



BOARD OF ADJUSTMENT/SIGN REVIEW BOARD

January 12, 2015

5:30pm

CITY COUNCIL CHAMBERS

301 WEST 2ND STREET

AUSTIN, TEXAS

___ Jeff Jack (Chair)	
___ Melissa Hawthorne (Vice Chair)	___ Cathy French (SRB only)
___ Vincent Harding	___ Will Schnier (Alternate)
___ Sallie Burchett	___ Stuart Hampton (Alternate)
___ Michael Von Ohlen	
___ Bryan King	
___ Ricardo De Camps	

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 December 8, 2014

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

D-1 C16-2015-0001 Tracy Bedwell for Perry Phillips 9665 Highway 290 East

The applicant has requested a variance to Section 25-10-123 (B) (3) (a) (*Expressway Corridor Sign District Regulations*) to increase the maximum height of a freestanding sign from 35 feet (required) to 50 feet (requested) in order to add a sign within the City's 2 mile ETJ (Extra Territorial Jurisdiction).

D-2 C16-2015-0002 Michael Hunter for North Austin Medical Center 12221 North Mopac Expressway

The applicant has requested a variance(s) to:

A.1. for sign 11, Section 25-10-124 (B) (1) (b) (*Scenic Roadway Sign District Regulations*) to increase the maximum area of a freestanding sign from 64 feet (required) to 90 feet (requested); and to

A.2. for sign 11, Section 25-10-124 (F) (*Scenic Roadway Sign District Regulations*) to permit internal lighting of sign; and to

A.3. for sign 11, Section 25-10-124 (G) (*Scenic Roadway Sign District Regulations*) to permit signs to be less than 12 feet from street right-of-way (required) to 11 feet from street right-of-way (requested); and to

A.4. for sign 11, Section 25-10-191 (F) (*Setback and Structural Requirements*) a sign within 12 feet of street right-of-way must have either: 1) a height of not more than 30 inches; or 2) a clearance of nine feet (required) to 11 feet from street right-of-way, height of 77 inches and clearance of 7 inches (requested); and to

A.5. for sign 11, Section 25-10-23 (B)(7)(*Hazardous Signs Described and Prohibited*) a person may not install, maintain or use a sign that has less than 9 feet of clearance and is located within a triangle formed by connecting the intersection point of two streets and the points 45 feet from the intersection point on the street frontage property line of each intersecting street (required) to 7 inches clearance and located within a triangle formed by connecting the intersection points 26 ft from the street frontage property line (requested); and to

B.1. for sign 21, Section 25-10-124 (F) (*Scenic Roadway Sign District Regulations*) to permit internal lighting of sign; and to

B.2. for sign 21, Section 25-10-124 (G) (*Scenic Roadway Sign District Regulations*) to permit signs to be less than 12 feet from street right-of-way (required) to 9 feet 9 inches from street right-of-way (requested); and to

B.3. for sign 21, Section 25-10-191 (F) (*Setback and Structural Requirements*) a sign within 12 feet of street right-of-way must have either: 1) a height of not more than 30 inches; or 2) a clearance of nine feet (required) to 9 feet 9 inches from street right-of-way, height of 81 inches and clearance of 1 foot (requested); and to

B.4. for sign 21, Section 25-10-23 (B)(7)(*Hazardous Signs Described and Prohibited*) a person may not install, maintain or use a sign that has less than 9 feet of clearance and is located within a triangle formed by connecting the intersection point of two streets and the points 45 feet from

the intersection point on the street frontage property line of each intersecting street (required) to 7 inches clearance and located within a triangle formed by connecting the intersection points 19 ft 9 inches from the street frontage property line (requested); and to

C.1. for sign 24, Section 25-10-124 (F) (*Scenic Roadway Sign District Regulations*) to permit internal lighting of sign; and to

C.2. for sign 24, Section 25-10-124 (G) (*Scenic Roadway Sign District Regulations*) to permit signs to be less than 12 feet from street right-of-way (required) to 9 feet from street right-of-way (requested); and to

C.3. for sign 24, Section 25-10-191 (F) (*Setback and Structural Requirements*) a sign within 12 feet of street right-of-way must have either: 1) a height of not more than 30 inches; or 2) a clearance of nine feet (required) to 9 feet from street right-of-way, height of 120 inches and clearance of 3 inches(requested); and to

C.4. for sign 24, Section 25-10-23 (B)(7)(*Hazardous Signs Described and Prohibited*) a person may not install, maintain or use a sign that has less than 9 feet of clearance and is located within a triangle formed by connecting the intersection point of two streets and the points 45 feet from the intersection point on the street frontage property line of each intersecting street (required) to 3 inches clearance and located within a triangle formed by connecting the intersection points 19 ft from the street frontage property line (requested) and to

D.1. for sign 26, Section 25-10-124 (F) (*Scenic Roadway Sign District Regulations*) to permit internal lighting of sign; and to

D.2. for sign 26, Section 25-10-124 (G) (*Scenic Roadway Sign District Regulations*) to permit signs to be less than 12 feet from street right-of-way (required) to 0 feet from street right-of-way (requested); and to

D.3. for sign 26, Section 25-10-191 (F) (*Setback and Structural Requirements*) a sign within 12 feet of street right-of-way must have either: 1) a height of not more than 30 inches; or 2) a clearance of nine feet (required) to 0 feet from street right-of-way, height of 126 inches and clearance of 14 inches (requested); and to

D.4. for sign 26, Section 25-10-23 (B)(7)(*Hazardous Signs Described and Prohibited*) a person may not install, maintain or use a sign that has less than 9 feet of clearance and is located within a triangle formed by connecting the intersection point of two streets and the points 45 feet from the intersection point on the street frontage property line of each intersecting street (required)) to 14 inches clearance and located within a triangle formed by connecting the intersection points 26 ft from the street frontage property line (requested); and to

E. for signs 11, 21, 24, and 26, Section 25-10-124 (B) (*Scenic Roadway Sign District Regulations*) 1 freestanding sign is permitted on a lot (required) to replace 4 existing signs, retain 5 other freestanding signs - a total of 9 freestanding signs on the lot (requested)

in order to replace signs at same location as existing signs within this property in a Scenic Roadway District within a “PUD”, Planned Unit Development zoning district.

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

E-1 C15-2014-0158 Katherine Loayza for Todd Pearah 7501 North Lamar Blvd.

The applicant has filed an appeal challenging the Planning and Development Review Department's Land Use Determination regarding legal, nonconforming status of the use at this site in a "TOD-NP", Transit Oriented Development – Neighborhood Plan zoning district. (Brentwood/Highland Combined)

E-2 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.

APPLICANT HAS WITHDRAWN CASE

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

NONE

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

**G-1 C15-2015-0011 Darrell C. Parker for David King
904 Jessie Street**

The applicant has requested the Board of Adjustment to interpret whether staff erred in issuing a building permit at 904 Jessie Street because:

A. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, the plans submitted do not appear to be drawn to the outer edge of the wood framing; and

B. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 2. A.3., the plans submitted measure the full length of the entire carport which is not needed in calculating the north side opening; and

C. per Section 25-2, Subchapter F, (Residential Design and Compatibility Standards), Article 3. Definitions and Measurement, Section 3.3. Gross Floor Area, 2. A.3, the plans submitted allow an exemption even though the north side is obstructed by a covered entryway

in the permit plan review application to construct a single family home at this lot in an “SF-3”, Family Residence zoning district.

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

**H-1 C15-2014-0135 Michael Benitez for Agustin Zavaleta
2911 East 3rd Street**

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

A. decrease the minimum lot width from 50 feet (required) to 47 feet (requested); and to

B. decrease the minimum lot size from 5,750 (required) to 3,392.5 square feet (requested)

in order to either subdivide the property into two lots or construct a second dwelling unit in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle)

The applicant has requested a variance to Section 25-2-774 (B) and (C) (7) (Two-family Residential Use) to:

- A. decrease the minimum lot area from 7,000 square feet (required) to 5,785 square feet (requested); and to
- B. increase the gross floor area of the second dwelling unit from 850 square feet (required) to 1,200 square feet (requested)

in order to construct a two family residential use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle)

The applicant has requested a variance to Section 25-2-773 (B) (1) and (2) (Duplex Residential Use) to:

- A. decrease the minimum lot area from 7,000 square feet (required) to 5,785 square feet (requested); and to
- B. decrease the minimum lot width from 50 feet (required) to 46 feet (requested)

in order to construct a duplex unit in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle)

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

NONE

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**J-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. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2015-0002 Mary Gonzalez
1105 Brass Street**

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 carport constructed more than 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (Govalle)

THE APPLICANT IS REQUESTING BOARD TO VOTE ON POSTPONEMENT OF CASE TO February 9, 2015 AGENDA

**K-2 C15-2015-0004 Guadalupe Benitez
6701 Hillcroft**

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 7.5 feet (requested) in order to maintain an existing carport constructed at least 10 years ago according to records provided by the applicant in an “SF-2”, Family Residence Zoning District.

**K-3 C15-2015-0010 Nikelle Neade and Bethany Bartel
2910 Rio Grande Street**

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 side yard setback from 5 feet (required) to 0 feet (requested) in order to maintain an existing garage structure constructed over the property line at 2908 Rio Grande more than 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (West University)

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 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.

APPLICANT IS REQUESTING BOARD TO VOTE ON POSTPONEMENT OF CASE TO February 9, 2015 AGENDA

**L-2 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-3 C15-2014-0152 David Cancialosi for Bryan Follett
5600 and 5602 Craggy Point**

The applicant has requested a variance(s) from Section 25-2-551 (2) (*Lake Austin District Regulations*) A. to increase the maximum impervious cover on a slope with a gradient of 15% to 25% from 10 % (required) to 23% (requested, existing); and B. to increase the maximum impervious cover on a slope with a gradient of 25% to 35% from 5% (required) to 29%

**APPLICANT IS REQUESTING BOARD TO VOTE ON POSTPONEMENT OF CASE
TO February 9, 2015 AGENDA**

The applicant has requested a variance from Section 25-2, Subchapter F. Residential Design and Compatibility Standards, Article 2 (Development Standards) Section 3.3.2 (A) (3) (ii) (Gross Floor Area) to decrease the minimum amount of area that can be clear and unobstructed in a parking area that is open on two or more sides from development permitted on a property from 80% (required) to 73% (requested, north wall) and 66% (requested, west wall) in order to partially enclose an existing carport in a “SF-3”, Family Residence zoning district.

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)

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 to

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

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)

**L-8 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)

**L-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 24 feet on Wabash Street, 31.03 and 36.90 feet on W. 32nd Street and 27 feet on W. 31st (requested) in order to construct a kindergarten facility in a “LO-MU-CO-NP”, Local Office – Mixed Use – Conditional Overlay - Neighborhood Plan and “GR-CO-NP”, Community Commercial – Conditional Overlay – Neighborhood Plan zoning district. (Windsor Road)

**L-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 to
- B. decrease minimum lot width from 100 feet (required) to 50 feet (requested); and to
- C. decrease the minimum side setback on north side of lot from 10 feet (required) to 5 feet (requested)

in order to construct a single family home in a “LA”, Lake Austin zoning district.

**L-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 25 feet (required) to 15 feet (requested) on lot 26 at 1504 East Lane zoned SF-2; and to

- B.1 decrease the front yard setback from 40 feet (required) to 15 feet (requested); and to

B.2 decrease the minimum lot width from 100 feet (required) to 84.87 feet (requested); and to
B.3 decrease the minimum side yard setback on both side lot lines from 10 feet (required) to 5 feet (requested); and to
B.4 decrease the minimum rear yard setback from 20 feet (required) to 10 feet (requested) lot 27; and to
B.5 decrease the minimum lot size from 43,560 square feet (required) to 6,130 square feet (requested) on lot 27 at 1506 East Lane zoned LA

in order to construct a single family home on each lot in a “SF-2”, Family Residential and “LA”, Lake Austin zoning district.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

M-1 C15-2014-0176 Augustina Gonzalez
2108 S.L. Davis Avenue

The applicant has requested a variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 20 feet (requested) in order to extend and enclose an existing porch in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

M-2 C15-2015-0001 Jim Bennett for Rosa E. Santis
1105 E. 6th Street

Section 25-6-611 (A) (*Parking Requirements for a Transit Oriented Development District*) of Article 7, Off-street parking and Loading to decrease the parking space requirement from 60% of the parking spaces required by Appendix A, 6 spaces (required) to 0 spaces (requested) in order to change the use of an existing building in a “TOD-NP”, Transit Oriented Development – Neighborhood Plan zoning district. (East Cesar Chavez)

M-3 C15-2015-0003 Michael Baez for Jay Walker
3405 Mountain Top Circle

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 53.9% (requested, 60.44% existing) in order to remodel an existing residence in an “SF-3”, Family Residence zoning district.

M-4 C15-2015-0005 William Hodge for Lark Miller
1210 Angelina Street

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

A. decrease the minimum size lot from 5,750 square feet (required) to 1,129 square feet (requested); and to

B. increase the impervious cover from 45% (required) to 56% (requested); and to

C. decrease the front yard setback from 25 feet (required) to 10 feet (requested)

in order to construct a 761 square foot home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

**M-5 C15-2015-0006 Patricia Harding
2811 Corbin Lane**

The applicant has requested a variance(s) 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 in order to construct an 8 foot solid fence along the property line in an “SF-3”, Single Family Residence zoning district.

**M-6 C15-2015-0009 Amelia Lopez-Saltarelli for Dawn Moore
303 El Paso Street**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum size lot from 5,750 square feet (required) to 5,738 square feet (requested, existing) in order to construct a single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Dawson)

APPLICANT HAS WITHDRAWN CASE

O. BOARD OF ADJUSTMENT NEW BUSINESS

O-1 Citizen Guide Update, Brent Lloyd

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.