



**BOARD OF ADJUSTMENT  
MEETING MINUTES  
(November 9, 2015)**

**The Board of Adjustment convened in a meeting on November 9, 2015, Boards and Commission Room, 301 West 2<sup>nd</sup> Street, Austin, Texas.**

**William Burkhardt called the Board Meeting to order at 5:35 p.m.**

**Board Members in Attendance: Brooke Bailey, William Burkhardt (Chair), Eric Goff, Melissa Hawthorne (Vice-Chair), Don Leighton-Burwell, Melissa Neslund, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate)**

**Board Member absent – Michael Benaglio**

**Staff in Attendance: Leane Heldenfels, Diana Ramirez, David Sorola (COA Attorney), Liz Johnston (COA staff)**

**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 – October 12, 2015**

**Board Member Melissa Neslund motion to Approve the minutes for October 12, 2015, Melissa Hawthorne second on 9-0 vote; APPROVED MINUTES FOR October 12, 2015.**

**Postponement requests from applicants, staff and interested parties for Items J-1, L-1, L-2, L-7, L-11, M-6, M-7 to December 14, 2015, Items L-6 and M-4 to January 11, 2016, Item H-1 Withdrawn motion to Approve by Board member Melissa Hawthorne, Michael Von Ohlen second on a 9-0 vote; Item L-4 to Postpone to December 14, 2015 motion to Approve by Board Member Michael Von Ohlen, Melissa Neslund second on a 9-0 vote; Item G-1 to Postpone to December 9, 2015 to a Special Called Meeting motion to Approve by Board member Eric Goff, Melissa Hawthorne second on a 9-0 vote.**

**B. SIGN REVIEW BOARD RECONSIDERATIONS**

**NONE**

**C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS**

**NONE**

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

**D-1 C16-2015-0012 Christian Martinez for Austin Rogers  
14009 North US 183 NB**

The applicant has requested a variance (s) to:

A. Section 25-10-123 (B) (2) (b) (i) (Expressway Corridor Sign District Regulations) to increase the maximum allowable sign area from .7 square feet of signage per each linear foot of the 242.80 linear feet of street frontage for this site, or 169.96 square feet of signage (required/permitted) to .721 square feet of signage per each linear foot of street frontage, or 175 square feet of signage (requested); and to

B. Section 25-10-131 (C) (Additional Freestanding Signs Permitted) to decrease the total street frontage required to permit two freestanding signs from 400 feet (required) to 242.80 (requested)

in order to construct a new sign in addition to the existing off-site advertising sign that already exists at this site in the Expressway Corridor Sign District within a “GR”, Community Commercial zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant only Item B and Deny Item A, Board Member Melissa Hawthorne second on a 9-0 vote;  
GRANTED ITEM B AND DENIED ITEM A.**

**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 C15-2015-0147 Robert Kleeman  
8901 West Highway 71**

The appellant has filed an appeal challenging a Land Use Determination and related development approvals made in connection with the approval of an outdoor amphitheater located at LifeAustin Church, 8901 West State Highway 71, including decisions to classify the use as “religious assembly” and to subsequently approve Site Plan No. SP-2011-0185C, an associated restrictive covenant, and a building permit. The appellant disagrees that, among other things, the Land Use Determination and related development approvals incorrectly treat various outdoor activities held at educational and religious assembly facilities as part of the principal use rather than as temporary activities subject to City Code Section 25-2-921(C) in an “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

**POSTPONED TO A SPECIAL CALLED MEETING DECEMBER 9, 2015, CITY COUNCIL CHAMBERS AT 7:00PM BY BOARD MEMBER ERIC GOFF, MELISSA HAWTHORNE SECOND ON A 9-0 VOTE**

#### **H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS**

**H-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.

**WITHDRAWN BY APPLICANT**

#### **I. BOARD OF ADJUSTMENT RECONSIDERATIONS**

**I-1 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).

**The public hearing was closed on Board Member Eric Goff motion to Reconsider request, No second; RECONSIDERATION REQUEST DENIED.**

**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)

**POSTPONED TO DECEMBER 14, 2015 BY STAFF TO RESOLVE PENDING AUSTIN ENERGY ISSUES**

**J-2 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.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED.**

**J-3 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.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED.**

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

**K-1 C15-2015-0077 Dwayne Barnes  
5003 Martin Avenue**

The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Ordinance No. 20120112-087, Hyde Park NCCD, Part 7 (Residential District), 1. to:

A. to decrease the minimum front setback for an accessory building from 60 feet (required/permitted) to 29.4 feet (requested/existing); and to

B. to decrease the minimum interior side setback for an accessory structure from 5 feet (required) to 0.8 feet (requested/existing)

in order to maintain an accessory structure constructed at least 10 years ago in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan Zoning District. (Hyde Park)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED.**

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

**L-1 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 DECEMBER 14, 2015 BY APPLICANT**

**L-2     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.

**POSTPONED TO DECEMBER 14, 2015 BY APPLICANT TO RESOLVE PENDING AE ISSUES**

**L-3     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%.

**The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Item A and B to 603 square feet, Item D to 4 square feet, Item C Withdrawn as per exhibit**

**provided at the meeting, Board Member Michael Von Ohlen second on a 9-0 vote;  
GRANTED ITEM A AND B TO 603 SQUARE FEET, ITEM D TO 4 SQUARE FEET,  
ITEM C WITHDRAWN AS PER EXHIBIT PROVIDED AT THE MEETING.**

**L-4     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)

**POSTPONED TO DECEMBER 14, 2015 BY BOARD MEMBER MICHAEL VON  
OHLEN, MELISSA NESLUND SECOND ON A 9-0 VOTE**

**L-5     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 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)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant  
combine the two lots and Approve Items A, B, D and Deny Item C, Board Member Melissa**

**Hawthorne second on a 9-0 vote; GRANTED COMBINE THE TWO LOTS AND APPROVE ITEMS A, B, D AND DENIED ITEM C.**

**L-6     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)

**POSTPONED TO JANUARY 11, 2016 BY APPLICANT**

**L-7     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)

**POSTPONED TO DECEMBER 14, 2015 BY APPLICANT**

**L-8     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)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant Items A and B only with conditions no STR Type 1 or 2 and as per drawing provided at the meeting, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED ITEMS A AND B ONLY WITH CONDITIONS NO STR TYPE 1 OR 2 AND PER DRAWING PROVIDED AT THE MEETING.**

**L-9 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.

**The public hearing was closed on Board Member Melissa Neslund motion to Grant with condition as per Zilker Neighborhood Association letter, Board Member Brooke Bailey second on a 9-0 vote; GRANTED WITH CONDITION AS PER ZILKER NEIGHBORHOOD ASSOCIATION LETTER.**

**L-10 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)

**The public hearing was closed on Board Member Eric Goff motion to Postpone to December 14, 2015, Board Member Michael Von Ohlen second on a 9-0 vote; POSTPONED TO DECEMBER 14, 2015 .**

**L-11 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

**POSTPONED TO DECEMBER 14, 2015 BY APPLICANT**

#### **M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS**

**M-1 C15-2015-0078 Dwayne Barnes  
5003 Martin Avenue**

The applicant has requested variance(s) to Ordinance No. 20120112-087 Hyde Park NCCD, Part 7 (Residential District):

A. 1. Site Development Table, to decrease the minimum lot width from 50 feet (required) to 46 feet (requested/existing); and to

B. 4. to decrease the minimum lot size of a two-family residential lot from 7,000 square feet (required) to 5,791 sf (requested, existing)

in order to maintain an existing two-family residential use in an “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED.**

**M-2 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.

**The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to December 14, 2015, Board Member Michael Von Ohlen second on a 9-0 vote; POSTPONED TO DECEMBER 14, 2015.**

**M-3 C15-2015-0149 Alan Gonzalez  
1313 Comal Street**

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

A. decrease the minimum front yard setback from 25 feet (required) to 19 feet (requested, existing); and to

B. decrease the side yard requirements from 5 feet (required) to 2.8 feet (requested, existing)

in order to maintain existing house on a to be subdivided lot in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Central East Austin)

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition that the house in the front stays as is, Board Member Don Leighton-Burwell second on a 9-0 vote; GRANTED WITH CONDITION THAT THE HOUSE IN THE FRONT STAYS AS IS.**

**M-4 C15-2015-0150 Tracy Perkins  
1502 Kinney Avenue**

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side yard setback from 5 feet (required) to 4.6 feet (requested, existing); and to

B. Decrease the rear yard setback from 10 feet (required) to 9.5 feet (requested/existing); and to

C. Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot area from 7,000 square feet (required) to 6,674 square feet (requested/existing)

in order to create a second dwelling unit by remodeling an existing accessory structure in a “SF-3”, Family zoning district.

Note: A Special Exception was previously approved for the side setback encroachment of the accessory structure, however addition of a 2nd sink to create the second dwelling unit constitutes a change in use/remodel and negates the Special Exception. In addition, because the house was built in 1945 prior to the establishment of parking requirements, 2 spaces for the 2nd dwelling unit are required and will be provided via tandem spaces in the driveway but no space(s) for the primary dwelling unit are required.

**POSTPONED TO JANUARY 11, 2016 BY APPLICANT**

**M-5 C15-2015-0151 Bruce Aupperle for Kirk Massey  
6706 Elfland Cove**

The applicant has requested a variance(s) to:

A. Section 25-2-1176 (A) (5) (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) to increase the size of a dock from 1,200 square feet (required/permitted) to 1,522 square feet (requested, 1,772 square feet existing); and to

B. Section 25-2-893 (Accessory Uses for Principal Residential Use) (G) (4) to increase the number of docks permitted for principal residential use from not more than one (required/permitted) to 3 (requested, 2 existing)

in order to erect a new boat dock and reconstruct two existing docks in an “LA”, Lake Austin zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED.**

**M-6    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.

**POSTPONED TO DECEMBER 14, 2015 BY APPLICANT**

**M-7    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)

**POSTPONED TO DECEMBER 14, 2015 BY APPLICANT**

**M-8    C15-2015-0155            Nick Quijano  
   1401 & 1403 Matthews Lane**

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 10 feet (requested) in order to construct a new single family home in a “SF-2-CO”, Family Residence – Conditional Overlay zoning district.

**The public hearing was closed on Board Member Don Leighton-Burwell motion to Grant, Board Member Michael Von Ohlen second on a 8-1 vote (Board member Eric Goff nay); GRANTED.**

**M-9    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 15% 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 which will 12% impervious cover of the 2.25 acre lot platted in 1978 that is located 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.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 14, 2015, Board Member Melissa Hawthorne second on a 9-0 vote; POSTPONED TO DECEMBER 14, 2015 (RE-NOTIFICATION).**

**M-10 C15-2015-0158 Michael and Nicole McCormick  
4217 Shoal Creek Boulevard**

The applicant has requested a variance(s) to Subchapter F: Residential Design and Compatibility Standards, Article 3 – Definitions and Measurement, Section 3.3.3 (Gross Floor Area – Porch, basement and attic exemptions) (C) to decrease the area that has a ceiling height of 7 feet or less from 50% or more (required/permitted) to 24% (requested/existing) in order to finish out/remodel the attic space under building current envelope of an existing single family home in a “SF-2-CO”, Family Residence – Conditional Overlay zoning district.

NOTE: Attic areas less than 5 feet are not included in the habitable attic exemption calculations and do not count toward floor-to-area calculations.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED.**

## **N. BOARD OF ADJUSTMENT NEW BUSINESS**

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

**BOARD MEMBER MELISSA HAWTHORNE MOTION TO POSTPONE TO DECEMBER 14, 2015, MELISSA NESLUND SECOND ON A 9-0 VOTE, POSTPONED TO DECEMBER 14, 2015**

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

**BOARD MEMBER MELISSA HAWTHORNE MOTION TO POSTPONE TO DECEMBER 14, 2015, MICHAEL VON OHLEN SECOND ON A 9-0 VOTE, POSTPONED TO DECEMBER 14, 2015**

**N-3 Special Called Meeting on December 9, 2015 at 7pm at City Council Chambers**

**N-4 Adopt a meeting schedule for the upcoming calendar year (2016)**

**BOARD MEMBER MELISSA HAWTHORNE MOTION TO APPROVE THE BOA SCHEDULE FOR 2016, BROOKE BAILEY SECOND ON A 9-0 VOTE, APPROVED.**

**N-5 Discussion of fee waiver for Special Exception cases that expires June 2016; Potential resolution to Council**

**BOARD MEMBER MELISSA HAWTHORNE OFFERED TO DRAFT A RELOLUTION FOR DISCUSSION AT THE NEXT MEETING ON DECEMBER 14, 2015.**

## **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.