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BOARD OF ADJUSTMENT
MEETING MINUTES
(March 14, 2016)

The Board of Adjustment convened in a meeting on March 14, 2016, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:32 p.m.

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

Board Member absent: Michael Von Ohlen

Staff in Attendance: Leane Heldenfels, Diana Ramirez, Cindy Crosby (COA Attorney), Lynda Courtney (City Staff) and Greg Guernsey (City 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 – February 8, 2016

Board Member Melissa Hawthorne motion to Approve the minutes for February 8, 2016 with corrections to Items M-4 and M-5, Don Leighton-Burwell second on 10-0; APPROVED MINUTES WITH CORRECTIONS TO ITEMS M-4 AND M-5 FOR February 8, 2016.

Postponement requests from applicants, staff and interested parties for Item L-6 to April 11, 2016, Items K-1, L-7 and L-9 to May 9, 2016 motion to approve postponements by Board member Brooke Bailey, Michael Benaglio second on a 10-0 vote.

B. SIGN REVIEW BOARD RECONSIDERATIONS

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NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

D-1 C16-2016-0004 Miller Blueprint Company- Luci Miller
1000 East 7th Street

The applicant has requested a variance (s) to Section 25-10-133 *(University Neighborhood Overlay Zoning District Signs)* (D) to permit a freestanding sign within a "TOD-NP" Transit Oriented Development – Neighborhood Plan zoning district.

Note: The regulating plan for the Plaza Saltillo Transit Oriented Development Station Section 4.8.2 requires that signs within the district meet the University Neighborhood Overlay Zoning District Sign requirements noted in the request above.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Melissa Neslund second on a 10-0 vote; GRANTED.

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

E-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.

Board Member Don Leighton-Burwell motion to reconsider the request, Board Member Kelly Blume second on a 7-3 vote (Board members Eric Goff, Melissa Neslund and James Valadez nay); Approved to reconsider the request; the public hearing was closed on Board Member Don Leighton-Burwell motion to Support Appellant request, Board Member Brooke Bailey second on a 5-5 vote; DENIED.

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

NONE

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

K-1 C15-2016-0010 Tom Hurt for Sam Hurt
1209 Newning Avenue

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 rear yard setback from 10 feet (required) to 7 feet (requested, existing) in order to maintain a 2-story accessory structure and studio constructed at least 10 years ago in an "SF-3- NCCD - NP", Family Residence – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Fairview Park/South River City)

POSTPONED TO MAY 9, 2016 BY APPLICANT (RE-NOTIFICATION NEEDED)

K-2 C15-2016-0020 James Kidwell
5704 Wynona Avenue

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 front yard setback from

25 feet (required) to 20 feet (requested, existing) in order to maintain a carport constructed at least 10 years ago in an "SF-2", Family Residence zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Brooke Bailey second on a 10-0 vote; GRANTED.

K-3 C15-2016-0023 Emma Guerrero Nunez
2613 East 2nd Street

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 side yard setback from 5 feet (required) to 0 feet (requested, existing) in order to maintain a carport and storage structure constructed at least 10 years ago in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

The public hearing was closed on Board Member Brooke Bailey motion to postpone to May 9, 2016, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO May 9, 2016.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

L-1 C15-2015-0127 George Rodenbusch
1014 E. 8th 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)

The public hearing was closed on Board Member Eric Goff motion to Grant with conditions to maintain the structure and existing parking on site, Board Member Melissa Neslund second on a 10-0 vote; GRANTED WITH CONDITIONS TO MAINTAIN THE STRUCTURE AND EXISTING PARKING ON SITE.

L-2 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 Don Leighton-Burwell motion to Deny, Board Member Brooke Bailey second on a 10-0 vote; DENIED.

L-3 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

WITHDRAWN BY APPLICANT

L-4 C15-2016-0001 Phil Moncada for Pendelton Plus, LLC
1126 Gunter 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 15 feet (requested); and to

B. decrease the minimum lot width from 50 feet (required) to 0 feet (requested, lot depth does not extend 75 feet needed to measure width at that point as required – see note below)

C. decrease the side street setback from 15 feet (required) to 13 feet (requested, existing) for the existing home on Lot 2

in order to create a new, additional lot pending subdivision approval and construct a new single family home on that new lot while maintaining existing home on the existing lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Govalle)

Note: Section 25-1-22 (C) (Measurements) defines lot width as a measurement made at the front setback line and at a distance of 50 feet to the rear of the front setback line.

The public hearing was closed on Board Member Melissa Neslund motion to Grant provided existing structure remain, Board Member Melissa Hawthorne second on a 10-0 vote; GRANTED PROVIDED EXISTING STRUCTURE REMAIN.

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L-5 C15-2016-0005 Phil Moncada for John Luke Sanchez
1300 Morgan Lane

The applicant has requested variance(s) to Section 25-2-492 (D) *(Site Development Regulations)* to decrease the minimum lot width from 50 feet (required) to 0 feet (requested) in order to construct a single family home on each lot in a "SF-3", Family Residence – Neighborhood Plan zoning district.

Note: Section 25-1-22 (C) (*Measurements*) defines lot width as a measurement made at the front setback line and at a distance of 50 feet to the rear of the front setback line.

The public hearing was closed on Board Member Don Leighton-Burwell motion to Grant with condition that all trees are retained except for the hackberry trees, Board Member Melissa Hawthorne second on a 10-0 vote; GRANTED WITH CONDITION THAT ALL TREES ARE RETAINED EXCEPT FOR THE HACKBERRY TREES.

L-6 C15-2016-0011 Jeffery Bridgewater
3406 East 17th Street

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

A. (B) 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 (requested); and to

B. (C) (1) increase the height limitation 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 two stories and 32 feet (requested)

in order to construct 18 new dwelling units in an "MF-3- NP", Multifamily residence medium density – Neighborhood Plan zoning district. (MLK)

POSTPONED TO APRIL 11, 2016 (RENOTIFCATION NEEDED)

L-7 C15-2016-0016 Lucy Begg for Kevin Fagan
111 Attayac Street

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 3 feet (requested, existing); and to

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

C. decrease the minimum lot size from 5,750 square feet to 1,650 square feet; and to

D. Section 25-2, Sub Chapter F, Section 2.6 (B) (Rear Setback Plane) to waive the rear setback plane requirement for the 2nd floor; and to

E. Section 25-6, Transportation, Appendix A (Parking Schedule) to decrease the minimum number of spaces from 2 required to 1 (requested)

in order to add a second story to an existing single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly)

Note: The Holly Neighborhood Plan permits a single family home to be built on a lot as small as 2,500 square feet. In addition, the 80% Urban Core parking reduction has been applied.

POSTPONED TO MAY 9, 2016 BY APPLICANT

L-8 C15-2016-0018 Mike McHone for William Thorgersen
915 West 22nd Street

The applicant has requested variance(s) to Section 25-6-601 (A) (Parking Requirements for University Neighborhood Overlay District) to reduce the number of required parking spaces from 7 spaces (required, 60% of the 12 spaces required by Appendix A) to 1 space (requested) in order to erect a student housing co-op in a "MF-4 – CO - NP" Multifamily Residence Medium Density – Conditional Overlay - Neighborhood Plan zoning district. (West University, Outer West Campus)

Note: Multi-family uses can apply administratively to only provide 40% of spaces required by Appendix A (5 spaces for this site) if the use participates in a car sharing program or sets aside 10% of the dwelling units on the site to house persons whose household income is less than 50 % of the median income.

The public hearing was closed on Board Member Eric Goff motion to postpone to May 9, 2016, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO MAY 9, 2016.

L-9 C15-2016-0019 Mike McHone for First Choice Property
2502 Nueces Street

The applicant has requested variance(s) to Section 25-6-601 (A) (Parking Requirements for University Neighborhood Overlay District) to reduce the number of required parking spaces from 79 spaces (required, 60% of the 131 spaces required by Appendix A) to 40 spaces (requested) in order to erect a 253 bed high-rise multi-family use in a "MF- 4 – NP" Multifamily Residence Medium Density - Neighborhood Plan zoning district. (West University, Outer West Campus)

Note: Multi-family uses can apply administratively to provide 40% of spaces required by Appendix A (52 spaces for this site) if the use participates in a car sharing program or sets aside

10% of the dwelling units on the site to house persons whose household income is less than 50 % of the median income.

POSTPONED TO MAY 9, 2016 BY APPLICANT

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

M-1 C15-2016-0004 SV Triangle LP for Jeffrey Howard
4517 Triangle Avenue

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

A. decrease the minimum street side yard setback from 15 feet (required) to 0 feet (requested); and to

B. Decrease the interior side yard setback from 5 feet (required) to 0 feet (requested); and to

C. Decrease the minimum rear yard setback from 10 feet (required) to 0 feet (requested); and to

D. Decrease the minimum front yard setback from 15 feet (required) to 0 feet requested); and to

E. Increase the maximum impervious cover from 80% (required, permitted) to 86% (requested)

in order to construct a 206 unit congregate care facility and underground parking in a "MF-6", Multifamily Residence Highest Density zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Item A to 10 feet, Item B and C to 0 Feet, Item E to 86% IC and Withdraw Item D, Board Member William Burkhardt second on a 10-0 vote; GRANTED ITEM A TO 10 FEET, ITEM B AND C TO 0 FEET, ITEM E TO 86% IC AND WITHDREW ITEM D.

M-2 C15-2016-0021 Nikelle Meade for Mariposa Real Estate, LLC, John Falcon
3338 Paisano Trail

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 (required) to varying width of from 16.65 feet – 17.5 feet (requested/existing) in order to erect a private primary and secondary school in a "SF-2", Family Residence zoning district.

The public hearing was closed on Board Member Eric Goff motion to Postpone to April 11, 2016, Board Member Melissa Hawthorne second with NO OBJECTIONS; POSTPONED TO APRIL 11, 2016 .

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M-3 C15-2016-0022 Miguel Gonzales for Joseph Malone, JJ & B Investments
2600 Sol Wilson Avenue

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations)* to decrease the minimum lot width from 50 feet (required) to 47 feet (requested, existing) in order to construct a single family home in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Rosewood)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Rahm McDaniel second on a 10-0 vote; GRANTED.

M-4 C15-2016-0025 Patricia and Walter John Kneten
4815 Red River Street

The applicant has requested variance(s) from:

A. Section 25-2-492 (D) (Site Development Regulations) to increase the maximum impervious cover from 45% (required/permitted) to 51% (requested); and to

B. decrease the south side yard setback from 5 feet (required) to 2 feet (requested); and to

C. Section 25-2-774 Two-Family Residential use (Secondary Apartment Regulations) (C) (5) (b) to increase the maximum square feet on a 2nd story from 550 (required/permitted) to 735 square feet (requested, existing)

in order to move a new primary single family structure to this lot in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (North Loop)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Items B and C and to Deny Item A, Board Member Brooke Bailey second on a 10-0 vote; GRANTED ITEMS B AND C AND TO DENY ITEM A.

M-5 C15-2016-0031 Jason Link for Ellen Anderson Logan, Trustee
5033 D US 290 Highway West

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 64 spaces (required) to 57 spaces (requested) in order to attach additional storage space to this restaurant space in a "GR-NP" Community Commercial - Neighborhood Plan zoning district. (East Oak Hill)

The public hearing was closed on Board Member Melissa Neslund motion to Grant, Board Member Michael Benaglio second on a 10-0 vote; GRANTED.

N. BOARD OF ADJUSTMENT NEW BUSINESS

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N-1 Review draft revised Board Rules (Brent Lloyd)
POSTPONED TO MAY 9, 2016; no objections

N-2 Discussion of fees charged to neighborhood associations for Interpretation cases; Potential resolution to Council
POSTPONED TO MAY 9, 2016; no objections

N-3 Consistency with application material
POSTPONED TO MAY 9, 2016; no objections

N-4 PDF from applicants
POSTPONED TO MAY 9, 2016; no objections

N-5 Create a revised checklist
POSTPONED TO MAY 9, 2016; no objections

N-6 Sub-committee to be created to address these issues
Sub-committee: Eric Goff, James Valadez, William Burkhardt

O. ADJOURNED AT 10:53PM

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.