1302 Lorrain Street**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Regulations*) to decrease the minimum rear yard setback from 10 feet (required) to 3 feet 6 inches (requested) in order to expand an existing residential structure and rear stoop in an “MF-3-NP”, Multi-family - Neighborhood Plan zoning district. (Old West Austin)

**The public hearing was closed on Board Member Bryan King motion to Grant with condition that the stoop will remain uncovered, Board Member Melissa Hawthorne second on a 7-0 vote; GRANTED WITH CONDITION THAT THE STOOP WILL REMAIN UNCOVERED.**

**M-6    C15-2014-0093            Michael Padavic  
900 South 1<sup>st</sup> Street**

The applicant has requested variance(s) from: Section 25-2-1063 (B) (*Height Limitations and Setbacks for Large Sites*) of Article 10, Compatibility Standards to decrease the distance that a structure can be constructed from property on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 5 feet (requested); and from Section 25-2-1063 (C) (*Height Limitations and Setbacks for Large Sites*) of Article 10, Compatibility Standards to increase the maximum height limitation to four stories and 45 feet (requested) in order to construct a multi-family use and parking in an “GR-MU-V-CO-NP”, Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan zoning district. (Bouldin Creek) The Land Development Code states, (B) In this section, the term “structure” excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property: (1) in an urban family residence (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; and (C) 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; or (2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet 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; (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

**POSTPONED TO AUGUST 11, 2014**

**M-7    C15-2014-0095            Holly Ratcliffe  
2101 East 9<sup>th</sup> Street**

The applicant has requested variances to Section 25-2-492 (D) (*Site Development Regulations*) to: decrease the minimum side setback from 5 feet (required) to 3 feet (requested); and decrease the minimum street side setback from 15 feet (required) to 0 feet (requested) in order to maintain a deck and carport in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin). The Land Development Code states that uncovered steps or a porch or stoop that is not more than three feet above ground level may project three feet into a required yard.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 11, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; POSTPONED TO AUGUST 11, 2014.**

**N. BOARD OF ADJUSTMENT NEW BUSINESS**

**N-1** Possible recommendations to City Clerk’s Office, City Staff or City Council regarding Transition Taskforce Report

**O. ADJOURNMENT – APPROXIMATELY 10:15 PM**

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.

**MEETING SUMMARY2014**

	GRANTED	POSTPONED	WITHDRAWN/ CANCELLED	DENIED	TOTAL CASES
<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>MAY</b>	<b>10</b>	<b>18</b>	<b>2</b>	<b>3</b>	<b>33</b>
<b>JUNE</b>	<b>8</b>	<b>14</b>	<b>3</b>	<b>5</b>	<b>30</b>
<b>JULY</b>	<b>11</b>	<b>13</b>	<b>1</b>	<b>2</b>	<b>27</b>
<b>Total</b>	<b>71</b>	<b>84</b>	<b>10</b>	<b>13</b>	<b>178</b>