



BOARD OF ADJUSTMENT/SIGN REVIEW BOARD

December 8, 2014

5:30pm

CITY COUNCIL CHAMBERS

301 WEST 2ND STREET

AUSTIN, TEXAS

___ Jeff Jack (Chair)
___ Melissa Hawthorne (Vice Chair)
___ Vincent Harding
___ 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.

EXECUTIVE SESSION (No public discussion)

The Board of Adjustment/Sign Review Board will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Board of Adjustment/Sign Review Board may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

A APPROVAL OF MINUTES

A-1 November 10, 2014

A-2 December 1, 2014 (Special Called meeting)

B. SIGN REVIEW BOARD RECONSIDERATIONS POSTPONEMENT

**B-1 C16-2014-0012 Wes Mendell for Lou Gambertoglio
605 Davis Street**

The applicant has requested a variance to Section 25-10-129 (F) (Downtown Sign District Regulations) to increase the allowable wall signage from 603 square feet (required) to 1,057.5 square feet (requested) in order to add wall signage to a building in a “CBD”, Central Business District zoning district.

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

**C-1 C16-2014-0014 Matthew Satter for Josiah Starnfeld
504 West 38th Street**

The applicant has requested variance(s):

A. Section 25-10-127 (B) (1) (*Multifamily Residential Sign District Regulations*) to increase the height for one freestanding sign from 6 feet (required) to 12 feet (requested) and;

B. Section 25-10-191 (F) (*Sign Setback Requirements*) decrease the distance a sign can be located from the right of way from 12 feet (required) to 2 feet (requested);

in order to add a freestanding sign to a site in a “NO-V-NCCD-NP”, Neighborhood Office – Vertical Mixed Use Building – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

WITHDRAWN BY APPLICANT

**C-2 C16-2014-0015 Maggie Star and Sara Evans
3508 South Lamar Blvd.**

The applicant has requested a variance to Section 25-10-130 (F) (2) (c) (*Commercial Sign District Regulations*) to increase the maximum sign area for a freestanding multi-tenant sign from 250 square feet (required) to 301 square feet (requested, 278 square feet existing) in order to add an additional tenant sign in a “CS” General Commercial Services zoning district.

WITHDRAWN BY APPLICANT

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NO CASES

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NO CASES

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

**F-1 C15-2014-0174 Gardner Summer, Zilker Neighborhood Association
2015 Goodrich Avenue**

The applicant has requested the Board of Adjustment to interpret whether staff erred in issuing a building permit at 2015 Goodrich Avenue because:

A. per Section 25-2-496 (D) (Site Development Regulations) the actual lot size is in question; and

B. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3.the plans for the first and second floor appear to be drawn to the outer edge of the wood framing and not the outside surface of the exterior walls; and

C. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 3. Porches, basements and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

C. A habitable portion of an attic, if: 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater; 2. It is fully contained within the roof structure; 3. It has only one floor; 4. It does not extend beyond the footprint of the floors below; 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and 6. Fifty percent or more of the area has a ceiling height of seven feet or less. The applicant asserts that the building permit plans for construction show:

1. The dormers are not fully contained within the roof structure contrary to requirement #2; and
2. The dormers add additional mass to the structure contrary to requirement #5; and
3. The third floor deck (called a “roof deck” in the habitable attic plans) is accessible from the “habitable attic”, which while the deck itself would not be subject to McMansion FAR, the fact that it exists supports the contention that the habitable attic is actually a third floor rather than a fully contained attic; and

D. per Section 25-2-496 (D) (Site Development Regulations) the application has differing methods of calculating impervious cover for the lot in the plans submitted and approved for a permit to construct a single family home in an “SF-3”, Family Residence zoning district.

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NO CASES

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

**H-1 C15-2014-0112 Holly Kincannon
3102 Lafayette**

The applicant requested and was approved for variance(s) with conditions to:

A. Section 25-2-1463 (C) (5) (*Secondary Apartment Regulations*) to decrease the driveway requirement from 1 drive (required) to 0 drive (requested, existing); and;

B. Section 25-6-593 (C) (*Provisions for Property in the Central Urban Redevelopment (CURE) Combining District Area*) of Article 7, Off-street parking and Loading to decrease the parking space requirement from 80% of the parking spaces required by Appendix A, 3 spaces (required) to 2 spaces (requested, existing) in order to erect a second dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek);

C. Reconsideration Variance Request: The applicant has requested removal of conditions of prior approval and a variance to Section 25-2-1463 (C) (5) (*Secondary Apartment Regulations*)

to increase the driveway width from 9' minimum and not more than 12' (required) to 18 feet (requested) in order to erect a second dwelling unit which can be rented in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek).

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

NO CASES

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**J-1 C15-2014-0155 Jose Benitez for Maribel Arce
6405 Virgo Lane**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 0 feet (requested) in order to maintain a carport in a "SF-2", Family Residence zoning district.

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2014-0159 Elizabeth Purcell
2224 Parkway**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 0 feet (requested) in order to maintain an existing deck constructed more than 10 years ago in an "SF-3", Family Residence Zoning District.

**K-2 C15-2014-0164 Ruperto and Griselda Estrada
7029 Craybrough Circle**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (*Site Development Regulations*) to:

- A. decrease the side yard setback from 5 feet (required) to 0 feet (requested); and
 - B. decrease the front yard setback from 25 feet (required) to 11 feet (requested)
- in order to maintain a carport constructed more than 10 years ago in an "SF-2", Family Residence Zoning District.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 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*):

A. 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;

B. to 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.

**L-2 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)

WITHDRAWN BY APPLICANT

**L-3 C15-2014-0111 Phyllis Patek
3801 Island Way**

The applicant has requested variance from Section 25-2-551 (D) (3) to increase the maximum impervious cover on a slope with a gradient of 15% or less from 35% (required) to 97% (requested) in order to remodel an existing structure and attached guest house, drive, and walkways that account for 86% impervious cover on the site; add a pool; and change the use from duplex to single family in a “LA”, Lake Austin zoning district.

**L-4 C15-2004-0139 Bruce Aupperle for David and Rona Baizer
1904 Scenic Drive**

The applicant has requested a variance(s) to:

A. Section 25-2-1176 (A) (1) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) to permit a dock to not extend greater than 30 feet from shoreline (required) to 66 feet from shoreline (requested); and to;

B. Section 25-2-1176 (A) (3) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) to decrease the distance a dock may be constructed from not closer than 10 feet to the side property line (required) to 0 feet from the side property line (requested); and to

C. Section 25-2-1176 (A) (4) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) to increase the allowable width of a dock, including all access and appurtenances, from 14 feet if the shoreline width is no greater than 70 feet (required) to 14 feet plus 5 feet for concrete pier (requested, existing)

in order to reconstruct a boat dock on a 50.89 foot lot in an “LA”, Lake Austin zoning district.

WITHDRAWN BY APPLICANT

L-5 C15-2014-0151 Vick Faust for Kimberly Cavendish

1414 Eva Street

The applicant has requested a variance from Section 25-2-782 (I) to decrease the distance of a bed and breakfast from another bed and breakfast from 1,000 feet (required) to 941 feet (requested) in order to establish a Bed and Breakfast in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**L-6 C15-2014-0154 Jim Herbert for Donald D Williams
95 Navasota Street**

The applicant has requested a variance from Section 25-6-593 (C) (*Provisions for Property in the Central Urban Redevelopment (CURE) Combining District Area*) of Article 7, Off-street parking and Loading to decrease the parking space requirement from 80% of the parking spaces required by Appendix A, 6 spaces (required) to 1 handicapped size space (requested) in order to remodel an existing 1,920 square foot automotive shop to become a professional office in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (East Cesar Chavez)

WITHDRAWN BY APPLICANT

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-0 C15-2014-0157 Cesar Perez
8806 Glenn Lane**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum street side setback from 15 feet (required) to 9 feet (requested) in order to construct 6 foot wide, 30 foot long porch and covered walkway open on 3 sides in an “SF-3-NP”, Family Residence zoning district. (Georgian Acres)

**M-1 C15-2014-0159 Elizabeth Purcell
2224 Parkway**

The applicant has requested a variance(s) from:

A. Section 25-2, Subchapter F. Residential Design and Compatibility Standards, Article 2 (Development Standards) Section 2.1 (Maximum Development Permitted) to increase the maximum amount of development permitted on a property from the greater of 0.4 to 1.0 floor-to-area ratio (required) to 0.46 to 1.0 floor-to-area ratio (requested); and

B. Section 25-2-492 (D) (*Site Development Regulations*) to decrease the rear setback from 10 feet (required) to 0 feet (requested); and

C. to decrease the side street setback from 15 feet (required) to 0 feet (requested)

in order to remodel a single family home in a “SF-3”, Family Residence zoning district.

**M-2 C15-2014-0161 John D. Sosa
2000 Trede Drive**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the side street yard setback from 15 feet (required) to 0 feet (requested); and
 - B. decrease the rear yard setback from 10 feet (required) to 1 foot (requested)
- in order to maintain a shed in a “SF-3”, Family Residence zoning district.

**M-3 C15-2014-0162 Jim Bennett for William Reid
1301 West 29th Street**

The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum impervious cover from 45% (required) to 50.15% (requested) in order to maintain existing single family home, drive and landscape components in an “SF-3-H-NP”, Family Residence – Historic – Neighborhood Plan zoning district. (Windsor Road)

**M-4 C15-2014-0163 Steve Smith for Amanda Ferrier
1303 East 2nd Street**

The applicant has requested a variance from Section 25-2, Subchapter F. Residential Design and Compatibility Standards, Article 2 (*Development Standards*) Section 2.1 (*Maximum Development Permitted*) to increase the maximum amount of development permitted on a property from the greater of 0.4 to 1.0 floor-to-area ratio (required) to .49 to 1.0 floor-to-area ratio (requested) in order to add a 2nd story to the existing single family structure in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (East Cesar Chavez)

**M-5 C15-2014-0166 Juanita Marie Atkins
6914 Shannon Drive**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum front setback from 25 feet (required) to 5 feet (requested); and
 - B. decrease the side setback from 5 feet (required) to 0 feet (requested)
- in order to maintain a carport and shed added to the lot after 2005 in a “SF-2”, Family Residence zoning district.

**M-6 C15-2014-0167 Andrew Hutton
5010 Strass Drive**

The applicant has requested a variance from Section 25-2-893 (B) (7) (Accessory uses for a Principal Residential Use) to allow storage of a recreational vehicle on the property that is not located within an enclosed building or is not screened from public view by either a solid wood or masonry fence in an “SF-2”, Family Residence zoning district.

**M-7 C15-2014-0168 Adrian Young
3216 Lafayette Avenue**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the side street yard setback from 15 feet (required) to 0 feet (requested) in order to retain a recently constructed carport in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek)

**M-8 C15-2014-0169 Ginger Mitchell and John Mitchell
8616 Big View Drive**

The applicant has requested a variance from Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) (A) (3) to decrease the distance a dock may be constructed from the side property line from 10 feet (required) to 0 feet (requested) in order to construct a boat dock in an “LA”, Lake Austin zoning district.

**M-9 C15-2014-0170 Jeffrey Howard for Daughters of Charity Ministries Inc. and
St. Andrew’s Episcopal School
32nd Street and Wabash**

The applicant has requested a variance(s) from Section 25-2-832 (*Private Schools*) (1), of Division 3 – Civic Uses to decrease the minimum paved width of a street that the site must be located on from at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet (required) to 22 feet on Wabash Street and from 31 to 36 feet on W. 32nd Street (requested) in order to construct a kindergarten facility in a “MF-2-NP”, Multi-Family – Neighborhood Plan zoning district. (Windsor Road)

**M-10 C15-2014-0171 Gregory Millard
1604 West Lane**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the front yard setback from 40 feet (required) to 15 feet (requested) and;
 - B. decrease minimum lot width from 100 feet (required) to 40 feet (requested)
- in order to construct a single family home in a “LA”, Lake Austin zoning district.

**M-11 C15-2014-0172 Jeremy Anderson
1504 and 1506 East Lane**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the front yard setback from 40 feet (required) to 15 feet (requested); and
 - B. decrease the minimum lot width from 100 feet (required) to 85 feet (requested); and
 - C. decrease the minimum side yard setback from 10 feet (required) to 5 feet (requested); and
 - D. decrease the minimum rear yard setback from 20 feet (required) to 10 feet (requested)
- in order to construct a single family home at 1504 East Lane (Lot 26) in a “LA”, Lake Austin zoning district.
- E. The applicant has requested a variance from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 15 feet (requested) in

order to construct a single family home at 1506 East Lane (Lot 27) in a “SF-2”, Family Residence zoning district.

O. BOARD OF ADJUSTMENT NEW BUSINESS

P. 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.

Agenda Revised on 11-2-2014