



BOARD OF ADJUSTMENT

December 14, 2015

5:30pm

**City Council Chambers
301 WEST 2ND STREET
AUSTIN, TEXAS**

___ Brooke Bailey

___ Michael Benaglio

___ William Burkhardt (Chair)

___ Eric Goff

___ Melissa Hawthorne (Vice Chair)

___ Don Leighton-Burwell

___ Melissa Neslund

___ James Valadez

___ Michael Von Ohlen

___ Kelly Blume (Alternate)

___ Rahm McDaniel (Alternate)

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 – November 9, 2015
(See staff suggested edit to case L-5)**

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

**D-1 C16-2015-0015 Maggie Star for Luke Padwick
13435 Highway 183 North**

The applicant has requested a variance (s) to Section 25-10-131 (D) (Additional Freestanding Signs Permitted) to increase the number of signs permitted on a lot fronting on two streets from one freestanding sign on each street (required) to 2 signs on Anderson Mill Road (requested) in order to construct an emergency center sign in addition to an existing freestanding sign on Anderson Mill Road at this site in a Commercial Sign District within a “GR-CO”, Community Commercial - Conditional Overlay 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

**G-1 C15-2015-0167 Leon Barish
305 East 34th Street**

The appellant has requested the Board of Adjustment to interpret whether staff erred in approving a site plan (SP 2014-0169C) for The Steck House Apartments, 305 E. 34th Street because:

A. per Section 25-2-1052 (A)(2) and Ordinance 040826-58 (North University Neighborhood Conservation Combining District –Neighborhood Plan) Part 7, (6) the compatibility setback was not applied correctly; and because

B. per Section 25-6, Appendix A, the approved parking spaces were not calculated correctly

for proposed new multi-family structures in a “MF-3- H- NCCD-NP” Multi-Family Residence Medium Density – Historic – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

**G-2 C15-2015-0168 Robert Kleeman
8901 West State Highway 71**

The appellant has requested that the Board of Adjustment interpret whether staff erred in making an administrative decision to approve site plan correction number 12 to the current site plan of this property (SP-2011-185C (R1)), thereby authorizing construction of a disc golf course and outdoor dog park at this church facility in a “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

REQUESTING POSTPONEMENT TO January 11, 2016 PER APPLICANT AND PROPERTY OWNER

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-1 C15-2015-0116 Jim Bennett for Martha 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 62.40% (requested, 56.95 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 0.4 to 1 (required, permitted) to 0.635 to 1 (requested, 0.527 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 11 feet vertically and 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)

J. BOARD OF ADJUSTMENT SPECIAL EXCEPTION PREVIOUS POSTPONEMENTS

**J-1 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 January 11, 2016 BY APPLICANT

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)

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 a combined tract per a unified development agreement in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

**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 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.

REQUESTING POSTPONEMENT TO January 11, 2016 BY APPLICANT TO RESOLVE AUSTIN ENERGY ISSUES

**L-4 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)

**L-5 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 (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-6 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)

**L-7 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

**L-8 C15-2015-0148 Justin Cofield
5412 & 5414 Northdale Drive**

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 18 feet (requested) in order to retain a recently constructed covered front porch in a “SF-2-NP”, Family Residence – Neighborhood Plan zoning district. (Pecan Springs – Springdale)

Note: The Land Development Code allows an uncovered porch than is not more than three feet above ground level to project 2 feet into a required yard, but this site’s covered porch does not meet those requirements.

**L-9 C15-2015-0153 Kirk Lewis
13116 Travis View Loop**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum side yard setback from 5 feet (required) to 2 feet (requested) in order to maintain a recently constructed outdoor kitchen structures in a “SF-2”, Family Residence zoning district.

**L-10 C15-2015-0154 Matt Knifton
1541 West Cesar Chavez**

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 30 feet (required/permitted) to up to 89 feet (requested, up to 69 feet existing) in order to reconstruct a boat dock and storage structure in an “P-NP”, Public – Neighborhood Plan zoning district. (Old West Austin)

**L-11 C15-2015-0157 David Cancialosi for John and Susan Scarlett
3405 Far View Drive**

The applicant has requested variance(s) to Section 25-2-551 (C) (3) (Lake Austin District Regulations) to:

A. (a) increase the maximum impervious cover on a slope with a gradient of 15% or less from 35% (required/permitted) to 46% (requested, 57% existing); and to

B. (b) 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 41% (requested/7% existing); and to

C. (c) 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 25% (requested, 8% existing); and to

D. (E) (2) to permit development on a slope with a gradient of more than 35%, 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 from 0% (required, permitted) to 4% (requested, 0% existing)

in order to reconstruct a single family home in a “RR”, Rural Residence zoning district within the Lake Austin Overlay District.

Note: Section 25-2-180 (Lake Austin Overlay District) of the City’s Land Development Code specifies which properties, including this one that are zoned “RR” and are one acre or more in size, are included in the Lake Austin Overlay District and Section 25-2-647 (Lake Austin Overlay District Regulations) then requires compliance with Section 25-2-551 (Lake Austin (LA) District Regulations), the section from which these variances have been requested.

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2015-0161 Bruce Aupperle for Joseph & Sheryl Wanemacher
12009 & 12011 Selma Hughes Park**

The applicant has requested a variance(s) to Section 25-2-1176 (A) (3) (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) to construct a dock from not closer than 10 feet to the side property line (required, permitted) to 0 feet (requested, feet existing) in

order to erect one boat dock on each lot along the common property line of these lots in the “LA”, Lake Austin zoning district.

**M-2 C15-2015-0162 Katie Droughton for Kane Carpenter
2801 Spirit of Texas Drive**

The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use)

A. (2) to increase the number of fuel dispensers from 16 (required, permitted) to 20 (requested); and to

B. (3) to increase the queue lanes from 8 (required, permitted) to 10 (requested)

in order to add a retail gas service station in an “AV” Aviation zoning district.

**M-3 C15-2015-0163 John Patton
3119 East State Highway 71**

The applicant has requested variance(s) to Section 25-2-1067 (Design Regulations) of Article 10, Compatibility Standards:

A. (C) (1) to decrease the distance that a permanently placed refuse receptacle, including a dumpster, may be located from property in an SF-5 or more restrictive zoning district from 20 feet (required, permitted) to 3 feet (requested); and to

B. (G) (1) to decrease the distance a driveway may be constructed from property in an SF-5 or more restrictive zoning from 25 feet (required, permitted) to 3 feet (requested)

in order to reconstruct a restaurant in a “GR”, Community Commercial zoning district.

**M-4 C15-2015-0164 Katherine Loayza for William Fowler
8406 Emerald Hill Drive**

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 20.2 feet (requested) in order to enclose an existing carport to create a garage in a “SF-2”, Family Residence zoning district.

**M-5 C15-2015-0165 Terry Ortiz for Joe Garcia
2401 Ware Road**

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 5.83 feet (requested) in order to retain a recently constructed carport in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Parker Lane)

**M-6 C15-2015-0166 Bill Billington for Lisa Kaselak and Lee Billington
1102 West Annie Street**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum rear yard setback from 10 feet (required) to 5 feet 9 inches (requested) in order to expand an existing single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**M-7 C15-2015-0171 David Cancialosi for Martha Jenkins
3505 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 15 feet (requested) in order to construct a single family home in “LA”, Lake Austin Residence zoning district.

**REQUESTING POSTPONEMENT TO January 11, 2016 TO RESOLVE AUSTIN
ENERGY ISSUES**

**M-8 C15-2015-0172 John A. Latham
502 West Longspur Boulevard**

A. 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 294 spaces (required) to 265 spaces (requested, existing) in order to provide additional dumpsters, security fence and a playground on this multi-family site in a “MF-2, MF-3 – NP” Multifamily Residence Low Density – Multifamily Medium Density - Neighborhood Plan zoning district. (North Lamar)

B. The applicant has requested variance(s) to Section 25-2-1067 (F) (Design Regulations) of Article 10, Compatibility Standards to reduce the distance an intensive recreational use including swimming pool, tennis court, ball court or playground may not be constructed from 50 feet or less from an adjoining property (required) to 0 feet (requested) in order to construct a playground on this multi-family site in a “MF-2, MF-3 – NP” Multifamily Residence Low Density – Multifamily Medium Density - Neighborhood Plan zoning district. (North Lamar)

N. BOARD OF ADJUSTMENT NEW BUSINESS

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

**N-2 Discussion of fees charged to neighborhood associations for Interpretation cases;
Potential resolution to Council**

**N-3 Discussion of fee waiver and evidence requests for Special Exception cases that
expires June 2016; Potential resolution to Council**

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.