



BOARD OF ADJUSTMENT
September 14, 2015
5:30pm
CITY COUNCIL CHAMBERS
301 WEST 2ND STREET
AUSTIN, TEXAS

___ Angela Atwood
___ Brooke Bailey
___ Michael Benaglio
___ William Burkhardt
___ Eric Goff
___ Vincent Harding (Chair)

___ Melissa Hawthorne (Vice Chair)
___ 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 APPROVAL OF MINUTES – August 10, 2015

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

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

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 C15-2015-0117 Philip Burkhardt for JaLayne Wolf
1211 E 31st Street**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 2.75 feet (requested, existing); and to

B. Section 25-2-555 (B) (Family Residence (SF-3) District Regulations) to decrease the rear yard setback for an accessory building not more than one story or 15 feet in height from 5 feet (required) to 0.2 feet (requested, existing)

in order to maintain a storage structure constructed at least 10 years ago in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Upper Boggy Creek)

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

NONE

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 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. increase the maximum building cover from 40% (required/permitted) to 55% (requested, 42% existing); and to
- B. increase the maximum impervious cover from 45% (required/permitted) to 65% (requested, 61% existing); and to
- C. decrease the front setback from 25 feet (required) to 7 feet (requested, existing); and to
- D. decrease the rear setback from 10 feet (required) to 5 feet (requested); and to
- E. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 (Maximum Development Permitted) to increase square footage from 2,300 square feet (required/permitted) to 2,500 square feet (requested, 1,580 square feet existing); and to

in order to join together and expand two existing one-story, single family homes on two lots and create one, 2-story single family home and carport on one combined tract per a unified development agreement in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

REQUESTING POSTPONEMENT TO 12-14-15 BY APPLICANT

**L-2 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)

L-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)

**L-4 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 **GRANTED (ITEM A) AT MEETING July 13, 2015**

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

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) **GRANTED (ITEM C) AT MEETING July 13, 2015**

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.

**L-5 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)

**L-6 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); and to

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

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

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

L-7 C15-2015-0108 Roy Jensen for Mons Anderson
2301 Saratoga Drive

The applicant has requested a variance(s) from:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 40 feet (required) to 25 feet (requested); and from

B. Section 25-2-551 (C) (3) (b) (Lake Austin (LA) District Regulations) to increase the maximum impervious coverage on a slope with a gradient of more than 15 % and not more than 35 % from 10% (required/permitted) to 35% (requested); and from

C. Section 25-2-551 (C) (3) (c) (Lake Austin (LA) District Regulations) to increase the maximum impervious coverage on a slope with a gradient of more than 25 % and not more than 35 % from 5% (required/permitted) to 30% (requested); and from

D. Section 25-2-551 (E) (2) (Lake Austin (LA) District Regulations) to allow construction on a slope with a gradient of more than 35% from 0% (required, see note below) to 15% (requested)

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

Note: 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 on a slope with a gradient of more than 35%.

L-8 C15-2015-0112 Bruce Aupperle for Carl Lauryssen
4209 & 4213 Hidden Canyon Cove

The applicant has requested variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations):

A. (B) (3) (a) to permit a mechanized pedestrian access facility within a shoreline setback area, where no structures are allowed except that: (a) a bulkhead, retaining wall, dock, non-mechanized pedestrian facility, or marina may be constructed and maintained in accordance with applicable regulations of this title (requested); and from

B. (E) (2) to permit development other than a fence, driveway, road or utility that cannot be reasonably placed elsewhere on a slope with a gradient of more than 35% (requested)

in order to construct a tram on these lots in an in a “LA”, Lake Austin zoning district.

**L-9 C15-2015-0113 Bruce Aupperle for Santosh Singla
8818 Big View Drive #4**

The applicant has requested a variance(s) to Section 25-2-1176 (A) (1) (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) to increase the distance a dock can extend from the shoreline from no greater than 30 feet (required) to 45 feet (requested) in order to erect a boat dock in an “LA”, Lake Austin zoning district.

**L-10 C15-2015-0114 Donna Carter for James Hill
1134 Chicon Street**

The applicant has requested variance(s) to Section 25-2-773 (B) (1) (Duplex Residential Use) to decrease the minimum lot size for a duplex use from 7,000 square feet (required) to 6,834 square feet (requested) in order to create a duplex in a “MF-4-NP”, Multi-Family Residence - Neighborhood Plan zoning district. (Central East Austin)

**L-11 C15-2015-0115 David M Biven
101 West 32nd Street**

The applicant has requested a variance(s) from:

A. 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; and to

B. Ordinance #040826-58, Part 6, General Provisions, 10. Fences, to locate a fence in a front yard higher than four feet and more solid than 1 to 1.5 ratio

in order to maintain a wall as tall as 9 feet along the property line of this lot in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

REQUESTING POSTPONEMENT BY THE APPLICANT

**L-12 C15-2015-0116 Jim Bennett for Marth Atelia Clarkson
2005 Tower Drive**

The applicant has requested variance(s) from:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to

B. Increase the maximum impervious cover from 45% (required/permitted) to 56.51% (requested, existing); and to

C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 – Maximum Development Permitted to increase the floor-to-area ratio from .4 to 1 (required, permitted) to .634 to 1 (requested, .494 to 1 existing); and to

D. Section 2.6. A. (Side Setback Plane) to allow for a penetration of the side setback plane/building tent of 4 feet 6 inches vertically and 5 feet 6 inches horizontally

in order to construct an addition to an existing duplex in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

REQUESTING POSTPONEMENT BY THE APPLICANT

**L-13 C15-2015-0118 Tracey Mills
2406 East 16th Street**

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

A. decrease the minimum front setback from 25 feet (required) to 10 feet (requested); and to

B. decrease the minimum street side setback from 15 feet (required) to 10 feet (requested, existing)

in order to add a garage and addition to an existing single family home on this lot in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut)

**L-14 C15-2015-0120 David West
1813 Brackenridge Street**

The applicant has requested variance(s) to:

A. Section 25-2-774 (C) (7) (a) (Two- Family Residential Use) to increase the maximum gross floor area of the second dwelling unit from 850 square feet total (required) to 1,850 square feet total (requested); and to

B. Section 25-2-515 (Rear Yard of Through Lot) to decrease the rear through lot yard from 25 feet (required) to 10 feet (requested, 8.3 feet existing)

in order to reconstruct a second dwelling unit to the rear of this 9,747 square foot lot and maintain the existing 1,322 square foot primary, historic structure located in the front of the lot in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (South River City)

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2015-0091 Lorie Barzano
806 West Live Oak**

The applicant has requested variance(s) to 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 6,912

square feet (requested) in order to construct a new 2-story garage with apartment above in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**M-2 C15-2015-0122 Todd O’Neill
809 Norwalk Lane**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the street side setback from 15 feet (required) to 4 feet 6 inches (requested/existing); and to

B. Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 2 spaces (required) to 0 spaces (requested)

in order to maintain the existing structure and allow for an addition to a single family home that adheres to the Site Development Regulations in “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-3 C15-2015-0123 Tom Blackwell for Ronnie Baylor
1622 West 10th Street**

The applicant has requested a variance(s) from Section 25-2-773 (D) (1) (Duplex Residential Use) to decrease the length the two units must have a common wall that extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot, or 57.5 feet for this 115 deep proposed structure (required) to 12 feet or 10% (requested) in order to add an attached second dwelling unit to an existing single family home creating a duplex in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Old West Austin)

**M-4 C15-2015-0125 Chris Robinson
2500 Hidalgo**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the street side yard from 15 feet (required) to 10 feet (requested); and to

B. decrease the lot width from 50 feet (required) to 43.5 feet (requested); and to

C. Section 25-2-779 (D) (2) to decrease the minimum corner lot size from 4,500 square feet (required) to 4,492 (requested)

in order to construct a new 2-story single family home in “CS-CO-MU-NP”, General Commercial Services – Conditional Overlay – Mixed Use - Neighborhood Plan zoning district. (Holly)

M-5 C15-2015-0126 Eric Ryan Pace

107 Brushy Street

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

A. decrease the minimum lot size from 5,750 square feet (required) to 2,236.5 square feet (requested); and to

B. increase the maximum building cover from 40% (required/permitted) to 48.26% (requested); and to

C. increase the maximum impervious cover from 45% (required/permitted) to 65%; and to

D. decrease the minimum front yard setback from 25 feet (required) to 13 feet 3 inches (requested); and to

E. decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested)

in order to construct a new single family home in “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (East Cesar Chavez)

NOTE: Part 4 (1) of the East Cesar Chavez Neighborhood Plan permits small lots of 2,500 square feet in size, however this lot does not meet that minimum requirement and therefore is not exempt from lot size requirements of Section 25-2-492 (D) noted above.

In addition, Part 4 (3) of the neighborhood plan permits 65% impervious cover for lots less than 3,500 square feet but that are a minimum of 2,500 square feet in size, which this lot is not and there for is not exempt from the impervious cover requirements of Section 25-2-492 (D) noted above.

**M-6 C15-2015-0128 Stuart Hersh for Eduardo Longoria
1701 Toomey Road**

The applicant has requested variance(s) to Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 46 spaces (required) to 0 spaces (requested) in order to maintain a restaurant and private educational facility use in a “CS”, General Commercial Services zoning district.

NOTE: This site includes 2,850 square feet of restaurant use, which is calculated at 1 space per every 75 feet of space or 38 spaces required, occupancy load for that part of the building is 85; and 8,503 square feet of private educational facility, which is calculated at 1.5 spaces per employee and 1 space per every three 11th and 12th graders, the school does not have an 11th or 12th grade but does have 12 employees, so 18 spaces required.

This address receives a 20% reduction in the required parking due to its location within the urban core. It does not receive credit for having a bicycle rack. It meets its loading space requirement (2 provided, 1 required).

M-7 C15-2015-0129 Phil Moncada for Mark Clausen

1172 Navasota Street

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

A. decrease the minimum side yard setback from 5 feet (required) to 3 feet (requested, existing); and to

B. decrease the minimum front yard setback from 25 feet (required) to 23 feet (requested, existing)

in order to maintain a carport and storage area of a single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

M-8 C15-2015-0130 Jennifer Parker
806 Patterson Avenue

The applicant has requested a variance(s) from Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.3 (Gross Floor Area – Porch, basement and attic exemptions) (B) (2) to increase the level the first story is above the average elevation at the intersections of the minimum front yard setback line and the side property lines from 3 feet above that intersection point (required/permitted) to 13.75 feet above that intersection point (requested), an increase of 10.75 feet in order to be able to exclude the basement area from the calculation of gross floor area for a new single family home in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Old West Austin)

M-9 C15-2015-0131 Michael Padavic
900 & 902 South 1st Street/901, 903 & 907 South 2nd Street

The applicant has requested variance(s) along the 909 South 2nd Street neighboring side of the lot(s), no variances requested for the 908 South 1st Street neighboring side of the lot(s), to Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards:

A. (B) to decrease the distance that a structure can be constructed from property on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 0 feet (requested); and to

B. (C) to increase the maximum height limitation from 2 stories and 30 feet on the portion of the building that is 50 feet from SF-5 or more restrictive zoning and 3 stories and 40 feet on the portion of the building that is 50-100 feet from SF-5 or more restrictive zoning (required/permitted) to 4 stories and 45 feet (requested)

in order to construct a multi-family use and related parking facility in an “GR-MU-V-CO-NP”, Community Commercial – Mixed Use – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Bouldin Creek)

**M-10 C15-2015-0132 Richard Kooris
1211 Taylor Street**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 25 feet (required) to 20 feet (requested); and to

B. Section 25-2-515 (Rear Yard of Through Lot) to decrease the rear yard requirements for a through lot from 25 feet (required) to 15 feet (requested); and to

C. Section 25-2-774 (B) (Two Family Residential Use) to decrease the minimum lot size from 7,000 square feet (required) to 5,688 square feet (requested)

in order to construct a new single family home and secondary apartment in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (East Cesar Chavez)

**M-11 C15-2015-0133 Todd Otto and Lisa Danielson
3806 Bull Creek Road**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot width requirement from 50 feet (required) to 41 feet (requested) in order to reconstruct a new duplex in a “SF-3”, Family Residence zoning district.

**M-12 C15-2015-0134 Michael Barber for Keely Patridge
2011 Romeria Drive**

The applicant has requested a variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum rear yard setback from 10 feet (required) to 7 feet (requested, existing); and to

B. Section 25-2-773 (D) (1) (a) (Duplex Residential Use) to decrease the length the two units must have a common wall that extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot, from 42 feet (required) to 13 feet (requested)

in order to expand an existing duplex in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Brentwood)

**M-13 C15-2015-0121 Jim Bennett for Milestone Community Builders
1306 West Avenue**

The applicant has requested variance(s) from Section 25-2-1062 (D) (Height Limitations and Setbacks for Small Sites) of Article 10, Compatibility Standards to:

A. (1) increase the height limitation for a structure from two-stories and 30 feet, if the structure is 50 feet or less from the property in a SF-5 or more restrictive zoning district (required) to three-stories and 60 feet (requested); and to

B. (3) to increase the height limitation for a structure more than 100 feet but not more than 300 feet from property zoned “SF-5” or more restrictive, from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned “SF-5” or more restrictive, or 50 feet (required) to 60 feet (requested)

in order to erect a multi-family residential use and parking in an “MF-4” zoning district.

**M-14 C15-2015-0135 Joshua Gahr
7318 McNeil 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 146 spaces per the current approved site plan (required) to 141 spaces (requested, existing) in order to change the use of one tenant in this multi-tenant commercial tract from art gallery and laundry use to medical office use in a “GR-CO”, Community Commercial – Conditional Overlay zoning district.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Review draft revised Board Bylaws and Rules (Cindy Crosby)

N-2 Board officer nomination and election to be held at October 12, 2015 meeting

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.