



BOARD OF ADJUSTMENT
July 13, 2015
5:30pm
CITY COUNCIL CHAMBERS
301 WEST 2ND STREET
AUSTIN, TEXAS

___ Angela Atwood
___ Michael Benaglio
___ William Burkhardt
___ Vincent Harding
___ Melissa Hawthorne

___ Don Leighton-Burwell
___ Melissa Neslund
___ James Valadez
___ Michael Von Ohlen

AGENDA

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-1 INTRODUCTION OF MEMBERS

A-2 ELECTION OF OFFICERS

A-3 APPROVAL OF MINUTES - June 8, 2015

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

C-1 C16-2015-0007 Jim Bennett for Inayat Fidai
9001 Cameron Road

The applicant has requested a variance to:

A. Section 25-10-124 (B) (1) (b) (Scenic Roadway Sign District Regulations) to increase the sign area from 64 square feet (required/permitted) to 144 square feet (requested); and to

B. Section 25-10-124 (B) (2) (Scenic Roadway Sign District Regulations) to increase the sign height from 12 feet (required/permitted) to 30 feet (requested); and to

C. Section 25-10-124 (F) (Scenic Roadway Sign District Regulations) to increase areas of internal illumination from individual letters only (required/permitted) to also include logo (requested)

in order to add freestanding signage at this lot in a “CS”, General Commercial Services zoning district and Scenic Roadway Sign District.

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NONE

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NONE

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

NONE

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

**G-1 C15-2015-0104 Michael Sullivan for Bluebonnet Studios
2301 South Lamar**

The appellant has requested the Board of Adjustment to interpret whether staff erred in approving a site plan (SP 2014-0429C.5H) at 2301 South Lamar Boulevard because:

A. in Section 25-2-6, the land use determined as part of the site plan approval was “Congregate Living” as opposed to “Multi-Family”; and because

B. in Section 25-2-1067 (C) the approved dumpster placement is questioned as being closer than 20 feet or less from property on which a use permitted in an SF-5 or more restrictive zoning district is located

for construction of a new living facility in a “CS-V”, General Commercial Services – Vertical Mixed Use Building zoning district.

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-1 C15-2015-0061 Roger and Mary Ellen Borgelt
106 Laurel Lane**

The applicant has requested variance(s) from:

A. Section 25-2-554 (Single-Family Residence Standard Lot (SF-2) District Regulations) to decrease the rear yard setback from 5 feet for an accessory building that is not more than one story or 15 feet in height (required) to 2 feet (requested); and from

B. Section 25-2-496 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 0 feet (requested)

in order to maintain an accessory structure in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

**I-2 C15-2015-0083 John Walewski
4514 Avenue B**

The applicant has requested a variance from:

A. Section 25-6-478 (A) (Motor Vehicle Reductions General) to reduce the number of required parking spaces from 3 spaces (required/permitted, which is 80% of required parking for 2 dwelling units) to 2 spaces (requested); and from

B. NCCD-NP Ordinance 20050818-064, Part 6. General Provisions (11) (Parking) (d) (i) (a) to decrease the required parking spaces if 300 square feet or more are added to the air conditioned gross building floor area of a structure, including conversion of accessory space to habitable space from 3 spaces (required) to 2 spaces (requested); and from

C. NCCD-NP Ordinance 20050818-064, Part 6. General Provisions (11) (Parking) (d) (iii) to increase the percentage of width of the front yard that can be located in a street yard from 25% (required) to 38% (requested)

in order to add a 2nd dwelling unit and provide only 2 parking spaces in a “SF-3-NCCD - NP”, Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

NONE

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2015-0087 Michael Wynkoop
4905 Harmon Avenue**

The applicant has requested a Special Exception under Section 25-2-476 (*Special Exception*) from Section 25-2-555 (B) (*Family Residence (SF-3) District Regulations*) to decrease the rear yard setback from 5 feet for an accessory building that is not more than one story or 15 feet in height (required) to 3.25 feet (requested, existing) in order to maintain a garage constructed 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (North Loop)

**K-2 C15-2015-0095 Kris Hooker
1608 West 10th 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:

- A. decrease the front yard setback from 25 feet (required) to 8 feet (requested/existing); and to
- B. decrease the side yard setback from 5 feet (required) to 4.5 feet (requested/existing) and to
- C. decrease the side yard setback from 5 feet (required) to 1 foot (requested/existing)

in order to maintain a carport, garage and elevated deck constructed more than 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (Old West Austin)

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2014-0159 David Cancialosi for Susan Goff
2224 Parkway**

The applicant has requested a variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front setback from 25 feet (required) to 12 feet (requested) in order to maintain a recently reconstructed elevated deck for a single family home in a “SF-3”, Family Residence zoning district.

**L-2 C15-2015-0035 John Taylor Jackson for Kacee Jackson
2007 East 12th Street**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum street side yard from 15 feet (required) to 5 feet

(requested) in order to construct a single family home next to an unimproved right of way in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Rosewood)

WITHDRAWN BY APPLICANT

**L-3 C15-2015-0046 Geoff Gilbert for Tres Waters LLC
5605 Jeff Davis Avenue**

The applicant has requested a variance(s) from Section 25-2-1604 (C) (1) to permit the parking structure to be closer to the front lot line than the building facade in order to construct a garage in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood)

**L-4 C15-2015-0052 Letty McGarrahan for Marcelo Vera
106 & 108 Comal Street**

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

A. decrease the rear setback from 10 feet (required) to 5 feet (requested); and to

B. increase the building cover from 40% (required) to 55% (requested); and to

C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted) to increase square footage from 2,300 square feet (required) to 2,500 square feet (requested)

in order to join and expand two existing single family homes together into one, remodeled single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

NOTE: The East Cesar Chavez Neighborhood Plan allows for Small Lot Amnesty lots of 2,500 square feet or greater to be developed with a Single Family use, the area of these combined lots is 3,820 square feet. In addition, the plan allows for Small Lot Amnesty lots to have up to 65% impervious cover which the proposed use of this lot will meet.

**L-5 C15-2015-0059 Lotte Vehko for Steven Roselle
4005 Avenue D**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) and from NCCD-NP Ordinance 20120112-086, Part 8. Residential District, 1. (*Site Development Standards*) to increase the building cover from 40% (required) to 70% (requested) in order to enlarge an existing single family home that currently has 68% building coverage in a “SF-3-HD-NCCD-NP”, Family Residence – Historic Area – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

**L-6 C15-2015-0068 Nikelle Meade for Adam Wilson
5001 Evans Avenue & 5000 & 5002 Martin Avenue**

**L-7 C15-2015-0071 David Cancialosi for Claude Benayoun
1612 South Congress**

L-8 C15-2015-0079 Joe Wilzbacher
2909 East 3rd Street

**L-9 C15-2015-0086 David Cancialosi for Mark Collier
1806 Ski Slope Drive**

C. Section 25-2-551 (C) (3) (a) (Lake Austin District Regulations) to increase the maximum impervious cover on a slope with a gradient of not more than 15% from 35% (required/permitted) to 56.3% (requested); and to

D. Section 25-2-551 (C) (3) (b) (Lake Austin District Regulations) to increase the maximum impervious cover on a slope with a gradient of more than 15% and not more than 25% from 10 % (required/permitted) to 75.4% (requested); and to

E. Section 25-2-551 (C) (3) (c) (Lake Austin District Regulations) to increase the maximum impervious cover on a slope with a gradient of more than 25% and not more than 35% from 5% (required/permitted) to 33.3% (requested); and to

F. Section 25-2-551 (C) (3) (e) (2) (Lake Austin District Regulations) to allow construction on a slope with a gradient of more than 35% from 0% (required/permitted construction is prohibited except for a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or for a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs) to 24.6% (requested)

in order to construct a new single family residential structure and related elevated parking, walkway, and steps in a “LA”, Lake Austin zoning district

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2015-0088 Mark Vornberg for Diane Howard
4705 & 4707 Rosedale Avenue**

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

A. (1) to decrease the minimum lot size for a two-family use from 7,000 square feet (required) to 6,762 square feet (requested/existing); and

B. (4) to increase the maximum impervious coverage from 45% (required/permitted) to 53.6% (requested/existing); and to

C. (D) (1) and (D) (4) to permit separation of the 2 units on each lot by a carport (requested/existing) rather than a common wall (required)

in order to reconstruct existing duplex dwelling units with shared carports in between dwelling units in their current configuration on each of these lots located in a “SF-3”, Family Residence zoning district.

**M-2 C15-2015-0089 Sharon Miller
1704 West 10th Street**

The applicant has requested variance(s) from:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the rear setback from 10 feet (required) to 5 feet (requested/existing); and to

B. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.6 (B) (Setback Planes), Rear Setback Plane to allow for penetration of the rear setback plane/building tent

in order to construct a 2nd story addition to an existing single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Old West Austin)

**M-3 C15-2015-0090 Jim Bennett for Sal Martinez
2710 & 2712 East Fourth Street**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot size from 5,750 square feet (required) to 2,419 square feet for 2710 E. 4th and 2,242 square feet for 2712 E. 4th (requested, existing) in order to construct a single family home on each lot in an “SF-3-NP”, Family Residence zoning district. (Holly)

Note: The Holly Neighborhood Plan does permit small lot amnesty for existing lots up to 2,500 square feet in size; however these lots are too small to qualify for that exemption.

**M-4 C15-2015-0093 Adam Talianchich for John Allan
800 Norwalk Lane**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum rear setback 10 feet (required) to 5 feet (requested/existing) in order to replace an existing garage and carport with a new garage that also includes a second dwelling unit above in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-5 C15-2015-0094 Kris Hooker
1608 West 10th 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/permitted) to 61% (requested, 58.1% existing) in order to maintain a carport, drive, and walks as currently constructed and add an addition to the residence in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Old West Austin)

**M-6 C15-2015-0096 Ken Jordan
808 West 30th Street**

The applicant has requested a variance from Section 25-2-774 (C) (Two-Family Residential Use):

A. (2) (a) to decrease the space and location that a second dwelling unit can be located in relation/distance from the principal structure from 15 feet to the rear (required) to 1 foot adjacent to (requested, existing); and to

B. (4) to decrease the distance the entrance of a second dwelling unit can be from a lot line from 10 feet (required) to 5 feet (requested, existing); and to

C. (5) to provide a driveway that crosses the front yard to be not more than 12 feet wide (required) to 13 feet wide (requested, existing); and to

D. (7) (a) to increase the maximum gross floor area of the second dwelling unit from 850 square feet (required/permitted) to 1,001 square feet (requested, existing)

in order to change the use of 2 of the existing structures from day care to two-family residential use in an “SF-3-CO-NP”, Family Residence – Combining District - Neighborhood Plan zoning district. (West University)

**M-7 C15-2015-0098 Bill Davis
5400 Fairmont Circle**

The applicant has requested variance(s) to 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 maintain an carport constructed without permit less than 10 years ago in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Westgate)

**M-8 C15-2015-0100 Daniel Lee for Gabriel Rojas
10306 Quail Valley**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the street side yard from 15 feet (required) to 8 feet (requested) in order to add a covered patio in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (North Austin Civic Association)

**M-9 C15-2015-0101 David Cancialosi for Shana Guidi
6000 Mountain Shadows Drive**

The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 9 spaces (required) to 1 space (requested, existing) in order to maintain music instruction business in a “LO-MU-NP”, Limited Retail – Mixed Use - Neighborhood Plan zoning district. (West Oak Hill)

**M-10 C15-2015-0102 David Cancialosi for Mark Kudela
1403 West 45th Street**

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

A. decrease the front setback from 25 feet (required) to 21 feet (requested/existing); and to

B. decrease the minimum lot size from 5,750 (required) to 2,117 (requested/existing); and to

C. decrease the lot width from 50 feet (required) to 35 feet (requested/existing)

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

**M-11 C15-2015-0103 John Hussey for Hans Deroacher
7318 Old Bee Caves Road**

The applicant has requested variance (s) from Section 25-2-1063 (B) (1) (Height Limitations and Setbacks for Large Sites), of Article 10. Compatibility Standards to decrease the distance a structure may be constructed from 25 feet or more adjacent to property in an urban family residence (SF-5) or more restrictive zoning district (required) to 23.5 feet (requested) in order to erect new single family detached condominium units in an “SF-6 - NP”, Family Residence, Neighborhood Plan zoning district. (West Oak Hill)

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 DISCUSSION OF BYLAWS REVISION PLAN

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.