



**BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
MEETING MINUTES
(June 8, 2015)**

The Board of Adjustment/Sign Review Board convened in a meeting on June 8, 2015, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Chair Jeff Jack called the Board Meeting to order at 5:45 p.m.

Board Members in Attendance: Jeff Jack (Chair), Melissa Hawthorne (Vice Chair), Sallie Burchett, Ricardo De Camps, Vincent Harding, Bryan King, Michael Von Ohlen, Cathy French (SRB) and Stuart Hampton (Alternate) for one case only D-3

Board Member absent - NONE

Staff in Attendance: Leane Heldenfels, Cindy Crosby (COA Attorney)
Staff Absent – Diana Ramirez

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 May 11, 2015

Board Member Vincent Harding motion to Approve the minutes for May 11, 2015, Melissa Hawthorne second on 8-0 vote; APPROVED MINUTES FOR May 11, 2015.

Postponement requests from applicants and interested parties for Items L-2, L-3, L-4, M-2 and M-3 to July 13, 2015 and withdraw Item E-1 was approved by the Board with an exception of Item M-2.

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**D-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.

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 13, 2015, Board Member Bryan King second on a 6-1 vote (Board Member Jeff Jack nay); POSTPONED TO JULY 13, 2015.

**D-2 C16-2015-0008 Mark Rocke for David Buddemeyer
8901 Business Park Drive**

The applicant has requested a variance to Section 25-10-123 (B) (3) (a) (Expressway Corridor Sign District Regulations) to exceed the sign height from 35 feet (required/permitted) to 50 feet (requested) in order to construct a new freestanding sign in a “CS” – General Commercial Services zoning district within an Expressway Corridor Sign District.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Melissa Hawthorne second on an 8-0 vote; GRANTED.

**D-3 C16-2015-0009 Michele Haussmann for Bryan Barry
1824 West Slaughter Lane**

The applicant has requested a variance to Section 25-10-124 (B) (2) (Scenic Roadway Sign District Regulations) to increase the height of signs permitted from 12 feet (required/permitted) to 21 feet (requested) in order to add a freestanding sign in a “GR-CO”, Community Commercial – Conditional Overlay zoning district and Scenic Roadway Sign District.

The public hearing was closed on Board Member Vincent Harding motion to Grant, Board Member Sallie Burchett second on a 6-0-3 vote (Board members Jeff Jack, Melissa Hawthorne, Ricardo De Camps abstained); GRANTED.

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

E-1 C15-2015-0038 David Piper for Zilker Neighborhood Association

The appellant has filed an application challenging the Planning and Review Department’s staff memo stating Subchapter F, Article 3, Section 3.3.3 (C) “serves no purpose and is not interpretable”.

Note: Subchapter F, Article 3, Section 3.3.3 (C), of the Land Development Code states: “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. 50% of more of the area has a ceiling height of 7 feet or less.”

WITHDRAWN BY APPLICANT OF RECONSIDERATION REQUEST

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

NONE

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

NONE

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**J-1 C15-2015-0067 Mary Jane Garza
6006 Dunbury Drive**

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 2 feet (requested) in order to maintain a carport structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Park)

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

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2015-0072 Lenard Cobb
10021 Childress Drive**

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 street setback from 15 feet (required) to 13 feet (requested) in order to maintain an enclosed storage area constructed 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (Windsor Hills)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Bryan King second on a 7-0 vote; GRANTED PROVIDED MEETS LIFE SAFETY REPORT REQUIREMENTS.

**K-2 C15-2015-0075 Richard Haenke
3910 Glengarry Drive**

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 2.5 feet (requested); and

in order to maintain elevated wood deck constructed at least 10 years ago in an “SF-2”, Family Residence zoning district.

K-3 C15-2015-0080 Arturo Reyes
7003 Townsborough

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)

POSTPONED TO July 13, 2015 AT THE APPLICANT’S REQUEST

**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.

POSTPONED TO July 13, 2015 AT THE APPLICANT’S REQUEST

**L-5 C15-2015-0057 Jim Bennett for Lamar Clemons
2900 Clearview Drive**

The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (*Maximum Development Permitted*) to increase square footage from .4:1 Floor to Area Ratio (FAR) (required) to .47:1 FAR (requested) in order to add 79 square feet to an existing residence with .45:1 FAR in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group) (**AUTOMATIC POSTPONEMENT DUE TO SIX BOARD MEMBERS VOTE 5-1**)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions to install rainwater harvesting and guttering to catch 79 square feet of water, no

more variances on this property, Board Member Melissa Hawthorne second on a 6-1 vote (Board member Bryan King nay); GRANTED WITH CONDITIONS TO INSTALL RAINWATER HARVESTING AND GUTTERING TO CATCH 79 SQUARE FEET OF WATER, NO MORE VARIANCES ON THIS PROPERTY.

**L-6 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)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to July 13, 2015, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JULY 13, 2015.

**L-7 C15-2015-0060 Jane Stansfeld for William Scott Admire
2012 Hamilton Avenue**

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

A. decrease the minimum lot size from 5,750 square feet (required) to 2,277.97 square feet (requested, existing); and to

B. decrease the minimum lot width from 50 feet (required) to 29.99 feet (requested, existing); and to

C. increase the impervious cover from 45% (required) to 50% (requested); and to

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

E. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.7.1. (A) (1) (Side Wall Articulation) to decrease the sidewall articulation from 4 feet deep for at least 10 feet along the side property line (required) to 0 feet deep for 0 feet along the west side property line (requested)

in order to construct a single family home in an “SF-3-NP”, Family Residence zoning district. (Central East Austin)

Note: The Central East Austin Neighborhood Plan does permit small lot amnesty for existing lots up to 2,500 square feet in size. However this lot is too small to qualify for that exemption.

The public hearing was closed on Board Member Jeff Jack motion to Grant Items A, B, C, D with conditions .4:1 FAR, 911 square feet, single story building, to install rainwater collection; Item E Denied, Board Member Bryan King second on a 7-0 vote; GRANTED ITEMS A, B, C, D WITH CONDITIONS .4:1 FAR, 911 SQUARE FEET, SINGLE STORY BUILDING, TO INSTALL RAINWATER COLLECTION SYSTEM; ITEM E DENIED.

**L-8 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)

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Michael Von Ohlen second on a 6-1 vote (Board Member Melissa Hawthorne nay); DENIED.

**L-9 C15-2015-0068 Nikelle Meade for Adam Wilson
5001 Evans Avenue & 5000 & 5002 Martin Avenue**

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 also has a paved width of at least 40 feet (**required**) to 27 feet paved width on 50th Street, Evans Avenue and Martin Avenue (**requested/existing**) in order to amend a condition of a previously approved variance so the applicant may increase the maximum number of students allowed on the site **from** 68 (as **required** pursuant to a previous Board variance approval on August 9, 2010 in case No C15-2010-0075 and 0076, **existing**) to the lower of either 125 students or the number of students permitted based on the number of parking spaces provided in accordance with the Table of Off-Street Parking and Loading Requirements for Public or Private Secondary Educational Facilities as listed in Section 25-6, Appendix A (**requested**) in a “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to July 13, 2015, Board Member Michael Von Ohlen second on a 7-0 vote; POSTPONED TO JULY 13, 2015.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2015-0069 Heather Jones for Tom Suehs
1800 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/permitted) to 53% (requested, existing) in order to maintain a residence as currently constructed in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Road)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions to install rainwater harvesting sized by an engineer to account for the difference between 45% impervious coverage and 54%; and the area taken up by harvesting equipment does not count against impervious coverage, no more additional impervious coverage added, Board Member Sallie Burchett second on a 7-0 vote; GRANTED WITH CONDITIONS TO INSTALL RAINWATER HARVESTING SIZED BY AN ENGINEER TO ACCOUNT FOR THE DIFFERENCE BETWEEN 45% IMPERVIOUS COVERAGE AND 54%; AND THE AREA TAKEN UP BY HARVESTING EQUIPMENT DOES NOT COUNT AGAINST IMPERVIOUS COVERAGE, NO MORE ADDITIONAL IMPERVIOUS COVERAGE ADDED.

**M-2 C15-2015-0070 James K. Schoenbaum
614 & 618 Blanco Street**

The applicant has requested variance(s) from:

A. Section 25-2-1063 (B) (2) of Article 10, Compatibility Standards (Height Limitations and Setbacks for Large Sites) to decrease the distance a person may construct a structure from 25 feet from property on which a use permitted in an SF-5 or more restrictive zoning district is located (required) to 5 feet (requested); and to

B. Section 25-2-1063 (C) (1) of Article 10, Compatibility Standards (Height Limitations and Setbacks for Large Sites) to increase the height limitations for a structure from two stories and 30 feet, if the structure is 50 feet or less from property in an SF-5 or more restrictive zoning district (required) to 36 feet and three stories (requested); and to

C. Section 25-2-1064 (C) (1) (b) of Article 10, Compatibility Standards (Front Setback) to decrease the front building setback of at least 25 feet from a right-of-way if the tract on which the building is constructed adjoins a property on which a use permitted in a SF-5 or more restrictive district is located (required) to 15 feet (requested)

in order to construct a new 12 unit condominium project a “MF-4-H-HD-NP”, Multifamily Residence Moderate High Density – Historic Landmark – Historic Area - Neighborhood Plan zoning district. (Old West Austin)

POSTPONEMENT REQUESTED BY INTERESTED PARTY TO 8/10 MEETING, OPPOSED BY APPLICANT- **THIS REQUEST WAS DENIED BY THE BOARD**

The public hearing was closed on Board Member Vincent Harding motion to Postpone to August 10, 2015, Board Member Jeff Jack second on a 7-0 vote; POSTPONED TO August 10, 2015.

**M-3 C15-2015-0071 David Cancialosi for Claude Benayoun
1612 South Congress**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the street side yard setback from 10 feet (required) to 0 feet (requested) in order to construct a patio cover structure in an “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use - Conditional Overlay– Neighborhood Plan zoning district. (Bouldin Creek)

POSTPONED TO July 13, 2015 AT THE APPLICANT’S REQUEST

**M-4 C15-2015-0076 Odindu Okere
10500 Walpole Lane**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum building cover from 40 percent (required/permitted) to 41 percent (requested) in order to add a patio enclosure to part of an existing patio in a “I - SF-2”, Interim - Family Residence zoning district.

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

**M-5 C15-2015-0079 Joe Wilzbacher
2909 East 3rd Street**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum side building setback from 5 feet (required) to 3 feet (requested, existing); and to

B. Section 25-2-774 (B) (*Two-Family Residential Use*) to decrease the minimum lot size for a two-family use from 7,000 square feet (required) to 6,785 (requested)

in order to maintain and remodel (and potentially reconstruct the garage/2nd dwelling unit) a two-family use in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Govalle)

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to July 13, 2015, Board Member Jeff Jack second on a 7-0 vote; POSTPONE TO JULY 13, 2015.

**M-6 C15-2015-0082 Tim Rygg
1800 Holly 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 46% (requested, existing) in order to maintain existing single family home, parking and detached garage with a second family dwelling unit in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

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.

**M-7 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 otherwise required parking for 2 dwelling units) to 2 spaces (requested); and from

B. NCCD-NP Ordinance 20050818-064, Part 6. General Provisions (11) (d) (i) (a) and (ii) and (iii) (Parking) 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)

in order to add a 2nd dwelling unit in a "SF-3-NP-NCCD", Family Residence – Neighborhood Plan – Neighborhood Conservation Combining District zoning district. (Hyde Park)

The public hearing was closed on Board Member Bryan King motion to Deny, Board Member Michael Von Ohlen second on a 4-3 votes (Board members Melissa Hawthorne, Sallie Burchett, Ricardo De Camps, Vincent Harding nay); DENIED.

**M-8 C15-2015-0084 Jim Wittliff for Pam Bernhardt
1902 Mountain View Road**

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 25 feet (required) to 22 feet (requested) in order to construct a garage with second dwelling unit above in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

The public hearing was closed on Board Member Bryan King motion to Grant with condition that there be no commercial short-term rental; Board Member Jeff Jack second on a 7-0 vote; GRANTED WITH CONDITION THAT THERE BE NO COMMERCIAL SHORT-TERM RENTAL.

**M-9 C15-2015-0085 Stanley/Cynthia Heitman
13011D River Bend**

The applicant has requested a variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front yard setback from 40 feet (required) to 30 feet (requested, existing) in order to construct a guest house and workshop in a “LA”, Lake Austin zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant with condition that there be no commercial short-term rental; Board Member Ricardo De Camps second on a 7-0 vote; GRANTED WITH CONDITION THAT THERE BE NO COMMERCIAL SHORT-TERM RENTAL.

**M-10 C15-2015-0086 David Cancialosi for Mark Collier
1806 Ski Slope Drive**

The applicant has requested a variance(s) from:

- A. Section 25-2-492 (D) to increase the front setback from 40 feet (required) to 0 feet for elevated parking pad, concrete steps, and elevated walkway (requested); and to
- B. Section 25-2-492 (D) to increase the east side setback from 10 feet (required) to 5 feet (requested); and to
- C. Section 25-2-492 (D) to increase the west side setback from 10 feet (required) to 7 feet; and to
- D. Section 25-2-551 (C) (3) (a) (Lake Austin District Regulations) to increase the maximum impervious cover on a slope with a gradient of 15% or less from 35 % (required/permitted) to 56.3% (requested); and to
- E. 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 35% from 10% (required/permitted) to 75.4% (requested); and to
- F. 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
- G. Section 25-2-551 (E) (2) to allow 24.6 % of impervious cover and construction on a slope with a gradient of more than 35% (requested) which is prohibited except for the construction of a

fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs (required/permitted)

in order to construct a single family home, elevated parking pad, concrete steps and elevated walkways in a "LA", Lake Austin zoning district

The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to July 13, 2015, Board Member Bryan King second on a 7-0 vote; POSTPONED TO JULY 13, 2015.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 New Member Orientation - July 6, 2015 at 5:30pm at One Texas Center, 5th floor, Room 500

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.