



**BOARD OF ADJUSTMENT**

**October 12, 2015**

**5:30pm**

**BOARD AND COMMISSION Room 1101**

**301 WEST 2<sup>ND</sup> STREET**

**AUSTIN, TEXAS**

___ Brooke Bailey	___ Melissa Hawthorne (Vice Chair)
___ Michael Benaglio	___ Don Leighton-Burwell
___ William Burkhardt	___ Melissa Neslund
___ Eric Goff	___ James Valadez
___ Vincent Harding (Chair)	___ 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 BOARD OFFICERS NOMINATION AND ELECTION**

**A-2 APPROVAL OF MINUTES – September 14, 2015**

**B. SIGN REVIEW BOARD RECONSIDERATIONS**

**NONE**

**C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS**

**NONE**

**D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS**

**D-1     C16-2015-0011             Charles Gottsman for Becky Wells  
3300 Anderson Lane**

The applicant has requested a variance (s) to:

A. Section 25-10-128 (E) (b) Article 7 (Neighborhood Commercial Sign District Regulations) to increase the maximum sign area from 100 square feet (required/permitted) to 258 square feet (requested, 226 square feet existing); and to

B. Section 25-10-191 (E) Article 10 (Sign Setback Requirements) to increase the distance a sign must be set back from the street right-of-way from 12 feet (required/permitted) to 3 feet 10 inches (requested/existing)

in order to reconstruct the message panels of a sign in an “CS-1-V”, Commercial –Liquor Sales – Vertical Mixed Use Building zoning district.

**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**

**I-1     C15-2015-0112             David Cancialosi 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.

**J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS**

**NONE**

**K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS**

**K-1 C15-2015-0048 Richard Gift for Brett Stewart  
2105 Forest Trail**

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 3 feet (requested); and

B. decrease the rear yard setback from 10 feet (required) to 4.5 feet (requested)

in order to maintain a 2-story garage and studio structure constructed more than 10 years ago in an “SF-3-NP”, Family Residence Zoning District. (West Austin Neighborhood Group)

**K-2 C15-2015-0081 Joseph Ranzani  
3111 Val 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 10.3 feet (requested) in order to maintain a carport constructed 10 years ago in an “SF-2-NP”, Family Residence Zoning District. (University Hills)

**K-3 C15-2015-0107 James Coak for Julia Esparza  
4502 Merle Drive**

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 0 feet (requested, existing); and to

B. Section 25-2-555 (B) to decrease the rear yard setback from 5 feet (required) to 0 feet (requested, existing)

in order to maintain a detached second dwelling unit constructed at least 10 years ago in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South Manchaca)

**REQUESTING POSTPONEMENT TO 11/9/15 BY STAFF TO RESOLVE PENDING AUSTIN ENERGY ISSUES**

**K-4    C15-2015-0140            Socorro Arroyo  
6929 Carwill 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 yard setback from 5 feet (required) to .5 feet (requested, existing) in order to maintain a patio cover constructed at least 10 years ago in an “SF-2”, Family Residence zoning district.

**REQUESTING POSTPONEMENT TO 11/9/15 BY STAFF TO RESOLVE PENDING AUSTIN ENERGY ISSUES**

**K-5    C15-2015-0142            Victoria Flores  
6508 Sandshof 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 12 feet (requested, existing) in order to maintain a carport constructed at least 10 years ago in an “SF-2”, Family Residence zoning district.

Note: Section 25-2-554 (FAMILY RESIDENCE (SF-2) DISTRICT REGULATIONS) of the zoning ordinance states that the rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height. The accessory structure in the rear of this property meets this description.

**REQUESTING POSTPONEMENT TO 11/9/15 BY STAFF TO RESOLVE PENDING AUSTIN ENERGY ISSUES**

#### **L.        BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS**

**L-1    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)

**WITHDRAWN BY APPLICANT**

**L-2 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-3 C15-2015-0102 David Cancialosi for Mark Kudela  
1403 West 45<sup>th</sup> 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.

**REQUESTING POSTPONEMENT TO 11/9/15 BY STAFF TO RESOLVE PENDING AUSTIN ENERGY ISSUES**

**L-4 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%.

**APPLICANT REQUESTING POSTPONEMENT TO NOVEMBER 9, 2015**

**L-5     C15-2015-0115     David M Biven  
   101 West 32<sup>nd</sup> 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)

**L-6     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)

**APPLICANT REQUESTING POSTPONEMENT TO NOVEMBER 9, 2015 (RE-NOTIFICATION NEEDED)**

**L-7 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)

**L-8 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).

**L-9 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)

**L-10 C15-2015-0131 Michael Padavic**  
**900 & 902 South 1<sup>st</sup> Street/901, 903 & 907 South 2<sup>nd</sup> 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 (GRANTED on September 14, 2015 BOA MEETING)

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)

**L-11 C15-2015-0132 Richard Kooris**  
**1211 Taylor Street**

The applicant has requested variance(s) to:

A. 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

B. 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); and to



C. Section 25-2 Subchapter F, Article 2 Development Standards, 2.1 (Maximum Development Permitted) to increase the maximum gross floor to area ratio from 0.4 to 1.0 (required) to 0.46 to 1.0 (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. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS**

**M-1 C15-2015-0127 George Rodenbusch  
1014 E. 8<sup>th</sup> Street**

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 4 spaces (required) to 0 spaces (requested) in order to change use from single family to triplex in a “MF-3-NP”, Multi-Family Residence Medium Density - Neighborhood Plan zoning district. (Central East Austin)

**APPLICANT REQUESTING POSTPONEMENT TO NOVEMBER 9, 2015**

**M-2 C15-2015-0136 Jim Bennett for Tom Hatch  
93 Robert T. Martinez Street**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum street side yard from 15 feet (required) to 10 feet (requested/existing) in order to construct a new single family home in “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Holly)

Note: 25-2-943 (B) (SUBSTANDARD LOT) of the zoning ordinance states that a substandard lot may be used for a single-family residential use if the use if the lot recorded in the county real property records before March 15, 1946 has an area of not less than 4,000 square feet and is not less than 33 feet wide at the street or at the building line.

**M-3 C15-2015-0137 John Broderick  
7511 Carver Avenue**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 25 feet (required) to 22.3 feet (requested/existing) in order to reconstruct a single family home in a “SF-2”, Family Residence zoning district.

**M-4 C15-2015-0138 Barbara Morgan  
1801 Salina Street**

The applicant has requested variance(s) to Section 25-2-1062 (C) (Height Limitations and Setbacks for Small Sites) of Article 10, Compatibility Standards to decrease the setback from 21.5 feet (required) to 5 feet (requested) in order to construct a storage structure in an “NO-MU-

NP”, Neighborhood Office – Mixed Use – Neighborhood Plan zoning district. (Central East Austin)

**M-5 C15-2015-0139 Jason Fryer for Don Smith  
2112 Montclair Street**

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 not more than 3 feet above the average elevation at that intersection point (required) to 5 feet above the average elevation at that intersection point (requested) 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”, Family Residence – Neighborhood Plan zoning district.

**M-6 C15-2015-0141 Michele R. Lynch for Scott Trainer  
1402, 1412, 1414 W. Oltorf Street and 2043 S. Lamar Blvd.**

The applicant has requested variance(s) to Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards:

(1) (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 5 feet for a driveway on 1404, 1412 and 1414 West Oltorf (requested); and to

(2) (C) (1) (b) to increase the maximum height limitation from 2 stories and 30 feet on the portion of the building that is 50 feet or less from a use permitted in a SF-5 or more restrictive zoned property (required/permitted) to 1 story and 45 feet 6 inches for a building on 1414 West Oltorf and to increase the maximum height limitation from 2 stories and 30 feet on the portion of the building that is 50 feet or less from a use permitted in an SF-5 or more restrictive zoned property (required/permitted) to 4 stories and 55 feet 6 inches for a building on 1404 and 1412 West Oltorf (requested); and to

(3) (C) (2) (b) to increase the maximum height limitation from 3 stories and 40 feet on the portion of the building that is more than 50 feet and not more than 100 feet from a use permitted in an SF-5 or more restrictive zoned property (required/permitted) to 2 stories and 55 feet 6 inches for a building on 1414 West Oltorf and to increase the maximum height limitation from 3 stories and 40 feet on the portion of the building that is more than 50 feet and not more than 100 feet from a use permitted in an SF-5 or more restrictive zoned property (required/permitted) to 4 stories and 55 feet 6 inches for a building on 1404 and 1412 West Oltorf (requested); and to

(4) (C) (3) to increase the maximum height limitation 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 (required/permitted) to 55 feet six inches for a portion of the building on 1404, 1412 and 1414 West Oltorf (requested)

in order to construct a commercially mixed use building and related parking facility in a “CS-MU-V-CO”, Community Commercial – Mixed Use – Vertical Mixed Use – Conditional Overlay and “CS-CO”, Community Commercial – Conditional Overlay zoning district.

**M-7 C15-2015-0143 Phil Moncada for Lee Ann Concienne  
2805 Warren Street Unit B**

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

- A. increase the maximum impervious cover from 45% (required/permitted) to 55.85% (requested); and to
- B. decrease the side setback from 5 feet (required) to 0 feet (requested); and to
- C. decrease the rear setback from 10 feet (required) to 0 feet (requested); and to
- D. decrease the front setback from 25 feet (required) to 2 feet (requested)

in order to maintain a pool and elevated wood deck with open pergola in the rear and a covered concrete area in the front of this lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-8 C15-2015-0144 Jim Bennett for Phylis Carson  
3505 Bridle Path**

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

- A. decrease the side yard setback from 5 feet (required) to 2.9 feet (requested/existing); and to
- B. decrease the rear yard setback from 10 feet (required) to 7.2 feet (requested/existing)

in order to erect a new 2-story garage on an existing foundation in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**M-9 C15-2015-0145 Odinu Okere  
10500 Walpole Lane**

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum impervious cover from 45 percent (required/permitted) to 48 percent (requested/existing) in order to add a patio enclosure to an existing patio in a “I - SF-2”, Interim - Family Residence zoning district.

**M-10 C15-2015-0146 William L. Hodge for Daniel Chieng  
2805 Rivercrest Drive**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front yard setback from 40 feet (required) to 32 feet (requested) in order to construct a single family home in “LA”, Lake Austin Residence zoning district.

**N. BOARD OF ADJUSTMENT NEW BUSINESS**

**N-1 Review draft revised Board Rules (Brent Lloyd)**

**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.