



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
MEETING MINUTES
(August 11, 2014)**

The Board of Adjustment/Sign Review Board convened in a meeting on August 11, 2014, Town Lake Center, 721 Barton Springs Road Room 130, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 5:30 p.m.

Board Members in Attendance: Jeff Jack (Chair), Sallie Burchett, Ricardo De Camps, Vincent Harding, Bryan King, Michael Von Ohlen, Will Schnier and Stuart Hampton (Alternates), Cathy French (SRB)

Board Members absent: Melissa Hawthorne (Vice Chair), Cathy French (partial absent)

Staff in Attendance: Leane Heldenfels, Diana Ramirez and Brent Lloyd (COA Attorney)

A APPROVAL OF MINUTES

A-1 July 14, 2014

Board Member Bryan King motion to Approve the minutes for July 14, 2014; Board Member Sallie Burchett second on 6-0-2 (Board members Ricardo De Camps abstained, Stuart Hampton abstained); APPROVED MINUTES FOR July 14, 2014.

B. SIGN REVIEW BOARD RECONSIDERATIONS

**B-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 150 square feet (requested) in order to retain 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 Reconsideration Request, Board Member Cathy French second on a 5-1-1 vote (Board Members Jeff Jack Nay, Ricardo De Camps Recused, Vincent Harding Abstained); DENIED RECONSIDERATION REQUEST.

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NO CASES

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**D-1 C16-2013-0017 Nikelle Meade for 35 Austin Partners, Ltd.
6406 IH 35 North**

The applicant has requested variance(s) to: Section 25-10-101 (C) (1) (*Signs Allowed in All Sign Districts Without an Installation Permit*) to increase the number of freestanding or wall signs allowed per curb cut from 1 (required) to 2 (requested); and Section 25-10-101 (C) (2) (*Signs Allowed in All Sign Districts Without an Installation Permit*) to increase the maximum sign area from 12 feet (required) to 15 feet (requested); and Section 25-10-101 (C) (3) (a) (*Signs Allowed in All Sign Districts Without an Installation Permit*) to increase the maximum height of a freestanding sign from 4 feet above grade (required) to 8 feet above grade (requested); and Section 25-10-123 (*Expressway Corridor Sign District Regulations*) to allow projected and suspended signs up to 4.5 square feet for each tenant storefront; and Section 25-10-123 (B) (1) (*Expressway Corridor Sign District Regulations*) to increase the maximum number of freestanding signs on a lot from 3 (required) to 8 (requested); and to Section 25-10-123 (B) (2) (*Expressway Corridor Sign District Regulations*) to increase the maximum sign area from the lesser of 300 square feet or .7 square feet for each linear foot of street frontage (required) to 600 square feet (requested); and Section 25-10-123 (B) (3) (*Expressway Corridor Sign District Regulations*) to increase the maximum sign height from 35 feet (required) to 80 feet (requested); and Section 25-10-123 (F) (*Expressway Corridor Sign District Regulations*) to increase the total sign area allowed from 20% of the façade area of the first 15 feet of the building (required) to the greater of either 25% of the façade area of the first 15 feet of the building or 30% of the total area of a storefront (requested); and Section 25-10-131 (E) (*Additional Freestanding Signs Permitted*) to waive the requirement that the space within a unified development to which this section applies must be a pad site so long as the space to which the waiver is applied is at least 6,400 square feet; and Section 25-10-132 (C) (*Roof Sign Instead of Freestanding Sign*) to increase the height of a roof sign from the lesser of either 5 feet above the building façade or 5 feet above the maximum height permitted for a freestanding sign (required) to the lesser of either 8 feet above the building façade or 8 feet above the maximum height permitted for a freestanding sign (requested) in order to erect new signage in a “CS-1-CO-NP”, Commercial Liquor Sales – Conditional Overlay – Neighborhood Plan and “CS-NP”, Commercial Services – Neighborhood Plan zoning district. (St. John)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 8-0 vote; POSTPONED TO September 8, 2014.

**D-2 C16-2014-0011 Bob Strobeck for Tyler Dutton
11714 Wilson Park Avenue**

The applicant has requested variance from Section 25-10-124 (B) in order to erect a second freestanding sign within a Scenic Roadway Sign District in a “GR-CO”, Community Commercial – Conditional Overlay zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny variance request, Board Member Sallie Burchett second on a 7-0 vote; DENIED VARIANCE REQUEST.

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 SEPTEMBER 8, 2014

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

NO CASES

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**J-1 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 .9 feet 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 Michael Von Ohlen motion to Grant, Board Member Will Schnier second on a 7-0 vote; GRANTED.

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

NO CASES**

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 wall with a 9 foot arch along the Garwood 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 Grant, Board Member Ricardo De Camps second on a 7-0 vote; GRANTED.

**L-2 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)

The public hearing was closed on Board Member Bryan King motion to Grant with conditions to have access easement off Canterbury added and plat recorded, Board Member Michael Von Ohlen second on a 7-0 vote; GRANTED WITH CONDITIONS TO HAVE EASEMENT ACCESS OFF CANTERBURY ADDED AND PLAT RECORDED.

**L-3 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.

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

**L-4 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 Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014.

**L-5 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)

WITHDRAWN BY APPLICANT

**L-6 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 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 Grant with condition cannot be used as short term rental (STR) or stealth dorm, Board Member Will Schnier second on a 6-1 vote (Board Member Bryan King nay); GRANTED WITH CONDITION CANNOT BE USED AS SHORT TERM RENTAL (STR) OR STEALTH DORM.

**L-7 C15-2014-0086 Linda Johnston for Theodore Siff
604 West 11th 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.

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

**L-8 C15-2014-0090 Matt Fajkus for Sabrina Bradley
1900 West 40th Street**

The applicant has requested a variance to Section 25-2-779 (I) (*Small Lot Single Family Use*) to decrease the side setback from 3 ½ feet to 2 feet in order to maintain a carport and storage shed in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Montopolis) The Land Development Code states that the minimum interior side yard setback is three and one-half feet, except: (1) an interior side yard setback is not required if the interior side yard is adjacent to property zoned SF-4A; and (2) the combined width of the interior side yards of a lot may not be less than seven feet.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014.

**M-2 C15-2014-0099 Christy Seals for James Randle
2400 Spring Creek Drive**

The applicant has requested variance from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum street side yard from 15 feet (required) to 12 feet (existing) in order to add a 2nd story to an existing garage in an “SF-3”, Family Residence zoning district.

The public hearing was closed on Board Member Ricardo De Camps motion to Grant with condition cannot be used as short term rental (STR), Board Member Bryan King second on a 7-0 vote; GRANTED WITH CONDITION CANNOT BE USED AS SHORT TERM RENTAL (STR).

**M-3 C15-2014-0100 Kasi Painter for Spencer Gibb
4905 Avenue G**

The applicant has requested a variance from Section 25-2-899 (*Fences as Accessory Uses*) and from NCCD-NP Ordinance 20050818-064, Part 6. General Provisions, 4. (*Fences*) to increase the maximum height from 7 feet while maintaining an average of 6 feet and 4 feet (required, respectively) to 6 feet 6 inches (requested) and increase the solid material ratio of from 1 to 1.5 (required) to a ratio of 1 to 1 or solid (requested) in order to maintain a solid wood fence in the front yard setback in a “SF-3-NP-NCCD”, Family Residence – Neighborhood Plan – Neighborhood Conservation Combining District zoning district.

The Hyde Park NCCD-NP states a fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014.

**M-4 C15-2014-0102 Chris Kobitz
410 East Annie**

The applicant has requested a variance to Section 25-2-774 (7) (b) (*Two-Family Residential Use*) to increase the maximum size of a second story from 550 square feet (required) to 621 square

feet (requested) in order to remodel the upper level of an existing garage storage space in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014.

**M-5 C15-2014-0104 Kieran Purcell for Lynn Holland
3404 Rivercrest Drive**

The applicant has requested variance(s) from Section 25-2-899 (Fences as Accessory Uses) to increase the average height of 6 feet, maximum height from 7 feet (required) to maximum height of 10 feet 8 inches (requested) in order to maintain a privacy fence in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014.

**M-6 C15-2014-0105 Damian Englehart for David Paratore
8601 Bell Mountain**

The applicant has requested variance(s) from Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed an average height of 6 feet or a maximum height of 7 feet in order to maintain a fence that ranges from between 6 feet to 12 feet in height in a “RR”, Rural Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Deny variance request, Board Member Vincent Harding second on a 5-1-1 vote (Board members Will Schnier nay, Michael Von Ohlen recused,); DENIED.

**M-7 C15-2014-0106 Nora Martinez for Ismael Martinez
10033 Childress Drive**

The applicant has requested a variance(s) from: Section 25-2-492 (D) (*Site Regulations*) to decrease the minimum front yard setback from 25 feet (required) to 0 feet (requested); and from Section 25-2-1604 (C) (1) to permit a parking structure to be closer to the front lot line than the building façade in order to maintain a carport in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Hills)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014.

**M-8 C15-2014-0108 Lex Zwarun
2100 East 14th Street**

The applicant has requested variance(s) from Section 25-2-774 (B) (7) (a) (*Two-Family Residential Use*) to increase the maximum size of a second dwelling unit from 850 square feet (required) to 1,650 square feet (requested) in order to add a second dwelling unit in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut)

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to September 8, 2014, Board Member Bryan King second on a 7-0 vote; POSTPONED TO September 8, 2014.

**M-9 C15-2014-0109 Carolyn Aupperle for NJG 56 LLC
4408 Rivercrest Drive**

The applicant has requested variance(s) from Section 25-2- 492 (D) (*Site Development Regulations*) to decrease the minimum side yard setback from 10 feet (required) to 5 feet (requested) in order to build a boat dock in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Sallie Burchett motion to Grant with condition cannot be used as residential, Board Member Will Schnier second on a 7-0 vote; GRANTED WITH CONDITION CANNOT BE USED AS RESIDENTIAL.

**M-10 C15-2014-0110 Carolyn Aupperle for NJG 56 LLC
4406 Rivercrest Drive**

The applicant has requested variance(s) from Section 25-2- 492 (D) (*Site Development Regulations*) to decrease the minimum side yard setback from 10 feet (required) to 5 feet (requested) in order to build a boat dock in an “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Sallie Burchett motion to Grant with condition cannot be used as residential, Board Member Will Schnier second on a 7-0 vote; GRANTED WITH CONDITION CANNOT BE USED AS RESIDENTIAL.

**M-11 C15-2014-0111 Phyllis Patek
3801 Island Way**

The applicant has requested variance(s) from Section 25-2-551 (C) (3) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35% (required) to 97% (requested) in order to remodel an existing structure, add an attached guest house and pool and change the use from duplex to single family in a “LA”, Lake Austin zoning district.

POSTPONED TO September 8, 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

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.